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United States of America PROCEEDINGS AND DEBATES OF THE 92d CONGRESS, FIRST SESSION

SENATE—*Tuesday, April 20, 1971*

The Senate met at 9:45 a.m. and was called to order by Hon. ROBERT C. BYRD, a Senator from the State of West Virginia.

The Reverend Samuel L. Gandy, dean, School of Religion, Howard University, Washington, D.C., offered the following prayer:

We gather this day, our Father, as citizens and statesmen who are believers in a free society, and who seek day in and day out within this historic Chamber to devote ourselves to the basic goals of democratic faith and function.

We gather afresh this day to further the living documents of a free society by sustaining within ourselves an honest and rigorous exercise of mind and spirit. We cherish the privilege which is ours to move always in the direction of justice and along the pathway of freedom, to the end that the endowment of human life, under Thee, shall hold priority in all our deliberations.

We beseech Thee, our Father, so to strengthen us that our courage shall transcend our faintheartedness; and that the inevitable debates on vital issues may be vigorous as we differ and far from folly to dicker.

May our institutions honor Thee by their clarion call to liberty and equality and the love of humanity, keeping us ever mindful of so glorious a heritage and ever loyal to so precious a promise: O, Thou, who art the Lord of life and the source of our strength. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 20, 1971.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. ROBERT C. BYRD, a Senator from the State of West Virginia, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. BYRD of West Virginia thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, April 19, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, unless the acting minority leader has something to say, I should like to be recognized at an appropriate time.

The ACTING PRESIDENT pro tempore. Does the majority leader seek recognition under the standing order, or does the Senator from Montana wish to be recognized under the order of yesterday?

Mr. MANSFIELD. Under the order of yesterday.

The ACTING PRESIDENT pro tempore. The Chair thanks the Senator.

"FRAGGING" IN VIETNAM

Mr. MANSFIELD. Mr. President, 1 week ago yesterday, a young constituent of my distinguished colleague (Mr. METCALF) and myself, an Army first lieutenant, was to have ended his tour of duty in Vietnam. He was a West Point graduate, an honor student in high school, a National Merit Scholarship semifinalist, president of his student council and of his CYO chapter, and a three-sport letterman. He graduated from the Military Academy near the top of his class, served on the honor committee, and, following graduation, completed a course in Ranger training. In every respect, this young Montanan had every right and every reason to live. Like many other young men today, he volunteered for service in Southeast Asia to carry on a war, not of his making or choice, but prosecuted pursuant to policies formed and implemented here in Washington.

On March 15, just 4 weeks before his tour was to end, this young Montanan was killed. He was not a victim of combat. He was not a casualty of a helicopter crash or a jeep accident. In the early morning hours of March 15, the first lieutenant from Montana was "fragged" to death as he lay sleeping in his billet at Bien Hoa. He was murdered by a fellow serviceman, an American GI. "Fragging" so I have been advised by the Secretary of the Army, refers to the use of a fragmentation grenade in other than a combat situation by one person against another to kill or do bodily harm. While I carry on my person at all times the death and casualty figures arising out of this tragic war, none reflect expressly the killing and maiming that are caused by "fragging"—by the act of one American serviceman, who, for whatever reason, unleashes a grenade against a fellow American serviceman. It is a grim statistic of this war that I shall not lose sight of.

The questions that arise from such actions are profound, indeed. What failure of order within our Armed Forces, may I ask first of all, has produced the kind of atmosphere that resulted last year alone in 209 "fraggings"—murders of one GI by another with weapons that are supposed to be used only against the Vietnamese enemy? Even more important: What has caused this rather widespread and total disregard for human life and limb among our American soldiers? And what can be done about it? Surely, a soldier's access to weapons can be curtailed while he is not in a combat area. That such is necessary is an unfortunate side effect of this war. The Army has found this alternative necessary. It is being practiced now in Vietnam. But even confiscation of a soldier's weapons when not in combat does not reach the real problem. The atmosphere that drives an American GI to kill his fellow GI or superior is the real problem. I feel deeply, however, that the only solution is the total dissolution of our involvement in Indochina. "Fragging", I fear is just another outgrowth of this mistaken and tragic conflict.

Right now, my thoughts and deepest sympathy go out to a young widow and to a family back in Montana. Nothing can rectify their loss, or the Nation's. How inadequate it is to say we hope his assassin is apprehended, convicted, and receives just punishment for this craven act of violence. I have great faith in the system of military justice, but justice is very little compensation to the loved ones he leaves behind.

Mr. President, I am in receipt of a letter from the mother of this young Montanan in which she, in part, has the following to say:

> The reason for this letter is to ask your help in working for a volunteer army. Several weeks ago, he (her son) told me he did not think anyone should be forced to serve in our armed forces; and if what we read in the paper is true, I will have to agree with him.

I, too, agree with that sentiment. I think I should say that I am a cosponsor of the bill which seeks to create a volunteer army, based on the recommendations of the Gates Commission and the President. In that respect I have joined with Senator HATFIELD and other Senators, including the distinguished Senator from Arizona (Mr. GOLDWATER), to try to achieve this end.

I also received a copy of a letter which her son had written to her. It is a most eloquent letter but I shall not read it to the Senate because I consider it as confidential. Her closing sentence contains the expression, "May God have mercy." I can think of no better expression at this time; nor one more appropriate to this entire matter.

Mr. METCALF. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. METCALF. I thank the majority leader for yielding.

This young Montanan, this soldier, was one of my nominees to West Point. Looking back over the file, he was anxious to serve his country. Some of the phrases from his letter of application to be appointed to West Point are most eloquent indicating that he desired to be a career soldier for the United States of America.

In addition to the achievements that the majority leader has outlined, this man was active in church activities. He was president of his church group. All during the time he was in high school, he was a class officer, and he finished his career in high school as president of the student body. He was popular among his classmates. When he went to West Point, he again attained popularity among his classmates. Here was a young man of outstanding ability, and at the same time an ability to get along with people.

He was a talented musician, a boy who, had he been permitted to come back to Montana on April 12, would have achieved an eminent career and would have been an outstanding citizen of this country.

Yet, in a senseless and insane moment, he was killed by a haphazard and random demonstration of an enlisted man who threw a hand grenade into an officers' barracks. I am certain, from going over the record and over his attainments and his achievements as an officer, that the hand grenade was not directed at this young man. It was just an insane and senseless gesture on the part of some young enlisted man who resented the activities of the officers who were in his command. This young Montanan was an outstanding officer, one of the finest officers of his grade and rank in the Army.

I concur with my eminent colleague from Montana that the death of this boy is attributable to all of us. This insane and senseless action of one soldier in Vietnam is just a part of an insane and senseless war that should be brought to an end immediately. It is a cancer that is growing in the heart of America, and activities such as 209 fraggings are only symptoms of what is going to continue if we do not get out of our involvement in Southeast Asia.

My heart goes out to the parents and to the wife of this very talented and able young man. We in the United States have lost the abilities of a fine, patriotic boy, but we are losing more than that in continuing this crazy action in Vietnam. We are losing the confidence of the American people. We are going to have a continuation of the involvement of these symptoms of senseless activity because we are perpetuating and continuing a senseless war.

So, all I can say to the family of this fine boy is that they have my heartfelt sympathy. He died just as surely for his country had he died in a helicopter crash or receiving gunfire from the Vietcong.

I say to my colleagues in the Senate: Let this be the beginning of the end of our involvement in Southeast Asia so that these things will not occur again.

Mr. MANSFIELD. Mr. President, I thank my distinguished colleague. I join wholeheartedly in his sentiments.

Mr. MATHIAS. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I am happy to yield to the Senator from Maryland.

Mr. MATHIAS. I thank the distinguished majority leader for yielding. I take these few moments to join him and his colleague, Mr. METCALF, in expressing my very deep, personal sympathy to the family of this young officer who has died so tragically, and also to the families of all the other servicemen who have died in similar incidents in Vietnam—all too many of them.

Mr. President, I would suggest that today the distinguished majority leader has, in a sense, made history because, for the first time to my knowledge, he has surfaced the word "fragging" on the Senate floor.

In every war a new vocabulary springs up. They are often words that are happy, words that are fun. I remember during World War II that "qidunk" became the word for ice cream and "gizmo" became the universal word for any kind of new gadget we did not quite understand. But in all the lexicon of war there has never been a more tragic word than "fragging."

I asked one of the judges on the Court of Military Appeals recently if he knew what "fragging" meant, and he said that he did not, and so I told him that it was "to kill or injure a military superior by the use of a fragmentation grenade." He said, "No, I did not know the word, but unhappily we all know about the act because these cases are coming through the military court system in great numbers."

In all the lexicon of war there is not a more tragic word than "fragging" with all that it implies of total failure of discipline and the depression of morale, the complete sense of frustration and confusion, and the loss of goals and hope itself. I join the distinguished majority leader in his resolve and determination to see this evil, and all the other evils that blight the spirit of man that have sprung from the miasmic swamps and bogs of Vietnam, be terminated with an end to this tragic war.

Mr. MANSFIELD. Mr. President, I thank the distinguished acting minority leader. So many things have arisen out of Vietnam that bode ill for the American people and have from the very beginning—"fragging," corruption, drugs, disease, casualties—now well beyond the 350,000 mark; not to mention the loss of treasure, which could be better spent in facing up to the problems of our people at home.

An ill-starred adventure if ever there has been one—a most tragic and mistaken war. So many good, young men losing their lives, lives which could have been a credit to their Nation for years and decades to come, lives which we can ill afford to lose, and capabilities and careers which would have done much to help map out the future of this country and help it to continue to be the great Nation it should be and will be—God willing—with the passage of time.

Mr. HUGHES. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I am happy to yield to the Senator from Iowa.

Mr. HUGHES. I want to commend the distinguished majority leader on his statement. If I heard correctly, he said that in the past year, according to the Pentagon, there have been 209 of these incidents.

Mr. MANSFIELD. 209, for calendar year, 1970.

Mr. HUGHES. And those that are recorded, I would presume, are basically domiciliary type incidents, rather than on the battlefield.

Mr. MANSFIELD. That is right.

Mr. HUGHES. So, in effect, we have no real knowledge, probably, of what the total number of these so-called incidents of assassination might be, if they did take place in battle?

Mr. MANSFIELD. The Senator is correct.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The time of the distinguished majority leader has expired.

Under the order previously entered, the distinguished Senator from New York (Mr. BUCKLEY) is now recognized for not to exceed 15 minutes.

(The remarks of Mr. BUCKLEY when he introduced S. 1577 and the ensuing debate are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order the Senator from Iowa (Mr. HUGHES) is recognized for not to exceed 15 minutes.

DRUG ABUSE IN THE MILITARY

Mr. HUGHES. Mr. President, inasmuch as the distinguished majority leader was speaking of "fragging" in South Vietnam, I would like to continue in that context for just a few minutes before I begin with the statement I prepared for this period.

As I listened to the distinguished majority leader this morning note the 209 reported incidents of last year in Vietnam, and later we developed in colloquy the fact that this figure undoubtedly did not include any of those incidents which may have taken place under actual combat conditions or conditions where combat troops were other than outer perimeter or central defensive troops, the thought occurred to me that in the study I am presenting this morning on drug dependence and drug use in the military we will see the causes behind many of those incidents of fragging or assassinations of American officers by others in the military, regardless of the circumstances.

Mr. President, I herewith transmit to the Senate a comprehensive report on drug abuse in the Armed Forces prepared by the staff of the Special Subcommittee on Alcoholism and Narcotics of the Committee on Labor and Public Welfare. I ask unanimous consent that the report be printed in the Record at the conclusion of my remarks as exhibit 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HUGHES. Mr. President, this report is the result of an extended study by the subcommittee which began a year ago with the approval of the distinguished chairman of the Committee on Armed Services, Senator John Stennis, and the distinguished ranking minority member of that committee, Senator Margaret Chase Smith.

The report does not purport to be an indepth analysis and investigation of this very large and complicated subject field. It is, rather, an inclusive, preliminary, base-level survey. Its tone is dispassionate and objective, reflecting a conscientious, bipartisan effort on the part of the staff. It represents, I believe, a valuable and necessary first step in realistically facing a very large and compelling national problem.

I believe no one can read this report, low keyed as it is, without feeling the urgency, the magnitude, the pervasiveness, and the peril of the infiltration of our Armed Forces by the drug epidemic prevalent throughout our civilian society.

The report will be used primarily as a working tool in discussions with the appropriate military authorities to identify those actions which can be taken under existing administrative framework and those that may require legislation for achieving solutions. The primary intent of the subcommittee from the beginning has been to explore a serious problem and to help find effective remedies for it, not to sensationalize the subject matter or to try to affix blame. Our approach is from the health standpoint, rather than from the law enforcement standpoint, although in some respects the two approaches overlap somewhat.

Mr. President, in all fairness, it must be recognized that the sudden explosion of the drug epidemic in our armed services, as in our civilian society, was not foreseen. The Armed Forces were understandably not equipped to handle it. The principal business of an army is to fight, not to treat and rehabilitate drug addicts. Yet, the problem is upon us and the Armed Forces, like the rest of our society, must face it realistically. And here we are talking about a matter that has a profound bearing on our national security as well as on the health of the personnel involved and the well-being of the civilian society to which they will eventually return.

The dilemma our military leadership faces is the same dilemma that confounds the civilian sector of American society. That dilemma flows from a conflict between laws based on traditional moralistic attitudes and, on the other hand, a very real American desire to aid the afflicted. Boiled down to its simplest terms, that dilemma is this: Shall the person who abuses drugs be treated punitively or as someone who needs help?

In a limited attempt to resolve that question, the Defense Department last October authorized the military services to establish amnesty programs on a trial basis. Essentially, this policy permits the individual services to offer treatment without punishment to any drug user who asks for it.

So far, only the Army and the Air Force have adopted implementing policies. Neither is consistent with the other. Indeed, as the distinguished Senator from Pennsylvania (Mr. Schweiker) has pointed out, the Army policy permits a unit commander to determine in the final analysis whether to execute the policy. The Air Force policy—much in the pattern of its policy toward alcoholics—seems to discourage those of its members on flying status or in sensitive positions from even volunteering for treatment.

Although 6 months have elapsed since the Defense Department amnesty policy was announced, the Navy and the Marine Corps have not yet implemented it. I understand that such a policy instruction in draft form, however, is working its way through the Pentagon mills.

My primary recommendation, therefore, is that the Defense Department should establish a comprehensive, integrated, and mandatory policy under which service members who are drug dependent or who are medically ill drug abusers are provided the same opportunity for treatment and rehabilitation as would be afforded to any military person who is ill.

Such a policy would include the following principles:

First. A member who is a medically ill drug abuser or a drug dependent person should be summarily discharged from the service only if he has refused to accept appropriate treatment as shall be offered by the service.

Second. A member who is identified as a drug dependent person or a medically ill drug abuser as a result of his arrest for a drug-related offense should be dealt with through normal military judicial or disciplinary processes. In determining how to handle an individual case, primary emphasis should be given to how best to treat and rehabilitate the individual. It may be useful, for example, to consider postponement of the trial or disciplinary proceeding, suspension of sentence, or other devices commonly used in civilian courts in order to effect rehabilitation.

Third. A member with drug abuse or drug dependence problems should be encouraged to seek medical or other assistance and, when he does so, should not be subject to disciplinary or other punitive action—administrative or otherwise—based on information he has given in seeking or receiving such assistance. The military does not now recognize confidentiality in the doctor-patient relationship. Under this recommendation, absolute confidentiality would be preserved unless competent medical authority determines that the patient is a danger to himself or others; however, no information divulged by the patient in confidence should be admitted into evidence in disciplinary proceedings against him without his consent.

Fourth. A member who seeks such assistance should be offered every opportunity to be restored to useful military service with the Armed Forces. This contemplates that such persons may be offered temporary sick leave or given tasks they are capable of performing while undergoing treatment and rehabilitation.

Fifth. When security clearance, flying status, or other classification affecting job position or pay is withdrawn from a member who sought assistance as a drug dependent person or as a medically ill drug abuser, it should be reinstated within 6 months after his treatment has been completed unless he fails during this period to perform at the level at which he was performing prior to his request for treatment.

Sixth. A member who has sought or accepted treatment and rehabilitation should be separated only when such treatment and rehabilitation has repeatedly failed and competent medical authority has determined that he cannot be restored to useful military service.

These, Mr. President, are some recommendations I would make in the treatment and rehabilitation area. But there are other problem areas demanding attention if we are to prevent present and future generations of military personnel from abusing drugs and if we are to bring into treatment programs those who already have drug problems no matter where they surface in the military system.

One finding in the staff report is that a significant proportion of drug users, including those on "hard" drugs, are being admitted to the service because of inadequate preinduction screening. In my opinion, the Armed Forces should not only give special priority to developing reliable methods of identfying actual and potential drug abusers at this point in the system; they should also create a mechanism whereby those rejected for military service because of drug problems are referred, with their consent, to civilian prevention and treatment facilities.

It is also clear from the report that the military's drug abuse prevention-education programs have failed to teach commanders to understand the causes of drug abuse among their troops or how to deal with it in other than a punitive way. These programs have also failed to motivate service personnel effectively against the use of drugs.

I recommend that the Armed Forces—in consultation with the Office of Education, the National Institute of Mental

Health, the Bureau of Narcotics and Dangerous Drugs, and outside experts—carry out a massive upgrading of its present prevention and educational efforts with the objectives I have outlined in mind.

These efforts should present factual information in an unbiased way, encourage individual discussion and participation, and include discussions both of alcohol and alcoholism together with nonchemical alternatives to drug use and abuse. It is extremely important that these efforts reach every level of the military structure—commanders as well as troops.

In some segments of the Armed Forces, special traveling drug abuse teams with expertise in effective educational techniques and with knowledge of the legal, medical, and social ramifications of drug use and abuse are already being used effectively. These teams should be given additional support, and this program should be expanded.

Perhaps most importantly in the prevention area, the Armed Forces should give greater attention to providing more recreation, entertainment, physical activity and meaningful work in order to abate those conditions—particularly boredom and "make work" jobs—which appear to be conducive to drug abuse.

This need is already apparent among our troops in Germany, and it is becoming increasingly apparent in Southeast Asia where many towns are off limits, our troops have less to do, and a vast assortment of potent drugs—marihuana, virtually pure heroin, stimulants, and depressants—are readily and inexpensively available.

In the training area, two categories of military personnel demand special attention. One group, as I have indicated, includes those involved in screening candidates for induction into the Armed Forces. The other group includes those who are involved in day-to-day interpersonal dealings with drug abuse problems—unit commanders, noncommissioned officers, chaplains, medical and social workers, law enforcement personnel, and the like. Both of these groups require specialized training not only in detecting actual and potential drug abusers but, more importantly, in dealing effectively and humanely with the consequences of their abuse.

As for those drug-dependent individuals or medically ill drug abusers who are separated from service for those reasons, I propose that they be granted a nonpunitive discharge and be afforded the same opportunities for treatment and rehabilitation afforded all persons discharged as physically or mentally disabled. Their drug-related actions should not be regarded as the result of intentional misconduct or willful neglect. In this connection, the Veterans' Administration should give priority to increasing its capacity to care for drug-dependent persons or medically ill drug abusers.

These are the highlights of my own recommendations. I have a more detailed list, and I ask unanimous consent that this list be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HUGHES. Mr. President, the drug epidemic has reached a point that is no longer acceptable in our civilian society. It is even more unacceptable in the armed services entrusted with the defense of our country.

As the report shows, the subcommittee staff did not find factual evidence that would establish drug usage as a significant factor in actual combat. In Vietnam, commanders told the staff that, because of the personal danger involved, there was far less smoking of marihuana in combat areas than in rear support areas. Yet, some studies indicate a positive correlation between marihuana usage and combat exposure. In any event, one cannot believe there is anything less than immense danger in the use of dangerous drugs in a war theater, as we have heard stated on the floor of the Senate today.

After all, this is a guerrilla war, a war of infiltration in which the ambush and the booby trap figure largely. A lapse of vigilance or judgment could easily mean the loss of life—even in rear support areas.

We know the relationship between violence and drug addiction here at home. While no reliable studies on the relation of drug abuse and violence in battle areas are available, there is ample reason to believe there is a close tie.

While we have no hard evidence that drug abuse contributed to such incidents as My Lai, there is that possibility.

Press reports carry stories, one of which has been eloquently presented here this morning, of widespread "fragging" in Vietnam—the assassination of American officers by our own troops in the field. If a man will go to the extent of rolling a fragmentation bomb under the flap of an officer's tent, it is reasonable to suspect that drugs may and probably do figure in the story in some way.

Finally, we have the hideous picture before us of men, inured to violence and addicted to drugs, returning to civilian society from the war area compelled to use the skills of violence they have learned as soldiers in criminals acts here at home in order to support their habit.

Mr. President, I believe it is imperative that strong measures be taken to stem the rapidly growing drug epidemic in our armed services. I believe the Armed Forces are in a unique position to move out on this and to assert national leadership in the drug abuse prevention, control, treatment, and rehabilitation field. I feel confident that we in Congress will give them our full support in these endeavors. It is my hope that the public release today of this staff report will encourage those in the highest positions of our military leadership to accept the challenge, will encourage those of us in the Congress of the United States to support the military leadership in the initiation of programs that are absolutely essential to the military of this country, and will encourage us to take those actions legislatively that can undergird and support, so that we can begin to alleviate the great dangers from these problems.

Mr. President, there are many ways in which we can begin. Just a few weeks ago, for example, I had the opportunity to stop by the Glasgow Air Force Base in Montana, where there are excellent facilities for long-term usage, fully and completely built, with excellent hospital facilities already existing, yet standing idle. We are talking about the need for long-range rehabilitation and treatment, and for feeding back into our society those men who are the responsibility of our society, and have served our country in combat. Certainly, at this critical time, we must not be said to lack the initiative to accept the challenge or the innovative ability to adopt the programs that can begin to resolve these issues.

EXHIBIT 1

IDENTIFICATION OF DRUG ABUSERS AND DRUG DEPENDENT PERSONS

The Armed Forces should give special priority to developing reliable methods of identifying drug abusers and potential drug abusers at the Armed Forces Examining and Entrance Stations and elsewhere in the military system.

The General Accounting Office (GAO) should be asked to undertake a study to determine whether entrance examinations can and should be made more effective in screening out drug abusers and those who are prone to drug abuse. Such a study should include an analysis of the techniques which can be used to screen such individuals, a cost-benefit analysis of such techniques, and recommendations of those techniques which can and should be used by the Armed Forces.

Individuals who are rejected for service in the Armed Forces because of drug abuse or drug dependence should, with their consent, be referred to appropriate civilian prevention and treatment facilities. This would apply to candidates for induction as well as to in-service personnel.

The Armed Forces should establish a system for evaluating the performance of each AFEES station in screening out drug abusers. Such a system should seek to identify those AFEES stations where significant numbers of individuals have been admitted to service with undetected drug abuse and drug dependence problems which subsequently interfere with their military performance.

PREVENTION

The Armed Forces, in consultation with the Office of Education, the National Institute of Mental Health, the Bureau of Narcotics and Dangerous Drugs, and outside experts, should carry out a massive upgrading of its present efforts toward preventing and educating against drug abuse and drug dependence. These efforts should present factual information in an unbiased way, encourage individual discussion and participation, include discussions of alcohol abuse and alcoholism, and include discussions of non-chemical alternatives to drug use and abuse. It is extremely important that these efforts be tailored to and reach each level of the military structure.

Special traveling drug abuse teams with expertise in effective educational techniques and a knowledge of legal, medical and social ramifications of drug use and abuse are being used effectively in some segments of the Armed Forces. Adidtional support should be given to these teams, and this program should be expanded.

The Armed Forces should give greater attention to providing more recreation, entertainment, physical activity and meaningful work in order to abate those conditions, particularly boredom and "make work" jobs, which appear to be conducive to drug abuse.

An intensive evaluation of all prevention efforts in this area should be carried out to insure their effectiveness.

TRAINING

Specialized information and training in the recognition of drug abuse and drug dependence should be provided to personnel involved in screening candidates for induction into the Armed Forces.

Additional emphasis should be given to providing specialized information and training to personnel involved in dealing with drug abuse problems, including unit commanders, noncommissioned officers, chaplains, medical and social work personnel, law enforcement personnel and the like.

An intensive evaluation of all training efforts in this area should be carried out in order to insure their effectiveness.

TREATMENT AND REHABILITATION

A. The Defense Department should establish a comprehensive, integrated, and mandatory policy under which service members who are drug dependent or are medically ill drug abusers are provided with the same opportunities for treatment and rehabilitation as would be afforded to any military personnel who are ill. Such a policy should include the following principles:

1. A member who is a medically ill drug abuser or a drug dependent person should not be summarily discharged from the service, unless he has refused to accept appropriate treatment as shall be offered by the service.

2. A member who is identified as a drug dependent person or a medically ill drug abuser as a result of his arrest for a drug-related offense, should be dealt with through normal military judicial or disciplinary processes. In determining how to handle an individual case, primary emphasis should be given to how best to treat and rehabilitate the individual. It may be useful, for example, to consider postponement of the trial or disciplinary proceeding, suspension of sentence, and other devices commonly used in civilian courts in order to effect rehabilitation.

3. A member with drug abuse or drug dependence problems should be encouraged to seek medical assistance and, when he does so, should not be subject to disciplinary or other punitive action based on information he has given in seeking or receiving such assistance. Absolute confidentiality should be preserved unless competent medical authority determines that the patient is a danger to himself or others; however, no information divulged by the patient in confidence should be admitted into evidence in disciplinary proceedings against him without his consent.

4. A member who seeks such assistance should be offered every opportunity to be restored to useful military service within the Armed Forces. This contemplates that such person may be offered temporary sick leave or given tasks they are capable of performing while undergoing treatment and rehabilitation.

5. When security clearance, flying status or other classification affecting job position or pay is withdrawn from a member who sought assistance as a drug dependent person or a medically ill drug abuser, it should be reinstated within six months after his treatment has been completed unless he fails during this period to perform at the level at which he was performing prior to treatment.

6. A member who has sought or accepted treatment and rehabilitation should be separated only when such treatment and rehabilitation has repeatedly failed and competent medical authority has determined that he cannot be restored to useful military service.

B. The present amnesty program should be totally re-evaluated in the light of the above principles and objectives.

C. A study should be carried out to determine whether treatment and rehabilitation efforts should be carried out in Armed Forces-wide central treatment facilities or, rather, in local settings.

SEPARATION

A member who is a medically ill drug abuser or a drug dependent person should be granted a non-punitive discharge and should be afforded the same opportunities for treatment and rehabilitation afforded all persons discharged as physically or mentally disabled. His drug-related actions should not be regarded as the result of intentional misconduct or willful neglect. Such a person should retain the same rights and benefits as any other person afflicted with serious illnesses, and should not lose pension, retirement, medical or other rights because he is a medically ill drug abuser or a drug dependent person.

The Veterans Administration should give priority to increasing its capability to care for drug dependent persons or medically ill drug abusers. In doing so, it should consider entering into contractual arrangements with such facilities as have demonstrated their effectiveness in the treatment and rehabilitation area.

MISCELLANEOUS

In general, the Armed Forces should recognize their unique position to assert national leadership in identifying drug abusers and drug dependent persons; in developing and evaluating effective treatment and rehabilitation, research, prevention and education programs; and making a distinct contribution toward the abatement of this national problem.

The Armed Forces should consider ways by which they can have an affirmative impact on the abatement of the drug epidemic in civilian society. The most obvious contributions would include sharing information and data relevant to the drug problem, and the donation or sale at present value of surplus equipment, facilities and the like that might be useful in combatting the drug problem.

The Armed Forces should establish a special program to provide prevention, treatment and rehabilitation services to dependents of military personnel.

Special consideration should be given to insuring that continuity is preserved in all prevention and treatment and rehabilitation programs. This should apply to personnel operating these programs. It should also apply to those receiving the benefits of treatment and rehabilitation programs.

The Congress should authorize and appropriate sufficient funds to carry out the above recommendations.

A special impacted aid program should be created to assist communities whose drug problem has been aggravated by the prevalence of drug abuse among military personnel stationed nearby.

The Armed Forces should provide written reports, at six-month intervals, on their progress toward achieving the objectives outlined above.

Exhibit 2

Staff Report on Drug Abuse in the Military

To: Members of Alcoholism and Narcotics Subcommittee.

From: The Subcommittee Staff.

I. INTRODUCTION

In the spring of 1970, the Subcommittee staff began an investigation of drug abuse in the military. This was undertaken by authority of an April 16, 1970, letter from Senator John C. Stennis, Chairman of the Armed Services Committee, to Senator Hughes, Chairman of the Subcommittee, as well as under the Subcommittee's own authority to act in the drug abuse area. The objectives of the investigation were to explore: the extent and nature of drug and alcohol abuse in the military; the impact which this abuse is having upon individuals, the armed services, and American society as a whole; the measures, particularly in the areas of education, treatment, and rehabilitation, which the military is taking to meet the problem; and the areas in which further investigation or action might be taken.

In carrying out the investigation the members of the staff attempted to cover the problem from two approaches. First, we attempted to look at the problem from a geographical point of view. We looked at stateside bases (primarily in the Eastern United States), Southeast Asia and the Far East (Hong Kong, Thailand, South Vietnam, Japan, and Korea), and Europe (Germany and England). We visited Southeast Asia and the Far East in September, 1970, and Europe in January, 1971. In order to cover the broadest possible ground in the short time we had available, we split into teams in both Southeast Asia and Europe.

Second, the staff also attempted to visit examples of installations covering the entire range of the military system: induction, basic training, advanced training, support troops, and combat troops (in the field and returnees). We concentrated primarily on the Army for two reasons: it has the largest number of personnel and it has nearly all of the draftees. However, in Southeast Asia and Europe we also looked at the other branches in the same environment to determine what contrast, if any, we would find.

Members of the staff were: Southeast Asia: Robert O. Harris, Staff Director; Wade Clarke, Majority Counsel; Julian Granger, staff investigator; Richard J. Wise, Minority Counsel, and Jay B. Cutler, Minority Counsel. In Europe the above were joined by Nik Edes of Senator Williams' staff.

Our primary method of investigation was discussion with and collection of data from the members of command at each facility visited. At virtually every installation, we discussed the problems with groups composed of command personnel, the provost marshal, the medical officer, the judge advocate, the chaplain, and, on occasion, the information officer. In most installations, command relied most heavily on the data supplied by the provost marshal and the medical officer to answer our questions. This data does not give an accurate picture of either the extent of use or the nature of use, but it is the best available in most command situations. In addition to command discussions, we attempted, where possible, and within the limited time available, to interview individual enlisted men and junior officers. We also collected data in written and oral form from other agencies and individuals associated with the military.

On all of our visits we made it clear to those contacted that we were interested in low key, informal discussion and that our primary interest was in the health and prevention aspects of the problem. The staff believes that this allayed some of the fears that we were attempting to gather data for an expose or criticism of the military and increased the cooperation we received, particularly from the Army. In general we were satisfied with the truthfulness of those we contacted. The Army was more realistic in assessing their problem. They seemed more willing to recognize drug abuse as a problem and to take action both to prevent it and to alleviate its effects. In this regard, we would rate the other services in the following order: the Air Force, the Navy, and the Marines.

What follows is a synthesis by the staff of its findings and recommendations based upon its investigation.

II. THE NATURE AND EXTENT OF DRUG USE

The staff has attempted to ascertain who the military drug users are; how many of them there are, where they use their drugs, what drugs they use, when they tend to use drugs, and why they use drugs. While we make some conclusions about these factors, they are by no means applicable to all military drug users. The nature of drug use, the circumstances of use and the reasons for use vary widely. However, the generalizations which we do draw indicate the direction in which drug abuse appears to be going and suggest the areas in which further action might be taken in order to meet the drug abuse crisis.

A. The users: Who and how many

There is a paucity of hard data on which to base an authoritative finding of the extent of drug use in the military. The few studies which exist have been made exclusively among Army populations and are severely limited both in numbers and in scope. This void was recognized when Department of Defense witnesses disclosed plans for a worldwide epidemiological survey of drug use among all members of the armed forces, to be undertaken this year.

Nevertheless, certain insights may be gained from the available studies. It should be noted that these studies generally reveal drug use of a greater amount than do the medical and law enforcement figures given the staff. However, they seem to be lower than the subjective assessments of command particularly at junior levels. Among those studies most heavily relied upon in this report (all cited in the hearings record) are the following: (1) Patterns of Drug Use: A Study of 5,482 Subjects, by Black, Owens and Wolff, Fort Sill, Oklahoma, 1970; (2) Drug Use in Vietnam—A Survey Among Army Personnel in the Two Northern Corps, Stanton, 1969; (3) Marihuana in Vietnam: A Survey of Use Among Army Enlisted Men in the Two Southern Corps, Roffman and Sapol, 1967; (4) Marihuana in a Tactical Unit in Vietnam, Treanor and Skripol, 1970; (5) Marihuana Use in Vietnam: A Preliminary Study, 1968; and (6) A Study of Marihuana and Opiate Use in the 82nd Airborne Division, 1969. Of these, only the Stanton and Treanor-Skripol studies used samples which included both officers and enlisted men; the others concentrated on enlisted men in the lower ranks.

Patterns of drug use shown by the most recent studies seem to be consistent with the findings from what is considered to be the most scientifically valid study of them all, the one by Stanton. He grouped nonusers, (1–20 times used), heavy users (21–199 times used), and habituated users (200 or more times used). He also sampled both incoming and outgoing troops. Overall, he found that 53.2 percent of enlisted men had used marihuana at least once in their lives. He also found a trend toward more frequent usage in Vietnam than had been reported two years earlier. Of the 50.1 percent who reported using marihuana in Vietnam, 20.5 percent were casual users, 11.9 percent were heavy users, and 17.7 percent were habituated users; in other words, heavy and habituated users were more numerous than casual users.

Patterns of other drug use which Stanton found among soldiers leaving Veitnam included the following: (1) opium use was reported by 17.4 percent (9.8 percent casual users, 5.8 percent heavy users, 1.8 percent habituated users); (2) amphetamine use was reported by 16.2 percent (11 percent casual users, 4 percent heavy users, 1.2 percent habituated users); (3) barbiturate use was reported by 11.6 percent (7.8 percent casual users, 2.7 percent heavy users, 1.1 habituated users); (4) heroin/morphine use was reported by 2.2 percent (1.4 percent casual users, .6 percent heavy users, .2 percent habituated users); (5) acid (LSD, STP) use was reported by 5.3 percent (3.2 percent casual users, 1.6 percent heavy users, .5 percent habituated users).

In general, it can be concluded from all these studies that drug use, at least among Army members, has been increasing with the passage of years since 1967, when the first study was conducted, and that a growing proportion of servicemen are entering the service with a history of drug use.

There is no pure stereotype of the drug user in the military, just as there is none in civilian society. While the great bulk of drug abusers are enlisted men of lower rank between the ages of 18 and 25, users may also be found in the non-commissioned and commissioned officer ranks; for example, a heroin-hooked sergeant at Fort Bragg was "the outstanding NCO in his company" or a colonel in Vietnam who became a "speed freak" from taking amphetamines to stay awake on long patrols and then used other drugs to get to sleep. While these extremes do exist, the age group of the typical user is much the same as it is in civilian society.

From the studies and from our on-site investigation we would ascribe the following characteristics to most drug abusers in the military: age 19–22, rank E-4 or below, unmarried, less than high school graduate, either draftee or non-career oriented enlistee, equally from field or support units on first overseas tour.

Other factors seem to be present in those who become regular or habituated users. These persons are generally from broken homes, have a lower education (are high school drop-outs), have insufficient personalities to deal with their fears and stress (passive-aggressive personalities, immature, situational adjustment problems, low-self-esteem, lack of long-term ambitions, etc.) and are likely to become involved in other behavioral problems within the military society. In Vietnam, we were told that nearly all of the arrests for drug offenses were incidental to arrests for other violations, such as uniform violation, curfew violation, off-limits violations, etc. The cases which required medical treatment usually were those with these kinds of negative behavior patterns and with psychological problems which went beyond their drug use. At Fort Dix, New Jersey, many of those who were being held in the Special Processing Detachment were also drug abusers. The Special Processing Detachment is primarily a holding unit for individuals apprehended anywhere along the East Coast for being AWOL. They are sent to Fort Dix until their records can be located and their proper unit determined.

This individual who is going to become a habitual user of drugs and who is going to become a problem for the military—in either medical or disciplinary terms—is an individual who has personality problems sufficiently serious that he would likely become a problem in whatever societal structure he is in.

It should be emphasized that the drug user—particularly the heavy user—is likely to be a member of a peer group or sub-cultural group in which the taking of drugs plays an important role. For example, we were told that in Germany most arrests for drug abuse were made in groups. These arrests by the Criminal Investigation Division were usually the result of the infiltration of a group by an agent and when the arrests were made the entire group was taken.

The sub-culture is best illustrated by the experience at Ft. Bragg, North Carolina. There the drug users leave the post to congregate in pads rented by small groups for the purpose of off-duty relaxation through drugs. These pads are characterized by psychedelic decorations, acid rock music, and by the mod dress of the participants. We were also told in several places that the figures on the extent of use were distorted depending upon which group an individual trooper belonged to. If the person questioned was a non-user, he associated with other non-users and tended to view all use in terms of his group; his estimates were usually low. The user on the other hand associated with other users and tended to feel that everyone used drugs.

B. The drugs being used

The kinds of drugs being used in any particular area depend to a large degree upon the extent to which they are locally available. In Thailand and Vietnam, there are few effective controls on the availability of any drug. Because of a lack of doctors, apothecary shops dispense virtually every manufactured drug and many herbs and other types of remedies. These are dispensed without a prescription to any buyer. Also in Thailand and Vietnam, as in most Southeast Asia nations, opium, particularly among the Chinese populations, has been the drug of choice of the natives. This and its derivatives, morphine and heroin, were reportedly supplied primarily by an organized network of Chinese operating in nearly all nations.

In Vietnam and Thailand marihuana was freely available. In Thailand, the members of the staff had no difficulty in procuring "tailored" marihuana cigarettes with filter-tips. These cost $1.50 for 15. In the United States a similar amount would cost at least five times as much. They can be procured from or through bar girls, taxi drivers, and even young children on the street. In Nakhon Phanom, Thailand, we were shown apothecary shops which dispense the various amphetamines and barbiturates which some Air Force troops use. These were small shops with an open front and shelves loaded with bottles and jars. Drugs were dispensed either by name or by describing a set of symptoms which led the shopkeeper to dispense whatever he felt would solve the problem.

The Southeast Asia marihuana is fresh and potent. Delta 9 Tetrahydrocannabinol (THC) is the active ingredient in marihuana. The average sample available in Southeast Asia contains between 3.5 and 4.0 percent THC. This is much higher than the average ½ to ¾ of one percent THC which U.S.-grown marihuana contains. The preference for marihuana in Southeast Asia among U.S. troops is ascribed to ready availability, inexpensiveness, ease of cachement, non-addictiveness and the quality of the intoxication produced.

Stanton found a growing trend among U.S. troops in Vietnam toward the use of opium. This is available in liquid or powdered form. Among the departing enlisted men in his sample, only 6.3 percent reported having used opium before their arrival but 17.4 percent reported use upon leaving. However, the question has been raised as to whether these troops really know what they were using was opium. We also heard of opium being available in the form of "OJ's"—marihuana cigarettes dipped in liquid opium.

Stanton's 17.4 percentage figure for opium use in Vietnam places that drug ahead of amphetamines, or "speed," in popularity among the troops. The incidence of amphetamine use among outgoing enlisted men was 16.2 percent, up from 12.4 percent usage before their arrival in Vietnam. Barbiturates were favored by 11.6 percent. Other drugs used were heroin, morphine and "acid" (LSD, STP), with the use of "acid" actually showing a drop in the before and after figures.

We were regularly informed that there was an increase in the availability, experimentation with, and use of heroin. There seemed to be an increase in the hospitalizations for heroin withdrawal. Heroin is available in two forms: "Red Rock" heroin from Thailand (reportedly brought to Vietnam by Thai troops) and refined heroin. Red Rock is generally 3–4 percent heroin, 3–4 percent strychnine, and 32 percent caffeine. The refined heroin is in 100- and 300-milligram capsules containing 97 percent heroin as compared to the 5 or 6 percent heroin usually available in the U.S.

The two most commonly used amphetamines come in liquid form. They are Maxitone Forte and Obesitol, both of French manufacture. Maxitone Forte is taken orally mixed with Coke or used intravenously. Obesitol is taken orally. The barbiturates most commonly used in Southeast Asia are Binoctal and Aminoctal, also of French manufacture.

In Germany, there is a plentiful supply of hashish, amphetamines, and barbiturates, and U.S. troops and their dependents have easy and inexpensive access to them. Hashish is by far the drug of choice and is in widespread use. It is reputedly brought in by "guest worker" nationals from growing countries such as Turkey, Pakistan, and Lebanon and by a number of criminal syndicates. We were told it is distributed by German nationals, by American military personnel and former servicemen who were discharged in Europe. "Uppers" and "downers"—amphetamine preparations, Librium, Valium and Darvon—may be purchased inexpensively over the counter, without prescription, in any German drug store.

LSD is also used in significant amounts by troops in Germany. This is either brought in from the U.S. or made in illicit laboratories in Germany. We had very little indication of heroin or cocaine use. Both the law enforcement personnel and the medical personnel had had very little contact with these drugs.

Regardless of location, marihuana and hashish usually is smoked in pipes or cigarette form. In Vietnam, the marihuana cigarettes are sometimes filled with Red Rock heroin and smoked. The amphetamines and barbiturates are generally taken orally but occasionally they are injected intravenously. Heroin is generally smoked (sniffed) by beginners and injected by heavy users.

It is important to note that most of the regular or heavy users are multiple drug users. They will substitute one drug for another if availability is a problem or will use a variety of drugs to meet their emotional needs. The takers of amphetamines will use barbiturates to come down off their high. Most of the users of hallucinogenic drugs such as LSD or STP also use marihuana.

C. When and where drugs are being used

It is difficult to disagree with the impression of an Army psychiatrist who says that "the use of drugs and alcohol can occur anywhere at any time." However, it is our general impression that it is more likely to occur on off-duty hours whether in the United States or abroad. It is also likely to occur away from the military post.

The most crucial question on time and place of use concerns the use of drugs in combat. In Vietnam, commanders universally told the staff that, because of the personal danger involved, there was far less smoking of marihuana in combat areas than in rear support areas. The same was stated by commanders to the Department of Defense Drug Abuse Control Committee Task Force headed by Jerome A. Vacek of the Marine Corps during its visit there in the fall of 1970. We were told that there was considerable self-policing among the troops while in combat areas because they did not want to endanger themselves or be endangered by another who might be "high" at a critical moment. However, there is evidence to contradict this. While he did not approach the question head-on, Stanton found "a slight positive correlation . . . between marihuana use and combat exposure." While this shows that combat experienced troops probably were those who had the greatest marihuana experience, it does not necessarily indicate that they used it while actually in combat. Postel's study also indicates the same thing but adds that the usage came after combat "to calm down." Treanor and Skripol likewise found apparently increased usage with field-type duty; far greater numbers reported usage at large and small "LZ forward areas" than numbers reporting usage at "rear support areas." Reinforcing this was their further finding that an overwhelming majority of regular users (once weekly to once daily or more frequently) thought that marihuana should be permitted on fire-bases either during off-duty hours or whenever the individual chooses. Other individuals indicated in person to the staff that they had used marihuana in combat situations.

As noted above, the use of drugs at Ft. Bragg takes place primarily in rented "pads" away from the base and on off-duty hours. In Vietnam and Thailand, it is likely that most use takes place away from established posts because of availability of drugs and the likelihood of nondetection off post.

In the career context, Treanor and Skripol found the highest incidence of marihuana usage during the first two or three years of a soldier's military service. They also reported that apparently there is a slight increase in usage as the first tour progresses, but not with those on extensions.

As for Vietnam, Stanton found that the probability was greatest that if a man was going to start using marihuana there, he would begin in the first three months, or certainly in the first six months. Conversely, amphetamines showed the opposite trend, with more enlisted men beginning use as their tour progressed.

D. Why drugs are being used

The reasons which have been presented to us as to why drugs are being used by young men in the military fall into two general categories. First, there are those which lie with the individual himself. Second, there are the external factors which arise in the individual's environment. The former are related to his ability to deal with his situation and the latter are those which place burdens upon him which he must deal with. If his ability to deal with environmental stresses is inadequate, or if the burdens of stress which the environment places upon him are unusual, the individual user will take one of the drugs available to help him cope with the situation.

As mentioned earlier, the habitual drug user is likely to be young, have a low education, come from a broken home, and have psychological and emotional problems which lead him to conflict in whatever society he happens to be in. These are individuals with a low self-esteem who are unable to meet most life situations. Other individual reasons presented to us are related to the attitudes held by many of the age-group from which the typical drug user comes. These include the following: (1) youth, being "now" oriented, are impatient and frustrated by the gradual process of social change; (2) middle-class youth reject the life goals of affluance and prestige held by their elders; (3) lower-class and minority youth are impatient and frustrated with the disparity between their goals and perceived opportunities to attain them "now," and they see the Establishment as trying to block them; (4) young people "get hung up somewhere along the developmental line" toward maturity, with a conflict developing between dependency and autonomy; (5) drugs are a means of acting out behavior disapproved of by parents or the senior generation and thus help to concretely distinguish the "self" from Establishment norms. The latter point seems to be particularly valid in regard to the troops in Germany. There we found, to a greater degree than in Vietnam, an attitude of division between the enlisted or drafted lower rank soldiers and the "lifer" NCO's and officers. Perhaps these troops are using drugs as a means of setting themselves off from the older and higher-ranking personnel who use alcohol as their social drug.

Other factors lie with the environment in which the young soldier finds himself. Pressures are put upon him which are difficult to cope with. Prime among these is the lack of sense of value which many soldiers feel about their job. Treanor and Skripol found that job dissatisfaction seemed to correlate with marihuana use. This factor was also cited among many of the returned troops who have several months of stateside duty left before discharge. These men are given unfulfilling tasks to do while waiting out their time. This factor appeared to be particularly acute in Korea and Germany where there is little or no actual combat. Since the troop units there must be combat-ready, there is apparently much routine work aimed at preparing for inspections. A jeep driver in Germany, for example, told us that his only consistent job during the three months in advance of a unit-wide vehicle inspection was to "maintain" his own vehicle. A platoon leader said the only time the morale of his troops seemed to lift was when they were preparing to go on a tough training exercise, which was infrequently. There was widespread griping about the many "make work" jobs that troops were being given to do.

In Vietnam, stress from combat was cited as a factor. It was felt that some troops used drugs, particularly marihuana, to unwind or relax after combat. This is accentuated when the soldier moves from a stressful situation to a combat lull where only routine work is required of him.

Another important external factor is peer group pressure. There were indications that peer group pressure "to be one of the boys" was strong. The young man, placed in a new situation, seeking to establish his own identity, looks to join a group in which he will get approval and support. He may be trying to feel independent of his elders' authority and so when the group pressures him to conform by trying drugs, he finds it hard to resist. We heard reports of individuals being threatened if they did not conform to drug usage patterns but were unable to verify any of these.

We learned of several factors which tend to enhance the peer group situation. We were told that the non-commissioned officers generally did not live among their troops in barracks areas. The older "lifer" non-commissioned officer was regarded very negatively by the young soldiers. There was apparently little identification of the young soldier with the older, non-commissioned officers. Contributing to this problem is the fact that many of the young soldiers were coming from a sub-culture in civilian life which accepts the use of drugs. They not only would want to perpetuate their life style but would resent and resist those who might prevent them from living it.

Another factor is the lack of acceptable alternatives to drug use to meet either stress or boredom. The soldier in Vietnam has little or no way of dealing with his frustration in any constructive fashion. Most towns are off-limits and those that are not are limited in what they have to offer. The primary activity when they are permitted off the post is drinking in the local bars and meeting with local women, most of whom are prostitutes. In Germany, the opportunities for meeting local girls are somewht improved for white soldiers but an obvious problem exists for blacks who are also barred from certain German-operated "white only" discotheques. In Vietnam, recreational facilities are generally unavailable and are advocated as an alternative to drug abuse. However, it is questionable if these would be used, since in Germany we were told that there is a general lack of troop interest in recreational activities available—playing basketball, skiing, academic courses, even three-day expenses paid excursions.

In contrast to this picture is the experience of the Air Force in Vietnam and especially in Thailand. The extent of drug use was reported to be decidedly lower among the Air Force men at the four bases we visited in Thailand. The command personnel gave evidence that both arrest and medical statistics were much lower. The reasons which they gave for this lower use might be instructive: they stated that the typical airman tends to be older than the soldier; nearly all are high school graduates with a significant number having some college experience; they tend to identify with the military; they have good self-esteem; and they feel that they have something to lose if they use drugs. They also said that in Thailand, airmen were working a 12-hour-a-day, 7-days-a-week schedule and were doing tasks of a higher caliber. (In Thailand much of the more menial-type tasks are performed by local natives.) The Air Force personnel are said to have a high sense of job satisfaction whether they are flying or are engaged in maintenance work: the flight crews feel more worthwhile because they are engaged in a task they feel is significant.

Other factors cited by the Air Force include a higher ratio of officers and noncommissioned officers to enlisted personnel. This is said to give the airman a closer identification with the "Establishment." Also advanced as operative to keep Air Force usage down is the selectivity factor. It is felt by the Air Force that it gets a better grade person both in motivation and ability than does the Army. The Air Force has no draftees. The Air Force also contends that further selectivity operates within its ranks in determining the kind of man who is sent to Southeast Asia. Command in Thailand claimed that the cream of the Air Force crop was being selected to serve in Southeast Asia because of the importance of their mission there. The Command in Thailand also attributed their reputed lower incidence rate to the easy accessibility of alcohol and local women. It appeared that while the drug use rate might be low, the V.D. rate was high.

Another factor which may militate against drug abuse in some situations is the so-called "buddy" system. The Marines and Navy command personnel we spoke with in Vietnam and the Army in Thailand felt that the encouragement of close ties with another individual for the purpose of mutual support and concern helped stop drug abuse before it began. This is a positive variation of the peer-group pressure factor. In this instance a peer situation with anti-drug use values is encouraged. If one individual in the pair is suffering unusual stress or boredom, he has another individual with whom he can share his burden. This gives some relief so that crisis can be met without resort to drugs. We did not have an opportunity to look at this system directly and hence cannot give any independent evaluation. It does, however, appear to have at least theoretical value in terms of action to be taken to combat drug abuse.

III. THE IMPACT OF DRUG ABUSE

The staff has attempted to access the impact or effect which drug abuse is having upon the individual military man, upon the Armed Services, upon American society as a whole and upon the various relationships that exist between individuals and groups in the military. We looked for signs of breakdown which would point to remedial measures and looked for trends or directions which would suggest preventive actions which might be taken.

A. The impact on the individual

The medical effects of drug abuse upon the individual in the military do not seem to vary substantially from those reported in the civilian community. Marihuana produces a range of effects which include mild euphoria, mild time-space distortions, hallucinatory episodes and delusion ideation. Those who are turning up at medical facilities with adverse reactions to marihuana are generally those who suffer anxiety reactions when they first use the drug. Their condition lasts for a very short period and is normally cleared up in 24–72 hours. The reaction seems to be dependent upon the state of mind of the user rather than upon the effect of the drug. It is likely to occur in an individual who has guilt feelings about the use of marihuana and is apprehensive about being arrested or caught. A very few instances of persistent conditions, psychotic states and violence were also reported. However, these seem to involve individuals with deeper, more long-standing psychological conditions of which drug abuse is merely one manifestation of the problem. Many of these situations involved persons who were using marihuana on a heavy basis every day over a considerable period of time. The number or the nature of these cases did not seem to be sufficient to justify a conclusion that marihuana causes lasting psychosis or violence in users.

An interesting phenomenon reported was the "marihuana flashback." A flashback is commonly associated only with LSD usage. Several doctors reported that they had had patients who claimed having flashbacks after use only of marihuana. These flashbacks were described as being reoccurrences of prior experiences while under the influence of the drug. They were described as occuring in moments of stress as if the mind was involuntarily reaching back for a pleasant experience while under intolerable pressure of the moment. However, the subject can apparently be brought out of the flashback by someone talking to him and telling him to return to the present moment. There were no reports of deaths or permanent physical damage from the use of marihuana among military personnel. The military medical personnel also regularly reported that marihuana is non-addictive in terms of physical dependence but that users could and did become dependent upon its use in the psychological or behavioral sense. Medical officers also felt that marihuana does not in itself lead to the use of harder drugs. This is supported by the Black, Owens, and Wolff study which reported: "It should be noted that, although initial experiences with marihuana tend to lead to continued use, marihuana usage does not lead most individuals into experimentation with heroin. The belief that marihuana use is dangerous because it predisposes toward heroin is fallacious, although it is true that nearly all the heroin users in the present study had also used marihuana." Other studies also support this conclusion and indicate that while there is no causal relationship between marihuana use and opiate use, most habitual opiate users have been heavy marihuana users first.

Another important factor which was reported to us is that the effects of hashish use in Germany do not seem to be any more severe or extreme than the effects of marihuana smoked in either the United States or in Vietnam. The medical staff of the hospitals we visited in Germany reported that the cases involving marihuana which required medical or psychological treatment were no more severe than they had seen in other locales including some in the continental U.S. This was true even though the general impression is that the THC content of hashish is higher than marihuana alone.

The reason for this may be in the psychological state of mind of the users and in the setting in which marihuana is used. Also important is the ability of the experienced smoker of either marihuana or hashish to control his level of intoxication. To explain further, the effects of cannabis use seem to depend to a great degree upon the subjective state of the user. If he goes into the experience expecting and desiring a pleasant, mildly euphoric experience with no negative effects and he is doing this in a social setting with fellow users who are compatible and who desire the same kind of experience, his expectations will likely be realized. In addition, because the active ingredient is taken in through the lungs the quickest way to get it into the bloodstream, the user is able to control or "fine tune" his level of intoxication. When he feels himself getting too high he can relax for a while and not smoke any more until he starts to come down. This control by the smoker enables him to keep the intoxication within a manageable range and avoid adverse reactions. Neither the military nor the Bureau of Narcotics was able to supply us with an analysis of the hashish being used in Germany. It is possible that the product bought by the consumer is so cut with adulterants that the THC content is lower than in straight marihuana.

One of the drugs with the greatest impact upon individuals, in medical terms is heroin. It is physically addicting when taken regularly and in sufficient doses. However, we received mixed reports as to the severity of the addiction. Many doctors reported that they saw very few cases of classic withdrawal symptoms in patients who claim the use of heroin. The sniffers of Red Rock heroin were reported not to have become severely addicted. This was also true of some of the injectors of refined heroin. However, the heroin of 97 percent purity available in Vietnam is particularly dangerous, inasmuch as it will likely lead to frequent occurence of overdoses and death even in experienced hands. Heroin use is also likely to lead to secondary medical complications such as serum hepatitis from unsterile needles.

The opium native to Vietnam is of such poor quality that in all but one case observed by an experienced military psychiatrist, withdrawal symptoms were mild. The exception involved an individual who had taken 2 cc. intravenously four times a day and whose abstinence-withdrawal presented serious problems. Another serious result of opium use which occurs occasionally comes from mixing it with marihuana in cigarettes. This synergistic or multiple effect of the two drugs together can exceed the expectation of the user and present him with a reaction with which he cannot cope.

Deaths from heroin abuse or overdose in Vietnam are increasing. For the entire calendar year of 1969, only 16 deaths from drugs were reported: 5 from chloroquine (used to prevent malaria), 4 from barbituates, 3 from Darvon, 3 from morphine or heroin, 1 from opium. During the nine-month period January-October 1970, however, the number of deaths had already more than doubled to 34: 2 from chloroquine, 5 from barbituates, 3 from Darvon, and 26 from heroin-morphine. It will be seen that heroin or morphine has become the most frequently used lethal agent.

One additional significant effect which drug abuse may have on an individual soldier is the role which drugs may come to play in his life. Those individuals who are unable to cope with life and turn to drugs may end up relying on drugs as the core of their life. When this occurs the individual loses interest in other aspects of his life and devotes most of his time to the procurement of drugs and to their "enjoyment." This modification of behavior will likely lead this type of user into conflict with the military community and consequently he is likely to have to face legal or disciplinary action.

While the individual who becomes a heavy user or is psychologically or physically habituated to drug use may come to the attention of legal authorities, it is the conclusion of the staff that the illegality of marihuana use does not have a significant impact upon the great majority of marihuana smokers in the military. It clearly does not have a deterrent effect. The illegality of marihuana use has been widely publicized within and without the military. Indeed, one of the major thrusts of military drug education is to stress the legal consequences of marihuana use. We believe that the lack of deterrent effect exists for several reasons. First is the basic attitude of young Americans toward marihuana use. Unlike many of the senior generation, many young Americans including those in the military do not regard the use of marihuana as a moral question. They do not see the user of marihuana as a "bad" or "immoral" person. They believe that marihuana should be legalized and its use left up to the individual. They also do not regard the effects of marihuana as detrimental to their health or to their functioning. Many of them regard marihuana as a social drug to be used for relaxation and as superior to alcohol for this purpose because it does not leave the user with a hangover.

B. The impact upon the military

We did not find that the use of drugs has a significant direct impact upon the military mission of the Armed Services. While we were made aware of rare, isolated instances where marihuana had been used in combat situations in Vietnam, we saw no evidence that any mission or operation had been jeopardized by drug use. Virtually every commander to whom the Subcommittee staff put the question stated unequivocally and categorically that drug use has not adversely affected military effectiveness or the military mission of his unit.

However, it is clear that drug abuse does impose an indirect but significant burden upon the entire military community and organization. There is a relationship between drug use and manifestations of social and behavioral disorganization such as AWOL, sleeping on the job, failure to appear for duty, disrespect, indebtedness, and unhealthy and unclean living habits. Of these, General John J. Tolson, the Commanding General of Fort Bragg, singled out AWOL's saying, "It is bound to cut down eventually in your strength figures." although he added that the problem at his base had not reached such proportions "that as units they are not capable of performing their job."

The military community is also affected by the fact that the military drug user is often unable to pay for his habit from his normal income. While this is not often troublesome in Vietnam where all drugs are available at low prices, at continental United States bases, crime to support drug abuse is a problem. Theft of Government property, including weapons, to support habits is known to occur. "Today," General Tolson observed, "you have to secure your arms rooms and supply rooms on a scope that you never had to do before . . . and still, if you don't have guards actually there, thieves will break into them."

One of the most critical effects of the growth of drug abuse among the military is in the growth of a counter or sub-culture within the military centered around drug use. This affects both the individuals involved and the military community itself. Because smoking marihuana and hashish are social activities, the users tend to group together for the purpose of drug use. The illegality of drug use also tends to force the user into a particular group of his drug using peers. This is true whether the use is occasional or is on a regular basis. Part of the mystique of smoking "grass" is to gather together with others to enjoy the experience. The illegality of use, in effect, cuts off the user from legitimate sources of support and help with his problems—whether directly connected with drug use or of another nature—and he can, therefore, look only to those in his peer group for emotional support.

This is aggravated because so many of the young military men coming into the services today, do not identify with the value system of the senior generation. They tend to form peer groups for all activities rather than interact with command personnel. This is further enhanced in the military because it is organized upon a hierarchial basis. In Germany more than in Vietnam the sense of separation between the enlisted man of lower ranks from the non-commissioned officers and the commissioned officers was apparent. In fact, in Germany we felt a great hostility between the one-tour soldier and the so-called "lifer." In Vietnam this was less so, probably because of the common sense of urgency faced by both groups. However we were told in several places that young troopers had a more positive relationship with NCO's and officers of their own age. This was attributed to the fact that these individuals, while occupying positions of authority over the troops, shared many of the same values of the enlisted men, particularly in regard to the smoking of marihuana as a social activity. Some senior officers felt that some of the junior officers right out of college share those values and hence did not take action on marihuana use among their troops.

Another manifestation of the sub-culture problem is illustrated by the example of a second lieutenant at the Wildflicken outpost in Germany. This platoon leader told a Subcommittee investigator of his fears of venturing into the barracks at night, where he might be slugged if he came upon a "pot party" (as had happened to a fellow officer.) The existence of a sub-culture also causes general disruption. A squadron commander at Bad Kissingen, Germany, reported, "It's not the smoking that causes military ineffectiveness; it's the ramifications of the distribution system—the competition among pushers who fluctuate the price, put guys in debt, and cause disciplinary problems, commit assaults and so on."

A more tangible impact upon the military caused by the increase in drug abuse is the burden which it places upon the various elements of the military society. Because of the illegality of drug abuse the primary burden is placed upon the law enforcement branches of the military. The allocation of manpower and monetary resources by the provost marshal to drug problems is significant. For example, in Fiscal Year 1970, 27 per cent of all Army CID investigations in Europe were "drug-related." However, while the law enforcement branches have devoted a significant amount of their resources to stopping drug abuse, we were universally told that their activities were limited and not sufficient to make any significant impact upon illegal drug activity. Their operations are hampered by difficulties in teaching command personnel to make legal searches and seizures, by the length of time necessary for laboratory verification of illegal drugs, and by the difficulty in establishing a legal chain of custody.

Because of the difficulty in enforcing the law, particularly with regard to marihuana use, the law does not have any effective deterrent effect and the impression is given to the users that use is tacitly accepted by command. This leads to disrespect for the law and in effect crates a double standard. While we were not made aware of any cases, we do note that the inability to enforce the law in all cases gives rise to the possibility of selective enforcement for reasons unrelated to drug abuse.

The medical personnel in the military are under many of the same pressures as those in the law enforcement branch. There has been an increased case load upon all military doctors. A number of senior doctors are unprepared to deal with drug abuse because they were trained in an era when it was much less common. The activities of the military doctor include many duties other than treatment. A heavy demand is made upon military doctors, particularly psychiatrists, to establish, promote, and participate in drug abuse education programs. The military psychiatrists must make evaluations of many troopers charged with crimes and this includes evaluations on the users of drugs. In addition, military doctors are scheduled to play a large role in the amnesty program which will be discussed later in the report. These functions place a burden upon doctors who are already overburdened because of a reportedly inordinate reduction of medical personnel in relation to the reduction of other U.S. military personnel. This is a serious problem because military doctors are faced with an increase in drug abuse for which there are few, if any, proven methods of treatment available.

The increase in drug abuse has placed a concomitant load upon all other elements of the military structure, particularly the command personnel and the judge advocate staff. They are called upon to process the cases of accused drug users and also are an integral part of the military drug abuse education activities. Their specific activities will be shown in greater detail later in the report.

C. The impact upon American society

The Subcommittee staff believes that the greatest impact upon society as a whole lies in the integration of military drug users into their local communities upon release from service. While the indications of drug abuse are not significantly different in the military or in civilian society, the likelihood of identification of drug users in the military is greater. Many drug addicts and users with maladjustment problems are being returned from military service identified as drug users, but unrehabilitated. For example, administrative separations for "characterologic ineffectiveness" rose 119 per cent from fiscal year 1969 to fiscal year 1970, from 12,726 to 27,837. Many of these separations were for drug use. In addition, the Veterans Administration has indicated that there are sharp increases in the number of veterans, particularly under age 25, who are being treated for drug addiction and dependency problems.

Since much of the serious drug abuse is accompanied by emotional or psychological problems requiring lengthy treatment, those released from the military with histories of drug use will have to find treatment sources in civilian society. If they are unable to do so, they will place an obvious burden on other segments of society, particularly the law enforcement segment. Returning veterans with drug histories also have difficulty in finding employment. Fifty business firms who were asked by Fort Bragg officials about their policies toward a man with an undesirable discharge or a known drug abuser replied universally that neither would be considered favorable for employment.

IV. HOW IS DRUG ABUSE BEING HANDLED

The question of how to handle drugs and drug users in the military is primarily being met with a law enforcement approach. This effort is aimed at reducing the supply of illicit drugs, at eliminating drug pushers and users where detected, and at providing a negative incentive for the use of drugs. Second priority is given to treatment and rehabilitation of those using drugs. The lowest priority is given to activities which would lead to reduced demand for drugs.

A. Law enforcement

The prime objective of the law enforcement efforts is to identify drug pushers and traffickers and therefore halt or diminish the supply. As noted above, there is little indication of concerted efforts to seek out and arrest users or possessors. In Vietnam and Thailand most possessors were initially picked up for other disciplinary violations. In Germany command indicated that while most drug arrests were for possession or use, they were not specifically looking for users.

There, the greatest number of arrests of users were made as a result of infiltrating a whole group of users and not just arresting individuals.

Because of their relatively small numbers and for jurisdictional reasons, military law enforcement personnel often must rely upon other agencies in trying to shut off the supply of drugs to U.S. forces. The principal agency relied upon for overall activities, both here and abroad, is the Bureau of Narcotics and Dangerous Drugs. Insofar as military bases in this country are concrened, BNDD Director John E. Ingersoll told the Subcommittee "The current 'systems' approach of BNDD is aimed at major interstate and international drug traffickers, and hence, the drug problem on large military reservations such as Fort Bragg is left largely to the military and local authorities concerned." In the U.S. the BNDD forces provide information and support rather than actual enforcement for military bases.

In the U.S., coordination with local and state authorities is essential because apart from those pushers or dealers apprehended on the military base, military law enforcement personnel do not have jurisdiction off base. However, we found good two-way cooperation in gathering and supplying information so that illegal activities that cross jurisdictional lines could be halted.

In September 1970, BNDD assigned a senior official to a permanent liaison position with the Department of Defense. According to BNDD Director Ingersoll, this agent participates in all Defense Department activities concerned with drug abuse and support to the military needs. Overseas, a BNDD senior agent stationed at MACV Headquarters in Saigon works directly with the military and a similar agent more recently was assigned to Frankfurt, Germany. In addition BNDD has regional supervisors in Bangkok, Thailand and Paris, France. Other agents are located in other countries such as Hong Kong, Japan, Turkey and Lebanon. These agents work with military police agents in exchanging information and in setting up covert activities aimed at penetrating illegal drug groups.

In Vietnam, the BNDD agent there has worked closely with the military and the AID agency to establish a program to locate and destroy marihuana crops. This has included the training of Vietnamese police in drug activities and the development of a squad of special narcotics police in the Vietnamese police force. The program consisted of helicopter reconnaissance flights to locate marihuana growth. After the discovery of a field, Vietnamese police would move into the area and destroy the plants by uprooting and burning. In 1969, some 500,000 plants were eradicated in Vietnam under this program. The program decreased in 1970, due to what Ingersoll called "higher combat priorities." He said, in addition, that the Army felt that surveillance which had to be conducted at low altitude and slow speed was too hazardous in areas of potential hostility. While bounties are now paid for reporting marihuana growth, the program has not had the same degree of success as only 68,000 plants were destroyed through most of 1970. More recently, the military has undertaken photo flights with fixed-wing aircraft that can detect growth at safe speeds and safe altitudes.

Local cooperation with native police, particularly in Vietnam, is another activity of the military law enforcement agencies. This does not seem to be a successful program because of the acceptance of opiate drug use by the natives, their feeling that marihuana is not their problem, local political involvement and corruption, general antipathy toward cultural change, inadequate legislation, and the local economic situation. In Vietnam for example, the average daily wage is about $.85 American. If a Vietnamese sells two packages of prepared marihuana cigarettes at $1.50 each, he will have made over 3 times the local daily wage. This makes it difficult for local enforcement agencies to take action.

In Germany, the cooperation with local police seems to be satisfactory. However, there appears to be less than close liaison between the CID and the BNDD agent in Frankfurt. Local command was attempting to overcome this problem by developing closer ties on that level. The CID in Germany makes great use of undercover or covert agents. This has led to the arrest of several large groups of pushers and users. The CID estimates that it is intercepting 20 percent of the illicit trafficking in drugs bound for American troops in Germany.

Also used by military law enforcement authorities are marihuana sniffing dogs. On the Asia trip, we heard quite often about the marihuana dogs and their value. However, it appears that their actual use is limited and not very efficient. Whenever we asked to see a dog we ran into scheduling difficulties or were told that the dogs had worked their allotted time (usually one-half to one hour) and were unavailable. While we suspect their actual detection value, they are probably justified by the deterrent effect their reputation has.

Because of the great amount of drugs available, particularly in Southeast Asia, we do not feel that the law enforcement activities mentioned above will be able to make any significant impact on the drug distribution system. However, we do feel that continued efforts aimed at pusher and major trafficking organizations are necessary and should be continued.

B. Education efforts

Education activities in all commands fall into two categories, command training and troop education. The command training activities center around giving command personnel sufficient factual information to enable them to carry out their legal and disciplinary functions. Emphasis is placed on detection of drug use and subsequent disciplinary action. Command education is generally carried out through Drug Suppression Teams, consisting of medical, legal, law enforcement and perhaps chaplain officers. Primary importance is placed on the identification of drugs, drug paraphernalia, drug use symptoms, and drug user behavior patterns. Command personnel, particularly the junior officers and senior non-commissioned officers are instructed in the techniques of proper searches and seizures, maintaining the chain of custody, and the action to be taken upon apprehension of offenders. While this educational approach may be useful in meeting the legal responsibilities of the military, we feel that it does little toward achieving true prevention of drug abuse.

Education which will enable command personnel to understand the causes of drug abuse and to deal with the troops before they begin drug abuse is generally lacking. Senior officers and NCO's appear to be the groups most needing this type of education. General Tolson of Fort Bragg stated, for example, "It appeared obvious to me at the very beginning that if we were going to get anywhere in our education, in our dialog with the young soldier, the man we were really interested in, there had to be a real understanding by the senior officers and non-commissioned officers on the drug culture and its problems. They were my number one target to educate."

Military regulations, including those issued by the DOD and the various services require that all military personnel periodically receive orientation concerning drug abuse. The form and substance of this orientation varies from unit to unit and, to the knowledge of the Subcommittee staff, has never been evaluated, except informally, for its value in deterring drug use. This orientation runs the gamut from the showing of a film and the reading of prepared lecture material to more imaginative give-and-take "rap" sessions. In many commands the Drug Suppression Team does the orientation to the troops, occasionally adding a former user to the Team. From what little feedback is being received on the command level, this approach was generally not effective. This was affirmed by individual soldiers who complained that the presentations tended to be too legalistic and used scare tactics. It is our impression that the presence of the Provost Marshal on the team, while meritorious in a situation involving command personnel, is not warranted when the target group is younger officers or troops. In fact, the presence of the "cop" on the team acts to turn the young troops against the panel's activities. Surprisingly, this view was accepted by several of the Provost Marshals we talked with.

Other educational activities include radio and T.V. spots and films. The evaluation of thesse troops we talked to was generally negative. The best educational device we have seen was a training road show in Germany. This play was written by enlisted men in the language and style of enlisted men and performed by enlisted men, most of whom had previous show business experience. The staff was genuinely impressed by the emotional impact of this production. It utilized rock music and visual effects with which the trooper could identify. Because of this we felt its credibility and value was outstanding.

The credibility problem underlies all of the military educational efforts directed toward the young soldier. The conflicting information presented both in and out of the military about marihuana has undermined the credibility of the better prepared and scientifically accurate efforts being made now. However, this is being overcome with valid information presented by medical officers.

C. Treatment and rehabilitation

Treatment and rehabilitation of drug abusers in the military cannot be discussed without considering the so-called amnesty program. This program, in what ever form it may take in any particular command, is a combination of legal, medical and administrative approaches to drug abuse. Its general purpose is to provide an atmosphere in which a drug abusing soldier can feel free to come forth and get medical and psychological help to overcome his drug use.

Experimentation with amnesty programs in the Army began as long ago as February, 1968, when such a program was established by the 4th Infantry Division in Vietnam. Others were established on a command level, all of which were in violation of existing Army regulations. One of the most noteworthy of these is "Operation Awareness" at Fort Bragg which was begun in May 1970, and undertakes to treat and rehabilitate the users of hard as well as soft drugs. Regulations have now been established by the Army and DOD encouraging the establishment of amnesty programs. The Air Force has indicated its intent to establish such a program in a letter to Chairman Hughes. However, the Navy and the Marine Corps have not yet implemented the DOD directive.

The various amnesty programs all include provisions which allow a drug user to make his use known to the chaplain, doctor, or his commander; a guarantee of no disciplinary action if the user is not under investigation and so long as he stays clean; and some treatment for his drug use. The response to the program is mixed. In Europe, only 140 users per month have responded since June, 1970, out of a total population of 185,000 Army troops of which at least 10 percent are said to be chronic users.

The apparent reasons for the minimal response in Europe are several: (1) failure of unit commanders—many of whom were ill-prepared in the first place—to convey the concept of amnesty to their troops, and thereby signal their support of it; (2) a widely held feeling among drug users, especially hashish smokers, that there is no wrong—physical moral or otherwise—in such use and hence nothing to be rehabilitated from; (3) a view among the troops that there are no inducements to join, no incentives, and no rewards, coupled with the fact that a commanding officer has "open-ended options" to withdraw a man from the amnesty program at any time for any reason; (4) pressure, including threats or actual bodily harm, by "hard" drug users and pushers against those who may wish to seek help under the program; (5) a reluctance on the part of some commanders to devote the considerable amount of time required to provide the soldier with the supportive help he needs; and (6) the fact that many who do participate are subjected to harassment within their units upon their return and that some commanders and top NCO's seem disposed to permit this activity.

The response in Vietnam is also limited. There, many of the medical personnel we contacted felt that the program was not being received as well as it should be among the troops because of the lack of a true guarantee of amnesty. The troops realize that only the chaplain has a true confidential communication privilege. The troops know that the doctors are required to provide medical information to command and therefore are reluctant to come forth and reveal their drug abuse. Another factor which may account for the apparent lack of effectiveness is the unavailability of adequate treatment for users in the war zone. Our impression is that the amnesty program often operates this way in Vietnam. The heavy user comes to official attention when he seeks medical help after an overdose or other condition related to his drug taking; he undergoes detoxification, and within a matter of days is returned to his unit as fit for duty; he may or may not be offered follow-up psychiatric assistance; and no punishment occurs unless he is later caught taking drugs. The extent of treatment which war zone doctors can realistically offer under the current manpower situation is detoxification. There is an insufficient number of psychiatrists to treat the characterological disorders which may underly the drug abuse. Those doctors who might otherwise be available for such treatment are primarily engaged in activities related to Drug Suppression Teams and in providing psychiatric evaluation of accused persons for disciplinary action.

In short, the staff feels that the amnesty program is based upon a sound principle, in that it attempts to provide a system which will get drug users into facilities for treatment. Early evidence, however, indicates that the program is not motivating the target group to volunteer for treatment and that even if they did volunteer, the treatment available is not adequate to solve the drug problems of most users.

The medical treatment provided by the military must be viewed in light of the attitudes of the services toward providing this type of treatment. Brig. Gen. George J. Hayes, Principal Deputy in the Office of the Secretary of Defense (Health and Environment) told the Subcommittee that the general guideline for medical personnel is to retain in the military medical systems only those individuals who could be expected to return to full military duty within a reasonable time. What this means depends upon the circumstances of each individual case. The staff also heard many expressions of the positions that the military is not a social welfare agency, that the long-term treatment and rehabilitation of drug abusers is in conflict with the basic military mission, and that such persons should be removed from the sphere of military influence.

However, the military, particularly the Army, appears to be experimenting and trying to find such clinical approaches as will be effective within the scope of the military missions. We saw examples of this approach in Operation Awareness at Fort Bragg, and group therapy sessions at other bases. General Hayes indicated that as projects are developed and prove to have some efficacy, they will be implemented elsewhere.

D. The administrative process

Of particular importance is the way the problem of drug abuse and drug abusers is being handled in the administrative sense. At the highest level—policy development in DOD—the major effort to date has been the issuance of the DOD directive on amnesty programs. While this effort is much needed, the lag of three years from the time of the first command level amnesty program to the issuance of the broad directive is regrettable. Even that order is not mandatory in that the individual services are authorized, but not required, to initiate these programs. Inasmuch as the Marine Corps and the Navy have not instituted an amnesty program, the young soldier and airman are given greater opportunities to overcome their drug problem than are the young sailor and marine.

The DOD has also recently initiated action to get a broad understanding of the problem. Of importance here are the studies undertaken by the Mack Task Force and the team headed by Jerome Vacek. These studies cover DOD drug abuse policy and programs. There does not exist any service-wide data on drug abuse at the present time, but it is our understanding that such a survey is under consideration. We noticed the lack of hard data at all levels of command. No hard statistics as to the extent of use or the profile of typical users or the reasons for use are available on a broad scale.

At the command level, there seems to be a growing trend toward the use of nonjudicial punishment under article 15 of the Uniform Code of Military Justice and other administrative processes, rather than courts martial, in the handling of all but the most serious drug cases. A general court martial for a drug case is almost unheard of, and Special Courts Martial and Summary Courts are used infrequently. A typical illustration is provided by the experience in the First Air Cavalry Division in Vietnam, in the disposition of marihuana cases. During 1969, there were no general courts martial, only 11 summary courts martial and 43 special courts martial, while there were 131 Article 15 cases involving marihuana. Nor were there any narcotics convictions in general courts martial in that division in either 1969 or 1970. There seem to be several reasons for this trend: (1) the considerable investigation and paperwork required to prepare for a general court martial; (2) overcrowding at the Long Binh jail; (3) the requirement that a man punitively discharged be escorted back to the United States; (4) a feeling among Staff Judge Advocates that young officers sitting on administrative boards are reluctant to approve an undesirable discharge for a drug offender; (5) a further feeling among Staff Judge Advocates that an individual must be apprehended actually in possession in order to sustain a guilty verdict in a court martial; (6) improper search and seizure procedures and failure to maintain a proper chain of custody by unit commanders.

Drug users with security clearances also present a problem. We were told that it is automatic to withhold security clearances from known drug users, even those given amnesty. We are aware of no complaints with this procedure. However, there seems to be no effective policy concerning the restoration of a security clearance to a drug user once he has been rehabilitated. When a security clearance is withdrawn from a drug user, it may be restored after rehabilitation, but as one witness testified, "Outliving a reputation and proving oneself as trustworthy may be difficult indeed."

A special problem has arisen in those overseas areas where there are heavy concentrations of military dependents, particularly in Germany. The dependents are exposed to many of the same environmental pressures that the young military man must face. The availability of drugs, the conflict with the local culture, and the absence of alternative activities are some factors cited by military psychiatrists in Germany as to why dependents might use drugs. The psychiatrists informed us that their efforts at combating the problem were primarily in the educational area. They were trying to develop curricula for the dependent's schools which would provide students with the information necessary to make mature decisions on drug use. They also were attempting programs of early identification of personality problems so that they could get emotional support to youngsters before they became victims of drug abuse.

The military has apparently resorted to another approach in dealing with drug abuse among dependents. Information received by the Subcommittee staff, principally letters from servicemen, indicates that transfer is a commonly used device to remove uniformed fathers whose teen-aged dependents have become involved with drugs. Reports have been received of threats to a father's career as being used to remove families with teenaged users from an overseas post. A civilian counselor for the Army said he had dealt with eleven cases since the summer of 1970 by use of forced retirement and reenlistment (so that return to the United States is immediate). He reported that the tactic was successful since he had had no drug problems among dependent children since September. He did acknowledge, however, that in none of the cases was the next duty station given full particulars about the real reason for reassignment, nor was help requested for the family.

V. DISCUSSION

In this section, we shall discuss certain issues, questions, and problem areas which we feel are suggested by our findings, conclusions and impressions set out in the sections above. While we recognize that the scope of our investigation was limited and that we do not have expert knowledge of statutes, policies, and regulations relating to the Armed Services and the Veterans Administration, we believe that the following discussion will be useful in forming the further consideration of these problems by the Subcommittee, the Armed Services Committee, or the various military branches.

A. Lack of hard data relating to the extent and nature of drug abuse

It is our conclusion that there is a definite lack of hard, scientific data which shows the nature and extent of drug abuse in the military. This lack has been recognized by the DOD. It has indicated to the Subcommittee that an epidemiological study of broad scope will be undertaken in the near future. We believe that such a study would be helpful for several reasons:

1. It would show the extent and nature of drug abuse activities of young men entering the military service.

2. It would show the nature and extent of drug abuse activities engaged in by servicemen while members of the Armed Forces.

3. It would indicate the personal characteristics and the external circumstances common to individuals who abuse drugs.

4. It would indicate those personal characteristics and external circumstances which are common to individuals who refrain from or cease using drugs.

This information would be extremely valuable in determining the more precise allocation of resources and the design of programs to meet specific needs as revealed in the study. We urge that this study be begun as soon as possible and on as broad a basis as possible.

B. Issues relating to the prevention of drug abuse

The discussion of the factors relating to the causes of drug abuse suggested two approaches to the programs designed to prevent drug abuse in the military: one is related to characteristics of individual drug users and the other concerns the circumstances which are present in the user's environment.

1. Prevention—Individual Factors

In the sections concerning the characteristics of the typical user and the reasons why young soldiers engage in drug abuse, some common personal factors seemed to be present. There were also indications of attributes common to the heavy or chronic user who was most likely to come to the attention of command either medically or legally. These common attributes included: age 19–22, rank E–4 or below, unmarried, low education, draftee or non-career oriented enlistee, from a broken home, and personality or characterological disorders. The most recent studies which have been done to date indicate that a significant proportion of the drug abusers being identified in the Army had engaged in drug abuse before entering the military, including some individuals who had used heroin. For example, the survey among 82nd Airborne Division troops showed: "Approximately one half of the marijuana users (who represented 64 percent of the total sample) began use prior to coming into the Army while approximately 4 out of 10 of the opiate users (who represented 17 per cent of the total sample) first used opiates prior to entering the Army. Further, there is evidence that a majority of those in the sample that are heavy drug users began their drug habit in civilian life."

This suggests that the incidence and impact of drug abuse in the military could possibly be reduced significantly by eliminating, in the induction process, those indivduals whose personal characterstics indicate that they are "drug-prone" or who are most at risk when exposed to drugs. Obviously, this approach is not without difficulty. Some candidates for induction may attempt to use alleged drug abuse to escape their obligation. Others may attempt to conceal their habits so that they may join hoping to be cured. A special problem is presented by the drug abuser in civilian life who enlists in the Army when given the choice of military service or jail by his local judge.

In addition, there are few, if any, reliable tests to determine actual drug use or those most likely to become drug abusers. The medical officers at induction stations now consider individuals under the "whole man" concept and try to weigh all relevant factors in each case to determine an individual's potential as a military man. This is clearly a difficult task.

An additional problem arises in determining what should be done with an individual if he is rejected at the induction level as a known drug user or as likely to become one. This individual, while not a risk to the military community, may present difficulties for the civilian community. So far as the Subcommittee staff could determine there is no formal mechanism for referring to civilian treatment agencies those rejected at the induction station who may desire treatment. In contrast, however, under regulations governing the operation of these stations, a candidate for induction who is infected with venereal disease is required to obtain treatment at a U.S. Health Service Hospital before reporting back to the station for further examination.

In view of the foregoing, we recommend that the Alcoholism and Narcotics Subcommittee or the Armed Services Committee immediately undertake discussions with the military to determine the feasibility of taking appropriate action based on the following questions:

a. Whether the Armed Forces should give special priority to developing reliable methods of identifying drug abusers and potential drug abusers at the Armed Forces Examining and Entrance Stations and elsewhere in the military system.

b. Whether a study should be undertaken to determine if entrance examinations can and should be made more effective in screening out drug abusers and those who are prone to drug abuse. Such a study might include an analysis of the techniques which can be used to screen such individuals, a cost-benefit analysis of such techniques, and recommendations of those techniques which might be successfully used by the Armed Forces.

c. Whether individuals who are rejected for service in the Armed Forces because of drug abuse or drug dependence should, with their consent, be referred to appropriate civilian prevention and treatment facilities. Such a determination should include a consideration of the resources available in the civilian community at large.

d. Whether the Armed Forces should establish a system for evaluating the performance of each AFEES station in screening out drug abusers. Such a system might seek to identify those AFEES stations where significant numbers of individuals have been admitted to service with undetected drug abuse and drug dependence problems which subsequently interfere with their military performance.

2. Prevention-Environmental factors

In earlier sections, there was considerable discussion of environmental factors which might lead to or foster drug abuse among military personnel. These included: lack of satisfying work; boredom; stress from combat; peer group pressure; development of a sub-culture organized around values antithetical to the military; a division between young enlisted men and "lifer" NCO's and officers; and the lack of acceptable social and recreational alternatives.

In addition, a number of factors were cited by the Air Force, particularly in Thailand, as contributed to a low drug abuse rate. These included better caliber of personnel (higher education, better motivation); high sense of job satisfaction; high ratio of officers and non-commissioned officers to enlisted personnel; no draftees; selectivity in recruiting; and acceptable recreational alternatives. Another factor which was suggested as tending to prevent or reduce the desire to participate in drug abuse was the "buddy system."

While these were presented to the staff as possible factors affecting the rate of drug abuse, we do not feel that we have sufficient information concerning these assertions to make any firm recommendation as to their validity. However, they do point the way to possible approaches which would reduce the motivation to take drugs and thereby reduce the demand for illegal drugs.

Therefore, we recommend further study of these factors, both positive and negative, to evaluate the impact they have upon drug abusers and whether positive alternatives can be developed to reduce the impact of negative elements.

C. PREVENTION-EDUCATION

The education activities which the various military branches have been presenting fall into two categories, command training and troop education. As noted above, primary emphasis is being placed upon command training, the purpose of which is to enable the command cadre to carry out legal and disciplinary functions. Education which would enable command personnel to understand the causes of drug abuse and to deal with troops before they begin drug abuse is, in the opinion of staff, generally lacking and should be strengthened. In addition, it is our impression that present educational activities directed toward the troops themselves are not effective in preventing the desire to use drugs and should be evaluated.

In view of the foregoing, we believe that the Subcommittee on Alcoholism and Narcotics or the Armed Services Committee immediately undertake discussions with the military to determine the feasibility of taking appropriate action based on the following questions:

1. Whether to shift the priority of drug abuse education from command training to troop education.

2. Whether a more intensive troop education program and permitting individual participation, would be effective in reducing drug abuse in the military.

3. Whether "Drug Abuse Suppression Teams" with expertise in effective educational techniques and a knowledge of legal, medical, and social ramifications of drug abuse, are a useful tool in meeting the drug challenge.

D. PREVENTION-LAW ENFORCEMENT

The primary question in the law enforcement field relates to the relative priority of law enforcement activities as compared to prevention programs aimed at reducing the motivation to use drugs. As noted above, the current laws relating to the use of drugs (particularly marijuana) and their enforcement do not seem to be providing any significant deterrent effect. Other factors favor a shift away from a basically law enforcement approach, particularly in Southeast Asia. The control of the supply and distribution of drugs under the ecological, economic, and political conditions in those countries is difficult. Director Ingersoll testified that he thought American troops would be gone from Southeast Asia before any significant changes were made there. The total amount of drug supplies which can be stopped seems to be limited, regardless of manpower limitations. This was recognized by the CID of the 4th Infantry Division when it provided the main impetus in establishing its amnesty program in early 1968.

Specific problems affecting the legal and law enforcement process of the military in dealing with drug abuse include: improper search and seizures by unit command personnel; failure to maintain proper chains of custody in preserving evidence; and delays in getting laboratory analysis of suspected drugs. We suggest that further emphasis be placed upon developing procedures and training programs which would eliminate these problems.

E. PROCESSING OF DRUG ABUSERS—TREATMENT AND REHABILITATION

The issue of treatment and rehabilitation of drug abusers is the most complex and difficult of all those dealt with in our investigation. There can be little doubt that drug abusers, especially those who are addicted or dependent on drugs, should receive medical treatment whether they are in the civilian or the military community.

However, the questions as to how that treatment is to be delivered to the abuser, by whom it is to be delivered, the nature of the treatment necessary, and under what circumstances it should be delivered have not been definitively answered whether in the context of the military or civilian communities. As regards the drug abuser in the military, the most difficult question is to what extent, if any, should the military treat a drug abuser found in its ranks. As previously noted, the Armed Forces have taken the position that they should undertake treatment of a drug user in the military only if he can be restored to duty within a "reasonable" time. The general position of medical practitioners and command personnel in the military is that it is not consistent with the mission of the military to undertake long-term treatment and rehabilitation.

The treatment which is now provided in the military services seems to be limited in scope and duration. The closest approach to long term rehabilitation in the military is "Operation Awareness" at Fort Bragg where the program is 12 weeks long. This experimental program is attempting to deal with hard narcotic addicts as well as those dependent on soft drugs.

Under the amnesty program, the treatment provided is minimal. It does not appear to go beyond detoxification, if necessary, and short-term psychotherapy or group therapy. This is particularly true for cases arising under the program in the Vietnam War Zone. There the conditions under which treatment is given make it extremely difficult to deal with any thing other than the acute effects of drug abuse. It would be nearly impossible to provide treatment of underlying psychological disorders while maintaining an individual in his unit under combat conditions. Another difficulty with treatment in the war zone is that any kind of treatment which would remove an individual from combat conditions would tempt many individuals to take advantage of the program solely for the purpose of avoiding combat. This would be particularly true if, as some have proposed, a central treatment facility were to be established there. Some medical personnel have also pointed out that a centralized facility is not satisfactory from a therapy point of view in that it removes the patient from his natural environment and increases the difficulty of reintegrating him into any kind of military unit.

Adding to the complexity of the treatment problem is the issue of whether or not there are adequate resources within the military to provide treatment, even under the limited responsibilities assumed by the Armed Services today. There are several factors which should be considered at this point:

1. The true extent of the drug abuse problem is unknown.

2. There is a current shortage of trained medical and mental health personnel.

3. The rotation of military personnel usually militates against the overlap of key people and the retention of personnel in a single position long enough to fully develop any treatment program.

As to the shortage of trained medical and mental health personnel, the staff was told that in September, 1970, there were only 13 Army psychiatrists in Vietnam, and only one Army and one Air Force psychiatrist in Thailand. In Europe we were told that the Army has more psychiatrists than in Vietnam, on the ground that there is a greater spread of individual installations in Europe.

The present normal tour of duty for physicians and psychiatrists in the Army is three years at one duty station except in Vietnam where it is one year. We were told, however, that DOD was contemplating recommending a five-year normal tour of these personnel.

Another issue relating to treatment and rehabilitation is whether confidentiality of communications should be preserved in all treatment and rehabilitation relationships involving the drug user who elects to seek assistance under an amnesty program.

The Department of Defense did not address this issue in its Directive 1300.12. Nor did the Army in AR 600-32. However, the Air Force, in its amnesty program, will grant "certain limited privileged communication rights."

Under current military practice, there is generally no guarantee of privileged communications between doctor and patient. This is based upon the Department of Defense position that "a military service must have, or be able to obtain, full and complete information at any time as to the physical or mental capacity of its members. A rule providing otherwise would place the military in the untenable position of having little or no idea as to the physical or mental conditions of the members of the service."

Obviously, this rule gives rise to conflict when the subject matter of the privileged communication is also illegal. It becomes particularly acute in the context of the amnesty program policy of encouraging drug users to seek treatment. This conflict was repeatedly cited as discouraging drug users from seeking help even though they were otherwise motivated to seek it. The fear of prosecution on the basis of information divulged in the course of treatment has apparently not been overcome by the guarantee of amnesty established in the program.

Medical personnel did point out, however, that "often in treatment and rehabilitation it is very important that certain people who are in important social positions be notified in order to enlist assistance in helping someone. So in that sense strict confidentiality may not be something you want to maintain, but it is the illegality which poses a major problem."

Although the amnesty policy does preclude prosecution upon the basis of information divulged by an individual when seeking medical assistance under the program, it is clear that it is not intended to prohibit the use of such information for such administrative action as removal from flying status or the revocation of a security clearance. The Air Force also indicates that such information could be used under its amnesty program to administratively discharge a drug user under honorable conditions. It also has indicated that in the case of a temporary suspension or disqualification from flying status, a one year period of abstinence would be the minimum time before restoration of such status.

In the Army the security clearance of a drug abuser is withheld automatically upon disclosure. While this withdrawal is characterized as temporary, no specific guidelines have been established to permit reinstitution of the clearance.

It should be noted that if the drug abuser does not voluntarily seek help under an amnesty program there might be no knowledge of the drug abuse and therefore the individual would retain flying status, security, clearance, etc.

The administrative processing of known drug abusers whether those participating in amnesty programs or those apprehended for drug abuse violations presents several other issues.

A major question raised by the administrative processing of drug abuse offenders, whether by Article 15 action, administrative action, or through judicial action, is the relationship between the administrative action and treatment and rehabilitation. Regardless of whether punishment or separation of a drug abuse offender is administered, the offender in many situations has physical or mental health problems related to his use of drugs. Therefore consideration must be given to providing treatment or rehabilitation to the offender as well as to the individual who voluntarily seeks assistance under the amnesty program or otherwise. Factors which should be given consideration in determining the proper disposition of an offender include:

1. Whether it is a first offense.

2. The severity of the offense (pushing vs. use).

3. The willingness of the offender to accept treatment.

4. The degree of physical addiction or psychological dependents upon the drug.

5. The evaluation of the severity of any underlying psychological problems.

6. The length of service of the offender and the length of time left in his current obligation.

Another problem arises in the cases of those who have actually been separated from the military for drug offenses. We were presented with some evidence that those who are separated with anything less than an honorable discharge are subjected to discrimination when re-entering civilian life. This can be particularly difficult for the drug offender as he has characterological problems which make him a marginal individual in society anyway. A discharge other than honorable places one more barrier in his way. However, it was the position of some military personnel that the discharge is an assessment of the job performance of the individual in his military function and therefore no modification in policy would be appropriate to alleviate the burden of the drug offender.

Another issue worthy of mention is the military dependent and drug abuse. The primary place where we came into contact with dependent use was in Germany. We heard reports of administrative action (early retirement, transfer, loss of quarters) being taken against a parent because of his child's use of drugs. We learned of drug education and prevention efforts being made by dependent schools and medical personnel. We would recommend, however, that the problem of drug use among dependents and programs designed to combat that problem be given further study and evaluation.

Because of the interrelationship between treatment and rehabilitation, and administrative processing of drug abusers, we believe that the Subcommittee on Alcoholism and Narcotics or the Armed Services Committee should immediately undertake discussions with the military to determine the feasibility of taking appropriate action based upon the following questions:

1. Whether it is feasible for the Defense Department to establish a comprehensive, integrated, and mandatory policy under which servicemen who are drug dependent or drug addicts are provided treatment and rehabilitation within the military service.

2. Whether it is feasible for the Defense Department to establish a program whereby a drug offender who desires medical treatment can receive it within the military.

3. Whether a program can be developed whereby servicemen identified as drug dependent persons or drug addicts can be separated from the military and provided with treatment, if necessary, in the civilian community.

4. Whether it is feasible to consider such actions as postponement of trial or disciplinary proceedings, suspension of sentence, or other devices commonly used in civilian courts, as alternatives or in lieu of prosecution of drug dependent persons or drug addicts.

5. Whether absolute confidentiality in privileged communications is necessary or feasible within the meaning of amnesty programs.

6. Whether guidelines can be developed to permit the restoration of flying status, security clearance or other privileged status, within a reasonable time after rehabilitation.

7. Whether treatment and rehabilitation efforts should be carried out in central treatment facilities, within the context of a local unit or both.

8. Whether drug dependent persons or drug addicts should be granted non-punitive discharges and be eligible for all or some veterans benefits.

9. Whether the Veterans Administration should give priority to increasing its capability to care for drug dependent persons or drug addicts.

10. Whether military medical manpower can be allocated so that continuity is preserved in treatment and prevention programs.

11. Whether it is feasible to allocate greater manpower and monetary resources to all ele-

ments of the military which deal with drug abuse.

12. Whether it is feasible to give priority to peer group participation and the use of ex-addicts in prevention, treatment and rehabilitation programs.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. HUGHES. I yield.

Mr. MANSFIELD. Mr. President, I commend the distinguished Senator from Iowa for once again taking the initiative in a field which is of transcendent importance.

We have been hearing a great deal from congressional sources about the rise in the drug problem in Indochina, and perhaps in Southeast Asia as a whole, and we are becoming aware of what this means to us in more ways than one.

I recall the interest of the distinguished Senator from Iowa in going down to Fort Bragg some months ago to look into the drug treatment program as it affected, I believe, members of the airborne troops at that base. If I recall correctly, the Senator was very pleased with the attitude of the commanding officer there, and the attempts which he was making to try to bring about rehabilitation of those who had become addicted to drugs—many of them to the hard-type heroin and the like.

The Senator has now become the chairman of a committee which will be able to look into this matter more thoroughly. I anticipate that the kind of job which the distinguished Senator from Iowa will do will be one which is long overdue, which will be welcomed by the Senate and the country as a whole, and which will help to point a way toward a solution of this problem, which is growing not better but worse with the passage of time, and which will affect not only the military, as it does at the moment, but in time will affect the population as a whole.

Again I commend the distinguished Senator for his initiative in this most important and delicate field.

Mr. HUGHES. I think the Senator from Montana.

Mr. BYRD of Virginia. Mr. President, I wish to join with the distinguished majority leader in commending the thoughtful and able Senator from Iowa for his work in regard to the drug problem in our Armed Forces. I do not know of any subject more important for congressional consideration than the accelerated use of drugs in the Armed Forces. It presents a grave danger to our Armed Forces. As a Senator and as a citizen, I am very glad that the conscientious, dedicated, and able Senator from Iowa is chairing a committee to delve deeply into this problem.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes.

VERMONT GRANTS FULL CITIZENSHIP TO 18-YEAR-OLDS

Mr. AIKEN. Mr. President, I wish to bring to the attention of the Senate an important event which occurred in the State of Vermont on Friday, April 16.

In a very real sense it is historic, and entirely in keeping with the long record Vermont has for providing leadership to our Nation.

Last Friday the Governor of Vermont signed into law a bill giving 18-year-olds all rights and responsibilities of citizenship.

Under this new law, the first of its kind in the Nation, Vermont's young men and women between the ages of 18 and 21 may vote, drink, marry and make contracts. I would also suggest that the U.S. Constitution be changed so that they may become Members of the House and Senate.

It is appropriate that Vermont should be the first State in the Nation to accord full majority rights to these young people, for our State has many "firsts" to its credit.

Vermont was the first State to abolish slavery.

It was the first to establish a complete public school system, from the primary grades through college.

Vermont was also the first State to establish a normal school for teacher training.

Vermont was the first to cooperate with the Federal Government in all five phases of the Social Security Act; and the first to establish an effective 39-week period for unemployment compensation.

Vermont has innumerable other "firsts" to its credit, to be sure, but the ones I have cited clearly indicate the vision and foresight of the people of Vermont.

By this latest action the Vermont Legislature, true to its tradition, has charted a course other States will surely take before very long.

The young people of today are better prepared to take their places in the social, economic, and political world than those of us who came before them.

They are acutely responsive to the problems of these difficult times.

They want to share in the responsibilities of citizenship and they are eminently qualified to be regarded as adults in every sense of the word.

I am proud that my State not only adopted a resolution calling for a change in the Constitution to allow 18-year-olds to vote in national elections, but also followed this move through to its logical conclusion—full legal citizenship.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. AIKEN. I yield.

Mr. MANSFIELD. Mr. President, I am not at all surprised that, once again, Vermont has taken an initiative on its own, because it has many precedents on which to base its actions of the moment. But I think it should be called to the attention of the Senate that the distinguished senior Senator from Vermont, while he was Governor of that State, was responsible for a good number of these firsts.

It is good to know that a State like Vermont will face up to realities and get away from the taboos and tackle the substance.

I fully approve of the kind words the distinguished Senator had to say about his State, because I think we ought to bring these youngsters into the system all the way and not look for dodges and delays by means of which certain aspects can be done away with.

So, all honor to Vermont and all honor to the distinguished Senator from Vermont, the ranking Republican Member of this body.

Mr. AIKEN. I thank the Senator from Montana for his very generous remarks.

THE CITIZENSHIP OF ROBERT E. LEE

Mr. BYRD of Virginia. Mr. President, on March 10, I introduced Senate Joint Resolution 68, to restore posthumous citizenship to Robert E. Lee.

This action was prompted by the recent discovery of General Lee's oath of allegiance to the Union. He himself had sought the restoration of his citizenship, but because of the lost oath, General Lee died without being possessed of the full rights of citizenship.

Even though 101 years have elapsed since General Lee's death, I believe that the discovery of this oath which evidenced General Lee's strong desire, should prompt Congress, at long last, to remove the final barriers to the full citizenship of this great American.

On March 19, 11 members of the Virginia congressional delegation sent a letter to President Nixon, asking that an Executive order be entered to restore General Lee's citizenship. I alone, among the Virginia delegation, did not sign this letter, but concurrently, I wrote the President, and stated:

> If a full restoration of General Lee's rights as a citizen of the United States can be effected by Presidential action. I would most definitely favor it. If a Presidential restoration is barred by the Third Section of the 14th Amendment, as I am advised by competent counsel, it would appear to me that legislation must be enacted.

On April 14, Mr. John W. Dean III, Counsel to the President, replied, supporting my position that legislation is needed due to the provisions of the third section of the 14th amendment.

I hope that the Senate will be able to act favorably upon this matter in a short period of time.

I have been gratified by the widespread response to this bill. My office has received favorable comment from all parts of the country, and even Canada. Editorials of support have appeared in:

The Coshocton, Ohio, Tribune.
The Danville, Ill., Commercial News.
The Salem, Ohio, News.
The Columbus, Ind., Republic.
The Meridian, Miss., Star.
The Ridgway, Pa., Record.
The Ashland, Ohio, Times-Gazette.
The Washington, D.C., News.
The Norwich, N.Y., Sun.
The Annapolis, Md., Capital.
The Malden, Mass., News.
The Jacksonville, Ill., Courier.
The Texarkana, Ark., Gazette.
The West Covina, Calif., Tribune.
The Three Rivers, Mich., Commercial
The Medford, Mass., Mercury.
The Melrose, Mass., Evening News.
The Lufkin, Tex., News.
The Clarksville, Tenn., Leaf Chronicle.

The Jacksonville, Ill., Journal.
The Erie, Pa., News.
The Waco, Tex., News-Tribune.
The Oklahoma City Journal.
The Killeen, Tex., Herald.
The Steubenville, Ohio, Herald-Star.
The Bowling Green News.
The East Liverpool, Ohio, Review.
The Belleville, Ill., News-Democrat.
The Cambridge, Ohio, Jeffersonian.
The Norristown, Pa., Times-Herald.

Mr. President, I ask unanimous consent to have printed in the Record editorial comment from six other newspapers, copies of the Virginia delegation's letter to the President, as well as my own, the White House Counsel's reply to that correspondence, and an article on General Lee's citizenship by Col. Thomas H. Reese, USA, printed in volume 50 of the Military Law Review of October 1970.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Pomona (Calif.) Progress-Bulletin, Mar. 30, 1971]

Let's Right Wrong

Sen. Harry F. Byrd, D-Va., has introduced a resolution in the Senate to restore posthumously the citizenship of Robert E. Lee, who lost it when he rebelled against the Union.

This is not the first attempt that has been made to restore the citizenship of the Confederacy's greatest general, but all previous efforts have foundered on the fact that there was no proof that Lee had ever complied with the requirements of amnesty by swearing "to support, protect and defend the Constitution of the United States."

There is no longer any reason not to correct this historic wrong. Archivists recently discovered Lee's amnesty oath among dusty State Department records.

The full story is told by Elmer Oris Parker in "Prologue," the journal of the National Archives.

In May or June, 1865, Lee learned of President Andrew Johnson's offer of amnesty "to induce all persons to return to their loyalty." He immediately informed Gen. Ulysses S. Grant that he wanted to comply with the provisions of the proclamation and enclosed "the required application."

His action was premature, however, for it was not accompanied by an oath of allegiance to the United States. Grant attempted to justify the absence of the oath to the president by explaining that the order requiring it had not reached Richmond when Lee's application was forwarded. He earnestly recommended that amnesty and pardon be granted his former adversary.

In the meantime, Lee had been elected president of Washington College (now Washington and Lee University). On October 2 in Lexington, Va., he was inaugurated at the college and also subscribed to the amnesty oath, fully expecting to be pardoned and restored to full citizenship.

This never happened. Secretary of State William H. Seward gave Lee's application to a friend as a souvenir and the oath of allegiance was evidently pigeonholed. Lee's oath, duly executed, signed and notarized, was to lie buried in the nation's archives for more than a century.

[From the Montgomery (Ala.) Journal, Mar. 31, 1971]

Robert E. Lee

Like all Americans who take up arms against the United States, Robert E. Lee, commander of the Confederacy's Army of Northern Virginia in the Civil War, was stripped of his citizenship.

Four months after Appomattox, however, Lee renewed his oath of allegiance to the nation he had fought against out of what he painfully concluded was a higher loyalty to his state and his region. His full citizenship was never restored because, according to Senator Harry F. Byrd Jr. of Virginia, notification of Lee's renewed allegiance was never conveyed to President Andrew Johnson.

Byrd has introduced a resolution restoring, posthumously, the citizenship of Robert E. Lee.

The resolution deserves the unanimous support of both houses of Congress. The renewal of that oath was no mere accommodation on Lee's part. On the contrary, he spent his remaining years after the war teaching and preaching united Americanism to his students at Washington College, now Washington and Lee.

Although, like most Confederate veterans, Lee was pressed for money, he adamantly refused to write his memoirs for fear of their being used by some people to continue the Civil War by other means.

Like most great men, the stories and legends about Lee are myriad, but there is one that has always been our favorite: Some years after the war, walking down the streets of Richmond, Lee was reproached by a friend after he had doffed his hat in return to a similiar greeting by an old Negro man. "How can I," Lee asked his friend, "afford to be less polite than he is?"

[From the Washington Star, Mar. 26, 1971]

Citizen Lee

Like all Americans who take up arms against the United States, Robert E. Lee, commander of the Confederacy's Army of Northern Virginia in the Civil War, was, it is said, stripped of his citizenship. (For an interesting discussion of this question, see the Letters column).

Four months after Appomattox, however, at Lexington, Virginia, Lee renewed his oath of allegiance to the nation he had fought against out of what he painfully concluded was a higher loyalty to his state and his region. His full citizenship was never restored because, according to Senator Harry F. Byrd Jr., notification of Lee's renewed allegiance was never conveyed to President Andrew Johnson.

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The resolution deserves the unanimous support of both houses of Congress. The renewal of that oath at Lexington was no mere accommodation on Lee's part. On the contrary, he spent his remaining years after the war teaching and preaching united Americanism to his students at Washington College, now Washington and Lee. Although, like most Confederate veterans, Lee was pressed for money, he adamantly refused to write his memoirs for fear of their being used by the Southern movement to continue the Civil War by other means.

Without Lee's cooperation, that movement did indeed continue and has only lost its energy in quite recent years. One excellent reason to restore Lee's citizenship is the hope that the gesture will recall to Southerners the lesson of reconciliation taught by their great leader.

Robert E. Lee has been dead a few months more than a century. It is time he was restored to the America he served with honor and distinction for three decades before the Civil War, and for the rest of his life after it.

[From the Newark (N.J.) News, Mar. 13, 1971]

Citizen Lee

The Civil War, as wars do, left a number of injustices. Sen. Harry F. Byrd of Virginia has moved to remove one of them by asking that citizenship be restored posthumously to Gen. Robert E. Lee.

A two-thirds vote of Congress is required to restore citizenship to any Army officer who rebels against the United States. The senator says that Gen. Lee took an oath of allegiance to the infant Union in 1865, five years before his death.

In these days when countless individuals violate the law in the name of personal belief, it would seem that Congress could do worse than to satisfy Sen. Byrd's petition.

[From the Chicago News, Mar. 15, 1971]

Citizen Lee

Virginia's Sen. Harry F. Byrd Jr. has discovered that the Union never did restore citizenship to Gen. Robert E. Lee, commander of the Confederate forces, and he thinks it's time justice was done. Byrd says Lee signed a required oath of allegiance after the Civil War ended, but somehow it never reached President Andrew Johnson.

It shouldn't be hard to get the two-thirds vote needed in Senate and House to pass Byrd's resolution. Resentment against the gentlemanly insurgent should have vanished long ago. And alas for Lee, citizenship won't have much practical advantage. It's too late for him to vote anywhere, unless it's in Chicago.

[From the Omaha World-Herald, Mar. 23, 1971]

Citizen Lee

Sen. Harry F. Byrd Jr. of Virginia has introduced a resolution which would restore full citizenship, posthumously, to Gen. Robert E. Lee.

It is not generally known that Lee was a man without a country when he died in 1870. His request for amnesty and pardon had been ignored by President Andrew Johnson, even though it bore the warm endorsement of Ulysses S. Grant.

Attempts have been made at various times to restore Lee's citizenship, but they always have run aground because it could not be shown that Lee ever had formally pledged allegiance to the Union after the Civil War.

Lately, however, researchers have discovered in the National Archives a signed oath rendered by Lee Oct. 2, 1865, the day he took office as president of what is now Washington and Lee University. The oath apparently had been lost in some bureaucrat's pigeonhole.

The absence of the formal oath never should have stood in the way of Congress in correcting this injustice to Lee's memory. He showed in many ways that he was a good and true citizen. Now that the last obstacle seems to have been removed, Congress can complete its century-old unfinished business.

House of Representatives,
Washington, D.C., March 1, 1971.

The President,
The White House,
Washington, D.C.

Dear Mr. President: The Virginia Delegation believes that General Robert E. Lee should have his citizenship restored posthumously, and we respectfully urge that you take the necessary action to execute a pardon for him, on the basis of recently discovered information that he took all steps necessary to petition for such a pardon, and that this application was never considered during his lifetime.

Mr. Elmer O. Parker, of the Old Military Records Division of the National Archives, wrote an article which appeared in "prologue", the Journal of the National Archives—Winter 1970, page 181, entitled "Why Was Lee Not Pardoned?", in which he reveals that archivists have discovered that General Lee did, contrary to popular belief, take all steps necessary to make him eligible for pardon on the basis of President Andrew Johnson's proclamation of May 29, 1865 "to induce all persons to return their loyalty".

Mr. Parker writes that General Lee, on learning of the President's proclamation, immediately advised General Ulysses S. Grant that he wanted to comply, and filed the necessary application. Unfortunately, it was not in order because he had not sworn an oath of allegiance, and in spite of General Grant's urging, the application was denied and Secretary of State William H. Seward gave the application to a friend as a souvenir. After being informed that the oath was required, General Lee executed, signed and had notarized such an oath, but it apparently never reached the President, and was only recently found among the State Department records in the National Archives.

We believe General Lee was unjustly denied pardon in light of years of outstanding service to his country prior to the secession of his native state, and many years of devoted service as president of one of Virginia's finest institutions of higher learning thereafter. We respectfully request, therefore, that you evaluate his lifetime of service and find him eligible for pardon.

Respectfully yours,

Harry F. Byrd, U.S. Senate; Thomas N. Downing, Member of Congress, First District; David E. Satterfield, Member of Congress, Third District; W. S. (Dan) Daniel, Member of Congress, Fifth District; J. Kenneth Robinson, Member of Congress, Seventh District; William C. Wampler, Member of Congress, Ninth District.

William B. Spong, U.S. Senate; G. William Whitehurst, Member of Congress, Second District; Watkins M. Abbitt, Member of Congress, Fourth District; Richard H. Poff, Member of Congress, Sixth District; William L. Scott, Member of Congress, Eighth District; Joel T. Broyhill, Member of Congress, Tenth District.

U.S. Senate,
Washington, D.C., March 18, 1971.

The President,
The White House,
Washington, D.C.

My Dear Mr. President: If a full restoration of General Lee's rights as a citizen of the United States can be effected by Presidential action, I would most definitely favor it. If a Presidential restoration is barred by the Third Section of the 14th Amendment, as I am advised by competent counsel, it would appear to me that legislation must be enacted.

General Lee personally sought restoration of his citizenship. Such action today could not increase the esteem in which General Lee is held by Americans of all sections of of our nation, but it would serve to emphasize that the United States is indeed one nation, a nation that lists as two of its greatest sons President Lincoln and General Lee.

I concur in the sentiments expressed by my Virginia colleagues in the Congress in the attached letter.

With best wishes, I am

Sincerely,

Harry F. Byrd, Jr.

The White House,
Washington, April 14, 1971.

Hon. Harry F. Byrd, Jr.,
U.S. Senate,
Washington, D.C.

Dear Senator Byrd: I have been requested to review the request made by the entire Virginia Congressional Delegation that the President grant General Robert E. Lee a posthumous pardon and restore his rights as a citizen of the United States.

Our research reveals that on December 25, 1868, President Andrew Johnson issued a Proclamation which granted full pardon and amnesty, "unconditionally and without reservation, to all and to every person, who directly or indirectly, participated in the late insurrection or rebellion. . . ."

This action would have effected a complete restoration of full rights and privileges to General Lee except for the fact that the 14th Amendment to the Constituion, passed on July 21, 1868, provided in Section 3 that unless the disability were removed by a vote of two-thirds of Congress, no person could hold any federal or state civil or military office if, having previously taken an oath to support the Constitution of the United States, he thereafter had engaged in the rebellion against the United States.

The legislative history and writings of that time are clear and convincing that the intention of Section 3 was that the disabilities contained therein could not be affected by the Presidential power of Executive Clemency. Thus, when General Lee died on October 12, 1870, his civil rights had been restored to the fullest extent of the Presidential pardoning power.

It should also be observed that after General Lee's death, on June 8, 1898, Congress enacted legislation which removed the disability imposed by Section 3 of the 14th Amendment. The House of Representatives Report 1407, 55th Congress, Second Session, in discussing the need to remove the disability, observed that "It is to be regretted that it was ever in the mind of any person that such extreme measures were necessary." However, a reading of the legislative history supports the conclusion that this Act was not intended to have any posthumous effect but rather it was directed to removing the disability as to "those once engaged in rebellion . . . before they all pass away . . . and while some of them are left. . . ."

Based on the foregoing, it is our conclusion that General Robert E. Lee did not die possessed of any disability from which President Nixon could now relieve him, and that Congressional action is required to posthumously restore to him full rights and privileges of citizenship.

It is regretted that the President cannot be of assistance to you and your Virginia colleagues in the Congress in your efforts to honor the distinguished son of your State and of the United States.

Sincerely,

John W. Dean III,
Counsel to the President.

ROBERT EDWARD LEE—NO CITIZEN HE*

(In this comment the writer suggests that in view of Robert E. Lee's significant contribution to his country, and in view of the amnesty given to other principals in the Confederacy after the Civil War. General Lee should be restored posthumously to full citizenship.)

I. INTRODUCTION

Born on 19 January 1807 at "Stratford," the family estate in Westmoreland County, Virginia, Robert E Lee graduated second in his class from the United States Military Academy in 1829. He served in the Mexican War as a captain, distinguishing himself and winning the esteem and admiration of General Winfield Scott, USA, and later became the ninth Superintendent of his alma mater at West Point.

On 18 April 1861, Francis Preston Blair, who had been authorized by President Abraham Lincoln to "ascertain [Lee's] feelings and intentions," offered him the field command of the United States Army, which he declined.[1] Resigning his commission two days later as "Colonel of the 1st Regt. of Cavalry," U.S. Army, he became on 6 February 1865 Commander of the Army of Northern Virginia,[2] which he commanded ably and valiantly in a losing cause. He surrendered his command to General U. S. Grant at Appomattox Court House on 9 April 1865.

II. LOSS OF CITIZENSHIP

Despite being indicted on 7 June of the same year for treason against the United States,[3] he applied six days later for a pardon as had been specified in President Andrew Johnson's amnesty proclamation of 29 May 1865.[4] The letter of application reads:

"Richmond, Va., *June 13, 1865.*

"His Excellency Andrew Johnson,
"President of the United States.

"Sir: Being excluded from the provisions of the amnesty and pardon contained in the proclamation of the 29th ult., I hereby apply for the benefits and full restoration of all rights and privileges extended to those included in its terms. I graduated at the Military Academy at West Point in June, 1829; resigned from the United States Army, April, 1861; was a general in the Confederate Army, and included in the surrender of the Army of Northern Virginia, April 9, 1865. I have the honor to be, very respectfully,

"Your obedient servant,

"R. E. Lee."[5]

The individual pardon was never granted, and on 15 February 1869 it was made a matter of record that no further action would be taken in the treason indictment of General Robert Edward Lee.[6] "The Gray Fox" died on 12 October 1870, disbarred from full citizenship.[7]

III. SUBSEQUENT VENERATION OF GENERAL LEE

Twelve states of the Union have made the anniversary of the birth of Robert E. Lee a legal holiday.[8] After his death, Washington College, by vote of its trustees, changed its name to Washington and Lee. The Commonwealth of Virginia has placed a statue of him in Statuary Hall in the National Capitol, and another statue adorns the rotounda of the State House in Richmond. A stained glass window in his honor has been placed in Saint Paul's Episcopal Church in Richmond, Virginia, and astride his famous war horse "Traveller" he views the ground over which Pickett made his famous charge at the battle of Gettysburg in July 1863.

On 19 January 1952 the second major event of the Sesquicentennial of the Military Academy at West Point honored "one of its most distinguished graduates,"[9] when a portrait of Robert E. Lee in his Confederate uniform as the head of the Confederate Armies was unveiled in the Main Room of the Military Academy Library beside one of General U.S. Grant to "symbolize the end of sectional differences in our country. . . ."[10] "In a sense, the ceremony was to represent West Point's welcoming home of one of its favorite sons."[11]

In honoring this famous man, the United States Navy named one of its nuclear powered fleet ballistic missile submarines, the SSBN 601, the *Robert E. Lee*. This despite the fact that President Abraham Lincoln, on 12 June 1863, in a letter to "Erastus Corning and Others," wrote: "Gen. Robert E. Lee [and other general officers of the Confederacy] now occupying the very highest places in the rebel war service, were all within the power of the government since the rebellion began, and were nearly as well known to be traitors then as now. . . ."[12] Today, the *Robert E. Lee* sails in defense of the security of America in company with another such submarine, the SSBN 602, christened the *Abraham Lincoln*.[13]

Yet authorities still say Lee is barred from full citizenship.

IV. ATTEMPTS TO RESTORE GENERAL LEE TO CITIZENSHIP

On 17 January 1957, nearly 88 years after the death of General Lee, Senator Homer E. Capehart of Indiana, in discussing the status of the citizenship of R. E. Lee, remarked on the floor of the Senate of the United States

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Footnotes at end of article.

on a joint resolution to commemorate the 150th anniversary of the birth of General Lee: "He died October 12, 1870, still denied the right to hold office either civil or military, the right to serve on any jury, and certain other rights inherent in American citizenship. . . ."[14]

(Senator Capehart then proceeded to present the historical outline of the citizenship status of Robert E. Lee.)

A request for senatorial resolution to correct the civil status of Robert E. Lee at the time of his death October 12, 1870

After the close of the war of 1861–65, Robert E. Lee was the outstanding figure in the South. His attitude and opinions were more generous and farsighted than the belligerent and antagonistic feelings then existing in the South. His plea in brief:

"The issue between the States has been decided by war. Let us abide by that decision.

"I believe it to be the duty of every man to unite in the restoration of the country and the reestablishment of peace and harmony. These considerations governed me in the counsels I gave to others, and induced me on the 13th of June to make application to be included in the terms of the amnesty proclamation."

Lee did not apply for full pardon after President Johnson's first amnesty proclamation of May 29, 1866 [*sic*, 1865]. . . . Generals Grant and Meade, both recognizing Lee's influence throughout the South, urged him to do so. On June 13, 1866 [*sic*, 1865] . . . Lee's application was sent to General Grant who forwarded it to President Johnson—"With the earnest recommendation that this application . . . be granted him." No action, however, was ever taken.

Lee's situation during the four proclamations of President Johnson

"Proclamation I (May 29, 1866) [*sic*]

"To all persons engaged in rebellion, amnesty and pardon, with restitution of property, except slaves, provided they took the oath prescribed. Except—

1. Civil or diplomatic officers of the Confederacy who left judicial stations under the United States.
2. Officers above the rank of colonel.
3. United States Congressmen who left their seats in Congress.
4. Those who resigned the United States Army or Navy.
5. Those who treated prisoners unlawfully.
6. Those absent from the United States aiding rebellion.
7. Military and naval officers educated at West Point.
8. Governors of seceding States.
9. Citizens who left the United States and went into the Confederacy to aid rebellion.
10. Those destroying commerce on the seas or making raids in the Confederacy to aid rebellion.
11. Prisoners of war or under bonds as such.
12. Those voluntarily participating in rebellion and the estimated value of whose property is over $20,000.
13. Those who have not kept their former amnesty oath." Appendage: Special application may be made to the President by persons belonging to the excepted classes and clemency will be liberally extended.

Lee's situation [was] entirely excluded.

"Proclamation II (September 7, 1866) [*sic*, 1867] . . .

"Full pardon and amnesty to all, except:

1. President, Vice President, heads of departments, foreign agents, those above the rank of brigadier general, those above the naval rank of captain, State governors.
2. All persons who in any way treated otherwise than as prisoners of war persons who in any capacity were employed in the military or naval service of the United States.
3. All who were actually in civil, military, or naval confinement, or legally held to bail, either before or after conviction."

The above left Lee and some 300 other persons excluded.

"Proclamation III (July 4, 1868)

"Universal amnesty and pardon, without oath, to all except such persons as may be under presentment or in indictment in any court of the United States having competent jurisdiction upon a charge of treason or other felony.

"To all others—unconditionally and without reservation, a full pardon and amnesty, with restoration of all civil rights or property, except as to slaves, and except also as to any property of which any person may have been legally divested under the laws of the United States."

The above left R. E. Lee, Jefferson Davis, John C. Breckenridge, Simon B. Buckner, and a few others unpardoned.

"Proclamation IV (December 25, 1868)

"Unconditionally and without reservation, to all and to every person, who directly or indirectly, participated in the late insurrection or rebellion, a full pardon and amnesty for the offense of treason against the United States."

The above would have restored full right and privilege to Robert E. Lee had not the 14th amendment to the Constitution been passed on July 21, 1868.

The 14th amendment to the Constitution (July 21, 1868):

"Sec. III. No person shall be a Senator, or Representative in Congress or elector of President or of Vice President, or hold any office, civil or military under the United States, or under any State, who, having previously taken an oath as a Member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability."

Lee did not live to be completely restored to full rights of citizenship under the amnesty bill, passed by Congress June 8, 1898, which repealed section III of the 14th amendment. At the time of his death, October 12, 1870, his situation was as follows: He could vote. He could not hold any civil or military office, serve on any jury, serve as administrator of the Custis estate of Arlington to which he was appointed before the war.

Since the entire Nation, North, East, West, and South, does now honor and respect Robert E. Lee as one of the finest of American gentlemen and is proud to have produced a man of such lofty character, we do therefore entreat that the Senate of the United States, in commemoration of the 150th anniversary of Robert E. Lee's birth, January 19, 1807, resolve to extend posthumously, full rights of citizenship, without exception, to Robert E. Lee and to make such resolution retroactive to the date of his application for pardon, June 13, 1866 [*sic*].

We then, in all parts of the Nation, can claim him as one of our own and, in all honor, pay him this tribute.

THE CIVIL WAR ROUND TABLE.

INDIANAPOLIS, IND.[15]

This joint resolution failed of enactment in the Congress of the United States.

Six years went by without apparent effort by anyone to clarify his citizenship status. Then, on 21 March 1963, Representative James H. Quillen of Tennessee introduced H.R. 5089 in an effort to grant, posthumously, to the late General Robert E. Lee of Virginia, restoration to full rights of United States citizenship.[16] This resolution, which was referred to the Judiciary Committee of the House, died there.

Another seven plus years have rolled by, and research reveals that the status of General Lee's United States citizenship still remains unsettled. He is still barred from full citizenship.

V. CONCLUSION

In concuding his remarks, on 17 January 1957, in the U.S. Senate, Senator Capehart stated in pertinent part as follows:

"As I say, I was amazed that General Lee had not had his citizenship restored. Since General Lee's time we have had four wars, the Spanish-American War, World War I, World War II, and the Korean War. [Now the fifth—Vietnam.]

"I have been in the United States Senate for 12 years, and during that time I have heard speeches lauding persons from foreign countries, who had been enemies of the United States, and the Senate applauded those persons when they visited the Chamber. I am not complaining about that. I want that definitely understood. However, I could not understand it when I was told that General Robert E. Lee had not had his right restored, including the right to hold office and the right to serve on a jury; and I felt that something ought to be done about it."[17]

I do, too.

THOMAS H. REESE.[18]

FOOTNOTES

*The opinions and conclusions presented are those of the author and do not necessarily represent the views of The Judge Advocate General's School or any other governmental agency.

[1] RECOLLECTIONS AND LETTERS OF GENERAL ROBERT E. LEE 27–28 (1924).

[2] F. B. HEITMAN, HISTORICAL REGISTER OF THE UNITED STATES ARMY 406.

[3] IV D. S. FREEMAN, R. E. LEE 202, n.38 (1934).

[4] II–8 OFFICIAL RECORDS OF THE WAR OF THE REBELLION 578–80 (1899). *See also* VI J. D. RICHARDSON, MESSAGES AND PAPERS OF THE PRESIDENTS 310–12 (1897).

[5] D. S. FREEMAN, *supra* note 3, at 204.

[6] *Id.* at 381.

[7] *Id.* at 382.

[8] G. W. DOUGLAS, THE AMERICAN BOOK OF DAYS 43 (1948). The states are: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia.

[9] C. L. FENTON, CHAIRMAN, THE SESQUICENTENNIAL OF THE UNITED STATES MILITARY ACADEMY 38 (1953).

[10] *Id.*

[11] *Id.* at 40.

[12] VI THE COLLECTED WORKS OF ABRAHAM LINCOLN 265 (1953).

[13] JANE'S FIGHTING SHIPS 1969–1970 390 (R. Blackman ed.) (a picture of the Lees appears at 387 and the Lincolns at 391).

[14] S.J. Res. 34, 85th Cong., 1st Sess., 103 CONG. REC. 723 (1957).

[15] *Id.* at 724.

[16] U.S. LIBRARY OF CONGRESS, LEGISLATIVE REFERENCE SERVICE, DIGEST OF PUBLIC GENERAL BILLS AND SELECTED RESOLUTIONS, 88th Cong., 1st Sess. E–268 (col. 2) (1963).

[17] *Supra* note 15,

[18] Colonel, JAGC, U.S. Army; Executive, Office of The Judge Advocate General; B.S., 1942, J.D. 1948, University of Utah; M.S., 1966, George Washington University. Admitted to practice before the bars of the State of Utah, the Supreme Court of the United States, and the United Court of Military Appeals.

QUORUM CALL

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENTSEN). Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore (Mr. BYRD of West Virginia) laid before the Senate the following letters, which were referred as indicated:

REPORT OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND

A letter from the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund, transmitting, pursuant to law, the 1971 Annual Report of the Board of Trustees (with an accompanying report); to the Committee on Finance.

REPORT OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE AND DISABILITY INSURANCE TRUST FUNDS

A letter from the Board of Trustees, Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds, transmitting, pursuant to law, the 1971 Annual Report of the Board of Trustees (with an accompanying report); to the Committee on Finance.

REPORT OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND

A letter from the Board of Trustees of the Federal Hospital Insurance Trust Fund, transmitting, pursuant to law, the 1971 Annual Report of the Board of Trustees (with an accompanying report); to the Committee on Finance.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on measures needed in the Departments of the Army and the Navy to ensure compliance with contract specifications in construction of military facilities (with an accompanying report); to the Committee on Government Operations.

PROPOSED LEGISLATION TO EMPLOY ALIENS IN A SCIENTIFIC OR TECHNICAL CAPACITY

A letter from the Assistant Secretary of the Interior, submitting a draft of proposed legislation to authorize the Secretary of the Interior to employ aliens in a scientific or technical capacity (with accompanying papers); to the Committee on Interior and Insular Affairs.

PETITION

A petition was laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. BYRD of West Virginia):

A joint resolution of the General Assembly of the State of North Carolina; to the Committee on Finance:

"HOUSE JOINT RESOLUTION 574

"A joint resolution memorializing the President and the Congress to take steps necessary to restore order to international trade in textiles and apparel and commending the President for his rejecting the unsatisfactory Japanese proposal to unilaterally restrain textile exports to the United States

"Whereas, the importation of textiles and apparel from foreign nations is seriously undermining the whole economic structure of the State of North Carolina, and

"Whereas, thousands of North Carolinians have lost their jobs or, because of short-time operations, are earning below their normal wages, and

"Whereas, the revenues of the State are seriously jeopardized, which may result in a decrease of services, thereby affecting all citizens in the State, and

"Whereas, foreign competition markets its textiles and apparel in this country under conditions which are illegal in the State of North Carolina and the United States, and

"Whereas, the Japanese have offered a most unsatisfactory proposal to restrain, unilaterally, its textile and apparel exports to the United States, and

"Whereas, the Japanese proposal has been rejected by the President of the United States, by many Members of Congress, including Senators and Representatives from North Carolina, by the American Textile Manufacturers Institute, by the North Carolina Textile Manufacturers Association, by numerous newspaper editorials, and by many others, and

"Whereas, the textile markets of the United States are virtually wide open to foreign imports while many of the governments representing the major textile exporters to this country rigidly protect their own markets against American textile exports, and

"Whereas, in the United States we have numerous laws and regulations which affect the cost of American textiles while our foreign competitors are not subject to any such regulations by their governments, and

"Whereas, the recent Japanese offer is based upon imports at the highest level in history, and

"Whereas, the Japanese plan destroys the vitally important concept of categories and government-to-government agreements, and

"Whereas, the percentage growth rate under the Japanese proposal would be nearly double the percentage growth rate of the American textile industry since World War II, and

"Whereas, the Japanese proposal would undercut the long-term arrangements on cotton textiles that have been in effect for ten years, and

"Whereas, the wages in the American textile industry are approximately two dollars an hour more than they are in the Japanese textile industry, with the difference being considerably more in some other Asian nations, and

"Whereas, the General Assembly and the people of North Carolina are not willing to see these most unfair conditions continue to weaken their largest industry which, together with its numerous suppliers and related industries, have been good responsible corporate citizens over the years, and

"Whereas, these unfair conditions have largely been created by a combination of policies of our Federal Government: Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

"Section 1. That the General Assembly of North Carolina respectfully memorializes the President of the United States and the Congress of the United States to do all in their power, through legislative and administrative action, to see that order is restored to the chaotic textile and apparel import situation; and

"Sec. 2. That the General Assembly of North Carolina express to the President of the United States its appreciation for his forthright statement in which he rejected the recent Japanese proposal and gave strong support to the textile quota legislation (H.R. 20) now pending before the Congress, and, also, express to the Members of the North Carolina Congressional Delegation, and other Members of the Congress who continue to work for a solution of this problem, its deep appreciation for their dedication to this vital effort; and

"Sec. 3. That copies of this resolution be forwarded to the President of the United States, to each United States Senator, and each Member of the House of Representatives from North Carolina, the Secretary of Commerce, the Secretary of State of the United States, the Chairman of the House Ways and Means Committee, the Chairman of the Senate Finance Committee, the Clerk of the United States Senate, and the Clerk of the House of Representatives of the United States.

"Sec. 4. This resolution shall be effective upon its ratification.

"In the General Assembly read three times and ratified, this 13th day of April, 1971."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD of West Virginia, from the Committee on the Judiciary, without amendment:

S. 230. A bill to authorize the U.S. District Court for the Northern District of West Virginia to hold court at Morgantown (Rept. No. 92–62).

By Mr. BURDICK, from the Committee on the Judiciary, with an amendment:

S. 341. A bill for the relief of Arline Loader and Maurice Loader (Rept. No. 92–64).

By Mr. BURDICK, from the Committee on the Judiciary, without amendment:

S. 157. A bill for the relief of Arthur Rike (Rept. No. 92–63).

By Mr. HARTKE, from the Committee on Veterans' Affairs:

S. Res. 100. A resolution authorizing the Committee on Veterans' Affairs to employ additional clerical assistants. Referred to the Committee on Rules and Administration.

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 566. A bill for the relief of Maria Grazia Iaccarino (Rept. No. 92–66); and

S. 629. A bill for the relief of Chen-Pai Miao (Rept. No. 92–67).

By Mr. McCLELLAN, from the Committee on the Judiciary, without amendment:

S. 645. A bill to provide relief in patent and trademark cases affected by the emergency situation in the United States Postal Service which began on March 18, 1970 (Rept. No. 92–70); and

S. 1253. A bill to amend section 6 of title 35, United States Code, "Patents," to authorize domestic and international studies and programs relating to patents and trademarks (Rept. No. 92–71).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 672. A bill for the relief of Nicholaos Demitrios Apostolakis (Rept. No. 92–65);

S. 145. A bill for the relief of Esther Catherine Milner (Rept. No. 92–68); and

S. 513. A bill for the relief of Maria Badalamenti (Rept. No. 92–69).

By Mr. McCLELLAN, from the Committee on the Judiciary, with amendments:

S. 646. A bill to amend title 17 of the United States Code to provide for the creation of a limited copyright in sound recordings for the purpose of protecting against unauthorized duplication and piracy of sound recording, and for other purposes (Rept. No. 92–72); and

S. 1254. A bill to amend title 35, United States Code, "Patents", and for other purposes (Rept. No. 92–73).

PATENTS, TRADEMARKS, AND COPYRIGHTS—REPORT OF THE COMMITTEE ON THE JUDICIARY (S. REPT. NO. 92–74)

Mr. McCLELLAN, pursuant to Senate Resolution 343, adopted February 1, 1970, submitted a report from the Committee on the Judiciary entitled "Patents, Trademarks, and Copyrights," which was ordered to be printed.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, the following favorable executive reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

John Finley Witherspoon, of Maryland, to be an examiner-in-chief, U.S. Patent Office;

Robert E. Varner, of Alabama, to be a U.S. district judge for the middle district of Alabama;

Jerris Leonard, of Wisconsin, to be Administrator of Law Enforcement Assistance;

Richard C. Freeman, of Georgia, to be a U.S. district judge for the northern district of Georgia;

G. Kent Edwards, of Alaska, to be U.S. attorney for the district of Alaska for the term of 4 years;

Sidney E. Smith, of Idaho, to be U.S. attorney for the district of Idaho for the term of 4 years; and

Donald N. Mackay, of Illinois, to be U.S. attorney for the southern district of Illinois for the term of 4 years.

By Mr. THURMOND, from the Committee on the Judiciary:

Donald Stuart Russell, of South Carolina, to be a U.S. circuit judge.

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. MANSFIELD:

S. 1576. A bill to establish mining and mineral research centers, to promote a more adequate national program of mining and minerals research, to supplement the Act of December 31, 1970, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. BUCKLEY:

S. 1577. A bill to provide for the shifting to the States of Federal income tax collections from individuals. Referred to the Committee on Finance.

By Mr. YOUNG:

S. 1578. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred in connection with the adoption of a child. Referred to the Committee on Finance.

By Mr. HATFIELD:

S. 1579. A bill to amend section 203(k)(1) of the Federal Property and Administrative Services Act of 1949 so as to require certain financial information from nonprofit institutions making application for real property under such section. Referred to the Committee on Government Operations.

By Mr. PERCY:

S. 1580. A bill to provide increased employment opportunities for middle-aged and older workers, and for other purposes;

S. 1581. A bill to provide for the conduct, within the Public Health Service, of a training program of State inspectors of long-term health care facilities; to the Committee on Labor and Public Welfare.

By Mr. PERCY (for himself and Mr. TOWER):

S. 1582. A bill to amend the Public Health Service Act to provide for grants for the training and retraining of nurses aides and orderlies; and

S. 1583. A bill to amend title VII of the Public Health Service Act to train certain veterans, with appropriate experience as paramedical personnel, to serve as medical assistants in long-term health care facilities. Referred to the Committee on Labor and Public Welfare.

By Mr. PERCY (for himself and Mr. HART):

S. 1584. A bill to assist in the provision of housing for the elderly, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

S. 1585. A bill to amend title XVIII of the Social Security Act to provide for the coverage, under part A of such title, of certain drugs which are prescribed and furnished (whenever possible) by generic name;

S. 1586. A bill to provide for the development of more uniform standards for determining eligibility for the assistance authorized to be provided, under various Federal programs, to facilities for long-term health care (or to the patients thereof); and

S. 1587. A bill to provide for the conduct of a study and investigation of the provision, under State programs approved under title XIX of the Social Security Act, of care to individuals in long-term health care facilities will be required to comply with appropriate licensing standards. Referred to the Committee on Finance.

S. 1588. A bill to provide financial assistance for the construction and operation of Senior Citizens' Community Centers, and for other purposes; and

S. 1589. A bill to amend title III of the Public Health Service Act to authorize grants for projects to develop or demonstrate programs designed to rehabilitate elderly patients of long-term health care facilities or to assist such patients in attaining self-care. Referred to the Committee on Labor and Public Welfare.

By Mr. PERCY (for himself, Mr. TOWER, and Mr. HART):

S. 1590. A bill to amend the Internal Revenue Code of 1954 to permit the deduction of all expenses for medical care of a taxpayer and his spouse if either of them attained the age of 65, and to provide a credit or refund of social security taxes withheld from the wages of certain individuals who have attained the age of 65 and a corresponding reduction in the tax on self-employment income of such individuals. Referred to the Committee on Finance.

By Mr. PERCY:

S. 1591. A bill to provide certain new transportation services to elderly persons, to authorize studies and demonstration projects for the improvement of transportation services to the elderly, and for other purposes. Referred to the Committee on Commerce and the Committee on Banking, Housing and Urban Affairs (by unanimous consent).

By Mr. McGEE (for himself, Mr. CRANSTON, Mr. HUMPHREY, Mr. JAVITS, Mr. KENNEDY, Mr. McGOVERN, Mr. MUSKIE, Mr. NELSON, Mr. CASE, Mr. MONDALE, and Mr. TUNNEY):

S. 1592. A bill to establish a Commission to investigate and study the practice of clearcutting of timber resources of the United States on Federal lands. Referred to the Committee on Interior and Insular Affairs.

By Mr. HANSEN:

S. 1593. A bill to authorize the Administrator of Veterans' Affairs to sell direct loans made to veterans under chapter 37, title 38, United States Code, at prices which he determines to be reasonable under prevailing mortgage market conditions, and for other purposes. Referred to the Committee on Veterans' Affairs.

By Mr. SCOTT:

S. 1594. A bill for the relief of John J. Yarnell. Referred to the Committee on the Judiciary.

By Mr. JACKSON:

S. 1595. A bill to authorize the Secretary of the Interior to establish and administer a program of direct Federal employment to improve the quality of the environment, the public lands, Indian Reservations, and commonly owned and shared resources through a program of recreational development, reforestation and conservation management, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. TALMADGE:

S. 1596. A bill to amend general headnote 3(a)(i) of the Tariff Schedules of the United States annotated (1971). Referred to the Committee on Finance.

By Mr. HARTKE (for himself and Mr. THURMOND):

S. 1597. A bill to amend title 38, United States Code, so as to provide that increases in Social Security benefits, railroad retirement benefits, and cost-of-living adjustments of civil service retirement annuities shall be disregarded under certain circumstances in determining eligibility for or the amount of the dependency and indemnity compensation for dependent parents of veterans and non-service-connected pension for veterans and widows.

Referred to the Committee on Veterans' Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BUCKLEY:

S. 1577. A bill to provide for the shifting to the States of Federal income tax collections from individuals. Referred to the Committee on Finance.

"REVENUE SHIFTING" ALTERNATIVE TO GENERAL REVENUE SHARING

Mr. BUCKLEY. Mr. President, we face few problems which are as pervasive or as critical as the prospect of fiscal collapse which today threatens so many of our State and local governments.

A number of factors have contributed to the present crisis. Some units of government have undoubtedly been improvident, and almost all have felt in one way or another impact of the present economic slump. But a most significant cause, in my estimation, has been the ever-growing impact of the Federal grants-in-aid programs and Federal taxation on the ability of the States and localities to plan and finance their activities in a responsible manner.

Over a period of almost 40 years, Washington has become increasingly involved in telling the States what to do, and how to do it, and how much of their own funds they will be required to spend as a condition to supping at the Federal trough. The whole complex of grants-in-aid legislation has had the practical effect of forcing State and local governments to allocate more and more of their resources to Federal programs which may or may not meet their most critical needs. Over this same period, soaring Federal budgets have caused the Federal Government to virtually preempt the personal income tax base, which is the one base which tends to increase in direct proportion to the growth of the economy.

The result of these and other factors has been that the cost of State and local government has expanded far more rapidly than have the property, sales and other tax bases on which these governments have traditionally depended. As a result, many units of government now find themselves at the practical limits of their taxing capabilities.

The administration's special and general revenue sharing proposals attempt to meet these problems in two ways. The special revenue sharing bills would emancipate State and local governments from the requirement to implement specific Federal programs and to allocate specific sums to them, as long as the funds which are distributed by the Federal Government are used for the broad purposes specified. The general revenue sharing proposal, on the other hand, would provide State and local governments with a new source of unrestricted revenue without imposing additional taxes on an already overburdened public.

Mr. President, I strongly and enthusiastically endorse the special revenue sharing proposals. If and when enacted, they will represent a major step in restoring a more effective distribution of power and responsibility within the federal system. They will return authority and therefore accountability to levels of government which are best able to achieve the broad objectives of each of the special revenue sharing bills. And in the process, they will achieve a significant reduction in the size and cost of the Federal Government. Scores of agencies now engaged in the most minute direction of thousands of programs will be collapsed into a few small units whose sole responsibility will be to verify that the funds distributed by the Federal Government have been used for the intended purposes. The resulting savings in Federal overhead costs have been estimated to be as high as $3.7 billion.

I am particularly enthusiastic about the special revenue sharing proposals because they signal a conscious, historic decision to reverse the flow of power to Washington. If these proposals are enacted by the Congress, we can expect to see State and local governments revitalized as they are weaned of their growing dependence on Washington. And because the voters will know where the buck stops, they will be able to hold their State and local officials directly accountable for the manner in which they discharge their responsibilities.

The reasons which command my support for special revenue sharing do not extend, however, to general revenue sharing. While the President's proposal for general revenue sharing helps meet the current fiscal emergency faced by many State and local governments, it does so in a manner which will lessen rather than strengthen local responsibility and which will enlarge rather than diminish the role of the Federal Government in local affairs.

Under any system of effective self-government, a taxing authority ought to be held accountable for the proper and efficient use of the revenues collected. This is a fundamental principle of responsibility which ought not to be waived lightly. Yet the enactment of general revenue sharing would institutionalize a permanent division in the responsibility for the collection of the revenues to be shared and the responsibility for their expenditure.

There are other weaknesses in the administration's proposal which should make us cautious about institutionalizing a new call on the Federal till. The Federal structure presupposes the autonomy and self-sufficiency of the States with respect to those areas of responsibility which belong to them. To the extent to which the States become dependent on the Federal Government for an important source of revenue, however, to that extent will they lose their independence of potential Federal regulation. And if past experience is any guide, it can be assumed that at some future date some form of control will inevitably follow the Federal dollar.

I am also concerned over the effect of general revenue sharing on the zeal with which State and local officials will try to limit their expenditures. The precedent which we are being asked to establish would open the way for these officials, at little or no political cost, to mobilize pressures to pass on to the Federal Government the responsibility for financing an ever-larger share of their ever-larger budgets. This precedent would not only tend to erode fiscal self-restraint, it would also help perpetrate the invidious myth that moneys dispensed by Washington are not the same moneys which Washington had earlier picked from the pockets of the citizens of the several States.

Finally, the administration's proposal would have the effect of penalizing the more urbanized, industrialized States such as California, Michigan, New York, and Pennsylvania which have demonstrated the greatest need for alternative sources of revenue. Because any distribution of Federal funds which is based on population will have the effect of diverting taxes paid by the citizens of these States to other States which in many cases are making a smaller tax effort and which, because of their less industrialized and urbanized character, have fewer demands for State and local services.

It should be kept in mind that the purpose of general revenue sharing is to give hard-pressed States and localities access to the broader tax base which is available to the Federal Government. It is not intended as an instrument through which the more industrial States help subsidize their less affluent neighbors who otherwise might not be able to provide their citizens with minimum standards of service. This latter objective, which provides for a redistribution of resources among the States, is adequately met by the special revenue sharing proposals.

These are the reasons, Mr. President, why I am unable to support general revenue sharing. I believe, however, that the administration's principal objectives can be achieved through an alternative approach which avoids the weaknesses which I have cited. Essentially, these objectives are to increase by $5 billion the amount of unrestricted revenues which are available to State and local governments in fiscal year 1972 without at the same time increasing the tax burden on their citizens.

The alternative to general revenue sharing which I wish to propose is contained in legislation which I herewith submit for proper referral. This legislation will achieve the administration's principal objectives by reducing Federal tax receipts by $5 billion through a cut in personal income tax rates, while simultaneously authorizing the Internal Revenue Service to collect on behalf of each State the savings in Federal income taxes which are realized by its citizens. The legislation also authorizes each State to direct the Internal Revenue Service to collect from its residents on its behalf more or less than is provided for in the legislation as the standard amount to be collected in its capacity as agent for each State. Thus, each State retains ultimate responsibility for the amount of the taxes which are collected from its citizens for State purposes.

The net effect of this legislation is to shift $5 billion in tax revenues from the Federal Government to the States in a manner which will make it clear to each taxpayer how much he is paying to the Federal Government for Federal purposes, and how much he is paying to his State government for State purposes. Under this alternative proposal, the Federal Government will not be sharing its revenues with the States. Rather, it will be sharing its personal income tax base and its tax collecting facilities.

Mr. President, I ask unanimous consent to have printed in the Record following the conclusion of my remarks a memorandum describing the revenue shifting proposal in greater detail.

The ACTING PRESIDENT pro tempore (Mr. Byrd of West Virginia). Without objection, it is so ordered.

(See exhibit 1.)

Mr. BUCKLEY. Mr. President, there is one significant feature of the administration's proposal which I have not incorporated in my alternative. The legislation which I have introduced makes no provision for a pass-through of funds to county and municipal governments. It seems to me that the allocation of tax funds received by the various States is a matter to be decided upon by their legislatures. I cannot see why the Congress should assume a greater wisdom in this regard than the State legislators who are most directly involved. In the event my colleagues should disagree, I would point out that there is nothing in my proposal which precludes the incorporation of a pass-through provision as a quid pro quo for the utilization of the Federal Government's tax collection's facilities. To do so, however, would be a further manifestation of the kind of Federal paternalism which I believe we need so desperately to eliminate.

In closing, Mr. President, I wish to say that the legislation I have introduced today will not only help us meet the fiscal crises which presently afflict so many State and local governments, but it will establish a mechanism which will greatly broaden the fiscal options which are available to the States; and it will accomplish these ends in a manner which will neither erode the fiscal responsibility of the States nor the ability of their citizens to hold their State officials directly accountable for the raising and spending of their tax dollars.

Exhibit 1

"Revenue Shifting" Alternative to General Revenue Sharing

SUMMARY DESCRIPTION

Concept

The alternative herein proposed substitutes a *shifting* of income tax revenues to the states for the contemplated sharing of federal revenues with the states. The purpose of the "revenue shifting" proposal is to insure that ultimate responsibility for raising tax funds and for spending them rests with the same political unit. It accomplishes the same ends as general revenue sharing, in that it provides for an immediate increase in funds available to the states without increasing the cost to the taxpayer.

Conceptually, this involves a sharing by the Federal government of its personal income tax base and tax collecting facilities with the states. The revenues to be shifted to the states are to be collected on their behalf, and are subject to increase or decrease at the direction of the states.

Mechanism

Revenue shifting can be placed into effect through legislation which would accomplish the following:

(1) Federal personal income tax rates would be reduced by a percentage ("X" per cent) which would reduce the estimated revenue to be collected for use by the Federal government for Federal purposes ("the Federal tax collection") by the amount which is to be shifted to the states (e.g., $5 billion.)

(2) Simultaneously with the collection of the reduced amount of personal income taxes for the Federal government and subject to the rights reserved to the states in (3) below, IRS would be directed to collect as *agent* for each state an additional amount computed as a percentage ("Y" per cent) of the Federal tax collection; "Y" being the percentage calculated to result in the collection on behalf of the states of the aggregate revenues which are to be shifted to the states.

(3) Each state would be authorized to direct IRS to collect, on its behalf, from its residents a larger or smaller percentage. Absent specific instructions to the contrary, IRS would collect the amount stipulated in (2) above.

Illustration

A hypothetical illustration may be helpful. Assume that the Federal government currently collects $100 billion in personal income taxes from the residents of the fifty states, and that it is desired to shift $5 billion of these revenues to the states to be used for state and local purposes. Federal personal income tax rates are reduced by 5 percent, with the result that Federal government revenues are reduced by the $5 billion which IRS is directed to collect on behalf of the states.

Assume further that the residents of State "Z" currently pay $10 billion out of $100 billion in personal income taxes which are collected by the Federal government. Under the revenue shifting concept, Federal tax collections from residents of State "Z" would be reduced to $9.5 billion. At the same time, IRS would automatically collect an additional $500 million on behalf of State "Z" unless the legislature of State "Z" gives specific instructions to the contrary.

Discussion

A. Some Arguments Advanced in Favor of Administration's Proposal

1. State and local governments are experiencing a fiscal crisis in part as a result of the fact that the traditional state and local tax bases (sales and property taxes) have not expanded as rapidly as the expenditures they are required to finance. The plight of the states encourages shifting responsibilities to Washington, at the expense of local initiative. Therefore, an alternative source of funds for these governments is required.

2. The Federal government has preempted the most attractive tax base (91 per cent of income tax collections in the United States are collected by the Federal government), and has done so in a highly efficient manner. By relating revenues to be shared to personal income, the revenue sharing proposal provides state and local governments with a source of revenue whose growth potential is more closely correlated with the growth of the economy than that of the traditional state and local sources of revenues.

3. The Federal government can (a) relieve the current fiscal crisis at the state and local levels, (b) stem the impulse to concentrate still more power in Washington, and (c) allow the state and local governments to share in the income tax base through the Administration's general revenue sharing mechanism.

B. Weaknesses of the Administration's Proposal

1. The Administration proposal divides the responsibility for the collection of revenues and for their expenditure. A taxing authority ought to be directly accountable for the proper and efficient use of the tax revenues collected. This is a fundamental principle of responsibility which ought not to be waived lightly.

2. The Federal structure presupposes the autonomy and self-sufficiency of the states with regard to those areas of responsibility which belong to them. To the extent to which the states become dependent on the Federal government for an important source of revenue they lose their independence of potential Federal regulation.

3. The Administration proposal will tend to limit the zeal with which state and local officials will try to limit expenditures. Once the revenue sharing precedent has been set, pressures will inevitably grow to pass on to the Federal government an ever larger share of the cost of state and local government.

4. The Administration's proposal does least for the states with the greatest need for alternative sources of tax revenue (e.g., California, Michigan, New York, Pennsylvania, etc.) because the tax system will return proportionately more to the poorer states than they contribute to Federal revenues. In other words, the more urbanized states will be required to continue to subsidize expenditures by states which in many cases are making a smaller tax effort, and which, because of their less industrialized-urbanized character, have fewer demands for state and local services of the kind now threatening to bankrupt their more "affluent" neighbors.

5. The Administration's proposal disguises the true cost to the taxpayers of their state and local governments because of the persistent delusion that funds dispensed by Washington originate in somebody else's pockets.

C. "Revenue Shifting" as an Alternative

The basic concept of the alternative herein proposed ("revenue shifting") has been adapted from the system now in effect in Canada for the division of personal income tax collections between the Dominion and the provincial governments. It involves a substitution of a sharing of the Federal personal income tax base and collection facilities for a sharing of the Federal government's revenues. Its effect is to shift to the states a portion of the personal income taxes now collected by the Federal government.

The revenue shifting concept, which can accomplish the main objectives of the Administration's proposal while avoiding its weaknesses, requires legislation which will

(1) effect an across-the-board reduction in Federal personal income tax rates of "X" per cent, "X" being the percentage required to reduce estimated collections for Federal use by the amount of the revenue which is to be shifted to the states;

(2) direct the Internal Revenue Service to collect on behalf of each state from its residents an additional amount equivalent to "Y" per cent of the Federal tax collection, "Y" being the percentage required to equal the amount of revenue to be shifted to the states.

(3) authorize each state to direct the IRS to reduce, increase or eliminate the amount of the state share to be collected on its behalf;

(4) require that tax returns for the Federal and state tax collections be made on a single or joint form in which it is clearly indicated which portion of an individual's tax is being raised on behalf of the Federal government and which on behalf of the state.

D. Illustration of "Revenue Shifting" Mechanics

The overall objective of the Administration's proposal is to increase state and local revenues by $5 billion without increasing the existing burden on taxpayers. The revenue shifting proposal can achieve this objective in the manner described below, based on the Tax Foundation's estimate that the Federal government will collect $93.7 billion in personal income taxes in FY 1972.

1. Federal personal income tax rates are reduced by 5.34 per cent thereby reducing the personal income tax yield by $5 billion. This will reduce the total Federal personal income tax collections to $88.7 billion nationally.

2. In addition to the personal income taxes which it is to collect for the federal government, the IRS is directed to collect on behalf of each state (unless such state otherwise directs) an additional increment which in the aggregate would result in the distribution to the states of $5 billion. Based on this illustration, this would mean that IRS would collect an increment of 5.6 per cent above the amount collected on behalf of the Federal government.

3. Assuming no state *specifically* directs otherwise, the collection of this 5.6 per cent increment above the personal income taxes collected by the IRS for the purposes of the Federal government would result in a distribution to the states of $5 billion.

4. Under this proposal, an individual state would be able to authorize the IRS to collect more or less than the 5.6 per cent increment from its residents. Thus a state which elected not to have IRS collect any taxes on its behalf could, in effect, provide a 5.34 per cent tax cut for its residents. On the other hand, another state which is particularly hard pressed for revenue could elect to authorize the IRS to collect more than the increment as an alternative to increasing its sales tax, for example.

E. Advantages of the "Revenue Shifting" Alternative

1. Because the states have the power to direct IRS to increase, reduce or eliminate the amount to be collected on their behalf, they retain full responsibility for and authority over the taxation of their citizens for state and local needs. No precedent is set for Federal "bail-outs" for states which may have overextended themselves.

2. Because the personal income tax form filed with the Internal Revenue Service will specify how much of the tax is being collected for the Federal government and how much for the state, the taxpayer is spared the illusion that money transferred by IRS to his state is somehow Washington's money and not his money.

3. The states are enabled to share to a greater extent in what has been the Federal government's personal income tax base; and, in addition, they are provided with the convenience and economy of utilizing the existing Federal tax collection machinery.

4. The revenue shifting proposal avoids making the states dependent on the Federal government for another substantial source of income, and therefore avoids the danger of ultimate Federal dictation. Once the plan is in operation, its cost to the Federal government will be negligible, amounting as it will to just the cost of transferring to each state the amount collected on its behalf. Thus the system, once established, would not

be endangered by future Congressional economies.

5. It eliminates the invisible subsidies which, under the Revenue Sharing proposals, are paid to some, often "low tax effort" states at the expense of the more urban, industrialized states which are currently experiencing the most critical need for funds.

Mr. BUCKLEY. Mr. President, I ask unanimous consent that the text of the bill and an analysis be printed in the RECORD.

The ACTING PRESIDENT pro tempore (Mr. BYRD of West Virginia). The bill will be received and appropriately referred; and, without objection, the bill and analysis will be printed in the RECORD.

S. 1577

A bill to provide for the shifting to the States of Federal income tax collections from individuals

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by adding at the end of subpart A of such part IV the following new section:

"SEC. 41. CREDIT FOR TAXES TO BE SHIFTED TO THE STATES.

"(a) General Rule.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 5.64 percent of the taxpayer's basic income tax.

"(b) BASIC INCOME TAX.—For purposes of this section, the term 'basic income tax' means the tax imposed by section 1, 3, or 1201(b) for the taxable year, reduced by the sum of the credits allowable under—

"(1) section 33 (relating to foreign tax credit),

"(2) section 37 (relating to retirement income), and

"(3) section 38 (relating to investment credit).

"(c) EXCEPTION.—The credit provided by subsection (a) shall not be allowed to an individual for a taxable year for which he is a nonresident of the United States for the entire taxable year."

(b) The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1971.

"SEC. 2. SHIFTING OF TAX COLLECTIONS TO THE STATES.

Subtitle A of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new chapter:

"CHAPTER 7—SHIFTING OF INCOME TAX COLLECTIONS TO THE STATES

"SEC. 1601. ADDITIONAL TAX TO BE PAID OVER TO STATES

"(a) Imposition for Years Beginning Before January 1, 1973.—In addition to other taxes, there shall be imposed for the taxable years beginning after December 31, 1971, and before January 1, 1973, on the income of every individual who is a resident of any State during the taxable year, a tax equal to 5.64 percent of the taxpayer's basic income tax for the taxable year. If any part of the basic income tax is allocable to a State which has requested that a different rate than 5.64 percent be applied, then the tax on the portion of the basic income tax allocable to such State shall be computed at such different rate. Such request for a different rate of tax shall be recognized only if made by the legislature of a State with the concurrence of the Governor of such State and notification of the desired rate is transmitted to the Secretary before the beginning of the taxable years to which it is to apply.

"(b) IMPOSITION FOR YEARS BEGINNING AFTER DECEMBER 31, 1972.—In addition to other taxes, there shall be imposed for any taxable year beginning after December 31, 1972, on the income of every individual who is a resident of any State, at the rate requested by such State, a tax on the basic income tax of such individual for such taxable year. Such request for the rate of tax to be imposed shall be recognized only if made by the legislature of a State with the concurrence of the Governor of such State and notification of the desired rate is transmitted to the Secretary before the beginning of the taxable years to which it is to apply.

"(c) BASIC INCOME TAX.—For purposes of this chapter the term 'basic income tax' has the meaning given to such term by section 41(b).

"(d) ALLOCATION.—The Secretary or his delegate shall prescribe regulations setting forth the manner in which the basic income tax of an individual is to be allocated to any State, except that—

"(1) in the case of earned income (as defined in section 911(b)) which is attributable to services performed outside of the State of the taxpayers' residence, at least one-half of the basic income tax attributable to such earned income shall be allocated to the State of such residence, and

"(2) any portion of the basic income tax which is attributable to—

"(A) dividends, interest, or royalties, or

"(B) income from sources outside the United States,

shall be allocated to the State of the taxpayers' residence.

"(e) RESIDENCE.—If an individual is a resident of more than one State during a taxable year, he shall be treated for purposes of this section as a resident only of the State in which he resided during such year for the longer period of time.

"(f) ASSESSMENT.—The additional tax imposed by this section shall be assessed and collected in the manner prescribed in this title with respect to the tax imposed by Chapter 1.

"SEC. 1602. PAYMENTS TO THE STATES.

"As soon as feasible after the close of each calendar quarter, the Secretary or his delegate shall make an estimate with respect to each State of the amount collected during the calendar quarter under section 1601 on basic income taxes allocable to such State, and the Secretary shall pay over to such State the estimated amount for the use and benefit of such State. Proper adjustments shall be made to amounts subsequently paid over to each State to the extent prior estimates were in excess of or were less than the amount actually collected under section 1601 on the basic income taxes allocated to such State.

"SEC. 1603. NONDEDUCTIBILITY OF TAXES IN COMPUTING TAXABLE INCOME.

"(a) The tax imposed by section 1601 to the extent the rate does not exceed 5.64 percent shall not be allowed as a deduction to the taxpayer in computing taxable income under chapter 1. To the extent the rate of tax imposed by section 1601 with respect to any State exceeds 5.64 percent, it shall be deductible in the same manner and to the same extent as a State income tax of the type referred to in section 1604.

"(b) If any of the tax imposed on an individual under section 1601 for a taxable year is computed at a rate less than 5.64 percent, then any income taxes paid by such individual to such State for such taxable year shall be disallowed as a deduction in computing taxable income under chapter 1 in the amount by which the tax under section 1601 for such taxable year was reduced by the request of such State for a rate lower than 5.64 percent.

"SEC. 1604. SEPARATE DESIGNATION ON INCOME TAX RETURN.

"Any tax imposed under section 1601 with respect to any State and collected by the Secretary or his delegate shall be shown on the same return as the tax imposed by section 1 or section 3 with respect to a taxpayer, but shall be shown separately on such return and clearly designated as a tax collected for a State and not for the United States."

ANALYSIS OF BILL

The bill is intended to reduce Federal income tax collections from individuals by approximately $5 billion and to authorize the States to use the Federal tax system as a way of collecting additional income tax revenue for them. Initially, for a 2-year period if the States take no action, the bill provides that the States will impose additional income taxes equal to the credits against the Federal tax. The States, however, by acting may ask the Federal Government to collect for them a higher or lower amount than the amount of the credits. Alternatively, a State may request the Federal Government to collect no taxes for it at all. In any event, however, the credits against Federal tax will be unchanged. After the initial 2-year period, the credit against Federal income taxes remains the same, but States in order to have the Federal Government collect any taxes for them must act positively to express the amount of the rate of the taxes to be collected.

On the one hand, the bill provides that an individual's "Federal" income tax liability is to be reduced by a credit, but, on the other hand, unless the State provides to the contrary, a tax equal to this credit is to be paid over to the State where the individual resides or earns the income. If a State decides that it does not want the tax imposed with respect to its residents or income earners, the credit against Federal tax nevertheless is available and the individuals involved will, in fact, have tax reductions.

The bill provides for a credit of 5.64 percent against Federal income tax. This, on the basis of estimated 1971 collections of $88.6 billion for individuals, is expected to provide for the shifting of $5 billion of revenues. As I have already indicated, for two years all States will receive their share of this money unless they specify they want it to go directly to the taxpayers instead. After that time, the States must specify if they want their share of the funds to go into the State treasury. If they do not so specify, the collections will represent tax reductions for the individuals involved. Deductions against Federal tax are not permitted for State taxes to the extent represented by this shifted revenue.

The mechanics of the bill are, in general terms, set forth below.

The credit against Federal tax is 5.64 percent of an individual's basic income tax. This basic income tax essentially is an individual's present tax liability before reduction for this new credit (after the foreign tax credit, the retirement income credit, and the investment credit). It is the amount of tax an individual would otherwise pay at the end of his taxable year (including his withheld taxes and his estimated tax payments).

The bill also provides the manner in which these funds are to be paid over to the States. The bill provides for the imposition of an additional tax which is to be computed on the individual's basic income tax. For the first two years, 1972 and 1973, the additional tax is to be the same as the credit, that is 5.64 percent, unless a State requests a different rate which may be either higher or lower than this stated percentage. After 1972, each State must specify the rate to be imposed for the additional tax. This request must be made to the Secretary of the Treasury by the State with the approval of both the State legislature and the governor.

Generally, the additional tax will be imposed on the residents of the respective States. However, where an individual earns his income in one or more States and resides in another State, the bill provides for an allocation of the individual's basic income tax between or among the States involved (according to regulations prescribed by the Secretary of the Treasury) but stipulates that at least one-half of a taxpayer's basic income tax attributable to income earned for services performed outside of his State of residence must be allocated to the State of residence. Where only two States are involved, the one of residence and the one where the income is earned, it is contemplated that the allocation of the earned income will be on a 50–50 basis. Where investment income is involved, such as dividends, interest, or royalties, the income is to be allocated to the State of residence.

The tax funds collected are to be paid over to the States by the Federal Government on a quarterly basis. The Secretary of the Treasury is to make a quarterly estimate of the amount of the additional taxes which were collected on behalf of each State and pay this estimated amount over to the State following each calendar quarter. Subsequently proper adjustments will be made.

The bill provides that the additional tax is not to be deductible to the extent of a rate up to 5.64 percent.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. BUCKLEY. I yield to the distinguished Senator from Maryland.

Mr. MATHIAS. Mr. President, I express my personal appreciation to the Senator from New York for the proposal he has made today. I say this as one of the sponsors of the general revenue sharing plan.

I have supported the President's main thrust in this area because of the urgent need of local governments throughout the country for some assistance. There is no monopoly or virtue in this matter. We need the best thinking and the best proposals that the Congress and the country can produce.

One of the virtues of the legislative process is that by bringing together positive and constructive ideas we can very often build upon and broaden legislative proposals a great deal more than any of the individual proposals originally advanced.

I think the proposal of the Senator from New York is a very useful and very proposals that the Congress and the country.

Mr. BUCKLEY. Mr. President, I thank the Senator for his remarks. I think it is most helpful that we have new ideas.

Mr. BYRD of Virginia. Mr. President, I congratulate the able Senator from New York for a very able and provocative presentation. I cannot at this time endorse completely the proposal offered by the Senator from New York. It will require a great deal more of study than I have had the opportunity to give the matter up to this point.

I think that the Senator has presented to the Senate a proposal that bears very thoughtful consideration, one that could be most helpful to the Congress in trying to get back to the States some of the tremendous amounts of revenue which have been taken from the States.

So, I strongly commend the able Senator from New York for his presentation this morning. It seems to me that there are many ways in which revenue can be shared with the States. I think that one of the best ways is not to take the revenue from the States in the first place.

As I understand the proposal offered by the distinguished Senator from New York, it is very much along this line. He calls his proposal revenue shifting rather than revenue sharing.

At this point I ask the distinguished Senator from New York whether his proposal envisions the principle of not taking funds from the States in the first place as one of the best means of sharing revenue with the States.

Mr. BUCKLEY. Mr. President, I believe that is the ideal to be worked for. I think that my proposal will actually achieve that immediately, but it will do so in a way that will meet existing emergencies in State after State throughout the Nation, emergencies which have come up in some cases so suddenly that State legislatures may not be able to mobilize themselves in time to meet those needs.

My proposal would provide them with a source of revenue over which they have ultimate control. They can say, "Let us increase or decrease the rate." They can say, "Do not collect anything on our behalf." Then they will be able to pass on to their citizens a significant reduction in taxes, which is the objective the distinguished Senator from Virginia has in mind. However, the mechanism which I propose would provide the States with an inexpensive means of broadening their tax base into the general income tax area.

We know that perhaps the only one thing that the Federal Government does efficiently is to collect our taxes. There is no need if a State chooses to follow the Federal formulas for them to duplicate the elaborate collection facilities which exist in every town and city throughout the country.

I believe my proposal has that virtue of, in effect, reducing Federal taxes while at the same time providing States with the convenience of Federal collection facilities.

Mr. BYRD of Virginia. That principle appeals to the Senator from Virginia. I might say that in listening to the address this morning of the Senator from New York and in reading his remarks I am impressed with his analysis of the revenue-sharing proposal of the administration.

I have kept an open mind on these proposals and I plan to keep an open mind on them for some time yet. I am inclined to the view, however, expressed by the able Senator from New York this morning that the special revenue-sharing plans appear to have a great deal of merit while the general revenue-sharing plan leaves much to be desired.

In talking about revenue sharing, I think it rather important that we remember that the Federal Government embarked, as it is, upon a heavy deficit spending program has very little revenue to share. The facts are, Mr. President, that under figures submitted by the administration itself there will be this fiscal year a Federal funds deficit of $25 billion. Assuming the administration is correct in its projection, and I do not think it is, there will be another deficit of $23 billion for the next fiscal year, making back-to-back total deficits in 2 years of at least $48 billion.

So when we talk about revenue sharing it seems to me we have to relate to that the fiscal situation of the Government which, in my judgment, is very severe and very unsound.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a statement of Federal taxes and spending for the fiscal years 1968 through 1972.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

FEDERAL TAXES AND SPENDING (ALL YEARS ARE FISCAL YEARS, JULY 1-JUNE 30)

	Fiscal year—				
	1968	1969	1970	1971 (estimate)	[1]1972
Federal fund receipts in billions:					
Individual income taxes	$69	$87	$90	$88	$94
Corporate income taxes	29	37	33	30	37
Subtotal (income taxes)	98	124	123	118	131
Excise taxes (excluding highway)	10	11	11	11	11
Estate and gift	3	4	4	4	5
Customs	2	2	2	2	2
Miscellaneous	3	3	3	4	4
Total Federal fund receipts	116	144	143	139	153
Federal fund expenditures in billions:					
Total outlays	143	149	156	164	176
Federal fund deficits (−):					
Total deficits	−27	−5	−13	−25	−23
Trust fund receipts in billions:					
Total receipts	38	44	51	55	64
Trust fund outlays in billions:					
Total outlays	36	36	40	48	53
Trust fund surpluses:					
Total surpluses	2	8	11	7	11
Unified budget, surpluses or deficits (−):					
Total net surplus or deficit (−)	−25	3	−2	−18	−12

[1] Estimate.

Note: Trust fund totals consist mainly of Social Security contributions and payments.

Source: Office of Management and Budget.

Mr. BYRD of Virginia. Mr. President, the Senator from New York, in presenting this novel, interesting, and provocative proposal captioned "Revenue Shifting" has added greatly, I feel, to the opportunities of Congress to better handle our fiscal affairs.

The objective of the Senator from New York and the Senator from Virginia is to reduce the concentration of revenues in Washington and to broaden that base so that the individual States will have more revenues to handle their own problems and will not find it necessary to come to this city for so much funding.

In connection with that, it was brought to my attention just yesterday that another possibility for revenue sharing would be when the interstate highway system is completed, which will not be too far off now, that possibly the motor vehicle taxes or a major portion of them which are levied at the Federal level might be repealed, and the States to use that money for their own road system. I do not at this point recommend that suggestion, but I throw it out as one additional possibility for revenue sharing to be presented along with the program presented by the able and distinguished Senator from New York.

Mr. President, at this point I wish to call attention to several sentences from the statement by the able Senator from New York. The Senator from New York stated:

> I am also concerned over the effect of General Revenue Sharing on the zeal with which State and local officials will try to limit their expenditures. The precedent which we are being asked to establish would open the way for these officials, at little or no political cost, to mobilize pressures, to pass on to the Federal Government the responsibility for financing an ever larger share of their ever larger budgets. This precedent would not only tend to erode fiscal self-restraint, it would also help perpetrate the invidious myth that moneys dispensed by Washington are somehow not the same moneys which Washington has earlier picked from the pockets of the citizens of the several States.

Mr. President, what a sound statement that is and how infrequently we hear that in the halls of Congress. I am tremendously interested in and pleased by the statement made this morning by the distinguished Senator from New York, although, as I mentioned at the outset of these remarks, I cannot at this time endorse his proposal because it will require a great deal of study, just as the President's revenue-sharing plans require a great deal of study. But I do feel the Senator from New York made a tremendous contribution to the Senate and to Congress in presenting this proposal this morning.

Mr. BAKER. Mr. President, I wish to comment briefly on the remarks made by our distinguished colleague, the Senator from New York (Mr. BUCKLEY), and the meaningful colloquy which has been had by the distinguished Senator from Virginia.

Mr. President, I am glad to have had an opportunity to hear this very thoughtful and thought-provoking maiden speech by our distinguished colleague, the junior Senator from New York. It has been my privilege to serve with the Senator on the Public Works Committee since he came to the Senate in January of this year, and I have rapidly developed a strong admiration for his ability and for his promise. The people of New York should be and, I am sure, are proud of Senator BUCKLEY and will be well served during his tenure.

When I was soliciting cosponsorship of S. 680, the administration's general revenue-sharing bill, I received a prompt and polite reply from Senator BUCKLEY in which he indicated that he did not feel predisposed to cosponsor at that time. Little did I know how unpredisposed he was.

As principal sponsor of S. 680, and in spite of my great admiration for the Senator's excellent speech and thoughtful legislative proposal, I suppose I would be laggard in my duty if I did not gently disagree with his assessment of the administration bill and state my preference for general revenue sharing as an alternative to the "revenue shifting" that our distinguished colleague has proposed today.

I think, in fact, that we have more in common than we do in disagreement. First, we each believe strongly in the competence of State and local governments. Second, we each believe in the need for enhancing that competence and thus revitalizing our Federal form of Government. Third, we each acknowledge the urgency of the fiscal crisis at the State and local level. Fourth, we each recognize that the tax bases commonly available to State and local governments grow less rapidly than the personal income tax base, largely the preserve of the Federal Government since the adoption of the 16th amendment. Fifth, we each deplore the rigidity of many Federal grant-in-aid programs, which often require States and localities to spend limited resources in areas not compatible with local priorities.

It is out of these basic areas of agreement that the President's general revenue-sharing proposal and Senator BUCKLEY's revenue shifting proposal come. So we are both headed toward alleviation of the same problems and stimulation of the same State and local vitality. What we are left with is a difference in technique, what are really tactical questions and not strategic ones.

Let me comment briefly on what I view to be the most laudable aspect of the Senator's proposal, one which I find most thoroughly agreeable in principle. That is the feature which would shift to the State governments the political decision as to whether the Senator's proposed income tax reduction would continue to be collected for State purposes. This feature goes directly to the argument made by many that the unit of Government spending tax revenues should bear the political responsibility—or accountability, if you will—for raising such revenues.

However, even this element of the Senator's proposal troubles me, and for reasons that I tried to articulate when I introduced S. 680 on February 9. One of the two most often cited alternatives to general revenue sharing is a scheme of Federal tax credits against State personal income taxes, the other being Federal assumption of welfare costs.

I am opposed to a Federal policy that encourages enactment of State personal income taxes, because I cannot avoid the strong suspicion that a system of 50 State income taxes would serve as a serious hindrance to the free flow of people, goods, and services between the States. Even property, sales, excise and corporate taxes have traditionally been used by States locked in a lethal competition for industry and jobs. So the States find themselves constantly making cruel choices between meeting the legitimate needs of their citizens for services and maintaining a tax structure that encourages rather than inhibits an expansion of the total tax base.

A great virtue of sharing Federal revenue is, in my opinion, that it avoids any competition between the States, because the Federal revenues to be shared are generated through the application of a tax structure that is uniform throughout the country.

Senator BUCKLEY's bill would vest in each State the option of choosing what proportion of its own tax saving the Internal Revenue Service would continue to collect for that State's own uses. It is not the same as a State income tax, but it is very close indeed.

I would make two other very brief observations. First, as the Senator himself points out, there is no provision in his bill that would require that a State pass through to any of its political subdivisions any of the revenues generated by the tax reduction. It might well be that in each case State government would be responsible enough to assure that cities and counties shared in the proposed relief. But I myself prefer a requirement that these subdivisions share by statute in the savings that would accrue.

Second, I would comment on an aspect of the Senator's case that confuses me a little. One of his objections to the administration's general revenue-sharing proposal is that it would be "redistributive," which is to say that the wealthy industrial States would be subsidizing the less wealthy rural States. It is true that the President's proposal would not return to New York State each tax dollar that it contributes to the $5 billion total, as would the Senator's proposal. It is true that the President's proposal, because State allocations would be based chiefly on population, would have a slightly redistributive effect. But the effect would be very slight indeed.

For example, may I cite a few statistics. The 17 wealthiest States in the Union—as measured by per capita taxable personal income—account for 49.7 percent of the Nation's population and 56.3 percent of its personal income. These 17 States would receive 50.8 percent of the allocations under the President's proposal. The 16 next most wealthy States include 30.6 percent of the Nation's population, 28.5 percent of the Nation's personal income, and would receive 29.7 percent of the $5 billion proposed to be shared by the President. The 17 poorest States in the Union contain 19.7 percent of the population, 15.2 percent of its personal income, and would receive 19.6 percent of the general revenue-sharing allocation. So the redistributive element of the President's proposal is very slight, much less redistributive than the special revenue-sharing proposals that the Senator—much to my gratification—has so ringingly endorsed this morning.

I might end by adding—with my tongue slightly in my cheek—that according to my hurried calculations, the State of New York would apparently receive more under the President's proposal than it would under the Senator's own proposal. This is so because New York is a very populous State with an excellent revenue exort of its own.

But that is enough in defense of S. 680.

I again commend the Senator for an excellent, thoughtful, and constructive speech and piece of legislation. His bill will go a long way toward clarifying many of the issues involped in various proposals to revitalize State and local government. I look forward to working closely with my talented and skillful colleague.

Mr. President, I am glad to have had the opportunity to participate in this colloquy. I commend the junior Senator from New York for his contribution and I reserve until a later date further discussion of the matter.

I thank the Senator from Virginia for yielding.

By Mr. HATFIELD:

S. 1579. A bill to amend section 203(k)(1) of the Federal Property and Administrative Services Act of 1949 so as to require certain financial information from nonprofit institutions making application for real property under such section. Referred to the Committee on Government Operations.

Mr. HATFIELD. Mr. President, today I am introducing legislation to tighten procedures used in the transfer of surplus Federal real property for educational or public health use. The bill would require a complete financial disclosure by a prospective donee of Federal real property under the public benefit allowance.

This legislation grows out of my investigation of the transfer of an abandoned Air Force Station in Oregon to a private college. On the surface, this appears to be a worthwhile act, and a wise use of surplus real property.

When I began looking into this particular transfer, however, a number of items of interest arose. I will not dwell on them today, but I expect to have more to say about this at a later date.

First, it must be remembered that transfers to education or public health institutions are free transfers—the Federal land is given to the donee. The technical language refers to "100 percent public benefit allowance." The donee must use the property for the stated use for 30 years or it reverts to the Federal Government. I should point out that there is an instance involving the school in question here where HEW lifted the condition subsequent on the posting of a surety bond. In most cases, however, the 30-year period is there.

When valuable Federal real property is given away—property sometimes worth millions of dollars—there is a legitimate public interest in seeing that such gifts are in the best public interest.

I think that my colleagues would agree that the ability to finance a worthwhile program at any site is dependent on the financial capacity of the donee. This affects proper and beneficial use of the property, and is of interest to the Federal Government, the State officials, and the adjacent local communities. In the specific case that aroused my interest in this entire area, Adair Air Force Station is to be given to United States International University. USIU is headquartered in San Diego, and plans to operate one of its branch campuses on the site. I will not repeat my observations about the school, and the need for another private school in Oregon today, but I will call the attention of my colleagues to my remarks on the floor here on February 9, 1971, at page 2215 in the RECORD. I also would point out additional information about USIU was supplied on February 17 at page 2977.

Because I felt that any recipient of Federal property in Oregon must have the financial capability to operate a sound educational program in Oregon, I looked into the application form used by the San Francisco office of HEW. I call attention to question 12 of the HEW application, and ask unanimous consent that this question appear at this point in the RECORD.

There being no objection, the question was ordered to be printed in the RECORD, as follows:

QUESTION 12

12. Give a full and complete statement of the ability to finance, operate, and maintain the facilities requested, including arrangements for conversion, or construction, staffing, operation, and maintenance. Be sure to include the following:

(a) Capital outlay budget, $———.
(b) Special building funds, $———.
(c) Undistributed reserve, $———.
(d) School tax rate, $———.
(e) Percentage of assessed valuation currently bonded, $———.
(f) Funds available for personnel and maintenance, $———.
(g) Amount raised by taxation, $———.
(h) State appropriations, $———.
(i) Other (contracts, services, federal payments, etc.), $———.

Mr. HATFIELD. Mr. President, in its application form, USIU did not reply to this question in a satisfactory manner, in my opinion. I ask unanimous consent that the USIU answer to question 12 appear at this point in the RECORD.

There being no objection, the answer was ordered to be printed in the RECORD, as follows:

ANSWER

12. The University, in the past 18 years, has developed into a major institution under the same President and essentially the same Board of Trustees. It has two major campuses in the San Diego area plus a downtown center for the performing arts; a campus in Steamboat Springs, Colorado; a campus in London, England; a campus in Nairobi, Kenya; and a campus in Mexico City. The University's income comes from tuition and fees plus gifts from corporations, foundations, and individuals who are interested in a strong, academic program coupled with an emphasis on values and wholesome campus living. The University has built two of these campuses from vacant land and has purchased the others. The same program of development that has made this growth and successful operation possible will be utilized as well at the Adair site. The fact that the major portion of the buildings are in existence on this site makes the project much easier to accomplish than those that have already been established by the University.

Mr. HATFIELD. Mr. President, I think any reasonable man who read the HEW form and the USIU answer would see that USIU did not answer the question.

I met in January with Secretary of Health, Education, and Welfare Elliot Richardson, to raise the many questions I had about this transfer and the school in particular. One question I raised concerned the inadequate answer of USIU to the HEW question.

In my response on February 3, 1971, from Secretary Richardson, after he had given his approval to the transfer, the Secretary apparently was satisfied that the USIU answer was satisfactory. I ask unanimous consent that the Richardson letter appear at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SECRETARY OF HEALTH, EDUCATION,
AND WELFARE,
Washington, D.C., February 3, 1971.

Hon. MARK HATFIELD,
United States Senate,
Washington, D.C.

DEAR SENATOR HATFIELD: After our discussion on January 22 regarding our proposed conveyance of the former Adair Air Force Station, Corvallis, Oregon to the U.S. International University, I requested my Office of Surplus Property Utilization to furnish me with factual data on the several areas you felt were not fully covered in the University's application and proposed program.

My analysis of all data has led me to conclude that USIU programs, multi-campus concept, and willingness to assist students to reach their college level potential, are exciting and attractive to college age students. Hence, students are not primarily drawn from the State in which a USIU campus is located, but from all States.

USIU's financial status does not appear to be a serious obstacle to their performing under their proposed program at Adair. Furthermore, since no local or State funds will be involved and the funds to be spent by USIU at Adair will help the economy in the area, and since the government also is not risking any loss if USIU does not complete its proposed program, I can only conclude there is much to gain and nothing to lose by completing this conveyance. Thus far, USIU has more than kept good faith in meeting program commitments for all other properties the Department has conveyed to it.

For these reasons, I have determined to proceed with the conveyance. Your interest in calling my attention to some areas of possible weakness in our surplus real property application procedures is appreciated, and we are taking steps to strengthen these procedures.

With kindest regards,
Sincerely,
ELLIOT RICHARDSON,
Secretary.

Mr. HATFIELD. Mr. President, because of the ambiguity in the Secretary's answer, and further questions of mine, I wrote HEW again, asking specifically about this question and the USIU answer. I ask unanimous consent that the HEW response appear at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARCH 23, 1971.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HATFIELD: Recently you requested our opinion on the answer to Item No. 12 in the application of the United States International University for the Adair Air Force Station.

We have previously pointed out that the University has fulfilled all of the program commitments for other properties conveyed under our Surplus Property Program. In addition, we believe the government's right to revert title to property conveyed under our program is adequate protection against misuse, non-use, or other failure to comply with our surplus property requirements.

The Department, therefore, determined the University's ability to finance did not appear to be a serious obstacle to accomplishment of the proposed program for Adair. You will recall this was the position the Secretary took when he wrote to you on February 3.

Sincerely yours,

SOL ELSON,
Director, Office of Surplus Property Utilization.

Mr. HATFIELD. Mr. President, from this answer by the surplus property division at HEW, they do not share the Secretary's concern that there is the area "of possible weakness in our surplus real property application procedures."

In light of this attitude of HEW, I think it important to examine other USIU applications for surplus real property. I ask unanimous consent that a letter listing recent transfers—for free I might add—to USIU from HEW appear at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH, EDUCATION,
AND WELFARE,
Washington, D.C., December 4, 1970.

Hon. MARK O. HATFIELD,
United States Senate,
Washington, D.C.

DEAR SENATOR HATFIELD: This is in reply to your request for a list of properties conveyed to United States International University since 1962. The following properties have been transferred to the University, or its predecessor, California Western University:

350.57 acres—Camp Elliott, San Diego—Deed, 4/15/65.

3.27 acres to U.S. Fleet Anti-Air Warfare Training Center, San Diego—Deed, 6/1/66.

50.56 acres—Camp Elliott, San Diego—Deed, 1/28/66.

54.38 acres and 71 buildings, Sundance Air Force Station, Wyoming—Deed, 8/14/70.

257.26 acres and 35 buildings, Camp Adair Air Force Station, Corvallis, Oregon—Occupancy permit issued pending preparation of deed.

Sometime ago, the University expressed an interest in a portion of the Oxnard Air Force Base in California. However, this is an airport facility and the Federal Aviation Agency has been working toward establishing a commercial airport at Oxnard. If the airport is established, as planned, the property would not be available for educational uses.

We know of no other property in which the University is interested.

Sincerely yours,

J. LLOYD TAYLOR,
Acting Director, Office of Surplus, Property Utilization.

Mr. HATFIELD. Mr. President, the most recent application of USIU that I am aware of was filed in September 1970, in the San Francisco HEW office. I presume the application form was the same. It requested transfer of Oxnard Air Force Base to USIU.

I reviewed a copy of the USIU application for the Oxnard base. Mr. President, I cannot even find any answer to question 12, or for that matter, for questions 11 through 15. The only reference to financing is the certification that USIU "has funds available and will use them for the purpose as described above."

Another application for transfer of surplus real property was filed by USIU for Sundance Air Force Station, in Wyoming. This property was transferred to USIU in August, 1970. I ask unanimous consent that the Denver-HEW application form question relating to financing, and the USIU answer appear at this point in the RECORD.

There being no objection, the question and answer were ordered to be printed in the RECORD, as follows:

ABILITY TO FINANCE AND OPERATE

7. (a) Give statement of sources of present financing for operations and for development of new facilities, including statement as to the current availability of funds to carry out the proposed use. (Complete budget or treasurer's report not required.)

(b) If program contemplates major development costs and funds are not currently available, state proposed plans and sources for securing funds to carry out the program and development.

USIU RESPONSE TO HEW QUESTION 7—SUNDANCE

It is intended to use the property for educational purposes as a part of the University program. It is estimated that it will be used to accommodate approximately 300 students. The sources of revenue to operate the program will come from tuition and fees, augmented by gifts from foundations, corporations, and individuals.

Mr. HATFIELD. Mr. President, it should be noted here that on the Xerox USIU answer I have, following the typed answer set out above, is a Xeroxed pen entry "See attached program." When I read that, I could find no mention of particular finances.

In addition, I should like to call attention to another aspect of this HEW approval of the USIU applications.

While HEW Office of Surplus Property officials say they find nothing wrong with the USIU financing, the Office of Education officials at HEW have supplied me with some very interesting information.

For 2 years, USIU has requested extensions of the date on which their HEFA loans were due. The school did not make a $41,180 payment last December, and requested an extension of the due date until February 15. I ask unanimous consent that letters from Richard Holden, of the Office of Education, appear at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., Mar. 3, 1971.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HATFIELD: Thank you for your letter of February 23 concerning the Direct Loan Program under the Higher Education Facilities Act of 1963, and specifically U.S. International University in California.

As of February 8, 1971, there were 520 loans outstanding under the Direct Loan Program. Of these, we agreed to a temporary moratorium on loan repayments at the request of 13 institutions.

In accordance with the terms of the loan, U.S. International University was required to make a debt service reserve deposit of $23,000 and a semi-annual interest payment of $18.180 on January 1, 1971. At the request of the institution, we agreed to extend the payment date to February 15, 1971. On February 17, 1971, the total amount of $41,180 was paid to the Trustee Bank.

If we can be of further assistance, please let us know.

Sincerely yours,

RICHARD R. HOLDEN,
Director, Division of Academic Facilities.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., Jan. 12, 1971.

Hon. MARK O. HATFIELD,
United States Senate
Washington, D.C.

DEAR SENATOR HATFIELD: Thank you for your letter of January 6 concerning U.S. International University.

Enclosed is a schedule showing the participation of this University in the Academic Facilities Program authorized by the Higher Education Facilities Act (HEFA) of 1963, as amended. Only one direct loan has been approved, and this one in the amount of $1,212,000, which was approved in FY 1967, was used together with a Title I Grant to assist in financing the construction of an academic complex on the Elliott Campus. The loan was closed in October 1968.

A debt service reserve payment due January 1, 1970, was not made in a timely manner. However, the payment was made to the Trustee within 60 days after the due date. An additional debt service reserve payment of $23,000 and an interest payment of $18,180 became due January 1, 1971, and the University has requested until February 15, 1971, to make these payments. Permission for this extension has been granted.

Construction of the five projects for which Title I Grants have been approved is being delayed, according to advice from our regional office, due to the difficulty being encountered by the University in raising the required matching funds. On two of these projects (4–9–00399–0 and 4–9–00429–0) the University has filed applications under Section 306 of HEFA for annual interest grants to assist in meeting part of the debt service on private loans. These annual interest grants have not yet been approved.

Although requested, we have not yet received a copy of the University's recent financial reports.

If we can be of any further assistance, please let us know.

Sincerely yours,

RICHARD R. HOLDEN,
Director, Division of Academic Facilities.

Mr. HATFIELD. In conclusion, Mr. President, I wish to note that my concern is not limited to my State, Adair Air Force Station, or USIU.

The Federal surplus real property programs transfers millions of dollars worth of Federal property every year. The public must be protected to insure that these free transfers are not abused. The 30-year reversion offers some protection for the Government, but I think more initial financial disclosure would stop some problems from arising.

Under my bill, a complete financial statement including—but not limited to—an audit by the donee would be required when the application was filed with HEW. The complete application—including this financial information—would be filed with the Governor of the State where the property is located. There it could be examined by appropriate State officials in the areas of education or public health, the citizen base utilization committee, or other interested parties. I think this action would stop some problems from arising.

By Mr. PERCY:

S. 1580. A bill to provide increased employment opportunities for middle-aged and older workers, and for other purposes;

S. 1581. A bill to provide for the conduct, within the Public Health Service, of a training program of State inspectors of long-term health care facilities; to the Committee on Labor and Public Welfare.

By Mr. PERCY (for himself and Mr. Tower):

S. 1582. A bill to amend the Public Health Service Act to provide for grants for the training and retraining of nurses aides and orderlies;

S. 1583. A bill to amend title VII of the Public Health Service Act to train certain veterans, with appropriate experience as paramedical personnel, to serve as medical assistants in long-term health care facilities. Referred to the Committee on Labor and Public Welfare.

By Mr. PERCY (for himself and Mr. Hart):

S. 1584. A bill to assist in the provision of housing for the elderly, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

S. 1585. A bill to amend title XVIII of the Social Security Act to provide for the coverage, under part A of such title, of certain drugs which are prescribed and furnished—whenever possible—by generic name;

S. 1586. A bill to provide for the development of more uniform standards for determining eligibility for the assistance authorized to be provided, under various Federal programs, to facilities for long-term health care—or to the patients thereof; and

S. 1587. A bill to provide for the conduct of a study and investigation of the provision, under State programs approved under title XIX of the Social Security Act, of care to individuals in long-term health care facilities will be required to comply with appropriate licensing standards; referred to the Committee on Finance.

S. 1588. A bill to provide financial assistance for the construction and operation of senior citizens' community centers, and for other purposes; and

S. 1589. A bill to amend title III of the Public Health Service Act to authorize grants for projects to develop or demonstrate programs designed to rehabilitate elderly patients of long-term health care facilities or to assist such patients in attaining self-care. Referred to the Committee on Labor and Public Welfare.

By Mr. PERCY (for himself, Mr. Tower, and Mr. Hart):

S. 1590. A bill to amend the Internal Revenue Code of 1954 to permit the deduction of all expenses for medical care of a taxpayer and his spouse if either of them attained the age of 65, and to provide a credit or refund of social security taxes withheld from the wages of certain individuals who have attained the age of 65 and a corresponding reduction in the tax on self-employment income of such individuals. Referred to the Committee on Finance.

By Mr. PERCY:

S. 1591. A bill to provide certain new transportation services to elderly persons, to authorize studies and demonstration services to the elderly, and for other purposes. Referred to the Committee on Commerce and the Committee on Banking, Housing and Urban Affairs—by unanimous consent.

(1) IMPROVED CARE FOR THE ELDERLY

Mr. PERCY. Mr. President, I rise today to introduce a comprehensive and far-reaching package of 12 bills designed to alleviate the problems of this Nation's 20 million elderly citizens.

In the United States today, when a person reaches age 65, he frequently finds he must do more than adjust emotionally and psychologically to his retirement. He must adapt himself to an entirely new style of life.

Ironically, just at the period in his life when the older American could benefit most from a higher income, he often suffers a drastic drop in income. Just as he discovers that his body is less nimble, he sees that transportation costs are rising, while service is deteriorating—if not disappearing altogether. Just as he begins to find it necessary to buy more medication and visit the doctor more frequently, he watches medical costs zoom skyward at an unbelievably high rate. And just at the age when—because of his decreased mobility, inadequate income, and declining health—he feels the greatest need to live in comfortable, familiar surroundings close to the people he knows and loves, he frequently is forced to give up his home or is shunted off to a nursing home.

In its recent report on "Developments in Aging," the Senate Special Committee on Aging points out that the problems of the aging will not be solved by "timid tinkering or stop-gap proposals," and calls for "bold, imaginative, and far-reaching action on several fronts." My legislative package is an attempt to solve the manifold problems of the aging: Housing, health and long-term care, income maintenance, and taxes, and transportation.

Mr. President, at this point I would like to comment briefly on each of my proposals. I ask unanimous consent that at the conclusion of my remarks, the text of each bill be printed in the Record.

The PRESIDING OFFICER (Mr. Bentsen). Without objection, it is so ordered.

(See exhibit 1.)

(2) COMMUNITY CENTERS FOR SENIOR CITIZENS

Mr. PERCY. Mr. President, my first proposal would create special units—community centers for senior citizens—to provide a focal point in a community for all senior citizen activities and social services. Under my bill, the elderly would be able to go to a single center to obtain information or help with such matters as low-cost meals, transportation, legal and employment counseling, and recreational, social, educational, and cultural programs. This measure, patterned after the highly successful Community Mental Health Centers Act, would:

Authorize a total of $320 million over the next 3 fiscal years for grants to the States for the construction and initial staffing of senior citizens community centers to provide a comprehensive program of social services to the elderly.

Require submission of a State plan which sets forth, among other things, a program of construction based on a survey of need and requires the Secretary of Health, Education, and Welfare to promulgate other rules and regulations regarding such construction.

State Congress' intention that all programs funded under title III and title IV of the Older Americans Act be provided through these community centers and that senior citizens in each community be involved in designing local programs.

Authorize block grants to the States totaling $310 million over the next three fiscal years to be distributed to local community centers according to procedures set out in a State plan for the support of local programs.

(3) HOUSING

The second bill aims to rehabilitate the only two housing programs designed exclusively for the elderly, the FHA sections 202 and 231 of the National Housing Act. It also seeks to coordinate and maximize the effectiveness of the 21 housing programs now in existence which deal directly or indirectly with the elderly. As now written, the bill calls for an Assistant Secretary of Housing for the Elderly in the Department of Housing and Urban Development to accomplish this coordination, but this is only one of several possible approaches. Entitled the "Housing for the Elderly Act," the bill would do the following:

Housing for the Elderly in the Department of Housing and Urban Development to administer, plan, and coordinate housing programs for the elderly.

Direct the Assistant Secretary: First, to make maximum use of section 202 of the Housing Act of 1959 in providing housing and related facilities for the elderly, and second, to carry out studies and make recommendations for action to meet the housing needs of the elderly in rural areas, including the possibility of emergency grants for the repair and rehabilitation of dwelling units.

Amend section 231 of the National Housing Act to permit private nonprofit sponsors flexibility in the design of projects so that one facility may include residential units as well as a combination of long-term care units.

Authorize $25 million in each of the next three fiscal years for a demonstration program of grants for the planning and construction of multipurpose facilities or campuses centering on an intensive care unit and including residential, convalescent, and skilled nursing care units for the elderly.

(4) TRANSPORTATION

In an attempt to help increase the mobility of older Americans and to prohibit discrimination on the basis of age against senior citizens applying for automobile insurance, I am introducing my third bill, entitled the "Senior Citizens

Transportation Services Act." It would do the following:

Require half fares on mass transit facilities for mass transit systems to be eligible for Urban Mass Transportation Assistance Act funds.

Require half fares on trains and buses crossing state lines during nonpeak hours.

Require half fares on domestic airlines on a seat-available or standby basis.

Extend the Architectural Barriers Act of 1968 to cover mass transit facilities thereby strengthening the Federal Government's hand in insuring access by the aged and the handicapped to mass transit facilities.

Authorize an appropriation of $2.5 million in each of the next two fiscal years for a program of transportation demonstration projects in the Administration on Aging to explore ways of increasing the mobility and decreasing the isolation of the elderly.

Make it a Federal crime punishable by fines up to $10,000 to deny automobile liability and personal injury insurance to any person age 65 or over solely on the grounds of age.

(5) INCOME MAINTENANCE AND TAX RELIEF

To provide much-needed tax relief for the elderly, I am proposing my fourth bill, which would:

Permit the deduction of all expenses for medical care of a taxpayer and his spouse if either of them has attained age 65.

Provide a credit or refund of social security taxes withheld from the wages of individuals 65 years of age and over on an income up to $1,680 a year and a corresponding reduction in the tax on the income of self-employed individuals.

Because an individual's pension benefits are generally based upon his entire working record, unemployment at age 45 or later can have a severe and adverse effect upon his retirement income. If a person loses his job after the age of 45 and finds himself virtually unemployable, he will suffer reduced pension benefits. Unfortunately age discrimination in the field of employment is quite common these days; the result is that more and more people are without jobs and face reduced pension benefits when they retire. My fifth proposal seeks to alleviate this problem by combining employment counseling and training services in the Department of Labor with opportunities for community service employment. The bill would:

Establish counseling, training, supporting services, and research activities in the Department of Labor to aid older workers 45 years of age and over who are unemployed or are seeking new employment.

Direct the Comptroller General to review job opportunities in the executive branch to find employment possibilities for older workers.

Authorize the Secretary of Labor to enter into agreements with public or private nonprofit organizations to pay 90 percent of the cost of projects employing low-income people over 55 in community service activities.

(6) HEALTH AND LONG-TERM CARE

To relieve the elderly from an expense they find inordinately burdensome, my sixth bill would extend medicare coverage to prescription drugs at no cost to the consumer. The sixth bill would:

Provide for an unlimited supply of prescription drugs at no cost to the consumer.

Provide for a formulary of drugs eligible for reimbursement to be prepared by a formulary committee made up of doctors, pharmacists, and consumer representatives.

Authorize whenever possible the listing and selling of drugs by generic names.

Authorize the committee to set the maximum allowable cost of drugs.

Direct the committee to place only the lowest cost drugs on the formulary whenever possible.

Require pharmacies generally to supply the lowest cost version of a drug if all available versions are in other ways identical.

Require that pharmacies be reimbursed at a rate to include a fee for professional services not to exceed the median of all fees charged within a particular State or region of the country.

Bills seven through 12 seek to improve long-term care for the elderly by providing better mechanisms for the establishment and enforcement of nursing home standards. Additionally, this legislation provides for the training of personnel employed in long-term care facilities, with special emphasis upon utilizing the talents of medical corpsmen returning from Vietnam. A summary of each of these bills follows:

(7) UNIFORM LONG-TERM HEALTH CARE FACILITY STANDARDS ACT

Directs the Secretary of Health, Education, and Welfare in consultation with other relevant Government officials, to conduct a study and review of various Federal programs which provide assistance to facilities for long-term care—or to the patients of such facilities—in order to develop greater uniformity under these programs of the designations employed and the standards—type and quality of patient care, staffing, maintenance, licensing, and inspecting, et cetera—imposed with respect to eligibility for Federal assistance.

Directs the Secretary to recommend remedial legislation to Congress within 1 year from the passage of the legislation.

(8) A BILL TO PROVIDE FOR A STUDY OF THE MEDICAID SYSTEM IN ORDER TO ASSURE BETTER HEALTH CARE FOR INDIVIDUALS IN LONG-TERM CARE FACILITIES

Directs the Secretary of Health, Education, and Welfare to conduct a study of the feasibility of requiring as a standard for eligibility that one State agency have the responsibility for administering the medicaid program and for licensing and inspecting long-term care facilities;

Directs the Secretary to recommend remedial legislation to Congress within 1 year from the passage of the legislation.

(9) A BILL TO ESTABLISH A DEMONSTRATION PROGRAM FOR THE REHABILITATION AND REMOTIVATION OF PATIENTS IN LONG-TERM CARE FACILITIES

Authorizes a total of $35 million over the next 4 years for grants to cover all or part of the cost of projects to develop or demonstrate programs designed to rehabilitate aged in-patients of long-term care facilities or to assist such inpatients to attain self-support or self-care.

(10) A BILL TO PROVIDE FOR THE TRAINING OF NURSES' AIDES AND ORDERLIES FOR NURSING HOMES

Authorizes a total of $17.5 million over the next 4 fiscal years for a program of grants to assist public and nonprofit private agencies in conducting programs for the training of personnel as nurses' aides or orderlies for nursing homes.

(11) A BILL TO PROVIDE FOR THE TRAINING OF MEDICAL ASSISTANTS FOR NURSING HOMES

Authorizes a total of $17.5 million over the next 4 fiscal years for a program of grants to medical schools for the retraining of discharged Armed Forces medical corpsmen as medical assistants for long-term care facilities.

(12) A BILL TO PROVIDE FOR A TRAINING PROGRAM WITHIN THE PUBLIC HEALTH SERVICE FOR STATE INSPECTORS OF LONG-TERM HEALTH CARE FACILITIES

Authorizes a total of $17.5 million over the next 4 fiscal years to finance a Public Health Service training program for State officers or employees who have the responsibility to inspect long-term facilities for compliance with Federal and State rules, standards, and regulations.

EXHIBIT 1

S. 1580

A bill to provide increased employment opportunities for middle-aged and older workers, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—GENERAL PROVISIONS

SHORT TITLE

SEC. 101. This Act may be cited as the "Middle-Aged and Older Workers Employment and Community Service Act."

DECLARATION OF FINDINGS

SEC. 102. The Congress hereby finds and declares that—

(1) in a period of great affluence, middle-aged and older workers find it increasingly difficult to regain employment when out of work and to retain employment;

(2) inflation has forced middle-aged and older persons to bear growing economic burdens, particularly if they are living on limited, fixed incomes;

(3) the Age Discrimination in Employment Act of 1967 cannot reasonably be expected without supplementary legislation to cope adequately with age discrimination in employment and to provide employment opportunities for middle-aged and older workers;

(4) the incidence of unemployment, especially long-term unemployment with resultant deterioration of skill, morale, and employer acceptablility, is higher among workers age forty-five and over than among younger workers;

(5) as a result of unemployment, underemployment in low-skill jobs, and retirement with severely reduced incomes, millions of persons age forty-five and over live in poverty;

(6) more than a million men between the ages of fifty-five and sixty-four have given up the active search for work and thousands of men and women between the ages of sixty-two to sixty-four have retired with inadequate benefits;

(7) there is almost no opportunity for continued training and education for older individuals who are employed to meet the needs of a dynamic economy and changing technology;

(8) the loss to the economy of the po-

tential production of goods and services, and the costs of unemployment compensation and public assistance, can be reckoned in billions of dollars;

(9) the loss to the individual in terms of frustration, impaired morale, loss of the sence of worth and dignity, and of his status within the family and society, is incalculable; and

(10) providing such individuals with opportunities for useful work will increase their incomes, benefit their physical and mental well-being, and strengthen the Nation's economy.

STATEMENT OF PURPOSE

Sec. 103. It is the purpose of this Act to establish and to assist programs which will—

(1) afford the middle-aged and older worker a range of real and reasonable opportunities for employment.

(2) eliminate arbitrary discriminatory practices which deny work to qualified persons solely on account of age;

(3) increase the availability of jobs by finding new work opportunities, including part-time employment to supplement income and to facilitate the transition to full retirement or the return to full-time work;

(4) improve and extend existing programs designed to facilitate training and the matching of skills and jobs;

(5) assist middle-aged and older workers, employers, labor unions, and educational institutions to prepare for and adjust to anticipated changes in technology in jobs, in educational requirements, and in personnel practices; and

(6) stimulate innovative approaches to provide increased employment opportunities for middle-aged and older persons.

AUTHORIZATION

Sec. 104. For the purpose of carrying out the provisions of title II of this Act, there are authorized to be appropriated $140,000,000 for the fiscal year ending June 30, 1972, and $210,000,000 for the fiscal year ending June 30, 1973.

EQUITABLE DISTRIBUTION OF ASSISTANCE

Sec. 105. The Secretary of Labor (hereafter referred to as the "Secretary") shall establish criteria designed to achieve an equitable distribution of assistance under this Act among the States and between urban and rural areas.

ADMINISTRATION

Sec. 106. (a) In order to carry out the provisions of titles II and IV of this Act the Secretary is authorized to—

(1) prescribe such rules and regulations as he deems necessary;

(2) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

(3) appoint such advisory committees composed of private citizens and public officials who, by reason of their experience or training, are knowledgeable in the area of job opportunities for middle-aged and older individuals, as he deems desirable to advise him with respect to his functions under this Act; and

(4) utilize, with their consent, the services, personnel, information, and facilities of other Federal and State agencies, with or without reimbursement therefor.

(b) Each member of a committee appointed pursuant to clause (3) of subsection (a) of this section who is not an officer or employee of the Federal Government shall receive an amount equal to the maximum daily rate prescribed for GS-18 under section 5332 of title 5, United States Code, for each day on which he is engaged in the actual performance of his duties (including traveltime) as a member of the committee. All members shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

PROGRAM DEVELOPMENT AND COORDINATION

Sec. 107. (a) In addition to any other provisions for the administration of this Act, the Secretary shall designate personnel to have responsibility for program leadership, development, and coordination. The Secretary shall provide for a central office for information on and special attention to the problems of middle-aged and older workers and the programs concerning such workers.

(b) No individual, institution, organization, or agency shall evaluate any program under this Act if that individal, or any member of any such institution, organization, or agency, is associated with the program as a consultant, technical adviser, or in any other capacity.

RESEARCH AND INFORMATION PROGRAMS

Sec. 108. (a) The Secretary is authorized to enter into grants, contracts, and other arrangements with public and private agencies and institutions to conduct such research and demonstration projects as he determines will contribute to carrying out the purposes of this Act.

(b) In carrying out the purposes of this Act the Secretary is authorized to publish and disseminate materials and other information relating to training and job opportunities for middle-aged and older individuals and to conduct such special information and educational programs as he determines appropriate.

TITLE II—MIDCAREER DEVELOPMENT SERVICE PROGRAM

PROGRAM ESTABLISHED

Sec. 201. There is hereby established a comprehensive midcareer development service program, to be administered by the Manpower Administration in the Department of Labor, to assist middle-aged and older workers to find employment by providing training, counseling, and special supportive services to such workers.

TRAINING PROGRAMS

Sec. 202. (a) The Secretary, through the Manpower Administration, is authorized to make loans and grants to public and private nonprofit agencies, institutions, and organizations and to individuals for training, including on-the-job, institutional, residential, and other training, designed to upgrade the work skills and capabilities of middle-aged and older persons who are at least forty-five years of age.

(b) Any grant or loan made pursuant to this section may be used to pay all or part of the cost of training under any such program plus such stipends (including allowances for subsistence or other expenses) for such persons and their dependents as he may determine to be consistent with prevailing practices under comparable Federal programs.

(c) A grant or loan under this section shall be made on such terms and conditions as the Secretary shall prescribe and may be made only upon application to the Secretary at such time or times and containing such information as he deems necessary. The Secretary shall not approve an application unless it sets forth a program for training which meets criteria established by him, including training costs and tuition schedules.

(d) The Secretary shall pay to each applicant who has an application approved by him part or all of the cost of the program set forth in such application.

(e) Individuals receiving payments under the provisions of this section while undergoing training shall continue to receive such payments only during such period as the Secretary finds that they are maintaining satisfactory proficiency in such training program.

(f) The Secretary is authorized to enter into agreements to provide loan guarantees to lending institutions on such terms and conditions as the Secretary shall prescribe in order to permit such institutions to make loans to persons who are at least forty-five years of age for training which qualifies under this section.

TRAINING PERSONS TO TRAIN AND RETRAIN MIDDLE-AGED AND OLDER WORKERS

Sec. 203. The Secretary is authorized to develop and carry out a program under which an adequate number of persons are trained to understand the learning processes of middle-aged and older persons and to become qualified to train and retrain middle-aged and older workers in skills needed in the economy in the community in which such workers reside. Such programs shall emphasize developing innovative techniques for training middle-aged and older persons.

SPECIAL SERVICES FOR MASS LAYOFFS

Sec. 204. The Secretary is authorized to recruit and train personnel within the Department of Labor to be made available to localities in which substantial numbers of middle-aged and older persons are unemployed as a result of the closing of a plant or factory or a permanent large-scale reduction in the work force in that locality. In carrying out the provisions of this section, the Secretary is authorized to provide such persons with recruitment, placement, and counseling services.

SPECIALIZED SERVICES

Sec. 205. (a) The Secretary shall establish and carry out specialized services for older workers who desire to improve their employability, to receive training to improve their capabilities at their present employment, or to obtain counseling in planning to maximize earning opportunities for the rest of their working lives.

(b) The Secretary is authorized to recruit and train manpower specialists, including older and retired employment counselors and personnel directors, to serve in programs authorized under this section.

EMPLOYMENT SERVICES FOR PART-TIME EMPLOYMENT

Sec. 206. The Secretary may, where appropriate, make special provisions through the United States employment service, or with the advice and assistance of the employment service, by means of grants to or contracts with nonprofit volunteer agencies to assist such agencies in securing part-time or temporary employment for additional members of middle-aged and older persons who wish such employment.

TITLE III—OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM

PROGRAM AUTHORIZED

Sec. 301. (a) In order to foster and promote useful part-time work opportunities in community service activities for unemployed low-income persons who are fifty-five years old or older and who have poor employment prospects, the Secretary of Labor (hereinafter referred to as the "Secretary") is authorized to establish an older American community service employment program (hereinafter referred to as the "program").

(b) In order to carry out the provisions of this title, the Secretary is authorized—

(1) to enter into agreements with public or private nonprofit agencies or organizations, agencies of a State government or a political subdivision of a State (having elected or duly appointed governing officials), or a combination of such political subdivisions, in order to further the purposes and goals of the program. Such agreements may include provisions for the payment of costs, as provided in subsection (c), of projects developed by such organizations and agencies in cooperation with the Secretary in order to make the program effective or to supplement it. No payments shall be made by the Secretary toward the cost of any project established or administered by any such organization or agency unless he determines that such project—

(A) will provide employment only for eligible individuals, except for necessary technical, administrative, and supervisory personnel, but such personnel shall, to the fullest extent possible, be recruited from among eligible individuals;

(B) will provide employment for eligible individuals in the community in which such individuals reside, or in nearby communities;

(C) will employ eligible individuals in services related to publicly owned and operated facilities and projects, or projects sponsored by organizations exempt from taxation under the provisions of section 501(c) (3) of the Internal Revenue Code of 1954 (other than political parties), except projects involving the construction, operation, or maintenance of any facility used or to be used as a place for sectarian religious instruction or worship;

(D) will contribute to the general welfare of the community;

(E) will provide employment for eligible individuals who do not have opportunities for other suitable public or private paid employment, other than projects supported under the Economic Opportunity Act of 1964, or under this Act;

(F) will result in an increase in employment opportunities for eligible individuals, and will not result in the displacement of employed workers or impair existing contracts;

(G) will utilize methods of recruitment and selection (including, but not limited to, listing of job vacancies with the employment agency operated by any State or political subdivision thereof) which will assure that the maximum number of eligible individuals will have an opportunity to participate in the project;

(H) will include such short-term training as may be necessary to make the most effective use of the skills and talents of those individuals who are participating, and will provide for the payment of the reasonable expenses of individuals being trained, including a reasonable subsistence allowance;

(I) will assure that safe and healthy conditions of work will be provided, and will assure that persons employed under such programs will be paid at rates comparable to the rates of pay prevailing in the same labor market area for persons employed in similar occupations, but in no event shall any person employed under such programs be paid at a rate less than that prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended;

(J) will be established or administered with the advice of persons competent in the field of service in which employment is being provided, and of persons who are knowledgeable with regard to the needs of older persons; and

(K) will authorize pay for transportation costs of eligible individuals which may be incurred in employment in any project funded under this Act in accordance with regulations promulgated by the Secretary; and

(2) to make, issue, and amend such regulations as may be necessary to effectively carry out the provisions of this Act.

(c)(1) The Secretary is authorized to pay not to exceed 90 per centum of the cost of any project which is the subject of an agreement entered into under subsection (b), except that the Secretary is authorized to pay all of the costs of any such project which is (A) an emergency or disaster project or (B) a project located in an economically depressed area as determined in consultation with the Secretary of Commerce and the Director of the Office of Economic Opportunity.

(2) The non-Federal share shall be in cash or in kind. In determining the amount of the non-Federal share, the Secretary is authorized to attribute fair market value to services and facilities contributed from non-Federal sources.

ADMINISTRATION

SEC. 302. (a) In order to effectively carry out the provisions of this title, the Secretary is authorized to consult with agencies of States and their political subdivisions with regard to—

(1) the localities in which community service projects of the type authorized by this Act are most needed;

(2) consideration of the employment situation and the types of skills possessed by available local individuals who are eligible to participate; and

(3) potential projects and the number and percentage of eligible individuals in the local population.

(b) The Secretary shall encourage those agencies and organizations administering community service projects which are eligible for payment under section 301(b) to coordinate their activities with agencies and organizations which are conducting existing programs of a related nature which are being carried out under a grant or contract made under the Economic Opportunity Act of 1964. The Secretary may make arrangements to include such projects and programs within a common agreement.

(c) In carrying out the provisions of this title, the Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, and facilities.

(d) The Secretary shall establish criteria designed to assure equitable participation in the administration of community service projects by agencies and organizations eligible for payment under section 301(b).

(e) The Secretary shall not delegate his functions and duties under this Act to any other department or agency of Government.

PARTICIPANTS NOT FEDERAL EMPLOYEES

SEC. 303. (a) Eligible individuals who are employed in any project funded under this Act shall not be considered to be Federal employees as a result of such employment and shall not be subject to the provisions of part III of title 5, United States Code.

DEFINITIONS

(b) No contract shall be entered into under this Act with a contractor who is, or whose employees are, under State law, exempted from operation of the State workmen's compensation law, generally applicable to employees, unless the contractor shall undertake to provide either through insurance by a recognized carrier, or by self insurance, as allowed by State law, that the persons employed under the contract, shall enjoy workmen's compensation coverage equal to that provided by law for covered employment. The Secretary may establish standards for severance benefits, in lieu of unemployment insurance coverage, for eligible individuals who have participated in qualifying programs and who have become unemployed.

INTERAGENCY COOPERATION

SEC. 304. The Secretary shall consult and cooperate with the Office of Economic Opportunity, the Administration on Aging, and any other related Federal agency administering related programs, with a view to achieving optimal coordination with such other programs and shall promote the coordination of projects under this title with other public and private programs or projects of a similar nature. Such Federal agencies shall cooperate with the Secretary in disseminating information about the availability of assistance under this title and in promoting the identification and interests of individuals eligible for employment in projects funded under this title.

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 305. The Secretary shall establish criteria designed to achieve an equitable distribution of assistance under this Act among the States and between urban and rural areas, but no State shall receive more than 12 per centum of any money appropriated in any fiscal year to carry out the provisions of this title.

DEFINITIONS

SEC. 306. As used in this title—

(a) "State" means any of the several States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands;

(b) "eligible individual" means an individual who is fifty-five years old or older, who has a low income, and who has or would have difficulty in securing employment;

(c) "community service" means social, health, welfare, educational, library, recreational, and other similar services; conservation, maintenance or restoration of natural resources; community betterment or beautification; antipollution and environmental quality efforts; economic development; and such other services which are essential and necessary to the community as the Secretary, by regulation, may prescribe.

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 307. There are hereby authorized to be appropriated to carry out the provisions of this title $35,000,000 for the fiscal year ending June 30, 1972, and $60,000,000 for fiscal year ending June 30, 1973.

TITLE IV—SPECIAL REPORTS AND STUDIES

MANPOWER STUDY

SEC. 401. (a) The Secretary is authorized and directed to undertake, either directly or by way of grant or contract, a thorough study of manpower programs authorized by provisions of Federal law other than this Act, and other federally assisted training programs to determine whether such programs are responsive to the needs of persons who are at least forty-five years of age. The Secretary shall report the findings and recommendations of this study, and his own recommendations with respect to additional legislation, to the President for transmittal to the Congress not later than January 31, 1973.

(b) In conducting this study the Secretary shall not employ or contract with any individual, institution, organization, or agency providing advice or technical assistance for any program described in subsection (a) of this section.

EXTENDED UNEMPLOYMENT COMPENSATION

SEC. 402. The Secretary shall study the feasibility of establishing a program of extended unemployment compensation benefits for unemployed workers aged fifty-five and older who have exhausted their unemployment compensation. On or before July 1, 1972, the Secretary shall report to the Congress and the President his findings and recommendations with respect to such a program of allowances.

COMPENSATION AND DISABILITY INSURANCE

SEC. 403. The Secretary shall prepare and submit a report to the Congress not later than July 1, 1972, on means of eliminating the lack of coverage and other inadequacies in workmen's compensation and disability insurance programs, health insurance, and pension plans, particularly as they affect adversely the employment of middle-aged and older workers.

PRIVATE NONPROFIT EMPLOYMENT OPPORTUNITIES

SEC. 404. The Secretary shall prepare and submit a report to the Congress not later than July 1, 1972, on present programs of private nonprofit organizations to furnish employment opportunities on a full-time or a part-time basis for individuals 55 years of age or older and on recommendations for strengthening such programs and coordinating such programs with employment programs for older Americans conducted or assisted by public agencies.

FEDERAL EMPLOYMENT OPPORTUNITIES STUDY

SEC. 405. (a) The Comptroller General of the United States is authorized and directed to undertake a study of part-time employment in the executive branch of the Government of the United States and to make a report of his findings, together with any recommendations he considers appropriate or desirable, to the Congress on or before January 31, 1973. Such study shall include a determination of—

(1) the extent to which part-time employment exists in the executive branch;

(2) the limitations, if any, that are imposed by Federal statutes, regulations, or administrative policies or practices on such part-time employment, and the extent to which such limitations are justified; and

(3) the measures that may be taken to increase the number of part-time positions available in the executive branch which may be filled by older persons without resulting in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work or wages or employment benefits).

(b) The Comptroller General is further authorized and directed to undertake a study of the feasibility of redesigning positions in the executive branch of the Government of the United States without impairing the effectiveness or efficiency of operations of any department, agency, or independent establishment, with a view to increasing the number of positions which are available to older individuals at the subprofessional level. The Comptroller General shall make a report of his findings, together with any recommendations he considers appropriate or desirable, to the Congress on or before January 31, 1973. Such study shall include a determination of—

(1) the extent to which positions can be redesigned, resulting in an increase in the number of positions in the executive branch available to older individuals;

(2) the limitations, if any, imposed by Federal statutes, regulations, or administrative policies or practices on redesigning positions in the executive branch to increase the number of subprofessional positions available to older individuals and the extent to which such limitations are justified;

(3) the measures that may be taken to redesign positions so that the number of subprofessional positions available to older individuals may be increased; and

(4) the programs which would be needed to train older individuals to fill subprofessional positions created as a result of redesigning such position.

AUTHORIZATION

SEC. 406. There are authorized to be appropriated $—— for the fiscal year ending June 30, 1972, to carry out the purposes of this title.

S. 1581

A bill to provide for the conduct, within the Public Health Service, of a training program of State inspectors of long-term health care facilities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part B of title III of the Public Health Service Act is amended by inserting after section 317 thereof the following new section:

"PROGRAM FOR TRAINING OF STATE INSPECTORS OF LONG-TERM HEALTH CARE FACILITIES

"SEC. 318. (a) The Secretary shall conduct, within the Public Health Service, a program for the training of State officers or employees who are authorized by the State to participate in such program and who are (or will, upon completion of such training, be) charged with the responsibility of conducting inspections of long-term health care facilities in the State or carrying on other appropriate activities designed to assure that long-term health care facilities operating in the State comply with applicable licensing and other requirements of State or local law.

"(b) The Secretary is authorized to prescribe such regulations, regarding the number of personnel from each State which may participate in such training program at any one time, as may be necessary to assure equitable treatment, as among the various States, in the operation of such program.

"(c) For the purpose of carrying out the provisions of this section, there is authorized to be appropriated $2,500,000 for the fiscal year ending June 30, 1972, and $5,000,000 for each of the next three fiscal years.".

S. 1582

A bill to amend the Public Health Service Act to provide for grants for the training and retraining of nurses aides and orderlies

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title VIII of the Public Health Service Act is amended by adding at the end thereof the following new part:

"PART E—GRANT PROGRAM FOR TRAINING NURSES AIDES AND ORDERLIES

"SEC. 881. (a) The Secretary is authorized to make grants to public or non-profit private agencies, institutions and organizations to assist them in conducting (or establishing and conducting) programs for the training or retraining of personnel as nurses aides or orderlies for nursing homes.

"(b) For the purpose of carrying out the provisions of this section there is authorized to be appropriated $2,500,000 for the fiscal year ending June 30, 1972, and $5,000,000, for each of the next three fiscal years."

S. 1583

A bill to amend title VII of the Public Health Service Act to train certain veterans, with appropriate experience as paramedical personnel, to serve as medical assistants in long-term health care facilities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part E of title VII of the Public Health Service Act is amended by adding after section 774 thereof the following new section:

"GRANTS TO DEVELOP PROGRAMS TO TRAIN CERTAIN VETERANS TO SERVE AS MEDICAL ASSISTANTS IN LONG-TERM HEALTH CARE FACILITIES

"SEC. 775. (a) There is authorized to be appropriated $2,500,000 for the fiscal year ending June 30, 1972, and $5,000,000 for each of the next three fiscal years, to enable the Secretary to make grants to schools of medicine to assist such schools in meeting the costs of developing and conducting special training programs designed to prepare qualified veterans of the Armed Forces to perform services as medical assistants in long-term health care facilities.

"(b) As used in subsection (a)—

"(1) the term 'qualified', when used in reference to any veteran, means an individual who is not a physician but who, while a member of the Armed Forces, performed (as his occupational specialty) duties which involved the provision of first-aid and other medical services (whether under the direct supervision of a physician or otherwise) which, if performed by a physician, would be regarded as professional services; and

"(2) the term 'medical assistant' means an individual who is not a physician but who is qualified to perform first-aid and certain oher medical services (whether under the direct supervision of a physician or otherwise) which, if performed by a physician, would be regarded as professional services."

S. 1584

A bill to assist in the provision of housing for the elderly, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Housing for the Elderly Act."

ASSISTANT SECRETARY FOR HOUSING FOR THE ELDERLY

SEC. 2. (a) The first sentence of section 4(a) of the Department of Housing and Urban Development Act is amended by striking out "six" and inserting in lieu thereof "seven".

(b) Subsection (b) of section 4 of such Act is amended by inserting "(1)" after "(b)" and by adding at the end thereof a new paragraph as follows:

"(2) One of the Assistant Secretaries provided for in subsection (a) shall be designated Assistant Secretary for Housing for the Elderly. All of the programs administered by the Department to provide aid or assistance in behalf of the elderly shall be administered by and through the Assistant Secretary so designated. In the exercise of this authority, the Assistant Secretary shall—

"(A) make maximum use of the loan program under section 202 of the Housing Act of 1959 in providing housing and related facilities for the elderly;

"(B) be regularly consulted with respect to all other programs of the Department to the extent that they provide or otherwise involve housing for the elderly;

"(C) provide a central source and clearinghouse of information with respect to housing for the elderly;

"(D) coordinate housing programs for the elderly and seek ways to consolidate programs which overlap; and

"(E) carry out studies and make recommendations for such administrative and/or legislative action as may be appropriate to meet the housing needs of the elderly in rural areas, including emergency grants where necessary for the repair or rehabilitation of dwelling units."

MORTGAGE INSURANCE TO ASSIST IN PROVIDING HOUSING FOR THE ELDERLY

SEC. 2. Section 231 of the National Housing Act is amended by adding at the end thereof a new subsection as follows:

"(g)(1) Notwithstanding any other provision of this section, no mortgage shall be insured under this section after the date of enactment of the Housing for the Elderly Act unless—

"(A) the mortgage is executed by a mortgagor described in subsection (c)(3); and

"(B) the property or project covered by the mortgage is new construction, and is designed exclusively (subject to subsection (f)) for the use and occupancy of elderly persons.

"(2) Any property or project covered by a mortgage insured under this section after such date may, notwithstanding any other provision of this section, include (in addition to dwelling units) an intermediate care facility, a nursing care facility, or a combined intermediate care and nursing care facility (including equipment to be used in the operation thereof).

"(3) As used in this subsection—

"(A) The term 'nursing care facility' means a facility of a private nonprofit corporation or association, licensed or regulated by the State (or, if there is no State law providing for such licensing and regulation by the State, by the municipality or other political subdivision in which the facility is located), for the accommodation of elderly persons who are not acutely ill and not in need of hospital care but who require skilled nursing care and related medical services, in which such nursing care and medical services are prescribed by, or are performed under the general direction of, persons licensed to provide such care or services in accordance with the laws of the State where the facility is located.

"(B) The term 'intermediate care facility' means a facility of a private nonprofit corporation or association licensed or regulated by the State (or, if there is no State law providing for such licensing and regulation by the State, by the municipality or other political subdivision in which the facility is located) for the accommodation of elderly persons who, because of incapacitating infirmities, require minimum but continuous care but are not in need of continuous medical or nursing services.

"(4) The Secretary shall not insure any mortgage under this section covering any project which includes an intermediate care facility, nursing care facility, or combined intermediate care and nursing care facility unless he has received from the State agency designated in accordance with section 604 (a)(1) of the Public Health Service Act for the State in which the project is to be located a certification that (A) there is a need for such facility, and (B) there are in force in such State or in the municipality or other political subdivision of the State in which the facility is to be located reasonable minimum standards of licensure and methods of operation governing it. No such mortgage shall be insured under this section unless the Secretary has received such assurance as he may deem satisfactory from the State agency that such standards will be applied and enforced with respect to any such facility.

"(5) In prescribing regulations with respect to the insurance of mortgages under this section covering projects which include facilities of the type referred to in paragraph (4), the Secretary shall consult with the Secretary of Health, Education, and Welfare concerning any health and medical considerations that may be pertinent thereto."

DEMONSTRATION PROGRAM

SEC. 3. (a) The Secretary of Housing and Urban Development is authorized, under terms and conditions prescribed by him, to make grants to public bodies and private nonprofit organizations for the planning and construction of multipurpose facilities to demonstrate the utility and feasibility of such facilities in meeting the special needs of elderly persons for adequate housing and readily available medical and related services. For the purpose of this section, a "multipurpose facility" is a carefully planned complex of connected or closely related structures consisting of dwelling units, intermediate care facilities, nursing care facilities, and hospital facilities conforming to such standards and criteria as the Secretary, in consultation with the Secretary of Health, Education, and Welfare, shall prescribe.

(b) In the administration of the demonstration program authorized by this section, the Secretary shall accord a preference or priority to projects making maximum utilization of existing public or private nonprofit health care facilities. Wherever practicable assistance provided under this section with respect to any multipurpose facility shall be coordinated with, and supplemental to, other assistance programs administered by the Secretary or the Secretary of Health, Education, and Welfare.

(c) Advances and progress payments may be made pursuant to any contract to make grants under this section without regard to the provisions of section 3648 of the Revised Statutes.

(d) To finance grants under this section, there is authorized to be appropriated $25,000,000 for each of the fiscal years 1972, 1973, and 1974. Any amount appropriated pursuant to this subsection shall remain available until expended, and any amount so authorized but not appropriated for any fiscal year may be appropriated for any subsequent fiscal year."

S. 1585

A bill to amend title XVIII of the Social Security Act to provide for coverage, under part A of such title, of certain drugs which are prescribed and furnished (whenever possible) by generic name

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 226(b)(1) of the Social Security Act is amended by striking out "and post-hospital home health services" and inserting in lieu thereof "post-hospital home health services, and qualified drugs".

(b) Section 1811 of the Social Security Act is amended by inserting "and qualified "drugs" after "related post-hospital services".

(c) Section 1812(a) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (3) the following new paragraph:

"(4) qualified drugs.".

(d) Section 1814(a) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (6);

(2) by striking out the period at the end of paragraph (7) and inserting in lieu thereof "; and"; and

(3) by inserting after paragraph (7) the following new paragraph:

"(8) with respect to drugs or biologicals furnished pursuant to a physician's prescription, such drugs or biologicals are qualified drugs (as defined in section 1861(t)) and the provider has such prescription in his possession, or some other record of such prescription that is satisfactory to the Secretary or, with respect to drugs or biologicals not requiring a physician's prescription but determined by the Formulary Committee to be of a lifesaving nature, such drug or biological is a qualified drug as so defined and the provider has in his possession a physician's certification that it is medically required by such individual."

(e) Section 1814 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"Limitation on Payment for Qualified Drugs

"(g) Payment may be made under this part for qualified drugs only when such drugs are dispensed by a licensed pharmacy defined in section 1861(z) of this Act and which is a provider of services for purposes of this part; except that payment under this part may be made for drugs dispensed by a physician where the Secretary determines that such drugs were required in an emergency or that there were no pharmaceutical services available from providers of services in the community, in which case the physician (under regulations prescribed by the Secretary) shall be regarded as a provider of services for purposes of this part with respect to the dispensing of such drugs."

(f) The second sentence of section 1816(a) of the Social Security Act is amended by striking out clause (1) and inserting in lieu thereof the following: "(1) to provide consultative services to institutions, agencies, or establishments to enable them to establish and maintain fiscal records necessary for purposes of this part and otherwise to qualify as providers of services for such purposes, and".

(g) Part A of title XVIII of the Social Security Act is further amended by adding at the end thereof the following new sections:

"FORMULARY COMMITTEE

"SEC. 1818. (a)(1) There is hereby established, within the Department of Health, Education, and Welfare, a Formulary Committee, a majority of whose members shall be physicians and which shall consist of two officials of such Department designated by the Secretary, and of seven individuals (not otherwise in the regular full-time employe of the Federal Government) to be appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. Two of such seven individuals shall be representatives of the public and five of such individuals shall be persons of recognized professional standing in the fields of medicine, pharmacology, and pharmancy. The Chairman of the Committee shall be elected, from the appointed members thereof, by majority vote of the members of the Committee for a term of one year. A member may succeed himself as Chairman.

"(2) Each appointed member of the Formulary Committee shall hold office for a term of five years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that the terms of office of the members first taking office shall expire, as designated by the Secretary at the time of appointment, one at the end of the first year, one at the end of the second year, one at the end of the third year, and one at the end of the fourth year. A member shall not be eligible to serve continuously for more than two terms.

"(b) Appointed members of the Formulary Committee, while attending meetings or conferences thereof or otherwise serving on business of the Committee, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(c)(1) The Formulary Committee is authorized to engage such technical assistance as may be required to carry out its functions, and the Secretary shall, in addition, make available to the Formulary Committee such secretarial, clerical, and other assistance as the Formulary Committee may require to carry out its functions.

"(2) The Secretary shall furnish to the Formulary Committee such office space, materials, and equipment as may be necessary for the Formulary Committee to carry out its functions.

"(d)(1) The Formulary Committee shall compile, publish, and make available a Formulary of the United States (hereinafter in this title referred to as the 'Formulary').

"(2) The Formulary Committee shall periodically revise the Formulary and the listing of drugs so as to maintain currency in the contents thereof.

"(3) The Formulary shall contain an alphabetically arranged listing of those drugs and biologicals that shall be deemed qualified drugs for purposes of the benefits provided under section 1812(a)(4). Drugs and biologicals so listed shall, whenever possible, be listed by generic name.

"(4) Publish and disseminate at least once each calendar year among physicians, pharmacists, and other interested persons, in accordance with directives of the Secretary, (i) an alphabetical list naming each drug or biological by its name (which shall, whenever possible be its generic name) and such other information as the Secretary deems necessary, (ii) an indexed representative listing of such trade or other names by which each such drug or biological is commonly known, together with the maximum allowable cost for various quantities, strengths, or dosage forms thereof, together with the names of the supplier of such drugs upon which the maximum allowable cost is based, (iii) a supplemental list or lists, arranged by diagnostic, prophylactic, therapeutic, or other classifications, of the drugs included in the Formulary, and (iv) information (including conditions of use required in the interest of rational drug therapy) which will promote the safe and effective use, under professional supervision, of the drugs listed in the Formulary.

"(5) The Formulary Committee shall exclude from the Formulary any drugs which the Formulary Committee determines are not necessary for the proper patient care, taking into account other drugs that are available from the Formulary.

"(e) (1) In considering whether a particular drug shall be included in the Formulary, the Formulary Committee is authorized to obtain (upon request therefor) any record pertaining to the characteristics of such drug which is available to any other department, agency, or instrumentality of the Federal Government, and, as a condition of such inclusion, to require suppliers of drugs to make available to the Committee information (including information to be obtained through testing) relating to such drug. If any such record or information (or any information contained in such record) is of a confidential nature, the Formulary Committee shall exercise utmost care in preserving the confidentiality of such record or information and shall limit its usage thereof to the proper exercise of such authority.

"(2) The Formulary Committee shall establish such procedures, as may be necessary to determine the propriety of the inclusion or exclusion in the Formulary, of any drug, including procedures with respect to any data and testing it may require of a proponent of the listing of a drug in the Formulary.

"(f) (1) The Formulary Committee, prior to making a final determination to remove from listing in the Formulary any drug which would otherwise be included therein, shall afford a reasonable opportunity for a hearing on the matter to any person engaged in manufacturing, preparing, propagating, compounding, or processing such product who shows reasonable grounds for such a hearing. Any person adversely affected by the final decision of the Formulary Committee may obtain judicial review in accordance with the procedures specified in section 505 (h) of the Federal Food, Drug, and Cosmetic Act.

"(2) Any person engaged in the manufacture, preparation, propagation, compounding, or processing of any drug not included in the Formulary which such person believes to possess the requisites to entitle such drug to be included in the Formulary, may petition for inclusion of such drug and, if such petition is denied by the Formulary Committee, shall, upon request therefor, showing reasonable grounds for a hearing, be afforded a hearing on the matter. The final decision of the Formulary Committee shall, if adverse to such person, be subject to judicial review in accordance with the procedures specified in section 505(h) of the Federal Food, Drug, and Cosmetic Act.

"(g) Drugs and biologicals shall be determined to be qualified drugs only if they can legally be obtained by the user only pursuant to a prescription of a physician; except that the Formulary Committee may include certain drugs and biologicals not requiring such a prescription if it determines such drugs or biologicals to be of a lifesaving nature.

"(h) In the interest of orderly, economical, and equitable administration of the benefits provided under section 1812(a) (4), the Formulary Committee may, by regulation, provide that a drug or biological otherwise regarded as being a qualified drug shall not be so regarded when prescribed in unusual quantities.

"MAXIMUM ALLOWABLE COST FOR QUALIFIED DRUGS

"SEC. 1818. (a) For purposes of this part, the term 'maximum allowable cost' means, when used in connection with any drug, the lesser of—

"(1) the amount determined by the Formulary Committee, in accordance with subsection (b) of this section, plus a reasonable fee determined in accordance with subsection (c) of this section.

"(2) the amount of the cost of such drug to the dispenser thereof, if such drug had been obtained at the lowest price at which such drug is generally available (by generic name, if such drug has a generic name) to dispensers of drugs in the area in which such dispenser is located, plus a reasonable fee determined in accordance with subsection (c) of this section, or

"(3) the actual, usual, or customary charge at which the dispenser sells or offers such drug to the public.

"(b) (1) The Formulary Committee shall establish an amount or amounts at which such drug is generally available for sale (to establishments dispensing drugs) in a given strength or dosage form; and in any case in which a drug is so available and so sold by more than one supplier, the Formulary Committee shall exclude, in determining the maximum allowable cost, the amounts for such drugs of such suppliers as are sold at prices which vary significantly from the amounts for the lowest or lower drug costs which have been determined to be of proper quality and which are generally available.

"(2) In considering (for purposes of the maximum allowable cost for any drug) the various sources from which and the varying prices at which such drug is generally available, there shall not be taken into account the price of any drug which is not included in the Formulary.

"(3) Whenever an amount or amounts at which a qualified drug is generally available for sale to the ultimate dispensers thereof vary significantly among the various regions of the United States or among such ultimate dispensers, the Formulary Committee may determine a separate amount or amounts with respect to such drug for various regions or for various classes of its ultimate dispensers.

"(c) (1) Any licensed pharmacy, which is a provider of services for purposes of this part, shall, in a form prescribed by the Secretary, file with an intermediary or other agency designated by the Secretary, a statement of a fee for the purpose of establishing the maximum allowable cost as defined in (a) above. Such fee shall include such costs, including the costs of professional services and a fair profit, which are reasonably related to the provision of pharmaceutical service rendered to persons entitled to receive benefits under this part.

"(2) Any licensed pharmacy shall, except for subsection (a) (1) (B) above, be reimbursed, in addition to any amounts provided for in subsection (b) above, the amount of the fee filed in (1) above, except that no fee shall exceed the median fee filed by all of such licensed pharmacies which have filed statements of fees pursuant to paragraph (1).

"(3) The Secretary shall, in addition to statements required pursuant to paragraph (2), require in a form and at a time suitable to him financial or other data to justify recognition of any fee (A) which amount falls between the fiftieth and ninetieth percentile of all fees filed by participating pharmacies, or (B) in any case where a participating licensed pharmacy has, in the preceding four calendar quarters, been among the highest 20 per centum by prescription volume of all pharmacies participating in the program in a State or intermediary area.

"(4) Where no fee statement or other information required by the Secretary has been filed by a licensed pharmacy otherwise qualified and participating in the program, fees to which such pharmacies may be entitled shall be limited to the amount of the lowest fee filed by any licensed pharmacy described in paragraph (1) above.".

(h) Section 1861 (t) of the Social Security Act is amended—

(1) by inserting ", or as are approved by the Formulary Committee" after "for use in such hospital"; and

(2) by adding at the end thereof the following new sentence: "The term 'qualified drug' means a drug or biological which (1) can be self-administered, (2) is furnished pursuant to a physician's prescription or a physician's certification that it is a lifesaving drug which is medically required by such individual when not an inpatient in a hospital or extended care facility, (3) is furnished (whenever possible) on a nonproprietary or generic basis, and if a prescription is involved, is prescribed (whenever possible) on such a basis, (4) is included by strength and dosage forms among the drugs and biologicals approved by the Formulary Committee, (5) is dispensed (except as provided by section 1814(g)) by a pharmacist from a licensed pharmacy, and (6) which is generally available for sale to establishments dispensing drugs in an amount or amounts equal to or lesser than the amount or amounts established by the Formulary Committee pursuant to section 1819B." (i) Section 1861(u) of the Social Security Act is amended by striking out "or home health agency" and inserting in lieu thereof "home health agency, or licensed pharmacy".

(j) Section 1861(v) of the Social Security Act is amended—

(1) by striking out "The reasonable cost" in the first sentence of paragraph (1) and inserting in lieu thereof "Except as provided in paragraph (8), the reasonable cost"; and

(2) by adding at the end thereof the following new paragraph:

"(8) (A) With respect to any qualified drug, the maximum allowable cost shall be an amount determined in accordance with section 1819 of this Act."

(k) Section 1861 of the Social Security Act is further amended by adding at the end thereof the following new subsection:

"Licensed Pharmacy

"(z) The term 'licensed pharmacy' (with respect to any qualified drug) means a pharmacy, or other establishment providing community pharmaceutical services, which is licensed as such under the laws of the State in which such drug is provided or otherwise dispensed in accordance with this title."

(l) (1) The first sentence of section 1866 (a) (2) (A) of the Social Security Act is amended by striking out "and (ii)" and inserting in lieu thereof the following: "(ii) the amount of any copayment required pursuant to section 1813 (a) (4), and (iii)".

(2) The second sentence of section 1866 (a) (2) (A) of such Act is amended by striking out "clause (ii)" and inserting in lieu thereof "clause (iii)".

SEC. 2. The amendments made by this Act shall apply with respect to items and services furnished on and after January 1, 1973.

S. 1586

A bill to provide for the development of more uniform standards for determining eligibility for the assistance authorized to be provided, under various Federal programs, to facilities for long-term health care (or to the patients thereof)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Uniform Long-Term Health Care Facility Standards Act".

FINDINGS OF FACT AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress finds that—

(1) under various Federal programs, financial assistance is provided to various types of facilities for long-term health care, and financial assistance is provided to assist in paying for care provided to the patients of such facilities;

(2) there is a lack of uniformity, in such programs, in the standards (as to construction, type and quality of patient care, staffing, maintenance, licensing and inspection, and other relevant matters) which long-term health care facilities must meet to be eligible, or for their patients to be eligible, for such assistance;

(3) in such programs, different designations (such as nursing home, extended care facility, skilled nursing home, and facility for long-term care) are employed to describe the type of long-term health care facility with respect to which assistance may be provided; and

(4) in order to promote public understanding of, and eliminate unnecessary inconsistencies in, such programs, they should be studied and reviewed with a view to determining the feasibility of employing more uniform designations and standards for or with respect to the long-term health care facilities which (or the patients of which) are eligible for assistance under such programs.

(b) It is therefore the purpose of this Act to provide for the conduct of a study and review of the various Federal programs which provide assistance to facilities for long-term health care (or to the patients thereof) with a view to developing greater uniformity, in such programs, of the designations employed and the standards imposed with respect to eligibility for assistance under such programs

STUDY AND REVIEW

SEC. 3. (a) In order to carry out the purpose of this Act, the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary"), in consultation with the Secretary of Housing and Urban Development and such other governmental officials as the Secretary deems appropriate, shall conduct a study and review of the various Federal programs which provide assistance to facilities for long-term health care (or to patients receiving care in such facilities) with a view to developing, and recommending for adoption by the Congress, of more uniform (1) designations for the various types of such facilities which (or the patients of which) are eligible to receive assistance under such programs, and (2) standards (with respect to construction, type and quality of patient care, staffing, maintenance, licensing and inspection, and other relevant matters) which the various types of such facilities must meet in order that they (or their patients) will be eligible for such assistance.

(b) Not later than one year after the date of the enactment of this Act, the Secretary shall complete the study and review authorized by subsection (a) and shall submit to the Congress a full report thereon together with the recommendations of the Secretary developed as a result thereof, which recommendations shall be presented in the form of a proper legislative proposal designed to implement the carrying out of such recommendations.

AUTHORIZATION OF APPROPRIATIONS

SEC. 4. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

S. 1587

A bill to provide for the conduct of a study and investigation of the provision, under State programs approved under title XIX of the Social Security Act, of care to individuals in long-term health care facilities with a view more effectively to assure that such facilities will be required to comply with appropriate licensing standards

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That (a) the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") is authorized and directed to conduct a study and investigation of the operation of State programs receiving Federal financial assistance under title XIX of the Social Security Act with a view to determining the desirability and feasibility of the imposition, as a condition of the provision of such Federal financial assistance with respect to expenses incurred under such programs for the provision of care in long-term health care facilities, of a requirement that there be in effect, between the State agency administering or supervising the administration of any such program and the agency of the State charged with the licensing and inspection of long-term health care facilities, an agreement under which the State agency administering or supervising the administration of such program will be authorized to perform certain functions, relating to enforcement of compliance with licensing standards, otherwise vested in the State agency charged with licensing and inspection of such facilities.

(b) On or before July 1, 1972, the Secretary shall complete such study and investigation and shall submit to the Congress a full and complete report thereon, together with the Secretary's recommendations based on such study. If (and to the extent that) such recommendations require or involve legislative action, the Secretary shall submit with such report a proper legislative proposal designed to carry out such recommendations.

S. 1588

A bill to provide financial assistance for the construction and operation of Senior Citizens' Community Centers, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Senior Citizens Community Centers and Services Act".

DECLARATION OF POLICY

SEC. 2. The Congress declares that it is the policy of the United States—

(1) to better serve the specialized and often overlooked needs of older Americans;

(2) to supplement and expand existing community services to older Americans supplied through housing projects for the elderly and other means;

(3) to provide a focal point in a community for the development and delivery of social services designed primarily for older Americans;

(4) to provide an opportunity for older Americans to realize the full potential of their retirement years;

(5) to provide assistance to senior citizens in overcoming the financial hardships of retirement, the physical hardships of declining health and decreasing mobility and the psychological hardships of the loneliness and isolation that often beset the older person;

(6) to build upon and expand the successful community-based programs and demonstration projects funded by Titles III and IV of the Older Americans Act of 1965 as amended; and

(7) to provide expanded opportunities for service by senior citizens to other seniors and to the community, including those opportunities provided by existing programs funded by the Department of Labor, the Office of Economic Opportunity, and other federal agencies.

TITLE I—CONSTRUCTION OF MULTIPURPOSE COMMUNITY CENTERS FOR SENIOR CITIZENS

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. There are authorized to be appropriated for grants for construction of public and other nonprofit community centers for senior citizens, $70,000,000 for the fiscal year ending June 30, 1973, $140,000,000 for the fiscal year ending June 30, 1974, and $200,000,000 for the fiscal year ending June 30, 1975.

ALLOTMENTS TO STATES

SEC. 102. (a) For each fiscal year, the Secretary of Health, Education, and Welfare shall, in accordance with regulations, make allotments from the sums appropriated under section 101 to the several States on the basis of (1) the total population and the population of senior citizens, (2) the extent of the need for community centers for senior citizens, and (3) the financial need of the respective States; except that no allotment to any State, other than the Virgin Islands, American Samoa, and Guam, for any fiscal year may be less than $100,000. Sums so allotted to a State for a fiscal year and remaining unobligated at the end of such year shall remain available to such State for such purpose for the next fiscal year (and for such year only), in addition to the sums allotted for such State for such next fiscal year.

(b) In accordance with regulations of the Secretary, any State may file with him a request that a specified portion of its allotment under this title be added to the allotment of another State under this title for the purpose of meeting a portion of the Federal share of the cost of a project for the construction of a community center for senior citizens in such other State. If it is found by the Secretary that construction of the center with respect to which the request is made would meet needs of the State making the request and that use of the specified portion of such State's allotment, as requested by it, would assist in carrying out the purposes of this title, such portion of such State's allotment shall be added to the allotment of the other State under this title to be used for the purpose referred to above.

REGULATIONS

SEC. 103. Within six months after enactment of this Act, the Secretary shall, after consultation with Federal, State, and local agencies concerned with services for senior citizens as well as representatives of private groups concerned with services for senior citizens, by general regulations applicable uniformly to all the States, prescribe—

(1) the kinds of community centers and community services needed to provide adequate social services for senior citizens residing in a State;

(2) the general manner in which the State agency (designated as provided in the State plan approved under this title) shall determine the priority of projects based on the relative need of different areas, giving special consideration to projects on the basis of the extent to which the centers to be constructed thereby will, alone or in conjunction with other facilities owned or operated by the applicant or affiliated or associated with the applicant, provide comprehensive services

(as determined by the Secretary in accordance with regulations) for senior citizens in a particular community or communities or which will be an extension of or closely associated with an existing senior citizen center or community-based senior citizen program funded under title III of the Older Americans Act;

(3) general standards of construction and equipment for centers of different classes and in different types of location; and

(4) that the State plan shall provide for adequate community centers for senior citizens residing in the State.

STATE PLANS

SEC. 104. (a) After regulations pursuant to section 103 have been issued, any State desiring to take advantage of this title shall submit a revised version of the State plan required under title III of the Older Americans Act of 1965 as amended for carrying out the purposes of this title. Such a revised State plan must—

(1) designate a single State agency as the sole agency for the administration of the plan, or designate such agency as the sole agency for supervising the administration of the plan;

(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) hereof will have authority to carry out such plan in conformity with this title;

(3) provide for the designation of a State advisory council which shall include representatives of nongovernment organizations or groups, and of State agencies, concerned with planning, operation, or utilization of community centers for senior citizens, including representatives of consumers of the services provided by such centers and facilities who are familiar with the need for such services, to consult with the State agency in carrying out such plan;

(4) set forth a program for construction of community centers (A) which is based on a statewide inventory of existing facilities and survey of need; and (B) which conforms with the regulations prescribed by the Secretary under section 103(1);

(5) set forth the relative need, determined in accordance with the regulations prescribed under section 103(2), for the several projects included in such programs, and provide for the construction, insofar as financial resources available therefor and for maintenance and operation make possible, in the order of such relative need;

(6) provide such methods of administration of the State plan, including methods relating to the establishment and maintenance of personnel standards on a merit basis (except that the Secretary shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods), as are found by the Secretary to be necessary for the proper and efficient operation of the plan;

(7) provide minimum standards (to be fixed in the discretion of the State) for the maintenance and operation of centers which receive Federal aid under this title;

(8) provide for affording every applicant for a construction project an opportunity for hearing before the State agency;

(9) provide that the State agency will make such reports in such form and containing such information as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports; and

(10) provide that the State agency will from time to time, but not less often than annually, review its State plan and submit to the Secretary and modifications thereof which it considers necessary.

(b) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of subsection (a). The Secretary shall not finally disapprove a State plan except after reasonable notice and opportunity for a hearing to the State.

APPROVAL OF PROJECTS

SEC. 105. (a) For each project for construction pursuant to a State plan approved under this title, there shall be submitted to the Secretary through the State agency an application by the State or a political subdivision thereof or by a public or other nonprofit agency. If two or more such agencies join in the construction of the project, the application may be filed by one or more such agencies. Such application shall set forth—

(1) a description of the site for such project;

(2) plans and specifications therefor in accordance with the regulations prescribed by the Secretary under section 103 (3);

(3) reasonable assurance that title to such site is or will be vested in one or more of the agencies filing the application or in a public or other nonprofit agency which is to operate the community center;

(4) reasonable assurance that adequate financial support will be available for the construction of the project and for the nonfederal share of its maintenance and operation when completed;

(5) reasonable assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on construction of the project will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a-5); and the Secretary of Labor shall have with respect to the labor standards specified in this paragraph the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 133z–15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c); and

(6) a certification by the State agency of the Federal share for the project.

The Secretary shall approve such application if sufficient funds to pay the Federal share of the cost of construction of such project are available from the allotment to the State, and if the Secretary finds (A) that the application contains such reasonable assurance as to title, financial support, and payment of prevailing rates of wages and overtime pay; (B) that the plans and specifications are in accord with the regulations prescribed pursuant to section 103; (C) that the application is in conformity with the State plan approved under section 104 and contains assurance that in the operation of the center there will be compliance with the applicable requirements of the State plan and with State standards for operation and maintenance; (D) that the services to be provided by the center, alone or in conjunction with other facilities owned or operated by the applicant or affiliated or associated with the applicant, will be part of a program providing, principally for senior citizens residing in a particular community or communities in or near which such center is to be situated a comprehensive program of social services; and (E) that the application has been approved and recommended by the State agency and is entitled to priority over other projects within the State in accordance with the regulations prescribed pursuant to section 103(2). No application shall be disapproved by the Secretary until he has afforded the State agency an opportunity for a hearing.

(b) Amendment of any approved application shall be subject to approval in the same manner as an original application.

WITHHOLDING OF PAYMENTS

SEC. 106. Whenever the Secretary, after reasonable notice and opportunity for hearing to the State agency designated as provided in section 104(a) (1), finds—

(1) that the State agency is not complying substantially with the provisions required by section 104 to be included in its State plan, or with regulations under this title;

(2) that any assurance required to be given in an application filed under section 105 is not being or cannot be carried out;

(3) that there is a substantial failure to carry out plans and specifications approved by the Secretary under section 105; or

(4) that adequate State funds are not being provided annually for the direct administration of the State plan, the Secretary may forthwith notify the State agency that—

(5) no further payments will be made to the State from allotments under this title; or

(6) no further payments will be made from allotments under this title for any project or projects designated by the Secretary as being affected by the action or inaction referred to in paragraph (1), (2), (3), or (4) of this section,

as the Secretary may determine to be appropriate under the circumstances; and, except with regard to any project for which the application has already been approved and which is not directly affected, further payments from such allotments may be withheld, in whole or in part, until there is no longer any failure to comply (or to carry out the assurance or plans and specifications or to provide adequate State funds, as the case may be) or, if such compliance (or other action) is impossible, until the State repays or arranges for the repayment of Federal moneys to which the recipient was not entitled.

TITLE II—INITIAL STAFFING OF MULTIPURPOSE COMMUNITY CENTERS FOR SENIOR CITIZENS

STATEMENT OF INTENTION

SEC. 201. It is Congress' intent that the Community Centers shall be staffed as much as possible by volunteers and part-time employees from the ranks of senior citizens.

PERSONNEL STAFFING GRANT PROGRAM AUTHORIZED

SEC. 202. (a) For the purpose of assisting in the establishment and initial operation of community centers for senior citizens the Secretary may, in accordance with the provisions of this title, make grants to meet, for the temporary periods specified in this title, a portion of the costs (determined pursuant to regulations under section 205 below) of compensation of professional and technical personnel for the initial operation of new community centers for senior citizens and for the delivery of social services established therein.

(b) Grants for such costs of any center under this title may be made only for the period beginning with the first day of the first month for which such grant is made and ending with the close of three years after such first day. Such grants with respect to any center may not exceed 75 percent of such costs for the first fiscal year after the date of enactment of this Act, 66⅔ percent of such costs for the second fiscal year after such date, and 50 percent of such costs for the third fiscal year after such date.

(c) In making such grants, the Secretary shall take into account the relative needs of the several States for community centers for senior citizens, their relative financial needs, and their population of persons over 65 years of age.

APPLICATIONS

SEC. 203. (a) Grants under this title with respect to any community center for senior citizens may be made only upon application and only if—

(1) the applicant is a public or nonprofit private agency or organization which owns or operates the center;

(2) the services to be provided by the center alone or in conjunction with other facilities owned or operated by the applicant or affiliated or associated with the applicant, will be part of a program providing, principally for persons residing in a particular community or communities in or near which such center is situated, at least those essential elements of comprehensive social services for senior citizens which are prescribed by the Secretary;

(3)(A) a grant was made under title I of this Act to assist in financing the construction of the center or (B) the type of service to be provided as part of such program with the aid of a grant under this title was not previously being provided by the center with respect to which such application is made;

(4) the Secretary determines that there is satisfactory assurance that Federal funds made available under this title for any period will be so used as to supplement and, to the extent practical, increase the level of State, local, and non-Federal funds that would in the absence of such Federal funds be made available for the program described in paragraph (2) of this section, and will in no event supplant such State, local, and other non-Federal funds.

LIMITATION

SEC. 204. No grant may be made under this title after June 30, 1975, with respect to any community center for senior citizens or with respect to any type of service provided by such a center unless a grant with respect thereto was made under this title prior to July 1, 1975.

REGULATIONS

SEC. 205. For the purpose of carrying out the provisions of this title the Secretary may prescribe general regulations concerning eligibility of centers for grants, determination of eligible costs with respect to which grants may be made, and the terms and conditions required under section 203 relating to applications.

AUTHORIZATION OF APPROPRIATIONS

SEC. 206. There are hereby authorized to be appropriated $40,000,000 for the fiscal year ending June 30, 1972, and for each of the two succeeding fiscal years. For subsequent fiscal years there are hereby authorized to be appropriated such sums as may be necessary to make grants to such centers which have previously received a grant under this title and are eligible for such a grant for the year for which sums are being appropriated under this sentence.

TITLE III—PROGRAMS AND SERVICES OF THE MULTIPURPOSE COMMUNITY CENTERS

STATEMENT OF INTENTION

SEC. 301. (a) It is the intent of Congress that—

(1) all programs assisted under title III and, where applicable, title IV, eventually shall be absorbed into the program activities of the new Community Centers, if such centers are constructed in the community, and that the centers should become the focal point of State and locally funded programs as well as Federally funded programs;

(2) communities have maximum flexibility in designing programs to meet the unique needs of older citizens in these communities;

(3) senior citizens will be involved in the planning, designing, organizing, and operating of all Federally assisted programs for senior citizens.

STATE PLANS PROVISION

SEC. 302. (a) State plans required under title III of the Older Americans Act as amended by title I of this Act shall be amended to contain provisions to assure that—

(1) programs under this title and all other related programs for senior citizens, whenever practicable, will be conducted in the multipurpose community centers for senior citizens constructed or assisted under this Act;

(2) procedures will be established for the distribution of grants to local communities within the State including criteria for establishing priority among communities within the State; and

(3) a description of programs and activities appropriate for multipurpose community centers for senior citizens for which assistance under this title is sought.

(b) The Secretary shall by regulation in each fiscal year establish the Federal share of the costs of that portion of the State plan to be assisted under this title.

AUTHORIZATION AND ALLOTMENT

SEC. 303. (a) There are authorized to be appropriated to carry out the provisions of this title $60,000,000 for the fiscal year ending June 30, 1972, $100,000,000 for the fiscal year ending June 30, 1973, and $150,000,000 for the fiscal year ending June 30, 1974.

(b) Funds appropriated pursuant to subsection (a) of this section shall be allotted to the extent practicable, in the same manner and upon the same conditions as under section 102 of this Act.

TITLE IV—GENERAL PROVISIONS

DEFINITIONS

SEC. 401. For the purposes of this Act—

(1) The term "senior citizen" means any individual who has attained 55 years of age.

(2) The term "State" includes Puerto Rico, Guam, American Samoa, the Virgin Islands, and the District of Columbia.

(3) The term "multipurpose community center for senior citizens" means a facility providing a comprehensive set of social services to any citizen of the community over the age of 55 including but not limited to congregate dining facilities and meal services at low cost (including a meal service for shut-ins), recreational, social, educational, and cultural programs for senior citizens, informational and referral services, consumer education and protection services, legal counseling, preretirement and retirement counseling, employment counseling and referral for older citizens, transportation services (including transportation aides), home health services and counseling by paramedicals and nurses, and community volunteer programs.

(4) The term "nonprofit community center" means a community center for senior citizens which is owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual; and the term "nonprofit private agency or organization" means an agency or organization which is such a corporation or association or which is owned and operated by one or more such corporations or associations.

(5) The term "construction" includes construction of new buildings, acquisition, expansion, remodeling, and alteration of existing buildings and initial equipment of any such buildings; including architect's fees, but excluding the cost of off-site improvements and the cost of the acquisition of land.

(6) The term "cost of construction" means the amount found by the Secretary to be necessary for the construction of a project.

(7) The term "title", when used with reference to a site for a project, means a fee simple, or such other estate or interest (including a leasehold on which the rental does not exceed 4 per centum of the value of the land) as the Secretary finds sufficient to assure for a period of not less than fifty years undisturbed use and possession for the purposes of construction and operation of the project.

(8) The term "Federal share" with respect to any project means—

(A) if the State plan under which application for such project is filed contains, as of the date of approval of the project application, standards approved by the Secretary pursuant to section 402 the amount determined in accordance with such standards by the State agency designated under such plan; or

(B) if the State plan does not contain such standards, the amount (not less than 50 per centum and not more than 90 per centum or the State's Federal percentage, whichever is the lower) established by such State agency for all projects in the State: *Provided*, That prior to the approval of the first such project in the State during any fiscal year such State agency shall give to the Secretary written notification of the Federal share established under this paragraph for such projects in such State to be approved by the Secretary during such fiscal year, and the Federal share for such projects in such State approved during such fiscal year shall not be changed after such approval.

(9) The Federal percentage for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that the Federal percentage for Puerto Rico, Guam, American Samoa, and the Virgin Islands shall be 66⅔ per centum.

(10) (A) The Federal percentages shall be promulgated by the Secretary between July 1 and August 31 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years in the period beginning July 1 next succeeding such promulgation; except that the Secretary shall promulgate such percentages as soon as possible after the enactment of this Act, which promulgation shall be conclusive for the fiscal year ending June 30, 1965.

(B) The term "United States" means (but only for purposes of this subsection and subsection (i)) the fifty States and the District of Columbia.

(11) The term "Secretary" means the Secretary of Health, Education, and Welfare.

STATE STANDARDS FOR VARIABLE FEDERAL SHARE

SEC. 402. The State plan approved under title I may include standards for determination of the Federal share of the cost of projects approved in the State under such part or title, as the case may be. Such standards shall provide equitably (and, to the extent practicable, on the basis of objective criteria) for variations between projects or classes of projects on the basis of the economic status of areas and other relevant factors. No such standards shall provide for a Federal share of more than 90 per centum or less than 50 per centum of the cost of construction of any project. The Secretary shall approve any such standards and any modifications thereof which comply with the provisions of this section.

PAYMENTS FOR CONSTRUCTION

SEC. 403. (a) Upon certification to the Secretary by the State agency, designated as provided in section 104, based upon inspection by it, that work has been performed upon a project, or purchases have been made, in accordance with the approved plans and specifications, and that payment of an installment is due to the applicant, such installment shall be paid to the State, from the applicable allotment of such State, except that (1) if the State is not authorized by law to make payments to the applicant, the payment shall be made directly to the applicant, (2) if the Secretary, after investigation or otherwise, has reason to believe that any act (or failure to act) has occurred requiring action pursuant to section 106, as the case may be, payment may, after he has given the State agency so designated notice of opportunity for hearing pursuant to such section, be withheld, in whole or in part, pending corrective action or action based on such hearing, and (3) the total of payments under this subsection with respect to such project may not exceed an amount equal to the Federal share of the cost of construction of such project.

(b) In case an amendment to an approved application is approved as provided in section 105 or the estimated cost of a project is revised upward, any additional payment with respect thereto may be made from the applicable allotment of the State for the fiscal year in which such amendment or revision is approved.

PAYMENTS GENERALLY

SEC. 404. Payments of grants under this Act may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and on such terms and conditions and in such installments, as the Secretary may determine.

JUDICIAL REVIEW

SEC. 405. If the Secretary refuses to approve any application for a project submitted under section 105, the State agency through which such application was submitted, or if any State is dissatisfied with his action under section 104(b) or section 106, such State, may appeal to the United States court of appeals for the circuit in which such State is located, by filing a petition with such court within sixty days after such action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Secretary may modify or set aside his order. The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence; and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this section shall not, unless so specifically ordered by the court, operate as a stay of the Secretary's action.

RECOVERY

SEC. 406. If any facility or center with respect to which funds have been paid under section 403 shall, at any time within twenty years after the completion of construction—

(1) be sold or transferred to any person, agency, or organization (A) which is not qualified to file an application under section 105, or (B) which is not approved as a transferee by the State agency designated pursuant to section 104, or its successor; or

(2) cease to be a public or other nonprofit community center, as the case may be, unless the Secretary determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to continue such facility as a public or other nonprofit center as a community center for senior citizens; the United States shall be entitled to recover from either the transferor or the transferee (or, in the case of a center which has ceased to be a community mental health center, from the owners thereof) an amount bearing the same ratio to the then value (as determined by the agreement of the parties or by action brought in the district court of the United States for the district in which the center is situated) of so much of such center as constituted and approved project or projects, as the amount of the Federal participation bore to the cost of the construction of such project or projects. Such right of recovery shall not constitute a lien upon such center prior to judgment.

STATE CONTROL OF OPERATIONS

SEC. 407. Except as otherwise specifically provided, nothing in this Act shall be construed as conferring on any Federal officer or employee the right to exercise any supervision or control over the administration, personnel, maintenance, or operation of any community center with respect to which any funds have been or may be expended under this Act.

S. 1589

A bill to amend title III of the Public Health Service Act to authorize grants for projects to develop or demonstrate programs designed to rehabilitate elderly patients of long-term health care facilities or to assist such patients in attaining self-care

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part A of title III of the Public Health Service Act is amended by adding after section 310B thereof the following new section:

"PROJECT GRANTS FOR DEVELOPMENT AND DEMONSTRATION OF PROGRAMS FOR REHABILITATION OF AGED INPATIENTS OF LONG-TERM HEALTH CARE FACILITIES

"SEC. 310C. There is authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1972, and $10,000,000 for each of the next three fiscal years, to enable the Secretary to make grants to any public or nonprofit private agency, institution, or organization to cover all or any part of the cost of projects for the development or demonstration of programs designed to rehabilitate aged inpatients of long-term health care facilities or to assist such inpatients to attain self-support or self-care.".

S. 1590

A bill to amend the Internal Revenue Code of 1954 to permit the deduction of all expenses for medical care of a taxpayer and his spouse if either of them attained the age of 65, and to provide a credit or refund of social security taxes withheld from the wages of certain individuals who have attained the age of 65 and a corresponding reduction in the tax on self-employment income of such individuals

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 213(a) of the Internal Revenue Code of 1954 (relating to allowance of deduction for medical, dental, etc., expenses) is amended to read as follows:

"(a) Allowance of Deduction.—There shall be allowed as a deduction the following amounts, not compensated for by insurance or otherwise:

"(1) If neither the taxpayer nor his spouse has attained the age of 65 before the close of the taxable year—

"(A) the amount by which the amount of expenses paid during the taxable year (reduced by any amount deductible under subparagraph (B)) for medical care of the taxpayer, his spouse, and dependents (as defined in section 152) exceeds 3 percent of the adjusted gross income, and

"(B) an amount (not in excess of $150) equal to one-half of the expenses paid during the taxable year for insurance which constitutes medical care for the taxpayer, his spouse, and dependents.

"(2) If either the taxpayer or his spouse has attained the age of 65 before the close of the taxable year—

"(A) the amount of the expenses paid during the taxable year for medical care of the taxpayer and his spouse,

"(B) the amount by which the amount of expenses paid during the taxable year (reduced by any amount deductible under subparagraph (C)) for medical care of dependents exceeds 3 percent of the adjusted gross income,

"(C) an amount (not in excess of $150) equal to one-half of the expenses paid during the taxable year for insurance which constitutes medical care of dependents."

(b) Section 213(b) of such Code (relating to limitation with respect to medicine and drugs) is amended by adding at the end thereof the following new sentence: "The preceding sentence shall not apply to amounts paid for the care of the taxpayer and his spouse, if either of them has attained the age of 65 before the close of the taxable year."

(c) The amendments made by subsection (a) and (b) shall apply to taxable years beginning after December 31, 1970.

SEC. 2. (a) (1) Section 6413 of the Internal Revenue Code of 1954 (relating to special rules applicable to certain employment taxes) is amended by redesignating subsection (d) as (e), and by inserting after subsection (e) the following new subsection:

"(d) Special Refunds for Certain Individuals Who Have Attained Age 65.—In the case of an employee who receives wages in or after the month in which he attains age 65, if the sum of—

"(1) the wages received by him during the taxable year and in or after the month in which he attains age 65, and

"(2) his net earnings from self-employment for the taxable year,

does not exceed $140 multiplied by the number of months in the taxable year in or after the month in which he attains age 65, such employee shall be entitled (subject to the provisions of section 31(b)) to a credit or refund of the tax imposed by section 3101 and deducted from the wages paid to such employee during such month (whether or not paid to the Secretary or his delegate)."

(2) Section 31(b)(1) of such Code (relating to credit for special refunds of social security tax) is amended by inserting "or section 6413(d)" after "section 6413(c)".

(3) Section 6413(c) of such Code (relating to special refunds) is amended by inserting after "during such year" in paragraph (1)(E) "(other than wages taken into account under subsection (d), if the employee is entitled to a special refund under such subsection with respect to such wages)".

(b) Section 1401 of such Code (relating to rate of tax on self-employment income) is amended—

(1) by inserting "(other than an individual to whom subsection (c) applies)" after "every individual" in subsections (a) and (b), and

(2) by adding at the end thereof the following new subsection:

"(c) Certain Individuals Who Have Attained Age 65.—In the case of an individual—

"(1) who has attained the age of 65 before the close of the taxable year, and

"(2) whose net earnings from self-employment for the taxable year, when added to the wages (as defined in section 1402(b)) received by him during such year and in or after the month in which he attains age 65, does not exceed $140 multipled by the number of months in such year,

there is hereby imposed (in lieu of the taxes imposed by subsections (a) and (b) on the self-employment income of such individual taxes equal to one-third of the taxes which (but for this subsection) would be imposed on the self-employment income of such individual under subsections (a) and (b))."

(c) (1) Section 201(g)(2) of the Social Security Act is amended by inserting "or 6413(d)" after "section 6413(c)" in the first sentence.

(2) Section 1817(f)(1) of such Act is amended by inserting "or 6413(d)" after "section 6413(c)".

(d) The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1970.

S. 1591

A bill to provide certain new transportation services to elderly persons, to authorize studies and demonstration projects for the improvement of transportation services to the elderly, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Senior Citizens' Transportation Services Act."

REDUCED RATE MASS TRANSIT

SEC. 2. Section 3 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(d) In providing financial assistance under this Act, the Secretary shall not approve any applications made by States and local public bodies and agencies thereof unless such application contains provisions which adopt (or require the adoption of) specially reduced rates during nonrush hours for any elderly person in the operation of the facilities and equipment financed with such assistance, whether the operation of such facilities and equipment is by the applicant or is by another entity under lease or otherwise. As used in this subsection, the term 'elderly person' means any individual sixty-five years of age or older."

REDUCED RATE AIR TRANSPORTATION

SEC. 3. (a) The last sentence of section 403(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1373(b)) is amended by inserting a comma and "youths, elderly people, handicapped persons, and military personnel" immediately after "ministers of religion".

(b) Such section 403(b) is amended by adding at the end thereof the following new sentence: "As used in the preceding sentence, (1) the term 'youths' means individuals over the age of twelve and under the age of twenty-two, (2) the term 'elderly people' means individuals aged sixty-five and older, (3) the term 'handicapped presons' means the physically and mentally handicapped as defined by regulations to be set forth by the Civil Aeronautics Board, and (4) the term 'military personnel' means members of the United States armed services traveling at their own expense, in uniform of those services, while on official leave, furlough, or pass."

REDUCED RATE CARRIER TRANSPORTATION

SEC. 4. (a) Notwithstanding any other provision of law, no common carrier for hire transporting persons in interstate commerce shall, during nonpeak periods of travel, charge any eligible elderly person more than half the published tariff charged the general public in connection with any transportation which is requested by any such person.

(b) In any case in which a common carrier can show that it incurred an economic loss during any calendar year solely because of the requirement imposed by subsection (a), such carrier may apply to the head of the Federal agency having jurisdiction over the filing and publishing of the tariffs of such carrier for Federal financial assistance with respect to all or part of such economic loss. The head of any such Federal agency is authorized to pay to any such carrier (1) an amount not exceeding one-half the difference between the published tariff and the tariff charged elderly persons during the calendar year covered by the carrier's application, or (2) an amount not exceeding the aggregate of the economic loss of the carrier claimed under such application, whichever is less.

(c) The head of each such Federal agency is authorized to prescribe such regulations as he may deem necessary to carry out the provisions of this section, including but not limited to the defining of nonpeak periods of travel and regulations requiring uniform accounting procedures.

(d) The head of each such Federal agency is authorized to establish a commission of elderly persons to advise him in carrying out the provisions of this section.

(e) As used in this section, the term "eligible elderly person" means any individual sixty-five years of age or older who is not employed full time.

INSURANCE COVERAGE

SEC. 5. (a) It shall be unlawful for any person engaged in the business of insuring motor vehicles or selling motor vehicle insurance to deny or refuse to sell insurance to any individual on account of his age if that individual possesses a valid driver's license.

(b) Any person who violates the provisions of this section shall be subject to a civil penalty of not to exceed $10,000. Any such civil penalty may be compromised by the Secretary. In determining the amount of such penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

(c) As used in this section the term "motor vehicle" means any vehicle, self-propelled or drawn by mechanical power, designed for use on the highways principally for the transportation of passengers except any vehicle designed or used for military field training, combat, or tactical purposes.

MASS TRANSPORTATION FACILITIES DESIGN

SEC. 6. (a) The first section of the Act entitled "An Act to insure that certain buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped", approved August 12, 1968 (42 U.S.C. 4151), is amended—

(1) by striking out "or" at the end of paragraph (3);

(2) by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof the following:

"(5) to be constructed with financial assistance provided under the Urban Mass Transportation Act of 1964."

(b) Such Act is further amended by redesignating sections 5 and 6 as sections 6 and 7, respectively, and by inserting after section 4 the following new section:

"SEC. 5. The Secretary of Transportation, in consultation with the Secretary of Health, Education, and Welfare, is authorized to prescribe such standards for the design, construction, and alteration of buildings, structures, and facilities which are provided with financial assistance under the Urban Mass Transportation Act of 1964 and are subject to this Act as may be necessary to insure that elderly and physically and mentally handicapped persons will have ready access to, and use of, such buildings."

(c) Section 7 of such Act (as redesignated by subsection (a) of this section) is amended by inserting immediately before "is authorized—" the following: "and the Secretary of Transportation with respect to standards issued under section 5 of this Act,".

TRANSPORTATION RESEARCH AND DEMONSTRATION PROJECTS FOR THE ELDERLY

SEC. 7. Title IV of the Older Americans Act of 1965 (42 U.S.C. 3031) is hereby amended by adding at the end thereof the following new section:

"SPECIAL EMPHASIS TRANSPORTATION RESEARCH AND DEMONSTRATION PROJECTS

"SEC. 403. (a) The Secretary, after consultation with the Secretaries of Transportation and Housing and Urban Development, is authorized to make grants to any public or nonprofit private agency, organization, or institution and to enter into contracts with any agency, organization, or institution, or with any individual—

"(1) to study the economic and service aspects of transportation for elderly persons living in urban or rural areas;

"(2) to conduct research and demonstration projects regarding the feasibility of special transportation subsystems for use by elderly persons or similar groups with similar mobility restrictions;

"(3) to conduct research and demonstration projects on portal to portal service and demand aotuated services;

"(4) to conduct research and demonstration projects concerning the impact of pricing structures on the comfort, well-being, and morale of elderly persons;

"(5) to study transportation and social service delivery interface;

"(6) to conduct research and demonstration projects to coordinate and develop better transportation services rendered by social service agencies;

"(7) to conduct research and demonstration projects concerning other relevant problems affecting the mobility of elderly persons; or

"(8) to conduct research and demonstration projects concerning the use of transportation personnel to assist elderly persons who use public transportation.

"(b) There are authorized to be appropriated to carry out this section $2,500,000 for the fiscal year ending June 30, 1972; and $5,000,000 for the fiscal year ending June 30, 1973."

Mr. MANSFIELD subsequently said, Mr. President, on behalf of the Senator from Illinois (Mr. PERCY), I ask unanimous consent that a bill introduced this morning by Senator PERCY having to do with transportation for the elderly be jointly referred to the Committee on Commerce and the Committee on Banking, Housing and Urban Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. McGEE (for himself, Mr. CRANSTON, Mr. HUMPHREY, Mr. JAVITS, Mr. KENNEDY, Mr. McGOVERN, Mr. MUSKIE, Mr. NELSON, Mr. CASE, Mr. MONDALE, and Mr. TUNNEY):

S. 1592. A bill to establish a commission to investigate and study the practice of clearcutting of timber resources of the United States on Federal lands. Referred to the Committee on Interior and Insular Affairs.

Mr. McGEE. Mr. President, I introduce, for appropriate reference, a bill to establish a commission to investigate and study the practice of clearcutting of timber resources of the United States on Federal lands.

For some 3 years now there has been a growing controversy over the timber management policy of clearcutting. In my own mind there is a growing conviction that the practice of clearcutting is not really management of our forests at all. Certainly, the practice can hardly mean management in its best sense; for in its worst sense, clearcutting is the systematic ravishment of our forests.

Perhaps a brief definition of clearcutting is in order. It is the practice customarily used in the timber industry which requires the removal of substantially the entire stock of timber within a particular designated area for the purpose of commercial harvest of timber. It is a practice stubbornly pursued by Federal agencies charged with the trusteeship of our natural resources on Federal lands. It is a practice my own sight can scarcely believe.

There are other methods of regeneration harvest in our Federal forests, but it is clearcutting about which most of the current controversy rages. In 1969, of the 97 million acres of the national forests' commercial timberland, 24 million acres were harvested. Twenty-one percent of these 24 million acres was clearcut. Nevertheless, 55 percent of the total wood fiber volume harvested from just the national forests in 1969 was the result of clearcutting.

For some years now, the quarrel over clearcutting has been exploding and needs little elaboration from me. Recently, there have been any number of newspaper accounts, television commentaries, and editorials about clearcutting. Just this month, Senator CHURCH's Subcommittee on Public Lands held hearings on the practice of clearcutting. Over 90 witnesses testified at those hearings, and the greater proportion of them were deeply disturbed by the practice of clearcutting. Just in the past 2 weeks, I have received hundreds of letters from all over the country deploring the havoc generated in our forests through clearcutting.

Until 3 years ago, I was only vaguely aware of the devastation happening to Wyoming's mountainsides. In 1968, I toured the Bridger National Forest at the urging of concerned Wyomingites and because of my own nagging concern about the condition of timbered areas in the Bridger National Forest. What I saw was staggering. I saw what at first was almost unbelievable to me: acre after acre, in patches sometimes 1,200 acres in size, that looked as if a squadron of B-52's had ravaged the pristine beauty of the Wind River Mountains. Erosion was working away at the shallow soils of the high mountain country. Choking siltation was rampant throughout the watershed. Natural reforestation was an abject failure. Forced reforestation was practically nonexistent. Slash piles, scar and erosion producing roads were abundant and the ugliness of once beautiful and recreating vistas was a tragedy of immense proportions.

Soon after, I wrote to the Secretary of Agriculture asking for an independent blue ribbon commission to examine the practice of clearcutting. The Secretary wrote back to deny my request. Since that time, I have rerequested the Secretary to appoint such a commission, but the communications from the Forest Service have been largely efforts to persuade me that what my eyes saw really was not so bad, and that the professional expertise of our land managers would make everything all right.

But everything was not all right despite the torrent of excuse. I grew increasingly anxious about the carnage I saw on Fish Creek and in Jules Basin. Not too many weeks passed when I discovered that my anxiety about clearcutting had a much wider dimension than I had first supposed. In short, a full-scale controversy was in the making over clearcutting in places far afield from Wyoming.

In West Virginia, the State legislature appointed its own blue ribbon commission to look at the practice of clearcutting in the Monongahela National Forest. They did not like what they saw. In the Bitterroot National Forest in Montana, the forestry school of the University of Montana, in a study of clearcutting practices there, flatly contradicted a whitewash study by the Forest Service. In Alaska and in Oregon, there was considerable data which supported the view that clearcutting needs immediate and careful reevaluation.

If only for these reasons, then, I must offer a proposal for a cease-fire—admittedly an unusual procedure. I do not make the proposal casually. I make it because a natural resource which belongs to all of the people is fast becoming a disaster area. Those who have been charged with the responsibility for protecting and managing that resource have been largely unresponsive to the growing cry for reevaluation. It is true that the Forest Service, particularly, has appointed a number of in-house committees to investigate the practice. To my mind, however, this is akin to setting up the fox to guard the henhouse. Moreover, what few of these in-house studies have been published have proclaimed for themselves the mantle of exclusive knowhow.

Clearly, there is no gainsaying the expertise and diligence of the professionals in the Federal service having to do with our forests. Nevertheless, there are other experts quite as competent and quite as diligent outside the Federal service who are appalled by the policy of clearcutting. Quite as importantly, the matter of priorities cannot be the exclusive domain of Government experts.

In brief then, I am introducing this bill because the Forest Service has been largely unresponsive, not only to my entreaties for a blue-ribbon commission on the Bridger, but because there is a clear need for examining the devastation on the peoples' land, as well as reordering our priorities about these lands.

We are all aware that sensitivity for our environment has grown by leaps and bounds. It seems to me that this expanding concern has come about in large part because we have just lately begun to get some idea of the parameters of our ecological problems. We are fast coming to realize that we have thoughtlessly abused our environment and that it is much more fragile than many of us had realized. More than this, we are discovering that we have reached a point where we can no longer believe that we have plenty of time to give attention to a distant problem. Moreover, we also know that, though our time frame is tighter than we thought, we can, if we will, attack our environmental problems successfully. Our children and the generations who come after them must have a chance to live in an environment that amplifies life. We need not pass on an inheritance of obscene vistas which are essentially life constricting.

An expanding sensitivity to the quality of our environment is another reason that I submit my bill for an independent interdisciplinary commission to study the practice of clearcutting. If we cannot take the results of our recognition into the legislative process, then the legislative process has little meaning. Indeed, the meaning of recognition is lost if we do not have recourse to legislative action.

As I pointed out earlier, the controversy over the practice of clearcutting is a widening one. The Forest Service insists that the dispute requires only their examination. Curiously, in spite of their own in-house examination, the controversy has not diminished one bit. As a matter of fact, when the results of an in-house study of clearcutting appear, infrequent as that is, the controversy only intensifies.

I submit that, in view of this growing conflict, an independent study of clearcutting is the best way to resolve our dispute. The question of priorities about the use of natural resources on our Federal lands is not something we should leave to the exclusive judgment of professional Federal employees, any more than we should leave the question of military priorities to the exclusive professional judgment of generals. This is particularly so when we live in a time of increasing clamor about our environment. The question is, "How do we resolve the clamor and the controversy?" I believe that an independent commission to study the practice of clearcutting will do much, not only to diminish the clamor but to bring us to a wiser course of action.

Finally, I am convinced that the bill I am introducing today has a number of spinoffs which might prove to be very worth while. For one thing, the idea of an independent study group certainly has usefulness in other problem areas besides clearcutting. We have much to learn about the value and use of studies by commissions. Certainly, we know that when government looks at itself there is great temptation to justify empire building. Too often those of us who look at our own actions spend too much of our effort grinding our own ax, and the problem is soon lost. The bill I offer today can be a model for an attack on other problems.

The independent study commission seems to me to embody the best that is in the democratic process. An independent commission's life is carefully and briefly circumscribed. The study commission concept carefully limits its duration and mission. Moreover, the language of my bill lays heavy emphasis on citizen participation. And our forests have much more to do with the well-being of rank and file citizens than the professional empire of the Forest Service.

A key consideration which I hope will add further serendipity to this bill is the interdisciplinary approach which it embodies. For too long now we have failed to exploit the insights of the various academic disciplines in our approach to national problems. The data and concepts the social scientists and humanists offer to a problem like clearcutting are quite as important and useful as the data and insights of the hydrologist. We must not continue to look at our problems as if they were solely the affair of what we popularly call an expert in the field. Clearcutting is as much a sociological and humanistic problem as it is a problem of the professional forester.

Indeed, one of the problems to which I am presently giving a good deal of attention is the economic problem which will arise should a moratorium on clearcutting come to pass. Certainly, the question of economic difficulties for timber operators and their employees will be present. In my judgment, there is much to be said for approaching the problem by carefully developing the possibility of subsidizing timber operators and their employees during the moratorium. Such a subsidy should be contingent on the operators turning their talents and energies toward planting the 4.8 million acres of national forest lands which constitute distressing and unreplanted backlog on our Federal lands. Given our American knowhow and capacity to respond to challenge, there is no reason why we cannot turn our energies, at least in part, toward planting rather than cutting.

But the most important consequence of an independent study commission must be that we can come to a much wiser use of our natural heritage. Certainly that heritage cannot much longer endure the assaults we persist in making upon it. If those assaults are to continue, and all we can do is talk about them, then we are not going to have a political heritage, a social heritage, or any other kind of heritage to worry about, let alone a heritage to which we can look for rejuvenation, tranquility, and inspiration.

Mr. CRANSTON. Mr. President, I am pleased to join the distinguished Senator from Wyoming (Mr. McGEE) in sponsoring a bill to establish a joint congressional-public commission to determine the conditions under which clearcutting might be continued as a method of harvesting timber. In addition, the bill prohibits clearcutting on Federal lands for a period of 2 years while the commission conducts its investigation.

Under clearcutting, all of the timber is removed from an area of the forest in one cut. As one of several methods of timber harvest practiced by the U.S. Forest Service, clearcutting has come under increasing attack. Many conservationists are concerned about the harm to the environment that may result. Others find it simply an esthetic affront. Still others believe that the management policies of the Forest Service must be examined and reordered to achieve in practice the principle of multiple use.

I have read statements of experts in the field of entomology that the tendency toward even-aged management on our forest lands, a tendency which clearcutting accelerates, increases the probability of insect infestation and disease. These, in turn, will lead us into the myriad problems associated with the widespread use of pesticides, herbicides and insecticides.

Another very serious environmental hazard that experts claim will result from clearcutting is soil erosion and soil depletion. The most precious resource of the forest is the soil. It has taken centuries to build up the deep layer of topsoil on forest floors and this layer of soil is seriously damaged, if not utterly destroyed, by the clearcutting method. When this spongy, top layer of soil is destroyed, the watershed qualities of the forest are eliminated, resulting in the pollution of our forest streams from silt and mud.

On the other hand, I have read Forest Service publications which claim that clearcutting is a useful and necessary method of timber management. Certain species of trees, it is said, do not regenerate well in the shade. Therefore, all of the trees in an area must be cut down so that the replanted trees will grow faster and be healthier. It is also said that clearcutting is the only method that can eliminate any disease that may have infected an area of the forest. This is particularly a problem in the West where the dwarf mistletoe threatens many healthy timber stands.

California is a major producer of forest materials. Vast amounts of its land, particularly in the northern part of the State, are covered with prime stands of virgin timber. Some 24 million acres—more than one-fourth the total area of the State—is protected by the Forest Service. In 1970, 22 percent of the forest acreage harvested in California was done by clearcutting. This accounted for 43 percent of the $54 million worth of timber harvested in the State.

At the same time, the growing population of California—20 million people now live in the State—is making increased demands on all the resources of our forests: Outdoor recreation, range, timber, watershed, wildlife, and fish. Especially in California, we must use every means at our disposal to insure the wisest use of our forests so that all the forest resources can be used and enjoyed by future generations.

I am certainly not opposed to timber harvest. However, I do feel that enough serious questions have been raised about clearcutting to warrant a 2-year moratorium on the practice and an impartial examination of its merits. The bitter controversy over clearcutting will continue to rage until we have satisfactorily answered the charges leveled against it. In the process, perhaps we will benefit from a rethinking of our assumptions about the use of our forests and methods of harvesting timber. I believe that this legislation provides the framework for these goals, and I strongly urge early and favorable action on it.

By Mr. HANSEN:

S. 1593. A bill to authorize the Administrator of Veterans' Affairs to sell direct loans made to veterans under chapter 37, title 38, United States Code, at prices which he determines to be reasonable under prevailing mortgage market conditions, and for other purposes. Referred to the Committee on Veterans' Affairs.

Mr. HANSEN. Mr. President, today I am introducing legislation designed to improve the direct loan program of the Veterans' Administration. Direct loans are made only in rural areas and small cities and towns where private credit for making of guaranteed loans is and has been generally unavailable. The direct loan program supplements the guaranteed loan program which has made it possible for veterans of this Nation's Armed Forces who have served their Nation so valiantly to provide housing for themselves and their families.

The direct loan program has provided housing for veterans in many areas where the veteran would have been unable to obtain housing if he were forced to depend on private capital for financing. However, the operation of this vital program has become hindered recently. In response to my letter questioning the status of the direct loan program, Donald E. Johnson, Veterans Administrator, informed me that—

> Instead of eliminating or abolishing the direct loan program, we are reorienting activities so as to place increased emphasis on the mandate in the governing law that direct loans are authorized only where private capital is not available to veterans generally for guaranteed loans.

The Administrator continued:

> In this connection, it is fully intended that the Veterans Administration home loan program will be so administered that no veteran will be denied a loan to fulfill his plans and aims to become a homeowner.

Under the present law the Administrator of Veterans' Affairs may not sell direct loans made by the Veterans' Administration at a price less than 98 percent of par; that is, the unpaid balance, plus interest. In the past, mortgage market conditions operated to preclude to a great extent the sale of loans at such prices. The first section of my bill would amend section 1811(g) of title 38, United States Code, to authorize the Administrator to sell these loans at prices which he determines to be reasonable under previous mortgage market conditions.

From the standpoint of sound fiscal management and to simplify administrative operations, this more flexible authority should be granted to equalize the authority for selling direct loans with the much broader existing authority for the sale of so-called vendee account loans. These are loans resulting from sales of property acquired by the VA in the loan guaranty program. Substantial blocks of these mortgages have been sold, some at prices less than par, but consistent with prices asked by FNMA on VA and FHA mortgages which it held. The less restrictive authority would also equate the VA position in the sales of direct loans with the position of FNMA in respect to their selling authority and policies.

Section 2 would require a direct loan applicant to show that he is unable to obtain guaranteed loan financing at a reasonable discount—which may not be in excess of 4 percent in any event—before he can obtain a direct loan from the Veterans' Administration.

The existing law regarding direct loans has been interpreted to mean that if a lender imposes a discount charge against the seller and the latter declines to pay it, the VA is legally obligated to make the veteran a direct loan at par if the veteran, the loan and the property are otherwise eligible. This principle has become widely known. By the simple expedient of declining to pay a discount which would readily have been paid for a conventional loan, the result has been to negate to a considerable extent the basic purpose of the direct loan program; that is, to supplement the guaranteed loan program by authorizing direct loans to be made "Whenever the Administrator finds that private capital is not generally available in any rural area or small city or town for the financing of loans guaranteed under section 1810 or 1819 of this title."

It is important that veterans in our rural areas, as well as small towns and cities, be given an opportunity to enjoy the same benefits as veterans living in our more populated areas. Since private credit for making guaranteed loans is not as readily available and is more limited in sparsely populated areas, it is essential that the direct loan program be continued.

I believe that the legislation which I have introduced today will enable the Veterans' Administration to continue this program with fewer difficulties in providing the funds needed for direct loans.

By Mr. JACKSON:

S. 1595. A bill to authorize the Secretary of the Interior to establish and administer a program of direct Federal employment to improve the quality of the environment, the public lands, Indian Reservations, and commonly owned and shared resources through a program of recreational development, reforestation and conservation management, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

NATURAL AND HUMAN RESOURCES RESTORATION AND CONSERVATION ACT OF 1971

Mr. JACKSON. Mr. President, I introduce for appropriate reference the "Natural and Human Resource Restoration and Conservation Act of 1971."

The purpose of this measure is to provide direct Federal employment for unemployed workers in the country's national parks, forests, recreation areas, and public lands. It builds upon the proven and tried concepts found in the Civilian Conservation Corps of the 1930's. Priority is given to those areas of the Nation which have high levels of unemployment and a need for more intensive timber, recreation, and resource management on Federal lands and on Indian Reservations.

The act builds upon the automatic "trigger" concept found in the "Emergency Employment Act of 1971." First, the Secretary of the Interior is authorized to establish a permanent National Environmental Services Corps. The permanent crops would consist of a nucleus of appropriate administrative and supervisory personnel.

Second, when national unemployment levels exceeded 4½ percent the Secretary is directed to enlarge the corps by hiring temporary personnel for the period of time unemployment is high. For each ½ percent gain above a national unemployment level of 4½ percent, the Secretary is authorized to hire an additional 50,000 corps members.

Third, the Secretary is authorized to hire as many as 200,000 corps members to work in areas of the country experiencing substantial or persistent unemployment—levels of 6 percent or more—without regard to the national unemployment level.

Persons serving in the corps on a temporary basis would receive benefits and salary equivalent to other temporary or short-term Federal employees doing work of a similar nature.

The act has two important national purposes. The first is to deal with the tremendous backlog of resource conservation and restoration work on the Federal lands. There is a high priority need in many parts of the Nation to replant forests, to eliminate disease, to prevent erosion, to abate pollution, to guard against fire, to protect our parks, to add new facilities—trails, bridges, camping areas—in our recreation areas, to enhance watershed management, and to make the beauty and grandeur of our public lands accessible to the American people.

The second purpose this measure serves is that it provides an alternative to welfare and unemployment assistance in the form of important, self-respecting work for American working men and women who are the victims of an economic system which at times like the present does not have jobs for skilled, conscientious workers.

One of the most important features of this proposal is that it does not require a great deal of startup time. The work is there. Federal foresters, park rangers, and land managers in regional offices all across the country have on their desks long lists of specific work assignments which need to be done. Most of this work is planned and programed. It does not require expensive machinery. It requires only people to do the job and the money to pay them.

Natural resource management and environment improvement program needs now stand at an alltime high. Consider for a moment these statistics on the immediate needs of our conservation and environmental protection agencies.

The U.S. Forest Service currently has over 5 million acres of highly productive forest land awaiting replanting. Another nearly 12 million acres are not producing adequately for lack of proper forest management. Another 3 million acres are essentially unproductive and will remain so until erosion is curbed. A conservative estimate by Forest Service officials reveals that to reduce their backlog of essential conservation work would require 240,000 man-years of labor.

The manpower needs of the Bureau of Land Management, the National Park Service, the Bureau of Sports Fisheries, the Bureau of Indian Affairs, and the Environmental Protection Agency to perform essential work on public lands and facilities are also very great.

The work is not glamorous. But it is good clean, hard outdoor work. The Environmental Services Corps means that the Federal Government can give a man a choice between welfare dole and self-respect; between hopeless days of frustration and the opportunity to do meaningful work that a man can take pride in.

The difference in the public cost of creating these jobs and the public cost of the welfare and unemployment compensation that will be incurred if jobs are not created is de minimus. But the difference in terms of national benefit and in terms of human dignity is immense.

Mr. President, I would like to quote from the final report to the Secretary of the Interior on the Civilian Conservation Corps program of the Department of Interior. This 1944 report, as presented to Secretary Harold L. Ickes by Conrad L. Wirth, Departmental Representative on the Advisory Council, CCC, states in part:

> It is recommended that an organization similar to the Civilian Conservation Corps be established on a permanent basis and designated the "Conservation Corps", and that such an organization be a joint enterprise of the Federal departments and agencies administering and protecting the natural resources of the nation. The purpose of the Corps should be to provide a pool of manpower and funds for those agencies charged by Congress with the development, protection, and use of the natural resources of the United States. The main objectives should be:
>
> 1. Development and protection of the natural resources of the country for the use and enjoyment of the present and future generations;
> 2. Teaching the workers and others the real necessity and the importance of proper use of the natural resources;
> 3. The coordination and integration of a nationally planned program through a uniform and respected work organization; and
> 4. This to be done without interference with the objectives and responsibilities of the various member agencies as charged by Congress.
>
> There was in 1933, and there still is, a real need to give nation-wide attention to the conservation of our natural resources. The natural resources are so vital to existence and progress of any nation that it seems reasonable to give them constant and continuing attention and protection.
>
> The general type of program as planned and executed by the CCC was well received by all. Perhaps one of the greatest accomplishments of the Civilian Conservation Corps was that it brought to the minds of the people of this country the need and value of a sound, active conservation program.
>
> The CCC not only taught the youth of our nation in a very practical way the meaning and value of our natural resources, but helped to restore and strengthen the nation's human resources.
>
> Working in the open, with nature, brings optimum beneficial results to an individual

which are almost impossible to obtain otherwise. It builds the body and the mind; it teaches the basic principles of existence; and it creates an understanding of what must be done to protect and properly use natural resources. A future permanent Civilian Conservation Corps must take into consideration these basic facts which should be made known to every home and command the respect of all people through its teachings and accomplishments.

Mr. President, I ask unanimous consent that the text of the bill together with the report on the Civilian Conservation Corps be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill and report were ordered to be printed in the RECORD, as follows:

S. 1595

A bill to authorize the Secretary of the Interior to establish and administer a program of direct Federal employment to improve the quality of the environment, the public lands, Indian Reservations, and commonly owned and shared resources through a program of recreational development, reforestation and conservation management, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Natural and Human Resources Restoration and Conservation Act of 1971."

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds and declares that—

(1) there is a growing backlog of necessary and essential work which must be performed if the quality of the nation's national forests, parks, recreation areas, game refuges and public lands, and Indian Reservations are to be maintained and improved;

(2) tasks which must be performed include reforestation, fire prevention, protection against floods and soil erosion, disease control, pollution abatement, trail construction, road maintenance and improvement, and development of recreational facilities.

(b) the Congress further finds that—

(1) parallel with the need to improve the quality of the nation's environment and to protect public resources, the country is experiencing critically high levels of unemployment in various regions, and many of the people unemployed have valuable skills which could be utilized to restore, protect and improve the management of the environment, the public lands, and other shared and common resources;

(2) there is a responsibility on the United States government to provide direct Federal employment to fill the growing backlog of unmet national conservation needs and, at the same time, provide programs of permanent and transitional employment to achieve important public purposes;

(3) implementation of National Environmental Services Corps program and building upon the highly successful experience of the Civilian Conservation Corps will reduce dependency upon welfare and unemployment assistance to meet essential human needs, and will advance the national interest in a stable economy and full employment by providing important and meaningful public jobs during times of high unemployment in the country at large or in any region of the country.

POLICY

SEC. 3. (a) The Congress hereby reaffirms that the national policy of full employment declared in the Employment Act of 1946 continues to be a fundamentally sound and socially enlightened national policy, and that it is the responsibility of the Federal Government to use all practicable means consistent with its needs and obligations and other essential considerations of national policy, with the assistance and cooperation of industry, agriculture, labor, and State and local governments, to coordinate and utilize all its plans, functions, and resources for the purpose of creating and maintaining, in a manner calculated to foster and promote free competitive enterprise and the general welfare, conditions under which there will be afforded useful employment opportunities, including self-employment, for those able, willing and seeking to work, and to promote maximum employment, production and purchasing power.

(b) It is the purpose of this Act to provide a Federal natural resource management program designed to:

(1) relieve and alleviate the social distress and human indignity resulting from unemployment by providing a permanent program of direct employment by Federal land and resource management agencies and by expanding direct employment during times of high unemployment in the nation or in various regions of the country; and (2) achieve the goals and objectives declared in the National Environmental Policy Act of 1969 and fulfill the responsibilities of this generation as trustee of the environment for succeeding generations by a work program of reforestation, pollution abatement, disease eradication, prevention of floods and soil erosion, fire protection, watershed management enhancement, construction of new recreation facilities, trail and road development and maintenance, wildlife and sports fisheries management and other activities to improve the quality of the environment.

NATIONAL ENVIRONMENTAL SERVICES CORPS

SEC. 4. There is hereby established the National Environmental Services Corps (hereinafter referred to as the "Corps"). The Secretary of the Interior (hereinafter referred to as the "Secretary") shall be responsible for management and administration of the Corps program. In carrying out his duties under this Act, the Secretary shall consult with the heads of other agencies and departments of the Federal Government. All agencies of the Federal Government are directed to cooperate with and to assist the Secretary in the development and administration of the Corps program.

EMPLOYMENT LEVELS

SEC. 5. (a) There are hereby authorized to be appropriated for carrying out the purposes of this Act $250,000,000 annually for establishment and administration of the permanent Corps program and such sums as are necessary to enlarge the Corps to meet the employment conditions set out in subsection (c).

(b) The permanent Corps shall consist of a national office and appropriate regional and subregional offices, and shall be responsible for providing employment opportunities in natural resource management on Federal lands on a continuing basis up to the level of the appropriation authorization set forth in subsection 5(a). In addition, the permanent Corps shall be responsible for administration, supervision, and training of temporary Corps members when Corps employment is expanded to meet the employment conditions set forth in subsection 5(c).

(c) The Secretary is authorized, out of funds appropriated to carry out the purposes of this Act, to expand employment in the Corps program in accordance with the following clauses:

(1) by 100,000 Corps members when the Secretary determines that the rate of national unemployment (seasonally adjusted) equals or exceeds 4½ percentum for three consecutive months prior to such determination;

(2) by 50,000 Corps members for each increment of one-half of 1 percentum by which the Secretary determines that the average rate of national unemployment (seasonally adjusted) for three consecutive months prior to any such determination exceeds the rate specified in clause (1); and (3) without regard to the determinations required by clauses (1) and (2), by up to 200,000 Corps members to work in regions of the country categorized as areas of "substantial unemployment", "persistent unemployment", or "concentrated unemployment or underemployment" in the Department of Labor's monthly Bulletin on "Area Trends in Employment and Unemployment".

(d) Funds made available to the Secretary pursuant to this section for the employment of Corps members shall, insofar as possible, be apportioned on an equitable basis among States and within each State among local areas, including Indian Reservations. To the extent practicable, such funds and employment opportunities shall be apportioned on the basis of—

(1) relative numbers of unemployed;

(2) severity of unemployment in each area; and

(3) relative need of the area for intensified management, development and conservation of lands under Federal jurisdiction.

SECRETARIAL DUTIES

SEC. 6. (a) The Secretary, after consultation with the heads of other Federal land and resource management agencies, shall—

(1) determine the areas under Federal jurisdiction which are appropriate for carrying out programs using employees of the Corps;

(2) determine the rates of pay, hours, and other conditions of employment in the Corps. *Provided,* That members of the Corps shall be paid the prevailing rates of pay, as appropriate, for persons permanently or temporarily employed by the Federal land management agencies, and all persons employed in the Corps will be assured of workmen's compensation, health insurance and other benefits at the same levels and to the same extent as other permanent and temporary employees of Federal land management agencies;

(3) provide for such transportation, lodging, subsistence, and other services and equipment as he may deem necessary or appropriate for the needs of members of the Corps in their duties. *Provided,* That whenever economically feasible, existing but unoccupied Federal facilities, including military facilities, shall be utilized for the purposes of the Corps where appropriate and with the approval of the Federal agency involved;

(4) promulgate regulations to insure the safety, health, and welfare of the Corps members; and

(5) advise every participant in the Corps program, prior to entering upon employment, of his rights and benefits in connection with such employment.

(b) In expanding the Corps to meet national resource and environmental management goals and to provide new employment opportunities pursuant to section 5(b), the Secretary shall first determine that the Corps program—

(1) will result in an increase in employment opportunities over those which would otherwise be available;

(2) will not result in the displacement of currently employed workers (including partial displacement such as reduction in the hours of non-overtime work or wages or employment benefits),

(3) will not impair existing contracts for services or result in the substitution of Federal or other funds in connection with work that would otherwise be performed; and

(4) will not substitute Corps jobs for existing federally assisted jobs.

PERSONS ELIGIBLE

SEC. 7. Any person who is unemployed and who wants and is available for work and who is physically able to perform the available jobs shall be eligible for employment in the

National Environmental Services Corps. Any person who is underemployed in that their present employment is not providing sufficient income to enable such persons and their families to be self-supporting without welfare assistance shall also be eligible for employment in the Corps.

TERMINATION OF CORPS EMPLOYMENT

SEC. 8. In the administration of this Act the Secretary shall make every effort to provide training and other assistance to temporary members of the Corps provided employment pursuant to section 5, which will enable them to obtain permanent private or public employment. When the rate of national or area unemployment declines below the standards set forth in section 5(c) of this Act, the Secretary shall make maximum efforts to locate permanent employment or training opportunities not supported under this Act for each Corps member temporarily employed under this Act, and shall gradually phase out the temporary Corps program on an area-by-area basis as is warranted by improved local employment opportunities and the accomplishment of the resource and environmental improvement program on the Federal lands in that area.

SECRETARIAL POWERS

SEC. 9. (a) The Secretary shall promulgate and publish in the Federal Register such regulations as he determines are necessary for the administration of this Act.

(b) The Secretary may make such grants, contracts, or agreements, establish such procedures, policies, rules and regulations, and make such payments in installments and in advance by way of reimbursements, or otherwise allocate or expend funds made available under this Act, as he may deem necessary to carry out the provisions of this Act.

REPORT

SEC. 10. The Secretary shall transmit an annual report to the Congress setting forth the activities under this Act, an evaluation of the programs authorized, and relevant data on employment created and public purposes achieved.

EFFECTIVE DATE

SEC. 11. This Act shall be effective upon enactment. The determinations to be made under section 5(c) shall take into account the rate or rates of unemployment for a period of three consecutive months even though all or a part of such period may have occurred prior to the enactment of this Act.

CIVILIAN CONSERVATION CORPS PROGRAM OF THE UNITED STATES DEPARTMENT OF THE INTERIOR, MARCH 1933 TO JUNE 30, 1943

(A report to Harold L. Ickes, Secretary of the Interior, by Conrad L. Wirth, departmental representative on the Advisory Council, CCC)

FINAL REPORT TO THE SECRETARY

Liquidation of the Civilian Conservation Corps, ordered by Congress on July 2, 1942, was virtually completed on June 30, 1943, with a balance of approximately $1,500,000 from a fund of $8,000,000, appropriated for the purpose.

On June 30, 1942, the Department of the Interior was operating 114 active CCC camps on projects in the continental United States, in addition to 71 CCC projects on Indian reservations and camps in Hawaii and the Virgin Islands, and had on hand approximately $17,000,000 worth of construction and other operating equipment. The closing of the camps involved arrangements to leave the work projects in the best possible shape, the separation of around 1,800 appointed employees, the transfer of CCC property to the War and Navy Departments and other agencies, and the preparation of final accountability records. The accomplishment of the liquidation of CCC was very difficult due to the urgency of the task and the fact that most of the key personnel had left or were leaving constantly for military or other war service. However, on June 30, 1943, all but a few odds and ends had been disposed of. Attention is still being given the transfer of properties and the straightening out of records, with employees paid from regular funds. The bureaus of the department are to be complimented on the excellent way in which they undertook and accomplished this difficult task.

In order to take care of the final stages of CCC liquidation, Congress appropriated $20,000 to the Federal Security Agency for the present fiscal year. No funds from this appropriation have been allocated to the Department of the Interior.

The records of my office, as departmental representative on the CCC Advisory Council, are in good order and are available for inspection. These records do not include the work programs undertaken by the various bureaus, or records of accomplishments and fiscal data of these programs, as all such data were kept by the bureaus in charge of the work. While I shall continue to discharge the duties of departmental representative until June 30, 1944, this will be the final report of the office you assigned to me under the direct supervision of Mr. E. K. Burlew, former First Assistant Secretary.

I believe that the Department of the Interior accomplished much in a far-reaching conservation program through the use of the CCC. This could not have been accomplished without the cooperation and understanding of each and every bureau of the department and the steady support and advice of Mr. E. K. Burlew and Mr. J. Atwood Maulding.

While at times the departments charged with the carrying out of the President's idea for a Civilian Conservation Corps, namely, the Departments of War, Interior, and Agriculture, expressed greatly different opinions, I know it to be a fact that the relationship and cooperative spirit of these departments never were on a higher level than when they were carrying out the CCC program. There is much to be gained in interdepartmental relationship by a cooperative undertaking such as the CCC.

There is included in this report a general statement of the accomplishments of the CCC camps prepared by each bureau of the Department of the Interior having camps assigned to it. At a meeting of the representatives of the various bureaus handling CCC, it was the opinion of all that they would prefer to tell in their own way the accomplishments of their camps.

As part of this report there are several tables broken down by bureaus giving information on camp allotments, funds expended, and personnel employment. I believe these tables will give a good idea of the size of the CCC and the important part it played in the Department during the last 10 years.

Because of the accomplishments and success of the original CCC idea, I believe that a similar type of organization should be authorized after the war. Accordingly, I am taking the liberty of including in this report a few observations and definite recommendations for a future organization, in the hope that if a CCC program starts again they may be of some value. They are brief; however, I shall be glad to enlarge on them in discussion or in writing if it is felt necessary or desirable.

OBSERVATIONS

1. There was in 1933, and there still is, a real need to give Nationwide attention to the conservation of our natural resources. The natural resources are so vital to existence and progress of any nation that it seems reasonable to give them constant and continuing attention and protection.

2. The general type of program as planned and executed by the CCC was well received by all. Perhaps one of the greatest accomplishments of the Civilian Conservation Corps was that it brought to the minds of the people of this country the need and value of a sound, active conservation program.

3. The CCC not only taught the youth of our Nation in a very practical way the meaning and value of our natural resources, but helped to restore and strengthen the Nation's human resources.

4. While the CCC did give employment to many boys, it was overemphasized by some persons as a program to take "youth out of the streets." This fact led many to believe that only those in very poor circumstances or those of low mental or even low moral stature were eligible for enrollment in the Corps. The CCC program was looked on by many as a relief program rather than a conservation program. A good conservation program can do much toward the relief of the unemployed, but its main objective should never be thought of as relief.

5. Besides providing advantages for the boys, developing and protecting the natural resources, and making the general public conscious of the value of the natural resources, the CCC program brought together many subdivisions of Government and made them realize that the protection of the natural resources was a problem common to all.

6. Learning how to handle heavy equipment proved to be of great value to the boys when the time came for them to leave camp. Boys with experience in handling and repairing equipment were in demand by private business concerns and Government agencies. Many went into the Army and qualified as noncommissioned officers.

7. Standard and attractive CCC uniforms created and maintained a fine organization spirit.

8. One of the best features of the CCC was the fact that no boy could stay in the Corps more than four enrollments of 6 months each, or a total of 2 years, unless through his own efforts he became qualified to fill a supervisory position. This limit of service impressed upon the boys that they must progress and that the CCC was a place to learn how to work and to prepare themselves for better jobs.

9. Health of the boys received careful attention. Working out-of-doors, regular hours and plenty of good, wholesome food did wonders for the boys at one of the most critical growing periods of their lives.

10. Camp life and recreation programs taught cooperation and team play to a very high degree. Brig. Gen. George P. Tyner, one of the representatives of the War Department on the Advisory Council, stated before a committee of Congress that he felt that the training of the boys in the CCC camps was equal to 75 percent of the type of training required of the soldiers in the Army.

11. There were some faults in the CCC organization that should be given careful consideration if a similar organization is to be established. Toward the end, the CCC was deficient in several respects. These deficiencies and lack of effectiveness were due in part to the following:

a. The superimposing of detailed procedures and supervision by the CCC director's office over departments of the Government charged with the responsibility of managing Federal properties, without due regard to the established responsibilities of the departments, and the already well-worked-out, tried, and established methods and procedures necessary to carry out these responsibilities. General policies and controls are recognized as necessary for a unified CCC program; however, these can be accomplished through a properly organized and coordinating body of administrative officials of the departments and without interference with the primary functions of the departments.

It is true that the CCC director had an advisory council, but it was purely and simply an advisory body. The success of the CCC as an organization depended largely on the ability of the individual appointed as director. The experiences with the CCC under two directors bear testimony to this last statement. The CCC was well-organized, the cooperation of all participating agencies and officials was excellent, the work turned out was good, and the morale of the Corps was on a high plane up to the untimely illness and death of Robert Fechner. Mr. Fechner used his council and respected their advice, although not necessarily agreeing with it on all issues. After his death, the CCC lived largely on its past reputation, developed through Director Fechner's ability and leadership, and on the desire of the departments to hold together the organization that they had helped to build and needed so badly. In the last years of the CCC, the advice of the Advisory Council was seldom sought on important policy matters.

b. While the relationship between the Army and the technical services in the field and in Washington was very good, many administrative officers realized and felt that simplification and consolidation of control in the camps would remove apparent excessive overhead.

c. Many work projects could have been undertaken more economically with fewer than the standard camp complement of 200 enrollees. The 200-man camp was considered as the smallest unit that could be used to justify the dual overhead cost of the Army and technical agency. However, the financial loss in an over-manned work project more than offset the increased man-unit overhead cost of a smaller camp. If more than 200 men were needed, the addition had to be a multiple of the 200-man unit, and by this rigid procedure the man-unit overhead cost could not be reduced much below the 200-man unit camp.

d. The director of CCC assumed more and more administrative control of the camp programs and towards the end of CCC he was interfering with the responsibilities of the departments in the management of their properties. Later, this became even more involved by superimposing the additional administrative controls of the Federal Security Agency. Their direct instructions, inquiries, or requests for information having to do with departmental responsibilities became more and more time-consuming and involved, and added nothing beneficial to the already well-planned and operating organizations.

e. The use of two finance agencies, namely, the Treasury Department for regular functions, and the finance officer of the War Department for the CCC, caused unnecessary additional work.

While the Army finance officer did an excellent job, two procedures, two different sets of books, records, and forms were required on each area where CCC and regular funds were being spent, and frequently on the same general work project. The CCC was really a resource of manpower and funds given to a bureau to accomplish a work program under requirements, plans, and administrative policies of the department. Further, due to this dual system, there was built up within each bureau an intangible barrier between those paid from CCC funds and those paid from regular funds.

f. The trend to build up a school-room type of educational program and impractical (and unpopular) academic courses in the camps caused a conflict in the understanding of the purposes of the Corps.

Practically everybody believed it to be reasonable, proper, and desirable to teach those who could not read and write to do so; to instruct the boys how to do their work and to advance themselves in the branch of work in which they were most interested; to explain the objectives and reasons for the various steps taken in carrying out a given task. However, many could not understand why the boys were encouraged to take a language, or other normal classroom course, after a hard day's work in the field. More often than not these subjects were "way over their heads"—subjects for which they did not have the proper foundation or which they did not have a chance to finish or carry far enough to be of any real value to them. Many times the instructors, most of whom were work foremen in the camps, did not have the training to teach the subjects assigned to them.

SUMMARY AND RECOMMENDATIONS

While the CCC operations just concluded had faults, none was serious enough to nullify the many over-all good results, and all could be overcome by certain changes in organization and policy.

The Nation cannot afford to have its resources neglected or wasted; they must be protected at all times. Their extra values are only now being fully realized in the worldwide struggle for freedom and liberty. It will take years to restore replaceable resources now being spent so freely to win the war. This can be done only by careful planning and hard work.

Most of our natural resources are remote from urban populations. The work necessary to conserve and protect these natural resources can generally be performed best by the establishment of camps. In the case of the CCC, the camps brought together groups of boys who were taught to work, live, and play, with common interests and community respect.

Working in the open, with nature, brings optimum beneficial results to an individual which are almost impossible to obtain otherwise. It builds the body and the mind; it teachers the basic principles of existence; and it creates an understanding of what must be done to protect and properly use natural resources. A future permanent Civilian Conservation Corps must take into consideration these basic facts which should be made known to every home and command the respect of all people through its teachings and accomplishments.

It is recommended that an organization similar to the Civilian Conservation Corps be established on a permanent basis and designated the "Conservation Corps," and that such an organization be a joint enterprise of the Federal departments and agencies administering and protecting the natural resources of the Nation. The purpose of the Corps should be to provide a pool of manpower and funds for those agencies charged by Congress with the development, protection, and use of the natural resources of the United States. The main objectives should be:

1. Development and protection of the natural resources of the country for the use and enjoyment of the present and future generations;

2. Teaching the workers and others the real necessity and the importance of proper use of the natural resources;

3. The coordination and integration of a nationally planned program through a uniform and respected work organization; and

4. This to be done without interference with the objectives and responsibilities of the various member agencies as charged by Congress.

In order to accomplish these general objectives, the Conservation Corps should be organized so that each department or agency using its facilities would have a place in the organization where it could voice its opinions and have an active part in formulating the policies.

With these thoughts in mind and based on 10 years' intimate experience with the operations of the CCC, I have drawn up the following organization diagram to convey my recommendations for such an organization. The organization diagram is not intended to be complete as to detail; it is intended only to convey the type of organization which I believe will accomplish the needed conservation work and bring home to the entire Nation, through its youth, the need and the appreciation of our natural resources.

A brief explanation of the general functions of the various units of such an organization follows:

1. The President shall appoint the director.

2. Each of the departments or independent agencies using the resources of the Corps shall appoint two members to the policy council of the Corps. One of the members of the council shall be the department's administrator of the Corps activities within the department or agency which he represents. The other member to be appointed from the department presumably shall be a member of the staff of the head of the department or agency.

3. The two appointees from each department or agency, and the director appointed by the President, shall constitute the policy council of the Corps. The policy and regulations governing the operation of the Corps shall, in all cases, be made or approved by the policy council. The director shall be the chairman of the council. It shall take a majority vote of the council, plus one additional vote, to approve regulations or to establish policy.

4. The director shall have direct charge of certain functions of the Corps. These functions are to be decided upon and approved by the policy council. Generally speaking, these functions should be only those that are common to all operating agencies and which will help to unify the Corps, or which can be more economically handled from a central organization. It shall also be the director's responsibility, acting through the administrators of the departments or agencies, to see that all policies and regulations of the Corps are properly and promptly carried out. Some of the functions that might logically be placed in the director's office are:

a. *Fiscal.*—It will be necessary to assemble in one place the financial requirements for all activities of the Corps for presentation to the Bureau of the Budget and to the Congress. After the funds have been appropriated, it will be necessary to allot the funds to the departments and to keep certain limited financial records.

b. *Program.*—The operating agencies will from time to time, submit their requirements for camps or men, and these requests will have to be assembled and presented to the Council through the director for approval. Records of the decisions will have to be kept and orders prepared for issuance to the departments or agencies to carry into effect the decisions of the council.

c. *Education.*—It is believed that the same age limit (17 to 23) and term of enrollment (not more than four 6-month enrollments) that governed the CCC should also apply to the new organization. If this recommendation is accepted, a basic educational program should be adopted. Such a program should be limited in the camps to the teaching of reading and writing and job training, with provision for night study in neighboring communities for those who wish to carry on studies in advanced subjects. While the responsibility for the carrying out of such a program will rest with the bureaus of the departments or agencies, it will be necessary to have, in a central location, a division whose duty it shall be to see that a unified program is maintained for the Corps, and to make reports and recommendations for the director and the policy council's consideration.

d. *Safety.*—A competitive safety program will reduce accidents and improve work production. The same relationship, as outlined under "Education" between the Corps and operating agencies should govern.

e. *Medical Care.*—Uniform health regulations and a central system of hospital care are desirable. Again the same relationship as outlined under "Education" should apply.

f. *Religious Activities.*—Again the same relationship as outlined under "Education" should apply.

g. *Legislation and Contracts.*—This division of the director's office will review and handle legislative matters affecting the Corps, and be responsible for review and letting of contracts necessary to carry out the functions of the director's office. Such contracts will be those pertaining to mass railroad transportation of enrollees, purchase of clothing, shoes, etc. Of course, such an office will also handle any other legal matters that might arise in connection with the operation of the director's office or the Corps as a whole.

h. *Office Management.*—This division will handle only those matters of personnel, supplies, etc., necessary to the proper functioning of the director's office.

i. *Selection.* It will be necessary for one central office to enroll the necessary manpower to meet the requirements of the operating departments or agencies and to maintain a pool of enrollees for this purpose.

j. *Purchase.*—It will be an economy for one office to purchase any warehouse items that are required for the member departments or agencies, and to ship out, on requisition, items such as clothing, shoes, bedding, cooking and camp equipment, and certain staple foods. It also will be the duty of this division to collect and recondition such items as clothing and shoes wherever practical and to warehouse for reissuing.

All of the divisions of the director's office, with the exception of "selection" and "purchase" will handle their work with the department administrators through the director. The divisions of "selection" and "purchase" will deal directly with the bureaus in filling requisitions for men and supplies in order to facilitate the program and avoid delays. The necessary safeguards should be set up, however, to assume the carrying out of only approved programs and of keeping the department administrators and the director fully informed.

5. The administrator, besides being one of the department or agency representatives on the policy council, shall be the responsible administrative head of all Corps work and activities within the department or agency he represents. He will work through the bureaus to whom the camps or men have been allotted and will hold them responsible for carrying out the approved programs in their respective areas. He will set up the staff necessary to carry out the duties of his office, including general inspection staff to insure uniform application of the general over-all approved policies and regulations.

6. The bureaus shall have full control of all phases of the work projects on their areas and will be held directly responsible for adherence to the policies and regulations of the Corps. They shall, from time to time, as the occasion arises, meet with the administrator and submit such suggested changes that, in their opinions, will improve the operation and effectiveness of the Corps. All Corps matters of the bureaus must be taken up with the administrator, with the exception of the requisition of men and general supplies, which can be made directly to the "selection" and "purchase" divisions of the director's office, with the understanding that the administrator will be kept fully informed as each request is made. Appointment of personnel shall be in accordance with civil service and departmental procedure. In selection of personnel under this procedure, special consideration should be given to their qualifications as leaders of young men as well as their other qualifications. Fiscal procedures shall be the same as those prescribed for the regular appropriations by the General Accounting Office and the Treasury Department. Aid to the States and other political subdivisions of government shall be in accordance with specific authorization in basic legislation or in the legislation establishing the Conservation Corps. In any event, the authorization should provide for a joint enterprise wherein both the Federal and State governments assume certain responsibilities in the establishment of standards and in the furnishing of personnel, funds, and materials.

7. Development and protection programs may be undertaken either by the establishment of camps or by small groups of men (not less than 10 or more than 40).

a. In cases where small groups of men are supplied, the bureau must meet all basic requirements of the Corps, to be prescribed by the policy council, such as supervision, health requirements, housing, hours of work, types of work, etc. The administrative officer of the area to which the group of men is assigned will be the responsible individual unless some other arrangements are made by the bureau. The allotment of small groups of men is not for the purpose of providing manpower for ordinary maintenance work but for the purpose of doing important protective and development work of natural resources that cannot be done economically any other way.

b. Camps should range in size from a 50-man unit up, in multiples of 50. A camp would be administered by a superintendent, whose grade would vary in accordance with the size of the camp. He would be assisted by a staff of personnel to carry out the work, operate and repair equipment, and perform general administrative and housekeeping functions. To give a clearer idea of what such a staff and organization would consist, four typical setups are shown below:

THE 50-MAN CAMP

Superintendent

Work program:
  2 foremen.
  1 mechanic.
Administrative and housekeeping:
  1 clerk.
  1 recreational leader (with first-aid training).
  1 cook.

THE 100-MAN CAMP

Superintendent

Work program:
  1 assistant superintendent.
  4 foremen.
  2 mechanics.
Administrative and housekeeping:
  1 recreation leader.
  1 chief clerk.
  1 clerk.
  3 cooks.
  1 medical aide.

THE 200-MAN CAMP

Superintendent

Work program:
  1 assistant superintendent.
  7 foremen.
  3 mechanics.
Administrative and housekeeping:
  1 recreational leader.
  1 chief clerk.
  2 clerks.
  1 physician.
  1 storekeeper.
  4 cooks.

THE 400-MAN CAMP

Superintendent

Work program:
  1 assistant superintendent.
  14 foremen.
  5 mechanics.
Administrative and housekeeping:
  1 assistant superintendent.
  1 recreational leader.
  1 chief clerk.
  1 assistant chief clerk.
  3 clerks.
  1 physician.
  1 accountant.
  1 storekeeper.
  6 cooks.

The advantages of the organization as roughly described above are briefly these:

1. The departments and agencies most concerned with the development, protection, and use of the natural resources of the country would have a definite hand in formulating the policies affecting the work programs on the areas under their administrative control. This was lacking in the old CCC organization.

2. The director, as the President's appointee, could make such reports to the President as may be found necessary.

3. The values of a uniform organization of young men to work on conservation projects would be maintained.

4. The setting up of a strong administrative office within each department would provide the controls necessary to insure the adherance to the regulations that make the Corps a uniform organization. In the case of the old CCC organization, the department's representative on the advisory council acted more as a coordinator and not as an administrative officer. This led to the CCC director setting up an inspection staff of his own so that he might have more direct control and reports on the operation of the camps. A certain amount of conflict and misunderstanding developed from this procedure.

5. The bureaus would have the full responsibility for all of the activities of the Corps on the areas under their administrative jurisdiction, including camp management, which they did not have under CCC. This arrangement would eliminate the conflict that existed under the old set-up between the Army and the technical services as to camp location, campground development, division and release of men, etc. It should also reduce the general overhead costs and permit the use of smaller camps at a reasonable man-month cost. It would also make possible the use of small groups of men without the establishment of camps where the area to which they were assigned had the facilities available to take care of the men.

Besides the general advantages outlined above, such an organization would be flexible and would fit into changing and varying conditions that will exist after the war and through the years that follow. As an example of the flexibility of the organization, I have in mind the following:

The President has expressed himself, according to newspaper reports, as feeling that many of the big military training camps which represent large Government investments should be used wherever possible after the war. Further, many statements have been made by Members of Congress and other national leaders that this country, in the future, should maintain a civilian army. Some have gone so far as to say that each person should give at least a year to the Government for this purpose. If these expressions are any indication of what is in store for the future, a Conservation Corps might play a part in such a program.

Wars of today are fought under all kinds of conditions and over all kinds of lands. The Army must train large numbers of men to understand the natural and how to use it as a protective and offensive weapon. Working in the Corps might be considered basic training. I am sure that a study of the Army records has proved that the training the boys received in the handling of equipment and in working in the forests in the old CCC organization made them better soldiers. These facts suggest the following type of an arrangement:

As the younger men are brought into the central training post established by the Army, a certain number of them, say four or five hundred thousand, would be segregated from the rest as those who are adaptable to the Army field construction division or forestry division. These men would spend a month in the Army preliminary training camp, receiving elementary and conditioning training, and then would be shipped out to the work projects of the Conservation Corps for a 9-month period. There they would work on all types of conservation projects, learning to live together in camps and improving their health and building their bodies. When they had finished their 9 months' training in the camps of the Corps, they would be returned to the Army for the final 2 months' finishing training before returning to civilian life. Such an arrangement would not bring the military into the work camps. However, if such an arrangement were put into effect, it would be desirable to have two representatives of the War Department on the policy council of the Corps.

Another arrangement that could be made is that of absorbing some sixty to seventy thousand veterans in supervisory positions as they return from the war. Experience from the last World War indicated that many of the veterans were allowed to shift for themselves for too long a period and consequently were not able to readjust themselves to civilian life. It is my belief that a certain number of the veterans who do not go back into their old jobs, or cannot find new ones, could be brought into central schools and be trained to fill many of the jobs that would be required in camps of the Corps. These schools could be some of the present Army posts that will not be neeeded by the Army after the war. The Corps would need cooks, foremen, storekeepers, clerks, accountants, superintendents, and various technical personnel, most of whom could be war veterans. I realize that 60,000 veterans is a small number compared with the whole; nevertheless, it is 60,000. The war veterans will have employment preference over those who did not join the armed forces, and it would be to the advantage of the technical agencies to recognize this fact and take it upon themselves to see that the veterans they get are properly reoriented and trained for the work. This statement is not made as a criticism of the civil service policy or of the veterans, but merely as a practical approach to the problem.

This report is respectfully submitted with the sincere hope that it may be of some real value in the forming of future policies.

YOUTH EMPLOYMENT ACT

APPENDIX

CIVILIAN CONSERVATION CORPS, DEPARTMENT OF THE INTERIOR—NUMBER OF APPOINTIVE PERSONNEL EMPLOYED

	Bureau of Reclamation	Fish and Wildlife Service [1]	General Land Office	Grazing Service	National Park Service	Office of Indian Affairs
On June 30:						
1933			9		44+	
1934			14		4,731	829
1935	50		14	98	7,031	1,180
1936	227		25	601	5,890	986
1937	284		27	600	6,203	806
1938	295		18	631	4,303	782
1939	346	463	50	889	3,506	609
1940	362	387	67	950	3,400	646
1941	379	369	62	898	3,228	613
1942	155	209	44	305	1,219	534
1943			1		30	5

[1] Does not include employees on CCC rolls prior to consolidation of the Bureau of Biological Survey of the Department of Agriculture with the Bureau of Fisheries of the Department of Commerce to form the Fish and Wildlife Service, and its transfer to the Department of the Interior.

CIVILIAN CONSERVATION CORPS, DEPARTMENT OF THE INTERIOR—TOTAL CAMP MONTHS OF CCC OPERATIONS

Fiscal year	Bureau of Reclamation	Fish and Wildlife Service [1]	General Land Office	Grazing Service	National Park Service [2]	Office of Indian Affairs
1963			1		99	
1934			12		3,274	804
1935	83		12	14	5,184	900
1936	377		22	486	5,928	852
1937	431		24	535	5,210	792
1938	449		16	546	3,981	828
1939	527	63	60	964	3,822	840
1940	555	408	69	1,108	3,832	852
1941	550	433	72	1,045	3,769	852
1942	372	325	48	546	2,268	840
Total	3,344	1,229	336	5,244	37,367	7,560

[1] Does not include operations prior to consolidation of the Bureau of Biological Survey of the Department of Agriculture with the Bureau of Fisheries of the Department of Commerce to form the Fish and Wildlife Service, and its transfer to the Department of the Interior.

[2] Includes operations in Hawaii, Alaska, and the Virgin Islands.

CIVILIAN CONSERVATION CORPS, DEPARTMENT OF THE INTERIOR—EXPENDITURES BY BUREAUS

Fiscal year	Bureau of Reclamation	Fish and Wildlife Service [1]	General Land Office	Grazing Service	National Park Service [3]	Office of Indian Affairs
1933 and 1934			$12,084		$14,917,903	$9,539,051
1935	$384,681		69,759		13,449,177	11,074,432
1936	1,375,116		50,723	[4] $2,426,828	27,508,113	9,345,276
1937	1,315,195		35,423	1,942,381	17,908,776	8,227,406
1938	1,387,696		35,904	1,964,733	14,314,446	7,965,523
1939	1,620,551	$225,546	162,682	3,641,663	12,981,289	6,940,163
1940	1,613,532	1,282,792	212,907	3,049,597	12,479,103	7,038,388
1941	1,341,474	1,072,228	368,738	2,777,351	10,438,487	5,990,431
1942	770,020	691,208	251,243	1,310,537	5,582,184	5,776,150
1943	54,280	51,431	14,649	112,888	539,541	750,463
Total	9,862,545	3,323,205	1,214,112	17,225,978	130,119,019	72,647,283

[1] Does not include expenditures prior to consolidation of the Bureau of Biological Survey of the Department of Agriculture with the Bureau of Fisheries of the Department of Commerce to form the Fish and Wildlife Service, and its transfer to the Department of the Interior.

[2] Cost of Territorial camps includes items borne by War Department in standard camps.

[3] Includes costs borne by War Department in standard CCC camps.

[4] 1935 and 1936.

DISTRIBUTIONS OF STANDARD CCC CAMPS IN CONTINENTAL UNITED STATES

CCC period	Dates embraced by CCC period	Bureau of Reclamation	Fish and Wildlife Service [2]	General Land Office	Grazing Service	National Park Service	Others under Interior Department	Total Interior	Total Agriculture	Total others [3]	Grand total
1	June 1, 1933, to Sept. 30, 1933			1		172		173	1,264	31	1,468
2	Oct. 1, 1933, to Mar. 31, 1934			1		304		305	1,128	35	1,468
3	Apr. 1, 1934, to Sept. 30, 1934	8		1		428	[4] 34	471	1,135	34	1,640
4	Oct. 1, 1934, to Mar. 31, 1935	9		1		429	[4] 51	490	1,125	25	1,640
5	Apr. 1, 1935, to Sept. 30, 1935	30		2	31	561		624	1,907	104	2,635
6	Oct. 1, 1935, to Mar. 31, 1936	37		2	45	489		573	1,751	103	2,427
7	Apr. 1, 1936, to Sept. 30, 1936	34		2	45	430		511	1,524	76	2,111
8	Oct. 1, 1936, to Mar. 31, 1937	34		2	45	426		507	1,505	78	2,090
9	Apr. 1, 1937, to Sept. 30, 1937	34		2	45	379		460	1,335	54	1,849
10	Oct. 1, 1937, to Mar. 31, 1938	34		1	45	320		400	1,157	47	1,604
11	Apr. 1, 1938, to Sept. 30, 1938	40		4	72	305		421	1,073	6	1,500
12	Oct. 1, 1938, to Mar. 31, 1939	42		4	87	311		444	1,056		1,500
13	Apr. 1, 1939, to Sept. 30, 1939	44		5	90	311		450	1,050		1,500
14	Oct. 1, 1939, to Mar. 31, 1940	44	34	6	91	310		485	1,015		1,500
15	Apr. 1, 1940, to Sept. 30, 1940	44	36	6	89	310		485	1,012	3	1,500
16	Oct. 1, 1940, to Mar. 31, 1941	44	36	6	89	308		483	1,008	9	1,500
17	Apr. 1, 1941, to Sept. 30, 1941	36	29	4	53	223	[5] 23	368	[6] 730	5	1,103
18	Oct. 1, 1941, to Mar. 31, 1942	26	20	4	34	78	[5] 36	198	[7] 397	5	600
19	Apr. 1, 1942, to June 30, 1942	7	5	3	3	39	[5] 57	114	[8] 250	5	369

[1] In some instances program changed within the period.

[2] Prior to 14th period, the Bureau of Biological Survey (now integrated with the Fish and Wildlife Service), received camps under quota of the Department of Agriculture.

[3] Army and Navy.

[4] Soil Erosion Service.

[5] National Defense.

[6] Includes 27 on National Defense.

[7] Includes 55 on National Defense.

[8] Includes 92 on National Defense.

Note: Office of Indian Affairs not included because its camps were not standard-type camps.

Emergency Conservation Work—ECW

An act for the relief of unemployment through the performance of useful public work, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of relieving the acute condition of widespread distress and unemployment now existing in the United States, and in order to provide for the restoration of the country's depleted natural resources and the advancement of an orderly program of useful public works, the President is authorized, under such rules and regulations as he may prescribe and by utilizing such existing departments or agencies as he may designate, to provide for employing citizens of the United States who are unemployed, in the construction, maintenance, and carrying on of works of a public nature in connection with the forestation of lands belonging to the United States or to the several States which are suitable for timber production, the prevention of forest fires, floods and soil erosion, plant pest and disease control, the construction, maintenance or repair of paths, trails and fire lanes in the national parks and national forests, and such other work on the public domain, national and State, and Government reservations incidental to or necessary in connection with any projects of the character enumerated, as the President may determine to be desirable: *Provided,* That the President may in his discretion extend the provisions of this Act to lands owned by counties and municipalities and lands in private ownership, but only for the purpose of doing thereon such kinds of cooperative work as are now provided for by acts of Congress in preventing and controlling forest fires and the attacks of forest tree pests and diseases and such work as is necessary in the public interest to control floods. The President is further authorized, by regulation, to provide for housing the persons so employed and for furnishing them with such subsistence, clothing, medical attendance and hospitalization, and cash allowance, as may be necessary, during the period they are so employed, and, in his discretion, to provide for the transportation of such persons to and from the places of employment. That in employing citizens for the purposes of this act no discrimination shall be made on account of race, color, or creed; and no person under conviction for crime and serving sentence therefor shall be employed under the provisions of this Act. The President is further authorized to allocate funds available for the purposes of this Act, for forest research, including forest products investigations, by the Forest Products Laboratory.

SEC. 2. For the purpose of carrying out the provisions of this Act the President is authorized to enter into such contracts or agreements with States as may be necessary, including provisions for utilization of existing State administrative agencies, and the President, or the head of any department or agency authorized by him to construct any project or to carry on any such public works, shall be authorized to acquire real property by purchase, donation, condemnation, or otherwise, but the provisions of section 355 of the Revised Statutes shall not apply to any property so acquired.

SEC. 3. Insofar as applicable, the benefits of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, shall extend to persons given employment under the provisions of this Act.

SEC. 4. For the purpose of carrying out the provisions of this Act, there is hereby authorized to be expended, under the direction of the President, out of any unobligated moneys heretofore appropriated for public works (except for projects on which actual construction has been commenced or may be commenced within 90 days, and except maintenance funds for river and harbor improvements already allocated), such sums as may be necessary; and an amount equal to the amount so expended is hereby authorized to be appropriated for the same purposes for which such moneys were originally appropriated.

SEC. 5. That the unexpended and unallotted balance of the sum of $300,000,000 made available under the terms and conditions of the Act approved July 21, 1932, entitled "An Act to relieve destitution", and so forth, may be made available, or any portion thereof, to any State or Territory or States or Territories without regard to the limitation of 15 per centum or other limitations as to per centum.

SEC. 6. The authority of the President under this Act shall continue for the period of 2 years next after the date of the passage hereof and no longer.

Approved March 31, 1933.

Civilian Conservation Corps—CCC

An act to establish a Civilian Conservation Corps of America, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established the Civilian Conservation Corps, hereinafter called the Corps, for the purpose of providing employment, as well as vocational training, for youthful citizens of the United States who are unemployed and in need of employment, and to a limited extent as hereinafter set out, for war veterans and Indians, through the performance of useful public work in connection with the conservation and development of the natural resources of the United States, its Territories, and insular possessions: *Provided,* That at least 10 hours each week may be devoted to general educational and vocational training: *Provided,* That the provisions of this Act shall continue for the period of 3 years after July 1, 1937, and no longer.

SEC. 2. The President, by and with the advice and consent of the Senate, is authorized to appoint a director at a salary of $20,600 per annum. The director shall have complete and final authority in the functioning of the Corps, including the allotment of funds to cooperating Federal departments and agencies, subject to such rules and regulations as may be prescribed by the President in accordance with the provisions of this Act.

SEC. 3. In order to carry out the purposes of this Act, the director is authorized to provide for the employment of the Corps and its facilities on works of public interest or utility for the protection, restoration, regeneration, improvement, development, utilization, maintenance, or enjoyment of the natural resources of lands and waters, and the products thereof, including forests, fish and wildlife on lands, or interest in lands (including historical or archeological sites), belonging to, or under the jurisdiction or control of, the United States, its Territories, and insular possessions, and the several States: *Provided,* That the President may, in his discretion, authorize the director to undertake projects on lands belonging to or under the jurisdiction or control of counties, and municipalities, and on lands in private ownership, but only for the purpose of doing thereon such kinds of cooperative work as are or may be provided for by Acts of Congress, including the prevention and control of forest fires, forest tree pests and diseases, soil erosion, and floods: *Provided further,* That no projects shall be undertaken on lands or interests in lands, other than those belonging to or under the jurisdiction or control of the United States, unless adequate provisions are made by the cooperating agencies for the maintenance, operation, and utilization of such projects after completion.

SEC. 4. There are hereby transferred to the Corps all enrolled personnel, records, property, funds, and obligations of the Emergency Conservation Work established under the Act of March 31, 1933 (48 Stat. 22), as amended; and the Corps shall take over the institution of the camp exchange heretofore established and maintained, under supervision of the War Department, in connection with and aiding in administration of Civilian Conservation Corps work camps conducted under the authority of said Act as amended: *Provided,* That such camp exchange shall not sell to persons not connected with the operation of the Civilian Conservation Corps.

SEC. 5. The director and, under his supervision, the heads of other Federal departments or agencies cooperating in the work of the Corps, are authorized within the limit of the allotments of funds therefor, to appoint such civilian personnel as may be deemed necessary for the efficient and economical discharge of the functions of the Corps without regard to the civil service laws and regulations.

SEC. 6. The President may order Reserve officers of the Army and officers of the Naval and Marine Reserves and warrant officers of the Coast Guard to active duty with the Corps under the provisions of section 37a of the National Defense Act and the Act of February 28, 1925, respectively.

SEC. 7. The director is authorized to have enrolled not to exceed 300,000 men at any one time, of which not more than 30,000 may be war veterans: *Provided,* That in addition thereto camps or facilities may be established for not to exceed 10,000 additional Indian enrollees and 5,000 additional territorial and insular possession enrollees.

SEC. 8. The enrollees in the Corps (other than war veterans, enrollees in the Territories and insular possessions, Indians, not to exceed one mess steward, three cooks, and one leader per each company) shall be unmarried male citizens of the United States between the ages of 17 and 23 years, both inclusive, and shall at the time of enrollment be unemployed and in need of employment: *Provided,* That the director may exclude from enrollment such classes of persons as he may consider detrimental to the well-being or welfare of the Corps, except that no person shall be excluded on account of race, color, or creed: *Provided further,* That enrollments shall be for a period of not less than 6 months and reenrollments (except in the case of one mess steward, three cooks, and one leader, in each company, and War Veterans) shall not exceed a total term of 2 years: *Provided further,* That in the discretion of the director continuous service by the enrollee during his period of enrollment shall not be required in any case where the enrollee attends an educational institution of his choice during his leave of absence: *Provided further,* That the director shall be authorized to issue certificates of proficiency and merit to enrollees under such rules and regulations as he may provide.

SEC. 9. The compensation of enrollees shall be in accordance with schedules approved by the President, and enrollees with dependent member or members of their families shall be required under such regulations as may be prescribed by the director, to make allotments of pay to such dependents. Other enrollees may make deposits of pay in amounts specified by the director with the Chief of Finance, War Department, to be repaid in case of an emergency or upon completion of or release from enrollment and to receive the balance of their pay in cash monthly: *Provided,* That Indians may be excluded from these regulations: *Provided further,* That the pay of enrollees shall not exceed $30 per month, except for not more than 10 per centum who may be designated as assistant leaders and who shall receive not more than $36 per month: *Provided further,* That not to exceed an additional 6 per centum of such enrollees who may be designated as leaders and may receive not more than $45 per month as such leaders.

SEC. 10. Enrollees shall be provided, in addition to the monthly rates of pay, with such quarters, subsistence, and clothing, or commutation in lieu thereof, medical attention, hospitalization, and transportation as the director may deem necessary: *Provided*, That burial, embalming, and transportation expenses of deceased enrolled members of the Corps, regardless of the cause and place of death, shall be paid in accordance with regulations of the Employees' Compensation Commission: *Provided further*, That the provisions of the Act of February 15, 1934 (U.S.C., 1934 ed., title 5, sec. 796), relating to disability or death compensation and benefits shall apply to the enrolled personnel of the Corps.

SEC. 11. The Chief of Finance, War Department, is hereby designated, empowered, and directed, until otherwise ordered by the President, to act as the fiscal agent of the director in carrying out the provisions of this Act: *Provided*, That funds allocated to Government agencies for obligation under this Act may be expended in accordance with the laws, rules, and regulations governing the usual work of such agency, except as otherwise stipulated in this Act: *Provided further*, That in incurring expenditures, the provisions of section 3709, Revised Statutes (U.S.C., 1934 ed., title 41, sec. 5), shall not apply to any purchase or service when the aggregate amount involved does not exceed the sum of $300.

SEC. 12. The President is hereby authorized to utilize the services and facilities of such departments or agencies of the Government as he may deem necessary for carrying out the purposes of this Act.

SEC. 13. The director and, under his supervision, the cooperating departments and agencies of the Federal Government are authorized to enter into such cooperative agreements with States and civil divisions as may be necessary for the purpose of utilizing the services and facilities thereof.

SEC. 14. The director may authorize the expenditure of such amounts as he may deem necessary for supplies, materials, and equipment for enrollees to be used in connection with their work, instruction, recreation, health, and welfare, and may also authorize expenditures for the transportation and subsistence of selected applicants for enrollment and of discharged enrollees while en route upon discharge to their homes.

SEC. 15. That personal property as defined in the Act of May 29, 1935 (49 Stat. 311), belonging to the Corps and declared surplus by the director, shall be disposed of by the Procurement Division, Treasury Department, in accordance with the provisions of said Act: *Provided*, That unserviceable property in the custody of any department shall be disposed of under the regulations of that department.

SEC. 16. The director and, under his supervision, the heads of cooperating departments and agencies are authorized to consider, ascertain, adjust, determine, and pay from the funds appropriated by Congress to carry out the provisions of this Act any claim arising out of operations authorized by the Act accruing after the effective date thereof on account of damage to or loss of property or on account of personal injury to persons not provided for by section 10 of this Act, caused by the negligence of any enrollee or employee of the Corps while acting within the scope of his employment: *Provided*, That the amount allowed on account of personal injury shall be limited to necessary medical and hospital expenses: *Provided further*, That this section shall not apply to any claim on account of personal injury for which a remedy is provided by section 10 of this Act: *Provided further*, That no claim shall be considered hereunder which is in excess of $500, or which is not presented in writing within one year from the date of accrual thereof: *Provided further*, That acceptance by any claimant of the amount allowed on account of his claim shall be deemed to be in full settlement thereof, and the action of the director or of the head of a cooperating department or agency upon such claim so accepted by the claimant shall be conclusive.

SEC. 17. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for the purpose of carrying out the purposes of this Act: *Provided*, That no part of any such appropriation shall be used in any way to pay any expense in connection with the conduct, operation, or management of any camp exchange, save and except such camp exchanges as are established and operated, in accordance with regulations to be prescribed by the director, at such camps as may be designated by him, for real assistance and convenience to enrollees in supplying them and their supervising personnel on duty at any such camp with articles of ordinary use and consumption not furnished by the Government: *Provided further*, That the person in charge of any such camp exchange shall certify, monthly, that during the preceding calendar month such exchange was operated in compliance therewith.

SEC. 18. This Act, except as otherwise provided, shall take effect July 1, 1937.

Approved, June 28, 1937.

Civilian Conservation Corps

DIRECTORS

Robert Fechner	1933–39
James J. McEntee	1940–43

ADVISORY COUNCIL

War Department

Col. Duncan K. Major, Jr.	1933–36
Brig. Gen. George P. Tyner	1936–39
Maj. Gen. James A. Ulio	1940–43

Department of the Interior

Horace M. Albright	1933
Arno B. Cammerer	1933–37
Conrad L. Wirth	1937–43

Department of Agriculture

R. Y. Stuart	1933–34
Frank A. Silcox	1934–38
Fred Morrell	1938–43

Department of Labor

W. Frank Pearsons	1933–38

Veterans' Administration

C. W. Bailey	1937–43

Bureau Statements as of June 30, 1942

(Submitted by Bureau representatives handling CCC work at that time)

General Land Office, Thomas C. Havell.
Office of Indian Affairs, Daniel E. Murphy.
Bureau of Reclamation, Alfred R. Golz.
National Park Service, Conrad L. Wirth.
Grazing Service, Edmund R. Greenslet.
Fish and Wildife Service, P. S. Munk, Pedersen.

GENERAL LAND OFFICE

During the life of the Civilian Conservation Corps, the General Land Office operated a maximum of six CCC camps and carried on a program of work in the Territory of Alaska. This participation was but a small part of the entire CCC program, but the achievements in the conservation of resources, both natural and human, are almost beyond comprehension.

Among the first of the CCC camps to be established was one for the control and suppression of outcrop fires in the coal beds on the public domain in the Little Thunder Basin, Wyoming. In the early years of the program the work was suspended during the winter periods and for a while two camps were assigned to this project; but in realization of the fact that the work could be more economically carried forward on a year-around basis the number of camps was reduced to one which continued work throughout the year until the closing of the entire CCC program.

Some of the fires in these coal beds had been burning since the earliest recorded history of that area, destroying and endangering a mass of coal measured in terms of billions of tons. Using special techniques developed in collaboration with technical experts of the Geological Survey, approximately 25 of these fires were completely suppressed or extinguished and several others brought under control to the point that they will probably burn out without material damage; yet there are other fires which were not touched up to the time the CCC program terminated which will continue their destructive forces. The immense coal deposits in this area lying in the public domain constitute a fuel reserve of immeasurable value, as large-scale production can be quickly accomplished through strip mining in case production in the Eastern States should be curtailed. These deposits on which the fires have been extinguished or brought under control have been saved for future generations by reason of the magnificent work of the CCC.

In 1938, three CCC camps were assigned to the General Land Office for work on the O. & C. lands in Oregon, and the following year two additional camps were established on this project. These five camps continued their activities until the early part of the fiscal year 1942, when the O. & C. program was reduced to three camps which continued until the close of the general CCC program. These camps provided physical improvements, forest protection, reforestation, and development necessary in the successful administration of the 2,500,000 acres of timbered land on the O. & C. lands in Oregon. To carry out a well-planned forest conservation, development, and management program, a transportation system and forest-protection plan are of first importance. The CCC has furnished both within this area, and while a great deal more remains to be done, that which has been completed is of inestimate value.

The many miles of access and utilization road constructed by the CCC through the O. & C. timbered lands are today proving their value. The CCC truck trails penetrating the hitherto unbroken forest wildernesses make it possible for the forest fire fighters to reach remote areas and control fires which otherwise would rage unchecked for days. These same truck trails make it possible to reach stands of high-quality timber necessary for aircraft construction and other special war needs. Trained CCC fire-fighting crews controlled numerous forest fires quickly and efficiently. Had it not been for these highly trained mobile crews, many fires would have devastated unknown thousands of acres of forest land and destroyed huge quantities of highly valuable forest products which are now in use and vital to the progress of the war.

Many other activities of less tangible value were conducted by the CCC on the O. & C. lands, such as perpetuation of our forests by planting small trees on denuded areas; the control of forest-destroying diseases and insects, and the education of the public in the need for conservation.

CCC activities on the 325,000,000 acres of public domain in Alaska were transferred to the General Land Office in April 1940. Since the impact of the war prevented the employment of the planned number of whites, the employment was chiefly Alaskan Indians and Eskimos, and the program was directed mainly for the benefit of the native peoples. The projects worked on during the year were in villages scattered from Wainwright on the Arctic coast to Atka on the Aleutian chain, and Eagle on the Upper Yukon River. In this vast area, sanitary facilities and community water-supply systems were constructed. Debris within and in the vicinity of the villages was cleared and burned. School houses were erected and remodeled, roads and trails constructed and maintained, and reindeer corrals were constructed for the benefit of the native inhabitants. Probably about 100 villages were benefited by this program.

One of the greatest problems in Alaska is transportation. CCC personnel maintained and staked winter sled trails and maintained winter landing fields to make mail, freight, and passenger operations possible with a minimum of disruption in service.

Other projects undertaken included fire hazard reduction along major Alaskan highways, the establishment of fire-breaks and the development of playground and recreational areas.

In all of the CCC camps operated by the General Land Office, the training of employees for the work important to civilian life during peacetime and essential to the war effort in this period of emergency, was stressed. As a result of this training, many employees attained proficiency in several types of work and secured highly remunerative employment in private industry.

The benefits derived from the CCC program operated by the General Land Office are beyond measure. The results will be felt for generations by reason of salvaging of manpower and the conservation of our resources.

OFFICE OF INDIAN AFFAIRS

Emergency Conservation Work and Civilian Conservation Corps activities within the Office of Indian Affairs began June 19, 1933, and ended July 10, 1942.

During that period 88,349 different individuals participated as enrollees. Eighty-five thousand two hundred of these were Indians; 3,149 were whites, most of whom were intermarried. An average of 7,564 enrollees, and 776 employees—8,430 persons in all—were engaged in conservation activities each day during the life of the Corps.

Approximately $72,000,000 were expended—an average of $8,000,000 per year.

The work accomplishments are impressive, and have contributed directly to the rebuilding of the reservations and the National Domain. They were favorably commented on by numerous officials, including the directors of the Corps.

Careful and adequate planning was insisted upon, and every effort made to insure that each project was completed in an efficient manner with the least possible expenditure of funds consistent with good engineering and construction practices.

The improved economic condition of the Indians has definitely influenced their morale. They were participants in the planning, they did the work, and they directly benefited by the results.

Thousands of enrollees became skilled workers as a direct result of their participation in the Corps and are now contributing to the war effort as members of the armed forces, as skilled workers in war industries, and as producers of food. Training was always a real, if not conspicuous activity.

The program was the first piece of emergency legislation under which the Indians benefited. There was much work to be done on Indian reservations. Heretofore, funds had not been available in sufficient amounts to undertake large-scale programs. There was considerable erosion; millions of acres of forest, range, and farm lands needed attention. Under ECW, funds were given to the Office of Indian Affairs, enrollment for Indians was eased, and thousands, literally, obtained their first steady employment in years.

The program started from "scratch." There were no precedents. It was necessary to undertake a huge program with a new staff of employees.

The immediate objective was to furnish gainful employment for needy Indians, and to improve their land holdings, and the Office of Indian Affairs was thus able to undertake a long-range program to help the Indian become self-supporting. Work was undertaken on nearly 300 different tracts of land—on reservations, rancherias, and other holdings—under 71 jursdictions, in 23 States.

The program revitalized Indian life; it gave wage work where and when it was needed. It made possible the building up of reservation resources. Indians were taught how to use the land and water conserved. The program provided many opportunities for Indian advancement which are difficult to put into any compilation. It developed leadership under practical conditions. It changed indifferent and sullen attitudes into helpful cooperative actions. These things cannot be measured in any compiled summary.

The program touched on every phase of reservation life and activity and cooperation was given to, and received from, all other Office of Indian Affairs divisions.

A total of 15,041,819 "man-days worked" was reported for the entire period. The cost per enrollee work day was $4.79. This does not include the time of the employed personnel or irregular labor; it covers only the actual time of the enrollee on work projects. The cost per calendar day was less than $3.00. Seventy-one percent of the disbursements went for salaries and wages; Indians received 60.7 percent. Seven-tenths of 1 percent went to white enrollees, who, in the majority of cases, were intermarried and supporting Indian families. Nine and seven-tenths percent went to white employees and white irregular labor.

The maximum enrollment in one month was 15,171, in June 1941; the minimum was 3,903 in April 1935. The maximum number of persons employed in any one month was 1,464, in June 1935, and of these 839 were Indians. The maximum number of Indians employed in any one month was 882 (1,452 positions occupied), in July 1935. The minimum number of persons employed was 476 in June 1942, and 266 of these were Indians.

The need for continuing conservation work on reservations cannot be overstated. Long-term programs covering all phases of development are imperative to insure proper use of land and to provide work for the needy for years to come. There are approximately 55,000,000 acres of Indian lands in nearly 300 reservations, rancherias, and other holdings under Office of Indian Affairs supervision.

Indian lands include a considerable portion of the Nation's watersheds and timber stands. Whatever affects Indian lands likewise affects white-owned lands. Indian lands are a part of the National Domain. Continuation of the work will go a long way toward building up a prosperous Indian citizenship and in making the reservations and the residents thereon assets to the States and the Nation. The Indians constitute one of the lowest income groups in the country. Isolated, on remote reservations, they lack employment opportunities. Indians will work; they have the capacity and skill to do what is needed. They are quick and eager to learn and their output equals that of any group anywhere.

BUREAU OF RECLAMATION

Federal Reclamation is a Government enterprise designed to utilize the water resources of the West in the work of developing the arid and semiarid regions that lie west of the one-hundredth meridian; an area of 740,000,000 acres comprising a third of the land area of the United States. Less than 20 inches of rain falls annually in nearly all of this vast territory, which is incapable of supporting any considerable population or agriculture without an artificial water supply. Through the irrigation of desert lands and the operation of power plants, new opportunities for farms, homes and for cities, for mining and processing the country's mineral wealth and for manufacturing many of the essential tools of a modern industry, are created. It is the task of the Bureau of Reclamation to plan, design, and build the intricate engineering works that provide water for irrigation and generate power and to supervise their operation and maintenance after completion. The water and power users who benefit by these developments are required to repay their cost over a period of years.

Federal irrigation in the Western States began in 1962 with the enactment of the Reclamation Act. In the early years following passage of this act many irrigation projects were built and placed in operation at a reimbursable cost approximating $220,000,000 by 1935. These projects consist usually of a dam and reservoir to store water and an extensive system of Government-owned canals and canal structures to control and deliver the stored water to individual farm units.

The economic depression that began in 1930 made it difficult to maintain the irrigation systems at proper standards and the droughts in the early years of the depression further reduced the available water supply, augmenting the problems of the irrigation farmer. Thousands of control structures built 20 to 25 years previously, became deteriorated beyond repair, canals became silted and clogged with vegetation, and crop yields on the farm lands decreased alarmingly with the decrease in water supply. By 1934 it had become a matter of urgency that some means be found, not inconsistent with the unemployment problem of the country, to overcome these adverse project conditions and to protect the Government's large investment.

A few CCC camps were established on reclamation projects in 1934. In 1935, 50 camps were allotted to the Bureau of Reclamation to undertake a comprehensive program for the rehabilitation of the irrigation systems and the development of a supplemental water supply on projects affected by drought conditions. Rehabilitation was programmed on a basis of permanent improvements designed to avoid difficulties in future years. Deteriorated wooden water control structures in the canals, such as checks, drops, turnouts, etc., were replaced with permanent concrete structures. Canal banks were cleaned of vegetation, reshaped to their original design, and were lined with concrete, rock, or gravel to prevent future erosion and silting. Operation roads for motor vehicles were built along canals to facilitate operation, inspection, and maintenance of the facilities. Telephone lines and fences on Government property were rebuilt to present-day standards. Impounding and diversion dams which had suffered from excessive wave action or wind erosion were rebuilt to their designed lines and grades and were heavily blanketed with rock or gravel.

Supplemental water supplies were developed for several projects by the construction of small reservoirs and the building of feeder canals to bring additional water to existing reservoirs.

Later in the CCC program, camps were assigned to aid in the construction of new reclamation projects undertaken as part of the Bureau's regular expansion program or as part of the Water Conservation and Utility project program, the latter specially authorized by an act of Congress for development with CCC forces. The camps on these projects began the construction of dams, the clearing of reservoir sites, the excavation of canals, and the building of water-control structures. The suspension of the Civilian Conservation Corps in July 1942 found much of this work uncompleted.

A multitude of miscellaneous conservation programs were carried out on all classes of reclamation projects. An extensive campaign for the extermination of gophers and ground squirrels, whose tunneling habits are very harmful to irrigation canals, was an important activity on nearly all projects. The spread of noxious weeds had become a serious menace on several projects, forcing much otherwise good land out of cultivation. Various methods of eradication were investigated and demonstrations were given on Government land of those found to be practicable and low in cost. Experiments with new sealing agents for lining porous canals were conducted and feasible methods of application were developed. Emergencies consumed much of the time of CCC men on reclamation projects. In cooperation with the Fish and Wildlife Service, major improvements have been accomplished on a number of wildlife reserves that are also irrigation reservoirs. Forest fires, prairie-grass fires, floods, earthquakes, and grasshopper infestations were almost annual occurrences. The availability of CCC men greatly lessened the property damage and loss of natural resources. Many lives were saved through their work in preserving the stability of important structures under flood conditions.

Most irrigation projects are too remote from developed recreational areas to permit the average settler or his family or the local urban residents to enjoy a weekend or occasional day of rest without considerable travel. Irrigation reservoirs on the projects or in the nearby mountain areas afford a place for development of playgrounds to make recreation an integral part of the project life. Swimming, boating and fishing facilities, picnic and camp grounds, shelters, access roads, hiking trails, parking areas, and the planting of trees and shrubbery at these reservoirs have made a number of projects a much pleasanter place to live. At Guernsey Reservoir in Wyoming a fine museum of the early days of Wyoming settlement has been built to National Park Service standards.

A few figures illustrate the volume of the accomplishment of CCC forces during the past 7 years on the irrigation projects. Over 60,000,000 square yards of canals and drainage ditches were placed in good condition by clearing or cleaning; 1,800,000 square yards were lined with impervious materials, and 2,800,000 square yards were riprapped for protection against erosion; operating roads were built along 3,000 miles of canals; 39,000 acres of reservoir sites were cleared of trees and brush, and 15,800 water-control structures in canals and ditches were built. In all, 7,153,000 enrollee man-days were expended on these and other related activities. Camps were operated at 83 separate locations on 45 projects in the 15 Western States.

The work of the enrollees at camps on reclamation projects trained thousands of truck drivers and tractor operators. Elementary training in concrete and masonry construction, erection of frame structures, and the use and repair of hand tools were standard on-job courses. No better training of nonmilitary character could have been given these young men to fit themselves for defending their country in the armed services or for participating in the vast civilian construction program initiated at the outbreak of the war.

The fine work of the Civilian Conservation Corps by 1942 had brought the Federal irrigation projects back to a high standard of physical excellence. The irrigation systems are now in generally good condition, able to deliver required amounts of water and by the permanency of their rehabilitation they are insured against future interruptions of consequence. Under pressure of war conditions, these projects are being called on today for greater quantities of high-quality food and fiber for the armed forces and lend-lease agencies. Without the aid of the Civilian Conservation Corps in pre-war years, the in-war production of these projects would not be such a satisfactory contribution to the war program.

NATIONAL PARK SERVICE

The Civilian Conservation Corps advanced park development by many years. It made possible the development of many protective facilities on the areas that comprise the National Park System, and also provided, for the first time, a Federal aid program for State park systems through which the National Park Service gave technical assistance and administrative guidance for immediate park developments and long-range planning. Of approximately 3,114 CCC camp years of work under the supervision of the National Park Service, 880 or 28 percent were on National Park Service areas, and 2,234 or 72 percent, on non-Federal park and recreational areas. It is believed that the work accomplished in the park conservation field in the 10 years of CCC was equal to what might have been expected in 50 years without its assistance.

The National Park System benefited immeasurably by the Civilian Conservation Corps, principally through the building of many greatly needed fire trails and other forest fire prevention facilities such as lookout towers and ranger cabins. During the life of the CCC, the areas received the best fire protection in the history of the Service. Over 414,000 man days were spent on the work of fire prevention and over 250,000 on fire suppression. The value of the man-days spent in fire protection and suppression in the great scenic areas of the Nation cannot be overestimated.

The CCC also provided the manpower and materials to construct many administrative and public-use facilities such as utility buildings, sanitation and water systems, housing for its employees, service roads, campground improvements, and museums and exhibits; to do reforestation and work relating to insect and disease control; to improve the roadsides; to restore historic sites and buildings; to perform erosion control, and sand fixation research and work; to make various travel and use studies; and to do many other developmental and administrative tasks that are so important to the proper protection and use of the National Park System.

The CCC made available to the superintendents of the national parks, for the first time, a certain amount of manpower that allowed them to do many important jobs when and as they arose. Many of these jobs made the difference between a well-managed park and one "just getting along." If the CCC or a similar organization is established in the future, a more flexible use of the men assigned to National Park System areas would increase its value to them.

The State park program received a tremendous impetus through the CCC. Without having had any previous official relationship with State park organizations, the National Park Service was asked to supervise CCC work on non-Federal park areas. This required the setting up of a supplementary organization on a regional basis. Many States were not prepared to utilize effectively the manpower and materials that were suddenly available to them—in fact, the majority of them had practically no State park system or organization.

The CCC was not just a pick-and-shovel project. It contributed tremendously to the Nation's thought on parks and recreation. It was soon realized that one of the first requirements for adequate programs, both immediate and long-range, was a comprehensive survey and study of the entire park and recreational problem on a Nation-wide basis. In 1936, Congress enacted the Park, Parkway, and Recreation Study Act (49 Stat. 1894), and pursuant to this act, 46 of the States and the Territory of Hawaii participated in the conduct of State-wide studies. Thirty-seven of the States completed reports on their studies and 21 published them. In 1941, the National Park Service published its report, "A Study of the Park and Recreation Problem of the United States." Between 1936 and 1942, the National Park Service responded to the request of 18 States in helping to rewrite their general conservation laws, which placed parks and recreation in a stronger position. During the 10 years of CCC, the National Park Service issued the following publications relating to park work—all made possible by the CCC:

A Study of the Park and Recreation Problem of the United States.

Park Structures and Facilities.

Park and Recreation Structures.

Park Use Studies and Demonstrations.

Fees and Charges for Public Recreation.

Yearbook—Park and Recreation Progress, 1937, 1938, 1940, 1941.

Tree Preservation Bulletin, Series 1–9, incl.

Digest of Laws Relating to State Parks.

Digest of Laws Affecting Organized Camping.

Digest of Laws Relating to Local Parks and Recreation.

Municipal and County Parks in the United States—1935.

The above-mentioned work was fundamental and essential to insure proper physical improvements on the State park and recreational areas throughout the country. Although Congress authorized this work under the CCC, an emergency organization, and again in the Park, Parkway, and Recreation Study Act of 1936, it never appropriated any funds specifically for it. Virtually all of this planning performed by the National Park Service was carried out by personnel employed with CCC funds. While this work was being conducted, the CCC camps were proceeding with the development of more than 561 non-Federal park areas throughout the country. The work included every conceivable type of project necessary to develop well-rounded park and recreational areas. To enumerate the work accomplished, State by State, would take too much space in this report. As an example, however, the State of Virginia in 1933 had only Matoaka State Park, and the Richmond Battlefield which was acquired by the State for transfer to the Federal Government for inclusion in the National Park System. By June 1942 the State had developed, principally with the aid of the CCC (78½ camp years), 11 areas with a total of 19,367 acres, well distributed throughout the State from the coast to the mountains. The CCC provided each of its six principal State parks with a road system, water supply and sewage disposal systems, telephone lines, power lines, and necessary utility and administrative structures and facilities. It built three recreational dams and one swimming pool; it provided bathhouses and necessary appurtenances in each park, and beach facilities in five of them; it constructed hundreds of other buildings for public use; and it provided recreation and protection by the construction of many miles of trails. In short, with the aid of CCC, the State has given its citizens a system of parks with most of the recreation activities for their leisure-time use. In the 1942 fiscal year, their largest attendance year, 486,376 visitors used the State park system.

With the liquidation of the CCC work forces in July 1942, aid to the States was terminated, and planning assistance authorized by the Park, Parkway, and Recreation Study Act virtually ceased. For insurance of the success of any future Federal aid program, regardless of what agency administers it, or the methods used, the provisions of the Recreation Study Act should continue to be carried out, at least to the extent of assisting the States in keeping the studies and plans alive and abreast with the developments of the time. This would permit rapid resumption of development work on a sound basis, either with or without Federal assistance.

GRAZING SERVICE

Grazing Service participation and cooperation in the activities and accomplishments of the Civilian Conservation Corps commenced in April 1935 when seven camps were assigned to this Service. The number of CCC camps was increased to 45 by November of the same year. This quota was maintained until 1938, when the number was increased to the full complement of 90 camps by November of that year. The number then continued at approximately this figure until the liquidation of CCC in the spring and summer of 1942. The CCC camps were distributed uniformly among the 58 Grazing Districts in the 10 Western States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, and Wyoming.

The services of the enrollees were used by the Grazing Service toward the accomplishment of those objectives of the Taylor Grazing Act which have to do with the construction of improvements on the public domain for the purpose of opening up new range lands, increasing the forage on existing range lands, regulating the use of all range lands, and protecting and conserving this natural resource for the benefit of all concerned. Many of these valuable accomplishments on the part of the CCC enrollees are now in evidence throughout the 142,000,000 acres of Federal range administered by the Grazing Service.

Perhaps the most important contributions to the range are the many stock-watering facilities constructed by CCC enrollees. Chief of these are the earthen reservoirs, ranging in size from 2-acre feet up to 100-acre feet in capacity. Included also are numerous small reservoirs and waterholes having capacities under 2-acre feet. Other water facilities consist of spring developments and drilled wells. Although wells render excellent watering facilities, preference was given to the development of springs and the construction of reservoirs with earth dams, because they afforded greater opportunities for the employment of enrollee labor. The materials required for springs and reservoirs were nominal, whereas for wells the cost of the materials was far out of proportion to the labor required. The placing of water in the outer reaches of the range allowed grazing to expand into vast areas of land which were rich in forage but which could not be used until water was provided.

Truck-trails, stock-trails, and stock-driveways constructed by CCC enrollees are also a major contribution to the range. Truck-trails allow the stockmen to transport stock and supplies from ranch to range and from range to market. Stock-trails and stock-driveways allow migration of the animals from summer to winter range and also from range to loading stations. Thousands of miles of these facilities were constructed by the CCC enrollees. It may be mentioned also that nearly all of these trucktrails have become a complement to the network of State and County highways, thus augmenting traffic facilities for social as well as economic use. In effect, they have brought the school, the church, and the library nearer to the ranch.

One of the purposes of the Taylor Grazing Act is to regulate the use of the range by assigning definite areas to the various stockmen and thereby eliminating the confusion and conflict which formerly obtained when all of the range belonged to everybody. Thus, the fencing of allotments has become an integral part of the Grazing Service program. In line with this program, the CCC enrollees constructed thousands of miles of barbed wire boundary fences and drift fences to control and regulate the grazing on the range. Holding corrals, loading corrals, shearing corrals, and miscellaneous livestock facilities were constructed in great number.

Every pursuit of man in his effort to exist and subsist must meet and surmount the usual obstacles and resistances set up by nature. Likewise, the stockman is confronted with the task of eradicating poisonous weeds, exterminating detrimental insects, controlling the number of rodents, and reducing the number of predatory animals. This task has been performed for the stockman by CCC enrollees on thousands of acres of the public domain, thereby conserving the products of the range, as well as the forage, which is the basis of the production. This work was done in cooperation with the Fish and Wildlife Service. The most practical and economic methods were employed.

Throughout every hot summer on the range and extending well into the fall, the forage vegetation, as well as the brush and timber stands, are threatened with loss by fire. Losses are greater in some years than others, but there is never a year without some fires on the range. During the period from 1935 to 1942 the CCC organization accomplished incalculable results not only in the suppression of range and forest fires, but also in the construction of fire breaks and other safeguards by way of presuppression of potential fires. The enrollees became well trained in this work and their efforts were most effective. Other emergency work of different kinds was performed by the enrollees at various times and at various places. They opened up truck-trails covered with snow to relieve isolated bands of sheep. They repaired dams, canals, and other properties in the wake of floods. They formed searching parties for the location, recovery, and protection of stranded airplanes. Numerous other emergency tasks were performed with dispatch and effectiveness.

Although the natural forage on the range is tremendous in the aggregate, it is not uniform in intensity. Artificial seeding of range grasses is necessary in arid and sparsely vegetated areas. This is especially true in areas that have been burned over by range fires. To meet this need, the CCC enrollees have rendered services which have been very valuable and effective. They have harvested seed from natural range grass species and have sown the seed by hand and by machine over thousands of acres of land. They have also assisted in the laying out and development of experimental plots where the various species of grasses have been planted and subjected to various conditions of exposure, protection, and utilization.

A further major accomplishment, which not only rendered valuable assistance to this Service, but which extended to the CCC personnel an opportunity for education and training along professional lines, was the project embracing range surveys, dependent property surveys, land recording, collection and arrangement of herbariums, compiling map data and the production and reproduction of maps, designs, and photographs. This project developed many young men who have since become valuable employees in commercial and military pursuits, as well as in the Grazing Service.

Throughout the tenure of the Civilian Conservation Corps as an integral part of the Grazing Service organization it has been kept in mind that the enrollee was not to be considered as a mere unit of labor, but that over and above this contribution of service on his part there was a responsibility on the part of the administrative officials to educate and train the enrollee along vocational lines and to guide his conduct and shape his environment in such manner as to make him a better worker, a better man and a better citizen. To this end, the Grazing Service cooperated actively with the Army and educational officials at all times in an earnest effort to accomplish these purposes.

FISH AND WILDLIFE SERVICE

During the 9 years of its existence the CCC has been an extremely influential force in the conservation of our wildlife resources, notably migratory waterfowl and big game animals. Coincident with the establishment of the Corps in 1933 a gigantic wildlife-refuge purchase program was begun. In the continental United States, since 1933, approximately 8,000,000 acres of land and water have been acquired for national wildlife refuge purposes, increasing the total refuge holdings to approximately 9,570,000 acres in 257 refuges. These refuge lands compensate in part for the millions of acres of wildlife habitat which necessarily fell before the plow, the ax, and the drainage ditch, but much of it was barren, even more was submarginal, and almost all was lacking in the basic wildlife requirements of water, food, and protective cover. Improvements had to be made in order that the refuges might be capable of supporting great concentrations of wild creatures and in order that the refuges might be administered efficiently and economically. It is in making these improvements that the CCC has been of tremendous benefit to wildlife conservation.

Of the 257 refuges, 44 of the larger and more important ones have been developed almost exclusively through the CCC. Two thousand five hundred ninety-eight camp months of CCC labor have been directed toward the accomplishment of two fundamental objectives: the improvement of wildlife habitat and the improvement of administrative facilities. In order to improve the refuges to a condition most favorable to wildlife, dams, dikes, and other devices for the impoundment and control of water have been built; food and cover-producing vegetation has been planted for wildlife and as a deterrent to soil erosion; millions of trees have been planted as windbreaks and to provide wildlife cover; stream- and lake-bank protection has been given prominent attention, as has the construction of nesting islands and wildlife shelters. To facilitate refuge management, truck trails, bridges, lookout towers, fire lanes, telephone lines, small but well-built headquarters and utility buildings, and seed- and tuber-storage cellers have been constructed, and to keep out stray livestock and prevent trespass, fences and boundary markers have been erected.

A few of the important accomplishments may be cited as indicative of the type and quantity of work accomplished. Eighty-five large impoundment and diversion dams were built, involving excavation of about 13,000,000 cubic yards of earth and rock, and the construction of nearly 900 water-control structures. Deficiencies in vegetation have been overcome by the planting of tremendous quantities of aquatics, of shrubs and trees for upland game, and of soil-binding and moisture-conserving grasses. Nesting islands have been built for the better protection of waterfowl and shore birds. Work preliminary to water impoundment includes the excavation of nearly 3,000,000 cubic yards of earth and rock from canals and ditches, clearing and cleaning of 4,500,000 square yards of water channels and 5,500 acres in reservoir, lake, and pond sites. Nearly 2,000 miles of fences have been erected, 190 foot and vehicle bridges, and 2,000 miles of truck and patrol trails have been built, and fire-protection systems, including 60 look-out towers; 750 miles of telephone lines, and several hundred miles of firebreaks have been developed. Headquarter, patrol, and laboratory facilities, including nearly 900 dwellings, overnight cabins, and other buildings, including offices, laboratories, garages, and storage houses have been provided. As an erosion-control measure 700 permanent check dams have been built.

In accomplishing this work the Service has had the use of and was custodian of equipment valued at about $2,000,000, consisting of 43 draglines, 140 tractors, 825 trucks, and a mass of smaller equipment and tools.

Director Gabrielson's remark of several years ago, "Even if the Civilian Conservation Corps should for some unforeseen reason be closed out in the near future, the Fish and Wildlife Service should be forever thankful for what this organization has accomplished for wildlife conservation," states clearly the value of CCC in wildlife conservation.

By Mr. HARTKE (for himself and Mr. THURMOND):

S. 1597. A bill to amend title 38, United States Code, so as to provide that increases in Social Security benefits, railroad retirement benefits, and cost-of-living adjustments of civil service retirement annuities shall be disregarded under certain circumstances in determining eligibility for or the amount of dependency and indemnity compensation for dependent parents of veterans and non-service-connected pension for veterans and widows. Referred to the Committee on Veterans' Affairs.

Mr. HARTKE. Mr. President, I introduce for myself and the distinguished senior Senator from South Carolina (Mr. THURMOND) legislation to protect the pension rights of nearly 2 million American veterans and their families and ask that it be appropriately referred. Our bill guarantees that increases in Federal benefits and annuities will no longer cause a reduction in the pension payment to which a veteran or his family is entitled.

Under current law, pensions are figured on the basis of need. Need, in turn, is determined primarily by a pensioner's income. As a pensioner's outside income increases, his pension decreases. Social security benefits, railroad retirement payments and civil service annuities are counted as income for the purpose of determining the amount of pension. Any increase in these benefits can result in the reduction—and eventual elimination—of pensions.

Since the current pension program was enacted in 1960, the Senate has supported the concept that a veteran widow, widow or child should not lose part of his pension as a result of social security increases. On four separate occasions, this body has acted to prevent veterans or their survivors from suffering a loss in pension because social security was raised. It was my privilege to lead the successful fight last year against consideration of the 15-percent increase in social security benefits, effective on January 1, 1970, as income for pension purposes.

At that time there was a clear consensus in the Senate that the increase in social security benefits was barely adequate to protect the elderly from the effects of inflation, and that it should not result in any set-off against veterans' pensions.

The enactment of a 10-percent increase in social security benefits in March of this year presents the Congress with the same problem it faced last year: should it permit an increase in social security benefits to be counted as income when figuring veterans' pensions?

I trust that the answer to that question will once again be "no." I hope as well that this continuing problem can be met permanently by providing that all future increases in social security payments will be excluded when figuring pensions. The sad fact is that one out of four elderly Americans lives in poverty today. This legislation will not result in any bonanza or windfall to those senior citizens who also are entitled to a small veteran's pension. What it will do is make available to them some of the necessities which they must now forego for lack of income.

A few examples will suffice to illustrate the adverse impact on pensioners if the Congress does not act:

First. A veteran with no dependents who received $98.80 in social security before the most recent increase, was eligible for a pension of $96, for a total monthly income of $194.80. Under present law, however, this veteran would have his pension cut by $4 in January 1972 due to the increase in social security.

Second. A married veteran receiving $110 pension would have his monthly pension cut by $6 in January 1972 if action is not taken.

Third. A widow with one child who is entitled to an $88 widow's pension would find her pension cut by $2 a month as a result of the increase.

These examples give adequate evidence, I believe, of the importance of excluding the most recent increase—and all future increases—in social security benefits from inclusion in pension calculations.

Our bill would also provide equity to the pensioner who receives railroad retirement benefits or civil service annuities. He, no less than the social security beneficiary, should not have his small pension reduced simply because there has been a modest increase in payments made under his Federal retirement program.

Mr. President, the average person receiving a veteran's pension does not understand why his small pension should be reduced when there has been an increase in the payments he receives under a Federal retirement program. In truth, I do not either. Although I agree that no pensioner should profit from an increase in social security, or railroad retirement or civil service annuity, it is plain that excluding increases in benefits paid under the three Federal programs named in this bill will make no one rich. It will, however, make a life of dignity easier for our elderly veterans and their families.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 144

At the request of Mr. MCGEE, the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senators from Nebraska (Mr. CURTIS and Mr. HRUSKA), the Senator from Colorado (Mr. ALLOTT), the Senator from Kansas (Mr. DOLE), the Senator from North Carolina (Mr. ERVIN), the Senator from Arizona (Mr. FANNIN), the Senator from Wyoming (Mr. HANSEN), and the Senator from Oregon (Mr. HATFIELD) were added as cosponsors of S. 144, a bill to amend the Internal Revenue Code with respect to ammunition recordkeeping requirements.

S. 646

At the request of Mr. MCCLELLAN, the Senator from Tennessee (Mr. BAKER) was added as cosponsor of S. 646, a bill to amend title 17 of the United States Code to provide for the creation of a limited copyright in sound recordings for the purpose of protecting against unauthorized duplication and piracy of sound recordings, and for other purposes.

S. 784

At the request of Mr. BAKER, the Senator from Nevada (Mr. BIBLE), the Senator from New Hampshire (Mr. COTTON), the Senator from North Carolina (Mr. ERVIN), the Senator from Florida (Mr. GURNEY), the Senator from Wyoming (Mr. HANSEN), the Senator from Oregon (Mr. HATFIELD), and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of S. 784, a bill to provide for a Commission on Transportation Regulatory Agencies.

S. 856

At the request of Mr. GURNEY, the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 856, a bill to encourage States to establish junked motor vehicle disposal programs.

S. 1082

At the request of Mr. CASE, the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of S. 1082, a bill to regulate the discharge of wastes in territorial and international waters.

S. 1113

At the request of Mr. BAKER, the Senators from Utah (Mr. BENNETT and Mr. MOSS) and the Senator from Kansas (Mr. PEARSON) were added as cosponsors of S. 1113, a bill to establish a structure providing for integrated knowledge and understanding of problems relating to air pollution and other related problems.

S. 1428

At the request of Mr. PERCY, the Senator from New Jersey (Mr. CASE) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1428, a bill to establish an Institute for Continuing Studies of Juvenile Justice.

S.J. RES. 4

At the request of Mr. JAVITS, the Senator from Maryland (Mr. BEALL) was added as a cosponsor of Senate Joint Resolution 4, to authorize and request the President to proclaim the period April 19, 1971, through April 23, 1971, as "School Bus Safety Week."

SENATE JOINT RESOLUTION 29

At the request of Mr. SCOTT, the Senator from Arizona (Mr. GOLDWATER) was added as a cosponsor of Senate Joint Resolution 29, providing for the designation of the calendar week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week."

SENATE RESOLUTION 100—ORIGINAL RESOLUTION REPORTED AUTHORIZING THE COMMITTEE ON VETERANS' AFFAIRS TO EMPLOY ADDITIONAL CLERICAL ASSISTANTS

Mr. HARTKE, from the Committee on Veterans' Affairs, reported the following original resolution (S. Res. 100), which was referred to the Committee on Rules and Administration:

S. RES. 100

Resolved, That the Committee on Veterans' Affairs is authorized, until otherwise provided by law, to employ five additional clerical assistants, to be paid from the contingent fund of the Senate at rates of compensation to be fixed by the chairman in accordance with the provisions of Section 105 of the Legislative Branch Appropriation Act, 1968, as amended.

EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATION ACT OF 1971—AMENDMENT

AMENDMENTS NOS. 47, 48, 49

Mr. ERVIN submitted three amendments intended to be proposed by him to the bill (S. 1557) to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes, which were received, ordered to be printed, and to lie on the table.

NOTICE OF HEARINGS ON ALASKA NATIVE LAND CLAIMS

Mr. JACKSON. Mr. President, on April 29, 1971, the Committee on Interior and Insular Affairs will hold a further hearing on pending legislation to settle the Alaska Native land claims. The hearings will begin at 10:00 a.m., in room 3110 of the New Senate Office Building.

Witnesses appearing before the committee will be the Secretary of the Interior, representatives of the State of Alaska, and officials of the Alaska Federation of Natives. Statements of other organizations and individuals may be submitted to the committee and will be published in the hearing record.

NOTICE OF HEARING ON A NOMINATION

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, April 27, 1971, at 10:30 a.m., in room 2228 New Senate Office Building, on the following nomination:

Charles R. Richey, of Maryland, to be U.S. district judge, District of Columbia, vice Edward M. Curran, retired.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas (Mr. McCLELLAN), the Senator from Nebraska (Mr. HRUSKA), and myself as chairman.

NOTICE OF HEARING ON NOMINATIONS OF DR. WILLIAM T. PECORA AND NATHANIEL PRYOR REED

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Washington (Mr. JACKSON), I announce for the information of the Senate and the public that on Friday, April 30, at 2 p.m. the Committee on Interior and Insular Affairs will hold an open, public hearing on the nominations by President Nixon of Dr. William T. Pecora to be Under Secretary of the Interior and Nathaniel Pryor Reed to be an Assistant Secretary of the Interior.

Any Member of the Senate or of the general public who wishes to testify at this hearing should so advise the Committee staff. The hearing will begin at 2 p.m. in room 3110 New Senate Office Building.

Mr. President, I ask unanimous consent that biographical data concerning these two nominees be printed in the RECORD at this point in my remarks.

There being no objection, the biographical data was ordered to be printed in the RECORD, as follows:

WILLIAM THOMAS PECORA

Born: Belleville, New Jersey—February 1, 1913.

Education: Primary and Secondary Schools, Newark, New Jersey; B.S., Geology—1933—Princeton University; Ph. D., Geology—1940—Harvard University.

Family: Parents deceased; Married—April 7, 1947—Ethelwyn Elizabeth Carter of Franklin County, Kentucky; Two children—Son, William C., born 1949—Daughter, Ann S., born 1953. Residence: 4572 Indian Rock Terrace, N.W., Washington, D.C. 20007.

Positions: 1937–39 Instructor in Geology, Harvard University; 1939– Geologist, U.S. Geological Survey; 1957–61 Chief, Branch of Geochemistry and Petrology; 1961–64 Research Geologist; 1964–65 Chief Geologist; 1965– Director (Sept. '65 with advice & consent of Senate); 1969 Reappointed and reconfirmed.

Experience: Field and laboratory investigations in western hemisphere, including:

Nickel deposits in U.S., Alaska, Brazil, and Venezuela (1939–42);

Mica and related pegmatite mineral deposits of Brazil and Colombia (1943–46);

Rare mineral deposits in Alkalic igneous rocks and carbonatite complexes;

Phosphate mineralogy;

Geologic field mapping and mineral deposit evaluations;

Geochemistry and petrology of Bearpaw Mountains, Montana;

Published more than 50 scientific and technical papers.

Advisory Committees:

National Science Foundation (Advisory Panel for Earth Sciences, 1953–57);

Educational Testing Service (Advisory Committee for Graduate Records Examinations, 1950–65);

Princeton University (Advisory Council of the Department of Geology, 1946–);

Harvard University (Committee to Visit the Department of Geological Sciences, 1946—);

Rutgers University (Advisory Board for Research and Graduate Education, 1965–68);

National Research Council (1953; 1960–65);

U.S. Civil Service Commission Board of Examiners (1947–67);

Standing Committee, Federal Council for Science and Technology (1965–);

Office of Scientific Personnel, National Academy of Sciences (1966–69);

Smithsonian Institution (Department of Mineral Sciences Advisory Committee (1967–));

George Washington University Council for Arts and Sciences (1967–);

California Institute of Technology (Visiting Committee of the Division of Geological Sciences (1968–));

Stanford University (Earth Sciences Advisory Board 1971–).

Honors:

Member, National Academy of Sciences;

Fellow, American Academy of Arts and Sciences;

Foreign Member, Brazilian Academy of Sciences;

Fellow and Councillor, Geological Society of America;

Fellow and Councillor, Mineralogical Society of America;

President, 1964, Geological Society of Washington;

Honorary Member, Rocky Mountain Association of Geologists;

Distinguished Service Award—Dept. of the Interior, Dec. 1968;

Rockefeller Public Service Award—1969;

Honorary Doctor of Science Degree—Franklin & Marshall College, 1969;

Member, American Philosophical Society, 1970;

Honorary Doctor of Engineering, Colorado School of Mines, 1970.

Other Professional Activity:

Washington Academy of Sciences;

American Association of Petroleum Geologists;

American Institute of Professional Geologists;

Mining and Metallurgical Society of America;

Society of Economic Geologists, Inc.

Extra-Curricular:

Cosmos Club, Washington, D.C.—President, 1968;

U.S. Intercollegiate Fencing Champion—1933;

U.S. Olympic Team—1936.

Federal Working Committees:

Chairman of the Interagency Committee on Solid Earth Sciences of the Federal Council for Science and Technology (1965–69);

Chairman Research Panel of the Committee on Maine Research, Education and Facilities, National Council on Maine Resources and Engineering Development (1967–69);

Member, Committee on Federal Laboratories of the Federal Council for Science and Technology;

Member, NORTH Commission;

Member, Task Force on National Technology Programs, Committee for Policy Review;

Chairman, Technical Advisory Board on Alaskan Oil Development (1970–);

Member, Earth Resources Survey Program Review Committee;

Chairman and Member, Government Advisory Committee for the American Association of Petroleum Geologists;

Chairman, Advisory Committee on Water Data for Public Use;

Program Director for Interior—Earth Resources Observation Systems (EROS).

BIBLIOGRAPHY OF W. T. PECORA

(Exclusive of abstracts and book reviews)

1. 1941—Structure and petrology of the Boxelder laccolith: Bull. Geol. Soc. of America, *52*, p. 817–53.

2. 1941—(with S. W. Hobbs) Nickel-gold deposit near Mt. Vernon, Wash.: U.S. Geol. Survey Bull. 931–D, p. 57–78.

3. 1942—(and S. W. Hobbs) Nickel deposit

near Riddle, Oreg.: U.S. Geol. Survey Bull. 931–I, p. 205–26.

4. 1942—Nepheline syenite pegmatites, Rocky Boy Stock, Bearpaw Mts., Mont.: Amer. Mineralogist, *27*, p. 397–424.

5. 1942—Nickel-copper deposits on the west coast of Chichagof Island, Alaska: U.S. Geol. Survey Bull. 936–I, p. 221–243.

6. 1944—Nickel silicate and associated nickel-cobalt-manganese deposits near Sao Jose do Tocantins, Goiaz, Brazil: U.S. Geol. Suvey Bull. 935–E, p. 247–305.

7. 1945—(and A.L. Barbosa) Bananal mica mine, Minas Gerais, Brazil: Div. De Fomento do Prod. Mineral (Brasil), Avulso No. 67, 32 pp.

8. 1945—(and A. L. Barbosa) Mica in the Serra dos Lourencos, Minas Gerais: Div. de Fomento do Prod. Mineral (Brasil), Avulso No. 68, 42 pp.

9. 1946—(and Bernard Fisher) Drusy vugs in a monzonite dike, Bearpaw Mts., Mont.: Amer. Mineral, *31*, p. 370–385.

10. 1949—(and S. W. Hobbs and K. J. Murata) Variations in garnierite from the Nickel deposit near Riddle, Oreg.: Econ. Geology, *44*, p. 13–23.

11. 1949—(and J. J. Fahey) The Corrego Frio pegmatite, Minas Gerais, Brazil: Scorzalite and Souzalite, two new phosphate minerals: Amer. Mineral., *34*, p. 83–93.

12. 1949—(with R. W. Brown) Paleocene and Eocene strata in the Bearpaw Mts., Mont.: Science, *109*, p. 487–89.

13. 1949—(and J. J. Fahey) Scorzalite from South Dakota, a new occurrence: Amer. Mineral., *34*, p. 685–87.

14. 1950—(and J. J. Fahey) The lazulite-scorzalite isomorphous series: Amer. Mineral., *35*, p. 1–18.

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NATHANIEL PRYOR REED

Born: July 22, 1933; son of Mr. Joseph Verner Reed of Denver, Colorado, and Greenwich, Connecticut, and Permelia Pryor (Reed) of St. Louis, Missouri, and Greenwich, Connecticut.

Education: Greenwich Country Day School; public schools of Lexington, Virginia; Deerfield Academy, 1951; Trinity College, Hartford, Connecticut, BA, 1955.

Mr. Reed served in the United States Air Force from 1955 through 1959 as a military intelligence officer. He was stationed in France and served in Europe, North Africa and the Middle East. He retired with a rank of Captain in the USAF Reserves.

In 1960 Mr. Reed returned to Hobe Sound, Florida, where he become involved in his family's real estate and hotel business. He assisted in the management of the family business around Jupiter Island Club.

Active in conservation work throughout the State, Mr. Reed centered his activities on the problems of the Everglades National Park, the estuaries and water pollution. He prepared the basic natural resource platform for Claude Kirk, Jr. and following the Governor's election became a full-time Assistant to the Governor with wide responsibility in modifying existing State programs. Mr. Reed became a member of the Florida Pollution Control Commission in 1968 and the first Chairman of the newly formed Department of Air and Water Pollution Control in 1969. The Department is credited with becoming one of the Nation's most aggressive and active pollution control agencies. Following Governor Askew's election, Mr. Reed was asked by the Governor-elect to stay on in his joint position as environmental consultant to the Governor and Chairman of the Department.

Mr. Reed is particularly proud of the effort made during the Kirk Administration to control air and water pollution, to implement a new water schedule for Everglades National Park, the establishment of Biscayne National Monument, and the position on the proposed Everglades Jet Port. Mr. Reed championed in Florida's administration the need for a major overhaul of the estuarine areas. He was intimately involved in the purchase of fourteen new State parks and three wilderness areas.

Mr. Reed is married to the former Alita Davis Weaver of Greenwich, Connecticut. They have three children: Nathaniel P., Jr.—5, Alita Pryor—4, and Adrian William—2.

An ardent sportsman, Mr. Reed is a member of the majority of conservation organizations and serves on the Board of the Lerner Marine Laboratory, a field station of the American Museum of Natural History.

His conservation memberships include:
National Audubon.
Florida Audubon.
National Wildlife Federation.
Florida Wildlife Federation.
Wilderness Society.
Nature Conservancy.
Conservation 70's.
National Parks Association.
Izaak Walton League.
Garden Clubs of America.

REQUESTED RE-REFERRAL OF SENATE JOINT RESOLUTION 84 TO THE COMMITTEE ON COMMERCE

Mr. CRANSTON. Mr. President, I rise for the purpose of asking that a bill, erroneously sent to the Committee on Interior and Insular Affairs be re-referred to the Committee on Commerce.

I have cleared this matter with the Committee on Interior and Insular Affairs. The bill is Senate Joint Resolution 84, which relates to wildlife refuges. This sort of legislation is within the jurisdiction of the Committee on Commerce.

I therefore ask unanimous consent that Senate Joint Resolution 84 be re-referred from the Committee on Interior and Insular Affairs to the Committee on Commerce.

Mr. MANSFIELD. Mr. President, reserving the right to object—and I do not think I shall object—has the distinguished Senator from California cleared this matter with the leadership on the other side of the aisle?

Mr. CRANSTON. Frankly, I cannot state whether that has been done, but it has been cleared with the chief of staff of the Committee on Interior and Insular Affairs. It is clearly a matter within the jurisdiction of the Committee on Commerce.

Mr. MANSFIELD. Well, as a matter of courtesy, would the distinguished Senator withdraw his request temporarily so that we can continue to keep alive this cordial relationship. I am quite sure that the Senate is correct, but I think we should do that.

Mr. CRANSTON. I will be happy to do that.

The PRESIDING OFFICER (Mr. BENTSEN). Does the Senator from California withdraw his request at this time?

Mr. CRANSTON. Yes, Mr. President, temporarily I withdraw it.

The PRESIDING OFFICER. The request of the Senator from California is temporarily withdrawn.

Is there further morning business?

EMERGENCY SCHOOL AID BILL

Mr. ERVIN. Mr. President, S. 1557, the so-called school bill, is a bill with most drastic implications. It would virtually transfer to the Federal Government from the States, if the States accepted the bribes which it offers them, complete control over the hiring and promotion of administrative officers of the schools and schoolteachers and even janitorial services, all for the purpose of mixing school faculties and administrative officers in each school district in proportion to their racial proportion—in other words, a quota bill.

It would transfer, if the States accepted the bribes, the power to assign children to schools, all for the purpose not of enlightening their minds but of integrating their bodies.

The bill contains a provision that if the States do not do this voluntarily or follow the example of Judas and accept these bribes, there is $15 million in the bill to be used to pay ambulance-chasing lawyers to bring suits to accomplish what the bill has in mind.

It also proposes to take taxpayers' money to finance the operations of church schools conducted by religious denominations, in violation of both the equal establishment clause and the freedom of religion clause in the first amendment.

Mr. President, I am going to offer a number of amendments on the subject and send forward to the desk one of them now. The bill would allow them to discriminate on the basis of religion and, thus, I send forward this amendment and ask that it be printed and lie on the desk.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, the amendment will be received and will be printed.

Mr. ERVIN. Mr. President, I think there are some children in this country who are entitled to an education besides those who are going to be mixed racially. There are many States in this Union with not enough racially differentiated children in them to mix. Thus, I propose to offer an amendment in the nature of a substitute, which would provide that this money would be distributed among all the States of the Union in proportion to the number of schoolchildren as compared with all of the schoolchildren in the United States, regardless of the race of the children and such matters as that.

I submitted such an amendment yesterday and in order that the Senate may be apprised of the nature of the amendment, which is No. 44, I ask unanimous consent to have it printed in the RECORD.

There being no objection, the text of the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 44

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Emergency School Aid Assistance Act".

STATEMENT OF PURPOSE

SEC. 2. (a) In order to meet the crisis created by the rising costs of providing education in the public schools of the States and by the limited resources of State and local educational agencies, it is the purpose of this Act to make unconditional education grants to State and local educational agencies.

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. There are authorized to be appropriated for the purpose of carrying out this Act $500,000,000 for the period ending June 30, 1972, and $1,000,000,000 for the fiscal year ending June 30, 1973. Funds appropriated pursuant to the preceding sentence shall remain available for obligation and expenditure during the fiscal year succeeding the fiscal year for which they are appropriated.

ALLOTMENT

SEC. 4. (a) From the funds appropriated pursuant to section 3, the Commissioner shall allot not less than 3 per centum among the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs. From the remainder of such sums the Commissioner shall allot to each State an amount which bears the same ratio to the number of children in each such State—

(1) who are aged five to seventeen, inclusive; and

(2) (A) who are enrolled in the public elementary and secondary schools of the local educational agencies, and

(B) enrolled in such schools of the State educational agency of such State;

bears to the number of such children in all States. For the purposes of this subsection, the term "State" does not include Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(b) The portion of any State's allotment under subsection (a) for a fiscal year which the Commissioner determines will not be required, for the period such allotment is available, for carrying out the purposes of this Act shall be available for reallotment from time to time, on such date during such period as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the Commissioner estimates will be needed in such State and will be used for such period for carrying out applications approved under this Act, and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts are not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for such year.

USES OF FUNDS

SEC. 5. Grants made under this Act may be used in accordance with applications approved under section 6 for educational programs and activities conducted by public elementary and secondary schools of local educational agencies and of State educational agencies.

APPLICATIONS

SEC. 6. A grant under this Act may be made to any State or local educational agency upon application to the Commissioner at such time, in such manner, and containing and accompanied by such information as the Commissioner deems necessary. Each such application shall—

(1) provide that the programs and activities for which assistance under this Act is sought will be administered by or under the supervision of the applicant;

(2) describe with particularity the programs and activities for which such assistance is sought;

(3) in the case of a State educational agency, provides assurances that no more than 50 per centum of the funds for which the application is made by such agency will be expended for purposes other than programs and activities conducted by the public elementary and secondary schools of such agency;

(4) provide assurances that the applicant will pay from non-Federal sources the remaining costs of such program;

(5) set forth such fiscal control and fund accounting procedures as may be necessary to assure proper dispersal of and accounting of Federal funds paid to the applicant under this Act; and

(6) provide for making such reasonable reports in such form and containing such information as the Secretary may reasonably require to carry out his functions under this Act, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

(b) Applications for grants under this Act may be approved by the Commissioner only if—

(1) the application meets the requirements set forth in subsection (a); and

(2) the application is consistent with objective criteria established by the Commissioner for the purpose of achieving an equitable distribution under this Act within such

State. Such criteria shall be based upon a consideration of—

(A) the number of children aged five to seventeen, inclusive, who are enrolled in the public elementary and secondary schools of the local educational agencies within each such State; and

(B) the relative need of the local educational agencies within the State for assistance under this Act.

(c) Amendments of applications shall, except as the Commissioner may otherwise provide, be subject to approval in the same manner as the original applications.

PAYMENTS

SEC. 7. (a) Payments under this Act shall be made from a State's allotment to any State or local educational agency which has an application approved under section 6. Payments under this Act with respect to the costs of carrying out an application of a State or local educational agency shall not exceed 90 per centum of such costs for any fiscal year in determining the costs of carrying out an application of a State or local educational agency and shall exclude any costs with respect to which payments were received under any other Federal program.

(b) Payments to a State under this Act may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment, and may be made directly to a State or to one or more public agencies designated for this purpose by the State, or to both.

WITHHOLDING

SEC. 8. Whenever the Commissioner, after giving reasonable notice and opportunity for hearing to a grant recipient under this Act, finds—

(1) that the program or activity for which such grant was made has been so changed that it no longer complies with the provisions of this Act; or

(2) that in the operation of the program or activity there is failure to comply substantially with any such provision;

the Commissioner shall notify such recipient of his findings and no further payments may be made to such recipient by the Commissioner until he is satisfied that such noncompliance has been, or will promptly be, corrected. The Commissioner may authorize the continuance of payments with respect to any programs or activities pursuant to this Act which are being carried out by such recipient and which are not involved in the noncompliance.

JUDICIAL REVIEW

SEC. 9. (a) If any State or local education agency is dissatisfied with the Commissioner's final action with respect to the approval of its application submitted under section 6, or with his final action under section 7, such State or local educational agency may within sixty days after notice of such action file with the United States court of appeals for the circuit for which such agency is located a petition for review of that action. A copy of that petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner shall file promptly in the court the record of the proceedings on which he based his action, as provided for in section 2112 of title 28, United States Code.

(b) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgement of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

PROHIBITIONS AND LIMITATIONS

SEC. 10. (a) Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system.

(b) Nothing contained in this Act shall be be construed to authorize the making of any payment under this Act for the construction of facilities as a place of worship or religious instruction.

ADMINISTRATION

SEC. 11. (a) The Commissioner may delegate any of his functions under this Act, except the making of regulations, to any officer or employee of the Office of Education.

(b) In administering the provisions of this Act, the Commissioner is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement as may be agreed upon.

DEFINITIONS

SEC. 12. As used in this Act, the term—

(1) "Commissioner" means the Commissioner of Education;

(2) "elementary school" means a day or residential school which provides free public elementary education, as determined under State law;

(3) "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, and such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school;

(4) "free public education" means education which is provided at public expense, under public supervision and direction, and without tuition charge, and which is provided as elementary or secondary school education in the applicable State;

(5) "secondary school" means a day or residential school which provides free public secondary education, as determined under State law, except it does not include any education beyond grade 12;

(6) "State" includes in addition to the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands; and

(7) "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of State elementary and secondary education or if there is no such officer or agency, an officer or agency designated by the Governor or State law.

Mr. ERVIN. Mr. President, all Senators who think the time has come for the Senate to quit browbeating the South and who believe that the children of this country are entitled to an equal opportunity for an education, regardless of whether they live in the South, or in States where there are no substantial minority children to be mixed should receive equal benefit from this money should support this amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Is there further morning business?

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE HANDICAPPED NEED OUR HELP TO CONTRIBUTE TO SOCIETY NOT DEPEND ON IT—AND DAVID KORY OF NEW HAMPSHIRE IS WORKING TOWARD THIS GOAL

Mr. McINTYRE. Mr. President, there are millions of handicapped persons in the Nation, and I fear that too often, despite our brave words of understanding and support, they do not always get a fair deal in trying to live productive, self-sufficient, and full lives.

This was brought forcefully to my attention once again when I was visited by Mr. David Victor Kory, of Washington, N.H., who has recently been appointed to the Governor's Commission on Employment of the Handicapped in New Hampshire.

I was impressed with Mr. Kory's great drive and desire to accomplish things for the handicapped. I was also impressed with the reports he gave me on the fact that the handicapped person still seems, in too many places, to be considered something of a second class citizen when the handicapped can, with the proper training perform many constructive and useful tasks and make a real contribution to our society.

I should like to share with Senators a short statement Mr. Kory has prepared about the importance of rehabilitation for the handicapped and what it could mean both for those less fortunate than most Americans and what it could mean to our Nation.

Mr. President, I ask unanimous consent that the statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE PHILOSOPHY OF REHABILITATION

Rehabilitation is the process by which a disabled person is enabled to achieve his maximum possible physical, mental and social efficiency. How close he comes to achieving this goal determines the degree to which he becomes a socially and economically independent member of society. It is a program of wholesome adjustment to a handicap by educating the person to integrate all of his resources and to concentrate more on existing abilities than on the permanent disability with which he must live.

Instead of being dependent on society he will contribute to it: the effect on the individual is to change him from a hopeless dependent to a self-sufficient citizen. But even more important, the person is helped to develop a satisfying way of life that preserves the uniqueness of his individuality. He gains inner strength from his own resources that makes it possible for him to partake of the joys and meet the problems of life in a meaningful way. His abilities are stressed rather than his disability. Each handicapped person is an individual and must be treated as such. The example must come from another rehabilitated handicapped person, for such a person knows only too well the frustrations the handicapped face and live with.

DAVID VICTOR KORY.

THE FUTURE OF AMERICAN TRANSPORTATION

Mr. BAKER. Mr. President, I invite the attention of Senators to an article published in the Washington Post of April 19 regarding the recommendations of the American Assembly on "The Future of American Transportation." These recommendations are significant, in my view, because they are representative of a growing dissatisfaction on the part of businessmen, economists, and public officials with our present system of transportation regulation and the way in which it is operating.

While I do not endorse, as such, the Assembly's recommendations, I do feel that they provide further indication of the need for making a comprehensive study of the transportation regulatory system in this country and the necessity for viewing regulation in the context of an overall national transportation policy.

Such a study is provided for in S. 784, a bill which I introduced on February 11 to create a Commission to study and make recommendations as to the feasibility and desirability of merging the Interstate Commerce Commission, the Civil Aeronautics Board, and the Federal Maritime Commission. The Commission would also be directed to study the substantive laws which these agencies administer and make recommendations as to changes in them. I hope that some positive action can be taken on this proposal sometime this year for I feel that only when we are committed to such a study can we make headway in correcting the existing problems of transportation regulation.

Mr. President, I ask unanimous consent that the article entitled "Group Hits Transport Regulations" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GROUP HITS TRANSPORT REGULATIONS

(By Robert J. Samuelson)

HARRIMAN, N.Y.—Government regulation of airline, railroad and trucking crises should be relaxed substantially, a group of businessmen, scholars and public officials said today.

If their recommendation were to be adopted, carriers could largely escape the rate control of the Interstate Commerce Commission and the Civil Aeronautics Board. The ICC (which regulates the railroads, trucks and buses) and the CAB (which oversees the airlines) now have wide powers to block or delay price changes, up or down.

The proposal emerged as the principal suggestion from the latest meeting of the American Assembly—a nonprofit organization which periodically convenes study groups to make recommendations on major public policy issues.

The four-day session on "The Future of American Transportation" was attended by about 70 men, including transportation executives (from railroads, trucks, airlines and barges), academic transportation economists, a handful of public officials and journalists.

CONGESTION BYPASSED

Despite the Assembly's title, urban congestion received only passing attention during the first day of discussions. The remainder of the meeting was devoted almost exclusively to problems of intercity transportation, primarily freight.

In general, the proposals were designed to curb government regulations and encourage more competition among transportation companies—competition which, it was argued, would ultimately lead to better service and lower rates.

Nevertheless, the recommendations to limit government rate regulations largely paralleled recent suggestions of the airline and railroad industries, which have blamed their financial trouble on "regulatory lag" in granting price increases to offset rising costs.

The federal government originally embraced strict price regulations on the theory that airlines and railroads enjoyed monopolies or near-monopolies. Therefore, the theory went, regulation was required to prevent carriers from subjecting captive shippers and passengers to unwarranted price increases.

As reflected in the Assembly's discussions, that theory is now widely challenged. Economists have argued, for example, that railroads now face substantial competition from trucks and barges; tight regulations, many economists say, only impede the railroads from competing effectively.

JUSTIFICATION NOT PROVIDED

However, the Assembly provided no detailed justification for its recommendation, which would allow carriers to raise their prices on any service to 250 per cent above "long-run variable costs" without regulatory interference.

Variable costs usually refer to out-of-pocket expenses for providing any particular service, although the precise definition has long been a source of disagreement among economists and regulatory officials.

In addition to greater price flexibility, the Assembly proposed two other steps designed to enhance competition.

CONTROL OF ENTRY

"With greater reliance upon competitive forces in rate-making, control of entry into regulated transportation should be relaxed," the Assembly report said. This proposal appears to refer primarily to government restrictions limiting the number of airlines and trucks that can operate on specific routes.

Finally, the report urged that the government not require carriers to maintain losing services against their will, such as flights to small cities or freight trains along branch lines that do not generate substantial traffic.

"Where government policy requires maintenance of deficit services, such deficits should be clearly identified and government provision must be made for coverage of losses," the report said.

That policy of subsidy is already partially followed for small regional airlines which fly to many secondary cities. However, there is no provision for reimbursing railroads for maintaining branch lines which the ICC prevents them from abandoning.

COMMENT ON RECOMMENDATIONS OF THE COMMISSION ON OBSCENITY AND PORNOGRAPHY

Mr. McCLELLAN. Mr. President, on October 13, 1970, the Senate adopted Senate Resolution 477 declaring that the Senate rejects the findings and recommendations of the Commission on Obscenity and Pornography. That resolution, of which I was the principal sponsor, was cosponsored by 26 Democratic Senators, and 24 Republican Senators, and approved with only five negative votes. During the discussion of the resolution I stated that the report of the Commission "will in the immediate future represent the 'bible' to those who wish to subvert our values by inciting immoral and antisocial activity." The distinguished junior Senator from Michigan (Mr. GRIFFIN) said on the same occasion that "the real danger of the report is not that it will be accepted by Congress" but that it serves "to provide ammunition to the self-proclaimed experts who are campaigning for even more pornographic permissiveness."

The situation which I anticipated last fall has already developed. The Members of Congress have recently received the text of the "Coalition Statement on the Report of the Federal Commission on Obscenity and Pornography." This document has been issued in the name of some 25 national organizations, including the American Federation of Teachers, the National Education Association, and the American Library Association.

The coalition statement purports to take no position on the recommendations of the Federal Commission. It is clear, however, that the statement seeks to counter the decisive rejection of the Commission report by the President, the Senate and the American people. The statement alleges that its purpose is to promote objective discussion of the obscenity issue, yet all of the issues which are recommended for study are those which would advance the philosophy reflected in the majority report of the Commission. The coalition statement does not advocate the consideration of the recommendations and findings contained in the minority report of the Commission or in Senate Resolution 477. It would seem that a balanced statement would also have explored the role of public morality in the survival of a civilization, and the proper function of the government in preventing moral corruption.

The philosophy of the Obscenity Commission and the coalition statement does not serve the best interests of our authors. For as Prof. Irving Kristol wrote in the New York Times magazine of March 28;

> And one might also ask a question that is almost never raised: how much has literature lost from the fact that everything is now permitted? It has lost quite a bit, I should say. In a free market, Gresham's Law can work for books or theater as efficiently as it does for coinage—driving out the good, establishing the debased. The cultural market in the United States today is being preempted by dirty books, dirty movies, dirty theater. A pornographic novel has a far better chance of being published today that a non-pornographic one, and quite a few pretty good novels are not being published at all simply because they are not pornographic, and are therefore less likely to sell. Our cultural condition has not improved as a result of the new freedom. American cultural life wasn't much to brag about 20 years ago; today one feels ashamed for it.

I am confident that the coalition statement does not reflect the thinking of the majority of our teachers, librarians, and others who are concerned with the moral wellbeing of this Nation. As the principal sponsor of Senate Resolution 477 I have sent a letter to the chief executive of each of the organizations listed as endorsing the coalition statement requesting them to furnish me with the following information:

First. The extent of participation by the general membership of your organization in the preparation of the coalition statement.

Second. The text of any resolution adopted by your organization concerning the recommendations of the Commission, or which deal with similar subject matter.

Third. A list of any other reports, studies or documents on the obscenity question recommended to your membership other than the Commission report.

Fourth. Whether the text of the Senate resolution was communicated to your membership in connection with the endorsement of the coalition statement.

Mr. President, I ask unanimous consent that there be printed in the RECORD the text of the "Coalition Statement on the Report of the Federal Commission on Obscenity and Pornography," the text of the letter which I have sent to each of the organizations listed as concurring in the coalition statement, and a letter from the Rev. Morton A. Hill, S.J., a member of the Federal Commission and the current president of Morality in Media.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

COALITION STATEMENT ON THE REPORT OF THE FEDERAL COMMISSION ON OBSCENITY AND PORNOGRAPHY

The recently-issued Report of the Federal Commission on Obscenity and Pornography, created by the Congress three years ago, was greeted with criticism based mainly on preconceived premises and personal attacks on Commission members.

The organizations which sign this statement deplore this reaction, which contravenes the process of rational discussion through which decisions on public issues should be made in a democracy. We agree with the wise words of Thomas Jefferson: "If the book be false in its facts, disprove them; if false in its reasoning, refute it. But for God's sake, let us hear freely from both sides."

The Commission's Report represents two years of intensive efforts by dedicated men and women, working under a Congressional mandate which instructed them to explore facets of a social issue which disturbs various segments of the national community. They have produced a 646-page Report and ten volumes of supporting factual evidence which are an exhaustive treatment of the subject. That in itself is a praise-worthy contribution to public understanding

But the Commission's Report is not entitled to automatic acceptance simply because of its thorough study. Some of the undersigned organizations hold different views from the Commission, and may ultimately reject certain of its recommendations. But, despite our varying views on the question of obscenity, we all agree that the Report must receive a full, fair hearing; that its findings and recommendations should be tested in even-tempered dialogue; and that those who debate the Report should read it—and deal with its specific findings and recommendations.

The Report did not—as critics have erroneously charged—recommend abolition of all laws regulating obscenity. On the contrary, the Commission recommended laws to prohibit the distribution of sexually explicit pictorial material to minors, the public display of sexually explicit material, and the mailing of unsolicited advertising for such material. The Commission emphasized that adults who do not wish to receive obscene material should be protected from having it thrust upon them against their wishes. In short, the Commission did not, as some opponents suggested, recommend opening the floodgates for a wave of obscenity to engulf the public.

What the Report did recommend was the abolition of those obscenity laws which prohibit the distribution of materials to adults who choose to receive them. This is not a radical innovation. The Supreme Court has ruled that the Frst Amendment protects an adult's right to read and see whatever he chooses, and we believe the same constitutional principles necessarily protect the publisher or bookseller who sells these materials to consenting adults.

While others disagree with this conclusion, these differences are legitimate subjects of debate. And there should be debate also on the Commission's conclusions that obscenity statutes, because of their vagueness, suppress non-obscene works, and that scientific studies provide no evidence that obscene books or motion pictures incite adults to criminal conduct, sexual deviancy or emotional disturbances. There should also be discussion of the Commission's proposals for a broad-scale program of sex education and for further scientific investigation.

The undersigned do not necessarily agree with each other about the issue of obscenity and its significance in American life. But we are united in our concern about censorship, and the need for freedom of thought and freedom of expression—freedom of choice—in all areas of human existence. This is why, without endorsing or opposing the Commission's Report, we commend it for serious study and debate by legislators, courts, community leaders and the general public. We urge that proponents and opponents of the Report participate fully and rationally in this process, a venture which can enlarge intelligent understanding of a social question that requires wise decision-making.

American Civil Liberties Union.
American Federation of Teachers.
American Jewish Committee.
American Library Association.
American Orthopsychiatric Association.
American Public Health Association.
Association of American University Presses, Inc.
Association of American Publishers, Inc.
Author's League of America, Inc.
Bureau of Independent Publishers and Distributors.
*John Donovan, Executive Director, The Children's Book Council, Inc.
*Charlton Heston, President, Screen Actors Guild.
International Reading Association.
Jewish War Veterans of the USA.
National Association of Theatre Owners, Inc.
The National Book Committee, Inc.
National Council for Social Studies.
National Council of Churches of Christ in the USA.
National Council of Jewish Women.
National Council of Teachers of English.
National Education Association.
National Library Week Program.
National Board, YWCA.
*Lewis I. Maddocks, Executive Director, Council for Christian Action of United Church of Christ.
*The Rev. Everett Parker, Director, Office of Communication, The United Church of Christ.
Periodicals and Book Association of America, Inc.
P.E.N. American Center.
Sex Information and Education Council of the United States, Inc.
Union of American Hebrew Congregations.
Women's National Book Association.
Speech Communication Association.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

DEAR SIR: I have reviewed the Coalition Statement on the Report of the Federal Commission on Obscenity and Pornography, which has been issued on behalf of a number of national organizations.

As the principal sponsor in the Senate of Senate Resolution 477 of the 91st Congress relating to the activities and recommendations of the Commission on Obscenity and Pornography, I find it necessary to comment on certain of the statements which appear in this release. The Senate Resolution was co-sponsored by 26 Democratic Senators and 24 Republican Senators and adopted with only 5 negative votes. The sponsors and supporters of the resolution included "liberals" and "conservatives" and represented all sections of the nation.

The interest of your organization in "the issue of obscenity and its significance in American life" is welcome, but the context in which this question is presented in the Coalition Statement suggests an effort to promote the recommendations of the Commission and to counter the decisive rejection of the Report by the President, the Senate and the American people. The Statement alleges that those of us who rejected the conclusions of the Commission were acting "mainly on preconceived premises." This charge is misdirected for, as was developed in the Senate debate and in the minority report of the Commission, "the conclusions and recommendations of the Commission majority represent the preconceived views of the Chairman and his appointed counsel." The minority report states that the funds appropriated for the Commission studies were granted primarily to those "who would return conclusions amenable to the extreme and minority views" of those in control of the Commission's work.

The Coalition Statement represents that the Commission report was an "exhaustive treatment of the subject" and that its findings are documented by "ten volumes of supporting factual evidence." To the contrary, as stated in the Senate Resolution, the Report is not "supported by the evidence considered by, or available to, the Commission." Both the Resolution of the Senate and the minority report of the Commission enumerate significant areas of research that were ignored by the Commission. The entire Report is lacking in credibility and the performance of the Commission failed to comply with the terms of the mandate given to it by the Congress.

I predicted in the Senate on October 13, 1970, that the Report "will in the immediate future represent the 'bible' . . . to those who wish to subvert our values by inciting immoral and antisocial activity." Senator Griffin of Michigan said on the same occasion that "the real danger of the Report is not that it will be accepted by Congress" but that it serves "to provide ammunition to the self proclaimed experts who are campaigning for even more pornographic permissiveness."

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*Organization's name for identification only.

The Coalition Statement professes that the signatories of the Statement do not necessarily endorse the Report but that its purpose is at encourage objective study of the relevant issues. If that, in fact, was the intention of the Statement, it is not reflected in the final product. It is interesting that all of the issues which the Statement endorses for study and debate are those which would promote the philosophy reflected in the majority report of the Commission. If the intention of the Statement was only to encourage responsible discussion, why does the Statement not enumerate as deserving of attention those issues set forth in the minority report and in the Senate Resolution. It would seem that a balanced Statement would also have considered the role of public morality in the survival of a civilization and the function of the government in preventing moral corruption.

Because of the failure of the Commission, despite a substantial expenditure of public funds, to adequately explore these subjects, a Senate committee, of which I am Chairman, has commissioned a historian to prepare a survey of what the leading scholars through the ages have concluded concerning the relationship between public morality and the well being of a nation.

In connection with the Coalition Statement, it would be helpful if you could furnish me with the following information:

1. The extent of participation by the general membership of your organization in the preparation of the Coalition Statement.

2. The text of any resolutions adopted by your organization concerning the recommendations of the Commission, or which deal with similar subject matter.

3. A list of any other reports, studies or documents on the obscenity question recommended to your membership other than the Commission report.

4. Whether the text of the Senate Resolution was communicated to your membership in connection with the endorsement of the Coalition Statement.

Sincerely,

JOHN L. MCCLELLAN.

MORALITY IN MEDIA INC.,
New York, N.Y., April 1, 1971.

Hon. JOHN L. MCCLELLAN,
U.S. Senate,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR MCCLELLAN: Thank you very much for your letter of March 23rd, and the copy of the letter you are sending to signatories of the "Coalition Statement" on the report of the federal Commission on Obscenity and Pornography. I certainly hope you will read the latter into the Congressional Record.

I cannot tell you how much I admire your perception in recognizing the statement for what it is—an attempt to promote the philosophy reflected in the majority report of the Commission. I am convinced, in addition, that it is part of a campaign extremists appear to be conducting to have pornography legalized in the United States.

Most of the signatories of the Statement have traditionally been of the same persuasion as Dr. Lockhart and his colleagues of the majority, although I must say, three or four are surprising.

I feel the country owes you a debt of gratitude for having initiated the retention of a historian to prepare a survey of what the leading scholars through the ages have concluded concerning the relationship between public morality and the wellbeing of a nation. This is, as we say in the minority report, the basic, underlying issue.

Dr. Link and I are most grateful to you for bringing to the attention of the Senate the Hill-Link minority report at the time of your introduction of Senate Resolution 477. We hope that the Congress, the State legislatures and the President will act on some of the recommendations contained in the legal appendices. All are grounded in solid constitutional bases. One is most particularly needed, i.e. the appointment of a special Deputy Attorney General to assist and counsel prosecutors throughout the nation.

Sincerely and gratefully,

MORTON A. HILL, S.J.

ROY ASH DISCUSSES EXECUTIVE REORGANIZATION

Mr. PERCY. Mr. President, as guest editorialist in Fortune magazine of March 1971, Mr. Roy Ash, president of Litton Industries and chairman of the President's Advisory Council on Executive Organization—the "Ash Council"—made a compelling case for the need for restructuring the Federal Government.

Mr. Ash explained that though structure cannot substitute for performance, "structure itself is critical to performance." Without good structure, congressional policy and executive purpose cannot be converted into action.

Mr. Ash points out that:

> In the last ten years, the Federal government has been called upon to establish delivery programs for a burgeoning array of new services to the people.

And that it must:

> Either adapt to the accumulated changes imposed on it and its mission during the last forty years or suffer precipitous deterioration in effectiveness.

Ash points out that managing Government programs to fulfill a clear objective is almost impossible given the present structure.

> Many of the departmental missions today are . . . duplicating . . . and conflicting. Some are based on the interests of special groups, but serve only a portion of the multifaceted interests of those groups.

These conclusions about the present failings of the executive organization are reflected in the four bills to implement the report's conclusions by establishing new Departments of Community Development, Natural Resources, Human Resources, and Economic Affairs. Mr. Ash explains that the:

> Four new executive centers, constructed so as to receive and carry out delegated authority, will broaden the number of centers of authority, creativity, and initiative, even while strengthening the government's ability to respond with its full force.

The Ash Council is to be commended for its penetrating report and its well-reasoned proposals. These have been a number of President advisory groups on Government organization. Each of them has made a valuable contribution. The Ash Council report built on those previous reports but, while synthesizing past recommendations, has presented even more compelling and original proposals. In this process Mr. Ash is to be particularly commended for his energetic leadership and his public service. I commend his excellent editorial to the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHY THE FEDERAL GOVERNMENT NEEDS RESTRUCTURING

(By Roy Ash)

Government is responsible to the people. The people have charged it with great and lasting purposes such as preserving the peace and assuring justice for all, and with more specific and immediate missions such as assisting the aged and training those in need of employment. The people expect, and are entitled to expect, significant results, and for a cost they are willing to pay.

Achievement of results requires more than legislation or appropriations, no matter how copious either of these may be. Most of all it requires an operable structure of government, that is, the functioning machinery by which congressional and executive commitments, decisions, policies, and priorities are converted into fulfilled action. Structure itself is critical to performance—for political, social, and economic organisms just as for biological ones, as Sigmund Freud observed when he stated "anatomy is destiny." Those organizational arrangements of specialized cells (departments and offices) and their interconnecting and unifying linkages (communications and control systems) that meet environmental demands on them perform and survive, while those whose structures are no longer fitting do not.

At this time in history, the structure of the executive branch of the federal government must either adapt to the accumulated changes imposed on it and its mission during the last nearly forty years or suffer precipitous deterioration in effectiveness.

In the early Thirties the domestic role of the federal government, and particularly the executive branch, was abruptly changed from that of maintaining a tranquil environment to one of "getting things done." In the last ten years, the federal government has been called upon to establish delivery programs for a burgeoning array of new services to the people. Congressional analyses have been undertaken just to catalogue the more than 1,000 domestic programs that now exist. Scarcely anything is known about their results in operation—their cost-benefit effectiveness.

Moreover, largely during the last twenty-five years, the pace and complexity of governmental affairs have dramatically and irreversibly increased, as has been the case with all other affairs of modern man. The federal government's mission today must be performed in a quickened and more intricate setting than at any time in history and in a way that assures maximum benefit from finitely limited costs. The substantially broadened scope of this mission requires management of the highest order and excellence—both in the competence of executive personnel and in the efficacy of the organizational structure.

FIT FOR THESE TIMES

Passing legislation and appropriating funds are just the beginning, the means. Management, the judicious use of means to accomplish an end, is not only what the Congress and the people are entitled to expect from the executive branch of the government; management is what they should demand.

Organizational structure itself does not guarantee excellent management; but even the best executive is unlikely to be effective without a workable structure—a means for synthesizing diverse efforts toward unified goals, for distributing and assigning responsibility to the many who must perform in concert, and for assuring accountability for results.

What is the executive branch structure best fitted to these times? It should have these main attributes:

(1) At its policy forming and executing levels it should be clearly geared to the major and central purposes of government today rather than guided by historical or subordinate purposes, by narrow constituencies, or by letting means themselves become a purpose (bureaucracy in its least responsive sense).

(2) It should distribute out of the President's Office much of the power and authority, which for lack of a workable alternative now can rest only there; this distribution of power would broaden the base of executive management so that the job can get done at all, and so that even further delegation can take place.

(3) The delegation of authority should be accompanied by commensurate accountability for results.

The present structure of the executive departments that carry out domestic programs is the result of many individual actions over the years, each undoubtedly justified at the time. Departments originally created to emphasize the distinctions between urban and rural interests, industry and agriculture, small business and large business, management and labor, no longer reflect the kinds of conflict that must rise to the presidential level in all their detail. After studying the situation, the President's Advisory Council on Executive Organization concluded that "it is inevitable that departments so structured . . . will reflect and continue to stress their inherent differences, however anachronistic, and resist recognizing the pervasive importance of their interdependency. Thus the Federal Government's own structure inhibits it from fulfilling its own mission . . ."

A further result of the current electicism of organization is that, considered together, many of the departmental missions today are ambiguous, duplicating, confusing, and conflicting, largely because they are based on different, or crosscutting, organizational principles. Some units are organized around functions, such as health or education, and then are assigned only portions of the total governmental responsibilities in those fields. Some are based on the interests of special groups, such as small business or farmers, but serve only a portion of the multifaceted interests of those groups. The effort and cost being expended to overcome such ambiguity are immense; there are no less than 850 interagency coordinating groups in Washington dealing with domestic programs. Each program undoubtedly was established with hope; many survive today in name only.

With such confusion of mission, it is impossible to expect any present department to rise to the greater purposes of government. In fact, it is hard for anyone, either inside or outside government, to perceive what those greater purposes are. As the Advisory Council observed in its report to the President, "The present structure encourages fragmentation when comprehensive responses to social and economic problems are needed. Problems are defined to fit within the limits of organizational authority, resulting in piecemeal approaches to their solutions by separate departments and agencies . . . High-level officials deal with relatively narrow issues and practice 'efficiency in the small,' while their more proper tasks of anticipatory planning and policy formulation, program evaluation and management improvement are attended to on a crisis basis, if at all."

FOUR BROAD MANDATES

The President has now proposed that the major domestic roles of government—apart from those that traditionally belong to the State, Treasury, and Justice departments—be reassorted and assigned to four new departments, which he described in his State of the Union address:

Human Resources—"a department dealing with the concerns of peōple—as individuals, as members of a family—a department focused on human needs."

Community Development—"a department concerned with the community—rural communities and urban communities—and with all that it takes to make a community function as a community."

Natural Resources—"a department concerned with our physical environment, with the preservation and balanced use of those great natural resources on which our nation depends."

Economic Development—"a department concerned with our prosperity—with our jobs, our businesses, and those many activities that keep our economy running smoothly and well."

With departments organized around the major purposes of government, and each equipped with the authority and means to fulfill its mission, the department heads will be able to integrate programs, consider cost-benefit alternatives, select program strategies, and resolve conflicts. And since the department heads will be charged with broad, purpose-oriented mandates, their views will be less those of special pleaders for narrow causes and more those expressing the interest of the whole public they serve. Thus the President may effectively delegate more of his own authority to department heads, have confidence they will exercise it from a broad perspective rather than a parochial one, and then hold them accountable for results.

WHERE THE BUCK STOPS

Under the current structure, the President cannot effectively delegate authority to his subordinates, and, in turn, they are limited in delegating it further. When everybody is responsible, nobody is responsible. The present departmental overlaps and ambiguities force many decisions to the President's Office that should not be made there. In effect, too many bucks come to the President's deck (and many others never find a place to stop). The President has only two choices of executive action on many issues—to make detailed program decisions himself or, for lack of time, to relinquish control of them entirely. And when the President relinquishes, the people suffer a real loss.

The proposed organizational arrangement gives him a third and far better executive choice. He will be able to delegate authority rationally, to multiply his own effectiveness manyfold by working through properly constructed organizational systems. This delegation will permit accomplishments fully beyond the President's own time capacity, but conforming to and fulfilling his own policy decisions and leadership responsibilities.

The proposed combination of seven departments and a number of agencies into four new departments is not a further centralization of power into the President's Office, as some would contend. Because of the present departmental fragmentation, the basic power over much of the domestic program activity has by necessity remained in the President's Office. The four new executive centers, constructed so as to receive and carry out delegated authority, will broaden the number of centers of authority, creativity, and initiative, even while strengthening the government's ability to respond with its full force.

In turn, with such delegation of presidential authority, the department heads can and will carry the process further. Within each major-purpose department, the secondary structural level will similarly reflect the next highest order of purposes. Each such secondary center of authority will have full means to perform its mission, consistent with over-all departmental goals and policy.

NEW LINES TO THE FIELD

With the structure correct at the top, not only can further devolution of authority take place, but also each of the delegated functions can be brought into conformity with parallel programs that share the same overriding mission.

There will also be an improvement in an area where structural failure is even more obvious now—federal-government operations outside Washington. Sixty-five percent of the employees of the social and economic departments are out in the field. There are some 160 separate lines of authority from Washington departments to their field operations, mostly from Health, Education, and Welfare, Labor, Agriculture, and Commerce. In many cases the field authorities are nearly autonomous or are linked to Washington through routes that are not managerially responsive. The lines from Washington and the field offices to the states and cities hopelessly crisscross. Many bypass the governors and mayors responsible to the electorate, and instead deal directly with functional units of local government or with a variety of paragovernmental organizations.

A revised federal field structure would set up a single top-ranking director for each of the four new departments in each of the ten federal regions. He would report to the Secretary's office and be responsible for directing that department's programs in his region. In administering the 550 grant-in-aid programs (which currently cost $27 billion annually), the strengthened regional offices would be fully capable of making many grant decisions in the field, consistent with departmental policy but based on greater understanding of local situations and needs.

CHANGE FOR SURVIVAL

These changes—together with the creation last year of the Office of Management and Budget and the Domestic Council to provide the President the needed managerial tools at his level—are major and essential strides toward making the executive branch of the government responsible to the people. Taken together, the changes are revolutionary.

The principal obstacle to effective government is resistance to change. Handmaidens to those who oppose change are those who acknowledge the need for change but say it can't be accomplished. Such defeatists should keep in mind that the continued vitality, and even survival, of any living organism requires constant adaptation to the dynamically changing times.

AIR FORCE ACCEPTANCE OF ALLEGEDLY DEFECTIVE C–5 AIRCRAFT

Mr. TALMADGE. Mr. President, the Senator from Wisconsin (Mr. PROXMIRE) yesterday stated that the Air Force knowingly accepted delivery of defective C–5's from the Lockheed Aircraft Corp. The Lockheed C–5 is a concurrent development and production program. Under such a contract, airplanes are delivered before all development is complete. Until development is complete certain performance restrictions are placed on the vehicle. Even with such restrictions the C–5 is performing a gargantuan air cargo task today for the Air Force.

Thirty operational C–5 aircraft are performing air cargo flights as part of the Military Airlift Command's mission. These 30 planes have flown 3,111 flights. In addition, eight flight test aircraft have flown 1,583 flights. Total C–5 flight time is more than 20,000 hours.

The aerodynamic performance of the C–5 aircraft will meet the 14 specific mission guarantees set forth in the Lockheed contract. The guaranteed performance requirements of the C–5 contract include both payload and range warrantees. The actual aerodynamic performance of the C–5 aircraft has demonstrated it will exceed these 14 guarantees by at least 1 percent on all missions and by 15–20 percent on some.

A more thorough review of the General Accounting Office staff study referred to by Senator PROXMIRE shows that the GAO recognized the inherent problems built into the C–5 program under the now discarded total package procurement concept. The GAO report emphasizes the untested procurement concept; the several compressions of the test and delivery schedule; and revised design requirements which resulted in the expectation of impossible performance and schedule requirements.

On April 12—last week—a month after the GAO report on which Senator PROXMIRE said he based his remarks, Gen. George S. Brown, commander of the Air Force Systems Command said:

> Right now the technical problems (on the C–5) are well in hand and, in fact, the C–5's are doing a big job. Under the Nixon Doctrine and the Strategy of Realistic Deterrence, there will undoubtedly be an even greater premium on the rapid strategic mobility that the C–5 makes possible.

This was the Air Force commander responsible for procuring the C–5 who made these remarks. In addition, the Department of Defense on April 19 said in response to a question from a member of the press that:

> The aircraft is effectively and safely performing strategic airlift missions to both Europe and the Western Pacific. . . . and we are bringing along the tactical capabilities of this aircraft at a deliberately cautious rate.

I ask unanimous consent that the Department of Defense reply to yesterday's press query be printed in the RECORD.

There being no objection, the reply was ordered to be printed in the RECORD, as follows:

In response to a query, on 4–19–71 the Department of Defense said:

The Senator is describing GAO reported items which, for the most part, were discussed in considerable detail with the press and the Congress almost a year ago when the Scientific Advisory Report on the C–5 was released.

For about the same length of time, C–5s have routinely flown strategic airlift missions, hauling heavy, outsized cargo including helicopters both to Pacific and European bases. They have accrued more than 20,000 flying hours.

The term deficiency describes both minor defects and such problems as those still existing with the avionics subsystems and the wing modification for which development and test is neither completed nor scheduled for completion until later in the concurrent development/deployment program. The Air Force does accept, temporarily, deficiencies which do not effect safety of flight in order to train crews, build up logistics support systems and use the existing operational capability while test programs are completed. Deficiencies are then corrected by the contractor during normal or special maintenance cycles. This practice has been used successfully during acquisition of other weapons systems.

As Secretary Seamans pointed out last summer, the complex landing gear has been troublesome to maintain. He also indicated that a number of tests to prove the efficacy and endurance of the wing remain to be accomplished and could indicate additional structural modifications over the life of the aircraft. Those tests, which simulate extreme flight loads and 20 to 30 years of aircraft use, are scheduled for completion in 1973. However, we hope to release the aircraft from 80% to 100% of design load later this year. Validation of avionics subsystems to be used in the tactical mode also is scheduled for completion by the end of 1971.

We believe we are making progress. The aircraft is effectively and safely performing strategic airlift missions to both Europe and the Western Pacific. Its immediate release for specific tactical operations would be possible should such use be required in an emergency. However, for the present, we are bringing along the tactical capabilities of this aircraft at a deliberately cautious rate.

REMARKABLE WORK OF SAVE THE CHILDREN FEDERATION, INC.

Mr. BAKER. Mr. President, I know that Senators and millions of other Americans have some familiarity with the remarkable work being done throughout the world by Save the Children Federation, Inc. I have recently had brought to my attention a statement relating to the activities of Save the Children, and I was very much impressed by it. To share the statement with Senators, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

ACTIVITIES OF SAVE THE CHILDREN FEDERATION

"Give a man a fish—he eats for a day.
Teach a man to fish—he eats for life."

This, in essence, is the philosophy of Save the Children Federation (SCF)—a philosophy that makes it unique among child welfare agencies. The aim of SCF is not merely to buy one child a warm coat, a new pair of shoes and a six months' supply of vitamins—but rather, to give the child, his family and their community the little boost that may be all they need to put into effect long-cherished dreams for a better life.

Aware of the poverty, sickness and despair afflicting people throughout the world, and seeking, as we all are, ways of alleviating the suffering, I would like to set forth the work of this international welfare organization, which is bringing about truly remarkable changes in the lives of people throughout the world.

SCF was founded in 1932 to help the children of Appalachia, where desperate conditions had resulted from the collapse of the coal mining industry. Since then, the program has mushroomed into a world-wide organization that touches and changes the lives of over 21,000 children, their families and communities throughout the world. From its headquarters in Norwalk, Connecticut, SCF reaches out to American Indian reservations, to the Southern Appalachian Mountains and the Southern States, and to 14 overseas countries; to rural villages and urban slums—always with the child as the touchstone of its progress and the link between the helper and the helped.

Save the Children is a nonprofit organization which helps needy children and their families without regard to race or creed. It achieves its aims through self-help sponsorships in which individuals or groups contribute $180 annually towards the welfare of a particular child, his family and community. The Federation also has a Scholarship and a General Fund, and conducts annual collections of used clothing for the underprivileged. In addition, it responds to special disaster appeals. Incorporated in the State of Connecticut, it is registered with the U.S. State Department Advisory Committee on Voluntary Foreign Aid, and is a member of the International Union for Child Welfare, and the American Council of Voluntary Agencies for Foreign Service, Inc.

The family and the SCF field worker carefully work out a plan that will raise the family's income or improve its standard of living. The plan may involve acquiring a cow which will produce fresh milk and calves to sell; it may be a crafts project which will bring not only new income, but new skills; it may be obtaining seeds, fertilizer and tools for better crops, or purchasing materials and equipment with which to begin a small business.

Frequently, sponsorships are clustered within a given village, and sponsored families elect to pool a portion or all of their funds to undertake a major community project—for example, building a clinic, a school, or an irrigation system that will raise all incomes substantially, or provide needed facilities for the community. The funds contributed by the sponsor are more than matched by the efforts of the child, his family and their community to make the project a success.

The child is the key link in the chain of friendship between his sponsor and his family and community, and it is a position of responsibility in which he takes pride.

At the same time, he experiences increased pride in the efforts of his own family and its ability to care for itself.

Correspondence, field office reports and visits preserve and strengthen the person-to-person relationship between sponsors and children. In the South Korean program alone, more than 15,000 letters were exchanged last year between children and their sponsors. All translations were handled by the Korea field office.

A Cherokee boy sponsored by a Connecticut Scout troop and later invited to spend the summer at their camp . . . a ten-year-old French lad badly crippled with polio who receives frequent and encouraging letters from his sponsors . . . a Korean girl sponsored by an Albany church group who writes, "I am going to study hard . . . and in this way I will try to please you," (she was later accepted by one of Seoul's most highly-accredited schools)—there are many such stories of understanding and enduring friendship which have developed between individuals separated by many miles, but brought together by a common humanity.

Glen Leet, Executive Director and guiding spirit of Save the Children Federation, has been working within the Federation to develop this unique kind of people-to-people movement, using principles hammered out during years of strenous field work with the United Nations Relief nad Rehabilitation Agency in war-torn Greece and later with the UN in Korea.

Wherever Mr. Leet went in his work for UNRRA, he found the same things holding people back; lack of roads and water systems, poor sanitation, ill health and a fatalistic attitude. Under his leadership, SCF has developed programs which employ the most modern concepts of group dynamics to motivate individuals and communities. In this way, truly remarkable results are brought about—often on a surprisingly modest budget. Advanced technological tools, such as computer reporting and closed circuit TV for training, are also used.

"Our field workers never say, 'We think you should make this or that improvement,' " points out Mr. Leet. "The people themselves decide what they want to do—they resent it otherwise, and we have found that they know what they really need.

"Because the projects they undertake are their own, they take pride in them. In an American Indian village, all the men and women worked on a footbridge over a stream the children had to cross to get to school. It wasn't the Golden Gate Bridge, but everyone pitched in. We encouraged them and lent them money for materials.

"If someone had come in and had built a Golden Gate over the stream for them, the Indians would not have had the sense of satisfaction and the pride of achievement as they had from building their own drawbridge," Mr. Leet said.

Many families living in comfortable American suburbs are aware that American Indians live in desperate poverty in the midst of plenty. More than 11,000 families are sponsoring American Indian children, their families and communities through the Federation's self-help program. They are making it possible for the youngsters to stay in school with money enough for clothes, books and school essentials. The SCF American Indian program has been praised by many as one of the few which offers Indian communities the opportunity to plan for themselves and to develop leadership at the grass roots level. This program is now the largest operated by Save the Children Federation, reaching out to 150 tribal groups.

SCF also carries out its programs in the United States in the Southern Appalachian Mountains as well as in other areas of the Southern States. SCF has been helping the mountain people of Kentucky, Tennessee, Missouri, Virginia and West Virginia since its inception in 1932 and is well-known there for its SCF Clothing Centers and its self-help sponsorships which currently offer aid to more than 1,400 Appalachian children, their families and communities. A self-help program, in which mountain families are joining together to form small but challenging group ventures, began in 1967. Some of the projects include the Appalachian Fireside Crafts (pinecone wreaths, quilts and apparel), the Kentucky Hills Industries (woodworking), and the Fentress County Low Income People, Inc. (feeder-pig cooperatives).

Although going to high school—or staying there—is still only a dream to many, it is a dream come true for hundreds of Appalachian children who have been kept in school, thanks to SCF self-help scholarships. From young Billy of Kentucky—"So now that I'm graduating, I want to thank you again for making this day possible. I am the first in my family ever to graduate from high school."

Developing new leadership and stimulating community action is the aim of the SCF Southern States self-help sponsorship program. Begun in 1969, this program has already resulted in a community laundromat, a cooperative dry cleaning and shoe repair business, and several other small but promising group ventures.

In addition to these programs within the United States, SCF also works in Europe, Latin America, Africa, the Middle East and Southeast Asia.

The Republic of South Korea is SCF's second largest program, reflecting strong bonds of friendship. More than 2,000 children, their families and communities are currently receiving self-help sponsorship aid. At a time when Korea is striving to rebuild its economy and stand on its own feet after withdrawal of U.S. governmental assistance, and while it is still burdened with heavy military commitments, this support is vital. SCF's work in South Korea is particularly outstanding in its constructive relationship with various governmental agencies. Its field staff works to help achieve declared national objectives . . . improving education, raising income levels, stemming the movement of young people from the farm areas to the cities; in short, promoting social, educational and economic progress.

In South Vietnam, SCF is bringing help and hope to approximately 900 children and families displaced by war. Since the beginning of its program there in 1966, SCF has worked in 53 hamlets in six provinces. Of that total, 26 hamlets were attacked or continually harassed during the past year. Roads are mined, battles continue in and around the villages, assassinations take place, and homes are burned. Nevertheless, SCF's presence is important in a number of ways. The practice of encouraging families to work together on mutually beneficial projects helps combat the social disorganization that is one of the most devastating results of the war. Every self-help project requires initiative, local leadership, organization, and decision-making by the participating families—all the necessary qualities that have suffered attrition and which are needed for South Vietnam's future.

Other countries where SCF is making valuable contributions include France, Italy, Austria, Finland, Greece, Lebanon, Tanzania, and in Latin America, Colombia, the Dominican Republic, Honduras and Mexico. The groundwork is now being laid for a sponsorship program in India.

The generosity and concern of the American people, expressed through sponsorships and contributions, make the SCF program possible. Their wisdom and common sense enable it to carry forth self-help projects that eliminate situations of continuing dependency. Their foresight has enabled the Federation to place increasing emphasis on the use of interest-free loans, rather than grants—loans which preserve the dignity and self-respect of people and which educate them to become self-sustaining members of the economy, rather than helpless dependents upon it.

Self-help sponsorships are a major part of the program, but alone they cannot accomplish the results SCF looks for. Contributions are vital in helping SCF work in areas it does not reach through sponsorships. They also allow it to undertake demonstration programs to test the effectivenes of its self-help approach in new areas.

I could cite impressive figures about SCF achievements, but statistics themselves cannot convey the intangible values of the program in terms of increased security and well-being of the children, and the enhanced self-esteem and self-reliance of their parents. Hope inspired in impoverished people when they realize they have friends who stand ready to help them, acts as a spur and an impetus to greater efforts and initiative, and produces remarkable changes which improve the quality of their lives.

Next year Save the Children Federation will be observing its 40th anniversary. When it started in 1932, the Federation's mission was to give needy children a better chance in life. Today its objective is unchanged—only its vision and the scope of its work have expanded. During the past 39 years, it has brought help, understanding and encouragement to countless children and in the process has affected the lives of their parents and communities. However, the need is still acute in many areas of the world, and as SCF enters its 40th anniversary, it anticipates expanding its sphere of assistance.

In these times of international tension and anxiety, perhaps it is also appropriate to say a few words about the role of SCF in helping to promote friendship and understanding among the peoples of the world. Governments alone cannot build and maintain a peaceful world. As Woodrow Wilson put it, "Friendship is the only cement that will hold the world together".

SCF sponsors and contributors are doing much to cement these bonds of peace and brotherhood. Children are able to stay in school. Families are becoming self-supporting. People living in remote villages in developing countries are working together to win their special wars on poverty. All this through the generosity of those who support the programs of the Federation.

SCF is based on the premise that the most successful way of helping underprivileged people is to create opportunities for them to solve their own problems through efforts of their own making. This is happening to children, to families and to whole communities through Federation self-help programs. Through the Federation, 21,000 sponsors and more than 100,000 contributors are serving as unofficial ambassadors, projecting an image of understanding, of open-heartedness and faith in human resources to thousands of people throughout the world.

RESERVATION OF SEATS FOR NON-SMOKING PASSENGERS IN INTERSTATE COMMERCE

Mr. GURNEY. Mr. President, on March 19, I introduced S. 1298, a bill to require certain modes of public transportation in interstate commerce to reserve some seating capacity for nonsmoking passengers. Joining me in cosponsorship of the bill are the Senators from Utah (Mr. Bennett), California (Mr. Cranston), Kansas (Mr. Dole), Wyoming (Mr. Hansen), Oklahoma (Mr. Harris), Oregon (Mr. Hatfield), Utah (Mr. Moss), and South Carolina (Mr. Thurmond).

The bill was originally introduced on the House side by my colleague from Florida, Representative Bill Young, who reintroduced the measure a second time to accommodate additional cosponsors.

The response to the proposed legislation has been most encouraging, and I have received many letters and newspaper articles urging enactment of the bill. One comment which I received struck me as being particularly noteworthy, and I would like to call the statement to the attention of the Senate.

Last June, at the American Medical Association's annual convention, the Florida AMA delegates presented a resolution urging nonsmoking areas on commercial aviation facilities. This resolution was adopted by the AMA House of Delegates. I ask unanimous consent that the text of the resolution, and of the AMA's position paper on cigarette smoking, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Resolution No. 49—Separate Compartments for Smokers on Public Transportation

(Introduced by Florida Delegation)

Resolution 49 would have the American Medical Association go on record as urging the Federal Aviation Administration to require all public air transportation suppliers to separate smokers from non-smokers in commercial aviation. Such a proposal has not been considered previously by the House of Delegates but the House has resolved that the AMA should "take a strong stand against smoking by every means at its command."

Mr. Speaker, your Reference Committee has been informed that some airlines have already established separate sections of their planes for smokers and nonsmokers on a voluntary basis.

RECOMMENDATION

Mr. Speaker, your Reference Committee recommends adoption of a substitute Resolution as follows:

Resolved, That the American Medical Association go on record as urging very strongly that the Federal Aviation Administration require all public air transportation suppliers to separate non-smokers from smokers when the size of the aircraft permits.

House action: Substitute Resolution 49 adopted.

AMA Position on Cigarette Smoking—1969

As early as 1964, the House of Delegates of the American Medical Association passed a resolution which "recognized a significant relationship between cigarette smoking and lung cancer and certain other diseases," indicated that "cigarette smoking is a serious health hazard . . .," and stipulated that, "programs be developed to disseminate . . . health education material on the hazards of smoking to all age groups through all available means of communication."

Since 1964, the House of Delegates has periodically taken subsequent actions to broaden and strengthen its position with respect to smoking and health.

The latest resolution on this subject, passed by the AMA House of Delegates at the annual meeting in July 1969, is as follows:

Whereas, There is increasing evidence implicating cigarette smoking in the pathogenesis of chronic obstructive and pulmonary disease, lung cancer and cardiovascular diseases; and

Whereas, The Surgeon General of the United States estimates that each year in the United States 300,000 excess deaths and several million extra cases of serious illness and disability occur which are casually related to cigarette smoking; and

Whereas, The American Medical Association is concerned in all matters relating to public health; therefore be it

Resolved, That the American Medical Association again urge its members to play a major role against cigarette smoking by personal example and by advice regarding the health hazards of smoking; and be it further

Resolved, That the American Medical Association discourage smoking by means of public pronouncements and educational programs; and be it further

Resolved, That the American Medical Association take a strong stand against smoking by every means at its command; and be it further

Resolved, That, through appropriate channels, the American Medical Association indicate to the Congress of the United States the incongruity of the expenditure of tax dollars to promote the production and sale of tobacco while at the same time spending other tax dollars to discourage cigarette smoking because of its hazard to health.

RAILPAX ROUTES IN NORTH DAKOTA

Mr. BURDICK. Mr. President, I am very much pleased to join in sponsoring Senate Joint Resolution 88, introduced yesterday by the Senator from Ohio (Mr. TAFT).

In North Dakota the Railpax plan would provide service to the communities along the former route of the Great Northern, but communities along the southern part of the State were completely cut off from rail passenger service when it was decided not to provide service over the former Northern Pacific route. Few decisions in recent years have provoked a more negative response from my constituents than this. I certainly share their feelings that this service must be reestablished.

Senate Joint Resolution 88 would authorize the appropriation of additional funds to establish six more Railpax routes, one of which would offer rail passenger service to North Dakota communities on the former Northern Pacific route. I will do everything I can to expedite Senate action on this measure.

The city commissioners of North Dakota's largest city, Fargo, have lent their strong support to such legislation by a resolution of April 13, 1971. Mr. President, I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Resolution Adopted Regarding the Railpax Proposal

Whereas, The City of Fargo has noted with considerable interest the introduction of Resolutions by the Honorable Milton R. Young, Senior United States Senator from North Dakota; the Honorable Arthur Link, Member of Congress from the Western District of the State of North Dakota; and our distinguished United States Senator from our own home City of Fargo, the Honorable Senator Quentin N. Burdick; expressing their displeasure with various aspects of the program known as Railpax; and

Whereas, The Fargo City Commission share the concern of these three distinguished gentlemen and wishes to express its displeasure and unhappiness with Railpax in many respects—its adverse impact on many communities across America with passenger service summarily cutoff, the most conspicuous and notable being that of Cleveland, Ohio and also many other cities equally adversely affected; and

Whereas, The so-called southern swing of the State of North Dakota, embracing the communities of Valley City, Jamestown, Bismarck, Mandan and Dickinson are to be also summarily cut off from passenger service which will have a profound physical and economic impact upon our State, its people and its economy, which the Fargo City Commission views with deep concern; and

Whereas, The railroad industry has had a covenant with the American people for many generations whereby the United States of America conferred huge grants and patents of vast tracts of land comprising millions and millions of acres of land across America in consideration of the railroads rendering certain passenger services; and

Whereas, Over the past 15 years there has been a gradual erosion, attrition and evaporation of passenger rail service, always with assurances that the current bite would be the last one, with the result that today we are faced with an emasculated rail transportation service presented to us by the Department of Transportation; and

Whereas, The Fargo City Commission believes that it must now turn to the Congress of the United States and appeal to it to take such action as is necessary to halt Railpax, or to at least delay Railpax, or to modify and alter Railpax—but to do something and do it promptly.

Now, therefore, be it resolved, That this Resolution expressing the deep concern of the Fargo City Commission over this latest emasculation of rail passenger service, not only in North Dakota but nationally, should be made a part of the permanent record of the proceedings of the Fargo City Commission and certified copies shall be forwarded herewith to the Honorable Richard M. Nixon, President of the United States; the Honorable Spiro T. Agnew, Vice President of the United States; the Honorable John Volpe, Secretary of the Department of Transportation; and to the four distinguished Members of the North Dakota Congressional Delegation in the hope and expectation that this Resolution will be incorporated in the Congressional Record and called to the attention of the American people.

NATIONAL PRISONER OF WAR DAY

Mr. BUCKLEY. Mr. President, I invite the Senate's attention to POW Day, April 28, as proclaimed by many Governors and mayors around the Nation. In its official statement seeking support for POW Day, the sponsoring group, the National POW Day Committee, said:

> The International Jewish Community recently proved how effective public opinion can be when directed against the Iron Curtain. Certainly the combined public outcry of the American people and our allies throughout the world cannot long be ignored by the Communists. The time has come for the American people to demand that the Communists treat their prisoners in accordance with the provisions set down in the Geneva Convention.

The National POW Day Committee, which is sponsoring rallies in many cities on April 28 has noted:

> The Communists have long pointed to anti-war demonstrations as the true expression of American public opinion. Let them recognize National P.O.W. Day as the truest expression of American disgust with their mistreatment of prisoners of war.

I commend this group for its constructive efforts and am pleased to join with other public officials in calling attention to National POW Day.

THE TRIAL OF LIEUTENANT CALLEY

Mr. GURNEY. Mr. President, in the wake of the trial of Lieutenant Calley, there have been many statements that merit our consideration. On April 7, the able Senator from Massachusetts (Mr. BROOKE) delivered a report to the people of his State by radio. Senator BROOKE, as a lawyer and former attorney general, feels that the judicial process should be permitted to run its course as free as possible from popular outcry. I ask unanimous consent that Senator BROOKE's comments be printed in the RECORD.

There being no objection, the comments were ordered to be printed in the RECORD, as follows:

The Calley Trial

As you can well imagine, the major topic of discussion in the Capitol this week has been the conviction of Lt. William Calley, Jr.

Ever since the verdict was rendered and sentence announced, Congressional offices have been inundated with letters, telegrams and phone calls commenting on the decision.

An estimated 100,000 telegrams have poured into the White House alone. My office here in Washington, and the Springfield and Boston offices as well, have received hundreds of calls from Massachusetts citizens expressing their shock and dismay over the sentence. Seldom if ever in our nation's history has there been such an outpouring of public protest over a legal conviction.

But let us look at what is involved in this decision, and what lies ahead as well.

Personally I do not intend to sit as judge or jury or as a trier of the facts. I was not present at the trial. I have not reviewed the transcript of the trial nor heard the evidence that was presented. I did not sit in the courtroom day after day where I could see and hear the many witnesses and look into their eyes. In short, I have no first-hand knowledge of the evidence upon which the jury arrived at its decision. I cannot say and therefore will not say whether the verdict was right or wrong.

But I do know from our long experiences that ours is a government of laws and not of men. Our country was founded on the basic principle, that all men are equal before the law and are entitled to protection under the law.

I do not know if Lt. Calley was, in fact, guilty of the acts described in the binding codes of conduct. I do know, however, that when it was alleged in eyewitness accounts that unarmed civilians were killed in the hamlet of My Lai, the Army had no choice under domestic or international law but to conduct a full-scale investigation of the charges. As a result of that investigation, Lt. Calley was brought to trial.

Under our system of justice, which has served us well for 195 years, a man is first charged with having committed a crime. William Calley was charged with murder and pleaded innocent to that charge.

Again under our system of justice a man is entitled to trial by a jury of his peers. Lt. Calley was tried in a proceeding which lasted nearly five months, by a jury of six military officers with extensive combat experience in Vietnam who heard the evidence and had the responsibility for passing on his innocence and guilt.

After the conclusion of the trial and thirteen days of deliberation, the jury unanimously found Lt. Calley guilty of premeditated murder. The jury then had two choices in the sentence it would impose: death or life at hard labor. The jury sentence was life, a sentence which, under our laws, makes Lt. Calley eligible for parole after serving ten years.

President Nixon, acting under his constitutional authority, released Lt. Calley from the stockade, confined him to his quarters pending appeal, and announced his intention to review the Calley case after judicial proceedings have been completed.

These are the facts. But what rights are now available to William Calley, Jr.?

First the record of the trial will be prepared and forwarded to another general court-martial convening authority for review.

If this authority approved the original sentence, the case will automatically be reviewed by the U.S. Army Court of Military Review which must, again, determine whether the findings and sentence are legally correct. If this court also upholds the decision of the lower court, Lt. Calley may petition for a further review of his case by the U.S. Court of Military Appeals.

Finally, the President himself can review and pass judgment on the case.

Our system of justice is the best in the world. Adequate safeguards are provided at all steps in the proceeding, and these safeguards will be observed. As citizens, we all have the right to agree or disagree with the verdict of the court. But political judgments and public pressure must never be allowed to influence a case which is under judicial review.

This is not the time for politics or emotion. This is the time for calm, reason and, above all, confidence in our system of justice. I say—Let justice run its course.

NONRETURNABLE CONTAINERS

Mr. HATFIELD. Mr. President, the concern of the American public over our environment has grown to great proportions. Recently, in Portland, Oreg., a chain of grocery stores decided to measure that concern in specific, public opinion on one-way, or nonreturnable, containers.

Mr. John Piacentini, president of Plaid Pantry Convenience Stores, has been concerned with the problem of litter caused by these containers for quite some time. Last year, Plaid Pantry Stores served as collection centers for a cleanup campaign in which citizens of Oregon scoured highways for littered cans and bottles. The unusual part of this particular campaign was that Plaid Pantry Stores paid for each container brought to one of its stores in order to show its determination as a merchant to take positive action against ugly litter.

This year, Plaid Pantry's poll of public opinion brought some interesting results. It showed that Oregonians who answered were not only aware of the problems of litter, but were also willing to pay for solutions.

Mr. President, I ask unanimous consent that a letter from Mr. Piacentini, the poll results, and a newspaper advertisement placed by Mr. Piacentini after the poll was completed, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

PLAID PANTRY CONVENIENCE STORES,
Portland, Ore., March 13, 1971.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, D.C.

DEAR MARK: Thank you for your letter of March 9th requesting the results of our poll on littering. We ran advertisements in both the Portland and Salem newspapers. Over 5,000 people responded by returning the polls to our main office. We feel that a response from this many people is excellent, considering they had to mail them to us.

The results of the poll show that the people of Oregon are concerned about the problems of our environment. As you can see, the enclosed results show the people are overwhelmingly in favor of banning the one-way container. Other results of the poll show that the public thinks is is useless to try and educate the public on not to litter. They as the consumers are willing to pay a higher price for merchandise if a tax is passed on to them. A majority of the people feel that the voters and not the legislature should decide on the law to be passed.

We received several hundred letters along with the returned polls. These letters were written by adults and youngsters. Each told of their concern about our environment. They are concerned about the Oregon and America of tomorrow and what will it be like unless we act at once. Unfortunately, too many of us are only interested in what the politicians and leaders of certain industries think about the problems of our environment. We feel that it is everybody's concern. Our poll was directed to the average citizen and he was happy that someone allowed him to speak out his One Two Millionth's Worth.

I am enclosing the results of our poll along with a copy of a follow-up advertisement we ran in the papers. This advertisement states Plaid Pantry's feeling about the one-way container.

Sincerely,

JOHN.

OREGON IS ONE TWO-MILLIONTHS YOURS—
WHAT DO YOU THINK?

We at Plaid Pantry are concerned about the environment we live in. Littering is a serious problem. What to do about it is even a bigger problem. Soon the Oregon Legislature will decide on several ways to prevent littering. What they decide will affect you. We at Plaid Pantry would like to know what you think.

Please answer the questions below, and send us any other ideas on the subject of littering you might have. We will publish the results and see that the elected officials in Salem receive them.

5,000 RESPONSES

	Percent	
	Yes	No
1. Do you think that littering of our highways and parks is a serious problem?	99	1
2. Are you in favor of banning all 1-way beverage bottles and cans?	78	22
3. Are you in favor of a 2-cent to 5-cent tax or deposit on all 1-way beverage containers?	74	26
4. Are you in favor of a tax even if it is passed on to the consumer?	59	41
5. Do you think to educate the public is a better way to solve the problem, rather than a ban or tax?	37	63
6. Do you think people caught littering should be fined and/or put in jail?	95	5
	Voters	Legislature
7. Who do you think should decide on what to do on 1-way containers: Voters or legislators?	66	34

Please send your opinions to: Plaid Pantry, 2715 S.E. Ash, Portland, Oregon 97214 (or drop off at your nearest Plaid Pantry Market).

Speak out your 1-two millionth's worth and tell us what you think.

DEAR CONCERNED OREGONIANS: The Oregon Legislature will soon decide on what to do with one-way beverage containers. Bills are pending that would tax or place a deposit of up to 5c on each container. A deposit of 5c in effect would be a ban of one-way containers. This means that in Oregon all you would be able to buy would be returnable glass containers.

At Plaid Pantry we have felt that to educate the public on not littering is a more effective way than a ban on solving the problem.

A year ago we tried to prove this. We bought back all littered one-way containers and we, among others, have run many newspaper ads and promotions encouraging people not to litter.

Did it work? Take a look at the roadsides and you again see litter. Some people can't be educated and those of us who can must pay for those who can't.

We at Plaid Pantry encourage the legislature to pass a bill banning one-way containers. We encourage Oregonians to write their Representatives to do the same.

Selling only returnable containers will be a hardship on certain industries. Through American ingenuity industries will overcome these problems.

And the fact that Oregon, the most beautiful State in the Union, will become the cleanest State in the Union is well worth any hardship.

JOHN PIACENTINI,
President.

NEW JERSEY SOLID WASTE CONTRACTORS FORM FEDERATION

Mr. CASE. Mr. President, there have been several developments relating to solid waste contractors in New Jersey recently which I believe are worthy of widespread attention. I ask unanimous consent that news accounts about these developments, published in two New Jersey newspapers, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From Newark News, Feb. 3, 1971]

SOLID WASTE CONTRACTORS FORM STATE FEDERATION

(By Eric L. Parham)

More than 800 solid waste contractors in New Jersey have organized into a statewide federation known as the Solid Waste Industry Council.

John C. Filiberto, secretary and treasurer of J. Filiberto Sanitation, Inc. of Chester, is chairman of the council.

The council, whose members operate under the jurisdiction of the Public Utilities Commission (PUC), is made up of autonomous regional associations which represent 80 per cent New Jersey's solid waste contractors.

Filiberto said that his organization will cooperate with the PUC and will set about to end rumors of mob influence in the industry. He congratulated the Legislature for putting the industry under PUC regulation and endorsed the commission's policy of "full disclosure."

The disclosure policy is contained in application made to the PUC for permission to conduct a solid waste collection and/or a disposal operation.

The form requires the applicant to provide, under oath, a list of all persons involved in the applicant's business, including those having any "beneficial interest, directly or indirectly." Criminal records, if any, of those persons must also be submitted with the application.

Filiberto said the council would prepare a code of ethical practice to be submitted to the PUC for approval. He said the code would be rigidly enforced as a means of "self-protection as well as self-policing."

The chairman also said with the new awareness of ecology the solid waste contractor is now identified as performing an integral part "in the maintenance of a proper and healthy ecological balance."

SWIC, according to Filiberto, will work in the area of research and development and will represent association members in matters concerning waste collection and disposal before the New Jersey Department of Environmental Protection and the PUC.

Association members received this week the first copy of "Solid Waste News of New Jersey," a monthly tabloid newspaper.

Also elected as SWIC officers were John P. Pinto, vice chairman, Raymond Jensen, treasurer, and Mark Mauriello, secretary.

Trustees are Vincent Apice of Livingston Sanitation Association; Jack Argento of V.A. Pinto Association; Charles Capozzolo of Central Jersey Association; Sam Garofalo of New Jersey State Business and Industrial Refuse Contractors; John Mauti of Cranford Disposal Association; Loe Ross of Ocean and Monmouth Counties Solid Waste Association and Anthony Pinto of the Wayne Cartmen's Association.

[From Newark Star Ledger, Feb. 4, 1971]

GARBAGE INDUSTRY WILL SUBMIT ETHICS CODE TO THE PUC

(By Charles Q. Finley)

The Solid Waste Industry Council (SWIC), a new statewide federation of solid waste contractors, plans to prepare a code of ethical practice to be submitted to the Public Utilities Commission for its approval.

John C. Filiberto, chairman of the new organization, said yesterday the code would be the first order of business in line with the council's aim to dispel "continuing rumors of mob influence" in the industry.

Filiberto, secretary-treasurer of J. Filiberto Sanitation Inc. of Chester, termed the Legislature's action in placing the solid waste industry under PUC regulation "a most progressive step." The contractors have been operating under the jurisdiction of the PUC since last November.

"Frankly, we are all fed up with hearing stories about sinister influences in our industry," Filiberto asserted. "The PUC policy of 'full disclosure' should clear up this situation once and for all."

In applications to conduct business in the industry the PUC requires, under oath, a listing of all persons involved in the applicant's business, including those having any "beneficial interest, directly or indirectly."

Filiberto said: "The solid waste contractor—the garbage man—was for many years a marginal operator in our society. Suddenly, with mankind threatened with problems generated by ever-increasing amounts of refuse, the solid waste contractor is viewed in a new perspective and seen as performing an integral function in the maintenance of proper and healthy ecological balance."

Filiberto pointed out that one of the nation's major problems is solid waste collection and disposal, and that nowhere is the problem more acute than in highly urbanized New Jersey.

"However, with new industry standards, new research and implementation of broad public education, we are confident that a long-range program will see the state as the nation's model in the area of solid waste management," he said.

Filiberto said the group embraces 15 autonomous regional associations representing 80 percent of the solid waste contracting firms in New Jersey. He said more than 800 contractors are now in the organization.

THE NSA "PEACE TREATY" VERSUS THE PEOPLE

Mr. ALLOTT. Mr. President, as their numbers dwindle, their fanaticism increases. And their increasing fanaticism further diminishes their support. This is the dilemma of the hard-core activists who oppose the President's policy for winding down the war.

Unfortunately, the fanatical activists are still numerous enough to be a public nuisance, and there is some evidence that they will be in Washington trying to be such a nuisance in the next few weeks.

During the last days of April and the first days of May demonstrations will attract an as yet undetermined number of persons to Washington. Many of these persons will be responsible, dedicated, concerned citizens exercising their constitutionally protected rights to speak freely and to assemble and petition for the redress of grievances.

Unfortunately, this year more than ever in the past the demonstrations will be under the control of irresponsible persons bent on trouble. Several persons conspicuously associated with the planning of these demonstrations have been quite candid in describing the disorder they hope to foster.

One of the most regrettable aspects of this is that it will further discredit the very process of dissent, while denying the responsible dissenters a chance to be heard. Thus it will be extremely difficult for the responsible dissenters to argue their case with the dignity and care it deserves.

Mr. President, as an example of the sort of disagreeable fakery which the extremists are willing to perpetrate, consider the case of the so-called People's Peace Treaty. This document—and the monumental misnomer that is its title—has an interesting story behind it, a story which should be known by all those who will be exposed to the advocacy of this so-called peace treaty. Fortunately, a responsible and moderate group of young Americans—American Youth for a Just Peace—have prepared an incisive and devastating analysis of this so-called peace treaty.

When the small band of fanatics arrives there will be much idle chatter about this peace treaty as a way of ending the war. As the American Youth for a Just Peace say, everyone—and most especially President Nixon—favors peace in Vietnam. The President is making great progress in achieving peace. And the so-called peace treaty is just a pernicious distraction concocted by those who speak of peace, and long for Communist victory in South Vietnam.

Mr. President, so that all Senators can familiarize themselves with the sordid reality behind the peace treaty, I ask unanimous consent that the report from the American Youth for a Just Peace, entitled "The NSA 'Peace Treaty' Versus the People," be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE NSA "PEACE TREATY" VERSUS THE PEOPLE

(An analysis of a political fraud prepared by American Youth for a Just Peace)

The National Student Association (NSA) is asking Americans, especially young Americans, to sign and otherwise endorse a "People's Peace Treaty." The so-called "treaty," they say, can "end the war."

Obviously, ending the war is a good idea. But on what terms does the so-called "treaty" propose that this should be done, and by whose mandate?

BY WHOSE MANDATE?

The "treaty" is called the "Joint Treaty of Peace between the U.S. and the Vietnamese Peoples". Neither the name nor the substance of the "treaty" was decided by representative mandates of either the American people, the North Vietnamese people, or the South Vietnamese people.

The leaders of the National Student Association, in consultation with themselves, with the Communist Party of North Vietnam, its student fronts—North Vietnamese National Student Union and South Vietnamese Liberation Students Union—and with a few representatives of the alleged "South Vietnam National Student Union", announced the "treaty" at a Washington, D.C. press conference upon their return from a two week visit to North Vietnam as guests of the North Vietnamese government.

HOW REPRESENTATIVE IS NSA?

There are some 2,400 colleges in the United States. NSA lists only 535 affiliate memberships—or less than 25% of all U.S. colleges and universities.

Moreover, student government leaders are not elected or polled on the basis of their positions on the war in Southeast Asia. NSA is a miniscule minority within an eight million minority population of college students in a country of 20 million college-age youth and a total population of 210 million people.[1]

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[1] Less than 50 percent of the NSA member institutions send delegates to the annual NSA Congress, and few of the "representatives" are democratically elected by their respective student bodies. NSA is actually run by its National Supervisory Board (NSB), consisting of a few officers and 12 area representatives who exercise wide powers, including the right to enact "emergency" policies between the meetings of the Annual Congress. See: *USNSA Handbook*, (Washington, D.C., NSA 1967 Report, Houston, Stop NSA, 1971).

HOW REPRESENTATIVE IS THE COMMUNIST PARTY OF NORTH VIETNAM?

In contrast with South Vietnam's 12 major parties and 43 registered parties, the Communist Party of North Vietnam (800,000 members) is the only political party in North Vietnam (20 million people). It has never permitted any opposition parties to exist or allowed competitive elections. Coalition parties which initially shared power with the Communists in 1945 and in 1954 were liquidated.

During the 1954–56 collectivization program and the suppression of intellectuals, the Party assassinated approximately 100,000 peasants and caused the death of some 500,000 through forced labor and imprisonment. (See Bernard Fall's *The Vietminh Regime, The Two Vietnams*, and Hoang Van Chi's *From Colonialism to Communism*.)

The North Vienamese Communist Party not only monopolizes the political process, it monopolizes and exerts control over all other aspects of life in North Vietnam, such as the economy, religion, culture. For example, in January of this year the Hanoi Municipal People's Court sentenced the leader of a pop music group, Phan Thang Toan, to 15 years in jail for strumming a "melancholy, heart-rending, provocative" musical beat that encouraged young people to a "dissolute, depraved, and orgy-like way of life". (See *Hanoi Moi—Hanoi Today*—January 12, 1971.)

The Stalinist nature of the Hanoi government is also pointed up by a 1968 North Vietnamese Presidential Decree on so-called "counter-revolutionary" crimes. It makes it a capital crime to: (1) "disrupt public order and security"; (2) "harbor counter-revolutionary elements"; (3) "defect or flee to foreign countries"; (4) "undermine the solidarity of the Vietnamese people", i.e., the Communist Party. (Radio Hanoi, March 21, 1968.)[2]

HOW REPRESENTATIVE IS THE "SOUTH VIETNAM NATIONAL STUDENT UNION"?

The "South Vietnam National Student Union" does not exist. The claim by NSA that it does is pure fabrication. There are four separate student unions in Vietnam which have never merged into a national student union. They are the student unions at Hue, Dalat, Saigon, and Can Tho. In addition, there is a Buddhist Student Union in Saigon, and a National Catholic Association.

One NSA delegate allegedly contacted a few representatives of the Saigon Student Union. But NSA has produced no evidence that any of these representatives endorsed the "treaty".

THE TERMS OF THE "TREATY"

Article I of the "treaty" states: "The Americans agree to immediate and total withdrawal from Vietnam and to publicly set a date by which all American forces will be removed."

Answer: Why isn't the withdrawal of North Vietnamese forces from South Vietnam on a publicly set date also called for? Some 400,000 North Vietnamese forces have presently crossed internationally recognized frontiers into neutral Laos, Cambodia, and into Vietnam. According to the South Vietnamese government, the North Vietnamese have killed 120,000 South Vietnamese soldiers, wounded 232,000, attacked and bombarded with rockets nearly every town and city in South Vietnam, killed 31,000 civilians (many in deliberately staged massacres such as in Hue and Dak Son), wounded 74,000 and kidnapped 38,000.

How can the people of South Vietnam ever hope to fulfill their nationhood peacefully if divisions of soldiers from a Stalinist state have a free hand in South Vietnam?

Suppose there were divisions of South Vietnamese soldiers in North Vietnam seeking to "liberate" it? Wouldn't it be logical and just to insist on reciprocal withdrawals as a condition for ending the warfare?

Article II states: "The Vietnamese pledge that as soon as the U.S. Government publicly sets a date for total withdrawal, they will enter discussions to secure the release of all American prisoners, including pilots captured while bombing North Vietnam."

Answer: In the past the North Vietnamese and the Viet Cong have "pledged to discuss seriously" only if the United States would unilaterally take certain steps. But in each case—the unilateral bombing halt of North Vietnam; the pledge to withdraw large numbers of U.S. forces and the actual withdrawal of over 200,000 U.S. troops—there has not been the slightest reciprocity on the other side. What reason is there to expect it now?

In exchange for the total, unilateral U.S. withdrawal—a major concession which would give to the Communists on a silver platter what they have not been able to achieve on the battlefield or politically in South Vietnam—the "treaty" merely offers to "enter discussions" about POW's without any assurance whatsoever that the POW's will be freed. This is political blackmail.

On strictly humanitarian grounds with no political strings attached, South Vietnam has offered a total exchange of POW's with North Vietnam, which the North has rejected (Paris, December 1970). Indeed, South Vietnam has already released over 1,000 POW's as compared to the North's release of less than a dozen.

Finally, it is important to note, that whereas South Vietnam has abided by the Geneva Convention regarding POW's and has always opened its POW camps to International Red Cross Inspection teams, North Vietnam has totally rejected the terms of the Geneva Convention and has never permitted International Red Cross inspection teams.

Article III states: "There will be an immediate ceasefire between U.S. forces and those led by the Provisional Revolutionary Government of South Vietnam." (PRG)[3]

Answer: In the past each of the 15 cease-fires agreed to by the U.S. have been violated by the North Vietnamese and Viet Cong forces. The massive Tet Offensive of 1968 against South Vietnamese population centers was launched during one such "cease-fire" proposed by the Communists.

On October 7, 1970 the U.S. and South Vietnamese governments proposed an internationally supervised cease-fire for all of Indochina. This proposal, like all other allied and third party proposals for a cease fire, was rejected by the North Vietnamese and the Viet Cong. Madame Binh in particular used the strongest language in Paris to denounce any cease-fire as a betrayal of the so-called "liberation" war. Thus Communist performance on cease-fire and its proclaimed position on cease-fire, bears little resemblance to fact.

Moreover, it should be noted that the "treaty's" proposal appears to apply exclusively to the U.S. forces and not at all to the forces of either North or South Vietnam. What kind of cease-fire will there be if there is no cease-fire between the principal antagonists?

Article IV states: "They" (U.S. and PRG) *"will enter discussions of the procedures to guarantee the safety of all withdrawing troops."*

Answer: All allied proposals for the reciprocal withdrawal of troops have been totally rejected by the Communists. All discussions of international inspection and guarantees for withdrawal have also been rejected by the other side. As with the other "articles" in this "treaty", it is only discussions about the procedures about safety that the "treaty" promises, not the safety itself.

Article V states: "The Americans pledge to end the imposition of Thieu-Ky-Khiem on the people of South Vietnam in order to insure their right to self-determination and so that all political prisoners can be released."

Answer: The South Vietnamese Government was not imposed by America on the Vietnamese people. It came to power in September 1967 as a result of internationally observed competitive elections with all other political parties. The winning ticket, which won 34.8% of the votes, was later joined by many representatives of losing slates, thus increasing the government's mandate.[4]

Since 1967, South Vietnamese have had the opportunity to vote in five major sets of competitive elections from local village officials to representatives in the National Assembly. On October 3 of this year, South Vietnamese will once again have the right to vote in competitive elections for the Presidency and Upper and Lower House. North Vietnam has never tolerated the litmus test of competitive elections.

For America to depose the South Vietnamese Government would amount to a slap in the face and a gross denigration of the constitutional processes and of the right of millions of South Vietnamese citizens from all walks of life to choose their representatives.

How then can the "right of self-determination" of the South Vietnamese possibly be enhanced by an American coup on behalf of the PRG—a Hanoi puppet organization (see footnote)—which on July 11 was invited by President Thieu to participate in elections, but has rejected the option of being judged by democratic choice?

Article VI states: "The Vietnamese pledge to form a provisional government to organize democratic elections. All parties agree to respect the results of elections in which all South Vietnamese can participate freely without the presence of foreign troops."

Answer: The Vietnamese already have an elected government, and on October 3 the Vietnamese will again have the democratic right to re-elect Thieu-Ky-Khiem or vote for someone else, including the PRG should it accept President Thieu's invitation. Why then is there a need for a provisional government? But even granting this need, which Vietnamese will "pledge to form" (what does that mean?) a provisional government? The PRG led by Hanoi?

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[2] For scholarly and in-depth reading on North Vietnam see: Buttinger, Joseph A., *Vietnam: A Dragon Embattled* (N.Y. Praeger, 1967); Fall. Bernard, *The Two Vietnams* (N.Y. Praeger, 1967); Hoang, Van Chi, *From Colonialism to Communism* (N.Y. Praeger, 1964); Honey, P.J., *Communism in Vietnam; North Vietnam Today* (N.Y. Praeger, 1962); Spinks, Charles, et al. *The North Vietnamese Regime: Institutions and Problems* (Washington, D.C., Center for Research in Social Systems, (1969).

[3] The Provisional Revolutionary Government was proclaimed on June 8, 1969. It is the product of a merger between the National Liberation Front (NLF) formed in 1960 and the Alliance of National Democratic and Peace Forces (ANDPF) proclaimed by the Communists in 1968 during the Tet Offensive. These organizations publicly supported Hanoi, and there is a great deal of evidence to show that they were controlled by Hanoi, and that the PRG is controlled by Hanoi. Radio pronouncements of the PRG are made only on Radio Hanoi and the Viet Cong's Liberation Radio. The Information Office of the PRG in Paris is a NLF Headquarters. (*Liberation Radio*, 2330 GMT, 10 June, 1969).

[4] Nearly all candidates were committed to peace—their differences relating to acceptable conditions for peace. The most "unconditional" candidate, Mr. Truong Dinh Dzu, who received 17% of the vote, was charged with embezzlement and passing bad checks *ten months before the elections*. His trial was deliberately postponed in order to allow him to run for the Presidency.

For a detailed on-the-scenes account of these elections see: Dr. Penniman, Howard, *Decision in South Vietnam* (Washington, D.C., The Free Society Association, Inc. 1967).

In Hue during the Tet Offensive of 1968, the PRG cadres carried out mass liquidations of actual or potential political opponents. This is a continuation of the pattern established by the Communists in 1945–46 when they crushed all coalition parties and murdered nationalist leaders, and in 1954–55 when similar policies were carried out by the Communists in North Vietnam during the "consolidation".[5]

In view of this grim record, what hope is there that the South Vietnamese people will place their faith in Communist pledges to respect democratic elections?

Article VII states: "The South Vietnamese pledge to enter discussions of procedures to guarantee the safety and political freedom of those South Vietnamese who have collaborated with the U.S. or with the U.S. supported regime."

Answer: Again, nothing is said about guaranteeing the safety or political freedom of anybody. The treaty only guarantees to enter discussions about procedures.

There are, in any case, several million South Vietnamese who can be classified as "collaborators". In North Vietnam "collaborators" are "counter-revolutionaries", and as the Presidential Decree on Insurgency states, are liable to summary execution. In fact, the Viet Cong and North Vietnamese have murdered ("collected blood debts") some 31,000 South Vietnamese as "collaborators".

Should this record be glossed over in exchange for a mere "pledge" about "procedures" to guarantee the "safety and political freedom" of those people the Communists have been trying so hard to liquidate?

What kind of "political freedom" will there be in South Vietnam under a North Vietnamese Communist controlled form of government when there has never been the slightest glimmering of democracy in North Vietnam? Why doesn't the NSA "treaty" demand guarantees for the rights of opponetns in North Vietnam?[6]

Article VIII states: "The Americans and Vietnamese agree to respect the independence, peace and neutrality of Laos and Cambodia in accord with the 1954 and 1962 Geneva conventions, and not to interfere in the internal affairs of these two nations."

Answer: In gross violation of the Geneva Accords of 1954 and 1962, the North Vietnamese have consistently and massively violated Laotian and Cambodian peace and neutrality by sending hundreds of thousands of troops into neutral Laos and Cambodia; by constructing roads—Ho Chi Minh and Sihanouk trails—through these two countries; by establishing military base areas for prosecuting the war against South Vietnam; and by launching attacks on the people and governments of these nations.

How can anyone believe that the North Vietnamese will respect Cambodia and Laos as they attempt to conquer them?[7]

Why doesn't the NSA "treaty" require United Nations supervision of both the U.S. and North Vietnamese military presence in Indochina in order to safeguard the sovereignty of these nations? Hanoi has always rejected a United Nations supervisory role.

Article IX states: "Upon these points of agreement we pledge to end the war and resolve all other questions in the spirit of self-determination and mutual respect for the independence and political freedom of Vietnam and the United States."

Answer: The Allied governments have proposed in Paris to resolve the war on the basis of: (1) an internationally supervised cease-fire throughout Indochina; (2) an Indochina peace conference; (3) an agreed time-table for complete *reciprocal* withdrawals; (4) a fair political settlement involving all of the major forces; (5) the unconditional release of all POW's.[8]

These proposals have been rejected by Hanoi and its PRG who have even refused to discuss them.

As with so much else in the alleged "treaty", it seems the height of hypocrisy for the unrepresentative inventors of this "treaty" to believe that their one-sided proposals would be acceptable to the parties in the conflict or that such proposals could assure self-determination and peace in Southeast Asia.

CONCLUSION

The presence of the American, South Vietnamese, and North Vietnamese delegations at the Paris Peace Talks points up an internationally accepted fact: treaties are negotiated by governments. They are not negotiated by private groups.

Sometimes the negotiating governments are broadly representative of their citizens. In the United States and in other Western democracies, the electoral process has insured such widespread representation. Sometimes, the governments negotiating treaties are authoritarian, or totalitarian in nature, representing only a tiny elite who rule by force.

The pitiful fact about the NSA "People's Peace Treaty" is that it embodies the double fault of representing a miniscule minority in America bidding for dictatorial power, on behalf of a miniscule minority in North Vietnam which already exercises dictatorial control.

The "People's Peace Treaty" is not a formula for peace. It is a disguised formula for the victory of tyranny, which undercuts the efforts to achieve a just peace.

EUGENE, OREG., FEELS FREIGHT CAR SHORTAGE

Mr. HATFIELD. Mr. President, recently, I joined the distinguished Senator from Washington (Mr. Magnuson) in cosponsoring a bill designed to alleviate the freight car shortage which plagues my State and other Western States.

Mr. Jim Frake, a knowledgeable reporter for the Eugene Register-Guard, has written a very informative article detailing the effects of the freight car shortage in the Eugene area.

Lane County is the center of Oregon's lumber economy and they feel the effects of the car shortage greatly.

I ask unanimous consent that Mr. Frake's article of March 14, 1971, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Car Shortage Fly in Ointment of Rising Call for Wood Products

(By Jim Frake)

The increasing demand for lumber, paper and related products could be viewed as nothing less than a long-awaited blessing for the forest products industry in the Northwest.

But the recent upturn in the market has brought with it a "new" problem—a shortage of special railroad cars for transporting wood chips. The chips, a by-product of lumber manufacturing, are used in paper production.

The problem is new only in the sense that it has reached a relatively critical level since the first of this year.

However, spokesmen for the railroads say several steps are being taken—in cooperation with the forest products industry—to provide additional chip cars and to increase utilization and "flow" of existing cars.

The "tight-car" situation isn't necessarily expected to get worse before it gets better, according to industry sources.

One of the least publicized steps to bring relief is a change in the demurrage arrangement for chip car users. Demurrage relates to the detention of a freight car beyond a set time allowed for either loading or unloading and the payment for such detention.

Shippers and receivers are charged a minimum of $5 a day if they detain any freight car longer than 48 hours. However, prior to the recent change, car users have been given credit for returning a car to the carrier (the railroad) in less time. These credits would help to off-set any debits (for keeping cars too long) and reduce the amount of demurrage charges.

This balancing of debits and credits—known as the averaging arrangement—has been eliminated for a six-month period to see if better utilization of railroad cars can be achieved.

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[5] Harrison, Selig S. (Brookings Institution), "Vietnam Had a Coalition Once", The Washington Post, April 7, 1968; Fall, Bernard, *The Viet-Minh Regime,* (Cornell University, 1956); Buttinger, Joseph, *Vietnam: A Dragon Embattled,* (N.Y. Praeger, 1967).

[6] There are 43 registered political parties in South Vietnam. There is one in the North, and two puppet fronts. There is a free trade union movement in South Vietnam with 600,000 members who have gone on strike and won demands in the midst of the war. There is no free trade union movement in North Vietnam (or in any Communist country). There are 15 opposition newspapers in Saigon. They function with intermittent censorship, but they function. There is no opposition press in the North. There are various religious groups in Vietnam such as the Hoa Hao and Cao Dai (3.5 million), the Catholics (2.5 million), and moderate and militant Buddhists. All organize of their own accord, participate and exercise varying degrees of influence in their country's political and socio-economic life. No such pluralism exists in North Vietnam.

[7] In May, 1967, Prince Norodom Sihanouk asserted:

"After the French troops left Cambodia, the Vietnamese Communists remained in our country in order to conquer it."

Neutralist Prince Souvanna Phouma of Laos stated:

"Should South Vietnam become Communist . . . it would be difficult for Laos to exist. The same goes for Cambodia and other countries."

The 1962 Geneva Accords on Laos incorporated the North Vietnamese and Russian formulation calling for a three party coalition government headed by neutralist Prince Souvanna Phouma. By April 1963 the Pathet Lao and North Vietnamese were attacking the very government which they brought into being. See: *Background Information Relating to Southeast Asia and Vietnam,* Committee on Foreign Relations, (Washington, D.C., U.S. Government Printing Office, 1970); Fall, Bernard, *Anatomy of a Crisis,* (N.Y. Doubleday, 1969); Fishel, Wesley, *Vietnam: Anatomy of a Conflict,* (Illinois, Peacock Publishers, Inc., 1968); Leifer, Michael, *Cambodia; The Search for Security* (N.Y. Praeger, 1967); Shaplin, Robert, *Lost Revolution,* (N.Y. Harper and Row, 1966); Swearingen, Roger, *Communism in Vietnam, A Documentary Study,* (Chicago, American Bar Association, 1967).

[8] President Nixon's address to the nation, October 7, 1970.

Without the averaging arrangement, car users can't build up credits in order to keep cars longer at other times without being charged.

The demurrage rule change becomes effective March 1 for intra-state shipments on the Southern Pacific (SP) railroad. Shipments on other railroads operating in Oregon will come under a similar demurrage rule change beginning April 8, according to the Oregon Public Utility Commissioner.

But the "turnaround" time for a railroad car is only one part of the total picture of getting the wood chips from the shipper to the receiver. There are also the number of cars and the flow of cars to consider.

Southern Pacific reports having approximately 2,300 chip cars in its entire system with "the majority of them in the Oregon region." The first of an additional 350 chip cars are expected to be added to the system beginning at the end of this month. These new cars are being constructed by Gunderson, Inc., Portland.

Burlington Northern (BN) has about 2,100 chip cars that are used almost exclusively in the Northwest. An additional 150 new cars are being built by Gunderson, Inc., and delivery will begin late this month.

In addition to increasing the number of chip cars in circulation, the railroads report there is greater emphasis being placed on the flow of cars—keeping track of where the cars are and expediting their movement. Special "chip trains" are often put together to shuttle the cars back and forth and special attention is given the cars in railroad "classification" yards.

Spokesmen for SP and BN have told the Register-Guard that each of the railroads is working closely with the forest products industry to improve car utilization to meet the increased demand for rail shipment of chips.

The supply of chip cars has been running "close to demand" due to a better lumber market and the resulting higher production, according to Henry Ortiz, public relations manager in Portland for SP. "But generally there has been no critical or serious problems on car supply," he said. "The supply has been such to take care of almost all demands."

Ortiz acknowledged, however, that "at times it has been close and there have been spot problems."

In Eugene, Bill Peebles, the district freight and passenger agent described the availability of chip cars as a "very serious matter" and said "there's no denying there is a shortage."

"It's been a problem in varying degrees for some time," Peebles said. "It's become especially critical since the first of the year. It is a very top subject with us. We're trying to utilize cars to the best advantage."

At BN, a regional executive said the railroad has implemented a three-part program to improve its contribution to the "forest-to-paper-producer-to-market" production cycle—car manufacturing, improved car utilization and study of new marketing approaches.

"Our goal (for improved car utilization) is to achieve 10 per cent or more increase in car use by expedited handling from loading, through rail line movement to unloading and return to chip centers," said J. W. Wicks, assistant vice president for operations.

"We have set up a special program to expedite wood chip car handling with up-to-the-minute reports on the status of all freight cars and closer control to help increase utilization," he said.

Although BN has ordered more freight cars, the railroad points out that "the current capital crisis faced by all of the nation's railroads is a critical factor affecting expenditures for all types of freight cars."

As for marketing plans, BN is focusing attention on studies of the length of wood chip hauls and the proximity of chip producers to various paper plants to develop new approaches to distribution that might make turnaround time faster and gain increased utilization and availability, according to Wicks.

Although the railroads may sound as if they are defending themselves, the car shortage really isn't entirely their fault, according to Jim Manning, transportation manager for the Western Wood Products Assn. (WWPA). With headquarters in Portland, the trade association represents lumber manufacturers in the 12 Western states.

Manning says that the railroads need more money because they can't keep pace, financially, with the increased lumber production and "terrific demand" for chips by the pulp mills. "There's just not enough equipment to handle the demand," he said.

The concern over the car shortage is echoed in the Eugene-Springfield area by several wood chip shippers and receivers.

At Georgia-Pacific, George Ritchie, general manager of the local division, reports that it's been "very touch and go" at times during the past six weeks. He said chip cars have been "very short" and his firm has had to resort to using trucks when they were available. Although the company hasn't had to shut down its operations because of the car shortage, Ritchie said some chips have been diverted to hog fuel—"which is very wasteful, an economic loss."

"Fortunately there is a larger supply of trucks in this area than in other areas," Ritchie said. Without trucks as an alternate means of transportation, there would be a greater chance that G–P and other mills would have to shut down whenever railroad cars become scarce.

Weyerhaeuser Co. in Springfield receives chips from other mills in addition to having its own internal source of wood chips. The firm also has the capability of maintaining an inventory of chips so the car shortage has a minimum effect on its operations.

One of the largest shippers in the area to feel the pinch has been the All American Stud Co. in Springfield which has an average requirement of 45 chip and sawdust cars a week.

During January and February there were only two weeks in which the firm received a sufficient number of cars, according to Dave Dailey, sales manager. He said the least number of cars was received the first week of February—33 instead of 45. As a result the firm's mill was forced to shut down "for one or two shifts," Dailey said.

Dailey said that it's more expensive to ship via truck and there is an economic loss when the mill has to curtail its operation.

All American Stud Co., like most chip producers, doesn't have the space or facilities necessary to store chips if railroad cars aren't immediately available. If they did, the extra handling would increase the cost of the operation.

Virtually all of the chips produced by All American are sent to paper mills in the Newberg-Oregon City area.

OTHER AIRLINES SHOULD FOLLOW UNITED IN PROVIDING SEPARATE SEATING

Mr. BENNETT. Mr. President, the announcement last week by United Airlines that it will henceforth provide separate seating for smoking and nonsmoking passengers comes as welcome news to all of us who have been pushing for such action.

I want to hereby thank United for this decision in the public interest, and to call upon other passenger airlines to follow United's lead.

The harmful primary physical effects of cigarette smoking are well established. There is likewise evidence to support the belief that smoking in a confined area such as an airplane is physically damaging to other persons in the vicinity as well.

However, beyond the harmful physical aspects is the principle that all individuals should have the right to travel in public transit systems in an environment they personally find comfortable. I believe that United Airlines has found a logical balance in allowing smoking passengers to sit together, and nonsmoking passengers to sit together.

Mr. President, last year I cosponsored a bill providing precisely for what United has taken it upon itself to provide. I do not pretend to be a prophet. However, at that time I said the following:

> I feel that nonsmokers have a right to fly free from the dangers and irritating effects of smoke; and the airlines, after seeing the support of the bill, may institute the seating arrangement voluntarily.

I also said:

> The assignment of a smoking area should not be costly to the airlines. In fact, the increased good will and patronage of nonsmokers would probably offset any additional costs.

Mr. President, I stand by this assessment, and again call upon our Nation's other airlines to follow the fine example of United in providing separate seating arrangements for smokers and nonsmokers.

AMBASSADOR CHARLES YOST SPEAKS ON THE MIDDLE EAST

Mr. HATFIELD. Mr. President, Charles Yost, career diplomat and former U.S. Ambassador to the United Nations, has been one of the foremost representatives of this country abroad. Ambassador Yost recently wrote an article for Look magazine in which he focused his attention on the current issues in the Middle East crisis. It is a most perceptive and articulate presentation, and I highly commend it to the Senate.

Mr. President, I ask unanimous consent that the article by Ambassador Charles Yost be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Last Chance for Peace in the Mideast

There is at the moment a remarkable but probably fleeting opportunity to achieve a peaceful settlement of the Arab-Israeli conflict. If that opportunity is missed, it will threaten not only the security of Israel and the Arab states, but that of the U.S. and the U.S.S.R. as well. Each of these big powers is already committed, morally and politically if not legally, to the support of its Israeli or Arab friends. If fighting resumes again, as is almost certain if peace is not made soon, a direct confrontation between the big powers is all too likely to occur—even though neither wants it. Israel, Jordan and the United Arab Republic can no longer claim that a settlement is exclusively their business.

At present both the Arabs and the Israelis have moved from confrontation to negotiation and are seeking a political settlement through a commonly agreed U.N. procedure. Israel's primary demand for more than 20 years has been that her Arab neighbors explicitly recognize and accept her existence, and that they make with her not an armistice but a binding peace containing firm reciprocal commitments. It has been my strong impression, growing out of the Four Power talks where the Soviets have stuck doggedly to the Arab position, that the Arabs have in fact been ready for a year and a half to make such a peace and undertake such commitments. In its aide-memoire of Feb. 15 to Ambassador Jarring, the government of the U.A.R. made that understanding explicit. It said unequivocally that it is prepared to make "a peace agreement with Israel."

I think the evidence is also clear that the U.A.R. would, in the context of such an agreement, permit free passage of Israeli ships through the Suez Canal and the Strait of Tiran, ensure that its territories were not used as a base for hostile attacks against Israel, accept demilitarized zones along the borders, and agree to a U.N. presence, including Big Four contingents, at Sharm el Sheikh and other strategic points. This presence, by the way, could not be withdrawn except with the consent of the U.N. Security Council, on which of course the U.S. has a veto. It is also quite clear that the government of Jordan would agree to corresponding commitments and arrangements.

All of this, as I say, is what Israel has been asking for two decades. Why then is it not immediately accepted? Because there is a price, and Israel, so far, considers the price too high. The price is the withdrawal of Israeli forces from Arab territory occupied in the Six-Day War. There is an argument as to whether the U.N. Security Council resolution of Nov. 22, 1967 called for Israeli withdrawal from *all* occupied territories or only from some occupied territories to "secure and recognized boundaries" to be negotiated between the parties. Which interpretation one chooses is immaterial.

Israel has been the first to insist that no peace settlement must be imposed, that it must be agreed between the parties. The Big Four, particularly the United States, have supported her in this insistence. But if a settlement is not to be imposed by the Big Four, it also cannot be imposed by Israel. Foreign Minister Eban has said from the rostrum of the U.N. General Assembly that there must be "secure, recognized and *agreed* boundaries." Otherwise there will be no peace. Yet it is quite clear that the Arab states will never agree to a peace settlement transferring substantial Arab territories to Israel. That is why the United States has repeatedly expressed the view, since Secretary Rogers' speech of Dec. 9, 1969, that there should be only insubstantial alterations or minor modifications in the lines that existed before the Six-Day War.

It is wholly unrealistic for Israel to say that it will negotiate without conditions but that it will not return to the prewar line even with Egypt, that it must have Sharm el Sheikh and an access road to it, or that it must have its own forces along the West Bank of the Jordan as the Allon Plan proposes. Egypt and Jordan would never agree to these territorial changes. There would be no "agreed" boundaries and hence no peace settlement. To insist upon these extensive territorial demands, and others, is simply to refuse to make a peace settlement on the only terms on which it can be made, simply to mislead the Israeli people as to what is and is not possible, simply to turn down in effect the long-awaited, fervently desired offer of the Arab states to make "a peace agreement with Israel."

But what of the claim of many Israelis that after 20 years of tragic experience Israel cannot trust the Arabs, cannot rely even on solemn agreements, cannot after the lesson of 1967 count on the United Nations, must have its own armed forces so positioned on the ground and in depth as to assure its security? A March 10 memorandum of the Israeli embassy in Washington says that Israel "will not squander its territorial security again. Israel is ready, in peace, to withdraw from the cease-fire lines. But this time the withdrawal will be to boundaries that are secure, and shall be rendered so by geography."

One cannot but deeply sympathize with the agonizing dilemmas of those responsible for the present and future security of Israel. Its essential vulnerability is indisputable. The recent history of its people is appalling. One can also recognize the domestic political problems of its leaders, the difficulty of maintaining national unity in the face of such choices. But the choices have to be made. If they are not made by bold decision, they will be made by tragic default and by the pitiless forces of history.

Israel has long and passionately sought peace agreements with her neighbors. It would be a ghastly mistake, now that they are at last available, to say that they are worthless—and that only more territory can provide security.

When in history has territory ever provided security? The German generals in 1871, despite Bismarck's reservations, insisted on annexing Alsace-Lorraine to provide geographical security. The result was to make France an implacable enemy, and helped provoke two world wars in which Germany was crushed. A hundred years later, in the age of the jet plane and the rocket, what security can a few more kilometers of territory offer to a country the size of Israel? Can one imagine a more militarily provocative and exposed position than that of an Israeli force at Sharm el Sheikh with a narrow access route leading to it? It could provide no protection but only a *casus belli*, and there will always be plenty of those. Would Israeli military strongpoints along the Jordan River, surrounded by profoundly hostile Palestinians or Jordanians, be a source of strength or weakness? A secure boundary is an uncontested, agreed boundary. There is no other.

As a matter of fact Israel is not being asked to make the choice simply between territory and agreement with the Arabs. She is also being offered, if she will opt for the latter, guarantees of the settlement by the United Nations and the big powers. Those guarantees would in no sense be a substitute for an agreement between Arabs and Israelis, but would be an extremely significant supplement to such an agreement. The exact nature of these guarantees depends on what Israel and the Arabs would find most reassuring, but they might run all the way from a commitment of enforcement by the U.N. Security Council, through the presence of Big Four contingents in a U.N. force, to supplementary unilateral guarantees by some of the big powers separately. Even Senator Fulbright, despite his strong feelings about our involvement in Vietnam, has said he would be willing to consider a direct commitment by the U.S. to Israel.

It is difficult for a concerned observer, one who from personal experience has a deep admiration and sympathy for both Israelis and Arabs, not to conclude that each is far more likely to find long-term security in an agreement between them guaranteed by the U.N. and the Big Four than it could conceivably find through any territorial acquisitions, however tempting, which would make any such agreement and guarantees impossible.

Twenty-three years have passed since Israel was created and she has had no peace. Almost four years have passed since the Six-Day War. There was almost another war a year ago and, if peace is not quickly made, there is likely to be another one in a year or two.

The negotiations have dragged on interminably and inexcusably. Ambassador Jarring has identified the two critical issues on which a settlement depends and has asked the two principal parties to accept simultaneous commitments on each. He has asked the Egyptians to make a peace agreement with Israel; he has asked Israel to withdraw from Egyptian territory. Each is contingent on the other. The Egyptians have accepted. The Israelis have not.

If they do, the negotiations can proceed rapidly to a settlement, with the strong probability of an early subsequent settlement with Jordan and immediate action by the U.N. and the Big Four to guarantee those settlements. If the Israelis do not accept, the negotiations will before long break down, fighting will resume, on a small scale at first but inevitably escalating, both sides will ask for more help from their big friends, the big friends will become more deeply and critically involved, tempers and fears will rise in Washington and Moscow, confrontation will take place—and where will it end?

I should like to finish where I began. An early and stable settlement of the Arab-Israeli conflict is a vital interest of Israel, Jordan and the United Arab Republic. It is a vital interest of the Soviet Union. It is a vital interest of the United States.

PASSENGER TRAIN OPERATIONS IN OTHER NATIONS

Mr. ALLOTT. Mr. President, as the Railpax Corp. prepares to operate the Nation's remaining passenger trains, it might be well for all to keep in mind the style of passenger train operations in other nations.

The Christian Science Monitor of Tuesday, April 6, 1971, featured excellent articles by two correspondents, James G. Tawse and Reg Moore, on the style of rail passenger service in Europe. I hope every member of the Railpax board, as well as their able staff, will take time to read these articles.

I ask unanimous consent that the articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Christian Science Monitor, Apr. 6, 1971]

Puffing out of the Past

(By James G. Tawse)

Most people above the age of 15 can remember, at some time in their lives, standing beside a railway line transfixed by the sight of a vast steam locomotive thundering by.

Nowadays such things are almost forgotten, except on a few short lines dedicated to the preservation of steam engines, but in some parts of Europe, steam engines can still be found operating daily, hauling commercial traffic.

One example is in Austria, where a secondary line from Hieflau to Leoben traverses the country's main mountain range. The height of the pass, 3,952 feet, requires the use of cog-wheel-fitted locomotives. Six times a day these machines, whose design dates back to 1890, blast their way over the summit with passenger trains.

Vacationers in Austria wishing to witness this spectacle would do well to start their journey at Hieflau, a mountain junction where columns of steam rising in a steep-sided valley make a fitting prelude to what is to follow.

The journey is best undertaken from the Hieflau end, as the gradient against the engine is longer, and the scenery more climactic this way.

Leaving Hieflau, the line passes through a narrow gorge, which later widens out to a broader valley, at the head of which can be seen the iron workings of Eisenerz. This name means, literally, "iron ore," and gives a clue to the reason for the line's existence. A whole mountainside is mined for its ore, and the railway serves to convey the ore to the steel works at Linz and Donawitz.

The three lines radiating from Hieflau now are electrified, but due to a shortage of electric locomotives, quite a lot of steam power is in evidence, and the light passenger trains to Eisenerz are often steam hauled.

Regardless of the type of engine used from Hieflau, it will be replaced at Eisenerz by a special steam locomative fitted with cog equipment for the climb over the mountain to Vordenberg. As a safety precaution against the train running backward down the hill, the engine is attached to the rear, and propels the train.

Take your position, then, on the back platform of the coach next to the engine for the best sound and smoke effects! You will not be struck by smuts from the engine because it is behind you, but you will see and hear all.

The train takes 48 minutes to cover the next 7½ miles—not much of a feat, until one realizes that it climbs 1,700 feet in the process. Not all the sections are steep enough to justify the use of the cogs, so that the gradient is uneven, but at its steepest pitch it is roughly an 8 percent grade.

The line climbs through a succession of tunnels, across several viaducts, and along corridors cut through the tall trees. The scenery is spectacular at any time of the year. Forested slopes alternate with alpine meadows and rocky peaks, and one is always aware of the ore workings nearby, and of the valley far below.

Because the line twists a good deal, you can see the track over which the train has recently passed—a long, long way down.

Ever present is the volcanic exhaust from the coal fired locomotive, accompanied by its rhythmic full-throated roar which you can feel as well as hear.

Each "puff" of exhaust from the chimney follows the forceful expulsion of steam from the cylinders, and the "puffs" (actually more of a whooshing sound) come forth in the repeated pattern "one two-and-three four, one two-and-three four." This pounding rhythm fills the air for three-quarters of an hour, apart from brief halts at the three stations on the ascent.

Prabichl is the summit station, where the engine runs round to the front end of the train, to prevent it from running out of control on the way down. The scenery on this side of the divide is less rugged but nonetheless pleasing.

At one of the intermediate stations you are quite likely to meet with a train of empty ore cars coming up from Donawitz for the next load. These trains are heavy enough to warrant an engine at both ends, so watch them as they climb away!

At Vordenberg the steam engine will be replaced by an electric one for the relatively level miles on to Leoben, past the huge steelworks at Donawitz which provides the lifeblood of the line. Leoben is roughly 31 miles, linear distance, from Hieflau, but the journey has taken 2½ hours, so the weary traveler may feel in need of refreshment. Leoben is a fair-sized town, and has several restaurants.

Other things the intending traveler might like to know are that Hieflau has a guesthouse (*Gasthof*) some half mile from the station. But this starting point can be reached from other places in time for the best train, which leaves at 10:50 and gives an hour for exploration at Eisenerz.

A copy of the timetable (Kursbuch) is highly recommended for anyone traveling independently by rail. It is simple to read, and the instructions for doing so are given in English. The journey is quite easily undertaken by a family on vacation.

Gliding Into the Present

(By Reg Moore)

The great trains of Europe are part of a traveling institution that belongs to a more leisurely past.

The Orient Express, dramatized by Graham Greene in "Stamboul Train" and Ian Fleming in "From Russia with Love" conjure up sinister and memorable journeys of timeless duration across varied landscape and a wide background of nationalities.

The harbingers of an entirely new international fleet of express trains appeared in 1957 for the first time. They operate smoothly and efficiently today over thousands of miles of European track for the comfort of a vast sophisticated audience of travelers.

The Trans-Europe Expresses, or TEE as they are known by in bold letters emblazoned on their engines, are unique in world travel. They offer the most rapid and luxurious rail transport in Western Europe and are a boon to travelers weary of flying, who wish to stretch out in comfort for a few days and nights.

In an age where airline competition is intense, the "rapides" (super expresses) are just about holding their own, although a few are not fast enough for the army of businessmen geared to whistle-stop appointments.

There are four different railway systems in Western Europe for feeding electric power and on the majority of the international rapides, this involves changing engines at frontier borders. The "through" carriages are still something of a joke when detached from their original engine and shunted off on another route, causing delay.

The Trans-Europe trains are expensive and by their very nature cannot appeal to all travelers. There is just one first-class and supplements to pay. Reservations are obligatory, and TEE has its own telex network with cost included in the surcharge. It is always safer to book well in advance than board these trains on a romantic impulse.

The earliest rapides were revolutionary and designed from scratch in the short space of four years. There are 23 giant trains today, speeding across Europe's changing frontiers at up to 90 miles per hour on the griddle of railway lines criss-crossing through Germany, Austria, France, Holland, Switzerland, and parts of Italy.

The lines extend as far south as Marseille, Verona, and Genoa from the northern terminals of Amsterdam and Hamburg, representing the fastest, most punctual and luxurious services in the world.

Component parts are never uncoupled and trains are completely integrated. The old draughty connections and heaving footplates between carriages has disappeared altogether.

Diesel engines haul the carriages over the entire scheduled routes, competing with airlines on the short journeys but lagging behind on a time basis. Passengers have telephones installed on the lines and invariably arrive at their destinations refreshed.

Most train journeys take place in broad daylight. Le Mistral covers 318 miles from Paris to Lyons in four hours.

The Blauer Enzian covers 513 miles from Hamburg to Munich in less than eight hours, running close alongside the East German frontier wire.

The Parsifal from Paris to Hamburg covers 600 miles in 10 hours, and the passenger has time to admire the awe-inspiring views en route before the Krupp big shots jump abroad at Essen.

The Rheingold covers 682 miles from Amsterdam to Geneva in 11¼ hours, with 15 stops spaced out along the Rhine. There is a direct British Express connection with the boat train from Harwich and the Hook of Holland on this comfortable journey.

Restaurant cars serve single dishes, but quality of food is high and prices reasonable. Only a few bumpy sections in Italy can spoil eating on these trains, as they surge through the silent landscapes, rarely stopping more than a couple of minutes on their effortless way forward.

Travelers wanting to stretch their legs in comfort and keen to feel the European atmosphere in their bones should use the TEE. It remains one of the finest means of traveling on wheels. It represents a bygone era of luxurious leisure that is gradually vanishing.

LETTERS FROM OREGON: THE CONQUEST OF CANCER

Mr. HATFIELD. Mr. President, I am sure that every Senator has received many letters from his home State and from across the Nation regarding a goal set out by our President this year. In his state of the Union message, the President called on America to launch an all-out crusade to find a cure for cancer. The letters we receive are many and varied. Many are well documented studies of the need and work that is being done. While such material is valuable, I think we need to look at only a few simple lines to bring startlingly close, once again, the grave responsibility of this Congress to enact meaningful legislation. We must bring the conquest of cancer to fruition. I ask unanimous consent that two letters from Oregonians be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Senator Mark O. Hatfield,
United States Senate,
Washington, D.C.

Our daughter was born in Denton, Texas on November 2, 1968.

For a year she filled our hearts with joy and warmth and pride. We took this picture of her when she was eleven months old. And then it happened. Shortly after her first birthday, cancer struck. Through forty days in the hospital—three operations and seven weeks of radiation, paralyzed and deaf on one side—she fought to live and love and laugh again. And she won another pathetically short year.

On Sunday, February 14, Renata lost her fight. The doctors and nurses had done all they could. They tried several new medicines, but the one that will someday cure the form of cancer our daughter had has not yet been developed. Not yet, but maybe next year, or the next, or the next.

Meanwhile, we are left with a mixture of beautiful memories, bitter regrets and determination to demand of our nation's leaders a commitment to place the conquering of cancer at the top of our country's goals—above space exploration, above faster jetplanes, above waging war. Did you know that funds for cancer research were cut back last year!

As the inevitable tragedy of Renata's death approached us, friends said they knew there was nothing that could be done, yet they wanted to do something.

There *is* something that can be done. In Renata's memory and in concern for the *millions* who are expected to encounter cancer in the next few years, won't you please take the time to write to our nation's leaders expressing a demand that we make the health of our people—our children, our loved ones—the first concern of this nation. Please send us a copy of your letter to strengthen our own appeals for commitment. We will be grateful to you for as long as we cherish

Renata's memory. Can you doubt that it will be forever?

RALPH AND MUTSUKO BUNCH.
Portland, Oregon.

PORTLAND, OREG.,
March 12, 1971.

The Honorable MARK HATFIELD,
United States Senate,
Washington, D.C.

DEAR SENATOR HATFIELD: It is with an ache in my heart and growing concern that I am writing to you. On Valentine's Day a 2 year old baby girl, daughter of a voice student of mine, died of incurable cancer! Two days later my son-in-law's little 10 years old sister also died of incurable cancer! During this last year I have had several occasions to be with the two families involved and have been agonized to see their suffering, not only the sick child's suffering, but the incredible shadow that clouds *all* of their lives day in and day out.

My own mother died of cancer 5 years ago, and as in the case of these 2 children, she had been given drugs toward the end of her life in the constant hope of reversing the malignancies or at least retarding their growth.

Now, a neighbor of ours has had an operation on her lungs to remove cancerous tissue, and I feel I must cry out in despair! Can not something be done to get some moneys appropriated to scientists and hospitals for the study of cancer? Surely with all the millions used to eradicate life we can find some sympathetic leaders who will help to *extend* life and help it to be made whole!

If there is another person to whom I can write, or in some other way help this cause, I will gladly do so. And any help you will give will be terribly gratefully received, not only by me, but by those families about whom I am writing.

Thank you.

Sincerely,

MRS. CARL R. MANNING.

UNIQUE READING PROGRAM IN BERLIN AND DENTON, MD.

Mr. BEALL. Mr. President, as a member of the Labor and Public Welfare Subcommittee on Education, I naturally am very much interested in the reading problems throughout the country and efforts by local school districts to promote and encourage reading proficiency. I recently read in the Salisbury, Md., Sunday Times of April 4 about a unique reading program that is being conducted in Berlin and Denton, Md. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Sunday Times (Salisbury, Md.), Apr. 4, 1971]

UNIQUE SHORE READING PROGRAM ATTRACTING NATIONAL ATTENTION

(By Orlando Wooten)

BERLIN.—A reading program is receiving much attention here at Stephen Decatur High School from visiting educators and school officials from many distant areas.

There is a similar program underway in Riverview Junior High School in Denton.

The program is not designed as remedial instruction for special students or slow learners. Everyone reads. For one half an hour a day silence descends over the entire school, and pupils and teachers alike stop what they are doing—flop down in the gym, pull up a chair in the chemistry lab, spread out into the hall—and read "just for fun". While the teachers do indeed give some guidance to pupils for better books, and good books are available in libraries, everyone does his own thing and reads just what he wants to, just for fun. Results have been astonishing.

Mrs. Gladys Burbage, principal at the school, said, "Our students were not reading as they should have. They were apathetic and indifferent to books, and behind in standard tests on reading skills on the high school level. When we started this program last fall of a half-hour class period a day in reading, we did get some resistance. Some youngsters for the first few days just stared out the window, but finally they began picking up books, and now you couldn't drag the books away.

"We do offer some instruction on reading skills, but what we are after here is to get the pupils to discover the great enjoyment that can come from reading. Our youngsters are now buying their own books, reading skills have advanced rapidly and are up over one grade level on the average, the vocabulary of our pupils has increased, and their general use of the English language is better.

"Some of our people were very poor readers—some still have trouble. There are sometimes physical and psychological reasons why a student cannot read. These kids will not admit that they cannot read—it would make them feel inferior to their buddies. We are trying to help these people, too; but the practice they get in this half-hour reading a day has increased their skills tremendously."

While the school library does offer some assistance with its shelves of 6,000 books, and the county library has a good modern collection, most of the youngsters buy their own books. Paperbacks are popular, and the school library has added 1,000 up-to-date titles. Two commercial book clubs are offering paperbacks to the students at 40 to 95 cents a book and there is a constant swapping of books among the youngsters. A book "wishing well" is maintained in the hall, for swaps, donations and picking over for free—"We really get some wild stuff here," said one teacher.

Mrs. Gwen Freeman is in charge of the program as "reading coordinator". She called the pupils "enthusiastic" about the program.

As might be expected, books dealing with contemporary problems, and with stories or "how-to-do-it" projects that the kids can identify with, are most popular. "Love Story" heads the list, with "The Autobiography of Malcolm X" perhaps a good second. Black authors are read by almost everyone, black and white, and science fiction gets a good score. Eldridge Cleaver and Robert Heinlein are well read, and "Black Like Me" and "Soul Sister" complete with "Jane Ayre" and "Moby Dick". Some students read encyclopedias, and one is wading through the Bible, front to back. History books of the last war are in demand, but not Civil War stuff. Magazines are read by all, and students who are in shop or home economics like manuals dealing with their specialties.

Pupils are encouraged to pick up books at random and to test themselves to see if they can handle them. "If a student finds five words on a page that he does not understand, we think the book is too advanced for him," Mrs. Freeman said. "We have a little formula here for words not understood, and we send students to the dictionary only when they cannot 'decode' the meaning of a word by its use in the sentence or by analyzing its parts. We make good books available, and we are pleased with constantly rising level of tastes in our students.

"Pupils now come to teachers to discuss books that have interested them, and we plan a reading seminar for panel discussions for all students, to let them get up and speak their mind on ideas advanced by books."

Both Mrs. Burbage and Mrs. Freeman used the words "relaxing" and "happy" in describing the program. "The school is quieter, especially after the reading period, and pupils seem more relaxed. Indeed, I think they are happier—and who is to say if this is bad," Mrs. Freeman said.

A number of educators have visited Stephen Decatur, and school officials in the East are observing it for possible duplications in their schools. Proper reading skills, with the correct understanding and comprehension of the written word, is the basis of all foundations of education. Deficiencies in reading skills is the one big problem haunting public school education today.

RAILCAR SHORTAGES AND BRANCH LINE ABANDONMENTS

Mr. ALLOTT. Mr. President, last year Congress, after more than a decade of sidestepping, finally at last came to grips with the rail passenger problem by passing the Railpax bill.

Congress continues, however, to ignore the critical problem of railcar shortages and the probable abandonment of many branch line railroads throughout the United States.

Recently, Prof. W. H. **Thompson,** Chairman of the Department of Industrial Administration, made some very interesting remarks before the Mid-America Governors' Transportation Council meeting here in Washington.

Although his remarks are geared to Iowa, what he says could well be applied to Colorado and other Western States as well.

It is high time we begin to face up to some very serious problems before they become so serious that the alternative solutions available will all be undesirable.

Mr. President, I ask unanimous consent that Professor Thompson's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

MID-AMERICA GOVERNORS' TRANSPORTATION COUNCIL BREAKFAST MEETING WITH CONGRESSIONAL DELEGATIONS, WASHINGTON, D.C., MARCH 31, 1971

(By W. H. Thompson)

The Washington papers of March 30 quoted the former Senator Smathers, now general counsel for ASTRO, as recommending that railroads should be authorized to abandon unprofitable branch lines on their own—without seeking approval of the I.C.C. or any other regulatory body—simply on six months' notice. In some areas of my state, abandonment is already underway, unofficially of course, because the railroads have allowed their branch lines to deteriorate.

Turn to the table in our brochure titled "Transportation Facilities" and estimate the number of so called "unprofitable" branch lines included in these figures. For Iowa, it would probably consist of one third to one half of the total mileage by the railroad's definition of "unprofitable." Next, look at the Storage Capacity of the region and estimate the number of elevators which are involved and the number potentially affected by abandonments. For the sake of argument, in Iowa we will estimate 300–400 elevators.

Abandonments are supposed to effectively counter equipment shortages. We have fought shortages of railroad cars, trucks and barges for many years but the real crisis situation occurred in 1969, and probably would have been repeated in 1970 if we had not had production curtailed by drought and blight. We have been told by railroads and regulatory agencies that whereas the 40 and 50 foot box cars are declining in numbers, hopper car numbers have increased so that the capacity of the total car fleet has not been impaired. This argument is small consolation to the elevator which cannot get the larger cars because maintenance of the line has been deferred. Further, we are told that it is not the number of cars that is important but rather their utilization. To check on this problem we studied a sample of grain cars of all types which ran through intermediate inspection and grading en route to Chicago and Milwaukee from Iowa origins. It took 26 days for turnaround. This is efficient utilization?

Car shortages have had a direct effect upon income of grain dealers and farmers. In 1969, we surveyed 300 elevators, requesting estimates of losses from lack of equipment and inadequate service. Replies were made in eight categories as listed below:

Penalties from delayed shipments	$284,000
Interest expense from delayed shipments	1,544,000
Losses from grain stored on the ground	491,000
Losses in transit (above ⅛ of 1 percent)	859,000
Grade changes in transit	140,000
Cleaning and repairing equipment	361,000
Lost business because elevator was full	1,906,000
Other	282,000
Total losses	5,867,000

How long can these states maintain a high level of farm income as shown in the tables, under these circumstances?

Check the values of our principal crops and livestock in these states. Then tie these figures to the problems outlined above and forecast if you can, the future of our rural communities. Every adverse development in transportation causes the people living in rural communities to become further concerned over their economic and social future. The feed grain-livestock production of these states must be moved to market efficiently and economically or this mid american region will die. And if we are having difficulty at present, consider the question of how we are to meet future domestic and foreign demands estimated by U.S.D.A. to be double and triple the current levels of movement.

The agricultural transportation and marketing system is inefficient domestically—to export markets it is a shambles. In visiting the European and far eastern nations—collectively our two greatest overseas markets, the story is the same from all importers—poor quality, high prices relative to the supplies of our international competitors. This is a serious indictment of the 30 percent of our volume available for sale which moves into export markets. And these criticisms come as no surprise when in some instances, we handle grain 8 to 11 times from production points to final foreign consumers.

From a transportation point of view, we in the grain producing states are in trouble and we need help. We need programs of research and analysis on a regional basis using a systems approach to find answers to our problems. No longer can we afford the luxury of studying in splendid isolation problems of production, storage, scheduling, transportation and distribution without some means of merging the several parts into a system for efficient marketing.

We read with a good deal of envy about the vast sums of money planned and spent for mass urban transit, for further development of highways, and airway and waterway programs. We fail to see any organized effort programmed by any national agency or combination of agencies for studies on the impact of changing transportation and marketing technology on the feed grain-livestock producer and the rural community. If these problems involved with the need for efficient distribution of feed, food, and fibre cannot be solved, there will be little necessity for concern about the others.

It is the objective of this council to look at transportation problems of the scope and nature important to our region. These objectives are found on the back cover of the brochure. The purpose of this meeting is to acquaint you with these objectives and to hopefully request your assistance in getting resources to help us solve the problems, so critical at present. Perhaps, more important this morning, is my plea to you to place in the proper perspective and give the proper priorities to the transportation problems of the mid-American states by whatever means such can be accomplished by the Congress.

Please don't abandon us.

PRISONER OF WAR DAY IN HOUSTON, TEX.

Mr. TOWER. Mr. President, Mayor Louie Welch of Houston, my State's most populous city and the sixth largest city in the United States, has issued a proclamation declaring April 28 POW Day in his city. During the past few years there has developed a broad awareness throughout the country of the plight of our servicemen being held prisoner in North Vietnam. The generous prisoner exchange proposals which our negotiators in Paris have offered the North Vietnamese have so far been unsuccessful. But there is some reason to feel that perhaps the great outpouring of public sentiment, the letter writing campaigns and proclamations such as this which focus public attention on this problem, will eventually prove fruitful. Over the past year, for instance, as expressions of public concern have mounted, there has been some indication that the mail situation is improving. There has been a significant increase in the number of letters received from prisoners.

Mayor Welch's proclamation is another of the many and continuing efforts around the country to provide a focus for the widespread concern of our citizens for U.S. servicemen held prisoner in North Vietnam. I feel that it is most commendable and ask unanimous consent that the proclamation be printed in the Record.

There being no objection, the proclamation was ordered to be printed in the Record, as follows:

POW Day

Whereas, the men being held prisoner or missing in action in Vietnam represent one of the foremost moral responsibilities of every American citizen at this time, and no citizen is warranted in avoiding or ignoring the fact that until these men be released and returned to their families and homes America itself stands before the bar of humanity's judgment; and

Whereas, while the physical means available to private citizens in Houston and elsewhere are limited, and they can successfully only lay their petitions for release of these American servicemen before their captors, and exert moral influence on world opinion, it is nevertheless incumbent upon every American whose citizenship and whose personal freedom these men have risked their lives on foreign soil to protect and vouchsafe, to involve himself in the rising voice of conscience to set our people free;

Now, therefore, I, Louie Welch, Mayor of the City of Houston, Texas, deeply aware of the sacrifices these brave men have made for all Americans and for me, as one of those fortunate Americans enjoying the use and the protection of our institutions of freedom, secured by the bravery and the sacrifice of such men as now are imprisoned in North Vietnam, do hereby proclaim April 28, 1971, to be POW Day and do petition all Houstonians to join me in praying for the release and safe return of these servicemen and in this expression of commitment to them and to their welfare so long as they shall be held in enemy hands.

PRISONER-OF-WAR DAY PROCLAMATIONS IN OHIO

Mr. TAFT. Mr. President, I ask unanimous consent to have printed in the Record proclamations by the mayors of Cuyahoga Falls, Cleveland, Youngstown, and Barberton, Ohio, designating April 28, 1971, as Prisoner-of-War Day.

There being no objection, the proclamations were ordered to be printed in the Record, as follows:

Proclamation by the Mayor of Cuyahoga Falls

Whereas: American armed forces are combating the enemies of Freedom and Liberty and Justice on far-off battlefields; and

Whereas: Many brave Americans have been taken prisoners of war in these military operations, and are being held under barbaric and oppressive conditions in enemy camps; and

Whereas: The American people are deeply concerned about the welfare of these prisoners and the refusal of inimical powers to negotiate for their release; and

Whereas: A non-partisan, national program is being organized to express concern over American Prisoners of War, whose fate has remained ambiguous in spite of the provisions of the Geneva Convention.

Now, therefore: I, William R. Coleman, Mayor of the City of Cuyahoga Falls, Ohio, do hereby proclaim the 28th day of April, 1971, as "Prisoner of War Day" in the City of Cuyahoga Falls and urge all citizens to reaffirm their support of these valiant men.

Proclamation by the Mayor of the City of Cleveland, Ohio, Designating Wednesday, April 28, 1971, as "Prisoners of War Day"

Whereas, Wednesday April 28, 1971 has been designated as American "Prisoners of War Day" to highlight this day as a national day of concern for our prisoners of war; and

Whereas, the maltreatment of prisoners and their return to this country is a grave issue and one that is properly of great public concern; and

Whereas, their concern is our concern—and our concern is for their children—their families and for each of them wrongfully imprisoned as Americans dedicated to the high service of our country; and

Whereas, the fate of our prisoners is an urgent gnawing concern. We can sense the misery and the devastating psychological damage of those who are swallowed up by the silence of imprisonment, those who wait in uncertainty.

Now, therefore I, Carl B. Stokes, Mayor of the City of Cleveland, Ohio do hereby proclaim Wednesday April 28, 1971, as "Prisoners of War Day" in Cleveland. Our concern for our prisoners of war and those missing in action should not be limited to a day or week. It is an ongoing concern, which must be extended to all American servicemen in Vietnam, who daily run the risk of themselves becoming statistics of war.

A Resolution Assisting the Silent Majority Mobilization in Their Efforts to Declare April 28 as POW Day and to Urge Proper Care and/or Release of American Prisoners of War

Whereas, the Silent Majority Mobilization organization is promoting a nationwide program calling for humane treatment and/or release of American prisoners of war and declaring April 28 as POW day; and

Whereas, a national day of support would demonstrate the peaceful determination of the citizens of the United States and would arouse the conscience of the world; and

Whereas, the Council and Administration of the City of Youngstown wish to assist in the efforts to alleviate the plight of American prisoners of war and their release.

Now therefore, be it resolved by the Council of the city of Youngstown, State of Ohio:

SECTION 1

That the Council and Administration of the City of Youngstown do hereby join the Silent Majority Mobilization in their efforts to declare April 28 as POW day and do hereby support their nationwide program demanding humane treatment and release of American prisoners of war.

SECTION 2

That the Clerk of Council is hereby instructed to forward a copy of this resolution to the Silent Majority Mobilization, 503 Fifth Avenue, New York, New York, 10017, to the Supreme Soviet Moscow, and to the President of the Peoples Republic of Viet Nam.

Proclamation by the Mayor, City of Barberton

Whereas: American armed forces are combating the enemies of Freedom and Liberty and Justice on far-off battlefields; and

Whereas: Many brave Americans have been taken prisoners of war in these military operations, and are being held under barbaric and oppressive conditions in enemy camps; and

Whereas: The American people are deeply concerned about the welfare of these prisoners and the refusal of inimical powers to negotiate for their release;

Now, therefore, I, Kenneth R. Cox, Mayor of the City of Barberton, Ohio, do hereby proclaim Wednesday, April 28, 1971, to be "Prisoners of War Day" in Barberton, Ohio, and call upon all citizens to pray for these Americans and to make known that the opposing governments must agree to negotiations for their release.

NATIONALIZATION OF U.S. RAILROADS WOULD BE A FINANCIAL DISASTER

Mr. ALLOTT. Mr. President, ever since the Penn Central ran into its predictable financial problems, there has been much discussion in the press and elsewhere to the effect that nationalization of the railroads is not only inevitable, but just might be desirable.

I do not share that view. Quite the contrary, I believe nationalization of the railroads would be a financial disaster for the American taxpayer. There is no need for such a policy, which has encouraged inefficiency and waste.

Mr. Frank E. Barnett, chairman of the board of the Union Pacific Railroad Co., recently undertook a survey of nationalized rail systems in major industrial nations to put the matter into sharp perspective.

The report is of considerable length so I shall not include it in the RECORD. However, Mr. Barnett's cover letter includes the conclusion of the report, which is that the basic cost of freight transportation in most nations with nationalized systems is significantly greater than in the United States.

Mr. Barnett has done a great public service in undertaking this study. The facts contained in the report he sent to Congress should be studied carefully by every legislator. I ask unanimous consent that Mr. Barnett's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNION PACIFIC RAILROAD CO.,
New York, N.Y., March 30, 1971.

Hon. GORDON L. ALLOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLOTT: Rail industry leaders in the United States have often stated that nationalization of U.S. railroads would strike only at the symptoms of the disease afflicting large segments of the industry and would not uncover and cure the real causes. Their view is borne out by Louis Armand, formerly secretary general of the International Union of Railways and perhaps the most noted transportation authority in Europe, who has said, "Government takeover is pointless. It solves no problems. It merely transfers responsibiliy for them. Europe's experience shows how badly this can work out in all too many cases."

However, recently some of the country's outstanding labor leaders and influential representatives of media have suggested nationalization as the only workable solution to the problems of the railroads. Even a member of the Interstate Commerce Commission said recently, "Most countries of the world operate nationalized systems and they don't seem to be in any trouble."

To determine what effect nationalization really has on transportation, we undertook an economic survey of rail systems in major industrial countries, including the U.S., using official reports issued by the systems. The study, which is essentially statistical, is enclosed for your information.

From an economic viewpoint, the study showed clearly that the basic cost of freight transportation in most countries with nationalized rail systems is significantly greater than in the U.S. Because the cost of transportation is such an integral and substantial factor in the overall cost of manufactured products (in total about 20% of our GNP) and is reflected in the cost of the product at all stages of processing, it seems that nationalized rail systems by their very nature tend to be wasteful, inflationary and against the best interests of the consumer.

We also believe that nationalization of U.S. railroads would almost certainly lead to a "politicizing" of the industry somewhat akin to what occurred over the decades in the patronage-ridden U.S. Post Office Department. Whenever economic decisions become affected by political considerations, economic efficiency is impaired and inflationary pressures are increased.

We hope the enclosed study will assist you in arriving at a clearer understanding of an important, timely and controversial subject. Should you want or need any additional information, please let me know.

Very sincerely yours,
FRANK E. BARNETT.

ANNUAL REPORT OF THE U.S. COMMISSIONER OF EDUCATION

Mr. JAVITS. Mr. President, U.S. Commissioner of Education Sidney P. Marland, Jr., has made an outstanding contribution in his annual report, the first Commissioner's annual report submitted in accordance with Public Law 91–230 enacted last year.

The first chapter of this report, "The State of Education," personally penned by Dr. Marland, reflects upon the present state of education in the Nation, including a statement of philosophy and needs. He sees the Federal role as one of increasing the effectiveness and the human and financial resources of our schools, colleges, and universities, including greatly increased technical assistance to State and local school systems to insure the delivery of new and better ways to teach and to learn.

Dr. Marland stresses that the Office of Education should provide national leadership, that it be a responsible and willing companion to the States and to the communities in serving the educational needs of our Nation.

I ask unanimous consent that the first chapter of the Commissioner's report be included as a part of my remarks and urge my colleagues to read the entire report.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

CHAPTER I: THE STATE OF EDUCATION

This is my first annual report as Commissioner of Education. Further, this report deals with a period of time prior to my term of office. Accordingly, while this report will indeed give an accounting of this Office during Fiscal Year 1970, I should like to devote the first chapter to reflect on the state of education in America today and, in the process to look beyond Fiscal Year 1970. The time seems propitious for an inspection of this kind. The long swell of history appears at this moment to have lifted us above the turbulence of recent years and positioned us to appraise with some reasonableness the present condition of the educational enterprise. It is a commanding view, a prospect at once gladdening and disturbing.

We can take legitimate satisfaction from the tremendous progress of recent years. The sheer size of the American commitment to education is amazing, with more than 62 million Americans—more than 30 percent of the population— actively engaged as students or teachers. More than three million young men and women will graduate from high schools throughout the country in June 1971, as contrasted with fewer than two million 10 years ago. Nearly 8.5 million students are enrolled in higher education as contrasted with slightly more than four million 10 years ago. Size apart, our educational enterprise is also far more nearly equalized, with academic opportunity extended for the first time in our history to large numbers of black, brown, and Spanish-speaking people. Total black enrollment in colleges and universities, for example, has more than doubled since the mid-60's to more than 520,000 today, though much remains to be done for the advancement of our minority young people before we can rest.

We can be proud of the willingness and rapidity with which education has begun to move to meet the extensive and unprecedented demands being made upon it. Ten or 20 years ago education was almost wholly limited to academic matters carried on within the conventional confines of the classroom and the curriculum. Today educators are dealing with the whole range of human concerns—academic, economic, social, physical, emotional—and education has burst out of the classroom through such efforts as *Sesame Street*, with its succinct lessons for preschoolers in an attractive and exciting television format.

But, viewed objectively, the great flaws of the educational system, the great voids in its capacity to satisfy the pressing requirements of our people press us to set aside our pleasant contemplation of our successes. Sadly, the quality of education a person receives in this country is still largely determined by his ability to pay for it one way or another. As a consequence, "free public education" has a connotation in, say, Shaker Heights far different from what it has in the city of Cleveland, and a boy or girl from a family earning $15,000 a year is almost five times more likely to attend college than the son or daughter in a household of less than $3,000 annual income.

We know that ours is the greatest educational system ever devised by man. But it falls short of our aspirations. We must improve it.

Like our system of representative government, the American education system is too vital for us to ignore or abandon because it has faults. It is time to set about, in an orderly fashion, making the system work better so that it will accomplish what we want from it.

DECADE OF DISCONTENT

American education has undergone over the past 10 years probably the most wrenching shakeup in its history. Education has been charged with inefficiency, unresponsiveness, and aloofness from the great issues of our society, perhaps even lack of interest in these issues. These charges, in some instances, have undoubtedly been true. But in most cases, I insist, the schools and those who lead them and those who teach in them are deeply, painfully, and inescapably concerned with the great social issues of our time and the part that the schools must play in resolving them.

The depth of the schools' contemporary involvement becomes strikingly apparent when it is compared with the false serenity of education as recently as 15 years ago, when it was in the very absence of stridency and criticism that our real problems lay. Public discontent with the education of 1970 was bred in the synthetic calm of the 1950's and before.

This movement from serenity to discontent, from complacent inadequacy to the desire for vigorous reform, has not been accomplished easily. Some reform efforts, conceived in an atmosphere of hysteria, have failed while others have succeeded splendidly. But after many stops and starts, false expectations and disheartening letdowns, we have arrived at a time and place in which, I judge, educational reform at all levels is now the intent of all responsible educators. As a consequence, truly equal educational opportunity for all young Americans is now a feasible goal.

We are going through a period of intensive concern with the poor and the disadvantaged. Since 1965 under one program alone, Title I of the Elementary and Secondary Education Act, the Federal Government has invested more than $7 billion in the education of children from low-income families. A number of States have made significant companion efforts. Admittedly, one success in increasing the academic achievement of the disadvantaged child has been marginal. But prospects for future success are increasing because the education profession itself, at first prodded into this work by such outside forces as the drive for civil rights, is now substantially dedicated to the redress of educational inequality wherever it may be found. This is a dramatic turnaround from the early and mid-60's, when we tolerated the fact that certain of our citizens were not profiting to any measurable extent from the schools' conventional offerings and when we were content to permit these citizens to become the responsibility of unemployment offices, unskilled labor pools, and prisons. This time has passed, and we now accept the proposition that no longer does the young person fail in school. When human beings in our charge fall short of their capacities to grow to useful adulthood, *we fail.*

Rough events of the past decade, then, have brought the educators of this nation to a beginning appreciation of just what thoroughgoing education reform really means. A giant institution comprising 60 million students, 2.5 million teachers, and thousands of administrative leaders cannot remake itself simply because it is asked or even told to do so. Tradition has enormous inertia, and wrong practice can be as deeply rooted as effective practice. The past decade, in sum, has been a time of trial and error, a time in which we have plowed and harrowed our fields. Now we must plant deeply to produce the strong roots of a new American education.

WHY ARE WE EDUCATING?

As we look to 1972 and beyond, we are able to state with far greater clarity the reasons we are educating our citizens than we could 10 or 20 years ago. We are educating a total population of young people in the elementary and secondary schools, and we are no longer satisfied that 30, 40, or 50 percent of it should not really expect to complete high school. And if we are educating for the fulfillment of all the people of our land, we certainly cannot halt at the secondary level, or even the level of higher education, but must look to the arrangements for continuing adult education over the years. Increasingly, we are persuaded as a Nation that education is not reserved for youth but is properly a lifelong concern. In the past half-dozen years, for example, more than two million adult Americans have been given the opportunity to obtain an eighth grade education under the Office of Education adult education program. Many millions more have continued to grow professionally, culturally, and intellectually, as adults, through formal and informal institutions of education.

We must be concerned with the provision of exciting and rewarding and meaningful experiences for children, both in and out of the formal environment of classrooms. When we use the word "meaningful," we imply a strong obligation that our young people complete the first 12 grades in such a fashion that they are ready either to enter into some form of higher education or to proceed immediately into satisfying and appropriate employment. Further, we now hold that the option should be open to most young people to *choose* either route.

We must eliminate anything in our curriculum that is unresponsive to either of these goals, particularly the high school anachronism called "the general curriculum," a false compromise between college preparatory curriculum and realistic career development. If our young people are indeed disenchanted with school—and more than 700,000 drop out every year—I suspect that it is because they are unable to perceive any light at the end of the school corridor. They cannot see any useful, necessary, rewarding future that can be insured by continued attendance in class. The reform to which we must address ourselves begins with the assurance of meaningful learning and growth for *all* young people, particularly at the junior high and high school levels. Students frequently ask us why they should learn this or that. We who schedule these courses and we who teach them should ask ourselves the same questions and have the wisdom and skill and sensitivity to produce good answers.

Courses of instruction, books, materials, and the educational environment—all should relate to the student's needs, answering some requirement of his present or future growth, irrespective of custom or tradition. We as teachers in today's educational setting cannot win the response of our young people by perpetuating formalized irrelevance in classrooms. Seemingly irrelevant expectations must be made relevant by the teacher. This is the nature of teaching.

EDUCATION RESEARCH

We are obliged not simply to provide education but to provide very good education. The success of our efforts to find ways to teach more effectively will depend upon the quality and application of our educational research, a pursuit that has absorbed more than $700 million in Office of Education funds over the past decade and will, I am determined, take an increasing share of our budget. We need to know how we can develop the child of deep poverty, the minority child, the child who has been held in economic or ethnic isolation for generations, the child without aspirations in his family or in his environment, the child who comes to school hungry and leaves hungrier. We must discover how to develop the five million American children who bring different languages and different cultures to their schools. They need special help. Nor can we ignore the gifted child, possessed of talents that we know frequently transcend the ability of his teacher.

If we would find the answers to these questions, let us set aside the traditional boundaries of learning, the days, the hours, the bells, the schedules. Let us find ways to free ourselves from administrative strangleholds on what teaching should be and what teachers should be. Research must open wide the windows of learning, and teachers must listen carefully to the counsel of the researchers.

Let us find ways to keep more schools open 12 to 15 hours a day and 12 months a year to make sensible constructive use of our multi-billion-dollar investment in facilities and personnel. Let us construct a school environment sufficiently systematic to be responsive to young people, yet informal enough to enable youngsters to come and go in a spirit of freedom and honest interest, rising above their present circumstances and reaching joyfully for all that the schools can give them.

NEED FOR HUMANENESS

Above all, let our schools be humane once more. With the possible exception of those who tend to the ill, teaching is the first of the humane professions, and it seems especially appropriate at this time to return to that tradition.

Teachers want to bring excitement to the classroom. They want to bring fulfillment to the lives of the children in their charge. But to achieve excitement and fulfillment in the classroom, teachers need a new freedom from administrative protocol and an increased competence in reaching each lerner and touching his life deeply and compassionately.

Titles I and III of the Elementary and Secondary Education Act have taught us sound lessons in creative teaching techniques. Now let us set aside the mechanics of testing and the excessive formalities of school organization, and let us put these new techniques to work in all the classrooms of America.

Let us find ways for teachers to concern themselves wholly with students. We must use our technology and the other resources of this half of the 20th century—resources that we have barely touched—to multiply the effectiveness of the teacher, greatly to increase the teacher's efficiency and productivity. Let technology extend the hand of the teacher through such efforts as *Sesame Street,* discharging the routine tasks of instruction while preserving for the teacher those things that enliven the human spirit.

THE FEDERAL ROLE

I believe the Federal role in education should be one of increasing the effectiveness of the human and financial resources of our schools, colleges, and universities. The present level of Federal assistance to our public schools is something less than 7 percent of our total investment. I envision the Federal share's rising eventually to three or four times that level. But first the Federal Government must conduct centralized research into the learning process and deliver the results of that research convincingly and supportively to the educational institutions. We are constructing a nationwide educational communications network to disseminate proven new practice in order to move the art of education from its present condition to one of the increased quality that we demand of ourselves. We must proceed more swiftly to implement the products of research without stopping to redefine every goal and every process at every crossroad in the country.

The Federal role calls for greatly increased technical assistance to States and local school systems to insure the delivery of new and better ways to teach and learn. As conductor and purveyor of educational research, the U.S. Office of Education will, I hope, earn the faith and trust of the States and communities so that newly researched and validated program models stamped "O.E." will be swiftly and confidently put to use in our cities and towns, creating the overall climate of change that we ask.

Most of all, I ask that the Office of Education provide national leadership. Services, yes; supporting funds, yes. But I hold that this Office, made up of nearly 3,000 people, must have a larger and more effective role. If our situation changes over the next year or 2 as I hope it will, and we are able to diminish substantially our preoccupation with administration and paperwork, hundreds of OE staff members will be freed to bring leadership, technical assistance, and stimulation to the States and localities. The dedicated, creative and talented people who staff this Office will be instantly available to help where the problem is, whether it be a question of racial discrimination, curriculum, improved ways to teach, introduction of new technology, evaluation, or whatever. This Office will then be what it has long desired to be, a respectful and willing companion to the States and communities in serving the educational needs of the Nation.

EDUCATION AND THE BICENTENNIAL

The United States of America will celebrate its 200th birthday in 1976. I would suggest this bicentennial year as a useful deadline against which we can measure our capacity to effect change and our sincerity in seeking it. The five years remaining before the bicentennial constitute a relatively brief time in the history of the American educational enterprise. Yet it is a particularly crucial time in which, I am persuaded, we can accomplish as much as—and more than—we have managed to achieve in the past 20 years, or perhaps the part 100. My reason for optimism resides in my belief that, big as this Nation is, it is *ready* for change.

Our search for the education of 1976 is well begun. We know it will be innovative and efficient, yet characterized by good school teacher common sense. We know it will be flexible, responsive, and humane, that it will serve all the children of America, preparing them to meet universal standards of excellence, yet treating each in a very individualized and personalized way. We know that in 1976 our system of education will be considerate of the differences among us, adaptable to our changing expectations, and clearly available and clearly useful to all who seek it.

More than ever before, the substance of America's future resides in our teachers. The enormous success of our system of schooling in the past 195 years has brought our Nation to a pinnacle place among nations. The next five years should be viewed as the time in which the educational successes and satisfactions that have enlightened and undergirded the lives of the great majority of our people must now be extended to enlighten and undergird the lives of all. More than ever, this is the time of the humane teacher.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 1534. An act to amend sections 320 and 321 of the Immigration and Nationality Act;

H.R. 1535. An act to amend section 312 of the Immigration and Nationality Act; and

H.R. 1729. An act giving consent of Congress to the addition of land to the State of Texas, and ceding jurisdiction to the State of Texas over a certain parcel or tract of land heretofore acquired by the United States of America from the United Mexican States.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H.R. 1534. An act to amend sections 320 and 321 of the Immigration and Nationality Act;

H.R. 1535. An act to amend section 312 of the Immigration and Nationality Act; and

H.R. 1729. An act giving consent of Congress to the addition of land to the State of Texas, and ceding jurisdiction to the State of Texas over a certain parcel or tract of land heretofore acquired by the United States of America from the United Mexican States.

EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATION ACT OF 1971

The PRESIDING OFFICER. Pursuant to the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state.

The legislative clerk read as follows:

Calendar No. 63, S. 1557, a bill to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes.

Mr. PELL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PELL. Mr. President, what is the pending business?

The PRESIDING OFFICER. The bill itself is the unfinished business. The amendment offered by the Senator from Connecticut (Mr. RIBICOFF) is the pending question.

Mr. PELL. Mr. President, I thank the Chair.

QUORUM CALL

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the following staff members be accorded the privilege of the floor today: William Smith, Francis Hennigan, Bert Carp, and Leonard P. Strickman, all of whom are members of the staff of the Select Committee on Equal Educational Opportunity.

I also ask unanimous consent that the privilege of the floor be accorded today to Emon Mahoney, staff adviser to the distinguished Senator from Arkansas (Mr. MCCLELLAN), and John Koskinen and Ted Leary, members of the staff of the distinguished Senator from Connecticut (Mr. RIBICOFF).

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF. Mr. President, on my amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PELL. Mr. President, am I correct in saying that the amendment of the Senator from Connecticut is the pending question?

The PRESIDING OFFICER. It is the pending question, that is correct.

Mr. RIBICOFF. Mr. President, I have no further remarks to make. I do not know whether any other Senator would care to speak on the amendment.

Mr. ALLEN. Mr. President, will the Senator yield for a question?

Mr. RIBICOFF. I am pleased to yield to the Senator from Alabama.

Mr. ALLEN. I would like to ask the distinguished Senator from Connecticut if the uniform desegregation policy for metropolitan areas that is described in his amendment would be in lieu of or merely complementary to any presently existing effort to desegregate public schools in metropolitan areas.

Mr. RIBICOFF. My proposal would be in addition to what the Court has already ordered. The policy of my amendment, once it was adopted, would replace the absence of a policy that exists at the present time for the metropolitan areas of this country.

Mr. ALLEN. If the Supreme Court has already ordered desegregation to a far greater extent than would be achieved under the Senator's amendment at the expiration of 14 years, would it not be unfair to require those school districts to maintain that degree of segregation, whereas those metropolitan areas where there is no desegregation have the 14-year period to reach a 50-percent balance.

Mr. RIBICOFF. No. At the present time, those school districts are desegregating under the Constitution and court order and the Constitution would still prevail. May I point out, however, that what is taking place in many southern areas is that the South is now undergoing resegregation due to housing patterns. For all practical purposes, in large cities of the South, de facto segregation is taking place much like that which exists in northern cities at the present time. Under these circumstances the South would be treated the same as the North by my amendment. But where a community is proceeding under a court order at the present time to remedy something that took place in the past, in my opinion that would have to continue.

I cannot tell the Senator what the situation would be in a particular city or town. Each area would have to be examined on its own. From my knowledge of what is taking place, together with the Census and HEW figures, I think we are finding the South urbanizing along the northern patterns, and to that extent exactly the same procedures would prevail in those areas in the North and in the South.

Mr. ALLEN. It occurs to the junior Senator from Alabama that this cannot be a truly uniform plan when it leaves the metropolitan areas outside of the South 14 years to come up even to a 50-percent racial balance, whereas the metropolitan areas in the South have already been required to desegregate practically 100 percent on a racial balance.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. RIBICOFF. I shall yield in just a second.

My understanding is that there is no area in the South today or in the North in which desegregation is taking place on a metropolitan basis between separate school districts. Desegregation now takes place on a district-by-district basis. What I conceive should be done on a metropolitan basis is much different from anything that has been done in the past, because the district-by-district basis is not working in the North, and it will not work in the South, either, in the future.

Mr. ALLEN. The Supreme Court, in a decision handed down today, is ordering a restructuring of districts, which in effect would involve the metropolitan desegregation that the Senator is referring to.

Mr. RIBICOFF. I yield to the Senator from Minnesota.

Mr. MONDALE. I would like to repeat a point, that the Supreme Court, except in an unusual instance, has never issued a decision affecting more than one school district. The Charlotte-Mecklenburg case, to which the Senator makes reference, is a single county-wide school district, and the case is limited to that. The pending amendment offered by the Senator from Connecticut goes far beyond what the Supreme Court has ruled, and asks us to affirm a national policy of a metropolitan approach to this problem. I think the decisions of the Court are, for all practical purposes, irrelevant to the proposal now pending.

There have been a few cases where a local school district has redrawn its district lines for the purpose of achieving a discriminatory separation of the races. In that case—and such cases are very rare—the Court has said that the redrawing itself was an act of discrimination and has abolished it. But, by and large, the Supreme Court almost unanimously has assumed existing district lines and has limited its orders to a certain district.

Mr. ALLEN. The fact remains, though, that in large population centers of the South desegregation almost on a racial balance has been ordered, whereas under the Senator's plan, in a metropolitan district, it would require only one-tenth of a 50-percent racial balance desegregation annually throughout the district, starting 4 years hence.

Mr. ERVIN. Mr. President, will the Senator from Alabama yield to me?

Mr. ALLEN. I do not have the floor.

Mr. RIBICOFF. I am pleased to yield to the Senator from North Carolina.

Mr. ERVIN. I would just like to say to the Senator from Minnesota that he is incorrect in saying that the Charlotte-Mecklenburg school system was a single district. The Charlotte-Mecklenburg school system was under the control of a single governing body, but there were numerous districts in the city of Charlotte and in Mecklenburg County, and the effort of the school board there was to establish a system by geographic zoning or districts to avoid the necessity of disrupting the family arrangements and management of 10,000 or 15,000 homes in Charlotte and Mecklenburg County, and upsetting the lives of thousands of little children.

We apparently have that judgment confirmed today, by events which show man's inhumanity to man, in this respect, especially toward little children. Under that decree, little children, black and white, in the elementary schools, are required to leave their homes, in many cases, as early as 6:30 in the morning, and many of them do not return to their homes until 6:30 in the evening. I think that when we make little children the pawns in this fight, we are doing a gross injustice.

They said, "You have got to do all these things to prove that you no longer exclude people from schools on account of their race." But as one of the commentators on this subject has stated, it would be just as reasonable to send out the police force and round up black and white adult citizens, and compel them to go swimming together in a public bathing pool, in order to show that the bathing pool has been desegregated. I think that is the sort of thing we have.

Mr. ALLEN. Mr. President, I have no further questions.

Mr. ERVIN. I thank the Senator from Connecticut.

Mr. ALLEN. If the Senator from Connecticut yields the floor, I should like to obtain recognition in my own right.

Mr. RIBICOFF. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alabama.

Mr. ALLEN. Mr. President, yesterday I spoke on the measure now before the Senate (S. 1557), and in my remarks, I called attention to the fact that the Supreme Court has had the public school systems in the South under its thumb for nearly 17 years, but not once in that time has it provided a definitive statement of what the Constitution does or does not require with respect to the desegregation process.

As I stated, in this connection, in Northcross against Board of Education of the Memphis, Tenn., city schools, decided March 9, 1970—and that date is significant—Chief Justice Burger pointed out that there were three areas in which the Supreme Court had failed to rule in the matter of desegregation of public schools. Those three questions, as pointed out by the Chief Justice more than a year ago, were, first, whether or not a strict racial balance in the public schools must be required; second, whether school district lines may or might be altered; and third, whether transportation or busing could or might be used to carry out the purposes of the prior decisions of the Court.

I pointed out that on yesterday, April 19, 1971, more than 1 year thereafter, these questions still had not been answered and I stated:

> In other words, the Chief Justice of the United States is saying that the Supreme Court after 16 years of fumbling with these important questions, still has not decided: First, Whether any particular racial balance must be achieved in the schools; second, to what extent school districts and zones may or must be altered as a constitutional matter; and third, to what extent transportation may or must be provided to achieve the ends sought by prior holdings of the Court.

I pointed out, too, that many Members of Congress are fed up with this monumental hypocrisy, to which the distinguished Senator from Connecticut has referred on more than one occasion, of having a dual Federal policy with regard to desegregation of public schools, one that demands immediate desegregation of the public schools of the South, but which fosters, encourages, and protects the segregated schools of the North.

As I stated, many Members of Congress—and this certainly includes the junior Senator from Alabama—"are fed up with this 'monumental hypocrisy,' and they are fed up with the inability or unwillingness of the U.S. Supreme Court, confounded and confused by its own Court-created chaos, to point the way to a constitutionally acceptable national school desegregation policy."

Mr. ERVIN. Mr. President, will the Senator from Alabama yield for a question at that point?

Mr. ALLEN. I am delighted to yield to my distinguished friend from North Carolina.

Mr. ERVIN. I refer to the case of Green against County School Board of New Kent County, Va. Did not the school board in that case lay aside all vestiges of State imposed segregation, and open the only two schools it had to its schoolchildren, black and white, giving each child, whether he was black or whether he was white, the right to select the school of his choice?

Mr. ALLEN. Yes; that is correct.

Mr. ERVIN. And did not the little schoolchildren of New Kent County exercise their freedom of choice in a manner which seems to comport with the law of nature, as I have observed that law in operation north, south, east, and west, in that the great majority of white children elected to go to a school where other white children went, and the great majority of the black children, in the exercise of their freedom, elected to go to a school attended largely by members of their race?

Mr. ALLEN. Yes, sir.

Mr. ERVIN. And did not the Supreme Court of the United States, in an opinion, hold in substance, regardless of the legal jargon in which the opinion was written, that since the little children, black and white, had not exercised their freedom in a manner satisfactory to the undefined notions of Supreme Court Justices, the equal protection clause of the 14th amendment imposed upon the school board the duty to rob these little schoolchildren, black and white, of their freedom, and to take whatever methods might be necessary to coerce these little children, black and white, into attending schools in racial mixtures pleasing to the wholly undefined notions of the Supreme Court Justices?

Mr. ALLEN. That is correct. As I understand it, in that case the Supreme Court did not outlaw a freedom of choice plan per se, but, as the distinguished Senator from North Carolina points out, inasmuch as they did not come up to this undefined notion that the Justices of the Supreme Court thought they ought to come up to, the court said that this particular plan was unconstitutional.

Mr. ERVIN. And did they not hold, in substance, that the little schoolchildren of New Kent County could not have freedom unless they exercised their freedom, not in a manner pleasing to themselves, but in a manner pleasing to the undefined and unstated notions of Supreme Court Justices?

Mr. ALLEN. That was the effect of that decision.

Mr. ERVIN. Does the Senator from Alabama think that under our Constitution, the freedom of any group of Americans, whether they be schoolchildren or any other group of Americans, hangs upon such a tenuous and arbitrary thread that they cannot have liberty unless they please Supreme Court Justices?

Mr. ALLEN. It certainly should not so hang.

I thank the distinguished Senator from North Carolina for pointing out these interesting facts regarding this decision.

Yesterday, when the junior Senator from Alabama called on the Supreme Court to hand down some decisions touching on these questions, he did not know that the Supreme Court would give such a prompt answer to his plea. He might say that, not having read the five opinions carefully at this time, not having had the opportunity to do so, he does note that, as to one aspect of these three questions, the justices apparently have ruled that no ratio of a mathematical nicety is required in order to comply with their preconceived notions of what constitutes desegregation of the public schools.

As to whether these decisions will leave these questions in a clear state of definition, the junior Senator from Alabama is greatly skeptical. He feels that we will still have this Court-created chaos resulting from their present attempts to better define what their view of the desegregation process requires. It will be interesting to study these opinions and see just what the Supreme Court has ruled on the other points.

As to the amendment offered by the distinguished Senator from Connecticut, the junior Senator from Alabama has stated time and again on the floor of the Senate that he applauds the sincerity of the distinguished Senator from Connecticut. He applauds his condemnation of the monumental hypocrisy that exists in areas outside the South. He applauds his effort to provide a uniform national policy for desegregation of the public schools, North and South.

As the distinguished Senator from Mississippi (Mr. STENNIS), the distinguished Senator from North Carolina (Mr. ERVIN), and the junior Senator from Alabama have said many times, "Give us a uniform system, one that applies to the North and the South alike, something they can live with, and we will be glad, in good faith, to seek to comply with any such uniform policy." For that matter, unfair as this dual policy is concerned, I submit that the people of the South have complied—and they are complying—in good faith with whatever the courts say is required of them, no matter how unjust, no matter how discriminatory against the people of the South these policies of HEW and these rulings of the Federal court are.

A few moments ago, the junior Senator from Alabama asked the distinguished Senator from Connecticut whether, under his plan for the desegregation of the metropolian areas, North and South, that would set standards in lieu of the present state of affairs and the present degree of desegregation that now exists in areas in the South, and he said, "No."

Mr. RIBICOFF. Mr. President, will the Senator yield at that point?

Mr. ALLEN. I yield.

Mr. RIBICOFF. There is no way that legislation—whether it be my amendment or someone else's—can undo or change what has taken place between the years 1954 and the present time under constitutional mandate. We cannot substitute new rules here for what the Supreme Court has decided or for the orders handed down by district court after district court.

I would be more than willing to combine the Stennis amendment and the Ribicoff amendment. If the distinguished Senator from Mississippi would be on the floor and amend my proposal by adding to it the so-called Stennis amendment, from the time my bill was implemented in the future there would be a uniform policy applying to the entire Nation. At the present time, with a failure to put the Stennis amendment and the Ribicoff amendment together, there may be some variations.

As far as I can see, even with adoption of the Ribicoff proposal, if the Supreme Court ultimately rules that de facto segregation is unconstitutional and wrong, the Supreme Court, through northern Federal district courts, could go into any district and order that district to desegregate on the same basis it has ordered de jure desegregation in the Southern States.

But my proposal is on a metropolitan basis. Once the bill became law, the North and the South would be treated equally. There is no way I can change what has taken place before 1971.

Mr. ALLEN. The point that the junior Senator from Alabama is making could possibly be illustrated in this fashion: to compare the northern school districts and the southern school districts to track men in a 100-yard dash. We would have to picture the southern school districts about 90 yards toward the tape and the northern school districts about 5 yards back of the starting line, and we would find that the southern districts lacked only about 10 percent of having complete desegregation; whereas, the northern districts—as pointed out by the distinguished Senator from Minnesota yesterday, there is more segregation in the North this year than last year or the year before—would be some 5 yards behind the starting point. So there is no chance of ever getting them up to an equal point under the amendment offered by the distinguished Senator from Connecticut.

Mr. RIBICOFF. Be that as it may, the fact remains that we have a condition that exists now, and we are discussing what to do for the future. Neither the Senator from Alabama nor the Senator from Connecticut can undo the past. All we can hope to do is try, for the future, to have a sense of equality and a sense of fairness nationwide.

As I said during debate last year on the Stennis amendment, and during debate at the present time, the South has made greater progress toward integrating its schools than the North has done. But, as I tried to point out with the census figures, the South will soon be back again to where the North is, because the South now is going through the same changes in housing and urbanization that the North has. Thus, as far as the future is concerned, they will both be treated alike.

I am asking that now, at least, the North begin desegregating. I cannot condone or excuse the fact that many of us in the North, and on the floor of the Senate, have continually pointed our fingers at the South and demanded standards of desegregation from the South that many of us in the North are unwilling to accept. I must confess that I am curious how many Senators who have been in the forefront demanding desegregation in Southern schools will vote on my proposal which will be a step forward in the Northern States toward achieving the desegregation that they have demanded over the past 20 years for the Southern States.

I do not know what their vote will be, but I am sure that there is great curiosity to see how many of the advocates of civil rights and desegregation will vote, now that it will affect them in the future as it has affected the South in the past.

Mr. ALLEN. The junior Senator from Alabama wants to assure the distinguished Senator from Connecticut that there is great admiration for him in this Senator's home State and throughout the entire southern region. We admire his political courage and his great statesmanship. We appreciate his sympathetic understanding of some of the problems that affect the people of our region.

The junior Senator from Alabama has been advised that there is going to be, in all likelihood, a motion made to lay on the table the amendment offered by the distinguished Senator from Connecticut. The junior Senator from Alabama wishes to advise the distinguished Senator from Connecticut that he will vote against that motion to table because he, too, would like to see how many of the distinguished Members of this body will vote on a bona fide amendment to bring some measure of desegregation to the school systems outside the South.

Mr. RIBICOFF. If the distinguished Senator will yield further, I must add, however, that I am also very curious as to how the Senators from the Southern States will vote on the Ribicoff amendment as well. While I appreciate their admiration, I have stated time and time again that it is immaterial to me what the motives of Senators from the South may be for supporting the Stennis amendment.

I know what my purposes are. I believe that the time has come for uniformity. If we are going to have national standards, it becomes important that Senators from the South vote for the Ribicoff amendment too, because now we are on the road to uniformity and the way we can really get uniformity, in fairness, would be the combination of the Stennis amendment and the Ribicoff amendment. The question has been raised time and time again, "Will you support the Stennis amendment this year?" and I have said that I would. I would hope that Senators from the South, those who have been pleading for the same treatment for the North, will see in the Ribicoff amendment an opportunity finally to have a uniform system.

Without my amendment, we will continue operating in the South on a de jure basis and in the North on a de facto basis. If the Supreme Court rules some day that de facto segregation is constitutional, then the North will continue to become more and more segregated while the South will be desegregated. I have felt all along that this would be unalloyed tragedy for the future of the Nation because it can only lead to apartheid. Apartheid is a grave problem, whether it is in South Africa or in the United States. I do not believe that any nation can survive when a substantial minority of its people are closed off in ghettos, surrounded, for all practical purposes, by their own "Chinese Wall." My amendment, gives us an opportunity to prevent that. There are those who take exception. They do not like some features of my amendment. I have said time and time again that, if someone does not like my amendment, let them come up with a suggested change or a suggested amendment.

All I know is that, for 1 solid year, my staff and I have struggled to produce a proposal that we thought would be fair. We have asked for advice from knowledgeable people throughout the Nation. Draft after draft has been prepared in our office and we finally came up with this proposal. I do not believe it is perfect. It does not have all the answers. But I have yet to meet someone who does not like my proposal who has come up with a suggested alternative.

We have read about the turmoil in Newark. We know of the large percentage of black students in Chicago and Detroit—in fact, in every city we know of the increasing percentage of blacks. In my own State of Connecticut, in Hartford, Bridgeport, and New Haven, it is obvious that any formula we would provide for a single school district could not have any semblance of fairness to it because, basically, school districts in most of the northern States are on a citywide basis. That is the district. It is unlike some of the districts in the South which at the present time include a central city and some of the surrounding areas.

Mr. ALLEN. Does the Senator feel that this amendment would provide the exclusive method of providing for desegregation of the public schools in the metropolitan areas, with the proviso that where desegregation has proceeded beyond that point, that point would still be maintained?

Mr. RIBICOFF. Let us look at the problem in large cities. The only way we can desegregate the big cities in the United States is to include their metropolitan areas.

It becomes obvious that what has been taking place in city after city is a flight of the whites from the cities to the suburbs with the cities becoming blacker and blacker.

Washington, D.C., has a school population that is 95 percent black. No system we could possibly devise could provide any chance of desegregating the schools in Washington unless we involved the suburbs in Maryland and Virginia.

Thus, unless we desegregrate on a metropolitan basis, we will not have a desegregated school system but a more segregrated school system. As I stated yesterday, it would be separate and unequal. As the cities are becoming poorer and poorer, and the people there are losing jobs to those in the suburbs, more and more blacks keep moving in and the whites keep moving out. Soon what we will have will be school districts in the North 100 percent black and school districts 100 percent white. If we believe that segregated school districts are wrong and that segregated education is bad, the only way we can eliminate it is on a metropolitan basis.

We tried to develop a vehicle to accomplish this goal. If someone has a better idea, I will be happy to support it. But, so far, no one has come up with a suggestion that is preferable or that will do the job better than my proposal.

Along that line, the senior Senator from Minnesota, who has been chairman of the Select Committee on Equal Education Opportunity, after spending a year studying all the proposals now supports the Ribicoff proposal. I am sure that the able Senator from Minnesota, if he felt there were a preferable vehicle, would not hesitate to come up with a substitute to my proposal.

Mr. ALLEN. Mr. President, the Senator does not understand that the Supreme Court has ruled that de jure segregation is unconstitutional and de facto segregation is constitutional. As a matter of fact, I do not recall that they have used those terms at all. However, in talking of the Court-created chaos, if the Supreme Court should ever rule that the so-called de facto segregation is constitutional, as the Senator from Connecticut mentioned a moment ago, the South, where desegregation has taken place, has in some areas resegregated. Obviously, that would be segregation of the so-called de facto segregation type.

If all segregation becomes de facto segregation, then we would have 100 percent segregated schools throughout the country. So, that would certainly lead us to the conclusion that something must be done to break down the de facto segregation that exists in the North.

There is no reason to wait until the Supreme Court says that de facto segregation is unconstitutional. They have already said that segregation is unconstitutional because it provides, they say, an inferior type of education and therefore does not give equal protection under the law.

It would seem to the junior Senator from Alabama that an attack ought to be made on the segregation that exists in the North, whether it be de jure or de facto. And if the Supreme Court rules that de facto segregation is constitutional, well and good. We have de facto segregation ourselves down South.

Mr. RIBICOFF. Mr. President, the Senator is already getting it. Basically the South is on its way to having de facto segregation.

As I said last year and as I have said this year, the South is going through the same experience the North has already had. Until recent years, housing patterns in the South were much less segregated than housing patterns in the North. Until recent years, blacks were scattered throughout southern neighborhoods. The northerners, on the other hand, had a special ghettoized situation in their housing that the South had not known. However, once the Supreme Court handed down the decision in the Brown case, the South started to duplicate the situation we had in the North. Whites started to move to the suburbs. Southern cities began to be blacker and blacker.

I need not tell the Senator from Alabama or the Senator from North Carolina what has taken place in their towns or their areas. They have seen it as well as I or anyone else. With what is taking place in the South, the South will have de facto segregation pretty soon.

I do not know what the Supreme Court will do in the future, but it would be tragic if the Supreme Court were not to strike down segregation in the North. I see no difference between de jure and de facto segregation. They are both wrong.

The Supreme Court says that de jure segregation is wrong. I think that they must say that de facto segregation is also wrong.

I do not understand the implications of the decisions of the Supreme Court today.

I have a copy of an item that just appeared on the wire, if I may read it. It reads:

> "Desegregation plans cannot be limited to the walk-in school," said Chief Justice Warren E. Burger in announcing the most important ruling of the term.
>
> At the same time, the Court held fixed racial ratios are not required in all the schools of a community.
>
> As Burger said:
>
> "The constitutional command to desegregate schools does not mean that every school in every community must always reflect the racial composition of the school system as a whole."
>
> However, the Court ruled valid the use of a white-black ratio system for schools in Charlotte, Mecklenburg County, N.C.
>
> "The very limited use of mathematical ratios was within the equitable remedial discretion of the district court," said the Chief Justice.
>
> In all respects the Court was unanimous as it ruled on school cases from Mobile County, Ala., and Clarke County, Ga., as well as the Charlotte case.

I suppose it depends on one circumstance or another. We can have a fixed ratio or not have a fixed ratio. Whatever the district judge says is right. There is no general rule, as I say, so far.

Mr. ALLEN. The Senator is correct. That is the court-created chaos the junior Senator from Alabama is talking about.

Mr. RIBICOFF. Mr. President, the very use of a mathematical ratio is within the discretion of the district judge. Since we can apparently have a ratio, I am saying, let us adopt a uniform, metropolitan proposal. Let us establish a goal that each and every school district in a metropolitan area should have a percentage of minority group children equal to one-half the percentage of minority group children in the entire metropolitan area. Then we will have a fixed ratio that will apply all over the Nation.

Mr. President, we have no right to complain about the Supreme Court, because we have placed all of our burdens on its back. Let us begin to do the legislating here instead of complaining when we are not satisfied with the legislative process of the Supreme Court. The Court should be a judicial body and not a legislative body. However, since the Senate of the United States has failed to legislate about desegregation, we have placed the burden of legislating on the Supreme Court.

When the Supreme Court hands down a decision that we are unhappy about, we complain and condemn the Justices. The Supreme Court should not be condemned. The blame should fall on the Senate of the United States because we have ducked the issue and yet we complain about the decision of the Supreme Court if we are unhappy with it.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. ALLEN. Mr. President, I yield to the Senator from North Carolina.

Mr. ERVIN. Mr. President, is not the fundamental trouble in the courts today the fact that the courts look upon de facto segregation in the South as de jure segregation?

Mr. ALLEN. That is one of the problems.

Mr. ERVIN. There has not been any de jure segregation in the South since it was outlawed in 1954.

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. The Senator from Alabama is perhaps familiar with the situation that exists in the city of Charlotte, N.C. The city of Charlotte, N.C., has de facto segregation. The black people live in certain areas and the white people live in certain areas. Yet, they call it de jure segregation. In other words, de facto segregation in the South is equivalent to de jure segregation.

No better illustration can be found of this than the city of Charlotte. The city of Charlotte is a very progressive city. It has attempted to implement in good faith the decision in the Brown case. Yet, because the black people live in one section and the white people live in another section, and because the city of Charlotte is located south of the Mason-Dixon line and south of the Potomac River, de facto segregation in the city of Charlotte is held to be segregation in violation of the equal protection clause of the 15th amendment.

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. Mr. President, I have a lot of admiration for the distinguished Senator from Connecticut for pointing out that we do have a dual system. I certainly agree with him that if segregated schools are a psychological handicap for a black child, they are just as much a handicap for him whether they are the result of de jure segregation or de facto segregation.

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. Mr. President, my complaint about the Supreme Court is that it perverts a very simple provision of the Constitution, the equal protection clause, which to my mind is one of the most easily understandable provisions of the Constitution. As a result, the Supreme Court has complicated simplicity with some of its decisions.

The equal protection clause states that no State shall deny any person within its jurisdiction the equal protection of the laws. This means that a State cannot treat differently by law or by State action persons similarly situated. In other words, it means the State must treat everybody in like circumstances in like manner.

There is no possible system for assigning children to public schools which is more in harmony with the equal protection clause than a freedom-of-choice system, as it is called in the South, or an open enrollment system, as it is called in the learned city of Boston. That is true because when the school board says to the schoolchildren under its charge, "You may go to the school of your choice regardless of your race," it is treating everybody in like circumstances in exactly the same manner, and no amount of judicial sophistry can erase the fact that freedom of choice or open enrollment is in harmony with the equal protection clause.

Mr. ALLEN. I certainly agree with the Senator.

Mr. President, I yield the floor.

Mr. ERVIN. Mr. President, this bill presents many serious problems for the Senate.

First, I would like to say that when Congress enacted title VI of the Civil Rights Act of 1964 it committed a terrible offense against the Constitution of the United States. In saying this, I do not make any reference to the 14th amendment. I refer to the first amendment. The first amendment states that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

I submit that under that provision of the Constitution it is improper, and I assert unconstitutional, for Congress to pass a law which authorizes an institution to take tax money and discriminate against anybody in its use on account of his religion. The first amendment prohibits the use of tax moneys for the support of religious institutions; that is, institutions which are concerned with the teaching of religion.

The first amendment is also concerned with freedom of religion; and I assert that any statute which authorizes any institution to receive tax money and use that tax money in carrying on a program which discriminates against any person on account of his religion is unconstitutional.

When the Civil Rights Act of 1964 was passed it contained a provision in every title except title VI which stated in express words that it prohibited discrimination in public schools, in places of public accommodation, in employment, and in all other areas covered by the act which was based upon a person's race, or his color, or his religion, or his national origin. But for many years there have been those who were not willing to have religious institutions depend upon the voluntary gifts of their adherents for the support of their activities, and those who have this view have been attempting to give these religious institutions access to the U.S. Treasury to support the activities of religious institutions. So when Congress adopted the Civil Rights Act of 1964 and came to the enactment of title VI, which deals with programs and activities supported in whole or in part by Federal tax moneys, it provided that the only kind of discrimination which would be penalized in the use of those moneys would be discrimination on the basis of race, or color, or national origin.

It might as well have done what it did do and said, "We hereby authorize discrimination on the basis of religion." That was done deliberately so that Congress could permit Federal agencies and departments to wink at the first amendment to the Constitution and permit institutions to receive tax moneys for religious purposes and discriminate against people who do not worship Almighty God in precisely the same way those institutions believe Almighty God should be worshipped.

This bill represents a major effort to violate the first amendment and to make tax moneys available for the use of schools supported and controlled by religious institutions. It has a lot of pious protestations on the basis of race, Mr. President, such as that you cannot discriminate on the basis of race, color, or national origin in the operation of any school activity, but it expressly provides in many sections that you can discriminate against anyone on account of his religion.

I introduced an amendment yesterday which I propose to call up at the appropriate time that will strike out every provision of this bill which undertakes to make the money of taxpayers available for the support of schools operated by religious institutions.

I contend that it is not only unconstitutional but also it is tyrannical to tax Protestants and Jews for the support of Catholic schools. I maintain that it is not only unconstitutional, but it is tyrannical to tax Catholics and Jews for support of Protestant schools. I maintain it is not only unconstitutional but tyrannical to tax Jews for the support of Catholic and Protestant schools. I maintain it is likewise not only unconstitutional but tyrannical to tax agnostics or even infidels to support Catholic, Jewish, or Protestant institutions teaching their respective religions.

When Thomas Jefferson phrased the statute of Virginia for religious freedom, he said that—

> It is both sinful and tyrannical to compel a man to make contributions of money for the dissemination of religious doctrines which he disbelieves.

His protege, James Madison, who piloted the Virginia statute of religious freedom through the Legislature of Virginia, stated that—

> We had better resist the first incursion upon our liberties.

The bill before the Senate provides that tax moneys can be taken from Americans of all religions and of no religions for private schools conducted by religious institutions just as they can be taken for the public schools of the States.

As I stated a moment ago, I prepared, and introduced on yesterday, a proposed amendment, which I shall call up at the appropriate time, amendment No. 45 to S. 1557, which strikes from the bill every provision which undertakes to violate the first amendment to the Constitution of the United States.

For the information of Senators, I ask unanimous consent that a complete copy of the amendment be printed at this point in the body of the Record.

There being no objection, amendment No. 45 was ordered to be printed in the Record, as follows:

AMENDMENT NO. 45

On page 18, line 1, strike out "and private nonprofit".

On page 18, line 9, strike out "and private nonprofit".

On page 18, line 11, strike out "nonpublic" and insert in lieu thereof "public".

On page 19, beginning with line 6, strike out through the words "section 5" in line 9 and insert in lieu thereof the following:

"(A) local educational agencies eligible for assistance under section 5 to develop curricula".

On page 19, strike out lines 19 through 21.

On page 19, line 22, strike out "(C)" and insert in lieu thereof "(B)".

On page 19, line 25, beginning with the word "clauses" strike out through line 3 on page 20 and insert in lieu thereof "clause (A)".

On page 20, lines 7 and 8, strike out "clause (C)" and insert in lieu thereof "clause (B)".

On page 20, line 11, strike out "clause (C)" and insert in lieu thereof "clause (B)".

On page 20, beginning with line 15, strike out through line 5 on page 21 and insert in lieu thereof the following:

"(2)(A) In order to be eligible for a grant or contract under this subsection a local educational agency must establish a program or project committee meeting the requirements of subparagraph (B), which will fully participate in the preparation of the application under this subsection and in the implementation of the program or project and join in submitting such application."

On page 27, strike out lines 10 through 21.

Renumber the succeeding paragraphs in section 9(a) accordingly.

On page 31, line 12, strike out "or private nonprofit".

Mr. ERVIN. Mr. President, I have prepared another amendment in the nature of a substitute. I think that the Federal Government owes exactly the same obligation to assist in promoting the education of every schoolchild in this Nation, regardless of his race, regardless of his language, and regardless of whether he lives south of the Potomac and Ohio Rivers or north of the Potomac and Ohio Rivers, and regardless of whether he lives east of the Mississippi or west of the Mississippi.

So I have prepared an amendment in the nature of a substitute in the hope that the Senate will adopt it, and in the hope that we will not have to debate all these emotional issues like the question of Federal tax aid to parochial schools, and the emotional issue that it is the duty of the Federal Government to browbeat the South.

My substitute, which I had printed in the record this morning, would provide for equality of treatment of every child in the United States, regardless of all matters of race and of matters of religion and regardless of all other matters. It would strike out everything after the enacting clause of the pending amendment and substitute an entirely different formula for the distribution of the $1.5 billion. Under this formula, every State in the Union, north, south, east, or west, would receive an absolute grant from the Federal Government, free from all Federal commands, based upon the proportionate number of schoolchildren it has enrolled in its public schools in relation to the number of schoolchildren enrolled in all of the public schools of all of the 50 States.

My amendment in the nature of a substitute would be quite in harmony with the President's revenue-sharing proposals. It would insure equality of treatment for schoolchildren throughout the entire Nation, and it would insure that every State in the Union would be treated exactly alike in the distribution of those Federal funds.

Furthermore, its adoption would signify a willingness on the part of Members of the U.S. Senate to readmit into the Union on the basis of equality with the other States of the Union, the States which happen to have been members of what we may call the old Confederacy. I think it is high time that we put an end in the Congress of the United States to browbeating one section of the country and making a whipping boy of one section of the country because it is politically profitable in some areas to do so.

I have to confess that during the 17 years I have been a Member of the Senate I have seen the area from which I come continuously browbeaten by legislative enactments. I have seen it browbeaten by judicial decisions. These legislative actions and these judicial decisions are something which neither the Congress nor the Court has dared to make applicable to other sections of the Nation.

This is a bill aimed at the South. Everything in this bill is designed to integrate the bodies of southern schoolchildren, but not to enlighten their minds. There is not a single provision in the bill which has as its primary purpose the enlightenment of the minds of any of the schoolchildren attending any of the schools under the auspices of any of the local school authorities which could receive money under this bill.

Not only that, Mr. President, the bill actually contains a provision which is designed to prevent the enlightenment of the minds of bright and diligent students. I refer to subsection (C) of subsection (1) of subsection (d) of section 5.

This provides:

> (d) (1) No local educational agency shall be eligible for assistance under this Act if it has, after the date of enactment of this Act—
>
> * * * * *
>
> (C) in conjunction with desegregation or the conduct of an activity described in section 5, had in effect any procedure for the assignment of children to or within classes which results in the separation of minority group from nonminority group children for a substantial portion of the school day.

By these words, the bill forbids any special instruction for bright or gifted or diligent students in any school where it happens that those children belong to a particular race or are of a particular national origin, or are children who speak specified languages, if the giving of such special instructions separates minority and nonminority students for any substantial period of a day. And I would think that, since schools operate about 4 or 5 hours a day, a half hour or even 15 minutes would be a substantial period of a day.

In other words, this bill says, in effect, that no school system can receive any money under this bill if it has at any time after the enactment of the bill had any procedure which afforded gifted or diligent students an opportunity to learn anything more than it undertakes to teach to dull or lazy students, if it results in any separation of minority from nonminority children at any time during the course of the day. Presumably, this is based upon the theory that this Nation is desirous of attaining an equality of inferiority among the children who are educated in its schools.

I think that this provision is utterly inconsistent with a fundamental principle upon which this Nation is founded, and that is the principle that the object of education in our country is to give every child an opportunity to make of himself everything which the Almighty gave him any possibility of being.

Many States of this Union have constitutional provisions which, like the first amendment, prohibit the use of State tax funds for religious purposes. In those States, the members of local educational agencies, such as school boards, have to take oaths to support State constitutions containing provisions similar to that outlined by me.

Yet, this bill says that those public officials who have taken an oath of that character must first consult with the officials of private schools belonging to institutions that teach religion, and must agree with them upon provisions to be set forth in their application for the funds which will insure to the private schools controlled and operated by religious institutions, the same benefits under this act that public schools are eligible to receive.

"Oh," they say, "but we may separate secular activities from sectarian activities."

The Supreme Court has declared in a number of cases that you cannot separate the secular from the sectarian in education, where a school exists for the purpose of teaching both. Justice Douglas has declared, in a concurring opinion in one of the school prayer cases, that giving the benefit of tax moneys to a religious institution is an aid to that institution forbidden by the first amendment. And this is so, he said, even though the tax moneys are ostensibly to be used for a secular purpose. He declares quite correctly that such action on the part of government enable such institutions to use their own funds for their religious purposes, and render it unnecessary for them to use their funds for secular purposes, and that the gift of tax moneys under those circumstances supports the institutions in teaching religion, because it enables them to engage in proselyting with their own funds.

The private schools that would receive money under this measure are established for the purpose of giving children instruction in a particular religion, which is usually the religion of their parents, and they are established so that the children can receive something which the Constitution forbids them to receive in the public schools.

The Supreme Court of the United States held, in what are popularly known as the school prayer cases, that it is unconstitutional under the first amendment to require children to say a prayer or to listen to a Bible reading. Yet, these private schools conducted by religious institutions are ordained and established for the purpose of making it certain that the children who attend them will receive religious instruction, and will say or listen to prayers, and will read or listen to the reading of the words of the holy books revered by the institution which establishes these schools.

Mr. President, if it is unconstitutional to use for the teaching of religion a school building constructed and maintained for public use by tax moneys, how can it possibly be constitutional, as this bill provides, to give tax moneys to assist religious institutions in operating schools which are ordained and established for the primary purpose of teaching religion? I do not believe that the first amendment can be twisted to make one of these uses of tax moneys unconstitutional and the other constitutional.

Let us see what this bill authorizes in respect to the use of these tax moneys for grants and contracts relating to these moneys. Section 6 reads, in part, as follows:

> SEC. 6. (a) Sums appropriated pursuant to section 3(a) and apportioned to a State pursuant to section 4 (which have not been reserved under paragraph (2) or (3) of section 4(a)) shall be available for grants to, and contracts with, local educational agencies in that State which have been established as eligible under section 5(a), to assist such agencies in carrying out the following programs and projects under the comprehensive districtwide plan submitted pursuant to section 5(a) as necessary and appropriate to carry out the purposes of this Act:

It then proceeds to say that one of the activities shall be "the development and use of new curricula and instructional methods."

Mind you, these applications for funds must set forth the activites for which they are to be used, and the use for these activities must be approved by the Federal Commissioner of Education before he can make the grant or the contract.

Here, for the first time, so far as I know, in the history of the United States, we have an indirect method of giving to the Commissioner of Education the power to prescribe curricula in the elementary and secondary schools.

This appears in section 6(a)(1) on page 15.

I wish to invite attention to another thing in subsection (a)(1) on page 15. One of the activities is "to support a program of instruction for children from all racial, ethnic, and economic backgrounds, including instruction in the language and cultural heritage of minority groups." Does that mean that if you have a student who came indirectly, by his family descent, from Hindustan, it is necessary or proper to have a course of instruction in the language of that country?

It has always been my idea that America has the objective of making all its inhabitants American. This bill represents another effort to fragmentize the American people, not to give their children an education befitting all Americans, but to give them an education based on the cultural heritage of the particular minority group to which they belong.

I will not digress to point out who is a member of a minority group under the definition of this bill. Many of us belong to very small minorities who are not minority groups within the purview of this bill. But it is not customary for the powers that be in American Government to be very much concerned about some of us minorities, so we are not included in the minority group.

Then, as appears on page 15, subsection (2), a permissible activity may be the provision of remedial services, which is teaching.

The bill also provides that guidance and counseling services constitute a permissible activity.

Then it provides that providing for administrative and auxiliary services constitute a permissible activity. This clearly authorizes the use of the tax money authorized to be appropriated by the bill for school administrators and their helpers.

The bill then provides that the tax moneys can be used to support community activities, including public information efforts; for recruiting, hiring, and training teacher aides; to provide for inservice teacher training designed to enhance the success of the schools assisted under this bill through contacts with institutions of higher learning. In other words, the tax moneys can be expended to send the teachers from the schools to institutions of higher learning to receive additional education. And finally, the bill provides that the tax moneys can be used to repair or remodel existing school facilities.

As I have pointed out, the bill expressly provides that the local educational agency which applies for these loans has to take care of private schools belonging to religious institutions in exactly the same way it takes care of the public schools within the boundaries subject to its jurisdiction.

That provision is in section 9, which relates to the applications. It provides:

> Any local educational agency desiring to receive assistance under this Act for any fiscal year shall submit to the Commissioner an application therefor for that fiscal year at such time, in such form, and containing such information as the Commissioner shall require by regulation.

The Commissioner may approve such an application only if he determines that such application complies with many different requirements, including one set forth in subsection (8) of section 9, on page 27:

> To the extent consistent with the number of minority group children in the area to be served who are enrolled in private nonprofit elementary and secondary schools which are operated in a manner free from discrimination on the basis of race, color, or national origin, and which do not serve as alternatives for children seeking to avoid attendance in desegregated or integrated public schools, whose participation would assist in achieving the purpose of this Act, provides assurance that such agency (after consultation with the appropriate private school officials) has made provision for their participation on an equitable basis;

Hence, there can be no doubt that the bill would extend Federal tax aid to private schools controlled and operated by religious institutions in violation of the first amendment.

This bill also has another peculiar provision in it. It has become fashionable nowadays to propose legislation to encourage ambulance-chasing lawyers to chase ambulances. The bill contains provisions which exceed the most vivid dream of the most pronounced ambulance chaser to be found in the legal profession. It contains a provision to encourage litigation, which is on page 3, lines 21, 22, 23, and 24, as follows:

> 3(b) From the sums appropriated pursuant to subsection (a), the Commissioner shall reserve $5,000,000 for the period ending June 30, 1972, and $10,000,000 for the fiscal year ending June 30, 1973, for the purposes of section 11.

Let us see what section 11 states:

> SEC. 11. (a) Upon the entry of a final order by a court of the United States against a local educational agency, a State (or any agency thereof), or the Department of Health, Education, and Welfare for failure to comply with any provision of this Act or title I of the Elementary and Secondary Education Act of 1965, or for discrimination on the basis of race, color, or national origin in violation of title VI of the Civil Rights Act of 1964, or of the Fourteenth Article of amendment to the Constitution of the United States as they pertain to elementary and secondary education, such court shall, upon a finding that the proceedings were necessary to bring about compliance, award, from funds reserved pursuant to section 3(b)(3), reasonable counsel fees, and costs not otherwise reimbursed, for services rendered, and costs incurred, after the date of enactment of this Act to the party obtaining such order. In any case in which a party asserts a right to be awarded fees and costs under such section, the United States shall be a party with respect to the appropriateness of such award and the reasonableness of counsel fees.

In other words, any private individual, or any organization, can sue any State or other agency of the State, or even the Department of Health, Education, and Welfare of the United States, and recover counsel fees to be paid out of the $15 million.

Continuing reading from section 11:

> (b) The Commissioner shall transfer all funds reserved pursuant to section 3(b)(3) to the Administrative Office of the United States Courts for the purpose of making payments of fees awarded pursuant to subsection (a).

Mr. President, this is done by the authors of the bill for the avowed purpose of encouraging people to bring suits for the enforcement of the provisions of the equal protection laws and acts of Congress implementing the equal protection laws of the 14th amendment.

I believe that the first amendment is as sacred as the 14th amendment. It is the first amendment that gives us the right to bend our knees to God in our own way, and which gives us the right not to be taxed for the support of religious doctrines which we disbelieve. Accordingly, I am going to offer an amendment, at the appropriate time, to provide that no less than 20 percent of this $15 million shall be set aside and used to pay counsel fees and costs incurred by Americans who are so devoted to the U.S. Constitution that they desire to bring suits to contest the constitutionality under the establishment clause or the freedom of religion clause of the first amendment of any outlays of Federal tax moneys made as proposed to be made under the provisions of the bill or under any act of Congress.

Mr. President, if Congress is going to be concerned about the enforcement of the Constitution, it should be concerned about the first amendment.

If any provision of the Constitution can be said to be the very soul of the Constitution, it is the first amendment.

The first amendment was placed in the Constitution to make the minds and spirits of Americans free and exempt them from taxation for the support of violations of the first amendment.

I believe that all the amendments I shall propose at appropriate times are worthwhile. The one that would divide this money among the 50 States according to the student populations of those States and not for the purpose of browbeating certain areas of the country would promote the equality of the States and equality of schoolchildren in all areas of the Nation.

Mr. President, I hope that amendment will be adopted. The adoption of my substitute amendment would render it unnecessary for me to offer the amendments on the emotional issues. But if it becomes necessary, I will offer the other amendments. As I have said, it is as important to enforce the first amendment as it is to enforce the 14th amendment. For that reason, I propose to offer the amendment to make some of the $15 million available for the purpose of paying counsel fees and costs of litigation necessary to make the first amendment a viable part of the Constitution.

Mr. President, I yield the floor.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

ANNUAL REPORT OF THE HEALTH RESEARCH FACILITIES CONSTRUCTION PROGRAM—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 92-91)

The **PRESIDING OFFICER** (Mr. ALLEN) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

I transmit herewith the Fourteenth Annual Report of the Health Research Facilities Construction Program for activities during Fiscal Year 1969.

RICHARD NIXON.

THE WHITE HOUSE, *April 20, 1971.*

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. ALLEN) laid before the Senate a message from the President of the United States submitting the nomination of William T. Pecora, of New Jersey, to be Under Secretary of the Interior, which was referred to the Committee on the Interior.

EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATION ACT OF 1971

The Senate continued with the consideration of the bill (S. 1557) to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes.

The PRESIDING OFFICER. What is the will of the Senate?

QUORUM CALL

Mr. ERVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I speak as the ranking member of the Committee on Labor and Public Welfare which reported this bill. I participated very actively in the development of the pending bill, and so feel that I should have made the opening statement yesterday. Unfortunately, however, I necessarily had to be in my home State and was unable to do so. Hence, I wish to make the statement today especially since I was literally the nexus of the negotiations which resulted in the agreement between the administration, the Senator from Rhode Island (Mr. PELL), the chairman of the Education Subcommittee, and the Senator from Minnesota (Mr. MONDALE), the chairman of the Select Committee on Educational Opportunity.

Mr. PELL. Mr. President, will the Senator yield?

Mr. JAVITS. I yield to the Senator from Rhode Island.

Mr. PELL. Mr. President, I would like to express my thanks to the senior Senator from New York from being the nexus of the negotiations. That is very much the correct word to use. He was of great help in bringing the varying views together and in providing a habitat in which to do so.

I do oppose the use of the word "secret" that has been used by the press. It was a simple effort to get those primarily interested in the legislation together. There was nothing secretive about it, although the newspapers around the country refer to the discussion in that manner.

Mr. JAVITS. Mr. President, I thank the Senator from Rhode Island for his gracious reference to me and for expressing so unqualifiedly the truth. There was nothing secret about the matter. It was a matter of getting together the interested men to discuss the matter. It would hardly have been entertaining to the press to sit for 4 or 5 hours and watch those men try to reach agreement. That is what happened. Every explanation of how the matter was arrived at has been made in the most complete way.

There is no question that few bills have been so carefully gone through in the testimony given in support of what is proposed or in the detailed understanding of the original provision as this one.

This bill has had the careful scrutiny of the administration as well as of the chairman of the subcommittee, the Senator from Rhode Island; his entire subcommittee; the Committee on Labor and Public Welfare; and the chairman of the select committee and the members of that committee.

Every suggestion which could possibly be considered in terms of educational excellence, desegregation, and integration of the educational process has been taken into consideration.

I wish to point out that the only exception made by the administration in support of this measure is section 11, relating to attorneys' fees. That has been excepted, according to our understanding. As I understand it, the Senator from Colorado (Mr. Dominick) will seek to strike it and has so indicated in his views found in the committee report. So the issue will be raised before us and decided by the Senate. I wish to make it clear, therefore, that the bill, except for section 11, is not a subject of disagreement with the administration.

I would like also to pay tribute to the Senator from Rhode Island (Mr. Pell) for his leadership and the fine tact and taste which he displayed in bringing the parties with different views together and to the Secretary of HEW, Hon. Elliot Richardson, who personally handled the effort in hammering out the terms of this legislation.

We are also very deeply indebted to all who participated in the demonstration of what could be done with $25 million which the Congress appropriated as a lead installment last year as part of the Education Appropriation Act for the current fiscal year.

The evidence adduced before us by many public witnesses was very well worthwhile in teaching us what we are now seeking in the bill.

The bill is the product of much testimony and scrutiny.

Mr. President, we have the hope and expectation that the action will be favorable. The declarations of the President last year and this year upon this subject are entirely consistent with what is contained in the bill. The bill is very much a product of, although by no means exactly like, the Emergency School Aid Act of 1970, the administration's proposal of last year. That act was passed by a 2 to 1 margin in the other body with a wide spectrum of the Representatives from all States, including the border and Southern States, supporting it.

It is very interesting that among those voting for the bill in the other body last year were Representatives from Arkansas, Delaware, Florida, Kentucky, Louisiana, Maryland, North Carolina, Oklahoma, South Carolina, Texas, and West Virginia.

Indeed, as the Senator from Mississippi (Mr. Stennis) pointed out to this body last year: "We are going to have a continuation of integration in the South." I would like to add that, with the assurance of the resources given in this bill, we will have it in the North and in the West as well.

The policy of the Congress as finally expressed after a long struggle on the Stennis-Ribicoff amendment, which is section 2 of Public Law 91-230, is being carried out in this proposal.

Mr. President, I ask unanimous consent that the section be printed at this point in the Record.

There being no objection, the section was ordered to be printed in the Record, as follows:

Section 1. It is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 dealing with conditions of segregation by race, whether de jure or de facto, in the schools of the local educational agencies of any State shall be applied uniformly in all regions of the United States whatever the origin or cause of such segregation.

Mr. JAVITS. Mr. President, this deals with all phases of the proposal and the laying on with an equal hand, wherever it is and whatever might be the legal situation which impeded the educational attainment and educational goal, whether it was de jure or de facto, wherever the schools might be located.

Also, this is by no means a partisan issue. Twenty-one Senators joined as sponsors of the bill, which finally became the bill which is pending before the Senate at this time. Republicans and Democrats, members of the committee considering the bill, as well as those not members of the committee considering the bill, all joined together in presenting this measure to Congress.

This is an historic opportunity. It is a commitment for a very large sum of money, $1.5 billion, to be targeted at a given target in a short period of time.

It is a way in which to accomplish a breakthrough. We have the commitment of the administration to it, which gives every hope that the appropriation will match the amount authorized. So we are dealing here with the real thing and not, as we sometimes have to do, with passing a bill which represents a project and then having our hopes dashed by having the administration refuse to implement it.

I think we have every right to expect that the $1.5 billion will be the amount appropriated and that the conditions we specify will be the conditions that will be complied with. I think our Committee on Labor and Public Welfare, and the Subcommittee on Education headed by the Senator from Rhode Island (Mr. Pell) and the select committee chaired by the Senator from Minnesota (Mr. Mondale) all assure us of that.

Mr. President, had I made this statement on yesterday, I would not have included this following matter, but making it today I feel it proper that I do so.

The Supreme Court has just helped us enormously in an understanding of the guidelines which should be followed in terms of the effort which is the objective of this bill; namely, excellence in education attained by the process of desegregation and integration of our public school systems in terms of racial and ethnic origin.

The opinions of the Court, which are unique, are so decisive upon this whole subject that I deeply believe they are essential as they confirm so profoundly everything we are trying to do to achieve a full understanding of this matter.

Mr. President, I ask unanimous consent that the opinions of the Court rendered today in four leading cases which have been before the Court for a considerable period of time may be made printed in the Record.

There being no objection, the opinions were ordered to be printed in the Record, as follows:

[Supreme Court of the United States, No. 436.—October Term, 1970]

Birdie Mae Davis et al., Petitioners,
v.
Board of School Commissioners of Mobile County et al.

(On Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit, April 20, 1971)

Mr. Chief Justice Burger delivered the opinion of the Court.

Petitioners in this case challenge as inadequate a school desegregation plan for Mobile County, Alabama. The county is large and populous, embracing 1,248 square miles and the City of Mobile. The school system had 73,500 pupils in 91 schools at the beginning of the 1969 academic year; approximately 58% of the pupils were white and 42% Negro. During the 1967–1968 school year, the system transported 22,000 pupils daily in over 200 school buses, both in the rural areas of the county and in the outlying areas of metropolitan Mobile.

The present desegregation plan evolved from one developed by the District Court in response to the decision of the Court of Appeals for the Fifth Circuit in *Davis* v. *Board of School Commissioners*, 414 F. 2d 609 (CA5 1969), that an earlier desegregation plan formulated by the District Court on the basis of unified geographic zones was "constitutionally insufficient and unacceptable, and such zones must be redrawn." The Court of Appeals held that that earlier plan had "ignored the unequivocal directive to make a conscious effort in locating attendance zones to desegregate and eliminate past segregation." *Id.*, at 610.

The District Court responded with a new zoning plan which left 18,623, or 60%, of the system's 30,800 Negro children in 19 all-Negro or nearly all-Negro schools. On appeal, the Court of Appeals reviewed all aspects of desegregation in Mobile County. Additional information was requested regarding earlier desegregation plans for the rural parts of the county, and those plans were approved. They are not before us now. The Court of Appeals concluded that with respect to faculty and staff desegregation the board had "almost totally failed to comply" with earlier orders, and directed the District Court to require the board to establish a faculty and staff ratio in each school "substantially the same" as that for the entire district. We affirm that part of the Court of Appeals' opinion for the reasons given in *Swann* v. *Charlotte-Mecklenburg Board of Education, ante*, at 14–16.

Regarding junior and senior high schools, the Court of Appeals reversed the District Court and directed implementation of a plan which was intended to eliminate the seven all-Negro schools remaining under the District Court's scheme. This was to be achieved through pairing and adjusting grade structures within metropolitan Mobile, without bus transportation or split zoning. The Court of Appeals then turned to the difficult problem of desegregating the elementary schools of metropolitan Mobile. The metropolitan area is divided by a major north-south highway. About 94%of the Negro students in the metropolitan area live on the east side of the highway between it and the Mobile

River. The schools on that side of the highway are 65% Negro and 35% white. On the west side of the highway, however, the schools are 12% Negro and 88% white. Under the District Court's elementary school plan for the metropolitan area, the eastern and western sections were treated as distinct, without either interlocking zones or transportation across the highway. Not surprisingly, it was easy to desegregate the western section, but in the east the District Court left 12 all-Negro or nearly all-Negro elementary schools, serving over 90% of all the Negro elementary students in the metropolitan area.

The Court of Appeals rejected this solution in favor of a modified version of a plan submitted by the Department of Justice. As further modified after a second appeal, this plan reduced the number of all-Negro or nearly all-Negro elementary schools from 12 to six schools, projected to serve 5,310 students, or about 50% of the Negro elementary students in the metropolitan area. Like the District Court's plan, the Court of Appeals' plan was based on treating the western section in isolation from the eastern. There were unified geographic zones, and no transportation of students for purposes of desegregation. The reduction in the number of all-Negro schools was achieved through pairing, re-zoning, and adjusting grade structures within the eastern section. With yet further modifications not material here, this plan went into effect at the beginning of the 1970–1971 school year.

The enrollment figures for the 1970–1971 school year show that the projections on which the Court of Appeals based its plan for metropolitan Mobile were inaccurate. Under the Court of Appeals' plan as actually implemented, nine elementary schools in the eastern section of metropolitan Mobile were over 90% Negro as of September 21, 1970 (instead of six as projected), and they housed 7,651 students, or 64% of all the Negro elementary school pupils in the metropolitan area. Moreover, the enrollment figures indicate that 6,746 Negro junior and senior high school students in metropolitan Mobile, or over half, were then attending all-Negro or nearly all-Negro schools, rather than none as projected by the Court of Appeals. These figures are derived from a report of the school board to the District Court; they were brought to our attention in a supplemental brief for petitioners filed on October 10, 1970, and have not been challenged by respondents.

As we have held, "neighborhood school zoning," whether based strictly on home-to-school distance or on "unified geographic zones" is not the only constitutionally permissible remedy; nor is it *per se* adequate to meet the remedial responsibilities of local boards. Having once found a violation, the district judge or school authorities should make every effort to achieve the greatest possible degree of actual desegregation, taking into account the practicalities of the situation. A district court may and should consider the use of all available techniques including restructuring of attendance zones and both contiguous and noncontiguous attendance zones. See *Swann*, *ante*, at pp. 18–27. The measure of any desegregation plan is its effectiveness.

On the record before us, it is clear that the Court of Appeals felt constrained to treat the eastern part of metropolitan Mobile in isolation from the rest of the school system, and that inadequate consideration was given to the possible use of bus transpotration and split zoning. For these reasons, we reverse the judgment of the Court of Appeals as to the parts dealing with student assignment, and remand the case for the development of a decree "that promises realistically to work, and promises realistically to work *now*." *Green* v. *County School Board*, 391 U. S. 430, 439 (1968).

It is so ordered.

[Supreme Court of the United States, No. 420. Argued October 13, 1970—Decided April 20, 1971]

McDaniel, Superintendent of Schools, et al. v. Barresi et al.

(Certiorari to the Supreme Court of Georgia)

(Note.—Where it is deemed desirable, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Lumber Co.*, 200 U.S. 321, 337.)

The Board of Education of Clarke County, Ga. (with a two-to-one white-Negro elementary school system ratio), devised a student assignment plan for desegregating elementary schools which establishes geographic zones drawn to promote desegregation and also provides that pupils in heavily concentrated Negro "pockets" walk or go by bus to schools in other attendance zones. The resulting Negro elementary enrollment ranges from 20% to 40% in all but two schools, where it is 50%. Respondent parents sued to enjoin the plan's operation. The state trial court denied an injunction. The Georgia Supreme Court reversed, holding that the plan violated (1) equal protection because it "[treated] students differently because of their race," and (2) the Civil Rights Act of 1964, because Title IV prohibits a school board from requiring busing to achieve a racial balance. *Held:*

1. In compliance with its duty to convert to a unitary system, the school board properly took race into account in fixing the attendance lines. Pp. 2–3.

2. Title IV, a direction to federal officials, does not restrict state officials in assigning students within their systems. P. 3.

226 Ga. 456, 175 S.E. 2d 649, reversed.

Burger, C. J., delivered the opinion for a unanimous Court.

[Supreme Court of the United States, No. 420.—October Term, 1970]

Charles McDaniel, Superintendent of Schools, et al., Petitioners, *v.* Joseph Barresi, Jr., et al.

(On Writ of Certiorari to the Supreme Court of Georgia April 20, 1971)

Mr. Chief Justice Burger delivered the opinion of the Court.

We granted certiorari in this case to review a state court order enjoining the operation of a school desegregation plan. The action was brought in the Superior Court of Clarke County, Georgia, by parents of children attending public elementary schools in that county. Named as defendants were the Superintendent of Education and members of the Clarke County Board of Education. The trial court denied respondents' request for an injunction, but on appeal the Supreme Court of Georgia reversed, 226 Ga. 456, 175 S. E. 2d 649 (1970). This Court then granted certiorari, 400 U.S. 804 (1970).

Beginning in 1963, the Clarke County Board of Education began a voluntary program to desegregate its public schools. The student-assignment plan presently at issue, involving only elementary schools, has been in effect since the start of the 1969 academic year. The plan, adopted by the Board of Education and approved by the Department of Health, Education, and Welfare,[1] relies primarily upon geographic attendance zones drawn to achieve greater racial balance. Additionally, the pupils in five heavily Negro "pockets" either walk or are transported by bus to schools located in other attendance zones.[2] As a consequence the Negro enrollment of each elementary school in the system varies generally between 20% and 40%, although two schools have a 50% Negro enrollment. The white-Negro ratio of elementary pupils in the system is approximately two to one.

Respondents contend in this action that the board's desegregation plan violates the Fourteenth Amendment of the Federal Constitution and Title IV of the Civil Rights Act of 1964. The Supreme Court of Georgia upheld both contentions, concluding first that the plan violated the Equal Protection Clause "by treating students differently because of their race." The court concluded also that Title IV prohibited the board from "requiring the transportation of pupils or students from one school to another . . . in order to achieve such racial balance . . . ." We reject these contentions.

The Clarke County Board of Education, as part of its affirmative duty to disestablish the dual school system, properly took into account the race of its elementary school children in drawing attendance lines. To have done otherwise would have severely hampered the board's ability to deal effectively with the task at hand. School boards that operated dual school systems are "clearly charged with the affirmative duty to take whatever steps might be necessary to convert to a unitary system in which racial discrimination would be eliminated root and branch." *Green* v. *County School Board*, 391 U.S. 430, 437, 438 (1968). In this remedial process, steps will almost invariably require that students be assigned "differently because of their race. See *Swann* v. *Charlotte-Mecklinburg Board of Education*, No. 281; *Youngblood* v. *Board of Public Instruction*, 430 F. 2d 625, 630 (CA5 1970). Any other approach would freeze the status quo that is the very target of all desegregation processes.

Nor is the board's plan barred by Title IV of the Civil Rights Act of 1964. The sections relied upon by respondents (42 U.S.C. §§ 2000c (b), 2000c–6) are directed only at federal officials and are designed simply to foreclose any interpretation of the Act as expanding the powers of federal officials to enforce the Equal Protection Clause. *Swann*, *ante*, at 13. Title IV clearly does not restrict state school authorities in the exercise of their discretionary powers to assign students within their school systems.

Reversed.

[Supreme Court of the United States, No. 444. Argued Oct. 13, 1970—Decided Apr. 20, 1971]

Moore et al. *v.* Charlotte-Mecklenburg Board of Education et al.

(Appeal from the U.S. District Court for the Western District of North Carolina)

(Note.—Where it is deemed desirable, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Lumber Co.*, 200 U.S. 321, 337.)

Since both parties in this action challenging a school desegregation plan seek the same result, *viz.*, a holding that North Carolina's Anti-Busing Law is constitutional, there is no Art. III case or controversy. Additionally, on the facts of this case, no direct appeal to this Court lies under 28 U.S.C. § 1253.

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[1] It may well be that the Board of Education adopted the present student-assignment plan because of urgings of federal officials and fear of losing federal financial assistance. The state trial court, however, made no findings on these matters. No federal officials are parties in this case.

[2] Where the distance between the student's residence and his assigned school is more than 1½ miles, free transportation is provided. There is no challenge here to the feasibility of the transportation provisions of the plan. The annual transportation expenses of the present plan are reported in the record to be $11,070 less than the school system spent on transportation during the 1968–1969 school year under dual operation.

312 F. Supp. 503, appeal dismissed for lack of jurisdiction.

[Supreme Court of the United States, No. 444.—October Term, 1970]

Mrs. Robert Lee Moore et al., Appellants, *v.* Charlotte-Mecklenburg Board of Education et al.

(On appeal from the United States District Court for the Western District of North Carolina, April 20, 1971)

Per Curiam.

Appellants seek review of the decision of the United States District Court for the Western District of North Carolina declaring a portion of the North Carolina anti-busing statute unconstitutional, and enjoining its enforcement. It is a companion case to No. 498, *ante, North Carolina State Bd.* v. *Swann*. We postponed decision on the question of jurisdiction, 400 U.S. 803 (1970), and after hearing on the merits we now dismiss the appeal for lack of jurisdiction.

At the hearing both parties argued to the three-judge court that the anti-busing law was constitutional and urged that the order of the District Court adopting the Finger plan should be set aside. We are thus confronted with the anomaly that both litigants desire precisely the same result, namely, a holding that the anti-busing statute is constitutional. There is, therefore, no case or controversy within the meaning of Article III of the Constitution. *Muskrat* v. *United States*, 219 U.S. 346 (1911). Additionally, since neither party sought an injunction to restrain a state officer from enforcing a state statute alleged to be unconstitutional, 28 U.S.C. § 2281, this is not an appeal from "any civil action, suit or proceeding required . . . to be heard . . . by a district court of three judges," 28 U.S.C. § 1253, and hence no direct appeal to this Court is available.

Dismissed.

[Supreme Court of the United States, No. 498. Argued October 13, 1970—Decided April 20, 1971]

North Carolina State Board of Education et al. v. Swann et al.

(Appeal from the United States District Court for the Western District of North Carolina)

(Note: Where it is deemed desirable, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Lumber Co.*, 200 U.S. 321, 337.)

North Carolina's Anti-Busing Law, which flatly forbids assignment of any student on account of race or for the purpose of creating a racial balance or ratio in the schools and which prohibits busing for such purposes, *held* invalid as preventing implementation of desegregation plans required by the Fourteenth Amendment. Pp. 2–4.

312 F. Supp. 503, affirmed.

Burger, C. J., delivered the opinion for a unanimous Court.

[Supreme Court of the United States, No. 498.—October Term, 1970]

North Carolina State Board of Education et al., Appellants, *v.* James E. Swann et al.

(On Appeal from the United States District Court for the Western District of North Carolina, April 20, 1971)

Mr. Chief Justice Burger delivered the opinion of the Court.

This case is here on direct appeal pursuant to 28 U.S.C. § 1253 from the judgment of a three-judge court in the United States District Court for the Western District of North Carolina. The District Court declared unconstitutional a portion of the North Carolina General Statutes know as the Anti-Busing Law,[1] and granted an injunction against its enforcement.[2] The proceeding before the three-judge court was an ancillary proceeding connected with the school desegregation case heretofore discussed, *Swann* v. *Charlotte-Mecklenburg, supra*, p. ——. The instant appeal was taken by the North Carolina State Board of Education and four state officials. We granted the Charlotte-Mecklenburg School Board's motion to join in the appeal, 400 U.S. 804 (1970).

When the litigation in the *Swann* case recommenced in the spring of 1969, the District Court specifically directed that the school board consider altering attendance areas, pairing or consolidation of schools, bus transportation of students, and any other method which would effectuate a racially unitary system. That litigation was actively prosecuted. The board submitted a series of proposals, all rejected by the District Court as inadequate. In the midst of this litigation over the remedy to implement the District Court's order, the North Carolina Legislature enacted the anti-busing bill, set forth in relevant part in footnote 1.

Following enactment of the anti-busing statute the plaintiffs in the *Swann* case obtained leave to file a supplemental complaint which sought injunctive and declaratory relief against the statute. They sought to convene a three-judge court, but no action was taken on the requests at that time because the school board thought that the anti-busing law did not interfere with the school board's proposed plan to transport about 4,000 Negro children to white suburban schools. 306 F. Supp 1291 (WDNC 1969). Other parties were added as defendants by order of the District Court dated February 25. In addition certain persons who had brought a suit in state court to enjoin or impede the order of the federal court, the attorneys for those litigants, and state judges who at various times entered injunctions against the school authorities and blocked compliance with orders of the District Court were also joined; a three-judge court was then convened.

We observed in *Swann, ante*, p. 12, that school authorities have wide discretion in formulating school policy, and that as a matter of educational policy school authorities may well conclude that some kind of racial balance in the schools is desirable quite apart from any constitutional requirements. However, if a state-imposed limitation on a school authority's discretion operates to inhibit or obstruct the operation of a unitary school system or impede the disestablishing of a dual school system, it must fall; state policy must give way when it operates to hinder vindication of federal constitutional guarantees.

The legislation before us flatly forbids assignment of any student on account of race or for the purpose of creating a racial balance or ratio in the schools. The prohibition is absolute, and it would inescapably operate to obstruct the remedies granted by the District Court in the *Swann* case. But more important the statute exploits an apparently neutral form to control school assignment plans by directing that they be "color blind"; that requirement, against the background of segregation, would render illusory the promise of *Brown* v. *Board of Education*, 347 U.S. 483 (1954). Just as the race of students must be considered in determining whether a constitutional violation has occurred, so also must race be considered in formulating a remedy. To forbid, at this stage, all assignments made on the basis of race would deprive school authorities of the one tool absolutely essential to fulfillment of their constitutional obligation to eliminate existing dual school systems.

Similarly the flat prohibition against assignment of students for the purpose of creating a racial balance must inevitably conflict with the duty of school authorities to disestablish dual school systems. As we have held in *Swann*, the Constitution does not compel any particular degree of racial balance or mixing, but when past and continuing constitutional violations are found, some ratios are likely to be useful starting points in shaping a remedy. An absolute prohibition against use of such a device—even as a starting point—contravenes the implicit command of *Green* v. *County School Board*, 391 U.S. 430 (1968), that all reasonable methods be available to formulate an effective remedy.

We likewise conclude that an absolute prohibition against transportation of students assigned on the basis of race, "or for the purpose of creating a balance or ratio," will similarly hamper the ability of local authorities to effectively remedy constitutional violations. As noted in *Swann, ante*, p. 25, bus transportation has long been an integral part of all public educational systems, and it is unlikely that a truly effective remedy could be devised without continued reliance upon it. Cf. *McDaniel* v. *Barresi, post*, p. 3.

The remainder of the order of the District Court is affirmed for the reasons stated in its opinion, 312 F. Supp. 503.

Affirmed.

[Supreme Court of the United States, No. 436. Argued October 13–14, 1970—Decided April 20, 1971]

Davis et al. *v.* Board of School Commissioners of Mobile County et al.

(Certiorari to the United States Court of Appeals for the Fifth Circuit)

(Note.—Where it is deemed desirable, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Lumber Co.*, 200 U.S. 321, 337.)

East of the major highway that divides the metropolitan area of Mobile, Ala., live 94% of the area's Negro students, and the schools there are 65% Negro and 35% white. West of the highway the schools are 12% Negro and 88% white. The Court of Appeals approved a desegregation plan which, like the District Court's plan, insofar as those areas were concerned, treated the western section as isolated from the eastern, with unified geographic zones and providing no transportation of students for desegregation purposes. Though some reduction in the number of all-Negro schools was achieved for the 1970–1971 school year, nine elementary schools in the eastern section (attended by 64% of all Negro elementary school pupils in the metropolitan area) were over 90% Negro, and over half of the Negro junior and senior high school students went to all-Negro or nearly all-Negro schools. With regard to the faculty and staff ratio in each of Mobile County's schools, the Court of Appeals directed the District Court to require the school board to establish "substantially the same" ratio as that for the whole district. *Held:*

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[1] So far as here relevant, North Carolina General Statute § 115–176.1 reads as follows:

"No student shall be assigned or compelled to attend any school on account of race, creed, color or national origin, or for the purpose of creating a balance or ratio of race, religion or national origins. Involuntary busing of students in contravention of this article is prohibited, and public funds shall not be used for any such busing."

[2] 312 F. Supp 503 (1970). The opinion as printed grants only declaratory relief. However the District Court amended its original opinion by withdrawing Part V and entering an order dated June 22, 1970, which enjoined all parties "from enforcing, or seeking the enforcement of," the portion of the statute found unconstitutional.

1. The Court of Appeals decision dealing with the faculty and staff ratio is affirmed. *Swann* v. *Charlotte-Mecklenburg Board of Education, ante,* p.—, at 14–16. P. 2.

2. The Court of Appeals erred in treating the eastern part of metropolitan Mobile in isolation from the rest of the school system, and in not adequately considering the possible use of all available techniques to achieve the maximum amount of practicable desegregation. P. 4.

430 F. 2d 883 and 889, affirmed in part and reversed and remanded in part.

BURGER, C. J., delivered the opinion for a unanimous Court.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield to the Senator from Minnesota.

Mr. MONDALE. Mr. President, I wish to state for the record my admiration for the gifted contribution made to this legislation by the distinguished Senator from New York. He is known, and properly so, as one of the Nation's key advocates for human rights. The devotion, concern, attention, and detail he showed in the development of this legislation and the bipartisan spirit with which he sought to develop a proposal in which men of good will of both parties could join, including the support of the administration, was indispensable to what I regard as one of the most creative and hopeful measures proposed in the field of education in a long time.

I think the decisions handed down this morning, to which the Senator from New York has referred, make this kind of legislation all the more necessary because the decisions this morning have many ramifications. However, one thing the Court made very clear is that where there is racial discrimination which is not the byproduct of official discrimination, the Court will not be involved. We do not know how many instances in which that is the case.

While I personally believe, and I am sure the Senator does, that many de facto situations reveal themselves to be the product of official discrimination, nevertheless it is patently clear that if this Nation is serious about eliminating racial and ethnic separation there is a clear and broad responsibility in the political and social arena beyond that which the Court is prepared to undertake.

With all the overwhelming evidence that education of poor and disadvantaged racial minorities in isolation has been ineffective, and all the evidence shows the need of bringing all children together so that they can come to know each other as an essential element in a united society, the role of Congress and the Senate in the public and political arena becomes all the more essential.

I am proud that the proposal is a creative proposal incorporating all the hopeful strategies we have been aware of and it does not stop with any legal remedies, but is bottomed on what is good for the schoolchildren of this country.

Mr. President, no person deserves more credit for the development of this legislation than the distinguished Senator from New York.

Mr. JAVITS. Mr. President, I am grateful to my colleague, the Senator from Minnesota. It is a fact that the very creative concept of a stable and integrated school system, which is a great part of this bill, is due to the work of the Senator from Minnesota and his select committee, of which I am a member. Without the two negotiating poles; to wit, the Senator from Minnesota and the administration represented by Secretary Richardson, we never would have had this amalgam which in a way has reflected what the Court has done.

Mr. President, to me the most significant aspect of the decisions of the Supreme Court today is that when you deal with desegregation you do not deal with that subject in isolation, but you have a right to make educational judgments as a part of it. The Court will distinguish; it will not condemn a plan because it is not dedicated to desegregation, but it will be willing to accept a plan which contains problems of educational excellence as well as problems of desegregation. That is precisely the gifted contribution as a result of the collaboration between the Senator from Minnesota and the Secretary of Health, Education, and Welfare, and it is exactly the thing, although often we missed each other's semantics, upon which we came to final agreement in the Stennis-Ribicoff amendment, section 2 of Public Law 91–230.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MONDALE. The Court, in effect, said it is a constitutional requirement of every school district to remove all vestiges of official discrimination; and these decisions dealt with the remedy of racial discrimination and finding what remedies are necessary.

But the Court said at the same time it would not act where official discrimination was not found, so that presumably there can be many places, instances, communities, and school districts in which there is racial separation and separation of other ethnic minorities, and where presumably or possibly discrimination was not the cause, or discrimination did not cause such separation.

But for the school children there is no distinction. Every study has shown it makes no difference to a child being educated in a racially isolated school that it came about because of, or in the absence of, official discrimination. What makes this measure doubly important in light of that decision is that this measure draws no such distinction. This measure tries to afford quality integrated education to all the schoolchildren of this country, whether or not there is a legal requirement to do so.

Mr. JAVITS. There is one other point. The Court now confirms our authority to proceed with both concepts, even though they are intermingled, and holds that we can at one and the same time, by the exercise of our judgment and authority respecting the use of Federal funds, move to the achievement of a constitutional objective where segregation had been official policy.

Mr. ERVIN. Mr. President, will the Senator yield so I may ask a question?

Mr. JAVITS. I yield.

Mr. ERVIN. As I construe this bill, it acts in three areas. The first area is where there is a court decree requiring a school district to desegregate; the second area is where HEW has adopted a plan ordering the school district to desegregate under the Civil Rights Act of 1964; and the third is where there is a voluntary plan on the part of the school district to desegregate the school.

Mr. JAVITS. The Senator is correct about the first two points. The third is not hinged upon the desegregation process in response to some legal mandate. The third is hinged on the desirability of dealing with the inhibitions to the educational process in schools which have a heavy impact on youngsters of a particular color or race.

Mr. ERVIN. But the third is only to facilitate voluntary action; there is no compulsion.

Mr. JAVITS. When the Senator says there is no compulsion, one would be unable, at this stage of the law, to go into court and seek a mandatory injunction as one does in the case where official segregation has been practiced. But what the court is opening the door to—and that is what we would be doing—is that the court says this is a proper province for a local educational agency or a Government agency to deal with a situation, given the inducement of money to deal with it as we do in this bill, where a restraint because of race and racial composition has placed upon the educational process the inability to obtain an equal education.

Mr. ERVIN. The point I make is that there are three areas in which action can be taken, and two of them are areas which can be applied only to Southern States, because neither HEW nor the courts have done anything in the Northern States; so the only impact this bill would have on the North would be entirely voluntary in nature.

Mr. JAVITS. I am sorry; I cannot agree. As others have said, I was very much a party to these negotiations, and I beg the Senator to believe that we really proceeded on the theory that the Supreme Court had not yet really dug into the so-called de facto situations enough to say they were not de jure as well. We clearly did not assume this was solely a southern problem. We did not assume that segregated situations—I am using that term rather than "official discrimination," as we have heretofore defined it—would not come now, or, ultimately, under the inhibition of law.

So I cannot accept the proposition that parts 1 and 2 were solely applicable to the South; and part 3, relatively speaking, was solely applicable to the North. We were anticipating that in many so-called de facto situations the court, now or hereafter, would find a violation of the constitutional protection, and we tried very hard, for that reason, to obey what is the policy of the Senate, certainly as expressed in Stennis-Ribicoff, and we feel the policy of the President, to deal with the substance of what was inhibiting education, in terms of racial composition of school bodies rather than trying to cut the cloth according to the decisions which had been rendered up to now.

Mr. ERVIN. Can the distinguished Senator from New York inform the Senator from North Carolina of any school north of the Mason-Dixon line that is under order of a Federal court to desegregate?

Mr. JAVITS. In the first place, the Senator does not have to do that, in line with his argument, which was that the decisions could come now or hereafter; but it is a fact that even in my State—and my recollection does not extend to whether it was a State or a Federal court decision—the schools of Mount Vernon, N.Y., were ordered to desegregate. I am told it was a State court. Also, the schools of Los Angeles, Calif., in a very, very extensive decree, again by the State courts, were so ordered.

It seems to me, with all respect, the State courts have the power to enforce—and do enforce—the Constitution of the United States, and therefore there should not be a distinction between the acts of compulsion as between a State court decree and a district court order.

Mr. ERVIN. The Senator has furnished me with two exceptions which prove the rule which I was stating. Does the Senator know of any case where HEW has threatened to withhold funds from any northern school on the condition that it desegregate?

Mr. JAVITS. First, my attention is called to another case, the Pasadena case, which is a Federal court decree as is the Pontiac, Mich., case and a State court decision in Harrisburg, Pa.

As to the solicitude of HEW, it is my understanding—and our committee has legislative oversight in these matters—that precisely in response to the climate which was created by the Stennis-Ribicoff amendment, HEW has sent people into the field and is making a very real campaign with respect to finding any evidences of school situations—and is undoubtedly finding them—where the intercession of law or the withholding of funds under the Civil Rights Act is justified. I think, in the first place, we have taken account literally of the kind of concern expressed by the Senator from North Carolina, and, second, I believe that the practice is now catching up with the situation which he refers to.

Mr. ERVIN. I understood that a moment ago the Senator from New York put into the RECORD a copy of the decision handed down this day by the Supreme Court in the case of Swann against Charlotte Board of Education. Did he not?

Mr. JAVITS. Yes.

Mr. ERVIN. Does not the Senator from New York consider that to be a holding to the effect that the Supreme Court has no jurisdiction in cases in this field except where it finds State-imposed segregation?

Mr. JAVITS. Yes; the Senator has so stated. Incidentally, I have argued it constantly on the law in this situation, but I have also stated that the Supreme Court has not yet gotten to cases which would pierce the veil of so-called de facto segregation because, in my judgment, many of those cases are also cases of de jure segregation, and will be decided by the courts if that ever becomes necessary. In drafting this bill we were giving consideration in a very real way to that possibility, either presently or in the future.

Mr. RIBICOFF. Mr. President——

Mr. JAVITS. Mr. President, I have the floor.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. RIBICOFF. I have listened to this colloquy with interest. I think for the purpose of the RECORD it should be stated that the Department of Justice has been involved in six suits in the North and 229 in Southern and border States. HEW has been involved in desegregation plans in 4,349 districts in Southern and border States, and nine in Northern States.

Mr. JAVITS. I am glad the Senator from Connecticut mentioned those figures, because I think the time should not obscure the fact that there was blatant and unconstitutional and profound injustice to millions of Americans, including millions of American children, which was practiced in the South for years and years and years, even with courts going along with it on a separate-but-equal doctrine. So I am not surprised that the impact was properly where there was the greatest, most numerous injustice.

I think it is right that after the period of time which we have now had, some 17 years since the decision in the Brown case, that we should be going after other areas, no matter where they are, and we properly are doing so, where this practice takes place. That is the basic reason for the bill. But I must say I cannot at all condone the tremendous evil and the concentration which was intended to be met, and which was met, by the measures which were undertaken since 1954 by the courts, and finally by law which was enacted in the Congress.

I must say, too, there is still echoing in my ears the tremendous concern, even threats, that the whole educational system of the South would be destroyed; that its young people would be mongrelized, or some other horrible appellation, if we ever took the steps we took. Here it is 16 years later and the argument now is not that all those terrible things took place, but, on the contrary, that we should extend the process, which indeed we should, to the North, West, and other parts of the country in which such conditions may exist.

I credit my colleagues with enough statesmanship and Americanism so that I do not think they advocate these things out of resentment or "getting even," but that they genuinely now feel that this is the way the educational systems ought to be run, and in that I fully join.

I yield now to the Senator from North Carolina.

Mr. ERVIN. I would say to the Senator that I construe the Swann case as holding that the only kind of segregation which the Supreme Court has the power to reach under the Constitution is State-imposed segregation.

I would also say to the Senator from New York that during the first 86 years that the equal protection clause was in the Constitution, it was perfectly constitutional, according to all interpretations placed upon it, to maintain segregated schools.

Mr. JAVITS. I always enjoy debating with my learned colleague from North Carolina, who is a very accomplished lawyer and has great feeling for the law.

With all respect, however, I have stated the way I feel this bill affects the situation of the law. My analysis of the Supreme Court decision just announced, as I say, after all has been very cursory; so far none of us have had the opportunity to study these measures.

I hope the money provided in this bill may achieve its true purpose, which is a real, honorable effort to raise the level of education in order to get over those restraints and inefficiencies which have existed because of what we call racial isolation or segregation, whether official or actual.

Whatever may be the view of the Supreme Court on the so-called de facto issue, the fact is that this bill does not place any such limitation by section, by purpose, or by objective upon the use of these resources, but requires only that they should really and substantively be used to raise the educational level of all our children, where the level—and I think the Supreme Court certainly recognizes this—has been depressed by the incidence of undue numbers of black youth, particularly, though of other minorities as well, in given concentrations in educational institutions.

Mr. ERVIN. Am I correct in my interpretation of this bill to the effect that it makes no provision whatever for the use of any of this money in areas which are inhabited entirely by what we call nonminority groups? After all, there is such a condition in many places in the United States.

Mr. JAVITS. I would not say that. The bill contemplates what is defined as a stable integrated school, in terms of educational excellence, in any district which qualifies for resources under this bill. I would not exclude, in that regard, any of the districts which, as I say, can qualify under the terms of the bill for that kind of assistance.

Mr. ERVIN. I have tried to study the bill very diligently. In fact, for the last 24 hours I have spent most of my time in doing that. I did not see the bill until yesterday morning. But I have been unable to find a single syllable in this bill which would give any of the money to be appropriated to any school district which has no students belonging to what is defined in the bill to be members of the minority.

Mr. JAVITS. I refer the Senator to the following statement on page 38 of the report, where the provisions of the bill are summarized:

> *Subsection* (*b*) of section 5 authorizes the Commissioner to make grants to, and con-

tracts with, local educational agencies in which the number of minority group children in average daily membership in its schools for the fiscal year proceeding the year for which assistance is sought (1) is at least 15,000, or (2) constitutes more than 50 per cent of the total number of children in average daily membership at such schools.

Mr. ERVIN. That does not——

Mr. JAVITS. If I may finish: There could be an educational district in which there were 15,000 or more black children, even if they constituted more than 50 percent of the total number of children in average daily attendance in that school district. It seems to me that that covers exactly the point which the Senator had in mind.

Mr. ERVIN. No, it covers exactly the reverse of the problem I had in mind.

My problem is that that would give aid to children belonging to minorities as defined in this act; but my point was that there is nothing in the bill that gives any aid to any school district or any school board which has jurisdiction over an area where there are no minority children.

Mr. JAVITS. Well, that is true, but if the Senator will remember, we have a whole network of laws providing billions of dollars for assistance to the poor, and various others, the Elementary and Secondary Education Act and many other such laws. This is a specialized law to deal with this particular problem. I think in that respect, the breadth and the reach it has, and the philosophy it follows, are most admirable.

Mr. ERVIN. That is the point I have been making: This is a specialized law to bring about the integration of the bodies of schoolchildren.

Mr. JAVITS. I think, with all respect to the Senator from North Carolina, it is as much a specialized law as any to improve, for example, the merchant marine of the country, or any to enable students to study at Military Academies. which are certainly specialized, or any with respect to thousands of other things. Practically everything we do is specialized.

Mr. President, I shall reserve debate on the Ribicoff amendment for a more appropriate time, as I have sought only to make my opening statement, though in all frankness, I shall be compelled to oppose the Ribicoff amendment.

But, Mr. President, I do wish to state now that personally, and I think this was true of both committees, we did not have extensive hearings on so vast a measure as the Senator from Connecticut is proposing—and we will—but we certainly paid attention to him and to it, and gave respect to the idea. I know the Senator knows that very well. We referred specifically to his bill, and we made provisions using the same type of units which the Senator has used—that is, the standard metropolitan statistical area—for exactly the kind of planning and experimentation which represents the threshold of his own measure. This is specifically cited on page 17 of the committee report.

I am not saying that that satisfies entirely the concept which the Senator has in mind. I am speaking now only in a preliminary way of the respect and the consideration which the Senator was entitled to and did receive from both committees, and the fact that there is actually an element of his handiwork in the bill which is presented to the Senate.

Mr. RIBICOFF. May I say to the distinguished Senator from New York, the Ribicoff proposal is now the pending business before the Senate. The yeas and nays have been ordered. So far, I do not see anyone else addressing himself to the proposal, and I would imagine, if there is no further discussion, there will be soon a vote up or down. So perhaps now is the time to discuss it.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. RIBICOFF. I am pleased to yield to the Senator from Colorado.

Mr. JAVITS. The Senator from Connecticut is very kind. I shall address myself to it, perhaps even today, but I am not prepared to at this particular minute.

Mr. DOMINICK. Is the Senator willing to state some kind of time limit? Because it is my understanding that either the Senator from Rhode Island or myself will offer a motion, or perhaps the Senator from New York will, to table the Ribicoff amendment. I just wondered if there was any possibility of setting a time limit on it, so we could get a vote, as I know that a lot of Senators are interested in some kind of time certain.

Mr. RIBICOFF. I do not see the leadership here. As far as I am concerned, speaking for myself, I am willing to set any time limit on the Ribicoff amendment.

Mr. PELL. Mr. President, as the manager of the bill, I would like to add, the sooner the better as far as I am concerned, but I do not want anyone to feel shortchanged. I would suggest——

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I ask unanimous consent that there be a vote within 30 minutes on the Ribicoff amendment 15 minutes allocated——

Mr. ERVIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I said earlier that I would make some remarks on the Ribicoff amendment, and I shall do so now.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. DOMINICK. For the purpose of the RECORD, and so that everybody will know, at 2:30 p.m. I will move to table the Ribicoff amendment, as a member of the committee. I think everyone knows that that was my intention, if someone else did not do it. I do not intend to impinge upon the debate, but nobody seems to have been too excited about extending the debate on this amendment for very long. We all know what the issues are. By that time, everybody will be here, I believe, so that we can get a vote on that motion.

Subsequent to disposing of that, it is my intention, subject to getting the floor, to bring up my amendment to delete the section concerning attorneys' fees. I am perfectly willing to agree on a time certain on a vote on that, if we can do so. It is my understanding that the Senator from North Carolina does not particularly object to that. I will ask for it at the appropriate time.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MANSFIELD. Mr. President, I should like to direct the officials on the Democratic side to immediately notify all Senators that there will be a vote at 2:30, and I would hope that the acting minority leader would do so on his side.

UNANIMOUS-CONSENT AGREEMENT

Mr. President, I ask unanimous consent that, on the laying down of the amendment by the distinguished Senator from Colorado dealing with lawyers' fees, there be a time limitation of 2 hours, the time to be equally divided between the sponsor of the amendment and the manager of the bill or whomever he may designate.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. I hope the Senator will add to that 5 minutes on a side, in the event there are amendments to the amendment.

Mr. MANSFIELD. I will be delighted.

Mr. RIBICOFF. Reserving the right to object, I wish to point out that I do not assume that the Dominick motion to table is going to carry. There is a strong possibility that it will not.

Mr. MANSFIELD. I said on the laying down of it. I think the Senator knows my position on it.

Mr. PASTORE. Do we have a unanimous-consent agreement on the vote at 2:30?

Mr. MANSFIELD. No, but the announcement has been made. Word has gone out.

Mr. PASTORE. Why cannot we get a unanimous-consent agreement to vote on the motion at 2:30?

Mr. MANSFIELD. The Senator has a point.

Mr. President, I ask unanimous consent that the tabling motion by the Senator from Colorado (Mr. DOMINICK) occur at the hour of 2:30 o'clock.

Mr. PASTORE. Now we have got it laid down.

Mr. MANSFIELD. And the other proposal.

The PRESIDING OFFICER (Mr. CRANSTON). The Senator will be recognized at 2:30 o'clock, to make that motion.

Mr. MANSFIELD. And the amendment will be offered by the distinguished Senator from Colorado when it is laid down, there being a time limitation of 2 hours, one-half of the time to be under the control of the sponsor of the amendment and the other half to be under the control of the manager of the bill whomever he may designate.

The PRESIDING OFFICER. And 10 minutes on amendments thereto.

Mr. MANSFIELD. Yes.

Mr. JAVITS. Five minutes on a side.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President, I shall be brief. Others may debate this issue but, as I said before and repeat now, I have the greatest respect for what the amendment of the Senator from Connecticut (Mr. RIBICOFF) is trying to accomplish. I pointed out that in the agreement which was entered into by us, which resulted in this bill, we took account of that and provided $125 million for exactly the kind of planning and demonstration proposals which are encompassed within the Ribicoff proposal. This is found in section 8(a)(2). So his stamp is very much upon the bill.

But, Mr. President, I feel, with all respect, that if we tried now to legislate for 12 years hence—and that is what it comes down to, the period of 1973 to 1985, which is the period encompassed—with an expenditure of over $20 billion for this purpose, when we have no administration commitment whatever and have not yet had any hearings remotely apposite in this kind of enormous commitment, we will be drowned in a much bigger sea than the one we are already in.

Thus, with the greatest respect for what the Senator is trying to do, and having pointed out that our own agreement which is the basis for this bill, experimented with his own ideas, I feel that it would only result in our getting mired rather than providing for a monumental achievement on the road to an infinitely better educational system for the country.

I find, most regretfully—and, as I say, with the greatest of respect—that I will have to support the motion to table.

Mr. RIBICOFF. Mr. President, I must confess a deep disappointment in the statement just made by the Senator from New York. The Senator from New York is one of the leading advocates of civil rights in this Nation. Year in and year out, during his tenure in the Senate, he has pointed his finger at the South, at their derelictions in the field of segregated education.

The Senator from New York makes the statement that there have been no hearings on this particular issue. A year ago, the Select Committee on Equal Educational Opportunity was appointed and received an appropriation of $500,000, and it spent a year on this very issue. My understanding is that the committee went up and down the country, north, south, east, and west, holding hearings on this issue. Now I find that the distinguished chairman of that committee, the distinguished Senator from Minnesota (Mr. MONDALE), supports my position. The Senator from New York was the ranking minority member of that select committee and I am assuming, therefore, that he participated in the hearings on the Mondale committee.

Fourteen months ago, on the floor of the Senate, when I supported the Stennis amendment, I was opposed by the Senator from New York and the Senator from Minnesota. I was seeking, 14 months ago, approval of the proposition that the time had come in the United States of America to treat the North and South the same.

Mr. President, what have we found in the past 14 months? The 1970 census indicates that what I was warning this country about 14 months ago is the case. We are becoming a divided country.

I should like to point out a few northern segregation techniques. It is all very well and good for us Senators in the North to point our finger at a situation 2,000 miles from where we live. But if we are honest with ourselves in the Northern States, we will acknowledge that these are the techniques we use to segregate the races:

We draw school boundary lines to make sure that we separate white students from black students. We select sites for new schools to make sure that we separate white students from black students. We have zoning ordinances for housing and buildings which segregate whites and blacks. We make decisions on building permits which segregate whites and blacks. We locate sewer and water facilities granted by municipal authorities to make sure that we prevent black students of low income families from integrating with white students. We have building inspection standards which discriminate against blacks. We have land use requirements to make sure that we do not contaminate white students with black students. We use the power of eminent domain. We have FHA mortgage insurance programs and Federal highway and urban renewal programs all employed to separate the races.

These techniques, however, are not considered part of de jure segregation. Instead they lead to de facto segregation. But if there is anything as vicious as these practices, which are the equivalent of de jure, I do not know what they are.

The basic school statistics resulting from these practices in the North should make every northern Senator bow his head in shame.

We find today, in the North, only 27.6 percent of black students attend majority white schools, while in the South, the figure is nearly half again as high—38.1 percent.

So here we are in the North, the great civil libertarians that we are, telling the South what to do, when the South has exceeded integration in the North.

Let us take some other figures. Consider the percentage of blacks in 80 to 100 percent minority schools. The percentage of blacks attending such schools stayed at 57.4 percent in the North from 1968 to 1970. In the South, the percentage dropped from 78.8 percent to 41.7 percent.

So, Mr. President, who is doing the job in desegregation, the North or the South?

Let us take the case of blacks in 100 percent minority schools. The percentage of blacks in such schools dropped from 12.3 percent to 11.9 percent in the North from 1968 to 1970, from and 68 percent to 18.4 percent in the South during the same period.

Mr. President, I want to say to my distinguished northern colleagues that if this motion to table carries, you will be painting yourselves into a corner. I do not see how you can ever point your fingers at a southern Senator or a southern school district and tell them that they are discriminating against black children when you are unwilling to desegregate schools in your own cities.

Let me say to my distinguished northern colleagues that the reason you are unwilling to do it, and let me say it frankly, is fear of political reprisal. The question is whether northern Senators have the guts to face their liberal white constituents who have fled to the suburbs for the sole purpose of avoiding having their sons and daughters go to school with blacks.

Mr. President, let me give you some more figures, these on population changes. The population changes in this country have been dramatic. All across the country, from 1960 to 1970, the central cities have become blacker while the suburbs continue to remain lily white.

Let me give you some examples, Mr. President.

In the North, in Detroit, the central city went from 28.9 percent black in 1960 to 43.7 percent black in 1970. Yet the suburbs remained 96 percent white.

In Chicago, the central city went from 22.9 percent black to 32.7 percent black. Yet the suburbs remained 96 percent white.

In Baltimore, the central city is now 46.4 percent black, and Washington it is 71.1 percent black. In both cities, the suburbs are over 90 percent white.

The irony of this is that now the same thing is happening in the South. The South is learning from the North and they are resegregating. I suppose, what is good or bad enough for the North, is good or bad enough for the South.

Now, Mr. President, in the South, the South is rapidly urbanizing along Northern lines. Southern suburbs will soon be just as white as their Northern counterparts, while the central cities will be just as black. Atlanta's central city population went from 38.3 percent black in 1960 to 51.3 percent black in 1970, while its suburbs went from 91.3 percent white to 93.6 percent white during the same period.

The Houston suburbs are now 90 percent white.

The New Orleans suburbs are 87 percent white.

We compound the problem that we have. When the whites move to the suburbs, they take the jobs with them. In the past 2 decades, 80 percent of the jobs created in America have been created in the suburbs. That means that the blacks get pushed back into the poor sections of their own cities where there are no jobs and no places for them to turn.

If we read the papers—read the New York Times of today—we find that in the State of the Senator from New York, the Mayor and the Governor are fighting over the financial situation in New York City. The Mayor of New York City says that he has to lay off 90,000 city employees because there are insufficient funds to take care of the needs of New York City.

The reason that New York City is in the mess it is in is because the blacks are moving into New York City and the middle class whites are moving out of New York City and into the suburbs of New York. When they move out, they take their jobs and their tax base with them and leave New York as a hollow shell with an increasing welfare load and health and educational problems.

I think the time has come for those of us in the Senate to have the courage of our convictions and to say that if the practice of segregation is evil in Mississippi or in Alabama, it is just as evil in New York City or elsewhere. I cannot understand how any Senator can refuse to stand up for what is right and can advocate double standards. If we continue to do this we are hypocrites and our hypocrisy will be shown in the vote in a half an hour.

Mr. JAVITS. Mr. President, the Senator from Connecticut is my friend and has been for years and will continue to be after today.

I heard exactly the same words uttered with respect to the Stennis amendment, which was also supposed to be the end-all with regard to the desegregation of schools and educational excellence. Ultimately the Senate held with me and not with him. So did the other body, and so did the conferees.

But I have lived long enough, Mr. President, to believe that the people of my State or the people of the country will not take the word of the Senator from Connecticut (Mr. RIBICOFF) for the fact that I turned against desegregation in the public schools and against the civil rights of Americans. That will be the day. That does not worry me. The Senator is not panicking me. I do not think that he will panic anyone else into a position that should not be taken.

The long and short of the matter is that this is the idea of the Senator from Connecticut. It may be good and it may be bad. However, I know that it would sink this bill.

I have been sent here by the people of the State of New York to produce action and not be panicked by what a colleague thinks of me. We will try that out in New York in 1974, as we have tried it out on three occasions before.

The essence of the situation is that I support the educational process. The fact is that whatever the select committee chaired by the Senator from Minnesota will do, the committee has not acted on the matter as yet. I am a member of the committee. It has another year to run. The committee has not made its final report. It may end up with the Ribicoff plan. However, if that plan is adopted now, we will lose $1.5 billion for that very purpose, desegregation and integration of our schools.

I was not sent here to do that. I will not do it, and I will not be panicked into doing it.

Mr. RIBICOFF. Mr. President, our problem is that time is running out. This country is on its way to total apartheid. It is not a question of why the Senator from New York was sent here by his people or why the Senator from Connecticut was sent here by his people.

One of the reasons that, I assume, we are here is to exercise leadership. Another reason we are here is to look into the problems of our Nation and to be willing to take a position that may be unpopular in our States.

One of the reasons we are sent here is to study the problems that bedevil our country and come to a decision concerning them.

Is there any question that there is a race toward apartheid in our country today? We have blacks and whites existing with distrust between both. We have reached a state in America where ambassadors will soon have to be sent across the lines dividing the blacks and the whites. We should be here today trying to arrest the trend toward total racial isolation in this Nation.

The committee bill is a southern oriented bill. I do not think there is any local politician or school board member in the North who has the guts to initiate a pilot program on his own and, therefore, the money provided for the pilot program will be for naught.

Let us take the opportunity to attack segregation in the North now and not delay it for 2 or 3 years. We cannot delay it for 2 or 3 years the way the whites are galloping to the suburbs and the way the blacks are left in charge of hollow cities.

Look at the city of New York. Look at the city of Cleveland. Look at the problems of Mr. Hatcher in Gary. Then we can realize the problems that America faces.

The distinguished Senator from Mississippi a year and a half ago brought up the Stennis amendment by which he said, "let us treat everyone, North and South, alike." I supported the amendment, and the Senate went along with the Stennis amendment. However, the Stennis amendment merely laid down a statement of hope and said there shall be a general policy of treating the North and South exactly the same. Now, after a general policy, they came up with no implementation of that policy.

I thought it was incumbent upon me, having supported the Senator from Mississippi before, to try to come up with a solution. We worked, my staff and myself, for 1 year. We did not have $500,000 given us by the Senate to come up with a solution.

The Senator from New York has had over a year of study. What is the solution of the Senator from New York? If the Senator from New York has a better plan, he should advance it. The Senator from New York has worked in the field of education. Why does he not come up with an amendment or a substitute? He is the ranking minority member of this committee. He has a knowledge concerning the field. He has the help of his committee and special committee. If the Senator thinks he has a better plan, he should gve it to the Senate or vote for my proposal.

I do not know what the Members of the Senate will do. However, we northern Senators who have been trying to push desegregation down the reluctant throats of the Senators from the Southern States have an obligation to have the situation corrected in our own States and to do in the North what we seek to have those Senators do who come from below the Mason-Dixon line.

Mr. DOMINICK. Mr. President, I will not be very long on this matter. I want to make a few points to indicate why I think the amendment should be tabled. I will offer that motion in 10 or 15 minutes.

First of all, as the Senator from New York has aptly pointed out, we are talking here in a relatively short time, without a specific bill having been worked out on this matter in the subcommittee or in the special committee, of an amount which is in excess of $20 billion, even though the original Administration emergency school aid bill was for $1.5 billion or $1.75 billion.

Furthermore, I think it is important to note that by the Ribicoff amendment we are not really accelerating in any way whatsoever the so-called desegregation of schools which many of us would like to see.

We would not really accomplish very much by adding it to the bill and we would run the real risk of losing the entire bill, a bill I think is of real importance.

There are other things which I think are worthy of comment. It is my understanding that the Supreme Court today has ruled that the Constitution does not require that the schools within a school district reflect a minority population of that school district. That ruling was in the case of Charlottesville-Mecklenburg. This is very interesting because it is the first time a ruling has been made of this kind, and it was the unanimous opinion of the Supreme Court.

In our part of the country there have grown up areas of culture, areas of minority groups, areas of race and of creed; there are people living in a certain particular area because that is where they want to live and not because it is the only place to go.

To require in each area of 50,000 or more that children must attend the school in that area under a statistical quota system for each school seems to me to be going far beyond either the mandate of the Court as given today or the mandate of the American people on a very explosive and emotional issue.

For example, I refer to the State of Wisconsin and simply point to the Milwaukee area, as I have before in public hearings, where a very large number of

Polish citizens, very fine citizens, have settled, not because that is the only place in the city of Milwaukee in which they could settle, but they settled there because of their culture, their desire to be near each other, similar types of work, and to be able to exchange greetings with friends. To have those people removed, under the terms of the Ribicoff proposal, to other schools would create chaos.

I shall cite some examples from the Ribicoff amendment as now proposed. Despite the fact that the opinion states that no metropolitan area shall cross State boundaries, that is not considered true under section 407(a) of the Ribicoff amendment. It states it includes Montgomery and Prince Georges Counties in Maryland, Arlington, Fairfax, and Prince William Counties in Virginia, and the cities of Falls Church and Alexandria in Virginia, notwithstanding the provisions of section 301(f). So the statistical area would encompass not only the District of Columbia but suburban areas in other jurisdictions and one State in which the Supreme Court just ruled today.

It seems to me if we try to get an emergency school aid bill through, it would be the height of folly at this point to put into effect, through the Senate, a bill which would have the effect in certain areas of Virginia of overriding the very thing the Supreme Court said. It strikes me this does not make sense at all.

Now, we come to the question of the evidence we had before the Select Committee on Equal Educational Opportunity. I serve on that committee along with the Senator from Minnesota and the Senator from New York, and others who have done very excellent work there. There have been widely divergent opinions as to what constitutes "quality" in education. For example, Dr. Coleman, and he is a well-known man in this field and issued the Coleman report, stated specifically that in his opinion there are certain areas of the country in which, for economic reasons, there is no reason in the world why the children of one minority group should be bused and that educationally they could do just as well in another type school.

We have had black educators come before us and tell us there were certain areas of the country in which it is physically impossible to create a situation in which there would be total integration or quota integration, as proposed.

I take the position I do with all of those factors in mind, and with all due deference to the Senator from Connecticut, whom I admire and respect, and I have for a long time, and with full knowledge that I have been one of the very strong supporters in the field of civil rights ever since I have held office. I have advocated much stronger fair housing laws than we have because I consider this one of the answers to the problem we have with minority groups. I think the right to acquire property is as much a right as to dispose of it. I think we should have a very strong housing law which would solve many of these problems automatically and thereby employment opportunities would increase. This will come about with the manpower training bills and the opportunity to upgrade their skills.

For all those reasons and because I think the Ribicoff amendment would be the tail wagging the dog, I oppose the amendment. I do not oppose the amendment because I am anticivil rights or because I do not want to see quality in our schools. I think it is a bad thing. It is a case of the tail wagging the dog and it is in contradiction of the opinion of the Supreme Court which was released today.

It is for that reason I will shortly offer a motion to table the pending amendment, keeping in mind that we will consider the proposal in committee and have full hearings I am sure on similar legislation—whether it is this proposal or another—and we will be able at that point to bring it to the floor for consideration.

Mr. ALLEN. Mr. President, the junior Senator from Alabama feels he would be remiss in his duty if he sat silent and did not pay tribute to the distinguished Senator from Connecticut for his most eloquent and stirring speech, for in the judgment of the junior Senator from Alabama it is the greatest speech that has been made on this subject since he has been in the Senate.

The junior Senator from Alabama applauds the statesmanship and the leadership of the distinguished Senator from Connecticut. He feels he has taken a lofty position in this matter, one that only a true leader and a true statesman would take.

Irrespective of the outcome of the motion to table, the junior Senator from Alabama feels that the great and distinguished Senator from Connecticut added luster to his distinguished career by his stand and his position in this matter, that of seeking to find some way to provide for a uniform national desegregation policy as to public schools.

The junior Senator from Alabama pays tribute to this great statesman for his contribution and he states further that he will vote against the motion to table in order that this amendment may be considered on its merits. He feels the distinguished Senator from Connecticut has a right to have his amendment voted on on its merits and not to have the shortcut taken of having the amendment laid on the table.

Mr. DOMINICK. Mr. President, under the unanimous-consent request, as I understand it, a motion to table is now in order. I make such motion, and I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Colorado to table the amendment of the Senator from Connecticut. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL (when his name was called). On this vote I have a pair with the senior Senator from Michigan (Mr. HART). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I, therefore, withhold my vote.

The rollcall was resumed and concluded.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Missouri (Mr. EAGLETON), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Louisiana (Mr. LONG), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from Wisconsin (Mr. NELSON), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Florida (Mr. CHILES), and the Senator from Utah (Mr. MOSS) are absent on official business.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Indiana (Mr. BAYH), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Massachusetts (Mr. KENNEDY) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BROCK) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Alaska (Mr. STEVENS) is necessarily absent.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "yea."

The result was announced—yeas 35, nays 43, as follows:

[No. 42 Leg.]

YEAS—35

Aiken
Allott
Anderson
Baker
Beall
Bennett
Boggs
Buckley
Cook
Cooper
Cotton
Curtis
Dominick
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hruska
Javits
Jordan, Idaho
Mathias
McGee
Miller
Pastore
Prouty
Roth
Saxbe
Schweiker
Scott
Smith
Taft
Weicker
Young

NAYS—43

Allen
Bellmon
Bentsen
Bible
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cranston
Dole
Eastland
Ellender
Ervin
Fulbright
Hartke
Hatfield
Hughes
Inouye
Jackson
Jordan, N.C.
Mansfield
McClellan
McIntyre
Metcalf
Mondale
Montoya
Packwood
Pearson
Percy
Proxmire
Ribicoff
Spong
Stennis
Stevenson
Symington
Talmadge
Thurmond
Tower
Tunney
Williams

PRESENT AND GIVING A LIVE PAIR AS PREVIOUSLY RECORDED—1

Pell, for.

NOT VOTING—21

Bayh
Brock
Chiles
Eagleton
Gambrell
Gravel
Harris
Hart
Hollings
Humphrey
Kennedy
Long
Magnuson
McGovern
Moss
Mundt
Muskie
Nelson
Randolph
Sparkman
Stevens

So Mr. DOMINICK's motion to lay Mr. RIBICOFF's amendment on the table was rejected.

LEAVE OF ABSENCE

Mr. ALLOTT. Mr. President, I ask unanimous consent that I may be excused from attendance in the Senate when I will be absent on official business during Wednesday, Thursday, and Friday of this week.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATION ACT OF 1971

The Senate continued with the consideration of the bill (S. 1557) to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Connecticut.

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate——

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate, so that the majority leader can be heard?

The PRESIDING OFFICER. The Senate will be in order.

UNANIMOUS-CONSENT REQUEST

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on the Ribicoff amendment there be a time limitation of 4 hours, the time to be equally divided between the distinguished Senator from Connecticut (Mr. RIBICOFF) and the manager of the bill or whomever he may designate.

Mr. COTTON. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. JAVITS. Mr. President, the Senate has expressed its will with respect to this measure, that it wishes to consider and debate it. Nobody would be happier than I if, instead of spending $1.5 billion for the purpose of raising educational excellence in our country and desegregating the schools, we spent many times that amount and even had a long-range program.

I should like to point out that there are many ways to kill a bill and that this bill was put together with great effort as a bill which could be passed with the administration's support and the support of a majority of Senators.

Mr. BYRD of West Virginia. Mr. President, may we have a little better order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD of West Virginia. And would the Chair ask Senators to take their seats?

The PRESIDING OFFICER. Senators will please take their seats.

Mr. JAVITS. We are now on an uncharted sea. I hope we find the port. But I should like all of us to bear in mind the heavy responsibility we bear. We had $1.5 billion which the administration and everyone else had agreed to for a 2-year term which occurred long before the incidents into which this amendment will come into play, and hence the bill we had in no way interfered with an ultimate plan, which would be Senator Ribicoff's plan.

But I do think it very important that all Senators, as we consider this amendment on its merits, which is the will of the Senate, bear in mind the possibility—I think it is not only a possibility but a probability as well—that what we are doing is putting weights of lead around this measure which will sink it.

I intend, as a Senator's responsibility, in good faith, to go ahead with the debate and to vote my judgment upon this measure.

Normally, we are all very unhappy with tabling measures. I suppose I offer as many amendments as any other Senator, and I do not like to have the "sudden death" motion pulled on me. But in this case—and in other cases where it is pertinent—I thought it was proper, because the Ribicoff proposal was entitled to deliberate judgment, really intensive committee consideration, on a long-range basis and not to be judged on the merits summarily, which is what we are going to do now.

So, Mr. President, I simply wish to pledge that I will, in good faith, do my utmost as a Senator to find our way to a safe port across this uncharted sea. But I wish to make it very clear to all friends of desegregation of the public schools and of raising the standard of excellence in the public schools that this is a 2-year bill, Senator Ribicoff's plan is a 12-year plan. It takes up where this bill leaves off. I have a very deep feeling that however we act finally on the merits, we should act bearing in mind that we do not stand alone. There is a President; there is another body. I hope we will not play games with the President in respect of this bill just to put him on the spot in a sterile exercise which will only be costly to the children of the United States and to nobody else.

I have the deep disquiet that, as I have said, we may be hanging weights of lead around this bill which will sink it in a sea of $20 billion for 12 or 14 years, instead of $1.5 billion for 2 years.

Mr. RIBICOFF. Mr. President, I am not willing to admit that the only Member of this body who has a sense of responsibility to the country and the Senate is the senior Senator from New York. When he stands and talks about sinking this bill, it is my judgment that the $2 billion we will spend beginning 4 years from now under my proposal, will do more for desegregation and more for education than the $1.5 billion that came out of this committee.

Year in and year out, Congress has been spending billions of dollars for education. It was started under President Kennedy, when I was Secretary of Health, Education, and Welfare, and continued under President Johnson. President Nixon was absolutely right when he pointed out recently that something must be done to consolidate these education programs.

I have heard time and time again in this Chamber that we must vote billions of dollars for categorical grant programs because they were going to improve education. Is there any question in the mind of any Senator or anyone else in this country that the education in our country has never been in as low a state as it is at present time? The billions of dollars we have spent have not brought us better education. I do not know at this time what will bring us better education. But I know that the billions of dollars we have spent have not brought excellent education, and have not brought good education, but are bringing us bad education.

One of the reasons for this is that increasing amounts of the education of this country is segregated education. One of the greatest problems we have in this country is the problem of segregation and the education of all our children in our cities and in our suburbs. What I am trying to do here is to develop a national policy. The members of the Education Committee have been wrestling with this problem, and have not, in all the years, come up with a bill to desegregate education in the North. They know what to do in the South. They know they can get court orders and do it in the South and they call it de jure, while hiding behind the words de facto for educational segregation in the North.

And yet, educational segregation is greater and more virulent in the North than in the South today.

If my amendment is a bad proposal, I am still waiting for a better one or for a substitute proposal. The Mondale committee was given $500,000 by the Senate to look into this problem. After 14 months and hearings across the Nation, the Senator from Minnesota (Mr. MONDALE), the chairman, has come to the conclusion that the best proposal that has come forth is the Ribicoff proposal. I am honored and appreciative to have the support of the Senator from Minnesota (Mr. MONDALE).

Again, I hesitate to keep repeating this, but the fact remains that we in the North cannot continue hypocritically to tell the South what they must do in the field of desegregation, when we in the North are unwilling to desegregate our education.

We must have a uniform and national policy in this country. What we are trying to achieve by the Ribicoff proposal is establish a national and uniform policy.

It is said that my proposal will take 12 years. That is true. But I ask every Member of this body to think back to the Brown against Board of Education decision of 1954. It is now 1971 and 17 years later we are still wrestling with this problem.

It was said, after 1954, to those who proposed, "Let us desegregate one grade at a time," that it would take too long and the proposal was stricken down. Ironically, we all would have been delighted 12 years later, in 1966, to have complete integration.

Instead, we have fought with this problem constantly. All of us have been on the floor when Northern Senators have stood on this floor and accused the South of dragging its feet, for being unwilling to "bite the bullet" or to abide by the Constitution. Yet we in the North have ducked our responsibilities as legislators in this field as well.

The time has come for the entire Nation to have a uniform policy. But we will never have a uniform policy unless it is a national policy founded on a metropolitan basis. If we refuse to adopt this national policy by refusing to pass such a measure as this, we will never achieve integration.

If this Senate is willing to say that they are against desegregated education, that they are against integration, then, by all means, defeat this bill. But if you are for integration and you feel that every area in this country and every school district and every region in every State should be treated alike, then I think that you have no alternative but to support the Ribicoff proposal.

To me, this is a test of the bona fides of we northern liberals. This is a test of whether we believe that all the regions in this country should be treated alike, or whether we believe that there should be one rule for the North and another rule for the South. It is a question whether we believe that the time has finally come in the United States of America to face up to this problem.

I will vote for the bill that the committee has brought to us. It is better than nothing, but it is not much better than nothing. It will accomplish very little toward integration and we will be coming back here, 2 years from now, for another billion and a half dollars or two billion dollars for education, bemoaning the fact that education is declining in the United States all across the land.

Mr. President, I want to thank the Members of the Senate for voting against tabling and allowing my proposal to be voted up or down.

ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m. tomorrow.

The PRESIDING OFFICER. (Mr. Buckley). Without objection, it is so ordered.

SENATOR DOLE SPEAKS ON FARM ISSUES AND THE NIXON ADMINISTRATION

Mr. CURTIS. Mr. President, on Monday, April 19, 1971, the distinguished Senator from Kansas (Mr. Dole) addressed the annual banquet of the Newspaper Farm Editors of America at the National Press Club in Washington, D.C.

The distinguished Senator from Kansas comes from an important agricultural State. He is a member of the Committee on Agriculture and Forestry. He spoke out on all phases of the field of agriculture and I believe his remarks merit placing in the Congressional Record.

I therefore ask unanimous consent to have his address printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks of Senator Bob Dole

I wish to thank the Newspaper Farm Editors of America for the invitation to speak this evening about farm issues and the Nixon Administration.

It seemed significant to me that when your vice president and my good friend Don Kendall wrote me about the banquet, he addressed the letter to the Republican National Chairman. I have to assume from this that he expects me to be at least partially partisan in my remarks.

The fact that President Nixon chose for the top GOP post a man from a Western Kansas wheat town with ten years in Congress and membership on both the Senate Committee on Agriculture and Forestry and the select Committee on nutrition and Human Needs, is a strong indication of his interest in American agriculture.

It has been many years since the Chairman of either the Republican or Democrat party has had such clear agricultural credentials. It should be obvious that the Republican Party and President Nixon care about the farmer—and not just at election time.

And just as Secretary of Agriculture Clifford Hardin represents our farmers in the councils of government, this GOP Chairman is prepared to fight for farming interest both on the Senate floor and in the political arena.

AGRICULTURE'S CONSUMER STORY

On several occasions you have been exhorted by Secretaries of Agriculture that food is a good buy—thanks to the productive genius of the American farmer wedded to a superlative processing and distributive system. You have been told that Americans pay a smaller share of their income for food than anyone else: about 16.5 per cent of disposable income is used for food. (In Canada, the figure is about 20 per cent; Western Europe and Japan, about 37 per cent; Russia up to 50 per cent, and not to mention the developing countries.)

Speaking in terms of per capita incomes, between 1960 and 1970, per capita disposable incomes increased from $1,937 to $3,333, while per capita food expenditures rose only from $388 to $558. In other words, per capita food expenditures increased only about one-eighth as much as per capita income, and notably, during a decade when meat consumption showed a marked increase.

This is truly a remarkable record of production, especially considering the shrinking number of farm men and women—a story that I hope the press will help to make clear to all Americans.

We know that in terms of income, working time and in comparison with other countries, food in America is a great buy, but not all of the 95 percent of the American people who do not live on farms know agriculture's consumer story. Perhaps you and I, and your editors, need to do a better job of conveying both sides of the farm picture to the general public.

I hope my remarks this evening tell a little of both the consumer and producer stories of agriculture.

PAST AND NET FARM INCOME

First, I will review briefly the past.

From 1961 to 1968 (during Democrat Administrations), American farmers posted a realized net farm income level that averaged $13.8 billion. From 1969 to 1970, however, during the Nixon-Hardin period, farm income averaged $16.0 billion—up 16 percent (for a cumulative total increase of $4.4 billion.)

Farmers must get incomes commensurate to their work, as do most workers in other segments of the economy. Secretary Hardin has told President Nixon he will do everything economically feasible to meet this need. We intend to do even better with the new farm programs. Last year farmers received only 78 per cent as much per capita income as the non-farm people. That was an increase compared with the 55 per cent level in 1960, but far from our plans for further increase by 1976.

The Republican party knows that in 1972 it will have to run on its record. We will have a successful story to tell about this Administration's work for American agriculture. I know that you good people will tell it like it is—both its strengths and weaknesses.

NEW FARM PROGRAM

Never before in history has a new departure in farm programs been developed with such a truly bipartisan approach. You are familiar with the night sessions that Secretary Hardin and his staff spent with Chairman Poage trying to hammer out an acceptable program. I think it can be honestly stated that a true spirit of compromise carried this matter to legislative victory.

The Agricultural Act of 1970 is a break with the past by enabling farmers to employ their land and capital resources in planting the crops they can best produce. At the same time, the Act continues the protection of farm income through payments and loans. The 1971 programs give farmers a much wider choice in using their acreages without losing program benefits.

The new provisions place greater emphasis on market needs as the guide for producers' planting decisions. *The acreage provisions are designed primarily to keep the overall excess of productive capacity in check to prevent surpluses.*

The Act is encouraging shifts in crop acreages from farm to farm that will make each a more successful financial operation.

The basic factor in the new approach is that it enables farmers to devote a much larger portion of their acreage to the market as they determine and continue to participate. As a result, the interplay of market needs and farmers' plans will play a much greater role in price determination than for some time.

Now there are still a few—albeit a few—snipers at this program. But, let none of the political carpers overlook the fact that this program is more popular than any program in years—as demonstrated by the number of grain farmers enrolling in the program during the current signup period.

AGRICULTURE EXPORTS

We are on the threshold of a "triple" record for U.S. agricultural exports in the curent fiscal year.

First: The value of total shipments will approximate $7.5 billion—an all-time high record by a margin of $700 million.

Second: Sales for dollars will be a record $6.5 billion. This means that agriculture, on the dollar account, could earn a favorable balance of about $800 million. That's the amount by which sales for dollars should exceed the value of agricultural imports.

Third: The volume of these exports will be about 6 per cent above the volume of the previous record export year.

In the 1970 crop year, almost one cropland acre out of every four is produced for the export market. In soybeans, we are exporting well over one-half the 1970 crop. We are exporting well over one-half of our wheat crop, two-thirds of the rice crop, and one-third of the cotton crop.

The growth in farm exports this year came because the market is working. An unfettered market can move farm products from the people who produce to the people who consume. That is the real underlying meaning of this year's trade figures: The international market—while not obstacle free—is working. It is working to the benefit of our farmers.

American producers of grains and other feedstuffs are returning as a part of the world economy—where the market works to favor the efficient producer and reward the holder of comparative economic advantage.

The Republican Administration is alert to defend agriculture's trading rights. We have been concerned about the growth of restrictionist thinking in many countries in recent years. We have been particularly uneasy about the growth of trade-restrictive policies of the European Community—and concerned that these policies might be extended at such times as the Community may be enlarged.

Assistant Secretary Palmby said recently:

"We have made it plain both to the United Kingdom and the Community that we are determined to use all appropriate means to safeguard our trade rights and interests in grains, soybeans, and other agricultural commodities. With this in mind, we intend to exercise fully our rights under the General Agreement on Tariffs and Trade (GATT), including retaliatory trade measures should that be necessary. This applies both during and after the period of U.K. negotiation with the Community, whether or not the United Kingdom becomes a member of the Community."

Our programs look to overseas markets, and we intend to compete for maximum utilization of our products throughout the world.

If U.S. farm exports are to reach our $10 billion goal by the next decade—a necessary objective—they must move competitively in the world markets. It will be our policy to do everything feasible in our discussions with foreign governments to stimulate export markets for U.S. farm families. We are not satisfied with the results of the Kennedy round of trade negotiations. We know now that in that round agriculture was treated as a poor relative.

For example, the International Grains Arrangement was an international economic disaster especially to U.S. wheat growers. It is regrettable that the then President Johnson in the signing on behalf of the United States, should state:

"The new arrangement thus will prove new price insurance to U.S. wheat farmers."

It proved to be low-price insurance and losing market insurance. Other countries undersold us and we were left "holding the bag" full of unexported wheat.

Australian Minister for Primary Industry, the Honorable J. D. Anthony expressed it perfectly when he said:

"What has happened is that France has increased her sales at the expense of Canada and the United States. At the same time, the Australian Wheat Board has taken full advantage of its favorable position under the I.G.A. and has been very vigorous and successful in its marketing. As a result—and there is no doubt about this—Australia has gained more than her traditional share of the world market. While this has been happening, countries who are not parties to the I.G.A.—particularly the Soviet Union and East European countries—have been expanding their sales at prices out of line with I.G.A. prices."

A new agreement has been negotiated which enables U.S. wheat growers to prosper from expanding markets. The machinery of the International Wheat Council for consultation and the collection of detailed information about prices, commercial and concessional sales and freight rates will be maintained. During the life of the new agreement, wheat trading prices are determined by the ordinary play of market forces.

It is the intention of this Administration to obtain our fair share of the world wheat markets. Wheat growers deserve every consideration. And we intend to see that they get it.

RESPONSIVE TO FARMERS

Perfection is seldom seen in Government or any organization or individual. This Administration has on occasion demonstrated its human frailty, but more important, it has proved itself responsive to the citizens of this nation.

For instance, there was the ASCS regulation requiring production from all set-aside acreage in one of the past three years. It didn't take long to learn that while this might accomplish the ASC's desire to make historical yields more accurate, it was undesirable to require farmers to plow up land that has been out of production for 10 years or more, just to maintain the land's proven yield record. The years of good conservation practices would have been destroyed with the turning of the earth by the plow.

The Administration promptly rescinded the regulation.

Over the past few years, hog prices stabilized fairly well, and we saw the growth of sophisticated hog feeding operations. I use the word sophisticated to emphasize the change in well designed feedlots from what we knew as hog pens a few years back. The improvements and efficiencies gained by these new methods spread rapidly until last October when the USDA's hog population figures indicated an increase in hog population of 18 per cent over the year earlier. Hog prices plummeted. This was not the result of any USDA action, but the Department took positive steps to respond in behalf of the farmer by purchasing pork for the Department's food distribution and school lunch programs to help stabilize falling pork prices. So far this fiscal year USDA has purchased over 145 million pounds of pork . . . the highest level of pork purchases by the Department since 1956.

The Administration is responsive to the needs of the farmers. Farmers have responded also, by indicating a sharp downturn in their intended farrowings.

PROPOSED LEGISLATION

(*a*) *Farm Labor*

You have heard the rumors about the bill the Department of Labor plans to recommend to place agricultural workers under the National Labor Relations Act.

As far as I know, this legislation is not in final form, and I assure you this Administration will consider the need further before it recommends farm labor legislation.

As you know, under present labor law, agricultural workers are exempt from NLRB regulations. With this exemption, Cesar Chavez started the United Farm Workers Organizing Committee (UFWOC) in Southern California. The farmers who produced grapes in that area had no choice. If they wanted to sell their grapes, they had to sign the UFWOC contract. The farm workers did not even get to vote. The farmer just started deducting dues from their pay for UFWOC.

In this regard, I have written Secretary Hodgson urging that any farm labor legislation provides for:

(1) Secret Vote by the worker.

(2) Prohibition of Retail Boycott tactics.

(3) Prevention of strike at harvest time.

(4) A separate administrative entity established to arbitrate disputes and administer the program, completely separate of the National Labor Relations Board.

(*b*) *Pesticides*

Legislative hearings on the use of pesticides have been conducted by the Agriculture Committees of both Houses of Congress.

As a result of these hearings it becomes apparent:

(1) Some form of regulatory Agricultural chemical legislation will be passed by this Congress.

(2) Agricultural chemicals are basically very important and useful both to farmers and to city dwellers.

Reason—not emotion must become the means to compare and evaluate the risks and the benefits of using these chemicals.

Proposed legislation is too broad without some means to evaluate and compare different chemicals as to their toxicity and pollutive capacity. Some common standard must be established before such judgments can be made.

Without such a standard, it seems reasonable that regulations for these valuable "tools" can be written that would assure a clean healthy environment.

(*c*) *Farm credit*

The Federal Farm Credit Board has planned legislation that would extensively revise and expand the service of the Farm Credit Banks.

This agricultural credit system is over 50 years old. As you know, it was started to assist and maintain farm credit in a time when farmers could not obtain credit from other sources. The system has been so successful that the "seed" money from the Federal government has been repaid and the system operates independent of government supervision within the provisions of the Farm Credit legislation.

The proposed credit legislation has not been appraised by the Executive branch of government. It is generally believed, however, that the bill contains some provisions the Farm Credit system does not hope to attain, but were included to serve as "trading stock" when the bill is considered by Congress.

I can assure you this Administration is aware of the importance of credit to the operation of a farm in today's economy. As agriculture changes, its financial sources should also change, and this will be the basis on which this legislation will be considered.

(*d*) *Rural development*

Rural development legislation will be implemented in this session of Congress and in the next. The Rural Development Subcommittee of the Senate Agriculture and Forestry Committee, of which I am a member, will be conducting hearings throughout th nation. The first of these will be in Sio City, Iowa on May 3 and 4. The Subco mittee plans to call in farmers and sma businessmen from rural communities in the four-state area around Sioux City (Iowa, South Dakota, Minnesota and Nebraska) the first day. The second day will be devoted to field trips throughout the area talking with the people in their rural environment.

By these hearings we hope to get some new ideas from which to develop legislation to aid rural America. It may require revenue sharing, it may require government reorganization.

GOVERNMENT REORGANIZATION

I do not believe any of you would disagree that a drastic reform of our Federal government structure is long overdue. Your ideas of where the revamping should begin, however, probably differ greatly from those of your financial and managing editors, and with officials faced with excruciating problems in the cities. But, if we are to achieve progress, all of us must be willing to see the other guy's side, and give a little to gain a lot.

When the President assessed our present position in his State of the Union message I think he stated the case for all of us. He said, "Most Americans today are simply fed up with government at all levels." The President followed this with a further expansion of the idea in his message to the Congress March 25 when he recalled, "There was some surprise that such a sweeping indictment of government would come from within the government itself, yet it is precisely there, within the government itself that frustration with government is often most deeply experienced. A president and his associates often feel that frustration as they try to fulfill their promises to the people. Legislators feel that frustration as they work to carry out the hopes of their constituents. And dedicated civil servants feel that frustration as they strive to achieve in action the goals which have been established in law."

The President summed up succinctly a real problem of agriculture—that of frustration all the way from the farm level to the highest administrative offices.

It is necessary at this point in time that all of us acknowledge that government bureaucracy has become top heavy and far removed from the people.

I am not inferring that reorganization is the ultimate solution to all farm problems, but proper reorganization of the Federal government could go a long way in removing agriculture as a whipping boy of urban influences.

Past administrations have struggled under the existing maze of uncoordinated departments and agencies of government, each adding patch upon patch and providing only temporary or negligible regional achievement. This Administration has valiantly attempted to tighten up procedures; to coordinate departments and agencies.

Out of all this effort, I have reached but one conclusion: Future opportunity for America can and must be met with changes that will permit more rapid and flexible inter-agency action, plus more freedom for individual initiative. This can only be brought about by grouping areas of responsibility having common characteristics.

The time is here for a thorough evaluation of agricultural trends and practices, to attempt to project farm needs for the future. We have not always done this successfully in the past. The fact up to 100,000 farmers are dropping out of the family farm system each year ought to be proof enough of our present inadequacy in retaining the family farm system. What we all thought were good farm programs from time to time, provided only a precarious partial security for about 40 per cent of our agricultural people; and these programs have failed dismally to keep our farmers and their sons in the farming business. I know we agree on that point.

Congress and the Executive branch need to look in the future toward permanent solutions—ways to stablize a now declining farm population, and to improve the income for those remaining farmers. I am hopeful that Rural Development legislation will be passed this session and begin to alleviate these problems.

In some areas, farmers are making great strides in helping themselves. This is good. Farmers have found that they can often help themselves through bargaining and commodity groups. But, they cannot do it all alone.

We need your help in generating the kind of public support that is absolutely essential to obtain and implement the kinds of programs needed by farmers. In past years, we have not sold the true image of agriculture to city dwellers and their representatives in Congress. This particular failure is part of the reason unsatisfactory farm programs have been compromised in the past.

The farmer must be given the legislative means to help himself toward a better life. Such means would require equitable programs passed by an agriculturally-attuned Congress, encouraged and supported by informed constituencies. As agricultural writers, your role in assisting this nation's backbone industry is self-evident—and unquestionably, an important one—as communicating the needs of the farmer—is communicating the needs of the country.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATION ACT OF 1971

The Senate continued with the consideration of the bill (S. 1557) to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, in somewhat different context, I renew my request. I ask unanimous consent that there be a period of not to exceed 4 hours on the pending amendment, the time to be equally divided between the sponsor of the amendment, the distinguished Senator from Connecticut (Mr. RIBICOFF), and the manager of the bill or whomever he may designate, and that there be 10 minutes on each amendment thereto, the time to be equally divided on the same basis, the vote to occur at 1 o'clock tomorrow afternoon.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

Ordered, That, the Senate proceed to vote at 1 p.m. on Wednesday, April 21, on the Ribicoff amendment (No. 46) to S. 1557, a bill to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes.

Ordered further, That the amendment be laid before the Senate for further consideration at 10:15 a.m., Wednesday, April 21, with debate on the amendment to be equally divided and controlled by the Senator from Rhode Island (Mr. Pell) and the Senator from Connecticut (Mr. Ribicoff). Should any amendment be offered to the Ribicoff amendment, the time will be limited to ten minutes and will be equally divided and controlled by the proponent of the amendment and the Senator from Connecticut (Mr. Ribicoff).

Provided further, That when the Senator from Colorado (Mr. Dominick) calls up his amendment (No. 43) time is to be limited to two hours thereon to be equally divided and controlled by the Senator from Colorado (Mr. Dominick) and the Senator from Rhode Island (Mr. Pell) or his designee. Should an amendment be offered to the Dominick amendment, time will be limited to ten minutes to be equally divided between the proponent of the amendment and the Senator from Colorado (Mr. Dominick).

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. MANSFIELD. The time can be charged to both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I yield 1 minute to the distinguished Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized for 1 minute.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate this afternoon, it is my intention to ask that the Senate stand in adjournment, as already announced and agreed to, until the hour of 10 o'clock tomorrow morning; and that, beginning at the hour of 10:15 tomorrow morning, the time begin to run on the pending amendment.

PROGRAM FOR WEDNESDAY

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows: The Senate will convene at 10 a.m. Immediately following the recognition of the two leaders under the standing order, there will be a period for the transaction of routine morning business, not to extend beyond 10:15 a.m., with a 3-minute limitation on speeches therein.

At 10:15 a.m., the unfinished business will be laid before the Senate and, effective immediately, debate will be resumed on the pending amendment, No. 46, proposed by Mr. RIBICOFF, the time to be equally divided and controlled, respectively, by Mr. RIBICOFF and by Mr. PELL or his designee.

There will be a limitation of debate of 10 minutes on any amendment to the amendment authored by Mr. RIBICOFF. the time to be equally divided and controlled by the mover of such amendment and by Mr. RIBICOFF.

I call particular attention to the fact that, by the agreement, the vote on the amendment by Mr. RIBICOFF is to occur at 1 p.m., tomorrow, but I hope that Senators will take special note that the majority leader is expected to move to modify the agreement early tomorrow morning to provide for the vote to occur at 1:30 p.m., tomorrow rather than at 1 p.m.

Debate will also be limited to 2 hours on amendment No. 43, intended to be proposed by Mr. DOMINICK, an amendment which relates to attorneys' fees, the time to be equally divided and controlled, respectively, by Mr. DOMINICK and Mr. PELL, or his designee. Any amendment to the amendment offered by Mr. DOMINICK will be under a time limitation of 10 minutes to be equally divided and controlled by the mover of any such amendment and by Mr. DOMINICK.

It will be the intention of the leadership to ask on tomorrow that the Pastore rule, paragraph 3 of rule VIII, run for 5 hours instead of the normal 3 hours.

Once again, Senators are reminded that rollcall votes are expected on tomorrow.

ADJOURNMENT TO 10 A.M.

Mr. MANSFIELD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 3 o'clock and 16 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, April 21, 1971, at 10 a.m.

NOMINATION

Executive nomination received by the Senate April 20, 1971:

William T. Pecora, of New Jersey, to be Under Secretary of the Interior, vice Fred J. Russell, resigned.

HOUSE OF REPRESENTATIVES—*Tuesday, April 20, 1971*

The House met at 12 o'clock noon.

The Reverend Father Joseph F. Thorning, Ph. D., D.D., pastor emeritus of St. Joseph's-on-Carrollton Manor, Md., and an honorary professor of the University of Santo Domingo, offered the following prayer:

Heavenly Father, Author of life and of love, let the light of Thy countenance shine brightly upon the Speaker of this House and upon all the Members of the U.S. Congress.

Grant a special blessing, we beseech Thee, upon the President of the United States of America and upon all those who counsel him.

May coworkers in the Western Hemisphere, the chief executives, lawmakers, and judges of the American Republics and Canada be also inspired, enlightened, and strengthened by divine grace.

Vouchsafe, dear Saviour, that a renewal of brotherly love and generous cooperation may produce better homes, schools, food, and raiment for the farmers, miners, factory workers, owners, managers, and other personnel in industry, enabling them to improve standards of conduct and living everywhere.

As we share in this 28th commemoration of Pan American Day in the Congress, we implore Almighty God to refresh our souls and to rekindle our enthusiasm for the cause of inter-American friendship in an era of change and progress.

We pray humbly and fervently for these favors, spiritual and material, in the name of the Christ of the Andes. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

PAN AMERICAN DAY

The SPEAKER. Pursuant to House Resolution 338, this day has been designated as Pan American Day. The Chair recognizes the gentleman from Connecticut (Mr. MONAGAN).

COMMEMORATING THE PAN AMERICAN DAY

Mr. MONAGAN. Mr. Speaker, I offer a resolution (H. Res. 387) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 387

Whereas April 14, 1971, marked the eighty-first anniversary of the Union of American Republics, now known as the Organization of American States;

Whereas the continued hemispheric solidarity is essential to the cause of progress and freedom for all citizens of this hemisphere; and

Whereas in unity there is real promise of accelerated progress in social and political reform and economic growth in the countries of our home hemisphere: Now, therefore, be it

Resolved, That in honor of the founding of the Pan American Union, the House of Representatives of the United States of America extends greetings to the other Republics of the Western Hemisphere and to all citizens of those Republics, with the fervent hope that new thresholds of good will, stability, and prosperity are being crossed.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Connecticut for 1 hour.

Mr. MONAGAN. Mr. Speaker, I am honored to rise in support of this important resolution, and I regret that I have this opportunity because of the indisposition of our dear friend and colleague, the gentleman from Florida (Mr. FASCELL), who is presently in the hospital in Florida because of complications resulting from the arm that he broke some time ago. The latest information I have is that he is doing reasonably well and goes home today. I know that I express the sentiments of all of us when I say that I hope that he will be back with us very shortly. Certainly all of us are indebted to him for the leadership which he has given to the Subcommittee on Inter-American Affairs of the House Committee on Foreign Affairs, the extensive hearings which he has held and those which he projects on the clarification of our policy in Latin America.

Mr. Speaker, before making my own statement, I should also like to say a word of welcome to the distinguished cleric who acted as Chaplain this morning, Rev. Dr. Joseph F. Thorning, the "Padre de los Americas" who for 28 years—ever since the initiation of Pan-American Day—has offered the opening prayer on this occasion. This is typical of the devotion Father Thorning has shown to the cause of inter-American solidarity. It is through the continuous work of people such as Father Thorning that we hope to improve this cooperation and solidarity and make meaningful the work of the organization whose founding we celebrate today.

Mr. Speaker, today we mark the 81st anniversary of the founding of the Union of American Republics, which now, of course, is known as the Organization of American States. In effect, what we celebrate today is our confidence in the collective action of the governments of the Western Hemisphere to solve problems of mutual concern and to foster peaceful cooperation. There is no greater symbol of this collective purpose than the Organization of American States, one of the world's oldest and most successful international organizations. Eighty-one years ago this organization was founded in Washington, and the fact that it continues to function effectively today attests, I think, to the importance of the basic concept behind it, that is the achievement of orderly and meaningful change, as our Chaplain said today, through political, economic, and social cooperation.

This celebration means that we reaffirm our goal of solidarity with our brethren south of the Rio Grande. We reaffirm our dedication to the objective of cooperation with the nations of Latin America in achieving our common purpose, which is the improving of economies, the raising of standards, and the bettering of the quality of life for the people of all the countries in the hemisphere.

Mr. Speaker, I have just returned from a visit to Latin America, where I had the privilege of attending the meeting of the Inter-Parliamentary Union at Caracas in Venezuela. I certainly would not be candid if I did not say that the relations of the United States with other countries of the hemisphere are in a difficult phase at the present time. We find differences in determining what our trade policy should be. We find differences about the degree of our economic penetration of these countries. We find conflicts between our culture and the cultures of other countries of Latin America. We find differences about the scope of the social system, and even what the proper system should be for achieving economic progress.

I must say that I find a certain air of unreality on both sides in appraising our problems. On our side I believe there is a lack of awareness of the legitimate national ambitions of these countries and a lack of understanding of the intensity of their desire for independence and for the unfettered pursuit of their national goals in an individualistic way. I find too a failure on the part of our own representatives in this area adequately to interpret to the Latin Americans our policies and the trend of our thought on problems that exist between us, and an inclination to tell these people what they want to know rather than what actually may be the current state of opinion in the Congress and in the country.

On the other side, I think that there is an excessive expectation of what the United States can or should do. There is a tendency on their part to consider their invididual problem as being all important without realizing that the United States must view the desires and needs of other countries in the frame of our global commitments and the limitations of our own capacities, great though they may be.

The fact is that the times call for a well-considered and active policy on the part of the United States in this area, and a public statement on the part of the administration. The momentum of the good neighbor policy and the Alliance for Progress has slowed, and we cannot rest content with the achievements or the rhetoric of the past. We must review all our policies—trade, defense, assistance—to make them responsive to today's needs and desires.

While proud of a more enlightened attitude of U.S. business, we must continue to stress our interest in the hemisphere, our understanding of the diversity of these countries, the variety of their cultures, traditions, and social systems.

There are certain things that we can do, I believe. We can make a concerted effort to improve communications and understanding between us. We have given lip service to this goal, but we have given inadequate performance.

We have had cultural exchange programs and shared visits with Iron Curtain countries. Should we not make a comparable effort in time and money with those Latin American countries which are so important to us?

We can improve our Voice of America programs to interpret adequately our cultural, social, and economic achievements and goals, which have so often been grievously misrepresented to them.

I remember gratefully the touching conversation last week of a Venezuelan cab driver who told me how much he admired the United States, our democratic system, and our pursuit of equality for all. There is a great reservoir of good will among the people of these nations and we should foster it diligently and not permit it to be dissipated.

Finally, our Government, and particularly our communications media, should accord to Latin American problems and developments the priority of coverage which they deserve. The Latin Americans complain with justification that East Pakistan or South Africa or Rumania receives more notice in our newspapers or on our television than Venezuela, Columbia, or Argentina.

It is fashionable now to talk of the need to define our priorities. And I suggest that it is essential that we reorder our schedule of priorities with relation to Latin America, to interpret ourselves to them, to make clear our objectives and policies, and to emphasize to them that their progress and difficulties and their orderly development are matters of primary concern to the United States.

These objectives have been the goals of the Organization of American States. Under men like Secretary Galo Plaza, the Organization, together with the Inter-American Development Bank, has striven to make them a reality. But we cannot be satisfied with the accomplishments of the past. Today's movement is too fast and too broad in scope.

Above all, the people of the United States must be educated as to the new needs and new opportunities and their implications for all of us.

Today's anniversary provides an occasion to recognize these critical considerations and furnishes an opportunity as a nation to direct our energies toward furthering these purposes with the knowledge that bitterness and decay and insecurity may be our lot if we fail to act.

Mr. FASCELL. Mr. Speaker, today we celebrate Pan-American Day. This is a day set aside to mark the anniversary of the founding of the Pan American Union, one of the world's oldest and greatest international organizations. It is a day for paying tribute to the political and cultural ties joining the peoples of the United States, Latin America, and the Caribbean; a day of rededication to the principles of the Organization of American States and the Charter of Punta del Este; and a day for reflecting on the relationships between our two great continents.

The founding of the Pan American Union 81 years ago first gave formal structure to the steadily growing fabric of relationships which have bound the Americas since the days when we shared a common struggle against colonial rule. From the modest beginnings of 1890 have come a host of organizations, public and private, joining the peoples and governments of the Americas through the inter-American system in a common effort to better the lives of millions from Alaska to Cape Horn.

What is the inter-American system today? It is, of course, the Pan American Union, the Organization of American States, the Inter-American Development Bank, and the Inter-American Defense Board. It is a common heritage and a dream of a better future based on a common set of principles, but most of all it is people. It is people, in and out of government, whose labor and devotion give life to the inter-American system and substance to all our dreams for a better hemisphere.

So, on this occasion, I wish to extend our best wishes to those tens of thousands of men and women who really are the inter-American system, and especially to the Honorable Don Galo Plaza, the distinguished and very able Secretary General of the Organization of American States.

Mr. Speaker, on Pan-American Day it is especially appropriate that we reflect briefly on the nature of our relationship with Latin America: where we are, where we have been, and where we are trying to go.

Latin America is in a period of great transition. So also are our relationships with the other nations of our hemisphere. Daily our papers tell us of new turmoil in one part or another of Latin America: a change of government, a political kidnaping, or pathetically, a story of a starving mob invading a city. And almost daily, we hear of a new crisis or a new turn in U.S. relations with one or more of our neighbors to the South.

What does all this mean? What does it portend for the United States—and our hemisphere?

The answer is not at all clear. It will depend a great deal on what we do, and especially on what the Latin Americans themselves do, in the next few years to steer into constructive channels the changes that are sweeping both Americans, North and South.

What is clear is that the static Latin America of rural land-owning elites supporting and being supported by Church and State is no more. It has been replaced by a new social, political, and economic environment where the best of 20th century art and industry coexists side by side with unbearable poverty and human misery.

Despite vast resources, Latin America today remains largely undeveloped and backward. Only an estimated 40 percent of her population shares in any meaningful way in the economic and social life of the area. The average per capita income of the remaining 60 percent is a meager $110 per year.

The problems of Latin America have been compounded by a rush to the cities which seemingly is without parallel in the rest of the world. Fully 50 percent of Latin Americans now live in urban centers—many of them in the rings of slums which surround the old central districts of the major cities of the South American continent. This is twice the percentage of people living in urban areas for the developing nations as a whole. And, by the end of the century, it is estimated that 80 percent of the people of Latin America will live in urban areas.

We in the U.S. Congress should be familiar with what this means for we have struggled for years now with the effects of a much slower process of urbanization in considering welfare reform, tax sharing, and the host of problems confronting our cities.

The rapid process of urbanization has contributed to another of Latin America's most urgent problems—the extraordinarily high level of unemployment. That level has now reached about 11 percent. In addition, however, underemployment affects some 40 percent of the remaining labor force. Combined, these figures are comparable to an unemployment rate of 27 percent. When unemployment in the United States passed the 10 percent mark, we had the Great Depression.

Ten years ago, in response to the call of President John F. Kennedy, the nations of our hemisphere joined in a massive effort to remedy those conditions, and to bring the promise of a better life within the reach of the masses of Latin America. To date, the Alliance for Progress has not achieved that goal. It has, of course, provided tremendous impetus to the processes of change taking place in the hemisphere. It has changed the attitudes of individual leaders and of governments. It has created many new institutions: cooperatives, savings and loan associations, development banks, and other instruments of development. It has helped to provide thousands of Latin Americans with training and experience in many fields of human endeavor. And, by accomplishing those things, it has laid down the base for future progress.

The achievements of the Alliance for Progress fall short, however, of the goals of social, political, and economic transformations envisioned in the Charter of Punta del Este. The dramatic changes outlined in that document continue to belong to the future. In some respects, therefore, the Alliance has not fulfilled the expectations of its founders.

That is regrettable. And yet, if we are to be realistic, could it have been otherwise? In 10 years, could the Alliance have revolutionized the social, political, and economic structures of countries whose cultures have been formed over a period of centuries? Could it have changed the attitudes of millions of peoples, provided them with new motivations, equipped them with new levels of education and training?

I, for one, feel that all of those changes could not have been accomplished in 10 years. I do not wonder, therefore, that many of the Alliance's goals have not been attained. And, I am encouraged by the progress made during the past decade.

For Latin America has begun to stir. Indians, peasant farmers, laborers, students, soldiers, and priests are challenging the old policies and institutions. Those challenges disturb many, but I find them encouraging. They are the outward signs of the tremendous forces let loose by the Alliance—forces which are providing new dynamism to Latin America of the 1970's.

The question that confronts us now is—"Where do we go in the 1970's?"

During the past 2 years, the United States and Latin America have been cooperating in developing new approaches to the task of advancing the goals of the Alliance for Progress. In the process, some helpful departures from old policies have been implemented. In many instances, however, decisions on major issues have been deferred.

The time for those decisions is at hand if peaceful revolution in Latin America is going to have any chance at all.

We cannot afford further delays in reaffirming our determination to make our hemisphere a place in which every man and woman can realize the fullest range of his or her potential.

The U.S. commitment to that goal is in question today. And as a result, many of those who have devoted their best years to the cause of progress and justice in our hemisphere are now plagued by doubts and uncertainties about the future.

The United States can remedy this situation by according the problems of our hemisphere the priority which they commanded during the past decade and which they deserve.

To this end, we can no longer postpone making delivery on promises tendered in the last 2 years.

We can no longer allow months to slip by while the new modalities of our cooperation with Latin America remain undefined; while the enactment of generalized trade preferences awaits some propitious moment; and while the timeframe and extent of our national commitment to the "partnership for progress" continue to hinge both upon political developments at home and upon the closing of a tragic chapter of history in a distant land.

As the old saying goes, the United States must either fish or cut bait.

Moreover, we must acknowledge with Abraham Lincoln that—

> The dogmas of the quiet past are inadequate to the stormy present.

And begin to shape a new strategy for our hemisphere in the 1970's.

What should the outline of this new strategy be?

First of all it cannot follow the old patterns of aid, with the United States providing not just resources for development but the plans themselves. A new strategy must follow a new course. Just as new priorities for development in Latin America must come from the Latin Americans so too must the techniques and methods for achieving them.

The United States, in looking to the decade of the 1970's, must recognize that our interdependence with the hemisphere requires not paternalistic concern but active cooperation—cooperation aimed at making this hemisphere a more satisfying and rewarding place for all of us to live.

The development of our resources is an investment in the future. It is a process which can benefit both the United States and Latin America. It must be done through a cooperative effort lest we threaten the very future we so ardently seek.

Second, the attainment of a healthy and benign environment must underlie all our efforts at development. We must strive to solve the problems which threaten future generations. We must redeem our rivers; rescue our oceans from pollution; cleanse our air; and control the use of chemicals which endanger all our lives. Only cooperative efforts which engage all the countries of the hemisphere can successfully meet these problems.

Such cooperative efforts are also necessary to solve other problems of our hemisphere: such problems as the conflict over tuna fishing off the coast of Ecuador and Peru. Our primary concern here should be the maintenance of peace and the preservation of the living resources of the ocean for the benefit of the entire hemisphere. Similarly, we should address ourselves to the problems of migrations which cause wars such as the one between El Salvador and Honduras. In general, we should try to extend throughout the hemisphere the kind of cooperation that we have enjoyed with Mexico in the matter of coping with illegal internationanl traffic in narcotics.

These problems and issues require our attention in the 1970's. It is these problems and these issues which can only be met through a new commitment to a decade of improved cooperation in our hemisphere.

In closing, I want to add a few words about an escalating series of incidents which constitute a threat to the continued success of the inter-American system: Incidents which reflect our propensity to engage in dangerous rhetoric; to shout before we think.

Everyone shouting and no one listening can destroy a nation as surely as it can a family. Similarly, it can make enemies of once friendly nations.

It is easy to understand the anger that wells up on occasion both north and south of the Rio Grande. This Nation has been far from blameless in its past relations with Latin America. We have been overbearing on more than one occasion. We have meddled in matters we should have stayed out of—and ignored others which cried for our attention. And we have helped to create resentments which persist to this very day.

Reckless criticism, from whatever quarter, can only destroy the good will necessary if we are to cooperate in our trade, aid and investment policies for the mutual benefit of the hemisphere.

Both North and South, we must forgo the rhetoric of years gone by which polarize all economic and social rationales into the equally unacceptable terms of statism and economic determinism. We must recognize that the patterns of development and social reorganization which are likely to succeed in Latin America will arise out of the unique culture and history of the Latin American nations themselves and not be imported from either North America or the East.

Both North and South we will have to discard our preconceptions, one or the other. Both continents are exploring new ground. Both are passing through a revolutionary phase in which concern with economic development is being replaced by concern for human development. In my judgment, this broader and more basic concept, human development, focuses directly on the broad principles of civilization and democracy which have bound our continents together from the time of our revolutions. It should give us even more hope for the future of the inter-American system.

On this Pan American Day, it is difficult to be certain what the future holds in store for the hemisphere, but we can be certain that we still have the opportunity to realize the goals to which we pledged ourselves 81 years ago, and to those to which we dedicated ourselves 10 years ago. We should, we must, seize that opportunity.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. MONAGAN. I am happy to yield to the gentleman from Louisiana.

Mr. BOGGS. First, let me join the gentleman in commending the distinguished cleric, Father Thorning, not only for his prayer this morning but for his continuing interest in the problems and affairs of the countries of Latin America.

Then let me commend the gentleman from Connecticut on the very fine statement he has made here this morning.

I agree with the gentleman that we are inclined, both in our public and private lives, to ignore the many and great nations to the south of us. We are inclined to generalize and think about them as one, whereas in truth and in fact, they are many nations with many cultures and many problems.

There are matters, though, upon which we can generalize. To begin with, Latin

America is growing faster than any part of the world and in doing so it compounds its problems more than any other part of the world with the exception of Asia. At the same time, Latin America has undergone a great migration to the cities so that suddenly most of Latin America has become an urbanized society whose people do not possess the skills and talents necessary to live in an urban society.

We can also point to the fact that, again with the exception of Asia, Latin America has the lowest per capita income of any place in the world, probably more illiteracy, more need for housing, more need for education, and more need for gainful employment of any place in the world.

At the same time, the opportunity for our country to assist our friends in Latin America is very great indeed. It is not an opportunity for platitudes, or for pleasant speeches, but an opportunity really to assist in the development of this great section of the world. It has been demonstrated time and time again, where a Latin American country prospers, that prosperity is immediately translated into trade with the United States. The best example that comes to my mind is the country of Venezuela, which is probably the most prosperous of all Latin American countries, with the possible exception of Mexico. We have a favorable balance of trade with Venezuela. We also carry on an enormous amount of trade with Mexico, which is growing rapidly and is becoming a prosperous nation.

So it is to our interest not only from the point of view of social unrest and political instability and from the point of view of establishing free democratic nations with free democratic institutions in Latin America, but also from the point of view of carrying out trade and commerce that we help to develop the countries of Latin America.

We have made a lot of progress. Some American companies have shown a great deal of ingenuity and have brought into their management and into their work force the people who live in the countries of Latin America.

For instance, I have been in a store, a Sears, Roebuck store, in Brazil where all of the employees, with the possible exception of one or two, are Brazilians. This is the type of people-to-people operation that I think commends itself to our American industry and American ingenuity.

It is appropriate that we today commemorate the anniversary of the Organization of American States. It has been a viable organization. I was very proud of President Kennedy when he inaugurated the Alliance for Progress. I hope that we will move forward in that direction. I am glad to see the regional groupings that have now occurred in Central and South America as nations seek to bring together their trade and resources rather than have competing steel mills and competing automobile plants and so forth.

So, as I see it, the gentleman from Connecticut is so right: Latin America offers hope not only for the people of Latin America but for the people of the United States.

Mr. Speaker, I commend the gentleman for his fine effort here in offering this resolution commemorating the 81st anniversary of the OAS and the Pan American Union.

Mr. MONAGAN. I thank the gentleman from Louisiana for his very helpful and illuminating comments.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. MONAGAN. I am glad to yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I am happy to join with my colleague from Connecticut in marking the 81st anniversary of Pan American Day.

The American people and their neighbors to the south are closely bound together, not only by geography but by a feeling of genuine affection. We are deeply concerned with the welfare of our Latin American neighbors—and not purely from the standpoint of self-interest. We are in a word, partners.

For too long the image of the United States has been that of the giant of the Western Hemisphere. I would change that. I would much prefer that we be seen in our true role in this hemisphere—the role of partner sharing good fortune and bad with our neighbors in Latin America.

We are, I think, carefully pursuing that role now, the role of partner. No longer do we dominate our Latin American friends. We offer them ideas and assistance, but we want them to steer their own destinies. Together we have one major goal—to keep the Western Hemisphere free from outside domination. Within the hemisphere, we will grow together and help each other to grow.

We have adopted a new approach toward Latin America, one which stresses shared responsibility and respect for the national identity and dignity of our Latin American friends.

We are offering help and we are encouraging self-help. But running through all our efforts is the theme of partnership and an eschewing of domination. We have taken steps to improve development assistance, increase the transfer of technology and to expand trade.

The goal of trade expansion is most important. We must help our Latin American friends increase their exports. This is the way to help them reduce their dependence and enhance their self-respect.

In 1970, we achieved agreement among the developed nations to go forward with comparable systems of generalized preferences which all developed countries would apply to all developing nations. This would significantly reduce discrimination faced by Latin American countries as well as give them preferential treatment in our market. The administration has also made available direct technical assistance for export development and for the promotion of tourism.

The present administration is dedicated to improving the quality of life in Latin America, as in our own Nation. We have only just begun, but we have made an excellent beginning.

Mr. PIRNIE. Mr. Speaker, will the gentleman yield?

Mr. MONAGAN. I am happy to yield to the gentleman from New York (Mr. PIRNIE), former president of the Inter-Parliamentary Union and a member of the Council of that Union who has just returned also from the meeting in Caracas where the gentleman did excellent work in sustaining the position of the United States at that conference.

Mr. PIRNIE. I thank the gentleman from Connecticut for yielding.

Mr. Speaker, I share the regret which has been expressed by the gentleman in the well as to the illness of the gentleman from Florida (Mr. FASCELL) which has prevented him from taking part in this observance today. However, I do think it is appropriate that he is succeeded by the gentleman in the well in presenting in behalf of all his comments on Pan American Day.

During our recent recess as the gentleman has said there was a meeting of the Inter-Parliamentary Union in Caracas, Venezuela. The gentleman from Connecticut was one of the members of the Council which met diligently to attempt to translate into resolutions and deep understanding some of the efforts of the principles which underlie our efforts in the field of good neighbor relationships with the Pan American nations.

Mr. Speaker, I am of the opinion that personal relationships such as can be developed through conversations on such occasions have a more lasting effect than we sometimes realize. In the remarks of the gentleman in the well he has stressed the difficulties with which we are faced. He has also indicated the attitude which must be maintained if we are to overcome those difficulties.

He has stressed the need for frankness and integrity so that there is a mutual understanding of the viewpoints of our respective nations. In order to create a friendly understanding we do not have to abdicate those things in which we believe, but rather to adjust and harness them together in a mutual program which can be enthusiastically supported.

It was my observation, and I hope the gentleman from Connecticut (Mr. MONAGAN) will agree with me, that such an attitude was respected, and that there was created a desire to make such accommodations as would maintain proper national interests, and yet develop the mutual support which is going to be so important if these programs are to continue.

It is also worthy of mention to the House that we had a chance to observe how a partnership with our great country can be of benefit to developing nations. We saw projects which were being started from absolute scratch being guided by studies conducted by business in regard to the needs of people and of planned communities; our help was not solely in regard to those material facilities such as power and sewage and roads, and what we might call the basic public utilities, but also the way in which we develop culture, the training and educating of people in ways which introduced them into a productive society.

I was proud to know that people from this Nation were contributing so prominently in guiding these projects to fruition.

I would also like to pay personal tribute to the gentleman in the well (Mr. MONAGAN) for evidencing throughout the entire conference that sincere desire to be friendly and responsive to our purposes and he devoted his complete time to that effort. In my opinion the outcome was highly rewarding.

I would also like to join with the gentleman in the well in expressing appreciation of the attendance here today of the Reverend Father Joseph T. Thorning. His faithful adherence to the observance of this day has become a tradition of which we are affectionately proud. I know that we trust that the spirit which gave rise to Pan American Day will continue to be understood not only by this body, not only by this Nation, but by the entire Western Hemisphere, because of its contribution to the peace and the security of this hemisphere and also the world.

Mr. MONAGAN. Mr. Speaker, I thank the gentleman from New York (Mr. PIRNIE), for his kind remarks, and I fully agree with his appraisal of the need for frankness and integrity between the United States and the countries of Latin America, and in this field the contributions made by the gentleman from New York have been most helpful.

Mr. ALBERT. Mr. Speaker, it is a great pleasure to participate in Pan American Day and the celebration of the 81st anniversary of the founding of the Pan American Union.

As the ties between the nations of this hemisphere have deepened over recent years—particularly through the communication made possible by the Pan American Union, the Organization of American States, the Inter-American Development Bank, and the Inter-American Defense Board—much progress has been made in our relations with our neighbors to the south and with our efforts to assist them in the development of their economic potential.

Yet, in spite of our mutual efforts, endemic unemployment and rapidly accelerating urbanization remain major problems in Latin America and all too many of her people are still living in abject poverty, without hope for their own future and that of their children.

This situation calls for the most intensified efforts on our part to activate and give true meaning to the principles of the Organization of American States and the Charter of Punta del Este. We need to focus our efforts on ways to implement our pledges to work with the peoples of the Americas toward progress and peaceful improvement of their lives. We have seen all too many instances of disputes and even armed hostilities between nations which should regard themselves as sister states, indicating that we have much to do to perfect the forums in which such disagreements can be discussed and aired. Particularly of concern are problems of boundaries, our mutual concern over the quality of the environment, the movement of narcotics across borders, and the whole gamut of social problems which we ourselves are encountering here in the United States in our increasingly technological, urbanized society.

The potential is there for consultation and peaceful resolution of all problems facing the nations of the Americas. We need only redouble our efforts to bring our peoples together in the natural union of those who share so much of common heritage and history. It is my hope that our participation here today will mark the recommitment of this Nation to enhancing the quality of life for all of our fellow citizens of this hemisphere.

Mr. BURKE of Massachusetts. Mr. Speaker, in recognition of contributions to the cause of inter-American scholarship, Father Joseph F. Thorning, Ph. D., D.D., was one of the first educators to be elected an honorary member of the Academy of American Franciscan History. He was also chosen as an advisory editor of the academy's official quarterly, "The Americas." For many years, Dr. Thorning's articles and book reviews were featured in this publication. A number of these pieces touched upon the prominent role of California in the development of culture derived from Spain and Portugal throughout many areas of North America.

I include a news report published in the National Register on February 21, 1971, in the RECORD at this point:

"PADRE OF AMERICAS" TO GIVE INVOCATION

> WASHINGTON.—For the 28th consecutive year, the Rev. Dr. Joseph F. Thorning, called by Senator Mike Mansfield "the Padre of the Americas" because of his services to the Hispano-Iberian world, has been chosen to offer the invocation in the House of Representatives on Pan American Day, April 20.
>
> Father Thorning has been decorated by the governments of Spain and Portugal and almost all the Latin American countries.

Mr. GARMATZ. Mr. Speaker, one of my friends gave the prayer today, marking the 28th official congressional celebration of Pan American Day. The friend is Father Joseph F. Thorning, pastor emeritus of St. Joseph's-on-Carrollton Manor, Frederick, Md., one of the associate editors of World Affairs, a publication whose principal objective is the understanding and peaceful solution of international problems. Dr. Thorning has lectured widely in the universities of North and South America and is the U.S. honorary fellow of the Historical and Geographic Institute of Brazil. On numerous occasions he has also served as an honorary chaplain of the Inter-American Defense Board.

One of Dr. Thorning's most popular books is "Miranda: World Citizen," published by the University of Florida Press. It is the scientific biography of Don Francisco de Miranda, the precursor of Latin American freedom and independence. This study has a foreword written by Don Galo Plaza, then President of Ecuador, and now the Secretary General of the Organization of American States. The preface of "Miranda: World Citizen" was written by Sumner Welles, at that time Under Secretary of State.

Reviewing the aforementioned biography in the Sunday New York Times Book Review, Dr. German Arciniegas summarized his opinion of the volume in the following words:

> Father Joseph F. Thorning has told this fascinating story of one of the first 'citizens of the world' in a compact and scholarly book.

About the same time, Dr. Charles G. Fenwick, himself a scholar of international reputation, wrote as follows in the Commonweal:

> It is rare to find a biography in which scholarly research and dramatic presentation are so happily combined.

Mr. JAMES V. STANTON. Mr. Speaker, Father Joseph F. Thorning, an associate editor of World Affairs, who has given the Pan American Day invocation for 28 consecutive years, was born in Milwaukee, Wis., and began his education there in St. Rose of Lima School and Marquette University.

As part of his service to the cause of inter-American understanding, he acted as director of inter-American seminars in the University of San Marcos, Lima, Peru; the National University of Mexico; and the University of Havana, Cuba. Many young people, active in international organizations today, got their start in these seminars. They continue to be responsible workers for justice, security, and international peace.

It is also noteworthy, I believe, that Dr. Thorning was one of the first leaders in the economical movement in the United States and in other parts of the globe and a pioneer in the cause of interracial harmony and fairness.

Mr. DONOHUE. Mr. Speaker, it may interest my distinguished colleagues to know that Father Joseph F. Thorning, the priest-scholar who gave the prayer on Pan American Day, is not only a leader in the cause of inter-American understanding, but also a lifelong admirer of the peoples of the Iberian Peninsula, whose culture is prominent in many regions of the United States today.

For that reason, I include a book review written by Dr. Thorning, entitled "Invitation to Portugal," in the RECORD. The volume reviewed was composed by Mary Jean Kempner with an excellent introduction by Alan Pryce-Jones, a celebrated man of letters, who once served as editor of the Times Literary Supplement, London.

The review follows:

[From the Fordham University Quarterly, Thought, Autumn 1970]

INVITATION TO PORTUGAL

(By Mary Jean Kempner, with an Introduction by Alan Pryce-Jones. Photographs by Russell Lynes. New York: Atheneum, 1969. pp XVIII, 314. $10.00.)

Portugal has been described as "a garden on a balcony overlooking the Atlantic Ocean." Landscapes and seascapes vie with each other in beauty and variety. Sunlight warms the cold stones of monuments which gleam, gems of architecture as many of them are, on mountaintops and in valleys where Cistercian monks cultivated the famous Alcobaça peaches and farther north, planted vineyards that continue to produce fine port and the full-bodied wines of Dão. The people who work this land, predominantly farmers and fishermen, are deeply conscious of their forebears. The Portuguese know how much every continent owes to Lusitanian explorers and discoverers. Mary Jean Kempner, author of *Invitation to Portugal*, having visited every important area of the country in the last four years of her life, shares her impressions, her knowledge and her enthusiasm, balanced by sharp criticism where merited, with her readers. The latter should be legion, because relatively few of the tourists who throng to Lisbon and Fátima every year take the time to push on to Coimbra and the hill-towns of the north or to taste the delights of the southern, seaside resorts of the Algarve: Albufeira, Praia da Rocha and Portimão. As Alan Pryce-Jones, onetime editor of *The Times Literary Supplement* (London), points out, it is Mrs. Kempner's special skill to provide "one aspect of Portugal after another—historical, picturesque, visual, architectural, social—and build them into a kind of polyptych—a form of art at which the Portuguese themselves excel."

As a sample of the author's talent for swift, vivid characterization may be given her description of Evora, a onetime Roman settlement less than 100 miles southeast of Lisbon, located in the rich plains of the Alentejo. Famous for mules, cork plantations, cereal grains, olives, pigs, and antiquities, this cathedral town of some 40,000 inhabitants claims a temple, "dedicated to Diana," not far from seven public swimming pools, one of them "large enough for Olympic competition." Not only are there beautiful, multicolored mosaic pavements, predating Julius Caesar, but also "a portion of a Visigothic wall, a hint of Moorish domination, and examples of Romanesque, Gothic, Renaissance and Baroque art." Moreover, in the onetime Jesuit College of the Holy Spirit, one can still admire decorative tiles (*azulejos*), lining staircases, the refectory and chapel walls. Indeed, Evora once served as headquarters for the sophisticated Order of Aviz and a center of earning for *avant-garde* intellectuals, rich art patrons, powerful kings, prelates, and "dread Inquisitors." As early as the fourteenth century, monarchs sent their heirs to study here "when it seemed appropriate to remove the tender princelings from overprotective maternal influences." Today, spotlessly clean, narrow streets wind between "high whitewashed garden walls overhung with flowers." It is a typically modest-sized, Portuguese market town, as you view its charms through the eyes of Mary Jean Kempner.

Although this book is not precisely a model of exact research and scholarship, the treasures of fact and legend it presents are the result of consultation with the most reliable authorities. Outstanding in this category are Dr. Reynaldo dos Santos, president of the Lisbon Fine Arts Academy, and Dr. Robert E. Smith of the University of Pennsylvania. The latter's new book, *The Art of Portugal*, is often cited, not without wisdom and grace.

The photographs by Russell Lynes, including the jacket feature, add luster and meaning to every chapter of *Invitation to Portugal*. Similar praise must be accorded to the typography, paper and binding. "There will be more Portugal books to come," predicts Alan Pryee-Jones, "but none more useful nor more evocative." Most readers are apt to agree, completely, with this evaluation.

Mr. NIX. Mr. Speaker, it gives me great pleasure on the occasion of the 81st anniversary of Pan American Day to pay tribute to our deep and abiding friendship with the nations of Central and South America and the Caribbean, and to extend a warm greeting to our hemisphere partners.

Pan American Day is a special occasion on which we honor the political, legal, economic, and cutural ties which unite the 23 soverign nations of the Western Hemisphere. It is a time of rededication of all our nations to the goals embodied in the Charter of the Organization of American States and that of Punta del Este: that through mutual cooperation, the American nations shall offer each man a land of liberty and a favorable environment for the realization of his just aspirations, and shall, through living together in peace, understanding, and respect, provide for the betterment of all, in independence, in equality, and under law.

Having been a member of the Foreign Affairs Committee since 1960, and having served in the capacity of U.S. Representative to the Mexico-United States Interparliamentary Conference for the past decade since its inception, the observance of Pan American Day is especially meaningful for me. Having had a firsthand acquaintance with the history and culture of this one special friend, I feel a real warmth for all of the peoples of this exciting region, whose nations are not only our closest neighbors, but also our best friends in the world community.

For the nations which make up the Pan American system, the decade of the 1970's promises to be the most exciting and challenging of any in our history. This decade offers the greatest potential for ever closer ties and stronger friendships between us and our southern partners as we strive to move forward with our shared dreams and goals.

In the past several years, problems hitherto neglected or unrecognized, whose dimensions transcend national boundaries, have emerged that must engage the attention of all of us in the Western Hemisphere. We in the United States have recognized the fundamental need for a change in the basic relationships upon which our friendship with Latin America is based, and have devoted much time to searching for new formulas to improve hemispheric cooperation, especially in the critical areas of economic and social development.

In his 1971 foreign policy message, President Nixon turned his attention to the great changes brewing throughout the American hemisphere and stated that the United States can have no greater goal than to help provide the means for these vitally needed changes to be accomplished throughout the region, in peace and with concern for the proud traditions and the dignity of each hemisphere nation. Indeed, it is my firm belief that mutual respect, understanding, and tolerance form the cornerstone upon which lasting friendships and meaningful relationships among nations are built.

Let me today on this Pan American anniversary say to all the Latin American peoples that the strongest desire of the people of the United States is to move forward with you—in peace, in justice, and in friendship.

Mr. DE LA GARZA. Mr. Speaker, in the south Texas area I represent, every day is Pan American Day. Happily situated on the border between the United States and Mexico with the Rio Grande at our front patios as we look southward, the culture of our people has been oriented toward Latin America for hundreds of years.

Ours is a two-language area. Our traditions are rooted firmly in Pan American soil. An outstanding State-supported institution of higher learning, Pan American University, is located in Edinburg, a southernmost city of the United States. The Pan American Round Table, an eminent organization of women, concerns itself with cementing the foundation of solidarity in the Western Hemisphere.

Hailing from the literal gateway to Pan America, I am proud and happy to join in the official observance of Pan American Day and to invite my colleagues to come to south Texas and see for themselves the results of Pan America in action, where day-after-day expressions of solidarity are exchanged by two nations and two people.

Mr. DERWINSKI. Mr. Speaker, I am pleased to join my colleague, the Honorable JOHN S. MONAGAN of Connecticut, in supporting the Pan American Day resolution.

The resolution very properly calls for unity, hemispheric solidarity, and the good will which is essential to our relations with the other Republics of the Western Hemisphere.

Mr. Speaker, it was my privilege last week to participate in the Interparliamentary Union Conference in Caracas, Venezuela. This meeting gave our delegates the chance to become familiar with the progress of Venezuela and to note that country's sound relations with the United States.

I believe it is reasonable to expect a certain amount of stress and strain within the Western Hemisphere since, as in any long and close relationship, each tends to take the other for granted. The Latin Americans take the economic strength of the United States for granted just as we take their good will and friendship for granted.

In Venezuela, all the ingredients in our relations with Pan American members were visible. There is a tremendous American business investment which contributes directly to the economic growth in that country and to the constantly improving standards of living of its citizens.

There is also some resentment at the sheer magnitude and the overwhelming impact of the American investment. Yet Venezuela is a progressive country and leaders recognize their continued future growth, in large part, will come as a result of business partnership with the United States.

Therefore, Mr. Speaker, we observe Pan American Day as effective means of reemphasizing the historic ties, mutually valuable economic relations, and recognize the need for the continued cooperation that we share with our friends to the south. We will certainly have our momentary diplomatic complications, but the mutuality of interests and the continued progressive association, I am positive, will overcome short-term differences.

Mr. ROGERS. Mr. Speaker, I am honored to speak on this Pan American

Day commemorating the 81st anniversary of the founding of the Pan American Union.

In the past 10 years, some progress has been made in solving the many problems in our hemisphere, but we are still faced with many very formidable obstacles. High on the list of these obstacles in Latin America are unemployment, poverty, and massive urbanization of the population. This urbanization may reach 80 percent of the total population of Latin America by the year 2000, yet at the same time this area contains vast frontiers of unsettled lands and untapped natural resources. In the past, we have made many attempts to overcome the economic and social problems within our hemisphere, through the Organization of American States, the Inter-American Development Bank and the Inter-American Defense Board, and various other programs. While these programs have not solved all of the problems, they certainly have had many beneficial effects and they represent a first step in establishing a much needed framework for international cooperation.

Mr. Speaker, it seems we are today faced with a test of international cooperation in nearly every corner of the world. We have a civil war in Pakistan, a volatile cease-fire in the Middle East which may explode into war overnight, war in Southeast Asia, and recurring repression in Eastern Europe. If we have learned anything from these events, let us use this knowledge in our dealings with our neighbors in the Americas to prevent the recurrence of events such as the seizure of American fishing vessels.

I salute the progress which has already been made, but I issue a challenge. Let this decade be remembered as one of international cooperation and friendship within our hemisphere.

Mr. ANDERSON of California. Mr Speaker, I am delighted to rise today to pay tribute to the oldest international political organization in the world.

On April 14, 1890, the First International Conference of American States established the International Union of American Republics. Today, this union is known as the Organization of American States.

This organization—now in its 81st year—was the first concrete step in the formation of an inter-American system of cooperation and solidarity. We are attempting to work out a common understanding of our shared hopes, desires, and goals. To accomplish this end, the Alliance for Progress was established in 1961 as a pledge of U.S. commitment to Latin American economic and social progress.

The Alliance for Progress—a vast, cooperative effort to satisfy the needs of all people for homes, work, land, health, and education—ushered in a new era in inter-American relations. This has been an era in which economic, political, and social development formed the basis for a unique hemisphere unity. Although the Alliance has been beset by difficulty, we can point to substantial gains in Latin American development which could never have been achieved without the Alliance.

This Pan American Day—1971—is a time for us to recommit ourselves to the principles and goals of the Organization of American States and the Alliance for Progress. We must revitalize our policy and emphasize those constructive elements which foster close and healthy Latin American-United States relations.

Mr. DELLUMS. Mr. Speaker, the distinguished chairman of the Inter-American Affairs Subcommittee has vividly set forth the challenge which faces the Western Hemisphere. We must heed his words of caution and avoid a paternalistic approach in terms of aiding our Latin American neighbors.

Without question, the citizens of Latin America must have significant influence in formulating development of their own priorities. Only through equality in development strategies and techniques of program implementation will the relationship between involved nations be mutually strengthening.

I agree with my colleagues that we must expand our efforts beyond economic development alone into the realm of human development. We must cooperate with citizens of our neighboring nations through a people-to-people approach. Operating within a humanistic framework will result in more meaningful growth and development.

Mr. MORSE. Mr. Speaker, it is my privilege to join with my colleagues today on the occasion of the 81st anniversary of the Union of American Republics, now known as the Organization of American States. It is a date which not only marks the founding of the inter-American system, but also has traditionally symbolized the community of interests of the peoples and nations of the Western Hemisphere and the commitment of this country to unity and cooperation among the American states. It is for this very reason that I take the floor today, as the ranking minority member of the Foreign Affairs Subcommittee on Inter-American Affairs, not only to salute that tradition but to urge a reevaluation of it as well.

We are now trying to think anew about Latin America, and we must let Latin Americans know we are doing so, and that we are anxious to listen to them in order to improve the framework for inter-American cooperation.

We must downplay the "special relationship," with its echoes of hemispheric domination. We must also understand, and convey that understanding to Latin America, that there is a far more substantial reason for us to be close than a vague historical concept—and that what is credible and desirable is a relationship that makes mutual political and diplomatic sense.

Anything less will not long endure, and certainly will not lead to a continued, meaningful inter-American system.

We are entering a period of stocktaking of the United States policy toward Latin America in an atmosphere which, I am convinced, can provide considerable headway for readjusting our own attitudes toward Latin America and for developing policies which are suited to the needs and the realities of this decade.

The new concept of hemispheric relations enunciated by the President in October 1969 and exemplified by our policy toward the new government in Chile, portends greater opportunities for a more healthy course of events than we have previously witnessed. And it is in welcome and much-needed contrast to the over-raised expectations, the unfulfilled promises, and the real or imagined U.S. predominance in Latin American affairs that has characterized United States-Latin American relations in the past.

We are, hopefully, beginning to be aware that the traditional definitions of forms of government may be less important than how a society works, how people live together; that although we clearly regard the development of a democratic, independent, well-educated and prosperous Latin America to be important to our own interests as well as to those of our neighbors, we also recognize the immense diversity not only between our neighbors and ourselves but also among the nations of Latin America, and realize that the facts of Latin American political life indicate that democratic development in some nations will not come quickly or easily; and that our relations with those nations should depend, as the President has stated:

> Not on their internal structures or social systems, but on actions which affect us and the inter-American system.

I continue to believe, as I said in 1969, that the best course:

> Lies in increasing our efforts to assist Latin America while employing techniques more effective and sophisticated, more sensitive and acceptable to Latin America.

And I have been encouraged by the progress made in the past 2 years toward making development a more truly cooperative and more effective venture. The United States and Latin America have been working together to determine new steps to improve development assistance, expand trade, and increase the transfer of technology. There have been changes in the administration of U.S. foreign aid, and the Latins have been giving us, at our invitation, their views of what they believe our policy should be. Recent revisions in the OAS Charter have improved inter-American mechanisms for noneconomic problems.

I am particularly pleased that the Board of the Inter-American Social Development Institute, a congressional initiative to intensify the implementation of title IX of the Foreign Assistance Act, has been appointed and staff is now being assigned. I look forward to its being operative in the very near future, for it offers an opportunity for helping the people of Latin America in the development process in a way that is far more responsive to their particular problems and needs than any government-to-government program could be.

But much remains to be done. Congress has yet to consider the President's proposals, hopefully forthcoming in the very near future, to facilitate exports from Latin America and other developing countries to the U.S. market. As yet outstanding are the recommendations for foreign aid reform which will enable us, among other things, to turn a larger share of our resources over to multilateral inter-American agencies, to separate developmental assistance from short-term political considerations, and to provide it in a form that accords more closely with the preferences of the recipient countries. We must move forward with dispatch on these and other major policy decisions.

Throughout our stocktaking, however, one thing must be remembered, and let there be no mistake about it: there is a tremendous difference between nonintervention and nonparticipation. Indeed, the distinction between maintaining a low profile and becoming invisible is a critical one; we cannot let the former sink into the latter.

To those who would say that the Alliance for Progress is "dead," and opt, in its apparent failure, for reducing our commitment to Latin America, I can but respond that its "death" is a question of terminology, not of substance. For although I agree that the Alliance was oversold and overly optimistic in its expectations, the Alliance partners have achieved important social and economic successes in addition to the significant success represented by agreement on goals. Latin America feels those expectations more intensely than ever before, and most important, these goals remain valid for the future. The Alliance can lead us in the right direction if we learn by its failures; if we listen instead of lecture; if we really think of Latin American concerns as they are perceived by the peoples of Latin America rather than imposing our own concepts and our own schemes; and if we seek to involve the people in the development process.

As I said in August 1969, in a speech delivered in this Chamber:

> The future of the 200 million people of the United States is linked with that of the 250 million people of Latin America by geography, history, and the realities of global politics.

Geopolitically, the security of Latin America is indispensible to our own; by our very existence and economic involvement in Latin America, we have a stake in the manner by which our neighbors evolve; we have much to learn from Latin American culture; and there is a genuine desire on the part of the people of the United States, because of the affinity born of our common bonds, to aid our neighbors in Latin America in their own drive for self-sufficiency and equal standing in the world community. "We have expressed this commitment publicly," I stated then:

> Such as in the Charter of Punta del Este and the 1966 Hemispheric Presidents meeting, and privately through the thousands of individuals involved in groups such as the Partners of the Alliance, and we cannot and must not shrink from responsibilities we have already openly, willingly, and enthusiastically accepted.

There is clearly a very real basis for a meaningful inter-American relationship. And since we know and they know that the concept of development will go forward, that basis is broadening to include issues such as problems of technology and environment.

We are into a critical point in our relations with Latin America, with a chance to develop a mature and meaningful relationship. With a firm commitment and with understanding and sensitivity on our part, it can be just that.

Mr. PEPPER. Mr. Speaker, I am pleased to join my distinguished colleague from Florida, the Honorable DANTE FASCELL, in paying tribute to the abiding friendship of the peoples of the Americas on Pan American Day.

This 81st anniversary of this occasion is one that evokes for me warm and deep personal memories. I have often traveled in Latin America and I count many distinguished men and women of the countries to the south among my lasting personal friendships.

My wife and I have devoted many happy hours in the company of the great men and great ladies of the other Americas. We have been their guests and have been privileged to be their hosts when they have visited the United States.

The Americas, for me, are a friendly community, a neighborhood in which the peoples of two dozen countries share many things in common and rejoice in the variety that each country contributes to this great hemisphere.

It is, therefore, with a sense of personal loss, that I note the absence of the jewel of the Caribbean, the island of Cuba, from this hemispheric circle of friends and neighbors. It is also a sense of great loss which I share with many of my constituents who until a few years ago were among the leading and most productive citizens of Cuba.

The ruthless possession of that lovely island by the Communist regime of Fidel Castro is one of the great misfortunes which has fallen upon an American people. It is a tragedy for the people of Cuba and for the free hemispheric system which has given this segment of the earth the continuing appelation of the "New World."

If the American system means anything it means freedom. And the very idea of individual freedom is being crushed beneath the heels of the Castro dictatorship in Cuba today.

I do not think the American people can ever be reconciled to the destruction of freedom in Cuba or can ever be expected to accept the continued existence of this aggressive Communist dictatorship on our very doorstep.

There is a wave of fear blowing among the friends of a free Cuba as a result of the apparent trend toward reconciliation with Communist China. The fear is that, if it can happen there, it can happen in the Caribbean. But I am convinced that the people of the United States will not abandon Cuba to its Communist rulers.

I have therefore introduced today a concurrent resolution which would make clear the sense of the Congress "that the President should not extend diplomatic recognition to the Government of Cuba so long as Cuba is governed by the Castro regime."

I think this is the way the people of this country feel about the question of diplomatic recognition of the Castro regime and I believe the Congress should reflect this sentiment in simple, unequivocal terms.

Mr. Speaker, I am nevertheless confident that the basic strength of the American system is such that the aggressive designs of the Castro regime will be thwarted, and such that in the end it will bring down this regime which is the antithesis of all that Pan American Day has meant for more than 4 score years.

I would prefer to note on this occasion some of the great things about our Pan America heritage. One of these is the extraordinary career of Francisco de Miranda, which has been described so well in the book by Joseph F. Thorning, "Miranda: World Citizen," and which has just been reprinted by the University of Florida Press.

This biography, when it was first published, was named by the New York Times as one of "the outstanding books of the year." It tells the story of Miranda from his birth in Venezuela through his travels in Russia, France, England, and North America, to his ultimate return to South America. Everywhere he went his curiosity and intelligence brought him into contact with the political and intellectual leaders of the great countries of the late 18th and early 19th centuries. In Russia he was a favorite of Catherine the Great; in France he was a general in the Revolutionary Army; in England he was a confidant of Pitt; in the United States he was a friend of Washington and Adams; and in South America he was the tutor of the great Simon Bolivar and general of the revolutionary forces which made Venezuela the first South American republic.

I am delighted that this splendid work is back in print and that the University of Florida is responsible for making it available again to all who appreciate the greatness which all of the Americas have contributed to the glory of our hemisphere.

I was also pleased to learn on the occasion of this Pan American Day that an aspiration of the distinguished Governor of Puerto Rico, the Honorable Luis Ferre, which I brought to the attention of our colleagues on Pan American Day last year, has become a living contribution to increased inter-American understanding.

Governor Ferre said at that time:

> One step which I am taking immediately to increase inter-American understanding is the creation in Puerto Rico of a North-South Center to bring technical and scientific personnel, managerial personnel, educators and others from both North and South America to Puerto Rico for technical and scientific training and contacts. We feel we have the ideal bi-lingual, bi-cultural setting for such a Center. Puerto Rico, I am convinced, can serve as a bridge to bring our Latin American and North American brethren together before it is too late.

That projected North-South Center is now in existence and is beginning to serve the function which Governor Ferre had in mind. It will, I hope, soon receive the kind of support—now approximately $5 million a year—which the Congress has provided for the East-West Center in Hawaii.

Even now, however, this new center in

Puerto Rico highlights the difference between the "bridge" between the Americas which has inspired Governor Ferre and the barrier to good relations and understanding which Castro has erected on the neighboring island of Cuba.

It is my sincerest hope that all of the Caribbean will soon become a bridge of friendship and good feeling among the people of this hemisphere.

Mr. FRELINGHUYSEN. Mr. Speaker, last week the general assembly of the Organization of American States met on the occasion of the 81st anniversary of the founding of the Pan American Union. In those 81 years our relations with our sister republics to the south have undergone many changes.

Secretary of State William Rogers, speaking last week to the OAS Assembly in Costa Rica outlined the principles which will guide our new relationship with Latin America. His speech was a clear expression of the spirit of openness and equality that we desire as well as of the tremendous task of development that lies ahead.

The four principles which will guide our policy are:

First. The problems that affect the hemisphere are the concern of all its states;

Second. Initiatives in the hemisphere are the concern of all its states;

Third. The interest of developed nations outside the hemisphere in supportive cooperation with Latin America is to be welcomed; and

Fourth. The growing interest and participation of Latin American countries in global affairs gives the Organization of American States added importance.

These principles make it clear that we want no hegemony, and they also make it clear that we do not wish to withdraw from our commitment to the urgent task of economic development. They are an indication of the changes in our method of channeling aid to our Latin neighbors. Formerly most American aid was given directly, often creating an uneasy and unequal relationship between recipient and donor. To take some of the emotionalism out and put our foreign aid on a more businesslike basis, we have endeavored to divert larger shares of our assistance into multilateral channels.

While I favor continued bilateral aid, I think there are many instances where aid is more effectively distributed through international bodies. Institutions like the World Bank or the Inter-American Development Bank can base their decisions more strictly on considerations of economic viability than political attractiveness. The Congress will soon consider a request from the administration to increase our share in the lending commitment of the Inter-American Development Bank to $1.8 billion. I urge my colleagues to consider this not as a partisan issue but as a chance to say to our Latin American neighbors that we continue to care.

Many countries in Latin America are experiencing serious social, economic, and political upheavals. As the richest nation in this hemisphere we must help them to weather these recurrent crises until they reach a plateau of economic viability.

Mr. MONAGAN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MONAGAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just agreed to, and to include extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

WE MUST INCREASE THE SUMMER NEIGHBORHOOD YOUTH CORPS

(Mr. ROSTENKOWSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSTENKOWSKI. Mr. Speaker, last week, when the Congress was in recess, the President announced that he would ask for $64.3 million in a supplemental appropriation in order to employ additional disadvantaged youths next summer. According to the President's plan, $51.5 million of this amount would be used to provide 100,000 additional jobs, for a total of 514,000, in the summer Neighborhood Youth Corps. The remainder will be used for a recreation support program and for a transportation program.

Mr. Speaker, I applaud this action taken by the President. My only regret is that he did not ask for enough. In my letter to the President of April 2, which was cosigned by 60 of my colleagues, I respectfully urged an increase of the number of summer NYC positions to a minimum of 630,000 nationally. We need at least that. It is my hope that the Congress, in its wisdom, will take the President's request even further and provide the additional funds necessary to bring this desperately needed program up to a more meaningful level.

Mr. O'NEILL. Mr. Speaker, I wish to commend the distinguished gentleman from Illinois, my good friend and colleague for his very fine statement with regard to the Neighborhood Youth Corps. The gentleman has been outspoken for a long time on the need for expanding this program of employing disadvantaged youths during the summer and increasing the number of summer NYC positions.

Just about a month ago, DAN ROSTENKOWSKI spoke here about the need for additional Federal assistance to federally supported summer youth programs, and his strong opposition to cutbacks in those programs. The President has given in somewhat to the pressures of interested Congressmen, led by Congressman ROSTENKOWSKI and by the mayors of our Nation's cities. He announced while we were in recess that he would seek $64.3 million in a supplemental appropriation to provide for 100,000 additional jobs in the summer Neighborhood Youth Corps.

But Mr. ROSTENKOWSKI is correct in pointing out that this is still not enough and that in order to be truly meaningful, more than 100,000 additional jobs should be found for disadvantaged youth this summer.

I support my colleague in his efforts, and I again commend him for the fine work he has done in behalf of this program and for the youth of this Nation.

HIGH INTEREST RATES

(Mr. BOGGS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BOGGS. Mr. Speaker, what has happened to the administration's often-stated pledge to bring the American people lower interest rates?

We have experienced several brief flurries of interest rate reductions, but now the trend has stopped and the consumer appears to have received only the most minimal relief from the record-high interest rates.

More importantly, the administration now appears willing to accept the current high level of interest rates as a new definition of "reasonable" interest rates. They seem willing to stop the trend toward lower interest rates.

We need lower interest rates—and plentiful credit—if we are to put people back to work and if local communities and school districts are to be able to market bonds to pay for a huge backlog of worthy projects. The Federal Government—and the American taxpayer—also need lower interest rates, and I am deeply concerned by the sudden increase in the interest rates paid by the Treasury Department on short-term borrowings. These rates were down as low as 3.3 percent, but last week they rose above 4 percent. They declined slightly in yesterday's offerings, but they are still considerably above the rates prevailing in February and March.

Mr. Speaker, we must not allow the trend toward lower interest rates to be slowed—or stopped—before the consumer—the key person in the economy—gets relief. We are not going to have economic recovery if we stop the push for low interest rates, and the administration must seize the initiative and do whatever is necessary to bring about broader relief for the American people. We cannot accept the trickle-down theory of interest rate reductions only for the "prime" corporate citizens.

THE GROWTH IN THE NATION'S ECONOMY

(Mr. CONABLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONABLE. Mr. Speaker, I was somewhat surprised to hear the distinguished majority leader's comments about interest rates. I wonder why he is shifting his economic attack at this point?

The first quarter gross national product figures show the largest growth in absolute dollar terms of any quarter in the Nation's history. Even after allowing for inflation, the rate of growth was 6.5 percent in real terms. In the light of these figures, it seems remarkable to me that those who have a vested political interest in the failure of the Nixon administration continue to use fear tactics to try to restrain the consumer's returning confidence. The issue is no longer whether there will be improving economic opportunities for our people during 1971 and 1972, but how much.

There has been a lot of back-seat driving during the difficult year through which the economy has just passed. Now that housing starts are rising every month, now that the working economists in Wall Street are registering almost daily their increasing confidence, now that productivity improvement foreshadows rising employment and reducing unit labor costs, and now that the big ticket items in the retail trade, including cars, are beginning to move, I hope some of those backseat drivers and doom sayers will have the intellectual honesty to stay "Thank you," to the President for the coolness and foresight with which he has been following the difficult economic course circumstances have forced on him.

HIGH INTEREST RATES

(Mr. MYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MYERS. Mr. Speaker, a moment ago the distinguished majority leader tried to place the blame for high interest rates on the Nixon administration. The record will indicate that the distinguished majority leader has ignored the fact of how interest rates got so high. The fact is that under 8 years of Democrat leadership in this country—two Democrat Presidents, the House of Representatives, and the U.S. Senate under control of the Democrat Party—those interest rates continually climbed to the high rate that the gentleman referred to.

The facts will indicate that just about 60 days ago U.S. Treasury bills hit an 8-year low. It seems to have escaped the memory of the distinguished majority leader that this happened. This is the indicator that interest rates are falling. For the first time in 10 years interest rates have started to fall, and they are heading lower. It seems to me that instead of condemning the change, or whatever it was he was doing, trying to point the finger at someone else who is trying to do something about interest rates is not the way to help the true consumer.

VIETNAM VETERANS MARCH

(Mrs. ABZUG asked and was given permission to address the House for 1 minute, to revise and extend her remarks, and to include extraneous matter.)

Mrs. ABZUG. Mr. Speaker, in the last 2 days we have been visited by some very brave young men. These brave young men are veterans, veterans of our war in Vietnam, an illegal and immoral war which the President of this country continues without the consent of the American people and without the consent of this body. These young men came to remind us that it is time we withdrew all of our troops from Indochina. They are the consciences here in the House, because it is truly up to us in the Congress of the United States to see that we act to withdraw all of our troops from Indochina by the end of this year and to withhold all appropriations for the continuation of that war, which not only maims and kills our own young men, but is systematically tearing apart millions of innocent Indochinese abroad.

In addition, it is creating a tremendous dislocation in our own society, so that we are unable to meet the needs of our people in the areas of health, housing, and education.

And so I rise to commend the Vietnam veterans who are so tirelessly working to bring this atrocious war to an end.

I must add that I am shocked at the Army's decision to prevent a group of the veterans, mothers, and wives from holding ceremonies to honor U.S. war dead at Arlington National Cemetery. I regard this arbitrary decision as an outrage committed against these veterans, whom we should honor, and as an outrage against the U.S. Constitution, which guarantees the right of individuals to assemble peacefully. These veterans have a clear right, and in fact an obligation to honor their fallen comrades, particularly those who have been ordered to their deaths in a futile, purposeless war.

I call upon the House to rectify this wrong, to use the authority and the good offices of the Congress to see to it that the Vietnam veterans are permitted to enter and conduct mourning at the national cemetery, as all other citizens have always been allowed to do. Particularly, I call upon the Speaker to use his good offices for this purpose.

OVERTIME PAY FOR CAPITOL POLICE FORCE

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GONZALEZ. Mr. Speaker, several weeks ago I addressed the House concerning what I consider to be a very grievous situation in our treatment of the Capitol Hill Police force. I was shocked to learn that we do not allow for overtime pay for these devoted servants.

In 1962, when I first came to the House, I was informed about a similar situation affecting the Metropolitan Police. When I contacted the chief, I was told these men volunteered for this extra service. with the march on Washington on August 28, 1963, Members will recall it became a pretty bad situation. Some of us raised our voices, and we had that situation corrected.

I thought that action included the Capitol Hill Police force, but we found out after the bombing on the Senate side recently that this is not true. Men are working hundreds of hours without any compensation. Yet, we are the ones who set the fair labor standards for the country. We regulate business and employers and set up standards of pay and overtime.

Yet, here in the House we treat our police force very shabbily when we deny them overtime pay. This weekend and for a period of time the city and the Capitol Grounds will be literally under siege. We will demand and ask much of our protectors, the Capitol Police. Let us then do the least we can and give them justice—now.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

CLINTON M. HOOSE

The Clerk called the bill (H.R. 1824) for the relief of Clinton M. Hoose.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2067) for the relief of Mrs. Rose Thomas.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

ROSE MINUTILLO

The Clerk called the bill (H.R. 2816) for the relief of Rose Minutillo.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PAUL ANTHONY KELLY

The Clerk called the bill (H.R. 3475) for the relief of Paul Anthony Kelly.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the further call of the Private Calendar be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER. This concludes the call of the Private Calendar.

PERMISSION FOR COMMITTEE ON RULES TO FILE REPORTS

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain reports.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

SELECT COMMITTEE ON BEAUTY SHOP

Mr. BOLLING Mr. Speaker, I ask unanimous consent that House Resolution 23 be laid on the table.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. GROSS. Mr. Speaker, reserving the right to object, what is House Resolution 23?

Mr. BOLLING. House Resolution 23 creates the Select Committee for Management of the House Beauty Shop. It was reported in error from the Committee on Rules. The matter is taken care of in other law. It is merely to clear the calendar that I make this request.

Mr. GROSS. Mr. Speaker, far be it from me to interfere with the House Beauty Shop. I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 5352, SUPPLEMENTAL MARITIME AUTHORIZATION, 1971

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 355 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 355

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5352) to amend the Act to authorize appropriations for the fiscal year 1971 for certain maritime programs of the Department of Commerce, and all points of order against said bill for failure to comply with the provisions of clause 3, rule XIII are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Missouri is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN) pending which I yield myself such time as I may consume.

Mr. Speaker, the rule we are considering, as its reading made clear, makes in order consideration of a supplemental maritime authorization. That supplemental was reported, I understand, by the legislative committee, the Committee on Merchant Marine and Fisheries, unanimously, without objection from anybody. It is also supported, as I understand it, by the administration. That being the case, I do not propose to take any further time, and I reserve the remainder of my time.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the able gentleman from Missouri explained, House Resolution 355 makes in order for consideration of H.R. 5352 under an open rule with 1 hour of general debate.

The purpose of the bill is to authorize certain supplemental appropriations for the operating subsidy program of the Maritime Administration for fiscal year 1971.

The bill would increase the authorization from $193 to $273 million. The increase would be the total cost of this legislation—$80 million. A total of $40,300,000 of this increase would partially liquidate unpaid subsidies for 1968 and prior years. The balance of $39,700,000 is for the President's new maritime program. Both provisions will speed up the payment schedule for liquidating accrued operating-differential subsidies for fiscal year 1971.

There are no departmental reports. The committee reported the bill unanimously.

I have no further request for time, but I reserve the balance of my time.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. ASHBROOK. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOLLING. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 56]

Abourezk
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Ashley
Blackburn
Blatnik
Brown, Mich.
Buchanan
Camp
Casey, Tex.
Chisholm
Clark
Clawson, Del
Clay
Corbett
Coughlin
Davis, Ga.
Denholm
Dickinson
Diggs
Dow
Dowdy
Dwyer
Edwards, Calif.
Edwards, La.
Fascell
Flynt
Foley
Gallagher
Gibbons
Goldwater
Goodling
Green, Oreg.
Green, Pa.
Griffiths
Gubser
Halpern
Hanna
Hansen, Wash.
Harvey
Hastings
Hays
Hicks, Mass.
Hillis
Holifield
Kazen
Lloyd
Long, La.
McCollister
McCormack
McCulloch
McKinney
Mailliard
Mann
Mathias, Calif.
Metcalfe
Miller, Calif.
Murphy, Ill.
Nelsen
O'Neill
Pepper
Pike
Preyer, N.C.
Purcell
Quie
Railsback
Rangel
Rees
Reid, Ill.
Reid, N.Y.
Rhodes
Rooney, Pa.
Rosenthal
Roy
Scheuer
Schmitz
Schwengel
Sebelius
Shriver
Skubitz
Smith, Calif.
Stafford
Staggers
Steele
Steiger, Wis.
Symington
Talcott
Teague, Calif.
Vander Jagt
Wilson, Bob
Wolff

The SPEAKER. On this rollcall 339 Members have answer to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

PROVIDING FOR CONSIDERATION OF H.R. 4724, MARITIME AUTHORIZATION, 1972

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 354 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 354

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4724) to authorize appropriations for certain maritime programs of the Department of Commerce. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Missouri is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN) pending which I yield myself such time as I may consume.

Mr. Speaker, to the best of my knowledge there is no opposition to this rule or to the bill it makes in order. The bill was reported unanimously by the legislative committee and has the support of the administration.

I reserve the remainder of my time.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 354 makes in order for consideration of H.R. 4724 under an open rule with 1 hour of general debate.

The purpose of the bill is to authorize certain appropriations for programs of the Maritime Administration for fiscal year 1972.

This bill authorizes $507,650,000 for six specific categories and reflects the second year of expanded activities under the new maritime program. The six categories and amounts are as follows:

Acquisition, construction, or reconstruction of vessels and construction-differential subsidy and cost of national defense features incident to the construction, reconstruction, or reconditioning of ships, $229,687,000;

Payment of obligations incurred for ship operation subsidies, $239,145,000;

Expenses for research and development activities—includes reimbursement of losses resulting from expenses of experimental ship operations—$25,000,000;

Reserve fleet expenses, $4,318,000;

Maritime training at the Merchant Marine Academy, $7,300,000; and

Financial assistance to State marine schools, $2,200,000.

There are no departmental reports. The committee reported the bill unanimously.

I have no further request for time, but I reserve the balance of my time.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPLEMENTAL MARITIME AUTHORIZATION, 1971

Mr. GARMATZ. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5352) to amend the act to authorize appropriations for the fiscal year 1971 for certain maritime programs of the Department of Commerce.

The SPEAKER. The question is on the motion offered by the gentleman from Maryland.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5352) with Mr. GIAIMO in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Maryland (Mr. GARMATZ) will be recognized for 30 minutes, and the gentleman from Washington (Mr. PELLY) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. GARMATZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 5352, which would amend Public Law 91-247, the 1971 maritime authorization bill, to increase the authorization for ship operation subsidy by $80 million.

The increase in authorization proposed by this bill is required to liquidate contract liabilities for operating-differential subsidy in the amount of $80 million. About half of this amount—$39,700,000—is required to implement the new subsidy payment schedule provided by the Merchant Marine Act of 1970. In the past, prior to the enactment of this new law, operators were reimbursed for operating-differential subsidies 3 months after the expense was incurred. The new procedure seeks to make the payment as current as possible. This will require the payment of 2 months additional subsidy in fiscal year 1971.

The remaining amount—$40,300,000—is required for the liquidation of accrued but unpaid subsidy for fiscal year 1969 and prior years. Upon assuming office, the present Maritime Administrator undertook a determined effort to clear up a backlog which, in the case of some operators, went back as much as 8 or 9 years of amounts due for operating subsidy. This crash effort has resulted in agreement between the administration and the operators with respect to subsidy rates for prior years, and the amount here to be authorized would liquidate those accrued but unpaid obligations.

H.R. 5352 introduced on March 2, 1971, is identical to the bill as recommended by Executive Communication No. 334, dated February 25, 1971.

During the hearings on this bill, the Maritime Administrator thoroughly explained the purpose and need for these additional funds. Furthermore, representatives of the industry, both ship operators and shipbuilders, testified in support of this bill. In fact, all segments of Government and industry agreed that these funds were absolutely essential to the implementation of our national maritime policy.

The committee was unanimous in their approval of this bill, and it was reported by our committee in House Report No. 92-63 on March 24, 1971, without amendment.

I, therefore, urge the House to support this supplemental authorization bill for fiscal year 1971.

There are present members of both the majority and minority of our committee and they may wish to say a few words in connection with this bill.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. GARMATZ. I yield to the gentleman from Iowa.

Mr. GROSS. How did the shipping interests get along without the subsidy for fiscal year 1969 in the amount of $40.3 million?

Mr. GARMATZ. Those were some of the debts that were incurred, as I mentioned, in previous years. In a period of 6, 7, 8, or 9 years these debts were incurred, and the Maritime Administrator is trying to bring his books up to date on the overall picture and start out with a clean slate. The other $39 million will start them off in the 1971-72 program and keep them up to date on their bookkeeping and give a subsidy to the shipowners and the shipbuilders.

Mr. GROSS. Is this money being paid with interest? Obviously someone in the shipping industry absorbed those costs.

Mr. GARMATZ. That is correct. There has been no interest attached to it. There are no interest rates. The idea is to help the shipping people through by paying the subsidy payments up to date. In answer to your question, the shipping people did not lose this money it has just been deferred and will be paid up now.

Mr. GROSS. But they were able to get along to the extent of $40.3 million during all of this time.

Mr. GARMATZ. That was divided up among quite a few companies, I might say to the gentleman from Iowa. I am informed at least 11 companies were involved in this indebtedness.

Mr. PELLY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the 1971 maritime authorization bill, now Public Law 91-247 provided for an authorization of $193 million.

The bill, H.R. 5352, would increase this 1971 authorization by $80 million to a level of $273 million as requested by the administration in an Executive communication dated February 25, 1971.

Mr. Chairman, the sum of $40.3 million of this total supplemental authorization is needed in order to liquidate unpaid subsidies which have accrued for prior years, and $39.7 million of the remainder would cover changes in the subsidy payment schedule for fiscal year 1971.

This bill provides for a monthly payment of 100 percent of wage subsidies and 90 percent of all other subsidies rather than the quarterly payment of 90 percent of all such items. Thus, this would require the payment of 2 months' additional subsidy in fiscal year 1971 which the authorization level of $39.7 million would cover.

During the full committee deliberations and consideration of this request all concerned were of the opinion that the supplemental request was valid and consistent with the goals and objectives of the new merchant marine program. Accordingly, the committee unanimously approved the bill.

Mr. Chairman, I certainly want to commend our chairman for his able work in reporting the bill out within a short period of time. I fully support the objectives of the bill and urge its overwhelming passage.

Mr. Chairman, a moment ago the distinguished gentleman from Iowa raised a point on which I think I can supply the information.

As indicated, $40.3 million was for liquidation of accrued but unpaid operating differential subsidies, and in order to bring these payments up to date there is required $22.4 million which is included also in the 1972 budget.

The reason that these matters have not been settled in previous years was because of a difference of opinion between the operators and the Maritime Administration as to what the rate of subsidy should be.

Attached to the report, or included in the report I should say, there are statements as to the amount of the subsidy or the obligations. But the major areas of disagreement involved the determination of the wage rates for foreign competition, since this is a key factor in the determination of subsidies to be paid, consistent with the applicable formula.

Also, I should point out to the distinguished gentleman from Iowa the fact that this includes a 5-percent hold back for the finalization of the amount due under the 1936 Merchant Marine Act. In other words, there was a dispute with reference to the settling of this matter. However, an agreement was reached to the effect that 5 percent was held back.

Now, the new subsidy schedule, the $39.4 million under the new law has a new wage index subsidy system which I think will simplify the adjustment of these subsidies and should end for years to come, I hope, the matter of not settling with the steamship operators, allowing these sums, without interest, to be delayed which, of course, involved the steamship operators in borrowing the money until they got paid.

So, Mr. Chairman, I think this is a fair bill and a good bill and I urge the Committee to support it.

Mr. GROSS. Mr. Chairman, will the gentleman from Washington yield?

Mr. PELLY. I am happy to yield to the distinguished gentleman from Iowa.

Mr. GROSS. I note that there are no departmental reports on this bill. Is there some particular reason why?

Mr. PELLY. I would say to the gentleman from Iowa that the administration sent over a message asking for it and I assume, under the circumstances, we did not ask the individual departments insofar as I know for a special report. It is an administration request and we think a valid one.

Mr. Chairman, I reserve the balance of my time.

Mr. GARMATZ. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. DOWNING).

Mr. DOWNING. Mr. Chairman, I rise in strong support of H.R. 5352, which would amend Public Law 91-247, the 1971 maritime authorization bill, to increase the authorization for ship operation subsidy from $193 million to $273 million.

As pointed out by the distinguished chairman of the Committee on Merchant Marine and Fisheries, this increase in authorization for the Maritime Administration is required to liquidate contract liabilities for operating-differential subsidy.

The Merchant Marine Act of 1970 was enacted in the last session of the Congress. That act provides for the payment of operating-differential subsidy on a more current basis than has previously been the case. If the Maritime Administration is to implement the Merchant Marine Act of 1970, in this regard, it will be necessary to pay 2 months' additional subsidy in fiscal year 1971. The payment of this subsidy accounts for about half of the increased authorization—$39,700,000.

The remaining amount—$40,300,000—is required for the liquidation of accrued but unpaid subsidy for fiscal year 1969 and prior years. The implementation of the ship operation subsidy system, prior to the enactment of the Merchant Marine Act of 1970, resulted in a backlog of unpaid subsidy which went back as much as 9 years. The Maritime Administration has spent considerable effort in resolving these amounts, and the sum here to be authorized liquidates these accrued but unpaid obligations.

I am convinced that these funds are absolutely necessary if we are to successfully implement the new maritime program provided by the Merchant Marine Act of 1970. I strongly urge the House to support this supplemental authorization bill for fiscal year 1971.

Mr. GARMATZ. Mr. Chairman, I have no further requests for time.

Mr. PELLY. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of May 13, 1970 (84 Stat. 207; Public Law 91-247) is amended by striking out of paragraph (b) the figure $193,000,000 and inserting in lieu thereof the figure $273,000,000.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GIAIMO, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 5352) to amend the act to authorize appropriations for the fiscal year 1971 for certain maritime programs of the Department of Commerce, pursuant to House Resolution 355, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

MARITIME AUTHORIZATION, 1972

Mr. GARMATZ. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4724) to authorize appropriations for certain maritime programs of the Department of Commerce.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4724) with Mr. GIAIMO in the Chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Maryland (Mr. GARMATZ) will be recognized for 30 minutes, and the gentleman from Washington (Mr. PELLY) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Maryland (Mr. GARMATZ).

Mr. GARMATZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 4724, which would authorize appropriations for certain maritime programs of the Department of Commerce for the fiscal year 1972.

This bill was reported by our committee in House Report No. 92-62 on March 24, 1971, without amendment. H.R. 4724, introduced on February 22, 1971, is identical to the bill as recommended by Executive Communication No. 282, dated February 17, 1971.

In summary, the administration recommended a maritime appropriation authorization in the sum of $507,650,000 in the following categories, and in the amounts indicated:

First. Acquisition, construction, or reconstruction of vessels and construction-differential subsidy and cost of national defense features incident to the construction, reconstruction, or reconditioning of ships, $229,687,000. This sum will be used for requirements of the second year of expanded ship construction under the new maritime program which calls for the construction of 300 new vessels over the next 10 years. Contract awards for 22 ships are anticipated during fiscal year 1972. The level of 30 per year will be reached by fiscal year 1973.

I should point out that the Merchant Marine Act of 1970 made several drastic changes with respect to the amounts payable for construction subsidies. The statute sets forth guidelines for a reduction in the subsidy rates beginning with a maximum of 45 percent for fiscal year 1971 and reducing this amount by 2 percent each year until it reaches a maximum rate of 35 percent in 1976 and thereafter. Hence, the target rate for 1972 is 43 percent. For a number of years prior to the Merchant Marine Act of 1970, the ceiling on rates was fixed at 55 percent.

Second. Payment of obligations incurred for ship operation subsidies, $239,145,000. This sum will provide for the continued payment of such subsidies to American operators to enable them to compete with their foreign-flag counterparts.

Again, it is important to note several significant facts with respect to the amount requested in this category. First, the introduction of new technology, particularly containerships, has enabled certain lines to operate profitably in some trade routes without operating subsidy.

Moreover, the Merchant Marine Act of 1970 effected several improvements in the method used in the determination and administration of operating subsidies. A system, called the index system, has been written into the law to provide incentives for operators to reduce their operating costs as much as possible and to establish a level of subsidizable wage costs consistent with the general level of wage increases throughout our economy.

Third. Expenses necessary for research and development activities—including reimbursement of the vessel operations revolving fund for losses resulting from expenses of experimental ship operation—$25,000,000. This sum will be used for the continuation of key programs carried out in the areas of advanced ship operation and maritime technology.

Fourth. Reserve fleet expenses, $4,318,000. This sum will be used for the continued preservation and custody of Government-owned vessels in the national defense Reserve fleet.

Fifth. Maritime training at the Merchant Marine Academy at Kings Point, N.Y., $7,300,000. This sum will provide for the continued operation of this facility.

Sixth. Financial assistance to State marine schools, $2,200,000. This sum will provide for the continuation of this program.

Testimony was taken on this bill from both Government and industry. The record shows that the amounts submitted by the administration were satisfactory to all concerned. The committee was unanimous in its approval of all aspects of this bill.

Without amendment, the committee accepted all of the administration's recommendations.

The committee report sets forth in greater detail the matters involved in this legislation.

H.R. 4724 as a whole includes requirements for the second year of expanded activities under the new maritime program established by the Merchant Marine Act of 1970. Approval of this authorization will permit the Maritime Administration to expand its shipbuilding program, improve the ship operation subsidy program, continue research and development efforts designed to produce improvements and savings in the design, construction, and operation of U.S.-flag merchant vessels, and carry on related functions required by the Merchant Marine Act of 1970. The requested funds will also permit that agency to carry out its normal functions, pursuant to the Merchant Marine Act of 1936, and related statutes. Thus, we strongly urge the House to support this appropriation authorization.

There are present members of both the majority and minority of our committee and they may wish to say a few words in connection with this bill.

Mr. Speaker, I submit a statement with respect to H.R. 4724 on behalf of the AFL–CIO Maritime Trades Department, which is the constitutional arm created by the national labor movement to speak on maritime affairs, and with which are affiliated 42 national and international AFL–CIO unions with a combined membership of more than 7.5 million American workers; and the Seafarers International Union of North America, which represents licensed and unlicensed American seamen engaged in deep-sea operations on the Atlantic, gulf, Pacific, and Great Lakes coasts, as well as seafarers operating in the American system of inland waterways:

> With this authorization legislation, the House Merchant Marine and Fisheries Committee begins the first phase of a long voyage for the American merchant marine. This is the beginning of transition—transition from the narrow concepts of the Merchant Marine Act of 1936, which ultimately failed to meet the test of changing times and changing technologies; transition to the more sweeping, and more appropriate, approach to maritime affairs embodied in the Merchant Marine Act of 1970.
>
> Since 1936, the multi-billion-dollar federal investment in building and operating commercial vessels was funnelled through an artificially created "elite" corps of liner companies—companies whose ships comprised only one-third of the U.S.-flag fleet, and whose break-bulk cargo represented an ever-dwindling potential as America's (and the world's) waterborne commerce shifted more and more to bulk carriage, liquid and dry-bulk alike.
>
> Under the Merchant Marine Act of 1970, the emphasis shifts away from the liner trade to embrace the entire fleet. But most particularly, it shifts in the direction of the bulk-cargo shipping companies, whose vessels comprise two-thirds of the U.S.-flag fleet, and whose cargo represents a significant opportunity for the return of U.S.-flag shipping to a position of dominance of the sea lanes of the world.
>
> For the first time in the nation's history, we have maritime legislation aimed at establishing a fair and equitable program that will reach all segments of the U.S.-flag ocean-going fleet—dry-bulk, tanker and container operations as well as the declining liner trade. For the first time in the nation's history, we have maritime legislation that will make public funds available to all operators, engaged in all aspects of foreign commerce.
>
> And, for probably the first time in a non-war situation, we have maritime legislation calling for a sharp increase in the number of tax dollars to be committed to American shipbuilding, and to the operation of U.S.-flag commercial vessels on a competitive basis with foreign-flag shipping.
>
> All of this augers well for the maritime industry—and particularly for the unsubsidized two-thirds of the American-flag fleet, whose vessels have grown old in the service of their country's commerce and defense, but who, until now, have been left out of the nation's maritime planning.
>
> What challenges us all now is this: To make the Merchant Marine Act of 1970 into the kind of a program which will work best for everyone:
>
> For the American taxpayer, who deserves a dollar's worth of value for every dollar's worth of taxes invested in this industry.
>
> For the American shipper, who deserves a merchant fleet capable of carrying America's imports and exports, capable of carrying them at rates more nearly competitive with those of foreign lines, and capable of carrying them with the maximum of speed and the minimum of delay.
>
> For the American government, which needs a fleet which is the "first arm of our commerce" in peacetime, if it is to be the "fourth arm of our defense" in time of crisis.
>
> For the American shipyard and its workers, which, up until now, have suffered under a competitive situation vis-á-vis foreign shipyards, at least part of which competition resulted from the investment of one billion American tax dollars in modernizing these same foreign yards in the wake of World War II.
>
> For the American ship operators and the American seaman, who have been the first, and most direct, victims of the past years of governmental and public neglect of this industry.
>
> It would be helpful, of course, to be able to say that, with the passage of the Merchant Marine Act of 1970, Congress has finally obliterated the lines of demarcation between one section of the American merchant marine and another—and that, in the process, it has healed the wounds that were inflicted on this industry by having one-third of it subsidized, and leaving the other two-thirds of it to shift for itself.
>
> It would be helpful to be able to say that, having a law which holds out the promise of fair and equitable treatment, it would be possible, from this moment on, to treat all applications for subsidy—be it construction subsidy or operating subsidy—even-handedly.
>
> But of course this is not possible. Not immediately. For the Congress and the Executive Branch have an obligation to right some ancient wrongs. The two-thirds of this industry which existed unsubsidized for 34 years; which limped along on its own dollars without any direct help from the federal government; whose ships are nearing—or have passed—their useful life span; who have had no opportunity, up to now, to put aside dollars into tax-deferred construction reserve funds; and who face the greatest competitive threat from foreign operators who have had America's bulk trade almost exclusively to themselves—this section of the industry cannot be expected to compete immediately on an equal footing with the one-third of the industry which has regularly dined at the taxpayers' table all these years.
>
> And the reason why the unsubsidized operators cannot, at the outset, compete on an equal footing with the long-time subsidized operators is very simple: The footing is not yet equal. The prospects for the future are that, down the road, these two segments of the industry will finally enjoy co-equal status. But not now. Not yet. And not for some time to come.
>
> It would be a travesty, therefore, to suggest that all of the American ship operators get in the same line, and be treated on the same first-come-first-served basis. It would be an even greater travesty if the subsidized operator, who during his years of elite status turned up his nose at the tramp trade, were now allowed to blossom out into that field of cargo movement—taking his tax-deferred construction reserves, his construction subsidy arrangement and his operating subsidy arrangement (all of long years' standing), in order to move in on this growing trade which is only now receiving recognition from the government in the form of tax dollars.
>
> What must be done, then, is to begin to balance equities. We must consciously adopt a catch-up arrangement for the operator who existed so long without subsidy, and who is at the point of desperation.
>
> If he has not filed sufficient applications for new ship construction, he must be encouraged to do so through the enunciation of a clear federal policy that he is going to have first position for the dollars which are available.
>
> If he has not been able to put aside sufficient private capital in his tax-deferred construction reserve fund, some method must be devised—either to reach back into former earnings, through special tax credits, to enable him to build up the reserves he needs; or to grant him additional opportunities to do so out of current revenues. Whatever technique is devised, the catch-up principle should be the guide.

Further, every latitude should be given him in terms of having first-call on government cargoes for the immediate future—because until he can build subsidized ships and operate subsidized ships, the illusion of competing with the foreigner is nothing more than that: An illusion.

He should not have to compete for government cargo. Particularly, he should not be saddled with the uncompetitive position of bidding for government cargo against the subsidized operator who, because of CDS and ODS can underbid him by a matter of pennies, and walk off with what is, to all intents and purposes, a double subsidy. For government cargo moves at American rates; the subsidies make it possible for the recipients to carry goods at world rates. And no matter how you slice it, when you put these two programs together in the hands of the maritime industry's "elite" corps of liner companies, you have a double subsidy.

And finally, the American operator should not be saddled with the unrealistic economic philosophies of the Agriculture Department, the Agency for International Development, or the Department of Defense when it comes to procuring ships to move government-sponsored cargo. The American operator should not have to compete with the foreigner to carry the military hardware, the foreign aid supplies and the surplus agricultural products which our own government is shipping abroad.

There is something ludicrous about the federal government, on the one hand, embarking on a program to revitalize the American merchant marine, while on the other hand it forces the American ship operator to go, hat in hand, to that same government in search of its cargo. It is even more ludicrous for the government to exhort business and industry leaders in this country to "ship American," when the pattern over the years has been for the government, itself, to "ship American" only reluctantly, only in half-hearted fashion, often only as a last resort.

None of these points is dealt with specifically in H.R. 4724. All of these points are embraced implicitly in this legislation. For it is this authorization legislation that will provide the sinews of war for the merchant marine—the sinews of war that are needed to carry out the battle plan contained in the Merchant Marine Act of 1970.

We would hope, therefore, that in the report which accompanies this legislation, the Committee will make clear its intent to bring the long-unsubsidized segment of the U.S.-flag fleet into full partnership with the one-third of the industry which, up to now, has been the sole beneficiary of federal efforts to revive our shipping.

We would hope that the Committee indicates, in the strongest possible language, that such full partnership dictates that, for the immediate future, a conscious effort must be made to give preference to the long-unsubsidized operator—first, so that he can stay alive in the crucial period of transition; second, so that he can make his full contribution to the growth of the American merchant marine.

One final point:

At another time, and under other circumstances, the AFL–CIO Maritime Trades Department and the Seafarers International Union of North America, AFL–CIO, would have been inclined to challenge the adequacy of the funds called for in the authorization measure, and the number of ships which the measure envisions could or should be built.

We would have done so because we find the 10-year goal of 300 new ships at odds with the concurrent goal of carrying 35 percent of America's waterborne commerce by the middle of this decade—the goal enunciated by President Nixon in 1968, and which formed the basis for his maritime recommendations which formed the core of the Merchant Marine Act of 1970.

We recognize, however, the difficult times in which America finds itself. We are in an era of economic troubles. Unemployment stands at critical levels. The cost-of-living index continues to move upward relentlessly. There are urgent demands being made by the American people for public services of all kinds—for the expansion of existing programs, for the adoption of new ones. And there are only so many tax dollars available.

For this reason, even though we feel that more should be spent now to launch this new maritime era, we accept the combined judgment of the Committee and the Administration on this issue. But we do so only for the present. Another year, and we shall be back to ask for a more realistic appraisal of our urgent needs, and an even larger commitment of our resources to meeting these needs.

For now, we feel that, inadequate as these funds are, they will at least make it possible for us to build the foundation for maritime's future growth.

The CHAIRMAN. The Chair recognizes the gentleman from Washington (Mr. PELLY).

Mr. PELLY. Mr. Chairman, I yield myself 3 minutes.

I rise in full support of the passage of this bill, H.R. 4724, which, as the distinguished chairman has just indicated, would authorize appropriations in the total amount of $507,650,000 for the fiscal year 1972 program within the Department of Commerce, the Maritime Administration, and effective implementation of the recently enacted Merchant Marine Act of 1970.

The decline of our merchant marine fleet has been apparent to many for a long period of time. Since the President issued his commitment to restore our merchant marine to its rightful position on the high seas—a speech, incidentally, given in my city of Seattle in 1968—both the administration, Congress, and the merchant marine industry itself have worked hand-in-hand to revitalize our merchant marine and to restore it to its proper place in interstate commerce.

Passage of this authorization bill would permit this country to expand its shipbuilding program at a greater rate than at any time in the past 20 years, and continue expansion of research and development efforts designed to produce both near-term and long-range improvements and savings in the design, construction, and operation of U.S.-flag merchant vessels.

This new merchant marine programs calls for reaching a construction level of 30 ships per year by 1973, and anticipates maintenance of that rate throughout the 1970's, in order to fulfill the commitment of the program to provide a total of 300 ships, which I mentioned. The 1972 authorizations in this bill would require construction of 22 new ships in 1972, an increase of three over the number planned for 1971.

Mr. ROONEY of New York. Mr. Chairman, will the distinguished gentleman yield?

Mr. PELLY. I yield to the gentleman from New York.

Mr. ROONEY of New York. The appropriations subcommittee which handles the appropriations that are being authorized here today had hearings on yesterday. It originally appeared from the President's statement that the American merchant marine was going to have a 30-ships-a-year program; that it was just around the corner. The program that is presently being authorized in this bill covers only 20 ships; is that correct?

Mr. PELLY. There are 22 ships to be exact, and that is the way it was planned.

Mr. ROONEY of New York. Does the distinguished gentleman from Washington know how many ships are being built in the current year?

Mr. PELLY. Yes, I do; and it will be accelerated. The point is that while we are designing ships, and they are on the drawing boards, we cannot start building new designs. So we will have an accelerating program, as I just explained, until we get to the average level of 30 ships a year, and then we will finally achieve over 10 years a total of 300 ships.

If the gentleman thinks he can make some partisan advantage of it, he may. I know at the same time the gentleman is a great supporter of the maritime fleet.

Mr. ROONEY of New York. As my distinguished friend knows, I am interested in getting ships built. We are woefully lacking in our American merchant marine. I have heard testimony that out of the money for ship construction subsidy appropriated in the current year, in the 1971 fiscal year, in which every nickel was appropriated that was authorized by the gentleman's committee, up to now we are going to have only three new ships out of 22, and seven or eight renovations. That is some boost to the merchant marine, I will say to the gentleman from Washington. This administration is surely doing fine.

Mr. PELLY. I will explain to the gentleman, since obviously he must not have heard the testimony, that the actual contracts in 1971, under the construction program, as of March 1971, provide for three new container ships, two conversions for the American Mail Line, five American President Line conversions, in the final process of construction, lash-type vessels for three steamship companies each which are also in the final stage of construction. Negotiations are in the process for bulk rate carriers for four different owners.

Mr. ROONEY of New York. Mr. Chairman, will the distinguished gentleman yield further?

Mr. PELLY. I do not yield now, Mr. Chairman; I will when I finish.

The Maritime Administration anticipates contracts for six to eight lash vessels, six bulk carriers, for a total of 25 ships, both new and conversions.

The tentative 1972 vessel construction program provides for the following:

Ship:	
Ore/bulk/oil carriers	8
General cargo/bulk	5
Barge carriers	5
Containerships	4
Total	22

In addition 29 or 30 ships are anticipated to be constructed in fiscal year 1973 and 30 ships per year from 1973 on.

Now I am happy to yield to my friend, the gentleman from New York.

Mr. ROONEY of New York. Mr. Chairman, how many years from now will these ships be finally built?

Mr. PELLY. These ships will be built as rapidly as ships can be built.

Mr. Chairman, I do not think the gentleman was listening to me with an open mind.

Mr. ROONEY of New York. I am going to be the first to admit that the present Maritime Administrator, or rather the Assistant Secretary of Commerce for Maritime Affairs, Mr. Gibson, is by far the best Administrator in this area over all the years—and I have had something to do with these matters for a quarter of a century.

Mr. PELLY. The gentleman has had a great deal to do with them, and I agree with him as to Mr. Gibson's qualifications.

Mr. Chairman, I simply continue by saying that if we proceed under this authorization bill, sufficient funding will be provided to expand and redirect our maritime research and development programs with emphasis on the practical application of new technology through coordination and cost sharing with the maritime industry. This research objective is directed toward the national goal of making our U.S. merchant marine fleet wholly competitive through practical advances in ship construction, design, and operation and through coordination with industry, government, management, and labor.

The committee, under the able leadership of Chairman GARMATZ, has moved very quickly, but with a great deal of foresight, planning, and analysis, on the administration's requested authorization levels. The committee, after due deliberation and consideration of the views of the industry, the Maritime Administration, and others, unanimously approved the administration's requested authorization level and unanimously reported the bill out for consideration by the House.

I lend my full support to passage of this bill and strongly urge the Members of the House to act favorably on H.R. 4724, so that this Nation can continue to move forward toward full implementation of the goals and objectives which we have set forth in the Merchant Marine Act of 1970, overwhelmingly supported by this body during the 91st Congress.

Mr. GARMATZ. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, in reply to the remarks of the gentleman from New York as being critical of the present administration, and I say this as a Democrat, if it had not been for the Nixon administration, we would not have a program at all, period.

Mr. Chairman, I yield 3 minutes to the gentlewoman from Missouri (Mrs. SULLIVAN).

Mrs. SULLIVAN. Mr. Chairman, I strongly urge the passage of H.R. 4724, which would authorize a total of $507,650,000 in appropriations for certain maritime programs of the Department of Commerce for the fiscal year 1972.

I would like to limit my comments to those two activities of the Marine Administration that requires about half of the total amount.

The first pertains to what is generally referred to as the vessel construction activities of that agency. The Merchant Marine Act of 1970 provides for the new maritime program that envisions the construction of 30 ships a year for 10 years. The year 1972 will be the second year of expanded ship construction under the new maritime program, and contract awards for 22 ships are anticipated in that year. The level of 30 vessels per year will be reached by fiscal year 1973.

The Merchant Marine Act of 1970 was enacted to revitalize the U.S.-flag merchant marine. New vessels are desperately needed to achieve this purpose. The requested authorization of $229,687,000 for vessel construction will permit the Maritime Administration to carry out the new maritime program in this regard.

The second activitiy of the Maritime Administration that I would like to comment on is the vessel operation subsidy activities of that agency. Appropriation authorization in the amount of $239,145,000 has been requested for this activity.

This sum will provide for the continual payment of operating subsidies to U.S.-flag operators in order to enable them to compete with their lower cost foreign-flag counterparts.

In recent years certain operators have found that they can operate profitably in some trade routes without subsidy, and have voluntarily gone off subsidy. This, however, is the exception, and if we are to have a viable U.S.-flag merchant marine operating subsidy continues to be required in order to compete in a world market.

I strongly urge the House to support this Maritime Administration authorization bill.

Mr. GARMATZ. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. DOWNING), a member of the committee.

Mr. DOWNING. Mr. Chairman, I thank the gentleman from Maryland.

Mr. Chairman, I would like to take this opportunity to congratulate the gentleman from Maryland (Mr. GARMATZ) and the gentleman from Washington (Mr. PELLY) for working together on this important measure. I would like to comment in support of H.R. 4724, the maritime authorization bill. It is a positive piece of legislation in all respects and one of its more important features is the construction differential subsidy funding which will be for the second year of expanded ship construction under the new maritime program—Merchant Marine Act of 1970—which has as its goal the construction of 300 new ships over the next 10 years.

There is another element in this bill, however, which I think deserves attention. It is the authorization of appropriations of $25 million for research and development. This is the second consecutive year that this important research and development funding has been at such a high level. Obviously, it is necessary to authorize sufficient funds for viable ship construction and operating programs but these expenditures tend to be wasted if this vessel construction and operation is not buttressed by a sound and forward looking research and development program and with a goal of advanced technology and increased productivity.

Unfortunately, in the past, merchant marine development has been inhibited by a lack of funds and interest in a viable progressive research and development program. Since R. & D. funding will be at a high level for the second consecutive year, it would seem that this weakness in our overall maritime posture is being corrected and that we will have adequate funding and sound programing for a healthy R. & D. program which is a bulwark of the U.S. merchant marine.

I believe this entire maritime authorization merits our support. Therefore, I urge passage of H.R. 4724.

Mr. GARMATZ. Mr. Chairman, I yield such time as he may consume to the gentleman from Rhode Island (Mr. TIERNAN), a member of the committee.

Mr. TIERNAN. Mr. Chairman, I thank the gentleman for yielding, and I join in the remarks of my colleagues on the committee.

Mr. PELLY. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Massachusetts (Mr. KEITH).

Mr. KEITH. Mr. Chairman, I join with my colleagues in commending the chairman of the committee for the job he has done. After these many years, we are finally getting a maritime program that is worthy of the name.

I have in my constituency a maritime academy, which for years has played a very significant role in the educational excellence and environment we have in Massachusetts. One of her graduates is now the Assistant Secretary of Commerce for Maritime Affairs. He is not a deck officer and he is not an engineering officer any longer. He is a Maritime Administrator, helping to steer a sound national course in the field of the merchant marine.

In fact, such is the vocation of many graduates of our maritime academies. They may not stay on board our merchant vessels for a lifetime, and, in many instances they are welcomed in other engineering and ocean or water-oriented sciences. We need them now and we will continue to need them in the future, if this free enterprise economy of ours is to survive in the merchant marine age that lies ahead of us.

We are gradually phasing out some of our space program and applying more funds to earth-related sciences, particularly in the broad and diverse field of oceanography. The men who graduate from Massachusetts Maritime Academy or our other State academies can contribute greatly to the success of ocean science programs as they try to satisfy the needs of our Nation.

We know that a starting class of 75 per year at the Massachusetts Academy was uneconomical. We could not justify the instructors to support such a small school with such a small enrollment. So we bravely forged ahead and built a larger institution, still primarily for the purpose of training merchant marine officers, but with a dual objective of increasing our inventory of well-trained men who could be engineers on the sea and by the sea. Now we are anticipating freshman classes in the years ahead in the vicinity of 200 students.

Mr. Chairman, when the bill was heard in committee it appeared that as a national policy we felt we needed fewer officers for the narrowly defined maritime business. I believe this national policy discourages the development of these institutions. But then I find inconsistencies. Here we are discouraging larger numbers of cadets at five academies, while we authorized and are now going to support a brandnew maritime academy in Michigan. It says in the committee report that there is going to be a $600 annual subsidy for each student, and it implies that the subsidy is for the year 1972. However, Mr. Gibson indicated in his testimony that he intended to base the subsidy on enrollment figures for the year 1965, with some adjustments for Michigan and perhaps for other States. The fact of the matter is that for the relatively little we spend we are getting a whale of a lot for our money.

In the Federal academy at Kings Point, it costs more than $7,000 per student per year. In the State academy it costs about half that. And as far as the Federal Government's contribution is concerned, it is $600 per student. We get a great deal for that $600.

I believe we should continue to support the academy personnel on a per-capita basis based on whatever level they seek to fund. I believe that the Maritime Administration is dictating to us and, incidentally, I believe it is in this instance an unwise dictatorship. I base this belief on the Administration policy that says you have to take funding based on a 1965 level when the years 1972 and beyond will find these academies expanding their faculties, staffs, and student bodies in order to play a more important role in the great maritime and ocean science future we have charted. So I hope that the chairman could give us some reassurance in Massachusetts, Texas, New York, and in the Nation that the committee does intend to fund adequately and equitably, and in proportion to the numbers of students in these educational institutions at all academies—regardless of their locale.

Mr. GARMATZ. Mr. Chairman, will the gentleman yield?

Mr. KEITH. I am glad to yield to the chairman.

Mr. GARMATZ. I might say out of six academies that are in existence today I would hope the special education training subcommittee will go into this thoroughly and come back with some sort of recommendation on the overall picture. I hope they will take into account the fact that quite a few seamen's and naval schools are run now by labor organizations and also the fact that a lot of shipping has come down as a result of the Vietnam situation. I hope that the Committee on Education will give us an overall picture on the State merchant marine academies and also, if necessary, go into the private academies which are run by various labor organizations.

Mr. KEITH. I appreciate the fact that the labor organizations are giving us many more trainees, but I do believe we need to keep this State system alive and well.

We are, in effect, relegating it to history just as we nearly relegated our merchant fleet to history. We cannot possibly keep up with the future, with the merchant force we are planning and with the conquest of the oceans that we envision without these excellent institutions.

Mr. GARMATZ. Mr. Chairman, I yield such time, as he may consume, to the gentleman from New York (Mr. Biaggi), a member of the committee.

Mr. BIAGGI. Thank you, Mr. Chairman.

First, I rise to support the position of my colleague, the gentleman from Massachusetts (Mr. Keith). The gentleman and I have discussed this at length. In my district we have the Fort Schuyler, N.Y., Maritime Academy. We have comparable problems to those academies located throughout the United States.

During the Vietnam war buildup, these schools were asked by the Federal Government to expand their enrollments—to increase drastically the number of students they would be able to train annually. They did so, and they did it with Federal help.

Now, in its infinite wisdom, the Maritime Administration changes course in midstream and decides it no longer wants expanded enrollment. But such a turnabout is impossible to accomplish in so little time. Moreover, it is completely contrary to the President's policy on the merchant marine. The administration talks about revamping or redeveloping a first-rate maritime service. These ships do not operate by themselves. The program is well underway. However, again, we find it necessary to continue to train personnel.

We are not talking here about just training men to sail ships though. We are embarking on new directions in the maritime field. More and more jobs are opening up in the ocean sciences. The whole perspective of maritime training is broadening and these schools are prepared to address themselves to the total overall picture.

The policy regarding the cutbacks is in itself totally inconsistent. We are advised that the 1965 levels will be the criteria. Well, if that is the policy, it should be followed, but it is inconsistent with the facts. It may apply to New York. It may apply to Massachusetts. But it does not apply to Michigan. They had no 1965 criterion. In fact, they were not even in existence until this year. And that in itself is amazing since the Maritime Administration claims it was advising schools to cut back. Likewise, it does not apply to Texas.

Mr. Chairman, we are talking about $650 times 250 students—a sum of $150,000—a very paltry sum. Frankly it is almost a shame that we have to rise and discuss this matter. This kind of husbandry of funds is hardly the type of fiscal thinking that characterizes our country nor certainly this House. What type of economy is this, I ask you?

Now I share the same concern that my colleague from Massachusetts does as to what we will do with the problem that confronts us.

I am delighted to hear from the chairman that we will look into this matter, and we should do it expeditiously. We should not suffer from a narrow view, thinking only in terms of providing captains on the ships which we have at present. In other words, today we are adopting a very shortsighted view and one day it is going to come back to haunt us.

Mr. DRINAN. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I am glad to yield to the gentleman from Massachusetts.

Mr. DRINAN. Do I understand that the gentleman is preparing an amendment in the sum of $150,000 which he plans to offer to this bill? The State of Massachusetts, as my distinguished colleague knows, has a maritime academy and there is another one in Maine. It seems to me that this is a very important program.

Does the gentleman propose to offer an amendment in the sum of $150,000 to H.R. 4724, the bill now under consideration? If he does offer such an amendment, I would support the amendment.

Mr. BIAGGI. Yes; I plan to offer an amendment to that effect.

Mr. GARMATZ. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. Byrne).

Mr. BYRNE of Pennsylvania. Mr. Chairman, I rise in support of H.R. 4724, the maritime authorization of appropriations for fiscal year 1972.

It is all too clear that American-flag ocean shipping is in trouble. Today, the privately owned American merchant marine consists of approximately 725 ships and about three-fourths of these vessels have a speed of less than 20 knots.

It is an unfortunate fact that we have stood by and watched the United States drop from first position as a merchant marine power at the end of World War II to sixth place, and we rank around 15th as a merchant shipbuilding nation.

It is a rather sad commentary that while the world merchant fleet has increased enormously in the last 15 years, the U.S.-flag fleet has been dwindling to a dangerous point.

It will not be overly helpful to dwell in the past except inasmuch as it points out our past failures. However, we should be interested in the future. The Merchant Marine Act of 1970 passed by the last Congress gives hope for the rejuvenation of the U.S.-flag merchant fleet which is necessary for our national well-being. For we cannot ignore the fact that the maritime industry is vital to our national economy in terms of high employment and a healthy balance of payments. It is also of great importance to our national defense and the success of our foreign policy.

Indeed, we must note in this latter connection that there are few ports today that are not visited by the new and efficient ships of the Russian merchant marine. Last year with the landmark Merchant Marine Act of 1970 we got started on the right foot toward the rebuilding of this national asset.

This bill, H.R. 4724, which provides $229,687,000 for construction differential subsidy, is a necessary step in the right direction. If we are able to continue this vital shipbuilding program which seems to be off to a proper start and if we can insure that there will be sufficient cargo for these new, efficient U.S.-flag vessels, we may, in the future, find ourselves in our former position of preeminence in the merchant fleets of the world.

For the reasons outlined above, I believe it is necessary that the Congress enact this vital maritime authorization bill.

Mr. GARMATZ. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. BURKE).

Mr. BURKE of Massachusetts. Mr. Chairman, I rise today as the House discusses the maritime authorization of fiscal year 1972 because I am bothered by an oversight which, in my opinion, amounts to a false economy on the part of the administration that recommended it. Given the size of the figures involved in this budget and the number of important considerations which have had to be considered in arriving at this figure, it is easy to understand how the simple amount of $250,000 could go undetected by everyone here today. But everything must be viewed in perspective and a $250,000 cutback can mean quite a difference to a program on the receiving end. I refer specifically to the decision to eliminate subsidies for cadets attending the State maritime academies. I am particularly interested in this matter in view of the tremendous importance which the citizens of the Commonwealth I represent attach to the future as well as the past of the Massachusetts Maritime Academy. If my figures are correct, the country will save some $79,000 by cutting back the subsidies which have in recent years been received by an entering freshman of the academy. The hardship which this will mean for those denied this subsidy far exceeds the $79,000 savings for this Nation. In a real sense, what is at stake here is the continued success of the ability of the maritime academies to attract young men willing to enter a career in the merchant marines. The whole thrust of recent legislation in this Congress in recent years is to advance this country's maritime interests and be competitive with other nations of the world. It seems to me contradictory therefore that this administration should recommend such a small economy while at the same time going on record as favoring the expansion and increased competitiveness of our merchant marines. It just does not make sense to me to urge on one hand increased spending of millions of dollars—which I would be the first to favor—while at the same time urging on the other hand cutting out such a piddling small amount in the name of economizing. I think that the importance of this to the young men involved cannot be overestimated and I hope that this House will find it within its power to take action to correct this oversight and really show the young men we are trying to attract for this career that this country is not saving pennies at their expense.

Mr. GARMATZ. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. KASTENMEIER).

Mr. KASTENMEIER. Mr. Chairman, I rise in opposition to the bill H.R. 4724. It has been said that the distinguished chairman, the gentleman from Maryland (Mr. GARMATZ), and the committee have done a good job. I do not quarrel with that. I do quarrel with the basic principle that has not really been considered this afternoon, and that is whether each year, year in and year out, the American taxpayer is going to pay hundreds of millions of dollars to operate and maintain the shipowners and the shipping industry. I submit that only a month ago this body decided to discontinue subsidizing the development of the SST, and I suggest that this body might consider a similar resolution of this annual shipbuilding subsidy we are confronted with today.

Mr. Chairman, the maritime authorization bill for fiscal year 1972 authorizes $507.6 million. Of this amount, $239,145,000 is earmarked for payment of ship operation subsidies.

While there is no excuse, at any time, for subsidizing this merchant marine operation, it is particularly objectionable now because our domestic priorities are badly underfinanced. We simply cannot afford to divert almost a quarter of a billion dollars from public programs and give this money away to private corporations. There are vessels flying the U.S. flag, today, that operate without a Government subsidy and show a profit. I can see no reason or justification for U.S. taxpayers continuing to support handouts to those private companies that operate inefficient vessels, some of which are unable to make a profit even with the subsidy.

To give an example of what it cost the U.S. taxpayers to keep afloat one passenger vessel, let me cite the history of the SS *Atlantic*. Quoting from the 1970 House Committee on Merchant Marine and Fisheries report on H.R. 16498 permitting the sale of the passenger vessel *Atlantic* to an alien:

> The SS *Atlantic* was constructed by the United States as the cargo vessel *Badger Mariner* in October 1953 for $9,138,912.69. On April 15, 1957, American Banner Lines purchased the vessel from the United States for $4,764,000.33. This company converted the ship to a passenger vessel for $13,379,943.18, of which the United States paid $5,722,930.21 as subsidy. The vessel was operated in the trans-Atlantic service during 1958 and 1959, and showed an operating loss, after subsidy, of $2,107,926. During that period, the Government paid a total amount in the form of operating subsidy of $2,626,512.
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> The *Atlantic* was purchased by American Export Lines in February of 1960, in a transaction which included the assumption of two mortgages, with outstanding indebtedness in the amounts of $3,215,741 and $5,536,000, respectively, together with an unsecured loan from the Seafarers International Union in the amount of $750,000, plus cash—a total purchase price of $10,860,272. American Export then performed further reconstruction work on the vessel at a cost of $2,422,205.36, of which the Government's contribution by way of subsidy was $1,300,510.08.
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> American Export operated the vessel in the trans-Atlantic/Mediterranean service and cruises from 1960 to 1967. During this period, the Government paid the company operating subsidy in the amount of $22,142,392, but even after subsidy the company showed a loss of $6,556,804.
>
> The vessel has been laid up since 1967, and costs the company approximately $159,870 a year to maintain in such status. In addition amortization and interest costs account for an additional $657,534.51.

All told, the owners of this floating palace received $31,792,344.29 in Government subsidies. During its operating life as a passenger vessel, the SS *Atlantic* made a profit in only 1 year, 1960, when it earned the grand total of $25,000. Here was a situation where the American Export Lines could not make a profit on the SS *Atlantic*, yet the Government continued to subsidize trans-Atlantic/Mediterranean cruises. Fortunately, Congress approved of the sale of the SS *Atlantic* which I hope will bring an end to this scandal.

The following tabulation shows the estimated amount in 1970 received by the 13 companies that are beneficiaries of the subsidy program:

ESTIMATED OPERATING-DIFFERENTIAL SUBSIDY ACCRUALS, CALENDAR YEAR 1970

Operator	Cargo	Combination	Passenger	Total
American Export Isbrandtsen Lines, Inc	$20,607,352			$20,607,352
American Mail Line, Ltd	10,512,966			10,512,966
American President Lines, Ltd	21,846,129		$11,562,847	33,408,976
Delta Steamship Lines, Inc	6,512,945			6,512,945
Farrell Lines, Inc	11,313,708			11,313,708
Gulf & South American Steamship Co., Inc	2,660,342			2,660,342
Lykes Bros. Steamship Co., Inc	30,336,390			30,336,390
Moore-McCormack Lines, Inc	14,308,456			14,308,456
The Oceanic Steamship Co	2,090,376		7,424,308	9,514,684
Pacific Far East Line, Inc	11,015,217			11,015,217
Prudential-Grace Lines, Inc	10,987,025	$6,883,733	12,750,828	30,621,586
States Steamship Co	13,346,872			13,346,872
United States Lines, Inc	3,378,071			3,378,071
Totals	158,915,849	6,883,733	31,737,983	197,537,565

My colleagues may be interested in the corporate background of these companies. American Export Isbrandtsen Lines, Inc., is controlled by American Export Industries, Inc. The American President Lines, which controls American Mail Line, Ltd., is itself controlled by the Natomas Co. and the Signal Co. The Delta Steamship Lines, Inc., is owned by Holiday Inns; Gulf and South American Steamship Co., Inc., is 50 percent owned by the conglomerate, W. R. Grace & Co.; Lykes Brothers Steamship Co., Inc., is a subsidiary of Lykes-Youngstown Corp., a holding company which owns all the shares in Lykes Bros. and Youngstown Sheet & Tube Co; Moore-McCormack Lines, Inc., is a subsidiary of a holding company, Moore & McCormack Co., Inc.; the Oceanic Steamship Co. is a subsidiary of Alexander & Baldwin, Inc., operators of the largest sugar plantation in Hawaii and land developers; Pacific Far East Line, Inc., is controlled by Consolidated Freightways, Inc.; Prudential-Grace Lines, Inc., is a wholly owned subsidiary of W. R. Grace & Co.; States Steamship Co. is owned by Pacific Transport Co. and the United States Lines, Inc., is a subsidiary of another conglomerate, Walter Kiddie & Co., Inc. I was unable to find any information for the Farrell Lines.

Mr. Chairman, the committee report states that the introduction of new technology has enabled profitable operation without Government assistance on certain trade routes. Giving corporations a subsidy, to the tune of $239 million to continue inefficient operations represents economic waste, and I urge the rejection of this authorization bill.

PARLIAMENTARY INQUIRY

Mr. KEITH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. KEITH. Mr. Chairman, initially I was granted 5 minutes' time, and while I was asking for an additional 5 minutes the chairman of the committee was recognized. My question is this: Can I be, at the will of the minority member, recognized for an additional 5 minutes?

The CHAIRMAN. The Chair will state to the gentleman from Massachusetts that the gentleman from Washington (Mr. PELLY) has control of the time, and if he is willing to yield to the gentleman from Massachusetts then the gentleman will be recognized.

Mr. PELLY. Mr. Chairman, I am very happy to yield 5 minutes to the distinguished gentleman from Massachusetts.

Mr. KEITH. Mr. Chairman, I thank my good leader and I thank the House for its patience. But, Mr. Chairman, this is a terribly important thing to me personally as well as to our Nation.

No seed money is better spent than in the fields of education, and within the field of education none is better spent than in an understanding of the sea which covers seven-tenths or more of our earth's surface. Few men are much better equipped to understand the ocean and to utilize it than those men who graduate from our maritime academies.

There are hundreds of millions of dollars that we have invested and many billions of dollars yet to be applied to study and development in, on, and under the oceans and our coastal zones. These are investments and assets which are directly related to the oceans and these are studies that are receiving a great deal of attention at the Massachusetts Maritime Academy and, hopefully, by other maritime academies.

How can they better study such a broad spectrum of related subjects, as they must, if they are only going to have 77 men in an entire class? They must have the plant, the equipment and a sufficiently large student body to have the diversity of subjects that will enable them to play a proper role. This diversity and this role will come from 4 years at an educational institution such as the Maritime Academy. And this is what the administration has favored, a 4-year course instead of 3 years.

In the growing ocean-oriented field of oil research and development, who is going to run the new sophisticated rigs? Who is going to operate the vessels that go back and forth betwen these offshore points? Who is going to handle the oil spills that could result in the future pace of this activity? Who is going to develop the resources of the Continental Shelf and who is going to man our Coast Guard and the Naval Reserves? These men graduating from these academies can and will do that. I really think we are being penny wise and pound foolish if we do not go ahead with the $150,000 more which could enable us to do the kind of job that we really ought to do to protect, explore, and carefully use our ocean resources.

Mr. GARMATZ. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. BROOKS).

Mr. BROOKS. Mr. Chairman, I want to join with this great committee in recommending this legislation which means so much to the future of the maritime academies and the maritime industry of this country.

As a Representative of one of the greatest maritime States in our Nation, I support this maritime authorization legislation for fiscal year 1972 as reported out of the Merchant Marine and Fisheries Committee under the very able leadership of the distinguished gentleman from Maryland (Mr. GARMATZ).

In the last Congress, we committed this country to dramatically expand our merchant marine fleet. Without question, this expansion is required to meet a great national need. It will require the development and construction of many modern, up-to-date vessels and many additional college-trained maritime officers to man them.

Of particular concern to me is the item in this legislation providing assistance for students at our State maritime academies. Because of the nature of their studies, academy students have no opportunity to supplement their funds through part-time summer work. Nor do they have the usual opportunities for part-time, after school work during the academic term.

For this reason, we need to continue the Federal commitment for student support. If we fail to do this, then the burden of increased educational costs will fall increasingly on the shoulders of students pursuing their specialized maritime education. This would be unfortunate.

Since 1958, Federal support for State merchant marine academies has remained virtually stable, while State investment has increased threefold. The Federal Government should do its full share in supporting the students and the activities of the State merchant marine academies.

The Texas Maritime Academy, located in Galveston and operated by Texas A. & M. University, is today graduating many qualified men to meet the increasing challenges of an updated and modern merchant marine. We must continue to support the Texas Maritime Academy and the other State academies in their efforts to train men to fill highly technical and professional jobs in the maritime industry throughout the world.

Mr. GARMATZ. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. MURPHY), a member of the committee.

Mr. MURPHY of New York. Mr. Chairman, I want to add my support to those who vote for the bill, H.R. 4724, to authorize appropriations for maritime programs of the Department of Commerce.

I, for one, have been however deeply concerned over the fact that we are fast falling behind other nations in the world as a maritime leader. I am particularly disturbed by the progress that the United States has seen the Soviet Union make, with no comparable progress in its own fleets.

I am also particularly disturbed by another thing, and I will have an amendment to this legislation. It has to do with the NS *Savannah*.

If you will look at page 7 of the report, I think the language glosses over a very significant fact. Page 7, section 5, says, with reference to the NS *Savannah*, "and provides for a phased layup of the NS *Savannah*."

I do not think the United States should scrap its only nuclear propulsion program in the maritime field. I do not feel we have taken advantage of our naval nuclear progress, and particularly in the progress of its undersea propulsion power.

I think a basic nuclear program is necessary so that the United States can regain, recapture, or at least maintain some equity on the high seas of the world in moving its own commerce.

Mr. ANDERSON of California. Mr. Chairman, I rise in support of H.R. 4724, the maritime authorization for fiscal year 1972.

Last year, the Congress—through the leadership and direction of the Merchant Marine Committee and our outstanding chairman, the gentleman from Maryland (Mr. GARMATZ)—passed the Merchant Marine Act of 1970. This act has been hailed as the greatest boost for the shipping industry in this generation, and I agree.

But, we must implement this act, and we must follow up our good intentions with good deeds. The act of 1970 envisions a ship construction program of 30 ships a year for the next 10 years. For fiscal year 1971, the Congress appropriated $187 million in order to begin construction of 19 ships. For fiscal year 1972, the administration has requested $229.7 million to begin the construction of an additional 22 ships.

Mr. Chairman, I understand that overnight we cannot transform a shipbuilding program of 10 ships a year to a program of 30 ships a year. I understand that next year we anticipate reaching our goal of 30 ships a year. However, I am concerned that thus far, we have authorized the construction of only 41 ships and, thus, we are 19 ships behind schedule after 2 years.

Next year, I eagerly look forward to the construction of 30 new ships and I look forward to even greater construction in the following years.

As you know, Mr. Chairman, the present U.S. merchant fleet consists of approximately 650 ships, which carry about

6 percent of U.S. oceanborne foreign trade. Approximately three-fourths of this U.S. foreign trade fleet is now over 20 years of age, having been constructed in World War II—this is compared to the world fleet, only one-fourth of which is 20 years old. The majority of U.S. ships are now past their useful economic life, and the Department of Commerce estimates that approximately 85 percent of them will likely be lost from the fleet by the end of 1973.

Mr. Chairman, American shippers and shipbuilders must compete with every other seafaring nation in the world. I think we can surpass them all if we cooperate, and if we have the ships. We must ship a far greater percentage of our own foreign-destined goods, and we can, if we cooperate. We must ship a far greater percentage of the world's cargo and we can, if we cooperate. We must build a far greater percentage of the world's fleet, and we can, if we cooperate.

The maritime industry, which we have allowed to sag, now potentially has a great future. We must implement the programs which we have enacted, and we must cooperate in the operation of these programs.

Mr. GARMATZ. Mr. Chairman, I have no further requests for time.

Mr. PELLY. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That funds are hereby authorized to be appropriated without fiscal year limitation as the appropriation Act may provide for the use of the Department of Commerce, for the fiscal year 1972, as follows:

(a) acquisition, construction, or reconstruction of vessels and construction-differential subsidy and cost of national defense features incident to the construction, reconstruction, or reconditioning of ships, $229,687,000;

(b) payment of obligations incurred for operating-differential subsidy, $239,145,000;

(c) expenses necessary for research and development activities (including reimbursement of the Vessel Operations Revolving Fund for losses resulting from expenses of experimental ship operations), $25,000,000;

(d) reserve fleet expenses, $4,318,000;

(e) maritime training at the Merchant Marine Academy at Kings Point, New York, $7,300,000; and

(f) financial assistance to State marine schools, $2,200,000.

AMENDMENT OFFERED BY MR. BIAGGI

Mr. BIAGGI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BIAGGI: On page 2, line 12, strike "$2,200,000" and insert "$2,350,000."

Mr. BIAGGI. Mr. Chairman, just a few moments ago I rose and I enunciated my position in connection with this particular phase of the bill. I do not think it is necessary for me to repeat that. But what I would like to point out is that we are talking about an authorization in this bill of some $2,200,000 for State maritime academies. What we are asking for is $150,000 more to permit an additional 250 students to partake in the State programs.

Just for a matter of clarification, subsidies are provided for all the classes in the academies now. This bill would continue those subsidies and also provide subsidies for a limited number of freshmen. What we are talking about is providing subsidies for the capacity of the institutions which were expanded on the basis of promises in the past. In Massachusetts, the 1965 level was 77; the desired result is 192: The difference is 115. In New York, in my district, the difference is 30; in Maine, the difference is 50; in California, it is 40; in Texas, 15. In all, a total of 250.

If we adopt the 1965 criterion, Michigan would not be afforded one dollar of student subsidy money. But they will get money, nonetheless. To illustrate further the inconsistency with the policy, even Texas has agreed on a negotiated figure. If the rule is to be firmly applied, let it be applied to all, not "to all except." However, it is wrong, fundamentally. The limitation is wrong, because you are talking about a concept which flies in the face of administration policy, which is to improve the merchant marine and to restore it to its proper place in the world.

Our merchant marine has been downgraded and neglected over the decades. You do not restore maritime service just by building ships. You have to build the ships and also train men. In this case, we are talking about 250 additional men throughout the United States. It is so paltry a sum, it is shameful for me to find it necessary to rise and plead for it.

I ask for a small consideration here. I ask for $150,000 for 250 students, 250 more students who would be able to get in if they were given $600 a year—$600 per person. There are some 1,800 now getting subsidies.

But moreover, these academies entered into an expansion of their physical plant and training facilities to meet the needs of a wartime America in the 1960's. They were asked to do this and they answered the call of their Government and their Nation.

Now we are telling them to forget about their new housing for so many students, forget about the improved training facilities, forget about the millions of dollars spent to provide these improvements, because they are not going to be able to admit all the students they anticipated. All because the Federal Government wants to save a paltry $150,000. This is the most illogical form of mental process I have been confronted with in a long time.

I sincerely hope my colleagues here in the House will reason with me on the inefficiency and reckless shortsightedness of cutting this subsidy at this time. Let us continue the subsidy for another year and take a long hard look in committee hearings at the whole problem and the prospects for the future. The chairman has promised this and the ranking member of the committee from the minority side has affirmed it. However, bear in mind that it is harder to rescue a sinking ship than one that is already afloat. A parsimonious vote in this Chamber today would certainly have the effect of driving holes into the hull of a fine and fully seaworthy ship—our State maritime academy system.

Mr. PELLY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise reluctantly in opposition to the amendment offered by my esteemed colleague. I rise in opposition in full cognizance of the strong support for Merchant Marine Training which my colleague has adhered to over these many years during our mutual service on the House Merchant Marine and Fisheries Committee.

At this point in time, such a proposed amendment would have the effect of supporting further expansion of total State academy enrollment in a situation of heavy surplus of the school's product resulting from the winddown of the Vietnam action—a surplus which will continue for the foreseeable future even when the full impact of the new shipbuilding program under the Merchant Marine Act of 1970 is considered.

The purpose of the administration is to provide student allowances to the level of the number of average annual allowances paid to the classes entering the schools in fiscal year 1965, the last year prior to the Vietnam escalation. The enrollment in several of the State schools was expanded substantially over the last several years, and certain of the schools are indicating continued major expansion plans regardless of whether industry demand can sustain the resulting level of graduates. It is my understanding, for example, that the Massachusetts Maritime Academy plans to bring in a freshman class this year approximately double the size of last year's entering class.

During the executive review committee deliberations on H.R. 4724, this amendment or subject area was not presented to the committee for its consideration and subsequent action pursuant to the will of the committee. Certainly, had this point been raised in the committee, I would have given my full attention to the proposal which my able colleague is advancing now on the floor of the House. It may have been possible to have adequately handled this point during such committee deliberations, thus meeting the goals of the Congressman who introduced this amendment in striving to further the caliber of the men who operate and will operate our Merchant Marine fleet.

However, I must respectfully disagree with my colleague in light of the bleak job opportunity market at this point in time. Passage of this amendment would have the net effect of providing an incentive for all State schools, to increase enrollments as a result of being able to obtain additional Federal Government subsidy payments in a period of time when the job opportunity market is low. The effect would be for Congress to encourage payments to students to pursue a maritime education who may not be able to obtain employment in this technical field.

Though I certainly agree with my colleague that the entire subject area of maritime training should be evaluated, and though I fully support the maintenance of State marine schools, who have done an excellent job in training men for the Merchant Marine, I must oppose this amendment for the reasons cited and urge the committee to defeat the amendment.

Mr. GARMATZ. Mr. Chairman, I rise in opposition to the amendment just offered because the figures set out in the amendment are in an amount greater than the amount authorized for the State schools in the bill as reported out by the committee. In other words, these new increased figures were not considered to any extent by the committee at the hearings on the bill and were not presented to the full committee in executive session for its consideration.

In addition, these figures as set out in the budget and in the authorization bill reported out by the committee were established to conform to the realities of the maritime education training programs as they exist today. We are all aware that our merchant marine is in a depleted state and that sealift under the U.S. flag is at a low ebb. As a consequence, of course, there are fewer and fewer seagoing maritime job opportunities. Thus, it seems logical that enrollments at the maritime academies should be kept in proper bounds in accordance with the maritime job opportunities. For this reason, I think the Maritime Administration has wisely cut back modestly on the authorization for the State schools. In good conscience, I must support this current necessary curtailment of enollments and oppose the amendment.

Mr. KEITH. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

Mr. Chairman, I appreciate the formidable opposition we have aroused by this very simple amendment. I question the comment that was made by my good friend and highly revered colleague, the gentleman from Washington, to the effect that this was not discussed in committee. I personally raised this question with Administrator Gibson, and there was an exchange. Unfortunately, the committee hearings have not yet been published, or I could bring them to the attention of the gentleman now.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. KEITH. I yield to the gentleman from Washington.

Mr. PELLY. I must say I must correct my statement, to the effect that of course the gentleman for a long time, over many years, has pressed for more funds for training for the Merchant Marine. Also, as I recall, in a colloquy with the Maritime administrator he did raise this issue. But he did not make it in the form of an amendment.

Mr. KEITH. The gentleman may recall that I tried that a couple of years ago. I finally have to take it to the House.

I admire the courage of my colleague from the big city of New York. I see how he won his fame and his way into Congress. We are sort of alone, but so, too, was the program 10 years ago. This Congress did not face up to the problem.

Now we have spent all this money and we have this investment.

But I am not just arguing for the merchant marine. I am arguing for environmental protection. I am arguing for proper utilization of the resources of the ocean, of the coastal zone, and of the continental shelf.

This is a great big ball of wax, this globe on which we live. It is all interrelated.

We have to have men who know the sea in order to make us superior on the sea. These men and their vessels are one of the best vehicles we have. We have to encourage the poor kids to go to college, and we must encourage them. For a piddling $600 a year out of the vast Federal till we are getting real training in an area where there is nearly a void.

They may not stay in, because it is a tough and lonely career. They leave it not because the money is not good or the jobs are not there, but because their families want them at home. So we have to produce more than we may think we can use.

In addition to that, the Coast Guard has a requirement for these men, and so do the Reserves. They can get commissions in the Reserves. And they are valuable assets well worth having.

I say these are dollars well invested. I hope the House will take an extraordinary course today and reverse this decision.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. KEITH. I am delighted to yield to the gentleman from New York.

Mr. BIAGGI. I thank the gentleman for yielding.

In response to some of the observations made by my esteemed colleague from Washington, who is also a member of the committee, in connection with employment, it seems to me to fly in the face of the programing. Either the administration policy of rehabilitating the entire maritime service is a genuine one, or we are participating in a farce. I assume it is genuine, and I have supported it, as well as all the other members of the committee. Hopefully, we are moving forward to a better and bigger merchant marine that will make America proud. I would anticipate that when we finally reach that stage we will need all the men we can possibly get. To start at that point to train our people would seem to me to be somewhat of a poor illustration of programing for personnel.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. KEITH. I am glad to yield to the gentleman from Washington.

Mr. PELLY. Permit me to say I know the gentleman realizes this new program anticipates fewer ships in the future than we have today. Their turn-around time and their efficiency will make it possible that they carry more cargo, but we are not going to have more ships under this program.

Mr. KEITH. I agree that it will require fewer ships, but the old ones are still there. The new program is still a long way down the road.

All the arguments advanced by the gentleman from New York (Mr. BIAGGI) and myself, I believe outweigh those offered by the gentleman.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. KEITH. I yield to the gentleman from Iowa.

Mr. GROSS. I do not know whether the gentleman wants to yield to me or not.

Mr. KEITH. I do not, usually, but I will take my chances.

Mr. GROSS. I do not understand what decks these new officers are going to walk, or what enginerooms they are going to occupy, with the ship layups we see and the lack of new ships coming on. What are these people going to do, who are specially trained in the operation of vessels?

Mr. KEITH. The ocean-related industries have never been more active than now. We have vessels all over the world, tending rigs off the shelf of Australia, the Philippines, and Southeast Asia.

There are energy-oriented economies, as you know. That means oil and that means offshore exploration, and that means engineering in the open water.

Mr. HATHAWAY. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I have not heard all of the remarks in support of the amendment or against it, but I would like to make the point that the State academies have relied on this $600 per pupil stipend over the past 4 to 5 years. To take them now suddenly back to the pre-Vietnam level is not really justified in my opinion. Many of the benefits that the State academies provide to the United States are not paid for by any Federal funds whatsoever. For example, nearly all of the graduates go into the naval reserve, yet there is no appropriation whatsoever from the Defense Department for the training that the Navy benefits from for the graduates from these State academies.

This is not a great amount—only $150,000. The budget amount for this year is really under that appropriated last year. We have an additional school in Michigan that has to be funded out of that amount. This amendment will only cover 250 students, and it will keep the State academies throughout the United States at about the same levels that they have been at for the past 4 to 5 years. I think it is unconscionable to cut them back to the pre-Vietnam war level when such a small amount can keep at the level of funding that they have been accustomed to. A lot of schools have made expansions based on the fact that they were going to receive this amount. They relied on that. The gentleman from Massachusetts (Mr. KEITH) and I have cosponsored bills to increase the stipend for all students based on the fact that $600 a year is not really adequate. We feel that $1,000 would be more realistic. We realize that the demand for trained graduates fluctuates up and down. However, it was not too long ago that we were in a crisis situation with regard to Vietnam and had to hurry up graduation exercises at many of the schools so that we could get officers on the decks and in the engine rooms of merchant ships.

Although the demand at this moment may not be too high, we know that the United States has commitments throughout the world. We intend to expand our maritime fleet, and in the very near future I am sure the demand will be much greater. The demand will increase again so that this will turn out to be an investment well worth making.

Mr. GARMATZ. Will the gentleman yield?

Mr. HATHAWAY. I am glad to yield to the chairman of the committee.

Mr. GARMATZ. Is it not true that a great number of graduates from the merchant marine academies do not go to sea at all but get shore jobs?

Mr. HATHAWAY. I agree that many do.

Mr. GARMATZ. So we are really subsidizing them to take shore jobs and not to go sea—the graduates from the merchant marine academies.

Mr. HATHAWAY. I know from my own experience at the Maine academy that it ranks higher than the Federal academy with respect to people who stay in the service even after a 3-year period.

Mr. GARMATZ. Do you know that only two out of six State academies are accredited?

Mr. HATHAWAY. Two out of six are accredited?

Mr. GARMATZ. Yes.

Mr. HATHAWAY. That may be true, but the accreditation process should be looked into. The reason why the Maine academy is not accredited is because it will not join with the University of Maine. The reason it will not join with the university is they do not want to get lost in the university's budget. They will not get any money from the State if they meld with the university.

Mr. GARMATZ. That is one reason why we want to have the Subcommittee on Education look into the State academies and the merchant marine academies.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. HATHAWAY. I am glad to yield to the gentleman.

Mr. BIAGGI. Is it not true that many young men educated in the military academies of this Nation do not make the military a lifetime career?

Mr. HATHAWAY. That is absolutely correct.

Mr. BIAGGI. And it costs substantially more to educate and train them?

Mr. HATHAWAY. That is correct.

Mr. BIAGGI. And it costs substantially more to educate them and to train them?

Mr. HATHAWAY. That is correct.

Mr. BIAGGI. And, the fact that many of them do drop out, insofar as the Maritime Academy is concerned, this proves the need for as many students as possible so that ultimately, in spite of the dropouts, we will have some people who go to sea, not only from the standpoint of merchant shipping but from the standpoint of the ocean sciences. This is a whole new dimension that has been heretofore obscured or never even developed.

Mr. HATHAWAY. That is true. Even if the men do not go to sea or participate in oceangoing ships, the investment which we have made in their education has not been lost. They are still able to make a contribution to our society.

State maritime academy graduates can and do serve a multitude of purposes within the maritime community in such matters as ocean exploration and research, in merchant marine safety, in service with the Navy, the Coast Guard, the Army Corps of Engineers, and many others. Through their skills these men contribute significantly to well-being of the Nation.

At a time when both the administration and the Congress have committed themselves to rebuilding the Nation's merchant marine, it is folly to endanger our best source of properly trained individuals who will provide the type of responsible leadership necessary for the effective operation of a strong merchant marine.

Reducing subsidy support to State maritime academy students substantially threatens the financial stability of many of the schools. The Federal Government contributes only a small fraction of the total cost of educating a student at the State academies, the balance being borne by the respective States and the individual students. Yet it is difficult for the academies to get State aid and to attract students unless the Federal Government shows a willingness to at least maintain its share of the costs of maritime training.

The Federal share of the operating costs of the State maritime academies is minute in comparison to the contribution by the academies of qualified officers for the American Merchant Marine. The proposed cutbacks in student subsidies are contrary to the national interest, and risk the loss of a most valuable national asset. I, therefore, urge my colleagues to support the amendment of the gentleman from New York (Mr. Biaggi).

Mr. LENNON. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Seventy-one Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 57]

Abourezk
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Ashley
Blackburn
Boggs
Boland
Brown, Mich.
Camp
Casey, Tex.
Celler
Chappell
Clancy
Clark
Clawson, Del
Clay
Corbett
Coughlin
Crane
Davis, Ga.
Dowdy
Dwyer
Edwards, La.
Evins, Tenn.
Fascell
Flynt
Foley
Goldwater
Goodling
Green, Oreg.
Green, Pa.
Gubser
Halpern
Hanley
Hanna
Hansen, Wash.
Harvey
Hays
Hicks, Mass.
Holifield
Horton
Jonas
Kazen
Lloyd
Long, La.
McClory
McCollister
McCulloch
Macdonald, Mass.
Mailliard
Mann
Mathias, Calif.
Mayne
Miller, Calif.
Murphy, Ill.
Passman
Pirnie
Preyer, N.C.
Purcell
Quie
Railsback
Rees
Reid, Ill.
Reid, N.Y.
Rhodes
Riegle
Rooney, Pa.
Rosenthal
Roy
Scheuer
Schmitz
Schwengel
Sebelius
Seiberling
Shriver
Slack
Smith, Calif.
Springer
Staggers
Steed
Steele
Steiger, Wis.
Symington
Talcott
Wilson, Bob
Wolff

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Giaimo, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 4724, and finding itself without a quorum, he had directed the roll to be called, when 344 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. BRASCO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time in order to ask my colleague from New York (Mr. Biaggi) several questions concerning his amendment.

The first question I would like to ask is during the course of the gentleman's presentation of his amendment the gentleman indicated that the $150,000 additional money that you are asking for would take care of an additional 250 students who would be entering these academies.

How did the gentleman arrive at that figure?

Mr. BIAGGI. Mr. Chairman, if the gentleman will yield, the amendment calls for an increase of $150,000, from $2.2 million to $2,350,000.

The sum of $150,000 deals with six merchant marine academies. The academies have geared themselves up at the cost of billions of dollars to the taxpayers of the Nation to accommodate the additional 250 students.

What has been done in this instance is that they are using the 1965 criteria, not simply for all of the academies, but all except two. If they use that 1965 criteria, Michigan would not get 1 cent. If they use that 1965 criteria, Texas would not get as much as it is now receiving. In New York the difference is, the academy which is located in my district would be dealing with 30 additional students, in Maine it would be 50, in California 40, Texas 15, and Massachusetts 115.

What is happening is that subsidies are provided for every class, and even the freshmen who are there now would be affected. However, they are limiting the amount for the incoming class. It is as if you had built a Cadillac and then made an arrangement where it would only carry one person because it costs too much money to buy the gas, that is the situation which is presented here.

The academies have been in touch with me and with my colleagues and are asking for tuition for funding based upon their current and anticipated operations.

The argument has been made that there are not enough jobs.

Mr. Chairman, we are talking about an administration policy of rehabilitating the maritime service and moneys have been provided for a lengthy period of time which would provide not simply more ships but the development of whole new areas, such as oceanographic studies, ocean sciences, and ocean engineering, whereby we can funnel most of these people into such activities.

It has been said that we have dropouts, and that is true. However, we have dropouts in the military service. We have young men who do not go on and make a career of the military service. However, the point is if we provide enough graduates we will have enough men ultimately to man our ships and our other programs that deal with the future, that deal with oil development, that deal with the Continental Shelf, and that deal with all of the foodstuffs which we find in the seas today.

Mr. BRASCO. So, what the gentleman is saying is that the schools in question, in anticipation of full funding for their freshmen classes, have already expended money to expand classroom facilities?

Mr. BIAGGI. That is exactly right.

Mr. BRASCO. And we are cutting them off in the middle of the improvements which they have made in anticipation of Federal funding?

Mr. BIAGGI. That is right. In fact, cutting off those funds is a waste. It is poor business and poor economy.

As I said before, we have built all of the accommodations at these institutions and we have the instructors there now to help instruct these young men. Let us embark upon a program of performance. We are talking about $150,000 for six academies.

It has been said that some of these academies are not accredited and that these are some of the academies that have been receiving money in the past. However, suddenly, their accreditation has come into question. Let us not have a study of this matter since such a study would probably cost a half a million dollars and we would not come to any better conclusion.

Even if each of these individuals never works a day on a ship or never gets involved in oceanographic work, imagine, it is only costing $600 to educate some of the finest young men in the country and provide them an opportunity to improve themselves.

As I said before, and I say it again, it is sad to have to rise and argue for $150,000.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DOWNING. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered by the gentleman from New York (Mr. Biaggi) and I do so with a great deal of reluctance.

This money was originally appropriated for the training of deck officers and maritime officers to operate the ships at sea. As a practical matter, even when we get our brandnew fleet in the 1980's we will have less need for these men than we have now. It seems to me that to take these young men into the maritime schools and to train them and tell them that they are going to be deck officers in the merchant marine is misleading, because when they graduate there just will not be the jobs for them.

It is true that there are ocean-related industries, and possibly they might be prepared for them, but I am not too sure their maritime training would qualify them for this field of work.

Mr. GARMATZ. Mr. Chairman, will the gentleman yield?

Mr. DOWNING. I yield to the chairman of the committee, the gentleman from Maryland (Mr. Garmatz).

Mr. GARMATZ. Mr. Chairman, I rise in opposition to the amendment just offered by the gentleman from New York (Mr. Biaggi).

These figures as set out in the budget and in the authorization bill reported out by the committee were established to conform to the realities of the maritime education training programs as they exist today. We are all aware that our merchant marine is in a depleted state, and that sealift under the U.S. flag is at a low ebb. As a consequence, of course, there are fewer and fewer seagoing maritime job opportunities. Thus it seems logical that enrollments at the maritime academies should be kept in proper balance in accordance with the maritime job opportunities.

Therefore, I oppose the amendment.

Mr. LENNON. Mr. Chairman, will the gentleman yield?

Mr. DOWNING. I yield to the gentleman from North Carolina.

Mr. LENNON. Mr. Chairman, I find it very difficult to oppose the amendment offered by my distinguished friend, the gentleman from New York (Mr. Biaggi) but I think we should recognize this, that right today, at the King's Point Maritime Academy annually we graduate 200 of these deck and engineering officers. And in these marine schools which we are funding under this bill we graduate 400 a year. That is 600 marine engineering and deck officers for our maritime industry.

How much of our cargo, both export and import, are we carrying today in American bottoms? Less than 6 percent. It just seems to me we are doing something rather fallacious when we think of this amendment. Also there is no requirement whatsoever that a man ever goes to sea, none at all, if he is graduated from the Academy at King's Point, or one of the other schools.

Insofar as the sea grant program is concerned, concerning oceanography and oceanology, and related sciences, we have a program set up for this. This proposed amendment is not related to the marine sciences of oceanography or oceanology. We have a grant program for that in which many schools across this country, colleges, universities, and technical institutions participate. For these reasons I must oppose the amendment.

Mr. DOWNING. The gentleman from North Carolina is correct.

Mr. Chairman, I yield back the balance of my time.

Mr. BROWN of Ohio. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have taken this time so that my friend and colleague, the gentleman from Massachusetts (Mr. Keith), might comment upon this particular amendment.

Mr. KEITH. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Massachusetts.

Mr. KEITH. Mr. Chairman, I appreciate very much this chance to elaborate upon the arguments that have been offered by my colleague, the gentleman from New York (Mr. Biaggi).

We have in Massachusetts a maritime academy with a very great tradition of following the sea. The graduates from this institution are not necessarily restricted to the sea, and they can and do end up, for instance, as legislative assistants, such as Arthur Pankopf, who was on the Committee on Merchant Marine and Fisheries, and is now with the Senate Committee on Commerce. He was graduated from Massachusetts Maritime Academy. Or take an individual like Andrew Gibson, who is the Assistant Secretary of Commerce, Maritime Affairs. Maritime graduates may become port captains, not, hopefully, like those in the Port of San Francisco, where vessels owned by the same line ran into each other. Other graduates might go into environmental areas such as the developing of our coastal zones, the Continental Shelf. You know, we reap hundreds of millions of dollars from offshore oil and mineral resources. These dollars are harvested from the Continental Shelf with the aid and assistance of men who have been trained in maritime industries, oceanology, or other related sciences. The oceans cover seven-tenths of the earth's surface, and we must be ready to meet the sea challenges of the future.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. KEITH. I yield to the gentleman.

Mr. LEGGETT. Mr. Chairman, I understand that there is an academy in the gentleman's home State and likewise we have the California Maritime Academy in my district which handles the west coast.

But, is it not a fact that the congressional assistance, the Federal assistance, for these academies has not changed since 1958 in spite of the fact that we have had a 60-percent increase in certain wages and cost of living in many particular categories?

Mr. KEITH. You have made a very good point. I believe the Federal appropriation was $750 and it is now $600; and they want to lower it even more. The academies have many more students and we have six different States helping us with Federal contributions of only $600 per student per year. And the one Federal academy costs the taxpayers—at least the combined cost of the graduates from the Federal academy—more than

$7,000 per student per year. In the State academy, it is about half that amount.

Mr. LEGGETT. I do not know if the gentleman's experience is different than it is in the West, but some 10 years ago these schools were supported better than 65 percent by the Federal Government and today the Federal share has reduced to about 35 percent. If the very ambitious amendment of our colleague, the gentleman from New York, is passed, the Federal share might be increased 2 percent additional. So this is really a monumental improvement and I want to encourage the passage of the amendment. But it certainly is not going to break the bank, and in all equity I certainly believe it will be good for those academies.

Mr. KEITH. I welcome your support. I might say that if one had gone to Vallejo and seen the maritime academy there, I am sure he would agree that it would have been a shame if that very fine institution had foundered.

I might say the policy is inconsistent of the administration and the committee when they sanction a brandnew maritime school in Michigan and when they sanction a very substantial increase in enrollment in the Texas Maritime Academy. Yet, schools like Massachusetts Maritime Academy will only be allowed 77 students in the next freshman class, and yet it has facilities for nearly three times that number of students. The Massachusetts academy has a good program, they have a million-dollar plant, and they want to go from 77 to 200 students per year. The Federal Government and the taxpayer could get the benefit of this program for less than half the cost of the Federal program.

The States are offering really a remarkably innovative means of educating people to take care of our responsibilities on the seas, under the seas and in the seas. It is a very commendable program, we should encourage it.

Mr. BROWN of Ohio. Mr. Chairman, I thank the gentleman from Massachusetts for his comments.

Mr. PELLY. Mr. Chairman, I move to strike out the last word and I will speak only briefly.

Mr. Chairman, some of the Members who are here now did not hear some of the statements that were made earlier.

First of all, I know my distinguished friend, the gentleman from Massachusetts (Mr. KEITH) has long been a strong advocate of State marine schools. I commend him for it. But, I will point out that the man he has mentioned as being an outstanding graduate, Mr. Gibson, who is now the Maritime Administrator, testified before our committee that there is a diminishing need for these marine officers. As we progress with the growth of American-flag merchant marine on the seas, we will have more efficient ships and faster ships which will turn around more quickly and carry more cargo, but we will have less ships than we have at the moment. Therefore, along with the chairman of the committee and others, I would hope perhaps that we would have additional hearings in due course to ascertain the needs. But, in the meantime, the Maritime Administrator tells us there is no need to double the enrollment at the Massachusetts training school, and I am opposed to the amendment.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from Iowa.

Mr. GROSS. Do I correctly understand that only two of these schools are accredited?

Mr. PELLY. I am sorry; I cannot say. I think the Federal Government has supported all of them.

Mr. GROSS. The chairman, the gentleman from Maryland (Mr. GARMATZ), indicates that is correct, that only two of these schools are accredited.

Mr. PELLY. The Federal Government not only gives them $600 per enrollee, but gives each school $75,000. So I would think without some justification or documentation, we should not adopt this amendment because no need for it has been shown.

Mr. GROSS. If the gentleman will yield further, what is the period of obligated service?

Mr. PELLY. None whatsoever.

Mr. GROSS. Except that at the Merchant Marine Academy there is, I understand, a period of obligated service in the Reserve or the active service, which is it?

Mr. PELLY. We are talking about Federal aid to State schools.

Mr. GROSS. Federal aid.

Mr. PELLY. There is no obligation.

Mr. GROSS. Let me ask the gentleman this question: I am sure the gentleman knows that American money is building tankers in Spanish shipyards. Will those tankers be operated under the American flag and with American crews, or will they be operated by foreign crews under foreign flags of one kind or another?

Mr. PELLY. It all depends upon which company it is, but I would say that many of the tankers are operated under foreign flags.

Mr. GROSS. So that this also diminishes the need for any increase in the present output of deck and engineering officers at the various merchant marine academies, is that correct?

Mr. PELLY. The testimony before our committee was that the need for these officers was diminishing.

Mr. GROSS. I thank the gentleman.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. PELLY. I yield to my good friend from California.

Mr. LEGGETT. Is it not a fact that these schools have not been accredited because actually many of them are run like true trade schools, manned by marine officers, the courses taught by marine officers, and such as that? The gentleman does not have to respond to that question.

Second, I say this: If we do not have this reservoir of merchant marine officers developed perhaps in excess of current needs, if we should ever get into another World War II situation in which we are building 4 or 5 million tons of shipping and launching a ship in 17 days, would we not need merchant marine officers to take over those ships in 17 or 20 days, as we found we needed to do during World War II?

Mr. PELLY. I think we have the personnel at the moment to operate all the ships we will need.

Mr. LEGGETT. That is exactly the point. But do not the men come from those schools and is that not why we have adequate personnel?

Mr. PELLY. I think we are working to develop deck officers. In many cases they could just as well come from the ranks. We could graduate some of the lower personnel so that they could take advantage and have some incentive to study and to improve themselves.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from Iowa.

Mr. GROSS. Is there some reason why the affluent State of Massachusetts cannot take care of the increased enrollment that it so ardently desires?

Mr. PELLY. I think costs are going up, but, as I have said, there is no need now to increase enrollment.

Mr. GROSS. The cost to the Federal Government has been minimized. Surely they should minimize the cost to the State of Massachusetts and other States which operate merchant marine training schools.

Mr. PELLY. I still think it is right——

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BIAGGI).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 42, noes 71.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. MURPHY OF NEW YORK

Mr. MURPHY of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MURPHY of New York: On page 2, line 7 add: "No funds in this section may be expended for the dismantling, or removal, of the nuclear propulsion plant from the NS *Savannah*."

Mr. MURPHY of New York. Mr. Chairman, each year in the maritime authorization bill the committee has received from the Maritime Administration and in some instances also from the Atomic Energy Commission, a very detailed explanation as to the costs and the efficiency of nuclear propulsion and in particular nuclear power development. This year when the gentleman from Virginia questioned the Administrator about the nuclear ship the NS *Savannah*, I felt that the answers did not go to the depths of the problem, to lay up an enterprise that has cost the American taxpayers hundreds of millions of dollars. So I decided to do some investigating.

Mr. Chairman, the Members will find on page 7 of the report, in paragraph 5, that there is a program to provide for the phased layup of the NS *Savannah*. In fact, what I determined this past week, after the committee had passed this legislation, is that the administration is scraping up funds not to lay up the NS *Savannah*, but to take the nuclear reactor completely out of the *Savan-*

nah—in others words, just to leave the *Savannah* as a hull.

Mr. Chairman, this ship is a creation of the Congress. This ship and the dollars to authorize it and the programs to train American seamen in nuclear propulsion are creations of the Congress. In our maritime academies we teach nuclear propulsion. Yet here we find a layup of the NS *Savannah*.

I feel if the NS *Savannah* is going to be not just laid up, but also completely denuded by this administration and turned into just a hull and the reactor taken out, that it is going to disappear quietly and bureaucratically. I think the Congress should say something about it and the appropriate committee or subcommittee of the Merchant Marine Committee should have a hearing as to what the intent is of this administration on the future of nuclear power.

Mr. LENNON. Mr. Chairman, will the gentleman yield?

Mr. MURPHY of New York. I yield to the gentleman from North Carolina.

Mr. LENNON. Mr. Chairman, I commend the gentleman from New York for bringing this to the attention of the Congress. To me it is a tragedy, a costly tragedy, to do what is proposed here. Definitively what does the gentleman's amendment provide for? I did not hear it read.

Mr. MURPHY of New York. It provides that no funds in this bill can be used to remove the nuclear powerplant from the NS *Savannah*. This does not mean that it cannot be let us say, deactivated or defueled, but the nuclear propulsion plant cannot be removed from the ship.

Mr. LENNON. Mr. Chairman, I want to say to the gentleman that during the hearing, while the gentleman appeared before the committee and attempted to explain it, I did not understand this. A few minutes later I contacted the gentleman whose company happened to build this, Babcock & Wilcox, and I found out how we simply did not get the facts at the hearing.

I think it would be a tragedy for this Congress to pass this bill without the gentleman's amendment, which I favor, and then we should look into this.

Mr. Chairman, I commend the gentleman for what he is trying to do.

Mr. DOWNING. Mr. Chairman, will the gentleman yield?

Mr. MURPHY of New York. I yield to the gentleman from Virginia.

Mr. DOWNING. Mr. Chairman, I agree with the gentleman from New York and the gentleman from North Carolina. This ship has a mission to perform. I understand that to lay it up will cost in the neighborhood of $5 million.

Mr. MURPHY of New York. It is $4 million.

Mr. DOWNING. Mr. Chairman, I think we should all support the amendment offered by the gentleman from New York.

Mr. MURPHY of New York. Mr. Chairman, I thank the gentleman from Virginia.

Mr. GARMATZ. Mr. Chairman, will the gentleman yield?

Mr. MURPHY of New York. I yield to the gentleman from Maryland.

Mr. GARMATZ. What does the gentleman propose that we do with the *Savannah*?

Mr. MURPHY of New York. Mr. Chairman, the future of the *Savannah* and the future of nuclear power in our fleet should certainly be the subject of an intensive hearing by the Merchant Marine and Fisheries Committee, and perhaps with the cooperation of the Atomic Energy Commission, but I do not believe that bureaucratically we should see the *Savannah* completely dismantled and taken away without the Congress saying this should be done.

Mr. GARMATZ. I believe the Maritime Administrator said, if anything, the *Savannah* is outdated, and the nuclear powerplant could be installed in a new ship. I do not know what we could do with the ship if we take the plant out. We could leave it to rot.

No one has offered to run the *Savannah*. We have had requests, but none of them have any confidence. They will not run it unless the Government supplies all the money necessary. They can find no use at all for the *Savannah*.

It makes good sense for a new ship, but a new powerplant for the *Savannah* does not. It is outdated.

Mr. MURPHY of New York. The chairman is making the case for the amendment I have offered.

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent, Mr. MURPHY of New York was allowed to proceed for 1 additional minute.)

Mr. MURPHY of New York. The Maritime Administrator should have come before the committee and said that he was going to remove the nuclear powerplant from this nuclear ship. At that time he should have made the flat statement that an alternate type of plan would govern the future of the *Savannah*. Babcock & Wilcox, the company the gentleman from North Carolina just mentioned, built the reactor for the West German nuclear-powered ship, the *Otto Hahn*, a 15,000-ton freighter which is propelled by a much more efficient plant than the *Savannah*. I feel that this entire field is so complex that the Administrator could have made these statements to the committee but he did not at the time.

This should be the subject of hearings, and not just a bureaucratic disappearance of nuclear power from the American merchant fleet.

Mr. PELLY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the nuclear propelled ship *Savannah* has been in operation for 8 years. We have learned a great deal from it, but now it is a fact we have learned everything from it in the way of operation we need to know. The powerplant is completely obsolete.

The testimony was given to our committee that the administration planned to skip the second generation engine and go right to the third generation engine, and an up-to-date modern propulsion plant.

The Maritime Administration offered the *Savannah* for sale for $1 million, and there was not a taker.

It just seems to me, at least, that what we should do is lay it up and make plans for a modern type of vessel that can use nuclear propulsion.

The Maritime Administrator says there will be nuclear propelled ships in economical operation within 10 years. A 12,000-ton ship—and, as I recall, that is about the tonnage of the *Savannah*—is not the type of vessel for nuclear propulsion. What is needed under nuclear propulsion is a 200,000-ton vessel.

I believe we ought to plan for it, and have a modern engine designed, and in due course we will see, as has been testified, nuclear propelled ships that are efficient and economical.

Mr. LENNON. Mr. Chairman, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from North Carolina.

Mr. LENNON. Is not the real problem the fact that the Maritime Administration has a contract with a company down in Galveston, Tex., and that is where the cost is? If we can convince the Navy to take over this vessel, and put it in one of its nuclear-powered substations, we will have something tangible.

The gentleman said we offered to sell it for $1 million. I believe that is what the gentleman said, the Government offered to sell this vessel for $1 million. It would be better for us to give it to them, instead of turning around and spending $4 million to deactivate it. I say, let us keep it another 6 months or 12 months until we can persuade the Navy to take it over.

It is the only nuclear powered merchant marine vessel that represents the United States—the only one.

Mr. PELLY. I would like to respond to the gentleman.

Mr. LENNON. Yes, sir; I wish you would. Somebody should.

Mr. PELLY. I do not believe that our Navy should be acquiring obsolete vessels, whether they are obsolete cargo or obsolete naval vessels. I think what we should do is to lay up this vessel and have private steamship operators or the Department of Defense come up with a nuclear powered cargo vessel that would be worth something but not spend a lot of money on this obsolete one.

Mr. LENNON. Will the gentleman yield for another question?

Mr. PELLY. Yes. sir.

Mr. LENNON. You say they offered to sell it for $1 million. Let us give it away instead of spending $4 million to take out the nuclear plant. Let us have some company take it over free.

Mr. PELLY. I will say to the gentleman if any private shipping firm were willing to operate it at the losses per year that it would entail, I would be willing to give it to them.

Mr. LENNON. I would, too, but I do not want to have us spend more money on it than it would be worth. I do not think we should do this until we have investigated it and find out if a company will take it over free, with a free bill of lading from the Federal Government if they will operate it. We need the symbol of a nuclear vessel representing the United States. Other nations have it. Why should we not have one until we can build a more modern one?

Mr. PELLY. This is the first nuclear vessel that was built. It has served its purpose.

I respect the gentleman's views. He is on the Committee on Armed Services. If he can get the Secretary of the Navy to ask for it, I will gladly support it. But I do not think we should have any limiting language in this bill, because I do not think it is wise to keep this vessel in operation.

Mr. MURPHY of New York. Will the gentleman yield?

Mr. PELLY. I will if I have any time left.

Mr. MURPHY of New York. When the Maritime Administrator came before the committee he did not present any evidence or even make a statement that private companies had been solicited to take it off the hands of the Government.

Mr. PELLY. The gentleman is mistaken.

Mr. MURPHY of New York. I think this issue is so critical as far as the nuclear future of the American merchant marine is concerned that it should be the subject of hearings and we should not just let the vessel, which has cost hundreds of millions of dollars, disappear by bureaucratic fiat without the Congress authorizing its burial.

Mr. PELLY. We know that we have the wrong type of vessel and the wrong type of propulsion plant here. The proper thing to do is start all over again. Then we will have a new generation modern type of engine which will operate very large vessels; then is the time to support a nuclear vessel.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Murphy).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 21, noes 54.

So the amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Giaimo, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having under consideration the bill (H.R. 4724) to authorize appropriations for certain maritime programs of the Department of Commerce, pursuant to House Resolution 354, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. KASTENMEIER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 360, nays 11, answered "present"—0, not voting 61, as follows:

[Roll No. 58]

YEAS—360

Abbitt
Abernethy
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspinall
Badillo
Baker
Baring
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Carey, N.Y.
Carney
Carter
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clay
Cleveland
Collier
Collins, Ill.
Colmer
Conable
Conte
Corman
Cotter
Crane
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
duPont
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Grasso
Gray
Griffin
Griffiths
Grover
Gude
Hagan
Haley
Hall
Hammerschmidt
Hansen, Idaho
Harrington
Harsha
Hastings
Hathaway
Hawkins
Hays
Hébert
Heckler, Mass.
Helstoski
Henderson
Hicks, Wash.
Hillis
Hogan
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lennon
Lent
Link
Long, Md.
McClory
McCormack
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Martin
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Ohio
Mills
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pike
Pirnie
Poage
Podell
Poff
Powell
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quillen
Randall
Rangel
Rarick
Rees
Reid, N.Y.
Reuss
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Rooney, N.Y.
Rostenkowski
Roush
Rousselot
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schneebeli
Scott
Seiberling
Shipley
Shoup
Sikes
Sisk
Skubitz
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steiger, Ariz.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Charles H.
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—11

Aspin
Collins, Tex.
Conyers
Gross
Hamilton
Hechler, W. Va.
Kastenmeier
Lujan
Pickle
Roncalio
Schmitz

ANSWERED "PRESENT"—0

NOT VOTING—61

Abourezk
Alexander
Anderson, Ill.
Andrews, Ala.
Boland
Brown, Mich.
Camp
Casey, Tex.
Clawson, Del
Corbett
Coughlin
Davis, Ga.
Dowdy
Dwyer
Edwards, La.
Esch
Evins, Tenn.
Fascell
Flynt
Goldwater
Goodling
Green, Oreg.
Green, Pa.
Gubser
Halpern
Hanley
Hanna
Hansen, Wash.
Harvey
Hicks, Mass.
Holifield
Lloyd
Long, La.
McCloskey
McClure
McCollister
McCulloch
Mailliard
Mann
Mathias, Calif.
Miller, Calif.
Murphy, Ill.
Preyer, N.C.
Purcell
Quie
Railsback
Reid, Ill.
Rhodes
Rooney, Pa.
Rosenthal
Roy
Schwengel
Sebelius
Shriver
Slack
Steele
Steiger, Wis.
Symington
Talcott
Wilson, Bob
Wolff

So the bill was passed.

The Clerk announced the following pairs:

Mr. Fascell with Mr. Anderson of Illinois.

Mr. Evins of Tennessee with Mr. Steele.

Mr. Hanley with Mr. Mailliard.

Mr. Rooney of Pennsylvania with Mr. Corbett.

Mr. Rosenthal with Mr. McCloskey.

Mr. Andrews of Alabama with Mr. Camp.

Mr. Holifield with Mr. Bob Wilson.

Mr. Hanna with Mr. Del Clawson.

Mr. Mann with Mr. Esch.

Mr. Miller of California with Mr. Goldwater.

Mr. Wolff with Mr. Halpern.

Mr. Boland with Mr. Rhodes.

Mr. Alexander with Mr. Lloyd.

Mr. Davis of Georgia with Mr. Quie.

Mr. Dowdy with Mr. Talcott.

Mr. Green of Pennsylvania with Mr. Steiger of Wisconsin.

Mr. Purcell with Mr. Brown of Michigan.

Mr. Edwards of Louisiana with Mr. McCollister.

Mr. Casey of Texas with Mr. Mathias of California.

Mr. Abourezk with Mr. Railsback.

Mr. Slack with Mr. Sebelius.

Mr. Symington with Mr. McClure.

Mr. Long of Louisiana with Mr. Goodling.

Mr. Flynt with Mr. Coughlin.

Mr. Preyer of North Carolina with Mr. Harvey.

Mr. Murphy of Illinois with Mr. Gubser.

Mrs. Hansen of Washington with Mrs. Reid of Illinois.

Mrs. Hicks of Massachusetts with Mrs. Dwyer.

Mr. Roy with Mr. Shriver.

Mrs. Green of Oregon with Mr. Schwengel.

The results of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PELLY. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to revise and extend their remarks on H.R. 4724 and on H.R. 5352.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

THE 14TH ANNUAL REPORT OF THE HEALTH RESEARCH FACILITIES CONSTRUCTION PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–91)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed, with illustrations:

To the Congress of the United States:

I transmit herewith the 14th Annual Report of the Health Research Facilities Construction Program for activities during Fiscal Year 1969.

RICHARD NIXON.

THE WHITE HOUSE, *April 20, 1971.*

THE DAUGHTERS OF THE AMERICAN REVOLUTION

(Mr. WHITTEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WHITTEN. Mr. Speaker, in these days when it seems so many are not satisfied with growth and new ideas but want to destroy the sound things of the past, it is a real pleasure to review the wonderful dedication to our solid inheritance evidenced by the Daughters of the American Revolution.

In my own State, many fine people, too numerous to list here, have joined in this endeavor. This year's convention was presided over by Mrs. Dickson Peaster, first vice regent, serving in the absence of State regent, Mrs. Walter Johnson, who was ill.

One of my relatives, Mrs. Ione Brewer, has served in various local and national offices for this organization through the years as has one of my closest friends, Mrs. Lillie N. Henry of my hometown. Recently Mrs. Brewer sent me copies of the resolutions which were adopted at the State meeting of their society. They are excellent and only because of the space required and the resulting cost I shall not place their content in the RECORD in their entirety. But in bringing them together in my own words I want to state that this fine organization recognizes and in every action lends support to saving that which is good from the past, on which all future developments depend.

As I have pointed out on numerous occasions in talking to the youngsters of our Nation, the most recent occasion being a meeting of the class officers of the State of Mississippi, it would be a serious mistake for us to do everything exactly as our fathers and mothers did—just as it would have been a mistake for them to do exactly as their fathers and mothers had before them—for if such a course had been followed down through history, we would all be back to pre-civilization living.

On the other hand, it is equally as bad to strike down everything from the past without something better to offer in its stead. We need to build on the sound things that our ancestors made available to us. We do live in the moonship age but 999,999 of the 1 million things which made the flights possible were learned in the past.

Just as the DAR points out, we have a written Constitution in this Nation—written because the Founding Fathers recognized that in England, the mother country at that time, the judges—acting at the instance of the King in most cases—frequently announced the law for the first time, when there was no written document to prove or disprove its existence. Our forefathers thought this was taken care of when they produced a written document, a Constitution written in simple, everyday English—clear, concise, and reasonably short. Yet we have seen the errors of the past creep in, even with our written Constitution; and now the English language in it is held to no longer mean what it says but rather what each succeeding court wishes to say it means.

To date this has brought us to the point where law enforcement has broken down and many of our schools, including those in our Capital City, are providing almost everything except sound education according to those who work in the system. Now it appears that we are on the road to breaking down even further the things that have made our Nation great.

I hope the Members of this body—representatives of the people—will pause and pay tribute to the Daughters of the American Revolution, and take to heart the pledges of the members of that great organization:

> To perpetuate the memory and the spirit of the men and women who achieved American independence, to promote the development of an enlightened public opinion, and to foster patriotic citizenship.

These are the objectives of the Daughters of the American Revolution; and I commend them to you along with the resolutions of the most recent meeting which I shall file with the Clerk.

HOUSE DEMOCRATIC STEERING COMMITTEE PENDING PUBLIC WORKS PROJECTS

(Mr. MADDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MADDEN. Mr. Speaker, tomorrow the House will take up consideration of H.R. 5376, the appropriation to carry on the large public works projects which were originally enacted and expanded programs now pending. It is highly important that our Government immediately take steps to help finance the numerous and necessary public works projects which are now pending and waiting for the necessary funds for completion.

The House Steering Committee at a meeting previous to the Easter recess heard the testimony of the chairman of the Public Works Committee, Congressman JOHN BLATNIK, and I include his statement before our committee with my remarks. Other witnesses appeared before the House Steering Committee and the committee by a unanimous vote recommended that the Congress enact H.R. 5376.

The statement follows:

STATEMENT OF HON. JOHN A. BLATNIK

The House Committee on Public Works after extensive hearings during the period March 15th–19th, reported favorably H.R. 5376 on March 24th. This bill includes three Titles. Title I will reactivate the Accelerated Public Works Act of 1962. Title II will extend to June 30, 1973, the Public Works and Economic Development Act of 1965; and Title III will extend the Appalachian Regional Development Act of 1965.

Today we have over 5 million unemployed—despite the existence of a large backlog of public works—at federal, state and local levels. Unemployment payments are expected to exceed $5 billion in 1971. The President's budget for 1972 is not expected to improve the situation significantly. In fact, as we approach the end of the first quarter of 1971, the prospects for revitalizing the President's economic forecasts appear to be dimmer than they were when the Budget and Economic Report were first presented. Unemployment would be reduced to about 5% by December 31, 1971. This goal is far from satisfactory in light of the objectives of the Employment Act of 1946.

The purpose of Title I of H.R. 5376 is to extend and to modify the Public Works Acceleration Act of 1962 to meet the economic conditions confronting the nation in 1970. This program was created in September 1962 to stimulate the construction of Federal and local public works for the dual purpose of increasing employment in areas of greatest need and helping communities to provide the basic facilities such as water and sewer works, hospitals, road improvements, public buildings, and the like required to meet the needs of their citizens and at the same time pave the way for the further expansion of employment. The 1962 Act authorized the appropriation of $900 million to undertake Federal projects authorized by the Congress and to make 50% grants (or up to 75% in special hardship cases) for needed state and local public works.

Title I of H.R. 5376 would authorize the immediate appropriation of an additional $2 billion for these grants, broaden the criteria for designating eligible areas, and liberalize the conditions under which assistance can be extended—all to the end that this Act may more effectively assist in attaining increased employment opportunities in those areas, both urban and rural, suffering persistent or substantial unemployment or underemployment. Areas designated by the Secretary of Commerce include "redevelopment areas and economic development centers," and those areas which the Secretary of Labor designates each month as having been areas of substantial unemployment for at least six of the preceding 12 months.

Unlike the Economic Development Act, Title I is intended to provide for the construction of projects that can be built quickly and therefore do not require extensive long term planning as do the projects constructed under the Economic Development Act of 1965.

It is intended to put people to work quickly and to utilize resources now used for unemployment compensation and public assistance payments for gainful employment in constructing badly needed public facilities at all levels of government—Federal, state and local.

Also under Title I the Federal Government would be able to contribute up to 80% of the cost of the project; also if the state or local government unit does not have effective taxing and borrowing capability to assume a share of the financial obligations required, the grant may be increased up to 100% of the cost of the project.

Title II extends the Public Works and Economic Development Act of 1965 for two years. The total cost of the extension is $1.9 billion. In addition it proposes modification of the criteria used for the purpose of designating redevelopment areas.

Title III extends the Appalaehian Regional Development Act for four years except in the case of highways which is extended for a five year period. Additional authorizations are also proposed for airport safety and to institute a pilot program for rural waste clearance. There are also a few technical changes. The cost of this extension of the Appalachia program is $1.5 billion.

The Committee does not propose Title I as a panacea to solve all economic ills. Budget, monetary, and economic policies must also be fully utilized if we are to attain full employment. However, based on the accomplishments under the Public Works Acceleration Act of 1962, the Committee believes that it can provide gainful employment for people who want to work, and also stimulate the economy.

PROPOSED INCREASE IN SOCIAL SECURITY BENEFITS

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute.)

Mr. BURKE of Massachusetts. Mr. Speaker, I am refiling my bill today and I have 43 cosponsors of this legislation to amend title II of the Social Security Act to provide for a 50-percent across-the-board increase in benefits thereunder, with the resulting benefit cost being borne equally by employers and employees and the Federal Government, and to raise the amount of outside earnings which the beneficiary may have without suffering a deduction from his benefits up to $3,000.

Mr. Speaker, this bill is long overdue. The present recipients of social security are frozen into a rather miserable position with inadequate checks. What does a 50-percent increase on $70 a month mean? It just means that the benefits will be increased to $105. If he is receiving $90 per month, it will go up to $135 per month. This, to me, seems to be a very meager amount.

Mr. Speaker, I include at this point in the RECORD the honor roll of those Members who are in favor of adequate social security benefits and who are cosponsoring this proposed legislation:

SOCIAL SECURITY HONOR ROLL

Cosponsors to legislation to amend title II of the Social Security Act to provide a 50 percent, across the board increase in benefits thereunder, with the resulting benefit costs being borne equally by employers, employees, and the Federal Government, and to raise the amount of outside earnings which a beneficiary may have without suffering deductions from his benefits to $3,000:

Frank Annunzio, Illinois.
Edward P. Boland, Massachusetts.
Frank J. Brasco, New York.
Phillip Burton, California.
James A. Byrne, Pennsylvania.
Hugh Carey, New York.
Charles J. Carney, Ohio.
Shirley Chisholm, New York.
Frank M. Clark, Pennsylvania.
George W. Collins, Illinois.
Jorge L. Cordova, Puerto Rico.
Ronald V. Dellums, California.
Don Edwards, California.
Daniel J. Flood, Pennsylvania.
Donald M. Fraser, Minnesota.
Ella T. Grasso, Connecticut.
Kenneth J. Gray, Illinois.
William J. Green, Pennsylvania.
Seymour Halpern, New York.
Michael Harrington, Massachusetts.
William D. Hathaway, Maine.
Ken Hechler, West Virginia.
Henry Helstoski, New Jersey.
James J. Howard, New Jersey.
Edward I. Koch, New York.
Ray J. Madden, Indiana.
Ralph H. Metcalf, Illinois.
Parren J. Mitchell, Maryland.
Thomas E. Morgan, Pennsylvania.
Robert N. C. Nix, Pennsylvania.
David R. Obey, Wisconsin.
Alvin E. O'Konski, Wisconsin.
Thomas P. O'Neill, Jr., Massachusetts.
Edward J. Patten, New Jersey.
Claude Pepper, Florida.
Bertram L. Podell, New York.
Benjamin S. Rosenthal, New York.
William F. Ryan, New York.
Fernand J. St Germain, Rhode Island.
Robert O. Tiernan, Rhode Island.
Charles A. Vanik, Ohio.
Charles H. Wilson, California.
Clement Zablocki, Wisconsin.

ORDER AND PROGRESS: BRAZIL FROM MONARCHY TO REPUBLIC

(Mr. CAFFERY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous material.)

Mr. CAFFERY. Mr. Speaker. America, a national weekly published by Jesuits of the United States and Canada, in the December 12, 1970, issue, published an evaluation of Gilberto Freyre's most recent book, "Order and Progress: Brazil from Monarchy to Republic," A. A. Knopf, prepared by our friend and Acting Chaplain of the U.S. House of Representatives on Pan American Day for 28 consecutive years. The book review may be described as one of exceptional value because it helps to throw light on the background of the Brazilian people and their government, a subject of perennial interest and importance for the people and Government of the United States.

It may be mentioned that Father Joseph F. Thorning, Ph. D., D.D., is the U.S. honorary fellow of the Historical and Geographic Institute of Brazil. Moreover, on two occasions, he served as on official member of U.S. Special Diplomatic Missions to Brazil, assignments which won him warm commendations from the leaders of both countries, irrespective of party.

In the opening chapter of one of his own books, Dr. Thorning related the facts about the brilliant record of Ambassador and Mrs. J. H. Jefferson Caffrey during the critical years the latter served in Brazil. The same book, entitled "Builders of the Social Order," featured an exclusive interview, initially published in the Washington Post and then incorporated in the book, with the world renowned Foreign Minister of Brazil, Dr. Oswaldo Aranha, who later was elected President of the General Assembly of the United Nations. A granddaughter of Dr. Oswaldo Aranha, Mrs. Carlos Edwardo Paes de Carvahlo, now resides in Washington, D.C., while her husband holds a highly responsible position as Secretary of the Brazilian Embassy.

I submit Dr. Thornig's comment about "Order and Progress: Brazil From Monarchy to Republic" by Gilberto Freyre to be included in the RECORD together with a letter, published in America on January 16, 1971, under the signature of Brazilian Cultural Counselor Marcel D. C. Hasslocher, now stationed in the Brazilian Embassy, Bonn, Germany.

[From America, Dec. 12, 1970]

"ORDER AND PROGRESS: BRAZIL FROM MONARCHY TO REPUBLIC"—GILBERTO FREYRE

Gilberto Freyre, born in Pernambuco, established his reputation as an anthropologist and social historian by *The Masters and the Slaves* and *The Mansions and the Shanties*. The third volume in this series is *Order and Progress*. The author aims to complete his survey of Brazilian patriarchal society in a fourth book tentatively named *Tombs and Shallow Graves*.

The present work, covering some 50 years of history (1870–1920), describes in depth the transition from the Empire of Pedro II to the Republic, proclaimed in 1889. Paradoxically, the dethronement of Pedro II was triggered by the "Golden Law" emancipating the slaves, signed by the Emperor's niece, Princess Isabel, while her uncle was in Europe seeking medical treatment. Leaders of the new Republic, although retaining the green, gold, blue and white colors of their national flag, replaced the imperial coat of arms with a motto borrowed from the French Positivist, Auguste Comte, "Ordem e Progresso." In short, men of the quality of Joaquim Nabuco, Ruy Barbosa, the Barron of Rio Branco and Benjamin Constant da Magalhães, in recognizing the imperatives of change, never lost sight of the tradition of order which had been "one of the country's strongest and most unique characteristics," differentiating it from tendencies toward fragmentation in Spanish America. It is the author's contention that, after 1889, Brazilians brought about a workable combination of disparate elements: a democratic form of government, an aristocratic society and ethnic equality. As a result, Brazil attained "a cultural level" comparable to that of "the most civilized nations of the temperate zone."

Order and Progress is enriched by testimonies and impressions gathered by the author from a wide variety of contemporary national and international observers. Viscount James Bryce, for example, referring to the Brazil he knew at the turn of the century, wrote that he had found among Brazilians a far greater affection for their national literary traditions than in the corresponding countries of Hispanic America. Georges Clemenceau, who visited Brazil a few years later, placed a high value on advances in science, music, public health and techniques for the valorization of the huge coffee crop. The French statesman, like many another European, was familiar with the literary achievements of Joaquim Machado de Assis, Manuel de Oliveira Lima, Jose Verissimo, Euclides da Cunha and numerous other Brazilian intellectuals.

The period analyzed in this study was one dominated by the cultivation of sugar, cattle, cotton, rubber, cocoa, fruit, wheat and other farm products. Consequently, the author furnishes many insights into the psychology of plantation workers, sugar-mill owners, country squires, rural and urban merchants. These personalities had their counterparts among Brazilians who emerged as leaders in the growth of industry, in the much-needed revitalization of religious institutions and among men and women active in education, public welfare movements and politics.

In his chapter on "Catholicism and Progress," Professor Freyre credits the most effective leadership in this domain to "Catholic laymen." Outstanding in this role was Carlos Alberto de Meneses, general manager of a textile industry in Pernambuco. Thanks to his initiative, a large workers' corporation was organized in 1900. Freyre relates that this group represented "a mixed syndicate of management, office staff and factory workers from the highest executive to the most humble laborer." De Meneses, an engineer-entrepreneur, inspired the first Catholic cooperatives in Brazil. He also founded the Federation of Christian Workers at Recife in 1902.

The few typographical errors in "Order and Progress" are not the responsibility of Gilberto Freyre. Otherwise, superb is the word for the editing and translation by Rod W. Horton, professor of English at Temple Buell College, Denver, Colorado. The latter provides an enlightening historical outline and a note on monetary values.

JOSEPH F. THORNING.

RESPONSIBILITY FOR HIGH INTEREST RATES

(Mr. PATMAN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the question is being raised as to who caused the high interest rates. The truth is that under the administration of President Roosevelt and President Truman, the long-term interest rates did not go above 2.5 percent.

With the commencement of Mr. Eisenhower's administration, efforts were made to raise the rates and that almost caused a depression; so the action was held back a little while, but then it commenced for good. Mr. Eisenhower, as fine and as great a man as he was, a wonderful hero, did not claim to know anything about economic matters. He said the Federal Reserve was above Congress and could do anything it wanted to—and it did. Mr. William McChesney Martin was Chairman of the Federal Reserve at that time.

Of course, Mr. Martin took the President's attitude to mean that the sky would be the limit, and during President Eisenhower's administration the interest rates jumped up and up. Then, of course, it was impossible to get the rates back, and we have been suffering from the Eisenhower interest rate policies ever since.

Mr. Speaker, the monetary history of the United States proves conclusively that interest rates can be kept down in all types of economic conditions—if the administration and the Federal Reserve System so desires.

Nothing illustrates this better than an analysis of the period 1939 through 1952, a period which involved every conceivable type of economic condition. This is a period in which the Nation suffered severe depression, heavy wartime expenditures, massive postwar problems and a reentry into wartime conditions in the Korean episode. We had everything ranging from depression to strong inflationary pressures.

Yet, the Federal Government—under the administrations of Presidents Roosevelt and Truman—was able to keep interest rates down. In fact, the yields on long-term Government bonds were kept around 2½ percent and less throughout this period. And the average annual yield on 91-day Treasury bills never did exceed 1.76 percent in the 1939 to 1952 period. Obviously these low interest rates saved the Nation—the taxpayers—billions of dollars in interest charges. Once again, let me emphasize that these low rates were maintained in the face of impossible economic conditions. So people who argue today that high interest rates are necessary because of wartime conditions, because of inflation, or other economic conditions are just making excuses. We had all of these conditions in existence from 1939 to 1952 and we kept interest rates down. It could be done now if the administration had the courage.

Even more important is the fact that low interest rates were highly important to the post-war transition. As we moved from a wartime economy to peacetime—with millions of returning veterans—low interest rates contributed to the stability of the Nation. Veterans were able to buy homes, to enter small businesses, to go to school, and to enjoy the fruits of American life because of the economic conditions maintained through sane monetary policies and low interest rates.

This marked the only time in history that a major nation was able to move from a full-blown massive wartime economy to peacetime without suffering a severe and crippling recession or depression. The credit for this transition—without recession—can be attributed to the low-interest policies.

Mr. Speaker, this administration—even though it is Republican—could learn a lot by studying the efforts of President Roosevelt and President Truman to maintain monetary stability during this period of time. We cannot expect a successful transition to peacetime and a return to economic stability so long as the interest rates remain at their present high levels. It is unfortunate that so many politicians and monetary experts seem willing to accept the present high level of interest rates as "reasonable."

After a few interest rate reductions, they now seem willing to say that rates have bottomed out and that they will stabilize at their present levels. The present high level of interest rates are unacceptable if we really want economic recovery.

Mr. Speaker, I want to emphasize the public interest handling of monetary policy in the 1939–52 period. I hope the Members will study the following tables which show the interest rates maintained on long-term Government obligations and on 91-day bills during this period.

Yields on long-term Government bonds 1939 to 1952

[Percent per annum]

Year:	*Yield*
1939	2.36
1940	2.21
1941	1.95
1942	2.46
1943	2.47
1944	2.48
1945	2.37
1946	2.19
1947	2.25
1948	2.44
1949	2.31
1950	2.32
1951	2.57
1952	2.68
Average for 14-year period (1939–52)	2.36

Average annual yield on 91-day Treasury bills

Year:	*Yield*
1939	0.023
1940	.014
1941	.103
1942	.326
1943	.373
1944	.375
1945	.375
1946	.375
1947	.594
1948	1.040
1949	1.102
1950	1.218
1951	1.552
1952	1.766
Average yield (14-year period)	.645

These figures are even more startling when they are put up against the performance after President Eisenhower let William McChesney Martin take off the interest rate lid. Following are the yields on long-term government obligations during the Eisenhower years, 1953 through 1960, and the 91-day bill rates for the same period:

Yields on long-term Government bonds

Year:	*(Percent per annum)*
1953	2.94
1954	2.55
1955	2.84
1956	3.08
1957	3.47
1958	3.43
1959	4.08
1960	4.02

Average annual yield on 91-day Treasury bills

1953	1.931
1954	.953
1955	1.753
1956	2.658
1957	3.267
1958	1.839
1959	3.405
1960	2.928

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 15 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. Of the 10 largest dams in the world, the United States has built five.

FREE TRADE TRUTHS AND MYTHS

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 30 minutes.

GENERAL LEAVE TO EXTEND

Mr. DENT. Mr. Speaker, I ask unanimous consent that all Members of the House may have 5 legislative days in which to extend their remarks on the subject I am about to speak on.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DENT. Mr. Speaker, I take this time, although I do not intend to take the full 30 minutes, but I will be willing to answer any questions that may be asked of me regarding the subject matter I am going to discuss. I am going to talk about trade, so-called free trade, truths, and myths. This is a book written by a former official of the U.S. Government who had to do with trade, Howard S. Piquet.

I might say at the outset this book seems to me to be a highly impractical, utopian concept for a perfect world. Unfortunately, we do not live in a perfect world. Rather, it is an imperfect one populated by human beings. If this article is a sample of the advice that the United States has been operating under for the past years, it becomes clear why a favorable balance of payments in trade has dwindled almost to the vanishing point.

It also offers at least a partial explanation for some of the current unemployment.

The people of the United States came from all over the world. Their productivity stems from the free atmosphere that once prevailed in this country which allowed man to use his initiative and imagination without limitations and to be rewarded for his efforts. This is why the people of the United States in 200 years have accomplished more than all the other people in the entire world have in 2,000 years.

Another of the reasons the United States is the world's largest and richest market is the comparatively higher wages paid its people.

A careful reading of this utopian article seems to indicate that the people of the United States should willingly and magnanimously sacrifice their honestly won and tremendous advantages so that other lands can exploit the U.S. market.

Why should our people be expected to lower their high standards won by their own efforts? Should not the way be found that would allow the people of the United States to keep what is rightfully theirs and let the rest of the world profit by the U.S. example and raise its own standards?

Evidently, Howard S. Piquet, author of "Free Trade Truths—and Myths," is not aware of the drastic changes which have taken place in the world's economy since the depression, when our retreat from the Smoot-Hawley protectionist policy began.

In the 1920's and 1930's the United States, in spite of a higher standard of living than most industrial nations, could compete in world markets on manufactured goods because of superior technology, particularly in the field of automation. We no longer have that advantage.

The technology of industrial nations such as Germany and Japan is at least equal to and sometimes superior to that of our own. They have the equipment and very highly skilled people, and their advantage lies primarily in wages which are very much lower than those paid in the United States.

It is difficult to think of any manufactured article in which there is any significant labor content where the United States can compete. How, then, do we manage to enjoy a so-called trade surplus? It is primarily because we are exporting an enormous quantity of raw materials and agricultural goods.

I must take specific issue with statements such as: "We must avoid building protective fences around these weak industries and aggressively strive to open markets for lines of production in which we are strongest."

The steel industry and all of the steel fabricating industries can hardly be referred to as weak. However, in spite of the fact that we have the raw materials—Iron ore, coal, limestone, and so forth—we simply cannot compete with Germany, Japan and other countries when they wish to sell in the United States.

One could go on and on, listing various labor-intensive industries and seeing the same trend developing.

What about reducing wage costs? Do you know of any industry which has succeeded to any degree? In most cases—especially recently—wage costs have far outstripped productivity, with consequent inflation. This approach, although desirable, will not work.

Like most free trade writers, the author raises the specter of retaliation, overlooking the fact that most other nations now have much greater trade barriers than the United States, and it is we who would be retaliating and not vice versa.

I do not agree that import quotas, like tariffs, necessarily result in higher prices to consumers. Prices can be held down, and often are determined in domestic competition, by the lowest price seller. I agree, however, that tariffs yield revenue.

There is great danger that the specialty steel industry of the United States which is presently severely depressed could, within 5 years, be reduced to a very limited number of firms unless restraints are placed on the rising tide of foreign imports. Although we have been talking about this for some time, it is now clearly apparent to all that we are in a trade war.

It is startling to realize that the tremendous expansion program going on in the Japanese steel industries will by 1975 give Japan capacities far in excess of anything we are producing in the United States. In the stainless steel industry, Japan now has capacities exceeding those of this country. In addition, there is a substantial increase in capacity under construction in Europe, and more contemplated. I am not pointing a finger at Japan only—their data are readily available in print, and they are the largest importers.

Overall world capacity is anticipated to increase 27 percent in the next 5 years. Of even more importance to the specialty steel producers is the fact that in 1970 the Japanese Stainless Association estimated that their yearly output of stainless will be 1,200,000 tons. This is compared to one of the largest production years in U.S. history of 900,000 tons of stainless steel in 1969. In 1970, this was down to 700,000 tons. Further complicating the future is the fact that in 1971 another fully integrated Japanese stainless steel plant with an output of 20,000 tons per month will be in production.

This is a very somber picture considering the present import situation. In 1970, imports had already captured 66.5 percent of stainless rods, 53 percent of stainless wire, 34 percent of the stainless sheet business, and 11 percent of the stainless bar market. The experience is that when over 50 percent of a market is captured by imports, domestic producers are irrevocably impaired and can no longer compete.

That threat has since become so severe that on February 3, 1971, the international officers of the United Steelworkers of America, their district directors and local presidents joined in a conference with management teams from 32 of our country's specialty steel companies in Washington, D.C. Present also at the conference were Government representatives including the Department of State, the Commerce and Labor Departments, and the Tariff Commission.

Last July, I made the categorical statement that we were in a trade war. That war has now become so intensified that it is having dire consequences for all stainless and tool steel, low alloy steel and tubular steel producers in this country.

The earnings reports bear this out.

Many companies showed losses for 1970, others marked reduction in profits—some in the magnitude of a 34- to 200-percent drop from their previous earnings levels.

Crucible, of course, is a major producer of stainless, so that most of the data I will present to you directly reflects on our markets.

The effect of the rising tide of imports is felt not just on the volume of sales—imports also reduce price structures and weaken the ability of American producers to survive in an already troubled market.

Imports affect our ability to provide jobs, our ability to expand our facilities, our ability to carry out our obligation to be good citizens and support community projects.

I think you realize the need for corrective action, so that the stainless and tool steel industry does not fall by the wayside, as did many American producers of pottery, radios, electronic equipment, watches, shoes, textiles, and utensils.

The effect of foreign imports of specialty steel first became apparent in 1968. Through the efforts of our Congress, and negotiated by our State Department, a voluntary agreement was concluded with the European coal and steel community and the Japanese steel producers. This agreement called for a reduction of approximately 22 percent in tons of all steel imports shipped into the United States in 1969—from 18 million tons to a level of 14 million tons in 1969.

This agreement was to take into consideration existing product mix and geographical location. The language of the agreement read:

> During this period, Japan will try not to change greatly the product mix and distribution as compared with the present.

Subsequently, it was agreed that increases of 5 percent over rollback levels of each preceding year would be allowed.

I have statistics that show actual totals of all imported steel from 1964 to 1970. It shows the rapid growth in tons to the peak of 18 million tons, the reduction to 14 million tons and the further decline to 13,363,000 tons in 1970.

You can readily see the change in the dollar value of imports, reflecting the switch to large tonnages of stainless, tool steels, and other specialty steels with a higher cost per ton. I want to interject here that in 1969, specialty steel production in this country was only 1.1 percent of total steel tonnage, but represented 7 percent of the dollar volume of sales.

The fact is that the foreign producers did not live up to the agreement as it applied to product mix.

Chart No. 2, which I will include at the end of my remarks, shows that imports represented only eight-tenths of 1 percent of our domestic market in 1958 but had increased to 21 percent in 1970.

Statistics illustrate all stainless and tool steel imports from 1964 to 1970, exclusive of ingots, blooms, billets, and slabs. A large portion of these, of course, are converted in the United States into semifinished products and are shipped back to the country of origin. So, they are excluded from the data on this chart.

There was no major reduction of imports of stainless in 1969 although overall steel imports dropped to the agreed-upon level—this in spite of worldwide limited nickel supply.

It is important to understand that specialty steels are products requiring much higher inputs of manpower than basic steels. Specialty steels are melted in electric furnaces and vacuum furnaces; they require special equipment to process; they call for a much higher degree of technology. Generally, manhours in specialty steel are six to eight times the manpower required for carbon steel.

On the average, labor costs account for 40 percent of every sales dollar. These costs can range from $350 to $4,000 per ton of product.

As such, stainless and tool steels are abnormally vulnerable to import competition. In the United States, the effect of high labor costs in these products cannot be overcome through belt-tightening and capital investment alone.

As an illustration, table No. 1 shows the labor cost as of 1967 between the United States and various competitors in the steel industry. Although there have been wage increases of substantial magnitude in foreign countries, it had been hoped that their catching up in costs of living and inflationary cycle would bring them closer to that of the United States. Unfortunately, our galloping inflationary wage levels have not made this so. Wage increases are well in excess of increases in productivity. You will see for example in 1967 the difference between United States and Japanese wages was $3.54—increased to $3.88 in 1970—with West Germany, $2.79—increased to $3.13 in 1970—and with France, $3.11. In 1970, U.S. employment cost was $5.68 per hour versus $5.375 per hour in 1969, $5.03 in 1968, and $4.758 in 1967.

As Roger Ahlbrandt, president of Allegheny Ludlum Industries, said at the Washington conference:

> Price, and price alone, is the basic reason foreign steels undersell domestic steel 15 to 20% here in the United States.

Let us look further at what this surge in imports means to us. Statistics show from 1958 to 1970. In 1958, three-tenths of 1 percent of the domestic market was imported steel, as compared to 34 percent in 1970. I have statistics that show a more detailed look at this increase. Here, a marked reduction in domestic shipments can be seen, and the marked increase in imported tons is readily apparent. Only the nickel shortage in 1969 temporarily halted the increase in imports.

Statistics illustrate hot and cold rolled imports show this growth factor even more clearly.

How do these figures compare with the agreed-on voluntary limitations?

In 1968, imports of stainless and tool steels totaled 141,645 tons. In 1969, under the agreement, there should have been a 22-percent reduction. Actually, foreign producers exceeded their quota by 27 percent. In 1970, the quota was exceeded by 39 percent.

In imports of cold rolled sheets, quotas were exceeded by 16 percent in 1969, by 34 percent in 1970.

Hot and cold rolled sheet and strip—the quotas in 1969 were exceeded by 35 percent, in 1970 by 51 percent, as the statistics show.

I also have statistics that show imports of stainless steel by country of origin. From 1964 to 1970, Japan increased its imports by 56 percent. If we excluded the categories of ingots, blooms, billets, and slabs—mostly from Canada for conversion—of course, this percentage figure would be much greater.

Let us look at a few other items. Imports have already captured 66.5 percent of stainless rods, 53 percent of stainless wire, and 11 percent of the stainless bar business. Statistics show what the effect has been on tool steels. Here it can be seen that imports have gone from 8.3 percent in 1964 to 16.9 percent in 1970.

Another area of particular concern is seamless stainless and heat tubular products, as well as welded stainless tubular products.

For seamless stainless tube, current domestic production is about 18,000 tons per year. In 1970, imports were about 6,400 tons, or 35 percent of the domestic production. In welded stainless tubular products, production in the size range of three-eighths inch through 4.5 inch in diameter in 1970 was about 28,000 tons. Imports in 1970 were about 4,600 tons, or over 16 percent of the domestic market. This is about double the imports of 1968, as the figures will show.

The facts of life are that steel technology and worldwide availability are such that, with the exception of a few exotic grades of steel, the basis for competition is price and price alone.

In this specialty steel industry, we can estimate that payrolls are on an annualized basis of $400 million and purchases of raw materials and supplies are in the magnitude of over $600 million a year. Of course, the effect on suppliers and subsidiary firms such as machine shops, fabricators, and transportation is manifold more than this cost. Other specialty steel producers include: United States Steel, Armco, Allegheny Ludlum, Carpenter Steel, Cyclops Corp., Latrobe Steel, Vasco Steel, Jessop, Washington Steel, Sharon Steel, Joslyn, Ingersoll, Eastern, Babcock & Wilcox, Bethlehem, Braeburn, Columbia Tool Steel, Jones & Laughlin, McLouth, and Republic. These firms employ many thousands of people. In Pennsylvania, whole communities like Midland, Brackenridge, Latrobe, and Washington are dependent upon this industry.

I suggest that our Government's policy on reciprocal trade was designed for circumstances that no longer exist.

We live in a different world than we did a few years ago. Then we were rich in resources and our technology was far ahead of other nations so that we could afford our higher labor costs. Free trade and no tariff barriers or quotas were distinctly to our advantage then. Our exports exceeded our imports. Conditions have changed slowly, but drastically. We are now an importer of most of our needed minerals. We are short on energy sources—gas, oil, high grade coal, and electricity.

Massive infusion of American dollars and technical know-how have made the industries of the overseas producers and combinations of producers equal or superior to our own. It is time we thought in terms of protecting our employees and our industries, stockholders, and taxpayers before it is too late.

To be effective for the specialty steel industry, import restrictions must be by "product form" and limited to dollar amount rather than tons. We are asking for a system of voluntary restraints limiting specialty steel imports to 10 percent of the domestic market in each product form. Our foreign friends have no compunctions about restricting, limiting, or prohibiting our exporting to their countries.

As you know, U.S. producers pay full income taxes, receive no export rebate, do not benefit from loans to cover the cost of extending credit, do not receive low-cost capital equipment loans or rapid depreciation allowances. In some foreign nations—Japan is a good example—the steel industry receives actual subsidies from Government. Their expansion into the world market is a joint effort—cartel—of the Japanese Government and Japanese business. The European Community Market provides protected markets for its member countries. We are not a member and many markets are closed to us. A vast number of industries now demanding full access—and getting it—to American markets were created by U.S. loans or outright gifts for which we are still paying taxes. We as American taxpayers are bearing the expense of defending other countries. In the case of Japan, this is around 80 percent. Our workers are also paying substantial income taxes for the defense of Europe.

Many knowledgeable people in our industry believe that, although great efforts are being undertaken to obtain adherance to the voluntary agreement in its third and last year, Japanese and European producers will not make any changes in their practices unless they are forced to do so. All their marketing efforts today indicate that they will put their emphasis on an increase in selling effectiveness and a decrease in their pricing.

Joseph P. Molony, vice president of the United Steelworkers of America, has put forth a three-point program at the meeting in Washington which I think deserves our close attention and support.

Mr. Molony advocates a rigid enforcement of the voluntary agreement in its third year; he recommends an extension but also an improvement of the agreement for another 2 years; and third, he proposes that legislative quotas be imposed if the voluntary agreement is not extended.

I might say that Mr. Molony's program was completely endorsed by all management and union representatives at the Washington conference.

An aggressive, expansionist policy carried out by Japan and the European steel community countries now threatens the very existence of an industry vital to our national security if allowed to continue unabated with controls or duties.

It is better to practice preventive medicine now rather than resuscitate a dead patient. Many Members of Congress think so, the unions think so and industry thinks so. It is hopeful that the executive branch of our government will insist on the necessary action and that legislative quotas will be made by Congress. Free trade must be fair trade.

I include the following table:

TOTAL STAINLESS (INDUSTRY DATA)

	Exports (tons)	Estimated imports (tons)	Imports as a percent of domestic market
1958	14,740	3,705	0.8
1959	17,666	6,925	1.1
1960	41,281	14,081	2.6
1961	32,974	12,577	2.3
1962	37,737	27,102	4.4
1963	61,588	55,589	8.5
1964	75,554	79,352	10.2
1965	55,008	112,868	12.0
1966	55,777	135,327	13.4
1967	65,771	149,321	16.2
1968	51,363	171,871	18.3
1969	41,323	182,224	17.3
1970 (estimated)	47,813	178,885	21.2

Source: U.S. Bureau of the Census and AISI.

Someone tell me in this day and age which lines of production we are strongest in. The steel industry and all of the steel fabricating industries can hardly be referred to as weak organizations, as weak industries. However, in spite of the fact that we have the raw materials, iron ore, coal, limestone, and so forth, we cannot compete with Germany, Japan, and other countries when they wish to sell in the United States. The only limit to the importations into this country is the limit of other countries to produce. Nothing else holds them back, and as fast as they are able to produce they find a ready market in the United States. One could go on and on.

What about reducing wage costs, we are told? Do you know of any industry which has succeeded to any degree, and in most cases especially recently, in reducing wage costs. Wage costs have very far outstripped any other area or period in the history of this country because of the fact that living costs have gone up, not primarily because of wages which, perhaps, contribute to it, but wages usually follow the high cost of living but do not induce it.

Like most free traders, of course, they always fall back on the old, old cliche, "How can we exist in a world isolated from the rest of the world?"

We are not asking for isolation. We are not asking that we be set aside as a people of our own. But, we are refusing to participate, and this individual is refusing to participate any longer in a program of affluency for the American people in the matter of the provision of goods and production of goods for their use from people that are enslaved all over the world, at wages that were never paid in the balmiest days of wage exploitation in the United States.

I just came from a foreign country 3 weeks ago, and I found there a plant producing for the United States of America a product that is more American than anything you can think of—baseballs for the recreational and playground leagues that play throughout the United States. They were paying the workers in that factory $1 a day for men and 70 cents a day for women, and the women had to hand-sew 40 major league baseballs an hour.

Who were these workers? I will tell you who they were—they were the descendants of slaves that we bought from southern plantations in an attempt before the Civil War to send out of this country the slaves that had been brought into it by buying them from the plantations in the South, and sending them to this country. They have now populated that nation.

Here we are, we who destroyed slavery in America, and rightfully so, providing for ourselves the labors of these same slaves today without blinking an eye, without standing up once and saying in fairness, "What has gone wrong? Where are we? What has happened to us?"

There is not a line of endeavor from the largest manufactured product and production facility to the weakest in this entire country that is not hit by this scourge of imports from foreign low-wage industries.

Mr. GAYDOS. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield to my colleague from Pennsylvania.

Mr. GAYDOS. Mr. Speaker, I am familiar with what the gentleman is speaking of, and would the gentleman tell us what those baseballs were sold for in that country, and also in this country?

Mr. DENT. I understand that they sell for $3.75 apiece here. I bought one on the open market down in this little country at a gift shop for 25 cents.

Mr. GAYDOS. Would the gentleman yield further?

Mr. DENT. I yield further to the gentleman from Pennsylvania.

Mr. GAYDOS. What is the average wage for the workers who produce those baseballs?

Mr. DENT. First I would like to give you a little history. When I was a young man in the U.S. Marine Air Corps I served 2 years in this country I spoke about, and at that time they were paying labor a gourde, which was their dollar, which had a value of 20 cents American money, and that is still the value of a gourde today. We employed these people at the air base, and paid them 40 cents, or 2 gourdes a day. However, the top wages were anywhere from 3 to 4 gourdes, and the top wages today are 4 to 5 gourdes for men.

I stayed in a hotel there, and my bill was something like $32 a night, and they were paying the help $1 a day for the men and 80 cents a day for the women. If one hotel room was rented for one night it paid the entire wages for the whole kit and caboodle of all of the help they had in the place.

Mr. GAYDOS. Mr. Speaker, will the gentleman yield further?

Mr. DENT. I yield further to the gentleman from Pennsylvania.

Mr. GAYDOS. Is the gentleman making the point, then, that the workers are now getting gored by the gourde?

Mr. DENT. They are getting gored by the gourde. For 30 years the glass industry of the United States complained to Congress because of the impact on their particular industry of cheap imports. For 30 years the glass industry appealed through the Tariff Commission of the United States for relief, and to the President and to the Congress. For 30 years not one word of help or encouragement was given to the glass industry. For 30 years not one bit of help came from this Congress or any other Congress, and not one bit of help from any President, or the Tariff Commission.

Finally, after closing down some 36 of the 41 glass plants in America, I read where the Tariff Commission has finally found that American glass producers are being injured by Japanese glass imports. However, this notification came too late. That is just one instance.

In Laconia, N.H., the New Hampshire Ball Bearing Co. said that 100 workers would lose their jobs permanently as a result of the plant shutting down. And this ball bearing company has been up in New Hampshire since time immemorial.

They have complained and asked for relief from the Tariff Commission. This is the irony of it—a White House decision to provide protection to this American miniature ball bearing industry which was announced last week came too late, with too little.

Do you know what it costs to maintain the workers and their families on welfare? You hear of the cost of welfare. We, in the Congress, are hounded every day by demands that we cut out welfare. What do you do with the families of those 100 people? Their jobs have been taken by foreign workers. I say this country cannot survive and it will not survive. The things I said 10 years ago were laughed at and, yet, not one has failed to come true. Even the worst predictions I made were not even up to 90 percent of the havoc that has been created in America by excessive imports.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. DENT. I gladly yield to the distinguished gentleman from Massachusetts.

Mr. BURKE of Massachusetts. Mr. Speaker, I want to associate myself with the remarks of the distinguished gentleman from Pennsylvania when he was pointing out where baseballs for Americans are being manufactured today.

I would also for the edification of the Members here inform them that you cannot buy an American-made baseball glove in the market today. I have looked through many of the stores in this Nation and I fail to find any baseball gloves being manufactured in our country today.

When the gentleman is talking of wages in Korea—the average wage of a male worker in the shoe factories and in the textile factories and the electronic firms, is 10 cents an hour for male workers.

The average wage of a female worker is 7 cents an hour.

The average wage for a 10-year-old child—and they have them standing on boxes there working, is 6 cents an hour. These plants in Japan, the manufacturing industries in Japan today, are now building factories in Taiwan and Korea. They will not allow those goods to come into Japan, but they are manufacturing them there so as to take advantage of the low tariffs in this country and they are glutting our markets with all of these goods and creating high unemployment throughout the Nation.

Mr. Speaker, I want to commend the gentleman from Pennsylvania. He has been in the vanguard fighting and bringing the attention of this Nation to this great problem. He deserves a great deal of credit for his fine statement here today.

Mr. DENT. I thank my colleague.

Mr. Speaker, I will not take too long because we have others who are interested and who want to take part in this discussion.

But I want to point out a very serious matter that faces us now. If we can convince the Congress and if we can convince the President by executive order or the Congress by action on this floor legislatively, then we can save this industry I am talking about. But, if we cannot convince them, believe me when I say here today that this Nation will be incapable of having any kind of economic prosperity industrially and in time of war we could no longer stave off defeat than a man can fly to the moon on a paper kite. This industry is the basic industry of all manufacturing in this line—heavy, intermediate, soft goods, hard goods or whatever you want to talk about—the tool steel industry of the United States—the special steel industry is the basic ingredient for an industrial complex to survive in any business or war.

Let me show you what has happened in 2 short years. In 1969 the specialty steel imported into the United States was 1.1 percent of American consumption.

In 1971 the specialty steel industry was impacted by nearly 71 percent.

Today by the end of this year, three companies I know of, and I will not mention their names because I do not want to start a wave of stock selling that may shove them down the drain before their time comes—by the end of this year three major tool steel companies will go out of business unless we do something now—right now—and not tomorrow.

Let me show you why this is so. The differences between the wages of a steel worker in Japan and they are largest and most destructive competitors—the difference between the Japanese wage and the American wage including fringe benefits is $4.20 an hour. Just using the $4 figure in order to make our arithmetic very easily understood—it takes 6,000 men to produce 1 million tons of ordinary carbon steel.

It takes 13,000 men to produce 1 million tons of tool steel, specialty steel. So using just the figures for carbon steel, which is the lowest cost steel, 6,000 men working at $4 an hour differential results in $24,000 in one day. I used the figure $3.80, and it comes out to $48 million a year, which represents the difference in wages paid in Japan and the wages paid in America to steelworkers. Because of the difference between steel imports and steel exports, 146,000 Americans were out of work last year in the steel mills.

For every American worker who loses his job in production, three other workers—in Government, in service industry, in education, in the professions, and in the nonproduction industries—lose their jobs. So instead of having 140,000 workers out of work because of steel imports alone in this country, we find ourselves in the position of having 560,000 workers put out of work by the imports of steel alone.

Let us talk about ceramics. Ninety-three percent of all tableware you put on your table is imported. Sixty-eight percent of all the beautiful plywood they sell throughout the country for home and institutional decorations all over the country is imported.

My friend from Massachusetts has spoken about the shoe industry. In the months of January and February there were 28 million more pairs of shoes imported into the United States than there were last year in January and February. By the end of this year, every man, woman and child can be fitted with three pairs of imported shoes.

Now, it is all right for us to say, "Well, we have got to live with our neighbors." We want to live with our neighbors, but they have got to learn one thing. The basis of America's growth, the basis of the affluency of this society, the basis of the greatness of our entire concept of a democracy has been the fact that we recognize that along with high production there had to be high consumption, and the only way you can get high consumption is to pay wages.

These countries can produce. They have the same facilities we do. They have the same kind of people we have. There is no question of their productivity per man. But they cannot consume. How can you expect the steelworker in Japan to consume the goods that a steelworker in America consumes?

I have a great deal of criticism of American labor. I came from labor. When a man making $5.20 an hour stands up and demands the right to buy a shirt made by a Hong Kong worker who is paid 17 cents to 19 cents an hour, he is not honest, he is not fair, because the shirt worker in America making $2.40 an hour is entitled to a living in this country.

I do not say that we owe you a living. I do not say the country owes me a living. But it is my concept the country owes me an opportunity and every other person in this country willing to work an opportunity to work.

To show you the inconsistency of the thinking of free traders, free traders will march up here and be the first to vote against opening up immigration. They do not want to open up immigration because, you see, if we let too many people come into the country, there will be too many persons looking for jobs, and they will take the jobs of our American citizens.

What is the difference? What is the practical difference in this economy? If you do not allow a foreign worker to come into the country to take your job, then why do you allow the product he makes over there to come into this country, in turn, takes your job anyway?

I say in a final warning—and I say this to you, my colleagues, who are sitting here tonight, and there are darned few of you sitting here—I say most of you are in sympathy with this program and are in accord with my argument. But I want to say to you that unless we do something, the question of Vietnam will fade off into the shadows.

The question of our economic well-being will fade off into the shadows. The thing that will become the prime issue in the American Nation will be the question of jobs. Nothing takes the place of jobs.

If I could, I would enlist the young people in this country to change the direction they are flowing into and start worrying about their future. We are too old to worry about it. My future is behind me. Whatever I have been able to achieve I have achieved. Whatever I hope to do will be now an anticlimax.

This much I know, and I know it as sincerely as I am standing on this floor today, that we have more unemployment as such, we have more people today who are doing absolutely nothing in the way of creating or giving services or producing goods, than we have had at any time in our history.

We talked about Hoover. I talked plenty about him. I happened to be a Democrat, and I nailed across his back all the crosses I could during the depression, because I was a young man looking for a job, a young man with a family. But I want to say to all of you, I apologize to Mr. Hoover. He was a great manager compared to what we have today.

You see, he had this situation: Everybody who could breathe, everybody could walk, was counted as unemployed if he did not have a job. So he had a terrible unemployment situation. But he did not have 13 million people drawing relief. He did not have 11 million people being fed through the military services. He did not have 26 million people on social security, receiving social security payments. He did not have 10.8 million other workers working in the various governments under civil service, with guaranteed jobs and guaranteed income. He did not have all of these things.

If he were alive today, if he had the same conditions and the same laws and the same lack of supporting props in Government that he had then, the unemployment in this country would be so great that there would not be any apples to sell, because people would be stealing them.

I want to say to all of you, in spite of everything we have tried to say for 10 years, I am afraid that what my father said to me when I was a young boy is true. I told him about something that happened at Harrisburg when I was in the senate, and I said I was amazed by it, because the man who promoted the idea was a great educated man, and he had all kinds of degrees. My dad said, "You know, son, one of these days you are going to learn when schools are too free people get pretty darned dumb."

Mr. GAYDOS. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield to the gentleman from Pennsylvania.

Mr. GAYDOS. I should like to join my good colleague, who joined me in visiting Midland and the coal industry and the Crucible Steel plant. It is important that he not overlook what we found. I am calling my colleague's attention to the fact that we had indisputable evidence of the fact that we had a 50,000 job loss in the specialty tool industry since 1966.

Mr. DENT. That is right.

Mr. GAYDOS. I believe we also had very clear evidence regarding the stainless steel rod portion of specialty steel, and my colleague could expand on that.

Mr. DENT. That came about because of our State Department, which, of course, runs everything. It is the supervisory supercargo of our Government, running the war, telling when to bomb Vietnam or not to bomb Vietnam, telling when to pull the fellows out or when to put them in, telling them when to ship something out and when to ship something in. The State Department is becoming a supercargo department running everything in the country.

They negotiated a deal. They let the steelworkers sit down around the table for a couple of days, and they negotiated a deal with the Japanese and said, "Look, you are up to 18 million tons of imports of steel to this country. If you do not come to a voluntary agreement Congress is going to do something about it."

The Japanese knew we could not do anything about it. We are impotent when it comes to that, in that particular phase, in trade. We could not do anything about it. But they decided to go along.

Any time you find a Japanese who does not have a camera around his neck or an ace up his sleeve, he is a faker; he is not a Japanese, but maybe a Korean.

They went along and signed the agreement for the voluntary cutback, and went to 14 million tons of steel. They did. But I will tell you what they did. They were bringing in at that time tonnages of carbon steel, which is the lowest priced steel that there is.

Then in the next 3 years they shifted the mix of their exports to the United States into specialty steels which sell for dollars a pound compared to dollars a ton, and they succeeded in getting almost 50 percent more money for less steel because they shipped in the high-priced steel.

Mr. GAYDOS. Mr. Speaker, will the gentleman yield?

Mr. DENT. Yes. I am glad to yield to the gentleman.

Mr. GAYDOS. Are you saying, then, that the voluntary arrangement which has been in effect in this country with Japan and with some of the common bloc countries since 1968 is not working and is a farce?

Mr. DENT. It was a farce when it started and it continues to be a farce, and if they sign another one, that will continue to be a farce.

The cotton agreement was also a farce. For instance, it said that they would ship only so many billions of yards of cotton textiles into the United States, but the Japanese very cleverly covenanted them. Here is what they said. They said that any product that will come under the limit imposed by this treaty between this and other nations, including Japan, that that textile had to contain no less than 51 percent of cotton. So they shipped in I do not know how many billions of yards, and then all of a sudden we found ourseleves with twice as many billions of yards of textiles coming in. We complained, of course, and said "You have a voluntary agreement. This is your limitation. Look at what you are shipping in." "Oh," they said, "under the agreement it says 51 percent of cotton is all you count against the quota. So what we are doing is putting in 51 percent of man made fibers and 49 percent of cotton. There is no limit on it at all."

Anybody who makes a voluntary agreement with the Japanese ought to have his head examined.

INTERFERENCE WITH STEEL WAGE NEGOTIATIONS

The SPEAKER pro tempore (Mr. ROONEY of New York). Under a previous order of the House, the gentleman from Pennsylvania (Mr. GAYDOS) is recognized for 30 minutes.

(Mr. GAYDOS asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. GAYDOS. Mr. Speaker, no American, regardless of political affiliation, delights in disagreeing publicly with our President over issues of national importance. I think this is particularly true of those of us in the Congress who appreciate the demands of that Office and admire the courage of the man who holds it in view of the crucial decisions he is called upon to make. But, as elected Representatives of our people, neither can we be derelict in our duty to them. We must not remain mute when our President acts in a manner we hold to be detrimental to our constituents and to our Nation.

That is why I am here today because I cannot, as the Representative of one of the greatest steelmaking centers in the world, keep silent in the face of a raw and reckless display of power on the part of the President. I cannot ignore his interference into wage negotiations within the steel industry that could affect the lives of thousands of steelworkers in my 20th Congressional District of Pennsylvania and hundreds of thousands across the country.

President Nixon's veiled warning that steelworkers must cushion their request for wage increases and other benefits, or be accused of contributing to inflation, is a grossly unfair and unjustified attack upon hard-working Americans who seek only that to which they are entitled. They did not create the current high cost of living. They are not the villians of inflation. They are the victims.

I do not pretend to understand President Nixon's apparent antagonism toward the steel industry and the steelworker. But it is not a new thing. Three times in the past 15 months he has used either the industry or labor as a whipping boy. Three times he has threatened to use unrestricted foreign imports to force his will on the industry and its workers. It is a risk that steel, to date, has not seen fit to take because both labor and management well know the consequences could be fatal to one of our Nation's most vital industries.

By interceding in the negotiations between steel management and labor, Mr. Nixon may jeopardize what otherwise could be an amicable agreement by both sides. His meddling could destroy the spirit of collective bargaining which is the vital ingredient in any negotiation.

Perhaps unwittingly the President has driven a wedge between the two sides of the steel industry. He has succeeded, I believe, in driving them apart, creating a spirit of distrust and causing each side to stiffen their back. I am afraid they will refuse to compromise their respective positions and adopt instead the policy of unconditional surrender. Who would win or lose is anybody's guess. There are too many signs already that management and labor are girding themselves for a long and bitter fight. The President's interference may well prove to be the catalyst which will trigger a costly strike beneficial to no one.

He has implied the steelworker will be furthering the cause of rampant inflation by seeking wage increases and benefits already granted workers in other industries. I would not attempt to render an opinion as to what the steelworker is or is not entitled to receive in the upcoming negotiations. Mr. Paul McCracken, head of the President's Council of Economic Advisers, also has wisely declined to give any opinion. So should Mr. Nixon.

The question of wage increases and benefits is something to be settled by labor and management. That is what collective bargaining is all about. The talks should be, in fact must be, a free and unrestricted exchange of facts, positions and information between the parties involved. They do not need, nor should they be subjected to, the ominous shadow of the President looming over the negotiation table as a third party sitting in judgment over whatever decision is reached.

If the President is finally leaning to wage and price controls to curb galloping inflation, he has waited too long. Congress gave him the authority to do this in December 1969, but for reasons of his own he chose not to exercise that authority. Subsequently, but significant, the third party shadow was not present at the bargaining tables with the teamsters, longshoremen, auto workers, or construction workers when they negotiated new contracts over the past year. These unions were not made to toe the line, tone down their requests or face the wrath of the White House. The administration was conspicuous by its absence.

However, when it comes to steel negotiations it is a different story. Why should the industry and its workers be pointedly subjected to White House policy pronouncements in the form of an inflation alert when other industries were left to bargain without intervention. Is it because this administration and its advisors have deftly ignored statistics compiled by its own agencies which indicate that steelworkers are not cake eaters but bread and butter workingmen. These facts were published in the March issue of U.S. News & World Report. They include the average weekly pay of certain workers before taxes, their gain or loss over 1970 and their "real" pay after tax deductions. The information, the magazine reports, was compiled from data received from various sources, including the U.S. Departments of Labor and Agriculture, the Civil Service Commission, the National Education Association, and the Veterans' Administration. I will include the entire report at the end of my remarks but for the moment let us look at some of the winners in the battle for wage increases:

	Average weekly pay before taxes	Gain or loss over last year	"Real" pay after taxes
Federal employees	$193.70	+$21.75	+$12.49
Meatpackers	184.95	+20.00	+11.44
Construction workers	199.11	+18.11	+10.87
Soft coal miners	197.69	+15.15	+7.86
Oil refinery workers	198.23	+13.06	+5.61

Those were some of the winners, here are some of the losers:

	Average weekly pay before taxes	Gain or loss over last year	"Real" pay after taxes
Steelworkers	$169.22	+$1.17	$4.28
Aluminum workers	162.99	+5.43	−1.47
Tire factory workers	182.25	−6.47	−12.51
Farmers	98.80	−10.70	−11.85

What this means, of course, is there are many workers taking home fatter paychecks today but with less buying power. U.S. News & World Report points out one of the industries where the purchasing power has dropped is basic steel.

Why then has the steelworker been singled out for special Presidential pressure when he is doing nothing more than playing catchup ball in Mr. Nixon's economic game plan? Is he to be used as a stepping stone in the President's campaign to achieve a low-wage economy?

Whatever his reason, it seems the President has selected the steel industry and the steelworker for the guinea pigs in his experiment. It is not the first time he has tried to make it knuckle under to his will. In 1970 and again early this year, Mr. Nixon threatened to unleash a torrent of foreign steel upon the country, flooding the domestic steel market and drowning the American steelworker in the process, if the steel industry—Bethlehem Steel—did not roll back scheduled price increases. With such a gun to its head, and cocked, industry retreated and the President won his way. But at what risk? Was it really necessary for an American President to look to foreign nations for allies in a domestic confrontation?

Other Presidents have faced similar showdowns with the steel industry and did not go that far. President Kennedy, in 1962, "eyeballed" the industry into calling back price increases. President Johnson in 1965, vowed to give Government contracts only to those steel firms who held the line against price increases. They won their point and did it without threatening to put a major American industry on the sacrificial altar under a samurai sword.

This administration's past record fortifies my grave concern that the specter of foreign imports may well again be used to squeeze out a wage settlement in the forthcoming basic steel negotiations. To think otherwise would be unrealistic and a gross disregard for the facts; particularly, in light of the veiled threats of unrealistic price increases contained in the recent inflation alert issued by the Council of Economic Advisers. Should this occur, the loser is sure to be the steelworker and his family.

I am including in conjunction with my statement the following items which present in detail pertinent information and opinions regarding this subject matter. These reports include inter alia a news release by I. W. Abel, president of the United Steelworkers of America, press release dated April 13, 1971; press release by George Meany, president of the AFL–CIO, dated April 14, 1971; statement by George Meany, president of the AFL–CIO before the Subcommittee on Financial Institutions, dated April 7, 1971; excerpt from U.S. News & World Report, dated March 15, 1971; and an article from the Wall Street Journal, dated November 14, 1968:

NEWS FROM THE USWA

PITTSBURGH, Pa., April 13, 1971.—President I. W. Abel of the United Steelworkers of America (USWA) today issued the following statement on the inflation alert issued by the Council of Economic Advisers:

"A careful reading of the facts does not support the statement issued by the Council of Economic Advisers. The facts clearly demonstrate that Steelworkers have been the victims of inflation, not the cause of inflation. The facts clearly show that the purchasing power of Steelworkers has declined. Therefore, Steelworkers have no intention of acquiescing voluntarily in any effort that would deny them an equitable settlement in negotiations with the Basic Steel Industry. The collective bargaining policy of our Union has been formulated and we intend to implement it at the bargaining table.

"The average worker today is on the short end of the economic stick because of the disastrous economic policies of the present Administration which have given us both inflation and unemployment. It seems to me that the Administration is trying to cover up its failures by singling out the worker as the fall guy. Instead of proposing programs to restore the purchasing power of workers and put America back to work, the Administration busily engaged in granting tax concessions to industry.

"It also seems to me that the Administration speaks from a wobbly platform, since the President himself has seen his own salary increase 100% since he took office. Slightly less, but nevertheless substantial, salary increases also have been granted the Vice President, members of the Cabinet and members of Congress. We are proposing much more modest increases for workers in our basic industries.

"We are going to the collective bargaining table with a clear conscience determined to obtain a settlement we can be proud of."

NEWS FROM THE AFL–CIO

Following is the transcript of a speech delivered today by AFL–CIO President George Meany at the convention of the Utility Workers Union of America at the Statler-Hilton Hotel, Washington, D.C.:

I cannot speak to you this morning without referring to the tremendous loss that this organization suffered in the death of my old friend, Bill Pachler.

Bill Pachler and I came from the same part of the world. We came from the Bronx. I knew his father and I knew his background and I got to know Bill quite well. And he exemplified, as far as I am concerned, the very best type of American trade union leader and I am sure this organization misses him and I can say to you that the AFL–CIO misses him greatly.

These are very interesting days and I could talk to you this morning on any number of subjects. There is a great deal going on. We have the affair in Southeast Asia where there seems to be complete agreement now on everybody's part that the best thing for America is to get out of there. And the only disagreement seems to be when, how fast and in what way.

It is quite obvious, however, that the President is keeping his pledge to wind the war down and turn it over to the South Vietnamese.

Then we could talk about drug problems, health problems, women's lib, mini-maxi and hot pants and a lot of those things, I guess, but our No. 1 problem, as trade unionists, is the same problem it has always been.

Our business is jobs and decent working conditions on the job and an adequate income as our share of the wealth that the economy produces. This has always been our business. And everything we do—organizationally, legislatively, politically—is directed toward this basic simple idea—decent jobs at decent pay and a fair share for the worker in the economy.

So when we look at the economy today, we realize this presents us with our No. 1 problem. And let's look back from where we are to see how we got where we are and perhaps get an idea of where we would like to go.

We are in trouble in this country, economically—in deep trouble. We find the cost of living at its highest point in history. We find six percent unemployment—over five million Americans officially looking for work. That does not represent the full figure because those who get sick and tired of looking for work and don't apply at the employment offices, are more or less dropped. Those who are working part time are figured in the computations as if they are fully employed.

And then, of course, the figures do not reflect, in basic human terms, the problem as we see it.

A great many of these presently unemployed are running out of their unemployment insurance payments and, as far as that goes, they are out of the market as consumers and more and more are turning to welfare.

And this, to me, is a disgrace in this the richest and greatest nation on earth. Now, how did we get into this situation?

In January of 1969, when the present Administration came to office, we had experienced 94 months of uninterrupted economic progress—going from the very early days of the Kennedy Administration—progress measured by every economic indicator used by the experts. Over 90 months of uninterrupted, forward progress. I think our unemployment figure, if I am correct, was about 2.7—the lowest it had been in a good many years.

Then a new Administration came to Washington on the 20th of January, 1969, and, of course, they had some new ideas. They felt that one of the things that had accompanied our progress, the increased cost of living, was something that they could do something about. They felt that inflation must be halted. So they came in with the so-called Nixon Administration economic "game plan." It called for fiscal and monetary policies designed to cool off the economy, restrict credit, restrict the flow of money into the economy. And this was to be done with no increase in unemployment.

Every student of economics would tell you that when you tighten up on the money supply, when you restrict credit and thereby prevent business expansion in the normal fashion, that unemployment is going to ensue.

However, we were told by President Nixon—in fact, he put it in writing in a letter to the Executive Council of the AFL–CIO in February of 1969—that he was going to cool off the economy, he was going to bring down prices and he was going to do it without compelling the worker to pay for it, as he said, with increased unemployment.

This was the "game plan" of the President's chief economic adviser, Dr. Arthur Burns, who had been around here in Washington back in the Eisenhower days and who always seemed to have a better answer for our problems than anybody connected with the Johnson or Kennedy Administration. So this was his "game plan." He was going to bring inflation down and he was going to do it without—as we were assured by the President—increasing unemployment.

Well, what happened? They cooled off the economy all right. They restricted credit and, within two years, we had 2,200,000 more people unemployed than we had in January of 1969.

We had the highest interest rates in 100 years, drastically affecting the housing industry and adversely affecting all the small businessmen in the country, who could not borrow under the restricted rates, and adversely affecting everybody who had to buy or would like to buy a new home. Interest rates went as high as 10 percent—7½ percent, 8 percent and then they add on a few points—and we got to the situation where the costs were driven up and even a man in the $15,000, $16,000, $17,000-a-year class could not afford to buy his own home.

Well, what did we get when we got to this point? What did we get from the Administration? Did we get concrete proposals to create jobs, to restore confidence and to enhance the mass purchasing power of the American people which, after all, is the major ingredient in this dynamic economy that we boast about? Did we get any of these measures? No. We got rosy predictions. Every new figure that came out that was considered important as an economic indicator was interpreted by White House spokesmen as being favorable.

So we got a lot of rosy predictions and a lot of rhetoric.

And what did we find with this unemployment after two years in this restricted activity on the part of business and these tremendous interest rates? What did we find when we looked at the major objective of this plan to bring down prices? Well, all during the two years prices continued to rise up, up and up.

So, adding it all up, after two years, the Nixon Administration's financial fiscal and monetary economic plan was a complete, absolute, miserable failure. There is no other judgment you can pass on it.

So then we have Dr. Burns, who is the architect of this failure, and still the fair-haired boy of the Administration on economics. Well, what was his reaction?

Now, incidentally, for his failure he didn't get fired. If he was in the Soviet area, he would be sent to Siberia. He didn't get exiled. In fact, he got promoted. He was promoted from presidential economic adviser to chairman of the very, very powerful Federal Reserve Board.

Now, we are now starting to see some of the consequences of his advice. They did nullify, temporarily, the Davis-Bacon law and found out that that didn't work—that it didn't do anything to meet the problem of inflation and that it created chaos in the entire industry. So they came up with some new gimmick and they re-instated the Davis-Bacon law for the construction trades.

Now they come out with the so-called "Inflation Alerts." These are studies made by the Administration's Council of Economic Advisers and they are supposed to pinpoint various areas in the economy where conditions are bringing about an increase in prices.

So, what did they do here yesterday? They came out with an "Inflation Alert" that condemns the United Steelworkers settlement in the can industry, where they dealt with several corporations for collective bargaining contracts a few weeks ago covering 40,000 of their members. And this "Inflation Alert" says that if this pattern is carried into the steel industry it will be disastrous for the economy.

What does this mean? This means the Steelworkers, representing 450,000 workers in steel, are going into their contract negotiations with the employer—and the employer is the U.S. Steel Corporation, Bethlehem, Jones and Laughlin, all the big steel giants—they are going into those contract negotiations with a government edict or a government pronouncement that the money they got—the 9 percent from the can companies—is too high. In other words, they are going into negotiations with government definitely on the side of the employer.

How is that for interfering with collective bargaining? Well, the Steelworkers, I am quite sure, are going to take care of themselves. I think that they are going to insist that at least their membership make up what they lost in purchasing power through inflation since the last agreement.

And I don't see anything wrong with workers wanting to keep pace with the rest of the economy insofar as their purchasing power is concerned. However, in this "Inflation Alert" issued yesterday, there was an indication that there is a study being made by an Administration executive task force, as they call it, of the problems in connection with the steel industry and other industries. As we read this, it means they are moving in the direction, advised by Dr. Burns in his speech in California—the direction of compulsory arbitration. In other words, they are moving to the point where it is quite possible that they will move into steel and impose a government settlement on the workers and try to enforce it by some sort of court injunction.

Well, I don't think the Steelworkers are going to buy that and I don't think the American trade union movement is going to buy that.

Did he apologize for the failure? Did he explain the failure? Did he say "sorry about that. We will have to do better next time?" Oh, no, he didn't talk about those things at all.

He went out early in January to a little college in California, Pepperdine College, and he made a speech. And his answer at that time, after these two years of miserable failure, was that we had to crack down on labor. His first suggestion was compulsory arbitration of disputes in important industries, quite evidently pointing at the steel industry; and repeal of the Bacon-Davis law.

The Davis-Bacon law is a law which governs the expenditure of public monies—your money and my money—in building public facilities paid for by the federal government. And the purpose of it is quite simple—that public money should not be used to depress wages. That the government itself, as an employer, should be a good employer. He should be as good as the best employer, and not be an employer competing on a low wage basis with other low wage employers.

So, he said, this law should be repealed, which guarantees the payment of decent wages on government projects.

Then he said something should be done about the minimum wage law. Now, we know what the minimum wage law is all about and the purpose of it, because we are the architects of that law. Oh, it doesn't affect our members—or, if it does, very, very few of them because very, very few of our members are down at that minimum scale. We started with 25 cents an hour in 1938 and we gradually raised it and gradually widened its coverage, bringing millions and millions of more people in, until about four years ago or five years ago, we brought it up to $1.60 an hour. This is not a wage on which people can live on, but it is better than what they were getting in the various industries that still exploit the workers in this country.

Now, under this minimum wage law people working for employers in what we call low-wage industries get $1.60 an hour.

But Mr. Burns had a suggestion on that. He pointed to the unemployment figures which vary according to categories. For instance, unemployment among heads of families is down about 3 percent; Negro unemployment is somewhere about 10 percent or 9 percent; construction workers up in that area; and teenagers well above 10 percent. Of course, one of the reasons for the teenagers percentage being higher is a normal thing. They come in from school to the work force and they register for employment and, of course, they don't get employment as quickly as people with more experience.

So, Dr. Burns' brilliant idea was "let's take care of the teenagers." Let's eliminate or reduce the minimum wage for the teenagers so that the employer who is now compelled to pay $1.60 an hour for his employees, could lay off the $1.60 an hour employee and hire teenagers for $1.10 or $1.20 a hour. This was another one of Mr. Burns' suggestions.

And then, of course, he had something for business. This was a little fast tax write-off on business investment and equipment as an incentive to business.

This was the fellow, as I said, who was the architect of our complete failure and he comes out with the proposal to crack down on labor.

We have said to this Administration as we said to the previous Administration, if they feel the necessity of imposing wage price and income controls because the situation in the country calls for this action, and if the controls are across-the-board—they control prices, wages, every form of income—that American labor is prepared to go along in the interest of the country with that sort of a program.

The response from big business has been: "No comment."

So here we have an Administration moving toward a crack-down on labor at a time when they are giving big business tax incentives, increased speed of investment write-offs, all of the little gimmicks that they can do; at a time when the banks of this country are making profits beyond anything they ever dreamed of, at a time when, executive salaries are reaching new heights, they are going to try and make labor the scapegoat.

What they are pointing toward, if they are successful—I don't think they are going to be successful—is the establishment of a low wage economy in this country. And, if they look around the world, yes, everywhere in the world where wages are lower, they will see what a low-wage economy means. Over the history of this country in the last 50 years, the best customer for American industry is the American worker.

We don't sell abroad more than seven percent of our production at any time. So, when you drive around the outskirts of our big cities, you see television aerials over every little home and you realize that if they have a television, they have the other things that make life a little more comfortable. And they have them because of the mass purchasing power in the hands of the American people and they have them because organized labor, over the years, fought to develop that mass purchasing power.

Who would buy these things if only the $20,000 a year class and up could buy the equipment? Who would buy the devises that we can produce that make life a little more comfortable?

So when they are trying to beat down labor, when they are trying to make labor the scapegoat, they are launching a direct attack on the purchasing power that is needed to keep this economy going.

Well, this is what we face. I am sure that the Steelworkers are not going to be intimidated. I am sure the AFL–CIO, I am sure the Utility Workers are not going to be intimidated.

We are going to continue to demand our fair share of the wealth that is produced by this economy in which we live. And we are going to move ahead despite the actions of this Administration.

We have got a lot of things to do. A lot of things along the line that we have been doing for many years—things that affect all of the people because we take the position that anything that affects all of the people of this country has got to affect us because we represent quite a sizable percentage of the citizenry of this country.

So we are interested in the nation's health. We are interested in a national health plan that will make it possible for people who are ill to face that illness without the tremendous economic worry that comes from their inability to pay for being sick. And this affects all of the people of this nation.

Today health care—the available health care that we have—the best, I would say, in the world, can't be delivered, except to the very, very wealthy and the very, very poor who are objects of charity. The great majority in between can't afford the hospital bills, they can't afford the doctor's fees and something has got to be done about it.

Yes, and we are going to push the minimum wage up again. We are going to push it up to $2 and that still is not enough—but that looks like it's all that is possible to get out of this Congress—because your family needs, according to government statistics, for any kind of a decent living, are well above $2 an hour.

Then we have got the pollution problem, the environmental problem that affects all of the people of this great country.

So we are going to play our part as the peoples' lobby, looking to protect the people at every step of the way because that means protecting our own, protecting ourselves.

And we are going to do this by the traditional methods that we have done in the past. We are going to sharpen up our political machine which I think is good and I think is as good as there is around this country, but we are going to make it better because the answer to a lot of the problems that we are facing is political action.

We are preparing in 1971 for the political action which is so important in 1972. I am sure that in this fight, in these efforts, we are going to have complete cooperation in the American trade union movement. And I am sure we are going to have the complete cooperation of this organization—the Utility Workers Union of America.

Thank you, very much.

Statement by George Meany, President of the AFL–CIO, Before the Subcommittee on Financial Institutions

The AFL–CIO supports the general aims of S. 1201—to extend the legislation, adopted in 1969 and 1970, that provides the President and the Federal Reserve Board with authority to stabilize the national economy.

This is not a new position for the AFL–CIO. We endorsed the purposes of the original legislation, when it was pending before the Congress. We support its extension. We believe that the economy urgently needs government action to achieve full employment and a reasonably stable price level.

Economic distress is continuing to spread. Millions of workers are adversely affected by unemployment and by production cutbacks, which reduce working hours and weekly pay checks. All Americans are suffering from the rapid rise of living costs, which continue to wash out much of the buying power of their incomes.

The time is long overdue for the Administration to stop playing with misguided "game plans" and take the necessary actions to restore the economy to health. It is time for the Administration to cease its double-standard—one for workers and another for the banks and big business—and pursue even-handed, equitable policies.

The government's reports of the past few weeks reveal that stagnation persists in most parts of the national economy, following the general economic decline of 1969–1970. Let me call to your attention these few benchmarks of economic stagnation:

There were 5 million unemployed in March, after accounting for seasonal changes—up 1.4 million from a year ago and 2.3 million from January 1969, when the Administration took office.

Substantial unemployment has spread to 50 major industrial areas in March—from six in January 1969—and to 662 smaller areas.

The cost-of-living in January and February was 5% above a year ago and 11.6% more than in the same months of 1969.

The buying power of the weekly after-tax earnings of the average nonsupervisory worker, in January and February, was hardly any greater than a year ago, less than in the early months of 1969 and even below 1965.

Although the Administration attempted to blame the high unemployment of the October-December quarter on the effects of the auto strike, the rebound of auto production in the January–March quarter brought no improvement in the unemployment situation. Approximately 5 million people were unemployed in both quarters and the number of jobless, 15 weeks and more, has risen to 1.1 million. Moreover, the Labor Department report for March states that "full-time employment was down by 190,000 from the last quarter of 1970, mostly among adult men."

Yet the Administration persists in its optimistic rhetoric. Instead of positive actions to turn the economy around from stagnation to sustained and rapid expansion, the Administration has given the American people a diet of rosy predictions that have not been achieved. Instead of directing its attention and policies to real problems in the economy, the Administration has tried to make workers in general—and construction workers, in particular—the scapegoat.

Chairman Arthur Burns of the Federal Reserve and much of the Administration's leadership have been engaged in the shocking and blatant use of a double standard. To cover their record of failure in economic policy, with its tragic consequences for millions of American families, they try to pin the blame on workers, while providing subsidies and aid for the banks and big business.

Let me cite a few examples of these double standards:

*Since the cash-flow to corporations moved down after mid-1969, as a result of the Administration's engineered recession—following a 91% rise from 1960—the Administration has proposed a step-up depreciation, which would cut corporate taxes by $3 billion to over $4 billion a year in the next few years. But workers' wage increases to offset the accelerated rise of living costs and to gain some improvement in buying power are denounced as inflationary.

When exports lag, while imports continue to rise, the Administration proposes, as it did last year, to provide business with a mechanism to defer taxes on profits from exports, at a cost to the Treasury of hundreds of millions of dollars. But when organized labor seeks economic justice for workers, it is attacked as exercising "excessive market power."

In recent months, billions of American dollars from wealthy people and corporations have been transferred to other countries for personal gain. The only Treasury response (announced on April 1) of trying to bring some of that money home is to reward these people. Treasury will sell $1.5 billion of 3-month government notes to foreign branches of American banks at an interest rate of 5⅝%—about 1.5 percentage points more than for similar borrowing in the U.S. But workers are told they should be restrained in seeking wage increases, which are singled out as the primary inflationary factor.

When bank profits shoot up—like 21.9% for J. P. Morgan and Co. and 16.1% for Chase-Manhattan in 1970—there is not even a hint of government guidelines for the banks. And the New York Times reports that "the heads of the nation's largest banks—which enjoyed sharp increases in profits during the recession year of 1970—generally were rewarded with higher salaries last year." No Administration spokesmen admonished the bankers but workers are told that their wage increases are supposed to be held down.

Soaring land costs and financing charges have resulted in sharply rising housing costs (see Appendix). The cost of financing on FHA homes has risen 356% in the past 20 years and land costs have gone up 296%, while structure costs (which include on-site labor) has risen 65%. However, the Administration tries to pin the blame solely on construction wages and attempts to institute specific and immediate wage restraints. It offers only a vague promise of some future restraints on construction prices and profits and no mention at all of the major inflationary pressures of soaring land and financing costs.

The AFL–CIO rejects such lopsided double standards. They are unfair. They are unbalanced. They are not workable.

Back in February 1966, the AFL–CIO Executive Council adopted a policy statement which declared:

"If the President determines that the situation warrants extraordinary overall stabilization measures, the AFL–CIO will cooperate so long as such restraints are equitably placed on all costs and incomes—including all prices, profits, dividends, rents and executive compensation, as well as employees' wages and salaries. We are prepared to sacrifice as much as anyone else, as long as anyone else, so long as there is equality of sacrifice."

This statement has been reiterated by the constitutional conventions of the AFL–CIO in 1967 and 1969 and on numerous occasions by the Executive Council.

Mandatory government controls are never desirable, but at times, they may be needed. If such controls are deemed necessary by the President and are even-handed, across-the-board on all costs, prices, rents and incomes—including profits, dividends, interest and executive compensation, as well as workers' wages and salaries—they would be both equitable and workable.

It is our view that one-sided curbs on workers' wages, and with no effective restraints on prices or the incomes of other groups in the economy, are neither a balanced and equitable stabilization program nor a workable policy in a free society.

It is also our view that government measures to restrain wages—or both wages and prices—in one industry or sector of the economy are also inequitable and unworkable. In this complex, interdependent and huge American economy, it is not possible to single out one industry or sector, in the hope of curbing price pressures, when all other parts of the economy are free of similar restraints.

How can the government, in good conscience, apply wage restraints on workers in one industry—to single out one group of workers—when the prices of the food, clothing and other goods and services they buy are free to move up? Such a measure smacks of punitive action, rather than a stabilization policy.

Moreover, how can the government hope to stabilize prices in one industry, alone—such as construction—when that industry depends on materials and services it buys from other industries, whose prices are free to rise? It just can't be done.

On April 1, only a few days after the President's Executive Order "Providing for the Stabilization of Wages and Prices in the Construction Industry," the Labor Department reported that wholesale prices of building materials shot up in March.

"Most of the advance for industrial commodities in March was due to price increases for commodities used in construction," the Labor Department report stated. "Lumber and wood products rose sharply again.... Almost all non-metallic mineral building materials were higher in price, with particularly large gains registered for asphalt roofing and concrete ingredients."

The costs and prices of the construction industry cannot be isolated from the price pressures in the rest of the economy. The prices of no industry can be isolated, for very long, from the pressures on the prices of the materials and services it requires.

The recent report of the Joint Economic Committee of the Congress indicated recognition of the inter-dependence of the economy's various industries and sectors, when it declared: "If a freeze is imposed, it should be general. A freeze should not be imposed on only one industry, nor should it be applied to wages without also being applied to other costs or prices."

A basic prerequisite for a genuine stabilization program, in our view, is that it must be across-the-board, equitable and even-handed.

For that reason, we endorse the bill's extension of the standby authority "to stabilize prices, rents, wages and salaries," with provision for "such adjustments as may be deemed necessary to prevent gross inequities."

We believe the Congress must make it abundantly clear that this authority is for overall, across-the-board and even-handed measures, rather than for singling out one industry or one group of workers. In addition, in the event that across-the-board economic controls are imposed, the Congress should immediately adopt an accompanying tax mechanism on profits, dividends and capital gains to assure genuine, overall and equitable stabilization. A balanced, fair and workable stabilization program must include overall restraints on all costs, prices and incomes—including profits, dividends, and capital gains—as well as wages, salaries and rents.

The AFL–CIO endorses the bill's proposed extension of authority to the President to establish selective credit controls. Such selective credit controls and interest-rate ceilings were urgently needed in 1969 and most of 1970—to curb the inflationary extension of credit for land speculation, business mergers, conglomerate take-overs, gambling casinos and investments in foreign subsidiaries, while providing increased credit for housing, community facilities and the regular operations of business. Selective credit controls will become urgently needed, in the months ahead, if the Administration does what it talks about—pursues expansionary measures to rapidly lift the economy.

The AFL–CIO also endorses the bill's provision for variable bank reserve requirements in order to allocate the flow of bank credit to where it is most needed, while restraining the extension of credit for low-priority purposes.

We recommend that the Committee examine the Federal Reserve's operation of this provision, within a year of its enactment. Moreover, we repeat our request that the Congress engage in a detailed study of the structure and policies of the Federal Reserve system, as the basis for a thorough reform of this key economic agency of the federal government.

In addition to authority for stabilization measures, America now needs expansionary economic policies to achieve and sustain full employment. The needed rise in output will, in itself, reduce inflationary pressures by boosting productive efficiency and easing the pressures on unit costs and prices. Moreover, such immediate measures to lift the economy out of its present stagnation would create jobs for the millions of unemployed and underemployed, restoring confidence and health to the economic foundation of American society.

In sum, then, this is the position of the AFL–CIO:

We want inflation ended. We want full employment restored. We are prepared to sacrifice to meet these goals—as much as anyone else, for as long as anyone else. But we will not be the scapegoat for the economic mess created by this Administration's ill-conceived "game plan."

APPENDIX I.—INCREASES IN COSTS, FHA HOUSES, 1949 TO 1969

	1949	1969	Percent increase
Land	$1, 144. 00	$4, 525. 00	296
Structure	7, 176. 00	11, 850. 00	65
Financing	520. 00	2, 370. 00	356
Overhead and profit	1, 560. 00	2, 800. 00	79
Sales price	10, 400. 00	21, 545. 00	107
Monthly mortgage payment	55. 15	168. 00	205
Cost of structure per square foot [1]	9. 44	13. 88	44

[1] Excluding land, the average number of square feet of the structure increased from 980 in 1949 to 1,226 in 1969.

Source: Journal of Homebuilding, June 1970, p. 31.

Note: In the 20 years, 1949–69, the size of the structure increased and the cost of the structure—materials plus on-site labor—rose 65 percent, while the cost of overhead and profit went up 79 percent. But the major inflationary cost increases, by far, were the cost of land which rose 296 percent and the cost of financing which soared 356 percent. These cost increases in combination, resulted in a 107 percent rise in the sales price. The additional costs to the homebuyer of closing fees and charges which are not examined here, probably rose by a somewhat similar percentage or more.

Moreover, the Homeowner's monthly mortgage payments jumped 205 percent—nearly double the 107 percent rise in the sales price of the FHA house. This resulted from the additional impact on the homeowner of the sharp rise of mortgage interest rates—from an effective rate of 4.34 percent on FHA new home mortgages in 1949 to an effective rate of 8.19 percent in 1969.

Essentially as a result of the inflationary increases of lnad costs and financing charges to the homeowner, as well as the developer and builder, the price of the FHA home more than doubled, between 1949 and 1969, while monthly payments on the mortgage more than tripled. The 205 percent rise in the homeowner's monthly mortgage payments was almost 4 times greater than the 54 percent increase in the overall cost-of-living, as measured by the Consumer Price Index.

APPENDIX II.—CHANGES IN BUILDING COSTS, SINGLE-FAMILY HOUSE, 1949–69

[In percent, except sales price]

	1949	1969
Structure	70	56
On-site labor	33	18
Materials	36	38
Land	11	21
Overhead and profit	15	13
Financing	5	10
Average sales price	$9, 780	$20, 534

Footnotes on following page.

Dource: National Association of Home Builders Economics Separtment. Congressional Record, vol. 115, pt. 24, p. 32260.

Note: This breakdown of building costs is slightly different from the FHA, sec. 203, houses examined in app. I, but the changes in cost components are almost precisely the same.

In the 20 years, 1949–69, the average sales price of this typical house increased 110 percent. But the total wages and fringe benefits of on-site construction workers fell from 33 percent of the price of the house to 18 percent and the cost of materials increased from 36 to 38 percent.

The major inflationary increases were land costs which rose from 11 percent of the price to 21 percent and the cost of financing to the developer and builder, which increased from 5 to 10 percent of the price.

On top of the 110 percent rise in the sales price, the homebuyer also paid the sharply increasing closing costs, which include a variety of fees, charges, and taxes. In addition, interest rates on home mortgages approximately doubled from 1949 to 1969. As a result, the homeowner's monthly payments on principal and interest charges of the mortgage approximately tripled.

This process of compounding cost and price increases has priced most families out of the market for new houses. Since a similar process has affected costs and rents of apartment units, most families have also been priced out of the market for new apartments. The result has been a growing housing shortage in a period of serious urban problems.

HOW WORKERS ARE DOING IN RACE WITH PRICES

Just about every group of workers in the U.S. is taking home fatter pay envelopes, but more and more are finding that their actual buying power is less than it was a year ago.

Most of the decline is the effect of the 5.2 per cent rise in living costs.

Among the industries where purchasing power has dropped are some that will be facing big wage demands from labor unions this year. Basic steel and telephones are examples.

The decline in "real" wages will complicate the bargaining, as union leaders will be under pressure from the rank and file to win big raises. Strikes could be a result.

An industry-by-industry survey of workers' incomes by the Economic Unit of "U.S. News & World Report" is shown in the accompanying chart.

THREE WHO LOST

Only three of the industry groups studied had a decrease in weekly earnings of their employes—before adjustment for the rise in living costs and Social Security taxes.

The three groups are tire-factory employes, farm operators and workers in nonelectrical-machinery plants.

In tire making, a big drop in weekly take-home pay resulted from a slacking off of 3.8 hours in the average workweek. Hourly earnings were up 24 cents. Drops in income of some other groups also were caused by cuts in weekly hours.

Workers in the tire plants, as the chart indicates, took a loss of $12.51 a week in buying power. Their average earnings of $182.25 were down $6.47 in January, 1971, from weekly earnings a year earlier.

Farm operators suffered a loss of $11.85 in "real" income as their earnings dropped $10.70 to $98.80 a week.

Employes of plants making nonelectrical machinery have had a drop of 18 cents in weekly pay—to $155.96—and this amounts to a loss of $5.40 in purchasing power

But, aside from those three, the actual incomes of groups studied have risen. In more than 60 per cent of the cases, the average "real" pay also was above a year earlier.

At the top of the list of winners in this race against inflation are the employes of the Federal Government. Their average pay of $193.70 a week is up $21.75, with buying power $12.49 ahead of the previous year.

Workers in meat packing came second, with a rise of $11.44 in "real" pay, and weekly earnings of $184.95. This industry granted pay raises last year.

Construction workers placed third. They averaged $199.11 a week, a gain of $10.87 a week in purchasing power. Many in this field got big raises last year, while wage agreements for about a half million employes expire in 1971. The Administration is seeking to slow down the raises here.

Soft-coal miners, also due to write new pay contracts this year, show up with a gain of $7.86 a week in "real" terms. The average pay is $197.69.

Oil-refinery employes—who negotiated a raise in January—found their buying power $5.61 ahead of a year earlier. Current pay: about $198 a week.

One group to bargain this year—the metal miners—is getting an average wage of $170.61 and is enjoying a net gain of $2.26 a week in buying power. Included are miners of copper and other non-ferrous metals.

SITUATION IN STEEL

A major showdown this year involves workers in basic-steel mills. The survey shows this group of workers now is taking a buying power loss of $4.38 a week, compared with last year. Their weekly earnings averaged $169.22 at latest official tally.

Telephone workers, moving into a wage battle this spring, are getting $132.06 a week, on the average, with buying power down $3.37 in the year.

The Steelworkers Union won a wage increase in one can-manufacturing firm but struck three others on February 15, over wages.

Metal-can workers have been earning $175.80 a week but their buying power was down 63 cents in the past year.

Another bargaining crisis due this year involves aluminum, where the average pay is $162.99 weekly—and buying power is down $1.47.

Auto workers won a first-year raise of 51 cents an hour at General Motors last November. The increase, designed to catch up with inflation, was repeated later at Ford and Chrysler.

Official figures available at the time of the Economic Unit survey did not reflect the auto raises.

Most of the Labor Department statistics used as a basis for the study are for January, 1971, except for some fields where December earnings are the latest available. For the tax calculations in determining buying power, a family of four persons is assumed.

WHO'S AHEAD, WHO'S BEHIND IN "REAL" PAY

	Average weekly pay now, before taxes	Gain or loss in pay from year ago	Change in "real" pay—after allowing for higher prices and taxes [1]
GAINERS			
Federal Government employees	$193.70	$21.75	+$12.49
Meatpackers	184.95	20.03	+11.44
Construction workers	199.11	18.11	+10.87
Soft coal miners	197.69	15.17	+7.86
Veterans on full disability compensation	118.00	13.00	+7.54
Oil refinery workers	198.23	13.06	+5.61
Schoolteachers	178.20	12.15	+5.10
Ordnance workers	155.77	11.04	+3.73
Cigarette factory workers	113.48	7.09	+2.74
Metal miners	170.64	9.07	+2.26
Electric, gas utility workers	177.64	9.22	+2.05
Local busdrivers	143.62	7.94	+2.02
Bank employees	104.06	5.07	+1.44
Chemical workers	156.26	6.14	+1.23
Laundry workers	79.97	4.67	+.88
Machinery workers (electrical)	135.38	7.23	+.87
Furniture makers	109.59	4.17	+.82
Wholesale trade employees	142.09	7.42	+.74
Textile mill workers	101.20	4.40	+.62
Retail trade employees	83.58	4.09	+.46
Retired Federal employees	76.00	4.00	+.26
Papermill workers	148.16	6.12	+.11
Printing, publishing employees	150.63	7.37	+.06
LOSERS			
Tire factory workers	182.25	−6.47	−12.51
Farmers	98.80	−10.70	−11.85
Machinery workers (nonelectrical)	155.96	−.18	−5.40
Steelworkers	169.22	1.17	−4.38
Telephone employees	132.06	1.19	−3.37
Instrument makers	135.98	3.95	−1.60
Social security pensioners	30.00	....	−1.56
Aluminum workers	162.99	5.43	−1.47
Apparel makers	85.26	2.19	−.99
Aircraft workers	177.61	4.72	−.79
Farm laborers	78.50	3.00	−.71
Metal can workers	175.80	6.58	−.63
Oil, gas field workers	158.12	4.75	−.37
Lumber workers	114.13	3.48	−.03

[1] After Federal income taxes and social security taxes and allowing for 5.2 percent rise in consumer prices. Assumes a family of 4 for tax purposes.

[From the Wall Street Journal, Nov. 14, 1968]

THE UNIONS ARE NOT TO BLAME

In the first nine months of 1968 negotiated wage increases reached a new high of 18.2 cents an hour, according to the Bureau of National Affairs, a private research organization. In the same period the index of consumer prices rose at an annual rate of more than 4%.

A good many people see in such figures a cause and effect relationship. Unions win wage boosts that push up the costs of business, which then tries to recoup by lifting prices. This is the "cost-push" inflation theory, a theory that supposedly has helped justify past Government efforts to stabilize the economy with wage-price "guide-posts."

Perhaps the most obvious trouble with the theory is that it simply does not square with observable facts. As Alfred Malabre pointed out in this newspaper recently, many of the largest price increases have come in areas where workers are weakly organized or are not organized at all. A number of price declines have occurred in areas that are firmly unionized.

For example, only a relatively small proportion of maid and hospital workers are organized. Yet the prices of maid service and hospital service, as measured by the consumer price index, have risen much faster in the past decade than the general level of prices.

At the same time, prices of radios and television sets have actually declined in the past 10 years, when quality improvements are taken into account. Yet radio-TV is about as thoroughly organized as any industry in the nation.

One reason that labor costs and prices do not always rise hand in hand is that the importance of those costs varies widely among industries. Wages are plainly more significant for hospitals than for TV manufacturers. The latter, moreover, are much more likely to be able to offset higher wages through increased productivity.

An even more serious objection to the cost-push idea is that it tends to overlook the competitive facts of life. This problem is discussed by Milton Friedman, professor of economics at the University of Chicago, in a new book, "Dollars and Deficits" (Prentice-Hall).

Suppose shoe manufacturers, in an effort to recover higher labor costs, decide to raise the price of shoes. If there has been no change in demand, customers will buy fewer American shoes, switching instead to imported shoes or spending on something else. U.S. shoe firms will hire fewer workers and

> other resources and these will seek employment elsewhere, tending to stabilize or drive down wages and prices in other industries.
>
> A price rise in shoes, in other words, will be at least partly offset by price declines outside the industry. It's questionable, too, just how long U.S. shoe firms will cling to their higher prices in the face of reduced demand.
>
> Thus the key is demand. If the Government is or has been busily inflating demand with artificially easy money and heavy budget deficits, the shoe makers will find it a lot easier to make price increases stick. That of course is precisely what has been happening in recent years.
>
> If the Government, in this sort of situation, largely ignores fiscal and monetary influences and tries instead to restrain specific labor costs and prices, the result is obvious. It will be much like a small boy, all alone, trying to plug not just one but thousands of holes in a dike.
>
> If wages and prices are restrained in one industry, demand will spill over into many other areas. In an economy as complex as ours, attempts by the Government to keep up with the spillover are foredoomed to defeat.
>
> In any industry where wage-price restraint even temporarily succeeds, furthermore, the result is to distort the economy. The industry is unable to attract the workers and other resources that it might use to build up supply and lessen the upward pressure on prices. The resources are at work elsewhere, in all probability in places where they are less productive.
>
> Where do the unions come in? Well, to the extent that their monopoly powers allow them to push up wages faster than productivity they do add to the distortions in the economy. Union officials, though, are political leaders, anxious to please their members if possible. It's more accurate to say that rising consumer prices cause rising wage demands than it is to state the reverse.
>
> In this post-election period inflation remains a clear and present danger. And it won't be diminished one whit by efforts to put the blame solely on the labor unions.

Mr. MORGAN. Mr. Speaker, will the gentleman yield?

Mr. GAYDOS. I am glad to yield to the distinguished chairman of the Committee on Foreign Affairs.

Mr. MORGAN. I want to agree with both of my colleagues from Pennsylvania, my good friend, JOHN DENT, and the gentleman in the well whose congressional districts are near mine in the great State of Pennsylvania.

I think the very able president of the Steelworkers of America, SWA, is going to be able to handle the negotiations of the new contract for the steelworkers without the interference of the President of the United States.

I think the gentleman put it very bluntly when he said that the steelworkers are not the cause of inflation, but they are suffering from inflation. This is true, I know, in the great steel country in the Monongahela Valley.

I do not have very many steel mills located in my district but I do have bituminous coal mines that produce coal which furnishes the carbon to make the steel. We are vitally interested in the coming wage negotiations with the United Steelworkers. However, I have a great deal of confidence in the great and dynamic leadership of the steelworkers and that negotiations are going to come out to the benefit of the steelworkers without question and without any great inflation in this country.

Mr. Speaker, I think the policy of threatening to use foreign steel and threatening to use other economic measures on a union that has been very, very faithful in producing and keeping this country alive is a false policy and one which should not be used.

Mr. GAYDOS. I appreciate my colleague's remarks. I think he echoes the sentiments in my district.

Mr. DENT. Mr. Speaker, will the gentleman yield?

Mr. GAYDOS. I yield to my colleague from Pennsylvania.

Mr. DENT. I think the gentleman from Pennsylvania ought to know that the steel industry is one of the most serious things in this whole discussion that has been going on in the newspapers and the President threatening to interfere in the steelworkers' negotiations. We have learned and have been taught to believe in free enterprise and the free labor system.

Many courts have upheld the proposition that negotiations with labor and management are properly held under the Constitution and under the laws of this country and it was conceived, because of this, that men and women who work were able to get together for their own mutual advancement and protection and to better their working conditions, and industry was then in the position of having to meet certain demands. Industry could not be tempted to do as they did at the turn of the century, exploit the consumer as well as the worker.

Now the new thought that the President has injected into this—and I am so happy that the gentleman in the well of the House has brought this before us today, the new philosophy that the President has injected or expoused is the kind of philosophy which they have in foreign countries where the government sets the wages, where the government sets prices and where the government subsidizes exports and the government limits imports. In other words, the government ruins everything.

We have succeeded so far in coming further than any nation, as I said earlier, in 200 years than all the nations of the world put together in 2,000 years because of the rights of man, because of the right of man to buy and to go in business, the right of men to congregate together and try to get better wages in order to give their families more of the things that they produce.

Mr. Speaker, if these other nations were allowed to have free unions, they would have better wages and would be able to buy some of the products that they make. They would have some of the advantages and some of the luxuries which we have been able to obtain in this country because of our free enterprise system and free negotiations. But the unions of these foreign countries are controlled by the government. The industries are controlled by the government. However, this President for the first time in my lifetime—and I have been through quite a few summers but not so many winters—injects into the question the Davis-Bacon proposition with the trades and craft unions and construction workers, an entirely new philosophy.

It seems that instead of being a President who himself must obey the laws of this Nation he is one who can set aside the laws, the provisions that Congress has made, the interpretations of the court upholding the laws made by the Congress, and he can say that he can set them aside, the negotiations cannot go on. We cannot afford to have any increases—and the increases have already taken place in other negotiations, and that this puts the steelworkers in the position of opening a new wedge in the so-called inflation drive, but in fact they are only catching up with wages that have already been negotiated by other unions before them, and there are many other unions who have not negotiated as yet. And remember the unorganized worker of America has to depend on the negotiations or organized labor for his way of life, and what he gets insofar as wages. I am chairman of the committee right now that is trying to pass a $1.80 to $2 minimum wage for the unorganized workers in this country, the worker who is at the lower end of the totem pole. All of organized labor supports them, and they are going to have an awful time getting that little bit of an increase—and I defy anybody to live on that kind of a wage in this country today.

Mr. GAYDOS. Mr. Speaker, I thank my colleague, the gentleman from Pennsylvania (Mr. DENT) for his interpretation and his most humanistic explanation, and it has been an excellent interpretation of what we are trying to say here today. Hopefully, we wanted to have more people present, but this is particularly important for those people who have stayed in the galleries.

Mr. MOORHEAD. Mr. Speaker, the last 2 years under a Republican administration have seen unemployment streak to record highs, while the economy grinds to a slinking pace.

Prices are screaming out of sight and the administration can offer no more than a rather feeble explanation that "a certain amount of unemployment is necessary to tone down our inflationary economy."

Hogwash.

You know it was none other than that great Republican death wish, Calvin Coolidge, who said:

> When you have a large number of people out of work, unemployment occurs.

That is just great, Calvin.

Of course, what could you expect from Coolidge, or any other Republican President for that matter?

Unemployment was symptomatic of the Coolidge regime. It was even more serious in the Herbert Hoover term in office. In the Eisenhower years of the 1950's unemployment rose as high as 7 percent.

Republicans traditionally have taken the attitude that "we can live with a certain amount of unemployment." What that amount is, I have to my sorrow learned, is whatever the current rate of unemployment happens to be. The Nixon administration has a fairly high degree of tolerance for unemployment. When Mr. Nixon took office, he inherited a low unemployment rate of 3.3 percent from the Johnson administration. Within a year, using "Nixonomics," the President's personal brand of economic policy, he had parlayed that 3.3 percent to 4.2 percent. An administration spokesman, at that time, viewed the situation calmly and said, you guessed it, "A certain amount of unemployment is to be expected," and he suggested that this was a necessary hedge against inflation.

Now the unemployment rate has risen 6 percent, after declining slightly from a 9-year high of 6.2 percent. With 5.2 million workers now on the jobless rolls, administration officials are still optimistic and the unemployment rate grows.

What is the President doing about it? Very little it appears.

He is not using the power that Congress, and my Banking and Currency Committee, gave him to exercise controls on wages, prices, and rents.

He has refused to exercise this authority, to impose a freeze on wages, prices, and rents so that we could adopt policies to stimulate the economy without the danger of heating inflationary fires.

Last year, he vetoed, a much needed public service manpower bill that, in these difficult times, would have established the Federal Government as the employer of last resort and simultaneously provide personnel and money for many services that localities cannot now afford. In addition to this, the bill contained a retraining provision that would assist those whose work experience could not be fitted into prevailing job demand categories.

The House shortly will complete hearings on a new emergency public service employment bill and that bill should be ready for the floor soon.

Congress has come to expect vetoes and obstructionism from President Nixon.

But there is a revolt brewing in Washington, among Democrats and Republicans who believe that the President is not attuned to the needs of the American people. It appears as if the President is hearing the drums of somebody or some group that does not have its ears to the voice of the Nation.

He cannot or will not listen and can provide no answers to those who face high prices, low wages, and ultimately unemployment.

This cannot continue. And from the signs I have seen in Washington the Democratic Party, with assistance from some Republican allies, will not let it continue.

The coalition of Republicans and Democrats that I speak of is tired and angry.

We are tired of Presidential vetoes of bills which create jobs, build hospitals, and supply family doctors.

We are tired of backsliding on funding and implementing the occupational health and safety bill.

We are tired of an administration that freezes congressional appropriations for badly needed housing, urban development, and construction and uses this freeze as a bald-faced attempt to blackmail Members into voting for its revenue-sharing provisions.

We are tired of attempts to split the Labor Department and other agencies and then regroup them into bureaucratic monstrosities that would defy attempts at efficiency and muddle rather than clarify the lines of decisionmaking.

We are tired of tunnel-visioned national health bills that bear the stamp of the American Medical Association.

We are tired of an administration, which faced with the massive troubles in the auto insurance field, suggest that Congress merely pass a resolution urging the States to handle the problem.

Finally, we, and I might add many Republicans to our number, are distressed over the President's refusal to pick a date for the overall withdrawal of American troops from Southeast Asia, an act I believe will lead to the release of American POW's, and a final solution to the one event most responsible for the economic and social problems in the United States today, the Indochina war.

Of course, it is quite easy for me to come before you and say we are tired of this and we are tired of that. You should ask, "What is your alternative, Moorhead? What can you offer in substitute?"

Well this is what is going on in Washington today. This is what the Democratic Party is offering as some answers to your needs and those of all of the other working men and women in this Nation.

You all know that the Voluntary Restraint Agreement with Japan and the Common Market countries is due to run out this year.

The agreement, primarily as it affects Japan, is looked upon as the reason that many specialty steel producers have come upon dark days.

The Japanese have shifted their exports to the higher priced specialty steels and, while maintaining their level of exports, have grabbed a larger dollar share of the U.S. market.

It is my understanding in talks with the State Department that the Japanese are willing to take two steps that should bring a certain degree of relief to the specialty steel producers.

In recent weeks, the Japanese, in statements in Japanese trade journals, have expressed a willingness to limit 1971 exports to their 1970 levels. In addition there is further evidence that the Japanese voluntarily will accept a limitation of exports within categories. I think if we can move toward this objective, your industry will be far the better for it and some of the long faces and red ink will disappear to be replaced by jobs and profits.

Recently, I took over as chairman of the Foreign Operations and Government Information Subcommittee of the House Government Operations Committee. Certain activities of the State Department are under the jurisdiction of my subcommittee.

Last week, I contacted the State Department and requested from them a report on the status of negotiations with the Japanese on voluntary steel export agreements and I further requested from them ways in which the trade agreements can be forged to include categorical, in addition to gross, export limits.

As soon as I hear from them, I will contact your Washington representatives.

Let me strike one note of concern. It is my understanding that the administration may be holding up the talks with the Japanese as a sort of blackmail for a small settlement in your wage talks this summer. I assure you that the moment this is confirmed as more than a rumor, I will take your case to my colleagues and the floor of the House.

Speaking of blackmail, let us talk about environmental blackmail. This is one of the cute tricks of industry when they refuse to invest in necessary environmental protections for plants and factories and suggest instead that they will have to close the facility rather than make the necessary investment in clean air and water.

This is ransom of the cheapest variety.

The ploy is obvious. They know that you, quite naturally, will be concerned over the loss of jobs should a plant close down and they hope that you, by interceding with appropriate State authorities for your jobs, will save their bacon.

In this regard, I am watching Senator Muskie very closely for he has recognized the duplicity of the owners in this regard and he is suggesting public hearings to prove corporate "poormouthing."

If the owner truly cannot afford to make the needed corrections then this should be ascertained publicly. However, if this is merely an excuse to avoid doing their share for cleaning up our land and a left-handed way of firing people, this too should be brought into the public domain.

In regard to this, it is interesting to note that this administration, knowing the state of the economy, has no program to provide assistance for workers who would be displaced by environmental control requirements.

They have no program to ease the transition of workers who are displaced because obsolete plants may be closed.

The Nixon administration has no relocation assistance programs, no temporary unemployment programs, no short-term emergency loan programs, no corporate programs, no public service employment programs, designed to serve the twin purposes of meeting important public service needs while meeting the job requirements of hundreds of thousands of people. This is the Nixon reaction to your plight.

Compare that to the work John Dent has put in on your behalf. I am pleased to have worked with and sponsored many of the bills that John Dent has introduced. And his two latest efforts are no exception.

We all are concerned about protecting employee benefit funds.

The very nature of our modern economy makes an employee's ability to fulfill plan eligibility requirements contingent on forces usually beyond his control. In all too many cases, the pension promise is nothing more than this: if you remain in good health and remain with the same company until you are 65, and if that company is still in business, and if your department has not been abolished, and if your job has not been made technologically obsolete, and if you have not been laid off for too long a time, and if there is sufficient money in the fund, you will get a pension.

Labor Department officials have testified that one out of every three participants in a pension fund never receive a benefit. From what material has come out of hearings on the bill, that figure looks a bit conservative.

In low-paying high-turnover industries, experts have pointed out that only 1 in 10 employees ever receives a pension.

The time for generalities is over. Congress is committed to making the private welfare and pension system perform its proper function, that of providing a meaningful supplement to social security for the millions of workers already covered by them and the millions who will be covered as the system expands.

The bill forged by JOHN DENT is the bill I am supporting. It will establish minimum standards of conduct for plan trustees and administrators and guarantee that benefits accruing to employees with significant periods of service with an employer shall be irrevocable.

I look forward to the visit to Washington of some 300 of your number for the hearings next week on JOHN's bill. My office is always open to the steelworkers and any of you coming to the Capitol that day should feel free to stop in and speak to me or my staff about pension protection.

Congressman DENT is also responsible for another piece of legislation I favor and one that has broad support among House Democrats. This is a bill to raise the minimum wage to $2 and to extend coverage of the Fair Labor Standards Act to about 7 million more workers.

This bill to raise the current $1.60 minimum wage to $2 should be ready for a vote in the House in about a month.

The House is not the only place where things are happening.

In the Senate, two important insurance bills wait the masterful touch of Senators KENNEDY, HART, and MAGNUSON.

I could not agree more with the AFL–CIO social security director, Burt Seidman, when he said:

> Every American citizen, whether he's rich or poor, black or white, blue-collar or white-collar, has a basic right to a decent standard of health care.

I question whether the AMA agrees with this, since I note that AMPAC, the political arm of the American Medical Association, has put up over a million and a half dollars to oppose Senator KENNEDY's health insurance package.

I once heard that the only writing utensils in the AMA offices are quills. One look at their legislative objectives and that observation does not surprise me.

We know very well the dismal health record of the United States compared to the other major industrial nations of the world. Year after year, the statistics tell us how little progress we have been making in health care in recent decades.

In spite of the fact that our vaunted research and technology are unequaled by any other nation in the history of the world, America is an also-ran in the delivery of health care to our people. In the midst of the rising cost of health care, we have endured a decline in the overall quality of the care we give our citizens. The figures are shocking:

In infant mortality, among the major industrial nations of the world, the United States today trails behind 12 other countries, including all the Scandinavian nations, most of the British Commonwealth, and East Germany.

We trail six other nations in the percentage of mothers who die in childbirth.

Tragically, the infant mortality rate for nonwhites in the United States is twice the rate for whites. And nearly five times as many nonwhite mothers die in childbirth as white—shameful evidence of the ineffective prenatal and postnatal care our minority groups receive.

The story told by other health indicators is equally dismal. The United States trails 17 other nations in life expectancy for males, 10 other nations in life expectancy for females, and 15 other nations in the death rate for middle-aged males.

Almost every family knows the cruel burden of worry, frustration, and disappointment that mark our search for better health care. The average American citizen lives in dread of illness and disability. He lives with the uncertainty of not knowing whether to seek medical care, or when to seek it, or how to obtain it. He lives with postponements and delays.

Above all, he lives in fear of the cost of health care. How many millions of Americans have gambled with their health to avoid the high cost of care they need? How many have endured suffering that might have been relieved? How many have had to sacrifice their hopes and plans because of the high price they had to pay for the care they received?

Despite massive sales of private health insurance, most of the expenditures for personal health services must still be borne out-of-pocket by the patient at the time of illness or as a debt thereafter. Nearly all private health insurance is partial and limited. In 1968, in spite of the fact that health insurance was a giant $12 billion industry, benefit payments in the aggregate met only about one-third of the private costs of health care, leaving two-thirds to be paid outside the framework of health insurance.

Private health insurance—through a thousand private carriers competing with each other, and through a bewildering array of insurance policies—had done no more than this to ease the impact of cost of medical care on American families.

The private health insurance industry has failed us. It provides sickness insurance, not health insurance; acute care, not preventive care. It gives partial benefits, not comprehensive benefits. It fails to control costs. It fails to control quality. It ignores the poor and the medically indigent.

Mayors from Philadelphia, New York, and Baltimore testified before Senator KENNEDY's subcommittee last week and told a tale, not unfamiliar in a dozen other major cities in the Nation. They told of rapid decline of health care, a shortage of doctors and nurses, and a situation bordering on the calamitous.

I think the facts are clear in this regard. The Congress must and I think will pass a national health insurance program that will guarantee decent and low-cost health care for every American.

We cannot tolerate the current situation, made worse I might add by a Presidential veto last year of a hospital construction and doctor training bill.

While on the subject of insurance, I remember last year when I was the first Member of the House of Representatives to introduce the no-fault auto insurance. I said that this trio of bills was not only long overdue, but necessary since the insurance industry had done nothing to lower its prices or streamline its policy techniques.

I still believe this and I still believe that the limited no-fault plan operating in Massachusetts has already shown that this system can work.

To date in Massachusetts, the only State except for Puerto Rico with a functioning no-fault plan, not only have there been fewer claims filed but claims have been lower, dollarwise, than at a similar time last year and courts have been less clogged by the nickel and dime suits that in other States have buried an already overcrowded court calendar.

Speaking of the Puerto Rican no-fault plan, I do not know if you know that the man responsible for that very successful program is Herb Dennenberg, the present Pennsylvania State Insurance Commissioner.

Mr. Dennenberg has already filed notice that he is going to try and get the Pennsylvania State Legislature to pass a no-fault plan. Naturally, if the Congress passes a bill, this would preempt any State action. I am hoping we can get such a bill through Congress this year.

A number of the items which I have talked of so far and will speak of in the remainder of my speech are intertwined

Hospital vetoes, doctor shortages, health insurance, auto insurance, pension protection, they are related, if by no more than the simple fact that in one way or another they directly affect your life and well-being.

But there is another subject which I know you are interested in and which affects you in the most direct manner—your job safety.

We waged a tough fight with the administration last year in getting the occupational health and safety bill passed, but we managed to do it, while defeating the Nixon-backed industry-oriented proposal.

Although we did not pass the bill which would have given great power to the Secretary of Labor, we did push through a bill that when funded and operative will have tremendous impact on your personal safety and protection.

I noted on the floor of the House on March 17 that the administration was requesting a supplemental appropriation for the program. I asked that the program receive immediate funding. This was not favorably received by the Appropriations Committee because the committee had not been told that they were going to be asked to consider the health and safety bill on that day. This noncontact wrangled some powerful individuals on the subcommittee and the administration went away emptyhanded.

I think this problem has been cleared up and apologies made around and there should be no funding problems now. However, the program must wait until the new fiscal year, beginning July 1, 1971, for money.

I am not as disturbed by this fact as I am about what appears to be HEW's lethargy regarding the health and safety program. They seem content to let the Labor Department name its representative to the Institute of Occupational Health and Safety, while they do nothing.

I am hoping that the administration prods the departments which must participate in this landmark program and gets them on the ball. Because I am sure if they do not, the Congress will.

There is another bit of administration sleight-of-hand that may result in a lawsuit against the President with the U.S. Congress as the plaintiff.

This involves money that the Congress has appropriated, and the President has refused to spend. Much of this money is for badly needed housing, urban renewal, mass transit facilities, and other vital programs.

More than $600 million in aid to cities has been frozen. Can there be anyone, in Government or out, who does not realize the crisis our great urban centers are faced with? The President surely does. He himself laid before us a category of despair in his March 5 message to the Congress: "a sorely inadequate supply of housing and community facilities, vast wastelands of vacant and decaying buildings, acre upon acre of valuable urban renewal land lying empty and fallow, and an estimated 24 million Americans still living in substandard housing."

A tragic picture to contemplate. And how the withholding of desperately needed funds from HUD's $3.4 billion budget can do anything but move us still further backward is beyond me. There are $200 million in urban renewal and $200 million in water and sewer facility grants on this preliminary report, and I have been informed that an updated report will reveal the freezing of $192 million for public housing and hundreds of millions more for model cities.

Well over $7 billion is being withheld in Federal assistance for transportation, much of it for acute needs that will not wait. Commuter service is in crisis around the Nation, and the President paid lipservice to the problem by recently pointing to "this decline in mass transit—at the same time that the need for fast, convenient, economical public transportation has become greater than ever before." It is hard to reconcile this statement with the current freeze of $200 million in mass transit funds, just as it is difficult to comprehend the rationale for impounding of $970 million in Federal Aviation Administration appropriations and $39 million for the Federal Railroad Administration, while at the same time calling for greater initiatives toward a balanced national transportation system.

National priorities cannot be deferred until 1972 but must be addressed immediately. The Congress has exercised its responsibility, and the executive should do no less.

I hate to admit that there is little Congress can do about making the administration spend money that we have appropriated. But a law suit forcing this has been suggested by Senators MANSFIELD and I understand that he is actively looking into the possibility.

I mentioned before that everything which I addressed myself to today seems intertwined. Well, there is a common source to much of this travail, at least as far as a single matter can be isolated as the root cause for many of the dilemmas in American society today.

Naturally I am speaking of the Vietnam war, or the Laos-Cambodian war, as it now has become.

My stand on this issue is clear. I have spoken against our involvement in Vietnam since March of 1968, when Lyndon Johnson was still our President and when many of today's critics were silent.

I am not adopting a holier-than-thou attitude. But I think that the sooner we are out of Vietnam, Cambodia, and Laos, the sooner every American combat and support troop has to worry about no more than dodging potholes on the parkway, rather than mortar shells on Highway 9, the faster this Nation can truly put our country back on the road of emotional and social recovery.

This year, I have introduced a resolution demanding that all U.S. troops be removed from Southeast Asia by December 31, 1971.

A similar resolution was defeated in the Democratic caucus by one vote. That is how close we came to expressing the will of the House Democratic membership that New Year's Day, 1972, should find no American boys in Vietnam, Laos, or Cambodia.

But there was a very important resolution adopted by the caucus. This resolution picked the end of the 92d Congress, January 31, 1972, as the date that we want our Southeast Asian adventures to end.

Granted, there is a degree of partisanship in some of the cries to end the war. But how could any man take note of the despair, division, and disillusion in our country, caused by this war, and not do all in his power to end it tomorrow?

The President offered nothing last week. He increased his withdrawal rate by 2,000 but that is not enough.

I am not going to lend myself to his plan to leave 50,000 GI's in Indochina and allow them to suffer acceptable casualties each week while he runs for office next year. I ask you, What is an acceptable casualty? One dead GI a month is one more than I will accept.

All of the health care, auto insurance, pension protection, funds for housing, and steel trade agreements combined will not help us if we allow our Nation to crumble because of dissent and division over the war. I pledge my efforts to ending the war. I hope you will help me.

Mr. CARNEY. Mr. Speaker, the Nixon administration's latest inflation alert is clearly aimed at influencing the steel wage negotiations currently in progress. By threatening the steelworkers with the prospect of increased foreign steel imports and the unemployment that would result, the administration hopes to hold down the wages of steelworkers.

This latest action by the Nixon administration is another attempt to pin the blame for inflation on the workingman, instead of putting the blame where it really belongs—on the Nixon administration itself.

By issuing an inflation alert against the wages of workingmen, President Nixon is attacking the tail of the inflationary spiral. The President is treating the symptoms of the disease rather than the causes.

It sounds good on paper to say that wage increases should correspond to productivity. But steel productivity is down because of a slowdown in the economy as a whole. This economic slowdown was created by the conscious efforts of the Nixon administration. Administration policies have caused a recession without controlling inflation.

Who gets hit the hardest by inflation—the workingman and people on fixed incomes such as our senior citizens. Mr. Speaker, the steelworkers are entitled to a wage increase sufficient to offset the skyrocketing cost of living.

DOUBLE AMPUTEE HAS ALREADY PAID DEBT TO COUNTRY

The SPEAKER pro tempore (Mr. ROONEY of New York). Under a previous order of the House the gentleman from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, William T. Richardson, a constituent and a brave patriot, stepped on a land mine while serving in Vietnam, and as a consequence, both legs had to be amputated above the knees. Sergeant Richardson, who is 24 years of age and is married, was hospitalized for over a year.

Through an error by the Army paymaster, the allotment which Sergeant Richardson asked be sent to his wife was not deducted from his own paycheck. His wife nevertheless did receive for a period of 6 months a check for $150. As a consequence, the Army paid this brave soldier $900 more than he was entitled to receive.

The Army was not even aware of this debt until I inquired about a smaller debt of $212.34, which the Army was attempting to collect from Sergeant Richardson. This small collection, but one which I consider to be unconscionable, was brought to my attention by several of Sergeant Richardson's coworkers in a Springfield, Ill., manufacturing plant. They felt it entirely unjustifiable. I contacted the Army, and, instead of correcting this injustice, the Army compounded it by asking Richardson to pay not just $212.34, but $1,167.30.

Sergeant Richardson has now paid the original debt of $212.34. Although he does not know whether the Army's computations are correct, whether in fact he was overpaid, he sent the Army a check for $212.34 because, to use his own words:

> I didn't want to get in any trouble.

From his years of service, he knew the Army was mighty hard to fight.

The Army acknowledges that the overpayment to Sergeant Richardson was entirely the fault of the Army paymaster. The Army assures me that they have no reason to believe that there was any fraud, misrepresentation, fault, or lack of good faith on Sergeant Richardson's part. In fact, Sergeant Richardson told me that until notified of the debt by the Army, he was totally unaware of it or of any overpayment.

I find collection of either part of this overpayment indefensible and unconscionable—a grave injustice to this young man—and I am certain that others feel likewise.

A soldier critically injured, hospitalized and recovering from extensive surgery far from his family can hardly be expected to notice promptly pay record errors. My understanding is that neither he nor his wife knew of the error until it was brought to their attention in the form of collection efforts, long after much of the money had been spent. Whether or not Army records are accurate, Sergeant Richardson does not today know whether he was overpaid. All he knows is that the Army says he was and that now he must pay his country back.

Sergeant Richardson already has been called upon by his country to sacrifice much more than most other Americans. For the rest of his life he will daily carry his sacrifice with him. His legs cannot be restored, but at the very least, this comparatively small financial debt caused by the Army's oversight must be wiped from the books.

At my request, Defense Secretary Melvin Laird has temporarily suspended collection of the remainder of the debt owed—over $950—pending consideration by the 92d Congress of the bill I am today introducing. This measure would order the Secretary of the Treasury to repay to Sergeant Richardson the $212.34 which he has already paid to the Army, and it would erase the remainder of the debt from Army ledgers.

Secretary Laird has personally written to me expressing his support for my proposal. His letter shows a sincere recognition of the wrong done to Sergeant Richardson and a willingness to correct it. I am hopeful that Congress will act upon this bill at an early date to repay Sergeant Richardson, in some small way, the great debt of gratitude which it owes to him.

The text of Secretary Laird's letter follows:

THE SECRETARY OF DEFENSE,
Washington, D.C., October 27, 1970.
Hon. PAUL FINDLEY,
House of Representatives,
Washington, D.C.

DEAR PAUL: This letter is in reply to the inquiries in your letters of October 9 and October 20, 1970 about the indebtedness of Sergeant William T. Richardson.

As you have already been advised, Sergeant Richardson's indebtedness reflects a small overpayment of basic pay, erroneous payment resulting from excess leave, overpayment of subsistence allowance, and payment of a $150 a month allotment for his wife over a six month period without a corresponding reduction from the pay he himself received. The net total indebtedness was $1147.55. Sergeant Richardson has paid the sum $212.34, leaving a balance of $935.21.

I fully share your sympathetic concern for Sergeant Richardson because of the unfortunate circumstances underlying this case, and can understand your suggestion that the total indebtedness be waived. Accordingly, all matters regarding this indebtedness have been reexamined to determine what relief can be provided. As a result of this examination, it has been found that a policy of the Comptroller General permits an indebtedness to be suspended upon the request of a member of Congress pending the early introduction of private relief legislation. Since you plan to introduce such legislation in behalf of Sergeant Richardson in the first session of the 92d Congress, we will apply the Comptroller General's policy which is reflected in his decision of February 17, 1970, B–168579. In making this determination, collection action on Sergeant Richardson's indebtedness has been suspended until the 92d Congress can take appropriate action.

As to your request that we waive the indebtedness and return the amount already paid by Sergeant Richardson, unfortunately we have no legal authority to do so. Public Law 90–616, to which you alluded in your letter of October 20, applies only to waiver of indebtedness of civilian employees, as indicated by statements of the Comptroller General in Parts 201.2 and 201.3 of Chapter III of the Code of Federal Regulations. We have been urging the enactment of similar legislation to cover military personnel. H.R. 13582, which would permit us to waive indebtedness up to $500 and the Comptroller General to waive larger amounts, passed the House on February 16, 1970 and is now pending in the Senate. Enactment of this legislation would relieve us of the unfortunate duty of seeking repayment of overpayments in cases such as Sergeant Richardson's.

I hope that early favorable action will be taken by Congress on your bill to assist Sergeant Richardson, permitting refund of the amount he has repaid and waiver of the remaining balance.

Sincerely,

MEL LAIRD.

The text of the bill follows:

H.R. 7567

A bill for the relief of Sergeant William T. Richardson

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Sergeant William T. Richardson, of Springfield, Illinois, who suffered the loss of both legs as the result of hostile action in Vietnam, is relieved of liability to the United States in the amount of $1147.55, representing the total amount of overpayments paid to him while a member of the United States Army, as a result of administrative errors which occurred without fault on his part. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for the amounts for which liability is relieved by this section.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said William T. Richardson an amount equal to the aggregate of the amounts already paid by him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

THE SPRING OFFENSIVE: A COMMUNIST CAMPAIGN TO DEFEAT THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Ohio (Mr. ASHBROOK) is recognized for 30 minutes.

Mr. ASHBROOK. Mr. Speaker, last week, on April 14, Jerry Gordon, one of the five coordinators for the National Peace Action Coalition, denounced charges that the NPAC is subject to Communist influence, citing the presence of numerous non-Communist personalities in NPAC's roster of leaders and supporters. If the past is still a reliable guide, many people will doubtless be deceived by Gordon's superficially comforting words and will conclude once again that charges of Communist influence are probably groundless, merely resurgent "McCarthyism" or some other such cliche-ridden characterization.

Nothing could be farther from the truth.

NPAC is not merely subject to Communist "influence." It is nothing less than a front for the Socialist Workers Party, a Trotskyist Communist organization that stands for the violent overthrow of the U.S. Government.

Gordon's disclaimer, emphasizing the non-Communists who serve by design as window-dressing to lend an aura of legitimacy to the NPAC, is a classic Communist argument used to deceive the unwary. It is trotted out by the Communists whenever the truth is in danger of being exposed.

As a matter of fact—and everyone acquainted with the internal security field knows this full well—a Communist front must by definition include in its ranks non-Communists. Otherwise, it could hardly be a mere front; it would be a purely Communist organization, which the NPAC, as a coalition of diverse groups, manifestly is not.

The question is not whether everyone connected with NPAC is a Communist. The question is whether the predominant influence in the group is exercised by Communists, whether Communists exercised the major influence in setting up the organization and in setting its policies. By these tests, which have historically proved reliable, the NPAC stands indicted of being a blatant Communist front.

NPAC was formed last year in June at a conference held in Cleveland, Ohio. Hosted by the Cleveland Area Peace Action Council—CAPAC—this conference was completely dominated by the SWP, its youth arm, the Young Socialist Alliance, and the YSA-controlled Student Mobilization Committee to End the War in Vietnam, every one of the national offices of which, according to FBI Director J. Edgar Hoover, is controlled by

SWP/YSA members. Chicago Police Department officer Thomas West, who infiltrated the YSA at the behest of the Chicago Police, testified before the Committee on Internal Security last year that, to his certain knowledge, all SMC chapters around the country are controlled by the YSA. In fact, the YSA assumed control of the Chicago area SMC by simply appointing their own members to the SMC staff, a fact which indicates the tightness of the YSA's control of the SMC.

And what is the YSA? It is the youth and training section of the Socialist Workers Party, which West also testified—from first hand experience—advocates the violent overthrow of the U.S. Government. YSA members are taught in special classes, conducted largely by members of the parent SWP—which indicates the SWP's influence over the YSA—that their entire reason for being is the promotion of the revolution, which must, by the very nature of our society, be a violent one. This, of course, is the typical Communist line of violent revolution.

Careful study of original literature disseminated by the involved organizations, as well as an analysis of articles appearing in the Communist press, especially in the Militant, official newspaper of the SWP, leads to the inevitable conclusion that the organizational genius behind the Cleveland conference was the SWP, acting through the YSA and the Student Mobilization Committee. The Trotskyist press and Trotskyist groups gave all-out support to this conference, a fact which is extremely significant, especially when taken in conjunction with statements in the CPUSA's Daily World, which denounced the Cleveland conference as a vehicle for Trotskyist splitting policies in the peace movement.

The action proposals at the Cleveland conference were advanced by representatives of two major antiwar coalitions, the Cleveland Area Peace Action Council and the Detroit Coalition to End the War Now. Both coalitions, by definition, embrace many organizations, many of them by no means Communist and certainly not Trotskyist. But the operating fact here is not which groups are non-Communist, but which groups set the policies. In both cases, policies are in complete harmony with those advanced by the SWP. Both coalitions consistently advocate mass, single-issue antiwar demonstrations as opposed to actions centered both on the war and on such allegedly related issues as poverty, racism, and political "repression," a favorite theme of the CPUSA in recent years.

The policies adopted by the June 1970 Cleveland conference were those of the SWP, YSA, and SMC. The conference which formed the NPAC to carry out its programs, proposed the organization of mass antiwar protests centered solely on the war and on the withdrawal of all American forces from Southeast Asia. This proposal was denounced by the CPUSA and its allies in the peace movement, who wanted multi-issue demonstrations centered on the war and on such related issues as those mentioned above.

The leadership of the NPAC reflects the Trotskyist domination of the coalition. Of the five coordinators, the two most active as spokesmen for the coalition are Donald Gurewitz and Jerry Gordon. Gurewitz has been known for some time as a member of the Socialist Workers Party and the Young Socialist Alliance, a fact documented in the Committee on Internal Security's hearings on New Mobe in April 1970.

Information developed by the Senate Internal Security Subcommittee in 1961 revealed that Gordon had at one time been the Ohio chairman of the Labor Youth League, a now defunct CPUSA youth organization, and that he had even attended closed and secret meetings of the Communist Party itself. The fact is that Gordon at one time was a member of the Communist Party. Gordon's affiliation with the CPUSA, however, has presumably ceased in recent years, as he has emerged as a major spokesman for the Trotskyist position in the peace movement. An article in the CPUSA's Daily World on June 25, 1970, in fact, specifically identified Gordon as the leader of the "Trotskyist group" within the New Mobilization Committee which was at that time in process of coming apart at the seams because of the factional struggle led primarily by members and partisans of the SWP and CPUSA. Gordon has also been among the strongest supporters of the SMC, especially since its takeover by the YSA.

In addition, many key staff people in NPAC are members of the Trotskyist movement. Leader of the NPAC's Third World Task Force, for example, is Herman Fagg, a publicly avowed member of the SWP, while logistics are being handled by SWP 1968 Presidential candidate Fred Halstead, who is a member of the national committee of the SWP. Another leader of the logistics committee is Matilde Zimmerman, who is married to Joe Miles, one of the most prominent YSA activists in the peace movement.

It is significant that the April 1971 issue of Political Affairs, official theoretical organ of the Communist Party, U.S.A., refers to the "Trotskyist-led NPAC," a characterization that has appeared numerous times in publications of the CPUSA and in the pages of the independent Communist newspaper, the Guardian, one of the most consistently authoritative sources for information on Comunist activity in the peace movement.

Further, no matter what Jerry Gordon or any other NPAC spokesman may say with regard to the role of the SWP in the National Peace Action Coalition, the SWP itself in the November 27, 1970, issue of the Militant, made the categorical assertion that—

> The Socialist Workers Party is the only major left-wing group giving active support to NPAC.

This statement is certainly borne out by the available evidence, especially when one takes into account the fact that the other major groups operating to set the NPAC's policies—such groups as the YSA, SMC, CAPAC, Detroit Coalition To End the War Now, and New York Peace Action Coalition, among others—all function under substantial SWP domination.

The plain fact is that, no matter how many non-Communists may be involved in NPAC's projected April 24 demonstrations, and no matter how many misguided liberals, including members of Congress may have alined themselves with NPAC in this effort, the National Peace Action Coalition is nothing more than a vehicle for Trotskyist agitation in the peace movement. Conceived by the SWP, and organized largely by the SWP, YSA, and SMC, the National Peace Action Coalition is the outstanding SWP front organization of the moment and represents the high point of Trotskyist influence in the peace movement, influence that is at all times used to further Communist purposes and to render maximum aid and support to the Vietcong.

In this connection, it is significant that Thomas West testified before the Committee on Internal Security that the official policy of the SWP and YSA in the peace movement is to advance the cause of the National Liberation Front because the NLF represents a vital force in the furtherance of the world Communist revolution, a revolution to which the the SWP and YSA are by their very nature actively committed.

But this is not the whole story. The NPAC is not the only group actively promoting the so-called spring offensive demonstrations. The other major organizing force behind the April and May activities is the Peoples Coalition for Peace and Justice, which, like the NPAC, is a lineal descendant of factions within the old New Mobe.

The PSPJ is the successor to the National Coalition Against War, Racism, and Repression, which was in turn the outgrowth of the Strategy Action Conference, held in June 1970 in Milwaukee, Wis., with heavy participation by members of the Communist Party, U.S.A. The SAC was followed by numerous regional conferences, out of which eventually emerged the NCAWRR, which represented the major vehicle through which the CPUSA operated to implement its multi-issue line in the peace movement.

It is not claimed that the CPUSA was by itself the absolute controlling force in the NCAWRR. Rather, it is claimed that the NCAWRR represented the degree to which the New Mobe, after the defection of the Trotskyists, had fallen into the hands of the Communist Party and a group of activists, such as David Dellinger and Rennie Davis, whose views on multi-issue protest happened to be in accord with the program being advanced by the party.

The nature of the NCAWRR and its successor PCPJ is such that the lines of influence and control are not as clearly drawn as is the case in the NPAC. Thus, while it is true that in the Midwest the leadership of the PCPJ tends to be in the hands of the clique of CPUSA members in control of the Chicago Peace Council, nationally the control seems to be in the hands of the coalition of CPUSA members and other militant activists mentioned above. Nevertheless, it is fair to state that of the organizations represented in the PCPJ coaltion, the most consistently influential is unquestionably the Communist Party.

The leadership of the PCPJ is in the hands of a coordinating committee which includes such people as the following: Irving Beinin, a staff employee of the Communist newsweekly Guardian; Rennie Davis, an avowed supporter of the Communist cause in Vietnam and a prominent advocate of disruptive tactics that have consistently led to violence; Dave Dellinger, a self-professed Communist; William Douthard, who maintains close ties with the Communist Stockholm Conference on Vietnam; Carlton Goodlett, a one-time member of the Communist Party who remains a strong supporter of the Communist cause. Goodlett is also a member of the Presidium of the Soviet-controlled World Peace Council; Gil Green, a top leader in the CPUSA; Terence Hallinan, a member of the CPUSA; Dave Ifshin, president of the National Student Association; Sylvia Kushner, a member of the Illinois State Committee of the CPUSA; Sidney Lens, a pro-Castro propagandist and one-time leader of the dissident Communist Revolutionary Workers League; Irving Sarnoff, leader of the CPUSA-controlled Peace Action Council of Southern California and identified leader in the Southern California District of the Communist Party; Jack Spiegel, a leader in the Chicago Peace Council and member of the Communist Party; Jarvis Tyner, a member of the national committee of the CPUSA; and Cora Weiss, an avowedly pro-Hanoi activist in Women Strike for Peace who serves also as chairman of the Committee of Liaison with Families of Servicemen Detained in North Vietnam, an organization formed in 1969 as an offshoot of the Communist-dominated New Mobilization Committee to End the War in Vietnam.

Another key member of the PCPJ coordinating committee is Prof. Sidney Morris Peck of Cleveland, Ohio. Peck, who initiated the conference in 1966 that served as the founding conference of the November 8 Mobilization Committee, a Communist-dominated coalition that was the first predecessor of the New Mobe, was at one time a member of the Wisconsin State Committee of the CPUSA and is one of the most influential people in the peace movement—and one of the most dedicated of the Communist activists who today actually manage to control its major operations.

Peck, who is on record as favoring a Communist victory in Vietnam, has a long record of loyal service to the Communist cause. He was an active member of the American Youth for Democracy, a now-defunct CPUSA youth front, from 1946 to 1949. From 1948 to 1952, he was affiliated with the Wisconsin Progressive Party, a CPUSA front group, and in 1963 he was active in the National Committee to Abolish the House Un-American Activities Committee, also a Communist Party front organization, now known as the National Committee Against Repressive Legislation. In June 1965, he was a speaker at an open forum conducted by the Cleveland branch of the Socialist Workers Party; and, also in 1965, he helped several members of the SWP to organize the Cleveland Committee to End the War in Vietnam.

Peck's identification with the more militant confrontation wing of the peace movement, as represented today by the PCPJ, is no accident. In 1968, he prepared a so-called working paper which he disseminated to his students. The subject of this paper was "Strategy and Tactics of the Movement Against the War." In it, he suggested various disruptive tactics designed to adversely affect the war effort in Vietnam, including the destruction of the Nation's six largest induction centers.

Furthermore, other elements involved in the PCPJ-NPAC demonstrations are actively committed to forms of protest that must inevitably lead to confrontation and violence. Indeed, there is evidence that has recently come to my attention that certain elements are planning specific violence.

According to an item appearing in the authoritative anti-Communist publication Combat on March 1, 1971, instructions have been handed down by Bernardine Dohrn to members of the Weatherman group, instructions that they are to surface for the Washington demonstrations with the object being that they are to cause as much disruption as possible. This instruction makes it quite clear that members of the extremely violence-prone Weatherman group will be present in Washington as part of their current program of reentry into the peace movement. Given the commitment of the Weatherman to violence, how can anyone claim that all plans for these spring offensive actions are peaceful?

In addition, I am informed—highly reliably—that certain people involved in planning for the May demonstrations, which are being sponsored primarily by the PCPJ, are not just discussing stall-ins and other such supposedly nonviolent tactics designed to disrupt the operations of Government. Rather, they are also known to be discussing—and on a serious basis—the use of explosives.

It is also significant that the spring offensive demonstrations are being actively supported by international Communist elements. It is fair to state that the schedule of activity occurring this spring in Washington and other cities is part and parcel of an international Communist-directed campaign against our policies on Southeast Asia, a campaign designed to subvert dissent to the service of Communist objectives in Southeast Asia and around the world.

It is no accident that the NPAC and PCPJ, after months of bitter squabbling, managed to achieve unity on a mass demonstration in Washington and San Francisco this April 24. The following chronology demonstrates that the supposedly native American peace movement is actually identified with the Communists in North Vietnam and the NLF to such a degree that they have in fact achieved this unity—almost literally overnight—at the behest of the North Vietnamese:

On February 27, 1971, the executive committee of the Communist-run Stockholm Conference on Vietnam met in Stockholm to consider problems related to the peace movement, particularly in light of the incursions into Laos. Present at this meeting was William Douthard, a national coordinator for the Peoples Coalition for Peace and Justice. Douthard announced that the spring action program of the PCPJ was to be worked out at a meeting in Washington that same weekend. According to an information letter issued by the Stockholm Conference on March 17, 1971:

> The Executive Committee [of the Stockholm Conference] decided unanimously to conform its proposals for action to the lines of the decisions to be taken in Washington.

Also on February 27, Xuan Thuy, chief North Vietnamese negotiator in Paris, issued a strong appeal for unity in the American peace movement. This appeal, quoted in the Communist newsweekly Guardian, called on "the progressive American people and all antiwar organizations in the United States to unite closely" to create "a wide and strong movement" against alleged American aggression in Vietnam, Laos, and Cambodia. Xuan Thuy then wished the peace movement in the United States "every success" in their Spring Offensive. This, of course, is nothing new, since the Communists in North Vietnam and in the NLF have always wished their allies in the United States "brilliant success" in these demonstrations, thus demonstrating the degree to which the world Communist movement views the American anti-Vietnam war movement as a valuable ally, the " 'Second Front' of the Vietnam war," in the words of WSP leader and CPUSA member Pauline Rosen of New York in an interview quoted in the May 21, 1970, issue of the CPUSA's Daily World, in which Rosen was quoting Communist Vietnamese representatives at the March 1970 Fifth Stockholm Conference on Vietnam.

On February 27–28, 1971, the continuations committee of the PCPJ met in Washington, as previously indicated. This meeting resulted in a firm decision that the PCPJ cosponsor the NPAC's April 24 marches in Washington and San Francisco. The Communist Guardian reported on March 6 that Xuan Thuy's urgent plea was instrumental in convincing participants that "the need for unified action was paramount."

Then, on March 2, 1971, leaders of the PCPJ held a press conference in the Rayburn House Office Building in Washington to announce this unity of action for April 24. Present were such key Communist peace leaders as David Dellinger and Sidney Peck, along with several others, including NSA president David Ifshin, who had participated in the signing of the so-called Peoples Peace Treaty, a Communist-serving propaganda document drafted in Hanoi and signed by representatives of Vietnamese and American student groups. It is known that NSA representatives met with official representatives of the North Vietnamese Government in executing this project, which is being actively promoted by the PCPJ.

It should be obvious to any reasonably objective observer that the so-called spring offensive is nothing more or less than a Communist-led effort to undermine America's position against Communist aggression in Asia. Both the NPAC and PCPJ are firmly under the domination of Communist elements. Additionally, the PCPJ includes in its ranks activists from certain groups that are bent on fomenting violence, even, as previously indicated, through the tactical use of explosives.

There can be no such thing as a selective endorsement of particular aspects of this program. Any Senator or other person who thinks he can merely endorse the April 24 demonstrations without, at least inferentially, also endorsing those planned subsequently in May is guilty of the most startling naivete, to put it charitably.

For all these organizations are manifestly in this together. No matter what Jerry Gordon or other NPAC spokesmen may say about peaceful intent for April 24, the cold, hard fact is that the NPAC has aligned itself with the PCPJ, with all this portends in terms of disruption and possible—even probable—violence in the Nation's Capital this spring.

Members of Congress who aline themselves with the NPAC must now do so with their eyes open. I call upon all of my colleagues in this House and in the Senate to repudiate these apostles of discord before it is too late. There is no excuse for anyone, especially members of the legislative branch of our Government, lending support to this movement which has as its primary purpose the rendering of aid and comfort to the enemies of the United States. Whether the war be declared or undeclared is of no moment; the meaning is the same.

FORCED BUSING OF SCHOOLCHILDREN

The SPEAKER pro tempore. Under a previous order of the House the gentleman from North Carolina (Mr. MIZELL) is recognized for 5 minutes.

Mr. MIZELL. Mr. Speaker, the U.S. Supreme Court has today ruled that the policy of forced busing of schoolchildren, as applied in the case of Swann against Charlotte-Mecklenburg Board of Education, is acceptable and constitutional.

This decision is destined to be met with dismay and with outrage by the vast majority of the American people, and its ramifications will certainly be felt by each of us sitting in this Chamber when the people begin to make their voices of displeasure heard.

I have today issued a statement regarding this matter to the people of the Fifth District of North Carolina, whom I am pleased to represent, and to the communications media.

For the benefit of my colleagues, I include the text of my statement in the RECORD.

STATEMENT BY MR. MIZELL

Today's decision by the Supreme Court upholding the policy of forced busing of school children away from their neighborhood schools is a devastating blow to the orderly process of education in America, to the concept of local control and to the cause of freedom itself.

This precedent will have far-reaching, chaotic and totally unnecessary effects on educational systems throughout the country. Quality education—which is supposed to be the goal of the schools, courts, and of every American—cannot be achieved while overwhelming additional expenses and administrative duties are required to implement court-ordered busing.

My goal has always been, and continues to be, providing a quality education for every American child, black or white, and it's time we returned to that central, basic concern. It's time we returned to reason.

To speed that return, I will introduce in the House of Representatives a constitutional amendment, declaring that forced busing is not an acceptable policy, and that the right of school children to attend their neighborhood schools shall not be taken away by any court or by any other agent of the government.

SOLIDARITY IN WEST ORANGE, N.J.

The SPEAKER pro tempore. Under a previous order of the House the gentleman from New Jersey (Mr. MINISH) is recognized for 10 minutes.

Mr. MINISH. Mr. Speaker, in the small hours of the morning this past Sunday, the West Orange Jewish Center was ravaged by a bomb blast. However, with this desecration of a house of worship in my home community, we were brought even closer together in our common rejection of such a repugnant and senseless act of violence.

The police and firemen, local officials, the Christian community and area Jewry, all have been united by this tragic event. It has been made abundantly clear that there is no fertile soil for bigotry of any kind in the community of West Orange.

The Jewish Center had occupied the bomb-damaged premises for 18 years of service to the total community. When I visited the premises Sunday morning and walked over shattered glass and sagging beams along paths I had often walked before, I could not help but reflect on the significance of the No. 18 to the Jewish people. In Hebrew, the corresponding letters to the numeral 18 spell the word "life."

I hope that the lively and glorious spirit of the congregation will be reborn, and that the atrocity perpetrated against the members of the congregation will serve to reaffirm their faith.

I include below newspaper articles concerning the shameful event taken from the Monday, April 19 editions of the Newark Star-Ledger and the Newark News:

MEMBERS BEGIN REBUILDING BLAST-SHATTERED TEMPLE

(By Bruce Bailey)

Members of the West Orange Jewish Center rolled up their sleeves yesterday and began temporary repairs to the damage caused by a bomb blast in the vestibule of the center complex early yesterday morning.

The front of the center was shored up, some glass was replaced and plumbers were called in to repair damage caused by the explosion, which could be heard for several miles.

Serving as spokesman for Rabbi Harold Mozeson was Robert Kohler, a member of the congregation and director of the New Jersey Anti-Defamation League.

Kohler said the congregation was "shocked by the explosion but no one is upset or frightened. We just have to get to work, make the necessary repairs and get back into operation."

Assemblyman David Goldfarb (R-Essex) said he was "shocked and appalled" by the bombings and demanded that "an immediate investigation be conducted by members of the municipal, county and state law enforcement agencies in determining the cause and apprehending the persons who have contributed to this most deplorable action."

Goldfarb, who recently introduced legislation on the control of explosives, said, "It is extremely pitiful and sad that houses of worship should be trespassed upon or damaged in this fashion."

The explosion, which occurred at approximately 12:20 a.m. yesterday, could be heard for miles and within a matter of minutes police and firemen were at the scene.

The blast device, according to authorities, were carefully placed beneath a heavy air conditioner in the vestibule of the center.

Kohler said the resulting explosion "blew forward" toward the sanctuary, shattering the temple proper and the areaways leading to other departments in the center's complex off Pleasant Valley Way.

The center's classrooms and recreation area were not damaged by the blast, according to Kohler.

One of the first persons on the scene was Rabbi Mozeson, who could give authorities no reason why the explosive device would have been planted at the center.

The rabbi said the center had not been the target of any anti-Semitic acts except for a few incidents of rock throwing which broke a number of windows several years ago.

Kohler acknowledged that the controversial leader of the militant Jewish Defense League, Rabbi Meir Kahane, has been scheduled to speak at the temple last night, but he said a conflict of dates was discovered two weeks ago. Kahane will make an appearance at the temple early next month, said Kohler.

Kohler said the congregation saw no connection between the bombing and Kahane's scheduled appearance. "My son will be barmitzvahed here in two weeks, and you could say, as easily, that the bombing was directed against him."

"No one can say because of a charismatic figure, that the bombing was related or unrelated.

"It is quite obvious that here we are dealing with a demented person. We have utmost faith in the local police authorities and feel sure they will find the culprit with all deliberate speed."

"It was definitely a professional job," said Mayor Louis Falcone, who was among those living more than a mile away who heard the explosion.

Police said it was apparently a timed fuse and a survey of nearby hospitals was made to check the possibility that the perpetrators set the bomb off too soon. The check was fruitless, Falcone said.

"This was not the work of a kid who doesn't like Sunday school," Falcone said. "The whole community, gentile and Jewish is upset by this."

Kohler said the congregation "has enjoyed a happy relationship in West Orange for the last 10 years and we are at a loss to explain why this happened."

"It's obvious, though," he added, "that it is the work of a nut—but a painstaking, clever nut."

Kohler said there was no estimate of damage as yet, but added "it was quite extensive."

After a meeting yesterday at the temple, officers and trustees of the congregation set a tentative date of April 28 to hold an all-faiths rally on the temple lawn at 8 p.m.

A meeting will be set up with Catholic and Protestant leaders to see if the date for the solidarity rally is agreeable.

Meanwhile, members of the West Orange police and fire departments were joined at the scene yesterday morning by an agent from the Federal Bureau of Investigation.

They sifted through the debris in an effort to determine what kind of a bomb device was used to touch off the blast, which left explosive powder clinging to several steel beams in the vestibule.

Firemen reported there was no fire caused by the explosion, which also wrecked a gymnasium.

While police refrained from comment, an ordnance squad from Ft. Monmouth searched the rubble and pinpointed the area where the bomb had been placed but could not determine its kind.

Police said no telephone calls were placed either to West Orange Police Headquarters or Rabbi Mozeson's home prior to the explosion.

PROBE TEMPLE BLAST

(By Diane Ouding)

Members of the West Orange Jewish Center, which was rocked by a mysterious explosion, early yesterday, have made emergency repairs and plans to continue most of their program elsewhere.

Police and FBI agents pressed their investigation of the explosion, which caused $250,000 damage to the building. The synagogue was unoccupied at the time, and there were no injuries, although the blast was heard for miles.

Officials and members of the congregation pitched in yesterday to make emergency repairs, as curiosity-seekers streamed past the damaged building.

A number of other institutions offered their facilities to the congregation, and officials said all scheduled activities would continue in other locations.

KAHANE SCHEDULED

The bombing occurred the night before Jewish Defense League leader Rabbi Meir Kahane was scheduled to speak. Kahane, however, had canceled the engagement more than a week ago. Police said no bomb threats had been called in.

"We aren't going to make our decision subject to his kind of hooliganism," Rabbi Harold Mozeson, leader of the center, said "We decided that Rabbi Kahane's invitation for May 2 still stands."

Murray Gottlieb, Jewish Center president, said he was called to the scene immediately by West Orange firemen from the firehouse across Woodland Avenue from the center. He accompanied them as they rushed in to rescue the Torah and sacred scrolls soon after the blast. Police, firemen and members of the Ft. Monmouth bomb squad, who were called to the scene, then picked through the rubble for most of the night looking for clues.

Fire inspector Capt. James Cohrs, who headed the fire investigation squad, said the bomb contained "a goodly amount, an excessive amount of explosives." Cohrs said, "If anybody had been in the building, he'd be dead." He said the department had determined the bomb to be one of two types but could not release the information. Final lab tests, he said, would be completed today.

The FBI released a statement last night saying it was "maintaining a liaison with the West Orange police to determine if there was any indication of the breaking of federal laws." But, there was "no indication of the breaking of federal statutes so far," the FBI said.

"It was definitely a professional job," said Mayor Louis Falcone. "This was not the work of a kid who doesn't like Sunday school. The whole community, gentile and Jewish, is upset by this."

RALLY PLANNED

Meanwhile, public officials and leaders of the West Orange Jewish Community met yesterday down the street in the Goldman Hotel to determine a course of action. A rally to be held on the grounds of the bombed out synagogue is tentatively scheduled for 8 p.m. Wednesday.

A man present at the meeting, who declined to give his name, said the rally was set to "show support of the Jewish community and reaffirm the ideals of the right to worship, in fact, the existence of the democratic process here."

Also present at the meeting were Mayor Falcone, and members of the Board of Education as well as representatives from the police and fire departments.

Gottlieb reported that Hebrew classes would continue in West Orange's Redwood School, and due to the many offers of help, the center would not have to curtail its activities. He said seven area communities had offered facilities to the center.

"But," Gottlieb added, "it will be many months before the center is totally repaired, and we are recovered from the effects of the blast."

The center, a one story building, was completed in 1955, and is set back in a large open tract 200 feet from the roadway. Rabbi Mozeson has been spiritual leader of the center since 1945.

THE ROLE OF THE LAW AND THE LAWYER IN OUR FREE SOCIETY: LAW DAY ADDRESS BY THE MAJORITY LEADER REPRESENTATIVE HALE BOGGS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Alabama (Mr. FLOWERS) is recognized for 15 minutes.

Mr. FLOWERS. Mr. Speaker, on Saturday, April 17, the distinguished majority leader, Mr. BOGGS, delivered a thoughtful Law Day address before the faculty and student body of the University of Alabama Law School, Tuscaloosa, Ala.

Mr. BOGGS had a great deal to say about the role of the law and the lawyer in our free society. I am inserting his remarks in the RECORD and commending it to the attention of my colleagues:

REMARKS BY MR. BOGGS

I am honored to be here today and to have this opportunity to make your Law Day, 1971, address.

In preparation for this talk I thought about the multitude of options open to a young lawyer today.

I found that, in the course of enumerating these options, I had mentally separated private practice, public interest practice, and public service.

I hope I may be forgiven for those distinctions. To the extent that those distinctions exist in fact, fundamental improvements in our system are made enormously more difficult.

A private practitioner should be as much a servant of the public interest in his everyday work as any publicly supported antipoverty lawyer, or any elected official.

No lawyer serves himself or his client well when, by his counsel, the public interest suffers.

A lawyer not active for the public good is unworthy of the legal vocation. He is a special impediment to social progress because, like any warrior schooled in the art of combat, he can use his training witlessly, thoughtlessly—and effectively—in the service of evil.

The expression "if you are not part of the solution you are part of the problem" is especially true of lawyers.

Lawyers who are part of the problem—and there have always been many and are many today—deserve all of the colorful scorn heaped on them through history.

Jonathan Swift, in his classic satire *Gulliver's Travels,* described lawyers as:

"A society of men among us, bred up from their youth in the art of proving, by words multiplied for the purpose, that white is black and black is white, according as they are paid."

And John Milton had occasion to describe a particular lawyer as:

"A serving man and solicitor compounded into one mongrel—an apostate scarecrow, a vagabond and ignoramous, a beetle, a daw, a horsefly, a nuisance and a brazen ass."

One of Shakespeare's characters uttered the chilling if probably popular suggestion that:

"The first thing we do, let's kill all the lawyers."

You may recollect that it was our profession which inspired Charles Dicken to describe Temple Bar as a "leaden-headed old obstruction" and place the High Court of Chancery "at the very heart of the fog."

It is sad but all too true that were Dickens to reappear for a courtroom visit today he would likely discover similarities to the Chancery Court he observed over a century ago, namely a place where judges and lawyers are:

"Mistily engaged in one of the ten thousand stages of an endless cause, tripping one another up on slippery precedents, groping kneedeep in technicalities, running their goat-hair and horse-hair warded heads against walls of words, and making a pretense of equity with serious faces."

Fortunately for all of us, there have been critics. Without the check of sharp criticism, legal practitioners might long since have made of the law an even more impossible confusion of statutes, precedents and procedures—and reaped even greater profit from the confusion.

Just criticism of the legal profession has not been confined, I needn't add, to the Star Chamber and the debtor's prison.

Louis Brandeis, who became one of our great Supreme Court Justices, once lamented that:

"Able lawyers have, to a large extent, allowed themselves to become adjuncts of great corporations and have neglected their obligation to use their powers for the protection of the people."

"We hear much of the 'corporation lawyer' " he said, "and far too little of the 'people's lawyer'."

Brandeis would certainly be pleased at the rising interest of the bar today, particularly among younger lawyers, in the protection of the rights of the poor, and the disadvantaged, and the consumer, against infringement by those accustomed to ignoring those rights.

The rise in popularity in the causes I just mentioned has an important collateral benefit. It helps us to see the nobler possibilities of our profession.

If a lawyer seeks no more than to gain for his client an economic advantage over a competitor, he may be a good capitalist, but he is not a great lawyer.

If his only test for this prosecution of a cause is the standard fee in advance, he is a hired gun, a mercenary, and he demeans the profession.

If he views himself as a functionary who, once engaged, merely carries out his client's wishes, he is a marionette, not a lawyer.

If he is content to use improper means toward a proper end, he is a cynic, not a lawyer.

If he takes undue advantage of the frailty of the legal process to promote, or persecute, some political view, he is not a lawyer but a petty tyrant.

Of course, if a lawyer thinks he can right all wrongs, heal all wounds, abolish all injustice, then the poor fellow has the delusion of divinity.

A real lawyer tries, in whatever the cause, to bring order out of chaos, not for the sake of order, but for the good of his client and, by extension, his fellow men. The law has never served any man well without serving all men well.

The best leaders lead by example. Lawyers are no different. We are best instructed in the law not so much by casebooks, nor by hornbooks—nor even by speeches—but by an examination of the life of great lawyers.

Who are the great lawyers? Most we will never know about. They are daily going quietly about their work.

Some we do know about, and one of the greatest of these is a distinguished alumni of your own institution, Mr. Justice Hugo Black.

Hugo Black, in my opinion, has undertaken no more important cause than that of seeking to remove the price tag from justice.

In *Griffin v Illinois*, Justice Black set the stage for his later landmark opinion in *Gideon v Wainwright* when he said that:

"In criminal trials a State can no more discriminate on account of poverty than on account of religion, race or color . . . There can be no equal justice where the kind of trial a man gets depends on the amount of money he has."

What is true of criminal trials is, in my view, no less true of civil trials and civil actions short of trial.

It is a very serious defect of our system that we have yet to solve the problem that those commanding the largest financial resources have an overwhelming if not altogether decisive advantage over their adversaries.

In such circumstances, persons unaware of their rights are kept in ignorance by powerful interests; those injured by private or governmental heedlessness or deception are bullied with relative impunity; if tempted to assert their rights, they are easily intimidated by the staying and delaying power of well-financed opposition.

Even those determined enough to engage in litigation to the end frequently find that the dollar cost of justice is all out of proportion to the underlying controversy.

Lately, the experience of the OEO Legal Services Program and similar programs has demonstrated that legal rights are an illusion unless safeguarded by effective counsel and, when necessary, asserted by effective advocacy.

I do not have the answer to this problem. I do believe that something must be done about it.

We must examine, for example, the possibility of legal insurance to perform a function similar to that of health and medical insurance.

We must find ways of extending the effective advocacy made available to the poor to those of greater but still modest means who cannot presently afford adequate legal counsel when necessary.

We must better educate people to their rights so that they are less likely to be victims of the unscrupulous.

We must improve the effectiveness of those regulatory agencies of government, State and federal, whose responsibility it is to protect the public.

We must seriously consider the establishment of publicly provided ombudsman to take up individual claims in instances of abuse or neglect of governmental responsibilities.

We must reduce the awful complexity of the law itself. It is a scandal, for example, that millions and millions of ordinary Americans find it necessary to pay advisors to help them comply with our income tax laws. Businesses, too, are frequently entangled in complex, conflicting, redundant, unnecessary and even abusive statutory schemes whose ostensible purpose is to assist them.

By these suggestions I favor no "Big Brother" society where private initiative and enterprise is stifled by overzealous legal watchdogging.

But I do hope for a society in which the law—which is after all the assent of the people to rules of good conduct—really serves the public interest. And a society in which legal practitioners—however they characterize their particular practice—likewise serve that public interest.

As much as one may admire those who will bring their legal talent to public interest law firms, or legal aid and legal services programs, we must come to see the private practice of law, as well, for the remarkable opportunity it affords for service to the common good.

Woodrow Wilson expressed it this way, fifty years ago:

"You are not a mere body of expert business advisors in the field of civil law or a mere body of expert advocates for those who get entangled in the meshes of the criminal law. You are servants of the public, of the state itself. You are under bonds to serve the general interest, the integrity and enlightenment of law itself, in the advice you give to individuals. It is your duty also to advise those who make the laws—to advise them in the general interest, with a view to the amelioration of every undesirable condition that the law can reach, the removal of every obstacle to progress and fair dealing that the law can remove, the lightening of every burden the law can lift and the righting of every wrong the law can rectify."

SUPREME COURT AFFIRMS FEDERAL OWNERSHIP OF CHILDREN

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Louisiana (Mr. RARICK) is recognized for 15 minutes.

Mr. RARICK. Mr. Speaker, reminiscent of the days of Earl Warren, the latest Republican Chief Justice, Warren Earl Burger, has now ruled that parents and local communities have no control over their children if their forceful transfer from one group to another is deemed by a Federal judge to be in the best interest of achieving racial balance. And, of course, if the child involved is in a Southern State.

It stymies one's imagination to believe that the American people have been misconstruing the Constitution for 182 years by ignoring the mandate to force busing of schoolchildren in Southern States to achieve racial balance. It is little wonder we constantly face appeals for more and more judges because of backlogs of dockets and delays—our judiciary is too concerned with dreaming up new theories of social justice and sectional harassment to dispense with justice as outlined under their constitutional mandate.

If we are now to consider that racial balance is a constitutional goal, duty, and right, then distance must not be considered a legal factor. The attaining of true social justice, by pure racial balance must be just as legal and desirable a goal from State to State or section to section as it is from school to school or across town. Any other conclusion would not be logical nor in keeping with the equal protection provision of the U.S. Constitution.

In July 1969, I had introduced a resolution to establish a select committee to conduct a full and complete study of the demography—racial breakdown—of the United States with a view toward providing relief from racial tensions through an equal distribution of underprivileged racial groups throughout the several States as well as in the political subdivisions of each State.

Informed Americans know that the Negro comprises only 11 percent of our national population. Yet, in some sections of our country, large cities, and in the rural South, the Negro population exceeds 50 percent and in some areas extends to 80 percent. Attaining social justice in these heavily impacted areas understandably presents a much more difficult task than in other areas of our Nation which fall far below the 11-percent national average areas, such as South Dakota, Montana, Maine, and Minnesota.

If the Supreme Court is now to adopt the role of equalizer of men, it must also become the distributor of races, otherwise it will be denying the constitutional right of a white child in the North to achieve racial balance if that child is forced to attend a school without the proper racial balance of 11 percent Negro.

Northern politicians and, in fact, northern parents cannot be expected to appreciate the need for their becoming activists in achieving racial balance; so the Court in its new role, must spread the races throughout the Nation. The individual rights and wishes of our people be hanged—only groups count.

That the nonjudicial bureaucrats and the northerners will not voluntarily comply with the imaginative new Court law can best be demonstrated by the complete failure of any support for House Concurrent Resolution 172, which called for a sense of Congress "that each officer or employee of the Federal Government who is residing and working in the District of Columbia and who has a child qualified to attend an elementary or secondary school should send such child to elementary or secondary school to the public school system in the District of Columbia.'"

Not only has this resolution which calls for voluntary participation in racial balance by our Nation not received the first offer of support from any of the egalitarians and liberals, but the Secretary of Health, Education, and Welfare refuses to take any action to equally apply the Federal laws and guidelines to the District of Columbia which he enforces at present in Southern States. Secretary Richardson's excuse is that the

District of Columbia is desegregating under an order of the U.S. district court and as such it qualifies as being in compliance with the Civil Rights Act of 1964. This, despite the fact that segregation in our Nation's Capital was de jure, that is by law, and not de facto. And further, that the attendance records—see my remarks in the CONGRESSIONAL RECORD of February 19, 1971, at page 3350—indicate more segregation in 1971 than in 1970.

The Supreme Court has now preempted HEW as the greatest threat against the family and individual liberty in America.

I include a copy of House Resolution 497, a letter from the HEW, and a news clipping as follows:

H. RES. 497

Resolved, That there is hereby created a select committee to be composed of nine Members of the House of Representatives to be appointed by the Speaker, one of whom he shall designate as chairman. Not more than five members of the committee shall be members of the same political party. Any vacancy occurring in the membership of the committee shall be filed in the same manner in which the original appointment was made.

The committee is authorized and directed to conduct a full and complete study of the demography of the United States with the view toward providing relief from racial tensions by more equal distribution of underprivileged racial groups throughout the several States and in the political subdivisions of each State.

For the purpose of carrying out this resolution the committee, or any subcommittee thereof authorized by the committee to hold hearings, is authorized to sit and act during the present Congress at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, to hold such hearings, and to require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary; except that neither the committee nor any subcommittee thereof may sit while the House is meeting unless special leave to sit shall have been obtained from the House. Subpenas may be issued under the signature of the chairman of the committee or any member of the committee designated by such chairman or member.

The committee shall report to the House as soon as practicable during the present Congress the results of its investigation, together with such recommendations as it deems advisable. Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
April 5, 1971.

Hon. JOHN R. RARICK,
House of Representatives,
Washington, D.C.

DEAR MR. RARICK: Thank you for your letter of March 2 concerning school desegregation in the District of Columbia.

The only authority that this Department has to require school desegregation by local educational agencies is under the provisions of Title VI of the Civil Rights Act of 1964. Under regulations of this Department for the implementation of Title VI, a school district is considered to be in compliance if it is subject to a final order of a court of the United States for the desegregation of its schools and provides an assurance that it will comply with such order. Inasmuch as the District of Columbia is desegregating under an order of the U.S. District Court for the District of Columbia in the case of *Hobson* v. *Hansen*, it qualifies under this provision.

Apart from the question of whether the District of Columbia technically meets the requirements of Title VI and our implementing regulations, I can well appreciate your concern that integration of student bodies in the public schools of the District has not been effectively acheived as a practical matter. The problem is, of course, very much compounded by the fact that the student population in the District is over 90 percent black and that there is also a high degree of residential impaction by race. These problems, however, while perhaps more severe in the District, are not essentially different from those in other large municipal systems that have previously been operated on an officially segregated basis. While we do in our enforcement efforts under Title VI, ask the school districts to take reasonably practicable steps to correct the racial isolation of students caused by the segregated system, we have not, as you suggest in your letter, sought to compel a strict racial balance among the various schools in the system.

With kindest regards,

ELLIOT L. RICHARDSON,
Secretary.

[From the Washington Star, Apr. 20, 1971]

SUPREME COURT UPHOLDS BUSING—JUSTICES TAKE TOUGHER STAND ON INTEGRATION

(By Lyle Denniston)

The Supreme Court today unanimously ordered school officials to increase efforts to end segregation, using busing and crosstown transfers of pupils if necessary.

Chief Justice Warren E. Burger, announced the series of four rulings as all other members sat silently on the bench beside him.

The chief justice wrote the opinions.

Surpassing in importance anything the court has done on school desegregation in 17 years, the ruling firmly requires school officials in the South, watched over by federal judges, to go further to see that "no pupil of a racial minority" is barred from any school because of his race.

It signaled, at least for some Southern communities, a major move away from the "neighborhood school" as the norm.

At the least, ruling seemed sure to disappoint the Nixon administration, which had wanted the court to embrace neighborhood schools even if that meant substantial segregation remained in some school systems.

NO BINDING DUTY

But the court did make important gestures toward some parts of the administration's school policy.

It said that there is no "substantive constitutional right" to have "any particular degree of racial balance or mixing" in any given school.

And, it said that there is no binding duty to see that no schools attended by only one race or virtually one race are left in a community, at least for a short period.

But the firmness of the new declaration that federal judges have "broad equitable powers" to take steps to wipe out segregated school systems does mean that the administration and local school officials will have less flexibility than current government policy suggests as they fashion further plans for integration.

Burger's four opinions today were filled with comments reaffirming the duty to move ahead in dismantling Southern school systems which had separate sets of schools for whites and blacks.

Recalling the 1954 decision which first ordered an end to segregation, Burger today said the objective remains the same: "To eliminate from the public schools all vestiges of state imposed segregation."

While cautioning judges that their rule does not put them "automatically in the shoes of school authorities," Burger declared that judges must step in when local school officials "fail in their affirmative obligations" to continue to work for an end of dual school systems.

Today's ruling is, almost entirely, a decision affecting Southern school systems. The suits were filed to overturn official, formal actions of school officials desegregating schools.

Burger said flatly that the court was not deciding whether it is necessary to integrate schools where segregated education results from actions other than those of school officials.

In other words, so-called "Northern-style segregation" resulting from isolation of blacks in separate neighborhoods is not affected by today's action.

ONE NATIONAL NORM

The administration had repeatedly argued that its "neighborhood school policy" was designed to deal with school systems in the North as well as the South. It had hoped that the Supreme Court, in its new action on racial separation, would embrace its policy fully so that there would be one national norm in dealing with separate education.

Burger's opinions were, on the whole, generalized discussions of the goals and techniques that figure in ending officially segregated education. At a number of points, the chief justice made qualifying remarks to indicate that hard-and-fast rules were not being handed down.

"Conditions in different localities," Burger said at one point, "will vary so widely that no rigid rules can be laid down to govern all situations."

The court made a major concession today to the practical problems that school officials would face in trying to degregate classrooms and keep them integrated even as the community changes.

School officials and federal judges, the court declared are not required to make adjustments every year in the racial makeup of student bodies once it has been proved that they have desegregated their systems.

"In the absence of a showing that either the school authorities or some other agency of the state have deliberately attempted to fix or alter demographic patterns to affect the racial composition of the schools, further intervention by a district court should not be necessary."

SPECIFIC RULINGS

In specific terms, these are the rulings the court issued today:

It upheld all parts of a desegregation and busing order issued by a federal judge for the city of Charlotte, N.C., and surrounding Mecklenburg County—and order partly opposed by the administration.

It struck down a North Carolina anti-busing law that was passed in the state in reaction to the desegregation effort in Charlotte.

It ordered a new plan, involving more crosstown busing, to desegregate the entire school system of Mobile, Ala., requiring more efforts than the Nixon administration had wanted in that community.

And, it upheld a desegregation plan for Clarke County, Ga., and the city of Athens, Ga., which assigns students on the basis of race to schools away from their neighborhoods in order to get more integration. The Justice Department had not opposed that plan.

In addition, the court firmly rejected the idea that a 1964 federal law curbed the power of federal judges to order integration by busing students to achieve a "racial balance."

That law, Burger said, does nothing to restrict or withdraw the powers of courts to take steps to end dual school systems based on race.

Burger's main opinion today was a 28-page statement written to deal primarily with the Charlotte situation, but going beyond it to issue general guidelines for desegregation of all southern school systems.

He declared that local school officials and federal judges have had practical problems in trying to end official segregation.

"Nothing in our national experience prior to 1955 prepared anyone with dealing with changes of the magnitude and complexity encountered since then," he said.

The problems, he said, "make plain that we should now try to amplify guidelines, however, incomplete or imperfect, for the assistance of school authorities and courts."

Besides noting the practical problems, Burger did note that there had been "deliberate resistance" and "dilatory tactics" in school systems.

In fashioning guidelines, the court dealt with four issues in desegregation. These were the results:

1. It said that there is no constitutional requirement to achieve balance. If federal judges insist on a specific ratio of a matter of constitutional duty, they would be wrong, the court said.

The constitutional command to desegregate schools does not mean that every school in every community must always reflect the ratios of composition of the school system as a whole."

But the court added, judges may use ratios as "a starting point in the process of shaping a remedy, rather than an inflexible requirement."

2. It is not illegal to permit the continued existence "of some small number of one-race, or virtually one-race, schools within a district."

But, officials and judges should understand that there is "a presumption against schools that are substantially disproportionate in their racial composition," and must carefully "scrutinize" one-race schools to make sure that school officials have not caused such racial results by official action.

3. Judges are free to order the "gerrymandering" of school districts and attendance zones so that widely separated areas of town might be linked in order to end school segregation.

They are thus free to draw school boundaries that may be awkward, inconvenient and even bizarre."

4. It is legal to require the busing of students to schools away from their neighborhoods if that is necessary to achieve integration.

"Desegregation cannot be limited to the walk-in school," the court said.

However, without being specific, the court said that judges must consider the possible risk to the health of children or disruption of the educational process in deciding whether to order busing. The key factor in analyzing the impact of busing is the age of the students, the court said without elaboration.

THE PRESIDENT'S RULING ON ABORTIONS IN MILITARY HOSPITALS

The SPEAKER pro tempore. Under a previous order of the House the gentlewoman from New York (Mrs. Abzug) is recognized for 5 minutes.

Mrs. ABZUG. Mr. Speaker, the recent order of President Nixon limiting abortions for military personnel and their dependents is an arbitrary exercise of personal prejudice to mandate a public policy that violates the rights of women.

Mr. Nixon's action was bad enough, but with his accompanying personal comments on abortion, he appears to have pulled another Manson case faux pas.

Surely the President must know that 24 State legislatures are currently considering abortion laws, and that his description of abortion as "an unacceptable form of population control"—coming from the President of the United States—will give heart and strength to the opponents of reform.

Surely he knows too that the U.S. Supreme Court recently heard arguments on the constitutionality of a District of Columbia abortion law—United States against Vuitch—and that it is now in the process of arriving at a decision.

The President's statement that he opposes abortion because of his personal beliefs in the sanctity of human life, including the life of the yet unborn can be filed away with his description of himself, in regard to the war in Vietnam as a deeply committed pacifist. Mr. Nixon is rapidly becoming a master of "the big joke."

The President is, of course, entitled to his personal opinions in a private capacity but he should not use his Presidential Office or his post as Commander in Chief to impose his views on women or to interfere with their right to control their own bodies and their lives.

Mr. Nixon falsely invokes the issue of States rights to justify his order requiring U.S. Armed Services military physicians to conform to State laws on abortion. This is a particularly weak argument when applied to members of the Armed Forces who have no choice in their assignments to military duty. Under this latest decree, the wife or daughter of a serviceman who has the bad luck to be assigned to Virginia for example, will not be able to obtain a legal abortion, whereas those assigned to New York will.

What is most disturbing in the President's statement is his apparent ignorance of the reality of women's lives or the real issue in abortion. It is not, as the President implies, a question of "to abort or not to abort". Abortions have always been performed on a wide scale in every State in this country, and this practice will undoubtedly be continued. The issue is whether thousands of young girls and women are to be condemned to back alleys, secret, illegal abortions that are hazardous to their own lives or whether they are to be allowed the dignity and freedom of a legal, simple, safe medical procedure.

In New York City, a report issued by the Health Services Administration April 5 showed that nearly 98,000 abortions have been performed in the city since the liberalized abortion reform law was enacted last July. The report showed a continuing trend toward earlier, safer abortions and also evidence that the number of criminal abortions has declined.

More than half the women undergoing abortions in New York City came from out of State. They came from States where for the most part they faced the humiliating choice of seeking a criminal abortion at an exorbitant price and at risk to their own lives, or of bearing an unwanted child.

President Nixon's order will perpetuate this humiliation of women.

The decision to have an abortion should be up to the woman. It should certainly not be up to the President of the United States.

I believe that all women should have access to legal abortions. Accordingly, I will introduce an amendment to the United States Code providing that there be a uniform policy on abortions for female military personnel and for dependents of servicemen and that they have free access to abortion procedures in military medical facilities.

I include in the Record at this point an editorial published in the New York Times on April 5, 1971:

Retrogression on Abortions

President Nixon, in ordering limits on the freedom of military physicians to perform abortions, has pronounced abortion an "unacceptable form of population control." He says he cannot square abortion on demand with "my personal belief in the sanctity of human life, including the life of the yet unborn."

Without disputing the genuineness of the President's conviction, we believe that any actions at the Federal or state level to make it the basis for public policy would be both cruel and regressive. Issues affecting the "sanctity of human life" are far more involved in the Vietnam war than they are in the removal of legal obstacles to abortion.

The chief sufferers under laws making abortion a crime are always the poor—mothers and unwanted children alike condemned to deprivation and despair. Astonishing, indeed, is the President's assertion that America "will open its hearts and homes" to these unwanted children. He, more than most, has reason to be aware that the nationwide conservative revolt against the cost of welfare is centered on the tens of thousands of children born out of wedlock in welfare homes. To deny mothers in these homes the same freedom of choice as wealthier women on whether to have children or not have them is an act of inhumanity and social irresponsibility.

REVENUE SHARING AND IMPOUNDING OF FUNDS

(Mr. BURKE of Massachusetts asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, as this Congress returns after its Easter recess, the first order of business still appears to be the controversy surrounding the concept of revenue sharing. This week, more than any other, seems to be a crucial week in the history of this concept in view of the decisions being made in the Ways and Means Committee on what many feel to be a preferable alternative to "blank check" government, namely welfare reform and takeover by the Federal Government.

A few weeks ago, I had occasion to address the House on the same subject and indicated then that I felt the tide of revenue sharing had reached its peak and was beginning to taper off. I indicated that cities and towns around the country were beginning to express serious reservations about the concept and were beginning to shop around for alternatives as the details of the administration's plan were being leaked out.

Today I would like to insert into the RECORD a copy of the resolution of the city council of the historic city of Cambridge, Mass., on the subject of revenue sharing. The criticisms contained therein I feel are compelling. I also feel that the resolution addresses itself to a very serious problem in calling for the immediate full funding of existing grants-in-aid programs. Each Member of Congress is painfully aware of the serious impact on the communities he represents of the administration's decision to deliberately hold back funding of programs specifically appropriated by Congress.

Whereas, the Nixon Administration has submitted a plan for major reorganization of the Federal Government and the program it manages, and

Whereas, this reorganization involves a two part program of so called general and special revenue sharing, and

Whereas, under the general revenue sharing there are absolutely no guidelines set forth concerning how this money should be used nor any machinery for monitoring its use, and

Whereas, under special revenue sharing many present categorical grant-in-aid programs would be replaced by a system of "block" grants to be administered by the State which could result in the loss, by the City of Cambridge of its ability to deal directly with the Federal Government, and hence render effective citizen participation at the local level a nullity, therefore be it

Resolved, That this City Council go on record as being cognizant of the urgent need for a substantial increase in the flow of Federal Funds to the states and local governments, and supportive of the immediate full funding of existing grant in aid programs, and be it further

Resolved, That this Council go on record as being opposed to any and all forms of revenue sharing proposals or programs that lack front end specificity, machinery for periodic congressional audit, as well as the safeguards of the Civil Rights Act of 1964, and be it

Ordered, That copies of this resolution be posted to the members of our delegation in the Great and General Court and as well as those in our Congressional delegation.

While I am on the subject of helping out the cities and towns of this country today and tomorrow, not years from now, I would like to also insert into the RECORD at the same time a copy of the resolution of the Massachusetts Association of Housing Authorities protesting the impounding of $150 million appropriated by Congress for construction and management of low-rent housing in the 1970 Housing Act.

RESOLUTION OF MASSACHUSETTS ASSOCIATION OF HOUSING AUTHORITIES

Whereas: One hundred and fifty million dollars was appropriated by U.S. Congress for construction and management of low-rent housing in the 1970 Housing Act; and

Whereas: These funds have been and are being unwarrantly withheld by the U.S. Office of Management and Budget and not dispersed to the local housing Authorities and Communites for housing, development and management purposes; and

Whereas: U.S. Department of Housing and Urban Development has issued a circular with a requirement for National Public Housing Tenant Lease; and

Whereas: This action is deemed to violate the U.S. Housing Act of 1937 as amended, which in fact reposes maximum responsibility in local Authorities in the operation of the low rent housing program and would result in fiscal disaster for Housing Authorities; and

Whereas: The Mass. Association of Housing Authority Officials believes that these actions of the Dept. of Housing and Urban Development and the Office of Management and Budget are deleterious of the proper operation of the Low-rent Housing Program nationally;

Be it resolved: That the Mass. Association of Housing Authorities Officials call upon the Secretary of U.S. Department of Housing and Urban Development, the Director of the Office of Management and Budget, the Attorney General of the U.S. Department of Justice to have the U.S. Dept. of Housing and Urban Development and the Office of Management and Budget rescind the present policy of withholding funds and assist the local communities to meeting the national housing shortage crises, and;

It be further resolved that the Mass. Housing Authority Officials empower National Association to protest in the name of the Mass. Association of Housing Authority Officials such funds and request the release of such funds to implement the Housing, Community and renewal programs enacted by Congress.

I have been deeply upset with the developments over the past few months in the Office of Budget and Management. It's clear that they are frustrating the intent of Congress and indeed, in doing so may well be acting unconstitutionally. I have on several occasions in the past joined with my colleague on the Floor criticizing the holding back of funds—whether the holdback is designed to influence the current debate on revenue sharing or to save a few pennies in an already huge deficit for fiscal year 1971. Congress in each instance voted these appropriations only after the most serious consideration and fullest debate. A decision was made when the appropriations were granted that there were crying needs which needed the spending of funds here and now. For the administration to step in and substitute its view of the seriousness of the situation for that of Congress is extremely difficult for me to accept.

The arrogance of the Secretary of the Department of Housing and Urban Development is downright galling for a Congressman to behold. In discussing the holding back of $200 million in urban renewal funds, the Secretary indicated that the appropriation exceeded the levels of previous years. This seems to me to be entirely reasonable, the way costs alone have risen. Why should we stand still in an area like this? The Secretary is going directly against the mood of the country and the concern and conviction that more is needed here and now to relieve the problems of our cities and towns, when he says:

> We do not intend to use these extra funds this year to increase a program scheduled for termination in 1972.

It seems to me he assumes quite a bit in making this statement. From what I can detect, Congress is not about to terminate urban renewal programs.

Again and again in the area of water and sewer grants, I have been rebuffed by the Department of Housing and Urban Development. Again the Department is holding back $200 million in appropriations with the explanation, "We do not intend to accelerate a program scheduled for termination." These are but two examples of how the Department and the administration are using the funds appropirated by Congress in an out-and-out power play to influence votes on the various revenue sharing measures. The need of the cities and towns for funds is immediate and they will not take a back seat while the administration plays politics with needed funds to influence votes on legislation which has a very slim chance at best of passage some time in the distant future. The Members I have had contact with of late surely have not been favorably impressed by these tactics.

Today, in short, I want to associate myself with the Members of the House from the Speaker on down who have protested vigorously the administration's impounding of funds and trust it will not be necessary to go into the constitutionality of this question before the administration sees the errors of its ways and releases these funds forthwith.

A RESPONSIBLE VIETNAM VETERAN SPEAKS

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, I recently received a letter from a former Army lieutenant, who has honorably concluded his service in Vietnam as well as in the military service.

Former Lt. Roger L. Williamson of Columbus, Ohio, whom I have known personally since he was about 10 years old, wrote to me about the Calley trial and conviction.

It is refreshing to have the views of a responsible young man who has experienced conditions nearly identical to those of all combat Vietnam veterans, and I am happy to share his thinking with the other Members of Congress, as well as the Nation. Mr. Williamson's letter is as follows:

LAUREL, MD.,
March 29, 1971.

Hon. SAMUEL L. DEVINE,
Sam Rayburn Office Building,
Washington, D.C.

DEAR MR. DEVINE: The following thoughts were generated upon hearing the fate of a fellow Viet Nam Veteran, Lt. William L. Calley, Jr. . . . :

Military justice is no longer in existence in our country. Lt. Calley was the Army's scapegoat for a common occurrence in the Viet Nam Conflict—the killing of "innocent" civilians.

I called in my share of air strikes, helicopter gunship raids, mortar fire, and artillery fire. Each time that I employed these weapons, I directed their fire into areas which may have contained "innocent" civilians. In many cases, I never learned of their fate.

However, during my tour of duty in Viet Nam during 1969, I did see the seemingly innocent faces of the deceitful "innocent" civilians in Phu Hoa Dong (pronounced "foo waa dong"), III Corps, RVN, during the cordon and search of January, 1969. Those same "innocent" civilians were feeding and assisting the Viet Cong and NVA soldiers who passed through their village for years during their infiltration into Saigon from the north. During the search of Phu Hoa Dong, one middle-aged woman denied any knowledge of the NVA or Viet Cong having passed through the area. But, when told to move from her seat upon a wood pile, she resisted. Under her was found a Chinese machine gun. And these were "innocent" civilians. There are no innocent civilians in all of South Viet Nam in the eyes of any U.S. infantry soldier who has been there.

As U.S. soliders, we were trained to question the actions and motives of all Vietnamese people, regardless of their age, sex, or apparent good intentions. We were also told that everyone was the potential enemy.

A classmate of mine from Officer's Candidate School at Fort Benning, Georgia, was told that he would not go to Viet Nam because he looked too much like "one of them." Lt. Yoshino is an American of Chinese parentage. But, looks are too deceiving; and one cannot accurately identify a person's true nationality, political views, or innocence by his physical characteristics.

While living and working with the Vietnamese Infantry as an advisor, I was aware of the fact that in our unit (2nd Bn., 7th Regt., 5th ARVN, Inf. Div.) about 5 per cent of our troops were Communist sympathizers. They could never be individually identified. However, the members of our advisory unit lived in constant fear that we could be shot in our sleep any night. It would have been so easy to roll a grenade into our bunker.

The first time I saw Vietnamese soldiers actually running from a battle with the enemy, my infantry-trained mind made me feel ashamed of their cowardliness. The leaders of this hasty retreat were thought by us to be Communists. But, in the confusion of battle, individuals were not singled out.

I can more than empathize with Lt. Calley for his actions. I was there. I was a Lieutenant who was used as a "Yes, Sir!" man for all available captains—some of whom were good tacticians, some of whom made decisions dangerous to all of their subordinates.

Lt. Calley was told to kill *all* of the people in My Lai. They were all potential enemies. The order was followed out to the letter. The stresses he was subjected to are not describable. Calley did what he was told to do under severe conditions of stress and frustration. Now he has been convicted and awaits the decision of death or life imprisonment. Totally beyond me . . .

Please, as my Congressman, make your voice heard *now!* Do not accept this decision passed upon Lt. Calley. Do everything in your power of office to get the decision reversed.

Yours in peace,

ROGER L. WILLIAMSON.

CONGRESSMAN MICHEL'S QUESTIONNAIRE RESULTS

(Mr. MICHEL asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. MICHEL. Mr. Speaker, I am pleased to report the results of my 1971 questionnaire based on more than 15,000 responses to 10 questions which were mailed to my district in the early part of March.

By a wide margin residents of the 18th Congressional District approve of President Nixon's program for withdrawal from Vietnam and they also want the U.S. troops protected by American air power while the war deescalates. This is evidenced by the margin of 83 percent in favor compared to 14 percent against the President's plan for troop withdrawal, as well as 81 percent for and 15 percent against unrestricted use of air power to support the withdrawal operation.

I was particularly pleased to note that the "no opinion" responses averaged only about 5 percent per question which indicates to me that a great majority of my constituents are closely evaluating these problems and are not hesitant in expressing their views.

I include the breakdown of the responses in the RECORD at this point:

1971 QUESTIONNAIRE RESULTS

[In percent]

Question	Yes	No	Undecided
1. Do you support the President's plan for our withdrawal from Vietnam?	82.7	13.8	3.5
2. Do you favor unrestricted use of our airpower to support our withdrawal?	80.7	15.4	3.9
3. Do you think it's possible to maintain an adequate defense without the draft?	32.5	62.9	4.6
4. Do you favor the imposition of wage, price, and credit controls?	61.6	33.1	5.3
5. Should the Federal Government continue to develop the SST?	29.8	64.9	5.3
6. Should the entire welfare program be taken over by the Federal Government?	33.8	60.7	5.4
7. Do you favor a national health insurance program to cover catastrophic illnesses for everyone, financed by an increase in social security taxes?	36.6	59.0	4.4
8. Since motor vehicles are the biggest air polluters, should we require installation of antipollution devices by 1975?	80.7	15.7	3.6
9. Do you favor selective tariffs on imported products?	58.6	33.7	7.7
10. Should we continue manned space flights?	44.0	50.2	5.8

ADDRESS OF THE PRESIDENT OF THE UNITED STATES TO THE REPUBLICAN GOVERNORS' CONFERENCE IN WILLIAMSBURG, VA.

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include the address of the President of the United States to the Republican Governors' Conference in Williamsburg, Va.)

Mr. GERALD R. FORD. Mr. Speaker, President Nixon yesterday appealed to the Republican Governors meeting in Williamsburg, Va., to support the fundamental welfare reforms which he has proposed to the Congress. I was privileged to be present and can report the intense interest of the Governors in this growing problem, which affects all our State governments. I am inserting in the RECORD the text of the President's remarks on welfare and his proposed change of direction:

TEXT OF AN ADDRESS BY THE PRESIDENT AT REPUBLICAN GOVERNORS' CONFERENCE, WILLIAMSBURG, VA.

The last time we were together we talked about revenue sharing. Our seven legislative proposals for revenue sharing have now gone to the Congress, and I would say I am more optimistic about success now than I was then.

Revenue sharing, when it is enacted, will go far toward alleviating the financial burdens of State and local government. But it is hardly enough to make such great efforts to solve these problems on one hand, while on the other we pursue policies which compound the problem. I am speaking of the present disastrous system of public welfare. Rising welfare costs are not only placing heavier and heavier burdens on the Federal budget, they are crushing our States and cities. And they will continue to do so until something is done about it.

What we need is not a tinkering with the present welfare system which would merely relocate the financial disaster areas from the States and cities to Washington. We need an entirely new approach that will reach to the reasons for soaring welfare costs, and not deal simply with the results as we are doing now.

As you know, we have an entirely new approach in this administration's proposal for welfare reform which is before the Congress. I consider it our most urgent legislative proposal, because the welfare problem, allowed to run unchecked, would soon erode the benefits to be gained from reform in other areas. The House of Representatives has recognized its importance by designating it House Resolution number one. And it is going to be White House Priority number one until it is enacted.

We in this administration have urged welfare reform for three years. We discussed it in the 1968 campaign, and the country responded—and I mean the whole country—not just the taxpayer who sees his money going down the drain, but also many of the welfare recipients who see their lives going down the drain.

While we're trying to bring some order into this chaos at the Federal level, some of you have moved on your own at the State level with the same purpose. I want especially to commend Governor Reagan and Governor Rockefeller for their efforts in this area—for biting a bullet the entire country is going to have to bite if we are going to bring the financial—and worse, the human—costs of the present welfare system under control.

The abuses in the system are not only unconscionable, but contagious as well.

It is a system which not only destroys the incentive of those who are on welfare to get off it, but attacks the motivation of those who are not on welfare—the working poor—to stay off.

It is incredible that we have allowed a system of laws under which one person can be penalized for doing an honest day's work and another person can be rewarded for doing nothing. It can happen and does happen under the present system. The person on welfare can often have a higher income than his neighbor who holds a low-paying job. Tragically, these situations often exist in the same neighborhood, side by side in the same apartment houses—and the effect is corrosive. It creates bitterness on the part of the worker. In the end, I suspect, it causes resignation—and we end up with another person on welfare.

At a time when we see all about us the problems of the disintegration of the family, we continue with a system that encourages family disintegration. A man out of work, or one struggling to support his family on a low income, sees that his family can have a higher income on welfare—and yet he is torn by the knowledge that they cannot qualify as long as he is there. So he leaves. His children grow up either entirely without a father, or with a father who sneaks in and out of the house one step ahead of the welfare worker. What conclusion should his children draw about the morality and the compensation and the justness of a system which forces their father to desert them in order to feed them?

The fact is that the welfare establishment and system in the United States is a monumental failure. It makes the taxpayer furious. It makes the welfare recipient bitter, and it inflicts the distillation of all this anger and bitterness on the children who will inherit this land. It is a disgrace to the American spirit.

So I do not advocate broadening welfare. I do not advocate simply refining the system. I advocate a fundamental change of direction.

I do not advocate putting more people on welfare rolls as some have contended—I advocate getting more people off welfare rolls. And the way to get them off is to provide incentives and disincentives which will make them get off—while providing an opportunity for people to recapture the sense of dignity that comes with knowing that what you have, you have earned. I have been guided from the outset by that principle and I reaffirm my commitment to that principle now.

I do not believe in a guaranteed annual income. I do believe in a system which insures that a man is rewarded for working and not penalized, and I think it is a very sensible investment to insure that that reward is there in order to keep people safely out of the reach of welfare.

I advocate a system which will encourage people to take work. And that means whatever work is available. It does not mean the attitude expressed not long ago at a hearing on welfare by a lady who got up and screamed: "Don't talk to us about any of those menial jobs." I am not sure what she considers a menial job but I have probably done quite a few in my lifetime. And I never thought they were demeaning.

If a job puts bread on the table and gives you the satisfaction of providing for your children and lets you look everyone else in the eye, I do not think that is menial. But it is just this attitude that makes others—particularly low-income workers—feel somehow that certain kinds of work are demeaning. Scrubbing floors or emptying bed pans is not enjoyable work, but a lot of people do it—and there is as much dignity in that as there is in any other work to be done in this country—including my own. In the course of reforming the welfare system, we have to re-establish the recognition of that fact.

I do not think we can tolerate a system under which working people can be made to feel like fools by those who will not work. To the contrary, I think those who refuse to register for work and accept work or training should be ineligible for welfare payments, and we have written such a stipulation into our welfare reform proposal.

In addition, we have urged including in this proposal the language of Section 208 of the Social Security Act which clearly defines fraud, and establishes fines and other appropriate criminal punishment for abuses of the new welfare system.

So to those who see our present welfare reform proposal as a simple refinement of the old program, let me say as strongly as I can that this is not the case. We have no intention of measuring the success of this Nation's welfare programs by the money spent and the number of people supported. We are going to measure it by the money saved and the number of people who are given back the incentive and the opportunity to support themselves. We are going to measure it by the dignity it promotes, and not by the dole it provides.

One of the great strengths of America has always been that we believed in the value of work—and we need a system of caring for the poor that rewards and encourages work.

Another great strength of America is that we believe in a helping hand for those in genuine need. The Bible tells us that charity is the greatest virtue—and, by charity it means love. It blesses both the giver and the receiver.

But it is not charity to maintain a system which permits or encourages human beings to let die within themselves the energies, the dignity, and the drive that give meaning and satisfaction to life itself.

It is not charity to bind human beings into a cycle of despair and dependence when with a little courage and a little imagination and a little common sense we can end this cycle.

A long time ago this Nation proudly acquired a reputation as a refuge for the tired and the poor. Those "huddled masses" who sailed into New York Harbor so they might hold their heads up again have their counterparts today in slums all over this Nation—and our task, together, is to provide a system that will help them to raise their heads in pride and dignity—a system fair to the poor, fair to the taxpayer, and true to the spirit of independence that has built America and made it great.

PING-PONG DING-DONG

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, I wholeheartedly share the sentiment of the National Review when it says in the current issue, "if we read or hear one more time that this springtime tour of China by 15 American ping-pong players is a 'significant breakthrough', we'll throw up."

The left, of course, always the sycophant of Mao and the Chinese Communists, is having a field day in the national liberal press and on television. The campaign is to convince the American public that Mao is a nonperson, that he did not slaughter tens of millions of his fellow Chinese; that he did not turn the Red Guards loose on a rampage that almost literally destroyed the vast continent. The campaign is to convince the American people that Red China did not attack India, invade South Korea, did not foment uprisings in Indonesia and Africa, did not attack Tibet, not shell Taiwan's offshore islands of Quemoy and Matsu, arm the Communists in Cuba, and did not promote insurrection in numberless Asian and Latin American nations, including our neighbor to the south, Mexico.

The interest of the left and their deluded followers is to erase history and pretend it never existed.

Membership in the U.N. is the goal, as if membership in that enunch organization will alter Red China's malignant attitude toward the world. This premise appears like Banquo's ghost in every discussion today of the U.N. membership question. It has no more substance than the shadow of that Scottish thane.

The United Nations is supposed to be, and I repeat the words, supposed to be, an organization of peace-loving nations. If we are now going to permit the seating of Communist China and drop even the pretense of being a peace-loving club, then the U.N. has no function worthy of the effort and money this Nation pours into it every year.

For myself, I say, if Communist China absolutely must have a seat in the U.N., then give them ours.

In one of the blackest pages of this Nation's history, we betrayed the Nationalist Chinese Government of Generalissimo Chiang Kai-shek during and after World War II. The White House, the State Department, and the liberal press forced this great man to take the Communists into his government, forced him to abandon his fight against the Chinese Communists and the result was we lost the continent to Mao Tse-tung. We are getting ready to repeat the sorry performance 25 years later and attempt to breast-feed the Communist viper.

It will be, I sadly predict, a repetition of that degrading chapter of our history, but it will not have my blessing and I will not avert my eyes or turn my head while it is done. I want the RECORD to show that this was one Congressman who wanted no part of this new ping-pong ding-dong.

Two items of interest on this same subject which appeared in the press within the past few days follow:

[From National Review]

Dammit, if we read or hear one more time that this springtime tour of China by fifteen American ping-pong players is a "significant breakthrough," we'll throw up. Significant, yes; breakthrough, no way.

Consider. In Communist countries, sport—most particularly, international sport—serves primarily political purposes. The skill of the athlete, the enjoyment of the audience are strictly secondary. The chief end is the glorification of the People's Republic of Whatever in the eyes of the world, and the planting in credulous minds of the suggestion that any country that can produce such able and sportsmanlike athletes and such friendly spectators must be okay in other respects as well. The free peoples, especially Americans with their traditional belief that sport is for its own sake, are sadly vulnerable to such psywar operations.

Thus when Mao invited our ping-pongers to paddle in his parlor, the kindly old gent who leads our team hastened to opine that the Chinese had no ulterior motives at all, that they "extended to us the invitation for goodwill and good sportsmanship." And so off our innocents flew to see the sights, tour a Potemkin Village or two, drop a few anti-American remarks (one mothminded teenager on the team announced that there's "more individuality here than in the United States" and that Chairman Mao is "the greatest moral and intellectual leader in the world today"). Three handpicked American newsmen were even allowed to accompany the group.

Whereupon the press had a field day, and the Significant Breakthrough pinged and ponged its way up and down the Republic. Herblock sketched a rotund, jolly Chairman Mao jumping over a fortified tennis net. Dispatches emphasized the "warmth" and "friendliness" of the Chinaman-in-the-street. Everything, clearly, was hunky-dory. The news analysts, cheerfully conceding the point that the tour had a political purpose, hailed

China's "move away from isolation," her effort to "advance the cause of understanding between the two countries." President Nixon, known to be reassessing our China policy, volleyed by lifting our twenty-year embargo on trade with China. By some accounts, diplomatic exchanges, unrestricted trade and tourism, and peace in our time are just around the corner, now that bilateral ping-pong is at last a reality.

What this new dawn is, of course, a carefully calculated diplomatic ploy. The masters of China hope to convince the American people that we should all be friends, that only the reactionary ruling circles in Washington stand in the way of an eternal friendly game of ping-pong between us and the jolly players across the water. If Americans believe what they read in the papers, Mao and his henchmen may already have won their point.

And the ping-pong team? They lost—but those nice Chinese let them keep a little face. "Chinese Tact Lets Us Lose Gracefully," said the *N.Y. Times*. Said the kindly old gent: "They provided entertainment for thousands of people rather than trying to destroy us with a quick victory." Obviously the State Department has been lying to us all these years.

[From the Washington Post]

Peking Ping-Pong Ploy

(By Joseph Alsop)

In the past week or so, what is called "Ping-Pong diplomacy" with Communist China has produced a sort of euphoric delirium. The only possible comment is to suggest that everyone ought to try to see the skull beneath the skin.

As to the skin, it is very pleasant. The only rational U.S. posture has always been complete readiness to enter into relations with the Chinese Communists, the very moment the Chinese Communists wanted to have relations with the U.S. If all this Ping-Pong means that rational and equal relations are beginning to be possible, it is a large net plus.

As to the skull, it is very unpleasant. In the Johnson and particularly in the Nixon administrations, the U.S. posture towards China has always been the rational one, above-outlined. It is the Chinese who have changed posture, not the Americans. And the guts question is why they have done so.

The main part of the answer to that question is to be found on the Sino-Soviet frontier. After years of laborious and costly military build-up, the Soviets now have in place on the frontier everything that is needed for a surgical strike to emasculate China as a major power.

The surgical strike, if it is ever attempted, would have to be nuclear. Its aim would be to destroy the Chinese nuclear capability. There is no doubt at all that in Moscow, China's approaching status as a serious, quite independent nuclear power is regarded by many leaders as quite intolerable.

The wisest American analysts agree that in 1969, when the build-up on the frontier was still incomplete, the Soviets came very close to attacking the Chinese Communists. Since then, the Soviets have pulled back a bit politically, while continuing the military build up. Sino-Soviet state relations of a sort have been resumed.

That does not change the iron rule, however, that when active, costly preparations are being made to do something, important persons want to do whatever is being prepared. There is clearly a powerful faction on the Soviet government that favors making a preventive strike against China, no matter what the international cost.

Like all great governments, the Soviet government is unlikely to make any very hard and painful decision—like this one about China—until a decision is really unavoidable. The moment when it will be "now or never!" for the Soviets will not come, in fact, for about three years.

It will come then, because by that time the increase of Chinese nuclear power will threaten to change the orders of risk for the Russians. Rather naturally, the Chinese therefore want to change the orders of risk in another direction. And they want to do this before the time of "now or never!" in Moscow, by re-entering the world community in a big way.

That is the real skull beneath the skin—the true underlying meaning of all this Ping-Pong diplomacy, and the other Chinese moves of the same sort. That does not exclude other meanings, as well, of course.

One such lies in the simple fact that Communist China is now rapidly recovering from the paranoiac spasm of the "Cultural Revolution." Father Mao Tse-tung has retired into his worship-temple, as he did after the paranoiac spasm of his "great leap forward." Chou En-lai and the chief of staff of the army, Huang Yung-hseng, are the people who appear to be really in charge in Peking.

Rational policy-making is therefore possible again. Rationality demanded an end of China's former isolation. Rationality further demands a Chinese seat in the United Nations, plus as many foreign embassies in Peking as will go there.

These are ends in themselves; but they will also serve the useful purpose of making the Soviets think a long time about it, when they must finally decide for or against doing what they have already prepared to do on the frontier. It will be an interesting gauge of Chinese apprehension about this future moment, when we see whether the Chinese Communists also want state relations with the U.S.

In simple justice, it should be added that President Nixon was mainly responsible for making the present change possible. Beginning with changes in the silly trade restrictions, he went on to the big changes in passport regulations which produced the Ping-Pong tournament. Wisely Nixon will probably go as far as the Chinese choose to go.

WARSAW GHETTO DAY

(Mr. RYAN asked and was given permission to extend his remarks at this point in the Record.)

Mr. RYAN. Mr. Speaker, yesterday, April 19, marked the anniversary of the Warsaw Ghetto uprising. In 1943, the Jews consigned to the Warsaw Ghetto rose against the bestiality of their Nazi rulers, who were in the midst of perpetrating one of mankind's greatest obscenities—the systematic, methodical eradication of an entire people.

To many Americans today, caught up in the problems of today's world, that event 28 years ago seems a dim episode of history. That is their misfortune, for in the Warsaw Ghetto a brave people struck a blow for freedom and for the perseverance of the human spirit over misfortune, which should remain a message and a lesson for us all. There is, after all, in human nature an abhorrence for evil, and the Jews of the Warsaw Ghetto, though they died, demonstrated that while evil may prevail temporarily, it inevitably must succumb.

There is sad irony in the fact that the Jews of Europe again are faced with frightening repression. The Soviet Union, home of several million Jews, is intent upon destroying the Jewish identity of its citizens. Their culture is suppressed, their religious expression stifled. Yet, they too are opposing this repression. Thousands of Jews are defying the Soviet Government. They are conducting a civil rights movement aimed at securing their right to exist as Jews whether in the Soviet Union or by emigration to Israel or elsewhere.

As we commemorate the bitter struggle of a not-so-distant day, we pay homage not only to those brave people who fought then, but we also affirm that never again will such a blasphemy be allowed to be perpetrated as the Nazis pursued.

BRIEFING ON STRIP MINING

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, I would like to take this opportunity to invite Members of Congress and their staffs to attend a briefing by West Virginia Secretary of State John D. Rockefeller IV and several of his friends on the issue of strip mining in West Virginia. The time is 8:30 a.m. to 9:45 a.m. on Thursday, April 22, and the place is room 2325 Rayburn Building. Members and their staffs are invited to come either for the entire session, or to drop in at any time during the briefing which will conclude in time to go to most committee meetings.

Representative John Seiberling of Ohio will introduce Dr. Theodore Voneida of Case Western Reserve University in Cleveland, who will show a remarkable series of slides of strip mining in Ohio.

Secretary of State Rockefeller's remarks will be confined to the situation in West Virginia and State legislation, rather than Federal legislative proposals.

STRONG HEALER IN FAMILY OF MAN

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, since I grew up at Camp Hill, Ala., I was very much interested in an article of March 28, 1971, in the Birmingham News, which tells the story of a revered doctor whom I knew as a boy, Dr. Robert B. Garlington, who has given 24 years of his life to the practice of medicine in Camp Hill. It also mentions another great and good friend, a man who like his father ahead of him, Dr. H. T. Hamner, has given his life to the service of the people of Camp Hill and the surrounding area, now 78 and ill, Dr. L. H. Hamner. This article also points up the problem of obtaining adequate medical care in the small communities of our country, a matter which should be of the most grievous concern to us all. Mr. Speaker, I include the article in the Birmingham News entitled "Revered Doctor, Strong Healer in Family of Man" appear in the Record following my remarks:

Revered Doctor: Strong Healer in Family of Man

(By Anita Smith)

Wives of some of the old-timer coal miners in Marion County remember Dr. Robert B.

Garlington. He got out of bed many times in the middle of the night to come to their homes to deliver their babies, to sit with their dying elders, to set their broken bones.

The folks in the small Tallapoosa County town of Camp Hill also know Dr. Garlington well. They have come to him with their arthritis, high blood pressure, diabetes, sick youngsters—even their family problems. Dr. Garlington has listened, treated, and healed.

Dr. Garlington's old black doctor's bag is getting a bit tattered around the edges now. In 25 years of practicing in Marion County and the past 24 years in Camp Hill, Dr. Garlington says he has already worn out one, maybe two, doctor's bags.

Tall, erect, white-haired and alert, Dr. Garlington is 81 years old now, and still is seeing a few patients. In fact, he made a house call for a patient Tuesday night. His wife Fay drove him to the patient's house, because Dr. Garlington says "I don't see as well to drive as I used to."

SCARCE FIGURE

In Alabama today, Dr. Garlington is somewhat of a symbol—a symbol of a scare figure in the rural communities. That figure is a family doctor. As some of the old-timers give up their practice, small communities find it hard to attract any young doctors who are willing to come to small towns.

"I'd be willing to give it all up now and retire, if they could find somebody to come here and take my place. I'm ready now, 'cause I've got a lot of fishing I want to do," said Dr. Garlington.

But Camp Hill Mayor H. E. Conine shakes his head in concern. He knows how many Camp Hill people depend on Dr. Garlington. He's the only doctor practicing in Camp Hill right now. The other doctor, Dr. L. H. Hamner, is 78 and has been quite ill in a Montgomery hospital.

"No, Dr. Garlington, the people here just won't let you retire," says Camp Hill druggist Francis Tucker.

The shortage of family doctors for small communities is no new problem in Alabama. But the urgency of the issue has been renewed with a new hue and cry of late in the state capital where there's talk of a new medical school in Mobile, plans for new community medicine programs in Huntsville and Tuscaloosa, and plans for new programs at the state's only existing medical school, at the University of Alabama in Birmingham. Some of the political talk not only is about how to turn out more doctors, but also about how the state is going to budget its dollars to do it in the most practical way.

NOT JUST SHORTAGE

In Alabama, as in other states, the problem is not just a total shortage of doctors. The problem is how the doctors are distributed, with more and more doctors going to the city. Jefferson and Mobile Counties, for example, have 44 per cent of the state's doctors, and 28 per cent of the state's population. While many rural areas have a pitifully short doctor supply.

In Chilton County, there are seven doctors to serve 26,000 people. In Cleburne County, there are only two physicians for the entire county. In Wilcox County, there are five physicians for 19,000 people. The national average for physicians in non-metropolitan areas is one for every 1400 people.

Competition for doctors is still between the cities and the small towns. Some say that Alabama is at least 1,100 doctors short right now, and even Birmingham and Mobile say they have a shortage, especially of family doctors. As one well-versed urbanite said, "Sure, we have more doctors than the rural people as far as numbers go. But look how many of our doctors are not available to give general medical care to the public—look how many are so specialized they just treat one part of the body. Look how many teach at the Medical Center and don't see many patients. And look how many are in the military."

Meanwhile, residents of small towns who love the "good, quite life" away from the hustle and bustle of the city cannot understand why doctors will not come to them.

Dr. Jon Sanford, who at age 30 is the only doctor in Gordo and is practicing six miles from doctorless Reform, thinks he has some answers:

"I love it here in Gordo myself. But I think lots of young fellows don't want to go to small towns to practice because they've never been exposed to small town medicine. They trained in a big city, and they stay in a big city to practice.

NEED TO BE ASSURED

Too, Dr. Sanford says some young fellows are afraid they can't treat patients with competence if they're "isolated" miles away from a Medical Center. They're afraid they'll see medical problems they can't handle and have no other doctors to help.

"I think doctors need to be assured that they are well trained, that they can handle by themselves about 95 per cent of the cases they will see," said Dr. Sanford. "And I don't feel so isolated here . . . The UAB Medical Center is setting up more and more programs to help the rural doctor."

Dr. Sanford makes an average of two house calls a day. He says he loves getting to know his patients, and wouldn't trade the small town life which he has for himself— and his wife and three children—for anything in the world.

"I haven't really surveyed my subconscious, but I think I might get satisfaction, too, from knowing that small towns like Gordo need doctors so desperately . . . I think I might like knowing that the people like to have me around."

At the UAB Medical Center, the wheels are turning this spring for new programs to help make life easier for the family doctor in the rural town.

Beginning this week, the first group of physician's assistants in a UAB program called MEDEX begin on-the-job training with rural doctors throughout Alabama and four other Southeastern states.

These physicians' assistants are all former medical corpsmen in the military. They average 17 years' experience caring for the wounded on the battlefield, caring for the whole ship-loads of military personnel, taking care of the medical needs of military in distant spots such as radar sites in Canada.

HANDLE ROUTINE

The mission of the physician assistant will be to do some routine care of patients under the supervision of the rural doctor, to make the doctor's time go further. Dr. Jon Sanford in Gordo has one of these first physician's assistants assigned to train under him.

"If this idea works, we'll be able to deliver a lot more medical care to people we heretofore have had to turn down," said Dr. Sanford. "Hopefully, this physician assistant I'll have will be able to give routine care for colds, minor respiratory infections, followup care for diabetic patients, minor emergency work—all under my supervision."

Dr. William R. Harlan, director of UAB's new Division of Family Practice and Ambulatory Medicine, says other programs also are under way at UAB to boost community medicine.

He points, for example, to a cooperative pilot program between UAB and Lawrence County physicians, beginning this spring. UAB is providing Lawrence County physicians with teams of health workers to make the doctors' time go further and to give more medical care to more people, with some team members actually going into the patients' homes. Nutritionists, physician's assistants, public health nurses, etc., will be members of the team.

And, finally, Dr. Harlan says UAB medical students in the future will be exposed more to rural medical practice while they're in training.

If these programs work, what kind of family doctor will be produced in Alabama for Alabamians? Will the doctor be the traditional image of the old-time doc who sits up nights holding the hands of the sick? Who leaves his office to make house calls all over the county?

"If you mean will we have a Dr. Marcus Welby, the answer is No," said Dr. Harlane. He was referring to the popular television family doctor portrayed by actor Robert Young. "Dr. Welby bothers me a bit, because he seems to have time to do all these things . . . But if you're asking will we have physicians who will be concerned about people, the answer is Yes."

EQUAL RIGHTS AMENDMENT

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, for many years I supported the proposed Equal Rights Amendment to the U.S. Constitution. I think it should have been proposed by the Congress many years ago. I heartily commend the efforts of all those who are still working so diligently and dedicatedly to induce the Congress to adopt this amendment to the Constitution. One of those who has rendered magnificent service to this great cause is Mrs. Adele Weaver, member of my law firm in Miami Beach, Fla., president of the National Association of Women Lawyers, a distinguished lawyer, and a great lady. Mrs. Weaver appeared before the Judiciary Committee of the House on March 31, 1971, and gave an able presentation in support of this amendment. I commend Mrs. Weaver's able argument to my colleagues and to all those who read this RECORD. I include Mr. Speaker, Mrs. Weaver's address in the RECORD immediately following my remarks:

STATEMENT FAVORING PROPOSED EQUAL RIGHTS AMENDMENT

(By Adele T. Weaver)

The National Association of Women Lawyers has for many years been on record as favoring the proposed Equal Rights Amendment to the United States Constitution providing that equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

So much has been said and so much has been written about this proposed Amendment that it seems almost unnecessary to add to the millions of words that have been expressed in its favor. I do wish, however, to take this opportunity to express the desire of the National Association of Women Lawyers that the Equal Rights Amendment be enacted during this session of Congress.

I note that this Committee has under consideration several bills, three of them being variations of the Equal Rights Amendment. With respect to H.J. Res. 35, 208 and 231, I can only say that of the three, H.J. Res. 208 seems to be preferable, essentially because of its simplicity. However, I do want to make the main thrust of our position clear, and that is, that an Equal Rights Amendment to the United States Constitution is needed.

With reference to House Resolution 916, the "Women's Equality Act of 1971", I think this is a marvelous step forward, one that we need also, but jointly with the Equal Rights Amendment to the United States

Constitution and that we need H.R. 916 as the teeth for enforcement of the Equal Rights Amendment.

This leads to the question, of course, of why an Equal Rights Amendment should be needed when the "Women's Equality Act of 1971," that is, H.R. 916, would appear to bring sex discrimination within the jurisdiction of the Civil Rights Commission, strengthen the powers of the Equal Employment Opportunity Commission, and provide for injunctive relief against sex discrimination? The fact is, of course, that Title VII can only afford relief to women who are in employment affected by this Federal Law. Furthermore, even though the District Courts of the United States are enabled to provide for injunctive relief against sex discrimination, and even though the Attorney General is authorized to institute suits to eliminate sex discrimination in public facilities and public education, and the Civil Rights Commission is given jurisdiction over sex discrimination, and even though this bill would hopefully eliminate or prevent sex discrimination in federally assisted programs, and would insure equal employment opportunity in the hiring of state and local government employees and bring educational institutions within the equal employment opportunity laws, a tremendous segment of the female labor force would not be aided by these provisions.

Moreover, and the most important reason why we need an Equal Rights Amendment to the U.S. Constitution is for its moral and persuasive value. The provisions of Title VII, and of course, of this "Women's Equality Act of 1971" (if it is enacted) are not matters of common knowledge to the ordinary layman. The general public has no knowledge of the provisions of Title VII; the average person would not know the provisions of the Women's Equality Act. "Title VII" is a fairly esoteric term to the average layman. But he certainly does know that we have Amendments to the United States Constitution—that for example, it was an Amendment to the United States Constitution that gave women the right to vote. He also knows it was an Amendment that created prohibition and that it was an Amendment that took away prohibition. They also know that an Amendment to the Constitution provides that a President can serve no more than two terms. The average person realizes the importance of an Amendment to the United States Constitution. He knows it declares the policy and the basic premises upon which our laws are founded. For this reason alone, I think it is imperative that the United States of America enact an Amendment to its Constitution calling for the equality of rights under the law. It is the impact of an Amendment to the United States Constitution that is needed to eventually gain for women the equality of rights under the law that we desire. Without that impact, neither Title VII nor the Women's Equality Act of 1971 will ever erase the second-class citizen status of the female sex with regard to employment and the opportunity for employment, not only in the trades, but in business and in the professions.

I have in my hand a letter I just recently received from a young woman who writes on behalf of the Women Law Students of the Duke University School of Law. She informs me that despite the fact that the Association of American Law Schools has recently amended its Charter to include provisions prohibiting sex discrimination, and despite the fact that several of the country's foremost law schools have recently established policies against sex discrimination, nevertheless, women law students are still being discriminated against, and I quote, "As the number of women increases, the discrimination seems to be worse, and in this past interviewing season, it became apparent that the law firms were becoming more subtle in their methods than ever before." Now, private discrimination against women, especially denial of equal employment opportunity would not be covered at all, of course, under the Women's Equality Act.

Obviously, even an Equal Rights Amendment will not eliminate all discrimination. It is going to take a long time to eliminate all prejudice towards the female sex in the area of employment and equal opportunity. As a matter of fact, I feel it is going to take as long to eliminate the prejudice against the female sex as it is to eliminate prejudice against the black race—perhaps longer, because not as many people appreciate the seriousness of the problem. Therefore, I urge this Committee to recognize the fact that women need to have their equality of rights under the law recognized in an Amendment to our Constitution. They need further to have those rights implemented by a bill such as H.R. 916—and they need this Congress to enact such relief in this session without further delay. This is the view of the National Association of Women Lawyers and I know that that view is shared by most other women's organizations.

Last May, it was my privilege to testify before a Senate Subcommittee at which time my remarks were limited to the legal impact of the proposed Equal Rights Amendment in the areas of political rights of women, disabilities of women, the fields of family law, divorce, alimony, custody and military service for women.

Summarizing my pervious statement, let me state that there are fewer and fewer areas of legal impact that might be termed controversial:

1. SUFFRAGE

At one time *Suffrage* was considered controversial. Women did not receive the right of suffrage in the United States until fifty years ago when the Nineteenth Amendment to the Constitution was ratified. It is to be noted that the Fifteenth Amendment to the United States Constitution, ratified 100 years ago on March 30, 1870, provided that the right of citizens of the United States to vote shall not be denied or abridged by the United States or any state on account of *race, color* or *previous condition of servitude*. And the Fourteenth Amendment, ratified two years prior, designed for the purpose of insuring to negroes their rights of citizenship, has a wider meaning than it originally had and is applied to all "persons" equally, but *not* equally to *women*.

It is worthy of comment that the political, social and legal rights of women are running generations behind the rights of black people. For this reason alone, the Equal Rights Amendment is vitally necessary to insure woman taking her place in today's society. Prior to the Nineteenth Amendment, the Courts had taken the view that the status of women as citizens did not confer upon them the right to vote, and that right could be constitutionally limited to males. This first recognition of woman as a person and citizen was only achieved by a constitutional amendment, and she will achieve her potential as an equal member of our society only by another Amendment.

2. JURY DUTY

The view has been taken that the Nineteenth Amendment to the United States Constitution guaranteeing the right of suffrage, does not require states to admit women as jurors. Therefore, though most states have now enacted jury duty statutes automatically qualifying women for jury duty and have eliminated the necessity of women having to volunteer for jury duty as was the case in my State of Florida until 1967, the proposed Equal Rights Amendment to the United States Constitution would make unconstitutional any discrimination against women in that regard so that any state not yet having provided for automatic selection of persons for jury duty without discrimination as to sex would be obliged to enact such legislation.

3. MARRIED WOMEN'S DISABILITIES

Many common law restrictions regarding a married woman's legal capacity and their statutory modifications have resulted in the enactment of Free Dealer laws and their equivalents. Such Free Dealer laws would become unnecessary and would be eliminated by the Equal Rights Amendment. The necessity for free dealership or free agent statutes is an anachronism in this era when the majority of married women work, generally to contribute to the support of the family, many of them being in professions and businesses requiring them to contract, to bind themselves legally, to sue and be sued, etc. The only proper questions with regard to a woman's contracts or right to contract with third parties should have nothing whatsoever to do with her marital status, but should relate only to her own personal responsibility for her contract, i.e., her own personal credit rating, ability to pay, etc.

Heretofore, only under Free Dealer laws or specific legislation has a woman been able to convey or encumber her own separate property without joinder by her husband. The Equal Rights Amendment should eliminate the discrimination against either sex in this regard.

4. DOWER

It would, of course, affect dower laws or their counterparts where the equivalent right of courtesy or its counterpart is not given to the husband. There is no reason whatsoever why a married man should not have at the moment of his wife's death a right to a portion of her property equivalent to the right of dower she has in his property. In states that do not recognize dower, the statutory share of the spouse's property to which the surviving spouse is entitled should be identical. In community property states there would appear to be no problem that cannot be solved by some form of the community system of property, assuming that there is no discrimination as to sex. Generally, the effect of the proposed Equal Rights Amendment would be to eliminate any discrimination whatsoever in the area of the right to convey or encumber one's separate property and the right to dower, courtesy, community property or an equivalent right of inheritance between the spouses.

5. RIGHT TO SUPPORT

Generally, the support of a wife or child is the legal duty of the husband and father, and some states even make it a criminal offense for a husband to withhold support from his wife or child. Yet courts have consistently interpreted the obligation of the husband to support his wife with due regard to financial conditions, earnings capacities and other circumstances of either spouse that bear upon the discharge of his obligation. The argument of some opponents of the Equal Rights Amendment that it would allow a man to escape from his obligation of support is not a valid argument. The legal effect of the Equal Rights Amendment would be to make the obligation of the husband to support the wife consistent with actual practice. Obviously, it should be the legal duty of either spouse to support the other more dependent spouse. The Equal Rights Amendment in the area of child support would be to place the responsibility upon both spouses with due regard to their respective contributions to the marriage and their respective abilities to be self-supporting.

6. ALIMONY

While the Equal Rights Amendment would make unconstitutional an award of alimony to a wife based simply on the ground of sex, there would be no deterrent to such an award on grounds such as the following:

(a) Her financial contributions or their equivalent in homemaking services to the marriage partnership;

(b) years of duration of the marriage;

(c) need for support on inability to be self-supporting;

(d) age;

(e) lack of education or training;

(f) lack of availability or need for services that dependent spouse is capable of performing.

Using the above or similar guidelines, it is obvious that either spouse who, having dedicated many years to the marriage partnership without remuneration and with resulting depreciation of value in the labor market, is entitled to support by the other spouse; such support or alimony should, of course, be commensurate with the need of the dependent spouse and should be based upon the employed spouse's ability to pay. As a matter of fact, these are the guidelines generally used in our courts today by judges accustomed to hearing and deciding matters of support and alimony in divorce cases.

7. CUSTODY OF CHILDREN

At common law, the husband was automatically entitled to custody of his child. Gradually the concept of making a determination of custody solely "for the best interests of the child or children . . ." came into effect. Generally, neither parent has priority as to custody, although many courts follow the rule that the best interests of a child of tender years are served by granting custody to the mother, with reasonable rights of visitation to the father. An Equal Rights Amendment should have no effect whatsoever upon the existing law and practice in our courts.

8. MILITARY SERVICE

Amongst other possible legal effects of the proposed Equal Rights Amendment would be the eligibility of young women for military service. While it may jolt one a bit at first to think of the young girl of eighteen being drafted, the fact is that many thousands of our young women went into the military service of their country in World War II, wore their uniforms with pride and rendered immeasurable service to this nation. There is no reason whatsoever why any healthy young woman should not serve her country for a year or two in any capacity for which she is physically, mentally and emotionally suited. No young man is required to do more. While we may not wish for our young women to be placed in hazardous battle areas, the fact remains that our military nurses are and have been subjected to such hazards. The legal effects of the Equal Rights Amendment would seem, moreover, to be beneficial not only to women, but to society generally.

I have stated before that the American woman today really does not recognize her own value as a person and a human being, and until she is accorded the constitutional right to equality under the law in every respect, she will not begin to free herself from the bondage of centuries of self-depreciation. She must assume the full responsibilities as well as the full rights of citizenship and until she does this, this great country of ours will be deprived of the benefit of the service, the brains and the talent of a half of our population—woman!

VIETNAM WITHDRAWAL

(Mr. BROYHILL of North Carolina asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BROYHILL of North Carolina. Mr. Speaker, today I have joined in sponsoring a resolution to provide that all American troops should be withdrawn from South Vietnam 9 months after the release of all prisoners of war.

I feel strongly that, should the Congress pass legislation expressing its will about final withdrawal of American troops from Vietnam, the adoption of this resolution would be a clear statement to the North Vietnamese that they will have to share the responsibility of establishing a timetable.

I feel that the South Vietnamese are making progress in their ability to handle their own affairs and assume the major burden of repelling the enemy from their country. President Nixon has set us on a course of withdrawal of our forces and I agree with his recent statement that one of the major factors to consider as we continue to wind down the war is the American prisoners held by North Vietnam.

By acting decisively to identify and release American prisoners of war, the North Vietnamese could insure a definite date by which our troops would be withdrawn.

Secretary Laird has stated that our troops could be physically withdrawn from Vietnam in 9 months, and I believe we should move with all possible speed to withdraw them as soon as the prisoners are released. It is also my strong belief, in accord with the President's recent statement, that we should leave no permanent residual force in South Vietnam such as we presently have in Korea.

I therefore urge that the House consider this resolution and act upon it at the earliest possible date.

STRIP MINING THREATENS NAVAHO AND HOPI LANDS

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, in recent weeks there have appeared articles concerning the havoc and atmospheric pollution resulting directly and indirectly from the Black Mesa strip mining project in Arizona. Of interest are four: "Hello Energy—Goodbye, Big Sky" by John Neary and appearing in the April 16, 1971, issue of Life magazine; "Whites Say That the Navahos Have No Sacred Shrines . . ." by William Eastlake and appearing in the March 1971 issue of Earth magazine; "Power Needs Jolt a Western Scene" by David W. Hacker from the February 1, 1971, issue of the National Observer; and "Ecological Shootout at Black Mesa" by William E. Blundell and appearing in the April 13, 1971, issue of the Wall Street Journal. The cited authors all write of the destruction of Navaho lands and in particular the destruction of the Black Mesa, a sacred mountain, for the benefit of electrical consumers in Los Angeles and Las Vegas. A threat is posed to the natural beauty of northeast Arizona, and to the clean air of that State and its neighbors. The magnitude of destruction, both present and potential, is outlined in the articles I present below for the information and use of my colleagues.

HELLO ENERGY—GOODBYE, BIG SKY

(By John Neary)

The tough old Southwest, a place of deceptive beauty canopied by a Cinerama sky, has always been a battleground. Long before men started in on the area, volcanoes blasted it, glaciers honed it and seas tided across it, sculpting the mesas where dinosaurs left their big-toed tracks. Civilization sets uneasily on the land even now, tentative and merely temporary, barely able to hold its own in this place. Here are bears, rattlesnakes, tarantulas as big as hand grenades, cactuses tough enough to spike through a $20 boot. Here are pale scorpions fond of cuddling into sleeping bags away from the night chill and gangs of crazy cayotes that scream into your dreams like sad lost banshees in the mountain dawn. This old land has always scaled men down fast—those foolish enough to fight it—and it abounds in mocking reminders of the arrogant intruders who wandered in looking to conquer it: some broken armor, some potsherds, some battered icons, some flaked flint points. Coronado was here hunting for the Seven Cities of Cibola; others since have come looking, too, with more luck, finding gold, silver, copper, lead, uranium and oil. But the land prevailed.

In recent years a new generation of seekers, outfitted with equipment that would dwarf Coronado's armada, has arrived to harvest no such glittering booty. They are after coal to fuel the enormous electrical generating plants they are constructing nearby. And what burning that coal does to the air will change the look of the land forever.

My friend Rex Arrowsmith, geologist and Indian trader, knows intimately the old conflicts and the present struggles. In his shop in Santa Fe, crowded with pieces of Spanish harness and worn carbines, polished silver and old smooth turquoise, Arrowsmith showed me a thick study by the Arizona Bureau of Mines reporting the presence of an estimated 20 billion short tons of coal at Black Mesa, near where the four corners of New Mexico, Arizona, Colorado and Utah meet.

Hello, energy. Goodbye, big sky.

One crisp morning last fall in Los Alamos, N. Mex.—which is some 7,000 feet above sea level, about 30 miles north of Santa Fe—I walked out into the backyard of my in-law's house where I have visited off and on for the past 12 years. I walked down through the big pines, scuffing through the thin mantle of needles that carpeted the soft tuff rock, toward the rim of the little canyon at the foot of the lot. Accommodating the profusion of nature—the ornate detail of tree bark, and the delicate hue of a lichened rock, the astounding blue sky through the grainy etched tapestry of the trees—takes as much getting used to as does breathing the thin sharp air. I stopped at the rim and looked out across the Rio Grande valley to the Sangre de Cristos mountains, 40 or 50 miles to the southeast. And it was not the way it used to be.

When I first came out here from the East a dozen years ago it was like having the bandages taken off after an eye operation. As I stepped out on the platform between cars on the Super Chief rolling into Lamy, the bright red soil and the brilliant green sage slammed my vision with a clarity and force I'd never seen before. Folks back home who'd never been here, I realized sadly, grew up and died without ever having really *seen*. Then, you could stand where I was standing now and make out every detail on those massive mountains, just as, from the slope above Los Alamos after sundown, you could see the twinkling lights of Albuquerque about 55 miles away.

But this morning the mountains were just a silhouette in ink wash, a vague gray somberness, like the mountains in Pennsylvania or West Virginia. Above the tips of the pines across the canyon was just a hint of a heavy grayness, that same darkening of tone you can see looking from the Atlantic toward Long Island and New York City—a shadowy, smudgy cobweb of smog lying on the horizon.

Standing here on the mesa where Los Alamos is, on the edge of Pajarito Plateau, you now realize that you know something absolutely awful: that very same dark miasma, that overhanging penumbra of soot and dirt and ash and photochemical smog, stretches all the way now. All the way across the North American continent. All the way from the lip of the Atlantic across the Alleghenies and the Piedmont, across the prairie, over the Rockies and beyond, to the Pacific ashtrays of Los Angeles and San Francisco. Now you know that the last stretch of wide-open space we had left, the American Southwestern skyscape, is gone, too.

I met Jack Loeffler, a writer who lives on a low bluff outside Santa Fe; his living room window gives onto hundreds of square miles of forbiddingly lovely terrain, fenced in only by the mountains. "I've been looking out that window for four years," Loeffler said, "and that view diminishes annually."

This rather subjective determination by Loeffler and me, that we couldn't see as far as we used to, has been reached by a more expert observer, Joe Devaney of Los Alamos. Devaney, a physicist who likes to fly his own plane, noticed the visibility of the area was detoriating when, one day in 1966 on his way back from a hop to the Grand Canyon, he glanced down at where his instruments said the city of Farmington, N. Mex., should have been. No Farmington. Devaney's watch was right and so was his math; the problem simply was that thick blanket of heavy smoke covering the earth beneath his wings, pouring out of the stacks of the new electric plant at Fruitland, not far from Farmington.

Curious at how far the smoke went, Devaney proceeded to follow it. "I'd been flying around like a guy born into money," he marvels now. "We had clean air—the cleanest air possible. Before '66 the curvature of the earth was the limiting thing. We could see 120 miles and more at 10,000 feet. Last summer visibility at Los Alamos dropped to as low as seven miles."

The Fruitland plant, Devaney discovered, was filling up the vast natural basin between the Rockies and the Jemez Mountains like a backed-up bathtub drain, and the area's winds were sloshing the smoke around all the way from Taos to Albuquerque. Worse, Devaney discovered, much of the smoke is made up of tiny, submicron-sized particles of fly ash which, unlike the heavier chunks that settle quickly to the ground, stay in the air for days, weeks, months, perhaps even longer.

Joe Devaney decided to do something about this situation. First he shot pictures of the effects of the smoke upon the vistas he saw through the windscreen of his plane, and he showed the pictures to any audience he could persuade to sit still. Then he began speaking to "anyone who would give me a hearing"—which meant two trips to Washington to buttonhole New Mexico's congressional delegation, 15 trips down to the state legislature and uncounted evenings before local service clubs. Devaney totes up his success to date: "Zero, or nearly so."

Despite his efforts—and he was joined by such groups as the John Muir Institute, the Sierra Club, the League of Women Voters, the Central Clearing House and the Black Mesa Defense of Santa Fe—Devaney and his fellow antismoggers see Southwestern air pollution increasing. To understand exactly how this can be so, it is necessary to head north from Los Alamos, to take a look at the Fruitland plant.

The odometer read 7440 when I first spotted the plume of smoke from the plant, just after I had passed the Huerfano trading post near the turnoff to Chaco Canyon. But it was not until another 50 miles had passed that the plant itself came into view. You get to it by driving down the narrow two-lane blacktop through Fruitland, under the drooping willows and cottonwoods, past the yellow-blooming chamis and the roadside stands aglow with heaping baskets of Golden Delicious apples. Then across the skinny little San Juan River and head up the hill onto Indian land. Here, on the Navajo reservation, lies the black magnet that has drawn the power company: coal.

Thirty miles off to the west sits Shiprock, high as the Empire State Building, an ancient landmark for travelers across these badlands. Today, however, it is as dimly visible as the towers of Manhattan's Battery in the harbor smog, because Shiprock is awash in the drifting smoke from the coal-burning power plant's stacks. Nearly 300 tons of coal ash a day come floating up out of those stacks, the unfortunate by-product of the manufacture of 2,085 megawatts of electricity for consumers in Albuquerque, Phoenix, El Paso, Tucson and Los Angeles (where, ironically, such a plant could not now be built).

For many of the Navajo Indians, who own the land upon which it sits, and their paleface neighbors, the plant is a welcome newcomer to the area in spite of all the smoke. The reason is simple: money. Informed of the fact that still another plant was to be built nearby, the Farmington *Daily Times* rejoiced on its editorial page: "Whee! We'd like to add our reaction to the news that there's going to be another mammoth power plant in this area. An $11-million-a-year payroll for 450 workers, which is the estimate during construction, will be a welcome stimulant to our economy, as will the more than half-million-dollar payroll after the plant goes into operation. That's what we call progress—and we're all for it. Whee, again!"

Still more plants are projected for the vast region surrounding the "Four Corners" area. A single mine, atop Black Mesa, will supply coal for two plants, one at Page, Ariz., on the shore of Lake Powell, and another named Mohave on the California-Nevada border. Others are being considered for the Kaiparowits Plateau across Lake Powell and for Huntington, Utah. To assuage conservationists' fears that the Four Corners region will become another Hoboken, the power companies say they are doing everything possible to cleanse their stack emissions of dangerous matter—both visible and invisible.

For example, by the end of this year, stacks at the Farmington plant will be outfitted with new, more effective precipitators that will reduce the present fly-ash output of almost 300 tons by nearly 90%. But even with the best possible pollution controls, former Los Alamos engineer Mike Williams estimates, all six projected power plants will, when operating, be pumping daily some 2,160 tons of sulphur dioxide and 850 to 1,300 tons of nitrogen oxide (both of which are key ingredients of smog). And despite such improvements as those at Farmington, says Williams, there will *still* be as much as 240 tons of coal ash—only 50 tons less than New York and Los Angeles combined—emitted into the air each day. Whee!

Some Indians, unaware of both the economic and the ecologic impact of all this, are mystified by the sudden change in a landscape that had been as changeless as their legends. Buck Austin, a 64-year-old Navajo who has always lived on the windy crest of Black Mesa, paused in the building of a new hogan to tell me through a translator that Navajo Mountain—an important tribal shrine that had been visible 50 miles to the north as long as he could remember—had simply vanished in the filthy air.

Other Indians are angry over the mine and the power plant. "It's just genocide," said one young Yakima Indian, who moved to the Southwest from the West Coast to join the fight against the power plants. "L.A. and Phoenix have more population, so if the Hopi and the Navajo have got to go so that somebody in L.A. can watch color television, that's the way it is—that's the way it's always been."

But there are other Indians, too, who suspect there might be some good in the coal mines and the power plants. Newly elected Navajo Tribal Council Chairman Peter MacDonald is one; he wants to review the leases between the power companies and the tribe to see "if there is a way to have the Navajo tribe gain as much from these operations as the coal and power companies." They, MacDonald estimates, will realize close to a billion dollars over 25 years, while the Navajos will get only $15 or $20 million. "That," says MacDonald, "is something the Navajo needs to reconsider."

Still, to some Indians, there are even more important things than millions or billions of dollars or the white man's infatuation with electricity. Wiry, compact Fred Kabotie, 74, mused upon this as he stood in the sun-washed showroom of the Hopi Cultural Center that he persuaded his tribe to build. Kabotie, who travels regularly to New York to advise the Louis Comfort Tiffany Foundation on the training of young artists, spoke of the danger that something called "the slurry line" will drain the water table on Black Mesa and thus parch the tribal grazing land. The slurry, an 18-inch buried pipe, will suck 120,000 gallons of water every hour from deep beneath the grazing land atop the mesa, mix it with the 660 tons of finely powdered coal and sluice it across the desert to the Mohave plant. Kabotie also wondered whether Indians will really get jobs in the mine and at the power plant.

The power companies vehemently contend they have taken into consideration all these concerns in placing, designing and operating their mines and plants. Wells to feed the slurry will go far deeper than the water level tapped by Indian herders, they say, and they have made assurances that once the coal has been mined, careful reseeding and landscaping of the strip mine area will be carried out—if the profits allow it.

But always the primary pressure is the power companies' well-justified apprehension that unless they move fast, good old Reddy Kilowatt just might not be there with the juice when some new customer throws the switch. It is a perfectly reasonable position. Says L. M. Alexander, associate general manager of the Salt River Project, a public authority charged with providing water and electricity to meet Arizona's burgeoning demands: "Our responsibilities as utilities are to make certain there is enough electricity to operate every air-conditioner, heater and other type of electrical appliance our customers may want to use. They dictate—it is up to us to respond."

It is, of course, that fearsome prospect of a power shortage and not some malevolent intent which has brought the utilities into such harsh conflict with those Southwesterners who put their land and its beauty above convenience and progress.

The electric power people and the mining companies operate under overlapping and often confusing sets of pollution controls set by federal agencies, counties and states—each jurisdiction zealously cautious lest it drive away a potential bonanza by too-stringent regulations. New Mexico's Clinton P. Anderson plans to begin holding Senate Interior Committee hearings next month to determine, as an aide puts it, "what's wrong and what will go wrong. It's mind-boggling, trying to figure out just who has done what.

It's a mess." Power companies and their opponents now appear to be heading for a courtroom resolution of their differences, irreconciliable though they may seem.

Defining the venue of the case will be difficult: local, state or federal? Which locality, which states, and if federal, then are not all of us potential jurors? Can any of us, we operators of electric toothbrushes, Water Piks, slot car sets, electric carving knives, hair dryers, lathes, television sets, divest ourselves of our complicity? Or our bone-deep stake in the perpetuation of the beauty of our own Southwest? Can any of us who can see really declare, as plaintiff and defendant pick over the veniremen, that we know nothing of the case—have smelled nothing? Do we not all have a conflict of interest?

Heading out of Albuquerque one evening, I found myself driving into one of those three-ring, 3–D, cycloramic scenic extravaganzas the Southwest stages every few sunsets. It was not one of those paltry pink fizzes we exult over back on Long Island, but the kind of sunset performance you could expect from an earth that had taken a few million spins to whomp it up. It had a little bit of everything. The lights of the city lay behind me and I saw in the rearview mirror a winking, blinking earthbound constellation of electrically powered red, gold and green—a man-made nightscape all our own. Ahead, the sunset lay on the northwestern skyline like molten iron. Far off, flat gray clouds flecked the deep orange of the sky, while nearer, a fat little smoke-puff of a rain cloud loosed a shower toward the burnt and empty land, down onto the silhouettes of tumbleweed. Venus shone brightly through the pale gray-blue of the sky above me, and a crescent moon glared through a misty cloud head directly beneath it. The layered mountains to my right were almost completely curtained off by the storm.

It was a sky so wide my eye could not scan it, so wildly beautiful, so variegated in color and emotion from ferocious storm to gentle calm, that I could not comprehend the idea that anyone could think of selling it.

Whites Say That the Navajos Have No Sacred Shrines

(By William Eastlake)

Lukachukai (the Male Mountain) and Black Mesa (the Female Mountain) are the yin and yang of Navajo existence. To the Navajos and Hopis who live in the shadow of these mountains, they are sacred places. Without them, the world would come unbalanced. I went to Black Mesa to find out why we are destroying the Female with a strip mine.

This is what I learned: Coal from Black Mesa will fuel seven power plants to be built in Arizona, New Mexico and Utah. The project will destroy the environment of the whole Southwest, and with it the traditional culture of the Navajos and Hopis. We need the power plants to supply Los Angeles and Las Vegas with more electricity for tooth brushes and 20-story casino signs.

I wanted to find out how this could happen. I learned that the Tribal Councils of the Navajos and the Hopis had given Black Mesa away. The Councils were established by the Bureau of Indian Affairs in 1935. The Hopis, at least, did not want a Council; but the Indian Agent pushed it through. Recently, the Bureau ran another "election" to permit off-reservation Indians to vote as a means of undermining the strength of traditional Indians. The Tribal Councils, the Bureau of Indian Affairs and the off-reservation Indians gave Black Mesa to the Peabody Coal Company.

Most of all, I wanted to find out how the Indians felt. I talked first with a Navajo. He wore a University of Arizona T-shirt and was well educated. He said the Peabody Coal Company is a subsidiary of the Kennecott Copper Corporation, and that now that Kennecott can no longer make colonials out of the South Americans they are making colonials out of American Indians.

"You really believe that?" I asked.

"I do."

We talked about the difference between "traditional" Indians—those who follow the old way—and the "progressives"—those who, however regretfully, follow the white man's path.

"Will the traditionalist Indians stop the white man on Black Mesa?" I said.

"No."

We were sitting in the Keams Canyon Trading Post Cafe.

"No, because the traditionalist Indians don't know ——— from Shinola," he said.

"I don't think it helps very much to attack your own people," I said. "I talked to John of the Badger Clan and Chief Mina Lansa of the Parrot Clan at Old Oraibi and Thomas Banyaca at New Oraibi. They talked of the white man's insult to life. They talked of their need for the earth. They talked of a tomorrow that will not come for them. They talked of their religion that is of the earth and not of outer space. They talked of their hunger for the spirit that is Indian. They call the white man doom and they have seen the city where the white man lives and that is doom and they have felt of the spirit that dwells in the white men on Black Mesa and that too is a doom. So the traditional Indian knows," I said.

"He knows, but what the hell good is it going to do him? He gets all these statistics fed to him by white liberals. How dark the Grand Canyon will get."

Dark as death from polluted waters.

"How much smog the power plants will spew."

Because of the plants, an area extending from Southern California to the Rocky Mountains will be as smoggy as the Los Angeles Basin.

"And how much money Kennecott will get."

$750,000,000.

"But what the Indian does not know," the intellectual Indian said, "and what the white man does not know is that the white man and the Indian are both on a space ship called Earth."

"Wait . . ." I said.

"And the white man and the young progressive Indian have entered into a compact with death."

"Wait . . ."

"And if it is not the Black Mesa they are destroying they will find another . . ."

"I was . . ."

"Because the white man and the lost Indian both have abandoned the earth. . . ."

"Wait," I said, "You talk like a traditionalist yourself."

"Yes." He tapped his saucer with his spoon. "Yes, I guess." He stood up. "Jesus Christ," he said, walking away. "I guess I do."

My friend Dan Budnick met me at Keams Canyon and we began the trip to the Mesa through the spectacular Navajo Country via the Hubbell Trading Post at Granado, Canyon de Chelly and the Rough Rock Indian Experimental School. Hubbell's is one of the few real trading posts left. I remembered it from the time I lived in Navajo Country. The people there were not very concerned with Black Mesa, just sad.

I continued on my way in the snow up to the Black Mesa and the Dot Klish Canyon. The snow was beginning to run black. It would run black downhill and into the water wells of the Hopis and the Navajos.

We wound and slid across the top of the Mesa, past trucks larger than houses, up to the drag line crane, which was gouging a strip thirty feet wide, fifty feet deep through the Mesa Verde formation. The overburden was thirty-five feet deep. The earth was removed by the machine with a child's play motion, the machine eating easily into the cheap, dirty coal. The coal was lifted into the trucks larger than houses, transported through the black snow to the slurry mixer standing like a primordial, skeletal framework of the future over the sacred Female Mountain, where the coal is ground into a black slurry mix, then the monster has a diarrhea that is pumped into a black pipeline and shot westward to where it will finally arrive in the form of electricity and smoke in the power plants of sunny California. During the breaks in the gusting snow storm, you could see where Peabody had gouged and torn the piñion, greasewood, sage and rabbit brush into a miasma. . . .

Farther along the escarpment of the Mesa, before it sweeps down into Hopi country, I could see the remains of hogans that had been bulldozed down. One still stood by a long strip-mining trench, the trench sixty feet deep, leaving the hogan on a tall island.

Getting down on the escarpment we followed the flood as it made its way down to the virgin desert, to the country of power plants that use 110,000 tons of coal a day and release 283 tons of particulate matter, 1,365 tons of sulphur dioxide and 1,192,000 pounds of nitrogen dioxide.

We interviewed and we looked and after we thought we had found out what we came to find out we headed for home. On that last day, before leaving to catch my plane at Flagstaff, I dropped into a tourist trading post on the highway. The place was crowded with hippies and Indians. They were staring at each other across a pile of fake turquoise. They were dressed alike—the same Levi outfits, sandals and red bands around bobbed, Joan of Arc hair. They talked about the mine.

"What are you going to do about this?" a Hopi asked.

"We're going to blow it up," the hippie said.

"No, we're going to lie down in front of the drag line," said another.

"If they run over you," the Hopi said, "it would be squashed hippie. It's better that we lie down in front of it. Then it would only be squashed Hopi. You can always go back to Los Angeles. We got no place to go."

I got a flat tire after leaving the trading post. There were two sheepherders nearby. One said in a few years all the Navajos would be dead. He said the Hopis would be dead too. He said the earth would continue in some form without The People but, he said, The People cannot continue without the earth. He said *Dine,* the Navajo's name for themselves, means The People. I said I had to catch a plane in Flagstaff. The Navajo laughed and said carefully, "How would you catch a plane?" and then he looked up at the blue sky that was heavily black-streaked from the coal power plant at Four Corners and said, "It would be a good trick." The other Navajo said his name was Young Hoski and that the old one, his father, was named Old Hoski. Young Hoski said that Old Hoski was not putting me on. He said that Old Hoski was dying and that his brain wavered and he really did believe that I was going to try to catch a plane.

"I am," I said.

"It would be a good trick," Old Hoski said.

Young Hoski said, "What are you doing here?"

"I am here for Earth Magazine," I said. Old Hoski smiled now that he knew that the white man, who was going to catch a plane, worked for the earth. It was understandable. I was insane.

"Let me tell you," Young Hoski said, "we are crazy too. We belong to the Indian background. Peabody thinks we are watching our sheep, but we are watching Peabody."

"Peabody bought a lease," I said.

"Peabody bought a war," Young Hoski said.

"I think so," I said.

"Now you will listen to the Indian underground," Young Hoski said. The Old Hoski smiled at this good trick, at any white man listening to any Indian. It had not happened in the last one hundred years that he knew anything about.

"You have a horse," I said. "You could go on the horse to the trading post and fetch me a lug wrench to fix my tire."

"You could use the horse," Old Hoski said to Young Hoski. "We could use the horse to catch a plane." His crazed face smiled again at this crazed idea.

"Listen," Young Hoski said. "We Indians have lived here since anybody can remember. The Indians have fought the white man's wars since anybody can remember. This time we will fight against the white man and everyone will remember." Young Hoski paused to watch the black smoke torn from the insides of the great sacred Female Mountain that was dying.

"The whites say that the Navajos have no sacred shrines like crosses and stuff and altars. The whites say the Indians have no religion. The whites say the Indian's past is a collection of stories for children." Young Hoski's yellow eyes dropped away from the black streak. Soon there would be seven of them, seven power plants producing smoke to fall on the sacred Female Black Mesa that was being chopped up.

I remembered what the old people at the Hopi villages had told me, that the end was near for everyone. They thought it was amazing and a white man's trick that the ending would occur here where man had begun. The Hopis are absolutely certain, and so are the white scientists, that the Hopis are the longest dwelling-in-one-place mankind to be found on this continent and the Hopis believe this and Mr. Peabody believes this, and the Hopis believe that Mr. Peabody is the same dangerous animal that brought the roads and the electricity and the cars and the other improvements like modern war to the world, like smoke signals that never erase and mean nothing, and planes people try to catch, and primordial monsters that rip down sacred female mountains. This I was told by the underground Hopi people of Oraibi and this I was being told by the underground people of the Navajo.

Young Hoski got up and walked through the cloud of sheep to his piebald horse that was tethered to a mesquite, mounted and made off for the lug wrench.

"You see," Old Hoski said in his cracked hundred-year-old voice, leaning toward me secretly, "we did not fight the white man on time. The white man said you can buy anything on time. The white man has bought death on time."

"Explain that," I said.

"I am too old," Old Hoski said. "I am too old to explain anything, but I can tell you a story."

"Tell me a story," I said.

"This story is about my father who had to catch his horse. He didn't have many horses so he had to keep what he had. The white man was stealing his horses. The white man was from Leppe. Do you know where Leppe is?"

"Yes," I said.

"My father, Hoski Nez, caught his horse by killing the white man from Leppe. That solved the problem."

"But you can't go on killing," I said.

"Why not?" the Old Hoski said. "It is a simple solution."

"Me?"

"Why not?" He repeated the words in a cracked voice. "You are a white man on Indian land."

"But I have come to help."

"Every white man comes to help." As he said this Old Hoski stood up and I stood up and he took a knife from his belt and he felt along the edge with his thumb and said, "I am not going to kill you now." And then he said, "But I wanted you to know what was in my heart for the white man."

"I have been to the Black Mesa," I said, "and I know what is in your heart."

Then the knife fell to the ground. I picked it up and handed it to him and the knife fell to the ground again. I would leave it this time.

"It's only a knife," he said. "Is it true about the black smoke?" he said.

He had blind eyes as well as shaking hands.

"Yes," I said, "it's true."

"Is it true," he said, "that the white man is killing himself?"

"Yes."

He seemed to hover his hand out and I took it. He grabbed me with a firm grip. Nothing was shaky now as we stood there together. Together the last and final witness to the death of a planet. Standing against the implacable blue, isolate, catching, both catching, the last look of Female Mountain, my eyes sharing with him through joined hands the last stand of Black Mesa in death, bleeding and alone.

Power Needs Jolt a Western Scene

(By David W. Hacker)

Californians are reaching into the arid, desolate, timeless, Indian lands of sweeping vistas in the Southwest to satisfy their hunger for electricity.

High-tension lines plod across the landscape. Service roads slash through the area. Smokestacks finger into the clouds. And carpets of smog unroll across the sky.

The pollution issue, in fact, is more than a small cloud on the horizon. One of the seven plants planned by 1977 for the new Western power grid has been operating since 1963 at Fruitland, N.M. It is the Four Corners plant, and it has been called the worlds' biggest single polluter.

This plant burns 22,000 tons of coal a day, and though the plant tries to control its fly ash, 300 tons of dust escape into the air every day, and so do 290 tons of sulphur dioxide and 220 tons of oxides of nitrogen.

So spectacular are these emissions that a satellite photograph in 1966 showed a plume from the Four Corners' plant hovering over an area of 10,000 square miles.

The Arizona Public Service Co. has promised to clean up its Four Corners smokestacks by Dec. 31, by controlling most of the fly ash. Conservationists, however, are concerned over the other six plants. If the plants aren't tightly controlled the worriers say a smog blanket could extend from Denver to the Pacific Ocean and from Mexico to Wyoming.

The Central Clearing House of Santa Fe, a conservationist group, is fighting this array of super power plants. One of its members, Terrence Moore, a free-lance photographer, says the burgeoning power plants are "exterminating or messing up one of the nation's most culturally rich and esthetically beautiful areas."

Mr. Moore used to live in Santa Fe, 175 miles from the Four Corners plant, and he recalls, "I used to get up in the morning and see a brown layer that was at least 50 miles long out of my living room window." Then he moved south to Albuquerque, where, he says, the smog situation is just as bad."

Last November, the Mojave electric-power plant in southern Nevada, across from Bullhead City, Ariz., went into operation, and this introduced another environmental threat. This plant is being fed by coal from the Black Mesa in northeastern Arizona. The Peabody Coal Co. has leased 64,858 acres on Indian reservations from the Navajo and Hopi tribes. Over 35 years, Peabody plans to strip 337,000,000 tons of coal from open mines.

The company promotes its "Operation Green Earth." Says Peabody in a brochure on the Black Mesa operation, "Peabody is required under its lease to return Black Mesa to the tribes in as good condition as received, except for ordinary wear, tear, and depletion incident to mining operations."

Peabody sluices the crushed coal to the Mojave plant through a 275-mile underground pipeline, and will use a $40,000,000 railroad to feed another power facility, the Navajo power plant, when it opens up 80 miles away at Page, Ariz.

There, on the shores of Lake Powell, the Colorado Plateau's most serious problem may occur, according to Mike Williams, a former engineer for the Los Alamos Scientific Laboratory. He says that, under present regulations, when the two planned power plants are built, they will discharge into the air a total of 1,109 tons of sulphur dioxide a day, 113 tons of fly ash, and up to 735 tons of oxides of nitrogen.

Comments Mr. Williams: "Thus, in what used to be wide-open spaces, we will have more sulphur dioxide than [emitted] in New York City, more dust than in Los Angeles, and oxides of nitrogen comparable to those emitted by all the autos of Los Angeles." Mr. Williams points out that "Los Angeles considers its problem with nitrogen dioxide so severe that it has banned any further construction of large fossil-fuel power plants."

Peabody's five deep wells in the water-short area are causing concern too, though the company insists the Indians' water from shallow wells won't be disturbed. The U.S. Geological Survey says, however, that over a 30-year period, the water table at Kayenta 20 miles north of Black Mesa, will drop 100 feet as a result of the strip mine.

This budding complex of super power plants is supposed to help out the impoverished Indians and bring industry. Peabody will hire about 100 Indians, and pay them $1,000 a month each.

The two tribes will get about $3,000,000 a year in royalties at the rate of 25 cents a ton of coal. There are 120,000 Navajos and 5,000 Hopis, and this figures out to about $24 a person a year.

Besides these concerns, Mr. Moore and his Friends of the Earth workers in Santa Fe worry over what the mine operation and huge power plants will do to the quality of the water. There will be some acid drainage from the mines, and sulphuric acid created by the power plant emissions will wash out of the sky in greater and greater quantities. Eventually, it may seep down to the water table.

In a flyer passed around the reservations, one Navajo laments:

"When the last of the coal is gone, the plants will stop, the money will stop, and then the land will be dead. The sun will be dim. The water will stink. Will the grass be gone? Will the people still know how to walk in beauty?"

Ecological Shootout at Black Mesa

(By William E. Blundell)

Black Mesa, Ariz.—In the clear air the country below is visible for 50 miles, red rock bluffs fading away to the north, canyons hiding the ruins of cultures that flowered and died before Columbus sailed. These are sacred lands, literally the center of a universe.

They are also becoming the center of what may be the most significant environmental struggle of the decade.

The power shovels of Peabody Coal Co. bite into a small part of the mesa now. It is a strip mining operation, a technique that is bitterly resented by many traditional Indians, those who follow the old ways. "It is prophesied that the Indians will have their lands confiscated or ruined, by force or by lies, and that the Hopi lands would be the last to go," says David Monongye, a leader of the Hopi village of Hotevilla. "Now it is happening to us too. It also is prophesied that if the Hopis and their friends cannot stop this, the world will end. It will turn over. And none will survive, none."

Though controversial in itself, the Black Mesa issue is but a small part, a symbol, of what environmentists fear is a looming disaster—the fouling of the entire Colorado plateau by pollutants from six huge coal-fired power plants now operating, under construction or planned in the area. Black Mesa already provides coal for the Mohave plant, which is in partial operation, and will also feed the 2,300-megawatt Navajo plant now abuilding. The rest will use their local coal supplies.

They are dirty. Black Mesa coal has a relatively low ash content but the local coals it ranges to above 20%. But they are very cheap.

Also, by building big, the utilities and other power suppliers realize certain economies that can lower generating costs still further. (Kaiparowitz, still in planning stages, would be the biggest steam plant in the country and might generate as much as 6,000 megawatts.)

THE AREA OF "FALLOUT"

Great gulps of the Colorado River and its lakes and tributaries will be needed to cool these colossi—perhaps a quarter-million acre feet a year. And because of the low-grade fuel they will use, and their great size, they will be polluters on a grand scale; none would be permitted to operate in New York and certainly not in Los Angeles, which will get a healthy share of the power they generate. Their area of fallout, as it were, may include six national parks, including the Grand Canyon; 28 national monuments; the big national recreation areas of Lake Mead and Lake Powell and the historic Indian lands of the Southwest.

So the stage seems to be set for the familiar old ecology shootout. Over here, in the black hat, industry, greedy, rapacious, insensitive as stone to everything but the bottom line on the income statement. Over there, in the white hats, the conservationists, bent on heading off black hat before he shoots up the town.

There are plenty of white hats, ranging from the battle-wise platoons fielded by the Sierra Club to informal outfits like the grandly titled Black Mesa Defense Fund, which consists of three men working out of a donated office in Santa Fe, a couple of girls who help out and a big black dog.

But this melodrama lacks a clearly identifiable, hissable villain. The struggle basically involves two groups of honest men with different sets of values, not robber barons and butterfly chasers. If the conflict proves any thing at all, it is the correctness of Pogo's message: "We have met the enemy and he is us."

Jack Pfister, an executive with the Salt River Project, an Arizona power and irrigation agency that will manage the Navajo plant, puts it this way: "Sooner or later, everyone is going to have to realize that we *have* to pay some environment price to live in the way we've grown accustomed to live. Maybe this is where and when we learn what the price, the tradeoff, is going to be."

The utilities have been forced into the open spaces of the Southwest by a combination of social and economic considerations difficult to resist. They face huge projected increases in power demand that far outstrip present capacity. They are increasingly unwelcome at home. Authorities in the Los Angeles area, for example, have again and again scotched plans for fossil-fuel plants in the inversion-prone basin and have rejected nuclear plants on safety grounds.

Fuel is a factor too. Several years ago the utilities foresaw a shortage in the natural gas and low-sulfur oils that could permissibly be burned in metropolitan areas, and they looked to the untapped coal reserves of the West.

For efficiency, they decided to build big plants, with several suppliers sharing the cost and the output. In this regard they were right in line with the desires of the Sierra Club; the conservationist group has long favored big regional facilities outside of metropolitan areas.

Water came into play. The plants needed coolant and the only large supply in the area was the Colorado River system. Then came politics. Says Mr. Pfister of the Salt River project: "When we were looking for a place to put what later became the Navajo plant, a lot of influential Arizona leaders made it pretty clear they wanted that plant to stay in Arizona; the state wanted that tax base. And the Navajo tribe wanted the plant so they could get jobs. The only feasible place left was where we put it"—at Page, near Lake Powell. Howard Allen, vice president of Southern California Edison Co., says Nevada officials were similarly solicitous when Edison, which manages Mohave, was settling on a plant site.

UNWANTED IN THE CITIES

So the utilities, unwanted in the cities, moved out to the country where the population is thin—and now stand accused of grossly polluting or preparing to pollute the scenic wide open spaces.

The environmentalists are not without appreciation of their foe's plight. This, of course, has not prevented them from waging a furious battle. Their assaults have helped prompt stiffer air pollution standards in Arizona, New Mexico and Nevada, and have prompted some companies to go a bit further than they originally intended in their commitments to pollution control.

One special target of the environmentalists has been Arizona Public Service Co., which manages the big plant at Four Corners and owns the three smallest of its five generating units. Those three pour out a cloud of pollution that makes the plant New Mexico's dirtiest and one of the nation's dirtiest as well. The ash-laden plume from the plant was visible on a photo from space as a smear more than 100 miles long, and its pollution has been tracked by plane into the Grand Canyon, half a state away.

The first three units of Four Corners, which have mechanical separators, are being fitted with new pollution control equipment that will remove far more ash; units four and five, which already have relatively efficient precipitators, will get better ones. The result, APS says, is that the plant will produce only about 30 tons of ash a day compared with 300 tons or more at full operation now.

In some cases, the plant builders have found themselves quickly overtaken and passed by advancing technology and stiffened air quality standards. "When we started to build Mohave," says Mr. Allen of Edison, "the equipment we agreed to put in was the best and met standards that for that day were stringent. But then you had the great environmental crunch and a considerable effort in technology, and between the time we started building and the time we went on line our precipitator was outdated by about 1%—and that's a lot of extra tons thrown into the air."

The result: Edison has had trouble getting Mohave to meet stiffened pollution standards, and the authorities that welcomed the company to Nevada now are citing it for exceeding permissible pollution emissions. It is a distasteful experience for Edison, which has a reputation as a far-sighted utility in the field of pollution control.

Peabody, developers of Black Mesa, also find bad publicity from environmentalists not to their liking. At a press conference last January in Phoenix they rolled out their own PR artillery, garnering highly favorable stories in The New York Times and Newsweek.

Peabody has leased the land under an agreement with the Navajo and Hopi tribal councils. (Some of the lease lies in Navajo territory, some in a joint Navajo-Hopi area.) The councils do not represent the views of many of the traditional Indians. Particularly, a large number of Hopi view their tribal council as an invention of the white man that has no authority over them.

The old Navajo believe that Black Mesa is the body of the Earth Mother and that the power shovels are damaging it cruelly; the traditional Hopi, who have shrines on the mesa and consider themselves stewards of all the land here, say the mining is a desecration. They also believe the pumping of well water from below the mesa, for the slurry pipeline that carries crushed coal to Mohave, threatens their farms; these are in the washes on the south side of the mesa near the villages where they live.

The most ancient of these is Old Oraibi, which has been continuously settled since at least 1150 and possibly long before. Its chief is a diminutive but spirited old woman named Mina Lansa, who has no use for the Peabody royalties paid her tribe. "What is money? It comes quickly and is quickly spent and gone," she says. "But the land is there forever. What good is money compared with land? If it is torn up, and if the water is taken, our people will starve."

But again the villain slips away. Peabody is going to unusual lengths to preserve what it can here; its wells are sunk deep below the surface sources used by the Indians. All the wells will be returned to the tribes. Peabody is paying what it says is the highest coal royalty ever paid on public or Indian land, 25 cents a ton. Before it begins mining a new strip, archeological surveys are made and any ruins found are excavated. It has promised to reclaim all its mine strips and is experimenting with forage plants to cover the earth left bare after grading.

And it will provide up to 300 jobs, about 75% to 80% of those available, for Indians at United Mine Workers' scale—roughly $10,000 a year. The Indians who already are working here thus have a far different view of the project than the traditionals. "I know they say the stuff we are putting out here is going to make smog," says Chester Interpreter, a welder. "But if it didn't come from here it'd just come from someplace on white man's land. Why shouldn't we get the money and the jobs?"

If Chester Interpreter has understood and accepted what the price, the tradeoff, for the money and the jobs will be, many of his white brothers still have not. They have raised enough ruckus to force U.S. Senate hearings on the whole Southwestern power question, in late May.

There is some sentiment now that the utilities should build where their markets are. "We made a wise decision in this part of the country. We decided to devote a lot of it to recreational use, to the Indian, to beauty. Los Angeles is not entitled to foul up all of this just so a neon sign can blink 'Eat at Joe's' all night," declare Brant Calkins of the Central Clearing House in Santa Fe, a primary foe of the power buildup.

BLUNTING ELECTRICITY DEMAND

Others have a wider view. They hope against hope that the relentless hunger for more electricity can be blunted by rationing, regressive rates, anything. "The real question is, are we going to continue a cultural trend, the drive to consumption that technology breeds, that is destroying the biosphere? We have to start reversing our course, and we have to start now," says Jack Loeffler of the Black Mesa Defense Fund.

The power companies contend that if all the electric toothbrushes in the U.S., all the electric knives, juicers and pencil sharpeners stopped tomorrow it would make almost no difference on the total electrical load. Industry, commerce and home heating and air conditioning are the basic power consumers and will continue to be. And the utilities oppose the idea of zero growth or forced regression in electrical demand.

From the 1970 annual report of the Arizona Public Service Co.: "The no-growth or slow-growth philosophy is a concept that could threaten our entire economic system. It would magnify, rather than alleviate, poverty and unemployment. And it is a direct contradiction to those fundamental instincts which motivate people to compete, to acquire and to improve their way of living."

More figures, this time on the total maximum pollutants that might be expected from the six big power plants if all are built and operating at full steam—fly ash, 240 tons a day (compared with 130 tons released in Los Angeles County and 182 tons in New York City), sulphur dioxide, 2,166 tons a day (compared with 250 tons in L.A. County and 1,040 in New York), oxides of nitrogen, between 845 and 1,300 tons a day, compared with 1,050 in L.A. and 930 in New York.

That seems to be the tradeoff.

STRIP MINING—COAST TO COAST

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, in the April 19, 1971 issue of the Nation, Mr. Harry M. Caudill, Whitesburg, Ky., attorney and author of "Night Comes to the Cumberlands," warns the country of the growing baleful effects of strip mining.

Mr. Caudill, for years has been spokesman for the environmental conscience of the southern Appalachian Mountains, warns that the rapidly growing practice of strip mining coal and other minerals will irreparably destroy vast areas of the only land we have. I present this article for the information and use of my colleagues:

STRIP MINING—COAST TO COAST

(By Harry M. Caudill)

Some developments in recent weeks inspire a faint hope that at last—at the eleventh hour—this mineral-rich country may save itself from virtual ruin at the hands of strip miners. America is so abundantly endowed with ores and fuels, world demand for them is so great, and earth-moving technology is so efficient that strip mining—until recently associated primarily with coal and Appalachia—has become a reality or an imminent prospect for every state and nearly all counties. An ecological nightmare of unimaginable dimensions suddenly looms everywehre.

Since 1950, according to Census Bureau figures, the nation's population has swollen by more than one-third. During that time the land area has not grown by a single inch. On the contrary, the amount of land available for crops, forests, recreation and other uses has been effectively and permanently diminished. Highways, housing developments, shopping centers and man-made lakes are insatiable consumers of land, but they have the virtue of being continuously useful to large numbers of people. However, strip mining is a land use that threatens to devour the continent in a single-benefit operation. Before most urbanized Americans are aware of what is happening, the land on which they depend may have been ruined past technology's capacity to restore it.

From coast to coast the United States is marvelously blessed—or cursed—with valuable stones, clays, ores and solid fuels. Beneath the ancient and varied forests of Appalachia are gigantic coal beds, vast ledges of limestone and silica sand, iron ore, clays, marble, granite and such seldom mentioned substances as gneiss, grahamite and gibbsite. In Florida there are huge beds of phosphate. Georgia has kaolin and Texas and Wisconsin have iron fields. Coal is abundant across the Great Plains in West Kentucky, Illinois, Indiana, Missouri, Iowa and Kansas. It striates the hills of Colorado, alongside immense deposits of oil shale. Low-grade coal and lignite are found under hundreds of thousands of acres in Arizona, Utah and the Dakotas. California and Nevada boast gold and silver; Arizona has copper. And nearly everywhere, sand and gravel can be scooped up for an endless variety of construction projects.

In short, something mineable can be found practically anywhere, and the pressure on natural resources is so great in our highly industrialized society that all of them are practically certain to be mined. These facts are of the gravest consequence to the nation.

The cheapest way to obtain solid-state minerals from the land is by strip mining. This revolution in the technology of earth moving has swept the world in the last two decades. A combination of nitrate fertilizer and diesel oil makes a cheap and potent substitute for dynamite. Some bulldozers now plow into the soil with blades 7 feet high, and near Cumberland, Ohio, a supercolossus looms over a devastated county like an all-consuming titan. It is "Big Muskie," the planet's largest earth-moving machine, with a boom 310 feet long and a bucket that lifts 325 tons at a gulp. Not far away in the same state slightly smaller machines, "The Gem of Egypt" and "The Silver Spade," work their way through wooded hills as easily as a hungry man devours a steak and potatoes.

In stripping, the overlying strata of soil and rock—and their flora and fauna—are blasted and shoved aside to expose the mineral. It is then loosened by explosions, lifted into trucks and hauled away. The effect on the ecology has been widely documented, but remains indescribable.

For example, in mountainous eastern Kentucky much stripping has been done for coal. A 1955–59 study by state and federal agencies compared two adjacent watersheds. The valley that remained in timber yielded 27.9 tons of silt per square mile annually. The other, which had been "disturbed" by stripping, flooded its silt basins with 30,000 tons of acid-reddened mud from each square mile!

In 1967 the Interior Department sent to Congress its little noted study, "Surface Mining and Our Environment." It reflected conditions as of January 1, 1965, when 3.2 million acres had already been surface mined. Hawaii claimed only 10 acres of stripped soil; at the other end of the scale, Pennsylvania reported a massive 370,202 acres. Coal and lignite accounted for 40 per cent of the total. An area equal to that of Connecticut had been devastated.

Congress disregarded the report and the last five years have seen an unprecedented mining boom. Today the equivalent of two Connecticuts lies as maimed as Flanders in 1917.

Half the states have no compulsory laws for reclaiming the land after the strippers have finished with it, and no state enactment approaches the strict, no-nonsense requirements of Germany and Great Britain. In such ravaged states as Kentucky, Tennessee, West Virginia and Ohio, enforcement is a farce in which the industries generally select the reclamation officers.

Surface mining kills every living plant and drives out, initially at least, all wild life. It pollutes water and permanently degrades it. Most important, perhaps, it produces unnerving ugliness.

Any serious national commitment to save our deteriorating environment would treat surface mining as an exceedingly grave problem. It would outlaw stripping where prompt and complete restoration of the land to its original and natural purpose cannot be achieved. It would require an industry to restore completely lands it is permitted to tear up, and would impose a severance tax on future mining to finance reclamation of America's ghastly backlog of plundered acreage.

The word that best fits the climate of West Virginia is "benign." Its mixed mesophytic forests have embraced and sheltered nearly all plant forms that the ancient ice shields pushed down from the north. Its 2,000 varieties of flowering plants make it a botanical wonderland without parallel anywhere outside the tropics. But all this profuse, interwoven and indescribably old web of life has been for twenty years under a brutal assault by corporations digging fuel for domestic and foreign electric power plants and steel mills, and for hundreds of chemical byproducts. The very life of the state is threatened by industrial processes that leave its splendid land as dead and piteous as the bloody carcass of a flayed lion.

West Virginia is fortunate, though, in that it has been adopted by two remarkable men whom voters have had the good sense to elect to public office. John D. Rockefeller IV—"Jay" to West Virginians—came to the state as a VISTA worker when Lyndon Johnson was building the Great Society. He stayed to serve a term in the state legislature and is now Secretary of State in the dingy capitol at Charleston. Unless his latest undertaking brings him to grief, this scion of New York's wealthiest family is likely to be elected governor as a Democrat in next year's election.

What he is attempting requires a breathtaking boldness. He has endorsed Sen. Si Galperin's bill to outlaw strip mining in the state "completely and forever," and has set off a political earthquake in the process. The bill challenges the state's vast absentee mining interests head-on in an "us-or-them" battle. Most West Virginians undoubtedly support the Rockefeller faction, but they are divided and generally inexperienced, whereas their opponents are tightly organized, unbelievably well heeled, ruthless and resourceful.

The first tactic of the mining cabal was to flood Charleston with lobbyists toting heavy satchels, and with hundreds of people who claim to make their living by strip mining. The strippers said that their activities employ 6,700 persons who support an additional 16,300 women and children. As the "abolitionists" promptly pointed out, these figures show the tiny stake West Virginians have in the industry that is wrecking their state. Even if the statistics are correct, only 1 per cent of the people derive economic benefits from stripping. Actually, if Galperin's bill becomes law, new deep mines will promptly provide employment for many times as many men—men now on welfare and food-stamp rolls. For another generation or so, Appalachian coal is an economic imperative which will have to be mined by other means if strip mining is banned as ecologically unacceptable.

The state's other good angel is its Congressman from the Fourth District, Ken Hechler, another New Yorker and a one-time college professor turned politician. Hechler brings a formidable background of achievement to the service of his constituency. In 1969 he fought through a reluctant Congress a stringent—but as yet unenforced—new federal mine safety bill. On February 18 he dropped into the legislative hopper a bill bearing the names of twenty-nine co-sponsors and designed to outlaw strip mining for coal totally and everywhere in the United States.

These bills will probably be crushed between the wheels of public apathy and industry alarm. In fact these two able and dedicated men may find themselves driven from public life by sustained, lavishly financed campaigns. In any event, their efforts provide some measure of the despair that grips intelligent people when they comprehend the immensity of the destruction being visited on their native soil.

The Nixon Administration has made some gestures toward control over this runaway industry, but they are so gutless as to inspire no fear among strippers and little support from conservationists. Amid an almost limitless outpouring of rhetoric concerning our deteriorating environment, the most serious of all such problems has been largely ignored. Now the true scope of our national peril is recognized by growing numbers of people in and out of office who are willing to lay everything on the line in a struggle for survival. They see, clearly and with horror, that our present methods of obtaining minerals is incompatible with timber growing, wildlife, farming, potable water, natural beauty, and continued human occupancy of mined areas. That a third of our coal, to name but one mineral, is extracted by this ruinous practice outlines the magnitude of our reliance upon it. But does a high standard of living built by such means represent progress in any real sense?

Ken Hechler's colleague, freshman Ohio Rep. John Seiberling answered the question this way: "The Romans created a desert and called it peace. We create a desert and call it progress." The desert Mr. Seiberling referred to is the only land Americans will ever have.

LEAVES OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. MURPHY of Illinois (at the request of Mr. BOGGS), for April 7, 8, and 19 through April 24, on account official committee business.

To Mr. WOLFF (at the request of Mr. GIAIMO), for week for April 19, 1971, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. WALDIE, for 1 hour, today, and to revise and extend his remarks and include extraneous material.

Mr. DEVINE, Thursday, April 22, for 1 hour.

(The following Members (at the request of Mr. FORSYTHE), to revise and extend their remarks, and to include extraneous matter to:)

Mr. FINDLEY, today, for 5 minutes.

Mr. ASHBROOK, today, for 30 minutes.

Mr. MILLER of Ohio, today, for 5 minutes.

Mr. DUNCAN, tomorrow, for 30 minutes.

Mr. MIZELL, today, for 5 minutes.

Mr. MILLER of Ohio for 15 minutes, April 21.

(The following Members (at the request of Mr. BERGLAND), to revise and extend their remarks, and to include extraneous matter to:)

Mr. MINISH, today for 10 minutes.

Mr. FLOWERS, today, for 15 minutes.

Mr. GONZALEZ, today, for 10 minutes.

Mr. RARICK, today, for 15 minutes.

Mrs. ABZUG, today, for 5 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FASCELL (at the request of Mr. MONAGAN), to extend his remarks immediately after those of Mr. MONAGAN on House Resolution 387 today.

Mr. MICHEL, and to include extraneous matter.

(The following Members (at the request of Mr. FORSYTHE) and to include extraneous matter:)

Mr. RAILSBACK.

Mr. DERWINSKI.

Mr. ROBISON of New York.

Mr. WYMAN in two instances.

Mr. REID of New York.

Mr. HOSMER in two instances.

Mr. HUNT.

Mr. ASHBROOK in two instances.

Mr. DENNIS in three instances.

Mr. LANDGREBE in two instances.

Mr. HASTINGS.

Mr. ZWACH in two instances.

Mr. MCCLORY.

Mr. THOMPSON of Georgia.

Mr. BELCHER.

Mr. YOUNG of Florida.

Mr. BUCHANAN.

Mr. SPRINGER.

Mr. KEMP in four instances.

Mr. COLLINS of Texas in five instances.

Mr. DUNCAN.

Mr. SCHERLE in 10 instances.

Mr. SCHMITZ in two instances.

Mr. MCCLURE.

Mr. BROYHILL of Virginia in two instances.

Mr. RHODES in five instances.

Mr. MILLER of Ohio.

(The following Members (at the request of Mr. BERGLAND) and to include extraneous matter:)

Mr. HAMILTON.

Mr. DRINAN in two instances.

Mr. EDWARDS of California in two instances.

Mr. DENT in two instances.

Mr. MONTGOMERY in two instances.

Mr. RODINO.

Mr. ROYBAL in 10 instances.

Mr. HARRINGTON in two instances.

Mr. MATSUNAGA.

Mr. MURPHY of New York.

Mr. CARNEY.

Mr. SEIBERLING in 10 instances.

Mr. OBEY in 10 instances.

Mr. STOKES in two instances.

Mr. BURKE of Massachusetts.

Mr. CHARLES H. WILSON.

Mr. DOWNING in two instances.

Mr. PRYOR of Arkansas.

Mr. ANDERSON of California in three instances.

Mr. FOUNTAIN in two instances.

Mr. KLUCZNSKI in two instances.

Mr. GONZALEZ in two instances.

Mr. LINK.

Mr. RARICK in three instances.

Mrs. ABZUG in three instances.

Mr. KAZEN.

Mr. EVINS of Tennessee in three instances.

Mr. BLATNIK in two instances.

Mr. BOLAND in two instances.

Mr. MACDONALD of Massachusetts in four instances.

Mrs. SULLIVAN in four instances.

Mr. TIERNAN in two instances.

Mr. FISHER in three instances.

Mr. HAGAN in two instances.

Mr. EDMONDSON in three instances.

Mr. FLOWERS in three instances.

ADJOURNMENT

Mr. HECHLER of West Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock p.m.), the House adjourned until tomorrow, Wednesday, April 21, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

599. A communication from the President of the United States, proposing supplemental appropriations for fiscal years 1971 and 1972, together with a letter from the Director of the Office of Management and Budget (H. Doc. No. 92–92); to the Committee on Appropriations and ordered to be printed.

600. A communication from the President of the United States, proposing amendments to the request for appropriations and other provisions for the fiscal year 1972, together with a letter from the Director of the Office of Management and Budget (H. Doc. No. 92–93); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. McMILLAN: Committee on the District of Columbia. H.R. 2598. A bill to authorize the acquisition, training, and maintenance of dogs to be used in law enforcement in the District of Columbia; with amendments (Rept. No. 92–127). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 2600. A bill to equalize the retirement benefits for officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia who are retired for permanent total disability; with an amendment (Rept. No. 92–128). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 5765. A bill to extend for 6 months the time for filing the comprehensive report of the Commission on the Organization of the Government of the District of Columbia; (Rept. No. 92–130). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 6417. A bill to reduce the number of class A retailers' licenses issued and outstanding under the District of Columbia Alcoholic Beverages Control Act, to establish the number of such licenses that may be issued and outstanding under such act, and for other purposes; with an amendment (Rept. No. 92–132). Referred to the Committee of the Whole House on the State of the Union.

Mr. SISK: Committee on Rules. House Resolution 388. Resolution providing for the consideration of H.R. 2166. A bill to amend the Federal Food, Drug, and Cosmetic Act, and for other purposes; (Rept. No. 92–133). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 389. Resolution providing for the consideration of H.R. 5674. A bill to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to provide an increase in the appropriations authorization for the Commission on Marihuana and Drug Abuse; (Rept. No. 92–134). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 390. Resolution providing for the consideration of H.R. 6444. A bill to amend the Railroad Retirement Act of 1937 to provide a 10 percent increase in annuities; (Rept. 92–135). Referred to the House Calendar.

Mr. NIX: Committee on Post Office and Civil Service. H.R. 135. A bill to provide for periodic pro rata distributions among the States and other jurisdictions of deposit of available amounts of unclaimed postal savings system deposits, and for other purposes; (Rept. No. 92–136). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. McMILLAN: Committee on the District of Columbia. H.R. 2894. A bill to incorporate the Paralyzed Veterans of America; (Rept. No. 92–129). Referred to the Committee of the Whole House.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 6105. A bill for the incorporation of the Merchant Marine War Veterans Association; with amendments (Rept. No. 92–131). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BURKE of Massachusetts (for himself, Mr. ANNUNZIO, Mr. BRASCO, Mr. CARNEY, Mr. HATHAWAY, Mr. MADDEN, Mr. METCALFE, Mr. MITCHELL, Mr. MORGAN, Mr. O'NEILL, Mr. CHARLES H. WILSON, Mr. ZABLOCKI, and Mr. CAREY of New York):

H.R. 7507. A bill to amend title II of the Social Security Act to provide a 50-percent across-the-board increase in benefits thereunder, with the resulting benefit costs being borne equally by employers, employees, and the Federal Government, and to raise the amount of outside earnings which a beneficiary may have without suffering deductions from his benefits; to the Committee on Ways and Means.

By Mr. BURTON:

H.R. 7508. A bill to enlarge the Sequoia National Park in the State of California; to the Committee on Interior and Insular Affairs.

By Mr. FREY:

H.R. 7509. A bill to amend title IV of the Higher Education Act of 1965 to establish a Student Loan Marketing Association; to the Committee on Education and Labor.

By Mr. GRAY:

H.R. 7510. A bill to amend the Public Health Service Act to provide a program of grants to medical schools to provide scholarships to students who will provide service to communities determined to have a shortage of and need for physicians; to the Committee on Interstate and Foreign Commerce.

H.R. 7511. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 of the income of a retired teacher shall be exempt from income tax; to the Committee on Ways and Means.

By Mr. MILLS:

H.R. 7512. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate required under that act; to the Committee on Education and Labor.

By Mr. MOORHEAD:

H.R. 7513. A bill to provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MOSS:

H.R. 7514. A bill to require no-fault motor vehicle insurance as a condition precedent to using the public streets, roads, and highways, in order to promote and regulate interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. PODELL:

H.R. 7515. A bill to assist school districts reduce crime against children, employees, and facilities in the elementary and secondary schools by providing financial assistance for the development and implementation of locally approved school security plans; to the Committee on Education and Labor.

By Mr. RODINO:

H.R. 7516. A bill to amend the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

By Mr. ROSTENKOWSKI:

H.R. 7517. A bill to provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 7518. A bill to amend the Internal Revenue Code of 1954 to reduce from 65 to 62 the age at which a taxpayer may elect to exclude gain from the sale of his residence from gross income; to the Committee on Ways and Means.

By Mr. SIKES:

H.R. 7519. A bill to amend the Public Health Service Act to continue and broaden eligibility of schools of nursing for financial assistance, to improve the quality of such schools, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STOKES:

H.R. 7520. A bill to amend section 403 of the Federal Aviation Act of 1958 to allow reduced-rate air travel for airport employees; to the Committee on Interstate and Foreign Commerce.

By Mr. CHARLES H. WILSON:

H.R. 7521. A bill to amend title 5, United States Code, to provide that individuals be apprised of records concerning them which are maintained by Government agencies; to the Committee on Government Operations.

H.R. 7522. A bill to regulate interstate commerce and to provide for the general welfare by requiring certain insurance as a condition precedent to using the public streets, roads, and highways in order to have an efficient system of motor vehicle insurance which will be uniform among the States, which will guarantee the continued availability of such insurance, and the presentation of meaningful price information, and which will provide sufficient, fair, and prompt payment for rehabilitation and losses due to injury and death arising out of the operation and use of motor vehicles within the channels of interstate commerce, and otherwise affecting such commerce; to the Committee on Interstate and Foreign Commerce.

H.R. 7523. A bill to amend the Federal Aviation Act of 1958 in order to provide for more effective control of aircraft noise; to the Committee on Interstate and Foreign Commerce.

H.R. 7524. A bill to assist in reducing crime by requiring speedy trials in cases of persons charged with violations of Federal criminal laws, to strengthen controls over dangerous defendants released prior to trial, to provide means for effective supervision and control of such defendants, and for other purposes; to the Committee on the Judiciary.

By Mr. YATRON:

H.R. 7525. A bill to revise the Welfare and Pension Plans Disclosure Act; to the Committee on Education and Labor.

H.R. 7526. A bill to amend the Vocational Rehabilitation Act in order to assure rehabilitation services to older blind persons, and for other purposes; to the Committee on Education and Labor.

H.R. 7527. A bill to amend the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

H.R. 7528. A bill to authorize the Secretary of the Interior to establish the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 7529. A bill to amend the Public Health Service Act to continue and broaden eligibility of schools of nursing for financial assistance, to improve the quality of such schools, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 7530. A bill to protect ocean mammals from being pursued, harassed, or killed; and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 7531. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pension of $125 per month to World War I veterans, subject to a $2,400 and $3,600 annual income limitation; to provide that retirement income such as social security shall not be counted as income; to provide that such pension shall be increased by 10 per centum where the veteran served overseas during World War I; and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. ABZUG:

H.R. 7532. A bill to establish a Criminal Justice Reform Administration in order to provide assistance to encourage States and localities to undertake comprehensive criminal justice reform in order to strengthen police protection, improve the prosecution of offenders, expedite overcrowded court criminal calendars, and strengthen correctional systems, and for other purposes; to the Committee on the Judiciary.

H.R. 7533. A bill to amend title II of the Social Security Act to reduce from 20 to 10 years the length of time a divorced woman's marriage to an insured individual must have lasted in order for her to qualify for wife's or widow's benefits on his wage record; to the Committee on Ways and Means.

By Mr. ANDERSON of California:

H.R. 7534. A bill to authorize the Secretary of Transportation to carry out a special program of transportation research and development utilizing the unique experience and manpower of the aerospace industries, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK:

H.R. 7535. A bill to amend the Food Stamp Act of 1964, to exclude from coverage by the act every household which has a member who is on strike, and for other purposes; to the Committee on Agriculture.

By Mr. BAKER (for himself, Mr. BUCHANAN, and Mr. SEBELIUS):

H.R. 7536. A bill limiting the use of publicly owned or controlled property in the District of Columbia, requiring the posting of a bond for the use of such property, and for other purposes; to the Committee on Public Works.

By Mr. FRASER:

H.R. 7537. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record, to eliminate the special dependency requirement for entitlement to husband's or widower's benefits, to provide for the payment of benefits to widowed fathers with minor children, and to make the retirement test inapplicable to individuals with minor children who are entitled to mother's or father's benefits; to the Committee on Ways and Means.

H.R. 7538. A bill to amend title II of the Social Security Act to permit the payment of regular widower's insurance benefits (actuarially reduced the same as widow's benefits) at age 60, and to eliminate the special dependency requirement for entitlement to widower's insurance benefits; to the Committee on Ways and Means.

By Mr. FRENZEL:

H.R. 7539. A bill to amend section 274 of the Atomic Energy Act of 1954 to allow the imposition by a State of more restrictive standards relating to the discharge into the navigable waters of the United States of radioactive materials; to the Joint Committee on Atomic Energy.

By Mr. FULTON of Pennsylvania:

H.R. 7540. A bill to amend the Civil Service Retirement Act to increase by 2½ percent the multiplication factor for determining annuities for certain Federal employees engaged in hazardous duties; to the Committee on Post Office and Civil Service.

By Mr. GALLAGHER:

H.R. 7541. A bill to provide that Interstate Route 80 shall be known as the 80th Division Memorial Highway; to the Committee on Public Works.

By Mr. HILLIS:

H.R. 7542. A bill to amend the Rail Passenger Service Act of 1970 to provide that all passenger train discontinuances must be in accordance with the provisions of section 13a of the Interstate Commerce Act; to the Committee on Interstate and Foreign Commerce.

H.R. 7543. A bill to amend title II of the Social Security Act to increase to $3,000 the amount of outside earnings permitted each year without deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. HOSMER (for himself, Mr. Skubitz, Mr. Steiger of Arizona, Mr. McClure, Mr. Don H. Clausen, Mr. Ruppe, Mr. Camp, Mr. Lujan, Mr. Dellenback, Mr. McKevitt, Mr. Terry, and Mr. Córdova):

H.R. 7544. A bill to provide that the unincorporated territories of Guam and the Virgin Islands shall each be represented in Congress by a Delegate to the House of Representatives; to the Committee on Interior and Insular Affairs.

By Mr. McCLORY:

H.R. 7545. A bill to amend title 18 of the United States Code in order to provide that committing acts dangerous to persons on board trains shall be a criminal offense; to the Committee on the Judiciary.

By Mrs. MINK (for herself, Mr. Badillo, Mr. Barrett, Mr. Burke of Massachusetts, Mr. Dent, Mr. Dow, Mr. Edwards of California, Mr. Eilberg, Mr. Gallagher, Mr. Gude, Mr. Halpern, Mr. Howard, Mr. Hungate, Mr. Mazzoli, Mr. Mitchell, Mr. Moorhead, Mr. Moss, Mr. Nix, Mr. Obey, Mr. Pepper, Mr. Pucinski, Mr. Rees, Mr. Rosenthal, Mr. Roybal, and Mr. Wolff):

H.R. 7546. A bill to amend the Federal Food, Drug, and Cosmetic Act to require that cosmetics containing mercury or any of its compounds bear labeling stating that fact; to the Committee on Interstate and Foreign Commerce.

By Mrs. MINK (for herself, Mrs. Abzug, Mr. Anderson of California, Mr. Brinkley, Mr. Burton, Mr. Collins of Illinois, Mr. Hathaway, Mr. Hechler of West Virginia, Mr. Horton, Mr. Jacobs, Mr. Kastenmeier, Mr. Kyros, Mr. Mikva, Mr. Podell, Mr. Waldie, Mr. Brasco, Mr. Biaggi, and Mr. Hawkins):

H.R. 7547. A bill to amend the Federal Food, Drug, and Cosmetic Act to require that cosmetics containing mercury or any of its compounds bear labeling stating that fact; to the Committee on Interstate and Foreign Commerce.

By Mr. MOSS:

H.R. 7548. A bill to provide for comprehensive management of the Nation's forest lands through the application of sound forest practices, and for other purposes; to the Committee on Agriculture.

By Mr. NIX (for himself, Mr. Addabbo, Mr. Annunzio, Mr. Ashley, Mr. Badillo, Mr. Biester, Mrs. Chisholm, Mr. Clay, Mr. Dellums, Mr. Diggs, Mr. William D. Ford, Mr. Fraser, Mr. Halpern, Mr. Hawkins, Mr. Koch, Mr. Melcher, Mrs. Mink, Mr. Mitchell, Mr. Moss, Mr. Pepper, Mr. Rees, Mr. Reuss, Mr. Riegle, and Mr. Rosenthal):

H.R. 7549. A bill making an appropriation to provide support for the Neighborhood Youth Corps summer support program for the summer of 1971; to the Committee on Appropriations.

By Mr. NIX (for himself, Mr. Rostenkowski, Mr. Ryan, Mr. Stokes, Mr. Vanik, and Mr. Wright):

H.R. 7550. A bill making an appropriation to provide support for the Neighborhood Youth Corps summer support program for the summer of 1971; to the Committee on Appropriations.

By Mr. NIX (for himself, Mr. Koch, Mr. Harrington, Mrs. Green of Oregon, Mr. Moorhead, Mr. Adams, Mr. Fulton of Pennsylvania, Mr. Holifield, Mr. Rees, and Mr. Burton):

H.R. 7551. A bill to provide for the issuance of a special postage stamp in commemoration of the life and work of a man of peace, Martin Luther King; to the Committee on Post Office and Civil Service.

By Mr. O'HARA:

H.R. 7552. A bill to authorize the Secretary of the Interior to establish the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PEPPER (for himself and Mr. Roe):

H.R. 7553. A bill to provide for a program of Federal assistance in the development, acquisition, and installation of aircraft antihijacking detection systems, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER:

H.R. 7554. A bill to amend the Public Health Service Act to continue and broaden eligibility of schools of nursing for financial assistance, to improve the quality of such schools, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PRYOR of Arkansas (for himself, Mr. Anderson of Tennessee, Mr. Burton, Mr. Byron, Mr. Cotter, Mr. Coughlin, Mr. Dellums, Mr. Donohue, Mr. Edwards of California, Mr. Fish, Mr. Flowers, Mr. Gibbons, Mr. Grover, Mr. Gubser, Mr. Halpern, Mr. Hansen of Idaho, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Holifield, Mr. Howard, Mr. Hull, Mr. King, Mr. McKinney, and Mr. Mitchell):

H.R. 7555. A bill to protect ocean mammals from being pursued, harassed, or killed; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. PRYOR of Arkansas (for himself, Mr. Patman, Mr. Poage, Mr. Reid of New York, Mr. Rodino, Mr. Roe, Mr. Slack, Mr. Steele, Mr. Tiernan, Mr. Williams, Mr. Wright, Mr. Galifianakis, and Mr. Ryan):

H.R. 7556. A bill to protect ocean mammals from being pursued, harassed, or killed; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. ROE:

H.R. 7557. A bill to authorize the Secretary of the Interior to establish the Lincoln Home National Historic Site in the State of Illinois, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SKUBITZ:

H.R. 7558. A bill to support the price of manufacturing milk at not less than 85 percent of parity for the marketing year 1971–72; to the Committee on Agriculture.

By Mr. SNYDER:

H.R. 7559. A bill to amend the Fair Labor Standards Act of 1938 to exempt from the overtime penalty any employee of a retail or service business who receives at least twice the minimum wage for all hours worked; to the Committee on Education and Labor.

By Mr. SPENCE:

H.R. 7560. A bill limiting the use of publicity owned or controlled property in the District of Columbia, requiring the posting of a bond for the use of such property, and for other purposes; to the Committee on Public Works.

By Mr. VANIK:

H.R. 7561. A bill to eliminate percentage depletion deductions after cost has been recovered; to the Committee on Ways and Means.

By Mr. VANDER JAGT:

H.R. 7562. A bill to amend the Internal Revenue Code of 1954 to permit an employer corporation to establish a plan under which its employees may purchase and hold stock in such corporation; to the Committee on Ways and Means.

By Mr. WHITEHURST:

H.R. 7563. A bill to amend the Economic Opportunity Act of 1964 to make all elementary and secondary school students eligible to participate in followthrough programs; to the Committee on Education and Labor.

By Mr. BLANTON:

H.R. 7564. A bill to limit the sale or distribution of lists of names or addresses of persons for the purpose of commercial solicitation by Federal agencies, States, or private persons; to the Committee on Government Operations.

By Mr. BROOMFIELD (for himself and Mr. Broyhill of North Carolina):

H.J. Res. 557. Joint resolution expressing a proposal by the Congress of the United States for securing the safe return of American prisoners of war and the accelerated withdrawal of all American military personnel from South Vietnam; to the Committee on Foreign Affairs.

By Mr. CRANE:

H.J. Res. 558. Joint resolution authorizing the President of the United States to issue a proclamation designating the week beginning October 10, 1971, as "National Records Management Week"; to the Committee on the Judiciary.

By Mr. DINGELL (for himself, Mr. Leggett, Mr. Wiggins, Mr. Bell, and Mr. Burton):

H.J. Res. 559. Joint resolution to establish the Tule Elk National Wildlife Refuge; to the Committee on Merchant Marine and Fisheries.

By Mr. HILLIS:

H.J. Res. 560. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. THOMPSON of Georgia (for himself, Mr. Landgrebe, and Mr. Ashbrook):

H.J. Res. 561. Joint resolution proposing an amendment to the Constitution of the United States relative to freedom from forced assignment to schools or jobs because of race, creed, or color; to the Committee on the Judiciary.

By Mr. YATRON:

H.J. Res. 562. Joint resolution instructing the Secretary of the Interior to call for an international meeting on the preservation, conservation, and protection of endangered species of fish and wildlife; to the Committee on Foreign Affairs.

By Mr. BLANTON (for himself and Mr. Anderson of Tennessee):

H. Con. Res. 266. Concurrent resolution to direct the Federal Trade Commission to investigate and study certain anticompetitive practices in the Nation's energy industries, concerning the supply and price of coal, oil, gas, uranium and other energy resources, and to report the facts obtained by such investigation and study to the Congress; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. Adams, and Mr. Corman):

H. Con. Res. 267. Concurrent resolution to express the sense of the House with respect to peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. CHARLES H. WILSON:

H. Con. Res. 268. Concurrent resolution expressing the sense of the Congress with respect to the proposed "proportionate repatriation" plan for obtaining the release of American prisoners held in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. YATRON:

H. Con. Res. 269. Concurrent resolution expressing the sense of the Congress with respect to the congressional intent in the enactment of the black lung benefit provisions of the Federal Coal Mine Health and Safety Act of 1969; to the Committee on Ways and Means.

By Mr. YATRON (for himself, Mr. Roe, and Mr. Vander Jagt):

H. Con. Res. 270. Concurrent resolution expressing the sense of Congress that our NATO allies should contribute more to the cost of their own defense; to the Committee on Foreign Affairs.

By Mr. ZWACH:

H. Con. Res. 271. Concurrent resolution to authorize the loan of the Freeman Thorpe portrait of Abraham Lincoln to the city of Brainerd, Minn.; to the Committee on House Administration.

By Mr. ANDERSON of Tennessee:

H. Res. 391. Resolution expressing the sense of the House of Representatives with respect to opportunities for people-to-people contact between the citizens of the United States of America and the citizens of the People's Republic of China; to the Committee on Foreign Affairs.

By Mr. HUNGATE:

H. Res. 392. Resolution on dismissal of professional air traffic controllers by the Federal Aviation Administration; to the Committee on Interstate and Foreign Commerce.

By Mr. ROE:

H. Res. 393. Resolution to provide free Federal telecommunications system service to patients in veterans' hospitals; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Tennessee:

H.R. 7565. A bill authorizing the President to award the Medal of Honor to Harry S. Truman; to the Committee on Armed Services.

By Mr. BIAGGI:

H.R. 7566. A bill for the relief of Brother Michael Colavito; to the Committee on the Judiciary.

By Mr. FINDLEY:

H.R. 7567. A bill for the relief of Sgt. William T. Richardson; to the Committee on the Judiciary.

By Mr. FRENZEL:

H.R. 7568. A bill for the relief of Duane M. Leisinger; to the Committee on the Judiciary.

By Mr. HASTINGS:

H.R. 7569. A bill for the relief of Mrs. Eleanor D. Morgan; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 7570. A bill for the relief of Jerald E. Bloom; to the Committee on the Judiciary.

By Mr. REES:

H.R. 7571. A bill for the relief of Mrs. Sheila L. C. Tompkins; to the Committee cn the Judiciary.

H.R. 7572. A bill for the relief of Blagoje Nikola Zlatkovic and his wife, Nevenka Zdenka Zlatkovic; to the Committee on the Judiciary.

By Mr. ROE:

H.R. 7573. A bill authorizing the President to award the Medal of Honor to Harry S. Truman; to the Committee on Armed Services.

H.R. 7574. A bill for the relief of Ronald Gordon Bullen; to the Committee on the Judiciary.

By Mr. STEPHENS:

H.R. 7575. A bill for the relief of Youngdahl Song; to the Committee on the Judiciary.

By Mr. CHARLES H. WILSON:

H.R. 7576. A bill authorizing the President to award the Medal of Honor to Harry S. Truman; to the Committee on Armed Services.

EXTENSIONS OF REMARKS

CLEARCUTTING IN NATIONAL FOREST LAND OF MAJOR CONCERN TO CITIZENS OF WEST VIRGINIA AND OTHER STATES—SUBCOMMITTEE ON PUBLIC LANDS HOLDS HEARINGS ON FOREST MANAGEMENT PRACTICES AND CLEARCUTTING—EDITORIALS SUPPORT POSITION OF SENATOR RANDOLPH

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, April 20, 1971

Mr. RANDOLPH. Mr. President, the issue of clearcutting in our national forest land is becoming increasingly an issue with more and more citizens throughout our Nation.

The Forest Service, which has done limited research into the detrimental effects of clearcutting apparently ignores the evidence which suggests that nutrient values and regeneration abilities may be adversely affected by the practice. We know how it looks—much like B–52 devastation, that on many sites which the Forest Service has supposedly intensely managed there has been irreversible soil erosion and that the Multiple Use, Sustained Yield Act passed in 1960 by Congress has been violated.

Multiple use cannot be achieved if even-aged management, or clearcutting, is the policy on the general forest zone. In discussing the issue, many persons talk only of timber production to the total exclusion of multiple use.

The Senate Subcommittee on Public Lands held 3 days of hearings this month on forest management practices, including clearcutting. On the opening day of the hearings, I testified in opposition to clearcutting. I have been active in this effort for many months. I commend the chairman, the distinguished Senator from Idaho (Mr. Church), and the other members of the subcommittee for this in-depth study.

West Virginians who testified included: Ralph O. Smoot, Camden-on-Gauley, a retired professional forester; Lawrence W. Deitz, Richwood, representing the West Virginia Forest Management Practices Commission; Howard Deitz, Richwood, representing West Virginia Division, Izaak Walton League of America; David H. McGinnis, Huntington, also representing the commission; George R. Shook, Athens; Nick Barb, Parsons; and George Langford, of Pittsburgh, representing West Virginia Highlands Conservancy.

While the practice may be permissible in some areas, it should not be the policy of timber management on the general forest zone, as has been the case on the Monongahela National Forest in West Virginia since 1964. In some areas clearcutting should never be practiced except to salvage burned, diseased, or otherwise damaged timber or to regenerate concentrations of over-age decadent trees.

Since the Forest Service has refused to change its policy, at the insistence of many citizens, the West Virginia Legislature, and Members of Congress, I again urge the creation of a National Forest Management Commission. Such an independent commission is needed.

Mr. President, I ask unanimous consent to have printed in the Record two editorials on the subject, one from the Cleveland Plain Dealer of April 11, and one from the Washington Evening Star of April 16.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Plain Dealer, Apr. 11, 1971]

PROTECTING THE NATIONAL FORESTS

The proposal of U.S. Sens. Jennings Randolph, D-W. Va., and Gale McGee, D-Wyo., for creation of a blue-ribbon commission on timber management in the national forests is a sound one. Lengthy hearings in recent days before the Senate Interior Committee's public lands subcommittee point up the need.

Two years ago The Plain Dealer first endorsed such a suggestion, saying: "A national study by an independent commission seems in order." We are pleased to see our views being advanced in Congress now.

The national forests are not wilderness areas nor national parks, yet they are the property of all the people. The law as written is clear that national forests should be managed so that timber harvests are replaced with new growth and that all uses—timbering, watershed protection, fish and wildlife preservation, grazing and recreation—should be protected.

Instead, the dominant interest of the Agriculture Department's Forest Service seems to be logging, virtually ignoring all the other mandated uses. Brock Evans of the Sierra Club says the Forest Service has become "a classic case of the regulatory agency being governed by the industry it should be regulating."

Clear-cutting is the practice of cutting down all trees in an area regardless of kind and age, to make space for regeneration of new trees, particularly those preferred for lumber. But so many vast areas have been clear-cut that national forest areas often are beginning to look as denuded as strip-mine areas in Ohio. If 1,500 to 1,800 trees in a compact area are felled each day, then several hundred acres are levelled in a brief time.

Conservationists heavily attacked clear-cutting in the Senate hearings. Ohio's neighbor, West Virginia, has been affected so much in its beautiful mixed hardwood stands in the Monongahela National Forest that the state has protested to the federal government. Thus the call for the national commission, a call which we support.

The Forest Service used to be proudly conservation-minded, dedicated, like its Smokey the Bear symbol, to guarding the nation's woodlands—not ravishing them.

[From the Evening Star, Apr. 16, 1971]

DEFORESTATION

In 1950, this country's 154 national forests were set apart by law as "multiple purpose" areas, to be used for recreation, watershed protection, wildlife preservation, range development and timbering. Today, the U.S. Forest Service, with the firm backing of the Nixon administration, appears determined to scrap that policy. If the administration view prevails, the 187 million acres of national forest land will become a vast tree farm, operated for the welfare and the profit of the lumber industry.

There is nothing wrong, in principle, with private logging on public lands. It has been done, on a selective basis, since the forests were first set aside in 1905 "for the greatest good of the greatest number." But there is something very wrong with a rate of cutting that far exceeds the rate of forest growth. And that is what is happening today.

Since 1950, receipts from timber cutting in the national forest have increased 1,000 percent, from $29 million to $284 million. The administration proposes to increase the timber crop over the next few years by 60 percent.

This rate of cutting has led to the practice of "clear-cutting"—the harvesting of all trees in a given area instead of the selective cutting of mature, diseased or unwanted trees. It is an efficient method, employing machines of total destruction. It is economical; the denuded areas can be replanted with orderly rows of saleable trees. But there is one drawback: It is an environmental atrocity.

Clear-cutting destroys the forest. Replanting may restore the trees, but centuries of natural growth are required to replace a forest. The denuding of woodlands speeds soil erosion, increases the siltation of rivers, threatens wildlife and destroys recreational potential.

The administration and the timber cutters argue that the lumber is needed to meet the increasing demands of a growing population and the government's housing goal of 2.6 million new and rebuilt houses a year. The conservationists counter by suggesting that wood is not the ideal building material for the central cities, where much federal housing will be located. They argue that owners of private forests, who normally supply 75 percent of the country's lumber, should be encouraged to convert to tree farming. They believe that the additional cost of selective cutting should be passed on to the consumer as part payment for environmental improvement.

The conservationists have the better of the argument.

Certainly the practice of clear-cutting should be halted at least until the Forest Service catches up on the 5-million-acre reforesting gap that, by the service's own figuring, already exists. It should be reinstituted only in those areas—if any such exist—that are of no potential recreational value, and where it can be shown that the ecological trauma produced by the mowing down of a forest will have no adverse impact on the wildlife, the soil or on any watershed.

It seems incredible that in this era of environmental enlightenment the administration should be pushing to abandon the concept of multiple use of the national forests. Somehow, the message must be conveyed that the first consideration of any use to which these public lands are put must be their preservation for the generations to come, when natural forest land will be a commodity beyond price. Congress will have the means to get that message across when the President's request for more money for Forest Service timber operations comes up.

First, Congress should declare a moritorium on clear-cutting. Second, it should pare the President's budget request. Third, the law establishing the multiple-use concept of the national forests should be re-examined with the aim of eliminating those loopholes through which the administration and the timber cutters are now trying to crawl.

MORE IMPORTS?

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. ZWACH. Mr. Speaker, I have introduced legislation calling for the same kind of inspection for imported dairy and meat products as is required for our domestic dairy products and meat.

Most people do not realize that much of this food is shipped into this country with only minimum inspection, if any at all.

Margery Burns, one of my favorite weekly newspaper columnists in our Minnesota Sixth Congressional District, recently wrote on this matter in her weekly column.

Mr. Speaker, I would like to insert her column in the RECORD and commend its reading to my colleagues and all of those who read the RECORD:

MORE IMPORTS?

Do you ever wonder about all the stuff that's added to the food to preserve it and what it will do to you? We really don't know enough yet about some of the new chemicals, and it's worth checking on. The government always looks into the food contamination problem in our country and it is looking into these chemicals too. But how about all the contamination of the food which is imported?

Let me give you a quick run down on some queer sidelights on all this.

We have some of the best food in the world here, and yet over 10 million farmers have had to quit farming in the past 30 years because of low farm prices. But . . . our country imports tons of food materials from other countries which force down our own farm prices and force farmers off our farms.

Now, wait a minute. You believe in trade with other countries, and that means we have to take our chances with lower prices, right? (The textile industry is hurting now too after losing only 400,000 workers because Japanese textile imports cut production, and you know how the government is working to preserve that industry.) But every year, the government lets in more farm products from other countries.

Even if you go along with more and more food imports in order to get more cheap meat and dairy products, you should take another look at the kind of products which are being imported.

The USDA has the job of inspecting all food imports coming into this country. But it's too big a job. For instance, some nations ship in meat without a single sample being tested. Last year only 1200 samples of imported meat were tested for chemical analysis, and more than 1.7 billion pounds of foreign meat come in each year. Yet . . . about 4 million pounds of meat came in before packages were set aside for residue analysis.

It's true that more than 1,100 plants in more than 40 countries are checked, but it takes more than visual searches to find chemical residues like DDT.

Almost 10% of all dairy products coming into this country are rejected because of contamination, and yet less than 10% of all these dairy products are inspected! For instance, one shipment of cheese from West Germany was found to contain contaminants of insect larva. Another shipment of cheese from France contained benzene hexachloride which is an unsafe chemical substance.

American farmers and manufacturers of dairy products have to meet certain standards, and we want them to. But why should we let in millions of pounds of foreign meat and cheese which are not safe to eat?

The question comes down to cheaper meat and dairy products or purer meat and dairy products. The Congressional Record has a list of cheese products which were seized in 1970, which country they were from and why they were seized . . . and it takes about 4 pages of fine print!

The meat imports which are seized and rejected have these unsafe additives plus just plain filth.

It seems so silly to demand cheaper food when you end up eating some dangerous dishes . . . besides wrecking the agriculture industry in our country.

So next time you take a bite of cheese which came from another country, you can wonder whether the price really is right.

PEACE ACTION COALITION NOT ONLY OPPOSED TO WAR; WANTS AMERICAN AND ALLIED DEFEAT

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. HUNT. Mr. Speaker, the Evans and Novak column appearing in the Washington Post of April 19 cites some pertinent facts as to the sponsorship of next week's antiwar demonstrations of which all should be wary in determining whether to endorse the demonstrations.

Not noted for extremism on either end of the political spectrum. Evans and Novak point out that one leading contender for the Democrat nomination for President has already endorsed Saturday's—April 24—demonstrations, sponsored by the National Peace Action Coalition, "without even considering that its domination by Trotskyist Communists typifies the cloak of respectability inadvertently provided for the far left by liberals." As to their goal, the column goes on—

> The Trotskyists running Saturday's demonstrations want more than just peace in Vietnam. Their literature describes the Communist aggression in Vietnam as 'The Vietnamese Revolution' and heaps praise on it.

In short, not only have the antiwar passions covered for the activities of groups such as the National Peace Action Coalition, but there should be little doubt that even legitimate emotions against the war are being exploited not only for a premature ending of American involvement in Vietnam, but for keeping alive the resistance of the enemy to a time when a takeover can be accomplished without the active intervention of American troops. The old proverb of "killing two birds with one stone" is nowhere more aptly illustrated than here with the United States and her allies being cast as the intended losers by the peace coalition.

The Evans and Novak column follows:

> The fact that Sen. Edmund S. Muskie of Maine endorsed Saturday's antiwar demonstration here without even considering its domination by Trotskyist Communists typifies the cloak of respectability inadvertently provided for the far left by liberals.
>
> In their rising antiwar sentiment, Muskie and other prominent Democrats are determined to back *any* nonviolent peace demonstration. Furthermore, in the lingering reaction to the Joe McCarthy era, liberals are reluctant to probe anybody's ideological beliefs.
>
> The result puts Muskie in some decidedly strange company. Scarcely a radical himself, Muskie as president would continue—for a time, at least—aiding the Saigon regime. Yet, he has aligned himself with left revolutionary forces who do not merely oppose the U.S. participation in the war but openly advocate a Communist victory.
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> The situation derives from the fact that Muskie determined his attitude toward the spring antiwar demonstrations on one criterion only: non-violence. Saturday's march on Washington is peaceful in purpose and not likely to turn violent. Therefore, Muskie endorsed it. The series of sit-ins and other confrontations planned between May 3 and May 7, though avowedly non-violent, are likely to become violent. Therefore, Muskie did not endorse them.
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> At no time did Muskie check the background of the National Peace Action Coalition (NPAC), sponsors of the Saturday demonstration. "There is no way for us to inquire into the ideological beliefs of anybody in this organization," Muskie told us. Therefore, he had no idea whether Trotskyite Communists were or were not running NPAC nor did he show much interest in that question.
>
> If he had, he would have found NPAC's staff dominated by the "Trots." An example: Don Gurewitz, a member of both the Trotskyist Socialist Workers Party and its youth arm, the Young Socialist Alliance. Another example: Jerry Gordon, a Cleveland Trotskyist leader.
>
> Their presence in NPAC is no accident. NPAC was formed in June last year during a meeting in Cleveland held by the Trotskyist-dominated Student Mobilization Committee. At that meeting, leaders of the Socialist Workers Party and the Young Socialist Alliance were in dominant positions.
>
> What makes all this significant is that the Trotskyists are not the few bedraggled malcontents of a generation ago but the most dynamic, most effective organization on the American far left. Ever since the Socialist Workers Party fully took over the Young Socialist Alliance (then three years old) in 1960, the Trots have undergone an amazing renaissance. The Young Socialist Alliance has replaced the faction-torn SDS (Students for a Democratic Society) as the most important radical organization on college campuses and is now a prime mover in national antiwar demonstrations.
>
> Behind this success has been undeviating Trotskyist insistence on two positions: nonviolence and sticking to the war. While other left groups (including the Moscow-oriented Communist Party) go off on tangents concerning race and class struggle and may flirt with violence, the Trots have amassed support by concentrating on non-violent opposition to Vietnam.
>
> But adopting this tactic does not mean they have abandoned their dream of a revolutionary takeover. Rather, the war opens a magnificent new avenue to an old goal. "The antiwar movement . . . can, through militant mass antiwar actions, contribute immeasurably—as it already has—to educating people about the true role and nature of the capitalist parties and the capitalist system," writes Nelson Blackstock of the Young Socialist Alliance.
>
> Furthermore, unlike Muskie and other well-meaning liberals, the Trotskyists running Saturday's demonstration want more than just peace in Vietnam. Their literature describes the Communist aggression in Vietnam as "The Vietnamese Revolution" and heaps praise on it.
>
> Growing antiwar passion has shielded these realities from the liberals. Well-organized and purposeful, the Trotskyists take the trouble to plan nationwide demonstrations, and liberals such as Muskie feel compelled to cooperate. The result is what would have been unimaginable a few short years ago: Hundreds of thousands of Americans marching in their capital under Trotskyist command.

THE LESSONS OF VIETNAM

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, April 20, 1971

Mr. BYRD of Virginia. Mr. President, the Wall Street Journal of April 19 contains an excellent editorial on the lessons to be learned from the experience of the United States in Vietnam.

It points to the American support of the overthrow of the Diem government as a crucial decision in Vietnam, one which is rivaled in significance only by the decision in 1965 to send U.S. ground troops.

From the beginning, I have said that the involvement of American ground troops in Southeast Asia was a grave error of judgment. The editorial makes that point and also shows a number of other mistakes that led to our deep involvement in Vietnam.

I ask unanimous consent that the editorial, "On the Lessons of Vietnam," be printed in Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ON THE LESSONS OF VIETNAM

The nation will be a long time sorting out the mistakes that led it to such grief in Vietnam, but it is none too soon to start any reassessment that may help avoid similar mistakes in the future. Charles W. Yost has recently offered a list of eight errors, and we think it well worthwhile to discuss several of the major ones he lists as well as a very major one he omits.

Mr. Yost's account is refreshing because he was only on the remote fringes of Vietnam policymaking in a distinguished career that included a term as ambassador to the United Nations. One reason why the true lessons of Vietnam will emerge only slowly is the "reassessments" written by former officials intent on proving how their advice would have saved the day if it had been taken, or how their President would not have done it, or how they could have been so totally misled only by great villains. (One humorous exercise we witnessed was a bright young former foreign-policy intellectual tracing the problem back to Sen. Joseph McCarthy. How satisfying!

Anyway, in Mr. Yost's list two of the most important points are points of retrospect. One error, he belives, was thinking that Communist China was about to sponsor "wars of liberation" to conquer all Asia. Another was overestimating the potential for guerrilla war to topple developing governments, ignoring that Vietnam was more the exception than the rule because of deep Communist penetration during and after World War II.

Certainly Vietnam would have been a different proposition in the early 1960s if we had known that China was about to tear itself apart in the "great cultural revolution," or that guerrilla efforts even by such as Che Guevara would end in abject failure.

Still, we should not forget that in the early 1960s those things were not at all clear. Indeed, about the only serious opposition to Vietnam in those days came from men like Walter Lippmann and Hans Morgenthau, who proceeded from precisely the opposite premise—that Chinese control of this area was inevitable and irresistible.

Also, there is a real question whether todays retrospect is itself a product of the Vietnam war's buying time for other nations in the area. Would Indonesia really have gone the direction it did if Saigon had fallen and communism had seemed the wave of the future?

Two more of Mr. Yost's points seem to us highly salient. One fault was an exaggerated faith in "counter-insurgency." Another, he says, was supporting anti-Communist governments without insisting "effectively" that they reform themselves to broaden their popular base. We think him absolutely right on the first and absolutely wrong on the second, and between the two quite illuminating on the kind of thinking that led to the error he omits.

Mr. Yost sees that Americans cannot be effective with military tactics to subdue Asian guerrillas, but he clings to the belief they can be effective in designing political reforms to win the loyalty of Asian peasants.

Actually, one of the clearest lessons of Vietnam has been that the "hearts and minds of the people" will go to whichever side provides effective local military security. Asians long ago saw this simple lesson, but Americans long ignored it in looking for some magic political reform—don't worry whether the peasant is shot or starves, give him freedom of speech and a vote and he will fight the Communists.

This is precisely the kind of thinking that led President Kennedy's advisers to sanction the coup against Diem, which is the error Mr. Yost omits. In the long history of our involvement, this decision is rivaled in importance only by the 1965 decision to send American ground units; and of the two coup may have been the more decisive turning-point.

The coup decision remains crucial even if one lays aside the question of whether it led to the military deterioration so marked during 1964. Perhaps the charges against Diem were all true and the country would have collapsed even without a coup, though we think that not so evident as popular history has it. The military question aside, the coup was highly decisive in terms of the American commitment.

When Washington gave the final go-ahead for the overthrow of the indigenous government, it assumed a responsibility for the eventual outcome many times greater than it held the morning before. If we were not to withdraw without doing that, how could we withdraw any time soon after doing it? What American President could in effect say to other nations. If you invite our support we may connive in the overthrow of your anti-Communist leaders, but when the Communists then threaten we will throw in the towel without a serious effort.

By now that serious effort has been made, and one of the purposes of the Vietnamization policy has been to insure that if Saigon does fall it will be only through its own fault, just as it would have been back in 1963. By now the error of the coup has been expiated at gruesome cost, but certainly no list of our mistakes should overlook it.

THIS IS A CHOICE LAND

HON. EDWARD J. GURNEY

OF FLORIDA

IN THE SENATE OF THE UNITED STATES

Tuesday, April 20, 1971

Mr. GURNEY. Mr. President, in a recent issue of the Daughters of the American Revolution magazine, I read an excellent article by Sara Roddis Jones entitled "This Is a Choice Land."

In her article, Mrs. Jones points out that national defense is more than planes, bombs, and guns. It is, in essence, the will and determination of every citizen to support their Nation, to uphold and strengthen its laws, and to encourage responsible government.

At this time, the national society Daughters of the American Revolution are holding their 80th Continental Congress in Washington. I certainly congratulate the DAR's for their long and honorable history of patriotism and devotion to our country.

I commend Mrs. Jones' fine article to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THIS IS A CHOICE LAND

(By Sara Roddis Jones)

America is a troubled Nation today. Our people are weary of war, inflation and turmoil. In this atmosphere, we are in danger of falling easy prey to the revolutionaries in our midst, forgetting that this is a choice land and that we, as a people, have been rarely blessed. The greatest disaster which could befall this land would be our failure to accept joint responsibility for defending and preserving all that is great and good in America.

Most of us think of "national defense" in terms of a strong military posture capable of defending the Nation against all enemies. However, "national defense" has a deeper meaning. It is a thing of the spirit as well as of the military.

We could have all the planes and ships, bombs and guns that we need, but if we fail to understand the full measure of our responsibility as individual citizens, or if we grow weary of our responsibilities, then all that we hold dear may slip through our fingers through our own apathy and inertia. If we lack the will to be free, if we lack a willingness to defend our freedom at home and abroad, our military strength will avail us little. America can be destroyed from within as well as by A-bombs. The revolutionary forces at work within our borders are as much a threat to our survival as a free Nation as all the bombs the Soviet Union can muster. As a matter of fact, the Soviet Union expects us to fall like an overripe fruit into its lap.

In a few short years America expects to have a momentous birthday, the 200th anniversary of the signing of the Declaration of Independence. The President's Bicentennial Commission is already drawing up grandiose plans to celebrate this great event from coast to coast. Each of the States has been invited to pick out a week of 1976 during which time that State would be the focus of national attention as it commemorates its own history in its own distinctive way.

All of this celebration will be but tinkling brass and cymbals if, in the meantime, we have failed to revive the ideals of the Republic. If we are also to celebrate 1976 as an anniversary of freedom, now is the time to rededicate ourselves to the moral and spiritual and constitutional values on which our freedoms are based. These are the enduring values which must be defended at all costs. The greatest gift we can pass on to succeeding generations will not be material goods or scientific advancement; it will be the gift of a cherished heritage of freedom, carefully nourished, preserved and protected.

At this moment in history, our Country is beset by war, inflation, crime, campus uprisings and a general decline of morals. Bombings grow more frequent and violence walks our streets.

What has happened to America? Can we permit a small band of revolutionaries to disrupt our colleges and universities, to bomb Government research centers, kill innocent people and ruin the careers of devoted scientists?

What kind of a Country do we live in when the flouting of law has become a national pastime, where a policeman is called a "pig" and becomes an object of derision and attack by an untutored, undisciplined and unprincipled rabble?

Are we now to sit idly by and allow the enemies within our gates to destroy constitutional government, make a mockery of justice, insure domestic anarchy, disregard the general welfare and repress the general liberty? Of course not! The answer should be a thousand times "No."

The violence that besets us has tended to obscure the fact that freedom is threatened on another front—by inflation. The lesson of history is that without financial solvency, freedom cannot long endure. Nevertheless, for 25 years we have scattered our substance in every corner of the world, and permitted unbalanced budgets at home. Our national debt is greater than the combined debts of every nation on earth but we continue our profligate spending without thought for the future. We are teetering on the edge of bankruptcy.

Not long ago, Congressman Otto Passman pointed out:

"Our gold holdings have been reduced from $22.8 billion to $10.3 billion. Short-term dollar claims against the United States have increased from $8.6 billion to $42 billion. If we should be called on to meet these short-term demands, we could not meet the demand."

Moreover, the European central banks are growing impatient over United States failure to put its financial house in order. As long ago as 1962, a distinguished economist warned that these same European central banks, if they wanted to, could bring the dollar down to virtual worthlessness. Meanwhile, foreign aid and deficit spending at home go on, and on and on.

Our financial situation is reflected in the fact that our currency is no longer redeemable in either gold or silver. Even our coins have no intrinsic value. Throughout history, gold and silver have been the refuge of the people against the profligate spending of their government, but the American people have no such protection. Only foreigners can demand gold for the dollar. We are at the mercy of the European central banks and our own Government planners. Is this freedom?

The American people have not understood the significance of our irredeemable currency. Much less have they understood that a managed and irredeemable currency is a necessary weapon of socialism. This fact cannot be stated too often. The sequence of socialism in all history has been, 1) gifts to the people from taxes and printed money, 2) reduction of the purchasing power of money, and finally, 3) reduction in the freedom of the people. There is no surer way to destroy freedom than to debauch the currency.

Thus, it cannot be emphasized too strongly that inflation must be reversed if we are to survive as a free people. Pressure groups of our people at home—and foreigners around the world—must stop irresponsible raids on the treasury of the central Government in Washington. This is not too much to ask for the preservation of a great Nation and the free world. It is really asking for responsible citizenship, good government and fiscal soundness. And I might add here that a guaranteed annual income will contribute to neither responsible citizenship nor fiscal soundness.

These are elements which are required if freedom is to be preserved. Unfortunately, freedom cannot be passed on from generation to generation like some fine work of art or rare piece of silver. Each generation must earn freedom, if it is to deserve it.

Here we must ask ourselves whether we have the faith, the courage, the necessary self-discipline, and the will to make the effort to preserve our God-given liberty. Can we match the zeal of the revolutionaries and the communists who are bent on our destruction? These questions are not asked idly for "a society that does not defend itself is bound to destroy itself." To yield to mob rule or to permit inflation to flourish can only bring the downfall of government of the people.

How do we reverse this trend? Where do we begin? With ourselves, of course. Every American must accept some responsibility for the fact that we have allowed the moral, the financial and the military strength of this Nation to be sapped. Moreover, we have failed to enlist the help of idealistic youth in our task of preserving freedom.

If we are to succeed in our task, we must now look to our young people for help in shoring up the foundations of the Republic, since the future of this or any other nation must lie in the hands of its young people. We can never survive unless our young people understand and appreciate the American system which has given more freedom and more of the good things in life than any other system in the world. We cannot survive as a free nation unless our young people have a dedication that exceeds the dedication of the enemy. Character must become important in this Country again. The essentials of honesty, self-respect, loyalty, support for law and order, MUST be taught the younger generation—and here is where we have failed them most dismally.

Our sons and daughters come home from college challenging the moral and spiritual and constitutional values which brought this Nation to the pinnacle of greatness. Parents have reason to wonder whether their children are coming home from hotbeds of anarchy rather than groves of learning. Meanwhile, an extremely vocal minority among the young people is already alienated from what they choose to call the "establishment." And is it any wonder when such well publicized speakers as Jerry Rubin, Abbie Hoffman and David Dellinger are permitted and paid to give campus audiences profane assurances that the United States must and will be completely destroyed? These men have nothing to offer the youth of America but the destruction of the edifice of constitutional liberty, but their speeches are all too often accorded a standing ovation by campus audiences.

The communists have understood—if we have not—that if the thinking of a single generation can be changed, America can ultimately be taken over without firing a shot. For more than 20 years our children have been their prime target and the wonder is that so many have come through unscathed by the continuing attack upon our institutions and way of life.

It is, therefore, urgent that these still unaffected young people be enlisted now. And this is why.

Former special assistant to President Nixon, Roger A. Freeman, has reported that during a trip to the Soviet Union early in 1970 he personally heard Soviet officials boast openly and boldly of our impending destruction. His report stated:

"Soviet officials were quite frank in saying that they expect American foreign policy to be influenced and largely governed by domestic events, including mob violence on our campuses. The Soviets expect that they can sit back and wait until we give in. They are, "I believe, mistaken," said Mr. Freeman, "but I am not surprised that they feel this way."

It is this Nation's tragedy that we have continuously underestimated communism. We have refused to equate it with the creeping socialism which is gnawing at the vitals of our Country. For 15 years the Attorney General's office has failed to provide a list of subversive organizations. Technically, there have been no new communist fronts in the past 15 years. Meanwhile, the communists have flourished and grown bolder.

During this same period, the so-called liberals have pooh-poohed the threat of communism and have been quick to raise the spectre of McCarthyism and witch hunts. The result is that our free society finds it difficult to defend itself against the inflammatory and anarchistic nihilism abroad in the land.

On the international scale, we have been no less blind. We have failed to understand that communism seeks by every means to prevent peace between nations and to foment new causes of conflict, the watchword being to transform every new war into a civil war.

We look at communism, but we do not see it clearly as a continuing threat to all that we hold dear. Perhaps our most tragic blunder has been our surrender of our once overwhelming strategic superiority. At the close of World War II, we had a 100–1 lead over the Soviet Union. In the years that have followed, our strategic forces and military strength acted as the greatest single deterrent to a full-scale confrontation with the Soviet Union. Can we still say that today?

In our quest for an illusory peace we have allowed the Soviet Union to achieve nuclear parity with the United States and have simultaneously pursued a policy of unilateral disarmament. Hear the recent words of Senator Henry M. Jackson: "The total megatonnage the Soviets can deliver against United States targets is several times our own." During the height of the debate on ABM—as the antiballistic missile system is called—he also stated that it would be "dangerously foolish" for the Senate to kill further expansion of the Safeguard ABM system.

To be sure, the United States is bending every effort to slow down the arms race. However, we have no assurance that this can be done—with or without a treaty with the ever-perfidious Soviet Union. Without such a slowdown, America's strategic position could suffer dramatically in the next three years. The August 17, 1970 issue of *U.S. News & World Report* warned that at the present rate of building, the Russians will move far ahead in land-based missiles, pull at least equal in sea-based missiles, and the United States bomber force will decline. In short, warning was given that the strategic lead could shift sharply to the side of the Soviets. Should this occur, our great Nation would find itself subject to nuclear blackmail.

Unfortunately, this is not our only danger. In July 1970, Frank J. Johnson wrote a somber epitaph to the declining greatness of this Country. Mr. Johnson is the foreign editor of the American Security Council's *Washington Report*. These were his words: "The tide of history has begun to run against us, and the day of our world pre-eminence is over."

Here let it be said that America never sought world pre-eminence. It was thrust upon us. But we gloried in our freedom and triumphantly overcame every adversity until, in 1945, we emerged from the scourge of war as incomparably the world's greatest power.

"But today," wrote Mr. Johnson, "the strength of character and will which once maintained our legions in their awesome strength and fueled them with purpose flowing from conviction is fast ebbing. . . . America is now a Nation in deep crisis and tragically divided.

"The internal convulsions which beset Rome in the first century B.C. did so with her external frontiers at least secure so that she could afford the luxury of domestic strife and still survive. We are not so fortunate. Our Time of Troubles has come upon us in the midst of, and in part because of, a titanic world conflict for the political destiny of all mankind. A large segment of our population seems entirely to have lost sight of what is at stake. We are turning inward and contending against each other, either unmindful of or uncaring about the holocaust which our withdrawal from power and responsibility will unleash upon the world and upon ourselves.

"It is a matter of will, and we no longer have it," he concluded.

Shall we meekly accept this judgment? Shall we bow before the twin threats of Soviet military might and internal subversion? Are we approaching the point in history where we are prepared to accept the slogan: Better Red than dead? Almighty God, forbid it

Perhaps we would do well to remember that Gulliver wasn't felled by the Liliputians all at once. He was tied down bit by bit, and so it is with us as insidious communist propaganda divides and weakens us. Isn't it time that we woke up to our peril? Isn't it time that we recognize communism for what it is and understand that it pollutes the atmosphere of freedom with its venomous attacks upon all that we hold dear—our Flag, our Country, our churches, our homes, our institutions and our traditions?

We should have understood this long ago. In 1947, J. Edgar Hoover warned that the communist goal is unchanged. It is the destruction of the power of religion and the establishment of a godless, atheistic society. He added, "Only their propaganda line has undergone alteration. Now they, the most reactionary advocates of tyranny the world has ever known, and best described as 'Red Fascists,' advertise themselves as champions of liberty. They claim to stand for equal rights, for better working conditions, for the abatement of poverty, for the equitable division of the products of industry and for the rights of racial groups and political minorities. But these are idealistic objectives for which all God-fearing people stand. The communists use them as a cover to conceal their real aims of undermining democracy."

In 1955, Mr. Hoover was already mourning the inroads that communist propaganda had made in influencing law-abiding American citizens. Now we are in the seventies. A recent editorial reminds us: "Here we stand, the strongest, freest, most compassionate and humane Nation on earth; yet from all sides we daily hear intemperate assaults on our way of life, our cherished values, our inspired traditions, and our national character. And millions of us in the 'silent majority' tolerate these assaults.

"For more than 10 years a hodgepodge of downgraders of America has tried to persuade us that everything we believe in, everything we have done in the past, and everything we plan to do in the future is wrong. Their violent actions on college campuses, their desecration of public buildings, their despoliations in our cities—mostly unhindered and unchecked—are paraded before us in newspapers and magazines and on TV as though these people were the harbingers of some glorious future instead of destroyers of both necessary public institutions and private property. . . .

"We are told we should feel guilty for helping our allies in Korea and Vietnam maintain their independence from communism. We may have made mistakes in the way we have conducted these wars; but assuredly we should not feel guilty for honoring our promises, for helping others to resist aggression, and for fighting—with no hope of material reward and at great sacrifice—for the right of these people to live in peace and freedom."

So, what is the matter with us? What is the matter with the United States of America? Nothing is the matter with us that a renewed faith in Almighty God and in this great Nation of ours could not undo. Nothing is the matter with us that cannot be cured and corrected if the "silent majority" will throw off its apathy, speak out, stand up and be counted in defense of all that is great and good in America. We need not one, but thousands of Paul Reveres to "proclaim liberty throughout the land" and to remind the people that the perpetuation of freedom is our responsibility—Now.

Today, we are engaged in a war that is no less fateful than the Revolution of 1776. I do not speak of the war in Vietnam but rather of the battle for the minds of men. It is a battle against the dialectical materialism of atheistic communism. It is a battle for our God-given liberty. History will not hold us guiltless if we lose this war. America has always been the bastion of freedom. If the lights of freedom ever go out in this Country, they will go out all over the world. There will be no one to help us. If we do not act now to preserve the American heritage of freedom, tomorrow's children will have neither freedom nor the opportunity to protect it.

Our generation is charged with the most awesome responsibility in history—the trusteeship of freedom. While we stand strong and firm all the world can hope for ultimate delivery from tyranny. So let us take action—in politics, in our schools, in our newspapers—yes, even in our churches, or wherever the need is felt. Let us also put on the armor of faith. Let us, as our forebears have done before us, put our trust in Divine Providence and resolve to win the battle for freedom. It is a continuing fight and one in which we cannot afford to grow weary. And as we gird for action, it may help us to remember the promise and warning contained in the Book of Mormon:

"Behold, this is a choice land. And whatsoever people shall possess it shall be free from bondage and from captivity and from every nation under Heaven, if they will but serve the God of the Land."

TWO SEABEES ADD NEW SKILL

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. TIERNAN. Mr. Speaker, I would like to bring the attention of my colleagues to the fine contributions our service personnel make to their adopted communities. We, in Rhode Island, are especially proud of the work of the Seabees, both collectively and as individuals. Many of these men go out of their way to participate in community activities such as Boy Scouts and Big Brothers. The newspaper article that follows is a pertinent example of this social commitment. I am proud to draw it to your attention:

Teach Grade School on Lunch Hour: Two Seabees Add New Skill

Two days a week, two Seabees travel to East Greenwich schools on their lunch hours.

Waiting for them are grade-school pupils who are having trouble with certain school subjects.

Under a special arrangement with Volunteers in Action in the town, Seabees volunteer their time to work with pupils on a one-to-one basis.

They don't have to have any prior training. But even by flashing arithmetic cards, or pointing out difficult words, the volunteers help to make school a little more rewarding and interesting for the youngsters.

At the Eldredge School, John S. Sullivan, who is a constructional electrician second class at Davisville, meets with two boys for a half-hour each.

"I noticed a bulletin," he said, and volunteered to help. "The idea appealed to me."

Yeoman Second Class Robert M. Mock goes to Our Lady of Mercy School twice a week to assist pupils with reading or arithmetic difficulties.

On one particular afternoon, Sullivan worked with David Wild, a seven-year-old son of a Navy family. His problem was reading. A half hour later he met with Robert DeRensis, 7, of East Greenwich, who is having trouble with arithmetic.

"You can do it if you want to," Sullivan said to Robert, as he kept flashing addition cards. "I want to," the youngster replied.

THE PROPOSED ALASKA PIPELINE

HON. DAVID W. DENNIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. DENNIS. Mr. Speaker, among the important problems facing us and demanding solution is that of the North Slope oil strike in Alaska and the question of the proposed Alaska pipeline.

I claim no expertise on this matter but as a conservationist I am seriously concerned that whatever is done be done with preservation of the values of the largely unspoiled Alaskan wilderness very much in mind, and with every strict precaution taken to that end. At the same time I am convinced that, ultimately, we must and will have the oil. This has to be true, as a matter of economic and world political reality; and, in addition, the romance, the risk, and the adventure of private enterprise will force the continuation of this vast exploration upon the minds of men—no less than will the prospect of great financial profit. The question, then, it seems to me is probably not whether the pipeline will be built, but rather, when, how, and under what careful and intelligent safeguards it will be done.

In this connection I am impressed with the following thoughtful excerpt from the book "Wilderness and Plenty" by Dr. Frank Fraser Darling, vice president of the Conservation Foundation, which was recently reprinted in the Chicago Tribune:

That Alaska Pipeline

(By Frank Fraser Darling)

(Note.—With the permission of Houghton Mifflin Company, we print below an excerpt from "Wilderness and Plenty," by Frank Fraser Darling. The text of this short book was originally written for a series of lectures for the British Broadcasting Company. Dr. Darling is now vice president of the Conservation Foundation in Washington, D.C.)

I was recently in Alaska, attending the public hearings on the projected building of an 800-mile pipeline from the Arctic Ocean to Valdez on the Pacific Ocean. Nearly 20 years ago I traveled Arctic Alaska pretty thoroughly when the Office of Naval Research was exploring for oil west of this new great strike at Prudhoe Bay. The passage of caterpillar trains across the tundra, the dumps of oil drums, the filth of camps on permafrost were not very pretty. . . . Now the activity is terrific.

Hundreds and thousands of acres of Arctic tundra will no longer rear phalaropes, sandpipers, lemmings and snowy owls, but are being reinforced to take drilling rigs, make permanent campsites and so on. Many more cat trains are going on what will be a permanent road one day, and there are about a thousand flights a day to the north slope of the sublime Brooks Range.

OIL DEVELOPMENT CERTAIN

Here is going to be impact in a big way. Whether we like it or not, we live in our era and that oil is going to come out. The world does not need that oil right now, but the world political factor which is also so potent an ecological factor makes it expedient that the rigs get going, the pipeline be built, and the 1,000-foot tankers get moving thru the Northwest Passage, even tho Canada is bothered about possible accidents in those narrow seas. Oil of the Middle East is subject to the political vagaries of impulsive, compulsive peoples who can upset the world situation at any moment they choose. Diplomacy and duplicity are not far apart where oil is in debate. The Alaskan strike gives the chance of more stability, so it must be developed. It could indeed be a factor in world peace. But what is going to happen to a large and biologically important area of Arctic wilderness?

It is no good looking back over our shoulder. We simply cannot stop oil development, but we can do our utmost to canalize it and prune wasteful movement and development over the fragile habitat of the tundra.

Till recently the state of Alaska was poor. Now it is potentially rich and is desperately eager to get its fingers onto the contracts and subcontracts, the land speculation and all the rest. The state wants to get the land for itself from the federal government for the whole 800-mile length of the pipeline. There are lots of eager quick-buck men in Alaska. But there is also a surprisingly large number of people dedicated to the conservation of the Alaskan environment. There are 586,000 square miles and only a quarter of a million people, over 20 per cent of them natives. The far-seeing minority, extremely well informed and enjoying a high scientific prestige, have forced the federal government to hold these public hearings.

It is certain that the pipeline will come, but the group calling for postponement and much better survey and research than has been applied so far point out that the route passes thru a series of changes in permafrost conditions and it crosses an active earthquake region.

EXPERIENCE TEACHES CAUTION

Each mile of pipeline will contain half a million gallons of hot oil. What is the risk of fractures? Breakdown could make the *Torrey Canyon* a drop in the ocean by comparison. The oil in the pipeline will be hot. How far will it affect the immediate ground climate of the pipeline? How good will the insulation be? Melting of permafrost could cause a good deal of erosion and landsliding, as well as fracture. . . .

The United States has had the salutary lesson of the Santa Barbara oil disaster to make us be more careful in Alaska. The geological formations in the Santa Barbara Channel are unstable and the Department of Interior was advised against allowing drilling in those waters. But the prize was so great that the advisers were overruled. Now the problem is to seal the disturbed strata against further seepage. The costs of this mistake in policy and failure in technology are going to be immense. One good thing to have come from this disaster is the extra caution the present administration is taking.

MHD—A BUILDING BLOCK FOR AIR AND WATER POLLUTION CONTROL

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Tuesday, April 20, 1971

Mr. METCALF. Mr. President, the Nation is dangerously close to becoming a second-class power in the crucial field of electric energy. Government and industry have been, for much too long, playing a waiting game, each inviting the other to step out first into the programs that will eventually provide more power with less pollution, or programs which will, in the interim, modify power use by supply and environmental considerations.

I refer here to the neglect of development of new techniques of power generation from fossil fuels and particularly MHD—magnetohydrodynamics. Some of us have tried for several years to encourage both industry and Government to invest more in MHD research.

I recently urged the Department of the Interior Appropriations Subcommittee of the Senate Appropriations Committee to increase study funds for the Office of Coal Research in this regard, because the suggested 1972 budget seemingly does not indicate the comprehension of international implications, security implications, and environmental implications of failure to move ahead speedily with the energy technology which can produce power from fossil fuels much more efficiently and with much less pollution than at present.

A thoughtful and informative article on MHD power generation, entitled "A Building Block for Air and Water Pollution Control Programs," written by Elvin Quiring and William E. Trommershausen, appeared in the recent first issue of the Charles Street Journal, an undergraduate magazine at Johns Hopkins University. I compliment the editors of the Charles Street Journal on their excellent first issue. I look forward to reading subsequent issues of this fine publication.

Mr. President, I ask unanimous consent that the article on MHD be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MHD POWER GENERATION: A BUILDING BLOCK FOR AIR AND WATER POLLUTION CONTROL PROGRAMS

(By Elvin Quiring and William E. Trommershausen)

I. INTRODUCTION

In the early 1960's our nation accepted a goal of putting a man on the moon by 1970. That goal was accomplished one year ahead of schedule and "Mission Apollo" will henceforth stand as a monument to dedicated and cooperative human effort. In this same period man learned, to the surprise of many, that he also is on the "endangered species" list along with the whooping crane, the peregrin falcon, the cheetah and the golden eage. The present world population of 3.6 billion is committing an irrational act of depleting its natural resources at a very high rate and world population must be stabilized if even present living standards are to be maintained. Furthermore, many of our rivers have become "ecological slums" and the polluted air over our centers of population is a discredit to our recognized technlogy.

Everywhere people insist on an improvement in their standard of living. This means greatly enlarged energy requirements. Based upon our present methods of developing energy, it is inevitable that there be an increase in the total amount of air and thermal pollution with increasing energy production. There is, however, on the horizon, an energy conversion process called Magnetohydrodynamics or "MHD," that promises to increase the efficiency of energy production thereby decreasing both air and thermal pollution. The failure of government and industry to boldly support this new technology as we continue to decry the rape of our world ecosystem is discussed in this paper. Perhaps some ways and means can be found to establish a national goal of effective pollution control, a goal such as was set for the "mission to the moon" of the 1960's. Certainly MHD, if made operational, would provide one positive step toward pollution abatement.

II. THE NATURE OF MHD

The origins of the concept in MHD generation are found in the 19th Century studies of the great British experimenter Michael Faraday, who predicted that the armature of an electric power generator could be an electrically conductive fluid or high-pressure gas. Figure 1 shows the principle of MHD generation. Thomas Edison is generally credited with promoting the use of conventional rotating armature type power generators and patents have been issued for this type of generation since about 1910. The substitution of a gaseous fluid for a rotating armature on an experimental basis did not start until 1940 and it was not until the 1950's that measurable progress was made in MHD generation. Several experimental MHD cycles now being investigated by Avco Everett Research Laboratory at Everett, Massachusetts are shown in Figure 2. Avco is one of the few United States firms that is currently continuing active research in this field.

Very simply, the term "magnetohydrodynamic" describes the behavior of electrically charged fluids in electric or magnetic fields. Ionized gases (plasmas), for example, can generate considerable electric power density when passed rapidly through a magnetic field.

Most MHD generators presently being studied work along these lines:

Fuel and air are first compressed, and then introduced continuously to a combustion chamber, where they are burned. The resulting hot gas expands through a nozzle into a generator channel under the influence of a transverse magnetic field. The generator channel contains electrodes which extract electrical energy from the plasma as a direct current voltage. The efficiency of the process can be improved by "seeding" the plasma with sodium or potassium to increase its electrical conductivity.

III. MHD AND ITS RELATION TO THE ENVIRONMENT

The efficiency of a combined MHD-conventional thermal generation is expected to be about 60% as compared to 40% for presently used fossil-fired thermal generation and 30 to 35% for present-day nuclear generation. This means that a conventional thermal generating plant wastes 50% more heat per unit of electric power generation than is expected from MHD generation. About 85% of the waste heat from the present conventional thermal generation is absorbed by cooling water. The effects on our environment of adding heated cooling water to our rivers and lakes are currently under critical review as some experts predict that if the present trend of power supply expansion continues, by the year 2000 fully one-third of the fresh water runoff in the United States will be required as cooling water for both conventional thermal and nuclear generating plants, with possible adverse affects on aquatic life. The remaining 15% of waste heat is lost directly to the atmosphere through plant losses and the tall smokestacks that are seen at all modern thermal generating plants. Along with waste heat are large quantities of CO_2, the effect of which is now under critical review by our leading scientists.[1] Also discharged to the atmosphere are quantities of sulphur dioxide, nitrogen oxides and fly ash and other products of combustion. Efforts are being made to reduce fly ash discharges through the use of electric precipitators and wet scrubbing processes. Chemical means are being used to remove, to the maximum extent possible, sulphur dioxide while at the same time many regulatory agencies do not permit the burning of fuel, either oil or coal, having in excess of 1% sulphur by weight. At the present time there is no concerted effort to attempt to remove nitrogen gases from the gaseous discharges of thermal plants.

In nuclear plants the waste heat that is lost to the environment is about 15% greater than for conventional thermal plants. However, nearly 100% of nuclear waste heat is lost to the cooling water supply as there is no waste heat discharged from the nuclear reactor to the atmosphere. There is a small amount of radioactive gases that are discharged to the air from the reactor and control measures are being worked out to reduce or contain this source of contamination. In some instances there are traces of radioactive pollution in the cooling water and minimum standards are under constant review by regulatory agencies.

In contrast it is anticipated that an MHD generator can operate with a "clean stack". The high combustion temperatures in the range of 3,000° to 5,000° F. will make it commercially possible to remove all sulphur and nitrogen from stack gases. The seed material used to increase the conductivity of the hot gases in the MHD process will also be recovered so that only heat, water vapor and carbon dioxide are discharged into the earth's atmosphere. As heretofore discussed, the effect of adding large quantities of heat and CO_2 to the atmosphere and a possible "green house" effect is currently under active investigation by many scientific organizations.

It is estimated that fuel savings alone from the improved efficiency of MHD generation could be to the order of $11 billion in the period 1985–2000.[2]

It is important that the foregoing matters receive consideration as positive steps are taken to improve our ecosystem. While it is true that our large modern fossil-fired thermal-electric generating plants are more efficient than smaller plants built in earlier years, the ever-increasing energy market will require the construction of additional large blocks of conventional fossil-fired generation. Both government and industry predict that electric power requirements nationwide will double every decade to the end of this century. It must also be recognized that a generating unit, once installed, will be operated over about a 30- to 35-year period in order to recover the capital investment made in such plants. Accordingly, control of air and water pollution from the large generating plants that will be installed in the future will become more and more important. Looking back, it now seems clear that our MHD development program over the last 20 years should have had more attention. Having finally accepted this situation, we are still much too lethargic in the matter of bringing into commercial production large-scale MHD generation. In our opinion, a government that can budget and spend more than $2 billion to develop a commercial nuclear power industry in the last 15 years can give greater attention to the potential of MHD generation. Furthermore, the electric industry itself has not budgeted sufficient funds for research and development over the last two decades, and today our nation faces a widespread shortage of electric power. It seems clear that ways and means must be found to stimulate greater interest and participation by both government and industry.

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[1] See *Scientific American*, September 1970.

[2] Report from U.S. Office of Science and Technology, June 1969 entitled, "MHD for Central Station Power Generation—A Plan for Action."

About a decade ago, three U.S. industrial firms started serious research on the development of a commercially operable MHD unit, namely General Electric Company, Westinghouse, and Avco Everett Corporation. The problems apparently were greater than originally anticipated, and General Electric and Westinghouse, who are heavily committed to conventional steam-turbine generators, reduced their research programs materially; only Avco continued active interest in MHD research. Through support of a utility group and the Defense Department a pilot plant known as Mark V was developed by Avco which provided basic answers to the problems of high-temperature gas dynamics. Records show that about $10 million was expended in this effort and the Avco Mark V unit produced up to 32 mw for very short periods of time. Avco then developed a modified Mark V unit (referred to as the LORHD unit) for the Air Force's supersonic wind testing tunnel at Tullahoma, Tennessee, but reductions in Federal spending for basic research have not permitted a continuation of this research project. An effort in 1966 to finance a joint $26 million project between electric utilities and the Federal Government failed when Federal funds were not made available. Avco is presently doing research and development work on a peaking type MHD generator with limited support from the electric utility industry.

IV. PRESENT STATUS OF MHD PROGRAM

One of the leading trade magazines[3] had the following progress report to make on MHD generation:

"A first-generation 1,000-mw open-cycle magnetohydrodynamic power plant burning natural gas or coal could be in operation by 1980 at a capital cost of $100 to $120 per kw. Half the power would come directly from MHD and half from a conventional steam cycle. It would show a 20% fuel saving compared with a conventional plant this size, would use less than half the cooling water, and cause practically no air pollution."

If this objective can be realized, MHD generation will result in savings ranging from $20 to $40 per kilowatt of installed capacity. We have grave reservations on the ability of the United States electric utility industry to achieve the aforementioned goal by 1980 unless substantially greater budgets are made available for research and development of MHD generation.

At the present time both the U.S. Congress and the Executive Department are showing an interest in the MHD program. In the Executive Department, the U.S. Office of Science and Technology appears to be taking the lead, and in a 1968 report, the following recommendation is made concerning the future of MHD generation:

"(a) That the U.S. Government encourage work on the difficult problems of coal-burning open-cycle gas MHD systems through *annual funding of research and development effort of about $2 million.* This would include but not be limited to the problem areas identified in Conclusion (f) and should be done in such a fashion, perhaps through the Electric Research Council, *that realistic financial support from the utility industry and suppliers might also be obtained in approximately an equal amount.* (Italics supplied.)

"(b) That aside from system studies, work on a complete coal-fired MHD demonstration system should await meaningful success on the work funded in item (a). This would be expected to take 3 years or more."

The aforementioned report and recommendations did not inspire the public that MHD generation held promise of solving some of the environmental problems associated with the electric utility industry, while at the same time making substantial savings in capital costs.

Senators Mansfield and Metcalf, from the coal state of Montana, having an expressed interest in environmental effects of the utility industry, continued a program that was designed to speed up the research program for MHD. In one bold step the entire Montana Congressional Delegation sponsored a Coal Symposium on November 6 and 7, 1969 which was attended by some 400 representatives of the utility industry, manufacturers, and coal suppliers. There was considerable discussion concerning a $50 million research and development program that could produce a 75,000-kilowatt pilot MHD generating plant by the mid-1970's, and several excellent technical papers on the subject were presented by Richard J. Rosa and Dr. William D. Jackson of Avco and Kenneth A. Roe of Burns & Roe.

Following that meeting, Congressional Hearings were held before the Senate Committee on Interior and Insular Affairs. The record of that hearing indicated clearly that Japan, Russia, and Poland, all being large coal using nations, were aggressively moving ahead with the development of MHD generation. The Russians have under construction and nearing completion near Moscow a 75,000-kilowatt pilot plant that is expected to be the forerunner of large commercial MHD generating plants in the Russian coal fields by the late 1970's. It is of interest to note that in Russia the MHD program is under the Deputy Chairman of the Council of Ministers directly under Mr. Kosygin, an indication of the importance placed on this potential energy conversion process by that nation.

Notwithstanding the excellent record made at the 1969 Senate Hearings, the interest of the U.S. Congress and the Executive Department has not been sufficiently activated for appropriations for research and development. The aforementioned Hearings on MHD indicate that the Office of Coal Research of the Department of the Interior estimated that a 5-year, $50 million research program would see MHD through the pilot plant stage. It is our understanding that the 1971 Fiscal Year Budget of the Office of Coal Research contains $2½ million to start on this program. Based upon the testimony of experts in this field this amount is insufficient and should be increased substantially in the next few years. Unless more funds from the U.S. Government, the electric utilities, and industry are made available for basic research and the construction of one or more pilot plants, it is likely that Russia, Poland, or Japan will develop and sell a commercially operational MHD generating unit well ahead of us—perhaps by as much as a decade.

SUMMARY

In 1960 the United States had about 200,000 megawatts of generating capacity. The Federal Power Commission predicts that this capacity may double in every decade up to the year 2000. If this prediction is realized the utility industry will be making investments in new generating capacity in the next three decades in excess of $300 billion. The electric utility industry has accepted the responsibility for meeting its predicted load growth while at the same time giving due recognition to the need to avoid degredation of the environment. With due regard for these objectives, we believe that the utility industry and the Federal Government are not dedicating sufficient funds and manpower to research and development in the field of power generation. The basic question that remains is how can the Federal Government, the electric utility industry and equipment manufacturers be motivated to proceed in a much more aggressive manner on a program for development of a commercial MHD generating unit? Hopefully, the youth of our nation whose lives will span the next four or five decades and who will be greatly affected by decisions to be made in the decade of the 1970's, can bring this problem into better focus than we have been able to do. We heartily applaud such efforts as may be forthcoming from our colleges and universities through the medium of intellectual inquiry.

TECHNOLOGICAL SURPRISE

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. SCHMITZ. Mr. Speaker, in recent testimony before the House Armed Services Committee Dr. John S. Foster, Director of Defense Research and Engineering stated:

> Starting about 1971 we could reasonably expect several technological surprises from the Soviet Union.

This statement may not mean a great deal to those are not familiar with the implications of technological surprise in the present day. In order to shed some light on the ramifications of technological surprise I would like to insert in the RECORD at this point an extremely interesting chapter from a recent book by Dr. Stefan T. Possony and Dr. J. E. Pournelle entitled "The Strategy of Technology—Winning the Decisive War," Dunellen Press, 1970.

As our esteemed colleague, Hon. CRAIG HOSMER, states about the authors in his introduction to this very important book:

> The authors have had long personal experience with these problems. They have been closely associated with major technological problems in both military and civilian areas and have followed our performances closely as part of their professional careers. Both men are of that rare breed, the generalist. Both are trained academically as political scientists but have spent many years of their professional careers in positions requiring an understanding of the intricate details of technology. Both are students of strategy and strategic problems, and both were closely associated with one of the most remarkable studies of technology performed in recent years, the Air Force's Project Forecast.

In order to obtain a better grasp of technological surprise, both from past examples and the implications for our future, I would highly recommend that my colleagues peruse the following article which is chapter 5 of the book "The Strategy of Technology":

SURPRISE IN MODERN WAR

"It never troubles a wolf how many the sheep be."—Virgil.

THE SNEAK ATTACK

The popular view of modern war surprise is identified with a sneak attack. Our experience at Pearl Harbor makes it easy to understand this belief, while the widely-known characteristics of the intercontinental ballistic missile permit us to grasp readily the nature of a future surprise ICBM attack. The missile is the ideal weapon for a rapid sneak attack, not just against one base like Pearl Harbor but against entire countries and continents.

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[3] "Electrical World," page 5 of August 25, 1969 issue.

Of the characteristics that make the missile suitable for a sneak attack, the most important is speed. Although the total flight time of an intercontinental ballistic missile from the U.S.S.R. to the United States is about 30 minutes, the present advance-warning of an attack is only 15 minutes. Operational satellite systems and over-the-horizon radars may increase the warning of an attack almost to the total missile flight time, some 30 minutes minus X seconds; but even if we are given this much warning, the intercontinental ballistic missile has changed the dimension of surprise and has given the aggressor a most potent tool. In addition, attack can come from space with literally no warning at all. Space warning systems must be built despite the excellent performance of our space tracking radars, or else the enemy may attack over the South Pole, where we now have no warning systems. Since the attack can come from even more directions, warning systems may be too costly to be bought, even though they are technologically feasible.

A massive intercontinental ballistic missile attack launched by an aggressor is an ever-present danger. Such an attack would come as the culmination of a series of measures, operations, and techniques, orchestrated to achieve maximum psychological effect on the surprised. The aggressor would have undertaken specialized campaigns in the various elements of conflict—political, psychological, economic, military and, above all, technological.

Once the time is ripe, the attack comes suddenly and catches the defender asleep. But despite the present concentration on the sneak attack, surprise is not the exclusive province of the aggressor. Defenders have used surprise to great effect in the past and should strive to do so in the future. The future security of the United States requires that our strategy include measures to achieve surprise, as well as those to prevent it. The main surprise to aim for is that we won't be surprised.

Before we examine the broader aspects of surprise, let us point up the funadmental aspects of the sneak attack. First, surprise is tactical. Second, surprise is used by the aggressor, not the defender. Third, it will be achieved only with the most advanced weapons. Fourth, prevention of surprise requires use of the most advanced technical means.

STRATEGIC SURPRISE

There are also surprises on the strategic level. For illustrative examples, let us look at two of the ways in which the U.S.S.R. has actually achieved strategic surprise in the last few years: the opening of the space age, and nuclear testing during the test moratorium. As a result, the Soviets obtained a lead over us in space that has only partially been overcome by our massive and expensive NASA spectaculars. They lead in many military phases of space, whereas we are ahead in nonmilitary uses; in near-earth operations their lead may be as much as three years.[1] The evidence on nuclear testing is less clear, but it is clear that the moratorium allowed the Soviets to determine critical effects of nuclear explosions in space. Because we honored the test ban, we let much of our testing capability atrophy, and now the Treaty of Moscow prevents us from finding out just how far behind we are in the application of nuclear weapons in space. The impact of these surprises cannot be calculated with precision but the Soviets have gained a considerable time advantage in offensive orbital weaponry and ballistic missile defenses. Note that preparing for strategic surprise must continue over a period of several years.

These two surprises occurred in the technical phase of the Technological War, not in the military phase. They were achieved by an orchestrated strategy which employed several forms of conflict, including intelligence operations, propaganda and psychological warfare, political and diplomatic maneuvering, and a concentrated technical effort. While the goal of the Soviets has been to develop advanced weapon systems, such weapons were not employed militarily in these two surprises; however, military technology was developed, and diplomacy and treaties closed off our access to the means of catching up or at least made it difficult.

The best way to counter surprise is to deploy the most advanced technology possible and to keep up by means of fast modernization. This is not to imply that the technical effort must be devoted exclusively or even oriented primarily to countering potential technical surprise; but as we have insisted, surprise must be made a key element of any technological strategy. Since technology has given a new dimension to surprise in the strategic equation, technology is needed to support our own or prevent enemy surprise in all forms of conflict.

The misconception that surprise aids only the aggressor is especially harmful in the Technological War. In his classic work on surprise, General Erfurth [2] has shown that there are two parties to the operation, the surpriser and the surprised—this is not the same as saying the attacker and the defender. The defender also can employ the technique of surprise, and perhaps more effectively than the attacker.

Furthermore, there is a widespread misunderstanding that surprise refers exclusively to the initiation of war. Some writers consider surprise to be just a more elegant term than sneak attack. To other writers, surprise is tantamount to technological surprise. This is far too restrictive an understanding of surprise and its role in modern war.

TACTICAL SURPRISE

We begin the analysis of surprise by examining tactical surprise in more detail. Tactical surprise is essentially surprise in combat: the weapon of A is used in such a way that it bypasses or neutralizes the counterweapon of B; if no surprise were attempted, A would be required to use massive superiority to crush B's counterweapon. The difference is like that between judo and a bare-knuckle fight.

Tactical surprise usually does not lead to the nullification of the opponent's armament, but if it is well-conceived and backed by technological improvements and adequate forces tactical surprise can go a long way toward eliminating enemy armor as a relevant factor. Given the complexity of modern systems, the surprised opponent is faced with considerable delay before he can readjust his tactics; in a fast-moving war such readjustment may not be feasible.

Under modern circumstances time and technology as well as combat procedures are needed to gain tactical surprise. Technology can produce new types of weapons, new weapon effects, improved weapon effects, improvements in delivery systems, combinations of weapon systems, better active defense, and so on. Examples ranging from the "War of the Iron Ramrod" of Frederic the Great to the devastating effect of Lee's rifle pits at Cold Harbor show that technology and its proper tactical use may achieve surprise. With superior armaments or doctrines, and with troops trained in their use, the entire armament of the opponent can be nullified.

While this is the ultimate goal of tactical surprise, it is usually difficult to achieve. This is so because the possibilities of complete technical surprise are limited. Because of time required to develop a new weapon system, opportunities are increased for technical warning and for counterefforts, either technical or operational. Furthermore, excessive secrecy or failure to deploy weapons can result in surprising one's own troops, with disastrous results—as happened with the use of the mitrailleuse by the French in 1871. On the other hand, tactical surprise can be accomplished by a minor weapon improvement that from a technological point of view may be marginal but which today or tomorrow may facilitate victory in battle by creating a decisive advantage.

STRATEGIC SURPRISE THROUGH OPERATIONAL SURPRISE

Surprise can result from operations of the forces available, as well as from technological innovation. To achieve surprise of this type, the commander operates in a way unexpected by his adversary; in the ideal situation the enemy is unable to devise countermeasures in time. The attacker hits the defender where and when he does not expect to be hit. Or, conversely, the defender reacts by hitting with weapons or with performances the attacker did not anticipate and against which he cannot protect himself properly; the defender counterattacks when and where he is not expected.

The number of operational variations is truly infinite, and the details of such operations usually can be planned and prepared with a high degree of secrecy. These variations are possible because of the multiplicity of weapons, the great spectrum of their performance, and the vast number of operational options.

Opportunities to use operational techniques to achieve surprise arise from various combinations of the performance of the carriers of destructive agents and the effects of those destructive agents when they are transported to the target—from the possibilities of multiple routes and methods of attack—from the variety of environments—and from countless other factors and their combinations. In addition, there are the skills of tactics, the principal one of which is to use a military force in a surprising manner. The use of expedients, saturation, and other techniques that cause uncertainty create further possibilities for tactical surprise.

TECHNOLOGY AND SURPRISE

We repeat, surprise is not confined to active combat. Even though hostilities are not occurring now, the battle for tactical advantage and the effort to achieve surprise goes on incessantly. Laboratory is pitted against laboratory to find new advances such as radar techniques for looking over the horizon and for distinguishing between warheads and decoys. The laboratories struggle to compress data so that information, particularly details on attack, can be instanteously transmitted and presented to decision makers. They search for new concepts that can find expression in hardware and tactics.

In addition, there is the broad area of strategic deception in matters of science. This includes deception about the general state of excellence, the level of progress in a given aspect of science, and the application of science to specific weapon and component development. It seems that behind the Iron Curtain there is a second curtain that conceals the nature of Soviet science.

To conduct this deception, the Soviets release scientific articles and withhold others, thus creating a false impression of their successes, failures, and interests. Another method is to send scientists to international meetings, where they either spread misinformation or are evaluated by their counterparts as not being knowledgeable or as being geniuses. Such evaluations may lead to all kinds of false deductions.

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[1] As this was written the news was announced that the U.S.S.R. has demonstrated a space-borne "satellite destroyer."

[2] General Waldemar Erfurth, *Surprise*, S. T. Possony and Daniel Vilfroy, trans. (Harrisburg: Military Service Publishing Company, 1943).

For example, we have seen arguments that the Soviets did not know anything about decoupling techniques to conduct nuclear tests underground in secrecy. Also, we have been told by Soviet leaders that the day of the heavy bomber is passed—which did not deceive us. On the other hand, we were quite surprised when the Soviets sent a man into space, although they had been forewarning us.

STRATAGEMS TO ACHIEVE SURPRISE

Scientific deception can have a great impact on research and development lead time. The United States has devoted a great deal of effort to reducing the time required to translate a scientific theory, discovery or invention into a practical weapon system. In spite of much study we have not reduced the time interval to less than five years. To develop and produce a weapon in even this fairly long time costs billions of dollars.

Scientific deception aims at keeping the enemy's lead time as long as possible. In this way a significant military advantage may result. This advantage may be crucial at the tactical level where it could have a direct impact on a strategic decision such as overt aggression.

The ultimate goal is to gain a strategic advantage by acquiring a major new family of wepons while concealing from the enemy that it is being developed. The appearance of a brand new weapon often is termed a breakthrough. When a nation makes a breakthrough of this type, as we did with the atom bomb, the British with radar, the Soviets in space, an entirely new arena for military operations is opened up. If the breakthrough leads to a military advantage that the enemy cannot counter in time, such as domination of the air, space, or deep water, the breakthrough may be decisive.

Strategic surprises can be accomplished in many ways. A few examples are:

The choice of a strategic concept;

The selection of weapon systems and their combination;

The quantitative and qualitative strength of the battle forces;

The size of the reserves and their degree of invulnerability.

The exploitation of geography such as bases, areas of access, and approach routes;

The formation of alliances, including secret prewar alliances or the utilization of an allied territory to launch an attack from an entirely unexpected direction;

The proper choice of a center of gravity of the operation; and

The mounting of diversions, so that the opponent divides his forces.

The major problem is developing techniques to achieve technological surprise. If we assume that the enemy intelligence service watches the development of a weapon system from its early scientific inception to its use by operational forces, deceptive moves we make at any step in the process contribute to the ultimate surprise. For example, in the scientific field we can misinform and disinform to fool the opponent. Scientific misinformation would not be propagated in the form of false formulas which would not survive the first test, but it can be created by cryptic hints about programs and alleged results. Disinformation makes the enemy doubt the accuracy of his findings.

In addition there is secrecy. A classic method of achieving a technological surprise is secretly using foreign know-how. Another widely used method has been making an unobserved modification in a technological inferior weapon systems to give it a massive improvement in performance.

In the period of weapon development, surprise can be achieved through hiding and concealment, by pretended inadvertent showing of weapons and weapon components, by phony orders placed abroad for spares or scarce materials, and through a whole host of such stratagems that are not complex but must be planned into the production cycle.

One of the most effective methods is to start the development of several competing weapons, select one, and then give a great deal of publicity to the weapons that have been rejected and will not go into production. This was used by the Soviets when they exhibited the TU-31, equivalent to our B-36; the TU-31 did not go to production. In addition, rejected test models can be exhibited in operations in such a way that the enemy will be sure to see them and draw erroneous conclusions, while tests of the chosen models are concealed. If this is impossible, erroneous information can be fed into the technical intelligence stream and various red herrings can be used. In brief, the true testing operation can be enveloped in a lot of phony operations.

Similar tricks are available to hide production. The weapon system perhaps cannot be hidden, but there are many methods to make it difficult to obtain accurate performance data. As time goes on, several modifications that change the over-all characteristic of the weapon system can be concealed.

Errors contributing to surprise can be induced about the state of training and the precise deployment. In ground war, the effective concealment of a center of gravity is half the battle won. Generally, it is not correct to assume that military forces act consistently. Some nations tend to bluff; the German pre-World War I general staff operated on the principle that one should be considerably stronger than one appears to be. With respect to technological strategy, it is much better to create simultaneously impressions of greater, as well as lesser, capabilities.

The purpose of such maneuvers is to generate uncertainty in the mind of the opponent. Surprise may result from technology, but the actual surprise is not in the weapon system, it is in the mind of the staff that is being surprised.

The devastating effect of surprise in the past has been caused by the fact that the members of a particular staff have for years conditioned their thinking according to firm expectations of enemy behavior and have carried out all their calculations within that framework. Suddenly, the basic assumptions are proved false. The result is a paralysis of thinking which often makes it impossible to carry out even those adaptations which could be accomplished within the time available.

In a discussion of surprise in very broad sense, it is often overlooked that surprise about many smaller items has occasionally been truly decisive. If it is true that a major weapon system cannot be hidden, it also remains true that specific performance data can be manipulated in such a way that the enemy makes small errors. These errors may be within the margins usually allowed by statisticians, let us say 5%. In actuality, speed differentials of 10 or 20, let alone 50, miles per hour may spell the difference between victory and defeat in combat. Similarly, such small differentials in, let us say, a radar performance, reliability of communications, or accuracy of missiles can be of the greatest significance.

In missile warfare, the reliability of the birds is crucial. If reliability is 10% higher or lower than estimated, the enemy's strike capability is quite different from what it is supposed to be. In addition, this reliability must be figured in the time dimension. Reliability can be very high if there are hours to get ready for the launch. If there are only 30 minutes, and if the force must be launched as the attack commences, the figure would change substantially.

When Minuteman II was deployed the reliability of its guidance and control system was about one-sixth of requirement. It took three years to overcome the difficulty, but then performance exceeded specifications. If we had been attacked during this period, we would have been in a fine mess. Since the mishap was widely rumored, the Soviet probably knew about it—fortunately, the U.S.S.R. lacked adequate strength.

There are a number of rationalizations that facilitate the surprise. For example, the assumption is frequently made that the enemy wouldn't do what we don't do—"Why should he do that?" Another widespread notion is that the enemy would not do what he apparently is doing because, according to his opponent's calculations of the cost-effectiveness of a weapon system, there are cheaper and better ways to achieve the desired result. There are also such common beliefs as that the enemy would not pursue a certain course of action because he would duplicate a strength he already possesses, because he could not afford the expenditures involved, or because he would not be so dastardly.

By contrast, sometimes the enemy makes a spectacular demonstration or diversion for no other reason than to create attention and misdirect the estimator's interest. Then, after losing years in trying to figure out what the military significance of the stunt really was, the estimator arrives at the wrong conclusions.

HISTORICAL EXAMPLES

In 1937, the Germans won a race in a spectacular manner by stripping down their Messerschmitts whereas the other nations entered fully equipped fighters. Presumably the staffs understood this particular trick, but the public, the reporters, and the political decision makers were fooled. This, of course, is an example of combined technological and psychological strategy.

The most intriguing aspect of the history of aerospace war and the role of the surprise is that very professional staffs have been deceived about the most basic elements of this new type of war. At times this has been self-deception; at other times they were deceived through deliberate campaigns.

There was once the notion that the airplane was not really a militarily useful weapon. When this notion was dispelled—it took years—it was believed that the airplane would serve its purposes best by direct support of the ground battle. Consequently, the range of the aircraft was considered to be of no importance and it was thought that the range should rather be short. Later there was a great deal of doubt about the proper targets for strategic bombardment. The effectiveness of strategic air war was a matter of considerable dispute, largely because the interrelationships between industry, battle strength, and time factors involved were not understood. Furthermore, some air warriors overlooked the recuperation factor.

Similarly, during World War II there was a debate about whether the air weapon should be used for only one purpose—against industrial targets. After World War II, similar arguments raged with respect to nuclear weapons, jet aircraft, long-range bombardment versus forward bases (the question was ill-conceived as an either-or proposition), and, of course, space and air bombardment in Vietnam. Few debaters ever look at the whole range of arguments, and non sequiturs usually abound because emotions become involved in the arguments.

Another frequent source of error is that the versatility of the weapon system is underrated. The aircraft obviously is an excellent purveyor of firepower. But often ignored are its uses for demonstration, reconnaissance, the transport of goods and troops, command posts, and damage assessment and its possible employment in big as well as small wars. Some people who know such capabilities only too well, but for political reasons don't want new equipment, put up smoke-screen arguments against it.

BREAKTHROUGHS

The many facets of developing, acquiring, and operating advanced weapons systems illustrate the need to consider surprise as one of the key elements of technological strategy. Technological warfare includes the anticipated breakthrough, but the breakthrough need not be a surprise.

In fact, it could well be tactical to announce a happy breakthrough that for a while cannot be countered by the enemy. His inabilty may come from one of two sources—technological inferiority or inferiority in the decision-making process. Naturally, the combination of these two deficiencies would increase the lead of the opposing power. In the end, unless he is defeated, the opponent would catch up with the new technique. The strategic impact of the breakthrough is a function of the duration of the one-sided advantage.

While surprise has its advantages as far as modernization of the force in being is concerned, the breakthrough has the potential of pushing the state of military art into an entirely new field that may lead to clear dominance. This is the role space warfare will play in the future. As we stand on the threshold of the space age, we face an unprecedented situation: a clear military superiority in space potentially can ensure denial of creating a countercapability. There may be a significant novel feature, namely, that even without war such denial could be long-term.

EXPLOITATION OF SURPRISE

Initiation of war usually is the object of a great deal of surprise planning. Prior to the initiation of war, the planning of the opponent can be rendered ineffective by such techniques as misinformation (the propagation of misleading and false knowledge) and disinformation (the propagation of news designed to induce the enemy to disbelieve existing truthful and reliable information and buy false new information instead). The aggressor can use the time-honored techniques of single and double deception[3] to cloak the steps leading to his attack and induce the opponent to misread his intentions.

To meet deceptions of this sort, the strategic planner by necessity must plan against a war that might come regardless of the probability that it will not. This planning must be based on the enemy's capabilities to strike rather than on his professed intentions. The fact too often ignored is that intentions can change very rapidly, and that implementation of the new intention might require a shorter lead time than improvisation of defense against an attack that was not expected.

Under conditions of nuclear war, the importance of deception techniques is growing ever more rapidly. Disarmament must necessarily be a part of an aggressive strategy under modern conditions; the aggressor must use deception techniques to bring about disarmament arrangements which reduce the size of hostile forces in being and thus greatly simplify his planning. For example, the reasonableness the Soviets seemingly displayed in the initial SALT talks may denote (a) a turn toward peace, (b) a maneuver to delay U.S. reaction to the missile build-up in the U.S.S.R., and (c) an attempt to gain a safe rear and increase supplies for a Soviet attack on China.

Surprise can be achieved through disarmament and arms control arrangements and the use of propaganda and diplomacy, on one hand, and through counterintelligence, introduction of misleading intelligence and infiltration into intelligence and policy-making staffs, on the other. As an example, before they had completed operational tests of their antimissile system, the Soviets refused to discuss an atmospheric test ban; afterward they rushed to agree before we tested our weapons concept. Other surprise techniques which may be applied could involve the holding of deceptive maneuvers, the building of dummy forces and targets to divert firepower, the employment of electronic equipments that would not be used in war, and electronic deception on a broad scale.

One important technique of surprise of which American writers seem to remain unaware, is provocation.[4] This word in English usage denotes the provoking of an opponent into a rash act, but in the Communist dictionary it also means entrapment and instigation of a fight between third parties. Many wars have been started by provocations deliberately engineered by the aggressor; the purpose has frequently been to shift the onus of aggression from the aggressor to the defender.

Other purposes may be to force the defender to make some sort of premature move and thus expose his strategy, or to get him embroiled in a struggle on another front so that he would disperse his forces and lose control. Such an effect could be achieved, for example, by forcing the defender into a limited war in a peripheral theater and gradually cause him to invest ever-greater military strength from his forces in being into this limited operation. Thus, he would expose his main base to effective attack. If he can be induced to use obsolete equipment in the diversionary war, the victim may never develop the kind of weapons that will be used in the decisive combat.

So-called preemptive strikes also may play a great role in surprise. The attacker could proceed by a combination of double deception and provocation to make open preparation for attack and to evacuate his cities. Then by other surprise techniques he could divert the defender's fire to false targets and achieve military superiority. Certainly moves of this sort are extremely risky, because the defender has surprise options of his own and may see through the deception. The risk can be reduced through a first-rate intelligence system and good penetration of the opponent's military apparatus and inner decision-making cycle.

Strategic planning aims at the exploitation of weaknesses and vulnerabilities, just as the wrestler tries to apply holds that force his opponent to submit. But the strategist has one advantage over the wrestler: he can contribute to the creation of vulnerabilities in the opposing force.

Creating vulnerabilities is an area where the problems of force and budgetary levels become highly significant. They can be created by an opponent who uses political means to achieve surprise. With low budgets there will always be a great tendency to cut corners, and that means that many of the support systems needed to operate weapon systems effectively will be eliminated or reduced to insufficient numbers. Very often it becomes a question of whether it is more advisable to buy firepower and delivery weapons than to harden the missiles or acquire such items as warning systems. Sometimes the choice is between offensive and defensive weapon systems.

If the aggressor can, through the employment of political means, manipulate budgetary and force levels of intended victims in a downward direction, the effectiveness of the opposing forces will be greatly reduced. Fundamentally, with a low budget it is very difficult to maintain several weapon systems simultaneously, and even more difficult to maintain forces based on different technologies. It is extremely difficult to provide them with good warning and protective features, to acquire suitable shelters for population and industry, and to bring new systems into being. Consequently, low defense budgets and low force levels aid the attacker in his strategic planning by reducing the complexities of his operations. Political operations in both the economic and diplomatic fields may be used to reinforce the natural tendency of the defender to save money on defense. These operations will have as their twin goals the reduction of strategic complexities through the lowering of the defender's budgets and the achievement of a state of relaxation in the victim. Then, when the attack comes, on the victim's allies and or on his homeland, he will be able to believe it has happened and be unprepared to defend himself. In this case, the last phase of the battle may not be a sneak attack at all; the defender may know it is coming and be unable to do anything about it.

To repeat: surprise techniques are available to both the attacker and the defender. Because we are firmly committed to a defensive strategy it is vital that we prevent surprise. We must understand also that capabilities for surprise exist for us and we must emphasize such capabilities.

These come directly from the basis for surprise: uncertainty. Although the attacker has freedom in choosing his surprise moves, the defender can do a great deal to increase the uncertainty in the mind of the attacker. If the attacker has no uncertainty about the enemy, it is child's play to plan operations that can be decisive. If instead he experiences a great deal of uncertainty, even the planning of surprise operations becomes extremely difficult.

For example, the antimissile may be used to create uncertainties. If the defender does not have this weapon, the attacker will be certain that he has a completely free ride. But if the defender does have this weapon, and if the attacker is in doubt about whether its effectiveness lies between 50 and 90 percent, the attacker's strategic plan is greatly complicated. Suppose he assumes it is 50 percent, but it is actually 90 percent effective. Then he will fail in attack. Suppose he assumes it is 90 percent but it is actually 50 percent. In this instance he may not attack at all. Suppose his experts argue about whether it is 60 or 85 percent. In this case, the decision makers' will may be weakened. By manipulating the attacker's understanding of this situation, the defender may achieve considerable advantages.

The interplay between achieving and preventing surprise is one of the decisive elements of modern war. Speed appears to give the attacker greatly enhanced possibilities of surprise, but the defender is not without his options as well. The key to being the surpriser or the surprised is initiative, which in turn is based upon planning.

CONCLUSION

In guarding against technical surprise, it is important to keep its effects in the proper perspective. Technical advances generally and technical surprise in particular are steps to more decisive measures. Technology makes possible tactical, strategic, and timing surprise. It contributes to strategic deception. Surprise and deception are most vital when they contribute to or maximize the effectiveness of modern weapons. If our technological advantages are not exploited while those of the U.S.S.R. are, we will inevitably lose the Technological War. Put differently: we must not be surprised about the fact that this is a Technological War and we must never be deceived about our relative technological standing.

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[3] Double deception is best explained by the story about the two Jews who met on a train in Russia. Aaron asked Moses, "Where are you going?" Moses answered, "To Pinsk." Aaron replied, "You say you're going to Pinsk so I will believe you are actually going to Minsk, but in fact you are going to Pinsk. So why do you lie?"

In military parlance, if A plans an operation he would not try to hide his plan, but would make sure that B assumes that this particular plan is being advertised because it will not be instituted. The German deception plan of 1941 that preceded the attack on the U.S.S.R. was planned as a single deception but actually worked as a double deception.

[4] The Six-Day War in the Middle East has made the concept better known.

Success in an operational approach based on deception and surprise depends on total orchestration of the types of conflict, not on the effectiveness of each element. Partial successes attained and exploited in many areas will offset the failures that will occur in others. The net result is that overall success is rendered more likely.

If the defender understands this particular aspect of the problem, he can devise many actions through which aggressive stratagems are neutralized. He can maintain force levels, both quantitative and qualitative, that preclude a successful attack. The defender must move constantly during the period of so-called peace, to keep abreast of technical and strategic developments. He must initiate actions to which the attacker must react, using resources that would otherwise be employed against the defender, and must initiate these actions in time to prevent the aggressor from achieving a significant advantage. Success in this game will mean that aggression by nuclear weapons would be unthinkable, simply because the aggressor would remain confined to an incalculable but low probability of success.

The really important point is that war has not become unthinkable simply because weapons of mass destruction have been invented. The prevention of war is just as much a strategic undertaking as preparation for aggression. If the strategy of prevention is effective, the aggressor will be blocked. If, on the other hand, it consists merely of dependence on passive deterrence and on weak retaliation, the strategy of prevention is doomed to failure.

For the Communists, surprise is vital to successful aggression. For our part, through the application of a rehumanized strategy surprise can be our path to the initiatives and maneuvers that suppress aggression.

ABILITY COUNTS

HON. QUENTIN N. BURDICK

OF NORTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Tuesday, April 20, 1971

Mr. BURDICK. Mr. President, Miss Janelle Knutson, a young high school student from Williston, was North Dakota's first-place winner in the 1971 "Ability Counts" contest sponsored by the Governor's Committee on Employment of the Handicapped.

I believe Miss Knutson's theme not only calls attention to the oustanding capabilities of handicapped individuals, but also makes a contribution to the national effort to promote jobs for America's thousands of handicapped citizens.

I ask unanimous consent that Miss Knutson's theme entitled "Employment of the Handicapped: Community Attitudes" be printed in the RECORD.

There being no objection, the theme was ordered to be printed in the RECORD, as follows:

EMPLOYMENT OF THE HANDICAPPED: COMMUNITY ATTITUDES

Handicapped? Oh, you mean those 24,000,000 men, women and children who cannot carry out their lives to full capacity. Those 8,000,000 adults in the current labor force and 5,200,000 earners who have to be restricted in amount and kind of work they do.

Well, I'm not just thinking statistics. I am thinking about handicapped people everywhere. They live on farms, in towns and cities. Yes, even in your city there are physically handicapped. Some of these handicaps can be seen and others are not visible. I am one such resident in your community. I can be put in that category, handicapped, because of my limited vision. The United States Public Health Service uncovered by a recent survey that one out of seven or eight Americans are limited by a disability to some extent.

Dr. Gudmand Harlem, 8th World Congress of the International Society for Rehabilitation of the Disabled said, "There is no such thing as a normal individual. We are all different in all the thousands of human abilities and activities. We will find large differences among people and really what a dreadful world it would be if we did not!"

If I am handicapped, what am I handicapped for? Maybe I am not able to drive a car or read the print in the daily newspaper, but is that really enough to label me handicapped?

When Mr. David Reyerson, a Williston High School Counselor, was asked about a handicapped person he answered, "What really is considered handicapped? I can't call a person who can paint a picture using his mouth, handicapped. I could never do that with my hands in four years!" Each of us has felt a feeling of inadequacy and has envied the talents and abilities of others. These feelings are more than a passing mood for millions of disabled Americans. Feelings of inadequacy by the handicapped must be replaced by a purpose, a meaning to life. A good job is a way of filling the inadequacy in the life of a handicapped individual. In your community, as an employer, would you hire me?

I don't, Mr. Employer, want you to judge me by my disability, but search deep and see the things I am capable of doing. Try me, you might find me very capable in the right job and valuable in our community.

Two local employers stated, "With proper training in a field, a disabled person can do a good job" and "A handicapped person can do a good job if he is suited and placed in the right kind of work." "The job for which a person is trained must be carefully selected." In other words, a man or lady with only one arm or leg is limited in the kind of job, if the job demands running, carrying or lifting. A person who is deaf or blind must not be barred from a job because he might not be limited in intelligence, aptitudes or a good personality.

So you see, Mr. Employer, if I were placed in work I could do, I would do a good job!

Problems with hiring the handicapped? Mr. Ralph Nelson, a local employer of the handicapped, said, "When a handicapped person is trained for a job it is quite hard for him to accept change. Other employees must realize this. Also, other employees must realize that a handicapped person has certain limitations. There is just a certain area this person can work capably in."

"A handicapped person should not be discriminated against but should be treated equally."

If it weren't for you, Mr. Employer, in my community it could be difficult to find a good job, but with such statements as "In a certain way a handicapped worker is more valuable in that once he is trained he is very devoted and won't miss a day of work," I can. I thank you for investing in me.

My single effort in my community to find a job would be hopeless. Employment offices placed 300,000 handicapped workers in 1966. There are 3,700,000 handicapped and who are eligible for such services. These can benefit from Vocational Rehabilitation. In 1967, Vocational Rehabilitation rehabilitated 173,000 handicapped people.

Through determination, Vocational Rehabilitation services and cooperative employers, residents of your community, like myself, are earning good incomes, paying taxes and supporting their families with dignity and respect.

AEROSPACE INDUSTRY CAN MEET OUR TRANSPORTATION NEEDS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. ANDERSON of California. Mr. Speaker, it is common knowledge that our aerospace industry is undergoing a tremendous economic depression. The causes of this depression are, first, the cutback in military and space research and development and, second, a reordering of our priorities.

I favor cutting the waste out of military spending and concentrating our resources in those areas which demand our immediate attention, such as pollution control, mass transportation, housing, and education. However, in reordering our priorities, I feel that there are areas of great demand that can be met by the talents and resources of the aerospace industry.

Mr. Speaker, the talents of the aerospace industry are directly and almost immediately transferable to areas requiring technical and scientific expertise. The North American Rockwell Corp. is currently working with the Department of Transportation to relieve the congestion on our highways by developing a high-speed urban tracked system. The Rohr Corp. is involved in the construction of cars for the Bay Area Rapid Transit in San Francisco. Garrett Corp. is committed to develop a linear induction motor which will reduce automobile pollution in future models.

We must step up our spending in these areas and we must encourage aerospace firms to expand in other related fields. Aircraft noise and air pollution can be reduced significantly by steering our aerospace talents in this direction. We need greater research in airport and air corridor safety. Our air terminals can be improved to reduce time lost on the ground and in airport congestion.

While most people do not travel across the country, there is a great need for improved transportation systems from city to city. Short takeoff and landing—STOL—and vertical takeoff and landing—VTOL—aircraft will be in great future demand for short flights in our urban corridors to save major airports from overwhelming traffic.

Finally, high-speed ground transportation systems are needed to relieve our cities from traffic congestion, air pollution, noise pollution, and great inconvenience.

I believe that the aerospace industry

can meet these needs effectively and economically. Thus, I am introducing a bill to channel the talents, experience, and resources of the aerospace industry into these fields.

This legislation authorizes $134 million to be spent on aviation safety, urban mass transportation systems, and aviation systems serving urban areas.

Priority in awarding contracts would go to aerospace firms which have had Federal contracts canceled within 12 months of their application, which are located in areas of high unemployment, or which have reduced their labor force by 10 percent since January 1, 1969.

Mr. Speaker, the aerospace industry is ready to meet our needs, we must be ready to include them in our effort to reorder our priorities.

ADDRESS BY DR. ISAAC LEWIN BEFORE THE UNITED NATIONS COMMISSION FOR SOCIAL DEVELOPMENT

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Tuesday, April 20, 1971

Mr. JAVITS. Mr. President, last month, Dr. Isaac Lewin, a distinguished historian representing the Agudas Israel World Organization, addressed the Commission for Social Development of the United Nations. He asserted that the economic aspects of development had been given precedence over the social aspects over the past 25 years and indicated that this has led to the gap between the rich and poor. He called for the drafting of a set of moral guidelines which should apply to economic development.

I ask unanimous consent that Dr. Lewin's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

STATEMENT BY DR. ISAAC LEWIN

In considering the World Social Situation at the present time we must necessarily use the historical perspective as well.

We are undoubtedly witnessing now a transformation of the fundamental concepts under which the post-war world was organized. In San Francisco, when the United Nations came into being, peace was envisaged not only in terms of political ideas but also in terms of the inseparability of peace from the whole complex of economic and social development.

Twenty-five years ago, however, economic growth was given priority at the expense of social development. Great emphasis was put upon the economic aspect of the development of nations. The international community expanded through the proliferation of new sovereign states whose political problems closely paralleled their need to attain a minimal national economy.

Now after twenty-five years—one might well say: twenty-five years of trial and error—we must take inventory of the fruits of the emphasis on the economic rather than the social half of the equation.

In making such inventory we find that along with the sweet fruits of national development has come as well as bitter fruit of a gross and overwhelming materialism—a materialism that threatens to erode the human spirit.

In developed countries the drive for material goods threatens to eclipse the moral and spiritual values of man. Societies, once destroyed by war, have been rebuilt on foundations of worship of material abundance. Economic development, conceived for needy states, has become the over-riding goal of rich nations. Obviously, the underdeveloped nations suffer. A paradoxical situation, therefore, has arisen—the economic and material needs of poorer countries have been neglected at the expense of larger nations' growth.

A similar discrepancy has also been created on the social level between the rich and under-privileged within each affluent nation with the result that we now are witnesses to uprisings in many countries in response to social injustice. Moreover, it is abundantly clear that only when social justice is combined with a stable economy can a nation contribute to peace in the world at large.

The General Assembly of the United Nations has launched the second Development Decade with new emphasis upon the social institutions which must go hand-in-hand with a viable national economy. It is a great tribute to the family of nations that it has accepted increased social responsibility.

I represent here a non-governmental organization, the Agudas Israel World Organization, which was founded in 1912 and embraces religious Jewry all over the world. I represent a creed which has promulgated the concepts of social ethics, morality and justice for centuries. Our pre-occupation with the very core of human existence is therefore understandable. So far we placed emphasis upon the rights of the individual. But our approach to human rights must now meet the modern-day challenge to social rights of man—a challenge that involved not only the poor in the underdeveloped nations but the poor everywhere, for none are so unfortunate as those who live their lives of poverty next door to an unconscionable indulgence in luxury and riches.

In the final analysis the issue is a moral one. First of all, because it is inherently immoral to adopt a creed of materialism at the expense of those who do not have even the basic necessities of life. Secondly, because over-emphasis on the material blinds us to the basic humanism without which an economic structure becomes a Sodom and Gomorrah. Thirdly, because the concept of economics as the basis for peace is an illusion unless social rights go hand-in-hand with economic progress.

The drive for materialism has already gone too far. A dramatic gesture of reversal is necessary. I submit respectfully that the Commission for Social Development consider the drafting of a Declaration of Social Ethics urging the nations of the world to restore the balance between the economic and the social in a set of moral principles related to the concept of world peace.

The peoples of the world should be united and not divided by antagonistic goals which are undermining all efforts for peace and bring about only violence and new revolutions, the rumblings of which are already in our ears.

UPPER DUCK RIVER PROJECTS IN TENNESSEE RECEIVE STRONG BACKING AND ENDORSEMENT

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. EVINS of Tennessee. Mr. Speaker, Congress last year appropriated $4.6 million for land acquisition and the start of construction of the Normandy and Columbia Dams on the Upper Duck River in middle Tennessee.

The Bureau of the Budget, contrary to the mandate of the Congress, has withheld and impounded $4.3 million of these funds.

Many local governmental and civic organizations have recently reaffirmed their support and interest in moving forward with this project and, in this connection, because of the interest of my colleagues and the American people in water resource development, I place in the RECORD herewith copies of resolutions enacted by county courts, Rotary Clubs, chambers of commerce, conservation boards, Kiwanis Clubs, Lions Clubs, public authorities, and others.

The resolutions follow:

RESOLUTION

Whereas, the Duck River Project (Normandy and Columbia Dams) was officially started and publicly announced by TVA in July of 1970.

Whereas, the funds for the Duck River Project were frozen by the Bureau of the Budget in December of 1970.

Whereas, TVA and the Bureau of the Budget have conjured up a requirement of repayment of the water supply portion of this project.

Whereas, the TVA Act gives TVA control of all of the streams in the Tennessee Valley and responsibility for its resource development.

Whereas, heretofore, TVA has maintained a uniform policy without charge for water to municipalities or industries in the valley until the freeze of the funds in December of 1970.

Whereas, it is considered unjust to require the Upper Duck River Area (four-counties of 201 counties in the Tennessee Valley) to pay for water supply.

Therefore, we, the County Court of Bedford County, respectfully urge our Senators, Honorable Howard Baker, Jr. and Honorable William Brock, to prevail upon President Nixon to release immediately the Duck River Project funds.

Be it further resolved that a copy of this resolution be sent to Congressman Joe L. Evins, Congressman William Anderson, and Chairman A. J. Wagner.

OTTS K. RENEGAS,
County Court Clerk.

RESOLUTION

TULLAHOMA ROTARY CLUB,
Tullahoma, Tenn.

Whereas, Tennessee Valley Authority has planned and is ready to start work on its Duck River Project, calling for construction of dams on Duck River at Normandy and Columbia; and

Whereas, construction of these dams is an essential part in an overall resource program of the Upper Duck River Development Association and the Tennessee Upper Duck River Development Agency; and

Whereas, this resource program is necessary for a future of balanced growth and preservation of our region's human and natural resources; and

Whereas, this effort includes such goals as development of the upper Duck River to provide for domestic, industrial and municipal water needs, while providing a habitat for fish and wildlife; minimizing of flood damage; ensuring that clean water is both used and returned to the river and its tributaries; and conserving the land as much as possible while providing for physical growth; and

Whereas, the communities and their utility systems in Bedford, Coffee, Marshall and Maury counties, on the basis of plans for the dams and reservoirs, already have spent several million dollars to begin an interconnecting water pipeline system that would provide potable water to more than 100,000 people in both cities and rural areas; and

Whereas, this needed effort has been stymied by the U.S. Office of Management and Budget, which has impounded $4.3 million in funds for this project appropriated by Congress; Now therefore be it

Resolved, That the Rotary Club of Tullahoma, Tennessee, reaffirms its wholehearted support of the TVA's Duck River Project and the total resource development and preservation program for the upper Duck River region and urges that appropriated funds for these dams be made available by the Office of Management and Budget so that overdue work can begin on this vitally needed project. Be it further

Resolved, That copies of this resolution be sent to our senators and congressmen, to Governor Winfield Dunn, to the U.S. Office of Management and Budget, and to the directors of TVA.

By James R. Gray,
President.

Resolution

Whereas, the Duck River Project (Normandy and Columbia Dams) was officially started and publicly announced by TVA in July of 1970.

Whereas, the funds for the Duck River Project were frozen by the Bureau of the Budget in December of 1970.

Whereas, we are indeed grateful to Congressman Evins for his untiring efforts to get the Project funds released.

Whereas, there is a small group of people who are opposing the Normandy Dam.

Whereas, the Normandy Dam is vital to Tullahoma's industrial expansion and economic growth.

Therefore, we, the Tullahoma Chamber of Commerce of Tullahoma, Tennessee, reiterate our whole-hearted support of the Duck River Project. Be it further

Resolved, That a copy of this Resolution be sent to Congressman Joe L. Evins.

Doyle E. Richardson,
President.

Resolution

Conservation Board of
Coffee County,
Manchester, Tenn.

Whereas, Tennessee Valley Authority has planned and is ready to start work on its Duck River Project, calling for construction of dams on Duck River at Normandy and Columbia; and

Whereas, construction of these dams is an essential part in an overall resource program of the Upper Duck River Development Association and the Tennessee Upper Duck River Development Agency; and

Whereas, this resource program is necessary for a future of balanced growth and preservation of our region's human and natural resources; and

Whereas, this effort includes such goals as development of the Upper Duck River to provide for domestic, industrial and municipal water needs, while providing a habitat for fish and wildlife; minimizing of flood damage; ensuring that clean water is both used and returned to the river and its tributaries; and conserving the land as much as possible while providing for physical growth; and

Whereas, the communities and their utility systems in Bedford, Coffee, Marshall and Maury counties, on the basis of plans for the dams and reservoirs, already have spent several million dollars to begin an interconnecting water pipeline system that would provide potable water to more than 100,000 people in both cities and rural areas; and

Whereas, this needed effort has been stymied by the U.S. Office of Management and Budget, which has impounded $4.3 million in funds for this project appropriated by Congress: Now therefore be it

Resolved, That the Conservation Board of Coffee County, reaffirms its wholehearted support of the TVA's Duck River Project and the total resource development and preservation program for the Upper Duck River region and urges that appropriated funds for these dams he made available by the Office of Management and Budget so that overdue work can begin on this vitally need project. Be it further

Resolved, That copies of this Resolution be sent to Congressman Joe L. Evins, Congressman William Anderson, Senator Howard Baker, Jr., Senator William Brock, Governor Winfield Dunn, and Chairman A. J. Wagner, TVA.

By Willard Templeton,
President.

Resolution

Whereas, the Duck River Project (Normandy and Columbia Dams) was officially started and publicly announced by TVA in July of 1970.

Whereas, the funds for the Duck River Project were frozen by the Bureau of the Budget in December of 1970.

Whereas, we are indeed grateful to Congressman Evins and Congressman Anderson for their untiring efforts to get the Project funds released.

Whereas, there is a small group of conservationists who are opposing the Normandy Dam.

Whereas, this opposition is predicated on their resistance to change and progress in the Upper Duck River Valley.

Whereas, the Normandy Dam is vital to Shelbyville's industrial expansion and economic growth.

Therefore, we, The Shelbyville Kiwanis Club of Shelbyville, Tennessee, reiterate our whole-hearted support of the Duck River Project. Be it further

Resolved, That a copy of this Resolution be sent to Congressman Joe L. Evins and Congressman William Anderson.

Wade Arnold.

Resolution

Upper Duck River
Development Association,
Shelbyville, Tenn.

Whereas, the Duck River Project (Normandy and Columbia Dams) was officially started and publicly announced by TVA in July of 1970.

Whereas, the funds for the Duck River Project were frozen by the Bureau of the Budget in December of 1970.

Whereas, we are indeed grateful to Congressman Evins and Congressman Anderson for their untiring efforts to get the Project funds released.

Whereas, there is a small group of conservationists who are opposing the Normandy Dam.

Whereas, this opposition is predicated on their resistance to change and progress in the Upper Duck River Valley.

Whereas, the Normandy Dam is vital to Shelbyville's industrial expansion and economic growth.

Therefore, we, the Shelbyville Rotary Club of Shelbyville, Tennessee, reiterate our whole-hearted support of the Duck River Project. Be it further

Resolved, That a copy of this Resolution be sent to Congressman Joe L. Evins and Congressman William Anderson.

John Shofner,
Vice President.

Resolution

Whereas, the Duck River Project (Normandy and Columbia Dams) was officially started and publicly announced by TVA in July of 1970.

Whereas, the funds for the Duck River Project were frozen by the Bureau of the Budget in December of 1970.

Whereas, we are indeed grateful to Congressman Evins for his untiring efforts to get the Project funds released.

Whereas, there is a small group of conservationists who are opposing the Normandy Dam.

Whereas, this opposition is predicated on their resistance to change and progress in the Upper Duck River Valley.

Whereas, the Normandy Dam is vital to Manchester's industrial expansion and economic growth.

Therefore, we, the Manchester Chamber of Commerce of Manchester, Tennessee, reiterate our whole-hearted support of the Duck River Project. Be it further

Resolved, That a copy of this Resolution be sent to Congressman Joe L. Evins.

Richard Bell,
President.
H. Thomas Parsons,
Secretary.

Resolution

Shelbyville Lions Club,
Shelbyville, Tenn.

Whereas, Tennessee Valley Authority has planned and is ready to start work on its Duck River Project, calling for construction of dams on Duck River at Normandy and Columbia; and

Whereas, construction of these dams is an essential part in an overall resource program of the Upper Duck River Development Association and the Tennessee Upper Duck River Developemnt Agency; and

Whereas, this resource program is necessary for a future of balanced growth and preservation of our region's human and natural resources; and

Whereas, this effort includes such goals as development of the Upper Duck River to provide for domestic, industrial and municipal water needs, while providing a habitat for fish and wildlife; minimizing of flood damage; ensuring that clean water is both used and returned to the river and its tributaries; and conserving the land as much as possible while providing for physical growth; and

Whereas, the communities and their utility systems in Bedford, Coffee, Marshall and Maury Counties, on the basis of plans for the dams and reservoirs, already have spent several million dollars to begin an interconnecting water pipeline system that would provide potable water to more than 100,000 people in both cities and rural areas; and

Whereas, this needed effort has been stymied by the U.S. Office of Management and Budget, which has impounded $4.3 million in funds for this project appropriated by Congress: Now therefore be it

Resolved, That the Lions Club of Shelbyville, Tennessee, reaffirms its wholehearted support of the TVA's Duck River Project and the total resource development and preservation program for the Upper Duck River region and urges that appropriated funds for these dams be made available by the Office of Management and Budget so that overdue work can begin on this vitally needed project. Be it further

Resolved, That copies of this Resolution be sent to Congressman Joe L. Evins, Congressman William Anderson, Senator Howard Baker, Jr., Senator William Brook, Governor Winfield Dunn, and Chairman A. J. Wagner, TVA.

By Alfred L. English, R. M. Megois, Jim Landeys, W. B. Kyle, A. C. Mitchum, J. C. Edgar, Tom Sigrones, William Parker, Ben A. Green, Benton M. Wheeler, W. D. Copeland.

W. L. Payne, James K. Gore, Archie L. Winnett, Bailey Little, Hobart H. Durbin, E. B. Jenkins, D. W. Rappleye, W. T. Gentry, Sam Pearce, Gerald Priest, Sam Keller.

James W. Kesner, John C. Sheel, Jr., Edw. C. Huffman, H. V. Griffin, N. C. Langley, Adrean G. Fox, Fred Hunt, Jr.
Dan W. Bobo, Louis S. Smith, D. J. Rice, Roger W. Wilkerson, Jr., Glenn Morrison, Joseph E. Borer, J. D. Norris, Joe Pitner, Theron A. Bracey.
W. B. Seigneur, Ray Bell, Carl E. Brandon, Berry J. Allen, Ted Hurt, Gust E. Johnson, T. Stacy Welch, John Brutbill, Roy Moon.
James V. Simmons, Bill Magruder, J. D. Harris, Alfred L. English, Everett Smith, Jr.
R. A. Roberts, Otis Woodruff, Norman Gibson, Herman Duncan, G. Herman Fogg, Robert R. Newton.

CASTRO—RAILROADING THROUGH THE OLD 92D—CHAPTER 2

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Tuesday, April 20, 1971

Mr. METCALF. Mr. President, last Thursday I placed in the Extensions of Remarks the detailed plan of several conglomerate corporations—which incidentally and reluctantly engage in the railroad business—to lobby a multibillion dollar subsidy for themselves through the Congress. This CASTRO—Conglomerate America's Slick Transportation Rip-Off—proposal includes saturation advertising, designed to curry the favor of media owners and to paint this attempted tax grab as a tax saving.

The Southern Railway has already begun a series of ads to be run in virtually all daily and weekly newspapers in its territory. CASTRO ads have been scheduled on two of the major networks. CBS has refused to carry the CASTRO spots, stating that they are too political. In view of the fact that CASTRO portrays the Federal Government as a robber, perhaps the network fears that Uncle Sam would ask for equal time.

I ask unanimous consent to have printed in the RECORD two articles relating to the CASTRO advertising campaign. One appeared in the March 21 issue of Advertising Age; the other in the March-April issue of Ties, house organ of the Southern Railway.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

RAIL GROUP ASKS CUTBACK IN FEDERAL REGULATION

(By Thomas E. Kelly)

CHICAGO.—The Assn. of American Railroads early next month will begin a $2,500,000 six-month campaign in support of legislation favoring less government regulation of the railroad industry.

Advertising is scheduled on ABC–TC and NBC–TV, spot radio and in newspapers, including the home town newspaper of each member of Congress. CBS–TV refused to carry the spots, believing they are "too political," Donald T. Martin, assistant vp for advertising and pr, Seaboard Coast Line Railroad, said here today.

Mr. Martin, who is national coordinator of the association's America's Sound Transportation Review Organization (Astro), said the initial tv spots will emphasize de-regulation of the railroad industry. One commercial, called "The Great Train Robbery," will attempt to show how government regulations are, in the opinion of the association, "robbing" the industry. McCann-Erickson is the agency.

The purpose of the campaign—freight-oriented and not connected with Railpax—is to push legislation through Congress to help implement the Astro program, Mr. Martin said. He spoke at a meeting of representatives of such major railroad suppliers as Pullman-Standard, General Electric, the Electro-Motive division of General Motors and Amsted Industries, and asked their support, both through internal and external pr efforts and media advertising.

Suppliers were sympathetic, but none promised—or refused—to run ads in support of the Astro program. "We have no objection at all (to Mr. Martin's proposals), except budget," said Warren Logelin, vp, Amsted. #

SOUTHERN LAUNCHES "ASTRO" NEWSPAPER ADVERTISING CAMPAIGN

Southern Railway will be talking about ASTRO in advertising placed in virtually all daily and weekly newspapers on-line this year. Five of these advertisements will run at regular intervals throughout the year. The first ad, "Tax Payer Today. Tax Burden Tomorrow?" appeared March 9 in daily papers. The weeklies carried this ad the same week.

At the end of the copy in each advertisement, "The ASTRO Answer" to government takeover of the railroads is given, as follows:

"We think a better alternative is the plan offered by ASTRO (America's Sound Transportation Review Organization), a railroad-sponsored group. In essence, this plan calls for equal treatment of all forms of transportation. And it would encourage investment in rail equipment sorely needed to catch up with today's needs and be ready for tomorrow's.

"Find out more from this free booklet, which outlines the ASTRO plan in easy-to-read questions and answers. Write: ASTRO Booklet, Southern Railway System, P.O. Box 1808, Washington, D.C. 20013. (See questions and answers on page 15.)

"We want to stay a tax payer. Not become a tax burden."

CITIZENSHIP—A PRIVILEGE OR A RESPONSIBILITY?

HON. DAVID PRYOR

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. PRYOR of Arkansas. Mr. Speaker, it gives me a great deal of pleasure to direct to the attention of my colleagues a very thoughtful essay, written by Miss Janice Floyd of Glen Rose, Ark. Miss Floyd was recently awarded a George Washington Honor Medal by Freedoms Foundation for her essay entitled "Freedom—A Privilege or a Responsibility?"

This same essay also won first place in 1970 in the Good Citizenship Essay Contest of the Ozark District of Civitan International. A 1970 graduate of Glen Rose High School and valedictorian of her class. Miss Floyd is a freshman this year at Henderson State College in Arkadelphia, Ark.

Under leave granted to extend my remarks, I include the essay at this point in the RECORD:

CITIZENSHIP—A PRIVILEGE OR A RESPONSIBILITY?

The day is November 14, 1972. The people of America are at the polls electing a President. That is, some of the people are there. The others are just too busy to take the time to vote. What they do not realize is that voting and being able to have a part in their government is not an ordinary privilege. It is just one of the many important rights that we have as American citizens. If we do not use these rights, then our country and all that it stands for is being hurt tremendously. As the famous American author Mark Twain once said: "What keeps a republic on its legs is good citizenship."

But what is this citizenship of ours? "It's our right as Americans—our privilege." the people exclaim. If citizenship is such a great privilege, then why do we treat it so lightly?

To explain what is meant by "privilege" in this statement, the Communist type of government presents a good example. When a new leader takes over in a totalitarian country, it is not by will of the people. It is done by a few who are devoted to the party, and the party only. The people of that country are not asked whom they want to lead them. They are given no choice. In this case, they are not given the opportunity of taking part in their government. They have no privileges and only one major responsibility—to do exactly what the government tells them to do.

The citizens of America cannot imagine what it would be like to live under this kind of ruling. Therefore, to be able to appreciate our life as Americans, we must first realize what is happening to us. Because we are taking our citizenship for granted, the idea has been formed that freedom inherited is freedom everlasting.

The second thing that must be realized is what could happen if we continue believing this way and treating our citizenship with such indifference.

Even if we cannot see what is happening, the Communists can, and this could be the destruction of our way of life. Many people want to know how such a thing could happen in our country today. This is my explanation:

Citizenship is linked with freedom, and freedom with morality in America's chain of democracy. Morality, in turn, derives from religious faith, and the source of all goodness is God. Destroy faith in God and moral standards crumble. Destroy your ciitzenship and faith in yourself and freedom crumbles. The Communists, having no belief in God, know that if they succeed in destroying religion and Americans' faith in their country, that our democracy will not long survive. This is what they are waiting for. If one link grows weak, then the entire chain is in danger. I feel that it is definitely our responsibility, as well as our privilege, to keep this chain strong.

The following example will prove this explanation true in theory, if not in fact.

When General William F. Dean was released from a Korean Communist prison camp, George Schuyler quotes the Chinese psychologists who had been trying to break him, as saying, "General, don't feel bad about leaving us. You know, we will soon be with you. We are going to destroy the moral character of the generation of your young Americans, and when we have finished, you will have nothing with which to really defend yourselves against us."

Usually when a person does not take advantage of what he has, then he is deprived of the right, or privilege, to use it. If the citizens of the United States do not take advantage of the rights that are ours and strive to maintain them, then there is a strong possibility that our freedom could be lost.

The fate of America lies in its youth. The young people of our nation need to be taught the values of life—faith in God, faith in their country, and faith in themselves.

Most important of all, we need to be taught the value of citizenship. Americans should realize that it is a privilege in itself to have the responsibility of being a citizen of the United States, and that it is a responsibility to have and maintain the privilege of our citizenship, if we intend for our descendants to live in a free country.

In every free nation, such as the United States and Canada, the citizens themselves are the real rulers. Their governments can do only those things which the people authorize. Thus the government may be strong or weak, just or unjust, fair or unfair, depending upon the interest and desires of its citizens.

So the next time you dislike election returns, but do not vote; or you disagree with the actions of Congress, but will not write your Congressman; or you do not understand the issues, yet you change channels when the President gives his State of the Union Address on television, remember this:

As Americans, we are privileged.

To stay Americans, we must be responsible.

ART INSTITUTE OF PITTSBURGH ESTABLISHES JOHN DENT SCHOLARSHIP

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. MOORHEAD. Mr. Speaker, we all know the great work that JOHN DENT has performed on behalf of the workingman. Currently his committee is seeking legislation that will protect the pensions of workers and a second bill to raise the minimum wage and put 7 million more workers under the Fair Labor Standards Act.

With a track record like this, it is not difficult to see why homage is paid to JOHN DENT for his efforts.

But the gentleman from Pennsylvania is renowned for his work with another important group, America's students, the greatest hope our Nation has.

Most recently, the Art Institute of Pittsburgh, a school with whose good work I am very familiar and an institution which happens to be in my district, established a John Dent Scholarship to be presented every 2 years to a deserving high school senior.

I believe that this is an excellent tribute to one of this body's more energetic Members.

In establishing the John Dent Scholarship, John Johns, president of the Art Institute, said:

> We consider it a great privilege to set up a scholarship in honor of Congressman DENT, as only a small token of the tremendous work he has been doing to help the cause of education. Every student owes a debt to Mr. DENT's diligence and enthusiasm. I am just happy to be able to say "thank you" in a way that will help even more students.

Helping people seems to be a habit with JOHN DENT and a habit with the Art Institute of Pittsburgh which has provided my city of Pittsburgh with hundreds of competent art and design specialists.

A John Dent Scholarship at the Art Institute of Pittsburgh, I could not think of a better union of interests and concerns.

I just want to congratulate both JOHN DENT and the Art Institute and bring to the attention of the House this great honor for the gentleman from Pennsylvania.

LEST WE FORGET

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. MILLER of Ohio. Mr. Speaker, there have been few problems as perplexing or as frustrating as the prisoner of war/missing in action issue. Over the past 24 months, the plight of our captured and missing countrymen and their families has been brought increasingly before the public, and as a result, we have witnessed an overwhelming groundswell of public sentiment.

During this period, as our attention has been focused on detained and missing servicemen in Southeast Asia, I have concluded that Hanoi does, in fact, value world status—especially as construed by the Communist bloc nations. The Communists of Southeast Asia do not want to be eyed as callous barbarians. Hanoi's leadership continually monitors the waves of world opinion and the release of a debatable complete prisoner list, periodic propaganda films, and an increase in the flow of mail validate our contention that Hanoi hears the American people loud and clear.

Our outrage on this issue must not subside until the missing are accounted for and all men are allowed to return home. Hanoi has consistently indicated that the Communists will not respond to any initiative which will not be to their advantage. The key feature of mounting world public pressure, I believe, is to show the North Vietnamese that continued unresponsiveness to pleas for compliance with the Geneva Convention will work only to Hanoi's disadvantage.

It is our responsibility, Mr. Speaker, to let those who prolong the separation of American families know that our anger will not diminish with time.

To be honest, it is easy to sit quietly by. It is also easy to assume an "out-of-sight, out-of-mind" attitude about the issue. It would be simple to pass along the responsibility for these men to someone else, and wash our hands of any involvement in the matter. It does not take much courage to ignore 1,550 American men lost, missing, or interned deep in the jungles or Indochina.

This would be all too easy, and maybe all too true except for the fact that Americans are competitors. Americans are thinkers and Americans are doers, and for our countrymen to remain unlawfully detained for years, thousands of miles from home, is an injustice and should be promptly resolved.

Though these men are, in fact, out of sight, they are not out of mind. All too often, information relating to the prisoners and missing is in cold statistical terms. In a report or filing cabinet portfolio, they may be only figures on a printed page. But as individuals, the figures give way to faces, to personalities, to likes and dislikes, and backgrounds not greatly different from ours. These statistics have names. These names belong to men who have hometowns. Most are married and many have children. They enjoy concerts, art, fishing, a good book, football, summer, fall, winter, and spring. They are just like you and I, then, with the one significant exception that while we live the good life the prisoners and missing only dream of it half a world away.

They cannot be forgotten.

Today I am initiating a POW/MIA project to appear in the CONGRESSIONAL RECORD. Under the heading "Lest We Forget" this daily entry of the name and pertinent background information of an American serviceman who is presently detained or missing in Southeast Asia will serve to remind us that we have a pressing obligation in the fate and future of our prisoners and missing.

With the concurrence of the Department of Defense and the National League of Families of American Prisoners and Missing in Southeast Asia, and with the permission of the families of the servicemen whose names will appear in this project, I submit the first entry:

> LEST WE FORGET
>
> In a land of progress and prosperity, it is often easy to assume an "out of sight, out of mind" attitude about matters which are not consistently brought to our attention. The fact exists that today more than 1,550 American servicemen are listed as prisoners or missing in Southeast Asia. The wives, children and parents of these men haven't forgotten, and I would hope that my colleagues in Congress and our countrymen across America will not neglect the fact that all men are not free for as long as one of our number is enslaved.
>
> Sgt. Thomas Angelo Mangino, U.S. Army, US52662945. Alliance, Ohio. Married with no children. The son of Mr. and Mrs. Angelo Mangino, Alliance, Ohio. Attended Kent State University. Reported missing in action on April 21, 1967. As of today, Sgt. Mangino has been missing in Southeast Asia for 1,459 days.

INSIDE "THE SELLING"

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. HÉBERT. Mr. Speaker, on April 7, 1971, there was an interesting article in the Army Times entitled, "Commentary: Inside 'The Selling.'"

It was written by Maj. Raymond E. Funderburk, community relations division, Department of the Army. His comments are most revealing since he was directly involved in the CBS production, "The Selling of the Pentagon," as the Department of the Army project officer for the Joint Civilian Orientation Conference—JCOC—as well as the JCOC Army escort officer on the trip which CBS criticized.

I want everyone to have the opportunity to read what he has to say, and for that reason I insert his remarks in the RECORD at this point:

[From the Army Times, Apr. 7, 1971]

INSIDE "THE SELLING"

(By Maj. Raymond E. Funderburk)

> As a participant in "The Selling of the Pentagon," I find it impossible to remain silent while the American public ponders the CBS documentary.

I was the Department of the Army project officer for the Joint Civilian Orientation Conference (JCOC) as well as the JCOC Army escort officer on the trip. Interviews with JCOC conferees played a major role in the CBS attempt to portray the military in the worst possible light.

My involvement in this farce was even deeper for I coordinate the appearances of Maj. James N. Rowe, the former POW who was shown being interviewed by Congressman F. Edward Hébert. I knew of the interview with Major Rowe, its intended use, who produced the film clip and the remarks to be made.

Finally, my personal involvement encompasses the entire documentary and its purpose, for I am a journalist and take pride in my professional ethics. It didn't take an MA in journalism to teach me the difference in objective and subjective reporting.

Let's examine what "The Selling of the Pentagon" actually portrays.

First, let's discuss the dialog of Roger Mudd. His narrative was filled with inaccuracies. "We (CBS) were not permitted to film the JCOC activities at Fort Hood—but we later learned what happened . . . " he reported to the public, with the obvious intent of showing the viewer that CBS had uncovered some secret and elusive activities that took place at the huge armored base.

To my knowledge, CBS made no real attempt to film the JCOC conferees as they were shown the various Army weapon systems and permitted to fire many of them. "They (conferees) pulled the triggers . . ." related Mudd without telling why. I encouraged the Fort Hood project officer to include time in the schedule for the conferees to touch and feel our equipment and weapons.

My rationale for wanting the civilians to touch and handle our Army equipment was justified by their reactions. "We now better understand the complexity of the equipment and can better appreciate the degree of expertise necessary to control them," said the conferees. We had no intent to amuse the conferees. We wanted them to appreciate the level of training, the degree of professionalism displayed by our young soldiers. They were impressed.

CBS stated quite candidly that JCOC cost the taxpayer huge sums of money. They failed to relate that most of the demonstration shown the civilians during the tour were normal training exercises. Nor, for example, did CBS tell the awed viewers that each JCOC conferee paid $325 at registration to defray the cost of food, lodging and other personal services.

CBS tried to take the very positive remarks of JCOC conferees interviewed on the show and refute them with the mumblings of a former Air Force public affairs officer. Why did CBS not interview several present or former public affairs officers rather than stick to the negativeness of one man? Obviously, the intent was to show this individual's negative attitude. This is an excellent example of editorializing through the words of others.

At present, Congressman Hébert and his staff are justifiably angry over the less-than-reputable tactics employed by CBS in gaining a film staff member who released the film to CBS under the assumption it was to be used for a POW documentary. He told me that CBS later said they probably wouldn't use it at all for any purpose.

"I have nothing in writing," the staffer related, "so I must suffer under the false allegations." Why should Congressman Hébert or his staff be abused because they were honestly offering the film in hopes it would assist in the POW campaign to bring our prisoners home?

Furthermore, CBS showed the Hébert film as an example of what the Department of Defense produces for the public. Such a statement is too ludicrous and obviously false to mention. Does the average citizen believe the military would produce films to further the political careers of Members of Congress?

Certainly not! They are commercially produced and shown by local stations in the congressman's home state.

I talked with Major Rowe about the show. He was quite upset that his efforts on behalf of our POWs would be affiliated with such an unprofessional attempt to damn the military. He has reason for being angry, for he takes his own spare time and money to travel throughout the U.S. to speak to groups on the POW issue. The film with Congressman Hébert was one of many made to reach the people with the true story of the plight of our prisoners.

It would take many pages to completely reveal the inaccuracies and falsehoods related by Roger Mudd. What I have revealed is but a small portion of the truth. I do not wholly blame Mudd for the documentary and its script, for there are many writers and producers involved. However, Mudd and the CBS staff cannot look upon their efforts as true professionalism, for the story was one-sided, biased and generally subjective in nature.

The public has a right to know about the workings of its military, for they support its efforts. We in the military use tours, exhibits, speaking engagements and other tools to inform the people. They request these tools—we don't solicit. They beg for speakers—we don't offer. They flock to see demonstrations—we don't herd them. With the interest of our public so evident, should we close our gates, withdraw and continue in seclusion? No. We can ill afford to spend the taxpayers' money without showing them how their dollars are being put to use.

We welcome constructive criticism, for it is helpful in determining problems that can be corrected. However, I find it impossible to apply this label to "The Selling of the Pentagon." It is a shame that CBS would expend thousands of dollars to show the public their views—not the truth.

TELLING IT LIKE IT IS IN VIETNAM

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. LANDGREBE. Mr. Speaker, this week we have been promised the dubious treat of seeing yet another "peace" demonstration, as if those who are insisting on a U.S.-guaranteed Communist victory in Indochina were the only people in the country who want peace.

Unfortunately, the national influence media are, by and large, overly sympathetic with this far-left movement. Thus, we see a highly distorted picture of what is really happening in Vietnam.

The media are not exactly lying about the war; they are just not telling the whole truth. While concentrating on the failures, they ignore the tremendous successes of American and South Vietnamese military forces and soft-pedal the effectiveness of President Nixon's policies—both in reducing American involvement and in giving South Vietnam a fair, fighting chance for survival.

A very good friend of mine, a career Army officer who is presently on a tour of duty in Vietnam, recently sent me an excellent piece that he wrote himself, listing the media's sins of omission. While not denying the truth of the media's stories of Allied problems, he points out very well the many successes ignored by the media. I commend it to the attention of my colleagues.

On the positive side of the coin, there are some elements of the media who march to a different drummer. One such element is the excellent Washington news weekly, Human Events. In the issue of April 17, Human Events points out what an honest reporter should have already pointed out with greater emphasis—namely, the success of the President's Indochina policy and the need for public support of that policy, support that is very much deserved.

Mr. Speaker, I include the message from the Army officer and the article from Human Events at this point in the RECORD:

WHAT THE ——— GOING ON IN LAOS?

Someone mailed a card to my boss the other day and asked that question. He and I discussed same and with zero extensive research I ran off a few thoughts that may be of interest to friends. It is not clean writing but thoughts as they occurred to me.

Cambodia happened and received the exact same criticism that Laos is now receiving. That action resulted in a total choking of the enemy ability to supply by ship through Cambodia—This has never been highlighted or hardly mentioned in the media.

Laos has been an attempt to cut the other half of the supply routes—the overland routes. The media has condemned it almost totally with no effort to say what it's purpose was or how successful it has been.

It seems to me that the viciousness of the media and the super doves is directly proportional to the degree of damage being inflicted on the enemy. Many of the things the media has said about Laos cannot be refuted. However in most cases they are only half truths with no attempt to portray the overall picture.

Report: The beleaguered troops half dead from exhaustion are straggling back to Vn by all means available. Comment: That is not too unnatural in the heat of battle but why not point out that before they straggled back they had an almost ten to one kill ratio which is higher than most of the engagements the Americans were involved in.

Report: Our tank, helicopter and weapon loss has been very high. Comment: Yes, but why did they not also report the *massive* numbers of enemy trucks destroyed and why no emphasis on the large quantities of enemy caches destroyed which have probably set the enemy back for at least a year. Further, a national media cameraman was aboard one of the attack planes and witnessed great destruction of enemy trucks.—Did you see any pictures of this or hear of it on the news?

Report: The Vietnamese are not ready for such operations yet and are too inexperienced to conduct this type of activity. Comment: Partially true, but the same media and super doves who are politically forcing the Vietnamization to be moved at such a rapid pace may be the ones who should be considered responsible . . . However look again at the casualties and equipments destroyed by these inexperienced Vietnamese and against the most seasoned troops the North has available.

Report: The war has been widened. Comment: Compare the US casualties now with those of a year ago and consider the fact that we are accelerating the rate at which we leave the country.

No Report: The Delta and other large sections of Vn have been cleared of most or all enemy action and the clearing is continuing at a rapid pace.

No Report: The sea routes of supply for the enemy were closed with Cambodia and now the overland routes have been badly mauled by the Vietnamese and the VC have no real sanctuaries or open routes upon which they can depend to continue their war in South Vietnam or Cambodia.

No Report: Construction throughout many parts of South Vietnam is booming, inflation is at least being slowed and political assassinations are on the decline, Whereas North Vietnam has rationed practically everything but sex—and maybe that.

We don't know the degree of success in Laos but as Alsop said a few days ago we went for the jugular vein and perhaps only chopped off a couple of legs. There were friendly setbacks, but what about those two missing legs, why were they not reported?

COUNTRY SHOULD RALLY BEHIND NIXON WAR STAND

Defying the rising chorus of demands for an immediate and total U.S. troop pullout, President Nixon took a boldly courageous stand in his Viet Nam posture statement last week. He told the country that he would withdraw 100,000 more American troops from Viet Nam between May 1 and Dec. 1, 1971, but he flatly rejected advice to set a terminal date for a complete withdrawal of all American forces there.

Going into 1972, there will still be 184,000 American military personnel in South Viet Nam and, if the public rallies around the President, he may even be able to keep a good-sized residual force in that country for some time to come. Indeed, it is imperative that such a force be retained.

To the consternation of the doves, the President refused to restrict the bombing missions of our Air Force or even rule out ground combat operations for American soldiers. In brief, the President appeared determined that the sacrifices made in Viet Nam will not have been made in vain.

In face of insidious liberal and radical attacks against the Vietnamization formula, the President rightly pointed out that when he left Washington in January 1961, after having served as the Vice President under Dwight Eisenhower, there were no American combat forces in Viet Nam. When he returned there were some 540,000 American troops in that Asian country, with 300 Americans dying every week and with no plans to end U.S. involvement.

By equipping and training the South Vietnamese to take over the war, the President has not only been able to see South Viet Nam survive, but he has cut American casualties to about one-fifth of what they were when the Democrats held office and when Muskie, Humphrey, et al., were hailing their party's war policies.

The President has already withdrawn close to 265,000 troops from South Viet Nam, and he will have removed 365,000 by year's end; yet he will have accomplished this remarkable feat without having jerked the rug out from under South Viet Nam and leaving it easy prey for Hanoi's Soviet-fed military machine. South Viet Nam, in truth, is far stronger today than wnen he took office, largely because of his successful Vietnamization plan.

Hitting the seductive argument for setting a withdrawal date head on, the President said:

"If the United States should announce that we will quit regardless of what the enemy does, we would have thrown away our principal bargaining counter to win the release of American prisoners of war; we would remove the enemy's strongest incentives to end the war sooner by negotiation, and we will have given enemy commanders the exact information they need to marshal their attacks against our remaining forces at their most vulnerable time."

The issue, as the President forcefully stated, is this: "Shall we leave Viet Nam in a way that, by our own actions, consciously turns that country over to the Communist? Or shall we leave it in a way that gives the South Vietnamese a reasonable chance to survive as a free people?"

Appealing to those long-forgotten commodities—courage and character—the President stressed that "We have it in our power to leave Viet Nam in a way that offers a brave people a realistic hope of freedom. We have it in our power to prove to our friends in the world that America's sense of responsibility remains the world's greatest single hope for peace."

What else would the ferocious critics of the President have him do other than withdraw in an orderly fashion? They would, sad to say, have him surrender South Viet Nam to Hanoi. They would have him yank out all our troops by year's end—in fact, by yesterday, were that possible. They would deny the South Vietnamese government—a freely elected government, we might add—the vital air and sea power it needs to protect itself. And they would impose a Communist-style coalition government on South Viet Nam.

This formula, or a variation thereof, is favored by every leading Democratic presidential contender save for Henry Jackson. Each of these men has also embraced Hanoi's favorite American resolution—the McGovern-Hatfield proposal—which would expel every American sailor, soldier and marine from South Viet Nam by December 31.

Sen. Edmund Muskie, the Democratic party's most likely presidential nominee at the moment, has even gone an outrageous step further in prostrating himself before Hanoi. He has endorsed, with no apparent qualms, the Communist conceived April 24 "peace" demonstration, which is led by domestic subversives and orchestrated by North Viet Nam (see page 3). He has, literally, called upon the enemies of our country to sandbag the President's Vietnamization policy.

The President has bravely resisted these assaults from the Democrats, as well as the milder attacks from those timid, dovish souls in the Republican party who would rather have the President sell out Viet Nam than risk a possible defeat at the polls.

But he cannot successfully withstand the rising dovish pressures all by himself. He needs support.

Aside from dispatching a note of approval to the White House, those who back the President's stand should write letters to congressmen, senators and the media in support of Vietnamization. Conservatives should mount their own "spring offensive" on behalf of the President's so far highly successful policy.

The facts of the matter are that for the President's formula to succeed, he must sell the country not only on Vietnamization but on the necessity of keeping a "residual" force in Viet Nam—Sen. Hugh Scott to the contrary. As military strategists like Herman Kahn, head of the prestigious Hudson Institute, point out, the U.S. must be prepared to leave a residual support force of at least 100,000 men if we are to discourage further Communist aggression into South Viet Nam, Laos and Cambodia.

There is, of course, ample precedent for such a position. Eighteen years after the Korean War, the United States still has 50,000 troops in South Korea. Though the Russians haven't taken over any new countries in Europe since the late 1940s, the U.S. has a "residual" force in Germany of 220,000 troops in order to block further Communist advancement.

The President, we believe, would very much like to leave a healthy American presence in South Viet Nam—not to fight wars, but to prevent them. He is not going to be able to do so, however, unless the American people rally behind his efforts. The time to show your support is now.

RURAL AMERICA: TRANSPORTATION DESERT

HON. ARTHUR A. LINK

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. LINK. Mr. Speaker, few things are of greater importance to rural America than adequate basic transportation. Without it, how can we diversify our economy, attract industry and stop the exodus of our young people? How are we going to be capable of absorbing our share of the increasing national population? The Board of City Commissioners of Fargo, N. Dak., has recognized the importance of maintaining adequate rail passenger service in a resolution they recently adopted:

RESOLUTION ADOPTED REGARDING THE RAILPAX PROPOSAL

President Lashkowitz relinquished the Chair to offer the following Resolution and move its adoption: (Vice President Markey presiding)

Whereas, The City of Fargo has noted with considerable interest the introduction of Resolutions by the Honorable Milton R. Young, Senior United States Senator from North Dakota; the Honorable Arthur Link, Member of Congress from the Western District of the State of North Dakota; and our distinguished United States Senator from our own home City of Fargo, the Honorable Senator Quentin N. Burdick; expressing their displeasure with various aspects of the program known as Railpax; and

Whereas, The Fargo City Commission shares the concern of these three distinguished gentlemen and wishes to express its displeasure and unhappiness with Railpax in many respects—its adverse impact on many communities across America with passenger service summarily cut off, the most conspicuous and notable being that of Cleveland, Ohio and also many other cities equally adversely affected; and

Whereas, The so-called southern swing of the State of North Dakota, embracing the communities of Valley City, Jamestown, Bismarck, Mandan and Dickinson are to be also summarily cut off from passenger service which will have a profound physical and economic impact upon our State, its people and its economy, which the Fargo City Commission views with deep concern; and

Whereas, The railroad industry has had a covenant with the American people for many generations whereby the United States of America conferred huge grants and patents of vast tracts of land comprising millions and millions of acres of land across America in consideration of the railroads rendering certain passenger services; and

Whereas, Over the past 15 years there has been a gradual erosion, attrition and evaporation of passenger rail service, always with assurances that the current bite would be the last one, with the result that today we are faced with an emasculated rail transportation service presented to us by the Department of Transportation; and

Whereas, The Fargo City Commission believes that it must now turn to the Congress of the United States and appeal to it to take such action as is necessary to halt Railpax, or to at least delay Railpax, or to modify and alter Railpax—but to do something and do it promptly.

Now, therefore, be it resolved, That this Resolution expressing the deep concern of the Fargo City Commission over this latest emasculation of rail passenger service, not only in North Dakota but nationally, should be made a part of the permanent record of the proceedings of the Fargo City Commission and certified copies shall be forwarded herewith to the Honorable Richard M. Nixon, President of the United States; the Honorable Spiro T. Agnew, Vice President of the United States; the Honorable John Volpe, Secretary of the Department of Transportation; and to the four distinguished Members of the North Dakota Congressional Delegation in the hope and expectation that this Resolution will be incorporated in the Congressional Record and called to the attention of the American people.

Second by Schuster. On the vote being taken on the question of the adoption of the Resolution Commissioners Schuster, See, Lashkowitz and Markey voted aye.

Commissioner Bromenschenkel passed his vote.

The Vice President declared the Resolution to have been duly passed and adopted and returned the Chair. (President Lashkowitz presiding)

THE RIGHT TO LEARN

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. MICHEL. Mr. Speaker, Dr. Edwin W. Martin, associate commissioner for the Bureau of Education for the Handicapped, recently addressed the eighth Annual International Conference of the Association for Children with Learning Disabilities. This is an area of our education programs which is receiving more and more attention, and rightly so, and I include a copy of Dr. Martin's remarks in the RECORD so that my colleagues might be apprised of what is being attempted to help those unfortunate young people who have learning disabilities and who unfortunately have not been given the attention they deserved in the past.

THE RIGHT TO LEARN

(By Dr. Edwin W. Martin)

I want to begin by congratulating you on your existence. That is, something of an existential comment related to the concept that "being" is the ultimate reality. I see your existence as being tremendously important for a number of reasons. First, because as a parents organization, you are dedicated to providing your children with "the right to learn". Second, because from the earliest days you have made your allegiances with professionals who also were dedicated to your goal and so, today, you have an organization which combines into useful effort, these two important segments of our population. Third, and perhaps this is most important, because your existence and your successes exemplify a characteristic of our American system which is vital to our survival as people.

You are a minority group. You have identified a need, that is, equal educational opportunity for your children, and you are now in the process of rearranging national, State, and local priorities toward the end of meeting that need. I think your progress has been exceptional. The Congress of the United States has recognized this need and has created a special section under the Education of the Handicapped Act for stimulating increased educational opportunity for your children. The National Advisory Committee on Handicapped Children stimulated by such men as Sam Kirk, Chuck Strothers, Jack Irwin, and others who served on the Committee at that time, has attempted to provide a definition, or description perhaps, of children with learning disabilities which made easier the development of Federal statutes and of Federal programming. The results in many States and localities have been even more impressive in terms of numbers of children served and in the establishment of new priorities at those levels of government.

Finally, with the assistance of the Bureau of Education for the Handicapped programs, numbers of colleges and universities are developing new programs or modifying older programs so the teachers will be able to offer assistance to children with learning disabilities.

It is an impressive accomplishment attested to by the thousands of people who attend this convention and by the tens of thousands of children who are now in educational programming. The forces which have caused the system to change and to modify in the past are the forces which must be multiplied and expanded in the future if the "right to learn" is to be reality rather than rhetoric.

Children with learning disabilities now find themselves included in a group which numbers approximately 6 million school-age children and perhaps another million preschool-age children who are identified as educationally handicapped. They will require a special response on the part of the schools if they are to succeed. Our estimate is that about 40 percent of these children are now receiving some special education services, although we know that in some cases these services may not be of the highest quality. For example, of the 120,000 teachers now employed in the States, only about 50 percent have certification. An estimated one-half of the non-certified teachers are no longer even operating on valid temporary certificates. This does not automatically mean that the services to those children are less adequate than the services offered by certified teachers. In fact, each of us knows examples to the contrary, but it does suggest the magnitude of the problem that we have in relation to some minimal assurance that handicapped children will be reasonably educated.

Each day I receive letters from across the country. In addition to those that I receive and that the Bureau staff receives, we have received 25,000 letters to CLOSER LOOK, our computerized service for providing a list of schools which offer special education classes. The letters that I receive are important and I want to share a few excerpts of them with you, not only because each of us does not know about such letters, but because I believe that we should continue to keep them visible, that we should continue to try and open ourselves to the feelings of the parents who write them so that our level of motivation toward responding to them is maximally high.

A mother wrote that she had a young child with a physical handicap and deafness. She had been able to get some services for the youngster in the first years of her life, at the University Hospital School in that State, during short visits. But now the child needed daily instruction and the Hospital School had no teacher of the deaf. The State School for the Deaf, in another city, did not accept physically handicapped, deaf children and so there was no place for her to turn. Kurt Vonnegut, in *Slaughterhouse Five*, present a powerful statement on the destructiveness of mankind, particularly relating it to the fire bombing of Dresden. In an ironic refrain, each time death is mentioned in the book he adds the phrase, ". . . so it goes", and I guess that's society's response to the lady in question, . . . so it goes.

I received another letter this week:

"I am hoping you can direct my efforts in seeking education for my handicapped son, age 16. He is brain-damaged with some emotional problems stemming from the brain damage. First, he is excluded from public school education. Our State allows a parent $2,000 payable toward tuntion in a private school. We purchased a privately published directory and wrote to every school in the U.S.A. which is listed as accepting this type child. There is not one residential facility with a tuition of $2,000. Most cost at least $6,200 and one as much as $22,000 per year. If my son is to have a chance to live in society and not be institutionalized the rest of his life (can you imagine being doomed at 16 years of age?) then he must be in a proper educational setting. I have written or gone to see many sources here in my State, but none have any constructive advice."

So it goes. . . .

While each of the letters I mentioned comes from a parent of a multiply handicapped child, and they probably represent our most critical need in terms of nonavailability of services, it is no less a fundamental violation for a child with a mild handicapping condition to be deprived of full educational opportunity.

As I have tried to understand the many reasons for our present failure to provide special education for handicapped children, a number of possibilities come to mind. The most commonly phrased problem is that there is not enough money. An analysis of school budgeting suggests that this is probably not true. There are many items in the school budget which support desirable parts of the program, but parts which may not be critical. For example, my son receives instruction in music, in art, physical education, etc. I'm happy that these courses of study are provided in our schools and that my children have a chance to partake in them. At the same time it does not seem to me that extras for the normal child have a higher priority than reading, writing, and other basic education for the handicapped child. A similar case may be made in many areas with regard to transportation, where we find it available to non-handicapped children, but not to the handicapped child. The problem of not enough money is really a problem of insufficient priority. And that problem is probably not based on the fact that school officials, or school board members, are heartless and cruel. There must be other reasons.

The first possible reason is that most people in this Nation do not understand that education for handicapped children really works, and that the overwhelming majority of handicapped children can be educated. And with appropriate vocational education and training, can fit into the job stream as well as into society in general. Our patterns of isolating handicapped children from the majority of our citizenry have resulted, I think, in stereotypes as to what handicapped people are. The picture in the mind is only the most severely retarded, the most severely emotionally ill, the most severely physically involved child, and with this picture the average man probably sees education for the handicapped as being a "kind" thing to do, a kind of charitable babysitting, but not truly cost-beneficial to society. He also imagines that there are very few handicapped children. I have had instances reported to me where school officials honestly felt that there were no handicapped children in their areas, and that all the handicapped children were being well served because there was a State school for the blind, deaf, and retarded.

It is also possible to speculate that there are deeper psychological barriers to the provision of services to handicapped children; and this includes not only education, but the problems that the handicapped person faces in being denied job opportunity, in being denied access to public buildings, in being denied access to transportation, and so forth.

The fact that a person has a handicap may suggest to us the fact that injury, crippling conditions, and ultimately death, are part of human life, a part of our own experience and the desire to repress and not focus on that aspect of our finite human existence, causes us psychologically, to hide our heads in the sand. Where these feelings are strong enough, they may make us wish to deny the presence of handicapped children, to deny the reality of their circumstances, and to focus, instead, on things which are more reassuring, more comforting. Robert Lewis Shayon of the *Saturday Review*, in discussing these issues with us has called them funds, fatalism, and fear, and helped us to focus our attention upon them. I am sure that many of you can offer additional hypotheses concerning societal attitudes, or additional parameters of the problem—and we should strive to do just that so that we understand the nature of our opposition—and how best to develop constructive answers to these problems.

I think this becomes particularly relevant in this area we call learning disabilities. A number of years ago, Wendell Johnson, the great speech pathologist and semanticist at the University of Iowa, wrote a little piece called, "The Indians Have No Word For It." Johnson's premise developed in that and in other articles was that the problem of stuttering was caused, in good part, by the actual labelling and identification of the disorder, itself. He proposed that for many children, at least, normal hesitations and disfluencies in speech were overly responded to in the environment of the child, either by the parents, or the teachers. And that this reaction set up a circular process in which the child, himself, began to become fearful of hesitations, began to attempt to avoid them, began to struggle; and so the pattern of stuttering began. Whether one agrees fully with Johnson on the etiology of stuttering, or not, it seems clear to me that he understood at least part of the process, and we recognize a phenomenon that is part of our everyday human experience as we struggle with self-consciousness with fears of various kinds, etc. There is a self-fulfilling prophecy dimension to much of human experience. In a conversely analogous way, Rosenthal's studies published in recent years, suggested that the positive prophecies of teachers with regard to the ability of children very much influenced not only their perceptions of those children, but the children's actual achievements in school. Again, additional research is necessary to substantiate this theory, but for the sake of argument, today, let's accept the premise that behavior can be shaped, at least in part, by the label we give to it and by the assumptions we have about it.

I think we need to keep these principles in mind as we think about the future development of programming for children with learning disabilities, and by extension, for children with all kinds of handicapping conditions. Identifying and laboring the learning problems of children by their individual handicaps, has been useful to us in a variety of ways, in that it helps focus attention on the problems, it helped us communicate the seriousness of the educational needs of our children, and it allowed for specific programs to be developed as attempts to meet those needs. We are a great society for categorizing and for labelling, and to a certain point, such methods of classification are useful.

A basic premise in the development of programming for children with learning disabilities, however, has been an attempt to avoid strict etiological labels. For example, brain injury, dyslexia, etc. Instead, you have attempted to focus on the specific learning tasks which are necessary for the child to succeed in school. Extending this reasoning a little, I think all of us, you as an association interested in these children, and those of us in the Federal government interested in developing programming, should consider carefully, our future strategy in approaching the general education system on behalf of these children. In what may be seen by some as a kind of Swiftian "Modest Proposal," I think we should consider an amicable divorce of learning disability children from the ranks of the handicapped. Instead, I think we should expand the ranks of the normal learner to include many children with the kind of variations and learning style that are displayed by the majority of children who are called learning disabled. I think this approach is worth considering for two broad reasons. First, the question of the self-fulfilling prophecy of the label "handicapped" that I mentioned to you a moment ago, and second, a careful analysis of the distribution of education resources which suggests that nowhere in the United States are handicapped children receiving full educational opportunity. While this pattern is changing, and it is improving, and I am dedicating myself to try and bring about a full commitment across the nation, to equal educational opportunity for every handicapped child by the end of this decade, it is nevertheless true that in many instances special education is a separate and segregated school system, and that it suffers from the inequality that segregated systems are recognized to have.

Instead, I think we should face the general educator with his own responsibility for increasing the flexibility within every school, within every classroom, so that a broader segment of the normal population of children may be served. This is the direction of innovation in education. This is the direction of flexibility of programming and scheduling. This is the direction of individualization. It should not be necessary to separate the child, to identify him as handicapped, and to provide him with separate programming, in order to meet his individual learning needs.

I hope that you will not misunderstand my meaning. A number of years ago I made a similar suggestion to the people who were then interested in the development of this association. And I think some of them interpreted my remarks as an attempt to close them out of the handicapped camp. That is not what I'm saying, we have a substantial commitment to learning disabled children in the special education field and in the Bureau of Education for the Handicapped, and we will be expanding that commitment as rapidly as we are able. In fact, essentially I see the development of programming for children with learning disability moving down two possible paths. The first is increased programming under special education laws, special education assumptions. Here, the ultimate success of services for children depends on the development of new national attitudes. A national commitment to each child which will afford him with an appropriate educational opportunity. In many States we are well along the way in that direction and that may be the best route and the fastest route to travel. In other States and in localities we are just beginning. And here, I think we ought to consider, carefully, whether our children's needs can be met through reform of the general education system.

As most of you know, we now support, under our training authority, programs for training teachers of children with learning disabilities. As this program develops we will be encouraging, through our own authorities and through the authorities of the Bureau of Educational Personnel Development, the training of specialists who can fit in either model. That is, teachers who are better able to help children with learning disabilities participate in regular education programs and specialists who will work intensively with children for whom regular education cannot be the answer. Similarly, in our research program, we will continue to emphasize research in a variety of approaches to solving this educational problem. This morning, in our panel, we will detail to you some of the ways we propose to implement the learning disabilities portion of the Education of the Handicapped Act. One part of that will be to bring together over an extended period of time, a special institute of national leaders in the area of learning disabilities to develop a careful plan for future research and training activities. With such a plan in hand we will, then, systematically go about funding the kind of projects which will bring us the critically needed information in this area. At the same time we will make grants to a number of States in conjunction with local school systems, colleges and universities, and private agencies for the expansion of the best of current practice in treatment of learning disabled youngsters. Our efforts in this program will be to have a maximum catalytic or multiplier effect on the use of Federal funds by providing support to the agencies, now constituted in the several States, which can do the most to bring about the expansion of educational opportunity for children with learning disabilities.

In summary, then, it seems to me that your program chairman, Jerry Minskoff, and the other of your officers who have selected the theme for this convention as "The Right to Learn", are exactly on target in identifying the critical issue in education of children with learning disabilities, and in education for all handicapped children. We must move out of the charity era. We must move out of the era of just enough programming to ease the conscience of the citizenry without offering full opportunity. We must establish that the right to an education is an intrinsic right. It is not something to be given by the haves to the have nots in the spirit of generosity. We are in an era in the United States where there is a new sensitivity to the concept of equality, and we know that equality does not mean sameness. Instead, it means appropriateness, so that equality of opportunity for one child may be quite different from equality of opportunity for another.

In recent weeks I have said on many occasions that this is an important work that we do, not just for the handicapped children we serve and their parents, and not just for the teachers who will participate in it. But, it is important work for all of the United States because at least, in part, it helps promote this understanding of equality. Because it helps all American citizens to understand the intrinsic nature of man and that his worth is not dependent on whether his arms and legs work the same as a non-handicapped person's arms and legs work. Or whether he's as able to quickly grasp arithmetic or reading, or whether his skin is black or white. What is important is that he is a human being and that under our system his humanity must be responded to. Your efforts to bring to the right to learn to your children are the efforts which will strengthen the character of our nation. And so, do not hesitate to claim that right. Do not feel your purposes are selfish. They serve every man. I pledge to you my support in your endeavors.

NORMAN Y. MINETA: FROM CONCENTRATION CAMP TO SAN JOSE MAYOR

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. MATSUNAGA. Mr. Speaker, the newly elected mayor of San Jose, Calif., Norman Y. Mineta, is remarkable in many respects.

First, because he was elected by an unprecedented margin of almost 5 to 1.

Second, because he is the first American of Japanese ancestry ever elected to the office of mayor in a city as large as San Jose, which has nearly one-half million inhabitants.

By far the most remarkable aspect of Mr. Mineta's victory, however, is the fact that he and his family were among some 110,000 Americans of Japanese ancestry and their parents who were forced to leave their homes and businesses and who were imprisoned in American concentration camps following the Japanese attack on Pearl Harbor in 1941—and Mayor Mineta is not bitter about the experience. The new mayor said in an Associated Press interview following his election:

> This is a kind of history from which we must learn so that nothing like it can happen again. My victory shows that political success is not just a possibility for Japanese-Americans in Hawaii but on the mainland as well.

Mr. Speaker, the story of Norman Y. Mineta, who went from a concentration camp to become mayor of one of our finest cities, will doubtless inspire members of other minority groups in our society. I therefore submit the Associated Press account of Mr. Mineta's victory in San Jose for inclusion in today's CONGRESSIONAL RECORD:

[From the Washington (D.C.) Star, Apr. 14, 1971]

ONCE-INTERNED NISEI WINS SAN JOSE MAYORAL ELECTION

SAN JOSE, CALIF.—Norman Y. Mineta, who spent two boyhood years interned with other Japanese-Americans in a U.S. relocation camp, has been elected mayor of San Jose by a huge margin.

San Jose is a city of nearly half a million persons.

The 39-year-old mayor-elect, hailed the victory as a "breakthrough" for Japanese-Americans.

"It shows that political success is not just a possibility for Japanese-Americans in Hawaii but on the mainland as well," he said early today.

Of 49,777 votes cast yesterday in all 147 precincts, Mineta polled 30,496. City Councilman David J. Goglio, his closest challenger, had 6,902.

Mineta, a partner in an insurance firm founded by his father, was elected to the San Jose City Council in 1966 and become vice mayor in 1969.

During World War II, Mineta and his family were interned at the Heart Mountain relocation camp near Cody, Wyo. "I personally picked a lot of potatoes that fall," he recalled.

Declaring he was not bitter about the experience, Mineta explained: "This is a kind of history from which we must learn, so that nothing like it can happen again."

After the attack on Pearl Harbor, more than 100,000 Japanese-Americans—who call themselves Nisei—were rounded up in the United States and interned in fenced camps. Many Nisei ultimately served in the armed forces and the roundup has remained a controversial action.

Beaming at his victory, Mineta said, "It feels good."

Unemployment, environmental questions and transportation were among the issues in the election. San Jose is the county seat of Santa Clara County, one of the fastest growing in the nation, with 1 million residents.

A center of the electronics industry and manufacturing, it has been hit hard by defense cutbacks.

ADDRESS BY ROBERT D. TIMM, MEMBER, CIVIL AERONAUTICS BOARD

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. THOMPSON of Georgia. Mr. Speaker, Robert D. Timm, a member of the Civil Aeronautics Board, recently gave a very interesting speech before the Aero Club of Washington. Because this is of great general interest, I am including in the RECORD for all who have an interest in aviation to see.

I am particularly pleased that President Nixon appointed Mr. Timm to the CAB, because of his long experience as chairman of the Public Service Commission of the State of Washington. Also, Mr. Timm has made a great contribution to the two-party system by his distinguished service as a member of the Republican National Committee. His speech to the Aero Club is his first public statement since he assumed his new post and I believe the Members will find it most interesting:

ADDRESS BY ROBERT D. TIMM

It is a great pleasure and a distinct honor to be invited to visit, western style, with my brandnew fellow members of the Aero Club. The Aero Club has long been the leader in moving the outer limits of man in flight to the distant reaches. I note that you are an organization that has both the wisdom to look back in the interest of preserving the heritage of aviation and the willingness to strike forth relying on the proposition that man, in his constant and inherent desire to improve will always move to higher and more challenging technology for the aviation industry you represent so aggressively.

I have been properly warned that you are a tough group of extremely knowledgeable people in the most viable industry of them all, aviation.

And that if I wanted to escape unscathed I had best retreat to the position that I'm a new boy in town and really shouldn't be expected to spout words of new found wisdom. And that you might, however, be interested in my impressions of your industry, your city, and the governmental agency so concerned with your past, present, and future.

I plan to take the easy way out and do just that, and in so doing I want to draw on my experiences in an adult lifetime association with government on many levels. There is a certain fascination about the governmental process that grabs you and holds you, and I recall that after the first election I won as the most junior member of the Washington State House of Representatives, I knew I could never walk away from it. And I knew too that government has to be very much concerned with its internal improvement, or it will fail in its charge to serve the constant yet changing needs of the people.

I am most grateful to the President of the United States who gave me a chance to continue my regulatory career as a member of the Civil Aeronautics Board. The regulatory field is a world unto itself, it has a history all its own. Any industry that falls under the scope of a regulatory agency must at times be overjoyed at its good fortune or more often despondent at its bad. Such an industry is the aviation industry.

Having worked my way up through the governmental minor leagues, as a legislator, and as the chairman of my State's Regulatory Agency, and through so many committees with titles more imposing than their accomplishments, I think I can now offer some impressions which will lead me to some inevitable conclusions about the new area of responsibility and activity assigned to me.

I have always been one proud citizen where the aviation transport industry is concerned. What a remarkable record of accomplishment has been chalked up by the managers of this vital new mode! Following many of my learned predecessors at this podium, I too say that no other nation in the world can point with such national pride to an air transportation system that has bound its people closer together; lowering the mountains, removing the bumps from the terrain, skybridging the rivers, and in so doing, widening our national horizons and making us the most mobile people on earth.

Because these successes have come to pass in a unique economic atmosphere, a blend of regulation and competition, I cannot help but comment in this initial conversation with you, that it is a system that has worked demonstrably well for the common good. But I do not believe that the virtues of cascading competition always endure during all economic cycles. There is a time for determined withdrawal from catastrophic competition, beyond what is now being individually done by management. This is the time for reflective reexamination of managerial and marketing techniques. This is the time to redesign the hull of the industry to withstand the next inevitable economic onslaught be it 10, 20, or 30 years away.

Sound proposals for fortifying the basic structure of the industry have been readily forthcoming. However, Congress has yet to act on an administration approach in the unique area of transportation labor problems. Nor has Congress issued one word on the highly constructive alternative offered by chairman Browne in his proposal urging a select committee to take on this perplexing and complex issue. In my opinion, *not* arrived at in 2 quick months on the board, but as an interested observer for a long time, the sheer weight of the technique of selective sandbagging in airline labor negotiations could well bring the house down.

Of even greater concern to me is the snowballing debit financing in the industry. While it is perfectly true that the 'techni-econ" cycles that have staggered the industry from time to time have always brought about problems of financing, a growth and profit pattern has always come along to ease the fiscal pain—but each time the swing occurs the simple dollar magnitude grows larger and less manageable.

The industry debt is like icing on the wing of a plane. There is a maximum allowable icing build up which the plane can carry while functioning on all engines. This same mass of ice will crash the plane if engine malfunctioning develops. The question must be answered therefore: What is the debt icing limit of the airplane industry assuming a recurring economic engine malfunction?

The game of progress of the air transport industry should not be played with two adversary teams: Government domination versus management independence. Many nations have gone that way and have cut the competitive heart out of the industry. Even some members of Congress balefully view nationalization as an inevitable progression for this industry. I view even the discussion of that prospect as counter productive and would pledge my talents to strengthening a great system and a great concept of constructive enterprise.

I am willing to listen to new versions of old ideas, and to any new ones which might strengthen the structure of this part of our economy. The life of the airline industry must not be sacrificed on the altar of pompous precedent. We are in an innovative period for advancing ideas for the future, and as a member of the board I believe the ideas and the plans should rise on their individual merits.

The present and future problems of the industry will tax the ingenuity and the talents of the Congress, the Civil Aeronautics Board, and the industry—not working alone, but working together—communicating more and criticizing less—and taking advantage of time to move toward solutions.

I have not been aboard at the Civil Aeronautics Board very long, and I am aware that I have a long learning process ahead—but in my years of regulating both competition and monopoly at the State level, I have formed certain opinions as to how regulatory agencies should work. The Civil Aeronautics Board has an obvious reservoir of unique and dedicated talent. It is a compact, unitized agency. It needs only to resist mightily the natural regulatory enemy, that of reacting and not acting and leading, to serve the public well.

I am convinced that there has been no finer staff assembled on a governmental team, and I believe the goals of the presently constituted board will be realized and recognized as a regulatory model. The goals I speak to are those of quick response to needs and ideas—the goal of constant reevaluation of management techniques, the goal of polishing technical procedures, the goal of maintaining sufficient "in house" data processing equipment to keep up with the industry we regulate—the goal of keeping an expert team intact in a highly technical agency. All of these and others I recognize as being responsible approaches for a regulatory agency.

I do pose these questions here—should the Congress look into making procedural improvements for regulatory agencies? Could there not be a less burdensome administrative procedure and still preserve the legal positions of all parties concerned?

Because we are always under the congressional microscope and swim in their fishbowl, I am suggesting that innovative techniques approved by Congress might make sense in the dynamism of this age. I hope to use my bush league experience to see that this comes true, so that administrative and legal corrections and procedures will give the most valuable tool of all to the decision makers—the tool of time—time to think, to plan, to progress.

You will note I have skipped early impressions on your city. I like it here. Although I am still not geographically oriented and the sun comes up in the west, and sets in the south, and from my office the Potomac runs uphill, I must say everything is absolutely wonderful, especially *the people,* except for that one person who said to me in the reception line after I had been sworn in—"welcome to sinus city." I'd love to get my hands on him because, until today, and this meeting with you fine people, I've had a headache ever since.

In summary I would like to state that the greatest responsibility anyone can have in government is the exercise of good judgment. I hope that my judgment will be good for your industry and the nation!

PERIL AND THE BILL OF RIGHTS

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. DOWNING. Mr. Speaker, the following editorial from a newspaper in my home town brings sharply into focus a number of challenges to the Bill of Rights.

It is timely interesting and significant and I am most pleased to include it in the RECORD for the benefit of all.

The article follows:

[From the Newport News (Va.) Daily Press, Dec. 5, 1970]

PERIL AND THE BILL OF RIGHTS

Not since the days of its formulation has the Bill of Rights been challenged as it is today. That may seem like a bold statement, since the attacks upon this noble and inspiring guarantee of individual rights have been many and varied through the years and have involved men both in and out of government. Indeed, at the time of adoption, there were many who felt that such rights were not meant for all people.

Today's assaults are far more dangerous than any that have gone before. The Bill of Rights has proved it can withstand the dangers of frontal assault because such open and direct attack is obvious to all and arouses a public which knows that these rights are the basis of all freedom. But the attacks upon the Bill of Rights today are insidious and often attractively packaged in the tinsel of humanistic aims—sort of rose-colored glasses to keep the public looking through a glass darkly.

In such a situation it is even more important to keep in mind that the Bill of Rights deals with the rights of individuals. There is a tendency today to subvert these rights for the benefit of groups—of the poor, the minorities, the ethnic groups—but this is merely false gold. Only the protection of individual rights can guarantee the rights of these groups and it is impossible for one person to secure his rights by taking away the rights of another.

The federal Bill of Rights takes the form of the first ten amendments to the Constitution and a reading of these show how clearly they concern the individual: Congress shall not abridge freedom of press or speech, establish religion or prevent petition or lawful assembly; the right to keep and bear arms may not be infringed; citizens do not have to submit to quartering of troops in their homes, to unreasonable searches and seizures or arbitrary seizure of their property; they are protected against double jeopardy, excessive bails and fines and cruel and unusual punishment, guaranteed speedy and public trial by jury and the right to hear the accusation against them; and finally, all powers not allocated or prohibited by the Constitution were reserved to the people.

It is not surprising that, throughout history, those amendments guaranteeing freedom of speech and press and those limiting governmental powers have been most under seige. These, of course, are the foundation stones of the whole structure.

This has been true also in our own day, and the insidious nature of the attack makes it doubly dangerous. Vice President Spiro Agnew's comments about the press have been labeled a threat to freedom of the press, but the press has never been and cannot be immune to legitimate criticism. Of far greater threat to freedom of the press is the holier-than-thou attitude within the media for personal or philosophical ends. Subtle governmental pressures also are a threat, and we have seen these in recent years, but fellow-traveling journalists fall into this same category.

One threat to freedom of the press comes in the form of a supposed defense of it. This is the claim that this freedom protects the purveyor of pornography. Even our courts have incorrectly taken this view on occasion. Nobody is guaranteed by the Bill of Rights or any of its precedents the right to corrupt.

The strongest frontal assault which has been made on the Bill of Rights has affected the right to keep and bear arms. There have been several attempts in recent years not only to abridge this freedom, but to destroy it entirely. Modern technology may have limited the effectiveness of this provision, which was supposed to guarantee citizens the right to defend themselves against unreasonable demands of government, but it still guarantees the citizen protection against the oppression of other individuals or outlaw bands, and consequently has not lost its efficacy.

Court decisions have nearly destroyed the reservation amendments, but this does not mean that their meaning cannot be restored. In a very real sense, then, this anniversary of the Bill of Rights requires a renewal of our allegiance to one of mankind's greatest documents.

JOB DESTROYERS

HON. DAVID W. DENNIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. DENNIS. Mr. Speaker, inflation, unfortunately, is still very much with us. There are many reasons for this, including, very definitely, excessive deficit Federal spending by the vote of the Congress, and no one segment of our society can rightly be held solely to blame. Among the culprits, however, must be listed wage increases which are not matched by increased production; and such increases, moreover—including particularly the economically and morally indefensible practice of paying for unnecessary jobs or for work not actually performed—in many cases operate to the detriment of laboring men and women, by operating, in the end, to abolish jobs which would otherwise be available.

In this connection I call attention to the following very intelligent editorial which appeared in the Chicago Tribune for Sunday, April 18, 1971:

JOB DESTROYERS

Several railroads are bankrupt or close to bankruptcy. Thousands of railroad men are about to lose their jobs as a result of the cancellation of passenger trains. Under these conditions one might expect railroad unions to seek ways to help industry avoid further economic disasters that would destroy more jobs.

Don't count on it. In the latest wage dispute the Brotherhood of Railroad Signalmen turned down a Presidential emergency board's recommendations for pay increases totaling about 42 per cent when compounded over 42 months. The board's proposals would raise the pay of the union's 10,000 members an average of $1.61 to about $5.42 an hour. A union official promptly denounced the proposals as "unacceptable."

It must be admitted that the Signalmen's union is no more stubborn or unreasonable than the other rail brotherhoods. Rejecting the recommendations of emergency boards is standard practice among unions. All of them have resisted changes in work rules which might have saved many of the passenger trains that will be eliminated on May 1. They continue to resist work rule changes that would help put bankrupt railroads back on their feet.

Federal Judge John P. Fullam, who is in charge of the Penn Central reorganization proceedings, commented on this subject at a recent hearing on agreements granting wage increases.

"I don't think that the public, as the price for continuing rail operations, has the right to expect railroad employees to work for less than they should be earning," he said. "But the converse of that is equally true and extremely important in this situation, and that is that the railroad obviously cannot pay employees for work that they don't do. . . . This business of people earning three or four days' pay or having to be paid three or four days' pay for less than a day of work is a concept which is going to have to be changed radically.

"The concept that the railroad must maintain perhaps as many as 10,000 employees that it doesn't need for efficient operations, and not only that it must retain these employees but that they must be replaced as they retire or die, is simply ludricrous, and I think that it should be made clear that this court is highly unlikely to authorize any payments of further wage increases beyond September unless and until some of these matters are resolved or at least a solution seems very likely in the immediate future."

Railroad unions are not the only ones that disregard financial conditions in their industry or the nation's economic welfare. They reflect a shortsightedness common to many unions. The building trades have long been prime examples of greed and irresponsibility—and they have thus helped to depress housing construction and contributed to unemployment in their own ranks. The United Steelworkers seem determined to stage a costly strike in spite of warnings by the President's Council of Economic Advisers that a big pay increase would compound the industry's troubles and lead to higher unemployment.

The vital interest of all workers is to keep their jobs. This means accepting a pay level and work rules consistent with competitive conditions in their industry. It means helping to check the inflationary spiral that already has destroyed many jobs by pricing American goods out of the world market.

Isn't it the purpose of unions to preserve jobs?

DAIRY FARMER COSTS

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. ALEXANDER. Mr. Speaker, despite recent milk price increases, average income to dairy farmers remain extremely low and dairy producers are faced with a continuing cost-price squeeze.

The reasons for the sustained downtrend in production are not hard to find. As in any industry, dairy farmers must have sufficient income incentive if they are to remain on the farm. They must have reasonable prospect that they can produce and market milk at prices that will yield reasonable returns for their work and investment.

These fundamental conditions do not exist today for many dairy farmers. The statistics tell the story in vivid terms:

	Index of prices paid by farmers for production items interest, taxes and wage rates (1957-59—100)	Price of all milk wholesale [1]	Real per capita disposable income [2]
1952	100	$4.85	$1,641
1953	95	4.32	1,697
1954	95	3.97	1,693
1955	94	4.01	1,786
1956	94	4.14	1,841
1957	97	4.21	1,838
1958	100	$4.13	$1,818
1959	102	4.16	1,877
1960	103	4.21	1,879
1961	104	4.22	1,903
1962	106	4.09	1,958
1963	108	4.10	2,002
1964	108	4.15	2,109
1965	111	4.23	2,213
1966	116	4.81	2,298
1967	119	5.02	2,360
1968	123	5.24	2,425
1969	131	5.49	2,434
1970 (preliminary)	136	5.69	2,470
Percent change 1952-70	36	17.3	50.5

See footnotes at end of table.

[1] Dairy Situation, November 1970, p. 10 and other issues of Dairy Situation.

[2] Dairy Situation, November 1970, p. 13.

From 1952 to 1970, the wholesale price of milk increased by only 17.3 percent.

Prices paid by farmers for production items increased by 36 percent. Currently, production cost increases are outstripping price increases. Under present conditions, further production cost increases appear to be inevitable.

During these years, real per capita disposable income for all U.S. wage earners rose by 50.5 percent. There is little wonder that dairy farmers have sought better opportunities.

As a percentage of parity, average prices paid for all milk sold to plants are now lower than a year ago. In January 1971 the avearge price of all milk amounted to only 81 percent of the parity equivalent as compared to 82 percent in January 1970.

Farm wage rates in 1970 were nearly seven percent above 1969.

Farm machinery and equipment costs were six percent higher in 1970 than in 1969, but will likely be greater in 1971.

1970 interest cost on real estate debt rose seven percent above 1969, while interest cost on non-real estate debt was up 18 percent.

State and local taxes on farm real estate in 1969 increased by 11 percent over 1968.

Insurance related to farm production is expected to increase in cost by about 10 percent in 1971.

The single most important expense item for dairy farms is the concentrate ration fed to milk cows. The key indicator of the relationship of feed prices to returns to dairy farmers is the milk-feed price ratio. This ratio indicates the number of pounds of concentrate ration which can be purchased with the value received from one pound of milk sold to plants and dealers.

As feed prices increase without a corresponding increase in milk prices—such as we have witnessed the past 6 months—the milk-feed ratio is lowered. This is a prime example of the recent and continuing cost-price squeeze on dairy farmers.

Corn is a major component of the dairy ration. The cost of concentrate rations has increased rather dramatically since July of 1970. The corn blight crisis, and the resulting increase in feed grain prices has definitely affected this cost increase.

Accordingly, as this ration value has increased, the milk-feed price ratio has been diluted to its lowest January level since 1968. With further indications that the corn blight may have further impact in 1971 which would further increase the cost of dairy rations, an upward adjustment of at least 30 cents per hundredweight in the milk price is needed to offset just this one cost increase.

DALLAS—DYNAMIC FUTURE

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. COLLINS of Texas. Mr. Speaker, last week when I was back in the Third District of Texas, I spoke to the Salesmanship Club. This fine group is made up of a cross section of our business leaders. I do not know why the name Salesmanship except everyone in Dallas is selling something.

In the past 2 years our community has had some discouragement. The tax law cutting oil depletion has sent rotary oil drilling to its slowest production in history. Our biggest industries are in Aerospace and they have had tremendous cutbacks in volume. But in Dallas the outlook is to the future and the optimism and enthusiasm is high. Adversity builds strength, and I would like to extend for the RECORD my remarks in Dallas.

Everytime we face adversity Dallas gains strength and comes up stronger. Dallas got started with a log cabin near a place to ford the river. But we needed a railroad for a town of 1,200, so we went after it. And they put their money where their faith was. It cost the new town $200,000 in bonds, $5,000 in cash and 142 acres of land to get that first rail line, but they got it, and Dallas grew. Next came a North South Train for a Crossroads—so that is when Dallas began to roll.

The first trade was built on Buffalo Hides. Buffalo traders sent their hides to Dallas and we became the Buffalo Hide Center of the world.

When hunters killed off all the buffalo on the plains, Dallas paused but cattle were being branded in the West now. So Dallas made the transition to cow hide, and made saddles, and harness—becoming a national center for horse and mule leather. When Henry Ford's automobile and mechanized agriculture swept the Country, Dallas went through another transition: finance and cotton trading. Cotton was bought and sold for the world market, and the city became the cotton trading center of the world. Then came 1932, when Washington established fixed minimum prices on cotton which eliminated a large amount of the trading.

Again Dallas moved with the changing times and actively entered the oil business by inducing oil producers in Arkansas, Oklahoma, Louisiana and East Texas to come to Dallas to make their deals, arrange their financing, and centralize their offices here.

In recent years oil production left the USA for world production, which necessitated changes within the hometown industry. Dallas has expanded to other fields and moved further into electronics, finance and insurance.

It is said that Dallas is the heart of the Bible Belt. Churches are strong and folks go to Church. The largest churches in America in several faiths are in Dallas. Many of you helped them grow so that Dallas has the largest Baptist, Disciples of Christ, Presbyterian, and Methodist Churches in the country.

Dallas has been criticized for its so-called "oligarchy", but this is Dallas' greatest strength—instead of one leader, we have hundreds. Leadership and management is any organization's greatest asset. As one business leader said: "There is no good business, just good management."

The other day I heard a stock broker evaluate stocks. He analyzed the location of the plants, growth tendencies in the industry, price earnings ratio. But, he said the important factor about a company is that it has good management, that it has good leadership. This is true of a church, of a school, or of a business. Good leadership is your greatest asset.

Dallas is on the move. We are the eighth largest metropolitan city in the United States—doubled our population in the past 20 years.

This leadership set goals for Dallas—and with full city participation, we just received the National Award as the USA's large All American City.

Aggressive Dallas, where we stress jobs, not relief because our city is built by folks who like to work. In the past 10 years we have created tens of thousands of new jobs. In 1960 we had 465,000 jobs and as we enter the Seventies, we have a local economy capable of 700,000 jobs.

Let us look at the personality of Dallas. It is a friendly city that offers much and receives even more from its citizens. Friendliness is Dallas' natural manner. A survey of newcomers revealed that what they liked most was the interest of neighbors and the welcome everyone received in becoming a part of the city. We do not have as many millionaires as New York, Boston, Philadelphia and Houston; but the difference is that we call them by their first names.

Ours is a new city with 4.5 billion dollars worth of construction in the Sixties in the Dallas-Fort Worth area. That represents 120 million square feet of new commercial construction. We had the second highest ratio of new dwelling units to population of any city in the USA. Dallas is building—and building more for the future.

Ours is a business city. Bank deposits have grown 128% to 6.5 billion dollars since 1960. Another yardstick as a business city shows we are 5th nationally in First Class mail.

Today, Dallas ranks fourth among American cities in the number of companies with a net worth of a million dollars or more headquarters within its city limits. Only New York, Chicago and Los Angeles have more home office headquarters. When business wants to grow and develop faster they come to Dallas—a competitive city, where a dollar goes further and buys more than any city in America.

New business is delighted at the eager enthusiasm of the employees to move to Dallas. It is not only our delightful weather but a man with a family of four finds more spending money in his pocket. The Bureau of Labor Statistics surveyed all Urban areas and found a cost of living index of 112 high in New York City down to a low of 91—and Dallas had a 92 index where the Dollar goes a long way.

Dallasites are on the move. In our cars we drive smoothly over ten super highways. Freight moves fast with nine mainline railroads. There are 41 truck lines serving Dallas, and many give overnight service to their destination.

We have nine different airlines so you can fly the skies on 350 scheduled daily flights. Yet, with all this, Dallas entered the Seventies with still another transportation crisis.

Since 1960, air passenger traffic had grown by 266 percent, and our airport facilities were inadequate for the future. The Dallas airport handles more air traffic than all other commercial airports in Texas combined. The new Dallas/Fort Worth Regional Airport being built on 18,000 acres of ground will be the most modern in the world. Compare this to America's busiest airport—Chicago's O'Hare, which is now being expanded to 7200 acres—or the largest present acreage in the U.S. which is Dulles Airport in Washington with 9800 acres. 18,000 acres will not only solve the passenger crisis but will also handle the mountains of mail and air freight generated by our industrial growth.

While there are many economic factors involved in that destiny, the growth and success of Dallas is based mainly on manpower and a philosophy of self-reliance.

Our people enjoy working. That's why Texas has a Right to Work Law, and that is why unemployment in Dallas is only 3.4% while the rest of the Nation struggles with 6%. Dallas workers have a record in all industries combined of an output per worker in Dallas being 5% above national average. And we are training to beat this in the Seventies. That is also why the business climate is so much more dependable in Dallas. Our metropolitan area lost only 1.5 man-days per employed worker due to work stoppages over a recent 10 year period when the national average was 6.1 man-days lost.

This willingness to work has attracted company after company to Dallas, resulting in more jobs and increased living standards. In 1960 the personal income of Dallas residents was about $3 billion. Currently, it is more than twice that, at $6.1 billion. And it is expected to rise to $14.3 billion by 1980.

Education sees new breakthroughs. This year we open the Skyline Center for Career Development. This new concept in American High School education provides career oriented youngsters an opportunity to learn a vocation through use of all facilities and equipment.

Dallas goes after trade and one of our most dynamic successes has been in Conventions. This is growing and with the Dallas Convention Center scheduled in 1972 the outlook is up. Right now we have 810 future date scheduled conventions—which puts us in fourth place in the nation. Conventions bring more customers, more visitors, and more spending which probably tops 150 million dollars a year.

The best in recreation—and action being taken now will insure that Dallasites will have it. The development of State Fair Park is moving ahead. All states have a State Fair, but Texas tops them all with 3 million visitors in our two week fair. When completed, Fair Park will provide year around enjoyment in its museums, picnic areas, landscaped waterways and lagoons, modernized amusement areas, ice skating and many other activities.

I consider a 5-Star important goal for the Seventies—the development of the 10,000 acre green belt through the center of Dallas in the Trinity River floodplain. This will provide solid green with horseback trails, bicycle paths, baseball, tennis and all types of park recreation. This Trinity Park when completed, will be a unique "first" in civic development and will serve as a model for every major city in the nation.

Talk of Ecology means fresh air, open space, more greenery—all of this in the middle of Dallas. We have all heard of what the Central Park system means to New York. Our Trinity Park will provide 3 times this size in green acres.

This year, 1971, is a centennial of sorts in Dallas. It was just one hundred years ago that the papers were signed that changed our community from a town to an incorporated city. Our first century has been one of dynamic growth and opportunity on the economic front.

As we enter our second century as a city, that economic growth will grow and accelerate.

While working for a better place in which to raise our families, we are moving now to perfect the quality of our life.

We have come a long way in this past century. But think what an exciting challenge we have in the Seventies. Dallas is a city built by men and women of vision—who do not look for the easiest way but the best way—who do not think of how much we can get out of Dallas but enjoy seeing how much we can put into it. Dallas was a great city yesterday—but thanks to all that you are doing today, it will be a better city tomorrow.

This is Dallas—our Hometown—where our greatest asset is people. People full of love for others; who believe in God, their families, their neighbors and themselves. Neighbors who are proud of Dallas today but are even prouder to stand together to build a greater future for our children for tomorrow.

EARTH WEEK II IN SPRINGFIELD, MASS.

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. BOLAND. Mr. Speaker, Earth Week, awakening in us each year a renewed commitment to clean up an environment fouled by two centuries of mindless exploitation, is now a part of our national life. Indeed, it is something akin to an American institution—honored by young and old alike, by rich and poor, by Americans ranging all the way across the political spectrum. It is a heartening sign, Mr. Speaker. For years some of us in the Congress have warned—often fruitlessly, I regret to say—about the growing threat to our natural environment. Now, backed by the force of an aroused public opinion, we are at last beginning to fight that threat. Earth Week has played a major role in mustering the kind of widespread public support needed to maintain the effort.

An ad hoc citizens' group in my home city of Springfield, Mass., is sponsoring Earth Week activities as promising and as ambitious as any in cities of comparable size. Among its projects—projects that will not end abruptly after Earth Week is over, but that will continue as long as the need exists—are solid waste recycling and river, stream and litter cleanup jobs. More than 40 Earth Week displays are set up throughout the city, attracting public attention to the most pressing ecological problems now before us. Other projects are special school programs, adult community seminars, a film festival and guided bus tours designed to emphasize pollution in the Springfield area.

Coordinating the Earth Week activities are:

James A. Madden, Greater Springfield Chamber of Commerce.

Peter Lappin, office of Mayor Frank Freedman.

James Saart, Tuberculosis and Respiratory Disease Association.

Edward Piela, Springfield Museum of Science.

Stanley J. Mulak, Springfield Public Schools.

Philip Demetrian, R. A. Usifer Association, Inc.

Springfield owes special thanks to three people who have sacrificed large amounts of time to helping direct the Earth Week activities.

They are H. Bradford Riga, Dr. Charles Gadaire, and Mrs. Carol Anderson.

Mr. Speaker, I put in the RECORD a Springfield Museum of Science bulletin outlining the community's Earth Week projects:

EARTH WEEK II

GENTLEMEN: Springfield and the surrounding communities have inaugurated eight days of activities with programs on ecology and environment. Earth Week II has been designated as April 14, 1971, through April 21, 1971. The idea is to expose the public to a wide coverage of the importance of the proper relationship between man and his environment. A few of the activities are as follows:

1. A forty unit display at Earth Fair to be held in the Science Museum and banks.
2. School programs, at all levels.
3. Adult community seminars.
4. Continuous film festival.
5. Environmental guided bus tours.

In progress at the present time are:

1. Recycling projects on metal, glass, aluminum, paper and leaves.
2. River, stream, and litter cleanup.

We hope you can activate rapidly and join us in this very important activity.

H. BRADFORD RIGA.
DR. CHARLES GADAIRE.
MRS. CAROL ANDERSON.

COORDINATORS

Peter Lappin, Adm. Aid, Mayor's Office, Springfield.

James A. Madden, Greater Springfield Chamber of Commerce.

James Saart, TB–RD Association.

Edward Piela, Museum of Science.

Stanley J. Mulak, Springfield Public Schools.

Philip Demetrian, R. A. Usifer Advertising.

Other cooperating groups include all ecology and outdoor organizations, conservation commissions, school ecology groups and civil organizations.

PROFITS IN WASTE RECYCLING

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. ROBISON of New York. Mr. Speaker, there is increasing concern and concentration of energies over the problem of waste disposal and recyclng of waste materials. We are presently seeking legislative solutions in Congress, and a variety of study groups, universities, and private citizens are investigating ways to reduce the volume of waste materials and to find economical and efficient means for putting these materials back into productive use.

Perhaps we in this body are at times presumptuous when we think in terms of grand strategies and complex programs which seek to solve every aspect of a difficult and wide-ranging problem. We sometimes forget that a small group of interested individuals can have an effect beyond their numbers when they act quietly and independently to create their own small solution.

It has been brought to my attention that such a group, the Mark Twain Cadet Drum and Bugle Corps of Elmira Heights, N.Y., in cooperation with the Thatcher Glass Manufacturing Co., has found a mutually profitable way to collect and recycle used glass containers and old newspapers.

Mr. Speaker, I insert a report on the reclamation and recycling activities of the Mark Twain Cadet Drum and Bugle Corps for the information of my colleagues:

The Mark Twain Cadet Drum and Bugle Corps is sponsored by the American Legion Clarence Oliver Post Number 154 in Elmira Heights, New York. The Corps membership is open to all youths between the ages of 12 and 21 years who are residents of Chemung County.

There are two units within the Corps which consist of a "mini-corps" approximately 85 strong and the junior corps which again is 85 strong. The "mini-corps" is considered as a feeder corps. When the youths have gained sufficient experience and reach the required age limit, they are then promoted into the junior or cadet corps.

Last summer the group traveled 5,000 miles reaching out to such points are Marion, Ohio, and Lynn, Massachusetts. This summer they anticipate a journey to Guelph, Ontario.

The unit has a tentative operating budget for 1970–71 of $15,000–$18,000. Last year the 1969–70 budget topped $25,000 due to the purchase of two coach buses in addition to normal expenses.

The corps receives financial support from Legion Post 154, but must rely almost entirely on their own resources. Such projects as candy sales, bake sales, and competion prize winnings help finance their operations.

Another means of support is the County's residents' donation of used glass containers for redemption at Thatcher Glass Manufacturing Company and old newspapers which are redeemed at I. Shulman and Sons' scrap yard in Elmira.

Collections are made throughout the Country by volunteers who are not necessarily Legion members or corps affiliates. At the present time about ⅓ of the corps members and families participate in the glass and paper collections. Pick-ups at private residences are arranged mostly by private automobiles on weekends and evenings. There is also a collection point behind a service station in Elmira Heights where a covered truck owned by the corps is located.

The glass collections were initiated by an employee of Thatcher Glass, Ed Mansfield, and has continued to grow throughout the years. Barrels are distributed to bars and hotels in the Elmira area with pick-ups arranged each Sunday morning. This is probably the major source of glass supply. Residents will telephone in requests for the corps to pick glass at homes, and residents will drop off their glass at the collection point outside the Thatcher plant entrance.

The glass is then cleaned of metal closures, labels when possible, and contents, and taken to Thatcher Glass. It is weighed at the plant, and a check is then sent to the corps at the end of each month. Since the start of the glass collections in September 1969 approximately 350 tons of glass have been collected, which equals $6,500.

The newspaper collections are conducted in the same manner as the glass collections. The paper drive has netted 200 tons at $2,800 since mid-1969.

Until recently the newspapers were brought to Thatcher where they were unloaded and bailed by using Thatcher equipment. A bailed ton of newspapers is worth $20. However, due to increasing needs for warehouse space, the corps now delivers the newspapers to the scrap yard loose, and this brings $12 per ton.

The money received from the glass and paper collections amount to a significant portion of the corp's total income. A breakdown since September 1970 to the present for both glass and the paper is as follows:

	Paper	Glass
September	$334.80	$275.00
October	330.70	334.80
November	222.40	
December	175.24	290.60
January		396.50
February	351.55	

The money that is received is placed toward the purchase of new uniforms, instruments, equipment, and travel expenses. Horns and bugles range in cost from $135 to $250 each. The instruments available improve from year to year, and must be purchased regularly so that the corps can stay in competition. The only expenses not incurred by the corps is the instruction costs which approach $5,000 per year. The Legion pays for this. The only cost for membership in the corps is a $1.00 fee for insurance.

The result of conversations with various volunteers of the Mark Twain Cadets is that they are "only scratching the surface" as far as glass and paper collections are concerned. If the corps had more volunteer workers, they would be able to gather far greater amounts of discarded newspapers and especially glass.

RODINO ASSAILS BOMBING OF JEWISH CENTER

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. RODINO. Mr. Speaker, repeated bombings of public buildings have become an increasingly common occurrence in this country. On April 18, 1971, another bomb exploded—this time the blast occurred at the West Orange, N.J., Jewish Center.

These shocking acts of violence, especially against religious institutions, cannot be tolerated. I am appalled at this incident which caused massive damage to this house of worship and education center and I urge law enforcement authorities to do everything possible to determine the cause and to apprehend the offenders of this heinous action. It is time that we crack down on those who perpetrate such criminal acts.

Following is the text of the news article concerning this incident as reported in the Newark, N.J., Evening News of April 19, 1971:

PROBE TEMPLE BLAST

(By Diane Ouding)

Members of the West Orange Jewish Center, which was rocked by a mysterious explosion, early yesterday, have made emergency repairs and plan to continue most of their program elsewhere.

Police and FBI agents pressed their investigation of the explosion, which caused $250,000 damage to the building. The synagogue was unoccupied at the time, and there were no injuries, although the blast was heard for miles.

Officials and members of the congregation pitched in yesterday to make emergency repairs, as curiosity-seekers streamed past the damaged building.

A number of other institutions offered their facilities to the congregation, and officials said scheduled activities would continue in other locations.

The explosion at about 12:30 a.m. yesterday, blew off the roof and tore out walls in the main lobby of the center, which is at 300 Pleasant Valley Way. It also shattered the synagogue's windows and destroyed offices, a gymnasium and furnishings. The blast also shattered windows in neighboring homes and was heard for miles around.

The bombing occurred the night before, Rabbi Meir Kahane, Jewish Defense League leader, was scheduled to speak. Kahane, however, had canceled the engagement more than a week ago. Police said no bomb threats had been called in.

"We aren't going to make our decision subject to this kind of hooliganism," Rabbi Harold Mozeson, leader of the center, said. "We decided that Rabbi Kahane's new invitation for May 2 still stands."

Murray Gottlieb, Jewish Center president, said he was called to the scene immediately by West Orange firemen from the firehouse across Woodland Avenue from the center. He accompanied them as they rushed in to rescue the Torah and sacred scrolls soon after the blast. Police, firemen and members of the Ft. Monmouth bomb squad, who were called to the scene, then picked through the rubble for most of the night looking for clues.

Fire Inspector Capt. James Cohrs said the bomb contained "a goodly amount, an excessive amount of explosives." Cohrs said, "If anybody had been in the building, he'd be dead." He said the department had determined the bomb to be one of two types but could not release the information. Final lab tests, he said, would be completed today.

The FBI released a statement last night saying it was "maintaining a liaison with the West Orange police to determine if there was any indication of the breaking of federal laws." But, there was "no indication of the breaking of federal statutes so far," the FBI said.

"It was definitely a professional job," said Mayor Louis Falcone. "This was not the work of a kid who doesn't like Sunday school. The whole community, gentile and Jewish, is upset by this."

RALLY PLANNED

Meanwhile, public officials and leaders of the West Orange Jewish community met yesterday down the street in the Goldman Hotel to determine a course of action. A rally on the grounds of the bombed-out synagogue is tentatively scheduled for 8 p.m. Wednesday.

A man present at the meeting, who declined to give his name, said the rally was set to "show support of the Jewish community and reaffirm the ideals of the right to worship, in fact, the existence of the democratic process here."

Also present at the meeting were Mayor Falcone, and members of the Board of Education as well as representatives from the police and fire departments.

Gottlieb reported that Hebrew classes would continue in West Orange's Redwood School, and, due to the many offers of help, the center would not have to curtail its activities. He said seven area communities had offered facilities to the center.

"But," Gottlieb added, "it will be many months before the center is totally repaired, and we are recovered from the effects of the blast."

The center, a one-story building, was completed in 1955, and is set back in a large open tract 200 feet from the roadway. Rabbi Mozeson has been spiritual leader of the center since 1945.

WBEN—TV WORKS FOR A BETTER ENVIRONMENT

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. KEMP. Mr. Speaker, a TV studio in my district recently learned firsthand that pollution abatement can start at home when potentially dangerous chemical byproducts of the station's film-processing unit were discovered and corrected. Station officials found themselves in the position of pointing their fingers at others in the coverage of pollution problems and then found they had one right in their own studio.

The 10,000 feet of news and documentary film the station develops weekly were producing an effluent of 500 gallons of spent liquid containing ferrocyanide, one of the top 10 chemical pollutants, and silver nitrate. The ferrocyanide, when exposed in water to sunlight, converts to hydrogen cyanide, a toxic poison requiring large amounts of water to be diluted to the point where it is rendered harmless. Silver nitrate attacks bacteria used in city filtration plants to decompose waste from residential areas and destroy them.

WBEN installed a $15,000, tailormade treatment plant that both removes silver and eliminates the toxicity of spent liquids used to develop the film. It is estimated that the plant may recover between $2,000 and $3,000 worth of silver a year—metal that is 98 per cent pure and sells at $1.80 a troy ounce.

Howard McEwan, the station's executive producer, pointed out:

> We learned that the silver is a factor in destroying helpful bacteria in the treatment plant that digest sewage, and the other toxic chemicals are harmful to the waterways we have a stake in preserving.

Mr. Speaker, I am proud of the fact that this station is out in the forefront here—WBEN-TV is the first station in Buffalo to install such a unit and is the only station among the 750 or more stations in the Nation to treat these chemicals before dumping them.

We ignored for too long our pollution problems and now it will take the combined efforts of government, business, industry and the individual to restore the quality of our environment. It is to everyone's advantage to stop pollution, and I feel WBEN's accomplishment is one excellent example of private initiative.

ECONOMIC DEVELOPMENT LEGISLATION

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. BLATNIK. Mr. Speaker, the House Committee on Public Works after extensive hearings during the period March 15–19, reported favorably H.R. 5376 on March 24. Tomorrow, the bill will be considered on the floor of the House.

This bill includes three titles. Title I will reactivate the Accelerated Public Works Act of 1962; title II will extend to June 30, 1973, the Public Works and Economic Development Act of 1965; and title III will extend the Appalachian Regional Development Act of 1965.

The purpose of title I of H.R. 5376 is to extend and to modify the Public Works Acceleration Act of 1962 to meet the economic conditions confronting the Nation in 1971. This program was created in September 1962 to stimulate the construction of Federal and local public works for the dual purpose of increasing employment in areas of greatest need and helping communities to provide the basic facilities such as water and sewer works, hospitals, road improvements, public buildings, and the like required to meet the needs of their citizens and at the time pave the way for the further expansion of employment. The 1962 act authorized the appropriation of $900 million to undertake Federal projects authorized by the Congress and to make 50-percent grants—or up to 75 percent in special hardship cases—for needed State and local public works.

Title I of H.R. 5376 would authorize the immediate appropriation of an additional $2 billion for these grants, broaden the criteria for designating eligible areas, and liberalize the conditions under which assistance can be extended—all to the end that this act may more effectively assist in attaining increased employment opportunities in those areas, both urban and rural, suffering persistent or substantial unemployment or underemployment. Areas designated by the Secretary of Commerce include "redevelopment areas and economic development centers," and those areas which the Secretary of Labor designated each month as having been areas of substantial unemployment for at least 6 of the preceding 12 months.

Unlike the Economic Development Act, title I is intended to provide for the construction of projects that can be built quickly and therefore do not require extensive long term planning as do the projects constructed under the Economic Development Act of 1965.

It is intended to put people to work quickly and to utilize resources now used for unemployment compensation and public assistance payments for gainful employment in constructing badly needed public facilities at all levels of government—Federal, State, and local.

Also under title I the Federal Government would be able to contribute up to 80 percent of the cost of the project; also if the State or local government unit does not have effective taxing and borrowing capability to assume a share of the financial obligations required, the grant may be increased up to 100 percent of the cost of the project.

A list of areas which would presently qualify for assistance under the Accelerated Public Works Act follow:

Areas Designated by the Secretary of Commerce as "Redevelopment Areas" for the Purposes of the Public Works and Economic Development Act of 1965

ALABAMA

Barbour County.
Bayou La Batre-Coden Area, Bayou La Batre Census, County Division of Mobile County.
Bibb County.
Bullock County.
Butler County, Greenville Area.
Conecuh County.
Crenshaw County.
Fayette County.
Franklin County.
Geneva County.
Greene County, Eutaw Area.
Hale County and part of Tuscaloosa County.
Henry County.
Jackson County, Scottsboro Area.
Lawrence County, Decatur Area (part).
Lowndes County.
Macon County.
Marengo County.
Marion County.
Marshall County, Albertville Area.
Monroe County.
Perry County, Marion Area.
Pickens County.
Pike County.
Randolph County.
Saint Clair County, Pell City Area.
Sumter County.
Walker County, Jasper Area.
Wilcox County.
Winston County, Haleyville Area.

ALASKA

Election District No. 1 (Formerly Nos. 1+2), Kentchikan, Prince of Wales.
Election District No. 2, Formerly No. 3, Wrangell Petersburg.
Election District No. 5 (Formerly No. 6), Lynn Canal-Icy Straits.
Election District No. 6 (Formerly Nos. 7+8), Cardova-McCarthy Valdez.
Election District No. 7 (Formerly No. 9), Palmer-Wasilla-Talkeet.
Election District No. 8 (Formerly No. 10), Anchorage.
Election District No. 9 (Formerly No. 11), Seward.
Election District No. 10 (Formerly No. 12), Kenai-Cook Inlet.
Election District No. 11 (Formerly No. 13), Kodiak.
Election District No. 12 (Formerly No. 14), Aleutian Islands.
Election District No. 13 (Formely No. 15), Bristol Bay.
Election District No. 14 (Formerly No. 16), Bethel.
Election District No. 15 (Formerly Nos. 17+18), Kuskokwim, Yukon.
Election District No. 16 (Formerly Nos. 19+20), Fairbanks, Upper Yukon.
Election District No. 17 (Formerly Nos. 21+22), Barrow, Kobuk.
Election District No. 18 (Formerly No. 23), Nome.
Eelction District No. 19 (Formerly No. 24), Wade Hampton.
Southeast reservation (PT) Annette Island (Metlakatla res.); Election District No. 1 (Part) (Formerly Part of District No. 2). Cities of: Craig (covered by U.S. surveys Nos. 1430, 2327, 2612 and 3857): Hoonah (U.S. surveys Nos. 736, 751, 1735, 1929, 2124, 2414, 2577, 3716, 3717 and 4539); Hydaburg (U.S. survey No. 1570); Klawock (U.S. survey, 1569); and Kake (U.S. surveys Nos. 1871, 3851, and 3852).

ARIZONA

Ak-Chin Reservation, part of Pinal County.
Apache County (see also Ft. Apache and Navajo Ir), McNary area.
Bisbee, city of.
Camp Verde Reservation (part of Yavapai County).
Cocopah I Reservation, Yuma County (part).
Colorado River I Res., parts of Yuma County, Arizona, Riverside and San Bernardino Counties, California.
Fort Apache I Res., parts of Apache, Gila, and Navajo Counties.
Fort McDowell Resvr., part of Maricopa County.
Fort Mohave Reservation, parts of Mohave County, Ariz., and San Bernardino, Cal., and Clark County, Nevada.
Fort Yuma Reservation, parts of Yuma County, Ariz., and Imperial Cty., California.
Gila Bend Indian Res., part of Naricopa County.
Gila River I Res., parts of Maricopa and Pinal Counties.
Graham County, Safford area.
Havasupai Reservation, part of Coconino County.
Hopi Reservation, parts of Coconino and Navajo Counties.
Huslapai Reservation, parts of Coconino and Navajo Counties.
Kaibab I Reservation, parts of Coconino and Mohave Counties.
Mohave County (see also, Hualapai and Fort Mohave Reservations).
Navajo County (see also Ft. Apache, Hopi, and Navajo Reservations), Winslow area.
Navajo Reservation, parts of Apache, Coconino and Navajo Counties, Arizona, and San Juan County, Utah, San Juan and McKinley Counties, New Mexico.
Papago Reservation, parts of Maricopa, Pima and Pinal Ctys.
Salt River Reservation, part of Maricopa County.
San Carlos Reservation, parts of Gila, Graham and Pinal Counties.
San Xavier Reservation, part of Pima County.
Santa Cruz County, Nogales area.
Yavapai-Prescott Reservation, Yavapai County (part).

ARKANSAS

Bradley County, Warren area.
Calhoun County, Camden area (part).
Carroll County, Berryville area.
Chicot County.
Clay County.
Cleburne County.
Cleveland County, Rison area.
Conway County, Morrilton area.
Crawford County, Van Buren area.
Crittenden County.
Cross County.
Dallas County.
Desha County.
Drew County.
Franklin County, Ozark area.
Fulton County.
Greene County, Paragould area.
Hempstead County.
Hot Spring County, Malvern area.
Independence County, Batesville area.
Izard County, Melbourne area.
Johnson County, Clarksville area.
Lafayette County, Stamps area.
Lawrence County, Walnut Ridge area.
Lee County.
Lincoln County.
Little River County.
Logan County, Paris area.
Lonoke County.
Madison County.
Marion County.
Mississippi County.
Monroe County.
Montgomery County.
Nevada County, Prescott area.
Newton County.
Ouachita County, Camden area (part).
Perry County, Morrilton area.
Phillips County.
Pike County.
Poinsett County.
Randolph County, Pocahontas area.
Scott County, Waldron area.
Searcy County.
Sharp County.
St. Francis County.
Stone County.
White County, Searcy area.
Woodruff County.

CALIFORNIA

Big Pine Indian Res., part of Inyo County.
Bishop Indian Reservation, part of Inyo County.
Butte County, Chico-Oroville area.
Del Norte County, Crescent City area.
Eldorado County, Placerville area.
Fresno County.
Hoopa Valley Indian Res., Humboldt County (part).
Humboldt County, Eureka area.
Imperial County, El Centro area.
Lake County, Lakeport area.
Lassen County, Susanville area.
Lone Pine Indian Res., part of Inyo County.
Los Angeles City (part), South Central Los Angeles.
Madera County.
Mariposa County (requalified).
Mendocino County, Ukiah area.
Merced County, Merced area.
Modoc County, Alturas area.
Monterey County, Salinas-Monterey area.
Nevada County, Grass Valley area.
Oakland, city of.
Placer County.
Plumas County, Quincy area.
San Benito County, Hollister area.
San Joaquin County, Stockton area.
Santa Cruz County.
Shasta County, Redding area.
Siskiyou County, Yreka area.
Sonoma County, Santa Rosa area.
Stanislaus County, Modesto area.
Sutter County, Yuba City area.
Tehama County, Red Bluff area.
Trinity County, Weaverville area.
Tulare County, Visalia area.
Tuolumne County, Visalia area, Sonora area.
Yuba County, Yuba City area.

COLORADO

Conejos County, Antonito area.
Costilla County, Blancha area.
Huerfano County.
Saguache County, Center area.
Southern Ute I Res., parts of Archuleta and LaPlata Counties.
Ute Mountain Resvr., LaPlata City, Colo. (part), Montezuma City, Colo. (pt)., San Juan City, Utah (pt), San Juan City, N.M. (pt).

CONNECTICUT

Norwich area, New London County (part), towns of Bozrah, Colchester, Franklin, Griswold, Lisbon, Norwich, Preston, Sprague and Voluntown.
Torrington, City of.
Waterbury area, Litchfield County (part).
Towns of Bethlehem, Thomaston, Watertown, Woodbury, Newhaven County (part).
Towns of Beacon Falls, Cheshire, Middlebury, Naugatuck, Prospect, Southbury, Waterbury and Wolcott.

DELAWARE

Sussex county.

DISTRICT OF COLUMBIA

Washington, D.C., City of.

FLORIDA

Big Cypress I. Res., Hendry County (part).
Brevard County.
Brighton I Reservation, Glades County (Part).
Franklin County, Apalachicola area.
Gilchrist County.
Hamilton County.
Hollywood I. Res., Broward County (part).
Holmes County, Bonifay area.
Polk County, Lakeland Area.
Sumter County, Wildwood area.
Walton County.

GEORGIA

Atkinson County.
Bacon County, Alma Area.
Baker County.
Ben Hill County, Fitzgerald Area.
Berrien County, Nashville Area.
Brantley County, Nahunta Area.
Brooks County.
Bryan County, Pembroke Area.
Burke County.
Calhoun County.
Camden County.
Candler County, Metter Area.
Clay County, Fort Gaines Area.
Coffee County.
Dodge County, Eastman Area.
Dooley County.
Early County.
Echols County.
Fannin County, McCaysville Area.
Forsyth County, Cummings Area.
Glascock County, Gibson Area.
Greene County.
Hancock County.
Heard County.
Irwin County.
Jasper County, Monticello Area.
Jefferson County.
Jenkins County, Millen Area.
Jones County, Gray Area.
Lanier County, Lakeland Area.
Lee County.
Lincoln County, Lincolnton Area.
Long County, Ludowici Area.
Macon County.
Marion County, Buena Vista Area.
Meriwether County, Manchester Area.
Miller County, Colquitt Area.
Mitchell County, Camilla Area.
Montgomery County.
Morgan County.
Murray County, Chatsworth Area.
Oglethorpe County.
Paulding County, Dallas Area.
Pierce County, Blackshear Area.
Pike County, Zebulon Area.
Quitman County.
Rarun County, Clayton Area.
Randolph County.
Schley County.
Schreven County.
Seminole County.
Stewart County.
Taliaferro County.
Taylor County.
Telfair County, McRae Area.
Terrell County.
Towns County, Young Harris Area.
Treutlen County, Soperton Area.
Turner County, Ashburn Area.
Union County, Blairsville Area.
Walton County.
Warren County, Warrenton Area.
Washington County.
Webster County.
Wheeler County, Alamo Area.
White County, Cleveland Area.
Wilcox County, Rochelle Area.
Worth County.

HAWAII

Hawaii County.

IDAHO

Benewah County, SS Maries area.
Boise County, Horseshoe Bend area.
Bonner County, Sandpoint area.
Clearwater County, Orofino area (also part of Nez Perce Res).
Fort Hall Reservation, parts of Bannock, Bingham, Caribou and Power Counties.
Idaho County, Grangeville area (see also Nez Perce Indian Reservation).
Nez Perce Reservation, parts of Clearwater, Idaho, Lewis, and Nez Perce Counties.
Shoshone County (Avery-Clark CCD only) St Maries area.
Teton County, Driggs area.
Valley County, McCall area.

ILLINOIS

Alexander County, Cairo Area.
Calhoun County, Hardin Area.
City of Chicago (Part).
City of Chicago (Part), Du Quoin Area.
Franklin County Harrisburg-W. Frankfort-Herrin Area.
Gallatin County, Shawneetown Area.
Hamilton County, McLeansboro Area.
Hardin County, Rosiclare Area.
Jersey County, Jerseyville Area.
Johnson County, Harrisburg-West Frankfort-Herrin Area.
Perry County.
Pope County, Golconda Area.
Pulaski County, Cario Area (Part).
Saline County, Harrisburg-West Frankford-Herrin Area.
St. Clair County.
Union County, Anna Area.
Williamson County, Harrisburg-West Frankfort-Herrin Area.

INDIANA

Clay County, Terre Haute area (part).
Crawford County, Marengo area.
Dearborn County, Lawrenceburg area (part).
Greene County, Linton area.
Lawrence County, Bedford area.
Ohio County, Lawrenceburg area.
Scott County, Scottsburg area.
Marshall County, South Bend area (part).
St. Joseph County, South Bend area (part).
Starke County, Knox area.
Vermillion County.

IOWA

Jackson County, Maquoketa area.
Monroe County.

KANSAS

Butler County, Wichita area (part).
Cherokee County, Pittsburg area.
Crawford County, Pittsburg area.
Sedgwick County, Wichita area (part).

KENTUCKY

Adair County.
Allen County.
Bath County, Morehead area.
Bell County, Middlesboro area.
Breathitt County, Jackson area.
Breckinridge County, Hardinsburg area.
Butler County, Morgantown area.
Caldwell County.
Calloway County, Murray area.
Carlisle County, Bardwell area.
Carter County, Grayson area (part).
Casey County, Liberty area.
Clay County, Manchester area.
Clinton County, Albany area.
Crittenden County, Marion area.
Cumberland County, Burkesville area.
Edmonson County, Brownsville area.
Elliott County, Grayson area (part).
Estill County, Richmond area (part).
Floyd County, Prestonburg Area.
Graves County, Mayfield area.
Grayson County, Leitchfield area.
Greenup County, Flatwoods area.
Harlan County.
Jackson County, Richmond area (part).
Jessamine County, Nicholasville area.
Johnson County Paintsville area.
Knott County, Hazard area (part).
Knox County, Barbourville area.
Lawrence County, Louisa area.
Lee County, Beattyville area.
Leslie County, Hyden area.
Letcher County, Jenkins area.
Livingston County, Smithland area.
Lyon County, Eddyville area.
Madison County, Richmond area (part).
Magoffin County, Salyersville area.
Marion County, Lebanon area.
Marshall County, Benton area.
Martin County, Inez area.
McCreary County, Whitley City area.
McLean County.
Menifee County, Morehead area (part).
Metcalf County, Edmonton area.
Monroe County.
Morgan County, West Liberty area.
Nelson County, Bardstown area.
Ohio County, Hartford area.
Perry County, Hazard area.
Pike County, Pikeville area.
Powell County, Stanton area.
Robertson County.
Rockcastle County, Richmond area (part).
Rowan County, Morehead area (part).
Russell County, Russell Springs area.
Todd County, Elkton area.
Trigg County, Cadiz area.
Washington County, Springfield area.
Wayne County, Monticello area.
Webster County, Dixon area.
Whitley County, Corbin area.
Wolfe County, Campton area.

LOUISIANA

Allen Parish, Oakdale area.
Arcadia Area, See Bienville Parish, Donaldsonville area.
Ascension Parish, Donaldsonville area.
Avoyelles Parish, Alexandria area (part).
Bienville Parish, Arcadia area.
Calcasieu Parish.
Caldwell Parish, Columbia area.
Catahoula Parish, Ferriday area (part).
Concordia Parish, Ferriday area (part).
De Soto Parish, Mansfield area.
East Carroll Parish.
Evangeline Parish, Ville Platte area.
Franklin Parish, Winnsboro area.
Grant Parish, Alexandria area.
Livingston Parish, Denham Sprigs area.
Madison Parish.
Natchitoches Parish.
Pointe Coupee Parish, New Roads area.
Rapides Parish, Alexandria area (part).
Red River Parish.
Richland Parish.
Sabine Parish, Many area.
St. Helena Parish, Greensburg area.
St. Landry Parish, Opelousas area.
St. Martin Parish, (except ward 6–south part) St. Martinville area.
Tangipahoa Parish, Hammond area.
Tensas Parish.
Vermillion Parish, Abbeville area.
Vernon Parish, Leesville area.
West Carroll Parish, Oak Grove area.

MICHIGAN

Alger County.
Alpena County.
Antrim County, Mancelona area.
Arenac County, Standish area.
Baraga County, L'Anse area.
Bay County, Bay City area.
Benzie County, Elberta area.
Charlevoix County, Boyne City area.
Cheboygan County.
Chippewa County, Saulte Ste Marie area.
Clare County.
Crawford County, Grayling area.
Delta County, Escanaba area.
Dickinson County, Iron Mountain area.
Emmet County (requalified), Petoskey area.
Gogebic County, Ironwood area.
Grand Traverse County, Traverse City area (part).
Gratiot County, Alma area.
Hillsdale County.
Houghton County, Hancock area (part).

Huron County, Bad Axe area.
Iron County, Iron River area.
Kalkaska County, Traverse City area (part).
Keweenaw County, Hancock area (part).
Lake County, Baldwin area.
Leelanau County, Traverse City area (part).
Luce County, Newberry area.
Mackinac County, Saint Ignace area.
Manistee County.
Marquette County.
Mason County, Ludington area.
Missaukee County, Cadillac area (part).
Montmorency County, Hillman area.
Muskegon County, Muskegon-Muskegon Heights area.
Newaygo County, Fremont area.
Oceana County, Hart area.
Ogemaw County, West Branch area.
Oscoda County, Mio area.
Otsego County, Gaylord area.
Presque Isle County, Rogers City area.
St. Clair County, Port Huron area.
Schoolcraft County, Manistique area.
Wexford County, Cadillac area (part).

MINNESOTA

Aitkin County, see also Mille Lac Reservation.
Becker County, Detroit Lakes area.
Beltrami County, Bemidoi area.
Clearwater County, Bagley area.
Cook County, Grand Marais area.
Crow Wing County, Brainerd area.
Fond Du Lac Reservation, Carlton-St. Louis Counties.
Grand Portage Indian Res., Cook County (part).
Hubbard County, Park Rapids area.
Itasca County, Grand Rapids area.
Kanabec County (requalified), Mora area.
Kittson County, Hallock area.
Lake of the Woods Cty., Baudette area.
Leech Lake Reservation, parts of Beltrami, Cass, Crow Wing, Hubbard, and Itasca Counties.
Mahnomen County.
Marshall County, Warren area.
Mille Lac Reservation, Aitkin, Mille Lacs, and Pine Counties (parts of each county).
Nett Lake Reservation, parts of Koochiching and St. Louis Counties.
Norman County, Ada area.
Pine County, Pine City area, see also Mille Lacs Reservation.
Red Lake County, Red Lake Falls area.
Red Lake Reservation, parts of Beltrami, Clearwater, Koochiching, Lake of the Woods, Marshall, Pennington, Red Lake, and Roseau Counties.
Roseau County, see also Red Lake Reservation.
South Saint Paul, city of.
St. Louis County (except city of Duluth). Hibbing-Virginia area.
Wadena County.
White Earth Reservation, parts of Becker, Clearwater, and Mahnomen Counties.

MISSISSIPPI

Amite County.
Attala County, Kosciusko area.
Benton County.
Bolivar County.
Calhoun County.
Carroll County.
Chickasaw County.
Choctaw County.
Choctaw Reservation, parts of Attala, Jones, Kemper, Leake, Newton, Neshoba, and Scott counties.
Claiborne County.
Clarke County.
Coahoma County.
Copiah County, Hazlehurst area.
Covington County.
DeSoto County.
Franklin County, Meadville area.
George County, Lucedale area.
Greene County, Leaksville area.
Hancock County, Bay St. Louis area.
Harrison County, Biloxi Gulfport area.
Holmes County.
Humphreys County.
Issaquena County.
Jasper County.
Jefferson County.
Jefferson Davis County.
Jones County, Laurel area (see also Choctaw reservation.
Kemper County.
Lamar County, Lumberton area.
Lawrence County.
Leake County, (see also Choctaw reservation).
Leflor County.
Madison County, Canton area.
Marion County, Columbus area.
Marshall County.
Montgomery County.
Neshoba County (see also Choctaw reservation).
Newton County, see also Choctaw reservation.
Noxubee County.
Panola County.
Pearl River County.
Perry County, Richton area.
Pontotoc County.
Quitman County.
Sharkey County.
Smith County.
Stone County.
Sunflower County.
Tallahatchie County.
Tate County.
Tippah County.
Tunica County.
Walthall County.
Washington County, (requalified), Greenville area.
Wayne County, Waynesboro area.
Webster County.
Wilkinson County.
Winston County.
Yalobusha County.
Yazoo County.

MAINE

Biddeford Sanford area: York County (part) cities of Biddeford, and Saco and towns of Acton, Alfred, Arundel, Buxton, Cornish, Dayton, Hollis, Kennebunk, Kennebunkport, Lebanon, Limerick, Limington, Lyman, Newfield, North Berwick, Old Orchard Beach, Parsonfield, Sanford, Shapleigh and Waterboro.
Calais-Eastport area: Washington County.
Corinna-Newport-Dexter area: Penobscot County (part), towns of Corinna, Dexter, Dixmont, Etna, Exeter, Garland, Newport, Plymouth, Stetson; Somerset County (part), towns of Cambridge, Detroit, Palmyra, Ripley, St. Albans; Waldo County (part) towns of Burnham, Troy.
Fort Kent area: Aroostook County (part) towns of Eagle Lake, Fort Kent, Frenchville, St. Agatha, St. Clair, Allagash, New Canada, St. John, St. Francis, and Wallagrass Plantations.
Greenville area: Piscataguis County (pt) organized towns of Elliotsville, Greenville, Lily Bay, Shirley, unorganized towns of Big Squaw, Frenchtown, Little Squaw, and T.A–2, R–13 and R–14, Wels in Piscataquis County, Maine.
Indian Township: Indian reservation Washington County (part).
Lincoln area: Penobscot County (part) towns of Burlington, Chester, Enfield, Howland, Lee, Lincoln, Lowell, Mattamiscontis, Mattawamkeag, Maxfield, Passadumkeag, Springfield, Winn, Woodville, townships of Kingman, Whitney, 1 N.D., 2R–8, 2R–9, 3R–1 and 3R–9, plantations of Carroll, Drew, Grand Falls, Lakeville, Prentiss, Seboels, and Webster.
Penobscot Indian Reservation, Penobscot County (part).
Pleasant Point Indian Reservation, Washington County (part)
Rockland area: Knox County and Town of Waldoboro in Lincoln Co.
Stonington-Deer Isle area: Hancock County (part) towns of Blue Hill, Brooklin, Brooksville, Deer Isle, Sedgewick, Stonington, Penobscot.

MARYLAND

Calvert County, Prince Frederick area.
Dorchester County, Cambridge area.
Garrett County, Oakland area.
Somerset County, Crisfield area.

MASSACHUSETTS

Bourne-Wareham-Rochester area: Barnstable County (Pt) towns of Bourne; Plymouth County (Part) town of Wareham and town of Rochester.
Dukes County, Tisbury area.
Gloucester area: Essex County (Part) city of Gloucester; towns of Essex and Rockport. Lowell area: Middlesex County (Part) city of Lowell; towns of Billerica, Chelmsford, Dracut, Tewksbury, Tyngsborough, and Westford.
New Bedford area: Bristol County (Part) city of New Bedford; towns of Acushnet, Dartmouth and Fairhaven; Plymouth County (Part) towns of Marion and Mattapoisett.
Newburyport area: Essex County (Part) city of Newburyport; towns of Amesbury, Ipswich, Newbury, Rowley and Salisbury.
Palmer: Town of Hampden County (Part).
Plymouth area:: Plymouth County (Part) towns of Carver, Kingston, Plymouth and Plympton.
Provincetown area: Barnstable County (Part) towns of Provincetown and Truro.
Southbridge-Western area: Worcester County (Part) towns of Charlton, Douglas, Southbridge, Dudley, Sturbridge and Webster.
North Adams area.

MISSOURI

Carter County.
Dallas County, Buffalo area.
Douglas County.
Dunklin County, Kennett area.
Iron County, Ironton area.
Miller County, Eldon area.
Mississippi County. Charleston (area).
New Madrid County.
Ozark County.
Pemiscot County, Caruthersville area.
Phelps County, Rolla area.
Putnam County.
Ripley County, Doniphan area.
Shannon County, Eminence area.
St. Francois County, Flat River area.
Stone County, Galena area.
Washington County, Potosi area.
Wayne County, Greenville area.
Worth County.
Wright County, Hartville area.

MONTANA

Blackfeet Reservation, parts of Glacier and Glacier and Pondera Counties.
Crow Reservation, parts of Big Horn and Yellowstone Counties.
Deer Lodge County, Anaconda area.
Flathead Reservation, parts of Flathead Lake, Missoula and Sanders Counties.
Fort Belknap Reservation, Phillips county.
Fort Peck Reservation, parts of Daniels, Roosevelt, Sheridan, and Valley Counties.
Granite County (requalified), (requalified).
Madison County, Sheridan area.
Meagher County, White Sulphur Springs.
Musselshell County, Roundup area.
Northern Cheyenne Reservation, parts of Big Horn and Rosebud Counties.
Rocky Boys Reservation, parts of Chouteau and Hill Counties.
Silver Bow County, Butte area.
Valley County, Glasgow area.

NEBRASKA

City of Omaha (part).
Greeley County.
Omaha-Winnebago Reservation, parts of Burt Cuming, Dixon, and Thurston Counties.
Pawnee County.

Santee-Sioux Reservation, part of Knox County.

NEVADA

Duck Valley Reservation, Elko County, Nev. (Part) and Owyhee County, Ida. (Part).

Fallon Indian Reservation, and Colony, Churchill County (Part).

Fort McDermitt Indian Reservation, Humboldt County (Part).

Goshute Indian Reservation, White Pine County (Part).

Lincoln County, Caliente area.

Moapa River Indian Reservation, Clark County (Part).

Pyramid Lake Reservation, part of Washoe County.

Reno-Sparks Indian Reservation, Washoe County (Part).

NEW HAMPSHIRE

Carroll County.

Coos County.

Grafton County.

NEW JERSEY

Camden, city of.

Cape May County, Ocean City-Wildwood-Cape May area.

Cumberland County, Bridgeton area.

Newark, city of.

NEW MEXICO

Acoma Pueblo Res., Valencia County (part).

Albuquerque Indian Land area, 11.6 acre tract, former Albuquerque Federal Indian School Land.

Colfax County, Raton area.

Eddy County, Carlsbad area.

Guadalupe County, Santa Rosa area.

Isleta Pueblo Res., parts of Bernalillo and Valencia Counties.

Jemez Pueblo Res., part of Sandoval County.

Jicarillo Reservation, parts of Rio Arriba and Sandoval Counties.

Laguna Pueblo Res., parts of Bernalillo, Sandoval and Valencia Counties.

McKinley County, Gallup area, also see Ramp and Zuni Reservations and the Navajo Reservation, Ariz.

Mescalero Reservation, part of Otero County.

Mora County, Wagon Mound area.

Nambe Pueblo Indian Res., part of Santa Fe County.

Picuris Pueblo Indian Res., part of Taos County.

Pojoaque Pueblo Indian Reservation, part of Santa Fe County.

Ramah Reservation, parts of McKinley and Valencia Counties.

Rio Arriba County, Espanola area, see also Jicarilla and Santo Domingo Indian Reservations.

San Ildefonso Pueblo Indian Reservation, part of Santa Fe County.

San Juan Pueblo Indian Reservation, part of Rio Arriba County.

San Miguel County, Las Vegas area.

Sandoval County, Bernalillo area, see also Jemez, Laguna Pueblo, Jicarilla, and Santo Domengo Indian Reservations.

Santa Clara Reservation, Sandoval, Santa Fe and Rio Arriba Counties.

Santo Domingo Res., parts of Rio Arriba, Sandoval and Santa Fe Counties.

Socorro County.

Taos County.

Taos Pueblo Indian Res., part of Taos County.

Tesuque Pueblo Indian Res., part of Santa Fe County.

Torrance County, Mountainair area, see also Isleta Pueblo and Luguna Pueblo Indian Reservations.

Zuni Reservation, parts of McKinley and Valencia Counties.

NEW YORK

Allegany Reservation, part of Cattaraugus County.

Cattaraugus Reservation, part of Cattaraugus, Chautauyua, and Erie Counties.

Cayuga County, Auburn area.

Clinton County, Plattsburg area.

Essex County, Ticonderoga area.

Franklin County, Ogdensburg-Massena-Malone area (part).

Fulton County, Gloversville area.

Greene County, Catskill area.

Hamilton County, Speculator area.

Jefferson County, Watertown area.

Lewis County, Lowville area.

New York City (part), Lower East Side.

Orleans County, Rochester area (part).

Oswego County, Syracuse area (part).

Schoharie County, Cobleshill area.

St. Lawrence County, Ogdensburg-Massena-Malone area (part).

Warren County, Glens Falls-Hudson Falls area (part).

New York City (part), Brooklyn Navy Yard.

NORTH CAROLINA

Avery County, Spruce Pine area (part).

Bertie County, Windsor area.

Bladen County, Elizabethtown area.

Brunswick County, Wilmington area (part).

Camden County, Elizabeth City area (part).

Carteret County, Morehead City area.

Clay County, Hayesville area.

Columbus County, Whiteville area.

Currituck County, Moyock area.

Dare County, Manteo area.

Duplin County

Eastern Cherokee Reservation, parts of Graham, Jackson and Swain Counties.

Franklin County, Louisburg area.

Gates County

Graham County, Robbinsville area, see also Eastern Cherokee Reservation.

Greene County, Snow Hill area.

Halifax County, Roanoke Rapids area.

Hertford County, Ahoskie area.

Hyde County, Swanquarter area.

Jones County.

Madison County, Marshall area.

Northampton County

Pamlico County

Pitt County, Greenville area.

Robeson County, Lumberton area.

Swain County, Bryson City area.

Tyrrell County, Columbia area.

Warren County

Wilson County, Wilson area.

Yancey County, Spruce Pine area.

NORTH DAKOTA

Fort Berthold Res., parts of Dunn, McKenzie, McLean, Mercer and Mountrail Counties.

Fort Totten or Devils Lake Reservation, parts of Benson, Eddy, Nelson and Ramsey Counties.

Oliver County.

Rolette County, Rolla area. See also Turtle Mt. Res.

Standing Rock Sioux Res., parts of Sioux County, and Vorson and Walworth Counties, South Dakota.

Turtle Mountain Res., part of Rolette County.

OHIO

Adams County, Manchester area.

Carroll County, Carrollton area.

Clermont County, in Cincinnati area (pt.).

Cleveland City of (requalified).

Gallia County, Gallipolis area.

Jackson County.

Lawrence County, Huntington-Ashland, West Virginia area (pt.).

Meigs County, Pomeroy area.

Perry County, New Lexington area.

Pike County, Waverly area.

Warren County, Cincinnati area (part).

OKLAHOMA

Adair County, Stilwell area.

Atoka County.

Cherokee County, Tahlequah area.

Choctaw County, Hugo area.

Coal County, Coalgate area.

Delaware County, Jay area.

Haskell County, Stigler area.

Hughes County, Holdenville area.

Jefferson County, Waurika area.

Johnston County, Tishomingo area.

Latimer County, Wilburton area.

Le Flore County, (part of Ft. Smith, Arkansas area).

Mayes County, Pryor Creek area.

McClain County, Purcell area.

McCurtain County, Idabel area.

McIntosh County.

Muskogee County.

Okfuskee County, Okemah area.

Okmulgee County, Okmulgee-Henryetta area.

Ottawa County, Miami area.

Pawnee County.

Pittsburg County, McAlester area.

Pushmataha County.

Sequoyah County, (part of Fort Smith, Ark. area).

Wagoner County.

Washita County, Cordell area.

OREGON

Coos County, North Bend-Coos Bay area.

Douglas County, Roseburg area.

Fort McDermitt Indian reservation, Malheur County (part) see also Humboldt County, Nevada.

Gilliam County, Condon area.

Hood River County, Hood River area.

Jackson County, Medford area.

Josephine County, Grants Pass area.

Lake County, Lakeview area.

Lincoln County, Toledo area.

Umatilla County, Pendleton area.

Umatilla Reservation, part of Umatilla City.

Warm Springs reservation, parts of Clackamas, Jefferson, Linn, Marion, and Wasco counties.

Wasco County, (requalified), The Dalles area (part) also see Warm Springs Indian reservation.

Yamhill County, McMinnville area.

Curry County (requalified), Gold Beach area.

Tillamook County, Tillamook area.

PENNSYLVANIA

Armstrong County, Kittanning-Ford City area.

Bedford County.

Centre County (part), Clearfield-Dubois area (part).

Clearfield County, Clearfield-Dubois area (part); Clearfield County; Centre County (part), Boroughs of Philipsburg and South Philipsburg and Township of Rush.

Fayette County, Uniontown-Connellsville.

Somerset County, Johnstown area.

RHODE ISLAND

Providence-Pawtucket area:

Bristol County.

Kent County.

Newport County (part), town of Jamestown, town of New Shoreham.

Providence County.

Washington County (part), town of Exeter, town of Narragansett, town of North Kingstown, town of Richmond, town of South Kingstown.

Bristol County, Massachusetts (part), city of Attleboro, town of North Attleboro, town of Rehoboth, town of Seekonk.

Norfolk County, Massachusetts (part), town of Bellingham, town of Franklin, town of Plainville, town of Wrentham.

Worcester County, Massachusetts (part), town of Blackstone, town of Millville.

SOUTH CAROLINA

Allendale County.

Bamberg County.

Barnwell County.

Berkeley County, Charleston area.

Calhoun County.

Clarendon County (and part of Florence).

Darlington County, Darlington area.

Dillon County.

Edgefield County.

Fairfield County.
Georgetown County, Georgetown area.
Lee County.
Marion County.
Marlboro County.
McCormick County.
Orangeburg County.
Saluda County, Saluda area.
Union County.
Williamsburg County.

SOUTH DAKOTA

Cheyenne River Res., parts of Dewey, Haakon, Meade, Perkins, Stanley, and Ziebach Counties.

Crow Creek and Lower Brule Reservation, parts of Brule, Hughes, Buffalo, Hyde, Lyman, and Stanley Counties.

Pine Ridge Reservation, Bennett, Shannon and Washabaugh Counties.

Rosebud Reservation, parts of Gregory, Mellette, Todd and Tripp Counties.

Sisseton Reservation, parts of Codington, Day, Grant, Marshall and Roberts Counties. S.D., and Richland and Sargent Counties, N.D.

Yankton Reservation, parts of Bon Homme, and Charles Mix Counties.

TENNESSEE

Bledsoe County.
Campbell County, Lafollette-Jeblico area.
Claiborne County.
Clay County.
Cocke County, Newport area.
Fayette County.
Fentress County.
Grainger County, Rutledge area.
Greene County, Greeneville area.
Grundy County, Tracy City area.
Hancock County, Sneedville area.
Hardeman County.
Hardin County, Savannah area (pt).
Haywood County.
Houston County, Erin area.
Humphreys County, Waverly area.
Jackson County.
Johnson County, Mountain City area.
Lake County, Tiptonville area.
Lauderdale County.
Lawrence County, Lawrenceburg area.
Macon County.
McNairy County, Savannah area (part).
Meigs County, Decatur area.
Monroe County, Sweetwater area.
Morgan County, Harriman Rockwood area (part).
Overton County.
Perry County.
Pickett County.
Rhea County, Dayton area.
Rutherford County.
Scott County, Oneida area.
Sequatchie County, Dunlap area.
Sevier County, Sevierville area.
Stewart County.
Union County, Maynardville area.
Van Buren County.
Waverly area, see Humphreys County.
Wayne County, Waynesboro area.
White County (requalified), Sparta area.

TEXAS

Cameron County, Brownsville-Harlingen-San Benito area (part).
Delta County.
Dimmit County.
Falls County, Marlin area.
Fannin County.
Freestone County.
Frio County, Pearsall area.
Goliad County.
Gonzales County.
Grimes County.
Hill County.
Houston County.
Jim Hogg County, Hebbronville area.
Karnes County.
Kinney County, Brackettville area.
La Salle County, Cotulla area.
Leon County.
Limestone County, Mexia area.
Madison County.
Marion County.
Maverick County, Eagle Pass area.
Medina County, Hondo area.
Polk County.
Rains County.
Real County.
Red River County.
Robertson County.
Sabine County.
San Augustine County, San Augustine area.
San Jacinto County.
Starr County, McAllen area.
Trinity County.
Uvalde County, Uvalde area.
Val Verde County, Del Rio area.
Webb County, Laredo area.
Willacy County, Raymondsville area.
Wilson County, Floresville area.
Zapata County.
Zavala County, Crystal City area.

UTAH

Beaver County (requalified) Beaver area.
Carbon County, Price area (part).
Duchesne County, Roosevelt area, see also Unitah and Ouray Reservation.
Emery County, Price area (part).
Garfield County, Panguitch area.
Goshute Indian Reservation, Juab County (part).
Grand County, Moab area.
Juab County, Nephi area.
Kane County, Kanab area.
Sanpete County, Manti area.
Sevier County, Richfield area.
Summit County, Park City area.
Uintah and Ouray Reservations, parts of Duchesne, Grand Uintah, and Wasatch Counties.
Utah County, Provo-Orem area.
Wasatch County, Heber City area, also see Uintah and Ouray.

VERMONT

Franklin County, St. Albans area.

VIRGINIA

Accomack County, Chincoteague area (part).
Brunswick County, Lawrenceville area.
Buchanan County (requalified), Grundy area.
Cumberland County.
Dickenson County, Lebanon area (part).
Highland County, Independent City of Norton, Norton-Big Stone Gap area.
Lancaster County (requalified), Colonial Beach area (part).
Lee County.
Northampton County, Chincoteague area.
Northumberland County (requalified), Colonial Beach area (part).
Richmond County (requalified), Colonial Beach area (part).
Russell County, Lebanon area (part).
Smyth County (requalified), Marion area.
Tazewell County (requalified), Richlands area.
Westmoreland County (requalified), Colonial Beach area (part).
Wise County, Norton-Big Stone Gap area.

WASHINGTON

Chelan County, Wenatchee area (part).
Colville Reservation, parts of Ferry, Okanogan and Stevens Counties.
Douglas County, Wenatchee area (part).
Ferry County, Republic area (also see Colville res.).
King County, Seattle area (part).
Kitsap County, Bremerton area.
Klickitat County, Goldendale County.
Lewis County, Centralia area.
Lummi I res, Whatcom County (part).
Makah Reservation, part of Clallam County.
Okanogan County.
Pend Oreille County, Newport area.
Pierce County, Tacoma area.
Skagit County, Anacortes area.
Snohomish County, Seattle area (part).
Spokane Indian res. Stevens County (part).
Stevens County, Colville area.
Swinomish Indian Reservation, Skagit County (part).
Yakima County.
Yakima Reservation, parts of Klickitat and Yakima Counties.
Pacific County, Raymond area.
Benton County, Tri-City area (part).
Franklin County, Tri-City area (part).
Skamania County, Stevenson area.

WEST VIRGINIA

Barbour County, Philippi area.
Boone County, Logan-Madison area (part).
Braxton County, Gassaway area.
Calhoun County, Grantsville area.
Clay County.
Fayette County, Oakhill-Montgomery area.
Gilmer County, Glenville area.
Grant County, Petersburg area.
Greenbrier County, Ronceverte-White Sulphur Springs area.
Hampshire County, Romney area.
Hardy County, Moorefield area.
Lewis County, Weston area.
Lincoln County, Hamlin area.
Logan County, Logan-Madison area (part) see Boone and Logan Counties.
Marshall County, Wheeling area (part).
Mason County, Point Pleasant area.
McDowell County, Welch area.
Mercer County, Bluefield area.
Mineral County.
Mingo County, Williamson area.
Monroe County, Ronceverte-White Sulphur Springs area (part).
Morgan County, Berkeley Springs area.
Nicholas County, Richwood area.
Ohio County, Wheeling area (part).
Pendleton County, Franklin area.
Pocahontas County, Marlington area.
Preston County, Kingwood area.
Raleigh County, Beckley area.
Randolph County, Elkins area.
Ritchie County, Pennsboro area.
Roane County, Spencer area.
Summers County, Hinton area.
Taylor County, Grafton area.
Tucker County, Parsons area.
Upshur County, Buckhannon area.
Wayne County, Huntington-Ashland area (part).
Webster County, Webster Springs area.
Wetzel County, New Martinsville area.

WISCONSIN

Adams County.
Ashland County, Ashland area (part). (See also Bad River Res.)
Bad River Reservation, part of Ashland County.
Bayfield County, Ashland area (part). (See also Red Cliff Res.)
Burnett County, Grantsburg area.
Crawford County, Prairie Du Chien area.
Douglas County, part of Duluth-Superior area Minn.
Florence County, Florence area.
Forest County, Crandon area.
Iron County, Hurley area. (See also Lac Du Flambeau Reservation).
Jackson County (requalifiied), Black River Falls area.
La Crosse County (requalified.)
Lac Courte Oreille Reservation, part of Sawyer County.
Lac Du Flambeau Reservation, parts of Iron and Vilas Counties.
Menominee County, Neopit area.
Oneida Reservation, parts of Brown and Outagamie Counties.
Red Cliff Reservation, part of Bayfield County.
Rusk County (requalified), Ladysmith area.
Sawyer County (requalified), Hayward area. (Also see Lac Courte Oreille Reservation.)

St. Croix Reservation, part of Burnett County.

Taylor County (requalified).

Vernon County (requalified), Viroqua area.

Washburn County (requalified), Spooner area.

WYOMING

Wind River Reservation, parts of Fremont and Hot Springs counties.

GUAM

Guam, territory of.

PUERTO RICO

Puerto Rico.

AMERICAN SAMOA

American Samoa, (territory of).

VIRGIN ISLANDS

AREAS DESIGNATED AS "ECONOMIC DEVELOPMENT CENTERS" FOR THE PURPOSES OF THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965

(NOTE.—This list does not include economic development centers which are in "redevelopment areas.")

ALABAMA

Central Economic Development District: Montgomery (Montgomery County).

Southeast EDD: Dothan (Houston County, Dale County).

ARKANSAS

Central EDD: Little Rock-North Little Rock (Pulaski County).

Conway (Faulkner County).

East Arkansas EDD: Jonesboro (Craighead County).

North Central EDD: Newport (Jackson County).

Northwest EDD: Fayetteville-Springdale (Washington County), Harrison (Boone County), Mountain Home (Baxter County).

Southeast EDD: Pine Bluff-Sheridan (Jefferson County), Crossett-Hamburg (Ashley County).

South West EDD: El Dorado (Union County), Texarkana (Miller County).

West Central EED: Russellville-Dardanelle, (Pope County, Yell County), Hot Springs (Garland County).

Western EDD: Fort Smith-Van Buren (Sebastian County, Crawford County), Mena (Polk County).

COLORADO

Southern Colorado EDD: Alamosa (Alamosa County), Pueblo (Pueblo County), Trinidad (Las Animas County).

FLORIDA

Northwest Florida EDD: Panama City (Bay County), Marianna (Jackson County).

GEORGIA

Central Savannah River EDD: Augusta (Richmond County, Columbia County), Swainsboro (Emanuel County).

Chattahoochee-Flint EDD: Carrollton (Carroll County), La Grange, Troup County).

Coastal Area EDD: Brunswick (Glynn County), Hinesville (Liberty County).

Coastal Plain EDD: Tifton (Tift County), Valdosta (Lowndes County).

Georgia Mountains EDD: Gainesville (Hall County) Taccoa (Stephens County).

Heart of Georgia EDD: Dublin-East Dublin (Laurens County).

Lower Chattahoochee Valley EDD: Columbus (Muskogee County).

Middle Flint EDD: Americus (Sumter County).

Northeast Georgia EDD: Athens (Clarke County).

Oconee EDD: Milledgeville (Baldwin County).

Slash Pine EDD: Waycross (Ware County).

Southwest EDD: Albany (Dougherty County), Bainbridge (Decatur County).

IDAHO

Clearwater EDD: Lewiston (Nez Perce County).

ILLINOIS

Greater Egypt EDD: Carbondale (Jackson County), Mt. Vernon (Jefferson County).

INDIANA

West Central EDA: Terre Haute (Vigo County).

KENTUCKY

Barren River EDD: Bowling Green (Warren County), Glasgow (Barren County).

Fivco EDD: Ashland (Boyd County).

Lake Cumberland EDD: Campbellsville (Taylor County), Somerset (Pulaski County).

Lincoln Trail EDD: Elizabethtown-Radcliffe-Vine Grove Corridor (Hardin County).

Pennyrile EDD: Hopkinsville (Christian County), Madisonville (Hopkins County).

Purchase EDD: Paducah (McCracken County).

LOUISIANA

Capital EDD: Baton Rouge (E. Baton Rouge Parish, W Baton Rouge Parish).

Evangeline EDD: Lafayette-New Iberia (Lafayette Parish, Iberia Parish).

North Delta EDD: Monroe-West Monroe (Ouachita Parish).

Northwest EDD: Shreveport-Bossier City (Caddo Parish, Bossier Parish).

MAINE

Pride (Eastern Maine) EDD: Bangor-Brewer (Penobscot County).

MARYLAND

Delmarva EDD: Dover, Delaware (Kent County) Salisbury, Maryland (Wicomico County).

MASSACHUSETTS

Southeastern EDD: Fall River, Taunton.

MICHIGAN

Central Upper Pennisula EDD: Marquette-Negaunee, Ishpeming area (Marquette County).

East Central EDD: Bay City-Midland-Saginaw tri-city urban complex (Bay County, Midland County, Saginaw County) Tawas City-East Tawas (Closco County).

Western Upper Peninsula EDD: Ontanagon-White Pine (Ontanagon County).

MINNESOTA

Arrowhead EDD: Duluth (St. Louis County).

MISSISSIPPI

Central EDD: Jackson (Hinds County, Rankin County) Vicksburg (Warren County).

East Central EDD: Meridian (Lauderdale Co.), Forest (Scott Co.).

North Central EDD: Grenada (Grenada Co.).

Southern EDD: Hattiesburg (Forrest Co.), Pascagoula (Jackson Co.).

Southwest: McComb (Pike Co.), Natchez (Adams Co.).

MISSOURI

Bootheel EDD: Dexter-Bloomfield (Stoddard Co.), Sikeston (Scott Co.).

Lakes County EDD: Springfield (Greene Co.).

Ozark Foothills EDD: Poplar Bluff (Butler Co.).

South Central Ozark EDD: West Plains (Howell Co.).

MONTANA

Bear Paw EDD: Havr (Hill Co.).

Big Horn EDD: Hardin (Big Horn Co.).

NEW HAMPSHIRE

New Hampshire-Vermont EDD: St. Johnsbury-Lyndon (Caledonia Co., Vt.) Newport (Orleans Co., Vt.).

NEW MEXICO

North Central EDD: Santa Fe (Santa Fe Co.).

NEW YORK

Mohawk Valley EDD: Amsterdam (Montgomery Co.), Rome-Utica Corridor (Oneida Co., Herkimer Co.).

NORTH CAROLINA

Mid-East EDD: Washington (Beaufort Co.), Williamston (Martin Co.).

Neuse River EDD: Goldsboro (Wayne Co.), Kinston (Lenoir Co.), New Bern (Craven Co.).

Southeastern EDD: Fayetteville (Cumberland Co.), Wilmington (New Hanover Co.), Brunswick Co., Pender Co.).

OHIO

Buckeye Hills-Hocking Valley EDD: Marietta (Washington Co.), Athens (Athens Co.), Martins Ferry-Bellaire (Belmont Co.).

Ohio Valley EDD: Chillicothe (Ross Co.), Portsmouth (Scioto Co.).

OKLAHOMA

Central EDD: Sapulpa-Bristow Corridor (Creek Co.), Shawnee (Pottawatomie Co.), Stillwater (Payne Co.).

N.E.C.O. EDD: Uinita (Craig Co.), Claremore (Rogers Co.).

S.O.D.A. EDD: Ada (Pontotoc Co.), Ardmore (Carter Co.), Durant (Bryan Co.).

South Central EDD: Chickasha (Grady Co.), Duncan (Stephens Co.).

PENNSYLVANIA

Turnpike EDD: Huntingdon (Huntingdon Co.), Johnstown (Cambria Co.).

SOUTH CAROLINA

Lower Savannah EDD: Aiken-North Augusta (Aiken Co.).

Pee Dee EDD: Florence-Darlington (Florence Co., Darlington Co.).

Upper Savannah EDD: Greenwood (Greenwood Co.).

Waccamaw EDD: Conway-Myrtle Beach-N. Myrtle Beach (Horry Co.).

TENNESSEE

East Tennessee EDD: Knoxville (Knox Co.), Morristown (Hamblen Co.), Oak Ridge (Anderson Co., Roane Co.), Alcoa-Maryville (Blount Co.).

First Tennessee Virginia EDD: Tri-Cities: Bristol (Sullivan Co.), Johnson City (Washington County), Kingsport (Sullivan County), Tenn., Bristol (Washington County) Va.

Upper Cumberland EDD: Cookeville (Putnam County), Crossville (Cumberland County), McMinnville (Warren County).

TEXAS

Brazos Valley EDD: Bryan-College Station (Brazos County).

Central EDD: Killien (Bell County), Temple (Bell County), Waco (McLennan County).

Coastal Bend EDD: Corpus Christi-Aransas Pass (Nueces County, Aransas County), San Patricio County), Victoria (Victoria County).

Deep East EDD: Nacogdoches-Lufkin-Diboll (Nacogdoches County), (Angelina County).

Lower Rio Grande Valley EDD: McAllen (Hidalgo County).

North East EDD: Northeast Texas Municipal Water District (part) (Cass County, Morris County, Camp County, Upshur County), Sulphur Springs (Hopkins County), Marshall (Harrison County), Texarkana (Bowie County).

UTAH

Six-County EDD: Delta City (Millard County.)

VERMONT

(See New Hampshire.)

VIRGINIA

Lenowisco EDD: Magisterial Districts of Powell and Taylor (Scott County).

WEST VIRGINIA

Upper Potomac EDD: Martinsburg-Charles Town Corridor (Berkeley County, Jefferson County).

Areas Officially Classified as Areas of Substantial Unemployment 6 of the Past 12 Months (Ending March 1971), Not Already Designated as Eligible Under Public Works and Economic Development Act of 1965

MAJOR AREAS

State and Areas—Counties Covered

California

Anaheim, Santa Ana.

Garden Grove (Orange County).

San Bernardino, Riverside, Ontario (Riverside and San Bernardino Counties).

San Diego (San Diego County).

San Jose (Santa Clara County).

Connecticut

Bridgeport (Towns of Bridgeport, Easton, Fairfield, Monroe, Shelton, Stratford, and Trumbull in Fairfield County; Town of Milford in New Haven County).

New Britain (Towns of Berlin, New Britain, and Plainville in Hartford County).

Waterbury (Towns of Bethlehem, Thomaston, Watertown and Woodbury in Litchfield County; Towns of Beacon Falls, Cheshire, Middlebury, Naugatuck, Prospect, Southbury, Waterbury, and Wolcott in New Haven County).

Indiana

South Bend (Marshall and St. Joseph Counties).

Louisiana

Baton Rouge (East Baton Rouge Parish).

New Orleans (Jefferson, Orleans, St. Bernard, and St. Tammany Parishes).

Massachusetts

Brockton (Towns of Easton in Bristol County; Towns of Avon and Stoughton in Norfolk County; City of Brockton, Towns of Abington, Bridgewater, East Bridgewater, Hanson, West Bridgewater, and Whitman in Plymouth County).

Fall River (City of Fall River; Towns of Somerset, Swansea, and Westport in Bristol County, Mass.; Town of Tiverton in Newport County, R.I.).

Lawrence-Haverhill (Cities of Lawrence and Haverhill; Towns of Andover, Georgetown, Groveland, Merimac, Methuen, North Andover, and West Newbury in Essex County, Mass.; Towns of Newton, Plaistow, and Salem in Rockingham County, N.H.).

Lowell (City of Lowell; Towns of Billerica, Chelmsford, Dracut, Tewksbury, Tyngsborough, and Westford in Middlesex County).

Springfield, Chicopee, Holyoke (Cities of Chicopee, Holyoke, Springfield, and Westfield; Towns of Agawan, East Longmeadow, Hampden, Longmeadow, Ludlow, Monson, Palmer, Southwick, West Springfield, and Wilbraham in Hampden County; City of Northampton; Towns of Easthampton, Granby, Hadley, and South Hadley in Hampshire County; Town of Warren in Worcester County).

Michigan

Battle Creek (Barry and Calhoun Counties).

Detroit (Macomb, Oakland and Wayne Counties).

Flint (Genesee and Lapeer Counties).

Grand Rapids (Kent and Ottawa Counties).

New Jersey

Jersey City (Hudson County).

New Brunswick, Perth Amboy (Middlesex and Somerset Counties).

New Mexico

Albuquerque (Bernadillo County).

Oregon

Portland (Clackamas, Multnomah, and Washington Counties, Oreg.; Clark County, Wash.).

Washington

Seattle (King and Snohomish Counties).

Spokane (Spokane County).

Tacoma (Pierce County).

West Virginia

Huntington-Ashfield (Cabell and Wayne Counties, W. Va.; Boyd County, Ky.; Lawrence County, Ohio).

Wisconsin

Racine (Racine County).

SMALLER AREAS

Alabama

Centre (Cherokee County).

Cullman (Cullman County).

Florence Sheffield (Colbert, Franklin and Lauderdale Counties).

*Gadsden (Etowah County).

California

*Oxnard (Ventura County).

Colorado

Trinidad (Las Animas County).

Connecticut

Ansonia (Towns of Ansonia, Derby, Oxford, and Seymour in New Haven County).

Danielson (Towns of Brooklyn, Canterbury, Eastford, Killingly, Plainfield, Pomfret, Putnam, Sterling, Thompson, and Woodstock in Windham County).

Torrington (Towns of Burlington and Hartland in Hartford County; Towns of Barkhamsted, Canaan, Colebrook, Cornwall, Goshen, Harwinton, Litchfield, Morris, New Hartford, Norfolk, North Canaan, Salisbury, Sharon, Torrington, and Winchester in Litchfield County).

Georgia

Cedartown (Polk County).

Idaho

Jerome (Jerome County).

Illinois

Carmi (White County).

Iowa

Waterloo (Black Hawk County).

Kansas

Coffeyville (Montgomery County).

Wellington (Sumner County).

Kentucky

Fulton (Fulton and Hickman Counties).

Georgetown (Scott County).

Lancaster (Garrard County).

Louisiana

De Ridder (Beauregard Parish).

Jennings (Jefferson Davis Parish).

Monroe (Ouachita Parish).

Maine

Ellsworth (Hancock County).

Maryland

Pocomoke City (Worcester County).

Massachusetts

North Adams (City of North Adams, Towns of Adams, Clarksburg, Florida, New Ashford, Savoy, and Williamston in Berkshire County; Town of Monroe in Franklin County).

Taunton (City of Taunton, Towns of Berkeley, Dighton, Norton, and Raynham in Bristol County; Towns of Halifax, Middleboro, and Lakeville in Plymouth County).

Michigan

Adrian (Lenawee County).

Caro (Tuscola County).

Coldwater (Branch County).

*Jackson (Jackson County).

Roscommons (Roscommon County).

Minnesota

Princeton (Mille Lacs County).

Walker (Cass County).

New Mexico

Farmington (San Juan County).

New York

Norwich (Chenango County).

Oneonta (Otsego County).

Perry (Wyoming County).

Sidney (Delaware County).

North Carolina

Roxboro (Person County).

Oklahoma

Ada (Pontotoc County).

Altus (Jackson County).

Anadarko (Caddo County).

Claremore (Rogers County).

Marietta (Love County).

Shawnee (Pottawatomie County).

Oregon

Albany (Linn County).

Madras (Jefferson County).

Tillamook (Tillamook County).

Pennsylvania

Bradford (McKean County).

Candersport (Potter County).

Tunkhannock (Wyoming County).

Wellsboro (Tioga County).

South Carolina

Orangeburg (Orangeburg County).

Utah

Brigham City (Box Elder County).

Ogden (Precincts of Clearfield, Clinton, Kaysville, Layton, South Weber, Syracuse, and West Point in Davis County; Weber County).

*Provo-Orem (Utah County).

Virginia

Bristol (Washington County, Va.; Independent City of Bristol, Va.; Division of Avoca, Blountville, Bluff City, Bristol, Holston Valley, Piney Flats, and Weaver in Sullivan County, Tenn.), Va.-Tenn.

West Virginia

Clarksburg (Doddridge and Harrison Counties).

Martinsburg (Berkeley and Jefferson Counties).

Wisconsin

Antigo (Langlade County).

Arcadia (Trempealeau County).

Dodgeville (Iowa County).

Eagle River (Vilas County).

Manston (Juneau County).

Oconto (Oconto County).

Shawano (Shawano County).

Sparta (Monroe County).

Qualified Redevelopment Areas

(Note.—In addition to the above, the following areas are qualified to be "redevelopment areas" but are not designated at this time by the Secretary of Commerce for the purposes of the Public Works and Economic Development Act of 1965.)

ALABAMA

Dallas County.

Lamar County.

Vernon area.

ALASKA

Bristol Bay Reservation, part of Election District 13.

Cook Inlet Reservation, part of Election District 10.

Election District 3, formerly 4, Sitka.

Norton Sound Reservation, part of Election District 18.

ARKANSAS

Polk County, Mena area.

CALIFORNIA

Glenn County, Willows area.

Kern County, Bakersfield area.

COLORADO

Archuleta County, Pagosa Springs Area.

CONNECTICUT

Bristol area.

Hartford County (part) town of Bristol.

Litchfield County (part) town of Plymouth.

***These areas are Standard Metropolitan Statistical Areas but are not part of the 150 areas regularly covered by the Dept. of Labor's area classification program.**

Torrington area.
Hartford County (part) towns of Burlington and Hartland.
Litchfield County (part) towns of Barkhamsted, Canaan, Colebrook, Cornwall, Goshen, Harwinton, Litchfield, Morris, New Hartford, Norfolk, North Canaan, Salisbury, Sharon, Winchester.
Bridgeport area.
Fairfield County (part) towns of Bridgeport, Easton, Fairfield, Monroe, Shelton, Stratford & Trumbull.
New Haven County (part) town of Milford.
Danbury area.
Fairfield County (part) towns of Bethel, Brookfield, Danbury, New Fairfield, Newton, Redding, Ridgefield & Sherman.
Litchfield County (part) towns of Bridgewater, Kent, New Milford, Roxbury, Warren & Washington.
Meriden area.
Hartford County (part) town of Southington, New Haven County, towns of Meriden & Wallingford.
New Britain area Hartford County (part) towns of Berlin, New Britain & Plainville.

GEORGIA

Douglas County, Douglasville area.
Pulaski County, Hawkinsville area.

IDAHO

Adams County, council area.
Payette County.
Washington County.

ILLINOIS

White County, Carmi area.

INDIANA

Sullivan County, Terre Haute area (part).

KANSAS

Labette County, Parsons area.

KENTUCKY

Boyd County, Huntington-Ashland, West Virginia area (part).
Fulton County, Fulton area (part).
Hickman County, Fulton area (part).
Lincoln County, Stanford area.

LOUISIANA

Acadia Parish, (Crowley area).
Assumption Parish, Napoleonvile area.
Iberville Parish.
St. John the Baptist Parish, Reserve area.
West Feliciana Parish, St. Francisville area.

MAINE

Madawaska-Van Buren area, Towns of Grand Isle, Madawaska and Van Buren and Cyr and Hamlin, Plantations in Aroostook County.
Dover-Foxcroft area, Piscataquis County, (except part included in Greenville area).

MARYLAND

Kent County, Washington County, Hagerstown area.

MASSACHUSETTS

Brockton area.
Bristol County (part) town of Easton.
Norfolk County (part), Towns of Avon and Stoughton.
Plymouth County (part).
City of Brockton and Towns of Abington, Bridgewater, Hanson.
East Bridgewater,
West Bridgewater and Whitman.
Fall River area.
Bristol County (part).
City of Fall River, Towns of Somerset, Swansea and Westport.
Newport County, RI (part).
Town of Tiverton, RI.
Lawrence-Haverhill area.
Essex County (part), Cities of Lawrence and Haverhill, also Towns of Andover, Georgetown, Groveland, Merrimac, Methuen, North Andover and West Newbury.
Rockingham County, NH Towns of Newton, Plaistow and Salem.
Milford area, Norfolk County (part), Town of Medway.
Sprinkfield-Chicopee-Holyoke area.
Hampden County (part), Cities of Chicopee, Holyoke, Springfield, Towns of Agwam, Ludlow and Westfield, Monson, Southwick, Hampden, Longmeadow.
Hadley, East Longmeadow, West Springfield.
Town of Warren, Palmer and Wilbraham.
Hampshire County (part), City of Northampton, Towns of East Hampton.
Granby, Hadley and South Worcester County (part).
Bristol County (part).
Ware area.
Hampden County (part), Towns of Brimfield, Holland and Wales.
Hampshire County (part), Towns of Belchertown and Ware.
Worcester County (part), Towns of Hardwick, New Braintree, Oakham, and West Brookfield.

MICHIGAN

Alcona County, East Tawas area (part).
Allegan County, Barry County, Battle Creek area (part).
Calhoun County, Battle Creek area (part).
Genesee County, Flint area (part).
Ionia County, Ionia-Belding-Greenville area (part).
Iosco County, East Tawas area (part).
Kent County, Grand Rapids area (part).
Lapeer County, Flint area (part).
Macomb County, Detroit area (part).
Montcalm County, Ionia-Belding-Greenville area (part).
Muskegon County, Muskegon-Muskegon Heights area.
Oakland County, Detroit area (part).
Osceola County, Cadillac area (part).
Ottawa County, Grand Rapids area (part).
Shiawassee County, Owosso area.
Wayne County, Detroit area (part).

MINNESOTA

Morrison County, Little Falls area.

MISSOURI

Taney County, Branson area.

MONTANA

Carbon County, Red lodge area.
Park County, Livingston area.

NEW JERSEY

Atlantic County, Altantic City area.
Hudson County, Jersey City area.

NEW MEXICO

Canoncita Reservation, Bernalillo, Valencia and Sandoval Counties.
Otero County.

NORTH CAROLINA

Martin County, Williamston-Plymouth area (part).
Perquimans County.
Washington County, Williamston-Plymouth area (part).

NORTH DAKOTA

Logan County.
McIntosh County.
Sheridan County.
Sioux County.

OKLAHOMA

Seminole County.

OREGON

Jefferson County, Madras area.
Klamath County.
Malheur County, Ontario area (part).
Marion County, Salem area (part).
Polk County, Salem area (part).
Sherman County, the Dallas area.
Wallowa County, Enterprise area.
Wheeler County, Fossil area.

PENNSYLVANIA

Clinton County, Lockhaven area.

SOUTH CAROLINA

Chesterfield County, Cheraw area.

SOUTH DAKOTA

Buffalo County.
Mellette County.
Shannon County.
Todd County.

TENNESSEE

Roane County, Harriman-Rockwood area, (part).

TEXAS

Newton, Newton area.
Hidalgo County, McAllen area (part).

UTAH

San Juan County, Moab area.
Washington County, St. George area.

WASHINGTON

Clallam County, Port Angeles area.
Columbia County, Dayton area.
Grant County, Moses Lake area.
Grays Harbor County, Aberdeen area.
Jefferson County, Port Townsend area.
Kittitas County, Ellensburg area.
Spokane County, Spokane area.

WEST VIRGINIA

Cabell County, Huntington-Ashland area (part).
Tyler County, Sistersville area.
Wirt County, Parkersburg area (part).
Wood County, Parkersburg area (part).

WISCONSIN

Door County, Sturgeon Bay area.
Juneau County, Mauston area.
Lafayette County, Darlington area.
Lincoln County, Merrill area.
Racine County.
Waushara County, Wautoma area.

Mr. Speaker, section 205 of H.R. 5376 would amend the criteria established in section 401 of the Public Works and Economic Development Act of 1965 for designation of "redevelopment areas" eligible for financial assistance under the act. Although these amendments are essentially technical in nature, they will be extremely meaningful in many areas of our Nation, and, of course, to designate as a "redevelopment area" would make the area eligible for additional assistance under the Public Works Acceleration Act. The criteria would be changed to:

First, increase from 40 percent to 50 percent of the national median, the maximum median family income under which an area can qualify;

Second, broaden the "special impact" area definition by redefining it to include communities or neighborhoods:

With large concentration of low income persons,

That are rural in nature, with substantial out-migration,

With substantial unemployment,

With an actual or threatened abrupt rise in unemployment due to closing or curtailment of major source of employment, or

With severe economic distress due to occurrence of a natural disaster.

Third, add the new criterion of a significant decline over a 10-year period in per capita employment.

It is not possible to determine at this time which specific areas would qualify under the broadened criteria.

SOVIET OPPRESSION OF JEWS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. KEMP. Mr. Speaker, having just returned from 1 week of personal surveys and discussions throughout my Congressional District over the Easter recess, I was very much aware of the fact that a large number of my constituents participated in Passover activities.

The Jews certainly know the meaning of gratitude and Passover reflects their deep appreciation to God for all of His spiritual support throughout a history of oppression and suffering.

Certainly all of us can lend that spiritual support to those Jews who remain oppressed today and continue in a determined effort to obtain their rights in all Nations, but the situation in the Soviet Union is worthy of special attention.

Mr. Speaker, the plight of more than 3 million Soviet Jews, who are being deprived of their rights to religious and cultural freedom in violation of the Soviet Union's own constitution, and who are being denied the right to emigrate freely, despite provisions of the Universal Declaration of Human Rights, to which the Soviet Union subscribes, has stirred public opinion and led to protests throughout the world. Their plight merits our compassion. In the name of humanitarianism, we must persist in our efforts to persuade the Soviet government to relent in its oppressive policies.

Sadly, oppression of Jews has had a long history, in czarist Russia as well as in the Soviet Union. Although persecution may no longer take the form of pogroms and mass exterminations, the present threat to the survival of a Jewish ethnic and spiritual identity is just as poignant and real. Through the suppression of Jewish culture and religion, Soviet Jews are faced with forced assimilation. And yet this assimilation is only apparent, since they are still subjected to abuse and discrimination, especially in education and employment, simply because they are Jews. Antisemitism, thinly disguised as anti-Zionism, has often been used as a political weapon by Soviet officials, and recently, has been stepped up, since the 6-day war in June 1967.

Soviet Jews have become increasingly bold in their demands for more cultural and religious freedom, and the right to emigrate. Despite harassment, reprisals, the risk of imprisonment, they have not hesitated to conduct sit-ins and stage demonstrations. We must support them in their actions, out of solidarity, to let them know that they are not alone, and as a means of applying pressure on the Soviet Government. A few incidents have shown that the Soviet Union is not insensitive to world public opinion, and will make a few, albeit slight, concessions to it. In the trial held last December, where several Jews were accused of treason for an alleged attempt at hijacking a plane, two of the defendants were sentenced to death. In the wake of world-wide protest, their sentences were later commuted to prison-camp terms. Recent newspaper reports claim that the Soviet Union has permitted the emigration of about 15 Jews a day, as compared to about two a day in January, and six a day in February. This slight relaxation in the Soviet attitude must not be allowed to be temporary. The world must continue to be reminded of the plight of Jews in the Soviet Union. We must strengthen the determination of Soviet Jews in their fight for their rights, and we must compel the Soviet Government to insure those rights, through internal reforms as well as mass emigration.

CITIZENS OBJECT TO LAND MONOPOLY RULING

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. EDWARDS of California. Mr. Speaker, I would like to share with my colleagues some of the opinions of responsible citizens and citizens' groups regarding the exemption of a huge area of southern California from the U.S. Reclamation Act's acreage limitation. This action is really most regrettable. It is not only a continuance of the ecological havoc perpetrated on southern California but also a victimization of the American taxpayer. The taxpayers of the Nation are being asked to pay for the development of this land, through water projects, for the benefit of a few, rich developers. This is not only wrong. it is disgraceful.

The material follows:

CALIFORNIA TAXPAYERS TO LOSE MILLIONS IF MITCHELL FAILS TO APPEAL WATER CASE

"Within the next three days U.S. Attorney General John N. Mitchell either will act to protect the public interest by appealing the January 5, 1971 decision by San Diego Federal District Court Judge Howard B. Turrentine, which would exempt a huge area of Southern California from the U.S. Reclamation Act's acreage limitation law or, by inaction, he will literally give away more than a quarter of a billion dollars in public tax subsidies to wealthy Southern California landowners and land speculators," John F. Henning, executive secretary-treasurer of the California Labor Federation, AFL–CIO, warned today.

The Turrentine decision in a case titled, "United States of America vs. Imperial Irrigation District, et al.," held that excess land laws do not apply to the Imperial Valley Irrigation District.

"In essence, the lower court decision contends that although Congress voted in the Boulder Canyon Act of 1928 to finance reclamation construction, it was willing to let a few large landholders get as much of the benefits as they could. In Imperial Valley that means that 233,000 acres, or 54 percent of the land irrigated, will get benefits greater than Congress allowed under the original 1902 U.S. Reclamation Act," Henning said.

"But beyond that if the San Diego decision stands without review about a half a million acres would be allowed to receive public water free of the U.S. monopoly control law," he explained.

Some time ago, Henning noted, U.S. Bureau of the Budget studies indicated that the range of the taxpayers' subsidies under the U.S. Reclamation Act in the 17 western states was between $600 and $2,000 per acre. A reasonable estimate of the subsidy involved is about $1,000 per acre, he said.

"This means that in the Imperial Valley case alone some 800 landowners will benefit to the tune of a $233 million tax subsidy. While most of these 800 landowners have a few hundred acres in excess, some, like the Irvine Land Company with 10,000 acres in the district will benefit by the tune of about $10 million," he observed.

"The basic principle of U.S. Reclamation Law is that as broad a segment as possible of the public should benefit from the investment of public tax funds. The validity of this position has been unanimously upheld by the U.S. Supreme Court and failure of the Attorney General to appeal this case would amount to nothing short of a dereliction of the duties of that high public office," Henning declared.

The California Labor Federation has been joined in its efforts to urge the Justice Department to file the appeal by a number of other organizations including the Sierra Club, the National Farmers Union, the National Grange, the National Education Association, and the American Association of Junior Colleges as well as concerned church groups and others interested in preserving a decent environment.

Rather than abandon the 160-acre limitation as promoters of wealthy private interests have repeatedly sought, the AFL–CIO is supporting legislation recently introduced in Congress by Rep. Robert Kastenmeier (D–Wis.) which would permit the U.S. government to purchase "excess" lands and establish a Reclamation Land Authority to develop regulations governing their use through resale or lease to preserve open spaces and greenbelts.

This measure, *H.R. 5236*, calls for the transfer of a percentage of the net revenues at once to the Land and Water Conservation Fund for acquisition of park and seashore lands and for the transfer of 70 percent of the net revenues to finance public education. The State Labor Federation has asked all of California's 38 Congressmen to cosponsor this bill, Henning said.

This would be in keeping with the nation's tradition of land grants under which some 94 million acres of public lands were provided to assure public education for all, he pointed out.

Henning noted that Assemblyman John J. Miller (D-Oakland), who has also been vitally concerned about the impact of the Turrentine decision, is in the process of introducing legislation sponsored by the State AFL–CIO to establish a state 160-acre limitation law and to create a state Reclamation Land Authority to assure the distribution of public revenues derived therefrom to ease the educational crisis in California and reduce property taxes.

Assemblyman Edwin L. Z'berg (D-Sacramento) has already introduced another Federation sponsored measure, *Assembly Joint Resolution 26*, which would memorialize Congress to authorize the government to purchase excess lands on federal reclamation projects at their pre-water price in order to provide a ready market for their sale with the proceeds to be used to provide open spaces, agricultural greenbelts and water grants for education, the State AFL–CIO official said.

SIERRA CLUB,
San Francisco, Calif., February 23, 1971.

Hon. JOHN A. MITCHELL,
Attorney General of the United States,
Justice Department,
Washington, D.C.

DEAR MR. MITCHELL: The Sierra Club, founded in 1892 and with national membership of 120,000, is deeply concerned over the continuing alienation of man with nature, the degradation by man himself of his own environment.

On March 17, 1968 the Club's Board of Directors, seeking to assure preservation of a decent environment within the Government's reclamation program, went on record with the following policy statement:

"The Sierra Club supports the federal purchase of lands (over 160 acres limitation) under the 1902 Reclamation Act with the understanding that lands so purchased would be sold or leased under open space regulations."

Although the Club has not yet won authorization for the Government to purchase the excess lands that their owners are legally bound to sell, we are unwilling to lose any of the present advantages of reclamation law upon which our program is founded. Our immediate concern is the defeat in San Diego Federal District Court on January 5, 1971 of the Government's own position, viz., that acreage limitation provisions of reclamation law do apply to Southern California under the Boulder Canyon Act.

We urge strongly that the Government appeal this case at once to the Circuit Court of Appeals and, should this become necessary, to the Supreme Court of the United States.

Legal grounds for appeal are ample. The opinion of Judge Howard B. Turrentine in United States v. Imperial Irrigation District ignores, and destroyed the fundamental public policy justification in the law for the spending of public funds to reclaim private lands. In Imperial Valley alone are 233,000 acres receiving water under the Boulder Canyon Act in excess of the legal limit. We have seen no figures on how many more acres are similarly above the legal limit in either Coachella Valley or in the remainder of Southern California; the area must be huge, particularly in Orange County. Chief Counsel Reginald L. Knox, of Imperial Irrigation District, has reported that Colorado River water made available under the Boulder Canyon Act is supplied through the Metropolitan Water District "to some extremely large holdings on the coast."

Our environmental concern is this: If Judge Turrentine's decision should go unchallenged, the public will lose forever its present, and best, opportunity to plan and to preserve agricultural greenbelts and recreational areas as open spaces essential to a decent environment. This planning function and power will be lost to the public, left to the uncertain whims of private speculation. The record of speculation as motive for enhancement of environmental quality is notoriously low.

The Department of Justice's own explanation of how Imperial Irrigation District avoided acreage limitation in the first place, until currently challenged by the Government, has the ring of truth. In the closing month of the Hoover Administration, District Counsel Richard J. Coffey advised his superior, Assistant Reclamation Commissioner P. W. Dent, that the attorney for Imperial Irrigation District was "very anxious to get a ruling" on acreage limitation, but no "formal ruling, of course, if the Solicitor were to hold that the limitation applies" to his District. (71 I.D. 496 at 527) The Justice Department's court brief phrases it this way:

"Thus, the Wilbur letter (of 1933 eliminating application of acreage limitation to Imperial Valley) must be considered for what it was: A partisan effort by a lame duck administration to effect, by administrative interpretation, an exemption that proponents of the Project Act never dated risk seeking directly."

This position of the Government must not be allowed to be overturned by a local, lower Court. We note with satisfaction that spokesmen for the Justice Department told the press that the Government would appeal the District Court decision if necessary to sustain its position. (Brawley News, January 6, 1971)

Apparently Judge Turrentine himself shared the view of both parties at the time the case was pending, viz., that it properly is one to be heard by the nation's highest tribunal, not laid to rest at the lowest, local level. Referring to Judge Turrentine an Associated Press dispatch stated:

"He wants to 'get it tried and on its way to the Supreme Court.'" (AP dispatch, San Diego. Sacramento Bee, November 27, 1970)

The Sierra Club urges the Government to resist all pressures to drop the case and, instead, to stand fast on its sound position that acreage limitation public policy provisions do apply to Southern California under the Boulder Canyon Act, and to honor the promise of its spokesmen that, if necessary, the Government will appeal.

Sincerely yours,

MICHAEL MCCLOSKEY,
Executive Director.

OPEN LETTER TO PRESIDENT NIXON

The Nation, under reclamation law, gives public waters to private landowners, together with money from the treasury to store the waters and convey the gift to them. In the interest of equity, and justice, and opportunity for the many, the law states that these waters shall be distributed widely and not monopolized by the few. This is the meaning of acreage limitation law, that places a ceiling on the quantity of water and amount of subsidy that any individual may receive.

In conferring these gifts of water and money the Nation has been generous. Congress has spent or authorized $10 billion for the program. The question that remains too largely unanswered is whether the law requiring that benefits from these expenditures be widely distributed is going to be honored or breached. While they welcome the water and the money, landowners with tens and scores and even hundreds of thousands of acres resist the law that denies monopoly of these gifts.

Open efforts to persuade Congress to abandon the law have generally failed. Greater success has come from subtler pressures upon administrators to ignore the law or lay it aside. Judicial proceedings have had limited success in lower courts, but none in the highest. In 1957 the California Supreme Court repudiated the law against water monopoly by the few, but the United States Supreme Court unanimously reversed the lower court decision the very next year.

Today the National Administration faces a parallel prospect. Shall it allow the legal process to take its due course from lower to higher court? Or shall it halt the process, allowing a lower court rejection of acreage limitation law to stand without higher review?

A San Diego district judge in the lowest federal court has ruled that the Boulder Canyon Act of 1928, while conferring generous benefits in water and money, omits the customary mandate to distribute these benefits widely. The issue is one of magnitude. In Imperial Valley alone 233,000 acres, or more than half the total irrigated area, are owned in tracts that exceed the legal limit under reclamation law. In all of Southern California served with Colorado River waters probably a half million acres are owned in "excess," equal to more than half the area of the State of Rhode Island. By clear implication the lower court decision removes the legal limit from these lands.

Understandably the interest of large landowners is to let the decision stand without appeal. For them, as noted by the Los Angeles Times, it means "soaring" land values. A higher court, as it did before, might reverse the lower court ruling. For a broader public interest, however, the moral to be drawn from judicial precedent is precisely the opposite: appeal should be taken to the highest court if necessary to uphold the law.

The principle guiding the tactics of interests seeking escape from acreage limitation provisions of reclamation law has never been stated more clearly than by one of the practitioners, Congressman, and later Senator Clair Engle. In 1955 he told Congress:

"I grant you, you start kicking the 160-acre limitation and it is like inspecting the rear end of a mule: You want to do it from a safe distance because you might get kicked through the side of the barn. But it can be done with circumspection, and I hope we can exercise circumspection."

The issue today is "circumspection" vs. unimpeded due process of law through the courts.

The Imperial Valey case began in 1933 with administrative "circumspection." An administrator wrote a letter saying he was not going to apply the law. This letter, says the current brief of the Department of Justice, "must be considered for what it was: A partisan effort by a lame duck administration to effect, by administrative interpretation, an exemption that proponents of the Project Act never dared risk seeking directly" from Congress.

Since 1933 top Government lawyers within three Administrations have said that under the Boulder Canyon Act acreage limitation law does apply. The press reports that Government spokesmen said the San Diego case would be appealed if the Government lost in the lower court, and that the judge himself said of the case that he wanted "to get it tried and on its way to the Supreme Court."

With a lower court decision again against the law, will "circumspection" be the guide that says drop the case, do not appeal? Or will the Government appeal, as the acreage limitation issue was appealed before to a favorable decision, to the United States Supreme Court?

The right to appeal expires with April 9. Time is short.

PAUL S. TAYLOR.

BERKELEY, CALIF.

AFFIDAVIT

STATE OF OREGON,
County of Lane, ss:

Frank J. Barry, being first duly sworn, deposes and says:

That I reside at 2085 University Street, Eugene, Oregon; that I am a Professor of Law employed by the University of Oregon; that I teach Property, Environmental Law and Natural Resources Law;

That I served as Solicitor of the Department of the Interior from January 30, 1961, to April 7, 1968; that the Solicitor is the chief legal officer of the Department of the Interior; that a major part of the business of the Solicitor during the years that I held that office was the study, interpretation and application of the excess land provisions of the Reclamation Laws of the United States;

That I have read the opinion of the Honorable Howard B. Turrentine, Judge of the United States District Court for the Southern District of California in the case entitled, "United States of America v. Imperial Irrigation District, et al." (No. 67-7-T of the files of said Court); that I have noted Judge Turrentine has held that said excess land laws do not apply to the Imperial Irrigation District; that this opinion is the opposite to the one I reached in my opinion of December 31, 1964;

That my said opinion was arrived at after careful study by the most experienced reclamation lawyers in the Department of the Interior; that it was concurred in by the Attorney General of the United States; that it was shared by the Solicitor of the Department of the Interior, Honorable Fowler Harper, in the Truman Administration (71 Int. Dec. 496, at 531-548) and by the Solicitor General in the Eisenhower Administration (71 Int. Dec. 496, at 555); that the circumstances of the issuance of the informal opinion of Secretary Wilbur "granting" the exemption, the fact that we were unable to find any evidence in the Department that Secretary Wilbur's Solicitor considered the informal opinion and the fact that none of those who recognized the exemption ever pretended to rely on more than that it was based on Secretary Wilbur's informal opinion, all raise doubts as to the correctness of the informal opinion;

That notwithstanding the conviction of the lawyers in my office, and of myself, and the lawyers in the Department of Justice, of the applicability of the excess land laws to the Imperial Irrigation District, we expressed a willingness to the representatives of the District and of the large landowners in the District to submit the entire issue for a judicial determination before taking steps to enforce what we thought and think to be the law; that this was the subject of the negotiations referred to by Judge Turrentine on p. 4 of his Memorandum of Opinion;

That the highest legal officers of three successive administrations have cast serious doubts on the validity of the informal Wilbur opinion; that I agree with Judge Turrentine that "the decision whether acreage limitation applies under the [Boulder Canyon] Project Act involves important considerations of national policy"; that, in my opinion, and with respect to Judge Turrentine, this case must be appealed to the highest courts so that these "important considerations of national policy" can be finally resolved; that, in such an important case as this, it is no more fitting that Judge Turrentine's opinion should be the last word than should the opinion of the Solicitor of the Department of the Interior.

LET MY PEOPLE GO!

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. REID of New York. Mr. Speaker, I commend to the attention of my colleagues "The Brussels Declaration" by the World Conference of Jewish Communities on Soviet Jewry.

Mr. Speaker, there is no excuse for the treatment of Jews such as has been the case all too often in the Soviet Union. They have been denied the study of their culture, of their tradition, and worst of all even of their religion. They have been denied exit visas to the nation which they consider their own home, Israel. And, finally, they have been denied the right to exist as Jews through the policy of invoking lengthy criminal sentences when their only crime has been their wish to live in another country.

I commend this moving declaration on the human and religious rights of Soviet Jews to my colleagues in the House:

LET MY PEOPLE GO!

(Text of the Brussels Declaration by the World Conference of Jewish Communities on Soviet Jewry)

We, the delegates of this Conference, coming from Jewish communities throughout the world, solemnly declare our solidarity with our Jewish brothers in the Soviet Union.

We want them to know—and they will take encouragement from this knowledge—that we are at one with them, totally identified with their heroic struggle for the safeguarding of their national identity and for their natural and inalienable right to return to their historic homeland, the land of Israel.

Profoundly concerned for their fate and future, we denounce the policy pursued by the government of the Soviet Union of suppressing the historic Jewish cultural and religious heritage. This constitutes a flagrant violation of human rights which the Soviet Constitution pledges to uphold and which is enshrined in the Universal Declaration of Human Rights. To cut them off from the rest of the Jewish people, as the Soviet authorities are attempting to do, is a crime against humanity.

Soviet spokesmen claim that there is no need for Jewish culture and education, that there is no Jewish problem in the Soviet Union and that there is no anti-Semitism. These assertions have been proven false by the Soviet Jews themselves. The entire world has heard their protest.

Tens of thousands of Jews have petitioned the Soviet authorities for the right to settle in Israel and raise their children in the Jewish tradition and culture. Letters, messages and petitions, sent at the signatories' peril from the Soviet Union to individuals, to governments to the United Nations and other international organizations, all demand recognition of these rights.

The reaction of the Soviet authorities to this Jewish awakening has been to mount a campaign of harrassment, arrests and virulent anti-Jewish propaganda The Leningrad trial, shocking to the world, was but one manifestation of such persecution. Far from being crushed by such intimidation, Soviet Jews today demand their rights with ever greater courage and determination.

This conference urgently calls upon the civilized world to join with us and with the Jews of the USSR in urging the Soviet authorities:

To recognize the right of Jews who so desire to return to their historic homeland in Israel, and to ensure the unhindered exercise of this right.

To enable the Jews in the USSR to exercise fully their right to live in accord with the Jewish cultural and religious heritage and freely to raise their children in this heritage.

To put an end to the defamation of the Jewish people and of Zionism, reminiscent of the evil anti-Semitism which has caused so much suffering to the Jewish people and to the world.

We assembled in this Conference commit ourselves, by unceasing effort, to ensure that the plight of Soviet Jewry is kept before the conscience of the world until the justice of their cause prevails.

We will continue to mobilize the energies of all Jewish communities. We will work through the United Nations and other international bodies and through every agency of public opinion.

We will not rest until the Jews of the Soviet Union are free to choose their own destiny.

Let my people go!

REPORT TO NINTH DISTRICT CONSTITUENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

RURAL DEVELOPMENT IN AMERICA

There are signs that the call for help from rural America is being heard. More people are seeing more clearly that the quality of life in the city, as well as the country, can only be improved if rural America stops its decline.

We know that many of the problems in our urban centers stem from the migration from rural areas, and the solution of urban problems will require the acceleration of rural development. It is not in the best interest of the Nation to continue indefinitely the depopulation of rural and small town America and the building of ever-larger metropolitan complexes.

There is hope in the findings of recent national polls which show that as America becomes more urbanized, the longing for rural life gets stronger. More than half the Nation would rather live in the country, and a Nation longing for rural life is not likely to let it deteriorate.

The climate for rural development is enhanced by the growing concern over man's fouling of his environment. Hopefully, those who do not see the interrelationship between urban and rural problems in other circumstances will see it in the environmental crisis. Air and water pollution do not begin or end at the city limits.

There is hope for rural America in the expanding development of improved roads, better communications, new water systems and reservoirs and recreation areas, and in the spirit of vitality in some rural areas.

There is hope in the renewed interest in rural development in the Congress, demonstrated recently by "Rural America Day" in the House. In a series of speeches, several Members condemned the continued neglect of rural America. The Senate Agriculture Committee now has an active subcommittee to deal exclusively with rural development and the House Agriculture Committee will turn to the same subject soon.

The important Joint Economic Report of the U.S. Congress this year, for the first time in my memory, recommends increases in Federal expenditures for programs dealing with rural development, and focuses strongly on the need to improve the quality of life in rural areas.

The climate for rural development, then, has some favorable winds, and we in the Congress must work for a proper legislative framework to assure that the winds blow gently and steadily and ever more forcibly. Our present programs must be greatly improved in their potency.

EMPLOYMENT

Two basic elements of rural development are jobs and improved community facilities and services (the infrastructure). The problem here is a community needs the infrastructure to create the jobs and the economic activity to improve the infrastructure.

To develop better job opportunities in rural areas several steps should be taken. Systematic reporting of unemployment and underemployment will help guide people to jobs. Enlarged and expanded training and manpower programs will help, too, with emphasis on such fields as conservation, pollution control, recreation, health and education. Also, the Federal government might serve as a residual employer in those cases where employment is not available elsewhere.

COMMUNITY INFRASTRUCTURE

The revitalization of rural communities goes hand in hand with improved employment. Greater public investment is needed in improved health care, expanded education programs and vocational education training, and in improved utilities. Wherever possible, Federal government contracts and installations should favor rural areas. Private investment also must be encouraged through industrial parks and the whole range of economic inducements, including tax incentives, grants, loans, guarantees and subsidies.

ORGANIZATION

If rural development is going to succeed we must bring greater sanity into its organizational structure. Present Federal programs are uncoordinated, lack leadership and professional and technical assistance, and often duplicate and overlap other programs.

We need multi-county and multi-community organizations which can muster the resources and professional skills needed to compete with larger metropolitan areas to plan, promote, and implement vital development programs.

MERCHANT MARINE ACT OF 1970

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. GIAIMO. Mr. Speaker, the Merchant Marine Act of 1970 represents a long-range commitment on the part of our Government to restore the United States as a first-rate maritime power. This program envisioned the construction of approximately 300 ships over a 10-year period, substantial improvements in the operating-differential subsidy program, and a number of other provisions to revitalize the U.S.-flag merchant marine. The legislation before us today would assist in implementing the provisions of the measure we enacted last Congress.

We have neglected our merchant marine. This neglect has been evident in various ways: Insufficient levels of funding to cover the Government's share in the construction of merchant ships to serve essential trade routes; inadequate proportion of cargoes to be transported by American-flag vessels; ineffectual planning to anticipate the Nation's need for shipping resources and lost opportunities to utilize U.S. shipyards in the construction of needed ships. The neglect has not always been deliberate, but we have allowed our merchant fleet to slip to a low priority item.

Our neglect has been disastrous. Though some new ships have been built and delivered, nearly three-quarters of the active U.S. shipping fleet today is composed of vessels 20 years of age or older. American-flag shipping carried approximately 30 percent of U.S. total foreign commerce in 1936, but less than 6 percent at present.

Hopefully, the mandate enacted in the Merchant Marine Act will unravel the negligence of the past 30 years and correct the persistent infirmities of the American merchant marine. However, the task of revitalizing our merchant fleet will require a full commitment by the Congress. We must continue our effort. We must enact this legislation before us today.

I consider the proposed maritime subsidies as an investment. The subsidies for ship construction mean jobs, and jobs mean people earning a living wage, people paying taxes, and people buying the products of our economy. Applied right, a subsidy brings far more benefit to the Government than it costs. Obviously, our investment in the merchant marine should realize a healthy return.

Our competitors have learned the importance of a strong merchant fleet. The following figures will give an idea of the Russians' success. In 1961, the U.S.S.R. had 895 ships in her merchant fleet, while the United States had 973 ships. In gross tonnage, the United States had a commanding lead of 9.6 million tons to 3.8 million tons. A decade later, the Russians have nearly doubled the number of ships in their fleet and nearly tripled their tonnage, while our fleet decreased and gross tonnage remained the same.

We cannot afford to lose our merchant marine. The world is changing, and to keep pace with it we must be willing to change, to meet competition and foreign challenges and insure that the U.S. flag will fly from our ships delivering goods to ports around the world.

In closing, Mr. Speaker, I would like to point out to my colleagues that the merchant marine revitalization program can serve as a model toward getting our economy back on the right foot. The administration must develop a program for the transition to a peacetime economy. To press ahead solely in bringing an end to this war without pushing forward in developing our peacetime economy would be wrong. We cannot tolerate widespread unemployment or recession. With courage and vision we can and must move ahead to help our economy and our way of life.

We must provide jobs. There is a recession in the maritime industry, and there is need to revitalize it. This is the lesson we must learn well and apply elsewhere in housing, education and pollution control. The Government must be willing to invest in America by committing its funds—funds which will maintain full employment and provide for the needs of all its citizens.

SUMMER CAMP

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. ROYBAL. Mr. Speaker, I would like to take this opportunity to praise the efforts of the East Los Angeles Junior Chamber of Commerce and the U.S. Forest Service for their efforts in behalf of over 1,400 children from lower income families in the Los Angeles area who spent a week at camp in the mountains last summer. By raising $35,000 from various civic minded organizations in the community, the East Los Angeles Jaycees were able to arrange use of a U.S. Forest Service campground in Angeles National Forest in which to establish an 11-week summer camp for these youngsters. In arranging this worthwhile program special thanks must go to Mr. Bill Dresser, the supervisor of the Angeles National Forest, Mrs. Sirel Foster, the director of the East Los Angeles Welfare Planning Council and the Department of Defense who furnished stoves and refrigerators to the summer camp. As further explanation of the fine work of the Jaycees last summer I would like to insert the following article on the summer camp which appeared in the March 1971 edition of Future magazine:

EAST LOS ANGELES CHAPTER LEADS IN "NEW CONCEPT" SUMMER CAMP

Early this year Congressman Edward Roybal offered a challenge to the East Los Angeles Jaycees—develop a new concept, working with the U.S. Forest Service to offer an outing for the youth of Los Angeles.

A committee from the Jaycees chaired by Edward Avila met with Bill Dresser of the U.S. Forest Service and Supervisor of the Angeles National Forest and Mrs. Sirel Foster, Director of the Los Angeles East Central Welfare Planning Council. From this meeting the idea was developed. The new concept should:

(1) Be totally community developed, working with the various City, County, State and Federal agencies.

(2) Be a joint venture with the Jaycees and other East Los Angeles organizations.

(3) Be a total outdoor experience for the youth of East Los Angeles.

The only criteria to be considered in selecting the youths would be they should come from East Los Angeles and otherwise be unable to attend Summer Camp because of financial reasons.

Moneys were raised to the tune of $35,000 for the venture through the cooperation of the United Way, The Los Angeles Times Foundation, the Southern California Gas Company, and fund raising events on the part of community groups. In addition, services such as the loaning of tents, sleeping bags, camping equipment, food, and transportation were provided by various companies. These services were valued in excess of $50,000.

The program lasted for eleven weeks with each group of children going camping for four days out of each week. Over 1,400 children between the ages of 11 and 14 were taken off the streets of Los Angeles and enjoyed exposure to camping.

UNARMED AND DEFENSELESS

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. RAILSBACK. Mr. Speaker, much has been written on the Calley trial both pro and con. I would like to insert in the RECORD an editorial that appeared in the Chicago Tribune of April 10, 1971, which contains some pertinent thoughts on the reaction of the American people to the trial of Lieutenant Calley.

The article follows:

UNARMED AND DEFENSELESS

The Army prosecutor of Lt. William L. Calley Jr., Capt. Aubrey M. Daniel III, has sharply questioned President Nixon's intervention in the case, stating that the President, "in the midst of public clamor . . . has damaged the military judicial system and lessened any respect it may have gained as a result of these proceedings."

Mr. Nixon has ordered Calley released from the stockade where he was held after conviction by a jury of six combat veterans of Viet Nam on a charge of premeditated murder of 22 South Vietnamese civilians in the hamlet of My Lai. Calley was sentenced to life imprisonment, but the President has also said that he will review the final military judgment in the case.

Public reaction to the verdict has run at least 80 per cent in favor of Calley, some polls showing his sympathizers as 10 to 1. The whole affair has become so beclouded that it escapes attention that the jury listened to evidence for four months and concluded that Calley's action in herding villagers into a ditch and shooting them—men, women, children, and babies—was in clear violation of Army regulations and the Geneva Convention.

My Lai was considered an enemy Viet Cong village. It was a "combat hamlet" of a "combat village." As Joseph Alsop, the Washington columnist, observes, all persons in a "combat village," from the age of 4 on up, are trained to kill. If they do not follow their training, they are killed themselves after a V. C. kangaroo trial.

William Greider of the Washington Post mentions that perhaps Calley was subject to such pressures as fear of combat, the threat of booby traps, and the Viet Cong's guerralla tricks with women and children. But does that excuse him? No, say Greider and Alsop.

"When an attack succeeds," Alsop says "and the enemy throws down his arms and throws up his hands, Army regulations automatically begin to operate. No order concerning the attack can supersede those regulations. They make it a crime to kill prisoners who have already yielded. That is what the evidence says Calley did."

But all this has become confused by the outpouring of arguments on the subject. Some say Calley was a "scapegoat" and that his superiors, even up to the general of the division and perhaps even to the commanding general in Viet Nam, should be brought to trial. Some senators, such as Mr. Fulbright, have argued that Presidents Johnson and Nixon and Generals Westmoreland and Abrams may be "war criminals" under the definition of the Nuremberg code. Others, like Sen. Hatfield, say that Calley is no more guilty than the whole of the American people.

The verdict has been used by Senate "doves" and by antiwar groups as a club to beat American policy, but we find the argument far-fetched that a policy in Viet Nam which developed under four Presidents attaches a particular stigma to the present occupant of the White House, who had not been elected when My Lai occurred in March 1968. It is a dishonest contention, for the people who suggest it would probably have turned the argument inside out and tried to apply it even if the Calley verdict had gone the other way and he had been acquitted.

Capt. Daniel says that President Nixon's intervention has enhanced the image of Lt. Calley as a "national hero." One thing Calley is not is a hero. Capt. Daniel is correct when he says, "How shocking it is if so many people across this nation have failed to see the moral issue which was involved in the trial of Lt. Calley—that it is unlawful for an American soldier to summarily execute unarmed and unresisting men, women, children and babies."

As Mr. Greider points out, the Army and the Marine Corps have already convicted scores of other soldiers and marines for killing Vietnamese captives in combat situations. Records show that 115 men had been charged with murder in the war zone. Eighty-one were Army, 28 Marine Corps, five Navy, and one Air Force. Fifty-nine were found guilty, 21 were convicted of lesser charges, and 35 were acquitted. Yet only the Calley case has caused a public commotion.

Capt. Daniel says at another point in his letter to Mr. Nixon that the victims were "innocent" persons. The innocence of a Viet Cong "combat village" is doubtful. But unarmed and defenseless they certainly were, and once they were taken captive decency as well as Army regulations should have given them the cloak of protection. President Nixon was correct in an earlier appraisal of the My Lai incident.

He said on one occasion, "What appears was certainly a massacre, and under no circumstances was it justified."

He said again:

"An incident such as that alleged in this case is in direct violation not only of U.S. military policy but is also abhorrent to the conscience of all the American people.

"This incident should not be allowed to reflect on the some million and a quarter young Americans who have now returned to the United States after having served in Viet Nam with great courage and distinction."

Nor should it reflect on all of the countless American fighting men who did not shoot babies, who did not herd their victims into an irrigation ditch and dispatch them in cold blood.

EXTRAORDINARILY VALUABLE NEW RIGHTS—ARTICLE BY SYLVIA PORTER ON NEW FAIR CREDIT REPORTING ACT

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mrs. SULLIVAN. Mr. Speaker, since the enactment last October of the new Fair Credit Reporting Act—Title VI of the Consumer Credit Protection Act—which I have always referred to as the "Good Name" Protection Act, numerous technical articles have appeared in trade journals and elsewhere on the provisions of this consumer legislation which becomes effective this coming Sunday, April 25.

As usual, however, columnist Sylvia Porter has been able to take the technical provisions of a complex law and reduce them to a series of practical steps for individuals to follow in exercising their rights under this statute. Her article in the "Your Money's Worth" column in last night's Washington Evening Star, entitled "Here Are New Credit Rights" is another example of Miss Porter's rare ability to provide guidance to consumers in a concise and readable form. I am delighted to place it in the Record for the attention of the Members, many of whom will undoubtedly be receiving inquiries from constituents about this law.

One statement in the article requires some amplification, and that is the reference to being able to find out the identity of sources of information in your credit file. This is true in routine credit reports, but the law differentiates between routine, factual consumer reports and investigative consumer reports, which contain personal and character data and subjective opinions obtained by interviews with neighbors, business associates, a former spouse, and so on. Usually, the identity of the sources of investigative information can be withheld, although the law provides for discovery proceedings where the identity of the informant is essential to a successful court action permitted under the law.

MOST CREDIT REPORT ERRORS CAN BE QUICKLY CORRECTED

In my opinion, about 90 percent of the problems consumers have with their credit files fall into the category of errors in billing or in listing debts against the wrong names in the files, and these cases can quickly be cleared up under the rights granted under the new law. The other 10 percent involve more basic disputes or serious misstatements which the law will also help consumers to straighten out, but not quite as easily or quickly.

People are understandably concerned about the mass of data on their personal lives and habits which is sold by firms in the credit reporting industry. The purpose of this law is not to prevent the collection and dissemination of legitimate information businessmen need to know about prospective customers applying for credit or insurance, or about prospective employees, but we do want that information to be as accurate as possible, and its confidentiality strictly controlled.

As the sponsor of a much stronger bill than the one which finally became law, I am happy that the final version was nevertheless substantially improved in conference over the bill which had previously passed the Senate. For this, I am deeply indebted—as are all consumers—to Congressman Patman, Barrett, and Reuss for supporting my strengthening amendments in the conference committee. We lost on some but we won on enough others to convince us this can be an effective consumer statute.

ARTICLE BY SYLVIA PORTER

Mr. Speaker, under unanimous consent I submit for inclusion in the Record the excellent article in last night's Washington Evening Star on the Fair Credit Reporting Act, as follows:

HERE ARE NEW CREDIT RIGHTS

(By Sylvia Porter)

One week from today a great new array of defenses against credit status abuses by credit rating bureaus, credit reporting agencies, credit granters goes into effect. As of next Monday you will, among other things, be able to:

1. Obtain upon request and proper identification, from any consumer reporting agency which issues a report on you disclosure of all the information in your credit file—including the sources of that information.

2. Get the names of all who have received from any consumer reporting agency employment reports on you within the past two years and the names of all others who have received credit reports about you within the past six months.

3. Arrange for a reinvestigation of any item about you which you question.

4. Have that item deleted from the record if the reinvestigation finds it to be inaccurate or if the item can no longer be verified.

5. File a statement of about 100 words reporting your side of the story if the reinvestigation does not settle the matter—so that your side will be included in any future reports containing the item.

6. See to it, if an item is deleted or a statement added to your file, that the credit bureau informs those who have received employment reports about you within the past two years or regular credit reports about you in the past six months.

7. Get your record and a review without charge if in the past 30 days you have been denied credit because of a credit report from a credit bureau or received a notice from a collection department affiliated with the credit bureau. And under the same circumstances, have previous recipients of information about you notified without charge if an item is deleted or a statement from you is added . . .

These are extraordinarily valuable new rights. They come under the Fair Credit Reporting Act, signed into law last October and effective April 25.

Do not casually shrug off the potential significance of this law. Dossiers on practically every adult are in the files of the 2,500 credit bureaus across the land and of huge numbers of local merchants' associations. Included in these dossiers are facts on jobs, incomes, marital status, associations, personal histories and habits—and gossip too.

The bureaus freely exchange this information. They sell it to retailers, banks, other lenders, credit card companies, corporations—and a credit report almost surely will be issued on you when you apply for a job or insurance or credit.

The consumer credit reporting industry processes from 125 to 150 million credit reports each year. Just one computerized credit reporting company—TRW Credit Data, the largest, founded in Detroit in 1930—says it maintains 30 million files, enters four million "pieces of information" on individuals each month, services 14,000 subscribers and maintains on some individuals as many as 35 to 40 open accounts on which credit performance is reported.

The possibilities for abuse are unending. Yet, prior to this law, we had hardly any way to protect our financial standing and perhaps even our personal reputation.

Now, though, you will have the right under the law to obtain information—except medical—in your file and its sources. The law also forbids bureaus to send out adverse information which is more than seven years old, although bankruptcies may be reported for 14 years, and there are no time limits on information on you if you apply for a loan or insurance policy of $50,000 or more or apply for a job with a salary of $20,000 or more.

There are weaknesses in the law—particularly involving enforcement—but it is an indisputable advance.

Learn your new rights. Use them to the fullest for your protection.

AIMS OF THE GREEK REVOLUTION OF 1821: ANTICOLONIAL AND ANTIOPPRESSION

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. FRASER. Mr. Speaker, March 25, 1971, was the 150th anniversary of the Greek Revolution of 1821, the uprising which brought about the liberation of Greece from the Ottoman Empire. The Greek community in the United States marked the event with a series of festivities. One of the most important was the gathering of Greek Americans of the Boston area at Hellenic College, Brookline, Mass., on Sunday, March 28.

The keynote address at this event was delivered by Prof. John Petropulos, head of the history department of Amherst College. Dr. Petropulos is a recognized authority on the history of modern Greece and the Near East, and a devoted member of the Greek-American community and its religious and cultural institutions.

Professor Petropulos' address represents the quintessence of the Greek-American spirit. It combines the highest Hellenic ideals with the tough and uncompromising civic spirit of America.

The consul in Boston of the present Greek Government, Nicholas Ladopoulos, walked out in the course of the delivery of this address. This is another reminder that the policies and ideologies of the regime which he serves are far removed from those principles which the Greek-American community of Boston gathered to commemorate.

We all will profit by reading Professor Petropulos' speech. It commemorates the Greek equivalent of our Declaration and War of Independence. And it eloquently reminds us that the aims of 1821 are being ignored in Greece today:

ADDRESS BY PROFESSOR PETROPULOS

We are assembled here today to commemorate the 150th anniversary of Greek independence. I thank you for the honor of inviting me to address you at this commemoration. I only wish that I had time to mention by name the full roster of persons meriting our consideration whom we are assembled to commemorate, the heroes of 1821. They were a varied group, some culturally sophisticated types able to hold their own in any European chancery or salon, some prosperous merchants and shipowners engaged in international trade, some local landowners vested with civilian leadership of autonomous Greek communities, some military chieftains skilled in the use of arms, some bishops, monks, and simple priests. Women also played their role, a few, like Bouboulina, with some notoriety, most anonymously. Many were not Greeks in the narrow ethnic or linguistic sense, for instance Kolettes the Vlach or the Albanian Kountouriotes', but they were Greeks in the deeper sense of the term, men caught by the magic spell of Greek culture, Greeks by adoption. Finally, there were the common Greek peasant, shepherd, and sailor, who bore the brunt of the Revolution. All these types, who contributed their respective skills to the common undertaking, are worth studying and knowing. They are personalities with a universal appeal, both in their strengths and their weaknesses. Even after 150 years, they await their modern Homer, Herodotos, or Thucydides to immortalize them as their ancient prototypes have been immortalized. We have been remiss in not making them better known to ourselves, to our children, and to the world at large.

If we cannot here commemorate them each by name, we can perhaps honor them in a more basic way by trying to delve into the deeper meaning of the Greek Revolution which they initiated and sustained. I will try to pinpoint the legacy which they have thrust upon our shoulders and determine the relevance of that legacy to the world that we face today. In the process, I will focus on one of the many heroes, John Makrygiannes. He is my favorite because he embodies, I think, the best in all those whom we commemorate today. Of humble origins, almost totally illiterate until he reached adulthood, he fought nobly in the revolutionary cause, survived the revolution, taught himself to write as an adult, and left us in his memoirs a masterpiece of Greek prose. His work should be required reading for every Greek student. In my remarks today, he will serve as my guide.

What was the Greek Revolution all about? Quite obviously, it was a bid for independence from Turkish rule. Many charges were laid against the Turk, based upon legitimate grievances against his rule. The Turk was depicted as a backward barbarian and his rule as one of injustice and oppression. Such charges and sentiments constitute the basis for the anti-Turkish rhetoric which all too often dominates Greek 25th of March speeches. The fact that the Turks were backward by European standards and oppressive by absolute standards of justice was incidental, however, as is shown by the fact that Greeks later opposed British rule in the Ionian Islands and Cyprus, even though the British were much more advanced and far less oppressive.

The Greeks really took up arms against two basic things going much beyond the Turks. The ultimate objects of attack were, first the relationship of colonialism and imperialism, the relationship of inequality between foreign overlord and indigenous subject, second, against injustice and oppression from whatever quarter. For many, the realization came only slowly that an oppressor can emerge from within as well as from without the nation. Independence and just government therefore constitued the dual vision that prompted the Greeks to take up arms. For them, the Turks personified both foreign and unjust rule, but the real enemy was any foreigner trying to dominate them and any oppressor, whether foreign or Greek. That is why the Greek Revolution, in this deeper sense, is an on-going process, a continuing struggle which must renew itself so long as foreigners seek to dominate Greek affairs, so long as the fact of oppression and injustice continues. At this level, the Greek Revolution bespeaks the aspirations of all peoples and has universal validity.

Only recently I was told by an educated Greek that the time was ripe for the Greek Revolution when it occurred. This is a common view, benefitting from the advantage of hindsight, but it is a distortion which tends to minimize the horrendous venture which the Greeks were undertaking. Only six years before 1821, Europe had emerged from a long war and had no taste for any venture which might precipitate another. A conservative political climate, symbolized by the so-called Holy Alliance, militated against any upset of the status quo. At the outset, none of the European powers were willing to support the Greek bid for independence. Indeed, the revolutionary leaders had good reason to believe that, if the Greeks did rise, the European Concert would intervene to suppress the uprising, as it so recently had in Spain and Italy. As for the Ottoman empire, it was, to be sure, only a shadow of its former self, but it was still a mighty state with the will and resources to mount a persistent campaign against Greek insurgency. Moreover, the vast majority of Greeks were peasants who, by the deliberate policy of the Ottoman Turkish government, were totally without military experience. As virtually all the Greek memoirs tell us, though the average Greek might talk big, when the chips were down he was paralyzed by the image of Turkish invincibility. The professionally trained Turkish soldier rightly frightened him. By experience, he was conditioned either to steer clear of the Turks or, in his dealings with them, to use the devices of the downtrodden everywhere—deceit, lies, obsequiousness. As any Black in this country will tell you, to confront the so-called superior as his equal is terrifying, at least the first time.

To take on this mighty state, without any prior commitment of support from Europe and with a popular base yet to be tested, was a risky, one might even say foolhardy, thing to do. Such later heroes as Germanos, Bishop of Patras, Zaimes, Lontos, and Mavromichales hesitated, when the moment of decision came. They argued that sufficient preparations had not been made. They pointed to the tremendous odds against them. And by any conventional and rational standards, they were right. Kolokotrones, Papaphlessas, and others, who forced their hand, seemed to be reckless hotheads, ready to sacrifice all for a very dubious undertaking. But the hotheads knew something that the conservatives did not—that nothing significant would ever happen unless the Greeks took matters into their own hands, unless they were willing to lay their lives on the line and risk everything. I've often wondered which position I would have taken, had I then been confronted with this agonizing decision. I ask you to put the same question to yourselves. I suspect that virtually everyone in this room, including myself, would have agreed with the primates who hesitated and would have needed more than a nudge from the hotheads.

The odds were tremendous. How really great they were became obvious during that ominous year of 1826, when both Mesolongi and Athens fell to the Turks and when Ibrahim Pasha was wreaking havoc throughout the Peloponnesos. In this state of hopelessness, many military chieftains in Rumely defected to the Turks and in the northern Peloponnesos there was a widespread movement of submission under the direction of Nenekos.

And yet, the Greeks came through. They came through because, for the first and possibly the only time, they skillfully manipulated the international situation in such a way as to invite the intervention of Britain, France, and Russia in their behalf. They came through because, through such heroic feats as the monumental resistance at Mesolongi, they transformed a military defeat into a moral victory and thereby won the acclaim and sympathy of Europe. But, most of all, they came through because a determined leadership and a significant portion of the Greek people gritted their teeth and said "no", a "no echoed once again in 1940, this time against the Italians. They came through because a new self-image was emerging among the Greeks. They were taught by their leadership to trust in themselves, they were taught that they were the equals of any Turks in the bearing of arms and in fearlessness. They triumphed over their traditional fears and self-doubts and, in the process, became what they knew they should be—free men confronting dire perils head-on rather than grovelling slaves whose only resource was accommodation.

This spirit is best reflected in a speech addressed by Makrygiannes to the Frenchman de Rigny, as he was preparing the Greek military positions at Myloi to fight Ibrahim. De Rigny was incredulous and skeptical. "What sort of war are you going to wage on Ibrahim from here?" he asked. By any rational calculations, de Rigny was right. Yet, missing from his calculation was that intangible factor of Greek morale and determination. Here is Makrygiannes' reply to him:

"The positions are weak and we are weak. But God who protects us is strong, and in these weak positions we shall show what our fortune is. And if we are few to be fighting against the masses of Ibrahim, we are somehow consoled by the thought that we Greeks have always happened to be few. That from the beginning to the end, in ancient times and today, all the wild beasts have been trying to eat us up and have failed. They eat up some of us, but the yeast remains. And the few decide to die. And once they make this decision, it often happens that they win, but a few times they lose. Such is the position in which we are here today. And we shall see what our fortune is, we few against the mighty."

Such was the faith and confidence, such was the sense of history, such was the new identity of Greeks trained in the difficult school of revolution.

The Greeks won. They disproved the realists, who doubted their chances of success, by creating a new reality. Spirit acted on matter and triumphed. Their legacy to us? Not that man adjusts to reality, as the psychoanalyst or the conformist might advise, but that reality must be adjusted to suit man's objectives. That this can only be achieved if men are willing to battle with reality, willing to chance being swallowed up by it. As Solomos reminds us in his great unfinished poem on the heroes of Mesolongi The Free Beseiged, this is the true meaning of freedom—to triumphs over one's worldly attachments, over oneself, and finally, over the fear of death.

The Greek won, I said. But did they? Only in a relative and limited sense. To say that they won in an absolute and total sense is to ignore the full breadth of their vision and the magnitude of their reach. Independence from the Turks was achieved, but only for some 800,000 out of a total Greek population of over two million. The majority of Greeks remained unliberated. Even today, enosis for Cyprus remains ostensibly a distant goal. The Greeks won their independence from the Turks by 1830, but only at the gigantic price of having Turkish direct rule replaced by British-French-Russian tutelage, which seriously qualified Greek independence. In some ways, this was worse than Turkish rule, because it was disguised and superficially more benign, therefore less easy to attack. Ever since, Greek sovereignty has been limited by the interference of some world power or powers.

And justice, that other major goal of the Greek Revolution? To the surprise and disillusionment of many Greeks, oppression and injustice did not depart with the Turks. Turks were not the only oppressors. Greeks now oppressed Greeks. This became obvious during the Revolution itself. Peloponnesians found themselves pillaged mercilessly by Rumeliots during the second civil war of 1824–25. Peasants often found themselves the prey of predatory chieftains. The villagers near Megaspeileon complained about the oppression of their local monks. A priest's wife there uttered the following lament:

"When the Turks came, we hid in the swamp water, so many souls, trying to save our lives. And the Turks came and took us. Our bodies were covered with leeches; they were eating us up. And the children were thrown in the water, floating like frogs, the water full of them Some alive, some dying. And I was taken by the Turks and they slept with me, thirty-eight of them. And they finished me off, me and so many others. Why did we have to suffer all this? And where is justice now? We cannot find it anywhere. Nothing but fraud and deception."

And Makrygainnes, witnessing such acts of oppression committed by Greeks against Greeks, uttered in a moment of despair, the fatherland "has been despoiled, dishonored and is going all wrong because we have been found to be wild beasts," religious, political, and military leaders alike.

In the decades following the Revolution, the injustices remained, some of them dramatically obvious. Kolokotrones, in 1834, and Makrygiannes, in 1853, both sentenced to death after trials which were parodies of justice. Fortunately, the sentences were not carried out but neither was ever formally exonerated of the charges against him. Widows and orphans, whose breadwinners had made the supreme sacrifice, in a state of distress while newcomers and Bavarians reaped the material rewards of independent statehood. The sense of injustice was strong. By conventional and reasonable standards it was often exaggerated, but conventionality and reasonableness were not the standards that one would expect from men who risked so much for the Revolution. To their everlasting credit, their standards were higher than that. They constituted the conscience of the nation and Makrygiannes was their chief spokesman. As he himself tells it, he composed his memoirs because he could not bear to see the right stifled by the wrong. He spoke his mind and spoke it with confidence, even though he knew that such free and outspoken speech would call down upon him the wrath of the authorities.

I stress these things, not because I wish to contrast Greece unfavorably with other nations then or now. Every nation, our own included, in some sense betrays its ideals. It is in the nature of man to fall short of his ideals and it is in the nature of things that the greater the ideals, the greater the distance between them and those who espouse them. And yet, no great nation can afford not to attempt to close the gap. To keep those ideals alive and to continue the fight to realize them, such gadflies as Makrygiannes in the nineteenth century and Socrates in antiquity are necessary.

Commemoration of Greek independence involves commitment rather than celebration. If it leads to mindless self-satisfaction, unwarranted pride in deeds we are unwilling ourselves to perform, it is not only pointless but dangerous. Such commemorations as these should be disturbing rather than satisfying, disturbing as reminders of how far we fall short of the example and standards of those whom we commemorate. We should take careful note of Makrygiannes' bold assertion:

". . . this country of ours belongs to all of us, learned and ignorant, rich and poor, politicians and soldiers, even the least of the people. All of us who fought the war, each man as he could, must live here now. The reason why we all fought was that we might keep this country for all of us together, so that neither the strong nor the weak should say 'I'. Do you know when one can say 'I'? When a man struggles all by himself and all by himself makes or breaks something, then he may say 'I'. But when many people join together in the struggle and accomplish something, then they should say 'We'. In the life which we live it is 'We', not 'I'. And from now on let us learn wisdom if we want to be able to live together."

Greece belongs to all of its citizens—to political exiles, political prisoners, forcibly retired politicians, army officers, intellectuals, and civil servants, to all of the people, not just to those who happen to be in power. Until this is so, it will not be the Greece of Makrygiannes, the Greece that our forefathers so bravely fought to create.

For us Greek-Americans, the message is the same because the legacy of the Greek Revolution has universal validity. Solomos was no chauvinist when he said, "Take Greece completely into your heart and you will realize all that is good." He was talking about eternal Greek values, which are the monopoly of no one, not even ethnic Greeks, but the property of all men. It is our task here to see that these Greek ideals underlie our American society as they underlie Western culture. We must be ready to judge our government in terms of these ideals and to criticize it severely if it falls short. We must be vigilant that Blacks do not come to regard the United States as Greeks once regarded the Ottoman empire, as an alien and unjust rule in which they cannot play their proper role. Greek-Americans, of the first generation at least, know what it means to be a minority group, experiencing discrimination, even in as liberal a society as our own. And they should know, from the example of Greeks who once lived under Ottoman rule, that for some minorities it is not simply a matter of lifting oneself up by one's bootstraps. The social structure and social values of the majority must also change or that society is doomed. We must, finally, be vigilant against the suppression of dissent in this country and against the use of this country to aid and abet suppressive regimes anywhere in the world.

In concluding, I can do no better than quote a final passage from Makrygiannes.

"I wrote the naked truth so that . . . my children may see this and say 'This is what we have, our fathers' struggles, our fathers' sacrifices . .; so that they may follow the example and work for the good of their country, their faith and their society, that they may become better themselves. Not that they should be conceited about the needs of their fathers, not that they should prostitute virtue and trample down the law and mistake influence for ability."

So saying, he was also telling us what we should and should not be doing here as we commemorate the men and women of 1821.

SHOCKING STATE OF AFFAIRS IN SOUTH VIETNAM

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. DRINAN. Mr. Speaker, as an election in South Vietnam approaches within a few months it is well for all of us to recall some of the continued repression and tragedies in that land.

The continued repression of the Thieu-Ky government is manifested in present plans to increase the size of the Vietnamese police force from 97,000 to 120,000 men.

The repression of newspapers continues and indeed has been increased. The Catholic biweekly Doi Dien—Face to Face—has been closed for 6 months and its editor, Father Chan Tin, has been sentenced to 9 months in jail. Father Truong Ba Can has also been sentenced to 9 months for an article which he published in the Catholic biweekly Doi Dien. As of March 1, 1971 Vietnam's largest circulation newspaper Tin Sang—Morning News—had experienced the suspression of 11 of its past 12 issues. Tin Sang is edited by a Vietnamese Congressman, Ngo Cong Duc.

It is also distressing to note the way in which the U.S. Government aids and abets the systematic repression of political dissent in South Vietnam. The 1970 report to the Ambassador from the Director of the USAID program in Vietnam notes that in 1971 the United States will pay $30,000,000 for prisons and public safety whereas in 1970 the United States paid only $20,900,000 for this category. At the same time the total expenditure for public health financed by the United States decreased from a total of $27.8 million in 1970 to $25 million in 1971. Similarly the total contribution of the United States to education in South Vietnam in 1970 was $6.1 million whereas in 1971 it is only $4.5 million.

American collaboration with the construction of new prisons for political dissenters is also most distressing. In February 1971 three new isolation blocks on the penal isle of Con Son were scheduled to begin. Each of the three blocks will contain 96 cells. The isolation compound will be categorized as a top 10 project and consequently will receive priority in the routing of supplies and the assignment of personnel.

It has been almost 2 years, Mr. Speaker, since I spent a good deal of time in South Vietnam with a team of eight Americans investigating the imprisonment of some 20,000 South Vietnamese persons not because they are Communists or criminals but simply because they are opposed to the Thieu-Ky regime.

The State Department could give no plausible explanation at that time for this shocking state of affairs. The Congress of the United States has the solemn obligation, long before new elections are held in South Vietnam, to demand the elimination of the ever deepening repression of political freedom in that tragic land.

ANNA LAURA SHEWALTER

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. LANDGREBE. Mr. Speaker, one of the primary concerns of this or any other Congress is the quality of education in the country. But, despite the outpouring of public funds, innovations in curriculums and teaching methods, or new technological innovations, the heart if quality education is still the dedicated teacher.

Recently, a constituent brought to my attention the demise of one such educator, Miss Anna Laura Shewalter of Springfield, Ohio. His letter briefly tells a story which should be an inspiration to all those who want the best education available for our children.

The letter follows:

VALPARAISO, IND.,
Feb. 15, 1971.

HON. EARL F. LANDGREBE,
Congressman, 2d District of Indiana,
House Office Building,
Washington, D.C.

DEAR EARL: I see that you are on the Education Committee so I would like to help you get a splendid and helpful article inserted in the Congressional Record which, I believe, would help raise the standard of our future teachers.

I feel that we have too many "would be" teachers that we could class as: "high class baby sitters." A close relative of our family has just mailed me an obituary of my late wife's life long closest friend and associate in many activities of church and society.

Miss Anna Laura Shewalter, a teacher for 49 years, died Feb. 4, 1971, in her home city of Springfield, Ohio, at age 90. She began her teaching in 1901 at Clifton School. Then later, became first grade teacher at Jefferson Elementary School, Springfield, where she remained until her retirement in 1950. She spent 30 years in the same classroom.

Miss Shewalter once summarized her philosophy of teaching: "Little folks are real people and are worthy in their own right of our respect and consideration."

In dealing with "little folks," she believed, a teacher should be friendly, be just and fair. Use a kind tone of voice. Laugh with the children whenever a good chuckle bubbles forth—but expect and get obedience. DO NOT CONDONE FOOLISHNESS."

She always began her classes by telling Bible stories and by singing devotional songs. "Since half our pupils are not taken to church," she once said, "and this indicates no religious training at home, it becomes our responsibility, to my thinking, to do something to make up this lack."

She said that "the surest foundation for good health and sound mind is the Christian faith with its fruits of right living and right thinking," and that this is what she worked for.

Miss Shewalter was a member of the Ohio Retired Teachers Association, Central United Methodist Church, Home City Chapter 258, Order of Eastern Star, and Lagonda Chapter DAR. She attended Wittenberg University for two years to gain extra knowledge in the education field, despite the fact that having a high school diploma and passing a teacher exam were the only teaching requirements in 1901.

Born March 16, 1880, in Springfield, Ohio, Miss Shewalter was the daughter of John S. and Anna Chenoweth Shewalter. She died February 4, 1971.

Your friend,

JAMES O. COX.

CARACAS IPU MEETING PROMOTES UNDERSTANDING

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. McCLORY. Mr. Speaker, the recent meeting of the Interparliamentary Union in Caracas provided an opportunity for Members of our U.S. Congress and representatives from more than 50 other nations to discuss common problems and to share ideas relative to their solution.

The chairman of our U.S. group, Congressman Edward Derwinski, will soon prepare a detailed report of this conference and the specific activities of our delegation.

At this time, I would like to call to the attention of the membership an editorial that appeared in the April 14, 1971 issue of the Daily Journal, Venezuela's English-language newspaper. The editorial points up one of the significant aspects of this conference—the promoting of improved international understanding:

THE UNITED NATIONS IN CARACAS

The current sessions of the Interparliamentary Union, taking place in the Halls of Congress, have made something like a little United Nations Plaza out of that area. There are over 500 delegates, representing over 60 nations; each delegate has his name and country on his lapel, and the perusal of these lapels constitutes a really unique experience.

There are delegations from the Western European countries and of course from the United States, Britain and Canada. There is a large delegation from the new Chile. There are representations from the Soviet Union and the European communist countries. And there are delegations from such relatively exotic places as Nigeria, Ghana, Nepal, Vietnam and Laos. Many of these delegates are in native costume, and the Babel of languages is fascinating. Besides the "regular" languages (English, French and Spanish) there are interpreting booths for Russian and Japanese; and it is a stimulating experience to talk, as we did, successively to Dutchmen, Germans, Japanese, Indians, Russians, Israelites and Allendistas.

This kind of get-together has, we think, one overriding value: it serves as an occasion for interchange among the most diverse peoples; since many of them have gone to more than one meeting, they greet each other as old friends.

This is every bit as important as agenda and resolution.

RICHARD G. CAPEN, JR., TO RESUME NEWSPAPER CAREER

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. KEMP. Mr. Speaker, Dick Capen has been Assistant to the Secretary of Defense for Legislative Affairs for the past 2½ years. There is no doubt Dick contributed substantially to the Secretary's effort to maintain national security requirements during a most challenging time in our Nation's history.

All of us who worked with Dick appreciated his cooperation and assistance in maintaining an effective liaison between the Congress and the Department of Defense. I am sure Rady Johnson will follow in Dick's path and continue to reflect credit on the Office of Legislative Affairs.

I wish Dick well on his return as vice president of Copley newspapers where I know that he will continue to work for a realistic national security posture.

At this point I include the DOD press release:

RICHARD G. CAPEN, JR., DEFENSE LEGISLATIVE AIDE, RESIGNS TO RESUME NEWSPAPER CAREER

Secretary of Defense Melvin R. Laird today announced the resignation of Richard G. Capen, Jr., as Assistant to the Secretary of Defense for Legislative Affairs. Mr. Capen is returning to California where he will become Vice President of Copley Newspapers, publishers of 15 daily newspapers in California and Illinois.

Succeeding Mr. Capen will be Rady A. Johnson, manager of federal government affairs for Pittsburgh Plate Glass Industries, Inc., of Pittsburgh, Pennsylvania. The change will be effective May 1, 1971.

In accepting Mr. Capen's resignation, Secretary Laird stated:

"Dick Capen, a long-time personal friend, has set a high mark of excellence in his public service. His expert direction of Congressional affairs in the Department of Defense has come during a particularly challenging period of reduced budgets, changing priorities and complex world affairs. During the last two years he has helped materially in our efforts to maintain an adequate national security posture. His special involvement in the prisoner of war issue has resulted in wise counsel and strong action as we seek to resolve this difficult problem. His meetings with hundreds of family members of those men has been a sustaining influence during their anguish over the fate of their loved ones. I wish Dick and his family every success as they return to California."

Mr. Capen was one of the early Department of Defense appointees in the Nixon Administration. Secretary Laird named him Principal Deputy Assistant Secretary of Defense for Public Affairs effective January 20, 1969. He served in this position until January, 1970, when he was appointed Assistant to the Secretary of Defense for Legislative Affairs.

Before coming to the Department of Defense Mr. Capen served eight years as corporate director of public affairs for Copley Newspapers. In March, 1969, he was selected as one of the "Five Outstanding Young Men" in California by the California Jaycees.

THE NEW AFRICA REPUBLIC IN MISSISSIPPI—THE LATEST CONSTITUTIONAL CRISIS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. RARICK. Mr. Speaker, the so-called Republic of New Africa persists in its illegal efforts to found a colony in Bolton, 12 miles west of Jackson, Miss. I had earlier called to the attention of our colleagues this subversive group and their goals in my remarks in the CONGRESSIONAL RECORD, volume 115, part 1, page 180. To date they appear to enjoy favorable press by the national communications' financiers as well as a hands-off attitude by the Federal Government. Seemingly, their announced program to establish a separate nation in the Southern States finds great support in various Northern quarters, even extending to the associate editor of the New York Times, one Tom Wicker.

This, despite the clear intent of article IV, section 3 of the Constitution which reads:

> But no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

There has been no consent by the Mississippi Legislature nor by Congress for any colonial establishment within our Nation. Such activity must be regarded as pure insurrection and rebellion. Can this be what President Nixon means by his new American Revolution?

If those in the Federal Government who hold responsibility for enforcement of our basic laws do not act through legal channels, then it can only be surmised that they are hoping to capitalize on action at the local level or that failure to act is out of fear of political retaliation. For if the Federal Government is now so weak that it is unable or incapable of protecting itself and safeguarding the integrity of its States, then our citizens must understand that the Constitution has already been obliterated, if not overthrown, in which case American citizens are free to re-establish their own colonies which they could call the United States of America as being needed to reestablish constitutional government for their people and their posterity.

A most interesting report on the currently tolerated agitation by the New Africa Revolution appeared in the April 14 "Review of the News," which I insert in the RECORD at this point along with a newsclipping for the information of all Members:

BIGTIME STUFF IN JACKSON, MISSISSIPPI

(By Medford Evans)

Something is cooking in Mississippi. Nobody knows what it is yet—not even, one feels sure, the cook (whoever that is). But one week here we had Communist Stokely Carmichael speaking at predominantly black Tougaloo College, which many consider the chief spawning ground of revolutionary concepts in Mississippi. (Last year, for instance, they hosted Communist Party doubledome Herbert Aptheker.) The very next week, at Millsaps, predominantly white Methodist soul brother of Tougaloo, we had none other than Associate Editor of the *New York Times* Tom Wicker.[1] For Jackson, that is bigtime stuff.

Funny thing, though, about media publicity. Three, four years ago anything Stokely Carmichael did was news. If he had made a speech in Jackson then, exhorting blacks to organize, not for offing pigs now, but for some fine future Day of Jubilocum-Ragnarok (how Loki can you get?), it would have been on Huntley-Brinkley and front-paged in the *New York Times* followed by an in-depth story in *Newsweek*. This time the media couldn't have been less interested if it had been husband's day at the Jeudi Esprit club in Pontotoc.

Then what about Tom Wicker? Here is a mover and shaker of the first magnitude. Ask Turner Catledge if you don't believe it. And Tom is a Southern boy. A Southern boy who has risen the rough way to be Associate Editor of the world's most influential newspaper comes to a Southern town and speaks at a three-day forum on the same program with the News Director of one local TV station and the General Manager of another (this one owned by the owners of the morning and evening papers) and it is not news? Don't you think it would be news if Tom Wicker wanted it to be? But maybe what he said was not fit to print.

I missed Wicker. No! I didn't try to do *that*. I missed hearing him *speak*. The paper (there was an advance story, but no coverage) didn't say which night he was on. I had something else to do Friday and thought it would be Saturday anyhow. He spoke Friday. Guess I saved some time. Saturday noon at the registration desk of this "Southern Conference on World Affairs." I asked a young fellow how Wicker had been. "He was out of his field," was the somewhat cryptic reply.

His field? What is the field of an Associate Editor of the *New York Times*? The world? Or the one he left in North Carolina? His announced subject was "Violence and Its Alternatives." Maybe Tom Wicker doesn't know any alternatives to violence. There are times when nobody does.

Stokely was here March 18, Wicker March 26. But the tantalizing news began March 24, when twelve representatives of the Republic of New Africa were arrested by Jackson police and Hinds County deputies on a variety of charges centering around possession of concealed weapons and marijuana. Actually, one hears, the officers found much more ammunition than required for the confiscated weapons—some of the ammo didn't even fit any of the guns—so a question arises whether there is a cache of weapons *not* yet found.

To be contemptuous of weapons held by Republic of New Africa freaks has not seemed prudent since March 30, 1969, when 22-year-old Detroit police officer Michael Czapski was shot dead with eight bullets in his chest, and his fellow patrolman Richard Worobec, 28, was shot three times in the back and right leg while crawling to the squad car to radio for help. On arrival, the "help" took appropriate action, which, however, was significantly negated the next day by a pro-Communist black Federal Judge named George W. Crockett, Jr. *The Review Of The News* dated April 9, 1969, gave the scoop, in part like this:

"DETROIT, March 30.—Police shot their way into a Black Nationalist meeting in a West Side church last night and arrested 135 persons after one officer was killed and another wounded outside the building. Four persons inside the church were wounded as police faced riflemen kneeling behind church pews in the New Bethel Baptist Church . . . . arresting officers confiscated seven rifles, three handguns, and 'a large quantity of ammunition.' "

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[1] Millsaps never had Aptheker, but did have Robert McNamara. Both Tougaloo and Millsaps have had John Kenneth Galbraith. You think we don't hear it down here?

The Review Of the News continued with details regarding the new African "republic" already committed to take five Southern states from the U.S. and to demand hundreds of billions in reparations." It also gave background information on Judge Crockett, and quoted the naturally indignant president of the Detroit Police Officers Association, Carl Parsell, as saying the jurist has given people a free license to shoot policemen . . . without fear of punishment."

A specific point of similarity between the incident in Detroit and the one here now in Mississippi is the apparently copious supply of ammunition held by the black adventurers in both cases. Evidently they expect a long war.

The latest story started to break when Joseph Arthur Cobb, 27, of Dorchester, Massachusetts (part of metropolitan Boston), and Henry Earl Tucker Jr., 21, of Dover, Massachusetts (very near Boston), at 2:30 a.m. in darkest Jackson ran a red light on South Gallatin Street. Patrolmen Jack Kilgore and W. R. Sumrall stopped the blue station wagon. Leaving Sumrall in the patrol car Kilgore walked toward the station wagon and ordered the driver to get out. When his feet touched the ground the driver [*Cobb*] put his hands in the air and I could see the butt of a gun in a shoulder holster on his left side," said the officer.

At this point Sumrall joined Kilgore, they got Tucker as well as Cobb out of the station wagon, had both Negroes put their hands on the roof of the wagon, and searched them and the vehicle. The gun officer Kilgore had seen in Cobb's shoulder holster was a .38 revolver. Tucker was also packing a .38, a Colt. Oh yes, Cobb, besides a revolver, had a .25 automatic in his left hip pocket. In the station wagon were three carbines, one rifle, six boxes of ammunition, two ammunition clips, and two two-way radios. The *Jackson Daily News* of March 25, had a good clear photo of the pair of Massachusetts blacks and their traveling arsenal.

Cobb was charged with carrying a concealed weapon and running a stop light. Unable to pay the combined fines of $115 he was jailed. Tucker, too, was booked on the concealed-weapon charge, and in addition bound over to the grand jury under $5,000 bond on the (in Mississippi) much more serious charge of possession of marijuana. One suspects that if Tucker and Cobb ever get out of this mess they will probably be court-martialed by the military establishment of the Republic of New Africa. It was pretty dumb to run that red light.

The ten N.R.A. guerrillas picked up in Bolton (twelve miles west of Jackson) by Hinds County deputy sheriffs were perhaps less careless, but just as unlucky. Their names, by the way, are at this writing not available. Sheriff Fred Thomas is playing it close to the vest. My impression at the moment is that his office is the best informed around here, if not in the country, on what New African Republicans are doing. That wouldn't be too illogical. After all, it seems that a tract of land on the edge of Hinds County has been selected as the capital of the Republic of New Africa, and was dedicated to that high purpose here Sunday, March 28, in a ceremony of which we shall say more anon.

The Jackson Daily News has reported Sheriff Thomas as saying that "his deputies had been observing the activities of the group in Hinds County for several months." I have talked to men from the Sheriff's office, and I am convinced they know what they are doing. Not that any of us yet know enough about this thing. But it's awfully easy for us city boys (and the Jackson "power structure" is liable to be closer in outlook to New York, 1,400 miles away, than to Brownsville, Mississippi, 14 miles away)—it's awfully easy for us to forget that, just like Chairman Mao said, the country is where it's at.

When Sheriff Thomas's men broke the lock on that door in Bolton and arrested eight men and two women for possession of a stolen automobile (out of New Orleans) they found not only a cache of weapons and ammunition, but little red Bible-like books entitled—guess what—Thoughts Of Chairman Mao. (By the way, maybe you better start getting used to place names like Bolton and Edwards and Utica and Raymond, Mississippi. Those are, incidentally, big towns compared to Brownsville. I've lived in Jackson nine years and never heard of Brownsville till yesterday. Now they're putting the capital of the black world there. Well, no not in Brownsville, out from Brownsville. Wake up, urbanite, the countryside is moving in on you.)

Seems that Mayor Russel Davis' Jackson Police Department got their two guerrillas sort of by accident, but Sheriff Thomas's deputies got their ten on purpose. Anyhow more power to both outfits.

The afternoon of Sunday, March 28, I went out to the dedication ceremony of the capital of the Republic of New Africa. I'm going to tell you a little bit about that in just a moment, but first let's fill in some background on what the R.N.A. is. By chance I got hold of some of their printed material, which shows what *they* say they are, and that has some kind of relationship, though who knows what kind, to what they really are.

I have here by my typewriter a copy of *The New African,* dated August 1, 1970, Vol. 1 No. 6, issued from P.O. Box 50896 New Orleans, La. 70150, Tel. AC504/488-9109. It is priced at twenty cents and said to be published by "Ministry of Information, The Republic of New Africa." The masthead has one ear, on the reader's right—an image of the Communist clenched fist.

The first thing one notices on looking at this newspaper now is that the move into Mississippi is seven, nearly eight months late. The column-one story is datelined New Orleans and begins with the statement: "New African President, Brother Imari, announced that the Republic of New Africa will move to its own land in Mississippi early in August." "Brother Imari," by the way, is the self-chosen name of one otherwise known as Richard B. Henry, formerly employed as a technical writer for the U.S. Army Tank Auto Command at the Detroit Arsenal. He is the brother of Milton R. Henry—Brother Gaidi (Swahili for "guerrilla")—a Yale Law School graduate who has been the attorney for the notorious Communist Robert F. Williams.

Williams fled North Carolina in 1961 via Canada to Cuba, where with Castro's aid he operated "Radio Free Dixie" till 1966, when he moved to Peking. In both Cuba and Red China he published *The Crusader,* a typed and multilithed magazine credited by many with teaching enough blacks how to make Molotov cocktails to account for all the orgies of urban arson with which the country has been afflicted since the Watts area of Los Angeles was burned out in August 1965. The issue of *The Crusader* for May-June 1964 articulated Williams' ideas on sabotage as follows:

"The weapons of defense employed by Afroamerican freedom fighters must consist of a poor man's arsenal. Gasoline fire bombs (Molotov cocktails), lye or acid bombs (made by injecting lye or acid in the metal end of light bulbs), can be used extensively. During the night hours such weapons, thrown from roof tops, will make the streets impossible for racist cops to patrol. Hand grenades, bazookas, light mortars, racket launchers, machine guns and ammunition can be bought clandestinely from servicemen, anxious to make a fast dollar. . . .

"Extensive sabotage is possible. Gas tanks on public vehicles can be choked up with sand. Sugar is highly effective in gasoline lines. Long nails driven through boards and tacks with large heads are effective to slow the movement of traffic on congested roads at night. . . . Derailing of trains causes panic. Explosive booby traps on police telephone boxes can be employed. High powered sniper rifles are readily available. Armor piercing bullets will penetrate oil storage tanks from a distance. Phosphorus matches (kitchen matches) placed in air conditioning systems will cause delayed explosions which will destroy expensive buildings. . . ."

Williams was the first "President" of the Republic of New Africa and Milton Henry was his Henry Kissinger. But somehow, I know not how (I'm not really in on these things, you know), Milton and Richard Henry fell out, and Richard, "Brother Imari," who was originally R.N.A. Minister of Information, moved from Detroit to New Orleans and set himself up as President.

Perhaps he was impatient with the apparent inaction of Robert Franklin Williams, who after three years' operating out of Peking (he commuted quite a bit to Tanzania, one understands), returned to the U.S. under some kind of deal with the federal government which let him land from London in Detroit on September 12, 1969, where he was flown in a specially chartered T.W.A. plane, on which he and Milton Henry were the only passengers. Until Uncle Sam stepped in, the commercial airlines had refused to carry Williams.

When he deplaned in Michigan, Comrade Williams was wearing a Mao-type cap and jacket and having deep thoughts. He told reporters that if he ever went back to North Carolina, which was somewhat languidly seeking to extradite him to face kidnaping charges, it would mean "war." The Feds, who had perfunctorily picked him up as a fugitive from North Carolina, turned him loose in Michigan on easily made bail. Williams went out of his way to accuse the C.I.A. of having harassed him in London. There can be small doubt that it was indeed the C.I.A. which got him back to the United States, where he has apparently had little trouble in retaining his freedom and achieving almost perfect privacy. Do you know where he is? He is working for the University of Michigan's Center for Chinese Studies—on a grant from the Ford Foundation.

Maybe he would have had more trouble, though, if he had become active as President of the R.N.A. Maybe that's why Brother Imari and lawyer brother Milton Henry had a falling out. It is doubtful whether they really have time to be mad at each other, but Milton, being Williams' attorney and all, *couldn't* very well supplant him. Richard was the only available choice. But that Milton is the brains of this outfit is the opinion of Robert Sherrill, no fool himself, who interviewed Milton Henry for an article in the January 1969 *Esquire.* And *Esquire,* by the way, is a real *vade mecum* (it's in your Webster) for all this black nationalist stuff. Besides Sherrill, they've got a sagacious black named William Worthy and that old black magic master Dr. Garry Wills. *Esquire* says the plans to establish the Republic of New Africa include:

"Arm the black communities of the north and west, and if whitey tries anything rough, blast hell out of him. 2) Ship about a million well-armed blacks into Mississippi, take over all of the sheriffs' jobs through the ballot box, seize the government, and then move on to Alabama and repeat the process; the next three Southern states would be seized in no special order, but it would be done in the same way, by shipping in armed blacks who would first try to get the government by voting, and, if that didn't work, by guerrilla warfare."

Anyhow, here it is spring of 1971 and Brother Imari has made his move into Mississippi, which for founding a new nation and all is not too long after the target date of August 1970. Let's look at *The New African* some more. All through it you see "Go South," "Come South," "Go South, Go Home, Go South Blackman, Go South, Now We Have a Nation." Maybe the most important concept is on Page 7, headlined: "We Are Not An Organization." Not an organization? No. Then what the —? All right, listen:

". . . in reality the Republic of New Africa is not an organization at all. We are a nation of black people. . . . We are one of the largest nations in the world. We are larger than France, Great Britain, Italy. . . . Our nation lies in the states which used to belong to America. The land was called Mississippi, Alabama, Louisiana, Georgia, and South Carolina.

"We are a nation for two main reasons: (1) because we say we are one and (2) because we function like one and our actions have won us recognition of the Black People. Our concern is not for a small group of people but for the Black African People of the entire world. . . ."

I think that is real interesting for lots of reasons, not the least of which is that it closely parallels what Stokely Carmichael said at Tougaloo College near Jackson just a week before Brother Imari's cohorts surfaced a few miles away in Hinds County. You see, this R.N.A. is not just for Negroes already in Mississippi, Alabama, Louisiana, Georgia, and South Carolina. (The order, which seems a bit strange geographically, is apparently the order in which the R.N.A. forces expect to take the five states.) No, the Republic of New Africa is for "the Black African People of the entire world."

Especially, as Milton Henry explained to Robert Sherrill two years ago, they expect Negroes from the Northern and Western cities of the United States to go South, or come South, however you look at it. That's why the New African has that repetitious slogan, "Go South." You know, I hate to say this, but I'll bet you these cats can raise white, non-Communist money (of course they are Communists, but they get all the non-Communist money they can) from people in some cities I could name who would (pardon me) cotton to the idea of sending all those Negroes back South where they came from. And, these people might argue, if the U.S. had to surrender sovereignty over five Deep South states it would be a small price to pay. Besides which, wouldn't all that smart Yankee money be a good enough control over the blacks they were giving Dixie to? (Well, it wouldn't, and I don't really think that, but you know how ideas will run through a man's mind.)

So the R.N.A. is a nation, not an organization. The Black Panthers, now, they are a party. They are an organization, a "vanguard" organization. They say that. So the Panthers and the R.N.A. crowd are not competitive. They are complementary. We have to watch our own preconceptions. We tend to feel naturally that a nation is more than a party, outranks it. But that is because we are not Communists. To a Communist the Party is more than any nation. Still, the Panthers, created by the Party as a party, are still not THE Party, just a party. So whether they outrank the R.N.A. or vice versa, who on the outside can say? They will work together the best way they can to destroy us. But that the R.N.A. defines itself as a nation is important.

Consider these consequences of the concept. There are three basic stages to the plan. Stage One is now history, Stage Two is what's happening here in Mississippi now, Stage Three may or may not be in the future.

Stage One. The Republic of New Africa issued a "Declaration of Independence" from Detroit on March 31, 1968. In this document, which is reproduced in *The New African*, they declared themselves "free and independent of the jurisdiction of the United States of America" and asserted that they claimed no rights from the U.S. except universal human rights, which include "the right to damages, reparations, due us for the grievous injuries sustained by our ancestors and ourselves by reason of United States lawlessness." During this stage, as Brother Imari explains (*New African*, Page 9), the people of the R.N.A. are a nation, but a captive nation. To get out of captivity they must move to the next two stages.

Stage Two. This involves the acquisition of land and the organization of a state—specifically, Mississippi—for a "plebiscite." This first acquisition of land is apparently to be made by normal commercial means. Milton Henry told Robert Sherrill that the R.N.A. had, in 1968, acquired 100 acres in Mississippi, but it is not known whether he was telling the truth, and if he was whether that was the same land Brother Imari's followers occupied in Hinds County.

During this stage the R.N.A. plans to build "model communities," and a well-prepared flyer was distributed here last week describing such a community. It is, of course, a commune. The economics is as Marxist-Leninist as the revolutionary action. From the model community or communities as a base, the R.N.A. will conduct its "plebiscite" throughout the entire state, polling all blacks "to decide whether the state stays with the U.S. or comes under the Republic." (*New African*, Page 9.) It is taken for granted that the vote will be for the R.N.A. (You understand, it is taken for granted by the R.N.A.)

Stage Three. Now comes the crunch. Morally armed with the plebiscitary support of the Black People of Mississippi, the R.N.A. cadres will prepare to *defend* their territory against hostile aliens. But now "Their territory" does not mean the little tracts of land they have acquired by purchase, squatter's rights or however, but the entire state. So that every white person in Mississippi who does not promptly swear allegiance to the R.N.A. becomes an alien, occupying land to which he has no just claim. *Defense* of their land then becomes, for the R.N.A., running the whites off the land which those honkies are so prejudiced as to think is *theirs*. This is likely to require a good deal of shooting, and that is the chief contingency for which preparation seems to have been made. "The Republic plans to hold and defend the land against all enemies," says Brother Imari, and to that end he has stocked up lots of ammunition.

There's your program—simple: Declare yourselves independent. (Done.) Get yourself a foothold of land and drum up popular support, or the reputation of popular support (Doing.) Fight like hell. (May be necessary—on both sides.)

You and I don't like to think about things like that. Brother Imari loves it. On Page 12 of *The New African* appears in big black (what else?) letters: "America is the Black Man's Battleground." Page 5 is entirely occupied by a poem entitled, "The Fire Next Time—This Time," dedicated to Hubert "Rap" Brown, which concludes with the stirring lines: "we got to start killing crackers, or we can forget it."

The foregoing product of the muse is signed "kuweka mwandishi Blackpoet/writer," just like that—the B is the only capital. Brother Imari himself usually speaks with more majesty, also more attention to means as well as the end. For instance, on Page 3 a reaction to publicized events of last May:

"NEW AFRICA CALLS FOR ARMS FOR SOUTH'S ERA OF SELF-DEFENSE

NEW ORLEANS.—The President of the Republic of New Africa, proclaimiing the killings at Jackson State College and Augusta have projected the South into an "Era of Self-Defense,'" has called for monied white "friends" of the Black Man to buy truckloads of ammunition for stock-piling in black communities.

"Brother Imari, New Orleans-based President of New Africa, said that the ammunition should be 'delivered to and stockpiled in Black Churches that are committed to defense of non-violent people.'

"In the first of several letters to monied white groups associated with the civil rights movement, Imari told newly elected UAW President Leonard Woodcock that a gift of ammunition now 'would do more to keep the South non-violent and assure progress than a hundred speeches, marches, and memorial centers.' He asked UAW for ten truckloads, 80 cases each, of M-1 rifle ammunition for each of ten Black Communities and placed the cost at $94,000."

You know, you kind of got to hand it to old Imari. When he's not killing crackers (just getting ready to) he can sure call a hypocritical professional "Liberal's" hand. In a column adjoining the foregoing, Imari directly appeals to his readers to send "chickens, or money, or whatever they can" to his post office box number.[2] "The Republic," he adds, "is especially concern [*sic!*] about obtaining ammunition for .30 caliber carbines and 30.06 rifles." And the Republic sure obtained some, as Jackson Patrolmen Kilgore and Sumrall, and Sheriff Thomas' deputies, found out last week.

I was going to tell you all about my trip out to see the groundbreaking of the new capital. I believe I could color it up pretty good, but I've used up nearly all my space, and I guess there wasn't really all that much to it anyhow. But it was sort of weird, driving over this rolling, lonesome, idyllic grazing country on a two-lane blacktop, wondering if you are actually going to find the place, deciding maybe the whole thing was one big hoax—as in its own way it certainly is. But I mean maybe there wouldn't even *be* a meeting of African Republicans, maybe there wouldn't even be a dedication of their new capital.

Well, there was. All of a sudden I came around a curve and saw a whole line of cars parked on both sides of the road—about three different clusters of cars—and off to the right, on a kind of grassy hill (I didn't even see them at first, I was watching the cars I had to pass between) the devotees of the cult, the first citizens of the Republic of New Africa. I saw a turban, and a dashiki, and some kind of scattered-around Negroes out there—good-looking Negroes, I would say—mostly men, young men (this thing is military, man) but one or two women. The Minister of Information is a woman, name of Aisha Ishtar Salim. How about that!

Must have been between one and two hundred people out there in the field, fifty or sixty on the road. Most of those on the road were onlookers, like me. Some of the onlookers were black, and we spoke to each other in friendly fashion, as Negroes and white folks will do in Mississippi. But it was a very brief moment of normality. That bunch in the field were something else.

The question in everybody's mind—what were they really doing there? I mean this thing is kookie! You know, they could be wiped out if they really wanted to fight, and here they were staking out a claim to five of the states that Lee and Jackson and Forrest couldn't hold, who commanded maybe a million of the flower of the Confederacy. Somebody told me there were 160 Negroes out there in the field today. And somebody said they damn sure *were* ready to fight, were armed to (and no doubt including) the teeth.

A local television man whom I heard a few nights before say on the air that these looked to him like peaceful citizens, was out there today real shook up. He's young, not more than thirty, and healthy, but he looked like the Ancient Mariner. "I've learned a lot in the last few days," he said. I'm not too sure just *what* he has learned, but one thing he told me, he said, "You see those tall grasses, still brown and dead from the winter, beyond all that short green grass where they are?" Yes, I saw the tall grass. "They've got guys with automatic weapons stationed all in those grasses," he said, and he is a brave young man, but he was a little bit shook.

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[2] How do you suppose the Post Office is gonna get all them chickens in that little postal box?

And you know what? I was on a fact-finding mission, but I took his word for it, I didn't go back there and check it out, whether there were R.N.A. sentries with automatic weapons in that tall grass or not.

Actually, the situation was pretty well under control. Down at one end of the line of parked cars was a bunch of men from the Sheriff's office, and they had binoculars and maintained good surveillance. Half a mile back on the other end of the line was an inconspicuously parked car of the Mississippi Highway Patrol. You know there *couldn't* be any real danger. Well, maybe not, but one of the sheriff's men reminded me (I told you they were well informed) that tomorrow is the second anniversary of the shoot-out at the New Bethel Baptist Church in Detroit. One thing struck me, there were all told half a dozen press and television men out there, and I know (say) half of them. They really are sophisticated guys. Maybe it was me, but somehow they didn't look very sophisticated today.

Coming back, you get to thinking again. What's up? You realize those 160 blacks out there were not in the main local people—maybe none of them were. One bus brought fifty from the Pacific Coast. The only militant I heard say anything was talking to a good colored family I had spoken to earlier. The new breed was saying, politely and with some conscious humor, "Yeah, we got people here from South Carolina, Louisiana, everywhere—even Mississippi!" You couldn't tell if he even meant it. On the whole, this thing was in Mississippi, but certainly not of it.

So how did it get here? It took money, and the work that led to this day took a lot more money than that. What may well lie in the future will take still more, much more. Where is it coming from, Red China? Milton Henry actually told Robert Sherrill the Red Chinese would give the R.N.A. nuclear weapons, but you and I know that R.N.A. Negroes might get those nearer at hand; might, indeed, help ferry some the other way. Mao Tse-tung obviously did think it worthwhile to pat Robert F. Williams on the back, but Mao would hardly send money to America; he would expect the flow to run in his direction.

The Republic of New Africa cannot mean what it says, but it means something very serious. Milton and Richard Henry, even when they change their names, can't account for it. Robert F. Williams and Stokely Carmichael can't account for it.

There's a Whitey in the woodpile somewhere. Or, more likely, a Redie.

Maybe Tom Wicker knows. An Associate Editor of the *New York Times* knows so much. It was only after Wicker's curiously unpublicized visit to Jackson the weekend of the R.N.A. caper that I read in a three-year-old copy of the *Times* (February 15, 1968) Wicker's column concluding, "In fact, it may be the flat assertion of black identity, and the uncompromising demand for white recognition of it and respect for it, that offer something like a racial *modus vivendi* in America."

Modus vivendi? Method of living? I'd say *modus moriendi!* Brother Imari's Republic of New Africa seems to be primarily interested in flatly asserting its identity with ammunition for .30 caliber carbines and 30.06 rifles.

[From the Washington Post, April 5, 1971]

MISSISSIPPI'S NEW BLACK "NATION": HOSTILITY, THREATS IN STARTLED TOWN

(By Philip D. Carter)

BOLTON, MISS.—Here in the heartland of the old Confederacy, a small and obscure band of black secessionists has founded the capital of a new "nation" on boundless rhetoric and 20 acres of green pastureland.

For the self-proclaimed citizens of the Republic of New Africa, who number perhaps 300, this pastoral site is the future metropolis or an independent black nation encompassing this entire state, plus Alabama, Louisiana, Georgia and South Carolina.

For the startled white residents of the area, though, it is a threat. Taking the group at its word, they have responded with anxious hostility.

Twelve RNA members have already been arrested on charges ranging from "obstructing justice" to possessing concealed weapons and marijuana. RNA spokesmen, who contend the men were "framed," declare the group has also been threatened by the Klu Klux Klan.

In the state capital of Jackson, 40 miles away, Hinds County Sheriff Fred Thomas said, "We're not going to let these niggers take over the county." And on Friday, state Attorney General A. F. Summer wrote U.S. Attorney General John N. Mitchell urging the Justice Department to determine the government's position in the event of a conflict with RNA.

The Constitution forbids forming new states from existing ones without approval of the state legislatures concerned and Congress, and it guarantees protection of the states against invasion, Summer said.

"The acts and statements of the Republic of New Africa appear to be in the nature of an armed insurrection against not only the state of Mississippi but the United States of America," he said.

"The officials of Mississippi, both state and local, have asked that in the event of a conflict between the Republic of New Africa and the state and local governments, what will be the position of the United States?"

Urban black frustrations, the vagaries of chance and a prosperous black farmer from Bolton named Lofton Mason have combined to make this west Mississippi farm town of 800 people the new and improbable nexus of the nation's black separatist movement.

The Republic of New Africa, one of a recent succession of black nationalist organizations, was founded three years ago as the embodiment of the Marxist dreams of Robert Williams, a North Carolina black who had fled the country for Communist China as a fugitive from the FBI.

RNA training and propaganda documents emphasize secret paramilitary training and promote a "New African Ujama (Economics)" reminiscent of the pure communism preached in 19th century American utopian communities and in "hippie" communes today.

AMBITIOUS PLANS

The Nation of Islam—the Chicago-based Muslim sect led by Elijah Muhammed—is farming two large tracts totalling several thousand acres in rural Alabama. But the Muslims' stated ambition is creation of a separate black economy, not political separation from the United States.

On paper, the RNA's plans are more ambitious.

"Come To The Land," proclaims a recent RNA leaflet circulated in New Orleans, present headquarters of the movement. "Independence . . . is the only way we can once and for all solve the great problems that face us as a people. With independence we can have power, the respect of the world, wealth as a people."

The leaflet estimates the "new nation's" initial financial needs at $7.5 million, which is to be raised by subscription. The money, according to RNA theory, would provide for creation of a "new community" supporting 2,500 people.

After an apparently lengthy but unsuccessful search for land in the South, RNA learned of Bolton's Mason, a black farmer with a well-deserved reputation for independence.

Mason, a sturdily built man of 65 with an eighth-grade education, started farming on his own at 19 with a plow and an old mule. Two years later, he says, the mule died, but he bought a younger one and persevered. Today, he lives with his wife in a roomy, white, frame farmhouse near Bolton and drives a turquoise Pontiac.

His relationships with the area's whites have not been entirely friendly. "They didn't used to bother me much until (at the height of the Mississippi civil rights movement in 1964) I started voting," he recalls.

Mason said that someone, whom he identified as the Ku Klux Klan, cut his fence about 75 times. "They caught my bull and killed it and put it in my hay house. It was a registered Hereford. Later they set the hay house on fire and I lost 500 bales of hay at a dollar a bale. They punctured all the tires on my farm equipment and they put sugar and honey in my tractor to ruin it."

This year, he says, he was approached by the RNA. "They knew about the stand I'd taken. They'd been around through the country trying to buy some land and nobody would sell any. They recognized the stand I'd taken, and figured that if anybody would sell to them, I would. And I did. It was the Lord that gave me the courage to do it."

He also got a good price—$25,000, he says—for 20 acres of pastureland that normally sells for $300 an acre. The group put $5,000 down, with four years to pay the balance.

At that rate, it would cost the Republic of New Africa hundreds of millions just to acquire Hinds County—part of a vast, 5.5 million-acre tract Congress bought from the Choctaw Indians in 1820 for $20,000 plus a quickly broken promise of land forever in Arkansas.

But, says Mason, "I feel like since they got a starting point, somebody else is going to sell 'em something. Because I've got a mind to sell 'em some myself."

MASON WELL ARMED

Mason says he is well armed against white reaction, with a rifle, a pistol and a shotgun. And, if all goes according to the RNA's schedule, there will soon be an armed guard of turbaned black "Forcemen" trained in marksmanship, karate and presumably in the arts of living in Klan country, in an open pasture, next to a rural road.

The nearest neighbor of this nascent city of El Malik (named for Malcolm X) is a black farmwoman named Elnora Butler. She expresses only a quiet indifference when asked of the new people across the hill. "People like I am, I've got nothing to do with them, and they've got nothing to do with me. I'd sure like to own that pasture."

While a guinea fowl cackles in her yard and a wandering Hereford moos faintly, she draws attention to a more immediate problem.

"This is a nice place, except for all these hedges," she says, pointing to a clump of thorny bushes. "I don't know what they are. Some say they come from Texas, blew here in a storm."

WHITES UPSET

Whites are considerably less relaxed. "It's bound to have been upsetting," says Bolton's white police chief, Herschel McGraw. "It was like a bunch of foreigners trying to come in here and take over the United States. That's what it looked like to me. Any time you denounce your citizenship, aren't you classed as a foreigner?"

Three policemen serve under McGraw, all of them black. "We've never had any trouble here before," he says.

Chief McGraw's post, at 7:30 on a weekday morning, is at Bolton's principal intersection, opposite Gaddis and McLaurin, General Merchandise and Cotton Buyers—general store and gossip center, heart of the town's economic life.

There, amid bright bolts of cloth, bins of seed corn and rows of horsecollars, Mayor Alex Pay, Jr., a shareholder in the corporation that runs the store, mulls over the new crisis.

"We've always had real good race relations here in Bolton," he says. "The school is integrated. We've never had a boycott or anything—and that's unusual." And, despite the general exodus of the area's farmers, white and black, to the cities, "We gin about 4,500 bales of cotton."

AARON BURR CITED

But with all that said, he confesses a certain angry perplexity. "Aaron Burr tried to do what these people are up to, and they called him a traitor," he says. Burr was arrested in 1807—in Mississippi—on suspicion of the high treason of trying to create a new nation in the Southwest; he escaped and later was exonerated, and Mississippi had little further truck with setting up separate states until 1861.

Across the street, at a beer tavern called Caraway's Grocery, four or five black men drink from quarts and eat peanuts vended by the town's strolling "peanut lady" from her big black purse.

"They're going to make it, there's no way they're not going to get it," says a middle-aged man who introduces himself as Roy. "I was born and raised in Bolton," he says, "and the way they're going, they're going to get the land. I got a feeling they're going to get it."

But for the moment, "they" are nowhere in sight. The pasture-city is deserted, and a rain-sodden campfire, a few scattered empty orange drink cartons and two unused Molotov cocktails tucked behind a fence are the only evidence of last week's celebration of the creation of El Malik.

Alojo Adegbololo, minister of defense, and RNA President Imari Abubakari Obadele are reportedly back in New Orleans, planning the next phase of their nation's development.

And in Jackson, Sheriff Fred Thomas sits with his feet on his desk and a cigar between his teeth, telling a deputy about not letting "the niggers take over the country."

"We're peace-loving people here and hope to keep it thataway," he tells a reporter. "We're *going* to keep it thataway. Regardless."

TV STATION WETA ADVOCATES MASSIVE CIVIL DISOBEDIENCE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. RARICK. Mr. Speaker, those who voted for the recent appropriation bill for the Office of Education and related agencies—which included a $30 million subsidy to the Corporation for Public Broadcasting—should take particular notice of this afternoon's Evening Star.

On the TV and radio page is a large nearly half-page ad announcing that WETA, channel 26, Washington, D.C. Public Broadcasting Service, is turning its educational facilities over to radicals to urge protest and demonstrations against the U.S. Government.

Since the ad does not indicate otherwise, one must assume that it too was paid for by taxpayers' dollars unless it was offered free by the newspaper as a public service.

This must be what is meant by revolutionary education.

I insert the text of the ad at this point:

[Advertisement from the Washington Star, Apr. 20, 1971]

TONIGHT AT 9:00 WILLIAM KUNSTLER MAKES A CASE FOR MASSIVE CIVIL DISOBEDIENCE TO PROTEST THE WAR IN VIETNAM—ROGER FISHER, PROFESSOR OF LAW AT HARVARD, MAKES A CASE FOR POLITICAL ACTION WITHIN THE SYSTEM TO PROTECT THE WAR IN VIETNAM

Tonight on the eve of demonstrations planned across the nation to protest United States fighting in Indochina, Advocate Kunstler, best known for his defense of the Chicago 7, takes the position that those who wish to bring an end to the Indochina war should be free to go beyond the bounds of normal political activity.

Fisher will argue that civil disobedience which is directed against a target other than the problem itself, diverts attention from the real object of contention.

Two ways to protest the war in Vietnam on . . .

The Advocates, WETA Ch. 26, Public Broadcasting Service.

SENATOR ELLENDER URGES A COUNTERATTACK BY CONGRESS AGAINST FUND FREEZE

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. EVINS of Tennessee. Mr. Speaker, Senator ALLEN J. ELLENDER, of Louisiana, chairman of the Senate Committee on Appropriations, said recently that Congress may have to refuse administration appropriations requests unless $12 billion in funds appropriated by the Congress are released from the deep freeze in the Office of Management and Budget.

Certainly this suggestion is worthy of merit and I direct the attention of all my colleagues to this suggestion in the event OMB persists in this flagrant disregard of congressional mandates and appropriations.

In this connection a copy of an article from the Washington Post concerning Senator ELLENDER'S statement is placed in the RECORD herewith because of the interest of my colleaguse and the American people in this most important matter.

The article follows:

[From the Washington Post, Apr. 14, 1971]

SENATOR ELLENDER WARNS ON FUND FREEZE

The chairman of the Senate Appropriations Committee said yesterday Congress may have to refuse administration spending requests if President Nixon doesn't unfreeze nearly $13 billion in appropriated funds.

At issue, said Sen. Allen J (D-La.), is whether the executive or the legislative branch will determine spending priorities.

One "get tough" possibility, he said, is "for the members of Congress, individually and as a body, to say 'no' to other policies whose approval is being sought by the President."

Ellender said that "although in the past I have tried to judge each issue on its merits, I myself am being brought around slowly to this point of view particularly in areas where it seems the welfare of foreigners is being given priority over that of our own people."

For example, he said, the administration impounded $12.9 billion in domestic appropriations, then asked Congress for an additional $732.9 million for foreign use.

Excerpts of Ellender's speech, prepared for the Red River Valley Association in Shreveport, La., were made public in Washington. Among the impounded appropriations is nearly $3 million for the Red River Waterway.

PLIGHT OF PRISONERS OF WAR AND MISSING IN ACTION

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. DERWINSKI. Mr. Speaker, as President Nixon conducts the effective implementation of the Vietnamization program, our major concern remains the plight of the prisoners of war and the missing in action.

The positive effects of the intense public, as well as government, interest in this question is vitally described in an article by the Copley Press international correspondent, Dumitru Danielopol, which apeared April 6 in the Aurora, Ill., Beacon-News.

The article follows:

NINE SAN DIEGO "MAILMEN" HAVE LEFT IMPACT ON NORTH VIETS

(By Dumitru Danielopol)

PARIS.—Those young "mailmen" from San Diego who came to Paris two months ago have left their mark on the Vietnam negotiations.

The nine young people parked tons of letters and petitions from the United States bearing 26 million signatures before the North Vietnam and Viet Cong delegations to protest Red treatment of U.S. prisoners of war.

"You should keep it up," said a foreign diplomat well schooled in North Vietnamese psychology. "The Communists are trying to pose as humanitarians. They accuse the United States of barbarism. They have worked hard to build this image."

Ever since they came to Paris more than three years ago the Communists from North Vietnam and their stooges in the south have pursued a vigorous propaganda campaign. A major effort is directed at Indochinese and other Asians living in France. They have had some effect, particularly as a source of material for the French Communist party, but free Vietnamese journalists are publishing their own newspaper, "News From the Homeland." It has neutralized this front in the propaganda war.

The prisoners of war issue has been one of the free Vietnamese weapons.

"Why is it, if Hanoi is so humanitarian, that it calls American prisoners of war 'war criminals' without even having tried them?" the pro-Saigon paper asks. "Why doesn't Hanoi allow the International Red Cross to take a hand at easing their captivity?"

The impact of the visit to Paris of the POW letter carriers was tremendous, says my diplomat friend. It touched a chord of public opinion. The Communists were clearly embarrassed.

"They tried to twist their propaganda," he said. "They said the letters showed a selfish interest in American lives." The Communists now say, "You see, the Americans care nothing about the Vietnamese, they are only interested in their people."

No one believes them, says my friend, but he urged U.S. groups to also show anxiety about the 3,500 South Vietnamese who are in Communist hands.

Why do the Reds hold on to the Americans and refuse any exchange prisoners?

"They believe that the United States will be forced to make political concessions in the South Vietnam in exchange for the prisoners of war," he says, "despite statements by President Nixon and Defense Secretary Melvin Laird that such a trade is out of the question.

"The more publicity you give the POW issue, the better for your men," says the diplomat. "Ask the Communists to give you lists of names and go on asking. It can only help."

With the Communists definitely worried about the outcome of the war and their own survival, the POWs promise to become an even larger issue. The young people from San Diego made a dent in the Communist wall of silence. Now more pressure is needed.

SEEKS ADEQUATE INCOME FOR FARM POPULATION

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. OBEY. Mr. Speaker, as you know, over the last months many of my colleagues and I have spoken out on the necessity for action which will provide an adequate income for those in our farm population, including an increase in the price support level for milk to the full 90 percent of parity authorized by law.

The fact remains that in Wisconsin when our farmers are in economic straits, so is the economy of the State. The same is true for every State in our country.

In light of this, I would like to insert the following resolution recently passed by the Wisconsin State Legislature indicating their concern over the need for obtaining a viable farm economy in the RECORD.

The text of that resolution follows:

JOINT RESOLUTION 35

Petitioning the Hon. Clifford M. Hardin, United States Secretary of Agriculture, to increase the support level of manufactured milk to the maximum permissible percent of parity for the coming marketing year, beginning April 1, 1971, and memorializing Congress to increase the support levels to 100% of parity based on 1910–1914 base levels.

Whereas, farm costs have risen at an alarming rate since the start of the current marketing year and costs in dairying have risen even more, farm wage rates being up 6.5%, interest and taxes up 8% and feed costs up 9%; and

Whereas, the present $4.66 support level for manufactured milk has slipped to about 81% of the parity equivalent and may further decline to 80% by the end of this marketing year; and

Whereas, if current trends continue unabated, an addition of approximately 50 cents per CWT to the present support level is needed to bring the price of manufactured milk to the 90% parity level; and

Whereas, manufactured milk production in the 12 north central states has shown a marked decrease; and

Whereas, this combination of increased milk production costs and reduced prices has continued the exodus from the farms of the nation thereby contributing dangerously to urban as well as rural instability; and

Whereas, these trends have been intensified by inadequate restrictions on "milk substitutes" insidiously masquerading as dairy products; and

Whereas, a per capita decline of milk production threatens the health and welfare of our nation; and

Whereas, the Agricultural Act of 1949 empowers the Secretary of Agriculture to increase the support level; now, therefore, be it

Resolved by the assembly, the senate concurring, That this legislature respectfully petitions the Secretary of Agriculture, the Hon. Clifford M. Hardin, to raise the support level for manufactured milk for the coming marketing year as soon as possible to the maximum permissible percent of parity; and, be it further

Resolved, That this legislature respectfully urges the Congress of the United States to enact legislation increasing the permissible support level for manufactured milk to 100% of parity based on 1910–1914 base levels; and, be it further

Resolved, That duly attested copies of this resolution be immediately transmitted to the Secretary of Agriculture, to the secretary of the senate of the United States, the clerk of the house of representatives of the United States and to each member of the congressional delegation from Wisconsin.

Representative ROBERT T. HUBER,
Speaker of the Assembly.
THOMAS P. FOX,
Chief Clerk of the Assembly.
WILLIAM P. NUGENT,
Chief Clerk of the Senate.

COUNTRY MUST TAKE STEPS TO IMPROVE THE HEALTH CARE OF THE POOR, THE ELDERLY, THE YOUNG, AND THE WORKER

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mrs. ABZUG. Mr. Speaker, today the House Interstate and Foreign Commerce Committee began hearings on the health manpower bill, H.R. 5614, which will provide vital funds for nursing education. President Nixon's proposed budget for 1972 decreases the funds for nursing education by $6.6 million, while it increases the budget for other health professionals by $90 million.

No health care system can work without adequate numbers of qualified nurses. Yet, while other health professionals—doctors, dentists, and others—have basic support grants, nursing has none, and the grants approved by Congress in 1968 have never been funded. Not only does this show that the President does not understand the critical role of the professional nurse, but also that he does not respect the contributions of the professional woman.

This is a time when our country must take substantial steps to improve the health care of the poor, the elderly, the young, and the worker. I am deeply concerned that the critical need for nurses is not reflected in the President's budget for 1972, and I would urge all Members of Congress to provide the necessary money for quality nursing education.

FOUR POINTS TO PONDER IN CALLEY AFTERMATH

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. DRINAN. Mr. Speaker, I attach herewith an excellent editorial with regard to the Lieutenant Calley decision which was printed in the weekly, the Town Crier, from Weston-Wayland, Mass.

This perceptive editorial, in the April 8, 1971, issue of this valuable weekly, points out in a most logical way the enormous implications of the national debate in which this country is now engaged with regard to the verdict in the case of Lieutenant Calley:

FOUR POINTS TO PONDER IN CALLEY AFTERMATH

It's virtually senseless to argue the merits of the case against Lt. William Calley, editorially or otherwise, because of the "free Calley" fever now rampant, but there are some things which need to be said in perspective.

First of all, if we do not intend to punish Calley, we are basically saying that the United States is the kingdom and the power, that we give life and we take it away and that we nor anyone acting in our name is subject to judgment, either here or in the hereafter.

Second, the one thing which we have failed to consider in our mass emotion is that the people who were massacred at Mylai were not the enemy. Supposedly, they were our allies, the people we had gone to war over.

This is an important thing to remember because of all the emotional arguments about guys in this war and others who participated in the bombing or devastation of cities, towns and villages occupied by the enemy. Japan and Germany during World War II were avowed enemies, while North Vietnam is an enemy of our own choosing, but a justifiable enemy in terms of that country's invasion of South Vietnam after our own troop build up.

These factors may not make warring against women and children morally right, but historically they have always been the unfortunate victims whenever two or more sides have gone at each other. However, we didn't purposely kill the French people in their villages during the liberation of France in World War II.

So, in the Crier's view, the people in the villages of South Vietnam are our allies on at least a technical basis. Now, if they were damn sick and tired of us raising havoc with the countryside in our devastating purges of the communist menace and they somehow resisted, they might be mistaken for the enemy—but women and children making war against our troops? If that was the case, our best bet as humane people would have been to back on out of there and leave them alone, especially when it became obvious the real enemy had disappeared.

And then there's the matter of shoving people into ditches and systematically slaughtering them. Once they were captured and rendered harmless (although none of them were even proven harmful), if we still considered them the enemy, they should have at least been treated as prisoners of war, subject to the accords of Geneva.

Third, Calley has not been singled out for punishment. He is one of 13 men whose parts in the Mylai incident have been reviewed thus far. The charges against seven of the men were dismissed outright. Two others—S Sgts. Kenneth L. Hodges and David Mitchell—were acquitted of assault to commit murder after court martials because the evidence wasn't strong enough to convict them.

At least two other officers, and possibly a third later, are being tried for what they knew about Mylai—Capt. Ernest L. Medina because of the orders he allegedly gave to Calley, and the other Col. Oran K. Henderson, who is charged with covering up the incident.

Even if Calley winds up the only man convicted, the army has been fair in its investigation. People are asking: Why single out Calley for punishment? The bare facts are he has not been singled out, but even if he were, justice must make its stand wherever it can. Asking the question is like asking why the Boston Strangler or Charles Manson should be singled out for punishment when so many other murders are never caught.

Fourth, if the entire system or country is suddenly at fault for Calley's aberration, it is only because, again in the Crier's opinion, he was allowed to become an officer in the first place. He was not qualified, but that does not excuse his actions at Mylai because he is first a human being. He is as personally responsible for the action he took as he would be if he wandered into someone's house in this country, either predetermined to "waste" everyone or to "waste" everyone if he encountered the slightest difficulty.

Calley admitted at the trial that he never recognized the South Vietnamese as any ally and that he never considered treating them at the least as prisoners: "I never sat down and analyzed whether they were men, women and children. They were the enemy, not people," he testified.

As susceptible as a person of Calley's background was to military indoctrination and the code of conduct, he was not taught how to kill unarmed, defenseless people. In fact, Calley, responsible as he was because of his physical presence and his actions in leading his 25-man patrol into Mylai on Mar. 16, 1968, acted contrary to his officer's training. He panicked himself, he lost his head, and in so doing the end result was no better than what could be expected of an unruly, undisciplined mob.

But these were harsh times. He and his men were fatigued. Calley himself probably knew he was not officer material and probably felt a sense of frustration at being unable to cope with the situation he faced. He probably shouldn't have been ordered into the village in the first place. Our country certainly shouldn't have been in there any longer considering that we had become so strongly suspicious of these our allies that we were ready to shoot any Oriental we encountered, including women and children. Because of these mitigating circumstances, Calley was not given the maximum sentence and rightfully so, but life imprisonment of itself is not a harsh punishment for his part in the crime at Mylai.

LEGISLATION TO MUFFLE JET AIRCRAFT NOISE IN THE UNITED STATES

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. CHARLES H. WILSON. Mr. Speaker, the persistent problem of earsplitting jet aircraft noise near large airports throughout the Nation impels me today to introduce a measure which would at last effectively attack this menace. The noise levels currently produced by existing aircraft can be substantially reduced by undertaking a retrofitting program for jet engines. Such a process would begin under the provisions of the bill I am proposing.

There can be no doubt that this legislation is badly needed. As I have said before, air and noise pollution are definite health hazards—even killers. They do not bring on the quick death that America has gotten used to through war and television violence, but they take their toll nonetheless. People existing adjacent to airports such as Los Angeles International, Kennedy, Logan, O'Hare, and others, are daily being exposed to an increasingly menacing danger brought about by the fact that available technology is not effectively utilized, because the cost is high and the powers that be and their special interest groups would rather avoid paying it. So I join the distinguished senior Senator from our State of California, Senator ALAN CRANSTON, in introducing this new legislation which he has originated in the Senate.

Representing a congressional district which includes Los Angeles International Airport has caused me to learn first-hand the seriousness of the noise pollution problem. Two schools in my area have actually been forced to close due to intolerable interruptions by shattering jet aircraft noise. My response to this particular situation has been to introduce legislation to make Federal funds available for soundproofing classrooms lying under flight paths.

Homeowners are also adversely affected by jet noise pollution. The total costs—if they were known—of replacing shattered glass and plaster, as well as other structural home damages, would add up to a formidable sum. During the last Congress I sought legislation which would compensate homeowners who suffered jet noise or sonic boom damages to their homes. In addition, I sought to amend President Nixon's airport and airways development proposal to establish a noise abatement trust fund.

I have consistently supported this legislation because jet aircraft noise makes its passage vital. But most of these bills deal with the effects rather than the causes. That is why the retrofit bill I am now introducing is especially worthwhile. Its passage will allow us to go directly to the source of the aircraft noise problem—the jet engines. In October of 1969, I asked:

> Must it take years of research to come up with the startling discoveries that we are definitely subject to hearing loss and psychological disturbances due to the increasing din of our environment? Must we always act after the fact instead of preventatively?

The passage of a retrofit bill will be tantamount to answering these questions with a resounding "No"!—pardon the noise.

The technical ability to eliminate a large share of severe jet noise is at hand. Let us use it. The bill I propose today is designed to reduce within 5 years the present jet noise levels to between one-half and less than one-fourth of their present levels. By January 1, 1976, the estimated 1,700 to 1,900 present type jetliners would fly retrofitted. This process calls for lining the nacelle, or cowling, of a jet engine with soundproofing material and also enlarging the size of the exhaust outlets.

Although the FAA has ruled that future aircraft put into service after January 1, 1972, must employ this process, the ruling does not include present planes, of which there are 1,700. And most of this fleet will be in service for years to come. The retrofitting bill would remedy this serious shortcoming. The 747, 737, 727, 707, DC–8's and DC–9's would be affected.

The bill would allow the airlines to raise fares 1½ percent to help cover the $1 billion cost of the program. Initial capital would be made available through Government loan guarantees.

A most worthwhile side effect of this program—particularly in view of our aerospace and technical unemployment problem—would be the 2-year employment of 35,000 people to develop and install the retrofits. Another 105,000 jobs would be indirectly generated outside of the aerospace industry, according to the Aerospace Industries Association.

This legislation is truly national in scope. The 10 busiest airports are Chicago-O'Hare, 315,000 flights per year, Los Angeles International, 219,000, New York-Kennedy, 199,000, Atlanta, 157,000, San Francisco, 149,000, New York-LaGuardia, 126,000, Miami, 128,000, Dallas-Love, 122,000, Washington, D.C.-National, 118,000, and Boston-Logan with 104,000 flights annually. In three of our largest cities, the noise conditions under which airport area residents live would go from FAA's "unacceptable" to FAA's "acceptable" for 285,000 New Yorkers, 340,000 Chicagoans and 183,000 Bostonians. Similiarly dramatic improvements would be made all across the country.

In California, for example, where the jet noise problem is extremely serious, conditions for an estimated 1 million residents living near the State's 18 jetports would be vastly improved.

Completing research and development on effective retrofitting methods could be done in 2 years if the $35 million which the bill would authorize for this work were made available. A company which perfected and sold a successful retrofit program would be required to repay research and development grants out of its profits until full repayment had occurred. Over the last 5 years, $25 million has been spent on noise reduction research by the FAA. Retrofits for 707's and Douglas DC–8's have been successfully tested already by Boeing.

I believe this legislation deserves broad support. It would significantly reduce the presently disasterous levels of jet noise pollution and make life bearable for millions of Americans who are now battered by airport area din and roar. What is more, the void of unemployment which the demise of the SST has created could be filled for thousands of talented but unemployed workers by implementing this program.

Waiting for 10 years to have new, quieter aircraft is unthinkable, particularly in view of the fact that current planes would still belch forth ear-splitting volume. We must have a program for retrofitting or retiring these planes now. With Government helping industry to eliminate noise pollution—as this bill would do—we can succeed in this vital effort.

A COMMEMORATIVE STAMP HONORING WILLIAM HOLMES McGUFFEY

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. CARNEY. Mr. Speaker, I would like to declare my support for the issuance of a postage stamp honoring William Holmes McGuffey, compiler of schoolbooks and teacher of millions. Of the many educators in American history, none has had the influence of William Holmes McGuffey nor accomplished so much in the national behalf.

Born in 1800, and reared on a pioneer homestead in the "Western Reserve," McGuffey had little in the way of formal education until he had reached his teens, when his parents arranged for private lessons in Latin, provided by the pastor of the Presbyterian Church at Youngstown, Ohio. Yet his striking capacity to memorize marked him as a prodigy. During his studies with the pastor, he committed to memory entire books of the Bible and much other literature. In 1818 he entered the Old Stone Academy of Darlington, Pa., and thence proceeded to Washington College, from which he graduated with honors in 1826. Between his periods of college attendance, he taught school, chiefly in Kentucky.

In the early days of college education in the United States, McGuffey became known as one of the outstanding lecturers in several fields, principally moral philosophy. He never used notes, having only to recite from a vast store of knowledge he had memorized by heart. He was associated first with Miami University in Oxford, Ohio; later with Ohio University, where he served as president; later still at Woodward College, in Cincinnati, and the University of Virginia. He also played a leading role in the organization of the College of Teachers, an association formed to promote the interests of education, and labored for creation of a public school system in Ohio and Virginia.

Despite his long career as a college and university professor, which was surely unparalleled at the time, McGuffey is best remembered as author of "McGuffey's Eclectic Readers," for use at the elementary school level. While teaching at Miami University he began, at the solicitation of a publishing firm, to compile a series of schoolbooks which have made his name a household word. McGuffey's Readers told you how to do everything. How to figure sums, how to spell, how to act in social situations, how to draw up a contract, how to deal with creditors, and almost everything else. They were phenomenal. The First and Second Readers were published in 1836, the Third and Fourth in 1837. These books—with the Fifth Reader, added in 1844, the Eclectic Spelling Book, added in 1846, and a Sixth, added in 1857—went through edition after edition, were revised and enlarged, and reached the fabulous sale of 122 million copies. Even the simplest lessons were designed to win the interest of the pupil, and the more advanced selections included well-chosen extracts from the greatest English writers.

McGuffey's Readers served to introduce thousands of American boys and girls to the treasures of literature and many other aspects of education. Their influence, moral and cultural, on American traditions of the 19th century, were absolutely tremendous.

On that ground, I declare my support for the issuance of a postage stamp honoring William Holmes McGuffey.

AMERICAN POW'S IN NORTH VIETNAM

HON. PAGE BELCHER

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. BELCHER. Mr. Speaker, I would like to take this opportunity to speak out of order on the issue of American POW's in North Vietnam.

Seven years and 25 days ago Capt. Floyd Thompson was captured in South Vietnam and became the first American prisoner of war.

Unfortunately, since Captain Thompson's capture we have seen that number grow substantially. Of course, it is impossible to determine the exact number of American prisoners, because of the lack of cooperation on the part of the North Vietnamese to disclose information to the immediate families of prisoners who have experienced a love one missing in action.

No one can dispute that this conflict has become increasingly more unpopular with each passing day; but regardless of the expressed support or nonsupport of the Vietnam conflict, I believe that everyone stands united in their concern for these brave American fighting men who have given so much to their country.

Seven years is certainly a long time for a family to be separated, and in this light I pray that the North Vietnamese will demonstrate humanitarian concern and provide for the immediate release of our servicemen.

TESTIMONY TO THOMAS W. GLEASON

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. MURPHY of New York. Mr. Speaker, I would like to pay tribute to Thomas W. Gleason, the honored guest at this year's "Salute to St. Patrick" at the National Democratic Club in New York. Tom Gleason distinguished himself as a marine in World War II and is now a most notable and successful attorney. His father, Thomas W. Gleason, Sr., international president of the International Longshoremen's Association, was also a guest of honor. Mr. Thomas I. Fitzgerald, public administrator of New York County was the toastmaster of the affair. Also present were the Rt. Rev. Msgr. Philip J. Murphy, director of Catholic Youth Organization of the Archdiocese of New York; Patrick J. Cunningham, dinner chairman and Democratic leader of Bronx County; William H. Prendergast, president of the National Democratic Club; and, the Honorable James A. Farley, known as "Mr. Democrat" and first vice president of the National Democratic Club.

I insert in the RECORD, the statement made by Thomas W. Gleason on this occasion:

> While I am deeply grateful for the honor you have bestowed upon me this evening, and which I accept in all humility, I must say that were it not for my wonderful parents, my family, my associates, my good friends in the International Longshoremen's Association, and all of you—my dear friends, I would not be worthy of being up here tonight. To all of you—my heartfelt thanks.
>
> The real occasion of this dinner is to honor St. Patrick, the patron saint of that beautiful little country known as Erin. Every year traditionally in New York City, we celebrate St. Patrick's Day with a big parade, dinners and partying, with all our friends, though they be Jewish, Italian, black, Greek or any other race or nationality. Everyone loves to be part of the Irish heritage which has produced great personalities and contributed much in the fields of literature, entertainment, politics, philosophy, religion, science, labor, and industry. Just to name a few: George Bernard Shaw, James Joyce, Sean O'Casey, Siobhan McKenna, the Kennedys, Al Smith, George Meany, Cardinal Cooke, our friends here on the dais, Tom Fitzgerald, James A. Farley, Patrick Cunningham, the Rt. Rev. Msgr. Philip Murphy, William Prendergast, and Congressman John M. Murphy, and especially my father, Ted Gleason. There are many, many more.
>
> Indeed, St. Patrick's Day is usually a great day for the Irish.
>
> However, this year we cannot look forward to that day with much happiness or enthusiasm, for, once again, as in the past, that little country across the sea, is strife-torn. People are being tortured and murdered, they say in the name of our Lord who lived and died for peace on earth, good will toward all men. Actually, these horrible atrocities are being committed solely for political prestige and gain. Once again the Irish Catholics are being oppressed and slaughtered in cold blood by those with political power and control.
>
> Our parents and grandparents loved Ireland—its beautiful way of life, its tuneful songs, the good cheer of the Irish and, above all—the warmth of their hospitality.

But when they could no longer stand being crushed under the heel of England, they fled and migrated in large numbers to this country. They have never forgotten that beautiful land of Erin. They nostalgically still sing its songs and dance its dances—even as they did in the old country.

How long can we, in America, continue to look upon these brutal conditions, without crying out against them?

If there is to be any meaning in our celebration here tonight and in the celebrations on the streets of New York, Chicago, Savannah, and other great cities next Wednesday, March 17th, it will stem from a unanimous agreement among all of us—Irish—friends of the Irish—and indeed all decent human beings—to beseech the President of the United States (who also traces his ancestry back to Ireland) and the Secretary-General of the United Nations to immediately call upon Great Britain to take the necessary steps to insure liberty, freedom and equality for all.

This can be achieved with very little effort—if only Great Britain has the will to act.

We must do all we can so that next year, when we celebrate Saint Patrick's Day, it will be with greater joy in our hearts, and with greater pride in the land of our forbears.

In closing, I am reminded of the words in one of my favorite Irish songs—Galway Bay—especially the last few lines—"and if there's going to be a life hereafter, and fate I'm sure there's going to be, I'll ask my God to let me make my heaven, in that dear land across the Irish sea."

RED-BEAKED VULTURES HOVER OVER FBI

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. BUCHANAN. Mr. Speaker, once again I feel compelled to give expression here in the House of Representatives to the deep admiration and sincere gratitude felt by countless Americans for the Honorable J. Edgar Hoover's outstanding record of service to our Nation as Director of the Federal Bureau of Investigations.

Such dedicated service should certainly be continuously recognized and it is tragic when our expressions of support must be given in the context of a defense against irresponsible charges. In some political quarters, however, it appears to be open season for villifying attacks and accusations against this distinguished public servant.

Those of us who are grateful for the leadership provided for so many years in the FBI by J. Edgar Hoover and who are proud of the high ideals for which he has always stood cannot listen in silence to these ill-founded defamatory remarks. One American who has given such fine expression of his support for the FBI Director is well-known news commentator Paul Harvey. I was extremely gratified upon hearing the April 5, 1971, edition of the Paul Harvey News and want to share an excerpt from this commentary with my colleagues in the House at this time:

RED-BEAKED VULTURES HOVER OVER FBI

The little jackals again are yapping at the heels of the lion. And the red-beaked newshawks are circling, hoping to dine on the carcass of J. Edgar Hoover.

But you and I have seen him outlive generations of them—and he will again.

When the FBI Director reported an East Coast conspiracy to sabotage our nation's capital and to kidnap a high-ranking government official, he kicked open a hornet's nest.

"Now we've caught the Director with an indefensible exaggeration," the Hoover-hounders decided.

"If it's true, Mister F.B.I., why don't you show your evidence to a grand jury and get the guilty indicted."

So he did—and they were.

Now the red-beaked newshawks and at least one member of Congress, with egg all over their faces, appeared pretty silly.

Thus personally angered—and determined to throw a smokescreen over the accused brothers Berrigan—they launched a counter attack.

It's not the first time the vultures have sought to get the un-gettable Mr. Hoover. I saw another generation of these same birds gang up on him when his agents arrested reds in 1940 and periodically since.

Then, as now, they sought to portray accused conspirators as persecuted and the Director as the persecutor.

Then, as now, they said the FBI was a "gestapo" and the Director should be forced to resign.

And the now-generation of cynics cannot conceive of any public official without a personal skeleton in his private closet. So this time their tiresome attack has included "surveillance" of the Director.

One of the Lilliputian scandalmongers assigned his own "agents" to follow Mr. Hoover around; to wait outside his home and trail him to the office, to watch from a restaurant table near his.

Ostensibly, this childish charade is intended to show the Director how uncomfortable it feels for "an innocent person to be watched."

Actually, of course, the FBI does not conduct surveillance of any person except in instances wherein there is already evidence of a Federal crime.

His detractors, amateur and professional, know that. But what they are trying to do is to throw their own shadows over him.

One yellow journalist found a letter which the bachelor Director had written to a long-time family friend which Mr. Hoover had signed with the word, "Affectionately."

And the obviously innocent letter, when published, appeared under the headline: "Hoover's Letters to a Washington Widow."

Our nation's Number One Lawman, the personification of integrity, is not personally vulnerable. Always, however, there is a real danger that false charges might seriously injure the image and effectiveness of the FBI. That is Mr. Hoover's concern, and we must make it ours.

Congress passed a law in 1960 allowing Mr. Hoover to retire at full pay. Such is this man's love for his country than for ten years he's been working for us for love; not money!

Generations of taxpayers and eight Presidents have appreciated that rare degree of selfless loyalty; so do I.

THEIR SHIRTS AREN T BROWN

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. MONTGOMERY. Mr. Speaker, in the March 12 issue of the New York Times there appeared an article authored by Maj. Gen. Ferd L. Davis, adjutant general of the North Carolina National Guard.

Entitled "Their Shirts Aren't Brown," the article dealt with the twofold mission of the National Guard in working with the regular Armed Forces and civilian authorities. General Davis explained in detail the threefold mission of the Guard when working with civilian authorities during times of civil disorder. The article has received favorable comment from throughout the Nation and I commend it to my colleagues:

THEIR SHIRTS AREN'T BROWN

(By Ferd L. Davis)

In America we National Guardsmen have a twofold mission. First we provide immediate back-up support for the regular Army and Air Force our secondary but more highly publicized mission is that of providing military support for civlian authorities.

Miliary support of civil authority includes such duty as search for missing persons, service during hurricanes and other natural disasters, and restoration of order in civil disturbances. Normally our civil disorder duty is state duty, and it has resulted in some elements of our society regarding us as storm troopers.

National Guardsmen are neither *Sturmabteilung* nor *Schutzstaffe;* we have no desire to be regarded as either. In North Carolina we have avoided such characterization by having responsible commanders and capable troops carry out plans embodying both firmness and restraint during civil disturbance duty.

These commanders, upon my order as Adjutant General, leave their civilian pursuits and move into the troubled communities with armed troops and a variety of special forces including infrared sniper teams, gas and shotgun squads, and air-support groups.

Using the same rules of engagement as the regular Army, the guardsmen usually complete the task of restoring order with dispatch. For the North Carolina commander, however, restoration of order is but the first step of a threefold mission.

The commander then moves into what I am pleased to call a mission of mercy, because that is exactly what it is. After the breakdown of normal municipal operations and control, there are always people who are cold and hungry, in need of medical attention; we attend to their needs, get them back on their jobs, and get their children back in school. This phase usually requires about twice as long as the mere restoration of order.

The third aspect of the guard mission involves restoration—sometimes even the beginning—of communication between divergent groups in the community. By executive order of Governor Robert W. Scott, the North Carolina National Guard task-force commander is charged with coordination of all state forces in the disorder-ridden community, and we are diligent in using all our resources including Good Neighbor groups. When people start talking instead of fighting, they may not solve their problems; but at least the opportunity for solution exists.

Aside from the benefit to the community, the guard helps itself by this activity, since it lessens the chance of our having to return again to the same area. The financial loss sustained by a guardsman during civil-disorder duty varies according to rank and civilian occupation, but in most cases it exceeds $100 in pay differential alone.

Obviously morale is helped by the fact that civil disturbance duty in a given municipality is a one-time proposition of short duration, and thousands of tax dollars are saved for other causes.

We work hard to keep the communications media and the public informed. As a practical matter, we have found that when we make all the facts available, we usually do not have to worry about editorial interpretation.

Our method of operation is one that I used when I was a troop commander; when I became Adjutant General, I imposed it on the entire North Carolina National Guard. So far as I know, it has not cost me the friendship of any of my friends in the ghetto, on the campus, or elsewhere; but more important, it has not taken the life of any person and it has not resulted in injury to any of my guardsmen, to whom I owe a special obligation.

I believe this policy is sensible and humane; the Attorney General of North Carolina has approved it as being entirely in accordance with state law; and it is acceptable to the public.

Recently in Wilmington, for instance where we had a week of civil-disorder duty, we left with the thanks of local authorities and the white press. The Wilmington Journal, the local black newspaper, praised our efforts, reciting that we were "very cooperative and courteous. In 1898, the black press was burned. In 1971, the National Guard helped us."

Surely you will understand my pride of association with the fine young citizens who comprise the North Carolina National Guard. Their performance under stress surely justifies my appraisal of them as neither bumbling nor hardnosed, but efficient and disciplined, entirely worthy of the special trust reposed in them by a strong and thoughtful Governor.

I left my law office for the Adjutant General's office with considerable reluctance, not all induced by financial considerations; and I still miss the practice of law. But in Wilmington I realized all too well that when I returned to my law office, I should also miss participating in a conscientious effort to discharge a painful duty with both responsibility and imagination.

THREE SISTERS BRIDGE

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. BROYHILL of Virginia. Mr. Speaker, 18 years is a long time to wait for a bridge. And many of our colleagues in Congress are tired of waiting.

Eighteen years ago a bridge was proposed at or near the Three Sisters Islands in the Potomac River, to be a major link in the transportation system connecting the District of Columbia to Maryland and Virginia. Later, after careful study and evaluation, the Congress approved a balanced highway and rapid-rail system for the Washington metropolitan area, and included as an integral part of that system was the so-called Three Sisters Bridge.

That bridge has still not been built, Mr. Speaker, in spite of repeated mandates by our colleagues in the Committee on Public Works and the Committee on Appropriations that it must be built, and in spite of the fact that desperately needed additional funds for construction of our subway/rapid-rail system have been held hostage to its construction.

As I believe all who read this RECORD will be enlightened by a chronological listing of background data on this controversy. I insert such a listing at this point in the RECORD:

CHRONOLOGICAL LISTING OF BACKGROUND DATA ON THE THREE SISTERS BRIDGE PROJECT—UPDATED FEBRUARY 1971

1953: Bridge location recommended in report "Highway Transportation in Washington Metropolitan Area of Virginia" prepared by Wilbur Smith and Associates for the State of Virginia.

1959: Incident to the Metropolitan Transportation Study plan of 1959, exhaustive traffic studies by Wilbur Smith and Associates reaffirmed the need for a bridge at the Three Sisters site.

June 1960: Bureau of Public Roads approved Route 266 to the Interstate System—Key Bridge.

August 12, 1960: Board of Commissioners approval of Six Year Public Works Program continuing Three Sisters Bridge project.

November, 1960: NCPC approved D. C. Budget which included a request for engineering funds for the Three Sisters Bridge.

March, 1961: Bureau of Public Roads approved Three Sisters on the Interstate System instead of Key Bridge.

July, 1961: NCPC approved, in principle, the alignment of the Three Sisters Bridge (NCPC Plan 104, 1-517) July 13, 1961.

October, 1961: NCPC approved D. C. Budget which included funds for initial construction for Three Sisters Bridge.

November 22, 1961: Public Hearing.

1961: In D. C. Budget for Fiscal Year 1962, Congress approved funds for the design of Three Sisters Bridge.

March 1, 1962: NCPC reapproved the birdge site revised plan.

May 10, 1962: NCPC deferred motion for approval of modified plan for Three Sisters Bridge Interchange. (Mr. Wirth questioned the need for the Three Sisters Bridge).

July 19, 1962: NCPC Transportation Committee recommended that the subject of the Three Sisters Bridge be deferred.

1962: In D. C. Budget for Fiscal Year 1963, Congress approved funds to construct substructure of Three Sisters Bridge.

1962: In Conferees Report No. 2548, it was stated that the Committee of Conference agreed that the Three Sisters Bridge project should proceed according to the plan set forth in the budget.

November 1962: NCTA report attacks need for Three Sisters Bridge, proposing a rail transit line to serve that corridor.

June 1963: Letter of June 1, 1963, from President Kennedy to Commissioner Tobriner requesting reexamination of certain requirements of D.C. Freeway System, including Three Sisters Bridge, in cooperation with the Department of Commerce, HHFA, Commission of Fine Arts, NCTA, and the Department of the Interior.

July 1963: Establishment of Policy Advisory Committee (PAC) for purposes of reexamination requested by President Kennedy.

November 1963: Letter of November 7, 1963, from Commissioner Tobriner to President Kennedy, transmitting recommendations of PAC for the construction of a bridge downstream of Key Bridge, and indicating that it was hoped it would meet with the approval of the Commonwealth of Virginia. (Note: This is not the Three Sisters site.)

February 1964: Due to strong objection from Virginia to the location proposed by PAC, the District and the Commonwealth of Virginia agreed to secure the services of an engineering consultant to study each proposed bridge location.

September 1964: Receipt of consultant's (Howard, Needles, Tammen and Bergendoff) report of location studies. Study included three possible sites.

1964: Public Hearing.

March 1965: On March 17, 1965, PAC agreed by a vote of 5-2 to locate the proposed new bridge crossing at still another site (Site No. 3 in above consultant's report) or upstream from the original Three Sisters site. Dissenters were NCPA and Park Service who challenged the need for any bridge in that area and indicated that they had devised a number of alternatives to prove it.

1965: On March 26, 1965, the Engineer Commissioner, D.C., forwarded a letter to NCPC requesting the inclusion of a Potomac River Bridge item on the agenda of the April 8, 1965, meeting of NCPC.

April 1965: April 1, 1965, letter from NCPC to the Engineer Commissioner stated that it would seem appropriate to postpone consideration of a Potomac River Bridge because the Department of the Interior's alternate plan was not complete.

April 26, 1965: The Engineer Commissioner, D.C., wrote a letter to NCPC indicating that the District of Columbia and the National Park Service had studied the Department of Interior's (National Park Service) proposal, and again requested that the bridge project be placed on the NCPC agenda, this time for the May meeting. There was no reply thereto, and the agenda did not include the bridge item.

May 25, 1966: National Park Service, the District of Columbia and the Commonwealth of Virginia entered into a Tri-Party Agreement, which recommended, among other things, a crossing of the Potomac River in the vicinity of Spout Run.

May 25, 1966: PAC endorsed the Three Sisters Bridge as a result of the Tri-Party Agreement referred to in the above item.

May 31, 1966: Board of Commissioners, D. C. approved PAC Agreement of May 25, 1966 including item involving construction of Three Sisters Bridge.

June 1, 1966: Arlington Planning Commission voted that if bridge was necessary, then it should be installed at the Three Sisters site.

June 5, 1966: Arlington County Board unanimously opposed any new bridge between Memorial Bridge and Chain Bridge.

June 9, 1966: NCPC voted 6-5 to approve a complete freeway system, including the Three Sisters Bridge.

September 13, 1966: NCPC holds public hearing—Three Sisters Bridge is among projects considered.

September 15, 1966: NCPC approved Stage 2 for I-266 Potomac River Bridge, from the north bank of the Potomac River to the south bank of the Potomac River.

September 20, 1966: Board of Commissioners, D. C. approved Central Potomac River Crossing. (Essentially the Three Sisters site).

September 27, 1966: Arlington County Board announced plans for legal block to proposed construction of Three Sisters Bridge.

September 28, 1966: District of Columbia entered into a contract for the design of a proposed river crossing in the vicinity of Three Sisters site.

November 30, 1966: Suit filed to stop work on four major freeway projects in the District of Columbia, including the Three Sisters Bridge.

March 9, 1967: NCPC approved general alignment of the Potomac River Freeway from the river crossing to 31st Street, N.W.

April 6, 1967: NCPC voted to request the Department of Transportation to study the feasibility of constructing a tunnel across the river at this site—the report was to be furnished to the Commission's staff by April 19, 1967.

May 2, 1967: Commission of Fine Arts rejected the proposed designs for the Three Sisters Bridge.

May 4, 1967: Letter from the Secretary, Department of Transportation to the Secretary of the Interior and to the Chairman, NCPC indicated that the evaluation and feasibility study concluded that a bridge is the better alternative at this site.

May 5, 1967: NCPC agreed to Stage 3 approval of the bridge, provided that the Department of Transportation determined that additional laneage was needed in this corridor.

July 13, 1967: Requested to be placed on NCPC agenda.

August 24, 1967: Letter from the Chief Planning Engineer, Department of Highways and Traffic, D.C. to the Chairman, NCPC requesting Three Sisters Bridge item be placed on next Commission agenda.

September 14, 1967: At NCPC meeting, the Engineer Commissioner attempted to have bridge item placed on agenda for Stage 4 approval—attempt failed by a 5 to 5 vote to sustain the actions of the Chairman in disapproving agenda item.

September 20, 1967: Commission of Fine Arts approved unanimously the newest design for the proposed Three Sisters Bridge.

September 22, 1967: Requested to be placed on October NCPC agenda.

December 29, 1967: Favorable action by Council of Governments required under Section 204.

February 9, 1968: Court of Appeals order to stop all work.

August 23, 1968: 1968 Federal-Aid Highway Act signed by President Johnson.

December 11, 1968: NCPC adopted Major Thoroughfare Plan with Three Sisters.

December 12, 1968: City Council approved Major Thoroughfare Plan as presented by NCPC (Resolution 68–73).

January 17, 1969: Federal Highway Administrator eliminated Three Sisters Bridge and other projects.

August 9, 1969: D. C. Council action to comply with 1968 Federal-Aid Highway Act.

August 13, 1969: Turner (Federal Highway Administrator) rescinded January 17, 1969 letter.

August 27, 1969: BPR authorizes construction.

September 24, 1969: Start construction on river piers.

October 8, 1969: Army Corps of Engineers approval to excavate for piers.

October 15, 1969: Federal Highway Administrator stated Section 4(f), (DOT Act) and Section 138 of Title 23 had been met.

October 15, 1969: Request for temporary restraining order was denied by Judge Sirica.

October 20, 1969: Request for preliminary injunction on the bridge was denied by Judge Sirica.

November 5, 1969: The Appeals Court denied the appeal for preliminary injunction.

January 12, 1970: Judge Sirica ruled on summary judgment in favor of the defendants.

April 8, 1970: The Appeals Court panel of Bazelon, Wright and McKennen remanded the case to Judge Sirica's court for a hearing concerning compliance with Title 23 of the U.S. Code. This judgment was appealed for an "En Banc" judgment by the Appeals Court. The request was denied.

May 6, 1970: As a result of the Appeals Court ruling, a motion was made for a preliminary injunction to stop construction on the bridge. This was denied by Judge Sirica.

August 7, 1970: Judge Sirica issued final judgment concerning his findings of compliance with Title 23. His judgment enjoined the District of Columbia from continuing with the final project.

August 15, 1970: The Bureau of Public Roads and the Highway Department entered a contract with the Portland Cement Company to build a one-tenth scale model of the proposed Three Sister's Bridge for safety testing of the bridge's design.

December 14, 15, 16, 1970: Design Public Hearing held.

WE MUST CHANGE, OR GOD HELP US

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. EDMONDSON. Mr. Speaker, once in a while one comes across a piece of writing which points up a strong and general public conviction on a major national issue, with unusual eloquence and feeling.

This week I came across such a piece of writing. It is by Charles M. Cooper, editor of the Pryor Daily Times in Pryor, Okla. and takes the form of an open letter to his three children, written in the aftermath of the conviction of Lieutenant Calley, and published in the Times of April 1, 1971.

Mr. Speaker, I know there is a divergence of opinion on the conviction of Lieutenant Calley, and I do not expect all my colleagues to agree with Mr. Cooper's remarks on that subject.

At the same time, the issue goes much deeper than the merits of the verdict of one court-martial; it goes to the very root of such major questions as our national unity and our national defense. These are issues to which Mr. Cooper addresses himself, and I believe his thoughts on this issue are both moving and impressive.

I include Mr. Cooper's open letter, "We Must Change, Or God Help Us" in the RECORD:

WE MUST CHANGE, OR GOD HELP US

MARCH 31, 1971.

DEAR BILL, CHIP, DELILAH, AND JACK: I scarcely know how to begin this letter to you, because even in the beginning I'm on the defensive. Bill, you are a devout, practicing Christian, not due to your home influence even though we are spasmodic Sunday school attenders, but with more power to the mysterious ways of the Lord, probably more in spite of it. You are number one in the lottery draft, in good health, and know that sometime in the future service to our country as a member of the Armed Forces is a fact, either before or after you complete medical training.

Chip, you are also a talented young man, with basic intelligence beyond that of your parents, and a personality and brilliance of wit that portends a great future for you in any chosen profession, whatever it may be. You, too, will serve, in one capacity or the other.

Delilah, the light of my eye, the delight of my heart, this goes to you, too. Even though you are a young woman, the young man whose engagement ring now graces your finger, is now serving our country aboard an aircraft carrier . . . a floating battlefield . . . which in a few short months will again be in an arena of combat against that nebulously described foe, "the aggressors . . . the Communists . " He is Fighting There to keep From Fighting Here. (The capitalization is mine but you can hear it in the tones of every politician's voice wherever they speak.)

And to you, Jack, the last product of your mother's and my love, although you are only 11½-going-on-12, the United States has been involved in Vietnam since 1954 when the Air Force helped evacuate French from the fallen capitol of Dienbienphu . . . that's 17 years ago this coming May 8 . . . over five years before you were born . . . we've been in war or near war since 1939—this too will apply to you because the conviction of Lt. William Calley, Jr., will be a point of crystalization of American opinion. It will be a focal point in the destiny of the United States and the world as we know it.

Changes in the world come now with such speed that my mind is overwhelmed. A man on the moon. A living, breathing, human being much as you and I actually walking on the moon. Imagine it!

Pictures of Mars. Radio analysis of the atmosphere of Venus. Transplants of human organs, although not always successful, still a body continues to think and feel and breathe. Complicated pieces of machinery which, at man's puny directions, spurt out complex calculations beyond comprehension faster than the speed of light; vast new discoveries; exciting new concepts in the sciences; further exploration of space and the depths of the seas which cover four-fifths of this small dot in the Universe called the earth.

No wonder the American public flees at night to its electronically controlled cave for protection against Beasts and Bugs and Things that Go Bump in the Night. No wonder escapism through drugs or sex or alcohol or communes or flowers or long hair. It boggles the mind.

How to tell you that an event of three years ago, at a little cross roads in Vietnam so small that news maps don't even show it, has brought about changes that will effect the history of mankind. How to tell you that all your mother and I have tried to teach you may have been wrong.

We've tried to let you grow, each separate from the others, and each as an individual because you are each individuals. We've tried to impart right and wrong, do's and don'ts with a minimum of parental guidance.

I know that you've probably rolled your eyes when I recall, "did I ever tell you about the time during the War . . ." I know that you've probably snickered, even with fondness and love in your heart, as you saw me proudly, a little self-consciously, put on my American Legion cap, and march out the door just a little bit straighter, a little bit prouder, than my five foot seven inch 135 pound body should be, or has any right to be. And probably snickered again when sometimes I would come bouncing off the walls, cussing mildly, later on in the evening, carooming gently from here to there, perhaps humming discordantly, the dog barking, the shoes dropped. Kerplunk. Pause. Grunt. Kerplunk. Collapse.

But, kids, I had been for a few brief moments out of the month a sincere part of an organization dedicated to the principles of right over might, preservation of law and order, committed to upholding and defending the Constitution of the United States, the greatest document in the history of mankind, firmly believing in a 100 percent Americanism for an America composed of all the races known to man: I had pledged devotion to peace and good-will on earth, based on a sense of individual obligation to the community, state and nation, and only a few short hours before, vowed to transmit to you, my posterity and your peers the principles of justice, freedom and democracy.

We've tried to teach you that this great, sprawling, busy, wonderful country of ours is worth fighting for, and we still believe that. To deny it would be throwing a lie in the teeth of our heritage. It would make the lives of generations of your forebears a lie.

Conquered Croesus said to Conquerer Darius that no man in his right mind prefers war to peace, for in war, the fathers bury their sons while in peace, the sons bury the fathers.

I had much rather you had to bury me than I you. I have no desire to go again as a member of the Armed Forces, firmly believing, as a confirmed civilian, that two wars on one 43-year lifetime, are enough. But, ah, my children, my loves, fruit of my loins, there's the difference . . it was then . . when I went . . A WAR!

In big, screaming four-inch headlines. A WAR! There was no doubt; there was no ideological dissent; no intellectual quibbling. It was WAR full blown, drum beating, pulse racing, bands playing, flag waving, give-all-for-our-country-WAR. The lines are not so clear now, but Lt. Calley's war is still war. You get just as dead now as then.

Your grandfather was in the Naval Air Force in Italy in 1917 when the only bombs they had were six pieces of metal spakes with stabilizing vanes.

Your great-grandfather's brother, until the day he died, at the age of 97, had a suppurating shin wound received on a little rise above the plains of Cuba named after St. John. Your other great-grandfather's uncle was Gen. Douglas H. Cooper who fought, we are told, gallantly and well . . . and probably killed some civilians . . . during the Civil War. Fought there for an unrealistic dream . . . a separate and equal Confederate States of America.

Further back, not counting the renegades, when the fledgling Colonies were flexing their wings to give the American Eagle wings, your ancestors fought for independence against the madman German, the old Crazy George III, an English king, who could scarce speak the King's Own English.

Yes, you have a heritage; you are typical Americans for in your veins flows the blood of English, Irish, Scotch, French, German, Indian, and God knows what other ethnic groups. You have a heritage but who am I to tell you what to do with it when almost everything I have believed comes crashing down with a verdict which condemns a man who has done no more or less than your ancestors . . . when a man is condemned to life imprisonment at hard labor for the rest of his natural life . . . for doing his job . . . killing the enemy.

Ecclesiastes tells us (Bill, you can probably cite verse and chapter) that to everything there is a season. A time to keep . . . to cast away; a time for silence . . . and to speak; a time of war . . . and of peace.

It is time to speak out in this time of war; a time to cast away that which is bad and a time to keep that which is good. It is time, maybe, to revise our teachings that our government can do no wrong; the democracy will continue; the republic will survive.

I believe it is time that we examine our society and our peerless leaders who bring us to this great chasm of dis- and un-belief in the precepts which we have crushed to our heart. They bring us here, you know, only because we let them.

(Unbelievably, within the hour that Calley's penalty was announced, the Selective Service System announced a Defense Department request for a 15,000 man draft call for May! What unmitigated, bare-faced, ludicrous ironic timing!)

My loved ones; my friends; my children; my posterity, I believe that from this day forward (mark the date well), unless the American people take a prayerful, soul-searching look at themselves and their government; unless new priorities and new thrusts, to use the gobbledygook of today, are found; from this time when the system trains a man to kill and then takes away his dignity and honor for doing what he has been trained to do; from this time forward, the decline of the American Republic is as fore-ordained as the fact that the sun will continue for millions of years. From this time forward . . . unless rapid and peaceful, meaningful and truthful changes are immediate.

Your mother and I have but one goal in life; to feed and clothe; to educate, to teach, train and instruct you in the best possible manner we know and the best possible paths that we can direct. I remain a hawk if labels are necessary, firm in my conviction that for freedom of the majority, sacrifices must be made. But the sacrifice of Lt. Calley as a scapegoat cannot in consciousness receive my support.

I don't deny—because Calley has never denied—that he killed.

Who can deny the fact of a napalm bomb? Or the B-52 bombers; or the atomic bomb, the most heinous crime ever committed against mankind although justification can be found when a million lives estimated to be lost in an invasion are weighed against 300,000 lost to the bomb?

Are we to go back in time and try Harry S. Truman who gave the order for Nagasaki and Hiroshima? Or the pilot and bombardier of the Enola Gay?

I do deny that the common, ordinary, hard-working, everyday, middle-class American citizen such as I is going to stand still, quiet and meek, while Lt. Calley is a sacrifical lamb.

The vast unprecedented American reaction to the Calley findings, as I said, provides a pivotal point in the annals of America; and of mankind. We will examine ourselves and bring about change for the better or we shall wither and die; a young nation, the strongest nation the earth has ever seen, will re-examine our path or we shall grow sere and sapped by our own hates and mistrusts; our own lack of direction.

We can no longer go on as a nation riven by ideological differences. Race against race, workers against drogues; hawks against doves, republicans against democrats, youth against age, establishment against anti-establishment, pigs against protestors.

You deserve a better inheritance than that. We must change.

I see this hope, this faint glimmer of hopeful light shining ahead. Reaction to the Calley trial will once again weld us into a nation of peacekeepers, a nation of doers, of activists; a nation, indivisible with liberty and justice for all.

It must weld us together, for if it doesn't, God forgive us.

If it doesn't, God save us.

Love to you all,

YOUR DAD.

OUR POISONING OF VIETNAM

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. HARRINGTON. Mr. Speaker, today when every politician has his pollution program, when protection of the environment is a major tenet of most political speeches, the United States continues to unleash ton after ton of tear gas, herbicides, and defoliants in Vietnam against men and environment. Since 1961 when our policy of defoliation began, 15 percent of South Vietnam, an area the size of my own State of Massachusetts, has been sprayed to the saturation point. Thirty percent of the tropical hardwood forest, a major staple of the Vietnamese economy, has been doused with chemicals. The equivalent of 600,000 man-years of food, 500,000 acres, has been destroyed.

These are frightening figures, more frightening, because they represent only a portion of the violence and destruction reigned upon Vietnam. This ecological devastation is part of our heritage to this Asian country which the United States went to defend and protect. It is a bitter heritage, lasting longer than American troops or commitment. These are thoughts we should all reflect upon as the Senate begins its deliberations over the Geneva Protocol of 1925, banning the "use in war of asphyxiating, poisonous or other gases." I recommend to my colleagues Anne Wyman's article "Our Poisoning of Vietnam" which deals eloquently with this subject:

OUR POISONING OF VIETNAM

(By Anne Wyman)

Just under half a century ago the United States played a leading role in drawing up the Geneva Protocol of 1925 banning "the use in war of asphyxiating, poisonous or other gases." This spring the US Senate, which under the Constitution must give its advice and consent to the ratification of treaties by a two-thirds vote, is deliberating whether to join 96 of the world's nations as a signatory to that protocol.

The thing that holds up ratification now is the diminished but continuing use of tear gas and herbicides or defoliants by US forces in Vietnam. And, if the Senate does advise ratification of the Protocol, it must also decide whether or not to consent to Administration reservations allowing that program to continue.

The defoliation program in Vietnam operates under the ironic code name of "Operation Ranch Hand" with the cheery motto—reminiscent of our national parks and Smokey the Bear—"only you can prevent a forest."

Since 1961 when defoliation began, 15 percent of South Vietnam (an area larger than the whole of Massachusetts) has been sprayed to the saturation level. Thirty percent of the tropical hardwood forest has been doused with chemicals. More than half of the coastal mangrove trees have been wiped out. Crops over 500,000 acres, the equivalent of 600,000 man-years of food, have been destroyed.

This trail of ecological devastation will be the heritage of the Asian country the United States went to defend and pacify, long after American troops have been withdrawn. And these attacks on nature have continued at a time when protection of the environment was a major platform in every political speech on the home front.

Yet only last Aug. 27, the Senate voted 48 to 33 against an amendment to the military procurement bill that would have banned the use of defoliants in Vietnam. On Aug. 19 (nine months after he promised to do so on Nov. 25, 1969), President Nixon sent the Geneva Protocol to the Senate with a report by the Secretary of State stating that the Protocol does not prohibit the use in war of chemical herbicides. While not as strong as a formal reservation, this "understanding" leaves the use of tear gas and defoliants wide open.

Herbicides have been used in Vietnam to clear the perimeters of friendly bases as a prevention of surprise attacks, to open roads so that friendly forces could move without fear of ambush, to expose enemy infiltration routes to aerial surveillance, to uncover enemy bases so that hostile camps had to be moved, and to destroy crops being grown for enemy forces.

It is argued that defoliation of the mangrove forests between Saigon and the sea successfully hindered attacks on cargo vessels and that the chemical treatment of the triple-canopy jungle north of Saigon was effective in exposing enemy sanctuaries and infiltration routes. And the U.S. Mission to Vietnam stated in 1968 that "the military benefits in terms of lives saved and other factors have far outweighed certain adverse economic effects."

In fact, it has become increasingly difficult to balance the military effectiveness of defoliation with the moral and practical objections.

In the case of Operation Junction City, which involved spraying large areas of jungle near Cambodia in 1967, defoliation was only part of the "pacification" tactic so its effectiveness cannot be clearly calculated. Where roads have been sprayed, friendly forces become more visible targets still within rifle range, while the enemy easily finds alternate routes. Even the spraying of the deep jungle has adverse military effects since the resulting penetration of sunlight produces an impassable tangle of bamboo and vines. Further, because it takes many days to act, defoliation gives the enemy warning of a coming offensive.

Crop destruction has proved still less productive. As early as 1967, two studies by the Rand Corp. based on interviews with Viet Cong prisoners, showed that less than five percent of the enemy depended on locally grown crops, that varied rice portions were unrelated to crop-sprayed areas, that surrender due to hunger was not allied to crop spraying and that the drift of herbicides from spraying had serious effects on friendly farmers.

The greatest effect has been on the Montagnards of the Central Highlands, a sturdy independent people who are looked down on as an inferior race by the South Vietnamese and considered by American troops among our staunchest allies. Because of their animist religion, the Montagnards believe the spraying constitutes a curse on their terraced valleys. As a consequence they sacrifice their animals including water buffalo, and move away to wind up in refugee camps.

Herbicides were dropped in sufficient quantities to destroy the food of the entire Montagnard population. And although crop spraying was supposed to be limited to "remote unpopulated areas" until it was finally stopped just before the Senate opened hearings on the Protocol on March 5, photographs show that there were freshly thatched huts in the valleys.

Closer to Saigon, the loss of major hardwood forests stretching in an arc from the Cambodian border to the South China Sea will have a lasting effect on Vietnam's economy. Nearby Malaysia which has similar forests, earns $300 million a year from the export of forest products.

And the mangrove swamps, once South Vietnam's major source of high-sheen charcoal fuel and an important source of nutrients for fish, are now bleak turfy bogs of raw mud, open to erosion and killing invasions of salt sea water.

Last summer's vote on an amendment that would have cut off funds for the use of herbicides for crop destruction warfare had only four supporters among the New England delegation. They were Sens. Kennedy (D-Mass.), Muskie (D-Maine), Pastore (D-R.I.) and Ribicoff (D-Conn.).

Opponents of the amendment included Sen. Edward W. Brooke, a member of the Senate Armed Services Committee, and Claiborne Pell of Rhode Island, who is presently chairman of the foreign relations subcommittee on ocean, space and the environment. Other key figures in this year's vote will be Sen. George Aiken (R-Vt.) who submitted the new Nelson resolution barring the use of herbicides under the Protocol at this year's hearings, and Sen. Thomas J. McIntyre (D-N.H.), chairman of the Senate Armed Services subcommittee on research and development, charged with reporting on such things as chemical-biological warfare.

The United States stands in a distinct minority before the United Nations on this subject, having been one of three nations which voted in December 1969 against a resolution by the General Assembly stating that the Geneva Protocol prohibited all chemical weapons in "international armed conflict" specifically mentioning "chemical agents of warfare . . . which might be employed because of their direct toxic effects on man, animals and plants . . ."

Eighty nations voted in favor of the resolution, 36 nations abstained and only Australia, which is participating in the Vietnam war, and Portugal, which uses herbicides against African tribes in Angloia, sided with the U.S.

Yet crop destruction violates a current US Army field manual and two international treaties to which the United States is a signatory. The field manual, 27–10, issued in 1956, states that soldiers can destroy food crops by harmless chemical or biological agents if they are intended solely for enemy forces and if that fact can be determined. This is based in part on a Hague convention of 1907 forbidding the use of "poison or poisoned weapons" in war and on a 1949 Geneva agreement which states that occupying powers may not destroy food supplies in an occupied nation.

Last April, President Nixon banned the use in Vietnam of agent "Orange" containing a defoliant known as 2,4,5-T. Yet military sources in Saigon have revealed that this defoliant was used five times between May 8 and Aug. 19, 1970, by the Americal Division in two northern provinces.

Last Dec. 26 the White House announced an "orderly, yet rapid, phase-out" of herbicides, using up supplies remaining in Vietnam only on "the perimeters of firebases and US installations or remote unpopulated areas." Since remote unpopulated areas have included valleys densely populated by Montagnards, it is clear that the White House order allowed the continued use of herbicides against our own friends in Vietnam.

It is not a commendable picture. It is not even a sensible one. In addition to violating environmental principles preached in America, the use of defoliants and herbicides hurts South Vietnam more than it hurts the enemy and leaves the country economically weakened at the very time the United States is trying to withdraw.

Ironically, passage of the 1925 Geneva Protocol as submitted by the President, will not end defoliation in Vietnam, or elsewhere. Only by rejecting the "understanding" which exempts the use of tear gas and herbicides, and by approving the Protocol with a clear agreement that it includes all forms of biological and chemical agents in international conflict can the United States end a tactic that makes more enemies than friends.

HISTORY OF THE GENEVA PROTOCOL

1922—Washington Treaty banned "the use in war of asphyxiating, poisonous or other gases." Ratified by the US Senate but never came into effect because France rejected it.

1925—Geneva Protocol included the above language and also banned "the use of bacteriological methods of warfare." Approved by the US Senate Foreign Relations Committee. Debated one day on Senate floor in December, 1926. No vote taken.

1927–'47—Protocol remained in Foreign Relations Committee.

1928, Feb. 8—Geneva Protocol became effective. To date it has been joined by 96 nations including every major country except the United States.

1943—President Roosevelt pledged that the United States would never be first to use chemical-biological agents in war.

1947–'59—Protocol returned to Executive Branch without Senate action.

1959—Rep. Robert W. Kastenmeier (D-Wis.) introduced a resolution (H Con Res 433) calling for reaffirmation of "the longstanding policy of the United States that in the event of war the United States shall under no circumstances resort to the use of biological weapons or the use of poisonous or noxious gases unless they are first used by our enemies." The resolution was opposed by Departments of Defense and State. No action taken.

1969, Feb. 14—President Nixon confined US activities on toxins to defensive research.

1969, April—Sen. William J. Fulbright (D-Ark.), chairman Senate Foreign Relations Committee, asked President Nixon to resubmit the Geneva Protocol.

1969, Nov. 25—President Nixon renounced the use of lethal biological or germ weapons and ordered Department of Defense to dispose of existing stockpiles. He also promised to resubmit the protocol.

1969, December—United Nations General Assembly adopted a resolution stating that the Geneva Protocol prohibited all chemical weapons (a move aimed directly at US chemical activities in Vietnam). The vote was 80–3 with 36 nations abstaining. Opposing were Portugal, Australia and the United States.

1970, Aug. 19—The protocol was resubmitted to the Senate with a reservation on the right to retaliate with chemical weapons and an understanding that herbicides are not included.

1970, Dec. 26—President Nixon announced a phase-out of the use of defoliants in Vietnam and restricted the use of herbicides to clearing areas around allied base camps.

1971, Mar. 5—Hearings open before the Senate Foreign Relations Committee.

HOW NEW ENGLAND SENATORS VOTED

A breakdown of the Senate vote of Aug. 27, 1970, on the Nelson-Goodell amendment to the military procurement authorization—aimed at cutting off funds for the use of herbicides for crop destruction warfare—showed seven New England senators voting against the ending of crop warfare, four in favor and one absent. The amendment was rejected 48 to 33. The President took no stand.

Connecticut: Abraham Ribicoff (D) yes; Thomas J. Dodd (D) absent. (Dodd has since been replaced by Lowell P. Weicker, a Republican.)

Maine: Edmund S. Muskie (D) yes. Margaret Chase Smith (R) no.

Massachusetts: Edward M. Kennedy (D) yes. Edward W. Brooke (R) no.

New Hampshire: Thomas J. McIntyre (D) no. Norris Cotton (R) no.

Rhode Island: John O. Pastore (D) yes. Claiborne Pell (D) no.

Vermont: George Aiken (R) no. Winston L. Prouty (R) no.

LEGALITY OF HERBICIDES

At the American Association for the Advancement of Science annual meeting in Chicago, Dec. 29, 1970, Prof. George Bunn of the University of Wisconsin law school, a disarmament expert, cited the following grounds for finding the use of herbicides in war illegal:

1907 Hague Convention, to which the United States is a party, forbids the use of "poison or poisoning weapons" in war.

1949 Geneva Agreement, to which the United States is a party, forbids occupying powers from destroying food supplies in an occupied nation.

1956 Army Field Manual 27–10, still in current use, says soldiers can kill crops only if they are solely for use by enemy troops and if that fact can be determined. It further states that the principles of the 1949 Geneva pact apply "in areas through which troops are passing and even on the battlefield."

INDUSTRIAL EFFICIENCY AND IMPORTS

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. FISHER. Mr. Speaker, 2 years ago our unenviable trade position was attributed to our booming economy. It was said that the boom attracted imports while at the same time it dampened exports because our home market was more attractive than foreign markets.

As our economy contracted, it was taken for granted imports would decline while our firms would turn with greater zeal to exports. This would turn the tide.

Now it is clear that our imports have continued to rise, moving from $36.05 billion in 1969 to $39.9 billion in 1970. This was an increase of slightly over 10 percent, compared with a rise of only 4 percent in our gross national product. In other words our imports grew over twice as fast as our GNP.

Mr. Speaker, it should be obvious to everyone that we are overexposed to import competition. We badly need trade legislation that will bring imports under control.

It is often said that our inability to compete with imports convicts our industries of inefficiency. This is a false accusation and should be shown up for what it is. Recently the shallowness of the claim was exposed in a speech by O. R. Strackbein, whose competence in the field of trade needs no testimonial to Members of Congress expect those who have only recently been elected.

Mr. Strackbein analyzes the concept of industrial efficiency, especially as it bears on import competition. I ask unanimous consent that his speech may appear at this point in the RECORD, and I recommend that it be read by all Members for the light it throws on efficiency and competition:

REMARKS OF O. R. STRACKBEIN, PRESIDENT, THE NATION-WIDE COMMITTEE ON IMPORT-EXPORT POLICY, AT CLAREMONT MEN'S COLLEGE DISCUSSION, CLAREMONT, CALIF.

AMERICAN INDUSTRIAL EFFICIENCY, VIS A VIS, IMPORT COMPETITION

As the share of world exports enjoyed by the United States has continued to decline and as a growing number of domestic industries have come under increasing import pressure, the question of relative American industrial efficiency has come to the fore.

Since the great majority of our industries find themselves in a deficit position in world trade, which is to say that imports exceed exports of their products, the reason for this unenviable position has become a matter of major concern. Too many economists jump to the conclusion that lagging exports in relation to imports of the same product represent an indictment of relative inefficiency of our domestic producers.

A considerable burden thus rides on the word "efficiency," and it would be useful to define it. There is perhaps no better measure of comparative efficiency than the average output per man-hour or man-year of workers employed in producing the product in question, assuming roughly equal quality. Thus the relative efficiency of steel mills could be measured by the average tonnage of crude steel produced per man-hour or man-year by each mill. Coal productive efficiency would be measured in the same manner. While such measurements are not precise in terms of ounces or milligrams, no such precise measurement is necessary. Tonnage measurement is close enounugh to serve all practical purposes.

Too often "efficiency" is thought of as personal willingness to work or speed of movement. Yet we have only to imagine a coal miner with a shovel working himself into a lather in a vain effort to keep up with a mamoth coal digging machine that may scoop 200 tons in one bite, to recognize that something other than fast muscular movement is the decisive factor. The phenomenon of labor-displacement by machinery in this country is well enough understood without belaboring the question. Output per man-hour or man-year is the ultimate test.

However, there is another aspect of "efficiency" that is not always understood. Inefficient mining may mean nothing more disparaging than working low-grade ore, even if the most productive machinery is employed. Inefficient agriculture can also mean farming poor land, or having small acreage in relation to the machinery employed. A twenty-acre field of wheat cannot be operated efficiently even if the most advanced machinery is used, assuming that the machinery were devoted entirely to this small plot. It would represent a wasteful use of capital. Relative inefficiency in the economic sense therefore does not of itself suggest slow movement of the workers or even poor methods of production. In the modern technological world it more surely means use of antiquated or obsolete machinery or the use of modern machinery and methods on an unrewarding resource (a low-grade ore, infertile soil or the like) or in bad proportion (as in over-or under-capitalization, thus representing deficient management or judgment.)

The indictment of a domestic industry as "inefficient" on the mere grounds of inability to compete with imports is therefore to be shallow, brash and imperceptive. Without a bill of particulars such an indictment cannot be entertained seriously.

If a domestic industry were indeed backward technologically in comparison with its foreign counterpart it could properly be indicted for relative inefficiency.

A further observation that is commonly encountered is that it is the "labor-intensive" and relatively low-wage paying domestic industries that are most vulnerable to import competition, while the "capital-intensive," which is to say the highly mechanized industries, need have little fear of import competition even though they pay the highest wages. Usually they are identified as the export industries.

For years academic economists feasted on this dubious fare and recommended it to all and sundry, especially the students of economics in their classes. Today they know better.

It was said that we had but to look over the landscape of trade for identification of industries that enjoyed the highest exports and which ones, on the other hand, were most beleaguered by imports. Surely the automotive industry led the list of "capital-intensive" and efficiency industries. Moreover it paid the highest wages, and, as might be expected, it was a leading exporter. The steel industry, too, it could be seen, was capital-intensive, and it too paid high wages, and it also exported much more steel than we imported.

Today these eager voices are muted. The economic thought that produced the earlier conclusions was too shallow. Both the steel and automotive industries have shifted from a comfortable export position to a deficit in exports. Yet both are still in the forefront of high wages and capital intensiveness. It was not their capital intensiveness that underlay their previous success in exports. Rather it was the technological backwardness of their foreign competitors. It was not the fact that these industries paid high wages that they were able to display a high competitive prowess. True enough, their high wages reflected high productivity; but today these high wages, which are still neither more nor less justified than before by high productivity, represent a competitive liability.

Why? Other countries have overtaken us or have come within shouting range of our productivity *while their wages are still far behind.* They have not fully understood that mass production has no future without mass consumption, supported by mass purchasing power, the latter depending on wages high enough to absorb mass output.

Therefore it was not our capital intensiveness or our high wages considered in a vacuum that gave us competitive muscle. It was the lack of equal capital intensiveness abroad that brought us our advantage. When other industrial countries adopted our system after World War II and installed modern machinery and equipment they too became highly productive per man-hour; not because their workers worked themselves into a lather, but because the new machinery greatly enhanced worker output. Their competitive advantage then does not arise from their superior efficiency but from somewhat equal technological standing, backed by lower wages than the Americans. Had the foreign wages risen in proportion to the increased productivity, the competitive status of the foreign industries would have remained the same. Since the wages, or, better, total earnings, did not keep pace in those countries with rising productivity their industries improved their competitive position *vis a vis* their American counterparts.

It is, of course, true that not all industries are equally advanced in point of technology. Some product-manufacture appears to defy mechanization or at least does so until some inventive genius finds a revolutionary principle and succeeds in applying it. Inventiveness, however, cannot be scheduled. Some of it is accidental. In any event an industry that is in the forefront of technology in its own field is as efficient as any other industry that is similarly in the forefront in its own industry, even though the former is not as far advanced technologically as the latter. It will be no less competitive with its foreign counterpart that depends on the same or lower level of technology than its more advanced technological brother industry. One makes steel, let us say, and the other pottery. Steel-making has been the beneficiary of more inventive skill than pottery, possibly because the product is more homogeneous. The steel industry could therefore pay higher wages, and, so long as its foreign counterparts still lagged in modern technology, it could compete successfully in foreign markets despite the lower foreign wages. It had no fear of import competition. Pottery could not compete, not because of relative inefficiency in the technological sense but because output per man-hour was not far enough ahead of its foreign competition to overcome the wage-gap.

It is at this point of comparison that the textbook economists perform a neat sleight-of-hand. Since the lesser capital-intensive industry lacks the higher productivity of the highly mechanized industry it cannot pay as high wages. It is vulnerable to import competition. The economists, ridden by their doctrinaire concepts, take advantage of the economic definition of inefficiency and apply it to the low-technology industry such as pottery. Thus they succeed in saddling the industry with the sobriquet "inefficient" which in the popular mind means something quite different, such as laziness, incompetence, poor judgment or lack of energy and ambition, rather than technological lag.

Yet the owners and managers of the technologically backward industry may be in the very vanguard of personal efficiency, both here and abroad. They may be wide awake, dynamic, innovative, sound of judgment and vigorous. They are nevertheless berated for inefficiency, i.e., *economic* inefficiency, as previously described, while the brand *in the eyes of the public* takes on the color of guilt or culpable backwardness. Inefficiency is not admired in this country. No distinction is drawn between personal inefficiency and technological lag. It is possible therefore to say and to be believed, that since such and such an industry cannot compete with imports it is inefficient and is entitled to no sympathy or public concern. Yet in a few years' time some unheralded invention might boost productivity to the point of competitive equality or better.

This blind and prejudicial indictment is then followed by the judgment that any industry that cannot compete with imports should be allowed to fall prey to imports. The resources which it employed should be shifted into other fields of production in which we are more "efficient."

To this peremptory dismissal there need be no objection if the industry or industries were inefficient in the personal sense. No one would wish to maintain a slothful and incompetent ownership or management in being by public support of any kind.

Should the "inefficiency", however, we of the other kind, ie., resulting from low grade ore, inferior soil or technological lag, several considerations must first be entertained and disposed of. If we insist on keeping open mines having only low-grade ore when high-grade ore is available, and should protect them with a tariff or an import quota, the action would be uneconomic. Only some other consideration, such as national security, could justify continuation of the operation. If no national security justification could be sustained, the operation should indeed not be publicly supported.

If, however, the industry or mine or farm, did not suffer by comparison in point of technology, ore analysis or soil fertility, *with that of their foreign competitors,* i.e., if everyone were equally unfavored by nature, the domestic industry should not be dubbed inefficient if it were confronted with a wage differential operating to its competitive disadvantage in its competition with foreign producers or operators. After all, it has little or no control over the wages it has to pay.

In other words, an American industry is not properly called inefficient without examining the factors of competition and determining that the industry is indeed the victim of sloth, incompetence, mismanagement, nepotism, extravagance or the like. A bill of particulars should be spelled out. It should say, if it were to be credible, that the domestic industry on the whole has not availed itself of the modern technology available to it, that it has been asleep, so to speak, and has not bestirred itself as becomes competent management in the premises.

Even under these circumstances it should be ascertained that the failure to invest in new plant and equipment is not traceable to a form of import competition that enjoys such a wide margin of advantage, because of lowness of wages, that even available modern technology could not overcome its lead, or, that the domestic industry must operate at such a narrow margin that it has no surplus capital available.

This is to say that the imputation of inefficiency should not be loosely applied to an industry. The competitive disadvantage in relation to imports may be wholly without blame. No industry can properly be blamed for not making a productional discovery that would lift its productivity if it has applied itself diligently to this endeavor. To be sure, investment in research and development may be helpful in this direction, but it carries no guarantee; also, it is expensive. If an industry does its best and is indeed in the forefront in this respect it may still fall victim to a competitive disadvantage through no fault of its own and for reasons that lie well beyond its control.

CLASSICAL EXAMPLE OF ACHIEVING COMPETITIVE STATUS

We have a classic example of what is involved in becoming sufficiently efficient to compete with a variety of competitors. This is supplied by the coal industry.

Coal mining was a thriving industry during World War II and a few years beyond. Then it was confronted with several developments that faced it with a very cruel choice: become competitive or take the road to extinction. Diesel oil, imported residual fuel oil and natural gas were the competitors.

In relation to these other sources of power coal was "inefficient." It could not produce energy fuel at costs that could compete with its new rivals. It was not, however, a question of how fast the picks and shovels could be made to move. What was needed was machinery that would displace platoons of miners working with pick and shovel. No one could properly say that the coal miners were lazy or that management was incompetent; but, in relation to the other fuels, coal mining in the economic sense had become inefficient.

The question was: where is the road to adequate efficiency and how is it to be found?

Contrary to some notions, *employee compensation* is indeed the predominant factor in production-costs. In American corporations it is some 80% of total cost. The rest is interest, rent, profit, etc., and even interest and rent are not free of the employee compensation burden.

Very well: were wages too high in the coal industry? Or was output per worker too low? If so, what could be done about it? One or a combination of two possibilities presented itself: namely, wage reduction or worker displacement or both. No point would be served by considering the first alternative. The United Mine Workers stood in the way. Contrary to possible expectations the Union did not obstruct the second alternative; and that was the path taken.

In 1950 some 483,000 mine workers were employed in the coal industry. By 1965, after the introduction of mammoth coal extracting machinery the number had declined to 140,000; and today it is lower yet. Upward of two-thirds of the miners were displaced. Today American coal is competitive throughout the world. We export about 50 million tons per year, or some 10% of our output, some of it as far away as Japan and Italy.

Meantime in 1965 the Appalachian Regional Commission was established to help at rehabilitation of the displaced miners. The cost is not far short of $300 million per year.

THE COST OF INCREASING EFFICIENCY

Thus we gain some perspective in the field of increasing efficiency. The cost, when the rise in efficiency must be as great as it was in the coal industry, is high both in money and in human consequences.

Our steel industry is hard pressed by imports. Presently a self-restricting arrangement by the leading exporting countries has contained some of the potential damage. Imports have been cut back from about 18 to 14½ million tons a year out of well over 100 million tons.

To become wholly competitive the domestic steel industry would have to cut costs some 20% or more. 1.3 million workers are employed at making steel, from ore and coal mines, to railroads, etc. A 20% reduction in the number of workers would not cut the cost precisely 20% but would go far in that direction. This would mean disemployment of 260,000 workers.

We would thus soon have another Appalachian problem.

Should the same cost-trimming process spread to the textile industry, the electronic, the footwear and a score of other industries, any hopes of full employment in this country could quickly be dismissed. The textile and apparel industry could perhaps, but not surely, achieve competitiveness at the sacrifice of 500-600,000 jobs. A more likely reduction would be over a million jobs.

American industry and agriculture are in a peculiarly vulnerable position *vis a vis* imports. Our wages are the highest in the world. Our efficiency in terms of output per man-hour or man-year is no longer *sufficiently* above that of our foreign competitors to offset the lower wages prevailing in the foreign countries. There are exceptions, but even these are fading.

Not the least deplorable aspect of this condition lies in the loss of the species of expanding demand, that in the past opened up a vast domestic market for new goods enjoying an elastic demand, such as the automobile, refrigerators, washing machines, radios, etc., in response to lower production costs proceeding from mass production. Today imports, arising from foreign exploitation of our patents, through licensing or establishment of branch plants abroad, rob our economy of such job-breeding developments. Television sets, tape recorders, record-players, etc., are made more cheaply abroad and by this fact they crash and sometimes pre-empt the waiting mass market tapped by lower prices, that in the past was looked-for bonanza offered by new products.

An elastic demand does not distinguish between foreign and domestic products. The lower prices on foreign goods soon drain the domestic market to which new industries could look in the past. The effect is much the same as abolition of the patent system. We can no longer enjoy the fruits of our own inventiveness.

The need for legislation, as represented by the Mills bill, should be self-evident. If we do nothing to curb imports one industry after another will be badly disrupted by imports, whether the industry be new or old. The pressure to move abroad will increase. We need a market-sharing concept in practice—one that will extend to imports a fair share of our market while preventing their running wild. A sharing of our market growth is also justifiable but it does not follow that we should deliver our market to imports willy-nilly.

We control and regulate nearly all other aspects of our economy, and so does the rest of the world. Our economic planning, including full employment, will be outflanked on the seaward side if we do not guard these flanks. There is little likelihood that foreign wages will rise sufficiently in relation to our own to bridge the wage gap; and therein lies the trouble. There is nothing mysterious about it.

To run an efficiency race with other industrial countries today is a losing contest. The side effects in the form of unemployment alone are intolerable. A regulated economy such as ours must be controlled all around or liberated all around. It cannot tolerate free trade while depriving our producers of nearly all competitive flexibility.

The striving for greater efficiency demanded by import pressure beyond that of domestic competition can only result in a growing employment problem because our success can be matched by the foreign. Our competitive position is then not improved. How then absorb the 2 million new workers coming on the domestic scene each year?

PRODUCING WORSE OFFICERS

HON. DAVID W. DENNIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. DENNIS. Mr. Speaker, recently I had the opportunity to ask our distinguished former colleague, the Secretary of Defense, about his views on a volunteer military force. Mr. Laird, in reply, made what I thought was a very pertinent observation, namely, that if a volunteer force were to be successfully obtained we would have to acquire a better attitude in this country toward the military profession than we currently have.

In this connection it seems to me highly important that we stop attacks upon the ROTC program, the ROTC being the prime source from which we obtain trained and educated officers with a civilian orientation and background.

I commend to the favorable attention of my colleagues the following editorial on this subject from the Arizona Republic, which was reprinted in last Sunday's edition of the Chicago Tribune:

PRODUCING WORSE OFFICERS

Anti-military critics frequently note that Lt. William Calley flunked out during his freshman year at Palm Beach Junior College while Capt. Ernest Medina never made it past high school. The implication is that the military is composed of dumdums and that we could use more educated officers in the military.

In a fascinating article in the December, 1970, issue of Alternative, publication at the University of Indiana, a professor explains how the very people who talk about the need for educated officers have done most to prevent our having them.

Ward Elliott, assistant professor of political science at Claremont College, says that these are the people who pressure colleges to get rid of R. O. T. C., the mainstay of our efforts to procure educated Army officers. Harvard, Yale, Dartmouth and Columbia have already dropped it, and it is under heavy attacks in all but a handful of campuses where it exists.

But, Elliott argues, R. O. T. C. answers the special needs of a country that sends the top third of its young people to college and has long feared and avoided a large professional army. As C. Wright Mills observed, military control in history has been far more the rule than the exception. The U. S. has been one of the few exceptions because we have not until recently had a large standing army and we have relied heavily on nonprofessional undertakings. Yet today, when we have a large standing army, there is strong sentiment for professionalizing the army by abolishing R. O. T. C.

Prof. Elliott notes that the Army R. O. T. C. produces much better officers than officer candidate school at far cheaper cost [$5,000, against $12,000]. O. C. S., he says, is geared to produce small-unit leaders in the combat arms. It draws in people like Calley and Medina, who know how to fight but cannot handle intellectual challenges beyond the high school level. It teaches them rudimentary military skills and discipline, then sends them out in charge of a platoon.

R. O. T. C. develops a much better range of talent, perhaps because the colleges have succeeded in cornering most of the talent. Indeed, a recent study indicated that the overall achievement of R. O. T. C. cadets was notably higher than that of West Point cadets. And the elite schools, which produce only a few hundred of the 15,000 to 20,000 lieutenants commissioned each year, produced superior officers—the ones more likely to know how to think, those more likely to have been exposed to the intellectual mainstream. Yet it is at those schools where the anti-R. O. T. C. bias is greatest.

The article brilliantly destroys the arguments against withdrawing credit for R. O. T. C. or forcing it to relocate away from campus. But its most cogent argument is that we cannot afford to segregate the military, to banish it to second-class citizenship, to isolate its members from intelligent appraisal, concern, and restraint.

War is not a problem to be dealt with from ignorance, Elliott says. And if we continue our attacks on R. O. T. C., making these attacks a favorite intellectual pastime, we should not be surprised by the result.

TRIBUTE TO FRANK E. WASHBURN

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. ANDERSON of California. Mr. Speaker, compassion for our fellowman is a quality which has made America the great nation that she is, and is a characteristic in America which distinguishes us from other, more regimented societies.

The Judea-Christian ethic, "Love thy neighbor," has been embedded in us since childhood, and our society has reaped the benefits many times over.

No where is this more evident than in business' practice of hiring the handicapped. In an act that was initiated out of compassion, business has found that it is "good business" to hire those who appear to be disadvantaged. As a result, human compassion has been an economic benefit for the business, as well as the individual concerned.

Businessmen have discovered that the special skills developed, in order to overcome a disadvantage, have become an asset in industry. They have discovered that handicapped workers are, very often more satisfied with their task than those who do not have an apparent disadvantage.

An individual who has been bringing this message to the business community for years is Frank Washburn, the chairman of the South Bay Mayor's Committee on Employment for the Handicapped.

Employed by the Garrett Corp. in Torrance, Calif., a firm that has had an active policy of employment of handicapped persons, Mr. Washburn is presently serving as chairman of the South Bay Mental Health Committee on Employment for the Handicapped, and was a committee member of the California Department of Rehabilitation Statewide Planning Committee.

He has served as master of ceremonies for the annual National Employment of the Physically Handicapped Week kickoff luncheon for the past 5 years, and in 1968, he served as a panelist at the annual President's Committee Meeting in Washington, D.C.

As a member of the Torrance Chamber of Commerce and as a member of the business community, he is a strong advocate of improving attitudes in the business sector in order to allow wider acceptance of the handicapped individual into those occupations at which he is skilled or can be trained.

Mr. Washburn's compassion is shared by his wife, Betty, and his daughter, Pam, and I am sure that their dedication matches his.

Mr. Speaker, I am extremely pleased to join the applause of both the business community and the handicapped in commending Frank Washburn for his efforts in behalf of his fellow man.

THE ADMINISTRATION CHEATING THE ELDERLY

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. DRINAN. Mr. Speaker, the problems of the senior citizens in America who constitute at least 10 percent of our population have been brought out very vividly by an expert in this area in the Boston Globe. I quote herewith a recent column by Mr. Joseph Levin entitled "The Administration Cheating the Elderly."

The revelations in this column constitute one more reason why a select committee on the problems of the aging would perform a very valuable service in the Congress of the United States:

THE ADMINISTRATION CHEATING THE ELDERLY

(By Joseph Levin)

Pardon me if I don't join in the cheering over the belated passage of the Social Security increase by the US Senate. It should have been passed a year ago. You can read the details in the news columns. The measure, if accepted by the House and signed by the President, offers little or no political credit to either Republicans or Democrats.

Meanwhile, an inquiry into the steady disintegration of the Federal Administration on Aging, the key government agency for the elderly, is already under way. Last week kicked it off with a rugged confrontation between President Nixon's special advisor on aging—John B. Martin—and the House Labor and Education Committee's so-called select Subcommittee on Aging.

At the same time, Chairman Frank Church of the Senate's Special Committee on Aging and Sen. T. F. Eagleton, who chairs a subcommittee on aging in the Senate Welfare Committee, announced a joint hearing on Mar. 25, 29 and 30.

The senators, in this year of the decennial White House Conference on Aging scheduled for the fall want to know:

—Why appropriations for AoA were cut back from $32 million for fiscal 1971 to $29.5 million for fiscal 1972 (which begins

July 1). Actually, Congress authorized $105 million for AoA spending.

—Why the slow pace of preparations for the White House Conference.

—Why the continued downgrading of AoA by cutting its Title III funds heavily and transferring Titles IV and V programs to another agency. Title III programs—community services—are considered the backbone of the agency.

—Has the Older Americans Act of 1965 creating AoA been nullified by administrative actions, and does a constitutional crisis exist as a result.

Also disclosed last week is a confidential White House plan to dismantle VISTA, the embattled domestic volunteer service agency sometimes described as a domestic Peace Corps.

The Nixon plan would replace VISTA with four new corps for public safety, health, ecology, and education. Lost in the shuffle would be the vital VISTA services for the elderly.

The transfer of AoA's Title IV and V programs for research and training to another agency—where they will lose visibility and easily be scrapped next year—and the move to junk the elderly roles under VISTA apparently spell out a Nixon administration decision to slash spending in behalf of the elderly.

Senior Set welcomes signed letters from readers.

AN OUTSTANDING TEENAGER

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. KEMP. Mr. Speaker, 17-year-old David D. Jaques, a senior at Depew High School and the son of Mr. and Mrs. Donald Jaques of 82 Rossiter Avenue in Depew, N.Y., represents the finest example of outstanding young leaders in my 39th Congressional District.

For over 2 years, David worked relentlessly and successfully to organize the S. J. Chart Chapter of Demolay. For his service to this character-building organization of young men, 14 to 21 years of age, he was awarded the high honor of Demolay master councilor.

In addition, David was selected this year as an outstanding teenager for 1971 in recognition of his unselfish service to his community and other accomplishments.

Mr. Speaker, David is chairman of Young Adults for Good Government and the recipient of a $50 U.S. savings bond from the Lancaster Order of Elks in recognition of his youth leadership.

While maintaining an 85 scholarship average, David has quarterbacked his high school football team for the past 2 years, is a member of the volleyball team which has been undefeated for two seasons, the varsity track squad and the school band and chorus.

Majoring in music, he plays the trombone and baritone tuba.

David's goal is to teach elementary education.

Mr. Speaker, I consider it an honor to know, and to have such a young man as David Jaques among my constituents.

STRATEGIC ARMS IMBALANCE

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. SCHMITZ. Mr. Speaker, an article which appeared in the Reader's Digest of February 1971, draws attention to the growing imbalance between the strategic forces of the United States and the Soviet Union.

Mr. Charles J. V. Murphy outlines some of the military areas which should be of the greatest concern to all those citizens who understand that Soviet nuclear superiority and the long term, and perhaps even short term, survival of the United States as a free nation are incompatible.

Mr. Murphy understates the Soviet strength in some areas, probably due to reliance on our continually low intelligence estimates of Soviet deployment rates. There are now 17 Soviet Y class ballistic nuclear submarines operational rather than 15. There are also approximately 88 nuclear launchers at sea on Soviet G and H class ballistic nuclear submarines. Within the next 3 months the number of Soviet Y class, these are similar to our Polaris, is expected to increase to 20 with 15 more in some phase of construction.

Mr. Murphy points out that the Soviets are well ahead of the United States in the area of active ballistic missile defense measures. This defense includes four ABM complexes—ABM–1—operational in the area around Moscow which is referred to as the Soviet heartland. This Galosh System, as it is known, uses multistage, solid fueled missiles, carrying a 1–2 megaton warhead with a range of several hundred miles. It appears suitable for high altitude area defense.

In addition to these four ABM complexes already operational the Soviet surface-to-air missile No. 5, quite a number of which are deployed, may well have an ABM capability when integrated with the appropriate radar. It should be remembered in connection with the current SALT talks that this integration—internetting—with the radars cannot be detected by means of aerial observation.

If we wish to preclude the possibility of the Soviets secretly achieving a greatly increased ABM capability it will be necessary to insist that adequate onsite inspection be part of any agreement dealing with ABM limitations.

While the defensive capability of an aggressor nation may not seem, at first glance, to be of great importance when considering those factors which make nuclear war unlikely, in reality this is not the case. When it is recalled that a first strike capability, that is the ability to achieve a favorable decision using nuclear weapons, is achieved by enhancing ones offensive and defense strategic capability through a combination of counter-force weapons and ballistic missile defense systems to the point where one lowers the possible retaliatory damage to an acceptable level, the meaning of the growth of the Soviet defensive capability against our counter-city weapons takes on added significance.

The authors figure for SS–11's should be upped from 800 to 900. The SS–11 is deployed in hardened silos and could serve quite well in the capacity of a counter-city reserve force. A counter-city reserve force in this context is one which is held in reserve after the main strike is launched against our land based ICBM's and B–52's and used as a bargaining counter to surface that portion of our Polaris-Poseidon fleet which has not been destroyed in port.

Since this article appeared Senator HENRY JACKSON has reported, and this report has been partially confirmed by the Department of Defense, that the Soviets are deploying an entirely new missile equal in size, or larger than, the currently operational SS–9 25-metagon missile. Senator JACKSON reports that the Soviets have the capability to deploy in 1 year 60 to 70 of these massive new missiles. This type of deployment would by itself have more total megatonnage—destructive power—than we have currently deployed in our entire Minuteman force.

The article, optimistically entitled, "Our Strategic-Arms Advantage Is Fading Fast," follows:

OUR STRATEGIC-ARMS ADVANTAGE IS FADING FAST; THE QUESTION NOW IS: DO WE LET THE UNITED STATES SINK INTO SECOND-CLASS STATUS?

(By Charles J. V. Murphy)

Eight years ago, in the last hours of the Cuban missile crisis, a cryptic warning was flung out by Soviet negotiator Vasily Kuznetsov. Meeting with a personal representative of President Kennedy, Kuznetsov knew full well that his Kremlin colleagues were in humiliating retreat, and that U.S. power was vastly greater than Russia's. Yet at the end of the discussion he said bitterly, "This is the last time you Americans will be able to do this to us."

Clearly, despite the circumstance, this was a cold threat: At the next showdown, it would not be the Soviet Union that would buckle for want of the strategic military advantage. That ominous danger is now rapidly materializing around us.

In the aftermath of the Cuban miscarriage, Soviet planners made a crucial decision: to strike out for military superiority on earth. And, in the years since, Soviet military technology has exploded.

In the field of missilery, the Soviets have the 100-foot-tall SS–9, which generates about three quarters of a million pounds of thrust and costs about $30 million in its silo. The first SS–9 was spotted about 1963. In the summer of 1968, an SS–9 spewing three separate re-entry vehicles—no doubt the start of a multiple independently targeted re-entry vehicle (MIRV) warhead—was tested in the western Pacific. By the end of last summer, nearly 300 of these monster missiles—each capable of throwing a 25-megaton warhead or three separate five-megaton warheads—had been marked by U.S. intelligence as being operational or under construction.

Seven years ago, the Soviet navy possessed no ballistic-missile submarine comparable to the U.S. Polaris. But three years ago, a full-blown Soviet equivalent went to sea. Like the Polaris, it was armed with 16 missiles, and their 1500-mile range was, in a developmental sense, only a step or two behind the then current Polaris weapon. Now, at least 13 of these Y-class nuclear-bombardment submarines are at sea, and currently at least 15 new ones are under construction or being outfitted for sea. The force is being increased by six to eight vessels a year and the ways on which they are built are seldom empty.

Should the present construction rate be maintained, the Kremlin's Y-class force will outnumber our Polaris force by 1973–74. What's more, the Russians have lately tested a naval missile, possibly for the Y-class forces. This weapon has a range approaching 3000 miles, which matches that of the present Poseidon, a more accurate MIRV-equipped Polaris.

The Illusion of Parity. Counting all of their strategic-missile systems—the land-based and on submarines—the Russians now muster about 1700 weapons on launchers. That is about as many as the United States has, not counting, of course, the approximately 300 bombers that are to remain in the Strategic Air Command's active inventory well into the 1970s.

But the arithmetic, to the extent that it suggests parity or balance, is illusory. Since the mid-1960s, the Soviet Union has more than tripled its total number of strategic-range missile launchers, and has just about quadrupled the megatonnage "throw weight" of its strategic offense forces. In the same period, by reason of the retirement of SAC's oldest bombers and the early intercontinental ballistic missiles, U.S. megatonnage was actually shrinking by some 40 percent, and our strategic forces have been standing still. The U.S. Polaris force, for example, stopped at 41 in 1967; the Minuteman force stopped at 1000 in silos earlier that year (actually the bulk of the force was in place several years before); and the last B–52 bomber came off the assembly line in 1962.

The momentum of the Soviet strategic-weapon systems shows little sign of slackening. The Russians are now developing or have deployed no less than five separate ICBM systems. In 1967, they began the testing of a space bombardment system—the Fractional Orbital Bombardment System (FOBS). They have flown in prototype and could well be preparing for production a strategic-range supersonic bomber whose performance the U.S. Air Force can match only in a blueprint.

On the strategic defensive side, they have been building and testing anti-ballistic missile systems for a decade, and have an elaborate and costly ABM system functioning in the crucial Moscow-Leningrad corridor. "In strategic defense," says John R. Foster, Jr., U.S. director of Defense Research and Engineering, "there is no parity."

No Choice. In 1969, when Secretary of Defense Melvin Laird warned that the Soviet SS–9 force in being or in preparation numbered 220 missiles, the estimate was widely ridiculed by those pushing for nuclear disarmament. Now the number is close to 300 and continues to grow. It has been estimated that a total of 420 such missiles, each carrying a triple warhead, would be sufficient to paralyze the entire U.S. Minuteman force in a single blow. The Soviet force could reach this level by 1974–75.

In the meantime, the other part of the Soviet land-based ICBM force, consisting of SS–11 and SS–13 missiles armed with warheads in the Minuteman range (about one megaton), already numbers more than 800 weapons on launchers. It is rapidly drawing abreast of our Minuteman force numerically and is improving in quality. The more recent warheads have penetration devices for outfoxing radar defenses and are now armed, like the MIRV versions of the Minuteman and submarine-launched Poseidon, with multiple, separate re-entry vehicles.

Overall, the strategic balance is shifting so rapidly against the United States that by 1975, according to conservative Pentagon calculations, the U.S.S.R. will have a substantial edge in both numbers of launchers and aggregate "throw weight" potential. Few among us want to admit the implications, but on the evidence the Russians look to be moving deliberately to a first-strike posture, whatever name they may give it. It was this rising prospect that induced Secretary Laird to say in a recent interview that the United States would have no choice but to embark on another tremendous increase in defense spending if the Strategic Arms Limitation Talks (SALT) should fail to bring a slowdown in the Soviet buildup by the fall of 1971.

Critical Expertise. It is not alone the vast acquisition and deployment of strategic-weapon systems that causes the Soviet Union to cast so menacing a shadow across the future. Rather, it is the already huge and ever-increasing Soviet investment in technological research and development and in the technical manpower to serve it.

In the history of industrial nations, there has never been anything to equal the Soviet Union's single-minded concentration on the task of training and mobilizing a technical elite. Six times as many engineers now graduate as did a decade ago; that's five new Russian engineers for every one being graduated by American universities. Should the present trends continue, the Russians, by 1985, will be pouring half a million new engineers into the state bureaucracy each year, while the United States will be adding a mere 50,000. The Russian strategy is obvious: this is the expertise critically needed for devising military applications for scientific discoveries.

During the past five years, the Soviet high command has raised its spending on high-technology, defense-related Research and Development (weapons, space vehicles and atomic energy) by more than 50 percent—from $10.4 billion a year in 1965 to an estimated $16.1 billion this year. Meanwhile, the American investment in R & D has been leveling off, principally because of the high cost of an infantry war in Vietnam. Today, with a considerably smaller total military budget (about $60.4 billion in 1969, compared to a total of $84.4 billion for the United States), the Soviet Union spends more on the advanced military technologies than does the United States.

Soviet annual funding for purely military R&D (apart from space and atomic weapons) is currently running at about $10 billion a year, and lately has been increasing by $1 to $1.5 billion annually. The American figure, about $7 billion, continues to sink. In truth, the gap is widening faster than figures show, for inflation is sapping the purchasing power of the U.S. dollar for scientific and engineering purchases by as much as eight percent per year. In Russia, there has been no inflation as we know it because of their controlled economy.

Who Is No. 1? The United States still commands unmatched reserves of capital, machinery, research facilities and a unique competence in organizing intricate projects. In quality, U.S. technology remains superior to that of the Soviet Union, although probably only marginally. But *the overwhelming American strategic dominance has disappeared, and with astonishing speed.*

That outcome was inevitable. The growth of U.S. strategic forces was deliberately arrested in the mid-1960s, on the reasoning that the Russians sought only parity or balance—the power to deter, that is—and that once they achieved this on the strategic side, the nuclear arms race would slow down. The unabating growth of the Soviet strategic forces suggests the contrary. Far from settling for balance, the Russians seem bent on reversing the strategic inferiority which compelled them to back out of Cuba. Now the question is: Do we allow the pendulum to continue to swing, and let the United States sink into second-class status?

Safety scarcely lies in that choice. Being second in the field of strategic technology could, as John Foster has pointed out, render the United States vulnerable in a sense we have never known. "It stands to reason," he says, "that a capital investment in R&D exceeding our own by several billion dollars a year will yield the Russians important, perhaps even decisive, discoveries.

"By 1975, if the present disparity in investment should continue, I would fully expect to find the Russians with major new weapon systems deployed, or ready for deployment, which will represent a technological surprise to us; systems we do not now see, or may not know about or even suspect, but which may be in intense development. Mr. Kosygin's successor will have more choices in weapons and strategy than Mr. Nixon's will have."

From this point on, if we are to escape uncomfortable technological surprises, if we are to avoid the very real danger of our allies deserting us for a stronger power, we Americans had better start bracing ourselves in a sensible way for the severest challenge we have ever experienced. Only a few months ago, President Nixon told legislative leaders, "If present trends continue, the United States, a very few years hence, will find itself clearly in second position—with the Soviet Union indisputably the greatest power on earth."

In September, the chairman of the House Armed Services Committee, Rep. L. Mendel Rivers of South Carolina, finally said aloud what more and more men around the President have been privately thinking. At the end of a long and detailed analysis of the weapons and technological situation, Rivers reminded the House of the President's prophecy and said, "I am afraid that that day has already arrived."

U.S. POLICY TOWARD GREECE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. EDWARDS of California. Mr. Speaker, for nearly a decade our Government's foreign policy has been confined within the boundaries of a misleading and obsolete conception of world politics. The consequences of our country's disastrous involvements throughout the world have signaled the necessity for rethinking and redrawing the course of American diplomacy, and yet our policymakers stubbornly cling to what former United Nations Ambassador Charles Yost calls "the simplistic conception of an apocalyptic bipolar global struggle."

That Mr. Nixon and his advisers still view the world through this severe political myopia means that our foreign policy will continue to lead us through a labyrinth of international blunders and fiascos.

U.S. policy toward Greece is an excellent illustration of this tragic misperception. Amply supplied with outdated strategies designed to contain a nonexisting monolithic Communist threat, our political leaders have enabled our Government to become willing bedfellows with an unconstitutional, repressive, and totalitarian military regime. In the name of pro-Americanism, the United States has ironically bolstered a dictatorship committed to the very antithesis of our own Bill of Rights.

It is quite conceivable that the Papadopoulos dictatorship is only the first sign of a malignant cancer. Should U.S. policy continue in this direction, the result could well turn out to be the destruction of European Democratic institutions.

Mr. Speaker, I would like to enter in the RECORD the following article by John A. Nicolopoulos, professor of history, State University of New York at Albany.

U.S. POLICY TOWARD GREECE

The recent rash of political incidents involving the military in a number of countries maintaining defense ties with the United States should alert all thoughtful Americans to an urgent, if not entirely new, problem facing the formulators of U.S. foreign policy.

It is, in effect, becoming increasingly clear that U.S. appeasement of the Papadopoulos dictatorship in Greece has encouraged similar tendencies in the neighboring NATO countries, Italy and Turkey. Extremist elements connected to the military establishments of these countries interpreted American support of the Greek junta as an extension of the so-called Mann doctrine—providing for a "pragmatic" attitude toward dictatorial regimes in Latin America as long as they do not threaten U.S. foreign policy interests "directly"—to the Mediterranean. In reaching this conclusion, they were amply assisted by the propagandists of the Athens regime.

The institutions developed by the Greek colonels since 1967 were perhaps even more influential in this connection than their propaganda: the Papadopoulos group came up with a formula for "legitimizing" and perpetuating military domination for the political process, which has been the distinguishing feature of post-World War II dictatorships outside the Communist bloc, in a way at least superficially acceptable to the major defender of Western democracy, the United States.

The key to the political structure devised by the Greek colonels is the Supreme Council of National Defense, an omnicompetent body in which the ostensibly civilian Prime Minister is superseded by the Chief of the Armed Forces, who, in his turn, presides over a pyramid of armed forces councils organized along the junta's constitution, rubber-stamped by the totalitarian plebiscite of September 29, 1968, and hailed by the State Department as a step toward the restoration of democratic government in Greece.

Papadopoulos' formula opened new avenues for Right-wing extremism, caught in a political cul-de-sac since World War II and the disgrace of the pre-war Fascist parties. The army could now take the place of the totalitarian party as the vehicle of the great "Conservative Revolution" which would save "Western civilization" both from Communism and its own "weakness."

The work of synthesis accomplished by the Greek military law-makers is indeed remarkable. They resurrected the rhetoric of the Truman Doctrine and the Greek civil war, picked up the concepts developed by the French "ideological colonels" in the course of the colonial wars in Indochina and Algeria and subsequently improved upon the American theorists and practitioners of counter-insurgency, added a dash of Arab national socialism—and served up the mixture with the ceremonial of a Latin American "National Revolution".

It should be noted that before the Papadopoulos breakthrough the prospects of the military as a political force in Europe were marginal. De Gaulle had had no great difficulty in checking the French colonels who repeatedly attempted to seize power in the course of the Algerian war; statesman-like Turkish generals did likewise, the most recent instance being the limited intervention against Premier Demirel followed by the retirement of twenty activist officers who favored a Greek-style takeover, the Greek high command itself had been able to snuff out a colonels' coup in the course of its execution in May, 1952, and several more in the making later. It was due to a remarkable comedy of errors that Papadopoulos was given the chance not only of seizing power, but of consolidating his dictatorship by a vertible Hitlerian Gleichschaltung disguised as an "operation" on the diseased body politic of Greece which would bring about a "healthier" democracy.

Papadopoulos' emulators in Turkey and Italy have now suffered setbacks and the realization of the slogan shouted by Italian Neo-Fascists during the recent disturbances, "Ankara—Athens—Rome", does not seem imminent. But the abscess will not be entirely drained unless the United States decisively abandons the mealy-mouthed vocabulary of "pragmatism" in order to clearly and unequivocally dissociate American policy from the enterprises of extremist cliques under the cover of Pro-Americanism. Otherwise, the danger of Fascist restoration in Europe will remain with us, the ultimate advantage of Communism, which is a more effective form of totalitarianism, bound to prevail in any kind of confrontation.

THE BATTLE IS DECLARED

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. ZWACH. Mr. Speaker, taxpayers in many parts of the country are on the verge of revolt. Taxes have become too high. Taxpayers cannot afford to pay for the services their State and Federal Governments are providing for them.

I recently read an editorial by editor Richard Higgin in the Lake Lilliam Crier which contained a lot of good common sense on this tax situation.

I liked particularly editor Higgin's concluding paragraph:

> Somehow we've got to get back to dependence on ourselves, forsaking government help, before the tax problem will get a bit better.

Mr. Speaker, I would like to insert this editorial in the RECORD and commend its reading to my colleagues and all of those who read the RECORD:

THE BATTLE IS DECLARED

It should be no surprise to see taxpayers revolting against oppressive taxes. Many have seen it coming for many years and are only surprised that it took so long for people to wake up and realize they're being victimized.

Now we find in both Kandiyohi and Meeker counties taxpayers' groups growing madly and taking steps to get government on all levels to hold the line on spending and to get an amendment to the state constitution passed which would limit the amount of taxes which can be levied against property.

Meeker taxpayers are sponsoring a rally at the Litchfield Armory, Mar. 27, 1 p.m., when Charlie Berg of Chokio, head of the taxpayers' group, will speak. At this meeting a statement will be passed around for signatures of those who will pledge to withhold payment of taxes unless a satisfactory tax amendment goes into effect.

Concerned Taxpayers of Minnesota are planning a march on the State Legislature, 10 a.m., April 3, to demand just tax legislation. And throughout the state many other actions are being taken.

Are they justified? I think so. Property taxes have been increasing constantly, and took a terrible jump this year. They are at the point where they actually are oppressive and mighty close to being confiscatory.

Will they get the results they ask? I rather think they will. Disgruntled taxpayers are numerous enough and are becoming organized enough so they can force the legislators to do something.

But, will it solve the problem? This I doubt sincerely. There are too many angles to this matter which aren't even being considered by the taxpayers' groups. Perhaps they are already tackling a big enough order without getting bogged down on other ramifications.

The root of the problem, of course, is that while these same taxpayers are demanding that the line of spending be held and that taxes be lowered, they still want more and bigger services from the various units of government. And they keep voting for the people who put them even further into a hole.

What we must have first of all is a genuine desire by all people to not only reduce taxes, but to decrease government service, as well. Nothing else will help.

Unfortunately, we have a governor and a legislature of the same type we've had for many years. As they've done for many years, they sympathize with the overburdened real property taxpayers and utter platitudes, and promise, not a holding of the line, not cutbacks in spending, not less demands by state agencies on local governmental units—but of all the silly dodges—they promise a "broader tax base."

What's a broader tax base? Does it mean that I will pay a much smaller portion of the cost of government? Of course not! It's merely another way of picking your pocket so you don't know whose hand is in there.

The politicians will tell you they're going to "plug the tax loopholes and make the tax dodgers pay your share", or that they're going to find "new" sources of tax revenue, or that the rich corporations and those who have bigger incomes are going to have to pay the taxes.

Don't let them fool you. There are no new sources of tax money! Only new ways of hiding taxes. They may plug the loopholes, but the extra money won't even be noticed in your reduced tax burden. The tax burden cannot be shifted onto the rich corporations and those getting higher incomes. These people will insist on holding their own and will compensate for paying higher taxes by demanding higher salaries and by charging you higher prices for everything you buy!

There will not be genuine tax relief, only more hidden taxes and governmental manipulation of your life until you and I resolve that we're going to hit at the root problem—your demands and mine for ever more and bigger services and control of our lives by government.

Somehow we've got to get back to dependence on ourselves, forsaking government help, before the tax problem will get a bit better.

A BILL GUARANTEEING EQUAL BENEFITS FOR WOMEN FROM THE SOCIAL SECURITY SYSTEM

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mrs. ABZUG. Mr. Speaker, today I introduced a bill to decrease from 20 years to 10 the length of time a divorced woman must be married in order to collect widow's or wife's benefits from her husband's social security insurance. I feel this is an important step in guaranteeing women fair and equal benefits from the social security system.

I believe that 10 years is long enough to entitle a woman to the benefits accrued by her husband. During the time of marriage money has been accumulated in the social security fund by the cooperative endeavors of both the husband and wife. The woman deserves an equal share of the benefits they saved together.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

HOUSE OF REPRESENTATIVES—*Wednesday, April 21, 1971*

The House met at 12 o'clock noon.

Rev. Charles L. Stetler, associate pastor, Greater Bedford Lutheran Parish, Bedford, Pa., offered the following prayer:

Gracious Father in Heaven, we give You thanks for the many blessings of life which You bestow upon us: for the gifts of homes and families, and also for this land and the life we have. We confess that we have not always followed Your will. Forgive us for these mistakes and strengthen us that we might better follow Your ways rather than our own selfish desires.

We pray Your guidance and wisdom might be granted to all who share the responsibilities of government, and we ask Your blessings upon the Members of this House and their families. For those who are in sorrow, grant them comfort and assurance; and where there is sickness, may You restore health. We pray in Jesus' name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

PROPOSED DISTRICT OF COLUMBIA LEGISLATION REGARDING ESTATES

(Mr. HUNGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HUNGATE. Mr. Speaker, I invite the Members' attention to the fact that the Subcommittee on Judiciary of the District of Columbia Committee has scheduled hearings for Tuesday, April 27, at 10 a.m., in the committee room on the following bills:

H.R. 2594 to amend chapter 19 of title 20 of the District of Columbia Code to provide for distribution of a minor's share in a decedent's personal estate where the share does not exceed the value of $1,000;

H.R. 6431 to amend the District of Columbia Code to increase the jurisdictional amount for the administration of small estates, to increase the family allowance, to provide simplified procedures for the settlement of estates, and to eliminate provisions which discriminate against women in administering estates.

H.R. 6637, companion bill to H.R. 6431.

Those wishing to offer testimony will please notify the clerk of the committee on or before Friday, April 23, 1971.

CONDUCT OF VETERANS

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I, along with other Members, have met with delegations of the Vietnam veterans who are here this week protesting the war and asking for additional veterans benefits.

I feel we in the Congress, the Capitol Police, and staff personnel have gone out of our way to be courteous and listen to their views. I would think in return these men, who represent only a small fraction of the Vietnam veterans, would show the same respect to the people of Capitol Hill and Washington.

This morning in an open hearing of a House Armed Services Subcommittee, some members of the group showed discourteous behavior to some of the Members of Congress including myself, plus the Commandant of the Marine Corps, who was testifying.

These young men are only hurting their cause through such actions.

I repeat, Mr. Speaker, this group represents only a fraction of the American veterans.

We appreciate what all veterans have done but those here this week are going to have to behave themselves.

A SHOCKING DECISION ON SCHOOLS

(Mr. SIKES asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, the Supreme Court decision on school desegregation is even more shocking than its first ruling on that subject in the 1950's. We learned not to expect anything better from the Warren Court, but the present Court had shown more evidence of responsibility to our Nation and its Constitution. The new ruling apparently strips away any remaining right of self-determination by parents and local school officials on matters pertaining to busing and neighborhood schools. The ruling to ignore State and county lines in carrying out the Court's order will result in total confusion in school taxing and operational problems. The requirement finalizes the efforts of the extreme liberals to make the schools a vehicle for integration rather than a place for educating children. Until there is a complete turnover in the Court—something which will require years—it is doubtful that there is a remedy from that source. Parents should have a voice in the type of education their children receive and local officials should have the right to provide it. Private schools will help, but there are many who cannot afford them. State and local officials and elected Federal officials must begin all over again to explore legal means to reassert control over the operation of school systems.

COMMENDATION OF U.S. POSTAL SERVICE

(Mr. HILLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILLIS. Mr. Speaker, it is with a great amount of personal pleasure that I publicly commend the U.S. Postal Service for measures being taken to improve the U.S. mail service.

More specifically, I am referring to Postmaster General Winton M. Blount's recent announcement concerning new airmail delivery standards. According to Mr. Blount's order, the Postal Service will begin a new program in some 500 cities which calls for next-day delivery of ZIP-coded airmail between other principal cities within 600 miles. Scheduled to begin early in May, the program also sets a goal of second-day delivery of ZIP-coded airmail between most major cities within the continental United States.

One of the most significant aspects of the new program is the fact that this is the first time the Department has established "service goals" which postal management seems determined to keep. Additionally, the public has been assured by Postmaster General Blount that a 95 percent successful rate of performance can be expected—beginning not next year but by July of this year.

This is the type of performance which is indicative of the mail system which must service a nation like ours. And with the newly created Postal Corporation, I am convinced that the future will produce a mail system which will more than adequately meet the demands of the American public.

THE SUPREME COURT'S DEMAND FOR MORE BUSING OF CHILDREN

(Mr. WAGGONNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAGGONNER. Mr. Speaker, two things were given no consideration at all yesterday in the Supreme Court's decision upholding the forced busing of children. The two things were education and children.

Quality education cannot be provided under the conditions upheld by the Court. But education was not the subject. Taking little children out of their neighborhoods and busing them, sometimes for hours, to distant unfamiliar and unrelated schools, cannot be in the best interest of the child. But children were not the subject. The subject was what it has always been; race mixing for the sake of race mixing.

This decision will trigger a new round of accelerated protests by racial activists and a new round of court actions and a new round of even more drastic orders from the courts. There is no end to it except the destruction of public education. The people will not support a public education system over which they have no local control; no voice in matters such as hauling their children from pillar to post to achieve a racial mixing; a system they know will not provide the quality of education they want, they expect, and they deserve. They know, too, that this Court-approved system is discriminatory against the South and will not be pursued elsewhere in the Nation.

It is an approach to education that has no conscience and it will produce no desirable end. It piles chaos on frustration atop confusion. While previous decisions have cried out that all should be colorblind, this decision cries out that we cannot be colorblind.

It is an irrational decision and the ones to suffer will be the children of those who cannot flee the public school system. I regret what the Court has said and done and I predict more and more will join me in protest.

CAMPING ON THE MALL BAN

(Mr. BIAGGI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BIAGGI. Mr. Speaker, Chief Justice Warren Burger's banning of the camping on the Mall by the Vietnam veterans is unfortunate. These men, many without arms or legs, have fought for the freedoms of speech and assembly and other constitutional rights in the fields of Vietnam. Now, is the Nation going to prohibit them from exercising these freedoms in a peaceful manner in the Capital of the United States?

Whether one agrees with the philosophy or position of these veterans is not at issue. There is only one matter to consider: Do these men deserve the right to petition their Government and speak out in disagreement with its policies?

I would hate to see a confrontation between park police and the veterans. It would be all too reminiscent of a similar incident after World War I. At that time the President sent troops to chase away the veterans.

If the campsite on the mall presents particular problems, the least that should be done is to find an alternate site. However, arrangements were made in the past for other groups to use the mall and certainly this group is entitled to the same considerations.

The greatest threat to democracy is the denial of rights of those who disagree with the Government policies. If we do not speak up now in defense of those whose rights are violated—whether they are in tune with our political philosophy or not—a time will come when our own rights are violated and there will be no one left to protest.

Let principles of freedom be our motivation and the Constitution our guide. These veterans have a right to protest and petition their elected representatives in Congress peacefully and without violence. To deny them that right after their sacrifices for us would be a heinous crime.

PERSONAL ANNOUNCEMENT

(Mr. VANIK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. VANIK. Mr. Speaker, I have today placed on the Clerk's desk a discharge petition on H.R. 4103, known as the Vietnam Disengagement Act of 1971.

This bill has been introduced by sufficient membership of the House to indicate a strong interest in its adoption after a full debate in the House.

As you know, this act provides for a complete withdrawal of American troops from Vietnam by December 31, 1971.

I hope that sufficient membership of the House will sign this discharge petition, so that we can move with dispatch in resolving this issue which hangs so heavily over our country.

MORE PRODUCTIVE RELATIONS WITH CHINA

(Mr. FISH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FISH. Mr. Speaker, President Nixon and the State Department deserve high praise for the recent positive turn in our relations with the People's Republic of China. In years ahead, historians may well credit the developments of the past 10 days as the most significant foreign policy accomplishment of the Nixon administration.

In particular, the President should be congratulated for creating a climate that allows Peking to take a more cooperative attitude. It is clear that this administration has been working quietly yet purposefully for some time toward more productive relations with China. In his most recent world report, the President said:

> In this decade there will be no more important challenge than that of drawing China into a constructive relationship with the world community . . . we are prepared to establish a dialogue with Peking.

While I would be among the first to emphasize that there are substantial philosophical differences that exist between our systems, and would caution that the recent exercise in "ping-pong diplomacy" does not make us "instant allies," I still feel now that long-closed doors are open we should make the most of it diplomatically. Recent events evidence that China is now ready to shed its self-imposed isolation. Such grave problems as Indochina, China's admission to the United Nations and the problem of the "two Chinas," should not be barriers to personal and economic contacts. One area that should be explored is nonstrategic trade, for certainly the restrictions on commerce with China should be no greater than with the Soviet Union or Eastern Europe.

Mr. Speaker, in conclusion, the events of the past 10 days can only be viewed as a beginning. President Nixon and Secretary Rogers, and other members of the administration team, deserve grateful credit for this most significant initiative.

THE POSTAL SYSTEM

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, I rise today to commend the new U.S. Postal Service on its determined effort to revitalize the postal system. The most recent evidence of this effort is Postmaster General Blount's establishment of a goal which will provide next-day delivery of 95 percent of ZIP-coded airmail to principal cities within 600 miles.

By setting this goal, the Postal Service is making an unprecedented promise that 95 percent of all air mail deposited by 4 p.m. weekdays in special boxes will be delivered the next delivery day in designated cities within a 600-mile radius. Furthermore, such mail will be delivered within 2 days after deposit in virtually all principal cities in the Continental United States.

This is only the first of several major plans in the works which will provide comprehensive service improvements for the American people. Members of Congress who helped pass the historic postal reform legislation can see this as the first major evidence of the wisdom of our action.

DEMOCRATIC CAUCUS

(Mr. JACOBS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. JACOBS. Mr. Speaker, for more than 2 months I have been trying to bring before the Democratic caucus the question of whether or not the only human being on this planet who has been legally elected to represent the American citizens in the District of Columbia, who pay taxes and send their sons to bleed and die for the freedom-loving people in South Vietnam, should be made at least a subcommittee chairman on the District of Columbia Colonialism Committee of this Congress.

I have said on numerous occasions that if the delaying tactics in the caucus continued, such as the one exercised today by the gentleman from Colorado (Mr. ASPINALL), when he demanded a quorum and said that a quorum should be present to conduct business, that I would do as much for the duration of the 92d Congress itself. According to that member of the tribal chieftains who run this Congress, a quorum is necessary in order to conduct business on the floor of this Congress. I have come to the conclusion there is no business more important before this Congress than the basic moral American question of whether the American citizens in this jurisdiction will be granted American democracy, so I intend to use my parliamentary prerogatives to that end.

SUPREME COURT DECISION ON CAMPING OF VETERANS ON THE MALL

(Mr. RYAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RYAN. Mr. Speaker, several hundred veterans of the Vietnam war are in Washington this week attempting to explain to their Government and to the Members of their Congress the folly and futility of the dead-end war in Vietnam which the administration continues to pursue.

These are young men who have come to Washington, leaving their schools and their jobs—although, of course, many of them have not been able to find jobs upon their return from Vietnam—because they sincerely believe that this war must end. They are concerned veterans who have served their country. Many have suffered permanent injuries and the loss of limbs. I wish every Member of the House and the Senate could speak to them and hear them, as I have done. Perhaps then Congress would finally act to bring the war to an end.

Last night, the Chief Justice, acting upon an emergency petition from the Justice Department, reversed the order of the United States Court of Appeals which permitted the veterans to camp on the mall. Acting in his capacity as circuit judge for the District of Columbia, Chief Justice Burger reinstated an injunction against overnight camping issued last Friday by United States District Court Judge George L. Hart, Jr.

I have joined in asking the Secretary of the Interior to meet with the veterans in an effort to find a suitable alternative site, and I have also called upon the Speaker of the House to grant them permission to use the Capitol grounds.

These Vietnam veterans are exercising their constitutional rights peaceably to assemble and to petition the Government for a redress of grievances. It is unjust that the Government, which sent them to fight an undeclared war 10,000 miles away in Southeast Asia, should now deny them a place to sleep on public land when they attempt to hasten the end of the war.

These young men have been through a grim war and are in the Nation's Capital to tell a grim tale. The antipathy of the administration toward them is a sorry situation.

SUPREME COURT DECISION ON BUSING

(Mr. MITCHELL asked and was given permission to address the House for 1 minute.)

Mr. MITCHELL. Mr. Speaker, I fully suspected that there would be a number of harangues and diatribes coming forth from certain Members of the House today in response to the decision of the Supreme Court upholding the principle of busing to achieve integration.

I for one would like to be on the record as being grateful and fully supportive of that decision. It is time we stopped the hypocrisy and pretense in this country. It is time we moved ahead to implement the full integration of our public schools. To do anything less than that is to but heighten the alienation, division, and the polarization which have developed in this country. They have developed, in part, because we have lied to black Americans about the implementation of the 1954 Supreme Court decision, and we have reneged on our commitments to black Americans.

I support and applaud the decision of the Supreme Court of the United States regarding busing to achieve equality in education.

CALL OF THE HOUSE

Mr. JACOBS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 59]

Abbitt
Abourezk
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Blanton
Blatnik
Brooks
Brown, Mich.
Camp
Casey, Tex.
Celler
Clark
Clawson, Del
Clay
Corbett
Corman
Crane
Davis, Ga.
Diggs
Dowdy
Dwyer
Edwards, La.
Fascell
Fish
Fisher
Fraser
Frenzel
Gallagher
Goodling
Gray
Green, Oreg.
Griffiths
Gubser
Halpern
Hanna
Harvey
Hicks, Mass.
Kazen
Keith
King
Long, La.
McCormack
McCulloch
Mailliard
Mann
Mathias, Calif.
Moorhead
Murphy, Ill.
Patman
Pepper
Powell
Price, Tex.
Pucinski
Railsback
Rangel
Reid, N.Y.
Rooney, Pa.
Rosenthal
Ruppe
Satterfield
Scheuer
Schwengel
Sebelius
Shriver
Sisk
Skubitz
Steele
Steiger, Wis.
Talcott
Teague, Tex.
Thompson, N.J.
Wilson, Bob
Wolff
Wright

The SPEAKER. On this rollcall 357 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

NEW U.S. POSTAL SERVICE OFF TO GOOD START

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, 8 months ago the Congress passed the Postal Reorganization Act which created the new U.S. Postal Service. Although this semi-independent organization does not, technically speaking, begin operations until July, it is off to a good, businesslike start.

I am speaking of the Postmaster General's announcement that effective April 22 the Postal Service will strive for next-day delivery of ZIP-coded airmail to principal cities within a 600-mile radius. This is the primary focus of a new "national service goal" which will also mean that airmail deposited in special airmail-only boxes will be delivered within 2 days of deposit in virtually all principal cities in the continental United States.

I commend the Postmaster General and the Postal Service on the establishment of this bold new service standard, and wholeheartedly welcome Red Blount's promise that more service improvements are on the way.

PERSONAL ANNOUNCEMENT

Mr. BLATNIK. Mr. Speaker, during the time of the previous rollcall, when the roll was being called, I was on the floor, and I was called out on an important matter. I merely want the RECORD to show I was present during the time the rollcall was in progress.

CALL OF THE HOUSE

Mr. JACOBS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 60]

Abbitt
Abourezk
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Archer
Baring
Biaggi
Bingham
Blanton
Boggs
Brooks
Brown, Mich.
Camp
Carey, N.Y.
Casey, Tex.
Celler
Clark
Clawson, Del
Clay
Cleveland
Collins, Ill.
Conyers
Corbett
Davis, Ga.
Dellums
Dent
Dowdy
Dwyer
Edwards, Ala.
Edwards, La.
Eilberg
Erlenborn
Evins, Tenn.
Fascell
Fish
Fisher
Flowers
Fraser
Frenzel
Gallagher
Gaydos
Goodling
Gray
Green, Oreg.
Griffiths
Gubser
Halpern
Hanna
Harvey
Hastings
Hébert
Hicks, Mass.
Hicks, Wash.
Holifield
Johnson, Calif.
Kazen
Keith
King
Link
Long, La.
McCulloch
Mailliard
Mann
Michel
Miller, Calif.
Moorhead
Murphy, Ill.
Passman
Patman
Pelly
Podell
Powell
Price, Tex.
Pucinski
Railsback
Riegle
Rooney, Pa.
Rosenthal
Satterfield
Scheuer
Schwengel
Sebelius
Shriver
Sisk
Smith, Calif.
Springer
Steele
Steiger, Wis.
Talcott
Teague, Calif.
Teague, Tex.
Vanik
Wampler
Wiggins
Wilson, Charles H.
Wolff

The SPEAKER. On this rollcall 334 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

ORDER OF BUSINESS

The SPEAKER. The Chair lays before the House the following message from the President of the United States:

Mr. JACOBS. Mr. Speaker, I make a point of order that a quorum is not present.

The SPEAKER. A rollcall just disclosed the presence of a quorum.

Mr. JACOBS. I make the point of order that a quorum is not present, Mr. Speaker, obviously not.

The SPEAKER. The Chair advises the gentleman that a quorum has just been established and no business has transpired.

Mr. JACOBS. At the moment I make a point of order that a quorum is not present.

The SPEAKER. The gentleman's point of order is out of order.

FOREIGN ASSISTANCE PROGRAM OF THE UNITED STATES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–94)

The SPEAKER laid before the House the following message from the President of the United States; which was read:

To the Congress of the United States:

On September 15, 1970, I proposed a major transformation in the foreign assistance program of the United States. My purpose was to renew and revitalize the commitment of this Nation to support the security and development objectives of the lower income countries, and thereby to promote some of the most fundamental objectives of U.S. foreign policy.

Today, I report to you on the progress of the last seven months in effecting that transformation and ask the Congress to join me in taking the next creative step in our new approach—the reform of the United States bilateral assistance program.

To achieve such reform, I am transmitting two bills—the proposed International Security Assistance Act and International Development and Humanitarian Assistance Act—and announcing a number of actions which I intend to take administratively. Taken together, they would:

—Distinguish clearly between our security, development and humanitarian assistance programs and create separate organizational structures for each. This would enable us to define our own objectives more clearly, fix responsibility for each program, and assess the progress of each in meeting its particular objectives.

—Combine our various security assistance efforts (except for those in Southeast Asia which are now funded in the Defense budget) into one coherent program, under the policy direction of the Department of State. This would enable security assistance to play more effectively its critical role in supporting the Nixon Doctrine and overall U.S. national security and foreign policy in the 1970s.

—Create a U.S. International Development Corporation and a U.S. International Development Institute to replace the Agency for International Development. They would enable us to reform our bilateral development assistance program to meet the changed conditions of the 1970s.

—Provide adequate funding for these new programs to support essential U.S. foreign policy objectives in the years ahead.

THE IMPORTANCE OF FOREIGN ASSISTANCE

U.S. foreign assistance is central to U.S. foreign policy in the 1970s in three ways:

First, we must help to strengthen the defense capabilities and economies of our friends and allies. This is necessary so that they can increasingly shoulder their own responsibilities, so that we can reduce our direct involvement abroad, and so that together we can create a workable structure for world peace. This is an essential feature of the Nixon Doctrine.

Second, we must assist the lower income countries in their efforts to achieve economic and social development. Such development is the overriding objective of these countries themselves and essential to the peaceful world order which we seek. The prospects for a peaceful world will be greatly enhanced if the two-thirds of humanity who live in these countries see hope for adequate food, shelter, education and employment in peaceful progress rather than in revolution.

Third, we must be able to provide prompt and effective assistance to countries struck by natural disaster or the human consequences of political upheaval. Our humanitarian concerns for mankind require that we be prepared to help in times of acute human distress.

THE NEED FOR REFORM

We cannot effectively pursue these objectives in the 1970s with programs devised for an earlier period. The world has changed dramatically. Our foreign assistance programs—like our overall foreign policy—must change to meet these new conditions.

In my September special message to the Congress I spelled out the major changes in the world which require new responses. Let me summarize them here:

—Today the lower income countries are increasingly able to shoulder the major responsibility for their own security and development and they clearly wish to do so. We share their belief that they must take the lead in charting their own security and development. Our new foreign assistance programs must therefore encourage the lower income countries to set their own priorities and develop their own programs, and enable us to respond as our talents and resources permit.

—Today the United States is but one of many industrialized nations which contribute to the security and development of the lower income countries. We used to furnish the bulk of international development assistance; we now provide less than half. The aid programs of other countries have grown because they recognize that they too have a major stake in the orderly progress which foreign assistance promotes, and because their capabilities to provide such assistance have grown enormously since the earlier postwar period.

—Today the international institutions can effectively mesh the initiatives and efforts of the lower income countries and the aid efforts of all of the industrialized countries. We can thus place greater reliance on such institutions and encourage them to play an increasing leadership role in the world development process.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, I address a parliamentary inquiry to the Chair.

The SPEAKER. The gentleman will state it.

Mr. GROSS. Mr. Speaker, is the Clerk reading from the summary or the message, and at what point?

The SPEAKER. The Clerk is reading the message.

Mr. GROSS. He is reading from the message. Then at what point is he now reading? This is so important an address I would not want to miss any part of this foreign giveaway message.

The SPEAKER. The Clerk is reading on page 3 of the message.

Mr. GROSS. I thank the Chair.

The SPEAKER. The Clerk will continue the reading of the message.

The Clerk read as follows:

Our ideas on the reforms needed in the world of the 1970s have evolved significantly since I received the Report of my Task Force on International Development, chaired by Mr. Rudolph Peterson, and since my special message of last September, as the result of our own deliberations and our further consultations with the Congress, the business community and many other sectors of the American public, and our friends abroad. Before spelling out a new blueprint for our bilateral assistance program, however, I wish to report to you on the gratifying progress achieved since last September in reorienting our assistance policies.

PROGRESS TOWARD REFORM

First, the Congress in December passed supplemental assistance legislation for FY 1971 which represented a major step in implementing the security assistance component of the Nixon Doctrine. This legislation authorized additional funds for military assistance and supporting economic assistance for countries in which the U.S. has major interests and which have convincingly demonstrated the will and ability to help themselves—including Israel and Jordan in the Middle East and Cambodia, Vietnam and Korea in East Asia.

Such support is necessary to carry out one of the central thrusts of the Nixon Doctrine—moving us from bearing the major responsibility for the defense of our friends and allies to helping them achieve an increasing capability to maintain their own defense. This increase in security assistance enables us to continue to reduce our direct presence abroad, and helps to reduce the likelihood of direct U.S. military involvement in the future.

Second, the international development institutions have continued their progress toward leadership in the international development process. For example:

—*The World Bank* continues to increase the size and improve the effectiveness of its operations. It also has decided to broaden the scope of its lending beyond the traditional financing of projects to the provision of funds to support overall development programs in appropriate circumstances, and it is developing an improved internal evaluation and audit system.

—*The United Nations Development Program* has initiated a reorganization to improve its administration. In time this will enable it to assume a leading role in coordinating the international technical assistance effort.

—*The World Health Organization* has effectively guided and coordinated the worldwide effort to cope with the present cholera epidemic in Africa.

Third, the industrialized countries have now agreed on comparable systems of tariff preferences for imports from the lower income countries. The preferences plan is a major step in the crucial international effort to expand the export earnings of these countries, and hence to reduce their reliance on external aid. The European Community has indicated that it plans to put its tariff preferences into effect on July 1, and Japan has announced that it will do so before October 1.

Fourth, there has been satisfying progress toward achieving the untying of bilateral development loans on a fully reciprocal basis. This action will enhance the value of economic assistance to recipient countries, and eliminate the political frictions which tied aid now causes. Virtually all of the industrialized countries have agreed to the principle of untying. Details of a system offering suppliers of all participating countries a fair and equitable basis for competition are now being worked out in the Organization for Economic Cooperation and Development.

Fifth, I have established a Council on International Economic Policy, which I chair, to coordinate all aspects of U.S. foreign economic policy, including development assistance. It will provide top-level focus for our policies in this area, and accord them the high priority which they require in our foreign policy for the 1970s.

I am heartened by this progress, but much more remains to be done:

—I again urge the Congress to vote the additional funds which I have requested for the Inter-American Development Bank and the Asian Development Bank.

—We will shortly transmit legislation to authorize the U.S. contribution to the doubling of the resources of the International Development Association, the soft-loan affiliate of the World Bank, which stands at the center of the network of international financial institutions, and I urge the Congress to approve it.

—We are working with others to help establish a soft-loan window for the African Development Bank.

—We will shortly transmit legislation to authorize U.S. participation in the system of generalized tariff preferences for developing countries, and I urge Congress to approve it.

THE NEW U.S. BILATERAL ASSISTANCE PROGRAM

The next major step is the reform of the U.S. bilateral assistance program, incorporated in the proposed International Security Assistance Act and International Development and Humanitarian Assistance Act.

Our new bilateral assistance program must achieve several objectives. It must:

—Clearly identify our distinct aid objectives: security assistance, development assistance and humanitarian assistance.

—Be truly responsive to the initiatives of the lower income countries themselves and encourage them to play the central role in solving their own security and development problems. In the area of development assistance, this means working within a framework set by the international institutions to the maximum extent possible.

—Be concentrated in countries of special interest to the United States, and in projects and programs in which the United States has a special ability to be of help.

—Recognize the improved economic capacity of many of the lower income countries in establishing the terms of our assistance.

—Assure improved management.

—Reduce substantially the number of U.S. Government officials operating our assistance program overseas.

Let me now spell out the details of our new approach, based on these principles.

SECURITY ASSISTANCE

I have repeatedly stressed the essential role played by our military and related forms of assistance in supporting the foreign policy of the United States and our own security interests. The primary purposes of this assistance have been, and will continue to be, the preservation of peace through the deterrence of war, and the support of efforts by allied and friendly countries to move toward self-sustaining economic growth and social progress. To abandon our responsibilities would risk magnifying the world's instability in the short run and impairing its peaceful development for the longer run, and therefore increase the threat to our own security both now and in the future.

The new course on which we are set, however, encourages others to take on greater responsibilities themselves. Our new security assistance program will seek to strengthen local defense capabilities by providing that mix of military and supporting economic assistance which is needed to permit friendly foreign countries to assume additional defense burdens themselves without causing them undue political or economic costs. If we are to move toward reducing our own physical presence, the effectiveness of our security assistance program will become of ever more crucial importance.

In Asia, this new strategy has already encouraged the nations of the area to assume greater responsibility for their own defense and provided a basis for a major reduction in our military presence. The funds which have been provided to assist the Government of South Vietnam have been essential to the progress of Vietnamization, and helped insure continued U.S. troop withdrawals. We have helped Cambodia to mobilize its manpower and other resources in defense of its independence and neutrality. We are providing Korea with equipment to improve and modernize its defenses and we are withdrawing some of our own troops.

Our friends and allies know that it is no longer possible nor desirable for the United States to bear the principal burden of their defense. A clear lesson of the 1960s is that deterrence against local aggression, or against subversion supported from outside a country's borders, cannot be achieved without a strong contribution by the threatened country itself. We can meet our security assistance objectives effectively only if we link our efforts closely with those of our friends and thereby build the foundations for peace in partnership with them.

To help do so, and also in recognition of the improved economic capability of many of the countries receiving security assistance, I propose today significant changes in our authorities to provide military assistance to our friends and allies.

Our military assistance programs have suffered from undesirable rigidity. The only choice has been between grant assistance and sales on hard credit terms. Many of those nations that need our assistance are unable to meet the hard credit terms—so grant assistance has been the only course open for us to help meet their essential security needs. But as the lower income nations begin to develop an ability to shoulder the costs of their defense, we need to be able to assist them in doing so even though they cannot immediately assume the entire burden. Sales on concessional credit terms would permit earlier participation by some recipient countries in the financing of their essential defense needs and would thus engage their own assessment of priorities for the allocation of their resources at an earlier stage of development than is now possible.

To fill the existing gap between grant assistance and sales on relatively firm commercial terms, the International Security Assistance Act that I propose today includes authorization to finance sales of military equipment on concessional terms. Grant assistance will remain necessary for some nations whose financial resources are simply not adequate to meet their defense needs. But our objective is to move countries, as quickly as possible within the context of international security requirements and their own economic capabilities, along the spectrum from grants to concessional sales to the harder terms we have required for sales under the present act and finally to outright cash arrangements. We will also stress the transition from Government sales to those made directly by private industry to the extent feasible. By making these changes we would help countries move from dependence on the United States to independence in the creation and financing of their own security programs. We would not intend to provide concessional credits to countries able to meet the terms of the present program.

I am also asking, under the new act, greater flexibility to transfer funds among the various security assistance programs. Such flexibility is particularly important, for example, in this period of transition in Southeast Asia, where our troop withdrawals are freeing up substantial amounts of military equipment formerly used by our troops. I am asking that the ceiling on the amount of surplus equipment which can be granted to our friends and allies be increased; this will save us money as well as permit us to better help those of our friends who need it. In the long run, sound management of security assistance demands that there be enough flexibility to transfer funds among various programs in order to insure that the proper mix is used to meet our specific objectives in each instance.

For these international security assistance programs, I request authorization of $1,993 million for FY 1972; $778 million for supporting economic assistance, $705 million for grant military assistance, and $510 million for military credit sales.

These security assistance programs are at the core of our relations with certain key friendly countries. They critically affect our ability to meet our bilateral and collective security commitments. They are central to the achievement of major objectives of U.S. national security and foreign policy.

I therefore intend to direct by administrative action a reorganziation of our security assistance program to meet more effectively the objectives of the Nixon Doctrine. Various components of security assistance—military assistance, military credit sales, grants of excess military stocks, supporting economic assistance, and the public safety program—have been fragmented in different pieces of legislation and managed through a series of different administrative arrangements. My proposals would bring these programs under one legislative act to assure that each is viewed as part of a coherent overall program. Military assistance for Vietnam, Laos and Thailand will continue to be funded in the Defense budget because these country programs are subject to the uncertainties of active hostilities and are intimately linked to the logsitical support systems of our own forces in Southeast Asia.

To assure effective policy control and management of this new security assistance effort, I would direct that a Coordinator for Security Assistance be established at a high level in the Department of State. I would also direct that the supporting economic assistance program be administered by the Department of State. The Department of Defense will continue to have primary responsibility for administering our military assistance and sales programs, and for relating these programs to overall U.S. national defense planning.

These new arrangements would be a significant step in the direction of improving the management of our security assistance program. They would therefore represent a significant step toward achieving greater accountability to the Congress and the public as well.

This new security assistance program would, I am confident, serve our national interest in the 1970's in a number of important ways. It would:

—enable us to meet U.S. commitments more effectively and at lower cost;

—strengthen the self-defense capabilities of nations to whose security the U.S. is committed by treaty, by special political ties, or by essential U.S. interests;

—help to reduce the need for, and likelihood of, U.S. military involvement overseas;

—foster increased local initiative and self-sufficiency;

—promote constructive political relations with foreign governments;

—support U.N. peacekeeping operations;

—reduce potential frictions by lowering the U.S. profile abroad.

I am also requesting in the International Security Assistance Act authority for $100 million for the President's Foreign Assistance Contingency Fund for FY 1972. This would permit the administration, with due notification to the Congress, to meet worldwide contingencies—in the security, development and humanitarian areas—in ways compatible with our national interests. It is particularly important to have available uncommitted funds which can be used on short notice, when sudden crises in the international community require us to act promptly and decisively.

DEVELOPMENT ASSISTANCE

The United States continues to have special national interests in particular lower income countries. We continue to have special capabilities in particular functional areas. We continue to need an effective bilateral development assistance program.

In order to advance such a program, I therefore propose legislation which would authorize the creation of two new development assistance institutions. Together with the two created by the last Congress, they would replace the Agency for International Development and enable us to develop a new approach based on the principles outlined above.

The two I now propose to create are:

—An International Development Corporation (IDC) to provide loans to finance development projects and programs in the lower income countries.

—An International Development Institute (IDI) to seek research breakthroughs on the key problems of development and to administer our technical assistance programs.

These would join two created by the last Congress:

—The Overseas Private Investment Corporation (OPIC) to promote the role of private investment in the development process.

—The Inter-American Social Development Institute (ISDI) to provide special attention to the social development needs of Latin America.

THE U.S. INTERNATIONAL DEVELOPMENT CORPORATION

The new IDC would administer our bilateral lending program. The authorities which I seek for it, and the operating style which I would direct it to pursue, would mark a major change in the U.S. approach to development assistance.

The IDC would make loans in response to initiatives from the lower income countries, rather than develop projects or programs on its own. It would have flexibility to tailor its loan terms to the needs of particular lower income countries, requiring harder terms from the more advanced and extending easier terms to the less advanced. Today's program has limited flexibility in this regard. Its lending volume to any particular country would be based on demonstrated self-help performance, and the quality of the projects and programs which that country presented to it. It would not seek to determine annual country lending levels in advance as is done at present.

The IDC would operate to the maximum extent feasible within a framework set by the international financial institutions. It would look to them to provide evaluations of the overall development prospects of particular countries, which would be a major consideration in its decisions to lend, rather than itself carrying out the extensive "country programming" which is now done. Within that context it would participate in non-project lending and international efforts to alleviate the debt burdens of particular lower income countries. It would participate for the United States in the international consortia and consultative groups, managed in most cases by the international financial institutions, through which the bulk of our bilateral assistance will flow.

The IDC would concentrate its activities in countries and regions where the U.S. has a major foreign policy interest in long-term development. For example, it would establish guidelines to assure that an equitable share of its resources is provided to the countries of the Western Hemisphere. But precisely because our interest is in the long-term development of these nations, the IDC would use its funds to pursue such interests rather than to seek merely short-term political gains.

The IDC would provide loans on the basis of both sound business standards and the pursuit of sound development purposes. The terms of its loans would be determined in large part by the financial situation of the borrowing country, rather than on the standard terms now offered to all borrowers. It would avoid loans to countries where the analysis of international financial institutions, and its own views, suggest an inadequate policy framework in which the loans could effectively promote development. The IDC would not be solely a lender of last resort as AID is required to be today, often financing the riskiest projects and programs.

The Corporation would work with and through the private sector to the maximum extent possible. It would give high priority to projects and programs which promote private initiative in the lower income countries, and to this end would seek to increase U.S. lending to local development banks and other financial intermediaries. I recommend that it also have authority to lend directly to private entities in the lower income countries.

The IDC would be governed by a Board of Directors consisting of outstanding private citizens as well as government officials, thus bringing the private sector directly into its decision-making process.

With this clear identification of specific instruments and programs with the specific objectives they are designed to achieve, we should not need to tie the hands of our managers—of the Corporation or any of our other new institutions—with the kinds of foreign policy and administrative restrictions which apply to the present program. Administrators should be held accountable for achieving program objectives. This is a central requirement of the businesslike approach which the new structure is designed to foster.

To insure the necessary continuity and stability of operations to permit this businesslike approach, and building on the initiative of the Congress in 1969 to provide a 2-year authorization for foreign assistance, I request that the Corporation be given a 3-year authorization. I recommend an authorization of $1.5 billion of directly appropriated funds. I propose also that the IDC be provided with authority to borrow, in the private capital market or from the U.S. Treasury, up to a total of $1 billion during its initial 3-year period. This would help channel private capital more directly into the development process and bring private sector judgments directly to bear on the performance of the IDC. I recommend that it be authorized to use repayments of capital and interest on past U.S. development loans, which are now running at about $250 million annually.

A Corporation based on these principles would enable us to reduce substantially the number of U.S. government personnel involved in development lending overseas. By responding primarily to initiatives from the lower income countries, we would reduce the need for Americans to chart foreign programs and priorities. By relying increasingly on the international institutions for information and analytical work, we would reduce our own requirement for itself in both Washington and the field. By reducing the statutory restrictions on the program, we would be able to concentrate available staff on effective program management.

I am confident that a U.S. International Development Corporation based on these principles would regenerate our development lending program. It would provide major support to the development objectives of the lower income countries. It would enable us to play our full role effectively among the industrialized countries in promoting the development process. It would thereby provide major support for important U.S. national objectives in the 1970s.

THE U.S. INTERNATIONAL DEVELOPMENT INSTITUTE

The new IDI would administer a reformed bilateral technical assistance program and enable us to focus U.S. scientific, technological and managerial know-how on the problems of development.

The Institute would engage in four major types of activities:

—It would apply U.S. *research* competence in the physical and social sciences to the critical problems of development, and help raise the research competence of the lower income countries themselves.

—It would help *build institutions* in the lower income countries to improve their own research capabilities and to carry out a full range of developmental functions on a self-sustaining basis. I would expect it to place particular emphasis on strengthening agricultural and educational institutions.

—It would help *train* manpower in the lower income countries to enable them to carry out new activities on their own.

—It would help lower income countries, particularly the least developed among them, to finance *advisers* on development problems.

Like the Corporation, the Institute would finance projects in response to proposals made by the lower income countries themselves. It would not budget funds in advance by country, since it could not know in advance how many acceptable projects would be proposed by each. It would look to these countries to select candidates to be trained under its program. Its research activities would be located in the lower income countries, rather than in the United States, to the greatest extent feasible. With its stress on institution building, it would seek to insure that each program could be carried on after U.S. assistance is ended.

Most importantly, the Institute would seek to assure that all projects which it helps finance are considered essential by the lower income country itself. To do so, the Institute would require that the recipient country make a significant contribution to each as evidence that it attaches high priority to the project and is prepared to support it financially after U.S. assistance ends. We would finance a project for only a definite and limited period of time, and would want assurance that the host country would then carry it on. In the past, all too many technical assistance projects have been undertaken which were of more interest to Americans than to the recipient countries, and had little or no lasting impact. Our new program is designed to insure that this does not happen in the future.

The international organizations are less advanced in research and technical assistance than in development lending. The Institute would thus be unable to function as fully within an international framework at this time as would the Corporation. However, it would work to help improve the capabilities of these organizations, especially the United Nations Development Program, and would seek to cooperate with them whenever possible. In fact, one of its objectives would be to help create an international framework for technical assistance comparable to the framework which has developed over the past decade for development lending.

By the very virtue of its separate existence, the Institute would be free to concentrate its efforts on the application of research and technology to the problems of development—a key feature of our new bilateral program which would distinguish it markedly from the present approach. The Institute would also concentrate its resources on the few most critical problem areas of development. Such concentration is necessary if it is to achieve the "critical mass" necessary to make real breakthroughs where they are most needed, and to attract the top cadre of experts and managers who can achieve such breakthroughs.

The areas of concentration would evolve in response to the requests of the lower income countries and management's assessment of where we can contribute most. They would undoubtedly shift over time. Experience suggests that limiting population growth, increasing agricultural production and training manpower would be among the concentration areas at first. Unemployment and urbanization problems could be early additions to the list.

While the Institute would provide grant financing, it would vary the effective terms of its assistance by varying the shares of the total cost of particular projects that the recipient must finance itself—ranging from a small percentage in the least advanced countries to most of the cost in the most advanced. In addition, the Institute should have authority to provide advisers on a completely reimbursable basis to countries which no longer need concessional aid at all. At the other end of the development spectrum, the IDI would be conscious of the special problems of the least developed countries—most of which are in Africa—which will continue to need the more traditional types of technical assistance since they have traveled less distance along the road to economic self-sufficiency.

The Institute would be managed on a businesslike basis, and it would carry out its projects largely through the private sector. I propose that it be governed by a Board of Trustees including outstanding citizens from the private sector. It would stress evaluation of past projects to determine their payoff and to help guide future project development; there has been too little followup in these programs in the past. We would seek top flight technical managers, development specialists and scientists for the small staff of the Institute. This new approach would permit a major reduction in the number of U.S. government personnel operating abroad.

To achieve these goals, the IDI should have financial continuity. I therefore propose that the Congress authorize an appropriation of $1,275 million for a 3-year period.

In short, the International Development Institute would provide a new dimension to our foreign assistance effort. It would enable us to focus some of our finest national resources—our capabilities in management, research, and technology—on the critical bottleneck problems of development. Its style of operation should enable us to forge a new and more mature partnership with the lower income countries, with the rest of the industrialized world, and with our own private sector. It holds promise of becoming one of the most significant additions to our national capability to engage meaningfully in the world of the 1970s.

OVERSEAS PRIVATE INVESTMENT CORPORATION AND INTER-AMERICAN SOCIAL DEVELOPMENT INSTITUTE

The new International Development Corporation and International Development Institute would join two development assistance institutions already created by the Congress: the Overseas Private Investment Corporation and the Inter-American Social Development Institute.

OPIC is already at work promoting the role of private investment in the international development process. The record of economic development shows that successful growth is usually associated with a dynamic private sector, and we therefore look to private investment—primarily domestic but foreign as well—to play an increasing role in the development process. It must do so, since no government or public agency has the resources or technical skills which are necessary to meet the vast needs of the lower income countries.

OPIC's guarantees and insurance of U.S. private investment in lower income countries which seek such investment are already serving effectively the interests of both the U.S. investor and the host countries. Its early activities suggest that an independent corporation, directed by a joint public-private Board of Directors, can effectively manage a development assistance program; it thus augurs well for the structures which I propose today for the Development Corporation and Development Institute.

OPIC is operating within one of the most sensitive areas—private foreign investment—of the inherently sensitive overall relationship between aid donors and aid recipients. It is therefore essential that OPIC assist only sound projects which are responsive to the particular development needs of each country.

And it is clearly for each country to decide the conditions under which it will accept private foreign investment, just as it is for each investor to decide what conditions are adequate to attract his investments. We as a Government ask only that the investments of our citizens be treated fairly and in accordance with international law. In nearly all cases they have been. However, unjust acts by a country toward an American firm cannot help but adversely affect our relationship with that country. As President, I must and will take such acts into account in determining our future assistance and overall policy toward such a country.

The Inter-American Social Development Institute has also begun to develop its programs, which seek to promote the social development of the Latin American and Caribbean people. Working mainly through private organizations and international institutions, it represents a new innovative channel in seeking to promote solutions to basic economic and social problems in these areas. I propose that it be renamed the Inter-American Foundation, to characterize more accurately its proposed style of operation.

HUMANITARIAN ASSISTANCE

U.S. humanitarian assistance programs cover a wide spectrum of human needs: disaster relief and rehabilitation; famine; refugee and migration relief and assistance. They aim to help people around the world recover from unfortunate situations by which they have been victimized. In the past year alone, such help has been extended to refugees from civil war in Nigeria and Jordan, earthquake victims in Peru, flood victims in Romania and Tunisia, and cyclone victims in Pakistan.

These activities rely heavily for program implementation on private voluntary agencies. In the past year alone, U.S. voluntary agencies registered with the Advisory Committee on Voluntary Foreign Aid contributed $370 million of their own resources in over 100 countries.

At present, humanitarian assistance programs are carried out through numerous offices in the U.S. Government. I propose to centralize the responsibility for coordinating all humanitarian assistance programs under a new Assistant Secretary of State. We would thereby assure a coherent effort to carry out this vital and literally life-saving aspect of our foreign assistance policy. This new approach would also improve our capability to respond quickly and effectively through better contingency planning, additional stockpiling and training, and the maintenance of closer and better coordinated relationships with the United Nations, other donor countries, and the private voluntary agencies.

COORDINATION

I have outlined the overriding need to separate our overall foreign assistance program into its three component parts: security assistance, development assistance, and humanitarian assistance. I have indicated that we would pull together all parts of our security assistance and humanitarian assistance under central management, so that each can function effectively as a total program within the context of U.S. foreign policy. And I have also proposed the creation of two new institutions, to go along with the two created by the last Congress, to carry forward our development assistance program in the 1970s.

There is thus a need for new mechanisms to assure effective coordination of our new foreign assistance program.

First, there must be effective coordination among the several components of the new development assistance program. This would be done through my appointing a single Coordinator of Development Assistance, responsible directly to the President, as Chairman of the Boards of the IDC, IDI, and OPIC.

The Coordinator would also chair an executive coordinating committee composed of the chief executive officers of each of these institutions and ISDI. He would be available for congressional testimony on our overall bilateral development assistance policy and the operations of the several institutions. Both the Congress and I could look to him as the administration's chief spokesman on bilateral development assistance policy and programs.

Second, the Secretary of State will provide foreign policy guidance for all components of our new foreign assistance program. His representatives would be members of the boards of each of the development institutions, and he would have direct responsibility for both security and humanitarian assistance. In each country our Ambassador, as my personal representative, will of course be responsible for coordination of all of our assistance programs.

Third, foreign assistance issues which raise broader questions of foreign economic policy will be handled through my new Council on International Economic Policy.

Finally, coordination among the three major components of our assistance program, and between them and our overall national security policy, would be handled through the National Security Council. We will thus establish strong management, coordination, and policy guidance over all of our foreign assistance programs.

CONCLUSION

This Nation can no more ignore poverty, hunger and disease in other nations of the world than a man can ignore the suffering of his neighbors. The great challenge to Americans of this decade, be they private citizens or national leaders, is to work to improve the quality of life of our fellow men at home and abroad.

We have a unique and unprecedented opportunity. We do not have all the answers to the questions of poverty, nor adequate resources to meet the needs of all mankind. We do possess the greatest scientific and technological capacity, and the most prosperous and dynamic economy, of any nation in history. More importantly, we have, as a vital element of the American character, a humanitarian zeal to help improve the lives of our fellow men.

We are therefore a nation uniquely capable of assisting other peoples in preserving their security and promoting their development. By doing so, we accomplish three major objectives:

- —We strengthen international cooperation for a peaceful world.
- —We help to relieve the poverty and misery of others less fortunate than ourselves.
- —We help to build firm foundations of friendship between this Nation and the peoples of other nations.

I have seen for myself just how important is our aid in helping nations preserve their independence, and in helping men achieve the dignity of productive labor instead of languishing on crowded streets. I have seen its importance to children whose chances for a rewarding life have been increased because they have adequate nutrition, schools and books. It is right that we, the richest nation in the world, should provide our share of such assistance.

And such help, in addition to being right for its own sake, also creates strong bonds.

I recognize that whenever an American firm is nationalized without prompt, fair, and effective compensation; whenever an anti-American demonstration takes place; or whenever a leader of a developing country criticizes the United States, many question the effectiveness of our aid.

But the headline reporting the occasional anti-American act overlooks the many countries which do thank us for providing them the means to preserve their own security; and it also overlooks the countless number of villages where farmers do appreciate our helping provide the know-how and the tools necessary to grow larger crops, the school children who cherish the education our assistance makes possible, and the people everywhere who recognize our help in eliminating disease.

For these people, our aid is a source of encouragement. And they, not those who demonstrate or destroy, are the real revolutionaries—for they, in quietly attempting to preserve their independence and improve their lives, are bringing about a quiet revolution of peaceful change and progress. They are working hard to build the foundations for a better tomorrow and they recognize that we have helped provide them with the tools to do the job.

But while such appreciation is gratifying, foreign assistance has a more basic purpose. Foreign assistance is quite clearly in our interest as a nation. We are a people whose sons have died, and whose great statesmen have worked, to build a world order which insures peace and prosperity for ourselves and for other nations. We are aware that this world order cannot be sustained if our friends cannot defend themselves against aggression, and if two-thirds of the world's people see the richer third as indifferent to their needs and insensitive to their aspirations for a better life. To these people it is critical that this be a generation of peace, and our foreign policy is directed at helping to make it so; and for the impoverished it is equally important that it be a generation in which their aspirations for a better life, improved health conditions, and adequate food supply can be realized—a generation of development, a generation of hope.

Foreign policy is not a one-way street. It requires that other nations understand our problems and concerns, but it also requires that we understand theirs. We cannot ask the lower income countries of the world to cooperate with us to solve the problems which affect our vital interests unless we cooperate with them to help solve the problems critical to their vital interests—the problems affecting their security and development, and thus affecting the quality of life of their people.

The legislation I propose today, along with the corollary administrative actions which I will take, will permit this Nation to carry out the major reforms which are necessary to improve the effectiveness of our foreign assistance program and to fit it to our new approach.

I believe that this new approach is of major importance in promoting the national security and foreign policy interests of the United States in this decade and beyond. I believe that it is sound, and will blend as effectively as possible our special strengths with those of other nations and institutions. It is an approach through which we can focus the energies and resources of this great Nation on the security and development problems of those peoples living in poorer nations who wish to improve their lives, but lack the resources and the expertise to do so. I believe that this program is worthy of your support.

I therefore reaffirm my commitment, and the commitment of this administration, to seek an effective U.S. foreign assistance program for the 1970s. It is our objective to work for peace, not only in our time but for future generations, and we can make no better investment toward that end than to participate fully in an international effort to build prosperity and hope for a better tomorrow among all nations. I urge the Congress to join with me in making the reforms I propose today so that together we can achieve these great goals.

RICHARD NIXON.

THE WHITE HOUSE, *April 21, 1971.*

The message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed.

CALL OF THE HOUSE

Mr. JACOBS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. One hundred twenty-three Members are present, not a quorum.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 61]

Abbitt
Abourezk
Anderson, Ill.
Andrews, Ala.
Biaggi
Blanton
Brooks
Brown, Mich.
Camp
Carey, N.Y.
Casey, Tex.
Clark
Clawson, Del
Clay
Conyers
Corbett
Davis, Ga.
Denholm
Diggs
Dowdy
Dwyer
Eckhardt
Edwards, La.
Esch
Fascell
Fisher
Fraser
Frenzel
Garmatz
Gibbons
Goodling
Green, Oreg.
Gubser
Halpern
Hanna
Hansen, Wash.
Harvey
Hawkins
Hébert
Hicks, Mass.
Holifield
Kazen
Keith
King
Lent
Long, La.
McCulloch
Mailliard
Mann
Murphy, Ill.
Murphy, N.Y.
Passman
Patman
Pepper
Powell
Price, Tex.
Pucinski
Railsback
Reid, N.Y.
Rooney, Pa.
Rosenthal
Roy
Scheuer
Schwengel
Sebelius
Shriver
Smith, Calif.
Springer
Stafford
Staggers
Steele
Steiger, Wis.
Talcott
Teague, Tex.
Udall
Wilson, Bob
Wilson, Charles H.
Wolff
Young, Fla.
Young, Tex.

The SPEAKER. On this rollcall 352 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PUBLIC WORKS ACCELERATION ACT, PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT, AND APPALACHIAN REGIONAL DEVELOPMENT ACT EXTENSIONS

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 373 and ask for its immediate consideration.

The Clerk read as follows:

H. RES. 373

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5376) to extend the Public Works Acceleration Act, the Public Works and Economic Development Act of 1965, and the Appalachian Regional Development Act of 1965. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, the bill shall be read for amendment under the five-minute rule.—

Mr. JACOBS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will state to the gentleman from Indiana that there has been no completed business at all since the Chair has just announced the presence of a quorum.

The Clerk will continue reading the resolution.

The Clerk read as follows:

> It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Public Works now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and said substitute shall be read for amendment by titles instead of by sections. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 5376, the Committee on Public Works shall be discharged from the further consideration of the bill S. 575, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 5376 as passed by the House.

CALL OF THE HOUSE

Mr. JACOBS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present. Without objection, a call of the House is ordered.

There was no objection.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 62]

Abbitt
Abourezk
Alexander
Anderson, Ill.
Andrews, Ala.
Barrett
Blanton
Brooks
Brown, Mich.
Buchanan
Camp
Carey, N.Y.
Casey, Tex.
Clark
Clawson, Del
Clay
Collins, Ill.
Collins, Tex.
Corbett
Davis, Ga.
Davis, Wis.
Devine
Diggs
Dowdy
Dwyer
Eckhardt
Edwards, Calif.
Edwards, La.
Esch
Evins, Tenn.
Fascell
Fisher
Fraser
Frenzel
Frey
Gettys
Gibbons
Goodling
Green, Oreg.
Gubser
Halpern
Hanna
Hansen, Wash.
Harvey
Hébert
Hicks, Mass.
Horton
Jarman
Kazen
Keith
King
Landrum
Long, La.
Lujan
McCloskey
McCulloch
McFall
McKay
Mailliard
Mann
Mathias, Calif.
Moorhead
Murphy, Ill.
Nichols
Powell
Price, Tex.
Pucinski
Railsback
Rarick
Reid, N.Y.
Rooney, Pa.
Rosenthal
Ruppe
Scheuer
Schwengel
Sebelius
Shriver
Sikes
Smith, Calif.
Staggers
Steele
Steiger, Wis.
Stephens
Talcott
Taylor
Tiernan
Van Deerlin
Vigorito
Waldie
Whitten
Widnall
Wiggins
Wilson, Bob
Wilson, Charles H.
Wolff
Yatron

The SPEAKER pro tempore (Mr. PRICE of Illinois), on this rollcall 336 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PUBLIC WORKS ACCELERATION ACT, THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT, AND THE APPALACHIAN REGIONAL DEVELOPMENT ACT EXTENSIONS

The SPEAKER pro tempore. The gentleman from Indiana (Mr. MADDEN) is recognized for 1 hour.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee and I reserve the balance of my time.

CALL OF THE HOUSE

Mr. JACOBS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. The Chair will count.

One hundred ninety-seven Members are present, not a quorum.

Without objection, a call of the House is ordered.

There was no objection.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 63]

Abbitt
Abourezk
Adams
Alexander
Anderson, Ill.
Andrews, Ala.
Ashley
Barrett
Blackburn
Boggs
Boland
Brademas
Brooks
Brown, Mich.
Camp
Carey, N.Y.
Casey, Tex.
Celler
Clark
Clawson, Del
Clay
Collins, Ill.
Conyers
Corbett
Davis, Wis.
Dellenback
Diggs
Dowdy
Dwyer
Edwards, La.
Eilberg
Evins, Tenn.
Fascell
Fisher
Fountain
Frenzel
Frey
Goodling
Green, Oreg.
Griffiths
Gubser
Halpern
Hanley
Hanna
Hansen, Wash.
Harvey
Hicks, Mass.
Horton
Jarman
Jonas
Kazen
Keith
Long, La.
McCloskey
McCulloch
McFall
McMillan
Mailliard
Mann
Martin
Mathias, Calif.
Melcher
Miller, Calif.
Montgomery
Moorhead
Murphy, Ill.
Pepper
Peyser
Pike
Podell
Powell
Price, Tex.
Pucinski
Railsback
Rees
Reid, N.Y.
Rooney, Pa.
Rosenthal
Scheuer
Schneebeli
Schwengel
Sebelius
Shriver
Smith, Calif.
Staggers
Steed
Steele
Steiger, Wis.
Symington
Talcott
Udall
Vigorito
Whalen
Wiggins
Wilson, Charles H.
Wolff

The SPEAKER. On this rollcall 336 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PUBLIC WORKS ACCELERATION ACT, PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT, AND APPALACHIAN REGIONAL DEVELOPMENT ACT EXTENSIONS

Mr. MADDEN. Mr. Speaker, this resolution, House Resolution 373, provides for an open rule of 2 hours of general debate and consideration of H.R. 5376. This legislation is what is known as the public works bill. Ninety percent of the congressional candidates during the campaign last fall told the people of their districts that they would support legislation to eradicate unemployment, curb inflation, and get the economy of our country back on the track so that prosperity can be restored for millions of families who are on relief and welfare or are unable to provide their children with the proper education and other necessities. This legislation is an amended and an extension of the Public Works Acceleration Act and the Economic Development Act and the Appalachian Region Development Act. The program originally started back in 1962, and at that time the bill called for increasing employment, helping communities provide facilities, such as water and sewer works, hospitals, roads and highway improvements, and public buildings, and so forth.

Under this bill, projects will be authorized and eligible areas have been limited to those designated as in high unemployment and low-income areas which have suffered vast unemployment.

Two billion dollars have been authorized for grants for these qualified and unemployed depression areas over the Nation.

Title II of the bill would amend the Public Works and Economic Development Act which provides Federal financial and technical assistance, in cooperation with the States, for the creation of new jobs.

Grants are authorized for public works and development facilities conducive to the development and operation of private enterprise.

At the present time $500 million annually is authorized until June 30 of this year. H.R. 5376 would extend the authorization for 2 years and increase it to $550 million annually.

Loans of up to 100 percent of project cost are authorized to finance public works and development facilities and business development loans of up to 65 percent are authorized for the purchase or development of land and facilities within redevelopment areas.

The annual authorization until June 30 of this year is limited to $170 million. This authorization is extended for 2 years.

Grants-in-aid are authorized up to 75 percent of the cost of planning and administrative expenses to appropriate public and private nonprofit State, area, and local organizations.

An appropriation of $50 million for fiscal year 1971 is presently authorized. This authorization would be extended for 2 years.

Multicounty economic development districts containing two or more redevelopment areas and at least one growth center are designated and 10 percent additional funds for projects within those areas are authorized. Designated areas would not be terminated in less than 3 years from date of designation.

The $50 million is authorized annually until June 30 and this authorization would be extended for 2 years.

Appropriate economic development

regions and the procedures for establishment of appropriate multi-state regional commissions are authorized.

The present authorization is $255 million for the 2-fiscal-year period ending June 30. This authorization would be increased to $305 million for the 2-fiscal-year period ending June 30, 1973.

Title III of the bill extends the nonhighway programs of the Appalachian regional development program for 4 years—from June 30, 1971, to June 30, 1975—and the Appalachian development highway and local access road program for an additional 5 years—from June 30, 1973, to June 30, 1978. Administrative expenses are authorized for an additional 4-year period. The total new authorization in this title is $1,544.8 million.

It is estimated that over 6 million heads of families are seeking employment without success throughout the Nation, and primarily in the large urban areas. There are now over 50 labor and industrial areas reporting "substantial unemployment," meaning over 6 percent. Unemployment is growing which is illustrated by the fact that last fall there were only 35 major labor areas in the substantial unemployment list.

It is now encumbent upon this Congress to take the lead and initiate work programs which will attack and curtail further growth of a depression which is now scourging our Nation.

Mr. Speaker, in my congressional district, the Calumet region of Indiana, is one of the communities rapidly growing stagnant and industrial plants not operating full capacity, tax revenue declining and public service diminishing. My area is one of 50 labor areas throughout the Nation that could be revitalized by the initiation of public works projects that have been on the shelf for lack of adequate financing. This situation can be remedied by passing this legislation and making funds available under this accelerated public works bill.

This legislation is not a Federal handout. The workers need jobs and the country needs their skills and production.

Many projects over the Nation, including highways and transportation have studies completed and blueprints and architectural designs are ready for consideration, but are tied up by lack of money and this legislation can create new jobs, payrolls, and immediately make millions of our workers taxpayers instead of relief and welfare recipients. I urge the Congress to adopt this rule and pass this public works bill by a vast majority.

Mr. QUILLEN. Mr. Speaker, I yield myself as much time as I may consume.

House Resolution 373 makes in order for consideration of H.R. 5376 under an open rule with 2 hours of general debate.

Before I explain the purpose of this legislation, I would like to voice my support for the extension of the Appalachian Regional Development Act of 1971 for 4 more years and for the continuation of the Appalachian Regional Commission.

This unique and innovative Federal-State-local governmental partnership has been an invaluable tool to the economic and social development of my district and, for that matter, for the entire 13-State Appalachian region.

The Appalachian Regional Commission which has done significant work in Tennessee's Appalachian counties, was organized with the specific goal of stimulating the development of a diversified economic structure capable of a self-sustaining pattern of growth in Appalachia.

The rate of unemployment in the Appalachian region has consistently exceeded that of the Nation. An important part of the mission assigned to the Appalachian Regional Commission has been to help decrease unemployment by increasing local economic activity and employment.

Mr. Speaker, there have been definite signs of improvement since the Appalachian Commission began operation in 1965.

In 1969, the rate of unemployment in Appalachia exceeded that in the rest of the Nation by only 0.4 percent, the lowest since the Commission came into operation. At the same time the rate of growth in employment exceeded that in the Nation by 0.2 percent.

My own district in Tennessee has greatly benefited from the fine programs of the Appalachian Regional Commission. In Carter County, Tenn., the Appalachian Commission was instrumental in assisting with improving the Elizabethton State Area Vocational Education Center, and in Washington County, the Johnson City Mental Health Center has received significant assistance. Both of these projects will help improve the economic and social climate of this area. They are but a sampling of the fine programs being carried out by this Commission.

As I said recently here on the floor, the Appalachian Regional Commission is also doing everything it can in assisting with the plight of the Big Springs community in Hancock County, which is also in my district. With the help of this unique Federal-State-local agency, the residents of Big Springs will have access to their county seat without having to drive 34 miles out of their way. The only way to get across the Clinch River, which separates the 163 residents of Big Springs from the county seat of Sneedville, is in a leaky wooden boat or a rickety old swinging foot bridge.

This is the epitome of the type of communities that the Appalachian program helps. With such improvements, the Appalachian Regional Commission is attaining the goal of developing a "diversified economic structure" that is self-sustaining. These programs, such as Big Springs, help the people help themselves.

These types of improvements, together with the Appalachian development highway system, the health programs, the environmental programs, and many others, must continue in Appalachia if this vast area that was left behind by the rest of the Nation is to catch up economically.

The mechanism of the Appalachian Regional Commission, which is made up of the 13-member Governors and a Federal cochairman appointed by the President, is unique among Federal programs. The Commission works from the ground-level, that is from the people, and is not a huge, insensitive bureaucracy that dictates its wishes on the citizens.

Another rather significant point I would like to make about the Appalachian Commission is that it spends only 1.25 percent of its appropriated funds for administering the entire program.

Mr. Speaker, I sincerely believe that abandonment of the Commission before its task is completed would result in the loss of the maximum impact of the substantial investment already made and would be a cruel disappointment to the people of the Appalachian region.

The purpose of the bill before us here today is to: First, reactivate the Public Works Acceleration Act and authorize $2 billion for its implementation; second, to extend the Public Works Economic Development Act for 2 years, and third, to extend the Appalachian Regional Development Act for 4 years and the highway programs under the act for an additional 5 years. Total authorizations contained in the bill are $5,495,300,000 through fiscal 1978.

Title I is unnecessary and should be eliminated. Mr. Speaker, in my opinion this section of the act is nothing more than a pork barrel and I strongly urge that it be stricken. It reactivates the 1962 Public Works Acceleration Act, amends it in several major instances, and authorizes $2 billion to be appropriated with out fiscal year limitation.

The bill grants this sum to the President for his use in making grants for public works projects—Federal, State, and local in nature. Grants of 80 percent in normal circumstances and up to 100 percent where a State or local government has exhausted its taxing or borrowing resources are to be available to qualified areas. In order to qualify, a community must have been designated as a "redevelopment area," an "economic development center" as those terms are now defined by the act or must have unemployment of 6 percent or more. Projects for which grant assistance will be available include water and sewage treatment plants, sewer and water systems, hospitals and health facilities, public buildings, street and road construction and improvements, and any other type of construction of a public nature.

The committee's report notes that the National Environmental Policy Act of 1969 sets forth stringent and time consuming requirements to ensure that environmental factors are fully weighed and public hearings held before any such construction is undertaken. The report calls on the President to streamline such procedures, but it is not very clear how this will be done in view of the law's requirements.

Title II extends the Public Works and Economic Development Act of 1965, whose purpose is to assist in the economic development and elimination of unemployment in the Nation's less developed areas. Under the act five regional commissions have been created to oversee programs in various areas. The act provides grants to develop facilities necessary for industrial development—roads, airports, water and sewage systems, and similar works. The bill extends the grant authority programs, both basic and supplemental, for 2 additional years—through fiscal 1973—and authorizes $500 million annually in such grant assistance. Also extended is the technical grant assistance program, authorized at $50 million annually for 2 years. Further, the bill extends for 2 years the concurrent program providing for development loans to businesses and a guarantee loan assistance program, both aimed at encouraging businesses to locate plants in such areas. This program is authorized for 2 additional years at an annual rate of $170 million. Finally, the administrative costs for the five regional commissions are authorized for 2 years at an annual rate of $305 million.

Title III of the bill extends the nonhighway programs of the Appalachian Regional Development Act for 4 years—through fiscal 1975—and the act's highway programs for 5 years—through fiscal 1976—and authorizes appropriations totaling $1,544,800,000 for the projects over the next 5 fiscal years.

The authorization for completion of the Appalachian highway program totals $925 million. Approximately 50 percent of the 2,572-mile system has been completed to date.

Programs continued by the bill include those to fill in abandoned mines and reclaim strip mining areas, and grant assistance programs for land acquisition or construction projects needed to encourage industrial expansion. These programs are extended for 4 years and authorize $302 million for the 2-year period, fiscal 1972–73, and $314 million for the 2-year period, fiscal 1974–75.

Authorizations contained in the bill are as follows:

Title I Public Works Acceleration Act—$2 billion.

Title II Public Works and Economic Development Act—$1,945,500,000.

Title III Appalachian Regional Development Act—$1,544,800.

This sum is proposed to be expended over the 5-year period, fiscal 1971–76.

The bill was reported by House rules by a voice vote. There are no departmental letters.

Minority views are filed by seven Members. They basically support the bill but oppose enactment of title I, believing that public works construction jobs will solve very little of the problem of unemployment since so much of that situation is related to reduction of defense-related and aerospace employment of skilled and technical employees. They also point to the strict requirements of the National Environmental Policy Act of 1969, which must be adhered to in any public construction project. This, plus normal delays in starting any new program, indicates to these Members that title I can have very little effect in removing the short-term unemployment problem now existing.

Supplemental views are filed by another seven Members also opposing title I. They cite the same problems of delay in implementation and the skills of so many of the unemployed as reasons to reject the title.

The letter of request asks for a 2-hour open rule, with provision to insert the language of the House-passed bill into S. 575, which has been referred to the Public Works Committee.

I have no further request for time, but I reserve the balance of my time.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. Without objection, the previous question is ordered.

Mr. HALL. Mr. Speaker, I object.

The SPEAKER. The queston is on the motion offered by the gentleman from Indiana (Mr. MADDEN).

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. JACOBS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. Two hundred twenty-four Members are present, a quorum.

So the previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I demand a division.

Mr. JACOBS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. Two hundred twenty-one Members are present, a quorum.

So the resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION TO EXTEND REMARKS

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that I be allowed to revise and extend my remarks and also that the gentleman from Tennessee (Mr. QUILLEN) and others be allowed to revise and extend their remarks.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. GROSS. Mr. Speaker, reserving the right to object, I wonder if the gentleman when he does extend his remarks will explain this unusual rule that has not been explained.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BLATNIK. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5376) to extend the Public Works Acceleration Act, the Public Works and Economic Development Act of 1965, and the Appalachian Regional Development Act of 1965.

The SPEAKER. The question is on the motion offered by the gentleman from Minnesota.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 5376, with Mr. SLACK in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. The gentleman from Minnesota (Mr. BLATNIK) will be recognized for 1 hour, and the gentleman from Ohio (Mr. HARSHA) will be recognized for 1 hour.

The Chair recognizes the gentleman from Minnesota.

Mr. BLATNIK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is a privilege and honor to present to the House today H.R. 5376 which amends several important major acts dealing with economic development and unemployment. I believe this to be one of the most important pieces of legislation that we shall act upon during this session of the Congress for it deals with a human problem—to provide useful employment to the unemployed and underemployed.

Two subcommittees of the Committee on Public Works held 5 days of public hearings during the week of March 16 and took testimony from 107 witnesses and received statements from a number of others.

This bill will do three things:

First, title I will reactivate the Public Works Acceleration Act of 1962 and modifies it to meet the economic conditions confronting us in 1970.

This act was originally designed to accelerate construction of public works in an effort to assist in the relief of unemployment. The proposed modifications include an immediate authorization for an appropriation of $2 billion, broadens the criteria for designating areas eligible for receiving financial assistance and liberalizes the conditions under which assistance can be granted. I shall explain these changes in more detail later.

Second, title II will extend for 2 years the Public Works and Economic Development Act of 1965.

The purpose of this act is to provide Federal help, in cooperation with the States, to assist communities, areas, and regions in the United States which are suffering from excessive unemployment or underemployment by providing financial and technical assistance needed for the creation of new jobs. Unlike the Public Works Acceleration Act, its emphasis is on long-range planning and programing for economic development.

Among the changes proposed in this title is one to increase authorizations of $1,945.5 million for the fiscal years 1972 and 1973 to carry out the purposes of titles I thru V. There are no proposed changes in titles VI and VII. In addition, revisions and additions are made in the technical criteria for the designation of areas as redevelopment areas eligible for financial assistance under this act. Another important change is that no designated area may be terminated in less than 3 years from the date of designation.

Title II also extends the five regional commissions, the Ozarks Regional Commission, the New England Regional Commission, the Upper Great Lakes Regional Commission, the Four Corners Regional Commission, and the Coastal Plains Regional Commission. The Regional Commissions are now at the completing stage of presenting their regional economic development plans that have taken years of effort to produce.

Title III of H.R. 5376 will extend the Appalachian Act for 4 years and the highway provisions for 5 years. The total new authorizations total approximately $1.5 billion.

Six years ago Congress passed the Appalachian Regional Development Act to assist in resolving the severe economic problems which had been afflicting the Appalachian region. The purpose of the act, is:

> To assist the Region in meeting the special problems, to promote its economic development, and to establish a framework for joint federal and state efforts toward providing the basic facilities essential to its growth and attacking its common problems and meeting its common needs on a coordinated and concerted regional basis.

The Congress expected that, as the region obtained the needed physical and transportation facilities and developed its human resources, it would generate a diversified industry and develop a self-sustaining economy. There is general agreement on both sides of the aisle that this program has been highly successful and should be continued.

Before proceeding to discuss in more detail the changes in title I, I would like to express my appreciation and to commend my colleagues who in the face of many other pressing problems devoted a great deal of hard work and time in bringing this important legislation before you early in this session of the Congress.

I would also like to acknowledge the splendid contributions made by my colleague Ed Edmondson of Oklahoma who will explain title II, and Bob Jones of Alabama who will explain title III. Finally, I would like to express my appreciation to all of my colleagues on the committee on both sides of the aisle for their constructive help and criticism.

I would particularly like to commend my distinguished colleague, the gentleman from Ohio, the ranking minority member of the House Public Works Committee, the Honorable William Harsha.

To assist in understanding the significance and importance of title I, I would like to briefly summarize the economic conditions now confronting this Nation.

The report issued on Friday, April 2, 1971, by the Secretary of Labor shows that unemployment is now 6 percent with over 5 million persons unemployed. This is about one-third higher than a year ago. Also the Joint Economic Committee in its report of March 30, 1971, on the February 1971 Economic Report of the President, expects unemployment to remain at about 5½ to 6 percent throughout the year.

Many of the jobless are drawing unemployment compensation which, for the fiscal year ending June 30, 1971, may exceed $5 billion. In the month of January alone, payments amounted to about $560 million or 70 percent above those of a year ago.

From the short-range standpoint, we are experiencing throughout the Nation very high unemployment and that unemployment is not uniformly spread over the Nation. There are spots where it is worse, and spots where it is better. Title I is designed specifically for this type of situation. It is primarily short-term legislation—to accelerate in areas of high unemployment public works projects and programs already authorized by the Congress. It is designed to provide jobs quickly in those areas where they are needed. Unlike unemployment compensation and welfare payments, the construction of such projects as sewers, hospitals, nursing homes, and water supply will be an investment that enhances the value of our communities and the Nation and will provide benefits and services for years to come. No one, of course, can evaluate the tremendous intangible benefits of providing gainful employment to those seeking work.

We have a multibillion-dollar backlog of public works on the shelf at Federal, State, and local levels. Much of this work is planned and should be gotten underway quickly.

We are faced with a situation today not too much different than we had in 1962. The 1962 act was designed to meet the problems of unemployment at that time by providing work for the unemployed and construction and rehabilitation of many local facilities. Under that act we built 7,769 public works projects involving expenditures of $861 million. Of this amount 82 percent was allotted to grant-in-aid projects of State and local communities and 17 percent to direct Federal projects. Only about 1 percent of these funds were spent for administration costs since we used existing Federal agencies.

During this period we constructed waste treatment, water and sewers, hospitals, and other health facilities together with streets and a variety of other facilities. The Department of Commerce estimated that by June 30, 1964, approximately 210 thousand man years of on-site and off-site employment had been generated.

The projects to be constructed under the provisions of title I, as was the case of those constructed under the original 1962 act, are those which can be started quickly, meet an essential public need, be essentially completed in 12 months, contribute significantly to the reduction of unemployment and also be consistent with existing local plans. They should be small- and medium-size projects, with priority given to those requiring large amounts of labor.

I do not regard this bill as a complete answer to all our economic problems.

Obviously other means will be required to restore full employment on a satisfactory basis including budgetary, monetary, and an income policy. However, I do regard it as a timely and effective means of stimulating the economy. The March 30, 1971 Joint Economic Report clearly points out the need for stimulation. I would like to quote from page 21 of that report:

> Because of the strong possibility that the proposed policies will not produce the vigorous recovery projected by the Administration both the Administration and the Congress should stand ready to enact an appropriate combination of expenditure programs and tax reductions to further strengthen the economy.

I firmly believe that this bill stands four-square with the recommendations of the Joint Economic Committee report and with the Unemployment Act of 1946. One of the advantages of public works expenditures is that they can be directed to areas of greatest unemployment and at the same time provide a community with needed public facilities to assist in meeting its present and future requirments.

There are also a few amendments to the 1962 act which I would like specifically to bring to your attention. The bill emphasized congressional recognition of communities and areas burdened by substantial unemployment and underemployment. Eligible areas include those redevelopment areas or economic growth centers and areas designated by the Secretary of Commerce as suffering from substantial unemployment under the criteria specified in the Public Works and Economic Development Act of 1965. In addition, eligible areas also include those which the Secretary of Labor designates each month as having been areas of substantial unemployment for at least 6 of the previous 12 months.

The discussion of title II will make clear the specific changes in criteria which will effect the designation of redevelopment areas and correspondingly their eligibility under title I. At the present time it is estimated that about one-third of the counties in the United States will be covered under existing criteria but this number will be increased as a result of the revised criteria.

In my opinion title I also corrects a major weakness in the 1962 act; that it failed to provide financial assistance to some communities that needed help most, but were too poor to provide the required local matching share—in some cases they could not even put up 25 to 50 percent of the total project cost. The bill as amended would provide Federal participation to 80 percent and up to 100 percent of the project cost if the State or local Government has exhausted its effective taxing and borrowing authority and is unable to assume the financial obligations required.

Funds allocated under this act are available to any State or local government for either a basic or supplemental grant to cover its share of the contribution to a federally assisted or federally constructed project. As in 1962 not more than 10 percent of the funds may be allocated to a single State.

In an effort to improve further the quality of life, the bill requires that the President give priority to public works for which there is an urgent and vital public need. Works for storage, treatment, purification, or distribution of water and sewage treatment and sewer facilities are specifically mentioned. As in the 1962 act grants cannot be made for educational programs.

Another significant change from the 1962 act is the revision of the maintenance of effort by the State or local government, by eliminating the requirement for an increase in the non-Federal construction expenditures as a condition for receiving a grant. However, it prohibits the President from making any allocation if the proposed or planned total expenditure—exclusive of Federal funds—of such State or local government during such fiscal year for all its capital expenditures is decreased.

With an updated public works program and with several billion dollars of projects in Federal and State levels now on the shelf, people will be put back on the payrolls, taken off the welfare rolls, and off unemployment compensation. At the same time we will help improve the quality of life and brighten our communities—urban and rural—and help revive our sagging economy.

At this point I would like to call the attention of the membership to the testimony before the Committee of Robert Nathan, eminent economist. This is quoted on page 7 of the report before you.

In his testimony Mr. Nathan pointed out the importance of distinguishing among the types of construction projects to be included in an accelerated public-works program. Some can be started quickly and are more essential than others. Many can enrich our lives by providing more and better facilities with limited funding. He also emphasized the importance of providing fruitful and productive work for the unemployed:

> Waste human, financial, and material revenues can be converted into useful services sorely needed by our citizens. And finally the prospects for a sluggish economy for 1971 and 1972 can be heartened through such a constructive program.

I subscribe to Mr. Nathan's views based on my experience in Minnesota with the 1962 Act and also my evaluation of the economic and unemployment situation now confronting us. I am sure that other members have had experience similar to mine.

In this connection I would also like to direct your attention to the committee's report on title I where attention was called to the $11 billion in funds being withheld as of February 23, 1971 by the administration from appropriations already made by the Congress. A review of the items on the list of withheld funds shows a large amount of construction funds or loan grants that would affect construction and unemployment. I strongly urge that pending the enactment of this bill the administration review this list to determine whether any of these funds can be released to assist in meeting the unemployment problems now confronting those areas of the Nation that would be assisted by the enactment of title I.

In closing, I cannot overemphasize the importance of an imaginative and aggressive administration. We must assume this will be provided and that a cooperative and willing administration can make this program a success. We can with the same resolve as in 1962 get this country on the move.

Mr. HARSHA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, at the outset let me address myself to two titles of the bill—titles II and III, which extend the authorizations for the Economic Development Act and the Appalachian Act, respectively.

I wholeheartedly endorse both of these measures. The Economic Development Administration has helped communities to build facilities essential to industrial expansion. It has encouraged economic growth, development and employment. The long-range objective of the Federal assistance provided is to create not temporary, but permanent jobs. A prerequisite to participation is the preparation of long-range plans for development and growth. This is referred to as an overall economic development plan or OEDP. It is not just an exercise in planning. An OEDP is an inventory of local resources and needs. It lists community goals and sets priorities to assure an orderly, effective, development process. Participation in the preparation of an OEDP brings all factions of a community together to work for a common cause—the full development and growth of the area and the creation of new job opportunities.

Overall, the EDA program has been administered effectievly and efficiently and it brings local communities into the picture. They must determine their needs, initiate the application and justify the expenditure of Federal dollars to assist them.

It is the same with the Appalachian Act and its Regional Commission. Here again action at the local level is the key. A Federal, State, and local partnership has been established. In this title, we have not only extended the act for 4 years, but we have provided for block grants. Local people and the States determine where the money will be spent. This has been one of the most successful Federal-aid programs ever devised. It is, in effect, a revenue-sharing program. It requires the most vigorous participation at the local level. Therefore, Mr. Chairman, I strongly urge the House to approve titles II and III of this legislation.

Mr. Chairman, I do object, however, to title I of H.R. 5376, the so-called Accelerated Public Works Act of 1971. The passage of title I of the bill to allegedly combat unemployment in the Nation would be like using a hammer to fix a leaky faucet. This legislation is the wrong tool for the job, and all of the good intentions in the world are not going to make it right.

The APW approach endeavors to cure the ills of 1970 with the patent medicines of the early 1960's. Title I implies that unemployment across the country varies in degree, but not in kind, and this is just not so. The great bulk of today's unemployed are skilled, highly trained people. Many were formerly employed in aerospace, defense and other technical industries. They are scientists, engineers, and technicians. These skills cannot be easily adapted to the construction trades. I simply cannot conceive of an accelerated public works program that could possibly help unskilled laborers and unemployed scientists at the same time.

When we passed the 1962 act, the unemployed were not the same kind as they are today. Unemployment in the construction industry was higher than it is now. We were not making the transition from a wartime economy to a peacetime economy. Nor were we experiencing a cutback in employment related to national defense in 1962 as we are today.

What we really have before us is a proposal to resurrect a 9-year-old law which was designed to cope with the problems of 1962. It is now supposed to help us solve the new, more complex, demands of the 1970's. The 1962 act did not successfully resolve the problems then, and its outdated nostrums will not succeed now. As a matter of fact, one of the reasons the Economic Development Act was devised in the first place was because accelerated public works did not get the job done. Its resuscitation cannot possibly provide jobs for the new unemployed from aerospace, defense, and other technically oriented industries.

Figures from the report on H.R. 5376 prove the old law was not effective—even under the favorable circumstances of 1962 when you had a Congress that wanted accelerated public works, a Senate that wanted accelerated public works and an administration that wanted accelerated public works. Even though all of them worked together to expedite the program, results, were disappointing. It was 9 months before any appreciable increase in employment actually occurred and it was not until 22 months after enactment that the peak of employment in the program was reached—only a little over 1 percent of the total unemployed.

The committee report urges that projects of immediate potential impact be emphasized. They were in the 1960's. But the construction process did not respond to legislative exhortation then, nor is it likely it will now. To begin with, the same set of favorable circumstances do not now exist. The Environmental Policy Act, for example, will impose delays from 90 days to 4 months. Under the circumstances, you cannot possibly bring immediate help to the unemployed. To say that you can, is to delude them—and the American people.

Mr. Chairman, we have been exposed to all kinds of fanfare about how a reincarnation of this program will solve our current ills and it just is not so. The program will not only thwart efforts to curb inflation but its implementation will itself be inflationary. Its greatest impact will not come for 2 to 3 years. This is borne out by the majority report of the committee. Thus, the full impact will only be felt as administration efforts themselves are peaking. Conceivably by that time, there could be full employment in the country. If that is the case, this program will drive employment costs even higher and inflation will be rekindled. As I see it, we are gambling with the welfare of not only retired persons living on fixed incomes, but of the entire Nation. In conjunction with other irresponsible actions that the Congress has already taken, enactment of title I of H.R. 5376 will do violence to the full-employment budget principle and the budget discipline needed to make it work. As examples, of other inflationary actions, I cite the following:

First. Social security amendments, Public Law 92-5, which added $4.1 billion to the fiscal year 1972 deficit, and which will increase budget outlays in future years by $2 billion more than the President has proposed;

Second. H.R. 6531, the military pay increase bill, which would add $1.7 billion to the fiscal year 1972 budget.

Third. The 1972 education and related agencies appropriation bill (H.R. 7016), passed by the House, which would add $273 million to fiscal year 1972 spending. Later actions on related education appropriation bills may raise this amount to $400 million.

All of these actions—and, especially title I of H.R. 5376—would seriously weaken our ability to exercise fiscal restraint in the years beyond 1972.

Budget restraint is not the responsibility of the President alone. The Congress must do its share. The inflationary actions we take now cannot be offset later. The three additions I enumerated would add over $6 billion to 1972 spending. No significant spending cuts have yet been made by the Congress and it is unlikely that we will make any that even approach $6 billion. That is why it is so important that we consider the implications of the spending action we take here today.

Now I should like to address myself to what the administration is doing to alleviate the unemployment situation and to bolster the economy. President Nixon has proposed a bold, four-pronged effort to create more jobs, raise family incomes, and expand public services. His recommendations include:

First, a full employment Federal budget in fiscal year 1972, calling for $229 billion in Federal expenditures, over $17 billion more than will be expended during the current fiscal year.

Second, general revenue sharing, which in its first full year will allocate $5 billion in unrestricted funds to State and local governments.

Third, a $4.5 billion welfare reform measure, which would place a floor on the income of poor families, provide new manpower services and create at least 200,000 public service jobs for welfare recipients.

Fourth, the Manpower Revenue Sharing Act of 1971, which was introduced last month.

These actions will have a far-reaching impact on both the level of employment and the adequacy of public services. Coupled with a more flexible monetary policy, they will stimulate our economy and, in the months ahead, add vast numbers of peace-oriented jobs. It is important to remember that all of these programs are included in the President's "full employment budget." Each is designed to create jobs in a noninflationary manner, with a maximum of price stability.

A closer look at the President's budget shows that total Federal outlays for public works construction in fiscal 1972 will be almost $3.2 billion greater than in 1970 and almost $1.4 billion greater than this year. These sums represent substantial increases in public works spending. Additionally, the Postal Service will construct several hundred postal buildings in 1972 under a lease-construction program using private capital. This will create even more jobs in the construction industry. The General Services Administration is asking the Congress for similar authority.

In addition to the foregoing, the President has recommended to the Congress a $2 billion waste-treatment facilities construction program. This amount is more than double any previous Presidential request for environmental enhancement and protection of our waterways. If approved, a vast number of jobs in the construction and allied industries will be created. But here again remember, this effort was formulated within budgetary guidelines and is aimed at providing jobs without the inflationary pressures which title I will undoubtedly produce. In other words, the President's recommendations will lead to economic improvement with the price stability that is lacking in title I.

Quite obviously, the President's proposals will create far more new and additional jobs in the public works area than title I of H.R. 5376 ever will. And they will do so without the inflationary impact and ramifications of title I.

Throughout my remarks and in our minority views we have alluded to the fact that H.R. 5376 would not reach the unemployed engineer, scientist, and highly skilled technician. The record of the hearings bears this out. That is the reason the President, recognizing that a greatly expanded public works program will not reach the people who need help most, has ordered a multi-million-dollar technology mobilization and reemployment program. This effort is designed to provide jobs and retraining for those unemployed who would not benefit from a title I type of program. It is under way now, and we will begin to see results from it in the near future. Its impact will be immediate; whereas accelerated public works will not. No, the APW program contained in title I is not an answer to today's problems. It will foster inflation without materially affecting today's unemployment. It will not do what its proponents hope, but it very likely will, if enacted, seriously interfere with sound long-range efforts to restore balanced noninflationary growth in our economy. At best, title I offers an uncertain and imperfect cure for our present difficulties. Mr. Chairman, at the appropriate time, I shall offer a motion to strike title I.

Mr. Chairman, let me conclude my remarks with a further word about Appalachia. Since August of 1965, my home State of Ohio has been an active participant in the Appalachian program. The program has experienced considerable success in Ohio in influencing the course of economic development. For this and other reasons, I favor its extension.

In the Appalachian Regional Development Act of 1965, Congress recognized Appalachia as an area which, though rich in natural resources and economic potential, had seriously lagged behind the rest of the Nation in economic growth. Congress also found that the region, historically dependent on a few basic industries and marginal agricultural activities, did not possess the kind of economic infrastructure needed to become self-sustaining. We, therefore, created the Appalachian Regional Commission as a Federal-State partnership to promote orderly, accelerated economic development in the region.

A fundamental goal of the Commission was the development of human resources in the area. We recognized that large portions of Appalachia suffered from severe health and educational deficiencies which resulted in the chronic inability of many residents to compete effectively in the labor market. They were, thus, unable to achieve adequate living standards. The Commission was charged with the responsibility of assisting Appalachian residents to improve their health and develop their skills in order to enable them to compete for jobs wherever they might choose to live and work.

The enabling legislation established specific programs for achieving these goals. Primary emphasis was placed on the development of a road network to open up areas in the region with a potential for growth. Other programs focused on upgrading the quality of the region's human resources through the development of health and educational facilities tailored to the unique needs of Appalachia. A special effort was directed toward providing assistance for planning and other preliminary expenses of proposed housing projects. Such incentives have helped to stimulate the construction of over 7,000 new units of badly needed low- and moderate-income housing.

Appalachia's economy is more resource-oriented than most other areas of the Nation. Because of this, the Commission has had to deal with serious environmental problems. Mine and water pollution, for example, has posed both health and safety hazards. It has also inhibited new industry from locating in the area. To overcome such problems, the Commission has concentrated on developing plans to assure that in the future Appalachia's resource endowment will be managed more effectively.

Section 214 of the 1965 act provided for supplementary grants to enable certain applicants to participate in regular Federal programs where they did not have sufficient funds to meet the usual Federal matching requirements. Since all Appalachian funds flow through the States, this special supplemental fund had the advantage of permitting the States to participate in the planning of projects in cases where normal Federal procedures would otherwise have bypassed them. This overcame complaints of several Governors that Federal programs frequently did not allow for a State voice, even in cases where they had a significant impact on State programs.

Finally, in an attempt to achieve maximum local participation in development-planning and decisionmaking, the legislation contained a provision for assistance in funding multicounty development districts. There are presently 57 such districts operational in the region.

In carrying out these programs, the Commission has emphasized participation and coordination at all levels of Government. The philosophy behind this approach is that, as the region obtains the necessary physical and transportation facilities, and as it develops its human resources, a more diversified industrial and economic infrastructure will develop and the region will eventually become self-sustaining.

A second characteristic of the Commission's strategy should also be emphasized. With certain exceptions in the area of human resource development, Commission investments were concentrated in areas of relatively-high economic growth potential. This was done in recognition of the fact that a program the size of Appalachia could not participate in development activities in every community in the region. By concentrating investments in areas of relatively-high growth potential, it was felt that the Commission could maximize the impact of its economic programs. In this connection, it should be emphasized that the States were responsible for the selection of growth areas and for the development of investment plans suited to the needs and potential of their people.

Overall, the Commission program has had a tremendous impact. I have already cited some of the gains made. Others include:

Over 500 miles of Appalachian development highway completed and another 374 miles under construction.

Over 260 vocational and technical training centers approved and, as of last June, 155 in operation. Prior to the program, only 20 percent of the region's manpower needs could be met through vocational and technical education programs. Today, approximately 40 percent of these needs are being met through such programs.

Twelve demonstration health projects providing comprehensive health services to multicounty areas in operation and 231 health facilities receiving or approved for funding. Other programs are directed towards increasing the supply of doctors and medical personnel in the region. In my own State, for example, 48 licensed practical nurses are enrolled in a training program. Sixteen have already graduated. All are enrolled in Ohio's health demonstration project.

Other programs address themselves to environmental problems. These have included solid waste disposal, control of land erosion, water pollution abatement, and mine area reclamation.

The list of the Commission's concrete achievements is lengthy. It includes many more undertakings than mentioned here. But tangible achievements are not the only results of the program, although they are many. There are also many intangible accomplishments.

Heading the list, in my judgment, is the new sense of optimism reflected by the people of Appalachia. Also evident is the improved capacity of all levels of Government in the region to respond more effectively to the specific needs and concerns of the people of the area.

The Appalachian program has indeed been a successful experiment. But the job is not yet done. Another 4 years will be needed to accomplish its mission. Given the outstanding record to date, I believe the Commission should have the opportunity to complete its task and I urge enactment of title III of this legislation in order to enable it to do so.

Mr. JACOBS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. One hundred and three Members are present, a quorum.

Mr. BLATNIK. Mr. Chairman, I yield 7 minutes to the gentleman from Alabama (Mr. JONES).

Mr. JONES of Alabama. Mr. Chairman, I shall briefly address myself to title III.

Mr. KLUCZYNSKI. Mr. Chairman, will the gentleman yield?

Mr. JONES of Alabama. I yield to the gentleman from Illinois.

Mr. KLUCZYNSKI. Mr. Chairman, I thank the gentleman from Alabama for yielding to me.

I rise in support of this bill and, in particular, would like to address my remarks to title I, the Public Works Act amendments.

The purpose of these amendments is to renew the activities of the Public Works Acceleration Act of 1962 to meet the severe economic conditions confronting the country here in 1971. The purpose of the 1962 act was twofold in that it was intended to increase employment in those areas of greatest need and to provide the basic facilities such as water and sewer works, hospitals, road improvements, public buildings, and the like. The construction of many of these facilities would not only provide immediate employment in the accelerated program but would create the potential for further permanent employment in the facilities constructed such as water and sewer plants, hospitals, and so forth.

Title I of this legislation would broaden the coverage of that of 1962 and liberalize the conditions under which assistance could be extended in order to more effectively meet the critical conditions of unemployment and underemployment which exists today in many areas of the country and in all kinds of job skills.

The Secretary of Labor in his report of April 2, 1971, showed unemployment at the 6-percent level with over 5 million unemployed, or about one-third higher than a year ago. Unemployment has averaged this 6-percent figure over the last 3 months and, according to the Joint Economic Committee in its report to the President expects unemployment to remain at 5½ to 6 percent through the year. Many of the unemployed are drawing unemployment compensation which for the fiscal year ending June 30, 1971, may exceed $5 billion. In the month of January alone, payments amounted to $560 million, or about 70 percent above those of a year ago.

The 1962 act authorized the expenditure of $900 million and under that act, 7,769 public works projects were accomplished involving expenditures of $861 million. State and local communities were allotted grant-in-aid projects totaling 82 of this amount and direct Federal projects totaled 17 percent. Only 1 percent was used for administration since existing Federal agencies were used primarily in administering the program.

The proposed 1971 legislation would authorize $2 billion to be spent on an accelerated public works program with the same purpose in mind as in 1962. There is currently a backlog of about $6 billion in applications for Federal funds from communities throughout the country to help build over 6,000 waste treatment plants, waters and sewers, hospitals, nursing homes, public health centers, and so forth. These total project costs would run over $13 billion when Federal and non-Federal funds were combined.

The manner in which the accelerated public works program would operate is that the bill would authorize the appropriation of $2 billion to be made available immediately to the President for accelerated public works employment through Federal and local government projects. The proportions to be used for each category of projects would be determined by the President on the basis of need and the contribution that would be made to increasing employment.

The success of the accelerated public works program will require aggressive administration. Unemployment represents one of the most serious economic and human problems confronting our country today. The public works accelerated Act of 1971 is geared to alleviating this problem.

The present administration is in a negative step holding back, as has been noted so many times lately, over $11 billion in appropriated funds. If that money were released it would also be a significant help toward increasing employment but would by no means detract from the need for this accelerated public works legislation we have before us today.

H.R. 5376 represents a positive step toward increasing the quality of life in the entire Nation while at the same time moving the Nation forward economically where the present need is most—the pocketbook of the American who needs job.

Mr. JONES of Alabama. Mr. Chairman, title III of H.R. 5376 amends and extends the Appalachian Regional Development Act of 1965 was to assist the Appalachian region that had traditionally lagged behind the rest of the Nation in its economic growth. Its intent was to assist the region in meeting its special problems, to promote its economic development and to establish a framework for joint Federal and State efforts toward providing the basic facilities essential to its growth. It was expected that as the region obtained the needed physical and transportation facilities and developed its human resources, that it would generate a diversified industry and it would then be able to support itself through the workings of a strengthened economy.

Considerable study, planning and preparation of several years went into developing this legislation by a Presidential Commission and the Conference of the Appalachian Governors. What resulted was a unique, new approach of establishing a Federal-State partnership in a

Federal program to attack the economic problems of the region.

The Appalachian program has enjoyed remarkable support during the past 6 years. It has the enthusiastic, unamimous support of every one of the 13 Governors in the region. As far as I know, it has the approval of every Member of Congress from the region. The strength of public support for the program has gained since its original enactment and is now universally firmly accepted.

The reason for its support and success can be attributed to great extent to the way the program was established. The act has provided one of the few mechanisms in the Nation of promoting a true partnership. This partnership between the Federal and State government has returned responsibility and decisionmaking authority to the State and local people. It has established, through the Commission, on organization capable of developing a Federal-State-local strategy for a balanced urban and rural growth. The lessons learned in this program could well be applied to other parts of this Nation. The program has encouraged local leadership and local action, thus assuring effective participation.

The initiative is on the local people to draw up the plans to pinpoint the needs of the locality. They have the advantage of knowing how many dollars will be available to implement their plans within the broad framework of principles adopted by the States and the Federal Cochairman on the Appalachian Regional Commission. The hard decisions of priorities in the use of these funds are made at the State and local level and not by the Federal Government. National interests are also met through the participation of the Federal agencies and the vote of the Federal Cochairman.

ACCOMPLISHMENTS

Today we are beginning to see the accomplishments of this program. At our hearings Federal Cochairman Whitehead advised the committee that the President had directed that an evaluation of the program be made. Although the evaluation is still underway, it is providing valuable data and insights as to the program's accomplishments.

A statistical review of accomplishments through the Appalachian program is impressive. As of December 31, 1970—

Five hundred miles of Appalachian development highways were completed and another 367 miles were under construction. Of the 2,571 miles of the system requiring construction, 2,507 miles are in some stage of route location, preliminary design, right-of-way acquisition, or construction.

Two hundred and sixty vocational and technical training centers have been approved by the Commission and, as of last June, 155 of them were in operation. This involves an annual enrollment capacity of 165,000. The impact on the region has been profound. In 1965, only 20 percent of the regional manpower needs were being met by the vocational and technical schools. Today, over 40 percent of the needs are being served by the new vocational and technical system.

Throughout the region, improvements are being made to health services. In selected sections of the region, comprehensive networks of health services are being developed. Fifty-one new health services were inaugurated in fiscal 1970 alone. A total of 230 projects have been approved involving planning, construction, and operation of facilities. Some of these health programs are among the best in the country.

The Appalachian Housing Fund, approved by Congress in 1967, has helped to initiate $98 million in construction of low- and moderate-income housing. Fifty-nine projects have been approved representing over 7,000 new units of housing.

Work has been completed on 28 mine area reclamation projects, including 16 mine fire extinguishment projects, six mine subsidence projects, and six surface reclamation projects. Another 16 are underway, and there are 13 additional projects awaiting contract for a total of 57 projects.

Communities with potential for growth are improving their public facilities. Under the section 214 supplemental grant programs, the Commission has approved a total of 995 projects representing an Appalachian program investment of $171 million of a total Federal and State investment of $951 million. The projects involve the construction of public facilities in the areas of education, health, water and sewage, airports and others.

ECONOMIC RESULTS OF THE REGION

This numerical review of the program, of course, does not tell the economic impact the program has had on the region. These investments have created a new sense of hope and optimism to the people of the region. The program has improved the capacity of the State and local governments, particularly through the development district program.

At our hearings a summary economic report was presented to the committee by the executive director of the Commission, Ralph Widner.

The report would indicate that the goal written in the legislation in 1965, "to build a self-sustaining economy in the region" is becoming a growing reality in 1971.

All along the Appalachian development highway system and the interstate system, new development projects are in being or underway. New industrial parks, educational complexes, housing, health services, and manufacturing plants are being developed. Over 1,000 new manufacturing facilities have been located along these new arteries of transportation. This confirms the judgment that an adequate transportation network is essential to the development of the region.

The unemployment gap between Appalachia and the United States has steadily closed since 1962. By 1969, the gap was only 0.4 percent greater than the Nation. The recent surveys of major Appalachian labor markets indicate that Appalachia is holding its own reasonably well and our rates of unemployment have increased less than some other areas of the country. This is substantial progress for a region that has traditionally seen its unemployment rates rise faster and sooner than in the rest of the United States.

This does not account for the estimated 500,000 persons who could work, but are not looking for work, because they believe jobs are unavailable, nor does the overall figure indicate the still serious problems in many parts of the region. As you know, these persons are not counted in the official unemployment statistics.

Unfortunately, some of the lowered unemployment rate can be attributed to outmigration of unemployed labor from Appalachia. However, net outmigration from the region during the decade 1960–70 was approximately half of what it was during the previous 10 years—1.1 million as compared with 2.2 million in 1950–60. But that is not the sole explanation. An improved rate of employment growth in the region has become evident. Since 1965, well over 500,000 new jobs have been added to the Appalachian economy.

Of course, the picture varies considerably from one part of the region to another. The unemployment rate in eastern Kentucky is still twice that of the Nation—it was three times the U.S. rate in 1962—and, average per capita income in the region is less than half that of the United States.

Even in the Appalachian heartland of eastern Kentucky and West Virginia and Virginia and Tennessee, there is now cause for hope. There has been an increase of 115,000 jobs in this area. Employment has increased by 20.7 percent since 1965, compared to 18 percent in the United States. New manufacturing employment, particularly in sectors which had never located in this area before, accounts for much of this increase.

The region can support its present population, but income levels must rise and new opportunities be created if we are to hold succeeding generations at home. A substantial measure of the economic improvement in the region can be related to the efforts made under this program and to the new confidence in the future which has become a major force in the region.

WHY THE EXTENSION OF THE PROGRAM IS NEEDED

It is essential to the future of the region that the basic commitments made in the Appalachian Act in 1965 be continued until completed. It is particularly critical that the development highway network as established early in the program be completed. The remarkable efforts which have been started to improve the basic levels of health and education in the region must be carried forward. To stop these efforts in midstream would be to waste millions of dollars in unfinished programs.

WHAT THE TITLE DOES

Title III amends and extends the Appalachian Regional Development Act of 1965 as amended. This title of the bill basically extends the Appalachian development highway and access road program for an additional period of 5 years through fiscal year 1978 and the other programs for a period of 4 years through fiscal year 1975. The total new authorizations for the Appalachian programs is $1,544.8 million.

HIGHWAY AUTHORIZATIONS

The 1965 Appalachian Act authorized a development highway system and access road program to open up the region to commerce. In 1967, we added additional corridors to this system in New York and Pennsylvania. Since that time no additional corridors have been added; however, new Federal highway safety standards, new Federal relocation assistance requirements, and continuing inflation have all combined to increase the estimated cost of the system. Appropriations through fiscal year 1971 have totaled $820 million. Construction on about 500 miles of the system has been completed and construction is underway on another 367 miles of the little more than 2,500 miles requiring construction. It is now estimated that an additional authorization of $890 million is needed to complete the construction of this system.

The new authorizations total $925 million to permit the completion of the system and to provide $35 million to continue the local access road program.

MINING AREA RESTORATION

The mining area restoration section is amended to make it clear that the reasonable value of donated land, materials, and services may be included in the computation of the local share of cost in this program. The existing 75–25 Federal-State cost sharing ratio for restoration projects is continued.

Testimony of the hearings made it clear that the reclamation of surface lands is being limited by the inability of many local communities to provide the required 25 percent matching share in cash. The present language requires that the State and local matching share be made only in cash; no credit is allowed for land or equipment or personal services donated to the reclamaton project. Several projects in the more mountainous areas of the region where local cash resources are most severely limited, have been unable to go forward because of the inability of the local communities to provide all cash for the required matching share.

In each of these instances, however, the testimony was that the local sponsors have been able to marshal what scarce resources they do have. They have arranged to have the land donated to the local government; they have public works departments with bulldozers, trucks and men, that they are willing to commit to the reclamation work; and other volunteer groups have indicated a willingness to help. We believe that such admirable local efforts to help themselves should not be thwarted and have amended the act so that the reasonable value of land, equipment and services be recognized fully in computing the total costs of such projects.

OTHER PROGRAM AUTHORIZATIONS

For all the other programs other than highways the title authorizes $302 million for fiscal years 1972 and 1973 and $314 million for fiscal years 1974 and 1975. The increases authorized over the existing level of funding are to permit the continuing increase of emphasis on programs to develop the region's human resources; to provide additional authorizations for supplemental grant assistance for airports; safety improvements at existing airports; and to assure that the commission will be able to undertake pilot programs for solid waste disposal to remove this irritating environmental problem afflicting the region. These authorizations are provided in a block to allow flexibility to the Commission in determining its priorities as to the investment of these funds.

HEALTH AND EDUCATION

Two vital programs to the region have been in the areas of health and education. Testimony received at our hearings renewed our attention to the need of these services in the region and the progress being made.

Severe health problems reflected by inadequate health facilities, a critical scarcity of professional health manpower and high incidence of disease has been sapping the human resources of large areas of Appalachia and impeding regional development. The Appalachian health program has provided a comprehensive approach involving all aspects of the health care system which has begun to improve the quantity and quality of health services and to reach persons previously without access to essential care in selected areas.

There is a particularly strong need for vocational education in Appalachia. The region's dropout rate is higher than the Nation's and the proportion of students continuing their education beyond high school is considerably lower than the U.S. average.

At the same time, there is a high interest in vocational education in the region. The Commission is influencing the trend toward curriculums which are better tailored to existing and future job opportunities. Each application for assistance is required to demonstrate that course offerings will relate to job opportunities in the locality and surrounding areas. These facilities are the key elements for the training and upgrading of labor force entrants in skills required in the jobs created by the industries locating in the area.

Further emphasis should be given to these programs if they are to be truly effective. The general authorizations have been increased for these programs over prior levels by an additional $8.5 million in fiscal years 1972 and 1973 and by $25.5 million for fiscal years 1974 and 1975.

AIRPORT SAFETY

Because of the mountainous terrain throughout the region, where many times airports are constructed on mountain tops, it is particularly hazardous to general aviation and the flow of air traffic and commerce throughout the region. This undoubtedly has affected the growth of air commerce which is essential for economic growth. This potential cannot be developed without improvements to safety facilities. Existing airports must be made safe for the flow of air traffic. The recent air crash in West Virginia has focused attention on the hazards to commercial aviation that exist in the region. An increase in the general authorizations to be implemented through the supplemental grant program of $20 million in each biennium is recommended to improve the safety of existing airports in Appalachia.

ABANDONED CARS

No one who visits the Appalachian region can fail to note how the junk cars mar its beautiful landscapes, but a 1967 Bureau of Mines' report documents the magnitude of the problem. For example, the report estimated that, excluding junk dealer inventories and scrap yards, there was one junk car for every 21 persons in the rural area of Knox County, Tenn. Cities were also suffering from the problem; the report noted approximately 4,000 abandoned cars in Pittsburgh and nearly the same number in Knoxville, Tenn.

Some Appalachian States have already started removing abandoned cars and other durable waste from the roadsides, residential areas, and other places of casual dumping. The committee was impressed by an outstanding and highly commendable effort initiated by Gov. Arch Moore in West Virginia. At our hearings, Governor Moore described how his State had spearheaded a drive in a nine-county-pilot area, in full cooperation with private citizens, to collect abandoned cars into central locations for processing and shipment to firms which recycle scrap. The State utilized State police to locate the junk cars, obtain releases and waivers from residents where the abandoned cars were located in front yards or on the roadway, mark the cars, and notify the State's National Guard and the department of highways. These units, using their equipment, removed the identified abandoned cars. Nearly half of the 12,000 abandoned cars in the nine-county area have been collected in this way.

Five million dollars is recommended in the general authorization for fiscal years 1972 and 1973, for the purpose of permitting pilot waste clearance demonstration projects under section 302 of the act.

TECHNICAL CHANGES

Consistent with the extensions provided in the bill the following technical changes are made:

Section 302—amends section 105 of the act to extend the administrative expenses for the Commission at existing levels of funding for 4 additional years.

Section 303—amends section 106 of the act to extend the authority of the Commission to lease office space for 4 additional years.

Section 306—amends section 214 of the act to make supplemental grant assistance under this section available for Federal grant-in-aid programs enacted prior to December 31, 1974.

Section 308—amends section 405 of the act to extend the termination date of the act for other than the highway programs for 4 more years until July 1, 1975.

Section 309—adds a new section to prohibit discrimination because of sex under any program funded under the Appalachian Regional Development Act.

I would like to submit a chart for the

RECORD that gives a breakdown of the new funding authorized by title III:

Administrative expenses	
Section 105:	
Fiscal years 1972, 1973	$1,900,000
Fiscal years 1974, 1975	1,900,000
Subtotal	3,800,000
Highway and access road program	
Section 201:	
Fiscal year 1973	10,000,000
Fiscal year 1974	180,000,000
Fiscal year 1975	185,000,000
Fiscal year 1976	185,000,000
Fiscal year 1977	185,000,000
Fiscal year 1978	180,000,000
Subtotal	925,000,000
Other Appalachian programs	
Fiscal years 1972, 1973	302,000,000
Fiscal years 1974, 1975	314,000,000
Subtotal	616,000,000
Total new authorizations for title III	1,544,800,000

(Mr. EVINS of Tennessee and Mr. ABERNETHY, at the request of Mr. JONES of Alabama, were granted permission to extend their remarks at this point in the RECORD.)

Mr. EVINS of Tennessee. Mr. Chairman, I am pleased to join with my distinguished colleague and friend the gentleman from Alabama (Mr. JONES) in supporting H.R. 5376 which provides for a 4-year extension of the Appalachian Regional Development Commission with provision for a 5-year extension of the Appalachian highway program.

I have been a strong and consistent supporter of the vital and important programs of the Appalachian Commission which is laying the foundation for great progress in Tennessee and other areas of Appalachia. Previously I have introduced a bill providing for the continuation of this program which is just beginning to have a real impact.

Progress is becoming visible in the form of highways, vocational trade schools, hospitals, health centers, airports, and other important development projects.

Much progress has been made—but the work is just beginning.

We must continue to open up and develop the great natural resources of the Appalachian region.

I am especially interested in the assistance which this program has provided for vocational and technical education—nothing is more vital and important to our region where the high school dropout rate is relatively high and the proportion of students continuing their education after high school is relatively low.

One-fourth—or $105 million—of all appropriations for Appalachian programs since the passage of the Appalachian Regional Development Act has gone into the construction and equipment of 260 vocational education facilities. We must continue this vital program of vocational education assistance which has the highest priority in most Appalachian States.

This is an important bill—a significant bill—important to Appalachia and to the Nation.

I urge the passage of this bill.

Mr. ABERNETHY. Mr. Chairman, it was the desire of the Congress when it approved the Appalachian region program, to put in motion a special effort to develop communities in an area that was poor and primarily rural. The Congress determined that to get this job done the States and local areas were to work in cooperation with the Federal Government through a regional commission. A special opportunity was made available to Appalachia and good use has been made of it.

New communities are being constructed or planned in Pennsylvania, Ohio, Kentucky, and several other States.

We have a good example of one of these concentrated development projects in my own district, known as the Golden Triangle.

The Golden Triangle area of Mississippi consists of parts of three counties, each of which contains an existing small city. The three cities and counties are: Starkville—Oktibbeha County; West Point—Clay County; and Columbus—Lowndes County. These cities, located 18 to 22 miles apart, form a triangle, within which are located two of Mississippi's higher educational institutions—Mississippi State University and Mississippi State College for Women. The Tombigbee River passes through the area.

About 5 years ago, the Mississippi Research and Development Center examined the impact of what is now a congressionally authorized Tombigbee River development project, and concluded that the triangle area could become a major new center of service and employment. With the prospects of this impending growth, and the need for expanding air carrier services, plans were developed for a regional airport.

Through the cooperation of the three cities, their chambers of commerce and local industrial foundations, agreement was reached on locating the new airport about the same distance from each of the three Golden Triangle cities.

The three cities and Lowndes County issued bonds and used the proceeds to purchase 1,300 acres of land in the center of the triangle area for the location of the airport. An airport commission—including one representative from each city involved in the project—was appointed to administer all business pertaining to the airport, including the 1,300 acres of land, employment of engineers, architects, approval of airport plans, submission of applications for Federal funds for the airport and access roads, and supervision of the construction of the airport, and employment of a manager.

The Appalachian Regional Commission has invested over $3 million in public facilities in the Golden Triangle area including $506,000 in the airport alone. Major investment effort, however, has been for educational facilities with over $1.8 million in Appalachian funds being invested in the Golden Triangle Vocational-Technical Center and the Oktibbeha County vocational education facility.

This reflects the State's plan and desire to offer quality education at all levels, with particular emphasis upon vocational-technical skills in order to provide higher wage employment in growing industries that will upgrade the area's economic base.

The goals that the area is attempting to attain are:

To upgrade the current conditions where low-wage industries are predominant and the economy is underdeveloped.

To overcome present inadequacies in highways, water transportation and in facilities for handling aircraft.

To upgrade facilities for vocational-technical training.

To overcome flooding and water pollution problems.

To increase water supply.

To develop new, large industrial sites to accommodate new industries.

To increase the supply of good housing for low- and moderate-income families.

Leadership in the Golden Triangle effort has come from the business and civic interests of the cities and counties. Individuals have played an important role in moving ahead the regional airport and other important facilities. The recently organized Golden Triangle Planning and Development District, with the assistance of the State's Appalachian development office, is playing a key role in the planning and development of this area.

An industrial park will be located at some point within the vicinity of the Triangle Airport. The Northeast Mississippi Industrial Development Council has indicated to the airport commission that it plans to locate a large industry in the industrial park.

A number of low- and moderate-income housing units will be located in the area.

Access roads and utilities have been approved by the Appalachian Commission.

It is our hope that by the time the job is finished we will have created in Appalachian Mississippi the third largest center of growth in the State.

Development and progress under the Appalachian program have not by any means been confined to the Golden Triangle area. Twenty counties inhabited by many people of substandard income, have benefited therefrom. Educational institutions, other than those I have mentioned, have benefited under the program and thus said benefits passed on to our educable young college students. Hospitals and medical facilities have been expanded which otherwise would have never been were it not for this program.

Our people are grateful for this much needed assistance. I join with them in urging you to support this bill.

Mr. HARSHA. Mr. Chairman, I yield 10 minutes to the gentleman from Arkansas (Mr. HAMMERSCHMIDT).

Mr. HAMMERSCHMIDT. Mr. Chairman, I rise in support of H.R. 5376. I wish to speak mainly to what I consider to be one of the outstanding features of this legislation.

Title II of H.R. 5376 would extend the Public Works and Economic Development Act of 1965 for 2 more years through fiscal year 1973.

I thank our distinguished chairman, Mr. BLATNIK, and our esteemed ranking member, Mr. HARSHA, for their leadership as well as the full interest shown by all the members of the subcommittee. Prompt action is necessary.

Without such an extension, this time-proven and grassroots approach to economic needs would end with the current fiscal year. In my view, as we undergo the economic adjustment from a wartime to a peacetime economy, this program is more important than ever.

The original program has brought aid and development tools to economically distressed communities of our country. Many have been suffering since the great outmigration of the thirties—from loss of young people, low incomes, antiquated public facilities, declining tax base. This has created a general crippling cycle of economic deterioration.

In order to develop these lagging areas Congress passed the Economic Development Act of 1965 for economically underdeveloped areas suffering from chronic unemployment, and under employment. The Department of Commerce was authorized to do this by loans for private industry development, grants for public facilities, technical and planning assistance, and through a concept of development districts and regions for comprehensive programs of economic development.

Title II of the bill before us would extend, through fiscal year 1973, authorizations for EDA's grants, supplementary grants, public work loans, business loans, working capital guarantees, technical assistance, and research. These are absolute nuts and bolts essentials. This title would extend assistance to the economic development districts and the economic development regions, referred to as Title V Regions, and the Federal Field Committee for Alaska also for two more fiscal years. I also believe these to be integral parts of any successful economic development effort of national scope.

The total authorization proposed for title II of this bill is $1,945,500,000—a $150 million increase over the current 2-year rate of authorization.

Among other things, these programs will ease the strain of the adjustment of our current economy. They should also do much to assist in reversing the present trend of migration into already compacted cities.

I believe that it is through this type of legislation that we can best assist the creation of a sound economic base for our lagging areas and at the same time help local communities to protect and improve their quality of life. When people are reasonably content and happy and can enjoy the benefits of our great society, they will not be so concerned with leaving their home towns and States in search of their "fair share."

I would like to discuss for a moment some of the amendments which have been proposed by the committee. In order to assist EDA in its long-range economic planning and aid to more needy areas, the committee adopted amendments to liberalize and enlarge upon the criteria for the designation of eligible areas under the Economic Development Act.

Under present law, an area is eligible for EDA designation as a redevelopment area if its median family income does not exceed 40 percent of the national median family income. Testimony indicated that this was too limiting—left out too many communities in need of help. So, the committee changed the figures from 40 percent to 50 percent.

It is estimated this change would increase the number of areas designated for this purpose alone, by 150 more than the 172 now designated according to the latest figures available. This would mean more than 300 eligible areas—instead of only 172.

The committee also adopted an amendment to broaden the "special impact" area criteria, added with 1969 amendments, to include communities and neighborhoods, rural or urban, which are experiencing problems due to concentrated low income, rural outmigration, substantial unemployment, or a threatened rise therein, or because of a natural disaster.

Another amendment adopted would add new eligibility criterion referred to as "per capita employment." This refers to an economic condition which hits many communities. In economic terms, an area undergoes a "structural decline." This means a gradual decline in economic vitality. The area undergoes a subtle deterioration, a long-range economic weakening. So, "per capita employment" may be defined as the ratio of the total employed residents of an area to that area's total population. Such ratio changes over a period of time reflect the economic well-being of a community by showing the average number of people who are being supported by a single job.

The committee also adopted an amendment to extend the present minimum 1-year life for an eligible area to a minimum 3-year life for designation. The committee has noted from testimony, as well as from experience, that a 1-year minimum life is too short to promulgate an acceptable economic plan and then attempt to implement such a plan.

So much for amendments. Now—to a brief discussion of one very important EDA tool—the economic development district. My own State of Arkansas is the only State to be completely divided into economic development districts.

District programs have great potential in dealing with economic problems. The Arkansas districts were formed and established in line with carefully selected criteria. Guidelines were established to minimize interagency conflicts of interest and encourage local leaders to work together toward their common economic and social goals. These districts were established to be properly representative of the people by making the chief administrative officers of the various counties and cities members of the district governing board as well as representatives of the entire economic spectrum and social strata of the communities. The governing board selects full time professional staff. We learned our lessons under a previous program in that purely voluntary organizations, without professional staff, cannot do the job required.

E.D.D.'s were not only formed with the full knowledge and assistance of the Governor's office, but were also created, implemented, and partially funded through the appropriation process of the State legislature.

The district concept operates in Arkansas as an umbrella organization. It provides leadership and cooperation at all governmental levels.

I believe it is a practical Federal, State, partnership providing an effective Federal program delivery system for Arkansas.

Economic problems and inequalities are often interstate in character extending across State lines, thereby making it difficult, if not impossible, for one State to cope with them. To meet these problems the economic development regions were created with an emphasis on raising per capita income by accelerating economic growth, or closing the income gap. These regions have not had adequate funding to cope with the tasks confronting them. For example, the Ozarks Regional Commission has most of its planning accomplished and now needs money for action more than for extensive further planning.

Mr. Chairman, we must not permit this highly successful program to lapse when we are beginning to reap its benefits. We must not disappoint those who have under our legislative direction worked so hard to bring their communities into the mainstream of economic well-being. I urge adoption of H.R. 5376.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. HAMMERSCHMIDT. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, I want to commend the gentleman from Arkansas (Mr. HAMMERSCHMIDT) for the presentation he is making on this subject, and for the effort the gentleman has genuinely exerted to get adequate funding for both the Ozark area and other districts covered under the Economic Development Act.

I also think that the gentleman has made a very fine addition to this legislation through the amendments which he has advanced for further broadening of criteria for redevelopment areas. I want to acknowledge in the Committee of the Whole the constructive role the gentleman from Arkansas has played in connection with this legislation.

Mr. HAMMERSCHMIDT. Mr. Chairman, I am most grateful for the comments made by the distinguished gentleman from Oklahoma. I and many of our colleagues recognize the great interest that my friend and neighbor (Mr. EDMONDSON) has had since the beginning of this legislation in 1965. I thank him for the leadership that he has furnished to the subcommittee through his past chairmanship and as now as the ranking member, I also commend the gentleman for his great contributions to this legislation.

Mr. JACOBS. Mr. Chairman, I make

the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Ninety-four Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 64]

Abbitt
Abourezk
Addabbo
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Arends
Barrett
Brooks
Broomfield
Brown, Mich.
Buchanan
Byrnes, Wis.
Cabell
Camp
Carey, N.Y.
Carney
Casey, Tex.
Chisholm
Clark
Clawson, Del.
Clay
Collins, Ill.
Conyers
Corbett
Crane
Davis, Ga.
Diggs
Dingell
Dorn
Dow
Dowdy
Dwyer
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Esch
Evins, Tenn.
Fascell
Fish
Fisher
Fraser
Frenzel
Fulton, Tenn.
Goodling
Green, Oreg.
Green, Pa.
Griffin
Gubser
Halpern
Hanna
Hansen, Wash.
Harvey
Hastings
Hébert
Hicks, Mass.
Jarman
Kastenmeier
Kazen
Keith
Kluczynski
Koch
Kuykendall
Landrum
Leggett
Long, La.
McCloskey
McCulloch
McMillan
Mailliard
Mann
Martin
Metcalfe
Mikva
Mills
Moorhead
Murphy, Ill.
Murphy, N.Y.
Obey
Peyser
Pike
Podell
Powell
Price, Ill.
Price, Tex.
Pucinski
Quie
Quillen
Railsback
Rarick
Rees
Reid, N.Y.
Riegle
Rooney, Pa.
Rosenthal
Ryan
St Germain
Scheuer
Schneebeli
Schwengel
Sebelius
Shriver
Skubitz
Smith, Calif.
Staggers
Steele
Steiger, Wis.
Talcott
Watts
Whitten
Widnall
Wilson, Charles H.
Wolff

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. SLACK, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 5376, and finding itself without a quorum, he had directed the roll to be called, when 318 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama, Mr. JONES.

Mr. JONES of Alabama. Mr. Chairman, I yield such time as he may consume to the gentleman from California, Mr. JOHNSON.

Mr. JOHNSON of California. Mr. Chairman, as a Representative from California, I am particularly aware of the urgent need for an accelerated public works program and continuation of Economic Development Administration—EDA—projects. As a member of the Committee on Public Works, I am also familiar with and very much in favor of extending the Appalachian Redevelopment Act.

California and the Second Congressional District have been very hard hit in recent years. Unemployment has been well above national averages and extremely high in the construction industry. Let us look at some of the basic unemployment statistics affecting my area.

In the Chico-Oroville vicinity in Butte County, unemployment has been above 10 percent in 1968, 1969, and 1970, when the average jobless rate was 12.1 percent. In December, just a few months ago, 16.4 percent of the working force in Chico and Oroville was unemployed.

In Grass Valley in Nevada County, according to data compiled by the Human Relations Agency of the California Department of Human Resources Development, 12.6 percent were unemployed last year. Four months ago, the latest available information shows that 16.5 percent were out of work. And in February of 1970, 18.1 percent were seeking employment.

Placerville, in El Dorado County, had approximately 14 percent unemployed in 1970, while Quincy, in Plumas County, and Susanvile, in Lassen County, had jobless rates exceeding 11 percent. In Quincy, the level of unemployment reached 17.1 percent in December, and in February of last year a disastrous 20.4 percent of the job force was out of work. The city of Sonora, in Tuolumne County, also had high unemployment, although figures are not yet available for 1970.

Redding, in Shasta County, is one of the cities that has been hit hardest by unemployment in the construction industry. Last year, 10.3 percent of the work force was unemployed. Right now, however, the jobless rate is running at about 15 to 16 percent.

Obviously drastic action must be taken to reverse the long-range trend toward greater and greater unemployment. The attack must be waged on many fronts, not the least of which is a broadened and extended economic development program which we consider here today. These programs are based, of course, upon long-range, permanent employment. In northern California we have a critical and urgent need in the construction industry. One of the fastest ways we can get substantial numbers of people back to work and off the unemployed rolls is through stimulating public works construction of all types.

Unemployment statistics as they relate to northern California's construction industry are not just alarming; they are frightening.

Hundreds have exhausted their unemployment insurance and have had to seek work in other parts of California or in other States—while their families stayed behind at home. Hundreds have been forced to take jobs in other trades while waiting and waiting for construction work.

The State Building and Construction Trades Council of California, AFL–CIO, has provided me with the latest available statistics on unemployment in the hardest-hit counties in northern California. These figures document the need for legislation that will spur construction of needed public facilities and thereby reduce unemployment in these hard-hit areas.

In Alpine, Amador, and Calaveras Counties, and in San Joaquin County, construction industry unemployment reached 35 percent in December 1970. Bill Dorcey, of the Building and Trades Council in that area, reports that:

> Even during the summer months, which usually show a drop in unemployment percentages, we had 20 per cent of our total membership unemployed. A lot of the members (are) forced to work away from home, even out of state, to provide for their families.

In Butte, Plumas, and Glenn Counties, unemployment in the construction industry has been very high for about 4 years. In December 1970, the grim unemployment figures stood like this:

	Percent
Electricians	85
Sheet metal workers	80
Plumbers	75
Carpenters	60
Laborers	50
Roofers	50
Painters	50
Operating engineers	40
Cement masons	30
Teamsters	25

In Redding and northeastern California the situation was worse. The December 1970 jobless figures were:

	Percent
Cement masons	90
Laborers	90
Plumbers	90
Carpenters	85
Electricians	60
Painters	50
Engineers	40
Sheet metal workers	25

Almost half of the unemployed construction workers in this area have exhausted their unemployment insurance claims.

I think it is important to remember that this is not an experimental project. It is a proven program. The Public Works Acceleration Act signed by President Kennedy on September 14, 1962, provided an $861 million shot-in-the-arm for our economy through June 30, 1964. More than 7,700 public works projects were built with funds from that program, and thousands found meaningful employment.

The fundamental concepts of this legislation, however, go much farther back in history, back to the New Deal days. I would like to insert a cogent and appropriate editorial recalling the history of the Work Projects Administration. The editorial is from the February 5, 1971, Redding Record-Searchlight in Redding, Calif.:

WE FORGET GOOD OF WPA

> In vetoing a manpower training bill, President Nixon said "WPA-type jobs are not the answer." In the Environmental Action Bulletin, two scientists criticized the space program and the supersonic transport plane as "nothing more than a meaningless WPA project."
>
> Judging by these aspersions, one who has no personal memory of the Great Depression would assume that WPA was the biggest, most wasteful boondoggle in history.
>
> But can something that gave employment to a total of 8.5 million persons between 1935 and 1943, and indirect support to 30 million of their dependents, have been an unmitigated "boondoggle"?
>
> In cold statistics, this is some of what the Works Progress Administration (later renamed Work Projects Administration) accomplished in its lifetime, solely in construction activities:
>
> Nearly 644,000 miles of roads were constructed.
>
> More than 77,000 new bridges and viaducts

were built and 45,000 others were reconditioned.

A total of 285 new airports were built and more than 500 existing ones were enlarged or improved. Improvements included 700 miles of new runways and huge numbers of hangars and other buildings.

About 16,000 miles of new water lines and 24,000 miles of storm and sanitary sewers were installed in communities and military bases.

Some 122,000 public buildings were constructed or improved during the period, among them libraries, schools and hospitals.

Other construction work by WPA "shovel-leaners" included parks, playgrounds, athletic fields, swimming pools, firebreaks, irrigation systems, dams, reservoirs and tunnels.

Among the "meaningless" WPA projects enjoyed by Americans today are the Philadelphia Art Museum, New York's Central Park Zoo and Chicago's waterfront.

Mention must also be made of the WPA's contribution to culture by giving employment to jobless painters, writers, actors and cinematographers. Not reducible to any statistics, however, is simply the morale boost which the WPA gave a stricken nation.

In accepting the final report of the WPA in December, 1942, President Franklin D. Roosevelt wrote:

"The Work Projects Administration has reached a creative hand into every county in the nation. It has added to the national wealth, has repaired the wastage of depression and has strengthened the country to bear the burden of war . . . It has brought to the people renewed hope and courage. It has maintained and increased their working skills; and it has enabled them once more to take their rightful places in public or in private employment . . .

"With the satisfaction of a good job well done and with a high sense of integrity, the Work Projects Administration has asked for and earned an honorable discharge."

How easily we forget.

We must get this Nation moving again. This legislation is not a cure-all, but it is an important step forward and an important tool. The backlog of demands for funds to combat pollution and build better health facilities must be met, and our areas of long-term and high unemployment must be helped.

Mr. JONES of Alabama. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. GRAY).

Mr. GRAY. Mr. Chairman, I commend our distinguished chairman, Mr. BLATNIK, and the members of the Public Works Committee for bringing the Public Works Acceleration Act Amendments of 1971 to the floor early in this session. This is indeed a constructive measure and deserves the support of every Member. I am proud to be a coauthor of this measure.

Mr. Chairman, as in 1962, we are again faced with a serious unemployment problem in many regions of the country. In 1962 we had 4 million unemployed; today we have over 5 million. Unemployment benefits are also running at the multibillion-dollar level.

We used public works to provide useful employment in 1962 and by so doing, we benefited not only the unemployed but also the citizens of those communities by improving and providing badly needed public facilities.

I am certainly impressed with the public facilities that were constructed under the 1962 act. Hospitals and health facilities, water supply, and other public utilities, waste treatment and sanitation facilities as well as many others. We are still reaping great benefits from these projects. Certainly the construction of these facilities, representing the investment of the services of the people who were unemployed on these projects, was a better investment of public funds than unemployment compensation and welfare payments. No one can place a value on the human benefits received by the unemployed who were again used in the community on productive work.

Today our need for public facilities in both urban and rural areas is greater than in 1962 because our population is larger and the services required are more extensive. The demand for improving our environment alone has placed a heavier demand on States and communities than we had in 1962. I am also glad that the amendments in this bill reflect the experience of the 1962 act by increasing the Federal Government's participation in the financing of various community facilities. At that time, many communities were unable to participate because they could not comply with the local contribution requirements. By increasing the participation to 80 percent and making provision for up to 100 percent participation under special circumstances, we can provide the means of giving greater assistance to many financially hard-pressed communities.

There is no question in my mind that the reactivation of the Public Works Acceleration Act of 1962 is needed. It has been of tremendous help to my district in southern Illinois and I know it will be of great help to other sections of the country when passed. I urge the enactment of this all-American bill. Thank you.

Mr. JONES of Alabama. Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Chairman, I support H.R. 5376, and in particular title I, the Public Works Acceleration Act Amendments of 1971. This is, by any standard, a very necessary bill. Also, by any standard, it is a modest bill, but when put into effect along with other legislation which will be forthcoming we will see the beginnings of a change in our economic situation. It is beyond me that the richest country in the world cannot do more for its millions of citizens, in seeing to it that they have the vital public works so necessary for their health and the quality of living standards. It is beyond me that the Government does not take aggressive and positive action to alleviate the suffering of the unemployed who are begging for gainful work. So it is this direction that title I takes. It insures required public works, which have been so very badly required for the past several years, are to be built and those people who need the employment will be utilized in construction of these projects.

A careful study of the published economic program of the administration indicates to me that even should their fondest dreams—and dreams they are—become reality we would still have an unemployment rate in the 5 percent range during 1971. No economically healthy country can afford such a high rate of unemployment. It will only add to the economic stagnation and may turn what the optimistic call a passing recession into a more serious depression. The problems connected with the latter situation are too much to even contemplate. No one wants that to happen. Everyone who can do something to see that it does not will do his duty, I am sure.

As I said, this is a modest bill, but I feel the criteria laid down within its provisions will immeasurably help those communities which are faced with even more serious problems unless something is done, and done as soon as possible. The record of the hearings on this legislation show that shocking economic distress exists in many areas throughout the Nation. While some communities are less affected, those on the other end of the spectrum feel as if they are in the doldrums of the early 1930's—and these conditions exist when predictions call for a gross national product in excess of $1 trillion. How can this be? Who can explain it? It does seem contrary to all the laws of economics as taught through the years. Maybe the time has come for us to resort to those techniques which have worked before—any beginning is a step in the right direction and this bill is that step. My feelings are that it should pass this House immediately.

Mr. JONES of Alabama. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. TAYLOR).

Mr. TAYLOR. Mr. Chairman, I will confine my remarks to the Appalachian program, its value and the need to extend it. My district is located in Appalachia, and I have firsthand knowledge of the successes of this program.

The Appalachian program was established by Congress to meet the special needs of the Appalachian region, and should not be engulfed in the President's revenue sharing plans. When the Federal Government established the Appalachian program, it made a commitment to the people of Appalachia. The Government has now completed only one-half of the program and should carry it to full completion.

I am convinced that the Appalachian program has made more progress per dollar spent in the district that I represent in Congress than has any other Federal program. The Appalachian program has already made an impact on economic conditions in Appalachia by attracting industry and tourism through better roads, airports, and vocational education facilities. The problems which this program was designed to solve are now on their way to solution, but we must not stop midway in the job.

Outmigration from the Appalachian area has been reduced from 2.2 million between 1950 and 1960 to 1.4 million between 1960 and 1970. We want to stop this outflow of young talent from the Appalachian area and ease the problems of our large cities by providing opportunities for work and a good life available right at home. Many of our city problems have been created by people being forced by cruel economic necessity to leave areas such as Appalachia to seek employment in overcrowded urban areas.

Of the 2,575 miles of Appalachian corridor highways authorized, about 20 percent has been completed, another 15 percent is under construction, and 93 percent is in some stage of development or planning. To stop this road program now would be folly. While the Appalachian Act authorized the Federal Government to contribute up to 70 percent of the highway costs, the States have actually paid 50 percent of the highway costs, thereby showing their enthusiastic support for the program. The Appalachian program was conceived and approved by Congress as a unique and innovative effort to meet the special needs of the Appalachian region. It is not right and not fair to Appalachia for these funds authorized by Congress for this regional program to be made a part of a nationwide pool for revenue sharing.

This program is one of the Nation's best examples of teamwork by Federal, State, and local units of government. In my opinion, it is the best administered program in Washington. Its strength in part lies in its adaptability from State to State, using it to solve its own problems and to meet its own needs. Improvement programs originate locally, are matched by local funds, are approved by the Governor of the State, and brought by the Governor or his representative to the Appalachian Commission for approval.

The Appalachian program has been one of the Nation's best demonstrations of how States and local units of government can make effective use of shared Federal revenue.

This program has permitted national goals to be translated into workable procedures to meet local needs. It is providing hope and economic uplift to an important section of our Nation, and it deserves the continued support of Congress. It must be extended in order to complete the task for which this State-Federal partnership was created.

Mr. JONES of Alabama. Mr. Chairman, I yield such time as he may consume to the gentleman from Alaska, (Mr. BEGICH).

Mr. BEGICH. Mr. Chairman, I congratulate the Public Works Committee for the forward legislative proposal embodied in the Public Works Acceleration Act Amendment of 1971. This legislation is timely and has my full support. I urge its enactment.

In 1962 the Public Works Acceleration Act of 1962 assisted in meeting the unemployment problem then prevailing in many areas of the country and left, as a legacy, improved public facilities in many of our communities—both urban and rural. Its reactivation in 1971 and the proposed amendments will assist us in dealing with similar problems confronting us today. While not a panacea, as the committee report so clearly states, it will help us to get the Nation moving again.

This bill makes available an appropriation authorization for $2 billion to be channeled into areas of high unemployment to construct needed public facilities. Emphasis is to be placed on small and medium sized projects where the planning is completed and construction can get underway quickly. The major part of the construction work should be completed within 12 months from the time a contract is awarded. One of the proposed amendments before us will liberalize the financial arrangements with State and local governments and make it easier to get the program underway. This amendment corrects a weakness in the original 1962 act. Many communities could not meet the financial requirement though they had serious unemployment and a backlog of needed public facilities.

There are those who will say the program is inflationary. There are those who will say that it will take too long to get public works projects underway. There are those who will say that this will end up in a leaf raking program.

I see no grounds for these fears. We are faced with unemployment of over 5 million persons and unemployment compensation payments at a $5 billion annual rate.

Is it inflationary to provide the means of using some of those funds going into unemployment compensation and welfare payments for the construction of needed public facilities? I do not think so when we have substantial unused industrial capacity. Nor do I see, with the backlog of planned public facilities at the Federal, State, and local levels, why there should be any delay in getting work underway. I think this is true since we have had substantial experience in regional planning since 1962. Certainly we should benefit from this experience.

Those who believe that this program will result in "leaf raking" projects are suggesting that a real need for increased employment does not exist and that there are not enough truly necessary public projects around to supply such employment. Those who hold that view are sadly disillusioned, and the following statistics gathered from Alaska clearly show the true nature of the need for this program.

First, in terms of unemployment, the national rates of near 6 percent would seem unbelievably low in every area of Alaska, where unemployment is running as high as 30 percent in many areas. Even in late 1969, before the Alaska economic decline caused by the delay in oil production, the following Alaska towns and areas qualified for assistance under this Act, having an unemployment rate of over 9 percent: Barrow, Bethel, Bristol Bay, Cordova-McCarthy, Kenai-Cook Inlet, Ketchikan, Kubuk, Kodiak, Kuskokwim, Lynn Canal-Icy Straits, Nome, Palmer-Talkeetna, Prince of Wales, Seward, Upper Yukon, Valdez-Whittier, Wade-Hampton, Wrangell-Petersburg, and Yukon-Koyukuk.

The situation is now far worse, and I believe that it can be responsibly stated that virtually the entire State of Alaska now qualifies for assistance. The following statistics, gathered from labor unions in the construction sector only a few weeks ago, are indicative of the need existing when able-bodied, and willing workers can simply not find a job.

CARPENTERS

LOCAL 1281—ANCHORAGE

Membership, 1,100.

Out of work, 384.

Working, but not as carpenters, 516.

Only 200 of 1,100 working at their trade.

LOCAL 2247—JUNEAU

Membership, 100.

Out of work, 10 percent.

LOCAL 2162—KODIAK

Membership, 35.

Out of work, 25.

LOCAL 1243—FAIRBANKS

Membership, 630.

Out of work, 285.

Working but not as carpenters, 315.

Only 30 out of 630 are working in their trade.

TOTALS—CARPENTERS

Membership, 1,865.

Out of work, 704.

Working as carpenters, only 250.

SHEET METAL WORKERS

Local No. 23, Anchorage.

Membership, 120.

Out of work, 8.

High employment due to construction of several large buildings in Anchorage.

BRIDGE, STRUCTURAL AND ORNAMENTAL IRON WORKERS

Membership, not given.

Out of work, 290.

Mr. Spashoff, the Financial Secretary, in his letter of March 30, 1971 said:

The 1970 construction season was one of the worst in 20 years for the iron worker in Alaska.

PLUMBERS AND PIPEFITTERS—SOUTH CENTRAL AREA

Membership, 600.

Out of work, 170.

JUNEAU

Membership, 50.

Out of work, 12.

FAIRBANKS

Membership, 240.

Out of work, 100.

TOTALS—PLUMBERS

Membership, 890.

Out of work, 282.

PLASTERERS AND CEMENT MASONS

Statewide—140 members, 130 out of work.

PILEDRIVERS—LOCAL 2520—ANCHORAGE

Membership, 214.

Out of work, 170.

CONSTRUCTION AND GENERAL LABORERS ANCHORAGE

Membership, 1,000.

Out of work, 850.

KETCHIKAN

Membership, 165.

Out of work, 141.

FAIRBANKS

Membership, 500.

Out of work, 390.

TOTALS—GENERAL LABORERS

Membership, 1,665.

Out of work, 1,381.

LONGSHOREMEN—ANCHORAGE

Men working, 35.

Casuals working only a day or so a week, 80.

TEAMSTERS—STATEWIDE

Membership, 3,500.

Out of work, 550.

OPERATING ENGINEERS
ANCHORAGE LOCAL

Out of work, 85 percent.

As distressing as these statistics are, they are only half of the story. What is not shown is the even greater unemployment in the rural areas of Alaska, where the programs included in the Accelerated Public Works Act of 1971 are even more necessary.

The remaining question is whether or not there are projects which are necessary and which meet the requirements of the act. Among the following essential and already proposed programs are the answers to a wide range of human needs in Alaska.

Angoon—improvements to the small boat harbor.

Hoonah—cold storage project.

Sitka—Whitestone Narrow project and small boat harbor.

Petersburg—water system.

Kodiak—water system, waste treatment system.

Dillingham—airport improvement, water system improvement.

North Pole—sewage treatment system.

Tetlin—roadwork project.

Bethel—flood control project, community center.

Unalakleet—housing project.

Point Hope—sea wall project.

Barrow—air terminal facility, incinerator facility.

Noorvik—water and sewer systems.

For each project listed here, there are dozens more. In the areas of sewer and water facilities, health care facilities and housing, Alaska is simply able to demonstrate a tremendous level of need. I have restrained myself from listing all of the specific possible projects, but would assure those considering their vote on this question that we will be doing no "leaf raking" in Alaska.

Finally, I would make it clear that although I am pleading the case for Alaska, I am aware it is at the same time the case for the Nation. The Accelerated Public Works Act of 1971 is an important answer to a clear need. I strongly urge its passage.

Mr. JONES of Alabama. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky (Mr. STUBBLEFIELD).

Mr. STUBBLEFIELD. Mr. Chairman, as a cosponsor of the proposal now bearing the number H.R. 5376, I have been delighted to observe the wide support from various sections of my district for the enactment of this bill.

As has been discussed here this afternoon, H.R. 5376 is designed to give prompt relief to those out of work in the hardest hit unemployment areas and substantially assist qualifying communities in rebuilding their economy by making available Federal funds for much-needed public works facilities.

In my congressional district alone, there are five areas—Bardwell, Eddyville, Mayfield, McLean County—part of Owensboro labor area—and Smithland—that have a history of persistent unemployment reaching the level of 8.75 percent or higher. These communities need to know that the U.S. Congress cares and is doing something in a real and tangible way toward providing immediate relief. In the early 1960's legislation similar to H.R. 5376 proved highly successful in stemming the tide of economic catastrophe. I firmly believe that this legislation can serve the same purpose in the early 1970's.

Mr. Chairman, I strongly urge prompt enactment of an accelerated public works law in order to give relief to the persistently unemployed, who are capable and desirous of work, provide Federal funds to communities in great need of public works facilities, and help the entire Nation toward economic recovery.

Mr. JONES of Alabama. Mr. Chairman, I yield such time as he may consume to the gentleman from Hawaii (Mr. MATSUNAGA).

Mr. MATSUNAGA. Mr. Chairman, I rise in support of H.R. 5376, the Accelerated Public Works Act of 1971.

At the outset, I would like to commend our Committee on Public Works, chaired by the distinguished gentleman from Minnesota (Mr. BLATNIK), for its expeditious consideration of this legislation which is designed to accomplish two worthy objectives: First, to alleviate the tragedy of current high unemployment and, secondly, to provide for the construction of urgently needed public facilities in communities throughout the Nation.

Mr. Chairman, millions of Americans today are in desperate need as the result of the inability of the present administration to cope with the concurrent problems of unemployment and inflation. We in the Congress cannot afford to sit idly by during the current recession—we must act now to provide employment and thereby renew the faith of those Americans who are out of work.

These people do not seek a handout. They want only an honest day's wages in exchange for an honest day's work. Passage of the bill we are now considering would help to insure that they get that chance, especially in the construction industry which has been particularly hard-hit by unemployment. We can help to relieve unemployment without adding to inflationary pressures.

The Public Works Acceleration Act, the most important of the three separate parts of this bill, authorizes the appropriation of $2 billion immediately for accelerated public works employment through both Federal and local government projects, such as waste treatment plants, water and sewers, hospitals, nursing homes, and public health centers. It is estimated that this part of the legislation alone would create about 420,000 jobs.

The construction of these public facilities will itself have a decidedly positive effect on the economy of local communities. Localities will be more attractive to industry once such facilities as modern sewage treatment plants or municipal buildings are available without unduly distorting local tax structures.

Mr. Chairman, the two remaining parts of the bill, cited as the "Public Works and Economic Development Act Amendments of 1971" and the "Appalachian Regional Development Act Amendments of 1971," together with the first part provide a strong triad of legislative proposals to shore up our sagging economy and at the same time to provide much-needed public works facilities. The provisions under each of the three titles are needed to do the complete job. As the Committee on Public Works so aptly points out in its report, this legislation is not intended as an end-all panacea to unemployment. Other means must also be adopted to restore full employment. But let us give the package, which the committee has so carefully put together, a fair chance in achieving the twin goals for which it is intended. Let us support the bill as reported and reject any weakening amendments.

Mr. JONES of Alabama. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Connecticut (Mrs. GRASSO).

Mrs. GRASSO. Mr. Chairman, the marked economic decline over the past 3 years shows signs of general improvement on the national scene; and I am hopeful that the measures designed to strengthen the economy in the larger sense, such as authorization for conversion education, aid to the urban areas, and extended use of the EDA program will be seriously considered. However, Congress must turn its attention to areas suffering from inordinately high rates of unemployment. The Sixth District of Connecticut which I represent is one of those areas, with one city suffering a rate of unemployment in excess of 20 percent of the labor force. Mr. Chairman, we are facing a depression, not merely a recessionary cycle as some optimists would have us believe. These areas must have immediate attention. The amended Accelerated Public Works Act of 1971, under consideration today, is designed to aid those unemployment-impacted communities as designated by the Secretary of Labor.

Historically, before the advent of the Economic Development Administration, the 87th Congress passed the Accelerated Public Works Act (Public Law 87-658). This act is still in force and is designed to provide immediate useful employment as an antirecession measure by the inauguration of public works projects to prevent imminent recessions. In the instant case we are faced not with the prospect of imminent recession, but rather with persistent depression—all the more reason for revitalization of the Accelerated Public Works Act.

The updating of this act as embodied in this bill and related bills gears this important legislation for today's needs and serves as an extension of the philosophy of EDA. In my testimony before the Committee on Public Works I suggested an amendment to the bill which would have more clearly spelled out the qualifications for aid under this accelerated public works program. While this amendment was not accepted as submitted, the committee did redraft the original language so as to simplify the criteria for eligibility.

Under the new criteria the Secretary of Labor will set the administrative standards for eligibility. While it cannot be determined how this will work until the act takes effect, I am hopeful that the Secretary will recognize the severity of the problem and will adopt administratively the general eligibility figure which is unemployment at a rate which is or exceeds 150 percent of the national average for a 90-day period.

Mr. Chairman, I call on all my colleagues to overwhelmingly support this measure.

Mr. JONES of Alabama. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. ANDERSON).

Mr. ANDERSON of California. Mr. Chairman, I rise in support of H.R. 5376, legislation made necessary by the present economic situation in our country.

California's unemployment rate rose to 7.1 percent in March, from 6.7 percent in February. A year ago, the unemployment rate was 5.2 percent.

In Los Angeles County we are witnessing a 13-year high in unemployment with a jobless rate of 7.5 percent.

Mr. Chairman, 675,000 Californians are looking for work.

The Public Works Acceleration Act, first employed in 1962, provided useful work for the unemployed, and opened areas for industrial and commercial development by improving public facilities. In its 2-year history, this act accounted for the construction of 7,769 needed projects such as sewage treatment plants, hospitals, nursing homes, community buildings, as well as urgently needed work in our national parks and recreation areas.

Last year, Congressman McFALL recognized the need to reinstitute the Public Works Acceleration Act and I joined with him in introducing H.R. 18741. This legislation died in the 91st Congress. However, we reintroduced this measure on the first day of the 92d Congress, and the Public Works Committee, of which I am a member, began consideration of the bill shortly thereafter.

The Public Works Acceleration Act, title I of H.R. 5376, as reported by the Public Works Committee, would authorize the appropriation of $2 billion immediately to be made available to the President for accelerated public works employment through both Federal and local government projects.

Projects for assistance in the construction of basic public works for which there is an urgent and vital public need are given priority, and only Federal projects which have been specifically authorized by the Congress, or other projects which are eligible for Federal aid, are qualified for this program.

Grants can be used for three purposes. First, a grant can be used to start a project; second, to supplement an original grant made by a Federal agency or, third, to contribute to the local share of a project to be built by a Federal agency. In the case of grant-in-aid for local public works involving local cost sharing, a grant can be made to cover up to 80 percent of the cost of such projects with a further proviso that a 100-percent grant can be made if the State or local government has exhausted its effective taxing and borrowing capacity for such purposes and, as a result, does not have the financial capability to assume all of the additional financial obligations required.

Projects are authorized for areas designated by the Secretary of Commerce as "redevelopment areas" or as "economic development centers." In addition, an area would be eligible if the Secretary of Labor found that the rate of unemployment is 6 percent or more, and that the unemployment rate will remain at, or exceed, 6 percent during the next 2 months.

Title II of H.R. 5376 amends the Public Works and Economic Development Act to provide Federal help in conjunction with the States—to assist communities, areas, and regions which are suffering from unemployment, by providing financial and technical assistance needed for the creation of new jobs. Its long-range objective is to enhance domestic prosperity by establishing stable and diversified local economics.

Mr. Chairman, there is a need for jobs in this country, but there is also a need for public works projects. In the President's Manpower Report, released in April 1971, the Department of Labor states that—

> Less than one-third of the Nation's population is served by sewage systems as well as adequate waste treatment plants * * * solid waste facilities are inadequate and antiquated. It is estimated that 94 percent of existing land disposal operations and 75 percent of incinerator facilities are substandard * * *.

This legislation, H.R. 5376, is designed to meet the needs of our Nation by stimulating the construction of Federal and local public works for the dual purpose of increasing employment in areas of greatest need and helping communities to provide the basic facilities, such as water and sewer works, hospitals, road improvements, public buildings, and waste disposal facilities. This legislation would meet the current needs of our citizens and, at the same time, pave the way for the further expansion of employment.

Mr. JONES of Alabama. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky, Mr. MAZZOLI.

Mr. MAZZOLI. Mr. Chairman, the House today is considering legislation to continue what I regard as one of the most successful and innovative domestic programs in the history of our country. Since its inauguration in 1965, the Appalachian regional development program has attained new levels of cooperation between the Federal Government and the States. I believe much of its success can be attributed directly to the freedom and flexibility it has accorded to the Governors of the region, allowing them to design and develop programs tailored to the special problems of their States.

The Appalachian regional development program as enacted in 1965 was directed toward the special needs of a 13-State area, including a large segment of my own State of Kentucky. For a great many reasons this area had lagged far behind the rest of the Nation in providing social services and offering economic opportunities. Incomes in the region were considerably lower than the national level. Education and educational facilities were substandard. Unemployment was high even in the face of the Nation's greatest period of prosperity. As a result, many residents of the region migrated to other areas of the country, principally the cities of the North. But, rather than improving themselves, many survived only by joining the burgeoning public welfare rolls of the big northern cities.

It is unnecessary to state at this time that the goals envisioned by the program's proponents in 1965 have not been realized. What is important, however, is that significant and measurable strides have been made toward the fulfillment of those goals.

Work has been started on 93 percent of the approximate 2,600 miles of development highways—about 500 miles have been completed and another 367 miles are presently under construction.

Enrollment at vocational and technical high schools has increased by 34 percent. Post-high-school enrollments have doubled and adult enrollments have increased by 67 percent.

Improvements in health facilities and health services have been achieved throughout the region.

Seven thousand new units of housing are being initiated under the Appalachian housing program. Nearly 1,000 projects in health, education, water pollution control, libraries, airports, and other forms of public improvement have become realities under the supplemental grant program.

The unemployment gap between Appalachia and the Nation as a whole has steadily narrowed since 1962. Whereas in the past unemployment rates in the area rose faster and to higher levels than elsewhere in the country, this trend has now been checked and presently the rate is slightly below that of the Nation.

Title III of the legislation before us today would extend for another 4 years all programs other than development highway and local access road programs. The latter would be extended for an additional 5 years. The total new authorizations for the programs extended through fiscal year 1978 is $1,544,800,000.

The Appalachian region still ranks low among the States of the Union in wealth, health, and jobs. Most of its problems are chronic in nature and of long standing. It is less than realistic to expect this area to have solved its total problems in a relatively brief period of 5 or 6 years. The area still suffers to a greater degree than the rest of the country from environmental pollution due to the reckless exploitation of its natural resources. It is still plagued by substandard housing, the lack of a diversified economy, from continued outmigration of many of its talented young people, from unemployment, isolation, and poor health.

The success of the past 6 years, however, is sufficient testimony to the effectiveness of the original concept of the program—that the domestic problems of Appalachia, whatever their exact characteristics, are subject to solution. Time, however, is needed to bring to fulfillment the many programs that have been devised to meet the needs of this region.

Passage of the measure before us will provide the time and opportunity to continue programs that have already demonstrated their value in the fight against some of the most adverse problems in the Nation.

I urge its support and passage.

Mr. JONES of Alabama. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington, (Mr. ADAMS.)

Mr. ADAMS. Mr. Chairman, I rise in support of the Accelerated Public Works bill, H.R. 5376, which is urgently needed to provide jobs immediately in the Seattle-King County area of the State of Washington. I was an original sponsor of this legislation during the 91st Congress and again cosponsored it this session. I oppose the attempt to, by the other side of the aisle, to strike title I of the bill which provides the accelerated public works portion of the legislation.

I. STATUS OF EMPLOYMENT IN THE PACIFIC NORTHWEST IN 1971

You will notice from the chart in the Chamber that Seattle has the highest rate of unemployment among major cities in the United States and this is steadily climbing each week. Our unemployment began to rise in January of 1969, and many of our unemployed exhausted their unemployment compensation benefits in 1969 and 1970 and have become welfare recipients. The result has been that during 1969–70 public assistance recipients in the Seattle reporting area increased over 50 percent, the number of recipients of aid to dependent children has doubled, and the number of persons receiving food stamps has trebled.

Last week I met with representatives of the Boeing Co., our largest single employer, to discuss their employment status. From a high employment of 105,000 in 1968 they will have terminated approximately 68,000 people by April 1971, and unless there is a dramatic upturn in the economy or an unforeseen major change in the company's military or space contracts, the total terminations will reach over 76,000 by the end of this year.

The drastic reduction in the 2.6 million per year new housing starts projected by the national administration in 1969 has caused a severe recession in Washington State's lumber products industry, which is a second major employer in our State. Our third major industry is agriculture and this has been operating at a reduced level for the last 3 years.

II. IMMEDIATE PUBLIC PROJECTS FOR SEATTLE-KING COUNTY

The bill which we are debating today is patterned on the Public Works Acceleration Act which President Kennedy signed on September 14, 1962, and has two principal purposes:

First. To provide immediate useful work for the unemployed; and

Second. To open the areas for industrial and commercial development by improving public facilities.

The $2 billion proposed in the bill would create 170,000 jobs nationwide in on-site construction, and as additional employee incomes and business profits are spent, there would be a multiplying boost to production and employment of about 250,000 or more. It also renews assistance for the economic development areas.

In the Seattle-King County area, the local officials have already prepared a list of specific public works and local funds are available to match Federal funds to create immediate employment. For example, in Seattle the following categories are proposed:

1. Streets and sewers	$16,810,000
2. Parks and recreation	1,322,500
3. Fire	2,623,000
4. Water	3,245,000
5. Building (engineering personnel building, and purchase and conversion of armory in Seattle Center)	5,050,000
6. City light (undergrounding wires)	8,678,800
Total	37,729,300

All of us know this program is not a panacea, but we desperately need any help we can obtain at this time. Section IV on page 13 directly provides authorization to help our area because of our sharp rise in unemployment.

III. OTHER EMERGENCY RELIEF

a. Extending unemployment benefits.

Last year many of us sponsored and were successful in obtaining passage of the Unemployment Compensation Amendments (Public Law 91–373) which granted additional Federal money to help the States pay extended unemployment compensation. I am sponsoring this year H.R. 6876 to permit Federal sharing of the cost of extending unemployment compensation benefits to 52 weeks.

Public service jobs and temporary economic assistance.

The Congress also last year passed an Employment and Training Opportunities Act, which I supported, authorizing $1.4 billion for public service jobs over a 3-year period. President Nixon, showing his callous disregard for the Nation's unemployed, vetoed that bill.

This year we in the Congress are moving rapidly to reenact this vitally needed public service jobs bill. The House has completed hearings on H.R. 3613, which will create these public sector employment opportunities in periods of high national unemployment. The Senate passed its bill on April 1, 1971. The Democratic Party is strongly committed to providing working opportunities for the unemployed, including those on public assistance. I believe we are prepared to override a Presidential veto if the President pursues his policies of the past.

Other proposed immediate relief bills.

Some of the bills I have sponsored during the 92d Congress and on which I hope speedy action will be taken are:

H.R. 4122, to involve our defense and space oriented scientists, engineers, and technicians in efforts to meet our transportation, housing, health, social, and other domestic research and development needs. I have also requested NASA to reprogram funds to continue the development of parts of the SST technology in the titanium and pilot guidance systems.

H.R. 1744, to create a National Economic Conversion Commission and require major defense and space contractors to put a percentage of their profits into a conversion fund which will be drawn out as a particular contractor converts. This is one of several economic conversion bills we are trying to pass.

A forestry legislative package to increase the Federal appropriations of the Clarke-McNary Act from $20 million to $40 million to aid in fire protection; to increase the Cooperative Forest Management Account from $5 million to $15 million; and to inaugurate a new program for urban and environmental forestry. This is to help our ailing lumber industry.

H.R. 7414, to amend the State Technical Services Act of 1965 to include municipal governments, to increase the limits of Federal funding from 50 to 75 percent, and authorize appropriations of $30 million the first year, $40 million the second, and $50 million the third. This will directly increase the ability of our local cities to meet the problems of our increasingly urban society.

IV. LONG-RANGE SOLUTIONS ARE NECESSARY

The first factor necessary to provide permanent employment in our area is to produce an upturn in the economy similar to that which occurred in 1962 after the 1958–60 recession. The major product of the Pacific Northwest consists of commercial airliners. Because of tight money, high interest rates, and depressed conditions in the airline industry, the sales of commercial airplanes in the United States have plummeted to almost zero. I have urged that the 7-percent investment credit which was part of the Kennedy economic package in 1962 be reinstated. I have also urged that the Nixon administration change its tight money and high interest rate policies and that the tools of direct credit controls, wage and price guidelines and a careful use of Federal taxing and appropriating powers similar to those used in 1962–64 be instituted in order to restore a full employment economy.

A second factor is the need for diversification of our major business concerns. I have discussed this in detail with those in the private enterprise sector of our economy and they are fully prepared to move ahead with the use of their skilled people and systems analysis techniques to meet the problems of urban mass transportation, antipollution devices, and other new products for the decade of the 1970's. This will require, however, the development of new Federal Government purchasing techniques to supplement the dwindling budgets of NASA and the Department of Defense. I have suggested the creation of a national transportation policy with the appropriate agencies and quasi-public corporations being formed to contract directly with major private concerns for the use of systems analysis in solving our transportation snarls, and later the purchase of the vehicles to carry out these solutions.

V. CONCLUSION

The passage of the public works bill today is very vital to the people of my district and the other economically depressed areas of this Nation. We know this is no panacea but we need help while the long-term solutions I have mentioned are being implemented. Our area needs jobs now. Most of our unemployed people are trained, highly skilled individuals who have worked hard all of their lives and are now unable to obtain employment because of national economic conditions. I urge the national administration to change the economic policies that have been in effect during the last 2 years. This bill today, I hope, is the first step in an overall program to make jobs available to our people.

Mr. JONES of Alabama. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. BRADEMAS).

Mr. BRADEMAS. Mr. Chairman, I want to add my words of strong support to those already voiced here today on behalf of the Public Works Acceleration Act, of which I am pleased to be a cosponsor.

In this time of intolerably high unemployment and economy uncertainty, it seems to me that Congress has an immediate duty to take positive action to provide employment opportunities and boost the economy.

The House of Representatives has an opportunity to do so by approving the Public Works Acceleration Act this week. To fail to act at this period of crisis seems unconscionable.

The concept behind the Public Works Acceleration Act is a proven one. It was successfully implemented a decade ago to stimulate unemployment and the economy.

With millions of Americans out of work now there can be no doubt that such a program is needed again.

Mr. Chairman, I know there is no need for me to chronicle the appalling unemployment situations which exist around the country.

However, as Representative in Congress from South Bend, Ind., I want to say that the problem is most acute in my home area. The current rate of unemployment in the South Bend labor market is a staggering 8 percent. There are more than 8,000 persons there who are out of work. The South Bend labor market, which includes St. Joseph and Marshall Counties, has been designated an "area of substantial unemployment" by the U.S. Department of Labor for the past 9 months.

There are similar problems in far too many areas throughout the country.

Surely, Mr. Chairman, the way to react to this pressing crisis is not to veto programs providing for employment opportunities and job training or to freeze funds which could be used to alleviate the situation or to vote down measures designed to put people back on payrolls, such as the Public Works Acceleration Act. Rather, we should move to help solve these problems through effective legislation.

Mr. Chairman, as a cosponsor of the original accelerated public works bill, I urge my colleagues to give their overwhelming support to this most needed legislation.

Surely we in Congress can do no less for the millions of American men and women who are anxious for jobs, but are not able to find employment.

Mr. JONES of Alabama. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Chairman, ever since the concept of an Appalachian regional development program was first proposed, I have heard many questions: "Why is it necessary to place so much emphasis on the construction of a modern highway system?" Some, who have been opponents of the program do not put it so nicely, but more bluntly: "Carl, why do we need these millions of dollars to provide highways to a remote area where there is no industry?" To me, the simple statement of the question provides its own answer.

Eastern Kentucky has not enjoyed an expanded economy as has other parts of our Commonwealth of Kentucky, and as have other parts of our country because of its isolation.

Access to areas by rail and by water and by road have always been essential to economic development. But, in our day of mass production, of a new technology creating new products and new markets, modern means of transportation by which goods can flow rapidly and inexpensively are indispensable for any type of system's economic activity. Areas of Appalachia such as our eastern Kentucky area have been long neglected in Government support for construction of rails, roads, and the development of navigation. There are many reasons for this, but one of the chief ones has been a technical problem.

Until after World War II, we did not have available the type of excavation equipment nor the engineering concepts or techniques which could literally build a modern four-lane highway through mountainous terrain at anywhere near a reasonable cost per mile. Road construction in mountainous terrain without such equipment resulted in sharp curves and steep inclines that impeded the free flow traffic of goods. The result has been isolation of eastern Kentucky from the mainstream of economic activity.

To me a first and fundamental step in attracting new industry, in stimulating new commerce and enterprise has been the opening up of our area and all of its vast natural resources by the construction of modern high-speed highways. Having the water, having the timber, having the mineral resources with access to outside markets, it would only be a mater of a short time that industry commerce would provide the jobs and the prosperity which have been denied us.

Thus as we who originally sponsored the Appalachian Regional Development Act conceived it, developmental highways in eastern Kentucky would:

First. Link key areas of the region to the Nation so that they could become logical locations for new economic developments and employees could get their goods produced in Appalachia to market.

Second. Promote commutation to new schools and heatlh services and jobs which the Appalachian regional development program was designed to bring about.

Third. Serve as a giant framework on which these new services and jobs could be located.

Fourth. Open up new sites for development.

At the beginning of the program, 419 miles of the developmental highway system were to be constructed in our eastern Kentucky area. Only 110 miles of this construction has been completed—and only 37 miles of the uncompleted 309 miles is now under construction.

Here, let me pause a moment to emphasize what I mean by modern highways because I have the distinct impression that our highway engineers think too narrowly in traditional terms when they design highways for Appalachia. A developmental highway means to me that you do not place emphasis upon existing traffic counts with respect to the location, nor with respect to the design of the highway. To the contrary, you look to economic development potential. You look to modern highway design which would be competitive with modern limited four-lane highways that serve economic and industrial centers outside of Appalachia. That is why I have stressed before the House Public Works Committee and before my colleagues in the House of Representatives the importance of developmental highways each having at least a minimum of four lanes.

This is why I continue to stress the importance of the four laning of the entire length of U.S. 23 from Portsmouth to the Virginia line near Jenkins and U.S. 15 and U.S. 119 from Williamson to Whitesburg. This is why I have stressed that there must be additional four-lane east-west connections.

There is already some evidence even though the system is not yet one-third completed that our economic isolation is ending as a result of improved modern highways. More people are finding it easier to commute to jobs on the edge of Appalachia. Control Data Corp. has located a plant at the junction of two Appalachian highways. American Standard Corp. has located a plant farther down the same highway that ultimately will employ almost 500 people.

Considering the entire Appalachian area, it is estimated that one-half million new jobs have been created since 1965 which have located along the alinements of these new highways.

As all of the links of the system become complete, I predict that peripheral development that we see taking place will merge into the heart and most isolated portions of the Appalachian area.

On Appalachian Highway B from Columbus, Ohio, to Asheville, N.C., for example, a new community is being built at Lucasville, Ohio; several new industrial sites are being developed in eastern Kentucky; a major model city project in which construction of this Appalachian highway plays a principal role is at Pikeville, Ky.; and an industrial complex serving three counties and an independent city is being built across the State line on this same highway in Virginia.

Allow me to describe what has been happening in Pikeville. Pikeville is a town of 5,000 people located along the banks of a horseshoe bend in the Levisa fork of the Big Sandy River in eastern Kentucky. In spite of its relatively small population, it serves as the medical center, the shopping center, the legal center, and the educational center for a rural population or over 145,000. Pikeville has not realized the full potential of its role, however, because of inadequate health services and facilities, substandard housing, poor recreational and cultural facilities, and inadequate transportation facilities of all types. Despite the magnitude of its problems, the city was determined to improve its situation. Through the cooperation of the Department of Housing and Urban Development, the Department of Commerce, the U.S. Army Corps of Engineers, and the Appalachian Regional Commission, substantial Federal assistance is being used to redirect a portion of the Big Sandy River in order to provide additional space for Pikeville to expand. Part of the C. & O. Railroad is being relocated out of town and a new arterial system is being developed to ease traffic congestion in the center of town. The Appalachian Commission has helped on each of these projects and in addition has provided money for a housing project, hospital renovation program. and educational TV transmitter, and a college improvement project. The Commission is serving as Federal coordinator for much of the project. In all, supplemental aid from the Commission has facilitated over $8 million in public improvements eligible for basic grants-in-aid, without counting the cost of the new highway and the cut through the mountain that will contain the new river location and railroad.

As more and more people are able to move more easily over greater distances, it will be possible for hospitals and schools to serve larger populations. This will make these institutions more economical and better in quality.

So far as I know, this is one of the few examples in the entire country of a highway system being used in a creative way to build a new life and shape the future development of an area.

We are getting our money's worth. That is why I urge that the recommendations of the Committee on Public Works for the additional funds needed to finish this highway system be approved.

Mr. JONES of Alabama. Mr. Chairman, I yield to the distinguished gentleman from Rhode Island (Mr. TIERNAN) such time as he may require.

Mr. TIERNAN. Mr. Chairman, I thank the gentleman from Alabama for yielding.

Mr. TIERNAN. Mr. Chairman, I rise in support of H.R. 5376. This legislation provides $2 billion in Federal funds to assist areas that are hardest hit by unemployment.

There are approximately 5½ million Americans who are presently unemployed and these figures do not include the many who are working only part time, and those who, in despair, have given up the job hunt. In less than 2 years, the national unemployment rate has increased from 3.3 to 6 percent, with some areas having a figure nearly double this. The Department of Labor classifies 45 major labor markets as having "substantial unemployment." Last year, Rhode Island's unemployment rate matched the national average of 4.7 percent. Our rate is now at the 7.6 percent level. Rhode Island needs the Public Works Acceleration Act, just as the Nation needs it.

The Accelerated Public Works Act of 1962 was a success. I believe that H.R. 5376 will be just as successful. By providing funds for much-needed public works projects, we will be creating jobs as well as stimulating our stagnant economy. Local communities will also benefit by the implementation of these public works projects, many of which have been long delayed.

We must also consider the multiplier factor here. With the creation of each new job, there is a backup force of designers, architects, manufacturers, engineers and truckers who will be needed, thus creating additional demand.

Mr. Chairman, the unemployment figures and percentages fail to relate the misery and hardship which besets the unemployed. They are, like the Vietnam casualty figures, cold and insensitive. But millions of Americans are experiencing the humility and the sense of frustration that accompanies unemployment. Their families are not being cared for adequately and their bills are mounting.

And so, the need is great. The President has not seen fit to use all of the moneys appropriated by the Congress last year for the public works programs. Unless we act now, our unemployment rolls will continue to grow and our economy will become even more sluggish. Where the President has failed, the Congress must act. I urge you to give the Public Works Acceleration Act your positive and swift approval.

Mr. JONES of Alabama. Mr. Chairman, I yield to the distinguished gentleman from Michigan (Mr. WILLIAM D. FORD) such time as he may require.

Mr. WILLIAM D. FORD. Mr. Chairman, I rise in opposition to the motion to strike title I, the Public Works Acceleration Act Amendments of 1971, from the bill which we are considering today. These amendments, which I have cosponsored, are designed to alleviate unemployment through Federal funding of public works projects in areas of high unemployment.

The Public Works Acceleration Act amendment would authorize $2 billion in Federal grants to State and local governments to build and repair public facilities which are needed by the American people. The bill would provide Federal funds for necessary projects such as waste-treatment plants, health-care facilities, street repairs, water supply, and sewer systems, and public buildings, and recreation facilities.

Even more important, this bill will provide relief to the many communities throughout the country which are presently suffering from unemployment and economic distress by creating desperately needed jobs. In addition to providing immediate "useful employment" for unemployed Americans, these amendments would also make it possible for local areas to build municipal buildings and other public facilities without overburdening their own local tax bases.

Mr. Chairman, the Public Works Acceleration Act was originally passed in 1962 to stimulate the construction of Federal and local public works projects at that time in areas that were "burdened by substantial unemployment and underemployment." The 1962 act noted that:

> Action by the Federal Government is necessary, both to provide immediate useful work for the unemployed and underemployed in these communities and to help these communities, through improvement of their facilities, to become more conducive to industrial development and better places to live and work.

And, I might add, that the 1962 act was very successful and instrumental in helping this Nation recover from the effects of the recession which began during the late fifties and continued into the sixties.

The purpose of title I is simply to extend and modify the 1962 act to meet the economic conditions confronting our Nation today, in 1971. Just as the basic purpose of the original act was to create jobs, the basic purpose of the 1971 amendments is to create jobs—and the need for jobs has never been more urgent.

Presently, over one-third of the Nation's 150 major labor areas are suffering from "substantial unemployment"—which is defined by the Department of Labor as 6 percent or more. In fact, the entire Nation has reached the level of substantial unemployment according to this criterion. The national rate of unemployment has been 6 percent or more for 3 out of the last 4 months, and, as of last month, it remained at 6 percent.

The number of unemployed Americans is aproaching the 5.5-million mark, and the average duration of unemployment recently rose to 10.8 weeks—the highest level in 5 years.

Mr. Chairman, the unemployment situation in this country has now reached a very critical stage, and the current trend cannot be reversed without prompt and affirmative action by the U.S. Congress.

The situation is even more severe in my own State of Michigan, especially in my own congressional district in the Detroit metropolitan area. The most recent figures indicate that, despite the Nixon administration's casual and optimistic attitude, during the past year unemployment in Michigan has been increasing at the rate of approximately 25 percent—from 6.7 percent in February 1970 to 8.4 percent in February 1971. The rate of increase has been even greater in the Detroit metropolitan area, where there is approximately 140,000 unemployed. During the past year the unemployment rate has increased by one-third—from 6.1 percent to a critical 8.1 percent.

Mr. Chairman, it is time for Congress to realize that, despite all the rosy predictions and casual assurances which we have been hearing constantly from the Nixon administration, things are not getting better. The total number of workers on payrolls in February 1971 was no greater than it was nearly 18 months before, in September 1969.

The Nixon administration's economic game plan has been a total failure, and it is now time for Congress to take the initiative. President Nixon has presided over a sinking economy characterized by rising inflation and unemployment ever since coming into office over 2 years ago.

Congress has promised the Nation that it can and will supply the leadership to provide realistic and meaningful remedies for the ills of this country while the Nixon administration provides speakers to tour the country talking about them. Today, Congress can assert this leadership by passing these amendments and by passing this entire bill.

Mr. JONES of Alabama. Mr. Chairman, I yield to the distinguished gentleman from New York (Mr. BIAGGI) such time as he may require.

Mr. BIAGGI. Mr. Chairman, I rise in support of this very important and very essential public works bill. At a time when this country is trying to extricate itself from the throes of one of its worst recessions, it is essential that we provide the means to spur the economy to greater real growth. Title I of this bill in particular will help accomplish the President's ambitious economic goals.

Title I will extend and modify the Public Works Acceleration Act of 1962 which successfully aided efforts to turn around the recession of the early sixties. Moreover it is concentrated in the areas of the greatest need. Mainly those areas with the most serious economic problems will be eligible.

These are defined as areas of chronic high unemployment or underemployment and low incomes, and those additional areas which will suffer an unemployment rate of 6 percent or more for at least the next 2 months.

Also projects in areas designated by the Secretary of Commerce as redevelopment areas or economic development centers would also be eligible.

With inflation hovering around 6 percent, it is vital that we provide new job opportunities. Additionally many veterans are returning from Vietnam after serving their country valiantly only to find there are no jobs for them to take.

It is natural then, that with a backlog in public works projects, we accelerate our efforts in this vital area and at the same time aid the unemployed.

This backlog of applications involves nearly $6 billion of Federal funds. The money would go to help build over 6,000 waste treatment plants, water lines and sewers, hospitals, nursing homes, public health centers and many other projects of benefit to the public.

I strongly urge approval of this program and early appropriation of the funds authorized by this measure. The problem of a lagging economy and high unemployment is very serious. This act today would go a long way toward helping solve the problem this year.

Mr. JONES of Alabama. Mr. Chairman, I yield to the distinguished member of the Committee on Public Works, the gentleman from New Jersey (Mr. ROE) such time as he may require.

Mr. ROE. Mr. Chairman, I strongly recommend the enactment of the Public Works Acceleration Act Amendments of 1971 as an important measure to aid us in our efforts to help reduce unemployment and provide for our domestic needs.

The most recent information available on unemployment shows that on March 31 we had over 5 million unemployed in the United States, or 6 percent of our civilian labor force. At the end of March the Labor Department added five large cities to its list of major labor markets undergoing substantial unemployment. This brought the total of cities with more than 6-percent unemployment to 50—the largest number in 9 years. The Department also added 27 smaller cities to its substantial unemployment list for a total in the category of 662.

In my State of New Jersey five cities are classified as having substantial unemployment and similar situations prevail in practically all States. Nor, as was recently brought out in the Joint Economic Committee report to the Congress, is the outlook favorable for improved employment during 1971. Many of the witnesses before the Joint Economic Committee testified that they expected the unemployment rate to remain at 5½ to 6 percent throughout the year.

The bill before us today will reactivate the 1962 Public Works Acceleration Act of 1962, broaden its coverage, and liberalize the conditions under which assistance can be extended to meet the unemployment problem and related economic stagnation facing many areas of the country. A $2-billion authorization will be available to provide for the construction and improvement of needed public facilities that have already been authorized by Congress and therefore eligible for financing.

Our experience under the 1962 act was favorable. Many States and communities benefited from the construction of water supply systems and sewers, hospitals, waste treatment plants and other vitally needed public facilities. Our need is even greater today, and, as was brought out in testimony before our committee, there is a large backlog of planned projects that are ready to go once financing is available.

I am aware that there are those who may label this legislation as inflationary spending. But what is more wasteful than unutilized resources—the unemployed worker and our unused industrial capacity. The 1971 Joint Economic Report, to which I just referred, estimates that for the fourth quarter of 1970 our economy was operating at a rate almost $70 billion less than its potential with little prospect that this gap will be significantly reduced in 1970.

I also firmly believe that if we can spend over $5 billion of public funds on unemployment compensation to those who are out of work through no fault of their own we can provide the means by which some of these funds can be used to provide useful work in upgrading our public facilities and in improving our quality of life. I believe the bill before us today will help provide that means.

I would also like to take this opportunity to express my support for title II of H.R. 5376, the Public Works and Economic Development Act Amendments of 1971.

Section 401 of the Public Works and Economic Development Act of 1965, as amended, presently authorizes the Secretary of Commerce to designate as "redevelopment areas" eligible for financial assistance under the act, the so-called special impact areas.

Under the present act, special impact areas include areas designated by the Office of Economic Opportunity and areas determined by the Secretary of Commerce to meet the special impact program section of the Economic Opportunity Act. Under this legislation, special impact areas are communities or neighborhoods which are characterized by certain conditions of economic hardship and which have submitted an overall economic development program designed to alleviate such conditions. The redefined designation standards will relate designation of EDA special impact areas more closely to the purposes of this act. Additionally, the administrative requirements of the Economic Opportunity Act necessarily vary from those of the Public Works and Economic Development Act. The redefined standards should provide for greater flexibility and ease of administration.

I would stress at this point the statement on page 20 of the committee's report that the proposal for an overall economic development program required for the special impact areas are in lieu of the more detailed program required for the other criteria after designation of redevelopment areas. The new proposals should be narrower in their scope and acceptable in a shorter period of time than is the case for the programs under the present procedure.

One of the most difficult and frustrating aspects of the administration of this program has been the extreme difficulty in obtaining a precise administrative formula or methodology so as to readily permit the pinpointing of specific neighborhoods, sections of rural areas, towns, or communities which may be suffering from extraordinarily high unemployment, excessive low income, or extreme out-migration and therefore in need of assistance to stimulate or redirect their economy. This difficulty occurs because the official Federal and State unemployment income and migration statistics are either not available for short term periods or are not broken down to neighborhoods, parts of rural areas, or individual communities or cities.

A graphic example of this kind of problem occurs in my State. Paterson, the third largest city in the State of New Jersey, together with the city of Passaic with extraordinarily high levels of unemployment have been unable to participate in the EDA program because under the SMSA formula the counties of Passaic and Bergen are statistically bulked together.

The average rate of unemployment for 1970 for the SMSA District of Passaic and Bergen Counties is officially recorded at 5.3 percent. For the same period, the rate of unemployment on the census-to-census ratio method for the city of Paterson was 9.5 percent and the city of Passaic was 8.9 percent.

Further, and more specifically, during the month of December 1970 the reported statistics for unemployment for the SMSA District of Passaic and Bergen Counties was 5.5 percent while the unemployment rate in the city of Paterson was 9.9 percent and the city of Passaic was 9.5 percent.

During the month of January 1971 the reported unemployment statistics for the Bergen-Passaic Counties SMSA District was 6.8 percent with Paterson at 12.3 percent and Passaic at 11.5 percent.

The average for the month of February 1971 for this SMSA District was 6.8 percent with Paterson at 12.2 percent and Passaic at 11.6 percent.

At my request, the committee examined this problem and in its report stated as follows:

> The committee wishes to clarify any confusion which might exist on this point. It is not our intent that the administration of the new provisions on special impact areas be hamstrung by arbitrary use of eligibility based on SMSA statistical figures. Designations should be made on the basis of all available information, including reasonable estimates prepared by the State, local bodies, or the Department of Labor or Commerce. For example, the types of information used to develop the unemployment rates for Paterson and Passaic should be eminently satisfactory. Furthermore, it is the intent of the committee that the Secretary exercise discretion and flexibility in determining the acceptability of satistics upon which to base a designation.

I wish to express my appreciation to Chairman BLATNIK and to the committee for this clarification. I am certain that not only Paterson and Passaic in my district will now be able to obtain the designation and avail themselves of assistance under the Public Works and Economic Development Act and the Public Works Acceleration Act—but so will hundreds of other depressed economic areas throughout the Nation.

Mr. JONES of Alabama. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma (Mr. EDMONDSON).

Mr. EDMONDSON. Mr. Chairman, I will not take the 5 minutes personally, but I do want to say this, that the Public Works and Economic Development Act of 1965 has been universally recognized as one of the most successful programs of our Government to meet the needs of areas that have high unemployment and depressed conditions. Its success has been established by indepth studies by our subcommittee and the studies are available for examination by anyone who wants to look at what has actually been accomplished in terms of long-term employment by this program.

The administration itself supports the extension of this program. There is a difference among some of us as to whether it should be for 2 years or 1 year. But the committee bill calls for a 2-year extension and that was overwhelmingly adopted in committee with strong support on both sides.

So I hope the Members of the House will go along with this extension as the committee has brought it out with the full funding authorized at $1,945 million for the program over the next 2 years.

Mr. Chairman, I will be glad to answer any questions that anyone may have that I can comment upon with regard to the working and the operation of the program.

Mr. Chairman, basically title II of H.R. 5376 is a simple 2-year extension of the Public Works and Economic Development Act of 1965.

The purpose of the Public Works and Economic Development Act is to provide Federal help, in cooperation with the States, to assist communities, areas, and regions in the United States which are suffering from excessive unemployment or underemployment by providing financial and technical assistance needed for the creation of new jobs. Unlike the Public Works Acceleration Act, its emphasis is on long-range planning and programing for economic development. Its objective is to enhance domestic prosperity by establishing stable and diversified local economies. This is accomplished by developing and expanding new and existing public works, providing loans for businesses, and technical assistance necessary to create directly or indirectly new opportunities for long-term employment and economic growth.

In an effort to help these lagging areas, title I of the Public Works and Economic Development Act of 1965 authorizes a grant program for public works and development facilities needed to create a climate conducive to the development and operation of private enterprise. This title provides for direct grants up to 50 percent and supplementary grants up to a maximum Federal participation of 80 percent for public works and development facility projects, except in the case of grants to Indian tribes where the Secretary may reduce or entirely waive the required non-Federal share. It authorizes the designation of areas as eligible for grants under this title if the Secretary of Labor finds that there have been areas of substantial unemployment for the preceding calendar year.

This title presently authorizes an appropriation of $500 million annually until June 30, 1971. Section 202 of H.R. 5376 would extend this authorization for 2 additional years and increase the authorization for appropriation to $550 million annually.

Title II of the Public Works and Economic Development Act of 1965 authorizes loans up to 100 percent of project cost to assist in financing public works and development facilities and authorizes business development loans up to 65 percent for the purchase or development of land and facilities within redevelopment areas. Working capital guarantees are authorized up to 90 percent of private working capital loans made in connection with direct loan projects. Assistance may be provided only where funds are not otherwise available and there must be a reasonable expectation of repayment. The projects must be consistent with the overall plans for the economic development of the area.

Title II presently authorizes an appropriation of $170 million annually until June 30, 1971. Section 203 of H.R. 5376 would extend the authorization for 2 additional years.

Title III of the 1965 act authorized the Secretary of Commerce to provide technical assistance including operational assistance for both projects and areas. Repayment of assistance under this provision may be required at the discretion of the Secretary. The title also authorizes grants-in-aid of up to 75 percent of the cost of planning and administrative expenses to appropriate public and private nonprofit State, area, and local organizations. In addition, the research program enables the Department to formulate and evaluate its policies and to establish long-term goals and priorities.

The Secretary is authorized to make grants, enter into contracts, or otherwise provide funds for demonstration projects in redevelopment areas if such projects will foster the regional productivity, prevent outmigration and otherwise carry out the purposes of the act.

This title presently authorizes an appropriation of $50 million for the fiscal year ending June 30, 1971. Section 204 of H.R. 5376 would extend this authorization for 2 additional years.

Title IV of the Public Works and Economic Development Act of 1965 establishes the standards for the designation of redevelopment areas and insures that every State will have at least one such designated area.

It also provides for the designation of multicounty economic development districts containing two or more redevelopment areas and at least one growth center and authorizes 10 percent additional funds for projects in redevelopment areas located within designated districts.

Public works and development facility grants and loans, business loans, and working capital guarantees are authorized in section 403 to be provided to economic development centers—which are growth centers.

Section 205 of H.R. 5376 would amend the criteria established in section 401 of the 1965 act for designation of "redevelopment areas" eligible for financial assistance under the act. Although these amendments are essentially technical in nature, they will be extremely meaningful in many areas of our Nation. The criteria, under the amendments offered by the gentleman from Arkansas, (Mr. HAMMERSCHMIDT), would be changed to:

Increase from 40 to 50 percent of the national median, the maximum median family income under which an area can qualify;

Broaden the "special impact" area definition by redefining it to include communities or neighborhoods:

With large concentration of low-income persons;

That are rural in nature, with substantial outmigration;

With substantial unemployment;

With an actual or threatened abrupt rise in unemployment due to closing or curtailment of major source of employment; or

With severe economic distress due to occurrence of a natural disaster.

Any such area must have submitted an acceptable proposal for an OEDP which will have an appreciable, beneficial impact upon such conditon. No such area designated shall be eligible to fulfill the prerequisite of two redevelopment areas necessary for the creation of an economic development district; and

Add the new criterion of a significant decline over a 10-year period in per capita employment.

Section 206 of H.R. 5376 would amend the provision pertaining to the annual review of redevelopment areas to provide that designated areas may not be terminated in less than 3 years from date of designation. This amendment avoids problems resulting from year-to-year shifts in unemployment rates, which although temporary, can now result in an area being dedesignated and shortly thereafter being redesignated. Such year-to-year shifts are partly the result of statistical vagaries in the unemployment rate data, and should clearly not influence an area's eligibility for economic development assistance. Guarantees of eligibility for 3 years should minimize the problems of annual eligibility reviews, and permit planning with a greater degree of confidence so that the expenditure of effort and funds will not be wasted.

This title presently authorizes an appropriation of $50 million annually until June 30, 1971. Section 207 of H.R. 5376 would extend this authorization for 2 additional years.

Title V of the Public Works and Economic Development Act of 1965 authorizes the designation of appropriate economic development regions within the United States and the procedures for establishment of appropriate multistate regional commissions.

The form and responsibilities of these regional commissions were patterned after those of the Appalachian Regional Commission. Their purposes included the development of programs to stimulate economic growth in the affected areas and the making of recommendations to Congress of programs where legislation was needed.

Subsequent amendments to the original 1965 legislation provided for basic and supplemental grant authority, required the development of a comprehensive long-range economic development plan, and permitted the commissions to engage in demonstration projects.

Five title V commissions have been established: Ozarks Regional Commission, New England Regional Commission, Upper Great Lakes Regional Commission, Four Corners Regional Commission, and the Coastal Plains Regional Commission.

Each of the commissions had developed long-range comprehensive development plans and is in the process of improving them.

In my own area, the Ozarks Regional Commission has been developing a broad-based program which should provide long-range benefits to the people of the areas as well as the entire Nation.

Section 509 of title V presently authorizes an appropriation of $255 million for the 2-fiscal-year period ending June 30, 1971.

Section 208 of H.R. 5376 would authorize an appropriation of $305 million for the 2-fiscal-year period ending June 30, 1973.

Section 512 of title V presently authorizes $500,000 for the 2-fiscal-year period ending June 30, 1971, for the Federal Field Committee for Development Planning in Alaska for the purpose of planning economic development programs and projects in Alaska in cooperation with the government of the State of Alaska. Section 209 of H.R. 5376 would extend this authorization through June 30, 1973.

Section 2 of Public Law 91-304 provided that no area designated as a redevelopment area would have its designation terminated or modified after May 1, 1970, and before June 1, 1971, unless the local governing body of the county qualified under existing criteria for dedesignation specifically requests dedesignation action.

Section 210 of H.R. 5376 would extend the June 1, 1971 date to June 1, 1972.

Section 211 of H.R. 5376 would add a new provision to the 1965 act providing that—

> No person in the United States shall, on the ground of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance under the Public Works and Economic Development Act of 1965.

Mr. Chairman, the total amount of the authorization for the extension of the Public Works and Economic Development Act of 1965 for fiscal years 1972 and 1973 is $1,945,500,000. Without enactment into law of this bill, all of the authorizing provisions of the 1965 act will expire on June 30, 1971.

Mr. Chairman, the Public Works and Economic Development Act of 1965 has shown great promise for success. Although, admittedly burdened by insufficient appropriations to carry out the programs authorized, the Economic Development Administration and the regional Commissions have on the overall done a good job. As is natural, they have suffered growing pains. Now they are approaching a stage of maturity which could result in the realization of the objectives which the Congress originally envisioned.

It was the committee's judgment that a 1-year authorization as recommended by the administration is insufficient. The States and the local areas which have placed their confidence and reliance for future economic growth in this program must have this type of assurance in order to develop sound plans for individual projects and comprehensive programs.

Mr. Chairman, before yielding back the remainder of my time to the distinguished chairman of the Public Works Committee, the gentleman from Minnesota, I wish to note my support for title I of H.R. 5376.

I commend the chairman for bringing the Public Works Acceleration Act Amendments of 1971 to the floor early in this session. This is a constructive measure and deserves the support of every Member.

As in 1962, we are faced with a serious unemployment problem in many regions of the country. At that time we had 4 million unemployed; today we have over 5 million. Unemployment benefits were also running at the multi-billion-dollar level.

We used public works to provide useful employment in 1962 and by so doing we benefited not only the unemployed but also the citizens of these communities by improving and providing badly needed public facilities.

I am impressed with the public facilities that were constructed under the 1962 act. Hospitals and health facilities, water supply and other public utilities, waste treatment and sanitation facilities, as well as many others were constructed. We are still reaping their benefits. Certainly the construction of these facilities, representing the investment of the services of the people who were unemployed on these projects, was a better investment of public funds than unemployment compensation and welfare payments. No one can place a value on the human benefits received by the unemployed who were again used in the community on productive work.

Today, our need for public facilities in both urban and rural areas is greater than in 1962 because our population is large and the services required are more extensive. The demand for improving our environment alone has placed a heavier demand on States and communities than we had in 1962. I am also glad that the amendments reflect the experience with the 1962 act by increasing the Federal Government's participation in the financing of various community facilities. At that time, many communities were unable to participate because they could not comply with the financial requirements. By increasing the participation to 80 percent and making provision for up to 100 percent participation under special circumstances we can provide the means of giving greater assistance to many financially hard-pressed communities.

There is no question in my mind that the reactivation of Public Works Acceleration Act of 1962 is needed. I strongly support this legislation.

Mr. McFALL. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I yield to the gentleman.

Mr. McFALL. Mr. Chairman, I understand some public works grants programs now require final plans and specifications, detailed estimates, and other material before they will accept and consider an application for approval. Is it intended that this program require such detailed information before approval of a public works project?

Mr. EDMONDSON. Mr. Chairman, it is the intention of this bill as I understand it to require only the reasonable minimum data and plans and specifications necessary to judge a worthy project before its approval. It is the intention here to require preliminaries only and the architect/engineer work necessary to give fairly reliable estimates of cost. I understand that the Economic Development Administration and the Farmers Home Administration are presently operating their programs on this basis.

Mr. Chairman, I want to acknowledge the very fine and reasonable attitude that the Secretary of Commerce has on this subject and the Farmers Home Administration.

Mr. McFALL. Mr. Chairman, I rise in support of the entire bill which has been presented by the great Committee on Public Works.

Mr. Chairman, Chairman BLATNIK and the distinguished Public Works Committee are to be commended for their prompt and thoughtful consideration of the accelerated public works bill, which has been reported to the House as title I of H.R. 5376. This bill may well prove to be one of the most significant measures produced by this Congress to remedy our ailing economy, and I wish to express my appreciation to you, Mr. Speaker, and to the House leaderhip for giving it high priority and expeditious handling.

As cosponsor of the bill, which was introduced in the Senate by the Honorable JENNINGS RANDOLPH, I hasten to say that this is not a new idea whose time has come; rather, it is an old idea whose time has come again. It worked successfully in the 1960's, and there is every reason to believe that it can be applied with equal success in the 1970's.

It was this same Public Works Committee that produced the original public works acceleration bill in 1962, under a different administration but at a time of similar need, when the country was struggling to recover from a series of recessions and a heavy burden of unemployment. I had the honor to be a member of the committee that hammered out the public works acceleration bill, tailored to meet the gravest needs of the time by creating jobs in areas of high unemployment and by launching public works projects to provide needed facilities that State and local governments had been unable to finance on their own.

The act that was passed by the 87th Congress played a significant part in "getting the country moving again" into a period of economic growth and expansion that continued steadily until March 1969.

Now, in another decade and under another administration, we are again concerned with a sluggish economy, resulting in high unemployment. More than 5½ million Americans are seeking employment, without success. The unemployment rate remains at 6 percent of the labor force across the country, but in some areas it is as high as 11 percent, and among urban minorities, in particular, it exceeds the national average by far. There are now 50 major labor areas reporting "substantial unemployment," meaning over 6 percent. Last fall, by comparison, there were 35. So the unemployment problem has been spreading—touching more communities and more lives. The administration's economic game plan has not been adequate to alleviate the situation, and it is now incumbent upon this Congress to take the lead in initiating programs that will attack the roots of the problem, quickly and effectively.

I am happy to see this Congress accepting that responsibility, and I am pleased that nearly 150 Members of the House have joined in cosponsoring this measure to amend the Accelerated Public Works Act to make it applicable to our problems and our times. The passage of this bill may mark a turning point in our failing economy and in the lives and fortunes of thousands of Americans who have spent dreary months in enforced idleness.

Mr. Chairman, I know the problems of substantial and persistent unemployment firsthand from my own district, and I know how communities stagnate and deteriorate when plants are not operating at full capacity, tax revenues decline, and public services diminish. Those communities could be revitalized by the initiation of public works projects that have been on the shelf for lack of adequate local financing. That is what we could accomplish with funds available under the accelerated public works bill.

As adopted by the Public Works Committee, H.R. 5376 will provide $2 billion for public works grants to communities with high unemployment and with planned public works projects ready to go as soon as the grant is made. One of the stipulations for qualifying for a grant is that a major portion of the grant must be used on payroll—thus bringing money into the community and directly into the pockets of those who need it most.

This is not a make-work project nor a Federal handout. It is a mutual benefit arrangement. These workers need jobs, and the country needs their skills. The range of projects that can be advanced through this kind of effort is broad: water and sewer works, public buildings, recreation centers, street repairs, lighting improvements, and so on—projects that will improve the environment and the living conditions of people who live in these economically depressed areas. An example of the impact made by the original Public Works Acceleration Act of 1962 can be found in the report of the Department of the Interior, which used a total of $63.7 million under this program:

> The program resulted in immediate as well as long-term benefits.
>
> The immediate benefit was the creation of thousands of new jobs at the site of work and many other thousands in providing goods and services. The entire program created approximately 8750 man-years of employment in a wide range of improvements touching many phases of conservation and benefitting most States. The longer-range benefits now are being realized. Our rangelands, our national parks, our fish and wildlife refuges, our roads, our Indian Reservations have been improved. Fire hazards in timbered areas have been curbed, streams have been cleared, new trails have been built. Costly soil erosion has been lessened. Also, we now have many new campgrounds, more parking areas, additional boat-launching facilities, more swimming and picnicking areas.
>
> Many of these projects normally would have been years in developing. Today they are completed and the public is using them.

This is the experience of only one of many Federal agencies using accelerated public works funds, but the statement describes more eloquently than any presentation of mine the positive effects of this legislation, not only in terms of creating jobs but in terms of improving the environment and protecting our natural resources.

The Public Works Committee has amended the accelerated public works proposal to include extension of the Economic Development Act and the Appalachian regional program—amendments which I heartily endorse.

It is my hope that the Congress will approve the bill as amended by the committee, after extensive hearings and careful consideration. Furthermore, I hope that we will have both the approval and the cooperation of the administration in this effort, and that the funds Congress sees fit to appropriate for this purpose will be allocated promptly by the executive branch.

There are critics who say that such a program as this would not bring relief fast enough—that it would take too long to set the projects in motion. Some projects may require advance study and surveys, it is true. Then let us begin. Others can be undertaken immediately. I know of long-delayed projects in my district—and I am sure my colleagues can cite similar examples—that could be in operation within a few days after the allocation is made. For instance, Tracy, Calif., is faced with a $16.5 million expenditure for sewage treatment plant expansion to meet the proposed requirement of the Water Quality Control Board. The city cannot finance such an expansion and is in desperate need for assistance, because the required amount is far in excess of the city's legal bonding limits. This is the kind of community, and the kind of project, that could qualify immediately for aid under the accelerated public works bill.

Other cities in my district that qualify as areas of substantial unemployment have lists of much-needed public works projects that could be initiated at once: storm drainage systems, sidewalk improvement, libraries, schools, police stations, community centers, street lights and traffic signals, airport facilities, city halls, and so on. These projects, which have been long planned and shelved for lack of local funds, would call for total expenditures amounting to almost $177 million.

By providing funds for such projects, this legislation would create new jobs immediately—especially in the construction trades which have been hard hit by long-term unemployment and even today reach rates as high as 12 percent and higher in some areas. And with the creation of each new job, there is a multiplier factor involving all the backup forces of engineers, architects, designers, manufacturers, truckers, and so on, giving a boost to the economy, encouraging investors and developers, and making the area more attractive to industry as well as more habitable for our citizens.

Mr. Chairman, I urge this body to vote favorably on this bill, which could mark a turning point in a difficult period.

Mr. EDMONDSON. Mr. Chairman, I think the gentleman from California should publicly be noted as one of the strongest and earliest champions of an accelerated public works section in this bill and one who did a great job in connection with its adoption in committee.

Mr. KEE. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I yield to the gentleman.

Mr. KEE. Mr. Chairman, I thank the very distinguished gentleman for yielding.

Mr. Chairman, we have before us today one of the most important pieces of legislation to come before the 92d Congress. H.R. 5376 is a bill that is designed to help human beings, while at the same time create very badly needed public facilities. There are three titles to this legislation, each of which serves a worthy purpose.

Title I, the Public Works Acceleration Act Amendments of 1971, updates the former act, passed in 1962. Just as the original bill did, this new proposal will offer an immediate and needed economic shot in the arm. With more than 5 million people unemployed something must be done and done now. Based on our experience during the years 1962 through 1964 we know that many people will once again be gainfully employed in the planning and construction of such vital public works as water and sewer systems, waste treatment plants, water supply systems, hospitals, nursing homes, and public health facilities. Thousands of jobs will be created in those areas which have become chronic pockets of depression. Federal funds can be granted at an 80-percent rate, while in those communities which are financially unable to raise any money 100 percent of Federal funds will be made available.

In January of this year unemployment compensation totaled $560 million. Additionally many of the unemployed, having exhausted their benefits have gone on the relief rolls, adding to this nonproductive financial drain. A goodly portion of that drain will be eliminated when human beings are returned to the labor force. So while a short-ranged program, title I is still an essential feature of the bill and should receive your support.

Title II will extend for 2 years the Economic Development Act of 1965. That remarkable and farsighted legislation has been working economic miracles in many parts of the Nation. I know it has meant so much to the State of West Virginia. However, while doing so much good, more time is still needed if the objectives of the EDA are to be met. No program, particularly one which is contributing to the economic well-being of the country, should be permitted to die before accomplishing its purposes differing from title I in that it is a long-ranged planning and programing for economic development, EDA encourages the development and growth of private enterprise, as well as offering grants for public works. In extending the act, funding in the amount of $550 million per year would be authorized, an increase of $50 million a year. Also the criteria for eligibility for designation as a "redevelopment area" has been broadened. Experience has taught us that many areas, although obviously suffering economic distress, cannot qualify under the current provisions of the EDA Act of 1965.

Title III will extend the Appalachian Act for 4 years, and the highway provisions for 5 years. Total authorizations would amount to $1.5 million during this period. Since the passage of this great legislation 6 years ago the Appalachian region, most of which has suffered a depressed economy throughout this century, has started to emerge from its tragic situation. There are 13 States blanketed by the provisions of this bill, 12 partially, but only one State is covered in its entirety—West Virginia. So you can readily understand my strong and deep-felt support for the continuation of this most important act. The purpose of the Appalachian Act is to assist the region in meeting its problems, to promote its economic development and provide basic facilities essential to regional growth. This it is doing, but much, much more must be accomplished before we will have a self-sustaining economy throughout the area.

Now that you have heard from those who advocate passage of this legislation, keep in mind as you vote that this is a humanatarian act which will immeasurably help thousands of our less-fortunate citizens, people who want to be a part of the system in a productive and useful manner.

I cannot urge you too strongly to vote for H.R. 5376.

(Mr. STAGGERS, at the request of Mr. KEE, was granted permission to extend his remarks at this point in the RECORD.)

Mr. STAGGERS. Mr. Chairman, we will soon be voting on the Hill to extend the authority for the Appalachian regional development program for 4 years. It has proved to be a most effective approach to the economic and social advancement of a region where some 18 million people live. I intend to vote in favor of this renewed authorization because past success gives me confidence in the ability of the program to complete its vital mission in the next 4 years.

One of the most essential tasks of the program is to help improve the levels of education and health in the 13-State region. One way in which the Appalachian Regional Commission is undertaking this task is to provide small children with the kinds of health, social, and educational services which will enable them to develop into productive adults.

While we have heard a good deal about the much needed Appalachian highway system, the vocational and technical schools built with Appalachian program support and the health facilities constructed under the program, I want to discuss the child services activity in the light of these facts:

Less than 5 percent of the children under 6 in Appalachia have available comprehensive services such as those included in Headstart.

About 43 percent of all children under 6 in Appalachia are categorized as poor by OEO standards and are likely to require some special services. Headstart is available to only about 11 percent of these children.

In some Appalachian counties the infant mortality rate is as high as 45.2 per 1,000 live births—a rate which exceeds that in many of the underdeveloped countries of Africa and Asia.

Given this situation and the needs it represents, Congress in 1969 amended section 202 of the Appalachian Regional Development Act in 1969, to authorize a child development program. We expressed the intent that the program become "a national laboratory" for the creation of comprehensive and effective service delivery systems for children.

In responding to this new authority, the Appalachian Regional Commission acted from two important principles.

First, child development is not the "property" of any one State agency. Young children are served by State departments of health, mental health, welfare, education, and others. An effective coordinated program requires that all these agencies work together. Thus, the Commission is requiring that planning for child development be the administrative responsibility of an interdepartmental State body which includes the relevant agencies.

To establish a new or separate child-care agency would have simply further fragmented an already discoordinate situation.

Second, because the major sources of service for children are State agencies, and because the bulk of Federal funds flow through State agencies, it would be unrealistic to plan for either part of a State, or to have primary planning done by agencies other than the ones directly responsible for providing service. Therefore, Appalachian planning grants provide the foundation for the statewide planning by the responsible agencies. They will invite participation of local and area organizations and citizens, and such local participation will be necessary in order to turn plans into action.

This planning is well underway and has already produced not only a diversity of patterns for service to children, but also in many States important movement toward the coordination of all human service programs.

The Commission, while supporting continued planning is now ready to assist in implementation of initial service projects in Appalachia. I am informed that these services are expected to include health and nutrition of mothers-to-be and infants, and day-care and preschool services.

Mr. Chairman, there are 2.2 million children under 6 in Appalachia, half of them in very low-income families. The statistics I cited at the beginning of my statement reflect the need. The anticipated service projects will reach at most a few thousand of these youngsters. But the Appalachian program is building the base on which other programs can pick up the burden of expanding services. The Appalachian funds are the seed money for this process.

I am a believer in the Appalachian development program. I have personally seen what has been accomplished in the last 6 years, and what must be completed in the next 4 years. I urge support of the renewed authorization.

Mr. RONCALIO. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I yield to the gentleman from Wyoming.

Mr. RONCALIO. Does the distinguished member of the committee recall which economists and specialists testified regarding the economic impact which this legislation will have on the country at this time?

Mr. EDMONDSON. Do I recall which individual economists testified?

Mr. RONCALIO. Yes.

Mr. EDMONDSON. Mr. Leon Keyserling testified at some length.

Mr. RONCALIO. It is my understanding that many eminent economists testified before this subcommittee regarding the benefits and impact this legislation would have, particularly in the area of moving ahead toward constructing worthy public works projects now, projects which could be put into fruition in the continuation of the 1965 program, and that is one of the economic aspects of this legislation; is that correct?

Mr. EDMONDSON. I am sure the gentleman is correct. I do not recall any adverse testimony of this subject from any economist.

Mr. RONCALIO. I thank the distinguished gentleman from Oklahoma. I am happy to give my support to the legislation, and I am pleased to be a member of the committee and the subcommittee.

Mr. EDMONDSON. I thank the gentleman.

Mr. JAMES V. STANTON. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I yield to the gentleman from Ohio, a member of the committee.

(Mr. JAMES V. STANTON asked and was given permission to revise and extend his remarks at this point in the RECORD.)

Mr. JAMES V. STANTON. Mr. Chairman, the Public Works Acceleration Act Amendments of 1971 is a good bill. I ask that every Member seriously consider the conditions with which we are faced today. Two years ago unemployment was not a deep concern. Today, some of the statistical data from communities throughout the Nation are frightening. Areas report 25 to 33 percent unemployment or underemployment. The national average is running 6 percent. We, in the Congress must recognize the facts of life and do something about it.

In title I of H.R. 5376 we now have before us a proposal that not only gets at the heart of the employment problem, but produces programs which are sorely needed. Water and sewer plants, hospitals, nursing homes, public health services, all add to the welfare of the country and make available vital projects which will better the lives of hundreds of thousands of Americans. Each day we delay building these already needed projects, the longer our people are to be denied them, and thousands of human beings are being denied the dignity of gainful employment.

You have heard from others how the Public Works Acceleration Act of 1962 was so successful. That legislation was needed then, and we passed it. Today the situation is as bad as that existing 9 years ago. If we considered that era one of need and one which called for immediate action, today the requirements are just as urgent.

We propose to authorize $2 billion for public works. The previous law authorized $900 million, and resulted in more than 7,700 projects. No one will ever know how many people directly benefited from these programs—benefited purely in a financial sense. Not only were people put back to work, but suppliers, community services and the like participated in the economic upswing which the act created. An estimated 170,000 individuals could be employed directly on projects already on the shelves, and ready to go. Certainly an educated guess that more than 250,000 other jobs could be created as a byproduct of such an active program cannot be discounted. As I said this is a needed bill. I urge that every Member of this House support H.R. 5376.

Mr. MELCHER. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I yield to the gentleman from Montana.

Mr. MELCHER. I thank the gentleman for yielding.

I wish to bring to the attention of the House the fact that last year the five States of Montana, the Dakotas, Wyoming, and Nebraska, on a bipartisan basis, prepared an overall economic development program for our region and made application. Also last year Congress appropriated $300,000 to get this five-State region off the ground with the Upper Missouri Regional Development Commission. But so far nothing has been done by the Secretary of Commerce. I want to be assured that the bill we are taking up today in its authorization covers and provides for the Upper Missouri Regional Development Commission when it is approved by the Secretary of Commerce.

Mr. EDMONDSON. It is my understanding, I will say to the gentleman, that the provision providing for regional commission authorization would not only make entirely in order the funding of the region which the gentleman so ably represents, but other regional commissions also which might subsequently be established as well.

Mr. MELCHER. I thank the gentleman.

Mr. Chairman, a regional approach to economic development is essential in areas of relatively sparse population, capital, and public revenues. In such areas, it takes the combined strength and numbers of the people of a river basin, or a geographic region with common problems, to provide the capital and other essentials for growth which a single State, or small political subdivision, does not have standing alone.

Energy is an excellent example. Low-cost energy is essential to industrial development. Small electric generating units are uneconomical. Only when an area with consumers sufficient to justify generating plants of at least 100,000-kilowatt capacity—and a million is better—has been linked into a single transmission grid can the economies of size be achieved which are necessary to be competitive in the field of electric energy supply.

The Upper Missouri Basin was one of this Naton's highest cost electrical energy areas until development of the main stem of the river required the development of a transmission grid to market the power. That grid now serves eight States and has now made possible the construction of generating units, to meet load growth, in multiples of 100,000 kilowatts.

We are increasingly confronted with the need for size—an adequate service or supporting area—to justify specialized educational programs, a medical college, for example; or adequately broad research programs, in plains grazing lands management as an example in that field; or on transportation problems, animal health, livestock breeding—many problems which one farmer or rancher, or even one State, cannot support alone.

In the Upper Missouri Basin we have common minerals development problems which need joint attention. I believe we are on the threshold of a breakthrough in use of giant beds of low-sulfur coal found in both of the Dakotas, eastern Montana, and Wyoming. Our coal is now moving east to generate power for the Twin Cities and Chicago in competition with oil, gas, and atoms. With the perfection of magnetohydrodynamics—MHD—which is a process for generating electricity directly from coal, which doubles its efficiency and provides nearly pollution-free generation, our area can become the powerhouse, or power source, of the northwestern quarter of the United States. But we need a united regional effort to speed the development of this process—and the Tennessee Valley Authority developed high concentrate fertilizers to the benefit not only of its own area but of the whole Nation.

And we will need a regional approach to regulatory problems in this same aspect—common requirements for strip-mined land restoration because we must have land conservation for the future rather than competition for coal resource development in terms of lax and inadequate strip-mined land restoration requirements.

We have a great opportunity to develop recreation—leisure industries—in the Upper Great Plains area. On the West are Glacier National Park, Yellowstone and the Grand Tetons. A plan for a vast recreational complex including the Great Lakes of the Missouri River—the reservoirs behind the great mainstem dams—a Lewis and Clark Trail tourway, a prairie wildlife refuge, Indian reservations, and historic sites, has already been blueprinted for us. A prairie tourway through the center of the regional commission's area, and a parkway linking our western mountain parks from Glacier to the Rocky Mountain National Park in Colorado, have all been proposed but still lay on the drawing boards for want of an agency, or a vehicle, which will unite the efforts of the States to bring about their completion and the expansion of tourist, or leisure industries, which our area and the citizens of the Nation, now being crowded into overflowing parks and campgrounds and other recreational facilities, very greatly need.

There is need for the development of industry of all kinds, including general industry, our agricultural industry, mining, and the so-called leisure industries. Our need for specialized educational facilities and research is extensive, and our need for the development of common policies in many fields, illustrated by the strip mining problem I have mentioned.

Our common problems are numerous, and so are our common opportunities.

All of the Governors of the five States, all of the Senators of the five States, and all of the Congressmen from the five State—men of both political parties—joined in petitioning for an Upper Missouri Basin Regional Economic Development Commission in April and May 1970.

The Secretary of Commerce subsequently advised the Members of Congress that the administration was reviewing the Commission program and would consider the Upper Missouri Basin proposal in that connection.

Last year, at the insistence of the five-State delegations, the public works appropriations bill was amended to include an item of $300,000 to launch the Upper Missouri Basin Commission. An equal amount was provided for a Midsouth Commission in Tennessee, Arkansas, Mississippi, and Louisiana.

There was no action to establish the Commissions, so the Governors of the five States appeared, with Senator MIKE MANSFIELD, of Montana, and me before the Senate Public Works Subcommittee on Economic Development, urging them to extend the Economic Development Act, including title V, authorizing regional economic development commissions.

Subsequent to the hearing, the five Governors and the nine active Senators from the five States—Senator KARL MUNDT is recuperating from a heart attack—addressed a letter to the President, requesting him to release the funds appropriated for the Upper Missouri Basin Commission and activate it.

The President has since proposed that the funds of the Appalachia Commission and funds intended for the title V Commissions in New England, the upper Great Lakes, the Ozarks, the Four Corners, and the Southeast be included in his revenue-sharing "rural development" proposal.

In a response to the February 24 letter of the five Governors and nine Senators, John D. Ehrlichman, writing for the President, has stated that the President prefers his "revenue-sharing" proposal, contained in his "rural development" message, but that, if Congress sees fit to extend title V Commissions, the Upper Missouri Basin application will be reconsidered "in that light."

Mr. Chairman, I believe passage of this bill with title II clearly shows the intent of the House to encourage the creation of the Upper Missouri Regional Development Commission because the criteria specified under the act has been clearly met by our five-State area and we want to get moving.

Mr. DENHOLM. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I yield to the gentleman from South Dakota.

Mr. DENHOLM. I thank the distinguished gentleman from Oklahoma for yielding. I rise in support of H.R. 5376 and commend the gentleman from Oklhoma and the members of the committee for proposing legislation to get the economy of this country moving again.

I want to inquire of you and the committee of the legislative intent in relation to the scope of H.R. 5376 in getting the economy moving and getting full employment. I should like to ask the gentleman from Oklahoma if he has an opinion as to how the bill would affect the largest industry in the United States, the industry of agriculture and the farm families of this country. I would like to remind you and the committee that the people in agriculture are receiving about 67 percent of parity. For the purpose of getting the economy moving again, and looking at the dollars-and-cents aspect of the total economy of this country the people in the industry of agriculture are presently receiving about one-third less of the dollar for produced food and fiber from the farms and ranches than they should and would be receiving to equal a fair and equitable share of the whole economy as an industry—the industry of agriculture. I submit the loss of one-third of the income to a major industry of our economy represents an impact on the total economy of rural America equal to 33 percent unemployment of nonagricultural occupations and that the resulting consequences are equally devastating. What does H.R. 5376 do to assist the farm families and people of rural America?

Mr. EDMONDSON. I share the concern of the gentleman about the problems of rural America. The bill would certainly facilitate funding for rural water districts and other public works and construction projects of a rural nature. I will concede that it is easier to get those projects going in a town or a city than it is in a rural area. But it would be our hope that a good portion of these funds could go to rural public works projects.

Mr. DENHOLM. I thank the gentleman.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. HARSHA).

Mr. HARSHA. Mr. Chairman, I yield to the gentleman from Ohio (Mr. MILLER).

Mr. MILLER of Ohio. Mr. Chairman, I rise in support of H.R. 5376.

Mr. Chairman, H.R. 5376 is a brick and mortar bill. It will build schools, libraries, public buildings, water and sewer systems, industrial parks, highways and hospitals—which are the kind of projects that make significant and lasting contributions to economic growth. This bill will also provide jobs for 5 million unemployed Americans who are victims of the transition from a wartime economy to peacetime economy and the reordering of national priorities. One of the most important things we can do today during this difficult period is to provide the unemployed with a sense of hope that comes with a chance to work. This bill addresses itself to the problem of unemployment and economic deprivation existing in areas which have been isolated from the mainstream of economic growth. By building basic community facilities and services which generate employment opportunities, we can revitalize chronically depressed areas and attack excessive rates of unemployment.

Mr. Chairman, I would like to confine my remarks at this point to title III of the bill which I feel is one of the most important and significant pieces of legislation which the Congress has passed. The Appalachian Regional Development Act of 1965 has been a unique experiment in Federal-State relationships and stands as a shining example of "New Federalism." The program was created to revitalize a region which had stagnated from the lack of economic diversification by developing human resources, providing transportation accessibility, and building basic community facilities with which the region can achieve and maintain a viable economy.

The Appalachian program is the only successful working model I know of for a strategy for balanced urban and rural growth through the development of a Federal-State-local partnership. The Appalachian program is successful because it grows out of plans drawn by people at the grassroots. The local people have the advantage of preparing those plans in full awareness of how many dollars are available to implement them and within a broad framework of principles adopted by the States and the Federal representative on the Appalachian Regional Commission.

This means that the hard decisions about priorities used for scarce dollars available must be made by the local people and by the State, not by some bureaucrat in Washington. This is a plan under which national interests are also met through the participation of the Federal agencies and the vote of the Federal cochairman.

For example, in Ohio's 10th Congressional District whose 12 of 13 counties are in Appalachia, we have formed three multicounty development districts responsible for preparing plans to develop their area. There is a local health council and educational organizations. These are the groups that prepare the local plans. But the State of Ohio also has its responsibilities for the preparation of an overall State plan which combines local hopes with State commitments.

Our experiences in Appalachia, Ohio, as well as my own observations on the Public Works Committee have persuaded me that under the Appalachia Act we have found a way to unite different levels of government into a new kind of partnership with which we can develop coordinated approaches to local problems. I believe the lessons we have learned from the Appalachia program can be applied to other parts of the Nation. Serving as a model, the Appalachia program can demonstrate the capability and commitment which is possible for all levels of government to work together in developing comprehensive approaches to many of the economic, social, and cultural problems which exist in this Nation today.

As a member of the House Public Works Committee, I have had the opportunity to help evaluate this legislation and I strongly believe that programs such as the Appalachia Regional Development Act should be allowed to continue to complete the great work it has begun.

Mr. HARSHA. Mr. Chairman, I yield to the gentleman from North Carolina (Mr. MIZELL).

Mr. MIZELL. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, it is a great privilege for me to rise at this time to speak about the Appalachian Regional Commission and its companion programs in the economic development programs.

On many occasions, in this Chamber and in other forums, I have expressed my strong support and admiration for the goals and operations of the Appalachian Commission, and it was my pleasure to have cosponsored legislation with the distinguished gentleman from Ohio (Mr. HARSHA) to extend the Appalachian program for another 4 years.

And so it is gratifying to see this extension incorporated in the bill being considered today.

In the Fifth District of North Carolina, which I am honored to represent, and throughout the western portion of the State, the Appalachian Commission has made its mark as a vital agent of progress.

Its well-planned strategy for economic development throughout the 13-State Appalachian region has been a blueprint for unparalleled achievement.

Its consistently capable, responsible, and energetic leadership has been an inspiration for all those who work within the program, and for all who are affected by it.

And its working partnership between the various levels of Government has been an excellent example of the effectiveness that can result from governmental cooperation and from the active participation of people on the local and State levels.

The success of this comprehensive campaign to revitalize the Appalachian region can be seen in the ever-growing network of Appalachian development highways, linking the region with the interstate highway system; it can be seen in the many primary and secondary access roads throughout the region, opening up new areas to development, helping to realize the Appalachian potential.

Success can be seen in the new hospitals, vocational schools, community colleges, regional health centers, water and sewage treatment plants, airports, manpower development programs, and other projects that have transformed the region from a place where despair and pessimism were widespread into an area where hope and opportunity and progress abound.

I see in this 4-year extension bill a chance for the Fifth District, North Carolina and the entire Appalachian region to continue to grow. And I believe that in the future, the example of this program can be well applied in an even greater effort to revitalize the whole of rural America.

This legislation we are considering today can represent an important step in that direction.

The proposed funding for this extension has been set at $571 million for the 4-year facilities and services program, and $925 million for the 5-year continuation of the 2,671-mile development highway construction program.

The people of the Fifth District of North Carolina expect me to keep a close watch on the expenditure of Government funds, and fiscal responsibility has always been one of my primary concerns throughout my career in public service.

I believe the funding proposed for this extension program represents the soundest possible investment of Government funds, because during the past 6 years the Appalachian Regional Commission has proven over and over again that these investments pay great dividends when planning and foresight are applied.

In the same way, the Economic Development Administration and the title V regional commissions have proven to be effective instruments of progress within the borders of their legislative mandates.

The regional economic development approach has proven itself in all of these cases to be a truly effective and necessary response by the Government to the needs of the people these agencies serve.

For all of these reasons, I strongly urge my colleagues to join with me in voting for passage of this new lease on life for these excellent programs.

Mr. HARSHA. Mr. Chairman, I yield to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Chairman, I rise in support of H.R. 5376.

Mr. Chairman, when the original area redevelopment and the Appalachian programs were under discussion, I opposed them. I was for the economic development concept but my reservations were twofold. First, I was concerned that questionable projects might be approved. Second, the possibility of one area pirating jobs and industries from another was a matter of deep concern to me. Also the administration of the program left much to be desired, once implemented, that verified my concern.

But, I am happy to say that the Appalachian approach with improved administration has more than proven its worth. I can, therefore, wholeheartedly support extension of the Appalachian and EDA programs.

Mr. Chairman, the Appalachian region is far from my home district in California. But I have watched the development of the program with great interest because it deals with problems of deep concern to me. It seeks to revitalize both urban and rural areas. In my view, the Appalachian program contains within it the seeds for a sound approach to national growth and development. The lessons we have learned provide useful guidelines for solving social and economic development problems nationwide.

President Nixon, in his 1970 state of the Union address, drew attention to the need for a national growth policy. We desperately need such a policy.

The migration of millions of people out of rural areas and into a few great metropolitan areas has intensified economic and social congestion on the one hand and rural decline on the other. At a time when our national population is growing, it is strange indeed that half the counties of the Nation are experiencing population declines. This continuing migration of people to the cities poses severe fiscal strains for them. They will be hard pressed to provide an adequate level of services to new migrants or even to maintain them for their present population.

The rural areas experiencing outmigration over the past three decades have different, but no less serious, problems than those of the cities. In the past, it was possible for small, sparsely settled rural communities to provide much the same kind of services and amenities as the cities provided for their populations. As technological, employment, and social patterns changed, however, new kinds of difficulties began to arise for such rural areas. More and more, they found that modern public services required a larger base for efficient financial support and operation.

Cities, with large, dense populations, were more capable of providing modern public services than were rural areas with their scattered populations. And so, the level of public services in rural areas began to lag farther and farther behind. This added to the problems already faced by rural communities which were increasingly less able to attract modern industrial, business, and job-creating activities. Because they were unable to find jobs, millions of rural citizens migrated to the urban areas. Unfortunately, most were ill-equipped to cope with city life.

The solution to the problems of both city and countryside clearly lies in the better management of the patterns of national development. This does not, of course, imply that individuals should be forced to live in either an urban or rural area. Rather it means that people should be provided with viable alternatives so that they can choose between overcrowded metropolitan areas and rural communities.

This is why the Appalachian experiment is important. It is an attempt to provide such alternatives by stimulating the development of or revitalizing small and medium-sized communities. They can then provide employment opportunities as well as a range of modern, urban-type public services for rural residents.

There are two principle goals in the Appalachian regional development program:

A social goal to provide the people of Appalachia with the skills and services necessary to compete successfully wherever they choose to live; and

An economic goal to develop in Appalachia a self-sustaining economy capable of providing its residents with rising incomes, improved levels of living, and increased job opportunities.

In order to move toward the achievement of these goals and to provide for more rational development patterns in the future, the efforts and resources of Federal, State, and local governments had to be linked with the private sector. The Commission provides such a linkage between the States and Washington. Local development districts which cover multicounty areas provide the linkage between State and local governments, and the private sector.

The second important feature of the Applachian program is its urban thrust. The efforts of previous programs were not as effective as they should have been because they tried to do everything, everywhere. Recognizing this, the Congress directed that the Appalachian program concentrate its activities in areas where there was a significant potential for future economic growth. By pinpointing potential economic growth and development centers to serve as focal points for enterprise growth and expansion, this has been done. Such centers are generating employment opportunities for rural citizens as well as providing urban services within reasonable proximity to their rural homes. Appalachian program investments have aimed at providing the kind of public facilities—highways, airports, and access roads—needed to accelerate the growth of such economic centers. They have also attempted to develop a network of health and education facilities to more effectively serve the population of the Appalachian region.

The Appalachian program has only been in existence for 5 years. It is too early to expect that social indicators such as the "U.S. Census of Population" to show a significant impact. But it is clear from the analysis of the communities involved that progress is being made and that the Appalachian program offers many lessons for revitalizing and developing rural areas of our Nation.

That is why I believe this experiment warrants our continued support.

At this point, I wish to comment on certain provisions of Appalachian legislation which we consider here today. Their enactment will, I believe, substantially improve the program in coming years.

In its consideration of the legislation this year, the Committee on Public Works saw fit to adopt a total figure authorization which, in effect, would amount to a consolidated grant to the region instead of a category-by-category approach. I believe that this will improve the flexibility and capabilities of those administering the program. It will encourage decisionmaking at the local level and promote the setting of priorities more consistent with local community objectives.

The committee also funded a solid waste clearance and disposal program. This pilot undertaking was suggested by Gov. Arch A. Moore, Jr., of West Virginia, in his testimony before the Subcommittee on Flood Control and Internal Development of which I am ranking minority member. A $5 million authorization was provided for this regionwide effort. We are hopeful that through this program we will be able to clean up the junked automobiles and other contributors to solid waste pollution which scar the landscape of Apallachia. In the process, we look to gaining invaluable experience which will help us formulate an expanded solid waste disposal program, national in scope.

Finally, I wish to comment on the airport safety provisions of the bill which the committee approved. In recent months, a number of tragic air crashes have made the Nation acutely aware of the special flying hazards which exist in Appalachia. Airports in the region are frequently carved out of mountain tops. Many are surrounded by rugged terrain, which, as a professional pilot, I can personally attest, make landings and take-offs hazardous undertakings. The full potential of the Appalachian region simply cannot be developed without substantial improvement of safety facilities at existing airports.

Allocation of funds for this purpose under the Airport and Airways Development Act of 1970 are based upon population, land area, and passenger loadings. Under this formula, only $8 million is apportioned to the Appalachian region—a sum totally inadequate to its needs.

The need for improving airport safety in Appalachia prompted the committee to provide a general authorization of $20 million in each biennium to provide supplementary grants to States to accelerate the eradication of hazards to commercial aviation in the region.

In this connection, the committee provided $50 million in supplementary funds for airport safety for EDA areas. Also, each region is allocated $10 million for a supplementary grant program.

At this point, I should like to make a few observations about the Economic Development Administration and what it is doing to help promote growth in the First District of California.

The basic mission of EDA is to help communities with economic problems develop long-range growth programs which generate new jobs and higher personal incomes.

Because EDA projects are planned and implemented on the local level, they meet the specific needs of the people of the community.

I cannot overemphasize the importance of local involvement in economic and community development. I have found that EDA programs not only are responsive to this participation, but also help stimulate it.

Although EDA offers many forms of assistance, all are shaped to enable communities to diversify their economic bases and accelerate their development.

Several technical assistance projects also have been conducted with EDA funds in my district.

EDA has approved more than $8 million for projects in the first district. They are good projects; they are necessary projects, and they are meeting their objectives because they are local projects.

All in all, I believe both the Appalachian and EDA programs have more than proven their worth. Their success is encouraging. Outmigration from these areas is going down. Jobs and opportunities for residents are going up. It is my judgment that if these programs are carried forward, by the end of this decade both Appalachia and the other areas of this country, which have lagged behind in economic growth, will have become self-sustaining.

For these reasons, I support approval of these measures.

In conclusion, our committee will be holding further hearings to, hopefully, advance the best of these proven economic growth programs plus recommendations the President and his administration will advance on rural revitalization, diversification, and economic development. I look forward to this effort with eager anticipation.

Mr. HARSHA. Mr. Chairman, I yield to the distinguished gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I rise in support of H.R. 5376. The need for rapid enactment of amendments to the Public Works Acceleration Act which would make its benefits available to certain areas of extra-high unemployment is readily apparent. The jobless situation in this country is critical. In every section of the United States, people are experiencing the frustration and humiliation of being without a means of earning a livelihood.

My own district in Massachusetts has not been spared from the devastating effects of high unemployment. Latest estimates from the Masachusetts Division of Employment Security indicates a jobless rate of 6.8 percent for the Pittsfield labor area, 10.1 percent for the Greenfield labor area, 12.6 percent for the North Adams labor area, and 8.7 percent for the Springfield labor area. So I know from first-hand experience that action must be taken—and taken soon.

The original 1962 legislation was a great boon to communities throughout the Nation that were plagued by high unemployment rates. It eased their financial burdens by providing needed public facilities that made these communities better places in which to live and work.

I was pleased to have cosponsored legislation with 150 of my colleagues in the House to continue this lifeline assistance. Title I of the bill we are considering today would stimulate a stagnant economy, put jobless people back to work, and enable local communities to proceed with long-delayed public works programs.

No one is saying that this legislation is a long-range answer to the long-range problems that affect our economy. But the millions of persons that have been thrown out of work and are struggling to survive and maintain their human dignity cannot afford to wait for long-range solutions. Congress must meet its responsibility now by implementing immediate relief while it searches for more complex solutions that will provide the long-range economic stability that this Nation so desperately needs.

For communities that are ready with a firm plan for a badly needed permanent public facility and that are willing to begin almost immediate construction, this bill would provide the necessary impetus of Federal assistance. The construction of such facilities such as municipal buildings and sewer facilities would make local areas more attractive to industry without overburdening the local tax rates.

I sincerely hope that this body will take swift effective action in approving this vital legislation.

Mr. HARSHA. Mr. Chairman, I want to make this point again to my colleagues. There has been a discussion about the backlog of projects which will be available to be rushed through this public works program. This is the same point we had in 1962 when we had a rush of public works projects. It says right in the act that we have a backlog of projects, and under the most favorable conditions, when we had the House and when we had the Senate that both wanted to accelerate public works projects, we only got some effectiveness from that 2 or 3 years afterward and not immediately. It will not be effective now. It will not be effective tomorrow, and it will not be effective next month, but only 2 or 3 years hence.

Here are some Bureau of the Budget figures on the outlays under the 1962 program where we had every conceivable favorable factor in existence. In fiscal year 1963, we had an outlay of $62 million; in 1964 we had an outlay of $332 million; in 1965, some 3 years from the date, we had an outlay of $322 million; and in the next fiscal year we had an outlay of $88 million. So I suggest that Members not be deluded by the effect they are going to get quickly or by the implementation they are going to get quickly, because even under the most favorable conditions we did not get that kind of response. Now with an administration that opposes the program, we cannot get quick action. So there are many hurdles for this legislation to overcome before there is any quick relief for the unemployed.

One final comment is in order. Even if the $2 billion accelerated public works—APW—program called for in H.R. 5376 were to be enacted, and if the funds were subsequently employed for direct Federal and federally assisted construction in the same general proportions—approximately 16 percent and 83 percent, respectively—as were the funds under the APW program of the early 1960's, the outlays generated would be about $200 million in fiscal year 1972, $750 million in fiscal year 1973, $700 million in fiscal year 1974, $250 million in fiscal year 1975, and $100 million in fiscal year 1976.

This outlay projection is based on the expenditure pattern experienced under the earlier APW program and on the following assumptions: $1 billion of the authorized funds would be appropriated by July 1971, and would be fully obligated in the course of fiscal year 1972; and the remaining $1 billion would be appropriated by July 1972, and would be fully obligated in the course of fiscal year 1973.

Mr. Chairman, I yield now to the gentleman from Tennessee (Mr. BAKER) such time as he may consume.

(Mr. BAKER asked and was given permission to revise and extend his remarks.)

Mr. BAKER. Mr. Chairman, the bill before us today is noble in purpose. It seeks to alleviate unemployment in depressed areas throughout the Nation. We have been changing from a wartime to a peacetime economy. This always presents problems, but we have been through this exercise before. We had to make this same kind of adjustment at the end of World War II and again at the end of the Korean war. We know it is usually slow and it is sometimes painful because of the dislocations built into any operation of this kind. We bring our veterans home to civilian life at the same time we cut back on defense expenditures. Until the peacetime economy is sufficiently geared up, people are out of work in larger numbers than we should have in this country.

But we have had evidence this month that the Nation's economy is looking better. The total output of the Nation is heading up. For the first time in the history of this country, the gross national product climbed past the trillion-dollar mark. Even when you adjust the percentage increase of growth in the first quarter of this year to account for the degree of inflation, the jump is an impressive one. Prices are also leveling off and the increases are less rapid than in most of 1969 and 1970.

Even the doubting Thomases among the economists agree that 1971 looks a good deal better than 1970 and the prospects for continued improvement are good. We have reason to hope that the "quickening of the pulsebeat of the economy" will translate itself into more employment and in stabilized prices. The inflationary rise can be curbed by continuing the administration's policy of restraint and by the exercise of prudence in the demand for wage increases.

On this optimistic note, we must face up to the question of whether all of the titles of this bill are necessary. My Republican colleagues and I who sat through the deliberations on this legislation do not feel that title I, which would resurrect and amend the 1962 Public Works Acceleration Act, is exactly what we need at this time. The additional funds under this title would be going into public works projects, but there would be little impact on the unemployment we have in the aerospace industry, defense-oriented fields and in other technical industries which have been adversely affected by winding down the war and in shifting priorities.

I feel the President is on the right track in the recommendations he has made to pump additional funds into the economy within the budget limitations he has set to keep inflationary pressures under control and at the same time reduce the rate of unemployment. I do not think he should be burdened with additional programs whose ability to effectively reduce unemployment where it is worst is questionable.

It is my recommendation that we strike title I of this bill and pass it with titles II and III intact. This will give a stronger bill, tailored to the needs of 1971 and the future. The extension of the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965 is dealing in known quantities of proven worth. Both programs have measured up to expectations in administering to the needs of selected areas throughout the country where persistent economic and social hardship have created special problems.

I have observed some of this economic therapy first hand. All of the counties of the Third Congressional District of Tennessee are in Appalachia. Three of them qualify for full EDA assistance. For the most part, these counties have suffered from a sharp decline in mining, agriculture and railroad employment. They have suffered from physical isolation because of terrain which limited the number of highways necessary for progress in an age of mobility and increased need for transportation facilities to develop commerce and sustain the economy.

Under these depressed conditions, the outmigration has been substantial while those who remained in Appalachia had to put up with poor health conditions, substandard housing, and inadequate education.

The implementation of the Appalachian Regional Development Act and the Economic Development Act is changing the outlook for the people of Appalachia. They are getting badly needed roads. New industries are moving in. Health and educational facilities are being built. The rate of migration has slowed and Appalachia is on the road back to economic self-sufficiency.

This progress cannot be measured in dollars alone, because human resources are always the most valuable, but as an example of what can happen, I want to report this: since the inception of the program, Tennessee's Third District has received $5.5 million in Appalachian funds for public facilities, but total expenditures involving other Federal, State, and local funds amount to $33.5 million, and this type of input is bound to have an impact on any economy.

Schools like the Athens State area vocational facility in McMinn County, the Bradley County area vocational education program, and the Orange Grove School in Chattanooga, Tenn., are helping the vocational and technical schools of the region meet more than 40 percent of the region's manpower needs.

The same type of contribution is being made in health facilities, such as the Meigs County Public Health Center and the Bledsoe County Hospital; improved housing, water and sewer improvements and many other aspects of an upgraded standard of living.

We cannot overlook the importance of the local development districts in promoting the various facets of this program. The counties of my district are included in two of the development and planning organizations—the East Tennessee Development District and the Southeast Tennessee. Through these building blocks, the local citizen of Appalachia—the man this program is all about—has a major voice in shaping the development of the region.

The Appalachian Regional Development Act, in tandem with the Public Works and Economic Development Act, is writing a success story of impressive proportions. Both acts merit extension to continue the vital work of upgrading depressed areas. Their continuation is authorized in titles II and III of the bill we are considering today. They are necessary, but the same convincing case cannot be made for title I. I shall vote to strike title I of this bill, and I trust enough of my colleagues will join me so that we can enact titles II and III into law and continue the important economic development we have underway in Appalachia and elsewhere.

Mr. JONES of Alabama. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Washington, (Mr. PELLY).

Mr. PELLY. Mr. Chairman, I express my deep appreciation to the majority manager of this bill for yielding me this time, because I could not get any from my own side.

I might say that when I expressed myself as being in favor of title I, the gentleman from Ohio (Mr. HARSHA) indicated he was going to ask me to name one person who might be taken off the unemployment rolls if this bill went through. I said to the gentleman that I had one person particularly in mind, and that was myself. That was a facetious remark, of course but it is true that thousands in my congressional district who want and need jobs are looking to their Congressman to support legislation to provide jobs.

Mr. HARSHA. Mr. Chairman, if the gentleman will yield, the gentleman is not entirely correct when he says I refused him time. I expressed to the gentleman that it appeared as if my time had been consumed by Members of the committee.

Mr. PELLY. That does not diminish from my gratitude to the gentleman from Alabama for giving me time.

Mr. HARSHA. Mr. Chairman, if the gentleman will yield further, I did not ask the gentleman to name me one person who would be taken off the unemployment rolls. What I did ask the gentleman was for him to name me one scientist or one engineer who would be so employed.

Mr. PELLY. Mr. Chairman, I am a political scientist, so I was right but again all my unemployed are not scientists. After all, too, engineers can take other jobs and besides 20 percent of our building trades are out of work.

Mr. Chairman, I strongly support H.R. 5376. In this connection, I wish to begin by stating that I represent an area of our land which in February had an unemployment of 12.7 percent. By mid-March it rose to 13.2 percent. Since that time, both the House and the Senate have turned down the supersonic transport program, and the new figures are not yet available, but it is projected at 16 percent at the end of this year.

In rising to support the Public Works Acceleration Act, I do so as a short-term stop to this rising unemployment. While much of our difficulty in the Pacific Northwest and in Washington State's First Congressional District is due to the loss of aerospace employment, many thousands of service jobs are affected, and it is here that we are trying to get people back to work in H.R. 100 and similar bills.

The impact on the loss of work in the aerospace industry cannot be overlooked. In the last year alone, the airplane business in the Seattle region dropped 41.7 percent. Building permits for residences were off 24.7 percent in the last year, and building permits for public construction dropped 70.3 percent in the last 12 months. The total construction industry in the Seattle area is off 20.2 percent since this time last year.

To help such a situation, of course, is the purpose of this legislation. While it is not the total answer to our problems, at least it would provide a speedy curb in the rate of increase in unemployment.

The Washington State Unemployment Department is saddled with a roll that is rising daily. The Boeing Co. alone had to discharge 7,000 employees because of the loss of the SST, in addition to a steady decline of about 2,000 a month.

With the Public Works Acceleration Act, the Seattle area, as well as other qualifying regions of our country, would receive 80 percent grants-in-aid to assist local public projects and provide jobs in the process. Local areas could construct long-needed facilities such as sewer plants and municipal buildings without overburdening the local tax rate, and at the same time take the pressure off the unemployment rolls.

Mr. Chairman, we are not talking about training workers. We are talking about putting trained men back to work in other jobs.

Laborers, carpenters, bricklayers, and others in the building trades would receive immediate assistance from this legislation, and I strongly urge support for it.

Mr. HARSHA. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. McEWEN), one of the distinguished members of our committee.

Mr. McEWEN. Mr. Chairman, I thank the distinguished gentleman from Ohio for yielding this time.

I want to say to the Members, when the bill is read for amendment I shall offer an amendment to include 18 counties in the State of New York in the Appalachian region.

I should like to briefly state to the House why this amendment will be offered. Ths is an area that was overlooked and not included when 14 other counties in New York State were originally included in the Appalachian region.

Let me say, ladies and gentlemen, I have no argument with the inclusion of any area in the Appalachian region, but I would point out that in New York State, of the 14 counties included, only one has ever been listed under the Public Works and Economic Development Act as an area of high unemployment.

The counties I am referring to, 18 in number, have 12 which have had critical and high unemployment and have had it persistently now since the 1965 Act for Public Works and Economic Development and the Appalachian Act.

Let me say, with respect to these counties, I have some most recent figures. I will not bother naming the individual counties, but I will give the unemployment rates: 10 percent, 10.4 percent, 15.8 percent, 16.7 percent, 13.1 percent, 11.4 percent, 26.7 percent.

I might say, Mr. Chairman, the only good news I have seen recently was given to me in a clipping from one of the newspapers, which had a story headed, "Employment in County Reported Up." Then I read the story, and I came upon the statement, "The report further indicates that unemployment in the county dropped to 15.8 percent."

I would say, Mr. Chairman, that is an improvement, but something less than what we should like to see.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. McEWEN. I yield to the distinguished dean of the New York delegation.

Mr. CELLER. Am I correct in the statement that the Governor of our State has urged these counties be embraced in the Appalachian region?

Mr. McEWEN. I would say to my distinguished colleague, the chairman of the Judiciary Committee (Mr. CELLER), he is eminently correct. Our Governor has addressed himself to this and requested that these counties be added to the Appalachian region.

His request, as the gentleman knows, is based upon a Presidential report that came to the Congress last year that said the socioeconomic factors of this area are such that they should be included in the Appalachian region.

Mr. CELLER. I join with the gentleman. I believe the amendment is worthy and should be adopted.

Mr. McEWEN. I thank the gentleman for his support and joining in this.

Mr. HARSHA. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New York (Mr. Terry), a member of the committee.

Mr. TERRY. Mr. Chairman, I express gratitude to my colleague from Ohio (Mr. Harsha) for giving me this opportunity to be heard in support of the amendment which the gentleman from New York (Mr. McEwen) spoke about.

I refer specifically to the day of November 5, 1970, when the cochairman of the Appalachian Regional Commission went on to state that we believe that the study made of the upper New York area is thorough and provides the relevant information required to determine the relationship which exists between the counties specifically set forth by the gentleman from New York (Mr. McEwen), and the Appalachian region. On the basis of its own analysis this Commission believes there is demonstrable evidence of such need in the northern and central counties of New York State, which would benefit from the kinds of approaches made possible through regional cooperation.

Governor Rockefeller's attitude has been explained. I merely quote in part a statement that he made, that 14 New York counties are now included in the Appalachian region under the act. He expresses the fact that alternative A of the President's upper New York study recommends 34 additional counties, and he urges this.

He went on to state in a later document addressed to the distinguished chairman of the Committee on the Judiciary (Mr. Celler) that the study clearly showed the interdependence between the more sparsely populated rural counties and the metropolitan growth centers in upstate New York. There was clearly enough evidence of the Governor's feelings on this matter when he sums up in his statement on April 15, 1971, wishing to reiterate his support for the inclusion of these counties in the Appalachian regional development program.

Now, the question could be logically asked, why New York State? Under the circumstances I would have to answer that by saying while other areas perhaps could be and should be considered, few other additional areas could qualify for these funds from a geographical and economic viewpoint. It should also be pointed out that the areas we propose to add are characterized as high unemployment areas, with little or no population growth, and heavy outmigration as well as an economically large dependence on the agricultural and recreational facilities therein. Therefore the benefits to these counties would be high, and I am hopeful that we will have the opportunity this afternoon successfully to present this amendment.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. TERRY. Yes, I am glad to yield to the gentleman from New York.

Mr. CELLER. While I have not polled the membership of the so-called steering committee of the New York State delegation, which committee represents the entire New York State delegation, both Republicans and Democrats, from what I know of their views generally I am quite sure that the steering committee would approve the amendment that the gentleman has in mind.

Mr. TERRY. I think the distinguished gentleman for his statement that, while he has not polled them, he is certain that the delegation's representatives on both sides of the aisle would approve the addition of these counties in upper New York State.

Thank you very much, Mr. Celler.

(Mr. SHRIVER, at the request of Mr. Harsha, was granted permission to extend his remarks at this point in the Record.)

Mr. SHRIVER. Mr. Chairman, I regret that I cannot be present for consideration in the House of Representatives of H.R. 5376, the Public Works Acceleration Act. This week I will be attending an international conference of Labor Attachés in Rabat, Morocco, at the request of the Speaker.

I am cosponsor of this legislation and if I were present today I would vote for the bill as reported by the Committee on Public Works.

As adopted by the committee, H.R. 5376 will provide $2 billion for public works grants to communities with high unemployment and with planned public works projects ready to go as soon as the grant is made.

The city of Wichita and the Board of Commissioners of Sedgwick County, Kans., already have submitted applications to the Economic Development Administration in anticipation of enactment of this needed legislation. Projects amounting to approximately $72 million already are on the drawing boards in Wichita and Sedgwick County and officials have advised me that this legislation would be of great benefit to the community in stimulating the economy and assisting in creating much-needed jobs.

In a 1-year period from January 1970 to February 1971, the unemployment rate in Wichita and Sedgwick County soared from 4.3 percent to 10.6 percent. The discontinuance of the SST prototype program will undoubtedly further aggravate the unemployment problem in Wichita.

There are those who appropriately point out that "public works construction projects are no substitute for aerospace programs." However, during this period of economic adjustment and transition for areas such as Wichita and Seattle we must attack the unemployment problem on all fronts. Public works projects, as proposed by the city and county governments in Wichita and Sedgwick County, will enable the community to diversify its economy and attract new industries or expand existing ones in the necessary effort to create jobs.

Public works acceleration is not designed as a long-range cure for the unemployment problem. It would be of limited duration. The administration is taking other actions and submitted other proposals which will be helpful in attacking other facets of the unemployment problem.

It is my hope the Congress will act favorably and quickly upon this bill.

Mr. LANDRUM. Mr. Chairman, it is only fair for Members to ask what has been accomplished by the special Appalachian regional program after 6 years. There are many ways to answer the question. The committee has recited many of the physical accomplishments. But the achievements can be measured in statistical terms, too.

All of us who have watched this program recognize that there are still many needs in Appalachia that are unmet. No one pretends that everything has been accomplished. But there is no doubt that early signs of improvement are apparent.

Out-migration from Appalachia has been cut in half. Between 1950 and 1960, a net of 2.2 million people moved out of Appalachia into the large cities of the Midwest. That is more people than the total number of persons who moved into the entire United States during the same period. Between 1960 and 1970 that net out-migration had been reduced to about 1.1 million persons. My own home area of northern Georgia has changed from a center of out-migration in the 1950's to a center of in-migration in the 1960's. It will take another decade or so before we can expect net out-migration from Appalachia to stop, but at the moment it appears that the program is on target. The hope of the program is to make it unnecessary for people to crowd into the large cities to make a living, but if they do choose to move—which is their right as American citizens—it is the hope of the Governors on the Appalachian Regional Commission that they will go to their new homes with the health and skills which they require to compete for jobs and become productive citizens in their new homes. The best measure of improvement is increased income.

In 1962, Appalachia's average per capita income was about 76 percent of the United States. Today it is approximately 80 percent.

This means more translated into total dollar gains. Between 1965 and 1966, total regional income increased by $1.5 billion over what it would have been had there been no gain relative to the rest of the United States.

Of course, within Appalachia there are substantial variations. Per capita income in eastern Kentucky today is only half that of the United States. But the poorest areas of Appalachia are making significant income gains now. Between 1965 and 1968 Kentucky increased from 42.9 percent of the United States to 50.1, Virginia increased from 50.5 to 60 percent, and Georgia from 57.4 to 60.2 percent.

But it is in employment that we find the most significant measures of improvement. Well over 500,000 new jobs have been added to the Appalachian economy since 1965—many of them in diversified manufacturing enterprises which have had no previous history of locating in Appalachia. Unemployment in Appalachia has declined rapidly relative to the United States, so that in 1969 the official unemployment rate in Appalachia was only 0.5 percent greater than that of the United States. Even under today's economic conditions, many Appalachian labor markets appear to be holding their own reasonably well relative to the rest of the country, except for some areas in the northern part of the region and some areas in Alabama which have been affected by recent reductions in defense and space expenditures.

Unfortunately, these official unemployment statistics do not count an estimated 500,000-600,000 persons who are not looking for work but who would work if they thought the jobs were available.

What makes these statistics remarkable is that in the past, Appalachia's rate of decline during times of economic downturn has always been greater than those of the Nation, while rates of employment, in relative terms, have exceeded those of the country in times of prosperity. It now appears that this high sensitivity of the Appalachian economy to the national economic cycle is evening out because of increasing diversification of economic activity in the region during the last 5 years.

It would be a serious mistake to stop the efforts at bringing about a self-sustaining economy in the Appalachian region before the job is finished.

Mr. McDADE. Mr. Chairman, during the time I have been in Congress, I have watched my colleagues on frequent occasions come to the floor of this House proposing new and imaginative programs. I have watched many of them succeed and many of them fail. But if I were to be asked to select one program which has completely lived up to the expectancy surrounding it at its birth, I can think of no more appropriate program than the Appalachian regional development program.

The purpose of this program is a very basic one. It was designed to move a substantial quantity of Federal money into a specific area of this country to solve the many problems facing that section and to supplement the work which would be done under the Federal programs already in existence.

In my own congressional district, the Appalachian program has fulfilled its promise to an outstanding degree.

When this program was initiated, we were faced with the serious problem of mine fires throughout the anthracite region. We were faced also with the possibility of new mine fires; and in my own congressional district, this possibility became a reality, and a very frightening reality when a new mine fire was discovered in the Cedar Avenue section of the city of Scranton, and when another mine fire threatened the industrial park located in the Borough of Dunmore.

We did not have to wait for the often long and difficult process of passing Federal legislation to attack the mine fires. With the funding from the Appalachian program and with the outstanding and intelligent cooperation of the U.S. Bureau of Mines, both mine fires were extinguished and the threat to life and property removed.

We have used Appalachian money in my District in nine flushing programs to stabilize the surface, to reduce the threat of subsidence.

When we needed to build access roads to two new industrial parks, again we turned to the Appalachian program to build them.

When Mercy Hospital in Scranton moved to a new development program, and when Robert Packer Hospital in Sayre was constructing a new Community mental Health Center and nursing school, we looked to the Appalachian Commission for help, and we obtained it.

We have a magnificent center for the treatment of the handicapped in the city of Scranton, called the Allied Services for the Handicapped. It is, I believe, one of the outstanding centers for such work in the Commonwealth of Pennsylvania. The handicapped and their parents, and all of us who worry about the handicapped, will be eternally grateful to the Appalachian program for the help it gave in building the Allied Services.

The work we have been able to do in my congressional district through the cooperation of the Appalachian Regional Development Commission has demonstrated the vast area of challenges which can be met with sufficient funding and intelligent planning. Since the passage of the Appalachian Act, the people of Pennsylvania have approved a $500 million Land and Water Conservation Fund to restore the environment of our State and a portion of this fund has been earmarked to supplement the Appalachian dollars in eliminating the scars of past mining in our coal areas.

The Appalachian program has been administered intelligently and vigorously in my own congressional district. I have every confidence that it has been administered with the same intelligence and vigor all across the region. I support the renewal of this program with enthusiasm. I trust my colleagues in the House will join me in giving this legislation an overwhelmingly affirmative vote.

Mr. ANNUNZIO. Mr. Chairman, it gives me great pleasure today to voice my support of H.R. 5376, which would amend the 1962 Accelerated Public Works Act to make the benefits of this legislation available to areas currently suffering high rates of unemployment.

The purpose of H.R. 5376 is to reactivate Public Law 87-658, the 1962 Accelerated Public Works Act. The 1962 legislation was designed to provide jobs and income in areas of substantial and persistent unemployment through the construction of public works. The funds appropriated for Public Law 87-658 were used to build roads, bridges, hospitals, schools, and water and sewer projects.

According to the 1965 annual report of the Economic Development Administration, which for a time administered the accelerated public works program, the legislation at that time had helped start 7,711 projects and had created 200,000 man-years of direct and indirect employment. These jobs and projects had cost the Federal Government $842.6 million, and State and local sources $1.7 billion.

The Accelerated Public Works Act was passed in order to deal with a recession which was causing a great deal of unemployment, throwing people out of jobs throughout the country. Today, the United States is again in a recession. Recent Labor Department figures show national unemployment at 6 percent in March of this year.

The number of unemployed people in the Nation in March was 5.2 million. This is a lot of people. January 1971 figures for the Chicago area, which includes the district I have the honor to represent, showed 134,000 unemployed. This was an increase of 44,000 over January a year ago. Optimistic administration predications about an improved economy are of little use to the man or woman without a job. People without work do not care that the rate of unemployment is going up or down or that experts predict an upturn in the economy this year. They need a job now.

I feel that H.R. 5376 will help those out of work by giving them useful employment now. Hopefully, when a man's work on a public works project, which would be financed under H.R. 5376 is ended, the experts' predictions will have come true and the economy will be back on the track and this man will be able to get another, more permanent job.

The construction of public works as a means to relieve unemployment, in my opinion, has many strong points. First and foremost, it provides jobs to the carpenter, bulldozer operator, laborer, and engineer who needs work. It provides additional jobs by pumping money into the local economy. The man working on the public works project needs clothes, food, and shelter. In order to provide these necessities new jobs will be created. Cement, bricks, and steel have to be made for the project, and delivered to the construction site; this creates more jobs.

In addition to employment, public works construction provides the community with needed public facilities. A new school or hospital will give service for years. It will help make the local community a better place to live and work. A man and his family may not have benefited directly by being employed to build the school or hospital, but his children who are educated in the school and loved ones who benefit from improved medical care will receive many noneconomic benefits.

I feel that H.R. 5376 will amend the Accelerated Public Works Act so that it will be able to help meet the severe unemployment problems facing many cities and towns throughout the Nation. It makes Public Law 87-658 able to meet today's economic conditions.

The $950 million authorized under H.R. 5376 would provide many thousands of jobs, and would help construct many needed roads, sewers, schools, hospitals, and other public works in communities across the Nation. I commend all of the distinguished Members of the Public Works Committee for their prompt and cogent consideration of this urgently-needed legislation, and I urge my colleagues to join in support of H.R. 5376 in order to insure its enactment.

Mr. ALEXANDER. Mr. Chairman, there is pleasure in strolling through a park, watching adults playing games with their youngsters—or just relaxing on a park bench. It is a stimulating experience to move along the streets of our Nation's municipalities among the men and women who set a brisk pace from one store, office, and factory, to another.

Today, and for too many days in past months, the members of this legislative body can and could have found dozens and hundreds of men and women engaged in these activities. With depressing frequency, scrutiny of their faces would reveal that the deep-set lines around their eyes and mouths come not from the inroads of laughter. Those lines are the too-well-worn ravines of the worry, doubt, and frustrations of an unemployment given an especially vicious sting by an unrelenting economic recession.

This afternoon, Mr. Chairman, the Members of this powerful and wise governmental body have the opportunity to change the character of the expressions in the eyes of these people. That achievement will be simply accomplished. When the vote is called for on H.R. 5376, the Accelerated Public Works Act, says "yes" to the hopes, dreams and prayers of these jobless people.

Say "yes" to their pleas for jobs, a restoration of their dignity as contributing human beings, to their desires to provide—through money they have earned—for the material needs of their families.

Mr. Chairman, it would be incredible if a Member of this House of Representatives could be identified who is unaware, unconcerned, untouched, by the needs of this Nation's unemployed. We all are at least minimally knowledgeable about the spirit-destroying economic conditions which prevail in this Nation. In past months we have provided the President with the tools with which to take concrete steps toward turning the economy around.

I do not intend to question here the quality of the President's concern in this area. But, the fact is that, thus far, the steps which have been made have incontestably failed to bring an upsurge in the economy. Since November alone, the only thing which has prospered on the charts which outline our progress deeper and deeper into the grave of unemployment has been the jobless figure. The Council of Economic Advisers has told the Joint Economic Committee of Congress that in November 1970, 4,607,000 persons were unemployed.

In the monthly reports issued by the CEA since November, this statistic has moved inexorably upward. The March issue of "Economic Indicators" shows that 1,604,000 new faces have joined the ranks of the jobless. In that time the unemployment rate rose 1.1 percent—from an unacceptable 5.5 to an even more ominous 6.6 percent.

More alarming to me, as an individual Member, is that as early as March 1970, in six of the 15 counties in my district—the First Congressional District of Arkansas—6 percent or more of my constituents were without jobs.

In two counties the figure had gone above 9 percent.

I quote you statistics here, Mr. Chairman. But, on my frequent trips home to talk with my people and through the mail which comes to my office, I see the ravaged faces and lives of these honorable, useful human beings who are struggling to renew their hold on the ladder of self-respect.

The bill which I would join my colleagues in persuading the sensitive, compassionate, and concerned Members of this powerful body to approve could very literally move many of the jobless in these counties out of the savings withdrawal lines and back into the bank deposit lines.

There are no less than five vitally needed public works projects in my district which could begin immediately if the essential Federal assistance were available. The total investment in these projects would be $3,507,719. They would be eligible for a minimum of $2.4 million under the bill which I have cosponsored and which we consider today.

The projects of which we speak are uniquely fitted for instilling new vigor in the faltering economy of my district and of the Nation. A major portion of the funds for these projects would be disbursed to pay for labor costs. Those labor costs are for paychecks of the men and women who live in, and contribute to the economy of communities all across the Nation. These are paychecks which will be used for groceries, clothing, taxes, gasoline, medicine, and a host of other items the production of which will involve the services of increasing numbers of people.

Close your eyes for a moment my honorable colleagues. Listen to the desperate and licit, but proud pleas of the men, women, and children of this Nation. Can there be any other valid course than a vote of "yes" on H.R. 5376—a bill to put hundreds of this Nation's jobless to work on legitimate works for the public good.

Mr. PRYOR of Arkansas. Mr. Chairman, I rise in support of H.R. 5376. Earlier this year I joined with my distinguished colleague, the Honorable John J. McFall in the introduction of the accelerated public works bill. I would like to take this opportunity to commend the members of the Public Works Committee for taking prompt action on the bill. There is an urgent need for the Congress to take immediate steps to reduce the unemployment rate in certain areas of the country. This comprehensive, antirecession public works legislation will provide assistance to many redevelopment areas, some major labor market areas, and small sections known as "pockets of poverty" located in existing labor markets. The bill will help many communities throughout the country make public facility improvements and will stimulate local industrial development.

More importantly, the enactment of this legislation will clearly demonstrate that the Congress is deeply concerned over the alarming rate of unemployment in this country and is eager to provide immediate and measurable relief to persons who are asking for a chance to earn an honest wage at a time when we are plagued with a stagnant economy.

There are approximately 5½ million jobless persons who cannot wait for new, long-range economic programs or concepts to come forth. Consequently, we need a kind of "crash program" to offer assistance to communities with an inordinately severe unemployment problem. This proposed legislation will meet that immediate economic need. It will be a first step in the direction of economic recovery. It will provide a vital tool to aid the hardest hit areas of our Nation.

Congressman McFall's research findings reveal that there are hundreds of communities across the land with unemployment rates averaging 9 percent or more. A number of areas in my own State would qualify for special public works assistance under the provisions of this bill.

Mr. Chairman, I give my unqualified endorsement to this worthy piece of legislation which also extends the Economic Development Act and the Appalachian Regional Development Act, thus insuring continuance of economic assistance to those chronically depressed areas of the country covered by the previous law. I hope that my colleagues will support this bill.

Mr. COTTER. Mr. Chairman, I rise in strong support of the bill before the House, H.R. 5376—the Accelerated Public Works Act of 1970, the continuation of EDA, and the Appalachian regional development program.

This bill, which has my unequivocal support, represents constructive legislative action to spur the economy. According to the most recent estimates, the productive capacity of the economy is working at only 75 percent of its potential. The unemployment figure hovers forbodingly at about 6 percent and over 5½ million Americans cannot find adequate employment. Underemployment is also rampant.

Many of our citizens have been in a state of economic depression for many years, never being able to secure adequate employment. It is for this reason that the Economic Development Act was originally passed—to insure that those areas which are economically deprived can receive Federal assistance to diversify their economic base and provide gainful employment. Our economic problems have not been resolved, indeed they seem to have worsened. We cannot afford to wait for the advent of new programs when those already established are on the ground and functioning. They must be more fully funded and utilized.

I, too, have heard those rumors that the President will veto this bill because these programs—accelerated public works, EDA, and Appalachian development—have no place in this proposed revenue-sharing plan. I cannot subscribe to this view and I am not intimidated by this threat. The needs of the economy are now and these programs represent a distinct contribution to alleviating the severe economic crisis facing this Nation.

Mr. Chairman, I am an original sponsor of the Accelerated Public Works Act of 1971. This bill authorized $2 billion to provide immediate funding for necessary public works projects. As we are all aware, the unemployment problems are serious. This title of the bill would allow the Federal Government to provide between 80 and 100 percent of the funds for already approved projects. The condition for receipt of this assistance is that the project has a large manpower commitment and is a necessary project. Priority will be given to projects concerned with preventing environmental decay. This is a constructive attack on our economic problems and it should be passed.

There is another point that should be raised. In my State of Connecticut I have been informed that over 20 percent of the current unemployment is in the construction industry. This bill will move quickly and, I submit, effectively in alleviating the unemployment crisis.

I will vote to support this bill and I intend to vote against all amendments which would cripple it.

Mr. BYRNE of Pennsylvania. Mr. Chairman, although I am 100 percent for the Public Works Acceleration Act Amendments of 1971, I feel even more should be done. This bill calls for the expenditure of $2 billion during fiscal years beginning June 30, 1971, for much needed projects such as waste treatment plants, water and sewer systems, hospitals and health facilities, and similar programs, all of them needed now. The primary purpose of title I is to get people back to work, off the unemployment roles, and for those who no longer enjoy those limited benefits, the ultimate in despair, off the public charity. This bill should be passed. It should be passed overwhelmingly if we are to let the people know we are aware of their distress and mean to do something about it.

However, I am also concerned with the embargoed funds for public works which have been authorized and appropriated by the Congress of the United States. We have acted in concert because we have become convinced beyond all doubt that communities across the country need help in improving their facilities. Why then, should programs, fully planned, completely approved by those agencies concerned, be placed on the backburner, to be looked at later on? If they are needed now, let us get them going—and the country with them. Let us, too, move out this legislation so even more can be done to relieve the pathetic conditions facing 5 million employable—and desirous—Americans. Let us do what we can to assist rejuvenating our communities in every State and territory. With concern for the needs of villages, towns, cities, and States and with compassion for needy human beings this House must act today.

Mr. DONOHUE. Mr. Chairman, as a sponsor of similar legislation, I hope and urge that in the immediate, priority national interest the great majority in this House will promptly approve this pending bill, H.R. 5376, designed to extend the existing Public Works Acceleration, Economic Development and Appalachian Regional Development Acts.

The detailed provisions of this measure have already and precisely been explained to the House. In summary, this bill is designed to speedily provide productive work for the unemployed, stimulate consumer income and spending, healthfully enliven a stagnant economy, and enable financially overburdened communities and States to more quickly move ahead with urgent, but too-long-delayed, public works projects, such as the construction of water storage, waste treatment, and sewer plants, hospitals and other health centers, street, and road improvements, and other public buildings necessary to properly serve the ever-rising requirements of our citizens. Beyond providing vitally needed employment in places of high unemployment, such as my own home area, this bill will also provide qualifying communities and regions experiencing serious underemployment with Federal and technical assistance to continue and expand long-range planning and programing for economic development.

Mr. Chairman, no one can question that unfortunately rising unemployment represents one of the gravest human and economic problems facing our people and our country today. The loss of human dignity and the suffering of thousands upon thousands of American families involved in this economic tragedy is immeasurable. When we review this unhappy situation in the light of the great backlog and demand for basic public facilities at all levels of Government that are essential in meeting the needs of an expanding population, we have a challenge that this Government cannot and should not attempt to overlook or avoid. Our humane and prudent legislative response should be to move as quickly as possible to provide useful and productive work as a wholesome replacement for unemployment compensation and welfare payments and that will also serve to bolster our people's morale, energize a pallid national economy, and enable communities and States to start the construction of public projects that are absolutely essential to the physical well being of their citizens and progressive economic development of their areas.

Mr. Chairman, no one would pretend that this bill offers the perfect and complete solution to all the human divisions and economic hardships plaguing our country today, but this measure does represent a sound and solid step in an upward bound movement and I hope it is resoundingly approved in the immediate and future national interest.

Mr. GARMATZ. Mr. Chairman, it is a privilege for me to record my enthusiastic support for H.R. 5376, the Accelerated Public Works Act.

This is indeed an important bill in the sense that its passage will bring benefit to thousands of Americans who are in greatest need, having been the unfortunate victims of long term and persistent unemployment.

H.R. 5376 has many virtues, not the least of which is its simplicity. It relies on no complex formulas, creates no new agencies, presents no major problems of administration. It provides, simply, for the Federal Government to pay up to 80 percent and in some cases, up to 100 percent of the cost of needed public works in areas where assistance is needed.

This bill has the virtue of providing direct relief where it is needed the most—of striking at the hard core of unemployment and aiding those areas that have suffered the most from economic recession.

It has the virtue of proven effectiveness. Experience with the Public Works Acceleration Act of 1962 indicated that it was a highly successful program for alleviating unemployment and encouraging public works projects and community development.

It has the virtue of timeliness, offering immediate relief to those areas that could be considered economically distressed. In those areas where unemployment is the greatest, needs for public works programs are also great. Projects such as public buildings, water, and sewer facilities, have been delayed for lack of local financing. The money provided under this bill would enable these communities to make an immediate start on projects that have long been in the planning stage, but deferred through economic necessity.

The quick, short-term effects of this measure would be the creation of new jobs. I can think of nothing more vital to the well-being of our citizens than the offer of meaningful employment after the humiliation and despair of long-term joblessness. My own district is more fortunate than some, and has not endured the alarming rates of 8 percent, 10 percent, or 11 percent that have confronted some cities, but it has not been unscarred by the current recession that has left 5½ million Americans out of work and out of hope, and thousands of others who, in their hopelessness, have dropped out of the labor market and quit trying. The prospects of new jobs can produce immediate results in terms of restoring confidence and giving a psychological lift to an entire community. But in the long run, the side effects of such a program can be even more significant. By revitalizing the community and its economy, we can encourage industrial expansion and business enterprises, thereby increasing the flow of tax revenues into the local coffers, and establishing a firmer economic base for the future.

This is the kind of revenue sharing the people of this country want—the sharing of revenues to do a specific job, in a specific place, to meet a specific need, and concentrated where the need is greatest.

Mr. DINGELL. Mr. Chairman, the Department of Commerce on April 14, 1971, advised me by letter that "it has been determined that the Detroit area—Macomb, Oakland and Wayne Counties—now statistically qualifies for title I benefits of the Public Works and Economic Development Act of 1965—Public Law 89-136."

Earlier, the Michigan Employment Security Commission reported that unemployment in the State of Michigan had reached the excessive level of 8.4 percent in mid-February as compared to 6.7 percent a year earlier.

On March 25, 1971, Mayor Gribbs advised me that unemployment in the city of Detroit had averaged over 12 percent for the last 6 months.

This sad state of economic affairs exists throughout the country. Nationally, the unemployment level was at a 9-year high during the last 4 months. Other economic indicators are equally dismal.

The House, today, has an opportunity to take action aimed at lessening the impact of the Nixon recession.

Chairman BLATNIK and the Committee on Public Works are to be commended for reporting out an excellent bill, H.R. 5376, to extend the Public Works Acceleration Act, the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965. This legislation authorizes a total of $5.5 billion through fiscal year 1978, including $2 billion for immediate use, to help relieve unemployment and to speed the development of certain areas with chronic economic problems.

As a cosponsor of legislation to amend the Public Works Acceleration Act, on March 17, 1971, I made the following comment to the Committee on Public Works:

> The need for this legislation is great, and it is my hope that this Committee and the Congress will act quickly to insure its early passage and implementation. Unemployment, which began rising immediately after the Nixon Administratoin took office, remains at a near-6% level nationwide, with heavy concentrations of jobless in 45 major work areas in the country where the rate sometimes exceeds 11%. Meanwhile, city and state governments have cut down on vital public projects and services because of reduced revenue. Unemployed people and nonproductive businesses do not pay taxes. By channeling Federal funds into areas that are most deeply affected by economic recession, we can stimulate construction, revitalize local communities, and bring unemployed people back into the work force.

I am fully in accord with the provisions of H.R. 5376 and I sincerely hope that my friends and colleagues on both sides of the aisle will give this legislation an overwhelming vote of approval. We can do no less if we are to fulfill our obligations to the unemployed and economically disadvantaged of this Nation.

Mr. NIX. Mr. Chairman, this House today has an opportunity to show 5 million human beings who are out of work, and their families, that we are concerned about their plight. We also have the opportunity not only to put people back to work, to get them off unemployment compensation and relief—demeaning ways of keeping families together, with no obvious lingering benefits to communities throughout the Nation—but we can also insure that badly needed public facilities will be constructed for the betterment of all. Even if our national unemployment average was not at a 6-percent level, these public works projects should be constructed. We are all aware of problems of pollution, a lack of suitable water supplies, poor or nonexistent sewage treatment plants, sewer systems which contaminate the very water supplies used by many communities. Who would benefit from these basic projects? Everyone. Therefore, using tax moneys contributed by everyone, we should authorize the $2 billion called for in H.R. 5376 right now—today—and get these programs moving. Title I of this bill would do this.

How many communities are financially unable to construct such needed facilities as hospitals, public health installations, nursing homes, and all the other things which are necessary to the well-being of the old, and the young alike? Can we continue to ignore the suffering of so many persons on the grounds we cannot afford it or that the expenditure of funds might further inflame our inflationary problems? I do not feel such a modest amount of money spread over the country, to the many communities in need, would make a ripple in the latter problem. In fact, the reduction in unemployment assistance and relief payments would offset some of this outlay. And, too, I feel people would regain hope, self-respect, self-confidence, and continue from this point on to make a meaningful contribution in the process. For every dollar also that goes into the pocket of a working man many others will benefit as these dollars are spent over and over again in the area concerned.

It was but 9 years ago this House authorized $900 million for an accelerated public works program. You have heard over and over of the benefits we accrued from that wise legislation. This act should repeat that success. I will vote for this new proposal both from a sense of concern for people and the needs of the Nation.

Mr. VANIK. Mr. Chairman, as one of the original cosponsors of this legislation, I urge the immediate enactment of this bill designed to reduce the staggering level of unemployment which plagues so many of our communities, and to "get the economy moving."

The bill before us today has three main sections.

First, it provides for the Public Works Acceleration Act of 1971. This section authorizes $2 billion immediately for public works projects in designated "redevelopment areas" and "economic development centers" or in areas with 6 percent unemployment. In the case of a grant-in-aid for local public works projects involving a local cost share, the emergency grant can be made to cover up to 80 percent of the cost of the project. In addition, a 100 percent grant can be made in those areas where the State or local government has completely exhausted its effective taxing and borrowing capacity and cannot, therefore, meet the local matching grant requirement. The bill directs that—

> Priority is to be given by the President to projects for assistance in the construction of basic public works (including work for the storage, treatment, purification or distribution of water and sewage treatment and sewer facilities) for which there is an urgent and vital public need.

Emphasis will be given to projects which can be completed within 1 year with the use of local contractors employing substantial amounts of local labor.

That there is a need for such money is evident. There is a backlog of applications involving nearly $6 billion worth of Federal funds for grants to communities to build some 6,000 waste treatment plants, water and sewer lines, hospitals, nursing homes, public health centers and many other public facilities. Many of these projects are all planned and ready to go. Work could start tomorrow; men could start to work on new jobs tomorrow.

Second, today's bill continues and expands the Economic Development Act which assists localities in upgrading their economies through public works, business loans, and technical assistance. This program has been in effect in Cleveland for some time, but it is desperately in need of the larger funding provided by these amendments.

Third, the bill continues the Appalachian Regional Development Act. This section deals largely with rural areas, but is of importance to large parts of southeastern Ohio.

I had the opportunity of testifying before the House Public Works Committee in 1966 on behalf of amendments to permit Economic Development Assistance to particular neighborhoods within cities which were suffering particularly heavy unemployment. As a result, portions of the city of Cleveland, Ohio, have been designated as eligible for aid. Recently, on March 12, the Economic Development Administration made two grants to inner city neighborhoods. The first grant provided $177,410 to help continue a job and business development program run by the City of Cleveland's Committee on Community Resources. The other grant was for $194,000 to help revitalize an industrial area and stimulate growth in the near west side of Cleveland. The money, also granted to the city of Cleveland, involves the construction of off-street parking facilities and the rebuilding of streets to provide truck access from the Flats industrial section to the Interstate Highway System. Cleveland officials have stated that the project will help retain some 60 businesses which employ some 1,700 persons in the area. It will also encourage existing businesses to expand and new businesses to locate in the area.

Yet these projects are a mere drop in the bucket when compared to the need.

Although the new census and economic data is not yet out—which would enable me to describe, by census track, the poverty and unemployment in certain Cleveland neighborhoods—it is clear from what is happening to the Cleveland standard metropolitan statistical area that unemployment in these neighborhoods in spiraling. The Ohio Employment Service, in their February 1971 report on the Cleveland metropolitan area stated that—

> Estimated unemployment in the Cleveland area jumped from 41,900 in December to 46,600 in February, raising the unemployment rate from 4.3 percent of the civilian labor force to 4.9 percent. Including persons involved in labor-management disputes, total employment dropped from 929,000 in December to a February level of 902,900.

In addition, the workweek dropped from 40.7 hours to 40.1 hours between December and February and the number of persons on unemployment compensation was nearly three times the level of January 1970.

This means that the unemployment level in inner city neighborhoods is really skyrocketing. As a January 24, 1971 report from the Labor Department indicates, unemployment in poor urban areas is way above the national average. The report said that the jobless rate in urban poverty sections average 7.6 percent during 1970, up from 5.5 percent in 1969. It was also significantly higher than either the 1968—6 percent—or the 1967—6.8 percent—rate. The rate for teenager residents of poor neighborhoods increased from 19.9 percent to 24 percent. The unemployment rate for black youth rose from 27.9 percent to 42.5 percent. There are, in addition, probably thousands upon thousands who have withdrawn from the labor market in frustration and hopelessness. These people are unemployed, but they are no longer reflected in the unemployment figures.

I would like to add at this point that despite the general high level of unemployment and the especially staggering levels of unemployment among youth, the administration is completely failing to provide an adequate youth employment program to meet the needs of the coming summer when millions of college students and high school students will be seeking work. Currently some $228 million is being programed for this summer's youth work programs. Yet the National League of Cities and the U.S. Conference of Mayors have documented the fact that there is a total need of at least 641,639 full-time job opportunities nationwide. But only 514,000 will be helped—many through workweeks as short as 26 hours per week. To meet the extra need, an additional $180 million is needed for youth employment alone.

The crisis created by youth seeking summer employment is being acerbated by heavy discharges of military personnel. At the present time, the jobless rate among Vietnam veterans is running at about 7.9 percent.

And youth are not the only ones being hit by the current recession. The chairman of the Senate Select Committee on Aging, Senator WILLIAMS, of New Jersey, has stated that more than 1 million persons 45 and older have lost their jobs—a 71-percent increase in less than 2 years.

All aspects of this unemployment are frequently concentrated in particular areas. Unemployment in Waterbury, Conn., Wichita, Kans., Flint and Muskegon, Mich., and Seattle, Wash., all runs above 10 percent. In March 1971, five more major population areas were classified as having substantial unemployment in February, as compared to January, for a total of 50 out of 150 metropolitan areas. This is the largest number of cities so classified in 9 years.

And this unemployment is not likely to pass away quickly—even if the economy has bottomed out as some claim. That is why this accelerated public works legislation is useful—and needed immediately. An article in the February 17, 1971, Wall Street Journal stated:

> Despite what some people are saying and most people are hoping, unemployment isn't getting set for a nice, long decline. In fact, the rate of joblessness may rise in the next few months. And it is likely to remain high for several months after the expected increases end.
>
> That's the inescapable conclusion emerging from talks with scores of major employers ranging from aerospace firms to refrigerator manufacturers. To be sure, there will be fewer companies making massive layoffs during the 1971 first half than in the final months of last year. But many companies are still whittling away, bit by bit, at their payrolls, and almost none is ready to rebuild work forces.

I would like to add here that while a great deal of justifiable attention has been given to the need for conversion employment for specialty engineers such as aerospace and defense workers, there is also the need to provide employment impetus to many other forms of professional workers. On Monday, I received a letter from a mechanical engineer in my district in which the gentleman stated:

> All industry has been scarred by the Nixon austerity program. The Cleveland Plain Dealer reported in January that 600 engineers were unemployed in the Cleveland area. In the last month I sent applications in response to 30 advertised job openings which were a close fit to my 21 years of engineering experience. I received 3 replies, all negative.

It is not just aerospace engineers that need new jobs; the entire economy is in need of a "shot in the arm."

All this indicates a pressing need for job creation right now. This can be done in a variety of ways. It has been estimated that between 140,000 and 280,000 could be employed in public service jobs in the 130 American cities over 100,000 in population. Many of these public service jobs could already be underway if the President had not vetoed the Employment and Training Act of 1970.

Countless jobs could be created by the impetus given the economy by the bill before us today. Mass transit, urban renewal, water pollution control plants, new sewer and water lines—all these public works which we so desperately need could, if financed, begin to put men to work. In the Greater Cleveland community alone, we need to construct an additional $217.9 million in primary and secondary waste treatment works as well as $266.9 million for interceptor and storm sewers. Modernization of Cleveland area mass transit facilities will take $46 million, while development of a rapid transit system in the county could cost $235 million or more.

Mr. Chairman, thousands upon thousands of Americans have been out of work for so long that their unemployment compensation benefits are exhausted along with other forms of savings and income. Throughout the Nation, State unemployment compensation trust funds are developing serious trouble as the unemployed drain their resources. In fiscal year 1968, unemployment compensation benefits amounted to about $2 billion. In this fiscal year, these payments will probably reach $5.5 billion.

As a result, the funds of a number of States have slid below the safety level. This is the point where reserves are only one and half times what was paid out in the State's worst 12-month period of unemployment since 1958. This safety ratio of 1.5 is what the U.S. Labor Department regards as the minimum safe reserve.

In addition to Ohio, the States in trouble are Alaska, Arkansas, California, Connecticut, Delaware, Illinois, Maine, Michigan, Minnesota, Montana, Nevada, New Jersey, Oklahoma, Oregon, and Pennsylvania.

I would like to print at this point in the RECORD the figures supplied me by the U.S. Department of Labor accurate through last November. The States in trouble, and which need to reverse the trend of growing unemployment through legislation such as that before us today, are those with a safety ratio of less than 1.5.

UNEMPLOYMENT INSURANCE DOLLAR RESERVES

	As of Dec. 31—		Safety ratio
	1969	1970	
U.S. total	12,637,529,864	11,889,902,800	1.60
Alabama	133,733,443	130,124,061	1.62
Alaska	28,652,156	34,540,893	1.39
Arizona	108,405,775	119,285,775	3.97
Arkansas	52,744,316	48,885,896	1.39
California	1,304,868,187	1,218,855,220	1.38
Colorado	80,820,362	90,875,888	2.19
Connecticut	304,676,964	252,339,028	1.22
Delaware	24,201,995	22,282,760	1.16
District of Columbia	75,842,911	73,929,756	4.40
Florida	256,340,896	268,101,799	2.45
Georgia	321,210,089	340,428,501	3.11
Hawaii	43,561,288	44,656,317	1.82
Idaho	44,812,011	46,396,289	2.50
Illinois	499,741,057	400,511,970	.95
Indiana	324,137,276	326,051,447	1.83
Iowa	133,909,059	124,667,945	3.48
Kansas	99,445,340	84,115,871	2.31
Kentucky	172,934,235	175,409,001	1.63
Louisiana	163,277,075	145,689,360	1.56
Maine	44,509,780	38,942,398	1.10
Maryland	229,528,327	212,897,271	1.59
Massachusetts	412,530,806	377,462,807	1.64
Michigan	630,253,223	490,863,514	.70
Minnesota	120,333,571	119,260,072	1.12
Mississippi	85,786,733	84,450,643	2.05
Missouri	286,736,126	263,566,205	2.53
Montana	25,657,402	25,903,342	1.18
Nebraska	55,851,541	55,395,719	3.10
Nevada	38,196,042	38,809,258	1.26
New Hampshire	53,810,784	54,776,890	2.61
New Jersey	482,697,709	477,696,715	1.16
New Mexico	42,413,890	39,716,590	2.23
New York	1,798,812,387	1,684,861,285	1.80
North Carolina	394,860,981	414,112,096	3.02
North Dakota	11,066,163	13,030,314	1.54
Ohio	702,598,541	692,729,384	1.26
Oklahoma	60,984,411	55,063,248	1.37
Oregon	136,635,671	121,680,236	1.25
Pennsylvania	683,846,202	852,058,448	1.18
Puerto Rico	85,984,024	85,089,253	2.63
Rhode Island	84,770,079	76,778,532	1.63
South Carolina	158,353,982	166,256,105	3.56
South Dakota	19,606,257	20,261,870	3.88
Tennessee	207,204,634	212,347,320	1.72
Texas	357,542,745	337,292,196	2.04
Utah	49,054,149	50,843,466	2.79
Vermont	26,432,660	25,459,505	1.84
Virginia	212,389,679	217,497,348	3.71
Washington	333,440,187	218,582,254	1.77
West Virginia	101,551,348	107,897,817	1.65
Wisconsin	332,811,438	321,754,823	2.36
Wyoming	17,963,957	19,418,099	1.86

Source: U.S. Manpower Administration.

Mrs. ABZUG. Mr. Chairman, I am happy to support H.R. 5376 which I believe is a meaningful step forward by the Committee on Public Works and the Congress in providing necessary economic relief to that vast group of our citizens who suffer economic hardship through no fault of their own. The bill as reported by the Committee on Public Works embodies three titles: title I, which is a renewal of the extremely successful Accelerated Public Works Act of 1962; title II is an extension of the Economic Development Act of 1965; and title III, an extension of the Appalachian Regional Development Act of 1965. All three of these programs have already proved their worth. During the period that the Accelerated Public Works program was in effect from 1962 through 1964, many thousands of our citizens were put to work in meaningful occupations developing and building needed capital improvements for our State and local areas. This was a short range program to relieve hard core unemployment This problem exists today as one can see by a study of the latest unemployment statistics released by the Department of Labor and, once again, there is a need for this program to provide work for our citizens as rapidly as possible.

Title II is a further extension of a program that is intended to be a long range one, and do away with persistent and chronic unemployment in many sections of our Nation. I refer specifically to the Economic Development Act of 1965. This is a program which combines public works grants, loans and technical assistance to our areas of unemployment, and creates as well regional commissions similar to those first developed in Appalachia.

I am particularly pleased to note that title II of the act contains further amendments to the definition of redevelopment areas so that communities or neighborhoods, such as my own district on the lower east side of New York, may become eligible for help under the program. I refer specifically to section 205 of title II of the EDA section which will now allow a community or a neighborhood, without regard to political or other subdivisions or boundaries, to be eligible as a redevelopment area.

Finally, we extend the Appalachian Regional program which proved to be one of our most successful programs. It is one that is successfully bringing back into the economic well-being of our Nation that long stretch covered by the Appalachian Mountain range in the eastern part of our country, and covering some 13 States.

During the consideration of this legislation by the Committee on Public Works, it was my privilege to offer amendments to all three titles of the bill which made it quite clear that no person in the United States shall, on the grounds of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any of these programs. This is a needed amendment to give women the same status under this legislation—the same right to jobs and employment—as our male counterparts are now able to receive. It is a needed amendment because it will give women, with respect to these three programs, the same protections that minority-group members now receive, with respect to all federally assisted programs, under title VI of the Civil Rights Act of 1964.

Between 1962 and 1964, when the first Public Works Acceleration Act was implemented, the Department of Commerce estimated that it had created approximately 210,000 man-years of onsite and offsite employment. The bill we are considering today, which authorizes a total first-year appropriation, for all three programs, of roughly five times the amount of the original accelerated public works program, should produce at least a million jobs. This is a rough estimate, of course, but the facts are clear—the program will produce many more jobs—women want and need a fair share of those jobs—and this amendment will help them get them.

In further reference to the amendment, I would note that the report on the legislation, House Report 92-92, specifically on page 11 spells out the following in explaining my amendment under title I.

> With respect to the anti-sex discrimination provision of this bill, the Committee expects that enforcement of the provision will be through agency procedures and rules established by Title VI of the 1964 Civil Rights Act. However, this remedy is not exclusive and will not prejudice or cut off any other legal remedies available to a discriminatee.

This language in the report clearly explains the purpose of my amendment.

However, when this amendment is again explained under title II dealing with the Economic Development Act of 1965, there is an error in the report. It appears on page 19. The same language that appears on page 11 of the report and clearly explains my amendment is also included under title II to once again explain the amendment as it relates to title II. There is one significant change.

The last part of the last sentence is changed from "to a discriminatee" to "one who discriminates." It is quite clear on the face of my amendment that I did not offer it or have it accepted to provide relief to a party who discriminates, but rather to one who is discriminated against. I therefore point this error out on the report to this body so that the legislative history may be perfectly clear that under all three titles of the act my amendment will prohibit discrimination on the grounds of sex, and that any relief to be given thereunder is to be given to one who is discriminated against.

Mr. RUPPE. Mr. Chairman, I support the passage of H.R. 5376, which extends the authorization for the Economic Development Act, the Appalachia Regional Development Act, and the Public Works Acceleration Act.

To my mind, one of the key elements of this legislation is the extension of the Appalachia, as well as the Title V Regional Commissions.

Mr. Chairman, I believe the Congress has wisely recognized that there are certain areas of the Nation which have fallen behind economically. Too many national economists have a strong tendency to look at the economy as a whole, as one great monolith which goes through periodic adjustments such as we experienced last year. The real truth is that the economy is made up of segments, industrial segments and geographic segments whose conditions vary tremendously. We have identified six areas of the Nation in which economic conditions lag behind the rest of the Nation to a considerable degree. The Appalachia region is perhaps the best known, but the other regions, among them the Upper Great Lakes region, are no less deserving of the attention which Congress is trying to focus on them.

Why do these areas deserve special attention? It is an economic fact that when the rest of the Nation catches a cold, the lagging regions get pneumonia. When the rest of the Nation basks in economic sunshine, these lagging regions are still having chills. In my own district, which is part of the Upper Great Lakes region, the unemployment rate is double the national average. The Regional Commission, even with its meager budget, has played a significant role in preventing even more serious economic difficulties within the region.

With this legislation, we have the opportunity not only to continue the Commissions but also to increase the funding levels for their operation. I strongly support enactment of this legislation.

Mr. DRINAN. Mr. Chairman, unemployment continues to be one of the Nation's most grave problems. In the past 2 years the nationwide unemployment rate has almost doubled, increasing from 3.4 percent in January 1969 to an average of 6 percent over the past 3 months. These are not dry statistics, Mr. Speaker. They represent able, decent American men and women who through no fault of their own have had their livelihoods taken away by inadequate economic policies. These people must have more than promises and theories to economically survive. They need jobs.

For January 1971, Massachusetts had an unemployment rate of 7 percent compared with 4.4 percent in January 1970. Of the eight major labor areas in Massachusetts, five had December 1970 unemployment rates of 7.9 percent or higher. In my own district, the Department of Labor has classified the labor areas of Marlboro and Fitchburg-Leominster as areas of substantial unemployment. In December 1970, Fitchburg-Leominster had an unemployment rate of 8.2 percent with 3,400 unemployed men and women. This area had for 1970 an annual average unemployment rate of 6.9 percent compared to 5.4 percent in 1969. In December 1970, Marlboro had an unemployment rate of 6.9 percent with 1,700 unemployed. Marlboro had for 1970 an annual average unemployment rate of 6 percent compared to 3.8 in 1969. I would also point out that every time I go back to my district, and review with my constituents the problems which most concern them, the foregoing figures seem conservative. Certainly no mere statistics can adequately convey the human dimensions of being out of work—when every hour of the working day seems to the unemployed like punishment for a crime they did not commit. Each of these unemployed people needs and deserves the dignity that comes with productive work. It is for this reason that I support H.R. 5376, which extends and expands the Public Works Acceleration Act, the Public Works and Economic Development Act of 1965, and the Appalachian Regional Development Act of 1965.

The Public Works Acceleration Act would provide immediate relief, while the Public Works and Economic Development Act would handle longer range unemployment problems and would help establish a stable and diversified local economy.

H.R. 5376 would give my district a much needed economic boost. In addition to providing employment for many of our people, H.R. 5376 would place money in the local economy, help suppliers, result in additional jobs as a multiplier to the basic construction and construction-related jobs, and provide vital and needed public facilities. The construction of such public facilities—for example those which relate to waste disposal—is also essential in connection with the effort to reduce pollution and better the quality of our environment.

Lastly, I do not fear that H.R. 5376 will contribute to inflation, considering that factories are operating at only 75 percent capacity, high unemployment prevails, unemployment compensation payments are correspondingly high, and many of the unemployed require public assistance. H.R. 5376 would put many of these people back to work, and it would tend to reduce the funds expended for unemployment compensation benefits.

With the present crisis in unemployment, programs proven to be effective in combating unemployment are a necessity. Consequently, I call for the immediate enactment of H.R. 5376.

Mr. BOLAND. Mr. Chairman, I want to commend the Public Work Committee and its able chairman, JOHN BLATNIK, for the prompt action taken on the Public Works Acceleration Act, H.R. 5376.

The principal thesis behind this bill is not a new one. The Public Works Acceleration Act of 1962—landmark legislation I strongly supported—proved to be immensely successful in providing jobs in areas of high unemployment, and in getting public works programs, long delayed by lack of local financial resources, into operation.

We are now facing the same general economic plight we encountered in the early 1960's. Unemployment, already at a record high, is not abating. We have been slipping deeper and deeper into a recession ever since late 1969. The various economic policy tools tried by the administration have afforded little relief. It is now time—indeed, past the time—for the Congress to act. It is time for us to implement what measures we can to create jobs where there is rising unemployment, and to put public works programs into effect where local authorities are unable to finance them. The Public Works Acceleration Act passed in 1962 stimulated wide economic expansion until 1969. I feel that this bill, before us now, will yield the same heartening results: It promises to help reverse the downward trend in our economy at a critical time.

Right now more than 5½ million Americans are unemployed, and their numbers are increasing. Tax revenues at the local levels have been falling off, forcing many municipalities to decrease public services. Our cities are, indeed, facing a period of crisis.

The legislation being considered is not designed to create jobs. Rather, those skills that can find no outlet in time of recession will be channeled into meaningful jobs to benefit the entire community and the Nation. There is a pressing need for labor to improve public works. Streets, lighting, water, and sewage, and recreation centers are but a few of the programs that demand the skills of our labor force. Improvements in conservation projects and the maintenance of our ecology can be realized through the provisions of this bill. There will be an immediate, and long-term benefit from the new jobs and the production of goods and services arising from the programs of the Public Works Acceleration Act.

The Public Works Committee has amended this bill, incorporating within it the Economic Development and Appalachian Regional Development Acts. These programs, too, are most worthy of our immediate attention.

Many long-delayed projects may be promptly implemented under this legislation. Unemployment rates would decline, and we should realize a welcome increase in the lagging rate of investment.

I urge my colleagues to vote favorably on this bill.

Mr. PRICE of Illinois. Mr. Chairman, as cosponsor of the Public Works Acceleration Act, I wish to emphasize its urgency. Immediate steps must be taken to meet the economic needs of today. Our Nation is still in the midst of an economic slump. The unemployment level for the last 4 years is at a 9-year high. Today, there are over 5 million unemployed nationwide as compared to 2.6 million in January 1969. Yet, there is a backlog of public works projects at all government levels.

In the 24th Illinois Congressional District, both economic and seasonal factors have forced employment down. Over the years, nonfarm employment recorded a loss of 4,950 as compared to the February 1970 level. The heaviest concentration of employment losses are in the manufacturing sector. As of mid-February, unemployment was 9.1 percent of the civilian work force. This represents an increase over the 8.9 percent of the previous month and the 7 percent of 1 year ago.

Although a slight upturn in employment was announced, this was primarily due to the rebound from the General Motors strike. A turn downward is expected with the inclusion of summer job seekers.

The above statistics, however, do not represent an accurate account of unemployment. These figures do not take into account either those persons underemployed or those persons who, although not looking for employment, do not have jobs. In addition, the predictions for even a mild upturn have not taken into account this year's college graduates. Both Washington University and St. Louis University have reported a 30- to 40-percent decrease in placement this year.

Obviously, our economy is not improving. The administration forecast for a strong pickup in the economy has not become a reality. Indicators show that the GNP has fallen short of its projected growth by about $10 billion. During this administration, the gap in output has gone from zero to an annual rate of greater than $60 billion.

By reactivating the Accelerated Public Works Act of 1962 and by extending to June 30, 1973 the Public Works and Economic Development Act of 1965, this legislation will help to stimulate the economy and thus provide additional employment opportunities.

Title I of this bill authorizes the immediate appropriation of an additional $2 billion for public works grants and would enable the Federal Government to contribute up to 80 percent of the cost of the project, and in some cases, up to 100 percent. In addition, title I would liberalize the conditions under which assistance can be granted and would broaden the criteria for designating eligible areas.

Because its purpose is to provide for the construction of projects that can be built quickly without extensive long-term planning, this act has the potential of sizably increasing employment opportunities at all levels of government.

Again, I wish to reiterate the necessity for restoring our economy.

Mr. DULSKI. Mr. Chairman, I support in full the public works acceleration bill pending before the House today. I am one of the many cosponsors of this much needed program in this day of high unemployment across the Nation.

The need for action is great to provide employment in these communities which are suffering unusually high rates of economic decline. The number of areas having substantial unemployment has continued to rise steadily, and the unemployment figures now show a national total in excess of 5 million.

There are some 45 major areas—including my own metropolitan area of Buffalo, N.Y.—which are classed in the "substantial unemployment" category, which means unemployment of 6 percent or more.

As the committee knows, the original Public Works Acceleration Act is still on the books, but the entire authorization has been utilized. What we are seeking here is a new authorization plus criteria directing benefits to communities of the greatest need.

H.R. 5376, as adopted by the Committee on Public Works, would provide $2 billion for public works grants to communities with high unemployment and with planned public works projects ready to go as soon as the grant is made.

One of the requirements under the bill for qualifying for a grant is that a major portion of the funds must be used for payroll, thus insuring that the bulk of the Federal assistance will find its way into the pockets of the working man.

It is a mistake to construe this program as "make work." Likewise, it is wrong to consider it a Federal handout. What this program involves is a mutual benefit arrangement, providing workers with jobs and building needed public works.

The Committee on Public Works amended the bill which I cosponsored to include extension of the Economic Development Act and the Appalachian regional program. I support these amendments.

The goal of this legislation is to make local areas more attractive to industry by building such vitally needed environmental-related facilities as sewer and water plants, and so forth, as well as municipal buildings without overburdening the local tax rate.

All of us are well aware of the financial plight of most every community in the Nation in these days of rising costs and unrelenting demands for public services.

In order to continue even the present services, let alone modernizing and improving them, the communities have been forced to increase their tax rates to the point of no return. In many cases, they have reached their legal—if not their practical—limits.

There is much discussion today of revenue sharing. The pending bill is the kind of revenue sharing which, it seems to me, makes sense. Here the Federal Government can assist on specific projects which meet reasonable criteria.

Furthermore, the provisions of the bill require that the community itself do its full share in helping itself in these trying times.

The concept before us is not new. It has had successful experience in the original law during the past decade and has proven its worth.

I hope the committee and the House will approve the pending bill without change.

Mr. MINISH. Mr. Chairman, as a cosponsor of the Accelerated Public Works Act of 1971, I am pleased to rise in support of H.R. 5376 as reported by the Public Works Committee. Through the prompt enactment of this vital measure, the Congress can respond constructively to the present economic plight of the Nation.

Unemployment in the United States is now at a 7-year high. In my own State of New Jersey, the jobless rate, according to the latest figures, is 7.3 percent. The Newark labor market area is experiencing a 6.4-percent rate of unemployment; in the city of Newark itself almost 15 percent of the workforce is unemployed.

Mr. Chairman, a few years ago a friend of mine was complaining to me about the high price of pork chops which then sold for $1.35 a pound. He said he could recall when pork chops went for 15 cents per pound. I told him I could remember those days also, but did not have the wherewithal at that time to purchase them even at the "bargain" rates.

I met this same gentleman a month ago. He had been laid off from his job and readily admitted he preferred a little inflation to unemployment.

The point of the story is that unemployment is the most serious economic problem confronting our Natin today. Its reduction should receive the highest priority from both the executive branch and the Congress.

Unfortunately, administration efforts to deal with the tragically high level of unemployment have failed. Contrary to periodic optimistic assurance issued by high administration officials, the employment picture has deteriorated significantly over the past 2 years. Clearly, only affirmative action by the Congress will bring relief to the 5½ million Americans now out of work.

The Accelerated Public Works Act, title I of the bill before us, is designed to substantially and immediately attack the Nation's unemployment problem in those areas where it has exacted its harshest toll. It would authorize $2 billion in fiscal year 1971 for public works projects in designated areas including those with 6 percent unemployed or those in which unemployment is anticipated to reach 6 percent during the next 2 months. Eighty percent Federal matching would be available for local projects with up to 100 percent available in certain cases where local financial resources have been exhausted. The program will serve the commendable dual purpose of increasing employment and helping communities to provide the basic facilities such as water and sewer works, hospitals, road improvements, and public buildings.

Title II of H.R. 5386 would extend the worthwhile Economic Development Act for an additional 2 years with an increased level of funding. The objective of this program is more long range in nature. It is designed to enhance domestic prosperity by establishing stable and diversified local economies through public works, loans for business, and technical assistance to create new job opportunities.

Just last week construction began on a new plant in Newark, N.J., made possible by an EDA loan of over $4 million. When completed the plant will employ approximately 1,800 persons.

Mr. Chairman, it is not enough for us to criticize the President's economic policy. Justifiable as such criticism may be, the Congress also has the responsibility to act to meet the present crisis. The Accelerated Public Works Act provides us with the opportunity to affect an immediate and drastic reduction in the ranks of the unemployed. I urge its speedy passage.

Mr. CLEVELAND. Mr. Chairman, there are many parts to the bill before us today. Indeed, H.R. 5376 is really three bills which are lumped together under one name. I generally support the Public Works and Economic Development Act Amendments of 1971, which is title II of this omnibus bill. This contains new authorizations for Economic Development Administration—EDA—programs, which have benefited Coos, Grafton, and Carroll Counties in New Hampshire, and the regional commissions, including the New England Regional Commission.

In the past, I have opposed the Appalachia program because it is excessively discriminatory in that a relatively small section of the country has been singled out to receive massive aid. This discrimination is continued in the proposed extension of the Appalachian regional development programs in title III of the bill before us today. Some of my objections of previous years have been met by title V of title II of this bill; namely, the provision for regional commissions like the New England Regional Commission. However, these other regional commissions have been grossly underfunded compared with the Appalachian Regional Commission, and it is proposed that this inequality continue. The bill now under consideration would authorize a total of $305 million over 2 years for all five of the other regional commissions, but would authorize $1,545 million over 5 years for Appalachian Regional Commission. This is unfair and discriminatory.

It is regrettable that the Public Works Committee has not been more vigorous in exercising oversight in the areas covered by the legislation now being considered. I might add, however, that I am heartened by the fact that a new subcommittee chaired by the gentleman from Texas (Mr. Wright) will in fact exercise oversight over the whole spectrum of our jurisdiction. In the future, when we consider legislation such as this, I hope and expect that we can bring better proposals to the floor.

My principal objection to the accelerated public works proposal, which is title I of H.R. 5376, is that if EDA, Appalachia, and the regional commission programs along with other programs in this area were properly functioning, then an accelerated public works program should not be necessary. It is a continuing source of concern to me that when existing programs fail, Congress reacts by keeping that one going and cooking up another new program to deal with the problem. My point is simply that at this time our greatest need is to vigorously examine the operation of all the various programs we have going, and either redesign them so that they work, or else get rid of them. We now have well over 1,000 grant-in-aid programs to the States and local governments of the United States. Until we make them work and we should make them work, we should not rush to add another new one.

This bill is very difficult for me, because it contains not only two programs which I support, and which have helped New Hampshire, but also a $1.5 billion, 5-year extension of the Appalachia program, and a $2 billion, 1-year accelerated public works program. This is another example of the unsound and unfair practice of lumping a number of proposals into one bill and then forcing Congress to vote either for it or against it. As so often happens in omnibus bills like this, the result is that some bad programs ride through under the umbrella supplied by some good programs. This is bad government, and should not be allowed. Ending this practice is in my opinion a badly needed congressional reform.

Additional reasons for opposing title I of this bill, the Public Works Acceleration Act, are well set out in the minority views to H.R. 5376, which I insert at this point in the Record. Although I signed these views, I do not support the Appalachian Regional Development Act extensions for the reasons I have heretofore stated.

The material follows:

Minority Views on H.R. 5376

We favor the basic objective of title I of H.R. 5376, which is to alleviate the unemployment in depressed areas of the Nation, but we are opposed to enactment of this title as it is now written. We endorse the extension of the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965 under titles II and III of the bill. The programs under these two acts have proven to be effective for their purpose of offering long-range economic planning and development to the lagging areas of the country. Both programs are under sound management, and the original acts have been refined to deal with the complex problems they are designed to relieve.

Title I attempts to relieve today's unemployment problems by use of a 9-year-old law. The present funding of this emergency type legislation, which was enacted in response to specific problems existing in 1962, cannot possibly meet today's needs which are substantially different. Bare unemployment statistics are approximately the same today as they were in 1962, but the types of unemployment are different. Title I of H.R. 5376 is an attempt to find a simplistic solution to a complex question. Simplistic solutions just don't solve complex problems. In our opinion, the objectives of title I, however commendable and worthwhile, cannot be obtained by this legislation. Good intentions are not an acceptable substitute for good legislation.

We are opposed to the enactment of title I, which would resurrect and amend the 1962 Public Works Acceleration Act, for the following reasons:

1. It will provide little help for those who have lost their jobs in aerospace, defense, and other technical industries, as a result of the transition from a war-time to a peace-time economy.

2. Implementing and statutory time delays will prevent any real acceleration of public works construction.

3. It will thwart efforts to curb inflation.

4. The President's budget for fiscal year 1972 already provides for a $1.4 billion public works outlay increase over the previous fiscal year, which will produce accelerated public works spending for fiscal year 1972. The President has additionally requested $2 billion waste treatment plant construction grant authorizations for each of the fiscal years 1972, 1973, and 1974, which annual authorizations are double the amount appropriated for fiscal year 1971.

5. It is feared that high hopes of the unemployed will later be dashed to disillusionment when the highly advertised job expectancy is not realized.

LITTLE HELP FOR UNEMPLOYED IN AEROSPACE, DEFENSE, AND TECHNICAL INDUSTRIES

Title I addresses itself to the national unemployment problems of today. This title takes an aggregate view of the problems, and the remedies it offers imply that the types of unemployment are the same throughout the country. But unemployment problems in rural areas are not the same as the unemployment problems in the urban areas; nor are the problems the same throughout the country. Indiscriminant Federal spending would be applied to the construction of public works projects in areas statistically lagging in employment, in the unsupported hope that such spending will solve short-range unemployment. We do not think this is sound reasoning. We cannot conceive of such a simple program employing at the same time unemployed unskilled laborers and unemployed aerospace engineers and other persons highly skilled in specific limited functions.

For example, at recent hearings on H.R. 5376, witnesses from the States of Kansas and Washington described the economic plights of people in these two States. These two witnesses insisted that accelerated public works was the answer to their respective problems. But what was omitted from their testimony was emphasis on unemployment in their areas' basic industry—aerospace. Wichita is the site of many aircraft companies, which employ 56 percent of the total work force in the area, and 25 percent of the total work force are employed on Government projects alone. With such a large portion of the work force employed by a single industry, it is little wonder that this town in Kansas would clamor for aid when fluctuations occur in this particular industry. Public works construction projects are no substitute for aerospace programs.

Washington, particularly Seattle, is plagued by the same problem. The city's economy is closely tied to the aerospace industry. And when that industry sneezes, Seattle gets pneumonia.

There are other areas in this country suffering from high unemployment which do need public works projects. Such projects, referred to by economists as social overhead capital, aid an area tremendously in maintaining and expanding their long-range economy. Street improvement, sewage lines, water systems, and the like are basic criteria for multilevel economic growth. Unemployment, however, follows a pattern independent of the need for social overhead capital. Title I does not take into account these complexities. It assumes, erroneously, that existing short-range unemployment will be substantially alleviated by public works construction projects, and this assumption, as pointed out earlier, is largely based on the promise that substantial numbers of the unemployed are construction workers.

At best, it appears that only 1 percent to 2 percent of those unemployed would be employed by the proposed accelerated public works projects, because the skills of the unemployed labor force in many areas cannot be easily adapted to the construction trades. Additionally, since the construction industry is extremely mobile, construction laborers may be imported to take the jobs created by such accelerated public works construction projects.

If the efforts of this committee in favorably reporting this legislation are aimed at reaching the hard block of unemployed people, it will not succeed, because of the large group of new unemployed from the aerospace, defense-oriented, and other technical industries.

Many of these people are highly skilled; they are trained for more advanced work than unskilled and semiskilled employees on public works construction projects.

We believe that the great bulk of the new unemployed identified by most of the witnesses who testified before the subcommittee will not be helped by this particular legislation.

TIME DELAYS

A second, and equally important, point is that construction projects by title I will not, to any appreciable extent, provide new jobs immediately. Significant employment gains under the Public Works Acceleration Act, enacted in 1962, did not occur until 9 months after the Act was signed into law. The time lag resulted from administrative and planning delays that apparently could not be avoided in implementing the program. This obviously would not meet the objective of the committee or the sponsors of the legislation—to provide immediate short-range employment. Certainly, with a time lag of 9 months, or more, the Accelerated Public Works Act would not meet that objective.

We foresee, in fact, even greater delays in the commencement of construction of projects as a result of environmental legislation. For example, Section 102(1)(C) of the National Environmental Policy Act of 1969 requires that the applications for all major projects significantly affecting the quality of the human environment must be accompanied by an environmental impact statement, which includes:

(1) the environmental impact of the proposed action;

(2) any adverse environmental effects which cannot be avoided should the proposal be implemented;

(3) alternative to the proposed action;

(4) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and

(5) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

These highly technical and detailed statements require careful preparation and often require voluminous supporting data, which may take months to develop by engineers, environmentalists, psychologists, and other specialists. The act further provides that prior to making a detailed statement, the responsible officials shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of the statement and comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, are required to be made available to the President, the Council on Environmental Quality, and to the public, and all of these documents must accompany the project application through the agency review process. These statutory requirements, alone, can add many months to the time required for the processing and approval of project applications.

The immediate creation of public works construction jobs, to relieve short-range unemployment, appears impossible to achieve under title I of this bill.

INFLATIONARY PRESSURES

Title I would primarily stimulate activity in the construction industry. Average hourly earnings in the construction industry increased 8.4 percent from 1968 to 1969, and 9.2 percent from 1969 to 1970; whereas the average hourly earnings increases in the manufacturing industry for the same periods were 6.0 percent and 5.3 percent respectively. Thus, the construction industry not only experienced a much larger increase in average hourly earnings for the same period, but a growing increase as well. There are many inflationary pressures in the construction industry, and to add a $2 million 2-year construction program, as proposed by this title, would dampen efforts being taken by the administration to combat inflation.

Since public works construction projects to be financed by title I would take up to 3 years, after initiation of applications, to complete, substantial portions of the $2 billion authorized to be appropriated for the 2-fiscal-year period 1972 and 1973 would enter the economy during fiscal years 1973 and 1974. This can overheat the economy at a time when there may be far less unemployment. In addition, the wages that will ultimately flow from these construction projects may go into areas that are depressed today, but which will have achieved greater economic strength at the time of actual construction. The President's full employment budget for fiscal year 1972, which includes an increase of $3.2 billion over fiscal year 1970 for public works construction, and the President's efforts to stimulate the economy through fiscal and monetary policy, also will have their most significant impact on the economy during this period. The President's program is calculated to achieve full employment with price stability. The addition of the $2 billion public works program authorized by title I of H.R. 5376 will add substantial fuel to the fires of inflation and thus counteract many of the beneficial long-range effects of the President's program.

PRESIDENT'S ACCELERATION OF PUBLIC WORKS CONSTRUCTION

We would further emphasize that the President's budget for fiscal year 1972, which has been submitted to the Congress and which will be implemented beginning July 1 of this year, provides its own acceleration of public works construction.

It contains a $1.4 billion increase in outlays for public works projects in fiscal year 1972 over corresponding outlays for fiscal year 1971. This increased expenditure in 1972 will be reflective of action already taken by the President to combat unemployment.

Also, the President has submitted to Congress a request for authorizations for appropriation of $2 billion for construction of waste treatment works for each of the fiscal years 1972, 1973, and 1974. Recognizing the importance of the environmental protection and enhancement that will result from the construction of these projects, he has further requested that the entire $2 billion to be authorized for fiscal year 1972 be appropriated.

This is twice the amount ever appropriated for this program for any year heretofore, and, when coupled with the $1.4 billion increased public works spending previously referred to, presents a far more adequate method of funding an accelerated public works program than that contained in title I of this bill.

HIGH HOPES TO DISILLUSIONMENT

The Comptroller General of the United States reviewed 497 projects constructed under the Public Works Acceleration Act, which was passed in 1962. The review disclosed that drastic overstatements of expected employment had been made for these projects. Whereas 50,853 man-months of onsite employment had been estimated to be created by these projects, only 27,345 man-months were actually realized.

A report of this review, which was submitted to the Congress, shows, first, that the administration of the Public Works Acceleration Act did not produce the results hoped for and, second, that Congress cannot rely upon the validity of estimates of expected successes and accomplishments to be realized from this program.

Much propaganda accompanied the introduction of this legislation in an effort to convince the public that it will expeditiously meet the current unemployment problem. We are gravely concerned that many people will be disillusioned when their needs are not met by this legislation.

It would be most unfortunate, even cruel, if the hopes of the unemployed were raised by heralded announcements of bounteous jobs under title I only to be struck down later by the reality of unemployable specialized skills, statutory delays, and inflated expectations.

William H. Harsha.
James C. Cleveland.
Fred Schwengel.
Wilmer (Vinegar Bend) Mizell.
John H. Terry.
Charles Thone.
LaMar Baker.

Mr. DORN. Mr. Chairman, I enthusiastically urge my colleagues to support H.R. 5376, the public works acceleration, economic development, and Appalachian regional development extensions. This $5½ billion bill is a comprehensive approach to both the current short-range problem of economic recession and to the longer range goal of national economic development. This bill is a tribute to the leadership of our great Chairman John Blatnik, with whom it has been my pleasure to serve in drafting this bill. Our Committee on Public Works conducted extensive hearings and deliberations and we have reported to the House a bill which fully deserves the widespread public support it has already received.

Mr. Chairman, title III of H.R. 5376 would extend for 4 years the Appalachian Regional Development Act. Because of my service on the subcommittee which drafted this title, and because three of the counties I represent participate in the Appalachia program, the Appalachia extension is of special interest to me. The Appalachian Regional Commission and its programs have been one of the most popular and successful Federal aid programs in history. It has in fact become a model for the Nation in demonstrating the possibilities of successful cooperation and coordination among local, State, and Federal authorities. The controlling principle behind this program has been grassroots participation and planning, and this principle has been the most important reason for the Appalachia program's success. This has truly been a States rights program.

In 1965, when the Congress inaugurated this program, it was recognized that the 13-State Appalachia region had special problems. The national postwar prosperity had in most cases passed Appalachia by. The Congress then provided a mechanism for meeting the problems of this area, both in terms of development of human resources and in providing badly needed public facilities. This work is by no means completed, but there has been progress in bringing Appalachia into the economic mainstream of America. It would be tragically short-sighted were we to terminate this program now when many of its programs are just getting underway.

Mr. Chairman, I will mention but a few of these programs. Basic to any program of economic development is a network of good roads, and work has been initiated on 93 percent of the nearly 2,600 miles of Appalachian development highways. About 500 miles of development highways have been completed, and about 367 miles are now under construction. In my own area, Appalachia assistance has been instrumental in the construction of South Carolina Highway 11, which will cross the Appalachia foothill region of northwest South Carolina and which will provide access to the fabulous nuclear power development by Duke Power Co. at Keowee-Toxaway in Pickens County. The Appalachia program has also met some of the pressing human needs through its assistance in the field of health facilities and services.

Mr. Chairman, an economic gap still separates the Appalachia region from the rest of the Nation, and for that reason this imaginative approach must be continued. But as a measure of the success to date of the Appalachia program, we can point to the shrinking size of this gap as measured in terms of per capita income and in the outmigration of population.

Title II of H.R. 5376 would extend for 2 more years the Economic Development Act and authorize a 2-year total of $1.945 billion. The EDA programs, like the Appalachia programs, have been aimed at long-term economic development. In cooperation with the State governments, the EDA programs have aided regions which have suffered from excessive unemployment. This assistance has led to construction of public facilities needed to attract industry and has helped finance programs of vocational and technical education that make areas more attractive to private investors. Several counties in my district have benefited from EDA programs, and I know from experience how EDA participation has laid the foundation for an expanded private-sector economy in these areas. Title II of this bill also calls for an extension of the so-called title V commissions, which are multistate planning commissions patterned after the Appalachian Regional Commission.

Title I of this bill would provide short-term relief to areas of excessive unemployment and would also reduce a long backlog of needed public facilities, such as water and sewer facilities, highways and medical facilities. Title I would authorize the appropriation of $2 billion to be made available immediately to the administration for allocation.

Taken together, Mr. Chairman, the three parts of H.R. 5376 constitute a broad attack on both the current national problem of economic slowdown and the more long-range problem of areas where economic development has not kept pace with that of the Nation as a whole.

As one who has consistantly supported a sound Federal fiscal policy over the years I can recommend this legislation as fiscally sound and in the national interest. This legislation is a good investment of Federal funds. It will promote more jobs, better education and tax revenue. This bill is insurance against depression, unemployment and falling revenue at local, State, and Federal level. I recommend this legislation to my colleagues without any hesitation or reservation.

Mr. BERGLAND. Mr. Chairman, as a representative of an economically distressed rural district suffering from low farm prices, chronic unemployment, and underemployment, and a district lacking job opportunities, I am wholeheartedly behind H.R. 5376. As a freshman Congressman, I have lent my name to any number of pieces of legislation which would benefit residents of the Seventh District in northwest Minnesota. Of all these measures I am confident that H.R. 5376—extending three public works bills enacted during the 1960's—could have the most immediate impact on the well-being of my constituents.

For 80 years there has been a drift of families and individuals from our farms and small towns into our crowded cities. These individuals have been in search of jobs and driven against their will. This drift has imposed a hardship on the city in the long run and city problems will get worse if this drift continues.

H.R. 5376 would provide some relief for our cities by creating opportunities in the countryside. I urge support for this bill to give rural residents jobs at home. It would benefit all people no matter where they live.

I noted in the Sunday New York Times of March 15 a front-page story on "Some Areas Seek To Halt Growth." This article could not have been more timely. In general, this article discusses the desire of various States and cities to discourage growth:

> Across the country, budgets are being slashed for agencies that entice new people and industries to various states and cities.

What a far cry this is from chambers of commerce in our rural areas who only wish to maintain their population and not see it dwindle away any more than it already has over the past decade and more. Again many of our rural areas are crying for some chance to grow or at the very least not to diminish in size. H.R. 5376 would enable those most disadvantaged areas to have a part of the economic pie and a chance to maintain the wholesome life afforded in our rural communities.

As long as I serve in Congress I am committed to devoting the majority of my time and energy to putting a stop to outmigration and lending my every effort to seeing our rural areas revitalized and developed. I am, of course, particularly concerned with those areas for which this bill would provide some relief, and which are suffering from inordinately high rates of unemployment.

Authorizing a total of $5.5 billion through 1978, including $2 billion in fiscal year 1971 in accelerated public works funds, the enactment of this bill into law would be a step in the right direction.

Mr. HARSHA. Mr. Chairman, I have no further requests for time.

Mr. JONES of Alabama. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, under the rule, the Clerk will now read by title the committee amendment in the nature of a substitute printed in the reported bill as an original bill for the purope of amendment.

The Clerk read as follows:

H.R. 5376

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—PUBLIC WORKS ACCELERATION ACT

SEC. 101. This title may be cited as the "Public Works Acceleration Act Amendments of 1971".

SEC. 102. The Public Works Acceleration Act (42 U.S.C. 2641 et seq.) is amended as follows:

(1) Clause (1) of section 2(a) is amended to read as follows: "(1) certain communities and areas in the Nation are presently burdened by substantial unemployment and underemployment resulting from the economic decline of 1970, and".

(2) Subsection (b) of section 2 is amended to read as follows:

"(b) Congress further finds that Federal assistance to stimulate public works investment in order to increase employment opportunities is most urgently needed in those areas, both urban and rural, suffering persistent or substantial unemployment or underemployment."

(3) Subsection (a) of section 3 is amended to read as follows:

"(a) For the purposes of this section, the term 'eligible area' means—

"(1) those areas designated by the Secretary of Commerce as 'redevelopment areas' or as 'economic development centers' for the purpose of the Public Works and Economic Development Act of 1965, and those areas designated by such Secretary under section 102 of such Act.

"(2) those areas which the Secretary of Labor designates each month as having been areas of substantial unemployment for at least six of the preceding twelve months."

(4) The last sentence of subsection (c) of section 3 is amended to read as follows: "Notwithstanding any provision of such law requiring the Federal contribution to the State or local government involved to be less than a fixed portion of the cost of a project, grants-in-aid may be made under authority of this section which bring the total of all Federal contributions to such project up to 80 per centum of the cost of such project, or up to 100 per centum of the cost of such project if the State or local government has exhausted its effective taxing and borrowing capacity for such purposes and therefore does not have economic and financial capability to assume all of the additional financial obligations required."

(5) Subsection (d) of section 3 is amended to read as follows:

"(d) There is hereby authorized to be appropriated for the fiscal years beginning after June 30, 1970, not to exceed $2,000,000,000, to be allocated by the President in accordance with subsection (b) of this section."

(6) Subsection (e) of section 3 is amended by adding at the end thereof the following: "In prescribing such rules, regulations, and procedures, the President shall require that priority be given to projects for assistance in the construction of basic public works (including works for the storage, treatment, purification, or distribution of water; and sewage, sewage treatment, and sewer facilities) for which there is an urgent and vital public need."

(7) Subsection (h) of section 3 is amended to read as follows:

"(h) The criteria to be used by the Secretary of Labor in determining areas of substantial unemployment for the purposes of paragraph (2) of subsection (a) of this section shall be the criteria established in section 8.3(a) of title 29 of the Code of Federal Regulations as in effect March 2, 1971."

(8) Subsection (a) of section 4 is amended to read as follows:

"(a) No part of any allocation made by the President under this Act shall be made available during any fiscal year to any State or local government for any public works project if the proposed or planned total expenditure (exclusive of Federal funds) of such State or local government during such fiscal year for all its capital improvement projects is decreased."

(9) By adding at the end thereof the following:

"SEC. 7. An eligible area under this Act shall retain such designation for only so long as it continues to meet the unemployment criteria applicable to it but in no event shall such designation be terminated prior to one year after the date of designation.

"SEC. 8. Federal financial assistance made from allocations made by the President under this Act may be used for all or any portion of the basic Federal contribution to projects and for the purpose of increasing the Federal contribution to such projects."

SEC. 103. (a) Clause (ii) of the last sentence of paragraph (4) of subsection (b) of section 202 of the Housing Amendments of 1955 is amended by striking out "section 9" and inserting in lieu thereof "section 3".

(b) Section 202(e) of the Housing Amendments of 1955 is amended by striking out "section 9" and inserting in lieu thereof "section 3," and by striking out "50 per centum" and inserting in lieu thereof "80 per centum."

SEC. 104. No person in the United States shall, on the ground of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance under the Public Works Acceleration Act.

Mr. JONES (during the reading). Mr. Chairman, I ask unanimous consent that title I be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

AMENDMENT OFFERED BY MR. HARSHA

Mr. HARSHA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HARSHA: On page 8, strike out line 5 and all that follows down through line 3 on page 12.

Renumber succeeding titles and references thereto accordingly.

Mr. HARSHA. Mr. Chairman, this amendment is simple enough. I do not think the language itself needs any explaining; it is simply a motion to strike title I from the bill, but I would like to explain to the Committee my reasons for it.

In the first place, today we are dealing just with the authorization legislation. If this is finally approved by both bodies of the Congress and then signed into law, and administered by the President, then the task of having it funded, or the appropriation process, comes in. This is another process that will take some time.

Then under the legislation the President delegates his authority to administer this program to the various agencies throughout the United States. This again will be a time-consuming matter by the administration delegating that authority. Then we must draft and implement new rules, regulations, and procedures, because in this legislation we have made significant changes from that which existed in the old 1962 act.

There are several changes, Mr. Chairman, which preclude the usage of previous rules and regulations. This, again, will be time consuming.

Then, Mr. Chairman, we have the environmental impact requirements which will take anywhere from 90 days to 4 months or even 6 months to bring into being, because they are very involved. They require highly technical preparation and statements and observations by highly trained people, technical people. They must be reviewed by every agency that is affected. The States must be permitted to express their views on them and so forth. This all takes time. Even when there is a most resourceful urging, this particular hurdle for any administration to overcome cannot be quickly accomplished.

Now, what that means is that at the most optimistic level no appreciable contracts under the accelerated public work amendments of 1971 could conceivably be awarded before January or February of 1972.

So, what we have, in effect, is the fact that there will be no new jobs until the spring of next year. Therefore, we are talking for all practical purposes of jobs that will not be available until this time next year, and then not in any appreciable amount because even under the most favorable conditions, which do not exist insofar as this legislation is concerned, it was 2 years before any appreciable impact was realized under the 1962 act.

Therefore, Mr. Chairman, to label this act an accelerated public works program is a misnomer. Let me show you, based upon the statistics of the proponents themselves, how ineffective this title really is.

First, by their own figures as contained in the report the real impact on employment did not come until June 1964, 22 months after the enactment of the bill, and even then involved the on-site employment of some 45,000 people at its peak. It was not at that level for any appreciable period of time—it was not for a year or 6 months, but probably was for a very considerably shorter period of time.

Even this was achieved only after an enormous expenditure of both Federal and State dollars, as they say in the report $1.7 billion.

Furthermore, under this bill you are probably not going to have any more total expenditures than you experienced in 1962, because we have eliminated the maintenance of effort qualifications or requirement provision that was in the old 1962 act. There the States were required to increase their expenditures for public works projects by the amount of new non-Federal money that went into those projects.

Here, we have taken that requirement out.

What do you get for this $1.7 billion? Let us look at the record.

In September 1962, the time of the passage of the 1962 APW act, unemployment was at the 5.6-percent level, with a total unemployment of 3,961,000.

In June 1964, when the program peaked and you had the highest level of employment under the program, overall unemployment was at a 5.2 percentage level with 3,812,000 people unemployed, an actual reduction of some 150,000 persons. Now, at that point they only claim—and this appears in their report—they only claim 45,000 people employed as a result of the passage of the act. Therefore, one can only attribute to the Accelerated Public Works Act about one-fourth of the reduction in unemployment.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(By unanimous consent, Mr. HARSHA was allowed to proceed for 3 additional minutes.)

Mr. HARSHA. You cannot, therefore, attribute to the Accelerated Public Works Act of 1962 but about one-fourth of the reduction in the unemployment or one-tenth of 1 percent. That is all you got for a total expenditure of $1.7 billion, a reduction in unemployment of one-tenth of 1 percent.

Obviously the Accelerated Public Works Act of 1962 was not effective, and this Accelerated Public Works Act cannot be any more so. Furthermore, it admittedly does not reach the skilled technicians, the scientists, the engineers, and so forth. I think the implications of this legislation are obvious. Pumping money into the economy 2 or 3 years from now in efforts to cope with current conditions is a risky undertaking. Such an action could well overheat the economy dangerously at a time when our rate of unemployment may be far lower than it is today, at a time when the economy will be in full gear and the effects of the administration's actions will be in full swing.

But the real threat implicit in title I is that we are holding out to the Nation a package of false promises of rapid 80-percent funding of a program that cannot achieve the results desired, because of the very nature of the act, in the construction industry and the statutory delays, the false hopes and great expectations that will be struck down by the reality of unemployable specialized skills and inflated promises.

Let me caution you that if this bill passed with title I in it we are in grave danger of losing any extension of the Economic Development Act, and the Appalachian Act.

Title I interferes so directly with the major economic plans of the administration that it must inevitably cause the President to veto any bill containing it. Do not sacrifice the proven benefits of two good programs for the uncertain and unproved, and certainly overestimated benefits of a bad one.

Mr. Chairman, I ask the Members to support this amendment.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

(On request of Mr. GERALD R. FORD, and by unanimous consent, Mr. HARSHA was allowed to proceed for 3 additional minutes.)

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I am happy to yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Chairman, first let me compliment the gentleman from Ohio (Mr. HARSHA), on his objective analysis of this particular portion in this overall legislation.

Title I, in my judgment, should be stricken, and I strongly support the amendment.

When you consider that inevitable delays, as illustrated from the experience of the 1962 act, that will occur, I think we must come to the conclusion that this legislation, if it becomes law, if it is funded, will not have an immediate impact on resolving any unemployment in any of the areas that would qualify.

Second, Mr. Chairman, the illustration used by the gentleman from Ohio of the minimum impact experienced under the 1962 act of solving any of the serious unemployment problems likewise justifies support for the amendment offered by the gentleman from Ohio.

Mr. Chairman, it seems to me that the EDA legislation and the Appalachian legislation are worth while, and ought to be extended, and properly authorized and funded. It would be tragic, indeed, if we had any serious interruptions in those two necessary pieces of legislation because they were encumbered by a part of the proposed legislation that is somewhat suspect for the reasons that have been given.

Mr. Chairman, I hope and trust that we can pass titles II and III, and that we can eliminate title I, and that we can send this bill to conference and, hopefully, to the desk of the President so it can be received with welcome. If we encumber it I suspect that we could have some trouble. I hope we can avoid difficulty by approving the amendment of the gentleman from Ohio.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman.

Mr. JONES of Alabama. Mr. Chairman, I wonder if the minority leader would give his opinion of title III, as to whether or not it should be passed in its entirety or with amendments that will be specifically proposed?

Mr. GERALD R. FORD. Would the gentleman from Alabama give me the benefit of explaining the amendments that he is talking of?

Mr. JONES of Alabama. I understand that an amendment will be offered to add additional counties in the State of New York.

Mr. GERALD R. FORD. As I understand it, on the basis of the information I have, those counties after a study made at the request of the Congress were recommended for inclusion and were considered to be desirable counties for the purpose of this legislation. If my information is accurate that there was a commission study and it did recommend the inclusion of those additional counties in New York State, I would support such an amendment.

Mr. JONES of Alabama. And if that did not so officially appear in the report, what would be the response of the gentleman from Michigan? If the report did not make that recommendation, what would the gentleman's response be?

Mr. GERALD R. FORD. I think in all honesty, my response would be that I would not vote for the amendment.

Mr. JONES of Alabama. If the gentleman will refer to page 29, section 5, recommendation 1, and read it the recommendation does not say that these counties be included in Appalachia. The report really makes no specific recommendation.

Mr. CLEVELAND. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman.

Mr. CLEVELAND. Mr. Chairman, at this point in the RECORD I think it should be made clear, and I think the gentleman from Alabama should be aware of this as well as the minority leader—it is my understanding that an amendment which may be offered will be patterned on the amendment offered by Senator Robert Kennedy several years ago. At that time, when the lower tier of New York was brought into the Appalachia program, it was, I believe, subject to a reservation. The Governors which are the ruling board of the Appalachian Regional Commission had the final say. Because of that, I think the questions the gentleman from Alabama has just asked the minority leader were not entirely relevant.

Mr. WRIGHT. Mr. Chairman, I rise in opposition to the amendment offered by my distinguished friend, the gentleman from Ohio (Mr. HARSHA). The gentleman from Ohio makes two points in defense of his amendment which would eliminate title I from the bill.

First, he suggests that title I should not be adopted as a part of the bill because he says it is already too late. In effect, he says there is not any way to speed up the public works that it authorizes, and, that, therefore, it should not be adopted.

Mr. Chairman, let me address myself briefly to that. While I acknowledge that the gentleman does have a point in saying that the processing time of typical applications on public works projects under the EDA has risen and taken more time than Congress would prefer, I think history demonstrates we are able within reasonable bounds to get projects moving. In 1962, we adopted the accelerated public works program and by 1964, after just 2 years, 7,769 projects already had been put into being. That accounted for $861 million of Federal funds which stimulated enough matching local and private funds to make a total of $1.7 billion.

Now, if there is a question as to whether we could possibly move ahead immediately with projects today, let me call the attention of the committee to the fact that there presently exists a $6 billion backlog of projects on which applications have been filed and which are awaiting action.

Of that backlog, $3 billion in projects already have completed sufficient processing that they would be ready to start virtually right now.

Mr. BLATNIK. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the distinguished chairman of the committee.

Mr. BLATNIK. I wish to congratulate the gentleman in the well for underscoring a very important aspect of this problem. Never in the history of the country, and certainly not in the past third of a century, since the last great depression, have we had such a bona fide, reliable backlog of projects ready to go immediately. They are in the files downtown, not many blocks from this very chamber. The gentleman is absolutely correct. We will have $6 billion, of which $3 billion are ready to go almost immediately. I congratulate the gentleman again for underscoring that very important fact.

Mr. WRIGHT. I thank the gentleman for his important contribution.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. If the gentleman will get me a little more time when my present time runs out, I would be happy to yield to him.

Mr. HARSHA. I will be happy to do so.

Mr. WRIGHT. I would like to address myself for a moment to the second suggestion which the gentleman has advanced as a reason for not approving title I. It is that he says it really will not do much to help the highly skilled and technical people who have been put out of work by the loss of defense contracts. Perhaps it will not directly do that. This bill is not a panacea. I do not think its purpose necessarily is to help engineers and other highly skilled people get jobs. Undoubtedly, we shall have to do something about that problem. I do not think that it is an essential goal of this particular bill, however.

This bill does, on the other hand, address itself to doing something to help those areas that have been hit by the loss of employment. On page 13 of the bill at line 6, the following language appears:

> * * * the Secretary may designate as redevelopment areas those communities or neighborhoods * * * in which—
>
> the Secretary determines there is * * * an actual or threatened abrupt rise of unemployment due to the closing or curtailment of a major source of employment;

Beyond that I think it might well be pointed out that these public works projects are essential and needed. Quite frequently they result in the creation of a private-sector investment in a local plant or a local industry which perhaps would not have been able to come into the area if this type of money had not developed the necessary infrastructure.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Washington.

Mr. ADAMS. I represent the district that has the highest unemployment rate in the United States. We have skilled people out of work. But we are fully in support of this legislation because in 1962 we used this in order to develop facilities so our people could go to work. What is more, we have at the present time, which the mayor of Seattle has listed, $37 million of projects that could start tomorrow. The local bonds support them, and if this legislation is passed, they will start tomorrow.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(On request of Mr. HARSHA, and by unanimous consent, Mr. WRIGHT was allowed to proceed for 2 additional minutes.)

Mr. WRIGHT. I promised to yield to my friend from Ohio. So I yield to him at this time.

Mr. HARSHA. I want to refer to the gentleman's remark about a backlog. We had a backlog in 1962 of large proportions. In 1962 we had a backlog of unexpended funds or unappropriated funds of 6.1 percent. The distinguished gentleman from Minnesota said that there is the greatest backlog of public works projects which is available now than there has ever been in the history of the country. I point out again, Mr. Chairman, that there has been a backlog and the withholding of Federal moneys by every administration, and this administration has not withheld any more percentagewise than any other Presidential administration. So this is not unique with this administration. This is a point the Congress has been confronted with for a number of years.

Mr. WRIGHT. Mr. Chairman, I recognize the gentleman's point. I am not saying that this administration or any other administration alone is responsible. Unemployment should not be a partisan issue. It strikes Republicans, Democrats, and independents, alike. I am talking about an American program to help get people back to work. There is a backlog of needed public works. Many of them will facilitate and make possible private investment for industries that will require the skills of highly technical people.

For us to say it is too late and it takes too long, and therefore it should not be started now, it seems to me is a bit like a man who has not had breakfast or lunch and says, "I shall not order supper because it will take entirely too long to bring it to the table."

If it is going to take a while to get that supper to the table, then for heaven's sake, let us order it now—not wait another hour, not wait another day, not wait another week, not wait another month. This is the time for action. As fast as we can get these projects going, the American Nation and the American economy are going to get moving again.

I recommend we vote "no" and in such a majority that we demonstrate to our well-intentioned President, who wants to strengthen the economy, that this is desired and wanted by a strong majority of the Congress of the United States and the people of the United States.

Mr. McCORMACK. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, in 1962 when the accelerated Public Works Act was first enacted, $400 million was appropriated in October.

By January 1963, $394 million had been programed, and over 22 percent of these projects were underway. If the administration wishes to cooperate in carrying out this program, we can act quickly. If the administration wishes to take advantage of this legislation, it can help solve our unemployment problems throughout the country. Today, we have the experience of the early 1960's to guide us, and we have the Economic Development Administration already in place and functioning to get these programs underway quickly.

The position of the distinguished gentleman from Ohio, it seems to me, is that we should not start this program because there may be a delay beyond our hopes. Well, gentlemen, I ask the Members: When will we start to do something? Shall we stand here now and do nothing, because it may take too long?

Mr. Chairman, during our Easter recess I conducted a day-long conference in my congressional district in southeast Washington concerning the possible impact in my area of the implementation of H.R. 5376, the Public Works Acceleration Act.

We were concerned primarily with title I, which the amendment before us would remove from this bill.

Testifying at this conference were mayors, city managers, city councilmen, port district managers, park district managers, committee chairmen from county and regional overall development planning committees, and individual citizens.

We received testimony from approximately 20 communities from eight of the counties in my congressional district. This is a district in which there are many scientific and technically skilled persons who are unemployed.

Insured unemployment runs from 8 to 15 percent and higher, and in several communities it will definitely increase during the coming months. Total unemployment clearly exceeds 20 percent of the total labor force in many communities in my district.

Mr. Chairman, during this conference we received a message which was clear and unmistakable and overwhelming. There are literally dozens of worthy public works projects which are eligible for Federal support under one existing program or another, but which have not been initiated because adequate financing has not been available from any source. Many of these are projects where the engineering is complete. Some of them have been submitted to the Economic Development Administration and are on long waiting lists.

Some of these projects have been ordered to be completed by other entities of the Government. In one instance, adequate sewage disposal and waste treatment facilities have been ordered to meet the standards of the Washington State Department of Ecology, but there is no legal way for the community to finance the project within the deadline set for compliance by the State government.

We were repeatedly presented detailed plans with engineering and cost estimates complete for needed water supply and purification facilities, sewage disposal facilities, neighborhood facilities, and roads and bridges. In one case, a community inside an Indian reservation virtually without a tax base with a high percentage of senior citizens must install sewage disposal facilities. In another case, a rural community must provide a water supply to keep chemical fertilizers from adjacent irrigation projects out of the drinking water.

The bill—H.R. 5376—with title I included, can accomplish three important things. It can provide an immediate shot in the arm for the economy of our Nation—one that will be significant, particularly in areas of high unemployment. Second, it can help stabilize the economy in hundreds of large and small communities throughout the country by providing meaningful and realistic employment. Mayor Wes Uhlman, of Seattle, estimates that 1,500 new jobs can be created in the Seattle area by eligible projects waiting to be financed.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Washington.

Mr. ADAMS. Mr. Chairman, I might point out they have passed local bond issues for this, and in one area the employment dropped from 105,000 in 1968 to 29,000 projected at the end of the year.

We will take any kind of jobs we can get at this point.

Mr. McCORMACK. I thank the distinguished gentleman, who comes from Seattle.

Finally, this legislation can provide all sorts of needed public facilities to help increase the standard of living in areas where that will be most valuable.

Mr. Chairman, this bill was criticized in that it does not provide relief in the scientific and technical communities. I believe we should face the fact that this bill was not intended to carry out that particular mission. I have joined in sponsoring legislation to retrain and replace scientists and technical personnel in this country. I hope this legislation will also be enacted when it comes before the Congress, but the legislation before us today will provide for a broad spectrum of employment not limited to the scientific and technical communities, and that is exactly what is intended.

As a scientist from an area where there is high unemployment in the technical community as well as outside of it, I recommend the defeat of the amendment before us.

I recommend the passage of the Public Works Administration Act with title I included, not only because of the realistic magnitude of the authorization it includes, and not only because it will aid our economy and our unemployed, but because there are dozens of small- and medium-sized communities dotting the map of almost every congressional district in this country which do not have the tax base or even the knowledge of how to obtain financial or Federal support for the projects which they so desperately need.

Without adding any new bureaucracy, this bill with title I included will help solve these problems. It will pump money directly into these communities under existing Economic Development Administration procedures and supervision. The executives of small towns—many of whom do not even know how to ask for help today—can be helped because EDA will be fully funded to provide counsel and technical assistance to them.

In my opinion, there are few pieces of legislation which we could enact during this session of Congress which would have a greater impact for good where it is needed, with less overhead or less criticism for Government waste. I urge you to join me in rejecting the proposed amendment—in retaining title I in the bill—and passing the Accelerated Public Works Act overwhelmingly today.

Mr. CLEVELAND. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, there is one point I do not believe has been covered in the debate, and I want to make it.

This is called an accelerated public works amendment. I believe it would be more accurate, more pragmatic, and more realistic to designate this as a decelerated public works amendment.

Under the terms of this amendment there will be a greater Federal share to go into the projects which will be covered. This means, as a practical matter, that, if the bill passes and is signed into law, all the States and local communities will stop their ongoing programs and will consider ways and means of getting in under the rather limited umbrella of this particular program.

I believe Members will find that in the 1962 period when the Accelerated Public Works Act was enacted, there was just this sort of temporary delay in the ongoing programs while there was a race of the diligent to see if they could get more generous Federal participation.

So if Members want to be realistic and pragmatic I believe they have to recognize the fact that this is not an accelerated public works amendment. It is a concept which is going to give a greater share of money to those areas where there is greater unemployment. Perhaps one can support that objective, but as a practical matter this will result in an obvious delay for countless ongoing projects in any area where more Federal money is even remotely possible.

Mr. CARTER. Mr. Chairman, will the distinguished gentleman yield?

Mr. CLEVELAND. I yield to the gentleman from Kentucky.

Mr. CARTER. Mr. Chairman, H.R. 5376, among other things, would provide authorization for a 4-year extension of the Appalachian Regional Commission and the regional development program covering 13 States. I strongly favor this extension. I do so, of course, because I have seen the real benefits the program has produced. The Appalachian program is reaching people.

Twenty-two of the 24 counties in the Fifth District of Kentucky, which I represent, are included in Appalachia and have benefited from Appalachian Regional Commission programs in education, in highway development, and in health.

A system of vocational education provides training for those who are unskilled and thereby gives them the opportunity to earn a living.

In the last 6 years, the Appalachian Regional Commission has provided approximately $4,967,000 for vocational education in the Fifth District. These funds have been used not only to construct 21 new facilities, but also to provide equipment for facilities in 14 counties.

The system of vocational education in my district has been established in such a way that the vocational schools and the extension centers serve students from all areas. They also serve a wide variety of purposes. High school students are taught during the day, extension classes are held in the evening, MDTA programs use the facilities, and the local community colleges also train students in these schools.

The construction and expansion of vocational school facilities has also encouraged major industry to establish plants in these areas, thereby providing more jobs for the people of this region.

Closely related to ARC funding for improving the educational system are programs to encourage the construction of new libraries. The $100,000 has been provided for the construction of three new libraries: $20,701 for a library in Clinton County, $39,198 for Laurel County, and $45,923 for Pulaski County. An application for ARC funds has been submitted for Bell County as well.

Economic development throughout Appalachia is largely dependent upon the development of a good highway system. The Appalachian Regional Commission has provided funds for this purpose.

Since the beginning of the ARC highway program, 132.9 miles of developmental highway have been constructed or are under construction. The major portion of the work done has been in two areas.

The first is Corridor "J," 94 miles long, which in the Fifth District extends from London to the Tennessee State line. A total of $6.8 million in ARC funds has been obligated for this corridor. The second is Corridor "F," which, in the Fifth District, runs from the Letcher County line to Cumberland Gap, for a total of 38.9 miles. Appalachian Regional Commission funding for this corridor is $19.1 million.

In addition, four access roads have

been constructed with a total of $1.3 million in ARC funds. One access road has been built in Pulaski County, two are located in Harlan County and one in Leslie County. These roads serve a vital purpose by providing access to hospitals, industrial sites, airports, schools, et cetera.

The rough terrain and low tax base in most communities of Appalachia have meant that efficient transportation was difficult and costly to provide. The Appalachian highway system being developed with ARC assistance is providing the people of Appalachia with a means for reaching services, schools, and developing employment opportunities by attracting industry to the area.

The entire Nation is faced with acute problems in the health care field. Appalachia, in particular, is characterized by a critical shortage of health manpower as well as health care services. Through the Commission's programs, efforts are being made to develop a better health system to serve the people of this region.

The Appalachian health program includes numerous means for improving the health care system in Appalachia. In the Fifth District alone, construction grants have been made by the ARC for hospitals, nursing homes, or extended care centers in 10 counties. This, of course, has meant that health care services could be offered on a more widespread basis to the people of the region.

In addition to construction grants, ARC funds have been provided for the planning and operation of a wide variety of health projects. Mental health-mental retardation projects have been funded in four locations, a day-care center for the handicapped and mentally retarded has been established in Whitley County, environmental health programs have been begun, and planning is being carried out for an infant and early childhood program in southeastern Kentucky. In addition, health education projects have been funded which will not only provide an education for its participants, but will also furnish needed health care to the people of this region. Ambulance services have been funded, as well as emergency radio networks for numerous hospitals. Finally, funds have been provided for home health service programs in seven counties.

One of the most recent results of Appalachian Regional Commission assistance in the Fifth District is the completion of a new Marymount hospital in London, Ky. In 1968, an initial ARC grant of $175,000 was made to assist in its construction. Further funds were granted in 1969 in the amount of $300,000.

I have with me today a comprehensive analysis of the Appalachian Regional Commission's health programs throughout Appalachia and in eastern Kentucky in particular. I submit them for inclusion in the RECORD at this time. A healthy population is essential to successful regional development, and I believe this analysis demonstrates the progress made in the health care field as a result of Appalachian Regional Commission assistance:

ANALYSIS OF THE APPALACHIAN REGIONAL COMMISSION

Since funds for the health program were limited, the Appalachian Regional Commission decided to concentrate support in a limited number of demonstration areas. These areas vary in size from 3 to 16 counties.

Prior to designation by the Commission, each proposed demonstration area was required to submit a comprehensive plan covering all aspects of health care in the area. These health development plans, which have been updated annually, represent the best judgment of local public and private leaders as to how present facilities and resources are to be used in the overall health system. Since each demonstration area faced different problems and had different resources, each represents a variation in the way those problems are being relieved.

Commission grants have been authorized for a wide variety of projects, ranging from new hospitals to systems of communication and transportation needed to reach patients in outlying areas and specialized equipment required to perform complex surgery in a regional hospital.

The Appalachian health program enlists the Appalachian Regional Commission, the U.S. Health Services and Mental Health Administration, the states and the local health councils.

Too often in the past there has been insufficient coordination between the public and private organizations furnishing health services. Public medical services have traditionally been organized to fill gaps in the private system, but liaison between the two sectors has frequently been sporadic or nonexistent. As a result, in many communities overlaps or new gaps have appeared without being recognized. In the Appalachian demonstration health areas an effort is being made to end this inefficient use of scarce resources through the operations of the local health councils. These councils are composed of public officials, interested citizens, physicians, dentists, hospital administrators and specialists in the field of public and private health care.

The very existence of demonstration health programs in Appalachia improves the health manpower situation to some degree in that these demonstration programs attract health professionals to the region by offering them a professionally stimulating environment, one where new medical approaches are being tried. In addition, the Commission—through Section 211 and Section 214 of the Appalachian Act—has alleviated the health manpower problem by sharing in the costs of building and equipping higher education facilities offering advanced training in health fields and by helping to build vocational and technical schools which are used to train laboratory technicians, medical secretaries and other auxiliary health workers. In the hospitals constructed with Appalachian assistance physicians, nurses and other health workers will not only practice medicine but will also receive training.

In many demonstration areas Section 202 funds have been used to expand the programs of public health agencies. New clinics have been added, and existing ones expanded. Screening programs have been undertaken to detect disease and refer those detected as ill for treatment. Staffs are recruited, hired and trained for health education. Programs in maternal and child care, family planning and nutrition are being offered.

In a time of rapidly rising hospital costs, it is essential to find sound alternatives to putting patients in expensive acute care beds if the alternatives are medically advisable. One sound alternative is care by competent nurses and other health personnel delivered to the patient in his home. This may be offered to the convalescent, who then does not need to remain in the hospital once he is past the necessity for intensive care. Home services are being provided in the demonstration program.

In some areas of Appalachia, dentists are in shorter supply than physicians, and dental care is virtually unknown. Severe dental disorders are the rule among children; they often become manifest in later life as the cause for rejection for military service. Commission grants for traditional dental services tend to focus on school-age children. Fluoridation has also been undertaken with Appalachian grants. Training of dental technicians is another frequent type of program.

Demonstration health areas have undertaken environmental health programs as part of the development of comprehensive health services. There have been inspections and analyses to determine the most effective way to provide sanitary water supplies and sewage treatment in relatively rural areas with large, but dispersed, populations. Solid waste disposal projects have been undertaken in connection with the adoption of local ordinances to control waste collection and sanitary land fills. Land fills are a major means of eliminating breeding grounds for rats, flies and other disease carriers, as well as of ending a physical blemish that impedes regional development. Grants for sanitary land fill projects have generally provided that user fees or general taxes will cover an increasing share of the operating costs of disposal in order to prevent dependence on Commission funds.

As a physician, I have kept a close and continuing watch on the Appalachian health program's demonstration in Eastern Kentucky. I want to share with you a progress report on that particular activity.

Kentucky's 16-county demonstration health area provides an interesting example of how comprehensive planning to meet specific goals and objectives can be carried into effect. Health planning in eastern Kentucky had a headstart over that in most of the region, due to a $684,000 grant awarded to the Kentucky Program Development Office for that purpose from the Office of Economic Opportunity (OEO) in 1965. The OEO grant initiated intensive planning efforts throughout eastern Kentucky, and particularly in the Kentucky River Development District and the Cumberland Valley Development District, two regions subsequently designated as the Southeastern Kentucky Health Demonstration area under Section 202 of the Appalachian Regional Development Act.

The broad goal of the Kentucky program, as stated in the most recent health development plan, is "to make the basic health services system in a hard core problem area of Appalachia into one that is viable and dynamic in bringing comprehensive health care to the area, improving the health and vitality of its people, and in these and other ways . . . advancing the overall development and progress of the area."

The means of implementing this general goal are categorized under six major program areas, within each of which specific objectives are indicated.

The six program areas are: a coordinated system of emergency services; a coordinated system of supportive services for patients not in institutions (home health care); a coordinated system of levels of care (facilities), a coordinated system of community services for promotion and improvement of health; a regional system for improving environmental health conditions; and health manpower development.

The first step toward achieving each of the objectives has been to gather and analyze information on existing problems and services provided, and to examine current capabilities in relation to the total population and its health needs.

The rugged terrain of the Kentucky demonstration area, its underdeveloped road system, its climate (high rainfall, snow, ice) and its dependence on extractive industry—all combined to make the need for emergency services in the demonstration region acute. A regionwide emergency services system therefore became the top priority of the Southeastern Kentucky Health Demonstration Corporation. It was the glue which would bind together a total health system.

As a first step, an emergency radio communications network was developed among twelve area hospitals, providing immediate and constant regionwide communication and coordination in emergency situations. Then two separate emergency transportation projects were designed—one in the Kentucky River Development District and one for a portion of the Cumberland Valley Development District. These projects now provide an integrated system of ambulance service in the area. The communications system and the ambulance service could determine where to take the patient and provide transportation to get him there, but appropriate facilities to care for the emergency patient also had to be developed. To meet this need, emergency care facilities were renovated and modernized at the Hazard Appalachian Regional Hospital, and new facilities were established to deal with emergency and ambulant care at Pineville, Harlan and Corbin.

The Kentucky planning councils chose development of supportive services to noninstitutionalized patients as their second priority. These supportive services would particularly benefit the chronically ill, disabled or convalescent, would lift from them the heavy financial burden of hospital care and would free needed beds and facilities in the area's general hospitals, mental hospitals and other institutions. A coordinated system of 16 home health agencies functioning within a single organizational framework has been operating in the demonstration area since 1968. In an area with only 944 hospital beds, the home health service's organization has provided health services to a caseload of 1,246, and has made 88,006 visits to the chronically ill, 11,812 pediatric visits and 789 "family support" visits while a mother was in the hospital.

A regionalized and coordinated system of facilities—acute care, extended care, long-term care and ambulant care—was developed to avoid fragmentation, duplication and overlaps in services by various facilities. The objective was to make each level of care "reasonably available" to the population of the region, on a "transportation time" and "statistical need" basis, and to prevent, for example, the construction of two 50-bed hospitals within 15 miles of each other rather than a 100-bed hospital which could more efficiently serve the two combined areas.

The first step in this design was to determine the need for the various levels of institutional care within the general area. The next step was to superimpose these determinations over specific localities—a task requiring education, patience and tact! The result was an investment plan that would plug the gaps in the multilevel framework of care available to the citizens of the demonstration area.

Priorities for new facilities were then established on the basis of the investment plan. Projects which have received funding include a new $2 million general hospital at Manchester, Kentucky, a 40-bed acute care wing at the Hazard Appalachian Regional Hospital, a $4 million extended care addition at the Pineville Community Hospital, a new $700,000 extended care facility in Harlan and a 15-bed psychiatric addition to Southeastern Kentucky Baptist Hospital. Facilities being developed include a 50-bed addition to general hospital facilities in Corbin and small ambulant care centers in Hindman, in Knott County and in the Cloverfork section of Harlan County. Also being proposed is a large service and training facility for the Frontier Nursing Service in Hyden, a project which is also related to Kentucky's manpower development objective and which would provide master's level training in nursing services.

Kentucky planners anticipated that improved availability of adequate supportive services would result in increased demands on southeastern Kentucky's community health system. To backstop the demand, the councils developed several projects to expand available services, particularly in mental health and health education. A system of mental health services was developed to provide complete psychiatric services to the area, including sheltered workshops, day care centers and periodic consultations with mental health personnel. In addition to mental health programs, funding was secured from the Appalachian Regional Commission for continuing programs operated by the Kentucky Department of Health, such as dental health (fluoridation units were established on a pilot basis in three communities), health education and multiphasic screening for detection of chronic diseases.

The latter program has doubtless already saved many lives. In its first six months of operation, 3,150 people were screened, and 360 previously undetected cases of chronic illness, including tuberculosis, cancer and communicable diseases, were discovered. A German measles vaccination project carried out in the demonstration area has protected 76,000, primarily children and women of childbearing age, from that disease.

The environmental conditions which jeopardize health in Kentucky's demonstration area are principally an insufficient supply of water and inadequate sewage and waste disposal systems, all of which require major capital investments. In addition, food, milk and housing inspection, and diseases associated with coal mining have to be contended with.

The demonstration health program developed a new strategy to attack these problems. Technical assistance teams were organized to scout out environmental problems and to assist local communities in survey work, research and the design of solutions to these problems. The teams also aid local communities, counties and regions by investigating possible sources of funding for projects designed to cope with the problems. The demonstration area has been working toward development of solid waste disposal systems (sanitary landfills) to serve the total 16-county area.

Kentucky's demonstration area continues to face a serious shortage of doctors, dentists, nurses and supportive health personnel. The demonstration area is sponsoring the development of a family medicine residency in the Department of Community Medicine at the University of Kentucky Medical School and is continuing to sponsor field professorships in community medicine. Under the latter program, professors are attached to the University of Kentucky College of Medicine and reside in the demonstration area, promoting and activating demonstration projects, increasing allied health manpower training and introducing medical interns and residents into the area. A training facility being developed in cooperation with the Frontier Nursing Service is an additional attempt to raise professional capabilities in the area.

In addition to the emphasis on training more people in conventional health manpower programs, Kentucky is exploring ways to develop new types of manpower, such as paraprofessionals, who would fill existing gaps or extend the productivity of existing health manpower.

The Commission approved a development grant to the University of Kentucky Research Foundation on behalf of the Hazard Community and Southeast Community Colleges. The purposes of the project are to investigate how allied health programs can be established at the community college level, determine priorities for allied health programs, develop staff requirements and curriculum and establish appropriate internship programs and recruitment methods.

As in other health-related fields, environmental sanitation is faced with a manpower crisis. In an effort to provide adequately trained personnel and interest them in remaining in eastern Kentucky, the demonstration area has developed an in-service training program in cooperation with Eastern Kentucky University. Three students in the sanitation field have been assigned to the project for 15 weeks' field training.

Mr. Chairman, I regard this Appalachian health program as a model for the nation. Its accomplishments are reflective of the overall Appalachian development program and a major reason for my intention to vote for extension of the Appalachian effort.

H.R. 5376 also provides for an extension of the programs carried out by the Economic Development Administration.

Economic progress has bypassed certain areas of our Nation, including Kentucky's Fifth District. In these areas the declining economic base has resulted in local inability to finance the public improvements necessary to attract new industry. The young people, who are unable to find employment, are forced to migrate in search of better opportunities. Prospective new employers find such areas distinguished not only by inadequate public facilities but also by an untrained or inadequate labor force and thus turn their attention to more attractive locations.

The underlying philosophy of EDA's programs has been that long-term employment, which would encourage the development of stable and diversified local economies, could best be effected by attracting new business enterprises and by encouraging the expansion of existing businesses. In order to make depressed areas more attractive to businesses, a system of grants and loans for public works and development facilities has been established.

EDA grants and loans have been numerous and varied in Kentucky's Fifth District. The major thrust has been in the funding of water and sewer projects.

In the past 6 years, EDA funds have been provided for 27 water projects in 15 counties. In addition, the Economic Development Administration has funded programs for construction and expansion of 24 sewer facilities in seven counties. Such projects have improved the attractiveness of the Fifth District to industry and have begun to encourage businesses to locate in this area.

Funds have also been provided for management assistance in several counties: two in Harlan County, one in Bell County, and one in Pulaski County.

EDA funds have been of particular value in establishing industrial sites to encourage industrial development in the fifth district. Since 1965, six grants or loans were made for this purpose.

Additional assistance has been provided by the Economic Development Administration for tourism, an important industry in my area. In 1965 a project was established in Green County, in 1967 three more projects were funded in Bell, Harlan, and Russell Counties.

It is my feeling that the projects carried out thus far by the Appalachian Regional Commission and the Economic Development Administration have demonstrated that they can improve conditions for those living in economically depressed areas. Much more remains to be done, however. It is for this reason that I support an extension of these programs.

Mr. DE LA GARZA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I will not take much time, but I am very interested in this legislation and particularly in opposition to this amendment. I believe we have missed one very important point that was brought out by the gentleman from Ohio; that is, that this phase of the bill will not help people who have been unemployed who are in the highly skilled areas. But he is grossly mistaken and has missed the point entirely, because of the fact that the hospitals, the water programs, the sewerage treatment plants all are planned by highly skilled engineers and draftsmen and by electrical engineers, by the people who have been laid off in the aerospace industry.

The laboring people who will be helped in my area will be helped, but this has a dual purpose. The laboring people do not make the plans. They do not do the drafting. They do not do the highly skilled work.

So when we are building a rural water supply three-fourths of the work will be done by highly skilled engineers, by draftsmen, and by consulting engineers. When you build a hospital three-fourths of the work done in the construction of it is done by highly skilled craftsmen, engineers, electrical engineers, draftsmen, and so on.

Mr. PELLY. Mr. Chairman, will the gentleman yield to me?

Mr. DE LA GARZA. I have a very brief time but I would be happy to yield to the gentleman briefly.

Mr. PELLY. I thank the gentleman for yielding. I am very happy that you made this point because the inference would be, from what the gentleman from Ohio said, that it was only the scientists who needed work. We have 20 percent of all the building trades employees who are unemployed today. So, I feel that you have made a very important point here.

Mr. DE LA GARZA. I thank the gentleman.

Mr. HARSHA. Mr. Chairman, will the gentleman yield to me?

Mr. DE LA GARZA. I yield to the gentleman from Ohio briefly.

Mr. HARSHA. I thank the gentleman for yielding. He makes a very valid point that it takes a lot of timing, designing, and engineering. This was one of the points that I was trying to bring out, that it creates delay in implementing this program. It takes 22 months to get this thing going, and you will not get it immediately as the proponents expect.

Mr. DE LA GARZA. I thank the gentleman. Let me get to the other phase about delay. The farm area is never in high gear. We have chronic unemployment in the farming areas. The gentleman says that this will take 1 or 2 years to implement. I do not care if it takes 1 year or 5 years. I have the bodies to fill the jobs. The migrants are getting in worse straits year after year. So if this takes 1, 2, or 3 years, I would like to have it at any time of course the sooner, the better, but this will help my area in the lower echelons at any time.

I would like to tell the gentleman something to close my discussion. In my area we have great unemployment. There are not many jobs, period. There is very little private enterprise coming in there, although we are trying daily to attract it. So I think Government has a responsibility to provide jobs if private industry cannot. This is one way to do it. The main reason that I support this legislation is this: We were having a committee hearing in the Committee on Agriculture and there were some migrants who came from the State of Michigan to testify. One of the migrants testified how a migrant worker in my area came all the way to Michigan to earn $45 a week. A member of the committee asked the person who made this statement, "Why do you think he would do it?" His answer was very simple. He said, "He was too proud to beg; he would rather work for $45 a week and earn a little to support his family working than to beg a lot from the Government."

Mr. Chairman, this helps the migrant workers, it helps the highly skilled workers. I believe it is a basic responsibility of Government when private resources cannot give the employment to the people to give them the jobs before they put them on welfare. Our people need jobs, they want to work, this is one way of helping.

Mr. Chairman, I thank you.

Mr. TERRY. Mr. Chairman, I move to strike the requisite number of words. Mr. Chairman, I am cognizant that the amendment offered by the distinguished ranking minority member (Mr. HARSHA) refers to title I of this bill. However, in an exchange moments ago between the minority leader GERALD FORD and the gentleman from Alabama (Mr. JONES) reference was made to the Appalachian region and in particular to amendments that have been under discussion both at the committee and here today among the gentlemen who are present.

I would like to ask the distinguished gentleman from Alabama (Mr. JONES) with regard to his reading of the recommendations on page 29 of the so-called Upper New York study which was given to the Congress last October by the President of the United States. It is my recollection that he concluded that the study was in effect saying another region. I would like to go back first to page 25 of the report wherein it states:

> Although geography suggests that one would be equally able to place the Upper New York area in either the New England or the Appalachia region, the socio-economic indicators reveal that the local counties have more in common with Appalachia.

And, it goes on to state in prior years that the Department of Commerce conducted studies and so forth.

I would, then, like to refer my colleague from Alabama to page 28 wherein because of the substantial variation among upper New York counties, two alternative solutions appear reasonable. Each based their economic findings and other questions relating—and I emphasize this—to the inclusion of upper New York State or parts thereof in an economic development region.

It goes on to state that all of the counties as defined are recommended for inclusion in an expanded Appalachian economic development region.

Now, with respect to the section that the gentleman from Alabama (Mr. JONES) referred to, at page 29 thereof there is stated that there is sufficient economic justification to warrant the inclusion of portions of Upstate New York in an economic development region.

Further, the socio-economic orientation of the area favor inclusion within the Appalachian region.

Then it goes on to state that if we are considering other regions in post-1971 legislation by this Congress, this Appalachian regional program could also be considered as title III under this bill. Therefore, in my opinion, unequivocally, they are talking about the inclusion of Upper New York State counties in two alternatives under the provisions of this report and recommend their inclusion in the Appalachian region.

I ask the distinguished gentleman from Alabama whether he differs with that or not?

Mr. JONES of Alabama. I listened to the statements which have been made by the gentleman from New York and have read those statements which were presented by the President in his report. That was a request made by the committee in the act of 1969. This report was submitted on July 15, 1970.

Mr. TERRY. Yes.

Mr. JONES of Alabama. Now, if the gentleman will yield further—and the gentleman just referred to page 29 of the report—I called to the minority leader's attention what recommendation No. 1 was.

Mr. TERRY. The gentleman covered only a part of it.

Mr. JONES of Alabama. Subsequent to the submission of this report the President of the United States sent a request to the Congress for an extension of 1 year of the Appalachian program and he did not ask for additional counties to be included. Now the gentleman is trying to read into that other utterances, something he did not say.

Mr. TERRY. May I comment, first with respect to that particular statement which the gentleman just made?

Mr. JONES of Alabama. The gentleman has yielded to me and I want to pursue the whole matter at this time.

On page 52 of the same report you have a letter from Mr. John B. Waters, Jr., Federal Cochairman of the Appalachian Regional Commission, and here is what he says:

> For these reasons, it would appear to be premature to incorporate New York's northern counties into the New England or Appalachian regional programs until assessment of present policies is completed and appropriate recommendations on the overall questions involved can be made to Congress.

Now, how can you have this administration saying that it does want these counties included?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. HARSHA).

The question was taken; and on a division (demanded by Mr. HARSHA) there were—ayes 87, noes 118.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. TIERNAN

Mr. TIERNAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TIERNAN: Page 9, line 10, strike out the quotation marks.

Page 9, after line 10 insert the following:

"(3) those areas which the Secretary of Labor designates each month as areas having an average rate of unemployment of veterans who served on active duty during the Vietnam era as defined in section 101 (29) of Title 38, United States Code, and who were discharged or released from active duty in the military, naval, or air service of the United States under conditions other than dishonorable, at least 25 per centum above the national average rate of all unemployment for three consecutive months or more during the preceding 12 month period."

Mr. TIERNAN. Mr. Chairman, I rise to offer the following amendment to title I of H.R. 5376:

> (3) those areas which the Secretary of Labor designates each month as areas having an average rate of unemployment of veterans who served on active duty during the Vietnam era as defined in section 101 (29) of Title 38, United States Code, and who were discharged or released from active duty in the military, naval, or air service of the United States under conditions other than dishonorable, at least 25 per centum above the national average rate of all unemployment for three consecutive months or more during the preceding 12 month period.

The purpose of this amendment is to include areas with substantial unemployment of Vietnam veterans with those areas eligible to receive "Federal assistance to stimulate public works investment."

By mid-1970, nearly 4 million men who served in the Armed Forces during the Vietnam era were back in civilian life. They made up one-fourth of the 13 million men in the 20 to 29 age group in the civilian population.

Until late 1969, these men who left the military service entered an economy in which employment was expanding and unemployment was approaching the lowest levels of the decade. By mid-1970, we witnessed a slowdown in economic activity. The national unemployment rate, which was 3.5 percent throughout most of 1969, rose to about 4.5 percent in the first half of 1970.

During this same period the unemployment rate for veterans between the ages of 20 to 29 also rose. It moved from 4.5 percent in the first half of 1969 to 6.5 percent in the first half of 1970. I have now obtained the figures for the first quarter of 1971. With the national unemployment rate at 5.9 percent, the rate for veterans 20 to 29 years old is 10.8 percent. I might add here that I use the ages between 20 and 29 because over 85 percent of our Vietnam veterans fall within this category.

Mr. Chairman, my amendment does not mean that veterans are to be granted a preference over nonveterans in every job created, for under H.R. 5376 there are two other definitions of an "eligible area." What it says is that these Vietnam veterans must not be left out in the cold. Let me quote from an editorial in yesterday's Washington Post:

> It is true that unemployment and deficient medical and/or hospital care are widespread problems in this country at the moment—not just the particular affliction of servicemen returning from Vietnam; and it is also true that in the past, veterans of other wars have found the compensations offered upon their return to civilian life to be far short of the rhetorical gratitude with which they are accompanied. But short money, reduced veteran's benefits, a tight job market and savagely inadequate medical care would be burden enough. When you add to them the problem of readjusting to life in a national community that is anything but unanimous on the question of the actual value and moral worth of the cause for which these men have risked so much, it adds up to a unique—and uniquely distressing—environment to which to return.

It is estimated that H.R. 5376 will create approximately 170,000 badly needed jobs within the next year, with a multipling factor providing an additional job increase of 250,000. Certainly somewhere in this whole program we cannot forget our veterans. Their unemployment is as high as some areas of the country with "substantial unemployment" far above the national average.

I ask for your support for my amendment.

Mr. BLATNIK. Mr. Chairman, will the gentleman yield?

Mr. TIERNAN. I yield to the distinguished gentleman from Minnesota.

Mr. BLATNIK. Mr. Chairman, I have discussed this amendment with the membership of the committee on this side of the aisle, and we have agreed that it does have logic and deserves support, and we will certainly accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Rhode Island, Mr. TIERNAN.

The amendment was agreed to.

The CHAIRMAN. If there are no further amendments to title 1, the Clerk will read.

The Clerk read as follows:

TITLE II—THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965

SEC. 201. This title may be cited as the "Public Works and Economic Development Act Amendments of 1971".

SEC. 202. Section 105 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3135) is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and not to exceed $550,000,000 per fiscal year for the fiscal years ending June 30, 1972, and June 30, 1973."

SEC. 203. Subsection (c) of section 201 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141) is amended by striking out "June 30, 1971" and inserting in lieu thereof "June 30, 1973".

SEC. 204. Section 302 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3152) is amended by striking out "and June 30, 1971" and inserting in lieu thereof "June 30, 1971, June 30, 1972, and June 30, 1973".

SEC. 205. Section 401 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161) is amended as follows:

(1) Paragraph (2) of subsection (a) is amended by striking out "40 per centum" and inserting in lieu thereof "50 per centum".

(2) Paragraph (6) of subsection (a) is amended to read as follows:

"(6) the Secretary may designate as redevelopment areas those communities for neighborhoods (defined without regard to political or other subdivisions or boundaries) which—

"(A) the Secretary determines have one of the following conditions:

"(i) a large concentration of low-income persons;

"(ii) rural areas having substantial outmigration;

"(iii) substantial unemployment;

"(iv) an actual or threatened abrupt rise of unemployment due to the closing or curtailment of a major source of employment; or

"(v) severe economic distress due to the occurrence of a natural disaster; and

"(B) have submitted an acceptable proposal for an overall economic development program which will have an appreciable beneficial impact upon such condition.

No redevelopment area established under this paragraph shall be eligible to meet the requirements of section 403(a)(1)(B) of this Act;

"(7) those areas where per capita employment has declined significantly during the next preceding ten-year period for which appropriate statistics are available."

SEC. 206. The first sentence of section 402 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3162) is amended by striking out "thereof" and all that follows down through and including the period at the end of the sentence and inserting in lieu thereof the following: "of such reviews shall terminate or modify such designation whenever such an area no longer satisfies the designation requirements of section 401, but in no event shall such a designation of an area be terminated prior to the expiration of the third year after the date such area was so designated."

SEC. 207. Subsection (g) of section 403 of the Public Works and Economic Development

Act of 1965 (42 U.S.C. 3171) is amended by striking out "June 30, 1971" and inserting in lieu thereof "June 30, 1973".

SEC. 208. Subsection (d) of section 509 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3188a) is amended by striking out the period at the end of the first sentence thereof and inserting in lieu thereof a comma and the following: "and for the two-fiscal-year period ending June 30, 1973, to be available until expended, not to exceed $305,000,000."

SEC. 209. Section 512 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3191) is amended by inserting immediately after "1971," the following: "and $500,000 for the two-fiscal-year period ending June 30, 1973,".

SEC. 210. Section 2 of the Act of July 6, 1970 (Public Law 91-304) is amended by striking out "1971" and inserting in lieu thereof "1972".

SEC. 211. No person in the United States shall, on the ground of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance under the Public Works and Economic Development Act of 1965.

Mr. BLATNIK (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. BLATNIK. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. SLACK, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5376) to extend the Public Works Acceleration Act, the Public Works and Economic Development Act of 1965, and the Appalachian Regional Development Act of 1965, had come to no resolution thereon.

GENERAL LEAVE

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill, H.R. 5376.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

ELECTION TO STANDING COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. MILLS. Mr. Speaker, I offer a privileged resolution (H. Res. 398) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 398

Resolved, That Walter E. Fauntroy, Delegate from the District of Columbia, be, and he is hereby, elected to the standing committee of the House of Representatives on the District of Columbia.

The resolution was agreed to.

A motion to reconsider was laid on the table.

A PRESIDENTIAL POSSIBILITY

(Mr. NIX asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. NIX. Mr. Speaker, the first contingents have begun to arrive for the massive demonstration which will surround this building on Saturday. This is a protest of the continued involvement of our country in the war in Indochina, a cause which touches deeply a great part of the American people. But it is also a particular manifestation of a broad and varied pattern of protest which is characteristic of our times.

We are living in a time of protest unprecedented in the history of America and I wish to draw my colleagues' attention to what seem to me to be some of the implications of the rising incidence of open and urgent protest on the part of groups all across the country.

First, I think no one of intelligence can wholly deplore or deprecate these protests because to do so would be to disapprove of progress, of all change, and of the exercise of the constitutional prerogatives of the American people. And looking at our society honestly, at the contrasts of affluence and poverty which are still widespread, at some of the rigidities and failures of many of our existing institutions, there must be recognition of the validity of the protesters' claims in many cases.

Nevertheless, there must be a balance in any successful society between acceptance of certain standards and institutions and challenges to and protests against these established standards and institutions. There have been societies, in the past, which have failed because they were too rigid and, as well, societies which have been destroyed because they became too tolerant of protest, too undiscriminating to distinguish between the voice of necessary change and the seeds of anarchy.

Our trend in the last half century has been toward greater and greater acceptance of protest. This has been manifested in the national upwelling of sentiment against racial discrimination and the grossest economic disadvantage of millions of Americans. It has also been manifested in the decision of a President of the United States not to run for reelection because of nationwide protests of one of his policies, an event unprecedented in our history.

There is fickleness about some of the waves of protests. Even the protests against the war have taken many forms—focusing at one time on the college ROTC program, at another on napalm, at another time and place on defense-oriented research at a university. But underlying the moral issue there has been the revulsion of the American people against spending so much money for an inconclusive military operation when there are so many urgent and critical needs here at home.

The money issue runs through the whole range of protests—through the marches of welfare mothers, the picketing of senior citizens, the ecology campaigns, the demand for powerplants that burn more costly, sulfur-free fuels, the opposition to the SST, the demand for billions to clean up our rivers and streams. The issue is not only one of priorities, it is primarily one of providing the money to meet urgently felt needs.

All of this suggests two further things to me, which I think are especially pertinent when we consider the kind of leadership this country will need in the turbulent years of protest that appear to lie ahead.

We must have, I am convinced, a President who has the capacity to take up all of these threads of protest and direct this strongly felt concern into constructive programs of change. We had such a President in Franklin Roosevelt when the country faced the great economic crisis of the 1930's.

We also need a President who has complete confidence in himself, who can stand firm when firmness is needed and who can move decisively when the time for action has come. And we need a man who has demonstrated this capacity to the people. They must have confidence in his character, in his judgment, in his knowledge of the economic facts of life—which mean the difference between having the money, the resources to meet the real needs of the people.

I think there is such a man among us, and I would like to cite him by name as an invitation to thought, in this body, and among the American people, as we look ahead to 1972. The selection process for presidential nominees is a long one and I hope the American people will give a great deal of thought to the problems and choices that face us and affect the future of our society.

The record of WILBUR MILLS, the distinguished chairman of the Ways and Means Committee, has demonstrated, I think, all of those qualities that are needed in these times. He has won a place of the highest regard in the House and in the Congress for his extraordinary competency in handling the most basic of legislation—the legislation which forms the tax environment for our economic growth, the legislation which raised the means, the money to do all of the things the people expect of their Federal Government, the legislation which sustains the life and the health of the aged, the blind and disabled, and the young and dependent in our society.

He has won this regard through the care with which he has prepared his case, the logic with which he has presented it to the House, the generosity with which he has given time and consideration to the opponents of his legislation, and his insistence that logic, reason, and fact form the basis for overwhelming that opposition in the debate.

It might be suggested that a man from Arkansas would be disqualified from national leadership. But I have found that when persons ascend to offices of great influence affecting all of the people, sectionalism is not a part of their decisions. I recall with shame my opposition to Roosevelt's appointment of Hugo Black to the Supreme Court. And I learned from that incident that one cannot be obsessed wtih prejudice; one must be obsessed with justice and decency.

It is human nature which causes national leaders to rise above sectionalism. I know of no instance when a man reached our highest office that he did not try to rise to the ranks of the great men of history. Some have had the capacity to ascend to those heights and I think such men are available to the American people today.

VETERANS ORDERED TO LEAVE MALL

(Mr. CAREY of New York asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CAREY of New York. Mr. Speaker, I do not assume to speak for the leadership of the House although I can indicate that they are sympathetic to the position I am about to express.

We all know that the Chief Justice has ordered the Vietnam veterans to leave the Mall by 4:30 p.m. today. We do not seek in any way to intrude upon that judicial process or in any way to infringe upon that process. Counsel for the veterans' group, I understand, will be appearing before the Court seeking to overthrow or overcome the Federal injunction. However, we know it has long been the custom for the Federal Government to assist in finding suitable areas for groups of Americans located in the Capitol area for legitimate purposes.

I have written a letter to the Secretary of the Interior calling upon him to confer with such officials of the District of Columbia government or others to secure suitable accommodations.

The letter is as follows:

House of Representatives,
Washington, D.C., April 21, 1971.

Honorable Secretary of the Interior,
Department of the Interior,
Washington, D.C.

Dear Mr. Secretary: We have no wish to intrude upon the judicial process under which Chief Justice Burger has ordered the VietNam Veterans to leave the Mall by 4:30 P.M. As the counsel submits review before the full court, it would be inappropriate for us to infringe upon that process.

Nevertheless, it is our feeling that these men who have served our country and now wish to extend that service by utilizing our constitutional and traditional means of public expression should not be deterred from doing so by any force or exercises of police power as long as such expression is orderly and non-violent.

Further, as it has long been a custom for the Federal government to assist in finding suitable areas for groups of Americans to locate in the Capitol area for legitimate purposes, we call upon the Secretary of the Interior to meet with the leadership of the VietNam Veterans in order that suitable accommodations can be found for the group at some nearby place.

We note that the Vice-President has extended the use of the West Capitol grounds for peaceful demonstrations in a decision last week. In that spirit, we believe it would be appropriate for the Secretary of the Interior to make the necessary arrangements we refer to above.

Sincerely,

Hugh L. Carey, Sam Gibbons, Glenn M. Anderson, William F. Ryan, Donald Fraser, Don Edwards, James Harvey, Les Aspin, Bertram L. Podell, Edward I. Koch.

Spark M. Matsunaga, Mike McCormack, Nick Begich, Frank Thompson, Martha Griffiths, Dominick Daniels, James H. Scheuer, John G. Dow, Thaddeus J. Dulski.

Mario Biaggi, Abner J. Mikva, Paul S. Sarbanes, Torbert H. Macdonald, Robert A. Roe, Jonathan B. Bingham, Shirley Chisholm, Wm. J. Green, Frank E. Evans.

Joshua Eilberg, Ella Grasso, Robert N. C. Nix, Dick Bolling, ———— ————, Morris Udall, Teno Roncalio, Robert F. Drinan, Emanuel Celler, Members of Congress.

SALUTE TO SECRETARIES

(Mr. PRICE of Illinois asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. PRICE of Illinois. Mr. Speaker, Secretaries Week, sponsored by The National Secretaries Association—International—is being observed from April 18 through the 24th. Today, April 21, has been designated as Secretaries Day.

"Better Secretaries Mean Better Business" is the theme of the 20th consecutive annual Secretaries Week. Governors and mayors throughout the United States have officially proclaimed Secretaries Week, and their counterparts in Canada have done the same. For the seventh straight year, the Outdoor Advertising Association has undertaken Secretaries Week as a public service project, and billboards have been made available throughout the country.

The purpose of Secretaries Week is to bring recognition to secretaries for the vital role they play in business, industry, education, government, and the professions. Secretaries Week was originated in 1952 by the National Secretaries Association—International—in cooperation with the U.S. Department of Commerce to draw attention to the secretaries contribution to the educational, professional, and civic growth of the community. It also serves to remind secretaries of their responsibilities to their employers and to their profession. Many secretaries also will participate in secretarial seminars.

The activities of Secretaries Week in the Nation's Capital started with attending mass at St. Matthews Cathedral on Sunday, April 18, at 12:30 p.m. The 20th Annual Secretaries Day dinner is being held this evening at Blackie's House of Beef and the climax of the activities for the week will be on Saturday, April 24, at the Kenwood Country Club with a luncheon and presentation of "Fashions for the Secretary" by Rose Williams.

I am familiar with the National Secretaries Association—International—and the many civic activities which they so willingly participate in since Margaret Morrison, a member of my staff, has been an active member for several years and is a past vice president of this organization. It gives me great pleasure to pay tribute and salute our secretaries at this time.

DOUBLE STANDARD JUSTICE

(Mr. ABERNETHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ABERNETHY. Mr. Speaker, as the so-called High Court of this land continues to deplore school segregation in the South contending that such is discriminatory, the same black-robed Justices also continue to wink at school segregation in the North.

To confirm this, one need only examine the Court's opinions of yesterday which were masterpieces in gobbledygook. While again kicking southern schools in the teeth, these master interpreters—and often misinterpreters—of the law made positively certain that the last southern school, without exception, be sacrificed on the altar of the Court's double standard of political justice—one standard for Yankee schools and another for Dixie schools.

There should now be no question in the minds of anyone that there is no more justice or equality of treatment for southern schools in President Nixon's High Court, headed by his Chief Justice Burger, than there was in President Eisenhower's High Court, headed by his former Chief Justice Warren. On reviewing the numerous utterances heard in the last year or so about the Court being moved toward a conservative point of view, the Court's decisions of yesterday, as written and read by Chief Justice Burger, confirm the sad fact that this has been no more than just a lot of talk. The hope that had built up within us, like the walls of Jericho, has been shattered to its foundation.

Mr. Speaker, it is reasonable to assume that the administration's front man, Spiro Agnew, will continue to flit across the South attempting to draw reverberating applause with his utterances against school busing. At the same time, the administration's hatchetman and head of the Civil Rights Division in the Department of Justice will no doubt continue his surveillance of southern schools, bringing actions whenever and wherever he can find the slightest imbalance in black and white mixing.

The position of those who advocate and support the double standard, that is, one for the South and another for the North, was strongly endorsed and further fortified yesterday by the Burger opinions. Undoubtedly, this hypocrisy will go on and on. The High Court will no doubt continue to dodge that which would require the integration of northern schools comparable to that which it has forced upon the South. The same double standard will be pursued in the

Congress, the Civil Rights Division of the Department of Justice and also in the White House.

When Spiro Agnew next cuts a swath across the South and attempts to hearten our people with his familiar and oft repeated utterances, "We are against school busing," it might be well that his listeners reply, "Oh yeah? And what is the position of this administration on busing north of the Potomac? What is it doing to see that upcountry citizens and schools are forced to swallow the same bitter dose that has been administered to southern schools?"

We anxiously await the answers.

CONGRESS SHALL MAKE NO LAW ABRIDGING THE FREEDOM OF THE PRESS

(Mr. LEGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEGGETT. Mr. Speaker, the Special Committee on Investigations, House Committee on Interstate and Foreign Commerce, has issued a subpena for all used and unused material relating to their program, "The Selling of the Pentagon." I regret this action by the committee.

How CBS put its program together is simply none of our business.

We have a free press in this country, and I say, thank God for it. If it were not for obstreperous and uncooperative reporters such as Malcolm Browne, David Halberstam, and R. W. Apple, we would still be thinking everything in Vietnam was hunky-dory. Certainly we would never have heard the truth from the State or Defense Departments, or from the White House.

We all wish the news media would trumpet our virtues and help us sweep our faults under the rug. But we have no right to order the media to do so. The Constitution explicitly forbids it, and our national interest demands that we not do it. If we ever reach the stage in which the only truth is that proclaimed by the Government, one of the most important differences between us and the Soviet Union will have disappeared, and with it much of the reason for our national existence.

The media can certainly stand improvement. In my opinion, "The Selling of the Pentagon" was regrettably superficial, and in one case it distorted by quoting out of context. But it dramatized a basic point which its critics have not even attempted to refute: The Pentagon spends millions of the taxpayers' dollars to con the same taxpayers into shelling out more billions for bigger military appropriations.

Just as we politicians must submit ourselves to the electorate, so the media must submit themselves to the citizenry. If they do sloppy or prejudiced work, the people will look elsewhere for information. This mechanism, not Soviet-style government interference, is what we must rely on to keep the media honest and competent.

As I said a minute ago, I regret the issuance of the subpena. I hope it will be dropped.

UNEMPLOYMENT AMONG VIETNAM VETERANS

(Mr. MURPHY of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY of New York. Mr. Speaker, there are no victory parades for the brave young Americans who served their country in Vietnam.

There are no bands, no flags, no bunting.

But there is unemployment, drug addiction, alienation.

This week I have been meeting with Vietnam veterans who are in Washington to lobby for an earlier end to the war. I have met at length with these young men, and we have had productive give-and-take sessions in which we talked and listened to one another.

Transcending the concern of these veterans for peace in Southeast Asia is their need to find a meaningful place for themselves in the America they return to from their service overseas.

They are concerned about the significantly higher rate of unemployment among Vietnam veterans compared to other groups of Americans.

Fifteen percent of all Vietnam veterans are unemployed. They must ignominiously apply for unemployment and welfare checks because there are no bonuses or 52–20 clubs in 1971 as there were in 1945.

They are concerned about their educational opportunities, especially the poor veterans. Thirty percent of our 5 million GI's are using the GI bill—but only 10 percent of the 1 million who are poor can afford to take advantage of school or job training because the bill does not cover the basic cost of tuition, room, board, and books at most private colleges in the country.

They are concerned about drug abuse which they all admitted was rampant among servicemen. One veteran, being treated on an ambulatory basis at a VA hospital in New York said drugs are sold openly by pushers to patients in the hospital. They told me of the depression, fear, and frustration in the war that leads to drug use. And once they are addicted, rather than receiving humane treatment from the Government, they are treated as criminal offenders and given dishonorable discharges.

They are concerned about the thousands of veterans who are injured and require care in VA hospitals. They are sent to these overcrowded hospitals where they often wait for months for artificial limbs and other long-range care.

These are the things these veterans are really worried about—no jobs, no education, no treatment for mental and physical handicaps which are their dividends from the war. They have returned home like no other veterans in our long history—tantamount to a release into limbo.

This is a far cry from the days when returning veterans received noisy welcomes from a grateful Nation.

Mr. Speaker. It is time for America to face its responsibility to her sons who have served in this war. For whatever one may think of the American effort in Vietnam, we must recognize that veterans of this war are entitled to every bit as much gratitude, assistance, and compensation as veterans of past wars.

And they are not getting it.

I call on my colleagues to look beyond the encampment on the mall and into the hearts and minds of these abandoned Americans. They have served well—many say they are the finest fighting men America has ever produced, and they have served in a difficult and frustrating war.

They need our help.

They need our help in the speedy passage of a comprehensive military drug bill to provide for medical discharges for addicts, followed by civil commitment to a program of meaningful rehabilitation, treatment, and aftercare.

They need our help in the passage of an across-the-board increase in the educational benefits available to GI's.

They need our help in the adequate expansion of VA hospital facilities to treat each and every veteran in the most comprehensive and up-to-date manner possible.

And they need our help in expanding the Federal effort to provide the one thing they want and need the most—meaningful jobs which afford them a decent standard of living with dignity and pride.

This is why these veterans are in Washington and I intend to do all I can to help them.

And I ask Members to join me in giving these GI's, not a handout, but the rewards they deserve for having honorably served their country.

THE PRESIDENT'S "LEGACY OF PARKS" PROGRAM

(Mr. ROSTENKOWSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSTENKOWSKI. Mr. Speaker, on March 24, 1971, in a speech on the House floor, I voiced my concern with the "fragmented Federal approach" to the funding of our cities' summer park and recreation programs. I would today like to discuss an even more basic problem in this most important area.

With the exception of the model cities program, every Federal recreation program is facility oriented. There are no dollars available in these programs for leadership and operation. I think it is safe to say that indications are not bright that such funds will be available in future plans. I make specific reference to the President's "legacy of parks" program. It is no secret that America's cities are finding it extremely difficult to get the necessary dollars to accommodate the 50-50 matching fund requirement of the present facility-oriented programs. I believe that documentation for this can be found in the fact that perennially there are unexpended funds at the Federal level at the end of the fiscal year. Unfortunately, Mr. Speaker, park and recreation department budgets are usually among the first to be considered for a decrease when cities are in a financial bind. However, they are often the first services to be called upon to assist local authorities to ease the pain of civil disorders.

I have always supported and will continue to support and encourage the Federal park effort; but if parks are to make people more effective citizens, then funds will have to be made available to provide the leadership to conduct programs in those parks and in other recreation areas that meet the needs and preferences of the local citizens. In order to do this, local departments will have to have supplementary funds on an on-going basis to provide the programs. With this in mind, I am currently in the process of drafting various amendments to several existing laws which will hopefully go far to remedy this situation.

Mr. Speaker, responsiveness to total urban recreation needs will not be accomplished through the President's "legacy of parks" approach alone, but only through the massive infusion of programs and services geared to meet the needs and preferences of the disadvantaged. Facilities alone are not the answer—facilities together with meaningful programs are.

PUTTING AN END TO HUNGER IN AMERICA

(Mr. MYERS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MYERS. Mr. Speaker, on May 6, 1969, President Nixon publicly committed his administration and the Nation to "putting an end to hunger in America for all time." Today, less than 2 years later, incredible progress has been made in pursuit of this objective.

At the time of the President's message, there were 440 counties in this country without a family food assistance program—today there are only nine. Those participating in the commodity distribution or the food stamp programs now number 13.6 million—an increase of almost 6 million over last year and an even larger increase over the year before. Similarly, 2 million more youngsters now receive free or reduced price school lunches than did in the previous year.

Certainly, the President and those members of his administration responsible for this great achievement deserve our wholehearted commendation. I am including in the Record today an article by Jeffrey Hart which appeared in the Indianapolis Star on February 17, 1971. Mr. Hart's analysis goes to the heart of the hunger issue and demonstrates the ever-present dichotomy between the men of action and the men of words.

The article follows:

Men of Concern? Hunger in America—and Politics

(By Jeffrey Hart)

Flash. The Nixon administration, it appears, is well on the way to solving what by anyone's definition constitutes the problem of hunger in America. You may not remember it, but only about a year and a half ago hunger was Awfully Big. There was even a major White House Conference on the subject, which made headlines by vociferously declaring that hunger was widespread in America. Whereas FDR, in the depths of the Depression, had claimed that only one-third of the nation was "ill-fed," by 1970 we were hearing that one-third or even one-half of the nation was "hungry." The drum began to beat. Starvation in the midst of affluence. One more instance of America's depravity and the bankruptcy of the System.

Senator George McGovern led the wave of enlistments in the Hungerian cause, becoming a sort of Mr. Hunger for the first quarter of 1970. Paperbacks on hunger poured from the presses. You will not believe it, but I vouch for the fact: one New York travel agency actually advertised an Appalachian Vacation. Those who were bored with Acapulco and the south of France could now spend 10 days on the hunger scene, maybe eating grits and deer meat. In this way, they might accumulate enough anecdotes to get through an entire cocktail party season.

But now it develops that the Nixon administration, without much fanfare at all, has, in fact, moved massively to pass out a lot of food. In New York City the number of people receiving food stamps, subsidized school lunches, and other forms of Federal nutritional aid has increased fourfold since President Nixon took office. In Pennsylvania, the number of Federally subsidized lunches has jumped from 25,000 per month two years ago to 2.8 million per month today, And these figures are not atypical.

Let us set aside the question of whether the Federal approach is the best one here. On the surface, at least, it would seem to be what the hunger chorus actually desired. But are they celebrating this Nixonian achievement? They are not. Of course, I know that the erstwhile Mr. Hunger has now become Mr. Lose the War, having very big things in mind. But what about all the others? Aren't they even interested in something like a solution?

The answer is no. And here I think we touch on something profound. For a certain kind of person, problems are much more interesting than solutions. And the reason is that the McGoverns and all the other hunger warriors are not primarily concerned about hunger, really, and not about something so pedestrian as food. Rather, they desire to dramatize their capacity for concern itself. It is the dramatization that is all important. Therefore the hunger politician of 1969 can suddenly become the pollution politician of 1970. The whole idea is to set up the correct vibrations with a particular constituency. From this perspective, solutions, which usually involve tedious administrative measures and lots of boring routine, are of no interest whatsoever.

When you have watched this process go on for some time, you discern that it even has a quasi-religious dimension. Dramatizing concern, setting up the correct vibrations, establishes a politician as a Man of Good Will, one of the saved, a member of the moral elect—in contrast to the Others, the mere politicians and administrators. And no one needs to be told that Mr. Nixon hardly sets up the correct vibrations. He merely seems to have solved the problem. And the Men of Concern, having gone on to other things, do not even care enough to notice it.

DISCHARGE PETITION FOR VIETNAM DISENGAGEMENT

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, I take this time to announce that I have placed on the Clerk's desk a discharge petition on the Vietnam Disengagement Act of 1971.

Mr. Speaker, I certainly hope my colleagues in the House will join me in an effort to bring this resolution to the floor of the House for debate and action at the earliest practicable date.

THE DEMOCRATIC CAUCUS

(Mr. BADILLO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BADILLO. Mr. Speaker, I am delivering to you now a letter in which I protest and I express my great concern about the failure to hold a Democratic caucus this morning in the House of Representatives. As you know, this was to be one of the regularly scheduled monthly caucuses. At least nine resolutions were on the agenda. Some have been carried over from caucuses as far back as February. The resolutions deal with vital issues: The war in Vietnam, the President's freeze on appropriations enacted by Congress, procedures for considering appropriation bills, and others.

Mr. Speaker, this morning I called at 9 o'clock and was told that the hearing of my subcommittee had been canceled because of the caucus. At 9:45 I got a call back to my office from the staff of the Democratic caucus saying that there would be no votes in the caucus and that the committee hearings were going on. This meant that there would be no quorum because the Members would be attending hearings.

Mr. Speaker, I suggest it is time that the Democratic leadership saw to it that the caucuses are held regularly. It is the duty of the leadership to see that committee business does not conflict with the caucus and to assure that Members' resolutions are brought up for full and fair consideration. If this is not done, there is not going to be any Democratic Party in this country.

I present for inclusion in the Record the text of my letter to the Speaker of the House.

April 21, 1971.

Hon. Carl Albert,
Speaker of the House, House of Representatives, Washington, D.C.

Dear Mr. Speaker: I want you to know of my very grave concern over what I consider to be the deliberate and malicious sabotage of today's Democratic caucus in the House of Representatives.

As you know, this was to be one of the regularly scheduled monthly caucuses. At least nine resolutions were on the agenda, and some had been carried over from caucuses as far back as February. These resolutions dealt with vital issues—the war in Vietnam, the President's freeze on appropriations enacted by the Congress, procedures for considering appropriations bills, and others.

Early this morning we received indications that efforts were being made to prevent a quorum at the caucus. My staff and I made some calls and determined that representatives of the Democratic leadership were advising the committees to hold hearings because there would be no votes at the caucus. Inevitably, enough Members went to the committee hearings, there was no quorum at the caucus, and the caucus was cancelled.

Words really are insufficient to express my outrage over this. I have felt for some time that the lack of strong Democratic leadership in the House of Representatives was responsible for the absence of a Democratic legislative program and for the fact that our party seems always to be in the position of reacting to Republican initiatives, instead of being on the initiative ourselves. The lack of coordination has become apparent to the press and the public through such fiascos as the hurried scheduling of the social security legislation and the failure of either the Speaker, the Majority Leader or the Majority Whip to take any role in the recent efforts to increase appropriations for education.

Today marked the second time a Democratic caucus had to be canceled for lack of a quorum and the second time the caucus was deliberately sabotaged by the leadership. I don't feel the members will tolerate this any longer. I, for one, did not seek election to the House of Representatives to merely ratify whatever may be put in front of me by the party leadership. My constituents sent me to Washintgon to take an active role in shaping this nation's policies and programs and helping to move the Democratic Party in a direction truly responsive to national needs.

Unless the Democratic leadership accepts this and enables all members to take an active role in developing a party program, it should be replaced by Members who can spell democratic with a small "d".

Sincerely yours,

HERMAN BADILLO,
Member of Congress.

WE MUST CURB TEXTILE IMPORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 30 minutes.

Mr. DUNCAN. Mr. Speaker, early in the 1960's we saw that many foreign countries began doubling, then tripling, then expanding even further their exports of cotton goods to the United States. Taking cognizance of their needs for dollars to pay for their imports from us, as well as the needs of domestic producers for protection from runaway import levels, after protracted negotiations we reached a long-term cotton agreement with the major exporters in which the total of all cotton textile imports was limited and limits to each of the categories of cotton manufactures set. We applied this LTA fairly to all cotton exporters, giving the foreign nations a fair percentage of our consumer market and even allowing a decent percentage increase over the years. We believed that we had achieved a fair competitive market for foreigners and one in which our domestic producers could meet the competition by reorganizing themselves, by adopting innovative procedures, by installing new machinery, and, generally, by producing more per manhour so as to meet the low-cost foreign imports.

The system worked well for a couple of years, till suddenly we found that we had been outwitted and outmaneuvered in our domestic textile market.

We have extended the life of the LTA. Other nations abided by the terms for cotton textiles. But what they also did was to shift their attention to other textiles, such as wool and artificial fibers, and apparel made of these two types of fibers and swamp our markets in these fields. The American Textile Manufacturers Association saw the new trend, started warnings against this new takeover of an ever-increasing percentage of our total textile market and asked not only that discussions be initiated on a private basis but also on governmental account, and that adjustment assistance be granted those domestic firms seriously injured by excessive imports of like or competitive textile products.

Discussions with private exporters overseas failed dismally. The argument was made that there was no agreement on textile goods other than on cotton, that there were no prohibitions in our tariff laws and customs procedures against imports of wool and artificial fiber textiles or on apparel made of these two types of fibers, and, lastly, that any prohibition against such imports might be a contravention of the principles of the General Agreement on Tariffs and Trade—GATT. This latter implication might lead to a trade war, or retaliation against our exports, or also appeals for damages against our curtailment of specific exports to us.

On a government-to-government basis our Secretary of Commerce went personally to various continental countries with a face-to-face confrontation with governmental leaders about the excessive amount of textiles exported by their countries to the United States. A personal visit to Japan, Taiwan, and South Korea resulted in an equally frustrating refusal to compromise or even consider any type of governmental influence to discourage their excessive exports. The Japanese went even further by claiming that their textile exports were not really injuring our total domestic textile industry and that our manufacturers were merely trying to safeguard an excessive percentage of our domestic market for their own benefit. However, as a face-saving device they did send a textile mission to discuss textiles with our State Department. No substantive result as to curbing textile exports to the United States came about as a result of their talks.

As we all know the whole textile import problem rapidly worsened. So large was the amount coming in during late 1969 and all during 1970 that many of our textile mills simply had to shut down and tens of thousands of textile workers joined the ranks of the unemployed. This is the situation as it obtains today with continued stories of mills closing or curtailing production and workers being laid off.

As a result of the injurious effect of excessive textile imports and in accordance with the relief procedures of the 1962 Trade Expansion Act many textile unions asked for adjustment assistance. Finally, toward the end of 1970 the Tariff Commission has at last certified to the President that certain groups of workers are entitled to assistance from the Department of Labor and some mills to help from the Department of Commerce. But this is not the whole story, since too many mills have closed their doors and too many workers have been laid off.

What is of concern to me is the fact that we in the House were so concerned about this unequal import competition in respect of textiles, shoes, electronics, and a few other strategic commodities that we passed a fair import quota bill last year under which imports would be restricted to a specific percentage of our yearly consumption. As you know, the President and his administration supported this bill, but it was not passed in the Senate.

On January 22 of this year the bill was introduced again with the same provisions for import quotas on all textiles and shoes and any other commodity injuriously affected by excessive imports. I subscribe heartily to these provisions.

But what has happened during the last few weeks?

The President has striven hard to get some kind of voluntary contraction of textile exports from Japan. He felt that if such negotiations could not succeed then the only recourse to cutting imports would be an import quota bill. As you know the Japanese as the largest exporters were obdurate in their denials of voluntary agreements for their own people. Just how far the Japanese Ministry of Imports and the Japanese textile manufacturers have an interrelated agreement I do not know, but it seems that at last they have agreed to curb their total textile exports in 1971 to the 1970 total plus 5 percent, the 1972 exports to the 1970 total plus 6 percent and the 1973 exports to the 1970 total plus 6 percent. This is their latest offer made to Chairman MILLS of the House Ways and Means Committee.

The President and the administration have announced that this so-called concession is unacceptable. The whole textile industry has denounced this accommodation. The AFL–CIO has come out for a quota bill. And I am certain that all Members with textile plants in their districts will disavow approval of such an offer.

I am against this kind of an offer. It does not meet the problem of injurious imports at all. It merely continues the injury. It does not have any offsetting feature since the American taxpayer must still foot the bill for adjustment assistance while the Japanese increase their exports. Nor does it tackle the problem of imports from South Korea, Hong Kong, and Taiwan; nor imports from Europe.

No, the problem is still with us.

In 1970 we imported 4 billion square yards of all types of textiles with a value of $2.4 billion. This was 11 percent more than in 1969 which already was a banner year. In 1970 we exported less than $800 million worth of textiles leaving us with a textile trade deficit of $1.6 billions. Unless something definite is done soon, the same deficit will obtain in 1971.

The textile industry is concentrated here in our Southeast in Tennessee, the

Carolinas, Alabama, and Georgia with around 550,000 people employed in the industry apart from apparel production. Yet, in our region 57 plants have gone out of business in North Carolina.

Mr. Speaker, we have been told lately that we might not have a 1971 trade bill unless the Japanese so-called voluntary agreement is made part of that bill. The facts show that their offer is unacceptable to us. They are staying in business and expanding their exports to us by 5 percent at our expense. The time has come to look after our own. Foreign textile exporting countries have full employment and are getting rich at the expense of our own textile workers. Our textile industry insists that an import quota by category in cotton, wool, and artificial fibers is the only solution toward fair and reasonable competition. To this end I shall keep on raising my voice because it is the only fair remedy open to us. I trust that this question will remain open and that such an import bill will be passed soon.

TAKE PRIDE IN AMERICA

The **SPEAKER** pro tempore (Mr. EDWARDS of California). Under previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 15 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

The 1960's was the decade when illiteracy in this country was halved. Only 1 in 100 persons 14 years and older was unable to read and write. The Census Bureau, which is authority for these statements, says that in the years from 1959 to 1969 the total of persons unable to read or write declined from 2.6 million to 1.4 million.

Illiteracy declined among all ethnic groups. In 1969, the illiterate rate for whites 14 and over was seven-tenths of 1 percent, for blacks 3.6 percent. At the start of the declade, the rates were 1.6 percent for whites and 7.5 percent for minority groups, including blacks. About 45 percent of all illiterates in 1969 were 65 or over.

Literacy is a key that opens the doors to opportunity, as everyone knows. That fact has probably done more than any other to reduce the rate of illiteracy in this country.

"THE SECOND FRONT OF THE VIETNAM WAR": COMMUNIST SUBVERSION IN THE PEACE MOVEMENT

The **SPEAKER** pro tempore. Under previous order of the House, the gentleman from California (Mr. SCHMITZ) is recognized for 60 minutes.

Mr. SCHMITZ. Mr. Speaker, this April and May, the American people are once again being subjected to the spectacle of mass demonstrations against our involvement in Southeast Asia as two major Communist-led coalitions try to manipulate and exploit the legitimate concerns of sincere peace advocates, subverting them to the perhaps unwitting service of the propaganda requirements of Hanoi, Peking, and Moscow.

These two coalitions are the Peoples Coalition for Peace and Justice—PCPJ—led primarily by Communist activists, and the National Peace Action Coalition—NPAC—tightly controlled by the Trotskyist Communist Socialist Workers Party.

The Peoples Coalition for Peace and Justice is a direct successor to the New Mobilization Committee to End the War in Vietnam, which was the subject of intensive investigation by the House Committee on Internal Security during 1969 and 1970; as a result of this investigation, the HCIS concluded in its annual report for 1970 that New Mobe was under Communist domination.

The National Peace Action Coalition is also a successor to New Mobe, representing the Trotskyist-led faction which formed its own organization in June 1970 because of disagreement with New Mobe's increasing emphasis on multi-issue protests rather than on the single-issue mass mobilizations centered around a demand for withdrawal from Vietnam, the strategy traditionally favored by the Trotskyists.

Though split as to strategy, the PCPJ and NPAC managed to achieve unity on the April 24 Washington and San Francisco marches, a unity which was a direct result of an urgent appeal from Xuan Thuy, chief North Vietnamese Communist representative at the Paris peace talks.

Furthermore, despite their tactical differences, both coalitions are as one in their determination to see the immediate and total withdrawal of American forces from Southeast Asia. The leadership of both the PCPJ and NPAC, as shown by their public statements of belief and purpose, is determinedly pro-Hanoi and pro-Vietcong—and militantly anti-American.

Mr. Speaker, today it is my purpose, with the aid of my distinguished colleagues Mr. ZION from Indiana and Mr. THOMPSON from Georgia, to try to put before this House such information as we have been able to assemble on the Communist background of these demonstrations. We will present a detailed history of the anti-Vietnam war movement, especially from September 1966 to the present time, so that our colleagues in the House, as well as the entire American people, may be informed as to the identities of those who operate behind the scenes to organize and control the direction of major antiwar protest in this country.

It is our fervent hope that all who read and assimilate this information will be made aware that this is not simply innocent protest, that this is instead part and parcel of a well-organized and viciously conceived international Communist-led campaign to hamstring the United States and destroy our will to resist Communist aggression, not only in Vietnam but around the world.

We do not say that all who endorse or otherwise participate in these demonstrations are Communists. That would be manifestly unfair, obviously. But we do say that the evidence is overwhelming that those who operate, often behind the scenes, to set the policies are all too often Communists and others whose interests and sympathies are quite obviously inimical to our country's security. The guiding geniuses, if you will, are not simply home-grown pacifists. Rather, they are partisans of Hanoi, people who believe that they must act in concert to promote a communist victory in Vietnam to humiliate the United States.

Mr. Speaker, I shall now proceed to set before this House information on the historical background of Communist activity in the peace movement so that we may set the stage for the detailed accumulation of evidence that will be presented by my colleagues and myself as we progress:

HISTORICAL BACKGROUND OF THE UNITED FRONT AGAINST THE WAR

A. GENERAL

The use of "peace" as a propaganda weapon and peace groups as organizational instruments to promote that theme has been one of the most successful ingredients in the communist propaganda assault on the West. However, as the phenomenon of light cannot be understood without an appreciation of darkness, so also the so-called "peace program" of the communists must be viewed within the whole context of their policies on revolution and the circumstances of war in which communist nations are or may be faced.

Historically—and skillfully—the communists have whipped up a clever mix of peace-and-war propaganda which invariably finds the communist and the "Capitalists" four-square in the "peace-loving" and "war-mongering" camps, respectively. Until the day that the "dictatorship of the proletariat" has won the world, communists and capitalists, when scrambled and tossed, will inevitably plop back within the camp of peace and the camp of war. Since Marxism-Leninism has preordained that history says it is so, communists from 1917 to date have worked feverishly to make it so.

Firm in the belief that they can fool all the people all the time, the communists have adroitly masqueraded their military offensives behind a defensive posture of "peace." In so doing "peace" became a weapon of war because its object was to disarm the opposition materially and psychologically. On other occasions it has been used to gain time to preserve or to strengthen an achievement. The record speaks for itself, and the record of communist achievements has not been unsuccessful.

What do communists really mean by the term "peace"? Although Lenin developed the Aesopian language of communism, in times of intense political or military stress he dropped all pretense at double-talk. For example, in April 1916, Lenin had written that "every peace programme" was a deception of the people and a "piece of hypocrisy" unless its principal object was to explain to the masses the need for a revolution and to support, aid, and develop the revolutionary struggle of the masses. From that time until his successful palace coup of November 1917, Lenin tirelessly promoted revolution against both antagonists in World War I, including Russia, Germany, France, etc. Friend or foe, all were "capitalist" nations.

Lenin's peace program was immediately resurrected after his revolutionary takeover in Russia for the purpose of salvaging the first nation to fall under communism. He did this by signing a peace treaty with Germany which, according to the Seventh Congress of his party, was necessary in order to withdraw before a stronger enemy, to gain the necessary reprieve to put the economy in order, and to create a new worker-peasant army capable of defending the country against the onslaught of imperialism. Instead, he subsequently used the new Red Army to conquer nonimperialist territories which now comprise huge portions of the Union of Soviet Socialist Republics (U.S.S.R.). The army also attempted to invade neighboring countries, e.g., Poland, Finland, The Baltic Nations, etc., but there the Red Army failed.

Josef Stalin extended Lenin's peace-to-buy-time program, following the U.S.S.R.'s civil war and famine, and incurred the wrath of Leon Trotsky, who had opted for "permanent revolution" beginning in 1917 against the noncommunist world. The sores resulting from World War I, the revolution, mass liquidations, civil war, and famine still smarted when Stalin promoted the theme of "peaceful co-existence" at the 15th Congress of the Communist Party of the Soviet Union (CPSU). It was the task of communists to delay war by "buying off" the capitalists and to take all measures to maintain peaceful relations.

The next year, 1928, the first 5-year plan was adopted and the nation concentrated its whole being on building its heavy industry sector as a supportive base for the development of a modern military machine by which it hoped to achieve major nation status. But while the U.S.S.R. was restoring its agricultural base in the 1920's and its industry in the 1930's, its international activities had not remained idle in selling Russia's "peace-keeping" mission.

The Sixth World Congress of the Communist Third International (Comintern), held in 1928, resolved that the peace policy of the U.S.S.R. did not imply that the Soviet Union had become reconciled with capitalism. It was, the Comintern stated, merely another and—under present conditions—a more advantageous form of fighting capitalism—a form, the resolution declared, which the U.S.S.R. has constantly employed since the revolution of 1917. Candidly, it concluded, the revolutionary war of the proletariat—that is, the party—dictatorship was but a continuation of the revolutionary peace policy by other means.

At the Seventh World Congress of the Comintern of 1935, held but a short time after the U.S.A. rendered diplomatic recognition to the U.S.S.R. in exchange for a Soviet promise to cease its subversive hanky-panky, Otto Kuusinen, executive commitee member of the Comintern, and central committee member of the CPSU, addressed the group on the subject of "Youth and Fascism." In calling for a broad international revolutionary youth front, he cited the successful achievements of the young "comrades" in America and France as examples to be emulated.

After urging his international audience to "invite pacifist youth organizations to join the united front," Kuusinen, at his dialectical best, said that youth should be reminded of Lenin's instructions:

> You will be given a gun. Take it and learn well the art of war. This is necessary for the proletarians * * * in order to fight against the bourgeoisie of your own country, in order to put an end to * * * war, not by good intentions, but by a victory over the bourgeoisie and by disarming them.
>
> If our parties' youth carry on the fight against war in this spirit, there can be no doubt that in a number of countries the counter-revolutionary imperialist war will lead to revolution * * *.

What the Comintern-CPSU official had in mind, when he urged youth and pacifists to fight in this fashion against war, would soon be realized the following year when civil war broke out in Spain. The Comintern organized, trained, and armed thousands of young "peace-loving" combatants from all over the world, including 3,000 from the U.S. alone, of whom at least two-thirds were communists. The usual complement of Soviet "advisers"—sans troops—were also in evidence.

The most noteworthy use of "peace" as a ruse was the classroom classic use to which it was put by the U.S.S.R. prior to and shortly after the outbreak of World War II when the Kremlin's frequent zigzag tactics tested even the most devout communist.

In early 1939, the Kremlin and the CPUSA switched from their united-front peace line to a prowar theme. They attacked American isolationism and called for the most active participation by the U.S. in a world struggle against Nazi Germany. But the same year, in August 1939, following the signing of the Nazi-Soviet pacts, the CPUSA quickly resurrected its peace line in order to "keep America out of the imperialist's war"—and thereby permit the CPSU-Nazi duet to share, uncontested, the war spoils in Poland and other areas of Northern Europe.

It is instructive to note here that while the Communist Party of the Soviet Union made war in Europe it directed its puppet, the CPUSA, to "make peace" in America, which took the form of strikes against defense facilities, demonstrations, etc.

Following Germany's attack on the U.S.S.R. in June 1941, the CPUSA's former peace-war-peace line abruptly switched for the third time during which it called upon the U.S. to declare war on Germany immediately and to send military aid to the U.S.S.R. Soon thereafter strikes against defense plants were considered treasonable in the eyes of the party.

Khrushchev, whom some considered more peacelike than Stalin, promoted the peace-peaceful coexistence theme more than had his predecessor. However, in 1955 he reportedly stated in a speech in Warsaw:

> We must realize that we cannot coexist eternally, or for a long time. One of us must go to the grave. We do not want to go to the grave. They do not want to go to the grave either. So what can be done? We must push them to their grave.

Kommunist, official publication of the CPSU, stated in 1960 on the related questions of peace and peaceful coexistence, "there can be no doubt that the strengthening of peace and peaceful coexistence is a factor which favors the expansion of the liberation movement [i.e., wars of national liberation] and the activization of the class war [i.e., revolutionary civil war] in the capitalist countries.

FBI Director J. Edgar Hoover wrote that with the communist weapon of peaceful coexistence, the communists hoped to lull the free world, especially the United States, into a false sense of security. It means of buying time, he said, to consolidate past gains while probing for soft spots in the free world which present opportunities for future expansion.

B. INTERNATIONAL "PEACE" MACHINERY

The Kremlin's major international communist fronts created to market its peace product are the World Peace Council (WPC) and the World Peace Congresses. The WPC was conceived in Paris in 1949 at a meeting of the First World Peace Congress. It was formalized at the Second World Peace Congress in Warsaw in 1950. WPC claimed a membership from 120 countries and territories. Expelled by the French Government for "fifth column" activities, the Council moved to Prague and finally to Vienna in 1954. It was banned in 1957 by the Austrian Government on the grounds that its activities were "directed against" the interests of the state of Austria.

The World Peace congresses were cited in 1951 by the House Committee on Un-American Activities as having been "organized under Communist initiative" in various countries throughout the world as part of a campaign against NATO. However, its greatest moment was realized when it organized the World Peace Appeal (known as the Stockholm Peace Petition against the Korean War) launched 3 months before communism's armed aggression against an ill-prepared South Korea. HCUA stated that the peace appeal, which was a worldwide drive for signatures and the most extensive campaign of psychological warfare even conducted on a world scale, was obviously intended to smokescreen that aggression.

The Kremlin-controlled Cominform,

through the WPC, exercised direct global supervision of this communist "peace" campaign while the CPUSA directed the program in the United States.

C. DOMESTIC COMMUNIST "PEACE" MOVEMENTS

1. The American League Against War and Fascism, organized in the U.S. in 1933, was a domestic offshoot of the World Congress Against War held in Amsterdam in August 1932 under the chairmanship of the well-known French communist, Henri Barbusse. The league was characterized by Attorney General Francis Biddle as an organization established "to create public sentiment in behalf of a foreign policy adapted to the interests of the Soviet Union." Its stated objectives were (a) to stop the manufacture and transport of munitions and all other materials essential to the conduct of war; (b) to support the peace policies of the Soviet Union; (c) and to win the Armed Forces to the support of this program.

2. The American League for Peace and Democracy, cited as the (then) largest communist "front" movement in the U.S. by the Special Committee on Un-American Activities, was created in 1937 as a successor to the above-mentioned group. Earl Browder was its vice-president. It succeeded the League Against War and Fascism following a change in the international line adopted at the Seventh Comintern Congress, which had called for a united front of "peace-loving" nations. It was itself replaced following another switch in the international line which was called for by the signing of the Stalin-Hitler (Molotov-Ribbentrop) Pact in August 1939.

3. The American Peace Mobilization, cited as "one of the most seditious organizations" ever to operate in the U.S. by the Special Committee on Un-American Activities, was formed in 1940 under the auspices of the Communist Party, U.S.A. Its function was to protest lend-lease, conscription, and the national defense program. Its main objective was to mold public opinion against participation in the war against Nazi Germany—then bedfellowed with the U.S.S.R. Shortly after Germany invaded the Soviet Union, but only long enough to regroup under a new title, the group was terminated.

4. The American People's Mobilization, organized in the summer of 1941, reversed all the policies of its predecessor and came forth with a program favoring complete support for the U.S.S.R., China, and Great Britain. When, following V–J Day in August 1945, the U.S.S.R. no longer needed the United States of America, the party line again became anti-U.S.A. and the name of the group changed as well.

5. The Win the Peace Conference (Congress) was organized in 1946 to conduct peace activities during the period of the cold war. Its major purpose was to crystallize support behind the presidential candidacy of Henry A. Wallace, the Progressive Citizens of America, which later absorbed the group, and the Progressive Party. The National Committee To Win the Peace was cited as a communist subversive group by Attorney General Tom Clark.

6. In addition to the above general or mass appeal peace groups, the CPUSA assigned "peace" functions on occasion to its specialized organizations including:

(a) The Cultural and Scientific Conference for World Peace, organized in March 1949, which was a "supermobilization" of the inveterate supporters of the Communist Party, U.S.A., and its auxiliary organizations. Cited as a communist front by the HCUA, its function was characterized as mobilizing American intellectuals in the field of arts, sciences, and letters to provide a propaganda forum for Soviet foreign policy and Soviet "culture" and to prepare the way for the World Peace Congress to be held, as previously noted, in Paris. Additionally, it would also attack the Marshall Plan, North Atlantic Treaty Organization, U.S. foreign policy, and American culture.

(b) The National Labor Conference for Peace was organized in Chicago in October 1949. Communist-controlled unions and communist labor figures played an important role in this peace activity by waging an incessant propaganda campaign on behalf of the Soviet Union, including activities against the Atlantic Pact nations, and the U.S. foreign aid program. Meanwhile it promoted Soviet plans for settling the Korean war and for seating Red China in the United Nations.

(c) The American Youth for a Free World, a U.S. affiliate of the communist international front—the World Federation of Democratic Youth—and so characterized by the HCUA, was also swept into the communist "peace"; program.

7. The Committee for United States Participation in the American Continental Congress for Peace was formed as a section of the American Continental Congress for Peace, a group organized in Mexico City in September 1949. Its purpose was to consolidate anti-American forces throughout the Western Hemisphere. Two American vice presidents in the parent body were Linus Pauling and W. E. B. DuBois, both of whom were identified in 1952 by Louis Budenz, former CPUSA leader, as secret members of the Communist Party. The parent body was characterized by the HCUA as "another phase in the communist 'peace' campaign."

8. The American Peace Crusade was organized in February 1951, as a communist-front organization according to the subversive Activities Control Board. The Board found that the APC was operated primarily under the management and direction of members of the CPUSA. Under the guise of promoting peace, it actually promoted the program of the Communist Party U.S.A.

The communists' massive expenditure of energy and resources on "peace" and "peace-front" activities especially observed after the November revolution of 1917, during the united-front period of the thirties, during the Stalin-Hitler Pact period, following Germany's defeat in World War II, and just before and during the Korean war, would not be seen again—at least on this scale—until the decision was made in Washington to assist South Vietnam against the military aggressions of communist North Vietnam.

During the mid-1960's there was a serious resurgence of communist "peace" activity as opposition to the Vietnam war mounted and a wide variety of pacifist and communist organizations staged demonstrations throughout the United States; but a true national emphasis was not achieved until the April 17, 1965, SDS-sponsored march on Washington, a demonstration that encompassed nearly every significant pacifist and subversive group in the country. This was the first real attempt to gather all opposition to the war into a single united-front type of activity, although a certain amount of opposition to the participation of communists was attempted by some of the more traditional peace-oriented groups.

The first national coordinating agency for the developing anti-Vietnam war movement, however, was the National Coordinating Committee to End the War in Vietnam, founded in August 1965 as a result of discussions held during the Assembly of Unrepresented People in Washington, D.C. The NCCEWV included in its ranks a number of organizations, both communist and non-communist, on the basis of the united front strategy. The NCCEWV steering committee included representatives of various committees to end the war in Vietnam, many of which had been formed largely under the aegis of the Socialist Workers Party and Young Socialist Alliance, as well as such prominent movement leaders as Dave Dellinger, a self-professed non-Soviet communist; Arnold Johnson, the Communist Party, U.S.A.'s official representative in the peace movement; Irving Beinin, an employee of the independent communist newsweekly Guardian and representative of New York's Lower East Side Mobilization for Peace Action; and Jerry Rubin, representative of the Vietnam Day Committee in California.

Trotskyist participation in the NCCEWV was significant, as it has been throughout the anti-Vietnam war movement. The Minnesota Committee to End the War in Vietnam, for example, was represented by YSA member Larry Seigle, while the Philadelphia Area Committee to End the War in Vietnam was officially represented by Robin Maisel, also a member of the YSA.

The NCCEWV was directed by Frank Emspak, son of deceased Communist Party, U.S.A., member Julius Emspak. Frank Emspak, who indicated interest in trying to unite the peace movement with civil rights groups, was himself no stranger to CPUSA-oriented activity. For example, during the 1964–1965 academic year, Emspak was president of the Wisconsin Socialist Club, a group organized in 1957 by two members of the Labor Youth League, a now-defunct Communist Party youth organization. Emspak also attended meetings of the CPUSA-organized W.E.B. DeBois Clubs of America during this period.

One of the NCCEWV's major activities was the organizing of the International Days of Protest on March 25–26, 1966, with demonstrations held in cities throughout the United States. These demonstrations were characterized by major Communist involvement.

The most significant of the demonstrations was held on March 26 in New York City under the auspices of the Communist-dominated Fifth Avenue Vietnam Peace Parade Committee, a broad-based united front group whose steering committee at that time included members of such organizations as the Communist Party, Socialist Workers Party, and Progressive Labor Party. Along the more than 20,000 demonstrators were more than 50 members of the CPUSA, along with numerous members of the SWP, PLP, Workers World Party, and Youth Against War and Fascism, youth arm of the WWP.

In Chicago, an estimated 2,600 demonstrators were led by a contingent of members of Veterans for Peace in Vietnam, an organization formed by Communist Party member LeRoy Wolins. At the University of Wisconsin, CPUSA national committee member Herbert Aptheker was among the speakers, while Dorothy Healey, at that time chairman of the Communist Party's Southern California District, was the featured speaker at a Los Angeles teach-in on March 25, attended by an estimated 3,000 people.

Toward the end of 1966, the NCCEWV declined as a direct result of a struggle between the adherents of the Communist Party, advocating multi-issue demonstrations, and those of the SWP, who advocated a single-issue mass mobilization approach geared solely to demands for withdrawal from Vietnam. This struggle proved a portant of things to come.

The on-again, off-again "peace offensive"; by communist powers and their foreign affiliates from 1917 to date has been carefully calculated to correspond to those periods of military emergency when the U.S.S.R. or a "fraternal" member of the communist bloc had the most to gain—or lose—as a result of the outcome of that armed confrontation. As a "balanced" athletic team is evaluated by the skill with which it correlates its defensive and offensive capabilities, so might it be said of the communist movement, which synchronizes the defensive weapon of "peace" to disarm its opponent, wtih a full complement of offensive moves in the political, economic, cultural, and military sectors designed to ultimately overwhelm it.

Mr. Speaker, I now yield to my colleague from Indiana, Mr. Zion, who will place into this Record data on the development of the November 8 Mobilization Committee, Spring Mobilization Committee to End the War in Vietnam, and National Mobilization Committee to End the War in Vietnam, three of the direct predecessors of the present-day Peoples Coalition for Peace and Justice and National Peace Action Coalition.

Mr. ZION. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, as the National Coordinating Committee To End the War in Vietnam (NCC) was declining, certain key activists in the anti-Vietnam war movement were busy setting up the November 8 Mobilization Committee, a united front which proved far more durable than the NCC.

The November 8 Mobilization Committee was established as an ad hoc coalition at the National Leadership Conference of anti-war activists in Cleveland, Ohio, on September 10–11, 1966. This conference was of pivotal importance for two reasons: (1) it represented a resurgence of the united-front coalition strategy within the "peace" movement and (2) it established the basic pattern of communist participation that has remained characteristic of the Mobe throughout its evolution.

The official proceedings of the conference reflect that the idea for the gathering originated with the University Circle Teach-In Committee, a Cleveland antiwar group, and its chairman, Professor Sidney Morris Peck. Peck, who played a key role during and after conference, is a former member of the Wisconsin State Committee of the Communist Party, U.S.A., and has a sustained record of affiliation with communist and communist - front organizations that leaves no doubt he has remained actively procommunist in his sympathies. Peck remains one of the most influential and prominent leaders in the activist portion of the peace movement and is one of the guiding influences in the Peoples Coalition for Peace and Justice.

The conference was attended by approximately 150 delegates and observers from around the country, including the following:

(1) Stewart Meacham, a representative of the American Friends Service Committee;

(2) Ron Young, a representative of the pacifist Fellowship of Reconciliation;

(3) Sholem Lemovitz, representative of Veterans for Peace in Vietnam, a group founded in Chicago in 1966 by veteran Communist Party member LeRoy Wolins;

(4) Eric Reinthaler, member of the University Circle Teach-In Committee, former member of the CPUSA and more recently an active member of the Socialist Workers Party;

(5) Irving Beinin, representative of the Fifth Avenue Vietnam Peace Parade Committee and staff employee of the communist news weekly *Guardian;*

(6) Sidney Lens, leader in the Chicago Peace Council and onetime leader of the Revolutionary Workers League, cited as "subversive and Communist" by Attorney General Tom Clark in 1947 and 1948;

(7) James West, an Illinois member of the CPUSA;

(8) Jack Spiegel, an identified member of the CPUSA dominant leaders of the Chicago Peace Council;

(9) A. J. Muste, prominent pacifist and communist sympathizer who was described by FBI Director J. Edgar Hoover as a man "who has long fronted for Communists";

(10) Danny Luce, member of Youth Against War and Fascism (YAWF), youth arm of the dissident Trotskyist Workers World Party;

(11) Anthony Seederly, member of YAWF;

(12) Otto Nathan, representative of the Fifth Avenue Vietnam Peace Parade Committee and an identified Communist;

(13) Joel Myers, member of YAWF;

(14) Robert Greenblatt, an avowed supporter of the communist Viet Cong in South Vietnam;

(15) Rev. Richard Fernandez, director of Clergy and Laymen Concerned About Vietnam, a group which has aided American deserters in Sweden;

(16) Hugh Fowler, leader in the W.E.B. DuBois Clubs of America, the official youth front for the CPUSA;

(17) Mike Stein, a New York member of the CPUSA;

(18) Edward Keating, publisher of the pro-Hanoi magazine Ramparts;

(19) Barbara Bick, a representative of Women Strike for Peace who was identified as a member of the CPUSA by two witnesses in sworn testimony before the House Commitee on Un-American Activities in 1951 and 1953;

(20) Syd Stapleton, member of the SWP;

(21) Fred Halstead, staff employee of the Fifth Avenue Vietnam Peace Parade Committee and prominent member of the SWP;

(22) Gus Horowitz, well-known member of the SWP;

(23) Larry Seigle, representative of the Minnesota Committee to End the War in Vietnam and prominent member of the Young Socialist Alliance, youth and training section of the SWP;

(24) Danny Rosenshine, a representative of the Cleveland Committee to End the War in Vietnam, which was largely controlled by the Socialist Workers Party, and a member of the YSA;

(25) Peter Buch, member of the SWP;

(26) Richard Lesnick, member of both the SWP and YSA;

(27) Robin Maisel, representative of the Philadelphia Committee to End the War in Vietnam and member of the YSA?

(28) David Wulp, a representative of the Chicago Peace Council and member of the SWP and YSA;

(29) Lynn Henderson, representative of the Chicago Peace Council and member of the SWP;

(30) Marcia Sweetenham, representative of the Cleveland Committee to End the War in Vietnam and member of the SWP and YSA;

(31) Linda Sheppard, representative of the Greater Boston Coordinating Committee to End the War in Vietnam and member of the SWP and YSA;

(32) Rachel Towne, a representative of the Cleveland Committee to End the War in Vietnam, member of the SWP, and writer for the SWP's official newspaper, The Militant;

(33) Douglas Jenness, member of both the SWP and YSA;

(34) Jack Barnes, member of the SWP;

(35) Lew Jones, member of the SWP and YSA;

(36) Frank Emspak, representative of

the National Coordinating Committee To End the War in Vienam;

(37) David Frankel, Queens College SDS, member of the YSA;

(38) Charlie Bolduc, representative of the Minnesota Committee to End the War in Vietnam and member of the YSA;

(39) Harry Ring, prominent SWP leader;

(40) Joe Henry, representative of the Wayne State Committee to End the War in Vietnam and member of the YSA;

(41) Mareen Jasin, member of the YSA;

(42) Thomas Dennis, CPUSA member from Detroit;

(43) Evelyn Kirsch, member of the SWP and YSA;

(44) Barbara Gregorich, representative of the Cleveland Committee to End the War in Vietnam and writer for *The Militant;*

(45) John McCann, representative of the Cleveland Committee to End the War in Vietnam and member of the YSA;

(46) Ellen Robinson, representative of the Wayne State Committee to End the War in Vietnam and member of the SWP;

(47) Tom Bell, member of SOS from Ithaca, N.Y.;

(48) Jim Benton, SDS member from Michigan;

(49) Pete Brownlie, SDS member from MacAlistair College;

(50) Sidney Peck, representative of the University Circle Teach-In Committee and former member of the Wisconsin State Committee of the CPUSA;

(51) Louise Peck, representative of the University Circle Teach-In Committee and wife of Sidney Peck;

(52) Walter Kos, representative of the Detroit Committee to End the War in Vietnam and member of the YSA;

(53) Richard Hill, representative of the Chicago Committee to End the War in Vietnam and an organizer for the SWP;

(54) Eloise Neseky, a YSA member from Boston;

(55) Jeff Powers, a YSA member from Ann Arbor, Mich.;

(56) Edward Heisler, representative of the Hyde Park [Chicago] Committee to End the War in Vietnam and member of the YSA;

(57) Eva Friedlander, representative of Chicago Women for Peace and member of the Communist Party;

(58) Ben Friedlander, representative of Chicago Voters for Peace, husband of Eva Friedlander, and member of the Communist Party;

(59) Sylvia Kushner, key leader in the Chicago Peace Council and member of the Communist Party.

Thus, of those registered for the conference to establish the coalition that eventually evolved into the Peoples Coalition for Peace and Justice and the National Peace Action Coalition, at least 10 have been identified as members of the Communist Party, U.S.A., or its former youth front, the W. E. B. DuBois Clubs of America, while no fewer than 30 have been identified as members of the Socialist Workers Party or its youth front, the Young Socialist Alliance.

Other key groups represented, as shown by the above listing, were Students for a Democratic Society, which in 1965 had reversed its stated, but long-ignored, policy of excluding communists from membership; Youth Against War and Fascism, militant youth arm of the Workers World Party; the Fifth Avenue Vietnam Peace Parade Committee, a key New York area coalition formed in 1965 and dominated by communists; and the Chicago Peace Council, a major area peace coalition which is controlled by members of the CPUSA.

Two people in the list stand out as particularly important in the subsequent evolution of the November 8 Mobe: Fred Halstead and Sylvia Kushner.

Halstead, SWP candidate for President in 1968, has long been one of the key members of the staff and administrative committee of the Fifth Avenue Vietnam Peace Parade Committee, which has functioned as the New York office for the Mobe and its successors, and has served as one of the chief organizers of the Parade Committee's major demonstrations. He has also held numerous key positions in the November 8, Spring, National, and New Mobilization Committees and serves today as a member of the steering committee of the Trotskyist-controlled, National Peace Action Coalition.

Mrs. Kushner, a member of the Illinois State Committee of the CPUSA, is the executive secretary of the Chicago Peace Council and controls the day-to-day operations of the CPC by virtue of her position as the CPC's office manager and chief spokesman. She is also one of the five CPUSA members—Kushner, Spiegel, Dorothy Hayes, and Ben and Eva Friedlander—who, in collaboration with Sidney Lens, control the executive committee of the Chicago Peace Council. These are positions of great significance because the Chicago Peace Council, like the Parade Committee in New York, is one of the most potent area peace coalitions in the country and because, again like the Parade Committee, its leadership causes it to function as a key vehicle for communist activity within the peace movement. Just as Halstead has been a primary leader of the Trotskyist faction in the Mobe and its successors, Kushner has been one of the predominant leaders of the anti-Trotskyist group, helping to guide the organization increasingly in the direction favored by the CPUSA. She is currently playing a major role in organizing the April and May activities of the Peoples Coalition for Peace and Justice.

Promotional literature circulated by the November 8 Mobilization Committee identified 34 people as members of the committee, including the following:

(1) Barbara Bick;

(2) Robert Greenblatt;

(3) Sidney Peck;

(4) Edward Keating;

(5) Otto Nathan;

(6) Carl Oglesby, former president of SDS;

(7) Jack Spiegel;

(8) Herbert Aptheker, CPUSA theoretician and director of the American Institute for Marxist Studies, a front for the CPUSA;

(9) Sidney Lens;

(10) Franklin Alexander, chairman of the CPUSA's W. E. B. DuBois Clubs of America and a member of the CPUSA;

(11) Fred Halstead;

(12) Lew Jones;

(13) Gus Horowitz;

(14) Father Philip Berrigan, S.S.J. convicted and jailed for destroying U.S. Government draft files.

(15) Staughton Lynd, a professor at Yale University; former member of the defunct CPUSA youth group, American Youth for Democracy; member of the W. E. B. DuBois Clubs of America; and participant in an unauthorized trip to Hanoi with SDS founder Tom Hayden and CPUSA national committee member Herbert Aptheker;

(16) Deirdre Griswold, a key leader of YAWF who currently serves as a member of the national committee of YAWF's parent organization, the Workers World Party.

Most of the remaining committee members were people with records of support for communist fronts and causes.

The November 8 Mobilization Committee was created to organize mass mobilizations against the Vietnam war throughout the United States on November 5–8, 1966. It is significant that the national board of the Communist Party, U.S.A., gave full cooperation to the November 8 Mobe in this project.

One of the largest of the demonstrations was a November 5 rally in New York City. Among the participants—estimated to be as many as 20,000—were numerous members of the CPUSA, the Socialist Workers Party, and the Workers World Party. Signs carried during the rally included some that declared: "Defeat the U.S. Imperialists—Victory for NLF."

SWP member Judy White and CPUSA leader Herbert Aptheker were introduced to the crowd, and David Dellinger sent greetings from communist North Vietnam. Speakers included Sue Eanet of SDS; Grace Mora Newman, a member of the CPUSA; Leon J. Davis, a New York labor leader who has been a consistent supporter of CPUSA causes and who refused to tell a subcommittee of the House Committee on Education and Labor in 1948 whether he was in fact a member of the CPUSA; Alexander Evanoff, another prominent New York labor figure and supporter of CPUSA fronts and causes; and Pauline Rosen, a New York leader in Women Strike for Peace who attended a closed national convention of the CPUSA in New York in June 1966.

On November 26–27, 1966, the November 8 Mobilization Committee met again in Cleveland for its final conference. Of the 117 persons registered for this gathering, 75—approximately 65 percent—were members of the SWP or its youth arm, the Young Socialist Alliance, including SWP national committee member Fred Halstead and SWP/YSA member Kipp

Dawson. The National Coordinating Committee To End the War in Vietnam was represented by Frank Emspak. National committee members Arnold Johnson and James West represented the CPUSA, and the DuBois Clubs were represented by their executive secretary, Hugh Sterling Fowler.

Speakers at the conference included A. J. Muste, prominent peace activist Dr. Benjamin Spock, and David Dellinger. According to The Militant for December 5, 1966. "The conference was deeply moved when Dave Dellinger reported on his visit to North Vietnam and described the heroic resistance of the Vietnamese people to U.S. aggression and the need for the American antiwar movement to emulate their inspiring example."

RECONSTITUTING THE UNITED FRONT: THE SPRING MOBILIZATION COMMITTEE TO END THE WAR IN VIETNAM

The primary result of the November 26–27 conference was a resolution by the November 8 Mobilization Committee to reconstitute itself as the Spring Mobilization Committee To End the War in Vietnam and to concentrate on organizing mass protests against the Vietnam war on April 15, 1967:

> In view of the opposing need for new initiatives and *nation-wide coordination* of activity to achieve peace, the November 5–8 Mobilization Committee hereby [sic] constitutes itself on a more formal basis as the Spring Mobilization Committee to End the War in Vietnam.
>
> The Mobilization Committee shall consist of those members and officers who are currently sponsors of the November 5–8 Mobilization Committee and those who designate their willingness to continue in that role, as well as such others as the Committee itself shall add to its ranks under procedures established in September. In addition to the present leadership there shall be designated by this meeting four Vice-Chairmen (Dave Dellinger, Sidney Peck, Robert Greenblatt, and Ed Keating), to assist in guidance and leadership, under the direction of the current Chairman, A. J. Muste. * * *
>
> The Mobilization Committee shall be charged with organizing a national action April 15, 1967 in San Francisco and New York, with the details to be worked out by the committee at its executive meetings.
>
> The Mobilization Committee shall be charged with suggesting, stimulating and/or organizing such actions of a more limited and more localized nature as may be feasible, *with the aim of broadening the influence of the peace movement as much as possible, as long as these actions clearly fall within the consensus reached by the diverse viewpoints of this conference.* * * *
>
> *The Mobilization Committee will seek to make the April 15 action an international one.*
>
> The Mobilization Committee shall also seek to *widen the movement* into such localities and professional milieux, including, but not limited to, labor, literary, military, civil rights, traditional peace groups, religious, electoral, as are not presently organized or which need our organizational assistance. [Emphasis added.]

This resolution was clearly an expression of the desire of Mobe's leadership to maintain the coalition on as broad a basis as possible, to make more nearly permanent the united front against the war by supplying nationwide coordination under continuing leadership, as well as by attempting to involve a wider range of groups in the movement by achieving agreement on fundamental issues around which all competing tendencies could unite and organize.

It should further be noted that this continuing leadership was of a distinctly pro-Hanoi cast: Edward Keating, publisher of Ramparts magazine; Dave Dellinger, a self-professed communist who has traveled to Hanoi and who has maintained close contact with the Vietnamese communist leadership; Sidney M. Peck, who has traveled to North Vietnam and who has declared himself to be in favor of a communist victory in Vietnam; and Robert Greenblatt, who traveled to Hanoi and has also maintained extremely close contacts with international communist elements.

Among the 40 people who were listed as sponsors on the text of the resolution to reconstitute the November 8 Mobe at the November 26–27 conference were the following key movement activists: Bick, Peck, Spiegel, Nathan and Arnold Johnson, all of whom have been identified at various times as members of the CPUSA; Muste; Keating and Greenblatt; Paul Booth and Carl Oglesby, both associated with SDS; Frank Emspak of the National Coordinating Committee; Hugh Fowler and Prof. Staughton Lynd, both members of the DuBois Clubs; Sid Lens; Horowitz, Dawson, Halstead, and Lew Jones, all members of the SWP; Deirdre Griswold of YAWF; and Stokely Carmichael, chairman of the Student Nonviolent Coordinating Committee (SNCC). Carmichael was one of the principal architects of the alliance between SNCC and the Movement for Puerto Rican Independence (MPI). MPI was described by the Senate Internal Security Subcommittee as one of "the three leading pro-Communist organizations of Puerto Rico."

On November 27, 1966, the temporary steering committee for the Spring Mobilization met in Cleveland. The official minutes list 19 people as present. Of this number, six were members of the SWP or YSA: Peter Buch, Kipp Dawson, Fred Halstead, Gus Horowitz, Lew Jones, and Robin Maisel. Also present were Jack Spiegel, Otto Nathan, DuBois Clubs leader Hugh Fowler, Sidney Peck, and Arnold Johnson, in addition to Joan Levinson, a New Yorker who has served as an official of the Freedom and Peace Party of New York State, a front for the CPUSA.

The above rosters of active participants in Mobe affairs point to one of the cardinal precepts observed from the first by the Mobe leadership: the principle of nonexclusion. Among the Mobe leadership group, A. J. Muste, who served as chairman and chief unifying force until his death in February 1967, was perhaps most forceful in arguing for nonexclusion, which meant simply that Communists were to be welcomed into the coalition on an equal basis with non-Communists. Muste emphasized repeatedly that anticommunism should never in any sense become a part of Mobe doctrine or practice. In an article in the December 19, 1966, issue of Mobilizer, Spring Mobe's official voice, Muste made the following revealing observation:

> In practice a non-Communist coalition is *in danger* of becoming an anti-Communist one * * *." [emphasis added.]

In the same article, Muste made another observation which is most instructive, indicating as it does that organized Communist participation is vital to the anti-Vietnam war movement:

> What no doubt clinches the matter is that if we were to abandon the "nonexclusion" principle we would quickly disintegrate.

There can be no doubting the essential truth of Muste's statement. As the House Committee on Un-American Activities observed in its March 31, 1967, report on the Communist Origin and Manipulation of Vietnam Week:

> Generally speaking, however, genuine pacifist elements and organizations in this country are relatively small and weak. Alone, they have never succeeded in staging a major demonstration. While the sincerity of these groups in agitating for peace in Vietnam and elsewhere is not to be questioned, it is clear that they have played, and are playing, a minor role in Vietnam Week and in other anti-Vietnam-war demonstrations that have taken place in this country in recent years.
>
> Every major, large-scale demonstration against the war in Vietnam which has taken place in this country has had all-out Communist support. They have, in fact, achieved the status of "large-scale" and "major" mainly because of the effort put into them by Communist elements.

On the basis of the House Committee on Internal Security investigation in this area, covering nearly 2 years, HCIS members are convinced that this assessment has even greater validity today than in 1967.

The united-front character of the coalition remained evident in the roster of officers chosen for the Spring Mobilization Committee. Muste, as already shown, was named chairman. Vicechairmen, in addition to Dellinger, Greenblatt, Peck, and Keating, included Cleveland Robinson, a New York labor leader and inveterate supporter of CPUSA fronts and causes, and Dagmar Wilson, founder of Women Strike for Peace and an avowed advocate of the North Vietnam communist cause who has traveled to Hanoi.

Communist leadership in Spring Mobe's regional preparations for the April 15, 1967, demonstrations was considerable. West coast executive director for Spring Mobe was SWP/YSA member Kipp Dawson, while the SWP provided the principal support for the Mobe's west coast office and its operations.

In California, Asher Harer, an SWP leader, was active in staff work, while his daughter Kathie, a member of the YSA, was in charge of organizing Bay area high school support, Robert Himmel, an SWP organizer, was in charge of the arrangements for the San Francisco activities in Kezar Stadium. Another active participant in west coast preparations for April 15 was CPUSA functionary Donald Hamerquist.

In Ohio, regional coordinator was former Wisconsin CPUSA leader Sidney Peck. In Chicago, CPUSA member and Chicago Peace Council leader Mrs. Sylvia Kushner was in charge of train arrangements. In New York City, one of the full-time staff workers was Mike Jarvis, a self-professed member of the DuBois Clubs.

In New York, black participation in the April 15 march was organized partly by two groups: the Black United Action Front, one of whose officers was well-known SWP member Paul Boutelle, and Blacks Against Negative Dying (BAND), founded and led by YAFW activist Edward Oquendo. Boutelle was prominent in New York organizing for the march among members of the black community.

Organizations which formerly endorsed and/or actually participated in Spring Mobe's activities included the following:

(1) Communist Party, U.S.A., which had its own public contingent in New York led by top party leaders Gus Hall and Arnold Johnson;

(2) W.E.B. DuBois Clubs of America, official CPUSA youth front;

(3) Socialist Workers Party;

(4) Young Socialist Alliance, SWP youth front;

(5) Youth Against War and Fascism, youth arm of the Workers World Party;

(6) Veterans for Peace in Vietnam, founded and led by identified CPUSA member LeRoy Wolins, who later served as a member of New Mobe's Washington Action Committee;

(7) National Lawyers Guild, CPUSA legal front organization;

(8) International Longshoremen's and Warehousemen's Union, which has long been controlled by identified members of the CPUSA;

(9) Women Strike for Peace, an organization infiltrated by members of the CPUSA and characterized by the House Committee on Un-American Activities as a group "which, since it was first formed in the fall of 1961, has enjoyed the complete support of the Communist Party";

(10) Los Angeles Committee for Defense of the Bill of Rights, a CPUSA front organization;

(11) Peace Action Council of Southern California, a major regional peace coalition that, like the Chicago Peace Council, is firmly controlled by members of the Communist Party;

(12) Los Angeles Committee to End the War in Vietnam, a group under heavy SWP influence;

(13) Revolutionary Contingent, a New York group which supports victory for the Vietcong;

(14) Fifth Avenue Vietnam Peace Parade Committee, key New York Mobe arm led by non-Soviet communist Dave Dellinger;

(15) Fort Hood Three Defense Committee, a Communist Party front group whose national secretary was Dave Dillinger and whose national chairman in 1969 was CPUSA member Grace Mora Newman;

(16) Americans for NLF victory, a California group;

(17) SDS National Council;

(18) SDS Midwestern Region Conference;

(19) John Hopkins SDS, Baltimore, Maryland;

(20) Baltimore Spartacist League, a dissident Trotskyist group;

(21) Progressive Labor Party, the major pro-Chinese communist group in the United States;

(22) Freedom Socialist Party, a Washington State group allied with the dissident communist Spartacist League;

(23) Trade Unionists for Peace, an organization set up by the CPUSA.

With the exception of the Spring Mobe itself, the key group in organizing the April 1967 anti-Vietnam war activities was the Student Mobilization Committee To End the War in Vietnam.

Formed at a conference in Chicago during December 1966, Student Mobe has from its inception been dominated by communists, a fact thoroughly documented by the House Committee on Un-American Activities in its March 31, 1967, report on "Communist Origin" and Manipulation of Vietnam Week. The committee also detailed the communist domination of Spring Mobe and found formally that communists were playing "dominant roles" in both organizations.

The idea for the December 1966 conference had first been proposed by self-professed CPUSA member Bettina Aptheker, but members of the SWP and YSA quickly became active in Student Mobe affairs. In 1968, after a bitter factional dispute between the YSA and forces led by the CPUSA, the Student Mobilization Committee fell—and has remained—under the complete control of the YSA.

Besides playing a key role in the organization and execution of the April 1967 actions, Student Mobe has collaborated closely with the Spring, National, and New Mobilization Committees in every mass anti-Vietnam war demonstration down to the present time. The Student Mobilization Committee remains today one of the most active and potent communist organizations in the "peace" movement.

Support for the Spring Mobilization came also from a wide variety of individuals, both communist and noncommunist including the following:

(1) Bettina Aptheker, CPUSA;

(2) Beverly Axelrod, National Lawyers Guild;

(3) Peter Camejo, SWP and YSA;

(4) Mr. and Mrs. Robert Cugini, DuBois Clubs;

(5) Robert Davis, YSA;

(6) Kipp Dawson, SWP, YSA, and Student Mobe;

(7) Benjamin Dreyfus, CPUSA and National Lawyers Guild;

(8) Martin Hall, onetime active member of the German Communist Party and prominent supporter of communist fronts, including especially the Peace Action Council of Southern California;

(9) Terence Hallinan, active DuBois Clubs leader and member of the Communist Party, U.S.A.;

(10) Ralph Johansen, San Francisco Lawyers Guild;

(11) Professor Donald Kalish, self-admittedly "far to the left" of the CPUSA;

(12) Michael Kelley, NLG Student Division;

(13) Albert J. Lima, chairman, Northern California District, CPUSA;

(14) James R. "Bob" Lindsay, CPUSA;

(15) Wayne Mercer, San Jose DuBois Club;

(16) Ben Dobbs, Southern California District, CPUSA;

(17) Arnold Johnson, public relations director, CPUSA;

(18) Robert Treuhaft, identified member, CPUSA;

(19) Don Rothenberg, identified member, CPUSA;

(20) Malvina Reynolds, identified member, CPUSA;

(21) Al Richmond, executive editor of the People's World, official CPUSA west coast newspaper;

(22) Eldridge Cleaver, who has served as one of the primary leaders of the Black Panther Party;

(23) Jack Spiegel, identified member, CPUSA;

(24) Fred Halstead, SWP;

(25) Irving Sarnoff, identified member, CPUSA, and leader of the Peace Action Council of Southern California;

(26) Jerry Rubin, a founder of the Vietnam Day Committee;

(27) Prof. Eli Katz, identified member, CPUSA;

(28) Prof. Leon Wofsy, identified member, CPUSA;

(29) Jesse Gray, identified member, CPUSA;

(30) Prof. Linus Pauling, identified member, CPUSA;

(31) Rev. Fred Shuttlesworth, official in the Southern Conference Educational Fund, a group led by persons who have been identified as members of the CPUSA;

(32) Dr. Carleton Goodlett, a leading member of the Soviet-controlled World Peace Council;

(33) Jessica Mitford, identified member, CPUSA;

(34) Deirdre Griswold, YAWF;

(35) Sidney Lens, former leader, Revolutionary Workers League;

(36) Rev. Stephen Fritchman, who in two appearances before the House Committee on Un-American Activities refused to answer all questions pertaining to membership in the Communist Party;

(37) Aubrey Grossman, identified member, CPUSA;

(38) Lester Cole, identified member, CPUSA;

(39) Morris Watson, identified member, CPUSA;

(40) Rev. William Howard Melish, identified member, CPUSA;

(41) J. H. O'Dell (also known as Hunter Pitts O'Dell), member Communist Party National Committee;

(42) Mae Mallory, associate of Robert F. Williams and prominent in activities of the Workers World Party and YAWF;

(43) Irving Beining, *Guardian* staff;

(44) Rev. Lee H. Ball, prominent supporter of CPUSA fronts and causes and executive secretary of the Methodist Federation for Social Action, officially cited as a front for the Communist Party, U.S.A.;

(45) Nelson Blackstock, YSA;

(46) Anne and Carl Braden, identified members, CPUSA;

(47) Al Evanoff, prominent supporter of communist causes;

(48) Sue Eanet, SDS;

(49) Nick Egleson, president of SDS;

(50) Paul Booth, SDS, leader in the National Conference for New Politics;

(51) Hugh Fowler, DuBois Clubs;

(52) Gus Horowitz, SWP;

(53) Lew Jones, SWP and YSA;

(54) Dr. Corliss Lamont, identified member, CPUSA;

(55) Dan Rosenshine, YSA;

(56) Abe Weisburd, Trade Unionists for Peace;

(57) Jaimey Allen, SWP;

(58) Ove Ospoy, SWP;

(59) Brian Shannon, SWP;

(60) Carl Oglesby, SDS;

(61) Marian Gordon, DuBois Clubs;

(62) Rev. John W. Darr, head of the Greenwich Village Peace Center in New York City and an identified member of the CPUSA.

The People's World, CPUSA's official west coast newspaper, thus was able to state in its issue for January 21, 1967: "National sponsors of the action indicate possibilities of unprecedented breadth."

An estimated 100,000 to 125,000 people participated in the New York march and rally on April 15, 1967. Speakers included Stokely Carmichael, Nick Egleson, William F. Pepper of the NCNP, and Pedro Juan Roa of the Movement for Puerto Rican Independence. Chairmen of the rally were non-Soviet communist Dave Dellinger and Dr. Benjamin Spock, prominent anti-Vietnam war activist and supported of the communist-controlled National Emergency Civil Liberties Committee and the Freedom and Peace Party. Singers who appeared in New York included identified CPUSA member Pete Seeger.

Dignitaries listed as attending included identified communist Otto Nathan, identified CPUSA member Linus Pauling, identified CPUSA member David Livingston, former CPUSA Wisconsin State Committee member Sidney M. Peck, and North Vietnamese supported and WSP founder Dagmar Wilson.

The San Francisco rally, attended by an estimated 40,000 to 50,000 people, was entertained by, among others, identified CPUSA member Malvina Reynolds. Speakers included Eldridge Cleaver, who accused the United States of murder and genocide in Vietnam; SWP activist Kipp Dawson; and Grace Mora Newman, sister of DuBois Clubs member Dennis Mora of the Fort Hood Three. Mrs. Newman has traveled to North Vietnam and is an open supporter of the North Vietnamese communist cause.

Groups participating in San Francisco included the Progressive Labor Party, Socialist Workers Party, and Freedom Socialist Party of Seattle, while the New York parade included a public contingent of the Communist Party, U.S.A., led by top party leader Gus Hall and Arnold Johnson.

Financial support for the Mobilization came from a variety of sources. A west coast financial report for the period January 13 through February 2, 1967, acknowledged a loan of $400 from the San Francisco State College Vietnam Day Committee; and a west coast progress report dated February 4, 1967, made special mention of contributions from identified Communist Party member Benjamin Dreyfus ($25) and from California Communist Party leader Albert J. Lima ($100).

The consistently anti-United States and pro-Hanoi stance of the Mobe and its key leadership was a prime cause of difficulty within some sections of the anti-Vietnam war movement. On March 16, 1967, the National Action Committee of the Young People's Socialist League, youth group of the Socialist Party, declared in a resolution:

> We do not support the "Spring Mobilization to End the War in Vietnam," since this effort is a continuation of the kind of united-frontism that clouds the real issues and confuses the American people about what the peace movement stands for. Political differences are smothered under amorphous slogan, with the result that supporters of a Vietcong military victory are lumped in with some who sincerely hope to make a contribution to peace.
>
> The last "Call" of the Spring Mobilization Committee * * * makes no demands on the Communists, as well as the United States, to de-escalate and end the war. Such one-sided demands * * * can only alienate Americans and cause them to wonder if the peace movement is against the war, or merely against the American side in the war. Anti-Americanism alone may appeal to simple minds, but will only discredit the legitimate peace movement. * * *

Another statement announcing a refusal to participate in the April 15 Mobilization, again because of the Mobe's one-sided emphasis on alleged American responsibility for the Vietnam war, was issued on April 12, 1967, by the executive board of the Northern California region of the National Committee for a Sane Nuclear Policy.

Foreign communist endorsements for the Mobilization came from the Vietnam Peace Committee, a North Vietnamese group, and from North Vietnamese Premier Pham Van Dong, who hailed the movement "to demand United States Government stop war of aggression in Vietnam and bring American troops home." A February 19, 1967, article in the official North Vietnamese Government newspaper Nhan Dan also "hailed the mounting struggle of the entire people of the United States of America against Johnson's aggressive war in Vietnam."

During the weekend of May 20–21, 1967, the Spring Mobilization Committee held a National Anti-War Conference in Washington, D.C. Of the more than 700 people who registered for the conference, over 300 were members of the Communist Party, W.E.B. DuBois Clubs of America, Socialist Workers Party, Young Socialist Alliance, or Youth Against War and Fascism. CPUSA and SWP officials participated in a series of workshops, one of which was devoted to fundraising and conducted by inactive CPUSA National Committee member Hunter Pitts O'Dell.

The conference ended by calling for a massive march on Washington on October 21, 1967. This project had also been proposed and endorsed by a Chicago conference of the Student Mobilization Committee the previous weekend, May 13—14. The Student Mobe session had been attended by some 500 delegates, many of them members of the CPUSA, DuBois Clubs, SWP, YSA, and Students for a Democratic Society.

THE UNITED FRONT TURNS TO VIOLENCE: THE NATIONAL MOBILIZATION COMMITTEE TO END THE WAR IN VIETNAM

The leadership of the Mobilization, known subsequent to the May meeting as the National Mobilization Committee To End the War in Vietnam, remained as a united front, Communist-oriented in character. Non-Soviet Communist Dave Dellinger continued as chairman. Cochairmen included Greenblatt, Peck, Kalish, Evanoff, Lens, and Dagmar Wilson. Also listed as cochairmen were John Wilson, a member of the SNCC central committee and leader in the National Black Anti-War, Anti-Draft Union, an offshoot of the Student Mobilization Committee, and Lincoln Lynch, an official in the Congress of Racial Equality, sponsor of a testimonial dinner in behalf of CPUSA leader William L. Patterson, and supporter of the CPUSA front Freedom and Peace Party.

National coordinator was Robert Greenblatt, with Jerry Rubin and NBAWADU leader John Wilson serving as project directors. SWP member Peter Buch was listed as part of the staff of Mobilizer, the Mobe's official voice. CPUSA functionaries active in planning for October included LeRoy Wolins, founder of Veterans for Peace in Vietnam, and Syvia Kushner, guiding influence in the Chicago Peace Council.

Medical arrangements for the projected demonstrations were to be handled by the Medical Committee for Human Rights, one of the top leaders of which, Dr. Quentin Young of Chicago, appeared in October 1968 before the House Committee on Un-American Activities and refused to answer all questions pertaining to Communist Party membership.

Legal arrangements were partly to be handled by the Communist-controlled Emergency Civil Liberties Committee and by the Law Center for Constitutional Rights, presented by such attorneys as William M. Kunstler and Arthur Kinoy, both active in the ECLC and National Lawyers Guild, and Morton Stavis, a National Lawyers Guild attorney an identified member of the Communist Party, U.S.A.

Again, a crucially important role in organizing for the October protests was played by the communist-dominated Student Mobilization Committee, which actively promoted participation by groups and individuals across the United States. In Chicago, Student Mobe organized and sponsored participation by Chicagoans in collaboration with the Chicago Peace Council, whose most influential figures are identified members of the Communist Party.

Other organizations which contributed actively in organizing support for and participation in the Washington action included:

(1) the Communist Party, U.S.A., which marched under its own banner under the leadership of such top party officials as Arnold Johnson, chairman of the Peace Commission, Michael Zagarell, chairman of the National Youth Commission, and James Jackson, chairman of the International Affairs Commission;

(2) the Socialist Workers Party;

(3) The Young Socialist Alliance;

(4) the W. E. B. DuBois Clubs of America;

(5) Youth Against War and Facism;

(6) Students for a Democratic Society;

(7) the Student Nonviolent Coordinating Committee;

(8) the Black Panther Party;

(9) Women Strike for Peace, founded by Dagmar Wilson, Mobe leader and open supporter of the North Vietnamese communists;

(10) the Progressive Labor Party;

(11) the Chicago Area Draft Resisters (CADRE), an organization which has recently emerged as a supporter of the Black Panther Party;

(12) the U.S. Committee to Aid the National Liberation Front of South Vietnam;

(13) the Fifth Avenue Vietnam Peace Parade Committee;

(14) Veterans for Peace in Vietnam;

(15) the National Conference for New Politics;

(16) the Spartacist League;

(17) Trade Unionists for Peace;

(18) the Veterans of the Abraham Lincoln Brigade, a CPUSA front.

The demonstrations on October 21, 1967, included a rally at the Lincoln Memorial and civil disobedience at the Pentagon, an attempt to gain entrance to the building in order to "confront the warmakers" and "disrupt the war machine."

Speakers at the Lincoln Memorial rally, which drew an estimated 55,000 demonstrators, included:

(1) David Dellinger, Mobe chairman;

(2) Dr. Benjamin Spock;

(3) Dagmar Wilson, Mobe cochairman;

(4) Ossie Davis, supporter of numerous Communist Party fronts and causes;

(5) John Wilson;

(6) Linda Morse, head of the Student Mobilization Committee;

(7) Fred Davis, SDS representative;

(8) Lincoln Lynch.

During the demonstration activity, Negro participants were exhorted to break off from the main line of march and proceed to a separate area to hold their own rally. Some 300 did so and listened to speeches by leaders of SNCC; the Mau Maus, a black nationalist group; and the Revolutionary Action Movement (RAM), a pro-Chinese Marxist-Leninist organization then being led from self-imposed exile in communist China by black revolutionary Robert F. Williams.

At about 2 in the afternoon, the demonstrators began to march across the Memorial Bridge to the Pentagon, where they demonstrated until the following morning. The Mobe had announced that there would be civil disobedience at the Pentagon in an attempt to gain entrance to the building to "confront the warmakers" and "disrupt the war machine."

The number of people who took part in this demonstration was estimated at from 30,000 to 60,000. Figures compiled by the U.S. marshal's office and the Department of Defense, which handled arrests during the Pentagon demonstration, reflected a total of 683 arrests at the Pentagon from the afternoon of October 21 through the early morning of October 23. There were 24 demonstrators, 13 marshals, and 10 soldiers treated for injuries. Afterwards Dellinger hailed the demonstrations and arrests as a great victory which signaled the birth of a new, more militant movement.

International communist support for the October 21 Mobilization project was substantial. The Hungarian Peace Council in Budapest announced a Vietnam Week for October 15–21, 1967. Demonstrations of support were held in various cities around the world, including Moscow, Tokyo, Stockholm, Paris, and Munic, in addition to at least five major cities in Canada.

James Bevel, national director of the Mobilization and a supporter of many communist fronts and causes, including a fund appeal and court action in behalf of the CPUSA's DuBois Clubs, attended the Stockholm World Conference on Vietnam, July 6–9, 1967, and reported strong support for representatives of the American peace movement at the conference. One of the resolutions passed by the conference, which was organized primarily by the World Peace Council, Soviet-controlled international communist "peace" front, stated: "The organizations and groups working for peace in Vietnam should mark October 21 * * * by demonstrations in many countries and towns."

In Vietnam, the National Liberation Front on October 16, 1697, established the South Vietnam People's Committee for Solidarity-with the American People. One of the new group's messages as broadcast from Hanoi urged the American people "to step up the struggle to demand an end to the U.S. aggression in South Vietnam." Another, message from the Solidarity Committee, also broadcast from Hanoi, declared:

> * * * We highly value the American people's movement against the U.S. war in Vietnam and regard this movement as a just and valiant action.
>
> May the Oct. 21 struggle mark a new development in the American people's movement for an end of the U.S. war in Vietnam. We wish you brilliant success.

North Vietnamese Premier Pham Van Dong declared in a message to the Mobilization Committee: "The Vietnamese people thank their friends in America and wish them great success in their mounting movement."

On November 12, 1967, the administrative committee of the National Mobilization Committee met at the George Washington University in Washington, D.C., to assess the October demonstrations. Among those present, according to the official minutes, were:

(1) Charlotte Weeks, who has traveled to North Vietnam and who later served as a coordinator for the New Mobe;

(2) Eric Weinberger, Fifth Avenue Vietnam Peace Parade Committee;

(3) Gus Horowitz, SWP;

(4) Lew Jones, YSA;

(5) Robert Greenblatt, National Mobe;

(6) Sidney Peck, National Mobe;

(7) Barbara Bick, Women Strike for Peace;

(8) Leon Kuhl, New York Veterans for Peace in Vietnam;

(9) Abigail Grafton, National Mobe;

(10) Harvey Kasden, National Mobe;

(11) Abraham Bloom, Washington Mobe;

(12) Irving Beinin, *National Guardian*;

(13) Nancy Strebe, Washington Mobe, SWP;

(14) Peter Buch, SWP;

(15) Robert Heisler, DuBois Clubs, member of the CPUSA;

(16) Beverly Sterner Greenblatt, National Mobe;

(17) Linda Wetter, Washington Mobe YSA;

(18) Michael Kramer, George Washington University Student Mobe;

(19) Warren Herland, George Washington University Student Mobe;

(20) Sue Bonner, George Washington University Student Mobe;

(21) Lincoln Lynch, CORE;

(22) Sue Orrin, National Mobe;

(23) Jill Boskey, National Mobe;

(24) Linda Morse, Student Mobe;

(25) Syd Stapleton, Student Mobe, SWP;

(26) Arnold Johnson, CPUSA;

Peck acted as chairman for the meeting, which heard a report from Sue Orrin, who stated that certain people at the Institute for Policy Studies, a New Left-oriented study center or "think tank" in Washington, were prepared to make analyses of the various options open to demonstrators arrested in October. Orrin also indicated that the Medical Committee for Human Rights had been basically dissatisfied with Mobe's handling of the march, particularly the "terms of permit signed on Thursday, Oct. 19."

Bloom reported "there was a real feeling of participation in Washington" and that Washington Mobe's membership was from 1,800 to 2,000.

Though SDS was not formally represented at this meeting, the minutes reflect that they did send a telegram to the effect that they "couldn't come but wanted to express continuing support for Mobe."

Boskey and Morse both reported increased activity on campuses as a result of the October project. Morse in particular stated that the Mobe's October demonstrations were "very important" for the student movement, that demonstrators came from over 600 campuses as a result of Student Mobe's efforts, and that there was now an increase in "student militancy."

The financial report in the minutes reflects that the Mobe made "about $32,000" exclusive of checks from the sale of buttons and from donations made by demonstrators. Linda Morse, however, reported that Student Mobe was $5,200 in debt and proposed that National Mobe advance the money from its $6,000 bail fund. It was indicative of the close relationship between the two organizations that a special committee was then formed to deal with Student Mobe's needs, the committee to consist of Beverly Greenblatt, Eric Weinberger, Abe Bloom, Irving Beinin, Bob Greenblatt, Sidney Peck, and Linda Morse.

During 1968 the major project of the National Mobilization Committee was the organizing of massive and disruptive demonstrations in Chicago during the August 1968 Democratic National Convention. These demonstrations, with their resultant violence, were examined in detail during hearings by the House Committee on Un-American Activities in October and December 1968. In the course of these hearings evidence was introduced which revealed extensive participation by communists in the planning and execution of the demonstrations. Evidence introduced also documented the extensive contact maintained by Mobe leaders with foreign communist leaders and powers.

Organizations which participated in the planning and execution of the demonstrations during the Democratic National Convention in collaboration with the National Mobilization Committee included:

(1) the Student Mobilization Committee;

(2) the Black Panther Party;

(3) the Cleveland Area Peace Action Council, a major Mobe regional affiliate;

(4) the Chicago Area Draft Resisters;

(5) the Chicago Peace Council, which functioned as one of the primary forces in organizing the protests;

(6) the Coalition for an Anti-Imperialist Movement (COAIM), a cooperative effort of Youth Against War and Fascism and the U.S. Committee to Aid the NLF;

(7) the Communist Party, U.S.A.;

(8) the Dow Action Committee, a California united-front group dominated by communists;

(9) the Fifth Avenue Vietnam Peace Parade Committee, a key Mobe affiliate in New York City;

(10) the Guardian;

(11) the Medical Committee for Human Rights, which served as the primary organizer of medical teams in anticipation of violence during the demonstrations;

(12) the Movement for a Democratic Society, an affiliate of SDS;

(13) the National Black Anti-War, Anti-Draft Union, an offshoot of the Student Mobilization Committee;

(14) the National Conference for New Politics;

(15) the New University Conference, an SDS-oriented academic group;

(16) the Progressive Labor Party;

(17) the Radical Organizing Committee, formed by Communist Party and other non-Trotskyist members of the Student Mobilization Committee after the June 1968 takeover of the SMC by members of the Young Socialist Alliance and Socialist Workers Party;

(18) Ramparts, the pro-Hanoi, pro-Castro west coast magazine which published a daily newspaper during the demonstrations, which newspaper was published with gratefully acknowledged assistance from identified Communist Party member David Canter;

(19) the Socialist Workers Party;

(20) the Southern Conference Educational Fund, led by Carl and Anne Braden, identified members of the Communist Party, U.S.A.;

(21) Students for a Democratic Society;

(22) Summer of Support, a project of the National Mobe;

(23) Veterans for Peace in Vietnam;

(24) the W. E. B. DuBois Clubs of America;

(25) Women Strike for Peace;

(26) the Young Socialist Alliance;

(27) the Workers World Party, a dissident Trotskyist group.

When an office was established in Chicago to serve as a center for the organizing effort, the Communist Party, U.S.A., indicated its willingness to supply funds for this effort. The party further offered to defray the expenses of Negro representatives so that they might travel to Chicago to attend planning sessions.

One of the earliest major planning sessions was held on January 26, 1968, in the New York City offices of the National Lawyers Guild, a Communist Party legal front organization. Present at this session, which was called to "discuss the establishment of a nationwide legal defense apparatus [sic] to deal with the projected legal problems arising" from the convention protest, were such activists as Bernardine Dohrn, at that time associated with the NLG; Lee Webb, currently associated with the Guardian; Ken Cloke, a top Lawyer Guild functionary; Tom Hayden, a founder of SDS, frequent traveler to communist countries, and open supporter of the Vietcong; and Jonathan Lubell, National Lawyers Guild attorney and identified member of the Communist Party, U.S.A.

Information recently made available, however, proves conclusively that the National Mobe was active in planning the disruption of the convention as early as December of 1967.

On December 27, 1967, the Mobe's administrative committee met at the Academy Hall at 853 Broadway in New York City. According to the official minutes, the following people were among those present.

(1) A. Cronick, U.S. Committee to Aid the NLF;

(2) Jill Boskey;

(3) Deborah Weisburd, Teachers Committee for Peace in Vietnam;

(4) Art Farrier, Veterans and Reservists for Peace in Vietnam;

(5) Myron Shapiro, Veterans and Reservists for Peace in Vietnam;

(6) Peter Buch, SWP;

(7) Vincent Copeland, Workers World Party;

(8) Abe Weisburd, Trade Unionists for Peace;

(9) Peter Antonson, YAWF;

(10) Douglas Gordon, Ad Hoc Committee on the Middle East (now known as Committee to Support Middle East Liberation), a YAWF front group;

(11) Gus Horowitz, SWP;

(12) George Simmons, USCANLF;

(13) Paul Friedman, CPUSA;

(14) Mike Stein, CPUSA;

(15) Syd Stapleton, Student Mobe, SWP;

(16) Eugene Tournour, DuBois Clubs, member of the CPUSA;

(17) Sue Orrin, National Mobe;

(18) Bob Greenblatt, National Mobe;

(19) Dave Axel, YAWF;

(20) Howard Machtinger, SDS;

(21) Steve Halliwell, SDS;

(22) Harriet Tanzman, Fort Hood Three Defense Committee;

(23) Fred Halstead, SWP;

(24) Lew Jones, YSA;

(25) Kipp Dawson, Student Mobe, SWP, YSA;

(26) Tom Hayden, a project director for the convention protest.

Rennie Davis, also a project director for the convention protests, reported that it was "the general feeling of groups in the Chicago area that any demonstration at the convention should show an 'escalation in militancy' by the peace movement" and that people in Chicago, with a "full time staff of 15" working on logistics, "have already begun to prepare for the convention" demonstrations.

Linda Morse stated that "the movement should not seek to 'petition' but to disrupt and demand." She further said that "People like Dick Gregory will be there to disrupt the democratic convention not the democratic process."

Doug Gordon, on the other hand, advocated an even more militant position: "action at the republican convention also which would disrupt and destroy both conventions and the 'parties of imperialism.' "

On February 11, 1968, another planning meeting was held, this time in Chicago. At this session, there were 34 people in attendance, among them:

(1) Kendra Alexander, a member of the Communist Party, active member of the CPUSA's W. E. B. Dubois Clubs of America, and wife of Dubois Club leader and Communist Party member Franklin Alexander;

(2) Carolyn Black, Dubois Clubs, member of the Communist Party;

(3) Greg Calvert, SDS;

(4) Rennie Davis, supporter of the Vietcong and project director, with Tom Hayden, for the convention protests;

(5) David Dellinger, Mobe chairman;

(6) Earl Durham, member, CPUSA National Committee;

(7) Robert Greenblatt, Mobe coordinator;

(8) Fred Halstead;

(9) Don Hamerquist;

(10) Tom Hayden, Mobe project director;

(11) Sid Lens;

(12) Lincoln Lynch, CORE leader;

(13) Charlene Mitchell, member, CPUSA National Committee;

(14) Sue Munaker, Mobe employee who was a participant in a Stockholm meeting of American peace activists with NLF, North Vietnamese, and South Vietnamese representatives under the auspices of the World Federation of Democratic Youth, an international Soviet-controlled Communist Front group;

(15) Sidney Peck;

(16) James Rollins, a leader in the National Conference for New Politics and supporter of the W. E. B. DuBois Clubs;

(17) Jack Spiegel;

(18) Dagmar Wilson.

The meeting was chaired by Rennie Davis and Carlos Russell. Russell is a prominent activist within the NCNP Black Caucus, member of the W. E. B. DuBois Clubs of America, and identified member of the Communist Party.

During the meeting, Lynch asked: "How are we going to discredit [Chicago Mayór Richard J.] Daley and show him to be a liar? How will we present challenges to the Convention?" Halstead advocated demonstrations even without official permission from the authorities: "We should have a demonstration in

Chicago whether or not it is allowed by the city. We should definitely go ahead with an action." And Hammerquist stated:

> * * * What we must do is make concrete demands on the Convention which the Convention cannot respond to. Our confrontation must be political in the sense of winning people away from the Democratic Party. The organization that develops around this activity should emphasize local organizing and political education. It should develop an alternative ideology and real leadership for the left in the country.

Identified CPUSA member and Chicago Peace Council representative Jack Spiegel foresaw clearly that violence would develop:

> We can't call 200,000 people to Chicago and then disassociate ourselves from violence. Disruption and violence will occur. It's going to happen and we'll have to deal with that fact.

On March 22–24, 1968, a planning conference was held at Camp Ravenswood outside Chicago. Sponsors included several people who served later as leaders in New Mobe: Sidney Peck, Al Evanoff, Sid Lens, and Cora Weiss, a New York Women Strike for Peace leader who has traveled to North Vietnam. Others sponsors included Carl Davidson, one time leader in SDS and currently a writer for the Guardian; Vernon Grizzard, a former vice president of SDS; Linda Morse of the Student Mobilization Committee; William Pepper of the NCNP; Dagmar Wilson; and identified CPUSA member Dr. Quentin Young of the Medical Commitee for Human Rights.

The temporary administrative committee for the conference consisted of the following: Rennie Davis, Dave Dellinger, Tom Hayden, Bob Greenblatt, and Sue Munaker. A press release dated March 25 and issued by Rennie Davis from the Chicago office claimed that around 250 people attended the meeting.

A separate meeting was held nearby at the same time, attended by black activists who had determined to assist in "creating a parallel organizational structure in which black and white people operate from a basis of separate and equal strength." The letter promoting attendance at this session was signed by six activists, among them Kendra Alexander, Lincoln Lynch, John Wilson, and Carlos Russell.

The conference "affirmed its intention to hold demonstrations at the time of the Democratic National Convention." The program and purpose of the effort was stated as follows:

> * * * The strategy developed by the Conference will be to underscore through action organization the real issues this country must face. Those issues are *the immediate withdrawal of American troops from Vietnam,* the right of the Vietnamese people to national independence and self-determination, the end of American attempts to control and direct the future of the underdeveloped areas of the world for its own economic and political interests, and immediate end to the draft and the virtual military occupation of Black Communities and the recognition of the right of Black People to control their own lives and determine their own future in this country [Emphasis added]

The conference also selected a three-man interim committee to serve until such time as various national and regional student and antiwar organizations could choose their own representatives to serve on a national committee to organize the demonstrations. This interim committee consisted of Rennie Davis, active in SDS community organizing projects and the head of National Mobe's 1968 Summer of Support program, an operation aimed at servicemen disaffected with the war in Vietnam; Dave Dellinger; and Vernon Grizzard, who, in addition to having been active in SDS, have traveled to Budapest, Hungary, to consult with representatives of the National Liberation Front and the North Vietnamese forces. Grizzard also traveled to Hanoi in 1968 as part of a three-man National Mobe group invited by the North Vietnamese to participate in the release of three captured American pilots.

The program announced after the Chicago conference of March 22–24 was reiterated in an August mailing from the Mobe's New York national office, following a July 20 Cleveland meeting of the Mobilization's administrative committee:

> Our activities will be issue oriented and will on focus on candidates. We will call for an end to the bombing (so that negotiations can take place) and for American military withdrawal—from Vietnam and the black communities. We will call for self determination in Vietnam and in the black and other poor communities.

This letter announced that there was already a staff of 25 persons in Chicago preparing for the projected massive demonstrations. This staff was led by project directors Rennie Davis and Tom Hayden "and is greatly aided by the Chicago Peace Council which is actively committed to the program." The letter was signed by Dave Dellinger, chairman of the National Mobilization Committee, and Robert Greenblatt, Mobe's national coordinator, about whom the following document, written to a North Vietnamese official, is of interest:

> DEAR COL. LAO: This note is to introduce you to Mr. Robert Greenblatt, the coordinator of the National Mobilization to End the War in Vietnam. He works closely with myself and Dave Dellinger, and has just returned from Hanoi.
>
> If there are any pressing questions you wish to discuss, Mr. Greenblatt will be in Paris for a few days.
>
> We hope that the current Paris discussions go well for you. The news from South Vietnam seems very good indeed.
>
> We hope to see you this summer in Paris or at a later time.
>
> Good fortune!
> Victory!
>
> /s/Tom Hayden
> TOM HAYDEN.

On August 4, 1968, another meeting of the National Mobe administrative committee was held in Chicago. Chairman of the session was David Dellinger. Others present at the meeting included:

(1) Tom Bickler, Radical Organizing Committee;

(2) Irving Beinin, *Guardian;*

(3) Richard D. Conrad, Radical Organizing Committee;

(4) Rennie Davis, National Mobe;

(5) Dave Dellinger, National Mobe;

(6) Ted Dostal, Workers World Party;

(7) Helen Gurewitz, Washington Mobilization for Peace representative and identified member of the Communist Party, U.S.A.;

(8) Richard Hill, Student Mobilization Committee, SWP;

(9) Bob Greenblatt, National Mobe;

(10) Tom Hayden, National Mobe;

(11) Betty Heilman, National Mobe;

(12) Wayne Heimbach, SDS;

(13) Donald Kalish, National Mobe;

(14) Michael Klonsky, representative of SDS and self-described revolutionary Communist;

(15) Sylvia Kushner, Chicago Peace Council, CPUSA;

(16) Otto Liljenstople, Chicago Peace Council;

(17) Rose McKiernan, SDS;

(18) Sidney Peck, representative, Ohio Peace Action Council, and former member, Wisconsin State Committee, CPUSA;

(19) Maxwell Primack, Chicago Peace Council;

(20) Ruth Samuels, Radical Organizing Committee;

(21) Jay Schaffner, W. E. B. DuBois Clubs of America, member of the Illinois State Committee of the CPUASA;

(22) Hamish Sinclair, SDS;

(23) Jack Spiegel, Chicago Peace Council, CPUSA;

(24) Syd Stapleton, Student Mobe, SWP;

(25) Albert Sterger, Workers World Party.

Concerning violence, the official minutes of the meeting reflect the following:

> When the nonviolent line was questioned, Dave [Dellinger] explained that MOB included groups whose beliefs ranged from pacifism to militant self defense. While our aim is not to physically disrupt the convention nor to advocate violence, Mob has never repudiated the actions of its constituents. It will be stressed, in addition, that it is well known that Chicago police are responsible for violence. (Emphasis added.)

There was much discussion of the possibility that the march might have to be held despite the denial of a permit of the imposition of a curfew by the Chicago authorities. Greenblatt opined that a curfew "would be clearly an oppressive measure to be disobeyed." Liljenstople urged that, if a curfew were imposed, "volunteers be urged to disobey in order to force the city into the predicament of mass arrests."

Rennie Davis proposed five "project area directors," including Vernon Grizzard for marshals and National Lawyers Guild attorney Gene Cerutti for legal and medical concerns. It was also announced that a loan of $1,000 had been pledged by the Cleveland Area Peace Action Council, a key Mobe regional affiliate led by Jerry Gordon, who has been identified as a former member of the Labor Youth League, a CPUSA youth group, and as having attended closed meetings of the Communist Party itself.

The medical presence for the demonstrations was organized by the Medical Committee for Human Rights, in which Dr. Quentin Young has played a key role, and an allied group, the Student Health Organization. MCHR spokesman Irene

Turner later estimated that there were some 300 people who participated in the medical operations during the demonstration activity, including more than 50 physicians actually in the streets. It was further estimated that there were more than 400 injuries requiring further treatment and therefore classed as serious.

The convention and accompanying demonstrations were held during the week of August 25, 1968. It has been officially estimated that some 10,000 people took part in these demonstrations. Mass violence was met with mass arrests—653 adults and 28 juveniles. There was more than $12,000 damage to police equipment, and 161 policemen were injured, some of them seriously. Of the demonstrators arrested, 253 were from Chicago, 292 were from out of State, and 10 were from outside the United States. Charges included disorderly conduct, criminal trespass, unlawful use of weapons, criminal damage, public indecency, theft, burglary, assault, and battery. Weapons seized by police from demonstrators included chunks of concrete, spears, swords, rocks, nails, and clubs.

On September 14, 1968, an administrative committee meeting was held in Washington, D.C. This session was attended by, among others, the following:

(1) Irving Beinin, Guardian;

(2) Karl Baker, SDS.

(3) Tom Hayden, National Mobe;

(4) Alan Gross, Radical Organizing Committee;

(5) Dave Dellinger, National Mobe;

(6) Rennie Davis, National Mobe;

(7) Betty Hellman, National Mobe;

(8) Harry Ring, SWP.

(9) Lew Jones, YSA;

(10) Susan LaMont, New York Student Mobilization Committee and YSA;

(11) Mike Maggi, Student Mobe national staff and YSA;

(12) Larry Seigle, YSA;

(13) Pat Grogan, YSA;

(14) John Tillman, NBAWADU;

(15) Walter Reeves, NBAWADU;

(16) John Wilson, SNCC and NBAWADU;

(17) Willy Louvallen, SNCC;

(18) Irwin Gladstone, National Radical Organizing Committee;

(19) Josh Brown, New York Radical Organizing Committee;

(20) Abe Bloom, Washington Mobilization Committee;

(21) John Benson, Philadelphia Mobilization;

(22) Leland Summers, Washington Mobilization;

(23) Tim McCarthy, Washington, D.C., SDS;

(24) Judith Simmons, Washington Mobilization;

(25) Walter Schneir, author of a book defending executed atom spies Julius and Ethel Rosenberg;

(26) Arnold Johnson, CPUSA;

(27) Richie Lesnick, SWP and YSA;

(28) Eric Weinberger, Fifth Avenue Vietnam Peace Parade Committee;

(29) Bill Ayers, Ohio-Michigan SDS;

(30) Terry Robbins, Ohio-Michigan SDS;

(31) Joan Campbell, CAPAC;

(32) Sidney Lens, Chicago Peace Council;

(33) Sandy Lutz, National Mobe;

(34) Donna Gripe, National Mobe and a sponsor of the December 28, 1968, Student Mobe-sponsored National GI-Civilian Anti-War Action Conference;

(35) Lee Webb, Ramparts;

(36) Tibi Texler, SCEF;

(37) Barbara Bick, a member of Women Strike for Peace who has traveled to East Germany to attend a communist-sponsored World Peace Assembly;

(38) Helen Gurewitz, a member of the Washington Mobilization and an identified member of the Communist Party, U.S.A.;

(39) Greg Sandow, New England Resistance.

At this meeting a program was adopted which emphasized local actions and local initiatives rather than massive, concentrated activity such as that in Chicago or the earlier New York and San Francisco marches. The meeting decided to sponsor a National GI Week, including leafleting of USO centers and visits by movement people to soldiers at bases around the Nation. Other aspects of the program included confrontation of political candidates, antiwar rallies around the country on the eve of the election "an active campaign to raise the relevant political issues in the streets" on election day a student strike in colleges and high schools as part of the election-day strategy and activities in Washington, D.C., on January 20, 1969, Inauguration Day.

Reports were received from two absent Mobe coordinators, Prof. Donald Kalish and Prof. Sidney Peck. Kalish endorsed the GI Week idea and urged continuing pressure on draft boards and such companies as Dow Chemical "in an effort to apply the diversity of the movement and enunciate specific political content." Peck wrote "that he was willing to focus on the illegitimacy of the Presidential candidates, but didn't want to rule out support of local candidates, or other Presidential candidates like Halstead and Cleaver." (Fred Halstead was presidential candidate for the SWP, while Eldridge Cleaver, violent black revolutionary, had been nominated by the ultraleftist Peace and Freedom Party.)

Tim McCarthy said "that no candidate should speak unencumbered by demonstrations and suggested the Guardian publish the schedules of the candidates to facilitate organization." Such schedules were approved, to be printed weekly and distributed through the Mobe office.

Guardian staff employees Irving Beinin "called for militant demonstrations to challenge the rigged elections by recreating Chicagos all over the country."

With regard to the structure of the Mobe, Davis proposed with support from Dellinger, that the steering committee be abolished and reformed with a regional emphasis rather than group representation that the staff be more aggressive and better organized to develop long-range projects, and that regional staffs "with strong communication ties with the national staff" be formed.

This precipitated a disagreement between the Socialist Workers Party and its allied groups and others in the coalition. Harry Ring argued that a system such as Davis advanced would be the end for numerous groups who, deprived of representation, would simply become inactive and useless to the movement. The end result would be that the Mobe would become, rather than a coalition of organizations, an organization itself. This marked the first known major clash between the Trotskyists and others in the Mobe coalition.

Another cause for dispute between the SWP and other elements lay in the emphasis on the elections. The SWP representatives, notably Harry Ring argued that this represented a diminution of the coalition's concern with the war itself as the overriding issue. Always a strong supporter of the single-issue was mobilization approach, the Trotskyists became increasingly disaffected with the course the Mobe was taking.

Despite this, however, Ring agreed to serve on a committee to discuss the various proposals advanced at the conference. Others named to this committee included Rennie Davis; Dave Dellinger; Irving Beinin; Barbara Bick; John Wilson; Greg Sandow, an employee of the Boston underground paper Old Mole and member of Cambridge Iron and Steel, a dummy corporation which has channeled funds into such enterprises as Liberation News Service, New York Regional SDS, and the *Guardian;* and Steve Halliwell, an active member of SDS and contributor to the Guardian.

On September 14 Hanoi announced that the South Vietnamese People's Committee for Solidarity with the American People had sent a letter to the National Mobe "thanking the progressive American people of all strata for their seething, resolute, and courageous struggle conducted last month when the convention of the Democratic Party was meeting * * *" The message continued:

> Despite the huge, barbarous repression machinery unleashed by Johnson, Humphrey, and their ilk, you have come down into the streets for demonstrations and shouted slogans demanding an end to the U.S. war of aggression in Vietnam, cessation of the bombing on the whole territory of the DRV [Democratic Republic of Vietnam], and withdrawal of troops of the United States and of its allied countries in the Vietnam war. By your activities you have raised the just voice of the United States, a country with a traditional love for freedom and justice.
>
> We express to you our deep sympathy and ask you to convey to the American people our heartfelt thanks for their participation in or support of the recent action in Chicago. * * *
>
> You have shed your blood for the honor of the United States and * * * in defense of the Vietnamese people's right to self-determination, which is being flouted by the American aggressors, and of the peace in Southeast Asia and in the world now being trampled underfoot by the U.S. warmongers.

The Solidarity Committee also specifically expressed its appreciation for the encouragement provided the Vietnamese communists by Mobe activities:

> In this South Vietnam * * * we are daily and hourly following with great enthusiasm your persistent and valiant struggle.
>
> Your recent actions in Chicago, as well as throughout the United States, against the U.S. policy of aggression in Vietnam have strongly stimulated our people in South Vietnam who are conducting the powerful general offensive * * *.
>
> We wish you to convey our best wishes to

> our American friends who were wounded or arrested during the recent demonstrations.

On September 21, 1968, it was announced that a 28-member delegation of American antiwar activists had traveled to Budapest, Hungary for a September 5–9 meeting with representatives of North Vietnam and the National Liberation Front. The participation of United States delegates had been organized by National Mobe chairman David Dellinger, and nine of the 28 delegates were veterans of the Chicago convention riots.

Former SDS vice president Vernon Grizzard, a member of the delegation, stated that the North Vietnamese were "pleased and interested in our plans." Grizzard said also that participants in the conference had "talked about methods of organizing and mobilizing students in universities" as well as plans to encourage draft resistance and to agitate among servicemen. The Americans told the North Vietnamese about plans for GI Week and about contemplated efforts at propagandizing servicemen through coffeehouses near Army bases.

On October 13, 1968, the National Mobe's administrative committee met again in Cambridge, Mass., to discuss various issues, including the House Committee on Un-American Activities hearings on the involvement of Mobe in the Democratic National Convention disruptions, the projected election and GI Week actions, and the proposed activities in Washington during the Inauguration.

This session was chaired by Dave Dellinger, with the following people among those officially listed as present:

(1) Marilyn Slotkin, National Mobe:
(2) Bob Belluscio, National Mobe;
(3) Sandy Lutz, National Mobe;
(4) Greg Sandow, New England Resistance;
(5) Linda Sheppard, YSA;
(6) Larry Seigle, YSA;
(7) Leland Summers, Washington Mobilization;
(8) Eric Weinberger, Fifth Avenue Vietnam Peace Parade Committee;
(9) Ruth Gallo, National Mobe;
(10) Paula Bernstein, National Mobe;
(11) Marlene Bluestein, National Mobe;
(12) Abe Weisburd, Trade Unionists for Peace;
(13) Irving Beinin, Guardian staff;
(14) Rick Conrad, Radical Organizing Committee;
(15) David Finkelstein, Radical Organizing Committee;
(16) Irwin Gladstone, Radical Organizing Committee;
(17) Josh Brown, Radical Organizing Committee;
(18) Ted Yanow, Fifth Avenue Vietnam Peace Parade Committee;
(19) Harry Ring, SWP;
(20 Martin Kenner, National Mobe;
(21) Bill Freeland, representing Liberation News Service, a New Left pro-Castro, pro-Hanoi news dissemination service;
(22) Michael Myerson, secretary of the Peace Commission of the New York State CPUSA;
(23) Peter Orris, SDS, an identified member of the Communist Party;
(24) Rennie Davis, National Mobe;
(25) Sid Peck, National Mobe;
(26) Arnold Johnson, CPUSA.

The meeting resulted in an agreement that a four-man committee would draft a report, in conjunction with the Mobe staff, on the President's Commission on the Causes and Prevention of Violence, "HUAC," and the anticipated Federal indictments of Mobe leaders as a result of the Chicago riots. This committee would consist of Abe Weisburd of the CPUSA-founded Trade Unionists for Peace, John McCauliff of the Committee of Returned Volunteers, and Vietcong supporters Rennie Davis and Robert Greenblatt.

As part of the overall planning for GI Week and activity among servicemen, it was decided to send a delegation to Paris and Stockholm to confer with American deserters. This delegation would then return and reveal their findings in speeches during GI Week. It was also agreed that the Mobe would join "in welcoming home and working with the Fort Hood Three."

The official minutes of the meeting disclose that, as part of the election strike activity—

> It was announced that in New York on November 2 the Parade Committee is sponsoring a giant picketing in a 20 block area encompassing the Humphrey and Nixon headquarters; on November 6 Clergy and Laymen [Concerned About Vietnam], Parade Committee, and SDSers leading a delegation to Fort Dix; on November 4 and 5, SDS and the High School Union are opening movement centers across the city to engage in conversation and to plan actions, in addition to the High School Union's plan for a walkout to protest frandulen [sic] elections; and on November 5, actions are planned where Nixon votes and then waits for election results.

Inauguration activities were discussed, but the minutes fail to reflect any definite decisions:

> When ideas were solicited for Inauguration Activities, they ranged from movement centers, mass marches, rallies, guerrilla theatre to notions of the holding of a Second Continental Congress and a counter-inauguration ball. It was suggested that the Mobilization organize and action that would not physically disrupt the establishment inauguration, but attract masses of people of divergent views.

A significant endorsement for the Mobe's November protests came from Students for a Democratic Society, which had tended in the past to be critical of mass mobilizations on the grounds that they are harmful to long-term local organizing efforts. Meeting in Boulder, Colo., October 11–13, 1968, the SDS national council passed a resolution calling for a national strike of high school and university students on November 5. At colleges and universities around the country, SDS was active in attempting to promote GI Week and election strike activity.

Plans for GI Week, November 1–5, 1968, included activities at some 25 Army bases around the country, with major actions at Fort Hood, Tex.; Fort Dix, N.J.; Fort Devens, Mass.; Fort Jackson, S.C.; and the Presidio in San Francisco, Calif. Organizers at Fort Hood operated from the Oleo Strut, an antiwar coffeehouse established during the summer of 1968 as part of National Mobe's serviceman-oriented Summer of Support program, headed by Rennie Davis.

The demonstrations proved less potent than expected, although activities were conducted at numerous locations across the United States. Student strikes, often with far less participation than organizers had expected, were held in such cities as Chicago, Ill.; Ann Arbor, Mich.; Denton, Tex.; Detroit, Mich.; Atlanta, Ga.; and New York, N.Y. Those strikes which did occur reflected major involvement by SDS.

GI-oriented activities were also numerous but less effective than anticipated. On November 2 Washington Mobe held a small rally in Lafayette Park, while Mobe teams leafleted at Fort Belvoir, Fort Meyer, Bolling Air Force Base, and the Marine Barracks. At Pratt Institute on November 5, members of Brooklyn College SDS and some Pratt students tried to force their way into the student center to disrupt Army and Navy recruiters who were attempting to conduct interviews.

On November 2 a reported 250 people attended an antiwar teach-in at Rosewood Park in Austin, Tex. A correspondent for the Guardian claimed that at least one-third of those who attended were GIs. It was reported that some 50 GIs from Fort Hood participated, along with servicemen from Fort Sam Houston and from Bergstrom and Laredo Air Force Bases. The attempted antiwar activity at Fort Dix proved largely abortive.

GI Week activities in New York City included a rally on November 2. This rally, reportedly attended by approximately 2,000 people, was sponsored by the Fifth Avenue Vietnam Peace Parade Committee, Mobe's New York arm, with major participation by Veterans for Peace in Vietnam. Speakers included James Johnson and DuBois Clubs member Dennis Mora of the original Fort Hood Three, Youth Against War and Fascism leader Joel Myers, and several representatives from the American Servicemen's Union, founded by YAWF member Andrew Stapp.

At an administrative committee session in Washington, D.C., on November 17, 1968, further plans were laid for the Mobe-sponsored action during the inauguration in January 1969. According to Harry Ring in an article appearing in the November 29, 1968, issue of The Militant, official organ of the SWP, there were about 100 people present, 17 of them members of the committee and the rest "Washington - Baltimore - area SDSers who had been brought to the meeting." According to Ring, the SDS members "proceeded to set policy for the antiwar coalition which the Mobe is supposed to represent."

At a meeting near Kalamazoo, Mich., on November 15–17, however, the national interim committee of SDS specifically rejected Mobe proposals that SDS cosponsor the inaurguration demonstrations. One of the reasons for this rejection was reportedly SDS fear that the Mobe would, as the Guardian put it, "again dominate the public political posture of the action while SDS members took it on the head from the cops."

The Counter-Inaugural demonstrations were held in Washington on January 18–20, 1969. Coordinator for the project was Rennie Davis, and the following people were among the sponors:

(1) Stewart Meacham, peace educa-

tion secretary for the American Friends Service Committee and participant in a November 1968 meeting in Moscow, U.S.S.R., at the invitation of the Soviet Peace Committee;

(2) Rev. Richard Fernandez, director of Clergy and Laymen Concerned About Vietnam, a Mobe-affiliated group which aids American deserters in Sweden;

(3) Tom Hayden, a founder of SDS;

(4) Dr. Robert B. Rutman, chairman of the Philadelphia Area Council of the National Committee for a Sane Nuclear Policy and an identified member of the Communist Party, U.S.A.;

(5) Paul Potter, former president of SDS;

(6) Prof. Harry Lustig, member of the Committee of the Professions and a sponsor of the original Spring Mobilization;

(7) Barbara Bick, WSP;

(8) Dennis Mora, Fort Hood Three and DuBois Clubs;

(9) Linda Morse, Radical Organizing Committee;

(10) Norma Becker, Fifth Avenue Vietnam Peace Parade Committee;

(11) Jodie Palmour, a member of the Southern Student Organizing Committee, a group associated with SDS;

(12) Al Evanoff, Mobe cochairman;

(13) John Wilson, Mobe cochairman;

(14) Rennie Davis, Mobe national coordinator;

(15) Dave Dellinger, editor, Liberation, and Mobe chairman;

(16) Howard Petrick, activist in the Student Mobilization Committee and member of both the Socialist Workers Party and Young Socialist Alliance.

Organizations which endorsed and participated in the Counter-Inauguration included:

(1) the Fifth Avenue Vietnam Peace Parade Committee;

(2) the Southern Student Organizing Committee;

(3) the Communist Party, U.S.A.;

(4) the Socialist Workers Party;

(5) the Young Socialist Alliance;

(6) Youth Against War and Fascism;

(7) Women Strike for Peace;

(8) local and regional SDS groups;

(9) Veterans for Peace in Vietnam;

(10) the U.S. Committee to Aid the NLF;

(11) the Coalition for an Anti-Imperialist Movement, a combined project of YAWF and the USCANLFSV;

(12) the Committee for GI Rights, a YAWF front;

(13) the Committee to Support Middle East Liberation, another YAWF front group;

(14) the Freedom and Peace Party, a Communist Party political front organization based in New York City.

In addition, endorsement for the action was received from the National GI-Civilian Anti-War Action Conference, held in Chicago on December 27–28, 1968, and initiated by the Student Mobilization Committee, by that time under firm YSA control.

It was claimed by the Mobilization that active-duty GIs from at least 15 military bases were scheduled to participate; and a contingent of veterans and GI's did lead the line of march in a parade down Pennsylvania Avenue on Sunday, January 19. In this contingent were David Samas and James Johnson, original members of the Fort Hood Three who had recently been released from prison.

Medical aid for demonstrators was organized once again by the Medical Committee for Human Rights, particularly the MCHR's Washington, D.C., chapter. Staff persons in charge of street organizers included Rennie Davis and Maryann Weissman, national coordinator of Youth Against War and Fascism.

On January 18 there was a "Teach-In on the Movement" at the Riverside Church. This session, billed as a supplement to the "Conference on the Movement" being held the same day at the Hawthorne School, heard a varied group of radical activists, including:

(1) Dagmar Wilson, Women Strike for Peace;

(2) Al McSurley, Southern Conference Educational Fund;

(3) Lee Webb, *Ramparts;*

(4) John McAuliff, Committee of Returned [Peace Corps] Volunteers;

(5) Laurie Sandow, New York High School Students Union;

(6) Marcus Raskin, New Party;

(7) David Dellinger, National Mobe;

(8) Stewart Meacham, American Friends Service Committee;

(9) Andrew Stapp, American Servicemen's Union;

(10) Fred Halstead, Socialist Workers Party.

Stapp spoke on "The Antiwar Movement in the Army." Some other topics discussed were the high school student movement (Laurie Sandow); "North VietNam [sic] and the American Movement" (Stewart Meacham); "Sedition in Appalachia" (Al McSurley); and "Prospects for the anti-war movement" (Dagmar Wilson).

The Hawthorne School conference consisted of some 50 separate workshops, held all through the day and into the evening until around 10. A great number of subjects were discussed by the participants, who numbered in the hundreds. Some of the topics considered were GI organizing, antidraft activity, underground media, campus rebellion, black liberation, newsreel films, racism, relations with the National Liberation Front, tax resistance, and nonviolence.

The conference placed heavy emphasis on GI organizing and support for antiwar GIs. At a press conference on the morning of Saturday, January 18, Dave Dellinger stressed particularly the need to support antiwar GIs and claimed that there would be a fast development of GI demonstration activity not unlike that at the end of World War II. Participants in the GI panel at the conference included:

(1) David Samas, one of the Fort Hood Three;

(2) Andy Stapp, editor of The Bond, ASU newspaper;

(3) Sherman Sitrin, an antiwar GI from Fort Belvoir, Va., and participant in activities of the Student Mobilization Committee;

(4) Lew Jones, a leader in the Socialist Workers Party;

(5) Howard Petrick, an ex-GI, employee of the Student Mobe, and member of the SWP and YSA;

(6) Allen Myers, ex-GI, leader in Student Mobe, and member of both the SWP and YSA.

On January 19 approximately 4,000 people staged marches and demonstrations, including a demonstration at the Smithsonian Institution during a reception for the Vice President and wife. Various objects were thrown before police broke up the demonstration. During January 19 speakers at a rally held in the Mobe's tent near the Washington Monument included James Johnson of the NBAWADU, Dave Dellinger, Rennie Davis, and Marilyn Webb, a Guardian writer and representative of the women's liberation movement. Scheduled speaker Kathleen Cleaver, wife of Black Panther leader Eldridge Cleaver, did not show up.

There was also a poorly attended and very disorganized "Counter-Inaugural Ball" on the evening of January 19. After this affair many of the demonstrators simply went home and ignored the planned demonstrations along the route of the inaugural parade the next day.

On January 20 some 600 to 800 demonstrators appeared along the parade route on Pennsylvania Avenue, primarily near 15th Street. Police were reinforced by members of the National Guard and Armed Forces. Many of the demonstrators, particularly member of YAWF, CO AIM, and the U.S. Committee to Aid the NLF, threw such objects as rocks and smoke bombs at the parade in an attempt to halt and disrupt it.

Testifying before the House Committee on Internal Security on June 9, 1970, Metropolitan D.C. Police Chief Jerry Wilson indicated that this activity was "technically separate from the counter-inaugural parade inasmuch as it was not directly sponsored by anyone insofar as formal sponsorship is concerned."

After the parade had passed some of the demonstrators spread out in the direction of Lafayette Park in an effort to enter the 1600 block of Pennsylvania Avenue. Bands of demonstrators blocked intersections, disrupted traffic, and smashed windows. Chief Wilson stated that 85 arrests were made between 12 noon and 9 p.m. on January 20. He estimated the total number of participants during the 3-day action as being in the area of 15,000; and he further testified that the demonstrations cost the police a total of $265,000 and that the cost to the military was $35,000.

According to Chief Wilson, most of the arrests made during the three days of demonstrations were made "during the street skirmishes which occurred in the Lafayette Park area." He said that there were "relatively few injuries reported for demonstrators or police" and that property damage was fairly light.

During the 3-day period, according to official FBI figures, there were 119 people arrested. Of these, 10 were juveniles. Six of those arrested were charged with mutilation, burning, or desecration of the American flag.

A message received by the Mobilization from the Central Committee to Campaign for Democracy and Disarmament in Germany indicated that the Mobe's activities had once again occasioned international communist approval:

> We declare our solidarity with your demonstration against the War in Vietnam during Nixon's Inauguration. We demand the immediate start of negotiations with the Democratic Republic of Vietnam and the NLF about the departure of US troops and for national freedom and self-determination of the Vietnam peoples.

The Campaign for Democracy and Disarmament in Germany is a West German organization which has participated in affairs of the International Liaison Committee of the Stockholm Conference on Vietnam, an operation of the World Peace Council, international Communist "peace" front.

After the Counter-Inaugural actions, the National Mobilization Committee became relatively dormant, although Mobe leaders and affiliated organizations participated actively in organizing and executing a series of anti-Vietnam war demonstrations across the United States on April 5 and 6, 1969. This campaign had been announced at a March 24 press conference in New York City. Participating in the press conference were Mobe cochairman Dave Dellinger, one of the eight movement activists indicted for conspiracy to foment mob violence in Chicago during the August 1968 Democratic National Convention; Eric Weinberger, administrator of the Fifth Avenue Vietnam Peace Parade Committee; identified communist Otto Nathan; pro-Hanoi ex-GI and Fort Hood Three member James Johnson, by then the new chairman of the NBAWADU; and Cora Weiss, Women Strike for Peace Leader who has participated in talks with Vietcong representatives in Paris.

The April 5 demonstration in Chicago was organized by the Chicago Peace Council, communist-controlled Mobe affiliate. In Chicago, as well as the other cities where demonstrations occurred, there was strong emphasis on GIs, continuing the program established during the November 1968 protests. Speakers in Chicago included:

(1) Sidney Peck of the National Mobe;

(2) Stewart Meacham of the American Friends Service Committee and frequent participant in Mobe administrative committee sessions;

(3) Nathaniel Junior of the Black Panther Party, who expressed disapproval of the march and called for "victory for brother Ho";

(4) Cha Cha Jimenez of the Young Lords Organization, a militant Puerto Rican group allied with the Black Panther Party;

(5) Joe Miles, a black GI from Fort Bragg, N.C., and admitted member of the Trotskyist communist YSA.

Rennie Davis was scheduled to speak, but did not appear.

The New York demonstration was organized by the Fifth Avenue Vietnam Peace Parade Committee, communist-dominated New York Mobe affiliate. Chief marshal for the parade, which included a major veterans' and GIs' contingent, was SWP leader Fred Halstead, a leading Parade Committee staff member. Scheduled speakers included Mobe cochairman Dave Dellinger and Black Panther Kathleen Cleaver; rally chairman was prominent Communist Party supporter Ossie Davis. There were speeches of support for the Black Panther Party and the "Conspiracy," the latter being the movement's name for the eight leaders indicted in Chicago for their activities in connection with the disrupton of the 1968 Democratic Convention. The crowd also heard a tape recording of Mrs. Nguyen Thi Binh, a deputy leader of the NLF delegation in Paris.

In Seattle a public forum on Vietnam was held on April 5 under the sponsorship of the GI-Civilian Alliance for Peace, a Mobe affiliate. Speakers included Aaron Dixon, captain of the Seattle branch of the Black Panther Party, and attorney Terence Hallinan, a leader in the Communist Party's DuBois Clubs and identified member of the CPUSA.

In San Francisco a large crowd marched on April 6 to the Presidio Army base. One of the scheduled speakers for this GI-oriented demonstration was, again, Terence Hallinan. Groups which participated in the demonstration included SDS, the Peace and Freedom Party, GIs for Peace, Veterans for Peace in Vietnam, National Mobe, and the Young Socialist Alliance.

Mr. SCHMITZ. Mr. Speaker, I now yield to my colleague, the gentleman from Georgia (Mr. THOMPSON), who will present detailed information on the New Mobilization Committee to End the War in Vietnam, one of the most recent direct predecessors of the PCPJ and NPAC—and one of the most ambitious communist-dominated united front efforts ever mounted in this country.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. THOMPSON).

Mr. THOMPSON of Georgia. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, in the late spring of 1969 a group of 27 antiwar leaders, most of them Mobe-connected, endorsed a call to a National Anti-War Conference in Cleveland, Ohio, on July 4–5, 1969, "to broaden and unify the anti-war forces in this country and to plan co-ordinated national anti-war actions for the fall." This call was circulated throughout the antiwar movement by means of the mailing list of the National Mobilization Committee To End the War in Vietnam.

Primary organizer of this conference was Case-Western Reserve University professor Sidney M. Peck, a leading Mobe official and former member of the Wisconsin State Committee of the CPUSA. The host for the conference was the Cleveland Area Peace Action Council, a major Mobe affiliate once led by Peck, in cooperation with the University Circle Teach-In Committee, a constituent group in the CAPAC coalition and one of the original sponsors of the conference in 1966 which established Mobe's first predecessor, the November 8 Mobilization Committee.

Among the initial endorsers of the National Anti-War Conference were the following:

(1) Norma Becker, a leader of the Fifth Avenue Vietnam Peace Parade Committee, key New York Mobe affiliate, and frequent speaker at meetings of the CPUSA-controlled Dubois Clubs;

(2) Professor Charles Cairns, head of the Texas Coalition Against the War, endorser of the 1968 presidential ticket of the Socialist Workers Party, and University of Texas faculty adviser for the YSA;

(3) Stephanie Coontz, leader in the Seattle GI-Civilian Alliance for Peace and member of the Young Socialist Alliance;

(4) Dave Dellinger, a primary force in National Mobe, self-identified non-Soviet communist, and supporter of front organizations of the Communist Party, Socialist Workers Party, Young Socialist Alliance, and Youth Against War and Fascism;

(5) Professor Douglas Dowd, leading Mobe official, member of the executive committee of the communist-controlled National Emergency Civil Liberties Committee, and participant in the March 1969 legislative conference of the CPUSA-front National Committee to Abolish HUAC/HISC;

(6) Al Evanoff, New York labor leader, Mobe supporter speaker for the DuBois Clubs, and sponsor of the American Committee for Protection of Foreign Born, a Communist Party front;

(7) Jerry Gordon, leader of the Cleveland Area Peace Action Council, onetime identified leader in the Labor Youth League in Ohio, speaker at a June 1969 SWP election rally, and participant in activities of the YSA-controlled Student Mobilization Committee;

(8) Robert Greenblatt, long-time Mobe activist and open supporter of the North Vietnamese and National Liberation Front;

(9) Professor Donald Kalish, supporter of numerous communist causes who has identified himself as being far to the left of the Communist Party, U.S.A.;

(10) Sidney Lens, leader in the Chicago Peace Council and onetime leader of the subversive Revolutionary Workers League;

(11) Carol Lipman, leading activist in the Student Mobilization Committee and prominent member of the Young Socialist Alliance and Socialist Workers Party;

(12) Arthur Kinoy, a vice president of the Communist Party-controlled National Lawyers Guild and national committee member of the National Emergency Civil Liberties Committee;

(13) Stewart Meacham, a leading official of the American Friends Service Committee, who traveled to Moscow to participate in a November 1968 meeting at the invitation of the Soviet Peace Committee and who has supported projects of the Emergency Civil Liberties Committee, Citizens Committee for Constitutional Liberties, and Veterans of the Abraham Lincoln Brigade, all of which are fronts for the CPUSA;

(14) Professor Sidney Peck, who, in addition to his former CPUSA affiliation, is a supporter of the Student Mobilization Committee, a member of the national committee of the NECLC, and a sponsor of the GI Civil Liberties Defense Committee, and operation of the SWP and YSA;

(15) Max Primack, a leading member of the Chicago Peace Council, a key Mobe affiliate, and speaker for the SWP's Friday Night Socialist Forum in Chicago in 1967;

(16) Andrew Pulley, a member of the YSA;

(17) Irving Sarnoff, chairman of the communist-controlled Peace Action Council of Southern California, a major Mobe affiliate, and identified leader in the Southern California District of the CPUSA;

(18) Ken Shilman, a leader in the San Francisco GI-Civilian Alliance for Peace and member of the Socialist Workers Party;

(19) Dr. Benjamin Spock, recipient of an award from the Communist-controlled National Emergency Civil Liberties Committee, sponsor of the National Committee to Abolish HUAC, sponsor of a dinner of the Veterans of the Abraham Lincoln Brigade, and supporter of the Freedom and Peace Party;

(20) Cora Weiss, a New York leader of Women Strike for Peace, who has traveled to North Vietnam and who has participated in 4 days of talks in Paris with representatives of North Vietnam and the Vietcong;

(21) Dagmar Wilson, founder of Women Strike for Peace, participant in activities of the Communist National Guardian, sponsor of the NCAHUAC, sender of greetings to a session of the international communist-front World Peace Council, and open supporter of the North Vietnamese cause.

The official "Invitational List of Delegates" to the National Anti-War Conference reflects participation by the following regional coalitions affiliated with the national Mobe office:

(1) Cleveland Area Peace Action Council,

(2) Chicago Peace Council,

(3) Fifth Avenue Vietnam Peace Parade Committee,

(4) Minnesota Mobilization Committee,

(5) San Francisco GI-Civilian Alliance for Peace,

(6) Seattle GI-Civilian Alliance for Peace,

(7) Southern California Peace Action Council,

(8) Texas Coalition Against the War,

(9) Washington Mobilization Committee.

The following groups were also listed as being among those national organizations participating:

(1) Black Panther Party;

(2) Communist Party, U.S.A.;

(3) Clergy and Laymen Concerned About Vietnam;

(4) W.E.B. DuBois Clubs of America;

(5) Lawyers Committee on American Policy Towards Vietnam, an organization with several leaders who have close ties to the CPUSA-front National Lawyers Guild;

(6) National Black Anti-War, Anti-Draft Union, an offshoot of the Student Mobilization Committee's Black Caucus;

(7) National Lawyers Guild;

(8) National Mobilization Committee;

(9) Progressive Labor Party;

(10) Socialist Workers Party;

(11) Southern Conference Educational Fund, led by identified Communist Party members Carl and Anne Braden;

(12) Student Nonviolent Coordinating Committee;

(13) Southern Student Organizing Committee, a group associated with Students for a Democratic Society;

(14) Students for a Democratic Society;

(15) Student Mobilization Committee;

(16) Veterans for Peace in Vietnam;

(17) Women Strike for Peace;

(18) Workers World Party;

(19) Youth Against War and Fascism, WWP youth front;

(20) Young Socialist Alliance, SWP youth and training section.

Illustrative of the emphasis on GI organizing and antiwar propaganda among servicemen was the fact that 20 "active duty GI groups, papers and coffee houses" were scheduled to participate. Among those listed were the American Servicemen's Union and its newspaper, *the Bond; the GI Organizer*, published in Killeen, Tex.; and GIs United Against the War in Vietnam, Fort Bragg, North Carolina. Another, more complete delegate roster shows that the GI Civil Liberties Defense Committee also participated in the conference.

The American Servicemen's Union was founded and is dominated by Andrew Stapp, a member of the Workers World Party's youth front, Youth Against War and Fascism; Stapp also serves as editor of the Bond. Representing the GI Organizer at the conference was Walter M. Kos, a self-proclaimed member of the SWP's youth arm, the Young Socialist Alliance. GIs United Against the War in Vietnam is an organization made up of anti-Vietnam war servicemen and led by members of the Young Socialist Alliance and/or Socialist Workers Party; the GI Civil Liberties Defense Committee is an SWP/YSA operation designed to provide legal and other aid for these antiwar activist servicemen. The GICLDC has also cooperated closely with attorneys from the Communist-controlled National Emergency Civil Liberties Committee.

Among the several hundred individual delegates were:

(1) Fred Halstead, SWP;

(2) Don Gurewitz, CAPAC, and SMC, member of both the SWP and YSA;

(3) Allan Bhdka, CAPAC and SWP;

(4) Sylvia Kushner, Chicago Peace Council and CPUSA;

(5) Jay Schaffner, CPC, DuBois Clubs; and CPUSA;

(6) Norma Becker, Fifth Avenue Vietnam Peace Parade Committee;

(7) Al Evanoff, FAVPPC;

(8) Abe Weisburd, FAVPPC and Trade Unionists for Peace;

(9) Marjorie Colvin, San Francisco GI–CAP, member of the SWP;

(10) Mike Maggi, YSA;

(11) Helen Gurewitz, Washington Mobilization Committee, CPUSA;

(12) Abe Bloom, Washington Mobe, sponsor of the Washington Area Committee for the Abolition of HUAC; an affiliate of the Communist Party-controlled NCAHUAC;

(13) Evelyn Kirsch, YSA;

(14) Arnold Johnson, CPUSA;

(15) Phil Bart, CPUSA;

(16) Eugene Tournour, DuBois Clubs, member of the CPUSA;

(17) James Johnson, NBAWADU;

(18) Paul Zilsel, Friends of the Panthers, participant in activities of both the Workers World Party and Youth Against War and Fascism;

(19) David Hawk, Vietnam Moratorium Committee;

(20) Gus Horowitz, SWP;

(21) Joana Misnik, SMC and YSA:

(22) Allen Myers, SMC, SWP, and YSA;

(23) LeRoy Wolins, Veterans for Peace, CPUSA;

(24) Dorothy Hayes, Women's International League for Peace and Freedom, identified member CPUSA;

(25) Sam Marcy, Workers World Party;

(26) Theodore Dostal, WWP;

(27) Andrew Pulley, YSA;

(28) Larry Seigle, YSA;

(29) Peter Gellert, YSA;

(30) Margaret Driggs, American Committee for Solidarity with the Vietnamese People, a pro-Hanoi communist front;

(31) William Okain, YSA;

(32) Peggy Swingle, YSA;

(33) Fred Brode, YSA;

(34) Dr. Robert Rutman, Philadelphia SANE, and identified member of the CPUSA;

(35) Abe Feinglass, Chicago labor leader and identified member of the Communist Party;

(36) Otto Nathan, identified Communist;

(37) Jack Spiegel, identified member of the CPUSA and leader in the Chicago Peace Council;

(38) Dave Dellinger, self-professed Communist and Mobe leader;

(39) Jerry Gordon, one-time Ohio leader in the Labor Youth League;

(40) Rennie Davis, militantly pro-Hanoi Mobe activist;

(41) Sidney Lens, Chicago Peace Council;

(42) Carol Lipman, SMC, YSA, and SWP;

(43) Sidney Peck, Mobe official and former Wisconsin CPUSA leader;

(44) Irving Sarnoff, identified CPUSA member;

(45) Cora Weiss, WSP;

(46) Irving Beinin, *Guardian*.

The conference steering committee, as shown on an official list dated July 5, 1969, reflected the basically communist complexion of the gathering. Included were such movement personalities as:

(1) Norma Becker, Fifth Avenue Vietnam Peace Parade Committee;

(2) Barbara Bick, leader in Women Strike for Peace and participant in the communist World Peace Assembly, held in East Berlin in June 1969 under the auspices of the Soviet-controlled World Peace Council;

(3) Rennie Davis, one of the primary organizers of the violent disruptions in Chicago during the August 1968 Democratic National Convention and a public supporter of the North Vietnamese and Vietcong;

(4) Dave Dellinger, Mobe, *Liberation* magazine;

(5) Jerry Gordon, CAPAC;

(6) Fred Halstead, SWP;

(7) Arnold Johnson, CPUSA;

(8) Donald Kalish, Peace Action Council of Southern California;

(9) Sidney Lens, Chicago Peace Council, Mobe;

(10) Carol Lipman, SMC, member of the SWP and YSA;

(11) Sidney Peck, Mobe;

(12) Irving Sarnoff, Peace Action Council of Southern California;

(13) Cora Weiss, WSP;

(14) Dorothy Hayes, Women's International League for Peace and Freedom, identified member of the Communist Party, U.S.A.;

(15) Allen Myers, Veterans for Peace, *GI Press Service* (an operation of the SMC); SWP, and YSA;

(16) Terry Robins, SDS observer;

(17) Kathy Boudin, SDS observer;

(18) John Wilson, SNCC and Mobe.

Another member of the conference steering committee was Pvt. Joe Miles, who was nominated from the floor by identified Communist Party member and Veterans for Peace founder LeRoy Wolins. Miles, a professed member of the Trotskyist communist Young Socialist Alliance, has been identified in *The Militant* as the initial organizer of GIs United Against the War in Vietnam at Fort Jackson, South Carolina, and Fort Bragg, North Carolina.

Decisions on delegate status were handled by the steering committee's credentials committee, which included Irving Beinin of the *Guardian;* Halstead; Peck; Rev. Richard Fernandez, director of Clergy and Laymen Concerned About Vietnam; and John McAuliff of the Committee of Returned Volunteers, a pro-Hanoi organization that also supports the National Liberation Front and the Provisional Revolutionary Government of South Vietnam, an NLF creation.

The conference was called because of widespread dissatisfaction in the antiwar movement. There were three main bones of contention. First, many were divided on the single-issue as against the multi-issue approach; this meant that either the movement should concentrate on mass mobilization solely against the war and for American withdrawal, or it should base its actions on the war and other related issues such as poverty, racism, and repression. Second was the issue of nonviolence as against civil disobedience and possible violent confrontations. And third was the lack of any large-scale actions by National Mobe.

Chicago Vets for Peace, for example, had withheld its participation in several Mobe projects because it was felt that Mobe demonstrations tended to arouse violence, which was damaging to VFP's image. Also, LeRoy Wolins, the real power in VFP, felt that the Mobe had slighted his group by not taking seriously enough VFP's GI-oriented program.

The Chicago Peace Council was generally in agreement with National Mobe, but certain organizations within the CPC—notably the Socialist Workers Party, Young Socialist Alliance, and Student Mobilization Committee—were pressing for changes.

The SWP, YSA, SMC, and Chicago Vets for Peace all felt that a single-issue organization would be best and would be used most effectively by the movement to mobilize public participation and support. These groups felt that National Mobe was becoming too multi-issue in its strategy and orientation and that it was too prone to arouse violence in connection with its demonstrations. Nationally, the SWP, YSA, and SMC played major roles in mobilizing support for the National Anti-War Conference.

The conference sessions began on the afternoon of July 4 and were open to the public. Speakers included Jerry Gordon, Sidney Peck, Irving Sarnoff, Stewart Meacham, Mark Rudd, Leo Fenster, Douglas Dowd, and Dave Dellinger.

Fenster, a United Auto Workers union leader who has been identified as a member of the Communist Party, spoke of the need for physical struggle, saying that the "peace" movement should be mindful of the physical struggle involved in building the labor movement. According to eyewitness Irwin Bock, who testified before HCIS in April 1970, Fenster "said that no change would take place if there was no blood being shed. . . ."

Peck said that antiwar actions to be planned by the conference should be massive and should consist of many different sorts of actions in many different places.

The next scheduled speaker was interrupted by identified CPUSA member LeRoy Wolins, who objected to the lack of any black representation on the conference steering committee. Wolins, as previously noted, proposed Pvt. Joe Miles, a member of the Young Socialist Alliance, and this proposal was adopted.

Next was identified CPUSA member Irving Sarnoff, who proposed that the Mobe sponsor demonstrations near the summer White House in San Clemente, Calif., in the early fall.

The next speaker was Stewart Meacham, who proposed a "reading of the war dead" in which people from across the Nation would converge on Washington, D.C., each person wearing the name of a dead American soldier around his neck. This project was initiated by Meacham's group, the American Friends Service Committee.

Next came Mark Rudd of SDS. Rudd more or less took over the platform and announced that SDS was planning a national action on September 27 in Chicago, Ill. The slogans were to include "Bring the Troops Home," "Show Support for the National Liberation Front," "Support the Black and Brown Struggle," "Free All Political Prisoners," "Abolish the Surtax," "Independence for Puerto Rico," "GI Rights," and "Support the Conspiracy." The big emphasis was to be on anti-imperialism. This proposal, for which Rudd solicited the conference's endorsement, caused controversy and some apprehension among the delegates, and no official action was taken at that time.

The majority report of the conference steering committee was given by Douglas Dowd and David Dellinger. This report advocated mass demonstrations with varying tactics, including civil disobedience, all of which would be sanctioned by New Mobe. Further, demonstrations would be multi-issue in order to attract as wide a variety of groups as possible.

The basic policy proposal for mass actions against the war in Vietnam was presented to the conference by the Cleveland Area Peace Action Council delegation which included CAPAC chairman Jerry Gordon, SWP member Al Budka, and SMC activist Don Gurewitz, who is also a member of the SWP and YSA.

What was initially a minority report was delivered by Jerry Gordon. It differed with the majority report in several respects. It rejected civil disobedience, which was seen as too risky in terms of possible alienation of groups which might otherwise participate. Though also desiring a massive turnout for demonstrations, the minority pushed strongly for a single-issue approach centered around ending the war in Vietnam and bringing the troops home.

These conflicting reports caused a split among the delegates, with competing factions noisily vying for the floor. The chairman lost control of the meeting. Discussion lasted until late in the evening of July 4, the only result being that the whole matter was put over to the next day for further debate.

On the morning of July 5 workshops were held on such subjects as the "Early Fall November Action," "The Chicago Action, 27 September," "Action Called by Stewart Meacham," "Summer White House Action," "October Moratorium," and "GI and Civilian Alliances." The workshop on the Chicago action was conducted by CPUSA member Jack Spiegel of the Chicago Peace Council.

The workshop reports were submitted to the conference chairman. It was stated that they would go to the steering committee for action and evaluation and ultimately to the executive committee (not yet formed at that point) for final decision.

On the afternoon of July 5 SWP leader Fred Halstead read to the delegates the steering committee's proposal for a compromise resolution incorporating both majority and minority proposals.

This compromise proposal endorsed the August 17 San Clemente demonstration; a "reading of the war dead" on the first Monday, Tuesday, and Wednesday in September; and the October 15 Vietnam Moratorium. These were three national actions that were "being organized by associated groups." The proposal also endorsed and proposed to provide Mobe administrative and organizing personnel for the September 27 Chicago action related to the so-called "Conspiracy" trial and for a "broad mass legal November 15th demonstration" in Washington, D.C., with "an associated demonstration" on the same day in San Francisco, Calif.

The "reading of the war dead" scheduled for September later became a part of the November demonstrations organized by New Mobe, and the Chicago action scheduled for September 27 never materialized. Instead, SDS held violent demonstrations in Chicago on October 8–11. SDS and New Mobe never achieved a working agreement on these demonstrations, primarily because SDS wanted sole control. As a result, New Mobe's support for the SDS October action was merely nominal.

The compromise proposal, which was finally adopted by the conference, caused considerable controversy with some shouting that it represented a "sellout." There had been no announcement the previous evening that the steering committee was engaged in such tactics; most of the delegates had anticipated that on July 5 there would be further discussion until a resolution satisfactory to all would be achieved by the entire conference after free and open debate.

The compromise meant that those who favored mass legal actions would have their day on November 15 in Washington, while those who favored militant confrontationist tactics would be converging on Chicago. As Bock stated, "what commonly started going around the meeting was that the good guys would be going to Washington and the bad guys would be going to Chicago.

According to Irwin Bock, the workshop reports "did not fit in at all." First, the compromise proposal was read, placed as a resolution for adoption, and passed. Then "the chairman said, 'We will now hear from the workshops on the proposals for fall actions.'" This caused people to laugh because "they had just completed adopting a program for the fall offensive. Now they are going to listen to the people who worked all morning on resolutions and proposals for specific actions to be implemented in the fall offensive which in reality were never going to be held."

In assuring that the conference adopted a program of mass action against the war, activists from the SWP, YSA, SMC, and GIs United played crucial roles. According to *The Militant* for July 18, 1969:

> *Representatives of the Socialist Workers Party and Young Socialist Alliance sought to demonstrate that revolutionaries who regarded themselves as partisans of the Vietnamese liberation struggle had the obligation to build a broad mass movement in opposition to the war from the viewpoint of aiding the Vietnamese revolution* as well as from the standpoint of accelerating the radicalizing process in this country.
>
> The discussion made apparent that the stand favoring central emphasis on mass action had the support of the great majority of the participants and, even though they were divided on other issues, among the majority of the conference steering committee. This made it possible for what began as a sharply divided conference to work out agreement on a program of action that in all its main features reflected the majority view and yet made it possible for the entire coalition to remain united. [Emphasis added.]

The Militant for October 10, 1969, candidly observed:

> Here again, the SWP and YSA played a central role in insuring that the anti-war movement would take the next necessary steps forward. It took a political struggle to win the conference, and it took a political struggle at the conference to win the call to the demonstration [on November 15, 1969].
>
> The key again was the SMC. The SMC took the call to the conference and publicized it far and wide. The SMC pushed and prodded others to come along (and more than a few came, somewhat reluctantly at first.) The SMC made the conference a representative gathering of the antiwar movement with the authority to call the march on Washington [on November 15]. After a thorough political debate, there was a highly favorable response to the idea of Nov. 15, and a new national coalition [New Mobe] was set up to organize it. The next day (July 6), an SMC conference called for a student strike on Nov. 14, which can involve hundreds of thousands *and build support for the march on Washington*. [Emphasis added.]

The role played by members of GIs United Against the War in Vietnam at the conference was described thusly in the July 18 *Militant*.

> Additional powerful arguments in favor of mass action as opposed to adventuristic pseudoconfrontations by a few were advanced by members of GIs United Against the War in Vietnam who participated in the conference. Pvt. Joe Miles and ex-Pvt. Andrew Pulley explained how GIs United had developed and why their care in avoiding any adventuristic trap had made it possible to win the confidence and support of many GIs as well as significant support from the civilian population.

Both Miles and Pulley are publicly known, self-professed activists in the SWP's Young Socialist Alliance.

The primary result of the conference was the organization of the New Mobilization Committee to End the War in Vietnam to carry on the work of the now-defunct National Mobe in organizing what a late July 1969 Mobe mailing called "the most intense anti-war campaign ever undertaken in the United States—the Fall Offensive." The program was to include several activities at various times and in various locations around the country; but the key elements in the scheduled program were the October 15, 1969, nationwide Vietnam Moratorium being organized by the Vietnam Moratorium Committee and a massive march on Washington on November 15, with a simultaneous demonstration on the west coast.

The original call for the October 15 action had been issued late in June 1969, prior to the convening of the National Anti-War Conference, but VMC coordinator David Hawk played an active role at the conference as a member of its steering committee and was one of those chosen for membership on the New Mobe steering committee at the conclusion of the conference. The VMC's program for October 15 wound up as one of three projects "being organized by associated groups" which the National Anti-War Conference formally endorsed and incorporated into the overall Fall Offensive.

Subsequent New Mobe and VMC literature reflected this pattern of mutual cooperation and endorsement. In literature mailed to editors of GI newspapers, the VMC referred to "its part in the 'Fall Offensive' against the war in Vietnam. . . ." And New Mobe Fall Offensive literature spoke of those numerous groups, including the Vietnam Moratorium Committee, which would provide the "principal resources" that would assure the success of the planned November actions.

An official New Mobe press release dated October 21, 1969, announced:

> Co-chairmen of the New Mobilization Committee to End the War in Vietnam announced today their endorsement of the Vietnam Moratorium Committee and the activities it sponsors. The announcement was preceeded [sic] at an earlier news conference by an endorsement of the New Mobilization Committee and its demonstrations for November 13–15 in Washington by the four coordinators of the Vietnam Moratorium Committee.

According to the October 22 issue of the Communist Party's official newspaper, the Daily World:

> Sam Brown, Moratorium coordinator, declared here, "On November 15 the New Mobilization Committee to End the War in Vietnam in sponsoring a peaceful and legal mass march and rally in Washington, D.C. Coordinators of the Vietnam Moratorium Committee, as well as Moratorium supporters from around the country, plan to march. We will provide support for local Moratorium groups who will be coming to Washington and we encourage others to join us in the March on Washington."

Along with the Vietnam Moratorium Committee, the second major group in organizing the New Mobe's Fall Offensive was the Student Mobilization Committee. The SMC held its own conference in Cleveland on July 6, 1969, immediately following the National Anti-War Conference, in which SMC activists had played such a significant role. The SMC conference formally endorsed both the VNC's October 15 Vietnam Moratorium and the New Mobe's November 15 March on Washington. The Student Mobilization Committee played a vital role in organizing and mobilizing support for the entire Fall Offensive program.

The July 18 *Militant*, in discussing the July 6 SMC conference in Cleveland, included this item which reflects that the SMC insisted on mass actions against the war at least partially because of the approval for such tactics from the communists in Vietnam:

> Julie Miller, a high school student in New York SMC, noted that the National Liberation Front of South Vietnam had sent messages of support to the U.S. antiwar movement, urging us to keep up our massive demonstrations; thus, she concluded, the NLF apparently regards mass antiwar actions as more decisive in supporting them than would be an ultimatistic slogan, 'Support the NLF,' raised by a small number of 'anti-imperialists.'

Subsequently, the New Mobe's program for November 1969 was to include a "March Against Death" on November 13–14, at which time demonstrators were to file past the White House, each demonstrator to carry the name of one American soldier killed in Vietnam. The VMC's schedule included an expanded moratorium, also for November 13–14. Both events, of course, coincided perfectly with the SMC's own projected November 14 student strike.

On October 20, 1969, SMC executive secretary and YSA member Carol Lipman announced that the SMC was backing "all anti-war activities," including the expanded moratorium on November 13–14 and the New Mobe's Washington march on November 15; and an official SMC Fall Offensive promotional leaflet urged people to "Join the fall antiwar offensive" and stated that the "SMC has endorsed and is actively building the November 15 demonstration."

An official New Mobe press handout entitled "A Note on the Relationship of Antiwar Organizations," issued prior to November 15, explained the Mobe's approach to its main collaborators, the SMC and VMC, "both of which have major programs of their own this fall," Mobe declared:

> The leadership of the three groups [New Mobe, Student Mobe, and Vietnam Moratorium Committee] sees the activities of the others as complimentary [sic] to its own. In other words, the activities of one organization is [sic] in no way seen as contradictory to the others, neither are the activities 'competitive.' Clearly, there is a need for viable anti-war activity moving forward on various levels and under various operating procedures. Thus, the Vietnam Moratorium Committee organizes on the local level for strictly local activity [an alteration in VMC strategy adopted after the nationwide October 15 action]; the New Mobilization Committee organizes to bring people to Washington on specific days; and the Student Mobilization Committee organizes students on campuses for activities there and for the Washington March.

To organize the Fall Offensive as originally scheduled, the conference designated so-called action chairmen and project directors. Sid Lens and pro-Hanoi activist Professor Douglas Dowd of Cornell University were placed in charge of organizing a projected October 11 demonstration in Chicago related to the "Conspiracy 8" trial. Project directors for this demonstration were to be Rennie Davis, coordinator of the Democratic Convention and counterinaugural protests, and Sylvia Kushner, secretary of the Chicago Peace Council and member of the Communist Party.

The November 15 Washington March was to be handled by AFSC leader Stewart Meacham and Sidney Peck, with Ron Young of the Fellowship of Reconciliation and Abe Bloom, chairman of the Washington Mobilization Committee, acting as project directors. Overall coordinator for the Fall Offensive was self-professed communist David Dellinger.

These nine individuals became the executive committee, with the authority to form a steering committee to implement the various proposals endorsed by the conference and, in the words of Irwin Bock, "to broaden the base of that steering committee to get as many different organizations participating as possible."

The membership of the New Mobe steering committee blatantly reflected the organization's communist domination. Members included Dave Dellinger, a self-professed communist and partisan of Hanoi; Sidney Lens, onetime leader of the dissident communist Revolutionary Works League; Marc Beallor and Terence Hallinan, members of the Communist Party and W.E.B. DuBois Clubs of America; Jerry Gordon, a former Ohio leader in the CUPSA's Labor Youth League; Sidney Peck, Arnold Johnson, Sylvia Kushner, and Irving Sarnoff, all present or past members of the CPUSA; Marjorie Colvin, Fred Halstead, Gus Horowitz, Allen Myers, and Carol Lipman, members of the Socialist Workers Party; and Lipman, Myers, Joe Miles, Larry Seigle, Larry Swingle, and Peer Vinther, all of whom are members of the Young Socialist Alliance.

The Washington Action Committee, which was the official New Mobe group in charge of planning the November demonstrations in Washington, was also heavily communist in its makeup. Some of its members—in addition to Peck, Halstead, Horowitz, Johnson, Lipman, Myers, and Vinther—included Don Gurewitz, a member of the Socialist Workers Party, Young Socialist Alliance, and Student Mobilization Committee; Helen Gurewitz, who has been identified as a member of the CPUSA; Dorothy Hayes, an identified member of the CPUSA; Otto Nathan, an identified communist; Harry Ring, a member of the SWP; Jose Rudder, a member of the YSA; and LeRoy Wolins, an identified member of the CPUSA.

As will be readily seen, the New Mobe was trying to maintain the policy of nonexclusion in building the united front. The New Mobe coalition embraced a very wide variety of groups, ranging from church-affiliated bodies to traditional pacifist groups to such avowedly Communist organizations as the CPUSA and SWP. Superficially at least, the presence of representatives from respectable church and pacifist groups lends an aura of legitimacy to such a coalition, especially since these are the groups usually emphasized in statements designed for public consumption.

But the hard fact is that these groups play a distinctly secondary role. They are, whether or not they fully realize it, used as a convenient facade behind which the communists operate to subvert the policies of government. The primary impetus always comes, sooner or later, from the communist elements which are, whatever their sectarian differences may be, united in their sense of purpose, especially in their disciplined determination to undermine the United States and its policies in the service of the world communist movement.

As former Progressive Labor Party member Philip Abbott Luce expressed it, "United fronts—especially on the Left—united fronts between communists and non-communists inevitably end up totally controlled by the communists to their own ends." Luce explained his argument thusly:

> Once you allow the communists into an organization they ultimately take it over. And the reason for that is because most people who are interested in a movement, be it a peace movement or a union movement or a movement for civil rights or anything else, are basically good people. They're for liberal concerns. They're there because they don't like what's going on in the world. And then you confront them with power politics and communists are in all circumstances power politicians. So you get a person who's utopian, who's interested in the good life and the concerns of people, up against within an organization, the power politicians. And we all know the story lately what's happened: the power politcians always win.

This constitutes in effect a capsule analysis of precisely the situation that has existed in the Mobe from its inception in 1966. The sincere peace advocates have been cynically manipulated and exploited by communist power politicians behind the scenes who have managed to set the Mobe's policies and who have also served as the primary organizing force by virtue of their considerable expertise in just such matters.

Fortunately there are organizations, including groups that are admittedly on the left, who have recognized the truth about such communist-run united front movements as the Mobe. A particularly cogent example is found in the following statement by Josh Muravchic, national chairman of the Socialist Party's official youth group, the Young People's Socialist League, as quoted in our hearings:

> We wouldn't participate [in the New Mobe coalition] for two reasons. One is that *we simply do not believe in coalescing and united fronting with communists and totalitarians*—these people whose goals are the exact opposite of ours. And secondly we don't want to I think confer upon them the [kind] of legitimacy which we would confer by participating. [Emphasis added.]

Prior to the convening of the National Anti-War Conference, several people associated with New Mobe had attended two significant "peace" conferences organized by the international communist front World Peace Council. The first was the Emergency Action Conference of the Stockholm Conference on Vietnam, held in Stockholm, Sweden, on May 16–18, 1969; and the second was the World Peace Assembly, held in East Berlin in communist East Germany on June 21–24, 1969.

"Information Letter No. 2," issued by the International Liaison Committee of the Stockholm Conference on April 26, 1969, stated:

> Apart from a top level Vietnamese delegation, we are especially assured of a representative US participation, reflecting different shades of the American opposition against Nixon's Vietnam policy.

The document proceeded to emphasize the need for an *international* perspective for the anti-Vietnam war movement:

> That is why it is so imperative to come together, to make a thorough analysis of the situation and to find ways and means of action which perhaps could be used *all over the world*. Action co-ordinated and supported on this scale has a much bigger change to lead to results than separate action, different methods and different dates or doing nothing while feeling exhausted. [Emphasis added.]

One basic purpose of the Stockholm Conference was identified as bringing about the end of the war in Vietnam:

> The basic idea of the Stockholm Conference on Vietnam is from the beginning that the Vietnam question is the first one to be solved if we want a liveable world. As long as the US war machine is maiming Vietnamese children with napalm and destroying crops by herbicides, none of the other big problems of the world will be solved. This was the reason why we called the first Conference in July 1967 and invited everybody to *unite to help ending the war in Vietnam, without consideration of differences of opinion in other questions.* [Emphasis added.]

It is instructive to note the similarity between this advocacy of the submerging of differences in a larger concern with the single, overriding issue of the war in Vietnam, and the July 18 *Militant* article, quoted earlier, which spoke of the ability of the National Anti-War

Conference, even though divided on some issues, "to work out agreement on a program of action that in all its main features reflected the majority view and yet made it possible for the entire coalition to remain united [around the single issue of bringing about an end to the war in Vietnam]."

The organizers of the Stockholm meeting placed great importance on the participation of the Vietnamese delegates.

> In order to be able to evaluate the new situation, it is important to listen to what our Vietnamese friends will have to tell us about their experiences of the new US administration, to get informed about the different aspects of the new situation and to discuss, in common, what has to be done.
>
> And we hope that responsible leaders of the different movements will attend the conference and participate in the discussions and afterwards see to it that the decisions and recommendations are really implemented. We hope very much of their talks with the members of the Vietnamese delegations. It is the wish of our Vietnamese friends that these contacts will develop into permanent ones.

This expressed desire for closer consultation with representatives of the Vietnamese points up the second basic purpose for which the May conference was called: "to achieve what we are aiming at with this conference—to realize that 'international mobilization' to end the war in Vietnam proclaimed at the December meeting in 1968."

The May 16–18 conference attracted representatives of a number of well-known international communist organizations, among them the International Association of Democratic Lawyers, International Union of Students, Women's International Democratic Federation, World Federation of Trade Unions, World Federation of Democratic Youth, and the World Peace Council.

The official "List of Participants" shows the following among the United States delegates to this conference:

(1) Dr. Joseph Crown, Lawyers Committee on American Policy Towards Vietnam;

(2) Professor William C. Davidon, member of New Mobe's steering committee;

(3) Professor Richard Falk, Lawyers Committee on American Policy Towards Vietnam;

(4) Dr. Carleton Goodlett. a leading American official in the World Peace Council and top Mobe official on the west coast;

(5) Rev. Thomas Lee Hayes, a moving force in Clergy and Laymen Concerned About Vietnam, a group that aids American deserters in Sweden, and a participant in a New Mobe steering committee meeting in Washington, D.C., on February 7, 1970;

(6) Mr. George Carrano, American Deserters Committee;

(7) Mr. Donald McDonough, ADC;

(8) Mrs. Doris Brin Walker Roberson, vice president, National Lawyers Guild;

(9) Mrs. Beulah Sanders, chairman of the Citywide Coordinating Committee of Welfare Groups in New York City and an endorser of the New Mobe's November march;

(10) Mrs. Amy Swerdlow, Women Strike for Peace;

(11) Mr. Standley Swerdlow, Lawyers Committee on American Policy Towards Vietnam;

(12) Mr. John Wilson, representative of SNCC and member of the New Mobe steering committee.

A Stockholm Conference mailing sent from Stockholm on May 23, 1969, stated that the conference had been attended by about 300 participants from 60 countries, including official representatives from 25 international organizations. According to this document,

> The Vietnamese and US delegations were numerous and took a leading part in the deliberations of the conference. Madame Nguyen Thi Binh headed an NLF delegation of 7 and Mr. Nguyen Minh Vy was the leader of the DRV [North Vietnamese] delegation, also of 7. There were 33 U.S. delegates, representing different shades of the opposition to the U.S. war in Vietnam.

One of the primary accomplishments of the conference was the adoption of an "Appeal" which states that the "one indispensable action" that will restore peace in Vietnam is: "The complete withdrawal of all U.S. and allied troops without any conditions whatsoever to allow the people of South Vietnam to settle their own affairs, without any foreign interference."

A later version entitled "Vietnam Appeal" and adopted at a meeting of the International Liaison Committee of the Stockholm Conference on October 11–12, 1969, also demands "the total, immediate, unconditional withdrawal of U.S. and allied troops from South Vietnam."

This policy is similar in content to the officially stated policy of the New Mobe as contained in the "Position Paper of the New Mobilization Committee to End the War in Vietnam—October 21, 1969." This document declares that the United States must announce its "unilateral decision for withdrawal" from Vietnam and states:

> The New Mobilization Committee to End the War in Vietnam will not be deflected from its aims by the deceptive 'peace' plans of the Nixon administration. We do not regard them as steps toward peace but as a means for beguiling the American people into acceptance of a longer and possibly more costly war. We will not rest until all troops and equipment are withdrawn from Vietnam and the United States renounces all military pacts to defend corrupt and dictatorial governments.

A like statement also appears in the New Mobe's basic fact sheet, which has been distributed as part of the organization's press kit:

> The New Mobilization Committee to End the War in Vietnam is a broad coalition of organizations and individuals whose purpose is to gain an immediate end to the war in Vietnam through *immediate and total withdrawal of American men and materiel.* [Emphasis added.]

A significant item included in the May 23, 1969, mailing of the Stockholm Conference reflects that conference's concern with the creation and exploitation of antiwar sentiment among America's servicemen:

> *Resistance*
>
> Increased international support for resistance in America and by Americans abroad in refusing the draft, in defecting from the US armed forces, for carrying on propaganda within the army and for militant action against the Selective Service Systems.

All these points were adopted to one or another degree by New Mobe itself or by several of its constituent organizations. The Resistance, for example, encourages draft refusal. Clergy and Laymen Concerned About Vietnam provides active assistance to American deserters in Sweden. Both GIs United Against the War in Vietnam, led by YSA members, and the American Servicemen's Union, founded by YAWF member Andy Stapp, openly agitate and propagandize among servicemen. The GI Civil Liberties Defense Committee serves as a vehicle for the SWP and YSA in aiding antiwar GIs, while the YSA-controlled Student Mobilization Committee distributes its GI Press Service, edited by YSA and SWP member Allen Myers, free to servicemen. And an important part of New Mobe's official Spring Offensive program for 1970 was militant activities during March at draft offices around the country, involving civil disobedience and attempts to force the resignation of Selective Service workers.

The final item in the Stockholm Conference's program of action stated:

> The issues of the war in Vietnam and in particular of the unconditional withdrawal of US troops and the ten-point programme of the NLF should be raised as widely as possible in all conferences, national and international, during this summer, *including the World Assembly for Peace in June,* and other meetings. [Emphasis added.]

The World Peace Assembly was held in East Berlin in communist East Germany on June 21–24, 1969. Organizations scheduled to participate, according to an official "Provisional List of Participants," included the American Friends Service Committee, World Peace Council, World Federation of Democratic Youth, and World Gathering for the Final Victory of the Vietnam People. American delegates included:

(1) Dick Gregory, presidential candidate in 1968 for the CPUSA-front Freedom and Peace Party;

(2) Stanley Faulkner, New York attorney and supporter of numerous Communist Party Fronts, including the National Lawyers Guild, Citizens Committee for Constitutional Liberties, and American Committee for Protection of Foreign Born;

(3) Valeri Mitchell, Peace Action Council, Los Angeles;

(4) Irving Sarnoff, chairman of the Peace Action Council of Southern California, identified member of the CPUSA, and New Mobe steering committee member.

(5) Susan Borenstein, W. E. B. DuBois Club, Philadelphia;

(6) Karen Ackerman, W. E. B. DuBois Club, Philadelphia;

(7) Sonia Kaross, American-Russian Institute and Women for Peace, California (the American-Russian Institute is a San Francisco group officially cited as a CPUSA-front organization);

(8) Estelle Cypher, Women Strike for Peace, Washington;

(9) Dr. Herbert Aptheker, CPUSA leader, director of the CPUSA-front American Institute for Marxist Studies, and member of the presidium of the World Peace Council;

(10) Dr. Carleton Goodlett, member of the New Mobe steering committee and member of the presidium of the World Peace Council;

(11) Jarvis Tyner, national chairman of the W. E. B. DuBois Clubs of America and member of the Communist Party;

(12) Eleanor Ohman, secretary of the Committee for International Peace Action in San Francisco and participant in an August 5, 1969, New Mobe planning session in San Francisco;

(13) Rev. Richard Morford, member of the organizing committee for the World Peace Assembly and an identified member of the Communist Party, U.S.A.;

(14) May Clarke, a Los Angeles coordinator for Women Strike for Peace;

(15) Barbara Bick, leading member of WSP and member of the New Mobe steering committee;

(16) Martin Hall, onetime active member of the German Communist Party, active participant in a number of communist causes, and member of the Peace Action Council of Southern California;

(17) Augie Dickerson, member of the organizing committee for the World Peace Assembly and identified member of the CPUSA;

(18) Pauline Rosen, member of Women Strike for Peace and participant in the affairs of the Fifth Avenue Vietnam Peace Parade Committee, major New York Mobe affiliate.

The Peace Assembly heard a speech by the head of the Soviet delegation, E. K. Federov, and received formal greetings from Leonid Brezhnev, general secretary of the Communist Party of the Soviet Union, and Alexei Kosygin, chairman of the Council of Ministers of the U.S.S.R.

Federov, in addition to a ritual denunciation of the United States and its policies, stressed the need for international coordination in the peace movement:

> We Soviet followers of the peace movement consider that a lasting peace is completely possible. The basis of this conviction is [that] the powerful social and political force which confronts imperialism at the moment is against war and favours broad, international co-operation. * * * *
>
> *Joint actions* of the peace-loving forces is a very important factor.
>
> The Soviet followers of the peace movement consider it absolutely necessary to explore all avenues to find a road to *common, co-ordinated action of all movements and organizations without exception*, whose aims and activities serve the cause of peace.
>
> One excellent example is the results of the Stockholm Vietnam conferences from 1967 to 1969. [Emphasis added.]

In summing up his presentation, as shown in the official printed text of his remarks to the assembly, Federov hailed the World Peace Assembly for "creating particularly favourable conditions for further improving the forms of cooperation among the peace forces."

These sentiments were echoed in the printed text of Brezhnev's and Kosygin's greetings hailing the assembly:

> In our times the solution to the problems of war and peace depends to a great extent on the peoples and their active, *joint struggle*. The *mass actions* of peace supporters and participants of various anti-war movements, have achieved concrete and significant results in the struggle to thwart the aggressive plans of the imperialist circles.

It is instructive to note here two points raised by the Soviets in their presentations to the World Peace Assembly: mass action and international cooperation and coordination. The Mobe leadership, as shown by our investigation and research has maintained a significant degree of contact with representatives of international communist organizations and movements. And the emphasis on mass action was echoed specifically in the program adopted by the National Anti-War Conference in founding the New Mobilization Committee and setting up the Fall Offensive.

The official printed text of the American delegation's statement to the World Peace Assembly reflected adherence to the doctrines of the Stockholm Conference and foreshadowed the policies enunciated in the Mobe's October 21, 1969, position paper in demanding that "the American government begin the unconditional and total withdrawal of U.S. military forces from Vietnam * * *." The statement further alleged that the "U.S. has demonstrated since its founding days a systematic policy of exploitation, imperialism and genocide." Continuing:

> We are constantly threatened by increasing repression of the voices of dissent. Since foreign policy is the mirrored image of domestic policy, a nation which employs racism, violence and repression on the domestic scene will resort in kind to racism, violence and repression in its international affairs. The war in Vietnam, above all else, is a racist war. The horrible crimes committed against the Vietnamese people reflect the arrogance, yet deadly sickness of a racist society which has not yet dared to inflict such inhumanity on a white nation.

The American delegation's official statement also declared that "the forces for peace in the U.S. must mobilize and exert pressure" to end the war in Vietnam and "make new initiatives involving power confrontations against both the political and military-industrial establishments of the nation."

Concluding, the statement said:

> We cannot close without paying deep tribute to the courage and remarkable heroism of our Vietnamese friends who in this day, through incalculable sacrifices, are manning humanity's front line in the defense, first, of their own country and, second, of the cause of human freedom. Vietnam's example should lead us all to make, in this hall, a covenant that no sacrifice is too great—even the threat to life itself—to deter man in his quest to be free. * * * The peace forces of the U.S. and the world, through our sacrifices, can become a beacon light * * *.

Irving Sarnoff, member of the New Mobe steering committee and an identified member of the Communist Party, U.S.A., addressed the assembly at length, denouncing the United States, supporting the Vietnamese, urging the need to "broaden and unify the anti-war movement in America," and discussing in detail the American peace movement, including antiwar activities among servicemen. Because Sarnoff's remarks are of great significance, both because they demonstrate his anti-American sentiments and because they foreshadow later Mobe positions, they are here recited in full, taken from the official printed text [emphasis added]:

> It is with both shame and honour that I speak as a member of the American delegation. *Shame because it is my country that is responsible for so much of the evil being perpetrated in the world today.* I speak with the knowledge of the reality that for years the people of my country have permitted the warmakers to use the most modern, horrendous weapons of war to kill and repress the peoples of Vietnam as they struggle to determine their own destiny. I speak with a broken heart—as a father and a worker—when I think of the thousands of lives of children and workers we have destroyed *so that the rich in America can rob and plunder the lands belonging to other peoples in Vietnam and throughout the world.*
>
> This policy is rooted in our history as a racist society, whose system places profit and material wealth as the major national priority, above the respect for the lives and dignity of people. Our history is that of a nation that has destroyed the lives and dignity of millions of Indians and blacks, and today keeps millions in economic and political slavery throughout the world. I need not repeat here the role of American economic and military forces in Asia, Latin America and Africa.
>
> These policies are in essence the same ones that oppress and brutalize our own people.
>
> As the rich get richer in America, 33 million of our people live in grinding poverty, the Blacks, Browns, Indians, youth and old people among the worst of the oppressed and exploited. To make profit, the air, soil, and water are being polluted. A thousand people are killed every week in cars. Eight million fathers have deserted their families, and we have 6 million alcoholics. *The violence of Vietnam has its counterpart in the violence of American cities.* In no major city can one walk the streets at night. Thousands of murders each year, 44,000 suicides per year, 40,000 children beaten and tortured each year by parents. Is there any wonder that such a society would produce 20 million mentally ill persons, drug addiction, and a plague of juvenile delinquency. As if this were not enough, *the rulers of America have used all the modern means of psychological warfare to destroy the conscience and humanity of our people, to condition our people to be insensitive to the needs of other people, and through racism to justify the robbing and killing in our own country and throughout the world.*
>
> *But I speak here today also with pride for that section of America that is now involved in a life and death struggle to change the policies and system of our country.* Our new Nixon administration's answer to the crying needs of the people has been to propose a new missile system that will cost billions. The answer of the Nixons has been to use the experience of Vietnam to spread tear gas from helicopters on our youth, as they demonstrate for a better America. From one end of America to the other *Black Panthers, fighting against white supremacy at home and in Vietnam, are being killed, jailed and harassed.* New forms of repression are now being prepared to investigate and jail those that would oppose the policies of war, racism and poverty. The struggle against these policies is involving ever larger numbers—students on almost every campus protesting the war in Vietnam and militarism—*even high school and junior high school youth.* Black and Brown students and ghetto dwellers are in constant struggle against the oppression and racism that is intensified because of the war.
>
> *On Army bases across America, G.I.'s are organizing and speaking out against the war*—the stockades are full, but this historic movement continues to grow. *There are over 25 underground anti-war newspapers being published by soldiers in the Armed Forces.*
>
> There are literally thousands of young people also who are resisting the draft, refusing to allow themselves to be used by the govern-

ment to kill and plunder. And, as their ancestors did many years ago, *thousands of our youth are going into exile to escape from a violent, racist society that is daily finding new ways to repress the people.*

There are people involved in sacrificing themselves for human dignity from almost every section of the clergy—destroying draft files and the property of Dow chemical, producers of napalm. There is even the beginnings of motion against the war and militarism in some important areas of our labour movement as they oppose the Nixon administration's ABM proposals and the extra-taxation for war.

But, in spite of all of this movement, important sections of our people have fallen into a lull, a result of the end of the bombing of the north, the Paris talks, and the announced withdrawal of a token 25,000 troops. We realize that this is no accident, that it is a planned part of the psychological warfare of the new Administration to silence the voice of the American people while the war is intensified and the slaughter of Vietnamese and U.S. G.I.'s is increased.

We know that the heroic Vietnamese people, who have defeated the use of over one-half million American troops, will not be fooled as the neo-colonialists now try to force Vietnamese to fight Vietnamese for the sake of the United States and the Ky-Theiu dictatorship.

The new Administration has done much to create frustration and apathy amongst the American people by trickery and lies designed to silence the anti-war movement while, in fact, intensifying the war.

It appears, however, that the honeymoon is over and the struggle to *end the war and bring all the G.I.'s home* will now again be renewed. Eisenhower's, Kennedy's and Johnson's war is now Nixon's war and he will have to face not only the valiant Vietnamese but also the wrath and opposition of the American people.

Our task, more evident than ever before, is to broaden and unify the anti-war movement in America so that it becomes impossible for Nixon to continue his new-colonialist, aggressive aims.

Our task is to broaden the base and understanding of our movement to include the many organized groups who are in motion around specific issues—wages, welfare, prices, taxes, racism, repression, housing, and to make them understand that there can be no improvement until the war in Vietnam is ended and the national priorities are reordered.

Our task is to bring to our people an understanding that the nature of the neo-colonialist policy is not only to exploit and oppress the rest of the world, but to exploit and oppress the American people.

That is why our country is moving toward repression and violence and the increased exploitation of the American people. The increased role of the military and the billions spent to satisfy their appetites and those of the industrialists are what is oppressing the people world-wide as well as our people.

It is our responsibility to show that Vietnam is not just a mistake made by a previous administration, but part of the nature of a system that requires a cheap source of raw materials and a market to drop its surplus goods and capital.

We have already begun to move on the difficult tasks before us. Last week, in Southern California, hundreds of activists from all areas of the movement vowed to make August a month of organizing and struggle to end the war. On August 17, we will organize to bring thousands to the Summer White House in San Clemente to demonstrate their opposition to the Nixon Administration policies. We ask that in that month, while Nixon vacations in his secluded mansion on the beach at San Clemente, California, that people all over the world demonstrate and send him letters to remind him of the agony and brutality of the United States policies.

We have initiated a petition drive—to be presented at his summer home—to end the surtax which is used to finance the war and bring our troops home so the Vietnamese can solve their own problems.

Students, the poor, Black and Brown, workers and professionals, will be urged to converge on Nixon's vacation hideaway to petition for a redress of grievances . . . First and foremost to end the racist war in Vietnam and to make the needs of our people the national priority.

On July 4–5, as some Americans celebrate our own day of independence, anti-war and peoples' leaders from throughout America will gather in Cleveland to unify and broaden the movement, and to plan new and larger anti-war actions in the fall.

We know full well the immensity of the struggle that faces us, but we also know the responsibility that lies on our shoulders for the killing and destruction that we have caused in Vietnam and throughout the world.

We will continue to organize, to go to jail, and, if necessary, die so that mankind can be can be [sic] freed from a system that robs and kills to keep a few rich.

Long live the heroic Vietnamese people as they struggle for their national independence and sovereignty.

Long live the unity of the exploited and oppressed in America and throughout the world as we struggle against a common enemy.

Power to the People?

It is noted here, although more detailed coverage is provided later, that all the areas of emphasis urged by Sarnoff in his remarks were in later months incorporated formally into New Mobe's program, a fact which was a prime cause of bitter dissent by the Trotskyist members of the coalition.

Planning for the Fall Offensive, as documented by the New Mobe's own official minutes of the sessions, was characterized by a regular pattern of active participation by members of communist parties, communist youth groups, and communist-front organizations.

The minutes of a July 24, 1969, meeting of the Washington Action Committee, official agency for planning the November actions in Washington, reflect participation by some 27 people, some of the more active participants being:

(1) Rev. Richard Fernandez, leader in Clergy and Laymen Concerned About Vietnam, a group which aids American deserters and which has been consistently active in Mobe projects;

(2) Katherine Camp, who attended a meeting in Montreal on January 30–31, 1970, with a number of representatives of communist and peace groups, as well as representatives of North Vietnam;

(3) Dave Dellinger, self-described non-Soviet communist;

(4) Don Gurewitz, leading activist in Student Mobe, member of the New Mobe staff, and member of the SWP and YSA;

(5) Carol Lipman, SMC leader and active YSA member;

(6) Allen Myers, SMC leader and member of both the SWP and YSA;

(7) Otto Nathan, identified communist;

(8) Sidney Peck, former member of the Wisconsin State Committee of the Communist Party, U.S.A.;

(9) Harry Ring, SWP leader;

(10) Cora Weiss, Women Strike for Peace leader active in the Committee of Liaison With Families of Servicemen Detained in Vietnam, a Hanoi-oriented group made up primarily of Mobe-connected activists who are in close contact with the North Vietnamese.

At this session, there was much discussion of finances, with Fernandez, Abe Bloom, Otto Nathan, and Cora Weiss designated to serve as a short-term finance committee to raise $10,000. Pledges were received from Sidney Peck ($1,000 by August 31), Harry Ring ($100), Carol Lipman, and Otto Nathan, among others. Lipman promised names "of large fund people," and Nathan promised an unspecified "personal contribution."

On July 29 a meeting of the chairmen and project directors of the New Mobe Fall Offensive was held with the following persons attending:

(1) Sidney Peck, New Mobe steering committee;

(2) Douglas Dowd, steering committee;

(3) Donald Kalish, steering committee;

(4) Sylvia Kushner, steering committee;

(5) Stewart Meacham, a leading Mobe official who attended the communist Hemispheric Conference to End the Vietnam War in Montreal, Canada, in 1968 and who also attended the meeting in Montreal in January 1970;

(6) Sidney Lens, steering committee;

(7) Abe Bloom, steering committee;

(8) Ron Young, a key Mobe staff member and steering committee member who attended a meeting of the International Liaison Committee of the Stockholm Conference on Vietnam in Stockholm on October 11–12, 1969;

(9) Steve Wilcox, a member of the Washington Action Committee.

At this meeting, as shown by the official minutes, it was "agreed to incorporate the March of the Dead into the program for the day of the Washington action." This aspect of the offensive eventually emerged as the November 13–14 March Against Death, in which movement people filed past the White House, each participant carrying the name of one American killed in action in Vietnam.

A steering committee meeting was held July 30–31 in Chicago with the following people among the 32 people present:

(1) Abe Bloom, Washington, D.C., Mobe;

(2) Dave Dellinger, Mobe east coast cochairman;

(3) Lou Diskin, a prominent member of the CPUSA;

(4) Douglas Dowd, Mobe east coast cochairman;

(5) David Hawk, leading member of the Vietnam Moratorium Committee;

(6) Ishmael Florey, an identified member of the CPUSA;

(7) Jerry Gordon, Mobe steering committee, CAPAC;

(8) Don Gurewitz, Mobe staff, SMC, SWP, and SYA;

(9) Dorothy Hayes, an identified member of the CPUSA;

(10) Donald Kalish, Mobe west coast cochairman;

(11) Sylvia Kushner, Chicago Peace Council, CPUSA;

(12) Professor David Herreshoff, leader in the Detroit Coalition to End the War Now, a major Mobe regional affiliate, and a prominent supporter of SWP fronts and causes;

(13) Gus Horowitz, SWP leader;

(14) Sid Lens, Chicago Peace Council;

(15) Carol Lipman, Mobe steering committee, SMC, YSA, and SWP;

(16) Stewart Meacham, Mobe east coast cochairman;

(17) John McAuliff, New Mobe steering committee member and leader of the pro-Hanoi Committee of Returned Volunteers;

(18) Allen Myers, Mobe steering committee, SMC, SWP, and YSA;

(19) Cora Weiss, Mobe steering committee, WSP;

(20) Sidney Peck, Mobe east coast cochairman.

The minutes of this session show that Donald Kalish proposed a demonstration in San Francisco to be held on November 15. The discussion was favorable, with Dellinger stating that he had discussed the importance of building west coast support with Karen Talbot, who is an employee of the Communist Party's official west coast newspaper, the People's World. It was moved and passed that Wilcox and Peck be sent "immediately" to the west coast.

David Hawk spoke on the plans of the Vietnam Moratorium Committee significantly stating that the VMC "had purposefully declined to make an issue of or disavow tactics of other more radical student groups."

Regarding Student Mobe's plans:

> Carol Lipman gave a report on the Nov. 14 National *Student Strike* Against the War in Vietnam called by the SMCEWV. She reported on the decision to endorse and build the actions called at the Cleveland Antiwar Conference by an SMC conference of over 500 student antiwar activists on July 6. The SMC has also called a nationwide student strike which will focus on the war in Vietnam and immediate and unconditional withdrawal and campus complicity with the Vietnam war and free speech for high school students for the expressed purpose of building the D.C. action. Already she reported that a significant response has been galvanized from around the country, especially from high school students. The SMC will be working with the VMC [Vietnam Moratorium Committee] on the fall projects.

The meeting also discussed finances, and the minutes list the following pledges and contributions:

(1) $500 from the Cleveland Area Peace Action Council;

(2) $500 from the Chicago Peace Council;

(3) $100 from Women Strike for Peace, with an additional $200 to come at a later date;

(4) $1,000 as a loan from Sidney Peck;

(5) $500 from Douglas Dowd;

(6) $200 from Donald Kalish, with $1,000 to be loaned immediately and another $1,000 to be loaned two weeks later;

(7) $500 from the Student Mobilization Committee.

One particularly significant result of this meeting was an official expression of support by New Mobe for the violently revolutionary Black Panther Party. As recounted in the August 9, 1969, issue of the *Daily World* by CPUSA member Jay Schaffner:

> The NMC Steering Committee went on record expressing their solidarity and support for the Black Panther Party. * * *
>
> A joint press conference held by the Conspiracy, the Chicago Peace Council and the NMC further expressed this solidarity with the Panthers.

The immediate cause for this demonstration of support was a raid on the Illinois headquarters of the BPP, conducted by the Chicago police in the early morning of July 31. The Daily World account continued.

> The joint statement [of the Conspiracy, New Mobe, and CPC] charged that this latest "police attack on the Black Panther Party is part of a systematic nationwide attempt to destroy the Black Panther Party." * * *
>
> [New Mobe co-chairman Dave] Dellinger said that in his opinion, "the unprovoked invasion and destruction of the office is part of a white racist effort to crush dissent in the ghetto."
>
> [Chicago Peace Council co-chairman Maxwell] Primack, speaking for both the Peace Council and the Conspiracy said the purpose was to harass and terrify Black Panther Party members, to destroy the group's public image, and to divert the organization's funds and energies.

On August 5 there was a meeting of the New Mobe San Francisco Action Project. A memorandum to the executive committee and steering committee of New Mobe from Sidney Peck, an east coast cochairman of New Mobe and former State committeeman in the Wisconsin CPUSA, reveals the composition of the session. Included in the list of the 40 people invited to attend were:

(1) Alex Forman, Joe Hill Caucus of SDS at San Francisco State College;

(2) Art Goldberg, west coast bureau of the Guardian;

(3) Karen Talbot, employed by the official west coast newspaper of the Communist Party, the People's World;

(4) Andrew Pulley, a member of the Young Socialist Alliance;

(5) Phil Shapiro, a member of the Medical Committee for Human Rights and supporter of the Black Panther Party-sponsored United Front Against Fascism;

(6) Donald Kalish, member of the Southern California Peace Action Council, west coast cochairman of New Mobe, member of New Mobe steering committee, and, by his own admission, far to the left of the CPUSA;

(7) Terry Halliman, west coast cochairman of New Mobe, member of the CPUSA-front National Lawyers Guild and W. E. B. DuBois Clubs of America; and member of the CPUSA;

(8) Eleanor Ohman, delegate to the World Peace Assembly, held in East Berlin in June of 1969 under the auspices of the World Peace Council, international communist "peace" front;

(9) Dr. Carleton Goodlett, west coast treasurer of New Mobe and also a delegate to the World Peace Assembly;

(10) Irving Sarnoff, an identified member of the Communist Party, leader of the Southern California Peace Action Council, and member of the New Mobe steering committee:

(11) David Hilliard, chief of staff for the Black Panther Party;

(12) Harold Supriano, a founding member of the Communist Party's former official youth front, the W. E. B. DuBois Clubs of America;

(13) Barry David, Student Mobilization Committee and YSA;

(14) Lew Jones, longtime functionary in the SWP and YSA;

(15) Marjorie Colvin, secretary of the GI-Civilian Alliance for Peace, an organization under SWP leadership, and member of the SWP.

The minutes of a Washington Action Committee meeting held in Philadelphia on August 7, 1969, reflect that, as reported by Sidney Peck, there "was general agreement among the West Coast people that an action take place in SF on Nov. 15. Peck recommended that we continue to work closely with the West Coast."

On August 17–18 a New Mobe steering committee meeting to plan the "FALL OFFENSIVE—1969" was held at the Central YMCA in Philadelphia, Pa. Among those invited to this meeting were the following:

(1) Allen Young of Liberation News Service, the New Left's pro-Castro, pro-Vietcong news dissemination service;

(2) Anne Braden, identified member of the Communist Party, U.S.A., and executive director of the Southern Conference Educational Fund (SCEF);

(3) David Herreshoff, member of the New Mobe steering committee and prominent supporter of fronts and causes of the Socialist Workers Party;

(4) Norma Becker, coordinator with Dave Dellinger of the Fifth Avenue Vietnam Peace Parade Committee, New York affiliate of the New Mobe, and member of New Mobe steering committee;

(5) Rennie Davis, New Mobe steering committee member and Vietcong supporter, recently on trial in Chicago for conspiring to foment violence during the August 1968 Democratic National Convention;

(6) Dave Dellinger, east coast Mobe cochairman and self-styled non-Soviet communist;

(7) Jerry Gordon, New Mobe steering committee member and head of the Cleveland Area Peace Action Council, a Mobe affiliate;

(8) Fred Halstead, New Mobe steering committee member and long-time leader in the Socialist Workers Party;

(9) Arnold Johnson, New Mobe steering committee member and national legislative director for the CPUSA;

(10) Irving Beinin, New Mobe steering committee member and an employee of the *Guardian;*

(11) Sid Lens, east coast cochairman of Mobe and former official in the Revolutionary Workers League, designated subversive by the Attorney General under Executive Order 10450;

(12) Carol Lipman, national executive secretary of the YSA-controlled Student Mobilization Committee, member of New Mobe steering committee, and formerly on the editorial staff of the YSA's official magazine, the *Young Socialist;*

(13) Sidney Peck, east coast cochairman of Mobe, leader in the Ohio Peace Action Council, and former Wisconsin State Committeeman, CPUSA;

(14) Irving Sarnoff, former member, District Council, Southern California CPUSA;

(15) Sylvia Kushner, member of New Mobe steering committee and the Chicago Peace Council, a Mobe affiliate, and an admitted member of the Communist Party, U.S.A.;

(16) Donald Kalish, Mobe cochairman;

(17) David Hawk, member of New Mobe steering committee and coordinator of the Vietnam Moratorium Committee, which was closely allied with the New Mobe;

(18) John Froines, recently tried and acquitted in Chicago for conspiracy to foment violence during the August 1968 Democratic National Convention;

(19) Terry Halliman, Mobe cochairman and CPUSA member;

(20) Unnamed representatives of the YSA, W. E. B. DuBois Clubs, and Veterans for Peace (founded in January 1966 by Communist Party member LeRoy Wolins);

(21) Otto Nathan, communist and member of New Mobe steering committee;

(22) Dagmar Wilson, leader in Women Strike for Peace who has proclaimed publicly her advocacy of the North Vietnamese cause;

(23) Dr. Benjamin Spock, sponsor of the New Mobe's November demonstrations, member of the national council of the communist-run National Emergency Civil Liberties Committee, and supporter of the Freedom and Peace Party;

(24) Carleton Goodlett, Mobe west coast treasurer;

(25) Louis Goldblatt, identified member of the Communist Party U.S.A.;

(26) John Wilson, formerly of the Student Nonviolent Coordinating Committee and leader of the National Black Anti-War, Anti-Draft Union, and offshoot of the Student Mobilization Committee, and a member of the New Mobe steering committee;

(27) Pvt. Joe Miles, member of the New Mobe steering committee and Young Socialist Alliance;

(28) Allen Myers, member of New Mobe steering committee and editor of SMC'c GI Press Service;

(29) Majorie Colvin, secretary, GI-Civilian Alliance for Peace, and member of the Socialist Workers Party.

The official minutes of a Chicago steering committee meeting on September 12 reveal active participation by the following persons with communist connections:

(1) Sidney Lens, former leader, Revolutionary Workers League;

(2) Richard Hill, SWP;

(3) Jay Schaffner, DuBois Clubs, member of the CPUSA;

(4) Tony DeLeon, Student Mobilization Committee;

(5) Carl Finamore, YSA;

(6) Ben Friedlander, identified member, CPUSA;

(7) Rennie Davis, supporter of the Vietcong;

(8) Sylvia Kushner, CPUSA;

(9) Jack Spiegel, CPUSA;

Both Kushner and Spiegel are two of the dominant members of the Chicago Peace Council, a major New Mobe regional coalition affiliate.

Topics discussed at this meeting included the October 15 Moratorium and the November student strike. Among the organizations scheduled to participate in activities looking forward to these demonstrations were Veterans for Peace, the Chicago Peace Council, and the Du Bois Clubs, all under communist leadership.

On September 13 there was a meeting of the New Mobe's Washington Action Committee in Washington, D.C. The official minutes of the session reflect the presence of, among others, the following people:

(1) Irving Beinin, *Guardian* staff;

(2) Barbara Bick, member of Women Strike for Peace and among the American delegates to the communist World Peace Assembly in East Berlin, June 21–24, 1969:

(3) Don Gurewitz, New Mobe staff employee and prominent activist in the YSA-controlled Student Mobilization Committee;

(4) Helen Gurewitz, identified member of the CPUSA and New Mobe staff employee;

(5) Fred Halstead, SWP leader;

(6) Gus Horowitz, member of the New Mobe steering committee and a "leading SWP activist in the antiwar movement," according to *The Militant* for September 19, 1969;

(7) Carol Lipman, SMC, YSA, and SWP;

(8) Allen Myers, SMC, SWP, and YSA;

(9) Otto Nathan, identified communist;

(10) Sidney Peck, former Wisconsin CPUSA leader;

(11) Cora Weiss, Women Strike for Peace;

(12) Ron Wolin, leader of Veterans for Peace in New York and self-professed Trotskyist;

(13) Peer Vinther, New Mobe steering committee member and member of the Young Socialist Alliance.

Regarding the relationship between the New Mobe and Vietnam Moratorium Committee, New Mobe staff member Susan Miller reported, according to the minutes, "that the Moratorium Committee will lend major support to the" March Against Death, the Mobe's action scheduled for November 12–14, prior to the November 15 mass march on Washington.

On the following day, September 14, the steering committee met in Washington. According to the printed minutes, Sidney Peck served as chairman, with the following people listed as among those present:

(1) Marc Beallor, member of the New Mobe steering committee, representative of the CPUSA-controlled DuBois Clubs, and member of the CPUSA;

(2) Barbara Bick, WSP;

(3) Rennie Davis, Mobe steering committee;

(4) Dave Dellinger, non-Soviet communist;

(5) Jerry Gordon, CAPAC;

(6) Don Gurewitz, SMC, SWP, and YSA;

(7) Fred Halstead, SWP;

(8) Arnold Johnson, CPUSA;

(9) Carol Lipman, SMC, YSA, and SWP;

(10) Allen Myers, SMC, SWP, and YSA;

(11) Abe Weisburd, who has served on the administrative committee of Mobe's New York affiliate, the Fifth Avenue Vietnam Peace Parade Committee, as the representative of Trade Unionists for Peace, described by FBI Director J. Edgar Hoover as an organization "set up by the Communist Party";

(12) LeRoy Wolins, member of Mobe's Washington Action Committee, founder of Veterans for Peace in Vietnam in Chicago, and an identified member of the Communist Party, U.S.A.

At this meeting a committee was set up to handle legal and police problems anticipated in connection with the November march. On this committee, among others named, were SWP leader Fred Halstead. The March Against Death Committee included SMC leader Carol Lipman, with moratorium coordinator David Hawk among those also suggested. The committee to decide the program for the November rally consisted of 10 members, among whom were SWP member Fred Halstead, non-Soviet communist Dave Dellinger, former CPUSA Wisconsin State committeeman Sidney Peck, and CPUSA national legislative director Arnold Johnson.

Peck, according to the minutes, "reported that the Black Panther Party will be relating to the demonstration on the West Coast." Members of a committee to deal with such "Black and Third World Participation" included Dellinger, Weisburd, and Rennie Davis, with YSA member Andrew Pulley among those also suggested for membership.

The minutes further reflect that Fred Halstead was "hired immediately to work on logistics" for the march, while Carol Lipman and Arnold Johnson were named to serve on a committee concerned with "International Aspects." The committee on "Labor Participation" included Weisburd, Beallor, Peck, Lens, Halstead, and Johnson (six of the seven designated); and the "Promotional Material" committee included, of the 10 named to serve, Gurewitz, Lipman, Wolins, Peck, and Dellinger.

The important subject of "Youth Participation" was to be handled by a committee of five members, including SMC and YSA leader Carol Lipman, Vietnam Moratorium Committee coordinator David Hawk, and W. E. B. DuBois Clubs representative Marc Beallor, who also is a known member of the CPUSA.

On September 18 the New Mobe held a press conference in New York City to publicize the Fall Offensive. New Mobe leaders, according to a Mobe press release dated September 18, "revealed detailed and comprehensive plans for a fall 'offensive' of anti-war activity." Among those present at this news conference were Benjamin Spock; Mobe cochairmen Stewart Meacham, Dave Dellinger, and

Cora Weiss; and Vietnam Moratorium coordinator David Hawk.

The official New Mobilization Committee publication, the New Mobilizer, carried in its September 25 issue a lead article entitled "Fall Offensive Skyrockets—Meetings Held with over 5,000 in 50 Key Cities!" In this article were capsule accounts of numerous meetings held around the country during the week of September 15. Conducted by "New Mobe traveling teams," these sessions resulted in area offices being established "in between seven and ten locations * * *." Plans for both the October 15 Vietnam Moratorium and the November New Mobe demonstrations were laid at meetings in the following listed cities: Milwaukee and Madison, Wis.; Columbus and Toledo, Ohio; Portland, Maine; Miami, Fla.; New Orleans; and Dallas-Fort Worth. The New Orleans session included representatives from Women Strike for Peace and Students for a Democratic Society.

A meeting held near St. Louis, Mo., on September 27 and 28 provided further evidence of communist participation in Fall Offensive planning. This meeting was called to plan for the October 15 Moratorium and the November 15 March on Washington. Among the groups sponsoring the session were Students for a Democratic Society and the young Socialist Alliance. One of the featured speakers at the September 27 evening session was YSA member Andrew Pulley. Two discussion leaders were identified as Communist Party member Hershel Walker and YSA member Larry Swingle, a key St. Louis area contact for New Mobe. Another identified Communist Party member, Orville Leach, was present at the conference; and a key workshop on organizing resistance to the Vietnam war among military personnel was led by identified CPUSA members Hershel Walker and Elliot Waxman.

On October 4 an estimated 300 antiwar organizers met in New York City, according to The Militant for October 17, 1969, "to map plans for the fall offensive against the war in Vietnam. The meeting, sponsored jointly by the Fifth Avenue Vietnam Peace Parade Committee and the New Mobilization Committee To End the War in Vietnam, involved a very broad range of participants and endorsers." Spokesmen for the group included:

(1) Morris Rosenzweig, an official in District 65 of the Retail, Wholesale, and Department Store Workers Union and participant in the January 1970 Montreal meeting;

(2) Joanna Misnik, SMC activist and member of the YSA;

(3) Leon J. Davis, president of Local 1199, Drug and Hospital Employees Union;

(4) Dave Dellinger, Mobe cochairman;

(5) Adam Walinsky, leader in the New York Vietnam Moratorium Committee;

(6) James Johnson of the Fort Hood Three and NBAWADU;

(7) Cora Weiss, New Mobe cochairman who has traveled to North Vietnam under communist North Vietnamese auspices.

On October 5, the New York Times carried a brief item confirming again the close relationship between the New Mobe and moratorium people:

> Student organizers of the Oct. 15 Vietnam Moratorium joined forces yesterday with the National [New] Mobilization Committee to End the War in Vietnam. The two organizations held a news conference and together pledged "the most massive and, we hope, final demonstration against the war in Vietnam". Both actions are a part of a "Fall Offensive." * * *

As had been the case with projects of New Mobe's predecessors, foreign communist endorsement of New Mobe's projected Fall Offensive was unequivocal. On October 5, 1969, according to a clandestine Liberation Press Agency broadcast from South Vietnam on October 8, the South Vietnam People's Committee for Solidarity with the American People sent a message to the American Committee for Solidarity with the Vietnamese People, the *Guardian*, and the New Mobilization Committee.

> Dear friends: We are very elated to learn that you will launch a big fall campaign against the Nixon administration's war policy, urging it to put an end to the war in Vietnam and to bring all U.S. troops home immediately.

The concluding portion of the message reads:

> Lastly, we wish you great success in the fall campaign to urge the Nixon administration to end the war in Vietnam and to *bring all U.S. troops home immediately without posing any condition.* [Emphasis added.]

A broadcast from South Vietnam on October 6 revealed that Tran Buu Keim, chairman of the South Vietnam Liberation Students' Union, had "recently addressed a letter praising the American students and youth on the occasion of the 1969 fall struggle movement." Kiem stated:

> While carrying out a firm resistance against the U.S. imperialists' aggressive war, the South Vietnamese youth and students are following, with keen sympathy, the struggle movement of their friends of the same ages, on the other side of the Pacific—regardless of whether they are white or black—against this aggressive war right in the United States. The heroic struggle of the friends in New York, Washington, Oakland, and Berkeley, has been much appreciated by the South Vietnamese youth and students.

The message specifically hailed the National Anti-War Conference held in Cleveland during July, as well as the activities of both SDS and the SMC, concluding: "Once again, we hope that you will achieve broad solidarity, struggle perseveringly, and win great victories."

On October 24, 1969, North Vietnamese Prime Minister Pham Van Dong cabled a message from Hanoi to the New Mobilization Committee to End the War in Vietnam. As quoted in the Guardian for October 25, the message reads:

> Progressive people in the U.S. have so far struggled against the war of aggression in Vietnam this fall. The broad masses of the American people, encouraged and supported by many peace and justice-loving American personalities, have again started a broad and powerful drive in the whole country to demand that the Nixon administration stop its war of aggression in Vietnam and immediately bring home all U.S. troops. Your drive eloquently reflects the legitimate and pressing demand of your people to save the honor of the United States and to prevent the useless death of their sons in Vietnam. This is also a very fitting and timely response to U.S. authorities who stubbornly persist in intensifying and prolonging the war of aggression in Vietnam in defiance of massive protests and American and world public opinion. The Vietnamese people demand that the U.S. government completely and unconditionally pull out of Vietnam all U.S. troops and those of foreign countries belonging to its camp and let the Vietnamese people decide themselves their own destiny. The Vietnamese people deeply cherish peace, but a peace in independence and freedom. So long as the U.S. government has not stopped its aggression in Vietnam, the Vietnamese people will tenaciously fight on to defend their fundamental national rights. The patriotic fight of our people is also a fight for the objectives of peace and justice you are pursuing. We are firmly confident that with the solidarity and courage of our two peoples, with sympathy and support of the peace-loving peoples in world [sic], the struggle of Vietnamese people and of progressive people in the United States against U.S. aggressions will end in total victory. *I wish your "Fall Offensive" a brilliant success.* [Emphasis added.]

Support for the new Mobilization's program also came from the World Peace Council's Stockholm Conference on Vietnam, whose International Liaison Committee issued an "Information Letter No. 5" on October 5, 1969, specifically supporting the November 15 protest and urging that it be broadened into a "Day of International Mobilization." The document stated:

> This "Fall Offensive" is the most encouraging development in the US since a long time. It is organised by the "New Mobilization Committee to End the War in Vietnam", which groups and unites the most active and significant US Peace Groups and other organisations opposed to Nixon's war policy.
>
> We urge all organisations to support this campaign as it signifies the biggest move so far to oppose the war in Vietnam and to call for the immediate withdrawal of all US forces from Vietnam. It should be echoed in all countries with demonstrations and all sorts of suitable action on and around November 15, so as to show president Nixon that the peoples of the world want him to stop the US aggression in Vietnam. [Emphasis in original.]

In further emphasizing its view of the New Mobe's crucial importance, the ILC letter stated:

> The New Mobe constitutes the crucial work of mobilizing the American people against the war of aggression and counterrevolution in Vietnam. What is so important about the "New Mobe" is that it is a coalition which now is said to reflect a majority movement and to that extent it encompasses within its midst the widest spectrum of forces yet to unite in opposition and resistance to the war.
>
> * * *

Included also in the projects endorsed by the Stockholm Conference letter were projected activities of both the Vietnam Moratorium Committee and the Student Mobilization Committee.

On October 11–12, 1969, the International Liaison Committee of the Stockholm Conference met in Stockholm. According to an ILC mailing dated October 18, 1969, "The first and most important item on the agenda was support for the 'Fall Offensive' of the US anti Vietnam war movement." Further, "It was decided to call upon all organisations to organize demonstrations and other manifestations on November 15 [Emphasis in original], which is to be the Day of International Mobilisation to End the War in Vietnam." Cooperation with the New Mobe was specifically underlined:

> This international campaign on November 15 is prepared in *full co-operation with our American friends. The New Mobilization Committee was* at the meeting *represented by two members of its steering committee, Mr. Ronald Young,* representing the movement on the East Coast, *and Mr. Irving Sarnoff* from the West. They gave impressing [sic] surveys of the present situation in the US and stressed that the majority of the people has now turned against the war. Never before the chances to end the war have been as great as now. [Emphasis added.]

The official statement adopted by the ILC and printed in the October 18 mailing is as follows:

> The Stockholm Conference on Vietnam welcomes the formation of the broadest coalition of US anti-war forces yet known which have joined together in the New Mobilization Committee to End the War in Vietnam to mount a series of massive demonstrations. The Fall Offensive began with demonstrations in Chicago on September 24 in support of the 8 Anti-War leaders on trial for conspiracy. The campaign will continue with the Vietnam Moratorium on October 15 and will culminate in mass national demonstrations in Washington and San Francisco from November 13 to 15. The New Mobilization Committee is committed to the total and immediate withdrawal of US forces and war material from South Vietnam.
>
> The Stockholm Conference wholeheartedly supports the Fall Offensive and calls for mass demonstrations and other activities throughout the world on November 15 to match the unparalleled outpouring of popular opposition to the war now spreading across the United States. All actions on this day of International Mobilization should be centered on the demand of the Vietnam Appeal calling for the immediate, total and unconditional withdrawal of US and allied troops from South Vietnam. This is the only basis for bringing the war to a rapid conclusion. In those countries linked to the US war effort, there should be demonstrations demanding an end to these pacts of complicity.
>
> Together with the New Mobilization Committee we call for a campaign which will not end on November 15 but will rise in intensity until US aggression in Vietnam is ended and the Vietnamese have won the independence and peace for which they have fought so long.

Among the organizations officially listed by the ILC document as supporting this International Mobilization Day were the following:

(1) Hemispheric Conference to End the Vietnam War,

(2) International Association of Democratic Lawyers,

(3) International Union of Students,

(4) Women's International Democratic Federation,

(5) Women Strike for Peace,

(6) World Peace Council,

(7) World Federation of Democratic Youth,

(8) World Federation of Trade Unions.

The IADL, IUS, WIDF, WPC, WFDY, and WFTU have all been officially cited as being international communist front organizations controlled by the Soviet Union.

The October 28, 1969, *New Mobilizer* carried a lead article specifically calling attention to the Stockholm Conference's declaration and briefly describing proposed demonstrations in France, Chile, Australia, Sweden, Holland, West Germany, Belgium, Italy, Norway, Denmark, New Zealand, and Great Britain.

According to an article in the *Washington Post* for October 18, 1969, a significant repudiation of the Mobe's plans came from the Young People's Socialist League, youth group of the Socialist Party. The YPSL, which had repudiated the April 15, 1967 Mobe actions on the ground that they favored Hanoi, declared that "it wants no part of a proposed mid-November students' antiwar strike, claiming that many of the leaders 'are more committed' to a Communist victory in Vietnam than to peace." As quoted by the *Post*, the YPSL statement said:

> The Mobe's marches convince no one to be against the war. Many in the leadership [of New Mobe] are more committed to an NLF victory than to peace. Hence they and those who join them are open to right-wing attack.

A similar statement condemning the Mobe for being pro-Hanoi was later made by Josh Muravchic, YPSL national chairman:

> I think the November 15th movement failed because on the one hand I don't think a march was useful and on the other hand I think the New Mobilization Committee refused to make a distinction between people who are critical of our government's policies because they feel these are not going to lead to peace and those people who are active advocates of the communist side in Vietnam—active proclaimed supporters of the Viet Cong and the North Vietnamese. * * *

In the same vein, Muravchic also stated:

> Well, there are many people involved in the [New] Mobe, by no means all, but many people who are active, proclaimed supporters in every public speech they make of the—what they call the "liberation movement" in Vietnam—the Viet Cong. I think those people do not properly belong in the peace movement. They are not for peace. They are hawks on the other side.

Illustrative of what Muravchic was talking about is this statement made by Mobe cochairman Sidney M. Peck, after initially claiming that "we don't want a communist Vietnam victory. That's not the principal demand that is being put forward":

> We want an end to the war, a war that is a war of intervention and aggression and we want the complete and total withdrawal of American forces from Vietnam and *if that results in a victory for the National Liberation Front or the Democratic Republic of Vietnam* [North Vietnam], *we are pleased with that result* because that would in effect be the wishes of the Vietnamese people. [Emphasis added].

Another Mobe cochairman, Stewart Meacham of the American Friends Service Committee, has said:

> It's quite likely, if we get out, that the government that would come into power in South Vietnam would be a communist government of some [sort]. * * * I would much prefer to see that government emerge if that is the government that the political forces in Vietnam would end up with than to see the present situation continue.

But the most revealing statement has come from yet another Mobe cochairman, the strongly pro-Hanoi Douglas Dowd:

> One of the tensions that we've had to work out within the National Mobilization [Committee] and consequently the New Mobilization [Committee] is that *the people who are doing the organizing* for this kind of thing, *almost all of them, really feel* that not only the war should end but *if there had to be a side in that war I think most of us feel we would be on the other side.* [Emphasis added.]

The August 17, 1969, demonstrations in San Clemente, Calif., which were endorsed by New Mobe, were officially organized and sponsored by the communist-controlled Peace Action Council of Southern California, one of the most important of Mobe's regional affiliates.

The PAC has included among its most prominent members and leaders such identified members of the CPUSA as Irving Sarnoff, Raphael Konigsberg, Don R. Healey, Sophie Silver, and Frank Wilkinson, in addition to Martin Hall, who has been identified as a former leading member of the communist underground in Germany. Hall, who invoked the fifth amendment before the House Committee on Un-American Activities in 1956 when asked whether he was a member of the Communist Party, was at one time an active member of the communist-dominated Fair Play for Cuba Committee. In June 1962 he was a participant in a conference organized by the international communist-front World Peace Council. Though organized ostensibly as a united-front coalition of groups opposed to the war in Vietnam, the Peace Action Council of Southern California is, like the Chicago Peace Council, solidly controlled by members of the Communist Party.

The demonstrations, which had also been formally endorsed in June by the communist World Peace Assembly in East Berlin, drew a claimed 8,000 to 10,000 participants, including active-duty servicemen from nearby Camp Pendleton. Communist participation was most conspicuous. Logistics were handled by Peter Seidman, a member of the Young Socialist Alliance and Los Angeles organizer for the Socialist Workers Party, and the YSA-controlled Student Mobilization Committee played a major role in organizing support among high school and college youth.

Speakers included, among others, Father Blase Bonpane, prominent supporter of SWP fronts and causes; Tamu Uhuru, a representative of the Black Student Union and self-described member of the Communist Party, who spoke on the East Berlin meeting, which she had attended; Donald Duncan, former Green Beret and military editor of the pro-Hanoi magazine Ramparts: Andrew Pulley, a member of the YSA; Donald Kalish, cochairman of New Mobe; and attorney Terence Hallinan, a member of the CPUSA.

International emphasis was supplied by the presence of Toshiaki Yokohama, a representative of the Japan Council Against A & H Bombs, a communist-oriented group prominent in anti-American activities in Japan. According to the People's World for August 1969:

> Yokohama's presence provided Peace Action Council Chairman Irving Sarnoff an opportunity to demonstrate the international working class solidarity which was present at this occasion. * * *
>
> * * * Speaking as "a representative of the country of Nagasaki and Hiroshima" he called for an international front against the U.S. war makers in Vietnam and those who use the soil of his country to carry on the war.

The massive protests staged by the Vietnam Moratorium Committee throughout the United States on October 15, 1969, were a source of great encouragement to the organizers of the Fall Offensive, especially to the New Mobilization Committee and Student Mobilization Committee, both of which had formerly endorsed the VMC's protests. Though officially initiated and organized by the VMC, the October 15 Vietnam Moratorium received all-out support from the CPUSA, SWP, and YSA, as well as from New Mobe's all-important regional coalition affiliates.

Again, as in all other phases of Fall Offensive activity, the communist presence on October 15 was an active one. At a convocation at the University of California at Los Angeles, for example, the assembled demonstrators heard such speakers as New Mobe cochairman Donald Kalish and wellknown CPUSA member Angela Davis.

A rally of a claimed 100,000 people in Boston, Mass., heard speeches by U.S. Senator George McGovern, pro-Hanoi professor Howard Zinn, and SWP–YSA–SMC activist Peter Camejo, who declared: "The fighters of the National Liberation Front are the most beautiful people in the world . . ."

Another rally in New York's Harlem was indicative of the breadth of support among left groups for the VMC's October 15 protests. The rally was sponsored officially by the Third World Committee for Solidarity with Vietnam, a recently organized, pro-Hanoi group which had issued a statement of support for the "heroic struggle being waged by Vietnamese" against "U.S. imperialism." Speakers included actor Ossie Davis, a supporter of the Communist Party; James Haughton of the Harlem Unemployment Center, part of the Parade Committee coalition; Jesse Gray, former Harlem organizer for the Communist Party; Rasheed Storey, chairman of the New York State Communist Party; Paul Boutelle, a leader in the SWP; and identified RAM member Herman Ferguson, east coast president of the Republic of New Africa, then led by Robert F. Williams.

Trotskyist activity on October 15 was conspicuous. In New York Paul Boutelle was among the speakers at a rally at Columbia University. In Atlanta, Ga., SWP member Linda Jenness joined SCLC leader Hosea Williams in denouncing the United States. And in Madison, Wis., SWP member and SMC official Allen Myers addressed a rally of an estimated 20,000 people. Even as far away as Anchorage, Alaska, YSA member Joe Miles addressed a Moratorium Day rally.

One of the most important groups in organizing mass support for October 15 was the YSA-controlled Student Mobilization Committee, several of whose leaders were prominent speakers at major Moratorium Day rallies.

In Cleveland, for example, SMC leader Don Gurewitz, who is also a member of both the SWP and YSA, addressed a rally of an estimated 8,000, while SMC leader Carol Lipman and SWP supporter Prof. David Herreshoff were among the speakers at a rally of several thousand people at Detroit's Wayne State University. In Philadelphia, Pa., the SMC sent 20 speaking teams to no fewer than 32 high schools and colleges as part of the Moratorium Day observance.

The demonstrations on November 15 in Washington and San Francisco drew large numbers of people from around the country. The Justice Department estimated that approximately 250,000 people participated in the Washington action, while the San Francisco Examiner estimated the west coast crowd to be in the neighborhood of 100,000. Speakers at the San Francisco demonstration included, among others, Rennie Davis and Black Panther leader David Hilliard. Speakers in Washington included, among others listed,

(1) Ossie Davis, supporter of CPUSA fronts and causes;

(2) Dr. Benjamin Spock, supporter of communist causes;

(3) Dave Dellinger, who urged participation in a march on the Department of Justice in support of the defendants in the Chicago conspiracy trial, a march which resulted in violence;

(4) David Hawk, coordinator of the VMC;

(5) Phil Hutchings, staff columnist for the *Guardian;*

(6) Carol Lipman, SMC national secretary and YSA member.

Entertainment at the Washington rally was provided by a number of individuals and groups, including Dick Gregory and identified Communist Party member Pete Seeger. Endorsements for the New Mobe's activities in November came from a varied list, including:

(1) Leon Davis, New York labor leader and consistent supporter of the Communist Party;

(2) Louis Goldblatt; secretary-treasurer of the ILWU and identified member of the Communist Party:

(3) Jack Hall, ILWU official and identified member of the CPUSA;

(4) James Johnson, member of the Fort Hood Three and NBAWADU;

(5) David Livingston, District 65, RWDSU, leader and identified member of the CPUSA;

(6) Morris Rosenzweig, District 65 leader and participant in the January 1970 meeting with North Vietnamese representatives in Montreal;

(7) Dr. Benjamin Spock.

The ILWU leadership played a substantial role on the west coast in organizing the November 15, 1969, demonstrations. Identified Communist Party member and ILWU official Morris Watson has served as editor for the New Mobilization West, official Mobe west coast publication.

In San Francisco, according to an authoritative article appearing in *The Militant* for November 18, 1969:

> The Student Mobilization Committee was the predominant organization on the march and at the rally. Banners identifying chapters throughout the West were seen all over the march. Most of the march monitors were provided by the SMC.

Organizations which participated in the November 15 Washington march of the New Mobilization Committee included:

(1) the Communist Party, U.S.A.;

(2) the W. E. B. DuBois Clubs of America;

(3) Clergy and Laymen Concerned About Vietnam;

(4) the Committee of Returned Volunteers;

(5) the Black Panther Party;

(6) the National Committee to Combat Fascism, a support group for the Black Panther Party;

(7) the Southern Conference Educational Fund;

(8) the Citizens Committee for Constitutional Liberties;

(9) the Student Mobilization Committee;

(10) the Socialist Workers Party;

(11) the Young Socialist Alliance;

(12) Women Strike for Peace;

(13) the Revolutionary Youth Movement II faction of SDS;

(14) Worker-Student Alliance SDS, controlled by members of the Maoist communist Progressive Labor Party;

(15) Veterans for Peace in Vietnam;

(16) the GI Defense Organization, an offshoot of VFP;

(17) Youth Against War and Fascism;

(18) the Buffalo Nine Defense Committee, a YAWF front;

(19) the Committee to Support Middle East Liberation, another YAWF front group;

(20) the Spartacist League, a dissident Trotskyist group;

(21) The Temporary Organizing Committee for a Revolutionary Working Class Youth Organization, forerunner of the CPUSA's new youth organization, the Young Workers Liberation League;

(22) the Workers League, a dissident Trotskyist group;

(23) the Freedom and Peace Party;

(24) American Friends Service Committee;

(25) the New Party, a radical political group;

(26) the War Resisters League, a radical pacifist group;

(27) War Tax Resistance, a WRL offshoot;

(28) the Progressive Labor Party;

(29) the Youth International Party ("Yippies");

(30) the U.S. Committee for Justice to Latin American Political Prisoners, an SWP front organization.

The question of concentration on GIs was highlighted during the November actions by the convening of the National Conference on GI Rights on November 13–14 at a Washington hotel. Primary impetus for the conference came from Veterans for Peace and a VFP offshoot, the GI Defense Organization. A resolution advocating such a conference had been presented at the National Anti-War Conference in Cleveland during July 1969.

Speakers at this conference included:

(1) David Rein, identified member of the Communist Party;

(2) Allen Myers, editor of SMC's GI Press Service and member of both the SWP and YSA;

(3) Terence Hallinan, leading DuBois Clubs activist and CP-USA member;

(4) Henri DiSuvero, director of the communist-dominated National Emergency Civil Liberties Committee;

(5) Andrew Stapp, founder of the American Servicemen's Union and member of Youth Against War and Fascism.

Sponsoring organizations for the conference, in addition to Chicago Veterans for Peace and the GI Defense Organization, included SMC's GI Press Service, the American Servicemen's Union, New York Veterans for Peace in Vietnam, and the SWP–YSA–front GI Civil Liberties Defense Committee.

On Thursday, November 13, the New Mobe's March Against Death began at Arlington National Cemetery. About 45,000 people marched from Arlington to the White House and on to the Capitol; each marcher carried a placard bearing the name of an American killed in Vietnam. Many had to return to Arlington to start again because arrivals on Thursday and Friday, the 2 days of this action, were lower than anticipated.

At noon on Friday, the first rally was held on the Mall. Afterwards, Dr. Benjamin Spock led about 1,000 people to the Justice Department to demand an interview with the Attorney General. When the interview was refused, tension rose. Spock led the marchers back to the Mall. Writer Dwight McDonald urged them to return to the Justice Department, and activists tried to incite the crowd, which finally dispersed because of rain.

At about 9 p.m. on Friday some 3,000 people gathered at Dupont Circle and marched toward the South Vietnamese Embassy. Groups involved in this action included Yippies, SDS, Mad Dogs, Crazies, and Weathermen. Many in the crowd had helmets and gas masks. Demonstrators at the Embassy threw rocks, bottles, and bricks. Police had to use tear gas and made about 20 arrests. The crowd moved back to the Dupont Circle area, attacked police vehicles, and threatened the police.

At 10 a.m. on Saturday, the coffins at the Capitol, in which the name cards carried in the March Against Death had been placed, were sealed and the November 15 demonstration began. The demonstration reached its peak about mid-afternoon with an estimated 250,000 people in and around the Washington Monument grounds. It was during this period that New Mobe cochairman Dave Dellinger made his speech urging the assembled crowd to join in the projected march on the Justice Department later that afternoon:

The American people must support the independence of Vietnam by supporting the provisional revolutionary government and by supporting North Vietnam. At 5:00 this afternoon, Abbie Hoffman, John Freunds [Froines], Jerry Rubin and I will be marching with you—marching to the Justice Department where repression is being programmed. . . . Right on!

At about 3 p.m. a group of activists marched on the Labor Department, ostensibly to rally support for a nationwide strike of General Electric workers. Their real purpose, however, as had been the case with the Friday night march on the South Vietnamese Embassy, was to spark a confrontation with the police. The crowd chanted and demonstrated, the police responded, and many demonstrators left to join the march on the Justice Department.

The 5 p.m. march on the Justice Department was ostensibly called to protest the so-called "Conspiracy trial" in Chicago; but, like the demonstrations at Dupont Circle and the Labor Department, it was in fact designed to force confrontation. The mob, in open violation of the march permit, continued to circle the Justice Department, chanting and parading fake casualties to incite the crowd. Demonstrators wearing helmets and gas masks carried knapsacks filled with rocks, bottles, flares, and paint bombs.

Again, the police were forced to use tear gas. The crowd retreated to the Labor Department and regrouped to challenge the police lines again, but police drove them back to the Washington Monument Grounds. About 5,000 to 6,000 people participated in this action, which saw considerable rock throwing, paint thrown at the Justice Department building, and the lowering of the American flag and raising of a Vietcong flag in its place.

The demonstrators eventually spread out toward the Dupont Circle and downtown area. Rock throwing and property damage continued until around 11 p.m.

In view of the violence that erupted during these demonstrations, the following news release issued by the New Mobe press office on November 10 is especially interesting.

ABBIE HOFFMAN AND "WEATHERMAN" ASSURE NEW MOBE "NO VIOLENCE"

WASHINGTON, D.C., NOVEMBER 10, 1969.—Three members of the "Conspiracy 8" being tried in Judge Juilus Hoffman's court in Chicago, flew into Washington last night to reassure the New Mobilization Committee to End the War in Vietnam that the demonstration they plan following the New Mobilization rally this Saturday will conform to the legal and nonviolent discipline the anti-war coalition has established for its November activities.

David Dellinger, Abbie Hoffman and Rennie Davis said that the participants in Saturday's evening rally at the Justice Department understand fully the need to counteract the "fears of violence raised by Attorney General Mitchell" and his staff.

A representative of the Weatherman faction of SDS gave a similar reassurance to the New Mobilization Executive Committee on Sunday evening in Washington. "In the light of the Administration's claims that Weatherman intends to disrupt the New Mobe demonstration by provoking violence," the representative said, "we want to advise you in the strongest terms possible that we intend to abide by the non-violent principles you have established for your November 13–15 actions, and that we want your rally to be a total success capable of influencing the American people against the war." (The Weatherman representative declined to be identified.)

While the New Mobilization Committee has made it a policy to endorse any demonstartions or actions this coming weekend other than its own March Against Death and the Mass March and Rally on Saturday, spokesmen today made it clear that New Mobilization considers the cause of the "Conspiracy 8" the cause of all antiwar elements in this country, and that thousands of people in the parade will be carrying banners to "Stop the Trial."

Mr. Sidney Lens, Co-chairman of the New Mobilization Committee said: "The eight members of the 'conspiracy' currently being victimized in Judge Hoffman's court on the unconstitutional charge of conspiring to cross state lines to incite a riot, are being harassed and prosecuted only because they have led anti-war demonstrations. They are guilty of no crime. Indeed they are the victims of the crimes committed by the city administration in Chicago last year and by the police riot which was designed to deny the anti-war movement its right to protest under the First Amendment. We intend to publicize the issue and to lend whatever weight we can to see that this gross injustice is reversed. Like the Spock-Coffin trial, this effort at repression is simply the strategy of the Government to intimidate and suppress the anti-war movement. We do not intend to let this happen." [Emphasis added.]

The statement of David Dellinger on the afternoon of November 15, taken with the statements of Sidney Lens as cited in the November 10 press release quoted above, leave no doubt whatever that, even though the Justice Department march did not have the Mobe's formal endorsement, it was certainly approved by an influential segment of the Mobe's leadership.

The official posture of New Mobe regarding the maintenance of order during the November demonstrations had been that established guidelines must be adhered to by all participants with New Mobe marshals regulating security within the actual line of march.

Regarding civil disobedience, Irwin Bock, who attended several New Mobe steering committee sessions, recalled that Sid Lens had stated at one of the planning meetings that "an opportunity would be given to those people who felt that more should be done after the official New Mobilization march had finished, * * * that people would then have an opportunity for civil disobedience, * * * but not under the official auspices" of New Mobe.

Asked whether anything was in fact said to the effect that those who refuse to abide by the rules should not come to Washington, however, Bock replied categorically that he had "never heard such a statement that I can recall from any of them. In fact, to the contrary, it was always said that we [meaning New Mobe] welcome everybody to come, no matter what your political views are or no matter what your tactics are * * *."

In this connection it should be noted that the Friday night march on the South Vietnamese Embassy and the Saturday afternoon marches on the Labor and Justice Departments were not *officially* parts of New Mobe's planned activities, although the participants were largely drawn from those who had come to Washington for the New Mobe march and rally on November 15. New Mobe itself very carefully refrained from formally endorsing any of these activities, although the Mobe also very pointedly failed to issue any statement, either before or after the violence, entirely repudiating them.

Instead, New Mobe cochairman Douglas Dowd issued an official statement after the demonstrations in which he announced "that the violence and substantial gassing and arrests that began between 4 and 5 p.m. Saturday, November 15, were unnecessary, and not due to initial provocation from antiwar demonstrators." This statement was issued despite the overwhelming evidence that the violence being discussed and excused had in fact been deliberately provoked by bands of demonstrators bent on forcing confrontation with the police.

During the November 13–15 New Mobe Washington demonstrations, there were 175 arrests, 159 for disorderly conduct and the others for more serious offenses. Six hundred and six people were treated, mostly for tear gas inhalation, 26 were police officers.

The demonstrations cost an estimated $234,000 to $268,000 for property damage alone, added to $544,000 for police overtime and $741,000 for troop deployment, plus $6,006 spent on clearing away 50 tons of debris—a total cost of from $1,525,006 to $1,559,006.

On December 8, 1969, the communist Stockholm Conference on Vietnam issued its "information letter No. 6" reaffirming its complete support of New Mobe's Fall Offensive activities:

> *November 15—A new start*
>
> The "Fall Offensive" of the American antiwar forces, united in the New Mobilization Committee, turned out to be the biggest campaign against the Vietnam war ever organized in the US. In support of this big campaign the Stockholm Conference on Vietnam called a meeting of its International Liaison Committee on October 11–12, and that meeting issued a call for demonstrations all over the world on November 15 to be made the "Day of International Mobilization to End the War in Vietnam".
>
> We thank all those who responded to our call and showed that nothing, not even police dogs and tear gas, can prevent people from expressing their protest against the war in Vietnam. * * *

The Stockholm Conference document included brief accounts of demonstrations conducted on November 15 in the following countries, among others listed: Argentina, Algeria, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Cuba, Denmark, Ecuador, Finland, France, German Democratic Republic (East Germany), Federal Republic of Germany (West Germany), Great Britain, Hungary, India, Israel, Italy, Japan, Mexico, Nicaragua, Norway, Peru, Poland, Spain, Sweden, Switzerland, United Arab Republic, U.S.S.R., Venezuela, and Yugoslavia.

The mailing further claimed that demonstrations were held by American citizens at United States buildings in West Berlin, India, Ghana, Zambia, and Austria, and that "170 US citizens working in *Geneva* [emphasis in original] signed a petition supporting the Moratorium and demanding the withdrawal of all US military personnel from Vietnam."

On December 13–14, 1969, a steering committee meeting was held in Cleveland, Ohio. Groundwork for the session had been laid on November 22 at a meeting of the New Mobe's executive committee, one of whose members was CPUSA leader Arnold Johnson. The following people were among those present at the Cleveland meeting:

(1) Carol Andreas, a leader in the Detroit Coalition to End the War Now, a key Mobe regional affiliate dominated by the Socialist Workers Party;

(2) Abe Bloom, New Mobe national committee member;

(3) Barbara Bick, WSP;

(4) Al Budka, CAPAC and SWP;

(5) Norma Becker, Fifth Avenue Vietnam Peace Parade Committee;

(6) Douglas Dowd, pro-Hanoi New Mobe cochairman;

(7) Dave Dellinger, New Mobe cochairman;

(8) Ted Dostal, Workers World Party;

(9) Frances Dostal, wife of Ted Dostal;

(10) Rennie Davis, Vietcong supporter;

(11) Al Evanoff, labor leader and supporter of communist fronts;

(12) Jerry Gordon, CAPAC, a leader in the Trotskyist wing of the peace movement;

(13) Don Gurewitz, SMC, member of the SWP and YSA;

(14) Fred Halstead, SWP;

(15) Arnold Johnson, CPUSA;

(16) Linda Jenness, SWP;

(17) Sylvia Kushner, Chicago Peace Council, member of the CPUSA;

(18) Carol Lipman, SMC, member of the SWP and YSA;

(19) Sidney Lens, Chicago Peace Council;

(20) John McAuliff, Committee of Returned Volunteers;

(21) Sidney Peck, Mobe cochairman;

(22) Andrew Pulley, YSA;

(23) Harry Ring, SWP;

(24) Syd Stapleton, SWP;

(25) Marcia Sweetenham, YSA;

(26) Nancy Strebe, SWP member and cochairman of the Minnesota Mobilization Committee;

(27) Abe Weisburd, Trade Unionists for Peace;

(28) Arthur Waskow, Mobe national committee member;

(29) David Wulp, SWP and YSA;

(30) Hilgert Allen, Cleveland SMC, YSA;

(31) Betsy Davis, Cleveland YAWF;

(32) Prof. William Davidon, Mobe national committee;

(33) Richard Finkel, Cleveland SMC, YSA;

(34) Molly Kirsch, Cleveland SMC, YSA;

(35) Max Kirsch, Cleveland SMC, YSA;

(36) Herman Kirsch, SWP;

(37) Stewart Meacham, Mobe cochairman;

(38) Max Primack, Chicago Peace Council;

(39) Roger Rudenstein, Cleveland SMC, YSA;

(40) Marty Rudenstein, Cleveland SMC, YSA;

(41) Robert Schwartz, Cleveland SMC, YSA;

(42) Gerald Schwinn, Committee of Returned Volunteers;

(43) Linda Sheppard, SWP and YSA;

(44) Jeanette Tracy, Cleveland SMC, YSA;

(45) Ron Young, New Mobe national committee.

The result of this meeting was the formulation of a "six month campaign to end the war in Vietnam," as announced in a New Mobe press release dated December 17, 1969. This campaign was designed as an attack on three major areas of concern.

> The first, as announced in the press release, involved, "calling for a variety of actions to oppose repression as a necessary aspect of opposing the war. The Mobilization will help to organize activities to support Black Panther demands for a UN investigation of the systematic pattern by government and police against the Panthers. Mobilization spokesmen announced that plans were being made for decentralized demonstrations to support the eight anti-war leaders on trial in Chicago as the Conspiracy trial comes to an end in January."

The second "major thrust" was announced under the heading "Who Pays for the War and Who Profits from the War?" This campaign was designed as a broad one intended to demonstrate to people "the high cost of the war in their own lives:"

> Anti-inflation picketing and boycotts at groceries, etc.; group tax protests or refusal, visits to IRS offices, tax payments to the poor, etc.; support for strikers resisting efforts of business and government to put the burden of the war on workers; demonstrations, sitdown, etc. at offices and stockholders meetings of major war corporations; savings bond returns (GI's); demonstrations, etc., protesting perpetuation of poverty, low level of welfare and medical payments, etc., caused by the war. These efforts will reach a peak on or around April 15, the time when Americans return tax payments.

The third emphasis announced was "draft age youth and GI's":

> New Mobe announced that it will actively support GI's and draft age youth in exercising their right to refuse to serve the government's war against Vietnam. The spring campaign may culminate in massive GI support demonstrations for peace on May 30, Memorial Day.

In a major article appearing in the December 26, 1969, issue of *The Militant,* official SWP newspaper, Harry Ring, a Mobe steering committee member and prominent SWP leader, criticized the decisions reached at the Cleveland meeting as a "serious retreat from organizing mass struggles against the war." Ring vigorously challenged the major broadening of the Mobe's focus. Conceding that many of the issues raised were legitimate and "supported by all opponents of the war," Ring argued that "isolated from any central focus—such as mass action against the war—the prospects for getting any action related to them off the ground are, at best, slight."

Describing the United States as an "imperialist nation" that "is today waging a war of aggression against a revolutionary people," Ring declared:

> *And the Vietnamese,* with a body of experience in the concrete struggle against imperialism, *have made public again and again their profound appreciation for the worth of such mass actions in the liberation fight.* [Emphasis added.]

Despite criticism of the broadening of Mobe's program, however, it should be emphasized that the SWP, YSA, and YSA—controlled Student Mobilization Committee continued to publicize and support Mobe activities. SMC, again as in the past, provided major organizational support to build the New Mobe's Spring Offensive.

Other communist support for the New Mobe's Spring Offensive came from the Young Workers Liberation League, founded in Chicago during February 1970 as the official youth arm of the Communist Party, U.S.A., and successor to the W. E. B. DuBois Clubs of America. One of the documents distributed by the YWLL to its membership, a "Memo on the April 14 and 15 Peace Actions From New York Section Leadership," stated that—

> The "founding convention of the Young Workers Liberation League singled out the national *anti-war mobilizations in April as one of our main activities* in the immediate period." [Emphasis added.]

Another document distributed by the YWLL, a "Memo To All Sections Of The Young Workers Liberation League," included this item:

> *Peace Mobilization*
>
> A. In keeping with convention decisions, immediate concern should be to mobilize as many youth as possible against General Motors on April [no date in original], to demand an end to G.M. tax thieving and war profiteering. This will be our first public demonstration, and every branch should work to make it successful. We should aim at demonstrations and leafletting in front of plants where possible with the special aim of spurring an armband demonstration inside the plant. *This demonstration is part of a nationwide drive by New Mobilization To End the War to organize workplace demonstrations on April 14.*

Mobe leaders continued to maintain contact with international communist groups and leaders, looking forward to the Spring Offensive. The February 1970 issue of the *New Mobilizer*, for example, carried an article by New Mobe steering committee member John McAuliff:

> Over the weekend of Jan. 17–18, I traveled to Sweden on behalf of the Coordinating Council of the New Mobilization Committee. The occasion was a meeting of the International Liaison Committee of the Stockholm Conference, an association of anti-war organizations from different countries. The formal purpose of the gathering was to plan major world conference on the war [sic]. We agreed on March 28–30 as the best dates and Stockholm as the location.
>
> This Easter weekend conference is open to all organizations which support the toal [sic], immediate, unconditioned withdrawal of US and allied troops from South Vietnam. It is anticipated that many countries will be represented. *Delegations from the Democratic Republic of Vietnam (North Vietnam), the National Liberation Front and the Provisional Revolutionary Government (South Vietnam) will take part.* * * *
>
> The meeting last month in Stockholm also called for the mass circulation of total and immediate withdrawal petitions between now and the world conference. *In support of the plans of the New Mobe the meeting declared April 15 an international 'U.S. Out of Vietnam' day.*
>
> Interest was expressed by some of the delegates present to develop supporting actions to the Mobe's late April campaign against US war-profiteering and imperialist corporations. (A real opportunity exists here since the aggressive presence of US corporations is a sensitive issue in many European and third world countires [sic]. *The Mobe delegation to the Easter conference should do some energetic organizing to help bring off anti-US corporation actions world wide.*)
>
> They talked also of the importance for the US antiwar movement to make concrete practical demands on our government, for example that the US should agree in Paris to negotiate directly with the Provisional Revolutionary Government on the basis of the NLF's overall 10 point solution. [Emphasis added.]

A February 23, 1970, letter on the Stockholm Conference's letterhead discussed the importance of the January 17–18 meeting in preparing for the Fifth Stockholm Conference on Vietnam, March 28–30, 1970, "with the aim of bringing about further co-ordination and unity of the numerous actions for the mobilization of public opinion to end the war in Vietnam." Referring specifically to the American antiwar movement, the letter stated:

> We all appreciate the great actions of the US anti-war movement and wish to see it represented in the broadest possible way at the Conference. We have all been following with great attention and sympathy the growing strength of the movement in the USA during the second half of 1969. *The International Liaison Committee considered it one of its main duties to raise worldwide support for the US fall offensive and will continue to support the initiatives taken by the US movement.* [Emphasis added.]

The letter also referred to the Stockholm Conference's "Vietnam Appeal, which was formulated last October by the meeting of the International Liaison Committee in full co-operation and with the advise of the representatives of the New Mobilization Committee and other U.S. organizations."

On January 30–31, 1970, a meeting was held in Quebec, Canada. Vietnamese representatives were in attendance, along with representatives of the Soviet-controlled World Peace Council. Americans attending included:

(1) Morris Rosenzweig, Mobe endorser;

(2) Sylvia Kushner, secretary of the Chicago Peace Council and member of the Communist Party, U.S.A.;

(3) Katherine Camp, Mobe steering committee member;

(4) Stanley Faulkner, active member of the CPUSA-front National Lawyers Guild;

(5) Stewart Meacham, Mobe cochairman;

(6) Arnold Johnson, CPUSA leader and Mobe steering committee member;

(7) Joseph Crown, leader in the Lawyers Committee on American Policy Toward Vietnam and national committee member in the Communist-dominated National Emergency Civil Liberties Committee;

(8) Pauline Rosen, member of Women Strike for Peace and prominent participant in activities of the Fifth Avenue Vietnam Peace Parade Committee;

(9) Masai Hewitt, minister of education, Black Panther Party;

(10) Rev. Richard Morford, leader of the National Council of American-Soviet Friendship, a CPUSA front, and identified member of the Communist Party, U.S.A.

Many of the subjects discussed and acted upon at this meeting were also part of the New Mobe's Spring Offensive program: promotion of demonstrations during March at Selective Service offices around the United States, organization of sit-ins and other demonstrations against the war, planning of demonstrations relating to major American corporations, and withholding of taxes and conducting of demonstrations in April as a means of protesting the war in Vietnam.

An article in the New Mobilization Committee West's "Newsletter Number 4," dated February 13, 1970, provided another example of cooperation by key New Mobe leaders with the international communist movement and demonstrated that the New Mobe's enlarged program as adopted at the December 1969 steering committee meeting in Cleveland remained in harmony with the stated objectives of the Soviet-controlled World Peace Council. Entitled "Vancouver Peace Conference," the article stated:

> About 100 Americans from the West Coast, representing about 70 organizations, and a delegation of Canadian peace people met at a conference Feb. 7 & 8 in Vancouver, B.C. [British Columbia], called by the *World Peace Council* to discuss international cooperation to end the war in Vietnam [sic]. *New Mobe arranged the United States participation.* In fact, the meeting was initiated by Carlton Goodlett and Irving Sarnoff (both New Mobe steering committee members) at a WPC meeting in Africa last month.
>
> WPC delegates were: Tran Cong Tuong, one of the chief DRV (Democratic Republic of Vietnam) negotiators at the Paris sessions; Ha Huy Oanh, DRV negotiating team; Krishna Menon, India, Pastor Martin Niemoller, Germany, Romesh Chandra, Secretary General of the WPC; and A. Ratsifehera, Madagascar.
>
> *The conference endorsed and called for international support to the work stoppage being called on April 15 to protest the war.*
>
> A statement unanimously adopted by the Conference declared that the most urgent need of all people is immediate withdrawal from Vietnam, but *placed priority on overcoming the related evils of racism, poverty and repression.*
>
> The Conference recommended that an international meeting on racism be held in 1970; endorsed selection of Montreal as site for a Commission of Inquiry into war crimes on Vietnam, projected for summer 1970.
>
> The Vietnam delegates addressed the assemblage, answered questions, and participated in workshops. The conference was historic in that it was the first time representatives of the DRV government have met with US citizens and the first time in the WPC [sic] has sponsored so broadly represented a meeting in the Western Hemisphere.
>
> *New Mobe office has copies of the statement adopted by the conference; we will soon have tapes of talks by the Vietnamese and printed reports of what they said.* * * * [Emphasis added.]

On March 28–30, 1970, the Fifth Stockholm Conference on Vietnam was held in Stockholm, Sweden. Like all such previous activities of the Stockholm Conference, this gathering and its pronouncements were blatantly communist-oriented in nature and keyed openly to the American antiwar movement, particularly the New Mobilization Committee.

The conference, attended by 354 representatives of 64 countries and 31 international organizations, adopted a resolution specifically supporting the communist National Liberation Front:

> The Conference is convinced that in order to reach a correct solution of the problem of real peace in Vietnam, the United States government must satisfy the legitimate demands of the Vietnamese people as contained in the ten-point overall solution of the NLF and the PRG [Provisional Revolutionary Government] of the Republic of South Vietnam, which are based on the total immediate and unconditional withdrawal of the U.S. and allied forces and establishment of a provisional coalition government which would organize free, democratic elections.
>
> In order to prevent the extension of the war in Indochina, the United States must be required to cease immediately and unconditionally its war of aggression in Vietnam and the bombing of Laos, it must put an end to the intervention in Cambodia and respect its independence, neutrality and territorial integrity.
>
> The following passage from this resolution is of special interest:
>
> * * * the Conference recommends that there hsould [sic] be set up in each country an action programme in *cooperation with the antiwar movement in the United States*. In this way powerful pressure will be created throughout the world, that will oblige the U.S. government to respect the peace, independence and the right to self-determination of the Vietnamese, Laotian and Cambodian peoples. It recommends the organisation of broadly-based, continuing actions that will be coordinated and developed in each region, each country, each sector, according to their conditions and to the concrete problems posed. [Emphasis added.]

Another document disseminated by the Stockholm Conference provided a further illustration of the cooperation between the New Mobe and the international communist "peace" campaign:

> Responding to the call of the Stockholm Conference on Vietnam, the New Mobilization Committee in the USA has proposed a worldwide campaign to collect signatures of millions of people everywhere on appeals embodying the demand of the total, immediate, unconditional withdrawal of U.S. and allied troops and weapons from South Vietnam.
>
> The campaign is to be known as the OUTNOW PROJECT. The campaign will take different forms in different countries. In the USA cables are being sent to president Nixon with the one word STOP.
>
> All international and national organizations are invited to follow this method or obtain signatures to the Vietnam Appeal, which embodies the key OUTNOW demand. In countries whose governments support, directly or indirectly, the U.S. aggression in Vietnam, the campaign will be linked to the demands to break with these war policies.
>
> The 5th Stockholm Conference on Vietnam fully supports this campaign, will assist on the collection of signatures, and will make the best possible use of these.

This was echoed in the following excerpt taken from an official New Mobe press release on the projected April 15 demonstrations:

> The week of April 15 also marks the opening of the New Mobilization's international call for messages to President Nixon, consisting of one word: STOP This project will be known as the OUTNOW Campaign and will involve all individuals and groups (in this country and throughout the world) who wish to participate.

The extent of world communist appreciation for the activities of both the Stockholm Conference and the New Mobilization Committee was indicated in the following statements of North Vietnamese official Xuan Thuy in remarks delivered to the conference:

> Particularly, with regard to the American people's anti war movement, we are delighted to note that in spite of the Nixon Administration's policy of repression and maneuvers of concealing the truth, the American people, throughout last year, did not sit quiet and let the U.S. Government commit in their name acts of intervention and aggression and crimes in Vietnam and in many other places, impairing the honour and fine traditions of the American nation.
>
> Last year, the American people's movement against the Vietnam war was marked by important events so far unknown in American history. *The "Moratorium Day"* (*October 15, 1969*), *the demonstrations on November 13, 14, 15, 1969,* the opposition to the Chicago trial, the denunciation, of U.S. troops' crimes in South Vietnam, the anti-draft movement, the opposition to the war budget, the statements made inside and outside the Congress against the Nixon Administration's policy, *and innumerable other actions of support to the Vietnamese people were warmly hailed and responded to by the Vietnamese people and the World people.*
>
> * * * * *
>
> *The Stockholm Conference* expresses the firm determination of the various and massive forces of the world people, national and international organizations, of personalities embodying the desire for peace and genuine friendship among peoples. It *constitutes once again a great source of encouragement for our people.*
>
> * * * * *
>
> It is necessary to make pressure on the U.S. government by concrete acts, demanding that it rapidly, totally withdraw from South Vietnam U.S. troops and those of the other foreign countries in the U.S. camp, without posing any condition, that it let the Vietnamese people settle themselves their own affairs without foreign interference.
>
> * * * * *
>
> * * * reality shows that the Nixon Administration * * * cannot be blind to the reaction of public opinion, in the first place American public opinion. What the United States has had to accept so far, for instance the cessation of bombardments against the Democratic Republic of Vietnam [North Vietnam], etc. is precisely prompted by its defeats on the battlefield and the pressure of public opinion.* * *
>
> That is why, the coordination between our people's struggle and the world people's support is one of the most important question [sic]. This co-ordination will surely compel the Nixon Administration to renounce its scheme of aggression and colonialism, to engage in serious negotiations so as to bring the Paris Conference to results *as we wish*. As to the forms of struggle, experience shows that they are increasingly multiple and varied. We have had an example: *the movement in the United States has so far imagined highly rich and effective forms of struggle.*
>
> The Vietnamese people welcome and deeply thank the Stockholm Conference, all national and international organizations, and personalities that have been working in the aforesaid spirit.
>
> Every expression of support, political or material, great or small, every word spoken, every concrete act from your part and from the world people constitutes a contribution that the Vietnamese people will remember for ever. [Emphasis added.]

In addition to the foregoing remarks, a lengthy report on "Peace Activities in the U.S." was delivered at the opening plenary session by New Mobe steering committee member William Davidon. This report constituted a detailed summarization of New Mobe's Spring Offensive plans, including a letter of greeting and explanation of the so-called OUTNOW Project from Mobe steering committee members Douglas Dowd and Stewart Meacham.

American participation in this communist propaganda conference was later described by Mrs. Pauline Rosen, a member of the Communist Party, prominent activist in New Mobe, leader in Women Strike for Peace, and member of the administrative committee of the Fifth Avenue Vietnam Peace Parade Committee.

In a major interview appearing in the May 21, 1970, issue of the CPUSA's Daily World, Mrs. Rosen revaled that "35 peace activists from the United States" had attended the Stockholm Conference, constituting the "largest and broadest delegation the United States has had" at one of these meetings. There were also six delegates from Communist North Vietnam and 10 representatives of the National Liberation Front.

American participants represented such groups as the University Christian Movement, Episcopal Peace Fellowship, Women Strike for Peace, Fifth Avenue Vietnam Peace Parade Committee, Peace Action Council of Southern California, Cleveland Area Peace Action Council, Chicago Peace Council, and, as we have already noted, New Mobe.

The Communist-serving nature of such activities as those described in this report was amply reflected in the following revealing comment by Mrs. Rosen:

> There was great appreciation of the U.S. peace forces at Stockholm, *especially among the Vietnamese, who call our movement the "Second front" of the Vietnam war.* [Emphasis added.]

The first major item in the New Mobe Spring Offensive was a series of demonstrations across the country during Anti-Draft Week March 16–22. This project was announced in detail on the east coast at a press conference in Washington on March 9, 1970. Participants in this press conference included Mobe coordinator Trudi Young and SMC leader Carol Lipman. West coast plans were announced on March 14 at a press conference in San Francisco by Mobe cochairman and CPUSA member Terence Hallinan.

Prior to these demonstrations the New Mobe received a message of support from the Viet Nam Committee for Solidarity With the American People. As broadcast by Hanoi on March 6, the message stated: "We wish you new victories in the struggle for an end to the U.S. war in Viet Nam."

Testimony before our committee reflected that during the week of March 15–22 1970, 32 incidents of violence occurred at Selective Service offices in 16 States and the District of Columbia: 23 bomb threats, two personal threats against draft board personnel, two incidents of harassment of local board personnel, two incidents of sabotage, two of vandalism, and one of robbery. These incidents dropped off to normal levels immediately following Anti-Draft Week, however. (There had also been 26 incidents of property damage and two bomb threats reported by Selective Service officers from January 1 to March 15.)

The April 15, 1970, demonstrations coincided with a series of demonstrations organized by the YSA-controlled Student Mobilization Committee, which also played its usual key role in organizing for New Mobe's activities. Typical of the planning sessions prior to April 15 was the so-called New England Antiwar Conference held at the Massachusetts Institute of Technology on February 28 and March 1 under the joint auspices of the SMC and New Mobe. Speakers at this gathering included Florence Luscomb, an identified member of the CPUSA from Massachusetts, and Jerry Gordon of the Cleveland Area Peace Action Council. Greetings were also received from Allen Myers, a national leader in the SMC and member of both the Socialist Workers Party and Young Socialist Alliance.

As shown in testimony before the committee, a demonstration was held on April 15, 1970, at the national office of the Internal Revenue Service in Washington, D.C., to protest the use of tax money for the war in Vietnam. Demonstrators began to assemble about 3 p.m. An hour later there was a crowd of about 1,000 passing out leaflets marching, carrying placards, shouting obscenities, singing, and displaying the communist Vietcong flag.

At about 5 p.m. a contingent of some 50 people reportedly both Weathermen and SDS members, joined the demonstration, but there was no violence. By 6 p.m. all demonstrators had quit the area and gone on to the Capitol. However sometime in the late evening a splinter group of about 300 returned and broke 23 windows in the IRS Building along Pennsylvania Avenue.

The IRS reported 43 major demonstrations around the country in such cities as New York; Covington, Ky.; Denver, Colo.; and Des Moines, Iowa. There was some civil disobedience, and demonstrators were arrested for such offenses as trespassing, interference, obstructing an officer, and assaulting a Federal officer. Speakers in New York included David Dellinger, Black Panther attorney William Kunstler, and an unidentified member of the Black Panther Party.

Nationwide, according to *The Militant* for April 24, 1970, "Hundreds of thousands marched and rallied on [April 15] in major cities throughout the nation in a full day of mass actions against the war in Vietnam." This article claimed that there were 40,000 participants in the New York rally, with the Student Mobilization Committee prominent in organizing a strike of junior and senior high school students in all five boroughs of New York, while the Parade Committee organized a rally of some 3,500 people at the office of the Internal Revenue Service.

In Chicago a claimed 25,000 people marched down State Street in the culmination of a day of antiwar activities. After a rally at the Civic Center sponsored by the Vietnam Moratorium Committee the demonstrators marched to the Federal Building for a rally sponsored by the communist-dominated Chicago Peace Council and YSA-controlled Student Mobilization Committee. There were a claimed 15,000 participants in this rally, according to *The Militant*.

Another major demonstration was held in Boston, Mass., with an estimated 100,000 people gathered on the Boston Common to hear such speakers as Trotskyist communist Carol Lipman, national executive secretary of the Student Mobilization Committee; Abbie Hoffman, the Yippie leader who has stated that he believes in the overthrow of the United States Government; and Mike Kelly, Socialist Workers Party candidate for Massachusetts Governor in the 1970 elections.

On April 28, 1970, also as part of New Mobe's Spring Offensive, there were disruptive demonstrations at stockholders' meetings of the Gulf Oil Corporation in Pittsburgh, Pa., and the Honeywell Corporation in Minneapolis, Minn. In Pittsburgh, according to testimony before the committee, six demonstrators had to be ejected from the meeting, and seven people were arrested for disorderly conduct.

In Minneapolis, approximately 2,000 persons participated in the demonstration. Testimony disclosed that rocks were thrown at the building, several windows were broken, and demonstrators tried to force their way into the stockholders' meeting. Two hundred demonstrators who held proxies forced the termination of the session by shouting down the corporation officials.

During the weekend of May 8–10, 1970, New Mobe staged its last major activity, a Washington, D.C., demonstration to protest the war in Vietnam, the move into Cambodia, and the deaths of students at Kent State University. As had been the case on November 15, 1969, the Mobe's official posture was nonviolent; but, again as on November 15, there was violence. Indeed, as reported in the *Chicago Daily News* on May 8, 1970:

> Radical groups and many of the estimated 50,000 demonstrators expected [in Washington] have warned the New Mobilization Committee to End the War in Vietnam (New Mobe) that they will not be content * * * to rally, listen to speakers and go home peacefully.
>
> Instead the decision was made to escalate mass civil disobedience in order to prevent spontaneous youthful attacks on the barricades [around the White House] and scattered acts of violence.
>
> With the sudden escalation of the Indochina war, the peace movement has turned sharply toward the left. The more moderate youngsters are rather leaderless and the radicals have become the central spokesmen.

The demonstration had been hurriedly authorized at a meeting of the New Mobe coordinating committee at the Riverdale, N.Y., home of pro-Hanoi WSP leader and New Mobe cochairman Cora Weiss on April 29. Originally May 9 had been set for a meeting of the Mobe steering committee in Chicago.

The high point of the demonstration was a rally at the Ellipse south of the White House on May 9. An estimated 80,000 to 100,000 demonstrators heard speeches by such movement activities as:

(1) Dr. Benjamin Spock, an honorary cochairman of New Mobe;

(2) Mrs. Coretta King, another honorary New Mobe cochairman;

(3) Ron Young, a New Mobe coordinator;

(4) David Livingston, an identified member of the CPUSA;

(5) Fred Halstead, SWP leader, New Mobe steering committee member, and one of the chief marshals for the demonstration;

(6) Charles Palmer, president of the National Student Association;

(7) John Froines, a defendant in the Chicago "Conspiracy" trial;

(8) Dave Dellinger, Mobe cochairman and coordinator;

(9) Jane Fonda, well-known actress who has recently emerged as a supporter of communist causes, including the Wilfred Burchett 60th Birthday Committee, a communist front established to aid the work of *Guardian* writer Wilfred Burchett, Australian communist and KGB agent;

(10) Mike Alewitz, a leader of the Kent State Student Mobilization Committee and member of the YSA;

(11) Sid Finehirsch, a member of the YSA.

Another speaker was California Peace and Freedom Party candidate Robert Scheer, who stated: "Richard Nixon wants to Americanize the world. But dig it. If Richard Nixon Americanizes the world, then America's children will become Viet Cong, and we shall become warriors in the process."

Once again communist organizations gave all-out support to New Mobe's protest. Among groups which participated in the May 9 demonstration were:

(1) the Communist Party, U.S.A.;
(2) the Progressive Labor Party;
(3) the Black Panther Party;
(4) Worker-Student Alliance SDS;
(5) the Spartacist League;
(6) the Workers League;
(7) the Socialist Workers Party;
(8) the Young Socialist Alliance;
(9) the Student Mobilization Committee;
(10) Youth Against War and Facism.

Following the rally on May 9 several radical groups broke off and demonstrated at intersections north of the White House.

At 17th Street and Pennsylvania Avenue at about 4:15 p.m. 1,000 to 1,500 people occupied the intersection and tried to push a mock coffin over a bus barricade. Demonstrators threw rocks, bottles, and a homemade tear gas canister. No arrests were made.

At about 5 p.m. a group assembled in the 1700 block of H Street NW., north of Lafayette Park, and tried to climb over the bus barricade and to upset one of the buses. Police had to use Mace and tear gas to control the crowd. The demonstrators refused to leave, and arrests were made.

At about 6 p.m. another group sat in the roadway at 16th and K Streets NW. and refused to disperse. They were also arrested. During the evening there were several other smaller attempts to scale the buses.

There was also a rally in the George Washington University area. A crowd of about 50 moved up to Dupont Circle, smashed windows in the area, and had to be dispersed. After regrouping in the university area, demonstrators set fire to a truck and an automobile and caused considerable damage from broken windows. The police, who were forced to use tear gas, had to establish a police line around the university area and clear the streets to halt the property damage and rock throwing. Part of the group moved to the Washington Monument Grounds and confronted the Park Police. They were then forced back to the Ellipse, where most were arrested.

At 1:20 a.m. Sunday, May 10, a charge exploded along the west wall of the U.S. National Guard Association building on Massachusetts Avenue NW. The charge was hurled from a passing automobile and caused damage to 70 windows in the area and to the stone columns on the front of the building.

During the May 8–10 activities there were 365 arrests. Approximately 50 persons were treated at area hospitals for various injuries. Seven Park Police and six Metropolitan Police were seriously injured.

The official FBI figures on damages from this action reflect $1,885 in damage to Government-owned or Government-leased buildings; $73,760 to $83,760 in damage to private buildings; $50,000 damage to the National Guard Association building; $10,000 damage to private homes; $16,700 damage to parks, especially the Ellipse and Washington Monument Grounds; and $34,740 damage to police, fire, and private vehicles. Removal of debris cost $11,000; and police overtime, bus rentals, and troop deployment cost $949,331. The total estimated cost in damages and other expenses was at least $1,147,416.

In his testimony before HCIS on June 9, 1970, D.C. Metropolitan Police Chief Jerry Wilson estimated that the four Mobe-sponsored demonstrations held in Washington, along with the October 15, 1969, Vietnam Moratorium Committee demonstration, had resulted in a total of $1,372,000 in military costs, excluding the May 1970 action; $1,495,000 in police costs; and from $429,000 to $451,000 in property damage. He also estimated that there had been 642 arrests, not including those at the Pentagon in 1967, and 756 personal injuries. He estimated the total number of participants in these demonstrations at from 425,000 to 445,000.

Mr. Speaker, my distinguished colleague from California, Mr. SCHMITZ, will present recent information on Communist activity in the peace movement, including especially the Communist origins of the Peoples Coalition for Peace and Justice and the National Peace Action Coalition. I thank the gentleman from California for yielding.

Mr. SCHMITZ. Mr. Speaker, after the May 1970 Washington demonstration, the New Mobe became relatively dormant. Rampant factionalism that had plagued the coalition for months was the primary reason even though the two major competing factions had managed, as previously indicated, to work together on the basis of specific, overriding issues.

The basis for this factionalism was a major split over tactics. In this split, the two primary forces were the Trotskyists, representing the single-issue, mass mobilization strategy, and the CPUSA with its allies, representing a broader approach geared to the possible use of civil disobedience and emphasis on issues allegedly related to the war—poverty, racism, and repression.

As indicated earlier, various competing elements in a coalition like the New Mobe are united around specific issues which all parties deem to be of sufficient importance to merit the shelving of other concerns that would normally be the cause of bitter infighting.

Furthermore, the communists who participate in and provide essential organizing expertise for the antiwar movement are, despite sectarian differences, united in their singleminded desire to serve the ends of the international communist movement. The primary aim of all communists, no matter what their ideological bent, is the protection and perpetuation of the world communist cause. In practice this means simply any struggle, even a violent struggle, that advances the cause is, by definition, good, while any struggle that retards the advancement of communism is necessarily bad and must, therefore, be opposed at all costs. All communists are determined to bring about an American defeat in Southeast Asia, just as they were determined to encourage an American defeat in Korea (and just as they were determined to discourage American participation in the war against Hitler and nazism until Hitler invaded the Soviet Union, when overnight they became ardent supporters of what, until then, had been viewed by communists as a senseless imperialist war fought only to secure the position of capitalist exploiters).

Thus, after Nazi Germany attacked the Soviet Union in 1941, the American Communist Party became an ardent supporter of our military participation in World War II, but only after the communist heartland was attacked. Facism ceased to be the "matter of taste" that Molotov had dubbed it upon the signing of the Molotov-Ribbentrop pact. Instead, members of the CPUSA were encouraged to enlist and fight alongside other Americans to eliminate the power of Nazism in Europe—and especially, of course, to protect the Soviet Union.

With the defeat of Nazi Germany, however, the communists once again assumed their bogus "peace" posture. Now the emphasis was on the perpetuation of peace, which within the postwar context meant protection of gains made by the Soviet Union during World War II. Thus, it was essential that any seemingly anti-Soviet policies adopted by the United States be frustrated to block or eliminate any potential threat to the newly expanded communist sphere of influence.

The outbreak of war in Korea in 1950 caused a predictable knee-jerk reaction among the world's communists. As strongly as they had supported the military effort against Hitler and fascism, they opposed any military effort against communist expansion in Korea.

In the United States the communists launched a major propaganda offensive designed to aid the communists in Korea, China, and the U.S.S.R. by attempting to discredit the United States before the rest of the world as a nation guilty of the foulest war crimes, including alleged germ warfare against innocent Koreans. Here again the primary loyalty of American communists obviously lay with the international communist movement rather than with the United States. (Indeed, it is fair to judge the communist, by his very nature, knows no country, only his revolutionary cause.)

In the case of Vietnam, the communists in America, as this report clearly demonstrates, have been hyperactive. From the beginning communists have assumed leading roles in setting policies and in organizing people for public protest.

In this connection, it should be noted, a communist organization, the pro-Chinese, dissident Trotskyist Youth Against War and Fascism, rather than a pacifist one, claims credit for organizing in New York City in 1962 the first public protest against the Vietnam war. And it is another communist organization, the Socialist Workers Party, with its youth affiliate, the Young Socialist Alliance, which claims major credit for the success of the April 17, 1965, SDS-sponsored march on Washington. A major article in the October 10, 1969, issue of The Militant assessed the SWP–YSA involvement and its significance:

> The new antiwar movement was born in a break with the policy of the old peace movement. This was most evident in the first national demonstration against the war in Vietnam, the April 17, 1965, mass march on Washington called by SDS. In calling the march, a section of hte SDS leadership broke with the League for Industrial Democracy, a social-democratic relic which at that time was the official parent organization of SDS.
>
> The march was not for "peace" in the abstract; rather, it was directed against the specific war in Vietnam. In a break with the cold-war liberalism, it characterized the Vietnam war as a civil war and called for self-determination for the Vietnamese people. *The march was organized on a nonexclusionary basis; in particular, the SWP and YSA were welcomed to participate on the ground floor.* And finally, the nature of the action was that of a militant, mass demonstration. It was independent and did not support any capitalist politicians.
>
> The social democrats and sections of the old peace movement waged a bitter struggle against that march on Washington. They exerted all the pressure they could. To tone down its political line and impose the old exclusionary anticommunist norms. They demanded complete bureaucratic control over the action and, failing to achieve that, they even tried to have it called off. On the eve of the demonstration they issued a public statement denouncing it.
>
> But the march occurred. Some 20,000 came to Washington—more than twice as many as had participated in any of the old peace demonstrations—which proved the feasibility of organizing militant mass actions against the war.
>
> *It was this demonstration that established*

> *many of the basic political characteristics of the then new antiwar movement that remain to this day: nonexclusion; self-determination; and mass action.*
>
> The SWP and YSA played a large part in the struggle for the march on Washington. The issue was settled, not simply in meetings between SDS and the cold-war social democrats, but in battle—in actually building the march on the basis on which it had been conceived.
>
> We recognized that this demonstration was a test. *It was a means of establishing the new antiwar movement along the lines that we had fought for earlier.* And so we plunged into the work of insuring its success.
>
> The YSA endorsed the march. We sent speakers touring the country to build it and distributed literature on a far wider scale than had ever been done before. We took the lead—much more so than SDS itself—in establishing nonexclusive, ad hoc committees to build the march, to explain why it is was important, and to argue for the policy of self-determination for the Vietnamese.

Though the self-serving nature of this article and its rhetoric is quite obvious, nevertheless there is much truth in it from the standpoint of establishing the role of the Trotskyists in developing the anti-Vietnam movement into the broad coalition it is today. There is little doubt the anti-Vietnam war movement would not be nearly as large or as broad as it is now had not the Trotskyists thrown their energies into it.

The other major communist organization that has played a crucial part in developing the antiwar movement is, of course, the Communist Party, U.S.A. The party has participated in all the major national anti-Vietnam war demonstrations, including the April 1965 SDS-sponsored Washington march mentioned above. It also played the central role in setting up the Student Mobilization Committee in 1966, although the Trotskyists were able to wrest control for themselves during 1968, as previously noted.

The pages of the CPUSA's official newspapers, the Daily World and People's World, are filled with propaganda designed to undermine America's will to resist communist aggression in Southeast Asia; and the party has been instrumental in establishing a variety of organizations whose business it is to undermine America's position abroad.

Thus, the party set up the Emergency Conference Committee, run by, among others, Mrs. Angie Dickerson, a member of the Communist Party, U.S.A., and of the World Peace Council, to resurrect the concept of a petition to the United Nations accusing the United States of genocide against minorities, a concept that had last achieved prominence in the early 1950's under the aegis of the Civil Rights Congress, at that time a leading front for the Communist Party, U.S.A. During the latter half of 1970 New Mobe collaborated closely with this CPUSA-organized group in promoting its phony genocide petition, a fact indicative of the increasingly prominent role of the CPUSA in Mobe affairs.

More recently the CPUSA's concern with this type of activity has led to the establishment of the American-Korean Friendship and Information Center, a New York group that attempts to link a demand for withdrawal from Korea to the already constant demands of the movement for withdrawal from Vietnam, Laos, and Cambodia. The AKFIC boasts among its leadership no fewer than three current members of the CPUSA national committee: Joseph Brandt, Herbert Aptheker, and Jarvis Tyner, who also serves as national chairman of the CPUSA's Young Workers Liberation League. Sponsors of this new CPUSA front include the following people who have been supporters of Mobe: Ossie Davis, Irving Sarnoff, Carlton Goodlett, and Women's International League of Peace and Freedom leader Ruth Gage-Colby of New York. Of the 54 signers of the AKFIC's February 25, 1971, advertisement in the New York Times it is interesting to note that 27 are identified members of the CPUSA, 19 are involved with more than one or two CPUSA "front" organizations, and the remaining eight have participated in at least one "front" group.

The CPUSA has played a leading role in establishing and operating some of the most important "peace" coalitions in the country, coalitions like the Chicago Peace Council and the Peace Action Council of Southern California. The CPUSA has also been the dominant force in the New Mobilization Committee West, a primary west coast Mobe affiliate that has operated in major tactical disagreement with the SWP-dominated Bay Area Peace Action Council (which has also been known as the San Francisco GI-Civilian Alliance for Peace and as the New Mobe Membership Committee.)

This split between the SWP-dominated and CPUSA-dominated New Mobe forces in the San Francisco area was explained from the standpoint of the SWP in a remarkable memorandum written to all members of the New Mobe national steering committee by steering committee member Marjorie Colvin, a project director for New Mobe West and member of the SWP. Because of its importance, this memorandum of October 24, 1969, is here reproduced in full for the first time:

> OCTOBER 24, 1969.
>
> To all National Steering Committee Members of the New Mobilization Committee.
>
> Memorandum Re: San Francisco November 15 action and its problems
>
> From: Marjorie Colvin, National Steering Committee member and project director, New-Mobe-West
>
> INTRODUCTION
>
> The preparations for the San Francisco Nov. 15 mobilization have been marred by a disagreement over the character of the action. This difference has never been forthrightly debated. Instead, the NMC tentative west coast co-chairmen, Terence Hallinan and Donald Kalish, have sought to impose by undemocratic and high-handed bureaucratic methods, an approach contrary to that in Washington and that decided by the July 4th national antiwar conference in Cleveland.
>
> This procedure has involved exclusion of tendencies, red-baiting, strong-arm tactics, etc. In short, because of the arrogant actions of the tentative co-chairman, a profound split among the peace forces has resulted in the Bay area.
>
> I believe that the chief responsibility for this split lies with a minority group around Terence Hallinan and Karen Talbot (People's World). The Hallinan-Talbot group, in my opinion, is less concerned with a mass antiwar demonstration, than with building some sort of political movement for the 1970 elections. It is their right to try and build such a movement on their own, but not to utilize the antiwar movement for their own factional purposes. Their factional methods have already dealt grave harm to the Nov. 15 demonstration and deserve the forthright repudiation of the entire antiwar movement.
>
> When the July 4, 1969, national antiwar conference was called, the GI-Civilian Alliance for Peace (organizer of the April 6 march and rally of 30,000 in San Francisco) did its best to broaden the list of peace organizations invited to attend the Cleveland conference. We realized that some peace organizations in the Bay Area were not functioning as constituent parts of GI–CAP, and that the cooperation of every peace group in the Bay Area would be needed to make the fall offensive a success. Unfortunately, additional invitations from the conference convenors were few in number—for example, neither Terence Hallinan nor Karen Talbot received official invitations, although GI–CAP had written to them informing them of the conference and asking them to attend.
>
> Our concern at broadening the antiwar coalition in the Bay Area continued, and particular emphasis was made toward involving those forces represented by Hallinan and Talbot. When the five San Francisco delegates (representing three organizations) returned from Cleveland, they tried to bring together the broadest possible coalition to build the fall antiwar offensive. All, 99 antiwar and peace organizations, from Sacramento to Fresno, were asked to participate in a meeting called by the five delegates. In addition, 1,000 peace activists were sent a mailing acquainting them with the decisions of the Cleveland conference. I personally went to see Terence Hallinan and also spoke to Karen Talbot and Alice Hamburg.
>
> Finally, on July 29, the projected meeting was held. 150 people attended. Chairman of the meeting was Henry McGuckin, professor at S.F. State College. The meeting was broadly representative, from Ben Seaver (AFSC) to Karen Talbot (Peoples' World) to Alice Hamburg (WILPF) to the SMC, to Asher Harer (SWP).
>
> The meeting enthusiastically endorsed the decisions of the Cleveland conference, voted to organize support immediately for the demonstration Aug. 17 at Nixon's San Clemente "summer white house" and set up an interim volunteer planning committee responsible to the body as a whole. The meeting adjourned early before choosing a name—New Mobilization West would most likely have been the result. All decisions at the meeting were in line with the character of the fall antiwar offensive as had been decided at the Cleveland conference.
>
> A prelude to the future West Coast problems developed, however, when Talbot and Hamburg walked out in the middle of the meeting, announcing to all within hearing that they "would march, but not work on the action." But to win support for their conception through the type of organization that was projected at the July 29th meeting—in which decisions would be made through open democratic discussion—was not what they had in mind. Within a few weeks it became clear that their object was to gain control of the apparatus.
>
> Later, it was to become clear that they had a different political conception of the Nov. 15 demonstration. But the meeting's tone showed that it would have been quite difficult for them to win support for an alternative approach through open democratic discussion. This group, as events showed later, evidently placed its hopes in gaining control over the apparatus.
>
> The minutes of the national NMC steering committee of July 30 record that Prof. Sidney Peck had received a call from Karen Talbot who complained that things were not "going satisfactorily" in the Bay Area. The

steering committee decided that Sid Peck should come to S.F. and see what could be done to get all the peace forces together. Those of us who had already started building the Nov. 15 action were hopeful that Peck's visit would bring the Hallinan-Talbot forces into active support for the action and that modus vivendi could be worked out. The antiwar activists were certainly willing to bend over backwards to draw other groups in and make the demonstration a success. Needless to say, we expected the same honest and open attitude on the part of the others, and a real effort at broadening out to occur. One point we were always insistent upon was that all decision-making be democratic and out in the open.

In the Bay Area, the history of the antiwar movement has been that of participation in planning, in organization and in *decision-making* by those building the action. This history goes back to the mass teach-ins organized by the Vietnam Day Committee in 1965. Steering committee have represented the range of organizations involved, but the steering committees and specific working committees (e.g. program, arrangements, finance, etc.) have *always* been responsible to the general meetings of the organizers of the action. These meetings are usually held once a week in the high point of building the action. This method of functioning is similar to the peace coalitions in other areas.

This modus operandi has been very successful as everyone knows. April 15, 1967 (70,000); April 27, 1968 (35,000); Oct. 12, 1968, a GI and Veterans led demonstration of 20,000; and April 6, 1969 (50,000). The antiwar movement in the Bay Area has developed in a tradition of democratic planning, organization and decision-making.

When Sid Peck came out to the Bay Area, the situation was as follows: The organization which grew out of the broad-based July 29 meeting adopted the name Bay Area Peace Action Council (BAPAC), similar to other peace coalitions in other cities. (Later we changed our name to the New Mobilization Membership Committee, in response to the suggestion of Brian Drolet, a West coast New Mobe project director. This change was made in order to eliminate the two-name confusion, i.e., BAYPAC and NMC-West.)

BayPac naturally became the main organizing center for the fall antiwar offensive. All necessary committees and task forces for the action were set up by BayPac. Money was collected to finance the action. BayPac people put out all the promotional literature for the Nov. 15 demonstration that has appeared to date. Attendance at the open and democratic meetings of BayPac, held every Thursday night, varied from 100 to 300 people. A headquarters was obtained (2170 Bryant St., San Francisco) together with the Student Mobilization Committee, and the New Mobe Working Committee, which was formed as a result of Peck's visit.

On Aug. 5 when Sid Peck was here, he chaired the 2nd meeting of the BayPac coalition, where 150 people attended. But the Hallinan-Talbot forces were still not involved (though the door was always open for them). So at Peck's initiative, a small meeting of some 30 people was called at Hallinan's apartment. Although the meeting was overweighted towards the Hallinan-Talbot forces, BayPac people who were present were eager to patch up the differences and work out a formula to include all antiwar groups in the Nov. 15 action.

Suggested west coast officers were proposed and agreed to, with the understanding that they would be tentative, subject to the actual formation of a truly broad and representative working committee for the west coast action.

The tentative officers were: Terence Hallinan and Ron Dellums as Bay Area Co-Chairmen; Majorie Colvin, Brian Drolet and Mary-Louise Lovett as project directors and Don Kalish as Los Angeles Co-Chairman.

Those of us from BayPac reluctantly accepted this procedure, after (1) we were assured that this arbitrary gathering of 30 would be only the initial nucleus of a west coast working committee which would quickly expand itself politically, generationally (few youth were present), and geographically and (2) we felt that we could, as members of the working committee, be in a position to effect its merger with BayPac and create a very broad coalition effort of all forces available, i.e., BayPac would become the New Mobe West's membership body in action and name. (Hallinan and Peck had both already named BayPac as the "Bay Area arm of the NMC-West."

Terence Hallinan, in position as a (tentative) co-chairman, was invited to attend the next BayPac meeting Aug. 8 to establish collaboration and mend fences. But he proceeded to tell the 150 activists assembled that they were "paranoid megalomaniacs" to think that they represented anybody or could in any way participate in decision-making! This remark was not only insulting, but coming from a person whose position required him to try to bring all groups together, it was totally out of order. It portended, not collaborative coalition efforts on his part, but crude and bureaucratic manipulation of his office. And that is exactly what was to happen.

Despite the insults, BayPac elected the chairmen of its five active subcommittees who were already working on the action to attend the meetings of the NMC working committee. Other members of BayPac attended as observers. We wanted to give the working committee every chance of success. But things did not work out.

High handed and arbitrary methods were used by Hallinan and his supporters to try and circumvent the feelings of the majority. Exclusionary moves were directed against the SMC. An attempt was made to change the antiwar character of the actions through the proposed device of co-sponsorship with the United Front Against Fascism. The New Mobe working committee was not expanded and broadened along the lines that had been agreed upon. No money was released for implementation of plans. BayPac—doing the work—also had to raise money. New Mobe did not even send out a fund letter until Oct. 16th!

During all this time, the real attitude of the different groups towards the Nov. 15 action became clear by virtue of the fact that almost all committees of NMC-West that were actually doing work to build the action were being organized by BayPac people. These included the Third World Task Force, the GI Task Force, the Arrangements Committee, the Publicity Committee. Where the Hallinan group focused its real interest was in the decisions of the program committee and the finance committee. These would decide the political character of the speakers and the outlay of money. It was because the Hallinan group lost over these issues that the split occurred.

The political issues involved are as follows:

Position 1: The Hallinan group favored the idea that there be *one* speaker at the rally—someone like Wayne Morse or Rev. Abernathy. The rest of the program to be devoted to poetry readings, singers, rock bands. This position was called, by Hallinan, the "political Woodstock." That is, a "cultural event" a "coming together of the people," according to Terence Hallinan, which would try for Woodstock Rock Festival mood with a low emphasis on politics. A main speaker would outline a program of "what next?" for the antiwar movement. The obvious question—what would the "what next" speaker say, and what was the money to be used for. This was left vague, it would be worked out by some small committee. In my opinion, the Hallinan group has in mind some sort of preliminary work for the 1970 gubernatorial election campaign here.

Position 2: the majority's position was that the San Francisco program be along antiwar lines as in the Washington, D.C. program, with speakers representing the breadth of the antiwar movement. Culture would certainly be a part of the program, but not the *central* feature. No one speaker would speak for the entire antiwar movement and outline what to do next. If there was a surplus of money from the collection, it would be used for future antiwar actions. And in the case of dispute, all surplus funds would go to the National New Mobilization Committee.

The Hallinan group's position lost by democratic vote. The tentative list of speakers agreed upon by the New Mobe West working committee on Oct. 11 is as follows: Rev. Ralph Abernathy, peace speaker; Dolores Huerta, labor leader; Rennie Davis, chairman; Andrew Pulley, collection speaker. The Third World task force was to pick one additional speaker.

It was at this meeting, Oct. 11, that Terence Hallinan went beserk after losing the vote. Hallinan, a former golden gloves boxer, challenged the 100 people assembled, "Anyone who wants to fight with me over this, meet me outside." Naturally everyone was appalled by this kind of conduct on the part of someone who was supposedly a chairman of the coalition. But more was in store. Hallinan later went outside and twice punched a peace activist in the face. More of this same method was to come from Hallinan and his group.

On Oct. 16, BayPac held a very large membership meeting to go over the decisions of the New Mobe Working Committee. Hallinan and Karen Talbot and others were present. The meeting re-affirmed the speakers program. The third World task force recommended two speakers, Corky Gonzalez, a Chicago leader in Denver, and David Hilliard of the Black Panther Party. It was still possible to add a couple of liberal speakers and/or a student speaker. The cast of "Hair" had offered a skit. Buffy St. Marie was singing, etc. Everything sounded fine, but. . . .

IN THE MIDDLE OF THE NIGHT

Sometime, late at night, on Friday, Oct. 17, two days after the highly successful Moratorium, the Hallinan minority entered 2170 Bryant St., removed all the desks, tables, posters and leaflets (including those with name BayPac) and destroyed a silkscreen for a poster which had been paid for by a member of the Publicity Committee. The next morning, the New Mobilization Membership Committee staff discovered also that the telephones had been disconnected and the mail stopped—by order of Terence Hallinan. Note: The BayPac posters and leaflets were later returned.

STRONG ARM METHODS

On Saturday, Oct. 18, Kalish and Hallinan called a "Regional Working Committee" meeting by invitation only. To enforce the exclusion, a six-man goon squad which included Terence Hallinan, Archie Brown, Jack Rady, Jack Weintraub, and Karen Talbot's husband, stood at the door. Those not invited—which included previously agreed on working committee members—were stopped from entering by force.

Among those excluded were: an official representative of Painters Union Local 4; several Teachers Union delegates; Sara Hymes, treasurer of the Anti-Ballistic Missile Committee; the Vice-President of Cal-State Hayward Student Government; delegates from Stanislaus College; the University of California Moratorium Committee; the New Mobilization Committee representative from Portland; the chairman of the Third World Task Force; the chairman of the Student Task Force, the SMC representative on the Working Committee, etc., etc.

Those admitted and added to the Working Committee with voice and vote were all personal invitees of Kalish and Hallinan. For

> several, this was their *first* meeting—and they were obviously uninformed of the differences. A motion to recognize the committee, to include broader representation from those excluded was narrowly defeated by the stacked meeting; 28–21. This, despite the fact that Kalish and Hallinan that very day had arbitrarily added *15* new faces of their choosing to the NMC-West Working Committee. (Incidentally, this appears to be the method of Kalish and Hallinan; if they lose a vote, they merely appoint a few more of their friends to the Working Committee, declare the previous vote "illegal" and proceed to vote again!)
>
> They are no longer considered leaders by the majority of the movement—at least not in the Bay Area. They have accomplished chaos. The New Mobilization Membership Committee called a press conference at which its spokesmen took a "let's get back together" stance. This sincere public appeal for unity had no effect on the Hallinan group. So press releases have now gone out answering the "splitter" charge. And now the movement press is being fully informed of the differences.
>
> A meeting of the New Mobilization Membership Committee, including official coalition representation from Seattle, Portland and Phoenix, was held on Sunday, Oct. 19. This meeting decided to call for a *genuine* non-exclusive, representative regional Steering Committee in San Franisco this Saturday, Oct. 25, to lay final plans for transportation, housing, march route, speakers, monitors, etc. This regional meeting will probably elect regional representative. SMC is holding a Western Regional Steering Committee meeting on Sunday, Oct. 26, in Hayward.
>
> In the meanwhile, leaflets, posters, buttons are going out of 2170 Bryant Street just as before. The telephones have been reconnected, new tables and desks obtained, new leaflets printed—work is proceeding as before. A New Mobilization Membership Committee meeting of over 250 people on Oct. 23 reaffirmed this course.
>
> However, *permits* for the rally are being held up by city authorities pending agreement between NMC-West and NMMC. Mail to *both* has been stopped, and the Fall offensive is temporarily stalled thereby.
>
> The differences, in my opinion, are all negotiable. Probably the addition of a liberal speaker (or two) and a student would solve the speaker problem. An agreement that all bills of both NMC and NMMC pertaining to the march and rally be paid, that the NMMC treasurer be added to a merged finance committee, and that all surplus funds go to the National NMC would solve the financial question. A resolution of differences over the character of the rally must be attained. An honest, independent figure must preside over the coalition. Agreement would release the rally permits, the mail and the energies of hundreds of antiwar activists who are raring to go.
>
> The NMMC, at its regular Thursday night membership meeting, Oct. 23, at 2170 Bryant St., San Francisco—attended by 261—endorsed the emergency actions of a special NMMC meeting of Sunday, Oct. 19th. Furthermore, this meeting decided (1) on a Regional Conference on Oct. 25 and (2) to send Bertha Dertz to Philadelphia to report to the NMC. It also decided that other NMMC members should go to Philadelphia if possible.
>
> No matter what the outcome of the present dispute, all those on the West Coast who answered the call of the July 4th Cleveland Conference will continue to work to make Nov. 15 a success.
>
> To bring the troops home now:
>
> MARJORIE COLVIN,
> *San Francisco, Calif.*

In this dispute, CPUSA and SWP leadership of the respective factions was all too apparent, providing a classic illustration of the primary role of communists in setting Mobe policies.

The New Mobilization Committee West faction was led by Terence Hallinan and Irving Sarnoff, both identified members of the CPUSA; Karen Talbot, an employee of the CPUSA's official west coast newspaper, the People's World; and Donald Kalish, a faithful supporter of the CPUSA position in New Mobe. Treasurer of New Mobe West was Dr. Carlton Goodlett, one of the Nation's most prominent and consistent supporters of the Communist Party, U.S.A.

The Bay Area Peace Action Council (later New Mobilization Membership Committee to End the War in Vietnam) faction was led primarily by members and supporters of the Socialist Workers Party: SWP member Marjorie Colvin, a principal spokesman for BAPAC; SWP members Lew Jones and Asher Harer; Paul Traficante, a supporter of the 1970 election campaign of the SWP; and Herman Fagg, SWP member and chairman of New Mobe's November 15 Third World Task Force.

In New Mobe as a whole, the disagreement over basic policy continued to grow during the latter months of 1969 and into 1970, with the SWP in particular giving major publicity to its point of view at the expense of its rivals.

A fundamental policy of the Communist Party, U.S.A., in the peace movement is that mass mobilizations based solely on a demand for withdrawal from Vietnam are insufficient to cause the essential alterations in American Government policy needed to facilitate advancing the communist cause.

The SWP's rationale for its single-issue mass mobilization strategy is that opposition to the war is of paramount importance, both because it aids in the building of a mass, broad-based radical movement in the United States and, most importantly, because it renders the greatest amount of positive aid and encouragement to the insurgent communist movement in Southeast Asia. Thus it is essential that the greatest possible number of people be brought into the antiwar movement.

Clearly, as the SWP sees it, such a broad mass movement assumes involvement by groups which are sharply divided in many ways. Logically, the only way to secure genuine unity of action is to focus on the one overriding issue on which all competing tendencies can presumably agree: the need to end the war and bring the troops home. Only to the extent that antiwar movements can unite around this one fundamental demand, argue the Trotskyists, can the movement as a whole function as a united, effective, and expanding counterweight to official government policy.

The policy of the CPUSA, on the other hand, is geared to a multi-issue approach Where the SWP advocates the single-issue strategy to unite diverse forces around withdrawal from Vietnam, the Communist Party posits a program based on the fusion of the issue of Vietnam with such supposedly related issues as poverty, racism, and political repression, the goal being a total assault on the fabric of our society through the tactical exploitation of disaffection with the war and of various grievances held by minority segments of the population.

As expressed in an editorial article appearing in the June 1970 issue of the CPUSA's official theoretical organ, Political Affairs.

> Struggles are growing in scope and intensity, against the war, against the mounting repression and racist oppression. But far more is required. Above all, if success is to be won, these struggles must all be linked together. This means that masses of *white* Americans must link the fight against the war with that against the brutal oppression of the Black, Puerto Rican and Chicano peoples. The police killings of Black Americans in the South have brought forth a strong protest in the form of the March Against Repression through the state of Georgia, culminating in the mass demonstration in Augusta. What is needed, however, is a massive outpouring of protest by the trade union movement and by white working people generally against these and other murders, against the growing violence and terror and all other forms of oppression. Only thus can that unity be achieved which will assure the defeat of the reactionary Nixon policies.
>
> What is called for, in the words of the statement of the Communist Party, USA, is "the creation of a militant people front whose scope and power surpasses anything history has ever seen. * * *
>
> Such a front, headed by the working class and the Black people, can compel the withholding of funds for military operations in Indochina and the withdrawal of all U.S. troops. It can compel the ending of racist terror and oppression at home. It can force an end to mammoth war budgets and to the war-induced inflation and high taxes which are wrecking living standards. It can enforce the sanctity of Constitutional rights and bring about the freeing of all political prisoners, such as the Black Panthers and the draft resisters.
>
> * * * * *
>
> This is the need of the day, a need which transcends all others. To this task Communists above all are called on to dedicate themselves to the fullest. On the successful building of such a people's front depends the future of our people, our country, and the world. [Emphasis in original.]

This policy was reemphasized in a later article in the October 1970 issue of Political Affairs. Written by former national committee member James Tormey, this article sets forth the broad "people's alliance" strategy by which the party hopes to use the left to undermine the United States:

> In the above-mentioned report [to the CPUSA national committee], Gus Hall said: "We must now set our course, fix our priorities, assign our forces so that we work toward the crystalization of a *broad people's alliance, an alliance which will gather all the forces of rebellion into a coalition that will have the power to challenge the policies of the monopoly-military-industrial complex on all levels, on all fronts. That is the key link.*"
>
> He spoke of the need for a "real New Left," one that would understand its responsibilities toward the broader democratic forces and the importance of Left unity as a means of realizing this approach. This is how he posed the question: "We cannot move seriously to build a broader people's alliance, unless we undertake seriously the coalescence of Left unity that will be its very backbone." [Emphasis added.]

The following passage from the same article is most significant, constituting as it does an indirect admission by the party that it has been a crucial factor in the development of the National Coalition Against War, Racism, and Repression after the decline of New Mobe:

> Today there are huge numbers of forces at work in the fight-back against repression, but there is also much proliferation of effort. There are conflicting trends relative to the fightback and the almost total lack of coordination around major cases nationally. While everyone has been "doing his thing," few have been defending the Communists or overtly fighting anti-Communism. This condition is a threat not only to our Party but also to the people's movement. *At the same time, Communists in many places have been active in the movements which do exist, and have in most cases been responsible for bringing about a number of conferences against repression.* Where this is taking place, some semblance of unity is being brought about.
>
> *The main thrust of our line in the fight against repression must be to build alliances and coalitions wherever we can influence events.* However, the question arises how we can increase our power base in order to play an effective role in influencing the broader democratic movement to fight for the preservation of democracy and its extension to the millions who have never had it: the poor and especially the Black and other racial minorities. In this context there arises the question of whether and how to build a new national organization. [Emphasis added.]

Further, this party policy now presupposes the open leadership of party members:

> A national organization to meet today's requirements should be composed of both Communists and non-Communists who subscribe to the concepts here outlined, with identifiable leaders of the Communist Party sharing leadership with others.

In furtherance of this policy, and with a significant degree of success, the CPUSA, simultaneously with its activities in "peace" groups, has assiduously cultivated its relationship to such organizations as the National Welfare Rights Organization, Black Panther Party, and Southern Christian Leadership Conference. A prime example of this has been seen in the Emergency Conference Committee.

The Emergency Conference Committee is the outgrowth of the Emergency Conference To Defend the Right of the Black Panther Party To Exist, held in Chicago during March 1970. Initiated and controlled by CPUSA, the conference and its continuations committee, popularly known simply as the Emergency Conference Committee, have enjoyed all-out support from key leaders of the NWRO, BPP, and SCLC and represent major attempts by the party to gain close working relations with key groups operating among minorities.

At the same time the CPUSA's representatives in the peace movement have encouraged greater participation in antiwar activities on the part of minority group representatives. Thus, partly through this party effort, representatives of the NWRO and SCLC in particular became increasingly prominent in New Mobe activities as the Mobe's program broadened to include the issues of poverty and racism on an ever-increasing scale.

Similarly, the party has made a major attempt to fuse organized labor with the antiwar movement, a fact shown by the convening of the National Rank-and-File Conference in Chicago on June 27–28, 1970. This conference, which went formally on record against the Vietnam war and in favor of the Emergency Conference Committee's "genocide" petition, was initiated by the CP-controlled trade union magazine Labor Today. The importance of the conference in implementing the party's multi-issue fusion strategy is seen in the following extracts from a major article by CPUSA national secretary Gus Hall in the August 1970 issue of Political Affairs:

> The U.S. policy of imperialist aggression has emerged both as a serious moral problem and an urgent economic problem for workers. Their sons are being killed. The priorities of the government are war priorities. These are resulting in escalation of taxes and the cost of living. In spite of these clearly anti-working-class priorities, most of the trade union leadership supports them either openly or by remaining neutral. This is cause for growing anger and a mood of revolt in the ranks of labor. It leads to the crystalization of special forms, through which the rank and file can express their antiwar sentiments.

Further on in this article, Hall quotes approvingly from a statement adopted by the National Rank-and-File Conference.

> This new class unity was clearly evident at the Chicago Conference. It is significant that all attempts to create divisions were rejected. The actions and statements of the Conference reflect this new understanding and new unity. One statement said:

We call upon our unions and all organized labor to join hands with the black freedom movement, the Chicano and Puerto Rican freedom movements, the students and professional people, the peace movements and the farm movements in a mighty coalition comprising the majority of Americans to compel a complete change in the direction of governmental policy away from war, repression and racism, and towards peace and the expansion of democratic rights.

It is significant that representatives of the CPUSA-controlled National Coordinating Committee for Trade Union Action and Democracy, the official outgrowth of the National Rank-and-File Conference, have played active roles in the National Coalition Against War, Racism, and Repression, the multi-issue-oriented successor to New Mobe that is now known as the Peoples Coalition for Peace and Justice.

Each of the two major communist groups within New Mobe, then, has tried to use the peace movement for essentially the same purpose: to capture it and subvert it to the service of the international communist cause. Their disagreement has arisen solely from their advocacy of differing tactical means to that end.

To summarize briefly, the SWP assumes that it is necessary to concentrate on a single basic issue to achieve maximum involvement in the peace movement, while the CPUSA believes that the multi-issue strategy, with its positive appeals to certain key groupings in our society, is the only means by which new constituencies can be won for the movement.

The result of this factionalism was the breaking up of New Mobe in June 1970. The Trotskyists managed to stage a National Emergency Conference Against the Cambodia-Laos-Vietnam War in Cleveland under the nominal sponsorship of the Cleveland Area Peace Action Council on June 19–21, 1970, while other Mobe groupings, with strong support from CPUSA, convened the Strategy Action Conference in Milwaukee, Wis., on June 26–28.

The Cleveland conference which was absolutely controlled by the Trotskyists, established the National Peace Action Coalition, a group which operates under the firm control of the Socialist Workers Party, to organize mass single-issue anti-Vietnam protests throughout the United States on October 31, 1970. Both the NPAC and the October protests are discussed in detail in chapter VIII of this report.

The Strategy Action Conference was attended by an estimated 800 delegates representing a wide variety of organizations, including especially the CPUSA, Chicago Peace Council, National Welfare Rights Organization, Black Panther Party, and Southern Christian Leadership Conference, along with several key leaders of New Mobe itself, many of them Communists. The official call to the conference, bearing the address of New Mobe's national headquarters in Washington, D.C., reflected a broad range of sponsorship including, among others, the following:

(1) Dr. Ralph Abernathy, SCLC;

(2) Dorothy Cotton, SCLC;

(3) Charles R. Garry, attorney for the Black Panther Party and identified member of the Communist Party, U.S.A.;

(4) David Hilliard, Black Panther Party;

(5) Rev. Jesse Jackson, Operation Breadbasket (economic arm of the SCLC);

(6) Big Man, Black Panther Party;

(7) Beulah Sanders, National Welfare Rights Organization;

(8) Johnnie Tillmon, NWRO;

(9) Dr. George Wiley, NWRO, an honorary cochairman of New Mobe,

(10) Rennie Davis, Conspiracy, a New Mobe coordinator;

(11) David Dellinger, Liberation, New Mobe coordinator;

(12) David Hawk, Vietnam Moratorium Committee;

(13) Ken Kirkpatrick, Seattle New Mobe;

(14) Stewart Meacham, AFSC, New Mobe coordinator;

(15) Dr. Sidney Peck, New Mobe coordinator;

(16) Dr. Benjamin Spock, New Mobe honorary cochairman;

(17) Ron Young, Fellowship of Reconciliation, New Mobe;

(18) Rev. A. Cecil Williams, Glide Methodist Foundation, member of the World Peace Council;

(19) Ron Dellums, Berkeley City Councilman;

(20) Dr. Carlton Goodlet, member of the presidium of the World Peace Council;

(21) Charlotte Bunche Weeks, Women's Liberation, New Mobe coordinator;

(22) Trudi Young, Women Strike for Peace, New Mobe coordinator;

(23) David Livingston, District 65, Distribution Workers of America, identified member of the CPUSA.

The CPUSA-dominated Chicago Peace Council, one of the most potent of Mobe's affiliates, went so far as to repudiate the Cleveland conference by voting on June 4, 1970, not to send any representatives to Cleveland because, in the words of the June 9 issue of the Daily World, "they felt its timing and purpose were to divide the peace movement." Prominent in arguing in support of the New Mobe's projected Milwaukee conference were CPC leaders and CPUSA members Jack Spiegel and Jay Schaffner, with support for the Cleveland meeting coming primarily from the SWP and Student Mobilization Committee representatives.

The Daily World summed up the result thusly:

> By its overwhelming vote, with only the Student Mobilization Committee, the [Chicago Citywide] Strike Council, and the Socialist Workers Party voting for sending representatives, the CPC clearly repudiated the attempt to replace the New Mobe coalition by something new in which, as one trade unionist said, "only one tendency in the peace movement will have all the control."

The question of which conference to endorse had also come up at a meeting of the Mobe steering committee in Atlanta, Ga., on May 23–24. According to the June 13, 1970, issue of the Guardian—

> the Mobe leadership meeting in Atlanta, while not publicly attacking the Cleveland conference, voted by more than 50 to 1 not to endorse it (the opposing vote was [SWP leader Harry] Ring's). The principal reason, according to Mobe steering committee member Abe Weisburd of New York was that the organizers of the Cleveland meeting did not include the issue of racism and repression. "The entire text of their call," he said, "says absolutely nothing about racism or black people—absolutely nothing."

Illustrative of much of the sentiment at this meeting was the observation by Mary Louise Lovett, a member of New Mobe's San Francisco steering committee, that mass demonstrations like the November 15, 1969, action had "outlived their usefulness at this time."

The steering committee thereupon decided to go ahead with the June conference in Milwaukee, but not without causing further disaffection and bitterness among the Trotskyists. Harry Ring, writing in the June 12, 1970, issue of The Militant, acidly observed:

> A meeting of the steering committee of the New Mobilization Committee to End the War in Vietnam held in Atlanta May 23–24 graphically demonstrated how a once significant antiwar coalition has been reduced to a small, heterogeneous group of cliques united only by their common opposition to any form of mass action against the war. To hold themselves together, they decided that the time is ripe for massive civil disobedience and undefined "direct action."

The Trotskyists claimed that the Cleveland conference had been voted by the Cleveland Area Peace Action Council on May 5, 1970, only after sustained effort had been made to convince the Mobe leadership to call a national conference at which all interested forces could work together to formulate antiwar plans. This proposal had been rejected by New Mobe's coordinating committee, obviously because the Trotskyist line on mass action was no longer in accord with developing Mobe sentiment.

The thinking of several New Mobe leaders had been turning increasingly to civil disobedience. While the Trotskyists are in no sense believers in the philosophy of nonviolence, they see massive civil disobedience as a divisive force within the antiwar movement because it alienates many people who would willingly participate in peaceful mass marches, but who shun potentially violent confrontations.

In a June 10, 1970, CAPAC mailing setting forth the Trotskyist side of the dispute over the rival conferences, CAPAC chairman Jerry Gordon quoted the following passage from a paper written by the increasingly influential Mobe steering committee member Arthur Waskow after the May protest in Washington:

> If even just 15,000 (let alone 75,000) had nonviolently sat down in the D.C. streets as they were prepared to do, and waited (in shifts, etc.) until the Monday 50-governors' meeting or until mass-arrested or until gassed, I think there would have been numerous massive imitations of that action all over the country by Tuesday or Wednesday. New York City and San Francisco would have shut down, the national crisis would have been intensified, and the war might well have been ended within six weeks.

In a similar vein, the following extract from Gordon's letter is most revealing, both for its statement of the Trotskyist criticism of the New Mobe's leadership and for its reflection of the thinking of David Dellinger, one of the most consistently influential of all New Mobe leaders:

> Typical of the thinking of these New Mobe leaders were the plans they made for the Washington May 9 demonstration. Over 100,000 people went to Washington on a few days notice to register their profound opposition to the Cambodia invasion. The demonstration dramatized for millions of Americans the depth and breadth of opposition to the invasion in a way few other anti-war demonstrations ever have. The anti-war movement gained wide public support as a result of this demonstration in no small part because it was conducted in a peaceful and orderly fashion. But credit for this goes to the good sense of the thousands of demonstrators and to the skill of the marshals—over 4,000 students—who frustrated the high risk confrontation plans of the New Mobe coordinating committee. Heading up the marshals together with Fred Halstead was Brad Lyttle, who has himself advocated and practiced civil disobedience for years. Yet Lyttle opposed the plans of action advanced by New Mobe leaders and he explained why in a memorandum:
>
> "We calculated that it would take more than an hour to move 100,000 people out of the H Street area. A gas attack or a police charge with clubbing in a situation like that could result in hundreds of people being trampled to death. Victims would be those who had come just to attend a peaceful rally as well as people who were prepared for the dangers of a sit-down. The idea that the enormous crowd should surround the White House posed many of the same problems."
>
> Dave Dellinger, a key spokesman for the New Mobe, wrote an article in the June 4, 1970 *Village Voice* which reveals how some of the New Mobe leadership views the historic May 9 demonstration and the dangerous possibilities described by Lyttle above. Dellinger begins his article by explaining what he considers the need for "open, disciplined, carefully focused non-violent resistance" and he cautions against mass marches and demonstrations that "fail to prepare people for more militant forms of resistance." He then explains that "non-violent direct action" was "the de facto tactic called for by the New Mobe when it invited people to protest in Washington on May 9 not only without government permits but in an area near the White House which, as the Mobe clearly pointed out, had been declared 'off limits' to protestors." "Because the Mobe clearly called for massive protest without permits in a banned area," he says, "thousands of persons came conscious of the fact that they might be arrested, gassed, or otherwise assaulted." He then laments "the mistake . . . of asking for the Ellipse" and explains that "if there was a 'failure of nerve' and a 'betrayal' that weekend, it occurred when this decision [to ask for the Ellipse] was made."

Another mailing circulated by Gordon and CAPAC to the antiwar movement later in June included a useful description of the differences between the two conferences, based on original documents disseminated by the two factions:

> As stated in the call to the Cleveland conference, its purpose is "to plan antiwar demonstrations and other anti-war activities of the most massive kind centering on the crucial issue of withdrawal from the war and conducted in a peaceful and orderly fashion . . . This conference is not intended to solve or even necessarily to discuss all the problems of our crisis-ridden society. It is not a conference to hammer out the strategy or tactics of social revolution or to found a new political party or movement. It is not a conference in competition with any tendency or movement for social change. It is a conference to organize massive opposition to the war."
>
> The Milwaukee conference, on the other hand, has a quite different purpose. The minutes of the New Mobe held in Atlanta May 24, 1970 project the Milwaukee conference this way: "Mobilization will join with other groups in calling an Emergency Action Conference [later Strategy Action Conference] where community people can explore the potential for developing a unifying offensive in face of the deepening interrelated crises of race, war and the economy. One major focus of the conference will be to project actions that promise stepped-up massive, discplined direct actions."

The two major antiwar proposals before the Strategy Action Conference on June 27 were those on so-called emergency perspectives and the proposed "long march" program. Both emphasized disruption in preference to mass mobilizations.

The "emergency perspectives" group was led by Professor Douglas Dowd of Cornell, who opined that the incursion into Cambodia would lead inevitably to a decision by the administration to use nuclear weapons. As the July 4, 1970, issue of the *Guardian* recounted Dowd's presentation:

> "The only way to bring the antiwar movement back to life," Dowd summed up, "is not by just repeating mass marches, but by creating chaos and upheaval. This would probably be small at first, but as the escalation became more evident, it could grow massive. He was seconded by Cora Weiss of New York Women Strike for Peace, also calling for "chaos," but with the added urgency that

> the possibility of nuclear attacks would arrive "not in a matter of months, but of weeks."

The "long march" proposal was written by Arthur Waskow of the Institute for Policy Studies in Washington. As originally conceived, a series of marches would begin with rallies at so-called symbolic sites such as Kent State University, after which smaller groups would march throughout the country, pausing in cities to gather support and hold rallies related to local issues. Ultimately all marchers would converge on Washington for a period of mass civil disobedience and direct action.

This proposal was the subject of considerable discussion and alteration. National coordination was dropped, as was mass participation. Instead, emphasis was placed on local and regional planning for activities in which small "collectives" of around 20 people would form the basic units. The political and tactical orientation of each action was to be left entirely to local groups.

Waskow himself finally proposed the elimination of any reference to marches in deference to the antimass-march sentiment of the delegates. Someone suggested the proposal be renamed the "Liberation of Washington." When objection was voiced by Norma Becker of the Fifth Avenue Vietnam Peace Parade Committee, Waskow conceded that "disruption would be a more honest word than liberation."

On June 28 the various proposals put before the conference for endorsement. All demands by the NWRO were unanimously endorsed in the conference's only real moment of unity. Another proposal for a so-called Chicano Moratorium at the end of August, was also endorsed, as was a proposal by Jack Spiegel that the conference establish active liaison with the organizers of the National Rank-and-File Conference.

Neither Dowd's nor Waskow's proposal, however, was formally adopted. Instead, the conference agreed to authorize regional conferences to discuss and implement the various proposals advanced in Milwaukee on a local decision-making basis.

The Strategy Action Conference quite clearly marked the end of the mass mobilization strategy in New Mobe and the defeat of the single-issue Trotskyist position, at least for a time. According to an article appearing in The Washington Post on June 29, 1970:

> One conference spokesman, William Douthard of "Public Employees Against War, Repression and Exploitation," declared that "the treatment of the Vietnam war as a single issue has ended," as he outlined new links between the anti-war movement, black organizations and Mexican-American protest groups.

Despite the extremely chaotic nature of the Strategy Action Conference, the Communist Party, U.S.A., expressed great satisfaction at the adoption of a definitely multi-issue program. The following extract from an article in the People's World for July 11, 1970, is indicative of the Party's attitude:

> Significant progress was made here [in Milwaukee] last weekend toward forging a united movement with a common strategy for ending the war in Indochina, stopping repression at home and redirecting the energies of the nation to the needs of the people.
>
> * * * * *
>
> [A proposed] Washington action is viewed as focusing the war, not as a single issue, but as a part of the whole system of world wide repression sponsored by the U.S. government at home and abroad.

MILITANT CONFRONTATION AND CIVIL DISOBEDIENCE: THE NATIONAL COALITION AGAINST WAR, RACISM, AND REPRESSION AND PEOPLES COALITION FOR PEACE AND JUSTICE

Subsequent to the Milwaukee conference, several regional strategy action conferences were organized in various sections of the United States. This was accomplished at a meeting of the regional conference organizers in Chicago on July 20, 1970. The composition of this gathering, attended by 25 movement activists, was similar to that of the Milwaukee conference. Groups represented most prominently included the New Mobe, Fifth Avenue Vietnam Peace Parade Committee, New University Conference, and Chicago Peace Council, with representatives also present from both SCLC and NWRO.

Delegates included Diane Appelbaum and CPUSA member Sylvia Kushner of the Chicago Peace Council; Sidney Lens, Sidney Peck, Douglas Dowd, and Rennie Davis from New Mobe; William Douthard from the Fifth Avenue Vietnam Peace Parade Committee; Robert Greenblatt of the New University Conference; and CPUSA member Jack Spiegel of the Trade Union Committee for Peace. The official minutes of this meeting reflect that identified CPUSA member Irving Sarnoff of the Peace Action Council of Southern California had been invited, but was unable to attend.

The July 20 Chicago conference agreed to call for about two dozen smaller regional conferences organized along the lines of the Milwaukee conference. According to the *Daily World* for July 29, 1970, the call to the projected Chicago area conference read as follows:

> It is our feeling that if this incipient collaboration began in Milwaukee can be continued and enlarged, it will represent a great step forward towards a broad progressive coalition in this country dedicated to fight war and imperialism, racism and poverty, exploitation at the point of production, sexism, repression and other social evils.

Such a call was, of course, in complete accord with the Communist Party's multi-issue line.

The minutes of the July 20 meeting reflect that the Chicago Peace Council was to serve as the coordinating agency for the projected Midwest conference in Chicago during August, a fact that is indicative of the extremely important part played by this CPUSA-controlled group in Midwest peace activities. The Daily World for July 29 listed the following people as being among the sponsors of the upcoming Chicago meeting: Ginger Mach of the Chicago Welfare Rights Organization; Sidney Lens of the Chicago Peace Council; Jack Spiegel of the CPC; and Sylvia Kushner, CPC executive secretary.

The regional conferences held subsequent to the July 20 planning session in Chicago enjoyed the complete support of the Communist Party, U.S.A. A weekend regional United Action Conference in Philadelphia on August 28–30, for example, was hailed in the Daily World for August 27, 1970:

> This weekend's regional United Action Conference in Philadelphia marks an important development in the peace struggle, bringing together activists on a regional level from Eastern Pennsylvania, Southern New Jersey, and Delaware.
>
> The call for the conference focuses on the war in southeast Asia and sees withdrawal from Indochina as the key to the solution of the crisis in which the nation finds itself.
>
> * * * * *
>
> The purpose of the conference is to augment the forces fighting to end the war, to establish socio-economic priority goals, and to plan special projects in the region.

Again the multi-issue program of the conference was in complete accord with that of the CPUSA, which was among the organizations represented, along with such other groups as the Black Panther Party, Young Workers Liberation League, Women's International League for Peace and Freedom, Women Strike for Peace, American Friends Service Committee, SANE, and New Mobe.

On August 28–30 another regional conference held in Wheeling, Ill., reflected a significant degree of participation by members of the CPUSA. Among the 80 people attending were the following known CPUSA members:

(1) Jack Spiegel, Trade Union Committee for Peace;

(2) Jack Kling, secretary, Illinois Communist Party;

(3) Natalie Myers, representative, Illinois Communist Party;

(4) Dorothy Hayes, WILPF;

(5) Eva Friedlander, Women for Peace;

(6) Ben Friedlander, SANE;

(7) Lula Saffold, Women's Peace and Unity Club;

(8) Jay Schaffner, Chicago Peace Council;

(9) Betty Smith, Minnesota Communist Party;

(10) Frances Gabow, Illinois Senatorial candidate on the Communist Party ticket;

(11) Ted Pearson, CPUSA candidate for the Illinois Constitutional Convention and local correspondent for the *Daily World*.

In addition, the conference was attended by the following members of the CPUSA's official youth arm, the Young Workers Liberation League: Joan Phillips, Roger Kapfhammer, and Hugh Stinnette, all of Chicago. Other groups represented included the Committee of Returned Volunteers, New Mobilization Committee to End the War in Vietnam (New Mobe), Clergy and Laymen Concerned About Vietnam, New University Conference, Chicago Welfare Rights Organization, National Welfare Rights Organization, and the Movement for a Democratic Military. Conspicuously absent were any official representatives from the Socialist Workers Party, Young Socialist Alliance, or Student Mobilization Committee To End the War in Vietnam.

On August 26, 1970, New Mobe circulated a mailing that claimed a total of 16 regional conference committees, "most of whom will have held conferences by September 11th." Recipients of the New Mobe letter were urged "to attend a National Conference at the University of Wisconsin at Milwaukee from September 11th to 13th." This second Milwaukee gathering proved to be the final meeting for New Mobe as such, as well as the culmination of activities carried on as a result of the Strategy Action Conference in June.

The September Milwaukee conference resulted in the formal establishment of the National Coalition Against War, Racism and Repression as the successor to New Mobe. The program of the NCAWRR was to remain multi-issue in character, geared partially to the use of civil disobedience and other direct action in decentralized local demonstrations instead of to single-issue mass national mobilizations alone.

The conference was attended by approximately 80 delegates representing such Mobe-affiliated groups as the National Welfare Rights Organization, Black Panther Party, Women Strike for Peace, Women's International League for Peace and Freedom, Chicago Peace Council, Communist Party, U.S.A., and Young Workers Liberation League. Once again, the Trotskyists were conspicuous by their absence.

The two principal action proposals approved by the conference were advanced by Prof. Sidney Peck of New Mobe and Gilbert Green of the Communist Party, U.S.A., a fact which indicates the importance of the CPUSA in the NCAWRR.

Green's proposal called for a month of activity beginning on October 15 and related to such issues as the war, racism, "sexism," poverty, welfare, and genocide, culminating in a national demonstration in New York on November 15 centered around the presentation of the Emergency Conference Committee's "genocide" petition to the United Nations.

Peck's action proposal, which exemplified most clearly the shift away from peaceful mass marches, called for a massive protest in Washington, D.C., in May 1971, involving civil disobedience and other direct action tactics in an attempt to obstruct the operation of government.

Another project endorsed by this conference was a national boycott of Standard Oil products. According to the September 22, 1970, issue of the "Midwest Regional Newsletter of the National Coalition Against War, Racism and Repression," the boycott of Standard Oil was being organized because of the company's alleged role as "one of the largest war contractors * * * and because Standard Oil urged the U.S. government into Vietnam in the first place * * * and because S.O. has lobbied for a great buildup of the U.S. military * * *."

The newsletter urged interested parties to contact the Standard Oil Boycott Committee in care of the CPUSA-controlled Chicago Peace Council office. This project has been given major attention by the CPC in recent months.

The extent to which the CPUSA and its allies had succeeded in dominating the program of the new coalition, with its firm commitment to multiissue actions and explicit rejection of single-issue mobilization, was shown by the NCAWRR's policy statement, which was printed in full in the October 29, 1970, issue of the CPUSA's *Daily World:*

> A new approach in protest strategy: Policy statement of The National Coalition against War, Racism, Repression and Poverty.
>
> A National Coalition Against War, Racism and Repression has been formed growing out of a Strategy Action Conference of 800 "movement" representatives in Milwaukee last June. The Coalition represents a major change in protest strategy.
>
> The Coalition was initiated by representatives of the New Mobilization Committee to End the War in Vietnam, the Southern Christian Leadership Conference, the National Welfare Rights Organization, the Chicago Moratorium Committee and other national and regional groups.
>
> Formation of the Coalition reflects a widespread realization of the inter-connection between the issues of war, racism, poverty, repression, oppression of women, and the need to conduct a united struggle against all of these social evils.
>
> The goals of the Coalition are:
>
> To coordinate and join efforts of a broad range of groups presently acting separately against war, racism, poverty and thereby make these efforts more meaningful and effective.
>
> To initiate year-round daily protest and resistance activity at the local and regional level in addition to mass national demonstrations.
>
> To continue to plan major national actions as in the past but emphasizing the interrelation of social problems rather than focusing on a single issue.
>
> The Coalition, with its national organizations and its seventeen affiliates, is currently involved in scores of local actions.
>
> Issued for the Interim Committee of the Coalition by:
>
> Thierrie Cook, Seattle Liberation Front, Seattle. Washington
>
> Doug Dowd, Prof. of Economics, Cornell Univ., New Mobe, Ithaca, N.Y.
>
> Bennie Davis, Conspiracy Eight, New Mobe, Washington, D.C.
>
> Roberto Elias, National Chicano Moratorium., Los Angeles, Calif.
>
> Willie Jenkins, N.Y. Region, New York City.
>
> Stewart Meacham, American Friends Service Comm.. Philadelphia, Pa.
>
> Dr. Sidney Peck, Cambridge Institute, MIT., New Mobe, Boston, Mass.
>
> William Douthard, Coordinator, Washington, D.C. and New York City

On October 27, 1970, NCAWRR national coordinator William Douthard announced a week of "confrontation and education" in New York City on November 15–21 prior to the presentation of the Emergency Conference Committee's "genocide" petition to the U.N. According to the *Daily World* for October 28, 1970.

> The demonstration (sic), which will consist of "a series of massive non-violent actions involving civil disobedience, are scheduled to begin on Nov. 15 and end with a march and rally on Nov. 21.
>
> William Douthard, national coordinator of the coalition, told a press conference at the Overseas Press Club that the rally will be the prelude to acts of non-violent civil disobedience.
>
> Denouncing "America's violent and racist acts against mankind," he said that the coalition is in contact with and will invite Madame Nguyen Thi Binh, foreign minister of the Provisional Revolutionary Government of South Vietnam, and Prince Norodom Sihanouk of Cambodia to address the Nov. 21 rally.

Other participants in this press conference included Rev. Metz Rollins of the National Committee of Black Churchmen; William Jenkins, a trade union representative and a NCAWRR New York coordinator; Rev. James Bevel; John Froines; and CPUSA member Angie Dickerson, national coordinator of the genocide petition project.

On November 21 the CP-organized genocide petition campaign reached its climax with a NCAWRR-sponsored rally of some 2,000 demonstrators in New York, opposite the United Nations. This rally was characterized by significant participation by members of the CPUSA, including Jack Spiegel of the Chicago Peace Council; William L. Patterson, cochairman of the Black Liberation Commission of the CPUSA; and Charlene Mitchell, prominent CPUSA leader and a moving force in the CPUSA-organized campaign in behalf of Angela Davis.

Other speakers included Ozzie Edwards of the National Federation of Social Service Employees; David Perez, a field marshal in the Young Lords Organization; Bevel; Peck; and Douthard. Black Panther Huey Newton, though scheduled to speak, did not appear.

The NCAWRR's plans for May 1971 in Washington were discussed in remarks by NCAWRR leader Rennie Davis. As quoted in *The Militant* for December 4, 1970, Davis said that if the Government did not stop the war by May 1, "we are going to stop the Government." One of the tactics advanced by Davis was to disrupt the city on May 4 by having cars conveniently "break down."

Major CPUSA involvement in Midwest NCAWRR activity was indicated by a mass protest march held in South Bend, Ind., on December 12, 1970. This protest reflected the policy of the CPUSA in attempting to fuse labor concerns with opposition to the war in Vietnam.

The demonstration was sponsored by the Midwest Coalition Against War, Racism, and Repression and an affiliate known as the South Bend Project. Scheduled speakers included Jack Spiegel, CPUSA member and cochairman of the Chicago Peace Council; Sidney Lens; LeRoy Wolins, CPUSA member and dominant force in Chicago Veterans for Peace in Vietnam; Charles Wilson, CPUSA member and leader in the CPUSA-organized National Coordinating Committee for Trade Union Action and Democracy; and John Kailin, editor of the CPUSA's magazine *Labor Today*.

Organizations represented included, among others, the NCCTUAD; Chicago Peace Council; National Welfare Rights Organization; United Farm Workers Organizing Committee; Young Workers Liberation League; Chicago Committee to Defend the Bill of Rights, which is a front for the Communist Party; and the Afro-American Heritage Association, a Chicago group led by CPUSA member Ishmael Flory.

After the demonstration people gathered for a conference to discuss such topics as the relationship between the peace movement and the unemployment problem. This conference, which received messages of support from several members of Congress, ended with the adoption of a so-called Bill of Rights for the unemployed.

The predominant influence of the Communist Party in this project may be seen in the composition of the continuations committee set up to implement the conference program. The four groups represented were the CPUSA-controlled Chicago Peace Council; the Midwest region of the NCAWRR, which was in fact run by the CPC; the South Bend Project, an affiliate of the CPC-run Midwest Coalition; and the National Coordinating Committee for Trade Union Action and Democracy, which is completely controlled by the CPUSA.

On November 28–30, 1970, many of those connected with the National Coalition Against War, Racism and Repression journeyed to Stockholm for the World Conference on Vietnam, Laos and Cambodia, staged by the communist Stockholm Conference on Vietnam. On June 10, 1970, the Stockholm Conference had issued the following statement, adopted by the group's executive committee at a meeting on May 23–24:

> The Stockholm Conference on Vietnam stands with the peoples of Indo-China. We support the joint declaration of the recent summit conference of the Indo-Chinese peoples. *We support their legitimate representatives: the Government of the Democratic Republic of Vietnam, the Provisional Revolutionary Government of the Republic of South Vietnam,* the Lao Patriotic Front and the Royal Cambodian Government of National Unity. [Emphasis added.]

There could be no clearer statement of the pro-Hanoi purposes of the Stockholm Conference than this. It is significant in evaluating the New Mobilization Committee and its successors that New Mobe had been formally invited to join the Stockholm Conference executive committee at the May 23–24 meeting at which the above statement was adopted.

Among the organizations represented at this conference, which was in reality a sounding board for pro-Hanoi communist propaganda, were such international communist fronts as the Afro-Asian People's Solidarity Organization, International Association of Democratic Lawyers, International Organization of Journalists, International Union of Students, Women's International Democratic Federation, World Federation of Democratic Youth, World Federation of Trade Unions, and World Peace Council, along with the Organization for Solidarity with the Peoples of Africa, Asia, and Latin America, a communist group headquartered in Castro's Cuba. The World Peace Council was officially represented by, among others, James Forest of the United States.

The official "List of Participants" issued by the Stockholm Conference reflected participation by an American delegation of 35 people, including:

(1) Mrs. Lucille Berrien, NWRO;
(2) Bruce Beyer, American Deserters Committee;
(3) Gerry Condon, ADC;
(4) Mrs. Estelle Cypher, WILPF;
(5) Dave Dellinger, NCAWRR and New Mobe;
(6) Ronald Dellums, associated with west coast MOBE activities;
(7) William Douthard, NCAWRR;
(8) Stanley Faulkner, Lawyers Committee on American Policy Towards Vietnam;
(9) Mrs Eleanor Fowler, WILPF;
(10) Dr. Carlton Goodlett;
(11) Gil Green, CPUSA;
(12) Mrs. Janey Hayes, WSP;
(13) Rev. Thomas Lee Hayes, Clergy and Laymen Concerned About Vietnam and Fifth Avenue Peace Parade Committee;
(14) Willie Jenkins, NCAWRR;
(15) Mrs. Ola Kennedy, United Steelworkers' Committee for Trade Union Action and Democracy;
(16) Mrs. Sylvia Kushner, Chicago Peace Council;
(17) Curtis MacLain, ILWU;
(18) Mrs. Jerrie M. Meadows, New Mobilization Committee West;
(19) Prof. Sidney Peck, NCAWRR and New Mobe;
(20) Mike Powers, ADC;
(21) Mrs. Pauline Rosen, WSP;
(22) Richard E. Ward, Guardian;
(23) John Woods, ADC;
(24) Ron Young, Fellowship of Reconciliation.

The concern of the international communist movement with antiwar activities in the United States was voiced by Professor Hoang Minh Giam, Minister of Culture in the North Vietnamese Government, speaking as official representative for North Vietnamese Premier Pham Van Dong:

> At this time when the lying propaganda and the demagogic actions and words of Nixon are attempting to confuse people and to create an illusion to cover the real intentions, the Delegation of the DRV proposes that our Conference:
>
> Organise a campaign of explanation to denounce and condemn the obstinate and perfidious policy of the Nixon administration in Vietnam, Laos and Cambodia.
>
> Support politically, morally and materially the struggle of the Indochinese peoples to attain their common aims and their particular aims as defined in the Joint Declaration of the Summit Conference of the Indochinese peoples and in other official documents of the various parties at this Conference.
>
> *Support the anti-war movement in America, and establish a broad program of mass action in coordination with the activities of this movement in the Spring of 1971.* [Emphasis added.]

Similar appreciation for the activities of the American antiwar movement was expressed in the speech of Prof. Nguyen Van Hieu, a member of the central committee of the Communist National Liberation Front, who addressed himself particularly "to the American representatives here, and through them to the various mass organizations in the antiwar movement in the United States":

> The Nixon administration is obliged to consider the condemnation of its policy by world opinion, including American opinion. * * * *The union of forces of freedom and peace, in a world wide mass movement, fighting against American aggression in Indochina, has been shown to be of the utmost importance and greatly contributes to isolating the Nixon administration and its henchmen.* * * * To the American people, struggling as we are against the policy of war and oppression of its administration, we convey our deep friendship. We are particularly pleased at the increasingly close cooperation between American antiwar movements and urban South Vietnamese which open the way to new kinds of solidarity between our two peoples. [Emphasis in original.]

A particularly anti-U.S. statement was that of the official representative of the Soviet Peace Committee, who emphasized the need for international coordination of peace activity by urging "all national and international organizations and all peoples of good will throughout the world to start a campaign of action on a national and international scale, to stop American aggression in Indochina."

The December 20, 1970, Stockholm Conference "information letter No. 5" included the full text of the program adopted by the World Conference on Vietnam, Laos, and Cambodia, a major portion of which is reprinted here because of the heavy emphasis placed on activities related to the movement in the United States—emphasis added:

> This Conference decided to launch a new campaign, larger and more urgent than ever before on the basis of the political declaration.
>
> *For the withdrawal of American forces from Indochina*
>
> This campaign should begin immediately:
>
> A delegation of this Conference should go now to Paris to present to the participants of the Paris Talks the conclusions of the discussions in Stockholm in which more than 300 delegates from 70 countries express the demands of a very large gathering from movements of many different kinds throughout the world.
>
> *We propose to win support of the greatest possible number of organizations of all kinds, on a national and international level for the essential aims of this campaign.*
>
> This campaign will take on different forms and methods and will have different durations according to national conditions but will follow the main theme and slogan which we propose.
>
> In order to facilitate concerted action on an international level, the campaign could be organised around a number of dates:
>
> December 20—the 10th anniversary of the foundation of the National Liberation Front.
>
> January 26—the national Tet festival (traditional people's festival in Vietnam, for the lunar new year).
>
> March 6—the 1st anniversary of the declaration of the Central Committee of the Patriotic Front of Laos on the solution to these problems.
>
> *April 3–4—days of solidarity with actions in the United States against the American aggression in Indochina, on the occasion of the anniversary of the assassination of Martin Luther King.*
>
> April 30—International Day of Solidarity with the Khmer people one year after the aggression by American troops and their allies; support for the international youth day in solidarity with the Indochinese people.
>
> *May 1–16—the US movement will mobilize massive nationwide action to end the war against Indochina during the first two weeks of May, one year after Nixon's invasion of Cambodia.*
>
> *The Stockholm Conference calls for worldwide demonstrations and mass actions throughout the world at this very important stage which will be continued throughout May and June.*

June 30, 1971: This is the deadline set by the representatives of the peoples of Indochina for the complete and total withdrawal of all American and satellite forces. We call upon all organizations and all the peoples of the world to mobilize a mass movement in an effort to put a final stop to American aggression.

This campaign, which should include *diverse initiatives and various forms of action* taking into account specific national conditions but with the constant aim of preserving their international nature, can take the following forms, among others:

Pressure on governments to disassociate themselves from the American aggression, to recognize the true representatives of the Indochinese peoples and to support the just struggle of these peoples;

Movements to encourage parliamentarians to subscribe to this campaign, to support it and to intervene directly with members of the American Congress. Concurrently and in the same way, movements to encourage scientists, scholars, etc., to subscribe to and to support this campaign and to intervene with their American colleagues;

Specific actions decided upon by the labor unions;

Specific actions decided upon by women's movements, particularly on March 8;

Any and all other actions which will better explain the reasons for the struggle of the Indochinese peoples and popularise the political solutions which have been proposed by the true representatives of these peoples. Maximum pressure on the US government to stop its aggression;

Mass support for material aid as proposed by the Special Commission of this Conference;

Boycott of American products or companies, and especially, in cooperation with the American movement, boycott of those companies participating in the war effort.

II.

This Conference condemns all repression of those opposing the war in Indochina.

1. We call on all movements, governments and peoples, and especially on movements in the United States and other countries allied to the US, to organise support for movements, groups and individuals opposing the Thieu-Ky-Khiem regime in South Vietnam, calling for the total withdrawal of US and allied forces and working for peace.

These include students, women's organizations, buddhists, catholics and members of the Senate and Assembly. The constant censorship of newspapers critical of the administration and opposed to the war and the continued presence of American and other foreign troops must be exposed and condemned.

The recent delegation to Saigon of American, Australian and European students is a good example of the sort of activity which is needed and which must be extended and intensified.

2. This Conference reaffirms its position at previous meetings that: "resistance to the war in Vietnam is a political, moral and international duty of all people, not merely a right".

When such resistance results in a need for political refuge outside one's own country for those involved, nothing less than political asylum is required for them. Such persons are, in the words of the United Nations' Convention on the Status of Refugees, fearful "of being persecuted for reasons of race, religion, nationality and membership of a particular social group or political opinion", and should be considered political refugees.

We call upon all governments and peoples to support this resistance to the US war against the peoples of Vietnam, Laos and Cambodia. We especially call for support of those whose war resistance means that they just live in exile from their homeland as a result of the political persecution which they face if they return.

We call upon all countries where war resisters, such as American GIs reside, whether they are in the military or outside it, to support them and to create the most favourable conditions for their sanctuary or asylum. We view these good conditions as an encouragement of them in their resistance and as a base for winning over more of their compatriots to their struggle.

This Conference affirms that such support is a significant contribution to the just struggle for independence by the Indochinese peoples and also ensures respect for the human rights of those in exile for political reasons.

3. *This Conference calls on all movements, governments and peoples to oppose the brutal repression taking place in the United States, for instance, in the Chicago Conspiracy Trial, the present Tacoma Conspiracy trial, the shooting of students at Kent State and Jackson State colleges, the murder of 28 Black Panther leaders and of leaders of the Chicago and Puerto Rican liberation movements.*

We urge a special exposure of the racist policies of the U.S. government which find their genocidal expression in Indochina in the wanton murder of hundreds of thousands of men, women and children and, in the United States, in the oppressive treatment of black, brown, red, and yellow minorities.

We call special attention to the grave threat confronting a number of Americans facing the death penalty for their heroic struggle against the war and against racist repression. These include Angela Davis, Erica Huggins and Bobby Seale, and John Sweeney who faces the death penalty on the charge of desertion from the field of battle. This is the first such charge against a deserter and shows the determination of the U.S. government to crush the anti-war movement in the U.S. armed forces.

All movements and groups are urged to establish special committees to organize meetings and demonstrations and to promote parliamentary and other protests in defense of these and other American political victims.

The similarity between the program of the National Coalition Against War, Racism and Repression and that of the communist World Conference on Vietnam, Laos and Cambodia is all too plain. The World Conference specifically endorsed the April actions on the anniversary of the assassination of Martin Luther King, which are part of the official schedule of spring 1971 activity being promoted by the Peoples Coalition for Peace and Justice, successor to the NCAWRR, and the May Washington protests, the NCAWRR's and PCPJ's primary spring 1971 project.

In addition, the World Conference's program placed heavy emphasis on support for other activities endorsed by the NCAWRR and PCPJ as part of their expanded multi-issue program: opposition to racism and repression, boycotts of companies involved in the war effort, and support for such alleged "victims of oppression" as Angela Davis and Bobby Seale.

On January 8–10, 1971, the National Coalition Against War, Racism and Repression met at a conference in Chicago to discuss projected activity for 1971. The official report on the conference, issued by the Chicago Peace Council, stated that there were in attendance "365 delegates from 25 states representing 119 organizations * * *." Organizations prominently represented included the Communist Party, Chicago Peace Council, NCAWRR, National Coordinating Committee for Trade Union Action and Democracy, Committee of Returned Volunteers, Women Strike for Peace, and several CPUSA-organized committees for the defense of Angela Davis. As had been the case in past conferences conducted by the NCAWRR, there was a significant degree of active participation by known members of the Communist Party, as well as by other NCAWRR people who act in support of the CPUSA's position in the peace movement.

There were three primary activities approved by the conference. The first was the April 2–4, 1971, demonstrations in various cities around the United States to commemorate the assassination of Martin Luther King and relate the issue of the war to the issues of poverty, racism, and political repression.

The second was the circulation of the so-called "Joint Treaty of Peace Between the People of the United States, South Vietnam, and North Vietnam," more commonly known simply as the "People's Peace Treaty," a document signed a few months prior to the conference by a delegation consisting of representatives of the National Student Association and Saigon, NLF, and North Vietnamese student groups. This so-called treaty, signed in North Vietnam, is in complete accord with the communist position in Vietnam.

The treaty proposal was received most enthusiastically by the conference when a draft was presented by NSA leader David Ifshin, part of the NSA delegation to the conference, made up of NSA activists who had recently returned from communist North Vietnam, and it has been actively promoted by the NCAWRR and by its successor organization, the PCPJ, which declared in a February 20, 1971, mailing that the treaty "is the antiwar theme for the Spring Campaign. It underlines our resolve that the war must end."

The third major activity endorsed by the conference was the May 1971 demonstration in Washington. The official report on the conference described this proposal as follows:

> The consensus of the group was that there would be a week of concentrated activities both locally and nationally at the beginning of May with details to be worked out later. As a multi-issue action, the Washington demonstration and those around the country will join together the issues of racism, poverty, unemployment, repression, sexism, inflation, taxes, and a demand to implement the peace treaty. The actions will go beyond rallies and demonstrations, even though they may include them and they will be continuing, not just one day.

From the tone of the discussions, it was clear that the projected May activities were designed to be militant and confrontational in nature. This was especially evident in the rhetoric of Dave Dellinger and Rennie Davis. Dellinger, claiming that his proposals were nonviolent, advocated a week of "direct action" at the beginning of May, "going beyond rallies and demonstrations * * * into active struggle." Davis was even more explicit, as quoted in the January 23, 1971, Guardian:

> "In this situation," he said, "we have to create an atmosphere of struggle in May that leads to an international crisis. I don't agree that the Vietnamese are screaming for one big action on one day united under one big umbrella. We have to organize a militant, protracted struggle that may divide us from certain constituencies."

According to the Guardian article, Davis's remarks were presented "in the context of a dramatic collapse of the Saigon regime and a mutiny of U.S. troops in Vietnam."

On February 5–7, 1971, an estimated 2,000 people gathered at the University of Michigan to map plans for the so-called Spring Offensive against the war. This meeting, known as the Student and Youth Conference on a People's Peace, was initiated by the NSA and two other groups. As a result of the discussions, the conference voted to endorse the "People's Peace Treaty" and the May demonstrations. Among the more active participants in this pro-Hanoi conference were Rennie Davis and Ron Young of the Peoples Coalition for Peace and Justice, Trotskyist Don Gurewitz of the Student Mobilization Committee, and black revolutionary Robert F. Williams.

The Ann Arbor conference also received a message from the Provisional Revolutionary Government of South Vietnam, as quoted in the February 12, 1971, issue of the *Workers World:*

> The PRG in Paris has today [February 7] issued an appeal to the student and youth conference in Ann Arbor, Michigan, and to peace loving people throughout the world to initiate firm, broad and immediate actions, including massive street demonstrations to condemn U.S. aggression in Laos and to check new plans to invade Cambodia, Laos and North Vietnam.

It is clear that the program adopted by the Ann Arbor conference, like the program of the NCAWRR-PCPJ, which supported the Ann Arbor meeting, is completely in accord with that of the communists in Vietnam and that the Vietnamese communist leaders regard such demonstrations as the May actions with approval, deriving much encouragement from them.

Subsequent to the January 8–10 conference, the National Coalition Against War, Racism and Repression became known as the Peoples Coalition for Peace and Justice. Despite the change in name, however, the leadership of the PCPJ is fully as communist oriented as that of its predecessors, as well as being fully as pro-Hanoi. A paper issued by the PCPJ, entitled "The Politics of the Peoples Coalition for Peace and Justice" and written by Sidney M. Peck, theorizes that "the war abroad and the repression at home [are] typically justified by an anti-communist mythology. Therefore, we must challenge that mythology head on by a non-exclusionary attitude to all forces on the radical left * * *."

A letterhead of the Peoples Coalition for Peace and Justice dated February 20, 1971, lists the following people among the members of the PCPJ coordinating committee, emphasizing once again the pro-communist nature of the coalition's leadership:

(1) Irving Beinin, Guardian employee;

(2) Rennie Davis;

(3) Dave Dellinger, self-professed communist and militant partisan of Hanoi;

(4) William Douthard, staff employee of the communist-dominated Fifth Avenue Vietnam Peace Parade Committee;

(5) Carlton Goodlett, supporter of the Communist Party and member of the presidium of the World Peace Council;

(6) Gil Green, prominent leader in the CPUSA;

(7) Terence Hallinan, member of the CPUSA;

(8) Sylvia Kushner, member of the Illinois State Committee of the Communist Party;

(9) Sid Lens, leader of the Chicago Peace Council;

(10) Sidney Peck, former member of the Wisconsin State Committee of the Communist Party;

(11) Irving Sarnoff, identified member of the CPUSA and leader of the CPUSA-controlled Peace Action Council of Southern California;

(12) Jack Spiegel, identified member of the CPUSA and leader in the CPUSA-controlled Chicago Peace Council;

(13) Jarvis Tyner, member of the National Committee of the CPUSA.

A FRONT FOR THE TROTSKYISTS: THE NATIONAL PEACE ACTION COALITION

The other major group organizing for the so-called Spring Offensive has been the National Peace Action Coalition, which until recently operated in open conflict with the National Coalition Against War, Racism and Repression and the Peoples Coalition for Peace and Justice.

The NPAC was formed at the National Emergency Conference Against the Cambodia-Laos-Vietnam War, held in Cleveland on June 19–21, 1970, in competition with the June 26–28 Strategy Action Conference conducted by the multi-issue-oriented New Mobe groups. The National Emergency Conference was completely dominated by the Socialist Workers Party, its youth group, the Young Socialist Alliance, and the YSA-controlled Student Mobilization Committee.

The conference received the endorsement of a large number of movement people who are either members of the SWP or YSA or who have been active supporters of SWP–YSA fronts and causes. Among the endorsers were:

(1) Fred Brode, chairman, Houston Committee to End the War in Vietnam, and member of the YSA;

(2) Joe Cole, a member of the YSA;

(3) Stephanie Coontz, a member of the SWP and YSA;

(4) Laura Dertz, High School Student Mobilization Committee, San Francisco;

(5) Sid Finehersh, University of Massachusetts Mobilization Committee, member of the YSA;

(6) Carl Finamore, Chicago Strike Council, member of the SWP and YSA;

(7) Jerry Gordon, chairman, CAPAC, and a primary spokesman for the Trotskyists faction in the peace movement;

(8) Don Gurewitz, national coordinator, Student Mobilization Committee, and member of the SWP and YSA;

(9) Fred Halstead, member, SWP national committee;

(10) Edward Heisler, member of the YSA, Chicago;

(11) Prof. David Herreshoff, cochairman, Detroit Coalition to End the War Now, and prominent supporter of SWP fronts and causes;

(12) Carol Lipman, national executive secretary, SMC, and member of both the SWP and YSA;

(13) John McCann, coordinator, Massachusetts Referendum '70, and member of the YSA;

(14) Pvt. Joe Miles, a member of the YSA;

(15) Geoff Mirelowitz, HSSMC, Chicago, member of the YSA;

(16) Andrew Pulley, member of the YSA.

Organizations and coalitions which endorsed the conference included several that operate under the substantial domination of the SWP, including the Cleveland Area Peace Action Council, Atlanta Mobilization Committee, Detroit Coalition to End the War Now, Bay Area Peace Action Council, Chicago Strike Council, Student Mobilization Committee, and Houston Committee to End the War in Vietnam, in addition to the Committee of Kent State Massacre Witnesses, an offshoot of the YSA-controlled Student Mobilization Committee, and New York Veterans for Peace in Vietnam, which is dominated by Ron Wolin, a self-professed Trotskyist.

Conspicuously absent were representatives from such organizations as the Communist Party, U.S.A., or Women Strike for Peace, a group that has been subject to major CPUSA infiltration. The Guardian for June 27, 1970, commented that "All of the organized political tendencies present, except the Progressive Labor Party, had their roots in the Trotskyist movement."

The Militant for July 3, 1970, claimed that participants in the conference "came from 240 colleges, 73 high schools, and 30 states" and that the total registration was exactly 1,447 people. Further, according to this source, "More than 50 different organizations were represented, including student strike committees, trade unions, and local antiwar coalitions."

The program adopted by this conference was, in contrast to that of the Strategy Action Conference, one of nonviolent mass mobilizations focused on the single issue of withdrawal from the war in Southeast Asia. The major project authorized by the conference was a series of mass antiwar demonstrations on October 31, 1970.

The Cleveland conference was characterized by significant involvement on the part of labor leaders from around the United States, with an estimated 100 delegates officially registered as members of trade unions. In this respect the NPAC has shown a striking similarity to the NCAWRR and PCPJ, with both sides attempting to fuse organized labor with the peace movement.

Foreign communist support for the

Cleveland meeting and its program was reflected in the following item appearing in the July 3, 1970, issue of The Militant:

> CLEVELAND—Among the greetings received by the National Emergency Conference were telegrams from Nguyen Van Sao for the National Liberation Front of South Vietnam and Ly Van Sau for the Paris delegation of the Provisional Revolutionary Government of South Vietnam. Both messages hailed the conference for focusing on the demand for immediate withdrawal of U.S. forces from Southeast Asia and welcomed the growing solidarity of the American and Vietnamese people in the fight for peace.

Immediately upon completion of the National Emergency Conference, the national steering committee of the Student Mobilization Committee met in Cleveland and voted, predictably and unanimously, to support the entire program adopted by the conference. The decision was also made that SMC would play an active role in the NPAC, which merely emphasizes the tight control the Trotskyists hold over the NPAC machinery inasmuch as the SMC is controlled, both nationally and locally, by members of the SWP and YSA.

This Trotskyist control of the NPAC is also evident in the composition of the coalition's leadership. The NPAC has five national coordinators, among who the two most active and influential are Jerry Gordon, cochairman of CAPAC and one of the most important spokesmen for the SWP line in the peace movement, and Donald Gurewitz, a member of the Socialist Workers Party. Another coordinator is James Lafferty, cochairman of the SWP-dominated Detroit Coalition to End the War Now.

The NPAC steering committee includes representatives of several organizations that are dominated by the SWP and YSA and which faithfully follow the lead of the SWP in peace activities; the Cleveland Area Peace Action Council, Detroit Coalition to End the War Now, Student Mobilization Committee, Greater Boston Peace Action Coalition, High School Student Mobilization Committee, and New York Peace Action Coalition. SWP members who serve on the NPAC steering committee include Fred Halstead, Don Gurewitz, Carol Lipman, and Bob Wilkinson, editor of SMC's *GI Press Service*. YSA members on the steering committee include Pvt. Joe Miles, Geoff Mirelowitz, and Deborah Notkin, representative of the October 31 Peace Action Committee in Chicago.

The October 31 demonstrations planned by NPAC, with major support from the SMC, were held in cities throughout the United States, though with a generally smaller turnout than had been anticipated.

In Chicago, an estimated 500 demonstrators marched through the downtown area and held a rally in Grant Park. The demonstration was endorsed by several UAW locals and sponsored officially by the October 31 Peace Action Coalition. The Chicago Peace Council, aligned with the rival NCAWRR, did not participate, but CPC leader Jack Spiegel did address the rally.

In Austin, Tex., about 10,000 demonstrators, including a contingent of active duty servicemen, heard speakers such as Bobby Washington, a member of the SMC's New York Third World Task Force, and Franklin Alexander, prominent CPUSA member and leading activist in the CPUSA-directed campaign to defend Angela Davis.

A Minneapolis march and rally with an estimated 2,000 to 2,500 participants heard speeches from Prof. Mulford Q. Sibley of the University of Minnesota, Nancy Strebe of the SWP, and Betty Smith of the Communist Party, among others. Demonstrations were also held in such widely scattered cities as New York, Los Angeles, Detroit, Boston, San Diego, Seattle, Atlanta, Philadelphia, and Columbus, Ohio.

On December 4–6, 1970, the NPAC held a National Convention of the U.S. Antiwar Movement in Chicago. Speakers at this gathering, attended by a claimed 1,200 antiwar activists, included Jerry Gordon, Chicago Alderman A. A. Rayner, SWP–YSA member Carol Lipman, recently chosen SMC west coast coordinator, and SMC national executive secretary Don Gurewitz, also a member of the SWP and YSA.

The convention again demonstrated the Trotskyist domination of the NPAC and its policies by reelecting the five NPAC coordinators and setting April 24, 1971, as the date for mass antiwar mobilizations in Washington and San Francisco built around the central demand for immediate and unconditional withdrawal of all American forces from Indochina, coupled with a similar demand for an immediate end to the draft. These demonstrations were projected as nonviolent, single-issue mass marches in stark contrast to the May 1971 actions planned by the NCAWRR and PCPJ.

One of the more interesting aspects of the convention was the presence of a group of activists associated with the NCAWRR: Sidney Peck, Ron Young, Rennie Davis, Sid Lens, and Sylvia Kushner. Peck, Young, and Kushner had only recently returned from the communist World Conference on Vietnam, Laos and Cambodia in Stockholm. Lens has tended to function as a sort of liaison between the two major communist-led peace coalitions, serving both as a leader in the NCAWRR and as a member of the steering committee of the NPAC.

The NCAWRR people proposed that the NPAC conference delay setting a precise date for its spring 1971 demonstration and agree instead to support the spring demonstrations of the NCAWRR, which were to be formally authorized at the upcoming January 8–10 Chicago conference. This seeming attempt at unity failed, however, and the NPAC insisted on its own April 24 date, partly because of disagreement with the multi-issue character of the NCAWRR's proposed actions. The NPAC meeting did, however, agree to endorse the April 2–4, 1971, activities commemorating the assassination of Martin Luther King, also a part of the NCAWRR program of actions.

The disagreement between the NPAC and NCAWRR–PCPJ over the best date for a spring demonstration continued until March 1971, with a great deal of rhetoric from both sides and with representatives of each faction attending the other side's conferences in efforts at achieving agreement on a mutually satisfactory date for a united action.

Then, on February 27, Xuan Thuy, DRV ambassador to the Paris peace talks, issued an urgent message to the American antiwar movement, as quoted in the Guardian for March 6, 1971:

> Facing the serious situation now presented, I call upon the progressive American people and all antiwar organizations in the United States to unite closely, to associate all forces and strata of the population irrespective of their skin color, religion and political trend, thus making a wide and strong movement so as to curb in time new military adventures by the U.S. Administration, to demand an end to their war of aggression in South Vietnam, Laos and Cambodia, to demand the withdrawal of all American troops from Indochina, and let the Indochinese people settle their own internal affairs. Such as the way beneficial to the peoples of Vietnam and Indochina, beneficial to the American people, beneficial to peace in the world.

Finally, on March 2, leaders of the Peoples Coalition for Peace and Justice held a press conference in the Rayburn House Office Building in Washington to announce that the PCPJ and NPAC had finally agreed to cosponsor one major antiwar demonstration on April 24, 1971, in Washington and San Francisco. Participants in the press conference included PCPJ coordinators Dave Dellinger, Carol Evans, and Sidney Peck, Dr. George Wiley of the National Welfare Rights Organization, David Ifshin of the National Student Association, Al Hubbard of Vietnam Veterans Against the War, and Cynthia Fredericks of the Committee of Concerned Asian Scholars.

The PCPJ statement made it clear that the group will continue to stress the multi-issue strategy in the peace movement, while the NPAC will continue as before with its single-issue approach. But it is plain that the new unity was a direct result of the urgent plea from Xuan Thuy in behalf of North Vietnam.

Mr. Speaker, it cannot be doubted that the Peoples Coalition for Peace and Justice is under the effective domination of Communists. The leading organization in the Peoples Coalition is unquestionably the Communist Party, U.S.A., acting in close collaboration with such influential and militantly pro-Hanoi activists as Sidney M. Peck, David Dellinger, and Rennie Davis.

It is also clear that the leadership of the PCPJ is dedicated to the subversion of America's foreign policy objectives in Southeast Asia in the interests of the Communists in Hanoi and in the National Liberation Front. Specifically, the leadership of the PCPJ is dedicated to the achievement of a Communist victory in Vietnam and throughout Southeast Asia.

The leadership of the largest and most influential segments of the organized antiwar movement in the United States has fallen into the hands of a coalition of Communists and others whose fundamental aims and purposes are at variance with the best interests of the United States and the preservation of freedom in the world. At least since the founding of the November 8 Mobilization Committee in 1966, the primary impetus for major anti-Vietnam war actions has been a Communist one.

The November 8 Mobilization Committee and its direct successors—the Spring, National, and New Mobilization Committees to End the War in Vietnam—have all operated under the dominant influence of Communist organizations primarily the Communist Party, U.S.A., and the Socialist Workers Party.

The Strategy Action Conference held by New Mobe in June 1970 demonstrated clearly the loss of effective control of the coalition's basic program by the SWP and its allies. The conference showed the increasing emphasis by the Mobe on a multi-issue approach involving massive civil disobedience and even possible tactical violence. It further showed that the Mobe had passed into the hands of the Communist Party, U.S.A., and a group of extreme militants who will advocate and practice any means to achieve their ends. Though the Communist Party was not in absolute control of the coalition, the Party, in concert with such militants as Dave Dellinger, Rennie Davis, and Arthur Waskow, exercised a far greater degree of influence after the SAC than in previous years.

The predominance of the Communist Party and its allies continued in the National Coalition Against War, Racism, and Repression, formed as a direct result of the Strategy Action Conference. The Chicago Peace Council, which is controlled by members of the Communist Party, played a leading role in the development of the NCAWRR, which was supplanted early in 1971 by the present Peoples Coalition for Peace and Justice.

On the other hand, the National Emergency Conference Against the Cambodia-Laos-Vietnam War, also held in June 1970, demonstrated the willingness of the SWP and its allies to branch out beyond the Mobe itself in order to make their views felt effectively within the movement. The conference was completely dominated by the SWP, YSA, and SMC. The group which was formed as a result of this conference—the National Peace Action Coalition—operates primarily as a front for the Socialist Workers Party and, with the single exception of the Student Mobilization Committee, represents the main thrust of SWP activity in the anti-Vietnam war movement today.

The major regional antiwar coalitions are also effectively dominated by Communists. For example, the Chicago Peace Council is controlled by a clique of known members of the Communist Party: Sylvia Kushner, Eva and Ben Friedlander, Dorothy Hayes, and Jack Spiegel. These people work in concert with Sidney Lens, a pro-Castro propagandist and one-time leader of the dissident Communist Revolutionary Workers League, to give the Chicago Peace Council a consistently Communist bias. Though representing itself as a coalition of diverse groups united around the issue of the war in Vietnam, the Chicago Peace Council, through the control exercised by the above-named people, actually operates as a front for the Communist Party.

In San Francisco, one of the major support groups, first for New Mobe and more recently for the NPAC, has been the Bay Area Peace Action Council, formerly known as the GI-Civilian Alliance for Peace and New Mobilization Membership Committee. This group, led primarily by such SWP members as Marjorie Colvin and Ken Shilman, is in fact controlled by the Socialist Workers Party and is one of the most important SWP-dominated "peace" coalitions in the United States.

Another San Francisco group which operates in rivalry with the BAPAC is the New Mobilization Committee West. This organization is under the effective domination of members and supporters of the Communist Party. Like the Chicago Peace Council, the New Mobilization Committee West actually functions as a vehicle for the implementation of the Communist Party line in the peace movement.

In Los Angeles, the major organizing force is the Peace Action Council of Southern California. Led primarily by Irving Sarnoff, an identified high-ranking functionary in the CPUSA's Southern California District, the PAC operates, and has operated from its inception, as a front for the Communist Party. As a CPUSA-front group, the Peace Action Council has been in the forefront of every major anti-Vietnam war activity in southern California in recent years.

Both the Peace Action Council of Southern California and the New Mobilization Committee West have maintained close liaison with the international Communist-front World Peace Council, a Soviet-controlled organization for the promotion of Soviet objectives among peace activists around the world.

The major New York City affiliate of the PCPJ is the Fifth Avenue Vietnam Peace Parade Committee. Formed in 1965 as an ad hoc coalition, the Parade Committee has operated primarily as a vehicle for pro-Hanoi agitation by Communists and their allies in the Greater New York area. The Parade Committee, which functions as the New York office of the Peoples Coalition for Peace and Justice, is dominated primarily by self-professed Communist David Dellinger and by Norma Becker, a supporter of CPUSA causes who heads the Teachers Committee for Peace in Vietnam, a pro-Hanoi organization that forms part of the Parade Committee coalition. One of the moving forces in organizing Parade Committee demonstrations through the years has been SWP leader Fred Halstead.

In Cleveland, Ohio, the major NPAC affiliate is the Cleveland Area Peace Action Council, which played a primary role in organizing the November 8 Mobe and New Mobe. This coalition, once headed by former CPUSA Wisconsin State Committeeman Sidney Peck, is currently led by Jerry Gordon, a former member of the Communist Party and one-time Ohio leader in the CPUSA's Labor Youth League who has in recent years emerged as one of the leading spokesmen for the Trotskyist faction in the peace movement. The CAPAC operates today under the substantial domination of the Socialist Workers Party.

The Detroit affiliate of the NPAC is the Detroit Coalition To End the War Now. This organization, like others mentioned in this report, is a coalition of diverse groups united around the demand for withdrawal from Southeast Asia. There can be no doubt, however, that the moving force in this coalition is and has been the Socialist Workers Party. The leadership of the Detroit Coalition is completely in tune with the policies of the SWP and YSA as applied to the peace movement; and the Detroit Coalition functions, as does the Cleveland Area Peace Action Council, as one of the primary vehicles for the implementation of the SWP's anti-Vietnam war programs.

These coalitions and others like them, all controlled by Communists of one or another persuasion, provide the principal local and regional organizational focus for the present-day American peace movement. They represent the alarming extent to which the machinery of antiwar protest in the United States has been captured by Communist activists and subverted to Communist purposes.

There are many sincere pacifist individuals and organizations involved in opposition to the Vietnam war, and it is most certainly not our intention to impugn their motives or integrity. Nevertheless, it must be observed that these individuals and groups have shown that they cannot by themselves mount a major national demonstration, certainly nothing approaching the size and scope of the November 1969 Washington and San Francisco marches, for example. For such coordinated national activities, the organizational expertise of the Communists has proven itself to be of crucial value to the antiwar movement in this country, constituting a major factor in the Communist drive for control of the peace movement.

Because of the extent to which Communists control the present-day anti-Vietnam war movement in this country, there can be no doubt that the April and May activities planned by the National Peace Action Coalition and Peoples Coalition for Peace and Justice will redound to the benefit of the Communists in Hanoi, Peking, and Moscow, providing great encouragement to insurgent Communist movements throughout the world.

In this connection, we have noted with great dismay the extent to which Members of Congress have seen fit to endorse the April 24 marches in Washington and San Francisco, sponsored by the SWP-controlled National Peace Action Coalition and endorsed by the Communist-led Peoples Coalition for Peace and Justice. The foreign Communist endorsements for such allegedly antiwar activities in recent years have been so numerous, and the anti-American and pro-Hanoi positions of major antiwar leaders have been so blatant, that there can be no excuse for public servants lending their considerable prestige to this movement. We must urge all sincerely motivated people to disassociate themselves from this Communist propaganda project.

We have also noted with dismay the number of prominent figures who have lent their names to the promotion of the so-called People's Peace Treaty. This treaty, which is in reality a Communist-serving propaganda stunt that follows completely the Hanoi Communist line, was signed by representatives of the National Student Association and various Vietnamese student groups in December 1970. During the negotiation process, NSA people spoke with official representatives of the Communist North Vietnamese Government. It is our recommendation that the U.S. Government investigate seriously the possibility that those Americans who participated in this project may well have violated the provisions of the Logan Act.

Another aspect of peace movement activity that appears to be in violation of a Federal law is exemplified by the Committee of Liaison with Families of Servicemen Detained in North Vietnam, which was discussed in detail in the House Committee on Internal Security's annual report for 1970, where it was concluded that—

> The Committee of Liaison with Families of Servicemen Detained in North Vietnam, is a propaganda tool of the North Vietnamese Government, playing upon the hopes and anxieties of the wives of American prisoners of war for Communist propaganda purposes. The activities of the Committee of Liaison aid and abet a nation with which the United States is engaged in armed conflict.
>
> *The Committee of Liaison appears to be acting as an agent for a foreign power—the Government of North Vietnam.* [Emphasis added.]

In view of this conclusion, and because the activities of the Committee of Liaison have continued to be of the same nature as those which caused the HCIS to reach its initial conclusion, we strongly urge that the U.S. Government proceed with all due vigor against the Committee of Liaison under the provisions of the Foreign Agents Registration Act.

OUR PRISONERS IN SOUTHEAST ASIA

The SPEAKER pro tempore (Mr. EDWARDS of California). Under a previous order of the House the gentleman from California (Mr. BELL) is recognized for 15 minutes.

Mr. BELL. Mr. Speaker, once again I wish to voice my deep and continuing concern for our American soldiers who suffer in prisons in Southeast Asia and for the valiant families of these men who endure the agony of separation here at home.

Some of these men will soon begin their 7th year of captivity, an unprecedented duration of confinement for an American soldier.

While this figure is in itself staggering, the conditions to which these men are subject are equally intolerable. The Geneva Convention was written in accordance with humanitarian, ethical, and moral considerations governing the treatment of prisoners of war. At the very least these provisions should be observed and world attention focused on this issue which is not merely a national concern; the treatment of any prisoners of any war merits careful scrutiny by the community of nations.

The fact that these brave men are not forgotten is vividly illustrated by the many hundreds of letters that I have received from my constituents expressing their sensitive, sincere concern. This manifest sentiment, coupled with my own concern, prompted me to send the following letter today to the head of the North Vietnamese delegation in Paris:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 21, 1971.

Minister XUAN THUY,
Head, Democratic Republic of Vietnam Delegation, 8 Avenue General Le Clerc, 94 Choisyle-Roi, France.

DEAR MR. MINISTER: I should like to add my voice to the multitude of the American public petitioning for humane treatment of American servicemen held as prisoners of war.

The Geneva Convention delineates sound and proper standards of treatment of prisoners of war, and we, the legislators and citizens of the United States, must insist that the government of North Vietnam comply with those provisions.

Names of all the prisoners should be released so that the families of these men can at least know whether their loved ones are or are not captives. Gifts should be permitted, and transmission of mail and ample food and medical treatment should be guaranteed.

The Geneva rules also require scheduled and unscheduled inspections of prison facilities and prisoners by the International Committee of the Red Cross—another basic, humane guarantee.

While these minimal steps are essential not only to the observance of the Geneva accords but also to the maintenance of basic human dignity, they are interim measures. It is the firm and consistent desire of the American people to see these corrective steps result in the repatriation of these brave men—to reunite them with the families that wait in agonizing uncertainty.

With the hope that as statesmen and fellow human beings you will respond to the appeals of the American public, I am,

Sincerely yours,
ALPHONZO BELL,
U.S. Congressman.

THE RECLAMATION LANDS AUTHORITY ACT

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 15 minutes.

Mr. KASTENMEIER. Mr. Speaker, I wish to explain the national importance of H.R. 5236, a bill I introduced on March 1, 1971, "to provide for the creation of an authority to carry out the congressional intent respecting the excess land provisions of the Federal Reclamation Act of June 17, 1902." Although physically, reclamation takes place in Western States, the waters that it uses and the money that finances the projects both belong to the Nation.

The purpose of H.R. 5236, stated broadly, is to modernize reclamation law so as to fulfill unrealized potentials of this historic 1902 statute that marked the dawn of the national conservation movement. Specifically, its proposals are threefold:

One, to enact a long overdue, and long recommended, method for enforcing the public interest provisions of reclamation law effectively;

Two, to finance public education by grants of revenues created from public water development, just as grants of 94 million acres of pubic lands financed public education at an earlier point in our history; and

Three, to enable the public itself, through a newly established authority, to plan the environment that public water development creates.

President Theodore Roosevelt, who signed the Reclamation Act into law and founded the Nation's conservation movement, explained to the Commonwealth Club of California at a 1911 meeting in San Francisco the meaning of the public policy provision in the law that—

> No right to the use of water for land in private ownership shall be sold for a tract exceeding 160 acres to any one landowner.

He said:

> If we had a right to dispose of the land, not absolute but on condition that certain requirements are complied with, doing that in the interest of the democracy as a whole, we have a right to dispose of the land with a proviso as to the use of the water running over it, designed to secure that use for the people as a whole and to prevent it from ever being absorbed by a small monopoly.

But administration of Theodore Roosevelt's "excess" land law has fallen far short of original conservationist hopes. This has been testified to before congressional committees, declared on the floor of Congress, written into statistical Government reports and conceded by Secretary of the Interior Stewart Udall in 1964 when, in these subdued words, he stated that administrators had "on occasion" exhibited a "degree of concern for the excess landowner—difficult to reconcile with the policies embraced by the excess land law." Hundreds of thousands, yes, millions, of acres received subsidized water above the legal limit. The extent of subsidy appears to range from $600 to $2,000 per acre, which remains unrepaid to the public treasury. The doorway of the treasury opens wider and wider. Congress has appropriated or authorized spending $10 billion on reclamation projects. Meanwhile the doorway of public policy limitations shrinks narrower and narrower. Is it any wonder why giant corporations and large landowners holding many thousands of acres want the

160-acre limitation removed? In a 1945 letter to the San Francisco News explaining why the giant landowners wanted the 160-acre law removed, Secretary of the Interior Harold L. Ickes bluntly wrote:

> It is the age-old battle over who is to cash in on the unearned increment in land values created by a public investment. . . . Their principal objective is to avoid application . . . of the long-established reclamation policy of the Congress which provides for the distribution of the benefits of great irrigation projects among the many and which prevents speculation in lands by the few.

The principal legal loophole that permits this evasion of public policy is the absence of a provision that the Government itself shall purchase "excess" lands. The statute requires sale of "excess" lands by their owners at a preproject price, but provides no ready purchaser. H.R. 5236 creates a ready market by authorizing the Government to purchase these lands at the same preproject price at which the owner already is bound to sell.

The concept that the Government should purchase "excess" lands is well established. As early as 1892, Gov. Joseph Toole, of Montana, proposed that the public "first acquire title to" lands to be reclaimed. In 1924, the historic Fact Finders Commission, reviewing the operation of the reclamation program, repeated the recommendation by stating that—

> No reclamation project should hereafter be authorized until all privately owned land in excess of a single farmstead unit for each owner shall have been acquired by the United States or by contract placed under control of the Bureau of Reclamation.

H.R. 5236 formally proposes Government purchase of "excess" lands to make public policy truly effective. It would authorize the Government to buy "excess" land at a preproject market price and lease or sell it at a postproject market price. The public treasury itself would be able to reap from public investment the windfall profits that the "excess" land law now gives only to the few, and would thus fulfill the purposes of this law. As described by the U.S. Supreme Court in 1958, this purpose is to distribute the benefits from reclamation "in accordance with the greatest good to the greatest number of individuals," and to prevent "use of the Federal reclamation service for speculative purposes."

With windfall profits from the public investment once in an "education, conservation, and economic opportunity fund," these revenues can be disposed of to serve public purposes. H.R. 5236 proposes that 70 percent of the revenues be earmarked as grants to public education, following the Thomas Jefferson-Abraham Lincoln tradition of financing education with land grants, and for such purposes as Congress may authorize. It transfers 10 percent of the net revenues to the land and water conservation fund. The remaining 20 percent of the fund shall be made available upon specific appropriation by Congress for the development of public facilities servicing project areas, for advancing economic opportunities of veterans and persons living in substandard conditions, for the development of healthful environments and communities needing open spaces, and for such other environmental and ecological benefits as Congress may authorize.

H.R. 5236 creates a "Reclamation Lands Authority" to administer the program as an independent agency under a board of three members, appointed by the President with consent of the Senate and responsible to the President.

The Authority is charged with attacking such conditions to lands at its disposal "as will preserve open spaces and agricultural greenbelts and in other respects preserve an environment of beauty, health, and attractive quality for now and for the future."

The Authority shall "give due weight to benefits to the revolving funds and the advancement of economic opportunity for persons who have served the Nation in the Armed Forces and disadvantaged citizens seeking such opportunity as ownership, lease, or use of irrigated or irrigable lands afford."

In carrying out the purposes of H.R. 5236, the Authority is charged with encouraging "effective regional, State, and local planning of land usage and environmental adjustment in the areas where excess lands are located."

In these ways, H.R. 5236 reaffirms the "historic purpose of the Federal Reclamation Act, especially as it applies to the development and use of excess lands," and provides modern means "to make that intent and purpose operative in the national interest and the direct benefit of its citizens."

The reclamation program of the 1970's can adopt the same human spirit that pervaded in the 1860's. This can be done, but it will not be done unless the public insists that the circumvention of the 160-acre limitation be brought to an end, and the attacks upon it cease. The public must insist that Congress provide for purchase of "excess" lands receiving publicly subsidized water, and that the use of these lands be turned away from private speculation and monopoly toward the truly public purposes of education, conservation, and economic opportunity.

SUPREME COURT USURPS LAW OF LAND BY BUSING DECISIONS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Louisiana (Mr. RARICK) is recognized for 15 minutes.

Mr. RARICK. Mr. Speaker, the Supreme Court continues to behave as if it is above and beyond obedience to the supreme law of the land; that is, the U.S. Constitution and the laws of Congress enacted pursuant thereto.

The Court decisions handed down Tuesday are in contravention of the Constitution itself, are contrary to the statutes enacted by this Congress and constitute clear usurpation. Certainly the Court's continued role of tyranny cannot go unchallenged. Our people must be reminded of the proper perspective of the respective roles of Government to prevent chaos and further distrust of our federal system.

Tragically, truth has become all but a stranger in our land and those who control the vehicle and means of communication to inform our people either are not doing so or they are distorting the truth.

The average American is being told from his TV set and reads from his newspaper that the Supreme Court has now "legalized" busing of schoolchildren and that the Supreme Court's order is the law of the land. Nothing could be further from the truth. In fact, disregarding the constitutional questions presented, the latest decisions, if they do anything, leave the question of busing in a more confused state than before—except for the Southern litigants involved.

But what is the law of the land?

We start with the Constitution of the United States, where the law of the land is defined in no uncertain terms in what is called the supremacy clause, found in article VI.

> This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby . . .

The crucial provision of our Constitution is:

> This Constitution and the Laws of the United States which shall be made in pursuance thereof . . . shall be the supreme Law of the Land . . .

Nothing is provided about Supreme Court decisions being the law of the land. On the other hand, judges are bound by acts of Congress.

Now Congress has enacted laws pursuant to the Constitution which are the law of the land. One of these laws goes right to the heart of our school problems today and points out the usurption by the Supreme Court's ruling on busing.

Title 42 of the United States Code, section 2000C–B reads:

> . . . provided that nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or the school district to another in order to achieve racial balance or otherwise enlarge the existing power of the court to insure compliance with Constitutional Standards.

42 U.S.C. 2000C Definition (b) reads:

> Desegregation means the assignment of students to public schools and within such schools without regard to their race . . . but desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance.

And then to make sure that the intent of Congress was not misunderstood, when we appropriated money to operate the Department of Health, Education, and Welfare, we wrote into that law—in English so plain no one can misunderstand—a provision forbidding HEW to misuse taxpayers moneys in busing to achieve racial balance.

The language of the HEW Appropriations Act reads:

> No part of the funds contained in this Act may be used to force busing of students, abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent in order to overcome racial imbalance.

These laws are the law of the land.

And the courts are in direct disobedience of the very law which they are sworn to uphold.

Can such blatant misconduct be tolerated as "good behavior" or is it not grounds for impeachment of the full court?

Supreme Court decisions are not—I repeat "not"—the law of the land. All they are is the decision in a certain lawsuit between certain parties.

Of course, they may mean that the same Judges, on the same facts, dealing with the same law, will decide a new case in the same way. But again, they may not.

The law of the land is the Constitution—and the laws enacted pursuant thereto.

The word of the Constitution repeatedly establishes the supremacy of Congress over the Supreme Court. It grants Congress general powers to regulate all the Federal courts. It takes up the question of the courts' honoring the Constitution, and instructs the State courts to do so. While on the subject it omits any mention of either a right or responsibility of the Supreme Court in the matter.

It gives the Supreme Court original jurisdiction in certain federal matters, such as cases arising out of treaties. But in allowing the Supreme Court to hear appeals (which is where it has raised the most ruckus) it was made inferior to Congress, for the Constitution explicity gives Congress the right to regulate the Court's hearing of appeals. The Constitution, in naming three things that will be the "supreme law of the land," limits them to three—thus excluding all pretentions of the modern Court that *it* is the author of "supreme law" too, unless it is conceded that the Court is free to rewrite the Constitution.

The "independence of the judiciary" is applauded on all sides, but what is meant by it is not settled. As some see it, it means that the Congress shall not tamper with the functioning of the courts. There shall be trial by jury. On the High Court the Justices shall be appointed for life "during good behavior" and Congress shall not meddle with this. Congress does have power to impeach judges for "bad behavior," and it has been exercised a few times on federal jurists, though not at the Supreme Court level. In this view, any right of courts to annual laws is not part of the "independence of the judiciary." It is rather a trampling on the "independence of the legislature."

But this dilemma has often been voiced: Suppose that the States and Congress defy the Constitution? Who, then, if not the Supreme Court, will defend it? As Jefferson implied in his "Bunker Hill" analogy, the people will. They can get at legislators who defy the basic law on each election day and replace them. But there is no election day for the Supreme Court, so the more serious dilemma is "Who will defend the Constitution if the Court abuses it?"

Our responsibility under that Constitution is plain. The American people have no redress but in this House. The power of impeachment rests with us. The power of the purse rests with us. The very existence and jurisdiction of every district court and court of appeals in the federal system rests with us. The appellate and supervisory jurisdiction of the Supreme Court is entirely ours to bestow, limit or abolish.

We behold judges, ignore the positive statute law which we have enacted and the Constitution which they have sworn to uphold.

Freedom of choice is not an empty slogan. Freedom of choice is the heart and soul of American liberty. The American people still understand this and we must understand that there is a point beyond which the great law-abiding majority can not be pushed. We are perilously near that point.

Mr. Speaker, I state plainly and simply that this action of the Supreme Court of the United States is founded neither in any possible construction of the Constitution nor in any possible understanding of the law.

It is a classic example of the arbitrary and unfettered exercise of naked power.

Long years ago, Thomas Jefferson warned free men of this very possibility, when he dramatically pointed out that of all tyranny, judicial tyranny is the most fearful.

If the Constitution of the United States forbids a State to assign pupils to a school solely because of their race, it makes no difference whether the object of such assignment is segregation or forced integration under the newly invented "Doctrine of Racial Proportion." If government has no power to forcefully segregate, it has no power to forcefully integrate.

It does not take genius to understand that the State either has that power or does not. Until 1954, it had such power. The Constitution did not change, but in 1954 the Warren court decided the power had vanished. The Warren Burger court has now decided that although the State has no such power, the court has.

What this preposterous decision amounts to is that racial school assignments are unconstitutional if they are made by the States, but constitutional if made by the courts.

These decisions are a gross distortion of any possible interpretation of the Constitution.

There is yet another problem.

The Constitution of the United States places the legislative power in the Congress. It requires that the President execute the laws. Congress has stated plainly that desegregation does not mean integration, and has prohibited the use of Federal moneys for busing to further the "doctrine of racial proportions."

Mr. Speaker, this is judicial tyranny in its worst form. Federal judges—not one of whom was elected by or is responsible to the people—have combined to promulgate and attempt to enforce by judicial fiat compliance with rules contrary to the laws enacted by the Congress which are the law of the land.

The people whose children are endangered by this usurpation of power cannot be expected meekly to submit—nor should they.

In the guise of controlling public education, the judiciary has now destroyed it. The people are not deceived. They understand the total lawlessness of this attempt. As free Americans, they will do what is necessary to protect their children, and what they can to educate them. People across the Nation are awakening. They are asking questions, and they are demanding answers. They are not satisfied with the explanations they are receiving.

We must be strong and patient. These are dark times for those of us who love our children. But we have had other dark times in our history, and the courage to face them and win out.

Valley Forge was dark—so was Reconstruction.

Mr. Speaker, when loyal Americans refuse to bow to lawless tyranny, will the President use the Armed Forces, as have his predecessors, to enforce lawless judicial fiat? And if he does, how clean are our hands unless we take positive action to curb tyranny and right these wrongs?

To condone tyranny which we have the power to end, makes us responsible parties with the initial perpetrators.

I include the busing decisions as follows:

[Supreme Court of the United States, No. 281. Argued October 12, 1970—Decided April 20, 1971*]

SWANN ET AL. *v.* CHARLOTTE-MECKLENBURG BOARD OF EDUCATION ET AL.

(Certiorari to the United States Court of Appeals for the Fourth Circuit)

The Charlotte-Mecklenburg school system, which includes the city of Charlotte, North Carolina, had more than 84,000 students in 107 schools in the 1968–1969 school year. Approximately 29% (24,000) of the pupils were Negro, about 14,000 of whom attended 21 schools that were at least 99% Negro. This resulted from a desegregation plan approved by the District Court in 1965, at the commencement of this litigation. In 1968 petitioner Swann moved for further relief based on *Green* v. *County School Board,* 391 U.S. 430, which required school boards to "come forward with a plan that promises realistically to work . . . *now* . . . until it is clear that state-imposed segregation has been completely removed." The District Court ordered the school board in April 1969 to provide a plan for faculty and student desegregation. Finding the board's submission unsatisfactory, the District Court appointed an expert to submit a desegregation plan. In February 1970, the expert and the board presented plans, and the court adopted the board's plans, as modified, for the junior and senior high schools, and the expert's proposed plan for the elementary schools. The Court of Appeals affirmed the District Court's order as to faculty desegregation and the secondary school plans, but vacated the order respecting elementary schools, fearing that the provisions for pairing and grouping of elementary schools would unreasonably burden the pupils and the board. The case was remanded to the

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*Together with No. 349, *Charlotte-Mecklenburg Board of Education et al.* v. *Swann et al.,* also on certiorari to the same court.

District Court for reconsideration and submission of further plans. This Court granted certiorari and directed reinstatement of the District Court's order pending further proceedings in that court. On remand the District Court received two new plans, and ordered the board to adopt a plan, or the expert's plan would remain in effect. After the board "acquiesced" in the expert's plan, the District Court directed that it remain in effect. *Held:*

1. Today's objective is to eliminate from the public schools all vestiges of state-imposed segregation that was held violative of equal protection guarantees by *Brown* v. *Board of Education,* 347 U.S. 483, in 1954. Pp. 10–11.

2. In default by the school authorities of their affirmative obligation to proffer acceptable remedies, the district courts have broad power to fashion remedies that will assure unitary school systems. Pp. 11–12.

3. Title IV of the Civil Rights Act of 1964 does not restrict or withdraw from the federal courts their historic equitable remedial powers. The proviso in 42 U.S.C. § 2000c–6 was designed simply to foreclose any interpretation of the Act as expanding the existing powers of the federal courts to enforce the Equal Protection Clause. Pp. 12–13.

4. Policy and practice with regard to faculty, staff, transportation, extracurricular activities, and facilities are among the most important indicia of a segregated system, and the first remedial responsibility of school authorities is to eliminate invidious racial distinctions in those respects. Normal administrative practice should then produce schools of like quality, facilities, and staffs. P. 14.

5. The Constitution does not prohibit district courts from using their equity power to order assignment of teachers to achieve a particular degree of faculty desegregation. *United States* v. *Montgomery County Board of Education,* 395 U.S. 225, was properly followed by the lower courts in this case. Pp. 14–16.

6. In devising remedies to eliminate legally imposed segregation, local authorities and district courts must see to it that future school construction and abandonment are not used and do not serve to perpetuate or re-establish a dual system. Pp. 16–17.

7. Four problem areas exist on the issue of student assignment:

(1) *Racial quotas.* The constitutional command to desegregate schools does not mean that every school in the community must always reflect the racial composition of the system as a whole; here the District Court's very limited use of the racial ratio—not as an inflexible requirement, but as a starting point in shaping a remedy—was within its equitable discretion. Pp. 18–21.

(2) *One-race schools.* While the existence of a small number of one-race, or virtually one-race, schools does not in itself denote a system that still practices segregation by law, the court should scrutinize such schools and require the school authorities to satisfy the court that the racial composition does not result from present or past discriminatory action on their part. Pp. 21–22.

An optional majority-to-minority transfer provision has long been recognized as a useful part of a desegregation plan, and to be effective such arrangement must provide the transferring student free transportation and available space in the school to which he desires to move. P. 22.

(3) *Attendance zones.* The remedial altering of attendance zones is not, as an interim corrective measure, beyond the remedial powers of a district court. A student assignment plan is not acceptable merely because it appears to be neutral, for such a plan may fail to counteract the continuing effects of past school segregation. The pairing and grouping of noncontiguous zones is a permissible tool; judicial steps going beyond contiguous zones should be examined in light of the objectives to be sought. No rigid rules can be laid down to govern conditions in different localities. Pp. 23–25.

(4) *Transportation.* The District Court's conclusion that assignment of children to the school nearest their home serving their grade would not effectively dismantle the dual school system is supported by the record, and the remedial technique of requiring bus transportation as a tool of school desegregation was within that court's power to provide equitable relief. An objection to transportation of students may have validity when the time or distance of travel is so great as to risk either the health of the children or significantly impinge on the educational process; limits on travel time will vary with many factors, but probably with none more than the age of the students. Pp. 25–27.

8. Neither school authorities nor district courts are constitutionally required to make year-by-year adjustments of the racial composition of student bodies once a unitary system has been achieved. Pp. 27–28.

431 F. 2d 138, affirmed as to those parts in which it affirmed the District Court's judgment. The District Court's order of August 7, 1970, is also affirmed.

Burger, C. J., delivered the opinion for a unanimous Court.

[Supreme Court of the United States, Nos. 281 and 349.—October Term, 1970]

James E. Swann et al., Petitioners, v. Charlotte-Mecklenburg Board of Education et al.; Charlotte-Mecklenburg Board of Education et al., Petitioners, v. James E. Swann et al

(On Writs of Certiorari to the United States Court of Appeals for the Fourth Circuit, Apr. 20, 1971)

Mr. Chief Justice Burger delivered the opinion of the Court.

We granted certiorari in this case to review important issues as to the duties of school authorities and the scope of powers of federal courts under this Court's mandates to eliminate racially separate public schools established and maintained by state action. *Brown* v. *Board of Education,* 347 U.S. 483 (1954).

This case and those argued with it [1] arose in states having a long history of maintaining two sets of schools in a single school system deliberately operated to carry out a governmental policy to separate pupils in schools solely on the basis of race. That was what *Brown* v. *Board of Education* was all about. These cases present us with the problem of defining in more precise terms than heretofore the scope of the duty of school authorities and district courts in implementing *Brown I* and the mandate to eliminate dual systems and establish unitary systems at once. Meanwhile district courts and courts of appeals have struggled in hundreds of cases with a multitude and variety of problems under this Court's general directive. Understandably, in an area of evolving remedies, those courts had to improvise and experiment without detailed or specific guidelines. This Court, in *Brown I,* appropriately dealt with the large constitutional principles; other federal courts had to grapple with the flinty, intractable realities of day-to-day implementation of those constitutional commands. Their efforts, of necessity, embraced a process of "trial and error," and our effort to formulate guidelines must take into account their experience.

I

The Charlotte-Mecklenburg school system, the 43d largest in the Nation, encompasses the city of Charlotte and surrounding Mecklenburg County, North Carolina. The area is large—550 square miles—spanning roughly 22 miles east-west and 36 miles north-south. During the 1968—1969 school year the system served more than 84,000 pupils in 107 schools. Approximately 71% of the pupils were found to be white and 29% Negro. As of June 1969 there were approximately 24,000 Negro students in the system, of whom 21,000 attended schools within the city of Charlotte. Two-thirds of those 21,000—approximately 14,000 Negro students—attended 21 schools which were either totally Negro or more than 99% Negro.

This situation came about under a desegregation plan approved by the District Court at the commencement of the present litigation in 1965, 243 F. Supp. 667 (WDNC), aff'd, 369 F. 2d 29 (CA4 1966), based upon geographic zoning with a free transfer provision. The present proceedings were initiated in September 1968 by Petitioner Swann's motion for further relief based on *Green* v. *County School Board,* 391 U.S. 430 (1968), and its companion cases.[2] All parties now agree that in 1969 the system fell short of achieving the unitary school system that those cases require.

The District Court held numerous hearings and received voluminous evidence. In addition to finding certain actions of the school board to be discriminatory, the court also found that residential patterns in the city and county resulted in part from federal, state, and local government action other than school board decisions. School board action based on these patterns, for example, by locating schools in Negro residential areas and fixing the size of the schools to accommodate the needs of immediate neighborhoods, resulted in segregated education. These findings were subsequently accepted by the Court of Appeals.

In April 1969 the District Court ordered the school board to come forward with a plan for both faculty and student desegregation. Proposed plans were accepted by the court in June and August 1969 on an interim basis only, and the board was ordered to file a third plan by November 1969. In November the board moved for an extension of time until February 1970, but when that was denied the board submitted a partially completed plan. In December 1969 the District Court held that the board's submission was unacceptable and appointed an expert in education administration, Dr. John Finger, to prepare a desegregation plan. Thereafter in February 1970, the District Court was presented with two alternative pupil assignment plans—the finalized "board plan" and the "Finger plan."

The Board Plan. As finally submitted, the school board plan closed seven schools and reassigned their pupils. It restructured school attendance zones to achieve greater racial balance but maintained existing grade structures and rejected techniques such as pairing and clustering as part of a desegregation effort. The plan created a single athletic league, eliminated the previously racial basis of the school bus system, provided racially mixed faculties and administrative staffs, and modified its free transfer plan into an optional majority-to-minority transfer system.

The board plan proposed substantial assignment of Negroes to nine of the system's 10 high schools, producing 17% to 36% Negro population in each. The projected Negro attendance at the 10th school, Independence, was 2%. The proposed attendance zones for the high schools were typically shaped like wedges of a pie, extending outward from the center of the city to the suburban and rural areas of the county in order to afford residents of the center city area access to outlying schools.

As for junior high schools, the board plan rezoned the 21 school areas so that in 2

Footnotes at end of article.

the Negro attendance would range from 0% to 38%. The other school, located in the heart of the Negro residential area, was left with an enrollment of 90% Negro.

The board plan with respect to elementary schools relied entirely upon gerrymandering of geographic zones. More than half of the Negro elementary pupils were left in nine schools that were 86% to 100% Negro; approximately half of the white elementary pupils were assigned to schools 86% to 100% white.

The Finger Plan. The plan submitted by the court-appointed expert, Dr. Finger, adopted the school board zoning plan for senior high schools with one modification: it required that an additional 300 Negro students be transported from the Negro residential area of the city to the nearly all-white Independence High School.

The Finger plan for the junior high schools employed much of the rezoning plan of the board, combined with the creation of nine "satellite" zones.[3] Under the satellite plan, inner-city Negro students were assigned by attendance zones to nine outlying predominately white junior high schools, thereby substantially desegregating every junior high school in the system.

The Finger plan departed from the board plan chiefly in its handling of the system's 76 elementary schools. Rather than relying solely upon geographic zoning, Dr. Finger proposed use of zoning, pairing, and grouping techniques, with the result that student bodies throughout the system would range from 9% to 38% Negro.[4]

The District Court described the plan thus:

"Like the Board plan, the Finger plan does as much by rezoning school attendance lines as can reasonably be accomplished. However, unlike the board plan, it does not stop there. It goes further and desegregates all the rest of the elementary schools by the technique of grouping two or three outlying schools with one black inner city school; by transporting black students from grades one through four to the outlying white schools; and by transporting white students from the fifth and sixth grades from the outlying white schools to the inner city black school."

Under the Finger plan, nine inner-city Negro schools were grouped in this manner with 24 suburban white schools.

On February 5, 1970, the District Court adopted the board plan, as modified by Dr. Finger, for the junior and senior high schools. The court rejected the board elementary school plan and adopted the Finger plan as presented. Implementation was partially stayed by the Court of Appeals for the Fourth Circuit on March 5, and this Court declined to disturb the Fourth Circuit's order, 397 U. S. 978 (1970).

On appeal the Court of Appeals affirmed the District Court's order as to faculty desegregation and the secondary school plans, but vacated the order respecting elementary schools. While agreeing that the District Court properly disapproved the board plan concerning these schools, the Court of Appeals feared that the pairing and grouping of elementary schools would place an unreasonable burden on the board and the system's pupils. The case was remanded to the District Court for reconsideration and submission of further plans. This Court granted certiorari, 399 U. S. 926, and directed reinstatement of the District Court's order pending further proceedings in that court.

On remand the District Court received two new plans for the elementary schools: a plan prepared by the United States Department of Health, Education, and Welfare (the HEW plan) based on contiguous grouping and zoning of schools, and a plan prepared by four members of the nine-member school board (the minority plan) achieving substantially the same results as the Finger plan but apparently with slightly less transportation. A majority of the school board declined to amend its proposal. After a lengthy evidentiary hearing the District Court concluded that its own plan (the Finger plan), the minority plan, and an earlier draft of the Finger plan were all reasonable and acceptable. It directed the board to adopt one of the three or in the alternative to come forward with a new, equally effective plan of its own; the court ordered that the Finger plan would remain in effect in the event the school board declined to adopt a new plan. On August 7, the board indicated it would "acquiesce" in the Finger plan, reiterating its view that the plan was unreasonable. The District Court, by order dated August 7, 1970, directed that the Finger plan remain in effect.

II

Nearly 17 years ago this Court held, in explicit terms, that state-imposed segregation by race in public schools denies equal protection of the laws. At no time has the Court deviated in the slightest degree from that holding or its constitutional underpinnings. None of the parties before us challenges the Court's decision of May 17, 1954, that—

"in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated . . . are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment. . . .

"Because these are class actions, because of the wide applicability of this decision, and because of the great variety of local conditions, the formulation of decrees in these cases presents problems of considerable complexity." *Brown* v. *Board of Education, supra,* at 495.

None of the parties before us questions the Court's 1955 holding in *Brown II*, that—

"[s]chool authorites have the primary responsibility for elucidating, assessing and solving these problems; courts will have to consider whether the action of school authorities constitutes good faith implementation of the governing constitutional principles. Because of their proximity to local conditions and the possible need for further hearings, the courts which originally heard these cases can best perform this judicial appraisal. Accordingly, we believe it appropriate to remand the cases to those courts.

"In fashioning and effectuating the decrees, the courts will be guided by equitable principles. Traditionally, equity has been characterized by a practical flexibility in shaping its remedies and by a facility for adjusting and reconciling public and private needs. These cases call for the exercise of these traditional attributes of equity power. At stake is the personal interest of the plaintiffs in admission to public schools as soon as practicable on a nondiscriminatory basis. To effectuate this interest may call for elimination of a variety of obstacles in making the transition to school systems operated in accordance with the constitutional principles set forth in our May 17, 1954, decision. Courts of equity may properly take into account the public interest in the elimination of such obstacles in a systematic and effective manner. But it should go without saying that the vitality of these constitutional principles cannot be allowed to yield simply because of disagreement with them." *Brown* v. *Board of Education,* 349 U.S. 294, 299–300 (1955).

Over the 15 years since *Brown II*, many difficulties were encountered in implementation of the basic constitutional requirement that the State not discriminate between public school children on the basis of their race. Nothing in our national experience prior to 1955 prepared anyone for dealing with changes and adjustments of the magnitude and complexity encountered since then. Deliberate resistance of some to the Court's mandates has impeded the good-faith efforts of others to bring school systems into compliance. The detail and nature of these dilatory tactics have been noted frequently by this Court and other courts.

By the time the Court considered *Green* v. *County School Board,* 391 U. S. 430, in 1968, very little progress had been made in many areas where dual school systems had historically been maintained by operation of state laws. In *Green*, the Court was confronted with a record of a freedom-of-choice program that the District Court had found to operate in fact to preserve a dual system more than a decade after *Brown II*. While acknowledging that a freedom-of-choice concept could be a valid remedial measure in some circumstances, its failure to be effective in *Green* required that—

"The burden on a school board today is to come forward with a plan that promises realistically to work . . . *now* . . . until it is clear that state-imposed segregation has been completely removed." *Green*, at 439.

This was plain language, yet the 1969 Term of Court brought fresh evidence of the dilatory tactics of many school authorities. *Alexander* v. *Holmes County Board of Education,* 396 U. S. 19, restated the basic obligation asserted in *Griffin* v. *School Board,* 377 U. S. 218, 234 (1964), and *Green, supra,* that the remedy must be implemented *forthwith*.

The problems encountered by the district courts and courts of appeals make plain that we should now try to amplify guidelines, however incomplete and imperfect, for the assistance of school authorities and courts.[5] The failure of local authorities to meet their constitutional obligations aggravated the massive problem of converting from the state-enforced discrimination of racially separate school systems. This process has been rendered more difficult by changes since 1954 in the structure and patterns of communities, the growth of student population,[6] movement of families, and other changes, some of which had marked impact on school planning, sometimes neutralizing or negating remedial action before it was fully implemented. Rural areas accustomed for half a century to the consolidated school systems implemented by bus transportation could make adjustments more readily than metropolitan areas with dense and shifting population, numerous schools, congested and complex traffic patterns.

III

The objective today remains to eliminate from the public schools all vestiges of state-imposed segregation. Segregation was the evil struck down by *Brown I* as contrary to the equal protection guarantees of the Constitution. That was the violation sought to be corrected by the remedial measures of *Brown II*. That was the basis for the holding in *Green* that school authorities are "clearly charged with the affirmative duty to take whatever steps might be necessary to convert to a unitary system in which racial discrimination would be eliminated root and branch." 391 U. S., at 437–438.

If school authorities fail in their affirmative obligations under these holdings, judicial authority may be invoked. Once a right and a violation have been shown, the scope of a district court's equitable powers to remedy past wrongs is broad, for breadth and flexibility are inherent in equitable remedies.

"The essence of equity jurisdiction has been the power of the Chancellor to do equity and to mould each decree to the necessities of the particular case. Flexibility rather than rigidity has distinguished it. The qualities of mercy and practicality have made equity the instrument for nice adjustment and reconciliation between the public interest and private needs as well as between competing private claims." *Hecht Co.* v. *Bowles,* 321 U.S. 329–330 (1944), cited in *Brown II, supra,* at 300.

Footnotes at end of article.

This allocation of responsibility once made, the Court attempted from time to time to provide some guidelines for the exercise of the district judge's discretion and for the reviewing function of the courts of appeals. However, a school desegregation case does not differ fundamentally from other cases involving the framing of equitable remedies to repair the denial of a constitutional right. The task is to correct, by a balancing of the individual and collective interests, the condition that offends the Constitution.

In seeking to define even in broad and general terms how far this remedial power extends it is important to remember that judicial powers may be exercised only on the basis of a constitutional violation. Remedial judicial authority does not put judges automatically in the shoes of school authorities whose powers are plenary. Judicial authority enters only when local authority defaults.

School authorities are traditionally charged with broad power to formulate and implement educational policy and might well conclude, for example, that in order to prepare students to live in a pluralistic society each school should have a prescribed ratio of Negro to white students reflecting the proportion for the district as a whole. To do this as an educational policy is within the broad discretionary powers of school authorities; absent a finding of a constitutional violation, however, that would not be within the authority of a federal court. As with any equity case, the nature of the violation determines the scope of the remedy. In default by the school authorities of their obligation to proffer acceptable remedies, a district court has broad power to fashion a remedy that will assure a unitary school system.

The school authorities argue that the equity powers of federal district courts have been limited by Title IV of the Civil Rights Act of 1964, 42 U.S.C. § 2000c. The language and the history of Title IV shows that it was not enacted to limit but to define the role of the Federal Government in the implementation of the *Brown I* decision. It authorizes the Commissioner of Education to provide technical assistance to local boards in the preparation of desegregation plans, to arrange "training institutes" for school personnel involved in desegregation efforts, and to make grants directly to schools to ease the transition to unitary systems. It also authorizes the Attorney General, in specified circumstances, to initiate federal desegregation suits. Section 2000c(b) defines "desegregation" as it is used in Title IV:

" 'Desegregation' means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but 'desegregation' shall not mean the assignment of students to public schools in order to overcome racial imbalance."

Section 200c–6, authorizing the Attorney General to institute federal suits, contains the following proviso:

"Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to insure compliance with constitutional standards."

On their face, the sections quoted purport only to insure that the provisions of Title IV of the Civil Rights Act of 1964, will not be read as granting new powers. The proviso in § 2000c–6 is in terms designed to foreclose any interpretation of the Act as expanding the *existing* powers of federal courts to enforce the Equal Protection Clause. There is no suggestion of an intention to restrict those powers or withdraw from courts their historic equitable remedial powers. The legislative history of Title IV indicates that Congress was concerned that the Act might be read as creating a right of action under the Fourteenth Amendment in the situation of so-called "de facto segregation," where imbalance exists in the schools but with no showing that this was brought about by discriminatory action of state authorities. In short, there is nothing in the Act which provides us material assistance in answering the question of remedy for state-imposed segregation in violation of *Brown I*. The basis of our decision must be the prohibition of the Fourteenth Amendment that no State shall "deny to any person within its jurisdiction the equal protection of the laws."

We turn now to the problem of defining with more particularity the responsibilities of school authorities in desegregating a state-enforced dual school system in light of the Equal Protection Clause. Although the several related cases before us are primarily concerned with problems of student assignment, it may be helpful to begin with a brief discussion of other aspects of the process.

In *Green*, we pointed out that existing policy and practice with regard to faculty, staff, transportation, extracurricular activities, and facilities were among the most important indicia of a segregated system. 391 U.S., at 435. Independent of student assignment, where it is possible to identify a "white school" or a "Negro school" simply by reference to the racial composition of teachers and staff, the quality of school buildings and equipment, or the organization of sports activities, a *prima facie* case of violation of substantive constitutional rights under the Equal Protection Clause is shown.

When a system has been dual in these respects, the first remedial responsibility of school authorities is to eliminate invidious racial distinctions. With respect to such matters as transportation, supporting personnel, and extracurricular activities, no more than this may be necessary. Similar corrective action must be taken with regard to the maintenance of buildings and the distribution of equipment. In these areas, normal administrative practice should produce schools of like quality, facilities, and staffs. Something more must be said, however, as to faculty assignment and new school construction.

In the companion *Davis* case, the Mobile school board has argued that the Constitution requires that teachers be assigned on a "color blind" basis. It also argues that the Constitution prohibits district courts from using their equity power to order assignment of teachers to achieve a particular degree of faculty desegregation. We reject that contention.

In *United States* v. *Montgomery County Board of Education*, 395 U.S. 225 (1969), the District Court set as a goal a plan of faculty assignment in each school with a ratio of white to Negro faculty members substantially the same throughout the system. This order was predicated on the District Court finding that—

"The evidence does not reflect any real administrative problems involved in immediately desegregating the substitute teachers, the student teachers, the night school faculties, and in the evolvement of a really legally adequate program for the substantial desegregation of the faculties of all schools in the system commencing with the school year 1968–69." Quoted at 395 U.S. at 232.

The District Court in *Montgomery* then proceeded to set an initial ratio for the whole system of at least two Negro teachers out of each 12 in any given school. The Court of Appeals modified the order by eliminating what it regarded as "fixed mathematical ratios" of faculty and substituted an initial requirement of "substantially or approximately" a five-to-one ratio. With respect to the future, the Court of Appeals held that the numerical ratio should be eliminated and that compliance should not be tested solely by the achievement of specified proportions. *Id.*, at 234.

We reversed the Court of Appeals and restored the District Court's order in its entirety, holding that the order of the District Judge—

"Was adopted in the spirit of this Court's opinion in *Green* . . . in that his plan 'promises realistically to work, and promises realistically to work *now*.' The modifications ordered by the panel of the Court of Appeals, while of course not intended to do so would, we think, take from the order some of its capacity to expedite, by means of specific commands, the day when a completely unified, unitary, nondiscriminatory school system become a reality instead of a hope. . . . We also believe that under all the circumstances of this case we follow the original plan outlined in *Brown II* . . . by accepting the more specific and expeditious order of [District] Judge Johnson. . . ." 395 U.S. at 235–236 (emphasis in original).

The principles of *Montgomery* have been properly followed by the District Court and the Court of Appeals in this case.

The construction of new schools and the closing of old ones is one of the most important functions of local school authorities and also one of the most complex. They must decide questions of location and capacity in light of population growth, finances, land values, site availability, through an almost endless list of factors to be considered. The result of this will be a decision which, when combined with one technique or another of student assignment, will determine the racial composition of the student body in each school in the system. Over the long run, the consequences of the choices will be far reaching. People gravitate toward school facilities, just as schools are located in response to the needs of people. The location of schools may thus influence the patterns of residential development of a metropolitan area and have important impact on composition of inner city neighborhoods.

In the past, choices in this respect have been used as a potent weapon for creating or maintaining a state-segregated school system. In addition to the classic pattern of building schools specifically intended for Negro or white students, school authorities have sometimes, since *Brown*, closed schools which appeared likely to become racially mixed through changes in neighborhood residential patterns. This was sometimes accompanied by building new schools in the areas of white suburban expansion farthest from Negro population centers in order to maintain the separation of the races with a minimum departure from the formal principles of "neighborhood zoning." Such a policy does more than simply influence the short-run composition of the student body of a new school. It may well promote segregated residential patterns which, when combined with "neighborhood zoning," further lock the school system into the mold of separation of the races. Upon a proper showing a district court may consider this in fashioning a remedy.

In ascertaining the existence of legally imposed school segregation, the existence of a pattern of school construction and abandonment is thus a factor of great weight. In devising remedies where legally imposed segregation has been established, it is the responsibility of local authorities and district courts to see to it that future school construction and abandonment is not used and does not serve to perpetuate or re-establish the dual system. When necessary, district courts should retain jurisdiction to assure that these responsibilities are carried out. Cf. *United States* v. *Board of Public Instruction*, 395 F. 2d 66 (CA5 1968); *Brewer* v. *School Board*, 397 F. 2d 37 (CA4 1968).

Footnotes at end of article.

V

The central issue in this case is that of student assignment, and there are essentially four problem areas:

(1) to what extent racial balance or racial quotas may be used as an implement in a remedial order to correct a previously segregated system;

(2) whether every all-Negro and all-white school must be eliminated as an indispensable part of a remedial process of desegregation;

(3) what are the limits, if any, on the rearrangement of school districts and attendance zones, as a remedial measure; and

(4) what are the limits, if any, on the use of transportation facilities to correct state-enforced racial school segregation.

(1) *Racial Balances or Racial Quotas.*

The constant theme and thrust of every holding from *Brown I* to date is that state-enforced separation of races in public schools is discrimination that violates the Equal Protection Clause. The remedy commanded was to dismantle dual school systems.

We are concerned in these cases with the elimination of the discrimination inherent in the dual school systems, not with myriad factors of human existence which can cause discrimination in a multitude of ways on racial, religious, or ethnic grounds. The target of the cases from *Brown I* to the present was the dual school system. The elimination of racial discrimination in public schools is a large task and one that should not be retarded by efforts to achieve broader purposes lying beyond the jurisdiction of school authorities. One vehicle can carry only a limited amount of baggage. It would not serve the important objective of *Brown I* to seek to use school desegregation cases for purposes beyond their scope, although desegregation of schools ultimately will have impact on other forms of discrimination. We do not reach in this case the question whether a showing that school segregation is a consequence of other types of state action, without any discriminatory action by the school authorities, is a constitutional violation requiring remedial action by a school desegregation decree. This case does not present that question and we therefore do not decide it.

Our objective in dealing with the issues presented by these cases is to see that school authorities exclude no pupil of a racial minority from any school, directly or indirectly, on account of race; it does not and cannot embrace all the problems of racial prejudice, even when those problems contribute to disproportionate racial concentrations in some schools.

In this case it is urged that the District Court has imposed a racial balance requirement of 71%-29% on individual schools. The fact that no such objective was actually achieved—and would appear to be impossible—tends to blunt that claim, yet in the opinion and order of the District Court of December 1, 1969, we find that court directing:

> "that efforts should be made to reach a 71-29 ratio in the various schools so that there will be no basis for contending that one school is racially different from the others . . ., that no school [should] be operated with an all-black or predominantly black student body, [and] that pupils of all grades [should] be assigned in such a way that as nearly as practicable the various schools at various grade levels have about the same proportion of black and white students."

The District Judge went on to acknowledge that variation "from that norm may be unavoidable." This contains intimations that the "norm" is a fixed mathematical racial balance reflecting the pupil constituency of the system. If we were to read the holding of the District Court to require, as a matter of substantive constitutional right, any particular degree of racial balance or mixing, that approach would be disapproved and we would be obliged to reverse. The constitutional command to desegregate schools does not mean that every school in every community must always reflect the racial composition of the school system as a whole.

As the voluminous record in this case shows,[7] the predicate for the District Court's use of the 71%-29% ratio was twofold: first, its express finding, approved by the Court of Appeals and not challenged here, that a dual school system had been maintained by the school authorities at least until 1969; second, its finding, also approved by the Court of Appeals, that the school board had totally defaulted in its acknowledged duty to come forward with an acceptable plan of its own, notwithstanding the patient efforts of the District Judge who, on at least three occasions, urged the board to submit plans.[8] As the statement of facts shows, these findings are abundantly supported by the record. It was because of this total failure of the school board that the District Court was obliged to turn to other qualified sources, and Dr. Finger was designated to assist the District Court to do what the board should have done.

We see therefore that the use made of mathematical ratios was no more than a starting point in the process of shaping a remedy, rather than an inflexible requirement. From that starting point the District Court proceeded to frame a decree that was within its discretionary powers, an equitable remedy for the particular circumstances.[9] As we said in *Green,* a school authority's remedial plan or a district court's remedial decree is to be judged by its effectiveness. Awareness of the racial composition of the whole school system is likely to be a useful starting point in shaping a remedy to correct past constitutional violations. In sum, the very limited use, made of mathematical ratios was within the equitable remedial discretion of the District Court.

(2) *One-Race Schools.*

The record in this case reveals the familiar phenomenon that in metropolitan areas minority groups are often found concentrated in one part of the city. In some circumstances certain schools may remain all or largely of one race until new schools can be provided or neighborhood patterns change. Schools all or predominately of one race in a district of mixed population will require close scrutiny to determine that school assignments are not part of state-enforced segregation.

In light of the above, it should be clear that the existence of some small number of one-race, or virtually one-race, schools within a district is not in and of itself the mark of a system which still practices segregation by law. The district judge or school authorities should make every effort to achieve the greatest possible degree of actual desegregation and will thus necessarily be concerned with the elimination of one-race schools. No *per se* rule can adequately embrace all the difficulties of reconciling the competing interests involved; but in a system with a history of segregation the need for remedial criteria of sufficient specificity to assure a school authority's compliance with its constitutional duty warrants a presumption against schools that are substantially disproportionate in their racial composition. Where the school authority's proposed plan for conversion from a dual to a unitary system contemplates the continued existence of some schools that are all or predominately of one race, they have the burden of showing that such school assignments are genuinely nondiscriminatory. The court school scrutinize such schools, and the burden upon the school authorities will be to satisfy the court that their racial composition is not the result of present or past discriminatory action on their part.

An optional majority-to-minority transfer provision has long been recognized as a useful part of every desegregation plan. Provision for optional transfer of those in the majority racial group of a particular school to other schools where they will be in the minority is an indispensable remedy for those students willing to transfer to other schools in order to lessen the impact on them of the state-imposed stigma of segregation. In order to be effective, such a transfer arrangement must grant the transferring student free transportation and space must be made available in the school to which he desires to move. Cf. *Ellis* v. *Board of Public Instruction,* 423 F. 2d 203, 206 (CA5 1970). The court orders in this and the companion *Davis* case now provide such an option.

(3) *Remedial Altering of Attendance Zones.*

The maps submitted in these cases graphically demonstrate that one of the principal tools employed by school planners and by courts to break up the dual school system has been a frank—and sometimes drastic—gerrymandering of school districts and attendance zones. An additional step was pairing, "clustering," or "grouping" of schools with attendance assignments made deliberately to accomplish the transfer of Negro students out of formerly segregated Negro schools and transfer of white students to formerly all-Negro schools. More often than not, these zones are neither compact[10] nor contiguous; indeed they may be on opposite ends of the city. As an interim corrective measures, this cannot be said to be beyond the broad remedial powers of a court.

Absent a constitutional violation there would be no basis for judicially ordering assignment of students on a racial basis. All things being equal, with no history of discrimination, it might well be desirable to assign pupils to schools nearest their homes. But all things are not equal in a system that has been deliberately constructed and maintained to enforce racial segregation. The remedy for such segregation may be administratively awkward, inconvenient and even bizarre in some situations and may impose burdens on some; but all awkwardness and inconvenience cannot be avoided in the interim period when remedial adjustments are being made to eliminate the dual school systems.

No fixed or even substantially fixed guidelines can be established as to how far a court can go, but it must be recognized that there are limits. The objective is to dismantle the dual school system. "Racially neutral" assignment plans proposed by school authorities to a district court may be inadequate; such plans may fail to counteract the continuing effects of past school segregation resulting from discriminatory location of school sites or distortion of school size in order to achieve or maintain an artificial racial separation. When school authorities present a district court with a "loaded game board," affirmative action in the form of remedial altering of attendance zones is proper to achieve truly nondiscriminatory assignments. In short, an assignment plan is not acceptable simply because it appears to be neutral.

In this area, we must of necessity rely to a large extent, as this Court has for more than 16 years, on the informed judgment of the district courts in the first instance and on courts of appeals.

We hold that the pairing and grouping of non-contiguous school zones is a permissible tool and such action is to be considered in light of the objectives sought. Judicial steps in shaping such zones going beyond combinations of contiguous areas should be examined in light of what is said in subdivisions (1), (2), and (3) of this opinion concerning the

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Footnotes at end of article.

objectives to be sought. Maps do not tell the whole story since non-contiguous school zones may be more accessible to each other in terms of the critical travel time, because of traffic patterns and good highways, than schools geographically closer together. Conditions in different localities will vary so widely that no rigid rules can be laid down to govern all situations.

(4) *Transportation of Students.*

The scope of permissible transportation of students as an implement of a remedial decree has never been defined by this Court and by the very nature of the problem it cannot be defined with precision. No rigid guidelines as to student transportation can be given for application to the infinite variety of problems presented in thousands of situations. Bus transportation has been an integral part of the public education system for years, and was perhaps the single most important factor in the transition from the one-room schoolhouse to the consolidated school. Eighteen million of the nation's public school children, approximately 39%, were transported to their schools by bus in 1969–1970 in all parts of the country.

The importance of bus transportation as a normal and accepted tool of educational policy is readily discernible in this and the companion case.[11] The Charlotte school authorities did not purport to assign students on the basis of geographically drawn zones until 1965 and then they allowed almost unlimited transfer privileges. The District Court's conclusion that assignment of children to the school nearest their home serving their grade would not produce an effective dismantling of the dual system is supported by the record.

Thus the remedial techniques used in the District Court's order were within that court's power to provide equitable relief; implementation of the decree is well within the capacity of the school authority.

The decree provided that the buses used to implement the plan would operate on direct routes. Students would be picked up at schools near their homes and transported to the schools they were to attend. The trips for elementary school pupils average about seven miles and the District Court found that they would take "not over 35 minutes at the most."[12] This system compares favorably with the transportation plan previously operated in Charlotte under which each day 23,600 students on all grade levels were transported an average of 15 miles one way for an average trip requiring over an hour. In these circumstances, we find no basis for holding that the local school authorities may not be required to employ bus transportation as one tool of school desegregation. Desegregation plans cannot be limited to the walk-in school.

An objection to transportation of students may have validity when the time or distance of travel is so great as to risk either the health of the children or significantly impinge on the educational process. District courts must weigh the soundness of any transportation plan in light of what is said in subdivisions (1), (2), and (3) above. It hardly needs stating that the limits on time of travel will vary with many factors, but probably with none more than the age of the students. The reconciliation of competing values in a desegregation case is, of course, a difficult task with many sensitive facets but fundamentally no more so than remedial measures courts of equity have traditionally employed.

VI

The Court of Appeals, searching for a term to define the equitable remedial power of the district courts, used the term "reasonableness." In *Green, supra,* this Court used the term "feasible" and by implication, "workable," "effective," and "realistic" in the mandate to develop "a plan that promises realistically to work, and . . . to work *now.*" On the facts of this case, we are unable to conclude that the order of the District Court is not reasonable, feasible and workable. However, in seeking to define the scope of remedial power or the limits on remedial power of courts in an area as sensitive as we deal with here, words are poor instruments to convey the sense of basic fairness inherent in equity. Substance, not semantics, must govern, and we have sought to suggest the nature of limitations without frustrating the appropriate scope of equity.

At some point, these school authorities and others like them should have achieved full compliance with this Court's decision in *Brown I*. The systems will then be "unitary" in the sense required by our decisions in *Green* and *Alexander*.

It does not follow that the communities served by such systems will remain demographically stable, for in a growing, mobile society, few will do so. Neither school authorities nor district courts are constitutionally required to make year-by-year adjustments of the racial composition of student bodies once the affirmative duty to desegregate has been accomplished and racial discrimination through official action is eliminated from the system. This does not mean that federal courts are without power to deal with future problems; but in the absence of a showing that either the school authorities or some other agency of the State has deliberately attempted to fix or alter demographic patterns to affect the racial composition of the schools, further intervention by a district court should not be necessary.

For the reasons herein set forth, the judgment of the Court of Appeals is affirmed as to those parts in which it affirmed the judgment of the District Court. The order of the District Court dated August 7, 1970, is also affirmed.

It is so ordered.

FOOTNOTES

[1] *McDaniel* v. *Barresi,* No. 420; *Davis* v. *Board of School Commissioners of Mobile County,* No. 436; *Moore* v. *Charlotte-Mecklenburg Board of Education,* No. 444; *North Carolina State Board of Education* v. *Swann,* No. 498. For purposes of this opinion the cross-petitions in Nos. 281 and 349 are treated as a single case and will be referred to as "this case."

[2] *Raney* v. *Board of Education,* 391 U.S. 443 (1968), and *Monroe* v. *Board of Commissioners,* 391 U.S. 450 (1968).

[3] A "satellite zone" is an area which is not contiguous with the main attendance zone surrounding the school.

[4] In its opinion and order of December 1, 1969, later incorporated in the order appointing Dr. Finger as consultant, the District Court stated:

"Fixed ratios of pupils in particular schools will not be set. If the board in one of its three tries had presented a plan for desegregation, the court would have sought ways to approve variations in pupil ratios. In default of such a plan from the school board, the court will start with the thought . . . that efforts should be made to reach a 71–29 ratio in the various schools so that there will be no basis for contending that one school is racially different from the others, but to understand that variations from that norm may be unavoidable."

[5] The necessity for this is suggested by the situation in the Fifth Circuit where 166 appeals in school desegregation cases were heard between December 2, 1969, and September 24, 1970.

[6] Elementary public school population (grades 1–6) grew from 17,447,000 in 1954 to 23,103,000 in 1969; secondary school population grew from 11,183,000 in 1954 to 20,775,000 in 1969. Digest of Educational Statistics, 1964 ed. 1, 6, Office of Education Publication #10024–64; Digest of Educational Statistics, 1970 ed. Table 28, Office of Education Publication #10024–70.

[7] It must be remembered that the District Court entered nearly a score of orders, numerous sets of findings and for the most part each was accompanied by a memorandum opinion. Considering the pressure under which the court was obliged to operate we would not expect that all inconsistencies and apparent inconsistencies could be avoided. Our review, of course, is on the orders of February 5, 1970, as amended, and August 7, 1970.

[8] The final board plan left 10 schools 86% to 100% Negro and yet categorically rejected the techniques of pairing and clustering as part of the desegregation effort. As discussed below, the Charlotte board was under an obligation to exercise every reasonable effort to remedy the violation, once it was identified, and the suggested techniques are permissible remedial devices. Additionally, as noted by the District Court and Court of Appeals, the board plan refused to assign white students to any school unless the student population of that school was at least 60% white. This was an arbitrary limitation negating reasonable remedial steps.

[9] In his August 3, 1970, memorandum holding that the District Court plan was "reasonable" under the standard laid down by the Fourth Circuit on appeal, the District Court explained the approach taken as follows:

"This court has not ruled, and does not rule that 'racial balance' is required under the Constitution; nor that all black schools in all cities are unlawful; nor that all school boards must bus children or violate the Constitution; *nor that the particular order entered in this case would be correct in other circumstances not before this court.*" (Emphasis in original.)

[10] The reliance of school authorities on the reference to the "revision of . . . attendance areas into *compact* units," *Brown II,* at 300. is misplaced. The enumeration in that opinion of considerations to be taken into account by district courts was patently intended to be suggestive rather than exhaustive. The decision in *Brown II* to remand the cases decided in *Brown I* to local courts for the framing of specific decrees was premised on a recognition that this Court could not at that time foresee the particular means which would be required to implement the constitutional principles announced. We said in *Green, supra,* at 439:

"The obligation of the district courts, as it always has been, is to assess the effectiveness of a proposed plan in achieving desegregation. There is no universal answer to complex problems of desegregation; there is obviously no one plan that will do the job in every case. The matter must be assessed in light of the circumstances present and the options available in each instance."

[11] During 1967–1968, for example, the Mobile board used 207 buses to transport 22,094 students daily for an average round trip of 31 miles. During 1966–1967, 7,116 students in the metropolitan area were bussed daily. In Charlotte-Mecklenburg, the system as a whole, without regard to desegregation plans, planned to bus approximately 23,000 students this year, for an average daily round trip of 15 miles. More elementary school children than high school children were to be bussed, and four- and five-year-olds travel the longest routes in the system.

[12] The District Court found that the school system would have to employ 138 more buses than it had previously operated. But 105 of those buses were already available and the others could easily be obtained. Additionally, it should be noted that North Carolina requires provision of transportation for all students who are assigned to schools more than one and one-half miles from their homes. N.C. Stat. § 115–186(b).

[Supreme Court of the United States, No. 436. Argued October 13–14, 1970—Decided April 20, 1971]

Davis et al. *v.* Board of School Commissioners of Mobile County et al.

(Certiorari to the United States Court of Appeals for the Fifth Circuit)

East of the major highway that divides the metropolitan area of Mobile, Ala., live 94% of the area's Negro students, and the schools there are 65% Negro and 35% white. West of the highway the schools are 12% Negro and 88% white. The Court of Appeals approved a desegregation plan which, like the District Court's plan, insofar as those areas were concerned, treated the western section as isolated from the eastern, with unified geographic zones and providing no transportation of students for desegregation purposes. Though some reduction in the number of all-Negro schools was achieved for the 1970–1971 school year, nine elementary schools in the eastern section (attended by 64% of all Negro elementary school pupils in the metropolitan area) were over 90% Negro, and over half of the Negro junior and senior high school students went to all-Negro or nearly all-Negro schools. With regard to the faculty and staff ratio in each of Mobile County's schools, the Court of Appeals directed the District Court to require the school board to establish "substantially the same" ratio as that for the whole district. *Held:*

1. The Court of Appeals decision dealing with the faculty and staff ratio is affirmed. *Swann* v. *Charlotte-Mecklenburg Board of Education, ante,* p. ——, at 14–16. P. 2.

2. The Court of Appeals erred in treating the eastern part of metropolitan Mobile in isolation from the rest of the school system, and in not adequately considering the possible use of all available techniques to achieve the maximum amount of practicable desegregation. P. 4.

430 F. 2d 883 and 889, affirmed in part and reversed and remanded in part.

Burger, C. J., delivered the opinion for a unanimous Court.

[Supreme Court of the United States, No. 436.—October Term, 1970]

Birdie Mae Davis et al., Petitioners, *v.* Board of School Commissioners of Mobile County et al.

(On Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit, April 20, 1971)

Mr. Chief Justice Burger delivered the opinion of the Court.

Petitioners in this case challenge as inadequate a school desegregation plan for Mobile County, Alabama. The country is large and populous, embracing 1,248 square miles and the City of Mobile. The school system had 73,500 pupils in 91 schools at the beginning of the 1969 academic year; approximately 58% of the pupils were white and 42% Negro. During the 1967–1968 school year, the system transported 22,000 pupils daily in over 200 school buses, both in the rural areas of the country and in the outlying areas of metropolitan Mobile.

The present desegregation plan evolved from one developed by the District Court in response to the decision of the Court of Appeals for the Fifth Circuit in *Davis* v. *Board of School Commissioners,* 414 F. 2d 609 (CA5 1969), that an earlier desegregation plan formulated by the District Court on the basis of unified geographic zones was "constitutionally insufficient and unacceptable, and such zones must be redrawn." The Court of Appeals held that the earlier plan had "ignored the unequivocal directive to make a conscious effort in locating attendance zones to desegregate and eliminate past segregation." *Id.,* at 610.

The District Court responded with a new zoning plan which left 18,623, or 60%, of the system's 30,800 Negro children in 19 all-Negro or nearly all-Negro schools. On appeal, the Court of Appeals reviewed all aspects of desegregation in Mobile County. Additional information was requested regarding earlier desegregation plans for the rural parts of the county, and those plans were approved. They are not before us now. The Court of Appeals concluded that with respect to faculty and staff desegregation the board had "almost totally failed to comply" with earlier orders, and directed the District Court to require the board to establish a faculty and staff ratio in each school "substantially the same" as that for the entire district. We affirm that part of the Court of Appeals' opinion for the reasons given in *Swann* v. *Charlotte-Mecklenburg Board of Education, ante,* at 14–16.

Regarding junior and senior high schools, the Court of Appeals reversed the District Court and directed implementation of a plan which was intended to eliminate the seven all-Negro schools remaining under the District Court's scheme. This was to be achieved through pairing and adjusting grade structures within metropolitan Mobile, without bus transportation or split zoning. The Court of Appeals then turned to the difficult problem of desegregating the elementary schools of metropolitan Mobile. The metropolitan area is divided by a major north-south highway. About 94% of the Negro students in the metropolitan area live on the east side of the highway between it and the Mobile River. The schools on that side of the highway are 65% Negro and 35% white. On the west side of the highway, however, the schools are 12% Negro and 88% white. Under the District Court's elementary school plan for the metropolitan area, the eastern and western sections were treated as distinct, without either interlocking zones or transportation across the highway. Not surprisingly, it was easy to desegregate the western section, but in the east the District Court left 12 all-Negro or nearly all-Negro elementary schools, serving over 90% of all the Negro elementary students in the metropolitan area.

The Court of Appeals rejected this solution in favor of a modified version of a plan submitted by the Department of Justice. As further modified after a second appeal, this plan reduced the number of all-Negro or nearly all-Negro elementary schools from 12 to six schools, projected to serve 5,310 students, or about 50% of the Negro elementary students in the metropolitan area. Like the District Court's plan, the Court of Appeals' plan was based on treating the western section in isolation from the eastern. There were unified geographic zones, and no transportation of students for purposes of desegregation. The reduction in the number of all-Negro schools was achieved through pairing, rezoning, and adjusting grade structures within the eastern section. With yet further modifications not material here, this plan went into effect at the beginning of the 1970–1971 school year.

The enrollment figures for the 1970–1971 school year show that the projections on which the Court of Appeals based its plan for metropolitan Mobile were inaccurate. Under the Court of Appeals' plan as actually implemented, nine elementary schools in the eastern section of metropolitan Mobile were over 90% Negro as of September 21, 1970 (instead of six as projected), and they housed 7,651 students, or 64% of all the Negro elementary school pupils in the metropolitan area. Moreover, the enrollment figures indicate that 6,746 Negro junior and senior high school students in metropolitan Mobile, or over half, were then attending all-Negro or nearly all-Negro schools, rather than none as projected by the Court of Appeals. These figures are derived from a report of the school board to the District Court; they were brought to our attention in a supplemental brief for petitioners filed on October 10, 1970, and have not been challenged by respondents.

As we have held, "neighborhood school zoning," whether based strictly on home-to-school distance or on "unified geographic zones" is not the only constitutionally permissible remedy; nor is it *per se* adequate to meet the remedial responsibilities of local boards. Having once found a violation, the district judge or school authorities should make every effort to achieve the greatest possible degree of actual desegregation, taking into account the practicalities of the situation. A district court may and should consider the use of all available techniques including restructuring of attendance zones and both contiguous and noncontiguous attendance zones. See *Swann, ante,* at pp. 18–27. The measure of any desegregation plan is its effectiveness.

On the record before us, it is clear that the Court of Appeals felt constrained to treat the eastern part of metropolitan Mobile in isolation from the rest of the school system, and that inadequate consideration was given to the possible use of bus transportation and split zoning. For these reasons, we reverse the judgment of the Court of Appeals as to the parts dealing with student assignment, and remand the case for the development of a decree "that promises realistically to work, and promises realistically to work *now.*" *Green* v. *County School Board,* 391 U.S. 430, 439 (1968).

It is so ordered.

[Supreme Court of the United States. No. 444. Argued October 13, 1970—Decided April 20, 1971]

Moore et al. *v.* Charlotte-Mecklenburg Board of Education et al.

(Appeal from the United States District Court for the Western District of North Carolina)

Since both parties in this action challenging a school desegregation plan seek the same result, *viz.,* a holding that North Carolina's Anti-Busing Law is constitutional, there is no Art. III case or controversy. Additionally, on the facts of this case, no direct appeal to this Court lies under 28 U.S.C. § 1253.

312 F. Supp. 503, appeal dismissed for lack of jurisdiction.

[Supreme Court of the United States, No. 444.—October Term,1970]

Mrs. Robert Lee Moore et al., Appellants, *v.* Charlotte-Mecklenburg Board of Education et al.

(On Appeal from the United States District Court for the Western District of North Carolina, April 20, 1971)

Per Curiam.

Appellants seek review of the decision of the United States District Court for the Western District of North Carolina declaring a portion of the North Carolina anti-busing statute unconstitutional, and enjoining its enforcement. It is a companion case to No. 498, *ante, North Carolina State Bd.* v. *Swann.* We postponed decision on the question of jurisdiction, 400 U.S. 803 (1970), and after hearing on the merits we now dismiss the appeal for lack of jurisdiction.

At the hearing both parties argued to the three-judge court that the anti-busing law was constitutional and urged that the order of the District Court adopting the Finger plan should be set aside. We are thus confronted with the anomaly that both litigants desire precisely the same result, namely a holding that the anti-busing statute is constitutional. There is, therefore, no case or controversy within the meaning of Article III of the Constitution. *Muskrat* v. *United States,* 219 U.S. 346 (1911). Additionally, since neither party sought an injunction to restrain a state officer from enforcing a state statute alleged to be unconstitutional, 28 U.S.C. § 2281, this is not an appeal from "any civil action, suit or proceeding required . . . to be heard . . . by a district court of three judges," 28 U.S.C. § 1253, and hence no direct appeal to this Court is available.

Dismissed.

[Supreme Court of the United States, No. 498. Argued October 13, 1970—Decided April 20, 1971]

North Carolina State Board of Education et al. v. Swann et al.

(Appeal from the United States District Court for the Western District of North Carolina)

North Carolina's Anti-Busing Law, which flatly forbids assignment of any student on account of race or for the purpose of creating a racial balance or ratio in the schools and which prohibits busing for such purposes, *held* invalid as preventing implementation of desegregation plans required by the Fourteenth Amendment. Pp. 2–4.

312 F. Supp. 503, affirmed.

Burger, C. J., delivered the opinion for a unanimous Court.

[Supreme Court of the United States, No. 498.—October Term, 1970]

North Carolina State Board of Education et al., Appellants, *v.* James E. Swann et al.

(On Appeal from the United States District Court for the Western District of North Carolina, April 20, 1971)

Mr. Chief Justice Burger delivered the opinion of the Court.

This case is here on direct appeal pursuant to 28 U.S.C. § 1253 from the judgment of a three-judge court in the United States District Court for the Western District of North Carolina. The District Court declared unconstitutional a portion of the North Carolina General Statutes known as the Anti-busing Law,[1] and granted an injunction against its enforcement.[2] The proceeding before the three-judge court was an ancillary proceeding connected with the school desegregation case heretofore discussed. *Swann* v. *Charlotte-Mecklenburg, supra* p.——. The instant appeal was taken by the North Carolina State Board of Education and four state officials. We granted the Charlotte-Mecklenburg School Board's motion to join in the appeal, 400 U.S. 804 (1970).

When the litigation in the *Swann* case recommenced in the spring of 1969, the District Court specifically directed that the school board consider altering attendance areas, pairing or consolidation of schools, bus transportation of students, and any other method which would effectuate a racially unitary system. That litigation was actively prosecuted. The board submitted a series of proposals, all rejected by the District Court as inadequate. In the midst of this litigation over the remedy to implement the District Court's order, the North Carolina Legislature enacted the anti-busing bill, set forth in relevant parts in footnote 1.

Following enactment of the anti-busing statute the plaintiffs in the *Swann* case obtained leave to file a supplemental complaint which sought injunctive and declaratory relief against the statute. They sought to convene a three-judge court, but no action was taken on the requests at that time because the school board thought that the anti-busing law did not interfere with the school board's proposed plan to transport about 4,000 Negro children to white suburban schools. 306 F. Supp 1291 (WDNC 1969). Other parties were added as defendants by order of the District Court dated February 25. In addition certain persons who had brought a suit in state court to enjoin or impede the order of the federal court, the attorneys for those litigants, and state judges who at various times entered injunctions against the school authorities and blocked compliance with orders of the District Court were also enjoined; a three-judge court was then convened.

We observed in *Swann, ante,* p. 12, that school authorities have wide discretion in formulating school policy, and that as a matter of educational policy school authorities may well conclude that some kind of racial balance in the schools is desirable quite apart from any constitutional requirements. However, if a state-imposed limitation on a school authority's discretion operates to inhibit or obstruct the operation of a unitary school system or impede the disestablishing of a dual school system, it must fall; state policy must give way when it operates to hinder vindication of federal constitutional guarantees.

The legislation before us flatly forbids assignment of any student on account of race or for the purpose of creating a racial balance or ratio in the schools. The prohibition is absolute, and it would inescapably operate to obstruct the remedies granted by the District Court in the *Swann* case. But more important the statute exploits an apparently neutral form to control school assignment plans by directing that they be "color blind"; that requirement, against the background of segregation, would render illusory the promise of *Brown* v. *Board of Education,* 347 U.S. 483 (1954). Just as the race of students must be considered in determining whether a constitutional violation has occurred, so also must race be considered in formulating a remedy. To forbid, at this stage, all assignments made on the basis of race would deprive school authorities of the one tool absolutely essential to fulfillment of their constitutional obligation to eliminate existing dual school systems.

Similarly the flat prohibition against assignment of students for the purpose of creating a racial balance must inevitably conflict with the duty of school authorities to disestablish dual school systems. As we have held in *Swann,* the Constitution does not compel any particular degree of racial balance or mixing, but when past and continuing constitutional violations are found, some ratios are likely to be useful starting points in shaping a remedy. An absolute prohibition against use of such a device—even as a starting point—contravenes the implicit command of *Green* v. *County School Board,* 391 U.S. 430 (1968), that all easonable methods be available to formulate an effective remedy.

We likewise conclude that an absolute prohibition against transportation of students assigned on the basis of race, "or for the purpose of creating a balance or ratio," will similarly hamper the ability of local authorities to effectively remedy constitutional violations. As noted in *Swann, ante,* p. 25, bus transportation has long been an integral part of all public educational systems, and it is unlikely that a truly effective remedy could be devised without continued reliance upon it. Cf. *McDaniel* v. *Barresi, post,* p. 3.

The remainder of the order of the District Court is affirmed for the reasons stated in its opinion, 312 F. Supp. 503.

Affirmed.

[Supreme Court of the United States, No. 420. Argued October 13, 1970—Decided April 20, 1971]

Syllabus

McDaniel, Superintendent of Schools, et al., *v.* Barresi et al., Certiorari to the Supreme Court of Georgia

The Board of Education of Clarke County, Ga. (with a two-to-one white-Negro elementary school system ratio), devised a student assignment plan for desegregating elementary schools which establishes geographic zones drawn to promote desegregation and also provides that pupils in heavily concentrated Negro "pockets" walk or go by bus to schools in other attendance zones. The resulting Negro elementary enrollment ranges from 20% to 40% in all but two schools, where it is 50%. Respondent parents sued to enjoin the plan's operation. The state trial court denied an injunction. The Georgia Supreme Court reversed, holding that the plan violated (1) equal protection because it "[treated] students differently because of their race," and (2) the Civil Rights Act of 1964, because Title IV prohibits a school board from requiring busing to achieve a racial balance. *Held:*

1. In compliance with its duty to convert to a unitary system, the school board properly took race into account in fixing the attendance lines. Pp. 2–3.

2. Title IV, a direction to federal officials, does not restrict state officials in assigning students within their systems. P. 3. 226 Ga. 456, 175 S.E. 2d 649, reversed.

Burger, C. J., delivered the opinion for a unanimous Court.

[Supreme Court of the United States, No. 420.—October Term, 1970]

Charles McDaniel, Superintendent of Schools, et al., Petitioners, *v.* Joseph Barresi, Jr., et al

(On Writ of Certiorari to the Supreme Court of Georgia, April 20, 1971)

Mr. Chief Justice Burger delivered the opinion of the Court.

We granted certiorari in this case to review a state court order enjoining the operation of a school desegregation plan. The action was brought in the Superior Court of Clarke County, Georgia, by parents of children attending public elementary schools in that county. Named as defendants were the Superintendent of Education and members of the Clarke County Board of Education. The trial court denied respondents' request for an injunction, but on appeal the Supreme Court of Georgia reversed, 226 Ga. 456, 175 S. E. 2d 649 (1970). This Court then granted certiorari, 400 U. S. 804 (1970).

Beginning in 1963, the Clarke County Board of Education began a voluntary program to desegregate its public schools. The student-assignment plan presently at issue, involving only elementary schools, has been in effect since the start of the 1969 academic year. The plan, adopted by the Board of Education and approved by the Department of Health, Education and Welfare,[1] relies primarily upon geographic attendance zones drawn to achieve greater racial balance. Additionally, the pupils in five heavily Negro "pockets" either walk or are transported by bus to schools located in other attendance zones.[2] As a consequence the Negro enrollment of each elementary school in the system varies generally between 20% and 40%, although two schools have a 50% Negro enrollment. The white-Negro ratio of elementary pupils in the system is approximately two to one.

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[1] So far as here relevant, North Carolina General Statute § 115–176.1 reads as follows:

"No student shall be assigned or compelled to attend any school on account of race, creed, color or national origin, or for the purpose of creating a balance or ratio of race, religion or national origin. Involuntary bussing of students in contravention of this article is prohibited, and public funds shall not be used for any such bussing."

[2] 312 F. Supp. 503 (1970). The opinion as printed grants only declaratory relief. However the District Court amended its original opinion by withdrawing Part V and entering an order dated June 22, 1970, which enjoined all parties "from enforcing, or seeking the enforcement of," the portion of the statute found unconstitutional.

Respondents contend in this action that the board's desegregation plan violates the Fourteenth Amendment of the Federal Constitution and Title IV of the Civil Rights Act of 1964. The Supreme Court of Georgia upheld both contentions, concluding first that the plan violated the Equal Protection Clause "by treating students differently because of their race." The court concluded also that Title IV prohibited the board from "requiring the transportation of pupils or students from one school to another . . . in order to achieve such racial balance. . . ." We reject these contentions.

The Clarke County Board of Education, as part of its affirmative duty to disestablish the dual school system, properly took into account the race of its elementary school children in drawing attendance lines. To have done otherwise would have severely hampered the board's ability to deal effectively with the task at hand. School boards that operated dual school systems are "clearly charged with the affirmative duty to take whatever steps might be necessary to convert to a unitary system in which racial discrimination would be eliminated root and branch." *Green* v. *County School Board*, 391 U.S. 430, 437–438 (1968). In this remedial process, steps will almost invariably require that students be assigned "differently because of their race." See *Swann* v. *Charlotte-Mecklenburg Board of Education*, No. 281; *Youngblood* v. *Board of Public Instruction*, 430 F. 2d 625, 630 (CA5 1970). Any other approach would freeze the status quo that is the very target of all desegregation processes.

Nor is the board's plan barred by Title IV of the Civil Rights Act of 1964. The sections relied upon by respondents (42 U.S.C. §§ 2000c (b), 2000c–6) are directed only at federal officials and are designed simply to foreclose any interpretation of the Act as expanding the powers of federal officials to enforce the Equal Protection Clause. *Swann*, *ante*, at 13. Title IV clearly does not restrict state school authorities in the exercise of their discretionary powers to assign students within their school systems.

Reversed.

FOOTNOTES

[1] It may well be that the Board of Education adopted the present student-assignment plan because of urgings of federal officials and fear of losing federal financial assistance. The state trial court, however, made no findings on these matters. No federal officials are parties in this case.

[2] Where the distance between the student's residence and his assigned school is more than 1½ miles, free transportation is provided. There is no challenge here to the feasibility of the transportation provisions of the plan. The annual transportation expenses of the present plan are reported in the record to be $11,070 less than the school system spent on transportation during the 1968–1969 school year under dual operation.

ADDITIONAL NAMES TO BE ADDED TO THE SOCIAL SECURITY HONOR ROLL

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Massachusetts (Mr. BURKE) is recognized for 5 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, I include at this point additional names to be added to the Social Security Honor Roll that appeared on page 10993 of the CONGRESSIONAL RECORD on April 20, 1971. This distinguished list of colleagues have joined with me in cosponsoring legislation to provide for a 50-percent across-the-board increase in social security benefits thereunder, with the resulting benefit cost being borne equally by employers and employees and the Federal Government, and to raise the amount of outside earnings which the beneficiary may have without suffering a deduction from his benefits up to $3,000.

Mr. Speaker, this bill is long overdue. The present recipients of social security are frozen into a rather miserable position with inadequate checks. What does a 50-percent increase on $70 a month mean? It just means that the benefits will be increased to $105. If he is receiving $90 per month, it will go up to $135 per month. This, to me, seems to be a very meager amount.

Mr. Speaker, I include at this point in the RECORD the additional names to the honor roll:

SOCIAL SECURITY HONOR ROLL

John Dent of Pennsylvania.
James Corman of California.
Hale Boggs of Louisiana.
Dominick Daniels of New Jersey.
Peter Rodino of New Jersey.
Peter Kyros of Maine.
Mr. Thompson of New Jersey.
William Cotter of Connecticut.
Cornelius E. Gallagher of New Jersey.
Robert Roe of New Jersey.
Bella Abzug of New York.
Louis Stokes of Ohio.
John Kluczynski of Illinois.
Melvin Price of Illinois.

DO NOT RUSH TO EMBRACE RED CHINA

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the rush to embrace Red China may not be in the best interests of the United States and our allies. Since World War II the Red Chinese have made it very clear that they consider us their primary enemy. They invaded North Korea when our forces were engaged there and killed and wounded thousands of Americans. They are providing most of the weapons which are being used by the North Vietnamese and Vietcong against our forces in Indochina. They are inciting rebellion against constituted authority throughout Southeast Asia.

It is scarcely fitting to disregard all of this in return for an invitation to play ping-pong. It must be assumed that Red China wants something, and wants it badly. They want us out of South Vietnam. They want us to turn our backs on the Chinese Nationalists, who have been our staunch friends. They want to be a member of the United Nations. They are apprehensive about their own relations with Russia. These are reasons enough to seek new friendships. But let them first demonstrate they are sufficiently concerned to show real changes in policy. Then there will be time enough and reason enough to consider a closer relationship with Red China.

ADMINISTRATION INFRINGEMENT OF CIVIL LIBERTIES REJECTED

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, there exists in this Nation a very real concern regarding the protection and security of our civil liberties. Numerous events have cultivated this concern—the surveillance of civilians by the Army, the burgeoning outreach of the FBI regarding political groups and individuals, the support by the administration of harsh and very probably unconstitutional measures such as pretrial detention and no-knock entry.

Each of these activities, as well as others, has contributed to an atmosphere of repression, which in no way has been diminished by the spokesmen for the administration. The Vice President has made a profession of polemic. Supreme Court nominees have, at least in some instances, been far less noted for their espousal of civil liberties than for their so-called toughness.

The damage being done the basic precepts of this Nation is severe, I believe. An increasing alienation between the Government and the people is developing, and this can only bode ill. And, I must confess, I do not find the administration attempting to decrease that alienation either by speech or by action.

One of the most invidious policies which has emanated from the administration, via the Justice Department, has been the assertion by the Attorney General of the power to authorize wiretapping in internal security matters without a court order. The 1968 Omnibus Crime Control and Safe Streets Act empowered the Attorney General to tap telephones in national security cases with the approval of a court. The Attorney General contends that the President, acting through the Attorney General, possesses the "inherent" power to do whatever he deems "reasonable" to protect the security of the Nation, the absence of judicial authorization notwithstanding. One might expect these words in some other countries; certainly not in the Nation whose very foundation is interwoven with the Bill of Rights.

Fortunately, Judge George Edwards, of the Sixth U.S. Circuit Court of Appeals, has rejected the Attorney General's position. As Judge Edwards stated in his opinion, in *United States* v. *U.S. District Court*, No. 71–1105, on April 8, 1971:

> The government has not pointed to, and we do not find, one written phrase in the Constitution, in the statutory law, or in the case law of the United States, which exempts the President, the Attorney General or federal law enforcement from restrictions of the Fourth Amendment in the case at hand . . .

I will include the full text of Judge Edwards' holding at the end of this statement; I hope that my colleagues will take the time to read it and ponder its import.

It is a very sad day when we are forced to look to the courts for the salvation of our civil liberties, because the executive rejects them. I can think of no more pernicious development than the apparent willingness to flout the Bill of Rights, or to cut corners to edge around it, because some in power deem that expedient. Nations survive because of the principles they cherish, not on the basis of those they sacrifice. These principles are not a matter of partisan politics; they are not rhetoric to be caught up in the verbiage of "conservatives" versus "liberals." They are uncompromising and immune to compromise.

I am today introducing legislation to bring into immediate operation the National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance. This Commission was established by the Omnibus Crime Control and Safe Streets Act of 1968, but its actual existence was to be delayed until 6 years after the enactment of that law. Last year, the delay was shortened to 5 years. The bill I am today introducing brings the Commission into actual existence as of July 1 of this year. The problem exists now; so too should the Commission designed to investigate the problem.

At this point, I am including the holding of the court in United States against U.S. District Court:

Holding of the Court

During more difficult times for the Republic than these, Benjamin Franklin said:

"They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety." [1]

It is the historic role of the Judicial to see that in periods of crisis, when the challenge to constitutional freedoms is the greatest, the Constitution of the United States remains the supreme law of our land. No one proclaimed this message with more force than did one of the first and one of the greatest Chief Justices of the United States. In *Marbury* v. *Madison*, 1 Cranch (5 U.S.) 137 (1803), Chief Justice Marshall spoke on constitutional supremacy:

"That the people have an original right to establish, for their future government, such principles as, in their opinion, shall most conduce to their own happiness, is the basis on which the whole American fabric has been erected. The exercise of this original right is a very great exertion; nor can it nor ought it to be frequently repeated. The principles, therefore, so established are deemed fundamental. And as the authority, from which they proceed, is supreme, and can seldom act, they are designed to be permanent.

"This original and supreme will organizes the government, and assigns to different departments their respective powers. It may either stop here; or establish certain limits not to be transcended by those departments.

* * * * *

Certainly all those who have framed written constitutions contemplate them as forming the fundamental and paramount law of the nation, and consequently the theory of every such government must be, that an act of the legislature repugnant to the constitution is void.

"This theory is essentially attached to a written constitution, and is consequently to be considered by this court as one of the fundamental principles of our society." *Marbury* v. *Madison, supra* at 68–69.

In the same opinion Chief Justice Marshall outlined the function of the courts in interpreting the Constitution:

"It is emphatically the province and duty of the judicial department to say what the law is. Those who apply the rule to particular cases, must of necessity expound and interpret that rule. If two laws conflict with each other, the courts must decide on the operation of each.

"So if a law be in opposition to the constitution: if both the law and the constitution apply to a particular case, so that the court must either decide that case conformably to the law, disregarding the constitution; or conformably to the constitution disregarding the law: the court must determine which of these conflicting rules governs the case. This is of the very essence of judicial duty.

"If then the courts are to regard the constitution; and the constitution is superior to any ordinary act of the legislature; the constitution, and not such ordinary act, must govern the case to which they both apply.

"Those then who controvert the principle that the constitution is to be considered, in court, as a paramount law, are reduced to the necessity of maintaining the courts must close their eyes on the constitution, and see only the law.

"This doctrine would subvert the very foundation of all written constitutions." *Marbury* v. *Madison, supra* at 70.

The government has not pointed to, and we do not find, one written phrase in the Constitution, in the statutory law, or in the case law of the United States, which exempts the President, the Attorney General, or federal law enforcement from the restrictions of the Fourth Amendment in the case at hand. It is clear to us that Congress in the Omnibus Crime Control & Safe Street Act of 1968, 18 U.S.C. § 2510 et seq. (Supp. V, 1965–69), refrained from attempting to convey to the President any power which he did not already possess.

Essentially, the government rests its case upon the inherent powers of the President as Chief of State to defend the existence of the State. We have already shown that this very claim was rejected by the Supreme Court in *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U.S. 579 (1952), and we shall not repeat its holding here.

An additional difficulty with the inherent power argument in the context of this case is that the Fourth Amendment was adopted in the immediate aftermath of abusive searches and seizures directed against American colonists under the sovereign and inherent powers of King George III. The United States Constitution was adopted to provide a check upon "sovereign" power. The creation of three coordinate branches of government by that Constitution was designed to require sharing in the administration of that awesome power.

It is strange, indeed, that in this case the traditional power of sovereigns like King George III should be invoked on behalf of an American President to defeat one of the fundamental freedoms for which the founders of this country overthrew King George's reign.

The argument for unrestricted employment of Presidential power to wiretap is basically an argument *in terrorem*. It suggests that constitutional government is too weak to survive in a difficult world and urges worried judges and worried citizens to return to acceptance of the security of "sovereign" power. We are earnestly urged to believe that the awesome power sought for the Attorney General will always be used with discretion.

Obviously, even in very recent days, as we shall see, this has not always been the case. And the history of English-speaking peoples (to say nothing of others) is replete with answers. *See e.g., Entick* v. *Carrington*, 19 How. St. Tr. 1029 (1765). In *Marcus* v. *Search Warrant*, 367 U.S. 717 (1961), the opinion for the United States Supreme Court summarized the long history of the English striving for freedom of expression and press and noted:

"Historically the struggle for freedom of speech and press in England was bound up with the issue of the scope of the search and seizure power." *Marcus* v. *Search Warrant, supra* at 724.

The Court also pointed out that as early as the 1760's Lord Camden had denounced a " 'discretionary power given to messengers to search wherever their suspicions may chance to fall. If such a power is truly invested in a secretary of state, and he can delegate this power, it certainly may affect the person and property of every man in this kingdom, and is totally subversive of the liberty of the subject.' Id., 1167 [*Wilkes* v. *Wood*, 19 How. St. Tr. 1153]." *Marcus* v. *Search Warrant, supra* at 729.

The Court's opinion concluded:

"This history was, of course, part of the intellectual matrix within which our own constitutional fabric was shaped. The Bill of Rights was fashioned against the background of knowledge that unrestricted power of search and seizure could also be an instrument for stifling liberty of expression. For the serious hazard of suppression of innocent expression inhered in the discretion confided in the officers authorized to exercise the power." Id. at 729.

That which has distinguished the United States of America in the history of the world has been its constitutional protection of individual liberty. It is this which has created the wonderful diversity of this great country and its many and varied opportunities. It is this which has created Justice Holmes' free market-place of ideas from which have come our most signal advances in scientific and technological achievement and in social progress. Beyond doubt the First Amendment is the cornerstone of American freedom. The Fourth Amendment stands as guardian of the First.

Of course, it should be noted that the Fourth Amendment's judicial review requirements do not prohibit the President from defending the existence of the state. Nor does the Fourth Amendment require that law enforcement officials be deprived of electronic surveillance. What the Fourth Amendment does is to establish the method they must follow.

If, as the government asserts, following that method poses security problems (because an indiscrete or corruptible judge or court employee might betray the proposed investigation) then surely the answer is to take steps to refine the method and eliminate the problems. No one could be in better position to help the courts accomplish this goal than the Attorney General.

If there be a need for increased security in the presentation of certain applications for search warrant in the federal court, these are administrative problems amenable to solution through the Chief Justice of the United States and the United States Judicial Conference and its affiliated judicial organizations. The inclination of the judiciary to meet the practical problems of enforcement in this area is evidenced in the specific holding of this court and the United States

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[1] *Historical Review of Pennsylvania* cited in J. Bartlett, Bartlett's Familiar Quotations 227 (C. Morley & L. Everett ed. 1951).

Supreme Court in *United States* v. *Osborn*, 350 F.2d 497 (6th Cir. 1965), *aff'd*, 385 U.S. 323 (1966), and in the dictum in *Katz* v. *United States*, 389 U.S. 347 (1967), upon which the search warrant terms of the Omnibus Crime Control & Safe Streets Act § 2516 were largely based. Congress clearly conceived situations so delicate that, for example, the Attorney General might seek his warrant for a search from the Chief Judge of the appropriate United States Court of Appeals. 18 U.S.C. § 2510 (Supp. V, 1965–69). So do we. But what we cannot conceive is that in the midst of the turmoil of the present day, the courts of the United States should suspend an important principle of the Constitution. The very nature of our government requires us to defend our nation with the tools which a free society has created and proclaimed and which, indeed, are justification for its existence.

We hold that in dealing with the threat of domestic subversion, the Executive Branch of our government, including the Attorney General and the law enforcement agents of the United States, is subject to the limitations of the Fourth Amendment to the Constitution when undertaking searches and seizures for oral communications by wire.

We seek to be equally explicit about what we do not decide in this case:

(1) We do not decide what the President of the United States can or cannot lawfully do under his constitutional powers as Commander-in-Chief of the Army and Navy to defend this country from attack, espionage or sabotage by forces or agents of a foreign power. As we have noted, the certificate filed by the Attorney General in this case makes no reference to and claims no reliance upon any such authority.

(2) We do not decide whether or not there were facts available to the Attorney General in this case which might have constituted probable cause for issuance of a prior warrant for the wiretaps under 18 U.S.C. § 2516 (Supp. V, 1965–69), or a susequent warrant (within 48 hours) as provided for by 18 U.S.C. § 2518(7) (Supp. V, 1965–69). This record indicates plainly that no such applications were made. Indeed, this record is devoid of any showing that any presentation of information under oath was ever made before, or any probable cause findings were ever entered by any administrative official—let alone any judge.

In our view, the *Clay* case (*United States* v. *Clay*, 430 F.2d 165 (5th Cir. 1970), *cert. granted*, limited to question 4, 39 U.S.L.W. 3297 (U.S. Jan. 11, 1971) (No. 783)) cannot appropriately be read as authority for warrantless wiretaps in domestic security cases. In that case the government did not contest the illegality of four separate domestic wiretaps made under the same inherent powers relied on in this case. The transcripts of defendant Clay's intercepted conversations were turned over to him by the Department of Justice. In one such instance the illegal wiretap was upon the telephone of the Rev. Martin Luther King, Jr. One wonders, if the inherent powers of the Presidency were broad enough to authorize the wiretaps in the first instance, how these wiretaps become concededly unconstitutional in court.

As to the "fifth" wiretap disclosed in the *Clay* case, the Attorney General's certificate said that it was "for the purpose of gathering foreign intelligence information." The Fifth Circuit did squarely hold that such foreign intelligence surveillance without judicial warrant was not a constitutional violation. This was the second issue on which certiorari was sought from the Supreme Court, but, as we have noted, the Supreme Court refused certiorari on this issue while granting certiorari on another unrelated matter.

In the case before us, however, the Attorney General's certificate makes clear that the wiretaps involved were thought to be warranted by domestic security problems. We have noted the special constitutional powers of the Presidency in foreign affairs which the Fifth Circuit thought justified his "gathering foreign intelligence information" without judicial warrant. Without passing on that issue, we reiterate that we have found no such specific constitutional authority to disregard the Fourth Amendment in domestic security cases like this one.

The last issue argued (this one by the government) concerns the order of disclosure of the overheard conversations. In effect the government contends that even though the District Judge found the interceptions to have been illegal, he should have determined *in camera* that they were not relevant to this case, and hence, not subject to disclosure. This very issue has been recently decided by the United States Supreme Court in *Alderman* v. *United States*, 394 U.S. 165 (1969). In this case the opinion of the Court said:

"An apparently innocent phrase, a chance remark, a reference to what appears to be a neutral person or event, the identity of a caller or the individual on the other end of a telephone, or even the manner of speaking or using words may have special significance to one who knows the more intimate facts of an accused's life. And yet that information may be wholly colorless and devoid of meaning to one less well acquainted with all relevant circumstances. Unavoidably, this is a matter of judgment, but in our view the task is too complex, and the margin for error too great, to rely wholly on the *in camera* judgment of the trial court to identify those records which might have contributed to the Government's case.

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"[I]f the hearings are to be more than a formality and petitioners not left entirely to reliance on government testimony, there should be turned over to them the records of those overheard conversations which the Government was not entitled to use in building its case against them." *Alderman* v. *United States, supra* at 182–83 (Footnotes omitted.)

In a subsequent but closely related case, the Supreme Court applied *Alderman* as giving the District Court *in camera* the right and duty to screen government files for the illegally intercepted conversations of a defendant and held unanimously:

"Here the defendant was entitled to see a transcript of his own conversations and nothing else. He had no right to rummage in government files." *Taglianetti* v. *United States*, 394 U.S. 316, 317 (1968).

Thus the Supreme Court held that all illegally intercepted conversations of a defendant must be made available to him, but that the District Judge may *in camera* ascertain which transcripts are covered by this ruling. Of course, in this case we have no problem concerning standing. The government concedes that Plamondon's own voice was intercepted and recorded and the District Judge and this court have held the interception to have been illegal.

We cannot agree with the dissent that Justice Stewart's concurring opinion in *United States* v. *Giordano*, 394 U.S. 310, 313–15 (1969), in any way weakened the disclosure requirement of *Alderman*. The full text of Justice Stewart's opinion makes it clear that the "preliminary determination" with which he was concerned was whether or not "any of the surveillances *did* violate the Fourth Amendment." This determination Justice Stewart held could be made by *in camera* inspection—as has been done in this case both by the District Judge and this court.

We believe that the Supreme Court has held that a defendant whose personal conversations have been illegally recorded is entitled to transcripts of the illegally recorded material without regard to whether a judge on inspection *in camera* might or might not be able to find relevancy. Nonetheless, we have considered remand of this case to the District Judge for an expression on the relevancy issue so as to have a complete appellate record. On inspection of the sealed exhibit in this case, however, we cannot (and we do not believe the District Judge could) ascertain with any certainty whether or not the government had derived prosecutorial benefits from this illegal search to which benefits defendant would have the right to object at trial under the doctrine of "the fruit of the poisonous tree." *Nardone* v. *United States*, 308 U.S. 338, 341 (1939); *Wong Sun* v. *United States*, 371 U.S. 471 (1963).

The dissent in this case makes this comment upon the sealed exhibit:

"The sealed exhibit, which contained only a few pages, was examined more than once by the members of this panel. The monitored conversations took place *subsequent* to the bombing and *after* the conspiracy alleged in the indictment had terminated. They did not relate in any way either to the conspiracy or to the substantive offense charged in the indictment, and would not be relevant or admissible at the trial; nor did they lead to any relevant and admissible evidence."

If this paragraph be read as carefully as it has been written, we have no reason to disagree. With all respect, however, we think two other facts need to be added before conclusions are drawn. First, the illegal interceptions occurred well before the indictments in this case were returned, and thus they could have been employed in the investigation which led to the indictments. Second, we have no way of knowing whether or not the government's investigation was materially aided by associations or leads developed from these conversations, regardless of whether or not the statement providing the lead appears on its face to be "admissible at the trial."

These considerations, of course, primarily affect this trial. Far more important, however, is the fact that disclosure may well prove to be the only effective protection against illegal wiretapping available to defend the Fourth Amendment rights of the American public.

For these reasons, we hold that the District Judge properly found that the conversations of defendant Plamondon were illegally intercepted, and we cannot hold that his disclosure order (as interpreted below) is an abuse of judicial discretion.

In perhaps an excess of caution, we note that we read the District Judge's disclosure order as limited solely to the transcripts and dates of defendant Plamondon's illegally intercepted telephone conversations. (*See Taglianetti* v. *United States, supra*).[2]

The petition for writ of mandamus is denied.

DAV DAY IN CONGRESS—PRINTING OF REMARKS OF MEMBERS

(Mr. HORTON asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HORTON. Mr. Speaker, it is my intention to have reprints made of the remarks made in the House of Representatives by all Members on "DAV Day in Congress." If any Member objects to the reprinting of his remarks in booklet form, please contact my office or the CONGRESSIONAL RECORD Clerk at the Capitol within 5 days. This statement is being made in order to comply with the rules of the Joint Committee on Printing in respect to the reprinting of remarks of other Members of Congress.

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[2] In the unlikely event that this interpretation of the District Judge's order proves erroneous, the government may seek relief from any broader order by filing a motion under Rule 40, FED. R. APP. P.

LEST WE FORGET

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, in a land of progress and prosperity, it is often easy to assume an "out-of-sight, out-of-mind" attitude about matters which are not consistently brought to our attention. The fact exists that today more than 1,550 American servicemen are listed as prisoners or missing in Southeast Asia. The wives, children, and parents of these men have not forgotten, and I would hope that my colleagues in Congress and our countrymen across America will not neglect the fact that all men are not free for as long as one of our number is enslaved.

Capt. John Galbreath Dunn, U.S. Army, [redacted], Hutchinson, Kans. Married. The son of Mr. and Mrs. Harry H. Dunn, Hutchinson, Kans. 1965 graduate of the Univesity of Kansas. Officially listed as captured March 18, 1968. As of today, Captain Dunn has been detained in Southeast Asia for 1,129 days.

MCPL STUDY ON FOREIGN AID PROGRAMS

(Mr. MORSE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MORSE. Mr. Speaker, while I was chairman of the Members of Congress for Peace Through Law during the 91st Congress, a development committee was created and placed under the leadership of my colleague, the gentleman from Iowa (Mr. CULVER). His committee has recently issued a report on American foreign assistance programs which examines in detail the proposals that have been advanced for their reorganization. Issuance of the study now is especially timely in view of the administration's legislative proposals to the Congress which were received today. I would, therefore, like to make it available to my colleagues who I am sure will find it extremely useful in their consideration of the reform legislation this year.

FOREIGN AID FOR THE SECOND DEVELOPMENT DECADE: AN MCPL REPORT ON THE FOREIGN AID REORGANIZATION OF 1971

(Prepared by the Development Committee, 91st Congress, John C. Culver, chairman, Members of Congress for Peace Through Law, Washington, D.C.)

INTRODUCTION

Profound, fundamental revolutions against the tyranny of poverty, affecting two-thirds of the people of the earth will continue into the foreseeable future. The United States cannot and should not seek to prevent these political, social and economic changes it helped to unleash by its own example of revolutionary development of the last two hundred years. Although they may wish to be detached observers, Americans must understand that they will be directly affected by the struggles of the peoples of the less developed countries to radically improve the quality of their lives.

Much to the chagrin of some of its strongest supporters, American foreign assistance has frequently been an instrument of foreign policy designed to achieve short-term objectives—objectives which often include support for an unviable *status quo,* a policy motivated by a fear of change rather than a recognition that rapid change is a way of life in our dynamic twentieth century world. Relatively unimportant events like *coup d'etats* and other unscheduled changes of governments, have overshadowed the more significant social revolution which the United States must help, rather than hinder, with its foreign aid.

Whether American participation in development efforts has such a positive influence will be determined in significant part by its foreign assistance policies. If the United States is to assist in shaping the outcome of the world-wide revolution instead of being overwhelmed by its tides of change, sophisticated, innovative, sometimes daring use of foreign aid will be essential.

The post-World War II experience upon which present aid programs are based has been overtaken by events and conditions of the 1960's. During this year of major review of foreign aid, the Congress will have an unprecedented opportunity to alter American foreign assistance efforts in the light of the first decade of experience with the complex problems of political and economic development of poor nations of the world. Only with the establishment of the Development Loan Fund during the Eisenhower Administration, did the United States begin to grapple with development problems of the Third World. The lessons learned during the Marshall Plan and the security-oriented assistance programs of the 1950's are only partially relevant to the more intractable problems of the Second Development Decade and beyond.

MCPL STUDY

The Members of Congress for Peace Through Law conducted a survey of corporate, academic, and other national leaders' opinions on the rationale and structure of foreign assistance policies. Despite all the stresses foreign aid undergoes in Congress, one remarkable finding of the survey was the conviction that aid should be continued and that the downward trend of U.S. aid contributions should be reversed during these early years of the Second Development Decade. The reasons expressed for continued aid-giving ranged from the moral to the political, from the conviction that the richest nation on earth should assist those less fortunate, to the political judgment that international order will be impossible in a stratified world of a few rich peoples and many poor ones.

The moral commitment to American foreign assistance was clearly demonstrated by spontaneous relief efforts to assist victims of natural disasters in China, Japan, India and other parts of the world well before any formal foreign aid programs were undertaken by the government of the United States. Although political pressures often overshadow moral considerations, the belief that the world's richest nation should assist other peoples' efforts to improve the quality of their lives is deeply imbedded in the Judeo-Christian traditions of this country.

A variety of political reasons for supporting foreign assistance also appeared in the MCPL survey responses. They ranged from long term objectives for international political stability to more immediate foreign policy considerations. For long term international stability, respondents to the questionnaire recognized that the United States could not remain an island of plenty in a sea of poverty without suffering serious international challenges to its own security in the shrinking world of the twentieth century. They recognize that the disparity in income between the United States and the less developed world is widening at an increasingly rapid rate. Although debate continues over the merits of the use of foreign assistance to secure short term political goals, sophisticated observers discount the utility of aid as a device for winning friends, securing votes at the UN or countering the Soviet Union's initiatives in less developed countries. In the long run, it was generally agreed by the respondents that aid can, if wisely used, and despite some short-term instability, help to bring about changes in less developed countries which will lead ultimately to greater prospects for future political stability. In short, there is a recognition that nothing is as unstable as meaningful social change, but these temporary dislocations should be considered in the perspective of a larger development time frame. In addition, it is widely believed that military, security and supporting assistance can also help nations defend themselves when threatened by foreign aggression if the security of those nations is important to the United States, and if it is not improperly used to suppress legitimate internal forces for change.

Some business observers in the survey emphasized that one of the immediate benefits of economic assistance to the United States is an increase in the productivity and export capacity of less developed countries which enables them to earn the hard currency with which to purchase American goods and services. Investors also recognized that only with the development of a solid infrastructure of trained personnel, transport systems, financial institutions and government facilities, do less developed countries become attractive places for investment in non-extractive industries. As nations overcome the initial obstacles to foreign investment, the demand for American capital and technology increases. The leaders of capital importing nations are more likely to offer a hospitable climate for foreign investment, which will increase the probability of long-term acceptance, if enlightened and innovative arrangements have been made to accommodate host country participation and interests.

Respondents recognized that the debt servicing problem for less developed countries may well be one of the most important underlying factors in the success or failure of foreign assistance. A crisis in debt servicing is about to overtake all development efforts and the United States Congress must face this problem squarely. In a few years, debt repayments may equal or exceed inflows of foreign assistance. The causes of this crisis are numerous and complex. Unless a solution is found, through increased aid, debt rescheduling, or other measures, development efforts will be disastrously impeded.

It was freely acknowledged that some peoples in the United States have "development" problems and needs as severe as residents of less developed countries. It is widely recognized that the needs of American Indians, Black Americans, Spanish-Americans and other groups in need of assistance correctly receive a higher national priority than recipients of foreign assistance, but it must be clearly understood that these national and international development goals are not mutually exclusive undertakings. They do not compete for funds only against each other; rather, their priority is established among all of the competing demands on the national budget.

NEW AID PROPOSALS

The Nixon Administration has indicated that it will soon send new authorizing legislation for foreign assistance to Congress to replace the Foreign Assistance Act of 1961. The Administration will ask for the establishment of three new structures to formulate, administer, and coordinate economic assistance. Unlike the present Foreign Assistance Act, separate legislation will be presented for economic and military assistance, but the Administration will attempt to have all bills considered by the Senate Foreign Relations and House Foreign Affairs Committees. This latest series of changes in recommendations for foreign assistance is the outgrowth of reports prepared by several public and private commissions who have recently completed studies of foreign assistance.

This MCPL study identifies the most significant of these reports, surveys their basic recommendations, and examines some of the implications of those proposals for American foreign assistance efforts and for American foreign policy in the light of the experience of the past decade and the revolutionary requirements of the Second Development Decade.

It is significant to note that, although each report makes critical comments about the present aid program, each recommends the continuation of American foreign assistance efforts and a reversal of the downward trend in American foreign aid flows. The reports did not agree on a general level for aid spending; the most prominent among U.S. domestic studies, the Peterson Task Force report to the President, specifically refraining from adhering to the one percent of GNP spending level recommended by most development assistance economists and the United Nations.

The reports did agree on the desirability of increasing the flow of American foreign aid through multilateral channels and providing bilateral aid within a framework established by international organizations in consultation with recipient natons.

PEARSON REPORT

The most comprehensive of the recent series of aid studies is the product of a commission appointed by World Bank President Robert MacNamara, chaired by Lester Pearson of Canada and commonly referred to as the Pearson Commission. Entitled *Partners in Development*,[1] the report contains a series of specific recommendations and general policy guidelines for the consideration of aid donors and recipients. It is also a good, quick reference source for data on current status of the development assistance field.

The Pearson Commission recommended:

1. The removal of some obstacles to the exports of less developed nations and the promotion of greater stability of conditions for direct foreign investment in order to provide a basis for an equitable, productive framework for world trade beneficial to all nations.

2. The establishment of a goal for development assistance aimed at helping the developing countries reach a path of self-sustained growth at a level of six percent growth per annum. A volume of aid approximately equal to one percent of the GNP of the more developed nations will be necessary to meet this goal.

3—Redirection of technical assistance programs to meet the demonstrated needs of the less developed countries, especially in the areas of agriculture, education, and population growth. Technical assistance also needs to be more carefully coordinated with capital assistance projects.

4—Strengthening the multilateral aid system through the use of international organizations as leaders in establishing the framework and channels for development assistance. The share of multilateral aid flow should be raised from its present level of ten percent to a minimum of twenty percent of the official flow by 1975.

JACKSON REPORT

An examination of the development capabilities of the United Nations System was undertaken by a commission chaired by Sir RGA Jackson.[2] The United Nations Development Program maintains its own aid activities in the form of pre-investment surveys and projects. It also attempts to coordinate the development activities of the specialized agencies of the United Nations (WHO, FAO, UNESCO, etc.). The UNDP could have an extremely useful, complementary relationship with the capital lending activities of the World Bank Group and with bilateral programs, but it has been relatively ineffective. The Jackson Report:

1—Explains the reasons for this ineffectiveness and recommends organizational changes designed to improve operational capability.

2—Examines the basic causes of the UNDP's problems in delivering effective, efficient development assistance beginning with project formulation itself. Projects are often more the result of salesmanship on the part of the Specialized Agencies than rational, coordinated calculations of development priorities and needs. Coordination problems in the field and within the UN budgetary and administrative system itself, plus the normal politics of an international organization exacerbate the difficulties.

3—States that, "The World Bank Group should be the chief arm of the UN system in the field of capital investment, while the UNDP should perform the same function for basic technical cooperation and pre-investment." The Commission proposed several basic modifications of the UNDP.

4—Suggests that, "the introduction of a programming method which would enable all inputs from the UN development system to be programmed comprehensively at one time in a program corresponding to the needs and duration of each country's national development plan." Implementation of such a suggestion would be inhibited by the sometimes conflicting interests of independent, sovereign Specialized Agencies, the political conditions of an international organization, the opinions of major donor governments and development priorities of member nations.

5—Recommended reforms which "should combine greater control at the center with maximum decentralization to the field level, where the authority of the Resident Representative should be greatly strengthened."

The UNDP is in the process of implementing some of the recommendations of the Jackson Commission. If the United States is to continue to increase its donations to multilateral organizations, UNDP reorganization efforts must be successful.

PETERSON REPORT

In response to an Amendment to the Foreign Assistance Act, President Nixon appointed a Task Force to examine U.S. foreign economic and military assistance programs. Rudolph A. Peterson, President of the Bank of America, was chairman of the Task Force.[3]

The report of the Peterson Commission has provided the basis upon which the Administration has developed legislative proposals for the reorganization of American foreign assistance programs.

Task forces from the Department of State, AID and the National Security Council accepted the basic principles of the Peterson Commission recommendations and have almost completed the task of constructing organizational structures and operating directives to carry out the new aid programs.

The major recommendations of the Peterson Report are in consonance with the Pearson Report, Jackson Report, and most of the other public and private proposals concerning foreign assistance, with the notable exception of Peterson's reluctance to specify an aid target of one percent of GNP per year.

The Peterson Report affirms that:

1—The "U.S. has a profound national interest in cooperating with developing countries in their efforts to improve conditions of life in their societies."

2—The U.S. should not look for gratitude or votes, or any specific short-term foreign policy gains from our participation in international development. Nor should it expect to influence others to adopt U.S. cultural values or institutions. Neither can it assume that development will necessarily bring political stability. Development implies change—political and social, as well as economic—and such change for a time, may be disruptive.

Recognition of the burdens and limitations of bilateral aid diplomacy lays the ground for recommendations to increase the multilateral flow of the United States.

Each of the study groups and many public officials and private persons in the U.S. and the developing countries have advocated the increased use of multilateral channels for planning and administration of development assistance programs. Although there is a division of opinion about the degree to which the U.S. should give development assistance through the World Bank Group, the United Nations System and other international bodies, the Peterson Task Force recommended a new emphasis on multilateral assistance in which:

3—the developing countries stand at the center of international development efforts, establishing their own priorities and receiving assistance in relation to the efforts they are making on their own behalf;

4—the international lending institutions become the major channel for development assistance; and

5—U.S. bilateral assistance is provided largely within a framework set by the international organizations.

ADMINISTRATION PROPOSALS

The President will recommend a large increase in U.S. multilateral aid contributions with the World Bank Group and the Inter-American Development Bank receiving the bulk of the increase. It will be necessary for other developed nations to increase their donations through these channels or the United States will be contributing a disproportionate share of the budgets of the multilateral agencies.

To implement its recommendations, the Peterson Task Force proposed a new institutional structure for American foreign assistance consisting of two new agencies coordinated by a White House Council.

An International Development Corporation offering capital development loans and related technical assistance is one of the proposed structures. Capital loans are to be given within a framework established by the multilateral agencies in consultation with recipient nations.

The Administration will seek assured sources of financing for the Corporation, including authority to borrow in the public capital market. The IDC will have:

1—"A range of lending terms appropriate to the development requirements of each borrowing country."

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[1] Lester B. Pearson. *Partners in Development*. New York, Praeger, 1969.

[2] RGA Jackson. *A study of the Capacity of the United Nations Development System.* Two volumes. United Nations; Geneva, 1969.

[3] Rudolph A. Peterson. *U.S. Foreign Assistance in the 1970's: A New Approach*. Washington, D.C.; Government Printing Office, 1970.

2—The Corporation, unlike AID, will not be a lender of last resort, but should seek more high-priority capital investments.

3—The IDC will have little field staff of its own, reminiscent of the Development Loan Fund operations, and will consequently have to rely on the World Bank Field missions.

The Peterson Report also called for the establishment of an International Development Institute, "to seek new breakthroughs in the application of science and technology to resources and processes critical to developing nations." The IDI would:

1—Be established on a long term basis and be designed to concentrate on research, training and population problems and social and civic development.

2—Have both a permanent staff of the Institute and private contractors who would undertake research, training and other technical assistance activities.

The Institute will need a field staff to keep the research and development personnel in touch with the realities of the needs of developing nations.

The Peterson Report also recommended that coordination of all foreign assistance agencies, IDC, IDI and OPIC, be carried out in an International Development Council.

1. The chairman of the Council would be an appointee of the President and would operate under the broad foreign policy guidance of the Secretary of State, as the Administrator of Aid does under the current structure.

2. A subcommittee of the newly established Council on International Economic Policy will coordinate aid with trade, investment, and foreign policy.

The final basic change advocated by the Peterson Task Force was the separation of military and economic assistance legislation. The debate over the merits of this proposal has been going on for some time. The administration of military assistance and military sales programs will remain in the Department of Defense, while the Department of State will continue to administer supporting assistance, but unlike the Foreign Assistance Act, the new programs will be presented in two separate authorization and appropriations bills.

SOME IMPLICATIONS OF REORGANIZATION PROPOSALS

The recommendations of the Peterson Commission create a series of issues which Congress will need to consider as it acts upon Administration proposals.

LEVEL OF SPENDING FOR FOREIGN AID

If aid budgets are reduced much more than the current levels, the organizational changes will make little difference and the viability of the institutions proposed by the Peterson Task Force would be questionable.

MULTILATERAL PARTICIPATION

The Administration proposals to shift a large portion of American aid contributions to international institutions have serious implications.

1—An international institution has, because of the sovereignty of its members, certain limitations on its activities. The Executive Directors of the World Bank and the Ambassadors to the United Nations are frequently in position to effectively object to activities which they consider to be interference in the internal affairs of their nation in violation of the Articles of Agreement of the World Bank or the Charter of the United Nations.

Recipient representatives would strenuously object to an international aid agency's attempts to demand fundamental changes in the social or economic conditions in their nation which could threaten the established government. Without overstating the case, it is not difficult to understand how an international agency could reinforce the *status quo* in recipient nations and become a conservative force in a revolutionary world.

On this point, the fundamental difference between a bilateral and multilateral agency is that the aid policy parameters on the bilateral donor are established by its own government's bargaining power, not by the government of the recipient.

Although, at present, the ability and willingness of some bilateral donors to foster fundamental change in recipient nations may not be as great as the World Bank's, it is necessary to carefully consider the implications of international organizations becoming the predominant conduit for foreign assistance flows.

2—An increased flow of financial resources through the World Bank Group will change those institutions. The staff will have to be increased, a measure which may affect its quality, and important decisions about projects and programs will shift to lower levels of responsibility. Informed observers disagree about the effects of these changes on the performance of the Bank.

3—As the Bank becomes the leading, and most visible, lender, with more of its personnel in the field, it may well become the object of some of the unfavorable attention formerly reserved for U.S. AID. Its personnel will be in the position of making sometimes unpopular recommendations and demands on government officials in the less developed countries.

Given the voting structure of the Bank, the nationality of its presidents and other personnel, and its physical location, an increase in the American contributions could foster the belief that the Bank was another quasi-American organization. For this reason, and because Congress has been understandably reluctant to allow the United States to pay an unfairly disproportionate share of international organizations' budgets, the willingness of the other donor nations to increase their bank flows becomes critical to the success of the Administration's proposals and the continued success of the World Bank Group.

4—As the Bank becomes a principal conduit for American aid its operations will inevitably come under much more careful Congressional scrutiny. Politically questionable or financially risky projects, bad loans, scandals and misuse of funds will provoke Congressional criticism formerly reserved for AID.

5—Congress has always been concerned with its responsibility to account for the use of funds appropriated for foreign assistance. When funds are given to international organizations, the ability to check on the use of the money will be severely curtailed. There may be some question about the willingness of the Congress to consistently appropriate funds for which inadequate end-use checking is available.

6—One other characteristic of some international institutions is the tendency for members to participate in logrolling exercises during the consideration of funding for development projects. Although this phenomenon is not confined to international political bodies, bilateral programs are not as susceptible to the particular distortions of development priorities.

7—Finally, the level of professional competence among the staff of development institutions varies greatly. The World Bank Group has a fine, professional staff, but some of the other younger regional institutions have not yet come up to the high standards demanded of professionals in the complex field of development finance and economic planning.

COORDINATION

Sophisticated observers of the development process have expressed grave reservations about the coordination problems which may be created by the disestablishment of a unified U.S. agency and its replacement with multiple structures. Coordination in the formulation and execution of development programs is of paramount importance if scarce resources, human and financial, are not to be wasted.

1—Technical and capital assistance must be carefully coordinated with investment and trade policy. In this new structure, different agencies will have jurisdiction over these parts of the whole foreign assistance system. They will have to be coordinated, whether it be through a specified structure or a series of *ad hoc* arrangements and informal procedures worked out by operating personnel.

2—It will be incumbent upon the Congress to determine, in as much detail as possible, exactly how the new agencies will coordinate their operational research, and political activities with each other and with other agencies involved in the formation and conduct of American foreign relations. The crucial role of the Treasury, which has had a virtual veto over foreign aid expenditures, should be especially noted.

SEPARATION OF MILITARY AND ECONOMIC ASSISTANCE

Some Congressional leaders believe that economic assistance would have serious difficulty politically if it is separated from the military assistance programs; however, others argue that the recent criticisms of defense policies result in the political climate changing so as to favor a separate economic assistance proposal.

LONG-TERM AUTHORIZATION

Proposals for long-term, as opposed to yearly authorizations, for the International Development Institute and the International Development Corporation could provoke adverse Congressional reactions. It is argued by some that multi-year funding denies to the Congress sufficient opportunity to perform effectively its oversight functions. On the other hand, it has been suggested that a long-term authorization will improve the ability of the Congress to examine and influence the operations and policies of the foreign assistance agencies.

SUMMARY

In short, some of the most important points for the consideration of Congress are: (1) the level of spending for foreign assistance and the quality of flows from the United States; (2) the problems of coordination raised by the establishment of three agencies to administer aid programs currently undertaken by AID; (3) the implications of the changes resulting from increased multilateral contributions; (4) the possibility that separation of military and development assistance wil jeopardize development assistance legislation; and (5) the effect of multi-year authorizations on Congressional oversight functions.

The Development Committee of the Members of Congress for Peace Through Law hopes that each member carefully evaluates the role of American foreign aid for the Second Development Decade and examines the effects of the Administration's foreign aid recommendations in the light of that evaluation. Foreign assistance, like many aspects of foreign affairs, does not have a large, interested voting constituency, it does not consume a substantial portion of the national budget; but foreign assistance can be a vital part of American efforts to secure a more stable, prosperous future for all peoples. It is imperative that the very real national interests that are served by an effective program of foreign assistance be conveyed to the American people. This will require the abandonment of the false rationale and short-sighted political pronouncements that have characterized the avowed purpose of U.S. foreign assistance in the past, and replacement by a new era of enlightened educational initiatives, more effective mobilization of concerned constituencies and above all, more courageous leadership on this vital matter from both the Executive and Legislative branches of our government.

INSTITUTIONS OF DEVELOPMENT ASSISTANCE: BILATERAL AND MULTILATERAL

	Purpose	1972 budget estimate (millions)	Legal authority	Committee jurisdiction
U.S. agencies:				
International Development Corporation [1]	Concessional loans to ldc's in which United States has long-term interest.	$655.0	Pending	HCFA/SCFR.
International Development Institute [1]	Technical assistance, research and development for application to ldc's.	397.0	do	HCFA/SCFR.
Inter-American Social Development Institute.	Promote social and civic development through nonprofit organizations.	7.2	Foreign Assistance Act	HCFA/SCFR.
Food for Peace	Promote U.S. agricultural exports, humanitarian relief, some development activities.	962.0	Agricultural Trade and Development Act of 1954.	Agriculture.
Export-Import Bank	Export promotion by financing and guarantees	290.0	Export-Import Bank Act of 1945	Banking and Currency.
Overseas Private Investment Corporation	Investment guarantees and feasibility studies for American investment in ldc's.		Foreign Assistance Act of 1969	HCFA/SCFR.
International Development Council	Coordinate and promote development programs		Pending	HCFA/SCFR.
Peace Corps	Technical assistance, manpower for ldc's	71.0	Peace Corps Act of 1961	HCFA/SCFR.
Multilateral agencies:				
International Bank for Reconstruction and Development.	Capital development loans	[2] (246.0)	Bretton Woods Act, Articles of Agreement.	Banking and Currency/SCFR.
International Finance Corporation	Encourage growth of productive private enterprise—loans, participations.		International Finance Corporation Act of 1955.	Do.
International Development Association	Promote economic development by providing loans on easier terms than market or IBRD.	320.0	International Development Association Act of 1960.	Do.
Inter-American Development Bank Social Progress Trust Fund.	Promote economic development in Latin American members with loans.	[2] (500.0)	Inter-American Development Bank Act of 1959.	Do.
Asian Development Bank	Promote economic development in Asia with loans	40.0	Asian Development Bank Act of 1966	Do.
United Nations development program	Coordinate United Nations and specialized agency technical assistance operations and operate its own programs.	100.0	Foreign Assistance Act	HCFA/SCFR.

[1] Alliance for Progress budget included.

[2] Capital subscription.

THIRTY-TWO MEMBERS COSPONSOR BILL TO BAN SPORTS FROM CLOSED-CIRCUIT TELEVISION

(Mr. ASPIN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASPIN. Mr. Speaker, on April 2, a bipartisan group of 19 Congressmen joined me in cosponsoring the ban sports from closed-circuit television bill (H.R. 6718). Today, I am pleased to resubmit this legislation with 11 additional cosponsors, thus bringing the total in the House to 32 cosponsors.

This legislation would prohibit the production of sports over closed-circuit television whenever a sports event is of sufficient public interest for a TV station or network to want to broadcast the event. This ban would apply to all sports events of general interest, not just to "championship" events. Senator STEVENSON has introduced similar legislation in the Senate.

A list of the 32 House cosponsors follows:

Representative Bella Abzug of New York.

Representative Joseph Addabbo of New York.

Representative Les Aspin of Wisconsin.

Representative Herman Badillo of New York.

Representative Shirley Chisholm of New York.

Representative John H. Dent of Pennsylvania.

Representative William Jennings Bryan Dorn of South Carolina.

Representative Thomas N. Downing of Virginia.

Representative Don Edwards of California.

Representative O. C. Fisher of Texas.

Representative William Ford of Michigan.

Representative James Fulton of Tennessee.

Representative Ella T. Grasso of Connecticut.

Representative Seymour Halpern of New York.

Representative Lee Hamilton of Indiana.

Representative Michael Harrington of Massachusetts.

Representative Wayne L. Hays of Ohio.

Representative W. R. Hull, Jr. of Missouri.

Representative Robert L. Leggett of California.

Representative G. V. (Sonny) Montgomery of Mississippi.

Representative F. Bradford Morse of Massachusetts.

Representative John E. Moss of California.

Representative Edward J. Patten of New Jersey.

Representative Jerry L. Pettis of California.

Representative Roman C. Pucinski of Illinois.

Representative Benjamin S. Rosenthal of New York.

Representative William R. Roy of Kansas.

Representative Fernand J. St Germain of Rhode Island.

Representative Louis Stokes of Ohio.

Representative Guy Vander Jagt of Michigan.

Representative Victor V. Veysey of California.

Representative John M. Zwach of Minnesota.

The bill has been referred to the Interstate and Foreign Commerce Subcommittee on Communication, whose distinguished chairman is Representative MACDONALD of Massachusetts. While it is clear that the chairman's views concerning sports on closed-circuit television are quite different from my own, I applaud Mr. MACDONALD for recognizing the public and congressional interest in this issue, and for contributing to a dialog on it in a speech he gave in Memphis to the Southern CATV Association regional conversion on April 13.

The Washington Post article on Chairman MACDONALD's speech follows:

CLOSED CIRCUIT BAR RAPPED

(By Dave Brady)

Rep. Torbert H. Macdonald (D-Mass.) said yesterday in Memphis he saw no reason for Congress to bar sports events on closed circuit television because the Joe Frazier-Muhammad Ali fight turned out to be "very profitable" for the promoters.

The chairman of the House subcommittee on communications addressed the Southern CATV (community antenna television) Association regional convention and the speech was made available in Washington.

Macdonald said reaction by the media to the fight promotion "engendered more emotion than reason."

He continued, "I myself look upon the promoters as enterprising individuals who took a calculated risk in investing their money and who, from all indications, will make money in return.

"I see no cause for panic that closed circuit television will result in robbing the American public of the opportunity to see on so-called free television such important sports events as the Super Bowl and the World Series."

Macdonald recalled that, at hearings conducted by his subcommittee, baseball commissioner Bowie Kuhn and football commissioner Pete Rozelle assured the subcommittee they had no intention of turning those events into "studio sports."

The congressman reminded his audience in Memphis: "You should bear in mind that before heavyweight boxing championship fights had begun to appear on closed circuit television, boxing as a sport had almost disappeared from (home, or free) television."

"I vividly remember that in the early days of television, boxing was one of the most popular sports shown on the TV screen. But boxing wasn't lured off television by big money—rather the advertising support for it disappeared."

Again, while I disagree with the distinguished chairman's statements I feel he has raised cogent and important arguments. Because of the public and congressional interest in the issue of sports events on closed-circuit TV, I am hopeful that Mr. MACDONALD will hold hearings on this subject so that the arguments and proposals concerning the use of closed-circuit TV for the production of sports events can be adequately and publicly aired.

STRIP MINING

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, in the April issue of The Nation, Caudill, author of Night Comes to the Cumberlands, and one of this Nation's foremost authorities on the history, problems and potential of his native Appalachian mountains, writes about strip mining.

Caudill describes strip mining as "a land use that threatens to devour the continent in a single-benefit operation. Before most urbanized Americans are aware of what is happening, the land on which they depend may have been ruined past technology's capacity to restore it."

I commend Mr. Caudill's article to my colleagues, and ask that it be printed in the RECORD.

STRIP MINING—COAST TO COAST

(By Harry M. Caudill)

Some developments in recent weeks inspire a faint hope that at last—at the eleventh hour—this mineral-rich country may save itself from virtual ruin at the hands of strip miners. America is so abundantly endowed with ores and fuels, world demand for them is so great, and earth-moving technology is so efficient that strip mining—until recently associated primarily with coal and Appalachia—has become a reality or an imminent prospect for every state and nearly all counties. An ecological nightmare of unimaginable dimensions suddenly looms everywhere.

Since 1950, according to Census Bureau figures, the nation's population has swollen by more than one-third. During that time the land area has not grown by a single inch. On the contrary, the amount of land available for crops, forests, recreation and other uses has been effectively and permanently diminished. Highways, housing developments, shopping centers and man-made lakes are insatiable consumers of land, but they have the virtue of being continuously useful to large numbers of people. However, strip mining is a land use that threatens to devour the continent in a single-benefit operation. Before most urbanized Americans are aware of what is happening, the land on which they depend may have been ruined past technology's capacity to restore it.

From coast to coast the United States is marvelously blessed—or cursed—with valuable stones, clays, ores and solid fuels. Beneath the ancient and varied forests of Appalachia are gigantic coal beds, vast ledges of limestone and silica sand, iron ore, clays, marble, granite and such seldom mentioned substances as gneiss, grahamite and gibbsite. In Florida there are huge beds of phosphate. Georgia has kaolin and Texas and Wisconsin have iron fields. Coal is abundant across the Great Plains in West Kentucky, Illinois, Indiana, Missouri, Iowa and Kansas. It striates the hills of Colorado, alongside immense deposits of oil shale. Low-grade coal and lignite are found under hundreds of thousands of acres in Arizona, Utah and the Dakotas. California and Nevada boast of gold and silver; Arizona has copper. And nearly everywhere, sand and gravel can be scooped up for an endless variety of construction projects.

In short, something mineable can be found practically anywhere, and the pressure on natural resources is so great in our highly industrialized society that all of them are practically certain to be mined. These facts are of the gravest consequence to the nation.

The cheapest way to obtain solid-state minerals from the land is by strip mining. This revolution in the technology of earth moving has swept the world in the last two decades. A combination of nitrate fertilizer and diesel oil makes a cheap and potent substitute for dynamite. Some bulldozers now plow into the soil with blades 7 feet high, and near Cumberland, Ohio, a supercolossus looms over a devastated county like an all-consuming titan. It is "Big Muskie," the planet's largest earth-moving machine, with a boom 310 feet long and a bucket that lifts 325 tons at a gulp. Not far away in the same state slightly smaller machines, "The Gem of Egypt" and "The Silver Spade," work their way through wooded hills as easily as a hungry man devours a steak and potatoes.

In stripping, the overlying strata of soil and rock—and their flora and fauna—are blasted and shoved aside to expose the mineral. It is then loosened by explosions, lifted into trucks and hauled away. The effect on the ecology has been widely documented, but remains indescribable.

For example, in mountainous eastern Kentucky much stripping has been done for coal. A 1955–59 study by state and federal agencies compared two adjacent watersheds. The valley that remained in timber yielded 27.9 tons of silt per square mile annually. The other, which had been "disturbed" by stripping, flooded its silt basins with 30,000 tons of acid-reddened mud from each square mile!

In 1967 the Interior Department sent to Congress its little noted study, "Surface Mining and Our Environment." It reflected conditions as of January 1, 1965, when 3.2 million acres had already been surface mined. Hawaii claimed only 10 acres of stripped soil; at the other end of the scale, Pennsylvania reported a massive 370,202 acres. Coal and lignite accounted for 40 per cent of the total. An area equal to that of Connecticut had been devastated.

Congress disregarded the report and the last five years have seen an unprecedented mining boom. Today the equivalent of two Connecticuts lies as maimed as Flanders in 1917.

Half the states have no compulsory laws for reclaiming the land after the strippers have finished with it, and no state enactment approaches the strict, no-nonsense requirements of Germany and Great Britain. In such ravaged states as Kentucky, Tennessee, West Virginia and Ohio, enforcement is a farce in which the industries generally select the reclamation officers.

Surface mining kills every living plant and drives out, initially at least, all wild life. It pollutes water and permanently degrades it. Most important, perhaps, it produces unnerving ugliness.

Any serious national commitment to save our deteriorating environment would treat surface mining as an exceedingly grave problem. It would outlaw stripping where prompt and complete restoration of the land to its original and natural purpose cannot be achieved. It would require an industry to restore completely lands it is permitted to tear up, and would impose a severance tax on future mining to finance reclamation of America's ghastly backlog of plundered acreage.

The word that best fits the climate of West Virginia is "benign." Its mixed mesophytic forests have embraced and sheltered nearly all plant forms that the ancient ice shields pushed down from the north. Its 2,000 varieties of flowering plants make it a botanical wonderland without parallel anywhere outside the tropics. But all this profuse, interwoven and indescribably old web of life has been for twenty years under a brutal assault by corporations digging fuel for domestic and foreign electric power plants and steel mills, and for hundreds of chemical byproducts. The very life of the state is threatened by industrial processes that leave its splendid land as dead and piteous as the bloody carcass of a flayed lion.

West Virginia is fortunate, though, in that it has been adopted by two remarkable men whom voters have had the good sense to elect to public office. John D. Rockefeller IV—"Jay" to West Virginians—came to the state as a VISTA worker when Lyndon Johnson was building the Great Society. He stayed to serve a term in the state legislature and is now Secretary of State in the dingy capitol at Charleston. Unless his latest undertaking brings him to grief, this scion of New York's wealthiest family is likely to be elected governor as a Democrat in next year's election.

What he is attempting requires a breathtaking boldness. He has endorsed Sen. Si Galperin's bill to outlaw strip mining in the state "completely and forever," and has set off a political earthquake in the process. The bill challenges the state's vast absentee mining interests head-on in an "us-or-them" battle. Most West Virginians undoubtedly support the Rockefeller faction, but they are divided and generally inexperienced, whereas their opponents are tightly organized, unbelievably well heeled, ruthless and resourceful.

The first tactic of the mining cabal was to flood Charleston with lobbyists toting heavy satchels, and with hundreds of people who claim to make their living by strip mining. The strippers said that their activities employ 6,700 persons who support an additional 16,300 women and children. As the "abolitionists" promptly pointed out, these figures show the tiny stake West Virginians have in the industry that is wrecking their state. Even if the statistics are correct, only 1 per cent of the people derive economic benefits from stripping. Actually, if Galperin's bill becomes law, new deep mines will promptly provide employment for many times as many men—men now on welfare and food-stamp rolls. For another generation or so, Appalachian coal is an economic imperative which will have to be mined by other means if strip mining is banned as ecologically unacceptable.

The state's other good angel is its Congressman from the Fourth District, Ken Hechler, another New Yorker and a one-time college professor turned politician. Hechler brings a formidable background of achievement to the service of his constituency. In 1969 he fought through a reluctant Congress a stringent—but as yet unenforced—new federal mine safety bill. On February 18 he dropped into the legislative hopper a bill bearing the names of twenty-nine co-sponsors and designed to outlaw strip mining for coal totally and everywhere in the United States.

These bills will probably be crushed between the wheels of public apathy and industry alarm. In fact these two able and dedicated men may find themselves driven from public life by sustained, lavishly financed campaigns. In any event, their efforts provide some measure of the despair that grips intelligent people when they comprehend the immensity of the destruction being visited on their native soil.

The Nixon Administration has made some gestures toward control over this runaway industry, but they are so gutless as to inspire no fear among strippers and little support from conservationists. Amid an almost limitless outpouring of rhetoric concerning our deteriorating environment, the most serious of all such problems has been largely ignored. Now the true scope of our national peril is recognized by growing numbers of people in and out of office who are willing to lay everything on the line in a struggle for survival. They see, clearly and with horror, that our present methods of obtaining minerals is incompatible with timber growing, wildlife, farming, potable water, natural beauty, and continued human occupancy of mined areas. That a third of our coal, to name but one mineral, is extracted by this ruinous practice outlines the magnitude of our reliance upon it. But does a high standard of living built by such means represent progress in any real sense?

Ken Hechler's colleague, freshman Ohio Rep. John Seiberling answered the question this way: "The Romans created a desert and called it peace. We create a desert and call it progress." The desert Mr. Seiberling referred to is the only land Americans will ever have.

CAMPING RIGHTS FOR ANTIWAR VETERANS

(Mr. MITCHELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MITCHELL. Mr. Speaker, I was deeply distressed to hear of Chief Justice Warren E. Burger's decision to ban antiwar veterans from camping in the Mall during their week of protest against the war in Southeast Asia. I was disturbed to know that his action was taken in response to an emergency petition from the Justice Department.

How can the executive and judicial branches of our Government turn their backs on these young men who have fought valiantly in a war we now agree was a tragic mistake, but a war which is, nevertheless, our national policy in Southeast Asia? This I cannot answer. The action makes clear, however, that defense of the legitimate right of these veterans to express their opinions on the war which they know from the inside, is left up to the Congress.

These are our boys. They are veterans whom we laud with praise for their courage and patriotism. They are trying to tell us something about the war which we, sitting in our plush offices, do not know. Many of them have returned without limbs. All have been shaken by the hideous experience of combat. Do we want to shake their remaining faith in our Nation and our system? I fervently hope not.

All that the veterans are asking in return for their service to their country is to camp on the Mall and to be heard by their elected representatives. We have responsibility to listen to them although it may make us question our national priorities. We have an ultimate responsibility to stand by them whether or not we share their views.

I therefore urge my distinguished colleagues to voice their concern for the reversal of the U.S. Court of Appeals ruling which permits the veterans to camp on the Mall and to support, in every way possible, their right of free expression.

APRIL 20, 1971.

Hon. WARREN EARL BURGER,
Chief Justice of the United States, Supreme Court, Washington, D.C.:

Strongly object to reversal of U.S. Court of Appeals ruling which permits veterans to camp in Mall. Urge that Supreme Court favorably reconsider this action. We and other colleagues will join the veterans on the Mall at 4:30 p.m. in protest. If Supreme Court refuses to modify your order, we are prepared to open our offices as sleeping quarters for these patriotic young men who served their country well and now ask only to be heard.

Congressman Don Edwards is organizing the effort to convert Congressional offices into sleeping quarters for the veterans.

PARREN J. MITCHELL, M.C.
DON EDWARDS, M.C.

COLUMBUS DAY ESSAY WINNERS

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, recently the south Florida area was honored, as three young people received distinguished awards for their essays on Columbus Day. The National Columbus Day Committee sponsored the contest which was conducted in the Archdiocese of Miami. The recipients of these awards were: Paul Edwards and Arthur Proulx of St. John Vianney Minor Seminary and Eleanor Fournasier of Madonna Academy. These three young adults have, through their well written essays, described facets of Christopher Columbus that are very worthy of our attention. Once again our youth has afforded us an opportunity to view an important event in the history of this great country of ours through their eyes. We must listen to and recognize this view and so Mr. Speaker, I insert these three essays, as well as the attached article from the Voice, a Miami paper in the RECORD:

SEMINARIANS AMONG ESSAY WINNERS

Two St. John Vianney Seminary students and a senior at Madonna Academy in Hollywood are the winners in a pilot essay contest conducted in the Archdiocese of Miami by the National Columbus Day Committee.

A $100 U.S. Savings Bond was awarded to Arthur Proulx, 11th grade seminary student who is a son of Mrs. Florence Proulx, Bradenton, and is studying for the priesthood of the Diocese of St. Petersburg.

Eleanor Fournasier, a niece of Mr. and Mrs. M. Suarez, North Miami, was the second winner and the recipient of a $50 U.S. Savings Bond.

Paul Edwards, Archdiocese of Miami seminarian, and son of Mrs. Geraldine Finlen, Hialeah, received the third prize of a $25 U.S. Savings Bond.

Awards were presented during a dinner last Saturday evening at the Columbus Hotel by Mariano Lucca, national chairman of the National Columbus Day Committee.

Conducted this year in the secondary schools of the Archdiocese of Miami under the sponsorship of the Catholic Teachers' Guild, the contest will be inaugurated on a nationwide basis next year with a $2,000 scholarship provided for the winner.

In his essay on Christopher Columbus, Proulx described Columbus as "true man of God," and as a perfect example of "one who placed his entire fate in the Almighty's hands.

"When Columbus set sail he hadn't the slightest notion of what unknown dangers he would encounter. His only assurance was that his God, to whom he was so devoted, would be with him even to death."

CHRISTOPHER COLUMBUS

(By Arthur Proulx, Saint John Vianney Minor Seminary, Miami, Fla., first award)

Christopher Columbus has been a true inspiration for all men of adventurous spirit, since his fateful discovery five hundred years ago. This unique man will always be a symbol of adventure, courage, and devotion to God for all generations.

Columbus was a true man of God. He is a perfect example of one who placed his entire fate in the Almighty's hands. When Columbus set sail he hadn't the slightest notion of what unknown dangers he would encounter. His only assurance was that his God, to whom he was so devoted, would be with him even to death.

He has been described as a dynamic leader of men. When his crew became terrified of continuing the voyage, Columbus encouraged them. He managed to convince the crew that if they kept sailing they would reach land in a few days. A poor leader would not have been able to persuade a frightened group of sailors into continuing a voyage that seemed hopeless. His crew trusted his good judgment; if they had not, mutiny would have been easy.

He was an adventurous man. He left his family and friends to seek a new route to the East. He realized that he might never return, yet something in him told him that he must go.

It was this spirit of courage, adventure, and love for God that led Columbus into discovering a New World. By his inspiration others will be encouraged to discover new horizons, and thereby benefit all mankind.

CHRISTOPHER COLUMBUS—THE GREAT EXPLORER

(By Eleanor Fornasier, Madonna Academy, second award)

The year 1492 will certainly be remembered by everyone who gives any thought to history. The discovery of the New World by Christopher Columbus marks a milestone in the record of man's existence on the earth, yet it was accomplished by a simple Italian seaman who had comparatively little knowledge in astronomy and geometry. Many of Columbus' qualities show that he was an outstanding historical figure.

At a time when most everyone thought that the earth was flat, and that the sun and the moon revolved around it, Columbus reasoned that the earth was a sphere which revolved around the sun. He had the mind of the true scientist who refused to believe in accepted myths, but through the proven processes of investigation with scientific facts and experiments comes to a conclusion, and sets out to prove it, often risking his own life. As often happens with a man who has an original idea, Columbus was greatly ridiculed, and called a madman.

But Columbus was more than just scientific-minded. He was also a practical man. At this time some European countries were engaged in lucrative trade with the Orient. Many problems existed. The land caravans suffered great losses from bandits and hostile tribes, while the sea routes around the Cape of Good Hope were too long and perilous.

Columbus had a simple solution. If the world was round, then by sailing westward, he could reach the East. With this practical theory, he proposed to make his country the richest in the world.

Finding no support from his native land, he ventured to Spain where Queen Isabella supplied him with all that he needed for his eventful voyage. So again, like so many of history's great men, Columbus found support from a nation other than his own.

Columbus possessed all the qualities which make a truly great employer—courage, perseverance, initiative, and courage to support his beliefs in the face of ridicule.

There never will be an explorer quite like Christopher Columbus. It is true that the twentieth century space explorers are courageous men, but these men go into space with their vast resource of knowledge and precise instruments. Columbus, however, displayed true daring because he ventured into the sea with no idea of what lay ahead, and accomplished much more than he ever expected. His discovery of the New World in 1492 was a definite turning point in the history of western civilization.

THE PRAYER OF COLUMBUS

(By Paul E. Edwards, Saint John Vianney Minor Seminary, Miami, Fla., third award)

It would seem that Columbus composed this poetic prayer on his fourth journey. At that time, Columbus and his crew were forced to land at Jamaica. His ships were leaking badly from teredos (shipworms). The waterlogged Capitaina and Santiago were beached at Saint Ann's Day on June 25. There Columbus spent twelve months.

Columbus' prayer can be likened to the hundred and first Psalm of David. In Psalm 101, David cries out to God in his anguish and affliction. As David, Columbus recounts his life and good deeds and pours out his lamentations. Like David, he praises God for His Kindness and faithfulness to him.

From reading this prayer, I am of the opinion that Columbus was a deeply religious person. He speaks of "the prayers and vigils of my youth, and solemn and visionary meditations of manhood, and the vows I have ratified and strictly kept."

Columbus is getting old. He is constantly being threatened with mutiny. Governor Ovando is refusing to send help from Hispanola because he fears that Columbus will try to depose him as governor. He is also in great need of food for his men.

Columbus, heavily ladened as was David, approaches God and seeks consolation in prayer. He is unable to rest or sleep or eat or drink until he comes to God in prayer. He feels the need to bathe himself in communion with God.

At last, after throwing himself on God, he seems to find rest and peace of soul.

THE SCHOOL LUNCH PROGRAM

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, this week the General Subcommittee on Education is holding hearings on a bill to assure that needy children will continue to receive free or reduced price lunches for the rest of this school year.

I introduced that bill, H.R. 5257, because of the commitment Congress made last year to feeding needy children in Public Law 91–248, the Child Nutrition Amendments of 1970. That law, which passed both Houses of Congress unanimously, requires that every school district participating in the school lunch or commodity distribution program must provide free or reduced-price lunches for every needy schoolchild. After signing that bill into public law, President Nixon requested, and the Congress granted, a supplement appropriation of $209 million to reimburse school districts for the additional costs of providing these lunches. That law and the subsequent appropriation are truly a milestone in our efforts to eradicate hunger and malnutrition among our children.

Within the past year most States and school districts have expeditiously moved to fulfill the congressional mandate to provide these meals. In fact, today almost 2 million more needy children are being fed free or reduced-price school lunches than during the last school year. Although this figure does not represent a total compliance with the congressional mandate, it does demonstrate the honest effort being made to meet the requirements of the law.

But we are discovering now that this great progress is in serious jeopardy. The States and school districts increased their number of free and reduced-price lunches as a direct response to the congressional mandate and in a reasonable reliance upon the action of Congress which provided increased funds to meet the additional costs. Now, however, we are learning that our supplemental appropriation is not adequate to meet the increased expense of providing these meals.

This appropriation was based upon an estimate by the administration that there was a total of 6.6 million schoolchildren in the country in need of these free or reduced-price meals. This figure has now been admitted to be a great underestimate by the Department of Agriculture. In testimony before my committee this week, the Assistant Secretary of Agriculture, Mr. Richard Lyng, admitted that there were at least a million and a half more needy children this year than had previously been estimated and that this number would be even greater next year.

My own studies have confirmed this fact. Last June I conducted an extensive survey of the 50 State directors of school lunch on the number of eligible needy children and on the number of these children served free or reduced price lunches. The results of this survey are that there were 8.9 million needy children and only 5.2 million of them were receiving free or reduced price lunches. This figure of 8.9 million needy children becomes even more staggering when we realize that in my survey the State directors were using an income standard which was lower than that subsequently set by the Department of Agriculture as the need index and that the survey did not include the number of eligible needy children in private nonprofit schools in 25 States.

This miscalculation on the number of needy children is having disastrous effects in the States. California claims that unless it receives an additional $5 million it will have to discontinue its program on May 1. Florida needs an additional $1.4 million to pay local school districts for costs which they have already incurred. Massachusetts needs $1,551,000. Georgia needs $416,575 to keep its program in operation. If New Mexico does not receive $1.2 million more, all of its school lunch programs will be terminated immediately.

For the past week the committee has been receiving telegrams from State officials describing their plight. This is why the General Subcommittee on Education began hearings this week on H.R. 5257. That bill would give the Secretary of Agriculture authority to use up to $150 million from section 32 funds to pay States for their additional expenses in providing free and reduced price lunches during this fiscal year. In other words, if this bill is passed, the Secretary would have standby authority—which would be used at his discretion—to avert the financial crisis which is developing in the States today because of inadequate funding.

Mr. Speaker, I believe that the passage of H.R. 5257 is essential if Congress and the President are to fulfill the commitment embodied in Public Law 91–248 that no schoolchild would be denied a lunch because of poverty. We can do no less than that.

With unanimous consent I insert at this point in the RECORD some of the telegrams and letters the committee has been receiving for the past week. I also ask consent to insert a chart from the Department of Agriculture showing an unused balance of almost $300,000 in section 32 funds this year:

BOSTON, MASS., *April 10, 1971.*

Representative ROMAN C. PUCINSKI,
Chairman, General Education Subcommittee, Washington, D.C.

For fiscal year 1971 reapportionment purposes we will need total one million five hundred and 51 thousand 048.0 of section 32 to cover national school lunch and child nutrition programs.

JOHN C. STALKER,
Director, Bureau of Nutrition education and School Food Department of Education.

OLYMPIA, WASH., *April 9, 1971.*

Congressman ROMAN C. PUCINSKI,
Chairman, General Education Subcommittee, House Education and Labor Committee, Washington, D.C.

Washington State Agency needs $100,000 section 32 funds for fiscal year 1971 for foods service equipment.

EMMA SIMPSON,
Supervisor Food Services Department of Public Instruction.

ATLANTA, GA., *April 13, 1971.*

Congressman ROMAN PUCINSKI,
Chairman, General Education Subcommittee, House Education and Labor Committee, Washington, D.C.:

Estimates base on latest data available indicate Georgia will need $416,575.00 additional section 32 funds for fiscal year 1971.

Miss JOSEPHINE MARTIN,
Administrator, School Food Service Program.

APRIL 13, 1971.

Hon. ROMAN C. PUCINSKI,
Chairman, General Education Subcommittee, House Education and Labor Committee, Washington, D.C.:

Virgin Islands would need an additional sixty thousand dollars ($60,000) in section 32 funds for fiscal year 1971.

JOHN STEVENS,
Director, School Lunch, U.S. Virgin Islands.

BALTIMORE, MD., *Apr. 13, 1971.*

Congressman ROMAN C. PUCINSKI,
Chairman, General Education Subcommittee, House Education and Labor Committee, Washington, D.C.

We would like to request consideration for $338,759 additional section 32 funds for fiscal year 1971 for the State of Maryland.

ELEANOR G. WEAGLY,
Coordinator for Food Services Programs.

SANTA FE, N. MEX., *Apr. 14, 1971.*

Congressman ROMAN C. PUCINSKI,
Chairman, General Education Subcommittee, House Education and Labor Committee, Washington, D.C.

New Mexico school lunch funds section 4 and 32 are depleted, as of April 1, 1971. Funds needed for balance of current school year are $1,244,000.

GRETCHEN Y. PLAGGE,
Director, School Food Service Division, State Department of Education.

MONTPELIER, VT., *Apr. 14, 1971.*

Congressman ROMAN C. PUCINSKI,
General Education Subcommittee, House Education and Labor Committee, Washington, D.C.

The Department of Education has indicated to USDA regional office in New York City a need for an additional $12,000 in section 32 for fiscal year 1971.

EDWARD L. RYAN,
Chief, Education Field Services.

ALBANY, N.Y., *Apr. 15, 1971.*

Congressman ROMAN C. PUCINSKI,
Chairman Education Subcommittee, House Education and Labor Committee, Washington, D.C.

Increase in service of free lunches to needy children in New York State has created need for additional funds during remainder fiscal year 1971, nine million dollars in section 32 funds can be utilized by June 30 and are herewith requested.

CHARLES J. QUINN,
Director of Educational Finance.

SALEM, OREG., *April 15, 1971.*

Congressman ROMAN C. PUCINSKI,
Chairman, General Education Subcommittee, House Education Labor Committee, Washington, D.C.

Oregon school need increase financial help to meet greatly increase operating cost oc casioned by increase meal loads and rising prices for food and labor increased nonfood assistant is also needed to equip schools adequately to handle the constantly increasing number of meals being served. Additional section 32 funds are needed for transfer to section four funds to permit a higher over all reimbursement to assist schools meet their rising cost and for transfer to nonfood assistance fund to up bring present inadequate facilities. As a minimum amount Oregon can justify a need of an additional $703,000.00 of section 32 money.

Richards S. Miller,
Coordinator School Food and Nutrition Service, Oregon Board of Education.

Los Angeles, Calif.,
April 12, 1971.

Hon. **Augustus F. Hawkins,**
House Office Building,
Washington, D.C.

Dear Representative Hawkins: The California PTA is extremely concerned about the deficit of over $5 million in the California allocation for the School Lunch Program. This means that unless the needed funds are made available, the Breakfast Program will have to be discontinued as of April 1st, and the Special Assistance Program of free meals for needy pupils will have to be discontinued as of May 1st.

The California PTA has long been concerned about the nutritional needs of school children. We appreciate the extreme importance of the School Lunch Program, making it possible for every child in school to have a nutritionally balanced lunch and where indicated, a breakfast.

We ask your help in securing the needed funds for this valuable program.

Sincerely,

Mrs. Doyle Hoffman,
President.

Salt Lake City, Utah, *April 9, 1971.*

Congressman **Roman C. Pucinski,**
Chairman, General Education Subcommittee, House Education and Labor Committee, Washington, D.C.

Utah needs additional $780,049 section 32 funds. We have excess funds breakfast $90,000 special food service $35,000 if transferred allowed for use within State reduce need to $655,049 additional information follows.

Cluff D. Snow,
Administrator School Food Service, Utah State Board of Education.

Commonwealth of Kentucky,
Department of Education,
April 12, 1971.

Honorable **Roman C. Pucinski,**
Chairman, General Education Subcommittee, House Education and Labor Committee, Washington, D.C.

Dear Sir: The Kentucky Department of Education, Division of School Lunch, is in the process of submitting to USDA, Southeast Region, Atlanta, Georgia, a request for the transfer of Section 32 funds for Section 4 purposes. If approved, our total additional needs for Section 32 purposes will amount to $100,000.

Sincerely,

C. E. Bevins, *Director, Division of School Lunch.*

State of Florida,
Department of Education,
Tallahassee, April 9, 1971.

Hon. **Roman C. Pucinski,**
Chairman, General Education Subcommittee, House Education and Labor Committee, Rayburn House Office Building, Washington, D.C.

Dear Mr. Pucinski: Florida's needs for additional Section 32 Funds, as reported to the U.S. Department of Agriculture today, for maintenance of current programs total $1,409,307.

If further information is needed, let us know.

Sincerely,

Mrs. Thelma G. Flanagan,
Administrator, Food and Nutrition Services.

State of Illinois,
Office of the Superintendent
of Public Instruction,
Springfield, April 13, 1971.

Congressman **Roman C. Pucinski,**
Chairman, General Education Subcommittee, House Education and Labor Committee, Rayburn House Office Building, Washington, D.C.

Dear Sir: We have just completed projecting our need for additional funds to complete paying claims in the School Lunch Program for the fiscal year 1971. In Section 32 we will need $1,512,430.00 in additional monies to complete the year.

We will appreciate your assistance.

Very truly yours,

Ray Suddarth, Jr.,
Director, School Food Services Unit.

UNITED STATES DEPARTMENT OF AGRICULTURE

REMOVAL OF SURPLUS AGRICULTURAL COMMODITIES, FISCAL YEARS 1969, 1970, AND 1971—OBLIGATIONS

[In thousands of dollars]

	1969	1970	1971 (estimated)
(a) Carryover funds available at beginning of year	300,000	299,921	300,000
(1) Recovery of prior year obligations		130	
(b) Additional amount available based on 30 percent of customs revenue	596,646	698,463	728,760
(c) Total amount available	896,646	998,514	1,028,760
(d) Amounts transferred or utilized:			
Child nutrition programs:			
Cash grants to States:			
School lunch program (sec. 4)		129,941	174,033
Free and reduced price lunches	32,039	87,953	151,653
School breakfasts	2,057	1,162	3,000
Nonfood (equipment assistance)	9,513	6,715	
State administrative expenses	391	1,257	2,000
Special milk program	102,048	20,000	
Commodities to States[1]	185,101	204,744	164,592
Total, child nutrition	331,149	451,772	495,278
Family feeding program:			
Commodities distributed to families	190,282	173,180	155,163
Financial assistance to States for program operation	4,154	6,026	19,700
Nutrition supplement to mothers and infants	8,067	13,667	16,136
Total, family feeding	202,503	192,873	190,999
Food distribution to institutions (commodities)	11,747	9,577	1,466
Food and nutrition aides	9,948	33	
Export payments	4,810	5,336	4,966
Operating expenses	6,871	7,186	7,224
Marketing agreements and orders	2,277	2,576	3,084
Transfers to:			
Foriegn Agricultural Service	3,117	3,117	3,117
Agricultural Research Service	15,000	15,000	15,000
Department of Commerce (to promote and develop fishery products)	7,413	7,636	7,626
(e) Additional amounts to become available in fiscal year 1972 based on 30 percent of customs revenue ($766,000,000).			

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[1] Includes sec. 32 transfer to sec. 6 of the National School Lunch Act.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. **Brotzman** (at the request of Mr. **Gerald R. Ford**), for the remainder of the week, on account of official duties as a member of the Board of Visitors to the Air Force Academy.

Mr. **Powell** (at the request of Mr. **Gerald R. Ford**), for today, on account of illness.

Mr. **Camp** (at the request of Mr. **Gerald R. Ford**), on account of official business.

Mr. **Price** of Texas (at the request of Mr. **Gerald R. Ford**) on account of official business.

Mr. **Nedzi**, on account of official business on April 22, 1971.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. **Schmitz** (at the request of Mr. **Ashbrook**), for 60 minutes, today, to revise and extend his remarks and include extraneous material.

Mr. **Bell** (at the request of Mr. **McKevitt**), for 15 minutes, today.

(The following Members (at the request of Mr. **McKay**) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. **Kastenmeier**, for 15 minutes, today.

Mr. **Gonzalez**, for 10 minutes, today.

Mr. **Rarick**, for 15 minutes, today.

Mr. **Burke** of Massachusetts, for 5 minutes, today.

Mr. **Rangel**, for 15 minutes, on April 22.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BENNETT in three instances.

Mr. BETTS and to include extraneous matter.

Mr. JONES of Alabama to revise and extend remarks made in Committee of the Whole.

(The following Members (at the request of Mr. MCKEVITT) and to include extraneous matter:)

Mr. HASTINGS.

Mr. FULTON of Pennsylvania in five instances.

Mr. DUNCAN.

Mr. HALL.

Mr. SCHMITZ in three instances.

Mr. WYMAN in two instances.

Mr. THONE.

Mr. RIEGLE in two instances.

Mr. QUIE.

Mr. HUNT.

Mr. ESHLEMAN.

Mr. DELLENBACK.

Mr. BELL.

Mr. HUTCHINSON.

Mr. HOGAN in five instances.

Mr. BROTZMAN.

Mr. YOUNG of Florida in four instances.

Mr. KEMP.

Mr. CONTE.

Mr. DERWINSKI.

Mr. BUCHANAN.

Mr. BRAY in two instances.

Mr. BROYHILL of Virginia.

Mr. MCCOLLISTER in three instances.

(The following Members (at the request of Mr. MCKAY) and to include extraneous matter:)

Mr. MURPHY of New York in three instances.

Mr. EILBERG.

Mr. HARRINGTON in six instances.

Mr. CARNEY.

Mr. ROSENTHAL in five instances.

Mr. DENT in three instances.

Mr. SCHEUER in three instances.

Mr. STOKES in two instances.

Mr. EDWARDS of California in two instances

Mr. PATMAN.

Mr. NEDZI in two instances.

Mr. DANIELS of New Jersey in three instances.

Mr. HÉBERT.

Mr. WILLIAM D. FORD.

Mr. JACOBS.

Mr. ICHORD in two instances.

Mr. PEPPER.

Mr. GONZALEZ in three instances.

Mr. RODINO.

Mr. HAGAN in two instances.

Mr. FOUNTAIN in two instances.

Mr. DINGELL in two instances.

Mr. RARICK in three instances.

Mr. GARMATZ in three instances.

Mr. DIGGS in two instances.

Mr. PICKLE in six instances.

Mrs. GRASSO in five instances.

Mr. DOWNING in two instances.

Mr. MELCHER.

Mr. BEGICH.

Mr. EVINS of Tennessee in five instances.

Mr. JAMES V. STANTON in two instances.

Mr. TIERNAN in two instances.

ADJOURNMENT

Mr. MCKAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 17 minutes p.m.), the House adjourned until tomorrow, Thursday, April 22, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

601. A communication from the President of the United States, proposing a supplemental appropriation for fiscal year 1971 for the Department of Labor to finance summer employment and recreation programs (H. Doc. No. 92–95); to the Committee on Appropriations and ordered to be printed.

602. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a report on the operation of section 501 of the Second Supplemental Appropriations Act, 1970, establishing a limitation on budget outlays for fiscal year 1971 (H. Doc. No. 92–96); to the Committee on Appropriations and ordered to be printed.

603. A letter from the Under Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Soil Conservation and Domestic Allotment Act, as amended; to the Committee on Agriculture.

604. A letter from the Deputy Assistant Secretary of Agriculture for International Affairs and Commodity Programs, transmitting an annual report on the orderly liquidation of stocks of agricultural commodities held by the Commodity Credit Corporation and the expansion of markets for surplus agricultural commodities, pursuant to section 201 (b) of Public Law 540, 84th Congress; to the Committee on Agriculture.

605. A letter from the Acting Administrator of General Services, transmitting an amendment revising the authorized project for lease construction of a courthouse and office building at Shreveport, La., pursuant to 84 Stat. 1449; to the Committee on Appropriations.

606. A letter from the Director, Selective Service System, transmitting his semiannual report for the 6 months ended December 31, 1970, pursuant to section 10(g) of the Military Selective Service Act of 1967; to the Committee on Armed Services.

607. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of various facilities projects proposed to be undertaken for the Air National Guard, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

608. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 2 years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury; to the Committee on Banking and Currency.

609. A letter from the Chairman, Federal Home Loan Bank Board, transmitting a draft of proposed legislation to amend laws relating to savings and loan associations, to broaden their mortgage credit powers, and for other purposes; to the Committee on Banking and Currency.

610. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to protect the public health and safety by reducing the risks of death, illness, and injury associated with the use of consumer products; to the Committee on Interstate and Foreign Commerce.

611. A letter from the Chairman, Federal Trade Commission, transmitting the annual report of the Commission for fiscal year 1970; to the Committee on Interstate and Foreign Commerce.

612. A letter from the Secretary of the Army, transmitting a draft of proposed legislation for the relief of Vyacheslav Pavlovich Artemiev and others; to the Committee on the Judiciary.

613. A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of proposed legislation to establish a Federal wage system for fixing and adjusting the pay of certain employees of the Government; to the Committee on Post Office and Civil Service.

614. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report on grants for basic scientific research made by the Department of Defense to nonprofit institutions during 1970, pursuant to Public Law 85–934; to the Committee on Science and Astronautics.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. O'NEILL: Special Committee on Campaign Expenditures. Report on campaign expenditures investigation (Rept. No. 92–137). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RODINO: Committee on the Judiciary. H.R. 1899. A bill for the relief of Mrs. Maria G. Orsini (nee Mari) (Rept. No. 92–138). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H.R. 1931. A bill for the relief of Jesus Manuel Cabral (Rept. No. 92–139). Referred to the Committee of the Whole House.

Mr. SEIBERLING: Committee on the Judiciary. H.R. 1995. A bill for the relief of Miss Margaret Gale (Rept. No. 92–140). Referred to the Committee of the Whole House.

Mr. DENNIS: Committee on the Judiciary. H.R. 2117. A bill for the relief of Mrs. Nguong Thai Tran (formerly Nguyen Thi Nguong, A13707–473D/3); with an amendment (Rept. No. 92–141). Referred to the Committee of the Whole House.

Mr. DENNIS: Committee on the Judiciary. H.R. 3713. A bill for the relief of Mrs. Anna Maria Baldini Dela Rosa (Rept. No. 92–142). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BETTS:

H.R. 7577. A bill to amend section 3306 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. ERLENBORN (for himself and Mr. LUJAN):

H.R. 7578. A bill to authorize a White House Conference on Education; to the Committee on Education and Labor.

By Mr. FISH:

H.R. 7579. A bill to amend title II of the

Social Security Act to provide for standard-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

H.R. 7580. A bill to amend title II of the Social Security Act to increase to $2,400 a year the amount of outside earnings a beneficiary may have without the loss of benefits; to the Committee on Ways and Means.

By Mr. FULTON of Pennsylvania:

H.R. 7581. A bill to amend chapter 73 of title 10, United States Code, to establish a survivor benefit plan; to the Committee on Armed Services.

By Mr. GRIFFIN:

H.R. 7582. A bill to amend section 620 of the Foreign Assistance Act of 1961 to prohibit foreign assistance from being provided to foreign countries which do not act to prevent narcotic drugs from unlawfully entering the United States; to the Committee on Foreign Affairs.

By Mr. HANLEY:

H.R. 7583. A bill to amend chapter 83 of title 5, United States Code, to eliminate the survivorship reduction during periods of nonmarriage of certain annuitants; to the Committee on Post Office and Civil Service.

H.R. 7584. A bill to increase the contribution by the Federal Government to the costs of employees' group life and health benefits insurance; to the Committee on Post Office and Civil Service.

H.R. 7585. A bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

Mr. HOLIFIELD (for himself and Mrs. Dwyer):

H.R. 7586. A bill to amend the act of December 30, 1969, establishing the Cabinet Committee on Opportunities for Spanish-Speaking People, to authorize appropriations for 2 additional years; to the Committee on Government Operations.

By Mr. KEITH:

H.R. 7587. A bill to permit the flying of the flag of the United States for 24 hours of each day at Fort Phoenix, Fairhaven, Mass.; to the Committee on the Judiciary.

By Mr. MAZZOLI:

H.R. 7588. A bill to amend the Fair Labor Standards Act of 1938 to exempt from the overtime penalty any employee of a retail or service business who receives at least twice the minimum wage for all hours worked; to the Committee on Education and Labor.

By Mr. MONAGAN (for himself, Mr. McFall, Mr. Dingell, Mr. Morse, Mr. Gubser, Mr. Carter, Mr. Hawkins, Mr. Rees, Mr. Dent, Mr. Miller of California, Mr. Tiernan, Mr. Brademas, Mr. Roybal, and Mr. Ullman):

H.R. 7589. A bill to establish a temporary Emergency Guidance Board to facilitate economic recovery with minimum inflation by establishing price and wage guidelines and encouraging voluntary adherence thereto; to the Committee on Banking and Currency.

By Mr. MONAGAN:

H.R. 7590. A bill to require the Secretary of the Treasury to gather and compile information with respect to the financial cost of assisting taxpayers to comply with the tax laws of the United States, and for other purposes; to the Committee on Government Operations.

By Mr. PERKINS:

H.R. 7591. A bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 7592. A bill to increase the contribution by the Federal Government to the costs of employees' group life and health benefits insurance; to the Committee on Post Office and Civil Service.

H.R. 7593. A bill to amend chapter 83 of title 5, United States Code, to eliminate the survivorship reduction during periods of nonmarriage of certain annuitants; to the Committee on Post Office and Civil Service.

By Mr. REUSS (for himself, Mr. Barrett, Mr. Ashley, Mr. Moorhead, Mrs. Sullivan, Mr. St Germain, Mr. Gonzalez, and Mr. Minish):

H.R. 7594. A bill to establish a program of assistance to State and metropolitan development agencies in order to promote the provision of low- and moderate-income housing and related facilities, sound neighborhood growth and development, and the development of new job opportunities; to the Committee on Banking and Currency.

By Mr. RYAN:

H.R. 7595. A bill to bring into immediate operation the National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance, and for other purposes; to the Committee on the Judiciary.

By Mr. SIKES:

H.R. 7596. A bill to establish a commission to conduct a study and investigation of ways and means of maintaining an adequate military Reserve force after transition to an all-volunteer system for meeting the military manpower needs of the Nation; to the Committee on Armed Services.

By Mr. SISK:

H.R. 7597. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. STAGGERS:

H.R. 7598. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law enforcement officers' grievances and to establish a law enforcement officers' bill of rights in each of the several States, and for other purposes; to the Committee on the Judiciary.

By Mr. STRATTON:

H.R. 7599. A bill to amend title XVIII of the Social Security Act to establish criteria for determining charges for physicians' services (or certain other medical services) which may be recognized as reasonable for purposes of payment under the medicare program, and to require the reporting and publication of such charges; to the Committee on Ways and Means.

By Mr. TEAGUE of Texas (by request):

H.R. 7600. A bill to amend section 3104 of title 38, United States Code, to permit certain service-connected disabled veterans who are retired members of the uniformed services to receive compensation concurrently with retired pay, without deduction from either; to the Committee on Veterans' Affairs.

H.R. 7601. A bill to amend title 38, United States Code, to increase the amount payable on burial and funeral expenses; to the Committee on Veterans' Affairs.

H.R. 7602. A bill to amend title 38 of the United States Code to provide that progressive muscular atrophy developing a 10 percent or more degree of disability within 7 years after separation from active service during a period of war shall be presumed to be service connected; to the Committee on Veterans' Affairs.

H.R. 7603. A bill to amend title 38, United States Code, with respect to the manner of determining annual income for pension purposes of certain persons who are entitled to annuities under the Railroad Retirement Act of 1937, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 7604. A bill to amend title 38 of the United States Code to increase the rates, income limitations, and aid and attendance allowances relating to payment of pension and parents' dependency and indemnity compensation; to exclude certain payments in determining annual income with respect to such pension and compensation; to make the Mexican border period a period of war for the purposes of such title; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. VANDER JAGT:

H.R. 7605. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on certain sueded leather gloves, and for other purposes; to the Committee on Ways and Means.

By Mr. BOB WILSON:

H.R. 7606. A bill to amend title II of the Social Security Act to provide that a woman may simultaneously receive (without any reduction or offset) both an old-age or disability insurance benefit and a widow's insurance benefit; to the Committee on Ways and Means.

H.R. 7607. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income any payments made under the retired serviceman's family protection plan by an individual who has waived his military retirement pay in order to receive a civil service retirment annuity; to the Committee on Ways and Means.

By Mr. BOLAND:

H.R. 7608. A bill to amend title 10 of the United States Code to require that accurate medical records be kept with respect to each member of the Armed Forces; to the Committee on Armed Services.

By Mr. BRASCO:

H.R. 7609. A bill to provide for the establishment of the Gateway National Recreational Area in the States of New York and New Jersey, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BROTZMAN:

H.R. 7610. A bill to eliminate certain authority of the Administrator of General Services with respect to trade and exchange of real property, and for other purposes; to the Committee on Public Works.

By Mr. BROYHILL of Virginia:

H.R. 7611. A bill to amend the Internal Revenue Code of 1954 to encourage the purchase and construction of railroad rolling stock by persons other than common carriers; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts (for himself, Mr. Roe, Mr. Boggs, Mr. Rodino, Mr. Kyros, Mr. Cotter, Mrs. Abzug, Mr. Stokes, Mr. Kluczynski, Mr. Dent, Mr. Price of Illinois, Mr. Gallagher, Mr. Corman, Mr. Daniels of New Jersey, and Mr. Thompson of New Jersey):

H.R. 7612. A bill to amend title II of the Social Security Act to provide a 50-percent across-the-board increase in benefits thereunder, with the resulting benefit costs being borne equally by employers, employees, and the Federal Government, and to raise the amount of outside earnings which a beneficiary may have without suffering deductions from his benefits; to the Committee on Ways and Means.

By Mr. BYRON:

H.R. 7613. A bill to provide for the expansion of the Antietam National Battlefield in the State of Maryland, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CELLER:

H.R. 7614. A bill to amend titles 5, 10, and 32, United States Code, to authorize the waiver of claims of the United States arising out of certain erroneous payments, and for other purposes; to the Committee on the Judiciary.

By Mr. DANIELSON:

H.R. 7615. A bill to provide for the creation of an authority to be known as the Reclamation Lands Authority to carry out the congressional intent respecting the excess land provisions of the Federal Reclamation Act of June 17, 1902; to the Committee on Interior and Insular Affairs.

By Mr. EILBERG:

H.R. 7616. A bill to amend section 715 of title 32, United States Code, to authorize the application of local law in determining the effect of contributory negligence on claims involving members of the National Guard; to the Committee on the Judiciary.

By Mr. DELLUMS:

H.R. 7617. A bill to amend title 5, United States Code, to provide that individuals be apprised of records concerning them which are maintained by Government agencies; to the Committee on Government Operations.

H.R. 7618. A bill to provide for the abatement of air pollution by the control of emissions from motor vehicles; preconstruction certification of stationary sources; more stringent State standards covering vehicular emissions, fuel additives and aircraft fuels; emergency injunctive powers; and public disclosure of pollutants; to the Committee on Interstate and Foreign Commerce.

H.R. 7619. A bill to amend the Fish and Wildlife Coordination Act to provide additional protection to marine and wildlife ecology by providing for the orderly regulation of dumping in the ocean, coastal, and other waters of the United States; to the Committee on Merchant Marine and Fisheries.

H.R. 7620. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

H.R. 7621. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

H.R. 7622. A bill to amend the Internal Revenue Code of 1954 in relation to expenses for care of certain dependents; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 7623. A bill to amend the United Nations Participation Act of 1945 to prevent the imposition thereunder of any prohibition on the importation into the United States of any strategic and critical material from any free world country for so long as the importation of like material from any Communist country is not prohibited by law; to the Committee on Foreign Affairs.

By Mr. HANLEY (for himself, Mr. Madden, Mr. Corbett, Mr. Addabbo, Mr. Dickinson, Mrs. Chisholm, Mr. Hechler of West Virginia, Mr. Murphy of New York, Mr. Gray, Mrs. Abzug, Mr. Dulski, Mr. Byrne of Pennsylvania, Mr. Halpern, Mr. Scheuer, Mr. Moss, Mr. Carey of New York, Mr. Rosenthal, Mr. Podell, and Mr. Helstoski):

H.R. 7624. A bill to provide for an equitable procedure for establishing congressional districts; to the Committee on the Judiciary.

By Mr. HANLEY:

H.R. 7625. A bill to adjust the pay of the police forces at Washington and Dulles Airports; to the Committee on Post Office and Civil Service.

H.R. 7626. A bill to amend title 5, United States Code, relating to qualifications for appointment and retention in the civil service; to the Committee on Post Office and Civil Service.

By Mr. HECHLER of West Virginia:

H.R. 7627. A bill to provide for the protection of the pensions and other benefits of coal miners working in the coal mines of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. KOCH:

H.R. 7628. A bill to amend title II of the Social Security Act to reduce from 20 to 10 years the length of time a divorced woman's marriage to an insured individual must have lasted in order for her to qualify for wife's or widow's benefits on his wage record; to the Committee on Ways and Means.

By Mr. LINK:

H.R. 7629. A bill to amend the Land and Water Conservation Fund Act of 1965 in order to improve and make more effective certain programs pursuant to such act, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MOLLOHAN:

H.R. 7630. A bill to terminate the Airlines Mutual Aid Agreement; to the Committee on Interstate and Foreign Commerce.

By Mr. NIX (for himself, Mr. Byrne of Pennsylvania, Mr. Eilberg, Mr. Mikva, and Mr. Moorhead):

H.R. 7631. A bill making an appropriation to provide support for the Neighborhood Youth Corps summer support program for the summer of 1971; to the Committee on Appropriations.

By Mr. PATMAN (by request):

H.R. 7632. A bill to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 2 years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury; to the Committee on Banking and Currency.

By Mr. PEPPER:

H.R. 7633. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate required under that act; to the Committee on Education and Labor.

By Mr. PETTIS (for himself and Mr. Hicks of Washington):

H.R. 7634. A bill to amend the Internal Revenue Code of 1954 with respect to the estate tax treatment of certain interests created by community property laws in employees' trusts and retirement annuity contracts; to the Committee on Ways and Means.

By Mr. SCHEUER (for himself and Mr. Cotter):

H.R. 7635. A bill to establish the Office of Drug Abuse Control within the Executive Office of the President; to the Committee on Interstate and Foreign Commerce.

By Mr. STUCKEY:

H.R. 7636. A bill to designate the Okefenokee National Wildlife Refuge as the Okefenokee Wilderness; to the Committee on Interior and Insular Affairs.

By Mr. TIERNAN:

H.R. 7637. A bill to amend title 5, United States Code, relating to qualifications for appointment and retention in the civil service; to the Committee on Post Office and Civil Service.

By Mr. WHALLEY:

H.R. 7638. A bill to protect seals from being pursued, harassed, or killed; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DANIELSON:

H.J. Res. 563. Joint resolution to authorize the President to proclaim the last Friday of April of each year as "National Arbor Day"; to the Committee on the Judiciary.

By Mr. EDWARDS of Alabama:

H.J. Res. 564. Joint resolution proposing an amendment to the Constitution of the United States relative to freedom from forced assignment to schools or jobs because of race, creed, or color; to the Committee on the Judiciary.

By Mr. KEMP (for himself, Mr. Andrews of North Dakota, Mr. Bennett, Mr. Brademas, Mr. Donohue, Mr. Dow, Mr. Duncan, Mr. Horton, Mr. Keating, Mr. Lent, Mr. McCloskey, Mr. O'Konski, Mr. Podell, Mr. Ullman, and Mr. Whitehurst):

H.J. Res. 565. Joint resolution authorizing additional appropriations to the Secretary of Transportation for the purpose of providing urgently needed intercity rail passenger service around the Nation and for the purpose of research and development in the field of high-speed ground transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BOB WILSON:

H.J. Res. 566. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. ESCH:

H. Con. Res. 272. Concurrent resolution to encourage an early end to the war in Indochina and to bring about the rehabilitation of Indochina, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SCHEUER:

H. Con. Res. 273. Concurrent resolution requesting the President of the United States to take affirmative action to aid the victims of the civil war in Pakistan; to the Committee on Foreign Affairs.

By Mr. YATRON:

H. Con. Res. 274. Concurrent resolution designating the last full week in July of 1971 as "National Star Route Mail Carriers Week"; to the Committee on the Judiciary.

By Mr. CARNEY:

H. Res. 394. Resolution expressing the sense of the House of Representatives with respect to the treatment of Jews within the Soviet Union; to the Committee on Foreign Affairs.

By Mr. RARICK:

H. Res. 395. Resolution creating a select committee to conduct a study of the demography of the United States with the view toward providing relief from racial tensions by more equal distribution of underprivileged racial groups throughout the several States and in the political subdivisions of each State; to the Committee on Rules.

By Mr. ROONEY of Pennsylvania:

H. Res. 396. Resolution on dismissal of professional air traffic controllers by the Federal Aviation Administration; to the Committee on Interstate and Foreign Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

136. By the SPEAKER: Memorial of the Legislature of the State of Alabama, relative to the treatment of prisoners of war by North Vietnam; to the Committee on Foreign Affairs.

137. Also, memorial of the Senate of the Commonwealth of Massachusetts, relative to the importation of men's wearing apparel, textile goods, and shoes from countries employing cheap labor; to the Committee on Ways and Means.

138. Also, memorial of the House of Representatives of the State of Oklahoma, relative to regulations of the Department of Transportation classifying farm vehicles as commercial vehicles to the Committee on Interstate and Foreign Commerce.

139. Also, memorial of the Legislature of the State of Maine, ratifying the proposed amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age and older; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGICH:

H.R. 7639. A bill for the relief of Wallace O. Craig; to the Committee on the Judiciary.

By Mr. CELLER:

H.R. 7640. A bill for the relief of the Ferris Corp.; to the Committee on the Judiciary.

By Mr. DANIELSON:

H.R. 7641. A bill for the relief of Chung Chi Lee; to the Committee on the Judiciary.

By Mr. KYROS:

H.R. 7642. A bill for the relief of the Saint Sophia Greek Orthodox Cathedral, Washington, D.C.; to the Committee on Ways and Means.

By Mr. McFALL:

H.R. 7643. A bill for the relief of Kwong Kam Choi and Kwong Ka-Hop; to the Committee on the Judiciary.

By Mr. O'NEILL:

H.R. 7644. A bill for the relief of Michele Pernice; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 7645. A bill for the relief of Mrs. Carmen Hernandez Macawile; to the Committee on the Judiciary.

By Mr. BOB WILSON:

H.R. 7646. A bill for the relief of Horace H. Easterday; to the Committee on the Judiciary.

By Mr. ANDREWS of Alabama:

H. Res. 397. Resolution to authorize the pardon of Lieutenant Calley; to the Committee on Armed Services.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

59. By Mr. FUQUA: Petition of the citizens of Putnam County, Fla., registering their formal protest against the unjust prosecution and conviction of Lt. William Calley. It is their firm opinion that in order to justify the Army's action it would be necessary to try every man who dropped a bomb or fired a shot in warfare. It is their opinion that war itself is premeditated killing and therefore Lt. William Calley was trained, paid, and sent to Vietnam to do the very job he has now been convicted for. It is their opinion that the conviction of Lieutenant Calley constitutes an insult to the dignity of American men who have fought or will ever fight for their country; to the Committee on Armed Services.

60. Also, petition of the people of Starke, Fla., expressing their opposition to the conviction of Lt. William Calley, an American fighting man; to the Committee on Armed Services.

61. Also, petition of over 5,000 citizens of Live Oak, Fla., circulated by the Suwannee Broadcasting Co. The expression the feelings of these citizens that if Lt. William Calley is guilty, his only guilt is that of defending these great United States; to the Committee on Armed Services.

62. Also, petition of the citizens of Chiefland, Fla., circulated by Dr. Kenneth Wise, expressing their concern that the decision rendered in the Lt. William Calley case was unjust; to the Committee on Armed Services.

63. Also, petition of 11,633 citizens of Lake City, Fla., expressing their concern about the conviction of Lt. William Calley, Jr. The signers of the petition did so not only for the benefit of Lieutenant Calley, but also as a plea for a united America in the face of a world crisis; as a plea for justice for one, and for all; as a plea for the complete review of the Uniform Code of Military Justice; and as a plea for the enactment of laws that do not infringe on those guaranteed rights of the Constitution of the United States of America; to the Committee on Armed Services.

64. By the SPEAKER: Petition of the Board of Supervisors, County of San Luis Obispo, Calif., relative to airport and airway development; to the Committee on Appropriations.

65. Also, petition of the King County Council, Washington; relative to health security; to the Committee on Ways and Means.

SENATE—*Wednesday, April 21, 1971*

The Senate met at 10 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou giver of life, amid the tumult of our times, we would make our hearts a quiet sanctuary for Thy spirit, and here on an unseen altar offer to Thee ourselves—our souls, minds, and bodies in service to our fellow man. In Thy strength and in the light of Thy truth may the divine vocation be lived in common tasks. Enable all of us to keep our priorities just and true, and to keep commitments vivid and real. While we labor with all our human energies for a better world, may we keep alive our faith in Thee so that we may not be surprised or unprepared for the miracle of Thy grace in the affairs of nations.

When our work is done, give us the grace of gratitude for Thy providence at work in and through each of us.

We pray in the name of the Lord and Master of life. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 21, 1971.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, April 20, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR VOTE ON RIBICOFF AMENDMENT TO OCCUR AT 1:30 P.M.

Mr. MANSFIELD. Mr. President, after consultation with the distinguished minority leader, I ask unanimous consent that the vote on the pending Ribicoff amendment occur at the hour of 1:30, rather than 1 o'clock.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. And, Mr. President, at that time, there will be a brief quorum call.

ORDER FOR EXTENSION OF THE PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time for the period for the transaction of routine morning business today be extended, but not to exceed one-half hour.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DIVISION OF TIME ON RIBICOFF AMENDMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, of the remaining time under the unanimous agreement for today, 2 hours be given to those who are opposed to the Ribicoff amendment and the remainder of the time, which will be less, to those in favor of the amendment.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

ORDER FOR TIME LIMITATION OF 3 MINUTES DURING PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that during the period for the transaction of routine morning business there be a time limitation of 3 minutes on statements made therein.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

U.S. CIRCUIT COURTS

The assistant legislative clerk read the nomination of Donald Stuart Russell of South Carolina to be a U.S. circuit judge, fourth circuit.

Mr. MANSFIELD. Mr. President, I am delighted that this nomination is before the Senate. It will be a great honor and privilege to vote to confirm Judge Russell; he is a former colleague of ours in the Senate. He served here with great distinction. He performed his duties always with dignity, with industry, and with deep understanding. As a Senator, Donald Stuart Russell was a decided asset to this body. His contributions were outstanding. As a judge of the District

Court of South Carolina he carried on that same tradition of distinguished service. It is with the greatest pride that I view Judge Russell's elevation to the U.S. Circuit Court for the fourth circuit. In this new capacity, I am confident that his service will continue to enhance the Judiciary and the judicial branch of the Federal Government.

Mr. THURMOND. Mr. President, I am very much pleased that, upon my recommendation, the President has seen fit to appoint District Judge Donald Stuart Russell of South Carolina to the Fourth Circuit Court of Appeals.

Judge Russell has held many positions in public life. He was an Assistant Secretary of State. He was an assistant war mobilizer to James F. Byrnes during World War II. He was president of the University of South Carolina. He was also Governor of South Carolina, a U.S. Senator from the State of South Carolina, and he is now a U.S. district judge.

Judge Russell is well qualified by education, training, and experience. He is a man of unquestioned integrity and character. His appointment, in my opinion, will meet with the general approval not only of the Members of this body but also of the bench and bar throughout the country.

It is a great pleasure to me that I was able to recommend the nomination of Judge Russell. I feel that the State of South Carolina and the Nation as a whole are very fortunate to have judges of his caliber and kind.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

U.S. DISTRICT COURTS

The assistant legislative clerk read the nominations in the U.S. district courts, as follows:

Robert E. Varner, of Alabama, to be a U.S. district judge for the middle district of Alabama.

Richard C. Freeman, of Georgia, to be a U.S. district judge for the northern district of Georgia.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

DEPARTMENT OF JUSTICE

The assistant legislative clerk proceeded to read sundry nominations in the Department of Justice.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. PATENT OFFICE

The assistant legislative clerk read the nomination of John Finley Witherspoon, of Maryland, to be an examiner in chief, U.S. Patent Office.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania (Mr. SCOTT) is recognized.

(The remarks of Mr. SCOTT when he introduced S. 1598 and the ensuing debate are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The Senate will proceed to the transaction of routine morning business for a period of not to exceed 15 minutes, with the statements therein limited to 3 minutes.

VERMONT LEGISLATURE PROVIDES FINANCIAL ASSISTANCE FOR PAROCHIAL AND OTHER NONPUBLIC SCHOOLS

Mr. AIKEN. Mr. President, yesterday I advised the Senate that the State of Vermont had become the first State in the Union to give young men and women between the ages of 18 and 21 all the rights and responsibilities of citizenship.

Today I wish to report a highly significant action which was taken by the Vermont Legislature last night just prior to adjournment.

The legislature of my State has passed a bill providing financial assistance for parochial and other nonpublic schools.

I have not seen the actual language in this bill, but I understand it meets the approval of the Governor of Vermont and will probably be signed into law this afternoon.

My report indicates this landmark legislation authorizes local school boards to lend teachers, textbooks, and materials to parochial schools. In exchange for this assistance, the State will reimburse the local school boards up to 50 percent of the cost.

Under the new program, teachers loaned to the parochial schools will be hired, supervised, and subject to dismissal under the direction of the public school superintendent. All courses taught by these teachers must conform to the curriculum requirements of the local school boards.

Mr. President, I wish to commend the Vermont State Legislature for action it has taken.

It is entirely in accord with a principle I have believed in for many years.

In Vermont we have had since colonial times a number of free academies which are partly public and partly private but are in a very real sense public schools serving the children of the district.

It is in this same spirit that the Vermont Legislature has acted to extend assistance to the parochial schools without in any way violating the church-State separation doctrine.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. AIKEN. I yield.

Mr. MANSFIELD. Mr. President, the distinguished Senator from Vermont on yesterday elucidated a number of firsts in which his State has led the way. Since that time it has taken another step on its own initiative and has adopted a realistic attitude—a most realistic attitude—toward a situation which applies not only to Vermont but also, in my opinion, to most of the States of the Union.

A day or so ago the Archbishop of Detroit—Cardinal Dearden—announced the closing of 56 parochial schools, both elementary and high schools. That means, of course, that the public, through State and local government, is going to have to assume the responsibilities for teaching, for educating, for equipping and housing those students and thereby will the burden on the already overburdened treasuries concerned be further increased.

It appears to me that this action by the State of Vermont represents a step forward and a facing up to reality. I commend the Granite State.

Mr. AIKEN. The Green Mountain State.

Mr. MANSFIELD. I commend the Green Mountain State, and its Senator of granite character. Vermont has again demonstrated its initiative. It has faced up to a situation which really could not be avoided, and which, if not faced up to and solved, would have cost the State and local governments a good deal more.

Mr. AIKEN. I thank the Senator. The Granite State of New Hampshire, as well as the other 48 States of the Union could well take notice of the action of the Vermont Legislature in solving a very acute problem which will relieve them of a great deal of extra expense in the future.

Mr. MANSFIELD. What the State of Vermont has done will reverberate far beyond its borders because most States in the Union are faced with a very similar problem.

Mr. AIKEN. I have listed only a few instances in which Vermont has been first. There are innumerable other instances. When they take action, as in this instance, by example they help all the other States, and I think it is worth noting.

Mr. MANSFIELD. I agree with the Senator.

THE SUPREME COURT DECISIONS ON MASSIVE SCHOOL BUSING AND REDRAWING OF SCHOOL DISTRICT LINES

Mr. ALLEN. Mr. President, the Supreme Court of the United States yesterday struck another cruel blow at public school systems in the South and at schoolchildren black and white in the South by approving massive school busing and massive rearranging of school district lines. These decisions are against the best interest of all our children.

Southern school children, black and white, are being used for sociological experiments and little thought is being given to seeing that they receive a good education.

At the same time nothing is being done about segregated schools in the North where segregation is gaining by leaps and bounds.

I spoke in the Senate yesterday denouncing these decisions. I am outraged for I have never seen such sectional bias and antisouthern discrimination as is evident in the cruel dictates of the Supreme Court in these cases. We must have a uniform school desegregation policy for the Nation. A house divided against itself cannot stand.

The effect of these decisions is that as to desegregation of Southern schools, anything goes, no matter how vicious.

Mr. President, I suggest the absence of a quorum.

Mr. AIKEN. Mr. President, does the Senator from Alabama need more time?

The PRESIDING OFFICER. Does the Senator from Alabama need more time, in answer to the question of the Senator from Vermont?

Mr. ALLEN. No, I have concluded my remarks. I thank the distinguished Senator.

Mr. AIKEN. I was going to offer to yield the balance of my time in case the Senator from Alabama needed more time.

Mr. ALLEN. I thank the Senator. I believe I very well covered my opinion as to the Supreme Court opinion, I wish to say to the distinguished Senator from Vermont.

QUORUM CALL

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Hart). Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATION ACT OF 1971—PRIVILEGE OF THE FLOOR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during the further consideration today of the amendment offered by the distinguished Senator from Connecticut (Mr. Ribicoff) two members of his personal staff, Mr. John Koskinen and Mr. Ted Leary, be accorded the privilege of the floor, together with the staff adviser of the distinguished Senator from Arkansas (Mr. McClellan), Mr. Emon Mahony.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the following staff members be accorded the privilege of the floor today: Mr. William Smith, Mr. Francis Hennigan, Mr. Bert Carp, and Mr. Leonard P. Strickman, all of whom are members of the staff of the Select Committee on Equal Educational Opportunity.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR TAFT TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, following the remarks of the distinguished Senator from Iowa (Mr. Hughes), the distinguished Senator from Ohio (Mr. Taft) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD OF TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, following the recognition of Senators under orders entered today and heretofore, there be a period for the transaction of routine morning business not to extend beyond 30 minutes, with statements therein limited to 3 minutes, following which the unfinished business, if there be such, be laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Byrd of West Virginia). Without objection, it is so ordered.

ORDER FOR EXTENSION OF THE PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be continued for a period not to exceed 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 101—SUBMISSION OF A RESOLUTION REGARDING USE OF THE MALL BY VIETNAM VETERANS

Mr. HART. Mr. President, I rise to submit a resolution. I shall, at the conclusion of these brief remarks, ask that it be printed in the Record.

The purpose of the resolution, very briefly, is to express the sense of the Senate that the Secretary of the Interior and the Superintendent of the National Park Service authorize the Vietnam veterans now in this community to use the area in the Mall where they are presently located, to petition us with respect to the war.

I think all of us are generally familiar with the sequence of events. A formal notice of intent for such use was filed by the veterans within the prescribed period as Government officials had suggested they do. The Department of the Interior and the Park Service objected. The district court sustained the objection. The Circuit Court for the District of Columbia held that the district court was in error. One of the appellate judges raised the fact of precedents of earlier uses and indicated that there might be some inhibition on the exercise of first amendment rights. It was also suggested that there was a symbolism to the presence of these veterans on the Mall, as opposed to other vacant areas in the city.

The court of appeals issued no opinion; but, in any event, the court did sharply modify the lower court order so as to permit the veterans to camp with some limitation.

Yesterday, the Chief Justice set aside the circuit court's decision and returned the situation to that which resulted from the district court's order.

I think, Mr. President, that the precedents would persuade us that this group, if any group, is entitled to an exception. I have no quarrel with the Boy Scout Jamboree—surely a laudatory, worthwhile endeavor. But if the Government can make an exception for the use of the Mall by the Boy Scouts, surely they can make an exception to permit the Vietnam veterans to be here and to try to persuade us as to the unwisdom of continuing the war that they have actually been fighting for us.

The first amendment right ought not have a price tag on it. We should not say to these men, in effect, if you can afford to put up at the Washington Hilton, you can petition your Congress. But, if you are only a discharged Vietnam veteran, without the dough to go to the Hilton, then don't bother us with respect to the Mall. It is all right for the Boy Scouts; it is not right for the Vietnam veterans. That is nonsense.

Mr. President, I hope very much that the Senate will express its opinion that it is nonsense and that these men under reasonable limitations should be welcomed to the Mall to assemble in the process of petitioning their representatives and to rest there at night as well.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. HART. I yield.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. RIBICOFF. May I have 3 minutes?

The PRESIDING OFFICER. The Senator from Connecticut is recognized in his own right.

Mr. RIBICOFF. I ask unanimous consent that I may be listed as a cosponsor of the Hart resolution.

The PRESIDING OFFICER. Without objection, it so ordered.

Mr. RIBICOFF. This morning a group of Vietnam veterans from the State of Connecticut came to my office. We talked for about an hour. Over the course of many years, a great many groups have come to talk with me on a variety of subjects. I do not think I have ever talked with a group of men or women who were so concerned, so involved, and so sincere. They were deeply disturbed over the human and moral consequences of our past and present military participation in the Indochina conflict.

These veterans come peacefully, seeking an opportunity to present their views and experiences to Members of Congress. All of us should give these veterans the chance to discuss this vital matter with us and testify before the appropriate committees.

Many of these veterans are unemployed, victims of the present poor economic situation with its high rate of unemployment. They do not have the funds to stay over at hotels. Because of the importance of their mesage I would hope that they be permitted to remain in Washington until the end of the week.

I commend the Senator from Michigan for submitting this resolution, and I am pleased to be a cosponsor. I hope the Senate will adopt this resolution, and that its purpose be implemented. But if it does not, it would be my hope that the executive branch would desist from ejecting these veterans, and allow them to camp on the Mall for the duration of their stay here in Washington.

Mr. HART. Mr. President, the Senator from California (Mr. CRANSTON) also has asked to be joined as a cosponsor, and I ask unanimous consent that that be done.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, I offer the resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read as follows:

S. RES. 101

Whereas, the Vietnam Veterans Against the War have requested permission from the Superintendent of National Parks to stay overnight on National Park Service Grounds known as the "Mall Area" during the period of their presentation of their views to their elected representatives here in Washington, and

Whereas, the request has been denied and the Government has obtained an injunction against the requested use of the Mall Area to camp.

It is hereby resolved that the sense of the Senate is that the Superintendent of National Parks and the Secretary of Interior should grant this request, notwithstanding any portions of the Federal regulations governing the normal use of this property so that the Vietnam Veterans may effectively petition the Government during this period.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. THURMOND. Mr. President, reserving the right to object, I should like to ask the distinguished Senator from Michigan this question: Has not the Chief Justice issued an order against this?

Mr. HART. Mr. President, I have not read the opinion of the Chief Justice. The reason why I offered the resolution is that the opinion of the Chief Justice, as I understand it, did not question the authority of the Park Service to grant the request. The Chief Justice sustains the Park Service in that discretionary action and says that permission is not constitutionally required.

I say that we in Congress have every right to express our views, and I feel we have an obligation to indicate that in our judgment the request made to the Park Service for the use of the Mall by the Vietnam veterans should be approved.

Mr. THURMOND. Mr. President, the Chief Justice has issued an order against this. In what position is the Senator from Michigan placing the Superintendent of the Park Service and the Secretary of the Interior?

There is an order by the Chief Justice of the United States that it cannot happen. Are we, the Senate, going to pass a resolution and request the Superintendent of the Park Service and the Secretary of the Interior to do it, anyway? This matter is now in the courts. The courts will have to dispose of it. After all, there are three branches of government. Since this matter is in the courts and it is a matter for the courts, I shall have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. HART. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The resolution will go over under the rule.

Mr. HART. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. HART. The objection having been interposed, is it correct that on tomorrow, the next legislative day, assuming an adjournment today, this resolution will come down at the end of the morning business and become and be the pending business of the Senate until the conclusion of the morning hour?

The PRESIDING OFFICER. The Senator is correct.

Mr. HART. I would hope very much, Mr. President, though unable to act on it today, that we will be free to do so tomorrow and that we will adopt the resolution.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Pastore rule, paragraph 3 of rule VIII, run for 5 hours today, rather than the normal 3 hours.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. I ask unanimous consent that when the Senate complete its business today, it stand in adjournment until 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 84—CHANGE OF REFERENCE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from the further consideration of Senate Joint Resolution 84, a joint resolution to establish the National Wildlife Refuges, and that the joint resolution be referred to the Committee on Commerce.

The PRESIDING OFFICER (Mr. TUNNEY). Without objection, it is so ordered.

HOLDING OF COURT IN MORGANTOWN, W. VA.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 64, S. 230.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

S. 230, to authorize the U.S. District Court for the Northern District of West Virginia to hold court at Morgantown.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last sentence of setion 129(a) of title 28, United States Code, is amended to read as follows: "Court for the Northern District shall be held at Clarksburg, Elkins, Fairmont, Martinsburg, Morgantown, Parkersburg, and Wheeling.".

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–62), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to provide for the holding of court in the Northern District of West Virginia in Morgantown.

STATEMENT

An identical bill was approved by the committee on December 10, 1970, and was passed by the Senate as reported, but no action on it was taken in the closing days of the 91st Congress by the House of Representatives.

In its favorable report on the identical bill in the 91st Congress, the committee said:

"In recent years the area in and about Morgantown, W. Va., has experienced a significant population growth as well as an influx of Federal programs and facilities. As a result the Federal judicial business generated by the area has increased significantly. It is anticipated that this growth will continue to accelerate. Consequently, your committee agrees with the view of the chief judge of the Northern District of West Virginia that it is 'not only convenient but advisable and helpful for the U.S. District Court for the Northern District of West Virginia to be authorized to hold court in the city of Morgantown.'"

The committee believes the bill is meritorious and recommends its favorably.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letters, which were referred as indicated:

PROPOSED LEGISLATION TO AMEND THE SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT

A letter from the Under Secretary of Agriculture, submitting a draft of proposed legislation to amend the Soil Conservation and Domestic Allotment Act, as amended (with accompanying papers); to the Committee on Agriculture and Forestry.

APPROPRIATION FOR THE CANAL ZONE GOVERNMENT

A letter from the Director, Office of Management and Budget, Executive Office of the President, pertaining to pay increases effective January 10, 1971 to classified and related employees of the Canal Zone government; to the Committee on Appropriations.

REPORT OF LIMITATION ON SECOND SUPPLEMENTAL APPROPRIATIONS OUTLAY

A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on the operation of the limitation through March 31, 1971, as contained in the Second Supplemental Appropriations Act, 1970 (with an accompanying report); to the Committee on Appropriations.

REPORT OF THE OFFICE OF CIVIL DEFENSE

A letter from the Secretary of Defense, transmitting, pursuant to law, the 1970 Annual Report of the Office of Civil Defense, covering civil defense functions assigned to the Secretary of Defense by Executive Order 10952 of July 20, 1961 (with an accompanying report); to the Committee on Armed Services.

PROPOSED FACILITIES FOR THE AIR NATIONAL GUARD

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing) transmitting, pursuant to law, a list of facilities projects proposed to be undertaken for the Air National Guard; to the Committee on Armed Services.

PROPOSED CONSUMER PRODUCT SAFETY ACT OF 1971

A letter from the Secretary of Health, Education, and Welfare, submitting a draft of proposed legislation to protect the public health and safety by reducing the risks of death, illness, and injury associated with the use of consumer products (with accompanying papers); to the Committee on Commerce.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the financial feasibility of rural water and sewer systems, Farmers Home Administration, Department of Agriculture (with an accompanying report); to the Committee on Government Operations.

PROPOSED LEGISLATION PROVIDING FOR GSA TRASH-REMOVAL CONTRACTS

A letter from the Assistant Administrator of the General Services Administration transmitting proposed legislation to amend the Federal Property and Administrative Services Act of 1949, as amended, to authorize the Administrator of General Services to enter into contracts for janitorial services, trash removal, and similar services in federally owned and leased properties for periods not to exceed 3 years, and for other purposes (with accompanying papers); to the Committee on Government Operations.

PROPOSED LEGISLATION DEALING WITH CERTAIN OIL LEASES OFFSHORE OF CALIFORNIA

A letter from the Secretary of the Department of the Interior transmitting proposed legislation to terminate and to direct the Secretary of the Interior and the Secretary of the Navy to take action with respect to certain leases issued pursuant to the Outer Continental Shelf Lands Act in the Santa Barbara Channel, offshore of the State of California; to explore Naval Petroleum Reserve Numbered 4, and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

PROPOSED LEGISLATION FOR THE RELIEF OF VYACHESLAV PAVLOVICH ARTEMIEV, AND OTHERS

A letter from the Secretary of the Army, submitting a draft of proposed legislation for the relief of Vyacheslav Pavlovich Artemiev, and others (with accompanying papers); to the Committee on the Judiciary.

PROPOSED FEDERAL WAGE SYSTEM ACT OF 1971

A letter from the Chairman, U.S. Civil Service Commission, submitting a draft of proposed legislation to amend title 5, United States Code, to establish a Federal wage system for fixing and adjusting the pay of certain employees of the Government (with accompanying papers); to the Committee on Post Office and Civil Service.

AMENDMENT TO PROSPECTUS FOR PROPOSED LEASE CONSTRUCTION—SHREVEPORT, LA.

A letter from the Acting Administrator, General Services Administration, transmitting, pursuant to law, an amendment which revises the authorized project for lease construction of a courthouse and office building at Shreveport, La. (with accompanying papers); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. ALLEN):

A joint memorial of the Legislature of the State of Idaho; to the Committee on Commerce:

"HOUSE JOINT MEMORIAL NO. 1

"A joint memorial to the Honorable Senate and House of Representatives of the United States in Congress assembled, and the Honorable delegation representing the State of Idaho in the Congress of the United States

"We, your Memorialists, the Senate and the House of Representatives of the state of Idaho assembled in the First Extraordinary Session of the Forty-first Idaho Legislature, do hereby respectfully represent that:

"Whereas, the pursuit of agriculture generates one billion two hundred million dollars in personal income for the citizens of the state of Idaho, and

"Whereas, fifty-three thousand citizens of the state of Idaho are agricultural employees, and

"Whereas, recent regulations imposed by the Bureau of Motor Carrier Safety of the Department of Transportation have classified farm trucks as commercial motor vehicles, thereby prohibiting their operation by anyone under the age of twenty-one, and the effect of such prohibitive restrictions places an unnecessary and unreasonable burden upon the success of any farming operation, and

"Whereas, under present regulations duly and lawfully promulgated by the state of Idaho which reasonably regulate this area to the end that farm vehicles are operated in a safe and prudent manner so as to protect the public,

"Now, therefore, be it resolved by the First Extraordinary Session of the Forty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that we most respectfully urge the Congress of the United States of America to take such action as is necessary to render null and void those regulations promulgated by the Department of Transportation which classifies farm vehicles as commercial vehicles.

"Be it further resolved that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward copies of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and to the Senators and Representatives representing this state in the Congress of the United States."

A concurrent resolution of the Legislature of the State of Alabama; to the Committee on Foreign Relations:

"RESOLUTION NO. 9

"Urging the signatories of the last Geneva Convention to exert their influence in an effort to persuade the Government of North Vietnam to live up to the rules of the last Geneva Convention concerning prisoners of war; and for other purposes

"Whereas, the signatories of the last Geneva Convention established a common brotherhood to insure humane treatment of prisoners of war; and

"Whereas, there are more than 1,600 American servicemen classified by the United States Government as prisoners of war or missing in action in Southeast Asia; and

"Whereas, the Government of North Vietnam is violating every rule adopted by the signatories at the last Geneva Convention concerning the prisoners of war; and

"Whereas, no nation should be allowed to ignore or disobey the rules of the last Geneva Convention because if such conduct can occure against the prisoners of war of one of the signatories, it can happen to the prisoners of war of any of the other signatories; and

"Whereas, it behooves all of the signatories of the last Geneva Convention to become intermediaries between the United States Governmnet and the Government of

North Vietnam in a united effort to assure that the Government of North Vietnam complies with the rules of the last Geneva Convention; and now therefore,

"Be it resolved by the Legislature of Alabama, both houses thereof concurring, That this body does hereby urge the signatories of the last Geneva Convention to exert their influence to persuade the Government of North Vietnam to meet the following minimal conditions:

"1. Release sick and injured POW's immediately.

"2. Treat prisoners of war more humanely.

"3. Establish better communications between prisoners of war and their families.

"4. Allow international inspection of prisoner of war camps.

"5. Release a complete and bona fide roster of prisoners of war and the names of prisoners of war who have died.

"6. Allow prisoners of war to receive mail and packages from home on a regular basis.

"7. Establish a policy whereby future prisoners of war may be properly repatriated through existing organizations such as the Red Cross.

"Be it further resolved that the Secretary of the Senate is hereby authorized and directed to forward an appropriate copy of this Resolution to the Chief Executive of all of the countries which adopted the rules of the last Geneva Convention, the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of Defense and the Speaker of the House and President of the Senate of the legislatures of each of the other 49 states."

A resolution from the Board of Supervisors of the County of San Luis Obispo, State of California, requesting appropriation of funds for airport and airways development; to the Committee on Appropriations.

A resolution from the Metlakatla Indian Community, Metlakatla, Alaska, requesting assistance to the fishing industry of Alaska; to the Committee on Commerce.

A memorial of the Council of King County, State of Washington, endorsing the concept of national health security; to the Committee on Finance.

A resolution of the City Council of Hattiesburg, Miss., expressing approval and support of the Federal revenue-sharing program; to the Committee on Finance.

A letter from the School of Law of Saint Louis University, St. Louis, Mo., calling for the general support of youth rights and for the creation of a youth bill of rights; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, the following favorable executive reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Raymond J. Broderick, of Pennsylvania, to be a U.S. district judge for the eastern district of Pennsylvania;

William E. Doyle, of Colorado, to be a U.S. circuit judge, 10th circuit;

James E. Barrett, of Wyoming, to be a U.S. circuit judge, 10th circuit;

Robert A. Sprecher, of Illinois, to be a U.S. circuit judge, seventh circuit;

Thomas R. McMillen, of Illinois, to be a U.S. district judge for the northern district of Illinois; and

Walter T. McGovern, of Washington, to be a U.S. district judge for the western district of Washington;

By Mr. FONG, from the Committee on the Judiciary:

Herbert Y. C. Choy, of Hawaii, to be a U.S. circuit judge, ninth circuit.

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. SCOTT (for himself and Mr. PERCY):

S. 1598. A bill to provide health care insurance for people of the United States and to improve the availability of health services, and for other purposes. Referred to the Committee on Finance.

By Mr. THURMOND (for himself, Mr. BAKER, Mr. BENNETT, Mr. BIBLE, Mr. BOGGS, Mr. BROOKE, Mr. BUCKLEY, Mr. DOMINICK, Mr. FANNIN, Mr. GURNEY, Mr. HRUSKA, Mr. RANDOLPH, Mr. SAXBE, Mr. SCHWEIKER, Mr. TALMADGE, and Mr. TOWER):

S. 1599. A bill to establish a Commission to conduct a study and investigation of ways and means of maintaining an adequate military Reserve force after transition to an all volunteer system for meeting the military manpower needs of the Nation. Referred to the Committee on Armed Services.

By Mr. FANNIN:

S. 1600. A bill to amend title XVIII of the Social Security Act to provide coverage under the supplementary medical insurance program for surgical services furnished in certain facilities which are established to perform surgery without inpatient hospitalization. Referred to the Committee on Finance.

By Mr. TALMADGE (by request):

S. 1601. A bill to amend the Federal Crop Insurance Act, as amended. Referred to the Committee on Agriculture and Forestry.

By Mr. PEARSON:

S. 1602. A bill to provide assistance to encourage States to establish consumer claims courts. Referred to the Committee on the Judiciary.

By Mr. EAGLETON (for himself, Mr. BIBLE, Mr. INOUYE, Mr. STEVENSON, and Mr. TUNNEY):

S. 1603. A bill to provide an elected Mayor and City Council for the District of Columbia, and for other purposes. Referred to the Committee on the District of Columbia.

By Mr. EAGLETON:

S. 1604. A bill to direct the establishment of health standards for employees of food service establishments in the District of Columbia. Referred to the Committee on the District of Columbia.

By Mr. MOSS:

S. 1605. A bill to amend section 3109 of title 5, United States Code, relating to temporary or intermittent employment of experts and consultants, and for other purposes. Referred to the Committee on Post Office and Civil Service.

By Mr. BROOKE:

S. 1606. A bill to establish an interagency advisory council to study and evaluate the potential domestic application of Department of Defense research projects. Referred to the Committee on Armed Services.

By Mr. BELLMON:

S. 1607. A bill to provide for additional acreage diversion to protect the environment or the local economy of any area from the results of a natural disaster. Referred to the Committee on Agriculture and Forestry.

By Mr. SPARKMAN (for himself, Mr. ALLEN, Mr. CHURCH, Mr. EASTLAND, Mr. HART, Mr. JACKSON, Mr. METCALF, Mr. BENNETT, Mr. HATFIELD, Mr. TOWER, and Mr. YOUNG):

S. 1608. A bill to designate certain lands on the Bankhead National Forest in Alabama as wilderness. Referred to the Committee on Agriculture and Forestry.

By Mr. GRAVEL:

S. 1609. A bill for the relief of Michael A. Korhonen. Referred to the Committee on the Judiciary.

By Mr. HUMPHREY:

S. 1610. A bill for the relief of Miss June Noronha. Referred to the Committee on the Judiciary.

By Mr. PEARSON:

S. 1611. A bill to amend the Interstate Commerce Act, section 204. Referred to the Committee on Commerce.

By Mr. MILLER (for himself, Mr. BELLMON, Mr. BENNETT, Mr. ROTH, Mr. DOLE, Mr. DOMINICK, Mr. FANNIN, Mr. FONG, Mr. HANSEN, and Mr. BOGGS):

S. 1612. A bill to establish a revenue-sharing program for rural development. Referred to the Committee on Agriculture and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SCOTT (for himself and Mr. PERCY):

S. 1598. A bill to provide health care insurance for people of the United States and to improve the availability of health services, and for other purposes. Referred to the Committee on Finance.

THE HEALTH RIGHTS ACT

Mr. SCOTT. Mr. President, I observed late last summer that the 92d Congress would come to be known as the "health care Congress." Today, at the risk of fulfilling my own prophecy, I am introducing my own suggestions for health care reform. I am pleased to be joined in this effort by the distinguished senior Senator from Illinois, Senator PERCY.

There is a growing consensus among the American people that reform of our Nation's health delivery system is needed; that improvement in the overall quality of health care is needed; and that action on a national level is necessary to make good health care available to all our citizens. There are, of course, wide differences of opinion on how best to implement or induce these needed reforms.

Our purpose in proposing the Health Rights Act is to place additional suggestions for reform before the Congress. We hope that this act will add significantly to the ideas which have been put forth in other national health care proposals.

I have previously expressed, and again affirm, my broadly general support of President Nixon's comprehensive health care proposals. This Health Rights Act is introduced as an incentive for further discussion and eventual action, with an opportunity to consider my proposals as alternative courses of action.

The American people are demanding improvements in the quality and availability of health care. We elected representatives of the people must now begin the difficult task of formulating and agreeing upon the program for reform.

I ask unanimous consent that a summary of the major provisions of the Health Rights Act, as well as the text of the bill, be printed at this point in the RECORD.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 1598

A bill to provide health care insurance for people of the United States and to improve the availability of health services, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Health Rights Act of 1971".

TITLE I—ADMINISTRATIVE AND GENERAL PROVISIONS DEFINITIONS, ETC.

SEC. 101. For purposes of this Act—

Inpatient Hospital Services

(a) The term "inpatient hospital services" means the following items and services furnished to an inpatient of a hospital and (except as provided in paragraph (3)) by the hospital—

(1) bed and board;

(2) such nursing services and other related services, such use of hospital facilities, and such medical social services as are ordinarily furnished by the hospital for the care and treatment of inpatients, and such drugs, biologicals, supplies, appliances, and equipment, for use in the hospital, as are ordinarily furnished by such hospital for the care and treatment of inpatients;

(3) such other diagnostic or therapeutic items or services, furnished by the hospital or by others under arrangements with them made by the hospital, as are ordinarily furnished to inpatients either by such hospital or by others under such arrangements;

(4) medical or surgical services provided by a physician, resident, or intern when billed through the hospital; and

(5) medical or surgical services provided by a dental surgeon for surgery related to the jaw or any structure related to the jaw or any facial bone, where billed through the hospital; and

(6) the services of a private-duty nurse or other private-duty attendant, when certified by the attending physician as necessary.

Inpatient Psychiatric Hospital Services

(b) The term "inpatient psychiatric hospital services" means inpatient hospital services furnished to an inpatient of a psychiatric hospital where the patient is under an active program of treatment by a psychologist or psychiatrist.

Hospital

(c) The term "hospital" means an institution which—

(1) is primarily engaged in providing, by or under the supervision of physicians, to inpatients (A) diagnostic services and therapeutic services for medical diagnosis, treatment, and care of injured, disabled, or sick persons, or (B) rehabilitation services for the rehabilitation of injured, disabled, or sick persons;

(2) maintains clinical records on all patients;

(3) has bylaws in effect with respect to its staff of physicians;

(4) has a requirement that every patient must be under the care of a physician;

(5) provides 24-hour nursing service rendered or supervised by a registered professional nurse, and has a licensed practical nurse or registered professional nurse on duty at all times;

(6) has in effect a hospital utilization review plan which meets the requirements of section 108;

(7) in the case of an institution in any State in which State or applicable local law provides for the licensing of hospitals, (A) is licensed pursuant to such law or (B) is approved, by the agency of such State or locality responsible for licensing hospitals, as meeting the standards established for such licensing; and

(8) meets such other requirements as the Secretary finds necessary in the interest of the health and safety of individuals who are furnished services in the institution, except that such other requirements may not be higher than the comparable requirements prescribed for the accreditation of hospitals by the Joint Commission on Accreditation of Hospitals.

Psychiatric Hospital

(d) The term "psychiatric hospital" means an institution which—

(1) is primarily engaged in providing, by or under the supervision of a psychologist or psychiatrist, psychiatric services for the diagnosis and treatment of mentally ill persons;

(2) has a requirement that every patient be under the care of a psychologist or psychiatrist;

(3) has bylaws in effect with respect to its staff of psychologists or psychiatrists;

(4) satisfies the requirements of paragraphs (5) through (8) of subsection (c);

(5) maintains clinical records on all patients and maintains such records as the Secretary finds to be necessary to determine the degree and intensity of the treatment provided to individuals entitled to hospital insurance benefits under title II;

(6) meets such staffing requirements as the Secretary finds necessary for the institution to carry out an active program of treatment for individuals who are furnished services in the institutions; and

(7) is accredited by the Joint Commission on Accreditation of Hospitals.

In the case of an institution which satisfies paragraphs (1) and (2) of the preceding sentence and which contains a distinct part which also satisfies paragraphs (3) and (4) of such sentence, such distinct part shall be considered to be a "psychiatric hospital" if the institution is accredited by the Joint Commission on Accreditation of Hospitals or if such distinct part meets requirements equivalent to such accreditation requirements as determined by the Secretary.

Tuberculosis Hospital

(e) The term "tuberculosis hospital" means an institution which—

(1) is primarily engaged in providing, by or under the supervision of a physician, medical services for the diagnosis and treatment of tuberculosis;

(2) satisfies the requirements of paragraphs (3) through (8) of subsection (c);

(3) maintains clinical records on all patients and maintains such records as the Secretary finds to be necessary to determine the degree and intensity of the treatment provided to individuals covered by the insurance program established by title II;

(4) meets such staffing requirements as the Secretary finds necessary for the institution to carry out an active program of treatment for individuals who are furnished services in the institution; and

(5) is accredited by the Joint Commission on Accreditation of Hospitals.

In the case of an institution which satisfies paragraphs (1) and (2) of the preceding sentence and which contains a distinct part which also satisfies paragraphs (3) and (4) of such sentence, such distinct part shall be considered to be a "tuberculosis hospital" if the institution is accredited by the Joint Commission on Accreditation of Hospitals or if such distinct part meets requirements equivalent to such accreditation requirements as determined by the Secretary.

Secondary Care Services

(f) The term "secondary care services" means the following items and services furnished to an inpatient of a secondary care facility and (except as provided in paragraphs (3) and (6)) by such secondary care facility—

(1) nursing care provided by or under the supervision of a registered professional nurse;

(2) bed and board in connection with the furnishing of such nursing care;

(3) physical, occupational, or speech therapy furnished by the secondary care facility or by others under arrangements with them made by the facility;

(4) medical social services;

(5) such drugs, biologicals, supplies, appliances, and equipment, furnished for use in the secondary care facility, as are ordinarily furnished by such facility for the care and treatment of inpatients;

(6) medical services provided by an intern or resident-in-training of a hospital with which the facility has in effect a transfer agreement (meeting the requirements of subsection (l)), under a teaching program of such hospital approved as provided in the last sentence of subsection (a), and other diagnostic or therapeutic services provided by a hospital with which the facility has such an agreement in effect; and

(7) such other services necessary to the health of the patients as are generally provided by secondary care facilities; excluding, however, any item or service if it would not be included under subsection (a) if furnished to an inpatient of a hospital.

Secondary Care Facility

(g) The term "secondary care facility" means an institution (or a distinct part of an institution) which has in effect a transfer agreement (meeting the requirements of subsection (l)) with one or more hospitals and which—

(1) is primarily engaged in providing to inpatients (A) skilled nursing care and related services for patients who require medical or nursing care, or (B) rehabilitation services for the rehabilitation of injured, disabled, or sick persons;

(2) has policies, which are developed with the advice of (and with provision of review of such policies from time to time by) a group of professional personnel, including one or more physicians and one or more registered professional nurses, to govern the skilled nursing care and related medical or other services it provides;

(3) has a physician, a registered professional nurse, or a medical staff responsible for the execution of such policies;

(4) (A) has a requirement that the health care of every patient must be under the supervision of a physician, and (B) provides for having a physician available to furnish necessary medical care in case of emergency;

(5) maintains clinical records on all patients;

(6) provides twenty-four-hour nursing service which is sufficient to meet nursing needs in accordance with the policies developed as provided in paragraph (2), and has at least one registered professional nurse employed full time;

(7) provides appropriate methods and procedures for the dispensing and administering of drugs and biologicals;

(8) has in effect a utilization review plan which meets the requirements of section 108;

(9) in the case of an institution in any State in which State or applicable local law provides for the licensing of institutions of this nature, (A) is licensed pursuant to such law, or (B) is approved, by the agency of such State or locality responsible for licensing institutions of this nature, as meeting the standards established for such licensing; and

(10) meets such other conditions relating to the health and safety of individuals who are furnished services in such institution or relating to the physical facilities thereof as the Secretary may find necessary;

except that such term shall not include any institution which is primarily for the care and treatment of mental diseases or tuberculosis.

Agreements for transfer between secondary care facilities and hospitals

(h) A hospital and a secondary care facility shall be considered to have a transfer agreement in effect if, by reason of a written agreement between them or (in case the two institutions are under common control) by reason of a written undertaking by the person or body which controls them, there is reasonable assurance that—

(1) transfer of patients will be effected between the hospital and the secondary care facility whenever such transfer is medically appropriate as determined by the attending physician; and

(2) there will be interchange of medical and other information necessary or useful in the care and treatment of individuals transferred between the institutions, or in determining whether such individuals can be adequately cared for otherwise than in either of such institutions.

Any secondary care facility which does not have such an agreement in effect, but which is found by the Secretary to have attempted in good faith to enter into such an agreement with a hospital sufficiently close to the facility to make feasible the transfer between them of patients and the information referred to in paragraph (2), shall be considered to have such an agreement in effect if and for so long as the Secretary finds that to do so is in the public interest and essential to assuring extended care services for persons in the community who are eligible for payments with respect to such services under this title.

Home Health Services

(i) The term "home health services" means the following items and services furnished to an individual, who is under the care of a physician, by a home health agency or by others under arrangements with them made by such agency, under a plan (for furnishing such items and services to such individual) established and periodically reviewed by a physician, which items and services are, except as provided in paragraph (7), provided on a visiting basis in a place of residence used as such individual's home—

(1) part-time or intermittent nursing care provided by or under the supervision of a registered professional nurse;

(2) physical, occupational, or speech therapy;

(3) medical social services under the direction of a physician;

(4) to the extent permitted in regulations, part-time or intermittent services of a home health aide;

(5) medical supplies (other than drugs and biologicals), and the use of medical appliances, while under such a plan;

(6) in the case of a home health agency which is affiliated or under common control with a hospital, medical services provided by an intern or resident-in-training of such hospital, under a teaching program of such hospital approved as provided in the last sentence of subsection (a); and

(7) any of the foregoing items and services which are provided on an outpatient basis, under arrangements made by the home health agency, at a hospital or extended care facility, or at a rehabilitation center which meets such standards as may be prescribed in regulations, and—

(A) the furnishing of which involves the use of equipment of such a nature that the items and services cannot readily be made available to the individual in such place of residence, or

(B) which are furnished at such facility while he is there to receive any such item or service described in clause (A), but not including transportation of the individual in connection with any such item or service; excluding, however, any item or service if it would not be included under subsection (a) if furnished to an inpatient of a hospital.

Post-Inpatient Home Health Services

(j) The term "post-inpatient home health services" means home health services furnished an individual within one year after his most recent discharge from a hospital of which he was an inpatient or (if later) within one year after his most recent discharge from a secondary care facility of which he was an inpatient entitled to payment under title II, but only if the plan covering the home health services is established within 14 days after his discharge from such hospital or secondary care facility.

Home Health Agency

(k) The term "home health agency" means a public agency or private organization, or a subdivision of such an agency or organization, which—

(1) is primarily engaged in providing skilled nursing services and other therapeutic services;

(2) has policies, established by a group of professional personnel (associated with the agency or organization), including one or more physicians and one or more registered professional nurses, to govern the services (referred to in paragraph (1)) which it provides, and provides for supervision of such services by a physician or registered professional nurse;

(3) maintains clinical records on all patients;

(4) in the case of an agency or organization in any State in which State or applicable local law provides for the licensing of agencies or organizations of this nature, (A) is licensed pursuant to such law, or (B) is approved, by the agency of such State or locality responsible for licensing agencies or organizations of this nature, as meeting the standards established for such licensing; and

(5) meets such other conditions of participation as the Secretary may find necessary in the interest of the health and safety of individuals who are furnished services by such agency or organization;

except that such term shall not include a private organization which is not a nonprofit organization exempt from Federal income taxation under section 501 of the Internal Revenue Code of 1954 (or a subdivision of such organization) unless it is licensed pursuant to State law and it meets such additional standards and requirements as may be prescribed in regulations; and except that for purposes of title II such term shall not include any agency or organization which is primarily for the care and treatment of mental diseases.

Outpatient Physical Therapy Services

(l) The term "outpatient physical therapy services" means physical therapy services furnished by a provider of services, a clinic, rehabilitation agency, or a public health agency, or by others under an arrangement with, and under the supervision of, such provider, clinic, rehabilitation agency, or public health agency to an individual as an outpatient—

(1) who is under the care of a physician, and

(2) with respect to whom a plan prescribing the type, amount, and duration of physical therapy services that are to be furnished such individual has been established, and is periodically reviewed, by a physician (as so defined);

excluding, however—

(3) any item or service if it would not be included under subsection (b) if furnished to an inpatient of a hospital; and

(4) any such service—

(A) if furnished by a clinic or rehabilitation agency, or by others under arrangements with such clinic or agency, unless such clinic or rehabilitation agency—

(i) provides an adequate program of physical therapy services for outpatients and has the facilities and personnel required for such program or required for the supervision of such a program, in accordance with such requirements as the Secretary may specify,

(ii) has policies, established by a group of professional personnel, including one or more physicians (associated with the clinic or rehabilitation agency) and one or more qualified physical therapists, to govern the services (referred to in clause (i)) it provides,

(iii) maintains clinical records on all patients,

(iv) if such clinic or agency is situated in a State in which State or applicable local law provides for the licensing of institutions of this nature, (I) is licensed pursuant to such law, or (II) is approved by the agency of such State or locality responsible for licensing institutions of this nature, as meeting the standards established for such licensing; and

(v) meets such other conditions relating to the health and safety of individuals who are furnished services by such clinic or agency on an outpatient basis, as the Secretary may find necessary, or

(B) if furnished by a public health agency, unless such agency meets such other conditions relating to health and safety of individuals who are furnished services by such agency on an outpatient basis, as the Secretary may find necessary.

Physician

(m) The term "Physician", when used in connection with the performance of any function or action, means (1) a doctor of medicine, optometry, podiatry or osteopathy legally authorized to practice medicine and surgery as provided in section 501.

Dentist

(n) The term "dentist", when used in connection with the performance of any function or action, means a doctor of dentistry or oral surgery who is legally authorized to practice dentistry as provided in section 501.

Non-diagnostic Medical Examination

(o) The term "non-diagnostic medical examination" means examinations by a physician or by other medical or paramedical personnel under a physician's direction, to determine whether an undetected diseased condition exists.

Medical and Other Health Services

(p) The term "medical and other health services" means any of the following items or services:

(1) physicians' services;

(2) (A) services and supplies (including drugs and biologicals which cannot, as determined in accordance with regulations, be self-administered) furnished as an incident to a physician's professional service, of kinds which are commonly furnished in physicians' offices and are commonly either rendered without charge or included in the physicians' bills;

(B) hospital services (including drugs and biologicals which cannot, as determined in accordance with regulations, be self-administered) incident to physicians' services rendered to outpatients;

(C) diagnostic services which are—

(i) furnished to an individual as an outpatient by a hospital or by others under arrangements with them made by a hospital, and

(ii) ordinarily furnished by such hospital (or by others under such arrangements) to its outpatients for the purpose of diagnostic study; and

(D) outpatient physical therapy services;

(3) diagnostic X-ray tests (including tests under the supervision of a physician, furnished in a place of residence used as the patient's home, if the performance of such tests meets such conditions relating to health

and safety as the Secretary may find necessary), diagnostic laboratory tests, and other diagnostic tests;

(4) X-ray, radium, and radioactive isotope therapy, including materials and services of technicians;

(5) surgical dressings, and splints, casts, and other devices used for reduction of fractures and dislocations;

(6) durable medical equipment, including iron lungs, oxygen tents, hospital beds, and wheelchairs used in the patient's home, whether furnished on a rental basis or purchased;

(7) ambulance service where the use of other methods of transportation is contraindicated by the individual's condition, but only to the extent provided in regulations;

(8) prosthetic devices (other than dental) which replace all or part of an internal body organ, including replacement of such devices; and

(9) leg, arm, back, and neck braces, and artificial legs,

(10) diagnostic tests performed in a laboratory which is independent of a physician's office or a hospital shall be included within paragraph (3) where—

(i) the patient has been referred by a physician, and only for such tests as specified by the physician; and

(ii) such laboratory meets such conditions relating to the health and safety of individuals with respect to whom such tests are performed as the Secretary may find necessary.

There shall be excluded from the diagnostic services specified in paragraph (2) (C) any item or service (except services referred to in paragraph (1)) which—

(i) would not be included under subsection (b) if it were furnished to an inpatient of a hospital; or

(ii) is furnished under arrangements referred to in such paragraph (2)(C) unless furnished in the hospital or in other facilities operated by or under the supervision of the hospital or its organized medical staff.

None of the items and services referred to in the preceding paragraphs (other than paragraphs (1) and (2)(A)) of this subsection which are furnished to a patient of an institution which meets the definition of a hospital shall be included unless such other conditions are met as the Secretary may find necessary relating to health and safety of individuals with respect to whom such items and services are furnished.

Provider of Services

(q) The term "provider of services" means a medical care institution.

Reasonable Cost

(r) (1) The reasonable cost of any services shall be determined in accordance with regulations establishing the method or methods to be used, and the items to be included, in determining such costs for various types or classes of institutions, agencies, and services; except that in any case to which paragraph (2) or (3) applies, the amount of the payment determined under such paragraph with respect to the services involved shall be considered the reasonable cost of such services. In prescribing the regulations referred to in the preceding sentence, the Secretary shall consider, among other things, the principles generally applied by national organizations or established prepayment organizations (which have developed such principles) in computing the amount of payment, to be made by persons other than the recipients of services, to providers of services on account of services furnished to such recipients by such providers. Such regulations may provide for determination of the costs of services on a per diem, per unit, per capita, or other basis, may provide for using different methods in different circumstances, may provide for the use of estimates of costs of particular items or services, may provide for separate estimates in different geographical areas, and may provide for the use of charges or a percentage of charges where this method reasonably reflects the costs. Such regulations shall (A) take into account both direct and indirect costs of providers of services in order that, under the methods of determining costs, the costs with respect to individuals covered by the insurance programs established by this title will not be borne by individuals not so covered, and the costs with respect to individuals not so covered will not be borne by such insurance programs, and (B) provide for the making of suitable retroactive corrective adjustments where for a provider of services for any fiscal period, the aggregate reimbursement produced by the methods of determining costs proves to be either inadequate or excessive.

Such regulations in the case of secondary care services furnished by proprietary facilities shall include provision for specific recognition of a reasonable return on equity capital, including necessary working capital, invested in the facility and used in the furnishing of such services, in lieu of other allowances to the extent that they reflect similar items. The rate of return recognized pursuant to the preceding sentence for determining the reasonable cost of any services furnished in any fiscal period shall not exceed one and one-half times the average of the rates of interest, for each of the months any part of which is included in such fiscal period, on obligations issued for purchase by the Federal Health Care Trust Fund.

(2) (A) If the bed and board furnished as part of inpatient hospital services (including inpatient tuberculosis hospital services and inpatient psychiatric hospital services) or secondary care services is in accommodations more expensive than semi-private accommodations, the amount taken into account for purposes of payment under this Act with respect to such services may not exceed an amount equal to the reasonable cost of such services if furnished in such semi-private accommodations unless the more expensive accommodations were required for medical reasons.

(B) Where a provider of services which has an agreement in effect under this Act furnishes to an individual items or services which are in excess of or more expensive than the items or services with respect to which payment may be made under part A or part B, as the case may be, the Secretary shall take into account for purposes of payment to such provider of services only the equivalent of the reasonable cost of the items or services with respect to which such payment may be made.

(3) If the bed and board furnished as part of inpatient hospital services (including inpatient tuberculosis hospital services and inpatient psychiatric hospital services) or secondary care services is in accommodations other than, but not more expensive than, semi-private accommodations and the use of such other accommodations rather than semi-private accommodations was neither at the request of the patient nor for a reason which the Secretary determines is consistent with the purposes of this Act, the amount of the payment with respect to such bed and board under part A shall be the reasonable cost of such bed and board furnished in semi-private accommodations (determined pursuant to paragraph (1)) minus the difference between the charge customarily made by the hospital or extended care facility for bed and board in semi-private accommodations and the charge customarily made by it for bed and board in the accommodations furnished.

(4) For purposes of this subsection, the term "semi-private accommodations" means two-bed, three-bed, or four-bed accommodations.

Family

(s) (1) The term "family" means—

(A) two or more individuals—

(i) who are related by blood, marriage, or adoption, and

(ii) who are living in a place of residence maintained by one or more of them as his or their home, but excluding any adult individual who—

(iii) is not a dependent of any other of such individuals, or

(iv) does not provide more than 50 per centum of the economic support of any other of such individuals, or

(v) is not the spouse of any other of such individuals;

(B) an adult individual who is not included as a member of any family under subparagraph (A); or

(C) any individual who is not included within subparagraphs (A) and (B).

(2) For purposes of paragraph (1)(A)(ii), a child of an individual who is attending school away from home shall be considered to be living in the place of residence of his parent.

(t) The term "dependent" means one who depends upon another for more than 50 percentum of his economic support.

(u) The term "adult" means a person over 18 years of age.

(v) the term "child" means a person under 18 years of age.

(w) The term "family income" means the total of the adjusted gross income for all family members, as defined by section 62 of the Internal Revenue Code of 1954, and any other cash income received which is otherwise exempt from taxation including but not limited to Federal or State public assistance and Social Security payments.

(x) The term "family health cost ceiling" means 15 per centum of the annual per person family income, except where—

(1) the annual per person family income is $2,000 or less, than 10 per centum of the annual per person family income;

(2) The determination of the adjusted gross income shall be made from a review of the income tax return of the family. A family may request a review of the adjusted gross income where there has been a change of circumstances which would reflect a change in the family health cost ceiling. The Secretary may review the adjusted gross income of a family, not more than quarterly, where he has reason to believe that circumstances have changed that would reflect a change in the health cost ceiling of a family.

(y) The term "per person family income" means the quotient of the total family income divided by the family size percentage.

(z) The term "family size percentage" means—

(1) in the case of a family consisting of one adult, 1.25;

(2) in the case of a family consisting of one adult, plus spouse or one dependent, 1.75;

(3) in the case of each additional dependent, .50.

(aa) The term "State" means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam and American Samoa. The term "United States" when used in a geographical sense includes all the States as defined in this subsection.

Medical Care Institutions

(bb) The term "medical care institutions" includes hospitals, psychiatric hospitals, tuberculosis hospitals, secondary care facilities, and other facilities rendering medical and mental health services covered by this Act.

Health Maintenance Organization

(cc) The term "health maintenance organization" means a public or private organization which—

(1) provides, either directly or through arrangements with others, health services to enrollees on a per capita prepayment basis;

(2) provides with respect to enrollees for benefits under title IV to whom this section applies (through medical care institutions) all of the services and benefits covered under titles II and III of this Act;

(3) provides physicians' psychologists', psychiatrists', or dentists' services directly through such professionals who are either employees or partners of such organization or under arrangement with an organized group or groups of such professionals which is or are reimbursed for services on the basis of an aggregate fixed sum or on a per capita basis;

(4) demonstrates to the satisfaction of the Secretary proof of financial responsibility and proof of capability of provide comprehensive health care services, including institutional services, efficiently, effectively, and economically; and

(5) has arrangements for assuring that the health services required by its members are received promptly and appropriately and that the services that are received measure up to quality standards which it establishes in accordance with regulations.

OFFICE OF HEALTH CARE

SEC. 102. (a) There is hereby established within the Department of Health, Education, and Welfare, under the general authority of the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary"), an Office of Health Care, the functions of which shall be the administration of the provisions of this Act.

(b) The Office of Health Care shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate. The functions of the Secretary under this Act shall be administered through the Director of the Office of Health Care (hereinafter referred to as the Director).

ADMINISTRATIVE POWERS

SEC. 103. In carrying out his functions under this Act, the Secretary is authorized to—

(1) establish regional offices within each of the ten Health, Education, and Welfare Regions, and such sub-regional offices as he deems necessary to administer the provisions of title II of this Act;

(2) appoint and fix the compensation of such personnel as the Director deems necessary in accordance with title 5, United States Code;

(3) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 per day for individuals;

(4) promulgate such rules, regulations, and procedures, in accordance with section 553, title 5, United States Code, as may be necessary to carry out the functions vested in him, and delegate authority for the performance of any function to any officer or employee of the United States under his direction and supervision;

(5) utilize, with their consent, the services, personnel and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefor;

(6) request such information, data, and reports, from any Federal agency as the Director may from time to time require, and as may be produced consistent with other law;

(7) with approval of the President, arrange with and reimburse the heads of other Federal agencies for the performance of any of his functions under this Act;

(8) enter into and perform such contracts (including contracts with independent insurance carriers to administer claims under title III of this Act), leases, cooperative agreements or other transactions, in the conduct of his functions consistent with the purposes of this Act, in accordance with section 3648 of the Revised Statutes (31 U.S.C. 529).

COMPENSATION

SEC. 104. Section 5314, title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(58) Director, Office of Health Care".

UTILIZATION REVIEW

SEC. 105. (a) Each medical care institution providing services or receiving payments under this Act shall develop a utilization review plan.

(b) Such review plans shall include provisions for a review of the medical necessity—

(1) of all medical and other health services received by individuals from such medical care institutions;

(2) of hospitalization for over 7 days and every 7 days thereafter; and

(3) of additional medical and other health services which may be required from such medical care institution.

(c) Reviews shall be conducted by a committee of members of the organization providing such services, composed of two or more physicians, or dentists, or psychiatrists or psychlologists as the case may be. However where the size of the organization is such that the establishment of an internal review committee is impractical, a similar committee established by the local medical, dental or mental health association shall be established to carry out the purposes of subsection (b) of this section.

(d) Utilization review committees in the same geographical area (as prescribed by regulations published by the Secretary), and from the various organizations, shall meet from time to time but not less than yearly, as determined by the Secretary, to—

(1) discuss available facilities for medical care and treatment in the area;

(2) discuss plans for sharing highly specialized or high cost facilities;

(3) make recommendations to the regional or subregional health services review committee for sharing of facilities and personnel where such sharing would promote higher efficiency in health delivery and reduce overall costs.

HEALTH SERVICES REVIEW COMMITTEE

SEC. 106. (a) There shall be established in each region or subregion a Health Services Review Committee, the members of which shall be appointed by the Director. Each such committee shall be (1) commensurate in size with the population of the region or subregion served by it (but not to exceed nine members); (2) shall be composed of representatives of the medical, dental, mental health, and allied health professions providing health care in such area, and of representatives of consumers of health care services provided in such area.

(b) Any such Health Services Review Committee shall—

(1) review, on a sample basis, the utilization review being performed by medical care institutions providing, in the area served by such Committee, health care services for which payment is authorized to be made under this Act;

(2) review the administration of this Act in regard to efficiency and cost;

(3) review the effectiveness of this Act in providing the health services intended to be provided; and

(4) report to the Health Services National Review Board, from time to time as the Secretary shall prescribe, but not less often than annually, the status of the programs established by this Act and recommend new legislation where needed.

(c) Members of the Health Services Review Committees shall be appointed for terms of three years and may be reappointed. No member shall, during his term of office, engage in any other business, vocation or employment. Members of any such Committee who are officers or full-time employees of the United States shall serve without compensation other than the compensation received for their services as such officers or employees.

(d) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(131) Members, Health Services Review Committees.".

HEALTH SERVICES NATIONAL REVIEW BOARD

SEC. 107. (a) There is hereby established in the Department of Health, Education, and Welfare a Health Services National Review Board (hereinafter referred to as the Board), to be composed of five members appointed by the President, by and with the consent of the Senate, without regard to the provisions of title 5, United States Code. The members of such Board shall be appointed within 120 days after the date of enactment of this Act. Each member so appointed shall be a person who, as a result of his training, experience and attainments, is exceptionally qualified to appraise programs and activities under this Act.

(b) The Committee shall select its own Chairman from among its members. Members shall be appointed for three year terms, except that of the members first appointed two shall be appointed for terms of one year and three shall be appointed for terms of three years as designated by the President at the time of appointment. Any member appointed to fill a vacancy prior to the expiration of the term for which his predecessor was appointed shall serve only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office. A vacancy in the Board shall not affect its activities and three members thereof shall constitute a quorum. The Secretary shall be an ex-officio member of the Board. During his term of office no member shall engage in any other business, vocation, or employment. A member of the Board who is an officer or employee of the Federal Government shall serve without additional compensation.

(c) The Secretary shall make available to the Board such staff, information, and other assistance as it may require to carry out its activities.

(d) The Board shall—

(1) review reports of regional and subregional Health Services Review Committees;

(2) continually review the overall administration of this Act;

(3) develop and issue minimum national standards of training for physicians, dentists, psychologists, psychiatrists, and nurses providing services covered by this Act;

(4) develop and issue minimum standards of training for allied health personnel employed by, or to be employed by providers, including, but not limited to, medical technologists, radiologic technologists, optometric technologists, dental hygienists, dental assistants, dental laboratory technicians, dietary technicians, practical nurses, nursing aides, pharmacy aides, physical therapists, physical therapy assistants, inhalation therapy technicians, electrocardiograph technicians, electroencephalograph technicians, and surgical aides;

(5) hold hearings and consult with appropriate professional or other organizations to assist in the development of the standards in paragraphs (3) and (4);

(6) in its discretion, require the revision of a provider's staffing patterns, or its standards for the selection and retention of professional or other personnel, which fail to meet said minimum standards;

(7) in its discretion, provide, for the allied health personnel covered in paragraph (4), special programs for the training, or retraining of personnel employed by providers

who fail to meet minimum standards of training;

(8) compile a generic list of prescription drugs (i) for use by organizations supplying services under titles II and IV, and (ii) for use outside such organizations under titles III and IV when furnished by or on prescription of a physician, psychiatrist, or dentist, subject to the provisions of section 303(b);

(9) prescribe national standards for health service organizations, corporations, and associations in the health care field;

(10) make an annual report, to the Congress through the Secretary, containing a review of the overall effectiveness and administration of this Act and recommending new legislation if needed.

(e) (1) Section 5315, title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(96) Chairman, Health Services National Review Board.".

(2) Section 5316 of such title is amended by adding at the end thereof the following new paragraph:

"(132) Members, Health Services National Review Board (4).".

TITLE II—INPATIENT HEALTH CARE BENEFITS PROGRAM ESTABLISHED

SEC. 201. There is hereby established an insurance program to provide insurance benefits, in accordance with the provisions of this title, financed by the Federal Government.

ELIGIBILITY

SEC. 202. (a) Except as provided in subsection (b) of this section every resident of the United States and every nonresident citizen thereof, while within the United States, is eligible to receive health care benefits under this Act.

(b)(1) The Secretary is authorized to enter into agreements with foreign governments, international organizations, or other entities to extend the benefits of this title to persons within the United States who are alien employees (as defined in regulations) of a foreign government, of an instrumentality of a foreign government exempt from the tax imposed by section 3111 (b) of the Internal Revenue Code of 1954, or of an international organization (as defined in the International Organizations Immunity Act). An alien admitted as a permanent resident and living in the United States, or an alien admitted for employment and employed within the United States, is for the purposes of this title a resident of the United States.

(2) Agreements entered into by the Secretary in accordance with paragraph (1) of the subsection shall be in consideration of payment to the United States of the estimated cost of furnishing benefits to such persons, or of reciprocal agreement.

(c) Every individual who qualifies (in accordance with regulations published by the Secretary) for benefits under this title shall be entitled to benefits for medical and other health services rendered after January 1, 1973, which are covered by this title. An individual receiving medical and other health services at the time he becomes eligible for benefits under this title shall receive benefits only from the date that he becomes eligible for such benefits.

(d) The Secretary shall prescribe regulations providing for automatic coverage of newly born children up to the age of three months.

SCOPE OF BENEFITS

SEC. 203. (a) Every eligible individual shall be entitled to have payment made on his behalf, or in such situations as the Secretary may allow, to him, for any covered service which is furnished to him within the United States by an approved hospital or medical care facility if such service is certified necessary and appropriate by the attending physician, dentist, psychologist, or psychiatrist, for the diagnosis, treatment, maintenance, or rehabilitation of such individual.

(b) Every individual who is eligible for benefits under this title shall be covered for the cost of—

(1) inpatient hospital services;

(2) inpatient dental services;

(3) inpatient psychiatric services, not to exceed 180 patient days during the lifetime of the patient;

(4) inpatient services in a Secondary Care Institution; and

(5) home health services following covered inpatient status.

(c) Any service furnished otherwise than in accordance with this title or rules promulgated thereunder is not a covered service, except that, as specified in regulations prescribed by the Secretary, the services of a Christian Science Sanatorium are covered services if it is operated, or listed and certified, by the First Church of Christ, Scientist, Boston, Massachusetts.

PAYMENT OF BENEFITS

SEC. 204. (a) As a condition precedent to any benefits paid under this title a family or individual must expend for services covered by this title an amount equal to one-half its family health cost ceiling (as defined in section 101(x)) plus an amount equal to 50 per centum of the cost of such services that are above one-half of the family health cost ceiling and the family health cost ceiling.

(b) In no case shall benefits be paid for services that are performed for cosmetic reasons unless such services are performed to restore the patient to a condition equivalent to his condition immediately prior to the injury or disease on account of which such services are performed.

PROCEDURE FOR PAYMENT

SEC. 205. Payment for services described in this title shall be made in accordance with such rules and regulations as are promulgated by the Secretary.

FINANCING

SEC. 206. (a) There is hereby created on the books of the Treasury of the United States a trust fund to be known as the "Federal Health Care Trust Fund" (hereinafter in this section referred to as the "Trust Fund"). The Trust Fund shall consist of such amounts as may be deposited in, or appropriated to such fund as provided in this section.

(b) There are hereby appropriated to the Trust Fund for the fiscal year ending June 30, 1972, and for each fiscal year thereafter, out of any moneys in the Treasury not otherwise appropriated amounts equal to 100 per centum of—

(1) the taxes imposed by section 3101(b) and 3111(b) of the Internal Revenue Code of 1954 with respect to wages reported to the Secretary of the Treasury or his delegate to subtitle F of such Code after December 31, 1965, as determined by the Secretary of the Treasury by applying the applicable rates of tax under such sections to such wages, which wages shall be certified by the Secretary of Health, Education, and Welfare on the basis of records of wages established and maintained by the Secretary of Health, Education, and Welfare in accordance with such reports; and

(2) the taxes imposed by section 1401(b) of the Internal Revenue Code of 1954 with respect to self-employment income reported to the Secretary of the Treasury or his delegate on tax returns under subtitle F of such Code, as determined by the Secretary of the Treasury by applying the applicable rate of tax under such section to such self-employment income, which self-employment income shall be certified by the Secretary of Health, Education, and Welfare on the basis of records of self-employment established and maintained by the Secretary of Health, Education, and Welfare in accordance with such returns. The amounts appropriated by the preceding sentence shall be transferred from time to time from the general fund in the Treasury to the Trust Fund, such amounts to be determined on the basis of estimates by the Secretary of the Treasury of the taxes, specified in the preceding sentence, paid to or deposited into the Treasury; and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or were less than the taxes specified in such sentence.

(b) With respect to the Trust Fund, there is hereby created a body to be known as the Board of Trustees of the Trust Fund (hereinafter in this section referred to as the "Board of Trustees") composed of the Secretary of the Treasury, the Secretary of Labor, and the Secretary of Health, Education, and Welfare, all ex officio. The Secretary of the Treasury shall be the Managing Trustee of the Board of Trustees (hereinafter in this section referred to as the "Managing Trustee"). The Commissioner of Social Security shall serve as the Secretary of the Board of Trustees. The Board of Trustees shall meet not less frequently than once each calendar year. It shall be the duty of the Board of Trustees to—

(1) Hold the Trust Fund;

(2) Report to the Congress not later than the first day of April of each year on the operation and status of the Trust Fund during the preceding fiscal year and on its expected operation and status during the current fiscal year and the next 2 fiscal years;

(3) Report immediately to the Congress whenever the Board is of the opinion that the amount of the Trust Fund is unduly small; and

(4) Review the general policies followed in managing the Trust Fund, and recommend changes in such policies, including necessary changes in the provisions of law which govern the way in which the Trust Fund is to be managed. The report provided for in paragraph (2) shall include a statement of the assets of, and the disbursements made from, the Trust Fund during the preceding fiscal year, an estimate of the expected income to, and disbursements to be made from, the Trust Fund during the current fiscal year and each of the next 2 fiscal years, and a statement of the actuarial status of the Trust Fund. Such report shall be printed as a House document of the session of the Congress to which the report is made.

(a) It shall be the duty of the Managing Trustee to invest such portion of the Trust Fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose such obligations may be acquired (1) on original issue at the issue price, or (2) by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act, as amended, are hereby extended to authorize the issuance at par of public-debt obligations for purchase by the Trust Fund. Such obligations issued for purchase by the Trust Fund shall have maturities fixed with due regard for the needs or the Trust Fund and shall bear interest at a rate equal to the average market yield (computed by the Managing Trustee on the basis of market quotations as of the end of the calendar month next preceding the date of such issue) on all marketable interest-bearing obligations of the United States then forming a part of the public debt which are not due or callable until after the expiration of 4 years from the end of such calendar month; except that where such average market yield is not a multiple of one-eighth of 1 per centum, the rate of interest on such obligations shall be the multiple of one-eighth of 1 per centum nearest such market yield. The Managing Trustee may purchase other interest-bearing obligations of the United States or obligations guaranteed as to both principal and interest by the United States, on original issue or at the market price, only where he determines that the purchase of such other obligations is in the public interest.

(d) Any obligations acquired by the Trust Fund (except public-debt obligations issued exclusively to the Trust Fund) may be sold by the Managing Trustee at the market price, and such public-debt obligations may be redeemed at par plus accrued interest.

(e) The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

(f)(1) The Managing Trustee is directed to pay from time to time from the Trust Fund into the Treasury the amount estimated by him as taxes imposed under section 3101(b) which are subject to refund under section 6413(c) of the Internal Revenue Code of 1954 with respect to wages paid after December 31, 1972. Such taxes shall be determined on the basis of the records of wages established and maintained by the Secretary of Health, Education, and Welfare in accordance with the wages reported to the Secretary of the Treasury or his delegate pursuant to subtitle F of the Internal Revenue Code of 1954, and the Secretary of Health, Education, and Welfare shall furnish the Managing Trustee such information as may be required by the Managing Trustee for such purpose. The payments by the Managing Trustee shall be covered into the Treasury as repayments to the account for refunding internal revenue collections.

(2) Repayments made under paragraph (1) shall not be available for expenditures but shall be carried to the surplus fund of the Treasury. If it subsequently appears that the estimates under such paragraph in any particular period were too high or too low, appropriate adjustments shall be made by the Managing Trustee in future payments.

(g) The Managing Trustee shall also pay from time to time from the Trust Fund such amounts as the Secretary of Health, Education, and Welfare certifies are necessary to make the payments provided for by this part, and the payments with respect to administrative expenses.

(h) There are hereby transferred to the Trust Fund all assets and liabilities of the Federal Hospital Insurance Trust Fund established by section 1817, title XVIII, of the Social Security Act. This subsection shall become effective on the date that benefits under this title begin.

(i) There are hereby appropriated such funds as may be necessary to defray the expenses of the Trust Fund.

TITLE III—SUPPLEMENTARY MEDICAL INSURANCE PROGRAM ESTABLISHED

SEC. 301. There is hereby established a voluntary insurance program to provide medical insurance benefits, in accordance with the provisions of this title to those individuals who elect to enroll under such program, to be financed from premium payments by enrollees together with contributions from funds by the Federal Government.

ELIGIBILITY AND ENROLLMENT

SEC. 302. (a) Every individual who is eligible for benefits under title II of this Act is eligible to enroll for benefits under this title.

(b) An individual may enroll for coverage under this title only in such manner and form as shall be prescribed by the Secretary by regulation, and only during enrollment periods prescribed in or under this Act.

(c) There shall be a general enrollment period, during which all eligible individuals may enroll, beginning on June 1, 1972, and ending on March 31, 1973. Thereafter enrollment shall be open during the month of November of each year, for coverage to begin on January 1, of the next following year.

(d) Aliens shall be eligible to enroll in accordance with the provisions of the agreements reached under section 202(b)(1).

(e) The Secretary shall prescribe regulations providing for automatic coverage of newly born children up to the age of three months.

SCOPE OF BENEFITS

SEC. 303. (a) The benefits provided to an individual by the insurance program established by this title shall consist of—

(1) entitlement to have payment made to him or on his behalf (subject to regulations prescribed by the Secretary) for medical and other health services; and

(2) entitlement to have payment made on his behalf for—

(A) home health services for up to 100 visits during the calendar year; and

(B) outpatient physical therapy services.

(3) entitlement to have payment to him or made on his behalf for professional services of a dentist including diagnostic and therapeutic services, except that—

(A) services of orthodontists are excluded, unless performed in relation to restoration of a prior condition; and

(B) for persons above the age of eleven years, services are only covered with regard to inpatient dental services as defined in section 101(a).

(4) entitlement to have payment made to him or on his behalf for professional services of a psychologist or a psychiatrist provided on an outpatient basis (subject to regulations prescribed by the Secretary), with an individual lifetime limit of one hundred and four visits or sessions.

(5) entitlement to have payment made to him or on his behalf for nondiagnostic medical examinations (as provided by regulations prescribed by the Secretary) but including—

(A) biyearly examinations for children between birth and the age of four; and

(B) three examinations during the term of each pregnancy.

(b) The benefits provided to an individual by the insurance program established by this title shall include drugs which are—

(i) used in the treatment of long-term or chronic illnesses (as prescribed by the Secretary); and

(ii) are prescribed by a physician from the list developed in accordance with the provisions in section 107(d)(8).

PAYMENT OF BENEFITS

SEC. 304. (a) Subject to the provisions of this section, there shall be paid from the Supplementary Health Care Trust Fund, in the case of each individual who is covered under the insurance program established by this title and incurs expenses for services with respect to which benefits are payable under this title, amounts equal to—

(1) 100 per centum of the reasonable costs of the services described in section 303(a) (1), (2), (4), and (5), less (A) $50 per person per calendar year, where the per person family income exceeds $2,000 per year, or (B) $25 per person per calendar year where the per person family income is greater than $1,000 but less than $2,000, or (C) $10 per person per calendar year where the per person family income is less than $1,000.

(2) 100 per centum of the reasonable costs of the services described in section 303(a)(3) less (A) $25 per person per calendar year, where the per person family income exceeds $2,000 per year, or (B) $15 per person per calendar year where the per person family income is greater than $1,000 but less than $2,000, or (C) $10 per person per calendar year where the per person family income is less than $1,000.

(b) No payment may be made under this title with respect to any services furnished an individual to the extent that such individual is entitled to have payment made with respect to services under title II.

(c) No payment may be made under this title to any provider of services or other person under this title unless there has been furnished such information as may be necessary in order to determine the amounts due such provider or other person under this title for the period with respect to which the amounts are being paid or for any prior period.

PROCEDURE FOR PAYMENT

SEC. 305. Payment for services described in section 308(a) shall be made by the insurance carrier who has contracted to cover the region or sub-region in which the services were rendered upon the submission to such insurance carrier, a claim in such manner as prescribed by the Secretary by published regulations.

FINANCING

SEC. 306. (a)(1) The Secretary shall, during December 1972, and of each year thereafter determine and promulgate the dollar amount which shall be applicable for premiums for each region and subregion for months occurring in the 12-month period commencing July 1 in each succeeding year. Such dollar amount shall be such amount as the Secretary estimates will be equal to the Federal share of the total of the premium costs which he estimates will be payable from the Supplementary Health Care Trust Fund for such 12-month period.

(2) The Federal share of the premiums for Supplementary Health Care under this title shall be equal to—

(A) 100 per centum of the premium where the per person family income is less than $1,000;

(B) 75 per centum of the premiums where the per person family income is more than $1,000 but less than $1,500;

(C) 50 per centum of the premiums where the per person family income is more than $1,500 but less than $2,000; and

(D) 25 per centum of the premiums where the per person family income is more than $2,000 but less than $2,500. The balance (of the premium) not covered by the Federal share shall be paid by the family and where the per person family income exceeds $2,500 per person the Federal share shall be 0 per centum.

(b) If any monthly premium determined under the foregoing provisions of this section is not a multiple of 10 cents, such premium shall be rounded to the nearest multiple of 10 cents.

PAYMENT OF PREMIUMS

SEC. 307. (a) Payment of the family share of the premium under this title shall be made, in a manner specified by regulations promulgated by the Secretary, to the designated insurance carrier in the region or subregion in which the family resides.

(b) The Secretary shall encourage and provide regulations for the insurance carriers of the regions and subregions to enter into agreements with employers to deduct from the salaries and wages of their employees the amount of their premiums.

(c) Nothing in this Act shall be construed as impairing or restricting any contract or employee health-benefit agreement now in effect or to become effective in the future, between an employer and a health insurance carrier. Such health insurance shall be in addition to the health care plan provided under this title.

(d)(1) In the case of an individual who is entitled to monthly benefits under section 202 of the Social Security Act, his monthly premiums under this title (except as provided in subsection (g) of this section) shall be collected by deducting the amount of such monthly benefits. Such deductions shall be made in such manner and at such times as the Secretary shall by regulations prescribe.

(2) The Secretary of the Treasury shall from time to time, transfer from the Federal Old-Age and Survivors' Insurance Trust Fund or the Federal Disability Insurance Trust Fund to the Supplementary Health Care Trust Fund the aggregate amount deducted under paragraph (1) of this subsection, for the period to which such transfer relates from benefits under section 202 of the Social Security Act which are payable from such trust fund. Such transfer shall be made on the basis of a certification by the Secretary of Health, Education, and Welfare and shall be appropriately adjusted to the extent that prior transfers were too great or too small.

(e) (1) In the case of an individual who is entitled to receive for a month an annuity or pension under the Railroad Retirement Act of 1937, his monthly premiums under this title shall (except as provided in subsection (g)) be collected by deducting the amount thereof from such annuity or pension. Such deduction shall be made in such manner and at such times as the Secretary shall by regulations prescribe. Such regulations shall be prescribed only after consultation with the Railroad Retirement Board.

(2) The Secretary of the Treasury shall, from time to time, transfer from the Railroad Retirement Account to the Supplementary Health Care Trust Fund the aggregate amount deducted under paragraph (1) for the period to which such transfer relates. Such transfers shall be made on the basis of a certification by the Railroad Retirement Board and shall be appropriately adjusted to the extent that prior transfers were too great or too small.

(f) In the case of an individual who is entitled both to monthly benefits under section 202 and to an annuity or pension under the Railroad Retirement Act of 1937 at the time he enrolls under this title, subsection (d) shall apply so long as he continues to be entitled both to such benefits and such annuity or pension. In the case of an individual who becomes entitled both to such benefits and such an annuity or pension after he enrolls under this part, subsection (d) shall apply if the first month for which he was entitled to such benefits was the same as or earlier than the first month for which he was entitled to such annuity or pension, and otherwise subsection (e) shall apply.

(g) If an individual to whom subsection (d) or (e) applies estimates that the amount which will be available for deduction under such subsection for any premium payment period will be less than the amount of the monthly premiums for such period, he may (under regulations) pay to the Secretary such portion of the monthly premiums for such period as he desires.

(h) (1) In the case of an individual receiving an annuity under subchapter III of chapter 83 of title 5, United States Code, or any other law administered by the Civil Service Commission providing retirement or survivorship protection, to whom neither subsection (d) nor subsection (e) applies, his monthly premiums under this part (and the monthly premiums of the spouse of such individual under this part if neither subsection (d) nor subsection (e) applies to such spouse and if such individual agrees) shall, upon notice from the Secretary of Health, Education, and Welfare to the Civil Service Commission, he collected by deducting the amount thereof from each installment of such annuity. Such deduction shall be made in such manner and at such times as the Civil Service Commission may determine. The Civil Service Commission shall furnish such information as the Secretary of Health, Education, and Welfare may reasonably request in order to carry out his functions under this part with respect to individuals to whom this subsection applies. A plan described in section 8903 of title 5, United States Code, may reimburse each annuitant enrolled in such plan an amount equal to the premiums paid by him under this part if such reimbursement is paid entirely from funds of such plan which are derived from sources other than the contributions described in section 8906 of such title.

(2) The Secretary of the Treasury shall, from time to time, but not less often than quarterly, transfer from the Civil Service Retirement and Disability Fund, or the account (if any) applicable in the case of such other law administered by the Civil Service Commission, to the Supplementary Health Care Trust Fund the aggregate amount deducted under paragraph (1) for the period to which such transfer relates. Such transfer shall be made on the basis of a certification by the Civil Service Commission and shall be appropriately adjusted to the extent that prior transfers were too great or toc small.

(i) In the case of an individual who participates in the insurance program established by this title but with respect to whom none of the preceding provisions of this section applies, or with respect to whom subsection (g) applies, the premiums shall be paid to the designated insurance carrier at such times, and in such manner as the Secretary shall by regulations prescribe.

(j) Amounts paid to the Secretary under subsection (g) or (i) shall be deposited in the Treasury to the credit of the Supplementary Health Care Trust Fund.

(k) In the case of an individual who participates in the insurance program established by this title, premiums shall be payable for the period commencing with the first month of his coverage period and ending with the month in which he dies or, if earlier, in which his coverage under such program terminates.

(l) The Managing Trustee shall pay from time to time, but not less than yearly, to the insurance carriers such amounts as the Secretary certifies are necessary to pay the Federal share of the premiums under this title.

(m) Where an individual or family fails to pay his share of the premium, coverage shall continue either partially or fully, for a period not to exceed one year, subject to regulations prescribed by the Secretary.

SUPPLEMENTARY HEALTH CARE TRUST FUND

SEC. 308. (a) There is hereby created on the books of the Treasury of the United States a trust fund to be known as the "Supplementary Health Care Trust Fund" (hereinafter in this section referred to as the "Trust Fund"). The Trust Fund shall consist of such amounts as may be deposited in, or appropriated to, such fund as provided in this title.

(b) There are hereby transferred to the Trust Fund, all assets and liabilities of the "Federal Supplementary Medical Insurance Trust Fund", established by section 1842, title XVIII of the Social Security Act. This section shall be effective on the date on which benefits under this title begin.

(c) With respect to the Trust Fund, there is hereby created a body to be known as the Board of Trustees of the Trust Fund (hereinafter in this section referred to as the "Board of Trustees") composed of the Secretary of the Treasury, the Secretary of Labor and the Secretary of Health, Education, and Welfare, all ex officio. The Secretary of the Treasury shall be the Managing Trustee of the Board of Trustees (hereinafter in this section referred to as the "Managing Trustee"). The Commissioner of Social Security shall serve as the Secretary of the Board of Trustees. The Board of Trustees shall meet not less frequently than once each calendar year. It shall be the duty of the Board of Trustees to—

(1) Hold the Trust Fund;

(2) Report to the Congress not later than the first day of April of each year on the operation and status of the Trust Fund during the preceding fiscal year and on its expected operation and status during the current fiscal year and the next 2 fiscal years;

(3) Report immediately to the Congress whenever the Board if of the opinion that that amount of the Trust Fund is unduly small; and

(4) Review the general policies followed in managing the Trust Fund, and recommend changes in such policies, including necessary changes in the provisions of law which govern the way in which the Trust Fund is to be managed.

The report provided for in paragraph (2) shall include a statement of the assets of, and the disbursements made from, the Trust Fund during the preceding fiscal year, an estimate of the expected income to, and disbursements to be made from, the Trust Fund during the current fiscal year and each of the next 2 fiscal years, and a statement of the actuarial status of the Trust Fund. Such report shall be printed as a House document of the session of the Congress to which the report is made.

(d) It shall be the duty of the Managing Trustee to invest such portion of the Trust Fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose such obligations may be acquired (1) on original issue at the issue price, or (2) by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act, as amended, are hereby extended to authorize the issuance at par of public-debt obligations for purchase by the Trust Fund. Such obligations issued for purchase by the Trust Fund shall have maturities fixed with due regard for the needs of the Trust Fund and shall bear interest at a rate equal to the average market yield (computed by the Managing Trustee on the basis of market quotations as of the end of the calendar month next preceding the date of such issue) on all marketable interest-bearing obligations of the United States then forming a part of the public debt which are not due or callable until after the expiration of 4 years from the end of such calendar month; except that where such average market yield is not a multiple of one-eighth of 1 per centum, the rate of interest on such obligations shall be the multiple of one-eighth of 1 per centum nearest such market yield. The Managing Trustee may purchase other interest-bearing obligations of the United States or obligations guaranteed as to both principal and interest by the United States, on orginal issue or at the market price, only where he determines that the purchase of such other obligations is in the public interest.

(e) Any obligations acquired by the Trust Fund (except public debt obligations issued exclusively to the Trust Fund) may be sold by the Managing Trustee at the market price, and such public-debt obligations may be redeemed at par plus accrued interest.

(f) The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

(g) There shall be transferred periodically (but not less often than once each fiscal year) to the Trust Fund from the Federal Old-Age and Survivors Insurance Trust Fund and from the Federal Disability Insurance Trust Fund amounts equivalent to the amounts not previously so transferred which the Secretary of Health, Education, and Welfare shall have certified as overpayments (other than amounts so certified to the Railroad Retirement Board) pursuant to this Act. There shall be transferred periodically (but not less often than once each fiscal year) to the Trust Fund from the Railroad Retirement Account amounts equivalent to the amounts not previously so transferred which the Secretary of Health, Education, and Welfare shall have certified as overpayments to the Railroad Retirement Board pursuant to this Act.

(h) There are hereby appropriated such funds as may be necessary to defray the expenses of the Trust Fund.

(i) The Managing Trustee shall pay from time to time from the Trust Fund such amounts as the Secretary of Health, Education, and Welfare certifies are necessary to make the payments provided for by this title, and the payments with respect to administrative expenses.

TITLE IV—HEALTH MAINTENANCE ORGANIZATIONS GRANTS FOR DEVELOPMENT

SEC. 401. (a) The Secretary shall, upon the the recommendations of the Health Delivery Committee (as provided in section 504) promulgate rules and regulations for the establishment and financing of public or private pre-paid health maintenance organizations (as defined in section 101(cc)).

(b)(1) There is hereby authorized for the fiscal years ending June 30, 1973, June 30, 1974 and June 30, 1975, such sums as may be necessary to carry out the provisions of this Title, which shall be used by the Secretary to make grants or loans to cover the costs of planning and establishing such organizations including construction costs, to such groups or entities which meet the qualifications for such grants or loans, as established by the Secretary.

(2) In no case shall a grant to any one health maintenance organization exceed 50 per centum of the development costs of the organization, except that organizations which locate in and serve areas that are located in physician shortage areas (as defined by the Secretary) may receive grants up to 70 per centum of the total development costs.

(3) Loans to such organizations shall be made on such terms and conditions as the Secretary may prescribe by regulation or in the agreement with the organization. Such loans shall be repayable in equal or graduated installments over a twenty-year period which begins upon the date of commencement of such organization. Such loans shall bear interest on the unpaid balance, computed only for periods during which the loan is repayable, at the rate of 3 per centum per annum.

CONTRACTS WITH HEALTH MAINTENANCE ORGANIZATIONS

SEC. 402. (a) The Secretary is authorized to enter into contracts with existing qualified health maintenance organizations to administer and provide services covered under title III, through December 31, 1973. In no case shall the individual and Federal contribution for such services be greater than the individual and Federal payments made to the carriers in that region or subregion for the benefits conferred by title III.

(b) The Secretary is authorized to enter into contracts (without regard to section 3709 of the Revised Statutes or any other provision of law requiring competitive bidding) with qualified health maintenance organizations to provide the services described in titles II and III to be rendered after December 31, 1973.

FINANCING

SEC. 403. (a) Premiums shall be paid to health maintenance organizations in the same manner as they are paid to insurance carriers under title III.

(b) The Federal share of the premium for participants in the health maintenance organizations shall be determined in accordance with section 306(a)(2) and section 204(a).

(c) The Secretary shall during December 1973, and each year thereafter determine and promulgate the dollar amount which shall be applicable for premiums for organizations within each region and sub-region for months occurring in the 12-month period commencing July 1 in each succeeding year. Such dollar amount shall be such amount as the Secretary estimates will be equal to the Federal share of the total of the premium costs which he estimates will be payable from the Federal Health Maintenance Organization Trust Fund for such 12-month period.

PAYMENT OF PREMIUMS

SEC. 404. Payment of premiums under this title shall be made in a manner similar to the payment of premiums prescribed by section 307 and any regulations prescribed by the Secretary.

ELIGIBILITY

SEC. 405. Any individual who is eligible for benefits under title II or III shall be eligible to enroll for benefits under this title.

ENROLLMENT

SEC. 406. (a) An individual may allow for coverage under this title only in such manner and forms as shall be prescribed by the Secretary by regulation, and only during enrollment periods prescribed in or under this Act.

(b) The Secretary may provide for limited membership in health maintenance organizations except that membership in any one such organization must reflect as nearly as possible an age ratio of the region or subregion in which it is located.

TITLE V—MISCELLANEOUS PROVISIONS

FEDERAL HEALTH CARE STANDARDS

SEC. 501. Health personnel and allied health personnel listed in Sec. 107(d) (3), and (4) who are legally authorized by a State to practice their respective professions, and who meet national standards established by the Board pursuant to section 107(d), (3), (4), and (5) are hereby authorized to practice such profession in any other State, either independently or on behalf of an organization (including hospitals).

CORPORATE PRACTICE

SEC. 502. If any proposed or existing medical care institution or health maintenance organization meets the standards prescribed by the Board is ineligible to incorporate under State law for reasons deemed incompatible by the Secretary, with the purposes of this Act, the Board shall issue a certificate of incorporation allowing such medical care institution or health maintenance organization to provide the services described in this Act in accordance with provisions of State law applicable corporations in such State.

APPEALS

SEC. 503. (a) The determination of whether an individual is entitled to benefits under titles II, III, and IV, and the determination of the amount of benefits under title II, shall be made by the Secretary in accordance with regulations prescribed by him.

(b) Any individual dissatisfied with any determination under subsection (a) as to entitlement under titles II, III, and IV, or as to amount of benefits under title II, where the matter in controversy is $100 or more, shall be entitled to a hearing thereon by the Secretary to the same extent as is provided in section 205(b) of the Social Security Act, and in the case of determination as to entitlement or as to amount of benefits where the amount in controversy is $1,000 or more, to judicial review of the Secretary's final decision after such hearing as is provided in section 205(g) of the Social Security Act.

(c) Any individual or organization dissatisfied with any determination by the Secretary that he does not qualify under this Act, to provide services, shall be entitled to a hearing thereon by the Secretary to the same extent as is provided in section 205(b) of the Social Security Act, and to judicial review of the Secretary's final decision after such hearing as is provided in section 205(g) of the Social Security Act.

HEALTH DELIVERY COMMITTEE

SEC. 504. (a) There is hereby established in the Department of Health, Education, and Welfare a Health Delivery Committee (hereinafter referred to as the Committee) to be composed of nine members appointed by the President, by and with the advice and consent of the Senate, for terms of two years without regard to the provisions of title 5, United States Code. Each member so appointed from the medical and allied health fields shall be a person who as the result of his training, experience and attainments is exceptionally qualified to perform his duties on this Committee. A vacancy in the Committee shall not affect its activities and six members thereof shall constitute a quorum. The members shall choose their own chairman. A member of the Committee who is an officer or employee of the Federal Government shall serve without additional compensation. During his term of office no member shall engage in any other business, vocation or employment.

(b) The Committee shall—

(1) study the current need for medical personnel and facilities in the United States;

(2) study the estimated need for such personnel and facilities in the next succeeding two decades;

(3) study the solution to meeting the needs found, with particular emphasis on prepaid or health maintenance plans; and

(4) submit a report, every 6 months, to the Secretary of its findings and recommendations, the first of such reports to focus on preliminary recommendations for the establishment of prepaid or health maintenance plans.

(c) The Secretary shall make available to the Committee such staff, information, and other assistance as it may require to carry out its activities.

(d) The Committee shall be appointed within 180 days after the date of enactment of this Act, and shall continue for two years thereafter.

(e) There is hereby appropriated such sums as may be necessary to carry out the provisions of this section.

(f)(1) Section 5315, title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(97) Chairman, Health Delivery Committee."

(2) Section 5316 of such title is amended by adding at the end thereof the following new paragraph:

"(133) Members, Health Delivery Committee (8)."

EFFECTIVE DATE

SEC. 505. (a) Benefits conferred by titles II and III of this Act shall commence January 1, 1973.

(b) Benefits conferred by title IV of this Act shall commence January 1, 1974.

(c) Benefits conferred by titles I and V are effective as of the date of enactment of this Act.

PROHIBITION AGAINST ANY FEDERAL INTERFERENCE

SEC. 506. Nothing in this Act shall be construed to authorize any Federal officer or employee to exercise any supervision or control over the practice of medicine or the manner in which medical services are provided, or over the selection, tenure, or compensation of any officer or employee of any institution, agency, or person providing health services; or to exercise any supervision or control over the administration or operation of any such institution, agency, or person except as provided in sections 501 and 502.

FREE CHOICE BY PATIENT GUARANTEED

SEC. 507. Any individual entitled to insurance benefits under titles II and III may obtain health services from any institution, agency, or person qualified to participate under titles II and III if such institution, agency, or person undertakes to provide him such services.

OPTION TO INDIVIDUALS TO OBTAIN OTHER HEALTH INSURANCE PROTECTION

SEC. 508. Nothing contained in this title shall be construed to preclude any State from providing, or any individual from purchasing or otherwise securing, protection against the cost of any health services.

EFFECT UPON OTHER ACTS

SEC. 509. (a) Title XVIII of the Social Security Act is repealed, effective upon the date that the health benefits of this Act become effective.

(b) Chapter 89, title 5, United States Code is repealed effective upon the date the health benefits of this Act become effective.

(c) The Retired Federal Employees Health Benefits Act (74 Stat. 749) is repealed effective upon the date the health benefits of this Act become effective.

(d) After the effective date of health security benefits no State (as defined in section 1101(a)(1) of the Social Security Act) shall be required, as a condition of approval of its State plan under title XIX of that Act, to furnish any service which constitutes a covered service under title I of this Act, and any amount expended for the furnishing of any such service to a person eligible for services under title I of this Act shall be disregarded in determining the amount of any payment to a State under such title XIX. The Secretary shall by regulation prescribe the minimum scope of services required (in lieu of the requirements of section 1902(a)(13) of the Social Security Act) as a condition of approval, after the effective date of health security benefits, of a State plan under such title XIX. Such minimum scope of services shall, to the extent the Secretary finds practicable, be designed to supplement the benefits available under title II of this Act, and with respect to the furnishing of dental services and of drugs to persons not entitled to such services, or not entitled to such drugs, under title II of this Act.

STUDENT LOANS

SEC. 510. Upon enactment of this Act, (a) Section 741(a) of the Public Health Service Act is amended to read as follows:

"Loans from a loan fund established under this part may be in an amount equal to the total yearly costs of tuition, laboratory fees, and required texts and materials, plus a living allowance of up to $1,000 (under such regulations as prescribed by the Secretary)."

(b) Section 741(c) of such Act is amended by striking out "ten-year period" and inserting thereof "twenty-year period."

(c) Section 823(a) of such Act is amended to read as follows:

"Loans from a loan fund established under this part, may be in an amount equal to the total yearly costs of tuition, laboratory fees, and required texts and materials."

(d) Section 823(b) of such Act is amended by striking out "ten-year period" and inserting thereof "twenty-year period."

AID TO MEDICAL SCHOOLS

SEC. 511. Upon enactment of this act, and for a period of five years thereafter, the Secretary will award to accredited medical schools—

(a) grants in the amount of $20,000 for each entering student who represents an enrollment increase over the prior year's entering class at that school of medicine;

(b) grants in the amount of $20,000 for each graduating student who represents an increase over the prior year's graduating class at that medical school.

AUTHORIZATIONS

SEC. 512. Such sums are authorized under this Act as are necessary to carry out its provisions.

SUMMARY OF THE MAJOR PROVISIONS OF THE HEALTH RIGHTS ACT

A. PROGRAMS TO PROVIDE ADEQUATE HEALTH CARE FOR ALL AMERICANS

The Health Rights Act establishes two programs to assure all Americans of protection from unmeetable financial obligations due to the costs of health maintenance and recovery from illness. It replaces both the Medicare and Medicaid programs now in effect.

The first program provides Federally administered, inpatient, "major illness" protection for all individuals. It differs from traditional catastrophic plans by covering all costs above *each family's* "health cost ceiling".

The second program is an optional, outpatient, health maintenance insurance plan. The Federal government will contract with private insurers to make available a standard health maintenance benefit package for all families.

Administration

Inpatient Plan—is administered by regional or subregional offices of the newly created Office of Health Care within the Department of Health, Education and Welfare.

Outpatient Plan—is administered by private insurance carriers who have contracted with the Office of Health Care to make available insurance for health services covered under the outpatient plan.

Financing

Inpatient Plan—is financed in part through present health insurance portion of Social Security payroll taxes and in part through general revenues.

Outpatient Plan—is financed through individual premium payments which will be supplemented in whole or in part with Federal payments for low income families. Employers may arrange to finance all or part of their employees' premiums under this plan.

Benefits (see sample figures in chart)

Inpatient Plan—pays all covered costs above each family's "health cost ceiling". This health cost ceiling is determined, on a family by family basis, by use of a formula taking into account both family income and family size. The family must spend an amount equal to one-half of its cost ceiling on covered expenses before there is any Federal contribution. Covered expenses between one-half the cost ceiling and the cost ceiling will be matched on a 50%–50% coinsurance basis. Families may cover costs which fall under their health cost ceiling either with their own assets or through a personally purchased insurance policy. All covered expenses above the family's cost ceiling are covered by Federal payments. For low income families, this program completely supplements the outpatient program.

Outpatient Plan—pays all covered costs above an individual deductible of $50 per year, with lower individual deductibles for low income persons. There is an additional individual deductible of $25 for covered dental services, with lower individual deductibles for low income persons. The small initial payment for, and the breadth of, covered outpatient services will encourage illness prevention and discourage overutilization of inpatient services.

Covered services

Inpatient Plan—covers hospital inpatient services, secondary care inpatient services (without a prior requirement of hospital care), and home health services following inpatient status in either a hospital or secondary care facility. Inpatient mental health services are also covered, with a lifetime limit of 180 inpatient days for each individual.

Outpatient Plan—covers outpatient physician services, including diagnostic services, limited "check-up" examinations, well-child care for children under the age of 5; dental care for children under the age of 12; and outpatient mental health services, with a lifetime limit of 104 visits for each individual.

Effect on other Federal health programs

The Health Rights Act replaces both the Medicare and Medicaid programs.

Utilization review and coordination of health services

By Providers—inpatient and outpatient plans require each participating provider to have an approved utilization review program in effect, as is presently required under the Medicare program. Within each region or subregion, utilization review committees of each provider must meet periodically to review health care resources and services within the region, to institute programs for the coordination and sharing of facilities, and to make administrative and legislative recommendations to the regional Office of Health Care for improvements in these programs.

By Office of Health Care—each regional or subregional office of the Office of Health Care will have a health services review committee to review, on a sample basis, the administration and effectiveness of the program within its region or subregion and make any administrative and legislative recommendations which would improve the quality and delivery of health services in the region.

B. PROGRAM TO ENCOURAGE THE DEVELOPMENT AND UTILIZATION OF HEALTH MAINTENANCE ORGANIZATIONS

The Health Rights Act authorizes Federal grants and loans for the planning and development, including construction, of prepaid health maintenance organizations. A new Health Delivery Committee, composed of representatives of the medical and allied health fields, is established for a two-year period within the Department of Health, Education and Welfare. The first function of the Committee is to prepare preliminary specifications for the establishment of health maintenance organizations under this Act.

Grants for the planning and development of health maintenance organizations may cover 50% of the development costs. For health maintenance organizations which locate in and serve patients in physician shortage areas, grants may cover 70% of the development and initial operating costs.

As of January 1, 1974, the Secretary of Health, Education and Welfare is authorized to enter into contracts with qualified health maintenance organizations to provide the services covered by the outpatient and inpatient plans described above.

C. PROGRAMS TO INCREASE HEALTH MANPOWER RESOURCES

To provide an immediate incentive for an increase in health manpower training, the Health Rights Act improves the medical and nursing student loan programs under the Public Health Service Act to enable all qualified students the opportunity to attend schools of medicine and nursing. The loan repayment period is increased from ten to twenty years; the total amount of each loan is increased from $1,500 to the full cost of tuition, laboratory fees, and required texts and materials, plus a special living allowance of up to $1,000 per year.

The Health Rights Act also establishes a special program of yearly capitation grants to new and existing medical schools, for an initial period of five years. The capitation grants are designed to allow medical schools to increase their enrollment and to encourage them to shorten their required term of study.

Medical schools will receive a direct Federal grant of $20,000 for each entering student who represents an enrollment increase over the prior year's entering class. In addition, medical schools will receive a direct Federal grant of $20,000 for each graduate who represents an increase over the graduating class of the prior year.

SAMPLE FIGURES FOR COST PROVISIONS UNDER HEALTH RIGHTS ACT

			Supplementary outpatient insurance plan			
			Insurance cost (percent)		Deductibles (per person)	
Family size	Family income	Family health cost ceiling for inpatient plan (on a scale of $0 to $6,000)	Individual payment	Federal payment	Medical	Dental
1	$1,000	$80	0	100	$10	$10
	1,500	120	25	75	25	15
	2,000	160	50	50	25	15
	4,000	480	100	0	50	25
	6,000	720	100	0	50	25
	10,000	1,200	100	0	50	25
	14,000	1,680	100	0	50	25
	20,000	2,400	100	0	50	25
2	1,000	57	0	100	10	10
	1,500	86	0	100	10	10
	2,000	114	25	75	25	15
	4,000	342	75	25	50	25
	6,000	514	100	0	50	25
	10,000	857	100	0	50	25
	14,000	1,200	100	0	50	25
	20,000	1,714	100	0	50	25
4	1,000	36	0	100	10	10
	1,500	54	0	100	10	10
	2,000	73	0	100	10	10
	4,000	145	25	75	25	15
	6,000	327	75	25	50	25
	10,000	545	100	0	50	25
	14,000	763	100	0	50	25
	20,000	1,090	100	0	50	25
6	1,000	27	0	100	10	10
	1,500	40	0	100	10	10
	2,000	53	0	100	10	10
	4,000	107	25	75	25	15
	6,000	161	50	50	25	15
	10,000	400	100	0	50	25
	14,000	560	100	0	50	25
	20,000	800	100	0	50	25

Mr. SCOTT. Mr. President, last night, in Pittsburgh, the distinguished Senator from Missouri (Mr. EAGLETON), speaking on the crisis in health care, made an excellent suggestion, that there are many bills being introduced in the Senate on this subject, as well as the administration's bill, and he proposed that all the proponents of health care legislation should consult among themselves and seek, if possible, to avoid the sheer pleasure or privilege of attempting to obtain individual credit, that that should be abrogated in favor of a common attempt to find a good, comprehensible, and workable health care program in this current health Congress.

I think it is a good idea and I welcome the suggestion. I am very much honored that, in introducing my bill, the distinguished Senator from Illinois (Mr. PERCY) has approved it and has been good enough to join me as one of the original sponsors.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. SCOTT. Mr. President, I am glad to yield to the distinguished Senator from Illinois.

Mr. PERCY. Mr. President, I am very honored today to join the minority leader, the distinguished Senator from Pennsylvania (Mr. SCOTT) in introducing our suggestions for health care reform, which we believe would make good health care readily available to every citizen, whatever his economic status.

In my judgment, 1971 will see the successful adoption of a national health program, one of the really basic reforms of our time. Senator SCOTT and I hope that our Health Rights Act will contribute to and be a part of our Nation's new commitment to solving the great and complex problems of providing health care rationally and effectively for all.

Two years ago, President Nixon said America's medical system faced a "massive crisis." Now, he says that crisis has deepened. I say that crisis is upon us.

In the decade of the 1960's hospital daily service charges rose 127.2 percent, and physicians' fees increased 46.6 percent. Medical costs have gone up twice as fast as the cost of living. Hospital costs have risen five times as fast as other prices. Two years ago the Nation's health bill was $59.9 billion. By the end of fiscal 1970, it had equaled 7 percent of our gross national product—$67.2 billion. The cost of care for a growing number of Americans is becoming prohibitive. And even for those who can most afford medical care, a prolonged illness can impoverish or even bankrupt them.

My colleagues may be interested to know that over 2,500 practicing physicians in Illinois contributed to my coming to grips with questions involved in the Health Rights Act. On March 5, I sent questionnaires to 10,000 practicing physicians throughout Illinois to determine how those closest to the problems of health care delivery in my own State feel about health legislation. Their response was gratifying. Approximately 2,500 physicians took time out from their busy schedules to answer the questionnaires; over 100 of them sent in extensive letters, many as long as four or five pages. I want these physicians to know that their responses were considered seriously. The Health Rights Act reflects their opinions and is directly in line with their comments and suggestions.

The Health Rights Act will provide protection for all against the financial calamity of catastrophic illnesses, supplemented by comprehensive outpatient coverage. Catastrophic protection is so necessary because no family in America should have to face financial ruin due to illness.

The major emphasis of this act, however, is on outpatient coverage. Today's health financing plans place pressure on patients and doctors alike to hospitalize patients whether it is really needed or not. Too much of the ordinary diagnostic procedures, minor surgery, and day-to-day medical care is being handled by hospitals. Extensive outpatient coverage will enable families to visit doctors on a regular basis to maintain good health and prevent major illnesses.

Everyone is eligible for the benefits provided by our plan, but no one is required to take part. Those who so desire can choose whatever health program they want. Our plan is totally voluntary, but it protects through Federal financing those who are financially unable to meet their health care costs. No one should be prevented from receiving care just because he cannot afford it.

At the same time, our plan is not free—no plan actually ever is. Everyone pays something, based on his income, except the destitute. A payment, however small, will help preserve some element of cost consciousness within our health care system and reduce the drain on general revenue.

Our plan provides strong Federal participation, but it also draws heavily on the private enterprise system. I have always believed that a pluralistic system will serve the public much better than a monolithic one.

Finally, the Health Rights Act provides incentives for doctors to locate in areas where there is a shortage of medical personnel. Every American, including those in the rural areas and the inner cities, should have access to quality health care.

Mr. President, I ask unanimous consent that a synopsis of my health questionnaire findings be printed at this point in the RECORD.

There being on objection, the synopsis was ordered to be printed in the RECORD, as follows:

HEALTH QUESTIONNAIRE FINDINGS

On March 5, 1971, 10,000 questionnaires were sent to physicians throughout Illinois. Approximately 2,500 responses were returned. A 25% return is significant. To check for significance of geographical variation, the responses were sorted according to region.

This synopsis highlights those questions which are of particular interest to pending legislation.

FINDINGS

Question.—Where is the basic problem in the national shortage of medical personnel: (a) Physicians and nurses; and (b) Paramedical personnel.

In all regions there was felt a need for both a and b. However, in the northern, central and southern regions, a majority of respondees felt physicians and nurses are needed more than paramedical personnel. In the Chicago area respondees felt paramedical personnel are needed almost as much as physicians and nurses.

Question.—Do you feel group practice can significantly improve the availability of medical services? Yes —. No —.

Of the questionnaires received, responses indicated that physicians are more or less equally divided as to whether group practice can improve the availability of medical services. Those in favor have a slight edge in the Chicago, Northern and Central regions; those against score an edge in the South. The regional breakdown is as follows:

Chicago: 54% yes.
North: 51% yes.
Central: 54% yes.
South: 55% no.

Question.—Would you favor a program which offered federal incentives to doctors to encourage them to locate in rural areas, urban ghettos or other areas which have a shortage of physicians? Yes— No—.

Physicians in all regions are overwhelmingly (more than 85%) for federal incentives to encourage doctors to locate in shortage areas. The regional breakdown is as follows:

Chicago: 91% yes.
North: 80% yes.
Central: 81% yes.
South: 75% yes.

Question.—How should the health plan be administered? Through existing private insurance companies (PIC)——or through the federal government?——.

Physicians in all regions are overwhelmingly for administering health plans through private insurance companies (more than 85%). The regional breakdown is as follows:

Chicago: 85% PIC.
North: 96% PIC.
Central: 85% PIC.
South: 76% PIC.

Question.—Should a plan be voluntary—, or compulsory—?

Of the total sample, more than two-thirds are for voluntary plans. However, a number of respondees qualified their responses with a suggestion that voluntary plans ought to be available for those who can afford it while compulsory plans should be available for the poor. The regional breakdown is as follows:

Chicago: 71% for voluntary plans.
North: 76% for voluntary plans.
Central: 62% for voluntary plans.
South: 73% for voluntary plans.

Question.—Of the plans advanced to date, which do you believe is best? A) Administration plan; B) Kennedy plan; C) AMA plan; D) AHA plan.

Physicians in none of the regions were overwhelmingly for any of the plans advanced to date. The competition was between the Administration and the AMA. In the Chicago and Northern regions the Administration outpolled the AMA. In the Central and Southern regions the AMA outpolled the Administration. Differences, however, were slight. The regional breakdown is as follows:

[In percent]

Plan	Chicago	North	Central	South
A. (Admin)	43.5	56	39	44
B. (Kennedy)	14.0	1	5	11
C. (AMA)	41.0	43	53	45
D. (AHA)	1.5	0	3	0

EXCERPTS

Respondees repeatedly commented on the following topics:

I. Today's health care system

1. "Today too much ordinary diagnostic procedures, minor surgical emergencies, and the ordinary medical care are being handled by hospitals. It's like going to an ignition specialist to have your sparkplug changed or going to a body and fender man to have your windshield wiped". *Chicago.*

2. "In the past, people went to physicians because they were sick. Today they go to physicians for a whole variety of reasons. Because they get much free medical care or partially paid medical care, they want to get all the services they can and take advantage of any prepayments". *Harvey.*

3. "I see many abuses of the present programs (Public Assistance, Medicare). People who are on a free ride are kept in hospitals too long at terrific expense to the taxpayer. I feel too that some doctors write too many orders for lab, X-ray etc. on patients that don't need them." *Salem.*

II. General health insurance coverage

1. "What needs to be done is to have a program of medical care available to all people provided by private physicians, administered by private insurance companies, under the aegis of the Federal Government." *Chicago.*

2. "Health care must never be free or it will be considered without value. At the same time no one should be prevented from getting care because they cannot afford it." *Freeport.*

3. "There is great need for outpatient coverage, as pressure today is great on doctors to hospitalize where needed or not." *Chicago.*

4. "Concerning health financing, I believe in the free enterprise system and feel that those who are financially able, should assume their own health care responsibilities. Those who are genuinely indigent should receive public aid." *Quincy.*

5. "I believe that private health insurance companies should be maintained for those people who are capable of carrying their own insurance. Those, because of financial problems, who are incapable of meeting their obligation must have some type of protection furnished by the federal government." *Spring Valley.*

III. Catastrophic coverage

1. "I have long felt that our major need was for catastrophic insurance for all." *Rockford.*

2. "Comprehensive insurance, at least from a catastrophic illness point of view, should be available to all citizens." *Carol Stream.*

3. "I feel that we certainly need an increase or broadening of health insurance, and this is especially true in catastrophic illnesses. We see patients whose entire family is bankrupt because of an unfortunate and prolonged severe illness." *Springfield.*

4. "I feel very strongly that there is definitely a need for a plan that will protect the average family against medical disaster. I feel this plan must be compulsory and federally financed in order to be most effective." *Chicago.*

5. "I do not see any need whatsoever to change or tamper with the financing of medical care for the bulk of the population as it stands now on a federal level. An only exception I could see is some type of compulsory catastrophic health insurance."

IV. Medical personnel shortage

1. "Medicine is becoming so highly specialized, splintered and fragmented, that the human being is no longer a whole human being but has become decimated into many parts. There is cognizance only of diseased organs which are either ambulatory or bedridden." *Harvey.*

2. "It is not a matter of shortage of medical personnel as much as it is a poor distribution of personnel and the fact that fewer graduates have entered the field to take care of sick people. It is a paradox that a kid goes to medical school to learn to care for the sick and on graduation seeks fields of medicine which are administrative, highly specialized and otherwise unrelated to the practice of medicine." *Pinckneyville.*

3. "I feel we need about 5% more specialists and about 1200% more general practicioners. Specialists don't make house calls nor do they work long hours, and they are not available in the evenings when the patient comes home from work." *Chicago.*

4. "The ironic part of this scarcity of general practitioners is that this was brought about by the philosophy of the medical schools. When I was a medical student attending the University of Illinois, I was led to understand that taking an internship outside the City of Chicago was as good as falling off the end of the earth. I was told that if I did not take an internship in a Chicago hospital, I would never be able to specialize and the general practice was for those who were not too bright." *Rockford.*

5. "We certainly have maldistribution of doctors, and no federal legislation will make a doctor want to take his life into his hands by making a house call in the Chicago slums or practicing in certain rural areas where there are both professional and cultural disadvantages." *Winnetka.*

V. Mal-practice suits

1. "As a physician I am aware that many of my services can be equally well performed by paramedical personnel such as Navy Corpsmen and Army Medics. In my opinion, the fear of malpractice suits as well as fear of diminished income and prestige are the main deterrants to the development and deployment of this badly needed additional manpower." *Oak Park.*

2. "Most of us in practice are extremely reluctant to use any para-medical personnel because of the expanding threat of malpractice claims." *Des Plaines.*

3. "Liability does not allow delegation of duties and is the major source of our terrible medical costs." *Libertyville.*

Mr. SCOTT. Mr. President, I am very much encouraged by the comments of the distinguished Senator from Illinois.

By Mr. THURMOND (for himself, Mr. Baker, Mr. Bennett, Mr. Bible, Mr. Boggs, Mr. Brooke, Mr. Buckley, Mr. Dominick, Mr. Fannin, Mr. Gurney, Mr. Hruska, Mr. Randolph, Mr. Saxbe, Mr. Schweiker, Mr. Stevens, Mr. Talmadge, and Mr. Tower):

S. 1599. A bill to establish a Commission to conduct a study and investigation of ways and means of maintaining an adequate military Reserve force after transition to an all volunteer system for meeting the military manpower needs of the Nation. Referred to the Committee on Armed Services.

ARMED FORCES RESERVE STUDY COMMISSION

Mr. THURMOND. Mr. President, on behalf of myself and Senators Baker, Bennett, Bible, Boggs, Brooke, Buckley, Dominick, Fannin, Gurney, Hruska, Randolph, Saxbe, Schweiker, Talmadge, and Tower, I introduce a bill to establish a group to be known as the Armed Forces Reserve Study Commission. This Commission will conduct a study and investigation of ways and means of maintaining an adequate military Reserve force after transition to an all-volunteer system or the attainment of a zero draft.

This group would be made up of 12 members to include one majority and one minority Member from each House of Congress; two Defense Department officials appointed by the President; and six persons from outside the Government appointed by the President, three of whom could have no reserve affiliation.

The study and recommendations of the Commission would cover the following areas: reserve strength levels needed to provide an adequate backup to an all-volunteer armed forces; inducements or amenities needed to maintain minimum reserve strength levels if the draft ends; and any other problem areas likely to occur if the United States is to maintain an adequate and well trained reserve in a zero draft or all-volunteer environment.

Mr. President, the need for this Commission is based on several basic points. First, over 70 percent of the men currently in military reserve units enlisted because of the threat of the draft. Second, once the legal obligation of military service is removed many experts feel reserve strength levels will drop sharply.

It is my view this approaching situation will possibly be more serious than forecast because of the general anti-military attitude now prevalent in this country.

Thus, with zero draft or volunteer armed forces approaching it is obvious something must be done to determine exactly what strength levels are needed in the reserves and what steps are necessary to attain these levels.

Hearings before the Armed Services Committee so far this year have convinced me the Nation will face unprecedented problems in maintaining reserve force levels in a zero draft or volunteer armed forces environment. I have questioned Secretary Laird, the Service Secretaries, the Joint Chiefs and the Reserve Chiefs reference this matter. They all agree that reserve force levels can be maintained in the 1970's only through inducements such as pay raises, reenlistment bonuses, and so forth. One member of the Joint Chiefs, in response to my question, said the reserve would face a chaotic situation once the draft ends.

At my request earlier this year the Defense Department looked into reserve enlistment rates to see if possibly there was some meaningful retention of reservists who had no legal obligation. The findings revealed that in the Reserves only around 5 percent of reservists reenlisted after completing their obligatory time. The percent of servicemen coming from extended active duty to the reserve program also rests on the 5 percent mark.

Thus, it is obvious this country faces some big questions ahead in the way of maintaining military manpower.

Mr. President, as my colleagues in the Senate know, the Gates Commission made a study of the volunteer armed services in 1969. The main thrust of this study concerned the programs and inducements that would be needed if the United States is to maintain the necessary active military forces without the draft. Only brief attention was given to the reserve forces.

All four services are now taking some administrative steps to increase reserve readiness. Just what action the Congress should take in the way of legislation to make the reserve forces more attractive, and thus maintain minimum strength levels, remains unclear. Higher pay, reenlistment bonuses, extension of the GI bill, and other inducements, have been discussed.

It has always been my opinion that reserve forces should be called to active duty in the event of a military conflict such as Vietnam. The course of this war may have been different if reserve forces rather than draftees had been called upon to bear the burden of this engagement. The present administration favors a reserve call-up in the event of another military conflict, and thus is taking steps to provide for a more ready reserve.

It is important that this Nation have a ready reserve, especially in a time when our active duty forces are being reduced and the enemy threat is increasing.

Mr. President, the cost of this Commission would be small due to its limited scope and period of operation. It is my view the benefits which could come from the Commission may be considerable. We must know what it will take to maintain the minimum strength levels of U.S. reserve forces. Only by knowing can the United States avoid a sharp downturn in our military strength at a time which may well coincide with a clear shift in the balance of power to the Soviet Union.

While there are many differences among us here in the Senate as to the timing and degree of U.S. disengagement from Vietnam, it is my view we all favor a meaningful military preparedness. The establishment of the Armed Services Reserve Study Commission will help insure the continuance of that military preparedness.

Finally, an identical bill to establish a Reserve Study Commission is being introduced today in the U.S. House of Representatives by the Honorable ROBERT L. F. SIKES, of the First District of Florida, top ranking majority member of the House Defense Subcommittee on Appropriations. Mr. SIKES is highly regarded in the Congress and throughout the Nation for his understanding of military matters. His leadership on defense affairs in the Congress during the past three decades has resulted in great benefit for this Nation and her people.

Mr. President, I introduce this bill for appropriate referral.

By Mr. FANNIN:

S. 1600. A bill to amend title XVIII of the Social Security Act to provide coverage under the supplementary medical insurance program for surgical services furnished in certain facilities which are established to perform surgery without inpatient hospitalization. Referred to the Committee on Finance.

EXPANSION OF HEALTH CARE SERVICES

Mr. FANNIN. Mr. President, today I am introducing a bill which would help expand health care services and cut costs of minor surgery without sacrificing quality.

The bill would provide that medicare coverage be extended to approve ambulatory surgical centers for specified purposes. Such centers can serve as intermediate facilities for cases that are too serious to be handled in the doctors' office, yet are not severe enough to really justify costly hospitalization.

Many surgical operations now performed in hospitals can be carried out in these centers at great savings to patients, insurance companies and Government.

This is not some scheme that is hot off the drawing boards of politicians or bureaucrats. The soundness of the idea already has been proven by a facility known as Surgicenter.

Surgicenter has been performing operations in Phoenix for more than a year now and has had a most impressive record.

It is estimated that there was a savings of $385,000 in medical costs for the first 3,000 cases handled in Surgicenter. In other words, it cost on the average about $128 less per case to handle the procedure at Surgicenter than at a hospital.

More than 80 commercial health care insurance carriers have approved Surgicenter so that their policyholders can use the facility.

My legislation would permit medicare patients to use Surgicenter and other such health care facilities. There is no sound reason why the taxpayers footing the bill for medicare should not benefit from these savings.

Mr. President, while officials here in Washington have been debating how best to expand health care in our Nation, some people around the Nation have been doing something about it on their own. We need to encourage these dedicated people.

In the case of Surgicenter, it was two Phoenix doctors who came up with an idea to provide better health care at lower costs.

Dr. John L. Ford and Dr. Wallace A. Reed became concerned about the fact that once inexpensive surgery was costing their patients hundreds of dollars. They set out on their own, without Government subsidy, to cut the cost of minor operations.

On February 12, 1970, they opened Surgicenter near Good Samaritan Hospital in Phoenix.

This facility escapes many costs of regular hospitals because it can eliminate services and facilities that are required in a 24-hour operation. There is no cafeteria, no overnight facilities. It does not require round-the-clock X-ray or laboratory services and it can make maximum use of disposable equipment.

Insurance carriers are now realizing that the requirement that a person be hospitalized to qualify for surgical benefits is out of date.

There are a number of reasons why we need such innovations in health care facilities.

Dr. Reed summed up two of the most important reasons cogently in a recent speech:

> With new construction reaching a price of over $60,000 for each bed, it would seem wise economy to limit use of hospital beds to patients who really need them.
>
> The need for relief in this area has been emphasized repeatedly by leaders in every segment of our society from the President on down. And it is certainly no wonder that our attention is being directed to keeping more patients ambulatory, for with the coming of a national health insurance program it is obvious to almost everyone that, just as was the case in England, the requests for elective operations will far exceed the capacity of the health care system to deliver these operations, and the waiting list will become months long—perhaps years long—unless there are facilities which can assume a part of the load by caring for the intermediate patient.

Dr. Reed estimates that 30 to 40 percent of the persons now hospitalized for surgical procedures could be taken care of more efficiently in intermediate facilities like surgicenter.

I believe Dr. Reed made some very good points.

He has proven that it is possible to use private funds to build intermediate facilities that offer quality care at a great savings. This is something that can be applied nationwide to provide a significant breakthrough in both lowering cost and increasing efficiency.

During the first year of operation, Surgicenter patients spent an average of 3½ hours in the facility. Dr. Reed reported that:

> On no occasion have we had to transfer a patient to the hospital as an emergency, although we have, of course, transfer arrangements worked out in case this becomes necessary some day.

Surgicenter also has the advantage of providing service at a set fee. When a person enters a hospital, he usually has only a vague idea what his final bill will be. At an intermediate facility, an all-inclusive charge can be made so that the patient knows exactly what the cost will be.

Mr. President, the bill I am introducing today would require that the quality of medical care at such centers be of the same high caliber as that offered at hospitals.

Surgery must be performed by a physician who is authorized to perform such procedure in an area hospital.

Anesthesia must be administered by a licensed anesthesiologist.

The center must be equipped to perform diagnostic X-ray and laboratory examinations in connection with the surgery.

Professional registered nurses must be on the job.

Emergency equipment must be available to handle any forseeable complications.

I introduced this same bill last year, as did Representative JOHN RHODES in the House of Representatives. At that time Surgicenter already was doing very well, but now it is a proven success.

This could serve as a model for the Nation.

Insurance companies and many individual patients have found it to be the most economical way to have minor surgery performed. It is time that we make it possible for medicare patients to utilize this money-saving service.

Mr. President, I send to the desk for appropriate reference a bill to provide medicare coverage for approved ambulatory surgical centers for specified purposes.

By Mr. PEARSON:

S. 1602. A bill to provide assistance to encourage States to establish consumer claims courts. Referred to the Committee on the Judiciary.

CONSUMER CLAIMS COURT ACT OF 1971

Mr. PEARSON. Mr. President, I introduce today legislation designed to fill a gap in our system of justice by encouraging the establishment of a nationwide system of small claims courts. The objective of this bill is to provide a forum for consumers to pursue their individual claims, to advocate—without attorneys—their own cause, and to obtain their speedy and deserved relief.

As the Senate is aware, the courts of this Nation are hopelessly clogged. The Chief Justice of the Supreme Court, the Attorney General, and many of our most distinguished attorneys have repeatedly stressed the need to streamline our system of administering justice. My bill, accordingly, is intended to remove a great bulk of the litigation which clogs our Nation's courts by establishing a separate forum for the prosecution of small individual claims. It is my hope that such courts—structured so as to better serve the needs of people—will insure a more complete administration of justice and a more permanent respect for our institutions.

Mr. President, over 70 percent of the complaints received by the attorney general of the State of Kansas involve disputes over amounts of less than $200. Very few attorneys are willing to handle such cases. If and when they do, the amount of legal fees often consumes most, if not all, of the amount recovered. Nearly all of these disputes are one-shot affairs which do not involve fraud or deception and, therefore, should not be handled by the attorney general of Kansas or any other State. In short, for the consumer with the claim of less than $200 there exists no practical recourse, no practical forum whereby he may obtain relief. Mr. President, we have permitted our system to operate in such a way that, in effect, tells a man: "We don't care how much or how often you are defrauded so long as the amount is less than $200. This is unacceptable. We must change it.

This legislation would encourage States to establish to system of small claims courts by directing the Attorney General of the United States to make available to the State complying with this act Federal moneys amounting to 50 percent of cost required to establish or maintain such a statewide system.

THE NECESSITY FOR SMALL CLAIMS COURTS

In the early part of this century many jurists became enchanted with the idea that the denial of justice to the poor could be alleviated by the establishment of a special type of small claims court. The court would provide a quick and inexpensive method for the adjudication of small claims, which if pursued in regular courts would be economically unfeasible because of court costs and attorneys fees. On March 15, 1913, my State of Kansas and that of Ohio became the first States to establish such a small claims system.

Although this forum, known in Kansas as the small debtors' court, remains on the statute books, few of these courts actually exist or operate today. Only two counties, Leavenworth and Wyandotte, established them.

In order to assure justice, we have formulated a system of jurisprudence which uses complicated rules of procedure, rules of evidence, methods of discovery, jury trial, and extensive appeal procedures. Both parties to a dispute need trained attorneys to take full advantage of the safeguards provided. While these rules and procedures generally promote fairness, they also necessitate both delay and expense resulting primarily from court costs, general litigation expenses, and attorneys' fees. Thus, the cost of collecting a small claim often consumes the amount claimed. The adjudication of small claims, however meritorious, is thereby discouraged by the procedural technicalities existing in regular courts. In effect, there is a denial of justice to a large number of people who have small claims and cannot afford the remedy offered by the courts.

Persons to whom the courts are foreclosed because of cost may rightfully feel that the American system of justice is inadequate. The resulting disrespect for the law which is engendered by an inadequate judicial system was recognized in 1916 by Charles Evans Hughes when he said:

> Justice in the minor courts—the only courts the millions of our people know—administered without favoritism by men conspicuous for wisdom and probity, is the best assurance of respect for our institutions. . . .

In a time, Mr. President, when the poor and disadvantaged are reaching the limits of their capacity to accept frustration and despair, our legal system must look for ways to provide a more complete administration of justice.

Obviously a small claims court cannot solve the substantive problems which face the disadvantaged poor and the uninformed consumer, since a court merely applies the substantive law which the legislature supplies. But as legislation begins to provide the necessary substantive law changes, the existence of a small claims court could make both the existing substantive law and any changes more widely and fairly applied. Roscoe Pound once concluded that—

> The most real grievance of the mass of the people in respect of American law is not against the substantive law but rather against the enforcing machinery which may make the best of rules nugatory in action. . . ."

INADEQUACY OF THE PRESENT SYSTEM

It is not surprising that the small debtors' courts in Kansas and elsewhere have been unsuccessful. Although the Kansas statutes contain a comprehensive design for the court's establishment, the actual implementation rests entirely upon the individual county or city once it determines that a need actually exists for such a court. The Kansas experience indicates that, left to their own discretion, State and county governments will not move to establish these courts. That is why this legislation, by providing the incentive of Federal funds, is vitally needed.

Another complication in present statutes is that the jurisdictional maximum—$20 in Kansas—is not realistically calculated to include the majority of claims which cannot profitably be brought in other courts. In Kansas, moreover, no plaintiff is allowed to enter a claim unless he establishes that he is a pauper, financially unable to bring his claim in any other court. Although this provision embodies the original idea of the small claims court as one which would aid the poor, it has clearly been a significant deterrent for those who dislike the idea of professing their poverty. A court with a reputation for serving only the poverty-stricken may be shunned by many people who could be well served. Nathan Cayton argued that small claims courts "should serve not only the poor, but every person who requires the service, regardless of his financial standing. Every citizen is entitled to this service as a matter of right—not of grace."

A court open to all individuals would not only meet the needs of more people but would permit the poor to bring claims without the indignity of having to admit the use of a "poor man's court."

ACTUAL USE OF SMALL CLAIMS COURTS

It is informative to the Senate to know whether small claims courts have fulfilled their purpose of extending justice. Early reports, focusing on the courts' efficiency and volume were laudatory of the new system. In 1927 a small claims court was established in Hartford, Conn. A study which included the first 18 months of its operation revealed that about 300 cases were filed each month. It was feared prior to the establishment of the court that it would be used for the prosecution of doubtful claims. But the Hartford study showed that of the 5,236 cases brought, only 128—approximately 2 percent—resulted in judgment for the defendant. Plaintiff's judgments were given in 2,561 cases and 1,666 cases were settled by the parties prior to litigation. Of the remainder, 780 were dismissed for one cause or another. Although a defendant had the option of transferring to the regular city court docket, only 46 cases were transferred, suggesting that the procedure was acceptable to defendants as well as to the plaintiffs who chose the forum. The promptness of disposition is indicated by the fact that only 1 percent of the cases brought before 1929 were pending on February 1, 1959.

In 1939, 1 year after the Washington, D.C., small claims branch of the municipal court was established, the annual report claimed remarkable success. With a jurisdictional limit of $50 the increase in the number of cases under $50 was 54 percent, constituting 62 percent of all debt actions brought in the municipal court. Although the average claim was only $25.48, the total amount of claims was $531,832. These statistics indicate not only a heavy use of the court but also a great increase in the number of small claims. With a filing fee of $1, $25,782 was collected in 1 year, enough to make the court self-supporting. There were only 10 demands for a jury trial, an option which was available on request by either party for a $10 fee. After 15 years of operation, 325,000 cases had been filed in the District of Columbia court, with approximately nine out of 10 cases decided on the return date. Of the total number of cases, there were only 282 demands for a jury trial.

Austin, Tex., presented a less optimistic report. The Texas system provides that justices of the peace preside as the judges in the small claims courts. In March of 1954, one of three justices interviewed said that of the 365 suits filed in Austin during the 10 months since the passage of the Texas Act creating small claims courts, 46 cases were dismissed because the debtor made full payment, 35 default judgments were entered, and 234 suits were still pending. In one court, 215 suits had been filed but the justice had not conducted a single trial. Over one-half of the claims were filed by three business firms. Perhaps one significant difference between the Hartford, Washington, and Texas experiences was that the Hartford and District of Columbia courts were set up as part of an existing, full-time court with an experienced, full-time judge presiding, while Texas allowed its untrained justices of the peace to administer the small claims court.

But more recent reports have been critical of the use made of the small claims procedures. As the author of a Stanford Law Review article explained:

> It is not enough to look at the surface efficiency of small claims courts and the apparent saving of judicial resources that results without asking how this efficiency and economy is obtained and at whose expense. . . .

In 1950 in the Washington, D.C., small claims court, 25,000 cases were filed, involving about 23,000 individual defendants. Corporations and partnerships were the plaintiffs in most of the cases and most claims were for merchandise sold and services rendered. Most of the judgments were obtained by default, the defendants not appearing to answer or defend. On these grounds, Judge Murphy criticized the District of Columbia court because—

> The Court is not the court of the neighborhood litigant suing over small loans, minor property damage, or working men seeking wages. Quite the contrary, it is primarily the court of the skilled lawyer representing large debt collection companies, credit stores, corporate defendants and insurance companies. Further, these lawyers and their organizations are almost without exception litigating against pro se parties (persons representing themselves) [who are] at a definite disadvantage . . . in court. . . .

Similar criticism can be heard about the California small claims court which is heavily used. Of the 589,378 civil cases filed in municipal and justice courts in 1961–62, over half were small claims cases. Similarly in 1967–68, 55 percent of the business of municipal and justice courts was devoted to dealing with the 360,680 small claims cases filed. In a study of nine California courts in 1952, it was observed that the average trial time was from 5 to 15 minutes and that the courts were used extensively by local firms to collect accounts. For example, in San Jose one department store filed 132 claims in 1952.

The conclusions of the 1952 study were confirmed by a project in 1963 which compiled data on 386 cases in the Oakland-Piedmont-Emeryville district of Alameda County, Calif. Of all actions filed only 34.7 percent were brought by individuals. The remainder were brought either by proprietorships, corporations, or government agencies. In contrast, individuals were defendants in about 85 percent of the cases. Non-payment for goods, accounting for 30 percent of the claims, was the most frequent type of suit brought. Suits for governmental services accounted for 14 percent and property damages accounted for almost 13 percent of the court business. In nearly 65 percent of the cases, the judge took some action, either trying the case, dismissing it, or granting a continuance. In 80 percent of these the judge's action occurred within 40 days after the claim was filed, but only 40 percent of these cases that went to judgment were contested.

Of special significance to my State of Kansas is the 1968 study of four courts in rural California, located in towns with populations ranging from 7,275 to 52,207. A sample of 400 cases taken from the 3,860 cases filed that year revealed that individuals not only came into court most often as defendants, but usually lost as well. Of the plaintiffs, 16 percent were individuals while of the defendants, 93.3 percent were individuals. In contrast, 28 percent of the plantiffs were corporations while only 2.5 percent of the defendants were corporations. Of the claims filed, only about 46 percent resulted in a judgment and 93.5 percent of the judgments were for plaintiffs. Of the judgments entered, 73.5 percent were on default. The individual claimants in small claims court tended to be middle class and well educated, although a lack of publicity as to the court's existence could foster this result.

Various conclusions can be drawn from these reports. The most obvious is that in the jurisdictions studied, the small claims courts are dispensing with many cases very rapidly and there are few requests for jury trials or appeals which would impede prompt disposition. But the corporate and business interests tend to be the major beneficiaries of the procedure, and in some communities businesses use the courts as collection agencies. It is questionable whether taxpayers want to provide a court to act as a collection agency for corporations which generally can afford to collect their acounts by other means. If a State determines that the small claims court should be provided primarily to benefit the individual who is without other means of collecting a claim, it should follow the procedure in New York which allows only individuals and and public benefit corporations to file claims.

Those interested in protecting the individual consumer, however, should recognize that if corporations sue buyers on installment contracts, the court costs which the defendant must often bear will be smaller if the suit is brought in a small claims court. Thus, allowance of suits by corporations in these courts could protect an already overburdened consumer from being saddled with the high court costs of an ordinary court.

SUGGESTED PROCEDURES FOR SMALL CLAIMS COURTS

Mr. President, my bill authorizes the Attorney General to make grants and provide other assistance to States which establish courts "in accordance with" the procedural guidelines listed in section 3. It is my intention to allow both the Attorney General and the several States a measure of flexibility with respect to jurisdictional amounts, filing fees, and other procedural matters. These requirements are, and should be, matters for States to decide. The Attorney General, accordingly, is directed to view varying States' standards with the goal of encouraging the establishment of courts which comply with the spirit and purpose—not necessarily the precise technical identity—of these section 3 guidelines.

LIMITS ON JURISDICTION

Most small claims courts with simplified pleadings and procedures limit the jurisdictional amount from $100 to $500, the average being about $200. The limit was $200 in California in 1963 when the Alameda County study was conducted. It was found that 63 percent of the claims were for $100 or less and about 80 percent were for $150 or less. This indicates that the majority of claims were quite small, rather than large claims reduced to the maximum limit simply to take advantage of the simplified procedure. About 9 percent of the claims were for $200, suggesting that some claims were reduced to the maximum limit simply to take advantage of the simplified procedure. About 9 percent of the claims were for $200, suggesting that some claims were reduced to meet the jurisdictional requirement. Accordingly, this bill sets the limit at $200.

Assignees and collection agencies are barred as plaintiffs in some States in an attempt to prevent the court from becoming an agency to assist in the collection of accounts at public expense. My bill would permit no claims to be brought by a collection agent or agency, person engaged in the business of lending money at interest, or any attorney, assignee, or other person other than the claimant.

Courts in some States have been limited in the types of actions they are permitted to hear. Some States are limited to claims for money damages arising from contract or tort. Libel and slander are sometimes excluded because it is thought a jury can better decide the issues which involve an element of community judgment. It is also felt that where the damages are small, suits of libel or slander should be discouraged by the courts. For these reasons, my bill limits actions to those in tort other than libel and slander.

PROCEDURES

Small claims courts provide for a simple, informal statement of the claim, setting out the basic issues in clear language. Some States do not require an answer, thus speeding the trial date and keeping pleadings to an absolute minimum. It has been argued that an answer should be required because it solidifies the issues, helps the plaintiff to prepare his case, and obviates the need for an appearance by the plaintiff if the defendant defaults. My legislation would require only a concise statement of the claim.

FILING FEES

Filing fees must be minimal, perhaps $1 or $2 and a small sum to cover the cost of service of process. But some fee is necessary to discourage the filing of frivolous claims. For example, when the San Francisco court began operation, the proceedings were free. This resulted in collection agencies dunning their debtors by having their bills mailed by the small claims clerk with postage paid by the county treasury. A $2 fee is now required there. The filing fee, however, must be kept small in order to keep the cost of litigation small.

SERVICE OF PROCESS

The use of registered mail to serve process has been very successful. Of 1,420 notices sent by registered mail from the Boston Small Claims Court in 1932, for example, only two were returned because acceptance was refused and 82 because the defendant could not be located. In Washington, D.C., in 1938, 76 percent of the service made by registered mail was accomplished while only 52 percent of the service made by the marshal was effective. Not only is service by registered mail less expensive, but such service is more likely to be made by the postal department than by an officer of the court who is not diligent. Service of process by registered mail has been upheld as meeting constitutional requirements for proper notice. Accordingly, my bill states that appropriate service in accordance with the law of the State is the applicable standard.

COUNTERCLAIMS

One possible jurisdictional problem occurs when a counterclaim by the defendant exceeds the jurisdictional limit. If a court allowed only a counterclaim within the jurisdictional limit, it might lead to multiple suits on the same claim. However, the entire case could be transferred to another court with a higher jurisdictional limit, or the suit could be dismissed. The Chicago court allows the case to remain in the small claims division unless one of the parties objects. Chicago also allows the judges discretion to retain the case if he has reason to believe the counterclaim is without some merit, brought only to obtain transfer to another court. This matter, in my bill, would be left to State discretion.

VENUE

Usually an action may be brought only in the county of the defendant's residence, which is basically a fair venue provision except for the few cases in which the limitation would work a great hardship on the plaintiff. In such cases the judge of another suitable county should be allowed to hear the case if there is good evidence that adherence to the proper venue would produce greater injustice. In California, where corporations are allowed to bring claims, actions may be brought in the judicial district where the obligation is to be performed as well as in the district of the defendant's residence. Thus, the Alameda study found that 50 percent of the defendants sued by corporations lived outside the county where the action was filed. Large corporations with branch offices often specify that the money is to be paid at the home office, thereby enabling them to file in a single court suits against purchasers who reside in all parts of the State. This practice, which results in defendants being unable to defend themselves in court, could be eliminated by limiting the venue to the defendant's place of residence.

This matter, in my bill, is left to State discretion.

CONCILIATION

The process of conciliation is sometimes used in conjuction with a small claims court. The parties are encouraged or required to meet in the court to work out an agreement by themselves. In Washington, D.C., the judge is required to attempt conciliation before holding a hearing. The success of the attempt depends upon the attitude and personality of the judge as shown by the District of Columbia experience which varied depending on which judge was sitting in the small claims branch each month. In 1940 one judge held 253 conciliation hearings in a three month period; 246 were effective. During the remaining nine months, four other judges held only 43 hearings of which only 40 were effective.

The conciliation process gives the parties an opportunity to come to an agreement satisfactory to both. The agreement is not legally binding, but once made, parties usually abide by its terms. If the parties are unable to conciliate, the case is brought on for hearing before the judge. New York City, which has a very busy docket of small claims, allows a plaintiff two courses of action. He can appear before a judge and thereby preserve the right of appeal. Or he may go before an arbitrator who is a member of the New York bar serving not more than one night a month on a rotating basis. Those who choose the arbitrator can be heard sooner, but they forgo the right of appeal. This is another matter for appropriate State law.

TRIAL BY JURY

It is also essential to the concept of quick adjudication in a small claims court that trial by jury be eliminated. Outright denial of this right may raise some constitutional questions, however. The U.S. Constitution in the seventh amendment requires that—

> In suits at common law where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved. . . .

States need not be overly concerned with the interpretation of this amendment because the Supreme Court has never applied it to the States through the 14th amendment. This is a matter for the decision of the States and the particular court.

RULES OF EVIDENCE

The summary procdure which is the essence of a small claims court necessarily excludes the time consuming and elaborate process of discovery and many of the rules of evidence which are designed primarily to protect the judge or jury from being unduly influenced by evidence which lacks credibility. When a judge is hearing a case, the reasons for disallowing evidence such as hearsay are greatly diminished. My bill requires that rules be, so far as is feasible, free from technicalities. But aside from the general directive, State and court discretion rules.

COUNSEL

In some States attorneys are barred from the small claims court. In a proceeding in which the pleadings are simple and informal and the rules of evidence and discovery are not followed, the particular talents of a lawyer would be superfluous. Roscoe Pound wrote that—

> In petty causes there ought to be no expensive advocacy. One side or the other, unless the game of litigation is played for pure pleasure, cannot afford it. . . .

If one side chooses to employ a lawyer in a State which permits them in small claims courts, the other side will be at a disadvantage if he neglects to do the same. Because businesses and corporations can bear the cost of counsel better than can most individuals, the individual is placed at a distinct disadvantage by a State which allows counsel.

In special cases of language problems or physical and mental deficiency, the judge should have the right to allow an attorney or some other spokesman to assist a party whose deficiency would impair his ability of self-defense.

Although there is no direct constitutional right to counsel in civil cases, the Supreme Court has held that the right to the aid of counsel is of such a fundamental character as to be included in the concept of due process. But it is generally agreed that the plaintiff waives his right to counsel by bringing his claim in the small claims court. If the defendant is given a right of appeal at which time he may appear by counsel on a trial de novo, his constitutional rights are not violated.

Actually, Mr. President, lawyers should favor the establishment of small claims courts because even though they are excluded from advocacy therein, the litigation of small claims, frankly, is unprofitable for most attorneys. Thus even those attorneys with selfish motives should not be upset that the creation of small claims courts will impair their income. On the contrary, when litigation is necessary, instead of telling a client there is nothing he can do to help him, a lawyer might promote some personal good will by directing his client to the small claims court. For these and other reasons, attorneys will not be allowed to participate in the courts established by this legislation.

APPEAL

Although some States do not allow any appeal, other States do permit the defendant at least to appeal to the district court level where trial de novo with counsel and a jury may be requested. The Supreme Court has held that the due process clause does not guarantee a right to trial by jury nor a right to appeal. However, if there is a right to trial by jury under a State constitution, and a right to counsel under the due process clause, some allowance for appeal may be necessary in order to preserve these other rights. However, appeals may be discouraged by requiring the filing of a bond as security for the judgment and by requiring the losing party to pay a small sum as attorneys' fees for the opposing party on appeal. While requirements such as these have been sustained, if the burden is too great, the right of appeal may be destroyed.

If the initial action is shared by a qualified judge, moreover, there is less need for an appeal. As Austin W. Scott argued in 1924—

> What is needed in the case of small causes is not a determination by a poorly qualified judge, subject to be reviewed by a properly qualified tribunal, but a determination in the first instance by a properly qualified tribunal proceeding in a more summary method than that employed in larger causes. . . .

Accordingly, my bill limits appeal to those cases involving amounts greater than $50.

CONCLUSION

Mr. President, the United States must recognize the need for small claims courts. We must extend justice to all our people. And we must improve the system by which we seek to administer and extend that justice.

I ask unanimous consent that this bill be printed in the RECORD at the conclusion of my remarks. I invite the attention of the Senate to it.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1602

A bill to provide assistance to encourage States to establish consumer claims courts

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Consumer Claims Court Assistance Act".

PROGRAM AUTHORIZED

SEC. 2. The Attorney General is authorized to make grants and to provide other assistance to States in accordance with the provisions of this Act.

ELIGIBILITY AND CRITERIA FOR GRANTS

SEC. 3. (a) A State is eligible for grants under this Act only if the Attorney General determines, on the basis of an application submitted by such State, that such State has in force a law of general applicability establishing or requiring the establishment of a statewide system of consumer claims courts which meet the requirements of subsection (b).

(b) For the purposes of this Act, a consumer claims court shall—

(1) have jurisdiction limited to actions in contract and tort, other than libel and slander, in which the amount in controversy does not exceed $200, exclusive of interests and costs; and

(2) be governed by rules and procedures which are, so far as is feasible, free from technicalities and which provide that—

(A) no claim may be brought by a person who is—

(i) a collection agent or agency;

(ii) engaged in the business of lending money at interest;

(iii) an attorney, assignee, or any person other than the claimant;

(B) a claim may be brought only against a defendant who resides in the jurisdiction of the court at the time such claim is filed;

(C) no formal pleading, other than a concise statement of the claim, signed by the claimant, shall be required, except that the court may order that, in lieu of a personal appearance, a defendant may file a written response to any claim;

(D) no person other than the claimant and defendant shall take any part in the filing, prosecution, or defense of any claim;

(E) appropriate service or notice of pleadings and hearings or other proceedings shall be provided to the parties in accordance with the law of the State;

(F) the court may take testimony in any hearing on any claim from such witnesses as the parties may produce, and any such testimony shall be given under oath, but any hearing shall be otherwise informal;

(G) costs may be assessed against the party against whom a judgment of the court is rendered; and

(H) any judgment rendered upon any claim by such court shall be conclusive, but if the amount in controversy exceeds $50, the defendant may appeal to and have a trial de novo in any court having appropriate jurisdiction.

APPLICATIONS AND AWARDS

SEC. 4. (a) A grant or other assistance under this Act may be obtained upon an application by any State at such time, in such manner, and containing such information as the Attorney General prescribes. Any such application shall include a statement that the applicant's system of consumer claims courts shall operate or is operating in accordance with the provisions of section 3 of this Act.

(b) Upon the approval of any such application by the Attorney General, the Attorney General may make a grant to the State to pay an amount each year not in excess of 50 per centum of the costs of establishing or operating its system of consumer claims courts. Payments under this subsection may be made in advance, in installments, or by way of reimbursement.

(c) If the Attorney General determines that a State to which a grant has been made under subsection (b) is not operating its system of consumer claims courts in accordance with the provisions of section 3, he shall discontinue payments to such State until such time as he is satisfied that such State is operating its system in accordance with such provisions.

OTHER ASSISTANCE

SEC. 5. Upon application by any State, the Attorney General may also provide such other assistance as he deems appropriate in order to assist any State to establish or operate a system of consumer claims courts, or to assist the State in becoming eligible for a grant under this Act.

MISCELLANEOUS PROVISIONS

SEC. 6. (a) The Attorney General is authorized to prescribe such rules and regulations as he deems necessary or appropriate to carry out the provisions of this Act.

(b) For the purposes of this Act, the term "State" includes a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

AUTHORIZATION OF APPROPRIATIONS

SEC. 7. There are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this Act.

By Mr. EAGLETON (for himself, Mr. BIBLE, Mr. INOUYE, Mr. STEVENSON, and Mr. TUNNEY):

S. 1603. A bill to provide an elected Mayor and City Council for the District of Columbia, and for other purposes. Referred to the Committee on the District of Columbia.

HOME RULE FOR THE DISTRICT OF COLUMBIA

Mr. EAGLETON. Mr. President, on behalf of myself and Senators BIBLE, INOUYE, STEVENSON, and TUNNEY, I introduce for appropriate reference a bill to give home rule to the citizens of the District of Columbia.

Two years ago when the home rule bills upon which this was patterned were introduced, the very distinguished former chairman of the District of Columbia Committee, the senior Senator from Nevada (Mr. BIBLE) remarked that legislation to establish home rule for the District was not new to the Senate. Bills on this subject were introduced in the 81st, 82d, 84th, 85th, 86th, 89th, and 91st Congresses. So far a comprehensive proposal has not passed both Houses of Congress, although the Senate has in each of these Congresses passed home rule legislation.

As your new chairman of the District Committee, it is my privilege this year to again suggest that home rule for the District of Columbia is long overdue.

The District of Columbia is the home of representative government for the United States, yet it itself has been without such representative government for almost 100 years. There is general agreement that governing the Nation's Capital presents special problems. There are both benefits and detriments which flow from that status. The Federal Government is at the same time both the largest area employer and its most preferred resident since it does not pay taxes to support the costs, both general and special, it creates. Wisely, Congress has decided to give a Federal payment in lieu of the taxes which might otherwise accrue to the District. I should note parenthetically that in 1878 the Federal payment was 50 percent of the District's annual budget. Less wisely, Congress has not as yet seen fit to make this payment automatic and self-appropriating or to turn the governing of the city over to its inhabitants.

In April 1969, President Nixon, in his message on the District of Columbia, stated:

> Good government, in the case of a city, must be local government. The Federal Government has a special responsibility for the District of Columbia. But it also bears toward the District the same responsibility it bears toward all other cities: to help local government work better, and to attempt to supplement local resources for programs that city officials judge most urgent.

The bill I am introducing today has the language, refined in some details, of its predecessors which were introduced by Senators BIBLE, Morse, Tydings, and MATHIAS. In the last two Congresses a general home rule bill has not been brought to the floor of the Senate. Rather, in these 4 years more tentative steps have been taken toward representative government in the Nation's Capital. In the 90th Congress legislation was passed which allowed for an elected school board, the first generally elected officials the city has had in many years. Then last year, in the 91st Congress, H.R. 18725 was passed by both Houses and the post of nonvoting delegate from the District of Columbia was created.

There are those who will argue that these tentative steps detract from true home rule. I cannot agree. While I am today introducing what I believe to be a workable and comprehensive home rule proposal, let no one doubt that I will work toward home rule in any way that a majority of this body and the Congress desire.

As I have indicated before, it is my fondest hope that I will be able to reduce if not eliminate the role that the Congress plays in the affairs of the District. Toward that end I have introduced what I hope will be the last home rule bill—the one that finally passes the Congress of the United States and becomes law.

Mr. President, I ask unanimous consent that the text of the bill, and a section-by-section analysis of its provisions, be printed at this point in the RECORD.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 1603

A bill to provide an elected Mayor and City Council for the District of Columbia, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to the retention by Congress of the ultimate legislative authority over the Nation's Capital which is granted by the Constitution, it is the intent of Congress to restore to the inhabitants of the District of Columbia the powers of local self-government which are a basic privilege of all American citizens; to reaffirm through such action the confidence of the American people in the strengthened validity of principles of local self-government by the elective process; to promote among the inhabitants of the District the sense of responsibility for the development and well-being of their community which will result from the enjoyment of such powers of self-government; to provide for the more effective participation in the development of the District and in the solution of its local problems by those persons who are most closely concerned; and to relieve the National Legislature of the burden of legislating upon purely local District matters. It is the further intention of Congress to exercise its retained ultimate legislative authority over the District only insofar as such action shall be necessary or desirable in the interest of the Nation.

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DEFINITIONS

Sec. 101. For the purposes of this Act—

(1) The term "District" means the District of Columbia.

(2) The terms "District Council" and "Council" mean the Council of the District of Columbia provided for by title III.

(3) The term "District of Columbia Council" means the Council of the District of Columbia established under Reorganization Plan Numbered 3 of 1967.

(4) The term "Chairman" means, unless otherwise indicated in this Act, the Chairman of the District Council provided for by title III.

(5) The term "Mayor" means the Mayor provided for by title IV.

(6) The term "qualified voter," except as otherwise specifically provided, shall have the same meaning as that provided for a "qualified elector" under paragraph (2) of section 2 of the District of Columbia Election Act.

(7) The term "act" includes any legislation adopted by the District Council, except where the term "Act" is used to refer to this Act or other Acts of Congress herein specified.

(8) The term "District Election Act of 1955" means the Act of August 12, 1955 (69 Stat. 699), as amended.

(9) The term "person" includes an individual, partnership, association, joint-stock company, trust, or corporation.

(10) The term "capital project", or "project", means (a) any physical public betterment or improvement and any preliminary studies and surveys relative thereto; (b) the acquisition of property of a permanent nature; and (c) the purchase of equipment for any public betterment or improvement when first erected or acquired.

(11) The term "pending", when applied to any capital project, means authorized but not yet completed.

(12) The term "Board of Elections" means the Board of Elections created by section 3 of the District Election Act of 1955.

(13) The term "election", unless the context otherwise indicates, means an election held pursuant to the provisions of this Act.

(14) The term "domicile" means that place where a person has his true, fixed, and permanent home and to which, when he is absent, he has the intention of returning.

(15) The terms "publish" and "publication", unless otherwise specifically provided herein, mean publication in a newspaper of general circulation in the District.

(16) The term "municipal courts of the District of Columbia" means the Superior Court of the District of Columbia, the District of Columbia Court of Appeals, and such other municipal courts as the District Council may hereafter establish by act.

TITLE II—STATUS OF THE DISTRICT

Sec. 201. (a) All of the territory constituting the permanent seat of the Government of the United States shall continue to be designated as the District of Columbia. The District of Columbia shall remain and continue a body corporate, as provided in section 2 of the Revised Statutes relating to said District. Said Corporation shall continue to be charged with all the duties, obligations, responsibilities, and liabilites, and to be vested with all of the powers, rights, privileges, immunities, and assets, respectively, imposed upon and vested in said Corporation, or the Commissioner of the District of Columbia.

(b) No law or regulation which is in force on the effective date of part 2, title III, of this Act shall be deemed amended or repealed by this Act except to the extent that such law or regulation is inconsistent with this Act: *Provided*, That any such law or regulation may be amended or repealed by legislation or regulation as authorized in this Act, or by Act of Congress.

(c) Nothing contained in this section shall affect the boundary line between the District of Columbia and the Commonwealth of Virginia as the same was established or may be subsequently established under the provisions of title I of the Act of October 31, 1945 (59 Stat. 552).

TITLE III—THE DISTRICT COUNCIL

Part I—Creation of the District Council

CREATION AND MEMBERSHIP

Sec. 301. There is hereby created a Council of the District of Columbia consisting of eleven members, of whom the Chairman and two members shall be elected at large and the other eight members shall be elected one from each of the eight election wards established under the District of Columbia Election Act. The term of office of the Chairman and other members of the Council shall be two years beginning at noon on January 2 of the odd-numbered year following such election. The legislative power granted the District by this Act shall be vested in the Council.

QUALIFICATIONS FOR HOLDING OFFICE

Sec. 302. No person shall hold the office of member of the District Council unless he (1) is a qualified voter, (2) is domiciled in the District and, if he is nominated for election from a particular ward, resides in the ward from which he is nominated, (3) has, during the three years next preceding his election, resided and been domiciled in the District, (4) if he is nominated for election from a particular ward, has, for one year preceding his election, resided and been domiciled in the ward from which he is nominated, (5) holds no other elective public office other than delegate or alternate delegate to a convention of a political party nominating candidates for President and Vice President of the United States, (6) holds no position as an officer or employee of the municipal government of the District of Columbia or any appointive office, for which compensation is provided out of District funds, and (7) holds no office to which he was appointed by the President of the United States and for which compensation is provided out of Federal or District funds. A member of the Council shall forfeit his office upon failure to maintain the qualifications required by this section.

COMPENSATION

Sec. 303. Each member of the District Council, except the Chairman, shall receive compensation at the rate of $9,000 per annum, payable in periodic installments. The Chairman shall receive compensation at a rate of $15,000 per annum and the Vice Chairman at a rate of $14,000 per annum, payable in periodic installments. All members shall receive such additional allowances for expenses as may be approved by the Council to be paid out of funds duly appropriated therefor.

CHANGES IN MEMBERSHIP AND COMPENSATION OF DISTRICT COUNCIL MEMBERS

Sec. 304. The number of members constituting the District Council, the qualifications for holding office, and the compensation of such members may be changed by act passed by the Council: *Provided*, That no such act shall take effect until after it has been assented to by a majority of the qualified voters of the District voting at an election on the proposition set forth in any such act.

Part 2—Principal Functions of the District Council

ABOLISHMENT OF EXISTING GOVERNMENT AND TRANSFER OF FUNCTIONS

Sec. 321. (a) The District of Columbia Council, the offices of Chairman of the District of Columbia Council, Vice Chairman of the District of Columbia Council, and the seven other members of the District of Columbia Council, and the offices of Commissioner of the District of Columbia and Assistant to the Commissioner of the District of Columbia, as established by the Reorganization Plan Numbered 3 of 1967, are hereby abolished: *Provided*, That this subsection shall not be construed to reinstate any governmental body or office in the District abolished in said plan or otherwise heretofore.

(b) Except as otherwise provided in this Act, all functions granted to or imposed upon, or vested in or transferred to the District of Columbia Council or the Commissioner of the District of Columbia, as established by Reorganization Plan Numbered 3 of 1967, are hereby transferred to the District Council established under the provisions of part I of this title, except those powers hereinafter specifically conferred on the Mayor.

CERTAIN DELEGATED FUNCTIONS AND FUNCTIONS OF CERTAIN AGENCIES

Sec. 322. No function of the District of Columbia Council (established under Reorganization Plan Numbered 3 of 1967) or of the Commissioner of the District of Columbia which such District of Columbia Council or Commissioner has delegated to an officer, employee, or agency (including any body of or under such agency) of the District, nor any function now vested pursuant to section 501 of Reorganization Plan Numbered 3 of 1967 in the District Public Service Commission, Zoning Commission, Zoning Advisory Council, Board of Zoning Adjustment, Office of the Recorder of Deeds, or Armory Board, or in any officer, employee, or body of or under such agency, shall be considered as a function transferred to the District Council pursuant to section 321 of this Act. Each such function is hereby transferred to the officer, employee, or agency (including a body of or under such agency), to whom or to which it was delegated, or in whom or in which it has remained vested, until the Mayor or Council established under this title, or both, pursuant to the powers herein granted, shall revoke, modify, or transfer such delegation or vesting.

Sec. 323. (a) The provisions of section 322 of this Act notwithstanding, before any zoning regulation or equivalent legislation for the District is approved by the District Council, Zoning Commission, or other authority—

(1) the Council, Zoning Commission, or authority shall deposit such regulation or legislation in its introduced form with the National Capital Planning Commission. Such Planning Commission shall, within thirty days after the day of such deposit, submit its comments to the Council, Zoning Commission, or authority, including advice as to whether the proposed regulation or legislation is in conformity with the comprehensive plan for the District of Columbia. The Council, Zoning Commission, or authority shall not pass the regulation or legislation unless it has received said comments, or the Planning Commission has failed to comment, within the thirty-day period above specified; and

(2) the Council, Zoning Commission, or authority, or an appropriate committee thereof, shall hold a public hearing on the regulation or legislation. At least thirty

days' notice of the hearing shall be published, as the Council, Zoning Commission, or authority may direct. Such notice shall include the time and place of the hearing and a summary of all changes in existing law which would be made by adoption of the regulation or legislation. The Council, Zoning Commission, or authority (or committee thereof holding a hearing) shall give such additional notice as it finds expedient and practicable. At the hearing interested persons shall be given reasonable opportunity to be heard. The hearing may be adjourned from time to time. The time and place of reconvening shall be publicly announced before adjournment is had.

(b) The Council, Zoning Commission, or authority shall deposit with the Planning Commission each such regulation or item of legislation passed by it.

(c) This section shall not be construed to restrict legislation (or regulation) regarding solely the procedure (apart from this section) or mechanism for regulating zoning in the District and not itself regulating such zoning.

APPOINTMENT OF ARMORY BOARD

SEC. 324. (a) The first sentence of section 2 of the Act of June 4, 1948 (62 Stat. 339), is hereby amended to read as follows: "There is hereby established an Armory Board, to be composed of three members who shall be appointed by the Mayor by and with the advice and consent of the Council and who shall serve at the pleasure of the Mayor."

(b) All functions and authority vested in the President by the Act of June 12, 1934 (48 Stat. 930), as amended, are hereby transferred to and vested in the Mayor.

POWERS OF AND LIMITATIONS UPON DISTRICT COUNCIL AND THE QUALIFIED VOTERS OF THE DISTRICT OF COLUMBIA

SEC. 325. (a)(1) The legislative power granted to the District by this Act shall be vested in the District Council, and in the qualified voters of the District of Columbia (as provided in section 1501 of title XV of this Act).

(2) Except as provided in subsection (b) of this section, the legislative power of the District shall extend to all rightful subjects of legislation within the District consistent with the Constitution of the United States and the provisions of this Act, subject, nevertheless, to all the restrictions and limitations imposed upon States by the tenth section of the first article of the Constitution of the United States; but all acts of the Council and the qualified voters of the District of Columbia shall at all times be subject to repeal or modification by the Congress of the United States, and nothing herein shall be construed to deprive Congress of the power of legislation over said District in as ample manner as if this Act had not been enacted: *Provided*, That nothing in this section shall be construed as vesting in the District government any greater authority over the Washington Aqueduct, the Commission on Mental Health, the National Zoological Park, the National Guard of the District of Columbia, or, except as otherwise specifically provided in this Act, over any Federal agency, than was vested in the Commissioner of the District prior to the effective date of part 2, title III, of this Act.

(b) Neither the Council nor the qualified voters of the District of Columbia may pass any act contrary to the provisions of this Act, or—

(1) impose any tax on property of the United States;

(2) lend the public credit for support of any private undertaking;

(3) authorize the issuance of bonds except in compliance with the provisions of title VI;

(4) authorize the use of public money in support of any sectarian, denominational, or private school except as now or hereafter authorized by Congress;

(5) enact any act to amend or repeal any Act of Congress which concerns the functions or property of the United States or which is not restricted in its application exclusively in or to the District;

(6) pass any act inconsistent with or contrary to the Act of June 6, 1924 (43 Stat. 463), as amended, or the Act of May 29, 1930 (46 Stat. 482), as amended, and the Council shall not pass any act inconsistent with or contrary to any provision of any Act of Congress as it specifically pertains to any duty, authority, and responsibility of the National Capital Planning Commission.

(c) Every act shall include a preamble, or be accompanied by a report, setting forth concisely the purposes of its adoption. Every act shall be published, upon becoming law, as the Council may direct.

(d) An act passed by the Council shall be presented by the Chairman of the Council to the Mayor, who shall, within ten calendar days after the act is presented to him, either approve or disapprove such act. If the Mayor shall approve such act, he shall indicate the same by affixing his signature thereto, and such act shall, subject to the provisions of subsection (e) of this section, become law. If the Mayor shall disapprove such act, he shall, within ten calendar days after it is presented to him, return such act to the Council setting forth his reasons for such disapproval. If any act so passed shall not be returned to the Council by the Mayor within ten calendar days after it shall have been presented to him, the Mayor shall be deemed to have approved it, and such act shall, subject to the provisions of subsection (e) of this section, become law. If, within thirty calendar days after an act has been timely returned by the Mayor to the Council with his disapproval, two-thirds of the members of the Council present and voting vote to repass such act, the act so repassed shall, subject to the provisions of subsection (e) of this section, become law.

(e) The provisions of subsection (d) of this section notwithstanding, acts of the District Council exercising functions not heretofore legally exercisable by the Commissioner of the District of Columbia pursuant to section 401 of Reorganization Plan Numbered 3 of 1967 or by the District of Columbia Council pursuant to section 402 of said plan, shall become law only in accordance with the following:

(1) Within five calendar days following the date upon which such acts of the District Council would have become law apart from this subsection, such acts of the District Council shall be presented to the President by the Mayor or, in the case of such acts repassed by a two-thirds vote of the District Council over the Mayor's disapproval, by the Chairman of the Council.

(2) Acts so presented shall become law unless, within ten calendar days after presentment, the President shall, in accordance with paragraph (3) of this subsection, disapprove the same.

(3) The President may, if he is satisfied that any such act adversely affects a Federal interest, disapprove such act, in which event he shall return the act with his objections to the Mayor or, in the case of an act presented to the President by the Chairman of the Council, to said Chairman of the Council, and, notwithstanding any other provision of this Act, such act shall not become law.

(4) In the event of such disapproval by the President, the officer to whom the act is returned with objections shall forthwith communicate the fact of such return and the full substance of the President's objections to the District Council and, if such officer is not the Mayor, also to the Mayor.

(f) The Congress of the United States reserves the right, at any time, to exercise its constitutional authority as legislature for the District of Columbia, by enacting legislation for the District on any subject, whether within or without the scope of legislative power granted to the District Council and the qualified voters of the District of Columbia by this Act, including, without limitation, legislation to amend or repeal any law in force in the District prior to or after enactment of this Act and any act passed by the Council or by the qualified voters of the District of Columbia.

(g) Except as limited by subsection (h) of this section, upon the effective date of this part, jurisdiction over the municipal courts of the District of Columbia shall vest with the District Council in all matters pertaining to the organization and composition of such courts, and to the appointment or selection, qualification, tenure, and compensation of the judges thereof: *Provided*, That the Council shall not transfer or modify any function performed by the United States marshal or the United States attorney for the District on the effective date of this part. Nothing in this Act shall be construed to change the tenure of any persons occupying positions as judges of the municipal courts of the District of Columbia on the effective date of this part, except that their compensation may be increased.

(h) On or after the effective date of this part, any person appointed or elected to serve as judge of one of the municipal courts of the District of Columbia shall not (1) be appointed or elected to serve for a term of less than ten years, (2) serve on the court past the year that the seventieth anniversary of his birth shall occur, or (3) receive as compensation for such service an amount less than the amount payable to an associate judge of the Superior Court of the District of Columbia on the effective date of this part.

(i) Nothing in this section or elsewhere in this Act shall be construed as authorizing the District Council to curtail the jurisdiction, established by enactment of the Congress of the United States, of the United States District Court for the District of Columbia or any other United States court other than the municipal courts of the District.

PART 3—ORGANIZATION AND PROCEDURE OF THE DISTRICT COUNCIL

THE CHAIRMAN

SEC. 331. The Chairman of the District Council shall be the presiding officer of the Council. The District Council shall elect from among its members a Vice Chairman, who shall preside in the absence of the Chairman. When the Mayor is absent or unable to act, or when the office is vacant, the Chairman shall act in his stead.

SECRETARY OF THE DISTRICT COUNCIL; RECORDS AND DOCUMENTS

SEC. 332. (a) The Council shall appoint a secretary as its chief administrative officer and such assistants and clerical personnel as may be necessary. Notwithstanding any other provision of this Act, the compensation and other terms of employment of such secretary, assistants, and clerical personnel shall be prescribed by the Council.

(b) The secretary shall (1) keep a record of the proceedings of the Council, (2) keep a record showing the text of all acts introduced and the ayes and noes of each vote, (3) authenticate by his signature and record in full in a continuing record kept for that purpose all acts passed by the Council and by the qualified voters of the District of Columbia, including the date and time that each such act takes effect, and (4) perform such other duties as the Council may from time to time prescribe.

(c) The records required by subsection (b) shall be available for public inspection during normal business hours and copies of the records shall be made available for purchase under such conditions and upon the payment of such fees as the Council shall deem appropriate.

MEETINGS

SEC. 333. (a) A majority of the District Council shall constitute a quorum for the lawful convening of any meeting of the Council and for the transaction of business of the Council.

(b) The first meeting of the Council after this part takes effect shall be called by the Chairman of the District Council elected in accordance with this Act. Following each such election, but not later than December 15 of the year of the election, the secretary of the Council shall call the first meeting of the members of the Council elected in such election for a date not later than January 7 of the next year.

(c) The Council shall provide for the time and place of its regular meetings. The Council shall hold at least one regular meeting in each calendar week except that during July and August it shall hold at least two regular meetings in each month. Special meetings may be called, upon the giving of adequate notice, by the Mayor, the Chairman, or any three members of the Council.

(d) Meetings of the Council shall be open to the public and shall be held at reasonable hours and at such places as may be necessary to accommodate a reasonable number of spectators. The Council shall not exclude the public from any of its meetings unless the national security is involved. Any citizen shall have the right to petition and be heard by the Council at any of its meetings, within reasonable limits as set by the Council.

COMMITTEES

SEC. 334. The Council Chairman, with the advice and consent of the Council, shall determine the standing and special committees which may be expedient for the conduct of the Council's business. The Chairman shall appoint members to such committees. All committee meetings shall be open to the public except when ordered closed by the committee chairman, with the prior approval of a majority of the members of the committee.

ACTS AND RESOLUTIONS

SEC. 335. (a) The Council, to discharge the powers and duties imposed herein, shall pass acts and adopt resolutions, upon a vote of a majority of the members of the Council present and voting, unless otherwise provided herein. The Council shall use acts for all legislative purposes. Resolutions shall be used to express simple determinations, decisions, or directions of the Council of a special or temporary character.

(b) (1) The enacting clause of all acts passed by the Council shall be, "Be it enacted by the Council of the District of Columbia:".

(2) The resolving clause of all resolutions passed by the Council shall be, "The Council of the District of Columbia hereby resolves,".

(c) A special election may be called by resolution of the Council to present for referendum vote of the people any proposition upon which the Council desires to take such action.

PASSAGE OF ACTS

SEC. 336. The Council shall not pass any act before the thirteenth day following the day on which it is introduced. Subject to the other limitations of this Act, this requirement may be waived by the unanimous vote of the members present: *Provided*, That the members present constitute a majority of the Council.

INVESTIGATIONS BY DISTRICT COUNCIL

SEC. 337. (a) The Council, or any committee or person authorized by it, shall have power to investigate any matter relating to the affairs of the District; and for that purpose may require the attendance and testimony of witnesses and the production of books, papers, and other evidence. For such purpose any member of the Council (if the Council is conducting the inquiry) or any member of the committee, or the person conducting the inquiry, may issue subpenas and may administer oaths.

(b) In case of contumacy by or refusal to obey a subpena issued to any person, the Council, committee, or person conducting the investigation shall have power to refer the matter to any judge of the United States District Court for the District of Columbia, who may by order require such person to appear and to give or produce testimony or books, papers, or other evidence, bearing upon the matter under investigation; and any failure to obey such order may be punished by such court as a contempt thereof as in the case of failure to obey a subpena issued, or to testify, in a case pending before such court.

PROCEDURE OF ZONING ACTS

SEC. 338. (a) Before any zoning act for the District is passed by the Council—

(1) the Council shall deposit the act in its introduced form, with the National Capital Planning Commission. Such Commission shall, within thirty days after the day of such deposit, submit its comments to the Council, including advice as to whether the proposed act is in conformity with the comprehensive plan for the District of Columbia. The Council may not pass the act unless it has received such comments or the Commission has failed to comment within the thirty-day period above specified; and

(2) the Council (or an appropriate committee thereof) shall hold a public hearing on the Act. At least thirty days' notice of the hearing shall be published as the Council may direct. Such notice shall include the time and place of the hearing and a summary of all changes in existing law which would be made by adoption of the Act. The Council (or committee thereof holding a hearing) shall give such additional notice as it finds expedient and practicable. At the hearing interested persons shall be given reasonable opportunity to be heard. The hearing may be adjourned from time to time. The time and place of the adjourned meeting shall be publicly announced before adjournment is had.

(b) The Council shall deposit with the National Capital Planning Commission each zoning act passed by it.

TITLE IV—MAYOR

ELECTION, QUALIFICATIONS, AND SALARY

SEC. 401. (a) There is hereby created the office of Mayor of the District of Columbia. The Mayor shall be elected as provided in title VIII. The term of office of the Mayor shall be four years, beginning at noon on January 2 of the odd numbered years during which the President of the United States takes office.

(b) No person shall hold the office of Mayor unless he (1) is a qualified voter, (2) is domiciled and resides in the District, (3) has, during the three years next preceding his nomination, been resident in and domiciled in the District, (4) holds no other elective public office, (5) holds no position as an officer or employee of the municipal government of the District of Columbia or any appointive office, for which compensation is provided out of District funds, and (6) holds no office to which he was appointed by the President of the United States and for which compensation is provided out of Federal or District funds. The Mayor shall forfeit his office upon failure to maintain the qualifications required by this section.

(c) The Mayor shall receive an annual salary of $40,000, and an allowance for official reception and representation expenses, which he shall certify in reasonable detail to the District Council, of not more than $2,500 annually. Such salary shall be payable in periodic installments.

(d) Notwithstanding any other provision of this Act, the method of election, the qualifications for office, the compensation and the allowance for official expenses pertaining to the office of Mayor may be changed by acts passed by the Council: *Provided*, That no such act shall take effect until after it has been assented to by a majority of the qualified voters of the District voting at an election on the proposition set forth in any such act.

POWERS AND DUTIES

SEC. 402. The executive power of the District shall be vested in the Mayor who shall be the chief executive officer of the District government. He shall be responsible for the proper administration of the affairs of the District coming under his jurisdiction or control, and to that end shall have the following powers and functions:

(1) He shall designate the officer or officers of the executive department of the District who shall, during periods of disability or absence from the District of the Mayor, the Chairman, and the Vice Chairman of the Council, execute and perform all the powers and duties of the Mayor.

(2) He shall act as the official spokesman for the District and as the head of the District for ceremonial purposes.

(3) He shall administer all laws relating to the appointment, promotion, discipline, separation, and other conditions of employment of personnel in the office of the Mayor, personnel in executive departments of the District, and members of boards, commissions, and other agencies, who, under laws in effect on the effective date of this section, are subject to appointment and removal by the Commissioner of the District of Columbia. All actions affecting such personnel and such members shall, until such time as legislation is enacted by the Council superseding such laws and establishing a permanent District government merit system or systems, pursuant to section 402(4), continue to be subject to the provisions of Acts of Congress relating to the appointment, promotion, discipline, separation, and other conditions of employment applicable to officers and employees of the District government, to section 1001(d) of this Act, and where applicable, to the provisions of the joint agreement between the Commissioners and the Civil Service Commission authorized by Executive Order Numbered 5491 of November 18, 1930, relating to the appointment of District personnel. He shall appoint or assign persons to positions formerly occupied, ex officio, by the Commissioner of the District of Columbia or by the Assistant to the Commissioner and shall have power to remove such persons from such positions. The officers and employees of each agency with respect to which legislative power is delegated by this Act and which, immediately prior to the effective date of this section, was not subject to the administrative control of the Commissioner of the District, shall continue to be appointed and removed in accordance with applicable laws until such time as such laws may be superseded by legislation passed by the Council establishing a permanent District government merit system or systems pursuant to section 402(4).

(4) He shall administer the personnel functions of the District covering employees of all District departments, boards, commissions, offices, and agencies, except as otherwise provided by this Act. Personnel legislation enacted by Congress, prior to or after the effective date of this section, including, without limitation, legislation relating to appointments, promotions, discipline, separations, pay, unemployment compensation, health, disability and death benefits, leave, retirement, insurance, and veterans' preference, applicable to employees of the District

government, as set forth in section 1002(c), shall continue to be applicable until such time as the Council shall, pursuant to this section, provide equal or equivalent coverage under a District government merit system or systems. The District government merit system or systems shall be established by legislation of the Council. The system or systems may provide for continued participation in all or part of the Federal civil service system and shall provide for persons employed by the District government immediately preceding the effective date of such system or systems personnel benefits, including but not limited to pay, tenure, leave, residence, retirement, health and life insurance, and employee disability and death benefits, all at least equal to those provided by legislation enacted by Congress, or regulation adopted pursuant thereto, and applicable to such officers and employees immediately prior to the effective date of the system or systems established pursuant to this Act. The District government merit system or systems shall take effect not earlier than one year nor later than five years after the effective date of this section.

(5) He shall, through the heads of administrative boards, offices, and agencies, supervise and direct the activities of such boards, offices, and agencies.

(6) He shall, at the end of each fiscal year, prepare reports for such year of (a) the finances of the District, and (b) the administrative activities of the executive office of the Mayor and the executive departments of the District. He shall submit such reports to the Council within ninety days after the close of the fiscal year.

(7) He shall keep the Council advised of the financial condition and future needs of the District and make such recommendations to the Council as may seem to him desirable.

(8) He may submit drafts of acts to the Council.

(9) He shall perform such other duties as the Council, consistent with the provisions of this Act, may direct.

(10) He may delegate any of his functions (other than the function of approving or disapproving acts passed by the Council or the function of approving contracts between the District and the Federal Government under section 901) to any officer, employee, or agency of the executive office of the Mayor, or to any director of an executive department who may, with the approval of the Mayor, make a further delegation of all or a part of such functions to subordinates under his jurisdiction.

(11) There shall be a City Administrator, who shall be appointed by the Mayor and who may be removed by the Mayor. The City Administrator shall be the principal managerial aide to the Mayor, and he shall perform such duties as may be assigned to him by the Mayor.

(12) The Mayor or the Council may propose to the executive or legislative branches of the United States Government legislation or other action dealing with any subject not falling within the authority of the District government, as defined in this Act.

(13) As custodian the Mayor shall use and authenticate the corporate seal of the District in accordance with law.

(14) He shall have the right, under the rules to be adopted by the Council, to be heard by the Council or any of its committees.

(15) He is authorized to issue and enforce such administrative orders, not inconsistent with any Act of the Congress or any act of the Council or of the qualified voters of the District of Columbia, as are necessary to carry out his functions and duties.

TITLE V—THE DISTRICT BUDGET

FISCAL YEAR

SEC. 501. The fiscal year of the District of Columbia shall begin on the 1st day of July and shall end on the 30th day of June of the succeeding calendar year. Such fiscal year shall also constitute the budget and accounting year.

BUDGETARY DETAILS FIXED BY DISTRICT COUNCIL

SEC. 502. (a) The Mayor shall prepare and submit, not later than April 1, to the District Council, in such form as the Council shall approve, the annual budget estimates of the District and the budget message.

(b) The Mayor shall, in consultation with the Council, take whatever action may be necessary to achieve, insofar as is possible, (1) consistency in accounting and budget classifications, (2) synchronization between accounting and budget classifications and organizational structure, and (3) support of the budget justifications by information on performance and program costs as shown by the accounts.

ADOPTION OF BUDGET

SEC. 503. The Council shall by act adopt a budget for each fiscal year not later than May 15, except that the Council may, by resolution, extend the period for its adoption. The effective date of the budget shall be July 1 of the same calendar year.

FIVE-YEAR CAPITAL PROGRAM

SEC. 504. (a) Prior to the adoption of the annual budget, the Council shall adopt a five-year capital program and a capital budget.

(b) The Mayor shall prepare the five-year capital program and shall submit said program and the capital budget message to the Council, not later than February 1.

(c) The capital program shall include:

(1) a clear general summary of its contents;

(2) a list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;

(3) cost estimates, methods of financing, and recommended time schedules for each such improvement; and

(4) the estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

(d) The capital program shall be revised and extended each year with regard to capital improvements still pending or in the process of construction or acquisition.

(e) Actual capital expenditures shall be carried each year as the capital outlay section of the current budget. These expenditures shall be in the form of direct capital outlays from current revenues or debt service payments.

BUDGET ESTABLISHES APPROPRIATIONS

SEC. 505. The adoption of the budget by the Council shall operate to appropriate and to make available for expenditure, for the purposes therein named, the several amounts stated therein as proposed expenditures, subject to the provisions of section 702.

SUPPLEMENTAL APPROPRIATIONS

SEC. 506. The Council may at any time pass an act rescinding previously appropriated funds which are then available for expenditure, or appropriating funds in addition to those theretofore appropriated to the extent unappropriated funds are available; and for such purpose unappropriated funds may include those borrowed in accordance with the provisions of section 621.

TITLE VI—BORROWING

PART 1—BORROWING FOR CAPITAL IMPROVEMENTS

BORROWING POWER; DEBT LIMITATIONS

SEC. 601. The District may incur indebtedness by issuing its bonds in either coupon or registered form to fund or refund indebtedness of the District at any time outstanding and to pay the cost of constructing or acquiring any capital projects requiring an expenditure greater than the amount of taxes or other revenues allowed for such capital projects by the annual budget: *Provided*, That no bonds or other evidences of indebtedness, other than bonds to fund or refund outstanding indebtedness shall be issued in an amount which together with indebtedness of the District to the Treasury of the United States pursuant to existing law, shall cause the aggregate of indebtedness of the District to exceed 12 per centum of the average of the aggregate of the assessed values (as of the 1st day of July of the ten most recent fiscal years for which such assessed values are available) of (1) the taxable real and tangible personal property located in the District, and (2) the real and tangible personal property referred to in paragraphs (A) and (B) of section 741 (a) of this Act, the values of which shall be computed in accordance with the applicable provisions of section 741 of this Act, nor shall such bonds or other evidences of indebtedness issued for purposes other than the construction or acquisition of capital projects connected with mass transit, highway, water, and sanitary sewage works purposes, or any revenue-producing capital projects which are determined by the Council to be self-liquidating exceed 6 per centum of such average assessed value. Bonds or other evidences of indebtedness may be issued by the District pursuant to an act of the Council from time to time in amounts in the aggregate at any time outstanding not exceeding 2 per centum of said assessed value, exclusive of indebtedness owing to the United States on the effective date of this title. All other bonds or evidence of indebtedness, other than bonds to fund or refund outstanding indebtedness, shall be issued only with the assent of a majority of the qualified voters of said District voting at an election on the proposition of issuing such bonds. In determining the amount of indebtedness within all of the aforesaid limitation at any time outstanding there shall be deducted from the aggregate of such indebtedness the amount of the then current tax levy for the payment of the principal of the outstanding bonded indebtedness of the District and any other moneys set aside into any sinking fund and irrevocably dedicated to the payment of such bonded indebtedness. The Council shall make provision for the payment of any bonds issued pursuant to this title, in the manner provided in section 631 hereof.

CONTENTS OF BORROWING LEGISLATION; REFERENDUM ON BOND ISSUE

SEC. 602. (a) The Council may by act authorize the issuance of bonds: *Provided*, That such act shall contain at least the following provisions:

(1) A brief description of each purpose for which indebtedness is proposed to be incurred;

(2) The maximum amount of the principal of the indebtedness which may be incurred for each such purpose;

(3) The maximum rate of interest to be paid on such indebtedness; and

(4) In the event the Council is required by this part, or it is determined by the Council in its discretion, to submit the question of issuing such bonds to a vote of the qualified voters of the District, the manner of holding such election, the manner of voting for or against the incurring of such indebtedness, and the form of ballot to be used at such election. The ballot shall be in such form as to permit the voters to vote separately for or against the incurring of indebtedness for each of the purposes for which indebtedness is proposed to be incurred.

(b) The Council shall cause the proposition of issuing such bonds to be submitted by the Board of Elections to the qualified voters at the first general election to be held in the District not less than forty days after the date of enactment of the act auhorizing such bonds, or upon a vote of at least two-thirds of the members of the Council, the

Council may call a special election for the purpose of voting upon the issuance of said bonds, such election to be held by the Board of Elections at any date set by the Council not less than forty days after the enactment of such act.

(c) The Board of Elections is authorized and directed to prescribe the manner of registration and the polling places and to name the judges and clerks of election and to make such other rules and regulations for the conduct of such elections as are not specifically provided by the Council as may be necessary or appropriate to carry out the provisions of this section, including provisions for the publication of a notice of such election stating briefly the proposition or propositions to be voted on and the designated polling places in the various precincts and wards in the District. The said notice shall be published at least once a week for four consecutive calendar weeks on any day of the week, the first publication, thereof to be not less than thirty nor more than forty days prior to the date fixed by the Council for the election. The Board of Elections shall canvass the votes cast at such election and certify the results thereof to the Council in the manner prescribed for the canvass and certification of the results of general elections. The certification of the result of the election shall be published once by the Board of Elections within three days following the date of the election.

PUBLICATION OF BORROWING LEGISLATION

SEC. 603. The Mayor shall publish any act authorizing the issuance of bonds at least once within five days after the enactment thereof, together with a notice of the enactment thereof in substantially the following form:

"NOTICE

"The following act authorizing the issuance of bonds published herewith has become effective, and the time within which a suit, action, or proceeding questioning the validity of such bonds can be commenced as provided in the District of Columbia Charter Act will expire twenty days from the date of the first publication of this notice (or in the event the proposition of issuing the proposed bonds is to be submitted to the qualified voters, twenty days after the date of publication of the promulgation of the results of the election ordered by said act to be held).

"______________,
"Mayor."

SHORT PERIOD OF LIMITATION

SEC. 604. Upon the expiration of twenty days from and after the date of publication of the notice of the enactment of an act authorizing the issuance of bonds without the submission of the proposition for the issuance thereof to the qualified voters, or upon the expiration of twenty days from the date of publication of the promulgation of the results of an election upon the proposition of issuing bonds, as the case may be, all as provided in section 603—

(1) any recitals or statements of fact contained in such act or in the preambles or the titles thereof or in the results of the election of any proceedings in connection with the calling, holding, or conducting of election upon the issuance of such bonds shall be deemed to be true for the purpose of determining the validity of the bonds thereby authorized, and the District and all others interested shall thereafter be stopped from denying same;

(2) such act and all proceedings in connection with the authorization of the issuance of such bonds shall be conclusively presumed to have been duly and regularly taken, passed, and done by the District and the Board of Elections in full compliance with the provisions of this Act and of all laws applicable thereto;

(3) the validity of such act and said proceedings shall not thereafter be questioned by either a party plaintiff or a party defendant, and no court shall have jurisdiction in any suit, action, or proceeding questioning the validity of same, except in a suit, action, or proceeding commenced prior to the expiration of such twenty days.

ACTS FOR ISSUANCE OF BONDS

SEC. 605. After the expiration of the twenty-day limitation period provided for in section 604 of this part, the Council may by act establish an issue of bonds as authorized pursuant to the provisions of sections 601 to 604, inclusive, hereof. An issue of bonds is hereby defined to be all or any part of an aggregate principal amount of bonds authorized pursuant to said sections, but no indebtedness shall be deemed to have been incurred within the meaning of this Act until the bonds shall have been sold, delivered, and paid for, and then only to the extent of the principal amount of bonds so sold and delivered. The bonds of any authorized issue may be issued all at one time, or from time to time in series and in such amounts as the Council shall deem advisable. The act authorizing the issuance of any series of bonds shall fix the date of the bonds of such series, and the bonds of each such series shall be payable in annual installments beginning not more than three years after the date of the bonds and ending not more than thirty years from such date. The amount of said series to be payable in each year shall be so fixed that when the annual interest is added to the principal amount payable in each year the total amount payable in each year in which part of the principal is payable shall be substantially equal. It shall be an immaterial variance if the difference between the largest and the smallest amounts of principal and interest payable annually during the term of the bonds does not exceed 3 per centum of the total authorized amount of such series. Such act shall also prescribe the form of the bonds to be issued thereunder, and of the interest coupons appertaining thereto, and the manner in which said bonds and coupons shall be executed. The bonds and coupons may be executed by the facsimile signatures of the officer or officers designated by the act authorizing the bonds, to sign the bonds, with the exception that at least one signature shall be manual. Such bonds may be issued in coupon form in the denomination of $1,000, registerable as to principal only or as to both principal and interest, and if registered as to both principal and interest may be issuable in denominations of multiples of $1,000. Such bonds and the interest thereon may be payable at such place or places within or without the District as the Council may determine.

PUBLIC SALE

SEC. 606. All bonds issued under this part shall be sold at public sale upon sealed proposals at such price or prices as shall be approved by the Council after publication of a notice of such sale at least once not less than ten days prior to the date fixed for sale in a daily newspaper carrying municipal bond notices and devoted primarily to financial news or to the subject of State and municipal bonds published in the city of New York, New York, and in a newspaper of general circulation published in the District. Such notice shall state, among other things, that no proposal shall be considered unless there is deposited with the District as a downpayment a certified check or cashier's check for an amount equal to at least 2 per centum of the par amount of bonds bid for, and the Council shall reserve the right to reject any and all bids.

PART 2—SHORT-TERM BORROWING

BORROWING TO MEET SUPPLEMENTAL APPROPRIATIONS

SEC. 621. In the absence of unappropriated available revenues to meet supplemental appropriations made pursuant to section 505, the Council may by act authorize the issuance of negotiable notes, in a total amount not to exceed 5 per centum of the total appropriations for the current fiscal year, each of which shall be designated "supplemental" and may be renewed from time to time, but all such notes and renewals thereof shall be paid not later than the close of the fiscal year following that in which such act becomes effective.

BORROWING IN ANTICIPATION OF REVENUES

SEC. 622. For any fiscal year, in anticipation of the collection or receipt of revenues of that fiscal year, the Council may by act authorize the borrowing of money by the execution of negotiable notes of the District, not to exceed in the aggregate at any time outstanding 20 per centum of the total anticipated revenue, each of which shall be designated "Revenue Note for the Fiscal Year 19 ". Such notes may be renewed from time to time, but all such notes, together with the renewals, shall mature and be paid not later than the end of the fiscal year for which the original notes have been issued.

NOTES REDEEMABLE PRIOR TO MATURITY

SEC. 623. No notes issued pursuant to this part shall be made payable on demand, but any note may be made subject to redemption prior to maturity on such notice and at such time as may be stated in the note.

SALE OF NOTES

SEC. 624. All notes issued pursuant to this part may be sold at not less than par and accrued interest at private sale without previous advertising.

PART 3—PAYMENT OF BONDS AND NOTES

SEC. 631. (a) The act of the Council authorizing the issuance of bonds pursuant to this title, shall, where necessary, provide for the levy annually of a special tax without limitation as to rate or amount upon all the taxable real and personal tangible property within the District in amounts which together with other revenues of the District available and applicable for said purposes, will be sufficient to pay the principal of and interest on said bonds and the premium, if any, upon the redemption thereof, as the same respectively become due and payable, which tax shall be levied and collected at the same time and in the same manner as other District taxes are levied and collected, and when collected shall be set aside for the purpose of paying such principal, interest, and premium.

(b) The full faith and credit of the District shall be and is hereby pledged for the payment of the principal of and the interest on all bonds and notes of the District hereafter issued pursuant to this title whether or not such pledge be stated in the bonds or notes or in the act authorizing the issuance thereof.

PART 4—TAX EXEMPTION—LEGAL INVESTMENT

TAX EXEMPTION

SEC. 641. Bonds and notes issued by the Council pursuant to this title and the interest thereon shall be exempt from all Federal and District taxation except estate, inheritance, and gift taxes.

LEGAL INVESTMENT

SEC. 642. Notwithstanding any restriction on the investment of funds by fiduciaries contained in any other law, all domestic insurance companies, domestic insurance associations, executors, administrators, guardians, trustees, and other fiduciaries within the District of Columbia may legally invest any sinking funds, moneys, trust funds, or other funds belonging to them or under or within their control in any bonds issued pursuant to this title, it being the purpose of this section to authorize the investment in such bonds or notes of all sinking, insurance, retirement, compensation, pension, and trust funds. National banking associations are authorized to deal in, underwrite, purchase and sell, for their own accounts or for the accounts of customers, bonds and notes issued by the District Council to the same extent as national banking associations are authorized by paragraph seven of section 5136 of the Revised Statutes (12 U.S.C. 24), to deal in, underwrite, purchase and sell obligations of the United States, States, or political subdivisions thereof. All Federal building and loan associations and Federal savings and loan associations; and banks, trust companies, building and loan associations, and savings and loan associations, domiciled in the District of Columbia, may purchase, sell, underwrite, and deal in, for their own account or for the account of others, all bonds or notes issued pursuant to this title: *Provided*, That nothing contained in this section shall be construed as relieving any person, firm, association, or corporation from any duty of exercising due and reasonable care in selecting securities for purchase or investment.

TITLE VII—FINANCIAL AFFAIRS OF THE DISTRICT

PART 1—FINANCIAL ADMINISTRATION

SURETY BONDS

SEC. 701. Each officer and employee of the District required to do so by the District Council shall provide a bond with such surety and in such amount as the Council may require. The premiums for all such bonds shall be paid out of appropriations for the District.

FINANCIAL DUTIES OF THE MAYOR

SEC. 702. The Mayor, through his duly designated subordinates, shall have charge of the administration of the financial affairs of the District and to that end he shall—

(1) prepare and submit in the form and manner prescribed by the Council under section 502 the annual budget estimates and a budget message;

(2) supervise and be responsible for all financial transactions to insure adequate control of revenues and resources and to insure that appropriations are not exceeded;

(3) maintain systems of accounting and internal control designed to provide—

(A) full disclosure of the financial results of the District government's activities,

(B) adequate financial information needed by the District government for management purposes,

(C) effective control over and accountability for all funds, property, and other assets;

(4) submit to the Council a monthly financial statement, by appropriation and department, and in any further detail the Council may specify;

(5) prepare, as of the end of each fiscal year, a complete financial statement and report;

(6) supervise and be responsible for the assessment of all property subject to assessment within the corporate limits of the District for taxation, make all special assessments for the District government, prepare tax maps, and give such notice of taxes and special assessments as may be required by law;

(7) supervise and be responsible for the assessment and collection of all taxes, special assessments, license fees, and other revenues of the District for the collection of which the District is responsible and receive all money receivable by the District from the Federal Government, or from any court, or from any agency of the District;

(8) have custody of all public funds belonging to or under the control of the District, or any agency of the District government, and deposit all funds coming into his hands, in such depositories as may be designated and under such terms and conditions as may be prescribed by act of the Council;

(9) have custody of all investments and invested funds of the District government, or in possession of such government in a fiduciary capacity, and have the safekeeping of all bonds and notes of the District and the receipt and delivery of District bonds and notes for transfer, registration, or exchange.

CONTROL OF APPROPRIATIONS

SEC. 703. The Council may provide for (1) the transfer during the budget year of any appropriation balance then available for one item of appropriation to another item of appropriation, and (2) the allocation to new items of funds appropriated for contingent expenditure.

ACCOUNTING SUPERVISION AND CONTROL

SEC. 704. The Mayor, through his duly authorized subordinates, shall—

(1) prescribe the forms of receipts, vouchers, bills, and claims to be used by all the agencies of the District government;

(2) examine and approve all contracts, orders, and other documents by which the District government incurs financial obligations, having previously ascertained that moneys have been appropriated and allotted and will be available when the obligations shall become due and payable;

(3) audit and approve before payment all bills, invoices, payrolls, and other evidences of claims, demands, or charges against the District government and with the advice of the legal officials of the District determine the regularity, legality, and correctness of such claims, demands, or charges; and

(4) perform internal audits of central accounting and department and agency records of the District government, including the examination of any accounts or records of financial transactions, giving due consideration to the effectiveness of accounting systems, internal control, and related administrative practices of the respective agencies.

GENERAL FUND

SEC. 705. The general fund of the District shall be composed of the revenues of the District other than the revenues applied by law to special funds. All moneys received by any agency, officer, or employee of the District in its or his official capacity shall belong to the District government and shall be paid promptly to the Mayor, or his duly authorized subordinates, for deposit in the appropriate funds.

CONTRACTS EXTENDING BEYOND ONE YEAR

SEC. 706. No contract involving expenditure out of an appropriation which is available for more than one year shall be made for a period of more than five years; nor shall any such contract be valid unless made pursuant to criteria established by an act of the Council.

PART 2—ANNUAL POST AUDIT BY GENERAL ACCOUNTING OFFICE

INDEPENDENT ANNUAL POST AUDIT

SEC. 721. (a) The financial transactions shall be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States. In the determination of the auditing procedures to be followed and the extent of the examination of vouchers and other documents, the Comptroller General shall give due regard to generally accepted principles of auditing, including consideration of the effectiveness of the accounting organizations and systems, internal audit and control, and related administrative practices. The audit shall be conducted at the place or places where the accounts are normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the District and necessary to facilitate the audit, and such representatives shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. The District of Columbia shall reimburse the General Accounting Office for expenses of such audit in such amounts as may be agreed upon by the Mayor and the Comptroller General, and the amounts so reimbursed shall be deposited into the Treasury of the United States as miscellaneous receipts.

(b) (1) The Comptroller General shall submit his audit reports to the Congress, the Mayor, and the Council. The reports shall set forth the scope of the audits and shall include such comments and information as the Comptroller General may deem necessary to keep the Mayor and the Council informed of the operations to which the reports relate, together with such recommendations with respect thereto as the Comptroller General may deem advisable. The reports shall show specifically every program, expenditure, and other financial transaction or undertaking which, in the opinion of the Comptroller General, has been carried on or made without authority of law.

(2) After the Mayor and his duly authorized subordinates have had an opportunity to be heard, the Council shall make such report, together with such other material as it deems pertinent thereto, available for public inspection and shall transmit copies thereof to the Congress.

(3) The Mayor, within ninety days after the report has been made to him and the Council, shall state in writing to the Council, with a copy to the Congress, what has been done to comply with the recommendations made by the Comptroller General in the report.

AMENDMENT OF BUDGET AND ACCOUNTING ACT

SEC. 722. Section 2 of the Budget and Accounting Act, 1921 (31 U.S.C. 2), is hereby amended by striking out "and the municipal government of the District of Columbia".

PART 3—ADJUSTMENT OF FEDERAL AND DISTRICT EXPENSES

SEC. 731. Subject to section 901 and other provisions of law, the Mayor, with the approval of the Council, and the Director of the Office of Management and Budget, are authorized and empowered to enter into an agreement or agreements concerning the manner and method by which amounts owed by the District to the United States, or by the United States to the District, shall be ascertained and paid.

PART 4—ANNUAL FEDERAL PAYMENT TO THE DISTRICT

SEC. 741. (a) In recognition of the unique character of the District of Columbia as the Nation's Capital City, regular annual payments by the Federal Government are hereby authorized to cover the proper share of the expenses of the District government. On or before January 10 of each year, the Mayor shall, with the approval of the Council, submit to the Secretary of the Treasury through the Administrator of General Services a request for a Federal payment to be made during the following fiscal year, and the amount of such payment shall be computed as follows:

(1) An amount (to be paid to the general fund) computed as of January 1 of the fiscal year preceding the fiscal year for which payment is requested based upon the following factors:

(A) The amount of real property taxes lost to the District during the fiscal year immediately preceding the fiscal year for which the annual Federal payment is being requested, based upon the assessed value and rate of tax in effect on January 1 of said preceding year, as a result of the exemption from real property taxation of the following properties:

(i) Real property in the District owned and used by the United States for the purpose of providing Federal governmental services or performing Federal governmental functions, but excluding parklands, museums, art galleries, memorials, statuary, and shrines, and also excluding to the extent to which it may be so used, property owned by the United States and used to provide a service or perform a function which would otherwise be provided or performed by the District, such as, by way of example and without limitation, public streets and alleys and public water supply facilities.

(ii) Real property in the District exempt from taxation by special Act of Congress or exempt from taxation pursuant to subsection (k) of section 1 of the Act approved December 24, 1942 (56 Stat. 1809), as amended (D.C. Code, sec. 47–801a(k)), and not eligible for exemption from taxation under any other subsection of said section 1 of the Act approved December 24, 1942.

(B) The amount of personal property taxes lost to the District during the fiscal year immediately preceding the fiscal year for which the annual Federal payment is being requested based upon the assessed value and rate of tax in effect on January 1 of said preceding year, as a consequence of the exemption from personal property taxation of tangible personal property located in the District and which is owned by the United States, exclusive of objects of art, museum pieces, statuary, and libraries. Tangible personal property located in the District owned by the United States may be estimated by one or more methods developed by the Mayor and approved by the Administrator of General Services.

(C) The amount obtained by multiplying by a fraction the actual collections, during the second fiscal year preceding the fiscal year for which the annual Federal payment is being requested, of corporation and unincorporated business franchise taxes, and taxes on insurance premiums and on gross earnings of financial institutions and guaranty companies. The numerator of such fraction shall be the total number of Federal Government employees whose places of employment are in the District, as estimated by the United States Civil Service Commission, and the denominator of which shall be the total number of other employees whose places of employment are in the District, as estimated by the United States Employment Service for the District, but excluding employees of the government of the District, employees in nonprofit activities, and domestics in private households, also as estimated by such Service.

(2) The amount of the charges for water services furnished to the Federal Government by the District during the second fiscal year preceding the year for which the annual Federal payment is being requested (to be paid to the water fund).

(3) The charges for sanitary sewer services furnished to the Federal Government by the District during the second fiscal year preceding the year for which the annual Federal payment is being requested (to be paid to the sanitary sewage works fund).

(b) After review by the Administrator of General Services of the request for Federal payment and certification by him on or before April 10 of the fiscal year preceding the fiscal year for which the annual Federal payment is being requested that such request is in conformity with the provisions of this section, the Secretary of the Treasury shall, not later than September 1 of each fiscal year, cause such payment to be made to the District out of any money in the Treasury not otherwise appropriated, and the Secretary of the Treasury is authorized to advance on or after July 1, out of any money in the Treasury not otherwise appropriated, without interest, such amounts (not to exceed in the aggregate the total payment in the previous fiscal year) as may be required by the District pending the payment of the amount authorized by this section.

(c) The Administrator of General Services shall enter into cooperative arrangements with the Mayor whereby disputes, differences, or disagreements involving the Federal payment may be resolved.

(d) For the first fiscal year in which this part is effective, the amount of the annual Federal payment may be computed on the basis of preliminary estimates: *Provided*, That such amount shall be subject to later adjustment in accordance with the provisions of this part.

TITLE VIII—AMENDMENTS TO DISTRICT OF COLUMBIA ELECTION ACT

AMENDMENTS

SEC. 801. The District of Columbia Election Act is amended as follows:

(1) The first section of such Act is amended by inserting immediately after "Board of Education," the following: "the members of the Council of the District of Columbia, the Mayor, the Delegate from the District of Columbia,".

(2) Paragraph (2) of section 2 of such Act is amended to read as follows:

"(2) The term 'qualified elector' means any person (A) who for the purpose of voting in an election under this Act, has resided in the District continuously during the six-month period ending on the day of such election, (B) who is a citizen of the United States, (C) who is, or will be on the day of the next election, at least eighteen years old, (D) who has never been convicted of a felony in the United States, or, if he has been so convicted, has been pardoned or has been for the five years preceding such election, no longer subject to the jurisdiction of any court with respect thereto, (E) who is not mentally incompetent as adjudged by a court of competent jurisdiction, and (F) who certifies that he has not, within six months immediately preceding the day of the election, claimed the right to vote or voted in any election in any State or territory of the United States (other than in the District of Columbia)."

(3) Section 2 of such Act is further amended (1) by striking out in paragraph (4) thereof "a school" and inserting in lieu thereof "an"; and (2) by adding at the end thereof the following new paragraphs:

"(6) The term 'Council' or 'Council of the District of Columbia' means the Council of the District of Columbia established pursuant to the District of Columbia Charter Act.

"(7) The term 'Mayor' means the office of Mayor of the District of Columbia established pursuant to the District of Columbia Charter Act."

(4) (A) Section 3 of such Act is amended to read as follows:

"SEC. 3. There is hereby created a Board of Elections for the District of Columbia, to be composed of three members appointed by the Mayor, by and with the advice and consent of the District Council. The term of each such member shall be three years from the expiration of the term of his predecessor. Any person appointed to fill a vacancy shall be appointed only for the unexpired term of his predecessor. When a member's term of office expires, he may continue to serve until his successor is appointed and has qualified. The Mayor shall from time to time designate the Chairman of the Board."

(B) The members of the Board of Elections in office on the date when the Mayor first elected takes office shall continue in office for the remainder of the terms for which they were appointed.

(5) The first sentence of section 4(b) of such Act is amended to read as follows:

"(b) Each member of the Board shall be paid at the rate of $1,500 per annum in periodic installments; except that the rate of compensation may be changed by act passed by the District Council."

(6) Section 5(a)(4) of such Act is amended by striking "school".

(7) Section 7(d)(1) of such Act is amended by striking out "odd-numbered calendar year and of each presidential election year," and inserting in lieu thereof "calendar year,".

(8) Section 8(h) of such Act is amended to read as follows:

"(h)(1) Except in the case of the three members of the Board of Education, the three members, including the Chairman, of the Council, the Mayor, and the District Delegate elected at large, the other members of the Board of Education and the Council shall be elected by the qualified electors of the respective wards of the District from which the members have been nominated.

"(2) In the case of the three members of the Board of Education, the three members, including the Chairman of the Council, the Mayor, and the District Delegate elected at large, such members, Mayor, and District Delegate shall be elected by the qualified electors of the District."

(9) Section 8(i) of such Act is amended to read as follows:

"(i) Each candidate in a general election for member of the Board of Education, member of the Council, the office of Mayor, or the office of District Delegate shall be nominated for such office by a petition (A) filed with the Board not later than forty-five days before the date of such general election; (B) signed by at least two hundred and fifty persons who are duly registered under section 7 in the ward from which the candidate seeks election, or in the case of a candidate running at large, signed by at least one hundred and twenty-five persons in each ward of the District who are duly registered in such ward; and (C) accompanied by a filing fee of $100. Such fee may be refunded only in the event that the candidate withdraws his nomination in writing and it is received by the Board not later than three days after the date on which nominations are closed. A nominating petitioner for any such candidate in a general election may not be circulated for signatures before the ninety-ninth day preceding the date of such election and may not be filed with the Board before the seventieth day preceding such date. The Board may prescribe rules with respect to the preparation and presentation of nominating petitions and the posting and disposition of filing fees. The Board shall insure that each signature on a petition is that of a registered voter and that no voter shall sign more than one nominating petition for any office. In a general election for candidate for the office of Board of Education or the Council to be elected from wards, the Board shall arrange the ballots in each ward to enable a voter registered in that ward to vote for any one candidate duly nominated to be elected to any such office from such ward, and, in the case of candidates for the office of Board of Education or the Council to be elected at large, the Board shall arrange the ballots in each ward to enable a voter registered in that ward to vote for as many candidates duly nominated for election at large to any such office as there are Board of Education or Council members to be elected at large in such election. In a general election for Mayor or District Delegate, the Board shall arrange the ballots in each ward to enable a voter registered in that ward to vote for any one candidate duly nominated to be elected to any such office."

(10) Section 10(a) of such Act is amended by inserting immediately after paragraph (3) thereof the following new paragraph:

"(3A) The first general election for members of the Council shall be held on the first Tuesday after the first Monday in November of the year this Act shall become law, and thereafter on the Tuesday next after the first Monday in November of each even-numbered calendar year. The first general election for the office of Mayor shall be held on the first Tuesday after the first Monday in November of the year this Act shall become law, and thereafter on the Tuesday next after the first Monday in November of such year as the

President of the United States shall be elected."

(11) Paragraph 4(A) of section 10(a) of such Act is amended to read as follows:

"(4)(A)(1) If in a general election for members of the Board of Education or the Council no candidate for the office of member of such Board or Council from a ward, or no candidate for the office of member of such Board or Council elected at large (where only one at large position is being filled at such election) receives 40 per centum of the votes validly cast for such office, a runoff election shall be held on the twenty-first day next following such election. The candidate receiving the highest number of votes in such runoff election shall be declared elected.

"(2) If in a general election for the office of Mayor or Chairman of the Council or Delegate from the District of Columbia no candidate for any such office receives 40 per centum of the votes validly cast for such office, a runoff election shall be held on the twenty-first day next following such election. The candidate receiving the highest number of votes in such runoff election shall be declared elected.".

(12) Paragraph (5) of section 10(a) of such Act is amended to read as follows:

"(5) In the case of a runoff election for the office of member of the Board of Education or the Council elected at large, the candidates in such runoff election shall be those unsuccessful candidates, in number not more than one more than the number of such offices to be filled, who in the general election next preceding such runoff election received the highest number of votes less than 40 per centum. In the case of a runoff election for the office of member of the Board of Education or the Council from a ward, the runoff election shall be held in such ward, and the two candidates who in the general election next preceding such runoff election received respectively the highest number and the second highest number of votes validly cast in such ward or who tied in receiving the highest number of such votes shall run in such runoff election. In the case of a runoff election for the office of Mayor or Chairman of the Council or Delegate from the District of Columbia, the candidates in such runoff election shall be those two candidates who in the general election next preceding such runoff election received respectively the highest number and the second highest number of votes validly cast in such election for such office, or who tied in receiving the highest number of such votes. If in any case a tie vote must be resolved to determine the candidates to run in any runoff election, the Board may resolve such tie vote by requiring the candidates receiving the tie vote to cast lots at such time and in such manner as the Board may prescribe.".

(13) Paragraph (6) of section 10(a) of such Act is amended by inserting a comma immediately after "Board of Education" and the following: "or the Council, or Mayor or Delegate from the District of Columbia".

(14) Section 10(b) of such Act is amended by inserting immediately after "Board of Education", the following: "or the Council, or Mayor or Delegate from the District of Columbia".

(15) Section 10(c) of such act is amended by inserting immediately after "Board of Education", the following "or Council, or Mayor or Delegate from the District of Columbia."

(16) Section 10(d) of such Act is amended by inserting immediately after "Board of Education", the following: "or the Council, or the Mayor or Delegate from the District of Columbia".

(17) Section 10(e) of such Act is amended to read as follows:

"(e) Whenever a vacancy occurs in the office of member of the Board of Education or Mayor, such vacancy shall be filled at the next general election for members of the Board of Education or the office of Mayor, as the case may be, which occurs more than ninety-nine days after such vacancy occurs. However, in the case of the Board of Education, such Board shall appoint a person to fill such vacancy until the unexpired term of the vacant office ends or until the fourth Monday in January next following the date of the election of a person to serve the remainder of such unexpired term, whichever occurs first. In the case of the office of Mayor, the Council shall appoint a person to fill such vacancy until the unexpired term of the vacant office ends or until January 2 next following the date of the election of a person to serve the remainder of such unexpired term, whichever occurs first. A person elected to fill any such vacancy shall hold office for the duration of the unexpired term of office to which he was elected. Any person appointed under this subsection shall have the same qualifications for holding such office as were required of his immediate predecessor."

(18) The first sentence of section 15 of such Act is amended to read as follows: "No person shall be a candidate for more than one office on the Board of Education or the Council in any election for members of the Board of Education or the Council.".

RECALL

SEC. 802. (a) Any elective officer of the District of Columbia, other than the Delegate from the District of Columbia, shall be subject to recall by the qualified voters of the elective unit, ward, or the District, from which he was elected. Any petition filed demanding such recall shall be signed by not less than 25 per centum of the number of qualified voters of the applicable elective unit voting at the last preceding general election (not a runoff election). Such petition shall set forth the reasons for the demand and shall be filed with the secretary of the District Council. If any such officer with respect to whom such a petition is filed shall offer his resignation, it shall be accepted and take effect on the day it is offered, and the vacancy shall be filled as provided by law for filling a vacancy in that office arising from any other cause. If he shall not resign within five days after the petition is filed, a special election shall be called by the Council to be held within twenty days thereafter to determine whether the qualified voters of the applicable elective unit will recall such officer.

(b) There shall be printed on the ballot at such election, in not more than two hundred words, the reason or reasons for demanding the recall of any such officer, and in not more than two hundred words, the officer's justification or answer to such demands. Any officer with respect to whom a petition demanding his recall has been filed shall continue to perform the duties of his office until the result of such special election is officially declared by the Board of Elections. No petition demanding the recall of any officer filed pursuant to this section shall be circulated against any officer of the District until he has held his office six months.

(c) If a majority of the qualified voters voting on any petition filed pursuant to this section vote to recall any officer, his recall shall be effective on the day on which the Board of Elections certifies the results of the special election, and the vacancy created thereby shall be filled immediately in a manner provided by law for filling a vacancy in that office arising from any other cause.

(d) The Board of Elections shall prescribe such regulations as may be necessary or appropriate (1) with respect to the form, filing, examination, amendment, and certification of a petition for recall filed pursuant to this section, and (2) with respect to the conduct of any special election held pursuant to this section.

INTERFERENCE WITH REGISTRATION OR VOTING

SEC. 803. (a) No one shall interfere with the registration or voting of another person, except as it may be reasonably necessary in the performance of a duty imposed by law. No person performing such a duty shall interfere with the registration or voting of another person because of his race, color, sex, or religious belief, or his lack of property or income.

(b) No registered voter shall be required to perform a military duty on election day which would prevent him from voting except in time of war or public danger, or unless he is away from the District in military service. No registered voter may be arrested while voting or going to vote except for treason, a felony, or for a breach of the peace then committed.

TITLE IX—MISCELLANEOUS

AGREEMENTS WITH UNITED STATES

SEC. 901. (a) For the purpose of preventing duplication of effort or for the purpose of otherwise promoting efficiency and economy, any Federal officer or agency may furnish services to the District government and any District officer or agency may furnish services to the Federal Government. Except where the terms and conditions governing the furnishing of such services are prescribed by other provisions of law, such services shall be furnished pursuant to an agreement (1) negotiated by the Federal and District authorities concerned, and (2) approved by the Director of the Office of Management and Budget and by the Mayor, with the approval of the District Council. Each such agreement shall provide that the cost of furnishing such services shall be borne in the manner provided in subsection (c) by the government to which such services are furnished at rates or charges based on the actual cost of furnishing such services.

(b) For the purpose of carrying out any agreement negotiated and approved pursuant to subsection (a), any District officer or agency may in the agreement delegate any of his or its functions to any Federal officer or agency, and any Federal officer or agency may in the agreement delegate any of his or its functions to any District officer or agency. Any function so delegated may be exercised in accordance with the terms of the delegation.

(c) The cost to each Federal officer and agency in furnishing services to the District pursuant to any such agreement shall be paid in accordance with the terms of the agreement, out of appropriations made by the Council to the District officers and agencies to which such services are furnished. The costs to each District officer and agency in furnishing services to the Federal Government pursuant to any such agreement shall be paid, in accordance with the terms of the agreement, out of appropriations made by the Congress or other funds available to the Federal officers and agencies to which such services are furnished.

PERSONAL INTEREST IN CONTRACTS OR TRANSACTIONS

SEC. 902. Any officer or employee of the District who is convicted of a violation of section 208 of title 18, United States Code, shall forfeit his office or position.

COMPENSATION FROM MORE THAN ONE SOURCE

SEC. 903. (a) Except as provided in this Act, no person shall be ineligible to serve or to receive compensation as a member of the Council, or the Board of Elections because he occupies another office or position or because he receives compensation (including retirement compensation) from another source.

(b) The right to another office or position or to compensation from another source otherwise secured to such a person under the laws of the United States shall not be abridged by the fact of his service or receipt of compensation as a member of the Council or such Board, if such service does not interfere with the discharge of his duties in such other office or position.

ASSISTANCE OF THE UNITED STATES CIVIL SERVICE COMMISSION IN DEVELOPMENT OF DISTRICT MERIT SYSTEM

SEC. 904. The United States Civil Service Commission is hereby authorized to advise and assist the Mayor and the Council in the further development of the merit system required by section 402(3) and the said Commission is authorized to enter into agreements with the District government to make available its registers of eligibles as a recruiting source to fill District positions as needed. The costs of any specific services furnished by the Civil Service Commission may be compensated for under the provisions of section 901 of this Act.

TITLE X—SUCCESSION IN GOVERNMENT

TRANSFER OF PERSONNEL, PROPERTY, AND FUNDS

SEC. 1001. (a) In each case of the transfer, by any provision of this Act, of functions to the Council, to the Mayor, or to any agency or officer, there are hereby transferred (as of the time of such transfer of functions) to the Council, to the Mayor, to such agency or to the agency of which such officer is the head, for use in the administration of the functions of the Council or such agency or officer, the personnel (except the Commissioner of the District of Columbia, the Assistant to the Commissioner, the Chairman of the District of Columbia Council, the Vice Chairman of the District of Columbia Council, the other members thereof, all of whose offices are abolished by this Act), property, records, and unexpended balances of appropriations and other funds, which relate primarily to the functions so transferred.

(b) If any question arises in connection with the carrying out of subsection (a), such question shall be decided—

(1) in the case of functions transferred from a Federal officer or agency, by the Director of the Office of Management and Budget; and

(2) in the case of other functions (A) by the Council, or in such manner as the Council shall provide, if such functions are transferred to the Council, and (B) by the Mayor if such functions are transferred to him or to any other officer or agency.

(c) Any of the personnel transferred to the Council, the Mayor, or any agency by this section which the Council or the head of such agency shall find to be in excess of the personnel necessary for the administration of its or his functions shall, in accordance with law, be retransferred to other positions in the District or Federal Government or be separated from the service.

(d) No officer or employee shall, by reason of his transfer by this Act or his separation from service under this Act, be deprived of a civil service status held by him prior to such transfer or any right of appeal or review he may have by reason of his separation from service.

EXISTING STATUTES, REGULATIONS, AND OTHER ACTIONS

SEC. 1002. (a) Any statute, regulation, or other action in respect of (and any regulation or other action issued, made, taken, or granted by) any officer or agency from which any function is transferred by this Act shall, except to the extent modified or made inapplicable by or under authority of law, continue in effect as if such transfer had not been made; but after such transfer, references in such statute, regulation, or other action to an officer or agency from which a transfer is made by this Act shall be held and considered to refer to the officer or agency to which the transfer is made.

(b) As used in subsection (a), the term "other action" includes, without limitation, any rule, order, contract, compact, policy, determination, directive, grant, authorization, permit, requirement, or designation.

(c) Unless otherwise specifically provided, nothing contained in this Act shall be construed as affecting the applicability to the District of Columbia government of personnel legislation relating to the District government until such time as the Council may otherwise elect to provide equal or equivalent coverage as provided in section 402(4).

PENDING ACTIONS AND PROCEEDINGS

SEC. 1003. (a) No suit, action, or other judicial proceeding lawfully commenced by or against any officer or agency in his or its official capacity or in relation to the exercise of his or its official functions, shall abate by reason of the taking effect of any provision of this Act; but the court, unless it determines that the survival of such suit, action, or other proceeding is not necessary for purposes of settlement of the questions involved, shall allow the same to be maintained, with such substitutions as to parties as are appropriate.

(b) No administrative action or proceeding lawfully commenced shall abate solely by reason of the taking effect of any provision of this Act, but such action or proceeding shall be continued with such substitutions as to parties and officers or agencies as are appropriate.

VACANCIES RESULTING FROM ABOLISHMENT OF OFFICES OF COMMISSIONER AND ASSISTANT TO THE COMMISSIONER

SEC. 1004. Until the 1st day of July next after the first Mayor takes office under this Act, no vacancy occurring in any District agency by reason of section 321, abolishing the offices of Commissioner of the District of Columbia and Assistant to the Commissioner, shall affect the power of the remaining members of such agency to exercise its functions; but such agency may take action only if a majority of the members holding office vote in favor of it.

TITLE XI—SEPARABILITY OF PROVISIONS

SEC. 1101. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

TITLE XII—TEMPORARY PROVISIONS

POWERS OF THE PRESIDENT DURING TRANSITION PERIOD

SEC. 1201. The President of the United States is hereby authorized and requested to take such action during the period following the date of the enactment of this Act and ending on the date of the first meeting of the District Council, by Executive order or otherwise, with respect to the administration of the functions of the District of Columbia government, as he deems necessary to enable the Board of Elections properly to perform its functions under this Act.

REIMBURSABLE APPROPRIATIONS FOR THE DISTRICT

SEC. 1202. (a) The Secretary of the Treasury is authorized and directed to advance to the District of Columbia the sum of $750,000, out of any money in the Treasury not otherwise appropriated, for use (1) in paying the expenses of the Board of Elections (including compensation of the members thereof), and (2) in otherwise carrying into effect the provisions of this Act.

(b) The full amount expended out of the money advanced pursuant to this section shall be reimbursed to the United States, without interest, during the second fiscal year which begins after the effective date of title V, from the general fund of the District of Columbia.

TITLE XIII—EFFECTIVE DATES

SEC. 1301. (a) As used in this title and title XIV the term "charter" means titles I to XI, both inclusive, and title XV.

(b) The charter shall take effect only if accepted pursuant to title XIV. If the charter is so accepted, it shall take effect on the day following the date on which it is accepted (as determined pursuant to section 1406) except that—

(1) part 2 of title III, title V, title VII (except part 4), and title XV shall take effect on the day upon which the Council members first elected take office;

(2) section 402 shall take effect on the day upon which the Mayor first elected takes office; and

(3) part 4 of title VII shall take effect with respect to the first fiscal year beginning next after the Mayor first elected takes office and with respect to subsequent fiscal years.

(c) Titles XII, XIII, and XIV shall take effect on the day following the date on which this Act is enacted.

TITLE XIV—SUBMISSION OF CHARTER FOR REFERENDUM

CHARTER REFERENDUM

SEC. 1401. On a date to be fixed by the Board of Elections, not more than four months after the enactment of this Act, a referendum (in this title referred to as the "charter referendum") shall be conducted to determine whether the registered qualified voters of the District of Columbia accept the charter.

BOARD OF ELECTIONS

SEC. 1402. (a) In addition to its other duties, the Board of Elections established under the District Election Act of 1955 shall conduct the charter referendum and certify the results thereof as provided in this title.

(b) Notwithstanding the fact that such section does not otherwise take effect unless the charter is accepted under this title, the applicable provisions of title VIII of this Act shall govern the Board of Elections in the performance of its duties under this Act.

APPLICABILITY OF TITLE VIII

SEC. 1403. Except as otherwise indicated in this title, the provisions of title VIII of this Act shall to the extent applicable govern all aspects (including, but not solely, the registration and qualification of voters, the method of voting, recounts and contests, interference with registration or voting, and election violations) of the referendum election herein, notwithstanding the fact that such title VIII does not otherwise take effect unless the charter is accepted.

CHARTER REFERENDUM BALLOT: NOTICE OF VOTING

SEC. 1404. (a) The charter referendum ballot shall contain the following, with a blank space appropriately filled:

"The District of Columbia Charter Act, enacted   , proposes to establish a new charter for the District of Columbia, but provides that the charter shall take effect only if it is accepted by the registered qualified voters of the District in this referendum.

"By marking a cross (X) in one of the squares provided below, show whether you are for or against the charter.

☐ For the charter

☐ Against the charter".

(b) Voting may be by paper ballot or by voting machine. The Board of Elections may make such changes in the second paragraph of the charter referendum ballot as it determines to be necessary to permit the use of voting machines if such machines are used.

(c) Not less than five days before the date of charter referendum, the Board of Elections shall mail to each person registered (1) a sample of the charter referendum ballot, and (2) information showing the polling place of such person and the date and hours of voting.

(d) Not less than one day before the charter referendum, the Board of Elections shall publish, in newspapers of general circulation published in the District of Columbia, a list of the polling places and the date and hours of voting.

ACCEPTANCE OR NONACCEPTANCE OF CHARTER

SEC. 1405. (a) If a majority of the registered qualified voters voting in the charter referendum vote for the charter the charter shall be considered accepted as of the time the Board of Elections certifies the result of the charter referendum to the President of the United States, as provided in subsection (b).

(b) The Board of Elections shall, within a reasonable time, but in no event more than thirty days after the date of the charter referendum, certify the result of the charter referendum to the President of the United States and to the Secretary of the Senate and the Clerk of the House of Representatives.

TITLE XV—INITIATIVE

POWER TO PROPOSE AND ENACT LEGISLATION

SEC. 1501. (a) Subject to the provisions of section 325 of this Act, the qualified voters of the District shall have the power, independent of the Mayor and Council, to propose and enact legislation relating to the District with respect to all rightful subjects of legislation consistent with the Constitution of the United States and the provisions of this Act.

(b) In exercising the power of initiative conferred upon the qualified voters by subsection (a) of this section, not less than 10 per centum of the number of qualified voters voting in the last preceding general election shall be required to propose any measure by an initiative petition. Every such petition shall include the full text of the measure so proposed and shall be filed with the Secretary of the District Council to be submitted to a vote of the qualified voters. Any such petition which has been filed with the Secretary, and certified by him as sufficient, shall be submitted to the qualified voters of the District at the first general election which occurs not less than thirty days nor more than one year from the date on which the Secretary files his certificate of sufficiency. The Council shall, if no general election is to be held within such period, provide for a special election for the purpose of considering the petition.

(c) Upon receiving the certification of the Board of Elections of the results of any election held with respect to any measure proposed by an initiative petition, the Secretary of the Council, if such measure was approved by a majority of the qualified voters of the District voting thereon, shall, within five calendar days thereafter, present the petition containing such measure so approved, which was filed with him pursuant to subsection (b) of this section, to the President of the United States. Such measure shall become law unless, within ten calendar days after it is so presented to the President, he shall, in accordance with this subsection, disapprove the same. The President may, if he is satisfied that such measure adversely affects a Federal interest, disapprove it, in which event he shall return it, with his objections, to the Secretary and, notwithstanding any other provision of this Act, such measure shall not become law.

(d) If conflicting measures proposed at the same election become law, the measure receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(e) If, within thirty days after the filing of a petition, the Secretary has not specified the particulars in which a petition is defective, the petition shall be deemed certified as sufficient for purposes of this section.

(f) The style of all measures proposed by initiative petition shall be as follows: "Be it enacted by the People of the District of Columbia".

(g) The Board of Elections shall prescribe such regulations as may be necessary or appropriate (1) with respect to the form, filing, examination, amendment, and certfication of initiative petitions, and (2) with respect to the conduct of any election during which any such petition is considered.

(h) If any organization or group request it for the purpose of circulating descriptive matter relating to the measures proposed to be voted on, the Board of Elections shall either permit such organization or group to copy the names and addresses of the qualified electors or furnish it with a list thereof, at a charge to be determined by the Board of Elections, not exceeding the actual cost of reproducing such list.

TITLE XVI—TITLE OF ACT

SEC. 1601. This Act, divided into titles and sections according to table of contents, and including the declaration of congressional policy which is a part of such Act, may be cited as the "District of Columbia Charter Act".

SECTION-BY-SECTION ANALYSIS

TITLE I—DEFINITIONS

§ 101—defines terms for the purposes of this Act.

TITLE II—STATUS OF THE DISTRICT

§ 201—retains the present boundary lines and corporate status of the District. It is further provided that the laws and regulations in effect when the first Council takes office: (1) are amended or repealed to the extent of their inconsistency with this Act, and, (2) may be amended or repealed by legislation or regulation authorized in this Act, or by Act of Congress.

TITLE III—THE DISTRICT COUNCIL

Part I—Creation of the District Council

Creation and Membership

§ 301—vests the legislative power of the District in an 11 member elected Council. The Chairman and 2 members are to be elected at-large with the remaining 8 members to be elected, one each, from the District's 8 election wards.

Qualification for Holding Office

§ 302—requires the following qualifications to be possessed and maintained for Council membership: (1) a qualified voter, (2) domiciled and resident in the District (for the 3 years next preceding his election), and his nominating ward (for 1 year preceding his election), (3) holds no public office—other than that of delegate or alternate delegate to a Presidential and Vice-Presidential nominating convention, (4) is not an officer or employee (appointive or otherwise) in a position for which compensation is provided out of District funds, and, (5) holds no office to which he was appointed by the President and is compensated out of Federal or district funds.

Compensation

§ 303—sets the following annual compensation rates for Council members: (1) Chairman—$15,000; (2) Vice-Chairman—$14,000; (3) Council members—$9,000. Also provides each member with such additional expense allowances as may be approved by the Council.

Changes in Membership and Compensation of District Council Members

§ 304—authorizes the Council to enact—subject to approval by a majority of the District's qualified voters—measures changing the number, qualifications and compensation of Council members.

Part 2—Principal functions of the District Council

Abolishment of Existing Government and Transfer of Functions

§ 321—abolishes the 9 member Council, and the office of Commissioner and Assistant to the Commissioner of the District of Columbia created by Reorganization Plan No. 3 of 1967, and transfers their powers to the Council created by this Act, except those powers hereinafter specifically conferred upon the Mayor.

Certain Delegated Functions and Functions of Certain Agencies

§ 322—provides that until the Mayor or Council deem otherwise, the functions delegated by the previous Council and Commissioner to officers, employees and agencies of the District, and those functions vested under the Reorganization Plan No. 3 of 1967 in the District Public Service Commission, Zoning Commission, Zoning Advisory Council, Board of Zoning Adjustment, Office of the Recorder of Deeds, and the Armory Board, are expected from the transfer provisions of § 321.

§ 323—section 322 notwithstanding, this section establishes the following conditions precedent to the approval and enactment of zoning regulations or equivalent legislation by the Council Zoning Commission, or other authority: (1) it must be submitted to the National Capital Planning Commission who shall, within 30 days of its receipt, submit their comments and advice, if any, to the Council, Zoning Commission, or other authority; and, (2) upon at least 30 days notice, a public hearing must be held on the proposed regulation or legislation, and interested persons must be given an opportunity to be heard.

Finally approved and enacted zoning regulations or legislation must be deposited with the Planning Commission.

Appointment of Armory Board

§ 324—establishes a 3 member Armory Board whose members are to be appointed by the Mayor by and with the advice and consent of the Council. Replaces the present Armory Board which was continued under Reorganization Plan No. 3 of 1967. Also invests the Mayor with the powers set out in the D.C. Alley Dwelling Act, D.C. Code §§ 5-103, 104 (i.e. the power to acquire by purchase, gift, condemnation or otherwise, land, buildings or structures adjacent to or contained in an inhabited alley).

Powers and Limitations Upon District Council and the Qualified Voters of the District of Columbia

§ 325(a) (1)—vests the legislative power in the Council and the qualified voters of the District.

(a) (2)—extends the legislative power to all rightful subjects of legislation within the District consistent with the United States Constitution.

Retains the power of Congress to legislate over the District and to repeal or modify acts of the Council and qualified voters.

Further provides that except as may otherwise be specifically provided herein, this Act does not enlarge the District's present authority over: (1) the Washington Aqueduct; (2) the Commission on Mental Health; (3) the National Zoological Park; (4) the National Guard of the District of Columbia, and (5) any Federal Agency.

(b)—prohibits the Council and qualified voters from passing any Act that:

(1) is contrary to the provisions of this Act,

(2) imposes a tax on United States property,

(3) authorizes a bond issuance contrary to this Act (at Title 6).

(4) authorizes public money for the support of sectarian, denominational or private schools,

(5) amends or repeals Congressional acts concerning the functions or property of the United States,

(6) is inconsistent with Congressional acts relating to the duty, authority and responsibility of the National Capital Planning Commission,

(7) is inconsistent with legislation relating to the George Washington Memorial Parkway and the general purposes of the National Capital Planning Commission Act (D.C. Code § 1-1001).

(c)—requires acts to include a preamble, be accompanied by a report stating its purpose, and to be published when passed.

(d)—requires Acts passed by Council to be submitted to the Mayor who has 10 days to approve it or veto it and return it to the Council who, in turn, have 30 days to override the veto by a two-thirds vote.

(e)—prescribes the following procedure for the approval of acts of the Council in the exercise of functions not heretofore legally exercisable by the District Commissioner under Reorganization Plan No. 3 of 1967:

(1) they shall be presented to the President by the Mayor or by the Council (if it was passed over the Mayor's veto,

(2) they shall become law ten days after presentment unless disapproved by the President and returned with his objections.

(f)—reserves the right of Congress to, at any time, exercise its Constitutional authority to act as a legislature for the District on any subject.

(g)—vests the Council with jurisdiction over the municipal courts of the District in all matters pertaining to their organization, composition, appointment or selection, qualifications, tenure and compensation of judges. Excepts the U.S. Marshal and U.S. Attorney from these provisions.

(h)—specifies a 10-year term for judges, sets their compensation, and establishes a mandatory retirement age of 70.

(i)—provides that the foregoing shall be construed as applying only to the municipal and not the federal courts of the District of Columbia.

Part 3—Organization and precedure of the District Council

The Chairman

§ 331—requires the Council to elect a Vice Chairman from among its members and specifies that the Chairman shall preside over the Council and act as Mayor in his absence.

Secretary of the District Council; Records and Documents

§ 332—authorizes the Council to appoint a Secretary (and such necessary assistants and clerical personnel) as its chief administrative officer, and to fix their compensation. Specifies the records to be kept by the Secretary, and the duties he is to perform. Requires such records to be made available for public inspection.

Meetings

§ 333—provides that a majority of Council shall constitute a quorum for convening a lawful meeting. Requires weekly public meetings to be held, except that in July and August, only 2 meetings per month may be held.

Committees

§ 334—authorizes the Chairman, with the advice and consent of Council, to determine necessary standing and special committee members, and permits closed committee meetings only upon order of its Chairman and the prior approval of a majority of its members.

Acts and Resolutions

§ 335—requires a majority vote of the members present for the passage of acts and resolutions by the Council.

Specifies that Acts shall be used for all legislative purposes and resolutions shall be used to express special or temporary decisions, determinations or directions, and to call a special election for a referendum vote on any proposition upon which Council desires to act.

Passage of Acts

§ 336—unless waived by a unanimous vote of the members present, Council may not pass any act before the 13th day following its introduction.

Investigations by District Council

§ 337—invests Council with general investigatory powers over matters relating to District affairs. Also invests it with power to issue subpoenas in aid of its investigation and refer any contempts of its powers to any judge of the United States District Court for the District of Columbia.

Procedure of Zoning Acts

§ 338—requires the following procedure to be complied with before any zoning act may be passed by the Council:

(1) it must be submitted to the National Capital Planning Commission who shall have 30 days to submit their comment and advice respecting its conformity with the comprehensive plan for the District. The act may not be passed unless such comments are received or there is a failure to comment within the 30-day period, and

(2) upon a 30-day, published notice, a public hearing must be held at which hearing interested persons must be given a reasonable opportunity to be heard.

Acts passed by Council relating to zoning must be deposited with the National Capital Planning Commission.

TITLE IV—MAYOR

Election, qualifications, and salary

§ 401—creates an elective office of Mayor with a 4-year term. Prescribes the following qualifications for the office: (1) must be a qualified voter, (2) presently, and for the next preceding 3 years, he must be a domiciliary resident of the District, (3) he holds no other elective public office, (4) he must hold no appointive office or position as an officer or employee of the District government for which compensation is provided out of District funds, (5) he must hold no office to which he was appointed by the President and for which compensation is provided out of Federal or District funds.

Failure to maintain these qualifications works a forfeiture of office.

Also provides for compensating the Mayor at the rate of $40,000 annually plus not more than $2,500 annually for expenses of official receptions and representation.

Permits the Council and a majority of the qualified voters to change any of the above requirements and specifications.

Powers and duties

§ 402—designates the Mayor as the chief executive officer of the District; charges him with the responsibility to administer its affairs; and, vests him with the following specific powers and functions:

(1) designate the officers who shall act as Mayor in the absence of the Mayor, Chairman and Vice Chairman of the Council,

(2) act as official spokesman for the District and as the head of the District for ceremonial purposes,

(3) administer all laws relating to employment, the conditions of employment and appointment and removal of persons from office in the District government,

(4) administer the personnel functions covering employees of all District departments, boards, commissions, offices and agencies in accordance with applicable laws which continue to apply until Council enacts legislation establishing a merit system (which may provide for continued participation in all or a part of the Federal Civil Service system) offering personnel benefits at least equal to those provided by Acts of Congress or regulations adopted pursuant thereto,

(5) supervise, through their heads, the activities of administrative boards, offices and agencies,

(6) prepare annual reports on the District's fiscal affairs and the administrative activities of the executive office and departments for the Council,

(7) keep Council advised of the District's financial condition and submit recommendations respecting future needs,

(8) submit drafts of Acts to Council,

(9) perform such other consistent duties as Council may direct.

(10) delegate any of his functions except those of approving acts of Council and contracts between the District and the Federal Government,

(11) appoint a City Administrator as his principal managerial aide, and assign his duties,

(12) with the Council or on his own, he may propose legislation to Congress on any subject not falling within the District's authority under this Act,

(13) use and authenticate the District's corporate seal in accordance with law,

(14) to address, under their rules, Council or any of its committees,

(15) to issue and enforce administrative orders that are not inconsistent with this Act or any Act approved by Council and the District's qualified voters.

TITLE V—THE DISTRICT BUDGET

Fiscal year

§ 501—defines the period from July 1 to June 30 as the District's fiscal year.

Budgetary details fixed by District Council

§ 502—requires the Mayor to submit an annual budget to the Council by April 1 of each year and to consult with the Council to achieve synchronization and consistency in budget accounting and classifications and support of budget justifications.

Adoption of budget

§ 503—unless extended by its resolution, the Council must adopt a budget by May 15, the same to be effective on July 1.

Five-year capital program

§ 504(a)—requires Council, prior to adopting the annual budget, to adopt a 5-year capital program and budget.

(b)—requires the Mayor to prepare the 5-year capital program and submit it and the capital budget message to Council by February 1 of each year.

(c)—requires the capital program to include:

(1) a clear general summary of its contents,

(2) a list, with supporting information, of capital improvements to be undertaken during the next 5 years,

(3) cost estimates, financing methods and time schedules,

(4) annual operating and maintenance cost estimates of facilities to be acquired or constructed.

(d)—requires the program to be revised and extended each year with regard to pending improvements construction and acquisitions.

(e)—requires actual capital expenditures to be annually carried as the current budget's capital outlay section, and requires these expenditures to be in the form of direct capital outlays from current revenues or debt service payments.

Budget establishes appropriations

§ 505—subject to § 702, Council's adoption of the budget operates to appropriate and make available for expenditure for the stated purposes the several amounts therein stated.

Supplemental appropriations

§ 506—permits Council to rescind prior appropriations and to enact supplemental appropriations.

TITLE VI—BORROWING

Part 1—Borrowing for capital improvements

Borrowing power: Debt limitations

§ 601—authorizes the issuance of coupon or registered bonds to refund indebtedness and construct or acquire capital projects.

Outstanding bond issues are limited to stated percentages of the aggregate assessed values of: (1) the taxable real and tangible personal property in the District, (2) excepting parklands, art galleries, museums, etc., the real property in the District owned by the United States and used to provide or perform Federal services or functions, (3) real property exempted from taxation by Act of Congress, and, (4) excepting objects of art, statuary, museum pieces and libraries, personal property in the District owned by the United States.

Percentage limitations range from 2 to 12 percent, depending on the purpose of the issuance, and, excepting bonds to refund indebtedness, voter approval of the issuance is required:

Contents of borrowing legislation: Referendum on bond issue

§ 602(a)—sets the minimum provisions to be contained in acts authorizing a bond issue (i.e. rate of interest, purpose, details on voting on the question of their issue, when required, etc.).

(b)—requires voter approval of bond propositions at either the next general election or a special election both of which may not be held less than 40 days after the enactment of the bond act

(c)—sets the duties of the Board of Elections in such elections and the requirement of notice

Publication of Borrowing Legislation

§ 603—requires acts authorizing bond issuances to be published by the Mayor at least once within 5 days after its enactment. Sets out the form of "notice" to be published.

Short Period of Limitation

§ 604—confers that status of regularity and validity upon the statements and proceedings of bond issues and elections upon the expiration of the 20-day period from and after the publication of: (1) notice of an issuing act, and (2) the election results. Thereafter, interested persons are estopped from denying the same in any forum.

Acts for Issuance of Bonds

§ 605—establishes the procedures and details for issuing the bonds after the expiration of the 20-day period. Some of these are: (1) payments on the bonds must begin not more than 3 years after their issue date and end not more than 30 years from such date, (2) they shall be paid in substantially equal annual installments covering the principal and interest, and (3) they may be sold only after an act of Council establishes their issue, and they may be sold all at one time, or from time to time in series and in such amounts as Council may prescribe.

Public Sale

§ 606—requires bonds to be sold at public sale upon sealed proposals and at such price or prices as Council may approve. Establishes notice requirement and minimum procedures for such public sales.

Part 2—Short-term borrowing

Borrowing to Meet Supplemental Appropriations

§ 621—authorizes and empowers the Council to issue, in the absence of available unappropriated funds, 1 year, renewable, negotiable notes, up to 5% of the current appropriations, to obtain funds to meet supplemental appropriations.

Borrowing in Anticipation of Revenues

§ 622—authorizes borrowing by issuance of 1 year, renewable, negotiable notes in an amount not in excess of 20 percent, in the aggregate at any one time, of total anticipated revenues.

Notes Redeemable Prior to Maturity

§ 623—prohibits the issuance of demand notes but permits authorized notes to be redeemed prior to their maturity.

Sale of Notes

§ 624—permits the private sale of negotiable notes at not less than par and accrued interest.

Part 3—Payment of bonds and notes

§ 631(a)—requires bonds to be paid by an annual levy of a special tax that will produce an amount sufficient—with other District revenues available for this purpose—to pay their principal and interest as they become due and payable.

(b)—pledges the full faith and credit of the District in payment of the bonds.

Part 4—Tax exemption—Legal investment tax

Exemption

§ 641—excepting estate, inheritance and gift taxes, interest from bonds and notes is exempt from Federal and District taxation.

Legal Investment

§ 642—declares that without restriction, the District's bonds and notes are legal investments for fiduciaries, insurance companies, etc., and authorizes national banking associations to deal in such bonds for their own or their customer's accounts to the same extent as they are authorized by law to deal in the obligations of the United States, the States, and their political subdivisions.

The same authority respecting dealing is also conferred upon Federal building and loan associations, Federal savings and loan associations, and financial institutions domiciled in the District.

TITLE VII—FINANCIAL AFFAIRS OF THE DISTRICT

Part 1—Financial administration

Surety Bonds

§ 701—authorizes Council to designate District officers and employees who shall be required to post a surety bond, and provides for premium payments out of appropriations.

Financial Duties of the Mayor

§ 702—vests the Mayor with responsibility to administer the District's financial affairs and charges him to: (1) prepare and submit annual budgets and messages, (2) supervise and control financial transactions and revenues to insure against deficits, (3) maintain adequate accounting and internal control systems, (4) submit comprehensive monthly financial statements to Council, (5) prepare annual financial statements and reports, (6) supervise and be responsible for property assessments, (7) supervise and be responsible for the assessment and collection of taxes, license fees, etc., (8) have custody of the District's public funds, and (9) have custody of all investments and investment funds of the District.

Control of Appropriations

§ 703—authorizes Council to transfer, or allocate to new items, funds appropriated for contingent expenditure.

Accounting Supervision and Control

§ 704—requires the Mayor, through his duly authorized subordinates, to:

(1) prescribe forms for vouchers, bills, receipts, and claims,

(2) examine and approve contracts, etc., which create a financial obligation for the District,

(3) before payment, audit and approve bills, payrolls, and other evidences of claim, debt or charges and demand,

(4) perform internal audits.

General Fund

§ 705—defines the District's general fund.

Contracts Extending Beyond One Year

§ 706—authorizes a contract commitment of up to 5 years if the expenditures involved are out of an appropriation which is available for more than one year. Must be executed in strict accord with Council established criteria, however, to be valid.

Part 2—Annual post audit by General Accounting Office

Independent Annual Post Audit

§ 721—requires the General Accounting Office to audit the District's financial transactions in accord with procedures established by the Comptroller General. Costs of the audit are to be borne by the District. Grants unconditional access to the District's books, accounts and financial records for this purpose. Requires the Comptroller General to submit a report of the audit to the Congress, the Mayor and the Council. Grants the Mayor an opportunity to be heard by Council on the report, and the Council shall make its report and, together with such other pertinent material, it shall submit it to Congress. The Mayor, within 90 days after the report is made to him, shall state in writing, to the Council and Congress, what has been done to comply with any recommendations made in the Comptroller General's report.

Amendment of Budget and Accounting Act

§ 722—makes a conforming amendment to 31 U.S.C. 2.

Part 3—Adjustment of Federal and District expenses

§ 731—authorizes the Mayor and the Director of the Office of Management and Budget for the United States to enter into agreements relating to the ascertainment and payments of amounts owned by each to the other.

Part 4—Annual Federal payment to the District

§ 741(a)(1)—authorizes a Federal payment to the District, the same to be computed and based upon the following factors:

(A) the real property taxes lost in the preceding year—based upon the assessed value and rate of tax—as the result of the exemption:

(i) of real property in the District owned by the United States and used to provide or perform Federal services or functions, or services and functions that would otherwise be performed or provided by the District (but excluding shrines, parklands, museums, art galleries, memorials and statuary),

(ii) real property in the District exempted from taxation by Act of Congress.

(B) the amount of personal property taxes (based on the assessed value and applicable tax rate) lost to the District from the exemption of tangible personal property—excepting objects of art, statuary, museum pieces, and libraries—located in the District and owned by the United States.

(C) the amount obtained by multiplying the actual collections of corporation and unincorporated business franchise taxes, and taxes on insurance premiums and gross earnings of financial institutions and guaranty companies, by the following fraction:

Number of Federal Employees whose Place of Employment is in the District and Number of Other Employees whose Place of Employment is in the District:

(2) the amount of the water service charges furnished to the Federal Government by the District,

(3) the amount of the sanitary sewer service charges furnished to the Federal Government by the District.

(b) authorizes the Secretary of Treasury to pay the amount resultant from the above computation by Sept. 1 of each year if the Administrator of General Services certifies that the requested amount is in conformity with this section. Also authorizes interim payments to the District during the period of July 1 to Sept. 1 pending the payment of the amount authorized by this section.

(c) authorizes the Administrator of General Services and the Mayor to enter into arrangements to resolve disputes over the Federal payment.

(d) authorizes the first Federal payment to be computed on the basis of preliminary estimates.

TITLE VIII—AMENDMENTS TO DISTRICT OF COLUMBIA ELECTION ACT

Amendments

§ 801—makes the following amendments to the District of Columbia Election Act:

(1) amends D.C. Code § 1–1101 to add the office of Mayor, members of Council and the Delegate from the District of Columbia to the list of officials to be chosen by the electoral process.

(2) amends D.C. Code § 1–1102(2) definition of the term "qualified voter" in the following respects: (1) it reduces the voting age from 21 to 18 years, (2) reduces the residency requirement from 1 year to 6 months, (3) redefines the terms "ward" to mean "an election ward" rather than "a school election ward," and, (4) adds definitions for the terms "Council" and "Mayor"—both of which are declared to refer to the officer established by this Act.

(3) amends D.C. Code § 1–1103 to continue the present Board of Election members in office until the expiration of their appointed term. Thereafter, the 6-member Board shall be appointed for 3-year terms by the Mayor, by and with the advice and consent of the Council, at an annual stipend of $1,500. Chairman of the Board is to be designated by the member.

(4) amends D.C. Code § 1–1105(a)(4) to require the Board to divide the District into "eight compact and contiguous election wards" rather than eight school election wards.

(5) amends D.C. Code § 1–1107(d)(1) to require the voter's registry to be closed during the 30-day period ending on the first Tuesday following the first Monday in November of each year rather than in each odd-numbered year as is presently required.

(6) amends D.C. Code § 1–1108(h)(1) to include the Council members as the persons required to be elected by the qualified electors of the respective wards of the District from which the members have been nominated. Excepts the 3 Board of Education members elected at large, the Chairman of the Council, the Mayor and the District delegate from this requirement.

(7) adds candidates for the office of Council member, Mayor and District delegate to the provisions of D.C. Code § 1–1108(i) relating to forms and dates for filing nominating petitions; and, requires the Board of Elections to insure that each signature on a petition is that of a registered voter, and that no voter has signed more than one nominating petition for any office.

(8) adds a new paragraph to D.C. Code § 1–1110(3) to set the election date for members of Council (on the Tuesday next after the first Monday in November of each even-numbered year) and the Mayor (on the Tuesday next after the first Monday in November in each Presidential election year).

(9) amends D.C. Code § 1–1110(4)(A) to require a runoff election (on the 21st day after the general election) when candidates for the Board of Education or Council receive less than 40 percent of the at-large votes, or 40 percent of the valid votes cast in the ward from which they have been nominated. The same percentage applies to candidates for the office of Council chairman, Mayor and District delegate. The candidate receiving the highest number of votes in the runoff election shall be declared elected.

Presently, a runoff election is required only when a candidate for the Board of Education fails to receive a majority of the votes cast.

(10) amends D.C. Code § 1–1110(5) to specify who the two or more candidates shall be in the case of any runoff election, and specifies that the Board of Elections shall resolve any tie votes among candidates to determine the runoff candidates.

(11) conforming amendments are made to the remainder of D.C. Code § 1–110, i.e., in most cases, merely inserting the terms "or Council, or Mayor, or Delegate from the District of Columbia" where appropriate.

Recall

§ 802—subjects elected officials to recall upon a petition signed by 25 percent of the number of voters in the preceding general election in the elective unit or ward from which such official was elected. If the official does not resign within 5 days after the petition is filed, a special election shall be held within 20 days thereafter to determine whether the qualified voters of the applicable elective unit will recall such officer.

Specifies that the reasons for recall shall be printed on the ballot in not more than 200 words, and if a majority of the qualified voters vote to recall any officer, his recall shall be effective on the day the Board of Elections certifies the election results.

Requires the Board of Elections to prescribe necessary rules and regulations with respect to the form, filing, examination, amendment and certification of recall petitions, and the conduct of special recall elections.

Interference with registration or voting

§ 803—enjoins any person from interfering with the registration or voting of another person, except as may be reasonably necessary to perform a duty imposed by law. Immunizes voters from arrest while voting or going to vote (except for treason, felony, or breach of peace then committed) and performing military duty on election day (except in time of war or public danger).

TITLE IX—MISCELLANEOUS

Agreements with United States

§ 901—authorizes agreements (except where the conditions and terms are governed by law) between the District and the Federal Government for an interchange of services. Agreements must be approved by the Mayor, the Council and the Director of the Bureau of the Budget. Requires the costs to be paid by the Government receiving the services.

Personal interest in contracts or transactions

§ 902—provides for a forefeiture of office or position upon conviction of a District officer or employee for a violation of 18. U.S.C. § 208.

Compensation from more than one source

§ 903—removes dual-compensation prohibitions for members of Council and the Board of Elections.

Assistance of the United States Civil Service Commission in development of District merit system

§ 904—authorizes the United States Civil Service Commission to assist the Mayor and Council to develop a District merit system and enter into agreements to make registers of eligibles available as a recruiting source for the District.

TITLE X—SUCCESSION IN GOVERNMENT

Transfer of personnel, property and funds

§ 1001—provides for the simultaneous transfer of property, records, appropriations and employees when functions are transferred under this Act. If such transfers result in an excess of employees, they are to be retransferred to other positions in the District or Federal Government with their civil service status and rights intact.

Existing statutes, regulations, and other actions

§ 1002—except as otherwise modified or made inapplicable by law, statutes, regulations, rules, orders, contracts, compacts, policies, grants, permits, etc. in existence with respect to transferred functions continue in effect as if such transfer had not been made.

Pending actions and proceedings

§ 1003—provides that any judicial or administrative action lawfully commenced against or by any officer or agency of the District shall not abate by reason of any provision of this Act upon its taking effect.

Vacancies resulting from abolishment of offices of commissioner and assistant to the commissioner

§ 1004—provides that until July 1 next after the Mayor takes office agency vacancies by reason of abolishing the above offices shall not affect the power of the remaining members of such agency to exercise its functions, but its action may only be taken upon a majority vote of its members.

TITLE XI—SEPARABILITY OF PROVISIONS

§ 1101—preserves the applicability and validity of the remaining provisions of the Act in the event any of its provisions are held inapplicable or invalid.

TITLE XII—TEMPORARY PROVISIONS

Powers of the President during transition period

§ 1201—authorizes the President, during the transition period, to take such action as he deems necessary with respect to administration of the District's functions to enable the Board of Elections to perform its functions under this Act.

Reimbursable appropriations for the district

§ 1202—provides for a Federal advance—subject to reimbursement without interest—of $750,000 to pay the expenses of the Board of Elections, and in otherwise carrying into effect the provisions of this Act.

TITLE XIII—EFFECTIVE DATES

§ 1301—establishes effective dates as follows:

(a) *Charter*—effective the day after it is accepted.

(b) *Title III, part 2, Title VII (except part 4) and Title XV*—on the day the first elected Council members take office.

(c) *Section 402*—on the day the first elected Mayor takes office.

(d) *Title VII, part 4*—with respect to the first fiscal year, beginning next after the first elected Mayor takes office, and with respect to subsequent fiscal years.

(e) *Titles XII, XIV, and XV*—on the day after this Act takes effect.

TITLE XIV—SUBMISSION OF CHARTER FOR REFERENDUM

Charter referendum

§ 1401—requires the Board of Elections to set a Charter Referendum date within 4 months after this Act's enactment.

Board of elections

§ 1402—in accordance with Title VIII hereof, the Board of Elections shall conduct the Charter Referendum and certify its results.

Applicability of title VIII

§ 1403—provides that Title VIII—despite the fact it does not take effect until the charter is accepted, and except as otherwise indicated in this Title—shall govern all aspects of the referendum election.

Charter referendum ballot: Notice of voting

§ 1404—specifies the contents of the charter referendum ballot. Permits voting by paper ballot or voting machine. Sample ballots and information showing the polling place must be mailed to the registered voters 5 days before the referendum, and a list of the polling places and hours of voting must be published in a newspaper of general circulation one day before the referendum.

Acceptance or nonacceptance of charter

§ 1405—requires a majority vote of the qualified electors for charter acceptance and requires certification of election results by the Board of Elections within 30 days of the referendum.

TITLE XV—INITIATIVE

Power to propose and enact legislation

§ 1501—vests the District's qualified voters with power to enact legislation on all subjects through the medium of initiative upon a petition for the same by 10 percent of the number of qualified voters voting in the last preceding general election. Requires the Board of Elections to certify petitions for initiative which shall be voted upon at the first general election not less than 30 days nor more than 1 year from the certification date.

Sets the contents of such petitions, gives the Board of Elections 30 days to certify petitions, and declares that in the case of conflicting petitions in the same election, the one receiving the largest affirmative vote shall prevail to the extent of such conflict.

TITLE XVI—TITLE OF ACT

§ 1601—cites the Act as the "District of Columbia Charter Act."

By Mr. EAGLETON:

S. 1604. A bill to direct the establishment of health standards for employees of food service establishments in the District of Columbia. Referred to the Committee on the District of Columbia.

DISTRICT OF COLUMBIA RESTAURANT HEALTH STANDARDS ACT

Mr. EAGLETON. Mr. President, I introduce for appropriate reference a bill to protect the health of visitors and citizens of the District of Columbia by establishing health standards for employees of food establishments in the District of Columbia. Similar legislation was introduced in the other body by my respected colleague from Missouri, Dr. Durward Hall, and the very distinguished chairman of the District of Columbia Committee, Mr. MCMILLAN.

The District code now contains a law stating that no person afflicted with any communicable disease can work "with food." But no law or regulation requires current congressional food-handling employees or such applicants anywhere in the District of Columbia area to take a physical examination of any sort, let alone annually.

In essence, the bill requires that no person can be employed by any food establishment in the District of Columbia, including the Senate and House restaurants, unless he meets such health standards prescribed by the District of Columbia Council, in pursuance to the tests outlined in the bill. The bill calls for annual examinations which include a tuberculin test, X-ray of the chest—uncovered—a serological test, and examination of hands, skin, nose, and throat and body orifices—including a culture where appropriate. These standards would provide sufficient protection against further outbreaks of communicable diseases such as tuberculosis, and other common and rarer diseases ordinarily associated with food-handling and preparation.

These requirements would be administratively and budgetarily feasible. Tuberculin tests are not costly. Up to 1957 the District of Columbia required an annual physical examination and health permit requirement for restaurant workers. The point is, we cannot afford to do without them.

Tuberculosis is a highly contagious bacterial disease usually associated with poverty, stress, overwork, and social problems. The average active case of tuberculosis will be the source for the infection of 15 persons before it is detected. The TB victim can begin infecting others well before his own symptoms force him to seek medical advice. Therefore, people constantly in contact with the public should meet such minimal health requirements as I have outlined above in order to prevent outbreaks similar to that which occurred on Capitol Hill in the early part of 1970.

It may surprise you to know, the District of Columbia ranks fifth in the incidence of active new tuberculosis cases among the more than 50 cities in the Nation with a population of 250,000 or more. New case-rates are nearly three times the national average and the death rate more than triple that of the rest of the Nation, according to H. Michael Cannon, director of District of Columbia's Tuberculosis and Respiratory Disease Association.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1604

A bill to direct the establishment of health standards for employees of food service establishments in the District of Columbia

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "District of Columbia Restaurant Health Standards Act".

SEC. 2. No person may be employed by any food service establishment in the District of Columbia (including the restaurants of the United States Senate and House of Representatives and any other food service establishment on real property owned or leased by the United States Government) unless he meets such health standard as the District of Columbia Council shall by regulation prescribe. Such regulation shall require that (1) each employee of a food service establishment in the District of Columbia undergo, at least annually, an examination to determine if he meets such standard; and (2) such examination include a tuberculin test, X-ray of the chest (uncovered), a serology, and examination of hands, skin, nose, throat, and body orifices, including a culture (where appropriate).

SEC. 3. Section 2 of the Act entitled "An Act to extend the health regulations of the District of Columbia to Government restaurants within the District of Columbia", approved December 20, 1944 (D.C. Code 6–1101), is repealed.

By Mr. MOSS:

S. 1605. A bill to amend section 3109 of title 5, United States Code, relating to temporary or intermittent employment of exports and consultants, and for other purposes. Referred to the Committee on Post Office and Civil Service.

FEDERAL EMPLOYMENT OF EXPERTS AND CONSULTANTS

Mr. MOSS. Mr. President, at the present time Federal law allows the Government to enter into contracts to procure consulting services only when authorized by specific appropriation or other statutory provision.

Section 3109 of title 5 of the United States Code provides that:

> (b) When authorized by an appropriation or other statute, the head of an agency may procure by contract the temporary (not in excess of 1 year) or intermittent services of experts or consultants or any organization thereof, including reporting services.

Because there is no uniformity as to the conditions under which the services of experts and consultants are obtained, and therefore no uniformity as to the amounts of compensation paid by the various departments and agencies, considerable confusion has resulted. Furthermore, I am told the difference in rates offered for export services in different fields and the inadequate rates of compensation offered in some instances, has discouraged many experts from proffering their services to the Federal Government.

I am therefore today offering—at the request of the National Society of Professional Engineers—a bill which amends section 3109 of title 5 to authorize the head of each agency, subject to regulations prescribed by the President, to procure, by contract—not to exceed 1 year—temporary or intermittent services of experts or consultants, at a maximum rate, not to exceed the level of GS 18, or approximately $140 a day. Travel time would be computed in the same way.

The provisions of the bill would not, of course, withdraw from the agency the right to adjust the level of pay to the level of service required, and it gives the President the right to prescribe all regulations to carry out the provisions of the act, including the right to prescribe payments in excess of the maximum for services to the White House, for example, or for other agencies.

I realize that the problem I am attacking is one with which the appropriations committees of the House and the Senate have been wrestling for some time, and have not found a satisfactory solution other than writing specific provisions, often at variance one with the other, in individual appropriation bills.

I offer this bill for consideration and discussion as a possible solution to some of the problems faced by both agencies and professional consultants.

The need for uniformity has been recognized in the past by both the General Accounting Office and the Bureau of the Budget.

By Mr. BROOKE:

S. 1606. A bill to establish an interagency advisory council to study and evaluate the potential domestic application of Department of Defense research projects. Referred to the Committee on Armed Services.

DOMESTIC APPLICATIONS OF DEFENSE RESEARCH

Mr. BROOKE. Mr. President, I introduce today a bill to establish an Interagency Advisory Council on Domestic Applications of Defense Research.

This bill is the second of four pieces of legislation bearing on the state of our economy and the rate of unemployment, to which I referred in my remarks last Wednesday.

By Mr. BELLMON:

S. 1607. A bill to provide for additional acreage diversion to protect the environment or the local economy of any area from the results of a natural disaster. Referred to the Committee on Agriculture and Forestry.

FARM LEGISLATION

Mr. BELLMON. Mr. President, throughout much of the Middle West farm belt the threat of periodic drought is a menace that hangs over every household. When the rains stop, the dirt blows, wells go dry, crops fail and cattle go hungry.

Under such conditions there is no choice for many farmers but to leave the land and move to the cities where they add to our already crushing urban crisis.

This year, as in far too many previous, portions of our country are suffering from severe drought. There will be no harvest throughout large areas of the Southwest. There will be no cattle to market this fall and there will be no money to pay feed bills, land taxes, interest or even normal living expenses.

We are facing another forced out-migration of skilled, energetic, hardworking farm people who, through no fault of their own, have been dealt a tragic blow.

Mr. President, historically and for good and well-accepted reasons our Government has come to the assistance of people caught in situations such as this. In time of flood and hurricane we stand ready to help a community back on its feet. Such disasters are sudden but the degree of devastation is probably no more severe than the damage from a widespread and prolonged drought.

Tragically, our present laws are woefully inadequate in providing the means for coping with a drought disaster. Back in the 1930's, farmers could tighten their belts, haul in extra hay and grain for the horses and mules and postpone spending money until the rains came.

Now agriculture has become a capital intensive industry.

In these times, it takes a large cash flow to purchase the necessary supplies, feed, seed, fertilizer, and insecticides, and to operate and maintain farm machinery and equipment. It is simply not possible to keep a farming operation going without cash income.

For years, the profit level in agriculture has been so low that few farmers are able to build up any kind of financial reserve to enable them to undergo a prolonged drought.

Under present laws, there are two types of drought disaster designations.

The Secretary of Agriculture, on recommendation of the State Disaster Committee, may authorize the following ASC programs:

Livestock feed program, under which producers can buy CCC grain at reduced prices.

Grazing and haying of land retired under USDA programs. Producers can be authorized to use that land and pay a reasonable price for the privilege of using it, until a cutoff date fixed by the Secretary.

Cost-sharing for measures to control soil erosion and restore damaged grass. The Government can pay up to 80 percent of the cost.

The Secretary also may authorize emergency loans through the Farmers Home Administration.

The other type is a presidential declaration of a major disaster under Public Law 91-606. According to the Office of Emergency Preparedness, under a presidential declaration, disaster unemployment assistance may be possible, and USDA programs for livestock feeding, and for food stamp and surplus commodity distribution may be expanded. A presidential disaster declaration also modifies the Small Business Administration and Farmers Home Administration disaster loan programs by including cancellation of up to $2,500 of the principal of "economic injury" loans made under such a declaration.

Mr. President, to my way of thinking, the best way to describe the existing program is "too little and too late." When a farmer's crops are burning up and his stock are starving, he has got his back up against the wall. It is not enough to let farmers graze their set-aside acres where nothing is growing. It is not enough to let them bring in a few bales of hay when the price still makes the cost of maintaining herds prohibitive. It is not enough to offer farmers limited credit if they can prove their eligibility. It is like trying to fight a forest fire with a water pistol.

Yet, year after year, we hear a loud hue and cry for drought disaster relief. The fact of the matter is, according to the U.S. Department of Agriculture, there is a disaster in American agriculture somewhere every year.

In fiscal year 1969-70, for example, there were 357 counties in 19 States declared disaster areas for the grazing and haying program, and 96 counties in 10 States declared disaster areas under the livestock feed program.

We have become victims of a "drought disaster syndrome" brought about by a growing dependence in times of panic upon a program that amounts largely to a tranquillizing operation. Certain elements of the news media with a taste for sensationalism, along with uninformed, opportunistic politicians have contributed to this syndrome by consistently touting this weak program as a cure-all and by generating pressure to have a drought disaster area declared. Farmers usually find that they have been misled by promises of substantial help and are tragically let down when only token assistance is forthcoming.

In dealing with problems of drought, we have been administering aspirin when a transfusion is actually what is called for.

What farmers really need is a program of "droughtproofing" that is geared to the economic needs of present-day agriculture.

As a major feature of such a program, last year I proposed a national feed bank to encourage livestock and feed producers to grow and store an extra supply of forage during good production years, and have it available when feed production is low. The new farm bill contains a provision for such a program, but it has not been implemented. I call upon the Department of Agriculture to put the feed bank into operation to build substantial future feed reserves in areas where they will be needed.

In addition, other action needs to be taken, for which purpose I am today introducing a bill in the nature of an amendment to the farm bill which was passed last year, to give the Secretary of Agriculture additional discretionary authority.

The purpose of this measure is to prevent an exodus of population from the farms and rural communities, and their subsequent migration to large metropolitan areas.

This legislation also is needed to preserve the food-producing capability of areas during years of normal rainfall, and to control serious soil erosion and duststorms during times of drought.

The legislation also would provide at least a semblance of income security for rural area residents, such as urban workers enjoy from a myriad of Government programs.

Mr. President, the bill is brief, and I ask unanimous consent that it be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1607

A bill to provide for additional acreage diversion to protect the environment or the local economy of any area from the results of a natural disaster

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 379b(c)(2) of the Agricultural Adjustment Act of 1938, as amended, and sections 103(e)(4)(B) and 105(c)(2) of the Agricultural Act of 1949, as amended, are each amended by—

(1) inserting in the first sentence after "To assist in adjusting the acreage of commodities to desirable goals" the following: "or protect the environment or the local economy of any area from the results of a natural disaster"; and

(2) inserting after the second sentence thereof the following: "In the case of diversion payments made to protect the environment or the local economy of any area the rate shall be equal to not more than 50 per centum of the estimated basic county loan rate for the commodity on the normal production of the acreage diverted."

By Mr. SPARKMAN (for himself, Mr. Allen, Mr. Church, Mr. Eastland, Mr. Hart, Mr. Jackson, Mr. Metcalf, Mr. Bennett, Mr. Hatfield, Mr. Tower, and Mr. Young).

S. 1608. A bill to designate certain lands on the Bankhead National Forest in Alabama as wilderness. Referred to the Committee on Agriculture and Forestry.

BANKHEAD NATIONAL FOREST IN ALABAMA

Mr. SPARKMAN. Mr. President, I am introducing a bill which will assure permanently to the people of Alabama and of the Nation the use and enjoyment of one of Alabama's splendid natural treasures, the proposed Sipsey Wilderness on the Bankhead National Forest situated in Lawrence and Winston Counties in northwest Alabama. Joining with me in sponsoring the bill are my colleague from Alabama, Senator Allen; and Senators Church, Eastland, Hart, Jackson, Metcalf, Bennett, Hatfield, Tower, and Young.

For generations, the people living in northern Alabama and, indeed, people from surrounding States, have been going to the headwaters of the Sipsey River to enjoy the wild beauty of this area and to refresh themselves by roaming, camping, fishing, hunting, and learning the ways of nature in this truly extraordinary piece of God's handiwork.

Our bill would place approximately 12,000 acres encompassing the headwaters of the Sipsey River under the National Wilderness Preservation system in accordance with the Wilderness Act of 1964. The protection provided by the Wilderness Act would guarantee by the surest means that the natural treasures within this unique area in the way of wildlife, plants, geology, and rugged stream canyons will continue to flourish and to be available for all people to see and to know, to enjoy and understand.

The natural qualities of the Bankhead National Forest, and in particular the qualities of the proposed Sipsey Wilderness, are remarkable, because it is here that the three major land masses, or types, east of the Rocky Mountains meet and overlap. This makes possible an extraordinary diversity of plants and animals in this area. This immensely varied combination of soils, water, and climate provides a total environment which offers the essential living conditions for a range of plant and animal life far in excess of that found almost anywhere else in the eastern United States. It is an area which truly demands preservation.

Geology has provided a naturally protected ecology in this part of the Bankhead Forest. The canyons are rimmed by massive bluffs of sandstone which form precipitous cliffs, some more than 100 feet high. The canyons themselves are deep, shadowy and cool. Fossils from the late Paleozoic era are abundant. The area is a veritable botanists' paradise. The cool, moist canyons provide suitable habitat for what is essentially Appalachian flora, but with unusual inclusions from the Piedmont to the east and the Ozarkian areas to the west. Cool summer temperatures in the gorges allow many plants to reach their southernmost geographical limit on the Bankhead National Forest. Two very rare and demanding representatives of the fern family are abundant in the area. The lovely large yellow ladyslipper, a native orchid of great beauty, is found amongst a carpet of rare and unusual mountain wildflowers growing unexpectedly far south. Two wild camellias, aristocrats of our native flowering shrubs, three species of deciduous magnolias, and Alabama's largest specimen of the tulip poplar tree are to be seen here. Large, vigorous hemlocks are especially noteworthy, as this is the southernmost range of that species.

Much is to be learned about the distribution and ecology of nongame mammals living in the proposed wilderness. Twenty-five of 53 species and subspecies of southwestern mammals have been definitely recorded in the proposed wilderness tract. It seems probable that careful scientific study, which is already being carried on, will disclose other species. The area has been renowned for its abundance of game animals since Indian times. There are 147 species of birds known to occur in the area. Two species of amphibians, the barking tree frog and the seal salamander, live here far from their previously known ranges. While a great many people have little interest in snakes, it is interesting to note that the red milk snake, which is rather pretty, has been found here, more than 100 miles from its previously known range.

In short, the area is indeed unique, and such a wealth of living natural wonders cries out for the full protection which can only be provided through designating the region as wilderness.

If my bill is enacted, future generations of Alabamians and Americans from all over the Nation will be able to enjoy the refreshing and stimulating wilderness experiences to be gained here.

I am indeed proud that Senators from other sections of the country have joined with Senator Allen and me in sponsoring this bill. I earnestly hope that it will be approved.

By Mr. PEARSON:

S. 1611. A bill to amend the Interstate Commerce Act, Section 204. Referred to the Committee on Commerce.

Mr. PEARSON. Mr. President, I introduce today for appropriate reference legislation to amend the Interstate Commerce Act for the purpose of insuring that regulations governing the operation of farm vehicles will be based on commonsense and on an understanding of the normal operation of our Nation's farms.

This legislation is necessary because regulations considered and proposed by the Bureau of Motor Vehicle Safety in the Department of Transportation would prohibit young men under the age of 21 from operating farm vehicles in interstate commerce. The effect of such a regulation, Mr. President, could be devastating to the farming community of Kansas and the entire country. Young men under 21, whether sons of farmers or neighbors or college students, represent a substantial portion of the farm workforce. It is simply vital that they be allowed to operate vehicles necessary for the operation of our Nation's farms.

It is not my intention, Mr. President, to compromise the needs of safety on the streets and highways of the Nation. Rather, it is my objective that Federal regulations be reasonable, capable of enforcement, and responsive to the demonstrated needs of all sections of the country.

Mr. President, information at my disposal indicates that the number of accidents involving commercial vehicles of all types is approximately three times greater than the number of accidents involving farm vehicles, even though farmers operate six times as many vehicles as the regulated trucking industry. Further, I am informed that members of the 21-and-under age group driving farm vehicles have a safety record as good as or better than any other age group, and several times better than the safety record of members of their age group who are not driving farm vehicles.

I wish to advise the Senate, Mr. President, that twice during the last month representatives of farm interests have met with officials from the Bureau of Motor Vehicle Safety. I am advised that an agreement has been reached to extend the present temporary exemption for farm vehicles for a certain as yet undefined length of time. It is my understanding that during this period revised regulations will be proposed, comments will be invited, and a permanent rule promulgated. I wish the record to indicate that the extension of this exemption is welcomed by the farmers of my State. It means that this harvest can be handled as usual. It means that we have had some measure of success in pleading the case of our farmers. But because it is so crucial that young men under 21 be allowed to continue to operate farm vehicles, I am offering this legislation to insure and to make clear and permanent that any Federal regulations—whenever promulgated—will be sensible and responsive to the needs of farmers in Kansas and elsewhere.

Mr. President, I ask unanimous consent that this bill be printed in the Record at the conclusion of my remarks. I further ask unanimous consent that a letter from me to Dr. Robert A. Kaye, Director of the Bureau of Motor Vehicle Safety, as well as two letters from constituents of mine which are representative of the mail which I have been receiving on this point, be also printed in the Record at the conclusion of my remarks.

There being no objection, the bill and letters were ordered to be printed in the Record, as follows:

S. 1611

A bill to amend the Interstate Commerce Act, Section 204

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 204 of the Interstate Commerce Act is hereby amended by inserting a new subsection (g) reading as follows:

"(g) provisions of this section shall not apply to motor vehicles specified in section 203(b) (4a) or (5) of this Act".

U.S. Senate Committee on Commerce,
Washington, D.C., March 25, 1971.

Dr. Robert A. Kaye,
Director, Bureau of Motor Vehicle Safety Department of Transportation, Washington, D.C.

Dear Mr. Kaye: Regulations recently proposed by your Bureau to increase the standards applicable to trucks driven in interstate commerce would have a dramatic and damaging impact upon farmers of my State and of the nation.

To provide that no farmer or member of his family or employee can drive a truck in commerce unless the driver: is at least 21 years of age; has passed a road test; has taken an examination in the Federal safety regulations; carries with him a medical certificate not over 24 months old; and, if an employee, has filed with the employer at the time of employment, and annually thereafter, a driving record indicating any traffic or other violation of law is to impose an enormous burden on farmers and farm operations.

The responsibility of your office is to improve the safety of motor vehicle traffic in the United States. Please understand that I wholeheartedly support your determination to carry out that responsibility. However, the net effect of the regulation in question would be to encourage wholesale violation of law and to contribute to more accidents than it is intended to prevent.

Information at my disposal has persuaded me that your proposed regulation is not based on relevant facts. It appears to me that your office has responded to figures which show higher numbers of accidents involving members of the 21 and under age group *driving all types* of vehicles—figures with which I have no argument. But my information shows that members of the 21 and under age group *driving farm vehicles* have a safety record as good as or better than any other age group and several times better than the safety record of members of their age group who are *not driving farm vehicles*. In other words, Dr. Kaye, an eighteen year old driving a farm truck in Kansas is a much safer driver than an eighteen year old driving a new car in Philadelphia.

The number of accidents involving commercial vehicles of all types, moreover, is approximately three times greater than the number of accidents involving farm trucks—even though farmers operate six times as many trucks as the regulated trucking industry.

Grave questions regarding notification and due process of law also have been raised by the failure of your office to make clear, in its announcement of these regulations, that any change was intended in standards governing farm vehicles. It would appear that the Bureau intended to make farmers comply with regulations with which they were completely unfamiliar.

The economic loss which would be suffered by the farming community should this regulation be adopted, I wish to emphasize would be quite substantial. Young men under 21 (whether sons of farmers or neighbors or young men attending college) represents a substantial portion of the work force engaged in transporting farm products. Custom combine operators would be particularly affected.

Accordingly, Dr. Kaye, I strongly urge that consideration be given to exemptions either for small farm trucks, for local hauling or for other functions critical to farm operations. It is not my position that farm operators who drive large trucks for substantial distances should be exempt from the regulations, nor is it my position that farm operations should be exempt from existing stringent safety regulations imposed by the State of Kansas. Rather, it is my position that proposed federal regulations should be based on common sense and on an understanding of the normal operations of our nation's farms.

Finally, because it is my conviction that these proposed regulations are not, as presently drawn, in the national interest, I wish to make clear that I am prepared to resist their adoption to the fullest extent necessary.

Your immediate attention to these matters will be personally appreciated.

With kindest personal regards.

Very truly yours,

JAMES B. PEARSON,
U.S. Senator.

HARPER, KANS.,
April 10, 1971.

Senator JAMES F. PEARSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PEARSON: We are much concerned about the new regulations set forth by the U.S. Department of Transportation relating to truck drivers. As this also applies to farm truck drivers, we are much opposed to the regulation.

I don't think that I need to tell you how much this will hurt agriculture. Not only will it hurt agriculture, but it will be a severe blow to the youth who find employment in situations that involve interstate transportation.

We hope that you can use your influence to amend these regulations.

Sincerely,

NORMAN LATTA.

PHILLIPSBURG, KANS.,
April 17, 1971.

Senator JAMES PEARSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: We are writing regarding the truck driving ruling requiring a driver to be 21. We deliver 90% of our grain to a different state as it is the nearest market. We farm on both sides of the Kansas, Nebraska line and this would be a definite hardship for us. We have two farm experienced boys who are 17 and 20, who are our only help. Farm labor is impossible to find. Our 20 year old son is a third year mechanical engineering student at K State. He has had five years truck driving experience and it would seem foolish to eliminate him now.

Please use your influence to kill this ruling.

Sincerely,

Mr. and Mrs. WESLEY CHRISTENSEN.

By Mr. MILLER (for himself, Mr. BELLMON, Mr. BENNETT, Mr. ROTH, Mr. DOLE, Mr. DOMINICK, Mr. FANNIN, Mr. FONG, Mr. HANSEN, and Mr. BOGGS):

S. 1612. A bill to establish a revenue-sharing program for rural development. Referred to the Committee on Agriculture and Forestry.

Mr. MILLER. Mr. President, on behalf of myself and Senators BELLMON, BENNETT, ROTH, DOLE, DOMINICK, FANNIN, FONG, HANSEN, and BOGGS, I introduce, for appropriate reference, the Rural Community Development Revenue Sharing Act of 1971, a measure that would make funds available in an amount equivalent to $1.1 billion on a full-year basis for Federal revenue sharing to the States.

This is the administration bill recommended to Congress by President Nixon. I ask unanimous consent that the text of the bill, the Secretary of Agriculture's letter of transmittal to the Senate, the Secretary's section-by-section analysis of the bill, the President's message to Congress of March 10, the White House Press Secretary's release, and a fact sheet issued by the White House Press Secretary be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MILLER. Mr. President, the time has come when we must stop taking from rural America and start giving some back. Rural America has suffered too long from an agricultural revolution which has given our consumers the lowest cost, highest quality food and fiber of any country in the world, without a corresponding benefit to the producers themselves.

Today, 59 percent of the Nation's substandard housing is located in nonmetropolitan America, where the median family income is 22 percent below that in the metropolitan areas. These figures, which emphasize the disproportionate share of our national net income going to people in rural America, could be added to many times over.

It is time for this Nation to declare an end to the draining of youth and opportunities and living qualities from its countryside. But not simply for rural America must this action be taken. All of America suffers when rural America loses 240,000 people a year.

While in most rural areas it is difficult to achieve economies of scale in such public services as education, health, and transportation, these services are grinding to a halt, too, in the heavily urban areas because such congested areas can no longer function economically, either.

We need a better policy for national growth. And we need it now—before the next 75 million Americans arrive.

This bill I am introducing today will do much toward bringing about a more balanced growth in America and toward bringing to the people of rural America a better share of this Nation's opportunities and benefits. Developing rural America into the kind of economy and society we need is probably the greatest domestic challenge this Nation is facing in the last part of this century. Such development, of course, must be correlated with relieving urban problems—but all are related to the need for an intelligent distribution of our population and resources in the future.

It is not a question of whether we can accomplish this giant task. It is mandatory, if our society is to survive as a good society. We have no choice but to tackle the problem with all our energies. We must plan well, and execute even better. There is no room for boondoggling, nor partisan political maneuvering in this vast undertaking. We cannot afford anything but our best efforts to achieve a goal that has no alternative.

The real strength of rural development must come from harnessing local energies and desires. Programs must issue from the people who know their own problems better than anyone, their own capabilities, and their own priorities.

It takes many different kinds of activities to create opportunity in rural America: the education and training of individuals, health programs, transportation and the development of community water and sewer facilities to encourage the location of industry with its job opportunities. Not the least of these requirements is to develop, conserve, and protect forest, land, and water resources.

The variety of needs is as broad as America and as diverse as the thousands of communities which make it great.

Essentially, what the bill proposes to do is to unite the funding of a number of programs into one rural community development revenue-sharing program, to add $179 million to that fund and then to turn it over to the States, under fairly-devised formulas, to meet their rural needs and accelerate their rural development.

The bill, it should be noted, would assure the continuation of the programs of agricultural extension work through the land-grant college or colleges.

The administration has guaranteed that funds available to each State under this program would at least equal funds which are presently available to that State under the Federal categorical programs converted to rural community development revenue sharing.

The bill offers an immediate means for establishing priorities that will fit the needs of each State and local community. It begins a reversal of the resource flow from Washington back to the creators of the resources. It turns initiative back to the people themselves through their legislatures and Governors, and if one has faith in the people holding these positions, one should have no problem with this bill.

Mr. President, I ask unanimous consent that a statement prepared by the distinguished Senator from Kansas (Mr. Dole) be printed in the Record at the conclusion of the previously inserted material.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Exhibit 1

S. 1612

A bill to establish a revenue-sharing program for rural development

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Rural Community Development Revenue-Sharing Act of 1971."

STATEMENT OF FINDINGS AND PURPOSES

Sec. 2. The Congress hereby finds and declares that many rural areas of the Nation, while rich in natural resources and potential, have lagged behind the rest of the Nation in economic growth, and that the people of these rural areas have not shared in the Nation's prosperity. The Congress recognizes the need for increased efforts by Federal, State, and local governments to provide the economic base that is a vital prerequisite for vigorous self-sustaining growth and necessary to bring the rural areas of the Nation to their full potential.

The Congress declares that in order to generate increased employment opportunities and individual incomes in rural areas, to improve the quality and accessibility of rural community facilities and services, to stem out-migration from rural areas, to encourage private investment in industrial, agricultural, and commercial enterprises, to solve farm, home, and community problems, to protect and conserve natural resources, and to establish and improve public works and development facilities, a system by which States may share in national revenues is necessary and desirable; and that in order to implement an effective nationwide rural community development policy and thereby to enhance the national prosperity, it is necessary to terminate and modify certain development programs now undertaken by the Federal Government.

TITLE I—DEFINITIONS

DEFINITIONS

Sec. 101. For the purposes of this Act:

(a) The term "rural area" means any county, parish, or similar political subdivision, including all area within the territorial confines thereof, which either has a population density of less than 100 persons per square mile or is not included within a Standard Metropolitan Statistical Area;

(b) The term "rural population" means the total resident population, as defined and used by the United States Bureau of the Census, of a rural area;

(c)(1) The term "rural development" means rural community development programs or activities of a State which directly benefit the residents of a rural area within such State and are:

(A) undertaken within a rural area;

(B) certified by the local government within a rural area as directly benefiting the residents of such area; or

(C) certified by the Governor as directly benefiting the majority of the residents of rural areas within said State.

(2) The term "rural community development programs and activities" includes, but is not limited to, programs and activities which:

(A) Establish and improve public works, public service, and development facilities;

(B) Encourage private investment in, and promote the establishment and expansion of, industrial, agricultural, and commercial enterprises;

(C) Prevent conditions of excessive unemployment and underemployment, alleviate unemployment caused by loss or curtailment of large industries or Governmental activities, generate increased employment opportunities, and assist in manpower development;

(D) Assist in generating increased personal and corporate income;

(E) Further the economic development and growth potential of underdeveloped areas and help such areas to help themselves achieve lasting improvement;

(F) Improve the quality and accessibility of rural community facilities and services;

(G) Stem outmigration of families, labor, and capital from rural areas and encourage migration to such areas;

(H) Assist in the solution of farm, home and community problems;

(I) Promote the conservation, development, and proper utilization of human and natural resources;

(J) Encourage the solution of problems of wide geographic significance;

(K) Establish and improve educational facilities and encourage the development of improved educational methods;

(L) Establish and improve land, water, and air transportation systems and services for goods and passengers;

(M) Assist in the solution of problems related to law enforcement activities;

(N) Enhance domestic prosperity by the establishment of stable and diversified local economies and improved local conditions;

(O) Assist in the establishment of decent, safe, sanitary, and comfortable housing;

(P) Establish and improve health facilities and services and generally promote improved health and nutrition of residents of rural areas;

(Q) Establish programs and projects of the type authorized under Title I of the Demonstration Cities and Metropolitan Development Act of 1966; and

(R) Provide direct financial incentives to industry to create jobs in rural areas.

(d) The term "rural per capita income" means the average personal income of the rural population of a State;

(e) The term "fiscal year" means the fiscal year of the Government of the United States;

(f) Except where otherwise indicated, the word "Secretary" means the Secretary of Agriculture or his delegate;

(g) The word "State" means the several States, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam;

(h) The word "Governor" means the chief executive officer of each State or his delegate;

(i) The term "Attorney General" means the Attorney General of the United States or his delegate;

(j) The term "Standard Metropolitan Statistical Area" means a standard metropolitan statistical area as that term is defined and used by the Office of Management and Budget;

(k) The term "personal income" means personal income as that term is defined and used by the Office of Business Economics of the Department of Commerce.

(l) (1) The term "local government" means a municipality, county, or township as such terms are defined and used by the United States Bureau of the Census.

(2) The term "local government" does not include independent school districts or special districts;

(m) The term "State development plan" means a plan for the expenditure of funds to which a State is entitled under subsections (a) through (c) of section 202. Such plan shall set forth the specific rural community development programs and activities which, subject to section 204, are proposed to be undertaken or continued with such funds and shall take into consideration the varying needs and development and growth potentials of rural areas within the State and the possible integrated use of development resources of such areas; and

(n) The term "State development planning system" includes a State development planning advisory commission whose duty it shall be to advise the Governor with respect to the formulation of the State development plan. The membership of such planning commission shall be composed of one representative from each government planning board, as defined in this section, together with the Governor of such State.

For the purpose of formulating a State development plan, each State shall establish multi-jurisdictional planning districts which together shall encompass the geographic area of the entire State. A planning board for each district shall be composed of elected officials from local governments within such district and shall be designated by such local governments. The duties and authorities of planning boards within the State shall be determined by the Governor of such State.

One representative of each planning board, who shall be a member of such board, shall be selected by members of such board for membership on the State development planning advisory commission.

DATA FOR DEFINITIONS

Sec. 102. Where appropriate, the definitions in section 101 shall be based on the latest published reports of the Department of Commerce, or the Office of Management and Budget, on the date of enactment of this Act, and of each subsequent year. The data used in applying these definitions at any point in time shall be the latest published data referable to the same point or period in time. The Secretary may, by regulation, change or otherwise modify the definitions in section 101 in order to reflect any change or modification thereof made subsequent to such date by the Department of Commerce or the Office of Management and Budget.

TITLE II—RURAL DEVELOPMENT REVENUE SHARING

APPROPRIATION AUTHORIZATION

Sec. 201. There are hereby authorized to be appropriated without fiscal year limitation such sums as may be necessary for the purposes of this title for each fiscal year.

STATE ENTITLEMENT

Sec. 202. (a) Of the amounts provided from appropriations authorized by section 201 for any fiscal year for the purposes of this title, a minimum of eighty percent shall be apportioned by the Secretary among the States in accordance with their entitlement as determined by subsections (b) and (c) of this section.

(b) One percent of the amount required to be apportioned under subsection (a) shall be divided among the States in equal proportion.

(c) Each State shall be entitled to a portion of the remainder of the amount required to be apportioned under subsection (a), which portion shall be determined as follows:

(1) Each State shall be entitled to receive

an amount equal to fifty percent of such remainder multipled by a fraction the numerator of which is the rural population of such State at the most recent point in time for which appropriate statistics are available and the denominator of which is the sum of the rural populations of all States at the same point in time;

(2) Each State shall be entitled to receive an amount equal to twenty-five percent of such remainder multipled by a fraction the numerator of which is the average of per capita incomes of all the States at the most recent point in time for which appropriate statistics are available less the rural per capita income of such State at the same point in time, such difference to be multiplied by the rural population of such State at the same point in time, and the denominator of which is the sum of such positive differences for each State multiplied by that State's rural population: *Provided, however,* That if the rural per capita income of a State is greater than the average of per capita incomes of all the States, the differences stated above shall be considered zero; and

(3) Each State shall be entitled to receive an amount equal to twenty-five percent of such remainder multiplied by a fraction the numerator of which is the percentage change in population of all the States less the percentage change in rural population of such State, such difference to be multiplied by the rural population of such State during the most recent and appropriate time period of which statistics are available, and the denominator of which is the sum of such positive differences for each State multiplied by that State's rural population: *Provided, however,* That if the percentage rate of change of rural population of a State during such period is greater than the percentage rate of change of the populations of all States during the same period, the differences stated above shall be considered zero.

(d) Any amounts appropriated for any fiscal year pursuant to section 201 which are not apportioned pursuant to subsections (a) through (c) of this section and any amounts recovered under section 304 may be available without regard to subsections (a) through (c) of this section for distribution at the discretion of the Secretary.

(e) Notwithstanding any other provisions of this Act, each State shall use a sufficient portion of the moneys to which it is entitled to maintain and carry out a program of agricultural extension work through its Land-Grant college, or colleges, comparable in size and type to the agricultural extension program carried out in the State in fiscal year 1971 under the Smith-Lever Act, as amended (7 U.S.C. §§ 341–349), and section 204(b) and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. §§ 1623 and 1624), and the Cooperative Extension Service shall be permitted to continue 4–H, nutritional aide programs, and other agricultural programs in metropolitan areas.

(f) Until such time as a State is authorized under State law and eligible to receive funds and carry out activities as provided by this Act; or in the event it refuses to accept such funds, the shared revenues to which it would have been entitled under this section shall be available for allocation by the Secretary for the purposes of this title.

(g) All computations and determinations by the Secretary under this section shall be final and conclusive.

STATE DEVELOPMENT PLAN

SEC. 203. Commencing with fiscal year 1973 as a condition precedent to receiving entitlement under subsections (a) through (c) of section 202, the Governor of each State shall publish and submit to the Secretaries of Agriculture and Housing and Urban Development a State development plan formulated through the State development planning system set forth in section 101(n), provided that the Secretaries may, upon request of the Governor, accept an alternate State development planning system which assures consultation and coordination with units of local government within the State. Amendments to the State development plan may be submitted to the Secretaries at any time prior to the termination of the fiscal year to which the plan relates. Such State development plan and amendments shall not be subject to approval by the Secretaries.

AUTHORIZED EXPENDITURES

SEC. 204. Each State is authorized to expend moneys to which it is entitled under section 202(a) through (c) for the purpose of rural development as that term is defined in section 101(c). Each State is authorized to expend moneys to which it is entitled under section 202(d) as the Secretary shall direct.

TITLE III—ADMINISTRATION

PAYMENTS TO STATES

SEC. 301. The amounts appropriated and allocated pursuant to this title shall be paid to States at such intervals and in such installments as the Secretary may determine, taking account of the objective that the time elapsing between the transfer of funds from the United States Treasury and the disbursement thereof by a State or subdivision thereof shall be minimized: *Provided, however,* That the Secretary shall, with the concurrence of the Director of the Office of Management and Budget, prescribe regulations for the purpose of avoiding an inordinate rise in Federal outlays in fiscal years 1972 and 1973 resulting from concurrent disbursements pursuant to (a) obligations incurred prior to December 31, 1971, pursuant to programs and activities abrogated or modified by title IV, and (b) revenue shared under this Act.

RECORDS, AUDITS, AND REPORTS

SEC. 302. (a) All revenues shared with States under this Act shall be properly accounted for as Federal funds in the accounts of such States.

(b) In order to asure that revenues shared under this title are used in accordance with the provisions of this Act, each State shall:

(1) Use such fiscal and accounting procedures as may be necessary to assure (A) proper accounting for payments received by it and (B) proper disbursement of such amounts,

(2) Provide to the Secretary, on reasonable notice, access to, and the right to examine, any books, documents, papers, or records as he may reasonably require, and

(3) Make such reports to the Secretary as he may reasonably require.

NONDISCRIMINATION

SEC. 303. Shared revenues under this Act shall be considered as Federal financial assistance within the meaning of Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d).

RECOVERY OF FUNDS

SEC. 304. (a) If the Secretary determines after giving reasonable notice and opportunity for hearing that a State has failed to comply substantially with the provisions of this Act, he shall—

(1) refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted; or

(2) notify the State that if corrective action is not taken within sixty days from the date of such notification, revenues shared with it will be reduced in the same or succeeding fiscal year by an amount equal to the amount of funds which were not expended in accordance with the provisions of this Act; or

(3) take such other action as may be provided by law.

(b) When a matter is referred to the Attorney General pursuant to subsection (a)(1) of this section, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

(c)(1) Any State which received notice of reduction of revenues shared, under subsection (a)(2) of this section may, within sixty days after receiving notice of such reduction, file with the United States Court of Appeals for the circuit in which such State is located or in the United States Court of Appeals for the District of Columbia, a petition for review of the Secretary's action. The petitioner shall forthwith transmit copies of the petition to the Secretary and the Attorney General of the United States, who shall represent the Secretary in litigation.

(2) The Secretary shall file in the court the record of the proceeding on which he based his action, as provided in section 2112 of title 28, United States Code. No objection to the action of the Secretary shall be considered by the Court unless such objection has been urged before the Secretary.

(3) The court shall have jurisdiction to affirm or modify the action of the Secretary or to set it aside in whole or in part. The findings of fact by the Secretary, if supported by substantial evidence on the record considered as a whole shall be conclusive. The court may order additional evidence to be taken by the Secretary, and to be made part of the record. The Secretary may modify his findings of fact, or make new findings, by reason of the new evidence so taken and filed with the court, and he shall also file such modified or new findings, which findings with respect to questions of fact shall be conclusive if supported by substantial evidence on the record considered as a whole, and shall also file his recommendations, if any, for the modification or setting aside of his original action.

(4) Upon the filing of the record with it, the jurisdiction of the court shall be exclusive and its judgment shall be final, except that the same shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in section 1254 of title 28, United States Code.

ADVANCE PAYMENTS

SEC. 305. Advance payments made to States or political subdivisions thereof prior to and including December 31, 1971, and unearned at the close of business on December 31, 1971, shall be either returned promptly to the Federal agency concerned, or offset against the first shared revenues to which the same State or political subdivision thereof becomes entitled under this Act.

POWERS OF THE SECRETARY

SEC. 306. The Secretary shall prescribe such rules, regulations, and standards as may be necessary to carry out the purposes and conditions of this Act, including standards to assure the compatibility on a nationwide basis of data systems used in carrying out activities under this Act in order to provide the public and the Congress with objective information on which to evaluate activities under this Act, and to conduct research and investigations to determine the effectiveness of this Act in the development of rural communities.

AGREEMENTS BETWEEN STATES

SEC. 307. In the event that cooperation or agreements between States is necessary in order to realize the full benefit of provisions of this Act, the consent of Congress is hereby given to such States to enter into such agreements.

REPORT BY THE SECRETARY

SEC. 308. For each fiscal year beginning with the fiscal year ending June 30, 1972, the Secretary shall make a report to the President and the Congress concerning the programs conducted under, and the general effectiveness of, this Act.

ADMINISTRATIVE EXPENSES

SEC. 309. There are hereby authorized to be appropriated, without fiscal year limitation, such sums as may be necessary for the purposes of this title for each fiscal year.

LABOR STANDARDS

SEC. 310. All laborers and mechanics employed by contractors or subcontractors in any construction, alteration, or repair, including painting and decorating of projects, buildings, and works which are Federally assisted, which shall include revenues shared, under this Act, shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276-a-5). The Secretary of Labor shall have, wtih respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276c)

RELOCATION COSTS

SEC. 311. Notwithstanding section 211 of the Uniform Relocation and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894) no Federal contribution in addition to shared revenues under this title shall be provided for relocation payments and assistance for those displaced by community development activities assisted under this title.

MATCHING GRANTS

SEC. 312. Rural community development funds may be used by a State or local government as matching shares for Federal grant programs which contribute to rural development.

EFFECTIVE DATE

SEC. 313. The effective date of this Act shall be January 1, 1972.

TITLE IV—TRANSITION

PART A—PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT DEFINITION

SEC. 401. For the purposes of this part, the word "Act" means the Public Works and Economic Development Act of 1965, as amended, 42 U.S.C. §§ 3121–3226.

TERMINATION OF CERTAIN AUTHORITIES

SEC. 402. (a) The authority provided by the Act shall not be exercised after December 31, 1971, except that;

(1) The Secretary of Commerce may:

(A) carry out those commitments, contracts, agreements, and other obligations, including all accounts receivable, made or entered into, and for which funds have been obligated, on or before December 31, 1971, pursuant to authority conferred prior to such date under the Act, including title V thereof: *Provided, however,* That this section shall not be interpreted to prohibit the obligation of funds for construction overruns on projects for which financial assistance, in accordance with the criteria of section 101 of the Act, was approved on or before December 31, 1971;

(B) designate, and terminate the designation of, redevelopment areas satisfying the criterion of section 401(a)(3) of the Act;

(C) exercise the authority conferred by sections 101, 201, 202, 301(a), and 301(b) of the Act with regard to projects, programs, and activities within areas designated under section 401(a)(3) of the Act: *Provided,* That section 301(b) of the Act is amended by striking the words "not to exceed 75 per centum" and inserting in lieu thereof "all or part"; and

(D) exercise the authority conferred by section 301(a) for the purpose of providing technical assistance for the preparation of trade adjustment proposals pursuant to, and the accomplishment of feasibility and related studies under, the Trade Expansion Act of 1962, 19 U.S.C. §§ 1902–1913;

(2) All powers and authorities contained in the Act, including the authority conferred by section 709 thereof, may be exercised to the extent necessary to carry out the authorities referred to in this section, and all duties contained in the Act, including the duty specified in section 707 thereof, shall be undertaken to the extent proper in carrying out the authorities referred to in this section.

(b) All planning grants and administrative expense grants, except grants to organizations or individuals within areas designated under section 401(a)(3) of the Act, which are approved or renewed under section 301(b) of the Act on or before December 31, 1971, or which would ordinarily be renewed after December 31, 1971, but on or before June 30, 1972, shall provide for a termination date no later than June 30, 1972.

TERMINATION OF DESIGNATION

SEC. 403. The designation status of all areas designated under section 102 of the Act, all redevelopment areas designated under the Area Redevelopment Act (42 U.S.C. 2501 et seq.), or under section 401 of the Act except subsection (a)(3) thereof, all economic development districts designated under section 403(a)(1) of the Act, and all economic development centers designated under section 403(a)(2) of the Act, shall be deemed terminated at midnight on December 31, 1971.

TRANSFER OF CERTAIN APPROPRIATIONS

SEC. 404. (a) Notwithstanding any provision of the Act:

(1) Fifty percent of the total appropriation made under the Act, except for title V thereof, for the fiscal year ending June 30, 1972, shall not be obligated after December 31, 1971, and shall be transferred to and merged with the funds authorized under the authority of section 201: *Provided, however,* That an amount of such appropriations as would in the ordinary course of business be obligated after December 31, 1971, for those purposes specified in section 402 hereof shall not be so transferred and shall remain available until June 30, for such purposes; and

(2) The full amount of the remaining fifty percent may be obligated on or before December 31, 1971, but all such amounts as are unobligated prior to such date shall be transferred to and merged with the funds authorized under the authority of section 201.

(b) All collections and repayments deposited on or before December 31, 1971, in the Economic Development Revolving Fund established pursuant to section 203 of this Act shall be transferred to and merged with the funds authorized under the authority of section 201 and all collections and repayments received under the Act after December 31, 1971, shall be deposited in and merged with the funds authorized under the authority of section 201: *Provided, however,* That such amounts shall be retained in the Economic Development Revolving Fund as may be required to pay interest to the Treasury, pursuant to section 203 of the Act, on the amount of loans outstanding under the Act.

CERTAIN PROVISIONS REPEALED

SEC. 405. (a) Effective July 1, 1972, title V of the Act shall be deemed repealed.

(b) The Secretary of Commerce shall, no later than June 30, 1972, assume the administration of projects, the functions, powers, duties, and authorities, and the assets, liabilities, authorizations, apportionments, allocations, appropriations, and records which were, pursuant to title V of the Act and on or before June 30, 1972, undertaken by, vested in, or authorized to, the regional commissions established pursuant to title V of the Act.

(c) Each regional commission shall, prior to June 30, 1972, make such assignments to the Secretary of Commerce as may be necessary to enable him to fulfill his functions under subsection (b).

(d) On January 1, 1972, there shall be transferred to and merged with the funds authorized under the authority of section 201, all balances of appropriations made under the authorization of title V of the Act, unobligated as of such date, except such amounts available under such authorization and appropriation for the administrative expenses of the regional commissions to June 30, 1972.

(e) Notwithstanding section 510 of the Act, each regional commission shall, not later than June 30, 1972, make a comprehensive and detailed report to Congress with respect to such commission's activities during the fiscal year ending June 30, 1972.

PART B—APPALACHIAN REGIONAL DEVELOPMENT ACT OF 1965

DEFINITION

SEC. 406. For the purposes of this part, the word "Act" means the Appalachian Regional Development Act of 1965, as amended, 40 App. U.S.C. §§ 1–405.

TRANSFER OF APPROPRIATION BALANCES

SEC. 407. On January 1, 1972, there shall be transferred to and merged with the funds authorized under the authority of section 201, all balances of appropriations made under the authorizations in sections 201(g) and 401 of the Act, unobligated as of such date, except such amounts available under such authorization and appropriation:

(a) Which are required for programs and projects under sections 202, 203, 204, 205, 211, 212, 214, and 302(a)(2) of the Act, approved by the Commission on or before December 31, 1971: *Provided, however,* That this section shall not be interpreted to prohibit the obligation of funds for construction overruns on projects for which financial assistance was approved on or before December 31, 1971.

(b) Which have been apportioned by the Commission to the States for the Appalachian development highway system in accordance with section 201 of the Act and sections 106(a) and 118 of title 23, United States Code: *Provided, however,* That notwithstanding such sections, funds authorized under section 201 of the Act for the fiscal year ending June 30, 1973, shall not be so apportioned.

(c) Which are required to reimburse States for the Federal share of projects constructed without Federal funds in accordance with section 201(h) of the Act which were approved by the Commission on or before December 31, 1971, and which are in excess of apportionments referred to in subsection (b);

(d) As may be necessary to provide for the administration and monitoring through completion of programs and projects approved by the Commission on or before December 31, 1971, including those for which funds have been apportioned or approved as provided under subsections (b) or (c) herein;

(e) As may be required for:

(1) continuation of operating grants under section 202 of the Act to maintain and continue any demonstration projects for which prior operating grant was approved on or before December 31, 1971; and

(2) grants for administrative expenses of local development districts under section 302 of the Act to maintain such organizations: *Provided, however,* That such district has been certified under section 301 of the Act and a grant for its administrative expenses had been approved on or before December 31, 1971 until such time as the Governor of the State in which such project

or district is located certifies that such project or district can be continued with State or other funds or that it shall not receive further assistance: *Provided, however,* That no such continuation grant or grant for administrative expenses of a district shall provide funds to maintain such project or district beyond June 30, 1972; and

(f) Which have been deposited in the Appalachian Housing Fund pursuant to section 207(d) of the Act. Nothwithstanding any provisions of this Rural Community Development Revenue Sharing Act of 1971, the Secretary of Housing and Urban Development may continue to make loans and grants as authorized in section 207 of the Act, upon applications approved by the Governor of the State or his designee.

APPALACHIAN REGIONAL COMMISSION

SEC. 408. Notwithstanding any other provision of law the Appalachian Regional Commission established pursuant to section 101 of the Appalachian Act, and the Federal participation in, and support of, such Commission, Federal Cochairman and staffs authorized under sections 101, 105, and 106 of such Act, shall continue after enactment of this Rural Community Development Revenue Sharing Act.

CONTINUATION OF AUTHORITIES

SEC. 409. All duties, responsibilities, authorities, and functions vested in the Secretaries of Transportation; Health, Education, and Welfare; Agriculture; Housing and Urban Development; and Labor; and in any other Federal department, agency, or officer under the Act shall, to the extent necessary to effectuate the purposes of this part and section, continue to be vested in such officials or such other officials as may be provided by law or as the President may direct.

PART C—DEPARTMENT OF AGRICULTURE

RURAL ENVIRONMENTAL ASSISTANCE PROGRAM

SEC. 410. No applications for Federal cost-sharing for soil-building and soil- and water-conserving practices under sections 7 to 15, 16(a) and 17 of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. §§ 590g–590o, 590p(a), and 590q), shall be approved after December 31, 1971, and all unused contract authority is rescinded after December 31, 1971.

WATER BANK

SEC. 411. No agreements shall be entered into under the Water Bank Act (84 Stat. 1468).

FORESTRY ASSISTANCE

SEC. 412. No funds shall be paid after December 31, 1971, to States or political subdivisions thereof for forestry and tree planting assistance, as authorized by sections 1, 2 and 4 of the Clarke-McNary Act, as amended and supplemented (16 U.S.C. §§ 564, 565, 565a, 566a and b, and 567) the White Pine Blister Rust Protection Act (16 U.S.C. § 594a), the Forest Pest Control Act (16 U.S.C. §§ 594–1 through 594–5), the Cooperative Forest Management Act, as amended (16 U.S.C. §§ 568c and 568d), and section 401 of the Agriculture Act of 1956, as supplemented (16 U.S.C. §§ 568e–568g).

WATER AND WASTE DISPOSAL SYSTEMS

SEC. 413. No grants shall be made after December 31, 1971, for:

(a) activities authorized in section 306 (a)(2) of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. § 1926(a)(2)); or

(b) preparation of official comprehensive plans for the development of water or sewer systems in rural areas as authorized in section 306(a) (6) of said Act (7 U.S.C. § 1926(a) (6)).

GREAT PLAINS CONSERVATION

SEC. 414. No new contracts shall be entered into under the Great Plains Conservation Program authorized by section 16(b) of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. § 590p (b)), after December 31, 1971.

RESOURCE CONSERVATION AND DEVELOPMENT

SEC. 415. Unless such project measure has been approved on or before December 31, 1971, no financial assistance shall be provided to carry out any project measures under the authority of section 32e of title III of the Bankhead–Jones Farm Tenant Act, as amended (7 U.S.C. §§ 1011e), sections 1–6 of the Soil Conservation Domestic Allotment Act (16 U.S.C. §§ 590a-f), in a resource conservation and development plan developed in the program for land stabilization and land conservation authorized under sections 31 and 32 of title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. §§ 1010 and 1011).

EXTENSION SERVICE

SEC. 416. (a) No payments to States for extension work as authorized by the Smith-Lever Act, as amended (7 U.S.C. §§ 341–349), and sections 204(b) and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. §§ 1623 and 1624), shall be made after December 31, 1971. No payments shall be made by the Secretary after June 30, 1972, for the cost of the employer's share of Federal retirement and for benefits paid from the Employees' Compensation Fund for State cooperative extension employees.

(b) Equipment and other property in the possession of a Land-Grant University which was purchased in whole or part from funds made available for extension work shall remain the property of the University.

(c) The provisions of 39 U.S.C. §§ 4152(a) (F) relating to penalty mail for extension agents and directors are repealed, effective December 31, 1971.

(d) Any person who, by virtue of his position as a cooperative extension employee, currently has coverage under the Federal employees' injury compensation program authorized by 5 United States Code 81, the unemployment compensation program authorized by 5 United States Code 85, the Civil Service Retirement Act, 5 United States Code 83, the Federal Employees' Group Life Insurance Program authorized by 5 United States Code 87, or the Federal Employees' Health Benefits Program authorized by 5 United States Code 89 may continue such coverage if an extension program is continued by the State: *Provided, however,* That beginning on July 1, 1972, the State shall bear the employer's share of the costs of such programs.

LAND STABILIZATION, CONSERVATION, AND EROSION CONTROL

SEC. 417. No agreements shall be entered into under section 203 of the Appalachian Regional Development Act of 1965, as amended (79 Stat. 12), after December 31, 1971.

OUTSTANDING OBLIGATIONS

SEC. 418. (a) The Secretary of Agriculture is authorized to administer and carry out any commitments, contracts, agreements, and other obligations made or entered into under programs or activities terminated by sections 410 through 417 and for which funds have been obligated, on or before the date specified for such termination: *Provided, however,* That in no event shall payments to States for extension work in fiscal year 1972 exceed fifty percent of the appropriations for such purposes.

(b) There are hereby authorized to be appropriated without fiscal year limitation such sums as may be necessary for the purposes of this part for each fiscal year.

(c) Except for appropriations made pursuant to subsection (b), any funds appropriated for any program or activity terminated by sections 410 through 417 which would be used to finance operations which would be carried out if such program or activity had not been terminated, and which remain unobligated on the date specified for such termination shall be transferred and merged with the funds authorized under the authority of section 201.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., April 6, 1971.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: I am transmitting herewith a draft bill to carry out the President's recommendations for a rural community development special revenue sharing program as set forth in his message to the Congress of March 10, 1971.

The President's proposal is designed to give citizens of States and local communities more effective tools and greater financial resources for dealing with rural development problems than in the past. The needs, problems, conditions, and opportunities for promoting economic and social development of rural areas are matters that are of special concern to, and within the particular competence of, those who live in the communities affected. State and local officials, and citizens in the communities involved, are often better able to match resources to problems than are government employees in Washington.

The President's proposal contemplates that in the first year of operation, special revenue sharing funds for rural development would be available in an amount equivalent to $1,100 million on a full-year basis. As the President stated, in his message of March 10, 1971:

"More money, plus more freedom to spend it, plus better planning in doing so, add up to better living for rural Americans and brighter futures for rural communities. Mutual benefits of the urban-rural partnership would be manifest as cities enjoyed the fruits of a healthy agricultural economy and the relief of more evenly distributed population growth, while rural areas felt the effect of new social and economic advantages. Rural and urban communities would no longer siphon off one another's strengths and resources nor shunt problems and burdens from one to the other. They would progress together in a dynamic balance, as partners in the best sense."

I urge that early and favorable consideration be given by the Congress to enactment of the "Rural Community Development Revenue Sharing Act of 1971."

The Office of Management and Budget advises that enactment of this bill would be in accord with the program of the President.

Sincerely,

CLIFFORD M. HARDIN,
Secretary.

SECTION-BY-SECTION SUMMARY OF RURAL COMMUNITY DEVELOPMENT REVENUE SHARING ACT OF 1971

Section 2—Statement of Findings and Purpose

Section 2 provides that Congress finds and declares that in order to provide more effective assistance to rural areas of the Nation for the purposes of stemming outmigration, stimulating and aiding economic development and the creation of job opportunities, providing more and better public works and community development facilities, and assisting in the solution of farm, home, and other community problems, it is necessary to establish a program by which States may share in national revenues; and that in order to implement an effective nationwide rural community development policy and to reallocate development resources, it is necessary to terminate and modify certain Federal development programs.

TITLE I—DEFINITIONS

Section 101—Definitions

Section 101 provides that the definitions contained in the following subsections are applicable for the purposes of this Act.

Subsection (a) provides that the term "rural area" means any county, parish or similar political subdivision which either has a population density of less than 100 persons per square mile or is not included within a Standard Metropolitan Statistical Area.

Subsection (b) provides that the term "rural population" means the total resident population of a rural area.

Subsection (c) provides that the term "rural development" means any program or activity of a State which directly benefits the residents of a rural area within such State, and that the term "rural community development programs and activities," includes, but is not limited to, the promotion, establishment, assistance, improvement, and encouragement of a great number of programs and activities related to rural development.

Subsection (d) provides that the term "rural per capita income" means the average personal income of the rural population of a State.

Subsection (e) provides that the term "fiscal year" means the fiscal year of the United States.

Subsection (f) provides that the word "Secretary" means the Secretary of Agriculture.

Subsection (g) provides that the word "State" means the several States, Puerto Rico, the Virgin Islands, and Guam.

Subsection (h) provides that the word "Governor" means the chief executive officer of each State.

Subsection (i) provides that the term "Attorney General" means the Attorney General of the United States.

Subsection (j) provides that the term "Standard Metropolitan Statistical Area" means such term as defined by the Office of Management and Budget.

Subsection (k) provides that the term "personal income" means such term as defined by the Office of Business Economics of the Department of Commerce, or, as appropriately modified or changed by the Secretary.

Subsection (l) provides that the term "local government" means a municipality, county, or township as defined and used by the United States Bureau of the Census, but does not include school districts or special districts.

Subsection (m) provides that the term "State development plan" means a plan for the expenditure of funds to which a State is entitled under subsections (a) through (c) of section 202.

Subsection (n) provides that the term "State development planning system" includes a State development planning advisory commission, comprised of the Governor and one representative from each government planning board of each multi-jurisdictional planning district within the State, which shall advise the Governor with respect to the formulation of the State development plan. Such planning boards shall be comprised of elected officials from local governments affected and shall have such duties as the Governor may determine. Such multi-jurisdictional planning districts shall encompass the entire geographic area of the State.

Section 102—Data for definitions

Section 102 provides that, where appropriate, definitions in section 101, or the modification thereof, shall be based on the reports of the Department of Commerce or the Office of Management and Budget. The latest published data is to be used in applying these definitions.

TITLE II—RURAL DEVELOPMENT REVENUE SHARING

Section 201—Appropriation Authorization

Section 201 authorizes the appropriation for title II of sums without fiscal year limitation as may be necessary for each fiscal year.

Section 202—State Entitlement

Subsection (a) of section 202 provides that of the amounts provided from appropriations authorized by section 201 for any fiscal year for title II, a minimum of 80% shall be apportioned by the Secretary among the States in accordance with their entitlement as determined by subsection (b) and (c).

Subsection (b) provides that one percent of the moneys apportioned pursuant to subsection (a) shall be divided among the States in equal proportion.

Subsection (c) provides that each State shall be entitled to a portion of the remainder of the moneys apportioned per subsection (a), which portion shall be determined in accordance with paragraphs (1) through (3) below.

Paragraph (1) provides that 50 percent of the remainder shall be distributed according to rural population.

Paragraph (2) provides that 25 percent of the remainder shall be distributed according to rural per capita income.

Paragraph (3) provides that 25 percent of the remainder shall be distributed according to loss of rural population.

Subsection (d) provides that amounts not apportioned pursuant to subsections (a) through (c) and amounts recovered under section 304 may be available for distribution at the discretion of the Secretary.

Subsection (e) provides that, notwithstanding any other provision of the Act, each State is required to use a sufficient portion of the moneys to which it is entitled to carry out an extension program comparable in size and type to the extension program carried out in the State in fiscal year 1971, and that the Cooperative Extension Service shall be permitted to continue 4-H, nutritional aide programs, and other agricultural programs in metropolitan areas.

Subsection (f) provides that until such time as a State is authorized under State law to receive funds and carry out activities as provided by this Act, or, in the event a State refuses to accept such funds, the funds to which such State would have been entitled shall be available for allocation by the Secretary for the purposes of this title.

Subsection (g) provides that the Secretary's determinations under section 202 shall be final and conclusive.

Section 203—State Development Plan

Section 203 provides that commencing with fiscal year 1973 as a condition precedent to receiving entitlements under subsections (a) through (c) of section 202, the Governor of each State shall publish and submit a State development plan, which shall be formulated through the State development planning system or an alternative planning system which assures consultation and coordination with local government. Amendments to such plan may be submitted prior to the end of the fiscal year to which such plan relates. Development plans and amendments thereto shall not be subject to the Secretary's approval.

Section 204—Authorized Expenditures

Section 204 provides that each State is authorized to expend its section 202 entitlement moneys for rural development as defined in section 101(c).

TITLE III—ADMINISTRATION

Section 301—Payments to States

Section 301 provides that the Secretary shall make payments to each State at such intervals and in such installments as he shall determine; that the Secretary shall, with the concurrence of the Director of the Office of Management and Budget, prescribe regulations to avoid inordinate Federal outlays in fiscal years 1972 and 1973 resulting from concurrent disbursements under this Act and certain Federal programs modified or abrogated by title IV of this Act.

Section 302—Records, Audits, and Reports

Subsection (a) of section 302 provides that revenues shared by the States are to be accounted for as Federal funds.

Subsection (b) provides that each State must utilize proper disbursement and accounting procedures, maintain and provide the Secretary with access to, books, documents, records, etc., and make such reports as the Secretary may require.

Section 303—Nondiscrimination

Section 303 provides that shared revenues shall be considered as Federal financial assistance within the meaning of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d).

Section 304—Recovery of Funds

Subsection (a) of section 304 provides that if the Secretary determines, after giving reasonable notice and opportunity for hearing, that a State has failed to comply substantially with the provisions of this Act, he shall: (1) refer the matter to the Attorney General for appropriate civil action; or (2) notify such State that if corrective action is not taken within 60 days of such notice that such State's revenue share will be reduced in the same or succeeding fiscal year by an amount equal to the funds which were not expended in accordance with the Act's provisions; or (3) take such other action as may be provided by law.

Subsection (b) authorizes the Attorney General to seek appropriate court relief with respect to a matter referred to him under subsection (a).

Subsection (c) authorizes a State to file a petition in an appropriate U.S. Court of Appeals to review the Secretary's reduction of such State's revenue share pursuant to subsection (a), and provides rules of procedure and for Supreme Court review with respect to such petition.

Section 305—Advance Payments

Section 305 provides that advance payments to States or political subdivisions thereof made through December 31, 1971, and which are unearned by the close of business on December 31, 1971, shall be either returned promptly to the Federal agency concerned, or offset against the first shared revenues to which the same State or political subdivision thereof becomes entitled under this Act.

Section 306—Powers of the Secretary

Section 306 vests the Secretary with general administrative powers to carry out effectively the provisions of this Act.

Section 307—Agreements Between States

Section 307 gives Congressional consent to cooperation and agreements between States.

Section 308—Report by the Secretary

Section 308 requires the Secretary to make an annual report to the President and the Congress regarding the programs conducted under, and general effectiveness of, this Act.

Section 309—Administrative Expenses

Section 309 authorizes, without fiscal year limitation, such sums as may be necessary to administer title III of this Act.

Section 310—Labor Standards

Section 310 provides that the provisions of the Davis-Bacon Act, relating to the payment of prevailing wage rates, shall be applicable to certain projects assisted by shared revenues under this Act.

Section 311—Relocation Costs

Section 311 provides that no Federal relocation contribution in addition to shared revenues shall be provided to assist those displaced by community development activities under this Act.

Section 312—Matching Grants

Section 312 provides that rural community development funds may be used by States or local government as matching shares for Federal grant programs which contribute to rural development.

Section 313—Effective Date

Section 313 provides that the effective date of this Act shall be January 1, 1972.

TITLE IV—TRANSITION

Part A—Public Works and Economic Development Act of 1965

Section 401—Definition

Section 401 provides that the word "Act" as used in part A means the Public Works and Economic Development Act of 1965, as amended.

Section 402—Termination of Certain Authorities

Subsection (a) of section 402 provides that no authority under the Act shall be exercised after December 31, 1971, except as set forth in paragraphs (1) and (2).

Paragraph (1) provides that the Secretary of Commerce may exercise the authorities set forth in subparagraphs (A) through (D).

Subparagraph (A) provides that he may carry out those agreements and obligations for which funds were obligated on or before December 31, 1971, and may also pay for construction overruns on projects approved prior to such date for which a public works or development facility grant has been provided.

Subparagraph (B) provides that he may designate Indian reservations.

Subparagraph (C) provides that he may provide financial assistance for public works and development facilities, business loans and guarantees, and technical and planning assistance projects located within Indian reservations.

Subparagraph (D) provides that he may provide technical assistance for certain matters related to the Trade Expansion Act.

Paragraph (2) provides that all other authorities under the Act, including the authority to make appropriations where such authority is not otherwise provided, may be exercised to the extent necessary to carry out section 402 and all other duties under the Act, including the duty to make annual reports to Congress, shall be exercised to the extent proper to carry out section 402.

Subsection (b) provides that all planning and administrative expense grants, except those to organizations and individuals on Indian reservations shall provide for a termination date no later than June 30, 1972.

Section 403—Termination of designation

Section 403 provides that the designation of all "Title I" areas, of all redevelopment areas, except Indian reservations, of all economic development districts, and of all economic development centers shall be deemed terminated at midnight on December 31, 1971.

Section 404—Transfer of certain appropriations

Subsection (a) of section 404 provides that fiscal year 1972 appropriations will be treated as described in paragraphs (1) and (2).

Paragraph (1) provides that 50 percent of the total appropriation, except the appropriation for title V, shall not be obligated after December 31, 1971, except to the usual extent for Indian assistance, research, and trade adjustment technical assistance and except to carry out obligations made on or before December 31, 1971, and shall be transferred to and merged with the funds authorized under section 201.

Paragraph (2) provides that the full amount of the remaining 50 percent may be obligated on or before December 31, 1971, but such amount as is unobligated prior to such date shall be transferred to and merged with the funds authorized by section 201.

Subsection (b) provides that all collections and repayments deposited in the Economic Development Revolving Fund on or before December 31, 1971, shall be transferred to and merged with the funds authorized by section 201, except that an amount may be retained in such fund to the extent necessary to pay interest to the Treasury on loans outstanding under the Act.

Section 405—Certain provisions repealed

Subsection (a) of section 405 repeals, as of July 1, 1972, that title of the Act which establishes the regional commissions and sets forth their functions.

Subsection (b) provides that the Secretary of Commerce shall, no later than June 30, 1972, assume the outstanding projects, agreements and other commitments of the commissions, and the authorities which were undertaken by and vested in the Commissions pursuant to the Act.

Subsection (c) provides that the commissions shall make any assignments to the Secretary of Commerce prior to June 30, 1972, as may be necessary to enable him to fulfill the functions described in subsection (b).

Subsection (d) provides that, on January 1, 1972, there shall be transferred to and merged with the funds authorized under section 201, all balances of title V appropriations which are unobligated, except amounts available for administrative expenses of the commissions to June 30, 1972.

Subsection (e) provides that each commission shall make a report to Congress, with regard to fiscal year 1971 activities, not later than June 30, 1972, rather than January 31, 1973, as it provided in the Act.

Part B—Appalachian Regional Development Act of 1965, section 406—definition

Section 406 provides that the word "Act" as used in part B means the Appalachian Regional Development Act of 1965, as amended.

Section 407—transfer of appropriation balances

Section 407 transfers to and merges with the funds authorized under section 201, uncommitted balances of available authorizations and appropriations for the Appalachian Development Highway program and the other Appalachian assistance programs on January 1, 1972, except as provided in the following subsections:

Subsection (a) exempts from the transfer amounts required for grants approved by the Commission before December 31, 1971, under the following sections of the Act: section 202 (demonstration health projects); section 203 (land stabilization and conservation projects); section 204 (timber development); section 205 (mine area reclamation); section 211 (vocational education); section 212 (sewage treatment); section 214 (supplements to other Federal grants); and section 302(a)(2) (research, technical assistance and demonstration projects); and provides, in effect, that funds may be obligated for construction overruns on projects approved before December 31, 1971.

Subsection (b) makes allowance for the fact that under the contract authority provisions applicable to the Appalachian development highway program, authorizations for a fiscal year become available for use in the preceding fiscal year. Since the amounts authorized for the development highway program for fiscal year 1972 have already become available and been apportioned to the States, this subsection provides that such amounts shall not be included in the transfer. Moreover, since the amounts authorized for the highway program for fiscal year 1973 will similarly become available and subject to mandatory apportionment in fiscal 1972, this subsection also provides that the funds authorized for fiscal 1973 shall not be so apportioned.

Subsection (c) makes allowance for the fact that under the Appalachian program, the States are also authorized to pre-finance construction with their own funds and then claim reimbursement from the Federal Government. Thus, this subsection provides that amounts required to meet these commitments on all projects approved before December 31, 1971, under section 201(h) of the Act, shall not be transferred, to the extent such commitments are in excess of the amount apportioned to that State for the highway program.

Subsection (d) provides that amounts necessary to provide for administration and monitoring of projects approved before December 31, 1971, including the highway projects, are excepted from transfer.

Subsection (e) makes allowance for the fact that there is a question whether, under State law, certain types of project applicants will be eligible to receive State funds. Thus, subsection (e) excludes from the transfer, amounts necessary for continuing operating grants under section 202 and for administrative expenses of local development districts under section 302 of the Act. The purpose is to permit funding of these demonstration projects and local development organizations to continue for an additional six months through June 30, 1972, in order to give the State sufficient time to enact enabling legislation or take such other action as may be necessary to make such grantees eligible for State funds.

Subsection (f) exempts from the transfer funds which have been deposited in the Appalachian Housing Fund, and authorizes the Secretary of Housing and Urban Development to continue to make loans and grants under section 207 of the Act.

Section 408—Appalachian Regional Commission

Section 408 provides for the continuation of Federal administrative support for the Appalachian Regional Commission and staffs.

Section 409—Continuation of Authorities

Section 409 provides for the continuation of duties vested in the Secretaries of Transportation Health, Education and Welfare; Agriculture; Housing and Urban and Urban Development; and Labor; and other Departments to the extent necessary to carry out this Act.

Part C—Department of Agriculture

Section 410—Rural Environmental Assistance Program

Section 410 provides that no application for federal cost sharing for soil-building and soil and water conserving practices under sections 7 to 15, 16(a), and 17 of the Soil Conservation and Domestic Allotment Act shall be approved after December 1, 1971, and that unused contract authority is rescinded after December 31, 1971. The annual program under this legislation has normally been carried out over an 18-month period beginning July 1 of the calendar year. The program for 1972, however, would be limited to those persons whose applications were approved no later than December 31, 1971; no applications for program participation could be approved under this provision after that date.

Section 411—Water Bank

Section 411 provides that no agreements shall be entered into under the Water Bank Act.

Section 412—Forestry Assistance

Section 412 provides that after December 31, 1971, no funds shall be paid to States or political subdivisions thereof under existing Federal programs for cooperative forest management, fire protection, production and distribution of forest tree seeds and nursery stock, forest pest control, and tree planting. Except, however, for the payment of such funds to States and political subdivisions thereof, the Secretary of Agriculture's authority to give forestry assistance under the statutes specified in section 412 is unaffected.

Section 413—Water and Waste Disposal Systems

Section 413 terminates as of the end of the calendar year 1971 the authority of the Secretary of Agriculture under section 306(a) (2) of the Consolidated Farmers Home Administration Act of 1961 to make grants to public and quasi-public bodies and nonprofit associations for the construction of water and waste disposal facilities in rural areas and under section 306(a)(6) of the same Act to make grants for the preparation of official comprehensive plans for the development of water and sewer systems in rural areas.

Section 414—Great Plains Conservation

Section 414 would prohibit the Secretary of Agriculture from entering into any new contracts with producers under the Great Plains Conservation Program after December 31, 1971.

Section 415—Resource Conservation and Development

Section 415 prohibits assistance for those projects that have not been approved on or prior to December 31, 1971, under section 32e of Title III of the Bankhead-Jones Farm Tenant Act or sections 1–6 of the Soil Conservation Domestic Allotment Act, in a resource conservation and development plan developed in the program for land stabilization and land conservation authorized under sections 31 and 32 of Title III of the Bankhead-Jones Farm Tenant Act.

Section 416—Extension Service

Subsection (a) of section 416 provides that no payments to States shall be made for extension work as authorized by the Smith-Lever Act or the Agricultural Marketing Act of 1946 after December 31, 1971. It further provides that no payments shall be made by the Secretary after June 30, 1972 for retirement costs and to the Employees' Compensation Fund for State cooperative extension employees.

Since the District of Columbia is not included in the definition of "State", the effect of section 416(a) would be to continue the statutory authority to finance the Federal share of the District of Columbia extension program.

Subsection (b) provides that equipment in the possession of the Land-Grant Universities which was purchased from funds made available for extension shall remain the property of the University.

Subsection (c) provides that the authority relating to penalty mail provisions for extension employees is repealed, effective December 31, 1971.

Subsection (d) provides for the retention by cooperative extension employees of coverage under the Injury Compensation Program, the Unemployment Compensation Program, the Federal Retirement Program, the Federal Employees' Group Life Insurance Program and the Federal Employees' Health Benefits Program if the State continues an extension program. The State would be required to bear the employer's share of the costs of such programs after July 1, 1972.

Section 417—Land Stabilization, Conservation and Erosion Control

Section 417 provides that no agreements under section 203 of the Appalachian Regional Development Act of 1965 would be entered into after December 31, 1971.

Section 418—Outstanding Obligation

Subsection (a) of section 418 authorizes the Secretary of Agriculture to carry out commitments, contracts, and other obligations entered into under programs or activities terminated by sections 410 through 417 and for which funds have been obligated on or before specified termination dates, and provides that in no event shall payments to States for extension work in fiscal year 1972 exceed 50 percent of the appropriations for such purposes.

Subsection (b) authorizes appropriations without fiscal year limitation necessary to carry out part C.

Subsection (c) provides that except for appropriations made pursuant to subsection (b), any funds appropriated for any program or activity terminated by sections 401–417 which would be used to finance operations which would be carried out if such program or activity had not been terminated and are not obligated on the date specified for such termination, shall be transferred to and merged with the funds authorized under section 201.

MESSAGE FROM THE PRESIDENT

To the Congress of the United States:

I am today proposing a new program of Rural Community Development through revenue sharing—the fourth of my six Special Revenue Sharing proposals. I have spoken of revenue sharing as a new partnership between the Federal Government and the State and local governments within our federal system. The proposal I am advancing today would use that essential government partnership to strengthen an equally essential social and economic partnership between rural America, where the farms that feed us and the great open spaces that renew our spirit are found, and urban America, where the majority of our people and the greater share of our wealth are concentrated. Rural Americans deserve a full share in the nation's prosperity and growth, just as urban Americans deserve cities that are livable and alive. Both objectives are attainable—and rural development revenue sharing, linked to urban development revenue sharing by the comprehensive planning proposal also put forward in this message, could be a giant step toward them.

RURAL AMERICA IN TRANSITION

Rural America begins with farm America. Agriculture was America's first industry, and it remains one of the keystones of our national economy today. It has made Americans the best-fed people in history, and now exports the produce of one-fourth of its acreage to help feed the world. American farmers have led all sectors of the economy in annual increases in productivity for most of the years in this century. This Nation's farms are among our most efficient producers, and they are of central importance to a strong future for rural America.

Yet, there is sharp irony in this success. Ever more fruitful, American agriculture has required fewer people every year to produce food and fibers for our people, and to supply the expanding export market for our commodities abroad.

Hence the departure of people from farms began to swell as farming grew more mechanized, efficient, and large-scale. Americans living on farms numbered more than 30,000,000 in 1940; today that figure is only about 10,000,000. Once the farm people had left their homes—often the homes of generations in their families—the opportunities often did not exist in rural America to keep them close to those roots. While some jobs began to open up in agricultural service, supply, and processing enterprises, usually known as "agri-business," the number of openings was not nearly enough to match the number of people cast adrift by technological progress.

Migration began toward where people thought opportunities existed—the cities. Not only were there more jobs in the cities, but they paid more. For most decades in this century, the gap between median income in the cities and that in non-metropolitan areas has been wide. Even though income gains outside the metropolis have been almost half again as great as those in the cities during the last decade, median family income in non-metropolitan areas is still 22 percent below that in metropolitan areas.

While the people who have been leaving rural America by the millions have often improved their own and their families' situations by leaving, the trend they represent has had several disturbing effects.

First, in rural America itself, the loss in human resources has compounded the problems of diversifying the economy and fostering a vigorous and progressive community life. Those who have chosen to stay have found it harder and harder to pay for and provide services such as good schools, health facilities, transportation systems, and other infrastructure attractive enough to keep people *in* rural America, or to lure jobs and opportunity to rural America. Many of the small towns which dot the countryside have to struggle for existence; they often have difficulty attracting good school-teachers or physicians; many fight stagnation while most of the economy is expanding; they cannot give the older, the disadvantaged, the less educated people needed assistance and care.

THE URBAN STAKE IN RURAL DEVELOPMENT

At the same time the urban effects of migration have been profound. While the explosive growth in the proportion of Americans living in cities has not been fed solely by the influx of people from rural America—immigration from other countries has also been massive—the millions who have moved from the South and the Midwest to the North and the West have been a major factor in making a nation that was 75 percent rural a century ago, 73 percent urban today.

Many of these people pouring into the cities in search of opportunity have experienced difficulties in adapting to urban life and have required supportive services. Some made the transition successfully—but others have remained tax users rather than taxpayers.

Furthermore, the very size and density of many of our largest cities has produced new problems; whereas in the most rural areas it is hard to achieve economies of scale in public activities, the most heavily urban areas have grown far past the size range in which a community can function most economically. It often costs far more per capita to provide essential services, such as police protection, sanitation collection, and public transportation in our dense urban areas than in less congested smaller and medium-sized cities. Many of our cities have, in short, become inefficient and less and less governable. At times, this has led to near-paralysis of public services in our largest cities. Current trends indicate that unless there is a marked shift in public and private attitudes, the increase of population in and around our great metropolitan centers will continue, and the problems of urban management will be further aggravated.

In addition, by even conservative estimates, there will be some 75 million additional Americans by the end of the twentieth century. Whether this growth is beneficial or burdensome depends on our foresight in planning and preparing for it—a process that must begin now and must take a broader view than merely feeding the expansion of the megalopolis.

As never before, the Nation is beginning to see that urban America has a vital stake in the well-being and progress of rural America. This is one Nation, and for the good of all Americans we need one national policy of balanced growth.

FEDERAL RESOURCES FOR RURAL DEVELOPMENT

For the sake of balanced growth, therefore, but even more for the sake of the farmer and all his neighbors in rural America—first-class citizens who deserve to live in first-class communities—I am proposing that the Federal Government *re-think* America's rural development needs and *rededicate* itself to providing the resources and the creative leadership those needs demand.

It takes many different kinds of activities to create rural development—to create opportunity. One must start with the individual—his education, his skill training, and his health. Next the individual needs to be linked to resources and markets through transportation. Public sector infrastructure such as water and sewers is needed to encourage industry to locate in new areas. The environment is also becoming an increasingly important factor in industrial locations.

Essentially what I am proposing is to unite the funding for a number of programs operating directly in rural areas and smaller cities into a Rural Community Development Revenue Sharing Program, to add $179 million to that fund, and then to bolster this effort with new initiatives in critically related areas, such as health and welfare reform.

The following chart shows the programs which I propose to combine into the Rural Development Revenue Sharing Program:

PROGRAMS COMBINED UNDER RURAL DEVELOPMENT REVENUE SHARING

General

New Money $179 Million
Title V Regional Commissions
Appalachian Regional Commission
Economic Development Administration
Resource Conservation and Development Program

Education

Cooperative Agricultural Extension Service

Water and sewer

Rural Water and Waste Disposal Grants

Environment

Rural Environmental Assistance Program
Forestry Assistance Grants
Great Plains Agricultural Conservation Program
Water Bank Program

Altogether, the eleven programs listed above are spending $921 million in Fiscal 1971.

But much more is needed to extend to rural Americans the full share of national prosperity and the full participation in the rich benefits of our society, which they rightly deserve. Much more would be done if the Congress acts to set in motion the broad strategy for accelerated rural development which I have placed before it in recent weeks.

Rural communities throughout the nation would share in the $5 billion of General Revenue Sharing which I have proposed. Rural communities would receive direct assistance in building their human resources, their social services, and their economic base through my Special Revenue Sharing proposals for manpower, education, transportation and law enforcement. My proposals for improving our system of health care include Area Health Education Centers to be located in rural areas and financial incentives for doctors and providing medical care in scarcity areas. My welfare reform proposals would have immediate and dramatic effects on rural poverty: in the first year nearly $1 billion in new cash benefits would go into rural areas to add to the income of the millions of rural Americans who are poor or underemployed.

To unify and consolidate the rural development effort in each State—I am today proposing that the Federal Government establish a $1.1 billion fund to be shared among all the States for fully discretionary spending to meet their rural needs and accelerate their rural development. This would be accomplished by combining programs which I listed above into a new program of Special Revenue Sharing for Rural Community Development, and by increasing their present annual funding of $921 million by $179 million during the first year.

HOW REVENUE SHARING WORKS

Beginning January 1, 1972, these funds would be paid out to the States and to Puerto Rico, the Virgin Islands, and Guam, in regular installments on a formula basis, according to an index of need based on three factors: the States rural population, the State's rural per capita income compared to the national average of per capita incomes, and the State's change in rural population compared to the change in population of all States. All 53 recipients would share equally in 1 percent of the funds. Every State would receive at least as much from Special Revenue Sharing for Rural Community Developument, as it now receives from the eleven existing rural assistance programs combined.

This proposal recognizes that patterns of development potential vary widely within the different States and seldom conform neatly to intra-State governmental jurisdictions. It therefore imposes no Federally dictated distribution of shared revenues within the States. Neither would it require matching or maintenance of effort spending by a State in return for the shared rural development funds. Indeed the shared funds could if necessary be used to match other Federal grants-in-aid for rural assistance. But there would be a firm requirement that all rural community development funds be spent for the direct benefit of *rural people.* The funds could be spent for any of the purposes now authorized under the existing aid programs, including the option of direct grant assistance to private firms which locate in rural communities.

Rural areas would be defined in this Act as counties with a population density less than 100 people per square mile, and all other counties, regardless of population density, which are not included in one of the 247 Standard Metropolitan Statistical Areas (SMSAs) which the U.S. Census Bureau defines around cities of 50,000 or more.

I will also propose $100 million in additional non-formula funds for the Urban Community Development Special Revenue Sharing program, to assist those smaller cities of population between 20,000 and 50,000 which have been receiving grant assistance from the Department of Housing and Urban Development but which would not now be eligible for a formula share of Urban Community Development Revenue Sharing. The Secretary of Housing and Urban Development would administer this fund on a discretionary basis. Such communities would thus be eligible for funds from both the urban and rural revenue sharing programs—as they should be, since many communities of this size have not only urban problems and needs but also strong rural development potential as economic and social opportunity centers for nearby rural counties. The same overlap would be true as well of some of the smaller and less densely populated Standard Metropolitan Statistical Areas which have less than 100 people per square mile, and thus qualify for both formula grants under Urban Community Development Special Revenue Sharing, and use of funds from the Rural Community Development Special Revenue Sharing.

The Act would apply the requirements of Title VI of the Civil Rights Act of 1964 to prohibit discriminatory use of the Federal money.

BUILDING ON SUCCESS

Conversion of the existing categorical aid programs for agriculture and development into Special Revenue Sharing for Rural Community Development is a logical evolution in line with the history of these efforts and consistent with their basic purposes.

Over a number of years the Department of Agriculture has been moving to make its assistance to farmers and rural residents more effective and flexible by a steady process of decentralization. Placing these programs fully in the hands of the States is just one more step in sharpening their ability to deliver the services they were designed to provide. Whether the transfer will be beneficial and the transition smooth is a question to which the example of the Cooperative Extension Service may provide a partial answer. The States are ready to take charge of the Extension Service, which they already largely administer and which all States now fund above the present Federal contribution.

In the case of EDA, the Appalachian Regional Commission and the Title V Commissions, revenue sharing in superseding them would actually incorporate the coordinated development approach that has made them successful, at the same time it removed some of the Federal "fences" that may have restricted their activities unduly in the past. The grass roots planning process which has proved itself under the Appalachian Regional Commission is carried over into the statewide development plan I am now proposing for *all* States under rural and urban development revenue sharing. Close account would be taken of the human factor and of the continuity of on-going development efforts as the program transition is effected. Counties that have launched projects under the Appalachian Regional Commission, for example, would continue to receive adequate funding to make good on the money already obligated for such projects.

With revenue sharing, therefore, as with all change, there would be adjustments to make but great benefits to be gained. Every single activity now carried on under the Commissions and categorical programs could be continued in any State whose own people decide it is worth continuing. The farm, forest, and conservation programs that have succeeded in the past could go right on doing so—and freed of Federal restrictions, they could probably reach out further and keep better pace with changing needs and technologies. In each instance the people of the State would make the decision.

STREAMLINING THE RURAL ASSISTANCE EFFORT

What Special Revenue Sharing for Rural Community Development *would* do is to remove many of the negative and inhibiting side effects which now plague rural assistance as a result of categorical narrowness, lack of coordination, and excessive Federal involvement. *By combining these programs we could produce a new whole significantly greater than the sum of the present parts.* It is worthwhile here to discuss some of the problems that would be eliminated—principally inflexibility, priority distortion and flawed accountability.

Inflexibility: As well-intentioned as past rural development efforts have been, strict Federal eligibility rules have often stood in the way of fair sharing of all the Federal resources for rural development, or have made it difficult for States and localities to do what they must to attract industry and services. For instance, many parts of the Midwest, which experienced some of the heaviest rural outmigration in the Nation during the 1960's, still do not qualify for Economic Development Administration grants.

In other cases Federal standards have acted to bar aid from those communities in a region where it could do the most good. Experts in rural development feel that the most leverage is achieved by reinforcing healthy development trends, rather than fighting them—that is, by concentrating aid in these smaller and medium sized cities of a rural area which have shown strength and effort in attracting industry. Every area of rural America has such centers of potential growth. Using government assistance to strengthen their development trends could make the difference in attracting new job-producing industry and expanding employment opportunities for rural people living in the surrounding counties. It could also help these communities attract doctors, teachers and others whose services are so needed in or near rural areas. Yet current Federal program restrictions, by and large, do not permit aid to be used this way, because of a "worst-first" criterion which often puts funds into areas that lack the development potential to help either themselves or others near them—rather than using funds to open up new opportunities regionally so that benefits flow out to low-potential areas nearby.

Distortion of State Budgets: Narrow Federal project definitions can force States and localties to spend scarce revenues on "matching shares," urgent community priorities aside, or risk the loss of Federal funds. Once begun, a Federal project may demand additional local spending, beyond the matching money, for support facilities to tie the project into community usefulness.

Flawed Accountability: The quasi-governmental agencies which often exercise a determining influence on the conduct of these programs tend to obscure and fragment responsibility for decisions made and therefore to subvert the democratic accountability of elected officials. Regional commissions, comprised of a Federal Co-chairman and Governors from member States, take part in many program and planning decisions which really affect only one Governor's State. Too often the Federal officials responsible for rural assistance are geographically distant, and the local, State or multi-State institutions that have a say are politically insulated or remote.

THE STATEWIDE DEVELOPMENT PLAN

Special Revenue Sharing for Rural Community Development would be administered initially by the Secretary of Agriculture; eventually both this program and the urban community development program would come under the direction of the Department of Community Development whose formation I have proposed. In addition to paying out each year's rural development funds to the States and territories, the Secretary of Agriculture would stay abreast of rural development aspects of the statewide development plans which each Governor would file with him annually.

The statewide planning process which would help States and localities coordinate activities carried on under both urban and rural community development revenue sharing will be established in legislation that I will submit shortly. It would require annual preparation of a comprehensive statewide development plan outlining spending intentions for programs in metropolitan, suburban, smaller city, and rural areas alike. The $100 million Planning and Management Assistance program which I proposed in my message to the Congress on Urban Community Development Revenue Sharing would provide funds which States and local jurisdictions could use in this planning process.

The Governor of each State would be given the responsibility for drawing up the statewide development plan. Formation of the plan would be based on a consultative process which considers plans submitted by State-established, multi-jurisdictional planning districts covering all areas of the State. Planning bodies of these districts would be composed of local elected officials. One member from each of the district planning bodies would sit on a panel which would assist the Governor in the planning process. The Secretaries of Housing and Urban Development and Agriculture could accept an alternative consultative process proposed by the State.

The completed plan would be filed with the Secretaries of Agriculture and of Housing and Urban Development—not for their approval, but as a declaration of intend; a Governor could amend his plan by letter during the course of a year.

The process of developing the statewide plan would focus official concern and public attention upon the inter-relationship of urban and rural community development within the State. The plan could identify potential growth areas, potential new community development sites, and environmentally imoprtant areas. It should seek to integrate all important community development factors, including land use.

All the money a State receives under Special Revenue Sharing for Rural Community Development would have to be spent for the benefit of persons in rural areas as outlined in the statewide plan. A State could of course also supplement its own rural development activities with money received under General Revenue Sharing and under other Special Revenue Sharing programs within program definitions. The Secretary of Agriculture would conduct an annual post-audit of State rural development activities, with payment of the next year's rural revenue sharing funds conditional upon State compliance with rural development spending plans for the year past.

THE LOGIC OF RURAL DEVELOPMENT REVENUE SHARING

To review briefly:

The major challenge facing rural America is to diversify its economy and to provide full opportunity for its people to enjoy the benefits of American life. Meeting this challenge will enhance the quality of life for those who remain to operate the nation's family farms and for all their neighbors in the small towns and countryside of America. As a secondary effect—like upstream watershed management for downstream flood control—meeting the rural challenge will also help to relieve the overburdened urban structure by stemming rural outmigration and attracting a share of future growth to rural communities.

The key to a rural development strategy is my proposal for $1.1 billion in Special Revenue Sharing for Rural Community Development—money which all States and territories would share and which they could spend in their rural areas as they deem wisest. Other proposed Federal assistance for rural America includes part of the $5 billion General Revenue Sharing program and part of five Special Revenue Sharing programs, as well as the benefits of a reformed welfare system and an improved health care system.

At the core of rural development revenue sharing would be eight agricultural grant programs and three broad development assistance programs now in being. Consolidating them, the revenue sharing approach would build on decentralizing trends in the agricultural programs and on the multi-State, State, and multi-county development planning experience accumulated under EDA and the regional commissions. It would do away with narrow aid categories, spending restrictions, duplication, and red tape now surrounding these programs. It would make the money now devoted to them go further and would provide more money.

Existing programs and development projects could continue or not at the discretion of each State, and the right of choice would rest close to the rural people at whom the aid is directed. A statewide planning requirement with a broadly representative input would promote coordinated development of a sort not now approached and would insure that all areas of the State have a voice in the planning process; but in no case could rural development revenue sharing money be diverted from rural needs.

URBAN-RURAL PARTNERSHIP

More money, plus more freedom to spend it, plus better planning in doing so, add up to better living for rural Americans and brighter futures for rural communities. Mutual benefits of the urban-rural partnership would be manifest as cities enjoyed the fruits of a healthy agricultural economy and the relief of more evenly distributed population growth, while rural areas felt the effect of new social and economic advantages. Rural and urban communities would no longer siphon off one another's strengths and resources nor shunt problems and burdens from one to the other. They would progress together in a dynamic balance, as partners in the best sense.

RICHARD NIXON.

THE WHITE HOUSE, *March 10, 1971.*

RURAL COMMUNITY DEVELOPMENT REVENUE SHARING

HOLD HARMLESS BASE LINE

Definition

Each State's historical average share was calculated by adding together the obligations of the programs converted to Rural Community Development Special Revenue Sharing for that State during the period of 1967–70 inclusive and dividing by the sum of obligations for these programs of the States during the same period.

Each State's "Hold Harmless" base line was calculated by multiplying the State's historical average times the obligations expected to be allocated to all of the States in 1971—$908,311,000. This procedure was used because in some programs the obligations to States are for specific projects rather than for support of services, and therefore, in some years certain States received large amounts of funds and in other years their funding is small. To pick any one year as a base line would penalize some States and give other States undue advantage. The averaging effect of the four-year period ameliorates any inequities.

Sources of data

U.S. Department of Agriculture, Division of Budget and Finance.

U.S. Department of Commerce, Division of Budget and Finance.

Appalachian Regional Commission, Division of Budget and Finance.

RURAL COMMUNITY REVENUE SHARING ALLOCATION

Formula used

Of the amounts appropriated for any fiscal year a minimum of eighty percent shall be apportioned by the Secretary of Agriculture among the States.

One percent of the amount to be apportioned shall be divided among the States in equal proportion.

Each State shall be entitled to a portion of the remainder of the amount required to be apportioned, and that portion shall be determined as follows:

Each State shall receive an amount equal to fifty percent of the remainder multiplied by a fraction the numerator of which is the rural population of the State at the most recent point in time for which appropriate statistics are available and the denominator of which is the sum of the rural populations of all States at the same point in time;

Each State shall receive an amount equal to twenty-five percent of the remainder multiplied by a fraction the numerator of which is the average of per capita incomes of all the States at the most recent point in time for which appropriate statistics are available less the rural per capita income of the State at the same point in time, such difference to be multiplied by the rural population of the State at the same point in time, and the denominator of which is the sum of the positive differences for each State multiplied by that State's rural population: Provided, however, that if the rural per capita income of a State is greater than the average of per capita incomes of all the States, the differences stated above shall be considered zero; and

Each State shall receive an amount equal to twenty-five percent of the remainder multiplied by a fraction the numerator of which is the percentage change in population of all the States less the percentage change in rural population of the State, such difference to be multiplied by the rural population of the State during the most recent and appropriate time period for which statistics are available, and the denominator of which is the sum of the positive differences for each State multiplied by that State's rural population: Provided, however, that if the percentage rate of change of rural population of a State during such period is greater than the percentage rate of change of the populations of all States during the same period, the differences stated above shall be considered zero.

Discretionary allocations

An amount up to 20 percent of the fund may be allocated at the discretion of the Secretary of Agriculture.

NOTES

All computations and determinations by the Secretary of Agriculture are final and conclusive.

RURAL COMMUNITY DEVELOPMENT REVENUE SHARING

[In thousands of dollars]

State	Hold harmless baseline	RCDRS allocation
Alabama	30,717	31,622
Alaska	6,005	6,005
Arizona	4,643	8,051
Arkansas	20,033	23,654
California	27,846	28,582
Colorado	10,157	10,157
Connecticut	3,007	3,633
Delaware	936	1,425
Florida	9,103	21,625
Georgia	37,549	37,549
Hawaii	927	1,876
Idaho	4,688	8,091
Illinois	22,786	29,853
Indiana	11,366	21,834
Iowa	14,554	28,626
Kansas	12,401	20,204
Kentucky	65,577	65,577
Louisiana	12,419	22,720
Maine	6,987	10,682
Maryland	12,701	12,701
Massachusetts	6,278	6,278
Michigan	16,808	21,082
Minnesota	16,153	29,529
Mississippi	33,624	34,608
Missouri	18,788	28,560
Montana	8,767	8,985
Nebraska	10,557	13,300
Nevada	1,590	3,306
New Hampshire	2,389	4,574
New Jersey	8,340	13,424
New Mexico	7,404	11,275
New York	43,364	43,364
North Carolina	36,450	47,309
North Dakota	9,667	10,289
Ohio	35,659	35,659
Oklahoma	22,141	22,675
Oregon	8,395	9,981
Pennsylvania	46,643	46,643
Rhode Island	1,726	1,726
South Carolina	21,314	26,286
South Dakota	7,550	9,947
Tennessee	42,555	42,555
Texas	45,499	51,113
Utah	5,351	5,351
Vermont	3,044	3,700
Virginia	24,730	26,976
Washington	11,756	11,756
West Virginia	65,177	65,177
Wisconsin	13,455	22,637
Wyoming	3,670	5,699
Guam	9	1,314
Puerto Rico	15,000	25,872
Virgin Islands	55	1,051
Total allocated	908,311	1,086,467
Unallocated discretionary amounts		13,533
Total	908,311	1,100,000

Note: Totals may not be exact due to rounding.

FACT SHEET—RURAL COMMUNITY DEVELOPMENT REVENUE SHARING ACT OF 1971

The purpose of the proposed Rural Community Development Special Revenue Sharing is to provide more effective assistance for rural community development, by making available funds to the States in a flexible manner.

Rural development sharing payments.—The bill authorizes the Secretary of Agriculture to make payments to States from appropriations made for rural development revenue sharing. The amount of payment which each State is entitled to receive is determined by a formula based upon the rural population, rural per capita income, and change in rural population of the State. The payments are made to the States by the Secretary at such intervals and in such installments as he may determine.

Funds available to each State under this program will at least equal funds which have been available to that State under the Federal programs converted to Rural Community Development special revenue sharing.

Authorized expenditures.—Each State plus Puerto Rico, Virgin Islands, and Guam is entitled to expend its payments for any program or activity which directly benefits the residents of one or more rural areas within the State. Rural areas are defined as counties or similar political subdivisions which either have a population density of less than 100 persons per square mile or are not included within a Standard Metropolitan Statistical Area. Counties eligible for rural special revenue sharing expenditures exceed 2800.

Activities which may be supported with revenue sharing funds include all those conducted under the Federal programs converted to revenue sharing, plus such other activities as the State may designate—including direct financial incentives to private enterprise, agricultural, commercial, and industrial. The limiting factors are that the activities must benefit the State's *rural* residents as defined in the legislation and be spent according to the State Plan.

SOURCE OF FUNDS

General:	*In millions*
New money	$179
Title V regional commissions	38
Appalachian Regional Commission	278
Economic Development Administration	227
Resource conservation and development program	44
Education:	
Cooperative agricultural extension service	149
Water and sewer:	
Rural water and waste disposal facilities grants	42
Environment:	
Rural environmental assistance program	140
Forest Service grants	21
Great Plains conservation program	11
Water bank program	10
Tree planting assistance	1
Total (billion)	1.1

ADMINISTRATION

Initially, the Secretary of Agriculture will administer Rural Community Development Special Revenue Sharing, but it is contemplated that with the creation of the proposed Department of Community Development, that Department would administer both Rural and Urban Community Development Special Revenue Sharing.

PLANNING REQUIREMENTS

As a condition of receiving funds under the program, each State would be required to prepare and file with the Secretaries of Agriculture and HUD a statewide development plan outlining spending intentions for programs in metropolitan, suburban, smaller city and rural areas alike. The plans would not require Federal approval. The principal purpose is to focus state attention on the inter-relationship of urban and rural community development and encouraging a coordinated planning process within the State. The plans would be developed by the governor in consultation with multi-jurisdictional planning districts throughout the State, composed of elected officials, and an advisory panel consisting of an elected official from each planning district. An alternative consultation process can be suggested by the States.

No matching requirements.—There are no matching requirements for rural revenue sharing payments. Payments received by a State may be used to pay up to 100 percent of the cost of rural development programs and activities. Moreover, the payments may be used to meet matching share requirements of remaining Federal categorical grant programs which contribute to rural development.

No maintenance of effort requirement.—The legislation does not include a maintenance of effort requirement. The States are not therefore compelled to use rural revenue sharing payments for programs for which Federal funds incorporated in rural revenue sharing were previously used.

Fiscal control and audit.—The legislation requires the States to use such accounting procedures and make such reports as the Secretary may require. The legislation also requires the Secretary to audit annually each State that receives funds under the Act and authorizes him to make recommendations concerning future rural development special revenue sharing legislation and programs.

Civil rights.—The requirements of title VI of the Civil Rights Act of 1964 which prohibit discrimination in Federally-assisted programs would be made specifically applicable to rural revenue sharing payments.

EXHIBIT 2

RURAL REVENUE SHARING

(Statement of Senator DOLE)

Mr. President, I am pleased to join with my colleagues in cosponsoring the President's rural revenue-sharing proposal. When President Nixon sent his message on rural revenue sharing to Congress, he said, "The major challenge facing rural America is to diversify its economy and to provide full opportunity for its people to enjoy the benefits of American life. He continued saying that "meeting this challenge will enhance the quality of life for those who remain to operate the nation's family farms and for all their neighbors in the small towns and countryside of America."

The thrust of all the President's innovative revenue sharing proposals is to give the state and local governments more responsibility for planning, developing and implementing programs that directly affect them rather than continuing to build on the existing over-burdened, uncoordinated and unstructured maze of programs administered by the federal government. At its best, the present system is very cumbersome and difficult for local officials to understand and as a result, many Americans have lost faith in the ability of our government to respond to their needs.

Mr. President, as a member of both the subcommittee on rural development of the Senate Agriculture and Forestry Committee and the Subcommittee on Economic Development of the Senate Committee on Public Works, I am in the unique position of being able to see the problems of rural America from my responsibilities on two committees. The subcommittee for economic development has been holding hearings throughout the country to explore new approaches to community development. During these hearings, we found bi-partisan support for President Nixon's revenue-sharing proposals. Governors, county commissions, mayors and city councilmen repeatedly endorsed the idea of allowing state and local officials to determine their own priorities. In addition, the rural development subcommittee has scheduled hearings in Washington and throughout the nation to review the present rural development programs to determine the need for additional legislation.

Mr. President, the bill Senator Miller introduced today contains the President's proposal to share Federal funds with the State and local governments for rural development. With this legislation, decisions can be left to State and local officials. State governments will administer programs of real value to its own State and not be clouded by the diverse needs of the 50 States. State governments will be charged with submitting a plan describing how these rural revenue funds would be spent in rural areas. The only requirements for the States contained in this legislation are that the funds be spent according to the plan developed by the State for rural areas and that the extension service program be maintained at least at the 1971 level. The Congress may want to establish criteria for these State plans and a system for Federal approval to insure compliance. This approach would surely be more responsive to the needs of the people than the present system.

Planning for water districts and waste disposal systems would no longer be delayed by Washington red tape. Conservation projects through the great plains conservation program, forestry assistance and tree plantings could all be adapted to cover the local needs for these projects. Close coordination of resources, conservation and development projects could be effected and bring about more prompt implementation of their objectives. The rural environmental adjustment program (REAP also could more efficiently satisfy the particular demand for conservation practices that will assure abatement of pollution from agricultural sources. In addition, REAP could more readily be consolidated with other programs especially designed to cover the needs of farmers of that State.

Statements have been made that State and local governments are not capable of administering these revenues, that abuse and misappropriation will become common place when the Federal money is distributed through this program. But as President Nixon pointed out, control could be more rapidly effected over State or local government officials through the democratic process than is presently the case with the Federal bureaucracy.

When fully considered, it is evident that this legislation will provide a great assistance to rural development hopes and plans for this Nation.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 34

At the request of Mr. Kennedy, the Senator from Oregon (Mr. Hatfield) was added as a cosponsor of S. 34, the Conquest of Cancer Act.

S. 295 AND 296

At the request of Mr. Kennedy, the Senator from Connecticut (Mr. Ribicoff), the Senator from Utah (Mr. Moss), and the Senator from South Carolina (Mr. Hollings) were added as cosponsors of S. 295, the National Transportation Trust Fund bill; and the Senator from Maine (Mr. Muskie) was added as a cosponsor of S. 296, the Fishery Products Protection Act of 1971.

S. 571

At the request of Mr. Pearson, the Senator from Minnesota (Mr. Humphrey) and the Senator from Nevada (Mr. Bible) were added as cosponsors of S. 571, a bill to amend the Federal Meat Inspection Act relating to the importation of meat and meat products into the United States.

S. 856

Mr. ROTH. Mr. President, I am pleased to cosponsor with the senior Senator from Florida (Mr. Gurney) a bill, S. 856, that would establish "Motor Vehicle Disposal Assistance" in each of the 50 States, Puerto Rico, Guam, American Somoa, the Virgin Islands, and the Canal Zone.

We have a bonus in the stockpiles of unusable vehicles throughout the country—a volume of hulks which would literally bury my State of Delaware. We have many other items that undoubtedly will find a way into the scrap processing plants. We have an increasing number of vehicles being manufactured each year.

The bill (S. 856) is fully in harmony with the national goals toward resource recovery enacted last year by the Congress. It is patterned after our most successful national programs. Each State would be encouraged to design a plan to fit its geographical, industrial and economical strengths. In solving the problem of waste the "Motor Vehicle Assistance Act" would allow each State to work out the best mechanism for auto recycling. The mechanism will be ready when municipalities are ready to add metal scrap to the heap. Many studies show that we now have adequate recycling technology. A recent conference between the Bureau of Mines and the National Association Secondary Materials Industries, Inc. revealed the advanced state of the art in handling the motor vehicle as a source of steel, copper, aluminum, lead, and zinc. A basic goal of the legislation is to develop procedures for opening markets for secondary materials other than automobiles.

Mr. President, this is significant legislation which I heartily support.

S. 934 AND S. 935

At the request of Mr. Kennedy, the Senator from Idaho (Mr. Church), the Senator from South Carolina (Mr. Hollings), the Senator from Iowa (Mr. Hughes), the Senator from South Dakota (Mr. McGovern), the Senator from Michigan (Mr. Hart), the Senator from Minnesota (Mr. Mondale), the Senator from Utah (Mr. Moss), the Senator from Wisconsin, Mr. Nelson), the Senator from Rhode Island (Mr. Pell), the Senator from West Virginia (Mr. Randolph) and the Senator from California (Mr. Tunney) were added as cosponsors of S. 934, a bill to amend title VII of the Public Health Service Act to expand and improve our Nation's resources for the training of physicians, dentists, optometrist, pharmacists, podiatrists, veterinarians, and professional public health personnel, and for other purposes; and the Senator from South Carolina, (Mr. Hollings), the Senator from Iowa (Mr. Hughes), the Senator from South Dakota (Mr. McGovern), the Senator from Michigan (Mr. Hart), the Senator from Minnesota (Mr. Mondale), the Senator from Utah (Mr. Moss), the Senator from Wisconsin (Mr. Nelson), the Senator from Rhode Island (Mr. Pell), the Senator from West Virginia (Mr. Randolph), and the Senator from California (Mr. Tunney) were added as cosponsors of S. 935, a bill to amend the Public Health Service Act to increase and expand the national resources for the education of doctors of medicine and osteopathy; and to promote the role of academic medical centers in improving the delivery of health services and medical care.

S. 967

At the request of Mr. Pearson, the Senator from Nevada (Mr. Bible) was added as a cosponsor of S. 967, a bill to promote economic opportunity in communities and industries which suffer a reduction in defense-related production and employment caused by shifting patterns of Federal procurement, and for other purposes, known as the Adapt bill.

S. 1163

At the request of Mr. Kennedy, the Senator from South Dakota (Mr. McGovern) and the Senator from Minnesota (Mr. Mondale) were added as cosponsors of S. 1163, the Nutrition Program for the Elderly Act.

S. 1172

At the request of Mr. Cannon, the Senator from Tennessee (Mr. Baker), the Senator from Maine (Mr. Muskie), the Senator from South Carolina (Mr. Hollings), the Senator from New Mexico (Mr. Montoya), the Senator from New Hampshire (Mr. Cotton), the Senator from Oregon (Mr. Hatfield), the Senator from Maryland (Mr. Beall), and the Senator from North Carolina (Mr. Jordan) were added as cosponsors of S. 1172, a bill to exempt citizens of the United States who are 65 years of age or over from paying entrance or admission fees for certain recreational areas.

S. 1207

At the request of Mr. Sparkman, the Senator from Michigan (Mr. Griffin) and the Senator from Tennessee (Mr. Brock) were added as cosponsors of S. 1207, a bill to authorize insurance in connection with loans for the preservation of residential historic properties.

S. 1331

At the request of Mr. Williams, the Senator from Nevada (Mr. Bible), the Senator from North Dakota (Mr. Burdick), the Senator from Nevada (Mr. Cannon), the Senator from California (Mr. Cranston), the Senator from Missouri (Mr. Eagleton), the Senator from Mississippi (Mr. Eastland), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Michigan (Mr. Hart), the Senator from South Carolina (Mr. Hollings), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Humphrey), the Senator from Hawaii (Mr. Inouye), the Senator from South Dakota (Mr. McGovern), the Senator from Montana (Mr. Metcalf), the Senator from Minnesota (Mr. Mondale), the Senator from Utah (Mr. Moss), the Senator from Wisconsin (Mr. Nelson), the Senator from Rhode Island (Mr. Pastore), the Senator from Rhode Island (Mr. Pell), the Senator from West Virginia (Mr. Randolph), the Senator from Alaska (Mr. Stevens), the Senator from Illinois (Mr. Stevenson) were added as cosponsors of S. 1331, a bill to amend the Public Health Service Act to continue and broaden eligibility of schools of nursing for financial assistance, to improve the quality of such schools, and other purposes.

S. 1353

At the request of Mr. Pearson, the Senator from Maryland (Mr. Mathias) was added as a cosponsor of S. 1353, a bill to assist in alleviating the shortage of health-care personnel in rural areas, and for other purposes.

S. 1435

At the request of Mr. Stevenson, the Senator from Kansas (Mr. Pearson) was added as a cosponsor of S. 1435, a bill to amend the Communications Act of 1934 to ban sports from closed-circuit television.

S. 1437

At the request of Mr. Cannon, the Senator from Michigan (Mr. Hart) was added as a cosponsor of S. 1437, a bill to amend the Airport and Airway Development and Revenue Acts of 1970.

S. 1592

At the request of Mr. McGee, the Senator from Iowa (Mr. Hughes) was added as a cosponsor of S. 1592, a bill to establish a Commission to investigate and study the practice of clearcutting of timber resources of the United States on Federal lands.

SENATE JOINT RESOLUTION 52

At the request of Mr. Sparkman, the Senator from Tennessee (Mr. Brock) was added as a cosponsor of Senate Joint Resolution 52, a joint resolution increasing the authorization for comprehensive planning grants and open-space land grants.

SENATE JOINT RESOLUTION 88

At the request of Mr. Taft, the Senator from Wyoming (Mr. Hansen) was added as a cosponsor of Senate Joint Resolution 88, authorizing additional appropriations for the purpose of providing intercity rail passenger service and research and development in the field of high-speed ground transportation, and for other purposes.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 73

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the next printing, the names of the following Senators be added as cosponsors of Senate Resolution 73, to amend Rule XVI of the Standing Rules of the Senate: Mr. Pastore, Mr. Bentsen, Mr. Cannon, and Mr. Talmadge.

The **PRESIDING OFFICER** (Mr. Hart). Without objection, it is so ordered.

ADDITIONAL COSPONSOR OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 21

At the request of Mr. Case, the Senator from Idaho (Mr. Church), and the Senator from Iowa (Mr. Hughes) were added as cosponsors of Senate Concurrent Resolution 21, a concurrent resolution calling for suspension of military assistance to Pakistan.

COMMUNICATIONS SATELLITE ACT—AMENDMENT

AMENDMENT NO. 50

Mr. GRAVEL submitted an amendment intended to be proposed by him to the bill (S. 702) a bill to amend the Communications Satellite Act of 1962, and for other purposes, which was received, ordered to be printed and appropriately referred.

The amendment (No. 50) was referred to the Committee on Commerce.

EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATION ACT OF 1971—AMENDMENTS

AMENDMENTS NOS. 51 AND 52

Mr. ERVIN submitted two amendments intended to be proposed by him to the bill (S. 1557) to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes, which were received, ordered to be printed, and to lie on the table.

AMENDMENT NO. 53

Mr. STENNIS submitted an amendment intended to be proposed by him to the same bill (S. 1557), which was received, ordered to be printed, and to lie on the table.

SENATE RESOLUTION 18—A NEW CHINA POLICY—AMENDMENT

AMENDMENT NO. 54

Mr. GRAVEL. Mr. President, who could have predicted just a few weeks ago that the Premier of the People's Republic of China, Chou En-lai, along with thousands of ordinary Chinese people, would have personally welcomed to China American newsmen and ping-pong players?

Last fall, when I welcomed the establishment of diplomatic relations between Canada and the Peoples Republic of China, this winter, when I introduced my resolution on relations with China, and more recently, when I called for trade with China, I hardly anticipated such rapid developments.

Responding to the obvious pleasure taken by Americans in this resumption of contacts between the Chinese and American people, President Nixon acted quickly and, in my view, wisely by liberalizing U.S. restrictions on Chinese visitors and on trade with China. I hope, and believe, that Mr. Agnew's unfortunate remarks of the last few days will not inhibit further American responses to China's friendly gesture. I am sure my colleagues here are anxious to reciprocate China's hospitality.

Before the above events, a large number of America's Asia specialists gathered in Washington for meetings of the Association of Asian Studies. I met with various groups of these specialists to discuss both the problems of Asian studies and of American policy toward Asia. Among them were members of two organizations which are urging on our Government a new policy toward China—Citizens to Change China Policy and the Committee for New China Policy.

The chairman of both groups—which include, incidentally, professional men, representatives of a number of church groups, and businessmen as well as academics—have informed me that their groups have decided to endorse my resolution. I thank them for their support.

My discussions with the specialists on such matters have further convinced me that my resolution could profit from a slight change in wording; namely, the substitution of the word "seated" for the phrase "be admitted to membership" in the second part of the resolution. In the interest of clarity, I would like the entire resolution in its amended form to be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Senate Resolution 18 as Amended Relative to a New U.S./China Policy

RESOLUTION

Whereas the People's Republic of China has, for more than twenty years, demonstrated its effective control of the seven hundred and fifty million people on mainland China, representing one-fourth of the entire population of the world, and gives every indication of maintaining such control within the foreseeable future; and

Whereas the People's Republic of China is even now among the most powerful nations on earth not only in terms of demographic and economic strength but also, as one of the five thermonuclear states and one on the threshold of possessing an independently developed intercontinental delivery system, in terms of military capability; and

Whereas the People's Republic of China has by its conduct demonstrated increasing willingness to join in both the concerns and activities of the world community of nations; and

Whereas it is in the interest of the United States in support of world peace to encourage this evolution; and

Whereas each year more states of all political persuasions, including some of our firmest free world allies, acknowledge this situation by extending diplomatic recognition to the People's Republic of China or by supporting the admission of the People's Republic of China to the United Nations, or both; and

Whereas the People's Republic of China will be admitted to membership in the United Nations within several years even as the sole representative of China and despite efforts of the United States to bar membership; and

Whereas the United States should exercise its influence in the United Nations through progressive leadership and should not subject itself, through inertia or attachment to the status quo of a vastly different and earlier era, to the role of follower, through a course of diplomatic humiliation; therefore, be it

Resolved, That the United States inform both the People's Republic of China and the Republic of China that it is not committed to the indefinite separation of Taiwan from mainland China, and that it shares the expressed interest of both Governments in eventual reunification, and that it proposes that those Governments attempt by and between themselves to reach a settlement of disputes dividing them and to seek means for accomplishing the eventual peaceful unification of the Chinese people; and be it further

> *Resolved,* That the United States introduce in the twenty-sixth United Nations General Assembly a draft resolution proposing that the People's Republic of China be seated in the United Nations and all organizations related to it and that the United States should not seek to oppose, as a permanent member of the Security Council, a determination by the United Nations membership and the United Nations Secretariat with respect to the occupancy of the permanent Chinese seat in the Security Council.

Mr. GRAVEL. Mr. President, I would like to repeat now my conviction that my resolution speaks most directly to the fundamental problem of American policy in Asia: the United States has for years tried paternalistically to pick and choose among Asian governments, and when dissatisfied with one, to replace it with another. When will we learn to stand back and let Asians—in this case the Chinese—settle their own affairs? Can we pretend any longer that our intervention brings peace when it has so often only brought or perpetuated war?

I am pleased to inform the Senate that Senator McGOVERN has told me of his desire to cosponsor my China resolution: Senate Resolution 18, as amended.

The PRESIDING OFFICER (Mr. TAFT). The amendment will be received and printed, and appropriately referred.

The amendment (No. 54) was referred to the Committee on Foreign Relations.

NOTICE OF HEARING ON NOMINATIONS

Mr. WILLIAMS. Mr. President, I wish to announce that on Tuesday, April 27, the Committee on Labor and Public Welfare will hold a public hearing on the following nominations:

Mrs. Ethel Bent Walsh, of the District of Columbia, to be a member of the Equal Employment Opportunity Commission for the term expiring July 1, 1975.

Mr. Phillip Victor Sanchez, of California, to be an Assistant Director of the Office of Economic Opportunity.

The hearing will be held in room 4232, New Senate Office Building, and will begin at 3:30 p.m.

NOTICE OF HEARINGS ON DISTRICT OF COLUMBIA COURT OF APPEALS NOMINATIONS

Mr. EAGLETON. Mr. President, as chairman of the Committee on the District of Columbia, I wish to announce that on May 11, 1971, at 10 a.m. in the hearing room of the District of Columbia Committee, room 6226, New Senate Office Building, the committee will hold public hearings on the nominations of Hubert B. Pair and J. Walter Yeagley to be Associate Judges of the District of Columbia Court of Appeals.

NOTICE OF HEARINGS ON BRAZIL

Mr. CHURCH. Mr. President, as chairman of the Subcommittee on Western Hemisphere Affairs of the Committee on Foreign Relations Committee, I wish to announce that a series of executive hearings on U.S. policies and programs in Brazil will begin on May 4.

The purpose of the hearings is to review the activities of the U.S. Government in Brazil, the policies on which those activities are based, and the degree to which they serve or fail to serve the national interest. The record of the hearings will be published after the deletion of national security information.

Witnesses will include U.S. Ambassador William M. Rountree and members of his staff and country team. It is anticipated that the hearings will continue on May 5 and 11.

Besides myself, other members of the subcommittee are: the Senator from Alabama (Mr. SPARKMAN), the Senator from Montana (Mr. MANSFIELD), the Senator from Maine (Mr. MUSKIE), the Senator from Virginia (Mr. SPONG), the Senator from Vermont (Mr. AIKEN), the Senator from New Jersey (Mr. CASE), the Senator from New York (Mr. JAVITS), and the Senator from Arkansas (Mr. FULBRIGHT), ex officio as chairman of the full committee.

ADDITIONAL STATEMENTS

CHANGES IN FEDERAL RECREATION FEES

Mr. MOSS. Mr. President, I have before me the recommendations of the Department of the Interior on changes in the fee program in our national parks and recreation areas. It is proposed that the annual fee of $10 per car be terminated, and be replaced by a $4 per person fee for everyone over 16. More supplemental fees for things like campgrounds, overnight parking, and even guided tours, are contemplated. In my opinion, the proposals run completely contrary to our objectives for outdoor recreation in America.

The Golden Eagle passport system was conceived 6 years ago as a way to get Americans to visit their national parks and enjoy their national heritage. In this respect it has been a resounding success. More Americans than ever before have been able to visit our parks in the past few years. Without a doubt the increased visitation in our parks has meant increased recreational opportunities, exciting outdoor experiences, and a deepened appreciation of the beauty of our land for millions of our citizens. This appreciation is finding an outlet in the current concern for our environment and in the proposals for expanding our national park system. In my opinion this is a development that we should encourage.

Apparently the Interior Department feels that this program is too popular. It has meant overcrowding in some of our park areas. It has led to overuse of parks facilities by some individuals. The parks could easily produce more revenue for us, the Department says.

Over the long run, the Interior Department anticipates that these changes will result in a five or sixfold increase in the $10 million collected each year.

There are many important considerations in the setting of a fee policy for our national parks. Surely not the least important is to expand recreational opportunities and facilities, to make such available to more people, and to encourage Americans to come and see what are, after all, national areas owned by them. We do not serve these central purposes by unduly increasing the cost of recreation for the average American family, or by erecting economic barriers to park use to those with limited incomes.

Neither do we serve these purposes with the complex, unenforceable, and inconvenient mechanisms that the new fee program will entail. I quote from the Interior Department report:

> There may be occasions where the (administration of the individual permit) would unduly delay the entrance of vehicles into the parks. These administrative difficulties would arise from trying to verify the ages of each vehicle's passengers; whether they have an individual permit, and if not, whether they wish to buy such a permit, or in lieu thereof, purchase a daily permit.

The Department envisions that such a system could cause a backup of 75–100 cars in the heavily visited parks.

How does the Department mean to remedy this problem? By suspending collection at entrance stations and conducting spot checks within the parks. Well, this only trades one administrative headache for another, probably a worse one. The present system is impossible to evade. The new one invites evasion. Visitors would have to carry their cards on them at all times in order to be able to produce them for spot check. The park police would have to be beefed up so that widespread evasion doesn't occur. Park Service personnel would have to spend more time checking for compliance and less on essential duties such as maintaining the campgrounds and providing services for the safety and comfort of visitors. Again I quote from the Department's report:

> Checking compliance with individual permits will involve large amounts of time, money, and personnel.

A large percentage of the increased receipts will be eaten up by the increased costs of enforcement.

As an adjunct to this new system we will be asked to legislate stricter penalties for noncompliance. A visitor caught without a permit would be arrested and hauled up in front of a specially appointed Federal magistrate. New and tougher penalties are advocated as necessary to make this system work. But is this any way to run our national parks?

Of course we must work to decrease overcrowding in some of our most heavily used parks. Increasing fees is not the answer. It seems to me that the proper way to go about this is to encourage visitors to come to our lesser known national parks.

We must expand our park system and more fully develop some of our existing parks in order to accommodate the increasing number of people who want to visit them.

We should be moving toward more recreational opportunities and facilities, at lower cost, for more of our citizens. The proposals put forward by the Interior Department are steps in the wrong direction.

NEGOTIATION OF CAMPAIGN DEBTS

Mr. SCOTT. Mr. President, several days ago I asked the General Accounting Office to look into reports that Federal candidates were either defaulting or negotiating their campaign debts to some Government-regulated industries. In the preparation of my campaign reform bill, S. 956, these reports came to the surface and I felt that an independent inquiry was needed before Congress made any final determinations. That is the principal purpose of my request to the GAO. However, in the event that the GAO has not completed its study by the time either the Senate or the House considers campaign reform legislation, I will be prepared to offer an interim amendment to, at the very least, set some guidelines in this area.

Mr. President, I ask unanimous consent that my letter to the General Accounting Office be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

APRIL 19, 1971.

Hon. ELMER B. STAATS,
Comptroller General of the United States, General Accounting Office, Washington, D.C.

DEAR MR. COMPTROLLER GENERAL: You may know that I have sponsored legislation this year to reform our archaic campaign spending laws. If this effort succeeds, the public is entitled, at the very least, to accurate and timely information pertaining to Federal candidates and to those who aid them.

In the interest of full reporting and disclosure of all forms of campaign assistance, direct or indirect, I am concerned that some of the industries regulated by independent agencies of the United States Government, by their billing procedures or other practices, may inadvertently be contributing to the election campaigns of Federal candidates. Specifically, I am referring to the air carriers regulated by the Civil Aeronautics Board, the wire (and perhaps electronic) communications regulated by the Federal Communications Commission, and the surface carriers regulated by the Interstate Commerce Commission. I recall several instances in which candidates who incurred debt with one or more of these Federally-regulated industries negotiated their debt downward to a substantially reduced figure after the elections. To say the least, such dubious practices on the part of these industries reflect a rather dull sense of business acumen, not to mention a questionable code of ethics. Furthermore, there is also the distinct possibility of setting bad precedent and encouraging corruption. Be that as it may, there remains the very delicate question as to whether or not this type of activity is in the public interest since it may constitute an unlawful corporate contribution. Equally important to the public is the fact that special treatment for political candidates, in this case an indirect Federal subsidy, has never been authorized by the Congress and the President.

Suggested remedies might include either actual or estimated pre-payment of bills, special authority for limited periods of either free or reduced-rate services, provisions for allowing candidates to liquidate debts over extended periods with low interest payments, or perhaps the depositing of funds in special escrow accounts. However, in order to consider these or other suggestions, we will need a great deal more information than is now readily available on the subject of candidates' debts.

In its deliberations on campaign reform, I am hopeful that Congress will address itself to this particular problem. As such, I respectfully request you to provide me with a complete accounting of all outstanding debts and negotiated settlements associated with these or other industries under Government regulation in the course of Federal political campaigns from 1962 to the present. The year 1962 is no arbitrary choice. It will yield at least a nine year history, whether or not a significant pattern emerges. It will also include the last two Presidential campaigns and elections, each of which dealt acknowledged serious blows to our major political parties—the Republicans in 1964, and the Democrats in 1968. In other words, I seek to examine this problem in the clearest light and the fullest scope.

In my view, any industry which is Federally-regulated and/or Federally-subsidized ought to account fully to the public for all its undertakings, especially when political campaigns are involved. It is absolutely imperative that the public interest prevail in such matters.

I do not believe that Federally-governed industries willingly or intentionally aim to lose money on political candidates. Nor do I believe that there is any collusion or conspiracy on the part of political candidates to defraud Federally-governed industries. And as much as I realize that substantially more than 50 per cent of all political candidates are unsuccessful in their bids for public office, I do recognize that there is usually no conscious or deliberate intent to lose an election.

Some may interpret my intentions here as either morbidly punitive or unabashedly partisan. In anticipation of such charges, I want to make it clear that I seek only to air the problem, which plagues virtually every candidate, and to assist in bringing about some solutions. I seek not to penalize past practices; rather, I see this as an opportunity to conduct an independent, nonpartisan inquiry which may serve to halt a potentially habitual and dangerous trend for the future. We must prevent the recurrence of any such activity. The integrity of political candidates rises far above party labels.

The few instances to which I referred in this letter are serious enough to warrant full Congressional study with a view toward either corrective legislation or supplementary administrative regulation. Your assistance and recommendations in this effort will be most appreciated.

With good wishes,

Sincerely,

HUGH SCOTT,
U.S. Senator.

ESTABLISHMENT OF MODEL CHILD DAY-CARE CENTER

Mr. CRANSTON. Mr. President, the Washington Evening Star of April 15 noted the establishment, within the U.S. Office of Education, of a model child day-care center financed by OE with grant assistance from the Ford Foundation. I commend the article to the attention of the Senate for two reasons. First, the center will not only serve children of OE employees, but will also be a national demonstration project in early childhood development. As such, it can serve a growing need for study and research in this vital area, accessible to educators and interested citizens from throughout the country. Secondly, the center is highly complimentary to the measure I have cosponsored with the Senator from Minnesota (Mr. MONDALE) and other Senators the Early Childhood Development Act of 1971. I am pleased to see that Federal education authorities have recognized a need, pursued it, and produced a remarkably innovative facility and program at a most appropriate time.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DAY-CARE CENTER SLATED FOR OFFICE OF EDUCATION

(By John Mathews)

For the first time in its 104-year history, the U.S. Office of Education actually will have real, live children in its office building on a permanent basis.

Beginning about June, 50 children of OE employees will be enrolled in a model day-care center located in a converted executive dining room, previously shared with top officials of the National Aeronautics and Space Administration.

OE and NASA executives now will eat in the adjoining cafeteria, with lower grade officials, where they will be able to look through large glass windows at the children cavorting in an unusual playground, built in a sunken plaza just off Independence Avenue.

AIDES MUST HELP

The children's parents, who earn anywhere from $5,000 to $20,000 annually, and Office of Education specialists in the early childhood section, will be required to spend at least one day a month as adult aides in the day-care facility. Their work with the children will be paid as a working day—a precedent which may be transferable to other government agencies establishing day-care centers.

But OE will not operate the center itself.

The office is holding a national competition for a contractor—possibly a university or school system-connected organization—to run it. The contractor will be subject to direction from OE officials and an advisory board of parents of children in the center.

OE's day-care center has a history dating from the early 1940s, when a proposal was first made—and rejected—for such a facility. About a year ago, the Office of Education's Advisory Board, a representative body of employees, recommended establishment of a day-care center.

Two young OE employees, Michael L. Brannon, a research bureau staffer and Charles Lovett, who works for the Bureau of Educational Personnel Development, ran the bureaucratic tightrope to obtain the center.

Brannon said yesterday in an interview that without the help of HEW Secretary Elliot L. Richardson and U.S. Commissioner of Education Sidney P. Marland Jr. "we would have ended up with a five-foot-square center with one token child probably made of foam rubber."

As it is Brannon, Lovett and Dr. Martin Engel, the project officer for the facility, obtained a $6,000 grant from the Ford Foundation to design the indoor and outdoor space, and from OE funds some $100,000 for renovation and about $85,000 for operation. Parents will pay on a sliding scale according to their income.

The former executive dining room will have an unusual combined play and learning area designed by Ron Haase, an award-winning architect, with modifications suggested by Lovett. The design calls for elevated platforms, a climbing and sliding tube, a small stage area and many small nooks and crannies for children. A kitchen is being built that will be suitable for student cooking and other projects.

Outside the NASA-OE building, located between 4th and 6th Sts. SW, on Maryland Avenue set back from Independence, the playground in the sunken plaza will include bridges, ramps, a four-foot-high sliding hill and a 10-foot-high crows nest. Two feet of soil will cover the rough paving and a fountain which has not worked for three years.

STILL ANOTHER TRIBUTE TO DR. JOHN G. NEIHARDT, FOR 50 YEARS THE POET LAUREATE OF NEBRASKA

Mr. CURTIS. Mr. President, for the past several generations, Nebraska's high school students have read with pleasure the poetry of their State's poet laureate, John Gneisenau Neihardt. Nebraska's boys and girls—and their parents—have been fortunate to have the history of their State come alive for them through the poetic skill and vivid imagery of one of America's foremost poets.

The value of Dr. Neihardt's contributions were early recognized by the people of Nebraska. The Nebraska Legislature conferred on him the honor of poet laureate on April 21, 1921, 50 years ago today. This was the first time such an honor had been granted by any governing body in the history of the United States. The joint resolution which the legislature issued recited that body's belief that civilization's growth is furthered by the development of literature. The legislators cited John G. Neihardt as a Nebraskan who had written "a national epic, wherein he had developed the mood of courage with which our pioneers explored and subdued our plains, and thus had inspired in Americans that love of the land and its heroes whereby great national traditions are built and perpetuated."

One of the reasons why Dr. Neihardt has been able to re-create vividly the mood of that pioneering thrust toward the Pacific is that the roots of his own life are so deeply imbedded in the land about which he has written. Scholars of our literature have long believed that true literary creativity stems from an author's roots, and that even when a writer's theme is universal he must draw from the knowledge of his own place and understanding of his own people. To attempt to create fiction without the knowledge of its setting is to rob the story of its impact and power.

John Neihardt has sought the truth of man's journey on this globe by looking at the immediate history of his own area of America. As a Midwesterner, he has sought to understand and communicate the message of the common bond of all men through the story of the land he has known best.

Dr. Neihardt's knowledge of the Midwest has rarely been equaled, but it is knowledge gained in the school of experience. He was born in an unplastered one-room house on a rented farm near Sharpsburg, Ill., on January 8, 1881. Shortly thereafter, he moved with his family to Springfield, Ill., where the Neihardt's lived until the fall of 1886. At the age of five, they migrated to Rooks County, Kans. There the family lived with John's maternal grandparents in a sod-house for about a year. During the next 5 years, the family made its home in Kansas City, Mo. In 1892, the Neihardt's were again on the move to the small town of Wayne, Nebr.

In Wayne, young John Neihardt began his literary endeavors, writing his first verse at the age of 12. He enrolled at the Normal College where he finished the teachers' course in 1896 and the science curriculum a year later. Today the school's name has been changed to Nebraska State Teachers College, and one of its buildings has been named Neihardt Hall.

While attending classes at Normal College, John Neihardt became especially interested in Latin, spending as much as 5 hours a day on that subject. He also began a systematic and intensive reading program in the classics, studying Greek so that he might familiarize himself with the masterpieces of its literature in the language of their composition.

After graduating from Normal College, John Neihardt spent the school year of 1897–98 as a teacher in a small country school. He was young and restless, and irresistably the open road beckoned to him. The next summer he tramped through Kansas and Missouri, getting, as he called it, "experience." By the time John Neihardt reached 20, he had tried his hand at many a job, including that of farmhand, hod carrier, clerk, office boy, marble polisher, and stenographer. He had even spent 2 months as a city hall reporter on the Omaha Daily News.

While their son was busy occupying himself with exploring the countryside near and about him, the elder Neihardts had again moved, bag and baggage, westward. This time they settled in Bancroft, Nebr., where their son joined them in 1901. Their choice of a new home was a fortunate one for their son. The town of Bancroft was near the edge of the Omaha Indian Reservation. For the next 6 years, John Neihardt mostly lived among the Indians. For a while, he assisted in the office of an Indian trader in Bancroft, handling Indian leases, collecting rents and bills owed, and doing various odd jobs. Neihardt also took time out to try his hand at journalism. Organizing a stock company, he purchased for the company the town's weekly called the Bancroft Blade. Neihardt apparently did not find the job of running a newspaper very interesting, and, consequently, he abandoned the enterprise after a year. Even the writing of editorials was not enough to deter him from spending as much time as possible with the Indians of the neighboring reservation. He has maintained to this day a deep regard and respect for Indian culture.

The years at Bancroft placed an indelible stamp on Neihardt's later creative endeavors. Some authorities have suggested that in those years he was actually laying the groundwork for his masterpiece. They cite as evidence Neihardt's expressed desire to "write an epic concerning the westward advance in America to the Pacific" and his actions to "familiarize himself with the territory which would form the background of the epic." Whether or not young John Neihardt had set out consciously to research the setting of his epic is really of little significance. It is a matter of record that he made many trips throughout the region. He traveled to Fort Benton, Mont., the headwaters of the Missouri, so that he might descend that river in an open boat. His thorough research into the history of the region brought forth almost forgotten exploits by the trappers and traders who explored the region from the Canadian to the Mexican border and from the Missouri River to the Pacific Ocean. The many hours the young writer spent around campfires getting acquainted with the Indians, their history, and their customs as well as the hundreds of miles traveled tracing the trails of pioneers gave him a source for writing, unobtainable anywhere else. His own view of the experiences was expressed when he said:

> Literature in itself is nothing. It's life that counts.

His writing ability, however, was recognized quickly, and he was soon selling his stories to the leading periodicals of the day. A collection of these early stories was published in 1907 under the title "The Lonesome Trail." Although he was very successful at short-story writing, Neihardt felt that his best work was in the form of poetry. Consequently, he began work on his epic poems in 1912. The first of the group of five epic poems, titled "The Song of Hugh Glass," was published in 1915. The last of the series, "The Song of Jed Smith," was published in 1941, and the group of long narrative poems was published in 1949 as "A Cycle of the West." This work established Dr. Neihardt as one of the outstanding literary men of our time.

The list of honors accorded Dr. Neihardt have been many. Recognition in the way of honorary degrees has been conferred by the University of Nebraska, University of Missouri, and Creighton University of Omaha. He was chancellor of the Academy of American Poets from 1952 until 1967. He was awarded the gold scroll medal of honor as the foremost poet of the Nation in 1936 by the National Poetry Center. In 1968, he was named the Prairie Poet Laureate of America, and in the same year, the Governor of Nebraska proclaimed Neihardt Day as a State celebration. These honors are only a few of the many that have been bestowed on Dr. Neihardt.

One of the reasons that he has been so honored is his timeliness. The address which he delivered upon being named Poet Laureate of Nebraska in 1921 is as relevant to today's situation as if it had been written yesterday. He warns about the dangers of drifting formlessness and he admonishes us to tend to the responsibilities of democracy. In some of his early works, there is a prophetic note of things to come. Yet, for all his youthful radical cries, John Neihardt kept his faith in the American system. A few years ago he wrote for a preface of a new collected edition of his works:

> We idealistic youngsters who were "radicals" then could not foresee the tremendous peaceful social revolution that has taken place in our country since those days and is still in progress in the good American fashion.

My State of Nebraska and the Nation are, indeed, fortunate in having been privileged to have shared the thoughts and labors of John G. Neihardt. Let us hope that more of our children will learn the faith of our Land by reading his works.

UNITED STATES-CHINA POLICY

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered by the distinguished senior Senator from New Jersey (Mr. CASE) at a luncheon session of the 25th Annual World Affairs Institute on Saturday, April 3, 1971, at the Netherland Hilton Hotel, Cincinnati, Ohio.

Senator CASE's speech represents a very informed and lucid analysis of the key issues of United States-China policy. I believe it can be read with great benefit by all Members of the Senate. I wish to draw particular attention to examination of the historical background so skillfully explored in Senator CASE's speech.

I have worked closely with Senator CASE as a colleague on the Foreign Relations Committee. His views are listened to with great care—and rightly so. Recent developments have made a reexamination of our relations with China particularly timely. Senator CASE has made an important contribution to that process.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

United States-China Policy

Our first President gave us a great deal of good advice in his farewell address, perhaps none of it wiser or more appropriate to the subject of our relations with China than these words:

"The nation which indulges toward another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest."

For twenty-two years we have been a slave to animosity in our relations with China. That was not the case earlier, for attitudes of Americans towards China have varied widely since the founding of the Republic. One American scholar has divided these periods into various ages, beginning with the age of respect and proceeding through the age of contempt, the age of benevolence, the age of admiration and the age of disenchantment to the age of hostility, beginning in 1949 and continuing to the present.[1]

In the 18th century, and the first third of the 19th century, Americans respected China, regarding this far away land, then visited only by clipper ships and a few missionaries, with "a blend of romance, excitement, obscurity, beauty, distance, oddity, quaintness and danger. . . ."[2] In the mid-19th century, attitudes shifted. The age of contempt began, due in part to the wave of immigration from China composed principally of Chinese laborers coming to the United States to work on railroads in the west. Between 1854 and 1882, when the Chinese Exclusion Act was passed, some 300,000 Chinese entered this country. At the same time, foreign powers began imposing their will on China. As a result of the Opium Wars of 1839–42 and 1856–60, the Chinese were forced, by what came to be known as the unequal treaties, to open certain ports to foreigners, to permit foreigners to try their own citizens under their own laws and before their own courts, to let foreigners travel anywhere in China and to allow foreigners to continue trading in opium. Barbara Tuchman reminds us, in her latest book, that the United States profited from these developments. "Throughout the process of the opening of China," she observes, "the United States followed through portals cut by the British, avoiding the aggression and inheriting the advantages."[3]

In the early 20th century, American attitudes changed again. The age of benevolence began as missionary activity reached its height with some 12,000 American missionaries in China. Again, I turn to Barbara Tuchman for a description:

"China's vastness excited the missionary impulse; it appeared as the land of the future whose masses, when converted, offered promise of Christian and even English-speaking dominion of the world. Disregarding the social and ethical structure which the Chinese found suitable, the missionaries wanted them to change to one in which the individual was sacred and the democratic principle dominant, whether or not these concepts were relevant to China's way of life. Inevitably the missionary, witnessing China's agonies in the 19th century, took these as evidence that China could not rule herself and that her problems could only be solved by foreign help."[4]

In 1937, with the incident at the Marco Polo Bridge, the Japanese began their war against China. In the United States, public opinion rallied to the side of China, and the age of admiration began. It was, however, short-lived. Toward the end of the war we became disenchanted with the corruption, ineptitude and impotence of the nationalist government as well as with its inability to rally popular support. The age of disenchantment lasted until the victory of the communists and the flight to Formosa of Chiang Kai-shek and the Kuomintang. Since 1949, when those events occurred, our relations with the government on the mainland, and their relations with us as well, have been of almost unremitting hostility.

Our hostility was due to the coming of power of a communist regime on the mainland. We saw this event as part of the relentless march of monolithic communism following the steps which the Soviet Union had taken in the Baltic states during the war, immediately thereafter in Germany, Poland, Yugoslavia, Hungary, Rumania, Bulgaria, Albania, and North Korea and subsequently in Czechoslovakia and Berlin. And if these events, and the installation of a communist government in China, were not sufficient, there soon followed the North Korean attack on South Korea in June 1950 and the intervention of Chinese forces in October of that year. A distinguished American foreign correspondent described the effect of the Korean war on American attitudes in the following way:

"Peking's intervention in the Korean war did more to 'set' American attitudes against the Chinese Communists than anything that had happened up to that time. It now dawned on us that the Chinese were capable of challenging us militarily as well as politically. . . . Now Chinese Communists were killing Americans. . . . The blow to our pride, the humiliation, could hardly have been more complete. Overnight, our view of the Chinese Communists was changed from patronizing superiority to one of deep anger and apprehension. In all our history we had never felt quite like this about the Chinese. . . . It was the rebirth of the 'Yellow Peril' specter. . . ."[5]

That specter still haunts our relations with the world's most populous country, although it no longer inspires the same degree of fear. Americans seem prepared, if not anxious, to look at China as we look at other countries, in a more pragmatic, and less ideological and emotional, way. We seem ready, in short, to see the age of hostility end and an age of adjustment begin.

There are, of course, serious obstacles to overcome before this transition can take place. But some of the political underbrush has already been cleared away.

First of all, we and the Chinese have started talking to one another, privately and discreetly but still officially, at the Warsaw Talks. These talks are not, of course, isolated from world events. The Chinese cancelled the last meeting scheduled in May 1970 because of the allied incursions into Cambodia. They have, however, indicated that they regard the cancellation as a postponement and not a final rupture of the talks. Thus, the framework remains available and can be used again.

Second, we have, for our part, removed certain obstacles to travel and trade, the necessary minimal intercourse between nations. To its credit, the present Administration has permitted American travelers to buy goods from the mainland for personal use, has allowed American subsidiaries abroad to trade with China, has authorized the licensing of some goods for exports, has removed some of the restrictions on American oil companies operating abroad so that most foreign ships will be able to use American-owned bunkering facilities on voyages to and from Chinese ports and has, most recently, dropped the requirement, in effect for the past twenty years, that American passports be specially validated for travel to China.

Third, we have begun to move from the rhetoric of hostility to more neutral language in the way we talk about China. In his latest report on foreign policy to the Congress, for example, President Nixon called the People's Republic of China and Peking by their rightful names, instead of referring only to Communist China and Peiping as was the previous custom. At the same time, at the United Nations the United States has begun to place greater emphasis on retaining a seat for the Republic of China or Taiwan than on excluding the People's Republic of China.[6]

All of these developments reflect the passing of time and the fact that the question of relations with China has been desensitized as a domestic political issue to such an extent that the New York Times could report last year that "organized pressure on behalf of Nationalist China, which once exerted a powerful influence on American politics in the direction of United States policy, appears moribund, a victim of old age and lack of interest."[7]

There is more that can be done in the field of trade. We should, in my view, treat trade with mainland China exactly as we treat trade with the Soviet Union, permitting American companies to trade in all non-strategic items with China as they do with the Soviet Union.

Trade is, of course, a relatively simple matter. Far more difficult is the thorny question of representation in the United Nations. As you undoubtedly know, the subject is current because of the trend of voting in the United Nations which makes it possible this year, if not probable next year, that the People's Republic will be seated and the Republic of China expelled from that organization.

This question is often presented to the American people—even by the Gallup poll, I might note—as whether to *admit* Communist China into the United Nations. But China has been a member of the United Nations since that organization was founded. The question is not one of *admission* but one of *representation*.

The question of Chinese representation first arose in the fall of 1949. The Prime Minister of the People's Republic sent a telegram to the UN Secretary General demanding that the UN transfer the Chinese seat to his government, but there was little feeling in the General Assembly that immediate action was called for there. Soon thereafter, in December 1949, the Soviet government raised the question in the Security Council. It did not press for immediate action, but on January 8, 1950, the Chinese Prime Min-

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Footnotes at end of article.

later sent a further telegram protesting the Council's failure to expel the representatives of Nationalist China. Shortly afterward, the Soviet government formally proposed that the credentials of the Nationalist representatives be rejected. When this proposal was voted down, the Soviet delegate walked out of the Council and did not return until after the Korean war had begun.

From 1951 until 1960 the General Assembly regularly considered a Soviet proposal for including the matter of Chinese representation on the Assembly's agenda. This proposal was always rejected and instead a resolution, usually proposed by the United States, was adopted by the Assembly providing that the question of Chinese representation should not be considered. In 1961, in light of the increasingly close vote in the General Assembly, a different procedure was adopted by the United States. The Soviet proposal, calling for a change in Chinese representation, was included on the agenda for discussion but at the same time the United States introduced a procedural resolution to the effect that the issue was an "important question" and that therefore under Article Eighteen of the Charter a two-thirds majority was required. This procedure has continued to the present, although since 1963, when the breach between China and the Soviet Union made it impossible for the Soviet government to continue to act as the principal advocate for China, the proposal calling for a change in representation has been contained in a resolution co-sponsored by a number of countries but generally called the Albanian resolution. At last year's session of the General Assembly, for the first time, a plurality of the members of the United Nations—that is, a majority of those voting—voted for the Albanian resolution. It is possible this year, and likely next year, that the procedural resolution will not pass and that therefore only a simple majority vote on the Albanian resolution would be necessary to effect a change in representation. At least that seems to be the prospect if the members of the General Assembly are not given another choice.

I believe, however, that they should be given another choice, and that is to see the People's Republic of China represented and the Republic of China not expelled.

Let me say quite clearly that I do not believe that the United States should continue to oppose the seating of the People's Republic in the United Nations General Assembly and Security Council. The advantages to having the People's Republic in the organization seem to me to outweigh the disadvantages.

Let me say, too, that I would like to see the United States recognize the People's Republic as the legitimate government of the mainland and that I would also like to see full diplomatic relations established with the People's Republic.

But I am not in favor of seeing the People's Republic represented in the General Assembly and on the Security Council on condition that the Republic of China on Taiwan is expelled from the General Assembly. The general lines of the position which I favor are expressed, I should note, in Senate Resolution 37, introduced on February 2 by Senator Javits, which I have co-sponsored. That resolution is now pending before the Foreign Relations Committee. It will, I hope, lead to serious Senate consideration of our relations with the People's Republic.

I realize that the position I have just described is bound to be criticized by the People's Republic and the Republic of China, and by some China experts and UN experts, on the ground that it amounts to a "two-China" policy. But I neither advocate nor oppose a "two-China" policy. I firmly believe that the United States should not declare itself for or against either the eventual reunification of Taiwan with the mainland or the eventual evolution of two separate states. We should, it seems to me, be prepared to accept whatever results in the long run from the natural play or political forces, provided that the wishes of the people of Taiwan are respected. It seems to me that this points the way to the only practical direction we can take in the period which lies immediately ahead.

And this position is not without its supporters among the experts. Professor Edwin O. Reischauer of Harvard supports it. He points out, and I quote:

"Taiwan and continental China have not been a single country and have not been so for more than half a century. A good bit longer than that, in fact.

". . . I don't think we should be trying to force Taiwan out of existence, when it does exist and is the result in large part today of the will of the people who live there."

What will result in the long run? I do not believe that anyone can say. A. Doak Barnett, a widely respected authority on U.S. policy toward China, has recently written:

"Any real solution of the Taiwan problem will obviously require the passage of time—a considerable period of time—and it is difficult to predict what effect future events will have on the forces affecting it. The deaths of Chiang Kai-shek and Mao, generational as well as social, economic and political changes in both mainland China and Taiwan, pressures by Taiwanese for greater self-rule, growing links between Japan and Taiwan and other factors will have complicated and in some respects conflicting effects, the results of which are impossible now to foresee."[8]

We can thus only speculate about the future. But we can talk common sense about the situation that exists today. As a matter of fact, there are now two governments calling themselves the government of China. One is the People's Republic of China on the mainland. The other is the Republic of China on Taiwan. We have had a defense treaty with the government on Taiwan since 1954, committing us, in case of armed attack on Taiwan or the Pescadores Islands, to act to meet the common danger in accordance with our constitutional processes. I do not think that we can turn our back on that commitment.

The island of Taiwan has a population of 14 million. Twelve million are native Taiwanese. Two million are transplanted mainlanders who fled to the island as refugees when the communists came to power. These two million run the national government, continuing to pretend that they represent the mainland, through a central government of five branches elected on the mainland in 1947. Although most important provincial and local government posts are held by Taiwanese, these appointments must be approved by the central government. Since 1945, all governors of Taiwan have been mainlanders. Thus, the 12 million Taiwanese are ruled, in most respects, by the two million mainland refugees.

I believe that the time has come for us to stop pretending that the Government of the Republic of China on Taiwan represents the 650 million Chinese on the mainland. It does not and it will not. I also believe that the time has come for the Government of the Republic of China to stop pretending that it represents all of the 14 million of Taiwan. It does not, but it should.

I have already referred to the fact that both the People's Republic and the Republic of China have expressed their unwillingness to accept a dual representation solution. Both claim to be the government of China. Both say there is only one China and that Taiwan is part of that China. As I have said, however, as a matter of fact there is one government on the mainland of China and another government on the island of Taiwan. I see no reason why this fact should not provide the basis for our policy. After all, international politics, like domestic politics, is often a matter of compromise. I believe that it is important that the People's Republic be represented in the United Nations but I do not believe that this means that the international community must simply accept the terms set down by that government. After all, the Republic of China was one of the founding members of the UN and surely the 14 million people on Taiwan should continue to be represented there. If the United Nations were to adopt some kind of dual representation formula, over time the government of the People's Republic might reconsider its position and perhaps ultimately abandon its present adamant opposition to the idea.

I have no illusions about the difficulty of devising a formula, acceptable to a majority of the members of the United Nations, that will assure UN representation both to China and to Taiwan and also will resolve the question of the Security Council seat. I am sure, too, Peking will create many difficulties and contentions in the United Nations when she takes her place there.

But, with American leaders from John Foster Dulles to, and including, President Nixon (in his recent State of the World message), I believe that world peace will be better served by having China inside rather than outside the family of nations.

And, difficult as it will be to attain the necessary support in the United Nations for this position, I cannot believe that it is beyond the scope of American leadership and ingenuity. The President will need all the help we can give him, however, and I urge that, as a practical evidence of our support of the position which I have been urging, the Javits resolution be considered and overwhelmingly approved by the Senate of the United States without delay.

FOOTNOTES

[1] *Scratches on Our Mind,* Harold R. Isaacs, John Day Company, (1958), p. 71.

[2] *Ibid,* p. 67.

[3] *Stillwell and the American Experience in China, 1911–1945,* Barbara Tuchman, McMillan, p. 29.

[4] *Ibid.,* p. 31.

[5] *The American People in China,* A. T. Steele, McGraw-Hill, p. 37.

[6] Statement by Ambassador Christopher H. Phillips to the General Assembly, November 12, 1970.

[7] " 'China Lobby', Once Powerful Factor in U.S. Politics, Appears Victim of Lack of Interest," *New York Times,* April 26, 1970.

[8] *Our China Policy, The Need for Change,* A. Doak Barnett, Headline Series No. 204, Foreign Policy Association, February 1971, p. 54.

TRUTH-IN-ADVERTISING

Mr. MOSS. Mr. President, Advertising Age, the national weekly neswpaper of the marketing industry, recently published an editorial supporting the Truth-in-Advertising Act, S. 1461, introduced by the Senator from South Dakota (Mr. McGOVERN) and myself earlier this month.

I am pleased to have this endorsement from this well respected publication. As we indicated in our introductory remarks, the concept of truth is held in high esteem by the American people. But business firms, not only those usually considered unscrupulous, have upon occasion used advertising to deceive the

American people. I can think of no better way to restore confidence in the business community than the faithful application of the principles espoused by the Truth-in-Advertising Act.

In order to make a wise and intelligent choice in the marketplace, the consumer must be well informed. And what better way is there to inform the public than through advertising—advertising of valid claims which will withstand scrutiny and evaluation.

I ask unanimous consent that the material be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From The Advertising Age, Apr. 12, 1971]

SOFT UNDERBELLY OF ADVERTISING

The idea that an advertiser should be prepared to substantiate his advertising claims for any consumer who wants the information strikes us as eminently fair and reasonable, and AA supports legislation to that effect introduced by Sen. George McGovern (D., S. D.) and Sen. Frank Moss (D., Utah).

The bill would require advertisers to make copies of documentation of their ad claims available on request; and the measure even specifies that the advertisers are entitled to be repaid for the cost of printing and sending out copies of survey details or other proof.

As a matter of fact, the latter provision might turn into quite a good way to zero in on potential customers. Some smart advertister will start offering a copy of his survey results free to anyone who writes in. Not only will consumers get the copy of the survey—written in non-technical, easy-to-understand language—but they'll also receive a coupon toward their next purchase of the product, or maybe even a free sample.

This would seem to be a great way to get consumers who are really interested in the product to give it a try.

AA has always operated under the general premise that what is good for the consumer is good for business, and it was with this philosophy in mind that we have decided to occasionally request substantiation from marketers who make what we consider to be unsupported claims in their print or tv ads.

Among the first such claims to catch our attention was one made by American Home Products' Whitehall Laboratories. A tv commercial currently being aired says that "769 doctors in a national survey preferred the Dristan capsule formula two-to-one over the other cold capsule formula."

We asked Dr. J. M. Shaul, Whitehall's medical director, for the survey details, but Dr. Shaul turned down our request "for competitive reasons." He added that such material is normally made available to the Federal Trade Commission and the Food & Drug Administration.

But that's of little help to the average consumer (and our publication is written by people who consider themselves to be average consumers). We all have a right to know the basis for an advertiser's claims so we can make a wise and intelligent choice of products based on criteria other than just the price of the item.

AA has repeatedly emphasized the need for advertisers to keep their ads as factual, straightforward and honest as possible, because we are convinced that the Federal Trade Commission and others in Washington would love to see advertising reduced to a compendium of price sheets.

FTC has the distinct notion that it can break up industry "concentration," where three of four companies have dominant shares of market, in a roundabout way by attacking advertising claims. Advertising, these FTC people feel, is instrumental in building "product differentiation," which they see as "the distinguishing of similar products from each other by persuasive [non-informative] advertising and other forms of sales promotion."

At the time of FTC's move against Wonder bread and other ITT-Continental Baking products, Robert Pitofsky, chief of FTC's bureau of consumer protection, called the case of "first step" in developing restrictions on the use of "uniqueness" claims for products which are identical.

But some people close to the case view the FTC action against Wonder bread as not so much a move against Continental's ad claims as a wedge to diffuse the company's hold on the bread market by reducing its market share. "They were swimming around in a closed tank," one top agency exec told AA. "The Wonder bread ad claims gave them their opening."

This theory is at least partially supported by an FTC memorandum prepared for congressional hearings on the commission's fiscal 1971 budget. The memorandum, signed by several commissioners no longer at FTC, by some who are still there, and by former chairman Paul Rand Dixon, called for FTC to develop non-traditional ways of getting at concentrated industries with high degrees of product similarity.

The FTC memorandum said, "There seems to be no particular reason for believing that a larger number of cases of the traditional type, or even a larger number of cases against larger firms and larger industries, would make a great deal of difference in the size and cost of this country's monopoly-oligopoly problem. What is needed is not more of the same, but something different in kind."

There is an uneasy feeling among some corporate attorneys that the commission will go after "uniqueness" claims as a convenient point of entry to break up what FTC people feel are overly concentrated industries.

We don't believe that the commission's theory on uniqueness will hold water, and we think they know it. But FTC will no doubt try to carry forward its anti-trust crusade by again probing for advertising's weakest spots.

Right now, unsupported ad claims represent the soft underbelly of the advertising business.

PRESENTATION OF PRESIDENT'S TROPHY TO HANDICAPPED AMERICANS OF THE YEAR

Mr. CURTIS. Mr. President, on April 15, 1971, President Nixon presented the President's Trophy to Handicapped Americans of the Year to Richard and Robert Santin, of Fullerton, Nebr. This is the first time in the 24 years of this program that this award has gone to a Nebraskan. It is the first time that it has gone to more than one person. Richard and Robert Santin are twin brothers. They are victims of muscular dystrophy. This is the first time the trophy has gone to someone handicapped by this disease.

In spite of their very severe handicap, Richard and Robert Santin are successful and respected businessmen in their hometown of Fullerton.

Mr. President, I ask unanimous consent to have printed in the RECORD a speech entitled "A Tribute To Courage," which was delivered by Howard K. Smith in connection with these ceremonies.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

A TRIBUTE TO COURAGE

[A Tribute to Courage, delivered by Howard K. Smith, television commentator, ABC News, before presentation of the President's Trophy to Handicapped Americans of the Year, Richard and Robert Santin, at the Annual Meeting of the President's Committee on Employment of the Handicapped, Washington Hilton Hotel, Washington, D.C., April 15, 1971.]

The complaint is often made that news reporters recount nothing but bad news—wars, crimes, tragedies, man's failures. I plead guilty. I am not sure of the reason. It may be habit or the difficulty of getting attention, or just a negative tradition. But sometimes I think the daily diet of debacle we feed the people would justify mass suicide.

To my intense relief, I have been asked to tell you a story of good news today.

It is the story behind a sign you would see on a flat country road in Fullerton, Nebraska, which is just about mid-way between the East and West coasts of the United States. The sign reads: "Santin Two-Way Communications—Sales and Service." That is not the stuff of which headlines are made. But it happens to be the stuff of which heroes are. It points to the shop of Richard and Robert Santin, whom we honor today as Handicapped Americans of the Year.

The Santins were born thirty-two years ago and brought home to a farm close to where the sign now stands. As the first offspring and twins to boot, they brought great joy to their mother and father, Helen and Robert Santin. Seemingly healthy, big and alert, they were fitting sons of a family that had tilled the Nebraska soil for at least three generations.

Until they were a year old, the babies developed normally, but when they showed no signs of walking at fourteen months, their parents sought medical advice. They were told that many children big for their age were late walkers. Relieved, but still apprehensive, the Santins watched the twins carefully and made special efforts to develop their leg muscles.

As time passed, it became apparent that something was wrong. Richard and Robert were examined by a bone specialist. He offered no diagnosis. Finally, at an orthopedic hospital in the State capitol, doctors told the parents: "Your sons have muscular dystrophy."

The parents were crushed. But they were determined not to give up hope. For a special purpose they moved briefly to California in 1943. Mr. Santin worked in an aircraft factory while the twins were fitted with leg braces that could be made nowhere else in the country. In three months, the fittings were completed and the family moved back home. In their braces, the boys struggled to walk but made little progress.

A year later, at the Mayo Clinic in Rochester, Minnesota, Dr. Mayo advised the parents: "Take your children home. If there are any developments in the treatment of muscular dystrophy, we will let you know immediately." He added that if the boys reached the age of 21, they had a good chance of living a normal life span.

Helen and Robert Santin's hope for their sons' normal growth was now dead. It was replaced by a determination to keep them intellectually stimulated and to make them do as much for themselves as they could.

Since the boys were unable to attend school, Mrs. Santin began to teach them at home. The county superintendent of schools, Miss Jessie Kreidler, arranged for a teacher to visit the home once a week, to advise Mrs. Santin and to help her develop a curriculum.

The twins were quick to learn. They absorbed knowledge like sponges, not only from school books but from books on many other subjects that their parents provided. Richard showed a keen interest in science and technical subjects. Robert leaned toward history, poetry and adventure stories.

Meanwhile, a healthy daughter, Marilyn, was born to the Santins. Then, another son, Douglas. He, too, had muscular dystrophy.

When Richard and Robert were ready for the sixth grade, Miss Kreidler decided they had outgrown home tutoring, and she went to the Nebraska Society for Crippled Children for help. The Society provided a communications system that enabled the children to participate in classes at the nearby one-room schoolhouse: Everything that went on in class was relayed to a speaker in the Santin home where the boys sat in their wheelchairs at a work table. The teacher could call on them to recite and, by pressing a button, they were able to volunteer answers. For a while, Douglas, too, took part in the lessons. Miss Kreidler remembers: "None of the boys had a report card below B-plus."

Although their world had grown, Richard and Robert were isolated from people outside of their own immediate family and a small circle of friends. They learned early in life that society has a way of forgetting the severely handicapped.

In an attempt to broaden their horizons, their parents bought one of the first television sets in Fullerton. The twins remember as their initial viewing experience the organization of the United Nations in San Francisco.

They were encouraged to use their hands to make things. Today, bird houses they built still hang from trees around the farmhouse, and inside is a desk put together with Marilyn's help.

Like other seniors in the class, Richard and Robert took tests and graduated from grade school. Then, through the Division of Correspondence of the University of Nebraska, they got the equivalent of a high school education. Throughout, their marks were high and their papers showed no signs of the difficulty they had in writing.

Although the joy of achievement was marred by the death of their brother, Douglas, in 1959, their youth and thirst for learning helped them over the tragedy. The twins were becoming intrigued by articles they read on amateur radio and electronics. They studied, got amateur radio licenses and their own transceiver. Marilyn, too, earned a license and Mr. Santin, a novice license.

Now, the world really opened up. Daily, Richard and Robert communicated with other "hams" in this country and overseas. Some of these people visited the Santins and became fast friends. Each year, amateur radio operators throughout the world observe International Field Day. Often, those within a 200-mile radius of Fullerton gathered at the Santin farm, in a clearing on the banks of the Loup River, to celebrate the event.

Eventually, an engrossing hobby became a serious study. Richard read more than a hundred books and manuals on mathematics, basic electricity, AF and AM radio, electronics and related subjects. He took Navy correspondence courses in radar and navigation. Robert, too, studied electronics and took correspondence courses in bookkeeping and accounting offered by the University of Nebraska.

Then, once again, tragedy struck. Mrs. Santin died in 1963. Marilyn was away at school, fulfilling her parents' dream that she get a college degree. With whatever help he could muster in a scarcely populated area, Mr. Santin took care of his sons, his home and his farm, as he does today.

In 1964, Richard earned an FCC 1st class radio-telephone operator's license. Gradually, friends and those who heard by word of mouth of their knowledge of electronics, began to bring the twins radios and other equipment to repair.

It could hardly be called a business. The remoteness of the farm and Richard's and Robert's lack of mobility kept it at the level of a hobby that brought in some pay. But as their experience grew—along with rejections by potential employers they approached—so grew their determination to open a business that would make them financially independent.

When they made their decision, almost two years ago, the twins said: "Most people figure we're too handicapped to do anything. We've waited 30 years for our ship to come in. We're tired of waiting, so now we're paddling out to meet it."

There was much to be done. A van was purchased and the interior modified to hold Richard and Robert in their wheelchairs, plus test equipment and components of the communications systems they got a franchise to sell. The E. F. Johnson Company, of Waseca, Minnesota, granted the franchise, more impressed by the twins' know-how than by their disability.

An able-bodied young man in Fullerton, with some training in electronics, joined Richard and Robert. The sign, "Santin Two-Way Communications—Sales and Service," in red letters on white, was erected on the country road.

Like any venture, it took time to get started. Many people thought it would be impossible for the two severely disabled men, with just one assistant, to make a go of it. But little by little, they found customers: A veterinarian who treated livestock on area farms and would save time and travel by having a two-way radio system; the manager of an aerial spraying business; the St. Paul police and fire departments; an ambulance service, a school system and others.

The twins' reputation as professionals grew. A businessman who hired them, not knowing they were handicapped, summed it up this way: "They know what they're doing and do it so well, it's unbelievable."

To date, the van in which Richard and Robert travel the state of Nebraska has logged more than 50,000 miles, in summer and winter, in good weather and bad.

With this behind them, what are the twins' dreams for the future?

They would like to open an office and shop in town, where they would be closer to customers. They would like to enlarge the scope of their business, and service aircraft in addition to the other vehicles on which they now work. They would like to hire a staff that included handicapped, qualified workers like themselves. They would like to achieve as much independence as possible and prove to others that disabled individuals can make a contribution to society.

This last hope they have, very obviously, already realized. Their achievements in the face of incredible adversity have astounded, touched and inspired countless other human beings. For this, today, we honor Richard and Robert Santin as Handicapped Americans of the Year.

If we have not, before now, used the word "courage" in our tribute, it is because, in the face of the evidence, the word is inadequate.

PROPOSED MORTGAGE FORMS WILL AFFECT MILLIONS OF HOMEBUYERS

Mr. PROXMIRE. Mr. President, the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation are proposing to issue standard mortgage forms which will affect the legal rights of millions of American homebuyers. These two agencies were created by Congress to help the American homebuyer obtain mortgage credit on terms which are fair and reasonable. The Emergency Home Finance Act of 1970 gave these two agencies the right to establish a secondary market for buying and selling conventional mortgages.

In preparing to implement this authority, the two agencies drafted standard mortgage forms which they would require to be used on conventional mortgages which they purchased from mortgage lenders. The first draft of the form was circulated to about 8,000 lenders but to only a tiny handful of consumer groups. Moreover, the letter transmitting the proposed forms for comment admitted that the forms represented "the thinking of a broad spectrum of the residential lending community." It is no wonder, then, that the proposed forms are heavily weighted on the side of the lender.

I wrote the two housing agencies on January 26, urging that the forms be published in the Federal Register and that public hearings be scheduled so that consumer groups could have an opportunity to comment.

I am delighted to report that the two housing agencies agreed to my request. Public hearings on the proposed forms were held on April 5 and 6. I testified on these forms and pointed out that if they are approved in their present form, they will severely cripple the legal rights of the American homebuyer. They constitute a form of "legal overkill" under which the lender is given every conceivable form of protection at the expense of the homebuyer.

Mr. President, I hope that the public hearings scheduled by FNMA and the Federal Home Loan Mortgage Corporation are successful in developing forms which are more evenly balanced between the lender and the borrower. I ask unanimous consent that my testimony before these two agencies be printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Statement of Senator William Proxmire on Proposed Standard Mortgage Forms, Before the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, April 5, 1971

I want to congratulate the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation for holding hearings on their proposed standard mortgage forms. These standards forms will be required by the two housing agencies when they buy conventional mortgages and will therefore affect the legal rights of millions of American homebuyers in the years to come. They undoubtedly will become the standard mortgage form used by all mortgage lenders throughout the country. The decisions reached on these forms will have an important and far-reaching effect upon the American consumer. Thus, it is altogether fitting and proper that public hearings be held on so important a matter.

In my letter to the Mortgage Corporation and FNMA of January 26, I argued that the first draft of the proposed mortgage forms seemed to be unduly weighted on the side of the lender. I urged that the proposed forms be printed in the Federal Register and that public hearings be held so that consumer spokesman could make their views felt. I am delighted that you have decided to follow these suggestions.

At the outset, I want to make it clear that I am testifying as an individual U.S. Senator and my views do not necessarily reflect those of my colleagues on the Senate Banking Committee which has legislative jurisdiction over the two housing agencies. Our Committee has, however, taken a strong interest in consumer protection legislation and I am sure its members will be watching your deliberations with considerable interest. To my knowledge, no member has yet requested Congressional hearings on the subject and I am hopeful that your hearings today will prove successful in redressing some of the inequities in the proposed forms, thus precluding the need for any additional Congressional involvement.

My concern over the original forms proposed by FNMA was with the procedure by which they were being developed as well as with the provisions of the forms themselves. On the procedural question, I understand the proposed forms were circulated to 8,000 mortgage lenders but only to a tiny handful of consumer groups or independent experts. Indeed, the letter transmitting the first draft of the proposed forms frankly admitted that the forms "represent the thinking of a broad spectrum of the residential lending community." It is no wonder, therefore, that the forms are heavily biased on the side of the lender. As one Harvard law professor aptly observed, "They read as if they had been drafted entirely by a committee of bank lawyers."

In this era of consumer protection, I find it somewhat disappointing that our Federal housing agencies have been so insensitive to the rights of the homebuyer. One can well imagine the loud crys of anguish if a governmental agency attempted to promulgate far-reaching regulations affecting the business community without adequate notice, without publication in the Federal Register, and without provisions for a public hearing. And yet this is exactly what FNMA and the Mortgage Corporation were proposing to do with respect to their standard mortgage forms.

Congress did not create FNMA and the Mortgage Corporation to serve the lender. The whole purpose in having these two agencies is to serve the homebuyer and to make it possible for him to obtain a mortgage loan on terms which are fair and reasonable. Unfortunately, there seems to be a tendency for some housing agency officials to think of themselves as servants of the lender. I hope that today's hearings will mark the first step towards reorienting the views and attitudes of these officials.

The argument is sometimes made that the mortgage forms must provide adequate protection for the lender in order to induce investors to put their money into mortgages. The lender does, of course, need to have his investment protected. But the proposed mortgage forms to be required by our two Federal housing agencies go well beyond the legitimate need for investment security. They constitute a form of "legal overkill" under which the lender is given every conceivable form of protection at the expense of the homebuyer.

I have reviewed the second draft of the proposed mortgage forms circulated by the two Federal housing agencies on February 5, 1971. This second draft eliminates some of the more glaring legal atrocities contained in the first draft dated November 18, 1970. For example, under the second draft, the lender will no longer acquire a security interest in all household appliances purchased by the homeowner as he did under the first draft. Believe it or not, the first draft of the proposed mortgage forms even gave the lender an interest in any flowers or rosebushes planted by the homeowner. The gardeners of America can breath a sigh of relief that this iniquitous provision has been dropped in the second draft.

While the second draft contains some improvements, it does not go nearly far enough in protecting the legal rights of the homeowner. The revised forms are still heavily slanted in favor of the lender. If they are approved as written, they will severely cripple the legal rights of the American homebuyer. I am sure that as a result of the information gathered in these hearings, the two Federal housing agencies can develop mortgage forms which are more evenly balanced between the lender and borrower.

I have also reviewed the excellent alternative forms prepared by Mr. Spanogle of the Public Interest Research Group. These alternative forms appear to strike a fair and reasonable balance between the lender and borrower and I would hope you will give them serious consideration. No doubt some lenders will argue that these alternative forms are unworkable and will cause investors to put their money elsewhere. Before accepting any of these arguments, I would hope you would demand specific proof. It has been my experience that lenders view almost any change as catastrophic. It therefore seems wiser to err on the side of the homebuyer by adopting the consumer oriented forms. If, in practice, some of the provisions actually do have a depressing effect upon the level of mortgage investment, the forms can always be modified.

While I do not wish to comment in detail on all of the provisions in the second draft which need correction, I would like to outline some of the more important deficiencies.

First of all, the promissory note attached to the mortgage form makes it possible for the lender to accelerate the entire amount due *without notice* if the homeowner is more than 30 days late in a payment. If the homeowner cannot pay the outstanding amount due, the lender can then foreclose. This provision gives the lender a grossly unfair advantage over the homeowner. If a family is only 30 days late in meeting a payment because of temporary financial difficulties or even forgetfulness, they can lose their home.

The lender should have the right to accelerate the entire amount due if the buyer is late on a monthly payment. But surely the homeowner is entitled to a reasonable notice of the lender's intention to accelerate. If he is given reasonable notice he then has an opportunity to bring his payments up to date, thereby preventing the mortgage loan from being accelerated.

Without this protection, it is entirely possible for an unscrupulous lender to seize upon late payments as an excuse for accelerating, thereby forcing the homeowner to refinance his mortgage at a higher interest rate or lose him home.

Second, the proposed forms require that the homeowner prepay his real estate taxes and property insurance by making monthly payments into an escrow account held by the lender. I have no doubt that the vast majority of homeowners will prefer the convenience of this arrangement and I do not suggest that it be prohibited. Nonetheless, there are some homeowners who prefer to pay their taxes or insurance direct when they are due and I do not see why they should not have this option, particularly if it is agreeable to the lender.

The proposed standard form, however, would preclude such an arrangement even if the lender were willing. It thus interferes with the freedom of contract between the lender and borrower. It attempts to lock every homebuyer into a single mold regardless of individual preferences.

I would like to see the option for including taxes and insurance on the monthly mortgage payments rest exclusively with the buyer. However, there are occasions when the lender might have a legitimate reason to require the escrowing of tax payments. He might be dissatisfied with the ability of the homeowner to pay his taxes in one lump sum when due. Since a tax lien can be placed upon the property, the lender's security interest is affected. There is, however, no legitimate reason for a lender to require that insurance funds be escrowed.

I would therefore recommend that the option of including property insurance payments on the monthly mortgage payment rest exclusively with the homebuyer. Second, the forms should permit the borrower and lender to negotiate as to whether tax payments will be similarly escrowed. During a period where mortgage funds are readily available, such as the present, the homebuyer has the ability to shop around for a mortgage loan at the most favorable terms. Under these circumstances, many mortgage lenders are willing to forego the escrowing of tax payments. These natural, competitive forces of the market place should not be frustrated by governmentally sponsored standard mortgage forms which would prohibit a lender from offering more flexible terms to a qualified borrower.

Third, there is nothing in the proposed forms to prevent a lender from requiring excessive initial payments into an escrow account for taxes and insurance. Indeed, the forms permit the lender to require whatever he deems necessary. Thus, it would be possible for a lender to require the borrower to deposit one or more year's tax and insurance payments into an escrow account at closing time and to make monthly payments thereafter. I know of a case where a lender required the borrower to deposit insurance premiums for the first three years into an escrow account.

There is no legitimate reason for a lender to have any more funds in the tax and insurance escrow account than may become due and payable at the time the next bills are rendered. The standard forms should prohibit the lender from padding the escrow account, but unfortunately, they fail to do so.

Fourth, the proposed mortgage forms actually prohibit the payment of interest on tax and insurance funds held in the homeowner's escrow account even though the lender has the use of those funds. If this provision had been developed by a group of private lenders instead of the Federal government, I am convinced that the Justice Department could bring an antitrust action on the grounds that the provision is evidence of a conspiracy in restraint of trade.

I do not wish to get into an argument over whether the lender should or should not pay interest on escrow funds. Some lenders probably break even or even lose money because of the cost of administering escrow funds. Others undoubtedly make money.

Regardless of each lender's situation, I find it absurd that standard mortgage forms promulgated by the Federal government would absolutely prohibit the payment of interest. This is governmentally imposed price fixing at its worse. I believe it is far more preferable and consistent with our economic traditions to let the market place determine whether interest is paid on escrow funds. Let the borrower and lender bargain over the payment of interest. I do not say the forms should require the payment of interest, but neither should they prohibit such payment.

I would hate to think our lending institutions could not survive without the governmentally imposed price fixing implicit in the proposed forms. One would not be too inaccurate to say that these proposed mortgage forms represent socialism for the lender and free enterprise for the borrower.

Fifth, the proposed mortgage forms provide for a prepayment penalty of an unspecified amount if the borrower wishes to pay off his mortgage during the first few years of the loan. This provision can work an extreme hardship on military families and others, who, by the nature of their occupations, are required to make frequent moves every few years.

If the rationale for a prepayment penalty is to permit the lender to recover his fixed administrative expenses which would not be realized through early repayment, the argument is dubious since most mortgage lenders fully cover their administrative costs at closing time by charging points.

On the other hand, if the reason for a prepayment penalty clause is to prevent the homebuyer from refinancing when rates are reduced, the provision is unfair because the forms also permit the lender to require a new mortgage loan at a higher rate if the original buyer sells his home to a new buyer. If the lender has the opportunity to take advantage of a higher rate, a similar privilege must be accorded the borrower.

I believe the prepayment penalty clause should be stricken from the forms. Substantial prepayment penalty clauses can lock homeowners in their present homes and distort the orderly functioning of our housing markets. It can have a depressing effect on the demand for new home construction on the part of families who already occupy a home. Prepayment penalty clauses also retard the sale of existing homes.

Sixth, the proposed mortgage forms subject homebuyers to possible tie-in sales of property insurance by stipulating that the insurance company must be satisfactory to the lender. My Subcommittee on Financial Institutions has uncovered numerous abuses in the sale of credit life insurance. Instead of selecting the lowest costing credit life insurance, most creditors select the highest cost insurance in order to earn greater commissions. This form of reverse competition has kept credit life insurance premiums excessively high.

I am fearful that the same result would occur if the standard mortgage forms were to permit the mortgage lender to veto the right of the homebuyer to select his own insurance company. I would therefore recommend that the homebuyer be permitted to select any insurance company he wanted as long as the company were licensed by the State Insurance Commissioner to do business in that State. If it is concluded that lenders cannot adequately rely upon the certifications of State Insurance Commissioners the mortgage forms can further require that the insurance company also be approved by a Federal agency such as the Department of Housing and Urban Development.

Seventh, the proposed forms prevent the borrower from collecting the proceeds of any insurance payment and deciding whether to repair the property, reduce the principal on the mortgage, or use the money for something else. Instead, the proceeds are paid to the lender and he is given the exclusive right to decide what to do with the proceeds.

For example, suppose a homeowner's roof were damaged by fire and the insurance company paid the mortgage lender $2,000 in damages. The lender would have the power to use the $2,000 to reduce the principal of the mortgage loan instead of repairing the roof. If the homeowner wanted the roof repaired, he would have to pay for the repairs with his own money. Or perhaps he could be "persuaded" to take out a home improvement loan from the lender at a much higher rate of interest.

I see no reason to give the lender this much power. The homebuyer should have control of any insurance proceeds as long as the lender's security interest is not impaired. For example, if the borrower wants to spend the insurance proceeds on something else without repairing the damage to his home, he should be permitted to do so as long as the revised value of his home exceeds the amount due on the mortgage. The lender should be permitted to take control of any insurance proceeds only if the homeowner's proposed use of those proceeds would leave the value of the property less than the amount due on the mortgage loan.

These are just some of the deficiencies in the proposed standard mortgage forms. There are others of a more detailed nature which I have not gone into.

In summary, I believe the proposed forms are unfair to the American homebuyer. They constitute a major step backwards in consumer protection. They are totally inconsistent with the government's duty toward the homebuyer. And they are directly contrary to the objectives of the authorizing legislation. I would hope that these hearings will lead to a considerable revision.

A mortgage form is probably the most important single legal document a person will sign in his lifetime. Morever, an investment in a home is probably the most substantial financial commitment he will make. The mortgage form will effect his legal and financial well-being over a 25 or 30 year period. However, despite the extreme importance of a mortgage contract, most homebuyers do not bother to read it in detail or obtain representation from an attorney.

Since these proposed mortgage forms are being promulgated by agencies or instrumentalities of the Federal government, most homebuyers will be even less inclined to examine their mortgage contract carefully. Most homebuyers will assume that Federally approved forms could not possibly contain provisions which are to their financial disadvantage. In view of the great public trust assumed by FNMA and the Federal Home Loan Mortgage Corporation it is imperative that the forms be as fair and as reasonable to the borrower as they are to the lender.

CENTRAL ARIZONA PROJECT

Mr. FANNIN. Mr. President, 3 years ago Congress authorized the central Arizona project after many years of study and debate.

Since then progress has continued to be agonizingly slow for those of us who understand the importance of this project to the future of Arizona.

One stumbling block hopefully was removed April 13 when Gov. Jack Williams signed a new bill passed by the Arizona Legislature creating a conservancy district. This provides the legal machinery for contracting for central Arizona project water.

It is my hope that now the administration and Congress will provide the means to get work on the central Arizona project in high gear and to complete it by 1980.

The urgency of this project has been underscored in recent months by the severe drought that has struck Arizona.

A good summary of the project, where it stands, and its purpose, was published in the most recent issue of Lawyers Title News.

This article was written by Rich Johnson, executive director of the Central Arizona Project Association. I ask unanimous consent that the article be printed in the RECORD so that it may be available to Senators who are interested in following the progress of this important project.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARIZONA'S WATER FUTURE BRIGHTENED

(By Rich Johnson)

After more than twenty years of legislative and legal controversy, the Central Arizona Project was authorized as a federal reclamation project by the U. S. Congress on September 30, 1968.

The Project is one of the most extensive multiple-purpose water conservation and utilization projects ever authorized. Significantly, too, in the legislative process leading to authorization some of the most troublesome controversies which had plagued the seven states of the Colorado River Basin were resolved so that future water resource development can proceed on a broad regional basis.

The Colorado River Basin Project Act authorizes not only the Central Arizona Project but also five smaller water projects in the four-state upper portion of the Basin, as well as instituting studies of ways in which the supply of water in the Colorado River may be augmented to meet future needs of one of the fastest growing areas of the nation.

The Central Arizona Project unit will—when completed by about 1980—deliver an average of about 1.2 million acre-feet of Colorado River water annually to agricultural, industrial, and municipal users primarily in the central and southern areas of the state.

The project's service area includes the state's two major cities (Phoenix and Tucson) and about thirty smaller towns, and has a combined population of more than 1.5 million. It also includes about 750,000 acres of irrigated farmland.

Diversion point for the aqueduct is Lake Havasu on the mainstream of the Colorado River just above the existing Parker Dam. Water will be lifted approximately 800 feet at that point and delivered into a concrete lined gravity flow canal for a trip of 190 miles to Orme Dam Reservoir, about 25 miles northeast of Phoenix in the Salt River Valley.

From there the aqueduct will continue southeast for about 97 miles to serve users in Pinal and southeastern Maricopa County. From a control reservoir near Marana, a pipe aqueduct will carry water another 20 miles south to industrial and municipal users in the Tucson area. From another water source—the San Pedro River in Cochise County—a 65-mile aqueduct will convey water from Charleston Dam Reservoir to Tucson.

Buttes Dam and Reservoir will also be constructed on the Gila River in Pinal County as a flood control and water conservation facility.

Reservoirs at Orme, Buttes, and Charleston Dams will be fully developed for their recreation values as well as their regulatory and storage functions.

No new hydroelectric dams will be constructed on the mainstream of the Colorado River as a part of the Central Arizona Project. The electric power required for lifting the water will be supplied from a thermal electric plant now under construction near Page, Arizona.

Total construction cost of the Project is estimated to be about $1 billion, of which Arizona beneficiaries will repay about 87% to the federal treasury over a period of fifty years following completion.

THE PURPOSE

The purpose of the Central Arizona Project is to provide a supplemental supply of water in an area where the need has for many years exceeded the renewable supply. Of the approximately 4.5 million acre-feet used annually, only about one million is available from locally stored river flows. The rest is pumped from deep wells which tap stored groundwater deposited over a period of many thousands of years.

Depletion of the groundwater resource to meet progressively greater needs has been a growing problem for many years. As the Central Arizona Project is designed to slow the rate of annual depletion, delivery of Central Arizona Project water for agricultural use will be limited to lands having a recent history of irrigation. This restriction will prevent development of new farmlands using Project water and help to sustain production on lands already developed.

The Project plan earmarks at least one-third of water deliveries for domestic municipal and industrial uses in keeping with the urban population growth and the expansion of manufacturing.

It is impossible to put an explicit dollar value on water in an arid region like Arizona. Water is a resource rock upon which the total economy is built. If the present annual use of water per year in the state is viewed in relation to annual personal income, then the approximately 6 million acre-feet of water used in Arizona is basic to an income of about $5 billion. The equation is at least indicative of the value of the Project's 1.2 million acre-feet of delivered water.

The value of water is never static, however. As its end use changes, so does its value, and in Arizona the end use is gradually but surely changing from the lower per unit productive value of agricultural irrigation to the higher value of manufactured goods and the imponderable values of domestic municipal use.

While Central Arizona Project water deliveries are planned primarily for the needs of people in the most heavily populated and industrialized central and southern parts of the state, the plan and the authorizing act provide for indirect augmentation of water supply in the higher elevation communities of the Arizona northlands.

This would be accomplished by exchanging Colorado River water delivered via the Project aqueduct in central Arizona for a corresponding amount retained by users higher up on the state's internal watersheds.

That principle of water exchange can not only relieve some chronic water supply problems of northern county cities and towns, but also make possible the ultimate implementation of planning for recreation water impoundments by the Arizona Game and Fish Department. Such relatively small-scale impoundments will serve the growing recreation needs of the people in central Arizona and enhance the recreation oriented economics of the area in which they are located.

WATER SOURCES

With the Project in operation after 1980, central Arizona will have one of the most sophisticated and elective water supply systems in the world. There will be three sources to draw from—surface runoff water stored in reservoirs on the Gila, Salt, Verde, Agua Fria, and San Pedro rivers; groundwater reserves; and Colorado River water delivered via the Central Arizona Project aqueduct.

These three sources can be drawn upon by management decision for varying amounts and different proportions of the total demand depending upon variations in the quantities available from the two stored surface water sources—reservoirs on internal streams, and Lake Mead on the Colorado River. Withdrawal of groundwater can be reduced when surface water supplies are relatively abundant, thus permitting more recharge to accumulate in groundwater aquifers for use in periods when surface water is less abundant.

In addition to these three primary sources, about 50% of all Central Arizona Project water delivered for urban municipal use will be returned as sewage effluent and available for treatment and reuse for appropriate beneficial purposes.

This availability of water production source alternatives puts central Arizona in an enviable position; in fact, a better position than that of most regions of normally more abundant water where the total dependency is upon a single developed source of supply.

Before the Central Arizona Project can go on the line, of course, it must be completed in steel and concrete. At present it is an engineering plan on the drawing boards of the Bureau of Reclamation. Final advance planning leading to the awarding of construction contracts could not be started until the Project had been authorized by Congress. Following authorization at the end of 1968, the process of advance planning began in only a limited way until Congress appropriated $1.1 million for the purpose in December 1969.

For the fiscal year which began July 1, 1970, the Nixon Administration recommended an appropriation of $3.1 million for the Central Arizona Project. That amount includes $200,000 which was withheld from the previous year's appropriation by the Bureau of the Budget.

Of the $3.1 million recommended for appropriation, about $2.25 million was earmarked as the federal government's 1970–71 obligation towards the cost of constructing a thermal electric generation plant from which energy will ultimately be made available by pumping Colorado River water via the CAP aqueduct. This left about $850,000 for continuation of CAP diversion and aqueduct advance planning. This is not regarded as adequate funding to meet the requirements if CAP water deliveries are to begin in 1980.

For this reason the state legislature has appropriated $685,000 on a reimbursable basis to supplement funds appropriated by the Congress.

The 91st Congress, however, acting upon a request by Arizona Congressman John Rhodes, appropriated an additional $1.2 million specified for actual construction. These construction funds may or may not be released by the Administration's Office of Management and Budget for use this year.

Although no serious question has ever been raised concerning marketability of all the water to be made available by the Central Arizona Project, it became necessary after Project was authorized to begin determination of how the water would be allocated among those who would want to sign delivery contracts with the secretary of the interior. January 6, 1969, the secretary asked that potential contractors file "expressions of interest" with the Bureau of Reclamation.

As of October 8, 1970, a total of 47 of these "expressions of interest" had been filed, and collectively they indicated a market for roughly four times the amount of water that is likely to be available for average annual delivery via the CAP.

ALLOCATION GUIDELINES

The Arizona Interstate Stream Commission, which was authorized several years ago to advise the secretary of the interior in connection with CAP water delivery contracts, has a research program under way to develop water allocation guidelines on the basis of need and benefits. This work is being done under direction of the commission's staff, headed by the state water engineer, Wesley E. Steiner, and the consulting firm of Dunlap and Associates. The studies involve linear mathematical programming of data in a systems analysis giving weight to the many economic and social effects of water allocation.

Related to this responsibility the commission has also established a Water Allocation Advisory Board open to membership representing any and all potential users of water in Arizona.

The question of water supply in the Colorado River for the CAP has been raised at various times. In authorizing the Project, the Congress was assured by federal water experts that the supply of water in the river, with the storage reservoirs at Hoover and Glen Canyon dams, will be sufficient until about 1995 or 2000 to meet legal delivery requirements under anticipated development conditions.

The authorizing act also directs the secretary of the interior to "conduct full and complete reconnaissance investigations for the purpose of developing a general plan to meet the future water needs of the Western United States." His final report is to be submitted on or before June 30, 1977.

Furthermore, the act provides that satisfaction of requirements of the Mexican Water Treaty from the Colorado River constitutes a national obligation which shall be the first obligation of any water augmentation project planned. Relieved of the burden of the Mexican Water Treaty obligation, the supply of water in the Colorado River will be adequate for all presently existing or authorized deliveries to the Colorado River states, according to authorities.

For the present and the short-term future, the economic values of the Central Arizona Project are primarily in terms of preserving agricultural productivity and land values, the tax base associated with those values, and the great variety of business activities associated with farm crop production.

Despite large cash receipts for crops marketed from Arizona irrigated farms, the trend in Arizona is toward urbanization of land which appears to have a dependably available supply of water. The City of Phoenix, which occupied only 17.1 square miles in 1950, now includes 247.7 square miles in its corporate limits. The city's metropolitan area now has a population of nearly a million people, using more than 200 gallons of water per day per capita, according to estimates prepared by the Arizona Interstate Stream Commission.

The City of Tucson has experienced a similar rate of growth, with accompanying increases in municipal water useage. In addition to the growing need for domestic water in the Tucson area, the copper mining industry of the county is expanding at a rapid pace and its water requirements must be met.

The fact that the Central Arizona Project aqueduct, after reaching the Salt River Valley, will traverse the 100-mile stretch of land between Phoenix and Tucson increases the probability that this corridor will be extensively urbanized. In the process of this development the economic and population impact upon Pinal County, lying between Phoenix and Tucson, is bound to be highly significant.

This potential development offers Arizona a unique opportunity for long-range planning to achieve a model urban environment. A substantial part of the land in the area between Phoenix and Tucson is in state ownership making it possible to manage its development according to a master public policy plan. The corridor can be segmented with appropriately spaced regional parks to provide open space and recreation facilities. Urban community water system effluent can be reused for recreation purposes and, with proper treatment, for irrigation of farm green belts separating industrial park sites from residential areas. Rights of way for utilities such as power and a mass transportation system can be established well before they are required.

By taking these planning steps now, it will be possible to reduce the specter of overcrowding of people in Phoenix and Tucson, to reduce the concentration of air pollutants which are associated with such overcrowding of people and their traffic congestion.

A MODEL ENVIRONMENT

In short, the Central Arizona Project aqueduct presents a very real opportunity for Arizona to develop a model urban-rural environment linking its two largest cities, and to accomplish it in a way that is compatible with resource conservation and ecological goals.

Still on the horizon, and beyond the Central Arizona Project, lies the challenge that must be faced by all of the American Southwest which lies in the arid zone of the vast Colorado Basin. Weather modification to increase normal precipitation over the water sheds, and very large-scale water desalting plants are possibilities receiving intensive study at the present time. Other possibilities include the transportation of water over great distances from regions where surplus water may be found.

The twenty-first century seems likely to be an age in which many of man's most urgent social, environmental, and economic problems will depend upon wise development of water and its related land resources. If so, the broad regional concepts incorporated in the Central Arizona Project authorization act may be the pattern for planning and action.

ALASKA OIL DISCOVERIES

Mr. GRAVEL. Mr. President, millions of words have been written about the Alaska oil discoveries, the proposed Alaska pipeline, the ecology of the tundra, and the relationship of all this to national energy needs.

Recently I read an article in the Bulletin of Atomic Scientists that provides such a fresh perspective to these important and complex issues that is worthy of special notice. In this brief piece, William W. Porter II, of Palmdale, Calif., gives us a rare insight to the possible consequences to the human environment of our failure to move ahead with production of our known energy reserves in Alaska.

It is an article worth reading and pondering, for it is a forerunner to difficult questions of public policy that will arise all too soon if we lose perspective on how a modern society is to maintain itself.

I ask unanimous consent that Mr. Porter's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COMPETITION BETWEEN ECOSYSTEMS

L. C. Bliss' article on "Why We Must Plan Now to Protect the Arctic" (Bulletin, Oct. 1970) has given a good resume of the unusual engineering problems caused by permafrost—soil with pore spaces permanently filled with ice to depths down to some 1,200 feet—but the conclusions do not follow logically.

The argument to curtail Alaska oil development starts from the long popular fallacy which equates "environmental technology" with "economic and engineering technology"—a theme often repeated with references to economic pressure, companies, stockholders, profits, etc. This conflict is not between the public interest in Alaskan environment and the private economic interest of oil companies and their stockholders. The real conflict is the competition between two ecosystems: part of the Arctic ecosystem, and the ecosystem of the 200 million people in the 48 states.

Environmentalists, in general, have failed to evaluate the human environment, or to recognize that oil is the mainstay and an integral and indispensable element of the human ecosystem.

Having had a small part in administering oil reserves as an Interior Department employee in World War II, I gained a frightening insight into how great a national calamity an oil shortage can be: no oil—no mechanized farming—no food—famine—no general transportation—no national defense—no oil and gas heating—no adequate energy supply, since about 74 per cent of total U.S. energy requirements are met by oil and gas etc.

The ecology of the Arctic, therefore, has little significance until compared with the contingent ecology of the 48 states. Everybody favors continued study of ecology and development with a minimum of damage; but no matter what ecologists find, it cannot justify subjecting 200 million people to an oil shortage for the sake of preserving the ecosystem of the small percentage of the area of the North Slope that may be adversely affected by oil development.

The obligation of government clearly is to favor the ecosystem which contributes most to the well-being of its citizens. Shall 200 million people suffer the extreme hardship of an oil shortage to avoid fancied inconvenience to a few caribou and moose, or the creation of more small lakes? The animals may not mind anyway. Caribou graze in the oilfield and sleep on the drilling pads. I have had to jam on brakes to avoid hitting a moose ambling along a Canadian road like a friendly cow.

Human survival has been possible only by replacing elements of the natural environment with human environment elements beneficial to man. Buffalo range had to yield to wheat growing for bread. The Stone Age environment that supported only about a million Indians in 1492 gave way to our environment based on energy and metals. Restoration of the natural environment is, therefore, out until a way is found to get rid of around 199 million people.

Resolution of competing ecologies in favor of the American people is not new. After the Panama treaty became effective February 26, 1904, there was no hesitancy in deciding to destroy the natural environment of the Canal Zone which favored tropical diseases, and to supplant it with a new environment favorable to white people.

The oft heard appeals to "save the Arctic" are meaningless and misleading because "the Arctic" is not threatened by oil. The North Slope tundra is an area of about 70,000 square miles or 45 million acres. The two outstanding oil lease sales of July 1965 and the famous billion dollar sale of September 1969 granted less than half a million acres each. Oil history shows that much of it will not be developed. If as much as an optimistic 10 per cent of the North Slope ultimately should be developed for oil, such a godsend to the country would still leave the environmentalists over 40 million acres of tundra free of oil development. Since few people have seen the Alaskan tundra, which slopes north to the Arctic Ocean, and still fewer want to see it, those who know the gravity of an oil shortage believe the tundra enthusiasts should be able to get by with the 40 million acres of nonoil land.

Various suggestions that "governments and society must insist that when oil-fields are discovered they are not harvested until really needed," and that potential oil reserves should be "set aside for an emergency" is dangerous national policy. The United States really needs more oil reserves now. We use about 34 per cent of world oil production, but own only 8 per cent of world oil reserves. Under prohibited development, there will be little discovery because neither government nor industry can afford to lay out today's huge exploration costs to find oilfields they are not permitted to develop. Such curtailment of oil exploration and development now will create a serious shortage for the United States whenever the unreliable world supply gets tight. The Suez Canal is blocked now, and Syria is keeping the Trans-Arabia pipeline closed. An oil supply can't suddenly be turned on when laymen belatedly recognize a shortage that they wouldn't let the experts prepare for a decade or more sooner.

The Trans-Alaskan Pipeline System (TAPS) from the Alaskan North Slope to Valdez on the Gulf of Alaska will not "deliver oil to areas where there is little oil deficit." California has produced about 10 billion barrels of oil since 1940 and now depends on imports for one-third of west coast needs compared to one-fifth for the whole country. This is no "area of little oil deficit," but an area that would be in serious trouble if the eastern hemisphere political situation blows up and cuts off half the oil supply of our free world allies plus some of our own. The burden would be shifted to western hemisphere sources which now supply the California deficit. This is a very dangerous time to curtail oil exploration and development.

COMPARATIVE TAX STRUCTURES OF UNITED STATES AND OTHER TRADING NATIONS

Mr. FANNIN. Mr. President, there are many causes of America's failure to hold its own in the increasingly competitive world markets.

One of these causes is the comparative tax structures of the United States and other trading nations.

Most of our foreign competitors have tax structures that encourage their manufacturers to invest in new machinery and equipment. These foreign governments not only provide for rapid depreciation; they also offer subsidies, services, and other encouragement for their manufacturers engaged in world trade.

International trading agreements are drawn up so that they favor our competitors. These agreements give foreign governments ample opportunity to subsidize their export manufacturers, but there are few opportunities for the United States to provide incentives legally to our manufacturers.

American manufacturers are at a distinct disadvantage not only in trying to export goods, but in trying to maintain their markets against foreign competition at home.

Currently there is deep concern over unemployment in the United States, and justifiably so.

Political opportunists are seizing the issue and pointing their political finger in various directions.

One thing that most of them seem to ignore is the fact that there must be business before there can be employment. If American industry does not have the incentive to compete, there will be precious few jobs for Americans.

The President's Task Force on Business Taxation has recommended that changes be made in Treasury Department regulations to provide a more realistic tax depreciation. This would be a stimulus to American industry and thus help in curing unemployment.

Early next month the Internal Revenue Service will hold hearings on proposed new regulations that would encourage American business to modernize so that it can remain competitive in today's world.

Mr. President, the Chamber of Commerce of the United States has sent the IRS an interesting memorandum on the proposed regulations for depreciation allowances using the asset depreciation range system. This memorandum gives some very good examples of why we need to adopt these new regulations.

I ask unanimous consent that the material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL 12, 1971.

Re: Proposed regulations for depreciation allowances using the asset depreciation range system.

COMMISSIONER OF INTERNAL REVENUE
Washington, D.C.

DEAR MR. COMMISSIONER: The Chamber of Commerce of the United States supports the Treasury Department in its efforts to simplify and make more realistic tax depreciation by adoption of the proposed regulations regarding the asset depreciation range (ADR) system.

For many years, the National Chamber has urged meaningful depreciation reforms to insure the continued modernization of American industry and to enable American business to compete more effectively in world markets. The proposed regulations are a major step toward implementing the National Chamber's recommendations and the Treasury Department is to be commended.

EFFECT ON COMPETITION WITH OTHER INDUSTRIAL NATIONS

The National Chamber has long called for permanent improvements in our inadequate depreciation structure that would make it comparable to the capital recovery allowances of other industrial nations. The United States cannot afford to fall farther behind our major trade competitors and still hope to recover from our precarious balance of payments position. We cannot afford to further handicap American business at a time when modernization and expansion of our production factors are so necessary. Until the time that the United States can close the gap between the systems of capital recovery used by our competitors and that which is allowed by our own tax system, there will be little chance for increasing exports and reducing imports.

As was pointed out last year in the report of the President's Task Force on Business Taxation, other industrialized nations have provisions relating to cost recovery allowances and capital investment incentives that are much more favorable than our own. The Task Force said:

"If the United States is to improve, or even maintain, its position in international trade, domestic policy will have to encourage, rather than downgrade, the making of private investment for expanding, modernizing, and increasing the efficiency of our industrial facilities. Constructive revision of the present capital cost recovery system is an important element of any public policy designed to further this objective."

All the other leading industrialized nations have adopted cost recovery allowances that encourage investment in machinery and equipment. Instead of an industry writing off machinery and equipment in thirteen years in the United States, it can anticipate it would be able to write off similar equipment in less than ten years in such countries as Italy, France, the Netherlands, Sweden, Switzerland and West Germany. In Japan, such machinery could be written off in eleven years, with a 34.5 percent allowance in the first taxable year compared to 7.7 percent in the United States. Thus, the capital cost recovery allowance provided for machinery and equipment in the United States is substantially less than that provided in the leading industrial nations with whom we are competing in world markets.

Even if the cost recovery periods assigned to machinery and equipment according to the present guidelines were reduced by the 40 percent recommended by the President's Task Force on Business Taxation, the recovery would still be less than the recovery provided for in Western Europe and, in the early years, less than the recovery provided for in Japan. Therefore, while the ADR regulations are certainly a step in the right direction, they will only partially close the gap with the other nations against whom American business must compete.

TECHNOLOGICAL OBSOLESCENCE AND INCREASE IN EMPLOYMENT

In a highly technological age, the American industrial community is continually faced with a need to replace obsolete equipment and machinery. It is very common for an industry to purchase and install a new piece of equipment only to find that even before it becomes fully operative it has become obsolete because of some new technical development or improvement. Unfortunately, often the industry is forced to use that piece of equipment for many years before the investment capital can be regained.

High labor costs in this country have a significant impact on the ability of American industry to compete in world markets. A combination of high labor costs and the forced retention of obsolete equipment serve only to deter the expansion of our exports. What we need is a taxing system that encourages, rather than discourages, replacement of obsolete industrial machinery and equipment. Realistic depreciation practices encourage the replacement of obsolete machinery and equipment, and assist in creating jobs for American workers.

With wages already outpacing productivity, there can be but one practical course of adjustment. Since wages cannot be lowered, production must be increased, and to do so requires that an adequate capital recovery system be permanently worked into our tax structure. The National Chamber has consistently asked that a provision be written into the tax law that would be an integral part of the depreciation structure; a provision that would represent some measurement of the unrecognized obsolescence in capital consumption.

With six percent unemployment in this country, we are concerned with providing more jobs and raising the standard of living of all Americans. As former Secretary of the Treasury Douglas Dillon said in hearings before the Ways and Means Committee in 1961:

"All of our citizens will benefit from modernization of our industry. A basic fact of economic life is that modernization and expansion are essential to higher productivity. Rising productivity will provide us with a rising level of per capita income, with resultant and widely shared benefits in the form of rising real wages and rising investment incomes."

EFFECTS ON INFLATION

A problem with the present system of depreciation is that it makes no allowance for inflation, which raises the cost of replacing an asset without raising the depreciation set aside for it. Due to inflation, United States business has underdepreciated its assets, overstated its profits, and paid income taxes on the overstatement. In essence, American business has been paying taxes on its capital.

As was stated by the President's Task Force on Business Taxation:

". . . a rapid rate of expansion of production capability is desirable in the interests of reducing the costs of production and meeting more fully the demands arising in all sectors of the economy. Curbing inflationary pressures is not a one-shot matter; over the coming years, the greater the increase in our ability to produce, the better able will the United States be to cope with these demands.

* * *

"Our recommendations, by shortening the time lag between investment and write-off, would accomplish a good deal toward reducing the adverse impact of inflation on the adequacy of cost recovery allowances. . . ."

INADEQUACY OF PRESENT DEPRECIATION PRACTICES

This country's depreciation provisions have been inadequate as far back as 1934 when T.D. 4422 was issued by Treasury as a substitute for a proposed statutory reduction in depreciation allowances. T.D. 4422 was principally a revenue-raising measure to finance the Federal Government during the Depression. In 1934 hearings before the Ways and Means Committee on the question of reducing depreciation allowances by 25 percent through statutory enactment, the National Chamber in its testimony said:

"The present statute authorizes a deduction from gross income for tax purposes of 'a reasonable allowance for the exhaustion, wear and tear of property used in the trade or business, including a reasonable allowance for obsolescence.'"

It is now proposed to reduce this reasonable allowance by 25 percent for 3 years. . . . Taxes levied according to this proposal would be taxes based on an alleged income which did not exist and in effect would be a direct tax on capital.

Bulletin "F" in its last revision was used for two decades before it was replaced in 1962. Bulletin "F" disregarded obsolescence and its demise was welcomed by the business community. As the National Chamber pointed out to the Ways and Means Committee in 1958:

"These lives in Bulletin 'F' are based on the historical-use patterns of the depression-ridden 1930s and the war years of the early 1940s . . . The law provides a reasonable allowance for wear and tear and obsolescence but, as I have mentioned, the burden of proof imposed by the 1934 Treasury ruling and the Revenue Service has almost completely nullified the allowance for obsolescence. The burden of proof is impossible. Obsolescence cannot be proved; it can only be predicted. And Revenue agents generally do not let taxpayers depart from Bulletin 'F' or the historical pattern of the 1930s and 1940s by gazing, no matter how intelligently, into the crystal ball of prophecy."

Inflation and rapid obsolescence were causing a distortion of the real income of businesses and, in 1954, the Internal Revenue Code was amended to provide for more realistic depreciation by recognizing the double declining balance and sum-of-the-years digits methods of depreciation. The Code adopted the principle of allowing greater depreciation allowances in the earlier years of an asset's life, and less in the later years as it became old or obsolete. "Additional first year depreciation" was added to the Code of 1958.

While accelerated depreciation and additional first year depreciation were generally welcomed by the business community, they did not solve the real problem of depreciation. Thus, the outdated Bulletin "F" was superseded by the reserve ratio test and the guideline lives of Revenue Procedures 62-21 and 65-13. The guidelines have improved the situation, but have far from solved the problem of providing realistic allowances.

The two main criticisms of the reserve ratio test are that it uses the hindsight approach of an asset's life, similar to the mortality tables used by the revenue agents under T.D. 4422, and that it is extremely complex in its application. The actual effect of the reserve ratio test is that it has not worked in practice.

In line with the Chamber's position that a permanent capital cost recovery tax system is necessary, in 1970 the President's Task Force on Business Taxation urged as a part of its recommendations that a capital cost recovery allowance system be substituted for the outmoded system of deductions based on the useful life of property. The Task Force also recommended that the reserve ratio test be eliminated. This latter position has also been advocated by the National Chamber for many years.

CONCLUSION

The National Chamber views the proposed regulations on the ADR System as a major step towards achieving the goals of an adequate capital cost recovery system of depreciation. The Treasury Department is to be congratulated on its recommendations for business depreciation reform. It is encouraging that Treasury has recognized the deficiency in reasonable allowances for depreciation and is taking proper steps to correct that deficiency.

Respectfully submitted,
Robert R. Statham,
Taxation and Finance Manager.

GENOCIDE CONVENTION—PROPER EXERCISE OF TREATY-MAKING POWER

Mr. PROXMIRE. Mr. President, yesterday, I spoke at some length concerning the question of concurrent jurisdiction and extradition as it applies to the Genocide Convention. I would like today to speak about the contention that the Genocide Convention would alter the balance of authority between the States and the Federal Government. I believe that this contention is unfounded.

The crime of genocide comes within the scope of article I, section 8, clause 10 of the U.S. Constitution which expressly authorizes Congress, "to define and punish . . . offenses against the law of nations." I think it would be helpful to review the background of this clause in the Constitution since this particular provision of the Constitution "has seldom been used and there are few precedents under it." Adrian Fisher, legal adviser, Department of State, "The United Nations and the Genocide Convention," United Nations League of Lawyers Review (Nov. 1950).

In the Federalist, No. XLII, Madison says:

> The power to define and punish piracies and felonies committed on the high seas, and offenses against the law of nations, belongs with equal propriety to the general government, and is still a greater improvement on the Articles of Confederation. These articles contain no provision for the case of offenses against the law of nations; and consequently leave it in the power of any indiscrete member to embroil the confederacy with foreign nations.

This comment in the Federalist on this subject shows clearly that the framers of the Constitution felt that criminal activities of international concern should be a matter for the Federal Government as part of the responsibility of the Federal Government for the conduct of foreign relations of the United States. In the principal case involving article 1, section 8, clause 10 of the Constitution, *United States* v. *Arizona,* 120 U.S. 479 (1887), the Supreme Court sustained the constitutionality of a Federal statute to prevent and punish the counterfeiting within the United States of notes, bonds, and securities of foreign governments and on this provision as follows:

> Congress has the power to make all laws which shall be necessary and proper to carry into execution the powers vested by the Constitution in the Government of the United States, Art. 1, Sec. 8, Clause 18; and the Government of the United States has been vested exclusively with the power of representing the nation in all its intercourse with foreign countries. It alone can "regulate commerce with foreign nations"; Art. 1, Sec. 8, Clause 3; make treaties and appoint ambassadors and other public ministers and consuls. Art. II, Sec. 2, Clause 2. A state is expressly prohibited from entering into any official intercourse between a state and foreign nations in prevented, and exclusive authority for that purpose given to the United States. The national government is in this way made responsible for foreign nations for all violations by the United States of their international obligations and because of this, Congress is expressly authorized to "define and punish . . . offenses against the law of nations." Art. 1, Sec. 8, Clause 10.

In 1820, Justice Story remarked about the uncertain and undeveloped state of that part of international law which related to international crimes. He said: "Offenses, too, against the law of nations, cannot with any accuracy, be said to be ascertained and defined in any public code recognized by the common consent of nations. In respect, therefore, as well as to felonies on the high seas as to felonies against the law of nations, there is a peculiar fitness to giving the power to define as well as to punish; and there is not the slightest reason to doubt that this consideration had very great weight in producing the phraseology (Article I, Section 8, Clause 10) in question." *United States* v. *Smith,* 5 Wheat. 153, 159 (1820).

One of the most profound influences upon the drafters of the U.S. Constitution was Blackstone. It is, therefore, interesting to note a passage in volume IV of Blackstone's Commentaries on the Laws of England, where it is stated:

> The principal offenses against the law of nations animadverted on as such by the municipal laws of England, are of three kinds: 1. Violation of safe-conducts; 2. Infringement on the rights of ambassadors; and 3. Piracy. (15th Edition, London, 1809, p. 67.)

During the last century, there have been numerous attempts to develop international law usually through the conclusion of international treaties or conventions so as to make illegal various types of conduct. The most notable of these efforts was the establishment of the United Nations and its subsequent attempts to insure the protection and preservation of human rights vis-a-vis the Human Rights Conventions. Most authorities maintain, for instance, that the practice of slavery and the slave trade are crimes under international law. This principle has been embodied in a human rights convention of the United Nations. The United States is a party to this convention—the Convention To Suppress the Slave Trade and Slavery of September 25, 1926. The convention is designed to suppress the slave trade and bring about the abolition of slavery; and, like the Genocide Convention, it obligates contracting parties to penalize violations of the convention. In addition, a number of international conventions have been adopted to repress such activities as the white slave trade, illegal traffic in arms traffic in narcotic drugs, and counterfeiting. These activities are also categorized by some authorities as crimes under international law. It certainly seems proper, then, that genocide should be within the scope of the treatymaking power of the United States and also within the legal jurisdiction of Congress to outlaw.

Philip Perlman, Solicitor General of the State Department, testified in 1950 before the Senate Foreign Relations Committee that:

> It is accurate to say that the treaty power extends to all proper subjects of negotiation with other governments, and that Genocide or the Genocide Convention appears to be a proper subject of negotiation.

I urge the Senate to act quickly on the Genocide Convention. It seems clear that there are no constitutional barriers to prevent us from doing so.

DEATH OF ERNEST F. JESSEN, ALASKA PIONEER

Mr. GRAVEL. Mr. President, Alaska is close enough to its frontier origins to pay honor to its pioneers.

One of those great pioneers died March 26 in Fairbanks. He was Ernest F. Jessen, a man who had spent most of his 80 years in Alaska.

Ernie Jessen was known by most Alaskans. His name became identified with the publications which he produced. His life was devoted both to Alaska and to the newspaper business and he survived crisis after crisis to retain his voice in Alaska journalism.

Ernie Jessen's is a story that may never again be duplicated in Alaska. Newspapers these days are corporate enterprises. Few rarely become extensions of a personality. But Jessen was an exception and so was his most noteworthy publication, Jessen's Weekly. His service to Alaska never can be adequately described. But those of us who knew him can sense its importance by the depth of feeling for our loss. I ask unanimous consent that an editorial from the Anchorage Daily News describing Jessen's place in Alaska be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Ernest F. Jessen

We join with his multitude of friends throughout the state in mourning the passing of Ernest F. Jessen, publisher of Jessen's Weekly, Jessen's Daily and the All-Alaska Weekly in Fairbanks.

Ernie Jessen came north with the gold rush, fell in love with Alaska and as a newspaperman persevered through setbacks which would have driven out a lesser man. He founded Jessen's Weekly in 1942, was told it "wouldn't last six weeks," published it without missing an edition through an $80,000 fire in 1948 until he sold the paper in 1959. Soon he was back at the helm, however, after repossessing the publication from a successor and assuming the paper's debts. The Fairbanks flood of 1967 halted publication and Jessen sold his damaged plant to other interests, who converted it to a daily. The daily was closed by the Internal Revenue Service in 1969. Again Jessen took over and tried to revive the daily, but the paper's accumulated debt was too much and it folded on Aug. 27, 1969. By last year Jessen was back once again, with the All-Alaska Weekly. All of this, it should be added, was accomplished despite competition from the daily Fairbanks News-Miner.

That is staying power and when Ernie Jessen died at 80 last Friday Alaska lost just a little of its stamina as well as a life-long friend.

FAIR FREE TRADE

Mr. FANNIN. Mr. President, recently I introduced S. 1476, a bill designed to help foster fair free trade. It would bring foreign manufacturers doing business in the United States effectively under the same antitrust laws that apply to American business.

It is evident that free trade will not last much longer unless our trading partners stop abusing the system. Japan and the European Economic Community want to play the game under their own rules while holding the United States to another set of rules.

We can no longer afford the luxury of overlooking the unfair trading tactics of foreign manufacturers. Economic survival is now the issue.

Our Nation has been slow to awaken to this problem. Even American businessmen, who should be the first to recognize the threat, have ignored the situation, apparently hoping the problem would go away.

Now there are hopeful signs that business leaders and the public are becoming aware of the dangers of unfair foreign competition.

A very good article on this matter was published in Forbes magazine of May 1, 1971. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

One-Way Street—How Long Will the United States Continue Granting the Japanese Full Access to Our Markets While U.S. Business Is Severely Hamstrung in Japan?

Where does free trade stop and unfair competition begin?

Or, put it another way: What kind of a game is it when one contestant plays by the rules and the other fellow makes up his own rules as he goes along?

For years the great majority of businessmen turned their backs on the "bellyachers"—largely from the textile and shoe industries—who argued for import quotas and the like. But that was before the unique business-government conglomerate called Japan Inc. captured upwards of 50% of the U.S. radio, motorcycle, electronic calculator and selected camera markets (to name a few), and began widening its annual trade surplus with us to around $1.5 billion. Today Japan controls 15% of the total U.S. import market. And it's shooting for 20% by 1975.

U.S. businessmen aren't turning their backs anymore—not even traditional free-traders. Says du Pont President Charles McCoy: "We don't want to build walls to hide behind. We only want *fair* free trade with Japan." In that sense, the growing sentiment among U.S. executives for some measure of trade restraint is the antithesis of America-first protectionism. The new plea is for equal trade laws for all.

"We have to stop kidding ourselves," says President Ely Callaway of Burlington Industries. "The Japanese don't play by our liberal rules. What industry, let along company, can compete with an economic system that fosters monopolies, price-fixing and disruptive trade practices?"

"Unless there is a major change in our trade policy," says Chairman Joseph Wright of Zenith Radio Corp., "about 80% of the U.S. home electronics industry will be produced overseas within three or four years." Other businessmen estimate that by 1976 imports could cause unemployment in the U.S. car industry to increase 15%.

To those who argue that U.S. restrictions would trigger a trade war, du Pont's McCoy says: "In the give and take of international trade, there is always a trade war under way."

Not everyone favors trade protection. Indeed, the Nixon Administration considers Japan an indispensable trade partner and key political ally. Also, many companies have adapted to the flow of excellent and low-priced Japanese imports by relocating factories abroad where labor is cheap. Others are hedging by either buying shares in Japanese competitors or even licensing them. Such licenses yield RCA about $30 million a year.

But others with few ties to Japan, including powerful unions and companies like du Pont, Monsanto and U.S. Steel, are speaking up loud and clear for some degree of trade restraint. What particularly irks them is that we have opened our market to the Japanese, while allowing them to block the flow of U.S. goods and investments into Japan. That is taking its toll. For the day is gone when clearly superior U.S. companies could win out no matter what the competition did.

By and large, the last thing the Americans want is stiff tariffs and import quotas. They would prefer really free trade with an open Japan. Only if Japan drags its feet, and only then, do they favor trade restrictions. Unfortunately, the Japanese continue to drag their feet.

In Japan, as the gross national product moves toward $400 billion by 1975, economic growth is a national mania. To continue growing over 10% per year, the single-minded Japanese are seeking a big share of every market in sight. Profits are secondary. And the government is right in there, as a sort of import-export manager.

"Everybody there," says a U.S. executive, "sings from the same sheet of music." You will not find the strict dividing line there—nor the antagonism—that has traditionally existed between the government and business in America.

Take television sets. The Japanese have captured 30% of the U.S. market largely by selling their excellent sets here at very low prices. How did they manage that? According to Treasury Department investigators, since 1968 (at least) the Japanese have been dumping. That is, they have reportedly been selling their sets here 15% to 20% cheaper than they do back in Japan. So, in effect, Japanese consumers are subsidizing the exports. And since the government blocks the import of foreign-made TVs, consumers have little choice but to pay the inflated TV prices—or to listen to radio.

But, in fact, most Japanese pay willingly to help their companies penetrate the U.S. market.

The U.S. TV makers tried to counterattack in the mid-Sixties by exporting their relatively inexpensive consoles to Japan. But Zenith, Motorola and others got nowhere against the country's welter of official and unofficial harassments. For example, regulations serve to bar the free entry of necessary repair parts.

Zenith, among others, has now reluctantly begun building plants overseas. Says Chairman Wright, somewhat bitterly: "Lacking some change in government trade policy, more and more of our productive facilities for the U.S. market will be located in foreign countries."

The U.S. television industry, down from 50 to about 15 companies, hasn't surrendered yet. Under the industry's urging the Treasury Department seems close to imposing punitive tariffs on dumped TVs. Also, National Union Electric Corp., which folded its Emerson and DuMont plants last year, is seeking $360 million in damages from Japan's seven leading TV makers from dumping. And the plants' 1,500 former workers are suing the same seven for $68 million. The suits name Sony, Toshiba, Sharp, Matsushita, Hitachi, Mitsubishi and Sanyo.

Interestingly, coordinating defense counsel for the Japanese is reportedly Mudge, Rose, Guthrie & Alexander, the former law firm of President Nixon and Attorney General John Mitchell. Mitchell has the duty of enforcing the criminal statute on dumping. In that same vein, the President's assistant for international economic affairs is from Bell & Howell, a company with ties to Japan.

Apparently, Japan's general trade strategy isn't limited to TVs. Since 1970, U.S. businessmen have filed complaints accusing the Japanese of dumping about ten items. For example, Allegheny Ludlum President Roger Ahlbrandt charges flatly that the Japanese are dumping stainless steel products.

PLANES, COMPUTERS, AND CARS

What Japan did in labor-intensive fields like textiles, it is now trying to duplicate in even richer industries:

In aircraft, Mitsubishi is building its MU–2 in a Texas factory. Meanwhile, U.S. light aircraft are on Japan's import quota list (along with 128 other products ranging from integrated circuits to canned pineapple). That means Japanese buyers must seek import quota certificates from the Ministry of International Trade & Industry (MITI) for every U.S.-made plane. In the process, it is safe to assume that friendly MITI officials might remind the buyers that Japanese companies make planes too.

In computers, these same import certificates are needed. Because of such barriers, U.S. companies like Digital Equipment Corp., which controls about 70% of the world minicomputer market, has only a 2% share of Japan's market. Even IBM, one of the few foreign firms with a profitable 100% subsidiary in Japan, has its troubles. To date IBM has agreed to license its Japanese competitors, and it has limited its Japanese production to small- and medium-sized machines. Reportedly, it also destroys used computers returned to the company. Not surprisingly, IBM's market share has steadily shrunk to about 25%. At the same time, the government is pressuring its six fledgling computer makers to consolidate and enter the world market. One company, Fujitsu, is already selling here.

In semiconductors, the government has prevented both Texas Instruments and Motorola from establishing wholly owned subsidiaries there. Fairchild Camera is trying an end run by creating a 100%-owned subsidiary in Okinawa which is expected to soon become part of Japan. But one Japan-watcher says: "The Japanese will boot Fairchild out. When they own the land, they make the rules."

In autos, everybody knows about the U.S. growth of Datsun and Toyota. But our Big Three's move into Japan is another story. For years, they got nowhere. Then, appropriately enough this April Fool's Day, MITI "liberalized" its investment regulations. But now it seems that the Detroit auto makers will have to wait about three years to buy up to 35% of Japan's weak-sister car makers. By then, some experts predict, the Japanese market will be saturated.

The Japanese plead for patience and stress that they *are* changing. They add that if they threw open their doors today, big U.S. companies would overwhelm their fragile economy. Apparently, the Japanese don't realize that they are big boys *now*.

Despite the obvious trouble of dealing with the Japanese, executives from a score of companies interviewed by Forbes put a good face on their experiences—on the record. Off the record, however, they called their trade partners names that would make Spiro Agnew blush.

Why are so many U.S. businessmen reluctant to speak out? Some are honestly unaware of any basic threat from the Japanese. Others hesitate to buck government policy, which has favored free trade—with the notable exception of President Nixon's promise to aid textiles. Still others are afraid of encouraging old-line protectionists and actually damaging free trade. Also, it may be tough for some Americans to admit—out loud—that foreign competition is something to worry about. Though it is.

More than 100 years ago, Commodore Perry's gunboats forced the Japanese to let foreigners do business on their soil. Perhaps the more modern but equally blunt weapons of tariffs and quotas will have to be trotted out to do the same job today.

COST OVERRUN ON F-14 AIRCRAFT

Mr. PROXMIRE. Mr. President, the latest in the long line of major weapon programs to falter on the production line is the F-14 aircraft. It used to be alleged, by spokesmen for the military establishment, that most weapon procurements went smoothly and that only a few programs ran into problems. These problems, when they occasionally surfaced, were described as "horror stories," exceptional instances of human error or extraordinary circumstances.

Now we know that the "horror stories" are not exceptional. Military procurement is a horror story that runs continually. Cost overruns, technical performance failures, and schedule delays are not aberrations from the system or deviations from the norm. They are the way the system operates. In the abnormal world of defense contracting, mismanagement, and waste are the norm.

Recent disclosures of cost overruns on the F-14 are yet another case in point. Cost increases are now estimated at $700 million to a billion dollars for the 700 aircraft scheduled to be produced, and they are still going up.

What is most disturbing are the indications that the cost overruns have been known by the Navy but concealed from the Congress and the public. At a Pentagon press conference on December 22, 1970, following the first successful test flight of the F-14, the Navy indicated that costs were being held down to original estimates. Ten days later the F-14 prototype crashed and was demolished during its second test flight.

But there was no word from the Navy in December about cost increases. As recently as March of this year, Secretary of Defense Melvin Laird and Deputy Secretary David Packard gave no signs of cost difficulties in the F-14 program during their testimony before Congress.

Yet the prime contractor, Grumman Aerospace Corp., had been telling the Navy about its cost problems since September of 1969. The Navy has known about the F-14 cost overrun for more than a year and a half. In the words of Aerospace Daily, the Navy is guilty of "dissembling," and "The Pentagon has yet to acknowledge that a coverup is underway."

In a rather remarkable interview with a Pentagon spokesman reported by Aerospace Daily a few days ago, a reporter asked whether anyone was going to be reprimanded because of Navy lying about the F-14. Here is what the Pentagon spokesman replied:

> That's one of the most important questions in the government today. When are we going to stop this damn lying? The people don't believe the government and here we have another case of people pretending it was absolutely no problem. Let's not kid each other; they knew from the contractor when they were sitting there that there was problem in cost. It seems to me that when these public servants come in here (to talk to the press) they take an oath to tell the truth. These guys lie and are costing the government the faith of the people. You let this lying go on in this building and you've got nothing left.

It would be difficult not to be skeptical about the possibility of the Navy actually reprimanding anyone for not telling the truth or concealing the facts about a weapon cost overrun from the public. The last official to be reprimanded in connection with a cost overrun, to my knowledge, was A. Ernest Fitzgerald. But he was guilty of committing truth. Instead of dissembling, he told the Congress what was happening to the costs of the C-5A. The Pentagon later fired Fitzgerald.

I ask unanimous consent to have printed in the RECORD the Aerospace Daily article dated April 15, 1971; a New York Times article dated April 8, 1971, and an article from the Washington Post dated April 9, 1971, dealing with the F-14 cost overrun.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

PENTAGON DISSEMBLING ON F-14 COST OVERRUN

Defense Secretary Melvin R. Laird Tuesday chose to continue a tactic on the subject of F-14 cost overruns that does neither the Pentagon, nor the Navy nor the nation any service. Laird, in a full-scale press conference, parroted a line voiced Monday by F-14 project manager, Capt. Lionel E. Ames, who claimed that "at this time" no changes had been made in the contract or cost estimates. However, the Navy's own testimony on Capitol Hill demonstrated that the statements amounted to dissembling.

Pentagon sources have confirmed that the delay in release of Selected Acquisition Reports is caused by the F-14. Said one in an unguarded moment, "They are still manipulating the figures."

It is generally conceded by sources close to the problem that the F-14 contract will be rewritten to be more in line with the "fly before buy" concept dredged up from administrations predating Robert S. McNamara. And it is also reported that the number of F-14s ordered will be considerably fewer than the 48 required by the present contract.

Similarly, a congressional report indicates procurement will be nearly halved over the next five years from original plans (Daily, April 9). In itself, this will increase unit costs. And the Navy has maintained the F-14 will run $11.5 million in total program cost each since 1968 when it first made public its attempt to ditch the F-111B.

SUBJECT SENSITIVE TO NAVY

What makes the subject so sensitive to the Navy is that it cannot blame any shortcomings of the new fighter on anyone else. The Navy and Grumman are the proud fathers. And Vice Adm. Thomas Connolly, deputy chief of naval operations for air who supported the F-111B while working for adoption of the Grumman plane, and the Navy now are being pilloried by the same arguments they used to get their way.

It is obvious the Navy had sufficient notice from Grumman that cost problems were arising but Ames said he did not choose to take the indications seriously because "we get letters like that all the time." In contrast, Congress, which hears similar plaints from the Pentagon each year that the budget cannot possibly be cut, does investigate claims and then tries to make an informed judgment. In this case, the information was rejected out of hand because such a development might have ruffled Navy egos.

The Navy also failed to let Deputy Defense Secretary David Packard and Laird know of the problem before they testified before Congress in March. Ames emphatically declared that the hierarchy was not furious with him or the Navy, as reported by the press, for failing to provide this information. Evidence from other sources indicates Ames is ill informed.

Demonstrating the Navy's regard for the public's right to know was Rear Adm. Lawrence Geis, the Navy's information chief. When the Ames press conference Tuesday was prematurely broken up by DOD and Navy officials, Geis grabbed Ames and literally yanked him from the room into the seclusion of the office of Daniel Z. Henkin, the Pentagon's chief spokesman. Geis, when a reporter approached Ames, hissed, "Let's get out of here."

Geis was also instrumental in a 360 degree turn the Navy made on the subject. At first, Ames was scheduled for a Monday morning press conference, but this was scrubbed when information officials decided his appearance would not benefit the Navy. The Navy caved in when DOD applied pressure. But Ames, effective as usual, told reporters that neither the contract nor the price for the F-14 had been changed. He made the mistake of indulging in an old reliable bureaucratic technique made popular by McNamara. At the moment their remarks are correct, but only technically so, because, as in the case of the F-14, the situation is due soon to change. In this case, it will be less than two weeks after Congress receives a report prepared by a Navy team now auditing Grumman business.

The Pentagon has yet to acknowledge that a coverup is underway. The only indication before the Ames press conference that a cost overrun was expected came the afternoon of April 6 when Navy information officials got wind of the fact that the Washington Post was publishing a story the next morning on a potential $700 million cost rise. They began encouraging other reporters to look into the possibility of a "Lockheed in the F-14 program."

Navy civilian officials also added fuel. Research and development boss Robert Frosch Jr. knew of the cost problems before testifying before Congress April 6 but this fact was not included in his published testimony.

The Navy claims it cannot estimate the cost rise for the F-14, but a published figure is $1 million each. However, there are rumors that the engines alone for the F-14B may add $1 million to the cost of each aircraft. In addition, the Advanced Sparrow will not be available although Navy sources claim that any version of the missile will suffice. However, no official comment will be made on how much use of earlier models will degrade capability of the plane as well as that of the Air Force F-15 for which it was also designed.

The situation was summed up earlier when DOD spokesmen were asked about who was going to be reprimanded because of Navy lying about the F-14. "That's one of the most important questions in the government today. When are we going to stop this damn lying? The people don't believe the government and here we have another case of people pretending it was absolutely no problem. Let's not kid each other; they knew from the contractor when they were sitting there that there was problem in cost. It seems to me that when these public servants come in here (to talk to the press) they take an oath to tell the truth. These guys lie and are costing the government the faith of the people. You let this lying go on in this building and you've got nothing left."

[From the New York Times, Apr. 8, 1971]

GRUMMAN SAYS IT FACES COST PROBLEMS ON F-14

(By Dana Adams Schmidt)

WASHINGTON.—The Grumman Corporation has written to the Navy, pleading that it is running into financial trouble in its attempt to meet its contract for the production of the F-14 fighter plane, successor to the F-4 Phantom.

The Pentagon said today that Grumman had written a letter outlining cost problems to Rear Adm. Edwin E. McMorries, contracting officer at the Naval Air Systems Command.

While Grumman, the Navy and the Pentagon would not say exactly what was in the letter, officials said privately that the letter reflected problems that had been building up for a year and had resulted in an estimate that the F-14 would cost at least $1-million more than the estimated $11.5 million stipulated in the contract. The Navy had planned to buy about 720 F-14's.

CONTRACTED FOR 38

Company officials said that Grumman had contracted for only 38 planes and would produce these at the price agreed upon. The difficulty arose, they said, over the remaining aircraft for which the Navy has an option.

Grumman's difficulties were similar to but less serious than those of the Lockheed Aircraft Corporation of California, which has been trying to meet the terms of its contract for the Air Force's giant C-5A transports. Its problems were complicated by the bankruptcy of Rolls Royce, the British manufacturer, which was making the transport's engines.

To save Lockheed, the Defense Department made a new agreement under which the company would not lose more than $200-million no matter how much the C-5A costs.

In the Grumman case, the biggest complication, apart from increasing costs, was the crash last Dec. 30 of the F-14 test model on its second flight at the company's test field in Calverton, L.I. The company quickly established that the crash was caused by a failure of the hydraulic system and the Navy optimistically announced that the crash would not delay Grumman's production schedule.

But Navy officials privately conceded today that they had indications Grumman would be delayed at least six months.

Jerry W. Friedheim, a spokesman for the Defense Department, remarked that the Grumman contract was written before Defense Secretary Melvin R. Laird instituted his "fly-before-you-buy" policy, which means that contracts for production of prototypes are separated from the production contract. The latter is not granted until the former has proved satisfactory.

Grumman, whose headquarters is in Bethpage, L.I., won its contract in the last week of the Johnson Administration in stiff competition with the McDonnel Douglas Corporation. In its new budget last Jan. 28, the Defense Department asked Congress for $935-million for development and production of the F-14.

[From the Washington Post, Apr. 9, 1971]

Navy Knew of Grumman Woes in 1969

(By Michael Getler)

Brewing financial troubles for the Navy's $8 billion-plus F-14 jet fighter program were repeatedly brought to the attention of the military starting 18 months ago by the plane's manufacturer, Grumman Aerospace Corp.

But as recently as three months ago, Navy officials publicly indicated that the plane's costs were being kept in line. There was no hint of the potential $700 million cost overrun which now confronts the Navy in its plans for producing more than 700 of the swing-wing planes.

In a letter from Grumman President William M. Zarkowsky to the Navy's F-14 contracting officer—written March 31, 1971, and released by the Pentagon yesterday—Grumman says its concern over meeting agreed upon costs for the plane after the initial purchase of 26 fighters "was first presented in September, 1969," and again "in some detail" in July, 1970, and "in numerous discussions in recent months."

Yet, in a Dec. 22, 1970, Pentagon press conference right after the first successful F-14 test flight, Navy officials were questioned about the plane's cost and gave no hint of trouble.

In fact, they indicated that the plane's price tag, estimated by the project manager at $11.5 million each, was protected against inflation. Grumman, in its letter, mentioned "extraordinary inflation" since the 1968 competition for the plane as part of problem which had pushed costs up.

At the December press conference held by Navy Secretary John H. Chafee, accompanied by two Navy admirals and F-14 project manager Capt. Leonard E. Ames Jr., the Navy was asked if it was "keeping within costs."

"Yes," replied Ames.

"When was the $11.5 million per plane estimate made?" he was asked. "Yesterday," he answered. "It's a current figure."

"Is that estimate made in terms of 1971 dollars?" a reporter asked, meaning would the price inevitably rise from inflation each year?

"No," said Ames, "these are in escalated dollars and they are based on escalating the production costs at 4 per cent per year compounded, and the research and development costs at 5 per cent per year compounded. Now, if the national economy exceeds that in 1977 or '78, there will be some adjustment."

High-level government officials close to the project now estimate that the cost increase in the F-14 could grow by at least $1 million per plane above the $11.5 million figure.

In its letter to the Navy contracting officer, Rear Adm. E. E. McMorries, Grumman said it will be able to deliver the first 26 planes at the original price "without any impairment, financial or otherwise." Those 26 planes were paid for out of the current fiscal year budget.

All told, the Navy says it expects to buy 710 F-14s, and that it is the next 684 of these which present financial trouble—a potential $700 million overrun.

Citing both abnormal inflation and a "drastic change" in the amount of business (affecting overhead costs) the company has today, as opposed to the estimates it made in 1968, the Grumman letter said the firm "finds it appropriate to inform the Navy that present data demonstrates that performance of Lots IV through VIII (the remaining planes) of the contract is commercially impracticable under existing terms and conditions."

The Navy's budget request for next fiscal year includes $1.035 billion for the F-14 and involves purchase of a minimum of 48 planes as required by the fixed-price contract.

PING-PONG DIPLOMACY

Mr. TAFT. Mr. President, I should like to make a brief observation on the extraordinary events that have transpired as a result of the visit of the American table tennis team to the Peoples' Republic of China. It seems to me that the Communist Chinese, by their actions, show that they have a far more realistic view of President Nixon's Vietnam policies than do certain prominent members of the Democrat party who seek the job of President.

Not long ago, this Chamber was ringing with dire predictions that Peking would send troops to fight in Vietnam. Not a word of hope was then expressed for the steady, careful, and responsible steps the President was taking to disengage the United States from Vietnam; exactly the same types of careful, pragmatic steps that have led to the current first thaw in our relations with mainland China.

I would, therefore, suggest that those who now seek to take credit for President Nixon's success give some thought to the possibility that, to the peoples of Southeast Asia, the American sacrifice has not been in vain, and American motives are not as suspect as the detractors would have us believe. And to those persons—of all parties—who object to "Ping-Pong" diplomacy, I would only say, "give the President a chance"; it may be only a temporary dramatic gimmick, but it can also be the beginning of a new and more hopeful dialog.

LAND CLAIMS OF ALASKAN INDIANS, ESKIMOS, AND ALEUTS

Mr. GRAVEL. Mr. President, hopefully within a very short period of time the Senate will again be asked to consider a measure settling the longstanding land claims of Alaskan Indians, Eskimos, and Aleuts. Last year the Senate passed S. 1830 as a suggested settlement of the land claims issue. That measure did not pass the House.

New proposals are now before both the House and Senate and from all appearances early action will be forthcoming.

The key to the settlement is land. This is in every sense of the word a land settlement problem. The Natives of Alaska will be awarded title to certain portions of land as compensation for land taken from them.

Often the land feature of the settlement is misunderstood. Recently Prof. John J. Teal, Jr., a noted American scientist associated with the University of Alaska, developed a statement putting the land issue in perspective.

I think it is a valuable statement, one that makes a very significant contribution to the understanding of this issue. I ask unanimous consent that statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Some Thoughts on Conveyance of Formal Title to Native-Owned Lands in Alaska

It seems reasonable to suppose that the delivery of title to the lands in Alaska owned by the original or native citizens will be no cause for fear that these lands will be bundled up and removed from Alaska, or taken to Asia or some other continent. They will remain in Alaska, utilized and husbanded under the domain of the United States by their original owners, unquestionably American citizens. Their status as an integral part of our country, deeds in owners' hands, will be indistinguishable from that of the wide farmlands of our Midwest, the ranchlands of the Southwest, or the rock farms of New England. The owners, as American citizens, will have precisely the same responsibilities and obligations to their government as do residents in other parts of the country, and the government will have the same rights of eminent domain. Consequently, the American people as a whole need fear no loss through a recognition by Congress of the just title to the owners; in fact, the status quo will be preserved, now properly validated and registered.

The likelihood is that, in terms of acreage, the extent of the claims is far too modest for practicality. Bare subsistence in an Alaskan food-gathering economy required about a thousand acres per person, and we are all aware that there has been inflation during the past century. More than a fifth of Alaska, well over 100 million acres is represented by coastal/tundra/mountain lands which from about 17,000 years ago to this very day are inhabited only by the original owners, the so-called native persons. For example, on the entire Arctic Slope there is only one full-time non-native resident. Yet the natives state that they will welcome settlers who come to live full-time, and will do their best to accommodate them. For purposes of best utilization title should be given for not less than 100 million acres (to our society at large, the least desirable parts of Alaska). And perhaps, for the sake of administrative book work, the Bureau of Land Management should inform the owners that they have been given credit for the 17,000 years of "proving" their homesteads and grazing lands, and the passing of functional titles generation to generation.

For several centuries the better organized nations have proposed a doctrine of "effective use and occupation" as the criterion of land ownership, and this has, when convenient, been interpreted to mean agricultural use. However, agricultural use, based upon particular southern forms of plants and animals, has often been inconvenient or unrealistic, and observers have noted other forms of effective use and occupation. Thus, to rid themselves of the difficult burdens of title based upon agriculture, the wide-roaming British invented valid claims based upon the stamping and mailing of letters from a small telephone booth set up on shore; when floating ice made the shore uncertain, they invented the Sector Principle by which one could divide, say, Antarctica or the Arctic Islands like a pie from an armchair in London; the Spaniards invented a system of land claims based upon the imbedding of a Cross at the low water mark of a beach; we Americans startled a History, long accustomed to the retention of land ownership by basic populations no matter what the conquest, by the invention of removing the population; the Texan with his longhorns and the Wyoming Basque with his sheep did their agricultural validation without touching the land with a plow, merely turning animals loose, occasionally, indeed, fighting the agricultural fence-builders; it is even questionable that the settler in New Hampshire, wandering amongst his giant boulders, was engaged in agriculture at all.

Therefore, there cannot be doubt that the natives of Alaska, jealously preserving through the millenia the lands which grew and sustained their food supplies and other needs (even engaging in that most respected of "proofs", warfare to keep their land), fully met, on both individual and tribal bases, the criteria of that "effective use and occupation" which delivers title. Their "agriculture", perhaps an extreme example of loose-herding, nevertheless was their vital concern, and when European man arrived the herds were there in plenty, and there was no sign of such despoliation under original ownership as has occurred during the past century of enlightenment. As owners, the natives have been, for one reason or another, good caretakers. But principally, we must in logic and fairness remember that they have for generations met the internationally agreed standards for land ownership.

The historical record shows that when we "purchased" Alaska from Imperial Russia in 1867, we bought a pig-in-a-poke, since Alaska belonged, not to the Russians, but to the native people. At best, we bought Russia's claims to the right to govern. The native owners were never asked nor consulted in any way about the purchase, not even if Alaska were for sale. Their basic rights to the land, however, were recognized in the Organic Act of 1884, and subsequent official documents. But the written deeds have yet to be delivered although nearly a century has passed. In many states even squatters' rights convey title in less than a decade.

While on the one hand the Alaskan natives should retain title to that one-fifth of Alaska, or 100 million acres which they alone inhabit, on the other hand they plan to relinquish fourth-fifths to the government, asking a price roughtly equivalent to the cost of building the proposed Pipeline. Precedents for such compensation or payment exist in our history, for example, in the purchase of Manhattan from the Indians for $26 (although a case there could be made out for overcharge). To satisfy our Puritan ethic regarding the frugality of our neighbors, we can be sure that the native people, as those most likely to retain life-long residence in Alaska, will use the money up there and to its best advantage, some of it even going for the establishment of those social, educational, and vocational institutions so long promised by our government. Neither the land nor the money will be packed away to another continent: all of it will remain under the domain of the United States and used by American citizens. It will be, in a true sense, a payment to ourselves.

It is not unreasonable to suppose, were we to purchase England from the Irish, especially without informing the English, that our Attorney General, or his wife, would do some phoning about. At the very least he could be expected to caution the Treasury Department to use restraint; and we can be certain that individual Englishment would retain title to their farms if for no other reason than that our concepts of democracy, liberty, and property are based upon their land rights, or that it gives us a warm feeling to say that "an Englishman's home is his castle".

No less a response is due the Alaskan natives and their land rights. By the purchase of Alaska we may have extinguished Russia's claims to the right to govern; in no way did it extinguish, any more than did conquests or treaties or purchases at other times in history, the individual rights of the Alaskan inhabitants to title to their land. If we claim that it did, then we are shaking our own foundations most seriously.

It would be a source of great satisfaction to millions of Americans who attempt to live by our national ideals, which are essentially those of fair play between men, if, as we approach our 200th Anniversary, a generation—ours—were at last to begin the practice of fair play with our native fellow citizens. There is no way in which anything can be lost by the swift conveyance of written title; everything stays here. A feeling of consistency and a great deal of self-respect is to be won.

PROCLAMATION OF POW DAY IN KANSAS CITY, KANS., APRIL 28, 1971

Mr. PEARSON. Mr. President, I am pleased to note that Kansas City, Kans., has proclaimed Wednesday, April 28, as POW Day. I think this is a most fitting and proper action on the part of Kansas City, Kans. I invite the attention of Senators to the proclamation and ask unanimous consent that it be printed in the Record.

There being no objection, the proclamation was ordered to be printed in the Record, as follows:

Proclamation

Whereas, International concern for the plight of Soviet Jews has saved the lives of several Jewish citizens in the Soviet Union, proving for the first time that the Iron Curtain can be pierced by public opinion; and

Whereas, We as Americans cannot have any less concern for the plight of American Prisoners of War in the hands of the North Vietnamese; and

Whereas, Since the President, each Governor, along with the Mayors of America's cities have been called upon to declare Wednesday, April 28, 1971, as POW day in an effort to get humane treatment for American POW's, and if not, the out and out release of these men,

Now, therefore, I, Joseph H. McDowell, Mayor of the City of Kansas City, Kansas, do hereby proclaim Wednesday, April 28, 1971, as POW Day in Kansas City, Kansas.

ECONOMIC DEVELOPMENT OF ALASKA

Mr. GRAVEL. Mr. President, at the public hearings of the Public Works' Subcommittee on Economic Development in Anchorage last week Mr. Harry Carter, executive director of the Alaska Federation of Natives, delivered a very incisive statement, relating the questions of economic development to both the human and natural resources of the State of Alaska. Mr. Carter showed how intimately related in Alaska are the questions of economic development and settlement of the Alaska Native land claims. Therefore his statement is of double importance to Congress, as it proceeds with its deliberations of both the land claims issue and the promotion of economic development.

I commend his comments to the Senate and ask unanimous consent that his statement be printed in the Record.

There being no objection, the comments were ordered to be printed in the Record, as follows:

Testimony of Harry Carter, Executive Director, Alaska Federation of Natives, Inc.

The Land Claims may be settled by Congress this year. This event will place responsibilities and obligations upon Alaska's Native people and our various institutions and organizations that we are prepared to accept. We began the process of developing a sound basis of procedures and systematic planning in 1966. This is designed to enable us to administer and direct our internal affairs and to work constructively and cooperatively with external concerns and the Establishment. This process will soon begin to show visible results.

Our people are a part of the State's human resources. Our history and culture are a part of the nation's rich national heritage.

Our lands, as they are restored to us, still constitute a portion of the State's natural resources, but they may now be used in our own best interests as well as part of the long range economic development potential of the entire State.

The task we face at AFN, and our people face as a whole, has two distinct stipulations. One, it must be accomplished within the meaning and responsibility of the term "general public good". Secondly, it must be accomplished in awareness that immediate problems that confront us must be solved according to the effect those solutions will have on the foreseeable future.

Economic development is a combination of people and resources. Sound economic development for the Native people must take place in a controlled and balanced manner at the village level, the regional level, and the State level. By using the best techniques we can command, we will approach the development of our people and our lands systematically with immediate, intermediate and long range goals and objectives.

Our recent focus has been to bring the AFN to an efficient functioning central administrative entity to guide and direct planning and growth in a comprehensive manner. This function will soon include the support of regional and local growth by providing a full battery of technical advisors and resource materials to aid local management and control. Presently this is being accomplished in a limited way by arrangement whereby AFN or other Native organizations are under contract with agencies of government and private foundations to provide a variety of services. The money available from land claims settlement will permit AFN to negotiate large-scale contracts in addition to serving as a major prime contractor in its own right.

The Native people of Alaska have a unifying belief that can be traced back more than 4,000 years through the unwritten history and traditions passed from generation to generation. It can be compared to the article of faith held in common by the American people that men are born free to follow their individual pursuits within the context of our society. The Natives underlying belief relates to the land which has meant survival to individuals and communities. Eskimo teaching communicates clearly that abuse of living things or taking more from the natural harvest than is needed to sustain life results in nature withdrawing the harvests and punishment through natural disaster. One theme in educational stories deals with construction of villages. People were taught to go some distance from a new village site to select and cut the sod for insulating their homes in order to prevent breaking up the surrounding ground and disturbing the permafrost. Indians of the Interior knew that destruction of the forests would lead to destruction of the habitat of the animals that supplied their food. Alaskan Natives along the coastal areas were equally aware of the need for fish escapement and the necessity for keeping the natural surroundings as little disturbed as possible to insure survival for coming posterity. Education in aboriginal conservation and management is not couched in technical terms, but in custom and tradition woven into the ancient patterns of social controls. Conservation rooted in pragmatic and empirical attitudes in the use and management of natural resources is still a basic attitude of the Natives of Alaska.

Settlement of the Land Claims will provide us with land and money, two of the resources of modern economic development. The land has both implicit and explicit value. To visibly alter our lands or the adjacent waters for immediate monetary gain would violate all our traditions and past experience. To use our lands and their natural resources intelligently, taking into consideration all of the data and information readily available to us through Government and private industry, is in keeping with our philosophy and the administrative and management capabilities now being organized.

Money will provide the means to achieve the third resource required for conducting our internal affairs and our economic development—labor. We presently recognize the circumstantial weakness in lack of trained and/or experienced professional and technical people within our ranks. Our past several years have been spent in utilizing all of our immediately available executive and leadership resources in developing a strong core of Native people to make the crucial decisions and direct the professional and technical advisors who work in our interests. Concurrently, we have generated, supported, or actively helped to develop the many projects and programs of State or Federal Government that provide the education, experience or training so desperately needed by our people. Programs such as village magistrate training, self-help housing construction, education leading to paraprofessional standing in the medical and helping services, and those things related to the activities of Rural CAP and O.E.O. programs have all contributed to a rapidly growing sector within our population that can provide the needed manpower to support our coming internal operations.

We expect to invest an appropriate portion of our money in our people. In a planned and controlled setting we anticipate providing the needed motivation and financial support to enable our youth and young adults to meet the job demands and take the responsibilities inherent to the management of the combined assets of the Alaskan Native people. Until such time as our rapidly growing population matures to where our own manpower resources can meet and exceed the demand, we intend to employ the best we can obtain from any and all sources open to us. Meanwhile, we intend to engage in an intensive management intern and in-service technician policy that will permit us to expand our decision making and administrative control in a rapid and orderly way.

AFN and the Native people as a whole, face a critical condition that relates to timing and the current and immediately forthcoming economic development of the State. This is found in two sectors—construction and its supporting and auxiliary services. It is mandatory that positive action along the lines contained in various statements by the President of the United States be implemented in Alaska at once. Operational preparation for the 1971 construction season is almost upon us. The actual formation of management structures and the initial "gear-up" for what we all know is ahead, regarding the pipeline and the petroleum mining interests (together with an attendant initial boom) must be begun this year or much of what has been said becomes meaningless. It is past rhetoric; and the Native people of Alaska will enter the ballpark with two strikes against them.

We appreciate oil industry support, through Aleyska, to help minorities move into the business arena. We also realize that the amount of money for this purpose, as well as the times at which they can supply it is too limited to permit us to actively and directly participate in the coming construction season, or to generate all the various factors of production necessary to accomplish a meaningful quality and quantity movement of Minority manpower into business and industry before the natural course of events throws up virtually insurmountable barriers in the future.

We have the competency and understanding to recognize what technical limitations exist within our capabilities. We also have the know-how to hire the expertise to cover those areas we do not command.

In spite of the fact that Alaska may become one of the richest per capita States in the Union—possibly even richest without the per capita qualifications—we recognize the present dire straits of the State due to little dramatic in-flow of cash. We also recognize the natural hesitancy the Federal Government has to continue to provide public funds for a State's needs prior to revenue sharing legislation. Nevertheless, without Federal intervention at this time through strong financial support to assure minority participation in the very beginning stages of a tremendous economic development, the entire preparation and preliminary foundation for solid participation may be damaged beyond repair.

For example,

1. Housing developments on the order of another 1200 units through HUD are immediately available to Alaska. This requires immediate capability for directed expansion and coordination of existing corporations, under a unified complex, to decide upon site locations, the negotiation and supervision of contracts and contract compliance, and the subsequent management and maintenance of the completed units.

2. A minimum of 500 existing legally established minority owned and managed corporations or private proprietorships are currently in a position to expand into active real participation in the State's economy. They are presently locked and barred from such productive activities by lack of capital and their inability to command expertise or technical service leading to an overall efficient operation. Public support of minority enterprise has been established as national policy, but money in the amount that sound business practices demand has not been forthcoming; nor does it appear to be in the foreseeable future. The only avenue to circumvent regulatory disbursement of funds at the local level—which is invariably too little too late—is direct allocation of funds to the recipient in real dollar amounts in such a way that the responsibility to meet contract or grant stipulations is placed directly upon the recipient by the primary source of funds. We see so little actual money because the largest portion is "bled off".

3. Certain aspects of raising the standard of living and improving the quality of life in the rural areas of Alaska involve communications, or construction of facilities for transportation and public utilities presently in the mill. These are not yet under any kind of related or planned system. They often involve private enterprise in an uneasy marriage between corporate enterprise and government at various levels.

Such matters are part of the immediate and continuing interests vital to the Native people. We need to be in the position to underwrite specific needed construction if the State or Federal Government cannot conveniently do so, and, of equal importance, we must move minority people into the construction and installation of such facilities from the beginning of construction in order for them to be prepared to engage in the subsequent operation, maintenance, and management of the services. For example RCA in Bethel, pilot projects dealing with proving out feasibility in transportation and communication, and familiarization with anticipated required technical expertise necessary to operate or maintain sophisticated installations now being finalized prior to letting of contracts.

4. One of the major priorities of AFN, once land claims settlement frees money for investment purposes, recognizes the financial capacity of the Native people as managers of major U.S. investment bank. AFN can serve as the focal point for coordinating or catalyzing the entry of Native owned capitol into national channels of finance. This can naturally be accomplished, in a progressive way, in the eventual entry into banking, insurance, and credit unions. Our initial approach will be to deal first with finances in our own back yard. This will include anticipated capitalization regarding concerns now under jurisdiction of ANICA, ANAC, CEDC, and AVEC, etc. Certain parts of the programs of these corporations, who mainly serve Alaskan Native interests, are danger of floundering or facing outright failure. Immediate funds are needed to protect the investment already made by the public. If these various organizations are to succeed in the production ascribed to them, certain aspects of specific programs must be supported. Others must be expanded by providing technical expertise or equipment basic to a successful operation. Ultimately AFN will be in a position to invest Native held funds in these or similar entities. Presently, in order to protect public investment, it is incumbent upon us to point out that public expenditure is required in order to hold the line now, and to enable us at a later date through investment of Native capital, to eventually return with

interest the initial investment returned through the dynamics of domestic gross product and national net product.

The foregoing examples are not a plea for a handout. I am talking about investment and reward in the accepted economic sense. The money invested for the purposes outlined above, will eventually be returned with interest in the taxes and other revenue directly received or generated within the State. This is ultimately returned, with significant overall increase to the national purse.

I have briefly outlined here the current status and operating conditions of AFN as it relates to an imminent land claims settlement. We are aware of our strengths and our weakness. We are now functioning in that awareness and working actively to overcome a situational weakness. The organizational requirements and restrictions generally anticipated are to be found in AFN proposed legislation now before Congress. The State, regional and local level administrative and management units are of a familiar and proven corporate structure and generally will be subject to all the usual controls and regulations of any corporate venture.

The aims, policy, and direction of the governing body of the Native-owned corporate complex will be dedicated to the intelligent management of our renewable and non-renewable resources, human and natural. We will be guided by the humanitarian aesthetic, and economic realities of the world in which we all live and the national policies that affect everyone.

AN INTIMATE TRIBUTE TO THE LATE WHITNEY M. YOUNG, JR.

Mr. JAVITS. Mr. President, there were many tributes to Whitney M. Young, Jr., during those hours of shock and dismay, after word was received from Nigeria of his untimely death. I invite the special attention of Congress to one tribute which I feel conveys a uniquely intimate view of this great civil rights leader. It was broadcast over WVOX radio, Westchester County, N.Y., by the station's president, William O'Shaughnessy, who knew Whitney Young professionally, as a friend and as a neighbor. I ask unanimous consent that the tribute be printed in the Record.

There being no objection, the tribute was ordered to be printed in the Record, as follows:

Whitney Moore Young, Jr.

Whitney Moore Young, Junior, always believed in what his friend Senator Javits calls "the genius of the free enterprise system."

This extraordinary resident of our city and of our county plowed right in to the conscience of the Establishment and may have done more for black men in our nation than anyone else.

We are not forgetting Martin Luther King or John Kennedy. But Whitney Young had a different approach and a different style. And history may yet show us that he accomplished more in the board room than other Civil Rights leaders did in the streets. He did not come on, this man, like a Sherman tank or like gangbusters. Instead, he won the big men in our country to his side and then enlisted them in his cause.

He would inspire men like Nelson Rockefeller and persuade corporate heads like DeWitt Wallace of Reader's Digest and Donald Kendall of Pepsico to install black men in the executive suites of their company. Other Civil Rights leaders of his day started at the bottom—in the streets—and worked up, often to the accompaniment of unrest and tumult. Whitney Young started right at the top. And he never used his powerful and high-level contacts to his own advantage.

The articulate and soft-spoken man from Oxford Road whose heart stopped beating on a beach yesterday in Nigeria was a splendid model for black men and an inspiration to all Americans. "Hang in," said Whitney Young. Trust in this country. Work hard and believe in the sometimes elusive magic of the free enterprise system.

The world was his stage. And yet at a dinner party a few years ago, attended by the likes of William Paley and President Nixon and Henry Cabot Lodge and John Hay Whitney—he bombarded his dinner companion that long ago evening with questions about Westchester schools and about the city government in New Rochelle.

And last year at the opening of the world headquarters of Pepsico, we asked him how the giant bottler was doing in hiring minorities. He said they were doing better than most. And then he winked at us when he saw Donald Kendall coming and said: "I'm still selling." And then he put his arm around Donald Kendall and walked him out into the sunshine to do "a little selling" as he called it.

The cause of Free Enterprise as well as the cause of Civil Rights has lost an eloquent and graceful champion. And Westchester has lost one of its most illustrious citizens.

He was a classy man and his contributions in terms of self confidence for his own people were immeasurable. He got his message across to all Americans. But he never stooped to conquer.

He was a national leader. But he was also a mortal man and our neighbor. And as such, he leaves a special family on Oxford Road which has lost a husband and a father.

This is a WVOX Editorial. This is William O'Shaughnessy.

THE MEXICAN AMERICANS—NEGLECTED FELLOW CITIZENS

Mr. CRANSTON. Mr. President, on Saturday, April 3, 1971, the distinguished Senator from South Dakota (Mr. McGovern) spoke before the California Democratic Council in Santa Monica, Calif., on the subject of our grievously neglected fellow citizens, the Mexican Americans.

Despite the fact that there are estimated to be some 7 million Mexican Americans in the United States today, these individuals continue to be the unfortunate subjects of much abuse and neglect. It is astonishing, for example, that the U.S. Census Bureau failed to count Mexican Americans in the 1970 census. This unjustifiable oversight may have lasting political repercussions if efforts are not made to insure that legislative redistricting provides more adequate political representation for Mexican Americans. Further, the lack of equal opportunity for Mexican-Americans in employment and education is well documented, yet the Federal Government continues to ignore the procedures it might employ and the laws it should enforce in order to open the doors of opportunity for Mexican Americans.

It is disgraceful that such hypocrisy exists in this great Nation. I believe that Senator McGovern has examined the extent of the problem and has recommended solutions with his usual insight, candor, and sensitivity. I commend his speech to the attention of Senators and ask unanimous consent that it be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Our Most Neglected: the Mexican-Americans

(Speech by Senator George McGovern)

In view of my long opposition to the disaster in Indochina, you might have expected me to devote my remarks today to another attack on this incredible and unjustified war.

But on reflection, I have decided that such a speech to this group would be carrying coals to Newcastle—roughly comparable to a temperance lecture to the W.C.T.U.

No person with enough humanity to attend a convention of the C.D.C. needs any further convincing that the war in Indochina is sheer madness.

Nor do I need to stress the obvious truth that the sentencing of Lt. Calley does not assuage the national burden of guilt and shame we must all carry until this monstrous slaughter is ended.

Nor do I need to belabor the common sense of the McGovern-Hatfield Amendment—except to say that I fully expect the Senate to enact this Amendment cutting off further military operations in Indochina beyond December 31 of this year.

Today, I want to talk about another issue that is not as much on our consciences as it should be—the treatment we accord our Mexican-American citizens.

More than a century ago, the California Constitution was drafted and signed in both English and Spanish. Almost one-third of the signers had Spanish surnames.

This Constitution guaranteed Mexican-Americans equal rights. Yet, given their relative position among the nation's minorities—second only to blacks in terms of population—Mexican-Americans can only be described as the most invisible of all our minority groups.

America is a country addicted to hard figures. Statistics are everything. All of our social planning is predicated on the flow of hard figures that come churning out of the Census Bureau every ten years.

Imagine my surprise, then, when I learned recently that the Census Bureau, which literally counts almost everything in this country that is living and inanimate, from people to electric canopeners, did not count Mexican-Americans in the 1970 Census.

Symbolically, anyway, Mexican-Americans in America apparently don't count. Whites count. Blacks count. Indians count. But due to the inexplicable ways of the bureaucracy, Mexican-Americans don't count.

It's a good thing Mexican-Americans keep track of themselves; otherwise, nobody else would know how many of them there really are.

The President's Committee on Opportunities for Spanish-Speaking Americans has estimated that there are a minimum of seven million Mexican-Americans in the country today.

The question of equal treatment for Mexican-Americans is especially pertinent for Californians. There are an estimated three million Mexican-Americans in California, the largest single minority group in any State in the Union.

And their number is growing. Public school figures for the fall of 1970 in California show that 18.5% of all first grade students are Mexican-Americans; 15.2% of all sixth grade students are Mexican-Americans.

In Los Angeles County, 18.1% of all public school students are Mexican-Americans, and approximately 20% of sixth grade students are Mexican-Americans.

Furthermore, these figures probably understate the size of the Mexican-American school-age population because of a higher dropout rate and the fact that one out of every five parochial school students is a Mexican-American.

These figures are pregnant with political meaning. They tell us that very likely one out of every six new California voters in 1976 will be Mexican-American. And they raise the question of who these voters will have the opportunity to cast their ballot for.

I am a firm believer that when it comes to equal opportunity, the first opportunity must be for equal political power. For it is from that fundamental opportunity, that all others spring. As Chairman of the McGovern Reform Commission, I have fought for that kind of power within the Democratic Party itself and I sincerely hope the results will be visible at the 1972 convention.

I see no reason why the same principle should not extend to every sphere of political activity, including representation in local and state government. Mexican-Americans comprise 14% of California's population; yet they have only two representatives in the state's Assembly and none in the state Senate. By my calculation, if Mexican-Americans were to be fairly represented, they should have a total of 17 seats in the legislature—12 instead of two in the Assembly, and five instead of none in the Senate.

Frankly, I can see no reason why every effort should not be made to facilitate this kind of equal representation for Mexican-Americans. And I would suggest that the California Democratic Party bend every effort to assure that the redistricting of the legislature reflect this need as a primary concern. If the Democratic Party is to mean anything in the future, it must now mean permitting all Americans to fully represent themselves politically. Mexican-Americans want to represent themselves. And that time has surely come.

This is not simply an altruistic position for the Democratic Party to take. It is necessary for the survival of the Democratic Party as a party of all the people. If the Democratic Party does not take positive steps to include America's minorities *in*—and not just with rhetoric but a full share of power—the day will surely come when those minorities will leave the Democratic Party *out* in the political cold.

You can't play games with people anymore. You either give them what they deserve, or they will give you what you deserve.

A second area of equal opportunity for Mexican-Americans I would like to talk about is employment. In this case, my remarks are aimed primarily at the United States Government.

When it comes to employing Mexican-Americans, our government ranks as the most hypocritical of institutions in the country. The government is perfectly willing to impose employment goals and quotas on private industry, as in the Philadelphia Plan. But when it comes to imposing goals and quotas on itself, that is another story.

The Federal Government is the nation's largest employer, and California's as well. The latest available figures indicate that 2,601,639 persons are employed in civilian capacities by the Federal Government. Only 2.8% of those employees have Spanish surnames, and that includes Puerto Ricans.

That percentage can be put in perspective by the fact that between five and seven percent of the nation's population have Spanish surnames. Clearly, on a population basis, Mexican-Americans are grossly under-employed by the Federal Government.

The President has the power today to issue an Executive Order setting a specific goal for employment of Mexican-Americans by the Federal Government. If that goal were set at five percent, that would mean 55,000 additional jobs for Mexican-Americans.

But total number of jobs isn't the only issue here. What level jobs is also an issue. Mexican-Americans have historically been excluded from management and supervisory positions. At this moment, only 35 jobs, or one-third of one percent, of the Federal Government's top 9,286 jobs are held by persons with Spanish surnames. Only 133 of the top 24,300 jobs are held by persons with Spanish surnames.

In California, the Federal Government employs three times as many persons as the State. The Internal Revenue Service in the state employs 4,457 persons, only 108 of which or 2.4%, have Spanish surnames. *That* is really taxation without representation! The Department of Health, Education, and Welfare employs 5,429 persons in the state; only 234, or 4.3%, have Spanish surnames. Further, 139 of the 234 are paid poverty level wages by the government.

This failure of the Federal Government to provide equal employment opportunities to Mexican-Americans transcends Republican or Democratic Administrations. The low level of employment has held steady since the early sixties.

And California itself is not doing much better than the Federal Government. Of the state's 117,431,000 jobs, only 4,289, or 3.64% are held by Mexican-Americans. And the average pay for Mexican-Americans is $1,176 lower than the average pay for whites—a gap that has widened by 26% since 1960.

This unfair treatment by both the Federal and State Government persists in the fact of grievous unemployment among Mexican-Americans. Once again, unemployed Mexican-Americans, as such, are not specifically counted by the government. But reliable estimates place average Mexican-American unemployment at 18%. In especially impacted areas like East Los Angeles the figure is probably over 20%. Can you imagine what 55,000 jobs would mean for these unemployed people and their families?

The time is long past to end the hypocrisy of equal employment opportunity practiced by the Federal Government since President Eisenhower issued the first Equal Opportunity Executive Order in 1955. It is time for the Federal Government and the state of California to follow the principle of employment of Mexican-Americans, and other minorities, commensurate with their percentage of the total population.

Eight days ago, at their annual stockholders meeting, the President of Pacific Telephone announced that his company, the largest private employer in the state, would achieve that objective by 1975. If Pacific Telephone can do it, I don't see why the Federal Government and the state of California can't.

All it would take is a stroke of the pen. The Civil Service Commission has recommended it. In July of last year, five major Mexican-American organizations asked for such an Executive Order. Yet the President has yet to pick up his pen.

I assure you that if I were sitting in San Clemente today, that pen would be picked up and an Executive Order signed. And I would invite Mexican-American leaders to come and watch in person. I think it is extremely unfortunate—though not unexpected given their overall treatment—that leading Mexican-Americans, despite formal requests to personally visit with the President, have not yet had the opportunity to do so.

A third area of equal opportunity for Mexican-Americans that I would like to discuss is that of culture, specifically respect for the Mexican-American culture. It seems to me that this country, which is in danger of becoming completely homogenized culturally, should prize the diversity and uniqueness of the different peoples that are Americans.

Mexican-Americans have a unique contribution to make to the country, especially in the language area. The sparkling gift of the Spanish language is a resource we should reward, not penalize, as is so often the case today.

It is no accident that Mexican-Americans do not benefit as fully from available programs as other minority groups. The language barrier screens them out. As simple a thing as the fact that all government forms are printed in English causes innumerable hardships.

Yet this barrier could also serve as a bridge. We could employ thousands of Mexican-Americans as translation aides in hospitals, employment service offices, welfare agencies, in any number of divisions of government. We might even employ them in the Census Bureau so that from now on we could count Mexican-Americans along with everybody else. And we could pay a special premium for the skill of being bilingual. At least as much as the $15 a month being paid by Los Angeles County to its bilingual employees.

We could also use this gift of language in our relations abroad. In the Western hemisphere alone, 183 million persons speak Spanish. Americans are notorious for failing to speak the language of other countries. Yet we have millions of native-born Americans who already speak Spanish. This resource should no longer be permitted to go unused.

Finally, there is a fourth area of equal opportunity for Mexican-Americans that needs attention—the chance for higher education. I have been increasingly concerned lately with the difficulties facing veterans of our ill-conceived involvement in Vietnam. The unemployment rate among returning Vietnam veterans between 20 and 24 years of age is 12.4%.

These difficulties are even worse for veterans from minority groups, including Mexican-Americans who have contributed more than their fair share to this war. Fifteen percent of California's casualties, and 10% of all casualties in the southwest, have been Mexican-Americans.

What Mexican-Americans want to know is why they are first in war but last in peace? Why are they good enough to lead men in combat in Vietnam, to carry the heavy responsibility of life and death, but not good enough to handle a desk in Washington?

I think it is unconscionable that these young men are not being guaranteed either work or education upon their return home. No veteran of this war should be shunted around from place to place looking for work, or be deprived of the chance to go to college because he lacks sufficient funds.

We need to reinstitute a genuine GI Bill of Rights for our Vietnam Veterans, providing benefits equal to or even greater than those granted veterans of wars past. I am working on a legislative formula that would guarantee every Vietnam veteran either a good public service job, or a generous opportunity for a college education at public expense.

I believe further that we should extend the guarantee of higher education to any minority student who has the ability to absorb the education. And if a student is willing to repay the guarantee by several years of service to the community from which he came, then the cost of his education should be free. Serving America in peace should be just as important as serving her in war.

There is one last thought I would like to express regarding the opportunity for higher education. Unlike other minority groups, Mexican-Americans do not have an institution of higher education they can call their own. The creation of such an institution would be of enormous benefit, not only to Mexican-Americans, but to all Americans. Such an institution would soon help fill the need for Mexican-Americans with professional training in all kinds of disciplines. It would be a constant source of leadership for the Mexican-American community. It could be a repository of Mexican-American culture, and as such would be a national resource.

The Federal Government has a proud history of fostering higher education, beginning with the land grant colleges. I see no reason why the government could not sponsor the founding of a college specifically for Mexican-Americans. When the nation had a land gap to fill, it gave the railroads the land they needed. Why shouldn't the government bridge the culture gap by giving Mexican-Americans the land and whatever other resources are required to establish an institution to serve their needs as well as America's.

Let me say, in conclusion, that I appreciate having the opportunity today to share my feelings with you regarding the needs of our fellow citizens of Mexican descent. I think we all know that their need for an equal opportunity is really America's need as well—the need to fulfill the promise upon which the nation was founded and without which it would cease to be an inspiration to mankind.

Let us rededicate ourselves to the following propositions.

Mexican-Americans can no longer be taxed while remaining politically unrepresented.

Mexican-Americans can no longer be first in war casualties and last in civilian jobs.

And billions can no longer be spent to enrich the culture of other countries while zero is spent to assist the indigenous Mexican-American culture.

And we, white Americans and the Democratic party, the institutions that have benefitted most from the Mexican-American, must be the first to correct the injustices of the last 100 years.

DEATH OF BRIAN L. BUNKER, NEVADA PIONEER

Mr. CANNON. Mr. President, recently the entire State of Nevada was saddened by the passing of a pioneer resident who had contributed so much to the development of southern Nevada, economically and spiritually.

I refer to the demise of Brian L. Bunker, who was a leader of the Church of Jesus Christ of the Latter Day Saints. His life typified the enterprise, dedication, and steadfastness which has helped build our State and made Nevada and the Southwest the fastest growing section of the Nation.

I ask unanimous consent that an editorial published in the Las Vegas Review Journal be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SOUTHERN NEVADA LOSES REAL PIONEER

A real pioneer of southern Nevada has died. Bryan Lamond Bunker, 73, descendant of the original family which settled Bunkerville and made it into a thriving agricultural area, died in Salt Lake City last Tuesday. During his lifetime, Bunker contributed much to the development of southern Nevada, not only in its religious aspects but in business and youth projects as well.

He had devoted much of his adult life to the Church of Jesus Christ of Latter Day Saints, growing up in the little Mormon farming town of St. Thomas. As a young man he fulfilled a mission for the church and he had the distinction of being the second man to be named as bishop of the L.D.S. Church in Las Vegas and again the second man to be chosen as President of the Southern Nevada Stake. In the following 25 years, he attained higher honors in the Church, serving as president of the California Mission of the church and in his final years as first counselor to the President of the Salt Lake City Temple of the L.D.S. Church.

Ambitious for higher education, he was the first youth from St. Thomas to become a "boarding student" at the Las Vegas High School, because the Moapa Valley schools at that time ended with the eighth grade. He led the way for other rural students, until high schools were established in the Valleys, to enroll in high school in Las Vegas.

He was another pathfinder, the first from the Valley to enroll at the University of Nevada at Reno, as it was the custom for Mormon youths to be sent to Utah for higher education. Jobs were scarce when he returned from college, so he became the driver of an eight-horse team hauling copper ore from a mine in the Arizona Strip to the railroad at St. Thomas. He next became a rodman on preliminary surveys for the site for Boulder Dam.

He worked at Will Beckley's Men's Clothing store, where he became acquainted with practically every man in town. In his position as bishop of the L.D.S. Church, he wielded great political power, although he never sought public office for himself.

He was a builder as well as a leader. Even though money was scarce during the Depression years, he inspired the Mormon people to contribute funds and labor for the construction of the first permanent L.D.S. Church in Las Vegas at Ninth Street and Clark Avenue. This became a community center, as well as a church edifice, as there were few meeting places in the town at that time.

He was an insurance company representative, a hotel owner, and the founder of Bunker Brothers Mortuary. He fostered the Boy Scout movement in this area, serving as president of the Boulder Dam Area Council and receiving the Silver Beaver award. Recognizing the need for recreation for young people, he became a member of the first board of directors of the YMCA and helped raise funds for the headquarters.

He encouraged the United Fund concept, to replace the many fund raising projects for organizations concerned with health, welfare and recreation in the community, and served as president of the United Fund. He also was a past president of the Las Vegas Chamber of Commerce and the Rotary Club.

He was a quiet worker, using persuasion rather than pressure to accomplish his own personal goals and those of his community and church. He has left many monuments in southern Nevada, not all of mortar and stone, but mostly in the hearts of the many people he helped during his time as an official of the church and in his everyday routine of being a good citizen.

The L.D.S. Church has lost a devoted servant, and southern Nevada a real pioneer.

A VOLUNTEER ARMY WOULD BE MANNED BY THE DISADVANTAGED

Mr. KENNEDY. Mr. President, many of those who oppose a volunteer army at this time have pointed to the inequities that it would produce. Of particular concern has been the likelihood that the establishment of a volunteer army, whose basic attraction was higher pay, would pull disproportionately from the lower socioeconomic levels of our society. The poor, the disadvantaged, those who have received the least benefits from our society would be compelled by economic circumstance to accept the risks of military service.

Recently an article written by Representative CHARLES B. RANGEL, of New York, was published in the New York Times. The article, entitled "Black Hessians in a White Man's Army," underlines the potential negative results of a volunteer army.

I commend the article to the attention of Senators as the debate begins in the Senate on whether or not to extend the draft.

I would particularly call your attention to the following statement by the Representative:

> Middle- and upper-class whites will not be enticed to join by financial inducements. But disadvantaged Blacks, Mexicans and Puerto Ricans must volunteer since there are no other economic options open to them. Of course, there will still be white soldiers. Except for a sprinkling of poor Southern white enlisted men, they will largely form the officer class.

It is uncertain that a volunteer army would produce the extreme polarization that this description depicts, but it is a strong possibility, and it is a possibility that the Nation cannot afford.

Mr. President, I ask unanimous consent that the article, published on April 17, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BLACK HESSIANS IN A WHITE MAN'S ARMY

(By CHARLES B. RANGEL)

WASHINGTON.—I "volunteered" to serve Uncle Sam. In 1947 I quit a predominantly white high school because I couldn't compete academically. I was soon faced with the black drop-out's classic choice—hustle on the streets or join the Army.

Eventually, I was sent to Korea where one day I "volunteered" to lead a mission behind enemy lines. It wasn't glory or love of country that prompted me. I was motivated by the same reasons so many blacks join the paratroopers—for the extra money and the chance of promotion that such dangerous duty assignments provide. After the mission, a colonel pinned some medals on my chest and told my unit with John Wayne fervor: "Keep kickin' hell out of those gooks."

I left Korea with some money, some rank and an ingrained prejudice against a people called "gooks" who lived in a country I never knew existed before. In fact, it wasn't until I noticed some Chinese bodies on a battle field one day that I learned Korea bordered China.

I mention all this because there were thousands of blacks like me on the front lines of Korea, as today there are thousands like me in Vietnam and in American military outposts all over the world. Patriotism has nothing to do with the reasons why they're there, as it will have absolutely nothing to do with the reasons why the proposed volunteer Army will be largely black, Puerto Rican and Mexican.

President Nixon's proposal to create a volunteer Army is mainly induced by his desire to get the articulate young whites off his back and to make America's belligerence in Asia more palatable to their parents. This plan is characteristic of how America solves its problems—it will buy its way out by offering handsome pay increases and other attractive benefits to those who join up. This rationale recalls the Civil War days when rich men paid poor men to perform their military obligations for them. Nixon's proposed $3,000 bonus for combat duty accomplishes exactly that.

Who will take Nixon up on his offer? Senator Kennedy reports that in several talks to college groups, almost all students raised their hands when asked how many favored a volunteer army. Yet, there was almost none who kept their hands up when he asked if they would volunteer.

Middle- and upper-class whites will not be enticed to join by financial inducements. But disadvantaged blacks, Mexicans and Puerto Ricans must volunteer since there are no other economic options open to them. Of course, there will still be white soldiers. Except for a sprinkling of poor Southern white enlisted men, they will largely form the officer class.

It would be a lie to label this a volunteer army. It would be a mercenary army composed of men soldiering for a pay check. Thus America's oppressed races would be fighting and dying so that affluent whites can continue to enjoy the fruits of imperialism. White Americans could then sip cocktails and watch the black Hessians make war on their color television sets, just like the plantation owners who sipped mint juleps on their verandas and watched the darkies toiling in their fields. This is not too much of an exaggeration. Blacks and other minorities would once again be doing the white man's dirty work.

During the cold Korean winters, the Chinese repeatedly flashed a large photograph at my black unit showing white people lounging around a Florida swimming pool. Their loudspeaker would bark: "You're over here doing their killing for them and you're not even allowed to sit at that pool."

At present, America is in a crucial dilemma. It needs millions of bodies in uniform to maintain its international police force. It is having trouble getting these bodies because many of its young do not wish to be engaged in the merciless obliteration of Southeast Asia. So, characteristically again, America has decided to follow the precedents set by the Roman and British Empires. It will hire mercenaries to prop up its foreign hirelings around the world.

There is only one way this country can get its young to loyally perform military service. It must begin to institute morally just foreign and domestic policies. A random selection draft system would then be all that would be needed since such policies would permit a substantial reduction in the size of America's permanent forces. Only an empire needs an Army of three million men.

What staggers me about the President's plan is its lack of farsightedness. Doesn't he realize that a large number of blacks will become incensed when they realize they are doing the white man's killing? Armies are, by nature, great instruments of power. A mercenary Army would mean that blacks and Spanish-Americans finally had some real power. The Russian revolution began when its oppressed army and navy revolted.

REPORT BY SENATOR HARTKE ON PARIS PEACE CONVERSATIONS

Mr. HARTKE. Mr. President, yesterday the Committee on Foreign Relations began its exceptionally important hearings on Senate legislative proposals to end America's involvement in the Indochina war. As the author of Senate Resolution 66, I was privileged to have the opportunity to testify on that resolution. In the course of my testimony I presented the first comprehensive report on my conversations in Paris earlier this month with all four delegations to the peace talks.

I ask unanimous consent that my testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF U.S. SENATOR VANCE HARTKE BEFORE THE COMMITTEE ON FOREIGN RELATIONS, APRIL 20, 1971

Mr. Chairman, I welcome the opportunity to testify before this distinguished Committee on behalf of Senate Resolution 66, which I had the honor to introduce on March 4, 1971.

That resolution calls for the immediate withdrawal of all United States military forces from Indochina, conditioned only upon agreement on arrangements for the safe withdrawal of our forces and the release of our prisoners of war. It would end American involvement in the war at the earliest possible—rather than the earliest convenient—date. It is based on the proposition that no date is too soon for extricating ourselves from what has been an unmitigated disaster from the outset, and that every day's delay serves only to waste lives and bodies and treasure.

In the nearly seven weeks since I introduced S. Res. 66, three events, or series of events, have occurred to strengthen my conviction that Senate action is essential if we are to stop this appalling wastage. These events were, first, the South Vietnamese debacle in Laos; second, my conversations in Paris with representatives of all four delegations to the Vietnam Peace Talks; and third, President Nixon's television address to the nation on April 7.

Of the South Vietnamese invasion of Laos and its abrupt conclusion, I shall say only that it demonstrates the murderous futility of "Vietnamization." And if "Vietnamization" is the option we are asked to choose in preference to an early, fixed-date withdrawal, we are in effect being offered no choice at all. That seems to me to be the principal lesson of Laos.

The outcome of the Laos invasion was still very much in doubt when I decided, in mid-March, to go to Paris to hear from each of the parties to the Peace Talks their account of the status of the discussions and what, if any, prospects they saw for a negotiated settlement of the war. I was especially anxious to get a first-hand explanation from the representatives of North Vietnam and the Provisional Revolutionary Government (that is, the political arm of the Viet Cong) of the terms of the Peace Initiative put forward on September 17, 1970, by Madame Nguyen Thi Binh, Foreign Minister and Delegation Leader of the P. R. G. I thought it essential to have such an explanation because, contrary to what the Administration had been telling us of the rigid inflexibility and total refusal of the other side to engage in meaningful negotiations, we had begun to hear an increasing number of reports to the effect that the terms of Mme. Binh's proposal were at least worth considering as the basis for further negotiations.

Before leaving for Paris on April 1, I received a thorough briefing from senior officials at the State Department and had a full and useful discussion with Ambassador Diem of the Republic of Vietnam. And on the afternoon of my arrival in Paris, April 2, I had the pleasure of a long talk with my old friend Ambassador David Bruce, the head of our own team of negotiators at the Peace Talks.

So it was with that background that I entered into conversations with representatives of the other side, Mr. Nguyen-Minh Vy, Deputy Head of the North Vietnamese delegation at Paris, and Mme. Nguyen Thi Binh, Head of the P. R. G. delegation.

I can report that our discussions, lasting four-and-a-half hours with the North Vietnamese and three-and-a-half hours with the P. R. G., were both frank and cordial. I was especially struck by Mr. Vy's repeated insistence on his own delegation's flexibility. My distinct impression was that the only non-negotiable items in the P. R. G. peace initiative—which, of course, Hanoi fully supports—are a firm withdrawal date for all U.S. military forces and the exclusion of President Thieu, Vice President Ky, and Prime Minister Khiem from any coalition government in South Vietnam. All other points are negotiable. But most importantly, from our standpoint, the setting of a mutually agreeable date for withdrawal of our forces from Vietnam is an essential prerequisite to any meaningful negotiations.

Both conversations centered on the two great issues of a ceasefire and the return of our prisoners of war. Regarding the first, a P.R.G. statement issued on December 10, 1970, following its formal peace initiative of September 17, says:

"A cease-fire will be observed between the South Viet-Nam people's Liberation Armed Forces and the troops and military personnel of the United States and other foreign countries in the U.S. camp immediately after the Government of the U.S. declares it will completely withdraw from South Viet-Nam its troops and military personnel and those of the other foreign countries in the U.S. camp by June 30, 1971; the parties will discuss at once:

"The question of ensuring safety for the total withdrawal from South Viet-Nam of U.S. troops and those of the other foreign countries in the U.S. camp and,

"The question of releasing captured militarymen."

I first asked Mr. Vy what the word "immediately" meant in this context. He replied that it meant as soon as word could be got to the forces in the field—a matter, he thought, of no more than 48 hours. As to the date of June 30, 1971, specified in the P.R.G. proposal, both he and Mme. Binh stated that that was their suggestion, but that if it was unaccepeable to us, we should propose an alternative. I might add, Mr. Chairman, that it was my distinct impression that there would be little or no problem in arriving at a mutually acceptable date. And whatever that date might prove to be, let me emphasize—for there has been confusion on this point—there are no other conditions. The ceasefire between our force and theirs could go into effect within 48 hours of its announcement. The killing of Americans could be ended just that quickly.

As to the release of our prisoners of war—called "captured militarymen" by both Hanoi and the P.R.G.—I attempted to get as much clarification as possible on just how soon after announcement of a withdrawal date we could expect to have them returned. The language of the P.R.G. peace initiative says only that "the parties will discuss at once" the P.O.W. question. Both Communist delegations refused to specify a fixed time period at the end of which all our prisoners would be home. They kept insisting that the setting of a withdrawal date must precede substantive discussions of the issue, and that it is only President Nixon's intransigence that has created the obstacle to an early settlement of the P.O.W. question.

Let me go on to say, however, that both Mr. Vy and Mme. Binh gave broad indications that the issue would be resolved very speedily once the withdrawal date is set. Mr. Vy called to my attention the fact that in 1954, at the conclusion of Vietnam's war of independence against France, large numbers of French prisoners were released before the Geneva Conference even convened, and that once the formal peace talks did begin, the entire issue was settled within three weeks.

Also, the two delegations took considerable pains to assure me that they have no interest whatever in keeping American prisoners a day longer than is necessary. Mr. Vy pointed out that our men are being given a food ration three times as large as that of the average Vietnamese and that their living conditions generally are more comfortable than the prevailing standard in North Vietnam. And Mme. Binh said, "Your men are a burden to us. We want to be rid of them—the sooner the better."

"I can tell you," she added, "that if the American forces withdraw in a rapid and appropriate fashion, your captured militarymen will be returned in a rapid and appropriate fashion."

Let me summarize what I learned on this very difficult issue by saying that there is now no doubt in my mind that all of our P.O.W.'s would be returned to us by the time our last troop contingent is withdrawn from Vietnam, and a substantial number—particularly the sick and wounded—would be on their way home within weeks of the setting of a date for final withdrawal.

In this as in every other war in human history, prisoners are exchanged when the war is over. For the Administration to continue to pretend that there is some other solution to the problem is to perpetuate a cruel hoax of its own devising on the families of those men and on the American people generally. And by the same token, prolonging the war only adds to the toll, not alone of prisoners but of dead and wounded as well.

Let me now touch briefly on some of the other significant issues that arose in my discussions in Paris.

Ending American involvement in the war will not, in and of itself, end the Indochina war altogether. Both the Hanoi and P.R.G. delegations made it clear that they would continue fighting against the forces of South Vietnam so long as the Thieu-Ky-Khiem regime remains in power in Saigon. The December 10 statement issued by the P.R.G. says in Paragraph 2:

"A cease-fire will be observed by the South Viet-Nam P.L.A.F. and the armed forces of the Saigon Administration immediately after the P.R.G. of the R.S.V.N. and a Saigon Administration without Thieu-Ky-Khiem, that stands for peace, independence, neutrality, and democracy, agree on the formation of a provisional government composed of three segments with a view to organize general elections, as proposed in the September 17, 1970 statement of the P.R.G. of the R.S.V.N."

The question of most immediate interest to us in this connection is whether any part of that paragraph would have to be implemented before a ceasefire with American forces and the return of American prisoners could take place. I can report that no such condition would be involved. The killing of Americans could stop and the present Saigon regime could continue its own struggle for survival without jeopardizing American disengagement.

Mme. Binh told me, however, that the United States would have to bear responsibility for prolonging the war, even after all our own forces were gone, so long as we continued to support the Thieu-Ky-Khiem government. The war can never be completely settled, she said, until the U.S. withdraws its support from the present regime. Once that happens, Mme. Binh remarked, the future of South Vietnam could be settled by South Vietnamese organized in a provisional coalition government consisting of three elements: (1) "persons" of the P.R.G.; (2) "persons" of the Saigon Administration other than Thieu, Ky, or Khiem; and (3) "persons" of all religious and political factions in South Vietnam "standing for peace, independence, neutrality and democracy."

There are two points worth noting in this connection. First, Mr. Vy of the Hanoi delegation wanted to be certain I recognized, as proof of his own government's flexibility, that they were no longer insisting on either reunification with the North or on P.R.G. domination of the prospective coalition government in Saigon. "I myself," he said, "am a Southerner and a socialist. No goal is nearer my heart than a unified and socialist Vietnam. But we all recognize that events of the past 15 years have created different social and economic structures in the two parts of Vietnam, and these differences will disappear only after a long period of time and as the result of careful negotiations between the two governments.

"But really, you must know," he added, "that even a unified and socialist Vietnam would not constitute a threat to the United States."

The second point to be noted in connection with the P.R.G. proposal for a Vietnamese solution to Vietnam's problems appears in the text of their September 17 statement and concerns the Nixon Administration's dire warnings of a "bloodbath" that would allegedly follow our withdrawal.

"The provisional coalition government will," it says, "prohibit all acts of terror, reprisal, and discrimination against those who have collaborated with either side. . . ."

No doubt it would be foolish to take any government's word—including our own—at face value. But it is worth considering that the coalition government envisioned in this document would include Buddhist and Roman Catholic leaders as well as anti-Communist figures of the stature of General Nguyen Van Minh; and I do not see how anyone could seriously suppose that such a government would countenance a policy of Communist-inspired reprisals.

Other issues of interest and concern arose out of my conversation with Ambassador Lam and Minister Phuong of the Republic of South Vietnam. The burden of their remarks was that American opinion was being misled by "Communist propaganda," especially in regard to the Laos operation; that the South Vietnamese were being severely handicapped in their prosecution of the war by the "inferior equipment" which we have provided them and by our continual disclosure of the nature and extent of all military operations; that they foresaw no end to the fighting and no hope for negotiations; and that America's role as anti-Communist world leader obliges us to continue providing South Vietnam with one hundred percent of its needs for carrying on the war.

Some of the flavor of this rather discouraging conversation may be conveyed by an exchange I had with Minister Phuong. When I stated that the American public was becoming increasingly impatient with the loss of our young men in Vietnam, Mr. Phuong replied very heatedly that their young men were dying too—ten times as many as ours.

"But it is not our country," I said.

And he replied, even more heatedly, "But you are a world leader! It is your responsibility!"

Now quite apart from the misstatement of fact—it is certainly not true that South Vietnamese losses have been ten times as heavy as our own—I think we must all be disheartened by the "success" two Administrations have had in convincing the Saigon regime that their survival continues to be more important to us than it is to their own people. I wonder how many Americans outside the White House and the Pentagon would subscribe to that disgraceful notion.

In any case, nothing I heard in my conversation with the South Vietnamese delegation would incline me to believe that they are well on their way to assuming the burden and responsibility of their own self-defense after these long years of American sacrifice.

Let me now attempt to summarize in point-by-point fashion the conclusions I reached as a result of those long conversations in Paris with the four delegations to the Peace Talks and with other deeply knowledgeable observers of the Indochina conflict. Among the latter were the Venerable Thich Nhat Hanh, Official Representative in Paris of the Unified Buddhist Church of Vietnam; Mr. Froment-Meurice, head of the Asian Desk of the French Foreign Ministry; and a number of distinguished American and European journalists, among them Mr. Walter Lippmann.

1. The setting of an agreed date for complete United States military withdrawal from Vietnam is the absolutely indispensable first step toward a negotiated settlement of the war on all fronts. That date, in my judgment, could be anywhere from 30 days from now—as my resolution would have it— to the middle of 1972. A date later than that would of course be better than none at all, but it would not, I think, produce the immediately desirable effects we all want—namely, an immediate ceasefire and the early release of our prisoners of war.

2. Upon the setting of a date within the time-frame I have suggested, a ceasefire between American and Communist forces could go into effect within 48 hours. Our representatives and theirs would work out mutually acceptable procedures for the safe withdrawal of our forces. Even if it then took us a year or more to withdraw completely, no more Americans would be killed or maimed or taken prisoner.

3. Upon the setting of the date, discussions would begin "at once"—meaning that very day if we wish—concerning the release of all our prisoners of war. Repatriation would very likely occur in stages, with the sick and wounded being returned very rapidly and all prisoners home by the time our last forces were withdrawn.

4. The agreements upon which our withdrawal would be conditioned are fully self-policing. For if at any time we found the other side not living up to its commitments, we could simply stop, or even reverse, the withdrawal process. And indeed, in the absence of the kind of agreement in which we could repose some high degree of confidence, we would not even begin that process.

5. Fighting among the Vietnamese themselves will continue until the Thieu-Ky-Khiem government is replaced by a coalition of Communist, non-Communist, and anti-Communist elements, excluding only the three leaders of the present regime.

6. The Paris Peace Talks are totally deadlocked. They offer no hope whatever of ending the conflict so long as the United States persists in refusing to discuss a date for the complete withdrawal of our forces.

Finally, Mr. Chairman, I should like to discuss the central features of President Nixon's April 7 speech in the light of the preceding six points and with particular reference to what it tells us of the need to adopt one of the fixed-date resolutions now before this Committee.

Let me begin by dismissing as almost wholly irrelevant the very modest increase Mr. Nixon announced in the troop withdrawal rate. Even if it were to continue through 1972—and we have no assurance that it will—leaving only a residual ground force by election day, there is still the likelihood of heavy American participation in an air war against North Vietnamese and P.R.G. forces. And so long as that continues, there will be no peace in Indochina—and no return of our prisoners of war. Moreover, when our total troop strength drops to a certain level during the withdrawal process, those remaining will be terribly vulnerable to attack. Suppose the other side launches such an attack and it succeeds in breaking through whatever defense arrangements have been made: what then will we do? Will we pull out precipitously and ignominiously, a la Dunkirk? Or will we re-escalate to set off a whole new round of bloodletting, this time possibly even using nuclear weapons?

The President gave no hint. Instead, as is increasingly his custom, he turned the logic of the situation upside down and said that he could not give a firm date for total withdrawal because to do so would enable enemy commanders to plan just such an attack as I have been positing. The really outrageous aspect of this upside-down logic is that Mr. Nixon knows full well that a fundamental point in the other side's peace proposal is that discussions on ensuring the safety of our departing forces would begin as soon as a withdrawal date is agreed upon. And as I stressed in Point 4, in the absence of an agreed procedure satisfactory to ourselves, we would not even have to begin the withdrawals.

Much the same reasoning applies to President Nixon's continued cynical use of the prisoner of war issue as an excuse for not ending our involvement in Vietnam. In an earlier speech he said flatly that he would never remove all our forces while P.O.W.s were still held in enemy prison camps. And on April 7 he said that to announce a date for total withdrawal would be to throw away the only bargaining counter he has with which to obtain the release of our P.O.W.s.

Once again the upside-down logic. Once again the utter disregard of a clearly articulated feature of the other side's peace proposal. And once again we find the President of the United States pretending not to notice a point so elementary that any school child will have understood it by now: if no satisfactory arrangements are made for the release of our prisoners, or if at any time during the withdrawal period we find the Communists not living up to their contractual obligations, we can not only stop but reverse the process.

What so deeply troubles me about the President's failure to take these considerations into account—and indeed his pretense that they do not even exist—is that we are left with absolutely no hint as to what his ultimate objectives in Vietnam might be. For my part, I am forced to conclude that he does not in fact intend to bring the war to an early end; had he wished to do so, the negotiating path in Paris lay open to him as early as last September. But he chose not to take it. He chose, instead, to pursue the will-o-the-wisp he calls "Vietnamization." And this, so far as I or any of my European friends can determine, amounts to nothing less than a desperate effort to maintain a permanent American presence in South Vietnam through a residual military force, as in Korea, and a client regime in Saigon.

If this is indeed the purpose to which he and Dr. Kissinger have committed this nation, then, I say, the American people will not tolerate it and we who are their elected representatives must not tolerate it.

We have it in our power to force a change in this shockingly misguided policy. We can adopt a resolution such as mine, demanding an end to the war at the earliest practicable date. And if the President chooses to ignore it, we can enact legislation such as that offered by our distinguished colleagues from Oregon and South Dakota, closing the public purse to expenditures for carrying on the war after this year. Either or both would have the effect of reclaiming for the American people that ultimate control over foreign policy which has eluded them since 1965.

For the people know, even if their President does not, that we have stayed too long in Vietnam and have bled too much and have perpetrated too many horrors. We have sacrificed not only our men and wealth but our good standing among the civilized nations of the world. We have driven our own children into spiritual exile and thereby mortgaged the future of this society.

The war must end, and it must end now.

The Senate of the United States, acting through this Committee, must now take the first decisive step toward peace.

FARM LABOR HOUSING IMPROVEMENTS DEPEND ON INCREASED FUNDING UNDER NEW LAW

Mr. STEVENSON. Mr. President, I am hopeful that an increase in the appropriation for the farm labor housing provisions of the Housing Act of 1949, as amended, to $25 million will be recommended by the respective Appropriations Committees and passed by both Houses of Congress.

It can hardly be debated that farmworkers are among the most poorly housed people in the country today. The Migratory Labor Subcommittee has studied the problem, heard testimony on it, seen it firsthand and in documentary films, and each time we are appalled with what we find. I believe that the time is past due for a concerted attack on the problem.

Last summer proposed legislation was introduced in the 91st Congress to amend sections 514 and 516 of the Housing Act of 1949, as amended, which deals with the farm labor housing program administered by the Farmers Home Administration. These amendments were included in the Housing Act of 1970 which passed Congress and was signed into law by the President on December 31, 1970. The amendments which were passed in that act greatly strengthen the farm labor housing program and will make it a much more attractive and useful means of providing housing for farmworkers.

The amendments reduce the interest rate for section 514 loans from 5 to 1 percent and increase the maximum grant limitation for section 516 from 66⅔ to 90 percent. Eligibility for loans and grants was expanded to include nonprofit organizations of farmworkers and thus reaffirmed Congress' intent that broadly based nonprofit organizations are eligible to receive loans and grants. Other changes made by the amendments which strengthened the program include allowing organizations to build labor housing anyplace within the State where a need can be documented and not only in the community where the membership of the organization resides; requiring that housing built under the program be suitable for year-round occupancy unless the Secretary of Agriculture can show that there is no need for such type of housing; and allowing loans and grant funds to be expended for furnishing the units constructed.

Under the old law, prior to these amendments, the demand on funds for the program did not exceed those appropriated. However, based upon information from potential applicants, the demand for funds for the amended program will greatly increase.

Funds for section 514 come from the Farmers Home Administration's Insured Loan Fund and the program level set for that section by the Administration seems to be adequate to meet the increased demand. My main concern is with the appropriation for the section 516 grant program. The budget request for fiscal year 1972 is $2.5 million and with the estimated carryover from previous years, gives a program level of $3.767 million. This level is not substantially higher than expenditures in previous years—it is less than that expended in fiscal year 1969—and does not take into account the increased demand that the new amendments will create.

The demand could, I believe, increase more than tenfold, and I therefore suggest that appropriations be increased to $25 million. Congress has authorized $50 million to be spent for the period ending October 1, 1973. Of that authorization $33.5 million remains to be appropriated.

Finally, I would like to emphasize that farmworkers do not have an opportunity to participate in other housing programs. Low income levels exclude them from homeownership programs under section 235 administered by the Department of Housing and Urban Development, and section 502 programs administered by Farmers Home Administration. Additionally, low incomes exclude the farmworker from existing rental housing programs. Of the existing housing programs, only public housing has the potential of reaching the majority of farmworkers. However, in most cases, local housing authorities do not exist in rural areas of high farmworker concentration and need. Thus, the specialized farm labor housing program contained in sections 514 and 516 is essential, for it gives a subsidy nearly as advantageous as public housing programs, and it allows institutions other than local housing authorities to contract and operate Government housing.

Even the $25 million that I believe must be appropriated will fall far short of the need. By appropriating $25 million, the Congress will still be meeting less than 1 percent of the total need for farm labor housing. Although adequate data is not available, it is estimated that our Nation's 3 million farmworkers and their families live in about 600,000 units. Of these units, over 50 percent—or 300,000—are substandard and in need of replacement. The remaining 300,000 need repair or remodeling. The estimated cost of new units is $10,000 per unit. Under this program in the past 9 years, $30 million has been actually expended for the construction or repair of about 7,000 units. For fiscal year 1972, by appropriating $25 million, the repair or building of 3,000 units could be accomplished.

The authorization for funds is a matter of law. The program has been amended to make it more workable. We have an opportunity under the new law to begin fulfilling our promise to those who toil in our fields. All that remains is for a reasonable appropriation to be made so we can get on to solving this appalling problem.

TRANSPORTATION RECOMMENDATIONS OF THE NATIONAL ASSOCIATION OF COUNTIES

Mr. WILLIAMS. Mr. President, on April 5, 1971, the Board of Directors of the National Association of Counties—NACO—held its legislative conference, one of three annual meetings held by the board. The NACO has affiliations with 800 counties, which together constitute 90 percent of the population of the United States, and officially has a membership of approximately 20,000 individuals, including both appointed and elected officials.

At this recent meeting, the steering committee adopted eight recommendations relating to subjects of concern to county governments, all of which were approved by the board of directors. The recommendation concerning national transportation policies is worthy of note, and I feel that it points out the frustration at local officials with the unwillingness or inability of this administration to come to grips with urgent transportation problems.

Mr. President, I ask unanimous consent that the transportation recommendations adopted by the National Association of Counties be printed in the RECORD.

There being no objection, the recommendations were ordered to be printed in the Record, as follows:

Transportation Recommendations Adopted by the National Association of Counties Board of Directors, April 5, 1971

The National Association of Counties is very concerned about the lack of recognition at the national level of immediate and long range local transportation needs. Local fiscal resources are not adequate to meet all the demands for mobility of its citizens. Instead of making full use of available federal funds for transportation, the Federal Government has conducted a deliberate policy of withholding funds appropriated for highway improvements, airports and mass transit development.

1. NACO supports an amendment to the Airport Development Act of 1970 to clearly establish Congressional priorities in expending aviation user tax revenues for modernizing and expanding the national airport and airways systems. The funds should remain in the Airport and Airways Trust Fund until expended and the funds not be diverted for the other purposes.

2. NACO urges the Congress to appropriate at least a minimum of $520 million authorized for airport development in fiscal 1971 and 1972 ($225 million not appropriated in 1971 plus $295 million in 1972). NACO also urges the Administration to obligate the appropriated funds available immediately for critically needed local airport projects.

3. NACO urges the Administration and DOT to release the funds appropriated for highway improvements. Over $3 billion of highway user tax revenues is currently contained in the Highway Trust Fund.

4. NACO urges the Congress and the Administration to meet their commitments to local governments in fully funding the recently enacted Mass Transportation Act of 1970. In view of current funding problems, NACO reaffirms its support for the creation of public transportation trust fund as the only sure way to meet long range local funding needs. We recommend that this trust fund be funded from a portion of the automobile excise tax.

5. NACO supports fewer "strings" in federal assistance programs, increased flexibility in the use of transportation dollars at the local level, and decreased local matching requirements. However, we believe the most critical problem facing local governments is a lack of available funds to meet immediate and future needs. This problem is not met by pooling several existing under-funded programs and calling it special revenue sharing for transportation. Instead, NACO supports funding transportation programs through separate trust funds for airports, highways and public transportation.

CALIFORNIA'S CRITICAL STRIKE IN INTERNATIONAL TRADE

Mr. CRANSTON. Mr. President, recently it was my privilege to address the California Council for International Trade in San Francisco. At that time, I discussed the potential impact of the proposed International Trade Act of 1971 (S. 834) as well as the liberalization of U.S. foreign trade policy on California. Foreign trade means a great deal to California, which ranks as one of the largest trading units in the world.

Because of the great importance of this issue for my State, I wanted to share my remarks with the Senate. I ask unanimous consent that the text of my speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

A Congressional View of California's Critical Stake in International Trade

(Speech by Senator Alan Cranston)

Of the many important and extremely complex national issues before the Congress today, very few are capable of uniting the California Congressional delegation.

But on the issue of protectionist trade legislation, our delegation has strongly opposed efforts to pass a quota-laden trade bill.

Last November 20, California's delegation voted overwhelmingly against the quota legislation which passed the House that evening (215–165).

Fortunately the Senate killed the bill.

The basis for this bipartisan, united front against protectionism is founded on the economic realities of what foreign trade means to the well being of the State of California.

California is one of the world's largest trading units. It exports and imports nearly $6 billion worth of industrial and agricultural products annually. The State's nearly $3 billion in exports are composed of products grown and manufactured in California. The almost equal—$3 billion—amount of imports are used here by Californians.

California ranks second among the states with $550 million in agricultural exports. As a $1 billion customer of American farm exports, Japan alone bought nearly $90 million worth of California agricultural commodities last year.

Aircraft represented the largest share of our State's industrial exports with nearly $1 billion in export sales in 1970. Exports through California's great seaports and airports—from San Francisco and Oakland in the north to Los Angeles and San Diego in the south—accounted for nearly $3 billion in sales last year. Southern California alone accounted for nearly half of the total West Coast imports and a third of its exports.

These are the dimensions of our State's great stake in foreign trade which Californians in Washington are trying to protect.

During the trade debate in the Congress, I was warned by the experts in international trade and finance that if we failed to block the bill, foreign retaliation against American quotas could result in a 10 to 15 percent loss in California's $6 billion trading volume.

If 10 percent—$600 million—was lost to the State, as many as 45,000 people could lose jobs directly related to the State's export trade.

The jobs of 65,000 Californians would be in jeopardy if retaliation caused a 15 percent—$900 million—loss in trading volume.

The basic health of the California economy and the continued viability of our State's industry and agriculture are gravely threatened now by new moves in Congress and at the White House to pass quota-laden trade legislation. There are ominous hints that efforts will be made to attach quotas by amendment to whatever handy piece of legislation might be on the floor for consideration at a moment deemed appropriate.

Success in blocking legislation is not enough, really.

I believe we should seek to enact forward-looking trade legislation.

So I recently joined with Senators Harris, Hart, Hughes, Javits, McGovern, Mondale, Percy and Stevenson in sponsoring The International Trade Act of 1971.

Our bi-partisan bill does more than say "No" to quotas.

It provides realistic alternatives that should stem the protectionist tide in Congress and in the Nation. It is a long and complex piece of legislation.

But let me review a few of its highlights:

It strengthens the President's authority to retaliate against foreign restrictions on our industrial and agricultural exports;

It strengthens existing provisions against such unfair trade practices as dumping and subsidies;

It establishes procedures to protect American concerns and importers quickly when such unfair foreign competition is encountered.

It gives the President new authority until 1973 to reduce by as much as 50 percent the levels of tariffs in existence on January 1, 1972, the date on which the Kennedy round of tariff reductions will become effective;

And the bill recognizes the need to begin to expand and normalize our trade relations in non-strategic goods with Eastern Europe.

On that last point, the legislation specifies that the President can conclude a short-term trade agreement with a communist country with which we have diplomatic relations if he believes it is in our national interest to do so.

Products from Eastern Europe could then enter the U.S. at the prevailing rate of duty rather than paying the Smoot-Hawley rates of the 1930's which they are now required to pay.

Such agreements would be a significant step toward expanded trade and, I think, toward peace. They would aid American firms to enter a market they are now losing to European competitors.

The present obstruction to East-West trade makes little economic and political sense in 1971, and it works directly against our national economic interests. In 1969, the U.S. enjoyed only 3 percent of East-West trade while contributing to approximately 16 percent of total world trade.

The West Germans, Japanese, and British are rapidly moving into this market while we are hamstrung by antiquated cold war policies that cost U.S. business a great deal of cold cash.

It simply makes no sense to deny favored nation status to the nations of East Europe.

It in no way denies those nations access to Western goods.

The goods get there legally anyway—and with the full consent of our government.

All our denial does is prevent East Europeans from earning U.S. dollars which, of course, would be used to buy U.S. goods. Unfortunately, President Nixon reportedly turned down a quiet proposal recently from two Cabinet members—Secretary of State Rogers and Secretary of Commerce Stans—that we seek to develop trade with East-Europe Communist nations under the same tariff rates we extend to non-communist nations. I think the President was very wrong.

I know as American trade policies have moved away from protectionism in the last decade, certain American industries have been hard hit by increased imports.

The International Trade Act of 1971 that I have joined Senator Harris and others in introducing moves significantly to aid workers, firms and industries who have developed a financial stake in the trade policies that have done so much to enrich this nation.

This would help many Californians.

Under the 1962 Trade Expansion Act, a system was established to give such aid. But the formula it provided—called Adjustment Assistance—was so complicated, setting forth such strict criteria for financial aid, that virtually no workers, firms, or industries were ruled eligible for financial help from the Federal Government's Tariff Commission in its first years of operation.

Only 6,800 workers have been granted assistance since the 1962 trade bill became law.

Since the end of March 1971 the Tariff Commission had acted only on 29 worker petitions for help.

In California only 50 workers have received adjustment assistance.

The statistics on assistance to industry are equally alarming.

Only 7 companies have been certified for assistance from the Commerce Department since 1962.

There were no California firms among the seven.

Among industries, only manufacturers of

sheet glass, barber chairs, and pianos have been granted some type of adjustment assistance relief by the President.

Yet over the past two years, approximately 50,000 American textile and apparel workers have lost their jobs, and 14,000 shoe workers have no work.

Is it surprising that these workers, their firms, and their unions, seeking to protect themselves, are demanding quotas?

Our new trade bill offers help in other ways.

It changes the criteria by which workers, firms, and industries can qualify for adjustment assistance. It also removes the present $85 per week ceiling on worker assistance.

It provides for simplified procedures by which injured firms can obtain assistance in the form of loans, tax benefits, and technical assistance.

Under its broadened criteria for adjustment assistance, the President would be able to grant entire industries relief far more easily than he can under present law.

I believe that if working men and women are injured by a trade policy which is in the national interest, the Nation must protect them. The International Trade Act of 1971 provides that such a worker can receive no more and no less than 100 percent of his average weekly wage for one year.

If this unemployment insurance does not bring him to that level, the act provides an additional allowance.

Present federal adjustment assistance procedures ask certain workers, firms, and industries to assume a wholly unfair financial burden for our present trade policies. I believe that the new trade bill represents a sound way to help without instituting quotas which will trigger a trade war against American products, and create vast foreign relations problems for our country.

California's 83,000 textile and apparel workers, and the State's 3,000 shoe workers, along with workers from other industries such as electronics, steel, and agriculture may one day need assistance.

They would not be likely to get it under present law.

They would, under the proposed law.

Let me now seek to place all this in a larger context. Two-thirds of the world's people live in developing nations. By the year 2000 this figure is expected to grow to five-sixths of all people.

These countries must provide employment for their burgeoning populations—but the extraction and export of raw materials to the industrial nations no longer is sufficient to meet their employment and profit needs.

As these underdeveloped nations try to meet their employment crises, they inevitably turn towards the export of manufactured articles.

We see this occurring in Asia today.

In the face of this new trend there stands the growing tide of protectionism in the United States and other industrial nations.

The day may not be far away when our nation and its protectionist policies will be blamed whenever there is social and political turmoil caused by joblessness in the urban centers of the developing countries.

I know that no member of Congress advocates swinging open our trade doors to the manufactured products of the world in an irrational pattern. Our first obligation is to American workers and industry.

However, we need viable trade policies, and more attention must be paid to international economic issues by foreign policy makers at the highest levels.

The International Trade Act of 1971 is a realistic first step which I hope will lead the way to other constructive measures.

We face the threat of a complete breakdown of international cooperation with very real danger of a political collision between the highly industrial nations of the world and the developing countries if we do not give greater thought and attention to the changing economic forces at work in our world.

The Japanese textiles fiasco is a good example of how economic relations are eroding our political relations.

On February 25 President Nixon said in his State of The World message:

"A continued liberal trade policy . . . is indispensable to our domestic economic health and to a successful U.S. foreign policy."

"A retreat from our historic policies would greatly harm those broad international interests which we can further only with others' cooperation."

Only two weeks later he delivered a blistering attack against a Japanese offer for voluntary limits on their textile exports to the U.S.

Instead of accepting the offer and alleviating the pressure for quotas in Congress—and thus unburdening himself of his campaign debt to Southern textile interests—the President chose to reject the offer.

Because of his actions in dealing with the Japanese, I seriously question the quality of his leadership in the international economic field, and the depth of his commitment to liberal trade policies.

Our relations with the Japanese are deteriorating.

There are ominous signs that Southern textile interests in the Senate may try to gold the President's treaty for American withdrawal from Okinawa as hostage for a Japanese commitment to further reduce textile exports.

If this were to occur the Sato Government would be in great political trouble, and our relations with the Japanese would sink to a postwar low-point.

It is clear that commercial and economic issues are becoming the life blood of foreign policy.

They may be fast replacing some of the more traditional diplomatic and security questions.

It's high time, too, that we faced the fact that the United States is no longer the world's largest trading unit. We have been surpassed by the European Common Market. We can no longer afford to follow or to establish policies that rest on an economic position which we no longer hold.

I believe that a lowering of the barriers which stand in the way of greater American trade with Communist China could significantly ease the tensions between the two countries. It would certainly open up vast new horizons for many California and national firms eager to explore a huge market.

Our present trade with the People's Republic of China amounts to only a few million dollars a year.

The Nixon Administration has already slightly eased the total embargo on U.S. trade with China, and such corporations as General Motors and Monsanto are now trading with China through intermediaries.

I fully endorse the President's stated goal of February 25 of this year to "Remove needless obstacles between the Chinese and American peoples."

I am heartened by the action he took recently in lifting restrictions on travel by Americans to China. This led to the invitation from China to our ping pong team to visit there, accompanied by the first American newsmen to go there in a long, long time. All this, and ensuing opening the way to communication and widening trade, is all to the good.

Trade in non-strategic goods is a viable method to achieve the goal set forth by the President. I want to stress the phrase "non-strategic goods."

I am not suggesting, by any means, that we ship strategic material to China.

Greater Sino-American trade makes sense economically, and will be particularly good for business in California. It need not be linked at all to the separate issue of diplomatic recognition, nor to a matter of offering a seat in the U.N. to the Peoples' Republic—which now seems inevitable regardless of our nation's position.

Protectionism, in sum, is only an escape to economic nationalism—bringing with it unavoidable and disastrous effects for all sectors of the American economy.

HUDSON COUNTY CLUB OF THE DEAF BASKETBALL TEAM WINS CHAMPIONSHIP

Mr. WILLIAMS. Mr. President, the outstanding achievement of the Hudson County Club of the Deaf basketball team deserves appropriate attention. Under their rookie coach, Tom Cooney, the club compiled a season record of 14–0, and in a two-game sweep, spectacularly captured the New Jersey Athletic Association of the Deaf State Championship, placing New Jersey in the eastern tournament for the first time in 17 years.

The men of this team, consisting of Capt. Barri Snyder, team members Mike Slomkowski, Desmond Hitchman, Peter Rozynski, Ray Sturm, Conrad Fleetwood, Mike Drury, and Ralph Newberry, and Manager Simon Bacino, have extended a great and an untiring effort, and deserve a hearty congratulations and best wishes.

ECONOMIC DEVELOPMENT OF ALASKA

Mr. GRAVEL. Mr. President, I should like to commend to the attention of the Senate a statement by Prof. Charles Konigsberg of Alaska Methodist University before the Public Works Committee, Subcommittee on Economic Development, during its public hearings in Anchorage, Alaska, this past week. Dr. Konigsberg's testimony exhibits the long-range perspective and philosophical perspicacity which is essential for successful and meaningful economic development not only in Alaska, but throughout the country.

He calls us to a rethinking of our ideas of development, from what he refers to as a "cowboy" or open economy to a "spaceman" or closed economy. The latter is one which takes into account the natural limits of the environment and ecological system of which we are a part.

I believe Professor Konigsberg's insights will be a help to each of us as we prepare new legislation to promote economic development which recognizes people as our most important resource.

I ask unanimous consent that his remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

An Ecological Overview of Economic Development

(By Charles Konigsberg)

Gentlemen, this is a statement of *perspective:*

In an address at our recent University Institute on "Population and Resources", Dr. Preston Cloud, renowned resource geologist, observed that here in Alaska we are privileged to occupy one of very few remaining "first-class compartments on our Spaceship Earth."

I cite this observation not for the effect of its imagery but to argue for its fundamental accuracy both as regards our world and Alaska's special relationship therein. As the Apollo astronauts' photography made clear, our world *is* a *spaceship;* and, as any time spent in Alaska, outside of its major cities, will prove to even the most insensitive person, our compartment in the world is indeed "first class".

If we all agree on these points, we must face squarely, then, the implications in regard to this subcommittee's interest in assisting state and local governments with their programs of "economic development". Our understanding of the premises which appear to underlie your view of programs of economic development is that those premises or assumptions are essentially unchanged from those underlying past programs—except with respect to institutional and funding arrangements within the context and goal of improving federal-state/local relationships. The underlying assumptions, in other words, incorporate traditional concepts of "growth", "progress and development", and "production/consumption" as perhaps best reflected in our all-American totem of the "GNP"—all of which adds up to the notion of an "open-economy", an ever-expanding production/consumption system.

However, the concept of "spaceship earth" is clearly at odds with such a notion. As the astronauts saw, we are a round sphere in space; we are a finite world, in which "all transactions are (therefore) circular". Our world is not ever-expanding. It is a "seamless web" of action and interaction, of dependence and interdependence, of inextricable relationships. In such a finite, circular, interacting, interrelated and interdependent world—where everything is connected to everything else—all things are, inescapably, *limited*. This includes the biosphere (of air, water, and land) which sustains all life; it includes all resources; and, thus, it includes all growth and development which depend on those *limited* resources.

The point is a most crucial one, as increasing numbers of persons in all fields of expertise have begun to emphasize. They include thoughtful and farsighted economists, among them Kenneth Boulding who has urged that we re-direct our thinking and practice from the idea of an *open* ("cowboy") economy, appropriate, perhaps, to our past, to that of the *closed* ("spaceman") economy of the present and future—an economy in which natural limits are recognized and obeyed. Dr. Boulding and others suggest that if we do not re-direct our thinking and our practice, we and our world may not have a future.

I and those for whom I speak argue for the same perspective, especially as it concerns the future of this magnificent land of Alaska. We insist that it will make an enormous difference in our chances for genuinely successful development here if we proceed with our programs on the basis of the "spaceman" or "cowboy" perspective . . . if we see ourselves operating in a world of limits or on a continuum into a non-existent infinity of expansion.

It is clear to us that already in Alaska, as elsewhere, we have been thinking and acting on the premises of the cowboy economy. It is equally clear to us that that approach has been a *failure*. Indeed, we suggest that the presence, if not the very existence of your subcommittee is evidence of and supports that conclusion. It is even more clear from the proof of what has occurred in most developed areas of the other forty-nine states, and in all other so-called "advanced" or developed regions of the world.

If we are all agreed that the purpose or goal of "progress and development" is to improve the total condition of life for human beings—to help them to realize a maximum condition of "life, liberty, and pursuit of happiness," the American Dream—where, then, is the proof that this has indeed occurred? We have yet to see it. The conclusion in 1971 must be that modern economic development has yet to solve any of the truly basic problems of human existence. Despite this lesson we have begun to repeat the same process, in the same ways, here in Alaska. We have failed, as elsewhere, to recognize, or to act on the recognition, that economic development is *inseparable from* its psycho-social, political, and environmental consequences, that, indeed, these are not "consequences" but primary dimensions of the process, a *single, whole* process.

This is self-evident in Alaska, particularly from a look at our urban areas where, with development, we have been experiencing increasingly higher costs of living, especially in housing (and thus a housing shortage) and all the other increased costs of an expanding population with its concomitant increase in social tensions and increased demand for social services: the inevitable call for greater political centralization (more government); increased crime rates and other symptoms of social disorder (more police; more restrictions); shortage of schoolrooms (increase in double-shifting; rising school and educational budgets); pressure for road-buildings, to encourage more auto traffic . . . and traffic jams (in *Alaska?* . . . here, too, the automobile and the internal combustion engine have begun their usual rise to dominance over human beings and other life, guided by that unholy alliance between the commercial motive and the engineering mentality . . . and so we also lack mass transportation systems); our water-courses, our flood plains and greenbelts are being despoiled and sacrificed to short-sighted construction considerations (homes flood, of course, because "creeks run too close" to them, not the other way around) and we all pay the costs later on, again and again; our urban recreation areas and open-spaces, so crucial to social health, receive, as usual, last consideration; zoning battles increase in number and intensity but our urban scene remains "ticky-tacky" overall; our magnificent skyline views are increasingly corrupted by high rise buildings and large signs. our production of solid wastes is three times the national average; our sewer systems must be expanded, against strong resistance, though incremental pollution from sewage and other sources is manifested in the decline of our Cook Inlet and other fisheries, and in the contamination of Kenai clams. Thus, all the signs of a deteriorating social and physical environment—with every promise of worse yet to come—pollution in its many forms and disguises, winning "gradual acceptance" because "today's pollution is worse than yesterday's, so yesterday's eventually seems acceptable." These are not "side-effects"; they are *part* of progress-and-development.

We are being developed alright. Indeed, in Anchorage, it might be said that we have "arrived". Not so long ago a section of 48-inch pipe replaced the traditional Christmas scene (until irreverently restored after queries from unofficial quarters). And our "Story of the Year for 1970" was the DC–8 crash at our International Airport!—48 lives lost, at an airport which, in all its modernity, is now as coldly impersonal and as indistinguishable from all other major airports everywhere (so it is perhaps only right that we have our major accidents too, like everyone else, everywhere else). We have indeed arrived. We are indeed "catching up".

Nothing is all one-sided, of course. We have some encouraging, enlightened programs on the local scene (air pollution controls, the sewers program, the formation of a Borough Department of Environmental Quality), but they are as yet far from changing the complexion of our scene. We have not yet begun to perceive and act upon that *urban Achilles heel:* that increasing numbers of people mean an exponential increase in social interactions, and that to even begin to deal successfully with this situation (which has not yet been done anywhere) requires a type of determined, enlightened leadership, endless, comprehensive planning—and unremitting public education—that may in fact be beyond reasonable expectation at this stage of our experience.

And all of this is the function in most part of our continuing to think and act on the basis of out-moded premises which still underlie the operative view of economic development—the encouragement of expansion, of growth and progress along the old lines, without careful and deliberate consideration of all consequences—with all the severe social costs that we as yet fail to see, soon enough, as an integral part of the price of development in the old style. "Economic development", here as elsewhere has been essentially a process of satisfying short-run private and corporate interest at public expense (the *social* costs).

We must face the fact that we do not know—and we seem extremely reluctant to admit that we do not know—how to develop a society economically so that its social purposes are properly served, its environment protected, or its human values preserved.

That's what it means to say: ("You can't stop progress!")

We forget that life is for living, not for just making a living. We forget that America, that Alaska, is our home; not our business but our home!

(But, "you can't stop progress"!)

What is especially unfortunate here in Alaska is our failure thus far to truly learn from the mistakes of others, though our rhetoric would lead one to believe otherwise. What is even more tragic here is that we have been misleading our native populations into following down the same path, to the denial of their own great heritage, and to our collective loss as a society from the passing of that cultural diversity which would otherwise enrich all our lives. We have yet to make a success of our own way of life: must we impose it on others? It becomes addictive, as we know.

We need variety and diversity in ways of life, as well as in other things. They provide us with choices, with options, and help us to counter the homogenizing, one-way trend toward uniformity and conformity that so characterizes western technological civilization—and thus makes it, increasingly, so unstable and so vulnerable. Diversity and variety add strength and stability, and character, to a society.

But, it is said, we need economic development immediately to help ease the plight of that large sector of Alaskan society, mostly native, living in unacceptable conditions of deprivation . . . forgetting that nowhere else in America have we yet resolved such problems despite all the economic development undertaken there. We have yet to learn how.

The problem, moreover, has been wrongly stated from the start: it is not simply that 20% are doing badly but that the 80% are doing quite well, thank you. In a society (State of Alaska) which has one of the highest per capita incomes in the nation, to have a large percentage at or below poverty levels suggests that at the other extreme there exists great wealth. Has that money been put to work here in Alaska? We are unable to determine; but we are reminded that after the 1964 earthquake a considerable amount of very low-interest (3%) SBA money went to many of the wealthiest Alaskans who, as reported, threatened to leave Alaska if their demands for public funds were not met.

The question raised by the foregoing is that of the social conscience and sense of responsibility of influential community leaders. If major economic development does in fact take place here, will its profits and benefits extend to all the people, the presently deprived as well as the presently wealthy? How can we be sure? We must, of course, strive in every way to help alleviate and to improve the condition of the underprivileged people of Alaskan society; but if we have in fact not learned new and more effective ways of going about it—money and programs are simply not enough—it *won't be done,* regardless of how much development we experience.

If this be the case what, then, is the point to further development, in view especially of the great social costs which are part of that process—not the least of which is the severe and worsening environmental degradation that has accompanied major economic development everywhere it has taken place?

The environment—in our view this is where to find the clue and the handle to where we have gone wrong in our approach to our human problems which, presumably, development is intended to relieve or correct. The basic failure lies in our historical misconception of man in relation to other life and to the natural environment which sustains us all. The thought that "the quality of human life is dependent on the quality of the environment" has become rather widespread, but we have yet to truly plan and act on that fundamental ground. Mankind, all living creatures and things in the "great chain-of-life", together with the physical-chemical world, form an ecological community the health of which depends upon a proper regard for and balancing of the roles of each. (This is another way of stating the concept of "spaceship earth", the seamless web of interaction, interrelationship, interdependence.) We must begin to think of ourselves, all life, and the "environment" as a *total environment*, as a community which we must treat with care and respect. We must understand that disrespect and mistreatment of any element of that community brings injury to all others, to the whole. Our programs of economic development have all suffered from this fundamental deficiency and that is why, at bottom, they have yet to help us solve our major human problems.

Indeed this is hardly surprising once we recognize that the misconception and deficiency referred to have been inherent in the dominant economic (and scientific-technological) thought which has fashioned our economic development programs, and which, to repeat an earlier point on "spaceman" vs. "cowboy" economy, Kenneth Boulding and others have sought so valiantly to bring to our attention. Some time back Bertrand de Jouvenel pointed out that:

". . . No doubt every lecturer in economics teaches his students that *output* is a result of three factors, labor, capital, and land (standing for all natural resources). But the emphasis is so very much on the first two that the third factor tends to be neglected.

"This induces in the student a calm conviction that the flow of goods depends entirely on human labor. For though labor is only one of the two remaining factors, the student learns that the other—capital—represents the objects 'given,' at the moment under consideration, as the basis of production—objects which were themselves produced by labor at a previous period. Thus, the means of production are reduced to human labor, in its different forms—labor represented by its concrete results, and labor available.

"While this method of presentation has its value, it has the great defect of suggesting that the flow of goods offered for the satisfaction of man's needs depends solely upon man's own effort, *completely independent of his natural surroundings.* (This also leads to *contempt* for the land. Consider the expression: "Like dirt beneath my feet.") People are not sufficiently clear that what we call 'production' can never be anything but the processing of natural resources, and depends entirely on those resources . . ."

This indictment has been confirmed and sharpened by Robert Heilbroner:

". . . By divorcing itself from the need to struggle with the elements of the political and social world, however recalcitrant they may be, conventional economics has ensured its technical virtuosity and its internal consistency, but at the cost of its social relevance. Every freshman who studies economics learns that each concept with which he deals is, in reality, inextricably enmeshed in political, sociological, and psychological considerations, so that the very discipline of economics itself only comes into being in the first place through the most heroic process of abstraction. Yet by the time he leaves graduate school, the impossible has been accomplished, and the young Ph.D. has come to regard the abstractions of economics as representing so much of 'reality' that he now ignores the political and social context from which they were originally derived. The result is a proliferation of economic 'models' of society that have neither social nor political antecedents or consequences, and in which 'paths' of development are explored that generate neither the friction (nor the heat) of social reality . . .

"Most basic of all . . . economics has subscribed to the ruling intellectual 'paradigm' (framework of understanding) of our times—a paradigm represented by the theoretical models of physical science. It need hardly be said that this scientific paradigm has proved to be an enormously powerful engine of investigation into the physical world. Yet it must be clear that it has severe limitations *as a model for social inquiry*. For in its elevation of 'value-free' inquiry and mathematical equations as the prime constituents of a proper scientific representation of physical reality, the paradigm unwittingly imposes these same considerations on the representation of social reality. As a result, it rules out of court aspects of society that we know to be determinative of much of the course of historic change. The fact that there is no place within the scientific paradigm for the expression of will or belief by the particles of nature, or for intrasystemic 'forces' for which no quantitative measurement can be found, excludes from the concerns of economics those elements of social valuation and social interaction that are central and intrinsic to the process of social change itself.

"What is needed, then, is a new paradigm that will permit a major enlargement of economics—not one that discards the relationships that economics can often usefully reveal, but one that absorbs them into a much larger and more complex system of social cause and effect . . ."

We share this view. And we suggest that the "larger and more complex system", the new framework of thought Mr. Heilbroner seeks, and which we all need, exists in the *ecological perspective.*

As Aldo Leopold once put it on the more everyday level: "The tragedy of modern man is that he seriously believes the heat comes from the stove and the food from the corner store." But—and the point cannot be stressed too hard—it comes from the *environment.* Again, all that men do in the economic way is to process the natural resources which the environment bestows. It is thus only good sense to take care of that *source of our supply*. And it is good sense for all the other reasons presented above.

To understand and to act on that truth, that would be *real* "progress".

RECOMMENDATIONS

What, then, can the subcommittee do to assist Alaska in light of the above while fulfilling its charge from the United States Senate?

(1) We respectfully urge that subcommittee members join us in re-thinking the entire subject of economic development in terms of the considerations we have outlined above, and that the subcommittee's recommendations for federal assistance to public works projects in Alaska directly reflect this re-orientation.

(2) That the subcommittee devote particular attention to the special character and significance of Alaska:

. . . because Alaska, on the threshold of major economic development, is the final opportunity for Americans to "civilize" a great region without too deeply upsetting its ecological balance and without succumbing to the technological Leviathan in the process;

. . . because Alaska incorporates the last great wilderness of size in the United States of America;

. . . and because, if there is something distinctive about the American, it is because he has had the opportunity to renew himself in the "wild";

that because of these considerations we have an additional and special responsibility to all Americans to safeguard the Alaskan environment.

(3) That what is required to fulfill the foregoing must involve the most intensive and comprehensive planning process, to include especially careful land-use classification and planning; and that all plans must include *limits to growth,* else no plan can be made to stick.

(4) That central to the planning process and all else referred to is the determination of an "optimum population" datum for Alaska, with that basic consideration to be a constant and primary factor in the formulation of all development-projects proposals.

(5) That the subcommittee extend maximum encouragement to and full cooperation with all direct local and state policies and programs for environmental protection, including, hopefully, those of a state "Department of the Environment" presently under consideration in our state legislature—a Department which we hope will be grounded in the awareness that to ensure a quality habitat is to provide the essential opportunity for a life of quality for the Alaskan people, and thus to be an inspiration to those who visit or who read about Alaska.

(6) Alaska can be America's new model for development, a reassuring example of balanced development in harmony with the natural environment and with our nature as the human species.

But this cannot take place overnight. Since we are presently in a transitional phase regarding our re-thinking of development, since we cannot as yet really "know" with precision how to proceed, we must move slowly. If we are to err in this, we must err on the side of caution; if we make a mistake it must be on the side of calculated restrain rather than that of an unplanned, unregulated process. The message today is very sharp and very clear: "If you're uncertain, don't. If you cannot adequately gauge the consequences, hold back. Go *slowly;* go very slowly."

"So long as there is a lake, a stream, a forest, a grassland, you must manage it, you must dam it, channel it, reforest it. You must restock the streams, create wildlife preserves, spending all your energy first destroying, then trying to undo that destruction by further destruction.

"But can you not leave one thing untouched, can you not leave one people alone? Can you not honor one promise? Can you not respect even one lake, and one stream, one nearly extinct breed of fish and one natural pelican rookery, and one natural lake—the greatest of the great lakes left from the days of the great glaciers?"—James Vidovich Chairman of the Pyramid Lake Tribal Council.

"What use is a house if you haven't got a tolerable planet to put it on?"—Thoreau

ADDENDUM

The concept of going slowly was embraced by the Department of the Interior when it responded to environmentalist concern for a careful evaluation of the Trans-Alaska pipeline application. It is fallacious to suggest, as some have, that "unemployment and business failures" resulting from pipeline delay are the fault of "conservationists, etc." If fault is to be assessed, it must be against those in the state government and in industry who encouraged massive buildups in equipment and inventory by businessmen without insuring that proper planning had been accomplished as to the best means of marketing Arctic oil. We are not insensitive to the fact of "economic penalty" involved in delay, but it does seem to us that the "delay" and "penalty", correctly perceived, are the result of premature and unreasonable expectations of those acting primarily on financial grounds rather than from other causes.

The concept of going slowly must include pre-determination of the pace at which development of our resources should proceed. This includes, for example, a close evaluation of the projected daily production at Prudhoe to determine whether "2 million barrels a day" is best for insuring maximum possible field recovery, also that state revenues will be maximized and spread over a longer period thus bringing a more constant cash-flow, or, if 2 million barrels a day is best only for the short-run financial advantage of industry. Not one of the above should be paramount over the guaranteeing of maximum recoverability of the field.

Going slowly also means that the food resources of the sea must not be sacrificed to the short-run interests of our fishing industry. This is a more difficult problem because of foreign competition, but we must maintain the most careful principle of conservation—something not done with our king crab, scallop. Dungeness crab, or shrimp resources.

Industry and state government must see to it that its projects will not, as before, contribute to the increase of unemployment in Alaska. Rather, economic development must have some positive impact on reducing residual unemployment in the State—something that has always been the consequence of previous projects, while contractors take their profits elsewhere and leave Alaska with the problem. We do not want to be left by ALPS or any industry as Boeing has left Seattle—dependent upon contrived projects that no longer have rational justification.

And going slowly means that off-shore drilling and mineral extraction must not be allowed until we have a precise evaluation of the impact it will have on fisheries. The idealized picture of off-shore production and terminal operations presented repeatedly by the industry on local television is somewhat at odds with the fact that, among other failings, choke-values were not installed in off-shore wells even though required by both State and Federal regulation. Going slowly, then, means such economic developments must be accompanied by the most stringent and constant surveillance and enforcement practices on the part of both industry and government.

We ask, too, that the following perspective on Alaska's development be kept in view. It was written in 1904 by "Henry Gannett, for many years the Chief Geographer for the Geological Survey and a member of the Alaska Harriman expedition near the turn of the century. After extolling the possibilities he foresaw for the development of Alaska's resources Gannett concluded:"

"There is one other asset of the territory not yet enumerated; imponderable and difficult to appraise, yet one of the chief assets of Alaska, if not the greatest. This is the scenery. There are glaciers, mountains, fiords elsewhere, but nowhere else on earth is there such abundance and magnificence of mountain, fiord and glacier scenery. For thousands of miles the coast is a continuous panorama. For one Yosemite of California, Alaska has hundreds. The mountains and glaciers of the Cascade Range are duplicated and a thousandfold exceeded in Alaska. The Alaska coast is to become the show place of the entire earth, and pilgrims not only from the United States but from beyond the seas will throng in endless procession to see it. Its grandeur is more valuable than the gold or the fish, or the timber, for it will never be exhausted. This value measured by direct returns in money from tourists will be enormous; measured in health and pleasure it will be incalculable."

Finally, we must keep in mind that economic development in an un-developed region like Alaska involves far more than pipelines and other projects, revenues, etc. In the context of Alaska it means a profound impact on and change in our lives here.

We must understand that "industry and business" are primarily agents, direct agents, of social and political and cultural change. Their economic role is, in fundamental terms, a minor one. This has always been true, everywhere, but we have refused to recognize that fact.

We must re-orient our current thinking, then, toward the awareness that development in Alaska means fundamental, revolutionary change in our lives.

And for this re-orientation of thought, we all need time.

A NEW BILL OF RIGHTS FOR AMERICA

Mr. HUMPHREY. Mr. President, on April 16 I was privileged to address the 17th constitutional convention of the Utility Workers Union of America.

In my remarks, I outlined what I consider must be the goals of America as we approach our 200th birthday as a nation. These new rights are, in a sense, an updating of those first 10 amendments that spelled out just how American men and women shall strive to enjoy life, liberty, and the pursuit of happiness.

Indeed, Mr. President, men are more important than machines. These new rights I discuss in my address should be a means for us to declare the primacy of man as a total being—a being of matter and dealing, as a virtuoso, in the material, but also, a being of spirit and higher purpose.

Mr. President, I would like to share my thinking with the Senate. I ask unanimous consent that the release and the text of my remarks be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

REMARKS TO 17TH CONSTITUTIONAL CONVENTION, UTILITY WORKERS UNION OF AMERICA, AFL–CIO, STATLER HILTON HOTEL, WASHINGTON, D.C.

WASHINGTON, April 16.—Senator Hubert H. Humphrey today outlined a "New Bill of Rights for America."

"More important than machines are men. The most common denominator that relates to all men is the rights they possess. And that's what I want to discuss today—a 'New Bill of Rights for America.' "

Speaking to the 17th Constitutional Convention of the Utility Workers Union of America, the Senator stated, "By the year 2000, we will be so engulfed by transistors, computers, hypersonic speed, new energy sources and uses, that the 1960's will look like the middle ages by comparison.

"These material goals are good if they stay within reason and do not destroy other values that are essential to preserving the humane and human qualities of man and the nature that surrounds us.

"The first of the new rights I wish to discuss is *the Right to Peace*. We in America are presently at war—a war that we must withdraw from as soon as possible. Every American's right to peace is being infringed upon by this continuing act of national violence.

"Actual physical violence certainly violates man's right to peace. But what about our right to be free from the threats to peace—free from fear of nuclear annihilation—free from the psychological and economic costs of an ever-increasing escalation of the nuclear arms race? Is that right any less real?

"Today, throughout this nation there are well over 5,000,000 Americans out of work. Unemployment is about 6%. Prices continue to rise. We are in the midst of a heartless, manufactured recession. Every American has *an absolute right to a job*. Every American that is able and desires to work, should be given that opportunity.

"What good will it do us to be at peace with each other? What good will it do if we are gainfully and productively employed? . . . if the air isn't fit to breath—if the water is too foul to drink—if food is too contaminated to eat—if the noise of technology-gone-mad deafens us—if we have paved over the country . . .

"Clearly, each one of us has a *right to a wholesome environment*—clean air, clean water, pure food, decent housing, security on the streets, peace and quiet, and the refreshing touch of unspoiled nature.

"America must build, and build soon, a health-care system that guarantees us the *right to be healthy;* not the right to be treated when we become sick. We must have the doctors, and nurses, and paramedical, technical and support personnel to make this system work. The richest nation on the face of the earth should also be the healthiest nation."

Senator Humphrey included in these new social and humanizing rights: ". . . a *right to justice . . . the right to free expression* . . . the *right to search for knowledge* . . . the *right to public accountability* . . . the *right to a meaningful role in society* . . . the *right to full opportunity* . . . the *right to public compassion* . . . the *right to movement and free association* . . . the *right to privacy* . . . and the *right to rest and recreation*.

"The best way to insure these rights for ourselves is to work for their enjoyment by everyone.

"We have the vision to seek these rights and make them real. We have the resources to attain and guarantee these rights. And we have the perseverance to continue the struggle to safeguard these rights from any and all who would weaken or threaten them."

NEW BILL OF RIGHTS FOR AMERICA

Recently, we in America have been so terribly caught up in the present and recent past that we sometimes fail to look far enough ahead to keep from repeating our mistakes.

America in its greatness has come more and more to have a sense of history and the role that the United States has and will play in shaping the future of mankind. This is good. This is necessary. We learn from the past and will repeat its mistakes without this knowledge. But what America must have and have right now is a strong feeling for the future. It is fine to have lived through history and to know that your times were filled with momentous deeds and great men. But wouldn't it be far better to create rather than chronicle history? Wouldn't we rather have a hand in shaping what will come about? Can't we make things happen? I think we can. I know we must.

But before making history instead of enduring it, we must have the vision. We must know what to do now that will make the next century the first in a millennium of peace, human dignity and human aspirations fulfilled.

This new era will undoubtedly be one of unbelievable technological advance. By the year 2000 we will be so engulfed by transistors, computers, hypersonic speed, new energy sources and uses that the 1960's will look like the middle ages by comparison.

We foresee this era of unparalleled comfort and are well on the path to achieving it. These material goals are good if they stay within reason and do not destroy other values that are essential to preserving the human and humane qualities of man and the nature that surrounds us. However, our vision and the era we foresee, must be focused on the whole man and on all mankind. More important than machines are men. The most common denominator that relates to all men is the rights they possess. And that's what I want to talk about today—a "New Bill of Rights for America."

But is it enough today to speak of just protecting the rights of every man? I don't think so. In this world of speed and instant global transition and communication, we must move beyond merely helping man resist the incursions of his immediate environment. We must establish a doctrine of positive assertion of these rights of all men. In short, we must help man become not just protected but liberated. Life is more than just being left alone—it is more than mere existence. Liberty must not only be proclaimed but practiced. Happiness is to be found in the full and rich life of men who are both secure and liberated.

And as you can see, this doctrine of the liberated man is far from new—it dates to an earlier American era of revolution. What a tribute it would be to Americans alive today, to America herself, and her founders, if 1976 finds a Nation fully committed to the New Bill of Rights we are discussing here today. We have 5 years in which to present ourselves with this commitment on our 200th birthday as a free Nation.

The first of the new rights I wish to discuss is the Right to Peace. This right, that daily is being violated around the globe, includes more than just freedom from personal involvement in actual conflict. We in America are presently at war—a war that we must withdraw from as soon as possible. Every American's right to peace is being infringed upon by this act of national violence.

But here is where the right to peace really can be placed in focus. Violence in any country, no matter how far from our shores, is a lessening of everyone's right to peace.

The war in Vietnam violates the right to peace of all Asians, all Africans, all Europeans—of all mankind.

Actual physical violence certainly violates man's right to peace. But what about our right to be free from the threats to peace—free from fear of nuclear annihilation—free from the psychological and economic costs of an ever-increasing escalation of the nuclear arms race? Is that right any less real? Indeed, I think perhaps the violation of that right drains more from the positive resolves of a nation, more from all nations, than any direct confrontation ever has. We live with this spectre day in and day out. This new millennium must see our children free from it. Out with this ghost of man's bestial nature.

We have put up with this nuclear bogeyman long enough. Let us end his tyranny. His rule of terror shall be replaced by the rule of law and affirmation of the world's Right to Peace.

Today, throughout this Nation there are well over 5,000,000 Americans out of work. Unemployment is 6%. Prices continue to rise. We are in the midst of a heartless and manufactured recession. The price of cooling the inflation has been decreed by the Administration. It is economic and psychic suffering for millions of newly unemployed and their families.

I think that every American has an absolute right to a job.

"That's the next item on our New Bill of Rights. Every American that is able and desires to work, should be given that opportunity.

But what do we see? Bureaucrats and officials, safe in their jobs, decreeing that a certain number of American men, women, and children will bear the full cost of what are obviously futile attempts to slow inflation through unemployment. Many economic experts state categorically that inflation cannot be stopped by endemic unemployment, except in a depression similar to the 30's. I hope we will not have to wait for that disaster to prove the Administration's policy of "no-policy" correct.

What the economy needs is stabilization in wages, prices and profits—across the board. And this is not achieved by making one single union the whipping boy. You and I both know that the inflation we struggle with today is fueled by many things. There are the costs of land, money, and equipment to be taken into account in building anything. And not every construction worker is a member of a union building skyscrapers in New York.

In today's managed economy—when the Administration giveth and the Administration taketh away, it is economically and ethically indefensible to expect 5 million workers and their families to bear the whole burden for the 200,000,000 of us.

We must find ways in which this burden is borne by us all. We must share in these economic dislocations. It is better to maintain the active participation of these millions in the economy than have them reduced to bare subsistence—through Republican mismanagement of the American economy.

I repeat: every American has the right to suitable employment. We must work to see that right become not just a claim but a reality.

We have talked about peace and jobs for every willing and able American. But what good will it do us to be at peace with each other? What good will it do if we are gainfully and productively employed? What good will these things do us? If the air isn't fit to breathe—if the water is too foul to drink—if food is too contaminated to eat—if the noise of technology-gone-made deafens us—if we have paved over the country so that the only green we see is the face of our neighbor?

Clearly, you and I—each one of us has a right to a wholesome environment—clean air, clean water, pure food, peace and quiet, and the refreshing touch of unspoiled nature.

This doesn't mean that we are permitted to merely survive, sealed hermetically into an artificial environment.

This right guarantees every American an environment that humanizes and soothes—green fields, unspoiled wilderness, accessable parks, clear-running brooks and rivers, housing that cradles a child's soul—not crushes it under massive concrete, while harboring rats that gnaw at the child's feet. What irony that such a child's only touch with nature is a rat.

This right to a decent environment includes the ability to move about in it—with easy access to reasonably priced and efficient mass transportation. And this ability to move about freely in a wholesome environment must be secure—movement without fear for life, limb or property. Every American must be secure in his person—secure that all his rights will be respected as he respects the rights of others.

This right of a wholesome environment is of particular concern for you who work to provide us all with the utility threads that make up the basic fabric of American technology. You provide the power and water that move and lubricate the wheels of America—that light our way. You reach into every place throughout this land. And for this reason, you and your industries must look into the future and plan most carefully for this millenium that starts in the year 2000. You must plan to provide what we need in the decades ahead. But this planning must be carefully balanced with protection of the environment.

Speaking of planning here, I think it is truly remarkable that the United States is the only industrialized nation in the world that does not have some sort of national planning and setting of priorities. The closest agency the United States has to a comprehensive planning body is the Bureau of Management and Budget. They are fine professionals. But they are not forecasters and they are not planners. Planning should not be a dirty word in government. We need it and we must have it, if we are to allocate our resources properly, control technology, and channel it properly and provide this total wholesome environment that is every American's right.

What about power and its generation sources? By the year 1975 we will be using 1,400,000,000,000 (one trillion, four hundred billion) killowatt-hours a year. In just the next ten years, we will have used 18,000,000,000,000 (trillion) killowatt-hours—the same amount of energy we used in the last 90 years. By the year 2000, it has been estimated that over 50% of our power will come from nuclear power-plants. Transmission grids presently in use are clearly inadequate—in fact, they are dangerously, even, fatally inadequate.

This is your industries' challenge—to plan and provide these essentials without violating this right to a decent environment.

Every American has the right to a feeling of physical and mental well-being. America must build, and build soon, a health-care system that guarantees us the right to be healthy; not the right to be treated when we become sick. We must have effective preventive medicine in this country. And we must have the doctors, and nurses, and paramedical, technical and support personnel to make this system work. We have the world's greatest medical scientists. They develop miraculous cures year after year. I think that it is about time our medical practitioners and administrators gave us all access to these miracles. The richest nation on the face of the earth should also be the healthiest nation.

There are other rights in these new amendments of freedom. Rights, and responsibilities that fit new times and new circumstances.

We have a right to justice—so that man may stand before his peers and his society on a truly just and equal basis with his neighbor.

The right to free expression—so that man may speak and be heard, despite the decisions and beliefs of any temporary compact majority.

The right to search for knowledge—so that no man may remain another's slave through the denial of skill or education.

The right to public accountability—so that man may remain the master of the state, rather than the state the master of man.

The right to a meaningful role in society—so that man may follow his own cadence and live with self-respect and dignity among his fellow citizens.

The right to full opportunity—so that man may lift himself to the limits of his ability, no matter what the color of his skin, the tenets of his religion, or his so-called social status.

The right to public compassion—so that man may live with the knowledge that his health, his well-being, his old-age and loneliness are the concern of his society.

The right to movement and free association—so that man may freely move and choose his friends without coercive restraints.

The right to privacy—so that man may be free of the heavy hand of the watchers and listeners.

The right to rest and recreation—so that the necessity of labor not be permitted to cripple human development.

These are the rights we seek and must realize. We must make them real for ourselves and for others.

But we must also realize that the best way to insure these rights for ourselves is to work for their enjoyment by everyone. Every right we have discussed today has its accompanying responsibility.

I want to emphasize that these rights are not outlined only in the context of helping the disadvantaged, the minority and the forgotten. These are rights that we all have in common. Adequate security, jobs, housing, health care, environment, dignity are things we all have a right to. Every American shares these rights and the responsibility to see that they are assured to all.

We have the vision to seek these rights and to make them real. We have the resources to attain and guarantee these rights. And we have the perseverance to continue the struggle to safeguard these rights from any and all who would weaken or threaten them or us.

I have faith that the year 2000 will dawn on a world not torn by dissension nor devastated by nuclear conflagration. It must and will be a world in which wisdom, humaneness, dignity, and progress for mankind prevail.

The glory of planet earth is man. Let the growth and evolution of man continue—an evolution of the spirit of man, ever devising, ever seeking a higher perfection.

OPPOSITION TO PIPELINE ACROSS ALASKA

Mr. MUSKIE. Mr. President, on Monday I wrote to President Nixon calling on him to instruct the Secretary of Interior to deny immediately the application for a permit to construct a pipeline across Alaska from the North Slope oil fields to the port of Valdez.

My decision was not reached lightly. I have studied carefully the environmental implication of the proposed pipeline route and have examined suggested alternatives.

On the basis of reasons listed in my letter to the President and the specific information included in this more detailed discussion, I am convinced that unacceptable risks are posed by the pipeline and the tanker transport which would move the oil from Alaska to the west coast.

Unless the oil companies are able to satisfy the President and the Congress that a safe alternative is available, no pipeline should be built. Fortunately, it appears that a trans-Canada route may present greatly reduced risks while providing oil and gas to the fuel-short Midwestern United States and protecting our national security from the risks of ocean transport.

If the permit application is denied, this and other alternatives will be explored. No other course is acceptable. Deferral of action will only encourage the applicants. The President should insist on decisive rejection now.

I ask unanimous consent to include in the Record at the conclusion of my statement the text of my letter to the President and supplemental information which identifies the reasons for my concern.

There being no objection, the items were ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C.

The President,
The White House,
Washington, D.C.

Dear Mr. President: I am deeply concerned by the continuous delay to take action on the permit application by Alyeska Pipeline Company to construct a pipeline from Alaska's north slope oil fields to the Port of Valdez.

I believe you should instruct the Secretary of the Interior to deny their permit application at once. Such a decision is necessary, indeed essential, if we are to prevent grave environmental damage to the lands the pipeline would traverse, the fishing resources of Prince William Sound and the waters of the Northern Pacific on which the oil would inevitably spill. Such a decision is essential if serious consideration is to be given to alternatives of bringing the Alaska oil and gas to American markets via the pipeline route through Canada.

So long as there is prospect, in the future, of approval of the oil companies present plans we cannot really expect development of alternatives which would better serve the public interest.

A considerable amount of information with respect to the Alaskan oil pipeline has been made public. In that regard, the Interior Department's draft, "Environmental Impact Statement" has served a most useful function. It's weakness in attempting to justify the project has dramatically underscored the reasons why the permit application should be denied immediately. More significantly, when the Corps of Engineers, the Department of Agriculture and the Environmental Protection Agency reject the pipeline for environmental reasons it is time to call a halt.

Furthermore, available information indicates that the proposed trans-Alaska route will not optimize our national security, that it will not provide the cheapest source of clean fuel, that it would not assure a supply of natural gas which is in greater demand, and that it will not minimize environmental damage. I believe, on the basis of the outstanding questions listed below as well as other available information, we must conclude that construction of the proposed Trans-Alaska Pipeline would violate many of the most fundamental interests of the American public and must not be permitted.

In the three years since oil was discovered on the North Slope, has there been a searching examination of the best way to develop Alaskan oil resources, in the context of long-range national needs for balanced use of our energy resources, and in harmony with a clean environment?

Are not the needs for fuel greatest in the Midwest and Eastern Markets?

Would not the Canadian route provide greater volumes of oil and gas to the United States in years ahead?

What are the real alternatives to the present pipeline route?

Are there others that the Administration has failed to examine?

How is it that after three years, the Interior Department is apparently still willing to consider a permit, and a construction of a pipeline crossing some of the worst earthquake areas in North America when an alternative through Canada could avoid this central fault area?

How is it that after three years, the Interior Department is apparently still willing to approve a plan that crosses an unusually large number of virgin arctic rivers and streams, when a Canadian alternative could utilize a route where a pipeline is already planned (the MacKenzie River), and where the potential for catastrophy of pollution and environmental disruption could be greatly reduced.

Why has the potential for catastrophic oil spill along the western coast of Canada and United States been essentially ignored?

How is it that neither the present pipeline nor its alternatives have been discussed in detail and in advance with the Canadian government?

Why did we wait for three years and a Canadian request for formal talks, which occurred on February 26, to discuss Canadian concern over potential oil pollution of the Western Coast of Canada?

Why, indeed, has the Administration not considered carefully the security risk of a water-based route for oil transport, when an overland route through Canada would be more difficult to attack, would bring natural gas and oil directly to the Midwest where need is greatest, would make best multiple use of a single-river corridor, and would entirely avoid the hazards of ocean spills and earthquakes? Such an alternative, which the Canadian government appears interested in considering, would provide an opportunity to join with our northern neighbor in a sensible energy plan, truly serving the interests of the inhabitants of North America

On the basis of these unresolved questions, the step which this government should take—and take at once—is to make clear that the oil companies have chosen the wrong route—that no permit is going to be issued for a pipeline across Alaska and that we intend to join with the Canadians in resolving any uncertainties which remain regarding a United States-Canadian route.

I urge you to make an early decision on this issue.

Sincerely,

Edmund S. Muskie.

The Proposed Trans-Alaska Pipeline

(Supplementary statement of Senator Edmund Muskie)

The proposal under discussion concerns constructing an 800 mile long oil pipeline across Alaska to harvest the deposits of Alaska's North Slope. Some 641 miles of the proposed pipeline route cross Federal lands whose first lien of ownership is retained by Alaska Natives and whose use falls squarely under the National Environmental Policy Act of 1970, and a number of other environmental laws.[1]

The route of the Trans-Alaska Pipeline, (as proposed by Alyeska, the consortium seeking a right-of-way permit) would go from Prudhoe Bay on Alaska's arctic coast south to Port Valdez on Prince William Sound. The potential for oil spills into coastal waters at either end is awesome. The port at Valdez is unusually narrow, with frequent fog and storms, making it unusually vulnerable to tanker collisions. The tankers now being built to carry oil from this port are 15 times larger than those that caused the recent San Farncisco spill, and would take up to one-half hour to bring to a full stop once danger is sighted. Along the Kenai peninsula just west of Valdez, there were close to 100 oil pollution incidents between 1966 and 1968, including a tanker accident which released 63,000 gallons of oil into the water.

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[1] Other laws include Water Quality Improvement Act of 1970, National Plan for Hazardous Materials, Mineral Leasing Act, Rivers and Harbors Act of 1899, Fish and Wildlife Coordination Act.

Furthermore, because of the tremendous amount of oil to be transported by tanker, some 6–12 barrels worth of oil will be released into Prince William Sound daily as ballast discharge, even after the ballast is diluted to the level specified by the Interior Department and by State water quality standards. These oil fractions will contain the most toxic components of crude oil, and spread rapidly through the water. Fish and shellfish production in Prince William Sound will be gravely affected, which the Interior Department estimates has a potential wholesale value of $24 million a year.

The port at Valdez was the site of the serious Alaskan earthquake and subsequent tidal waves of 1964. In addition, the danger of tidal waves from landslides is an ever-present danger to the region: the 1720-foot high wave that struck the southeast coast of Alaska in 1958 was the fifth such wave to hit the region in 100 years. A University of Montana geologist considers the risk at Valdez to be comparable.

Earthquakes or tidal waves could cause the release of up to 20 million barrels of oil from storage tanks at the terminus as well as damaging or sinking tankers in the harbor. But Valdez is only the southern tip of a highly active seismic region which the pipeline must cross. About 20 earthquakes of a magnitude of 5 or more on the Richter scale are recorded in Alaska each year. The recent Los Angeles earthquake registered 6.8 on this scale. The Interior Department report states that the southern two-thirds of the proposed pipeline route is subject to large earthquakes of a magnitude of 7 or greater.

The amount of land displacement occurring during an earthquake is even more relevant to the danger of pipeline breakage than is the magnitude of the quake. Land was offset by as much as 40 feet by the Alaskan earthquakes of 1964, yet no stipulations are proposed to require pipeline design to take into account an earthquake of this magnitude.

If the pipeline break does occur, cut-off valves are designed to isolate the broken segment. But the oil which could be spilled from a single segment would amount to 100 times the amount of oil spilled off the coast of Santa Barbara in 1968.

Microwave stations are to be used to communicate breaks in the pipeline, yet microwave towers become useless if even slightly misaligned, as by minor earthquakes.

Furthermore, the planned aerial surveillance may prove unduly hazardous through much of the fierce arctic winter. It is important to know what plans Alyeska has to keep the pipeline area clear for aerial surveillance. The U. S. Army maintains aerial surveillance of its 625-mile Alaskan pipeline running from Haines to Fairbanks by spraying the right-of-way with herbicides and soil sterilizers. A number of selective and non-selective pesticides are used, including 2, 4, 5-T. This last pesticide was the subject of extensive hearings last year in the Commerce Committee in which evidence was presented for the role of fractions of this pesticide in causing birth defects. Quite apart from the Army's use of this chemical I am moved to ask what plans Alyeska has for clearing and maintaining a pipeline right-of-way free of vegetation during its 25 years of operation. Will chemical defoliants be used? What will their long-term effects be?

The Haines-Fairbanks pipeline provides some interesting insights into problems encountered with cold-region pipelines. Because of the nature of Arctic soil, buried portions of the Haines pipeline have been plagued with corrosion problems, having caused at least six spills since 1964. A spill due to corrosion of the pipe in 1968 caused significant damage to Dezadeash Lake in Canada. Cathodic protection against corrosion is proposed by Alyeska. Yet, I will submit for the Record at the conclusion of these remarks an article reporting an Army Corps of Engineers study challenging the reliability of current technology to protect against corrosion.

Inadequate attention has been paid to potentially catastrophic oil spills along the northwest coast of Canada and the United States, after tankers leave Port Valdez. Apparently some oil will be taken to Puget Sound for refining, and then transported by tanker southward, exposing thousands of miles of coastline, and our major harbors, to the risk of tanker collisions and oil spills of disastrous proportions. Oil spilled in cold Alaskan waters is particularly slow to degrade. Furthermore, the Canadian government has indicated concern with the risk of increased oil spills along their coast. Proceeding in opposition to Canadian interests will certainly strain relations between the United States and Canada.

There is little concrete information on Alyeska's members plans, if any, for transporting the oil from the West coast to major markets where the need is greatest. It has been reported that oil may be transported east from Puget Sound by still another pipeline across North Cascades of Washington, and wilderness areas of the Idaho and Montana Rockies.

The proposed pipeline is expected to cross five major rivers and 350 streams in Alaska. The Yukon River which drains hundreds of thousands of square miles in Alaska is crossed several times by the pipeline near its sources. An oil spill into these rivers will be spread rapidly and widely through the vast waterways of Alaska, endangering wildlife, fish resources and spawning grounds. The increased siltation of rivers by construction run-off is expected to interfere with breeding by salmon and other fishes, which are sensitive to minute changes in the chemical composition of the water.

Slight changes in the delicate balance of the tundra will compound ecological effects rapidly. Melting of the permanently frozen soil by hot oil spilling over the ground, will release substantial amounts of water and extensive areas will become muddy swampland, killing the lichens upon which Alaska's caribou and other game feed. Nesting sites of birds may be disturbed. Bird species from all over the Western Hemisphere nest in the Arctic during the summer season, so that the impact on bird life would be felt far beyond the borders of Alaska.

The pipeline project will, of course, disturb the soil and vegetation during turmoil of construction. The Alyeska company has proposed to plant non-native grass species on the disturbed ground to prevent further erosion. Admirable as this may be, no long-term experimental data are available to test whether these introduced plants will spread and overtake the native vegetation. No information on the ecological effects of these studies are available lasting more than two growing seasons. Without adequate ecological study the full impact on birds, caribou, and other wildlife will not be known and this lack of information can be disastrous. It took the introduction of but one prickly-pear cactus to Australia to cause the vast spread of this cactus across that continent, decimating thousands of square miles of sheep pasture. Alaska cannot afford this lack of foresight.

The construction road from the Yukon River north to Prudhoe Bay will invite the addition of a crisscrossed pattern of roads and land development subjecting northern Alaska to unplanned development, disregarding the best uses of this land for national parks, homes, industry, ore mining, and other uses. To open up this unspoiled wilderness to unplanned hodge-podge development could be among the gravest and surest consequences of the project.

An extensive land-use plan for Alaska is needed. Extraction of North Slope oil reserves should be considered in the context of the broader long range needs of Alaska, of its native citizens and of visitors to this state, so that wise judgment on the best land-use policy for this valuable wilderness will be rendered. We must ask ourselves carefully and patiently whether the unplanned destruction of this last great wilderness can be avoided in favor of a sounder alternative.

Although the Interior Department's impact statement recognized some of the environmental hazards I have listed, it concluded that the Alaskan oil is needed to decrease our dependence on foreign oil. Assuming that it is important to market the Alaskan oil in due time, it appears to me that an overland route through Canada would be a much more secure route than tankers plying the waters from Alaska to California. Furthermore, it would open a route to market for the vast oil resources in the Canadian north and thus make a far greater contribution to our secure sources of oil in the future.

If national security is to be the basis for final judgment, leaving certain of the nation's oil wells in untapped readiness would best serve our country's interests. There are often times when the cost of imported oil would offset the price of maintaining our own supplies in strategic untapped reserves. We should give this alternative close attention in planning for long-range oil consumption.

If the Administration were really serious about enlarging our supply of secure energy sources we would have been pursuing the Canadian alternative because it holds such great promise for unlocking oil resources in the Canadian north estimated to equal the vast discoveries on the American North Slope. Actually the more pressing energy need is for natural gas, not oil.

The United States need for natural gas is greater than the need for oil, both because gas is a far cleaner fuel and because gas is in short supply. The natural gas from Prudhoe Bay can be transported by pipeline down the MacKenzie Valley of Canada, and companies are planning such a project; yet there has been little public discussion of the possibility that the oil pipeline might follow the same route, permitting multiple use of rights-of-way, and minimizing construction damage. There is no adequate discussion in the Interior Department's report of the mode of transport of natural gas.

These considerations illustrate a major weakness in the approach followed by the Nixon Administration in considering a permit for the oil pipeline. It appears that the Administration has looked only at the problem of building a pipeline as designed by the oil companies. It has not addressed the question of what route could best serve the public interest.

There is no reason to make a fundamentally unsound decision just because the oil companies have already amassed $100 million worth of pipeline at Valdez. The construction of this pipeline is too great an environmental and energy issue, with too many implications for the nation's future economic and environmental well-being, for impetuous decisions.

The argument that we must build the Alaskan pipeline at once cannot withstand intelligent scrutiny. Alberta alone has the capacity to produce 1½–2 million barrels of surplus oil per year; this is 3–4 times the amount of oil that we may expect to be extracting from Alaska by 1975.

Along with denying the permit for Alaskan pipeline the President could take no better step than removing the quotas he imposed in the import of Canadian oil. This would give the American consumer a break and make it clear that we are seriously interested in working with Canada for the common good of the people of both nations. It would also be the beginning of the establishment of energy policies with the consumer in mind—a policy which the U.S.-Canadian oil and gas pipeline corridor could go far towards making a reality.

It is worth noting some of the economic considerations pertinent to the State of Alaska. Pipeline construction would require about 9000 people during the 3-year building period, but only about 300 for later maintenance. Many of these jobs will require skilled labor, brought from the lower 48. An economist in the Alaska Department of Labor has predicted that the pipeline will, in fact, increase the unemployment problem in Alaska by attracting large numbers of immigrants to the State for temporary jobs.

The State of Alaska receives a tax revenue from the extracted oil based on the value of the oil after transportation costs. A University of Alaska economist has suggested that overland transport of oil by a Canadian route would be cheaper, thus increasing oil revenues to the State of Alaska by as much as $70 million. This assertion deserves much more attention than it has received to date.

To these considerations must be added the very real problem of the disruption of the traditional hunting and fishing grounds upon which many Alaskan natives depend for their daily existence. The pipeline could do irreparable damage to the economy in Alaska. Beyond this, the claims of Alaskan natives to much of the land along the pipeline right-of-way requires the detailed attention of Congress, and should not be decided under pressure of this decision.

When the economic benefits, the social costs, the environmental hazards, and the available alternatives are considered together, I am led to the inescapable conclusion that the present Trans-Alaska Pipeline route must be opposed—that we must insist that no permit be granted for its construction—that we consider alternatives which are not simply profitable, but which respect the genuine public interest—and that we must take a long look at development of the North Slope in the context of national plans for the use of energy, for the development of land and wilderness resources, for maintenance of national security, and for the promotion of harmonious cooperation with our neighbors.

EVALUATION OF THE ENVIRONMENTAL IMPACT FOR THE TRANS-ALASKA PIPELINE

(By F. Stuart Chapin III, Institute of Arctic Biology, University of Alaska, and Department of Biology, Stanford University)

The draft of the Environmental Impact Statement recently prepared by the Department of the Interior attempts to consider and evaluate the various ways in which the proposed pipeline would affect the environment. The task is difficult in that comparatively little is known about how these would be influenced by oil leakage and disturbance. The report considers most of the environmental problems likely to be encountered by oil transport in Alaska. However, it is deficient in several important respects: 1) It is extremely vague and generalized in its consideration of environmental effects and stipulations for construction; 2) Complexities of ecological systems are ignored or superficially treated; 3) Many important pieces of relevant research were not used in the preparation of the report; 4) Critical environmental problems are not pinpointed and made explicit.

IMPACT ON NATURAL ENVIRONMENTS

Assuming that there are no pipeline breaks, the major ecological impact of the pipeline is likely to occur in the marine environment, especially in Valdez Arm and the rest of Prince William Sound:

Oil loading operations at Valdez and the large volume of oil transport traffic through Prince William Sound, the Gulf of Alaska and other waters en route to West Coast and foreign ports would result in biologically significant losses of oil to the marine mammals of the Sound, and the biologically productive littoral and intertidal zones of Prince William Sound would be vulnerable to chronic low level oil-pollution and to effects of major spills, although effects of the latter should be minimized by the rigorous pollution control measures to be required of the operator. (p. 145 of report)

The report could be much more specific concerning the possible causes and effects of "chronic low-level oil pollution." No oil port in present operation has been able to avoid significant spillage in the daily routine of loading and unloading tankers, no matter how rigorous the precautions taken have been. The report calls for treatment of ballast such that no more than 10 ppm of oil can be present in water returned to the Sound. (There appears to be some doubt as to whether or not it will be feasible to clean ballast water to this extent.) When the pipeline reaches maximum capacity, some 12 barrels of oil contaminants will be released into the Valdez Arm daily in the treated ballast. These oil fractions will be those which are most soluble in water and hence most difficult to remove. Being the most water-soluble, these oil products will also spread most rapidly through the marine environment rather than staying on the surface or sinking to the bottom. The soluble fraction tends to contain the more toxic components of crude oil. It is difficult to predict how the soluble contaminants will affect the marine organisms of Valdez Arm, but these generalizations combined with past experience leave little room for optimism

In oil ports presently in operation, oil from spillage sinks to the bottom. All these organic deposits provide food for bacteria which then deplete the available oxygen so that larvae which land on the bottom to metamorphose into crabs or clams or whatever cannot get enough oxygen to survive. This situation occurs more readily where fine sediments occur (as in Valdez Arm) because the anaerobic layer is closer to the surface of the sediments.

Studies have been made on the effect of pollutants such as oil on behavior of shellfish larvae. There is considerable information available on the effects of low-level and high-level oil pollution. Studies have been made of behavior and reproduction of fish and shellfish; some studies have been made of the physical and biological characteristics of Prince William Sound and Valdez Arm. It is appropriate that a report on environmental impact discuss the implications of such studies. These are but two examples of the probable ecological impacts of oil pollution on Valdez Arm. Both of these examples could be discussed in greater detail; if it is possible to reach a conclusion concerning probable impact, references should be given to back up the conclusion; if it is not possible to draw a conclusion, the gaps in our knowledge should be pinpointed. There are a large variety of organisms inhabiting Valdez Arm which would be affected in very different ways. For example, 90% of the pink salmon (the principal salmon of the area) spawn in intertidal zones; oil pollution would probably affect them quite differently than it would phytoplankton or marine mammals. The paragraph from the report which is quoted on page 1 of this evaluation appears to me to be much too superficial in its treatment of the effects of oil pollution on different marine organisms.

The environmental impact of tankers navigating through Valdez Arm, Prince William Sound and the Pacific Coast of the U.S. and Canada clearly falls within the realm of the impact report in that 1) the impact is likely to be considerable and 2) it is a result of the specific pipeline route proposed. Some facts which the report might have considered are the following: 1) Navigation within the Valdez Arm is difficult even for experienced pilots. Storms and frequent heavy fog add to navigation difficulties. The shores are extremely rocky, and the navigable channel is narrow—in places as narrow as 400–500 yards. 2) There are few pilots experienced in navigating these waters. 3) Oil tankers currently in operation sometimes carry marginal navigation equipment and have no extra propeller, power source, etc. The results of this can be seen in the relatively frequent wrecks and collisions undergone by tankers. 4) Tanker traffic would be relatively heavy once the pipeline is working at capacity.

The effect of the pipeline on rivers and streams—if no breaks occur—is likely to be limited to effects of construction: removal of gravel and siltation. Both these factors and their effect on fish spawning are considered in the report. One possible danger which the report could have mentioned and even emphasized is that salmon normally migrate upriver to spawn four years or less after hatching. It appears that they find their home stream by the chemicals normally leached from the banks. Heavy siltation might eliminate effective spawning in that season by swamping the stream with material from one site and making it difficult for fish to detect chemicals characteristic of their home stream. Construction or heavy erosion occurring in three of four consecutive seasons might permanently endanger a stream as a spawning ground.

If a pipeline leak or break occurs, the river systems are likely to suffer heavily. Points which the report could well have emphasized include: 1) The necessity of avoiding permafrost with high ice content has resulted in placing the pipeline in well-drained river gravels such that the route follows river valleys and is close to rivers for most of its length. Hence, if a break occurs, it is almost inevitable that the river systems will be contaminated. 2) The Copper, Gulkana, Tanana, Koyukuk, and Sagavanirktok River Valleys form the major part of the route. These are rapidly flowing rivers which would spread the oil quickly and be difficult or impossible to clean. 3) As the report notes, the Yukon drainage system is quite large, and includes a large portion of the pipeline route. A major spill within this drainage would have a widespread environmental impact. 4) the nesting grounds of birds which would be damaged by oil spill are discussed in the report. Birds nesting in these areas include many migratory species such that the ecological impact of a major oil spill could well extend beyond Alaska.

The environmental impact of the pipeline per se upon terrestrial ecology is likely to be minimal, even in the event of minor spills. The major difficulties are likely to result from construction in areas of high ice content permafrost such as the area between the Sagavanirktok River and Prudhoe Bay. These difficulties are treated in a general way in the report. The problems of revegetation could have been dealt with in greater detail. Neither the studies by ARCO at Prudhoe Bay nor the revegetation studies conducted by the University of Alaska have entirely resolved the problems. The success of introduced species over more than 2 growing seasons has not been tested. The ability of apparently successful species to prevent erosion by extensive root growth has not been checked. The ability of apparently successful species to reproduce vegetatively or by seed has not been thoroughly investigated. In the event that an introduced species does successfully reproduce, its ability to compete with native vegetation (i.e. ability to displace or be displaced) should be known before vast quantities of seed are distributed. The impact of an oil spill is not likely to be as serious as in aquatic environments, although the report could well have discussed such problems as greater absorbance of heat by a black oily surface with subsequent melting of permafrost. Such an area would be quite prone to erosion and the presence of oil might make revegetation more difficult.

The impact of a hot pipe on high ice content permafrost is the major unknown in the issue of impact on terrestrial ecosystems. This is dealt with in the report and in greater detail in Geological Survey Circular #632 (see enclosed xerox). This circular should be consulted in evaluating terrestrial impact. The physical processes which are discussed in the circular have obvious and important implication which should be discussed at length with reference to environmental impact.

The report considers the potentials of seismic activity and specifies that "the pipeline shall be designed, where technically feasible. . . . to prevent failure from the effects of earthquakes . . ." (p 7 of technical stipulations). The report does not consider the possibilities where earthquake-proof design is not "technically feasible". Certain points which are not mentioned but deserve consideration are that the communication center for pipeline surveillance is at Valdez, which is perhaps the least seismically stable site along the pipeline route. Communication and monitoring is by microwave; slight misalignment of a micro-wave tower by an earthquake would make communication impossible. In this respect microwave equipment is extremely vulnerable. Emergency monitoring and communication systems might be advisable.

Summary. The report discusses most aspects of environmental impact but does not in many cases draw relevant information together. It is difficult to evaluate many of the statements made because no reference is made to the source of information. It appears likely that many relevant sources of information were overlooked and that many knowledgable people could have offered additional information and well-founded predictions and (in cases where doubt exists) alternative predictions which could in part be tested.

ALTERNATE ROUTES

The report discusses various alternate routes. Pipeline routes east to Canada and south to Edmonton are perhaps worthy of further study (as is currently being suggested by some members of the Alaska State Senate). The route along the coast from Prudhoe Bay to the mouth of the MacKenzie River would necessitate crossing the Arctic Wildlife Range. This route is viewed as incompatible with the purpose of the Wildlife Range: the preservation of an intact sample of Arctic Alaska. Perhaps the wilderness quality saved by avoiding of fault zones of southern Alaska and the navigational difficulties of Prince William Sound would offset this loss within the Wildlife Range. It should be noted that seismic studies of potential oil formations are currently being conducted within the Range.

The other major alternative to the proposed pipeline route would go south of the Arctic Wildlife Range of the MacKenzie Valley. This route is discarded in the report because "the distance through continuous permafrost would be substantially greater for the Canadian-oriented route than for the Valdez line. This being the case, the problem area would be merely enlarged." This may not be entirely the case. The three major problems involved in the proposed Prudhoe-Valdez route are 1) Chronic low-level (and potential high-level) pollution of Prince William Sound and the Pacific Coast, 2) danger of a pipeline break due to earthquakes, and 3) danger of a pipeline break in areas of high-ice content permafrost due to thawing around the pipe and subsequent erosion. It is proposed to minimize dangers of erosion by putting the pipeline above ground where the ice content of the permafrost is high. If the pipeline is elevated in all potential problem areas, the problems of thawing (as discussed in Geological Survey Circular 632) should be minimal. The question then becomes whether potential problem areas can be located and whether the additional cost of building the pipeline above ground is "justified". The route south of the Arctic Wildlife Range may also avoid a marine terminus in that Edmonton is already connected by pipeline to the American mid-west which is in turn connected by pipeline to other parts of the country. The dangers of seismic activity are completely avoided.

In mid-February, 1971, the Alaska State Senate held hearings on a resolution proposed by Senators Bob Palmer and Jay Hammond on the question of whether the alternative route through Canada should be studied. The essence of the hearings was that no serious study of the Canadian alternative has been made. The decision was made in favor of a pipeline from Prudhoe Bay to a suitable Alaskan marine port. Given these prerequisites, the proposed Prudhoe-Valdez route is probably the best alternative. However, the Canadian route certainly deserves study since it avoids the two major disadvantages of the Alaskan route: i.e. the marine terminus and the crossing of major fault zones.

IMPACT ON HUMAN RESOURCES

Recreation: The immediate impact of the pipeline upon hunting and fishing along the route due to increased accessibility and increased pollution is considered in the report. The effect upon recreation in the event of a major spill is not adequately considered. Recreation by Alaskans and by people outside the state has become more important at an ever-increasing rate, as population in- and out-of-state increases and as recreational facilities outside the state become more crowded. The report does not take into account the economic value of recreation which is considered by many to be Alaska's most important resource.

Impact on Natives. During the 1950's two large lumber mills were built in Southeastern Alaska in Sitka and Ketchikan. There was great optimism that this influx of relatively high-paying jobs would partially relieve the grinding poverty of the natives of the region. However, the natives, who were normally fishermen and were free to work whenever they wanted, considered the loss of freedom associated with a regular job more degrading than welfare. As a result, the natives continued in their previous state of poverty and the mills had to import labor from the lower '48 at considerable extra cost. The situation is likely to be different with the Trans-Alaska Pipeline in that the natives of the Interior hold somewhat different values and in that a training program for natives is planned. Nonetheless, natives of Interior Alaska have a history of unemployment in part because they often prefer to stick with a job only long enough to provide for the immediate future; then they quit. This makes employers reluctant to hire them, especially if a long expensive training program is involved as would be the case with pipeline construction and maintenance.

Another potential impact upon Alaskan natives which could have been considered in greater detail by the report is that once natives are lured into the city by the prospect of high-paying jobs, they are reluctant to return to the native way of life upon termination of the job. For example, in Barrow, the Navy was very conscientious about training and hiring natives in the construction of facilities there. Once the construction was complete, the natives preferred to go on welfare than to return to their former livelihoods. Whether the training of natives for high-paying *temporary* jobs will increase their standard of living in the long run is difficult to conclude.

Economics and Employment. One of the major arguments in favor of the proposed pipeline has been economic necessity. The relevance of this question to environmental impact was apparently considered important by those who wrote the report. The pipeline during construction will require some 9,000 workers and maintenance will require only 300. As the report notes, many of these jobs will require only skilled workers who will be brought in from outside. A manpower economist in the Alaska Department of Labor predicts that pipeline construction would cause unemployment to rise during construction due to immigration of people looking for jobs. This is what happened in 1969 during the intense phase of oil exploration.

Revenue to the state from oil is based on the well-head value of the oil, which is largely determined by transportation costs. It has recently been suggested that transportation costs (economic and environmental) might be lower if an alternate pipeline route through Canada were chosen. This would increase revenues to the state of Alaska.

The primary economic argument has been that the United States needs the oil to lower balance of payments deficits and because the political upheavals in the Mid-East threaten our supply of oil from this area. The figures on page 185 of the report indicate that the utilization of Alaskan oil would delay by only about 2½ years the time when the U.S. must obtain a given amount of its oil from the eastern hemisphere. In other words, immediate utilization of Alaskan oil delays by only 2½ years the time when the U.S. must come to grips with the same problems of balance of payments deficits, national security and oil shortage. These problems cannot be alleviated by an immediate supply of Alaskan oil; they can be treated only by drastically reducing the dependence of American society upon large amounts of petroleum products.

[From Geological Survey Circular No. 632]

SOME ESTIMATES OF THE THERMAL EFFECTS OF A HEATED PIPELINE IN PERMAFROST

(By Arthur H. Lachenbruch)

ABSTRACT

As one means of transporting crude oil from oil fields on the Alaskan Arctic coast to a year-round ice-free port, a large pipeline traversing most of the state of Alaska from north to south has been proposed. Plans call for a pipe 4 feet in diameter, which will be buried along most of the route in permafrost. According to preliminary estimates the initial heat in the oil plus frictional heating in the pipe are expected to maintain oil temperatures in the neighborhood of 70° to 80° C (*158° to 176° F*) along the route when full production is achieved. Such an installation would thaw the surrounding permafrost. Where the ice content of permafrost is not high, and other conditions are favorable, thawing by the buried pipe might cause no special problems. Under adverse local conditions, however, this thawing could have significant effects on the environment, and possibly upon the security of the pipeline. It is important that any potential problem be identified prior to its occurrence so that it can be accommodated by proper pipeline design. Identifying a problem in advance depends upon an understanding of the conditions under which the problem will occur. For that reason much of this report is concerned with problems. If the pipeline system is properly designed, and if it is constructed and maintained in compliance with the design, they will not occur. Perhaps "proper design" in some areas will involve abandoning plans for burial or changing the route; in others it might involve

burying the pipe and invoking special engineering designs or monitoring procedures. These are matters to be determined by much additional study and an intensive program of field and laboratory measurements of conditions along the route.

In this report a few basic principles are applied to simplified models of permafrost regimes to identify some effects of a heated pipe, the conditions that control them, and the approximate ranges of physical properties for which these effects are likely to result in problems. The computations are approximate, and the problems discussed are only illustrative examples. Comprehensive discussions of these and related effects, taking account of physical and theoretical refinements, are beyond the scope of the report. Refined studies will probably be needed, however, to form an adequate basis for engineering design.

It is difficult to summarize these effects briefly, but a few will be mentioned. The reader is urged to consult the full text for a more complete statement of the conditions under which they are likely to occur. It should be emphasized that whether or not such conditions exist is a matter yet to be determined by measurements on permafrost materials along the pipeline route. Such measurements are essential for predictions of the interaction between the pipeline and its environment.

A 4-foot pipeline buried 6 feet in permafrost and heated to 80° C (176° F) will thaw a cylindrical region 20 to 30 feet in diameter in a few years in typical permafrost materials. At the end of the second decade of operation, typical thawing depths would be 40 to 50 feet near the southern limit of permafrost and 35 to 40 feet in northern Alaska where permafrost is colder. Except for special materials near the northern end, equilibrium conditions will not be reached and thawing will continue throughout the life of the pipeline, but at a progressively decreasing rate. If the thawed material or the water within it flows, these amounts of thawing can be increased several fold. If the pipeline temperature were only 30° C (instead of 80° C), the depth of thawing would probably be reduced by only 30 or 40 percent. The principal effect of insulating the pipe would be to increase oil temperatures rather than to decrease thawing.

If permafrost sediments have excess ice and a very low permeability when thawed, melting below the pipe could generate free water faster than it could filter to the surface. As a result the material in the thawed cylinder could persist as a semiliquid slurry. Where permeabilities are very low and excess ice contents are moderate, thawing rates could be sufficient to maintain this state for decades.

If the strength of these slurries is less than 1 pound per square foot, they will flow with substantial velocities on such imperceptible slopes as are characteristic of "flat" basins. The entire thawed cylinder would tend to flow like a viscous river and seek a level. As an extreme example, if these slurries occured over distances of several miles on almost imperceptible slopes, the uphill end of the pipe could, in a few years, be lying at the bottom of a slumping trench tens of feet deep, while at the downhill end, millions of cubic feet of mud (containing the pipe) could be extruded out over the surface. Where the pipe settled to the bottom of the trench it would accelerate thawing and flow, and the process could be self-perpetuating. The pipeline could be jeopardized by loss of support in the trench and by displacement in the mudflow, and the disruption to the landscape could be substantial. Where such extreme conditions might occur, these problems could normally be anticipated by observations prior to or during construction. Less extreme conditions leading to partial liquefaction might be more difficult to identify in advance.

Where the pipe passed from strong material into a liquefied region, it would tend to float or sink, depending on the density of the slurry. It could be severely stressed by the resulting forces.

Almost imperceptible systematic movements of the thawed material can accelerate the thawing process locally by as much as a thousand times. Hence if flow occurs the ultimate amount of thawing can be very great and difficult to predict.

Seismic vibrations can cause loosely packed saturated sands and silts to liquefy. Hence where such material occupied the thawed zone around the pipe, the flow, buoyancy, and convective effects just discussed could also be caused by an earthquake. The southern part of the pipeline route lines in an active seismic zone.

Differential settlement causing shearing stresses in a pipe can result from a variety of processes—the most conspicuous of which is probably the thawing of ice wedges. These massive vertical veins of ice form tight polygonal networks, commonly invisible from the surface and difficult to delineate with borings. They are widely distributed in northern Alaska. A pipeline crossing ice-wedge networks at random angles would thaw the wedges quickly and could thereby lose support over considerable spans. A statistical calculation suggests that in typical ice-wedge terrain, conditions which might exceed the design stress of the pipeline could occur on the average of once every mile. Most of these conditions could be anticipated by observations made during trenching.

Settlement of the pipe due to thawing is a cumulative effect of all of the thawed material beneath it. Only a negligibly small fraction of this material will be directly observed in separated bore holes. Rather small and subtle changes in porosities, moisture content, and other properties occurring over lateral distances of tens of feet could cause differential settlement resulting in excessive stress on the pipe. Such changes may be difficult or impossible to detect in advance by trenching and boring, even if holes were drilled every 1,000 feet along the route.

Where the sediments are saturated or oversaturated, a trench one or more feet deep and tens of feet wide will probably develop over the pipeline in a few years; it will deepen and widen somewhat as time progresses. Where the trench is discontinuous it could create a series of ponds which could enlarge by thermal processes under certain conditions. Indiscriminate drainage of these ponds could create excessive stress on the pipe by removing buoyant forces that might be partially supporting it in these differentially settled zones.

Where the trench above the pipeline is continuous, it could become a stream channel, altering drainage patterns and creating erosion problems along the pipeline.

Heat conducted from the pipe to the surface will have a significant effect on surface temperatures and plant-root temperatures over a band not more than about 60 feet wide. Directly over the pipe snow will probably remain on the ground only after the heavier storms.

The inflow of water into the depression likely to develop over the pipe will probably more than supply the heat requirements for excess evaporation, and in general conditions will probably remain wet. However, if the material overlying the pipe should be very permeable, thermal convection of water in the sediments could probably increase heat loss from the pipe to the surface one-hundred fold. Under these conditions evaporation would probably exceed the rate of local water supply and the region above the pipe could eventually become desiccated. Heat and moisture transfer above the pipe could have a significant effect on the formation of local ground fog.

This study was not exhaustive. Potential problems certainly exist that have not been considered, and some that have been considered may be shown not to exist by further studies. The report represents one perspective on an overall problem that transcends many disciplines and requires the perspectives of many for an optimal solution. It is hoped that the report will provide one reference point for objective discussion between the people of many backgrounds who must communicate effectively on this issue.

[From the New York Times, Feb. 27, 1971]

THE CONSERVATION OF OIL—INDUSTRY CRITICS WOULD INCREASE IMPORTS AND TAP NEW FIELDS ONLY IN EMERGENCY

(By Gladwin Hill)

SANTA BARBARA, CALIF.—Another major oil production problem, thornier in some respects than the Alaska pipeline case, is lying on the desk of Interior Secretary Rogers C. B. Morton, awaiting action. It is the question of expanded oil development in the Santa Barbara Channel, where production already is in progress, and where the attendant environmental hazards were dramatically manifested in the off-shore well blowout of January, 1969.

Five drilling platforms are now operating on Federal leases, and applications for two more are pending. Hearings on the advisability of proceeding were conducted by the Interior Department here in December.

After all the argumentation, however, there are some expert observers who regard the environmental questions, in both the Alaska and Santa Barbara cases, as quite secondary to a larger question of national policy.

Foremost among these observers are economists, and their question in effect is: "Why are we pumping the oil out of the ground anyway?"

The petroleum industry has a ready answer to this: "We need the oil."

This seemingly simple statement has long been a subject of contention.

The industry argues that oil deposits must be discovered and extracted as a matter of national defense, so the United States will not become too dependent on foreign oil.

But critics of this rationale say that as soon as deposits are discovered, as in Alaska and Santa Barbara, the standard industry practice is to exhaust them—and then go hunting for more oil.

In only four instances, among the thousands of oil discoveries in the United States in the last century, has a figurative padlock been placed on oil deposits in the interests of national defense. These are the naval reserves at Elk Hills and Buena Vista Hills near Bakersfield, Calif., Teapot Dome in Wyoming (which Harding Administration aides were caught trying to give away to oil companies), and a field in Alaska adjacent to the Prudhoe Bay deposit now the subject of so much debate.

How can the dichotomy of oil exploitation versus oil conservation be resolved?

Overlooking the Santa Barbara Channel rigs, on the local campus of the University of California, is the office of a leading petroleum economist, Dr. Walter J. Mead, a frequent witness at Congressional oil hearings.

In concert with a number of other economists, his answer to the oil dilemma in effect is that a number of the recent controversial discoveries could be sealed for national defense, with due compensation to the oil companies involved, at a great saving to the nation's taxpayers, and at great satisfaction to the environmentally concerned.

Dr. Mead starts with the figure that the oil industry's present policy of stringently limiting oil imports (in the name of national defense) costs American consumers $4-billion a year in higher prices.

Citing Interior Department analyses, he says that the import quotas have the effect of stimulating domestic production of 2.17 billion barrels of oil a year, at a "social cost" to the nation (because of the higher prices) of $1.04 a barrel.

WOULD INCREASE IMPORTS

Against this, he has concluded through reams of calculations, that the cost of conserving oil in the ground with facilities for quick use in an emergency, is only eight cents a barrel per year. The impounded oil would be offset by lifting the existing import quotas.

"The difference in social cost between these two methods of providing some degree of national security against the interruption of the flow of oil is very large," Dr. Mead and a colleague, Dr. Phillip Sorenson, said in a recent analysis, "and is clearly favorable to the petroleum reserve proposal. Whereas shut-in petroleum reserves can be maintained indefinitely at the relatively low cost, domestic production of a nonrenewable resource cannot be perpetual."

"The major shortcoming of an oil import restriction program," they continued, "is that it sacrifices future national security in order to obtain a higher degree of self-sufficiency now."

The oil industry's reaction to any such proposals is implicit in its long-term course of action. It contends that the national interest is best served by the present mix of domestic production and limited importation. Oil men also take a dim view in principle of sealing new discoveries, maintaining that the oil must produce revenue to finance the industry's constant costly exploratory activities.

Nevertheless, the idea of sidetracking controversial environmental imponderables by simply sealing the Alaska and Santa Barbara deposits as national defense reserves is in the forefront of proposals being advanced by both conservationists and some members of Congress.

And it could figure critically in Secretary Morton's resolution of the Great Oil Hassle.

CRITICAL REVIEW OF THE ENVIRONMENTAL IMPACT STATEMENT FOR THE TRANS ALASKA PIPELINE

(By Robert R. Curry, professor of environmental geology, Department of Geology, University of Montana)

MAJOR AREAS OF OMISSION OR WEAKNESS

A. *Stipulation Q* (1st Attachment, p. 50 ff) must be reinstated or similar stipulation should be included to provide for procedures to apply for segment-by-segment authorization for the pipeline. I understand such a stipulation was included in earlier draft(s) of the stipulations. Such a stipulation, or another stipulation, should additionally state that all materials upon which the authorizing officer bases his decisions for each segment of the pipeline are to be within the public domain and are to be released at least 30 days before the authorization is to take place. Space must be provided by the authorizing officer for review of these documents by any interested persons. All data collected by the authorizing officer from the permittee under Stipulation B(2), shall be also made available to the public.

Adequacy of data available to the Authorized Officer and reviewed by the public with respect to decisions to be made by the authorizing officer based upon that data must be able to be challenged by the public—for decisions for each segment of the pipeline, segment by segment. Appeals based upon premise of inadequacy of the data for appropriate decisions should, in my opinion, be made to EPA or a reasonable body of the National Academy of Science and should most certainly not be made to the Department of the Interior who will be supplying some of the data. Thus the appeal procedure outlined in Stipulation B(2) (p. 4 of Stipulations) authorizing appeal only to the Secretary of the Interior is wholly unsatisfactory.

The makeup of a reasonable appeals body should be carefully stipulated to avoid conflicts that may arise from use of personnel from Interior or any of the power/energy/petroleum-company scientists. This will be difficult but entirely possible.

B. *No mention* at all is given in the Impact Statement to the *most serious environmental hazard* of the proposed pipeline: that of the marine and coastal hazards to that portion of the shipment route south of Valdez, Alaska. The NEPA requires that alternatives be considered and that the environmental impact of those alternatives be outlined. This is not done for the pipeline route through Canada—which is virtually a reality rather than a merely "proposed alternative". Mention is made of the route alternative via Canada (p. 152) but this completely fails to mention the great difference in environmental impact of such a route on the world's marine resources. The alternative is considered as if all the oil transshipped through the proposed pipeline were to be consumed in Valdez.

Without question, and with a wealth of factual basis, the most serious environmental risk of the present proposed routing as compared with the MacKenzie River Valley route is the combined effects of oil spillage at sea; risk of tanker accident in the dangerous passage between Valdez and Blaine, Washington, and Los Angeles, California; and problems of spillage at offloading and onloading facilities at the shores. Threat to the fishery resource of Puget Sound alone should fully justify selection of the Mackenzie route to Canadian and U.S. pipeheads in the Edmonton area rather than delivery of one or more tankers per day at the two major west coast refining ports.

The thesis that the greatest pollution will occur from the oceanic shipment of the North Slope Alaskan oil can be developed easily. Within the proposed lifetime of the pipeline and under present restrictions of liability of the tanker operators, it can be demonstrated with statistical assurity that accident and considerable spillage *will* occur with the present Prudhoe-Valdez-Blaine and Los Angeles routing. There is certainly less probability of significant ecological damage from expected spill via overground pipe along the northern boundary of the Arctic National Wildlife Range to Innuvik, Northwest Territories, and up the Mackenzie parallel to the Canadian gas pipeline to Edmonton. The route goes thence via existing or new pipelines to central, eastern, and western U.S. markets.

Omission of this alternative consideration is perhaps the very most serious flaw in the draft impact statement. That an eventual coastal Alaskan terminal will be needed for export of petroleum to Japan and other Asian markets before the Southeast Asian oil becomes marketable seems realistic, but we must have time to meet the engineering and geologic inadequacies of knowledge for the proposed crossing of the Alaskan Range tectonic area and we must have time to remove limits of liability by legislation for controlling oil spills at sea. Tanker design technology and navigation systems are approximately 50 years out-of-date but could, through crash programs and incentive, perhaps be brought into reasonable line within 10–15 years. We must exclusively use the Canadian route-alternatives until that time and should indeed consider direct purchase of Canadian oil from the MacKenzie River reserves for that first decade to preserve our own reserves while breaking import quota restrictions.

C. *Tectonic hazards* are very inadequately covered or considered. Mapping of individual faults and detailed seismicity simply has not been done. By removing Stipulation Q, the public is being forced to accept a broad-brush approach to route selection without even the most rudimentary data on location of zones of greatest hazard. Thus, design stipulations for the pipeline at fault crossing or suspected fault crossing cannot be formulated.

1. *Seismicity data* as given on page 19 of the Impact Statement, is of the most gross and dangerously inadequate kind. Prior to 1965 only seismograph stations at College and Sitka operated in Alaska, and the Sitka station had poor instrumentation. Prior to about the mid-1950's worldwide distribution of seismographic instruments was such that errors in epicenter locations for Alaska were as large as 100 klm (62 miles). In 1965 a larger aperture system, including 6 stations, was installed and operated by the Geophysical Institute at the University of Alaska. Now epicenter locations to ±10 Klm or less, and magnitudes down to noise level are recorded, as opposed to an earlier pre-1965 discrimination ability such that earthquakes of less than Richter magnitude 4.5 could not be recorded (except in the vicinity of College).

Although historical records of Alaskan earthquakes go back to 1788, those with magnitudes greater than 5 were felt and noted at the rate of 1 each 5 years from 1788 to 1888. With recent instrumentation (since 1965) about 20 earthquakes are recorded per year with magnitudes of equal-to- or greater-than 5.

Thus the available seismic data is grossly inadequate upon which to base the extrapolation given on p. 19. Only six years of data sufficiently accurate to locate potentially damaging epicenters is inadequate for both the location of zones of weakness and for the determination of magnitudes of "maximum probable earthquakes". Indeed, the maxima shown (5.5 to 8.5 for various parts of the route) seem conservative to a degree that would be totally unacceptable for site engineering for location of public buildings or power generation equipment and should, in my opinion, be considered conservative for location of facilities such as pipelines and pumping stations where potential for environmental damage exists.

Solutions are available. We need not await the accumulation of 20 years of seismic record to gain an idea of the seismicity and potential hazard of the region. Microseismic networks could be established and, in a period of several years, one could learn a good deal about where smaller amounts of energy were being released along the southern portion of the pipeline route, and from this we could better locate potential fault zones and predict their activity.

2. *Faulting:* In addition, we would need a crash geologic mapping program to locate the obvious faults and fault zones. The total disregard for known faults in the present routing seems inexplicable and there are no doubt many lesser or equal faults along the route that are unmapped at present. Review reconnaissance geology, like that of Clyde Wahrhaftig whose work is quoted heavily in the impact statement, is not geology of the kind that can be used for engineering site studies. It was never intended for that sort of work and does not address itself to the many geologic problems necessary to predict and evaluate potential environmental impact of human activities. The authors of the impact statement would have us believe that the geology is mapped and known over the pipeline route, but this is so far from the truth as to possibly qualify as a complete falsehood. I know for a fact that some of the authors of geologic reports quoted in the impact statement are sincerely disturbed by the implications and contextual framework of their work.

A serious failing of the technical stipulations (Tech. Stips. p. 7) is the stipulation of "seismic design procedures" related to magnitude of expected earthquakes. It is not so much the magnitude of the earthquake that breaks pipes, but it is the amount of offset along the faults that is the real hazard. There seems to me to be no real stipulations that the pipe must withstand instantaneous offsets of on the order of 40 feet which would, in my opinion, be a reasonable design offset. To equate earthquake magnitude with potential for damage to a pipeline is similar to equating horsepower of an automobile with probability of fatality to the driver. Richter magnitude is essentially a measure of acceleration of the earth's crust but says nothing about where, if anywhere, it may slip or break. It is a measure of the amount of energy released, but not how it is released or concentrated. Even the AEC could never write such a meaningless stipulation for a reactor contractor.

The Richter magnitude should be considered but more important is the potential offset expected. In the Copper River valley near Glenallen, for instance, the proposed pipeline route lies nearly parallel to a fault zone and completely within it, thus greatly increasing chance of failure if the fault should move anywhere along that 50–60 mile long section. Much more sensible would be to cross the fault, if one must, in the shortest possible route with specially designed pipe with pre-built bends and only very limited coupling to its above-ground foundation. This technical stipulation for construction mode for seismic hazard takes no account of the related hazards indirectly coupled with earthquakes. These are seismic sea waves; Lituya Bay, Alaska type "giant" sea waves released by landslide; direct landslide: liquefaction of ground; and glacier surges. All the technical stipulation say, in essence, is that, "where technically feasible" it shall be engineered to prevent failure, and "where not technically feasible" the pipeline shall be designed to provide for "accommodation." What we should ask, is, "accommodation" to a glacier surge on the Black Rapids glacier when the pipe has been shut-off due to failures both north and south of Black Rapids and there is no place to drain the oil from the pipe? Does this mean there are temporary storage facilities adequate to handle all oil in the pipe at any point in time between each shut-off valve? If so, it should say so. If not, what is accommodation? How do you "accommodate" a landslide at a time of earthquake?

As was noted in the impact statement, the largest offset from the 1964 earthquake occurred on a buried or obscured fault. From this and other reconnaissance information, it can be implied that we will never locate all the faults in an area until we begin the actual pipeline construction, and even then we may miss some. However, this does not imply that we cannot learn to predict the approximate location of faults as for instance along valley bottoms, by mapping the bedrock units exposed on the valley sidewalls. For this reason, time must be allowed to conduct the necessary detailed geologic mapping and provision must be made for segment by segment public approval of the route as this information is learned.

D. *Hydrologic Data.* General data on hydrology of Alaskan streams is almost as inadequate as that on seismicity. The technical stipulations (4. a, b) specify that the design flood shall be "based upon the concept of the 'standard project flood' as described in Corps of Engineers Bulletin 52–8." and that design for culverts and bridges shall be "to accommodate the 50-year flood or greatest flood of record, whichever is greater." The standard flood project concept was developed in temperate latitudes in areas without permafrost or glacier dammed lakes and such a concept is wholly inadequate to protect the Alaskan river systems. Clearly with little or no hydrologic data, the term "50-year flood" or largest flood of record is meaningless also. There are, indeed, potential methods to determine the maximum flood of the last 50 years where flood plains are vegetated with greather-than 50-year old vegetation. However the last 50 years may not be very representative of the next fifty years where glaciers exist in the river headwaters, due to the effect of potential formation and release of glacier-dammed lakes. M. A. Kuentzel produced a document for TAPS on the flood hydrology of glacier dammed lakes in which he states that "The magnitude of each flood from a glacier-dammed lake release may exceed the predicted 50-year flood for an equivalent drainage area by many times and must be considered in any development." (p. 1). Kuentzel further stated that the only semi-reliable way to predict the frequency of glacier-dammed lake releases is by using historical records—much of which is unavailable at present. This is not the whole story since historical records tell us nothing about the frequency and magnitude of discharge of yet-to-form glacier-dammed lakes. Some of these could form in a single melting season in a valley blocked by a receding glacier or in a glacier-free valley blocked by an advancing side-valley glacier. There seems little hope of being honestly able to predict the location and magnitude of such glacier dam bursts—which have accounted repeatedly for the largest known floods on earth.

The Alaskan river beds are adapted to these non-cyclic kinds of flooding as well as the seasonal flood. However, the idea of a 50-year flood is entirely a seasonal flood concept which attempts to derive, from the morphology of the channel or from analysis of a few years of seasonal data, the height of water expected in the 50-year flood. In Alaska, the flood height and instantaneous river discharge is based upon the formation of river-ice dams temporarily impounding waters when the river breaks up, and upon the vicissitudes of glaciers impounding meltwaters in the mountains. Thus, on the North Slope, the ice dam problem is nearly as serious as the glacier-dam problem in the Alaska Range, and neither are predictable from Corps of Engineers manuals or short period of record.

E. *Valdez loading and storage facility:* Oil transfer facilities at the southern terminus of the pipeline need better protection than stipulated. Although not specified, I presume that the facilities, including all storage tanks, are to be located on bedrock, and not on the flatter marine muds and glacial outwash, both of which are subject to spontaneous liquefaction during earthquake. If the terminal facilities are located on bedrock, it is difficult for me to envision areas large enough at a high enough elevation to be clear of sea-wave hazard to permit construction of complete enclosing berms around the facility to catch all oil that could be spilled in the event of rupture of pipe and storage tanks. The difficulty is that, unlike the design seismic sea wave stipulated (Tech. Stip. 5.), the area is in fact subject to much higher wave slosh associated with landslide or other land failure into the narrow Valdez Arm. Such events have occurred in the region—the best known being that at Lituya Bay, Alaska, about 80 miles west of Juneau (see U.S.G.S. Prof. Pap. 354–C, 1960). On July 9th, 1958, the Lituya Bay wave reached a height 1,720 feet. The wave traveling up to 130 miles per hour surged up to 1,740 feet up the fjord-valley wall with great distructive force—cleaning everything off the valley wall down to bare bedrock. These are not freak occurrences, but happen repeatedly, this being the 5th in Lituya Bay since 1854. The height reached was 8 times the maximum known for a seismically induced sea wave. Geologic and physiographic conditions in Valdez Arm are similar to those in Lituya Bay in many respects. Evidence of past landslide-induced sea waves should be discernable in the Valdez Arm region if they have occurred there but even if they have not, they could occur in the future. Terminal facilities should take this hazard into account and I can find nowhere in the Statement any mention of precise location of south terminal facilities.

Similarly, the design stipulation for the southern terminal merely refer to the pipeline itself, not to the necessary tanks and transfer equipment. It is the transfer and storage tanks, not the pipe, that is in imminent danger of rupture in the event of earthquake. Partly filled tanks may rupture before full tanks due to the sloshing of the fluids in earthquake. Large tanks cannot be simply designed to withstand such sloshing and the usual contingency design is to place the tank within a sealed closed depression so that when it does rupture, its contents do not get away. Such must be stipulated for Alaska and the other west coast pipeline-tanker terminals.

F. *The National Security Argument:* The entire concept of development of Alaskan petroleum as a means of securing the nation is so patently fallacious that it seems shameful to have to waste time in rebuttal. I feel that the best and strongest rebuttal is to be found in the answers of the Cabinet Task Force on Oil Import Control's 1970 report on the Oil Import Question. If Melvin Laird and Maurice Stans, as well as David Kennedy, William Rogers, Walter Hickel, George Schultz, Hendrik Houthakker, and David Freeman claim the statement "We must be protected against any contingency that might impare the national security" is "overstated" (405 d, p. 123), and that, indeed, the nation's security may be enhanced if oil supplies are depleted abroad before at home, and that even if all Middle East supplies should become unavailable in time of international crisis, the U.S. could increase domestic production by 21% after three years and for even a 1-year interruption we would actually have a surplus of supply over demand (Table K, p. 65, The Oil Import Question), then who can Interior find that claims there will be weakening of national security?

Of critical import here is the question of volumes of petroleum reserves left in North America. I estimate that, including the offshore Arctic Ocean, the North Slope of the Brooks Range in Alaska has about 40 billion barrels of petroleum. We may add to this perhaps 40 more billion bbls that I estimate may exist in the Mackenzie Delta region and the offshore and Arctic Archepelago Island regions of Canada, to arrive at the total potential reserve in the Arctic of North America of 80 billion bbls (compared with a proved U.S. reserve of 30 billion bbls). Thus, the Arctic is where our petroleum will come from for most of our petroleum-based future. Use of Canadian crude and transshipment of north slope U.S. crude to markets via Mackenzie transportation corridor routings cannot be construed as not being in the interests of national security except for the fact that we will be depleting our own reserves faster than world reserves. Certainly we are more vulnerable to attack by submarine with Valdez-terminated oil than an interior pipeline.

The real reason behind the security spectre is, of course, that the administration considers it not in the nation's interests to let other countries have our funds for petroleum while our own oil companies suffer. This also is untrue because our own companies own rights or interests in much of the world's oil and to use Canadian oil rather than Alaskan oil for 10 years is merely a shift of funds from one pocket to another, not a transfer of funds out of the country.

PART II. SUMMARY OF SCIENTIFIC CRITICISMS AND RECOMMENDATIONS

A. In my professional opinion geologic hazards along the southern one-third of the proposed pipeline route are such that the pipe should not be laid and operated until adequate geologic mapping has been done to delimit the active and inactive faults in the area and until adequate geophysical instrumentation and research has been done to establish the potential seismicity of the region so that the pipeline can be designed to withstand expectable fault offsets of expectable magnitudes during times of expectable earthquakes.

B. In my opinion, the proposed stipulations do not adequately protect the entire route of the proposed pipeline from damage due to erosion associated with pipeline construction and from thermal erosion in areas of permafrost. Neither the indices of soil erodability nor the presence of permafrost have been mapped along the proposed route and I would feel that this was mandatory before approving any construction plan designed to minimize these conditions.

C. In my opinion, the proposed stipulations do not afford the scientific community or the public an opportunity to revise or suggest revision of design criteria or stipulations as work on the pipeline progresses and excavation reveals new un-mapped hazards or potential hazards. I feel that provision must be made for this action by persons other than the authorizing officer.

D. In my opinion, the potential environmental effects of oil spills associated with transfer and refining of Alaskan oil en route to and within the sea coast ports of the states of Washington and California have not been adequately considered in the Impact Statement under "alternative route" sections. It is my belief that the most serious potential environmental and economic hazards of the proposed pipeline route are in that portion of the route from Valdez to Los Angeles. I believe that environmental impact hearings should be held in Puget Sound (at Seattle or Bellingham) and at Los Angeles so that we may present the scientific data to back this contention. Proposed refinery effluents from pending Corps of Engineers applications for permits to dump byproducts of the Alaskan pipeline oil made by ARCO (Public Notice NPS–71–18, Seattle District, Corps of Engineers, 15 January, 1971), are alone adequate. in my opinion, to favor the Mackenzie corridor route over the proposed route.

E. I believe that the proposed transfer facility site at the southern terminus of the proposed pipeline in Valdez is very poorly protected from seismic risk and from risk of landslide-generated sea wave. Much geologic evidence is available to indicate that this is an exceptionally poor choice of locations for the transfer facility.

F. Hydrologic data and glaciologic data are wholly inadequate upon which to base reasonable stipulations to protect the pipeline from accidental failure or breakage during flood or glacier surges in the southern one third and the northern one third of the proposed route.

In direct summary, it is my opinion that many fewer environmental hazards are to be encountered by construction of a pipeline along the northern border of the Arctic Wildlife refuge to connect with Canadian pipelines running up the relatively permafrost-free Mackenzie River corridor and eventually to U.S. markets at pipeheads in the midwest and throughout the country. The present proposed route is scientifically indefensable from an environmental standpoint in view of viable economically feasible alternatives.

Special Problems in Underground Pipe Corrosion Control

(By Betzi Woodman)

Recent and pending legislation regarding steel pipelines emphasizes that such facilities will be structurally sound and will remain so indefinitely.

"The problem of building a structurally sound facility is academic," says Will Knoppe of the Corps of Engineers in Alaska. "But problems of maintenance are something else. Much depends on corrosion control facilities installed during the construction of the line."

That's not as simple as it sounds, especially in Alaska. Unique aspects of intense winter cold, soil differentiation, fiord environment, changing patterns of erosion and stream flow, permafrost saturated with oxygen and the waters of breakup have a way of nullifying present methods of protecting against corrosion from electrolytic causes.

Pipeline people have long been aware that once a fuel oil transportation line (or any pipeline) is buried, the material constructed of steel generally tends to revert to its original state by the various corrosion processes involved.

A more involved explanation comes from the Corps relative to its recent and continuing survey of pitting on the 8'' Haines–Fairbanks line which supplies fuel to the military bases in the Fairbanks area, the more recently constructed 8'' line from Whittier to Anchorage, and the 92 miles of buried 12'' line supplying Anchorage with natural gas.

"When a piece of metal, such as a pipeline, is placed in contact with the soil, there exist a multitude of differences between different areas on the pipe. Each of these differences—in surface condition, in soil contacted, in aeration, in many other factors—is capable of setting up an electrical potential difference which acts as the driving voltage of an active corrosion cell. Thus, the entire line is in a network of overlapping cells, of varying dimensions and potentials giving rise to a bewilderingly complex array of anodes (corroding) and cathodes (protected) on the surface of the pipe. With passage of time, polarization alters the potentials and the resistances of the circuit elements; changes in soil moisture and temperature alter conditions; and soil and pipe movements contributes to the confusion. . . .

"Experience has taught that where the soil resistivity is low, pipe *can* corrode; and, in any given section lying in low resistivity soil, some of the pipe *is* corroding. Accordingly, where bare lines are concerned, our principal criterion of corrosivity is the resistivity of the soil.

"This can be justified by the observation that, regardless of the physical and chemical factors which may give rise to driving voltages, the actual current flow will be small when the circuit resistance is large; and, since metal dissolution, according to Faraday's Law, is proportional to current flow, corrosion cannot be severe in high resistivity media."

A soils resistance survey was taken by the Fluor Corporation along the Haines-Fairbanks line in 1957. Generally, results of the testing indicated that corrosion would not be a major problem and although occasional leaks might occur in select areas, such as Kluane Lake, the line would retain its structural integrity. Anode beds were installed in areas where it was felt loss of steel from the corrosion processes would occur.

Since that survey installation of anode beds, however, four leaks developed where the soils tests indicated corrosion should NOT occur. Initial resistivity readings, respectively, for the four leak locations were 45,000 to 180,000 ohms-cm; 100,000 ohms-cm; 130,000 ohms-cm; and 84,00 ohms-cm. All were high enough to substantiate the expectation of non-corrosion.

SOIL NOT ONLY FACTOR

The tests were made in the summer, but it is now determined that soil alone is not the only electrolyte that creates favorable corrosion conditions in cold climates. Soil resistance becomes very high during cold periods or when frozen, but flowing water high in oxygen and carbon dioxide but low in carbonates is capable of removing up to 15 mills of steel a year at a temperature of approximately 40° F. Two of the previously mentioned leaks were attributed to the chemical composition of spring run-off water following the buried pipe.

Backfilling adjacent to the steel structure with mixed moist soils can result in an unfavorable environment. In the Lake Dezadeash area of Canada, the fill adjacent to the pipe that failed was composed predominately of high resistant gravels (over 180,000 ohm-cm) and occasional lumps of low resistant clays (under 2,000 ohm-cm). Isolated anodes developed in the steel under the clay portion of the backfill with a resultant loss of metal.

Surface-laid pipes are not immune to the corrosive factors, either. Sometimes a pipe is self-buried because of the nature of the ground; erosion paths and stream bed changes can bring differing materials and fresh oxygen-laden water to cause trouble.

It is doubtful that any resistivity testing other than continuous testing for design throughout the various seasons will produce adequate data to install an effective cathodic protection system. And even this protection may be ineffectual during the winter months when the anode beds are frozen and a frozen cocoon develops around the cathodes, but the soils adjacent to the pipe are heated by the transportation of warm fuels and remain thawed.

GALVANIC METHOD

The galvanic method uses another substance, usually magnesium, as an auxiliary anode for the pipeline. When a deposit of magnesium, which has an inherent absolute potential of +2.123 volts, is connected electrically to a pipeline with an inherent iron potential of +0.067 volts, the pipeline will then be negative to the surrounding soil and cathodically protected in the vicinity of the anode. The auxiliary anode of magnesium becomes the source from which the current will flow causing the corrosion to take place in the anode instead of the pipeline. The weight and number of magnesium anodes required is dependent on the soil resistivity, the pipe surface area and the anode life desired.

Cathodic protection can only be effective on that part of the line which is in contact with the soil; it will not protect against atmospheric corrosion, nor against all of the attack on a structure which is subject to intermittent immersion.

These observations, of course, relate to bare pipe as was the case in 1954 when budgets were low and a leak now and then was a calculated risk. Now, as Knoppe observes, "it's a whole new ball game" and the Haines line survey in particular was directed for rehabilitation and protection to avoid any further leaks. It was in this process that intricacies and great variants of corrosion potential in Alaska were spelled out.

At one point in the report, a summary reads: "Resistivity and pipe-to-soil potential tests are accurate for general design use if moisture contained in the soil does not exhibit seasonal changes such as flowing water in a gravel bed during spring break up periods. Neither test will point directly to all existing elements that favor rapid loss of metal."

Knoppe then points out that obviously "in any given area in Alaska, all buried lines should be protected by wrapping. In addition, both buried lines and surface laid lines should receive a cathodic protection system to overcome corrosion from any electrical leaks that may develop."

At the same time it is stated that the "best corrosion protection is given by isolating the line from the ground." All the drawbacks connected with this procedure are readily noted, whether for an 8'' short line or the 48'' TAPS multi-hundred-mile line.

Thus, it is warned that adequate maintenance of the cathodic system is also a requisite. If not properly maintained, it gives the delusion of preservation, and within a few years there is no protection.

Problems exist also in the matter of wrapping. The Corps report indicates there is not any known chemical wrap which would do the job. Protective coatings normally used on POL lines deteriorate rapidly when exposed to sunlight. Polyurethane plastic and neoprene hypalon rubber, properly applied, will withstand considerable abrasion and are not subjected to deterioration when exposed to sunlight. Shopcoated line under controlled conditions is probably superior to field protected lines.

Inadvertent penetrations of the coating may occur during burial process and this invites a concentration of the corrosion process on the small amount of pipe exposed. Thus cathodic protection is indicated.

Problems likely to arise from permafrost melt as hot fuel passes through have been considered in every discussion regarding building of the TAPS line. But little has been said about corrosion potential from bare pipe in permafrost. Knoppe points out that the oxygen saturated permafrost which melted would have the same effect on unprotected pipe as melt water on any other pipe—it sets up the corrosion situation.

It is reported that TAPS is considering a wrap product recently developed by the Japanese. It would include an outer casing of polyvinyl chloride, glass reinforced. An inner insulating section of poly urethane would be against the pipe.

Abnormal corrosion conditions in Alaska are not confined to underground steel structures, Knoope points out. Take the Whittier pernament docking facility for example, completed in 1955 of unprotected steel piling.

Design testing of the salt water in Whittier harbor area indicated that the corrosion rate would not exceed the world-wide average loss rate of 15 mills per year; in fact, the low temperature of the water (40° F) indicated loss would be less. Available samples of steel exposed to the harbor waters examined during the design of the facility confirmed that excessive corrosion should not occur. To compensate for anticipated loss, additional structural steel was used in the design with the future installation of the cathodic protection, if required after the expected design life.

Inspection 4½ years after start of construction showed corrosion in some areas accounted for steel losses to the piling as high as 66.4 mills per year. It was also noted that cold water lines from the Whittier wells were rapidly deteriorating and that barnacle growth present on structures in the harbor had all but disappeared.

Loss of metal in both the water lines and steel piling was attributed to the high oxygen content contained in the melt water of adjacent glaciers flowing into the water table and the bay—the "fiord environment."

Ice formation in tidal regions can also contribute to excessive loss of metal. The ice forms on the piling as the tide recedes and as the weight of the ice increases, tidal action floats the ice and all protective oxides that form on the steel are removed, exposing white metal. This metal corrodes and the cycle is repeated. Such a situation has occurred at Kodiak.

In sea water installations north of the Brooks Range and in other areas where the water temperature is exceptionally low and the structure is not heated, corrosion is negligible. Steel piling in the Nome harbor where water hovers at the freezing level has shown no distress in over 50 years service.

Except for the tremendous scouring action of the Arctic ice pack, this fact augurs well for steel dock installation out of Prudhoe Bay where tidal action is slight. But if, as has been suggested for one method, heat is used to keep a dock area ice free and temperatures in the water rise to where ice melt and oxygen release occur, then the picture would change.

Meanwhile, methods to determine if and how much buried pipe has corroded—short of digging it up and looking at it—need much refinement to be of great use. An instrument pig called Linalog permits surveillance and to some degree of accuracy locates areas where extensive loss of steel has occurred. The system employs an instrumented pig capable of inducing a magnetic flux in the pipe and of recording variations in flux induced by the loss of metal. The pig is transported with the fuel being pumped and a tape recorded in the pig notes the variations. The tape is photographically transferred to a continuous log.

The instrument shows loss of metal in the pipe wall, but does not differentiate between deep pits, "BB" type pitting and breaks in the wall structure such as welded joints. Since the unit does show all welds, flanges, and valves, it is easy to differentiate between a weld and actual loss of metal. Marker magnets are used to indicate locations so that corrosion can be placed precisely according to charted distance of the buried line.

This dissertation merely touches on the basic matters involved in one type of corrosion of steel pipelines. Consider the problem which can arise in soils above 50° F. A bacteria exists whose metabolic byproduct includes sulfide compounds which serve as excellent electrolyte materials conducive to development of corrosion cells. One can merely speculate on whether heat transfer from a hot fuel flowing through a buried and uninsulated pipeline could create the conditions for this bacteria—and whether it exists dormant waiting for such conditions or would be introduced!

Engineers in Alaska are confining their investigations to the matters presented here for the nonce. Effectiveness of the various cathodic protection systems during the winter months in Alaskan and northern Canada are unknown, Knoppe says. Additional testing is required.

The Campbell Creek drainage system is presently protected with an over-designed imprest current system placed in operation during the spring of 1969. Additional testing was being done during the past winter to see if the system is indeed adequate. If freezing the anode beds reduces the effectiveness of the system, a research project using a plating system for winter protection will be initiated.

DUBIOUS WISDOM, TIMING, AND LEGALITY OF ACCELERATED DEPRECIATION PROPOSAL

Mr. HUMPHREY. Mr. President, I discussed the proposed administration accelerated depreciation plans during debate on the Bayh-Humphrey unemployment compensation amendment. During that debate I questioned the quality and merit of such a proposal.

The administration has stated that this move is to provide fiscal stimulus to the economy through an incentive for capital investment. I understand the theory of such a depreciation. I also understand the theory of an investment credit. They both can be effective tools in stimulating capital expansion of industry to meet increased and possibly inflationary consumer demand.

But, Mr. President, that is not the case at present. The bottleneck right now is lack of consumer demand. The American public, fearing that things will get worse rather than better, have been saving at record levels rather than spending and buying consumer goods. What we need to do is provide the consumer with an economic policy that instills confidence. This confidence is not about to be fostered by providing industry with an incentive to invest in plants and equipment, particularly when our industrial capacity is presently operating at approximately 72 percent of capacity.

Accelerated depreciation, in light of the present state of the economy, consumer demand and utilization of industrial plant capacity, is like giving a pair of track shoes to a cripple. He cannot possibly use them and they represent an expenditure of funds that could have been spent far more effectively and sensibly and humanely on economic cure and rehabilitation.

This is the wrong move at the wrong time, and possibly, for the wrong reason. It is for these reasons that I am pleased to cosponsor Senator Bayh's sense-of-the-Senate resolution, reserving the final decision on such a substantial change in depreciation policy to the Congress.

Mr. President, Prof. Robert Eisner, of the Economics Department of Northwestern University has communicated his views to the Commissioner of Internal Revenue. It is Professor Eisner's position, and his position is extremely well documented, that the accelerated depreciation will cause permanent revenue loss. Professor Eisner is a recognized expert in the field of determinants of business investment and has published extensively in the field.

There has also been widespread comment on this proposed depreciation change in editorials and columns. Mr. President, I ask unanimous consent that Professor Eisner's statement, Don Oberdorfer's column from the April 1 Washington Post and an editorial from the Sunday, April 11, New York Times be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

The Asset Depreciation Range System

(By Prof. Robert Eisner, Department of Economics, Northwestern University)[1]

The comments set forth below relate to the proposed asset depreciation range regulations that were announced on January 11, 1971 and published in the Federal Register on March 13, 1971. I shall focus on several premises of the asset depreciation system which are either mathematically false or contrary to generally accepted economic principles and data.

1. The "Statement by the President" of January 11, 1971, announcing the ADR system declares, "A liberalization of depreciation allowances is essentially a change in the *timing* of a tax liability. The policy permits business firms to reduce tax payments now, when additional purchasing power is needed, and to make up these payments in later years." An accompanying statement by then Treasury Secretary David M. Kennedy declares, "It should be kept in mind that a liberalization of depreciation allowances primarily involves a postponement of the tax payment, and that this payment will eventually be added to government revenues."

Footnotes at end of article.

THE ADR SYSTEM WILL CAUSE PERMANENT REVENUE LOSSES

These statements are false. At the worst they represent a conscious effort on the part of some to deceive the public. At best they represent a confusion between the consequences of the "liberalization" in depreciation for a single asset or assets of a single year or even a limited number of years and the permanent "liberalization" envisaged in the proposed system.

The incorrectness of the Administration's claims regarding the ADR system is illustrated arithmetically by a succession of numerical examples set forth in Appendix A. The example relevant to the current issue is given in Table A-3, which indicates not only that the initial tax savings due to the ADR system are never paid back, but that they have added to them further savings as the years go on. Indeed, while there is a hump in tax savings (i.e., in the tax loss to the Treasury) during the transition to the ADR system, after this period the annual tax savings resume an upward path equal to the per cent rate of growth of equipment acquisitions.

The Statement of the Department of the Treasury of January 11 is thus grievously misleading in suggesting that "these changes will result in a reduction in Federal revenues of $0.8 billion in the fiscal year ending June 30, 1971, and of $2.7 billion in fiscal 1972, rising annually thereafter to a peak of $4.1 billion in fiscal 1976 and falling thereafter to $2.8 billion by fiscal 1980." For the sentence should have continued "and rising thereafter." I do not have available the detailed figures on which the Treasury made its estimates but it is easy to reconstruct their broad outlines. Ignoring the additional loss to the Treasury due to the new first-year convention, which acts as a further speed-up, we might reconstruct the Treasury figures roughly in Table 1 by assuming initial expenditures for equipment of $75.656 billion in 1971, growing at a 5 per cent per annum rate in money terms (which may well prove to be conservative if inflation persists) and further assuming for simplicity that all equipment previously had a depreciation life of ten years and will now have a depreciation life of eight years and all is subject to sum-of-the-years-digits depreciation. We can then note in Table 1 that tax savings are $0.7 billion in 1971, rise annually to a peak of $4.4 billion in 1976, fall thereafter to $1.5 billion by 1981, and do in fact rise thereafter. The annual tax savings finally stabilize at a 5 per cent growth rate and, year after year, amount to 1¼ per cent of annual equipment acquisitions.[2]

Thus, whatever one's view of the economic consequences of the Asset Depreciation Range system, there should be no mistake about its arithmetic. It is not a change in the timing of tax payments. It is not a matter of reducing tax payments now in return for tax liabilities in the future. It involves a permanent, repeating and accumulating loss in tax revenues year after year, a loss which will ultimately grow along with the general rate of growth of the economy and in particular the rate of growth in money terms of equipment subject to tax depreciation. The statement by the President issued on January 11, referring to the ADR system, declared, "The policy permits business firms to reduce tax payments now, when additional purchasing power is needed, and to make up these payments in later years." The concluding clause in that sentence, "and to make up these payments in later years," is false. There is no knowledgeable expert in the Treasury or out of it who can stand by this statement. It is unfortunate that such a flat contradiction of what is an ambiguous matter of arithmetic and mathematics was issued in the name of the President of the United States.[3]

Footnotes at end of article.

TABLE 1.—ANNUAL TAX SAVINGS RESULTING FROM SWITCH FROM 10 YEAR TO 8 YEAR LIFE FOR SUM-OF-YEARS-DIGITS DEPRECIATION CHARGES ON TREASURY ASSUMPTION OF $75,656,000,000 OF EQUIPMENT ACQUISITIONS IN 1971 AND 5 PERCENT PER ANNUM GROWTH THEREAFTER (HALF-YEAR CONVENTION)

[In millions of dollars]

(1)	(2)	(3)	(4)
	Depreciation charges		Tax saving (48 percent of (3) minus (2))
Year	10 year life	8 year life	
1—1971	6, 878	8, 406	733
2—1972	20, 289	24, 588	2, 064
3—1973	32, 996	39, 478	3, 111
4—1974	44, 962	53, 010	3, 863
5—1975	56, 152	65, 118	4, 304
6—1976	66, 526	75, 729	4, 417
7—1977	76, 042	84, 769	4. 189
8—1978	84, 658	92, 160	3, 601
9—1979	92, 330	97, 819	2, 635
10—1980	99, 010	102, 710	1, 776
11—1981	104, 648	107, 845	1, 535
12—1982	109, 880	113, 237	1, 611
15—1985	127, 201	131, 087	1, 865
20—1990	162, 344	167, 304	2, 381
Sum to 1980	579, 843	643, 787	30, 693
Sum to 1985	1, 158, 089	1, 239, 699	39, 173
Sum to 1990	1, 896, 094	2, 000, 250	49, 995

2. In the Department of the Treasury press conference of January 11, 1971, then Secretary of the Treasury Mr. David M. Kennedy declares, "The reform of depreciation policy will encourage business to increase its investment in new machinery and equipment, . . ." Dr. Paul W. McCracken, Chairman of the President's Council of Economic Advisers declares, "These basic changes would also have a favorable impact on the market for capital goods in 1971." In answer to a question by a reporter, ". . . can you quantify the impact this move will have on investment levels in the next few years? And the remainder of this year and '72?", Mr. Edwin S. Cohen, Assistant Secretary of the Treasury for Tax Policy, declares, "We think this will have a substantial impact on investment in plant and equipment but I wouldn't make an effort to quantify it." Dr. McCracken said, "It's impossible, of course, to do anything more than form some kind of judgment about this. The impact here will build fairly slowly."

THE ADR SYSTEM IS UNLIKELY TO HAVE MUCH EFFECT ON CAPITAL INVESTMENT

The fact is that there is little evidence that "liberalization" of depreciation allowances of this type will have much effect on investment. There are strong arguments why it should not be expected to have much effect, and certainly almost no effect over the short period when a stimulus to investment is, according to some, considered desirable. There are essentially two justifications for the argument that increased depreciation allowances for tax purposes will increase investment. As Dr. McCracken put it himself, these are that the increased depreciation allowances will increase "the cash flow and the rate of return."

The first of these justifications is in considerable contradiction, at the level of the economy as a whole, to fundamental economic theory and analysis of a free enterprise, profit-oriented system. For under such a system, business decision-makers, unlike bureaucrats in some managed economies, are expected to spend not on the basis of the money that they get or are allotted but on the basis of what will increase profits (or reduce losses). There is little point to investment by a firm faced with excess demand and falling utilization of capacity. To argue that American business would increase expenditures for plant and equipment on the basis of cash flow rather than profit expectations suggests a surprising lack of faith in and understanding of the nature of a profit economy. To suggest that a firm with expectations that additional plant and equipment would add to profits (or reduce losses) would not make such expenditures unless cash were in hand or "flowing in" is to argue that our prided capital markets have ceased to function.

It is of course true that certain firms, particularly small ones, are forced to allow their investment to be limited by cash flow and sources of credit which are closely tied to such cash flow or to profits. It may properly be the concern of government to remove and reduce imperfections in capital markets that cause these constraints to be felt by small firms. But this is hardly true of the bulk of large American industry which accounts for the bulk of plant and equipment spending. I have devoted a major part of my career to study of the determinants of business investment and have written extensively on studies involving both interviews of business executives and fairly elaborate statistical or econometric investigation of the actual relations between business spending and the variables which might affect them. There is little or no sound evidence, I can assure you, that cash flow as such affects the long run rate of investment. What influence it or past profits have is related largely to smaller firms and perhaps, in the case of fluctuating profits, to the timing of investment. But in regard to the timing, as Dr. McCracken acknowledges, "The impact here will build fairly slowly. It takes time for these decisions of course to be changed."

The second justification for the argument that increased depreciation allowances will stimulate investment relates to the "incentive" effect or the influence or expected rate or return on investment. This argument is in principle a stronger one but the magnitude of the effect may readily be exaggerated. I have no independent calculations at this time, but we may note Dr. McCracken's estimate that the new measures "will mean roughly a percentage point increase in rate of return." However, the fact is that business investment has shown itself to be relatively uninfluenced by analogous changes in the cost of capital as measured by the rate of interest and this, as is well understood in modern economics, involves the relative magnitudes of fluctuations of expected rates of return and costs of capital. The question of how much any given change in the expected aftertax return on capital will induce a substitution to more capital intensive production is a matter of what we call the elasticity of substitution, influenced by technological as well as other considerations. The evidence is accumulating that long run substitution possibilities are significant, but far from unlimited, and that short run substitution is decidedly smaller. While in all fairness, it must be stated that the elasticity of substitution, or the expected effect from any given percentage change in expected rate of return, remains uncertain in current economic analysis, there is no agreement that the effect is likely to be large and it is interesting that, on a matter that is critical, Dr. McCracken was not prepared publicly to offer any estimates of what the effect would be. I would suggest that the best estimates would indicate that the effects, particularly in the short run, would be small, involving a considerably smaller increase in capital expenditures than the loss in tax revenues associated with the increased tax depreciation, and there are a number of studies[4] which have indicated as much.

There Are Better Ways To Stimulate Capital Investment

But what must be stated most directly is that, if the objective were to increase investment spending, economic analysis makes clear that a far more effective device, dollar for dollar of tax loss to the Treasury, would be some form of direct investment subsidy or tax credit. And here, I might add, the subsidy should be structured in such a way as to offer a maximum incentive effect rather than maximum cash flow to firms and tax loss to the Treasury. Thus, far better than the general 7 per cent tax credit for equipment spending in previous law would be a much higher tax credit, say 14 per cent or 28 per cent or even 56 per cent, restricted as far as possible to equipment spending that would not have been undertaken in the absence of the tax credit or subsidy. This might be done by applying the credit, for example, only to investment in excess of some average of previous investment (with appropriate adjustments for new firms) or to investment in excess of some per cent (probably more than 100 per cent) of depreciation charges, which are themselves as weighted average of past investment. Such a system would have the advantage, if more business investment were desired, of concentrating the rewards or tax benefits where they would really count rather than squandering the bulk of the lost tax revenues for investment which would have been undertaken anyway.

In this connection it should be stated, however, that the proposition that business investment should secure tax benefits and special encouragement is exceedingly dubious. While our tax structure is far from neutral as it stands, it is not at all clear that the whole structure of taxes, including in particular preferential treatment to capital gains, has not already distorted the free market in the direction of greater business spending for plant and equipment. Is there really a considered judgment that more spending for business equipment is desirable rather than spending in, for example, research and development, on-the-job training, or improvement of management efficiency (or even business structures)?

ADR IN EFFECT DISCRIMINATES AGAINST IMPORTANT TYPES OF INVESTMENT

But beyond this, why stimulate business equipment spending rather than investment in human capital, in education, in health, in basic research? Is it even clear that we want more plant and equipment spending, that is, accumulation of capital for the future, rather than greater private consumption or greater enjoyment of leisure or greater government investment in public goods and the general welfare? I am not one that believes that the free market, or the imperfectly free markets that we have in our economy, should never be influenced by government. But I am a firm believer in the view that government should be restrained in its intervention and should only interfere with private markets when there is a clear indication that they are not functioning appropriately and that interference in the public interest is called for. This might apply to those economic activities that involve what economists call external diseconomies, such as air and water pollution. This may also apply where capital markets are notoriously imperfect, as in the market for human capital; investment in the potential of individual human beings is frequently beyond their own means and too risky for an individual outsider. But one of the last places where I would think that government intervention, help or subsidy is called for is in the private investment decisions of the great bulk of American industry. There is no need for a handout to American industry to persuade them to do what should be in their own interest, that is have the optimal capital and investment policies for their own efficiency and profits.

BALANCE OF PAYMENTS CONSIDERATIONS DO NOT SUPPORT THE ADR SYSTEM

It is broadly hinted, although rarely systematically argued, that increased or liberalized depreciation allowances are somehow necessary to make American firms competitive with foreign firms that receive such subsidies from the public purse. This argument, I must insist is based upon a profound misunderstanding of the nature of international trade and international economic relations. In the first place, American industry is generally able to compete very well abroad. The United States has had positive net exports, that is, has exported more than it has imported in goods and services (on National Income Account) for every one of the last twenty-five years from 1946 to the present. Preliminary figures for 1970 put that surplus at $3.6 billion. In fact, despite the drain of government spending for military activities in Southeast Asia and for the support of large armed forces in foreign countries, the United States has been tending over the years to be a net investor abroad and acquirer of long term foreign assets. And if there were a problem in our balance of payments, particularly of foreign countries acquiring more in the way of American currency than they wish, the clear economic answer would be changes in the relative prices of American and foreign currencies rather than distortion of our own economy.

Inasmuch as the dollar has become the reserve currency of the world, such adjustments would essentially be undertaken by foreign countries concerned with their excessive (or deficient) accumulation of dollars. But for the economy as a whole it must always be true that as long as exchange rates are reasonably appropriate, a nation will find itself exporting those goods in which it has a *comparative* cost advantage and importing those goods at which it is at a *comparative* cost disadvantage. A tax subsidy to capital-intensive industries can only give them a comparative advantage over less capital-intensive industries. We then find ourselves not increasing total exports but exporting more of those products that receive the greatest tax subsidies, particularly capital-intensive manufacturing, and exporting less (or importing more) of less capital-intensive output such as, for example, agricultural products. The American people should not be deceived. Measures of this kind cannot help the American economy as a whole by forcing foreigners to buy an even greater excess of products from us over what they in turn send to us, for we are not likely to be able to impose this, even if it were desirable. They result ultimately in more sales by some American producers at the expense of sales by other American producers.

POSSIBLE ADVANTAGES OF ADR IN THE PUBLIC UTILITY AREA ARE LIMITED BY ACCOUNTING AND RATE-MAKING RESTRICTIONS

I might close this particular discussion by calling attention to a curious irony as well as inconsistency in Administration proposals to date. There s something to be said, where we are concerned with combating inflation as well as stimulating the economy, for tax subsidies that tend to lower costs and hence lower prices in a reasonably free market. Liberalized depreciation allowances might ultimately have some slight beneficial effect in this direction by lowerng capital costs after taxes and hence bringing down prices. Yet in the one area where this might be most likely to occur, that is in the area of public utility investment, there are restrictions on accounting and rate regulation which operate to prevent regulated utilities from passing the tax savings from liberalized depreciation on to ultimate consumers. Such restrictions prevent the operation of this price-reducing effect. Ironically such restrictions also tend to reduce the presumably desired impact on investment. For one way in which liberalized tax depreciation would encourage investment is precisely by what is called in economic theory an "output effect," that is, bringing about an increased demand and expansion as a consequence of the lower prices of final product, thus stimulating investors to acquire the increased capital to produce the increased output.

THE ADR SYSTEM IS DESTABILIZING

Finally, it may be noted that faster depreciation tends to be pro-cyclical rather than counter-cyclical. For the faster is depreciation, the greater the tax savings attributable to current and recent investment. That means that with faster depreciation, the tax savings will be greatest in boom times when investment has been high and least in recessions or depressions when investment has been low. A correct, automatic stabilizing policy would give more tax relief in recessions and less tax relief in booms. "Liberalized" or faster depreciation then has exactly the opposite effect, giving more tax relief in booms when it is not needed and less tax relief in recessions when it is needed.

CONCLUSION

It should be clear then that the current "liberalizations" of tax depreciation—coming on top of a long series of liberalizations of which the most notable were in the Revenue Act of 1954 introducing sum-of-the-years-digits and double-rate declining balance tax depreciation, in 1962 with the major revisions of estimated lives, and in subsequent years with the failure to enforce the reserve ratio test—are not in the public interest. First, they have been falsely presented as involving only a change in timing of tax payments, thus suggesting that the Treasury would lose tax revenues now but gain them back later from the affected taxpayers. Second, as a measure to increase business investment it is dubious at best, slow in its effects, and particularly costly to the Treasury in terms of the amount of increased investment which may result for each dollar of tax loss. Third, it represents a distortion in existing markets and an alteration of the distribution of income and command over resources which is particularly unjustified in view of all of the competing needs for investment in human capital, public goods, and the atmosphere in which we live. Fourth, its presumed value in terms of competition with foreign producers is fallacious; it can at best help some American producers at the expense of other American producers. Fifth, it will contribute to rather than counteract cyclical fluctuations, stimulating booms and deepening depressions.

For these reasons, the Asset Depreciation Range proposals should be withdrawn. I question whether any special equipment investment incentive is socially desirable but, if the objective is to increase investment spending, some form of direct investment subsidy or tax credit is a far more effective device, dollar for dollar of tax loss, than is the ADR proposal.

FOOTNOTES

[1] Mr. Eisner is a Professor of Economics at Northwestern University, and a Research Associate of the National Bureau of Economic Research, neither of which institutions are of course in any way responsible for the views expressed herein.

[2] The exact calculations are based upon equation (4.26) and (4.27) in the mathematical supplement to my article, "Depreciation and the New Tax Law," *Harvard Business Review*, January-February 1955. This does not take into account the change in the first year convention, the new salvage provision and the fact that equipment lives are varied rather than all equal to the assumed mean. All of these factors, as well as the fact that some firms still apply straightline depreciation, produce further tax savings, beyond our estimates.

[3] Administration spokesmen have made another logically distinct argument, however blurred in rhetoric, that the tax loss to the Treasury now will ultimately be recouped as a consequence of higher income in the

future. This is an argument that could be made for any tax cut. Its applicability here is particularly dubious because of the limited and questionable stimulatory effect of this liberalized depreciation as discussed below. To the extent that this proposal proves a substitute for other, more effective stimulatory and growth-inducing measures, it may actually still further lower future tax payments along with future incomes.

[4] See, for example, papers by R. M. Coen and by R. Eisner, "Tax Policy and Investment Behavior: Comment," *American Economic Review*, June 1969, pp. 370–379 and 379–388.

APPENDIX

The effect of the permitted speed-up in depreciation by 20 per cent (aside from the new initial year convention which represents an additional speed-up) may be more readily illustrated arithmetically by considering a switch from a five-year life to a four-year life. To do so we shall construct several numerical examples involving the very simple straight-line method as well as the more liberal and realistic sum-of-the-years digits depreciation.

Let us first assume a firm that acquires $180 of equipment early in 1971 and none in subsequent years. It should be noted readily that with regard to such acquisitions of a single year, as shown in Table A-1, four-year-life, straight-line depreciation is higher and taxes are saved for each of the first four years, but this is all cancelled out in the fifth year. With sum-of-the-years digits depreciation, tax saving occurs in only the first two years, 1971 and 1972, and there is a payback in 1974 and 1975, the last two years of the original five-year period. In both cases there is what amounts to an interest-free loan, a far from insignificant matter, but the "loan" is paid back by the end of the originally estimated period of life of equipment.

There are very few substantial firms, however, that acquire equipment in one year and then never again. Indeed such a firm could obviously not last very long. And for the economy as a whole as well as for the substantial firms that account for the bulk of spending, equipment purchase is a repeated process, perhaps fluctuating but generally considerable and, in the long run, growing. In Table A-2 we assume, however, a firm whose acquisitions are still not growing but are merely constant, year after year, at $180. With straight-line depreciation we then see tax savings, as a consequence of the speed-up of depreciation permitted in the ADR system, of $4.32 in 1971, $8.64 in 1972, $12.96 in 1973 and $17.28 in 1974. In 1975 the tax savings come to an end, in the sense that they are not repeated, but there is never any "payback," as long as equipment purchases stay constant, which implies that the firm replaces its expiring equipment. The firm has thus received tax savings of $43.20 which it keeps. There is apparently some disposition to refer to these tax savings as interest-free loans. They are indeed the most desirable kind, interest-free loans which are never to be paid back. Semantics aside, a mathematician would be hard-pressed to distinguish a permanent, interest-free loan and a pure gift.

TABLE A-1.—DEPRECIATION CHARGES FROM A SINGLE YEAR'S ACQUISITIONS, EFFECTS OF 20 PERCENT "LIBERALIZATION" OR CHANGE FROM 5 YEAR LIFE TO 4 YEAR LIFE, STRAIGHT-LINE AND SUM-OF-THE-YEARS-DIGITS DEPRECIATION. $180 OF EQUIPMENT PURCHASED EARLY IN 1971

(1)	(2)	(3)	(4)	(5)	(6)	(7)
	Straight-line depreciation			Sum-of-the-years-digits depreciation		
Year	5 year life	4 year life	Tax saving (48 percent of (3) minus (2))	5 year life	4 year life	Tax saving (48 percent of (6) minus (5))
1—1971	$36	$45	$4.32	$60	$72	$5.76
2—1972	36	45	4.32	48	54	2.88
3—1973	36	45	4.32	36	36	0
4—1974	36	45	4.32	24	18	−2.88
5—1975	36	0	−17.28	12	0	−5.76
6—1976	0	0	0	0	0	0
Sum	180	180	0	180	180	0

TABLE A-2.—DEPRECIATION CHARGES FROM A STEADY STREAM OF ACQUISITION, EFFECTS OF 20 PERCENT "LIBERALIZATION" OF CHANGE FROM 5 YEAR LIFE TO 4 YEAR LIFE, STRAIGHT-LINE AND SUM-OF-THE-YEARS-DIGITS DEPRECIATION. $180 OF EQUIPMENT PURCHASED EARLY IN EACH YEAR BEGINNING IN 1971

(1)	(2)	(3)	(4)	(5)	(6)	(7)
	Straight-line depreciation			Sum-of-the-years-digits depreciation		
Year	5 year life	4 year life	Tax saving (48 percent of (3) minus (2))	5 year life	4 eyar life	Tax saving (48 percent of (6) minus (5))
1—1971	$36	$45	$4.32	$60	$72	$5.76
2—1972	72	90	8.64	108	126	8.64
3—1973	108	135	12.96	144	162	8.64
4—1974	144	180	17.28	168	180	5.76
5—1975	180	180	0	180	180	0
6—1976	180	180	0	180	180	0
Sum			43.20			28.80

The situation is, of course, analogous for sum-of-the-years digits depreciation, although the tax loss to the Treasury totals only $28.80 for a firm buying $180 of equipment per year, the lesser amount being due to the fact that sum-of-the-years digits depreciation is already considerably more rapid, in terms of a weighted average of depreciation charges by period, than is straight-line depreciation, and hence there is less further saving available from a corresponding speed-up.

In Table A-3 we turn to a more realistic case. This is the one assumed by the Treasury analysts, in which equipment acquisitions are growing at a 5 per cent per annum rate in money terms. It is then apparent that the tax savings of the first four years are not only never paid back; they have added to them further savings in later years. Indeed, while there is a hump in tax savings (tax loss to the Treasury) during the period of transition, before any of the assets subject to ADR have exhausted their depreciation, after this period the annual tax savings resume an upward path equal to the per cent rate of growth of equipment acquisitions.

TABLE A-3.—DEPRECIATION CHARGES FROM A STREAM OF ACQUISITIONS GROWING AT A 5-PERCENT RATE; EFFECTS OF 20 PERCENT LIBERALIZATION OF CHANGE FROM 5-YEAR LIFE TO 4-YEAR LIFE; STRAIGHT LINE AND SUM-OF-THE-YEARS DIGITS DEPRECIATION

		Straight-line depreciation			Sum-of-the-years depreciation		
Year	Equipment acquisitions	5-year life	4-year life	Tax saving 48 percent of col. 4–col.3	5-year life	4-year life	Tax saving 48 percent of col. 7–col. 6)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1971	$180.00	$36.00	$45.00	$4.32	$60.00	$72.00	$5.76
1972	189.00	73.80	92.35	8.86	111.00	129.60	8.93
1973	198.45	113.49	141.86	13.62	152.55	172.08	9.37
1974	208.37	155.16	193.96	18.62	184.18	198.68	6.96
1975	218.79	198.92	203.65	2.27	205.39	208.62	1.55
1976	229.73	208.87	213.84	2.39	215.66	219.05	1.63

[From the Washington (D.C.) Post, Apr. 1, 1971]

A CURIOUS TAX BREAK

(By Don Oberdorfer)

January 11 was a dreary morning in Laguna Beach, Calif., and it was not brightened by the word from the White House press staff that the daily news briefing would be held that afternoon instead of the customary 11 a.m.

Noon on the West Coast is 3 p.m. on the East Coast—the closing hour for the New York Stock Exchange—and thus the common expectation among the reporters was that some sort of economic news was in the making, timed for release after the closing of the Big Board.

The guess was correct. At 12:20 Presidential Press Secretary Ron Ziegler turned up with Under Secretary of the Treasury Charls Walker, Deputy Assistant Secretary John Nolan and a two-page presidential statement which began, "Today I have approved three important changes in the administration of the depreciation provisions of the tax laws . . ."

The news released and the briefing by the Treasury officials was dry-as-dust, and most reporters found themselves scratching their heads and wondering what the story was all about. Now, more than two months later, more information and perspective is available. It is quite a story.

As calculated by the Treasury Department, the new depreciation rules for taxing equipment will permit corporations to "defer" paying $3 billion in U.S. taxes in the coming fiscal year and even larger sums in years to come. Since millions and billions and trillions sound pretty much alike to most of us, it is difficult to grasp what an enormous sum this is. By comparison with the $3 billion corporate tax break:

The President's welfare reform proposal to bring every family of four in America up to a minimum income level of $1,600 a year would cost $2.1 billion. This has set off a big battle in Congress and the country.

Total U.S. aid to preschool, elementary and secondary education in the coming year is budgeted at $3.6 billion.

Last year, Mr Nixon vetoed the education bill because Congress exceeded his request by $453 million and the housing bill because it exceeded his request by $514 million.

Another surprising thing about the "depreciation" tax change is that congressional action was not requested. Assistant Treasury Secretary Nolan said in an interview last week that since Congress had authorized a "reasonable" tax rebate for the obsolescence of machinery, the costly change did not need further legislation.

There is doubt about the legal authority. A 1968 Treasury study quoted "leading experts" as indicating that legislation would be required for further changes in the depreciation rules. Moreover, President Nixon's Task Force on Business Taxation, headed by a partner of Mr. Nixon's former Wall Street law firm, "strongly" recommended last fall that depreciation changes be made by legislation.

A 26-year-old 1970 law school graduate named Tom Stanton, now working for Ralph Nader's Public Interest Research Group, filed suit in federal court to force the Treasury to at least hold a public hearing before making the $3 billion-per-year tax change. The Treasury replied that it had planned to hold a hearing all along—though the Jan. 11 announcement said nothing about hearings and presented the tax changes as presidential "actions."

The public hearing is scheduled for May 3, based on written opinions from the public, which are due April 12. Assistant Secretary Nolan told me "we will listen to everybody who has something to say—I will add that it is highly unlikely we will change the concept of what we recommended."

As the Treasury sees it, the $3 billion change in tax rules is necessary to encourage the modernization of American industry to compete with other nations. According to Nolan, it was not up to the Treasury to weight this need against the possible use of $3 billion for school aid, family assistance, antipollution efforts or other purposes.

"An expenditure decision is up to Congress," Nolan seaid—but in a world of limited resources, revenue decisions are crucial to expenditure decisions.

Despite the traditional jealousy about the power of the purse, hardly a voice has been raised in Congress about the substance, procedure or impact of the Treasury-White House decision of Jan. 11, Maybe the lawmakers agree with it. Then again, maybe they don't understand it either.

[From the New York Times, Sunday, Apr. 11, 1971]

A $36 BILLION TAX BREAK

Changed depreciation rules proposed by the Administration would represent a huge tax gift to business. By the Treasury's own estimate, the liberalized write-off of capital assets, coupled with special allowances for "repair, maintenance, rehabilitation, and improvement" of eligible property, would result in a revenue loss of $3 billion in fiscal 1972 alone. Between now and fiscal 1980, the total tax break to business would amount to an estimated $36 billion.

Despite the Administration's claim that it has a clear legal right to change depreciation "tolerances," Boris I. Bittker, Sterling Professor of Law at Yale University, has filed a statement with the Internal Revenue Service challenging the Treasury's statutory authority to let taxpayers depreciate assets over so wide a range. He contends that the Treasury requires explicit Congressional authority, and that the changes amount to setting new tax rates.

The Administration's rationale for the tax give-away is that it would stimulate business spending on new plant and equipment and thus speed up the sluggish economy. But the Administration has published no estimates of how big an investment bang it expects from all those lost tax bucks. Private economists forecast that the impact on investment will be far less than the tax losses. It is foolhardy, in any event, to justify a tax give-away stretching many years into the future on the ground that the economy needs an immediate shot in the arm.

If the economy does need extra stimulation to reduce unemployment, there are better way to achieve that objective, such as increased expenditures on manpower, education, health, basic research and other programs of high social priority. If temporary stimulus through tax reduction is needed, it would be better to move up to this year the personal income tax cuts slated to take effect in 1972 and 1973.

The Internal Revenue Service has said it will hold hearings on the proposed changes before the new depreciation system is formally put into effect. There is still time for Congress to stop this outrageous tax gimmickry.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER (Mr. TUNNEY). Is there further morning business? If not, morning business is concluded.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. TUNNEY). The Chair, on behalf of the Vice President, appoints the following Senator to the Conference on Problems Relating to Environment of the Economic Commission for Europe, Prague, Czechoslovakia, May 2–15, 1971: The Senator from Rhode Island (Mr. PELL).

EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATION ACT OF 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business, S. 1557.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

S. 1557, to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes.

The Senate resumed consideration of the bill.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. PELL. On my time, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I commend the senior Senator from Connecticut for bringing before the Senate in the form of an amendment to S. 1557 the most important question of what is to be the national policy with regard to the elimination of minority group isolation in our Nation's public schools.

I believe this is a question which the Nation must consider in depth. Indeed our concern about a national policy was a major rationale in the committee action on S. 1557. This bill seeks, through a project grant program, to fund the many laudable mechanisms which may be used to integrate our schools. The committee members thought so highly of the goals of S. 1283, Mr. RIBICOFF's proposal, that section 8(a) (2) of the bill is an outgrowth of that proposal. I would refer the Senate to page 16 of the report, wherein it states:

> *2. Planning for Metropolitan Areawide Integration*
>
> Section 8(a) (2) authorizes the Commissioner to conduct a program of grants to groups of local educational agencies located in Standard Metropolitan Statistical Areas for the development of plans to reduce and eliminate minority group isolation, to the maximum extent possible, in all public schools within the Standard Metropolitan Statistical Areas. Section 8(b) (1) requires that at least one such project must be funded; however, several such plans could be funded in a variety of demographic situations. As a minimum, plans must provide that, no later than July 1, 1983, the proportion of minority group children enrolled in each public school in the Standard Metropolitan Statistical Area is at least half the proportion of minority group children enrolled in all the public schools in the Standard Metropolitan Statistical Area.
>
> The objective of section 8(a) (2) is to demonstrate the feasibility of the planning process proposed in S. 1283, a bill entitled "Urban Education Improvement Act of 1971." Funding for implementation of such a plan could be available under section 5(a).

If I were speaking not as chairman of the Subcommittee on Education, and the manager of the bill, but as an individual Senator, I would vote for the amendment before us. But as chairman of the Subcommittee on Education of the Senate Committee on Labor and Public Welfare, I believe I have a special responsibility for the basic bill pending before the Senate at this time. As has been said on the floor many times for the past 2 days, S. 1557 was arrived at after consultations and agreement with the Department of Health, Education, and Welfare and the Senators most interested in the subject matter.

If the administration supported the agreed upon bill containing provisions which it was against, I believe I should do the same and not press for anything above or over that agreement. I find myself in a difficult personal position, for while wholeheartedly supporting the goals of the amendment of the senior Senator from Connecticut, I believe my support of its addition to S. 1557 would in effect break the agreement to which I am a part. Therefore, I reluctantly must vote against the pending amendment.

In addition, excellent as the Ribicoff proposal is, I believe this bill—and I mean the basic bill—has a better chance of ultimate enactment into law if it is not encumbered with this proposal.

Finally, Mr. President, I believe the Senate must carefully consider whether it should support what is, in effect, a 14-year program, on the basis of the record which is before us. Adoption of S. 1557, unamended, could be interpreted as adoption of the first 2 years of the Ribicoff proposal, for instead of merely planning, we would be funding promising experiments along the lines of this proposal. The experience gained during the 2 years would be invaluable to the Congress as it considers future action on this vital question of national policy.

Mr. President, in this regard I understand that the administration is very much opposed to this amendment and that a letter so stating is on its way to us at this time, although I am a little disappointed that it is not yet in hand.

Mr. JAVITS. Mr. President, will the Senator yield at that point?

Mr. PELL. I yield.

Mr. JAVITS. I understand it is actually on its way and it will be available to the Senator from Rhode Island and in the Senate before we have the vote.

Mr. PELL. I thank the Senator from New York.

Mr. President, I would also add that if the Ribicoff amendment is agreed to I would ask that after House action the Senator from Connecticut (Mr. RIBICOFF) be made a conferee, inasmuch as he understands his proposal best and should be on that conference.

Finally, because of my position supporting the objectives of the Senator from Connecticut, but feeling bound by an agreement, I turn over the responsibility of the allocation of time to my colleague, the senior Senator from New York (Mr. JAVITS), if that is agreeable with him.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. PELL. I yield.

Mr. JAVITS. That is agreeable to me. I think it is a very fair and honorable thing to do.

As I seemed to be the butt of the attentions of the Senator from Connecticut yesterday in a personal way—very unusual—and as I am opposed to the amendment for the reasons I will explain to the Senate, I think it is quite appropriate I should have the time. So I will accept it and I hope to use it in a way the chairman of our subcommittee would desire me to use it, always bearing in mind the chairman is at full liberty to recapture it at any time or to take whatever time he desires in respect of the debate.

Mr. President, may I inquire as to the time that is available?

The PRESIDING OFFICER. At the moment the Senator from Connecticut has 25 minutes remaining and the Senator from Rhode Island has 97 minutes remaining.

Mr. JAVITS. I understand I have the disposition of 97 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. Mr. President, I yield myself as much time as is necessary to suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I would like to address a question, or perhaps several questions, to the Senator from Connecticut in regard to his amendment.

Mr. RIBICOFF. Mr. President, I believe the Senator from New York (Mr. JAVITS) has the floor.

Mr. CRANSTON. I was just recognized by the Chair.

Mr. PELL. Mr. President, the Senator from California had the quorum call rescinded.

Mr. JAVITS. Mr. President, who has control of the time?

The PRESIDING OFFICER. The Senator from Connecticut and the Senator from Rhode Island have control of the time.

Mr. PELL. Mr. President, is the Senator from California speaking for or against the amendment?

Mr. CRANSTON. I want to ask a question about the amendment.

Mr. PELL. On whose time?

Mr. CRANSTON. On the time of the Senator from Connecticut (Mr. RIBICOFF).

Mr. JAVITS. Mr. President, the Senator from Connecticut has little time, so, if it is agreeable to the Senator from Rhode Island, we will yield the Senator 5 minutes.

Mr. RIBICOFF. Mr. President, I thank the Senator from New York and the Senator from Rhode Island for their graciousness.

Mr. CRANSTON. My question relates to section 404, the provisions that permit some exceptions under this amendment. I am deeply concerned about the situation as it would relate to the Los Angeles-Long Beach area in the standard metropolitan statistical concept in my State, and I would like to describe briefly that area and then ask about the application of section 404 to areas like that.

The city of Los Angeles-Long Beach comprises the second largest—in population—standard metropolitan statistical area in the United States. It consists of over 4,083 square miles and contains 1,478,782 students. The area covers the entire county, which, measured from the center of Los Angeles, stretches 25 miles to the east; 30 miles to the west; 20 miles to the south; and 60 miles to the north. The county is bisected by two mountain ranges. The Los Angeles Basin where most of the population of the county lies, constitutes about one-third of the land area of the total county.

The largest minority population is Mexican American. It represents 250,000 students—17 percent of the total student population.

Blacks constitute 13.8 percent.

Orientals constitute 2.4 percent.

American Indians constitute 0.2 percent.

There are 1,671 public schools in the county.

Minority population is heavily concentrated in a few areas in the county. Otherwise distribution is in relatively small pockets.

The heavy concentration of Chicanos is in east Los Angeles; of blacks in south-central Los Angeles in such places as Watts and Compton.

To insist upon a percentage of Chicanos of 8.5 percent in every school in this area would create an intolerable burden on the Merican American community. There would be a morning exodus of thousands of Mexican American students from east Los Angeles in buses to areas as far away as Canoga Park and Chatsworth, a distance of better than 30 miles; to Long Beach and Palos Verdes, perhaps 20 miles away; or to Claremont and Pomona, perhaps 25 miles away. While there are some Mexican Americans in schools in all these areas, I doubt there are enough to make up the required Chicano population.

An equal problem would exist with the Indians in Los Angeles with a population of 3,161, to be distributed in 1,671 schools, which would require probably one Indian for each school in Los Angeles.

There would be an equally substantial need to bus young black students out of Watts into places of great distance like Glendale or west Los Angeles, or Burbank, which is 20 miles away. Burbank has a white population of 87,769 and a black population of 60. A substantial number of black students would have to be bused to make up the 7 percent. Likewise with regard to Claremont, 25 miles away, which has a white population of 22,536 and a black population of 353; and Lancaster, which is 80 miles away and has a white population of 29,958 and a black population of 544.

The specific percentage which would be required under the Ribicoff amendment would constitute extreme and unusual hardship for many schools in LA even though substantial integration can be achieved in these schools in various ways.

Because of the size, diversity, and population distribution in the SMSA, was it the Senator's intention in section 404 to make allowance for the near impossibility of applying this formula to an area like Los Angeles County?

Mr. RIBICOFF. Mr. President, may I say to the distinguished Senator from California that this is exactly what the provisions of section 404 of my amendment are intended to obviate. The Senator raises a question similarly raised by others. If he would indulge me a few minutes, I would like to explain what I mean by section 404, which I believe encompasses the problem stated by the Senator from California.

The question has been raised concerning the impact of my amendment on standard metropolitan statistical areas which have a small proportion of minority group students in the total student population or in which the geography of the metropolitan area is such that it would be extremely difficult to accomplish the specific requirements of my amendment.

For example, the distinguished chairman's Providence, R.I., metropolitan area has a total school population of almost 160,000, but a minority group school population of only 8,000.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PELL. I yield the Senator 5 more minutes.

Mr. RIBICOFF. Of these 8,000 students, 6,000 are located in the Providence central city. If the exact requirements of my amendment were to be met, it might well mean that each school throughout the metropolitan area would receive only a handful of minority group children.

It is to provide for these unusual circumstances that I included section 404 in my amendment. This section empowers the Secretary of Health, Education, and Welfare, in extreme and unusual cases, to exempt portions of the SMSA from full participation in the plan.

The section specifically states:

> In extreme and unusual cases should the Secretary determine that the size, shape, or population distribution of an SMSA would make inclusion of some parts of that SMSA in a plan unnecessary for fulfillment of the purposes of this title or excessively disruptive of the education process, he may exempt such parts from participation in the plan.

I would say, if I were Secretary, that what the Senator from California describes is exactly the situation that I have in mind, where an exemption should be permitted from participation in the plan.

In addition, the Secretary would have discretion under this section to approve an appropriate and reasonable plan for the Honolulu SMSA where several races exist with no race dominating.

The guiding principle, however, will still be the fulfillment of the purpose of the amendment—the elimination of minority group isolation in our Nation's schools. To safeguard the just and careful exercise of this power to exempt, I have required the Secretary to make any such determinations in writing, with full explanation and justification, and to make the determinations freely available to the public and the local committees established to advise on the plans developed pursuant to this amendment and their implementation.

Throughout this country we will have to consider exceptions, because of geography or population density, the extremely long distances involved, or the impact upon students. My proposal gives the Secretary authority to make exemptions, and I would say what the Senator from California describes in the Long Beach area, where distances of 80 miles are involved, is exactly what I had in mind in placing section 404 in my amendment. Section 404 covers the situation noted by the distinguished Seantor from California, but I would emphasize that this exception section is only for extreme cases.

Mr. CRANSTON. I thank the Senator very much for his explanation, which I think is very important to the consideration of this measure, I think it was very wise to include section 404 in the language of the measure. I would assume a situation like that of the Indians, where there are so few in a school, would be covered by the language, in section 404, "unnecessary for fulfillment of the purposes of this title."

Mr. RIBICOFF. That is right, because there is nothing to be gained, in that case, by the Indians or the whites, by scattering Indians one at a time around in 200 schools. It does not make sense.

Mr. CRANSTON. While the Senator has written, in section 404, language that would enable a compromise on a particular situation within this bill, where it would not apply in totality to a situation like that of the Los Angeles SMSA, at the same time, is the Senator thoroughly satisfied that he has not written a loophole that communities could wriggle through and out, where that is not the intent of the author of the measure?

Mr. RIBICOFF. I am satisfied. This section clearly states it is to be used only in exceptional cases, and cannot be used to allow a school district or an entire area to evade the requirements of my amendment. The section would apply in extreme cases like the long distances in part of the Long Beach area. The racial mixture in Hawaii and the condition in Rhode Island where there are few minority students. These are cases that have been called to my attention by fellow Senators. There may be other specific cases around the country.

That is why my proposal provides 2 years and funds to permit officials of the SMSA to place plans before the Secretary of Health, Education, and Welfare for his determination and approval. My proposal requires the Secretary to make sure that he has taken into consideration all the circumstances in deciding whether a given case is or is not extreme.

Mr. CRANSTON. I thank the Senator. He has been most helpful.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, I yield myself 30 minutes.

Mr. President, the situation which we face today has gotten itself embroiled far out of all reason, and I think that is most regrettable. Perhaps it was the fashion in other days for Senators to make personal attacks on each other's motivations, and we know of situations 100 or more years ago where one Member of the Senate even physically attacked and seriously injured another in the Senate Chamber; but I must say I was very surprised, and I felt a sense of unpleasantness, that this note should have been introduced into this debate.

I know that the Senator from Connecticut has "sanitized" the transcript, as I shall show in a minute, and I appreciate that, in the light of history, that may be a nice thing to do, but I do not think it does much good in terms of the decision of this issue.

The reason, Mr. President, that personal attacks are so disheartening, is that they tend to obscure the issue. We are here to serve the people, not to challenge each other's motives, and not to insult each other. We are here to serve the people by an elucidation, in our most honest judgment, of what is the issue before us.

I do not think it would be very productive, Mr. President, to accuse any Senator of cynicism in voting, a charge which could often be made. He is voting within the temple of his conscience, and will answer to his God. Who knows what his motivation is, or whether he is or is not cynical? I do not, and I doubt that the Senator could do so.

In addition, Mr. President, we have had some experience with legislation by epithet in this country, and we have been very ably rejecting it. It is very interesting, in terms of history, that the memory of the detractors has rarely survived the memory of those whom they attacked. My own hero in American history is Abraham Lincoln, who is the hero of so many millions of other Americans. Mr. President, he was reviled, insulted, and denigrated in debate in a way which is inconceivable in the modern context. But who remembers who called him these names, and who remembers Abraham Lincoln?

So, Mr. President—and I say what I do only because I would be less than a man if I did not say it, and for no other reason—having fought all my public life for civil rights, the statement of the Senator from Connecticut is not going to unmake me as an advocate of civil rights in the eyes of the country, my constituents, or the world. If it did, it would hardly be a world worth fighting for or living for.

That does not dismay me at all, but I do not wish it to be a red herring, a smokescreen for the purpose of influencing a great legislative body to make a decision which is unwise. I would not like to be a party to having the Senate wake up one fine day and find that it has thoroughly messed up the opportunity for bringing about a higher degree of excellence in education with something which a sympathetic press might call, in the same vein as a headline attributed to my colleague from Connecticut referred to me this morning, "Ribicoff's folly," if I could avoid it. I take no satisfaction in the fact that it might be so done.

Mr. President, so much for the personals. I should like to point out that the statements attributed to my colleagues which give rise to what I have to say in a very leading paper of the United States, the New York Times, this morning read a little differently, just enough differently to make all the difference in the world between the printed CONGRESSIONAL RECORD transcript and the statements as the newspaper reporter took them down. One statement is:

> Senator Abraham A. Ribicoff charged Senator Jacob K. Javits today with "hypocrisy" for being "unwilling to accept desegregation for his State, but he is willing to shove it down the throats of the Senators from Mississippi."

I beg Members to read the printed RECORD transcript and see whether they can find that quotation. They might find something like it, but they will not find the quotation.

Be that as it may, Mr. President, as I say, I have spent my lifetime fighting for the things I believed in, and even those who opposed me bitterly on this floor have said that there is one thing you can say about me—I will stand or fall by what I believe, even if it affects me. I have never been dissuaded or deluded by the arguments of my bitterest opponents that I was not practicing at home what I preached here. They never charged that to me personally. They may have said my State has not; they may have said my legislature has not; but they never said that I have not.

The second quotation I should like to read is this:

> I don't think you have the guts—

meaning me, says the New York Times—

> to face your liberal constituents who have moved to the suburbs to avoid sending their children to school with blacks.

When one reads that in the transcript, it reads as follows, on page 10959:

> Let me say to my distinguished northern colleagues that the reason you are unwilling to do it, and let me say it frankly, is fear of political reprisal. The question is whether northern Senators have the guts to fact their liberal white constituents who have fled to the suburbs for the sole purpose of avoiding having their sons and daughters go to school with blacks.

It is a most reprehensible charge, couched as the New York Times wrote it. And it is a rather tough charge on all the Senators who voted with me yesterday, who number some of the finest liberals in the Senate. I should like to point out also that some of the finest liberals in the Senate voted with Senator RIBICOFF. They are splendid men, who observed the highest dictates of their conscience. I do not think they are hypocrites at all, and I will defend them with my life against any such charge by anyone.

So, Mr. President, I speak only in sorrow and not in anger. I hope very much that these vestiges, this fustian kind of debate, we will be spared in this body. I would hope the record had not been cleaned up. I am sorry it had. I know that the motivation for whatever revisions were made was friendly and not unfriendly. I understand that. But I wish it had not been done, for the reasons I have stated. We learn from these passages not to play with fire, and to legislate under the cover of epithet in a free country is playing with fire. We learned it in the day of another Senator in this Chamber, only a few years ago, and I hope we will not have to learn it again.

So much for that, Mr. President. For me, it is a closed book, and I should like now to go on to the merits of the amendment offered by the Senator from Connecticut.

I am sorry that not more Senators are in the Chamber. I hope that Senators will take advantage of whatever opportunity is afforded in the short time before we vote to acquaint themselves with the details of this amendment and what it means.

I think that Senator CRANSTON, in his questioning, has put his finger on the difficulty. He may be satisfied. That is his business and the business of his State. But I should like to point out that what is an SMSA—that is, a Standard Metropolitan Statistical Area—is not only true of his part of the world but of many others as well.

In my own State of New York, for example, the range of the Standard Metropolitan Statistical Area extends from Harlem, in New York City, with its tremendous confluence of black students, to the outer reaches of Suffolk County on Long Island. At its maximum, that is approximately 140 miles away, and obviously the incidence of minority grouping there is very, very small. We all know that we are never going to pass a bill that is going to make anybody bus a child from Harlem to Suffolk. I am not arguing that. We obviously are not going to do that. But I hope Senators, when they vote, will vote on the assumption that what they are voting for will become law.

The amendment reads "in extreme and unusual circumstances," and then the Secretary may make some other disposition. Extreme and unusual circumstances, we must assume, mean what they say. They are not general circumstances. Yet, here is a partial list of the size of standard metropolitan statistical areas: Bakersfield, Calif.—this is in square miles—8,152. Phoenix, Ariz., 9,226. Dallas, Tex., 3,653. Duluth, Minn., and Superior, Wis.—which is a combination—7,591. Fresno, Calif., 5,964.

To bring it closer to home, in congested parts of the country, in my own State of New York, Syracuse, 2,421. Chicago, 3,714. Even New York City has 2,149 square miles in terms of the standard metropolitan statistical area.

Mr. President, this is not an unimportant thing, for this reason: The whole concept of the proposal of the Senator from Connecticut is based upon standard metropolitan statistical areas, of which there are 245 in the country, with this extremely broad geographical and population dispersion within each.

On the other hand, the bill which the committee has reported, which is essentially the creative result of the work of Senator MONDALE, is directed toward individual educational agencies. An individual educational agency covering a community can work out a plan subject to that bill. That is what it is all about.

It seems to me that that is an infinitely better method of dealing with the problem than the enforced automaticity for enormous ranges of area, many of which have no real relation to each other.

The only definition of a standard metropolitan statistical area is that 15 percent of the workers in any given part of that area shall work in the central core of it—to wit, the central city or cities.

That is a far cry from a basis upon which an educational plan can be intelligently premised. This one point—and I shall name a few others in the analysis which I intend to make—emphasizes something which I think the Senate has to consider very seriously in this matter. I do not want to be in the position of being against this plan, and I do not think anybody else does. There is no reason why we should be frozen into that position and paint ourselves into that corner. The fact is that this plan may have some fine things in it. We, ourselves, decided that it was well worth making a part of the experimentation which the whole bill contemplates. But to be pushed and driven into a situation where we have to vote it up or down, our feeling, my feeling, and that of many other Members, is that we really have to have a much more profound look than we have had and that we have no business jeopardizing the plan which we have come up with. I shall describe why it is apposite to our situation, because we seemingly want suddenly to go off and embrace this totally new thing. We have had very little consideration of it, aside from the eloquent and obviously convincing arguments of the Senator from Connecticut—that is, they were apparently convincing to a majority of the Senate yesterday.

The testimony of the Senator from Connecticut—and that is the only testimony on this subject that I can find before us—constituted exactly four pages of the committee hearing record, from page 409 to page 413 inclusive. We may add, if we wish—I say it is perfectly all right—the list of Standard Metropolitan Statistical Areas, which is also in the hearing record, and that constitutes in round figures 40 pages, although it was inserted because we ourselves had dealt with that concept as part of the committee bill. The justification for the plan of the Senator from Connecticut—and it is a very big and comprehensive one, not only in money but also in thrust and direction—was contained in the four pages of his testimony, period.

That is all we had.

I deeply feel that that is a pretty slim basis upon which to legislate, especially if it will jeopardize a program which has a whole volume of testimony on it, and which has been thought through and concentrated upon by us in the Education Subcommittee and by the select committee headed by the Senator from Minnesota (Mr. MONDALE), and the administration, which has been refined in negotiation, and which finally developed into the measure before us.

Now, Mr. President, let us look a little deeper into this matter. The bill before us accepts the 2 years which our program contemplates. It also accepts the concept of the planning money in that period of time. It adds planning money for 2 additional years and extends the bill for 2 additional years with a $1 billion appropriation authorization for each such year.

Again, there is no question of principle or order of magnitude in that. If the Senate wants to make it 4 years, that is the privilege of the Senate. But the concept and the fundamental basis are the same.

Then, suddenly, to have a sharp cutoff and a totally different—and this is what I shall undertake to prove to the Senate—concept involved in this approach, a really new concept, which is not only untried but will be untried by the time we get around to it, because if the concept of the bill before the Senate remains as it is for 4 years—and the concept of the amendment of the Senator from Connecticut is really different, and I think I can demonstrate that—then we will have had, at the end of the 4 years, a sharp change in direction, with no use by way of preliminary experimentation or test in any appreciable way, of the plan which will be put into effect at the end of that 4 years. That is no inconsiderable plan that we are asked to put into effect, because not only is it a 10-year plan but one which also involves $2 billion a year.

To give the Senate some idea of the order of magnitude of that $2 billion, the appropriations already passed by the other body for fiscal year 1972 aggregate $1,937,218,000. That sum includes the major elementary and secondary education programs for which the United States gives support except for impacted areas aid program which is roughly on the $600 million order of magnitude, and vocational education assistance, which is roughly on the $550 million order of magntiude. It includes the handicapped, the educationally disadvantaged aided under title I of ESEA, supplementary education centers, library resources, dropout prevention, strengthening State education departments, bilingual education, and planning and evaluation.

But even the aggregate, even if we put in the impacted areas aid and the vocational training aid, that is a total of about $3 billion. The Ribicoff plan would take $2 billion of that, or at least try to add that, in order to do what it seeks.

I point out another thing which is critically important, and I hope Senators will not omit realizing it, that there is a big penalty contained in the Ribicoff amendment if a school district does not actually carry out what the bill says it should carry out. If it cannot or will not, then it loses all educational support from the Federal establishment. That is a very clear provision in the Ribicoff amendment. That is designed, of course, to make it unprofitable not to comply with this measure and not to do what the measure dictates. But, nonetheless, the penalty is a great one and a real one, considering the orders of magnitude of the money involved, both in the plan and in the Federal educational funds which could be lost.

Also, Mr. President, I think it is essential to show a list of the various types of funds which are included under this heading of Federal support for local educational agencies. There are some 48 of them. I ask unanimous consent to have the list printed in the Record.

There being no objection, the list was ordered to be printed in the Record, as follows:

Local educational agencies, under section 601 of the Ribicoff amendment, could lose Federal educational funds under the following programs:

1. Machine Tool Loan to Educational Institutions—PL 883 (80th Congress).

2. Bilingual Education (Title VII, ESEA).

3. Civil Rights Technical Assistance and Training (Title IV of Civil Rights Act).

4. Dropout Prevention (Sec. 807, ESEA).

5. Educational Classroom Personnel Training—Earl Childhood (Part C of Education Professions Development Act).

6. Educational Classroom Personnel Training—Special Education (Part C of Education Professions Development Act).

7. Educational Personnel Training Grants—Career Opportunities (Part D of Education Professions Development Act).

8. Educational Research and Development—General Education (Project) Research—Cooperative Research Act.

9. Educational Research Dissemination—ERIC System—Cooperative Research Act.

10. Educational Research Training—Cooperative Research Act.

11. Educational Staff Training (School Personnel Utilization)—Part C of Educational Professions Development Act).

12. Educationally Deprived Childern (Handicapped)—PL 89-313.

13. Educationally Deprived Children (Local Educational Agencies)—Title I ESEA.

14. Follow Through—Economic Opportunity Act. Title II.

15. Foreign Languages and World Affairs (Language and Area Research)—Title VI of National Defense Education Act.

16. Fulbright-Hays Training Grants (Foreign Curriculum Consultants)—Mutual Educational and Cultural Exchange Act, Section 102(b)(6).

17. Handicapped (Research and Demonstration)—Mental Retardation Facilities and Community Mental Health Centers Construction Act, Title III.

18. Handicapped Early Childhood Assistance—Handicapped Children's Early Education Assistance Act, Section 2.

19. Handicapped Innovative Programs (Deaf-Blind Centers)—Title VI–C, ESEA.

20. Handicapped Media Services and Captioned Films—PL 85–905.

21. Handicapped Physical Education and Recreation Research—Mental Retardation Facilities and Community Mental Health Centers Construction Act.

22. Handicapped Preschool and School Programs—Title VI–A, ESEA.

23. Handicapped Regional Resource Centers—Title VI–B, ESEA.

24. Handicapped Teacher Recruitment and Information—Title VI–D, ESEA.

25. Research and Development (Arts and Humanities)—Cooperative Research Act, as amended by Title IV, ESEA.

26. School Assistance in Federally Affected Areas (Maintenance and Operations)—PL 874.

27. School Library Resources, Textbooks, and Other Instructional Materials—Title II, ESEA.

28. Strengthening School Administration (Training Grants)—Sections 521–528 and 531–533, Education Professions Development Act.

29. Supplementary Education Centers and Services—Title III, ESEA.

30. Teacher Corps (Operations and Training)—Part B–1, Education Professions Development Act.

31. Trainers of Teacher Trainers—Part C, Education Professions Development Act.

32. Upward Bound—Title IV–B, Higher Education Act of 1965.

33. Vocational Education (Curriculum Development)—Vocational Education Amendments of 1966, Title I, Part I.

34. Vocational Education (Planning and Evaluation)—Title II, Vocational Education Amendments of 1963.

35. Vocational Education (Innovation)—Part D, Title I, Vocational Education Amendments of 1968.

36. Education Personnel Development (Urban/Rural School Development) Part D, Title V, Education Professions Development Act.

37. Educational Personnel Development (Media Specialists)—Part C, Education Professions Development Act.

38. Educational Personnel Development (Pupil Personnel Specialists)—Section 531–533, Education Professions Development Act.

39. Child Development (Technical Assistance)—Economic Opportunity Act of 1964.

40. Transfer of Indian School Properties—PL 47.

41. Disposal of Federal Surplus Real Property—Federal Property and Administrative Services Act of 1949, as amended.

42. Donation of Federal Surplus Personal Property—Federal Property and Administrative Services Act of 1949, as amended.

43. National Archives References Services—44 USC chapter 21.

44. National Audiovisual Center—44 USC 2110.

45. Library of Congress Publications—2 USC 136.

46. Physical Fitness Demonstration Center Schools—Executive Order 11398, March 4, 1968.

47. Educational Services, Elementary and Secondary Education—Act of Congress approved August 10, 1846, 20 USC 41 et seq.

48. Smithsonian Publications—Act of Congress approved August 10, 1846, 20 USC 41 et seq.

Source: Catalogue of Federal Domestic Assistance (Education Section) Compiled for the Executive Office of the President by the Office of Economic Opportunity.

Mr. JAVITS. Mr. President, it seems to me that a key issue is the practicality of the utilization of the SMSA's as the basis for administering a plan to help end school segregation and racial isolation and the basic approach, in terms of education, of the bill itself on the one hand and the Ribicoff amendment on the other.

I have already pointed out the real paucity of the evidence which we have on the plan which is being proposed to us by way of amendment in terms of the amount of evidence taken on the opportunity for those who were for and those who were against, to elucidate their views, other than debate here on the Senate floor.

Mr. President, as to the SMSA's, I should like to add one further point. Three States have no SMSA's at all, and unless something is done about it they would not even receive funds under the Ribicoff amendment. The States are: Alasaka, Vermont, and Wyoming. They have no SMSA's at all.

The situation in Hawaii has already been referred to. That entire State is constituted as one local educational agency. So, in that respect, it would not differ from the basic bill which we have before us as to the differences in concept and approach between the two measures.

The committee bill, incidentally, Mr. President, is the result of the work and personal efforts expended over a very considerable period of time of the chairman of the committee and of the Senator from Minnesota (Mr. Mondale). Indeed, my only role of any consequence in the matter was in the effort to work out a bill which could get us the money and, at the same time, do the job in view of the fact that the administration had sent up in its budget $1.5 billion, which we certainly wanted for this purpose. I worked with essentially the materials which were available from the committee staff, acting under the Senator from Rhode Island (Mr. Pell) and the ideas of the Senator from Minnesota (Mr. Mondale). This was the stuff out of which I did my utmost to bring about agreement.

Mr. PELL. Mr. President, will the Senator from New York yield right there?

Mr. JAVITS. I yield.

Mr. PELL. As chairman of the Subcommittee on Education of the Senate Committee on Labor and Public Welfare, I should like very much to reexpress my thanks for the very fine efforts of the Senator from New York. He has a singular facility for leaving his mark on legislation, particularly in attempting to mesh opposing or different ideas with somewhat of an intellectual systems approach, he finds the common denominator brings about agreement.

The committee kept in mind what happened in the closing days of the last Congress when we had a good bill, though not as good as this one, and it failed. This time we believed that what was needed was a good bill that would have the support of a majority of the Members of the Senate and the administration and therefore one which would not fail.

I think this is the kind of bill that emerged from our subcommittee and full committee.

A point that should not be lost sight of is, that the committee by a vote of 16-to-0 ordered the bill reported. That unanimous vote indicated the views of the committee in support of the bill.

Mr. JAVITS. Mr. President, I am very grateful to the Senator from Rhode Island for that statement. I hope it will be borne in mind that is why I was so dismayed by the fact that my own good faith was attacked yesterday, and, I feel, unnecessarily.

I hope we must bear in mind that we have failed once with this bill. Those of us carrying the responsibility must have this matter clearly before us. We are making every effort not to fail again.

So, when it did appear that the bill was being weighted down with a totally new plan which involved large sums of money and proceeded on a different set of principles than the ones we had in mind, I hope it will be understood why I felt in all due conscience that I should defend our action. That is why I do that at this time.

I repeat again that this is not a matter of refusing to have an open and sympathetic mind to any other plan. However, I do not see what we gain by legislating another proposal now when we will not carry it out for 4 years. Yet we will weight this bill down and could get nowhere in the other body and might face a Presidential veto. I, as a ranking minority member, along with the other members of the committee, will be more than glad to take the matter into the most serious consideration with a view toward legislating on it.

There is plenty of time to put it into effect, and perhaps even sooner than it would be put into effect if this proposal were to become law now.

This is the only essential basis for my opposition.

The difference in the approach of the Mondale and the administration combination proposal and the pending amendment is, as I have already stated, that the grants in the committee bill are to single rural and urban local educational agencies for the most part rather than a combination of such agencies in metropolitan areas alone in all cases. The committee bill provides for a very material amount of money that is earmarked and must be used for educational purposes.

There would be 3 percent set aside for educational television; 3 percent for bilingual education. There would be 15 percent of the State allocation fund for local groups like parent groups, so that they can have an impact on education in their communities. As the Senator from Minnesota pointed out, they can have a pot of money which they can utilize to affect the educational process in their particular educational district.

Then there is 1 percent provided for evaluation. Quite apart from the question of counsel fees—which is a controverted matter under question by the Dominick amendment, but the remainder is allocated among the States going toward the concept of the desegregation idea which the administration had in its bill and which was in the Mondale bill.

Of that amount, 15 percent is expressly authorized for organizations, other than local educational agencies as I have pointed out. That is again to provide flexibility in the handling of the educational process. And overall there is a requirement in every local educational agency which is dealt with, that there is to be at least one stable integrated school.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I yield myself an additional 10 minutes.

Mr. President, that stable integrated school idea is absolutely omitted from the pending amendment. To me, it is the most required form of contribution which can be made to the whole process of ending racial isolation.

It is the key concept of the Senator from Minnesota. It is not mine. But I find myself in the strange position of being its protagonist on the floor of the Senate.

The concept is to have at least one model school in every area which is aided. In other words, it is a part of the idea of educational excellence rather than the strict concept of reducing the amount of racial isolation. That is what is dealt with in the pending amendment. So the second big point is that there is an earmarking for various purposes which I have described, including bilingual education.

The third proposition is that there is a major required contribution to educational excellence on the concept that this raises the whole level of education in every one of these districts which is helped, ever though that district cannot meet the very special standards regarding racial isolation which will be mandatory under the Ribicoff proposal.

The third aspect which makes it very different is the abstraction of compensatory education.

The committee bill provides sums of money for agencies other than educational agencies in order to compensate for many of the deficiencies in education found in ghetto schools.

Again, all of these things can conceivably represent money which may be used under the concept of the Ribicoff proposal. However, there is no assurance or requirement that it will be done.

The only requirement is a rather simplistic one of reduction of racial isolation.

We in the committee do not feel that means everything. We feel that we are trying to attain a higher level of educational excellence. We feel that many schools will sustain a heavy impact unless they bus children for hundreds of miles—members of minority groups, and we have a lot of them.

So, the whole approach, the whole concept, the whole basic principle of the bill is very different from the basic concept or approach of the Ribicoff proposal.

Mr. President, for all of those reasons, I think it would really be ridiculous for me to affirm at this stage of my life—considering the number of struggles I have engaged in here in respect of civil rights and equal opportunity—my own judgment on the subject except to say that from my profoundest conviction, we would not be acting properly if we risked or jeopardized this bill by hanging on such an enormous new proposal, one that is completely unnecessary because in itself it contemplates 4 years during which no more will happen than would happen under our bill.

We allow in the committee bill money for this kind of demonstration, a plan which could be envisioned under the Ribicoff proposal. There is no organized opposition to this.

The Senate has no right to feel that all has to be done "now or never." Quite the contrary, we have given evidence that we will go into the matter. We are not dismayed by what has occurred here. We have great confidence that we will get the most good out of it.

But it seems to me most improvident to abort that whole process and everything we have done in the last 2 years.

It is very interesting to me that the select committee of the Senator from Minnesota (Mr. MONDALE) has a year to go and we gave it money for this purpose. I refer to the Select Committee on Equal Educational Opportunity. If the Senate votes for this amendment today, it would be cutting off the work of that committee. That is a reason why I consider it highly improper and, therefore, why, notwithstanding my deep devotion to this cause, I believe the cause would be aborted, harmed, and jeopardized, rather than helped, if we were to take this action.

I am not talking in the remotest about other than the highest motivation, but I think we would be unwise to take this course. The day may come, and no one would be happier than I, and I will try to do my part, but to do it today would be unwise.

Mr. GRIFFIN. Mr. President, will the Senator from New York yield for a brief comment?

Mr. JAVITS. I yield.

Mr. GRIFFIN. Mr. President, I wish to commend the distinguished Senator from New York for his statement, and I want to ally myself with him. He has always been in the vanguard of the long struggle to provide equal opportunity for people of all races, and he has been particularly diligent in the field of education.

I think that he is exhibiting great courage here today. Legislating is the art of the possible, and he wants to be certain we have an emergency school aid measure, a measure which we were unable to pass in the last Congress, even without these encumbrances.

Without casting aspersions on the motives of any of my colleagues, I want to say that anyone familiar with the process of legislating knows there are various ways to kill a bill. One of the most effective is to amend a bill to death, to laden it with so many amendments that it will not survive the steps of the legislative process.

That is not to say, as the Senator from New York has pointed out, that there is no merit in the amendment of the Senator from Connecticut; there is much to recommend his proposal. But it is a big step, one that should be carefully considered on its own merits, separately from this measure.

It now threatens the life of the emergency school aid bill which we should pass as quickly as possible. We need the act to insure assistance for those school districts that are moving ahead, voluntarily or under court order, toward racial balance. Then we can move on to other steps and the consideration of other measures.

So I wish to stand with the senior Senator from New York who, in so many instances, has been out in the front of this battle. I have followed him before and I intend to follow him today.

Mr. JAVITS. How very kind of the Senator. I am very grateful. I might tell my colleague that I would not be for this measure if I did not think it would materially advance the cause of bringing about higher educational excellence, which I think is the first consideration, the desegregation of the schools, and the accomplishment of our goal of compensating, where we cannot do anything else, the education of those who have been dispossessed.

Mr. President, there is one other point I wish to cover. Many figures have been quoted here about the number of districts which have desegregated in the South and the number of districts which have desegregated in the North, the litigations which have been instituted in the South and the relatively small number which have been instituted in the North, West, and so forth. The charge has been made that this represents discrimintion or hypocrisy.

Mr. President, these laws which we are passing are universally applicable. There have been suits everywhere and there will be more, but I do not believe it is in the interest of our Nation to obscure, to cover over, or to induce us to try to forget that in a great section of this country there was a built-in social order and law which violated the Constitution of the United States for decades.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. JAVITS. Mr. President, this endeavor to gloss that over, to make us forget about it, to make us feel we are the guilty ones, that we are persecuting our brethren, is to simply shut one's eyes to the facts of history. I do not think anyone in this body needs to be a bit backward with respect to that claim. Our brethren in the South have every right to be proud of the progress they have made and we have every right to be proud that we helped to make it.

I do not know anyone trying to bail out the North or the West who is a civil rights advocate, who fought the battle, and made the South do what it is doing. There are many things the South might want that we might not like. There are many things, for example, about public housing, which the Presiding Officer (Mr. SPARKMAN) knows about. But we are not seceding from the Union and we are not accusing our southern brethren. We cannot forget that a great national injustice had to be corrected; and it is in the process of correction. Glory be. But let us not gloss over and make people forget the facts in order to win an argument on what is going to happen in the future.

I do not know what the Senate will do but I hope that whatever it does it does in the depth of conscience and in an honest effort to achieve the result which I believe is in the greatest interest of the country, which is to bring about excellence in education, and to support those who have been separated through violations of the law.

The PRESIDING OFFICER. Who yields time?

QUORUM CALL

Mr. PELL. Mr. President, I suggest the absence of a quorum to be charged equally to both sides.

Mr. RIBICOFF. I object. I have only 25 minutes remaining. I believe the other side has 40 minutes.

Mr. JAVITS. Mr. President, if the Senator will yield to me, how much time do we have remaining?

The PRESIDING OFFICER. The Senator from Connecticut has 25 minutes remaining and the Senator from New York has 37 minutes remaining.

Mr. JAVITS. I wish to inform the Senator from Connecticut that we will yield time within our capability, if he is short.

Mr. RIBICOFF. Actually, with 25 minutes remaining I would like to reserve my time toward the end of the debate. A number of Senators have asked for time. As far as I personally am concerned I expect to take only 1 or 2 minutes. I would rather save my time to be used close to the voting hour, which is 1:30 p.m.

The PRESIDING OFFICER. The Chair observes that, no one having yielded time, the time now being consumed is charged equally to each side, and that will be the case until someone yields time.

Mr. JAVITS. Mr. President, I ask unanimous consent that a quorum may be called and that the time may be charged equally to each side.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, informed the Senate that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 4724. An act to authorize appropriations for certain maritime programs of the Department of Commerce; and

H.R. 5352. An act to amend the act to authorize appropriations for the fiscal year 1971 for certain maritime programs of the Department of Commerce.

HOUSE BILLS REFERRED

The following bills were read twice by their titles and referred, as indicated:

H.R. 4724. An act to authorize appropriations for certain maritime programs of the Department of Commerce; and

H.R. 5352. An act to amend the act to authorize appropriations for the fiscal year 1971 for certain maritime programs of the Department of Commerce; to the Committee on Commerce.

EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATION ACT OF 1971

The Senate continued with the consideration of the bill (S. 1557) to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes.

Mr. PELL. Mr. President, I suggest the absence of a quorum, and request unanimous consent that the time run against both sides equally.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I yield 5 minutes to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, it is a matter of grave concern that the proposed Ribicoff amendment to the education bill has become the subject of emotional charges that becloud the basic issue.

Some supporters of the Ribicoff proposal seem to overlook the fact that it permits postponement of school desegregation until 1983. Perhaps 1984 might have been a better date, although both dates are atrocious, in my opinion. This means that, in addition to the 17 years that have elapsed since the 1954 decision, there would be another 12 years in which footdraggers and obstructionists could think of new schemes to prevent the inclusion of all children into a desegregated school program. It should also be noted that there is no clear showing that the Ribicoff proposal would get at the most troublesome of all problems—namely, the segregation in schools located in racially isolated areas. Unfortunately, these are the places where the poor children are concentrated. On its face at least, the Ribicoff amendment seems to open the way for a plan of desegregation that will tolerate more than a decade to bring the white middle-class schoolchildren and the black middle-class schoolchildren together and, in addition, will consign the black poor children to segregated schools indefinitely.

The landmark decision of the Supreme Court on yesterday, April 20, 1971, reaffirmed our conviction that there are orderly ways of achieving the elimination of racial segregation in public schools.

While we have no interest in reopening ancient exacerbations such as the time of the 1860's, we must point out that no amount of talk about hypocrisy in the North can excuse the studied and effective southern exclusion of black children from integrated schools in that region.

These decisions also remind us that, while there is segregation throughout the country, it is only in the South that the total power and machinery of State legislative bodies and the courts have been used to perpetuate an unconscionable system of racial separatism. The Supreme Court has again said this is unconstitutional and that they mean it.

Because we have had the benefit of extensive and faithful consideration of school desegregation problems through the Mondale-Javits committee's exploration, as well as the careful consideration of the Senate Committee on Labor and Public Welfare, I earnestly hope that Members of the Senate will support S. 1557, the bill reported by the Senate Committee on Labor and Public Welfare, but excluding the Ribicoff amendment.

Up to this point, I should say that I have paraphrased the statement by Mr. Clarence Mitchell of the NAACP.

I would add that the addition of approximately $10 billion in cost to a $1.5 billion bill will also make it untenable, in my opinion, in the other body, perhaps in conference, and very likely in the eyes of the administration, although I do not at this time undertake to speak for anyone but myself. I certainly would be surprised if the administration could accept a bill with the Ribicoff amendment in it.

I sincerely hope that we will get away from the emotion which seems to have swept through the Chamber yesterday and approach this matter from a rational and logical standpoint, which is to get the best legislation possible and to avoid reliance upon emotional reactions, which, indeed, most of us share, because I think that de facto segregation in many ways is fully as bad as de jure segregation.

Mr. President, I ask unanimous consent to have the complete text of Mr. Mitchell's statement printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF NAACP ON THE RIBICOFF AMENDMENT

(Submitted by Clarence Mitchell, director of the Washington Bureau, NAACP)

It is a matter of grave concern that the proposed Ribicoff amendment to the education bill has become the subject of emotional charges that becloud the basic issue.

Some supporters of the Ribicoff proposal seem to overlook the fact that it permits postponement of school desegregation until 1983. This means that, in addition to the 17 years that have elapsed since the 1954 decision, there would be another 12 years in which footdraggers and obstructionists could think of new schemes to prevent the inclusion of all children, into a desegregated school program. It should also be noted that there is no clear showing that the Ribicoff proposal would get at the most troublesome of all problems, namely, the segregation in schools located in racially isolated areas. Unfortunately, these are the places where the poor children are concentrated. On its face at least, the Ribicoff amendment seems to open the way for a plain of desegregation that will tolerate more than a decade to bring the white middle class school children and the black middle class school children together and, in addition, will consign the black poor children to segregated schools indefinitely.

The landmark decision of the Supreme Court on yesterday, April 20, 1971, reaffirmed our conviction that there are orderly ways of achieving the elimination of racial segregation in public schools.

While we have no interest in reopening the Civil War, we must point out that no amount of talk about hypocrisy in the north can excuse the studied and effective southern exclusion of black children from integrated schools in that region.

These decisions also remind us that, while there is segregation throughout the country, it is only in the south that that total power and machinery of state legislative bodies and the courts have been used to perpetuate an unconscionable system of racial separation. The Supreme Court has again said this is unconstitutional.

Because we have had the benefit of extensive and faithful consideration of school desegregation problems through the Mondale-Javits Committee's exploration, as well as the careful consideration of the Senate Committee on Labor and Public Welfare, we earnestly hope that members of the Senate will support S. 1557, the bill reported by the Senate Committee on Labor and Public Welfare, including the amendment to provide for attorneys' fees in school desegregation cases.

Mr. SCOTT. I thank the distinguished Senator from New York for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. RIBICOFF. I yield 5 minutes to the distinguished Senator from Kentucky.

Mr. COOPER. Mr. President, yesterday I voted to table the amendment of the distinguished Senator from Connecticut. I did so, frankly, because a rather cursory examination made it appear to me that it was too burdensome an addition to the pending bill, which had been worked out very conscientiously in the committee under the leadership of Senator PELL and Senator JAVITS. Also, I considered that cases were before the Supreme Court which, upon their decision, would throw light on the issue of both de jure and de facto discrimination. Now the Supreme Court has rendered several decisions, and I think it clear that they deal only with de jure discrimination—that is, discrimination in the South.

Senator RIBICOFF's proposal, as I understand it, offers a procedure to develop a process to deal with de facto integration throughout the country. Time is given for planning. Time is given to local bodies to implement planning. Time is provided for the application of court review. I think it a reasonable and fair amendment, and I shall vote for it.

In making this decision, I want to be clear that I do not derogate the work of the committee, under the leadership of Senator PELL. Particularly, I want it to be known that I hold Senator JAVITS of New York as one of the great leaders in past years, since World War II, in the battle against discrimination of all kinds, and as a great and constructive legislator in this field. I have had the opportunity to work with him on every civil right issue since 1954, and we have joined in many bills and amendments. But I shall vote for the amendment of Senator RIBICOFF for these reasons:

First, I do not believe that the tensions over civil rights and discrimination in this country, particularly in relation to the schools, will be ended until they are applied uniformly throughout the country. Although the South has borne the chief burden for its discrimination in the past, it should not be made forever the only object of these laws. It has been forced to remove some discrimination and, in many areas, the South is working voluntarily.

Second, and this, to me, is very important, I do not see how the quality of education can be elevated substantially until the issue of discrimination is settled nationally.

The loss of quality education which obtains throughout the country is not wholly the fault of discrimination. There are poor and disadvantaged whites as well as blacks—people of varying nationalities who suffer because of their different cultural and language background, as well as some, as in my own State, who, because of the lack of motivation in the family, remain outside the opportunities of our educational system.

I am concerned that the quality of education must be raised throughout the country—for, if it is not, then I cannot see that many of the great problems which affect us today will be solved.

The pending bill is a fine effort and it does have provisions in it which attempt and will, I hope, raise the quality of education.

But I come back to my central issue, that racial tensions will not end until we deal with the question of discrimination throughout the entire country.

Thus, it seems to me, the Ribicoff amendment makes a fine start. It is not conclusive. It does not attempt to decide everything immediately, but it does set in motion a process which may lead to the solution of racial discrimination and tensions throughout the country. He deserves our support.

Mr. President, I have here a very fine statement made by the Honorable Clarence Mitchell, director of the Washington Bureau of the NAACP, whom I have known for many years and for whom I have great admiration; but I must disagree with one sentence in his statement and its reasoning. It reads:

> On its face at least, the Ribicoff amendment seems to open the way for a plan of desegregation that will tolerate more than a decade to bring the white middle class school children and the black middle class school children together and, in addition, will consign the black poor children to segregated schools indefinitely.

That would be true, if the Ribicoff amendment applied to the South only. It applies to those areas in our Nation not covered by existing law, where no legal progress applies, so no time is lost by its provisions. In fact, time is gained.

As I see it, there is nothing in the pending bill, there is nothing in the way, so far as the decisions of the Supreme Court are concerned, which lead to the end of discrimination totally throughout the country. I think it logical, fair and just, to support this effort to apply law uniformly throughout the Nation on the issue of discrimination.

Mr. RIBICOFF. Mr. President, I thank the distinguished Senator from Kentucky for his remarks.

Mr. President, may I inquire of the Chair to let us know how much time remains to both sides.

The PRESIDING OFFICER (Mr. STEVENSON). The Senator from Connecticut has 8 minutes remaining and the Senator from New York has 20 minutes remaining.

Who yields time?

Mr. JAVITS. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 3 minutes.

Mr. JAVITS. Mr. President, I have heard with the greatest interest the statement of my colleague from Connecticut, with whom my relations have always been the very best, and for whom I have a depth of affection which is really quite important to me in my own life.

I hope very much that all Senators will, by now, believe that we should strip this issue of any personal relationship to it. I do not feel involved, in that sense.

The Senator from Kentucky is kind to think of it, that I would never have felt I was involved in any personal sense in what happens on this amendment, where it could have the rather unfortunate impression that was gained from yesterday's debate. I hope that has been laid to rest. I have no personal feeling whatever about the outcome. So we can lay that absolutely aside. I respect the Senator, as always, whatever may happen in the vote on the amendment.

Mr. President, I should like to point out the meaning of the Supreme Court decision upon which he based his change of position—if it be a change—although I assume even an affirmative vote for tabling would not have prevented the amendment bringing up something else. It is important to estimate what the Supreme Court's decision means.

To me, it means precisely the opposite of what it means to the Senator from Kentucky.

I think that all the Court has done is to lay out what the Federal Government considers to be its province. It does not in any way forceclose educational agencies or States from the direction of education, which is their province. I think that is right.

The court, in my judgment, has been on the liberal side in saying that busing is entirely permissible as a means for carrying out a constitutional mandate.

One of the great problems with the approach of the Senator from Connecticut (Mr. RIBICOFF) is that it is one-way busing that will take place; that is, busing from the slums and the ghettos to the outer reaches of the Standard Metropolitan Statistical Areas.

It is inconceivable that we would bring in children, in my case, from Suffolk County, 140 miles away, into Harlem any more than the other way about, as I have pointed out. So this is one of the reasons why Clarence Mitchell of the NAACP is against the amendment, because they realize that it is patronizing in its conclusion.

An interesting point—I have just been handed this, and I think it is fascinating—when the Senator from Connecticut (Mr. RIBICOFF) put in his bill originally, it rated a top-flight, leading editorial in the Washington Post on December 7, 1970.

This is what the editorial had to say, in part:

> It rests on the Senator's too casual (we think) dismissal of the de jurede facto distinction and results in a proposal which—no matter how benign and well-intended its goal—makes race *as such* the basis of governmental actions affecting citizens, the criterion by which government decides certain issues directly affecting their fate.

Then it goes on to say:

> But Senator Ribicoff's school bill would legitimatize race as a proper basis for governmental distinctions among its citizens to a degree and an extent not contemplated before. It thus brings us face to face with the really hard question that was bound to appear at about this point in the national effort to remedy old (and current) racial injustices: namely whether in the interest of remedying those injustices, of doing right by people to whom the nation has done grievous wrong, we should permit the concept of race to be reinstated in law as a relevant, if not overriding, factor in the way government may treat individual citizens. We believe the answer is: no.

Mr. President, therefore, I thoroughly concur with Mr. Mitchell that if we adopt this amendment and it becomes law, it will materially slow down our whole effort to bring about desegregation of the schools and educational excellence and, where we cannot do anything else, compensatory education.

It is for those reasons that the Supreme Court decision, in my view, only reaffirms and emphasizes the fact that it would be improvident to adopt this whole scheme now.

Mr. DOMINICK. Mr. President, will the Senator from New York yield me 5 minutes?

Mr. JAVITS. Mr. President, how much time remains to me?

The PRESIDING OFFICER (Mr. STEVENSON). Fifteen minutes remain to the Senator from New York.

Mr. JAVITS. I yield 5 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 5 minutes.

Mr. DOMINICK. Mr. President, this particular amendment proposed by my friend, has aroused a lot of emotion, which I personally can understand. After all, the Senator from Connecticut (Mr. RIBICOFF) represents the State where I was born and brought up, and I know of his deep feeling about this particular matter. The issues have been pretty much beclouded by some of the emotional statements that have been made.

First of all, we have a lot of difficulty with the matter. I have great difficulty with Senator RIBICOFF's amendment as it prevents, in my opinion, the applicability of Federal funds to help southern areas in trying to comply with the court orders and court rules and with voluntary compliance regulations which have been agreed to between the Justice Department and the various school districts in the States involved. To document this statement I refer to the April 21 letter from my good friend and legislative director of the National Association for the Advancement of Colored People, Clarence Mitchell.

It seems to me, in addition, that the amendment goes far beyond what the Supreme Court said yesterday in the four cases which it decided, because those cases did not refute the de facto de jure distinction. They specifically said that these decisions were not designed to apply to those areas where residential housing patterns had created a situation which made it difficult or almost impossible to comply with a quota system within each school within each school district.

If we added the Ribicoff proposal, we would be going further than the Court said. We would be writing such a requirement into law.

I also suggest that a good deal of the funds that are involved are not going to be allocated to a great number of different States.

For example, let us take Montana, particularly eastern Montana. Eastern Montana probably does not have a metropolitan statistical area containing 50,000 people. Under the Ribicoff proposal, what is provided for Indians that are in eastern Montana or North Dakota or western Colorado? As I understand it they would not qualify for funds as they are not within a standard metropolitan statistical area.

Mr. ERVIN. Mr. President, would the Senator yield for a question?

Mr. DOMINICK. I would be happy to yield on the Senator's time.

Mr. ERVIN. I have not any time.

Mr. DOMINICK. Then, I am afraid that I cannot yield. I am limited to 5 minutes' time. I apologize to my friend, the Senator from North Carolina, for not being able to yield.

I think it is extremely significant that when we move around this broad, vast Nation of ours, if we were to put into effect an amendment which has not had generally detailed hearings, which had not had an analysis made as to how it would apply State by State, which will not come into effect at the earliest until 1974, which costs more than $22 billion in terms of money under the general tax funds, when we do not know how it will work, since what we are trying to do is to get the funds to enable the school districts to comply with the court orders, it seems to be a very great mistake for the Senate to adopt this amendment at this time.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. RIBICOFF. Mr. President, how much time remains to each side?

The PRESIDING OFFICER. The Senator from Connecticut has 8 minutes remaining. The Senator from New York has 10 minutes remaining.

Mr. JAVITS. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 3 minutes.

Mr. JAVITS. Mr. President, I take this time, though I think the debate has been very thorough in elucidating the respective contentions, to read a letter which I have just received. The letter was written on behalf of the President. It is from the Secretary of HEW, Elliot Richardson.

Mr. PELL. Mr. President, is that the letter that the administration was to send to me as chairman?

Mr. JAVITS. The Senator is correct. I would be grateful if the Senator would do this. It is really his function.

Mr. PELL. No. The letter was written to the Senator from New York.

Mr. JAVITS. I am reading this letter for the first time to the Senate.

Mr. President, the letter reads as follows:

> On behalf of the President, I would like first to thank you for your very constructive role in bringing about the understanding out of which came the emergency school aid legislation now being debated. This legislation would provide funds urgently needed to assist school districts, both North and South, in carrying out desegregation plans and providing quality integrated education.
>
> While I know we both share the view that the same desegregation policies should be even-handedly applied in all sections of the country, it is important to emphasize that the pending bill and the Ribicoff amendment pursue widely different approaches. The bill provides affirmative support for desegregation; the amendment would attach a new sanction to schools which fail to meet a specific timetable in desegregating. The pending bill has been the subject of extensive hearings in both Houses of the Congress, has had very careful consideration, and embodies the accommodation of many views; the amendment has been the subject of testimony only by its sponsor and has had no comparable consideration.
>
> As you so effectively stated on the Senate floor yesterday afternoon, moreover, adoption of this amendment could well undermine the compromise achieved on the bill itself. This would be a tragic result for the many school districts throughout the Nation which are depending on passage of the bill for much-needed assistance for their desegregation efforts.
>
> There is, in any case, ample time to give proper consideration to the Ribicoff measure if it is not precipitously adopted at this point on the Senate floor. By its own terms the Ribicoff amendment's Federal fund cutoff provisions would not become effective until July 1, 1975.
>
> Therefore, while I can appreciate the concern which underlie the Ribicoff amendment and while we in the Administration have no less a desire to achieve even-handed desegregation policies in all parts of the country, I believe that it would be a serious mistake under the present circumstances for the Senate to combine a two-year, $1.5 billion emergency program with a ten-year, $20 billion long-range program.
>
> We greatly appreciate the efforts to this end that you have already made and hope that your colleagues will join you in this position.
>
> With kindest regards,
>
> Sincerely,
>
> ELLIOT RICHARDSON,
> *Secretary.*

Mr. RIBICOFF. Mr. President, I yield 5 minutes to the distinguished Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 5 minutes.

Mr. CRANSTON. Mr. President, I have been laboring under the mistaken idea that the SST vote was the toughest vote I would come up against in my career. My good friend, the Senator from New York, has rudely shattered my illusion.

I will not take the time of the Senate or my own to say why this is true and why it is such a tough decision. The reasons are well known to all Senators.

I want to say to my good friend, the Senator from New York—for whom my admiration is virtually limitless and with whom I have worked on this committee—that I am always reluctant to differ with him because I greatly respect his judgment.

The Supreme Court yesterday fixed new school integration requirements on the South only.

I agree with the senior Senator from Connecticut and the junior Senator from Mississippi that the fine distinctions between de jure and de facto integration and segregation are of no importance to the children of our land.

The Senator from Mississippi has said:

> In the South we will live with any pattern and try to make it work that is applied to other areas of the country beyond the South.

I have the hope and faith that Senators from the South will not turn on this bill and defeat it if Senators from the North, East, and West seek in all good faith a national pattern, not a southern sectional solution.

I will support the Ribicoff amendment. I believe that the amendment will ease the situation in the South. I believe its adoption can move us toward a nationwide resolution of our most tragic, heartrending, divisive domestic issue. I know the Ribicoff amendment is not perfect and that it has not been heard in detail by the committee; but there is time to perfect it and one of its virtues is that it calls for a year-by-year and stage-by-stage approach over a good many years, leaving ample time to perfect its imperfections.

If I am wrong and the Senator from New York is correct about the parliamentary consequences, if the Ribicoff amendment kills the Mondale bill, that need not end the struggle. There is time in the session to find another vehicle for the very fine proposal of the Senator from Minnesota in the pending bill and to find a way to bring it before the Senate for action in its original form.

For these reasons I hope very much that Senators will support the amendment of the Senator from Connecticut.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I suggest the absence of a quorum, the time to be charged equally to both sides.

Mr. RIBICOFF. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Connecticut has 4 minutes remaining and the Senator from New York has 6 minutes remaining.

Mr. JAVITS. Mr. President, with all respect, I think the time is too short for a quorum call. I think we should wind up the debate. If the Senator from Rhode Island (Mr. PELL) is willing, I would be glad to yield 1 minute to the Senator from Connecticut so that each side will have 5 minutes remaining.

Mr. PELL. That is agreeable.

Mr. RIBICOFF. I shall not need 5 minutes. I have ample time.

Mr. President, the issue here is a very simple one. Since 1954 we have been trying to eliminate dual school systems in this country. By a series of decisions yesterday the Supreme Court of the United States once and for all has struck down the dual school system in the South. I agree with this series of decisions of the Supreme Court.

However, we have dual school systems in the North, and these dual school systems are separate but unequal. While we have been inveighing against conditions in the South for the last 17 years and have been insisting that the South move faster and faster, the North has been retrogressing until the South has reached the situation today where they have more school integration than the North.

I think the issue here is a very simple one. We have a double standard in the United States. Shall we continue to insist on integration in the southern States only, or shall we have integration in the northern States, as well? I do not see how this country can unify, how this country can solve its deep problems, or how this country can prevent apartheid in America until the North, too, moves toward integration.

This vote comes down to whether we in the northern section of our Nation are willing to accept for ourselves the same standards we insist upon for the South. As far as the senior Senator from Connecticut is concerned I personally believe we should have the same standards in the State of Connecticut as we have in the State of Mississippi or in the State of Alabama, and that is why I support and will vote for the Ribicoff amendment.

The PRESIDING OFFICER. All time of the Senator from Connecticut has expired.

Mr. JAVITS. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, if the issue were as stated by the Senator from Connecticut he would be correct. Although his amendment, in my opinion, is not going to accomplish what he wants to accomplish, he would be correct in terms of trying to do something different than we are doing in the committee bill. But that is not the issue.

The fact is that the policy and practice are precisely the same North and South with respect to de jure segregation, which has been ruled upon by the courts as being in violation of the Constitution. The United States does not wish to run educational systems in the United States which establish therein the same kind of cognizance of de facto segregation.

We in the North are not guilty of the same thing which the people in the South have been guilty of for so long in anywhere near that order of magniture, and in my opinion, it is distorting the facts to say so.

Where there is not official action there is not violation of law. I thoroughly subscribe to the policy that we should end racial isolation, but to equate that with considered governmental action for the segregation of students is to delay segregation where the law demands that it end, it confuses the entire issue, and it submerges the issue, as this amendment would submerge it, in an enormous way which would drown what is good without reference to what is bad.

Clarence Mitchell of the NAACP—the people whose ox is being gored—that is what they think and told us.

While I am more than in favor of any legislation dealing with racial isolation, and that is what we do in this bill, I do not believe it fair to gloss this whole matter over, to paper it over with the charge that the situation is the same in districts which are violating the law as in districts which are not violating the law. Therefore, the remedy for the former proposition is going to defeat them both. That is what I argued with respect to the Stennis amendment and it is what I argue with respect to this amendment.

Finally, the Ribicoff amendment will not be effective for 4 years. In the meantime, the plan we have in this bill will be in effect. Why commit ourselves and jeopardize ourselves at this time when it serves no purpose except the forensic of being able to say that a Senator said he was contributing a lot of money 4 years from now upon a plan which may then be completely obsolete and wrong? The Committee on Appropriations will tell us that whatever is decided now will be contingent upon the situation in the future.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. PASTORE. As I understand the Senator, Mr. Clarence Mitchell opposed the Ribicoff amendment.

Mr. JAVITS. He did, and I have the document here and I have placed it in the record.

Mr. PASTORE. I thank the Senator.

Mr. CRANSTON. Mr. President, I am proud to be a cosponsor and firm supporter of what I think is one of the most significant education measures ever to come before the Senate—Senator MONDALE's "Emergency School Aid and Quality Integrated Education Act of 1971." Many Senators are convinced that minority group isolation, in all its aspects, is strongly detrimental to our entire educational system. More positively, we recognize that, while much has been done to reduce this isolation, we are far from our goal.

The pending bill can make enormous strides for us. It is a recognition by Congress that an integrated, quality education is vital to every child. It conforms fully to the spirit and intent of the President's own observations on the importance of integrated education. It reinforces and fulfills the hopes of our most innovative national leaders in education. And it gives us some very specific ways in which we can build upon our general, mutual commitment.

I have been specifically interested in the provisions of the bill that relate to bilingual, bicultural education. Of over 4 million children in the California public schools, 1 million are members of minority groups. I bring up these statistics not to prove the importance of this measure to encourage and provide for equal educational opportunities for the minorities in my State. I mention them because they raise a larger issue, which Senator MONDALE's bill deals with, and that is that we must not only see to it that minorities and majorities mingle, but that they begin to understand, from individual points of view, the cultural, and ethnic heritages of which we must not be simply aware, but truly proud.

In working with this bill in committee, Senator MONDALE was joined not only by me, but also by the distinguished Senator from New York (Mr. JAVITS) in solidifying and strengthening the bilingual, bicultural curriculum provisions. Along with the Senator from Rhode Island (Mr. PELL), chairman of the Education Subcommittee, we worked to make sure that the bill's language contained sufficient attention not only to building bilingual, bicultural curriculums, but in seeing to it that emphasis was placed upon the importance of training teachers and ancillary personnel to implement the curriculums developed.

I firmly believe in this bill and I strongly urge its passage by the Senate.

Mr. PEARSON. Mr. President, yesterday I voted against tabling the Ribicoff amendment because I felt that this amendment should be brought to a vote on its own merits. As we all know, a tabling motion often clouds the merits of the issue being tabled.

Also, Mr. President, I am in sympathy with the goals of the Stennis amendment, which calls for a uniform national policy with regard to school desegregation—both in the North and in the South, both de facto and de jure segregation.

But the implementation of such a policy is a highly complicated and extremely difficult problem. After careful consideration of all aspects of the Ribicoff amendment—the purpose of which I heartily applaud—I have concluded that its approach is not one which should be adopted by the Senate without more careful investigation. No hearings have been held on this amendment, and, while the Senate has discussed it for 2 days, I believe it is necessary to have more "in-depth" study before it is enacted.

I shall oppose the Ribicoff amendment for this reason.

Let us stick to the provisions of the committee bill, S. 1557. Let us build at this time on what progress has already been made. Let us not risk the chance of endangering the passage of the bill itself by the adoption of this amendment.

Step by step, let us proceed in an orderly fashion, which, to my mind requires more thorough study of this approach.

Mr. MUSKIE. Mr. President, it is now over a decade and a half since the historic Supreme Court decision of Brown against Board of Education which ordered the elimination of State enforced separation of races in public schools. Since that decision, we have come a long way in eliminating segregation in our schools. But we have not come far enough.

There has been substantial progress in the South over the past few years in moving beyond a token level and toward the elimination of dejure segregation in school systems. This has been a sweeping social change for that part of the country, and because of that, it has been extraordinarily difficult. But this had to be done to eliminate segregation by law.

The South is moving meaningfully against school segregation by law. There remains the even greater problem in large metropolitan areas in the North and South which have large segregated communities which frequently consist of blacks living in the inner city surrounded by a ring of white suburbs. By and large, this segregation has not been caused by law. It is segregation caused by a variety of historical forces including residential patterns and the reactions and attitudes of private individuals.

School segregation in the North caused by circumstances, rather than by law, must be ended just as segregation by law must be ended. A democratic society whose major premise is the equality of man must give each individual an equal opportunity to achieve his potential in that society. In education, that must mean that each child has an opportunity to obtain a quality education and, when quality education requires it, an integrated education.

I believe our society and our Government must develop and enforce those programs which bring an end to segregation in the North as well as in the South. There can be no regional hypocrisy. We have one such program before us today, and that is the emergency school aid and quality education act of 1971. This bill provides $1.5 billion between the date of its enactment and July 1, 1973 to deal with the problems arising out of minority group isolation in public schools due to de facto segregation. The major part of these funds are directed to programs that establish and maintain quality and integrated schools and that reduce and eliminate minority group school isolation.

This legislation is a major step forward in developing the kind of tools and momentum needed to end de facto racial segregation. It is the result of long and detailed study by the Senate Select Committee on Equal Educational Opportunity and has involved the participation of experts on schools and social problems inside and outside the Government. I support this bill without reservation. The Senate should do nothing that would endanger the passage of this bill.

Of course, this bill offers only financial incentives to develop ways of overcoming racial isolation in schools. It does not offer a deadline. It offers a carrot, but no stick. This is not enough. We need legislation to provide integration in the North that contains a national commitment to end racial isolation by a certain date. Such legislation should be drawn so that it requires moves in the direction of wise and healthy plans for integration, and so that it does not further divide our people or drive children to private schools, because of inflexible rules. It should have a deadline. And it must contain the flexibility to conform to the peculiarities of local needs. Just as in the South, where court decision in school desegregation cases have emphasized the need to fashion integration plans to local problems, so too in the North we must allow communities to use local variations to comply with federally established principles to end racial isolation in public schools.

Before the Senate now is an amendment offered by the Senator from Connecticut. It is the Urban Education Improvement Act of 1971 that was introduced earlier this year. It would require wide scale integration in metropolitan areas according to a single mechanical formula. Each school in a broad metropolitan area would be required to enroll in each school one-half of the percentage of minority group members that live in that metropolitan area. Thus, if the population of the metropolitan area is composed of 40 percent minority group students each school in that area would be required to enroll 20 percent minority group students.

There have been no hearings on this amendment nor has it received widespread attention from private and public experts. So it is difficult to predict exactly what effects this would have on our metropolitan areas. At the least, the amendment will not improve the quality of education of inner city schools, for funds provided are directed solely to the efforts toward integration. Yet even under this proposal, a large number of inner city students will have to continue to rely upon inner city schools for their education. Indeed, if an overwhelming percentage of minority group members lived in the inner city, about one-half of the minority children will still have to depend upon obsolete and ineffective school systems for their education.

Nor does this bill respect the wishes of many black inner city residents to shape the kind of education their children receive.

Another aspect of this bill which I find deeply troubling is the inevitable widespread one-way busing that would be required to fulfill its integration goals. The most obvious way to meet the requirements of this legislation would be to bus black children from the inner city into suburban schools. I do not think it wise to pass legislation such as this which will inevitably result in such heavy use of busing, as opposed to other techniques of integration such as magnet schools, educational parks and the construction of schools inbetween segregated communities. There are more likely and useful ways to lessen racial isolation in our schools resulting from de facto segregation.

In spite of the serious difficulties which I have with the Ribicoff amendment, I believe it deserves support. Its passage by the Senate will still allow time for its amendment and improvement in the House of Representatives. It would represent a commitment by the U.S. Senate toward ending racial isolation in our school systems. Such a commitment is necessary if we are ever to solve the problem of racial isolation; such a commitment is necessary to demonstrate to the Nation that the Federal Government will apply principles of racial equality fairly throughout the entire Nation; and such a commitment is necessary if we are to retain the hope in black Americans that equal opportunity is still a goal of America.

In its historic report on racial division in our society, the Kerner Commission made these trenchant observations on education and racial isolation:

> In an atmosphere of hostility between the community and the schools, education cannot flourish—new links must be built between the schools and the communities they serve—while each community should determine the appropriate desegregation technique we believe substantial Federal assistance should be provided.

The amendment which is before us today, represents an approach consistent with the Kerner Commission's wisdom.

Mr. TAFT. Mr. President, the Ribicoff amendment instead of squarely facing the problems of segregated housing and unequal job opportunities, would shuffle school children back and forth across an entire Standard Metropolitan Statistical Area—SMSA—in an attempt to achieve racial balance at any cost in time, education, or other hardship. I question whether this is either practical or desirable.

True it is that segregation cannot be allowed to be perpetrated by transportation patterns, but the Ribicoff amendment might require school children to be bused across an entire SMSA if that were to achieve the necessary racial balance. One SMSA, San Bernardino-Riverside-Ontario covers 27,295 square miles and is larger than the State of West Virginia. It is little comfort that section 404 of the amendment would permit the Secretary to exempt parts of an SMSA from participation in the plan. The fact is, we are talking about taking young children great distances from their neighborhoods into communities quite remote from their own.

Almost every community within an SMSA has its own school board with its own budget, and its own tax levies. Under this amendment, would people in one community be taxing themselves to educate students from another community, while their own students are sent elsewhere for schooling? Would a community raise local tax dollars to support schools if its own students may be required to go into another school system for their education? How anomalous it is that this amendment would enlarge educational districts at the very time when the trend is the other way and neighborhoods such as Ocean Hill-Brownsville, want to have more localized control over their schools.

The Supreme Court has quite properly ruled that we must strike down every last vestige of racial discrimination and segregation brought about by governmental action. The Court has quite properly approved busing as one procedure which may be employed toward that objective. But to dictate racial balance throughout the schools of an entire metropolitan area, while desirable, could be very unwise. I believe that the Constitution must be colorblind but use of quotas could be emphasizing differences in some circumstances where, in the interest of all affected, the community should be forgetting them.

I have long supported and worked for fair housing legislation because I believe that integrated neighborhoods could help eliminate the present abyssmic prejudice between ethnic groups in our society. There should be no privilege in America allowing any person to discriminate on account of race, color, religion, or national origin against another's equality of opportunity. Racial discrimination in housing has had and still has that effect. The American principle of equality of opportunity for each individual and family calls for ending the discrimination that is principally responsible for the lack of available decent housing for blacks. In my judgment, fair housing, economic opportunity, and careful location of public schools can be effective ways to achieve the vital objective of desegregation in many communities. Transportation patterns can help as the Supreme Court has just noted but not within the inflexible strictures of the Ribicoff mold.

I share the dream of the day when we will have a thoroughly integrated society. In my judgment integrated housing has a real chance of succeeding where we bring together people of both races who have approximately the same economic means. Whites and blacks can and do live together in harmony. The problem is simply where poor blacks or poor whites are injected into a more affluent neighborhood. With integrated neighborhoods Americans can become racially colorblind, in education and in other endeavors as well. I believe that the cost of racial understanding will suffer a great blow by a calculator approach to the racial numbers game.

Will children become oblivious to race if they know that they are heading across town in one bus while children of another race are heading in the opposite direction to comply with mathematical racial equilibrium? I think not.

Mr. JAVITS. Mr. President, I am prepared to yield back the remainder of my time.

The PRESIDING OFFICER. Two minutes remain before the vote.

Mr. MANSFIELD. Has all time been yielded back?

Mr. JAVITS. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. MANSFIELD. Mr. President, I

suggest the absence of a quorum, not to go beyond the hour of 1:30.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the vote on the pending amendment, the distinguished Senator from Colorado (Mr. DOMINICK) be recognized, and that, instead of 2 hours on the amendment, there be 1 hour, the time to be equally divided between the Senator from Colorado, sponsor of the amendment, and the manager of the bill or whomever may be designated by him.

Mr. JAVITS. Mr. President, how about amendments to the amendment?

Mr. MANSFIELD. And 10 minutes for amendments to the amendment.

Mr. MONDALE. Mr. President, I would like 2 or 3 minutes to make a personal statement following this vote, before that time starts.

Mr. MANSFIELD. How much time does the Senator want?

Mr. MONDALE. Five minutes.

Mr. MANSFIELD. Mr. President, 5 minutes to the Senator from Minnesota, and then the Senator from Colorado to be recognized.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The yeas and nays have been ordered on the amendment of the Senator from Connecticut (Mr. RIBICOFF), and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ERVIN (when his name was called). On this vote I have a live pair with the distinguished Senator from Oklahoma (Mr. HARRIS). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withhold my vote.

The rollcall was resumed and concluded.

Mr. BYRD of West Virginia. I announce that the Senator from Louisiana (Mr. LONG), the Senator from Wisconsin (Mr. NELSON), and the Senator from West Virginia (Mr. RANDOLPH) are necessarily absent.

I further announce that the Senator from Florida (Mr. CHILES), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Washington (Mr. MAGNUSON) are absent on official business.

I further announce that, if present and voting, the Senator from Louisiana (Mr. LONG) and the Senator from West Virginia (Mr. RANDOLPH) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT) is absent by leave of the Senate on official business.

The Senator from Tennessee (Mr. BROCK) is absent on official business.

The Senator from Kansas (Mr. DOLE), the Senator from Oregon (Mr. PACKWOOD) and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from South Dakota (Mr. MUNDT) and the Senator from Texas (Mr. TOWER) would each vote "nay".

The result was announced—yeas 35, nays 51, as follows:

[No. 43 Leg.]

YEAS—35

Allen
Anderson
Baker
Bayh
Bellmon
Brooke
Case
Church
Cook
Cooper
Cranston
Eastland
Ellender
Fulbright
Gravel
Hart
Hatfield
Hughes
Humphrey
Inouye
Jackson
Kennedy
Mansfield
McClellan
McGovern
Metcalf
Mondale
Montoya
Moss
Muskie
Ribicoff
Sparkman
Stennis
Tunney
Williams

NAYS—51

Aiken
Beall
Bennett
Bentsen
Bible
Boggs
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Cotton
Curtis
Dominick
Eagleton
Fannin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hartke
Hruska
Javits
Jordan, N.C.
Jordan, Idaho
Mathias
McGee
McIntyre
Miller
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Roth
Saxbe
Schweiker
Scott
Smith
Spong
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Weicker
Young

PRESENT AND GIVING A LIVE PAIR AS PREVIOUSLY RECORDED

Ervin, against.

NOT VOTING—13

Allott
Brock
Chiles
Dole
Harris
Hollings
Long
Magnuson
Mundt
Nelson
Packwood
Randolph
Tower

So Mr. RIBICOFF's amendment was rejected.

Mr. JAVITS. I move to reconsider the vote by which the amendment was rejected.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized.

Mr. MONDALE. May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

Mr. PELL. Mr. President, I request order in the Senate.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD of West Viriginia. Mr. President, may we have order in the Chamber and in the galleries?

The PRESIDING OFFICER. Senators will please take their seats.

Mr. BYRD of West Virginia. Will the galleries be in order, Mr. President?

The PRESIDING OFFICER. The guests of the Senate in the galleries will please maintain order.

PERSONAL STATEMENT

Mr. MONDALE. Mr. President, I rise following this last vote on the Ribicoff amendment because I would like to make some personal observations about one of America's great citizens, the senior Senator from New York (Mr. JAVITS).

In the more than 6 years that I have had the privilege of serving in this body, I have become more and more impressed by both his energy and his genius. I have come to admire, even far more, his total and selfless dedication to the cause of human justice and decency.

This week the Senate is considering an educational program to establish quality integrated schools through this land. The legislation before us, I believe, is a remarkably sophisticated, sensitive, and courageous proposal. It is so, in large measure, because of the efforts of the senior Senator from New York.

Mr. BYRD of West Virginia. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MONDALE. I doubt very much that this measure could have been developed and be brought before us in the Senate without Senator JAVITS' wisdom and understanding of the legislative process and without his great commitment to the cause of civil rights and equal educational opportunity.

Mr. President, I would like order.

Mr. BYRD of West Virginia. Mr. President, the Senator from Minnesota is entitled to be heard.

The PRESIDING OFFICER. The Senate will be in order. Senators will please take their seats and refrain from conversation.

Mr. MONDALE. Mr. President, to put it bluntly, there is no Member of this Congress, indeed, no American, whom I consider more completely, compassionately, and truly dedicated to the cause of human rights and to the cause of an integrated society.

Senator JAVITS' record requires no defending by me or anyone else, and I am certain that the civil rights leadership in this country and the millions of people across this land for whom they speak share my admiration and respect for his contribution in this field.

But there is a special personal reason why I rise to speak on this point today. The pending legislation was the product of a compromise reached in good faith among many of us on this side of the aisle, the leadership on the other side of the aisle, including Senator JAVITS, and representatives of the present administration. Without Senator JAVITS' leadership in initiating the compromise between two versions of this legislation that were pending before the Labor Committee, we would not be here today.

Indeed, it is uncertain whether any legislation could have been brought to the Senate without his leadership. He, Senator PROUTY, Secretary Richardson, Commissioner Marland, Senator PELL, and many others, in good faith, worked out this excellent measure that is now before us.

I support the present bill with enthusiasm. I support it because it is one of the most important human rights and human development measures to be recommended in this body in a long time.

This legislation can fulfill a major commitment to achieve equal and open education for our Nation's children on the integrated basis which is essential if we are to have a healthy, open society.

I have supported Senator RIBICOFF's proposal which is designed to provide a metropolitan approach to the problems of education in our large cities and suburbs. I have cosponsored Senator RIBICOFF's bill and I have supported his amendment to this bill, because I believe it is right. Believing that as I do, I could not do otherwise.

Senator RIBICOFF's amendment is not a part of the difficult bargain which we hammered out, although one section of the present bill does provide for programs that will encourage multidistrict cooperation, metropolitan area planning, and the establishment of education parks. I do not recall that during the discussion with Secretary Richardson, Senator JAVITS and I specifically discussed the Ribicoff proposal.

But in any event, I say to the Members of this body that the senior Senator from New York has courageously and at considerable risk to his own reputation, upheld his strong belief that he is only keeping faith with the compromise that was reached. I know he does not oppose, but indeed enthusiastically supports, a metropolitan approach to integration of our schools. I know that because he helped us develop the creative provisions which are in the bill reported by the committee.

What concerns me, however, is that his integrity has been challenged and his position has been characterized as evidence of less than a complete commitment to an integrated society. I believe this to be undeserved.

What we have seen in this Chamber is an honest difference of opinion, not over substance, but over the best way to achieve the goal which we all share.

Let me just close by saying that while the senior Senator from New York is not a Member of my party, it is with special feeling and with deep personal admiration for his unselfish commitment to human rights and human justice in his home State of New York and throughout this Nation, that I make these remarks today.

The PRESIDING OFFICER (Mr. TAFT). The 5 minutes of the Senator from Minnesota have expired. Under the previous order, the Senator from Colorado (Mr. DOMINICK) is now recognized.

Mr. JAVITS. Mr. President, will the Senator from Colorado yield? May I have 2 minutes to reply?

Mr. DOMINICK. I am happy to yield to the Senator from New York.

Mr. JAVITS. Mr. President, I am deeply moved. I am also a little embarrassed. However, I am very grateful to the Senator from Minnesota. He is a big man in many ways. Although he and I did not vote the same way on the Ribicoff amendment, that really is not important. What is important is that he feels as he does about my character, which is deeply touching and moving to me.

I can only tell him one thing, that I hope and pray my children will cherish what he has said today and that it will be an inspiration to them, not only today but also in the future.

We will work this out. We will even satisfy the distinguished Senator from Connecticut (Mr. RIBICOFF). But the ultimate values which reside in our relations as high-powered Senators is what makes life worth living.

The distinguished Senator from Minnesota (Mr. MONDALE) has ennobled it a little bit for me today, and I thank him very much.

Mr. MONDALE. Let me say in reply, that I have worked with the distinguished Senator from New York on the problems of hunger, on the problems of health, and on many other human rights problems, and I have come to admire deeply not only his talents but also his tremendous commitment.

I have made this somewhat emotional statement of my views because I believe that my deep feelings should be made a part of the public record.

Mr. President, I yield the floor.

Mr. McCLELLAN. Mr. President, I voted for the Ribicoff amendment, because of the double standard being followed and practiced by our Government on the issue of integration of our public school systems in this country.

Notwithstanding my vote for the Ribicoff amendment, I oppose and continue to oppose forced integration. Nevertheless, I am also vigorously opposed to law and court decisions and administrative actions that discriminate against my State—that penalize it and other Southern States—while applying a different policy and standard of equity so as to favor the States of the East and the North, States that now have far more segregation in their public schools than we have in the South.

The hypocrisy that is being practiced against the South today, the holding it up to scorn and ridicule, while refusing to enact and to enforce laws to require the same degree of integration in all sections of the Nation, makes a mockery of justice and constitutes a serious reflection on the integrity of our Government.

Mr. President, I simply voted for the Ribicoff amendment as a protest against this discrimination and hypocrisy, and to demonstrate my conviction that our Federal Government should be just and that its decisions and judgments should be fair and equitable between the several States and all of the people. I shall continue to protest and oppose these despicable practices.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

PROPOSED INTERNATIONAL DEVELOPMENT AND HUMANITARIAN ASSISTANCE ACT OF 1971—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. TAFT) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

On September 15, 1970, I proposed a major transformation in the foreign assistance program of the United States. My purpose was to renew and revitalize the commitment of this Nation to support the security and development objectives of the lower income countries, and thereby to promote some of the most fundamental objectives of U.S. foreign policy.

Today, I report to you on the progress of the last seven months in effecting that transformation and ask the Congress to join me in taking the next creative step in our new approach—the reform of the United States bilateral assistance program.

To achieve such reform, I am transmitting two bills—the proposed International Security Assistance Act and International Development and Humanitarian Assistance Act—and announcing a number of actions which I intend to take administratively. Taken together, they would:

—Distinguish clearly between our security, development and humanitarian assistance programs and create separate organizational structures for each. This would enable us to define our own objectives more clearly, fix responsibility for each program, and assess the progress of each in meeting its particular objectives.

—Combine our various security assistance efforts (except for those in Southeast Asia which are now funded in the Defense budget) into one coherent program, under the policy direction of the Department of State. This would enable security assistance to play more effectively its critical role in supporting the Nixon Doctrine and overall U.S. national security and foreign policy in the 1970s.

—Create a U.S. International Development Corporation and a U.S. International Development Institute to replace the Agency for International Development. They would enable us to reform our bilateral development assistance program to meet the changed conditions of the 1970s.

—Provide adequate funding for these new programs to support essential U.S. foreign policy objectives in the years ahead.

THE IMPORTANCE OF FOREIGN ASSISTANCE

U.S. foreign assistance is central to U.S. foreign policy in the 1970s in three ways:

First, we must help to strengthen the defense capabilities and economies of our friends and allies. This is necessary so that they can increasingly shoulder their own responsibilities, so that we can reduce our direct involvement abroad, and so that together we can create a workable structure for world peace. This is an essential feature of the Nixon Doctrine.

Second, we must assist the lower income countries in their efforts to achieve economic and social development. Such development is the overriding objective of these countries themselves and essential to the peaceful world order which we seek. The prospects for a peaceful world will be greatly enhanced if the two-thirds of humanity who live in these countries see hope for adequate food, shelter, education and employment in peaceful progress rather than in revolution.

Third, we must be able to provide prompt and effective assistance to countries struck by natural disaster or the human consequences of political upheaval. Our humanitarian concerns for mankind require that we be prepared to help in times of acute human distress.

THE NEED FOR REFORM

We cannot effectively pursue these objectives in the 1970s with programs devised for an earlier period. The world has changed dramatically. Our foreign assistance programs—like our overall foreign policy—must change to meet these new conditions.

In my September special message to the Congress I spelled out the major changes in the world which require new responses. Let me summarize them here:

—Today the lower income countries are increasingly able to shoulder the major responsibility for their own security and development and they clearly wish to do so. We share their belief that they must take the lead in charting their own security and development. Our new foreign assistance programs must therefore encourage the lower income countries to set their own priorities and develop their own programs, and enable us to respond as our talents and resources permit.

—Today the United States is but one of many industrialized nations which contribute to the security and development of the lower income countries. We used to furnish the bulk of international development assistance; we now provide less than half. The aid programs of other countries have grown because they recognize that they too have a major stake in the orderly progress which foreign assistance promotes, and because their capabilities to provide such assistance have grown enormously since the earlier postwar period.

—Today the international institutions can effectively mesh the initiatives and efforts of the lower income countries and the aid efforts of all of the industrialized countries. We can thus place greater reliance on such institutions and encourage them to play an increasing leadership role in the world development process.

Our ideas on the reforms needed in the world of the 1970s have evolved significantly since I received the Report of my Task Force on International Development, chaired by Mr. Rudolph Peterson, and since my special message of last September, as the result of our own deliberations and our further consultations with the Congress, the business community and many other sectors of the American public, and our friends abroad. Before spelling out a new blueprint for our bilateral assistance program, however, I wish to report to you on the gratifying progress achieved since last September in reorienting our assistance policies.

PROGRESS TOWARD REFORM

First, the Congress in December passed supplemental assistance legislation for FY 1971 which represented a major step in implementing the security assistance component of the Nixon Doctrine. This legislation authorized additional funds for military assistance and supporting economic assistance for countries in which the U.S. has major interests and which have convincingly demonstrated the will and ability to help themselves—including Israel and Jordan in the Middle East and Cambodia, Vietnam and Korea in East Asia.

Such support is necessary to carry out one of the central thrusts of the Nixon Doctrine—moving us from bearing the major responsibility for the defense of our friends and allies to helping them achieve an increasing capability to maintain their own defense. This increase in security assistance enables us to continue to reduce our direct presence abroad, and helps to reduce the likelihood of direct U.S. military involvement in the future.

Second, the international development institutions have continued their progress toward leadership in the international development process. For example:

—*The World Bank* continues to increase the size and improve the effectiveness of its operations. It also has decided to broaden the scope of its lending beyond the traditional financing of projects to the provision of funds to support overall development programs in appropriate circumstances, and it is developing an improved internal evaluation and audit system.

—*The United Nations Development Program* has initiated a reorganization to improve its administration. In time this will enable it to assume a leading role in coordinating the international technical assistance effort.

—*The World Health Organization* has effectively guided and coordinated the worldwide effort to cope with the present cholera epidemic in Africa.

Third, the industrialized countries have now agreed on comparable systems of tariff preferences for imports from the lower income countries. The preferences plan is a major step in the crucial international effort to expand the export earnings of these countries, and hence to reduce their reliance on external aid. The European Community has indicated that it plans to put its tariff preferences into effect on July 1, and Japan has announced that it will do so before October 1.

Fourth, there has been satisfying progress toward achieving the untying of bilateral development loans on a fully reciprocal basis. This action will enhance the value of economic assistance to recipient countries, and eliminate the political frictions which tied aid now causes. Virtually all of the industrialized countries have agreed to the principle of untying. Details of a system offering suppliers of all participating countries a fair and equitable basis for competition are now being worked out in the Organization for Economic Cooperation and Development.

Fifth, I have established a Council on International Economic Policy, which I chair, to coordinate all aspects of U.S. foreign economic policy, including development assistance. It will provide top-level focus for our policies in this area, and accord them the high priority which they require in our foreign policy for the 1970s.

I am heartened by this progress, but much more remains to be done:

—I again urge the Congress to vote the additional funds which I have requested for the Inter-American Development Bank and the Asian Development Bank.

—We will shortly transmit legislation to authorize the U.S. contribution to the doubling of the resources of the International Development Association, the soft-loan affiliate of the World Bank, which stands at the center of the network of international financial institutions, and I urge the Congress to approve it.

—We are working with others to help establish a soft-loan window for the African Development Bank.

—We will shortly transmit legislation to authorize U.S. participation in the system of generalized tariff preferences for developing countries, and I urge Congress to approve it.

THE NEW U.S. BILATERAL ASSISTANCE PROGRAM

The next major step is the reform of the U.S. bilateral assistance program, incorporated in the proposed International Security Assistance Act and International Development and Humanitarian Assistance Act.

Our new bilateral assistance program must achieve several objectives. It must:

—Clearly identify our distinct aid objectives: security assistance, development assistance and humanitarian assistance.

—Be truly responsive to the initiatives of the lower income countries themselves and encourage them to play the central role in solving their own security and development problems. In the area of development assistance, this means working within a framework set by the international institutions to the maximum extent possible.

—Be concentrated in countries of special interest to the United States, and in projects and programs in which the United States has a special ability to be of help.

—Recognize the improved economic capacity of many of the lower income countries in establishing the terms of our assistance.

—Assure improved management.

—Reduce substantially the number of U.S. Government officials operating our assistance program overseas.

Let me now spell out the details of our new approach, based on these principles.

SECURITY ASSISTANCE

I have repeatedly stressed the essential role played by our military and related forms of assistance in supporting the foreign policy of the United States and our own security interests. The primary purposes of this assistance have been, and will continue to be, the preservation of peace through the deterrence of war, and the support of efforts by allied and friendly countries to move toward self-sustaining economic growth and social progress. To abandon our responsibilities would risk magnifying the world's instability in the short run and impairing its peaceful development for the longer run, and therefore increase the threat to our own security both now and in the future.

The new course on which we are set, however, encourages others to take on greater responsibilities themselves. Our new security assistance program will seek to strengthen local defense capabilities by providing that mix of military and supporting economic assistance which is needed to permit friendly foreign countries to assume additional defense burdens themselves without causing them undue political or economic costs. If we are to move toward reducing our own physical presence, the effectiveness of our security assistance program will become of ever more crucial importance.

In Asia, this new strategy has already encouraged the nations of the area to assume greater responsibility for their own defense and provided a basis for a major reduction in our military presence. The funds which have been provided to assist the Government of South Vietnam have been essential to the progress of Vietnamization, and helped insure continued U.S. troop withdrawals. We have helped Cambodia to mobilize its manpower and other resources in defense of its independence and neutrality. We are providing Korea with equipment to improve and modernize its defenses and we are withdrawing some of our own troops.

Our friends and allies know that it is no longer possible nor desirable for the United States to bear the principal burden of their defense. A clear lesson of the 1960s is that deterrence against local aggression, or against subversion supported from outside a country's borders, cannot be achieved without a strong contribution by the threatened country itself. We can meet our security assistance objectives effectively only if we link our efforts closely with those of our friends and thereby build the foundations for peace in partnership with them.

To help do so, and also in recognition of the improved economic capability of many of the countries receiving security assistance, I propose today significant changes in our authorities to provide military assistance to our friends and allies.

Our military assistance programs have suffered from undesirable rigidity. The only choice has been between grant assistance and sales on hard credit terms. Many of those nations that need our assistance are unable to meet the hard credit terms—so grant assistance has been the only course open for us to help meet their essential security needs. But as the lower income nations begin to develop an ability to shoulder the costs of their defense, we need to be able to assist them in doing so even though they cannot immediately assume the entire burden. Sales on concessional credit terms would permit earlier participation by some recipient countries in the financing of their essential defense needs and would thus engage their own assessment of priorities for the allocation of their resources at an earlier stage of development than is now possible.

To fill the existing gap between grant assistance and sales on relatively firm commercial terms, the International Security Assistance Act that I propose today includes authorization to finance sales of military equipment on concessional terms. Grant assistance will remain necessary for some nations whose financial resources are simply not adequate to meet their defense needs. But our objective is to move countries, as quickly as possible within the context of international security requirements and their own economic capabilities, along the spectrum from grants to concessional sales to the harder terms we have required for sales under the present act and finally to outright cash arrangements. We will also stress the transition from Government sales to those made directly by private industry to the extent feasible. By making these changes we would help countries move from dependence on the United States to independence in the creation and financing of their own security programs. We would not intend to provide concessional credits to countries able to meet the terms of the present program.

I am also asking, under the new act, greater flexibility to transfer funds among the various security assistance programs. Such flexibility is particularly important, for example, in this period of transition in Southeast Asia, where our troop withdrawals are freeing up substantial amounts of military equipment formerly used by our troops. I am asking that the ceiling on the amount of surplus equipment which can be granted to our friends and allies be increased; this will save us money as well as permit us to better help those of our friends who need it. In the long run, sound management of security assistance demands that there be enough flexibility to transfer funds among various programs in order to insure that the proper mix is used to meet our specific objectives in each instance.

For these international security assistance programs, I request authorization of $1,993 million for FY 1972: $778 million for supporting economic assistance, $705 million for grant military assistance, and $510 million for military credit sales.

These security assistance programs are at the core of our relations with certain key friendly countries. They critically affect our ability to meet our bilateral and collective security commitments. They are central to the achievement of major objectives of U.S. national security and foreign policy.

I therefore intend to direct by administrative action a reorganization of our security assistance program to meet more effectively the objectives of the Nixon Doctrine. Various components of security assistance—military assistance, military credit sales, grants of excess military stocks, supporting economic assistance, and the public safety program—have been fragmented in different pieces of legislation and managed through a series of different administrative arrangements. My proposals would bring these programs under one legislative act to assure that each is viewed as part of a coherent overall program. Military assistance for Vietnam, Laos and Thailand will continue to be funded in the Defense budget because these country programs are subject to the uncertainties of active hostilities and are intimately linked to the logistical support systems of our own forces in Southeast Asia.

To assure effective policy control and management of this new security assistance effort, I would direct that a Coordinator for Security Assistance be established at a high level in the Department of State. I would also direct that the supporting economic assistance program be administered by the Department of State. The Department of Defense will continue to have primary responsibility for administering our military assistance and sales programs, and for relating these programs to overall U.S. national defense planning.

These new arrangements would be a significant step in the direction of improving the management of our security assistance program. They would therefore represent a significant step toward achieving greater accountability to the Congress and the public as well.

This new security assistance program would, I am confident, serve our national interest in the 1970's in a number of important ways. It would:

—enable us to meet U.S. commitments more effectively and at lower cost;

—strengthen the self-defense capabilities of nations to whose security the U.S. is committed by treaty, by special political ties, or by essential U.S. interests;

—help to reduce the need for, and likelihood of, U.S. military involvement overseas;

—foster increased local initiative and self-sufficiency;

—promote constructive political relations with foreign governments;

—support U.N. peacekeeping operations;

—reduce potential frictions by lowering the U.S. profile abroad.

I am also requesting in the International Security Assistance Act authority for $100 million for the President's Foreign Assistance Contingency Fund for

FY 1972. This would permit the administration, with due notification to the Congress, to meet worldwide contingencies—in the security, development and humanitarian areas—in ways compatible with our national interests. It is particularly important to have available uncommitted funds which can be used on short notice, when sudden crises in the international community require us to act promptly and decisively.

DEVELOPMENT ASSISTANCE

The United States continues to have special national interests in particular lower income countries. We continue to have special capabilities in particular functional areas. We continue to need an effective bilateral development assistance program.

In order to advance such a program, I therefore propose legislation which would authorize the creation of two new development assistance institutions. Together with the two created by the last Congress, they would replace the Agency for International Development and enable us to develop a new approach based on the principles outlined above.

The two I now propose to create are:

- An International Development Corporation (IDC) to provide loans to finance development projects and programs in the lower income countries.
- An International Development Institute (IDI) to seek research breakthroughs on the key problems of development and to administer our technical assistance programs.

These would join two created by the last Congress:

- The Overseas Private Investment Corporation (OPIC) to promote the role of private investment in the development process.
- The Inter-American Social Development Institute (ISDI) to provide special attention to the social development needs of Latin America.

THE U.S. INTERNATIONAL DEVELOPMENT CORPORATION

The new IDC would administer our bilateral lending program. The authorities which I seek for it, and the operating style which I would direct it to pursue, would mark a major change in the U.S. approach to development assistance.

The IDC would make loans in response to initiatives from the lower income countries, rather than develop projects or programs on its own. It would have flexibility to tailor its loan terms to the needs of particular lower income countries, requiring harder terms from the more advanced and extending easier terms to the less advanced. Today's program has limited flexibility in this regard. Its lending volume to any particular country would be based on demonstrated self-help performance, and the quality of the projects and programs which that country presented to it. It would not seek to determine annual country lending levels in advance as is done at present.

The IDC would operate to the maximum extent feasible within a framework set by the international financial institutions. It would look to them to provide evaluations of the overall development prospects of particular countries, which would be a major consideration in its decisions to lend, rather than itself carrying out the extensive "country programming" which is now done. Within that context it would participate in nonproject lending and international efforts to alleviate the debt burdens of particular lower income countries. It would participate for the United States in the international consortia and consultative groups, managed in most cases by the international financial institutions, through which the bulk of our bilateral assistance will flow.

The IDC would concentrate its activities in countries and regions where the U.S. has a major foreign policy interest in long-term development. For example, it would establish guidelines to assure that an equitable share of its resources is provided to the countries of the Western Hemisphere. But precisely because our interest is in the long-term development of these nations, the IDC would use its funds to pursue such interests rather than to seek merely short-term political gains.

The IDC would provide loans on the basis of both sound business standards and the pursuit of sound development purposes. The terms of its loans would be determined in large part by the financial situation of the borrowing country, rather than on the standard terms now offered to all borrowers. It would avoid loans to countries where the analysis of international financial institutions, and its own views, suggest an inadequate policy framework in which the loans could effectively promote development. The IDC would not be solely a lender of last resort as AID is required to be today, often financing the riskiest projects and programs.

The Corporation would work with and through the private sector to the maximum extent possible. It would give high priority to projects and programs which promote private initiative in the lower income countries, and to this end would seek to increase U.S. lending to local development banks and other financial intermediaries. I recommend that it also have authority to lend directly to private entities in the lower income countries.

The IDC would be governed by a Board of Directors consisting of outstanding private citizens as well as government officials, thus bringing the private sector directly into its decision-making process.

With this clear identification of specific instruments and programs with the specific objectives they are designed to achieve, we should not need to tie the hands of our managers—of the Corporation or any of our other new institutions—with the kinds of foreign policy and administrative restrictions which apply to the present program. Administrators should be held accountable for achieving program objectives. This is a central requirement of the businesslike approach which the new structure is designed to foster.

To insure the necessary continuity and stability of operations to permit this businesslike approach, and building on the initiative of the Congress in 1969 to provide a 2-year authorization for foreign assistance, I request that the Corporation be given a 3-year authorization. I recommend an authorization of $1.5 billion of directly appropriated funds. I propose also that the IDC be provided with authority to borrow, in the private capital market or from the U.S. Treasury, up to a total of $1 billion during its initial 3-year period. This would help channel private capital more directly into the development process and bring private sector judgments directly to bear on the performance of the IDC. I recommend that it be authorized to use repayments of capital and interest on past U.S. development loans, which are now running at about $250 million annually.

A Corporation based on these principles would enable us to reduce substantially the number of U.S. government personnel involved in development lending overseas. By responding primarily to initiatives from the lower income countries, we would reduce the need for Americans to chart foreign programs and priorities. By relying increasingly on the international institutions for information and analytical work, we would reduce our own requirement for staff in both Washington and the field. By reducing the statutory restrictions on the program, we would be able to concentrate available staff on effective program management.

I am confident that a U.S. International Development Corporation based on these principles would regenerate our development lending program. It would provide major support to the development objectives of the lower income countries. It would enable us to play our full role effectively among the industrialized countries in promoting the development process. It would thereby provide major support for important U.S. national objectives in the 1970s.

THE U.S. INTERNATIONAL DEVELOPMENT INSTITUTE

The new IDI would administer a reformed bilateral technical assistance program and enable us to focus U.S. scientific, technological and managerial know-how on the problems of development.

The Institute would engage in four major types of activities:

- It would apply U.S. *research* competence in the physical and social sciences to the critical problems of development, and help raise the research competence of the lower income countries themselves.
- It would help *build institutions* in the lower income countries to improve their own research capabilities and to carry out a full range of developmental functions on a self-sustaining basis. I would expect it to place particular emphasis on strengthening agricultural and educational institutions.
- It would help *train* manpower in the lower income countries to enable them to carry out new activities on their own.

—It would help lower income countries, particularly the least developed among them, to finance *advisers* on development problems.

Like the Corporation, the Institute would finance projects in response to proposals made by the lower income countries themselves. It would not budget funds in advance by country, since it could not know in advance how many acceptable projects would be proposed by each. It would look to these countries to select candidates to be trained under its program. Its research activities would be located in the lower income countries, rather than in the United States, to the greatest extent feasible. With its stress on institution building, it would seek to ensure that each program could be carried on after U.S. assistance is ended.

Most importantly, the Institute would seek to assure that all projects which it helps finance are considered essential by the lower income country itself. To do so, the Institute would require that the recipient country make a significant contribution to each as evidence that it attaches high priority to the project and is prepared to support it financially after U.S. assistance ends. We would finance a project for only a definite and limited period of time, and would want assurance that the host country would then carry it on. In the past, all too many technical assistance projects have been undertaken which were of more interest to Americans than to the recipient countries, and had little or no lasting impact. Our new program is designed to ensure that this does not happen in the future.

The international organizations are less advanced in research and technical assistance than in development lending. The Institute would thus be unable to function as fully within an international framework at this time as would the Corporation. However, it would work to help improve the capabilities of these organizations, especially the United Nations Development Program, and would seek to cooperate with them whenever possible. In fact, one of its objectives would be to help create an international framework for technical assistance comparable to the framework which has developed over the past decade for development lending.

By the very virtue of its separate existence, the Institute would be free to concentrate its efforts on the application of research and technology to the problems of development—a key feature of our new bilateral program which would distinguish it markedly from the present approach. The Institute would also concentrate its resources on the few most critical problem areas of development. Such concentration is necessary if it is to achieve the "critical mass" necessary to make real breakthroughs where they are most needed, and to attract the top cadre of experts and managers who can achieve such breakthroughs.

The areas of concentration would evolve in response to the requests of the lower income countries and management's assessment of where we can contribute most. They would undoubtedly shift over time. Experience suggests that limiting population growth, increasing agricultural production and training manpower would be among the concentration areas at first. Unemployment and urbanization problems could be early additions to the list.

While the Institute would provide grant financing, it would vary the effective terms of its assistance by varying the shares of the total cost of particular projects that the recipient must finance itself—ranging from a small percentage in the least advanced countries to most of the cost in the most advanced. In addition, the Institute should have authority to provide advisers on a completely reimbursable basis to countries which no longer need concessional aid at all. At the other end of the development spectrum, the IDI would be conscious of the special problems of the least developed countries—most of which are in Africa—which will continue to need the more traditional types of technical assistance since they have traveled less distance along the road to economic self-sufficiency.

The Institute would be managed on a businesslike basis, and it would carry out its projects largely through the private sector. I propose that it be governed by a Board of Trustees including outstanding citizens from the private sector. It would stress evaluation of past projects to determine their payoff and to help guide future project development; there has been too little followup in these programs in the past. We would seek top flight technical managers, development specialists and scientists for the small staff of the Institute. This new approach would permit a major reduction in the number of U.S. government personnel operating abroad.

To achieve these goals, the IDI should have financial continuity. I therefore propose that the Congress authorize an appropriation of $1,275 million for a 3-year period.

In short, the International Development Institute would provide a new dimension to our foreign assistance effort. It would enable us to focus some of our finest national resources—our capabilities in management, research and technology—on the critical bottleneck problems of development. Its style of operation should enable us to forge a new and more mature partnership with the lower income countries, with the rest of the industrialized world, and with our own private sector. It holds promise of becoming one of the most significant additions to our national capability to engage meaningfully in the world of the 1970s.

OVERSEAS PRIVATE INVESTMENT CORPORATION AND INTER-AMERICAN SOCIAL DEVELOPMENT INSTITUTE

The new International Development Corporation and International Development Institute would join two development assistance institutions already created by the Congress: the Overseas Private Investment Corporation and the Inter-American Social Development Institute.

OPIC is already at work promoting the role of private investment in the international development process. The record of economic development shows that successful growth is usually associated with a dynamic private sector, and we therefore look to private investment—primarily domestic but foreign as well—to play an increasing role in the development process. It must do so, since no government or public agency has the resources or technical skills which are necessary to meet the vast needs of the lower income countries.

OPIC's guarantees and insurance of U.S. private investment in lower income countries which seek such investment are already serving effectively the interests of both the U.S. investor and the host countries. Its early activities suggest that an independent corporation, directed by a joint public-private Board of Directors, can effectively manage a development assistance program; it thus augurs well for the structures which I propose today for the Development Corporation and Development Institute.

OPIC is operating within one of the most sensitive areas—private foreign investment—of the inherently sensitive overall relationship between aid donors and aid recipients. It is therefore essential that OPIC assist only sound projects which are responsive to the particular development needs of each country.

And it is clearly for each country to decide the conditions under which it will accept private foreign investment, just as it is for each investor to decide what conditions are adequate to attract his investments. We as a Government ask only that the investments of our citizens be treated fairly and in accordance with international law. In nearly all cases they have been. However, unjust acts by a country toward an American firm cannot help but adversely affect our relationship with that country. As President, I must and will take such acts into account in determining our future assistance and overall policy toward such a country.

The Inter-American Social Development Institute has also begun to develop its programs, which seek to promote the social development of the Latin American and Caribbean people. Working mainly through private organizations and international institutions, it represents a new innovative channel in seeking to promote solutions to basic economic and social problems in these areas. I propose that it be renamed the Inter-American Foundation, to characterize more accurately its proposed style of operation.

HUMANITARIAN ASSISTANCE

U.S. humanitarian assistance programs cover a wide spectrum of human needs: disaster relief and rehabilitation; famine; refugee and migration relief and assistance. They aim to help people around the world recover from unfortunate situations by which they have been victimized. In the past year alone, such help has been extended to refugees from civil war in Nigeria and Jordan, earthquake victims in Peru, flood victims in Romania and Tunisia, and cyclone victims in Pakistan.

These activities rely heavily for program implementation on private voluntary agencies. In the past year alone, U.S. voluntary agencies registered with the Advisory Committee on Voluntary Foreign Aid contributed $370 million of their own resources in over 100 countries.

At present, humanitarian assistance programs are carried out through numerous offices in the U.S. Government. I propose to centralize the responsibility for coordinating all humanitarian assistance programs under a new Assistant Secretary of State. We would thereby assure a coherent effort to carry out this vital and literally life-saving aspect of our foreign assistance policy. This new approach would also improve our capability to respond quickly and effectively through better contingency planning, additional stockpiling and training, and the maintenance of closer and better coordinated relationships with the United Nations, other donor countries, and the private voluntary agencies.

COORDINATION

I have outlined the overriding need to separate our overall foreign assistance program into its three component parts: security assistance, development assistance, and humanitarian assistance. I have indiciated that we would pull together all parts of our security assistance and humanitarian assistance under central management, so that each can function effectively as a total program within the context of U.S. foreign policy. And I have also proposed the creation of two new institutions, to go along with the two created by the last Congress, to carry forward our development assistance program in the 1970s.

There is thus a need for new mechanisms to assure effective coordination of our new foreign assistance program.

First, there must be effective coordination among the several components of the new development assistance program. This would be done through my appointing a single Coordinator of Development Assistance, responsible directly to the President, as Chairman of the Boards of the IDC, IDI, and OPIC.

The Coordinator would also chair an executive coordinating committee composed of the chief executive officers of each of these institutions and ISDI. He would be available for congressional testimony on our overall bilateral development assistance policy and the operations of the several institutions. Both the Congress and I could look to him as the administration's chief spokesman on bilateral development assistance policy and programs.

Second, the Secretary of State will provide foreign policy guidance for all components of our new foreign assistance program. His representatives would be members of the boards of each of the development institutions, and he would have direct responsibility for both security and humanitarian assistance. In each country our Ambassador, as my personal representative, will of course be responsible for coordination of all of our assistance programs.

Third, foreign assistance issues which raise broader questions of foreign economic policy will be handled through my new Council on International Economic Policy.

Finally, coordination among the three major components of our assistance program, and between them and our overall national security policy, would be handled through the National Security Council. We will thus establish strong management, coordination, and policy guidance over all of our foreign assistance programs.

CONCLUSION

This Nation can no more ignore poverty, hunger and disease in other nations of the world than a man can ignore the suffering of his neighbors. The great challenge to Americans of this decade, be they private citizens or national leaders, is to work to improve the quality of life of our fellow men at home and abroad.

We have a unique and unprecedented opportunity. We do not have all the answers to the questions of poverty, nor adequate resources to meet the needs of all mankind. We do possess the greatest scientific and technological capacity, and the most prosperous and dynamic economy, of any nation in history. More importantly, we have, as a vital element of the American character, a humanitarian zeal to help improve the lives of our fellow men.

We are therefore a nation uniquely capable of assisting other peoples in preserving their security and promoting their development. By doing so, we accomplish three major objectives:

—We strengthen international cooperation for a peaceful world.

—We help to relieve the poverty and misery of others less fortunate than ourselves.

—We help to build firm foundations of friendship between this Nation and the peoples of other nations.

I have seen for myself just how important is our aid in helping nations preserve their independence, and in helping men achieve the dignity of productive labor instead of languishing on crowded streets. I have seen its importance to children whose chances for a rewarding life have been increased because they have adequate nutrition, schools and books. It is right that we, the richest nation in the world, should provide our share of such assistance.

And such help, in addition to being right for its own sake, also creates strong bonds.

I recognize that whenever an American firm is nationalized without prompt, fair, and effective compensation; whenever an anti-American demonstration takes place; or whenever a leader of a developing country criticizes the United States, many question the effectiveness of our aid.

But the headline reporting the occasional anti-American act overlooks the many countries which do thank us for providing them the means to preserve their own security; and it also overlooks the countless number of villages where farmers do appreciate our helping provide the know-how and the tools necessary to grow larger crops, the school children who cherish the education our assistance makes possible, and the people everywhere who recognize our help in eliminating disease.

For these people, our aid is a source of encouragement. And they, not those who demonstrate or destroy, are the real revolutionaries—for they, in quietly attempting to preserve their independence and improve their lives, are bringing about a quiet revolution of peaceful change and progress. They are working hard to build the foundations for a better tomorrow and they recognize that we have helped provide them with the tools to do the job.

But while such appreciation is gratifying, foreign assistance has a more basic purpose. Foreign assistance is quite clearly in our interest as a nation. We are a people whose sons have died, and whose great statesmen have worked, to build a world order which insures peace and prosperity for ourselves and for other nations. We are aware that this world order cannot be sustained if our friends cannot defend themselves against aggression, and if two-thirds of the world's people see the richer third as indifferent to their needs and insensitive to their aspirations for a better life. To these people it is critical that this be a generation of peace, and our foreign policy is directed at helping to make it so; and for the impoverished it is equally important that it be a generation in which their aspirations for a better life, improved health conditions, and adequate food supply can be realized—a generation of development, a generation of hope.

Foreign policy is not a one-way street. It requires that other nations understand our problems and concerns, but it also requires that we understand theirs. We cannot ask the lower income countries of the world to cooperate with us to solve the problems which affect our vital interests unless we cooperate with them to help solve the problems critical to their vital interests—the problems affecting their security and development, and thus affecting the quality of life of their people.

The legislation I propose today, along with the corollary administrative actions which I will take, will permit this Nation to carry out the major reforms which are necessary to improve the effectiveness of our foreign assistance program and to fit it to our new approach.

I believe that this new approach is of major importance in promoting the national security and foreign policy interests of the United States in this decade and beyond. I believe that it is sound, and will blend as effectively as possible our special strengths with those of other nations and institutions. It is an approach through which we can focus the energies and resources of this great Nation on the security and development problems of those peoples living in poorer nations who wish to improve their lives, but lack the resources and the expertise to do so. I believe that this program is worthy of your support.

I therefore reaffirm my commitment, and the commitment of this administration, to seek an effective U.S. foreign assistance program for the 1970s. It is our objective to work for peace, not only in our time but for future generations, and we can make no better investment toward that end than to participate fully in an international effort to build prosperity and hope for a better tomorrow among all nations. I urge the Congress to join with me in making the reforms I propose today so that together we can achieve these great goals.

RICHARD NIXON.

THE WHITE HOUSE, *April 21, 1971.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. TAFT) laid before the Senate a message from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATION ACT OF 1971

The Senate continued with the consideration of the bill (S. 1557) to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes.

AMENDMENT NO. 43

Mr. DOMINICK. Mr. President, I call up my Amendment No. 43 and ask that it be stated.

The PRESIDING OFFICER (Mr. TAFT). The amendment will be stated.

The assistant legislative clerk read as follows:

On page 3, line 21, strike out lines 21 through line 24.

On page 32, line 8, strike out through line 7, on page 33.

Redesignate the succeeding sections and all references thereto accordingly.

Mr. PELL. Mr. President, will the Senator from Colorado yield?

Mr. DOMINICK. I yield.

Mr. PELL. Mr. President, in view of the fact that I supported the amendment of the Senator from Colorado in the committee and intend to vote for it on floor of the Senate, I believe that it would not be proper for me to assign the time on the pending amendment and, for that reason, I would ask the distinguished Senator from Minnesota (Mr. MONDALE)—who is most interested in this amendment—if he would assign the time.

Mr. MONDALE. I would be glad to do that.

The PRESIDING OFFICER. Without objection, the time will be assigned by the Senator from Minnesota.

Mr. DOMINICK. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 10 minutes.

Mr. DOMINICK. Mr. President, my amendment to strike section 11 is not complicated, nonetheless it has some substance to it which I think is extremely important.

Under the present language of the bill there is a set-aside of $15 million for attorneys who bring successful suits not only under this bill, but also on most other bills dealing with school integration, as well as title I of the Elementary and Secondary Education Act of 1965. The total budget of the education section of the Civil Rights Division of the Justice Department at the present time is only $1 million, and here we are setting aside, for attorneys alone, some $15 million, or 15 times that amount to those attorneys who are successful in suits. These attorneys can file suits against any local school district or State, or the Department of Health, Education, and Welfare, to recover these fees for noncompliance with this bill, title I of the Elementary and Secondary Education Act, or violations of title VI of the Civil Rights Act of 1964, and the 14th amendment, insofar as they apply to elementary and secondary education.

Mr. President, section 11 contains no language to control the kinds of suits brought by private attorneys but rather it leaves the whole question of resource allocation to the whim of private litigants. To qualify for "reasonable attorneys' fees" suits need not establish a new principle of law, need not clarify a previously neglected area, need not be a part of a coordinated approach, or even avoid duplication. Recent legislation, such as title II—public accommodations—and title VII—equal employment—of the Civil Rights Act of 1964, and title VIII—fair housing—of the Civil Rights Act of 1968, allows the court "in its discretion" to assess the U.S. Government reasonable attorneys' fees "the same as a private person." This language is substantially different from the section 11 language which allows reimbursement if the court finds that "the proceedings were necessary to bring about compliance." Section 11 preempts such discretionary court authority and assumes that legal fees should be assessed, that the litigant's cause was meritorious, and that the plaintiff is not financially able or should not be financially responsible for attorneys' fees. Also it must be noted that the attorneys' fees authorized under the 1964 and 1968 Civil Rights Acts were for suits normally brought against private persons and not for suits against tax-supported school districts, States, and Federal agencies.

Additionally, Mr. President, section 11 language provides that the United States must be joined as a party to all section 11 actions for the purpose of determining the appropriateness of the attorney's fee assessed.

This is the language that was added in the committee by the distinguished Senator from New York (Mr. JAVITS). This language should be made discretionary on the part of the United States joining as a party. Otherwise, it would cause an unjustified overburdening of the already busy Justice Department with many inconsequential section 11 suits.

To compound further the problems of uncontrolled attorney fee reimbursements, section 11 extends coverage to elementary and secondary education discrimination suits brought under title VI of the 1964 Civil Rights Act or the 14th amendment and to title I of the Elementary and Secondary Education Act of 1965. Inclusion of title I would expand the coverage of section 11 to all 15,400 school districts receiving title I aid.

Despite the good intention of encouraging only valid and meritorious suits, section 11 will stimulate much unjustified litigation against those least able to afford the large legal expenses normally incurred in protracted school desegregation litigation—the financially troubled local school districts. Not only does section 11 stimulate the institution of litigation, but it discourages negotiation and settlement of compliance suits because the plaintiff must pay his attorney's fees unless he is able to force the dispute to final court disposition so that he will be entitled to recover attorneys' fees.

On the other side of the coin, Mr. President, a poor school district threatened by a parent might well comply with demands regardless of their merit rather than contest them and risk the incurring of heavy attorneys' expenses.

Section 11 also tends to put the entire burden of school desegregation litigation on the already overburdened Federal courts.

Many suits for enforcement of the 14th amendment with respect to the operation of public schools are now litigated in State courts, particularly in the North and West where some States have stricter nondiscrimination laws than the Federal statutes. But since attorney fees are to be made available only in Federal courts, potential litigants would have an enormous incentive to sue there under section 11.

One cannot assume that the above-discussed abuses can be avoided or their effect nullified by treating attorneys' fees as a matter of secondary importance to be largely ignored. Out of all proportion to its importance, section 11 is given paramount funding priorities which treat it as a single most important section in the bill. In very explicit language which was mysteriously lacking when the scope of the section was being defined, the reserve fund for attorneys' fees is to receive $5 million through fiscal year 1972 and $10 million more through fiscal year 1973. The bill contains the above language rather than the somewhat misleading majority report figure of 1 percent of the funds authorized under the act. Five million dollars and $10 million represent 1 percent of the total authorization levels for fiscal year 1972 and fiscal year 1973, but the attorney fee reserve fund is to receive the specified amount regardless of whether complying school districts receive a cent. All other provisions of the bill are funded on a percentage basis contingent upon appropriations. Additionally, all section 11 funds are to remain available until expended whereas most other provisions in the bill are funded only through the succeeding fiscal year for which they are appropriated. It put the figure of $15 million in proper perspective, one must realize that the annual budget for the educational section of the Civil Rights Division, Department of Justice, is approximately $1 million—one-fifteenth of what is in the bill.

Mr. President, perhaps some of the above abuses could be endured if there were some compelling reason for section 11, but there is not. Potential section 11 plaintiffs have access to more legal assistance than most private litigants. Section 407(a) of the Civil Rights Act of 1964 provides that the Attorney General is authorized to institute a civil action against the school board on behalf of a complaining parent if the school board is depriving the parent's child of the equal protection of the laws and if the complaint is meritorious, the complainants are unable to initiate and maintain appropriate legal proceedings for relief, and the institution of the action will materially further public education desegregation. Since passage of the 1964 Civil Rights Act, the Department of Justice has filed more than 111 school desegregation suits under title IV of the act. Additionally, the Department of Justice has intervened, as a party plaintiff pursuant to title IX in 47 additional school desegregation suits.

Mr. President, section 215 of the Economic Opportunity Amendments of 1966 provides "legal advice and legal representation to persons when they are unable to afford the services of a private attorney" through the OEO legal services program. Also, potential complainants can institute termination proceedings through administrative channels provided for by title VI of the Civil Rights Act of 1964 against federally assisted schools which practice discrimination. In addition, parents of children discriminated against have access to many special private funds, such as the NAACP Legal Defense Fund and the Lawyers Constitutional Defense Committee.

In summary, Mr. President, section 11 should be deleted in its entirety to avoid subsidizing private lawyers. Section 11 fails to control or delineate the scope of coverage or the resource priorities for reimbursement; it discriminates in favor of the complainant to the detriment of the defendant; it contains disproportionate priorities and funding levels; and it is unnecessary as adequate remedies are available under present laws.

The PRESIDING OFFICER. The Chair inquires whether the Senator from Colorado wishes to have his amendment considered en bloc.

Mr. DOMINICK. I do.

The PRESIDING OFFICER. The amendment will be considered en bloc.

Mr. DOMINICK. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. MONDALE. Mr. President, the Senate has just acted on the amendment of the Senator from Connecticut, which sought to deal with segregation of schoolchildren throughout the land with a broad metropolitan approach.

One of the arguments underlining the need for that measure was the undoubted fact that segregation of minority group children North, East, and West is growing and that it is probably now greater than that existing in the South.

In no sense can it be said that in any region of the country is there a satisfactory response to the Supreme Court decision of 17 years ago requiring the elimination of official discrimination in this country. One of the key points of confusion, in my opinion, is the feeling that there is one law for the South and another law for the rest of the country. In fact, the 14th amendment and yesterday's Supreme Court decision apply the same law to every community in the country.

The reason for the confusion, in my opinion, is that the standard policy of the Departments of Justice and Health, Education, and Welfare has been to concentrate their activities primarily, if not exclusively, on the traditional dual school systems as they were found in the South. In fact, in my opinion and in the opinion of many others, much of the so-called de facto segregation found in the North and West upon close examination would prove to have as its base some form or forms of official discrimination, which would make it subject to the same 14th amendment remedies and the same law which is being used to eliminate the traditional dual school systems of the South.

However, we have no such vigorous enforcement policy either in the South or elsewhere, nor do we have such a policy which includes discrimination against all minorities, not just black, but also Spanish speaking, Oriental, American Indian, Portuguese and others.

The truth of it is that there is a major, enormous gaping law enforcement crisis in the field of civil rights.

This crisis is found in the South as well as the North and West. We have had widespread reports of wholesale firing and demotion of black teachers. We have had reports of the transfer of public school property to segregation academies. We have had reports of segregation of schoolchildren by race in schoolrooms, and many other evidences of discriminatory practices which, in my opinion, clearly violate the proscription of the 14th amendment.

In the South, North, and West, the law is not being enforced. I was appalled to find that the Department of Justice spends $1 million a year on the enforcement of school desegregation laws in this country.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a tabulation showing that presently only 31 Department of Justice attorneys devote their attention to the subject, with respect to the entire Nation.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

Justice Department Education Section, Civil Rights Division

Present personnel:	
Attorneys	31
Clerical and others	23
Total	54
Fiscal year 1972:	
Additional attorneys	5
Additional clerical	2
Total, additional staff	7
Total request	61

Mr. MONDALE. Under title II—public accommodations—and title VII—equal employment—as well as under the Fair Housing Act of 1968, a plaintiff may similarly recover the cost of attorneys' fees in cases involving violations of those laws.

Mr. President, I ask unanimous consent that the text of those fee provisions be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TEXT OF ATTORNEYS' FEES PROVISIONS

CIVIL RIGHTS ACT OF 1964

Title II (Public Accommodations), Section 204(b)—

"In any action commenced pursuant to this subchapter, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs, and the United States shall be liable for costs the same as a private person."

Title VII (Equal Employment), Section 706(k)—

"In any action or proceeding under this subchapter the court, in its discretion, may allow the prevailing party, other than the Commission or the United States, a reasonable attorney's fees as part of the costs, and the Commisison and the United States shall be liable for costs the same as a private person."

CIVIL RIGHTS ACT OF 1968

Title VIII (Fair Housing), Section 821(e)—

"The court may . . . award . . . court costs and reasonable attorneys fees in the care of a prevailing plaintiff: *Provided,* that the said plaintiff in the opinion of the court is not able to assume said attorneys' fees."

Mr. MONDALE. Mr. President, section 11 tries to deal nationally with the law-enforcement crisis to which I made reference, by bringing to bear a private law-enforcement remedy in light of the apparent futility of prevailing upon the Department of Justice and the Department of Health, Education, and Welfare to do their jobs. Time and time again I urged them to pursue a national enforcement policy, but up to this point it has been in vain.

We have precedent. Under the Equal Employment Act, dealing with fair employment, an aggrieved party can bring an action; and, if successful, recover reasonable attorneys' fees from the defendant.

Under the Public Accommodations Act, an aggrieved party can bring an action against a discriminating owner of a public accommodation and, if successful, collect reasonable attorneys' fees and costs from the defendant.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MONDALE. Mr. President, I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 3 additional minutes.

Mr. MONDALE. Mr. President, what is needed in light of this compelling and unarguable evidence of law violations, of the failure to enforce the law on a national basis in the South, North, East, and West, is the application of this type of remedy.

We have broad and wide support behind this measure, which was adopted by a strong majority of the Committee on Labor and Public Welfare. The vote was 10 to 5, with bipartisan support.

Mr. President, the American Federation of Teachers strongly endorsed this proposal and argued that section 11 must be adopted. Mrs. Helen Bain, president of the National Education Association, similarly testified in strong terms for the adoption of section 11.

Mr. Clarence Mitchell, director of the NAACP, testified:

> We support payment of lawyers fees as provided in the Mondale bill. . . . In terms of time, it can cost enormous sums of money to exhaust the process of going all the way from the U.S. district courts up to the Supreme Court. The cost could run into the thousands of dollars, all of which, of course, has to be paid for by private people.

Finally, Mrs. Marian Edeleman, Mrs. Ruby Martin, and Mr. Richard Warden, three individuals who were largely responsible for the nonprofit organizations evaluation report on the expenditure of emergency school assistance program funds, stated with respect to section 11 authorizing funds for reimbursement of attorneys' fees in successful lawsuits:

> We enthusiastically endorse this provision without reservation.

Mr. President, the National Legal Aid and Defender Association supported this provision. I ask unanimous consent that the letter appearing on page 713 of the hearing record be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL LEGAL AID AND
DEFENDER ASSOCIATION,
Chicago, Ill., March 1, 1971.

Senator WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: I am writing this letter in response to your request for an expression of views on Section 11 of Senate Bill S. 683.

School desegregation suits are always complex, time-consuming and expensive, but lawyers who represent minority clients are almost never paid for their work either by their clients or by court order—even when they win. This means, as a practical matter, that the vast majority of lawyers who have been able to take on such suits have been supported by foundations such as the NAACP Legal Defense Fund. Those lawyers work principally in the South and they are overextended. They cannot handle all the cases of discrimination in educational facilities.

Section 11 of S. 683 (the "Quality Integrated Education Act of 1971") would help to rectify this situation and to fill a gap in existing legal services. That Section would require courts to award attorneys' fees for successful litigation pertaining to elementary and secondary education under Title I of the Elementary and Secondary Education Act of 1965, Title VI of the Civil Rights Act of 1964, or the Fourteenth Amendment to the Constitution.

The fee provision will not make the bringing of school discrimination cases particularly attractive from a financial viewpoint—it will only make it possible for more private attorneys to work on them. The legislation provides only for "reasonable" fees, which is virtually the same language appearing in both Title II (public accommodations) and Title VII (employment discrimination) of the Civil Rights Act of 1964. In cases arising under those titles, courts have had no difficulty in determining appropriate fees after examining pertinent materials.

The present Administration has determined that school desegregation issues should be decided in federal courts, and not through administrative action under Title VI of the Civil Rights Act of 1964. This means that more lawyers will be needed to undertake the major litigation which must ensue. Obviously, most of the litigation will be private, and private lawyers will be needed. Section 11 will thus give parents and children of minority races a new and effective means of challenging instances of racial discrimination which have gone unattended too long.

I therefore strongly support Section 11 of S. 683.

Sincerely yours,
JOHN W. DOUGLAS,
President, National Legal Aid and Defender Association.

Mr. MONDALE. Mr. President, two additional letters of support from law school deans are printed also in the hearings at pages 715 and 716. I ask unanimous consent that the letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

UNIVERSITY OF CALIFORNIA, BERKELEY,
SCHOOL OF LAW (BOALT HALL),
Berkeley, Calif., March 15, 1971.

Re attorneys' fees in desegregation and related suits—section 11 of S. 3883.

DEAR SENATOR MONDALE: I have recently learned of your continuing interest in the reimbursement of attorneys' fees and costs in successful litigation under Title I of the Elementary and Secondary Education Act of 1965 and Title VI of the Civil Rights Act of 1964, and of your plan to reintroduce a provision on that subject in the current session of Congress.

I am writing to express my support for such a measure and hopefully to encourage you to go forward with this proposal. Private enforcement of individual rights and legislative policy is vitally important in this area, and the recovery of attorneys' fees represents a reasonable and valid means of combating a serious deterrent to the bringing of an already uninviting form of litigation.

I respectfully urge you to reintroduce this provision and hope that you will be successful.

Sincerely,
EDWARD C. HALBACH, Jr., *Dean.*

STANFORD SCHOOL OF LAW,
Stanford, Calif., March 12, 1971.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: I have recently become aware of the provision for the payment of plaintiffs' attorneys' fees contained in the Emergency School Assistance Act of 1970 as reported out last December by the Education Subcommittee to the Senate Committee on Labor and Public Welfare (Sections 3(b)(1)(C) and 11 of S. 3883).

Obviously greater efforts are needed to find ways to protect the rights of children and teachers to freedom from racial discrimination in the public schools. Private litigation by those injured by breach of legal requirements is one of the most efficient, decentralized and economical methods for protecting those rights. But such litigation often is lengthy and therefore expensive. The Senate Subcommittee's provision would provide an effective and practical way of encouraging private action in reinforcement of the public interest. Private litigation cannot, of course, serve as a substitute for enforcement efforts by public agencies. But private litigation can effectively and responsibly supplement those efforts.

I hope that you will reintroduce the attorneys' fees provision in the present session and urge you to do so.

Sincerely,
BAYLESS MANNING, *Dean.*

Mr. MONDALE. Mr. President, we have also received support from "Common Cause," with respect to the attorneys' fees provision. Common Cause stated:

> This is a vital provision and one which Common Cause strongly urges the Subcommittee to retain in any bill it reports. Indeed, a similar provision in effect after passage of the 1964 Civil Rights Act would have alleviated, at a much earlier date, many of the problems still necessarily confronted by the proposed legislation." The American Civil Liberties Union stated:
>
> Experience under the public accommodation and employment discrimination sections of the Civil Rights Act of 1964 (Title II and VII), which contain similar reimbursement provisions, indicate that the policies of those acts have been significantly furthered by providing private attorneys willing to litigate to enforce the acts on behalf of poor people the economic basis for doing so. Moreover, the Justice Department is not able to police every school district in the South. The history of school desegregation litigation is, for the most part, one of parallel efforts of government and private lawyers. Unquestionably, were the government alone carrying the burden of school desegregation litigation, for less progress would have been made in this area. In order to insure the maximum effective enforcement of the Act, and the continued involvement of private attorneys in this area, they must be provided the wherewithall to litigate on behalf of those persons who are unable to hire attorneys to enforce their public rights.

The League of Women Voters of the United States also filed a statement. The League stated:

> The League also favors the 3% funds set aside for the reimbursement of attorneys' fees resulting from lawsuits to protect the rights of citizens under this program and under Title VI of the Civil Rights Act, the 14th Amendment and Title I of ESEA. Our support for this provision derives from our firm support of the right of the poor for equal access to the legal system and from our conviction that orderly integration and quality education will be effected faster if the poor and aided in their access to the legal system.

Finally, the National Council of Jewish Women also supported the attorneys' fees provision. Their statement is contained at page 738 of the hearings.

Mr. President, that is the record of hearings on the bill. But I would like to quote from the testimony of six school superintendents from California in a hearing held by the Select Committee on Equal Educational Opportunity in San Francisco on March 6. I asked the school superintendents whether they would or would not agree that it would be helpful, if there were a provision in this bill setting aside Federal funds to pay attorneys' fees and costs upon the conclusion of successful lawsuits asserting constitutional rights in school systems. Let me quote from the testimony of Dr. J. Russell Kent, superintendent of San Mateo County, Calif.:

> I think the Legal Aid Society in our county has been a very constructive influence . . . I think the issues they have brought up have led to a better definition, a better awareness on the part of the problems we face, and I think this has been a constructive influence. Sure, I have three lawsuits pending (against our school system) right now, but I am glad that we have them.

Mr. President, the cost of these private lawsuits are very great. It is to be observed that practically all the moneys being spent today by school districts to resist the reach of the Constitution are public funds. Section 11 is designed to equalize, to some extent, the disparity of resources between private persons and public agencies. The typical costs of lawsuits are set forth with regard to a lawsuit in Denver, Colo.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the firm of Holland & Hart setting forth some of those details.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HOLLAND & HART,
ATTORNEYS AT LAW,
Denver, Colo., December 4, 1970.

Mr. BERTRAM W. CARP,
Select Committee of Equal Educational Opportunity, Old Senate Office Building, Washington, D.C.

DEAR MR. CARP: As we discussed on the telephone earlier today, I have enclosed a resume by month of the hours and corresponding time charges incurred with respect to the efforts of attorneys in this firm in the case of *Keyes, et al. vs. School District No. 1, Denver, Colorado, et al.* You will note that the time to date totals 2909.2 hours, valued at our normal rates at $109,498.20. In addition, my co-counsel Craig Barnes received some $20,000 in partial payment for his services in the case and has probably in excess of between $20,000 to $40,000 in unbilled time at this juncture. He is out of the city and I was unable to reach him to confirm these figures. Mr. Barnes was paid from funds raised locally through donations. In addition, from time to time from five to ten lawyers in other firms in the city volunteered their time to assist us in the case. We have no idea of the total time spent by these volunteers, but I would estimate that it represents another $15,000 to $25,000.

The chronology of the case was as follows:

1. June 19, 1969—Complaint filed.

2. July 16 through July 22, 1969—hearing on Preliminary Injunction.

3. July 23, 1969—oral Findings of Fact and Conclusions of Law.

4. July 31, 1969—Memorandum Opinion and Order and Preliminary Injunction.

5. August 14, 1969—Supplemental Findings.

6. Subsequent to the supplemental findings the defendants moved in the Court of Appeals for a stay of the preliminary injunction. This stay was ultimately granted by the Court of Appeals for the 10th Circuit on August 27, 1969, and an appeal to the Supreme Court to vacate the stay was immediately prosecuted, and on August 29, 1969, Mr. Justice Brennan, Acting Circuit Justice, vacated the stay. The schools subsequently opened on September 2, with the preliminary injunction in force.

7. The trial on the merits commenced in February, 1970, taking 14 trial days.

8. On March 21, 1970, the trial court issued its Memorandum Opinion and Order. Subsequently a separate hearing on relief taking 4 days in May was held, resulting in the court's decision on remedy dated May 21, 1970.

9. Subsequently the defendants moved in the trial court and Court of Appeals for a stay, the motions being denied in each instance.

10. Thereafter the Court of Appeals set up an expedited briefing schedule and briefs on appeal and cross-appeal were led in August, and the Court of Apepals for the 10th Circuit heard oral argument on the case on August 18.

11. The case as of this writing has been fully submitted and pending before the 10th Circuit since August 18. We assume that the court is awaiting the decision of the Supreme Court on the cases argued early in October, but have no information to confirm this.

The provision under consideration would certainly help to insure the enforcement of the constitutional rights of minorities and would give such claimants financial standing in terms of ability to pay for competent counsel which would put the claimants on more of a par with the School District or other governmental agencies. It is unrealistic to expect that such private entities as the Legal Defense Fund and local private contributions can continue to fund these cases, particularly should the pace of litigation in the north accelerate.

We of course are strongly in favor of Senator Mondale's amendment, and would be happy to assist you.

Very truly yours,
GORDON G. GREINER.

Year and month	Total hours	Total time charge per month
1969:		
June	224.5	$7,573.20
July	546.3	19,377.40
August	250.0	8,635.20
September	146.8	5,624.00
October	131.4	5,146.60
November	148.4	5,896.00
December	149.6	5,883.00
1970:		
January	222.4	8,879.80
February	278.0	10,882.20
March	63.7	2,507.00
April	96.4	3,797.80
May	143.9	5,670.00
June	56.7	2,238.40
July	153.2	5,699.40
August	202.7	7,840.60
September	50.4	2,014.80
October	44.8	1,842.80
Total	2,909.2	109,498.20

Mr. DOMINICK. Mr. President, I yield myself 2 minutes and then I shall yield to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 2 minutes.

Mr. DOMINICK. Mr. President, I was happy to hear the Senator from Minnesota refer to my former law firm of Holland and Hart. One of my former partners was the successful plaintiff's lawyer in the case referred to. I am sure they are happy to have money set aside to have their fees paid. I do not think that is sufficient reason for the taxpayers to foot the bill for $15 million in connection with desegregation suits around the country.

I do not think there is cause to say that because the Department of Justice has been complying with the law, which provides remedies only for violations where there is a State supported dual school system, that they are concentrating on the South. They have also filed suits in other areas of the country. In one instance they tried to intervene in a Denver suit, and also suits in Detroit and Indiana. So they are not concentrating their efforts exclusively in the South.

But I was happy to have the Senator bring this up and I am happy to be able to say I have a great deal of affection for my old firm. They are a good group of people and they are good lawyers. I am happy they won but I do not want the general taxpayers to pay their fees.

I yield to the Senator from Kentucky.

Mr. COOK. Mr. President, I listened with a great deal of interest to the statements of the Senator from Minnesota. What bothers me is that probably section 11 would constitute one of the most poorly drawn sections to expend $15 million of taxpayer money, regardless of who the judgment is against. The Federal Government would pay the attorney's fees and cost.

Obviously school superintendents would like to have that proviso because they do not want their school boards to have to pay these fees. The precedent of the Senator from Minnesota with respect to fair employment and the legislation we considered last year on guarantee warrantees, all of these authorize the payment of attorney's fees by the losing party.

Now, this provision does not authorize the payment of attorney's fees by the losing party. As a matter of fact, it would encourage school districts throughout the United States to violate some sections of title 1, if they wanted to, because they could sit back and the superintendent could say to his board, "Do not worry about it. If we lose, the Federal Government will pick up the tab and pay the plaintiff and the costs."

The point I make is if you want to write this properly let us say the defendant will pay the cost and the fees; or let us say the responsibility of the local school board is to pay; but why the Federal Government? In many instances it will not be a party. The only reason it will be in Federal court is because section 11 requires it to be in court for the attorney to collect his fees and the court to get its costs.

There is another thing in here that is very amazing. It must be brought to a judgment.

In other words, there could be no effort, after a lawyer has put in 6 months, 1 year, 2 years, 5 years, if the board says, "Let us sit down and solve the problem. I think we can solve it within the framework of the law." The attorney looks at the board and says, "It is not a solvable case." Why would he say, "It is not a solvable case"? Because the only way he can receive his pay and the only way the courts can be paid is through one simple procedure—he must bring it to a final judgment.

This cannot conceivably make sense. It cannot make sense that we say to the Federal Government, "Somebody else violates the law, somebody else is guilty of a violation, somebody else brings suit within the Federal court system. A judgment is rendered against him. Yet you, the Federal Government, did not violate the law, but you shall pay the attorney's fees and you shall pay the costs."

That is a brand new one. With all the new precedents that the Senator from Minnesota has talked about whereby fees can be levied against a losing party, they have not said that the Federal Government is the losing party. It is the party that lost the decision. We find here that we are penalizing Federal taxpayers to the tune of $15 million under section 11 under the circumstances of a violation by someone other than the Federal Government, and yet it must bear the burden.

But we say to the people in the other 49 States, "You have to pay a lawyer's fee when a school district in Minnesota violates the law under title I." Why not the school district in Minnesota? Why should the other 49 States bear the burden? If a school district in my State loses, why not allow it to pay those costs? It ought to.

Perhaps if that section were changed to provide that the school board or the superintendent or the individual should bear those costs and pay the attorney's fees, we would not have so many violations; but in this way there is no encouragement to a local district to cure the violations, because he merely sits back and says, "If I lose, the Federal Government is going to pick up the tab." There is nothing in here that says the Federal Government can recoup its funds paid to a local district from the amount of money that is going to be paid to the school board. It pays the entire amount and then picks up the attorney's fee if the school district is found guilty of a violation.

So I can only say this is establishing a precedent. Frankly, I do not know which staff member wrote that section or which staff member with what knowledge of the law wrote section 11 to the extent that there would be no effort to compromise——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMINICK. I yield 2 minutes to the Senator from Kentucky.

Mr. COOK. That there would be no effort to bring about a conclusion to the suit prior to the judgment, because there would be no payment to the attorney until he concluded the matter and got a certified judgment against the defendant. I do not know who it would be that would write a section that would say the Federal Government is going to be responsible for the costs and the attorney's fees for a violation that it has been summarily concluded by the court has been imposed on an individual or a school system, by the very system itself, or the superintendent. This is a matter which is unimaginable in my mind. I cannot understand it.

I am sure the associations whose names have been put in the RECORD as supporting the fact that funds should be set aside have no idea that this section provides that a judgment must be secured, that a compromise cannot be arrived at, that a settlement cannot be made. I am sure they had no idea that that charge would not be imposed on a school system, but would be imposed on the Federal Government, who is not the violator at all. I can only say that the five or six school superintendents who said they would love to have those funds did not know of any school superintendent who was violating title I who should expect the Federal Government to pay those attorney fees and costs if he lost the suit.

ORDER OF BUSINESS

Mr. DOMINICK. Mr. President, with the Senator's permission, I ask unanimous consent that we may yield briefly in order that the Senator from Alabama (Mr. SPARKMAN) may introduce the distinguished visitors in this Chamber.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

VISIT TO THE SENATE BY DISTINGUISHED MEMBERS IN THE DELEGATION OF THE ROMANIAN GROUP OF THE INTERPARLIAMENTARY UNION

Mr. SPARKMAN. Mr. President, we are honored today by a visit from citizens of a friendly nation, a delegation representing the Parliament of Romania. These gentlemen have been to Venezuela, attending the Interparliamentary Union meeting, and have stopped here for a brief visit on their way back home.

I may say that our delegation last year visited their country and we were entertained royally. This delegation is headed by Prof. Mihail Levente. I ask unanimous consent that a brief biographical sketch of the members of the delegation be placed in the RECORD at this point, and I will ask our distinguished visitors to stand.

There being no objection, the biographical sketch was ordered to be printed in the RECORD, as follows:

MEMBERS IN THE DELEGATION OF THE ROMANIAN GROUP OF THE INTERPARLIAMENTARY UNION TO VISIT THE U.S.A.

1. PROFESSOR DR. MIHAIL LEVENTE

Born June 20, 1915, university professor, degree in economics, former minister of internal trade, (presently) director of the Institute of Economic Research of the Academy of the Socialist Republic of Romania, secretary of the Front of Socialist Unity of Romania, member in the Foreign Policy Commission of the Grand National Assembly, president of the Romanian Group of the Interparliamentary Union, member in the Interparliamentary Council.

He was elected a deputy in the Grand National Assembly in 1961.

He was a member in Romania's delegation to the U.N. (1969).

He is married and has 2 children.

He speaks French.

2. PROFESSOR TUDOR DRAGANU

Born December 2, 1912, degree in law, university professor (at Cluj, where he is Dean of the Law Faculty). Elected deputy in the Grand National Assembly in 1965. He is the chairman of the credentials commission and member of the juridical commission of the Grand National Assembly, vice-chairman of the Romanian Group of the Interparliamentary Union, chairman of the Parliament and Juridical Commission of the Interparliamentary Union, member in the Interparliamentary Council. He has served on a number of occasions as head of the delegation of the Romanian Group to the sessions of the Interparliamentary Union.

He is married, without children.

He speaks French, English, German.

3. MIRCEA ANGELESCU

Born June 18, 1938, civil engineer. Elected deputy in the Grand National Assembly in 1969. He is a member in the Foreign Policy Commission and the Commission for Education, Science and Culture of the Grand National Assembly; member in the executive committee of the Romanian Group of the Interparliamentary Union. (Presently works in the International Section of the Romanian Communist Party (RCP) Central Committee, which deals with RCP relations with foreign communist and other parties outside the socialist system. From 1965 until 1968 he was president of the Romanian Students Association.)

He is married, without children.

He speaks English.

4. ION STOICHICI

Born June 22, 1931, law degree, counselor on the Grand National Assembly staff and administrative secretary of the Romanian Group of the Interparliamentary Union.

He is married, without children.

He speaks French, English, Russian.

(NOTE.—Above information received from the Grand National Assembly. Items in parentheses received subsequently by telephone.)

The PRESIDING OFFICER. On behalf of the Senate, the Chair is pleased to greet our distinguished visitors in the Chamber. (Applause, Senators rising.)

EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATION ACT OF 1971

The Senate continued with the consideration of the bill (S. 1557) to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes.

Mr. MONDALE. Mr. President, I yield myself 5 minutes.

The Senator from Kentucky expresses dismay that we would be audacious enough to propose that the Federal Government ought to be concerned about the capacity of people in this country to assert their legal rights.

We have had the same trouble trying to persuade the Republican Party that the Federal Government should be interested in health, should be interested in hunger, should be interested in housing, should be interested in the environment. I am not surprised at all that when another new idea pointing to another great need is brought to the consideration of the Senate, once again we hear cries of anguish and dismay. Section 11 seeks to meet a real human need with reasonable and necessary Federal legislation and support.

Nothing was clearer, nothing was more compelling, nothing was more effectively and more clearly described by the witnesses before the Committee on Labor and Public Welfare than the law enforcement crisis that faces the country in school desegregation cases in the North as well as the South. The evidence was overwhelming of violations of court orders, violations of constitutional rights, violations of school laws, violations of fundamental principles of justice.

Thousands of teachers have lost their jobs or have been demoted. Nothing happens. So we come along with a bill that says, "Let us try to do something about that crisis." We have tried to get the Justice Department to move. We have tried to get the Department of HEW to move. They have not. So we have said, "Let us try, as we have done in other areas, to provide to private individuals a remedy for injustice, with public money to pay ultimately the costs of enforcing obedience to the Constitution and the laws of the United States."

To that we are told, "My, it is unbelievable—unbelievable—that the Federal Government would concern itself with the legal rights of all people." What is the difference between the need of a person who does not have enough to eat, where we do recognize a responsibility, the need of people who do not have decent housing, a right that was recognized by the father of the present Presiding Officer (Mr. TAFT) years and years ago, and the need for legal services? That is precisely what the OEO legal services program is all about—Federal funds to provide fees for attorneys to protect the rights of the poor.

And the Senator from Kentucky says, This is going to encourage school districts not to settle, because the Federal Government will pay the fees of the plaintiff. That is peculiar. Who pays the fees of the plaintiff now? The answer is nobody. Section 11 would give the aggrieved party an opportunity to bring a lawsuit, which I suspect a school district would not want in the present situation, by providing for payment of fees.

In the present situation the plaintiff's attorney does not get funds from the Federal Government or anyone else. Under this bill, he would receive reasonable attorneys' fees if a successful judgment is reached.

Why do we place that burden on the Federal Government, rather than the defendant? The reason is that many school districts are very poor, and these lawsuits are very expensive. We thought that, rather than being vindictive towards a particular school district, it would be fairer, in the case of such a judgment, for the Federal Government to pay the cost of reasonable attorney's fees, as it does for indigent defendants in criminal lawsuits.

The PRESIDING OFFICER. The Senator's time is expired.

Mr. MONDALE. I yield myself 3 more minutes.

We think, in addition to that, that the requirement that payment of fees and costs be made only after a final order has been issued—which could be issued, by the way, on agreement of the parties if a case is resolved by agreement—makes sense, in order to discourage champertous lawsuits. We do not want attorneys bringing lawsuits just to collect attorneys' fees. We only want lawsuits brought in meaningful, fundamental cases of violaton. We do not want an attorney to be given fees unless the court and the parties have determined that the suit was well founded, or unless the parties have agreed to an order, whereupon the court would have jurisdiction to distribute funds.

We have to look upon this matter in the light of the crisis in the area of school desegregation enforcement today. I do not think that 1 percent of the cases which should be brought are being brought. Hundreds of black teachers who have been fired are walking the streets, with no one to help them, no one to bring lawsuits on their behalf. School property is being transferred to private institutions. Children are being insulted on presenting themselves for transfer to desegregated schools. There are communities in the North and West doing just as the South is doing—I accept that challenge from the South—and nothing is being done.

I say to Senators, "If you believe in law and order, if you believe in a national policy, and if you believe that justice for aggrieved people in this area is as important as in housing and all the others, you will support this measure."

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. TAFT). The Chair, on behalf of the Vice President, pursuant to Public Law 86-420 appoints the following Senators to attend the 11th Mexico-United States Interparliamentary Conference, Mexico, May 27 to June 1, 1971: Senators MIKE MANSFIELD, ROBERT C. BYRD, HENRY M. JACKSON, HARRY F. BYRD, JR., JOSEPH M. MONTOYA, LLOYD M. BENTSEN, LAWTON CHILES, and GEORGE D. AIKEN.

EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATION ACT OF 1971

The Senate continued with the consideration of the bill (S. 1557) to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes.

Mr. COOK. Mr. President, I merely wish to say that I hope that the first words of the Senator from Minnesota, which castigated the entire Republican Party because of my remarks, were not demagogic enough to indicate that the Senator from Minnesota has now joined the ranks of many other Members of this body who may be running for higher public office than the U.S. Senate.

Mr. MONDALE. Mr. President, will the Senator yield? Will the Senator agree that it will take his party 8 or 10 years, at least, to catch up with the backlog in the demand for housing, for example?

Mr. COOK. It may take a little while to catch up with the Senator from Minnesota, but then I doubt that the taxpayers of this country would be as deeply in debt as they are today.

Mr. MONDALE. Will the Senator yield further?

Mr. COOK. Mr. President, I wish to complete my statement without further interruption.

The PRESIDING OFFICER. The Senator may proceed.

Mr. President, the Senator from Minnesota has said that this should be done on a basis that they would not expect to have any suits brought unless they were meaningful or purposeful. It does not say that in section 11. He says this should be done because there are some poorer school districts in the United States, and they should not be penalized. These poorer school districts should not be penalized because they fired a Negro teacher and have him walking on the street, or because they have done something to students wanting to break in.

Mr. President, to penalize that school district for violating the law and then to say, "Even if you are poor, if you violate the 14th amendment of the Constitution of the United States, if you violate the rules and regulations under the act, if you are using title I money improperly, you should not have to pay these fees," is rather like saying, "We know you are poor, but if you want to violate the law and continue this type of discrimination, we are not really going to make you pay for it, we are going to make somebody else pay for it."

Mr. President, I can only say that on this matter I may be speaking as the junior Senator from Kentucky, and I may be speaking from the Republican side of the Senate, but I am also speaking, I hope, as a member of the bar, as a person who has a tremendous amount of respect for the law and what the law intends, and I see a situation whereby we could solve the problem by merely inserting the language that the costs and attorneys' fees will be charged against the losing litigant, and we will reach the same result. We can even charge that school district those funds——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COOK. One more minute. We can even charge those expenses and make them a debit against the title I funds, so that in fact we would be accomplishing the same thing, but we are penalizing the person who violates the law; we are penalizing the person who decides the 14th amendment is for someone else and not for him. We are then imposing the cost on that individual who saw fit to commit an act that the court concluded was in violation of the law, or in violation of the proper utilization of title I funds, and that, as an indirect result thereof, that person shall suffer, but we are not saying, "Regardless of what you do or how you do it, the Federal Government will pay your expenses."

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COOK. That is my only point.

The PRESIDING OFFICER. Who yields time?

Mr. MONDALE. Mr. President, I yield myself 2 minutes.

The reason that the committee acted as it did, to provide Federal payment of reasonable fees rather than payment by the losing school district, is that this money would come out of the education budget for the education of the school children. And that in a real sense, when a school district is found guilty of violating constitutional antidiscrimination provisions. The plaintiff's fee, in our opinion, could far better go toward the education of the schoolchildren in that district.

Many of these districts are very poor. They are on thin budgets. Many of them are governed, not by venal people, but by people who have learned their attitudes and mores in the long tradition of the dual school system. It seems inappropriate, at least at this time, to visit the cost of that upon the children of the school district.

I think there may be cases where the Senator from Kentucky is dead right, where there are defendants who ought to pay the legal fee, where perhaps there is a wealthy school district or a district which has acted in such a way that it should be punished not only by court order, but by the assessment of legal fees as well.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. DOMINICK. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator from Colorado has 6 minutes.

Mr. DOMINICK. How much time does the Senator from Minnesota have remaining?

The PRESIDING OFFICER. The Senator from Minnesota has 11 minutes.

Mr. DOMINICK. Mr. President, I yield myself 3 of those 6 minutes. I think maybe we can get through with this fairly quickly.

Mr. President, I want to make something clear here. During the process of the debate on the Ribicoff amendment, and during the process of the debate on the original bill, the Senator from Minnesota and the Senator from New York both said how strongly and how ably they had been supported in working out the provisions of this bill by Secretary Richardson and by Commissioner of the Office of Education, Dr. Marland. I am sure this is true. Yet, the one thing that the Office of Education and the Secretary of Health, Education, and Welfare said from the very beginning is, "We don't want section 11."

They talked about the overburdening of the Federal courts. They pointed out the problems where the United States would have to be a party wherever anybody attempts reimbursement under section 11. The United States immediately has to become a party, and the U.S. attorney has to join the suit regardless of its importance.

But over and beyond all technical complaints is something which I think is very important and which I think is pretty fundamental.

The Senator from Minnesota has accused the Republican Party of dragging their feet on various issues. I have listened to this talk before, and I am always enterained by it. Really, the issue is whether we are going to centralize government or decentralize it; whether we are going to be able to let the States and localities handle their affairs, with assistance and partnership under revenue sharing and a variety of other programs, or whether the Federal Government will become involved in everything and think they are experts enough to be able to control this country from Alaska to Florida. I do not think that they can, not in this country.

I can assure Senators that if we put up $15 million for plaintiffs to bring suits in school desegregation cases, title I cases, and all the other cases which are covered under section 11, we will have a multiplicity of suits by attorneys who are simply trying to get fees for themselves, the like of which the Federal court has never seen before. Whether or not the United States is a party, and whether or not a school district is a party, the successful plaintiff gets the general taxpayer to pay his attorney's fee. That is pure Federal subsidization of private legal fees, and I think we have had enough subsidization of all kinds of industries in this country out of general taxpayer funds. I do not want to see any more of it, and that is why I have moved to strike section 11.

Mr. MONDALE. I yield myself 3 minutes.

First of all, let me say that I endorse the statement made by the Senator from Colorado concerning his role, the role of the Republican minority, and the role of the Secretary of HEW. I think the development of this bill was an example of the kind of bipartisanship that all of us would like to see more. This is a bipartisan bill, and it is the product of a host of people who have shown a great deal of concern in this field.

I also must say that the Senator from Colorado was accurate when he said that the one provision that the Secretary opposes is that relating to legal fees.

Mr. President, one of the facts which comes dramatically and tragically to mind is this: Whenever we look at a program we have passed to help poor and powerless people, we find that those funds have been wasted and diverted, and their uses twisted in many ways, so that they are often more harmful than helpful.

Just a few weeks ago, a study was made of the expenditure of funds for the education of American Indians under the Johnson-O'Malley Act and other special titles. The report was absolutely devastating as to the way money was wasted, spent in the wrong way, spent in insulting ways, spent in illegal ways. Time and time again, funds were wasted, and robbed from the purpose for which we had appropriated them.

About a year ago, a study was made of the expenditure of title I funds. Once again, more than a billion dollars a year was being spent to help the most educationally disadvantaged and at the same time the most politically powerless in our Nation, with the same result. Funds were spent in ways that were downright illegal. Funds received to help the poor were spent on the rich side of town. Funds appropriated to help poor, minority group children were even spent on segregated, all-white facilities. The same story again. A noble, important, national piece of legislation twisted and diverted illegally, from the purpose that we intended.

Just a few weeks ago, there was a study by the General Accounting Office regarding the expenditure of $75 million designed to encourage desegregation in this land. I defy anyone to read that report and not conclude that we have an enormous, gaping, unconscionable law enforcement crisis, when it comes to minority groups, the poor and the disadvantaged.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MONDALE. I yield myself 2 additional minutes.

Finally, just a month ago, a special committee on the education of migrants completed a study of the 4-year program involving $45 million a year for the special education needs of the migrant labor force, the most pathetic children of all. I defy anybody to read that report and not conclude that there was enormous, unconscionable, cruel, and illegal wastage of funds.

I say that whenever we pass a bill to help poor folks, we had better believe it is not going to work, unless at the same time we give them some legal or political power to see that the money is spent in the way and for the purposes we had in mind when we adopted it.

We can pass this wonderful law, and unless we at the same time do something to assure its enforcement—not to impose greater control on anyone, but to see that the things we have decided should be done are, in fact, done—we are talking about law enforcement—unless we do that, I think all history predicts that we will be frustrated once again.

Mr. DOMINICK. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Colorado has 3 minutes remaining. The Senator from Minnesota has 5 minutes remaining.

Mr. DOMINICK. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. DOMINICK. Mr. President, unless other Senators would like some time on this matter, I will use a couple of minutes to try to refute some of the arguments which have been made by the Senator from Minnesota.

I would remind the Senator from Minnesota, to start with, that one of the suggestions made by the Republican Party is that an Indian board of education be established and that we provide for local school boards with Indians on them. These suggestions were adopted on a bipartisan basis. They still have to be put into effect.

The point I am making is that it does not do any good, in the process of trying to get things cured, to continue to centralize a system under which the Federal Government is going to pay for everything. The Federal Government does not make money. It has to get the money from the revenues which are collected from the citizens who are producing around this country.

We are talking about $15 million of attorneys' fees to be paid for by everybody who is paying a Federal income tax in this country. It will go to private lawyers—private lawyers, who may be engaged in civil service work as a matter of convenience, but also private lawyers who may view section 11 types of funds as an opportunity to feather their nest through these kinds of suits. It may be an incentive, as the Senator from Kentucky has said, for a local school district to deliberately violate the law, knowing that they will not have to pay any of the plaintiff's court fees as the general public will pick up the tab. It may be that violations of title I will occur in the State of Minnesota, and my question, therefore, is: Why should the general taxpayers in Colorado have to pay for violations in Minnesota?

For that reason, Mr. President, I urge adoption of my amendment.

Mr. MONDALE. Mr. President, referring to my earlier remarks about the absolutely appalling crisis that exists whenever we proceed to implement programs to help the powerless and the disadvantaged, no matter how noble our objectives or, indeed, how clearly we spell them out, time and time again, with dreary repetition, we find that those funds have been wasted or diverted, or illegally spent, and that the spirit of the objectives of the legislation has been destroyed.

Once again, with a full spirit, we are trying to do something new, something that I believe, by and large, we all agree should be done; namely, to try everything that is reasonably necessary and possible to encourage the establishment of stable, quality-integrated education and, at the same time, make certain that the funds are used for that purpose and not diverted into illegal, wasteful, or unconstitutional efforts.

We are duly warned. We have had a "shakedown cruise" on this program already. Seventy-five million dollars has been spent during the present year on an initial effort to encourage desegregation. I think everyone concedes that a great deal of that money was wasted; much of it, in my opinion, actually went to support segregation, not desegregation practices.

So the record is there, that if we want these programs for the poor and the powerless to mean something, it must contain provisions which permit those served to be sure that our will is carried out. One of the most effective ways to achieve this, in addition to parent participation, is to permit aggrieved persons to bring a lawsuit. A poor, unemployed teacher who is black and has been fired, is in no position financially to bring a lawsuit. Ordinary citizens are in no position to try to prohibit the transfer of public properties. These lawsuits are so expensive that there is no economic gain for anyone. Even the average lawyer cannot afford to spend the enormous amount of time that goes into such a lawsuit, without compensation.

Therefore, drawing on the experience of the Equal Employment Opportunities Act, drawing on the experience of the Public Accommodations Act, and drawing upon the experience of legal fees for indigent defendants under the Criminal Justice Act, we are trying a new and exciting way to assure that what we want done is, in fact, done, and that these funds will not be illegally diverted.

I think section 11 is one of the most important provisions, if not the most important provision, in the bill. Without it, I predict wholesale experiences such as those we have already experienced in the past.

Finally, for those who want a national policy of law enforcement—and I agree with the South that we do not have one today, especially in light of the defeat of the Ribicoff amendment—this is the only way I know of to insuer that lawsuits will be brought in the North, West, and the East, as well as the South, in order to eliminate official discrimination—which is about as widely evident in the North, in many cases, as it is in the South.

For these reasons, Mr. President, I plead with the Senate to reject the amendment of my good friend from Colorado who has done such fine work on this bill. I hope that the $15 million provision will remain in the bill.

Mr. JAVITS. Mr. President——

The PRESIDING OFFICER (Mr. Taft). All time on the amendment has now expired.

The question is on agreeing to the amendment——

Mr. JAVITS. Mr. President, I ask unanimous consent that I may speak for 1 minute.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York? The Chair hears none, and it is so orderd.

Mr. JAVITS. Mr. President, I shall vote with the Senator from Minnesota. I appreciate that this is a troublesome problem. We wrestled with it hard in consideration of the bill which was finally worked out.

But, I think that Senators, in evaluating it—because it is difficult—should be careful, in evaluating it, to read the clause which says, "upon a finding that the proceedings were necessary to bring about compliance."

In my judgment, considering the legislative record, compliance could not otherwise be obtained had not these proceedings been brought. On that basis, I feel justified in going with the Senator from Minnesota.

The PRESIDING OFFICER. The question is on agreeing to the amendment, No. 43, of the Senator from Colorado.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. GRIFFIN (when his name was called). On this vote I have a pair with the Senator from Texas (Mr. Tower). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold by vote.

Mr. BYRD of West Virginia. I announce that the Senator from Hawaii (Mr. Inouye), the Senator from Louisiana (Mr. Long), the Senator from Wisconsin (Mr. Nelson), and the Senator from West Virginia (Mr. Randolph) are necessarily absent.

I further announce that the Senator from Florida (Mr. Chiles), the Senator from Oklahoma (Mr. Harris), the Senator from South Carolina (Mr. Hollings), and the Senator from Washington (Mr. Magnuson) are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. Magnuson), the Senator from Oklahoma (Mr. Harris), and the Senator from West Virginia (Mr. Randolph) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott) is absent by leave of the Senate on official business.

The Senator from Tennessee (Mr. Brock) is absent on official business.

The Senator from Kansas (Mr. Dole), the Senator from Oregon (Mr. Packwood), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from South Dakota (Mr. Mundt) would vote "yea."

The pair of the Senator from Texas (Mr. Tower) has been previously announced.

The result was announced—yeas 47, nays 38, as follows:

[No. 44 Leg.]

YEAS—47

Aiken
Allen
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Cook
Cooper
Cotton
Curtis
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Gambrell
Goldwater
Gurney
Hansen
Hruska
Jordan, N.C.
Jordan, Idaho
McClellan
Miller
Pearson
Pell
Percy
Prouty
Roth
Smith
Sparkman
Spong
Stennis
Stevens
Taft
Talmadge
Thurmond
Weicker
Young

NAYS—38

Anderson
Bayh
Brooke
Burdick
Case
Church
Cranston
Eagleton
Fulbright
Gravel
Hart
Hartke
Hatfield
Hughes
Humphrey
Jackson
Javits
Kennedy
Mansfield
Mathias
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Pastore
Proxmire
Ribicoff
Saxbe
Schweiker
Scott
Stevenson
Symington
Tunney
Williams

PRESENT AND GIVING A LIVE PAIR AS PREVIOUSLY RECORDED—1

Mr. Griffin, against.

NOT VOTING—14

Allott
Brock
Chiles
Dole
Harris
Hollings
Inouye
Long
Magnuson
Mundt
Nelson
Packwood
Randolph
Tower

So Mr. Dominick's amendment (No. 43) was agreed to.

Mr. DOMINICK. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HANSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD obtained the floor.

Mr. SCOTT. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I shall yield to the Senator if the distinguished minority leader will allow me first to yield to the distinguished Senator from North Carolina so that he may call up an amendment.

AMENDMENT NO. 44

Mr. ERVIN. Mr. President, I call up my Amendment No. 44, which I will explain after a colloquy between the Senator from Pennsylvania and the Senator from Montana.

The PRESIDING OFFICER. The amendment will be stated.

The Assistant Legislative Clerk. Mr. Ervin proposes an amendment (No. 44) to strike out all after the enacting clause and insert in lieu thereof an amendment in the nature of a substitute entitled "Emergency School Aid Assistance Act".

The amendment (No. 44) is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Emergency School Aid Assistance Act".

STATEMENT OF PURPOSE

Sec. 2. (a) In order to meet the crisis created by the rising costs of providing education in the public schools of the States and by the limited resources of State and local educational agencies, it is the purpose of this

Act to make unconditional education grants to State and local educational agencies.

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. There are authorized to be appropriated for the purpose of carrying out this Act $500,000,000 for the period ending June 30, 1972, and $1,000,000,000 for the fiscal year ending June 30, 1973. Funds appropriated pursuant to the preceding sentence shall remain available for obligation and expenditure during the fiscal year succeeding the fiscal year for which they are appropriated.

ALLOTMENT

SEC. 4. (a) From the funds appropriated pursuant to section 3, the Commissioner shall allot not less than 3 per centum among the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs. From the remainder of such sums the Commissioner shall allot to each State an amount which bears the same ratio to the number of children in each such State—

(1) who are aged five to seventeen, inclusive; and

(2)(A) who are enrolled in the public elementary and secondary schools of the local educational agencies, and

(B) enrolled in such schools of the State educational agency of such State;

bears to the number of such children in all States. For the purposes of this subsection, the term "State" does not include Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(b) The portion of any State's allotment under subsection (a) for a fiscal year which the Commissioner determines will not be required, for the period such allotment is available, for carrying out the purposes of this Act shall be available for reallotment from time to time, on such dates during such period as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the Commissioner estimates will be needed in such State and will be used for such period for carrying out applications approved under this Act, and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts are not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for such year.

USES OF FUNDS

SEC. 5. Grants made under this Act may be used in accordance with applications approved under section 6 for educational programs and activities conducted by public elementary and secondary schools of local educational agencies and of State educational agencies.

APPLICATIONS

SEC. 6. A grant under this Act may be made to any State or local educational agency upon application to the Commissioner at such time, in such manner, and containing and accompanied by such information as the Commissioner deems necessary. Each such application shall—

(1) provide that the programs and activities for which assistance under this Act is sought will be administered by or under the supervision of the applicant;

(2) describe with particularity the programs and activities for which such assistance is sought;

(3) in the case of a State educational agency, provides assurance that no more than 50 per centum of the funds for which the application is made by such agency will be expended for purposes other than programs and activities conducted by the public elementary and secondary schools of such agency;

(4) provide assurances that the applicant will pay from non-Federal sources the remaining costs of such program;

(5) set forth such fiscal control and fund accounting procedures as may be necessary to assure proper dispersal of and accounting of Federal funds paid to the applicant under this Act; and

(6) provide for making such reasonable reports in such form and containing such information as the Secretary may reasonably require to carry out his functions under this Act, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

(b) Applications for grants under this Act may be approved by the Commissioner only if—

(1) the application meets the requirements set forth in subsection (a); and

(2) the application is consistent with objective criteria established by the Commissioner for the purpose of achieving an equitable distribution under this Act within such State. Such criteria shall be based upon a consideration of—

(A) the number of children aged five to seventeen, inclusive, who are enrolled in the public elementary and secondary schools of the local educational agencies within each such State; and

(B) the relative need of the local educational agencies within the State for assistance under this Act.

(c) Amendments of applications shall, except as the Commissioner may otherwise provide, be subject to approval in the same manner as the original applications.

PAYMENTS

SEC. 7. (a) Payments under this Act shall be made from a State's allotment to any State or local educational agency which has an application approved under section 6. Payments under this Act with respect to the costs of carrying out an application of a State or local educational agency shall not exceed 90 per centum of such costs for any fiscal year in determining the costs of carrying out an application of a State or local educational agency and shall exclude any costs with respect to which payments were received under any other Federal program.

(b) Payments to a State under this Act may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment, and may be made directly to a State or to one or more public agencies designated for this purpose by the State, or to both.

WITHHOLDING

SEC. 8. Whenever the Commissioner, after giving reasonable notice and opportunity for hearing to a grant recipient under this Act, finds—

(1) that the program or activity for which such grant was made has been so changed that it no longer complies with the provisions of this Act; or

(2) that in the operation of the program or activity there is failure to comply substantially with any such provision;

the Commissioner shall notify such recipient of his findings and no further payments may be made to such recipient by the Commissioner until he is satisfied that such noncompliance has been, or will promptly be, corrected. The Commissioner may authorize the continuance of payments with respect to any programs or activities pursuant to this Act which are being carried out by such recipient and which are not involved in the noncompliance.

JUDICIAL REVIEW

SEC. 9. (a) If any State or local education agency is dissatisfied with the Commissioner's final action with respect to the approval of its application submitted under section 6, or with his final action under section 7, such State or local educational agency may within sixty days after notice of such action file with the United States court of appeals for the circuit for which such agency is located a petition for review of that action. A copy of that petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner shall file promptly in the court the record of the proceedings on which he based his action, as provided for in section 2112 of title 28, United States Code.

(b) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

PROHIBITIONS AND LIMITATIONS

SEC. 10. (a) Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system.

(b) Nothing contained in this Act shall be construed to authorize the making of any payment under this Act for the construction of facilities as a place of worship or religious instruction.

ADMINISTRATION

SEC. 11. (a) The Commissioner may delegate any of his functions under this Act, except the making of regulations, to any officer or employee of the Office of Education.

(b) In administering the provisions of this Act, the Commissioner is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement as may be agreed upon.

DEFINITIONS

SEC. 12. As used in this Act, the term—

(1) "Commissioner" means the Commissioner of Education;

(2) "elementary school" means a day or residential school which provides free public elementary education, as determined under State law;

(3) "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, and such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school;

(4) "free public education" means education which is provided at public expense, under public supervision and direction, and without tuition charge, and which is provided as elementary or secondary school education in the applicable State;

(5) "secondary school" means a day or residential school which provides free public secondary education, as determined under State law, except it does not include any education beyond grade 12;

(6) "State" includes in addition to the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands; and

(7) "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of State elementary and secondary education or if there is no such officer or agency, an officer or agency designated by the Governor or State law.

UNANIMOUS-CONSENT AGREEMENTS—PROGRAM

Mr. MANSFIELD. Mr. President, I have discussed the possibility of a time limitation with the distinguished Senator from North Carolina. He is most reasonable, but he would prefer to discuss it tomorrow rather than this evening.

May I inquire of the Chair how much time has been allocated for Senators to speak after the Senate convenes at 10 o'clock tomorrow morning?

The PRESIDING OFFICER. A total of 30 minutes.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that immediately following the remarks by the able Senator from Iowa (Mr. Hughes) tomorrow, for which the order has already been entered, the following Senators each be allocated not to exceed 15 minutes, in the order stated: Mr. Saxbe, Mr. Taft, Mr. Hansen, Mr. Buckley, and Mr. Byrd of Virginia.

Mr. ALLEN. Mr. President, reserving the right to object, do these time allocations come before the period set aside for the transaction of routine morning business?

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. ALLEN. How much time would then be allocated for it?

The PRESIDING OFFICER. The total allocation of time would be——

Mr. BYRD of West Virginia. Mr. President, under the order previously entered, there would be not to exceed 30 minutes.

Mr. ALLEN. How much time is being added now?

Mr. BYRD of West Virginia. The total consumed in the six speeches would be an hour and a half, and the 30 minutes would carry us past the hour of 12 o'clock, which would be the close of the morning hour.

Mr. ALLEN. I have no objection. I withdraw my objection.

The PRESIDING OFFICER. The objection is withdrawn.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. ERVIN. Mr President, I want to inform the Members of the Senate who are present at this time that my amendment No. 44 which is printed in this Record earlier is a substitute bill for S. 1557, and it would disperse $1.5 billion directly to all local school districts and the States on the basis of their proportion of the Nation's school-age population. Other than the requirement that the money be spent for general educational purposes by the States and school districts, there would be no Federal restrictions on the funds.

The National School Board Association has strongly endorsed amendment No. 44 rather than S. 1557, as it is written. The association membership includes 85,000 school board members which represent 90 percent of the Nation's school boards. These boards serve 98 percent of our Nation's schoolchildren. Because of the strong backing of this broadly based group, a vote for amendment No. 44 would be truly a unifying act for a nation divided by the school desegregation issue.

Amendment No. 44 is basically a general revenue sharing measure, and I hope you will agree with me that it is a much more constructive way to aid education than S. 1557 as presently written.

Passage of amendment No. 44 would do away with this business of trying to divide the country into two parts. It would also do away with the necessity of having to vote on the parochial school aid question. I hope the Senate will adopt amendment No. 44 so we can bring this bill to an end and get out of here this week.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, the request is agreed to.

Mr. MANSFIELD. Mr. President, it is my understanding that the Senate has already agreed to a 30-minute period tomorrow for the transaction of routine morning business.

The PRESIDING OFFICER. That is correct.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that that period be extended to 1 hour for the transaction of routine morning business.

The PRESIDING OFFICER. Is there objection?

Mr. ALLEN. Mr. President, reserving the right to object, as the junior Senator from Alabama understands, we have an hour and a half set aside for specifically allocated time periods for Senators. Then we have 30 minutes allocated, with a 3-minute limitation, which would give 10 Senators an opportunity to speak for 3 minutes. We have as the pending business, which would be laid before the Senate at that time, 12 o'clock, Senate 1557, the Emergency School Act. This act should be given emergency treatment. It seems to the junior Senator from Alabama that 2 hours is long enough to set aside for speeches prior to getting on with this emergency school legislation.

So the junior Senator from Alabama respectfully and apologetically interposes an objection to the request of the distinguished majority leader.

Mr. MANSFIELD. Not at all, because the Senator is perfectly within his rights.

Mr. SCOTT. Mr. President, would the distinguished majority leader now advise us as to the schedule? For example, if we can finish consideration of this bill, as the Senator from Alabama has eloquently suggested, by tomorrow, would we be in session on Friday? I assume if we do not finish the bill by tomorrow we will be in session on Friday.

I would like the comments of the distinguished majority leader as to that question, as to whether he agrees with what I have indicated, and then, further, what legislative business may we expect thereafter?

Mr. MANSFIELD. Mr. President, may I say, in response to the question raised by the distinguished minority leader, he is in fact the eternal optimist. If we could finish this bill tomorrow, we would not be in session Friday; but it is my understanding that the distinguished Senator from North Carolina has more than one amendment and that the distinguished Senator from Mississippi has one amendment. There may be others.

The joint leadership would be prepared to stay in session late tomorrow to complete its business, but it appears to me it is not quite possible, and I would say as of now that the Senate will be in session on Friday.

I would like at this time, with the consent of the distinguished Senator from North Carolina, to make a request.

Mr. STENNIS. Mr. President, will the Senator yield before he makes that request?

Mr. MANSFIELD. I yield.

Mr. STENNIS. I appreciate the Senator's yielding.

In connection with the amendment the Senator mentioned, the amendment by my colleague and I that I have in mind is the same amendment that was introduced to the education bill last year and that was debated and was passed by the Senate. I would propose to offer that amendment now and would cooperate to such degree as I could to agreeing to some time tomorrow, but not very late. I just wanted the Senator to hear that statement.

Mr. MANSFIELD. Mr. President, that is encouraging news. That may change the picture.

If I may have the attention of the distinguished Senator from North Carolina, I ask unanimous consent that on the pending amendment there be a time limitation of 2 hours, the time to be equally divided between the sponsor of the amendment and the manager of the bill or whomever he may designate.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. That is fine, except I hope the Senator will protect us on amendments to the amendment and will not foreclose, though I do not intend to make one, a motion to table, because I gather the unanimous-consent request must contemplate both possibilities.

Mr. MANSFIELD. It would.

Mr. President, I ask unanimous consent that there be 10 minutes, equally divided, on all amendments to the amendment.

Mr. JAVITS. And that a motion to table may be made?

Mr. MANSFIELD. Oh, yes. That is always in order.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Stennis amendment is laid before the Senate, following the disposition of the Ervin amendment, there be a time limitation of not to exceed 3 hours, the time to be equally divided between the sponsor of the amendment and the manager of the bill, and under the same conditions that the Ervin amendment is being considered under.

Mr. JAVITS. Mr. President, what about amendments to the amendment and a motion to table?

Mr. MANSFIELD. Yes; I include that.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, in view of that, may I say to the distinguished minority leader that there is a possibility that we could finish tomorrow night.

Mr. SCOTT. So I observed to the distinguished majority leader, when he called me a perpetual optimist, that that is a built-in role of the minority leader, and it is about all we have to look forward to. I am delighted to be such an optimist if preceded by the healthy kind of pessimism which leads to realism, as the last request indicated.

Mr. MANSFIELD. Mr. President, if we can cut through all those words, we still have the possibility to contend with, but there will be no further votes tonight.

The PRESIDING OFFICER. The Chair would inquire of the majority leader as to when consideration of the Ervin amendment takes effect.

Mr. MANSFIELD. Immediately at the conclusion of the 30 minutes set aside for morning business.

Mr. STENNIS. Mr. President, on behalf of my colleague from Mississippi (Mr. EASTLAND) and myself, and such other Senators as may join——

Mr. BYRD of West Virginia. Mr. President, the Senate is not in order—n–o–t in order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. STENNIS. Mr. President——

Mr. BYRD of West Virginia. Mr. President, will the Senator kindly suspend until we can get order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. STENNIS. Mr. President, I ask unanimous consent that the text of my amendment appear at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

On page 1, between lines 4 and 5, insert the following new section:

"POLICY WITH RESPECT TO THE APPLICATION OF CERTAIN PROVISIONS OF FEDERAL LAW

"SEC. 2. It is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964, section 182 of the Elementary and Secondary Education Amendments of 1966, and this Act, shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race whether de jure or de facto in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation."

On page 1, line 6, strike out "SEC. 2. (a)" and substitute "SEC. 2A. (a)".

Mr. STENNIS. Mr. President, this is the same amendment with reference to the policy of withholding money for school purposes that we debated in the Senate last year, and it passed the Senate by a vote of 56 to 36, but the substance of it was lost in conference. I think we can debate the issue and the substance of it tomorrow. I call the Senate's attention to that amendment.

I ask unanimous consent that the name of the Senator from South Carolina (Mr. THURMOND) may be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. I also ask unanimous consent that the names of the Senator from North Carolina (Mr. ERVIN) and the Senator from Alabama (Mr. ALLEN) be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered. If the Senator will suspend for a moment, there is an amendment pending at the present time.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all this may be effective when the Stennis amendment is laid before the Senate and becomes the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The unanimous-consent agreement reads as follows:

Ordered, That, following the conclusion of the routine morning business, on Thursday, April 22, 1971, time on the amendment (No. 44) of the Senator from North Carolina (Mr. ERVIN) be limited to two hours to be equally divided and controlled by the Senator from North Carolina (Mr. ERVIN) and the Senator from Rhode Island (Mr. PELL) or their designees. Should an amendment be offered to the Ervin amendment, time will be limited to ten minutes to be equally divided between the proponent of the amendment and the Senator from North Carolina (Mr. ERVIN).

Provided further, That following the disposition of the Ervin amendment, the amendment to be offered by the Senator from Mississippi (Mr. STENNIS) be laid before the Senate and the time limited to three hours, to be equally divided and controlled by the Senator from Mississippi (Mr. STENNIS) and the Senator from Rhode Island (Mr. PELL) or their designees. Should an amendment be offered to the Stennis amendment, time will be limited to ten minutes to be equally divided between the proponent of the amendment and the Senator from Mississippi (Mr. STENNIS).

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session for action on certain nominations which have been favorably reported by the Committee on the Judiciary today, and I yield to the distinguished minority leader for that purpose.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Pennsylvania is recognized.

THE JUDICIARY

The legislative clerk proceeded to read sundry nominations in the judiciary, favorably reported by the Committee on the Judiciary earlier in the day.

Mr. SCOTT. Mr. President, I ask that the clerk report first the nomination which I now hand him.

The legislative clerk read the nomination of Raymond J. Broderick, of Pennsylvania, to be a U.S. District Judge for the Eastern District of Pennsylvania.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. SCOTT. I ask unanimous consent that the remaining nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. SCOTT. Mr. President, I ask that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. SCOTT. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VISIT TO THE SENATE BY MEMBERS OF THE GERMAN BUNDESTAG

Mr. SPARKMAN. Mr. President, I had hoped that I might be able to present a distinguished delegation from the Bundestag in Germany, but unfortunately they are due at the White House at 4 p.m., so they have to leave.

They have been visiting in the United States for 2 weeks, and they are in Washington today. They are members of the Foreign Relations Committee of the German Bundestag. We had a very nice visit in the Foreign Relations Committee room, and then they came to the Senate Chamber and enjoyed observing some of the proceedings.

I ask unanimous consent that a biographical sketch of each gentleman be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BIOGRAPHICAL SKETCHES

KURT MATTICK

Born June 27, 1908, in Berlin. Began career as a machinist in the Borsig works, later transferred to commercial and technical departments.

Active in Metal Workers' union and Socialist Workers Youth from 1924. Member of Social Democratic Party (SDP) since 1926. After 1933, member of Anti-Nazi resistance group. In 1946, Secretary of the SPD majority group in the Berlin City Council. Active in journalism as writer and editor for the Berlin dailies "Social Democrat" and "Telegraf."

Deputy from Berlin in the federal Bundestag (since 1953). Member of the SPD national party Council and of the party's Board for the Berlin city-state. Deputy Chairman of the Foreign Affairs Committee of the German Bundestag. Chairman of the SPD's Working Group of Foreign Affairs and intra-German relations of the Social Democratic delegation in the Bundestag.

PETER KLAUS CORTERIER

Born in Karlsruhe on June 19, 1936, studied law in Heidelberg and at 20 was already active in the Social Democratic Party (SPD).

In 1967, at 31, he became Chairman of the Young Socialists in the SPD.

For three years, until 1968, he was President of the Atlantic Association of Young Political Leaders (AAYPL), whose member groups in the U.S. include the Young Democrats and Young Republicans. He is now a member of the organization's Board and heads its German delegation. He is also a member of the German Atlantic Society. He is the youngest member of the Social Democratic Party's Board. In the Bundestag, he serves on the Foreign Affairs Committee, its Sub-Committee for Disarmament and Arms Control, and is a deputy member of the Defense Committee.

JOACHIM RAFFERT

Born March 15, 1925 in Hildesheim. After war service, worked in construction, continued his education and became a Journalist with newspapers in Einbeck, Goettingen and Hannover. Member of the Social Democratic Party since 1949, served in various capacities with the SPD Youth Organization "Falken", the Young Socialists, member of SPD Subregional Committees and as Deputy District Chairman in Hildesheim. Since 1959, Councilman in Hildesheim and since 1964, Deputy Chief of the Political Section of the daily "Hannover Press". Member of the Board of the German Journalists' Union in Hannover, Board Member and Manager of Cultural Activities of the City of Hildesheim.

Mr. Raffert is Member of the Bundestag since 1965. He is married and has two sons.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MILLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa is recognized.

(The remarks of Mr. MILLER when he introduced S. 1612 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

REMOVAL OF INJUNCTION OF SECRECY FROM THE TREATY WITH MEXICO, EXECUTIVE B, 92D CONGRESS, FIRST SESSION

Mr. BYRD of West Virginia. Mr. President, as in executive session I ask unanimous consent that the injunction of secrecy be removed from the Treaty with Mexico, signed at Mexico City on November 23, 1970, resolving boundary differences—Executive B, 92d Congress, first session—transmitted to the Senate today by the President of the United States, and that the treaty, together with the President's message, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER (Mr. TAFT). Without objection, it is so ordered. ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the treaty to resolve pending boundary differences and maintain the Rio Grande and Colorado River as the international boundary between the United States of America and the United Mexican States, signed at Mexico City on November 23, 1970.

I transmit also, for the information of the Senate, the report of the Secretary of State with respect to the treaty.

This treaty, it is believed, constitutes as fair a settlement as can be negotiated of all pending boundary differences and uncertainties with Mexico, and represents a comprehensive attempt on the part of the two Governments to deal with existing and future boundary problems.

The provisions of the treaty are outlined and explained in the enclosed report of the Secretary of State. Under the treaty the Governments would settle the existing disputes and uncertainties regarding the location of the boundary along the Rio Grande and off both coasts, and would establish new procedures for handling the river movements that have occasioned differences and uncertainties in the past. Under it there would be assigned to the United States approximately 2,079 acres of land about which there has been question as to national sovereignty, and to Mexico about 3,326 acres about which there has been similar doubt.

The treaty would establish a permanent maritime boundary in the Gulf of Mexico where, due to migration of the mouth of the Rio Grande, it has been indefinite and moving for more than a century, as well as in the Pacific Ocean. Henceforth, mariners and potential lessors and lessees of the seabed would be able to ascertain precisely the extent of the jurisdiction of each nation.

The treaty would also provide measures to avert in the future significant loss of territory to either country because of the inevitable movements of the boundary rivers. The importance of these provisions is indicated by the fact that in a century more than 240 tracts have been cut from one country to the other, effecting a transfer of about 20,800 acres from Mexico to the United States and about 15,300 acres from the United States to Mexico, with the attendant uncertainty about the location of the boundary, and the inconvenience and personal loss to some of the owners of the land.

The settlement unfortunately will entail loss to the Presidio Valley of Texas of a considerable part of its irrigable land. While this land belonged to Mexico in 1852, it has long been occupied and much of it farmed by American citizens. With only a limited amount of irrigable land available, the economic base of the valley will be adversely affected. Following the precedent of the Chamizal settlement of 1963, when lands also had to be transferred to Mexico, I intend to recommend inclusion in enabling legislation of specific measures to relieve the people of the valley of financial loss and assist them in adjusting to the requirements of the settlement. This assistance should alleviate the burden of the settlement which the valley and its residents are ill-prepared to bear, and for which they have had no responsibility.

In the absence of the detailed investigations that can be undertaken only after ratification of the treaty, the U.S. Section of the International Boundary and Water Commission has been able to prepare only preliminary estimates of the cost of the works required for implementation of the treaty. In his report the Secretary of State presents preliminary estimates totaling $10,368,000 for the United States share of the work that should be performed over the next two years. In addition to normal maintenance, the treaty would commit the United States to a continuing program to restrain the boundary rivers in their courses and avert loss of territory through the shifting of sizable tracts from one country to the other. This program is expected to require an average expenditure of not more than $400,000 per year. The Government of Mexico would, of course, perform its share of this work, and the total continuing obligation for both countries would diminish as the Commission succeeds in stabilizing the course of the rivers where shifting seems most likely.

I believe that the proposed comprehensive boundary settlement admirably reflects the mutual respect and understanding in which the Governments of the United States and Mexico conduct their relations and the constructive spirit with which they approach common border problems. I strongly recommend that the Senate of the United States advise and consent to the ratification of the treaty as promptly as appropriate procedures permit.

RICHARD NIXON.

THE WHITE HOUSE, *April 21, 1971.*

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, is my understanding correct that there is to be a morning hour for the conduct of morning business from 11:30 to 12 noon, with a time limitation of 3 minutes attached thereto?

The PRESIDING OFFICER. The understanding of the Senator is correct.

VISIT OF THE UNITED STATES TABLE TENNIS TEAM TO CHINA

Mr. GRIFFIN. Mr. President, I was absent from the Chamber this afternoon for the purpose of meeting with Mr. Graham B. Steenhoven, president of the U.S. Table Tennis Association. Mr. Steenhoven, from Detroit, recently returned with the U.S. Table Tennis Team from their historic visit to Communist China.

Those of us from Michigan are particularly proud of the way Mr. Steenhoven and the members of this American table tennis team conducted themselves as representatives of our Nation. The opportunity to participate in this historic diplomatic breakthrough fell to them without notice or preparation. Yet, they acquitted themselves with grace and tact.

I have watched the interviews and the reports on television and read about them in the newspapers. The team was an interesting group of citizens of the United States, most of whom had been born in foreign countries, of varying economic backgrounds and different colors.

It is interesting that this very representative group of U.S. citizens, in a very unexpected way, had the opportunity to participate in this historic event. What the future may hold in terms of Chinese-United States relations is still to be determined. In any event, I am very proud of the part that Mr. Steenhoven has played, and I commend him and all the members of the U.S. Table Tennis Team for the way they represented the United States.

SENATE RESOLUTION 101—USE OF THE MALL BY VIETNAM VETERANS — UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the hour of 12 noon tomorrow, the resolution submitted by the distinguished Senator from Michigan (Mr. HART) be laid before the Senate, and that the Senator from Michigan (Mr. HART) be recognized for 15 minutes.

The PRESIDING OFFICER. Without objection——

Mr. ALLEN. Mr. President, I understood the Senator was going to state the whole request before asking for approval. That is not all of the request.

Mr. MANSFIELD. And that the morning hour be closed at 12:15, which will be the termination of the 15 minutes granted to the distinguished Senator from Michigan and that at that time the unfinished business be laid before the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. ALLEN. Mr. President, reserving the right to object, I wish to inquire as to which Senators have been allotted time for the hour and a half period.

Mr. MANSFIELD. Senators, HUGHES, SAXBE, HANSEN, BUCKLEY, BYRD of Virginia, and the distinguished Presiding Officer, the Senator from Ohio (Mr. TAFT). It would be anticipated that what we are doing here is laying our cards on the table and that a Senator who may not be here tonight would understand the situation in which the leadership finds itself.

Mr. HART. Mr. President, reserving the right to object—and it may be that the point I am going to make is not quite an appropriate reservation—I think it will help those of our colleagues who are not here, but who will read in the RECORD our full intention with respect to tomorrow, to say that earlier today I submitted a resolution which would express as the sense of the Senate a desire to see the Mall made available for the remainder of this week to the Vietnam veterans who are here to petition us.

Because under our rules the only time tomorrow that action could be taken on that resolution would be during the 2 hours of the morning hour, and inasmuch as 1½ hours of those 2 hours have already been committed and there are reserved only 30 more minutes, and those 30 minutes are available to each and all Senators for 3 minutes each, it would be very unlikely that the Senate would be in a position to work its will with respect to the proposal that is reflected in that resolution, namely, to permit the veterans to be on the Mall.

I would hope that, given this kind of notice—and I shall not object—all of us will have reached our conclusions before 12:15 tomorrow as to whether we think the Senate should voice an opinion as to the appropriateness of the use of the Mall by the veterans.

The only way that can occur is if in that 15-minute period allotted to me our colleagues permit this question to come to a vote. If Senators think it would be helpful both to peace and concord in our community and a decent respect for the men who fought a war, which we declared but never went into ourselves, to use that Mall to petition us, vote "yes." If our colleagues disagree, vote "no." Let us not talk about it.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. MANSFIELD. May I express the hope that this matter, which has been decided only by the Chief Justice up to this time, will be considered, as I understand it might be, by the full Supreme Court this afternoon. It would be my hope that a satisfactory solution could be found to the dilemma which faces all of us at this time. I would hope not only that the Supreme Court would look with leniency on the plea of the veterans, but that the National Park Service, which I think the distinguished Senator from Michigan had in mind in his resolution, would not be too strict in carrying out the orders of the Chief Justice, and that even the President of the United States might look with consideration, compassion, and understanding upon a situation which has developed so rapidly and which needs to be met in some fashion so swiftly.

Mr. ALLEN. Mr. President, reserving the right to object, the junior Senator from Alabama feels that the distinguished Senator from Michigan, having submitted this resolution, should have the opportunity of discussing it for a reasonable length of time, and for that reason he feels that the request that he have 15 minutes to discuss it is not unreasonable.

Without passing any judgment on the resolution, the junior Senator from Alabama, who on occasion has felt it advisable to speak here on the floor for periods longer than 15 minutes, feels that the distinguished Senator from Michigan should have the opportunity of speaking for 15 minutes. Whether the resolution will come to a vote in those 15 minutes is, to say the least of it, problematical, but he will have his day, or if not day, at least his 15 minutes, in court.

I have no objection.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The Chair hears none, and it is so ordered.

Mr. HART. Mr. President, I really have very little interest in speaking for 15 minutes. I have a bed to sleep in tonight and a very comfortable home. I am trying to get some time so that 100 Senators can express themselves by a "yes" or "no" on the proposition of whether people who come to petition us may have a place to stay. Not all of them are able to house themselves in suites at the Shoreham. Some of them find it very difficult to house themselves. A man from Michigan, without his two legs, is here in fatigues. Fifteen minutes gives us all an opportunity to answer a rollcall as to whether that man will be permitted to stay on the Mall unmolested while he seeks to petition us about a war he knows much more about than we will ever know.

The PRESIDING OFFICER. The Chair will inquire whether, under the unanimous-consent request, the order shall include that a vote on the resolution will take place after the Senator from Michigan has used his time.

Mr. MANSFIELD. Mr. President, it will be laid before the Senate at 12 noon, at which time the distinguished Senator from Michigan will be recognized for the next 15 minutes. If a vote is achieved in the meantime, that will dispose of it one way or the other. If a vote is not achieved by the hour of 12:15, then it is my understanding that the time which the Senator from Michigan has will be terminated and the sense of the Senate resolution automatically will go on the calendar.

Mr. ALLEN. Mr. President, if the Senator will yield, so much of the 15 minutes as the Senator from Michigan might care to use. If he should yield the floor, it would be available at the request of any Senator.

Mr. MANSFIELD. That is right.

Mr. President, I modify my previous request slightly so that the time for the Senator from Michigan will be not to exceed 15 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I want to say to the distinguished Senator from Alabama that he has been most fair and considerate, as always, in helping to work out an impasse in which we all found ourselves, and I think he did so not only gracefully but with due regard for the rights of the Senator from Michigan (Mr. HART), just as I am sure he would observe and fight for the rights of any other Senator.

Mr. HART. Mr. President, though it would seem extremely ungracious of me, after having been given 15 minutes that I would not otherwise have been able to obtain, I must say that once we get over this hump and the emotionalism of this issue, I wonder if, in attempting to organize ourselves in an expeditious fashion for the purpose that I have supported, the desirability of which I understand; namely, earmarking 15 or 30 minutes for individuals, we are not getting ourselves into the position where a Senator's right to do what I sought to do with this resolution is being destroyed—or perhaps atrophied is the better word.

We can wind up such an orderly procedure here that we can have every one of those minutes in the first 2 hours for morning business earmarked, and then we might just as well repeal whatever this rule is that is intended to give Senators the right, if you will, to raise sometimes difficult issues such as apparently some feel are reflected in the resolution I have offered.

Let us not get in that bind now, but let us recognize that this is an example of what we are going to get into if we are not careful.

Mr. MANSFIELD. Mr. President, will the Senator yield at that point?

Mr. HART. I yield.

Mr. MANSFIELD. The Senator is absolutely correct. There is a grave danger involved in procedures that may prejudice Senators; there is difficulty involved—particularly when those procedures inhibit the rights and privileges of Senators under morning hour provisions and other rules that govern this body. Of course, we are attempting to accommodate all Senators and to provide efficiency. But we are all men who must work together in the Senate and as written, the rules provide, I think, for that degree of flexibility to protect the right of every Member of this institution. We will have to look into this again, because the point raised by the distinguished Senator is well taken, and if we do continue to operate too strictly under these new procedures and thereby inhibit, to a great degree, the rights of any Senator, then I think we may have gone too far in the name of efficiency and sacrificed a part of what is fundamental to this institution. I believe this all can be worked out but we must—as always—remain flexible in our approach.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Michigan yield?

Mr. HART. I yield.

Mr. BYRD of West Virginia. Mr. President, I cannot agree with the distinguished Senator from Michigan. In the first place, it is his right or the right of any Senator to object to a unanimous-consent request that any Senator or group of Senators be allotted time to the extent of 15 minutes each before the period for routine morning business begins. In each such case, time is allotted by a unanimous-consent order. The Senator can object to such requests so that the entire 2 hours under the morning hour would remain available for discussion of routine morning business under rule VII, including a discussion of the resolution which would come over under the rule.

I repeat that any Senator who wishes to protect his rights with respect to rule XIV, under which a resolution lying over for a day is laid before the Senate, can do so simply by objecting to any requests for unanimous consent that Senators may speak for 15-minute periods, thus consuming the whole or any significant part of the 2 hours under the morning hour.

Mr. HART. Mr. President, I do agree with the able Senator from West Virginia. I would hope we would not be compelled, in the interest of self-defense, to enter a standing objection. Let us not drive this thing to that point.

Mr. BYRD of West Virginia. Mr. President, if the able Senator will yield, I made no reference to the necessity for a standing objection to protect a Senator.

Mr. HART. No; but how can I or any of us be here for 2 hours to pop up and object every time a colleague, with good reason always, wants to block out 30 minutes?

Mr. BYRD of West Virginia. Mr. President, will the Senator again yield?

Mr. HART. I yield.

Mr. BYRD of West Virginia. I would hope we would not leave the RECORD today implying—as I know the Senator from Michigan does not want to imply—the the procedures which have been put into effect on the recommendation of at least four distinguished Senators, two from each side of the aisle, are working in such a manner that at some future date, a Senator's rights under rule XIV—with respect to a resolution lying over for a day—would be violated or impaired.

I want again to emphasize that any Senator, at any point, can object when a request is made for a Senator to be recognized for 15 minutes preceding the period for the transaction of routine morning business, and thus preserve his rights as they have existed heretofore under rule XIV.

Also, any Senator may, on the day before, speak as long as he can stand on his feet with respect to the resolution that will lie over until the next day.

Finally, I know that the leadership on both sides of the aisle is going to do everything possible to accommodate both the Senators who want orders entered recognizing them for 15 minutes each before morning business as well as any Senator or Senators who wish to speak with respect to a resolution that has lain over for a day under the rule.

Mr. HART. That is the point that I cite this situation as perhaps putting into jeopardy. I support the leadership in the desire to organize the schedule in a fashion that does permit us to anticipate 15 minutes. With this I have no quarrel.

Second, I am not suggesting that in the allocation of times for tomorrow, there was on the mind of anyone any desire thereby to shuffle this pending resolution into the closet. But if we had allotted 15 minutes to each of two more Senators, it would have had that effect.

I say this is where, seeing the situation that can develop, all of us ought to review the bidding as to how, other than saying, "Well, if you don't like the allocation, be over here to object," we can have our cake and eat it, because this is a desirable objective.

Mr. MANSFIELD. Mr. President, will the Senator yield at that point?

Mr. HART. I yield.

Mr. MANSFIELD. The Senator has a point, in special circumstances; and if I had been wide awake and on my toes, I might have anticipated this for tomorrow, and perhaps should have taken the initiative. But, generally speaking, I think it has worked out pretty well and to the satisfaction of all.

In a circumstance like this, the Senator has a point and, from now on, the leadership will try to keep the interests of all Senators in mind when a resolution or a proposal of immediate importance and significance has come up, so that in that way we will be able, within the 2-hour morning hour period, to do our best to protect the rights of the sponsor of the resolution or the proposal before us.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. ALLEN. I should like to point out to the distinguished Senator from Michigan that the rules have not been unkind to him with respect to his resolution, because he introduced the resolution just this morning, and at 12 noon on tomorrow he is going to have that resolution as the pending business before the U.S. Senate. How much speedier action could the Senator expect than to get a resolution in on 1 day and have it up as the pending business of the Senate the following day? That is a tribute to the rules of the Senate and the flexibility of the rules of the Senate, and the desire of those who promulgated the rules to see that each Senator does have an opportunity to be heard.

So I feel that the rules have been very kind to the Senator from Michigan.

Mr. HART. The Senator from Alabama has treasured certain of these rules from the day he got here. All of us recognize the skill with which he has applied them. Remembering some of those long periods when things have been pending before the Senate which have involved the Senator from Alabama and me, I say there is one whale of a difference between that and having something pend for 15 minutes before the Senate and then having the Senate act.

I think our point is made, from all points of view. What might distinguish the resolution we are now discussing is the clock. I hope that before it indicates many more minutes, the Supreme Court will have made the resolution moot. But if, when we assemble here tomorrow, those veterans are in the process of being moved off the Mall, surely we can decide within 15 minutes whether we agree with that action or not. I hope that we will have the opportunity, not alone to discuss it, but to act.

Mr. ALLEN. I thank the distinguished Senator.

Mr. BYRD of West Virginia. Mr. President, will the able Senator from Michigan again indulge me for a further observation or so?

Mr. HART. I yield.

Mr. BYRD of West Virginia. First, had the majority leader moved to recess—rather than adjourn—the Senate today, the Senator from Michigan would have been deprived entirely of any rights under rule XIV on tomorrow, regardless of whether any orders had been entered for recognition of Senators for 15 minute speeches.

Second, if the Senator from Michigan or any Senator feeling strongly about a resolution—as does the Senator from Michigan in this instance—which is going to lie over for a day, wishes to place an objection with the leadership, that Senator will be protected, regardless of how the leadership feels regarding the issue involved, against any request for 15-minute speeches prior to the beginning of morning business and within the 2 hours in the morning hour. He would not be forced to remain on the floor constantly throughout the day to protect himself. The leadership would seek to honor his wishes.

So I think that we have the best of two possible worlds here, in that we have the new procedures which are working well and which do help us to program the time for Senators who wish to make speeches prior to morning business and which do also expedite the business and save the time of all Senators.

At the same time, with respect to a resolution which lies over for a day and comes up on the next legislative day under rule XIV, a Senator who wishes to speak on that resolution can be adequately protected.

ORDER FOR EXTENSION OF THE PASTORE RULE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow the Pastore rule, paragraph 3 of rule 8, be extended to cover a period of 7 hours, rather than the normal 3 hours.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, the program for tomorrow is as follows:

The Senate will convene at 10 o'clock tomorrow morning. Following the recognition of the two leaders under the standing order, the following Senators will be recognized for not to exceed 15 minutes each, and in the order stated: Mr. HUGHES, Mr. SAXBE, Mr. TAFT, Mr. HANSEN, Mr. BUCKLEY, and Mr. BYRD of Virginia.

At the close of the remarks by the Senators under the orders just enumerated, there will be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, to close at 12 noon.

At 12 noon, the resolution coming over for a day will be laid before the Senate, and the distinguished Senator from Michigan (Mr. HART) will be recognized for not to exceed 15 minutes.

At 12:15 p.m. tomorrow, the morning hour will be closed, it having been extended under the order for an additional 15 minutes beyond the norm; and, upon the closing of the morning hour, at 12:15 p.m., the unfinished business, S. 1557, the emergency school aid bill, will be laid before the Senate.

Under the unanimous-consent agreement previously entered, time on the amendment offered by the able Senator from North Carolina (Mr. ERVIN), amendment No. 44, will be limited to 2 hours on tomorrow, to be equally divided and controlled by the author of the amendment and the manager of the bill, the Senator from Rhode Island (Mr. PELL), or his designee. Time on any amendment to amendment No. 44, will be limited to 10 minutes, to be equally divided between the mover of such amendment and the Senator from North Carolina (Mr. ERVIN).

Following the disposition of amendment No. 44, offered by the Senator from North Carolina (Mr. ERVIN), the amendment to be offered by the Senator from Mississippi (Mr. STENNIS) will be laid before the Senate; and the time on that amendment will be limited to 3 hours, to be equally divided and controlled between the Senator from Mississippi (Mr. STENNIS) and the Senator from Rhode Island (Mr. PELL) or his designee.

Any amendment offered to the amendment offered by Senator STENNIS will be limited to 10 minutes, to be equally divided between the mover of such amendment and the Senator from Mississippi (Mr. STENNIS).

Mr. President, I call to the attention of Senators that there will be at least two very important votes tomorrow, and doubtlessly they will be rollcall votes. There is a possibility that action on the bill itself may be completed late tomorrow.

I also call to the attention of Senators that morning business on tomorrow will not extend beyond a 30-minute period at the most, and that the rule of germaneness, the so-called Pastore rule, will cover a period of 7 hours tomorrow. So, Senators who wish to have morning business transacted should be on hand no later tomorrow than 11:30 a.m. Else they would have to wait until from 5 to 7 o'clock tomorrow evening to get additional morning business statements in the RECORD, depending upon when the operation of the Pastore rule is initially triggered.

ADJOURNMENT UNTIL 10 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 5 p.m.) the Senate adjourned until tomorrow, Thursday, April 22, 1971, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate April 21, 1971:

U.S. DISTRICT COURTS

William M. Byrne, Jr., of California, to be a U.S. district judge for the central district of California, vice a new position created by Public Law 91–272, approved June 2, 1970.

Leland C. Nielsen, of California, to be U.S. district judge for the southern district of California, vice a new position created by Public Law 91–272 approved June 2, 1970.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Laurence E. Lynn, Jr., of California, to be an Assistant Secretary of Health, Education, and Welfare, vice Lewis Butler.

U.S. ARMY

Chaplain (Brigadier General) Gerhardt Wilfred Hyatt, [redacted] Army of the United States (Colonel, U.S. Army), for appointment as Chief of Chaplains, U.S. Army, as Major General in the Regular Army of the United States and as Major General in the Army of the United States, under the provisions of title X, United States Code, sections 3036, 3224, 3442 and 3447.

The following-named officer for temporary appointment in the Army of the United States to the grade indicated under the provisions of title X, United States Code, sections 3442 and 3447:

To be Brigadier General

Chaplain (Colonel) Aloysius Joseph McElwee, [redacted], U.S. Army.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 21, 1971:

U.S. CIRCUIT COURTS

Donald Stuart Russell, of South Carolina, to be a U.S. circuit judge, fourth circuit.

U.S. DISTRICT COURTS

Robert E. Varner, of Alabama, to be a U.S. district judge for the middle district of Alabama.

Richard C. Freeman, of Georgia, to be a U.S. district judge for the northern district of Georgia.

DEPARTMENT OF JUSTICE

Jerris Leonard, of Wisconsin, to be Administrator of Law Enforcement Assistance.

G. Kent Edwards, of Alaska, to be U.S. attorney for the district of Alaska for the term of 4 years.

Sidney E. Smith, of Idaho, to be U.S. attorney for the district of Idaho for the term of 4 years.

Donald B. Mackay, of Illinois, to be U.S. attorney for the southern district of Illinois for the term of 4 years.

U.S. PATENT OFFICE

John Finley Witherspoon, of Maryland, to be an examiner-in-chief, U.S. Patent Office.

U.S. CIRCUIT COURTS

William E. Doyle, of Colorado, to be a U.S. circuit judge, 10th circuit.

James E. Barrett, of Wyoming, to be a U.S. circuit judge, 10th circuit.

Robert A. Sprecher, of Illinois, to be a U.S. circuit judge, seventh circuit.

Herbert Y. C. Choy, of Hawaii, to be U.S. circuit judge, ninth circuit.

U.S. DISTRICT COURTS

Raymond J. Broderick, of Pennsylvania, to be a U.S. district judge for the eastern district of Pennsylvania.

Thomas R. McMillen, of Illinois, to be a U.S. district judge for the northern district of Illinois.

Walter T. McGovern, of Washington, to be a U.S. district judge for the western district of Washington.

EXTENSIONS OF REMARKS

NEW LEFT: KIN TO BROWN SHIRTS?

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. ICHORD. Mr. Speaker, a few weeks ago, Dr. Edward Teller, one of this Nation's truly eminent nuclear scientists, addressed a meeting of Research Security Administrators at Santa Monica, Calif.

At that meeting on February 26, Dr. Teller made some most interesting comparisons between the present student movement, the New Left, with the Brown Shirts in the pre-Hitler Germany.

He pointed out, in both cases, the revolutionary forces grew up with hardly any resistance in a permissive atmosphere. With both, he noted, there was no plan, no consistent ideology and, in his judgment, both were nihilistic movements.

He pointed out the differences, too: The Nazi movement was almost strictly national; whereas the New Left is worldwide. In the Nazi case, the Brown Shirts went straight for political power; but for the New Left, Dr. Teller said, its immediate aim is to destroy our educational system which, in his opinion, happens to be very poorly defended against revolution.

In view of Dr. Teller's prestigiousness, the fact that he can be considered an expert on the revolutionary scene at the University of California at Berkeley, where he is a professor-at-large and associate director of the Lawrence Radiation Lab, and the fact that he speaks from the viewpoint of the intellectual, I feel his remarks of more than casual interest. Indeed, I feel them of such moment that I urge their reading and minute examination.

Dr. Teller's remarks follow:

TALK BY EDWARD TELLER GIVEN AT A MEETING OF RESEARCH SECURITY ADMINISTRATORS, FEBRUARY 26, 1971

You may have seen in the program that I'm supposed to talk to you about the circumstances that history repeats itself. Of course, it doesn't.

Nevertheless, one is reminded of past occurrences. In connection with the unquiet times that we are having at various places, including Berkeley, I have been thinking of what happened years ago in pre-Hitler Germany. When the present student radicals and non-student radicals are violent, thoughtless, opposed to free speech (except possibly their freedom to use four-letter words), in these respects they resemble Hitler's Brown Shirts.

The similarity goes farther. In both cases the revolt is unmotivated by any serious grievance. In both cases, the movement developed in an exceptionally tolerant atmosphere. It developed then, and it is developing now under conditions where the institutions under attack had principles that prevented them from defending themselves. In both cases, the really remarkable characteristic is that the movement has no content.

Its followers are undisciplined. Hitler's Brown Shirts knew nothing of discipline, and only more than a year after Hitler took over was there a purge which brought the SA, his youthful supporters, into some sort of a clear-cut command.

To many of us it seemed incredible, but it is a fact that people can grow enthusiastic about nothing; about words that, as far as I can see, are devoid of meaning. "The establishment is rotten. We must destroy it. What will follow? No matter, whatever follows will be better." You realize I am repeating. The remarkable thing is that in these points the pre-Hitler movement was very similar to the present one.

The lack of resistance to this movement makes it exceedingly dangerous. One should not believe that if a movement has few followers it is not dangerous. There are plenty of people with grievances, and the great majority usually will not become active. But if there is a movement of this kind, devoid of principle, devoid of doctrine, completely lacking a plan, then in case they succeed is unpredictable. The leadership is up for grabs. And, to me there is little consolation in the circumstances that many of the violent revolutionaries will be most bitterly disappointed in case the revolution succeeds.

Now I would like to point out some differences. Because, as I said at the very beginning, the real point is that history does *not* repeat itself.

The Nazi movement was almost purely German. There was a similar weaker movement in Italy. The third partner of this axis, Japan, did not have a supporting mass movement.

The Nazi movement, indeed, started with little to complain about because on the whole conditions in Germany were improving, although Hitler came to power when there was a depression and when all over the world there were some justified complaints. The specific complaint was that Germany had lost the first world war, and lost it because of (so the Nazis said) treason. There may have been a shred of doctrine, if that is what you want to call it, and that was the well-known doctrine of the super-race. To my mind this is not much of a foundation for a big popular movement.

With respect to whatever little foundation existed, and with respect to the worldwide distribution of this disturbance, there is a remarkable contrast between the present radicals and the Nazis. Of course, you may guess that I will say the difference is that the Nazis were reactionary. They were the extreme party from the right. The present youth movement believes in third-world communism. Not the Russian kind, on the whole, but the Chinese, Cuban, Algerian type—the type which does not believe in discipline and believes in continuous revolution. Still it is Marxist; it is a revolution from the left. But this is not the contrast I have in mind. To my mind in these respects the right and the left can hardly be distinguished. The contrast is elsewhere.

The Nazi movement was almost purely German. The present movement is, in a very thorough sense, international. It started in South America where it was endemic for a long time, and became violent in the late fifties. We in Berkeley had the doubtful honor to have taken over this pattern, to have imitated it, in the so-called Free Speech Movement which was the very opposite of free speech. Now it is everywhere in the United States, and all over the free world. In China itself the Red Guard, with the support of Mao Tse Tung, did establish something at least temporarily that had many features in common with our student radicals. And there are stirrings in Russia, which are suppressed to be sure, which are under control, but there is no question that there is some appearance of this movement even behind the iron curtain. In this respect, the new movement has something of a point. Not that they articulate, not that they make something of it, but they do perceive, or they seem at least to feel, that the world is indeed small, and that the problems which we face are common everywhere.

There is another difference. The Nazi movement did aim straight at political power. The student movement of today has an immediate goal, and that is to destroy the universities. The leaders say so in a very explicit manner. They are as clearly anti-intellectual as they possibly can be, even though they would deny it. The universities, in turn, are not prepared to deal with violence, to deal with revolution.

Here is a new discovery of the revolutionaries. They have discovered a weak point that they can attack; that they have already damaged to a very serious extent; and that has given a focus, a purpose and a promise of early success. To my mind, this point is a very tragic one, and from the point of view from which I look at the world, this is perhaps the worst part of what we are facing. To my mind, education is not only something beautiful and important, it is something vital—absolutely necessary for the survival of Western, modern civilization. The revolutionaries are attacking our structure, our basis for existence, at a fundamental point and a weak one.

I would like to say something about a way to defend ourselves, and I will say something although I have practically nothing to say.

I do not know what the answer is. There is, of course, the obvious answer. A few examples, like that established by Hayakawa at San Francisco State, show that with courage and discipline used with discrimination you can resist. More is needed. Understanding is needed. We have to realize what the techniques are on the other side; what it is that is working against us.

The people who want to upset society, and in the first place want to upset our educational institutions, are few. They have now recently turned to individualized violence. They are doing this in the conscious effort to provoke some reaction from the government, from the authorities, and then appeal to the sympathies of their fellow students and thereby broaden their base. All this is very well known.

There is a point which perhaps is just a very little bit less widely realized, and this point I want to emphasize. This new movement with all its terrible aberrations, drugs, and violence, has some support in the intellectual community for the simple and rather mysterious reason that the intellectuals, as a whole, are sorely dissatisfied. Why? I wish I could tell you. I can tell you a few indications, a few pieces of the mystery, not so much to explain, but to make my statement more believable.

This country is a democracy, and intellectual achievements are not what is interesting to everybody. The highest values, the most highly rewarded values, the most recognized values, in this country are the things that everyone can appreciate. And the intellectual? He is left out. Because he feels that society has told him, "We don't mind if you're crazy! Go and do your peculiar thing by yourself." The intellectual wants more than toleration; he wants recognition.

Then came the wonderful day when Jack Kennedy got into the White House and the intellectuals, at least apparently, were recognized, were brought in as advisors. Then, three years later when Lyndon Johnson succeeded, they were kicked out. Berkeley followed with a year. I think there is a little connection. Last May at the time of Cambodia, I could find some of my colleagues who were ready to burn down the campus. And a great many, I think the majority, who were willing to impeach the President. There was a mere handful to whom the idea occurred that quite possibly what we did in Cambodia was absolutely right. There couldn't have been a more lopsided situation.

Let me give you another example—a little private one. A couple of years ago I went for a visit in Rochester in connection with a Foundation which wanted to extend its help to Rochester. I talked to the head of Physics Department. He was a nice guy and talked rather freely to me. He was practically in tears. It had nothing to do with my visit, but he was just full of it.

He said, "You know, I signed a document today. A few months ago had something of this kind been presented to me I would have walked out of the meeting, and today I signed it." He said, "You see, there is a danger that some of our buildings will be occupied by the radicals. And the advisors of the president of the university, of whom I'm one, just signed, less than an hour ago, a statement that if a building will be occupied and if the occupants will not leave, it is justified to call in the police."

To my mind, if there is violence, if there is disorder, the obvious thing to do is to call in the police. Yet, to many intellectuals, the hallowed grounds of the university must be kept free of anything like the police. You know this. I think you should fully realize how widespread this feeling is, even among otherwise reasonable people. This is what makes the necessary cooperation between you and the intellectuals, who have a big stake in preserving the university, exceedingly difficult.

There is a second point which I would imagine could be handled a little more easily. But I am told this is not so. What goes under the name of education these days is sometimes quite remarkable. On educational television, a little less than a year ago on Channel 13 in New York, there was a program in which there participated three of the Chicago Seven and two "very conservative" newspapermen (one was the editor of the Washington Post and the other was similarly conservative). It turned out that the newspapermen couldn't put a word in edgewise, and the three radicals—on educational television, supported by government funds—had been saying "We are going to use violence. We shall motivate the sixteen-year-olds to blow up buildings and if necessary kill themselves in the process. And we are doing it in the name of idealism."

This, ladies and gentlemen, is called education. It is also considered educational when a fund uses its money to broadcast a program calling our President a war criminal and to ask for violence to be committed against him and his family. The foundation which supports this is tax-exempt, and remains so.

I somehow think that there might be a chance to define education in a slightly more narrow, and a slightly more appropriate sense.

I would like to close by repeating something that I have said. The movement is international. It is almost as strong in England as it is here. It is by far stronger in Germany. It flourishes in France, in Japan, in India. I believe that a wide-spread movement of this kind will not cease to exist of its own accord. This is probably not your specific business, but if the problem is raised on a worldwide scale, in the end some of the answers will have to be given in the same arena.

I believe that what you are doing, can do, and will do, is to furnish at the moment a defense where defense is most badly needed. I hope that all these other questions, tied up with the tangle of the intellectuals, of education, all the worldwide relation, can also be solved; and since you and I are in this, even though we are in it from very different points of view, we have to find a way to work together and to talk about all of our problems.

THE GROWING ROLE OF RESEARCH

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. ROYBAL. Mr. Speaker, I would like to call the attention of the House to the major role contemplated for research in the reorganized foreign assistance programs. With related technical assistance activities, research projects, now in process and planned, will seek solutions to some of the most intransigent problems of development: Population growth; malnutrition; unemployment; and urbanization.

Our aid efforts were instrumental in spreading the results of the research which made the Green Revolution possible. We are now supporting further agricultural research, in cooperation with Government agencies, such as the Departments of Agriculture and Interior, land grant universities, and private agencies, such as the Rockefeller and Ford Foundations. Efforts are being made particularly in tropical agriculture.

We are also helping finance the research that is so vital in the search to find effective and acceptable ways to curb population growth. AID's central research program is presently sponsoring 16 research projects related to this problem.

Another problem demanding immediate attention is that of malnutrition. Large numbers of people in the less developed countries are robbed of their energy and are vulnerable to disease, because they lack balanced diets. AID-financed research at the University of Nebraska and at Purdue University is now in the experimental stage of breeding new high protein strains of wheat and sorghum which would help alleviate the hidden hunger of protein deficiency. The introduction of high protein strains of wheat and sorghum in the less developed countries would be a great boon. They would enable millions of people to improve their diets without altering traditional foods or tastes.

These are samples of the research being sponsored by AID. Other projects are going forward in the fields of health, education, and economic planning as well. They are practical research projects seeking results that can be applied directly to development.

When we consider the immense gains at stake, the cost of research in a modern aid program is small indeed. The productive use of our scientific and technological knowledge and experience is surely one of the prerequisites of the peaceful world we are striving to encourage.

EARTH RESOURCES TECHNOLOGY SATELLITES

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Wednesday, April 21, 1971

Mr. SCOTT. Mr. President, a year and a half ago, President Nixon, in an address before the 24th session of the United Nations General Assembly, told the delegates, among other things:

> We are now developing earth resource survey satellites, with the first experimental satellite to be launched sometime early in the decade of the seventies.
>
> Present indications are that these satellites should be capable of yielding data which could assist in as widely varied tasks as these: the location of schools of fish in the oceans; the local of mineral deposits on land; the health of agricultural crops. . . .

This week, as the Nation commemorates Earth Week, I am reminded that by this time next year the first of the earth resources technology satellites to which Mr. Nixon referred in the speech will be in orbit, with the second in the series well along toward its planned launch in 1973.

The occasion of Earth Week again reminds me that this space program is a vital factor in advancing the quality of human life. Last September, in an article in Aerospace magazine citing a report by a large group of university and Government scientists, the director of Harvard University's Center for Population Studies was quoted as follows:

> The Twenty-first Century may witness a world of half-starved, depressed human masses, gasping for air, short of sweet water, struggling to avoid one another, living at a degraded subsistence level. . . .

The Aerospace article went on to quote the report as follows:

> If we are to retain a productive habitable environment and the hope of enhancing the quality of life, we must develop much more comprehensive and current knowledge of Earth's resources than we now possess. Fortunately, this can now be done both more swiftly and more economically.
>
> This whole world's surface can be surveyed as often as necessary, and in a variety of ways, with cameras and other sensing devices on orbiting satellites.

The progress we have made toward developing these important satellites is most heartening. The work done by NASA and its contractors on the satellite system, and the planning and building done by other Government agencies for use of the data they will produce is to be highly commended.

It is my firm hope that as the Earth Weeks of the next few years are celebrated, the two ERTS satellites in the current program and those to follow will be contributing the vital information which we know is needed for this and future generations.

LILLIAN ROBERTS IN ISRAEL: WHAT I SAW, HOW I FELT

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. STOKES. Mr. Speaker, Lillian Roberts is the associate director of District Council 37 of the American Federation of State, County, and Municipal Employees. She recently visited Israel and saw there many examples of community living from which we in this country can learn a great deal. In the February issue of Crossroads, the monthly bulletin of the Youth Committee for Peace and Democracy in the Middle East, she spoke of the communal farms where the Israelis live in an atmosphere of equality without regard to color or social standing. She stated that she, as a black woman, had a new feeling of freedom while living in this atmosphere that she did not have at home, and expressed a hope that this feeling might someday prevail in the United States.

I share in her hope, but at the same time I fear, as she does, that too many black Americans have become inured to the attempts at racial equality because of a long history of discrimination. This is a complication that we as a whole people must solve, and the solution may be found through emulating the Israelis' communal spirit. We must, by all our words and actions, live in the spirit of the kibutzim and thereby come to a higher plateau of social and racial equality. We cannot afford any longer to have a Lillian Roberts who is more comfortable in another country.

The article by Miss Roberts follows:

LILLIAN ROBERTS IN ISRAEL: WHAT I SAW, HOW I FELT

I had been in Israel two weeks when I suddenly knew why I felt so great. I was on a street in Tel Aviv when I saw a black man walking along with a free and easy stride. It seemed to me he was free. It hit me all at once that for the past two weeks I had been totally accepted; I was just another person. At some point soon after I came to Israel, I had put down the burden of safeguarding myself against the pain of discrimination and prejudice that is part of any American black's automatic equipment for dealing with the world. It's like a glass screen that you carry in front of you all the time, and you hope the glass is unbreakable.

There is dignity all over the place. Whether a person washes the floor or cleans the kitchen or sweeps the street or drives a bus, he knows his work is worthwhile, and everyone respects everyone else for the part he plays in building the country.

I was very impressed with kibbutz (communal farm) life—people living together in a community and sharing the labor, the profits, and the responsibility for their livelihood. A college professor might be assigned to waiting on tables or picking pears off a tree. In most instances, everyone took his turn, and this brought about more of an understanding and appreciation of man in every aspect of life in that community. I think the kibbutzim contributed to the dignity with which people in any job are regarded, because this concept of community living crossed many lives in this small country.

In Israel, all children, Jewish and Arab, must attend school up to the age of 14. The Israeli Arabs run their own schools, where courses are taught in Arabic. Since the Six Day War in 1967, Israel has had an intensive drive on to get families in the occupied areas to send their children, including the girls, to free schools. In terms of medical care, on the other hand, the Arabs have needed no prodding. They have flocked to join Histadrut to be covered by its medical and hospital program, and Arab women have walked miles to have their babies in Israeli hospitals.

A Christian Arab I met in Jerusalem told me that before the Six Day War the Jordanian sector of Jerusalem had had water only twice a week, except for the better hotels for tourists. One of the first things done by Israel after the unification of the city was to see to it that water was piped in seven days a week for everybody.

No matter what the future holds for these people, they have seen a more modern way of life and they cannot fail to be influenced by it.

I think that for a woman with children, kibbutz life would be marvelous. Everyone talks about how hard kibbutzniks work, but they forget that a working woman in this country has to go home after work and start cooking dinner. In a kibbutz, when she's through with work, *she's through with work.*

Not all blacks felt as I did about the lack of discrimination. I met a group of six young black men from the southern U.S. who were studying Israeli cooperatives. They insisted to me that Israel was racist, but couldn't give me any answers when I tried to pin them down. I felt that their own experiences at home had so marked them that they were unable to look at any white people with open minds.

I think that American blacks, as we work to build a future that we want to be so different from our past, can find a great deal in Israel's cooperative movement and some of its other institutions that we can adapt to our own needs.

Perhaps what increased my feeling for Israel was not just that I found so much to admire in their spirit and in what they had accomplished, but that I also identified with a people who had gone through so much oppression and suffering in Europe for so many centuries, and who in my own lifetime saw six million of their people coldly and systematically murdered. No normal human being could fail to be moved by that, and I think that for me, as a black woman, it had special significance. It may have made me take added joy in what I saw these people had accomplished in spite of what they had come through.

UAW STATEMENT ON THE CALLEY CASE

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. NEDZI. Mr. Speaker, the recent military trial of Lieutenant Calley and its relationship to the Nation's involvement in Indochina continues to receive heavy attention from coast to coast.

A few days ago UAW President, Leonard Woodcock, and Secretary-Treasurer, Emil Mazey, expressed the thoughtful views of the UAW on the Calley case and its implications.

The statement follows:

UAW STATEMENT ON THE CALLEY CASE

The horror of Vietnam, which has brought death and disablement to a multitude of human beings, has brought a conviction of murder to Lt. William Calley.

We are profoundly disturbed by the American tragedy represented by the trial of Lieutenant Calley. We hope the leadership of our Union will, in this terrible time, see the Calley matter in perspective.

The raw tragedy of the horrible war in Vietnam has produced the horror at My Lai. In that sense, we are all guilty. When hamlets and villages were destroyed—in both North and South Vietnam—by explosion or by the searing fires of napalm, we all should have known the resulting human calamity. We have become too used to brutality.

So, with respect not only to My Lai, but also with respect to bombings and free-fire zones, all of those involved in the war, nations and their people, have some degree of guilt in the carnage and human misery of this terrible war. Lieutenant Calley, however, was found by a jury of Vietnam veterans to be individually guilty. Lieutenant Calley is not a "scapegoat"—a guiltless one who is made to bear the blame for others. Calley was convicted of the pre-meditated murder of 22 South Vietnamese civilians, some of whom were so feeble and old they were barely able to walk and others who were so young they had not yet learned to walk. At the trial it was shown that some soldiers under Calley's command *did* refuse to shoot the unarmed civilians and a helicopter pilot tried to stop the carnage.

On the other hand, those who have served with the military know how difficult it is for a soldier to disobey an order. Moreover, the often corrosive effects of combat and fear on human character must be recognized and deplored.

The President should avoid any further damage to the American system of military justice as when he announces his personal intervention amid the clamor for Calley's release before the appeals procedure had even begun.

Especially in the light of our proper demands for the humane treatment of American prisoners of war held in North Vietnam, we must avoid a response to My Lai and the Calley trial that could be characterized as inhumane, prejudiced and inconsistent with civilized standards. The clamor for the whitewash of Lieutenant Calley can endanger the lives of American prisoners held captive in North Vietnam.

The Calley verdict, returned by a jury of Vietnam veterans, must be allowed to stand. The sentence, however, should be reviewed by the military justice system in light of Calley's actual and potential rehabilitation, but even more in light of the sentences imposed on the many other soldiers now imprisoned for murders in Vietnam.

The verdict of the American people, however, must be to end this hopeless struggle. Let us stop the war which leads to Calley murders and Calley trials, which puts American boys in places where they ought not to be, doing things they ought not to have to do.

For all thoughtful Americans the cry must be, let there be no more bombings, no more My Lais, and no more Calleys—get out of Vietnam now!

Fraternally,

LEONARD WOODCOCK,
President.

EMIL MAZEY,
Secretary-Treasurer.

LET THE BANKS PERFORM THEIR FUNCTIONS WITHOUT MORE FEDERAL SUBSIDIES AND GUARANTEES

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. PATMAN. Mr. Speaker, in recent days, there have been some trial balloons sent up to test congressional willingness to provide a group of commercial banks a "no risk" loan arrangement with the Lockheed Aircraft Corp.

In vague terms, the administration has indicated that it was considering—among other things—an attempt to gain congressional sanction for massive loan guarantees to Lockheed. In short, the Congress would be asked to place several hundred million dollars of the taxpayers' money on the line to take care of any loan losses suffered by commercial banks in their dealings with Lockheed.

If we are to believe the banks' propaganda, the role of these institutions is to provide "venture" or "risk" capital in our economy. They are hardly fulfilling this function if all of their major venture loans are to be backed up with the hard-earned dollars of the American taxpayers. It appears that many of the large commercial banks are unwilling to continue to carry out their roles in the economy.

Certainly, through the years, the commercial banks—and their trade associations—have been the most vocal about free enterprise and have traditionally opposed the intervention of the Federal Government in their affairs. It now seems strange that they want the Federal Government to carry out their banking role in regard to Lockheed.

Mr. Speaker, I hope that the administration will carefully consider all of the ramifications before it agrees to another bailout attempt for these large banks. Last June, the Congress was besieged by administration officials seeking guarantees for bank loans to Penn Central. At that time, we were told, in effect, that we had the entire economy in our hands and that we just had to provide the funds to save the railroad and the banks.

Subsequent events have plainly established that the American taxpayer would have lost hundreds of millions of dollars in the Penn Central fiasco had the advice of the administration been followed by the Congress. Perhaps there are differences between the Penn Central and Lockheed cases, but I trust that the administration will proceed more prudently than it did last June.

Obviously, this Nation has great needs and it is important that the commercial banking industry partcipate fully in providing capital for these necessary programs. It is important that the commercial banking industry not seeking subsidies—and golden guarantees—on every "venture" loan. It is essential to the future of our economy that the large commercial banks mature and stand on their own feet in a free enterprise economy.

FORMER REPRESENTATIVE McCARTHY TESTIFIES ON CHEMICAL AND BIOLOGICAL WARFARE

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. SCHEUER. Mr. Speaker, when Richard D. "Max" McCarthy left this Chamber at the end of the last session, we lost a valuable friend, an able Congressman, and an effective champion against the battle to rid our air, water, and land of harmful pollutants. At a time when the ecological crisis grows increasingly severe, we greatly miss his leadership, his expertise, and his perseverance.

In his book, "The Ultimate Folly," published in 1969 by Alfred A. Knopf, Inc., with the subtitle, "War by Pestilence, Asphyxiation, and Defoliation," Max chronicles his struggle against chemical and biological warfare. In November 1969, President Nixon announced that the United States would end biological weaponry and destroy its germ stockpiles. He also announced that he would resubmit the Geneva Protocol of 1925 which bans chemical as well as biological warfare to the U.S. Senate for ratification. Later, the Government announced it would halt the defoliation of Vietnam. The New York Times states that:

> More than any other man, the Buffalo Congressman took the initiative in revealing the dangers and follies of chemical and biological warfare, exposed the extent of the stockpiling, and fought, sometimes single-handed, for the renunciation that is now official policy.

On March 18, 1971, Max testified before the Foreign Relations Committee of the U.S. Senate on the law prohibiting chemical and biological warfare. His words are forthright and frank, and well illustrate his knowledge in this area. I urge each of my colleagues to read Richard D. "Max" McCarthy's testimony:

STATEMENT OF RICHARD D. MAX McCARTHY

Mr. Chairman, Members of the Committee: Most of us believe that our nation abides by the accepted standards of international behavior. Most of us also believe that we use our influence to foster international peace. We know that we are not perfect, that we make mistakes. But most of us would conclude that, more often than not, we stood on the side of right and justice. Unfortunately, the facts sometimes tell us otherwise. The United States of America is the only major nation in the world which has not ratified the basic law prohibiting chemical and biological warfare.

This is a serious omission because it happens to be one of the few international laws governing man's inhumanity to man that *has worked*. For more than four decades, the interval between the First World War and Vietnam, the nations of the world refrained from the use of gas warfare. There were some minor exceptions, incidents that called forth the indignant protests of most nations. But even the most ferocious fighting in the Second World War did not lead to the use of poison gas. Until Vietnam, the Geneva Protocol of 1925 and the customary law of mankind appeared to prevent the use of this particular weapon of mass destruction.

There are a number of different views as to why poison gas was not used during this period. Some credit the force of international law, the Geneva Protocol, with this achievement. Others point out that it was the fear of retaliation that prevented the use of these weapons. The public aversion to poison gas and the attitude of key civilian and military leaders also clearly played an important part. My own opinion is that *both practical and legal* restraints were involved in limiting this form of warfare.

The question of ratification of the Geneva Protocol of 1925 by the United States would probably have not been raised were it not for the Vietnamese war. Every American President from Calvin Coolidge to Dwight Eisenhower had said that we would not be the first to use chemical warfare. Our policy was clear, or so it seemed. Towards the end of President Eisenhower's second term there was a growing recognition in Congress that our policy was beginning to change. Our rearmament, started after the outbreak of the Korean War, included an investment in chemical and biological weapons of war. In 1959 and 1960 the U.S. Army made a concerted effort to gain acceptability for chemical and biological weapons. At that time a Congressman, Representative Robert Kastenmeier of Wisconsin introduced a resolution that restated U.S. policy on CBW, that we would not be the first to use it. The Administration refused to support that resolution, an ominous sign of what was to occur in Vietman.

Our difficulties in fighting the war in Vietnam and the changes in technology that had occurred between the First World War in 1965 have led to the first serious breakdown in the Geneva Protocol. Our massive use of the harassing Gas, CS–2, and of Plant-killing defoliants against both crops and vegetation are, in my opinion, violations of the Protocol. But it is the official position of the United States that these chemicals are *not* covered by the Geneva Protocol. However, in a vote taken at the United Nations General Assembly, a majority of the nations signing the Protocol said that *they* believed it covered tear gas and defoliants. Also, in his introduction to the report on chemical and biological warfare, Secretary General Thant called on all nations to acknowledge that tear gas was covered by the Protocol. There is less of a specific nature that can be shown to include defoliants under the Protocol. But I believe that they are clearly covered in the prohibition against noxious chemicals even if not identified specifically.

The issue of whether the so-called tear gases and defoliants are covered by the Protocol is central to a number of policy decisions that are now before the White House and the U.S. Senate for action. I share the opinion of those who believe that the Geneva Protocol will be wrecked if the United States excludes the so-called tear or harassing gases and defoliants from coverage of this Treaty. It is very possible that some of the nations that have signed the Protocol will not regard us as a signatory if the Senate includes the Administration's understanding. And we will certainly lose any benefits in the international community that might be gained by ratification 46 years late if we attempt to exclude massive chemical operations such as those now being phased out in Vietnam. I cannot believe that other nations will not call into question the possibility that we would resume the use of plant-killing chemicals in Vietnam, Laos and Cambodia or in future wars. I cannot believe that our large-scale use of CS–2 to help drive enemy troops into the open where they can be killed by conventional weapons will be ignored by other Protocol signers.

Although in my opinion there is no question that tear gas was included in the Geneva Protocol, there are some grounds for those who claim it was not. Tear gas was not mentioned in the language of the Protocol specifically although Philip Noel-Baker, a Nobel laureate and former member of the British Parliament, who was present at the discussion concerning the Protocol wrote in letters to the *London* and *New York Times* that the *drafters clearly had it in mind.* Countries have always reserved the right to use tear gas for domestic disturbances and some have confused this use with use in war. These factors and our initial use of newer forms of tear gas in combat in Vietnam without a top level policy decision have put us in a position where it is difficult for some to admit that these gases might be covered by the Protocol.

Similarly in the case of defoliants, initial decision to use plant-killing chemicals on a fairly small scale escalated without review and analysis so that we have defoliated an area in Vietnam roughly the size of the state of Massachusetts—6 lbs. for every South Vietnamese. Aside from the massive scale of this environmental warfare, we have done so without the sort of military analysis that would tell us whether this defoliation is useful. Like so many programs, defoliation had an impetus of its own in Vietnam.

The best illustration is the use of defoliants along the Rung Sat Canal. Defoliants were used to kill plant life on both sides of the 60-mile-long Rung Sat Canal that leads from the sea to Saigon. The argument for the use of this defoliant was that its effects prevents attacks on ships. Although no ships had been sunk in the Rung Sat Canal as of a year ago, either before or after defoliation the military argue that they cannot afford to have even one sunk. They go on, however, to point out that the Canal is only narrow enough to permit serious attack for about *one kilometer*. When questioned on this the military acknowleged that they really only need to defoliate for one kilometer but the broad-brush approach to decisions led to the much wider and more destructive use of this chemical over *60* miles. As it is we don't know for sure whether defoliation is militarily effective. I was also informed that *no* studies had been made of the effectiveness of the harassing or tear gases in warfare in Vietnam up to a year ago. We have the subjective opinions of some military that have used it in combat but we do not have the type of weapons analysis that usually precedes the adoption of any weapon. One of the few studies that has been made on the use of tear gas, done by the Rand Corporation, pointed out that civilians were particularly vulnerable to injury when tear gas is used since it drives them out of their protective shelters into the line of rifle and artillery fire. This is certainly a far cry from the justification that we have used in the past that tear gas cuts down casualties.

My understanding is that the Administration, after sending this Treaty up here, now is planning a policy review on CS and other tear gases and on herbicides but that they had not started as of earlier this week. It could be said that the White House has not done its homework and your Committee might want to consider voting to send the treaty back to the President suggesting that he return it here after their reviews and, hopefully, with the recommendation that it be ratified without any understandings or exclusions regarding the use of tear gas and defoliants.

I believe that indepth reviews would reveal that these weapons are of such marginal value that they would *not* be worth the propaganda disadvantage we would reap by excluding them in the overwhelming face of opposite international opinion.

I understand that there is a possibility that some nation may ask for an advisory opinion from the International Court of Justice on the applicability of the Protocol to tear gas and defoliants. If the General Assembly votes to ask for such an opinion, and the International Court of Justice rules that tear gas and defoliants are covered, it would place us in an isolated position *if we had excluded these two chemicals.*

Officials who have studied the issues worry that, if tear gas (CS–2 could more aptly be called a "lung gas") is permitted in war, this could escalate into lethal gas as it did in World War I.

I believe tear gas *can* be used for humanitarian purposes as it was in the Korean War to help quell a prisoner uprising.

It will be recalled that White House officials indicated that the phase-out of defoliants would be completed by this spring.

No explanation was given for this action initiated by Ambassador Bunker and General Abrams but I assume that they were influenced by the studies of Professor Matthew Meselson of Harvard and Dr. Robert Cutting of the Walter Reed Army Research Institute on the effects of defoliants on the people, land, vegetation and forestry of Southeast Asia, and to which Sen. Nelson has alluded.

I might add that independent scientists, who studied the Cutting report subtracted Saigon hospital figures—where only a sixth of the population are refugees from the provinces—and found the still-birth rate 32 per thousand in 1960–1965 and 38.5 per thousand in 1966–1969. Moles, in the same periods rose from 3.1 to 5.3 and malformations in the same periods jumped from 2.3 to 3.1 per thousand births.

Another effect of our widespread use of herbicides in Vietnam has been an apparent proliferation. There is evidence that Portugal has used herbicides to destroy food crops raised by rebels in Angola.

It should be noted that Portgual and Australia were the only nations to vote with the United States on December 19, 1969 when the United Nations General Assembly—by a vote of 80 to 3—declared that the Geneva Protocol prohibits the use of herbicides and tear gas in war.

Unfortunately—Secretary of State Rogers—has stated "It is the United States understanding of the Protocol that it does *not* prohibit the use in war of riot-control agents and chemical herbicides."

While I applaud several of the actions taken by this Administration in the area of CBW including the phase-out of herbicide use in Vietnam, I believe it also should move to halt the use of all gases—including CS and CS–2 in Vietnam. These steps would help clear the way for U.S. ratification of the Geneva Protocol without "understandings."

By taking the position it has taken, this Administration is closing out an opportunity for progress, a chance to exert some leadership in setting a standard of international behavior. Because of the position that it is taking, the United States has been involved in trying to convince other nations to modify their stands on tear gas and defoliants. Our diplomatic pressures have been applied to support a position that is not tenable. It was particularly distressing to me to find the British changing their position on whether or not tear gas was covered by the Protocol. Britain has said as early as 1930 that tear gas was covered. But only last year we learned that the Home office and the War office used their influence to change this policy. This action flies in the face of their treaty obligations. Every effort should be made to see that signers such as Great Britain live up to the letter of the Protocol. Although the nuclear clouds overshadow chemical warfare, it still remains a weapon of mass destruction and should be eliminated from the arsenals of man. If we are successful in abandoning biological warfare and in ratifying the Geneva Protocol with reservations or understandings, perhaps we can then move on to a verifiable system of inspection that would permit us to abandon chemical weapons altogether. In view of the marginal military effectiveness of these weapons I believe that we might succeed in this effort.

Biography of Richard D. McCarthy

Richard Dean Max McCarthy was born in Buffalo, September 24, 1927, into a family active in the business and political life of Buffalo for five generations. He was graduated from Canisius High School in 1945 after which he served with the U.S. Navy in the South Pacific. Following his graduation from Canisius College in 1950 and the outbreak of war in Korea, he entered the U.S. Army. He volunteered for the Far East where he served with the 24th Infantry Division.

After his return to the United States, Mr. McCarthy became a Reporter for the Buffalo Evening News. He also pursued post-graduate studies at Buffalo, Harvard and Cornell Universities. In 1953 he was named Public Relations Director of the National Gypsum Company.

From 1954 to 1964 he assumed a leadership role in organizations working to revitalize and rebuild the City of Buffalo. He served as a Vice-President of the Greater Buffalo Development Foundation and was an active member of other civic and business groups.

Mr. McCarthy resigned from National Gypsum in 1964 to run for Congress. A Democrat, he was elected by over 11,000 votes in a district in which Republicans outnumbered Democrats by almost 50,000. Re-elected in 1966 and 1968, left Congress in January 1971 following an unsuccessful bid for the U.S. Senate.

In the House of Representatives, was Chairman of the Democratic Study Group's Task Force on the Environment and Natural Resources and a member of the Rivers and Harbors, Economic Development, Federal Aid Highway and Roads Subcommittees.

His book, "The Ultimate Folly", published in 1969 by Alfred A. Knopf, Inc., with the sub-title, "War by Pestilence, Asphyxiation and Defoliation", chronicles his struggle against chemical and biological warfare. In November 1969 President Nixon announced that the United States would end biological weaponry and destroy its germ stockpiles. He also announced that he would resubmit the Geneva Protocol of 1925 which bans chemical as well as biological warfare to the U.S. Senate for ratification. Later, the government announced it would halt the defoliation of Vietnam. The New York Times stated that: "More than any other man, the Buffalo Congressman took the initiative in revealing the dangers and follies of chemical and biological warfare, exposed the extent of the stockpiling, and fought, sometimes singlehanded, for the renunciation that is now official policy."

Mr. McCarthy was named a Chubb Fellow at Yale University in 1969 and was awarded an honorary Doctor of Laws degree by Brandeis University in 1970. He is now Vice-President and Director of Community Development for A. Victor and Company of Buffalo and is a Trustee of the Niagara Frontier Housing Development Corporation; Vice-Chairman of the Citizens Committee for the Lower Voting Age; a Director of the Center for Justice Through Law; and a Director of the Citizens for Nuclear Responsibility. His second book will be published this summer by Houghton-Mifflin Company.

He and his wife, the former Gail E. Coughlin of Buffalo, reside at 73 Koster Row, Eggertsville, New York with their three sons and two daughters.

AN AFFLICTION OF NOISE

HON. WILLIAM B. SPONG, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, April 21, 1971

Mr. SPONG. Mr. President, a recent edition of the University of Virginia Newsletter is devoted to the problem of noise pollution, which is fast taking its place with air and water pollution as a major hazard of urban life. The author of this article is Dr. Phillip M. Allen, of the department of clinical pathology in the school of medicine at the University of Virginia.

Dr. Allen is currently on leave of absence from the university, pursuing a special fellowship in biochemical engineering at the National Institute of Health.

I ask unanimous consent that Dr. Allen's thought-provoking study be printed in the Record.

There being no objection, the newsletter was ordered to be printed in the Record, as follows:

An Affliction of Noise

(By Phillip M. Allen, M.D.)

I should like to approach this subject from a point of view which does not emphasize the technical aspects of noise. The latter can be found very capably discussed in a number of books, periodicals, and articles by acoustical engineers and by scientists in related fields.

Readers interested in this phase of the subject might well start with the Report of the Mayor's Task Force on Noise Control, which summarizes the studies in New York City on causes of noise, its effects on physical and mental health, legal measures for control, and proposals for future legislation. Another excellent source, containing comprehensive papers and bibliographies on many aspects of noise, is the book Noise as a Public Health Hazard, being the Proceedings of the Conference of the American Speech and Hearing Association held in June 1968. Of the technical periodical literature, perhaps the best known is the journal Sound and Vibration, which covers the entire field of noise abatement and control.

NOISE AND HEALTH

The Mayor's Task Force Report includes the following statement:

> The burden of conscious or unconscious suffering from noise falls on the individual in his daily environment. The suffering—generally irritating and immediate—is intensified by the citizen's frustration at being unable to counteract noise assault.

The relevance of this observation to the question of noise and health is perhaps self-evident. Reports have appeared in recent years on studies of this problem by the National Academy of Sciences, the Stanford Research Institute, the Noise Abatement Panel of the Commerce Technical Advisory Board, the American Medical Association's Council on Environmental and Public Health, the Federal Government's Council on Environmental Quality, the U.S. Public Health Service, and other agencies of science and government, as well as from the laboratories of individual scientists, psyslologists, and physicians, many of eminent standing in their respective fields.

While there are differences of opinion on details, there is general and often emphatic agreement that noise is a major public nuisance, that its seriousness is increasing, and that it exacts a price in terms not only of physical health but also, not surprisingly, of mental and emotional well-being.

The subjective effects of noise are those of heightened irritability, distraction, loss of ability to concentrate, and a sense of frustration. The physical effects can be summarized by noting that they closely resemble, and are not infrequently identical with, the changes which attend anger, fright, or alarm, and which, over the long term, may induce a state of pathologic stress.

I think it more than coincidental that many of the noises which we find annoying and unpleasant have characteristics which, in our prehistoric past, were intended to frighten or intimidate. It is perhaps understandable that loud, harsh, strident, or dissonant sounds, resembling the noises of the primitive environment out of which man evolved should still arouse responses of fright or alarm under the quite different circumstances of the present day. On the time scale of evolutionary history, we have only recently emerged from the ancestral environment, and the reactions built into our tissues, so to speak, have weakened but slightly.

In the advanced societies of urban industrial man, such reactions—dilation of the pupils, acceleration of the heart rate and respiration, constriction of some blood vessels and dilation of others—in contrast to their earlier utility for survival, are now in many instances actually dysfunctional, and may even be detrimental to survival. The various diseases and subjective states arising from exposure to excessive or prolonged noise—peptic ulcer, high blood pressure, heart disease, fatigue, irritability, anxiety and disquiet—are especially likely to affect the sick and the aged, the emotionally unstable, those under duress, and those in need of rest or of escape from exceptionally trying circumstances.

As Dr. Jean Rosenbaum, former President of the American Academy of Psychoanalysis, points out:

> The average big-city dweller lives in an environmental disaster that overwhelms his capacity to ward off sensory stimuli. He almost never accomplishes normal sleep, which may in part account for the massive quantities of alcohol and/or sedatives he consumes. Paradoxically, the greatest cause of death in the big city is living there.

As to emotional and mental health, I might mention that I am not by nature, ill-tempered, and in fact try conscientiously, with varying success, to observe the interpersonal civilities which make daily living less abrasive. But after a prolonged assault by a nearby chain saw, or following the insistent buzzing of our neighborhood by a determined motorcyclist, or with the waning of a lovely Sunday afternoon rent from end to end by a local sports car enthusiast obsessively adjusting his muffler for maximum noise amplification, my temper is often so soured that the only civil gesture of which I remain capable is to avoid other people altogether.

I often wonder how many important decisions might have been influenced by such supposedly minor annoyances, which seem slight enough in the greater scheme of things but the consequences of which, magnified through the decisions of an influential person, may be large indeed. I am loath to suggest that noise alone is the basis of our failures as a society; I cannot, however, escape the feeling that my own reactions to the unrelenting, gut-searing affronts of noise must be shared by others whose important decisions are affected thereby, often at a level beneath awareness.

Impressions at the periphery of consciousness are known to be potent among the determinants of behavior. How many outbursts of temper, how many impetuous and ill-considered judgements, how many acts of sudden, unpremeditated aggression have been conditioned and precipitated by the inexorable intrusions of noise? If my own experience is indicative, the effects cannot be negligible.

NOISE AND LIFE STYLE

> Nostalgia for frontier freedoms is manifest in almost every facet of American life. . . . There is no place to hide from the stark realities of our crowded, city-centered society, with its inevitable frictions, conflicts, and turmoil. . . . Can we outgrow the values of our rural ancestors and adapt to civilized urban life?

The scope of the article by C. W. Griffin, Jr., from which this quotation is taken, extends far beyond the problem of noise, but his words are applicable to one facet of our present discussion. The image of masculine maturity fostered by certain elements of modern American society might have been appropriate to the rugged frontiersmen of the early West, but it is strikingly at variance with the optimum emotional and temperamental attributes of the individual to whom city-dwelling is a matter of choice or necessity. This is especially true of one who wishes to function effectively in our rationalized society, with its immeasurably more restrictive limitations upon human "freedom" as the latter was envisioned by the Argonaut, the Viking, or the rough-hewn man of the Gold Rush.

The most casual observation reveals the eagerness with which the frontier concept of manhood is seized upon, especially by adolescents and by those who have difficulty outgrowing adolescence. As a transient phase of normal maturation, this is expected and unalarming. What is significant and disturbing, however, is the unprincipled exploitation of this group, both young and adult, by various industries whose products are purposely designed to appeal to the poorly repressed or inadequately sublimated urges to self-expression, exhibitionism, or misguided "search for identity," which assume forms distressingly reminiscent of those of frontier masculinity. Perhaps the most obtrusive examples are powerful, noisy "pleasure" vehicles—sports cars, motorcycles, dune buggies, and snowmobiles.

The modes of advertising chosen to promote such products and their use are especially reprehensible, utilizing as they do, any means of persuasion which might aid in capturing this market. For example, a recent commercial, seen repeatedly during prime time by every television viewer of whatever age, sings (literally) the praises of a new fuel additive which enables the user to "let your horses loose, man!" The presentation juxtaposes the ideas of speed, motor power, and sexual attractiveness; quite predictably, a beautiful young woman admires the protagonist of this edifying vignette in his powerful, racing symbol of sexual potency. Lest anyone miss the point, or be left embarrassed and groping for less suggestive synonyms of the name of the product, the illustration on the container is shown: a muscular, leaping human figure with the head of a bull, the traditional symbol of fertility and of brute sexual aggressiveness.

A child exposed repeatedly to the dramatic force of such advertising—and the example is by no means an isolated one—can scarcely avoid developing a concept of desirable masculine adulthood which stresses these attributes, emphasized as they are by the most skillful of persuasive techniques, supported, reinforced, drilled into his awareness by one commercial after another, elaborated and enlarged upon by magazine displays, cheap newspaper sensationalism, theater marquees, outdoor advertising, disc jockeys, the underground press, and every other avenue of expression through which the exploitative commercial enterprise and the highly profitable youth cult can reach susceptible eyes and ears. The example of his own father's life and person must, by contrast, seem bleak and pale to a child—an ineffective, dull, and shadowy figure compared to the dominating, carefree, exciting males of commercials and TV serials, who achieve all things effortlessly, usually with a maximum of physical violence, and who have fun, power, and sexual gratification at their fingertips.

In brief, the image of the adult male, especially that afforded by television and commercial advertising, is dismayingly consistent. An integral part of this image is the lust for power—raw, physical power. Messages which arouse this lust are irresistible to most young males, and are not lost on many adults as well. Power and symbols of power become an answer to adolescent conflicts, a compensation for real or imagined shortcomings. And this power is for most such people embodied in vehicles, particularly noisy vehicles. Noise is the audible correlate of power and enhances its exhibitionistic value; hence, the noisier the vehicle, the better it serves the unresolved needs. Manufacturers are fully aware of the strength of this appeal, and not only provide but actively encourage the use of such vehicles, with what can only be regarded as cynical opportunism.

It is clear, I believe, that the noise of these vehicles—a plague of the spirit to its helpless, captive audiences—has so little redeeming social value that its proscription would represent a pure gain to the community at large. The point, I cannot emphasize too strongly, is that in any reasonable "cost-benefit" analysis, the costs to the community are quite high, as demonstrated in connection with the effects of noise on health, whereas the benefits to the noise-maker are negligible. In fact, if the evidence adduced above is correct, he may unwittingly bear a part of the cost himself, in terms of delayed psychological maturity.

All of this is well known, of course, to behavioral scientists, as indicated, for example, by a recent study at Harvard Medical School of the use of noisy motorcycles to compensate for feelings of personal inadequacy. But I was amused to hear it also from an unexpected quarter—a writer who would have been chagrined to be caught supporting an "establishment" position. In an article entitled "Survival on the Road" in one of our semi-underground student newspapers, in the course of a totally unself-conscious discussion of how to avoid detection by narcotics agents while carrying drugs and how to steal openly from supermarkets without arousing suspicion, the author offers to hitchhikers this bit of insight into human nature:

> Cars are usually an extension of personality, so be careful about noisy, high-powered machines. The people who drive them are often trying to prove something; and the odds are that you don't want to get involved.

The craving for physical power and the need to display it publicly through noise, the drive for sexual conquest without the confinement of a loving relationship, the urge to dominate and command seem to be inseparable from our very beings at some stage of growing up. However, the havoc which they wreak in their unsublimated forms is evident in many of our seemingly intractable social problems, especially at the individual and small-group level.

This is a difficult point to make without seeming to overstate the case, and I do not wish to claim more for the strength of casual relatedness here than the evidence warrants. I do suggest, however, in the firm belief that the data will bear me out, that these phenomena are in fact related to a significant degree, and that some restraint upon excessive noise may reasonably be expected to mitigate, at least to a measurable degree, the other manifestations detailed above.

We need a massive, concerted educational effort to de-emphasize and redirect such modes of self-expression, and, at the very least, to dissuade commercial interests from stimulating and perpetuating the unsocialized impulses of childhood and adolescence. If we are to encourage the development of adults capable of putting aside a childish, psuedo-Nietzschean conception of masculinity for the sake of the rational self-control for which our times cry out, we must constitute a body of public opinion which opposes the commercial seduction of the innocents for the mere sake of private gain.

NOISE AND THE QUALITY OF LIFE

A Greek philosopher once said, "Let us preserve our silent sanctuaries, for in them we perpetuate the eternal perspectives."

From time immemorial, interludes of silence and solitude have provided an essential respite in the lives of men of a certain cast. Persons given to the incessant quest for excitement, exhiliration, and "kicks" have been regarded as somehow aberrant, lacking a vital quality essential to the man of substance. Civilized man needs occasional remove from immediate involvements, from the relentless stimulation of sights, sounds, events, demands—the whole complex of public, urban life which so drains and enervates. Such a mode of living must be relieved by moments of solitude and of contemplation through which he can regain balance, a sense of proportion, a dispassionate view of his trials and struggles, even of the significance of life itself.

Everyone to whom such experience of solitude is important and necessary knows that incongruous or extraneous noise can be as disruptive of the mood as the cut of a vandal's switchblade through a Rembrandt. The raucous pursuit of "fun" has no part in this experience, whatever its merits in its own right.

I believe we should be genuinely concerned about the entire "fun ethic" which pervades our society at this time in history. Joseph Wood Krutch has emphasized the predominant trend today among a majority of people toward power and amusement. It is, to my mind, no accident that noise—noise, that obliterates, perhaps, the emptiness of lives deprived of meaning—is an inherent part of this, and seems to be inextricably associated with some of its least attractive and most destructive features.

One notes the catastrophic effects of deafening snowmobiles on wildlife run to death for sport, on fields and woodlands damaged for "kicks," and, concomitantly, the ruination of the wilderness experience for all who seek it among serene and silent winter scenes. One notes the devastation of beaches and sand dunes by ear-shattering dune buggies, which have upset the ecological balance of several shoreline wildlife preserves and have destroyed the tenuous stability of coastal structures delicately organized by natural forces, not to speak of rendering the seashore totally unfit for those who once found emotional strength and restoration in the remoteness of such areas, in the rhythmic lapping of waves and the slower cadences of the tides. One notes the sickening explosions of trail-bikes and motorcycles along the walking trails of the Blue Ridge and the Shenandoah Park, the sudden and utter disruption of the stillness of the deep woods or of the subdued and muted sounds of Nature.

I do not deny the validity of the need for Dionysiac release. The celebrations of primitive societies, their fertility rites, war dances, raiding parties, marauding, rape and plunder, have perhaps always satisfied compelling urges in individuals who have sacrificed much of their spontaneity and animal impulsiveness in return for the guarantees of group cohesiveness and the social contract. But the need for spiritual sustenance is just as real, far more insistent even when unrecognized, and considerably more fragile and demanding of particular circumstances than the doubtless legitimate but nonetheless frantic, raging, cloven-hoofed exuberance which characterizes much of what passes today for "entertainment" and "recreation." The two are mutually exclusive with respect to time and place. What solace of the calm peace and tranquil beauty of lakes is to be had in the presence of nerve-wrenching power boats? What enjoyment of the quiet movements of canoe or sailboat is possible among the indiscriminate wakes of shrieking water-skiers?

Restrictions upon the noise produced by these devices would not in itself, of course, correct the fundamental lack; much more needs to be done in this respect. But it would unquestionably help to restore what is now progressively less possible: the escape into silence and solitude from the turbulence of crowded, desperate, urban conditions which are rendered even less tolerable by the ulcerating cacophony which pervades our day-to-day existence.

We need, as well, humane concern. We need to renew the capacity for caring not only in man's relations to this fellow man but also, and perhaps equally, in his relations to Nature. Books such as Anne Morrow Lindberg's Gift from the Sea and Rachel Carson's The Sense of Wonder beautifully express these needs and, in their incomparable, poetic styles, show the many ways in which fulfillment of such needs can be both shared and taught. Our obligation as a society is to ensure that such education in sensitivity is possible by minimizing the encroachments by the insensitive upon the wilderness experience of others, both the adults to whom it has deep, spiritual significance and the children in whom we seek to instill its values. These values might, without exaggeration, be regarded as prerequisite not only to concern for others, but also to the transformation of attitudes and feelings through which alone the ecology movement can come to fruition. In addressing ourselves to the "reordering of priorities," we must surely rank this high on the list.

SUGGESTIONS

I would urge that communities and states, as well as the Federal government, move first against those sources of noise which are maximally irritating to significant numbers of people (surveys show that vehicles exceed all other sources of noise put together in this respect) and which offer little or no redeeming social justification. Agencies of government must establish a precedent by using vehicles and machinery which meet the desired standards, much of which is already commercially available, e.g. quiet chain saws and muffled jackhammers.

Rigid state inspection requirements and roadblock spot checks for defective equipment, reinforced by moving traffic surveillance, should be imposed upon vehicles of every type from trucks to minibikes, with unambiguous provisions governing acceptable operating equipment and emission of pollutants, including noise. Although such laws exist in Virginia, both in the form of city ordinances and a State statute, which assert that excessive vehicular noise is illegal, the provisions are so nonspecific as to make enforcement difficult. Distributors of motor vehicle accessories, particularly mail order supply houses, provide mufflers which satisfy the minimal structural requirements of the law but which produce noise levels far in excess of those tolerable in a crowded city or in suburban areas. Distribution and sale of such equipment should be forbidden by law. Several communities—notably Memphis, Tennessee—and states—notably Connecticut—include monitoring of noise emission as part of routine traffic control; this practice should be adopted here.

Criteria for acceptable levels and harmonic characteristics of noise produced by motor vehicles as well as legal measures for its control, are published in many sources, including those described in the opening paragraph of this paper: the ASHA Proceedings and the Task Force Report.

Other possible measures include zoning certain areas of communities with respect to the types of vehicles permitted, exclusion of vehicles from public parks of specified type and especially from regions designated as wilderness areas, strict enforcement of ordinances governing disturbance of the peace, and restrictions upon the use of power equipment, such as chain saws and power mowers, other than at specified times and in accordance with regulations.

What is most urgently required is a conviction on the part of our public officials of the real and growing need to control the noise which permeates our lives and erodes our peace of mind. Given this conviction, for reasons I have attempted to set forth in this essay, legislators should have little difficulty devising means for its moderation.

LUMBER, PLYWOOD, AND TIMBER

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. DELLENBACK. Mr. Speaker, in the last month there have been several signs of increased Government interest in the Nation's timber situation and the outlook for the future. Coming from an area rich in forest resources I am pleased to take note of the increased concern in this vital area. However, even more importantly, I believe that it is significant that our Nation is beginning to recognize that long-range planning and increased capital expenditures are necessary if we are to secure the full economic and recreational value of our Nation's forests.

The first of these signs of increased interest is the recent Forest Service announcement that it has started a new appraisal of the Nation's current timber situation and future outlook. The new study will, in effect, update the "Timber Review of 1952" and "Timber Trends in the United States"—1962—two earlier studies. This new study will help determine how best to utilize the Nation's forest lands in view of the ever-increasing demands placed upon them. It will also serve as a basis for judging the effectiveness of our current forest management program, and provide a basis for investment decisions by Federal, State, and private forestry groups.

The Forest Service should be applauded for undertaking such a study, for it is only with accurate resource information that a multiple-use, intensified management program can be used to achieve full utilization of our forest resources.

Another sign of increased concern was the recent President's Council of Economic Advisers inflation alert concerning softwood lumber and plywood prices. The alert pointed out that a fundamental problem is to assure increased lumber supply which will be necessary to meet the long-deferred backlog of national housing needs at reasonable prices while maintaining and strengthening the environmental quality of forest lands. It should be noted that upward price movement for softwood lumber and plywood has eased in recent weeks and that future contracts for these commodities are below recent highs. It is my hope that the attention focused on the forest products industry by the large increase in prices will prompt the necessary action to relieve the underlying timber supply problems.

Yet another action indicating concern was a recent White House report that the Cabinet-level Task Force on Softwood Lumber and Plywood is now reviewing the "current outlook for lumber demand and supply" and the progress made in implementing its June 1970 recommendations. As a result of interest in the work of the Task Force I recently met with Mr. Casper Weinberger of the Office of Management and Budget and Dr. Hendrick Houthakker of the President's Council of Economic Advisers to discuss the findings of the Task Force. It is my sincere hope that the findings of the Task Force, which found one of the causes of the problem to be inadequate supply, will be translated into a program of action which will allow for increased timber production without violating the concepts of multiple use and sustained yield management.

I am pleased to see Government concern being directed to these important questions. I hope that the Congress will join in working out sound solutions to these problems of great national concern.

PROPERTY ACQUISITION AND DISPOSAL REFORM OF 1971

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. BROTZMAN. Mr. Speaker, last fall I first introduced legislation which would eliminate the General Service Administration's practice of exchanging surplus lands for the buildings and other real property it needs. Unfortunately, the press of business at the close of the 91st Congress prevented the consideration of my bill. However, I am today reintroducing the measure.

Known as the Property Acquisition and Disposal Reform Act of 1971, the bill requires that surplus lands and other real property be sold outright to the highest bidder so that there can be no question about whether or not full value is received by the American people. My bill would eliminate the poor business practices which result when the General Services Administration negotiates property trades rather than coming to Congress for appropriations to erect necessary facilities.

It is certainly true, Mr. Speaker, that the GSA needs sufficient latitude to act quickly on high priority projects. My bill takes this factor into account. Sixty percent of the proceeds of surplus real property sales would go into the U.S. Treasury. However, the other 40 percent would be retained in a Federal Property Fund and would be available to the GSA without going through the appropriation process, where the projects in question have been authorized by Congress. The establishment of the Federal Property Fund will enable the GSA to move even more quickly on high priority projects than is presently the case in exchange negotiations.

Additional flexibility is extended to the GSA Administrator by another provision in the bill. Authority would be given to construct or acquire buildings without specific congressional authorization if the total cost of the project is under $100,000. The same authority would be extended to the GSA to alter or renovate existing public buildings if the total cost of the project is under $200,000.

When I first proposed the legislation I am introducing, Mr. Speaker, a number of persons asked me if it would affect trades made by the Forest Service for the purpose of shaping more manageable forest lands. It does not. The bill is limited to public buildings generally suitable for office or storage space for the use of one or more Federal agencies, including Federal office buildings, post offices, customhouses, courthouses, appraisers stores, border inspection facilities, warehouses, record centers, relocation facilities, and similar Federal facilities. Excluded are buildings or construction projects on the public domain—including national forests—Government property in foreign countries, Indian and native Eskimo properties held in trust by the Government, lands used in connection with agricultural, recreational, and conservation purposes, land used in connection with flood control projects and nuclear production, land used in conjunction with housing projects, land on military installations, and Veterans' Administration installations.

During the 91st Congress, the GSA took steps to tighten up its procedures for determining the fair market value of properties involved in trades, but in my opinion this is merely treating the symptom, not the ailment. In my mind, there is no doubt that irrespective of how scrupulously the GSA supervises its appraisal procedures, the exchange practice places the Federal Government in a poor bargaining position. The chance that full value will not accrue to the American people hangs heavily over every transaction.

By what I say here today, I in no way seek to criticize the GSA or its employees for the system which exists. They are dedicated public servants who want to provide the public with essential buildings and other properties with a minimum of lost time. The fault lies in the system within which the GSA must operate. That system was set up by Congress.

Mr. Speaker, I hope it will be possible to consider this legislation during this session of the 92d Congress.

IMPORTS CONTINUE TO DESTROY AMERICAN JOBS

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. WYMAN. Mr. Speaker, the American shoe industry continues to be allowed to plummet toward total destruction. As the following imports bulletin from the American Footwear Manufacturers Association indicates, shoe imports for the first 2 months of 1971 are 28.7 percent higher than for the same period last year. The value of the foreign footwear sold during January and February has increased 32.6 percent over the 2 months' period in 1970.

This situation long ago became intolerable. The most cursory examination will reveal that "free trade" exists only in the U.S. imagination. Outside of the United States, no other major country in the world today permits free access to its markets on the scale which this Nation does. As a result, imports have penetrated domestic markets to a startling extent. So much so, in fact, that our export surplus dropped over $5 billion from 1964 through 1969, and continues to decline. And while it is only a statistic, the jobs of thousands of Americans are being lost.

To resolve this serious threat to American industry it is not necessary to close our doors to imports. Legislation limiting shoe imports to the average of the 1967–69 levels, with an annual growth factor, passed the House last year but failed passage in the other body. Identical legislation has been introduced again this year with broad bipartisan support. I urge it be considered as a matter of the highest priority. It is senseless to continue to subsidize foreign labor at the expense of the American workingman.

American Footwear Manufacturers Association,
New York, N.Y., April 9, 1971.

IMPORTS—FEBRUARY 1971

FIRST TWO MONTHS 28.7% ABOVE LAST YEAR

Leather and vinyl imports of 26,419,700 pairs for the month of February has brought the two months' total for 1971 to 56,013,300 pairs—a 28.7% increase over the same period last year. The value of this footwear amounted to $112,157,000 or an average value of $2.00 per pair, reflecting a 32.6% increase over the two months' period in 1970.

All major types of imports showed tremendous increases:

LEATHER AND VINYL IMPORTS

[Pairs]

	2 months		Percent, change, 2 months 1971–70
	1971	1970	
Mens, youths, boys, leather	7,127,000	5,032,500	+41.6
Mens, youths, boys, vinyl	4,264,600	2,384,600	+78.5
Womens and misses, leather	18,545,800	14,172,900	+30.9
Womens and misses, vinyl	19,776,100	16,674,100	+18.6
Childrens and infants, leather	1,961,000	1,302,600	+50.6
Childrens and infants, vinyl	1,973,900	1,759,000	+12.2

With only the first two months' data in, it is quite obvious that imports are continuing to stabilize their growing entrenchment in the American Market, and it looks like our estimated total for 1971 of 282,000,000 pairs will be realized and possibly exceeded.

TOTAL IMPORTS OF OVER-THE-FOOT FOOTWEAR

[In thousands of pairs; thousands of dollars]

Type of footwear	February 1971, pairs	Percent change, 1971/1970	2 months, 1971			Percent change, 2 months, 1971/1970	
			Pairs	Value	Average value per pair	Pairs	Value
Total, leather and vinyl	26,419.7	+27.7	54,514.3	$110,657.0	$2.03	+29.5	+33.5
Leather, excluding slippers	13,998.7	+27.8	28,201.9	86,803.4	3.08	+34.1	+30.3
Mens, youths, boys	3,606.7	+36.6	7,127.9	28,842.1	4.05	+41.6	+40.5
Womens, misses	9,050.0	+22.2	18,545.8	53,498.3	2.88	+30.9	+25.4
Childrens, infants	1,045.3	+55.3	1,961.4	2,664.5	1.36	+50.6	+49.6
Moccasins	55.5	+57.7	86.9	108.7	1.25	+16.6	+29.4
Other leather (includes work and athletic)	241.2	+18.9	479.9	1,689.8	3.52	+7.0	+8.7
Slippers	16.3	+25.4	23.0	65.9	2.87	+11.7	+24.1
Vinyl supported uppers	12,404.7	+27.7	26,289.4	23,787.7	.90	+24.8	+46.2
Mens and boys	2,187.5	+93.4	4,264.6	4,744.0	1.11	+78.8	+78.5
Womens and misses	9,205.9	+20.9	19,776.1	17,355.3	.88	+18.6	+41.6
Children's and infants	862.9	+2.2	1,973.9	1,473.9	.75	+12.2	+23.2
Soft soles	148.4	+19.2	274.8	214.5	.78	+14.6	+39.6
Total, other nonrubber types	668.5	+27.6	1,499.0	1,500.0	1.00	+5.5	−11.1
Wood	176.9	−9.7	256.3	669.5	2.61	−42.9	−37.9
Fabric uppers	387.4	+39.7	908.5	583.1	.64	+3.9	+16.4
Other, n.e.s	104.2	+105.1	334.2	247.4	.74	+240.0	+126.8
Total, nonrubber footwear	27,088.2	+27.7	56,013.3	112,157.0	$2.00	+28.7	+32.6
Rubber-soled fabric uppers	4,902.4	+47.1	9,498.4	9,462.3	1.00	+25.8	+67.8
Grand total, all types	31,990.6	+30.4	65,511.7	121,619.3	$1.86	+28.2	+34.8

Note: Details may not add up due to rounding. Figures do not include imports of waterproof rubber footwear, zories, and slipper socks. Rubber soled fabric upper footwear includes non-American selling price types.

Source: American Footwear Manufacturers Association estimates from census raw data. For further detailed information, address your inquiries to the association, room 302, 342 Madison Ave., New York, N.Y. 10017.

RESERVISTS IN CONGRESS

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. DOWNING. Mr. Speaker, considerable alarm has resulted from a recent judicial opinion which has held that it is unconstitutional for Members of Congress to hold Reserve commissions in the Armed Forces while they serve in office.

A sharp focus on this situation was contained in a recent editorial in one of the newspapers in my home city. I am pleased to include it in the Record:

[From the Newport News, Va., Apr. 13, 1971]

RESERVISTS IN CONGRESS

Nearly one quarter of the members of Congress hold reserve commissions of one sort or another in the various military branches of the United States.

This activity of members of the Congress came to light when U.S. District Judge G. A. Gesell of Washington ruled that it is unconstitutional for members to hold commissions while in office.

This ruling will have a rather considerable effect upon the 117 members who are officers in the reserves if it is upheld on appeal.

While it would be rather obvious that a conflict of interest is present as the 22 percent of Congress act on military matters while holding military commissions, that is not why Judge Gesell ruled as he did.

In his ruling, Judge Gesell cited a section of the Constitution that reads:

"No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States . . . and no person holding any office under the United States shall be a member of either House during his continuance in office."

The court action was brought by the War Reservists Committee to Stop The War on grounds of non-separation of the legislative and the executive branches of government. The judge opined that not only the conflict of interest related, but more significantly, the duality of interest was in fact a violation of the legislative and the executive separation of powers required by the Constitution.

It is a fact that a great majority of members of Congress assigned to military affairs committees do hold reserve commissions. The present Congress has seven of the 16 seats on the Senate Armed Services Committee held by reserve officers who are also Senators. Rather fewer on the House Armed Services Committee—9 of 41—are reserve officers. The civil action lists these members of the House and Senate who are also members of the military reserve.

The speaker of the House, Carl Albert of Oklahoma, is a reserve officer. So is House

Democratic leader Hale Boggs of Louisiana. Senators Strom Thurmond and Barry Goldwater have long been among the more prominent reservists. Both are retired major generals receiving pensions. Thurmond is a former president of the Reserve Officers Association, the reservists' chief lobbying group in Washington. Senators Edmund Muskie, Jacob Javits, Charles Mathias and Daniel Inouye are other reservists.

But it is also a fact that members of very nearly every committee of the House and Senate have a specific interest in the work of their committees. Many were experts prior to their election to Congress, and by serving on the appropriate committee they have brought their expertise to the general profit of all the people.

And it is quite possible that by serving in the armed forces years ago, these members became aware of the processes of government and wished to participate in those processes. There are any number of former military men of either major party and of either philosophic persuasion, conservative or liberal, who are serving in Congress because of a motivation spurred by service in the military.

We can see no more danger in having a military expert form military policies than in having an agriculture expert shape farm policies or a specialist in maritime matters continue his sharp interest in the development of the merchant fleet.

Removal of reservists from two committees might, as some have said, make judgments more objective, but would they be as well-founded? That is the key.

FINEST AMBULANCE SERVICE IN UNITED STATES IN JACKSONVILLE, FLA.

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. BENNETT. Mr. Speaker, the handling of persons who are hurt in accidents, injured or who develop emergency health problems, such as heart attacks, is a key to the restoration of good health and the saving of lives. An important factor in this is ambulance delivery service.

In Jacksonville, Fla., the Third Congressional District of Florida, an alert city government has developed what has been called the finest emergency ambulance service in the United States.

The Jacksonville Rescue Squad is responsible for this wide acclaim for its fast and efficient service. This ambulance service is directed by the Jacksonville Fire Department and its communications system and highly trained personnel account for many lives saved every year.

To call to the Nation's attention this fine work by local government for the benefits of all citizens, I include in the RECORD an article "How Good Are Your Ambulances?" which appeared in the March 28, 1971, issue of Parade magazine and also an article from the National Enquirer of March 25. The articles follow:

[From Parade magazine, Mar. 28, 1971]

HOW GOOD ARE YOUR AMBULANCES?

(By Arthur S. Freese)

JACKSONVILLE, FLA.—"I'd like to feel that if I were knocked unconscious anywhere in the U.S., I'd have a sure chance of getting to a hospital alive—but I don't have any such assurance." That stinging indictment of American ambulance practices comes from Dr. Robert H. Kennedy, one of our foremost experts in the field.

As though to prove his point, an ambulance recently raced up the drive of a busy Ohio hospital. The attendant and driver wheeled in an unconscious patient, half suffocating because he's been placed face down, mouth and nose buried in blankets. And Dr. Henry C. Huntley, director of the U.S. Public Health Service emergency division, contends that 60,000 lives a year are needlessly lost because of poorly trained ambulance attendants. He's joined by Dr. Sam F. Seeley, medical care expert for the National Academy of Sciences, who says that many deaths and disabilities from injuries are "due to the inadequate care of ambulance personnel."

The shame of poor ambulance service is doubly reprehensible because it takes only some dedication and persistence to make it good. Jacksonville, Fla., has demonstrated that. Many experts praise this city for "the finest emergency ambulance service in the United States," one that has a record of literally bringing victims back from the dead.

Yet, as recently as 1967, Jacksonville's service was far from praiseworthy and it took an unsavory incident to emphasize it. An auto crash brought out two undertakers' ambulances—they provided most of the community's ambulance service at that time. These vehicles raced each other at 80 miles an hour, eager to get some business out of the accident. Then, arrived at the scene, the drivers found the victim dead and actually began physical combat with each other over who would get the body.

JUST TOO MUCH

That incident proved to be just too much. A Jacksonville TV station started a crusade exposing abuse in the local ambulance service, mostly provided by undertakers and by a few private firms. Common were such practices as dragging car crash victims out of wrecks so rudely that injuries were compounded, refusing to take sick or injured who couldn't pay, and fighting over bodies. The pressure built up until in November, 1967, all Jacksonville morticians quit the ambulance business.

One hour later the mayor ordered the Fire Department to take over emergency ambulance service, and in less than three years the city had proved that it's possible to convert a typical ambulance mess into perhaps the most outstanding service in the U.S. The first step was to empty out five fire chief's station wagons and man them with firemen already trained in advanced first aid. Thus, the Jacksonville Rescue Squad was founded, an essential service as important in its way as police and fire protection.

The principal architect of Jacksonville's squad was Captain John M. Waters Jr., a Coast Guard rescue expert, who had been hired by the city to head its Fire Department rescue services. And his feat was doubly commendable because just about the time he took over the whole city's ambulance service, Jacksonville merged with the Duval County government, making it the world's largest municipality in area—842 square miles.

TELEPHONE HELP

By making the Fire Department responsible for ambulance service, the department's sophisticated communications system was immediately available and Waters made it even better by replacing the pull-lever fireboxes with telephones. When a phone is picked up, a light goes on on a master map and the ambulance crew knows immediately where the emergency is.

Among other of Waters' innovations:

Replace the chiefs' station wagons with modern, specially-designed ambulances.

Give each of the firemen volunteering for rescue work 750 hours of training, including the delivery of two babies in a hospital under a doctor's supervision. Also, pay each volunteer an extra $30 monhtly.

Stock each ambulance with a wrecking kit—firemen's axes, saw, wrenches, crowbar, all the equipment needed to cut a crash victim out of a crumbled automobile.

Place in each ambulance a complete supply of medical equipment—scalpels, hemostats, splints, tourniquets, adrenalin, drug, oxygen tank and hand-type resuscitators, backboards, stretchers.

And, finally, electrocardiographs so that the rescuing firemen can diagnose and monitor a heart condition and transmit the information to a hospital where a doctor may advice emergency treatment.

Captain Waters is justly proud of his rescue volunteers. He comments: "I think our people would rather do away with City Hall than the rescue people." Many a Jacksonville resident echoes this thought, none more so than Mrs. Ruth Norris.

"CLINICALLY DEAD"

Not so long ago she suffered a heart attack in her home and was "clinically dead"—heartbeat and breathing had stopped. It took her son Ray only a few seconds to flash a "cardiac red" alert to the Fire Department. The nearest available unit—in this case a fire engine—arrived in two minutes, an ambulance a minute and a half later. Two vehicles are always sent to heart alarms in Jacksonville so there will be sufficient crew to get the patient to the hospital—an ambulance driver and two men to work on the patient. In the case of Mrs. Norris, she was put on a rigid backboard so that manual chest depression by one fireman could help start her heart while the other administered oxygen and the driver alerted the hospital that a heart victim was en route.

In the hospital, a single "zap"—medical slang for an electric shock to the heart—restored Mrs. Norris' heart back to a normal beat and in 60 seconds she was awake, her mind normal.

Such a performance is almost routine for the Jacksonville firemen because they've had the training, equipment and communications. Yet, Dr. Huntley of the U.S. Public Health Service estimates that not one in 100 U.S. ambulances can communicate with a hospital and no more than one in 20 ambulance attendants gets better than minimum training. Dr. Seeley of the National Academy of Sciences says that about a third of our ambulance vehicles are station wagons and about a third of actual ambulances are more than ten years old.

VARIOUS SYSTEMS

Across the nation, according to the U.S. Public Health Service, undertakers still provide half of all ambulance service and there's quite a lot of variety in the other half. Baltimore uses a system much like that in Jacksonville and Houston, having studied the Jacksonville pattern, is installing it. Charlotte, N.C., gives an ambulance franchise to a single private service much along the lines of a utility under public supervision. In Louisville, Ky., all policemen are trained in advanced first aid and all police patrol station wagons are immediatey convertible into ambulances. Calls for help go to the police and are radioed to the cars on patrol. Fort Dodge, Iowa, has devised a system of special application to small cities. Ten men, in relays, staff the three ambulances and are trained in advanced care for heart patients. The vehicles are kept at the hospital where the men work as orderlies between ambulance calls.

These examples, plus the case history in Jacksonville, show that there are no mysteries to the provision of the kind of good ambulance service that saves lives routinely every day. Any community with the will to have it can have it. But it's tragic that it probably will take more unnecessary deaths to jolt many of our cities into action.

[From the National Enquirer, Mar. 25, 1971]

About 16,000 Emergency Calls a Year, but—Jacksonville's Ambulance Service Reaches Patients in Average of 4.2 Minutes

Retired diesel mechanic George F. Andrews, 64, threw back his head and roared laughing the night he "died." It happened in Jacksonville, Fla., at 6:30 p.m., Dec. 5, 1970.

George and his wife Hettie had just finished coffee and cake with guests, and she was coming back from the front door after seeing them off. He was sitting in the easy chair in the living room.

"All of a sudden he threw his head back and burst out laughing," said Hettie, a small woman with gray hair and gentle eyes.

"His face was pale and he was gripping the chair and I knew something terrible was happening inside of him. My Andy was having a stroke."

Hettie was shaking so much she was unable to dial the phone. She ran next door and a neighbor called the Jacksonville Fire Department Emergency Service. The time was 6:34 p.m.

On the second floor of city hall, in a room walled with lights and switches, a man puts down the phone after taking George Andrews' address. At the same time he presses one of 19 buttons.

Several miles away an alarm sounds in a fire station in one of the 19 inner-city zones. Two men scramble into an emergency ambulance as the Andrews' address comes over the radio.

Mrs. Andrews has just returned to her husband's side, when two firemen suddenly burst through her front door without knocking. The time is 6:37 p.m., three minutes from call to help.

One man carries a portable radio, oxygen cylinder and a breathing bag; the other brings in a defibrillator, drug kit, stethoscope, blood pressure cuff and a portable telemeter.

By direct radio contact, they report the victim's condition to a doctor who is waiting in the emergency room of Memorial Hospital. They note severe pain with a complete absence of pulse and breathing. George Andrews is unconscious, and more dead than alive.

The throat is cleared and the patient is given oxygen and anti-shock treatment under continuous radio instruction from the doctor; then Andrews is carried to the ambulance.

While the city flashes past the ambulance window at the legal speed limit, Andrews is hooked up to an electrocardiogram (EKG) machine and his EKG is transmitted to the hospital. It is read and interpreted by a doctor (one of four on the full-time emergency shift) and instructions are relayed back to the ambulance.

Drugs are given; there is equipment for intravenous or intramuscular injections, if needed. The defibrillator stands ready, to be used on doctor's orders only. It will electrically shock Andrews' laboring heart, should it be thought necessary. Andrews arrives at Memorial's emergency room at 6:44 p.m., where a 10-member cardiac team is already aware that his heart is in ventricular fibrillation—a death pattern.

Meanwhile, somebody has contacted Andrews' doctor, who has given relevant information from his case history records. The team in Room 2, designed especially to receive emergency patients, goes to work.

The time is 6:46 p.m. It has taken only 12 minutes to get George Andrews from his living room to the hospital's emergency room table.

George Andrews is alive today, although not completely well; but under Jacksonville's old ambulance system, operated by individual funeral home directors, he would most certainly have been dead and long buried.

George Andrews is one of over two dozen people alive in Jacksonville today because of a new concept in emergency care and transportation.

Dr. Roy Baker, of Jacksonville Memorial Hospital, maintains that his city is the safest in America.

Capt. John M. Waters, director of public safety, says of his government-run operation: "Our biggest advantage is that we can keep our staff because, as firemen to start with, ambulance attendants stay with us for 25 years.

"There is no costly retraining.

"Also, emergency calls are received direct to our center from the caller. They do not pass through a central communications bureau, as they do elsewhere, and we are not concerned with non-emergency work."

While Jacksonville has the advantage of working with a single government department, firemen providing emergency ambulance service must cater for 530,000 people spread out over 842 square miles. Their average response time (delay from when the call is made to when the ambulance arrives) for 16,350 calls last year was 4.2 minutes.

An emergency ride in an ambulance in Jacksonville, regardless of drugs injected or equipment used, is $22.50, but the actual cost is $36.50.

Jacksonville started turning firemen into ambulance attendants over two years ago, when the service was provided by the town's funeral homes. Citizens became accustomed to seeing ambulances race each other to the scene of accidents, often to pay more attention to the dead than the injured.

When the funeral homes threatened Mayor Hans G. Tanzler that they'd quit unless he gave them considerable assistance, he picked up the phone, called the fire chief and said: "You're in the ambulance business. When can you take your first call?" The chief took his first call within the hour and Jacksonville's super-efficient service was born.

FRED WILLIAMS OF WAHT RADIO WINS AWARD FOR RADIO PUBLIC SERVICE

HON. EDWIN D. ESHLEMAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. ESHLEMAN. Mr. Speaker, one of my constituents was recently chosen to receive one of the broadcasting industry's foremost awards. The George Foster Peabody Award for Radio Public Service Programing went to Fred Williams and WAHT radio in Lebanon, Pa.

In his 16 years of broadcasting, Mr. Williams has received more than 40 awards and citations for radio journalism. But, as a recipient of the Peabody Award, he joins the select company of well-known broadcasters like Walter Cronkite, Chet Huntley, Harry Reasoner, Edward R. Murrow, and many others.

This latest award recognizes a series of programs called "Medical Viewpoint" which Mr. Williams created, researched, wrote and produced for WAHT radio. These programs explored problems and advances in the areas of public health, health education and medical science.

I think the significance of the Peabody Award is reflected by the fact that Fred Williams is the first radio journalist and WAHT, where he is operations manager, is the first radio station in the Commonwealth of Pennsylvania to receive this award in the 31 year history of the presentations.

My congratulations and best wishes for future service go out to Fred Williams and WAHT radio.

REMARKS

OF

HON. EDWARD HUTCHINSON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. HUTCHINSON. Mr. Speaker, as I have done in previous years, we mailed an annual questionnaire to all postal patrons in the Fourth Congressional District of Michigan. The mailing was March 15 and most returns were received in the 2 weeks thereafter. As usual, tabulation was done by an independent concern in the Washington area. There were 155,000 sent out and 13,500 were returned. About 23,000 persons actually responded because the questionnaire form afforded an opportunity for both husband and wife to answer. Complete results of the survey are as follows:

COMPLETE RESULTS OF SURVEY

	Yes	No	No opinion
1. President Nixon has proposed revenue sharing with the States. Do you favor this legislation?	60.82	34.02	5.14
2. Do you support a national health insurance program—			
(a) operated by the Government, providing care to all U.S. residents and financed by payroll and income taxes?	31.44	54.97	13.56
(b) that would require all employers to provide private health insurance, financed by contributions of both the employer and employee?	49.82	33.09	17.08
3. Do you believe the President's Vietnamization policy is working?	49.69	44.88	5.43
4. Should the new Federal welfare program—			
(a) emphasize work as a condition for assistance?	88.29	5.72	5.99
(b) require job training when appropriate?	78.33	9.48	12.18
(c) be limited only to the sick and disabled?	54.26	32.00	13.74
(d) provide benefits to all incomes below the poverty level?	48.30	37.71	13.99
5. Since Congress has passed legislation which allows 18-year-olds to vote for Federal officers, would you favor a U.S. constitutional amendment to allow the 18-year-old to vote in State and local elections?	64.13	34.80	1.07
6. Would you favor wage and price controls as a means to combat inflation?	78.24	20.17	1.59
7. Should the United States place a fixed limit on imports of foreign agriculture products?	82.22	15.68	2.10
8. Would you favor placing import restrictions on goods that tend to put American products at a competitive disadvantage in the American market?	82.52	16.07	1.41
9. Would you favor amending the Social Security law to provide for built-in cost-of-living adjustments?	87.02	11.80	1.16
10. Would you be willing to pay more for products and services (autos, gas, electricity, etc.) if they would be made virtually pollution free?	79.04	19.41	1.53

THIS TIME LET US PLAY TO WIN

HON. JACKSON E. BETTS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. BETTS. Mr. Speaker, the recent visit of the American ping-pong team to China has aroused a great deal of interest and concern among many Americans. The question has been asked many times what is behind this sudden change in attitude by Red China. A most thoughtful analysis of some of the reasons back of the visit and its possible effect on our future involvements in Asia is ably discussed in the following editorial from the Mansfield, Ohio, News Journal. I enthusiastically recommend it to my colleagues for their study and consideration:

THIS TIME LET US PLAY TO WIN

> One of the keys to success in international diplomacy is to know what you want. When the goal is definite, there is opportunity for almost infinite maneuvering to achieve it.
>
> You can even invite the fellows over for ping pong.
>
> Red China clearly knows what it wants from the United States. It feels this can be achieved more successfully by ending Chinese isolation than by continuing it.
>
> The first move is innocuous, almost silly, in view of the issues at stake. But the Chinese know the value of patience. If the U.S. Ping Pong Team tour goes off nicely—that is if it gets favorable publicity for China—then the next move can be carefully plotted.
>
> What is China's goal in thus responding to President Nixon's broad hints over the past months that the U.S. is ready to modify its attitude toward Red China?
>
> Some observers feel that the first Chinese goal is economic.
>
> Trade with the U.S. could be profitable. The U.S. has surplus food and ample manufactured items. China has raw materials for sale.
>
> China could also profit by direct U.S. investment in new manufacturing facilities in Mao's vast backward country. The trick will be not only to control U.S. investments but to expropriate them when the time is ripe.
>
> But there's another angle: Japan.
>
> The Japanese have prospered mightily since World War II through world and U.S. trade. They have also saved money on armaments, enjoying military protection at the expense of American taxpayers.
>
> Now Japan is ready to handle its own defense.
>
> The Chinese are well aware that the same weapons that defend Japan can be used to invade the resources-rich Chinese mainland. An American commercial involvement in China, plus resultant political amity, would give the U.S. an interest in the defense of China against Japanese assault.
>
> Now then if the U.S. is about to enter this Chinese ping pong game, what are our goals?
>
> We'd better have some, and be pretty clear about them. Getting drawn into a new Asian involvement through China could make our misadventure in Vietnam look like a bowl of tepid bird's nest soup. In another generaation we could find ourselves locked in a struggle on China's side against both Japan and Russia.
>
> It's all very well to say, as President Nixon has, that a nation containing as much of the world's population as China should be an open participant in world affairs. But there is a lot more than that behind China's invitation to play ping pong.
>
> The President and those Congressmen who are always loudmouthing him had better get together and decide what our Asian policy ought to be. Then, as we return China's serves, let's make sure that we are volleying to implement that policy.
>
> This time let's play to win!

FEDERAL COMMUNICATIONS COMMISSION CENSORSHIP

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. SCHMITZ. Mr. Speaker, In February of this year, "Homefront," a publication of the Institute for American Democracy which appears to be primarily dedicated to campaigning against what it regards as "the right wing" in America, filled more than half its issue with a review and acclamation of the steps being taken by the Federal Communications Commission to force broadcasting stations seen as politically or religiously "conservative" off the air.

The publication reviewed not only the FCC's refusal to renew the license of Brandywine-Main Line Radio, Inc., to operate Station WXUR in Media, Pa.—see my newsletter 70–9, September 9, 1970—a decision reaffirmed February 3—but also the recent FCC hearings on whether to take the same action against Station KAYE in Puyallup, Wash., and Station WMUU on the campus of Bob Jones University in Greenville, S.C.

In the WXUR and KAYE cases, the FCC is acting on the basis of its so-called Fairness Doctrine which requires every broadcasting station to "seek affirmatively to encourage and implement the presentation of contrasting viewpoints." In the first place, this assumes the equal validity of every viewpoint, regardless of objective standards of right and wrong. Secondly, as the findings in the WXUR case make very clear, it means that the FCC sets itself up as a judge of what is a controversial issue upon which contrasting viewpoints must be broadcast, and how much time must be given to the contrasting viewpoints. Its rulings in the WXUR case were even extended to the content of religious programs. When the licensee objected, the FCC responded with this statement:

> Brandywine contends that for us to pierce its claim that Dr. McIntire's programs were devotional, and to decide for ourselves whether or not controversial issues were discussed on these programs, would constitute an unconstitutional abridgment of freedom of religion. We disagree. It is no more an abridgment of freedom of religion than of freedom of speech.

Whether it is actually unconstitutional, nobody really knows in these days when the Constitution is what five Supreme Court Justices may feel like at any given moment. But whatever else this FCC policy is or is not, I fail to see how it can actually be "fair," or actually allow for freedom of speech.

Most statements—virtually all which are interesting enough to be worth broadcasting—are, or could be considered, in some way controversial. To allow a Federal agency to decide which of these statements can be made only if free rebuttal time is offered, is to give that agency in reality the power of censorship. As the current pattern of FCC license renewal hearings shows, that power is now being used. It is most unlikely to be used against the presently dominant ideology in our communications media, but rather is silencing the few remaining voices which speak out unashamedly for the values, the system of Government and way of life which made this Nation great.

Some believe that a major effort should be made to pressure the FCC to apply its "Fairness Doctrine" the other way, against the anti-American broadcasters. It can do no harm to try, so long as the FCC has this power and is using it. But the power itself should not exist. If we mean what we say about freedom of speech and religion, it ought to apply to radio broadcasters as well as newspaper and book publishers. They should be free to present their own views at their own expense.

I have introduced H.R. 6887 for this purpose, to strip the FCC of its power to deny license renewals to broadcasting stations on the basis of the political, ideological, or religious content of any of their programs, so long as the individual or group conducting the broadcast has not been convicted of libel or slander in a court of law, and does not advocate violation of law over the air waves.

A PERSPECTIVE ON BLACK BANKS

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. DIGGS. Mr. Speaker, some questioning has arisen lately concerning the value of black banks to the economic development of the communities which they serve—a questioning with which I do not agree.

A member of the Federal Reserve Board, Andrew Brimmer, went so far as to describe black banks as "essentially ghetto ornaments."

What real value do these banks hold? An answer to this question was published in the January 17, 1971, issue of the Washington Post in an article written by the distinguished Dr. Edward D. Irons, executive director of the National Bankers Association.

Dr. Irons, in the article, "Serious Error Distorts Brimmer's Black Bank Analysis," convincingly argues the case for black banks, disputing the "ghetto ornament" position which radically downgrades these banks' importance.

Dr. Irons is a former professor and chairman of the Department of Business Administration at Howard University. His article follows:

SERIOUS ERROR DISTORTS BRIMMER'S BLACK BANK ANALYSIS

(By Edward D. Irons)

> In a democracy, divergence of opinion is a natural consequence of the freedom of speech. In such an environment, doctors disagree, lawyers disagree, historians, economists and bankers disagree. This divergence is common even given the same sets of facts A most recent occurrence of this phenome-

non was Governor Andrew Brimmer's (the only black member of the Federal Reserve Board) view that black banks are ornaments of the ghetto, with little potential as instruments of economic development.

Thus, while Governor Brimmer is entitled to his opinion, a careful examination of the facts indicates that Brimmer's analysis of black banks suffers from serious analytical errors. Because of his analytical errors, it is my opinion that Brimmer's conclusions regarding black banks are distorted about the present and myopic about the future. Equally fallacious is his assumption that commercial banks, black or otherwise, by themselves are instruments of economic development. The process of economic development requires a complex interaction of all the financial institutions in our economics system coupled with a balanced infra-structure fostered by an active participation of the government on all levels.

In addition, Brimmer's analysis suffers from the vacuum syndrome. He makes no effort to analyze the cause-effect relationship of the environment within which these banks operate, or the impact of past public policy of social mores on these banks. His conclusions, therefore, can at best be considered sterile.

Regarding the analytical error, Governor Brimmer incorrectly lumps both newly chartered banks and mature banks in the same category. He then analyzes their asset management experience and their operating experience (income and expense). Most serious students of banking know that the above management functions vary markedly between newly chartered banks and mature banks. For example, in the management of their assets, new banks typically cannot invest their funds in loans in their market area as rapidly as they come in during their early years. As a consequence, they generally buy government securities or participate with other banks in loans outside their areas. This pattern is continued until the new bank has gotten sufficiently acquainted with its market to prudently place most of its loan portfolio within its market area. This pattern frequently dilutes earnings potential while the expenses of the bank continue at a relatively fixed level. This, then, accounts for the difference in asset management of new banks as well as expense-revenue relationship vis-a-vis mature banks. In 1969, newly chartered banks represented 57 per cent of total deposits of black banks. Thus, to put them together in one analytical framework can only lead one to spurious conclusions.

In 1968, Brimmer issued a statement to the public that black banks, on balance, were in the red. He, therefore, questioned whether such banks should be encouraged as a matter of public policy. The facts that led Brimmer to his conclusion, again spuriously, was that of the 20 banks then in existence, nine were new chartered averaging 2.7 years of age, operating in the normal deficit period for new banks. Regulatory agencies typically require organizers of new banks to allow for three years of deficit operation in the estimation of the initial capital base. One need not be an Einstein to reason that the mature banks would have had to outperform the proverbal "magician" to stay in business as long as they have, while "on balance" being in the red during that period.

Similarly, in his paper which he read last week at the American Economic Association meeting, he concluded that black banks appear to be about one-quarter to one-third as profitable as the nation's banks generally. Ironically, this is an improvement of the experience of black banks over 1968 even using Brimmer's standards. However, his analytical methodology suffers from the same errors which he made two years earlier. The phenomenon which prevented Brimmer's conclusions from being the same as two years earlier, was the fact that most of the newly chartered banks which he had included in his analysis two years earlier had broken even and begun to operate profitably. Nonetheless, he did include five banks that were chartered since his last analysis whose average age was 1.6 years old. Typically, new banks require about three years to break even and begin operating profitably.

It must be emphasized here that using averages with a small universe coupled with widely varying magnitudes, as in the case of black banks, can easily lead one to a spurious conclusion, however unintentioned. For example, given five banks; four banks with $200,000 capital and one with a million dollars in capital; assume that the four banks with capital of $200,000 each earn 10 per cent on capital or after taxes and that the million dollar bank incurs a 10 per cent deficit on its capital. If one simply averages the aggregate return on investment of these five banks, he will conclude that, on balance, these five banks are one per cent in the red. The facts are that four of these banks made a normal profit and one is unprofitable.

Of course, no one who examines the facts objectively could conclude that black banks, on the average, earn as much profit as banks generally. To understate these profits by one third to one half as does Governor Brimmer, is to drastically distort the total perspective of these banks in the eyes of the public. The facts are that, if one includes all black banks that are five years or more in age, he will find that during the last ten years, black banks, while profitable, have earned about three points less on their capital than banks generally. In this regard, in 1969, of the 18 black banks that were five years in age or more, eight of these banks have return on investment in excess of 10 per cent with a range up to 14 per cent.

Brimmer concludes that since black banks cannot serve as significant instruments of economic development, (i.e., invest in equities) a new institution should be created to serve this need. He then suggested that a domestic Edge Act Company, patterned after the international Edge Act Companies, should be established. Edge Act Companies are international subsidiaries of major money market banks of the United States with authority to invest in equities in the countries where they operate. The fallacy of Brimmer's thinking becomes apparent again. Even if these institutions were established, they would not supplant the commercial banking functions. The commercial banking functions would still have to be carried on by a commercial bank either by a black-controlled bank or branches of a major bank, as has been true in the past as well as today. As a matter of fact, there is an economic development instrument already available to major banks that would render the same service as an Edge Company, that is, the bank related Small Business Investment Company (SBIC). This type corporation has been available to the banking industry for 11 years. Its purpose is to permit the banks to invest in equities of their choice in small business. As a matter of fact, a number of major banks currently have wholly owned SBICs. Others have organized consortia to establish SBICs. At any rate, while there is nothing legally wrong with the establishment of a domestic Edge Company, it would seem to me that, at best, it would become a redundant financial institution in our system. Thus, while one can heartily agree with Brimmer that a source of equity capital is needed in the markets served by black banks, one must rationally conclude that equity institutions cannot supplant commercial banks, white or black.

Perhaps more important than the current status of black banks is the trend of these banks and how they got that way. Only after one views these banks in proper perspective can the role of these banks become apparent.

After thirty virtually dormant years, the last two thirds of the decade of the 1960's saw the organization of more black banks than any prior period since the early 1900's. By the end of June 1970, there were twenty-six black-controlled banks in the United States. Most of these banks (16) have been organized since 1963. If this number does not sound impressive in relation to the more than 13,000 banks currently in the U.S., it isn't. When viewed with the perspective of history of black banks, however, the advent of this increased number suggests a microscopic revolution.

Briefly, these banks may be considered an emerging new industry within an industry, struggling with all the problems common to any new industry. Theoretically, there should be no need for these banks. The paradox, which these banks create in our "free enterprise system," stems from historical societal mores and public policy that decreed that blacks and other minorities had no place in the banking industry, as workers, as managers, or as owners of banks. While these walls are cracking slowly, their legacy hangs heavily over this emerging new industry.

The operating experience of black banks reflects the total environment in which they operate. Thus, while black banks generate the same relative amount of income on their assets as do banks of similar size in the industry, it costs black banks on an average 16% more to manage their assets. This additional operating cost for black banks is due primarily to small high activity deposit accounts, which average approximately one half of similar size banks in the U.S. with a concomitant of higher personnel costs. In addition, the loan losses incurred by black banks is two and one half times as high as banks generally. The upshot of this cost differential and higher loss experience for black banks is lowered return on capital as pointed out above.

With the above background, what about the future of black banks? What is the nature of the market they serve? What role does size play? What about management? Do black banks serve a need? Can't big banks meet this need more effectively? Don't black banks contribute to a separatist philosophy?

THEIR MARKET

The market that black banks serve, a product of total society, is one in which the black families earn 40% less than their white counterpart, maintain only one third as many checking and savings accounts, and own only 1.1% of liquid assets held by U.S. families. Moreover, this market has few significant businesses.

THEY ARE TOO SMALL

Black banks, in general, are small. These banks are increasing in size, however. In 1960 for example, the largest black bank was $10 million in assets compared to $46 million by the end of 1970.

However, it may be instructive to point out that 92% of banks in the U.S. fell below $50 million in assets in 1969 while 85% fell below $25 million.

WHAT ABOUT MANAGEMENT?

Deprived until recently of an opportunity to acquire the experience in the banking industry, blacks have not acquired bank management experience in any significant number. Within the last two or three years, however, there has been a change in industry practice vis-à-vis blacks in management. As a result, a number of blacks are in management training courses throughout the nation. If this pattern continues, within ten years there should be a pool of trained and experienced black management at all levels. In addition, black banks are increasingly using white management personnel.

DO THEY MEET A NEED?

It is unlikely that one black bank in each major metropolitan city of the U.S. will ever meet the total financial needs of the area; nor is it necessarily desirable that such a condition would obtain. If one accepts the premise that the general population needs a commercial bank that is convenient and empathetic to its financial and economic needs, should the black population aspire to any less? Contrary to popular belief, the black population of the United States is increasingly relegated to highly concentrated black areas. Will these automatically have the type banking service referred to above as the years go by? Many observers have asked the question, "Can't the big banks meet this need better than the neighborhood bank?" The answer to that question is an emphatic yes. The next question becomes, however, "Have they done it?" Perhaps to some degree they have, but the preponderance of the evidence suggests that big banks, by nature or by policy devote a relatively small amount of their loan portfolio to small businesses, irrespective of race.

BLACK BANKS AS SEPARATISTS

Some observers believe that the development of black banks creates a separatist philosophy. Perhaps. But does a bank controlled by Irishmen create a separatist philosophy? Or by Germans? Polish? Italians? If it does, should we not dismantle all those institutions in the United States that are controlled by a particular ethnic group? The annals of banking are replete with evidences of the kind of ethnic controls suggested above. For the first time in history, blacks are beginning to move in that direction. Must we change direction at this time?

"But blacks should get management jobs in banks," many people contend. I would agree wholeheartedly, but unless they also own some banks, they will never influence what happens to the banking assets. And if history is any teacher, those who control the finances of a nation, control the direction of that nation. Up to this point in our history, blacks have been left out of this control process. What blacks are saying now is, "We want in."

PROSPECTS

The prospects of black banks in the United States can be summed up in two words. They are a "societal contingency." *Today's black banks are a mirror of contemporary American society, in the same manner as Black doctors, Black lawyers, Black businessmen or Black economists.* They reflect all the past constraints imposed by society. Potentially, they can be as sound as any group in the United States. If this is to happen, however, a whole series of fundamental actions must take place.

1. Public policy must never revert to the pre-1963 period when blacks were systematically discouraged from seeking charters.

2. The fundamental economic unit of the black community, i.e., the family, must ultimately be given the opportunity to earn on a parity with its white counterpart, thereby, eliminating the 40 percent earnings gap between these two groups.

3. The federal, state, and local governments must begin to utilize these institutions as depositories in the same manner as other banks are used.

4. The major corporations who, through the sale of their products in these communities extract substantial sums of money from them, should consider using these banks as depositories. *This would serve as a counterforce to the continual wealth outflow from these areas, a phenomenon which I term a chronic balance of payments drain.*

5. A supply of venture capital must be made available to the markets served by black banks as a means of stimulating significant commercial activity.

6. The fledgling start toward the training and upgrading of blacks to all levels of bank management must accelerate significantly, and continue unabated.

And finally, once these banks and the bankers who manage them become accepted as integral parts of our total economic system, they will be capable of rendering competitive service to every sector of our society.

THE SPOILED SOCIETY

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. HALL. Mr. Speaker, the modern methods of merchandising have now made it possible to acquire food for thought, as well as food for sustenance, at almost all of our local grocery stores.

During a recent visit to such an establishment, I permitted my wife to push the cart, while I read from an advertising "throw away" made available by the store.

I was delighted to find therein a treatise entitled "The Spoiled Society." However, I would like to add my 2 cents worth to his final conclusions.

It is obvoius that this Nation has had too many years of regimentation: too many wars; too much misuse of the public trust; too many help agencies; and too many benefits in the name of security. All have worked to the detriment of individual freedom, and the deterioration of the Nation's moral stamina. Is it any wonder that unrest and chaos prevail?

The article follows:

A SPOILED SOCIETY

(By Timothy C. Miller)

America's the place to be. It is a wonderful country, interested in the welfare of all of us. For instance, if I were to list all the government supported "help agencies" I could print volumes upon volumes.

It has been said, that to find out how many friends you have, you must first have a downfall. And, in America there will always be some agency to help. I ask, "How much good do our "help agencies" really do? In some cases, I think having all this help available, could really hurt us.

Let me illustrate.

A young boy full of life, eager, sits in his high school classroom wondering about the many thrills and excitements of the adult world. He longs for the freedom an adult supposedly has. He would like to be free from the regulations of classroom, studying history, biology, english, etc. The lure of freedom, money, a car, begins to fill his mind and he feels strongly, the temptation to quit. His thoughts could go like this. "Well," He thinks, "If I quit now, I can work at some job (any job with pay looks good to a kid) and maybe buy me a car, man then I'll be happy. All I really want is to be free. And so what? If things do not work out, there's always the chance to get my high school diploma later. I mean, I can take a correspondence course."

This is a thought which goes through many a young boy's mind. It is a dangerous thought inspired by our "help agencies." I wonder how many students would drop out of school, if they knew there would not be a second chance? And, how many do drop out of school with the intention of making it up later?

Many employers are disillusioned with the thought that a man who makes up his high school is a man who has character. They reason this folly by thinking that, if a man can do this on his own, he must be a good worker. Isn't the second chance an advertisement, that those who finish high school through home study, are most likely to find better jobs, than those who are responsible enough to stay in school?

Is it good to always have someone ready to catch you, if you fall? Struggling after a downfall can make us better men.

A nice clean cut kid could say to himself, "Well, I'll try drugs. Maybe heroin. Because, if it's too much for me, well, the government has this new program out, which can help drug addicts." There is many a young boy who thinks he can try drugs, feeling that the government will help him get off the stuff if he can't handle it. I wonder how many would try this stuff, if they knew they would never get a second chance? It's bad enough that our help agencies only help ten percent of the drug addicts they see. Sometimes our "help agencies" can be an invitation to try risky things.

"Why should I pay for insurance?" a frustrated shop worker says. "If I don't like my job, or I get hurt, the welfare will pay for it." And they will. Welfare doesn't charge payments, they make them. The effects of these thoughts can be disastrous. It is true, if we get hurt, and can't work the welfare agency will pay for all of our medical bills and provide for us until we are able to go back to work. The welfare, apparently, without knowing it is the best insurance we can have. Why worry about our future, we always have the welfare? I wonder how many of those who are helped by welfare would find success in their jobs if nothing were offered to them but to stick it out?

You are a lot more careful when climbing a mountain, than you are swinging from a rope above a soft net. If that net wasn't there to catch you, you would not be so daring.

It is indeed sad, when a man reaches retirement and has nothing. We sympathize with him, but no one asked him way he has nothing. He had all of his life to prepare, and at the end he has nothing. I feel that we should help. We should help, simply because he needs it. But if there were no help available, would he arrive at old age in this state of helplessness? It's ironic that the help available for an aged, is considerably less than the welfare available to the young and able workers.

"Don't worry citizens," the government says, "regardless of the nature of your troubles or downfall, there is always some way out. There will always be someone to help you. So go ahead and take all the risk you want, surely someone will take care of you."

It is true, that no matter how much help there is, there is suffering in drugs, unemployment, and unplanned retirement. But I wonder, however, how many people are there, who would try drugs, if they knew there were no way out? How many would try unemployment because they didn't like their job, if there was nothing available to help him along. There are many questions here, but the most important one, is how much good do our "help agencies" really do? I'm afraid our nice sweet society is a little over-protective. What happens when a mother over-protects her children? They run wild!

CONGRESS MUST STAND UP FOR THE RIGHT OF ALL AMERICANS

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. HUNT. Mr. Speaker, the ill-advised permission that enabled the establishment of Resurrection City in 1968 has come back to haunt us and will continue to do so until and unless the Congress takes legislative action promptly.

On Monday of this week, a three-judge contingent of the U.S. Court of Appeals, after only 30 minutes of deliberations, overruled a lower court injunction and permitted a group of antiwar protesters to camp out on the Mall. It is absurd that these three judges so lightly dismissed the matter, and in so doing, negate the authority of the executive branch in enforcing the regulations respecting the use of public lands in the District of Columbia for overnight camping. This issue has nothing whatsoever to do with the freedoms of speech and assembly and it was ludicrous for Judge Leventhal to suggest that this particular camp-out has some element of symbolic value. Fortunately, acting in the interests of all citizens impartially, Supreme Court Chief Justice Warren E. Burger has reversed the decision of the U.S. Court of Appeals and has banned overnight camping on the Mall.

Mr. Speaker, legislation was passed overwhelmingly by the House in the 91st Congress to prevent another Resurrection City. Of the 327 Members of the House at that time who voted for the legislation, 291 are Members in this Congress. The very fact that the courts this week have made hash of the present policy respecting overnight camping regulations should be sufficient evidence that legislation to firm up this policy is urgently needed. It is time we stand up for the rights of all Americans and not just the few who are here temporarily to demonstrate their right to dissent.

On April 7, 1971, Mr. SCHERLE introduced a bill identical to the measure that the House passed in the last Congress. On April 19, Mr. WYLIE and I followed with another identical bill to emphasize our concern. I trust that other Members will follow suit and that the House Public Works Committee will give prompt consideration to this legislation.

CBS CAUGHT IN ANOTHER DISTORTION

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. HÉBERT. Mr. Speaker, with each passing day, I find out what real professionals CBS has—professionals of misrepresentation, that is. Of course, I am referring to those CBS individuals who participated in the discredited "The Selling of the Pentagon," an antimilitary editorial which the network labeled a documentary.

When CBS said "a special, still unpublished report for the prestigious 20th Century Fund estimates the real total at $190 million"—money spent on public affairs—I decided to write the organization and ask for a copy of that study.

I have received a reply to my inquiry from Mr. M. J. Rossant, director of the 20th Century Fund. He explains that the fund did finance a study entitled "The Military Establishment," which was prepared by Adam Yarmolinsky and a team of collaborators. The fund study was published prior to the airing of the CBS program, "The Selling of the Pentagon."

There is one inaccuracy. CBS said the $190 million figure was obtained from an unpublished report of the fund.

Interestingly enough, the published report did not, and I repeat, did not contain the $190 million figure.

Mr. Rossant says that the figure appeared in research done for the study, and that the fund grants independence to its research directors and other personnel who work on its studies. In the case of the military study, Mr. Rossant notes that it is his understanding that one or more of the researchers involved with it was interviewed by CBS in connection with "The Selling of the Pentagon" program.

I quote from Mr. Rossant's letter:

> The Fund considers that these researchers were independent personnel with respect to the Fund. As such, they have the right to grant interviews or make public their views in other ways.

Therefore, we have another CBS misrepresentation. The $190 million figure is the opinion of an individual researcher and not the opinion of the 20th Century Fund.

CBS used the 20th Century Fund to add authenticity and credibility to its statement that the Pentagon spends $190 million a year on public affairs, when in fact the fund takes no responsibility for that figure and the published report financed by the fund did not use it.

In my opinion, CBS deliberately misled the public on this issue as they did on many others in the broadcast.

I am going to insert at this point in the RECORD the letter I wrote to the 20th Century Fund and the response I received from Mr. Rossant to fully inform everyone on this situation:

APRIL 1, 1971.

Mr. N. J. ROUSSANT,
The Twentieth Century Fund,
New York, N.Y.

DEAR MR. ROUSSANT: In the CBS program, "The Selling of the Pentagon," reference was made to an unpublished report of The Twentieth Century Fund which shows that the Pentagon will spend $190 million on public relations.

Since I am responsible for looking into such matters as chairman of the House Armed Services Committee and since this information was made available to CBS, I would deeply appreciate receiving a copy of the report.

Additionally, I would like to know if the report has been published and if it hasn't do you expect to publish it. Please furnish me with the name of the author of the report also.

With kindest regards.

Sincerely yours,

F. EDWARD HÉBERT.

THE TWENTIETH CENTURY FUND,
New York, N.Y., April 16, 1971.

Hon. F. EDWARD HÉBERT,
The House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HÉBERT: I want to thank you for your letter of April 1 requesting certain information from the Twentieth Century Fund.

The Fund financed a study entitled "The Military Establishment," which was prepared by Adam Yarmolinsky and a team of collaborators and published by Harper & Row on February 3, 1971. I am sending you a copy under separate cover.

This Fund study was published prior to the airing of the Columbia Broadcasting System's program to which you referred, and did not contain the $190 million figure you mentioned.

However, the Fund has ascertained that such a figure appeared in research done for the study. As the Fund grants independence to its research directors and other personnel who work on our studies, insisting only that statements submitted for publication are justified, it is common practice in all of our projects to compile material that does not necessarily appear in published form. In the case of our military study, it is my understanding that one or more of the researchers involved with it was interviewed by CBS in connection with the preparation of its television program. The Fund considers that these researchers were independent personnel with respect to the Fund. As such, they have the right to grant interviews or make public their views in other ways.

I trust that this information and the copy of the Fund study being sent to you will be a satisfactory response to your inquiry. But if I can be of any further help to you and your Committee, please do not hesitate to call on me.

Sincerely,

M. J. ROSSANT.

DR. JOHN NEIHARDT, POET LAUREATE

HON. CHARLES THONE

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. THONE. Mr. Speaker, today is a celebration in the State of Nebraska. It is a celebration of a magnificent man and his work on this earth.

It is the celebration of the wisdom of the Nebraska Legislature that 50 years ago made Dr. John Gneisenau Neihardt Nebraska's poet laureate.

It is a celebration of spring and youth, of the eternal renewal manifest in this 90-year-old poet's love of life.

In making John Neihardt our poet laureate, the Nebraska Legislature said, 50 years ago, that he:

> Has written a national epic wherein he has developed the mood of courage with which our pioneers explored and subdued our plains, and thus has inspired in Americans that love of the land and its heroes whereby great national traditions are built and perpetuated.

How relevant those words sound today.

In both word and deed, John Neihardt has richly shown the love and warmth and faith and courage so needed in today's world.

At the age of 31, John Neihardt undertook to write the American epic. Eighteen years later he had completed his major work—"The Cycle of the West." This pioneer epic of the West—especially the Upper Missouri Country—was in five parts: "The Song of Three Friends", "The Song of Hugh Glass", "The Song of Jed Smith", "The Song of the Indian Wars", and "The Song of the Messiah."

In 1953 'The Cycle of the West," was chosen one of 3,000 of the world's best books from Homer to Hemingway—a span of 3,000 years.

Not only has Dr. Neihardt written magnificent lyric verse, but he has lived among the Sioux Indians and translated this unusual rapport into sensitive and spiritual Indian prose.

Dr. John Neihardt has held his poet laureate longer than any other man. Alfred Lord Tennyson has the longest recorded poet laureate—46 years compared to Dr. Neihardt's 50 years.

Mostly self-educated, this amazing man was for 12 years the literary editor of the St. Louis Post-Dispatch and poet in residence and lecturer in English at the University of Missouri at Columbia for 16 years.

Dr. Neihardt's many honors pale beside his beautiful years with his wife—Mona Martinsen, a sculptress and student of Rodin. They married in 1908, and there were many desolate and lonely years after her death in 1958.

But after time had healed the open wound of his loss, he began again to give of himself and his special vision to young and old alike.

From Bess Eileen Day's recent loving story of Dr. Neihardt, "The Music of What Happens," comes this warm portrayal of the man:

> A humanitarian and indeed one who loves his fellow man, Dr. Neihardt has a greatness of heart and understanding that equals his greatness in the poetic arts, while his avid life-long pursuit of knowledge has made him a non-conformist thinker far in advance of his contemporaries, and a wise man and a philosopher as well as a scholar. Time has steeped him in learning and wisdom so that the young and the old from near and far come to sit at his feet; to gather his thoughts; and listen to his song.

Dr. Neihardt's work has brought meaning to many people—to those at Bancroft, Nebr., who watched him in his early highly-productive years and whose children and grandchildren keep alive and preserve those places in which he worked; to those old friends who have watched and loved his work and who now sustain him in his 90th year; to those thousands of people to whom his great works have communicated the spirit and beauty of his vision; and to individuals like you and me who have been honored to know him ever so slightly, to share his beautiful work and to occasionally see and feel the spark of eternity always and still burning in this most special of God's people.

For the record, I should like to include a biography, a list of works and a chronology of honors and activities of John G. Neihardt, our Poet Laureate,, our Prairie Poet and indeed chronicler of the epic spirit of America.

JOHN GNEISENAU NEIHARDT: BIOGRAPHY

John Gneisenau Neihardt was born near Sharpsburg, Illinois on January 8, 1881, third child of Nicholas Nathan Neihardt and Alice Culler Neihardt. In 1886 the family moved to a sod house in northwestern Kansas, moving from there to Kansas City in 1888. In 1891 he moved with his mother and sisters, Lulu and Grace, to Wayne, Nebraska, where he attended a pioneer college, graduating with a B.S. degree at the age of sixteen. His first book, *The Divine Enchantment,* based on vedanta philosophy, was finished at the age of sixteen and published at nineteen.

After teaching a country school for two terms, he moved to Bancroft, Nebraska where he worked with an Indian trader among the Omahas, later editing a country weekly, the *Bancroft Blade,* for several years. Thereafter he devoted his time to the writing of fiction and lyric verse with rapidly increasing national success. During this time he lived much among the Sioux Indians, becoming an authority on their traditions and customs.

He was married in 1908 to Mona Martinsen (1884–1958), sculptress and student of Rodin, daughter of Rudolph Vincent Martinsen. Their children are Enid, Sigurd, Hilda, and Alice.

In 1912, at the age of 31, Neihardt began writing his major work, *A Cycle of the West,* to which he devoted eighteen years. In 1921 he was made Poet Laureate of the State of Nebraska by legislative enactment. He was literary editor of the *St. Louis Post-Dispatch* from 1926 to 1938, and poet in residence and lecturer in English at the University of Missouri, Columbia from 1949 to 1965.

He is a member of the National Institute of Arts and Letters, New York, and of the International Institute of Arts and Letters, New York, and of the International Institue of Arts and Letters, Lindau, Germany a member and founder of The Westerners; vice-president for the Middle West of the Poetry Society of America; and a former chancellor of the Academy of American Poets. Among other honors are the Poetry Society national prize, 1919; gold medal, foremost poet of the nation, Poetry Center, New York, 1919; first civilian member, Order of Indian Wars of the United States, 1927; bronze bust placed in the State Capitol Building, Lincoln, Nebraska, 1961; first Sunday in August named annual Neihardt Day in Nebraska by the governor's proclamation, 1968; Prairie Poet Laureate of America by designation of Poets Laureate International, 1968. One of the most outstanding honors was the choosing of *A Cycle of the West* by consensus of expert opinion as one of the three thousand best books in the three thousand years from Homer to Hemingway.

Honorary degrees include Litt. D., University of Nebraska, 1917; LL.D., Creighton University, Omaha, Nebraska, 1935; and Litt. D., University of Missouri, 1946.

Author of some twenty-five volumes of poetry, fiction and philosophy, Neihardt makes his home with Myrtle and Julius Young in Lincoln, Nebraska.

JOHN G. NEIHARDT (1881 —)

1900, "The Divine Enchantment."

1902, "A Bundle of Myrrh" (5 copies printed on author's press).

1907, "A Bundle of Myrrh."

1907, "The Lonesome Trail."

1909, "Man Song."

1910, "The River and I" (Rev. edition 1927).

1911, "The Dawn Builder."

1912, "The Stranger at the Gate."

1913, "The Death of Agrippina."

1914, "Life's Lure."

1915, "The Song of Hugh Glass" (Rev. edition for schools 1919).

1916, "The Quest" (collected poems).

1919, "The Song of Three Friends."

1920, "The Splendid Wayfaring."

1921, "Two Mothers" (drama and "Laureate Address."

1925, "The Song of the Indian Wars" (annotated for schools 1928).

1925, "Poetic Values."

1926, "Collected Poems."

1926, "Indian Tales and Others."

*1932, "Black Elk Speaks": Translations, 1953 German "Ich Rufe Mein Volk"; 1953 Flemish "Zwarte Eland Spreek"; 1963 Dutch "Zwarte Eland Spreekt"; 1968 Italian "Alce Nero Parla"; 1969 Danish "Black Elk Taler"; 1970 Swedish translation.

1935, "The Song of the Messiah."

1941, "The Song of Jed Smith."

*1949, "A Cycle of the West" (in sequence, as originally intended).

1951, "When the Tree Flowered," 1935 (English) British version, "Eagle Voice."

1961, "The Twilight of the Sioux" (TV course, University of Missouri, continuing).

1965, "Lyric and Dramatic Poems."

*1968, "The River and I (reprint paperback, by University of Nebraska Press).

1968, "Autobiography" (in progress).

1969, "Black Elk Speaks" (Danish translation) "Black Elk Taler."

*1969, "Lyric and Dramatic Poems" (reprint paperback, single volume, new cover—University of Nebraska Press).

1970, "Autobiography" (first volume completed).

*1970, "When the Tree Flowered" and "The Splendid Wayfaring" (reprint paperback, by University of Nebraska Press).

*Available in paperback, University of Nebraska Press, or in most bookstores. All others are in libraries or rare book stores only.

A Cycle of the West contains the following five books originally published in single volumes: "The Song of Three Friends," "The Song of Hugh Glass," "The Song of Jed Smith," "The Song of the Indian Wars," "The Song of the Messiah."

LIST OF HONORS—JOHN G. NEIHARDT

1917, Litt. D., University of Nebraska, Lincoln, Nebraska.

1919, *Song of Three Friends*—Poetry Society of America prize, Best Volume of Verse.

1920, Member, Sigma Tau Delta, Diamond key (journalism).

1921, Appointed Poet Laureate of Nebraska by act of State Legislature.

1922, Oil portrait by J. Laurie Wallace, Omaha City Library, Omaha, Nebraska.

1922, Bust (plaster) by Mona Neihardt, Wayne State College Library, Wayne, Nebraska.

1923, Neihardt Club erected and dedicated Hugh Glass monument at the Forks of the Grand River, near Lemmon, South Dakota.

1925, First civilian member of the Order of the Indian Wars of the United States, Washington, D.C.

1925, Granite and bronze monument to Neihardt in city park, Wayne, Nebraska, remembering "The Poet's Town."

1927, *Song of the Indian Wars* chosen one of 500 volumes of world literature for the White House Library by a national committee.

1928, LL.D, Creighton University, Omaha, Nebraska.

1929, Neihardt Hall, Wayne State College, Wayne, Nebraska.

1936, Awarded gold scroll medal of honor as Foremost Poet of the Nation for *The Song of the Messiah,* by National Poetry Center, Rockefeller Center, New York.

1936, Award for poetry by Friends of American Writers Foundation, Chicago, Illinois.

1943, Member, National Institute of Arts and Letters, New York, New York.

1944, A founder and life member, The Westerners, Chicago, Illinois.

1946, Litt. D., University of Missouri, Columbia, Missouri.

1953, *A Cycle of the West* chosen one of 3000 of the World's Best Books from Homer to Hemingway (a span of 3000 years).

1959, A Chancellor, Academy of American Poets, New York, 1959 to 1967.

1959, Fellow, International Institute of Arts and Letters, Lindau, Germany.

1961, Bronze bust, by Mona Neihardt, placed in rotunda of Nebraska State Capitol, Lincoln, Nebraska by legislative act.

1963, Fulbright Award, India.

1965, Bronze bust by Cordier, Wayne State College, Wayne, Nebraska.

1965, Highway marker near Bancroft, Nebraska.

1966, Bronze bust, by Mona Neihardt, Fine Arts Building, Wayne State College, Wayne, Nebraska.

1967. Old study of John G. Neihardt restored as a memorial by Neihardt Foundation, Bancroft, Nebraska.

1967, World Herald Newspaper, Omaha, Nebraska—one of the top ten persons making the most significant contribution to Nebraska in the first one hundred years of statehood (by poll of historians and history teachers).

1967, Governor's Award—Nebraska's Poet of the Century.

1968, The Thomas Jefferson Award for 1968, University of Missouri, Columbia, Missouri.

1968, Bronze bust, by Mona Neihardt, dedicated, University of Missouri Library, Columbia, Missouri.

1968, Citation and title, Prairie Poet Laureate of America, by the United Poets Laureate International.

1968, Golden Laurel Wreath presented by President of the Republic of the Philippines, Ferdinand E. Marcos.

1968, Annual Statewide Neihardt Day (first Sunday in August), proclaimed by the Governor of the State of Nebraska.

1969, Hall of Fame—Wisdom Society of Wisdom Magazine and Encyclopedia.

1970, Neihardt Study, Bancroft, Nebraska made a national historic site.

1971, 50th Anniversary of the laureateship of Nebraska.

EARTH WEEK, 1971

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. CARNEY. Mr. Speaker, in the year since the first teach-ins, we have witnessed an increasing public concern with the environment. Awareness of man's close relationship with his environment which was triggered by Earth Day—the first nationwide event on behalf of the environment—has produced and intensified action against environmental damage and deterioration undreamed of only a very few years ago.

Certainly, we have much to worry about: Foul water, dirty air, mountains of waste, and unnecessary noise assail us everywhere. The costs of living in a polluted environment, in terms of property damage: Laundry bills caused by excessive soot and dust, and doctor bills to counteract the damage done to our health by pollutants, are rising steadily.

We demand new and better technology and more gadgets to ease our daily work, but do not assess ahead of time the possible damaging effects they may have on the environment. We demand that our fruit and vetegtables come to market unblemished and in unvaryingly huge quantities; but did we take the time and make the effort to assess the possible damage DDT and other pesticides, insecticides, and fertilizers would have on human and animal health, on the quality of the land and the water?

We demand more roads and parking lots for our cars, bigger factories to supply us with a vast array of products, huge powerplants to provide the electricity needed to run our mechanized society. Before we build any of these, do we stop to think of our dwindling land, or the other natural resources consumed?

During this year's Earth Week, bolstered by our newly acquired awareness of the environment around us and our relationship to it, we should realize that some of our approaches to the problems are in need of change. We should know by now that trying to clean up pollution after allowing it to be generated, is an expensive frustrating job. Restoring paved over or eroded land after rendering it unfit for economically profitable use, ties up funds which could be used to greater advantage in many needed endeavors.

Perhaps during Earth Week 1971, we should dedicate ourselves to the task of consciously and conscientiously assessing all of our endeavors in advance in order to prevent damage to the environment. Factories can have built-in pollution abatement devices. Roads can be designed to spare tracts of land which can profitably be put to other uses. Parking lots can be put underground. Pesticides can be used selectively, in the proper quantities; volume does not take the place of quality. Proper planning, advance assessment of the consequences to the environment, and preventive action can make good use of our economic resources and of our time and effort.

Effective management has been the cornerstone of our success as an industrialized, progressive society. It includes advance planning, advance allocation of resources, advance assessments of the results of a given course of action. It is time that we apply these concepts to the management of our environment also.

I believe that the resolution before the House to designate Earth Week would be a useful device to once again focus our thinking on the conflicting demands we place on the living landscape.

ENFIELD CENTURIONS

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mrs. GRASSO. Mr. Speaker, it is indeed refreshing to bring to the attention of my colleagues the positive and constructive activities of the young people who are members of the Enfield Centurions.

The Centurions are the drum and bugle corps of the city of Enfield, Conn., and the young men and women who are members travel from city to city participating in parades throughout New England. At the recent All-America Awards dinner marking the designation of Enfield as one of the All-America cities, Mayor Frank Mancuso honored the fine reputation of the Centurions by proclaiming that they are the community's official goodwill ambassadors.

As a tribute to this excellent organization of young people and others like it across the Nation, I would like to enclose a brief statement about the drum corps and the scope of activities of the Centurions:

AMERICAN YOUTH IN ACTION

A relatively unnoticed, unpublicized youth activity exists in America which offers an exceptional outlet for the energies of our young people. This activity has more members than any other year-round youth activity except for Scouting. It is Drum Corps.

In Enfield the Centurions Drum and Bugle Corps is providing just such an outlet for youthful energy. Starting with 27 members in 1967, the Corps now numbers 75 young people from Enfield, Hazardville, Somers and Windsor Locks. In 1970 the members traveled over 4,800 miles making 53 appearances in Connecticut, Massachusetts, Maine, Vermont, Rhode Island and New York.

One of the most important aspects of this activity is the number of youth hours spent in participation. In Drum Corps youth hours are determined to be the total number of hours spent by members at rehearsals and on jobs, times the number of members. During this past year the Centurions Drum Corps members totaled 46,280 hours.

Another aspect of Drum Corps activity is what it teaches to its young members. Outside of providing travel, excitement and comradeship a Corps teaches discipline, neatness, coordination, responsibility, musical ability and esprit de corps. All of this on a year round basis from a little known, sometimes unrecognized, but important youth activity. We should all start to acknowledge its worth to our community and support the Corps in the area as we do other better known youth programs.

ECOLOGY BEGINS AT HOME

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. FLOWERS. Mr. Speaker, every day I receive letters from people interested in preserving and improving our environment most often asking the question, "What can I do?" A public service advertisement appearing in today's Washington Post contains some very good suggestions, which I commend to everyone's attention:

ECOLOGY BEGINS AT HOME

1. Plant a blade of grass . . . the grassroots will spread and hold the earth together.

2. Start a window box, a garden . . . plants give off oxygen and our air needs more of it.

3. Join a car pool . . . it is economically and ecologically sound. Car fumes make the air unhealthy to breathe . . . contribute to asthma, emphysema and other respiratory diseases.

4. Get behind your own car sometimes . . . it may be exhausting.

5. Better yet, ride a bicycle . . . it doesn't dirty the air or clog the roadways . . . and it's good for you.

6. Kick the cigarette habit . . . it's bad for our air and yours.

7. Conserve water . . . Don't run it unnecessarily. Use vegetable water in making soups and sauces.

8. Catch rain water for your plants . . . it saves the drinking water for you.

9. Showers use less water than baths . . . and they're cleaner.

10. More suds does not a cleaner wash make. Most detergents are up to 70% phosphate . . . which promotes the growth of algae in our waters, which absorbs the oxygen, suffocating the fish and eventually killing the lake or stream.

11. Use the litter bag in your car, in your boat. Picking up after you costs you . . . money.

12. Compact your own garbage . . . crush milk cartons or fill them, stack cans inside each other.

13. Avoid buying foods and household items in plastic containers that cannot be reused. When burned these give off serious corrosive gases.

14. Wash and reuse plastic plates and cups for your picnics and barbeques. It's a matter of family economy . . . and it improves the environment.

15. The returnable bottle is still the best

buy. It's cheaper. Glass can be sterilized and refilled or crushed and reformed and that can keep the earth from looking too glassed over.

16. Consider that wooden toys last longer than plastic ones and are more apt to become heirlooms.

17. Share your bones with the neighbor's dog. Coffee grounds and egg shells are excellent fertilizer in your garden.

18. Utilize scrap paper. It does have two sides, you know.

19. Donate magazines, paperback books and old clothing . . . somebody needs them.

20. Reuse gift wraps, ribbons and cards . . . it will save you money and it's more creative.

21. Make fireplace logs by rolling up old newspapers . . . and save a small forest of trees each winter.

22. Buy an artificial Christmas tree. It will become a family fixture, save our evergreens, and won't go up in smoke after the Holidays.

23. Cloth napkins aren't just for royalty . . . revive the napkin ring and use cloth hand towels.

24. Revive the metal lunch box. You'll know what they're having for lunch and cut down on unnecessary paper and plastic.

25. Keep phone calls to a minimum in quantity and length . . . they tie up the power and the lines.

26. In summer . . . turn off your air conditioning while gone for the day. It conserves power and saves your bills.

27. Likewise in winter . . . turn house heat down at night. It too takes power which has a limit . . . and you'll sleep better.

28. Choose fresh vegetables over frozen ones . . . they're better for you. The frozen variety need multiple wrappings and use a lot of electrical power in supermarket preparation.

29. Don't abandon that old car . . . it will wreck the countryside's beauty. Besides, you can sell it for scrap metal.

30. "Rejasing"—"Reusing Junk As Something Else"—is gaining in popularity and application throughout America . . . try it sometime.

KEMP RAILPAX BILL NOW HAS 37 COSPONSORS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. KEMP. Mr. Speaker, today I reintroduced legislation to provide approximately $218 million in additional capitalization to expand the basic Railpax system nationally. In addition, my bill includes a more realistic provision to enable the States to make agreements with Railpax to include routes that might not be included in the basic system.

Under the present law, the States, already groaning from financial pressure, must absorb a minimum of two-thirds of the losses. My bill reduces this to one-third—a necessary, yet reasonable amount.

I am hopeful the House Committee on Interstate and Foreign Commerce will expand the basic system as outlined in my bill and include the reduction to one-third under section 403(c). If enacted this means it will become financially feasible for the States to work with Railpax to tie in other routes going through the various congressional districts throughout the country.

Mr. Speaker, at this point I include the resolution with an up-to-date list of the cosponsors, and I may reintroduce the bill again at a later date.

The material follows:

KEMP RAILPAX BILL COSPONSORS

Mr. Andrews (N. Dak.), Mr. Baker, Mr. Bennett, Mr. Brademas, Mr. Carney, Mr. Conable, Mr. Donohue, Mr. Dow.

Mr. Dulski, Mr. Duncan, Mr. Fish, Mr. Gubser, Mr. Halpern, Mr. Hansen (Idaho), Mr. Harrington, Mr. Horton.

Mr. Keating, Mr. King, Mr. Lent, Mr. McCloskey, Mr. McKevitt, Mr. McKinney, Mr. Minshall, Mr. Morse, Mr. O'Konski.

Mr. Podell, Mr. Powell, Mr. Reid (N.Y.), Mr. Roe, Mr. Roybal, Mr. Seiberling, Mr. Smith, Mr. J. William Stanton, Mr. Stratton, Mr. Terry, Mr. Ullman, Mr. Whitehurst.

H.J. Res. 565

Whereas upon commencement of operations by the National Railroad Passenger Corporation on May 1, intercity rail passenger service, excluding the Northeast Corridor (Boston-New York-Washington, D.C.), where only minor adjustments will be made in the present pattern of service, the number of trains will be drastically cut by 68 percent and daily train-miles by 65 percent according to the following chart:

Railroad	Present service: Number of trains	Present service: Daily train-miles	Railpax proposed: Number of trains	Railpax proposed: Daily train-miles
Penn Central	57	26,436	30	11,080
Norfolk & Western	8	3,092		
Delaware & Hudson	4	788		
Chesapeake & Ohio	13	3,285	4	1,540
Southern (including Central of Georgia)	10	4,538	2	1,787
Louisville & Nashville	7	3,727	2	980
Georgia Railroad	2	342		
Baltimore & Ohio	13	5,138		
Seaboard Coast Line (including Richmond, Fredericksburg & Potomac)	26	17,392	10	9,954
Gulf, Mobile & Ohio	6	1,704	4	1,136
Illinois Central	15	7,618	4	2,456
Missouri Pacific	6	2,106	2	560
Denver & Rio Grande Western	1	570	1	570
Chicago & North Western	10	1,717		
Chicago, Milwaukee, St. Paul & Pacific	14	3,169	8	1,352
Union Pacific	11	11,847	2	372
Southern Pacific	10	5,836	5	4,474
Chicago, Rock Island & Pacific	4	684		
Atcheson, Topeka & Santa Fe	18	18,382	8	7,692
Burlington Northern	32	26,972	6	6,858
Grand Trunk Western	8	2,110		
Total	275	147,453	88	50,811

Now, therefore, be it *Resolved* by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated to the Secretary of Transportation in the fiscal year 1972, $289,965,000 for expenditure by him to provide additional intercity rail transportation under section 2 of this Act and for the purpose of research and development in the field of high-speed ground transportation under section 3 of this Act. Amounts appropriated under this section are authorized to remain available until expended.

Sec. 2. (a) Of the amounts appropriated under the first section of this Act, 75 per centum shall be used by the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for the purpose of initiating and operating urgently needed intercity rail passenger service around the Nation, including but not limited to the routes within the basic system designated by the Secretary and the following specifically recommended routes:

(1) Buffalo, New York, to Chicago, Illinois, via Erie, Pennsylvania; Cleveland, Ohio; and South Bend, Indiana.

(2) Detroit, Michigan, to Toledo, Ohio.

(3) Denver, Colorado, to Portland, Oregon, via Cheyenne, Wyoming; Ogden, Utah; and Boise, Idaho.

(4) Fargo, North Dakota, to Portland, Oregon, via Billings, Montana; Butte, Montana; Spokane, Washington; Hinkle, Washington.

(5) Denver, Colorado, to San Francisco, via Cheyenne, Wyoming; Ogden, Utah; and Wells, Nevada.

(6) Washington, District of Columbia, to Cleveland, Ohio, via Cumberland, Maryland; Pittsburgh, Pennsylvania; Youngstown, Ohio; and Akron, Ohio.

The routes referred to in paragraphs (1) and (5) of this subsection are highly recommended by the Interstate Commerce Commission and the routes referred to in paragraphs (1), (2), (3), (4), and (6) are highly recommended by the National Association of Railroad Passengers.

(b) In any case in which the Secretary of Transportation makes a grant to the National Railroad Passenger Corporation from amounts appropriated under the first section of this Act, he shall negotiate with the corporation the terms of an agreement providing that, if the route initiated and operated by the corporation with such grant becomes a profit-making route, the corporation will agree to make reasonable payments to the Secretary (out of such profits) by means of installments until such time as the grant with respect to such route has been repaid in full. Amounts received by the Secretary under any agreement negotiated under this section shall be covered into the Treasury as miscellaneous receipts.

Sec. 3. Of the amounts appropriated under the first section of this Act, 25 per centum shall be used by the Secretary of Transportation to undertake research and development in high-speed ground transportation, including but not limited to, components such as materials, aerodynamics, vehicle propulsion, vehicle control, communications, right-of-way research and development, and guideways, in accordance with the provisions of the first section of the Act of September 30, 1965, relating to research and development in high-speed ground transportation (49 U.S.C. 1631).

Sec. 4. (a) The first sentence of section 403(c) of the Rail Passenger Service Act of 1970 (84 Stat. 1336) is amended to read as follows: "For the purposes of this section, the reasonable portion of such losses, not to exceed an aggregate of $5,000,000 annually, to be assumed by the State, regional, or local agency shall be 33⅓ per centum of the solely related costs and associated capital costs, including interest on passenger equipment, less revenues attributable to, such service, and, the reasonable portion of any such losses in excess of $5,000,000 annually to be so assumed shall be 66⅔ per centum thereof.".

(b) The first sentence of section 404 (b) (4) of such Act (84 Stat. 1336) is amended to read as follows: "For the purposes of paragraph (3) of this subsection, the reasonable portion of such losses, not to exceed an aggregate of $5,000,000 annually to be assumed by the State, regional, or local agency shall be 33⅓ per centum of the solely related costs and associated capital costs, including interest on passenger equipment, less revenues attributable to, such service, and the reasonable portion of such losses in excess of $5,000,000 annually to be so assumed shall be 66⅔ per centum thereof.".

THE GREEK JUNTA: NO END TO THE DICTATORSHIP

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. EDWARDS of California. Mr. Speaker, 4 years have now elapsed since a military junta seized power in Greece.

The men who hold power today in Greece would never, under any stretch of the imagination, have been chosen to lead by a free electorate. The junta rules because it has the guns. The guns have been supplied primarily by the United States—which did not intend it that way but which cannot escape part of the blame, morally and politically, for the continuing dictatorship. Our policymakers have been guilty of complacency if not complicity.

The element of freedom has been taken out of Greek life for 4 years. We should not be surprised if the democratic leadership of Greece, past and future, carries a grievance against us, a grievance which grows more bitter with the passage of time.

From the beginning, in April 1967, there were voices in the U.S. Congress and the American press warning that the junta was repressive, that it was purging the army and the civilian leadership in a cynical effort to entrench itself in power, and that America should not be indifferent to the moral and political significance of the coup.

When we called for a strong U.S. stance of disapproval in 1967—an action which might well have been enough to topple the junta—we were told by the State Department and by junta apologists that the junta was "transitional," that the colonels were constitutional reformers, and that if the United States was too critical we might get something worse than Papadopoulos. Does anybody still believe this line now?

Time has confirmed that the critics of U.S. policy were correct and the policymakers were wrong. What is the U.S. position today? The Defense Department view prevails, and the Pentagon does not conceal its complacency and its satisfaction with the status quo. The State Department has squirmed to rationalize and excuse the situation for 4 years, envisioning trends where none existed and voicing occasional ineffective expressions of hope and disappointment.

The State Department and the administration should be embarrassed that the most the United States seeks even now is the lifting of martial law—which would still leave Greece a police state but which would give the United States a chance to sell the regime as more palatable. Rigged elections, believe it or not, would be the next acceptable step envisioned by some U.S. diplomats. Of course, both steps would continue the junta in power. Both steps would be supportive of the junta and fall short of that signal for a turnaround of U.S. policy which has long been needed.

On April 19, the Washington Post carried a crisp and devastatingly accurate analysis of the Greek situation and the shortcomings of U.S. policy. The author was Roy Perrott of the London Observer. Under leave to extend, the article follows:

GREEK JUNTA TO STAY: NATION'S COLONELS HAVE DECIDED NOT TO RELAX GRIP ON POWER

(By Roy Perrott)

LONDON.—The colonels of the Greek junta—who will celebrate the fourth anniversary of their seizure of power with flags and parades in Athens next week, while the police remain ever-watchful for protest—have now privately resolved to make their regime permanent.

This information comes in reports filtering out to a few well-placed people in Athens of discussions within the junta's revolutionary council, the group of officers which decides the government's long-term strategy.

It has not been a sudden decision informants say, but rather a maturing assumption among the junta that a more ambitious future is within their grasp. Things have been going well for them in most respects. They have noted that the stiffer winds of criticism from outside seem to have blown themselves out. Within Greece, unrelenting police and security work has reduced protest to little more than daring gestures.

As for the last and most difficult obstacles—possible American objections to the entrenchment of a repressive dictatorship on the right flank of the North Atlantic Treaty Organization (NATO)—the junta has lately been testing the State Department's nerve with no regard for subtlety.

When, on various occasions during the past year, the United States has shown hesitancy or doubt about its support for the junta—as when leading congressmen challenged the resumption of arms shipments to Greece last summer—the colonels have instantly found the answer, either in flirtations with Iron Curtain countries or with the Arab world.

The outcome of these challenges has been game, set and match to the colonels. The State Department once again openly expressed its faith in the certainty of a move toward democracy in Greece. Arms shipments were renewed.

To rub in the fact of their independence, Prime Minister George Papadopoulos announced that there would be no constitutional change toward more democratic practices this year. Sparing the Americans no embarrassment, he added that martial law would be retained for its "psychological effect," though it is known that the U.S. embassy has been pressing hard for some months that this, at least, should be lifted as a show of good intentions.

The question now is whether a changed situation will continue to drift as before. The junta's new resolve for permanency should, presumably, bring the NATO powers that much closer to a confrontation with the big dilemma which has been allowed to lurk in the wings for four years: namely, that a regime which is fascist enough in style to recall the ghosts of the 1930s is allowed an important role in the defense of the West and its values.

CHANCES OF EVOLUTION

Much depends, probably, on how credulous the State Department is ready to continue to be in public about the chances of evolution towards democracy in Greece. The most recent statement showed a distinct fall in the scale of approbation. In a speech a fortnight ago, Secretary of State William Rogers used the word "disappointing" to describe the degree of progress.

It is a form of reproof, perhaps, but it still carries the implication that a move toward a democratic system, within a reasonable measure of time, has been genuinely intended by the junta, and that it is still a real possibility. While the regime becomes less apologetic in its public statements, the pro-government newspapers still favour the word "transitional" to describe its aims. So there is still evidently a need to argue a case: and a reporter clearly has to produce better evidence, one way or the other, than simply assertions by unnameable informants.

I think this can be done. In my view there is now ample evidence (largely circumstantial, but that is the only kind commonly available in a closed society) to support the following statements.

First, that no recognizable democratic system, as the ordinary person in the West would understand it, is either possible or intended during the lifetime of the Greek junta.

Second, that no elections will ever be held on terms free enough to put the junta's continued existence at risk.

Third, such things as free opposition parties and a free press cannot be restored.

Fourth, that strong police "discipline" will continue to be needed and used.

Fifth, the regime will feel less need to justify this position to outside opinion, American or otherwise.

AUTHORITARIAN REGIME

Some of the strongest evidence that the junta means to be an unchanging, long-term authoritarian regime (though with the probable creation of an appearance of "democratic" institutions at a later date) lies not in the assertions of its critics, but in the way it sees itself.

The idea of the army as a caretaker regime, impartially ruling through a time of political stress, has a fairly respectable tradition in Greece, as elsewhere. But the colonels have always described their aims as "revolution": that is, a drastic change in society.

Critics of the regime scoff at the idea that it is a "revolution" or has an ideology, seeing the changes it aims at as shallow or colossally wrong-headed at best. But it is important that the junta thinks of itself as "revolutionary". This is certainly not the attitude of any caretaker regime.

The ideology is largely contained in the speeches of Papadopoulos, the seventh volume of which is soon to be published.

The ideology is that of a headmaster who claims that a sense of duty has pushed him into trying to reform a school full of wayward children. The anarchy and individualism of Greece must be eliminated, the "good citizen" produced, before the people can be trusted with a share in power.

No "transitional" regime bothers with education. It has no interest in such basic change. The junta, however, is clearly bent on leaving a permanent mark on the educational system. School history books, instead of stopping short of politically controversial periods, as is common practice in all democracies, take the story all the way from the denizens of Olympus to the junta and its achievements in eradicating Communism and rebuilding, with photographs of the leading colonels.

The attempt has occasionally been made (the U.S. Embassy in Athens has taken this line) to suggest that the junta is merely one of the ups and downs of turbulent Greek history, here today and gone tomorrow like previous dictatorships—"10 military governments since 1909" is the way it is put.

But in the past they were really transient affairs, usually run by one man who eventually handed power back to the politicians after only the most minor changes. The junta's policy is entirely different.

In the schools and universities all teachers who have been remiss enough to show any skepticism about the regime's intentions have been expelled. Army officers are now the most influential part of the inspectorate of all education.

One professor, who has managed to hold on to his post because teachers of his subject are rare, told me that despite the purge of some 400 professors and lecturers, about a quarter of the remaining staff were "positively anti-regime."

He thought (and a colleague with him agreed) that every class now contained one or two paid informers and every campus had its watchful police unit.

The junta's grip on almost every sphere of society is now so little "transitional" that it would take a considerable effort to undo its work.

After four years of martial law there is no important institution which the army, through its officers or the police, does not control. The trade unions have been purged of all intractable officials. The government fixes wage levels.

While there is no longer any pre-censorship of the press there is that more risky thing for journalists, the strong possibility of being hauled up before a military court if you publish anything seriously critical. There are newspapermen serving five-year prison sentences for having done so.

I do not think a regime like this will ever feel secure enough to allow the free play of criticism. It is quite alien to its ideology of attempting to iron out the skepticism and "anarchy" of Greek life. I asked every informant I talked to, diplomats and others, how much positive support the regime had among the people. The general guess was about 10 per cent of an electorate of nearly 6 million, and some thought this too high.

It is possible that a section of the peasantry likes the regime because it has spent twice as much on rural public works as the previous government. There is probably a fair degree of acquiescence among the middle classes, by people who believe the colonels' line that they are being saved from the unpleasant turbulence of politics. But I did not meet any observer who would predict a respectable-sized vote in a free election.

REGIME'S EVIDENCE

On this point, the regime again presents its own evidence, not so much in words as in actions. The prime minister still drives to and from his office four times a day in a bullet-proof limousine along a route cleared and guarded by 300 policemen. No previous leader has bothered with so much protection.

As a rough-and-ready definition one might say that, for a start, "democracy" means the rule of law and some public participation. I did not see any convincing signs of either in Greece.

Martial law allows arbitrary detention without warrant and it is so used, as in the case of the approximately 150 people (political "moderates" mostly) arrested last November and December and still detained without trail.

If the regime did set up "democratic" institutions, how much participation would they offer? The only example available, set up by the Junta last December, is the consultative committee known in Athens as the mini-parliament. It has 56 members. Of these, 46 are chosen by a group of government-appointed electors. The remaining 10 are chosen directly by the regime. The prime minister reviews the final list and can discard any name that displeases him.

On April 21, the anniversary of the coup, Athens will be decked with flags, one draped from every single house and apartment balcony. Even the critics will put one out. There is a law which says they must.

GOOD NEWS FROM LAOS

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. DENT. Mr. Speaker, I shall insert the following news item in the CONGRESSIONAL RECORD, because I believe it typifies the unselfishness of the great American democracy, which apparently feels that to do anything that would benefit us in any way, shape, or form in a foreign country is beneath our dignity.

I am very much in favor of the dam under construction in Laos which is being completed by the Japanese and Laotians, and I think it should be brought to the attention of the American public and Members of Congress. You will note that the Japanese, who are on a peaceful and humanitarian mission, enjoy special consideration from the Pathet Lao and North Vietnamese soldiers, as this project will benefit Laos and North Vietnam.

The most important fact, of course, is that the United States is one of the nine countries paying for it, and, if I miss my guess I will apologize, but I say we are paying for most of it. The Japanese will have the run of the plant and be responsible for additional equipment and work to be performed after the dam is constructed.

The item follows:

[From the Tribune (Greensburg, Pa.), April 12, 1971]

PLANT NEARS COMPLETION—NEWS FROM LAOS NOT ALL BAD

(By Horst Faas)

NAM NGUM, Laos.—Not all the news from Laos is bad. A giant hydroelectric plant deep in the jungles is on schedule and nearing completion.

The $30-million project will harness the Ngum River, a tributary of the Mekong, and generate power for Laos and Thailand. It was planned and executed in a 10-year period when war often came near the site.

The dam is a project of the Mekong Committee, comprising representatives of the governments of Cambodia, Laos, Thailand and South Vietnam. This was set up under auspices of the U.N. Economic Commission for Asia and the Far East.

The site is carved into three-canopy jungle through which the Ngum twists like a snake in green moss.

HALFWAY

It is about halfway between Vientiane and Long Cheng, the secret U.S. CIA and Laos base at the edge of the Plain of Jars. Much of the fighting in northern central Laos has been taking place around Long Cheng.

Project manager Teruo Yoshimatsu, working for a Japanese company, has been with it all 10 years. He says that the project site has never been attacked although fighting has taken place nearby. In 1969 some of the contractors' heavy equipment was fired on.

Yoshimatsu believes that an appeal by Secretary-General U Thant, pointing out the peaceful and humanitarian mission of the Japanese and Laotian dam builders, can be credited for the peace at the dam site.

Vientiane workers for the U.S. international development office say the Japanese engineers and their well marked vehicles enjoy special consideration from the Pathet Lao and their North Vietnamese allies in the area. They consider the road from Vientiane to the dam site not secure enough to encourage travel there.

COMB WOODS

Laotian troops recently combed the jungled foothills and valleys north of the site looking for isolated villagers and woodcutters to move them out of areas to be flooded. By July the landlocked kingdom of Laos will have its first large lake. Some of the flooded valleys will be 23 miles from the dam. The reservoir will store seven billion cubic meters of water from the Ngum River and the annual monsoons.

The power station, now 80 percent completed, will begin to operate early next year, initially producing 30,000 kilowatts for Vientiane and northern Thailand.

For Laos the project is significant because the country lacks modern industrial facilities and technological resources. Cheap electric power will provide a base for industry in Vientiane and run irrigation pumps for farmers in Vientiane Province, where the rural population has risen due to an influx of war refugees. The population of Vientian has grown to 15,000 from some 20,000 in colonial days.

Japanese engineers and supervisors have given on-the-spot training the Laotians, many of them hired from nearby villages with no construction experience. Seven Laotians who will eventually be on the supervisory staff of the project are studying in Canada with grants from the Canadian government.

HOPES FOR FUTURE

Within a few years the power station will be run exclusively by Laotians, Yoshimatsu hopes.

The United States is among nine nations that contributed funds to finance the project, and has also contributed to a fund gathered by the Mekong Committee for the first stages of an ambitious development program for the whole lower Mekong Basin.

UNITED STATES OF AMERICA NEEDS DOMESTIC OIL

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. COLLINS of Texas. Mr. Speaker, every day we see more aggressiveness from foreign countries as they take over the oil industry. As the United States continues to use more and more oil for its energy needs and its energy needs continue to expand every year, the critical oil shortage becomes more important to us.

The other day I pointed out on the floor that the United States of America oil industry had just experienced its lowest rotary drilling activities. While our domestic oil and gas exploration is declining, foreign countries are exappropriating oil reserves within their country. A case in point of which we read last week was Algeria, which has offered to pay $1 for each $8 evaluation for the oil properties it just nationalized. Then it promptly raised the prices of oil exports from $2.85 to $3.60. This makes all of us more concerned with the need to strengthen domestic oil production.

Let me quote the Algerian oil facts to you just as they are. On March 20 of this year, Algeria unilaterally raised the posted price on its oil exports from $2.80 to $3.60 per barrel. This notice was made in April, but Algeria went back and made the price increase effective as of March 20. President Houair Boumedienne of Algeria has said that Algeria will offer $100 million compensation for the 51 percent of French oil assets nationalized by an Algerian Government decree February 24.

Informed French sources had estimated the actual value of the nationalized Algerian oil assets at $800 million.

With the nationalized oil, we see the latest posted price by Algeria to represent the world's most expensive posted crude oil price.

IS IT NOTHING TO YOU, AMERICA?

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. RIEGLE. Mr. Speaker, I would like to include in the public RECORD, for all to see, a recent church sermon which poignantly indicates the thinking of some of our own American religious leaders over the continuing undeclared war in Southeast Asia. The conscience of our Nation is more and more deeply troubled as the awful realities are better understood.

Reverand Hastings of Christ Church in Greenwich, Conn., points out that nearly 900,000 have died—including 55,000 American fatalities—and 2 million more have been wounded—many being civilians, women, and children. And the killing does not stop as America supplies the deadly hardware, technology, and military support for continuing warfare and human destruction.

Yet the administration claims to be winding down the war with the same rationale which took the United States into the war: The credibility and honor of America, helping a South Vietnam regime of U.S. choice defend itself against communism so that the South Vietnamese people may live life as they wish.

After nearly 1 million deaths and 2 million wounded, can the Vietnamese people, Southeast Asians, the world, or the United State of America justify continuation of this war even at a moderated or winding down level? Has anyone been saved from a worse fate? Has U.S. intervention helped people live more freely, become more self-determining, made the Southeast Asia or world safer? Safer then the mutilation of 3 million human lives?

These issues are troubling America. The silent majority is not silent, they are just not being listened to.

The sermon follows:

IS IT NOTHING TO YOU, AMERICA?

"If my people who are called by my name humble themselves, and pray and seek my face, and turn from their wicked ways, then I will hear from heaven and will forgive their sin and heal their land." 2 Chronicles 7:14

Is it nothing to you, all you who pass by." Lamentations 1:12a

I have here in my hand one of the little palm crosses which will be offered to you as you leave this morning. I would like to hold onto it now with a good deal of pressure, pressure not so much of my hands but of my life, of my mind, of my heart, and the very innermost depths of my being. As I hold onto this cross I am led by it out into a far away place. I am led to a one time hamlet called "My Lai" and there I see set up in that desolate place a great cross of tragedy. As I hold onto this little cross and let it draw me out into that desolate spot, I sense the destruction, I sense the defoliation, I sense the terrible death that lies around the base of that cross. I can smell the stench of burning ruins, of bleeding bodies and rotten flesh, I can smell the stench of humanity at is lowest ebb. There heaped at the base of the cross are supposedly twenty-two civilians, innocent civilians, but more than twenty-two, there are hundreds of thousands heaped beneath that cross—dead or dying. They are dismembered, their faces gouged, their bodies bleeding: men, women—even little babies.

As I hold onto this little cross and let it take me out to the base of that big one in that far-away hamlet of My Lai I see more than 54,000 American boys and men, killed and heaped on top of that ugly pile. And I see crawling around the base of that cross how many thousands more maimed and mutilated men of our country? This little cross as I hold onto it draws me out where I see dead 121,000 South Vietnam soldiers and more than a million casualties of the people of that land. Still more, this cross makes me feel in my heart and in the depths of my being those 698,000 dead NFL and North Vietnam soldiers plus at least a million casualties among their people.

My cross takes me out there to see heaped in this carnage of man's sin Cambodians, Laotians, allied personnel, and off in the distance I hear the cry of prisoners of war. Off in the background I see the refugee camps with hundreds of thousands of broken, starved, and desolate peoples; and as far as the eye can see there are ravaged lands and crops, resources laid waste, cities and towns in smoke.

Yes, I see a great cross of tragedy standing tall in the midst of this desolation and I hear a voice crying out from it, "Is it nothing to you, all you who pass by?" Is it the voice of Jesus or is it the voice of First Lt. William L. Calley? Somehow for me it is both!

No, I would not for a moment mean by this identification of Christ and Calley to be condoning that which Calley has been convicted of doing. I pray that we will not have a whitewashing of this whole affair, either by public sentiment or presidential strategy. Like many of you I have a hard time rationalizing the inconsistencies of the case and how it is being handled as compared with what we did at Nuremburg and Tokyo after World War II. There responsibility for war crimes was assigned to higher levels of command and now we place this full blame on the man who has been brainwashed by the higher-ups and their war machine.

Nevertheless—nevertheless whatever Calley's actions, whatever the right or wrong of the handling of his case, as I have followed his trial, as I have followed especially the events of this past week, I have had a strong sense of identification with that young man—seeing focused in him the atrocity of the war in Indochina. I have seen focused on him, as the scapegoat of us all the atrocities of that terrible tragic thing. The more I have followed the investigation of the My Lai "incident" (so called) and the more I have followed the case of William Calley, the more I have seen the futility of this war and the futility of all war. People saying who did what to whom and when did they do it. "Grown men" somehow trying to bring logic and reason out of totally illogical, irrational, and insane human behavior. The more I have seen this the more I have seen the futility and the horror, the destruction of moral fiber and the degradation of man's humanity. As Calley himself described it, we have been making men into fingers or fragments of a Frankenstein monster. He said the army never told him that his enemies were human. The enemy was never described to him as anything but communism. "They didn't give it a race, they didn't give it a sex, they didn't give it an age"—even to the little babies.

As Calley obviously lost his humanity and his moral sense and his sanity, so I have seen in that lonely man, I have seen in this one person man's loss, our loss, yours and my loss of our humanity, our moral sense and sanity. So on that cross with Calley I see Jesus suffering. I see Jesus suffering and agonizing over what we have come to. I see Jesus the Son of God being crucified afresh. The self-righteousness of man is despoiling the righteousness of God and I hear him cry out across the world, and especially to America, "Is it nothing to you all you who pass by?"

Fortunately I believe it is something to all of us, I believe it is something of deepest concern to a great majority of Americans, and certainly to all the people of the world. We have just become numb and anesthetized by the futility of the whole thing, and it takes something like My Lai and Calley to awaken us, to shake us alive again. This has been evidenced by the national response to Calley's trial and sentence, a kind of mixed undecipherable moral indignation. But indignation alone is not enough. It must lead to real repentance if any good is to come. It must lead to real repentance if any healing is to come to the world and to our land. This is the kind of repentance that God calls for through Solomon in our first text when he said, "If my people who are called by my name humble themselves, and pray and seek my face, and turn from their wicked ways, then I will hear from heaven and will forgive their sins and heal their land."

Most Americans have been saying for a long time now that the Vietnam war is a great mistake, that America ought never to have gotten in there in the first place. This I see as a partial confession, a partial act of repentance on the part of the people and yet we continue to justify this massive crucifixion and to seek strategies whereby we can gracefully extricate ourselves. But there are no graceful strategies for confession and repentance. You cannot do it by stages, you cannot sneak out from under the burden. No, even as in the case of conflict with a member of one's family, we cannot admit to our error in a half-hearted way; we have to be ready to say, "I was wrong," and to be willing to stop the wrong. There can be no healing, says the Lord God, unless my people turn, unless they turn from their wicked ways.

As in this Holy Week I see that tragic cross rising up out of My Lai, and as I hear my Lord crying from it in the voice of William Calley "Is it nothing to you, America", I see no other way than for the greatest nation in the world to rise to her full height and greatness and to say: "We have been wrong! Father forgive us for we did not know what we were doing!" What a re-birth of integrity would come to this land of ours! What a re-birth of integrity would come to America, if we *would die to our false pride and get on with the business of healing and love!*

I used to feel that the policy of Vietnamization made sense as a way for America to extricate herself from this moral shame. But now that it means Cambodia and Laos and possibly North Vietnam, now that it seems to mean inevitable escalation, heaping more men and women and children at the foot of the cross of tragedy, *I see no alternative than this outright confession and repentance* and for us to come home immediately with the President setting a clear time of withdrawal based on what it will take to protect the lives of our soldiers. I personally can no longer believe that the political oppression which might follow our departure can justify our continuing along this senseless path. I personally can no longer believe that the possible fall of the already questionable Saigon regime can justify our continuing along this senseless path. And I can personally no longer believe that even the tragic losses of American lives to date can justify our continuing on with more and more destruction, desolation, and death.

Now I know that what I am saying is not comfortable to hear, nor is it meant to be because the whole thing is very uncomfortable. (The war in Indochina cannot leave us in comfort even though we tend to be numbed by our continuing frustrations about it). I know that there must be uneasiness among you and disagreement with what I am saying. But as Christians we need to be honest with each other learning how to disagree with each other *in love*. We need to share what we are thinking and to let it come out of our hearts, and I would feel it irresponsible of me as a person and as your rector if in pointing you to the cross of Good Friday, I did not point to that awful cross in My Lai. We cannot always agree about these things but we can agree, we must agree about our sense of the shame and the horror, *and the spirit of repentance must be in our hearts as Christians for that's the beginning of what we are all about*. Confession and repentance are the birthmarks of our very life and it rests with us, it rests with those who bear the name of Christ, to make this confession before him and his Cross this Holy Week—that healing may come in this land and in this world. It rests with us his Church to bring this mighty land of ours to her knees that she may be healed and rise to newness of life at home and abroad.

This is the meaning of the little palm cross which will be offered to you this morning. I hope you will want to take it, and I hope that you will want to take it as something more than a piece of ritualistic mockery—that you will see it as that great cross of tragedy in My Lai. I hope you will hold it strongly and let it go deep into your heart and mind—to the very depths of your being, and that you will go forth into this land to do everything in your power as a Christian to turn the cross into a way of life rather than a way of destruction. I pray that we all may do it for our beloved land.

And now to God the Father, God the Son, and God the Holy Ghost be ascribed as is most justly due, all majesty, might, power, dominion and praise, world without end. Amen.

MIAMI POLICE CHIEF BERNARD GARMIRE INTERVIEWED BY THE NEW YORK TIMES

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. PEPPER. Mr. Speaker, Miami is fortunate to have as its chief of police one of the most knowledgeable and resourceful minds available today in law enforcement.

Since becoming head of the Miami Police Department several years ago, Chief Bernard L. Garmire's reputation for enlightened law enforcement has gained him national acclaim and recognition.

I was interested to read in the April 11 edition of the New York Times his concept of "Police Strategies for the 20th Century" calling for community particípiation in law enforcement.

Mr. Speaker, at this point in the Record I submit the article as it appeared in the Times:

New Police Role Is Urged in Miami—Social Service Emphasized in Proposal by Chief

Miami, April 10.—A major reorganization of Miami's Police Department, with an emphasis on the social functions of the police force, has been proposed by Police Chief Bernard L. Garmire.

His proposal, which will be presented to the City Council next week, envisages eventual community participation in maintaining of law and order.

The text of the 3,000-word proposal, entitled "Police Strategies for the 20th Century," was released here yesterday.

While stating that in the immediate future the primary duty of the Miami police would be to curb crime and violence, Mr. Garmire said it was necessary to develop a "new definition of the police role in an urban, democratic community such as Miami."

DADE COUNTY METROPOLIS

With a population of about 350,000, Miami is the largest city in Dade County and has the area's largest black community.

"The new police role has been forged out of the civil conflict and cause of the nineteen-sixties and will be tempered by the realities of the nineteen-seventies—realities such as uncompromising demands for social and economic justice; accelerating militancy of the deprived and disillusioned, and acts of planned violence by those who have replaced hope with despair," the report said.

Chief Garmire proposed that the Miami police force be expanded in three years from the present 725 men to about 950, divided by functions into two sections; a uniformed, socially oriented "patrol service" and a plainclothes "tactical service" primarily concerned with crime.

"The patrol officer will act as a catalytic agent to initiate the process which will bring together two distinct groups: people with problems and the social agencies which will have the required skills and resources to handle the problems. On the street, the patrol officers will provide something akin to emergency or first-aid social service," the proposal said.

POLICEWOMEN BACKED

There would be two uniformed policemen for each plainclothesman. The present ratio is 4 to 1. Chief Garmire would also like to have about 10 per cent of the force consist of policewomen, who, he said, have proved more effective than men in solving such common police problems as domestic quarrels.

Later, chief Garmire plans to establish "area policing teams." The city would be divided into sections, each of which would have a separate policing team that would provide 24-hour police service and "aura of omnipresence to discourage criminal activities," the report said.

Chief Garmire hopes that by maintaining close contact with the people in the section and establishing rapport with them, the police will develop community participation in law enforcement.

"We have to engender the people's confidence and obtain a degree of their cooperation. More of police problems today are due to general inattention to social needs," he said in an interview.

NEED FOR EDUCATION

The growing social role of the police will necessitate, according to chief Garmire, more education for new policemen. Under the proposal, uniformed officers would be required to have at least two years of college.

The scholarly looking, 55-year-old Indiana-born police chief, who has been faculty member at several universities, including the University of Chicago, said his proposal might cost about $2-million to implement.

It was made in conjunction with a recently approved $20-million bond issue for modernizing his department, including the purchase of computers and electronic communications equipment.

Part of the money is to be used to build a new police headquarters, which chief Garmire believes will meet Miami's need until at least the year 2000.

"I don't mean to imply that the mere acquisition of physical resources will result in crime reduction and elimination," chief Garmire said. "Crime is the product of a myriad of social, economic and political factors, and until the root causes of crime are resolutely and effectively dealt with, our society will be driven by crime and its attendant violence."

NATIONAL GUARD TECHNICIANS

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. TIERNAN. Mr. Speaker, the legislation I am introducing today will serve to adjust circumstances of unique Federal employment for National Guard civilian employees and bring them closer to career service standards. These civilian employees are, in almost all instances, required to be members of the military service of the National Guard in order to retain their employment. As a consequence, this condition of employment has caused military obligations up to and in excess of 40 years. In other cases civilian employment has been terminated through loss of military status at times when these civil servants have reached the peak of their working value. I might add that there was little prospect of equivalent employment elsewhere at the time of their forced unemployment.

This legislation would serve to give these employees—National Guard technicians—security of career and to retain for the Government much needed talent, experience, and trained personnel. No longer would the rigors of being an infantry platoon sergeant in a field environment be the lot of a better than 50-year-old man whose primary civilian employment is administrative. No longer would the military physicial examination create fear and anxiety in the minds of loyal employees or present possibilities of forced unemployment. The employment of these civilian employees, after 20 years of honorable military service, would be without reference to military membership if all other qualifications for the job were met. After 10 years, the military physical would only serve to terminate military careers and not civilian service.

This legislation, the need of which was brought to my attention by the Association of Civilian Technicians, would also preclude the present application of the military grade structure as qualification for civilian employment and bring about the measure of a man, or woman, purely on the basis of training, experience, and traditional merit standards.

I submit this legislation as a primary need to balance, in some degree, the employment of National Guard Federal employees with other national civil servants. I have heard from hundreds of these loyal employees and their message has reached me as I am sure it will you. They threaten no violence, propose no strikes. They ask only that their military service be reasonable. They now come to the Congress for a solution to their problems. We can do no less than to give them a fair hearing.

Mr. Speaker, without objection, I include a copy of this legislation as part of my remarks:

H.R. 7637

A bill to amend title 5, United States Code, relating to qualifications for appointment and retention in the civil service

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 5, United States Code, is amended as follows:

(1) Chapter 75 is amended by adding at the end thereof the following new subchapter:

"SUBCHAPTER V—NATIONAL GUARD TECHNICIANS

"§ 7541. SEPARATION

"(a) Notwithstanding any other provision of law, a National Guard technician who has completed 10 years of service as a technician, is under 60 years of age, and is fully qualified to perform the duties of his position may not be involuntarily separted from his technician position solely on the basis of his separation from the National Guard because of inability to meet the physical standards of membership in the National Guard.

"(b) Notwithstanding any other provision of law, a "National Guard technician who has completed 20 years of service as a technician, is under 60 years of age, is fully qualified to perform the duties of his position, and has received an honorable separation from the National Guard may not be involuntarily separated from his technician position solely because of his non-membership in the National Guard."

(2) The analysis of chapter 75 is amended by inserting the following at the end thereof:

"SUBCHAPTER V—NATIONAL GUARD TECHNICIANS

"7541. Separation.".

(3) Chapter 31 is amended by adding at the end thereof the following new section:

"§ 3111. EMPLOYMENT OF NATIONAL GUARD TECHNICIANS

"Notwithstanding any other provision of law, a specified military grade shall not be a qualification for any position of a National Guard technician.".

(4) The analysis of chapter 31 is amended by inserting the following new item at the end thereof:

"3111. Employment of National Guard technicians.".

PERSEVERANCE PAYS OFF IN NEWBURYPORT

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. HARRINGTON. Mr. Speaker, often in the crush of bureaucracy, ideas which lack the complexity of mass statistics or millions of dollars are lost, and this country is the poorer for it. As a nation we seem consumed by a desire to tear down and build, with little heed given to history, art, or local sentiment.

Yet in some communities a change is taking place. The emphasis is slowly shifting from destruction to renovation. This shift is not easy; red tape and bureaucracy must be overcome, and the process is long and tedious. It requires the concerted efforts of government officials at all levels as well as continued public response and pressure.

However, in Newburyport, Mass., a charming seaport on the Massachusetts north shore, such a development is taking place.

Newburyport, a city of 16,000, contains some of the finest examples of Federal architecture in Massachusetts. Its U.S. Customs House designed in 1834 by Robert Mills is considered a model of Greek Revival architecture.

This historical worth coalesced with public pressure and the efforts of various agencies and individuals to save a historic commercial area. Involved is the Market Square area near the historic waterfront of Newburyport, the restoration of which has always been considered essential to the prosperity of the business district.

The citizens of Newburyport have succeeded in proving that the choice does not necessarily lie between wholesale demolition and continued neglect, and that imaginative renovation is possible They have brought about the first Federal grant for urban renewal in which the project is based on the renovation of a historical district. Other cities throughout this country would do well to observe Newburyport's experience as a guide to their own future efforts. To this end I commend the following article from the April 19, 1971, edition of Preservation News, entitled "Perseverance Pays Off in Newburyport":

PERSEVERANCE PAYS OFF IN NEWBURYPORT

Letters, telegrams, telephone calls and the cooperation of officials on the federal, state and local levels coalesced in late February to save a historic commercial area in Newburyport, Mass.

A few days after preservation funds in the city's urban renewal application were denied by HUD, a portion of one of the early 19th-century buildings collapsed in seeming desperation. The $430,000 allocation was restored within a month.

Involved is the Market Square area near the historic waterfront of Newburyport. Following a disastrous fire in 1811 that destroyed 250 wooden buildings, this area was rebuilt in unform three-story brick structures. Thick firewalls reaching above the rooflines were built into the new commercial buildings as protection against further devastation. Some of the structures are noted for their Federal detailing. Close by is the Greek Revival U.S. Customs House (1834), designed by Robert Mills.

When Newburyport first considered urban renewal of its central business district in the early 1960's, Market Square was destined to be wiped out under the initial plan. Much of the 22-acre business area was to become a black-topped parking lot surrounded by a modern shopping center.

The controversy of wholesale demolition vs. restoration continued until 1969. Leading the preservation campaign were the Newburyport Historical Society, numerous local citizens and historians from throughout New England. Finally, the city and the redevelopment authority were convinced that restoration of Market Square and the waterfront area was essential to the business district.

In making an amendment to the city's request for urban renewal funds from the U.S. Department of Housing and Urban Development, the Newburyport Redevelopment Authority requested funds to restore the Market Square buildings. When the loan application was approved on February 5, no preservation funds were included.

Paul McGinley, the agency's new executive director, learned that the request was denied because the buildings were not listed in the National Register of Historic Places.

In a letter to George Romney, Secretary of Housing and Urban Development, Trust President James Biddle said, "We urge you to reconsider funding the preservation portion of the program, particularly in light of the President's message on the environment. The local public agency plan would preserve an important heritage for all Americans, at the same time providing Newburyport residents with an urban center retaining the architectural character of its great past."

Other letters to the Secretary and the Assistant Secretary for Renewal, Norman V. Watson, went out.

NOMINATION EXPEDITED

On February 12, the wheels started spinning to expeditiously place the buildings in the Register as part of a Market Square Historic District. The necessary documentation was prepared by the redevelopment authority in three days and submitted to Massachusetts Historical Commission officials, the Honorable John F. X. Davoren, secretary of the Commonwealth and Commission chairman, and Dr. Richard W. Hale, acting chairman of the Commission; the Commission serves as the State Liaison Office for the processing of Register nominations. Dr. William J. Murtagh, Keeper of the National Register, and the HUD Boston Area Office also aided in coordinating the nomination.

Rep. Michael J. Harrington (D-Mass.) closely followed the process from the beginning and was later joined by the state's Senators, Edward M. Kennedy and Edward Brooke.

The Market Square Historic District was listed in the Register February, 25.

On March 5, a supplemental urban renewal grant from HUD, including $430,000 for preservation of Market Square finally made its way to the Newburyport Redevelopment Authority.

Plans now call for the renewal agency to restore some of the buildings beginning in the fall. These then will be sold for commercial, retail and office use.

The U.S. Customs House, which was also listed individually in the Register, may be restored by the Newburyport Historical Commission for use as a maritime museum—hopefully with a HUD preservation grant.

SENATE—*Thursday, April 22, 1971*

The Senate met at 10 a.m. and was called to order by Hon. QUENTIN N. BURDICK, a Senator from the State of North Dakota.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

God of Our Fathers, known of old, Judge of the nations before whom the generations rise and pass away, we pause to offer to Thee the love and loyalty of our lives. Make us one people in our devotion to Thee. Draw together the diverse people of every age, race, and religion. Help us to speak wisely to one another and to hear with understanding what is said. Give strength and wisdom to all who serve in the Government of this Nation.

Bless especially the youth of the Nation wherever they may be, in school, on missions of mercy and service, in the armed services, or in quest of a life's vocation. Keep the ideals and motivations of all the people as pure and good as the best of them. Regenerate and make new those in all generations who need Thy cleansing and transforming grace.

Lead us, O Lord, out of the frustrations of these days into the destiny Thou hast for that nation whose people love and serve Thee. And to Thee shall be the praise and glory now and evermore. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 22, 1971.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. QUENTIN N. BURDICK, a Senator from the State of North Dakota, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. BURDICK thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. BURDICK) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Commerce.

(For nominations received today, see the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, April 21, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of unobjected-to items on the calendar, beginning with Calendar No. 66, and also ask unanimous consent that consideration of these measures not apply so far as the rule of germaneness is concerned.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ARLINE LOADER AND MAURICE LOADER

The Senate proceeded to consider the bill (S. 341) for the relief of Arline Loader and Maurice Loader, which had been reported from the Committee on the Judiciary with an amendment, on page 2, line 2, after the words "in excess of," to strike out "20" and insert "10", so as to make the bill read:

S. 341

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $20,000 to Arline Loader and Maurice Loader, of Yachats, Oregon, in full settlement of their claims against the United States based upon the deaths of their sons, Maurice G. Loader and Frederic M. Loader, on October 15, 1944, as the result of the explosion of a thirty-seven-millimeter armor-piercing shell which United States military personnel negligently left at an abandoned firing range and which was found by such sons.

SEC. 2. No part of the amount appropriated in this Act in excess of 10 per centum shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same is unlawful, any contract to the contrary notwithstanding. Violation of the provisions of this section is a misdemeanor punishable by a fine not to exceed $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–64), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill, as amended, is to pay to Arline and Maurice Loader, of Yachats, Oreg., $20,000 for the death of their sons, Maurice G. Loader and Frederic M. Loader, on October 15, 1944, as the result of the explosion of a 37-millimeter, armor-piercing shell found by the children on a firing range.

STATEMENT

A similar bill for these claimants in the 91st Congress, S. 2514, was passed by the Senate and reported favorably by the Committee on the Judiciary of the House of Representatives, but no action was taken before adjournment.

A similar bill for these claimants in the 90th Congress, H.R. 1971, was passed by the House of Representatives but no action was taken in the Senate. In its favorable report on the bill, the Committee on the Judiciary of the House of Representatives said:

The bill, H.R. 2016, was the subject of a subcommittee hearing on May 5, 1966. The testimony at that hearing and material submitted to the committee in support of the claim indicates that on the afternoon of October 15, 1944, four children, Maurice G. Loader, Jr., age 14; Fredric M. Loader, 13; Eleanor Loader, age 5; and Clifford Harp, age 14, were playing in the Loader's garage located in Montara, Calif., a small coastal town approximately 20 miles south of San Francisco. The children were repairing a toy wagon and took from a tool box a 37-millimeter, armor-piercing shell which had apparently been found by a playmate of the oldest Loader child and brought into the Loader's garage unknown to the parents, Maurice and Arline Loader. The shell exploded, killing Maurice G. Loader, Jr., and Fredric M. and injuring the other two children. The information available to the committee indicates that the shell had been found on the Montara firing range, which had been used by the U.S. Army for anti-invasion maneuvers during World War II. The firing range, although encircled by a three-strand wire fence, was not adequately guarded notwithstanding that, previous to the tragedy, unexploded shells and grenades had been found on the range by children residing in Montara.

As is noted in the Army Department report, a newspaper account of the tragedy outlines with considerable detail the facts of the explosion. That report also notes that the Army recognized the responsibility of the Government by paying $711 for funeral expenses relating to the two children killed in the blast.

The Army has referred to the fact that the Congress has on a number of occasions passed bills granting similar compassionate relief to the parents of children killed or injured in similar accidents. Notwithstanding the outline of the facts in the Army report, that Department states that it did not have the information necessary to confirm or deny the facts of the case. The committee must disagree with this conclusion. The fact that the deaths resulted from an explosion of military ordnance is not controverted in any way. The records of the Army confirm that the Army recognized the claim to the extent then possible under the law by authorizing a payment of the funeral expenses for the dead children. In this connection, it is also clear that a release secured by the Army at that time was a prerequisite to payment of the only amount available and cannot now be taken as a reason for a denial of compassionate relief by legislative action. It cannot be denied that there has been a long delay in presenting and recognizing this claim but this does not lessen the loss to the parents. Under these circumstances and in the light of the fact that Congress has granted relief previously in similar cases, the committee recommends that the bill be considered favorably.

The committee believes that the bill is meritorious and recommends it favorably.

NICHOLAOS DEMITRIOS APOSTOLAKIS

The bill (S. 672) for the relief of Nicholaos Demitrios Apostolakis, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as folows:

S. 672

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Nicholaos Demitrios Apostolakis may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Mr. and Mrs. Paul N. Apostle, citizens of the United States, pursuant to section 204 of the said Act: *Provided,* That the natural brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-65), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States as an immediate relative of the alien child to be adopted by citizens of the United States.

MARIA GRAZIA IACCARINO

The bill (S. 566) for the relief of Maria Grazia Iaccarino, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 566

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Maria Grazia Iaccarino may be classified as a child within the meaning of section 101(b)(1)(F) of such Act, upon approval of a petition filed in her behalf by Mr. and Mrs. John F. Newton, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-66), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bil is to facilitate the entry into the United States in an immediate relative status of the alien child to be adopted by citizens of the United States.

CHEN-PAI MIAO

The bill (S. 629) for the relief of Chen-Pai Miao, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 629

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, Chen-Pai Miao, who was lawfully admitted to the United States for permanent residence on August 30, 1966, shall be held and considered not to be within the classes of persons whose naturalization is prohibited by the provisions of section 313 of the Immigration and Nationality Act.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report—No. 92-67—explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable Chen-Pai Miao to file a petition for naturalization after August 30, 1971, notwithstanding the provisions of section 313 of the Immigration and Nationality Act relating to one who was formerly a member of a proscribed organization.

ESTHER CATHERINE MILNER

The Senate proceeded to consider the bill (S. 145) for the relief of Esther Catherine Milner, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, in the administration of the Immigration and Nationality Act, Esther Catherine Milner may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Lee W. Milner and Nancy Ross Milner, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-68), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill as amended is to facilitate the adjustment of status as an immediate relative of the alien child adopted by citizens of the United States. The bill has been amended in accordance with established precedents.

MARIA BADALAMENTI

The Senate proceeded to consider the bill (H.R. 513) for the relief of Maria Badalamenti which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, notwithstanding the provisions of sections 212(a)(1) and 212(a)(25) of the Immigration and Nationality Act, Maria Badalamenti may be issued a visa and be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act: *Provided,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act: And *provided further,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-69), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to waive the excluding provisions of existing law relating to one who is mentally retarded and consequently illiterate in behalf of the sister of citizens of the United States. The bill has been amended in accordance with established precedents.

PROVISION OF RELIEF IN PATENT AND TRADEMARK CASES

The bill (S. 645) to provide relief in patent and trademark cases affected by the emergency situation in the U.S. Postal Service which began on March 18, 1970, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 645

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) A patent or trademark application shall be considered as having been filed in the United States Patent Office on the date that it would have been received by the Patent Office except for the delay caused by the emergency situation affecting the postal service which began on March 18, 1970, and ended on or about March 30, 1970, if a claim is made for the benefit of an earlier date in accordance with subsections (b) and (c) of this section. Patents issued with earlier filing dates afforded by this section shall not be effective as prior art under subsection 102(e) of title 35 of the United States Code as of such earlier filing dates.

(b) No patent or trademark application, patent, or trademark registration shall be entitled to an earlier filing date under this section unless a verified statement by the applicant or owner of record claiming the filing date to which the application is believed to be entitled is filed in the Patent Office within six months after enactment of this Act. Such statement shall be maintained in the file of the application in the Patent Office and shall be referred to in the patent or trademark registration when practicable.

(c) When a statement filed under subsection (b) of this section appears unreasonable or defective on its face, or when the filing date of the patent or trademark application, patent, or trademark registration is called into question or is material in any inter partes proceeding in the Patent Office or any proceeding in the courts, the applicant or owner of such application, patent, or trademark registration may be required to present evidence establishing the filing date to which the application is entitled. The filing date to which the application is entitled shall be determined on the basis of such evidence and any evidence introduced by an opposing party. The evidence shall be presented as directed by the Commissioner of Patents in proceedings in the Patent Office or as directed by the courts in proceedings in the courts.

SEC. (2) Except for the filing of a patent or trademark application, if any action is taken or any fee is paid in the United States Patent Office later than the end of a time period specified in the statutes set forth in subsection (b) of this section for taking such action or paying such fee, and no provision exists in law for excusing such delay, the delay may be excused if it is determined that it was caused by the emergency situation affecting postal service which began on March 18, 1970 and ended on or about March 30, 1970. Relief under this section must be requested by a verified statement filed in the Patent Office by the patent or trademark applicant or owner within six months after enactment of this Act.

(b) This section is applicable to title 35, United States Code, "Patents"; the Trademark Act of 1946, ch. 540, 60 Stat. 427, as amended; the Atomic Energy Act of 1954, Pub. L. 83–703, 68 Stat. 919, as amended; and the National Aeronautics and Space Act, Pub. L. 85–568, 72 Stat. 426 (1958), as amended. In cases involving the Atomic Energy Act of 1954 or the National Aeronautics and Space Act, determinations of relief shall be made by a Board of Patent Interferences. In other cases determinations shall be made by the Commissioner of Patents.

SEC. 3. The Commissioner of Patents may establish regulations for administering this Act.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–70), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the legislation is to afford patent and trademark applicants an opportunity to make a claim for a filing date earlier than the date on which the application was received by the Patent Office. The application would be entitled to the filing date which it would normally have received except for the emergency situation affecting Postal Service which began on March 18, 1970. The applicant would be required to submit within 6 months after enactment of the bill a vertified statement claiming the date to which the application is believed to be entitled.

VIEWS OF GOVERNMENT AGENCY

This legislation was introduced by Senator John L. McClellan at the request of the Department of Commerce.

STATEMENT

The patent and trademark laws contain numerous time periods during which specified actions must be taken by patent and trademark applicants and owners. Failure to take a required action within the statutory time period generally results in a forfeiture of some or all of the patent or trademark rights involved. The statutes allow a failure to comply with the specified time periods to be excused in some situations upon a showing that the delay was unavoidable, however with respect to other time periods, the statutes permit no waiver.

The filing dates of patent and trademark applications may be critically important in determining patent and trademark rights. The committee has been advised that the disruption of the postal system resulting from the failure of certain employees to perform their duties may cause a number of patent and trademark owners to suffer loss of important rights. Other than for legislation, such as S. 645, the only remedy available to such owners would be to seek the passage of a private bill in individual cases.

If a claimed earlier filing were called into question or became material in an inter partes proceeding in the Patent Office or any proceeding in the courts, the applicant or owner could be required to present evidence establishing the filing date to which the application was entitled. Evidence would also be presented when the claim appeared unreasonable or defective on its face. Thus, the sufficiency of claims for earlier filing dates would be examined only in a small percentage of cases. This approach is believed best because a large number of applications may have been affected by the strike and the delay will prove to be material only in a few of the cases. During a 2-week period approximately 4,000 patent applications and 1,200 trademark applications are filed in the Patent Office.

INTERNATIONAL PATENT AND TRADEMARK STUDIES

The bill (S. 1253) to amend sec. 6 of title 35, United States Code, "Patents," to authorize domestic and international studies and programs relating to patents and trademarks was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1253

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of title 35, United States Code, is amended to read as follows:

§ 6. Duties of Commissioner

"(a) The Commissioner, under the direction of the Secretary of Commerce, shall superintend or perform all duties required by law respecting the granting and issuing of patents and the registration of trademarks; shall have the authority to carry on studies and programs regarding domestic and international patent and trademark law; and shall have charge of property belonging to the Patent Office. He may, subject to the approval of the Secretary of Commerce, establish regulations, not inconsistent with law, for the conduct of proceedings in the Patent Office.

"(b) The Commissioner, under the direction of the Secretary of Commerce, may, in coordination with the Department of State, carry on programs and studies cooperatively with foreign patent offices and international intergovernmental organizations, or may authorize such programs and studies to be carried on, in connection with the performance of duties stated in subsection (a) of this section.

"(c) The Commissioner, under the direction of the Secretary of Commerce, may, with the concurrence of the Secretary of State, transfer funds appropriated to the Patent Office, not to exceed $100,000 in any year, to the Department of State for the purpose of making special payments to international intergovernmental organizations for studies and programs for advancing international cooperation concerning patents, trademarks, and related matters. These special payments may be in addition to any other payments or contributions to the international organization and shall not be subject to any limitations imposed by law on the amounts of such other payments or contributions by the Government of the United States."

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–71) explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This legislation would authorize the United States to make voluntary contributions to such organizations as the United International Bureau for the Protection of Intellectual Property and the Committee for International Cooperation in Information Retrieval Among Patent Offices in order to defray the cost of studies and other projects in connection with international patent and trademark matters.

VIEWS OF GOVERNMENT AGENCY

This legislation was introduced by Senator John L. McClellan at the request of the Department of Commerce.

STATEMENT

U.S. participation in cooperative international efforts in the patent and trademark fields is vitally important to the American business community. Until recent years the international role of the United States in these areas was limited primarily to membership in the Paris Convention of 1883. The United States has now assumed a more active role in the international protection of patents, trademarks, and intellectual property. The United States was instrumental in the establishment of the World Intellectual Property Organization and the drafting and signing of the Patent Cooperation Treaty of 1970. In addition the programs of the Committee for International Cooperation and Information Retrieval Among Patent Offices in coordinating the development of mechanized patent search systems are of great value to those who make use of the patent system.

The United States currently may not make voluntary contributions for the support of the programs of these international agencies because of the lack of any statutory authorization. The committee has been advised by the Department of Commerce that the inability of the United States to contribute to the support of these projects, in whose creation this country was instrumental, is a source of embarrassment at international meetings, particularly in view of the cash contributions made by other countries.

BILL PASSED OVER

The bill, S. 646, to amend title XVII of the United States Code to provide for the creation of a limited copyright in sound recordings for the purpose of protecting against unauthorized duplication and piracy of sound recording, and for other purposes, was announced as next in order.

Mr. BYRD of West Virginia. Over, Mr. President.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

AMENDMENT OF TITLE 35, UNITED STATES CODE

The Senate proceeded to consider the bill (S. 1254) to amend title 35, United States Code, "Patents," and for other purposes which had been reported from the Committee on the Judiciary with amendments on page 1, line 9, strike the word "assistant", and insert the word "Assistant"; on page 2, line 7, following the words "of the Senate." insert "The Secretary of Commerce, upon the nomination of the Commissioner, in accordance with law, shall appoint all other officers and employees."; after line 19, insert:

SEC. 2. The first paragraph of section 7 of title 35 of the United States Code is amended to read as follows:

"The examiners-in-chief shall be persons of competent legal knowledge and scientific ability, who shall be appointed under the classified civil service. The Commissioner, the Deputy Commissioner, the assistant commissioners, and the examiners-in-chief shall constitute a Board of Appeals, which on written appeal of the applicant, shall review adverse decisions of examiners upon applications for patents. Each appeal shall be heard by at least three members of the Board of Appeals, the members hearing such appeal to be designated by the Commissioner. The Board of Appeals has sole power to grant rehearings."

On page 3, line 8, strike out "Sec. 2.", and insert "Sec. 3."; on page 4, line 3, after the words "ment and the", strike out the word "late", and insert the words "delay in"; after line 5, strike out the following:

SEC. 3. (a) There shall be in the Department of Commerce, in addition to the Assistant Secretaries now provided by law, one additional Assistant Secretary of Commerce for Patents and Trademarks, shall be appointed by the President by and with the advice and consent of the Senate, shall receive compensation at the rate prescribed by law for Assistant Secretaries of Commerce, and shall perform such duties as the Secretary of Commerce shall prescribe.

And insert, in lieu thereof:

SEC. 4. (a) There shall be in the Department of Commerce, in addition to the Assistant Secretaries now provided by law, one additional Assistant Secretary of Commerce who shall be known as the Assistant Secretary of Commerce for Patents and Trademarks, shall be appointed by the President by and with the advice and consent of the Senate, shall receive compensation at the rate prescribed by law for Assistant Secretaries of Commerce, and shall perform such duties as the Secretary of Commerce shall prescribe.

And on page 5, after line 2, insert the following:

SEC. 5. This Act shall be effective upon enactment. Examiners-in-chief in office on the date of enactment shall continue in office under and in accordance with their then existing appointments.

So as to make the bill read:

S. 1254

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3, title 35 of the United States Code is amended to read as follows:

"§ 3. Officers and employees

"(a) There shall be in the Patent Office a Commissioner of Patents, a deputy commissioner, two assistant commissioners, and not more than fifteen examiners-in-chief. The Assistant Secretary of Commerce for Patents and Trademarks, shall, ex officio, be the Commissioner of Patents. The deputy commissioner, or in the event of a vacancy in that office, the assistant commissioner senior in date of appointment shall fill the office of Commissioner during a vacancy in that office until the Commissioner is appointed, and takes office. The Commissioner of Patents, the deputy commissioner, and the assistant commissioners shall be appointed by the President, by and with the advice and consent of the Senate. The Secretary of Commerce, upon the nomination of the Commissioner, in accordance with law, shall appoint all other officers and employees.

"(b) The Secretary of Commerce may vest in himself the functions of the Patent Office and its officers and employees specified in this title and may from time to time authorize their performance by any other officer or employee.

"(c) The Secretary of Commerce is authorized to fix the per annum rate of basic compensation of each examiner-in-chief in the Patent Office at not in excess of the maximum scheduled rate provided for positions in grade 17 of the General Schedule of the Classification Act of 1949, as amended."

SEC. 2. The first paragraph of section 7 of title 35 of the United States Code is amended to read as follows:

"The examiners-in-chief shall be persons of competent legal knowledge and scientific ability, who shall be appointed under the classified civil service. The Commissioner, the Deputy Commissioner, the assistant commissioners, and the examiners-in-chief shall constitute a Board of Appeals, which on written appeal of the applicant, shall review adverse decisions of examiners upon applications for patents. Each appeal shall be heard by at least three members of the Board of Appeals, the members hearing such appeal to be designated by the Commissioner. The Board of Appeals has sole power to grant rehearings."

SEC. 3. Section 151 of title 35 of the United States Code is amended to read as follows:

"§ 151. Issue of patent

"(a) If it is determined that an applicant is entitled to a patent under the law, a written notice of allowance of the application shall be given or mailed to the applicant. The notice shall specify a sum, constituting the issue fee or a portion thereof, which shall be paid within three months thereafter.

"(b) Upon payment of this sum the patent shall issue, but if payment is not timely made, the application shall be regarded as abandoned.

"(c) Any remaining balance of the issue fee shall be paid within three months from the sending of a notice thereof and, if not paid, the patent shall lapse at the termination of the three-month period. In calculating the amount of a remaining balance, charges for a page or less may be disregarded.

"(d) If any payment required by this section is not timely made, but is submitted with the fee for delayed payment and the delay in payment is shown to have been unavoidable, it may be accepted by the Commissioner as though no abandonment or lapse had ever occurred."

SEC. 4. (a) There shall be in the Department of Commerce, in addition to the Assistant Secretaries now provided by law, one additional Assistant Secretary of Commerce who shall be known as the Assistant Secretary of Commerce for Patents and Trademarks, shall be appointed by the President by and with the advice and consent of the Senate, shall receive compensation at the rate prescribed by law for Assistant Secretaries of Commerce, and shall perform such duties as the Secretary of Commerce shall prescribe.

(b) Section 5315 of title 5, United States Code, is amended by striking "(7)" at the end of item (12) and substituting "(8)".

(c) Section 5316 of title 5, United States Code, is amended by striking item (48).

SEC. 5. This Act shall be effective upon enactment. Examiners-in-chief in office on the date of enactment shall continue in office under and in accordance with their then existing appointments.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–73), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF AMENDMENTS

All of the amendments are of a perfecting or clarifying nature. Most of the amendments provide for necessary revisions in title 35 to conform that title to the provisions of this legislation.

PURPOSE

This bill, as amended, provides for several miscellaneous amendments of title 35, and for an adjustment of the organization of the Patent Office within the Department of Commerce.

STATEMENT

There has been an increase in the number of situations where a patent applicant has failed to make timely payment of the issue fee. Section 151 of title 35 authorizes the Commissioner of Patents to accept a late payment upon a showing of sufficient cause only if the late payment is made within 3 months of the due date. In some situations the failure to make the payment was unavoidable and private bills have been introduced to direct the Commissioner to accept the late payment. The amendment of section 151 contained in this legislation would eliminate the necessity for such bills by giving the Commissioner authority to accept a late payment upon a showing that the delay was unavoidable.

Under the existing section 3 of title 35 there are 19 positions in the Patent Office which require Senate confirmation. No useful public policy purpose is served by this procedure. This bill would eliminate the requirement for the Senate to give its advice and consent to the position of Examiner in Chief of the Patent Office and would require Senate confirmation only of the Commissioner, the Deputy Commissioner, and the two Assistant Commissioners.

The Patent Office currently is confronted with substantial administrative problems. While the Congress had not yet completed action on the legislation for the general revision of the patent law, it is apparent that no major change will be made in the current patent examining system. Because of the rise in the number of patent applications, the complexity of many inventions, and the long delay in the disposition of many applications, there is an urgent need for the most efficient administration of the Patent Office and clear policy responsibility in the Commissioner of Patents.

The bill provides that the number of assistant secretaries of Commerce shall be increased from seven to eight by the establishment of the position of Assistant Secretary of Commerce for Patents and Trademarks. The Assistant Secretary of Commerce for Patents and Trademarks shall, ex officio, be the Commissioner of Patents. The Patent Office, with 2,701 employees, is one of the largest functioning components of the Department of Commerce. The Congress has previously provided that such other components of the Department, as the Travel Service, with 73 employees, and the Maritime Administration, with 1,708 employees, should be headed by an assistant secretary.

The committee is aware that the President has recommended the abolition of the Department of Commerce and the incorporation of many of its functions, including the Patent Office, in a Department of Economic Affairs. It is currently uncertain what action may be taken by the Congress on this proposal. In any event, the committee believes that the urgent administrative problems confronting the patent system makes it advisable that favorable action be taken at this time on section 4 of S. 1254.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I seek no time on behalf of the distinguished majority leader.

OUR VETERANS AND THE VIETNAM WAR

Mr. SCOTT. Mr. President, it is appropriate this week to address ourselves to the atmosphere in our Capitol, to the veterans who have been meeting with many of our colleagues, and to the future meetings that are planned.

I said the other day that the veterans certainly have a right to be dissatisfied, that they have a right to dissent, and that they have a right to visit their Nation's Capitol to discuss the progress of this war.

Yesterday, I met with a group of young men from Pennsylvania. They had varied backgrounds. In addition to the obvious questions, they wanted to know what are we doing for the returning veteran, what are we doing for them by providing better training and education and employment, what are we doing to rehabilitate them, and what are we doing to attack the drug problem that they claim has been an epidemic in Vietnam because of the war itself and because of the overall atmosphere.

Mr. President, I am quite sympathetic to the plight of many of these men. I am also quite sympathetic to all of those who have fought the war in Southeast Asia.

I would hope that the exchange we had helped each of us who attended this meeting. I am hopeful that these men now have a broader view of what we are trying to do in our irreversible disengagement. I also believe that the President's position of withdrawal is more fully understood.

But, Mr. President, what deeply concerns me is not the marches, not the meetings, not the discussions, but the fact that our Nation's withdrawal from a combat role is not fully recognized.

The fact, of our humane consideration for the more than 400 known prisoners of war and their families apparently is lost in the shuffle.

I do not believe it necessary to go into all the statistics to emphasize our progress of withdrawal—the dramatic cut in casualties and the rate of troops being returned to their loved ones. But, Mr. President, I do think it important that each of us note in this progress. We should make a mental note about this progress and think twice, or three times if necessary, the next time one rises to criticize the President on this matter.

The other day, I was talking to an associate and he suggested that maybe the only way to get across this rapid withdrawal rate was through a sophisticated paid advertising campaign. Certainly, I would not subscribe to this, but one begins to wonder whether we do not do a better job packaging soap, cereal, and automobiles than telling the simple truths of what this administration has done.

On the floor today, Mr. President, I will be joined by a number of my colleagues who will offer their comments on their support of President Nixon during these trying times.

This has been a tragic period. There is no question about it. But this has not been a war started by President Nixon. It has, though, been a war that he pledged to end and is ending. No other person who has been in his position has been this successful.

In simple justice, will not the American people and those who interpret the news to them, recognize the clear, unassailable truth—that the President is ending our involvement in this war at the quickest level of withdrawal consistent with the commitments made by other administrations and with the security which, in common decency we owe to ourselves and to those who called for our help?

Mr. President, I read in the newspaper that one Member of Congress, who yesterday went to the Mall and, obviously, in an effort to please the veterans who were there, made the statement—flatly—that President Nixon is not committed to ending our involvement in this war.

Mr. President, that simply is not a correct statement of fact. I am satisfied that the person who made it knows it to be not a correct statement of fact. When we remember that when President Nixon left office as Vice President, there were no combat soldiers in South Vietnam, that the next administration and the one that followed that did escalate the war, we realize that those Members who were partisan to those administrations and supported those administrations in their actions now count on the short memories of those young men on the Mall who were about 10 or 12 years old when this began. To go down and say that the current President is not committed to the withdrawal of our forces from Vietnam is a cruel hoax and an unfair kind of statement to make in view of the President's pledge and his high moral commitment to the American people.

Mr. TAFT. Mr. President, on Tuesday I met with a group of Ohio Veterans Against the War in Vietnam who were in Washington, as my colleagues know, to protest continued American involvement in Southeast Asia.

The meeting went on for over an hour. It was an emotional and highly charged session. And while we were unable to reach agreement, I believe it was a most worthwhile exchange of ideas.

The message I tried to convey to these sincere young Americans was one of hope and support for what I believe is a responsible and irreversible policy of U.S. withdrawal from Vietnam.

President Nixon is ending U.S. involvement in Southeast Asia. We are committed to that cause.

The figures on troop withdrawals have been repeated time and again. When the President took office, we had over 540,000 U.S. combat troops in Vietnam. Today there are 184,000, with another 100,000 troops to be withdrawn by December 1, 1971.

The troops are coming home. To some, they may not be returning fast enough, but we are on the way out, and that can not be disputed.

I am, Mr. President, somewhat amazed at the continued criticism of President Nixon's policies by the Johnny-come-lately Democratic doves. Their silence during the sixties, when a Democratic President was shipping hundreds of thousands of young American men into combat, is testimony to the pure politics of their current dissent.

As the troops come home, by the thousands each month, these same newly hatched doves suddenly have found their voices.

I believe the American people stand behind the President's program of total withdrawal from Vietnam.

He is not bugging out as some would do, but he is following a carefully planned policy of responsible and irreversible withdrawal.

There is no question that history may judge harshly the wisdom of our involvement in a land war in Asia. But that is irrelevant at this point. The question is how we disengage, President Nixon is doing so, responsibly and in a manner that will not abandon American prisoners of war.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order of the Senate, the Senator from Iowa (Mr. HUGHES) is recoginzed for a period of not to exceed 15 minutes.

SENATE RESOLUTION 102—SUBMISSION OF A RESOLUTION REGARDING THE ORGANIZATION OF WORLD CONFERENCE OF GOVERNMENTS ON PROTECTION OF CIVILIANS DURING ARMED CONFLICTS

Mr. HUGHES. Mr. President, I submit for appropriate reference a resolution expressing the sense of the Senate that the United States should take the initiative in organizing a world conference of governments on the protection of civilians during armed conflict.

Such a world conference should undertake three tasks:

First. Clarify the relationship between existing rules, principles, and procedures of international law and the destructive effects of modern warfare on civilian populations;

Second. Adopt new international rules, principles, and procedures as needed to assure maximum protection of the civilian population from the consequences of warfare in the modern world; and

Third. Confirm and develop appropriate principles, standards, and procedures for assessing national and individual responsibility for violations of protective standards.

Mr. President, the recent conviction of Lieutenant Calley for the killing of helpless civilians in Vietnam and the troubled national reaction to this conviction dramatize the American and indeed worldwide confusion over what standards should apply to the treatment of civilians in situations of armed conflict.

There are existing principles and standards, but they were drawn up in far different eras—at the Hague in 1907 and, in the aftermath of World War II, at Nuremberg and Geneva. Detailed measures for the protection of civilians were not explicitly applied to all instances of armed conflict.

Yet, during the past quarter century we have witnessed hundreds of armed conflicts in which uncounted thousands of people have died or been incapacitated, many of them innocent civilians. No one knows how many innocent noncombatants have been caught in the cross-fire of warring groups. Although the Vietnam war has been the most quantified in history, our Government admits that it has never made a study of noncombatant casualties. Nor do rosters of innocent victims exist for other arenas of recent conflict—Korea, Hungary, Indonesia, Algeria, the Middle East, the Congo, Nigeria, and now, Pakistan.

Modern warfare consists of new weapons and tactics. The most frequent forms of armed conflict today are civil wars with various degrees of international intervention. Civilians are caught in the middle, sometimes as hostages against terror. The traditional distinction between civilians and combatants has been blurred in the midst of revolution and counterrevolution.

Death and destruction go on and the standards for protection of civilians are inadequate and frequently dishonored. It is time for a new world conference to consider these problems and suggest means whereby the civilian populations of the world might be spared for all time another Mylai or other atrocities chronicled in the long history of warfare.

In order to avoid misunderstanding, I want to point out that my resolution is not proposing the creation of an international tribunal for the trial and punishment of alleged war crimes. Our own Nation has assumed the responsibility for the trial and punishment of its own citizens. We must hope that a universal and widely accepted code would clarify the nature of the crimes involved and would force other nations to assume the same responsibility for themselves and their citizens.

The time may come in the affairs of nations when an international tribunal can be given the permanent task of trying individuals and national leaders for violation of humanitarian codes. But realistically speaking, that time is not here and now.

We may ask whether effective rules are possible, and whether they could ever be enforced. I believe the time has come for nations to face these questions.

For many people the answers will be negative, and they will conclude that an effort of the kind I propose would be an exercise in futility. Or worse, that the attempt to improve the rules somehow institutionalizes war and implies resignation to its inevitability.

I am not ready to concede the inevitability of war. Permanent peace, now, more than ever before, is the world's great goal. The search for it must extend along every possible road. While the world conference I am proposing could not be expected to produce a millenium, it would be a constructive way to keep nations working toward peace.

Over the past 25 years, there has been constant conflict in the world, limited, however, in time and in geographical scope. The civilian populations affected have usually been among the world's poorest and weakest, remote from the great powers and beyond the imaginations of the more fortunate. Often their plight has been shrouded in the confusion of limited and conflicting news coverage resulting from censorship and from types of warfare difficult to follow.

We must ask ourselves how different it might have been in terms of human understanding and horror if all of the death and destruction had been combined in a single war fought in North America or in Europe. Would the combined weight of all the motives for these wars seem equal to the total sacrifice of multitudes of innocent human beings?

I believe, Mr. President, that the world conference I am proposing would help awaken the conscience of each nation to the unutterable horror of war. If men fully understood the dimensions of human tragedy inflicted by armed conflicts, they might be more reluctant to support national policies which could add to that horror. And when the pressures for peaceful settlement fail, clearly enunciated international standards might help to save at least some of the innocent victims.

I am less concerned with the formalities of a conference than with a substantive achievement for humanity.

Nations now kill with 20th century ferocity, but they seek peace with 18th century urgency.

In recent years, significant steps have been taken toward the goal of clarifying and improving the principles and standards of international law which are designed to protect civilian populations. The United Nations has been actively studying this question for the past 2 years. Students of international law have held numerous conferences on the subject, with more planned for the near future. Next month, the International Committee of the Red Cross will convene a meeting of government legal experts in Geneva to discuss the international humanitarian law applicable in armed conflict.

The world conference I am proposing, Mr. President, would provide a prestigious and inclusive international forum for the support, coordination, and implementation of proposals advanced by these various groups and agencies.

Indeed a major purpose of this resolution is to encourage these efforts and to urge the next important step—the world conference to implement proposals on which there is general agreement.

In other words, the world conference would work with, and attempt to build upon, the progress already underway relating to the humanitarian treatment of civilians, without needless duplication of effort.

It would make use of the existing resources in the field. For example, the International Law Commission of the United Nations could be brought in to do specialized background studies, to prepare draft conventions, and generally to participate in the preparation and conduct of the conference. It is possible too that the United Nations or the Secretary General might be designated as the convening authority of the world conference.

The central purpose of the resolution is to move mankind ahead toward worldwide agreement on a set of principles on which all men may rely. These principles must apply to the conditions created by modern weapons and conditions of combat. They must be accepted by governments and taught to all military personnel. They must have the full moral support of all peoples, regardless of the issues in any given conflict.

We of the United States, who led the international community in establishing new standards for the protection of humanity after World War II, must now take the initiative to extend protections to the people threatened by armed conflicts.

It is time to try again toward the achievement of man's greatest goal—with a greater sense of urgency than ever before.

Mr. President, I ask unanimous consent that the text of my proposed resolution be printed at the conclusion of my remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. RES. 102

Resolved, That it is the sense of the Senate that the United States should take the initiative in organizing a world conference of governments to—

(1) clarify the relationship between existing rules, principles, and procedures of international law and the destructive effects of warfare on civilian populations;

(2) adopt new international rules, principles, and procedures as needed to assure maximum protection of the civilian population from the consequences of warfare in the modern world; and

(3) confirm and develop appropriate principles, standards, and procedures for assessing national and individual responsibility for violations of protective standards.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Pursuant to the previous order, the Senator from Ohio (Mr. SAXBE) is recognized for not to exceed 15 minutes.

VIETNAM—A CRY FOR REASON

Mr. SAXBE. Mr. President, I listened with interest to the remarks of the junior Senator from Iowa, and I know of his deep sincerity when he makes these remarks—a cry for reason in a mad world. It is exactly this to which we address ourselves this morning: A cry for reason in a world that seems to feel that the nuclear age has arrived and that we can settle our differences by shaking a sort of nuclear sword at each other but at the same time engaging in what is called conventional warfare.

Reason has not been a dominant factor in the conduct of man throughout his history. Reason has always been obscured by emotion. We find ourselves today in a world of conflict in the Middle East, the Southeast Asia regions of Indochina, and in various regions of the world. I saw a list the other day of conflicts that are now continuing, or, like Korea, are at best temporarily abated, and I was amazed to find that there are over 20 major conflicts now going on in this world.

I was impressed a number of years ago to hear one of the early astronauts talk about his trip into outer space. He projected at that time the thought that as we develop our skills some day we are going to have the grand tour of the universe. In other words, we will start off in some kind of projectile and by using the gravitational forces of the planets which are our neighbors, thrust ourselves as far away as Mars, where men could spend at least a year in rotating around that planet, and then again by using that gravitational force proceed to another planet.

He said this would require men to be in a small capsule for perhaps as long as 2 years. They would be confined and would have to live together. He said the problem is not so much the scientific problem of developing the vehicle to travel to outer space, but rather the development of men who could spend that time together so confined.

He said that just as those men confined in that small space would have to get along, how similar it is to what is happening today as we are traveling through space at enormous speeds, through the constellations; and we who are the passengers in this relatively small world are brought to the point we have to get along. In other words, if confusion reigns in that space ship it would be destroyed, and if we on this planet cannot by reason reduce our differences, then we are going to destroy ourselves just as surely as those men in that space ship.

It is a frightening thought, but a thought I continually have as I look at our differences in trying to communicate. Today we are torn apart by a war that has been going on for years and years, a war that has affected many of our elections, a war that has affected the lives of many people, just as it has affected the economy of this country. I feel that my pledge to try to end this war had a great deal to do with my election, just as I feel it did with the election of President Nixon in 1968.

Yet we are faced with a cry, mostly coming from people who gave the previous administration a blank check and permitted a buildup to almost 600,000 men in Vietnam, that now we must end the war day after tomorrow.

If it were possible physically to do that I would go along with the hope that it could be done, preserving to that country that has been fought over for so many years the ability to run its own affairs and not be a conquered nation.

I know there are those who say it is militarily possible to withdraw in a month, or, like Dunkirk, wade off into the sea and be picked up by small boats.

But I think an orderly winding down of this war can be accomplished. I have been extremely critical of the administration in not feeling the urgency I did in starting the wind-down and setting definite goals—not a definite date of pullout, necessarily, but a day where we would start our orderly withdrawal.

That day did come about a year ago and many of us greeted it with some skepticism because of the seeming indifference previous to that time. But that withdrawal has continued and we are down to one-half the number of troops there originally, and the proposed withdrawals are continuing.

I would be the first to criticize the administration and the Department of Defense if the withdrawal could not continue at the present rate or at an accelerated rate; but I think the administration must be given the credit because if this is Nixon's war, it is Nixon's withdrawal. He has responded to the people of this country and the humanitarian feelings of the world in trying to step down the participation of this country in a situation in which we found ourselves thrust, and then ventured further into by the acts of this body.

I recently returned from Vietnam. I was pleasantly surprised to find that the standing down, as it is called, has accelerated over there, that the units are being detached from combat, that there is disengagement, with troops going into relatively safe areas. I was pleased to find the participation of our Air Force has been reduced by some 45 percent, which is in keeping with the overall lessening of our participation. I want this to continue. I have a genuine interest in it, as I have a son over there in a combat unit. I have talked with him, and I got a little different view from his ideas; the feeling he has, and he is working in a combined-operation unit, that the ARVN troops of South Vietnam are reaching a point where they can handle the burdens of fighting for their country.

I am a sponsor, along with other Senators, of a measure to prevent the invasion of North Vietnam, if the situation ever turned to the point they thought they could; and not only the invasion by our troops but also invasion by South Vietnam with our support.

I think it is important that we set ourselves up in the world as a country which believes in reason and peaceful settlement of differences. I cannot complain about our attitude in Paris. I believe we have gone the second mile in trying to reach agreement. I disagree with those who say that all we would have to do is set a definite date and then the prisoners would be released.

No such promise has been made. They simply say, "Disengage all your units, leave the country, and then we will begin to talk about the prisoners." This is a rather discouraging outlook and one which has pervaded all of their talk. They do not just want America out of Vietnam; they want a total dissolution of the South Vietnam Government. This is something, of course, that the South Vietnamese will never agree to. One million people in South Vietnam are there because they fled from the Communist Government of North Vietnam.

So I take the floor at this time, from my observations of a few days over there, to commend the administration for the dedication that it has shown in following its guidelines in withdrawing troops; and I prophecy, again from my personal observation, that it will be speeded up. I think it will be found that the removal of these units from combat zones is going to permit an accelerated rate of return to this country.

There are going to be difficulties. They are going into what they call the wet season over there, the monsoon season, and soon the bottom will drop out of the country, the roads will become impassable, the villages isolated, and there will be no major military activity until probably October.

In October I foresee difficulties, difficulties in our withdrawal, and it is going to take real determination to continue, because when the combat activity steps up there are going to be those who say, "Well, we just cannot afford to withdraw any more people at this time. We are going to have to save them. We are going to have to stay." At this time those of us who take the floor today to support the President will be the first to criticize that this attitude of withdrawal has changed and one of continuing participation has extended.

I cannot help but feel we have done all we can for South Vietnam. We have stabilized their economy. In the South and in the delta region, the most populated and richest area, they have enjoyed a good agricultural year. Most of the area is free of Communist domination and intimidation. I think the rice crop and the successful economy is reflected in what can be seen, such as outboard motors being used on sampans and the improvement of their homes. I cannot help but feel that this is the most stabilizing thing we have done for their economy. We have given them the opportunity to reestablish their political organization. It is going to be difficult, if they have an election this year, to keep from interfering, but we must keep from interfering in that election.

Then I think we have given them the supplies that enable their own units to become effective field units to defend themselves—not to invade North Vietnam, and that is one of the reasons for my bill, but, rather, to give protection to their communities and to give security to their economy and their government. These things we have done.

We have had adverse effects. Any time we send the number of troops we did into a small, backward nation, we are going to have adverse effects. This we see in Saigon, in the corruption that exists there, and the dependence on an outside economy, and the attitude of the people toward Americans, in the terrible drug problem there, and the VD rates, and all those things that are distasteful in any occupation in any war.

For that reason, the sooner we get out, the better it is for them as it is for us. But I believe we have done these things, and we must recognize that, and we must proceed with all possible speed and all reasonable speed.

There are those who sincerely feel that if we pick a date out of the air and say, "On this day the last man will step out of Vietnam," it will somehow speed up and make more certain our withdrawal. I do not agree with that, and I think it must be proven if this point is going to be sustained.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Pursuant to the previous order of the Senate, the Senator from Ohio (Mr. TAFT) is recognized for not to exceed 15 minutes.

INVESTMENT TAX CREDIT

Mr. TAFT. Mr. President, I believe the American economy today is showing many signs of improvement. There are many optimistic statistics and many optimistic developments which bode well for it. However, there are also many trouble spots. I want to talk for just a few minutes today about what I see as one of the principal trouble spots and what we ought to be doing about it.

Today there are 5 million Americans unemployed—6 percent of our work force.

Inflation continues to rob the working man of his pay increases, the manufacturer of his profits, and the retired individual of the buying power needed to maintain a decent standard of living.

The industrial production index decreased from 107 in January 1969 to 103.7 in December of 1970.

Our international reserves decreased from $26 billion in 1949 to $14.5 billion in 1970.

If the American worker does not have the most modern tools and equipment, he will be less able to compete for exports on the world market, and indeed to compete with imports coming into this country from abroad.

Historically, American industry has been able to overcome the lower wages paid by foreign manufacturers by utilizing more efficient production equipment. This important competitive advantage is now being lost, and may be lost permanently if the American machine tool industry is not able to recover its historic leadership.

For that reason, I have taken this time today to plead for the American machine tool industry. At the very moment when we are faced with the greatest need for more efficient production equipment to recapture world markets, the machine tool industry, which builds such equipment, has incoming orders which are the lowest since the middle 1930's.

For the first time in history, the United States has lost its world leadership in shipments of machine tools.

I have brought along today a few charts that I would like to call to the attention of Senators.

Chart No. 1, which I have in the rear of the Chamber here, indicates that as recently as 1966 the American machine tool industry had shipments which were more than double those of any other nation. Now, in 1971, we will have been surpassed by West Germany, by Japan, and by the Soviet Union.

American exports of machine tools have historically been six to eight times as great as imports. In recent years this margin has narrowed, and narrowed very materially, as shown by chart No. 2, which I have here.

In certain important sectors of this market, imports are actually exceeding exports; for instance, in the area of lathes, which is already true, as shown by Chart No. 3. Also it is true in another important field, that of milling machines, as shown in Chart No. 4.

In the past 4 years, output per man-hour of the American worker rose at an annual rate of 1.7 percent. That is the lowest 4-year average for any period since World War II. At the same time, compensation per man-hour rose at a rate of 7 percent. The result was a 5.3 percent increase per year in the labor cost per unit of output.

These figures do not mean, on the other hand, that American labor is fattening up. On the contrary, the laboring man is caught in the inflationary spiral to the point where he is not increasiing his purchasing power, as he should be entitled to do. Wage increases have not resulted in a higher standard of living in most areas. During the last 4-year period real compensation per man-hour rose only 2.3 percent a year, the lowest 4-year rate of improvement in at least 20 years.

What is the answer to this?

If the American worker is to have a higher standard of living, if the United States is to recapture foreign markets, and if we are to improve our balance of trade, American industry will have to become more efficient. We will have to increase our productivity. This will require more modern equipment and more efficient tools for the American worker. The health of the American machine tool industry in my judgment is basic for fundamental economic recovery in this country.

The productivity growth rate has averaged 3.1 percent since 1950. If it could be accelerated to a 3.5-percent rate for the decade of the seventies, we would experience an additional $250 billion increase in the gross national product during the 1970's, in terms of constant dollars. In other words, an increase of only 0.4 percent in our rate of productivity growth would have a tremendously beneficial impact upon our real economic growth.

To improve the productivity of the American worker and American industry we need to restore the investment tax credit now so that American manufacturing facilities will be modernized.

There is a direct relationship, historically, between the investment tax credit and actual expenditures for modernized tools of production. A dramatic turnaround is needed. The 1971 projected machine tool shipments show that West Germany will more than double U.S. shipments. The Soviet Union will almost double ours. Japan will almost double ours, and we will only be marginally ahead of the United Kingdom, Italy, and France. This is a market which the United States has dominated since before World War I. As to lathes and milling machines we have been a net importer since 1966. Imports of machine tools from Canada have increased 600 percent since 1964, from Italy almost 900 percent since 1964, from Japan almost 800 percent since 1964, from the United Kingdom 300 percent since 1964, and from West Germany 270 percent since 1964.

THE EFFECT ON AMERICAN INDUSTRY

In almost every industry there is a preferred operating rate, which is that percent of capacity at which production should be maintained. My chart No. 5 shows that for the American metalworking industry the preferred rate is 91 percent, but in February of this year it operated at only 66½ percent, and as a matter of fact it has gone down since that time, and there have been layoffs of thousands of workers. But the layoff of workers in the major tool industry itself, while important, is not nearly so significant as the likely overall range impact, if we do not keep our production facilities up to date, on the employment picture throughout American industry.

For the machinery industry the preferred rate is 94 percent but it operated at 62 percent. The electrical machinery industry's preferred rate is 91 percent, but they were at 59 percent. For aircraft, the preferred rate is 93 percent but they were at 53½ percent. For fabricated metal products the preferred rate is 87 percent but they were at 64½ percent. In the instrument industry the preferred rate is 92 percent, but they were at 60.5 percent. Of all the major metalworking industries, only in the motor vehicle industry, which was recovering from a General Motors strike, were operations in excess of the preferred rate.

Mr. President, I ask unanimous consent that the text of charts Nos. 5, 6, 7, and 8 be printed in the RECORD at this point in my remarks.

There being no objection, the charts were ordered to be printed in the RECORD, as follows:

CHART 5.—OPERATING RATE (PERCENT OF CAPACITY)

	Preferred rate	February preliminary	February, year ago
All metalworking	91	66.5	76.0
Machinery	94	62.0	81.0
Electrical machinery	91	59.0	72.0
Motor vehicles and parts	87	102.5	73.0
Aircraft and other trans	93	53.5	72.0
Fabricated metal pdts	87	64.5	78.5
Instruments	92	60.5	77.0

CHART 6

1969 TOTAL INDUSTRY ESTIMATE

A. METAL CUTTING TYPE MACHINE TOOLS

Date	Net new orders			Order backlog	Shipments		
	Domestic	Foreign	Total		Domestic	Foreign	Total
1969:							
January	$76,000,000	$15,200,000	$91,200,000	$814,300,000	$82,800,000	$3,650,000	$86,450,000
February	83,150,000	10,000,000	93,150,000	809,800,000	90,600,000	7,100,000	97,700,000
March	100,850,000	15,050,000	115,900,000	820,400,000	94,700,000	10,600,000	105,300,000
April	173,600,000	8,750,000	182,350,000	901,600,000	91,950,000	9,150,000	101,100,000
May	99,050,000	14,150,000	113,200,000	916,400,000	88,900,000	9,550,000	98,450,000
June	99,900,000	12,800,000	112,700,000	906,900,000	112,400,000	9,800,000	122,200,000
July	70,000,000	17,350,000	87,350,000	910,400,000	75,050,000	8,800,000	83,850,000
August	56,450,000	10,250,000	66,700,000	903,000,000	63,150,000	10,900,000	74,050,000
September	58,500,000	23,500,000	82,000,000	876,600,000	96,650,000	11,750,000	108,400,000
October	77,400,000	11,600,000	89,000,000	861,000,000	94,000,000	10,600,000	104,600,000
November	67,550,000	11,400,000	78,950,000	847,800,000	83,900,000	8,300,000	92,200,000
December	70,200,000	12,600,000	82,800,000	812,400,000	103,350,000	14,800,000	118,150,000
12 months	1,032,650,000	162,650,000	1,195,300,000		1,077,450,000	115,000,000	1,192,450,000

Date	Gross new orders			Cancellations		
	Domestic	Foreign	Total	Domestic	Foreign	Total
1969:						
January	$90,750,000	$15,550,000	$106,300,000	$14,750,000	$350,000	$15,100,000
February	90,900,000	10,200,000	101,100,000	7,750,000	200,000	7,950,000
March	108,850,000	15,500,000	124,350,000	8,000,000	450,000	8,450,000
April	181,050,000	9,550,000	190,600,000	7,450,000	800,000	8,250,000
May	111,100,000	14,600,000	125,700,000	12,050,000	450,000	12,500,000
June	107,950,000	12,950,000	120,900,000	8,050,000	150,000	8,200,000
July	82,250,000	18,000,000	100,250,000	12,250,000	650,000	12,900,000
August	63,400,000	13,350,000	76,750,000	6,950,000	3,100,000	10,050,000
September	68,900,000	23,900,000	92,800,000	10,400,000	400,000	10,800,000
October	88,850,000	12,900,000	101,750,000	11,450,000	1,300,000	12,750,000
November	79,500,000	12,300,000	91,800,000	11,950,000	900,000	12,850,000
December	86,850,000	13,250,000	100,100,000	16,650,000	650,000	17,300,000
12 months	1,160,350,000	172,050,000	1,332,400,000	127,700,000	9,400,000	137,100,000

Note: This table includes industry estimate figures based on reports submitted to the National Machine Tool Builders Association. These industry estimates have not been adjusted for change in the value of the dollar.

B. METAL FORMING TYPE MACHINE TOOLS

Date	Net new orders			Order backlog	Shipments		
	Domestic	Foreign	Total		Domestic	Foreign	Total
1969:							
January	$32,750,000	$3,550,000	$36,300,000	$262,500,000	$25,850,000	$2,450,000	$28,300,000
February	43,100,000	2,600,000	45,700,000	275,400,000	28,700,000	4,100,000	32,800,000
March	40,700,000	5,050,000	45,750,000	287,600,000	30,850,000	2,700,000	33,550,000
April	86,950,000	3,250,000	90,200,000	348,700,000	25,700,000	3,350,000	29,050,000
May	52,750,000	2,950,000	55,700,000	372,500,000	29,500,000	2,450,000	31,950,000
June	45,600,000	4,100,000	49,700,000	382,200,000	35,850,000	4,150,000	40,000,000
July	37,100,000	3,550,000	40,650,000	394,900,000	26,250,000	1,650,000	27,900,000
August	33,300,000	5,300,000	38,600,000	402,800,000	28,050,000	2,650,000	30,700,000
September	23,950,000	3,750,000	27,700,000	395,700,000	32,800,000	2,050,000	34,850,000
October	36,250,000	8,750,000	45,000,000	397,500,000	40,400,000	2,800,000	43,200,000
November	27,700,000	4,200,000	31,900,000	390,200,000	34,150,000	5,050,000	39,200,000
December	24,200,000	2,050,000	26,250,000	382,800,000	31,200,000	2,400,000	33,600,000
12 months	484,350,000	49,100,000	533,450,000		369,300,000	35,800,000	405,100,000

Date	Gross new orders			Cancellations		
	Domestic	Foreign	Total	Domestic	Foreign	Total
1969:						
January	$34,700,000	$3,600,000	$38,300,000	$1,950,000	$50,000	$2,000,000
February	43,700,000	2,700,000	46,400,000	600,000	100,000	700,000
March	41,800,000	5,050,000	46,850,000	1,100,000	0	1,100,000
April	88,950,000	3,800,000	92,750,000	2,000,000	550,000	2,550,000
May	56,600,000	3,000,000	59,600,000	3,850,000	50,000	3,900,000
June	53,100,000	4,200,000	57,300,000	7,500,000	100,000	7,600,000
July	38,350,000	3,850,000	42,200,000	1,250,000	300,000	1,550,000
August	36,500,000	5,300,000	41,800,000	3,200,000	0	3,200,000
September	31,150,000	3,800,000	34,950,000	7,200,000	50,000	7,250,000
October	46,300,000	8,800,000	55,100,000	10,050,000	50,000	10,100,000
November	28,550,000	4,250,000	32,800,000	850,000	50,000	900,000
December	27,700,000	2,400,000	30,100,000	3,500,000	350,000	3,850,000
12 months	527,400,000	50,750,000	578,150,000	43,050,000	1,650,000	44,700,000

Note: This table includes industry estimate figures based on reports submitted to the National Machine Tool Builders Association. These industry estimates have not been adjusted for change in the value of the dollar.

CHART 7

1970 TOTAL INDUSTRY ESTIMATE

A. METAL CUTTING TYPE MACHINE TOOLS

Date	Net new orders			Order backlog	Shipments		
	Domestic	Foreign	Total		Domestic	Foreign	Total
1970:							
January	$78,600,000	$13,650,000	$92,250,000	$810,800,000	$84,350,000	$9,500,000	$93,850,000
February	52,700,000	10,150,000	62,850,000	786,300,000	74,650,000	12,700,000	87,350,000
March	60,000,000	15,950,000	75,950,000	764,100,000	82,500,000	15,700,000	98,200,000
April	46,300,000	12,900,000	59,200,000	740,200,000	69,150,000	13,900,000	83,050,000
May	41,600,000	11,150,000	52,750,000	695,900,000	82,550,000	14,550,000	97,100,000
June	44,050,000	17,800,000	61,850,000	657,100,000	84,500,000	16,100,000	100,600,000
July	47,700,000	15,000,000	62,700,000	644,900,000	61,300,000	13,600,000	74,900,000
August	23,450,000	10,750,000	34,200,000	616,900,000	47,750,000	14,400,000	62,150,000
September	35,750,000	8,400,000	44,150,000	577,700,000	67,000,000	16,350,000	83,350,000
October	28,650,000	8,050,000	36,700,000	543,400,000	60,400,000	10,550,000	70,950,000
November	21,000,000	8,000,000	29,000,000	516,600,000	45,700,000	10,100,000	55,800,000
December	26,950,000	12,750,000	39,700,000	470,700,000	67,500,000	18,100,000	85,600,000
12 months	506,750,000	144,550,000	651,300,000	----------------	827,350,000	165,550,000	992,900,000

Date	Gross new orders			Cancellations		
	Domestic	Foreign	Total	Domestic	Foreign	Total
1970:						
January	$86,450,000	$13,950,000	$100,400,000	$7,850,000	$300,000	$8,150,000
February	62,500,000	10,800,000	73,300,000	9,800,000	650,000	10,450,000
March	70,700,000	16,800,000	87,500,000	10,700,000	850,000	11,550,000
April	54,350,000	13,350,000	67,700,000	8,050,000	450,000	8,500,000
May	48,050,000	11,350,000	59,400,000	6,450,000	200,000	6,650,000
June	50,250,000	18,250,000	68,500,000	6,200,000	450,000	6,650,000
July	52,450,000	15,400,000	67,850,000	4,750,000	400,000	6,150,000
August	41,150,000	11,750,000	52,900,000	17,700,000	1,000,000	18,700,000
September	40,800,000	9,100,000	49,900,000	5,050,000	700,000	5,750,000
October	33,800,000	8,600,000	42,400,000	5,150,000	550,000	5,700,000
November	29,350,000	8,200,000	37,550,000	8,350,000	200,000	8,550,000
December	35,300,000	14,250,000	49,550,000	8,350,000	1,500,000	9,850,000
12 months	605,150,000	151,800,000	756,950,000	98,400,000	7,250,000	105,650,000

Note: This table includes industry estimate figures based on reports submitted to the National Machine Tool Builders Association. These industry estimates have not been adjusted for change in the value of the dollar.

B. METAL FORMING TYPE MACHINE TOOLS

Date	Net new orders			Order backlog [1]	Shipments		
	Domestic	Foreign	Total		Domestic	Foreign	Total
1970:							
January	$18,700,000	$3,600,000	$22,300,000	$405,200,000	$38,650,000	$2,050,000	$40,700,000
February	29,650,000	2,050,000	31,700,000	397,300,000	33,600,000	6,000,000	39,600,000
March	17,000,000	3,350,000	20,350,000	376,700,000	38,200,000	2,750,000	40,950,000
April	25,550,000	1,650,000	27,200,000	369,100,000	32,200,000	2,550,000	34,750,000
May	15,200,000	1,050,000	16,250,000	339,300,000	43,400,000	2,700,000	46,100,000
June	12,850,000	1,550,000	14,400,000	312,500,000	36,200,000	5,000,000	41,200,000
July	12,300,000	2,450,000	14,750,000	288,500,000	36,250,000	2,500,000	38,750,000
August	8,950,000	3,550,000	12,500,000	270,600,000	28,150,000	2,250,000	30,400,000
September	22,250,000	1,600,000	23,850,000	263,100,000	28,900,000	2,500,000	31,400,000
October	36,250,000	2,100,000	38,350,000	266,200,000	33,150,000	2,100,000	35,250,000
November	8,800,000	1,050,000	9,850,000	240,700,000	30,750,000	4,600,000	35,350,000
December	19,100,000	10,650,000	29,750,000	234,800,000	32,150,000	3,550,000	35,700,000
12 months	226,600,000	34,650,000	261,250,000	----------------	411,600,000	38,550,000	450,150,000

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[1] Revised.

B. METAL FORMING TYPE MACHINE TOOLS—Continued

Date	Gross new orders			Cancellations		
	Domestic	Foreign	Total	Domestic	Foreign	Total
1970:						
January	$20, 400, 000	$3, 650, 000	$24, 050, 000	$1, 700, 000	$50, 000	$1, 750, 000
February	31, 500, 000	2, 150, 000	33, 650, 000	1, 850, 000	100, 000	1, 950, 000
March	21, 400, 000	3, 500, 000	24, 900, 000	4, 400, 000	150, 000	4, 550, 000
April	27, 900, 000	2, 200, 000	30, 100, 000	2, 350, 000	550, 000	2, 900, 000
May	19, 800, 000	1, 300, 000	21, 100, 000	4, 600, 000	250, 000	4, 850, 000
June	21, 750, 000	1, 600, 000	23, 350, 000	8, 900, 000	50, 000	8, 950, 000
July	14, 250, 000	3, 050, 000	17, 300, 000	1, 950, 000	600, 000	2, 550, 000
August	10, 800, 000	3, 800, 000	14, 600, 000	1, 850, 000	250, 000	2, 100, 000
September	22, 750, 000	2, 650, 000	25, 400, 000	500, 000	1, 050, 000	1, 550, 000
October	37, 650, 000	2, 350, 000	40, 000, 000	1, 400, 000	250, 000	1, 650, 000
November	15, 000, 000	1, 300, 000	16, 300, 000	6, 200, 000	250, 000	6, 450, 000
December	21, 800, 000	10, 650, 000	32, 450, 000	2, 700, 000	0	2, 700, 000
12 months	265, 000, 000	38, 200, 000	303, 200, 000	38, 400, 000	3, 550, 000	41, 950, 000

Note: This table includes industry estimate figures based on reports submitted to the National Machine Tool Builders Association. These industry estimates have not been adjusted for change in the value of the dollar.

CHART 8

1971 TOTAL INDUSTRY ESTIMATE

A. METAL CUTTING TYPE MACHINE TOOLS

Date	Net new orders			Order backlog	Shipments		
	Domestic	Foreign	Total		Domestic	Foreign	Total
1971:							
January	$27, 300, 000	$9, 450, 000	$36, 750, 000	[1] $449, 800, 000	$43, 500, 000	$14, 150, 000	$57, 650, 000
February [2]	31, 600, 000	7, 400, 000	39, 000, 000	429, 000, 000	47, 850, 000	11, 950, 000	59, 800, 000
2 months	58, 900, 000	16, 850, 000	75, 750, 000		91, 350, 000	26, 100, 000	117, 450, 000

Date	Gross new orders			Cancellations		
	Domestic	Foreign	Total	Domestic	Foreign	Total
1971:						
January	$29, 950, 000	$9, 700, 000	$39, 650, 000	$2, 650, 000	$250, 000	$2, 900, 000
February [2]	34, 250, 000	7, 850, 000	42, 100, 000	2, 650, 000	450, 000	3, 100, 000
2 months	64, 200, 000	17, 550, 000	81, 750, 000	5, 300, 000	700, 000	6, 000, 000

[1] Revised.
[2] Preliminary.

Note: This table includes industry estimate figures based on reports submitted to the National Machine Tool Builders Association. These industry estimates have not been adjusted for change in the value of the dollar.

B. METAL-FORMING-TYPE MACHINE TOOLS

Date	Net new orders			Order backlog	Shipments		
	Domestic	Foreign	Total		Domestic	Foreign	Total
1971:							
January	$15, 900, 000	$1, 550, 000	$17, 450, 000	[1] $221, 100, 000	$29, 000, 000	$2, 150, 000	$31, 150, 000
February [2]	17, 050, 000	3, 250, 000	20, 300, 000	209, 800, 000	28, 250, 000	3, 350, 000	31, 600, 000
2 months	32, 950, 000	4, 800, 000	37, 750, 000		57, 250, 000	5, 500, 000	62, 750, 000

Date	Gross new orders			Cancellations		
	Domestic	Foreign	Total	Domestic	Foreign	Total
1971:						
January	$17, 350, 000	$2, 000, 000	$19, 350, 000	$1, 450, 000	$450, 000	$1, 900, 000
February [2]	19, 700, 000	3, 450, 000	23, 150, 000	2, 650, 000	200, 000	2, 850, 000
2 months	37, 050, 000	5, 450, 000	42, 500, 000	4, 100, 000	650, 000	4, 750, 000

[1] Revised.
[2] Preliminary.

Note: This table includes industry estimate figures based on reports submitted to the Nationa Machine Tool Builders Association. These industry estimates have not been adjusted for change in the value of the dollar.

Mr. TAFT. I also ask unanimous consent, Mr. President, to have printed in the RECORD, at the conclusion of my remarks, a speech by Mr. John C. Renner, Director of International Trade of the Department of State, at a conference of the American Management Association in New York City on March 23, 1971.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. TAFT. This speech, Mr. President, points out very clearly that, particularly in the case of Japan, there is an industrial policy, and that other nations also, in Europe, have an industrial policy, which is dedicated toward recapturing the high research and high-skilled labor type of product. The United States has no such industrial plan at this time. The enactment, at this point, of a tax credit for industry, I believe, would have the effect of at least starting us in the direction of such plans.

CONCLUSION

From the standpoint of world trade, the efficiency of American industry, the employment of American workers, and the purchasing power of the American family, it is important that the investment tax credit be restored. The major strides which have been made in turning the economy around, as we undertake this transition from the wartime economy to a peacetime economy, need the assistance of the investment tax credit in putting this economy on a solid foundation for a meaningful recovery.

I hope that Members of Congress will study these figures and study this problem in detail until we understand it, and then act accordingly and with dispatch.

EXHIBIT 1

AMERICAN-JAPANESE TRADE PATTERN: IS IT DIFFERENT?

(By John C. Renner)

My purpose today is to look at the pattern of trade between the United States and Japan in an effort to determine whether it has special characteristics and, if so, why.

To this end, I will compare the American-Japanese trade pattern with that between the United States and Europe.

Japan and Europe have enough similar features to warrant following this line of inquiry. Per capita income in Japan now approaches that of Great Britain. Japanese wages are reaching the levels of Western Europe. Japanese expenditures on research and development are about the same, relative to income, as those of the Common Market countries. The number of Japanese scientists and engineers, compared to population, exceeds the average in the European Community. Educational levels in the Japanese work force are comparable to those in Europe. Japan does have considerably younger plant and equipment than the U.K.—or the U.S.—but the gap is smaller between Japan and Germany. Both Japan and Europe appear to have the benefits and drawbacks of advanced industrial societies in about equal measure.

TRADE PATTERN: GENERAL

Comparing American imports from Japan in 1969 with those from the European OECD countries, we get the following picture:

	Percentage distributions, U.S. imports from—	
	Japan	Europe
Nonmanufactured goods	4	16
Manufactured goods	96	84

As one would expect, manufactured goods constitute by far the largest share of American imports from both Europe and Japan. However, the disparity between imports of manufactured and nonmanufactured goods is significantly greater in the case of Japan.

Let us now look at Japanese and European imports from us in 1969:

	Percentage distribution	
	Japan's imports from United States	Europe's imports from United States
Nonmanufactured goods	58	31
Manufactured goods	42	69

There is a marked difference in the composition of the European and Japanese imports from us. The majority of the European imports from us are made up of manufactured goods. With the Japanese, the reverse is true; they take more nonmanufactured goods than manufactured goods from us.

Putting the two tables together, we see that both Europe and Japan import a considerably smaller percentage of manufactured goods from us than we do from them, with the difference being much greater in the case of Japan. Manufactured goods make up 96 percent of our imports from Japan but only 42 percent of Japan's imports from us.

TRADE PATTERN: MANUFACTURED GOODS

We can get a closer view of the matter by scrutinizing the make up of trade in manufactured goods. The object here is to determine whether there are significant differences in our trade with Japan and Europe in products with greater-than-average inputs of research and development and those with smaller-than-average inputs of research and development. In U.S. manufacturing as a whole, research and development expenditures equalled 4.1 percent of net sales in 1968; this is used as the average in the following analysis.

Breakdown of technology.—U.S. imports from Japan and the European OECD countries of above-average and below-average technology goods in 1960, 1965 and 1969 are portrayed in the following table.

	Percentage distribution					
	U.S. imports from Japan			U.S. imports from Europe		
Type of manufacture	1960	1965	1969	1960	1965	1969
Above average technology	17	22	29	23	22	24
Below average technology	83	78	71	77	78	76

A number of interesting facts emerge: The United States imports substantially more lower technology goods than higher technology goods from both Europe and Japan but the relative amount of lower technology imports is decreasing, rapidly in the case of Japan and almost imperceptibly in the case of Europe. We import comparatively more higher technology goods from Japan than from Europe; this is the reverse of the situation ten years ago when Japan lagged behind Europe.

Turning the coin, we see the composition of Japanese and European imports from us over the same period:

	Percentage distribution					
	Japan's imports from United States			Europe's imports from United States		
Type of manufacture	1960	1965	1969	1960	1965	1969
Above average technology	55	49	57	45	50	57
Below average technology	45	51	43	55	50	43

This table shows that:

Both Europe and Japan now take more higher technology goods from us than lower technology goods.

The technological pattern of our exports to these two destinations is now almost identical.

There is a definite trend in Europe's imports from us: the percentage of higher technology imports has increased steadily and markedly.

The technological characteristics of Japan's imports from us exhibit no trend. Higher technology imports decreased in 1965 and in 1969 climbed slightly above 1960 level.

Putting these tables side by side, we observe that both Japanese and the Europeans import a much higher percentage of higher technology goods from us than we do from them. It is also apparent and significant that, in our trade with Europe, this discrepancy is increasing while, in our trade with Japan, it is decreasing.

TRADE PATTERN: CONCLUSIONS

From this evidence we can conclude that the composition of our trade with Japan is strikingly different from that with Europe. This is true both on an aggregate basis when looking at the problem from the standpoint of manufactured and non-manufactured goods and when observing the breakdown of manufactured goods into above-average and below-average technology categories.

Manufactured products constitute a considerably larger share of our exports to Europe than to Japan. Within the category of manufactured goods, the comparative share of our exports of higher technology products is expanding rapidly to Europe while exhibiting only a very small upward trend with regard to Japan, if in fact any trend is evident at all.

Manufactured products make up a somewhat larger share of our imports from Japan than from Europe. Within the category of manufactured goods, the comparative share of our imports of higher technology products from Japan is increasing sharply while remaining virtually constant with respect to Europe.

The analysis also shows that higher technology products make up a steeply rising proportion of Japanese exports to us while the comparative share of our exports of these products to them have increased only slightly. The reverse is true with respect to Europe. Relatively, our exports to Europe of higher technology products have shot up while our imports from Europe have increased very slowly.

TRADE PATTERN: VERIFICATION AND QUALIFICATION

Up to this point we have been looking at percentages. Now let us examine absolute figures. For this purpose, manufactured products will be divided in three parts: those with high, medium, and low inputs of research and development. The following table shows this breakdown in our trade with Japan and Europe in 1965 and 1969, in millions of dollars.

Year	Imports from Japan	Exports to Japan	Balance	Imports from Europe	Exports to Europe	Balance
High technology:						
1965	168	223	+55	394	1,210	+816
1969	460	518	+58	763	2,946	+2,183
Medium technology:						
1965	493	295	−198	1,537	2,299	+762
1969	1,500	514	−986	3,009	2,420	−589
Low technology:						
1965	1,559	324	−1,235	2,747	1,801	−946
1969	2,689	671	−2,018	4,735	3,229	−1,506

Looking at the problem from this vantage point reinforces our conclusions about the differences in our trade with Japan and Europe. A number of interesting facts are evident:

—We have a large and growing deficit in our trade in low technology products with both Europe and Japan. The deficit with Japan is larger and growing somewhat faster than with Europe.

—Between 1965 and 1969 a surplus in our trade with Europe in medium technology products changed to a deficit. Our deficit with Japan has been increasing.

—We have a large and rapidly increasing surplus in our trade with Europe in high technology products. The surplus with Japan is smaller by a great deal and growing at a much slower pace.

All of the data we have examined are distorted to some extent by the abnormally high level of demand in the United States since 1965. The trade figures for 1970 should show an improvement all along the line. For example, preliminary data for 1970 indicate that there has been a distinct improvement in our trade balance with Japan in high technology items. But it is doubtful that 1970 figures will change the basic pattern we have observed. In any case, demand considerations ought to apply with about equal force to our imports from Europe and Japan.

One is drawn relentlessly to the conclusion that the pattern of our trade with Japan is impressively different from that with Europe.

REASONS: GENERAL DIFFERENCES

One does not have to go far to find the main reasons for the discrepancy in our general trade pattern with Japan as compared with Europe.

Japan is a small island nation with little arable land, few raw materials, and insignificant fuel resources. Japan must import agricultural and other primary products. The United States has many of these goods in abundance and at relatively low prices.

This phenomenon accounts for most of the general differences but, as we shall see, there are numerous other factors at work.

REASONS: TECHNOLOGY DISPARITY

The reasons for the differences in our trade with Japan and Europe in products with greater-than-average inputs of research and development and those with smaller-than-average inputs of research and development are complex. They arise from many differences in the industrial policies and in the nature of the inducements to exports and barriers to imports of Japan, Europe, and the United States. I propose to examine each briefly.

INDUSTRIAL POLICY: JAPAN

The available evidence indicates that the Japanese Government has adopted as a major aim of policy the shifting of resources toward the production of higher-technology products.

MITI Vice-Minister Ojimi said in June, 1970 that "The Ministry of International Trade and Industry decided to establish in Japan industries which require intensive employment of capital and technology." The projections of the Economic Planning Agency and the activities of MITI confirm that the Japanese Government deliberately and consistently has taken and is taking measures to shift resources from the production of low-growth, less-sophisticated products towards high-growth, more-sophisticated products.

Industries marked for high rates of growth and large expenditures for research and development include, for example, nuclear energy, computers, sophisticated electronics, numerical control machines, space, and oceanography.

The Japanese Government implements its industrial policy in two main ways not explicitly related to exports or imports. We will look at export inducements and import controls later.

Administrative guidance

More than most societies, the Japanese operate on the basis of consensus. It often taken considerable time to arrive at a consensus but, once attained, the public and private sectors tend to work together toward the agreed goal. An inclination to relate individual goals with national objectives, a history of close cooperation between government and business, a tradition of loyalty and discipline facilitate the building of consensus and cooperative action.

Administrative guidance has also been effective because the channels for pointed communication between the public and private sectors are clear and easily used.

For example, Japanese firms usually depend greatly on borrowing as a source of corporate financing rather than equity and retained earnings that dominate corporate financing in the United States and Europe. This puts the banks in an influential position and provides an explicit point of contact between MITI and Japanese companies.

Although, by the nature of things, concrete evidence is lacking, it is probably safe to assume that administrative guidance has been used as one of the means to encourage resource shifting.

Financial and other inducements

The Japanese Government also has more direct means to attain its goals.

Industrial development laws provide for financial assistance to enterprises in industries marked for high growth or large research and development expenditures. Financial assistance may take a number of forms, including tax incentives and long-term loans at low interest rates.

Under the industrial development laws, the Japanese Government can exempt selected growth industries from the legal prohibition against cartels.

Taken together, these are an impressive array of tools to ensure the implementation of Japan's industrial policy.

INDUSTRIAL POLICY: EUROPE

Some European countries, as a matter of conscious policy, have encouraged some shifting of resources toward higher technology production. But these efforts have tended to be limited either in scope or time.

The activities of the Coal and Steel Community and EURATOM had some impact on the nature of resource utilization. Steps have been taken toward the development of a common industrial policy for the European Community. However, it has not arrived at the stage where it has much impact on investment decisions or research and development expenditures.

Considered collectively, the various industrial policies in Europe have not matched th Japanese industrial policy in terms of singleness of purpose, comprehensiveness, or effectiveness.

INDUSTRIAL POLICY: UNITED STATES

We have no industrial policy. Nor is there an overall concept guiding the multiple governmental actions bearing on business decisions. The huge governmental expenditures for space and military research and development have contributed substantially to the growth of our technological capabilities but they were taken for reasons unrelated to resource shifting in the private sector. Many of our tax, regulatory, and other laws have an impact—sometimes considerable—on resource utilization. But few if any American laws have as their principal aim the transfer of resources from low-growth, less-sophisticated industries to high-growth, more-sophisticated industries. If any thing, some of our laws are skewed in the other direction. Our lead in the production of high technology products is a result of private business decisions based on their separate appraisals of cost and demand factors. It has not arisen from a policy developed on a national basis and implemented cooperatively in view of the common objectives.

IMPORT RESTRICTIONS

Japan

A close look at the Japanese tariff indicates that the higher technology sector of industry is especially well protected. Japan's average duty on higher technology items is almost 10 percent higher than on lower technology items.

In addition, most of Japan's remaining industrial quantitative restrictions are on really high technology items, such as aircraft and parts, computers, radar and radio navigation apparatus, and aircraft engines and parts. These items not only have high inputs of research and developments, they are also products with regard to which the United States dominates the world market. There are very few Japanese quantitative restrictions on lower technology manufactured goods.

Whether by plan or fortune—and one suspects the former—the structure of the Japanese import restrictions appears well-suited to give greater protection to the higher technology sector—where world trade is growing fastest and where the United States has a strong comparative advantage.

However, one must note that the Japanese pattern of protection is not entirely consistent with Japan's industrial policy objectives. Japan, like other industrialized nations, has price support programs and import restrictions that retard the movement of farmers off the land. A glaring example is the price support system for the production of rice that, in the post war period, changed Japan from a rice importing to a rice exporting nation even though internal prices are several times the world level and in spite of the cost of retaining resources in low-productivity activity.

United States

The contrast between the American and Japanese import restrictions is sharp. Our average duty on higher technology products is substantially lower than on lower technology products: 6.9 percent compared to 9.0 percent. Our average tariff level on lower technology consumer goods is 12.8 percent.

Our quantitative restrictions and other non-tariff barriers show a similar picture. Not one American quantitative restriction hits a higher technology import. While it is often difficult to identify the product coverage of other non-tariff barriers, where this can be done the same story is revealed.

In other words, the American protective structure shows no sign of differential protection of higher technology products. In fact, the reverse is true. Moreover, most of the additional import restrictions that have been suggested in recent years would fall on lower-technology items, such as textiles and shoes.

Europe

The European structure of protection is similar to ours. The common external tariff of the European Community gives about 10 percent lower protection to higher technology products than to lower technology products. In addition, virtually all European industrial quantitative restrictions hit lower technology items, mainly textiles.

SPECIAL EXPORT INCENTIVES

In the years following the Second World War, Japan developed an elaborate institutional structure to assist in reopening the world market to its trade. Numerous devices were worked out to stimulate exports. While there is no way to measure the precise impact of these measures, some of them clearly would tend to encourage the shift of resources into higher technology industries. Some examples follow.

The amounts of export insurance available to Japanese shippers has varied according to a scale favoring products with a higher technological content. At one point, textiles could be insured for up to 30 percent of the export price and footwear up to 50 percent, while machinery, equipment and ships could be covered up to 80 percent.

Firms producing goods for export have been permitted to accelerate depreciation rates for plant and equipment, a procedure which favors capital-intensive industries.

There is some evidence suggesting that these export incentives may be modified or dropped at the beginning of the Japanese fiscal year on April 1, 1971. Nonetheless they existed during the period under study and may have contributed to some extent in shifting Japanese resources to higher technology industries.

United States and Europe

Neither the United States nor European countries appear to have special export incentives designed to encourage the transfer of resources to industries with higher than average inputs of research and development.

CONCLUSION

The evidence points inexorably to the conclusion that our trade pattern with Japan is different than that with Europe. The difference is one of degree rather than of kind. With regard to higher technology products, Japan is a stronger export competitor and provides a weaker import market than in the case of Europe.

The evidence also persuades one that this difference is brought about at least in part by Japan's industrial policy, import restrictions, and export incentives—all of which encourage the shift of resources to the production of higher technology manufactured goods.

Mr. TAFT. Mr. President, I yield the floor.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Pursuant to a previous order, the Senator from Wyoming (Mr. HANSEN) is recognized for not to exceed 15 minutes.

HANOI'S GOAL—AN ANNOUNCED DATE FOR U.S. WITHDRAWAL

Mr. HANSEN. Mr. President, the insistence by some that the President of the United States publicly and intentionally announce a date for completion of the withdrawal of U.S. troops from Vietnam is difficult to comprehend.

To begin with, too many, who were either supporting the input of American troops into Vietnam during the previous administration, or else lending support through their silence during the same administration, do not see fit to state publicly the facts about withdrawal of U.S. forces.

Are memories really so short in the United States? Have those who attempt to put the full blame for American involvement in Vietnam on the present administration really forgotten that a little more than 2 years ago, when President Nixon was inaugurated, the level of American troops in Vietnam was on a steady increase? Has anyone forgotten that since the Nixon plan for Vietnamization of the war was implemented, the level of American troops in Vietnam has decreased steadily?

Mr. President, how long are Americans going to let oratory, demonstrations, and biased reporting create a spectacle of gloom and doom in this country that hides the facts?

I think not for long. I think the facts cannot remain hidden. I believe that the truth will out. I believe this especially because the facts of the success of President Nixon's Vietnamization plan are so dramatic.

By the end of this month, there will be less than half the number of American troops in Vietnam that were there when Richard Nixon became President. By the end of this year, under the Nixon plan, the level of troops in Vietnam will be less than one-third of the level when Richard Nixon became President

None can deny this progress. None can deny that there has been great progress in Vietnamization—that the Army of the Republic of South Vietnam is much more capable of bearing this combat load than when President Nixon was inaugurated—and more importantly, is bearing this combat load, and has a good chance under the Vietnamization plan of being able to carry the full combat load after complete American withdrawal.

It is not going to be easy for the South Vietnamese to stand against the enemy from the north following American withdrawal, but under the President's plan, our allies will at least have a chance to survive the Communist attack—a chance to live, and to live, hopefully, as an Asian democracy.

Mr. President, I cannot see what purpose announcement of a firm U.S. withdrawal date will serve, for the United States, for the free world, or for our South Vietnamese allies who are desperately preparing for the withdrawal of U.S. support.

Everyone can see what an advantage such an announcement would be to the enemy—to Hanoi. The enemy could then plan accordingly. The enemy could build up its resources and conserve its forces in anticipation of the announced date.

At that time, or a few weeks before, when America's rear guard is moving out to go aboard transports, the enemy could launch a devastating attack—aimed either at destroying American fighting men out of revenge for the countless thousands of her own people Hanoi has forfeited to American steel in battle, or at toppling the government of South Vietnam and placing that country under the heel of communism, showing the world how futile was the 9-year effort of the United States to give South Vietnam the right of self-determination.

To announce a withdrawal date would be an easy route for President Nixon to take. His political critics would have lost what they have attempted to build into a main issue, and President Nixon could wash his hands of the responsibilities of this Nation to give our allies a fighting chance, and to preserve some credibility of purpose for the free world.

Mr. President, to leave Vietnam in anything but an orderly manner would be more harmful to our people there, to their morale, and to the morale of this Nation and the free world. To withdraw in less than the orderly process that President Nixon has set in motion and kept operating steadily, could risk having America's rear guard pinned down by the enemy and delay the achievement of complete withdrawal.

In the late 1950's and very early 1960's, many observers felt that the significant war which has engulfed South Vietnam would instead take place with Laos as the main battlefield for Indochina—with Laos the scene for determination of which side of the Bamboo Curtain of communism all of Indochina would eventually settle.

President John Kennedy, a little more than 10 years ago, on March 23, 1961, said this about Laos, at a time when I believe most of his advisers felt the Vietnamese war would be in Laos:

> Laos is far away from America, but the world is small. Its own safety runs with the safety of us all.

President Kennedy, for whom I had considerable admiration, did, I understand, alert the military departments to be prepared for introduction of combat troops into South Vietnam. At the same time, this dedicated young President steadily expanded the size of the military assistance mission in Vietnam. This mission was 2,000 at the end of 1961, and 15,500 at the end of 1963. President Kennedy sent in combat support units, air combat and helicopter teams, more military advisers and instructors and special forces to train our allies for antiguerrilla tactics. This President recognized the importance of standing by our allies in the international chess game with communism. President Eisenhower, before Kennedy, recognized this concept, and so did President Johnson, following the Nation's loss of President Kennedy.

Mr. President, I am proud that President Nixon also has kept this commitment to our allies and to the free world, and also his commitment to the American people to end American involvement in the war for Indochina. The task has been difficult, and will continue to be difficult. None would deny that. But it must be recognized that the tasks of this Nation will be more difficult in the future if an orderly withdrawal is not accomplished in Vietnam. This nation should not risk the loss of American lives that a Dunkirk on the beaches of Vietnam could produce. Such a disaster would be a humiliating loss of prestige for the free world, and a severe weakening of America's ability to play the role of peacemaker for the weak and helpless people of the world who are ever threatened by those who gain control of aggressor nations.

Mr. President, I will read briefly from an excellent contemporary history entitled, "Kennedy," by a trusted and important adviser to our late President, Mr. Ted Sorensen. I believe the following passage has significant application to the subject at hand:

> Obviously, then, in November, 1963, no early end to the Vietnam war was in sight. The President, while eager to make clear that our aim was to get out of Vietnam, had always been doubtful about the optimistic reports constantly filed by the military on the progress of the war. In his Senate floor speech of 1954, he had criticized French and American generals for similar "predictions of confidence which have lulled the American people." The Communists, he knew, would have no difficulty recruiting enough guerrillas to prolong the fighting for many years. The struggle could well be, he thought, *this nation's severest test of endurance and patience.* At times, he compared it to the long struggles against Communist guerrillas in Greece, Malaya, and the Philippines. Yet, at least he had a major counter-guerrilla effort under way, with a comparatively small commitment of American manpower. He was simply going to weather it out, a nasty, untidy mess to which there was no other acceptable solution. Talk of abandoning so unstable an ally and so costly a commitment "only makes it easy for the Communists," said the President. "I think we should stay."
>
> He could show little gain in that situation to pass on to his successor, either in the military outlook or the progress toward reform.
>
> His own errors had not helped. But if asked why he had increased this nation's commitment, he might have summed up his stand with the words used by William Pitt when asked in the House of Commons in 1805 what was gained by the war against France: "We have gained everything that we would have lost if we had not fought this war." In this case of Vietnam, that was a lot.

Mr. President, I strongly urge all of our colleagues to reflect upon the long-range goals of this Nation, and to support President Nixon and his effective withdrawal plan.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Pursuant to the previous order, the Senator from New York (Mr. BUCKLEY) is recognized for not to exceed 15 minutes.

OUR INVOLVEMENT IN VIETNAM

Mr. BUCKLEY. Mr. President, I must confess to a feeling bordering on despair as I see the abandonment of reason and reality which has crept into much of the antiwar rhetoric.

If Rip Van Winkle were to wake up today and glance through newspaper articles, listen to the television, and read some of the pamphlets being distributed in this capital, he would quickly conclude that the United States had gone beserk and had decided to undertake the conquest of Indochina; that but for our intervention, the inhabitants of Indochina would today be enjoying their pastoral pursuits at peace with one another; that Richard Nixon is embarked on a systematic campaign to increase the size and scope of our involvements; that he is doing so for the sole purpose of keeping in power a pair of despots named Thieu and Ky; that he is engaged in a blind drive for a military victory, and that in the process he has sabotaged chances for a political solution which the Communist delegates in Paris are so anxious to conclude.

The loose rhetoric which we have heard in Congress has done little to condemn, and unfortunately something to appear to justify, the kind of savage attack on America and on our policies which in their extreme form are reflected in one of the pamphlets now being distributed here in Washington. This pamphlet charges the United States with "a vicious and despicable strategy of genocide" in pursuit of a policy of "imperialism"; and that we are engaged in a war of aggression against the peoples of Laos, Cambodia, and Vietnam.

We are supposed to be an educated and well-informed people, Mr. President, which means that we should have the capacity to understand the facts and to accept them. And what are the facts which have been so blithely cast aside in this springtime blooming of emotion?

It is impossible to cite the long historical record in the few minutes at my disposal.

But I should like to cite a portion of it.

First. There has been nothing impulsive about our involvement in Vietnam. We are there, in the first instance, as a signatory to the SEATO Treaty, answering the call to help another signatory, the Government of South Vietnam, in resisting the concerted aggressions which had been planned, supplied, and directed by the Hanoi regime in total disdain of its obligations under the Geneva Treaty.

Second. Three American Presidents before Richard Nixon, with the concurrence and support of large majorities of both Houses of Congress, concluded that involvement in the Vietnam situation was required by our ultimate, strategic self-interest, and this self-interest had to do not so much with the continued independence of a few million South Vietnamese, but with the independence from Communist domination of an immensely important segment of the world, stretching from the Indian subcontinent on the west to Japan on the east—an area called Southeast Asia which incorporates some 250 million persons, with rich resources and one of the world's strategic waterways.

Third. At the time the United States undertook its first major military commitment in Vietnam, it was conceded that South Vietnam was in imminent danger of falling to the Communists; and the "domino" countries, at least, were devout believers in the so-called "domino theory" which held that the loss of South Vietnam would trigger a chain reaction of the most serious proportions.

Fourth. However we may disagree as to our military strategies once the United States undertook to become actively involved, the historical record will establish that we bought—at very high cost, and I think at an unnecessary high cost—the vitally important time during which:

First, the fall of South Vietnam to the Communists was averted, and the long, difficult process of restoring some measure of peace and security to large sections of that country was begun.

Second, the nations of Southeast Asia, most importantly Thailand and Malaysia, have been able to develop their interior communications and to strengthen their economies and defense capabilities to the point where the region has acquired a significant capacity to resist aggression either in the traditional forms or through guerrilla infiltration.

Third, the attempted Communist coup in Indonesia was averted, and that populous and enormously rich country was placed on the slow road to recovery. I would remind my colleagues that most contemporary observers of the countercoup cited the American presence in South Vietnam as a major factor in the determination by key Indonesians to resist the takeover.

Fourth, the capacity of the North Vietnamese for aggressions against Laos, Cambodia, and South Vietnam has been seriously impaired.

Which is another way of saying that as a result of the tremendous sacrifice of life and treasure which the United States has expended, the essential objective as seen in the early 1960's are within sight of achievement. These were objectives, I reiterate, which were not limited to the fate and independence of a few million South Vietnamese; but which recognized the free world's vital interest in the security and independence from Communist domination of an area as large and as populous as western Europe.

Without arguing the merits of our initial decisions, the fact is that when Richard Nixon ascended to the Presidency, we were already involved in a major struggle as a result of the conscious decisions of three prior Presidents, and as a result of the support and approval of previous Congresses. Almost 550,000 men were stationed on South Vietnamese soil engaged in active combat. He saw, however, that we could now work for the orderly withdrawal of American forces from combat in South Vietnam and could do so without jeopardizing all that had been gained at such high cost.

As a result of the policy of Vietnamization which he instituted, the following dramatic progress has been made possible:

First. When President Nixon took office, there was no plan to reduce the level of American Armed Forces in South Vietnam, and forces stood at 542,000. By May of this year, U.S. forces will have been reduced to 284,000 with an invisible combat role.

Second. American combat deaths have been reduced from nearly 300 every week, to less than 40 per week during 1971.

Third. The success of American efforts to provide the South Vietnamese with the military skill and equipment to carry out their own defense has been demonstrated by the fact that there has been higher levels of security in the Vietnamese countryside than have existed for 10 years. Moreover, South Vietnamese military operations against North Vietnamese base camps which have been used against South Vietnam, Cambodia, and Laos, has strengthened the security of South Vietnam while facilitating American troop withdrawal.

Fourth. Despite the fact that the armed forces of North Vietnam have tried to suppress the national independence of South Vietnam, South Vietnam has continued on the path of constitutional development. Last August's Senate elections were marked by the participation and victory of the Buddhist opposition slate, and locally elected councils at the hamlet, village, and province levels are increasingly effective as units of government.

In addition to the formidable number of unilateral efforts to reduce the degree of American involvement in Southeast Asia, no reasonable effort has been spared at Paris. It is only the utter resolve of North Vietnam to settle for no less than the conquest of every national government of Indochina that prevents a political solution to the conflict.

President Nixon pointed out in his February 25 report to the Congress, that the United States has taken several unilateral steps to encourage the North Vietnamese to renounce their goal of conquest of Indochina. Since 1968, the United States has:

First. Halted the bombing and other acts of force against North Vietnam.

Second. Agreed to the participation of the Vietcong at the Paris talks.

Third. Agreed in principle to remove all of our troops, and have removed nearly half of them; and has taken a series of de-escalatory steps such as cutting back B–52 and tactical air strikes.

With the sole exception of the bombing halt in North Vietnam, all of these steps were unilateral. None of them has seen any reaction from North Vietnam.

Mr. President, we are on the verge of achieving the success of our years of effort in blood and treasure. To heed the demands for a precipitate withdrawal at this time would betray the valiant efforts made to date.

By simply continuing our training, logistics, and air support efforts for but a brief period of time, the South Vietnamese will be capable of bearing the full weight of their own defense.

Mr. President, I believe that this record of accomplishment speaks for itself. Richard Nixon has demonstrated his determination to withdraw Americans from combat in Southeast Asia just as quickly as it can be accomplished without jeopardizing his efforts for peace in other parts of the globe. It is easy for those who do not share his constitutional responsibilities to speak about setting dates, or about our immediate, total withdrawal. But he knows that any such action under existing circumstances would constitute a repudiation of our solemn undertakings, of such a magnitude as to undermine that network of mutual defense treaties, on the basis of which a tenuous world peace has been maintained since the end of World War II.

The President has also demonstrated his determination to meet his constitutional responsibilities rather than capitulate to temporary pressures. For this, I think that all thinking Americans should be eternally grateful.

There used to be a saying that in America, politics stopped at the water's edge. It is time, Mr. President, that we dusted off this fine principle of political responsibility.

Mr. SCOTT. Mr. President, before the Senator yields the floor, will he yield to me?

Mr. BUCKLEY. I am happy to yield to the Senator from Pennsylvania.

Mr. SCOTT. I should like to compliment the distinguished Senator from New York on a very thoughtful and cogent speech, and for pointing out the keeping of promises and the importance of ending the seeking of political advantage in a war which was not a war of this administration.

I think the Senator has served well the cause of this Nation. I hope that world opinion will pay attention to the fact that a number of speakers have here today been stressing the important point above all points, and that is that we are getting out of the war, we are not getting into it. We are getting out as fast as we can and swiftly as we can.

Again I congratulate the distinguished Senator from New York.

Mr. BUCKLEY. Mr. President, I yield back the remainder of my time.

Mr. BYRD of West Virginia. Mr. President, did the Senator from New York have any time remaining?

The PRESIDING OFFICER. The Senator from New York had 3 minutes remaining.

Mr. BYRD of West Virginia. Mr. President, would the Senator from New York retain that time so that we can put in a brief quorum call.

Mr. BUCKLEY. Mr. President, I retain my time.

QUORUM CALLS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum without prejudice to the rights of the next speaker.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Is there any time remaining under the order recognizing the Senator from New York?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged to the time allotted under the order of the Senate to the distinguished senior Senator from Virginia (Mr. BYRD).

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER RECOGNIZING SENATOR ERVIN

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator from North Carolina (Mr. ERVIN) be recognized on the time allotted to the Senator from Virginia (Mr. BYRD) until such time as the Senator from Virginia reaches the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DECISION OF THE SUPREME COURT IN THE CHARLOTTE-MECKLENBURG SCHOOL CASE

Mr. ERVIN. Mr. President, on April 20, 1971, the Supreme Court, which spoke through Chief Justice Burger, affirmed the decree originally entered by U.S. District Judge James B. McMillan in Swann against Charlotte-Mecklenburg Board of Education, a school desegregation case.

When the eloquent phrases of the Chief Justice are reduced to their ultimate meaning, they actually say this: No constitutional or legal standards control a Federal district judge in framing his decree in a school desegregation case. As a consequence, the Federal district judge has power to require the public school board to do anything which he deems necessary to mix the races in the public schools under its jurisdiction in proportions pleasing to him.

I respectfully submit that uncontrolled power of this nature is arbitrary, and for that reason is utterly repugnant to the government of laws which the Constitution was ordained to establish.

I further respectfully submit that judicial tyranny is not made sacrosanct by adjudging it to be valid under a Constitution which was drafted and ratified to preserve the blessings of liberty for all Americans.

The equal protection clause of the 14th amendment forbids a State acting through a public school board or any other State agency to treat differently persons similarly situated. In other words, the clause imposes upon a State acting through a school board or other State agency an obligation to treat in like manner all persons in like circumstances.

In every school desegregation case since *Brown* v. *Board of Education,* 347 U.S. 483, it has been uniformly held that a public school board violates the equal protection clause of the 14th amendment whenever it denies any child admission to any school solely on the basis of the child's race. This holding is reaffirmed many times in the Swann case itself.

It necessarily follows that all decrees in school desegregation cases are based upon the predicate that the public school board has violated the equal protection clause, and that the decree is entered to compel it to obey such clause.

For this reason, I respectfully submit that the Supreme Court ought to have held in the Swann case that the Constitution itself imposes upon a Federal district judge at least one constitutional standard which limits his action; that is, that he must not enter a decree in a school desegregation case which requires the public school board to violate the equal protection clause in order to mix the races in its public schools in proportions pleasing to the Federal district judge.

Yet, this is precisely what Judge McMillan did when he entered his decree in the Swann case. This decree commanded the Charlotte-Mecklenburg Board of Education to do two things which clearly offend the equal protection clause. In the first place, the decree commanded the school board to treat differently children similarly situated by allowing thousands of children to attend their neighborhood schools and by excluding thousands of other children from admission to their neighborhood schools; and in the second place, the decree commanded the school board to bus the thousands of children excluded from their neighborhood schools to some other schools in other districts or zones to desegregate both their neighborhood schools and the other schools in numbers or proportions satisfactory to the Federal district judge. No amount of sophistry can erase the plain truth that the second group of children were denied admission to their neighborhood schools on account of their race.

Manifestly, the equal protection clause does not confer upon any Federal district judge jurisdiction to enter a decree to compel a school board to obey the equal protection clause by violating it. Nevertheless, the Supreme Court sanctioned this proposition in its decision in the Swann case.

With due respect to all concerned, I venture to assert that any racial segregation existing in any of the schools under the jurisdiction of the Charlotte-Mecklenburg Board of Education at the time of the final hearing in the district court represented defacto segregation, which resulted from the purely adventitious circumstance that the inhabitants of particular areas in and adjacent to the city of Charlotte were predominately of one race.

To be sure, Charlotte and Mecklenburg County had had a history of State-imposed segregation prior to the decision in Brown against Board of Education. From my knowledge of the city of Charlotte and the record in the Swann case, I am constrained to believe that the Federal district judge and the Supreme Court were prompted to act in the manner they did in the Swann case simply because Charlotte and Mecklenburg County had a history of State-imposed segregation prior to the decision in the Brown case, and did not precede the Supreme Court in discovering that the equal but separate doctrine had ceased to be a part of the law of the land.

The closing paragraphs of the Chief Justice's opinion hold out the uncertain hope that at sometime before the last lingering echo of Gabriel's horn trembles into ultimate silence the Charlotte-Mecklenburg Board of Education may be adjudged to have purged itself of the consequences of history, and be allowed the same freedom to manage its school system which is accorded by the Supreme Court to cities in other areas of the Nation in which de facto segregation exists.

Meanwhile, the Supreme Court has reduced all children of all races in Southern school districts to the status of helpless pawns to be shifted to and fro by Federal district judges upon judicial chessboards. Perhaps my metaphor is inappropriate in that the game of chess is played according to established rules, while Federal courts entering school desegregation decrees are authorized by the decision in the Swann case to emulate the example of Josh Billings' mule which is said to have kicked according to no rule whatsoever.

Mr. President, I had the honor of preparing an amicus curiae brief for the Clasroom Teachers Association of the Charlotte-Mecklenburg school system in the Swann case. I was joined in the filing of such brief by the Honorable CHARLES R. JONAS, a Representative from North Carolina, and the Honorable ERNEST F. HOLLINGS, a Senator from the State of South Carolina. This brief sets forth the facts of this case in detail. It states the law that was applicable to the case under decisions of the Supreme Court up to the time of the decision in the Swann case. For this reason I think it sheds some light on both the facts and the law before we had this decision handed down to the effect that the law is whatever a Federal district judge decrees.

Mr. President, for these reasons, I ask unanimous consent that the brief may be printed in the RECORD at this point.

There being no objection, the brief was ordered to be printed in the RECORD, as follows:

[In the Supreme Court of the United States, October term, 1970]

No. 281—JAMES E. SWANN, ET AL., PETITIONERS, V. CHARLOTTE-MECKLENBURG BOARD OF EDUCATION, ET AL.,

No. 349—CHARLOTTE-MECKLENBURG BOARD OF EDUCATION, ET AL., PETITIONERS, V. JAMES E. SWANN, ET AL.

On Writ of Certiorari to the United States Court of Appeals for the Fourth Circuit

(Amicus Curiae Brief for the Classroom Teachers Association of the Charlotte-Mecklenburg School System, Incorporated)

INTEREST OF THE AMICUS CURIAE

The Classroom Teachers Association of the Charlotte-Mecklenburg School System, Incorporated, is a non-profit membership organization in corporate form, which includes in its membership a substantial part of the 3,553 classroom teachers in the Charlotte-Mecklenburg School System and which devotes itself to the advancement of public education. The specific objectives of the organization and its members are to promote the interests of classroom teachers in the Charlotte-Mecklenburg School System, and to secure to the students attending the schools of the System opportunities to achieve by quality education their highest potentialities.

The Classroom Teachers Association of the Charlotte-Mecklenburg School System and its members believe that the execution of the order of the United States District Court for the Western District of North Carolina and the judgment of the United States Circuit Court for the Fourth Circuit affirming such order in part seriously impair the educational opportunities offered by the Charlotte-Mecklenburg School System to the students in its schools, and for this reason the organization files this amicus curiae brief in support of the position of the Charlotte-Mecklenburg Board of Education, which harmonizes with this view.

The parties to the proceedings in Nos. 281 and 349 have consented in writing to the filing of this brief, and the writings evidencing such consent have been filed with the Clerk.

The members of the Supreme Court bar who submit this brief in behalf of the organization do so without compensation in the hope that they may aid the Supreme Court to reach a decision which will restore tranquility to much troubled areas of our land and enable the public schools operating in them to function economically and efficiently as educational institutions.

OPINIONS BELOW

The opinion of the Court below consists of the opinion and judgment of the United States Court of Appeals filed May 26, 1970, which are not yet reported and which appear in the Appendix (Volume 3, pages 1262a to 1304a).

In its opinion and judgment, the Court of Appeals reviewed and approved in part and remanded in part for further consideration the rulings and findings made by the United States District Court in the following orders and documents:

1. Order dated February 5, 1970 (819a–839a), as amended, corrected, and clarified on March 3, 1970 (921a).

2. Supplementary Findings of Fact dated March 21, 1970 (1198a–1220a).

3. Supplemental Memorandum dated March 21, 1970 (1221a–1238a).

JURISDICTION

The Supreme Court has jurisdiction to review this case by writ of certiorari under 28 U.S.C. 1254(1), and has accepted it for such purpose by granting writs to the petitioners in No. 281 and the petitioners in No. 349.

QUESTIONS PRESENTED FOR REVIEW

This case presents the following questions for review:

1. Does a public school board comply with the Equal Protection Clause of the Fourteenth Amendment when it creates non-discriminatory attendance districts or zones and assigns all children, black and white, to neighborhood schools in the district or zone in which they reside without regard to their race?

2. Does the Equal Protection Clause of the Fourteenth Amendment empower a federal court to order a public school board to assign children to the schools it operates to balance the student bodies in such schools racially or to bus children outside of non-discriminatory attendance districts or zones to effect such purpose?

3. Does Title IV of the Civil Rights Act of 1964, which prohibits the assignment of students to public schools to balance the student bodies in such schools racially and to bus them from some schools to other schools or from some school districts to other school districts to effect such purpose, constitute appropriate legislation to enforce the Equal Protection Clause within the purview of the Fifth Section of the Fourteenth Amendment?

4. Does the order entered by the District Court and affirmed in part by the Circuit Court usurp and exercise the authority of the Charlotte-Mecklenburg Board of Education to devise and implement a non-discriminatory assignment plan conforming to the Equal Protection Clause, and require the Charlotte-Mecklenburg Board of Education to violate the Equal Protection Clause by treating in a different manner students similarly situated and by denying students admission to their neighborhood schools because of their race?

The amicus curiae insist that the first, third and fourth questions must be answered in the affirmative and that the second question must be answered in the negative.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The case involves the first and second sections of the Fourteenth Amendment; the first and second sections of Article III of the Constitution; and Title IV of the Civil Rights Act of 1964. These constitutional and statutory provisions are printed in the Appendix.

STATEMENT OF THE CASE

A. The Charlotte-Mecklenburg Public School System

The writ in No. 281 and the writ in No. 349 present to the Supreme Court for review the judgment entered by the United States Court of Appeals for the Fourth Circuit on May 26, 1970, in the civil action entitled James E. Swann and others, Plaintiffs, v. Charlotte-Mecklenburg Board of Education and others, Defendants. For ease of narration and understanding, James E. Swann and his associates in this litigation are hereafter called the plaintiffs, and the Charlotte-Mecklenburg Board of Education is hereafter designated as the School Board.

The School Board operates the Charlotte-Mecklenburg Public School System in Charlotte and Mecklenburg County, North Carolina, political subdivisions of North Carolina. Charlotte, which is the county seat of Mecklenburg County, is inhabited by 239,056 persons who are concentrated within the 64 square miles embraced by its city limits, an area larger than the District of Columbia. Mecklenburg County embraces 550 square miles, has an east-west span of 26 miles, a north-south span of 36 miles, and has a population of 352,006, exclusive of those residing within the area embraced by Charlotte.

In the discharge of its state-assigned duties, the School Board operates 10 high schools, 21 junior high schools, and 72 elementary schools to house and instruct the

84,500 school children residing in Charlotte and Mecklenburg County. Of these school children, 24,000, or 29 percent, are black, and 60,500, or 71 percent, are white. Approximately 95 percent of all the black children who reside within the limits of the City of Charlotte live in predominately black residential sections in northwest Charlotte, and a substantial portion of the other black children in Mecklenburg County reside in predominately black residential areas adjacent to it. (293a-298a).

Prior to *Brown* v. *Board of Education of Topeka*, 347 U.S. 483 (1954), the School Board operated the public schools of Charlotte and Mecklenburg County as racially segregated schools in conformity with the interpretation then placed upon the Equal Protection Clause of the Fourteenth Amendment. Subsequent to the *Brown Case* and prior to 1965, the School Board established an effective system of determining admission to its public schools on a non-racial basis. It did this, and thus converted its formerly dual system into a unitary system by establishing non-discriminatory attendance districts or zones, and assigning the school children subject to its jurisdiction to their neighborhood schools irrespective of race.

Inasmuch as some of the attendance districts or zones in rural Mecklenburg County and some of its suburban residential districts or zones in or adjacent to Charlotte are extremely large, the School Board voluntarily established a transportation system for the sole purpose of carrying children residing in these geographically large districts or zones to the nearest available schools. As a consequence, it now uses 280 buses to bus some 23,000 school children to rural and suburban schools. (864a)

In 1965 the plaintiffs brought the instant action against the School Board in the United States District Court for the Western District of North Carolina seeking to obtain a compulsory desegregation decree. After hearing the evidence in the case, the District Court found that the School board had complied with the requirement of the Equal Protection Clause and denied the decree sought by them. *Swann v. Charlotte-Mecklenburg Board of Education*, 243 F.Supp. 667 (1965). This ruling was affirmed by the Circuit Court. *Swann v. Charlotte-Mecklenburg Board of Education*, 369 F.2d 29 (1966).

B. The Plan Submitted by the Charlotte-Mecklenburg Board of Education

Subsequent to the decision in *Green v. County School Board of New Kent County*, 391 U.S. 430 (1968), the plaintiffs filed a motion in the cause seeking further desegregation. (2a)

Although it found as a fact that the "location of schools in Charlotte has followed the local pattern of residential development, including its de facto patterns of segregation" (305a), and that the School Board members "have achieved a degree and volume of desegregation of schools apparently unsurpassed in these parts and have exceeded the performance of any school boards whose actions have been reviewed in the appellate court decisions" (311a–312a), the District Court resumed hearings in the case on the ground that the *Green Case* had changed "the rules of the game." (312a)

It is to be noted that subsequently the District Court on its own motion reversed its previous findings that any racial imbalance in the Charlotte-Mecklenburg public schools was the result of de facto segregation by asserting that "there is so much State action imbedded in and shaping these events that the resulting segregation is not innocent or 'de facto' and the resulting schools are not 'unitary' or 'desegregated'." (662a) The amicus curiae submits with all due deference that there is no testimony in the record to sustain this particular finding.

Pursuant to the orders entered by the District Court on April 23, 1969 (285a), June 20, 1969 (448a), August 15, 1969 (579a), and December 1, 1969 (698a), the School Board filed desegregation plans (330a, 480a, 670a) which were rejected by the District Court.

Meanwhile on December 2, 1969, the Court appointed Dr. John Finger, a resident of Rhode Island, as a special consultant to devise a desegregation plan for the guidance of the Court. (819a) Dr. Finger had originally entered the case as a partisan witness for the plaintiffs, and for this reason a good case can be made for the proposition that he lacked the impartiality which is desirable in one selected for the task of assisting a judge in keeping the scales of justice evenly balanced between adverse litigants. (1279a)

While the District Court orders and the School Board plans mentioned above shed light on the School Board's devotion to the neighborhood school concept, and its reluctance as an elected public body to engage in excessive and expensive busing of school children, the subsequent School Board plan of February 5, 1970, and the subsequent District Court order of February 5, 1970, relating to it really illuminate the issues which now confront the Supreme Court. (726a–748a, 819a–839a)

By this plan, the School Board proposed that attendance districts or zones should be drastically gerrymandered in such a manner as to include as many blacks as possible in each district or zone, and that all school children subject to its jurisdiction should be required to attend the school appropriate to their educational standings in the district or zone of their residence. The plan would have accomplished a racial mixture of school children in all of the 103 schools in the system, except three elementary white schools located in neighborhoods inhabited exclusively by members of the white race. (726a–748a)

The School Board plan contemplated that from 17 percent to 36 percent of the student body in nine of the ten senior high schools in the system would be black; that not more than 38 percent of the student body in 20 of the 21 junior high schools in the system would be black; and that not more than 40 percent of the student body in 60 of the 72 elementary schools in the system would be black.

Under the School Board plan, the remaining high school, Independence High, would be 2 percent black and 98 percent white; the remaining junior high school, Piedmont Junior High, would be 90 percent black and 10 percent white; and all of the 12 remaining elementary schools, except the three white elementary schools, would be 83 percent to 1 percent black (726a–748a)

The School Board judged it to be impossible to desegregate the three white elementary schools, and to further desegregate the nine predominately black elementary schools by geographic districting or zoning because of the de facto segregation prevailing in the residential areas in which the children assigned to these 12 elementary schools lived. (730a–732a) The District Court made a specific finding in its Supplemental Findings of Fact of March 21, 1970, which establishes the validity of the School Board's conclusion concerning Independence High, Piedmont Junior High, and the 9 predominately black elementary schools, all of which are located in northwest Charlotte or its environs.

The District Court expressly found that "both Dr. Finger and the School Board staff appear to have agreed, and the Court finds as a fact that for the present at least there is no way to desegregate the all-black schools in northwest Charlotte without providing (or continuing to provide) bus or other transportation for thousands of children. All plans and all variation of plans considered for this purpose lead in one fashion or another to that conclusion." (1208a)

The amicus curiae submits that it beggars imagination to conjecture how any plan could have obtained a greater degree of racial integration by gerrymandering attendance districts or zones in a political subdivision where white children outnumber black children 71 to 29, and where most of the black children are concentrated residentially in an area inhabited exclusively by members of their race.

The School Board plan did not stop with proposing such a high degree of racial integration among the student bodies in the schools subject to its jurisdiction. It made these three additional proposals:

1. That the faculty of each school should be assigned in such a manner that the ratio of black teachers to white teachers in each school would be approximately 1 to 3 in accordance with the ratios in the entire faculty of the system (737a);
2. That the School Board should furnish 4,935 additional students in-district or in-zone transportation to the schools in the proposed gerrymandered attendance districts or zones in accordance with the North Carolina law which forbids such transportation within one and one-half mile distances (736a); and
3. That any black child in any school having more than 30 percent of his race in its student body should be allowed to transfer to any school having less than 30 percent of his race; whereas a white child should be permitted to transfer to another school only if the school he is attending has more than 70 percent of his race and the school to which he seeks transfer is less than 70 percent white. (734a-735a)

At the same time, Dr. Finger submitted to the District Court his plan of desegregation which contemplated that the School Board should be required by the Court to deny approximately 23,000 additional children admission to the neighborhood schools in the districts or zones of their residence, and to transport them by bus or otherwise substantial distances in order to produce a greater racial mixture in student bodies. (819a, 825a-827a, 829a-839a, 1198a, 1208a-1214a, 1231a-1234a, 1268a-1269a)

C. The Order of the District Court

On February 5, 1970, the District Court entered an order approving the School Board plan, subject to certain drastic conditions and revisions recommended by Dr. Finger. (819a-839a) By adopting these conditions and revisions, the District Court commanded the School Board to do these things:

1. To deny hundreds of black high school students admission to a nearby high school which would have had a racial composition of 36 percent black and 64 percent white under the School Board plan, and to bus them from their residences in northwest Charlotte through center-city traffic a distance of some 12 or 13 miles to Independence High School, which is located in a white suburban residential area;
2. To deny several thousands of black junior high school students admission to their neighborhood junior high schools in the inner city, and to bus them substantial distances to nine predominately white suburban schools located in other attendance districts or zones; and
3. To deny thousands of black and thousands of white elementary school children admission to 31 elementary schools located within their respective attendance districts or zones, and to bus them distances approximating 15 miles to elementary schools situated in other attendance districts or zones.

The sole purpose of the District Court in ordering the School Board to dislocate and bus the hundreds of black high school students to Independence High School was to make Independence High less white, and the sole purpose of the District Court in ordering the School Board to dislocate and bus several thousands of junior high school students was to reduce the percentage of blacks in Piedmont Junior High from 90 percent to 32 percent. (825a–826a)

The sole purpose of the order of the Court commanding the School Board to dislocate and bus thousands of elementary school children was to alter the racial composition of the student body in 9 predominately black inner-city schools and in 24 predominately white suburban schools. To accomplish this purpose, the District Court commanded the School Board to dislocate and bus thousands of black first, second, third, and fourth grade students from 9 predominately black inner-city schools to 24 predominately white suburban schools, and to dislocate and bus thousands of white fifth and sixth grade students from the 24 predominately white suburban schools to the 9 predominately black inner-city schools. (826a)

The order of the District Court did not stop with these things. It further ordered the School Board to establish and implement a continuing program of assigning students throughout the school year "for the conscious purpose of maintaining each school * * * in a condition of desegregation." (824a)

The record clearly discloses the reasoning which prompted the District Court to seek to achieve the purposes of its order.

Prior to its order of February 5, 1970, namely, on April 24, 1969, the District Court manifested its disapproval of the School Board's adherence to the neighborhood school concept by this statement: "Today people drive as much as 40 to 50 miles to work; 5 to 10 miles to church; several hours to football games; all over the country for civic affairs of various types. The automobile has exploded the old-fashioned neighborhood * * * If this Court were writing the philosophy of education, he would suggest that educators should concentrate on planning schools as educational institutions rather than as neighborhood proprietorships." (306a)

When it entered its order of February 5, 1970, the District Court justified adding the conditions and revisions recommended by Dr. Finger on the ground that the School Board plan "relies almost entirely on geographical attendance zones," while "the Finger plan goes further and produces desegregation of all the schools in the system." (819a)

What has been said makes it manifest that the District Court entertained the opinion that the Equal Protection Clause of the Fourteenth Amendment makes it obligatory for a school board to mix student bodies racially in every school subject to its jurisdiction if children are available for mixing, and that a school board must deny a sufficient number of school children admission to their neighborhood schools and bus them to schools elsewhere either to overcome racial imbalances in their neighborhood schools or in the schools elsewhere, regardless of whether such racial imbalances are produced by arbitrary or invidious discrimination on the part of the school board or simply result from adventitious de facto residential segregation or other cause.

The amicus curiae has not undertaken to state with exactitude the number of additional school children which the District Court ordered the School Board to deny admission to their neighborhood schools and to bus from one school to another or from one school district to another, or the additional cost which the carrying out of the District Court's order in this respect will impose upon the School Board.

This action of the amicus cruiae has been deliberate because these matters are in serious dispute between the School Board and the District Court.

When the District Court entered its order of February 5, 1970, and thereby adopted the Finger plan in virtually its entirety, the School Board estimated that the order required it to bus 23,384 additional students an average round trip of 30 miles each school day, and that to do this the School Board would have to acquire 526 additional buses and additional parking spaces at an original capital outlay of $3,284,448.94; and thereafter expend each year an additional $1,065,391.98 in employing additional personnel and defraying other operating costs. (853a, 866a)

On March 3, 1970, the District Court modified its order of February 5, 1970. (921a) The School Board then calculated that the order as modified will require it to transport 19,285 additional students and to purchase for such purpose 422 additional buses and additional parking spaces at an original capital outlay of $2,369,100.00; and thereafter to expend each year for additional personnel and operating expenses of such buses $284,800.00. (1269a–1270a)

The Court estimated that the execution of its order as modified would require the School Board to bus 13,300 additional students and to purchase for such use 138 additional buses at an original capital outlay of $745,200.00; and to expend thereafter annually $266,000.00 for operating costs of such additional buses, exclusive of what it will have to expend to compensate any additional personnel necessary for their operation. (1259a–1261a, 1269a)

The Court arrived at its figures by suggesting that the School Board could reduce its estimate of the expenses incident to busing the thousands of children affected by its order by drastically staggering school openings and closings. The School Board replied to this suggestion by asserting that the suggested staggering of school openings and closings would require some children to leave home as early as 6:30 a.m. and prevent some of them from returning home before 5:00 p.m. (864a–865a)

D. The Judgment of the United States Court of Appeals for the Fourth Circuit

At the instance of the School Board, the United States Court of Appeals for the Fourth Circuit reviewed the orders of the District Court. On May 26, 1970, the Circuit Court rendered its judgment affirming the orders of the District Court insofar as they related to the assignment and busing of senior high school and junior high school students, and remanding to the District Court for further consideration the provisions of the order of the District Court relating to the assignment and busing of elementary school students. (1262a–1304a)

In making this remand, the Circuit Court adjudged that "not every school in a unitary system need be integrated," and adopted a "test of reasonableness—instead of one that calls for absolutes." (1267a)

The writ of certiorari granted to the School Board presents for review the validity of the Circuit Court ruling approving the orders of the District Court relating to the assignment and busing of senior high school and junior high school students and the writ of certiorari granted to the original plaintiffs presents for review the question of the validity of the ruling of the Circuit Court vacating the order of the District Court relating to the assignment and busing of elementary school students.

Subsequent to these events, namely, on August 3, 1970, the District Court reinstated and reaffirmed its order of February 5, 1970, in respect to the assignment and busing of the elementary school students. (1320a) While the validity of this particular order may not be before the Supreme Court, the question which it raises is involved in the matter to be reviewed under the writ granted to James E. Swann and those associated with him in this litigation.

The amicus curiae understands that the School Board has filed an yet unprinted motion with the Supreme Court for a stay of the order entered by the District Court on August 3, 1970, after the hearing of the case in the Circuit Court.

SUMMARY OF ARGUMENT

In the final analysis, the questions presented for review in this case do not arise out of any real controversy in respect to the testimony. They arise out of a fundamental disagreement between the School Board, on the one hand, and the District Court and some of the Circuit Court Judges, on the other, with respect to how the Equal Protection Clause applies to the assignment of students to public schools.

The view of the School Board may be epitomized in this fashion:

The Equal Protection Clause applies only to State action which is arbitrary or invidious, and, hence, it leaves a public school board, acting as a State agency, entirely free to assign students to its schools by any method satisfactory to itself if such method is not arbitrary or invidious. A public school board acts arbitrarily or invidiously if it assigns students to its schools for racial reasons, but a public school board does not act arbitrarily or invidiously if it assigns students to its schools for non-racial reasons, such as the promotion of the efficiency of school administration, the economy of school administration, or the convenience of the students or their parents. This being true, the Equal Protection Clause does not impair in any way the power of a public school board to create fairly drawn geographic attendance districts or zones, and to assign all students without regard to their race to neighborhood schools in the respective districts or zones in which they reside even though such action may result in some racial imbalances in the schools serving areas predominately inhabited by members of one race.

The view of the District Court and some of the Circuit Court Judges may be summarized in this way:

It is highly desirable from an educational viewpoint to mix students in public schools racially in the highest possible degree. Hence, the Equal Protection Clause imposes upon a public school board the positive duty to balance racially all the schools it operates if black and white children are available for this purpose; and to deny school children admission to their neighborhood schools and bus them to other schools in other areas, no matter how distant, in sufficient numbers to effect such racial balancing.

The School Board refutes this proposition by saying that the Equal Protection Clause does not require action which may be desirable; it merely prohibits action which is arbitrary or invidious.

When it is stripped of irrelevancies and surmises, the record discloses a surprisingly simple state of facts which are relatively free of conflict insofar as they relate to the crucial issues.

After the first *Brown Case,* 347 U.S. 483 (1954), the School Board converted its previously dual system of schools into a unitary system of schools within which no child was excluded because of the child's race. The School Board did this by a geographic assignment plan applicable in like manner to all children without regard to their race. Its action in this regard was adjudged to be in compliance with the Equal Protection Clause by both the District Court and the Court of Appeals.

Subsequent to the *Green Case,* 391 U.S. 430 (1968), the District Court ordered the School Board to submit another plan for the desegregation of its schools. Pursuant to this order, the School Board proposed a plan which was reasonably designed to secure the maximum amount of racial mixture obtainabl in the student bodies in its schools withou abandonment of the neighborhood schoo concept by restructuring its geographic attendance districts or zones, and assigning all of the children subject to its jurisdiction without regard to their race to their respective neighborhood schools in the districts or zones in which they reside.

The Court rejected the School Board plan simply because it did not racially balance one senior high school out of the system's ten senior high schools, one junior high school out of the system's 21 junior high schools, and nine predominately black and three predominately white elementary schools out of the system's 72 elementary schools.

Instead of approving the reasonable plan submitted by the School Board, the District Court, in essence, adopted the Finger Plan which requires the School Board to deny thousands of children admission to the neighborhood schools, and to bus them to other schools in other areas merely to eliminate the racial imbalances in these particular schools. The School Board insists that the action of the District Court was not only inconsistent with the Equal Protection Clause, but violates Title IV of the Civil Rights Act of 1964, and that the Circuit Court erred insofar as it approved the action of the District Court.

ARGUMENT

I

The Charlotte-Mecklenburg Board of Education has complied with the Equal Protection Clause of the Fourteenth Amendment and the Supreme Court decisions interpreting it by establishing and operating a unitary public school system, which receives and teaches students without discrimination on the basis of their race or color. Any racial imbalance remaining in any of the schools under the jurisdiction of the Board represents de facto segregation, which results from the purely adventitious circumstance that the inhabitants of particular areas in and adjacent to the city of Charlotte are predominantly of one race.

The Equal Protection Clause of the Fourteenth Amendment, which was certified to be a part of the Constitution on July 28, 1868, forbids a state to "deny to any person within its jurisdiction the equal protection of the laws."

By these words, the Equal Protection Clause requires a state to treat in like manner all persons similarly situated. *State Board of Tax Commissioners of Indiana v. Jackson*, 283 U.S. 527 (1931); *Maxwell v. Bugbee*, 250 U.S. 525 (1919). The clause does not require identity of treatment. *Walters v. St. Louis*, 347 U.S. 231 (1934). It permits a state to make distinctions between persons subject to its jurisdiction if the distinctions are based on some reasonable classification, and all persons embraced within the classification are treated alike. It merely outlaws arbitrary or invidious discrimination. *Avery v. Midland County*, 390 U.S. 474 (1968); *Missouri Pacific Railway Co. v. Mackey*, 127 U.S. 205 (1888).

From July 28, 1868, until May 17, 1954, the Equal Protection Clause of the Fourteenth Amendment was interpreted to sanction the "separate but equal doctrine," which permitted a state to segregate school children in its public schools on the basis of race when it furnished equal facilities for the education of the children of each race. *Gong Lum v. Rice*, 275 U.S. 78 (1927); *Cumming v. Richmond County Board of Education*, 175 U.S. 528 (1899); *Plessy v. Ferguson*, 163 U.S. 537 (1896).

On May 17, 1954, the Supreme Court handed down its historic decision in *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954), adjudging "that in the field of public education the doctrine of 'separate but equal' has no place" and holding that a state violates the Equal Protection Clause if it denies any child admission to any of its public schools on account of the child's race.

On the same day the Supreme Court handed down *Bolling* v. *Sharpe*, 347 U.S. 497 (1954), ruling that the Due Process Clause of the Fifth Amendment imposes the same inhibition on the public schools of the District of Columbia that the Equal Protection Clause does on the public schools of a state, and one year later the Supreme Court announced its implementing decision in second *Brown*, which is reported as *Brown* v. *Board of Education of Topeka*, 349 U.S. 294 (1955).

Since these decisions the Supreme Court has applied the Equal Protection Clause to varying factual situations arising in various Southern public school districts in the following cases: *Cooper* v. *Aaron*, 358 U.S. 1, 20 (1958); *Shuttlesworth* v. *Birmingham Board of Education*, 358 U.S. 101 (1958); *Bush* v. *Orleans Parish School Board*, 364 U.S. 500 (1960); *Watson* v. *City of Memphis*, 373 U.S. 526 (1963); *Goss* v. *Board of Education of Knoxville*, 373 U.S. 683 (1963); *Griffin* v. *County School Board of Prince Edward County*, 377 U.S. 218 (1964); *Bradley* v. *School Board of City of Richmond*, 382 U.S. 103 (1965); *Rogers* v. *Paul*, 382 U.S. 198 (1965); *Green* v. *County School Board of New Kent County*, 391 U.S. 430 (1968); *Raney* v. *Board of Education of the Gould School District*, 391 U.S. 443 (1968); *Monroe* v. *Board of Commissioners of the City of Jackson*, 391 U.S. 450 (1968); *United States* v. *Montgomery County Board of Education*, 395 U.S. 225 (1969); *Alexander* v. *Holmes County Board of Education*, 396 U.S. 19 (1969); *Dowell* v. *Board of Education of the Oklahoma City Public Schools*, 396 U.S. 269 (1969); *Carter* v. *West Felicana Parish School Board*, 396 U.S. 226 (1969); *Carter* v. *West Felicana Parish School Board*, 396 U.S. 290 (1970); and *Northcross* v. *Board of Education of the Memphis City Schools*, 397 U.S. 232 (1970).

Besides, individual Supreme Court Justices, acting as Circuit Justices, have expressed opinions on the subject in these cases: *Board of School Commissioners of Mobile County* v. *Davis*, 11 L. ed. 2d 26 (1963); *Keyes* v. *School District No. 1, Denver*, 396 U.S. 1215 (1970); and *Alexander* v. *Holmes County Board of Education*, 396 U.S. 1218 (1969).

The record in the instant case embraces hundreds of pages of evidence, orders, and judgments, and for that reason, the case lends itself to much writing. But the issues arising in the case are simple, and it would complicate that simplicity to analyze the cited decisions in detail. In their ultimate analysis, they interpret the Equal Protection Clause as follows:

1. The Equal Protection Clause makes it unconstitutional for a state to deny any child admission to any public school it operates on account of the child's race.

2. In consequence, the Equal Protection Clause imposes upon a state, acting through its appropriate agencies, the responsibility to establish a system of determining admission to its public schools on a non-racial basis.

3. A state, which operated a racially segregated system of public schools on May 17, 1954, fulfills this responsibility by converting its dual public school system into a unitary public school system.

4. A unitary public school system is one "within which no person is to be effectively excluded from any school because of race or color."

When the Equal Protection Clause as thus interpreted is applied to the facts in this case, it is obvious that the School Board has fully converted its *Pre-Brown* dual school system into a unitary school system within which no child is actually excluded from any school because of race or color. The School Board has done this by creating nondiscriminatory attendance districts or zones and assigning all children, black and white, to neighborhood schools in the district or zone in which they reside without regard to their race.

These conclusions are explicit in the rulings made by the District Court and the Circuit Court in 1965 and 1966. *Swann v. Charlotte-Mecklenburg Board of Education*, 243 F.Supp. 667 (1965); *Swann v. Charlotte-Mecklenburg Board of Education*, 369 F.2d 29 (1966). They are implicit in the findings made by the District Court in its order of April 23, 1969, that the School Board had "achieved a degree of desegregation of schools apparently unsurpassed in these parts" and had "exceeded the performance of any school board whose actions have been reviewed in the appellate court decisions," (311a–312a) and that the Schools of Charlotte, in essence, conform to de facto patterns of residential segregation. (305a)

To be sure, the District Court, acting *sua sponte*, undertook to recall these findings in its Memorandum Opinion of November 7, 1969, and to assert that racial imbalances in the Schools of Charlotte are "not innocent or *de facto*." (662a)

The amicus curiae submits in all earnestness that there is no evidence in the record to sustain the District Court's assertion in this respect. Be this as it may, the Supreme Court is empowered in cases of an equitable nature and cases involving constitutional questions to review the evidence and make its own findings. If it follows this course in this case, the Supreme Court will be impelled to the conclusion that there is not a vestige of state-imposed segregation in the Charlotte-Mecklenburg School System.

Besides, the District Court's assertion that racial imbalances in the schools of Charlotte are "not innocent or *de facto*" is totally repudiated by its subsequent finding that there is no way to desegregate the black schools in northwest Charlotte without transporting thousands of children by bus or other means. (1208a)

When all is said, the School Board went far beyond the call of any duty imposed upon it by the Equal Protection Clause when it proposed in its plan of February 2, 1970, to gerrymander attendance districts or zones in order to achieve the highest degree of desegregation obtainable without virtual abandonment of the neighborhood school concept. The amicus curiae expresses no opinion as to whether this proposal is repugnant to the constitutional or legal rights of any child.

II

The Equal Protection Clause of the Fourteenth Amendment does not require or empower a Federal Court to order a public school board to assign children to the schools it operates merely to balance the student bodies in such schools racially, or to bus children outside reasonable geographic attendance districts or zones to effect such purpose. The District Court ordered the Charlotte-Mecklenburg School Board to do both of these things, and the Circuit Court erred insofar as it affirmed the District Court order.

The facts make it clear that the order entered by the District Court on February 5, 1970, requires racial balancing in the Charlotte-Mecklenburg School System and the busing of thousands of children outside their geographic attendance districts or zones to effect such balancing.

Indeed, the District Court virtually admits this to be true by setting forth in its Supplemental Findings of Fact of March 21, 1970, a specific finding that there is no other way to desegregate the black schools in northwest Charlotte. (1208a)

Upon the entire record, the conclusion is inescapable that the District Court fell into error because it honestly believed that the Equal Protection Clause and certain decisions interpreting it impose upon a public school board an absolute duty to do these things:

1. To balance racially to the highest degree possible all the schools subject to its control if black and white children are available for that purpose anywhere within the territory subject to its jurisdiction, no matter how vast such territory may be; and

2. To effect such racial balancing by denying both black and white children admission to their neighborhood schools and busing them to other schools in other areas in sufficient numbers to overcome racial imbalances either in their neighborhood schools or in the other schools, regardless of whether the racial imbalances result from de facto residential segregation or other cause, and regardless of these other factors: the distances the children are to be bused, the time required for their busing, the impact of their exclusion from their neighborhood schools and their busing upon their minds and hearts, the effect of these things upon the management of the homes which must nurture them, the traffic hazards involved, and the additional expense foisted upon heavily burdened taxpayers.

There is no other rational explanation for the court order which disrupts the lives of thousands of school children and the management of the thousands of homes from which they come, and diverts tremendous sums of tax-raised moneys from the enlightenment of their minds to the busing of their bodies.

The Equal Protection Clause does not require any court to enter any such order. It does not empower any court to enter any such order. Indeed, it forbids any court to do so.

As interpreted in the first *Brown Case*, 347 U.S. 483 (1954), and all subsequent Supreme Court decisions relevant to the subject, the Equal Protection Clause forbids a public school board, which acts as a state agency, to deny any child admission to any school it operates on account of the child's race. A public school board obeys the Clause by maintaining a unitary school system, i.e., a school system "within which no person is to be effectively excluded from any school because of race or color." *Northcross v. Board of Education of the Memphis City Schools*, 397 U.S. 232 (1970); *Alexander v. Holmes County Board of Education*, 396 U.S. 19 (1969). See also the opinion of Mr. Justice Black, acting as Circuit Justice, in *Alexander v. Holmes County Board of Education*, 396 U.S. 1218 (1969).

The power to assign children to state supported schools belongs to the public school board which operates them. The Equal Protection Clause does not undertake to transfer this power to the Federal Courts. It merely subjects the exercise of the power by the public school board to this limitation: The board must not exclude any child from any school it operates because of the child's race.

If it faithfully observes this limitation upon its power, a public school board has the right to assign children to the schools it operates in any non-discriminatory fashion satisfactory to itself.

The School Board exercised this right when it created nondiscriminatory attendance districts or zones and assigned all children, whether black or white, to neighborhood schools in the districts or zones of their residence without regard to race.

Since the children are similarly situated and the School Board treats them exactly alike, its action is in complete harmony with the Equal Protection Clause. It accords, moreover, with the implementing decision in the second *Brown Case*, 349 U.S. 294 (1955), which expressly recognizes that a school board may employ non-discriminatory geographic zoning of school districts "to achieve a system of determining admission to the public schools on a non-racial basis."

As is true in respect to virtually every city of any size in our land, the different races are concentrated to a substantial degree in separate residential areas in Charlotte, and for this reason the School Board's non-discriminatory geographic zoning and assignment program necessarily results in some racial imbalances in some schools.

Notwithstanding this, the order of the District Court commanding the School Board to exclude thousands of children from their neighborhood schools and to bus them long distances to other schools to overcome these racial imbalances is without support in the Equal Protection Clause.

This is true for an exceedingly plain reason. The Equal Protection Clause does not prohibit any discrimination except that which is arbitrary or invidious.

It inevitably follows that where school attendance areas are not arbitrarily or invidiously fixed so as to include or exclude children of a particular race, the Equal Protection Clause does not prohibit a state or local school board from requiring that the children living in each attendance area attend the school in that area, even though the effect of such a requirement, in a locality where the different races are concentrated in separate residential areas, is racial imbalance or de facto segregation in the schools.

The conclusion that the Equal Protection Clause does not impose upon a public school board any mandate to remove any racial imbalance in its schools occasioned by de facto residential segregation or non-discriminatory geographic assignments is expressly supported in *Bell* v. *School City of Gary, Ind.* (7 CA–1963), 324 F. 2d 209, and *Downs* v. *Board of Education of Kansas City, Kansas* (10 CA–1964), 336 F. 2d 998. Moreover, it is compelled by first *Brown*, 347 U.S. 483 (1954), and all the subsequent Supreme Court cases applying its holding, as well as by the language of the Equal Protection Clause itself.[1]

Despite the fact that the Charlotte-Mecklenburg School System is in the South, racial imbalances produced in its schools by de facto residential segregation are just as innocent as racial imbalances produced in the public schools of the North by the same cause, and are equally exempt from federal interference, whether legislative, executive, or judicial, under the Equal Protection Clause, which, as already pointed out, condemns no discrimination except that which is arbitrary or invidious.

The amicus curiae is confident that the Supreme Court will so adjudge. Indeed, it must do so if the United States is truly one nation under one flag and one Constitution.

It no longer comports with intellectual integrity to call all racial imbalances in the public schools of the South de jure, and all racial imbalances in the public schools of the North de facto.

There is now no de jure school segregation anywhere in our land. Racial imbalances in public schools are either arbitrary or invidious and, hence, constitutionally impermissible, both North and South, or innocent and, hence, constitutionally permissible, both North and South. Racial imbalances resulting from de facto residential segregation or nondiscriminatory districting or zoning, whether in the North or in the South, are clearly innocent and constitutionally permissible.

Moreover, it no longer comports with reality, common sense, or justice to apply one rule to the North and another to the South because the South did not precede the Supreme Court in discovering that the "separate, but equal doctrine" had ceased to be the law of the land.

III

The Fifth Section of the Fourteenth Amendment Empowers Congress to Enforce the Equal Protection Clause by Appropriate Legislation, the First Section of Article III of the Constitution Empowers Congress to Regulate the Jurisdiction of United States District Courts and United States Circuit Courts of Appeals, and the Second Section of Article III of the Constitution Empowers Congress to Regulate the Appellate Jurisdiction of the Supreme Court. Congress Exercised all of These Powers in an Appropriate Fashion When it Enacted Title IV of the Civil Rights Act of 1964, Which Prohibits the Assignment of Students to Public Schools to Balance the Student Bodies in Such Schools Racially, and to bus Them From Some Schools to Other Schools, or From Some School Districts to Other School Districts to Effect Such Purpose. The Act's Prohibition on Busing is Absolute and Deprives Federal Courts of Jurisdiction to Compel School Boards to Bus Students to Overcome Racial Imbalances in Schools, Even if Such Imbalances Result From Discriminatory School Board Action. The District Court Order Violated This Act by Commanding the Charlotte-Mecklenburg School Board to do the Things Prohibited by it, and the Circuit Court Joined in Such Violation Insofar as it Affirmed the District Court Order.

The Equal Protection Clause is limited in objective and operation. It imposes this duty and this duty only on a state, i.e., to treat in like manner all persons similarly situated.

In consequence, it forbids a public school board, acting as a state agency, to exclude any child from any school because of the child's race.

Further than that it does not go. It does not rob any public school board of its inherent authority to assign children of any race to their neighborhood school if the school board acts for reasons other than racial reasons, such as a purpose to promote ease of school administration, convenience of the children and the homes from which they come, or economy of operation.

Hence, it does not empower federal courts to deny children of any race admission to their neighborhood schools and to bus them to other schools in other areas to remedy racial imbalances in their neighborhood schools or the other schools arising out of the residential patterns of their neighborhoods or of the other areas.

And, above all things, the Equal Protection Clause does not intend that little children, black or white, shall be treated as pawns on a bureaucratic or judicial chess board.

When it enacted Title IV of the Civil Rights Act of 1964 to enforce the Equal Protection Clause, Congress recognized the validity of these observations concerning the meaning of the Equal Protection Clause. Moreover, it was not oblivious to the inescapable reality that the different races are concentrated to substantial degrees in separate residential areas throughout the nation, and that it would be virtually impossible to keep the public schools of the country racially balanced, even if the Equal Protection Clause did not prohibit such action.

For these reasons, Congress vested in the Commissioner of Education, the Attorney General, and the Federal Courts certain responsibilities regarding what it called the desegregation of public education, but limited the powers of the Commissioner of Education and the Attorney General, and the jurisdiction of the Federal Courts to keep them within constitutional bounds.

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[1] While such action may not be customary in briefs, the amicus curiae wishes to note that this conclusion is supported by the text writer in 15 Am. Jur. 2d, Civil Rights, Section 39, Page 433, and by one of the most recent commentaries on the Constitution of the United States, i.e., Bernard Schwartz's "Rights of the Person," Volume II, Section 501, Page 593–596.

Congress was authorized to do these things by the Fifth Section of the Fourteenth Amendment, which expressly empowers Congress to "enforce, by appropriate legislation" the Equal Protection Clause; the First Section of Article III of the Constitution, which authorizes Congress to prescribe the jurisdiction of the inferior courts created by it, *Chisholm v. Georgia,* 2 Dall. (U.S.) 419, 432 (1793); *Turner v. Bank of North America,* 4 Dall. (U.S.) 8 (1799); *Ex Parte Bollman,* 4 Cranch (U.S.) 75, 93 (1807); *Cary v. Curtis,* 3 How. (U.S.) 236, 245 (1845); *Sheldon v. Still,* 8 How. (U.S.) 441 (1850); *Kline v. Burke Construction Co.,* 260 U.S. 226, 234 (1922); *Lauf v. E. G. Skinner & Co.,* 303 U.S. 323, 330 (1938); *Lockerty v. Phillips,* 319 U.S. 182 (1943); and *Yakus v. United States,* 321 U.S. 414 (1944); and the Second Section of Article III of the Constitution, which vests Congress with legal power to regulate the appellate jurisdiction of the Supreme Court, *Wiscart v. D'Auchy,* 3 Dall. (U.S.) 321, (1796); *Durousseau v. United States,* 6 Cranch 309 (1810); *Barry v. Mercein,* 5 How. (U.S.) 103, 119 (1847); *Daniels v. Railroad Co.,* 3 Wall. (U.S.) 250, 254 (1866); *Ex Parte McCardle,* 6 Wall. (U.S.) 318 (1868); *The Francis Wright,* 105 U.S. 381, 386 (1882); *Kuntz v. Moffitt,* 115 U.S. 487, 497 (1885); *Cross v. Burke,* 146 U.S. 82, 86 (1892); *Missouri v. Pacific Railway Co.,* 292 U.S. 13, 15 (1934); and *Stephan v. United States,* 319 U.S. 423, 426 (1943).

The conclusion that Title IV of the Civil Rights Act of 1964 is designed to enforce the Supreme Court rulings that the Equal Protection Clause forbids a school board, acting as a state agency, to deny any child admission to any school it operates because of the child's race is vindicated by the legislative history of the Act, as well as by its language.

During the course of the debate on the bill which became the Civil Rights Act of 1964, Senator Byrd of West Virginia addressed this question to Senator Humphrey, the floor manager of the bill, and received this reply from Senator Humphrey:

"Mr. Byrd, of West Virginia. Can the Senator from Minnesota assure the Senator from West Virginia that under Title VI school children may not be bused from one end of the community to another end of the community at the taxpayers' expense to relieve so-called racial imbalance in the schools?"[1]

"Mr. Humphrey. I do."[2]

Senator Humphrey made these further statements relating to the purposes of the bill:

"Mr. Humphrey. Mr. President, the Constitution declares segregation by law to be unconstitutional, but it does not require integration in all situations. I believe this point has been made very well in the courts, and I understand that other Senators will cite the particular cases.

"I shall quote from the case of Bell against School City of Gary, Ind., in which the Federal court of appeals cited the following language from a special three judge district court in Kansas: 'Desegregation does not mean that there must be intermingling of the races in all school districts. It means only that they may not be prevented from intermingling or going to school together because of race or color.' *Brown v. Board of Education,* D. C. 139 F. Supp. 468, 470.

"In *Briggs v. Elliott* (EDSC), 132 Supp. 776, 777, the Court said: 'The Constitution, in other words, does not require integration. It merely forbids discrimination.' In other words, an overt act by law which demands segregation is unconstitutional. That was the ruling of the historic *Brown* case of 1954."[3]

The language of the Act discloses this twofold Congressional intent:

1. To enforce the Supreme Court rulings that the Equal Protection Clause prohibits the State from denying to any child admission to any school it operates because of the child's race; and

2. To keep overzealous bureaucrats and federal judges from straying beyond constitutional limits in cases involving the desegregation of public schools.

Since no action of his is involved in this case, the amicus curiae pretermits discussion of the provisions of the Civil Rights Act of 1964 relating to the Commissioner of Education.

In phrasing the Act, Congress uses the terms "desegregation" and "discrimination" interchangeably to express the concept made familiar by the prevalent use of the word "discrimination" to mean state action denying persons admission to public colleges or public schools because of their race.

This observation is made indisputable by Section 401(b) which expressly declares that "desegregation" merely means "the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin"; Section 407(a) (1) and (2) which refer to children who "are being deprived by a school board of the equal protection of the laws" and individuals who have "been denied admission" to a public college or permission "to continue at a public college by reason of race, color, religion, or national origin"; Section 409 which directs its attention to "discrimination in public education"; and Section 410 which stipulates that "nothing in this title shall prohibit classification and assignment for reasons other than race, color, religion, or national origin.

There is not a single syllable in Title IV of the Civil Rights Act of 1964 giving any support to a different interpretation.

Section 401(b) merits further consideration because it specifies not only what Congress means by the term "desegregation", but also what Congress does not mean by that term.

Section 401(b) consists of two clauses. The first clause provides that "desegregation" as used in Title IV "means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin," and the second clause provides that "desegregation" as used in Title IV "shall not mean the assignment of students to public schools in order to overcome racial imbalance."

As a law made by Congress, Title IV is binding on federal judges, and defines their jurisdiction in respect to public schools operated by public school boards acting as state agencies.

The first clause of Section 401(b) commands school boards to ignore race, color, religion, and national origin as factors in assigning students to public schools. Since federal judges have no power to add anything to the laws they enforce, this clause merely confers upon federal judges the limited jurisdiction to enforce its command by decrees which prevent recalcitrant school boards from denying otherwise eligible children admission to schools on account of their race, color, religion, or national origin.

Since federal judges do not have power to subtract anything from laws they enforce, the second clause of Section 401(b) denies to federal judges jurisdiction to compel school boards to assign "students to public schools in order to overcome racial imbalance." By this clause, Congress forbids federal judges to make decrees compelling school boards to take affirmative steps to commingle black and white children in public schools in proportions satisfactory to themselves to remedy racial imbalances occasioned by de facto residential segregation or non-discriminatory action on the part of school boards.

This interpretation of Section 401(b) is completely confirmed by Sections 407, 409, and 410 of Title IV.

Before the enactment of Title IV of the Civil Rights Act of 1964, only the individuals aggrieved thereby had legal standing to make complaint in federal courts concerning state-imposed segregation in public education. They were restricted to seeking relief for themselves and their children and other persons similarly situated. They did not have the right to demand that federal courts should substitute federally coerced integration for state-imposed segregation.

When it drafted Title IV, Congress decided to extend to the Attorney General standing to sue for "such relief as may be appropriate" in behalf of two groups of people if he believes their complaints to be "meritorious" and concludes that they are "unable * * * to initiate and maintain appropriate legal proceedings for" their own "relief." These groups of people are described, in essence, as children who "are being deprived by a school board of the equal protection of the laws" and individuals who have been "denied admission" to a public college or "permission to continue in attendance at a public college by reason of race, color, religion or national origin." To this end, Congress inserted Section 407(a) in Title IV.

At the same time, however, Congress decided to preserve intact the existing rights of individuals to sue in their own behalf for relief against state-imposed segregation. To accomplish this purpose, Congress stipulated in Section 409 that nothing in Title IV "shall affect adversely the right of any person to sue for or obtain relief in any court against discrimination in public education."

Congress was determined, however, not to increase the powers of federal judges when it gave the Attorney General standing to seek relief against discrimination in public education in behalf of the aggrieved persons designated in Section 409(a). Moreover, Congress was equally as determined that federal judges should not have jurisdiciton to compel school boards to deny children admission to their neighborhood schools and transport them hither and yon to achieve racial balances in public schools, regardless of whether the racial imbalances sought to be removed to accomplish such purpose arise out of innocent causes or discriminatory action on the part of school boards.

Congress made these purposes manifest by inserting in Section 409(a) language expressly providing "that nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to insure compliance with constitutional standards."

By so doing, Congress deprived all federal courts of the jurisdiction to order public school boards to bus children from one school to another or from one school district to another to remedy racial imbalances in public schools regardless of whether such imbalances arise out of innocent causes or discriminatory school board action. As appears from the cases which the amicus curiae has previously cited, Congress had undoubted power to do this under the First Section of Article III of the Constitution, which empowers it to define the jurisdiction of inferior federal courts, and under the Second Section of Article III of the Constitution, which expressly provides that "the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make."

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[1] Senator Byrd was evidently referring to Title IV, instead of Title VI.

[2] Congressional Record, Volume 110, Part 10, Page 12,714, June 4, 1964.

[3] Congressional Record, Volume 110, Part 10, Page 13,821, June 15, 1964.

It necessarily follows that the District Court violated the provisions of the Civil Rights Act of 1964 when it ordered the Charlotte-Mecklenburg School Board to bus thousands of children from some schools to other schools and from some school districts to other school districts to overcome racial imbalances in any of its schools regardless of the origin of such racial imbalances; and that the Circuit Court erred in affirming the provisions of the District Court order relating to the transportation of senior high school and junior high school students.

While such statutes apply to the Executive Department of the Federal Government only, and for that reason are not controlling in this case, it seems not amiss to direct the attention of the Supreme Court to congressional hostility to the busing of children to achieve racial balancing in public schools. Congress manifested its hostility to such action by the Elementary and Secondary Education Act of 1965, as amended in 1966, which forbids "any department, agency, officer, or employee of the United States * * * to require the assignment or transportation of students or teachers in order to overcome racial imbalance," (P.L. 89–10, Title VIII, Section 804; 20 U.S.C. Section 884); the Department of Labor, and Health, Education, and Welfare Appropriation Act of 1969, which provides that "no part of the funds contained in this Act shall be used to force busing of students * * * in order to overcome racial imbalance as a condition precedent to obtaining Federal funds otherwise available to any State, school district, or school", (P.L. 90–557, Title IV, Section 410); and the Office of Education Appropriation Act of 1971, which provides that "no part of the funds contained in this Act shall be used to force any school or school district which is desegregated as that term is defined in Title IV of the Civil Rights Act of 1964, Public Law 88–352, to take any action to force the busing of students" (P.L. 91–380, Title II, Section 210).

IV

A School Board has the Power to Devise and Implement any Non-discriminatory Plan for the Assignment of Children to the Public Schools it Operates. The District Court not Only Rejected a Non-discriminatory Assignment Plan Submitted by the Charlotte-Mecklenburg School Board, but it Usurped and Exercised the Authority of the School Board in this Respect by Devising a Plan of its Own Which Commands the School Board to Deny Thousands of Children Admission to Their Neighborhood Schools, and to bus Them to Other Schools to Mix the Races in the Various Schools in Numbers or Proportions Satisfactory to the District Court. By so Doing, the District Court Ordered the School Board to Deny to the Thousands of Children Affected by its Order Admission to Their Neighborhood Schools in Violation of the Equal Protection Clause, and to Bus Them to Other Schools or Other School Districts in Violation of Section 407(a)(2) of the Civil Rights Act of 1964. The Circuit Court Concurred in These Violations, and Erred Insofar as it Affirmed the Order of the District Court.

A school board, acting as a state agency, has the power to assign children to the public schools it operates free from interference by the Federal Judiciary as long as it obeys the Equal Protection Clause and does not exclude any child from any school because of the child's race.

When a school board violates the Equal Protection Clause, a Federal Court has jurisdiction to order the school board to devise and implement a plan sufficient to remedy its discriminatory assignment of children to its schools, and to punish the members of the school board for contempt of court if they fail to obey the order. Nevertheless, the power to devise and implement a plan to remedy the discriminatory assignment continues to reside in the school board, and the Federal Court is without power to reject a non-discriminatory plan submitted by the school board because such non-discriminatory plan will not mix the races in the schools in numbers or proportions satisfactory to the Federal Court.

Besides the Federal Court cannot usurp and exercise the power of the School Board to devise a non-discriminatory assignment plan because the Federal Court wishes to mix the races in the schools in greater numbers or proportions than the non-discriminatory plan of the School Board envisages.

The District Court violated all of these principles when it made its order of February 5, 1970 (819a–839a), its supplemental findings of fact of March 21, 1970 (1198a–1220a), and its supplemental memorandum of March 21, 1970 (1221a–1238a).

Pursuant to the order which the District Court had entered on December 1, 1969, the Charlotte-Mecklenburg School Board submitted to the District Court on February 2, 1970 its plan for desegregation of schools (726a–742a). By this plan the School Board undertook to restructure its geographical attendance districts or zones in such a manner as to promote the highest degree of racial integration obtainable by geographical districting or zoning, and to assign all school children, black or white, to the neighborhood schools in the district or zone of their residence, regardless of race. The plan undertook to further augment desegregation by a transfer system heavily weighted in favor of permitting black children to transfer from predominantly black schools to predominately white schools.

Inasmuch as it treated all children similarly situated exactly alike and did not exclude any child from any school on account of the child's race, the plan submitted by the School Board on February 2, 1970, was in complete harmony with the Equal Protection Clause and it was obligatory for this reason for the District Court to approve it and permit the School Board to implement it.

Instead of doing so, the District Court rejected the non-discriminatory plan submitted by the School Board, and usurped and exercised the power vested in the School Board by adopting a plan of its own. The District Court accomplished this purpose by engrafting upon the plans of the School Board drastic alterations and revisions recommended by Dr. Finger, which commanded the School Board to deny thousands of children admission to their neighborhood schools, and to bus them long distances from some schools to other schools, and from some school districts or zones to other school districts or zones.

When all is said, the District Court commanded the School Board to take this action to remedy racial imbalances in black schools in northwest Charlotte arising out of de facto residential segregation in that area, and to produce racial commingling in these schools of northwest Charlotte and other schools in other areas in numbers or proportions greater than those envisaged by the plan of the School Board.

The District Court virtually confesses that its order was designed to effect these purposes by this recital which appears in its supplemental findings of fact of March 21, 1970:

"Both Dr. Finger and the school board staff appear to have agreed, and the court finds as a fact, that for the present at least, there is no way to desegregate the all-black schools in Northwest Charlotte without providing (or continuing to provide) bus or other transportation for thousands of children. All plans and all variations of plans considered for this purpose lead in one fashion or another to that conclusion." (1208a)

In addition to usurping and exercising power vested by law in the School Board, the District Court order commands the School Board to violate rights vested in thousands of school children by the Equal Protection Clause and the Civil Rights Act of 1964.

Since the power to assign children to public schools belongs to the school board administering such schools, no child has the constitutional or legal right in the first instance to attend any particular school, but when a school board adopts a non-discriminatory system for assigning children to neighborhood schools in the attendance district or zone of their residence, children acquire, as against every governmental agency except the school board, the legal right to attend the schools to which they have been so assigned. This right is additional to their right not to be excluded from such schools because of their race.

By its previous practices and its plan of February 2, 1970, the School Board had assigned thousands of senior high school, junior high school, and elementary school children to their neighborhood schools in a wholly non-discriminatory fashion.

By its order of February 5, 1970, the District Court commanded the School Board to do two things which clearly offend the Equal Protection Clause. In the first place, the District Court commanded the School Board to treat differently children similarly situated by allowing thousands of children to attend their neighborhood schools, and by excluding thousands of other children from admission to their neighborhood schools; and in the second place, the District Court commanded the School Board to bus the thousands of children excluded from their neighborhood schools to some other schools in other districts or zones to desegregate both their neighborhood schools and the other schools in numbers or proportions satisfactory to the District Court.

No amount of sophistry can erase the plain truth that the second groups of children were denied admission to their neighborhood schools on account of their race.

Manifestly, the Equal Protection Clause does not confer upon any Federal Court jurisdiction to enter a wondrous order to compel a school board to obey the Equal Protection Clause by violating it. Congress apparently realized this bizarre result of busing children from one school to another, or from one school district or zone to another district or zone, when it prohibited any officer or Court of the United States to require such action to achieve the racial balancing of schools.

The Circuit Court erred in affirming the order of the District Court rejecting the plan submitted by the School Board, and in affirming, in part, the order of the District Court excluding children from their neighborhood schools and requiring them to be bused to other schools and other school districts in other areas.

CONCLUSION

For the reasons stated, the Court should reverse the provisions of the judgment of the Circuit Court insofar as they relate to the assignment and busing of senior high school and junior high school students; approve the provisions of the judgment of the Circuit Court insofar as they vacate the order of the District Court relating to the assignment and busing of elementary school children; and grant the motion of the School Board to stay the order of the District Court reinstating its previous orders relating to the assignment and busing of elementary school students.

Respectfully submitted.

Sam J. Ervin, Jr.
Charles R. Jonas.
Ernest F. Hollings.

APPENDIX

Constitutional provisions involved

1. The First Section of the Fourteenth Amendment, which reads, in pertinent part, as follows: "nor (shall any State) deny to any person within its jurisdiction the equal protection of the laws."

2. The Fifth Section of the Fourteenth Amendment, which specifies that "The Congress shall have power to enforce, by appropriate legislation, the provisions of this Article."

3. The First Section of Article III, which states, in pertinent part, that "The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish."

4. The Second Section of Article III of the Constitution, which reads, in pertinent part, as follows:

"The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of Admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States;—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

"In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make."

Statutory Provisions Involved

1. Title IV of the Civil Rights Act of 1964 which originally appeared in Title IV of Public Law 88-352 of the 88th Congress and is now codified as 42 USC 2000c-2000c-9. This statute reads as follows:

"Title IV—Desegregation of Public Education

Definitions

"Sec. 401. As used in this title—

"(a) 'Commissioner' means the Commissioner of Education.

"(b) 'Desegregation' means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but 'desegregation' shall not mean the assignment of students to public schools in order to overcome racial imbalance.

"(c) 'Public school' means any elementary or secondary educational institution, and 'public college' means any institution of higher education or any technical or vocational school above the secondary school level, provided that such public school or public college is operated by a State, subdivision of a State, or governmental agency within a State, or operated wholly or predominantly from or through the use of governmental funds or property, or funds or property derived from a governmental source.

"(d) 'School board' means any agency or agencies which administer a system of one or more public schools and any other agency which is responsible for the assignment of students to or within such system.

Survey and Report of Educational Opportunities

"Sec. 402. The Commissioner shall conduct a survey and make a report to the President and the Congress, within two years of the enactment of this title, concerning the lack of availability of equal educational opportunities for individuals by reason of race, color, religion, or national origin in public educational institutions at all levels in the United States, its territories and possessions, and the District of Columbia.

Technical Assistance

"Sec. 403. The Commissioner is authorized, upon the application of any school board, State, municipality, school district, or other governmental unit legally responsible for operating a public school or schools, to render technical assistance to such applicant in the preparation, adoption, and implementation of plans for the desegregation of public schools. Such technical assistance may, among other activities, include making available to such agencies information regarding effective methods of coping with special educational problems occasioned by desegregation, and making available to such agencies personnel of the Office of Education or other persons specially equipped to advise and assist them in coping with such problems.

Training Institutes

"Sec. 404. The Commissioner is authorized to arrange, through grants or contracts, with institutions of higher education for the operation of short-term or regular session institutes for special training designed to improve the ability of teachers, supervisors, counselors, and other elementary or secondary school personnel to deal effectively with special educational problems occasioned by desegregation. Individuals who attend such an institute on a full-time basis may be paid stipends for the period of their attendance at such institute in amounts specified by the Commissioner in regulations, including allowances for travel to attend such institute.

Grants

"Sec. 405. (a) The Commissioner is authorized, upon application of a school board, to make grants to such board to pay, in whole or in part, the cost of—

"(1) giving to teachers and other school personnel in-service training in dealing with problems incident to desegregation, and

"(2) employing specialists to advise in problems incident to desegregation.

"(b) In determining whether to make a grant, and in fixing the amount thereof and the terms and conditions on which it will be made, the Commissioner shall take into consideration the amount available for grants under this section and the other applications which are pending before him, the financial condition of the applicant and the other resources available to it; the nature, extent, and gravity of its problems incident to desegregation; and such other factors as he finds relevant.

Payments

"Sec. 406. Payments pursuant to a grant or contract under this title may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments, as the Commissioner may determine.

Suits by the Attorney General

"Sec. 407. (a) Whenever the Attorney General receives a complaint in writing—

"(1) signed by a parent or group of parents to the effect that his or their minor children, as members of a class of persons similarly situated, are being deprived by a school board of the equal protection of the laws, or

"(2) signed by an individual, or his parent, to the effect that he has been denied admission to or not permitted to continue in attendance at a public college by reason of race, color, religion, or national origin, and the Attorney General believes the complaint is meritorious and certifies that the signer or signers of such complaint are unable, in his judgment, to initiate and maintain appropriate legal proceedings for relief and that the institution of an action will materially further the orderly achievement of desegregation in public education, the Attorney General is authorized, after giving notice of such complaint to the appropriate school board or college authority and after certifying that he is satisfied that such board or authority has had a reasonable time to adjust the conditions alleged in such complaint, to institute for or in the name of the United States a civil action in any appropriate district court of the United States against such parties and for such relief as may be appropriate, and such court shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section, provided that nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to insure compliance with constitutional standards. The Attorney General may implead as defendants such additional parties as are or become necessary to the grant of effective relief hereunder.

"(b) The Attorney General may deem a person or persons unable to initiate and maintain appropriate legal proceedings within the meaning of subsection (a) of this section when such person or persons are unable, either directly or through other interested persons or organizations, to bear the expense of the litigation or to obtain effective legal representation; or whenever he is satisfied that the institution of such litigation would jeopardize the personal safety, employment, or economic standing of such person or persons, their families, or their property.

"(c) The term 'parent', as used in this section includes any person standing in loco parentis. A 'complaint' as used in this section is a writing or document within the meaning of section 1001, title 18, United States Code.

"Sec. 408. In any action or proceeding under this title the United States shall be liable for costs the same as a private person.

"Sec. 409. Nothing in this title shall affect adversely the right of any person to sue for or obtain relief in any court against discrimination in public education.

"Sec. 410. Nothing in this title shall prohibit classfication and assignment for reasons other than race, color, religion, or national origin."

ORDER FOR RECOGNITION OF SENATOR BYRD OF VIRGINIA VACATED

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the remaining portion of the order previously entered, recognizing the able Senator from Virginia (Mr. BYRD), be vacated. I have been informed that he is in a meeting of the Committee on Armed Services at this time and that important amendments are pending. He has notified the leadership to vacate his order.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Pursuant to the previous order, the Senate will proceed to the transaction of routine morning business, with statements therein limited to 3 minutes, and with the time to expire at 12 o'clock noon.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE ON MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, following the recognition of the two leaders under the standing order, the distinguished Senator from Wisconsin (Mr. PROXMIRE) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Subsequently, this order was modified to provide for an adjournment until 11 a.m. tomorrow.)

Mr. BYRD of West Virginia. Mr. President, I am authorized by the majority leader to announce that if the Senate completes action today on S. 1557, the unfinished business, there is a good likelihood that the Senate will go over until Monday next, in which case the order which has just been entered will be vacated.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will please call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PRINTING AS A SENATE DOCUMENT: "FEDERALISM '76—A SYSTEMATIC EVALUATION OF OUR AMERICAN FEDERALISM"

Mr. GRIFFIN. Mr. President, as part of the bicentennial commemoration, the American Revolution Bicentennial Commission, appointed by the President, has approved a project to provide for a comprehensive, systematic review of federalism. As envisioned, the project would involve wide participation by citizens, experts, and public officials.

This endeavor would emphasize the American heritage, and the importance of shared responsibilities of all levels of Government—national, State, and local.

The distinguished majority leader, Mr. MANSFIELD, has said that—

> A project of this nature can be very worthwhile to re-establish and re-identify the basic precepts upon which our nation was founded, including the most cherished freedoms and liberties of the individual, in the current framework of a highly advanced and technological society.

In addition, Senator MANSFIELD and the distinguished minority leader, Mr. SCOTT, have authorized me to state that these objectives have the support of the joint leadership in the Senate.

Mr. President, I ask unanimous consent that a staff paper explaining the project entitled "Federalism '76—A Systematic Evaluation of Our American Federalism" be printed as a Senate document in accordance with the usual procedure.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GURNEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. GURNEY when he introduced S. 1613 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

Mr. GURNEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimuos consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. JAVITS when he introduced S. 1614 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 92-97)

The ACTING PRESIDENT pro tempore (Mr. BURDICK) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Banking, Housing and Urban Affairs:

To the Congress of the United States:

I transmit herewith the Fifth Annual Report of the Department of Housing and Urban Development for the calendar year 1969.

RICHARD NIXON.

THE WHITE HOUSE, *April 22, 1971.*

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore (Mr. BURDICK) laid before the Senate the following letters, which were referred as indicated:

PROPOSED LEGISLATION IN COMMEMORATION OF THE BICENTENNIAL OF THE AMERICAN REVOLUTION

A letter from the Chairman, American Revolution Bicentennial Commission, submitting a draft of proposed legislation to provide for the striking of medals in commemoration of the Bicentennial of the American Revolution (with accompanying papers); to the Committee on Banking, Housing, and Urban Affairs.

PROPOSED CUSTOMS PORT SECURITY ACT OF 1971

A letter from the Secretary of the Treasury, submitting a draft of proposed legislation to increase the security and protection of imported merchandise and merchandise for export at ports of entry in the United States from loss or damage as a result of criminal and corrupt practices, and for other purposes (with accompanying papers); to the Committee on Finance.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. BURDICK):

A resolution of the House of Representatives of the State of Oklahoma; to the Committee on Commerce:

"HOUSE RESOLUTION NO. 1025

"A resolution relating to the new driver regulations of the Department of Transportation of the United States; pertaining to the qualifications for operators of motor vehicles used in and for farm and ranch operations; petitioning the Secretary of the Department of Transportation to retract and recede such oppressive regulations; and directing distribution

"Whereas, the economy of the State of Oklahoma is dependent to a large extent upon agriculture; and

"Whereas, transportation is vital to agricultural production, and more specifically the operation of trucks and other motor vehicles is an indispensable part of today's mechanized system of farming and ranching; and

"Whereas, the agriculture segment of the economy continues to face a diminishing labor supply and it is difficult for the employing farmer and rancher to hire individuals, let alone those possessing certain age and physical qualifications as required by the new driver regulations for farm truck operators; and

"Whereas, part 391 of the Motor Carrier Safety Regulations of the United States, Title 49, would prove to be an intolerable and oppressive burden upon the farming and ranching industry and these regulations are far beyond what is necessary and proper.

"Now, therefore, be it resolved by the House of Representatives of the 1st Session of the 33rd Oklahoma legislature:

"Section 1. The Secretary of the Department of Transportation is respectfully urged to retract and recede those regulations which require farmers, ranchers and custom farm operators to employ within their respective businesses individuals who are twenty-one years of age or over and who are otherwise qualified to operate motor vehicles in accordance to said regulations.

"Section 2. Duly authenticated copies of this Resolution shall be distributed to:

"1. Each member of the Oklahoma Congressional Delegation;

"2. The Presiding Officers of the United States Senate and House of Representatives; and

"3. The Secretary of the Department of Transportation."

A joint resolution of the General Assembly of the State of Connecticut; to the Committee on the Judiciary:

"Senate Joint Resolution 66

"Resolution ratifying the proposed amendment to the Constitution of the United States relating to extending the right to vote to citizens eighteen years of age or older

"Resolved by this Assembly:

"Whereas, the Ninety-second Congress of the United States of America at its First Session, in both houses, by a constitutional majority of two-thirds thereof, has made the following proposition to amend the Constitution of the United States in the following words, to wit:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

" 'Article —

" 'SECTION 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

" 'SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.'

"BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF CONNECTICUT:

"That the said proposed amendment to the Constitution of the United States be and the same is hereby ratified; and be it further

"RESOLVED:

"That certified copies of this resolution be forwarded by the Governor of the State of Connecticut to the President of the United States, the President Pro Tempore of the Senate and the Speaker of the House of Representatives of the United States and the Administrator of General Services of the United States."

USDA VETERINARY BIOLOGICS LABORATORY, AMES, IOWA

Mr. MILLER. Mr. President, I present for printing in the Record and appropriate reference a concurrent resolution of the Iowa Legislature relating to the USDA Veterinary Biologics Laboratory at Ames, Iowa.

The concurrent resolution, which was referred to the Committee on Agriculture and Forestry, reads as follows:

Senate Concurrent Resolution 34

Whereas, the United States Department of Agriculture Veterinary Biologics Division Laboratory situated at Ames, Iowa, is ideally located in the feed grains and livestock center of the United States and adjacent to the National Animal Disease Laboratory and the Veterinary College of Iowa State University; and

Whereas, the successful continuation and coordination of its work is vitally important to the basic industry of Iowa, and the loss of the employment of some one hundred persons with a payroll of one million dollars annually would be a severe economic depressant to the city of Ames and the state of Iowa; and

Whereas, recent news articles have reported on the possibility of transferring the laboratory from Ames, Iowa, to Fort Detrick, Maryland, which follows by only two years a proposal to move this facility to Lincoln, Nebraska, now therefore,

Be it resolved by the Senate, the House concurring, That the General Assembly deplores and opposes any plan or proposal to move the United States Department of Agriculture Veterinary Biologics Division Laboratory from its present location in Ames, Iowa; and

Be it further resolved, That copies of this Resolution be directed to the President and Vice President of the United States, the Secretary of Agriculture of the United States; and that copies of this Resolution combined with the General Assembly's expression of appreciation for efforts in this regard be directed to the Iowa delegation in the United States Congress, and to the Governor of Iowa.

REPORTS OF A COMMITTEE

The following reports of committees were submitted:

By Mr. BURDICK (for Mr. Jackson), from the Committee on Interior and Insular Affairs, without amendment:

S. 1399. A bill to establish within the Department of the Interior the position of an additional Assistant Secretary of the Interior (Rept. No. 92–75).

By Mr. BURDICK, from the Committee on Interior and Insular Affairs, with amendments:

S. 860. A bill relating to the Trust Territory of the Pacific Islands (Rept. No. 92–76).

EXECUTIVE REPORTS OF A COMMITTEE

Mr. BENTSEN. Mr. President, as in executive session, from the Committee on Armed Services I report favorably the nominations of 16 flag and general officers in the Army, Navy, Marine Corps, and Air Force. I ask that these names be placed on the Executive Calendar.

In addition, I report favorably 2,750 appointments and promotions in the Army in the grade of colonel and below and 818 appointments in the Navy in grade of lieutenant commander and below. Since these names have already been printed in the Congressional Record, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The ACTING PRESIDENT pro tempore (Mr. Burdick). Without objection, it is so ordered.

(The nominations, ordered to be placed on the Executive Calendar, are as follows):

In the Air Force

Lt. Gen. Joseph H. Moore, when retired, to lieutenant general;

Maj. General George J. Eade, to be assigned to positions of importance and responsibility designated by the President, to the grade of lieutenant general;

In the Army

Maj. Gen. Berton Everett Spivy, Jr., when retired, to general;

Maj. Gen. Vernon Price Mock, when retired, to lieutenant general;

Maj. Gen. Harry Jacob Lemley, Jr., when retired, to lieutenant general;

Maj. Gen. William Pelham Yarborough, when retired, to lieutenant general;

Maj. Gen. Beverley Evans Powell, when retired, to lieutenant general;

Brig. Gen. Robert Clinton Taber, to be assigned to a position of importance and responsibility designated by the President, to lieutenant general;

Maj. Gen. Richard Thomas Cassidy, to be assigned to a position of importance and responsibility designated by the President, to lieutenant general;

Maj. Gen. Robert Edmondston Coffin, to be assigned to a position of importance and responsibility designated by the President, to lieutenant general;

In the Navy

Vice Adm. Turner F. Caldwell, Jr., when retired to vice admiral;

Vice Adm. Isaac C. Kidd, Jr., while serving in commands and other duties of great importance and responsibility determined by the President, to admiral;

In the Marine Corps

Lt. Gen. Louis B. Robertshaw, when retired, to lieutenant general;

Lt. Gen. Frederick E. Leek, when retired, to lieutenant general;

Maj. Gen. Ormond R. Simpson, while serving in commands and other duties determined by the President, to lieutenant general; and

Maj. Gen. Earl E. Anderson, while serving in commands and other duties determined by the President, to lieutenant general.

(For nominations ordered to lie on the Secretary's desk, see the end of Senate proceedings on March 29, 1971, and April 14, 1971.)

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. GURNEY:

S. 1613. A bill to amend the National Labor Relations Act to achieve certain reforms, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. JAVITS (for himself, Mr. Prouty, Mr. Beall, Mr. Bennett, Mr. Brooke, Mr. Hollings, Mr. McGee, Mr. Pastore, Mr. Percy, Mr. Moss, Mr. Metcalf, Mr. Schweiker, Mr. Stevens, and Mr. Young):

S. 1614. A bill to amend the Public Health Service Act to extend and broaden existing programs to provide financial assistance in the construction and expansion of schools of nursing, to improve the quality of such schools, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. BIBLE (for himself, Mr. Burdick, Mr. Dole, Mr. Eastland, Mr. Gravel, Mr. Gurney, Mr. Humphrey, Mr. Kennedy, Mr. McGovern, Mr. McIntyre, Mr. Moss, Mr. Nelson, Mr. Randolph, Mr. Sparkman, and Mr. Stevens):

S. 1615. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business. Referred to the Committee on Finance.

By Mr. RIBICOFF:

S. 1616. A bill for the relief of Robert and Alice Martin. Referred to the Committee on the Judiciary.

By Mr. MILLER:

S. 1617. A bill to amend section 2771 of title 10, United States Code, relating to final settlement of accounts of deceased members of the armed forces. Referred to the Committee on Armed Services.

By Mr. SPARKMAN (for himself and Mr. Tower) (by request):

S. 1618. A bill to provide Federal revenue to State and local governments and afford them broad discretion in carrying out community development activities and to help States and localities to improve their decisionmaking and management capabilities.

Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BENTSEN:

S. 1619. A bill authorizing the Secretary of Agriculture to carry out a program for flood prevention and other purposes in the lower Rio Grande Basin, Texas, to enhance and stabilize the agricultural economy of the area. Referred to the Committee on Agriculture and Forestry.

By Mr. McGOVERN:

S. 1620. A bill to amend part II of the Interstate Commerce Act in order to completely exempt certain farm vehicles from the provisions thereof. Referred to the Committee on Commerce; and

S. 1621. A bill for the relief of Zenaida Magtibay. Referred to the Committee on the Judiciary.

By Mr. TOWER:

S. 1622. A bill for the relief of Cruz Sanchez-Garcia, his wife, Maria Benilda Leal de Sanchez, and their children, Daniel Sanchez-Leal and Adela Sanchez-Leal. Referred to the Committee on the Judiciary.

By Mr. BENNETT (for himself, Mr. Jordan of Idaho, Mr. Hruska, Mr. Hansen, Mr. Fannin, Mr. Griffin, and Mr. Scott):

S. 1623. A bill to amend the Social Security Act to require employers to make an approved basic health care plan available to their employees, to provide a family health insurance plan for low-income families not covered by an employer's basic health care plan, to facilitate provision of health services to beneficiaries of the family health insurance plan by health maintenance organizations, by prohibiting State law interference with such organizations providing such services, and for other purposes. Referred to the Committee on Finance.

By Mr. MATHIAS:

S. 1624. A bill for the relief of Lawson W. Koch; and

S. 1625. A bill for the relief of Maria Salvacion Olmedo. Referred to the Committee on the Judiciary.

By Mr. MATHIAS (for himself and Mr. Weicker):

S. 1626. A bill to provide an elected Mayor and City Council for the District of Columbia, and for other purposes. Referred to the Committee on the District of Columbia.

By Mr. CANNON:

S. 1627. A bill to amend title II of the Social Security Act to increase the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title; and

S. 1628. A bill to amend title II of the Social Security Act to increase from $70.40 to $100 the minimum monthly insurance benefit payable thereunder. Referred to the Committee on Finance.

By Mr. INOUYE:

S. 1629. A bill to amend the Airport and Airways Development Act of 1970 in order to make American Samoa and the Trust Territory of the Pacific Islands eligible for certain assistance under such Act. Referred to the Committee on Commerce; and

S. 1630. A bill to restore the wartime recognition of certain Filipino veterans of World War II to entitle them to those benefits, rights, and privileges which result from such recognition. Referred to the Committee on Veterans Affairs.

By Mr. McGOVERN and Mr. HATFIELD (for themselves, Mr. Eagleton, and Mr. Hart):

S. 1631. A bill to provide assistance to defense workers whose employment has been adversely affected by the transition to a peace-time economy. Referred to the Committee on Finance.

By Mr. THURMOND:

S. 1632. A bill to amend the Internal Revenue Code of 1954 to increase, in certain cases, the deduction allowable for expenses incurred in providing care for certain dependents. Referred to the Committee on Finance.

By Mr. MOSS:

S. 1633. A bill to provide back pay to Federal employees whose positions are incorrectly classified. Referred to the Committee on Post Office and Civil Service.

S. 1634. A bill to designate a certain route on the National System of Interstate and Defense Highways between Omaha, Nebr., and Sacramento, Calif., as the Golden Spike Highway. Referred to the Committee on Public Works; and

S. 1635. A bill to amend section 4107 of title 38, United States Code, to provide for the payment of pay differentials for evening, night, weekend, and holiday work performed by nurses employed by the Veterans' Administration, and for other purposes. Referred to the Committee on Veterans' Affairs.

By Mr. McGEE (by request):

S. 1636. A bill to establish a Federal wage system for fixing and adjusting the pay of certain employees of the Government. Referred to the Committee on Post Office and Civil Service.

By Mr. METCALF:

S. 1637. A bill to establish uniform standards and procedures for Government advisory committees. Referred to the Committee on Government Operations.

By Mr. THURMOND:

S. 1638. A bill for the relief of Erich Hess. Referred to the Committee on the Judiciary.

By Mr. McGEE:

S. 1639. A bill to provide an additional period of time for review of the basic national rail passenger system; to postpone for 6 months the date on which the National Railroad Passenger Corporation is authorized to contract for provision of intercity rail passenger service; to postpone for 6 months the date on which the Corporation is required to begin providing intercity rail passenger service, and for other purposes. Referred to the Committee on Commerce.

By Mr. BYRD of Virginia:

S. 1640. A bill to extend the period within which members of the Armed Forces serving on extended active duty may acquire a new principal residence. Referred to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GURNEY:

S. 1613. A bill to amend the National Labor Relations Act to achieve certain reforms, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. GURNEY. Mr. President, I introduce today a bill to correct several of the most flagrant abuses of union power now prevalent on the American industrial scene.

My bill is aimed at reaching these abuses by redirecting the course of decisions by the National Labor Relations Board and the courts on secondary boycotts, recognition picketing and jurisdictional strikes.

As we review the history of the provisions of present law covered by this bill, we see a very familiar pattern. It is a pattern which has marked the National Labor Relations Board since its earliest days in the 1930's. It is the inability, the unwillingness, the refusal—call it what you will—of the NLRB to follow the law as it is written, to honor the intent of Congress, to resist the temptation to legislate.

When Congress amended the Wagner Act by passing the Taft-Hartley law in 1947, history shows that few concerns demanded more attention than boycotts, picketing and jurisdictional disputes. Twelve years later, when Congress again amended the law by passing the Landrum-Griffin Act, it was substantially a response to a public outcry against abuses in the areas of secondary boycotts and blackmail picketing. Now here we are, Mr. President, 12 more years after Congress thought it had spoken to the Labor Board in plain and direct terms. And what do we find? We find that the NLRB has again proven its long-established capacity to write the law rather than read it, its capacity—indeed, it would seem at times, its purpose—to evade the intent of Congress.

Mr. President, the terms of this legislation speak for themselves, and I will not undertake here any exhaustive analysis of its provisions, nor any lengthy recital of the cases that call for the corrective steps it prescribes. I will, however, cite just a few of the developments and conditions that commend this legislation to the early attention of the Senate.

When Congress passed the Taft-Hartley law in 1947, it banned the secondary boycott outright. Very quickly, however, the NLRB carved out some major loopholes in the congressional directive.

These were exploited and expanded in a long series of decisions that virtually nullified the boycott prohibition. The public, and Congress, responded to these abuses by closing the major loopholes with passage of the Landrum-Griffin Act in 1959.

But the NLRB would not be denied: since 1959 it has been busy devising new loopholes in the boycott ban. To illustrate, even though Congress outlawed all secondary coercion, the Board permits boycott pressure against managerial personnel. It has created a new loophole for consumer picketing. It has gone so far as a holding that a retailer who sells another's product may be boycotted on the odd theory that he is somehow the producer of that product. The so-called common situs loophole has also been refined and expanded by the Board. Recently, the Board brought to fruition another novel theory under which boycotting is sanctioned where a union object is said to be the "preservation" of work for a particular bargaining unit. Thus, despite the law's ban on boycotts and "hot-cargo" restrictions, Board rulings now permit secondary pressure to prevent such practices as the installation of prefabricated materials at construction sites.

The legislation introduced today, Mr. President, is designed to correct all these abuses and restore the boycott ban to its full effect.

As to recognition picketing, I think it is fair to say that the NLRB has carved out two major loopholes in the 1959 law. That statute made it an unfair labor practice to picket for recognition instead of using the law's elections procedures. The Board has repeatedly failed to honor the law's requirement that an election petition be filed within 30 days after picketing begins at a plant which is not unionized. Also, where picketing of an unorganized plant is clearly designed to force recognition of a union the employees have not chosen, the Board nevertheless permits such conduct—on the threadbare theory that the pickets are merely "publicizing" the absence of a union contract.

This legislation corrects these misconstructions, Mr. President, and restores full effectiveness to the congressional ban on blackmail picketing.

In commenting on this legislation, Mr. President, I want to emphasize that criticism of NLRB decisions in these and a wide variety of other areas of the law must also be shared by the courts. I shall have more to say to the Senate on that subject at another time, when I shall comment on Supreme Court decisions in this field. However, the NLRB is the trier of the case and the finder of the facts. It is the agency to whose so-called expertise the courts invariably defer. It is the agency to which Congress gives direct instructions in the statute. It is obviously the agency to which we should address our corrective measures first.

The third area encompassed by this legislation, Mr. President—jurisdictional strikes—touches upon statutory interpretations by the Supreme Court and a statutory assignment given to the NLRB. The law makes it an unfair labor practice to strike over a work assignment, unless the assignment defies an NLRB order of certification. The Supreme Court has directed the Board to decide whether the striking union is entitled to do the disputed work. This undertaking by the Board is invariably a protracted matter, and the strike is allowed to continue while the Board tries to resolve the question of who should do the work.

The amendment presented today would resolve this conflict. The Board would no longer try to decide which union was entitled to disputed work but would concentrate instead on whether the work assignment violated any outstanding NLRB order or certification. Unions fearing incursions on their jurisdictions would be able to use the act's peaceful elections procedures to answer such concerns. And the amendment permits the same prompt injunctive relief against jurisdictional strikes as is now available in cases of secondary boycotts and recognition picketing.

Mr. President, all these amendments merit the early attention of the Senate, and I ask unanimous consent that the bill may be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1613

A bill to amend the National Labor Relations Act to achieve certain reforms, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Labor Relations Amendments of 1971".

Sec. 2. (a) Section 8(b)(4) of the National Labor Relations Act (29 U.S.C. 158(b)(4)) is amended by—

(1) inserting after the word "employed" in clause (i) thereof the following: "as an officer, manager, supervisor, agent or employee";

(2) inserting the words "directly or indirectly" and a comma immediately after the clause designation "(ii)";

(3) striking out the words "or restrain" in clause (ii) of such section and inserting in lieu thereof the words "restrain, or picket";

(4) striking out the semicolon at the end of clause (ii) (B) and inserting in lieu thereof a colon and the following: "*Provided further,* That any strike, picketing or refusal to perform services or any inducement or threat thereof, causing or intended to cause any employer to cease or refrain from using, installing, handling, purchasing, leasing, or selling materials, machinery, products, or services from other persons, or to impose, or refrain from imposing, upon customers, shippers, or suppliers particular methods of delivery or distribution, shall not constitute in any circumstances a primary strike or primary picketing, irrespective of any collective bargaining agreement or asserted work jurisdiction claims, but shall constitute a violation of this subsection;";

(5) inserting immediately after the word "picketing" in the last proviso of such paragraph (4) the following: ", irrespective of whether such picketing appears to be addressed only to consumers, solely"; and

(6) striking the semicolon at the end of such section 8(b)(4) and inserting in lieu thereof a colon and the following new proviso: "*Provided further,* That when employees of the employer with whom the labor organization has a dispute perform services at the same premises as employees of one or more other employers, picketing of the common situs shall be deemed lawful only if (1) such picketing is limited to times when employees of the employer with whom the labor organization has a dispute, are present; (2) such picketing is limited to places reasonably close to the work station of such employer's employees; (3) such picketing clearly discloses that the dispute is with such employer; (4) such picketing is not carried on at an entrance reserved for employees of persons, other than such employer; and (5) the employer does not maintain separate premises where the employees involved in the dispute regularly report and at which picketing may lawfully be conducted;".

(b) Section 8(b) of such Act is amended by adding at the end thereof the following new sentence: "For the purposes of the second proviso of paragraph (4) of this subsection the term 'produced' shall not include handling, packaging, advertising, or distributing the original product."

Sec. 3. Section 8(b)(7) of the National Labor Relations Act (29 U.S.C. 158(b)(7)) is amended to read as follows:

"(7) to strike or picket, or to cause to be struck or picketed, or to threaten any such action against any establishment where such labor organization is not the currently certified or lawfully recognized representative of the persons employed therein if an object thereof is forcing or requiring an employer to recognize or deal with a labor organization, or to change or affect wages, hours, or other working conditions in such establishment or elsewhere or forcing or requiring the employees of an employer to accept or select such labor organization as their collective bargaining representative. Nothing in this paragraph (7) shall be construed to permit any act which would otherwise be an unfair labor practice under this section 8(b)."

Sec. 4. (a) Section 10(k) of the National Labor Relations Act (29 U.S.C. 160(k)) is amended to read as follows:

"(k) Whenever it is charged that any person has engaged in an unfair labor practice within the meaning of paragraph 4(D) of section 8(b), the Board, the General Counsel, or the regional officer to whom the charge has been referred, as the case may be, is empowered and directed to suspend any proceedings begun under section 10(l) or section 10(b), if the parties submit satisfactory evidence that the matter has been settled, or that the person charged has discontinued the conduct upon which the charge was based, and is pursuing whatever remedy may be available to him under a method or agreement for settling the matter which has been accepted by the affected employers and the employees (or their representatives) to whom the work has been assigned."

(b) The first sentence of section 10(l) of such Act is amended by striking out "or (C)" and inserting in lieu thereof "(C) or (D)" and by striking out the last sentence of such section.

By Mr. JAVITS (for himself, Mr. Prouty, Mr. Beall, Mr. Bennett, Mr. Brooke, Mr. Hollings, Mr. McGee, Mr. Pastore, Mr. Percy, Mr. Moss, Mr. Metcalf, Mr. Schweiker, Mr. Stevens, and Mr. Young):

S. 1614. A bill to amend the Public Health Service Act to extend and broaden existing programs to provide financial assistance in the construction and expansion of schools of nursing, to improve the quality of such schools, and for other purposes. Referred to the Committee on Labor and Public Welfare.

NURSING EDUCATION ACT OF 1971

Mr. JAVITS. Mr. President, I am introducing for myself and Senator Prouty and Senators J. Glenn Beall, Wallace F. Bennett, Edward W. Brooke, Ernest F. Hollings, Gale W. McGee, Frank E. Moss, Lee Metcalf, John O. Pastore, Charles H. Percy, Richard S. Schweiker, Ted Stevens, and Milton R. Young, the "Nursing Education Act of 1971." A companion measure is being introduced in the House of Representatives by Representative Ogden Reid. This bill is designed to help overcome the severe—perhaps catastrophic—shortage of nurses in the Nation.

If we are to fulfill the goal of providing quality health care to the American people, we need a balanced program of support to nursing schools and nursing students. If we require them only to share in the block funding available to all health professional schools, we will not have enough nurses to meet the growing demands essential for quality health care. For this reason, I expressed grave concern about the lack of separate nurse training funding authorities when I introduced the administration's Health Manpower Assistance Act of 1971 (S. 1183).

Health care systems cannot operate—let alone expand and improve—unless the supply of such key well-prepared "manpower" is increased. It is well recognized that critical shortages exist in all categories of health personnel. But the situation is particularly grave in the category of nursing personnel. There is an estimated present shortage of 150,000 among the total of 850,000 nurses now needed and in 1980 it is projected we will need 220,000 more nurses than are available according to the statistics furnished Congress by the Health Manpower Bureau of NIH. This compares with comparable shortage figures for doctors of 48,000 presently and a projected need in 1980 of 26,000.

There is a positive relationship between the availability of Federal financial support and maintaining enrollments in schools of nursing. When the Cadet Nurse Corps program phased out after World War II, enrollments in schools of nursing declined, and it was not until the Nurse Training Act of 1964 that the trend was markedly reversed. Prior to its enactment, 129,269 students were enrolled in schools of nursing. In 1970—6 years after implementation of the Nurse Training Act—there were 163,743 enrolled students in schools of nursing, a 26.6-percent increase. Nurses are a national resource and although existing programs of Federal financial assistance have demonstrated effectiveness, it is clear that much remains to be done to meet the estimated need by 1980 of 1.1 million registered nurses; 650,000 licensed practical nurses; and 550,000 nurses aides.

The Nurse Training Act of 1964 has done much to increase the nurse supply and to improve and expand our nursing schools, but more needs to be done. If we are to improve America's health care and make it equally available to all Americans, we must have an adequate supply of nursing personnel.

To achieve these goals, the Nursing Education Act of 1971 provides:

First, the Secretary of Health, Education, and Welfare is authorized to make capitation formula grants to schools of nursing for institutional support on the basis of a stipulated sum for each nursing graduate. This would be in lieu of existing authority by which there is a single appropriation authorization for special project and institutional—formula—grants and a requirement that funds must first be spent by HEW on special projects before institutional support, in this way failing effectively to implement the institutional support program.

The two types of grants serve different purposes, are awarded different institutions, and therefore require separate consideration and authorizations in establishing funding levels.

The nursing capitation institutional formula grant on the basis of graduates is patterned upon that provided in the administration's Health Manpower Assistance Act, which I introduced to permit medical schools to formulate long-range plans and to reward output rather than subsidize input.

The stipulated sum per graduate is left open in the bill. The precise dollar amount would be determined by the Senate upon the basis of the expert testimony received and the recommendations of the Committee on Labor and Public Welfare at legislative hearings. It is important to note that the exact capitation amount would have a varied impact upon the percentage of operating costs that would be covered for each of the different schools—diploma, baccalaureate, and associate degree—and this factor would also be seriously considered.

Second, the Secretary of Health, Education, and Welfare is authorized to make special project grants to nonprofit agencies, organizations, and institutions to achieve national priority goals, such as increasing education opportunities for disadvantaged students or increasing the availability of personal health services in an effort to promote preventive health care.

The present priority requirement requiring increased enrollment curtails the potential of special project grants to achieve desired objectives among competing projects, it prevents flexibility essential to balancing enrollment increases with assistance to sound program projects of schools in transition, in financial straits, or in other difficulties which make it extremely difficult for them to increase their enrollment. The bill deletes that requirement. Priority is given to applications for special project grants solely on the basis of the merit of the proposed project. This is in accord with the original recommendations of the report to the President and the Congress on the "Progress in Nurse Training—1970."

Third, the Secretary of Health, Education, and Welfare is authorized to make financial disaster relief grants to schools of nursing, with appropriate safeguards, including provision for full financial disclosure.

Fourth, the present program of traineeships for advanced training of professional nursing is extended without change. This is in accord with the original recommendation of the report to the President and the Congress on the "Progress of Nurse Training—1970."

Fifth, the present construction grant authorities are extended to include additional authority for guaranteed loans and 3 percent interest subsidies—not only to schools of nursing but also to other nonprofit agencies, organizations, and institutions—and also to provide separate funding authorizations. This broadened authority is also patterned upon S. 1183, the administration's "Health Manpower Assistance Act."

Also, to meet the original recommendations of the report to the President and the Congress on the "Progress of Nurse Training—1970," support is extended to assist associate degree schools of nursing and grants are allowed of up to 75 percent of construction cost in lieu of the present 66⅔ percent ceiling.

Sixth, the existing nursing student scholarship program is extended for 3 years with the grant amount increased from $2,000 to $3,000 each.

Seventh, the existing nursing student assistance programs are liberalized with respect to maximum loan amounts and repayment terms.

Forgiveness for nursing student loans is now authorized at a rate of 20 percent per year up to the maximum amount of the loan for full-time employment in a public or nonprofit private agency or institution, including neighborhood health centers. The forgiveness rate is increased by the bill to 33½ percent per year for full-time employment in an area defined by the Secretary of Health, Education, and Welfare as a health care shortage area. The bill also authorizes Federal repayment of guaranteed loans to nursing students in exceptional financial need who are unable to complete their studies.

It is most important to note that where nursing students are unable to secure a guaranteed loan, provision for direct loans are authorized. I would hope that guaranteed loans become available, but if not, direct loans will assure that no deserving student cannot achieve his or her nursing education.

Eighth, the present nurse talent search program, which I authored and was enacted in 1966 as an amendment to the Nurse Training Act, is broadened to include potential nursing candidates regardless of age, experience, education, or financial need.

I understand that contracts awarded thus far under the program I initiated have demonstrated the effectiveness of this kind of effort and support in identifying potential nursing candidates among disadvantaged youth, a previously untapped source, and enrolling them in nursing education programs. I believe this type of recruitment could be equally successful with other groups to broaden the nurse population and this provision is similar to a bill I introduced in the 91st Congress, S. 1540; among them older people, other cultural, educational, and occupational groups—including inactive or retired nursing personnel totaling 282,000 under 65—should be encouraged and assisted to undertake a second career in nursing. Such activities require substantial financial assistance for both students and institutions to provide the necessary support and program flexibility.

Quality health care is a right for all Americans and this bill seeks to recognize the crucial role played by nursing personnel to make that right a reality.

Mr. President, I ask unanimous consent that the summary of the bill and the full text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF MAJOR PROVISIONS NURSING EDUCATION ACT OF 1971

1. Authorizes a new 3-year program (FY '72 thru FY '74) of institutional support grants to schools of nursing on a capitation formula of a stipulated amount per graduate—the exact dollar figure to be determined by Committee upon legislative hearing testimony. The formula, on the basis of graduates, is patterned upon the "Health Manpower Assistance Act of 1971."

2. Special project grants are authorized to schools of nursing and non-profit agencies, organizations and institutions to achieve priority goals such as increased educational opportunities for disadvantaged nursing students, increased supply or improved geographic distribution of trained nursing personnel or promote preventive health care.

3. Financial disaster relief grants are authorized for schools of nursing, where necessary, with appropriate safeguards, including provision for full financial disclosure.

4. Extends for 3 years the present program of traineeships for advanced training of professional nursing.

5. Extends for 3 years present construction grant authorities; broadened to include authority for guaranteed loans and 3% interest subsidies, patterned upon the "Health Manpower Assistance Act of 1971." Support extended to assist associate degree schools of nursing; and present grant ceiling of up to 66⅔% of construction costs increased to 75%.

6. The existing nursing student scholarship program is extended for three years with the grant amount increased from $2,000 to $3,000.

(a) Existing nurse student assistance programs liberalized with respect to maximum loan amounts ($1,500 to $2,500); and repayment terms.

(b) Forgiveness for nursing student loans is authorized at a rate of 20 percent per year up to the maximum amount of the loan for full-time employment in a public or nonprofit private agency or institution, including neighborhood health centers. The forgiveness rate is increased to 33⅓ percent per year for full-time employment in an area defined by the secretary of HEW as a health care shortage area.

(c) The bill also authorizes Federal repayment of guaranteed loans for nursing students in exceptional financial need who are unable to complete their studies.

(d) Where nursing students are unable to secure a guaranteed loan, provision for direct loans is authorized.

8. Expands present Nurse Talent Search program from disadvantaged youth to potential nursing candidates regardless of age, experience, education, or financial need and eliminates contract limitation.

9. Such sums as may be necessary are authorized to be appropriated for carrying out the provisions of this Act.

S. 1614

A bill to amend the Public Health Service Act to extend and broaden existing programs to provide financial assistance in the construction and expansion of schools of nursing, to improve the quality of such schools, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Nurse Education Act of 1971".

TITLE I—AMENDMENTS TO THE NURSE TRAINING ACT OF 1964, AS AMENDED

GRANTS FOR CONSTRUCTION OF SCHOOLS OF NURSING

Sec. 101. (a) The heading to part A of title VIII of the Public Health Service Act is amended to read as follows:

"Part A—Grants, Loans, and Interest Subsidy Payments for Schools of Nursing

"Subpart I—Construction Grants to Schools of Nursing"

(b) Section 801(a) of such Act is amended (A) by striking out "and $35,000,000" and inserting in lieu thereof "$35,000,000", and (B) by inserting immediately before the period at the end thereof the following: ", and for each of the next three fiscal years such sums as may be necessary".

(c)(1) Section 802(a) of such Act is amended—

(A) by striking out "Surgeon General" and inserting in lieu thereof "Secretary"; and

(B) by striking out "1970" and inserting in lieu thereof "1973".

(2) Subsections (b) and (c) of section 802 of such Act are each amended by striking out "Surgeon General" wherever it appears therein and inserting in lieu thereof "Secretary".

(3) Section 802 of such Act is further amended by striking out "this part" wherever it appears therein and inserting in lieu thereof "this subpart".

(d) Subsection (a) of section 803 of such Act is amended by striking out "66⅔ per centum" wherever it appears therein and inserting in lieu thereof "75 per centum".

(e) Sections 803 and 804 of such Act are each amended—

(1) by striking out "this part" wherever it appears therein and inserting in lieu thereof "this subpart"; and

(2) by striking out "Surgeon General" wherever it appears therein and inserting in lieu thereof "Secretary".

CONSTRUCTION LOAN GUARANTEES AND INTEREST SUBSIDY PAYMENTS

Sec. 102. Part A of title VIII of such Act is further amended by inserting immediately after section 804 the following:

"Subpart II—Construction Loan Guarantees and Interest Subsidy Payments

"Sec. 805. (a)(1) In order to assist public and nonprofit private schools of nursing to carry out needed projects for the modernization or construction of facilities for such schools, the Secretary, during the period commencing July 1, 1971, and ending June 30, 1974, may, in accordance with the provisions of this subpart, guarantee to non-Federal lenders making loans to such schools for such projects, payment of principal of and interest on loans, made by such lenders, which are approved under this subpart.

"(b)(1) No loan guarantee under this subpart, with respect to any modernization or construction project may apply to so much of the principal amount thereof as, when added to the amount of any grant under subpart I with respect to such project, exceeds 90 per centum of the cost of such project.

"(c) The Secretary, with the consent of the Secretary of Housing and Urban Development, shall obtain from the Department of Housing and Urban Development such assistance with respect to the administration of this subpart as will promote efficiency and economy thereof.

"Sec. 806. (a) For each project for which a guarantee of a loan to a public or nonprofit private school of nursing is sought under this subpart, there shall be submitted to the Secretary an application by such school. Such application shall (1) set forth all of the data and information and contain or be supported by all the assurances required under section 802 with respect to applications for grants under subpart I of this part, and (2) contain such other information as the Secretary may require to carry out the purposes of this subpart.

"(b) The Secretary may approve such application only if—

"(1) he makes the findings which are required by clauses (1) through (5) of section 802(b) for the approval of projects under subpart I of this part;

"(2) he obtains assurances that the applicant will keep such records, and afford such access thereto, and make such reports, in such form and containing such information, as the Secretary may reasonably require; and

"(3) he also determines that the terms, conditions, maturity, security (if any), and schedule and amounts of repayments with respect to the loan for which a guarantee is sought are sufficient to protect the financial interests of the United States and are otherwise reasonable and in accord with regulations, including a determination that the rate of interest does not exceed such percentum per annum on the principal obligation outstanding as the Secretary determines to be reasonable, taking into account the range of interest rate prevailing in the private market for similar loans and the risks assumed by the United States.

"(c) Amendment of an approved application shall be subject to approval in the same manner as an original application.

"(d)(1) In the case of any loan to a school of nursing under this subpart, the United States shall be entitled to recover from the applicant the amount of any payments made pursuant to any guarantee of such loan under this subpart, unless the Secretary for good cause waives its right of recovery, and, upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payments with respect to which the guarantee was made.

"(2) Guarantees of loans to schools of nursing under this subpart shall be subject to such further terms and conditions as the Secretary determines to be necessary to assure that the purposes of this subpart will be achieved, and, to the extent permitted by subsection (e), any of such terms and conditions may be modified by the Secretary to the extent determined by him to be necessary or proper by him for the protection of the financial interests of the United States.

"(e) Any guarantee of a loan to a school of nursing made by the Secretary pursuant to this subpart shall be incontestable in the hands of the applicant on whose behalf such guarantee is made, and as to any person who makes or contracts to make a loan to such applicant in reliance thereon, except for fraud or misrepresentation on the part of such applicant or such other person.

"PAYMENT OF INTEREST ON GUARANTEED LOANS

"Sec. 807. (a) Subject to the provisions of subsection (b), in the case of a guarantee of any loan to a school of nursing under this subpart with respect to any project, the Secretary shall pay, to the holder of such loan and for and on behalf of such school amounts sufficient to reduce by 3 per centum per annum the net effective interest rate otherwise payable on such loan. Each holder of a loan, to a school of nursing, which is guaranteed under this subpart shall have a contractual right to receive from the United States interest payments required by the preceding sentence.

"(b) Contracts to make the payments provided for in this section shall not carry an aggregate amount greater than such amount as may be provided in appropriation Acts.

"LIMITATION ON AMOUNT OF LOANS GUARANTEED

"Sec. 808. The cumulative total of the principal of the loans outstanding at any time with respect to which guarantees have been issued under this part may not exceed such limitations as may be specified in appropriation Acts.

"LOAN GUARANTEE FUND

"Sec. 809. (a) There is hereby established in the Treasury a loan guarantee fund (hereinafter in this section referred to as the 'fund') which shall be available to the Secretary without fiscal year limitation, in such amounts as may be specified from time to time in appropriation Acts, (i) to enable him to discharge his responsibilities under guarantees issued by him under this subpart, and (ii) for payment of interest on loans which are guaranteed under this subpart. There are authorized to be appropriated to the fund from time to time such amounts as may be necessary to provide capital required for the fund. To the extent authorized from time to time in appropriation Acts, there shall be deposited in the fund amounts received by the Secretary any moneys, property, or assets derived by him from his operations under this subpart, including any moneys derived from the sale of assets.

"(b) If at any time the moneys in the fund are insufficient to enable the Secretary to discharge his responsibilities under this subpart—

"(i) to make payments of interest on loans to schools of nursing which he has guaranteed under this subpart; and

"(ii) othewise to comply with guarantees issued by him under this subpart;

he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary with the approval of the Secretary of the Treasury, but only in such amounts as may be specified from time to time in appropriation Acts. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable marketable securities during the month preceding the month of the issuance of such notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act, as amended, are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Sums borrowed under this subsection shall be deposited in the fund and redemption of such notes and obligations shall be made by the Secretary from such fund."

SPECIAL PROJECT GRANTS

Sec. 103. (a) Part A of title VIII of the Public Health Service Act (as amended by the preceding sections of this Act) is further amended—

(1) by striking out section 805 of such Act;

(2) by adding after section 809 of such Act (as added by section 102 of this Act) the following:

"Subpart III—Special Project Grants: Capitation Grants; and Financial Distress Grants

"SPECIAL PROJECT GRANTS

"Sec. 810. Grants may be made from sums available therefor from appropriations under subsection (e), to assist schools of nursing or other nonprofit agencies, organizations, and institutions in meeting the cost of special projects to plan, develop, or establish new programs or modifications of existing programs of education in such health professions or to effect significant improvements in curriculums of any such schools or for research in the various fields related to nursing education, or to develop training for new levels or types of nursing personnel, or to assist such schools of nursing which have special need for financial assistance to meet accreditation requirements, or to assist any such schools to meet the costs of planning experimental teaching facilities or experimental design thereof, or to increase educational opportunities for disadvantaged students, or which will otherwise strengthen, improve or expand programs to train nursing personnel or help to increase the supply or improve the distribution by geographic area or by specialty group of adequately trained nursing personnel needed to meet the health needs of the Nation, including the need to increase the availability of personal health services and the need to promote preventive health care. In determining eligibility of any such school to receive a grant under this section and the amount of such grant, the Secretary shall consider the individual needs of such school, the nature and scope of the Nation's health manpower needs and the relative capability of alternative programs for helping to fill these needs.

"(b) The Secretary may from time to time set dates (not earlier than in the fiscal year preceding the year for which a grant is sought) by which applications for grants under this section for any fiscal year must be filed.

"(c) A grant under this section may be made only if the application therefor—

"(1) is approved by the Secretary upon his determination that the applicant meets the eligibility conditions set forth in subsection (c) of this section;

"(2) contains or is supported by assurances satisfactory to the Secretary that the applicant will expend in carrying out its functions as a school of nursing during the fiscal year for which such grant is sought, an amount of funds (other than funds for construction as determined by the Secretary) from non-Federal sources which are at least as great as the average amount of funds expended by such applicant for such purpose (excluding expenditures of a nonrecurring nature) in the three fiscal years immediately preceding the fiscal year for which such grant is sought;

"(3) contains such additional information as the Secretary may require to make the determination required of him under this section and such assurances as he may find necessary to carry out the purposes of this section; and

"(4) provides for such fiscal control and accounting procedures and reports, and access to the records of the applicant, as the Secretary may reasonably require to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section.

"(d) There are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1972, and for each of the next two fiscal years, for special project grants under this section."

(b) The amendments made by subsection (a) of this section shall be effective with respect to grants from appropriations for fiscal years ending after June 30, 1971.

CAPITATION GRANTS

Sec. 104. (a) Part A of title VIII of the Public Health Service Act (as amended by the preceding sections of this Act) is further amended—

(1) by striking out sections 806, 807, and 808;

(2) by adding after section 810 (as added by section 103 of this Act) the following:

"CAPITATION GRANTS

"Sec. 811. (a) (1) Except as provided in paragraph (4), each school of nursing with an application approved under subsection (d) shall be entitled for any fiscal year ending prior to July 1, 1974, to an amount equal to $—— for each student of such school who will graduate (as determined by the Secretary in accordance with the provisions of subsection (b) (1) of this section) from such school in the year for which the grant is made.

"(2) Any such school with such an application which will not graduate any students in such year shall be entitled for any fiscal year ending prior to July 1, 1974, to an amount equal to (A) $ for each full-time student in the first or second year class pursuing a course of study leading to a degree in three years, or (B) $ for each full-time student in the first, second, or third year class pursuing a course of study leading to a degree in four years or longer.

"(3) In no event shall any school be entitled under this paragraph to an amount which exceeds $ for any student during his entire course of study in such school.

"(4) The amount specified in paragraph (1), (2), or (3) shall be increased (or further increased as the case may be) for any year after fiscal year 1972, by such percentage (if any) as the Secretary determines is appropriate in the light of increases in the cost of living and other factors affecting educational costs at such schools.

"(b) (1) For the purposes of this section regulations of the Secretary shall include provision relating to determination of the number of students enrolled in a school, or in a particular year-class in a school, or the number of graduates particular year-class in a school, or the number of graduates from a school, as the case may be, on the basis of estimates, or on the basis of the number of students who were enrolled in a school, or in a particular year-class in a school, or were graduates from a school in earlier years, as the case may be, or on such basis as he deems appropriate for making such determination, and shall include methods of making such determination when a school or a year-class was not in existence in an earlier year at a school.

"(2) For purposes of this section, the term 'full-time students' (whether such term is used by itself or in connection with a particular year-class) means students pursuing a full-time course of study in an accredited program in a school of nursing.

"(c) Any new school of nursing with an approved application under subsection (d) for the fiscal year preceding the fiscal year in which it will admit its first class, shall be entitled to be paid an amount equal to $ for every full-time student who the Secretary determines, on the basis of assurances provided by the school, will be enrolled in the school in the fiscal year after the fiscal year for which the grant is made.

"(d) (1) The Secretary may from time to time set dates (not earlier than in the fiscal year preceding the year for which a grant is sought) by which applications under this section for any fiscal year must be filed.

"(2) The Secretary shall not approve or disapprove any application for a grant under this section except after consultation with the National Advisory Council on Nurse Training.

"(3) A grant under this section may be made only if the application therefor—

"(A) is from a public or nonprofit private school of nursing, or a public or nonprofit private agency organization or institution;

"(B) contains or is supported by assurances satisfactory to the Secretary that the applicant will expend in carrying out its functions as a school of nursing, during the fiscal year for which such grant is sought, an amount of funds (other than funds for construction as determined by the Secretary) from non-Federal sources which are at least as great as the average amount of funds expended by such applicant for such purpose (excluding expenditures of a nonrecurring nature) in the three fiscal years immediately preceding the fiscal year for which such grant is sought;

"(C) contains such additional information as the Secretary may require to make the determinations required of him under this section and such assurances as he may find necessary to carry out the purposes of this section; and

"(D) provides for such fiscal control and accounting procedures and reports, and access to the records of the applicant, as the Secretary may reasonably require to assure the proper disbursement of and accounting for Federal funds paid to the applicant under this section.

"(e) There are authorized to be appropriated such sums as may be necessary to carry out this section for the fiscal year ending June 30, 1972, and for each of the next two fiscal years."

(b) The amendments made by subsection (a) of this section shall be effective with respect to grants from appropriations for fiscal years ending after June 30, 1971.

FINANCIAL DISTRESS GRANTS

Sec. 105. Part A of title VIII of the Public Health Service Act (as amended by the preceding sections of this Act) is further amended by adding after section 811 (as added by section 104 of this Act) the following new section:

"FINANCIAL DISTRESS GRANTS

"Sec. 812. (a) There are authorized to be appropriated such sums as may be necessary for grants under this section to assist any schools of nursing which are in serious financial straits to meet their costs of operation.

"(b) Any such grant may be made upon such terms and conditions as the Secretary determines to be reasonable and necessary, including requirements that the school agree (1) to disclose any financial information or data deemed by the Secretary to be necessary to determine the sources or causes of that school's financial distress and to conduct a comprehensive cost analysis study in cooperation with the Department of Health, Education, and Welfare, and (2) to implement such operational and financial reforms as are recommended by the Secretary on the basis of information obtained in the course of the comprehensive cost analysis study or other relevant information."

TRAINEESHIPS FOR ADVANCED TRAINING OF PROFESSIONAL NURSES

SEC. 106. (a) Section 821(a) of the Public Health Service Act is amended to read as follows:

"(a) There are authorized to be appropriated for the fiscal year ending June 30, 1972, and for the succeeding two fiscal years, such sums as may be necessary to cover the cost of traineeships for the training of professional nurses to teach in the various fields of nurse training (including practical nurse training), to serve in administrative or supervisory capacities, or to serve in other professional nursing specialities as determined by the Secretary to require advanced training."

(b) Subsections (b) and (c) of section 821 of the Public Health Service Act are amended by striking out the words "Surgeon General" wherever they appear and inserting in lieu thereof the word "Secretary".

NURSING STUDENT LOANS

SEC. 107. (a)(1) Effective with respect to academic years (or their equivalent as determined under regulations of the Secretary of Health, Education, and Welfare under section 823 of the Public Health Service Act) beginning after the date of enactment of this Act, subsection (a) of such section is amended by striking out "$1,500" and inserting in lieu thereof "$2,500".

(2) Section 823(a) of such Act is amended by striking out "$6,000" and inserting in lieu thereof "$10,000".

(b) Effective with respect to any year of service ending after the date of the enactment of this Act for which cancellation of all or part of a loan made under part B of title VIII of the Public Health Service Act is authorized under section 823(b)(3) of such Act, such section is amended to read as follows:

"(3) an amount up to 100 per centum of any such loan (plus interest thereon) shall be canceled for full-time employment as a professional nurse (including teaching in any of the fields of nurse training and service as an administrator, supervisor, or consultant in any of the fields of nursing) in any public or nonprofit private institution or agency (including neighborhood health centers) at the rate of 20 per centum of the amount of such loan (plus interest) unpaid on the first day of such service, for each complete year of such service, except that the rate shall be 33⅓ per centum for each complete year of service for any person who engages in the practice of nursing or any specialized aspect thereof in an area in a State determined, in accordance with regulations of the Secretary prescribing criteria for such determinations by such agency or organization as the Secretary may designate, to have a shortage of and need for the practice in which he engages and such designated agency or organization certifies in such manner and at such time or times as the Secretary may prescribe that such practice helps to meet the shortage of and need for such practice in the area where the practice occurs.

(c) Section 824 of such Act is amended (1) by striking out "and" immediately after "1970", (2) by striking out "and" immediately after "1970,", (2) striking and inserting in lieu thereof "$25,000,000 for the fiscal year ending June 30, 1972, $30,000,000 for the fiscal year ending June 30, 1973, and $35,000,000 for the fiscal year ending June 30, 1974, and such sums for the fiscal year ending June 30, 1975," and (3) by striking out "before July 1, 1971" and inserting in lieu thereof "before July 1, 1974."

(d) Section 826 of such Act is amended by striking out "1974" each place it occurs and inserting in lieu thereof "1977".

(e) The first sentence of section 827(a)(1) of such Act is amended by striking out "next three fiscal years" and inserting in lieu thereof "next six fiscal years".

NURSING SCHOLARSHIP GRANTS

SEC. 108. (a) Effective with respect to scholarship grants made under subsection (a) of section 860 of the Public Health Service Act for fiscal years beginning after June 30, 1971, subsection (b) of such section is amended to read as follows:

"(b) The amount of the grant under subsection (a) for the fiscal year ending June 30, 1972, and for each of the next two fiscal years to each such school shall be equal to $3,000 multiplied by one-tenth of the number of full-time students of such school. For the fiscal year ending June 30, 1975, and for each of the two succeeding fiscal years, the grant under subsection (a) shall be such amount as may be necessary to enable such school to continue making payments under scholarship awards to students who initially received such awards out of grants made to the school for fiscal years ending before July 1, 1974."

(b) Effective with respect to scholarship grants made under subsection (a) of section 869 of the Public Health Service Act for fiscal years beginning after June 30, 1971, subsection (c)(1) of such section is amended (A) by striking out "1970, and the next fiscal year" in clause (A) and inserting in lieu thereof "1972 and the next two fiscal years", (B) by striking out "1971" in clause (B) and inserting in lieu thereof "1974", and (C) by striking out "1972; and each of the three" in such clause and inserting in lieu thereof "1975, and each of the two."

MISCELLANEOUS PROVISIONS

SEC. 109. Section 868(a) of the Public Health Service Act is amended to read as follows:

"(a) To assist in achieving the purposes of this part the Secretary is authorized (without regard to section 3709 of the Revised Statutes (41 U.S.C. 5)) to enter into contracts with State and local educational agencies and other public or nonprofit organizations and institutions for the purpose of—

"(1) identifying qualified youths (with emphasis given to identifying those youths of exceptional financial need) and encouraging them to complete secondary school and undertake post-secondary educational training in the field of nursing, or

"(2) publicing existing forms of financial aid for nursing students, including aid furnished under this section."

TITLE II—AMENDMENTS TO THE HIGHER EDUCATION ACT OF 1965

INCREASE IN MAXIMUM AMOUNTS OF INDIVIDUAL INSURED LOANS TO NURSING STUDENTS

SEC. 201. (a) Section 425(a) of the Higher Education Act of 1965 is amended (1) by inserting "(1)" after "(a)", (2) by inserting "(other than a student at a public or other nonprofit collegiate or associate degree school of nursing)" after the word "student" where it appears in the first and second sentences of such subsection, and (3) by adding at the end thereof the following new paragraph:

"(2) The total of the loans made to a student at a public or other nonprofit collegiate or associate degree school of nursing in the academic year or its equivalent (as determined under regulations of the Commissioner) which may be covered by Federal loan insurance under this part may not exceed $2,500. Amounts so covered shall be included in computing the aggregate insured unpaid principal amount of insured loans to a student for purposes of the preceding paragraph, but the limitation upon such aggregate imposed by that paragraph shall not apply to a nursing student."

(b) Clause (A) of section 428(b)(1) of such Act is amended by inserting after "loans to any individual student" the following: "(other than a student at a public or other nonprofit collegiate or associate degree school of nursing), and not less than $1,000 nor more than $2,500 in loans to any individual student at a public or other nonprofit collegiate or associate degree school of nursing,".

(c) Clause (A) of section 428(b)(1) of such Act is amended (1) by inserting after "insured loans made to any student" the following: "(other than a student at a public or other nonprofit collegiate or associate degree school of nursing)", and (2) by inserting before the semicolon at the end thereof the following: ", in the computation of which there shall be included any amount loaned to such student while he was a student at a public or other nonprofit collegiate or associate degree school of nursing."

EXTENSION OF REPAYMENT PERIOD FOR NURSING STUDENTS

SEC. 202. (a) Clause (B) of section 427(a)(2) of the Higher Education Act of 1965 is amended (1) by inserting after "nor more than ten years" the following: "(or, in the case of a student at a public or other nonprofit collegiate or associate degree school of nursing nor more than twenty years)"; and (2) by inserting after "the period of the loan may not exceed fifteen years" the following: "(or, in the case of a student at a public or other nonprofit collegiate or associated degree school of nursing, may not exceed twenty-five years)".

(b)(1) Clause (B) of section 428(b)(1) of such Act is amended by inserting after "at least six academic years of "study" the following: "(or, in the case of a student at a public or other nonprofit collegiate or associate degree school of nursing, at least eight academic years of study)".

(2) Clause (D) of section 428(b)(1) of such Act is amended by inserting after "nor more than ten years" the following: "(or, in the case of a student at a public or other nonprofit collegiate or associate degree school of nursing, nor more than twenty years)".

FEDERAL ASSUMPTION OF REPAYMENT OBLIGATION OF NURSING STUDENTS WHO PRACTICE IN HEALTH CARE SHORTAGE AREAS

SEC. 203. (a) Part B of title V of the Higher Education Act of 1965 is amended by adding at the end thereof the following new section:

"REPAYMENT BY COMMISSIONER OF LOANS TO NURSING STUDENTS WHO PRACTICE IN HEALTH CARE SHORTAGE AREAS

"SEC. 438. (a) If any person who, after June 30, 1971, received any loan insured under this part—

"(1) engages in the practice of nursing, or any specialized aspect thereof, in an area in a State determined, in accordance with regulations of the Secretary prescribing criteria for such determinations by such agency or organization as the Secretary may designate, to have a shortage of and need for the practice in which he engages; and

"(2) such designated agency or organization certifies in such manner and at such time or times as the Secretary may prescribe that such practice helps to meet the shortage of and need for such practice in the area where the practice occurs;

then 33⅓ per centum of the total of such loan or loans, plus accrued interest on such amount, which are unpaid as of the date that such practice begins, shall be paid thereafter by the Commissioner for each year of such practice, up to a total of 100 per centum of such total, plus accrued interest thereon.

"(b) If any person who, after June 30, 1971, received a loan insured under this part, engages in full-time employment as a professional nurse (including teaching in any of the fields of nurse training and service as an administrator, supervisor or consultant in any of the fields of nursing) in any public or nonprofit private institution or agency (including neighborhood health centers) then 100 per centum of the total of such loan or loans, plus accrued interest on such amount, which are unpaid as of the date such employment begins, shall be paid thereafter by the Commissioner for each year of such employment, not to exceed a total of 20 per centum of such principal, plus accrued interest thereon.

"(c) The Commissioner shall, on or before the due date thereof, pay any loan or loan installment which may fall due within any year for which the borrower, at the completion of such borrower, at such times and loan or installment paid under subsection (a) or (b) of this section, upon the declaration of such borrower, at such times and in such manner as the Commissioner may prescribe (and supported by such other evidence as the Commissioner may reasonably require), that the borrower is then engaged as described in paragraphs (1) and (2) of subsection (a) or by subsection (b), and that he will continue to be so engaged for the period required (in the absence of this subsection) to entitle him to have made the payments provided by subsection (a) or (b) for such year. A borrower who fails to become eligible to have made the payments provided by subsection (a) or (b) for such year shall be liable to reimburse the Commissioner for any payments made pursuant to this subsection".

(b) Clause (2) of section 421(b) of such Act is amended by inserting "and section 438" after "section 437".

(c) Clause (E) of section 427(a)(2) of such Act is amended (A) by striking out "portion of the interest on the note which is payable by the Commissioner" and inserting in lieu thereof, "portion of the principal or interest on the note which is payable by the Commissioner"; and (B) by inserting before the comma at the end of the clause "or section 438".

(d) Clause (B) of section 428(b)(2) of such Act is amended by striking out "for the purpose of section 437" and inserting in lieu thereof "for the purpose of section 437 or section 438".

FEDERAL ASSUMPTION OF REPAYMENT OBLIGATION OF NURSING STUDENTS IN EXCEPTIONAL NEED WHO ARE UNABLE TO COMPLETE THEIR STUDIES

SEC. 204. (a) Part B of title IV of the Higher Education Act of 1965, as amended by this Act, is further amended by adding at the end thereof the following new section:

"REPAYMENT BY COMMISSIONER OF LOANS TO NURSING STUDENTS IN EXCEPTIONAL NEED WHO ARE UNABLE TO COMPLETE THEIR STUDIES

"SEC. 439. Upon application by a person who received, and is under an obligation to repay, any loan insured under this part, which loan was made to such person as a student at a public or other nonprofit collegiate or associate degree school of nursing to enable him to study nursing, the Commissioner shall undertake to repay (without liability to the applicant) all or any part of such loan and any interest or portion thereof outstanding thereon, upon his determination, pursuant to regulations of the Secretary establishing criteria therefor, that the applicant—

"(1) failed to complete such studies;

"(2) is in exceptionally needy circumstances;

"(3) is from a low-income or disadvantaged family as those terms may be defined by such regulations; and

"(4) has not resumed, or cannot reasonably be expected to resume the study of nursing within one year following the date upon which he terminated such study."

(b) Clause (2) of section 421(b) of such Act, as amended by this Act, is further amended by striking out "and section 438" and inserting in lieu thereof a comma and "section 438, and section 439".

(c) Clause (E) of section 427(a)(2) of such Act as amended by the foregoing provisions of this Act, is further amended by striking out "or section 438" and inserting in lieu thereof a comma and "section 438 or section 439".

(d) Clause (B) of section 428(b)(3) of such Act as amended by this Act, is further amended by striking out "section 438" and inserting in lieu thereof a comma and "section 438 or section 439".

DIRECT LOANS TO NURSING STUDENTS

SEC. 205. Part B of title IV of the Higher Education Act of 1965 as amended by this Act, is further amended by adding at the end thereof the following new section:

"DIRECT LOANS TO NURSING STUDENTS

"SEC. 440. (a) The Commissioner may make a direct loan to any student who would be eligible for an insured loan for study at a public or other nonprofit collegiate or associate degree school of nursing under this section if (1) in the particular area in which such student resides loans which are insurable under this Act are not available at the rate of interest prescribed by the Secretary pursuant to clause (D) of section 427(a)(2) for such area, or (2) the particular student has been unable to obtain an insured loan at a rate of interest which does not exceed such rate prescribed by the Secretary.

"(b) Loans made under this section shall bear interest at the rate prescribed by the Secretary under clause (D) of section 427 (a)(2) for the area where the student resides, and shall be made on such other terms and conditions as the Secretary shall prescribe, which shall conform as nearly as practicable to the terms and conditions of loans insured under this Act.

"(c) There is authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1972, and for the two succeeding fiscal years, to carry out this section."

Mr. PROUTY. Mr. President, I am pleased to join with Senator JAVITS in introducing the Nursing Education Act of 1971.

On March 10, I cosponsored S. 1183, the administration's "Health Manpower Assistance Act of 1971," which embodies a significant expansion of Federal support for the training of health personnel.

The excellence of S. 1183 is diminished only in its failure to extend funding concepts it contains for schools of medicine, dentistry, or osteopathy to schools of nursing.

Health care is a team effort, and we cannot expand our training efforts for one player on the team without an equal effort for the other players. To vastly expand our support for medical schools without a similar emphasis on our nursing schools is like training a team of pitchers with no catchers. This bill seeks to develop a team with depth.

In this bill, Senator JAVITS and I have extended the provisions of S. 1183 which provide formula capitation grants for schools of medicine, dentistry, and osteopathy, to schools of nursing. Our bill thus rounds out Federal support for the training of health personnel.

Our bill proposes that the capitation payment per graduate of a school of nursing be separate appropriation authorization. Under existing law, special project grants and institutional formula grants are contained in one appropriation authorization, with the proviso that the funds must first be spent on separate project grants.

Due to fiscal restraints and the combination authorization, no funds have ever been appropriated for formula grants to our schools of nursing. All the funds appropriated under this authorization have been applied to special project grants.

By providing separate appropriation authorizations for formula and special project grants, this measure seeks to remedy this frustrating shortcoming.

Senators should note that while this bill we introduce establishes the capitation payment mechanism, it does not now set a capitation figure. This figure should be determined by the Senate based on the recommendations of the Committee on Labor and Public Welfare pursuant to the testimony in legislative hearings.

Senators should also note the other provisions of the bill which respond to the need for Federal assistance to the schools of nursing and nursing students.

The measure follows the recommendations of the report to the President and Congress on the "Progress in Nurse Training—1970" by deleting the priority requirement requiring increased enrollment as a condition for a special project grant. This requirement has been restrictive in its impact on schools for which increased enrollment has not been the top priority.

Unfortunately for many of our schools of nursing, financial survival is the top priority, and this bill authorizes financial disaster relief grants to such schools with appropriate safeguards, including provision for full financial disclosure.

Under this measure, schools of nursing are further assisted by an extension of existing construction grant authorities and the inclusion of additional authority for guaranteed loans and 3 percent interest subsidies. In addition, this bill extends construction support to assist associate degree schools of nursing and increases the present grant ceiling of 66⅔ percent of construction costs to 75 percent.

It is not enough to assist the schools of nursing. It is imperative that we provide potential nurses the resources they need to obtain their education as the costs of nursing education soar.

This measure responds to the increasing cost of a nursing education by increasing the nursing student scholarship grant amount from $2,000 to $3,000 and raising the maximum loan amount from $1,500 to $2,000.

Loan forgiveness for nursing student loans is provided to encourage graduates to serve in public or nonprofit private agencies or institutions, including community health centers. A rate of forgiveness of 20 percent per year up to the maximum amount of the loan is authorized with a provision for a special forgiveness rate of 33⅓ percent per year for full-time employment in an area defined by the Secretary of Health, Education, and Welfare as a health care shortage area.

For nursing students in exceptional financial need, the bill authorizes Federal repayment of guaranteed loans to enable students to complete their studies.

The bill also responds to the difficulties some students encounter in obtaining guaranteed loans. For such students, the bill authorizes direct loans.

To seek more nursing students, the bill broadens the nurse talent search program to all potential candidates.

From the search for potential nurses through student assistance to direct support for schools of nursing, the measure we introduce responds with provisions based on the successes and shortcoming of past Federal programs and the irrefutable need for more nurses.

The future of our Nation's health care depends on the availability of qualified health personnel. It is clear that the duties and responsibilities of our nurses will increase in the future, and we must move now to insure that nurses are available and they are trained to assume their new roles and responsibilities.

Health care requires teamwork and we must be sure we have all the players we need.

I commend to Senators the administration's "Health Manpower Assistance Act of 1971" and this bill as a package which responds to the training needs for the full health care team.

By Mr. BIBLE (for himself, Mr. BURDICK, Mr. DOLE, Mr. EASTLAND, Mr. GRAVEL, Mr. GURNEY, Mr. HUMPHREY, Mr. KENNEDY, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MOSS, Mr. NELSON, Mr. RANDOLPH, Mr. SPARKMAN, and Mr. STEVENS):

S. 1615. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business. Referred to the Committee on Finance.

SMALL BUSINESS TAX SIMPLIFICATION AND REFORM ACT OF 1971

Mr. BIBLE. Mr. President, as chairman of the Select Committee on Small Business, I introduce a bill entitled "The Small Business Tax Simplification and Reform Act of 1971."

As a key phase of a cooperative effort to improve the tax climate surrounding the hard-pressed small business community nationally, my distinguished colleague from Tennessee (Mr. JOE EVINS), the chairman of the House Select Committee on Small Business, has graciously offered to serve as the chief sponsor of this legislation in the other body in accordance with the constitutional requirement that all revenue measures originate in the House of Representatives. I am advised that his introduction with representative cosponsorship will take place today as we launch this dual effort to help the small businessman where he is hurting the most—in his taxpaying pocketbook.

Likewise, we are particularly pleased to have bipartisan support in this body for this bill as reflected by the 15 distinguished Senators from both sides of the aisle who have joined as cosponsors of this bill—Mr. BURDICK, Mr. DOLE, Mr. EASTLAND, Mr. GRAVEL, Mr. GURNEY, Mr. HUMPHREY, Mr. KENNEDY, Mr. MCGOVERN, Mr. MCINTYRE, Mr. METCALF, Mr. MOSS, Mr. NELSON, Mr. RANDOLPH, Mr. SPARKMAN, and Mr. STEVENS.

May I invite as cosponsors of this bill all other Members of the Senate who are interested in the small businessmen's tax problems.

NEED FOR A SMALL BUSINESS TAX BILL

The case for small business tax legislation, I believe, grows stronger each year and has become especially graphic during the past 2 years.

As a statistical matter, small businesses in this country account for 99 percent of the number of firms, 40 percent of the jobs, and upwards of one-third of the gross national product. In reality, they count for much more in terms of keeping our economy flexible, receptive to improvement, and competitive in such areas as prices and services. They are invaluable in making economic democracy a reality, and thus preserving the foundation of our political democracy. We need to be reminded of this periodically.

We should also realize in 1971 that the American business community has been going through perhaps the most vexing set of problems in memory, and the smaller and newer enterprises have naturally felt the pain most keenly. Interest rates for most of this period have been at the highest peaks in a century. Other business costs have continued to rise with inflationary speed. The liquidity of corporations and banks went through a period of near-crisis in 1970. Even as prime bank interest rates have come down, it is still difficult for less-well-rated borrowers to obtain loans, particularly in parts of the country remote from money centers. Consumers, their confidence sapped by unemployment, have been putting their money in thrift institutions rather than spending it out in the economy.

However, at the same time, there has been a flood of new technology that has proved most difficult for small firms to obtain at a time of tight money, especially in the absence of the investment credit.

On top of this, we have seen a series of new statutory standards in the environmental, pollution, health, and consumer fields. Federal, State, and regional governmental bodies are all insisting that smaller businesses comply with these laws and regulations.

The consequences of these conditions for small business are far more serious than mere reductions of profits. They affect the very life and death of thousands of firms as well as whole segments of industry which have traditionally been in the realm of small business. For instance, the deadlines contained in the environmental and consumer legislation, as commendable as their purposes are, could force a mass exodus of small firms which cannot, under current conditions, purchase the necessary pollution-control equipment.

The totality of these pressures took their toll in 1970. Failure rates for businesses rose 25 percent, and failures of companies with liabilities of $1 million increased a startling 95 percent.[1]

In the midst of the multiple credit squeeze, the monumental Tax Reform Act of 1969, which could have provided some relief for small firms, turned out to be a setback for the small business community. Small business was disadvantaged in at least five instances, tightening the financial straitjacket even further.[2]

During the course of this trying period, the President and his administration advocated several major tax programs.

First, in September 1969, the administration proposed a 2-percent reduction in the corporate tax rate. It is clear that the original intention was to make the reductions in the surtax alone.[3] By definition, the surtax applies only to companies earning more than $25,000 a year in net income. Thus, at the outset, this benefit would have been limited to only about 9 percent of U.S. corporations, leaving the other 91 percent of the corporations—that is, small business—completely out in the cold.

After the Senate Finance Committee gave this idea a rather critical reception, the Treasury proposal was changed to a 1-percent cut in the surtax and a 1-percent cut in the normal tax rate. The estimate of revenue loss put forward was about $1.6 billion after 2 years, with the lion's share of benefits still going to the largest business corporations.

Second, in May 1970, the administration proposed a so-called "Disc" device for eliminating export income from taxation. The Joint Committee on Internal Revenue Taxation estimated that the revenue loss from this bill would reach nearly $1 billion within 5 years, and it appeared that some 50 to 90 percent of this benefit was earmarked for perhaps fewer than 125 of the Nation's largest corporations.

Third, on January 11, 1971, the administration again proposed a tax reduction in the form of a depreciation package, accelerating the depreciation deduction by about 20 percent. It was apparent that about 55 percent of this benefit will be conferred upon the 103 largest corporations in the country, while 80 percent will go to the largest 2,500 or one-twentieth of 1 percent of U.S. businesses. This seems to leave the remaining 20 percent to the other $99\frac{19}{20}$ percent of the Nation's business.

This proposal initially was to involve a revenue loss of $2 billion in the first year, rising to somewhere around $4 billion within 3 years and tapering off slightly thereafter. However, I understand the first year loss is now estimated at closer to $3 billion because of later modifications.

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[1] See letter to President Nixon from Senators Bible and Sparkman of Dec. 26, 1970, *Congressional Record, vol. 116, pt. 33, p. 44027.*

[2] Reprint from *Daily Congressional Record,* June 30, 1970.

"First. The investment tax credit was repealed, without an exception for small business, which needs it most.

"Second. Multiple surtax exemptions were eliminated, without consideration for small business, for whose benefit this mechanism was originally placed in the law as a reform.

"Third. Pension and retirement benefits were curtailed for owners of approximately 200,000 subchapter S small business corporations.

"Fourth. Certain accelerated depreciation methods applying to real estate were eliminated or restricted, likewise without an exemption for small enterprise.

"Fifth. State and local development companies, which help to finance new business enterprise, were unfavorably classified in the tax code with particular reference to bad-debt reserves."

[3] Hearings on H.R. 13270, Senate Committee on Finance, Sept. 4–5, 1969, Part I, p. 645.

This program was presented as an administrative change rather than a legislative proposal, so that its disproportionate benefit to large corporations is intended to take effect without any opportunity for consideration of it or its alternatives by the Congress.

To fill out this picture, it must be remembered that the Administration also advocated abolition of the 7-percent investment tax credit which carried a revenue gain of $3.3 billion. The bulk of investment credit benefits also went to large corporations. But it was Administration policy to oppose a small business exemption—which passed the Senate but did not survive the House-Senate conference. The administration did send to Congress this year a modest business tax bill, which I will shortly describe in more detail.

However, I feel it is fair to say that now, smaller and medium-sized businesses, which have had the most trouble, have not received in recent years the tax consideration to which they are entitled. In my mind, there is a strong claim, in all equity, for Congress to redress the balance by at least inquiring into the field of business taxation from the viewpoint of the great majority of smaller and less-advantaged firms in this country.

HISTORY OF THIS BILL

One such vehicle for congressional attention would be the bill which is being reintroduced today. As the Senate will recall, the predecessor of this proposal was filed in the Senate on June 30, 1970.[4] It is my understanding that S. 4039 became the first general small business tax relief bill since 1958 and only the second bill of its kind to come before the Congress.

The legislative history of our Committee study and developments which brought the small business tax bill—S. 4039 of 1970—to the point of introduction is set forth in my remarks of June 30, 1970, to the Senate[5] and need not be repeated now. Suffice it to say, we have been at this work since early in 1967. During that time a businessmen's advisory council submitted detailed recommendations in the corporate tax field.[6]

As I have also noted, on February 2, 1971, the distinguished senior Senator from Utah (Mr. BENNETT), introduced a bill entitled "The Small Business Taxation Act of 1971,"—numbered S. 544—as President Nixon's small business tax proposal. I understand that a similar bill was submitted by letter to the Finance and Ways and Means Committee in April 1970, but was not introduced as a bill in either the Senate or the House during the 91st Congress. However, any such initiative in behalf of small business by the administration is very welcome. S. 544 does give us an additional impetus for coming to grips with the tax needs of small business. It is indeed gratifying that we have a bipartisan approach to the tax problems of the small businessman, because the operation of the tax system is too serious to be a partisan matter. There will undoubtedly be other bills making worthwhile suggestions in the small business field.

As I have said before, I view my small business tax revision proposal as a framework from which to build, a seed from which meaningful and overdue small business tax reforms can emerge. It attempts to be comprehensive in scope because I believe such an approach is called for in behalf of the free enterprise system. This bill marks out some new directions and will, I hope, open up other areas for serious discussion. I am not wedded to any of its specifics but I believe it provides a vehicle to move forward the ultimate goals of small business tax reform and simplification.

WIDE CONSULTATION PRECEDING REINTRODUCTION

Following the first presentation of our bill, S. 4039, last year, the Small Business Committee made an intensive second effort to obtain the counsel of tax and economic experts in the Government and in private life. We sought the advice of the Commerce Department, the Small Business Administration and especially the Treasury Department and the tax-writing committees of Congress. Our aim was to determine what improvements might be made in the text of both our bill and the Administration's 1970 proposal. We searched for avenues of common action which might be pursued to improve the prospects for the consideration and passage of small business tax relief in meaningful form and at the earliest possible time.

As a result of these consultations, we did adopt the 10-year loss carryover provision of last year's administration's submission and attempted to relate the small business studies included in our bill to the broader studies under way and otherwise contemplated within the Government.

There are also suggestions in both bills that the permissible number of subchapter S shareholders be raised—to 30 in the administration's bill and 15 in our bill—rising to 25 after five years. However, the two proposals are not similar in any other particular.

During the Autumn of 1970, we also distributed copies of S. 4039 as widely as possible to additional organizations and individuals who might have an interest, with an invitation for suggestions as to how the bill could be improved. Each of the ensuing recommendations was given close attention and study. The bill we present today reflects these many recommendations as well as our own continued research.

Accordingly, I am glad to say that there are both congressional and executive branch proposals before us. It is therefore hoped that there will be a basis for serious consideration of these small business tax issues, and a favorable possibility for tax reform and relief for the beleaguered small business community during the 92d Congress.

NATURE OF THIS BILL

The 1971 version of the small business tax reform and relief bill allows the Congress to look, within a single comprehensive framework, into many of the basic questions relating to the successive phases in the life of a small business—beginning with the founding of an enterprise, through the early growth, to needs for capital accumulation, certain special aspects, and culminating with the need to preserve independence as firms mature, and when their founders wish or are required to bow out of active management.[7]

Our original bill, S. 4039, and this successor bill result from 3½ years of study by the Small Business Committee. This bill thus emerges as a composite of recommendations from many quarters. It is as comprehensive as our Committee study could make it.

HIGHLIGHTS OF THE BILL

The small business tax reform and relief bill contains more than 3 dozen sections, with upwards of 40 proposals for change. These sections are grouped in eight chapters, logically related to each other as well as the life cycle of a small and growing business. Together these provisions constitute what we feel is a systematic approach to fostering the free enterprise system and to encouraging continued independence of businesses. In these ways, we can strengthen our commercial system in order to bring our people better goods, improved services, lower prices, and a greater variety of career choices.

When we introduced our bill last year, some criticism followed concerning the 5-year tax moratorium provision for new businesses. These objections came from other small businessmen who felt the keen edge of competition would be honed too much by this idea designed to help small businesses in those first high-risk years. We have not changed our mind about this concept. But we have reduced the 5-year exemption to 3 years as a compromise. If there were no other reason, we believe this proposal permits a real focus for discussion of both the positive and negative sides of the question and that debate of the matter is appropriate at this time.

A 3-year incentive provision would tend to offset some of the extra hazards a businessman must endure in risking his capital, his labor and his career in starting a new enterprise. It would also serve as a better equalizer against the tax-free resources built up in the older small businesses. Certainly, in the face of the massed capital of giant firms, there is room for encouragement for more young people and middle-level executives to get into their own business in order to keep up a viable, healthy small business community nationwide. Our increasing population, with its increasing consumer product needs, requires more enterprise in the future; not less.

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[4] Co-sponsors of the measure were: Senators Burdick (original), Moss, Dole, Sparkman, Randolph, Williams (N.J.), Nelson, Montoya, Harris, McIntyre, Gravel, Stevens, and Metcalf.

[5] "S. 4039—Introduction of the Small Business Tax Simplification and Reform Act of 1970"—*Congressional Record*, vol. 116, pt. 16, pp. 22206–22210.

[6] "Report of the Small Business Advisory Council to the Senate Small Business Committee," Dec. 17, 1968, Chapter on "Corporate Income Tax," pp. 10–18.

For purposes of clarification, the current Administration's study of business taxation entitled "Improving the Prospects of Small Business" consisted of eleven pages, just under one page of which was devoted to business taxation. The Administration's tax bill (S. 544) is based on this report. A further study on business taxation dated Sept. 1970, examines cost recovery for machinery and equipment, foreign business income, conformity of taxable with financial income and the value-added tax. However, the report does not discuss or mention the particular tax needs of smaller firms.

[7] Treasury officials have been kind enough to acknowledge the value of the bill in raising the issues in this manner. See "Tax Relief for Small Business," remarks to the Senate by Sen. Moss, *Congressional Record*, vol. 116, pt. 25, p. 34368.

A cardinal point in these days of continuing inflation and looming deficits which concern many of our citizens, is that this small business tax bill is designed not to result in the loss of Government revenue. Its intention is to merely shift 1 percent of the income paid by corporate taxpayers from new and growing companies to the most established and wealthiest corporations which can well afford to absorb such a minimal increase.

Such a revenue shift would enable a tax reduction for all companies earning less than $1 million a year, with proportionately greater advantages to new firms, some family business units, companies required to add machinery and equipment to expand their markets, and others facing modernization or forced compliance with environmental and consumer laws.

We feel that the bill also makes some headway in the area of preserving independence of firms during growth phases, when such a firm can be an effective innovator and competitor and also when the factors must or wish to withdraw from the active conduct of the company which they founded.

By no means do we feel that this process is finished. It would be surprising if a proposal of this complexity could not be improved at many points. We surely recognize this, just as we are aware that tax improvements will not solve all business problems. We expect that the congressional committees with long experience and wide expertise will be able to substantially improve this bill in form, content, and detail. Our committees will be a willing participant in this legislative process. It should also be remembered that Treasury Department brainpower will be brought to bear upon these matters considered by our committees, and that Treasury's process of developing regulations would follow any enactment. These excellent reviews would be expected to provide additional safeguards against possible abuses.

A detailed overall analysis as well as a section-by-section description of the bill in its modified 1971 form is set forth below.

At an appropriate time in the legislative calendar of the 92d Congress, I and my colleagues hope that we shall be ready to move forward toward a thorough consideration of the questions raised by this bill. These are questions of basic equity to small business and the health of our free enterprise system. We hope that such an effort can bring a realistic measure of relief and reform for the small businesses of this country. We shall be glad to help in any way we can to advance this cause.

Mr. President, I ask unanimous consent that an analysis of the bill and a description of its individual provisions, together with the full text be printed in the RECORD at the conclusion of my remarks, so that it will be accessible to the many business organizations and individual firms which have an interest, as well as those who must consider the measure.

There being no objection, the bill and material was ordered to be printed in the RECORD, as follows:

S. 1615

A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the "Small Business Tax Simplification and Reform Act of 1971".

(b) TABLE OF CONTENTS.—

TITLE I—TAX SIMPLIFICATION RELATING TO SMALL BUSINESS

Sec. 101. Intragovernmental committee on tax simplification for small business.
Sec. 102. Treasury Department small business tax analyst.
Sec. 103. New Internal Revenue Code chapter on small business.
Sec. 104. Revision of depreciation policy.
Sec. 105. Equalization of treatment of fringe benefits as between incorporated and unincorporated small businesses.
Sec. 106. Special study of differential effect of tax law changes on businesses of varying sizes.
Sec. 107. Frequency of collection of certain employment and excise taxes.

TITLE II—ADJUSTMENT OF CORPORATE NORMAL TAX

Sec. 201. Corporate normal tax rates

TITLE III—SPECIAL PROVISIONS TO ENCOURAGE ESTABLISHMENT OF NEW SMALL BUSINESS ENTERPRISES

Sec. 301. Exemption of net operating income of new small business corporations for first 5 years.
Sec. 302. Deduction of organizational expenses of partnership.
Sec. 303. Bad debt deduction for guarantors of obligations of, and lenders to, small business corporations.
Sec. 304. Losses on small business stock.
Sec. 305. Patronage benefits for qualified new community development cooperatives.

TITLE IV—PROVISIONS TO ASSIST SMALL BUSINESS GROWTH

Sec. 401. Increase in additional first-year depreciation allowance.
Sec. 402. Regulatory status for depreciation guidelines and elimination of reserve ratio test for small business.
Sec.403. Partial restoration of investment credit for small business.
Sec. 404. 10-year carryover of small business net operating losses.
Sec. 405. Accumulated earnings tax.
Sec. 406. Amortization of expenditures incident to issuance of stock.
Sec. 407. Period for amortization of research and experimental expenditures.
Sec. 408. Multiple surtax exemptions for certain small business corporations under single family control.

TITLE V—PROVISIONS RELATING TO PARTNERSHIPS

Sec. 501. Guaranteed payments from partnership to partner.
Sec. 502. Closing of taxable year of partnership on death of partner.
Sec. 503. Termination of partnership.
Sec. 504. Limitation on partner's distributive share of losses.

TITLE VI—PROVISIONS RELATING TO SUBCHAPTER S CORPORATIONS

Sec. 601. Increasing number of permissible shareholders.
Sec. 602. Broadening classes of permissible shareholders.
Sec. 603. Termination of election by majority.
Sec. 604. Termination of election—passive investment income.
Sec. 605. Termination of election—inadvertence.
Sec. 606. Carryover of disallowed deductions for corporation's net operating loss.

TITLE VII—BUSINESS DEVELOPMENT CORPORATIONS

Sec. 701. Reserves for losses on loans of business development corporations.
Sec. 702. Nonrecurring income of nonprofit local business development corporations.

TITLE VIII—PRESERVATION OF SMALL BUSINESS INDEPENDENCE

Sec. 801. Refunds of overpayments of estimated income tax before end of taxable year.
Sec. 802. Debt-financed corporate acquisitions.
Sec. 803. Valuation of unlisted securities for estate tax purposes.
Sec. 804. Extensions of time for paying estate tax.
Sec. 805. Amalgamation of interests in closely held businesses for estate tax purposes.
Sec. 806. Study and recommendations by Treasury Department with respect to preservation of independent small business.

(c) AMENDMENT OF 1954 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision, of the Internal Revenue Code of 1954.

(d) EFFECTIVE DATE.—Except as otherwise specified, the amendments to the Internal Revenue Code of 1954 made by this Act shall apply to taxable years beginning after the date of the enactment of this Act.

TITLE I—TAX SIMPLIFICATION RELATING TO SMALL BUSINESS

SEC. 101. INTRAGOVERNMENTAL COMMITTEE ON TAX SIMPLIFICATION FOR SMALL BUSINESS.

(a) There is hereby established a Committee on Tax Simplification for Small Business (hereafter in this section referred to as the "Committee"). The Committee shall be composed of—

(1) an officer of the Treasury Department designated by the Secretary of the Treasury,

(2) an officer of the Office of Management and Budget designated by the Director of the Office of Management and Budget,

(3) an officer of the Small Business Administration designated by the Administrator of the Small Business Administration, and

(4) an officer of the Internal Revenue Service designated by the Commissioner of Internal Revenue.

(b) It shall be the function and duty of the Committee—

(1) to make a continuing study and review of the provisions of the Internal Revenue Code of 1954 and, from time to time, recommend to the Congress such changes in the Code as it considers will be helpful in simplifying the application of the Code to small business, and

(2) to make a continuing study and review of the administration of the Internal

Revenue Code of 1954 and, from time to time, recommend to the Secretary of the Treasury and the Commissioner of Internal Revenue such changes in the regulations and procedures, and in the forms, instructions, guidelines, and other publications, prescribed in the administration of the Code as it considers will be helpful in simplifying the administration of the Code for small business.

In making the study and review under paragraph (2), the Committee shall give particular attention to the burden on small business resulting from requirements of frequent reporting and payment of the taxes imposed by subtitle C of the Internal Revenue Code of 1954. To the extent practicable, the Secretary and the Commissioner shall seek the advice of the Committee before proposing major changes in such regulations, procedures, forms, instructions, guidelines, and other publications.

(c) The Committee shall appoint an advisory committee to assist it in carrying out its functions and duties. The advisory committee shall consist of 12 members, all of whom shall be appointed from private life. The member of the Committee designated by the Administrator of the Small Business Administration shall appoint 6 members of the advisory committee. Each other member of the Committee shall appoint 2 members of the advisory committee.

(d) The Committee and the advisory committee shall each select a chairman from among its members.

(e) Members of the Committee and advisory committee shall receive no compensation for their service as such members, but shall be entitled to reimbursement for traveling expenses, and to per diem in lieu of subsistence, while away from their homes in attendance at meetings of the Committee or advisory committee.

(f) The Committee and the advisory committee shall meet, at the call of their respective chairmen, as often as may be necessary but not less often than once each quarter.

Sec. 102. Treasury Department Small Business Tax Analyst.

There is hereby established within the Office of the Secretary of the Treasury an Office of Small Business Tax Analysis which shall be headed by a Small Business Tax Analyst appointed by the Secretary. It shall be the duty of the Small Business Tax Analyst—

(1) to make a continuing study of the effect of Federal taxes on small business, and of the problems caused to small business in complying with the reporting and other procedural requirements of the Federal tax laws,

(2) to make a continuing study of the total effect of Federal, State, and local taxes on small business, and of the problems caused to small business in complying with the reporting and other procedural requirements of Federal, State, and local tax laws,

(3) to assist the Secretary in carrying out the duties and functions imposed by sections 103, 104, 105, 106, and 806 of this Act, and

(4) to perform such other duties and functions in the interest of small business as the Secretary may prescribe.

Sec. 103. New Internal Revenue Code Chapter on Small Business.

(a) The Secretary of the Treasury, with the assistance of the Small Business Tax Analyst, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate recommendations for structural changes in the Internal Revenue Code of 1954 so as to consolidate into one chapter, or other appropriate subdivision, the text of, or reference to, those provisions which relate primarily to new and small business enterprises.

(b) The recommendations required by subsection (a) shall be submitted as soon as practicable, but not later than one year after the date of the enactment of this Act.

Sec. 104. Revision of Depreciation Policy.

(a) The Secretary of the Treasury, with the assistance of the Small Business Analyst, shall study, and report thereon to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, the effect on small business of those provisions of the Internal Revenue Code of 1954 relating to the depreciation of property and the desirability of providing special treatment for small business under such provisions. In making such study, the Secretary shall take into consideration—

(1) the effect on small business of the withdrawal (except as restored by section 403 of this Act) of the credit for investment in depreciable property,

(2) the need of small business to be able to take advantage of rapid technological advances,

(3) the necessity for simplicity in the application of the depreciation provisions to small business, and

(4) the desirability of providing treatment for small business in the United States comparable to the treatment provided under the tax laws of other advanced countries for small business in those countries.

(b) The report required by subsection (a) shall be submitted as soon as practicable, but not later than one year after the date of the enactment of this Act.

Sec. 105. Equalization of Treatment of Fringe Benefits as Between Incorporated and Unincorporated Small Businesses.

(a) The Secretary of the Treasury, with the assistance of the Small Business Tax Analyst, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate recommendations for changes in the Internal Revenue Code of 1954 so as to provide equal tax benefits for all small business enterprises, whether incorporated or unincorporated, resulting from the application of the provisions of the Code relating to qualified pension, profit-sharing, and stock bonus plans, health and accident plans, and wage continuation plans.

(b) The recommendations required by subsection (a) shall be submitted as soon as practicable, but not later than one year after the date of the enactment of this Act.

Sec. 106. Special Study of Differential Effect of Tax Law Changes on Businesses of Varying Sizes.

(a) The Secretary of the Treasury, with the assistance of the Small Business Tax Analyst, shall make a special study, and report thereon to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, of the differential effect on businesses of varying sizes of significant changes in Federal tax laws and regulations from 1958 through 1970.

(b) The report required by subsection (a) shall be submitted as soon as practicable, but not later than two years after the date of the enactment of this Act.

(c) There is authorized to be appropriated the sum of $300,000 to carry out the provisions of this section.

Sec. 107. Frequency of Collection of Certain Employment and Excise Taxes.

(a) Small Taxpayers Not To Be Required To Make Payments More Often Than Monthly.—Section 6302 (relating to mode or time of collection) is amended by adding at the end thereof the following new subsection:

"(d) Collection of Certain Employment and Excise Taxes.—If, during a calendar month, the aggregate of the amount of—

"(1) taxes deducted under section 3112 from wages by a person,

"(2) taxes imposed under section 3102 on wages paid by such person,

"(3) taxes deducted and withheld under section 3402 upon wages paid by such person, and

"(4) taxes imposed under chapters 31 and 32 with respect to sales by such person,

does not exceed $7,000, such person shall be not required to pay or deposit such taxes more than one time for such month."

(b) Effective Date.—The amendment made by subsection (a) shall take effect on the first day of the first calendar quarter beginning more than 30 days after the date of the enactment of this Act.

TITLE II—ADJUSTMENT OF CORPORATE NORMAL TAX

Sec. 201. Corporate Normal Tax Rates.

Section 11(b) (relating to corporate normal tax) is amended to read as follows:

"(b) Normal Tax.—The normal tax is the amount determined in accordance with the following table:

"If the taxable income is:	The normal tax is:
Not over $50,000	20% of the taxable income.
Over $50,000 but not over $250,000.	$10,000, plus 21% of excess over $50,000.
Over $250,000 but not over $500,000.	$52,000, plus 21½% of excess over $250,000.
Over $500,000 but not over $1,000,000.	$105,750, plus 22% of excess over $500,000.
Over $1,000,000 but not over $10,000,000.	$215,750, plus 23% of excess over $1,000,000.
Over $10,000,000 but not over $100,000,000.	$2,285,750, plus 23½% of excess over $10,000,000.
Over $100,000,000 but not over $1,000,000,000.	$23,435,750, plus 23¾% of excess over $100,000,000.
Over $1,000,000,000	$237,185,750, plus 24% of excess over $1,000,000,000.

For purposes of applying the percentages and amounts of tax set forth in the preceding table in the case of a corporation which is a component member of a controlled group of corporations (within the meaning of section 1563), the taxable income of the other component members of such group shall, under regulations prescribed by the Secretary or his delegate, be taken into account."

TITLE III—SPECIAL PROVISIONS TO ENCOURAGE ESTABLISHMENT OF NEW SMALL BUSINESS ENTERPRISES

Sec. 301. Exemption of Net Operating Income of New Small Business Corporations for First 3 Years.

(a) Special Deduction.—Part VIII of subchapter B of chapter 1 (relating to special deductions for corporations) is amended by adding at the end thereof the following new section:

"Sec. 251. Net Operating Income of New Small Business Corporations.

"(a) General Rule.—If an election under subsection (d) by an eligible new small business corporation is in effect for the taxable year, there shall be allowed as a deduction an amount equal to so much of the corporation's net operating income for the taxable year as does not exceed $83,333, multiplied by the number of months in such year within the eligibility period of such corporation. For purposes of this section, a corporation's net operating income for a taxable year is its taxable income for such year determind without regard to—

"(1) income which is (or is treated as) gain from the sale or exchange of capital assets, and

"(2) deductions attributable to income described in paragraph (1).

"(b) Eligible Corporations.—For purposes of this section—

"(1) In general.—The term 'eligible new small business corporation' means, with respect to a taxable year wholly or partially within its eligibility period, a small business corporation (as defined in section 1371(a), determined with the application of sections 1371(c) and (d)) which—

"(A) is engaged in the active conduct of a trade or business,

"(B) is not an electing small business corporation (as defined in section 1371(b)) for the taxable year, has not been an electing small business corporation for any prior taxable year, and is not the successor of such a corporation, and

"(C) does not have, at any time during the portion of its eligibility period within such taxable year, a disqualifying shareholder (as defined in paragraph (4)) who is an employee of such corporation.

"(2) Professional service corporations.—The term 'eligible new small business corporation' does not include a corporation beneficial ownership in which, or control of which, is limited under State or local law, applicable regulations, or rules of professional ethics to—

"(A) individuals who are required to be licensed or otherwise authorized under State or local law to perform the professional services necessary to carry on the trade or business in which such corporation is engaged, and

"(B) the executor or administrator of the estate of an individual described in subparagraph (A).

"(3) Prior benefit of this section.—The term 'eligible new small business corporation' does not include a corporation more than 50 percent of the voting stock of which is owned at the close of the taxable year by persons who are also owners of voting stock in another corporation which makes an election under subsection (d) which is in effect for the taxable year, or who were the owners of voting stock in another corporation which made an election under subsection (d) which was in effect for any prior taxable year.

"(4) Disqualifying shareholder.—The term 'disqualifying shareholder' means an individual who for a period or periods aggregating 5 or more years has been engaged in the active conduct of a trade or business as—

"(A) the proprietor of a sole proprietorship,

"(B) a partner in a partnership in which he owned more than 5 percent of the capital interest or profits interest,

"(C) an employee of a corporation in which he owned more than 5 percent of the voting stock or more than 5 percent in value of all stock, or

"(D) any combination of the foregoing.

"(c) Eligibility Period.—For purposes of this section, the eligibility period of a small business corporation is the 36-month period beginning with the first day of the first month in which such corporation (or any predecessor in interest) first engages in the active conduct of a trade or business.

"(d) Election.—

"(1) In general.—An election to have the provisions of subsection (a) apply may be made by an eligible small business corporation for any taxable year wholly or partially within its eligibility period for which it has net operating income.

"(2) When and how made.—An election under paragraph (1) may be made for any taxable year on or before the time prescribed by law (including extensions thereof) for filing a return for such year. Such election shall be made in such manner as the Secretary or his delegate prescribes by regulations.

"(3) Revocation.—An election under paragraph (1) may be revoked only with consent of the Secretary or his delegate.

"(e) Effect of Subchapter S Status.—A small business corporation which makes an election under subsection (d) which is in effect for any taxable year shall not be eligible to make an election under section 1372.

"(f) Regulations.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section."

(b) Clerical Amendment.—The table of sections for such part VIII is amended by adding at the end thereof the following new item:

"Sec. 251. Net operating income of new small business corporations."

Sec. 302. Deduction of Organizational Expenses of Partnership

Section 703 (relating to the computation of the taxable income of a partnership) is amended by adding at the end thereof the following new subsection:

"(c) Organizational Expenses.—

"(1) General rule.—A deduction shall be allowed to the partnership for organizational expenses (as defined in paragraph (2)) ratably over a period of 60 months beginning in the month in which such expenses were paid or accrued, except that in the event the partnership is considered as terminated under section 708(b) any organizational expenses not previously allowed shall be allowed for the taxable year in which it is so considered to be terminated.

"(2) Definition.—For purposes of this subsection, the term 'organizational expenses' means any expense of a character which, if expended incident to the creation of a corporation having a limited life, would be amortizable over such life and which is incident to—

"(A) the creation of a new partnership;

"(B) the preparation of a partnership agreement for a partnership;

"(C) the amendment of an existing partnership agreement; or

"(D) the preparation or amendment of any agreement relating to the transfer or retirement of an interest in a partnership."

Sec. 303. Bad Debt Deduction for Guarantors of Obligations of, and Lenders to, Small Business Corporations

(a) Guarantors of Obligations of Small Business Corporations.—Section 166(f) (relating to guarantors of certain noncorporate obligations) is amended to read as follows:

"(f) Guarantor of Certain Noncorporate Obligations and Obligations of Small Business Corporations.—

"(1) In general.—A payment during the taxable year by the taxpayer (other than a corporation) in discharge of part or all of his obligation as a guarantor, endorser, or indemnitor of—

"(A) a noncorporate obligation, or

"(B) an obligation of a corporation which (at the time such obligation is incurred) is a small business corporation,

the proceeds of which were used in the trade or business of the borrower shall be treated as a debt becoming worthless within such taxable year for purposes of this section (except that subsection (d) shall not apply), but only if the obligation of the borrower to the person to whom such payment was made was worthless (without regard to such guaranty, endorsement, or indemnity) at the time of such payment.

"(2) Small business corporation.—For purposes of paragraph (1), the term 'small business corporation' means a corporation the equity capital of which does not exceed $1,500,000. For purposes of the preceding sentence, the equity capital of a corporation is the sum of its money and other property (in an amount equal to the adjusted basis of such property for determining gain), less the amount of its indebtedness (other than indebtedness to shareholders)."

(b) Definition of Nonbusiness Debt.—Section 166(d)(2) (relating to definition of nonbusiness debt) is amended—

(1) by striking out "or" at the end of subparagraph (A);

(2) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof the following new subparagraph:

"(C) a debt arising from a loan to—

"(i) one or more individuals, or

"(ii) a corporation which at the time such loan is made is a small business corporation (as defined in subsection (f)(2)),

the proceeds of which are used in the trade or business of the borrower or borrowers."

Sec. 304. Losses on Small Business Stock.

(a) Increase in Maximum Amount of Losses.—Section 1244(b) (relating to limitation on application of section 1244) is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

"(1) $50,000 (not more than $25,000 of which is attributable to stock acquired before the date of the enactment of the Small Business Tax Simplification and Reform Act of 1971), or

"(2) in the case of a husband and wife filing a joint return for such year under section 6013, $100,000 (not more than $50,000 of which is attributable to stock acquired before such date)."

(b) Definition of Section 1244 Stock.—Section 1244 (relating to losses on small business stock) is amended by redesignating subsection (e) as (g) and by inserting after subsection (d) the following new subsections:

"(e) Plans Adopted After Enactment of Small Business Tax Simplification and Reform Act of 1970.—In the case of a plan adopted after the date of the enactment of the Small Business Tax Simplification and Reform Act of 1971—

"(1) paragraph (2) of subsection (c) shall be applied by substituting—

"(A) $750,000 for $500,000 in subparagraph (A), and

"(B) $1,500,000 for $1,000,000 in subparagraph (B);

"(2) paragraph (1)(A) of subsection (c) shall be applied by substituting 5 years for two years;

"(3) paragraph (1)(C) of subsection (c) shall not apply with respect to a prior offering of section 1244 stock under a plan adopted on or before such date, but in applying paragraphs (2)(A)(i) and (2)(B)(i) of subsection (c) there shall be taken into account the amount of such prior offering which is outstanding on the date of the adoption of the plan; and

"(4) for purposes of paragraph (1)(C) of subsection (c), options to acquire stock held by employees of the corporation (and unissued stock necessary in case of the exercise of such options) shall not be considered to be part of a prior offering which is outstanding.

"(g) Notice of Offering and Adoption of

Plan.—A corporation which during the taxable year makes an offering of its stock which it believes to fulfill the requirements of subparagraphs (A), (B), and (C) of subsection (c) (1) may—

"(1) include, on its return for such year, a statement that such offering has been made and the date on which the plan for such offering was adopted, and

"(2) include a copy of such plan with such return."

Sec. 305. Patronage Benefits for Qualified New Community Development Cooperatives

Section 1388 (relating to definitions and special rules for subchapter T of chapter 1) is amended—

(1) by adding at the end of subsection (c) (1) the following new sentence: "The preceding sentence shall not apply with respect to a patronage dividend paid by a qualified community development cooperative with respect to patronage during any of its first 5 taxable years."; and

(2) by adding at the end thereof the following new subsection:

"(j) Qualified Community Development Cooperatve.—For purposes of this subchapter, the term 'qualified community development cooperative' means an organization—

"(1) which is engaged primarily in selling goods of providing services at retail, and

"(2) substantially all of the members and patrons of which—

"(A) are individuals of low or moderate income (as prescribed by the Secretary or his delegate by regulations), and

"(B) are residents of the community in which its place of business is located."

TITLE IV—PROVISIONS TO ASSIST SMALL BUSINESS GROWTH

Sec. 401. Increase in Additional First-Year Depreciation Allowance.

Section 179(b) (relating to dollar limitation on property eligible for additional first-year allowance) is amended—

(1) by striking out "$10,000" each place it appears and inserting in lieu thereof "$20,000"; and

(2) by striking out "$20,000" and inserting in lieu thereof "$40,000".

Sec. 402. Regulatory Status for Depreciation Guidelines and Elimination of Reserve Ratio Test for Small Business.

(a) Regulations.—Section 167 (relating to depreciation) is amended by redesignating subsection (m) as (n) and by inserting after subsection (l) the following new subsection:

"(m) Useful Life of Property.—

"(1) Regulations.—The Secretary or his delegate shall prescribe regulations which—

"(A) specify classes of property (including special purpose structures, but not including general purpose buildings) used in the trade or business or held for the production of income, and

"(B) specify the useful life of property in each class.

The useful lives so specified shall not be longer than those specified in Revenue Procedure 62-21, as modified before January 1, 1971.

"(2) Use of useful lives by small businesses.—In the case of property placed in service by a taxpayer which is a small business concern (within the meaning of the Small Business Act), if the taxpayer so elects—

"(A) the taxpayer may, for the purposes of this section, use the useful life specified for such property under the regulations prescribed under paragraph (1), without regard to the practice of the taxpayer in replacing such property or other property within the same class as such property;

"(B) property which is fully depreciated shall not be taken into account in computing the deduction allowed by subsection (a) with respect to any other property; and

"(C) property shall be treated as fully depreciated at the close of the useful life specified for it under the regulations prescribed under paragraph (1).

This paragraph shall not apply with respect to property in a class in which 25 percent or more of the property in such class used or held by the taxpayer is leased by him, unless the taxpayer establishes that average period of use of property of such class not leased by him is not substantially different from the average period of use of property of such class which is leased by him.

"(3) Election.—An election under paragraph (2) shall be made with respect to any property at such time and in such manner as the Secretary or his delegate prescribes by regulations."

(b) Effective Date.—Regulations required by section 167(m) of the Internal Revenue Code of 1954 (as added by subsection (a)) shall be issued not later than 90 days after the date of the enactment of this Act. The amendment made by subsection (a) shall apply to taxable years ending on or after the date on which such regulations are issued.

Sec. 403. Partial Restoration of Investment Credit for Small Business.

(a) Exemption From Termination Provisions.—Section 49 (relating to termination of investment credit) is amended—

(1) by inserting after "pre-termination property" in subsection (a) the following: "and property to which subsection (e) applies", and

(2) by adding at the end thereof the following new subsection:

"(e) Small Business Exemption.—

"(1) In general.—In the case of section 38 property (other than pre-termination property)—

"(A) the physical construction, reconstruction, or erection of which is completed on or after the date of the enactment of the Small Business Tax Simplification and Reform Act of 1971, or

"(B) which is acquired by the taxpayer on or after such date,

and which is constructed, reconstructed, erected, or acquired for use in a trade or business (including use to meet requirements or standards imposed by or under authority of, Federal, State, or local law), the taxpayer may select items to which this subsection applies to the extent that the qualified investment for the taxpayer attributable to such items does not exceed the small business exemption limitation (as determined under paragraph (2)). In the case of any item so selected (to the extent of the qualified investment attributable to such item taken into account under the preceding sentence), subsections (c) and (d) of this section, paragraphs (5) and (6) of section 46(b), and the last sentence of section 47(a) (4) shall not apply. In applying section 46(c) (1) (A) in the case of property described in subparagraph (A), there shall be taken into account only that portion of the basis which is properly attributable to construction, reconstruction, or erection on or after the date of the enactment of the Small Business Tax Simplification and Reform Act of 1971.

"(2) Limitations.—For purposes of paragraph (1), a taxpayer's small business exemption limitation for any taxable year is—

"(A) in the case of a corporation primarily engaged in the manufacture or production of property, $50,000, reduced by the sum of—

"(i) the amount of the taxpayer's qualified investment for the taxable year, determined before the application of this subsection, and

"(ii) the amount by which the taxpayer's taxable income for the taxable year exceeds $450,000;

"(B) in the case of any other corporation, $10,000, reduced by the sum of—

"(i) the amount described in subparagraph (A) (i), and

"(ii) the amount by which the taxpayer's taxable income of the taxable year exceeds $90,000; and

"(C) in the case of an individual, $5,000, reduced by the sum of—

"(i) the amount described in subparagraph (A) (i), and

"(ii) the amount by which the taxpayer's taxable income for the taxable year exceeds $45,000.

"(3) Special Rules.—

"(A) Married individuals.—In the case of a husband or wife who files a separate return, the $5,000 amount specified in paragraph (2) shall be $2,500, and the $45,000 amount specified in such paragraph shall be $22,500. This subparagraph shall not apply if the spouse of the taxpayer has no qualified investment for, and no unused credit carryback or carryover to, the taxable year of such spouse which ends within or with the taxpayer's taxable year.

"(B) Controlled groups.—In the case of a controlled group, the amounts specified in paragraph (2) shall be reduced for each component of such group by apportioning such amounts among the component members of such group in such manner as the Secretary or his delegate shall by regulations prescribe. For purposes of the preceding sentence, the term 'controlled group' has the meaning assigned to each term by section 1563(a), except that the phrase 'more than 50 percent' shall be substituted for the phrase 'at least 80 percent' each place it appears in section 1563(a) (1).

"(C) Other taxpayers.—Under regulations prescribed by the Secretary or his delegate, rules similar to the rules provided by sections 46(d), 48(e), and 48(f) shall be applied for purposes of this subsection."

(b) Effective Date.—The amendments made by subsection (a) shall apply to taxable years ending on or after the date of this enactment of this Act.

Sec. 404. 10-Year Carryover of Small Business Net Operating Losses.

(a) 10-Year Carryover Period.—Section 172(b) (1) (relating to years to which loss may be carried is amended—

(1) by striking out "and (E)" in subparagraph (B) and inserting in lieu thereof "(E), and (H)";

(2) by adding at the end thereof the following new subparagraph:

"(II) In the case of a taxpayer which is carrying on a trade or business as a small business concern (within the meaning of the Small Business Act) determined as of the close of the taxable year, the portion of a net operating loss sustained in such trade or business shall be a net operating loss carryover to each of the 10 taxable years following the taxable year of such loss."

(b) Effective Date.—The amendments made by subsection (a) shall apply with respect to losses sustained in taxable years beginning after the date of the enactment of this Act.

Sec. 405. Accumulated Earnings Tax.

(a) Rate of Tax.—Section 531 (relating to imposition of accumulated earnings tax) is amended by striking out all after "equal to" and inserting in lieu thereof "22 percent of the accumulated taxable income."

(b) Minimum Accumulated Earnings Credit.—Section 535(c) (relating to accumulated earnings credit) is amended—

(1) by striking out "$100,000" in paragraphs (2) and (3) and inserting in lieu thereof "$150,000";

(2) by inserting before the period in para-

graph (2) a comma and the following: "or, in the case of a small business concern, such higher amount as may be prescribed under paragraph (5) of this subsection"; and

(3) by redesignating paragraph (5) as (6), and by inserting after paragraph (4) the following new paragraph:

"(5) Increased minimum credit for growing small businesses.—The Secretary or his delegate is authorized to prescribe by regulations a minimum credit (in lieu of the $150,000 amount specified in paragraph (2)) of not more than $250,000 for any corporation which—

"(A) is a small business concern (within the meaning of the Small Business Act), and

"(B) establishes a reasonable intention of future expansion which would require retaining earnings and profits for the taxable year in excess of $150,000."

(c) Dividend Distributions To Reduce Tax Liability.—Part I of subchapter G of chapter 1 (relating to corporations improperly accumulating surplus) is amended by adding at the end thereof the following new section:

"Sec. 538. Payments of Dividends To Reduce Tax Liability

"(a) Dividends Paid after Determination of Tax Liability.—Whenever a final determination has been made that a corporation is liable for the tax imposed by section 531 for a taxable year, such corporation may designate any dividends paid by it within 90 days after the date of such final determination as dividends paid to obtain the benefit of this section. In determining such corporation's final liability for the tax imposed by section 531 for such taxable year, the amount of its accumulated taxable income shall be reduced by an amount equal to the dividends paid and so designated.

"(b) Special Rules.—

"(1) Dividends to which applicable.—Subsection (a) shall apply only to a dividend which meets the requirements of section 562.

"(2) Section 561 not to apply.—Any dividend designated under subsection (a) as a dividend paid to obtain the benefits of this section shall not be treated as dividend for purposes of section 561.

"(c) Regulations.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section."

(d) Clerical Amendment.—The table of sections for part I of subchapter G of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 538. Payments of Dividends To Reduce Tax Liability."

(e) Burden of Proof.—

(1) Application of section 534 in other court cases.—

Section 534(a) (relating to burden of proof) is amended by adding at the end thereof the following:

"In any action by a taxpayer before any other court of the United States involving in whole or in part a claim for credit or refund of overpayment of the tax imposed by section 531, the burden of proof with respect to whether all or any part of the earnings and profits have been permitted to accumulate beyond the reasonable needs of the business shall—

"(3) if notification was not sent in accordance with subsection (b), be on the United States, or

"(4) if the taxpayer submitted the statement described in subsection (c), be on the United States with respect to the grounds set forth in such statement in accordance with provisions of such subsection."

(2) Technical amendment.—Section 534 (d) (relating to jeopardy assessment) is amended by inserting before the period at the end thereof ", or, if the taxpayer did not file such a petition, may be submitted by him to the court in which he brings action for credit or refund of overpayment of such tax."

(3) Effective date.—The amendments made by this subsection shall apply with respect to actions trial of which on the merits commences after the date of the enactment of this Act.

Sec. 406. Amortization of Expenditures Incident to Issuance of Stock.

Section 248(b) (relating to definition of organizational expenditures) is amended by adding at the end thereof the following new sentence: "In the case of a corporation which is a small business corporation (as defined in section 166(f)(2)), such term also means any expenditure incident to the issuance or registration of stock or to the listing of stock on a regional exchange."

Sec. 407. Period for Amortization of Research and Experimental Expenditures.

Section 174(b) (relating to amortization of certain research and experimental expenditures) is amended by striking out "(beginning with the month in which the taxpayer first realizes benefits from such expenditures)" in the second sentence of paragraph (1).

Sec. 408. Multiple Surtax Exemptions for Certain Small Business Corporations Under Single Family Control.

(a) Exception to Inclusion as Component Members of Controlled Groups.—Section 1563 (relating to definitions and special rules) is amended by adding at the end thereof the following new subsection:

"(g) Certain Family-Controlled Small Business Corporations.—

"(1) Exception.—For purposes of this part, a corporation described in paragraph (2) shall, except as provided in paragraph (5), not be treated, as a component member of a controlled group of corporations.

"(2) Corporations Excepted.—Paragraph (1) shall apply only to a corporation—

"(A) which is a small business concern (within the meaning of the Small Business Act), determined as of the close of the taxable year,

"(B) with respect to which at least 50 percent of the total combined voting power of all classes of its stock entitled to vote or at least 50 percent of the total value of shares of all classes of its stock is owned directly by the individual who manages its business affairs and his spouse, and

"(C) with respect to which at least 80 percent of the total combined voting power of all classes of its stock entitled to vote or at least 80 percent of the total value of shares of all classes of its stock is owned directly by the individual described in subparagraph (A), his spouse, the members of his family, and the members of his spouse's family.

"(3) Limitation.—In any case in which (but for this paragraph) paragraph (1) would apply to more than five corporations all of the stock of each of which is owned by the members of a single family, paragraph (1) shall apply only to the five corporations specified in writing by all the members of the family who own directly any of such stock.

"(4) Members of family.—For purposes of this subsection, an individual's family consists of his parents, grandparents, children, grandchildren, brothers, and sisters, and the estates of any of such individuals who are deceased.

"(5) Application with other provisions.—For purposes of determining whether any other corporation is (or would, but for the application of this subsection, be) a component member of a controlled group of corporations, this part shall be applied without regard to this subsection."

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to taxable years ending after the date of the enactment of this Act.

TITLE V—PROVISIONS RELATING TO PARTNERSHIPS

Sec. 501. Guaranteed Payments From Partnership to Partner

Section 702(c) (relating to gross income of a partner) is amended to read as follows:

"(c) Gross Income of a Partner.—In any case where it is necessary to determine the gross income of a partner for purposes of this title, such amount shall include the excess of his distributive share of the gross income of the partnership over any payments from the partnership that are included in the partner's gross income under section 707(c)."

Sec. 502. Closing of Taxable Year of Partnership on Death of Partner.

Section 706(c) (relating to the closing of the partnership year) is amended—

(1) by striking out "paragraph (2)" in paragraph (1) and inserting in lieu thereof "paragraphs (2) and (3)";

(2) by renumbering paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following new paragraph:

"(2) Death of a Partner.—Except as provided in this paragraph, the taxable year of a partnership shall close with respect to a deceased partner as of the date of death of such partner. The successor in interest of a deceased partner may elect, in accordance with regulations prescribed by the Secretary or his delegate, not to close the taxable year of the partnership with respect to such deceased partner as of the date of his death, in which event the taxable year of the partnership shall close with respect to such deceased partner—

"(A) at the close of the partnership taxable year if the interest of such deceased partner is not sold, exchanged, or liquidated prior to that date, or

"(B) at the later of—

"(i) the date of sale, exchange, or liquidation of the interest of such deceased partner, or

"(ii) the day following the death of such deceased partner."; and

(3) by amending the first sentence of subparagraph (A) of paragraph (3) (as renumbered) to read as follows: "The taxable year of a partnership shall close (except as provided in paragraph (2) in the case of a deceased partner)—

"(i) with respect to a partner who sells or exchanges his entire interest in a partnership, and

"(ii) with respect to a partner whose entire interest is liquidated."

Sec. 503. Termination of Partnership.

(a) Sale of Interest of 50 Percent or More.—Section 708(b)(1) (relating to the general rule for the termination of a partnership) is amended—

(1) by inserting after "a partnership shall" in paragraph (1) ", except as provided in paragraph (2),"; and

(2) by striking out subparagraph (B) and inserting in lieu thereof the following:

"(B) within a 12-month period there are sales or exchanges to persons other than partners who have been members of the partnership for a period of at least 12 months prior to such sales or exchanges, totaling 50 percent or more of the total interest in partnership capital and profits."

(b) Death or Retirement of One Member of Two-Man Partnership.—Section 708(b)(2) (relating to special rules for the termination of a partnership) is amended by adding at the end thereof the following new subparagraph:

"(C) Two-member partnership.—If a retiring or deceased partner is a member of a partnership composed of two partners, the business, financial operation, or venture of the partnership shall be considered to be carried on in a partnership, for purposes of paragraph (1)(A), following his death or retirement, for such period of time as payments that qualify under section 736 are made to the retiring partner or to the successor in interest of the deceased partner."

Sec. 504. Limitation on Partner's Distributive Share of Losses

(a) Increase in Partner's Liabilities.—Section 752(a) (relating to increase in a partner's liabilities) is amended by inserting "or any increase in a partner's liabilities to the partnership," after "partnership liabilities,".

(b) Decrease in Partner's Liabilities.—Section 752(b) (relating to decrease in a partner's liabilities) is amended by inserting "or any decrease in a partner's liability to the partnership," after "such individual liabilities,".

TITLE VI—PROVISIONS RELATING TO SUBCHAPTER S CORPORATIONS

Sec. 601. Increasing Number of Permissible Shareholders

(a) Increase in Number.—Section 1371(a) (relating to definition of small business corporation) is amended by striking out "10 shareholders" in paragraph (1) and inserting in lieu thereof "15 shareholders (25 shareholders, in the case of a corporation which has been in existence for 5 or more years)"

(b) Stock Received Upon Death of Shareholders.—Section 1371 (relating to definitions) is amended by adding at the end thereof the following new subsection:

"(e) Stock Held by Individuals by Reason of Death of Original Shareholders.—Stock owned by an individual which was received by him by reason of the death of an original shareholder shall, for purposes of applying subsection (a)(1), be treated as if it were still owned by such original shareholder. For purposes of this subsection, the term 'original shareholder' means a shareholder described in section 1372(a) who is required to consent to an election under such section."

Sec. 602. Broadening Classes of Permissible Shareholders.

(a) Small Business Investment Companies and Certain Trusts.—Section 1372 (relating to definition of small business corporation) is amended by striking out "(other than an estate)" in paragraph (2) and inserting in lieu thereof "(other than an estate, a trust described in subsection (f), or a small business investment company operating under the Small Business Investment Act of 1958)".

(b) Certain Trusts.—Section 1371 (relating to definitions) is amended by adding after subsection (e) (as added by section 601 (b) of this Act) the following new subsection:

"(f) Certain Trusts Permitted as Shareholders.—For purposes of subsection (a), the following trusts may be shareholders:

"(1) A trust all of which is treated as owned by the grantor under subpart E of part I of subchapter J of this chapter.

"(2) A trust created primarily to exercise the voting power of stock transferred to it.

"(3) Any trust with respect to stock transferred to it pursuant to the terms of a will, but only for the 60-day period beginning on the day on which such stock is transferred to it.

In the case of a trust described in paragraph (2), each beneficiary of the trust shall, for purposes of subsection (a)(1), be treated as a shareholder."

(c) Technical Amendment.—Section 243 (c) (relating to special rules for certain distributions) is amended by adding at the end thereof the following new paragraph:

"(5) Any dividend received by a small business investment company operating under the Small Business Investment Act of 1958 from an electing small business corporation (and any amount included in the gross income of such company which is treated as a dividend under section 1373) shall not be treated as a dividend."

Sec. 603. Termination of Election by Majority.

Section 1372(e) (relating to termination of election) is amended—

(1) by striking out paragraph (1), and

(2) by striking out the second sentence of paragraph (2) and inserting in lieu thereof the following: "An election may be revoked only if shareholders owning more than 50 percent of the stock of the corporation on the day on which the revocation is made consent to the revocation."

Sec. 604. Termination of Election—Passive Investment Income.

Section 1372(e)(5) (relating to passive investment income) is amended by striking out subparagraph (A) and inserting in lieu thereof the following:

"(A) Except as provided in subparagraph (B), an election under subsection (a) made by a small business corporation shall terminate if—

"(i) for any taxable year of the corporation for which the election is in effect, the corporation has gross receipts more than 20 percent of which is passive investment income, and

"(ii) for any of the 3 immediately preceding taxable years of the corporation for which the election is in effect, the corporation had gross receipts more than 20 percent of which was passive investment income.

Such termination shall be effective for the taxable year of the corporation described in clause (i), and for all succeeding taxable years of the corporation."

Sec. 605. Termination of Election—Inadvertence.

Section 1372 (relating to election by small business corporation) is amended—

(1) by striking out "An election" in the first sentence of subsection (e)(3) and inserting in lieu thereof "Except as provided in subsection (h), an election"; and

(2) by adding at the end thereof the following new subsection:

"(h) Ceasing To Be Small Business Corporation Through Inadvertance.—An election under subsection (a) made by a small business corporation shall not terminate if, after notification by the Secretary or his delegate that it has failed to meet the requirements of section 1371(a), the corporation—

"(1) establishes that such failure was inadvertent, and

"(2) within 90 days after the date on which it is so notified, completes action so as again to meet such requirements."

Sec. 606. Carryover of Disallowed Deductions for Corporation's Net Operating Loss

Section 1374(c) (relating to determination of shareholder's portion of net operating loss) is amended by adding at the end thereof the following new paragraph:

"(3) Carryover of disallowed part.—If, by reason of the application of paragraph (2), any part of a shareholder's portion of the net operating loss of an electing small business corporation for any taxable year (as determined under paragraph (1)) is not allowable as a deduction under subsection (b) for such taxable year, such part shall, subject to the limitation contained in paragraph (2), be treated as (or be added to, as the case may be) his portion of the corporation's net operating loss for the succeeding taxable year."

TITLE VII—BUSINESS DEVELOPMENT CORPORATIONS

Sec. 701. Reserves for Losses on Loans of Business Development Corporations.

(a) Percentage of Loans Outstanding Method.—Section 586(b)(1) (relating to addition to reserves for bad debts) is amended by redesignating subparagraph (B) as (C), and by inserting after subparagraph (A) the following new subparagraph:

"(B) in the case of a business development corporation, the amount equal to 10 percent of the loans outstanding at the close of the taxable year (not including any portions of such loans (i) repayment of which is guaranteed by the United States or any agency or instrumentality thereof, or (ii) which are owned by other persons through participation arrangements), or".

(b) Effective Date.—The Amendment made by subsection (a) shall apply to taxable years ending after the date of the enactment of this Act.

Sec. 702. Nonrecurring Income of Nonprofit Local Business Development Corporations.

(a) Nonrecognition of Gain.—Part III of subchapter O of chapter 1 (relating to common nontaxable exchanges) is amended by adding at the end thereof the following new section:

"Sec. 1040. Certain Dispositions by Nonprofit Local Business Development Corporations.

"(a) Nonrecognition of Gain.—If a nonprofit local business development corporation—

"(1) disposes of a qualifying investment, and

"(2) within the reinvestment period makes or acquires another qualifying investment,

then, at the election of the taxpayer, the gain from such disposition shall be recognized only to the extent that the amount realized on such disposition exceeds the amount of such other qualifying investment.

"(b) Nonprofit Local Business Development Corporation.—For purposes of this section, the term 'nonprofit local business development corporation' means a business development corporation (as defined in section 586)—

"(1) not organized for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual,

"(2) which was established for purposes of promoting, maintaining, and assisting the economy and industry within a particular locality or region of a State, and

"(3) which does not pay any compensation, directly or indirectly, for personal services performed for it."

"(c) Qualifying Investment.—For purposes of this section, the term 'qualifying investment' means—

"(1) a loan to a business enterprise,

"(2) stock of a business corporation or equity interest in an unincorporated business enterprise, and

"(3) property acquired in repayment of a loan described in paragraph (1) or in redemption of stock or an interest described in paragraph (2) (including property acquired pursuant to the conversion privilege of convertible debentures).

"(d) Reinvestment Period.—For purposes of this section, the reinvestment period, with respect to a disposition of qualifying property, is—

"(1) the 3-year period beginning on the day of such disposition, or

"(2) the 5-year period beginning on such day, but only with respect to another qualifying investment for the making or acquisition of which a binding commitment is entered into during the 3-year period beginning on such day.

"(e) Charitable Contribution Treated as Qualifying Investment.—A nonprofit local business development corporation may, with respect to a disposition of a qualifying investment, elect to treat as another qualifying investment a charitable contribution (as defined in section 170(c) (1) or (2)) made by such corporation within the reinvestment period for use within the locality or region for which such corporation was established. Any such election shall be made at such time and in such manner as the Secretary or his delegate prescribes by regulations. Any charitable contribution with respect to which such an election is made shall not be taken into account for purposes of determining the deduction allowable by section 170.

"(f) Treatment of Loan Repayments.—For purposes of this section, amounts received by a nonprofit local business development corporation in repayment, or partial repayment, of a loan shall be treated as a disposition of such loan (or of a part thereof) by such corporation.

"(g) Basis of Other Qualifying Investment.—If the taxpayer makes an election under subsection (a) with respect to a disposition of a qualifying investment, the basis of the qualifying investment described in subsection (a)(2) shall be reduced by an amount equal to the amount of gain not recognized by reason of the application of subsection (a).

"(h) Assessment of Deficiencies.—If the taxpayer has made an election under subsection (a) with respect to a disposition of a qualifying investment—

"(1) the statutory period for the assessment of any deficiency, for any taxable year in which any part of the gain on such disposition is realized, attributable to the gain on such disposition shall not expire prior to the expiration of three years from the date the Secretary or his delegate is notified by the taxpayer (in such manner as the Secretary or his delegate may by regulations prescribe) of the making or acquisition of another qualifying investment or the failure to make or acquire another qualifying investment, and

"(2) such deficiency may be assessed before the expiration of such three-year period notwithstanding the provisions of section 6212(c) or the provision of any other law or rule of law which would otherwise prevent such assessment."

(b) Clerical Amendment.—The table of sections for such part III is amended by adding at the end thereof the following new item:

"Sec. 1040. Certain dispositions by nonprofit local business development corporations."

TITLE VIII—PRESERVATION OF SMALL BUSINESS INDEPENDENCE

Sec. 801. Refunds of Overpayments of Estimated Income Tax Before End of Taxable Year.

Section 6425(a)(1) (relating to time for filing application for adjustment of overpayment of estimated income tax by corporations) is amended by inserting after the first sentence thereof the following new sentence: "In the case of a corporation which is a small business concern (within the meaning of the Small Business Act), an application under this subsection may be filed at any time after a payment of estimated income tax for the taxable year has been made by it and on or before the 15th day of the third month following the close of the taxable year."

Sec. 802. Debt-Financed Corporate Acquisitions.

(a) Reduction in Permissible Amount.—Section 279(a) (relating to interest on indebtedness incurred by a corporation to acquire stock or assets of another corporation) is amended by striking out "$5,000,000" and inserting in lieu thereof "$500,000".

(b) Corporate Acquisition Indebtedness.—Section 279(b) (relating to definition of corporate acquisition indebtedness) is amended by adding at the end thereof the following new sentence: "For purposes of this subsection, an obligation of a corporation to repay loans made by a bank or other financial institution under a line of credit or similar financing arrangement shall be treated as an obligation evidenced by an evidence of indebtedness issued by such corporation."

(c) Effective Date.—The amendments made by this section shall apply to the determination of the allowability of the deduction of interest paid or incurred with respect to indebtedness incurred after the date of the enactment of this Act.

Sec. 803. Valuation of Unlisted Securities for Estate Tax Purposes.

(a) Valuation of Unlisted Stock and Securities.—Section 2031(b) (relating to the valuation of unlisted stock and securities) is amended by striking out "which are listed on an exchange" and inserting in lieu thereof "whether or not listed on an exchange".

(b) Effective Date.—The amendment made by subsection (a) shall apply only with respect to estates of decedents dying after the date of the enactment of this Act.

Sec. 804. Extensions of Time for Paying Estate Tax.

(a) Elimination of Requirement of Undue Hardship.—Section 6161(a)(2) (relating to extension of time for paying estate tax) is amended by striking out "undue" before "hardship".

(b) Effective Date.—The amendment made by subsection (a) shall apply only with respect to estates of decedents dying after the date of the enactment of this Act.

Sec. 805. Amalgamation of Interests in Closely Held Businesses for Estate Tax Purposes.

(a) Interest in Two or More Businesses.—Section 6166(d) (relating to special rule for interests in two or more closely held businesses) is amended by striking out "50 percent" each place it appears and inserting in lieu thereof "33⅓ percent".

(b) Effective Date.—The amendment made by subsection (a) shall apply only with respect to estates of decedents dying after the date of the enactment of this Act.

Sec. 806. Study and Recommendations by Treasury Department With Respect to Preservation of Independent Small Business.

(a) The Secretary of the Treasury, with the assistance of the Small Business Analyst, shall study, and report thereon to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, the overall effect on the continuance and preservation of independent small businesses resulting from the application of the Federal income tax (including tax on income derived from the sale of capital assets and property used in a trade or business) and the Federal estate and gift taxes. Such report shall include recommendations for the elimination or modification of those provisions of the Internal Revenue Code of 1954 which assist, or provide an incentive for, the acquisition of independent small businesses by large corporations and which otherwise impede the continued independence of small business enterprises as an important segment of our economy.

(b) The report required by subsection (a) shall be submitted as soon as practicable, but not later than one year after the date of the enactment of this Act.

Section-by-Section Analysis of the Small Business Tax Simplification and Reform Bill

OVERALL ANALYSIS

The Small Business Tax Simplification and Reform Act of 1971 is the successor bill to S. 4039, introduced in the 91st Congress on June 30, 1970.

It is designed to present a comprehensive set of proposals for tax relief, affecting each stage of the life cycle of new, small, and growing and matured businesses.

REVENUE BALANCE

Extensive efforts have been made to present this legislation as balanced in the revenue sense, with slight, immediate, and long-term increases of tax revenues through minimally higher normal tax rates on giant corporations, and the cultivation of vigorous new small enterprises which will enlarge the tax base in the future.

Even for the largest corporations, the rates under this proposal would remain below the recent surtaxed corporate rates.

The revenue gains made possible by the rescaling of normal rates would make it possible to shift a small fraction of the corporate tax (about 1 percent) on the basis of the ability to pay. Corporations with earnings in excess of $1 million per year would be yielding commensurate benefits to new enterprise, small existing family and independent business, and firms willing to modernize to meet the terms of national and international competition.

TAX SIMPLIFICATION AND REFORM

To focus continuing professional attention on tax simplification, the bill also proposes institutional arrangements by way of 1) a standing intergovernmental committee on tax simplification, 2) a Business Advisory Council on which the small business community would be assured a significant voice, and 3) creation of an Office of Small Business Tax Analyst within the Treasury Department.

Several major studies of small business tax issues are requested so as to lay a basis for orderly simplification of the total internal revenue system as it applies to smaller firms.

ORGANIZATION OF THE BILL

This bill consists of 39 substantive sections grouped into 8 chapters, as follows:

TITLE I—TAX SIMPLIFICATION RELATING TO SMALL BUSINESS

Sec. 101. Intragovernmental committee on tax simplification for small business.

Sec. 102. Treasury Department small business tax analyst.

Sec. 103. New Internal Revenue Code chapter on small business.

Sec. 104. Revision of depreciation policy.

Sec. 105—Equalization of treatment of fringe benefits as between incorporated and unincorporated small businesses.

Sec. 106. Special study of differential effect of tax law changes on businesses of varying sizes.

Sec. 107. Frequency of collection of certain employment and excise taxes.

TITLE II—ADJUSTMENT OF CORPORATE NORMAL TAX

Sec. 201. Corporate normal tax rates

TITLE III—SPECIAL PROVISIONS TO ENCOURAGE ESTABLISHMENT OF NEW SMALL BUSINESS ENTERPRISES

Sec. 301. Exemption of net operating income of new small business corporations for first 5 years.

Sec. 302. Deduction of organizational expenses of partnership.

Sec. 303. Bad debt deduction for guarantors of obligations of, and lenders to, small business corporations.

Sec. 304. Losses on small business stock.

Sec. 305. Patronage benefits for qualified new community development cooperatives.

TITLE IV—PROVISIONS TO ASSIST SMALL BUSINESS GROWTH

Sec. 401. Increase in additional first-year depreciation allowance.

Sec. 402. Regulatory status for depreciation guidelines and elimination of reserve ratio test for small business.

Sec. 403. Partial restoration of investment credit for small business.

Sec. 404. 10-year carryover of small business net operating losses.

Sec. 405. Accumulated earnings tax.

Sec. 406. Amortization of expenditures incident to issuance of stock.

Sec. 407. Period for amortization of research and experimental expenditures.

Sec. 408. Multiple surtax exemptions for certain small business corporations under single family control.

TITLE V—PROVISIONS RELATING TO PARTNERSHIPS

Sec. 501. Guaranteed payments from partnership to partner.

Sec. 502. Closing of taxable year of partnership on death of partner.

Sec. 503. Termination of partnership.

Sec. 504. Limitation on partner's distributive share of losses.

TITLE VI—PROVISIONS RELATING TO SUBCHAPTER CORPORATIONS

Sec. 601. Increasing number of permissible shareholders.

Sec. 602. Broadening classes of permissible shareholders.

Sec. 603. Termination of election by majority.

Sec. 604. Termination of election—passive investment income.

Sec. 605. Termination of election—inadvertence.

Sec. 606. Carryover of disallowed deductions for corporation's net operating loss.

TITLE VII—BUSINESS DEVELOPMENT CORPORATIONS

Sec. 701. Reserves for losses on loans of business development corporations.

Sec. 702. Nonrecurring income of nonprofit local business development corporations.

TITLE VIII—PRESERVATION OF SMALL BUSINESS INDEPENDENCE

Sec. 801. Refunds of overpayments of estimated income tax before end of taxable year.

Sec. 802. Debt-financed corporate acquisitions.

Sec. 803. Valuation of unlisted securities for estate tax purposes.

Sec. 804. Extensions of time for paying estate tax.

Sec. 805. Amalgamation of interests in closely held businesses for estate tax purposes.

Sec. 806. Study and recommendations by Treasury Department with respect to preservation of independent small business.

SECTION-BY-SECTION ANALYSIS

TITLE I—TAX SIMPLIFICATION

SEC. 101. Intragovernmental Committee on Tax Simplification for Small Business.—The first substantive section creates a permanent standing committee of the Federal Government for the purpose of devoting continued attention to the simplification of the internal revenue system—including the Code, the regulations, instructions, procedures, and other publications relating to business taxation.

The membership of the Committee would include: representatives of the Secretary of the Treasury (for policy matters); Internal Revenue Service (for technical matters); Bureau of the Budget (for coordinating the paperwork aspects of IRS forms, in view of the Federal Reports Act) and the Small Business Administration to express the interests of the small business community.

The Committee would provide a forum for regular and periodic contact between the various Federal agencies concerned and the businessmen affected with sufficient formality to engage the attention of the press, the public, and the Congress. The proposed Advisory Council is intended to provide for an effective voice for small business by containing a delegation large enough to reflect the diversity of interests of small enterprise.

SEC. 102. Office of Small Business Tax Analysis at the Treasury Department.—S. 4039 proposed a position of Small Business Tax Analyst, which would be one official in the Treasury Department responsible for looking at tax problems primarily from the view of small business and the free enterprise system rather than the Government's interest in raising revenue. The 1971 bill would enhance this concept by constituting this function as an "Office of Small Business Tax Analysis" of which the Small Business Tax Analyst would be a part.

Such an office could provide a focus for assisting in the studies and reports proposed in this Act. Beyond this, a small business tax analyst could supply a continuity of effort required to assess the difficult and multifaceted problems raised by the impact of Federal, State, and local taxation on small business, competition, and the free enterprise system.

SEC. 103. Internal Revenue Code Chapter on New and Small Business.—The present Internal Revenue Code of 1954, organized mainly by subject matter, does contain subchapter S on one type of small business corporation. This section would have the Treasury consider a special title or chapter of the Code which consolidated and referenced those tax provisions relating particularly to new and small enterprise. This should be helpful to both non-tax-specialist attorneys and others counseling small firms, as well as to small businessmen, and prospective entrepreneurs. The 1971 section strengthens the emphasis on references to material contained elsewhere in the Code.

SEC. 104. Revision of Depreciation Policy.—Recent developments, such as abolition of the investment credit, call for a re-evaluation of the nation's depreciation policy from the viewpoint of the 90+% of firms which are small businesses. In addition to the specific proposals embodied in sections 401 and 402 of S. 4039, the bill called upon the Treasury Department for a comprehensive study of depreciation policies with particular attention to: the impact of recent legislation, including the Tax Reform Act of 1969 and such provisions of this legislation which may be enacted; the rapid advances in technology to which small business must adapt; and the practices of other industrialized nations. The Administration's task force study entitled "Business Taxation" of Sept., 1970, did not fulfill this need, since it did not contain any reference to the particular problems of small firms. The same small business problems remain, as well as others raised in the 1970 study, such as the possibility of eliminating salvage value from the computation for small firms.

The 1971 bill restates the request that the matter be reexamined in this context and that there be an early return of the results of this study to the Congress.

SEC. 105. Equalization of Benefits Among Incorporated and Unincorporated Businesses.—The Tax Reform Act of 1969 restricted retirement and pension benefits for small firms based upon comparability with unincorporated business. This section calls upon the Treasury to study the entire range of pension, retirement, health, medical, and insurance benefits in the larger context of what both corporations (including large corporate enterprise) and other forms of business are providing for their employees and executives.

TITLE II—ADJUSTMENT OF CORPORATE NORMAL TAX

SEC. 201. Corporate Normal Tax Rate.—The Tax Reduction Act of 1964 lowered tax rates for unincorporated business by approximately 20 percent; but for corporations where the bulk of the business is done, the reduction was only 10 percent. Although there was material relief for small business by reversal of the application of corporate normal and surtax rates, the same 2-step graduated structure was retained.

This title would effect a progressive reform in the entire corporate tax structure by providing for reductions in normal corporate tax rates for corporations earning less than $500,000 a year. From income of $500,000 to $1 million, the base rate of 22 percent would remain the same, but the effective rate of taxation would drop due to the reduced percentages in the lower brackets. As corporate earnings rose above $1 million per year the normal tax would incline slightly upward to a maximum of 24 percent for corporations earning over $1 billion annually.

In all, an 8-step graduated scale would bring corporate taxation more nearly into accordance with the principle of the ability to pay which has long been in effect for individual income taxes. The suggested rate schedule is as follows:

"(b) NORMAL TAX.—The normal tax is the amount determined in accordance with the following table:

"If the taxable income is:	The normal tax is:
Not over $50,000	20% of the taxable income.
Over $50,000 but not over $250,000.	$10,000, plus 21% of excess over $50,000.
Over $250,000 but not over $500,000.	$52,000, plus 21½% of excess over $250,000.
Over $500,000 but not over $1,000,000.	$105,750, plus 22% of excess over $500,000.
Over $1,000,000 but not over $10,000,000.	$215,750, plus 23% of excess over $1,000,000.
Over $10,000,000 but not over $100,000,000.	$2,285,750, plus 23½% of excess over $10,000,000.
Over $100,000,000 but not over $1,000,000,000.	$23,435,750, plus 23¾% of excess over $100,000,000.
Over $1,000,000,000 ----------	$237,185,750, plus 24% of excess over $1,000,000,000."

TITLE III—SPECIAL PROVISIONS TO ENCOURAGE ESTABLISHMENT OF NEW SMALL BUSINESS ENTERPRISES

SEC. 301. Exemption of Operating Income for three-year Period.—This section of S. 4039 introduced the concept that new enterprise should be encouraged by allowing freedom from Federal income taxation for a period of five years. The proposal was put forward as a partial equalizer for small firms which must compete with companies which have not only been established for many years, but which may have built up substantial financial resources during the period when there was little or no corporate taxation in this country. In S. 4039, the benefits of this section would have been restricted to persons entering a business for the first time, and who would be spending full time in the capacity of an owner-manager of an active trade or commercial business. A further limitation was to benefit only the operating income of the enterprise, excluding gains from security and real estate transactions, which would be subject to taxation in the regular manner.

The 1971 proposal repeats and strengthens these constraints in three ways: 1) a $1 million ceiling on exempt income; 2) a ban on "successor" businesses of any kind; and 3) a disqualification based on prior ownership of more than 5 percent of any business.

SEC. 302. [old]. In S. 4039, this provision offered new enterprises, as defined in section 301, a loss carry forward from the sixth to the fifteenth year. This section has been deleted in favor of a proposal for a uniform 10-year loss carry forward to be found in section 404 of the 1971 bill. Accordingly, sections 303–306 of S. 4039 have been renumbered sections 302–305, as follows:

SEC. 302. Amortization of Organization Expenses of Partnership.—This would extend to partnerships the option now enjoyed by corporations, to amortize their organization expenses over 60 months, if they so desire.

Sec. 303. Bad Debt Deduction for Lenders to or Guarantors of Corporate Obligations.—This provision would equate the tax treatment of lenders to or guarantors of business obligations, whether the businesses are incorporated or not, by extending the ordinary loss rule presently applicable to unincorporated business lending.

Sec. 304. Losses on Small Business Stock—To update incentives to invest, directly in small business which are presently contained in the Code, this section would increase from $25,000 to $50,000 the amount of allowable losses resulting from the purchase of section 1244 stock.

A second provision of his section would expand the definition of a "small business corporation" authorized to issue such stock from $1 million to $1,500,000 in "equity capital" as defined by the section.

This subsection would have the effect of allowing previously ineligible corporations with equity capital of between $1 million and $1,500,000 to issue 1244 stock in the amount of $750,000 (compared with $500,000 under the present section) and to permit previously eligibile small business corporations to issue stock up to the $750,000 amount, if they are otherwise in compliance with the applicable rules.

Further provisions of section 305 would enlarge from 2 years to 5 the time within which a section 1244 plan must be executed and would preclude stock options to employees from disqualifying such a stock issue.

A new 1971 subsection would promote awareness of sec. 1244 benefits by newer firms by encouraging an entry on the tax return to bring the matter to the level of attention. Filing a copy of the plan with the return as optionally provided would have additional benefits of stabilizing its timing and content.

Sec. 305. Patronage Benefits for Certain New Cooperative Enterprise.—To encourage the formation of cooperatives which have so well enriched rural American life, this section would permit such a new cooperative to retain 100 percent of declared patronage refunds (rather than the current 90 percent) for the first 5 years of its existence on the condition that substantially all of the membership and patrons are persons of low income and reside within a limited geographic area.

TITLE IV—PROVISIONS TO ASSIST SMALL BUSINESS GROWTH

The eight sections of Title IV are designed to provide encouragement for modernization, efficiency, and cost reduction. It has been estimated that from ⅔ to ⅘ of all capital used in business is internally generated. There is wide agreement that small businesses must rely most heavily on retained earnings since it becomes progressively easier to employ sophisticated methods to attract external capital as a business increases in size and experience.

It is contemplated that these sections will be reviewed as more becomes known about the relative impact of the January 11, 1971, proposed depreciation revisions upon small business.

Sec. 401. Additional First-Year Depreciation Allowance.—This section would increase additional first-year depreciation from $10,000 to $20,000 in accordance with in-There is wide agreement that small business since the section was previously revised in 1958.

Sec. 402. Regulatory Status for Depreciation Guidelines and Elimination of Reserve Ratio Test for Small Business.—For the same purposes, this section of S. 4039 proposed that the liberalized depreciation guidelines contained in Revenue Procedure 62–61 more fully available to small businesses by elevating the status of that publication to a regulation pursuant to statute. This part of the section would not be affected when the January 11 proposal becomes effective, although the language initially fixing the length of guideline lives as those contained in the Revenue Procedure would be affected. The elimination of the reserve ratio test for firms designated as "small business" by the Small Business Administration would survive since the January 11 proposal carries an effective date of January 1, 1972, and this section would extinguish liability previous to that date.

Sec. 403. Partial Restoration of Investment Credit.—Every advanced industrialized nation has both a modernized depreciation system and investment incentive device. All of the 91 percent of small corporations accounted for less than ¼ of the investment tax credit, but its use by small business contributed greatly to the forward progress of the American economy through innovative investment.

The S. 4039 section would partially reinstate the 7 percent investment credit which was totally abolished in the Tax Reform Act of 1969, but would do so in a manner which would be highly tailored to reduce its cost and concentrate its benefits in areas which can do the maximum good for the economy. Corporate manufacturing would be allowed $50,000 worth of qualified investment. However, permissible investment for other corporations and individuals would be scaled down to $10,000 and $5,000 respectively. In each case there would be an appropriate income ceiling of $500,000, $100,000, and $50,000, above which such high-income taxpayers would receive no benefits from the section.

The 1971 section eliminates any retroactive benefit from this section. It also adds a specific reference to equipment required by law such as pollution controls, which do not add to a firm's profits.

Sec. 404. 10-year Carryover of Small Business Net Operating Losses.—The section would extend the period and flexibility in use of loss carryover provisions for small business by allowing existing corporations to carry losses forward up to 10 years at their option. This 1971 formulation extends the S. 4039 section and is derived from the Administration's 1970 proposal, but with a more established definition of small businesses which are eligible.

Sec. 405. Accumulated Earnings.—In S. 4039 the first subsection would have raised the earnings credit in accordance with the costs of doing business, to a more realistic $150,000. This has been retained. The second subsection would have extended the Congressional intention of section 534, so that the burden of proof in all accumulation of earnings proceedings would be on the Commissioner of Internal Revenue after the taxpayer has filed an appropriate written statement.

A major change has been made to this provision. In accordance with the emphasis of this bill on growing businesses, this section adds a proposal that the Commissioner of Internal Revenue be given discretion to formulate standards by which expanding firms might quality for a credit of up to $250,000.

The subsection of S. 4039 on burden of proof has been retained so far as the application of subchapter G, Part I procedure to proceedings in any court, not just the Tax Court. The portion of subsection 405(b) of S. 4039 relating to ultimate burden of proof has been omitted.

Sec. 406. Amortization of Certain Securities Expenditures.—One of the most critical hurdles for a growing small business is selling its securities to the public. This section would allow the expenses of certain types of small business stock flotations, such as those under Regulation A and section 1244 of the Code, which are not otherwise deductible, to be amortized over a period of 60 months. A further helping provision in this vein would accord the same treatment for the expenses of an initial registration of a company's securities on a regional stock exchange. The 1971 bill specifies that this benefit would be available only to small businesses.

Sec. 407. Amortization of Research and Development Activities.—This provision would allow research and development expenses to be amortized beginning at the time they are made, rather than waiting until the taxpayer "first realizes benefits" from these expenditures.

Sec. 408. Multiple Surtax Exemptions Under Single Family Control.—In order to encourage opportunities for family ownership of business and eliminate discrimination presently in the law, this section would permit a limited number of surtax exemptions (up to 5) in the event members of a family are placed in proprietary positions where they have ownership of at least 50 percent of the stock (or other interest) and full time management of a separately incorporated unit of a family business.

TITLE V—PROVISIONS RELATING TO PARTNERSHIPS

Sec. 501. Guaranteed Payment to Partner.—This section is designed to avoid double taxation of guaranteed payments from a partnership to a deceased partner. At present a partnership interest is includable in gross estate in full, and payments from these same assets may now be taxed as distributive income of a person not considered a partner under section 707(c).

Sec. 502. Closing of Taxable Year at Death of Partner.—Additional flexibility in the affairs of the deceased partner would follow from this section, which would allow the closing of the partnership year for such a decedent at any of the following times: (1) normal close of the partnership year if there has been no prior sale, exchange, or liquidation of the partnership interest; (2) the date of any of the above described transactions; or (3) the day after the partner's death.

Sec. 503. Termination of Partnership.—This section would modify present section 708(b) (1) (B) which provides that a partnership will be considered terminated if there is a sale or exchange of 50 percent of the total partnership interest within a 12-month period. An exception would be provided for transactions among the partners themselves provided they have been members of the firm for at least 1 year.

Sec. 504. Limitation of Distributive Share of Losses.—This section would amend section 752 to permit a partner to deduct currently his share of partnership losses in excess of the adjusted basis of his partnership interests, in the event that the partner is unconditionally obligated for his share of such partnership losses.

TITLE VI—PROVISIONS RELATING TO SUBCHAPTER S CORPORATIONS

Sec. 601. Increase in Number of Permissible Shareholders.—This section would allow enlargement of the Subchapter S "tax-option" small business corporations in the following 3 ways: (1) initial shareholders could number 15, rather than the present 10; (2) shareholders in excess of this ceiling who take their stock by reason of heirship would not disqualify election; and (3) after 5 years, the number of permissible shareholders would increase to 25, broadening possibilities for motivating employees by way of stock options and for infusion of fresh capital for the expansion. The S. 4039 language has been clarified to limit the heirship exemption to the first generation of original share holders.

Sec. 602. Broadening Classes of Permissible Shareholders.—The classes of shareholders would also be expanded by this section to include: (a) trusts where stock passes pursuant to a will, and where the trust is used merely to convey the stock to a long-term eligible holder within 60 days; (b) trusts where the entire income is taxable to the grantor; and (c) small business investment companies, subject to the elimination of the dividends-payed credit on such income.

Sec. 603. Termination by Majority of Shareholders.—Under the present law, a new shareholder can void the Subchapter S election for himself, the corporation, and all other shareholders. Under the rule proposed by this section, a new shareholder would stand on the same footing as all other shareholders, and any 51 percent of the stock ownership could revoke the election.

Sec. 604. Termination of Election—Passive Income.—This section provides additionally for nondisqualification of a Subchapter S corporation by reason of exceeding the limit of 20 percent passive income in a single year. The election privilege could still be lost pursuant to this proposal if the limit is exceeded in any 2 of 4 consecutive years.

Sec. 605. Termination of Election—Inadvertence.—This section would relieve considerable pressure on small business corporations in the event there has been a termination of status because of events beyond its control. If the corporation is able to establish that the termination was, in fact, inadvertent and can gain full compliance within 90 days of notification, its Subchapter S status would be preserved for future years. The S. 4039 language has also been clarified in this section.

Sec. 606. Carryover of Losses.—This section would equate carryover treatment of Subchapter S loans in excess of basis under section 1374(c) with those of partnerships under section 704(d). Thus, if the basis was rebuilt in a future year, the excess loss would become available as a current deduction.

TITLE VII—BUSINESS DEVELOPMENT CORPORATIONS

Sec. 701. Bad Debt Reserves of Business Development Corporation.—To encourage State and local development companies to extend long-term financing to non-bankable new enterprises, such companies would be permitted a bad-debt reserve deduction up to 10 percent of outstanding loans.

Sec. 702. Non-recurring Income of Business Development Corporations.—Since these institutions are in a unique position to foster community development by taking long-term risks with private capital, non-recurring income of certain types would be insulated from tax upon the condition that the proceeds from such unusual transactions are re-invested within the area of service and no part of these proceeds inures to the benefit of any individual or private institution.

The S. 4039 section was tightened by the additional requirement that the companies to be benefited must not compensate any person performing services for it. The original section has also been liberalized to allow a period of three, rather than two, years for reinvestment in accordance with the long lead time in transactions of this kind.

TITLE VIII—PRESERVATION OF SMALL BUSINESS INDEPENDENCE

Sec. 801. Quarterly Adjustment of Estimated Tax.—In the event corporations suffer financial reverses in 1 or 2 quarters, they cannot now recover amounts paid to the Federal Government in estimated taxes. This section would allow recovery of such amounts to the extent the newly estimated tax for the year is less than the amount already paid in. These readjustments could occur at each quarter.

Sec. 802. Debt-Financed Corporate Acquisitions.—The objective of this section is to afford a practical means of discouraging mergers by disallowing interest deductions beyond $500,000 on any loan for acquisition purposes. It would be clear that financing through banks and other financial institutions, whether by a line of credit or otherwise, would be covered by this section, as well as debenture financing.

Sec. 803. Valuation of Stock of Closely-Held Corporations.—A problem of disposition of any interest in a close-held business has been valuation. The present law provides for comparison only with companies listed on a stock exchange which are often more established than those which are not. This proposal would permit valuation comparisons with any similar company whether or not it is listed on an exchange.

Sec. 804. Extensions of Time for Paying Estate Tax.—A new section 804 aims at administration of the estate tax which is more congenial to allowing closely-held businesses to remain in family hands following death of a major stockholder. To this end, it changes the standard of "undue hardship" (required to qualify for 10-year estate tax installments) to "hardship," which should be easier to meet.

Sec. 805. Amalgamation of Interests in Closely-Held Businesses.—At present, under section 6161(d) it is required that a decedent own at least 50 percent of a business in order that its value be eligible for aggregation to meet the tests allowing installment payment of estate tax attributable to such business interests. This provision would make it easier for businessmen to qualify for aggregation by permitting addition of interests exceeding 33⅓ percent of a business toward the totals.

Sec. 806. Recommendations as to Preservation of Independent Small Business.—The final provision would have the Treasury conduct a comprehensive examination of the converging pressures of income taxes, capital gains tax, reorganization rules, and estate and gift taxes which are causing so many small businesses to sell or merge out of existence rather than continue in independent form. The section calls for a report and recommendations which would improve the tax climate at this stage of the business life cycle for preservation of independent enterprises.

Technical changes.—In sections 405, 406, 701, and 802 effective dates have been changed to transactions after the date on which the the provision may be enacted into law.

The title of the bill has been changed to reflect the current year, and references to the Bureau of the Budget in Title I have been changed to "Office of Budget and Management" to reflect executive reorganization to date.

SENATOR RANDOLPH ADVOCATES TAX RELIEF FOR SMALL BUSINESS—JOINS SENATOR BIBLE ON TAX REFORM BILL

Mr. RANDOLPH. Mr. President, it is my privilege to again cosponsor the small business tax reform bill reintroduced today by Senator BIBLE.

I believe the sponsors of this measure, which was originally offered June 30, 1970, have been doing what we promised to do. The original bill provided the most comprehensive framework for small business tax relief that has come before Congress. As we indicated, the intervening months have been used to explain the legislation to dozens of organizations and thousands of small businesses. This has allowed us to revise the legislation and make suggested improvements. As a result, I feel the proposal has been strengthened.

Also, after better understanding has come increased support. I believe that it is a good sign in that a companion bill will be offered today in the House of Representatives by the chairman of the House Small Business Committee, Mr. EVINS, and more than a dozen of his colleagues.

Mr. President, more than 90 percent of the businesses in my own State of West Virginia are small businesses. Perhaps we in Appalachia are even more in need of new enterprise to take up the slack left by the downturn we have been experiencing in our economy.

This bill offers the prospect of reenforcing our entire economic system by giving a needed break to the small businessman. I strongly support this principle and hope the merits of this bill will be considered by the 92d Congress.

By Mr. MILLER:

S. 1617. A bill to amend section 2771 of title 10, United States Code, relating to final settlement of accounts of deceased members of the Armed Forces. Referred to the Committee on Armed Services.

Mr. MILLER. Mr. President, I introduce for printing and appropriate reference a bill to cancel any indebtedness for excess leave of a serviceman who is killed in action. I introduced the same bill as S. 4099 on July 17 of last year, and my introductory statement appears on page 24821 of the CONGRESSIONAL RECORD of that day. The situation which prompted the bill is one which I believe needs legislative correction. It involves an Iowa serviceman who had used 9 days more leave than he was entitled to. When he was subsequently killed in action in Vietnam, his final paycheck was reduced to recoup the excess leave. The money involved is not really important; it is the principle of the matter. To make such a deduction amounts almost to an insult to the surviving family of the serviceman.

Under the present law, the Secretary of the Army has the authority to cancel an enlisted member's indebtedness to the United States. However, the Comptroller General has ruled that this authority may be exercised only as to a member who is on active duty and it may not be used for the remission or cancellation of an enlisted man's indebtedness to the Government after his status as an enlisted man has terminated upon his death.

The bill I am introducing would simply provide that a setoff may not be made against an amount for pay and allowances due a serviceman who is killed by enemy action. This bill would be retroactive to January 1, 1964, which reflects Executive Order 11216 by which President Johnson designated Vietnam and the waters adjacent thereto as a combat zone for the purposes of section 112 of the Internal Revenue Code.

The bill covers only servicemen killed by "hostile action." It has been suggested that it ought to be expanded to cover those deaths by nonhostile action also. I have considered this point but have decided to leave the bill as originally introduced. There might be some situations where it would seem equitable to cover a serviceman who dies by nonhostile means. I can also think of situations where this would not be equitable.

I do believe, however, that the Armed Services Committee might wish to explore this particular point.

I urge that prompt consideration be given to this measure.

By Mr. SPARKMAN (for himself and Mr. TOWER) (by request):

S. 1618. A bill to provide Federal revenue to State and local governments and afford them broad discretion in carrying out community development activities and to help States and localities to improve their decisionmaking and management capabilities. Referred to the Committee on Banking, Housing and Urban Affairs.

COMMUNITY DEVELOPMENT ACT OF 1971

Mr. SPARKMAN. Mr. President, I introduce for myself and the distinguished senior Senator from Texas (Mr. TOWER) the administration's proposed Community Development Act of 1971 transmitted to the Senate on April 14, 1971, by Hon. George Romney, Secretary of the Department of Housing and Urban Development.

This bill has two titles. Title I would carry out the President's proposed special revenue sharing plan for urban community development and title II would establish a new program of Federal assistance to State and local governments to help improve local planning and management capabilities.

The plan for community development revenue sharing is part of the President's overall plan to shift Federal assistance away from narrow categorical grant programs into broad revenue-sharing areas within which local governments would have maximum flexibility for spending stipulated Federal funds distributed according to a set formula.

Community development is one of six broad areas which have been designated by the President for special revenue-sharing assistance. The other five are rural community development, education, manpower training, law enforcement, and transportation. According to the President's message, the total for the first full year in special revenue sharing would be $11 billion—of which urban community development would get $2 billion. The bill, however, provides no set amount but merely requests authorization to appropriate such sums as may be necessary. It provides a formula for distributing the appropriated sum among local government units.

Under the bill I am introducing today, four existing categorical grant urban programs would be consolidated into a single program. Cities would be authorized to spend their alloted money as they see fit, provided it is used for community development. Community development activities would be basically limited to those now under the existing four categories to be eliminated. These are urban renewal, model cities, water and sewer grants, and rehabilitation loan programs. The bill lays down the terms for phasing out these existing programs.

The effective date for the new program would be January 1, 1972. In the meantime existing programs would continue at current funding levels, according to the President's plan.

The second part of the bill I am introducing would establish an expanded Federal program of planning assistance to States and local governments. The 701 comprehensive planning grant program of 1954 would be replaced with an expanded grant program with a new emphasis on the creation of a comprehensive management process for State, county and other local governmental units. The purpose would be to develop more efficient local government units, linking together planning and action not just in the community development field but in all fields of local governmental responsibility. As in title I of the bill, maximum discretion would be given to local officials in determining how this planning and management assistance would be utilized.

I am introducing this bill to carry out the President's request to Congress. I have not had time to study it in detail and have not made up my mind about supporting each of its various provisions.

I am in sympathy with the consolidation of the many narrow categorical grant programs proposed by the bill and I believe the Congress will support the elimination of the many detailed supervisory practices now used by HUD in the administration of urban development programs. However, considered attention must be given to the abandonment proposed by the bill of many Federal statutory requirements which were written into the existing law because localities, being subject to narrow local pressures, failed to use Federal funds as intended by the programs.

I also have some qualms about the formula for distribution of Federal funds to local governments. I fear that many cities now actively moving ahead with urban development programs will find themselves shortchanged by an arbitrary formula which puts deserving cities whose leaders have acted to solve their problems with initiative and perseverance on the same par with other units of government which, up to now, have shown little interest in these programs. The administration has promised to a "hold harmless" procedure to eliminate possible reductions in Federal funds for active cities now in the program but the administration bill, which I am introducing, has no such requirement.

I am also disturbed about the failure of the bill before us to provide adequately for small cities outside metropolitan areas. The bill seems to imply such cities would only receive assistance at the discretion of the HUD Secretary to the extent there are funds left over after distributions to the larger cities.

There are other items that have come to my attention that the committee will need to work on both for clarification and to insure equity so that Federal funds will be fairly distributed to all interested communities throughout the Nation.

I have reservations also on title II of the bill which would repeal the very popular 701 planning assistance program. I have no objection to consolidating the many existing provisions now in section 701 but I am concerned that the new substitute has failed to include several important provisions added by congressional initiative in recent years. Furthermore, as desirable as management programs may be, the new title gives such decided emphasis to management assistance that I am fearful that the traditional grant program for land-use and physical planning may be seriously neglected.

I understand that the administration intends to send the Congress other housing proposals at a later date. Once these are received and with a reasonable period allowed for public digestion of the legislative proposals, the committee will proceed to have hearings.

By the time hearings are completed, the committee should have the information it needs to recommend to the Senate the adoption of a new urban development program such as the President's revenue sharing plan or the amending of existing programs with new funding provisions.

The common fault of our Federal efforts to help cities is the lack of a sustained and dependable level of funding. The off again, on again, stop and go Federal funding experience has done more harm and wasted more Federal funds than we will ever know. It seems we are constantly changing the rules in the middle of the game. Some have accused the Federal Government of intentionally changing laws and regulations to take the pressure off funding shortages.

Whatever we do this year, I hope that we try to solve this one deficiency. Once Federal policy is developed to provide Federal funds to aid cities, the Government should stick to its promises and cities should be able to plan in advance.

I ask unanimous consent that the bill and section-by-section summary thereof be printed at this point in my remarks.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 1618

A bill to provide Federal revenues to State and local governments and afford them broad discretion in carrying out community development activities and to help States and localities to improve their decision-making and management capabilities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Community Development Act of 1971".

TITLE I—URBAN COMMUNITY DEVELOPMENT

SHORT TITLE

SEC. 101. This title may be cited as the "Urban Community Development Revenue Sharing Act of 1971".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 102. The Congress finds and declares that—

(1) The Nation's welfare requires an improved system of Federal assistance for community development which will preserve and enhance the physical and social environment and improve the quality of life in the Nation.

(2) The delivery of effective community development programs and activities is essentially a local responsibility and there is a need to strengthen the capacity of units of general local government and States to deal with community problems relating to development, revitalization, and growth.

(3) The effectiveness of community development would be improved by making re-

sources for such purposes available to units of general local government and States to use with broad discretion in evaluating their community development needs and allocating resources to meet those needs.

(4) The Federal Government should make available to units of general local government and States a wide range of assistance and support to improve the effectiveness of community development activities.

It is therefore the purpose of this title to establish a flexible and improved system of Federal assistance by sharing Federal revenues, designed to promote sound and equitable community development, revitalization, and growth. The Federal assistance is intended to be provided in support of community development activities which contribute to—

(1) improving the quality, organization, and accessibility of public services for all citizens;

(2) the elimination and prevention of urban slums, blight, and deterioration;

(3) economic and desirable land uses;

(4) the provision of housing, partciularly for low and moderate income individuals and families, sufficient to meet community needs and appropriately located in relation to community and commercial facilities and job opportunities;

(5) the development of properly planned community facilities and public improvements;

(6) the preservation or restoration of properties and areas of special value for historic reasons;

(7) the conservation and enhancement of both the natural and urban environment;

(8) the provision of adequate recreational opportunities; and

(9) increased order and efficiency in community development and revitalization through the application of well-considered priorities to the investment of Federal, State, and local resources.

DEFINITIONS

SEC. 103. (a) As used in this title—

(1) The term "unit of general local government" means any city, municipality, county, town, township, parish, village, or other general purpose political subdivision of a State; a consortium of such units of general local government recognized by the Secretary; and the District of Columbia.

(2) The term "State" means any State of the United States; the Commonwealth of Puerto Rico; Guam; and the Virgin Islands.

(3) The term "metropolitan areas" means the standard metropolitan statistical areas, as established by the Office of Management and Budget.

(4) The term "metropolitan cities" means cities within metropolitan areas which are central cities of metropolitan areas, as defined and used by the Office of Management and Budget, or which are cities having a population of 50,000 or more.

(5) The term "population" means the total resident population based on data compiled by the United States Bureau of the Census and referable to the same point or period in time.

(6) The term "amount of poverty" means the number of persons (or alternatively, the number of families and unrelated individuals) whose incomes are below the poverty level, as determined pursuant to criteria provided by the Office of Management and Budget, and based on data referable to the same point or period in time.

(7) The term "amount of overcrowding" means the number of housing units with 1.01 or more persons per room based on data compiled by the United States Bureau of the Census and referable to the same point or period in time.

(8) The term "extent of housing deficiencies" means the number of housing units lacking some or all plumbing facilities based on data compiled by the United States Bureau of the Census and referable to the same point or period in time.

(9) The term "Secretary" means the Secretary of Housing and Urban Development.

(b) Where appropriate, the definitions in subsection (a) shall be based on the most recent data compiled by the United States Bureau of the Census and the latest published reports of the Office of Management and Budget on the date of enactment of this Act and 90 days prior to the beginning of each subsequent fiscal year. The Secretary may by regulation change or otherwise modify the definitions in subsection (a) in order to reflect any change or modification thereof made subsequent to such date by the United States Bureau of the Census or the Office of Management and Budget.

COMMUNITY DEVELOPMENT ACTIVITIES ELIGIBLE FOR ASSISTANCE

SEC. 104. (a) Community development activities assisted under this title may include—

(1) acquisition of real property (including air rights, water rights, and other interests therein) which is (i) blighted, deteriorated, deteriorating, undeveloped, or inappropriately developed from the standpoint of sound community development and growth, (ii) necessary for the preservation or restoration of historic sites, the beautification of urban land, the conservation of open spaces, natural resources and scenic areas, the provision of recreational opportunities, or the guidance of urban development, (iii) to be used for the provision of public works, facilities, and improvements eligible for assistance under this title, or (iv) for other public purposes;

(2) relocation payments and assistance for individuals, families, businesses, and farm operations displaced by community development activities;

(3) clearance, demolition, removal, and rehabilitation of buildings and improvements (including financing rehabilitation of privately owned properties when incidental to other activities);

(4) acquisition, construction, reconstruction, or installation of public works, facilities, and site or other improvements—including water and sewer facilities, neighborhood facilities, historic properties, utilities, streets, street lights, foundations and platforms for air right sites, pedestrian malls and walkways, parks, and playgrounds;

(5) elimination, by code enforcement and other means, of harmful physical conditions constituting a danger to public health and safety; and

(6) disposition (through sale, lease, donation, or otherwise) of any real property acquired pursuant to this title or its retention for public purposes.

(b) In addition to any other authority provided under subsection (a) or otherwise, community development activities may include the types of activities for which supplemental grants are authorized under title I of the Demonstration Cities and Metropolitan Development Act of 1966.

AUTHORIZATION OF APPROPRIATIONS

SEC. 105. For the purpose of carrying out this title, there are authorized to be appropriated without fiscal year limitation such sums as may be necessary for each fiscal year.

ALLOCATION AND DISTRIBUTION OF FUNDS

SEC. 106. (a) Of the amounts provided from appropriations authorized by section 105 for any fiscal year, at least 80 per centum shall be allocated by the Secretary for special revenue sharing payments for all metropolitan areas, as provided by subsection (b).

(b) (1) The Secretary shall allocate for each metropolitan area an amount which bears the same ratio to the allocation for all metropolitan areas as the average of the ratios between—

(A) the population of the metropolitan area and that of all metropolitan areas;

(B) the amount of poverty in the metropolitan area and that in all metropolitan areas;

(C) the amount of overcrowding in the metropolitan area and that in all metropolitan areas; and

(D) the extent of housing deficiencies in the metropolitan area and that in all metropolitan areas.

(2) From the amount allocated to each metropolitan area, the Secretary shall distribute to each metropolitan city within that area special revenue sharing payments, in an amount which bears the same ratio to the allocation for all metropolitan areas as the average of the ratios between—

(A) the population for the metropolitan city and that of all metropolitan areas;

(B) the amount of poverty in the metropolitan city and that in all metropolitan areas;

(C) the amount of overcrowding in the metropolitan city and that in all metropolitan areas; and

(D) the extent of housing deficiencies in the metropolitan city and that in all metropolitan areas.

(3) The remainder of the allocation for each metropolitan area shall be distributed by the Secretary as special revenue sharing payments to units of general local government within that metropolitan area, taking into consideration such factors as population, amount of poverty, amount of overcrowding, extent of housing deficiencies, and other social and fiscal conditions prevailing in the metropolitan area. Any portion of the remainder of the allocation for each metropolitan area undistributed at the end of the fiscal year in which it was allocated shall remain available for use within that metropolitan area.

(c) Any other funds available for any fiscal year to carry out this title may be distributed by the Secretary as special revenue sharing payments to units of general local government and States for community development activities, subject to such terms and conditions as he may prescribe. Until such time as a metropolitan city is eligible to receive funds and carry out activities as provided by this title or in the event that such a city refuses to accept such funds, the special revenue sharing payments which it would have received under subsection (b) (2) shall be added to the funds available for distribution by the Secretary under this subsection.

(d) In addition to appropriations authorized by section 105, there are authorized to be appropriated without fiscal year limitation such sums as may be necessary for distribution by the Secretary under subsection (c) to cities having a population of less than 50,000.

(e) All computations and determinations by the Secretary under this section shall be final and conclusive.

PAYMENTS TO RECIPIENTS

SEC. 107. The amounts appropriated and allocated pursuant to this title shall be paid to the recipients at such intervals and in such installments as the Secretary may determine, taking account of the objective that the time elapsing between the transfer of funds from the United States Treasury and the disbursement thereof by a recipient shall be minimized: *Provided,* That the Secretary shall, with the concurrence of the Director of the Office of Management and Budget, prescribe regulations for the purpose of avoiding an inordinate rise in Federal outlays in fiscal years 1972, 1973, and 1974 resulting from concurrent disbursements pursuant to (a) obligations incurred under the statutory provisions replaced by this title, and (b) revenue shared under this title.

STATEMENT OF COMMUNITY DEVELOPMENT ACTIVITIES

SEC. 10.8 Prior to the receipt of any funds under this title for any fiscal year commencing with fiscal year 1973 (and at least two months prior to the beginning of the appropriate fiscal year), each recipient of funds under this title shall publish and make available to the Secretary (and, in the case of recipient units of general local government, to the Governor of the State in which they are located, as well) a statement of community development objectives and projected uses of funds. The purpose of such statement shall be to permit public examination and appraisal of community development activities carried out under this title, to enhance the public accountability of recipients of shared Federal revenues, and to facilitate coordination of activities at different levels of government. The statement shall reflect the degree to which activities assisted under this title relate to State and areawide programs and activities for community development.

RECORDS, AUDIT AND REPORTS

SEC. 109. (a) All revenue shared with recipients under this title shall be properly accounted for as Federal funds in the accounts of such recipients.

(b) In order to assure that revenue shared under this title is used in accordance with the provisions of this title, each recipient shall—

(1) use such fiscal and accounting procedures as may be necessary to assure (i) proper accounting for payments received by it and (ii) proper disbursement of such amounts;

(2) provide to the Secretary, on reasonable notice, access to, and the right to examine any books, documents, papers, or records as he may reasonably require; and

(3) make such reports to the Secretary as he may reasonably require.

RECOVERY OF FUNDS

SEC. 110. (a) If the Secretary determines after giving reasonable notice and opportunity for hearing that a recipient has failed to comply substantially with the provisions of this title, he shall—

(1) refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted; or

(2) notify the recipient that if corrective action is not taken within 60 days from the date of such notification, revenues shared with it will be reduced in the same or succeeding fiscal year by an amount equal to the amount of funds which were not expended in accordance with the provisions of this title; or

(3) take such other action as may be provided by law.

(b) When a matter is referred to the Attorney General pursuant to subsection (a)(1), the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

(c) (1) Any recipient which receives notice of reduction of revenues shared, under subsection (a)(2) may, within 60 days after receiving notice of such reduction, file with the United States Court of Appeals for the Circuit in which such recipient is located or in the United States Court of Appeals for the District of Columbia, a petition for review of the Secretary's action. The petitioner shall forthwith transmit copies of the petition to the Secretary and the Attorney General of the United States, who shall represent the Secretary in litigation.

(2) The Secretary shall file in the Court the record of the proceeding on which he based his action, as provided in section 2112 of title 28 of the United States Code. No objection to the action of the Secretary shall be considered by the Court unless such objections has been urged before the Secretary.

(3) The Court shall have jurisdiction to affirm or modify the action of the Secretary or to set it aside in whole or in part. The findings of fact by the Secretary, if supported by substantial evidence on the record considered as a whole shall be conclusive. The court may order additional evidence to be taken by the Secretary, and to be made part of the record. The Secretary may modify his findings of fact, or make new findings, by reason of the new evidence so taken and filed with the Court, and he shall also file such modified or new findings, which findings with respect to questions of fact shall be conclusive if supported by substantial evidence on the record considered as a whole, and shall also file his recommendations, if any, for the modification or setting aside of his original action.

(4) Upon the filing of the record with it, the jurisdiction of the Court shall be exclusive and its judgment shall be final, except that the same shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in section 1254 of title 28 of the United States Code.

NONDISCRIMINATION

SEC. 111. Shared revenues under this title shall be considered as Federal financial assistance within the meaning of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d).

RELOCATION COSTS

SEC. 112. Notwithstanding section 211 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601), no Federal contribution in addition to shared revenues under this title shall be made to recipients for costs incurred in providing relocation payments and assistance for those displaced by community development activities assisted under this title.

LABOR STANDARDS

SEC. 113. All laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed in whole or in part with revenues shared under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5): *Provided*, That this section shall apply to the construction of residential property only if such residential property is designed for residential use for twelve or more families. The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276(c)).

INTERSTATE AGREEMENTS

SEC. 114. The consent of the Congress is hereby given to any two or more States to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative effort and mutual assistance in support of community development activities assisted under this title as they pertain to interstate areas and to localities within such States, and to establish such agencies, joint or otherwise, as they may deem desirable for making such agreements and compacts effective.

MATCHING GRANTS

SEC. 115. Shared revenues under this title may be used by a recipient as matching shares for Federal grant programs which provide assistance for community development activities.

GENERAL PROVISIONS

SEC. 116. (a) The Secretary shall prescribe such rules, regulations, and standards as may be necessary to carry out the purposes and conditions of this title.

(b) The Secretary shall include an evaluation of the effectiveness of this title in his annual report to the President on Departmental activities required by section 8 of the Department of Housing and Urban Development Act.

EFFECT DATE

SEC. 117. The provisions of this title shall be effective on January 1, 1972. After such effective date, no new grants or loans may be made pursuant to title I of the Housing Act of 1949, section 312 of the Housing Act of 1964, section 702 of the Housing and Urban Development Act of 1965, and title I of the Demonstration Cities and Metropolitan Development Act of 1966, except with respect to projects or programs for which funds have been committed on or before December 31, 1971.

APPROPRIATION FOR LIQUIDATION OF URBAN RENEWAL CONTRACTS

SEC. 118. Section 3689 of the Revised Statutes, as amended (31 U.S.C. 711), is further amended by adding the following new paragraph at the end thereof: "(22) For payments required from time to time under contracts entered into pursuant to section 103 (b) of the Housing Act of 1949, as amended, with respect to projects or programs for which funds have been committed on or before December 31, 1971 and for which funds have not previously been appropriated."

CONFORMING AND TECHNICAL AMENDMENTS

SEC. 119. (a) Section 217 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601) is amended—

(1) by striking out "or" after "Housing Act of 1949, as amended," and

(2) by adding after "Demonstration Cities and Metropolitan Development Act of 1966" the following: ", or as a direct result of any community development activity assisted under the Urban Community Development Revenue Sharing Act of 1971".

(b) The Secretary is authorized to transfer the assets and liabilities of any superseded or nonactive program of housing or urban development to the revolving fund for liquidating programs established pursuant to title II of the Independent Offices Appropriation Act of 1955 (Public Law 81–428; 68 Stat. 272, 295).

TITLE II—STATE AND LOCAL PLANNING AND MANAGEMENT PROGRAMS

STATEMENT OF FINDINGS AND PURPOSE

SEC. 201. The Congress hereby finds and declares—

(1) that the ability of our Federal system of government to respond effectively to the needs of all citizens depends upon the strength and capabilities of Federal, State and local governments;

(2) that the Federal aid system has not given sufficient recognition to the need to work through and to strengthen elected officials of State and local general purpose governments and regional combinations thereof;

(3) that State and local governments must be aided in developing their planning and management capabilities if they are to assume their proper responsibilities in the Federal system and if the fullest effectiveness of Federal funds expanded through revenue sharing is to be achieved;

(4) that previous Federal programs to improve State and local government capabilities have tended to be limited to specific functional areas and individual agencies and have not been directed at strengthening the overall capability of State and

local officials to plan and make decisions and to manage their affairs; and

(5) that basic reliance should be placed on State and local resources to support the improvement of State and local planning, decision making, and management capabilities, but the Federal government should provide additional assistance in order to strengthen the Federal system and promote the welfare of all citizens.

It is therefore the purpose of this title to strengthen general purpose units of government and regional combinations thereof at the State and local levels to enable them to use their own and shared revenues more effectively to cope with complex problems in a manner responsive to the economic and social needs and desires of all affected citizens. To promote this purpose Federal assistance will be provided to States and localities undertaking planning and management programs which lead to more effective resource allocation.

DEFINITIONS

SEC. 202. As used in this title—

(1) "Secretary" means the Secretary of Housing and Urban Development;

(2) "State" means any State of the United States, the Commonwealth of Puerto Rico, Guam and the Virgin Islands;

(3) "Locality" includes any city, county or other unit of general local government, the District of Columbia, any territory or possession of the United States, or metropolitan or other multi-jurisdictional area which the Secretary, guided by any criteria in an applicable State planning and management program, determines forms an economic and socially related development region, taking into account such factors as present and future population trends and patterns of urban growth, location of transportation corridors, facilities and systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities; and

(4) "Governmental agency" means (1) an Indian tribe or organization determined by the Secretary to have governmental characteristics and (2) an organization, including a nonprofit organization composed or predominantly composed of elected public officials, which meets State standards and criteria, prescribed pursuant to section 204 or, in the absence of such standards and criteria, an areawide agency designated pursuant to title II of the Demonstration Cities and Metropolitan Development Act of 1966 or title IV of the Intergovernmental Cooperation Act of 1968, which is organized to deal with matters of governmental concern to two or more public bodies or units of government.

PLANNING AND MANAGEMENT PROGRAMS GENERALLY

SEC. 203. (a) Planning and management programs assisted under this title shall be designed by the State or locality to meet its own particular needs and to improve capabilities of elected officials for developing, implementing, and evaluating policies, programs, and projects in a balanced manner that will further the purpose of this title. Activities which may be supported under this title are those which (1) will aid in the attainment of specified State or local objectives relating to governmental operation, land use, housing, development, resource management or areawide and intergovernmental coordination and (2) are carried out in a manner which assures periodic examination by States or localities of methods and objectives as information becomes available on the social, economic and environmental consequences of program activities.

(b) The authorities provided in this title shall be administered in such a manner as (1) to recognize fully the rights, powers, and responsibilities of State and local governments, and (2) to allow for innovation and diversity on the part of State and local governments in the design and implementation of their planning and management programs.

STATE PLANNING AND MANAGEMENT PROGRAMS

SEC. 204. (a) State planning and management programs shall be consistent with the provisions of sections 203 and, in addition to the activities specified in section 205 may include (1) a Statewide development plan which seeks to integrate all important elements of community development (including land use) and which may include designation of potential growth areas and new community development sites, and (2) standards for determining which communities, or groups of communities, should be considered together as a single locality for purposes of establishing and carrying out local and areawide programs in support of purpose of this title together with criteria and procedures for measuring the adequacy of those programs and for determining whether they, and other significant local actions and projects, are consistent with the State program as developed pursuant to this section;

(b) States may undertake the activities set forth in Section 205 with respect to State governments or on behalf of localities or groups of localities, including areawide agencies, within the State. States also may make grants to localities or groups of localities, including areawide agencies, to support activities set forth in Section 203, using funds received under this title.

PROGRAM ACTIVITIES

SEC. 205. Activities carried on in formulating, or as part of, a planning and management program, and which may qualify for assistance as provided in this title, include the following:

(1) improving governmental systems and operations including revenue and resource allocation systems and methods for obtaining effective public participation in policy decisions;

(2) improving governmental structures, authorities, and coordinating mechanisms for dealing with the economic, social, and environmental complexities of modern society, including expansion of the role of elected executive officials and general units of government;

(3) establishing objectives, evaluating programs for achieving these objectives, and providing for program balance and coordination in response to State and local needs and priorities;

(4) formulating policies and plans governing the use, development, and conservation of land, and developing and carrying out supporting or implementing procedures;

(5) identifying and evaluating needs for housing, facilities and services, and formulating specific programs for meeting the needs so identified;

(6) providing (directly or through grants or contracts) planning, technical assistance, information or advisory services to communities and agencies needing such assistance or services in connection with activities related to the purpose of this title;

(7) participating in organizations for joint or common governmental or governmental and private action, in solving problems of community revitalization and growth; and

(8) other activities or projects, consistent with the purpose of this title which pertain to the coordination, regulation, modernization or improved implementation, management or control of governmental functions.

AUTHORITY TO MAKE GRANTS

SEC. 206. (a) The Secretary may make grants, as provided in this section, to assist States and localities in formulating, and carrying out the activities set forth in section 205. In making the initial distribution of funds among States and localities, the Secretary should take into consideration such factors as the applicant's population, social and economic conditions, special opportunities to improve the workings of government, unique developmental problems, and other factors consistent with the purposes of this title. In determining whether and on what conditions to continue assistance to any program initially approved, the Secretary shall consider the degree to which previous assistance has been effectively used by the applicant State or local government.

(b) Grants may be made under this title to States, cities and, where consistent with the provisions of State planning and management programs or where the Secretary finds it necessary for carrying out the purposes of this title, to other governmental subdivisions, and to metropolitan, regional, or other governmental agencies.

(c) The Secretary shall not require any matching or other expenditure of State or local funds as a condition to making grants under this title.

CONDITIONS AND ADMINISTRATION OF GRANTS

SEC. 207. Grants made under this title may be used, subject to regulations and conditions prescribed by the Secretary, for any activities made eligible by the provisions of this title; but such regulations shall provide that grant assistance not be used to defray the cost of the acquisition, construction, repair or rehabilitation of, or the preparation of engineering drawings or similar detailed specifications for, specific housing, capital facilities or public works projects.

INTERSTATE AGREEMENTS

SEC. 208. The consent of the Congress is hereby given to any two or more States to enter into agreement or compacts, not in conflict with any law of the United States, for cooperative effort and mutual assistance in support of planning and management programs adopted under this title as they pertain to interstate areas and to localities within such States, and to establish such agencies, joint or otherwise, as they may deem desirable for making such agreement and compacts effective.

FEDERAL CONSULTATION AND COOPERATION

SEC. 209. (a) The Secretary shall consult with the heads of other Federal departments and agencies having responsibilities related to the purpose of this title, including responsibilities connected with the economic development of rural and depressed areas, and the protection and enhancement of the Nation's natural environment, with respect to (1) general standards, policies and procedures to be followed in its administration; and (2) particular grant actions or approvals which the Secretary believes to be of special interest or concern to one or more of such departments and agencies.

(b) Funds made available under any Federal assistance program for projects or activities approved as part of, or in furtherance of, a planning and management program assisted under this title may be used jointly with funds made available for such projects or activities under any other Federal assistance program, subject to regulations prescribed by the President. Such regulations may include provisions for common technical or administrative requirements where varying or conflicting provisions of law or regulations would otherwise apply, for establishing joint management funds and common non-Federal shares, and for special agreements, or delegations of authority, among different Federal agencies in connection with the supervision or administration of assistance. Such regulations shall in any case include appropriate criteria and procedures to assure that any special authorities conferred, which are not otherwise provided for by law, shall be employed only as necessary to promote effective and efficient administration and in a manner consistent with the protection of the Federal interest and program purposes or statutory requirements of a substantive nature. For purposes of this section, the term "Federal assistance program" shall have the same meaning as under the Intergovernmental Cooperation Act of 1968.

(c) The Secretary may, as necessary or appropriate and with the approval of the President, delegate any of his powers under this Act to the heads of other Federal agencies and authorize the redelegation thereof, subject to such conditions or provisions as may be appropriate to assure effective coordination between the powers so delegated and other powers or functions retained by the Secretary.

TECHNICAL ASSISTANCE

SEC. 210. (a) The Secretary may provide, directly or through contracts, grants or other arrangements, technical assistance in the formulation or implementation of planning and management programs.

(b) Grant funds made available under this title may be used, subject to such limitations as the Secretary may prescribe, for the purpose of procuring specialized or technical services available pursuant to section 302 of the Intergovernmental Cooperation Act of 1968, and the Secretary is authorized directly to procure such services on behalf of any State or political subdivision which could receive or participate in assistance provided under this title, and the heads of other Federal agencies are authorized to provide such services.

APPROPRIATIONS

SEC. 211. For the purpose of carrying out this title, there are hereby authorized to be appropriated without fiscal year limitation such sums as may be necessary.

REPEALING AND TRANSITION PROVISIONS

SEC. 212. (a) In addition to amounts authorized and appropriated under section 211, appropriations available for carrying out section 701 of the Housing Act of 1954 shall be available until expended for the purpose of carrying out this title. The provisions of this title shall be effective, in whole or in part, at such date or dates as the Secretary of Housing and Urban Development shall prescribe and the Secretary shall establish procedures for the orderly transfer of Federal assistance activities from the authority of section 701 of the Housing Act of 1954.

(b) Title IX of the Demonstration Cities and Metropolitan Development Act of 1966 is hereby repealed.

STATE LIMITATION

SEC. 213. Not more than 15 per centum of the funds used for grants under this title in any fiscal year shall be so used in any one State.

SECTION-BY-SECTION SUMMARY, COMMUNITY DEVELOPMENT ACT OF 1971

The first section of the bill would provide that upon enactment it may be cited as the Community Development Act of 1971.

TITLE I—URBAN COMMUNITY DEVELOPMENT

Section 101. Short Title

This section would provide that this title may be cited as the "Urban Community Development Revenue Sharing Act of 1971".

Section 102. Statement of Findings and Purpose

This section would set forth the following Congressional findings:

(1) The Nation's welfare requires an improved system of Federal assistance for community development which will preserve and enhance the physical and social environment and improve the quality of life in the Nation.

(2) The delivery of effective community development programs and activities is essentially a local responsibility and there is a need to strengthen the capacity of units of general local government and States to deal with community problems relating to development, revitalization, and growth.

(3) The effectiveness of community development would be improved by making resources for such purposes available to units of general local government and States to use with broad discretion in evaluating their community development needs and allocating resources to meet those needs.

(4) The Federal Government should make available to units of general local government and States a wide range of assistance and support to improve the effectiveness of community development activities.

The section would declare the purpose of this title to be the establishment of a system of sharing Federal revenues, designed to promote sound and equitable community development, revitalization, and growth. The Federal assistance would be provided in support of community development activities which contribute to:

(1) Improving the quality, organization, and accessibility of public services for all citizens;

(2) The elimination and prevention of urban slums, blight, and deterioration;

(3) Economic and desirable land uses;

(4) The provision of housing, particularly for low and moderate income individuals and families, sufficient to meet community needs and appropriately located in relation to community and commercial facilities and job opportunities;

(5) The development of properly planned community facilities and public improvements;

(6) The preservation or restoration of properties and areas of special value for historic reasons;

(7) The conservation and enhancement of both that natural and urban environment;

(8) The provision of adequate recreational opportunities; and

(9) Increased order and efficiency in community development and revitalization through the application of well-considered priorities to the investment of Federal, State, and local resources.

Section 103. Definitions

Subsection (a) would define certain terms as follows:

(1) "Unit of general local government" would mean any city, municipality, county, town, township, parish, village, or other general purpose political subdivision of a State; a consortium of such units of general local government recognized by the Secretary; and the District of Columbia;

(2) "State" would mean any State of the United States; the Commonwealth of Puerto Rico; Guam; and the Virgin Islands;

(3) "Metropolitan areas" would mean the standard metropolitan statistical areas, as established by the Office of Management and Budget;

(4) "Metropolitan cities" would mean cities within metropolitan areas which are central cities of metropolitan areas, as defined and used by the Office of Management and Budget, or which are cities having a population of 50,000 or more;

(5) "population" would mean the total resident population based on data compiled by the United States Bureau of the Census and referable to the same point or period in time;

(6) "amount of poverty" would mean the number of persons (or alternatively, the number of families and unrelated individuals) whose incomes are below the poverty level, as determined pursuant to criteria provided by the Office of Management and Budget, and based on data referable to the same point or period in time;

(7) "amount of overcrowding" would mean the number of housing units with 1.01 or more persons per room based on data compiled by the United States Bureau of the Census and referable to the same point or period in time;

(8) "extent of housing deficiencies" would mean the number of housing units lacking some or all plumbing facilities based on data compiled by the United States Bureau of the Census and referable to the same point or period in time; and

(9) "Secretary" would mean the Secretary of Housing and Urban Development.

Subsection (b) would provide that where appropriate, the definitions in subsection (a) shall be based on the most recent data compiled by the United States Bureau of the Census and the latest published reports of the Office of Management and Budget on the date of enactment of this Act and 90 days prior to the beginning of each subsequent fiscal year. The Secretary would be authorized to change or otherwise modify the definitions in order to reflect any change or modification made subsequent to such date by the United States Bureau of the Census or the Office of Management and Budget.

Section 104. Community Development Activities Eligible for Assistance

This section would set forth the activities for which special revenue sharing payments may be used.

Subsection (a) would provide that community development activities may include:

(1) acquisition of real property (including interests therein) which is blighted or inappropriately developed, needed for public facilities, historic preservation, beautification, conservation, recreation, the guidance of urban development, or for other public purposes;

(2) relocation payments and assistance for those displaced by community development activities;

(3) clearance, demolition, removal, and rehabilitation of buildings and improvements (including financing rehabilitation of privately owned properties when incidental to other activities);

(4) provision of public works, facilities, and site or other improvements;

(5) elimination, by code enforcement and other means, of harmful physical conditions constituting a danger to public health and safety; and

(6) disposition (by sale, lease, donation, or otherwise) of acquired real property or its retention for public purposes.

Subsection (b) would provide that community development activities may also include the types of activities for which Model Cities supplemental grants are authorized.

Section 105. Authorization of Appropriations

This section would authorize to be appropriated without fiscal year limitation such sums as may be necessary for each fiscal year to carry out this title.

Section 106. Allocation and Distribution of Funds

Subsection (a) would provide that at least 80 percent of the amounts provided from appropriations authorized by section 105 for any fiscal year shall be allocated by the Secretary for special revenue sharing for all metropolitan areas, as provided by subsection (b).

Subsection (b)(1) would provide that each metropolitan area shall be allocated an amount which bears the same ratio to the allocation for all metropolitan areas as the average of the ratios between:

(1) the population of the metropolitan area and that of all metropolitan areas;

(2) the amount of poverty in the metropolitan area and that in all metropolitan areas;

(3) the amount of overcrowding in the metropolitan area and that in all metropolitan areas; and

(4) the extent of housing deficiencies in the metropolitan area and that in all metropolitan areas.

Subsection (b)(2) would provide that from the amount allocated to each metropolitan area, each metropolitan city within that area shall be distributed special revenue sharing payments, in an amount which bears the same ratio to the allocation for all metropolitan areas as the average of the ratios between:

(1) the population of the metropolitan city and that of all metropolitan areas;

(2) the amount of poverty in the metropolitan city and that in all metropolitan areas;

(3) the amount of overcrowding in the metropolitan city and that in all metropolitan areas; and

(4) the extent of housing deficiencies in the metropolitan city and that in all metropolitan areas.

Subsection (b)(3) would provide that the remainder of the allocation for each metropolitan area shall be distributed by the Secretary as special revenue sharing payments to units of general local government within that metropolitan area, taking into consideration such factors as population, amount of poverty, amount of overcrowding, extent of housing deficiencies, and other social and fiscal factors prevailing in the metropolitan area. Any portion of the remainder of the allocation for each metropolitan area undistributed at the end of the fiscal year in which it was allocated would remain available for use within that metropolitan area.

Subsection (c) would provide that any other funds available for any fiscal year to carry out this title shall be available for distribution by the Secretary as special revenue sharing payments to units of general local government and States for community development activities subject to such terms and conditions as he may prescribe. It would also provide that until such time as a metropolitan city is eligible to receive funds and carry out community development activities, or in the event that a metropolitan city refuses to accept such funds, the revenue sharing payments which it would have received would be added to the funds available for distribution by the Secretary under this subsection.

Subsection (d) would authorize without fiscal year limitation (in addition to appropriations authorized by section 105) such sums as may be necessary for distribution by the Secretary under subsection (c) to cities having a population of less than 50,000.

Subsection (e) would provide that all computations and determination by the Secretary under this section shall be final and conclusive.

Section 107. Payments to Recipients

This section would provide that community development special revenue sharing payments shall be made to the recipients at such intervals and in such installments as the Secretary may determine, taking account of the objective that the time elapsing between the transfer of funds from the United States Treasury and the disbursement thereof by a recipient be minimized. The Secretary would be required to prescribe regulations, with the concurrence of the Director of the Office of Management and Budget, for the purpose of avoiding an inordinate rise in Federal outlays in fiscal years 1972, 1973, and 1974 resulting from concurrent disbursements pursuant to (a) obligations incurred under the statutory provisions replaced by this title, and (b) revenue shared under this title.

Section 108. Statements of Community Development Activities

This section would provide that prior to the receipt of any community development funds for any fiscal year commencing with fiscal year 1973 (and at least two months prior to the beginning of the appropriate fiscal year), each recipient of funds under this title must publish and make available to the Secretary (and, in the case of recipient units of general local government, to the Governor of the State in which they are located, as well) a statement of community development objectives and projected uses of funds. The purpose of such statement would be to permit public examination and appraisal of community development activities carried out under this title, to enhance the public accountability of recipients of shared Federal revenues, and to facilitate coordination of activities at different levels of government. The statement would have to reflect the degree to which activities assisted under this title relate to State and areawide programs and activities for community dvelopment.

Section 109. Records, Audit and Reports

Subsection (a) would provide that all revenue shared with recipients for community development activities must be properly accounted for as Federal funds.

Subsection (b) would require each recipient to (1) use such fiscal and accounting procedures as may be necessary to assure (i) proper accounting for payments received by it and (ii) proper disbursement of such amounts; (2) provide to the Secretary, on reasonable notice, access to, and the right to examine any books, documents, papers, or records as he may reasonably require; and (3) make such reports to the Secretary as he may reasonably require.

Section 110. Recovery of Funds

Subsection (a) would provide that if the Secretary determines after giving reasonable notice and opportunity for hearing that a recipient has failed to comply substantially with the provisions of this title, he shall refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted; or notify the recipient that if corrective action is not taken within 60 days from the date of such notification, revenues shared with it will be reduced in the same or succeeding fiscal year by an amount equal to the amount of funds which were not expended in accordance with the provisions of this title; or take such other action as may be provided by law.

Subsection (b) would provide that when a matter is referred to the Attorney General, he may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

Subsection (c)(1) would provide that any recipient which receives notice of reduction of revenues shared may, within 60 days after receiving such notice, file with the United States Court of Appeals for the Circuit in which such recipient is located or in the United States Court of Appeals for the District of Columbia, a petition for review of the Secretary's action. The petitioner would be required to transmit copies of the petition to the Secretary and to the Attorney General of the United States, who would represent the Secretary in litigation.

Subsection (c)(2) would provide that no objection to the action of the Secretary may be considered by the Court unless such objection has been urged before the Secretary.

Subsection (c)(3) would provide that the Court shall have jurisdiction to affirm or modify the action of the Secretary or to set it aside in whole or in part. The findings of fact by the Secretary, if supported by substantial evidence on the record considered as a whole, would be conclusive. The Court could order additional evidence to be taken by the Secretary, and to be made part of the record. The Secretary could modify his findings of fact or make new findings by reason of the new evidence and file with the Court his recommendations, if any, for the modification or setting aside of his original action.

Subsection (c)(4) would provide that the jurisdiction of the Court shall be exclusive and that its judgment shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification.

Section 111. Nondiscrimination

This section would provide that shared revenues under this title shall be considered as Federal financial assistance within the meaning of title VI of the Civil Rights Act of 1964.

Section 112. Relocation Costs

This section would provide that notwithstanding section 211 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (which makes the cost of relocation payments and assistance a project expense and authorizes a Federal payment for the first $25,000 of relocation costs for each displacement which occurs prior to July 1, 1972) no Federal contribution in addition to shared revenues shall be made to recipients for costs incurred in providing relocation payments and assistance for those displaced by community development activities assisted with community development special revenue sharing funds.

Section 113. Labor Standards

This section would require that all laborers and mechanics employed by contractors or subcontractors for construction work financed in whole or in part with community development special revenue sharing funds be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act. Such requirements, however, would apply to residential property only if such property is designed for twelve or more families. The Secretary of Labor would have, with respect to the labor standards specified in this section, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 and other Federal laws.

Section 114. Interstate Agreements

This section would give Congressional consent to compacts and agreements among any two or more States in support of community development activities assisted under this title.

Section 115. Matching Grants

This section would provide that community development special revenue sharing funds may be used as matching shares for Federal grant programs which provide assistance for community development activities.

Section 116. General Provisions

Subsection (a) would authorize the Secretary to prescribe such rules, regulations, and standards as may be necessary to carry out the purposes and conditions of this title.

Subsection (b) would require the Secretary to include an evaluation of the effectiveness of community development special revenue sharing in his annual report to the President on Departmental activities.

Section 117. Effective Date

This section would provide that this title shall be effective on January 1, 1972. After such effective date, no new grants or loans could be made under the urban renewal programs, the rehabilitation loan program, the grant program for water and sewer facilities, and the Model Cities program, except with respect to projects or programs for which funds have been reserved prior to January 1, 1972.

Section 118. Appropriation for Liquidation of Urban Renewal Contracts

This section would include payments required under urban renewal contracts with respect to projects or programs for which funds have been reserved prior to January 1, 1972 and for which funds have not previously been appropriated among the purposes for which annual appropriations are authorized by section 3689 of the Revised Statutes, as amended (31 U.S.C. 711). In conjunction with the transition to the community development legislation, this authority would be used to liquidate over $3 billion of urban renewal contracts, but only in such amounts as are necessary to meet annual cash disbursement requirements.

Section 119. Conforming and Technical Amendments

Subsection (a) would amend section 217 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to make those who move as a direct result of any community development activities displaced persons within the meaning of that Act.

Subsection (b) would authorize the Secretary to transfer the assets and liabilities of any superseded or nonactive program of housing or urban development to the revolving fund for liquidating programs.

TITLE II—STATE AND LOCAL PLANNING AND MANAGEMENT PROGRAMS FINDINGS AND DECLARATION OF PURPOSE

Section 201. Statement of Findings and Purpose

This section would set forth the following Congressional findings:

(1) that the ability of our Federal system of government to respond effectively to the needs of all citizens depends upon the strength and capabilities of Federal, State and local governments;

(2) that the Federal aid system has not given sufficient recognition to the need to work through and to strengthen elected officials of State and local general purpose governments and regional combinations thereof.

(3) that State and local governments must be aided in developing their planning and management capabilities if they are to assume their proper responsibilities in the Federal system and if the fullest effectiveness of Federal funds expended through revenue sharing is to be achieved;

(4) that previous Federal programs to improve State and local government capabilities have tended to be limited to specific functional areas and individual agencies and have not been directed at strengthening the overall capability of State and local officials to plan and make decisions and to manage their affairs; and

(5) that basic reliance should be placed on State and local resources to support the improvement of State and local planning, decision making, and management capabilities, but the Federal government should provide additional assistance in order to strengthen the Federal system and promote the welfare of all citizens.

The section would declare the purpose of this title to be the strengthening of general purpose units of government at the State and local levels to enable them to use their own and shared revenues more effectively to cope with complex problems in a manner responsible to the economic and social needs and desires of all affected citizens. To promote this purpose Federal assistance would be provided to States and localities undertaking planning and management programs which lead to more effective resource allocation.

Section 202. Definitions

This section would define certain terms as follows:

(1) "Secretary" would mean the Secretary of Housing and Urban Development;

(2) "State" would mean any State of the United States, the Commonwealth of Puerto Rico, Guam and the Virgin Islands;

(3) "Locality" would include any city, county or other unit of general local government, the District of Columbia, or any territory or possession of the United States, or metropolitan or other multi-jurisdictional area which the Secretary guided by any criteria in an applicable State planning and management program, determines forms an economic and socially related development region, taking into account such factors as present and future population trends and patterns of urban growth, location of transportation corridors, facilities and systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities; and

(4) "Governmental agency" would mean (1) an Indian tribe or organization determined by the Secretary to have governmental characteristics and (2) an organization (including a nonprofit organization composed or predominantly composed of elected public officials) which meets State standards and criteria prescribed pursuant to section 204 or, in the absence of such standards and criteria, an areawide agency, designated pursuant to title II of the Demonstration Cities and Metropolitan Development Act of 1966 or title IV of the Intergovernmental Cooperation Act of 1968, which is organized to deal with matters of governmental concern to two or more public bodies or units of government.

Section 203. Planning and Management Programs Generally

Subsection (a) would require a planning and management program assisted under this title to be designed by the State or locality to meet its own particular needs and to improve the capabilities of elected officials for developing, implementing, and evaluating policies, programs, and projects in a balanced manner that will further the purpose of the title. Activities which may be supported under this title are those which (1) will aid in the attainment of specified State or local objectives relating to governmental operation, land use, housing, development, resource management or areawide and intergovernmental coordination and (2) are carried out in a manner which assures periodic examination by States or localities of methods and objectives as information becomes available on the social, economic and environmental consequences of program activities.

Subsection (b) would require the authorities provided in this title to be administered in such a manner as (1) to recognize fully the rights, powers, and responsibilities of State and local governments, and (2) to allow for innovation and diversity on the part of State and local governments in the design and implementation of their planning and management programs.

Section 204. State Planning and Management Programs.

Subsection (a) would require State planning and management programs to be consistent with the provisions of section 203 and authorize such programs, in addition to the activities specified in section 205, to include (1) a Statewide development plan which seeks to integrate all important elements of community development (including land use) and which may include designation of potential growth areas and new community development sites, and (2) standards for determining which communities, or groups of communities, should be considered together as a single locality for purposes of establishing and carrying out local and areawide programs in support of purpose of this title, together with criteria and procedures for measuring the adequacy of those programs and for determining whether they, and other significant local actions and projects, are consistent with the State programs as developed pursuant to this section.

Subsection (b) would authorize States to undertake the activities set forth in section 203 with respect to State governments or on behalf of localities or groups of localities, including areawide agencies, within the State. States would also be authorized to make grants to localities or groups of localities, including areawide agencies, to support activities set forth in section 205, using funds received under this title.

Section 205. Program Activities

This section would include as eligible planning and management activities the following:

(1) improving governmental systems and operations including revenue and resource allocation systems and methods for obtaining effective public participation in policy decisions;

(2) improving governmental structures, authorities, and coordinating mechanism for dealing with the economic, social, and environmental complexities of modern society, including expansion of the role of elected executive officials and general units of government;

(3) establishing objectives, evaluating programs for achieving these objectives and providing for program balance and coordination in response to State and local needs and priorities;

(4) formulating policies and plans governing the use, development, and conservation of land, and developing and carrying out supporting or implementing procedures;

(5) identifying and evaluating needs for housing, facilities and services, and formulating specific programs for meeting the needs so identified;

(6) providing (directly or through grants or contracts) planning, technical assistance, information or advisory services to communities and agencies needing such assistance or services in connection with activities related to the purpose of this title;

(7) participating in organizations for joint or common governmental or governmental and private action, in solving problems of community revitalization and growth; and

(8) other activities or projects, consistent with the objectives of this title which pertain to the coordination, regulation, modernization or improved implementation, management or control of governmental functions.

Section 206. Authority To Make Grants

Subsection (a) would authorize the Secretary to make grants, as provided in this section, to assist States and localities in formulating and carrying out the activities set forth in sections 204 and 205. In making the initial distribution of funds among States and localities, the Secretary would take into consideration such factors as the applicant's population, social and economic conditions, special opportunities to improve the workings of government, unique developmental problems, and other factors consistent with the purpose of this title. In determining whether and on what conditions to continue assistance to any program initially approved, the Secretary would consider the degree to which previous assistance has been effectively used by the applicant State or local government.

(b) Grants may be made under this title to States, cities and, where consistent with the provisions of State planning and management programs or where the Secretary finds it necessary for carrying out the purposes of this title, to other governmental subdivisions, and to metropolitan, regional, or other governmental agencies.

Subsection (c) would prohibit the Secretary from requiring any matching or other expenditure of State or local funds as a condition to making grants under this title.

Section 207. Conditions and Administration of Grants

This section would provide that, while grants otherwise may be used for any planning and management program activity, they would be subject to conditions and regulations established by the Secretary. It would be specifically required that the Secretary's regulations preclude grant assistance to defray the cost of acquisition, construction, repair or rehabilitation of, or preparation of engineering or similar detailed specifications for, specific housing capital facilities or public works projects.

Section 208. Interstate Agreements

This section would give Congressional consent to compacts or agreements among any two or more States in support of planning and management programs. Generally, such compacts or agreements would be needed for localities which extend into more than one State.

Section 209. Federal Consultation and Cooperation

This section would contain various provisions designed to provide for coordination and cooperation among the various Federal agencies that may have an interest in, or programs related to, community development planning and management programs.

Subsection (a) would require the Secretary to consult with the heads of other Federal agencies having responsibilities related to the purposes of this title, including those connected with the economic development of rural and depressed areas and the protection of the natural environment. This consultation would cover (1) general standards, policies and procedures; and (2) particular grant actions which the Secretary believes to be of special interest to such agencies.

Subsection (b) would provide that funds under any Federal assistance program for approved projects or activities in furtherance of a planning and management program may be used jointly with funds for such projects or activities under any other Federal assistance program, subject to regulations prescribed by the President. These regulations may include provisions for common technical or administrative requirements, joint management funds and common non-Federal shares; and delegations of administrative responsibility among Federal agencies. They must also include appropriate criteria and procedures to assure that any special authorities conferred are employed only as necessary for effective and efficient administration and in a manner consistent with the protection of the Federal interest and with program purposes or statutory requirements of a substantive nature.

Subsection (c) would authorize the Secretary, with the approval of the President, to delegate any of his powers under this title to the head of other Federal agencies, subject to appropriate conditions or provisions.

Section 210. Technical Assistance

Subsection (a) would authorize the Secretary to provide, directly or through contracts or otherwise, technical assistance in the formulation or implementation of planning and management programs.

Subsection (b) would provide that grant funds made available under this title may be used for procuring specialized or technical services available pursuant to section 302 of the Intergovernmental Cooperation Act of 1968. The Secretary is authorized directly to procure, and the heads of Federal agencies are authorized to provide, such services on behalf of any State or political subdivision which could receive or participate in assistance provided under this title.

Section 211. Appropriations

This section would authorize the appropriation, without fiscal year limitation, of such sums as may be needed for carrying out this title.

Section 212. Repealing and Transition Provisions

Subsection (a) would authorize the Secretary to establish procedures for the orderly transfer of Federal assistance activities under section 701 of the Housing Act of 1954 to this title. In addition to amounts authorized and appropriated under section 211 of this title, any appropriations available for carrying out section 701 of the Housing Act of 1954 would be available until expended for the purpose of carrying out this title.

Subsection (b) would repeal title IX of the Demonstration Cities and Metropolitan Development Act of 1966.

Section 213. State Limitation

This section would prohibit use of more than 15 percent of the title I grant funds in any one fiscal year in any one State.

By Mr. McGOVERN:

S. 1620. A bill to amend part II of the Interstate Commerce Act in order to completely exempt certain farm vehicles from the provisions thereof. Referred to the Committee on Commerce.

EXEMPTION OF CERTAIN FARM VEHICLES

Mr. McGOVERN. Mr. President, I introduce today, for appropriate reference, a bill to amend Part II of the Interstate Commerce Act in order to completely exempt certain farm vehicles from its provisions.

There has been an historic exemption for farm vehicle operators in the Motor Carrier Safety Regulations, Part 391, dealing with the qualifications of drivers. A revision to the rules, eliminating this exemption, was first instituted by a Notice of Proposed Rule Making which was published in the Federal Register on June 7, 1969. The final rules, which were published in the Federal Register on April 22, 1970, eliminated the farm vehicle operator exemption, and was scheduled to be effective on January 1, 1971.

Prior to the effective date of the regulations, considerable opposition to the elimination of the farm vehicle operator exemption was expressed by respected farm organizations and individual farmers across the country. It was, thereafter agreed that the effective date for the implementation of the regulations would be postponed until July 1, 1971.

If the farm vehicle operator exemption is terminated it would mean that all drivers of farm trucks in interstate commerce must be at least 21 years of age, carry a certificate executed by a physician during the preceding 24 months, evidencing fitness to drive a truck, pass a road test in truck operation, and taken an examination on the Federal motor vehicle safety regulations. If the driver is an employee of a farmer, he would have to supply the farmer with evidence of compliance with the regulations, plus reflect on his application for employment any traffic violations and their disposition, together with an annual supplementary statement relating to traffic violation.

While there regulations would be applicable only to interstate commerce, it is the present trend to characterize a traffic movement within one State as interstate commerce, if the product subsequently moves in interstate or foreign commerce. Such an interpretation would effect every farmer in the country.

The use of trucks in agriculture is a major part of farm production and marketing operations. The 2.8 million farm operators use some 3.7 million trucks of all sizes, which are driven regularly or occasionally by at least 4 million persons, mostly members of farm families, supplemented by neighbors and hired employees.

Most farm trucks are used primarily for short trips, for local hauling, on an intermittent basis, including the transportation of farm supplies from one farm to another, the hauling of produce from the farm to shipping points, elevators and processing plants and the movement of equipment, fuels, feeds, and related items from the local supplier to the farm. A regulation designed to fit large-scale transportation is not going to fit these various kinds of transportation services in agriculture.

The structure of agriculture is fundamentally different than the structure of large-scale common contract and private carriers. A regulatory pattern which may fit the comparatively large operations of these carriers, operating an average of about 50 trucks per company, simply does not fit an industry consisting of hundreds of thousands of small, relatively independent, farming units.

The safety record of farm truck operators is dramatically better than that of nonfleet carriers now moving in interstate commerce.

It does not seem to me that there is a need for the inclusion of farm truck operators under the provisions of the Motor Carrier Safety Regulations. To pursue the elimination of the farm truck operator exemption will work a material hardship on the farm people of this country.

My bill is designed to provide permanent protection for those who work the land from the imposition of this regulation. I urge my colleagues to give speedy and favorable consideration to this legislation.

By Mr. BENNETT (for himself, Mr. JORDAN of Idaho, Mr. HRUSKA, Mr. HANSEN, Mr. FANNIN, Mr. GRIFFIN, and Mr. SCOTT):

S. 1623. A bill to amend the Social Security Act to require employers to make an approved basic health care plan available to their employees, to provide a family health insurance plan for low-income families not covered by an employer's basic health care plan, to facilitate provision of health services to beneficiaries of the family health insurance plan by health maintenance organizations, by prohibiting State law interference with such organizations providing such services, and for other purposes. Referred to the Committee on Finance.

NATIONAL HEALTH INSURANCE PARTNERSHIP ACT OF 1971

Mr. BENNETT. Mr. President, on behalf of the administration, I introduce the National Insurance Health Partnership Act of 1971, a legislative proposal designed to fulfill the President's desire to build a national health strategy and to enable the Government, the American people, business and labor, the insurance industry, and the health profession to work together in a national partnership to assure that all Americans who are unable to protect themselves against the cost of medical care are able to do so.

Joining me today in introducing this proposal are the Senator from Idaho (Mr. JORDAN); the Senator from Nebraska (Mr. HRUSKA); the Senator from Wyoming (Mr. HANSEN); the Senator from Arizona (Mr. FANNIN); the Senator from Michigan (Mr. GRIFFIN); and the Senator from Pennsylvania (Mr. SCOTT).

Few people today in the United States would disagree that we face a major health care crisis in our country. What there is little agreement on so far, however, is what should be done about it. On the one hand, we hear that our people have a right to health care but that the evidence is overwhelming that we are confronted with a crisis in the availability and the delivery of essential health services, that the cost of health care simply overwhelms the vast majority of our people, and that if we are to avoid the collapse of our health care system we must take drastic action, and we must take it soon.

On the other hand, Mr. President, we hear that while health care is a right, there is much that is right today with American medicine. We have developed startling new medical techniques, discovered powerful new drugs, and designed and constructed a dazzling array of medical facilities—to the betterment of us all. Clearly, the American health care system has reached new heights. Health care expenditures have been expanding at a rapid rate, our resources have been growing spectacularly, and there has been a marked rise in health insurance coverage for all members of our population.

EFFORTS OF THE PUBLIC SECTOR

I maintain, Mr. President, that these two views are not incompatible. There is a massive crisis facing America's medical system, and that crisis is deepening. But behind all of the rhetoric is the fact that much good has been accomplished in health care by both the public and private sectors. For example, in the last decade, our spending on health care has risen from $26 billion a year to $70 billion. In 1960, we devoted 5.3 percent of our gross national product on health; today, we are spending almost 7 percent of our gross national product on health care. This growing expenditure in health care costs has been led by the Federal Government. Ten years ago, Federal health expenditures were $3.5 billion, or 13 percent of the total; this year, the Federal Government will spend $21 billion—or about 30 percent of the Nation's health care spending. I hardly need to point out that the medicare programs alone has eased the financial burden of health care for millions of older people and their families, so that today it is the Nation's largest health insurance program.

EFFORTS OF THE PRIVATE SECTOR

The private sector has not lagged behind. In the last 20 years, the private insurance industry has made coverage more readily available so that the segment of our population owning health insurance has grown from 50 percent to 87 percent and the portion of medical bills paid for by insurance has gone from 35 percent to 60 percent. In 1950, about one-half of employed workers were covered for hospitalization; today, some 80 percent are so covered. In 1950 also, only a third of all employees were covered for surgical benefits—over 70 percent are today; 16.4 percent were covered for regular medical benefits—over 60 percent are today; and none had major medical expense insurance, while almost one-third have this type of protection today.

PROBLEMS IN OUR HEALTH CARE SYSTEM

Despite the impressive growth of both the public and private sectors, there are serious problems in our Nation's health care system that merit immediate attention and action by the Congress.

In his Health Message to the Congress last month, the President suggested that four of these problems, which this legislation is designed to solve, exist in our present system of providing health insurance protection:

First, many private health insurance policies today cover hospital and surgical costs and leave critical outpatient services uncovered. Although some 80 percent of our people have some hospitalization insurance, only about half are covered for outpatient and laboratory services and less than half are insured for treatment in the physician's office or the home. Because money is available for hospital care people will demand such care rather than less costly noninstitutional care. The result is unnecessary and expensive overutilization of acute health care facilities. The average hospital stay today is a full day longer than it was 8 years ago. Studies show that over one-fourth of the hospital beds in some areas are occupied by patients who do not really need them and could have received equivalent or better care outside the hospital.

A second problem is the failure of most private health insurance policies to protect beneficiaries against the costs of major illnesses and accidents—what is generally referred to as catastrophic costs. Only 40 percent of our people have catastrophic cost insurance of any sort and most of that insurance has upper limits of $10,000 or $15,000. This means that insurance often runs out while expenses are still mounting. For many American families, a serious illness is often so expensive that it may take years for them to recover financially from the high cost of the medical care required.

A third problem with much of our private health insurance at the present time is that it cannot be applied to membership in a prepaid organization, or as referred to in this legislation, a health maintenance organization—and thus effectively precludes such membership. No employee will pay to join such a plan, no matter how attractive it might seem to him, when deductions from his paycheck—along with contributions from his employer—are being used to purchase another health insurance policy.

The fourth gap we must correct in present private health insurance coverage is its failure to help the poor gain effective access to our medical system. Just one index of this failure is the fact that 50 percent of poor children are not even immunized against common childhood diseases. The disability rate for families below the poverty line is at least 50 percent higher than for families with incomes above $10,000. Those who need care most often get care least. A vicious cycle is thus reinforced—poverty breeds illness and illness breeds greater poverty. This situation will be corrected only when the poor have sufficient purchasing power to enter the medical marketplace on equal terms with those who are more affluent.

The legislation which I introduce today is designed to fill these gaps and correct these inadequacies, by building on our present insurance system which has been developing impressively over the past decade or two. At the conclusion of my remarks, I shall include a section-by-section analysis of the bill so that my colleagues may have the opportunity to examine the details of this bill. At this time, however, I would simply like to call attention to the major provisions of the bill.

NATIONAL HEALTH INSURANCE STANDARDS ACT

First. A National Health Insurance Standards Act would be established as a new title under the Social Security Act, which would require employers to provide basic health insurance coverage for their employees—except religious, Federal, State, and local employees, and persons eligible for medicare—who have been employed for 25 hours a week in 10 out of 13 weeks, or 350 hours in 13 weeks. Precedents for this proposal are laws which assure workers a minimum wage, provide them with disability and retirement benefits, and set occupational health and safety standards. This legislation goes one step further and guarantees that all workers will receive adequate health insurance protection.

The minimum health insurance program required under this act would pay for hospital services, physicians' services—both in the hospital and outside of it—full maternity care, well-baby care—including immunizations—laboratory services, and certain other medical expenses, such as the cost of children's annual eye examinations. To protect against catastrophic costs, benefits would include not less than $50,000 in coverage for each family member during the life of the policy contract. The minimum package would include certain deductible and coinsurance features. As an alternative to paying separate fees for separate services, workers could use this program to purchase membership in a health maintenance organization.

The Federal Government would pay nothing for this program; the costs would be shared by employers and employees, much as they are today under most collective bargaining agreements. A ceiling on how much employees could be asked to contribute would be set at 35 percent during the first 2½ years of operation and 25 percent thereafter. To give each employer time to plan for this additional cost of doing business, this program would not go into effect until July 1, 1973.

I understand that a bill will be introduced in the House next week which will contain a different formula for dividing this insurance cost but to me this is not crucial because the committees could normally be expected to consider and perhaps adopt changes anyway.

As the number of individuals enrolled in the private insurance plans rises, the costs per insured person can be expected to fall. The fact that employees and unions will have an even higher stake in the system will add additional pressures to keep quality up and costs down. And since the range within which benefits can vary will be somewhat narrower than it has been, competition between insurance companies will be more likely to focus on the overall price at which the contract is offered. This means that insurance companies will themselves have a greater motivation to keep medical costs from soaring.

There are several other requirements for the employer plan that I believe bear mentioning. Hospitals providing services for which reimbursement may be made under the plan must have a utilization review plan in effect; reimbursement for services are subject to the reasonable cost and reasonable charge limits imposed under medicare; appropriate arrangements must be made by the private insurance organization underwriting the plan to avoid duplicate coverage; the employer may continue coverage at the same rate of employer participation in the premium for up to 90 days after termination of employment if he has had coverage for 13 weeks or more; and quality control standards would be applied by professional standards review organizations in accordance with regulations promulgated by the Secretary of Health, Education, and Welfare.

FAMILY HEALTH INSURANCE PLAN

Second. This legislation would also establish a new Family Health Insurance plan to meet the special needs of poor families who would not be covered by the proposed National Insurance Standards Act or by the medicare program—those that are headed by younger unemployed, intermittently employed, or self-employed persons. A poor family would be defined as one whose annual income is less than $5,000 for a family of four—with comparable amounts for families of other sizes—and whose family resources do not exceed $1,500. Excluded from this amount are family dwellings and certain other things such as land that is necessary for a family's maintenance.

What the new Family Health Insurance plan would do is eliminate that part of medicaid which covers most welfare families, and in its place substitute a health insurance scheme fully financed and supported by the Federal Government. Few would agree that with respect to poor families, the medicaid program has not accomplished its goals. Because it is not a truly national program, its benefits vary widely from State to State. Sixteen States now get 80 percent of all medicaid money and two States—California and New York—get 30 percent of Federal funds though they have only 20 percent of the poverty population. Two States have no medicaid program at all.

In addition, medicaid suffers from other defects that now plague our failing welfare system. It largely excludes the working poor—which means that all benefits can suddenly be cutoff when family income rises ever so slightly—from just under the eligibility barrier to just over it. Coverage is now provided when husbands desert their families, but is often eliminated when they come back home and work. The program thus provides an incentive for poor families to stay on the welfare rolls.

Some of these problems would be corrected by the proposal to require employers to offer adequate insurance coverage to their employees. No longer, for example, would a working man receive poorer insurance coverage than a welfare client—a condition which exists today in many States. But we also need an additional program for much of the welfare population—a Family Health Insurance plan.

Eligibility with respect to the income levels under the plan would be determined prospectively for 6-month periods and would generally be based on income for the preceding period, unless the Secretary finds that circumstances have changed. Redeterminations could be made during the 6-month period if there have been changes affecting eligibility. Termination of eligibility would be effective at the end of the 6-month period in which the finding of ineligibility is made, unless the individual is not eligible for coverage under the National Health Insurance Standards Act or medicare, in which case termination would not be effective for an additional three months.

Under the family health insurance plan, benefits in a calendar year for each family member would include: 30 days of inpatient hospital care—or equivalent days of extended-care services or home health services—emergency services, physicians' visits, additional physicians' visits for well-child care—including immunizations—laboratory services in connection with physicians' services, maternity care, and family planning services.

Various medicare provisions would be applicable, such as the provisions on reasonable cost, reasonable charges, and utilization review, and the same exclusions as are in medicare would also apply except that physical checkups would not be excluded. Cost quality controls would generally be provided by professional standards review organizations.

For the poorest of eligible families, this program would make no charges and would pay for basic medical costs. As family income increased beyond a certain level—$3,000 in the case of a 4-person family—the family itself would begin to assume a greater share of the costs—through a graduated scale of premium charges, deductibles, and coinsurance payments. This provision would encourage cost consciousness on the part of program recipients as income rises. But unlike medicaid—with its abrupt cutoff of benefits when family income reaches a certain point—this program would provide an incentive for families to improve their economic position.

The family health insurance plan would go into effect on July 1, 1973. In its first full year of operation, it would cost approximately $1.2 billion in additional Federal funds—assuming that all eligible families participate. Since States would no longer bear any share of this cost, they would be relieved of a considerable burden. In order to encourage States to use part of these savings to supplement Federal benefits, the Federal Government would agree to bear the costs of administering a consolidated Federal-State benefit package. The Federal Government would also contract with local committees to review local practices and to insure that adequate care is being provided in exchange for Federal payments. Private insurers, unions, and employees would be invited to use these same committees to review the utilization of their benefits if they wished to do so.

To review, then, this is how these two new plans would work to complement existing programs and thereby help to bring into being a comprehensive approach to providing adequate health insurance protection for almost all Americans: The Family Health Insurance plan would meet the needs of most welfare families—though medicaid would continue for the aged poor, the blind, and the disabled. The National Health Insurance Standards Act would help the working population. Members of the Armed Forces and civilian Federal employees would continue to have their own insurance programs, and our older citizens would continue to have medicare. The program would also require the establishment in each State of special insurance pools which would offer insurance at reasonable group rates to people who did not qualify for other programs—the self-employed, for example, and poor-risk individuals who often cannot get insurance.

LIMITATIONS ON THE MEDICAID PROGRAM

I mentioned previously that under this legislation medicaid would continue for the aged, blind, and disabled. These are people who are either receiving cash assistance under a State plan, or whose incomes and resources are so low as to meet the requirements of the plan. Since the Family Health Insurance plan would meet the health cost needs of most families with dependent children, this category of recipients for medical assistance would no longer be included in medicaid. The bill does require, however, that State plans continue to include children receiving foster care. State medicaid plans may optionally include the aged, blind, and disabled who are medically indigent whether or not they meet the income and resources tests of the State plan.

INAPPLICABILITY OF STATE LAWS

I also previously mentioned that a major problem with much of our private health insurance is its failure to encourage people to enroll in prepaid groups or organizations—health maintenance organizations. This legislation would take a large step forward to solving this problem. Under the proposed National Health Insurance Standards Act, the minimum insurance plan provided by an employer would have to offer the employee the option of joining a health maintenance organization. Under the proposed family health insurance plan, the Secretary could contract with health maintenance organizations to provide services to families covered under the plan.

To insure that the Federal Government reaps the advantages of health maintenance organizations—chiefly that they increase the value of the services a consumer receives for each health dollar because of a strong financial incentive to provide better preventive care and to operate more efficiently—this legislation also preempts certain State laws in favor of the contracts entered into by the Federal Government with HMO's to provide services to family health insurance plan beneficiaries. Archaic laws prohibiting or limiting the group practice of medicine exist in 22 States, and laws in most States prevent doctors from delegating certain responsibilities—like giving injections—to their assistants.

There is one other feature of this bill about which I am most enthusiastic and strongly urge my colleagues to keep clearly in mind—and that is the provision for the participation of professional standards review organizations. As you may recall, I sponsored the inclusion of the PSRO provision in the ill-fated social security bill of last year out of a firm conviction that major new steps were required if we were ever to stem the tide of rising costs and utilization.

We are all aware of the failure of the existing methods of attempting to control the rising costs of health care—in large part, this failure is a consequence of our failure to encourage and stimulate more active participation by physicians in the review and evaluation of the utilization of services and facilities.

My PSRO proposal was designed to do just that—not only encourage, but make it possible for physicians to play a major role in determining whether our health system is being effectively and appropriately used. I am gratified by the administration's endorsement of the PSRO concept by its incorporation by reference in this bill.

The formal language and PSRO amendment apply to all programs, medicare, medicaid, and this act will be introduced and discussed fully later in the session.

CONCLUSION

In summary, Mr. President, this legislation we are introducing today is not just another proposal to do everything in the way of providing adequate health care for everybody, whether they need it or not.

It is not another proposal to abandon our present system of joint cooperation between the public and private sectors.

It is not another proposal to scatter billions of dollars hither and yon to try and solve all of our health problems.

Rather, this legislation is a rational approach aimed at meeting the major gaps that exist today in our Nation's health care system. I invite all of my colleagues to study these proposals carefully and to offer constructive comments and adjustments that they feel the proposal might need. I, of course, reserve the right to make what changes I might find necessary as we dig into this bill in the committee and I am hopeful that in the not too far distant future we can report and pass the National Health Partnership Act of 1971.

Mr. President, I ask that a section-by-section analysis plus a summary of the legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION BY SECTION DESCRIPTION OF THE "NATIONAL HEALTH INSURANCE PARTNERSHIP ACT OF 1971"

TITLE I OF THE BILL—NATIONAL HEALTH INSURANCE STANDARDS

Section 101 of the bill

Establishes in a new title VI of the Social Security Act the National Health Insurance Standards Act (part A of title VI) requiring employers to offer to their employees a basic health insurance plan meeting specified minimum standards.

TITLE VI OF THE SOCIAL SECURITY ACT—HEALTH BENEFITS FOR EMPLOYEES AND FOR LOW-INCOME FAMILIES

Section 600. Findings and Declaration of Purpose

Based on the findings of the Congress that many Americans are not receiving adequate health care because they lack ability to pay, and lack adequate protection against the high costs of health care so that the national health and, in turn, the national defense and general welfare are adversely affected, title VI of the Social Security Act is established to provide adequate protection against these costs through a family health insurance plan and a requirement that employers, whether or not engaged in interstate commerce, provide basic health care protection to their employees.

Part A—Health insurance standards for employers

Section 601. Short Title

Part A may be cited as the "National Health Insurance Standards Act."

Section 602. Basic Health Care Plan Required

All employers are required to make available a basic health care plan to employees and members of their families (except to ministers and members of religious orders, Federal, State, and local employees, employees of a foreign government or of an international organization, and persons entitled to protection under part A of Medicare) who have been employed for 25 hours a week in 10 out of 13 weeks or 350 hours in 13 weeks. These requirements are delayed for employers under unexpired union contracts entered into prior to the enactment of the National Health Insurance Partnership Act of 1971.

Section 603. Benefits

The benefits under this plan are patterned after the Government-wide indemnity benefit plan under the Federal Employees Health Benefits Act. Benefits under an approved plan must include inpatient hospital services, emergency services, physicians' services including well-child care (to age 5), an annual eye examination (to age 12) and other medical and other health services. Psychiatric care, drugs to outpatients, and prosthetic devices need not be covered. At the option of the beneficiary, services may be provided by a Christian Science practitioner or nurse, or in a Christian Science sanatorium.

The plan must provide a two-day deductible and 25 percent coinsurance on room and board in a hospital in each calendar year; on all else, a $100 deductible (for no more than three members of family) and 25 percent coinsurance are imposed, except that there is no deductible or coinsurance for well-child care for specified numbers of visits which depend on the age of the child. After an individual has received $5,000 in services under the plan in a calendar year, all coinsurance and deductibles are waived on services to that individual for the remainder of the year and the next two years.

Total benefits per person covered under the plan cannot be limited to less than $50,000, and automatic restoration of $2,000 annually is required.

Services needed because of preexisting conditions may be excluded for no more than six months (no such exclusion is allowed for maternity care).

Other requirements for approved plans: no more than 25 percent employee contribution to premium (35 percent for the first two and a half years) may be required; hospitals providing services must have a utilization review plan; reimbursement for services are subject to reasonable cost and reasonable charge limits under title XVIII (Medicare); appropriate arrangements must be made by the carrier to avoid duplicative coverage; the employee (or surviving spouse) may continue coverage (with the same rate of employer participation in the premium) for up to 90 days after termination of employment if he has had coverage under the plan for thirteen or more weeks; and Professional Standards Review Organization provisions of title XI (which would be added by H.R. 1) as they apply to payments under titles XVIII and XIX would apply to this plan to the extent determined by the Secretary. The plan may contain benefits in addition to those that are required, but they must be offered optionally and no limit on contributions to premiums is specified and no other requirements of part A of title VI are applicable to the optional benefits. An employer is also required to offer the option to receive care through a health maintenance organization (HMO).

Section 604. Enrollment in Health Maintenance Organizations

HMO definitions and standards would follow, insofar as applicable, those that would be required under titles XVIII and XIX.

Section 605. Group Policies for the Self-Employed, Small Employers, and for Individuals Not Covered Under Part A of Title XVIII or Part B of Title VI

Insurance companies that underwrite employer sponsored plans must also develop group policies (with the same benefits as described in section 603) for use by small employers and for protection for self-employed individuals and others not otherwise eligible for benefits under part A or B of this title or under Part A or title XVIII. A small employer is one who employs fewer than 100 employees on each of 90 days during a period of 180 consecutive days. Self-employment is determined in the same manner as it would be under title II of the Social Security Act.

Section 606. Approval of Basic Health Care Plan

Each insurer must notify the Secretary when an employer subscribes to a plan; an employer who self-insures must notify the Secretary of what his plan provides. The Secretary is to approve those plans which meet the requirements established by this Act.

Section 607. Administrative and Judicial Review

Hearings and judicial review, including suits to compel performance, are authorized, and the employee may institute court action to compel his employer to make a health care plan available. Fines are imposed for knowing and willful violations by an employer of his obligation to provide health insurance.

Section 608. Definitions

The terms "employee," "family," "child," "pediatric nurse associate," and "Christian Science nurse" are defined. The terms "inpatient hospital services," "medical and other health services," "physicians' services" and "carrier" have the same meaning as when used in title XVIII.

Section 102 of the Bill

Technical amendment.

Section 103 of the Bill

Specifies an effective date of July 1, 1973.

Section 104 of the Bill

Transitional provision.

Provides that the 25 percent limitation on contributions to premiums established in section 603 shall apply only to the period beginning January 1, 1976. For the period July 1, 1973, through December 31, 1975, the limitation shall be 35 percent.

TITLE II OF THE BILL—FAMILY HEALTH INSURANCE PLAN

Section 201 of the Bill

Adds to the new title VI of the Social Security Act a new part—part B—entitled "Family Health Insurance Plan."

Part B—Family Health Insurance Plan

Section 620. Short title

Part B may be cited as the "Family Health Insurance Act."

Section 621. Purpose

The purpose of the new part is to assist low-income families with children to obtain adequate insurance coverage to meet their health needs, in a manner which will encourage the efficient and economical use of resources for health care, through the establishment of the family health insurance plan.

Section 622. Eligibility

Each family, as defined in section 625, which includes one or more members who are not entitled to Medicare hospital insurance or to health insurance under the National Health Insurance Standards Act (Part A of title VI) is entitled to health insurance benefits under this new part B, provided that the total annual family income does not exceed $1500. Income limits range from $2500 for one-member families to $7000 for families of seven or more members. The limit for a family of four is $5000.

Family health insurance coverage is required with respect to any family member who receives cash benefits under the Family Assistance Plan or under a State program supplemental to the Family Assistance Plan.

Eligibility and premium amounts will be determined within 30 days following the family's initial filing for family health insurance coverage and every six months thereafter. The Secretary will estimate the family's income for the forthcoming six-month period, basing his estimate, ordinarily, of the family's income for a preceding period. Redeterminations of eligibility and premium amounts will be made whenever the Secretary has reason to believe they are needed.

To the extent that he finds them relevant, the Secretary, in making determinations of eligibility and premium amounts, may adopt determinations of family income made under the Family Assistance Plan or under a State program supplementing the Family Assistance Plan.

The Secretary may by regulations determine when income received, or expenses incurred, in one period shall be considered as income received or expenses incurred in another period or periods.

Each family member whose coverage is terminated will be so advised by the Secretary and the termination will take effect with the close of the six-month period in which notice is given. Where the terminated beneficiary is not entitled to Medicare's hospital insurance and is not a member of a family covered by The National Health Insurance Standards Act, the termination will take effect with the last day of the quarter following the six-month period in which the coverage determination is made.

Provision is made for setting special income limits for purposes of eligibility on a family's gross income from a trade or business (including farming).

Section 623. Meaning of Income

Both earned and unearned income are counted. Specific definitions are provided. Family assistance benefits and State supplementary payments are counted, but food stamps (and other than in-kind benefits based on need) are not counted, nor are amounts received for care of foster children.

The amount of income attributed to each member of an eligible family will be determined by dividing the family's total income by the total number of family members eligible for coverage under this part and assigning an equal share to each member.

For purposes of determining premiums, deductibles and coinsurance amounts, families are classified by number of eligible members and their total income in accordance with a table included in the bill.

Section 624. Resources

In determining "resources," the Secretary will exclude the family home, household goods, personal effects, and property so essential to family self support as to warrant its exclusion. Regulations will specify the effect that disposition of a family's property will have on eligibility.

Section 625. Definition of a Family and Child

The terms "family" and "child" are defined. A parent (or spouse of such parent) who is absent because of employment or search for employment will be counted as part of the family. A "child" must be under age 18 or, if between 19 and 22, must be attending a college, university, or other school in preparation for employment.

In determining eligibility and premium amounts, income of any person that is not available to the family will not be counted (except for the income of a parent or spouse of a parent). Where the person is a child, he will be included in determining the family's eligibility but not in determining its premium amount.

Section 626. Benefits

In each calendar year, each covered member of a family is eligible for coverage of 30 days of inpatient hospital care (or equivalent days of extended care or home health services), physicians' services during those 30 days (or the equivalent number while receiving extended care or home health services), emergency services, outpatient physicians' services on 8 occasions, and other services. Also provided are well-child care, with the number of occasions of such care being limited by the child's age; one routine eye examination for a child under 12 years of age; and maternity care and family planning services and related drugs and devices. Psychiatric care, prosthetic devices and drugs to outpatients (other than those related to maternity care or family planning services), are excluded.

Deductibles and coinsurance vary in accordance with the income class of eligible families. (The classes range from 1 to 5, with 5 being the highest eligible income class.) A deductible of one day of charges for room and board in a hospital is provided for families in income classes 2, 3, or 4, and 2 days for families in income class 5. The deductible for services other than well-baby care, maternity care, and family planning services is $50 per family for those in income classes 3 and 4, and $100 in class 5. Coinsurance is at the rate of 10 percent for income class 4 and 25 percent for income class 5. There is no coinsurance for families in income classes 1, 2, or 3.

Hospitals providing services must have a utilization review plan; reimbursement for services is subject to reasonable cost and reasonable charge limits under title XVIII (Medicare); appropriate arrangements must be made by the carrier to avoid duplicate coverage; Professional Standards Review Organization provisions of title XI (which would be added by H.R. 1) as they apply to payments under titles XVIII and XIX would apply to the extent determined by the Secretary; the same exclusions that apply under title XVIII would apply, except that physical checkups are covered; and State agencies, intermediaries, carriers, and other private agencies or organizations, will be utilized by the Secretary to the extent he finds appropriate in carrying out the program.

Section 627. Premiums

Premiums are based on the family's income class, taking into account the family's size. (A family in income class 1 pays no premium.) Premiums are to be paid as prescribed in regulations. They may be deducted from payments due any member of the covered family under any title of the Social Security Act. The Secretary may request that premiums be deducted from State benefits supplementing Federal Family Assistance benefits. Family members who are dissatisfied with any determination made under the program have opportunity for hearing and review.

Section 628. Payments to Health Maintenance Organizations

Provision is made for families to choose to receive covered services through a health maintenance organization. The HMO option is like that proposed for Medicare under H.R. 1.

Section 629. Consolidated Federal-State Health Benefits

States may enter into agreements with the Secretary under which the State would provide benefits supplemental to benefits under this new part, with the State paying the administrative costs.

Section 630. Definitions

The terms "inpatient hospital services," "physicians' services," "medical and other services," "extended care services," "home health services," "provider of services," and "carrier" have the same meaning as when used under title XVIII. The term "pediatric nurse associate" is defined.

Section 202 of the bill

Sets July 1, 1973, as the effective date of the program.

TITLE III OF THE BILL—RESTRICTION OF MEDICAL ASSISTANCE PROGRAMS TO AGED, BLIND, DISABLED AND CHILDREN IN FOSTER CARE

Title XIX of the Social Security Act is amended to provide that the only mandatory coverage groups under State Medicaid plans will be the aged, blind, and disabled within the meaning of title XVI who are either receiving cash assistance under the State title XVI plan, or whose income and resources meet the requirements of such plan—and also children receiving foster care under a State plan approved under part A of title IV. State Medicaid plans may optionally include the aged, blind, and disabled who are medically indigent (whether or not they meet the income and resources tests of the title XVI plan) and also medically indigent children who are under 21 years and are ineligible for coverage under part A or part B of title VI.

TITLE IV OF THE BILL—INAPPLICABILITY OF STATE LAW TO HEALTH MAINTENANCE ORGANIZATIONS

Health maintenance organizations providing services pursuant to agreement with the Secretary under title VI of the Social Security Act (National Health Insurance Standards Act and Family Health Insurance Act) would be exempted from State laws or regulations inconsistent with the agreement or with the Secretary's regulations.

Physicians affiliated with such health maintenance organizations may delegate any of their functions to employees, either of the physicians or of the organization, subject to the Secretary's limitations and requirements, notwithstanding any State laws or regulations; no State law or regulation may prevent, interfere with, or penalize any such physician, employee, or organization for so doing.

TITLE V—GENERAL: SEVERABILITY

Provides that if any provision of this legislation is held invalid all other provisions shall remain in effect; and that if any provision is held invalid in part, the provision shall remain in effect with respect to all other applications.

Summary: National Health Insurance Partnership Act of 1971

TITLE I—NATIONAL HEALTH INSURANCE STANDARDS

Adds part A of a new title VI to the Social Security Act. Title VI entitled "Health Benefits for Employees and for Low-Income Families." Contains congressional findings and declaration of purpose to establish base for reaching all employers, regardless of nexus with interstate commerce.

Part A of new title VI cited as the "National Health Insurance Standards Act."

1. Requires all employers to make available a basic health care plan to employees (except religious, Federal, State, and local employees, and persons eligible for Medicare) who have been employed for 25 hours a week in 10 out of 13 weeks or 350 hours in 13 weeks. Requirement delayed for employers under unexpired union contracts.

2. Benefits under this plan patterned after Aetna low option plan. Benefits include inpatient hospital services, physicians and other services, well-child care (to age 5), annual eye examination (to age 12). Psychiatric care, drugs to outpatients, and prosthetic devices excluded. At the option of the beneficiary, services may be provided by Christian Science practitioner or nurse, or any Christian Science sanitorium. Provides two-day deductible on room and board in a hospital; on all else, $100 deductible (for no more than three members of family) and 25% coinsurance are imposed, except there is no deductible or coinsurance for well-child (to age 5) care. After an individual has received $5000 in services under the plan in a calendar year, all coinsurance and deductibles waived with respect to services to that individual for the remainder of the year and the next two years. Total benefits per person covered under the plan cannot be limited to less than $50,000, with automatic restoration of $2,000 annually required.

3. Prohibits preexisting condition disqualification from applying for more than six months (not allowed at all for maternity care).

4. Also, requires plan to provide that: no more than 25% employee contribution to premium (35% for first two and a half years) will be required; hospitals providing services must have utilization review plan; reimbursement for services are subject to reasonable cost and reasonable charges limits of Medicare; appropriate arrangements must be made by carrier to avoid duplicative coverage; employee (or surviving spouse) may continue coverage (with the same rate of employer participation in the premium) for up to 90 days after termination of employment if he has had coverage under the plan for thirteen or more weeks; and Professional Standards Review Organization provisions (which would be added by H.R. 1) would apply to extent determined by Secretary. Plan may contain additional benefits, but they must be offered optionally and no limit on contributions to premiums or other requirements are applicable to the optional benefits.

5. Plan also required to offer HMO option HMO (health maintenance organization) definitions and standards follow, insofar as applicable, those in the Social Security bill (H.R. 1) with the Department's recommended changes.

6. Insurance companies must develop group policy (with same benefits as described) for small employers to whom part A applies, self-employed individuals, and other not covered under part A or B of this title, or under title XVIII. Thus, State and local employees, since the obligation does not apply to public employers, could participate under these provisions.

7. Insurer must notify Secretary when employer subscribes to a plan; self-insurer must notify Secretary of what his plan provides. Secretary is to approve plan which meets requirements. Hearings and judicial review, including suits to compel performance, are authorized, and the employee is given a cause of action.

8. Definitions—family is employee, spouse, and children or step-children. Definitions of care and health services are cross-referenced to Medicare.

9. Effective date—July 1, 1973.

TITLE II—FAMILY HEALTH INSURANCE PLAN

Adds a new part B to title VI, cited as the "Family Health Insurance Act".

1. Provides health insurance to family members who aren't eligible for coverage under the National Health Insurance Standards Act (part A of title VI) or Medicare (title XVIII), where the annual family income is less than $5000 for a family of four (and comparable amounts for families of other sizes) and family resources less than $1500. Family defined (as in the Family Assistance Plan) to include all persons related by blood or marriage and living in the same household where there is a child present.

2. Coverage is compulsory for eligible family members where FAP and State supplementary payments equal or exceed the amount of the premium. Coverage for others is optional.

3. Eligibility (with respect to the income levels) is determined prospectively for 6 month periods. Usually based on income for preceding period, unless the Secretary finds that circumstances have changed. Redeterminations may be made during the 6 month period if there have been changes affecting eligibility. Termination is effective at the end of the 6 month period in which the finding of ineligibility is made, unless the individual is not eligible for coverage under part A or title XVIII, in which case termination is not effective for an additional quarter.

4. The only exclusions of income are for in-kind benefits (food stamps, home grown produce, etc.) and payments for a foster child. FAP payments and State supplementation are counted as income.

5. Premiums depend on family income and size, and are computed with reference to income classes. Premiums range from no charge for families in income class 1, to $100 for families in income class 5. Payment of premiums, in the case of a mandatory insured, is by withholding from his title IV benefits, and the Secretary may withhold premiums from any other payments due from the Secretary, such as OASDI benefits.

6. Procedures under FAP are generally made applicable.

7. Benefits in a calendar year for a family member: 30 days inpatient hospital care (or equivalent days of extended care services or home health services), emergency services, and physicians visits, additional physicians visits for well-child care (including immunizations), lab services in connection with physicians' services, maternity care, family planning services.

8. A system of income classes, that is, ranges of income for families of varying sizes, is established for purposes of computing premiums, deductibles, and coinsurance. A deductible of 1 day of charges for room and board in a hospital is provided for families in income classes 2, 3, or 4, and 2 days for families in income class 5. On other services, except well-baby care, maternity care, and family planning services, there is a deductible of $50 per family for those in income classes 3 and 4, and $100 in class 5. The coinsurance is at the rate of 10% for income class 4 and 25% for income class 5. (There is no coinsurance for families in income classes 1, 2 or 3.)

9. Various Medicare provisions are made applicable, such as the provisions on reasonable cost, reasonable charges, utilization review, etc. Same inclusions as Medicare are provided except physical check-ups are not excluded. The Professional Standards Review Organization provisions of title XI, as would be added by H.R. 1, are made applicable to payments under this part.

10. A health maintenance organization alternative as in H.R. 1 (with Department proposed modifications) is provided.

11. Agreements with States authorized under which the Secretary will administer additional benefits for persons with FHIP coverage on behalf of the State. The State would pay the costs of the additional benefits, but not the administrative costs. If the additional benefits are not available to all persons covered by FHIP, the Secretary must find that the limitations imposed by the State are not inconsistent with the purposes of FHIP.

12. The effective date of Title II is July 1, 1973.

TITLE III—RESTRICTION OF MEDICAL ASSISTANCE PROGRAMS TO AGED, BLIND, DISABLED, AND CHILDREN IN FOSTER CARE

Provides that the only mandatory coverage groups under State Medicaid plans will be the aged, blind, and disabled within the meaning of title XVI who are either receiving cash assistance under the State title XVI plan, or whose income and resources meet the requirements of such plan—and also children receiving foster care under a State plan approved under part A of title IV. State Medicaid plans may optionally include the aged, blind, and disabled who are medically indigent (whether or not they meet the income and resources tests of the title XVI plan) and also medically indigent children who are not eligible for health insurance coverage under a plan approved under the National Health Insurance Standards Act or under the family health insurance plan.

TITLE IV—INAPPLICABILITY OF STATE LAW TO HEALTH MAINTENANCE ORGANIZATIONS

Makes inapplicable to HMO's any State law or regulations which are inconsistent with the obligations of the organizations under agreements with the Secretary to provide services under the family health insurance plan or under the Secretary's regulations to carry such agreement out. Also makes inapplicable, in the case of any physician affiliated with any such organization, any State law or regulation which interferes with the performance of functions of the physician by any employee of the physician or the organization. The employee performing the functions would, however, have to comply with criteria of the Secretary.

TITLE V—GENERAL

Contains a severability clause in case any provision of the bill or any application of any provision of the bill is held invalid. Such a holding would not affect the rest of the bill and any other applications thereof.

Mr. SCOTT. Mr. President, I am delighted to join the distinguished senior Senator from Utah, Senator BENNETT, as a cosponsor of the President's proposed National Health Insurance Partnership Act.

As I stated in introducing my own proposals for health care reform earlier this week, I believe that all proponents of health care legislation should consult among themselves and seek, if possible, to avoid the sheer pleasure or privilege of attempting to obtain individual credit. I believe that we should make a common attempt to find a good, comprehensible, and workable health care program in this current health care Congress.

I look forward to working with the Senator from Utah toward this end. I commend, also, to all Senators, the many good features of other bills, especially the Percy-Scott bill.

Mr. JORDAN of Idaho. Mr. President, if there has been any doubt that concerted action must now be taken to assure all workers and their families have adequate health insurance protection, that doubt no longer exists. The extent to which the costs of hospital and medical care have been sharply rising has been documented many times. Medical costs have gone up twice as fast as the cost of living; hospital costs have risen five times as fast as other prices. As the President reported in his health message:

> For growing numbers of Americans the cost of care is becoming prohibitive. And even those who can afford more care may find themselves impoverished by a catastrophic medical expenditure.

The private health insurance industry has over time extended coverage and scope of benefits, and is to be commended. But more needs to be done to correct the inadequacies and to fill in the gaps that now exist; and this can and should be done through out present insurance system, combining public and private efforts. The provisions of the National Health Insurance Standards Act, which are included in the administration-sponsored National Health Insurance Partnership Act of 1971, have been designed as one part of a total effort to fill in the gaps, working with and within our insurance system.

In brief, the proposal would require nearly all employers to provide basic health insurance coverage for their employees. It would establish a minimum required program, upon which employers and employees would be free to build if they so choose. There are ample precedents for such a program. These may be found in the minimum wage laws, occupational health and safety standards, and disability and retirement benefits.

One of the major features of the plan is that it would require coverage of both inpatient and certain outpatient costs. Under many of the present health insurance policies, hospital and surgical costs are covered but essential outpatient services often are not. For example, while about 80 percent of the population have some hospitalization insurance, substantially fewer—some 50 percent—are covered for outpatient and laboratory and X-ray services. Even fewer have insurance protection against the costs of care in the physician's office or at home. The almost inevitable result is overutilization of expensive institutional services, because these will be paid for through insurance.

Under the National Health Insurance Standards Act, each health insurance plan would have to provide for hospital services, physicians' services—whether provided in or out of the hospital—full maternity care, well child care to age 5—including immunizations—and an annual eye examination to age 12, ambulance and laboratory services, and certain other medical services.

The program has also been designed to provide protection against the costs of catastrophic illnesses. Only 40 percent of the population with medical insurance now have such protection, and this usually falls far short of truly catastrophic illness protection, with upper limits in the range of $10,000 to $15,000. Under the new program, benefits would have to include at least $50,000 in coverage for each family member with an automatic restoration of $2,000 per year. Coinsurance and deductible provisions are included as incentives for efficient use of the covered services. As the President noted in his health message:

> Only as people are aware of those costs will they be motivated to reduce them. When consumers pay virtually nothing for services and when, at the same time, those who provide services know that all their costs will also be met, then neither the consumer nor the provider has an incentive to use the system efficiently. When that happens, unnecessary demand can multiply, scarce resources can be squandered and the shortage of services can become even more acute.

The basic plan would provide that employers would also be required to give their employees an option to obtain their health care services through a health maintenance organization as well as through the more traditional arrangements. About seven million Americans are now enrolled in HMO's—and the number is growing. All indications point to the great potential for providing a high quality of health care at lower cost through the expanded use of health maintenance organizations.

Mr. President, much of the debate on what we as a Nation should do to solve our health care problems center on the question of how the cost of health care is to be financed. Under the provisions of the National Health Insurance Standards Act, employers and employees would share the full costs. The employers' share will be at least 65 percent for the first 2½ years and 75 percent thereafter. Employees will contribute the remainder. Employers and employees will be free to negotiate additional benefits under their plans, and no limits would be placed on contributions to premiums for any optional benefits that might be added to the basic plan.

This program is both a reform and a reaffirmation of our private health insurance system. It corrects its weaknesses and builds on its strengths. It calls upon government, our people, business and labor, the insurance industry, and the health profession to work together, as partners, to attain our common health care objectives.

By Mr. MATHIAS (for himself and Mr. WEICKER):

S. 1626. A bill to provide an elected Mayor and City Council for the District of Columbia, and for other purposes. Referred to the Committee on the District of Columbia.

DISTRICT OF COLUMBIA CHARTER ACT

Mr. MATHIAS. Mr. President, I introduce for appropriate reference a bill to provide an elected mayor and city council for the District of Columbia, and for other purposes.

This legislation is identical in purpose to the home rule bills which I have introduced in the past and which this body has considered several times previously. In brief, it proposes a charter for self-government for the people of the National Capital, including an elected Mayor and 11-member City Council to exercise full municipal administrative and legislative powers, respectively, subject to the retention of ultimate, constitutional legislative oversight by the Congress.

In my judgment, home rule for the District of Columbia is fully consistent with the Constitution. The Federal interest in the District will be expressed and protected through my bill, and the national interest in a healthy, dynamic capital city will be advanced.

In its general thrust and in many particulars, this bill incorporates the home-rule legislation of the past and that proposed by the distinguished chairman of the Committee on the District of Columbia, Senator EAGLETON. I am, however, proposing alternative approaches on several important points in the belief that these possibilities should be discussed by the Congress and the community. I ask unanimous consent to include a summary of these specific points at the conclusion of my statement.

The ACTING PRESIDENT pro tempore (Mr. BURDICK). Without objection, it is so ordered.

(See exhibit 1.)

Mr. MATHIAS. Mr. President, one point of particular importance in my bill is its fiscal provisions. The District of Columbia, like almost all major American cities, faces both an immediate and a long-range fiscal crisis. To help meet the great and growing gap between local revenues and necessary expenditures, my bill proposes an automatic annual Federal payment to the District, pegged at 30 percent of general local revenues and miscellaneous receipts for fiscal 1973, 31 percent for fiscal 1974, 32 percent for fiscal 1975, 33 percent for fiscal 1976, 34 percent for fiscal 1977, and 35 percent for fiscal 1978 and thereafter. Through this escalator approach, the District would be assured of rising Federal support during the next 5 years, until the city's own tax base can be strengthened and such national programs as revenue sharing can be established.

To meet the capital outlay needs of the District, my bill incorporates the President's proposal for public works bonds with a Federal interest subsidy, and for capital grants to the District for higher education.

The central theme of this bill, of course, is effective self-government for the people of the District of Columbia. President Nixon declared in his message to Congress on the Nation's Capital:

> One of my most pressing goals for this Na-

tion is to place local functions under local control, and to equip local governments with the authority and the resources they need in order to serve their communities well.

Home rule for Washington is fully consistent with that overall objective. As the Congress and the Commission on the Organization of the Government of the District of Columbia seek ways to make the District of Columbia government more efficient, we should also work toward making it more democratic. I, therefore, introduce this bill to reemphasize my personal commitment to that goal, and to promote informed discussion of alternatives within Congress and the community.

EXHIBIT 1

SUMMARY—MATHIAS HOME RULE LEGISLATION

The Mathias home rule bill, like most such legislation since 1965 would provide for an elected Mayor and City Council to exercise full administrative and legislative authority in governing the District of Columbia, subject to the retention of ultimate, constitutional legislative oversight by Congress.

The Mathias bill differs from S. 1603 (introduced by Senator Eagleton) in the following major respects:

A. FISCAL PROVISIONS

1. Under the Mathias bill, the automatic Federal payment to the District of Columbia would be computed as a percentage of general local tax revenues, following the formula passed by the Senate several times in D.C. Revenue Acts. (S. 1603 would base the Federal payment primarily on real property taxes lost to D.C. through the tax exemption of some Federal properties, not including parklands, museums, art galleries, memorials statuary and shrines.)

2. Under the Mathias bill this automatic Federal payment would be 30% of local general revenues in fiscal 1973, 31% in fiscal 1974, 32% in fiscal 1975, 33% in fiscal 1976, 34% in fiscal 1977, and 35% in fiscal 1978 and thereafter. The increasing percentage is intended to meet the District's short-run gap between rising costs and increases in the city's revenue base.

3. Capital financing under the Mathias bill would follow the method proposed by the Administration and pending before the Senate District Committee as S. 1339. In brief, this legislation would authorize the District to issue taxable bonds with a Federal interest subsidy. (S. 1603 would authorize the issuance of tax-exempt Municipal bonds.)

B. TERM AND ELECTION OF CITY COUNCIL MEMBERS

1. Under the Mathias bill, the 11-member City Council would be elected for terms of four years. (S. 1603 proposes two-year Council terms. Both bills provide a four-year term for the Mayor.)

2. The terms of Council members would be staggered, like those of members of the Board of Education, so that the Chairman, one at-large Council member, and four Council members from wards would be elected with the Mayor in Presidential election years, with the remaining one at-large post and four members from wards chosen in "off years". Elections would be nonpartisan.

C. POWERS OF THE COUNCIL

1. Under the Mathias bill the Council would exercise legislative jurisdiction over the municipal courts of the District, including their organization and composition, and within limitations the qualification, tenure and compensation of judges, but the power to appoint judges for all municipal courts would remain with the President, to be exercised by and with the advice and consent of the Senate. (S. 1603 would also authorize the Council to alter the manner of appointment or selection of judges.)

2. Under the Mathias bill the Council would not be authorized to impose any tax on the income of persons not residing in the District of Columbia.

D. COMPENSATION OF MAYOR AND COUNCIL

Under the Mathias bill the Council would be authorized to fix its own compensation and that of the Mayor. Such actions and all other legislative actions could be challenged by D.C. voters through initiative provisions of the bill. (S. 1603 fixes the initial compensation of the Mayor and Council, and authorizes the Council to change these sums subject to approval by the voters. The initiative is also included in S. 1603)

By Mr. CANNON:

S. 1627. A bill to amend title II of the Social Security Act to increase the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title; and

S. 1628. A bill to amend title I of the Social Security Act to increase from $70.40 to $100 the minimum monthly insurance benefit payable thereunder. Referred to the Committee on Finance.

AMENDMENTS OF THE SOCIAL SECURITY ACT

Mr. CANNON. Mr. President, I rise at this time to introduce a bill to amend title II of the Social Security Act to increase the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title. I ask unanimous consent that the bill be printed in the RECORD in order that my colleagues may review this proposal in detail.

The ACTING PRESIDENT pro tempore (Mr. BURDICK). Without objection, it is so ordered.

(See exhibit 1.)

Mr. CANNON. Mr. President, essentially, I am offering a proposal that would increase the amount of earnings a social security recipient could receive before reduction of benefits. I propose to exempt $208 per month from benefit reduction. Our retired citizens, perhaps more than others, are suffering from the pains of inflation and recession. My bill will ease the economic crisis for retired people and encourage many talented retirees to seek work that will supplement their pension income. The retired man or woman who works and earns a little money is penalized with reductions in social security payments. I think it only fair that we encourage senior citizens to work and that we remove the unreasonable limitation on the amount one can earn without reduction in payments. My bill raises the limitation ceiling to a more realistic level and offers the kind of incentive required to encourage active healthy citizens to continue working on a part-time basis.

At this time, I also introduce a bill to amend the Social Security Act to increase from $70.40 to $100 the minimum monthly insurance benefit payable thereunder. As the Members of this body know, we passed a social security bill during the closing days of the last Congress providing for the $100 minimum payment. Unfortunately, this measure died last year. I would like to see the Senate act in the near future as many of our senior citizens are very much in need of this increase now.

EXHIBIT 1

S. 1627

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraphs (1), (3), and (4)(B) of subsection (f) of section 203 of the Social Security Act are each amended by striking out "$140" wherever it appears therein and inserting in lieu thereof "$208.33⅓".

(b) Paragraph (1)(A) of subsection (h) of section 203 of such Act is amended by striking out "$140" and inserting in lieu thereof "$208.33⅓".

SEC. 2. The amendments made by the first section of this Act shall be effective with respect to taxable years beginning after December 31, 1971.

By Mr. McGOVERN and Mr. HATFIELD (for themselves, Mr. EAGLETON and Mr. HART):

S. 1631. A bill to provide assistance to defense workers whose employment has been adversely affected by the transition to a peacetime economy. Referred to the Committee on Finance.

EMERGENCY TRANSITION ALLOWANCE ACT

Mr. McGOVERN. Mr. President, I introduce for myself and Senators HATFIELD, HART, and EAGLETON, a bill entitled the "Emergency Transition Allowance Act." A companion bill is being sponsored in the House by Representatives MORSE and BINGHAM.

Our proposal is designed to meet the immediate employment crisis among workers and communities that are dependent upon arms and aerospace spending.

The bill would create a system of income support benefits, coupled with educational and training incentives, for workers at all levels who feel the impact of the current aerospace emergency. Payments would be set high enough to avoid severe dislocations both for the individuals involved and for the communities which have suffered mass layoffs.

The most prominent current example of the need for such legislation lies in our recent decision to terminate Federal funding for the supersonic transport.

In that case our interest in new national priorities and in environmental protection weighed more heavily than other considerations.

But no Member of Congress was unaware of that decision's meaning to the 14,000 people whose income has been cut off or sharply curtailed as a consequence.

We were deeply concerned about them as well. And that concern is magnified by our recognition that the number of workers affected by the SST decision was quite small compared to the total who have already been laid off, or who are expecting that fate soon, as a result of cutbacks in other areas.

The shift in strategy in Vietnam has eliminated thousands of jobs in the military establishment, and it will eliminate more.

The Strategic Arms Limitation Talks have reopened in Vienna, and if they do not produce a meaningful agreement—eliminating still more arms and aerospace jobs—it will be an historic failure of diplomacy.

Congress, meanwhile, has become much more discerning in evaluating arms programs, and is likely to order significant reductions regardless of SALT. I suspect we will ultimately recognize, for example, that the Safeguard ABM system's inability to strengthen our security would not be influenced at all by a Soviet-American agreement allowing its construction. That and other wasteful systems should be ended in our own interest.

The space program, which has stood ready in the past to take up the slack in arms spending, is taking cuts of its own this time. The Apollo program is nearing completion, and there seems to be little enthusiasm for embarking on another major effort of that kind.

The difficulty borne by these developments runs wide and deep. It will not be easily countered.

Although there are a few notable exceptions, arms industry management has shown little inclination to plan for the transition of their workers and facilities to civilian projects and programs.

I suspect their attitude derives in part from the lack of any clear national commitment to shift our resources to peacetime pursuits. It must also be said, however, that management in this sector has, for as long as I can remember, exhibited an astonishing degree of shortsightedness. In place of planning for new markets, they have held their employees hostage, obliging them to either support new military ventures or face disaster.

The Congress, therefore, has before it a number of proposals, including the Peacetime Transition Act which Senator MATHIAS and I have introduced, along with Representatives MORSE and BINGHAM and others in the House, designed to promote industry planning. At the same time we are planning substantial public investments elsewhere. New opportunities can, should, and doubtless will be created in such urgent domestic fields as housing, health, transportation, and pollution control.

Moreover, it is critical that we understand the essential differences in the nature of the work to be performed. An unusually large proportion of military and space funds is spent on research and development and on elaborate equipment, so we can probe the outer reaches of technology.

The programs we propose to expand in the domestic area will be much more labor intensive. Certainly we can use more research in these areas. But the essential commitment is to implement the research long since completed. We need less to study housing shortages than we need to build new houses. We need less to dream up new kinds of mass transportation than we need to simply build more new systems for transporting people where they want to go.

New national priorities, therefore, mean more jobs, rather than less. And labor, as a consequence, has as great a stake as any group in accomplishing these shifts.

But transition planning is not enough today. It comes too late. The promise of more jobs eventually is no more helpful than the administration's promise that an expanding national economy will take up the slack. In both cases, the promise runs far ahead of the deed, and the deed runs far behind the duration of unemployment compensation insurance. The unemployment problem is now, and promises simply cannot put meat on the table, make the mortgage payments, and keep the kids in school.

While the planning continues, therefore, I believe we have an immediate obligation to assist the people whose jobs are being eliminated by our decisions.

Consider the kinds of help we have made available to military workers who happen to be paid directly from the Treasury.

In 1964, when the Department of Defense eliminated 80,000 civilian positions within its jurisdiction, those workers were guaranteed new jobs, and they were guaranteed that they would suffer no loss of income even if the new job carried a lower grade. Retraining help was available, and the full costs of relocation were paid.

Similar assistance, although somewhat less extensive, is available today to Federal employees. It is worthwhile, and I support it.

But I fail to see why we should be less concerned about other workers who have been fulfilling precisely the same national policies, simply because their pay happens to be filtered through arms industry management. It seems to me that the same considerations should apply—particularly when we realize that wartime "no strike" pledges, along with the customer's unfailing willingness to accept delayed delivery schedules caused by work stoppages, have severely undermined the ability of these workers to bargain collectively for their job security.

Mr. President, I regard this bill as emergency legislation. I hope it will receive speedy consideration.

It will meet the most pressing immediate needs of laid off workers. It will offset the calamitous economic effects which threaten those communities where the arms and aerospace plants are concentrated.

It is time we stopped forcing labor in this industry to choose between more jobs and less work.

Let us instead offer a third choice, to assure that new national priorities can be welcomed by all Americans.

Mr. President, I ask unanimous consent that a brief summary of our bill, along with a copy of the text, be printed at this point in the RECORD.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 1631

A bill to provide assistance to defense workers whose employment has been adversely affected by the transition to a peace-time economy

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Transition Allowance Act".

DEFINITIONS

SEC. 2. As used in this Act—

(a) The term "defense worker" means an individual who is, or (in the case of an individual who has been displaced from employment) was (prior to his displacement from employment), employed by—

(1) a defense agency; or

(2) a defense contractor.

(b) The term "defense agency" means the Department of Defense (or any military component thereof), the Atomic Energy Commission, the National Aeronautics and Space Administration, or the Department of Transportation.

(c) The term "defense contractor" means any person having not less than 50 workers engaged in the furnishing of defense material pursuant to the terms of a defense contract, or a subcontract entered into for the performance of any such contract or part thereof; except that the term "defense contractor" shall not include any person whose total number of workers so engaged in the furnishing of such material is less than 5 per centum of his total work force within a defense facility.

(d) The term "defense contract" means any contract entered into between a person and a defense agency to furnish defense material to such agency.

(e) The term "defense material" means—

(1) any item of weaponry, munitions, equipment, supplies or services intended for use in the establishment, maintenance, training, or operation of any element of the Armed Forces of the United States or the armed forces of any other country or in the conduct of the United States Space Program, and

(2) any item, equipment, supplies, or service which, while not specifically intended for use in the establishment, maintenance, training, or operation of any element of the Armed Forces of the United States or of any other country or in the conduct of the United States space program, contributes significantly to the conduct of the United States defense or space program by reason of the research and development program carried out in connection with the designing, planning or production of such item, equipment or supplies, or the furnishing of such services.

(f) The term "'defense facility" means any plant or other establishment (or part thereof) engaged in the production, repair, modification, maintenance, storage, or handling of defense material.

(g) The term "person" means any corporation, firm, partnership, association, individual, or other entity.

(h) The term "short workweek" means—

(1) in the case of any worker who is paid on an hourly basis, a workweek of less than 40 hours; or

(2) in the case of any worker who is paid on a weekly basis, a workweek with respect to which the worker's compensation is reduced on account of his services being required for less than the period for which he would have been entitled to a full week's pay.

(i) The term "downgraded" or "downgrading" means any action taken by a defense contractor with respect to a worker (who is employed by such contractor) which results in such worker receiving a lower rate of pay, or lesser fringe benefits, or both.

(j) The term "State agency" means, when used with reference to any State, the State officer, board, or other authority, designated under the law of such State to administer in such State the unemployment compensation law of such State which has been approved by the Secretary of Labor under section 3304 of the Internal Revenue Code of 1954.

(k) The term "displaced or displacement" means, when used in reference to any defense worker, the involuntary separation of such worker from his employment, on a permanent or temporary basis, by action of the employer of such worker, if such action is taken to bring about a reduction in personnel in the defense facility in which such worker is or was employed.

(l) The term "State" includes the District of Columbia and the Commonwealth of Puerto Rico.

(m) The term "period of eligibility" means, in the case of any defense worker, the period beginning with the week for which such worker becomes entitled to benefits under this Act and ending (except in the case of a defense worker who is entitled to extended benefits under section 7) with the close of the 103-week period which immediately follows such week. If any period of eligibility has begun in the case of any defense worker, no other period of eligibility may thereafter begin in the case of such worker.

(n) The term "benefits" or the term "benefits under this Act" does not include payments payable to individuals pursuant to agreements entered into under section 9.

(o) The term "Secretary" refers to the Secretary of Labor.

ENTITLEMENT TO BENEFITS

Sec. 3. Each defense worker who—

(1) has been employed after 1969 as a defense worker;

(2) (A) has been displaced from his employment as a defense worker; (B) has been placed on a short workweek in his employment as a defense worker; or (C) has been downgraded in his employment as a defense worker;

(3) files application (in such form, manner, and containing such information as may be prescribed by regulations of the Secretary) for benefits under this Act; and

(4) on the date that such application is filed continues to be (A) displaced from his employment as a defense worker; (B) placed on a short workweek as a defense worker; or (C) downgraded in his employment as a defense worker;

shall be entitled to benefits under this Act for 52 weeks during his period of eligibility, plus (in the case of an individual entitled to extended benefits under section 7) the number of weeks during his extended benefit period.

AMOUNT OF BENEFITS

Sec. 4. (a) The amount of the benefits payable to any defense worker for any week shall (prior to any reduction under subsection (b) on account of earnings) be equal to whichever of the following is the smaller—

(1) an amount equal to the aggregate of the following—

(A) $115 with respect to such worker;

(B) $38 with respect to the spouse of such worker; and

(C) $19 multiplied by the number of dependent children of such worker; or

(2) an amount equal to 80 per centum of the average weekly wage of such worker during his prior service period (as determined under section 6).

(b) (1) If any defense worker has earnings for any week during his period of eligibility, the amount of the benefits payable to him with respect to such week shall be reduced (but not below zero) by an amount equal to the amount by which—

(A) the amount of the benefits payable to him (as determined without regard to this subsection) for such week; plus

(B) the amount of such worker's earnings for such week;

exceeds 100 per centum of the average weekly wage of such worker during his prior service period (as determined under section 6).

(2) Amounts received by a defense worker for any week under any State or Federal unemployment compensation law shall be regarded, for purposes of this subsection, as earnings of such worker for such week.

(c) If, for any week, the amount of the benefits of any defense worker is reduced under subsection (b) to zero, such week shall not (for purposes of section 3) be regarded as a week for which such worker has received benefits under this Act.

CONDITIONS AND LIMITATIONS ON PAYMENT OF BENEFITS

Sec. 5. (a) Notwithstanding any other provision of this Act, benefits shall not be payable to any defense worker—

(1) for any week if, for such week, such worker is not—

(A) registered for employment with the appropriate local employment office (as provided by regulations of the Secretary) of the State in which such worker resides;

(B) regularly participating in a vocational education or manpower training program; or

(C) a full-time student in an educational institution (as determined under subsection (c)); and

(2) in the case of any defense worker who does not meet the criteria specified in clause (B) or (C) of paragraph (1), for any week during the 4-week period following the week in which such worker refuses without good cause (as determined under regulations of the Secretary) to accept an offer of suitable employment (as determined under such regulations).

(b) If any defense worker is, by reason of the provisions of subsection (a), denied benefits for any week, such week shall, nevertheless, be regarded (for purposes of section 3) as a week for which such worker has received benefits under this Act.

(c) (1) (A) For purposes of subsection (a) (1) (C), a "full-time student" is an individual who is in full-time attendance as a student at an educational institution, as determined by the Secretary (in accordance with regulations prescribed by him) in the light of standards and practices of the institutions involved.

(B) Except to the extent provided in such regulations, an individual shall be deemed to be a full-time student during any period of nonattendance at an educational institution at which he has been in full-time attendance if (i) such period is 5 weeks or less, and (ii) he shows to the satisfaction of the Secretary that he intends to continue to be in full-time attendance at an educational institution immediately following such period.

(2) For purposes of subsection (a) (1) (C), an "educational institution" is (A) a school or college or university operated or directly supported by the United States, or by any State or local government or political subdivision thereof, or (B) a school or college or university which has been approved by a State or accredited by a State-recognized or nationally-recognized accrediting agency or body, or (C) a nonaccredited school or college or university whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited.

DETERMINATION OF AVERAGE WEEKLY WAGE FOR PRIOR SERVICE

Sec. 6. (a) For purposes of this section, the term "prior services period", when used in reference to any defense worker, means the period—

(1) which ends with the last week (determined as of the date such worker applies for benefits under this Act) with respect to which such worker was employed as a defense worker and with respect to which none of the following events occurred—

(A) such worker was (or continued to be) placed on a short workweek as a defense worker;

(B) such worker was (or continued to be) downgraded in his employment as a defense worker; or

(C) such worker was displaced from his employment as a defense worker;
and

(2) which begins with the—

(A) first day of the 51st week which precedes the week on which such period ends; or

(B) if later than the day referred to in clause (A), the first day of the first week for which such defense worker was employed as a defense worker in the employment with regard to which the event specified under paragraph (1) occurred.

(b) For purposes of this Act, the average weekly wage of any defense worker for such worker's prior service period shall be deemed to be equal to whichever of the following amounts is the greater.

(1) the amount derived by dividing the number of weeks of such worker's prior service period into the total amount paid to such worker during such period as compensation for services performed by him in his employment as a defense worker; or

(2) the amount which would have been payable to such worker during such period as compensation for such services if such worker had worked for 40 hours in such employment during each of the weeks in such period at a rate of hourly compensation equal to the hourly rate of compensation at which he was employed for the last week in his prior service period.

EXTENDED BENEFITS

Sec. 7. (a) Any defense worker who—

(1) is entitled to benefits under this Act;

(2) files application (in such form, manner, within such period, and containing such information as the Secretary shall by regulations prescribe) for extended benefits under section;

(3) on the date such application is filed—

(A) is regularly participating in a vocational education or manpower training program which such worker cannot complete prior to the week following the last week for which he is entitled (without regard to this section) to benefits under this Act; or

(B) is pursuing, as a full-time student in an educational institution, a course of study which such worker cannot complete prior to the week following the last week for which he is entitled (without regard to this section) to benefits under this Act;

shall be entitled to extended benefits under this section for such period (not in excess of 26 weeks) as may be necessary to enable such worker to receive benefits under this Act during the period required for him to complete the education or training program (referred to in clause (3) (A)) or the course of study (referred to in clause (3) (B)), as the case may be.

(b) The extended benefits under this section shall be payable, in the case of any defense worker, in the same amount and in the same manner as the benefits to which such worker is entitled under section 4.

ADMINISTRATION

Sec. 8. (a) Subject to subsection (b), this Act shall be administered by the Secretary.

(b) (1) The Secretary shall make an agreement with any State which is able and willing to do so under which the State agency of such State will be utilized by him for the purpose of making determinations of eligibility for and entitlement to the benefits under this Act of defense workers residing in such State, and of making benefit payments to such workers who are entitled thereto.

(2) The Secretary shall pay any such State, in advance or by way of reimbursement, as may be provided in the agreement with it (and may make adjustments in such payments on account of overpayments or underpayments previously made), amounts equal to (A) the amounts of benefits under this Act paid to defense workers pursuant to such agreement, plus (B) the amount of the administrative costs incurred by the

State agency of such State in carrying out such agreement.

AGREEMENTS FOR THE PAYMENT OF EXTENDED UNEMPLOYMENT COMPENSATION

SEC. 9. (a) The Secretary shall make an agreement, with any State which is able and willing to enter into such an agreement, under which the State agency of such State will make payments of unemployment compensation to defense workers residing in such State—

(1) (A) whose period of eligibility (as defined in section 2(m)) has expired, or (B) whose period of eligibility (as so defined) has not expired but whose entitlement to benefits under this Act has been exhausted; and

(2) who, during their period of eligibility (as so defined) were (or upon filing application therefor would have become) entitled to unemployment compensation under any State or Federal law.

(b) (1) Any such agreement shall provide that the payments of unemployment compensation thereunder shall be payable during the 26-week period which begins, in the case of any defense worker, with the week following the last week of such worker's period of eligibility (as defined in section 2 (m)) (or, if earlier, the week following the week in which such worker's benefits under this Act were exhausted); and (except as otherwise provided in paragraph (2)) any such payments shall be made in the same manner and subject to the same conditions as are applicable in the case of payments under the unemployment compensation law of the State with which such agreement is made.

(2) The amount of the unemployment compensation payable to any defense worker under any such agreement for any week shall be equal to the amount of the weekly unemployment compensation which was (or, upon the filing of application therefor, would have been) payable to such worker during the last week during such worker's period of eligibility (as defined in section 2 (m)), for which such worker was (or would, upon filing application therefor, have become) entitled to such compensation under any State or Federal law.

(c) The Secretary shall pay to any such State, in advance or by way of reimbursement, as may be provided in the agreement with it (and may make adjustments in such payments on account of overpayments or underpayments previously made), amounts equal to—

(1) the amount by which payments made to defense workers under such agreement exceed the amount of the unemployment compensation which would have been payable (under the law of such State) to such workers if such agreement had not been entered into; plus

(2) the amount of administrative costs incurred by the State agency of such State in carrying out such agreement.

FURNISHING OF INFORMATION BY EMPLOYERS AND GOVERNMENT AGENCIES

SEC. 10. (a) Any agency of the Federal Government having information or data with respect to employment which the Secretary deems necessary in the administration of this Act, shall, upon request of the Secretary, furnish such information to the Secretary.

(b) Any defense contract entered into after the date of enactment of this Act between a defense contractor and a defense agency shall contain a provision under which such contractor is required to report to the Secretary such information or data with respect to employees of such contractor as the Secretary shall, by regulations, prescribe as being necessary in the administration of this Act.

(c) Information and data with respect to employment obtained by the Secretary shall, whenever appropriate for the effective administration of this Act, be furnished by the Secretary to State agencies which are parties to agreements entered into under section 8.

(d) Any information or data with respect to employment which is obtained by or furnished to the Secretary (or any State agency) for purposes of the administration of this Act shall be used only for such purposes.

AUTHORIZATION OF APPROPRIATION

SEC. 11. There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this Act.

EMERGENCY TRANSITION ALLOWANCE ACT

Summary of a bill to be introduced by Senators McGovern and Hatfield and Representatives Morse and Bingham.

I. ELIGIBILITY

Benefits under the Act would be payable to defense and aerospace industry employees who have been displaced or downgraded or have suffered shortened workweeks as a consequence of reductions in Federal expenditures on military and space programs or on other programs, such as the SST, which are related to military and space efforts although not specifically a part of them.

Benefits would be payable immediately upon the Act's passage and funding, and would apply from that date to all workers then eligible, regardless of when they were laid off or downgraded, so long as they had been employed within the scope of the Act at some time after 1969.

To maintain his eligibility for benefits, a worker would be required to maintain an active registration for employment with the appropriate employment office and be willing to accept suitable employment, or be registered as a full time student in an educational institution or regularly participating in a vocational education or manpower retraining program.

II. AMOUNT AND DURATION OF BENEFITS

Eligible workers would receive on a weekly basis the lesser of:

A. $115 per week ($5980 per year) for the worker himself plus $38 per week ($1976 per year) for the spouse and an additional $19 per week ($988 per year) for each dependent child, or

B. 80 percent of the worker's average weekly earnings prior to his loss of income resulting from the cutback.

In either case the worker could supplement his income from other sources to the point where it totalled 100 percent of his prior earnings without suffering a loss of benefits. The amount of outside earnings above that point would be deducted from benefits payable under this Act.

Benefits would extend for any 52 weeks out of a 104 week period, except that they would be payable for an additional time, not to exceed 26 weeks, to workers who are enrolled in retraining or educational courses which cannot be completed prior to the end of the basic eligibility period.

III. RELATION TO UNEMPLOYMENT COMPENSATION INSURANCE

Unemployment compensation payments made to the worker while he is collecting benefits under this Act would be considered outside earnings for the purpose of determining the amount of payments to which he is entitled under the Act, i.e., for determining the point at which his total income exceeds prior earnings thus requiring a reduction in benefits under the Act.

However, the Secretary of Labor would be authorized to seek agreements with the States under which the employee, if he remained eligible, could collect unemployment compensation payments after his eligibility under this Act had been exhausted. If such an agreement were made, the Secretary would pay to the State any amount paid out to workers in excess of the amount which would have been paid in the absence of the agreement, plus any administrative costs incurred as a consequence of the agreement.

IV. ADMINISTRATION AND FUNDING

The Act would be administered by the Secretary of Labor, under procedures similar to those used in unemployment compensation for federal employees. The Secretary would be authorized to enter into agreements with state agencies charged with administering state unemployment compensation laws, providing that such agencies would make determination as to eligibility and pay the benefits created by the Act. The States would either be paid in advance or reimbursed for the amounts paid out plus administrative costs.

The program would be financed through Federal appropriations in the amounts required.

By Mr. THURMOND:

S. 1632. A bill to amend the Internal Revenue Code of 1954 to increase, in certain cases, the deduction allowable for expenses incurred in providing care for certain dependents. Referred to the Committee on Finance.

Mr. THURMOND. Mr. President, I am introducing a bill which will correct a gross inequity in our income tax laws. The bill which I am offering would provide for a deduction from taxable income of the amount a family has to pay for child care when the mother is forced to work to earn income to be applied to special medical treatment for a child.

Existing regulations allow medical expenses to be deducted from taxable income. There is also a special provision whereby a married working mother can deduct up to $600 for child care provided the combined income of both parents does not exceed $6,000. Under this provision, if family income is $6,600 or more, there is no allowable deduction for child care. These regulations do not, however, provide for any child care deductions when a mother is forced to leave the home to earn funds to be applied to special medical treatment for a child.

Mr. President, when a family is faced with a situation where a child needs an operation or extensive medical treatment, very often the only way to obtain necessary funds is for the mother to leave the home and work. When she does this, the family incurs the expense of child care for the child or children who are left in the home. This expense should be deductible from taxable income just as an actual medical expense is deductible.

This deduction would be entirely different from the $600 deduction allowed for a working mother generally. Under the $600 deduction the mother of a low-income family is encouraged to supplement family income by electing to work. However, when a mother is forced to work to provide medical assistance to a child, cost incurred for child care should be deductible.

Mr. President, a child who is in need of special medical treatment should not be penalized by a family deciding not to have the mother work to earn necessary funds for the medical treatment, because resulting child care expenses are not deductible.

It is important to emphasize that the amendment I am offering would allow child care expenses to be deducted only when the mother is forced to work for the purpose of acquiring or accumulating funds to defray expenses of special medical treatment received by her child. These expenses, except for the existing $600 deduction, would not be deductible if the primary use of the income earned by the mother is not for medical treatment for a child.

Mr. President, I introduce this bill for appropriate reference and ask unanimous consent that it be printed in the Record at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1632

A bill to amend the Internal Revenue Code of 1954 to increase, in certain cases, the deduction allowable for expenses incurred in providing care for certain dependents

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 214 of the Internal Revenue Code of 1954 (relating to expenses for care of certain dependents) is amended by—

(1) striking out "subsection (d)(1)" in subsection (a) and inserting in lieu thereof "subsection (e)(1)";

(2) redesignating subsection (d) as (e); and

(3) inserting after subsection (c) the following new subsection:

"(d) Special Rule Where Employment of Married Woman is Necessary to Pay for Special Medical Treatment of a Child.—In the case of a woman who is married, the provisions of paragraphs (1) and (2) of subsection (b) shall not apply if the taxpayer establishes that—

"(1) her employment is for the purpose of acquiring or accumulating funds to defray expenses of special medical treatment received or to be received by an individual who (within the meaning of section 152) is her son, daughter, stepson, or stepdaughter, and

"(2) the financial resources otherwise available to her were, or are expected to be, inadequate to defray such expenses. For purposes of this subsection, 'special medical treatment' means an operation or other procedure designed to permanently cure, rectify, or mitigate the effect of a disease, injury or defect."

(b) The amendments made by subsection (a) shall apply with respect to taxable years beginning after December 31, 1970.

By Mr. MOSS:

S. 1634. A bill to designate a certain route on the National System of Interstate and Defense Highways between Omaha, Nebr., and Sacramento, Calif., as the Golden Spike Highway. Referred to the Committee on Public Works.

GOLDEN SPIKE HIGHWAY

Mr. MOSS. Mr. President, 2 years ago—on May 10, 1969, to be exact—we celebrated in my State of Utah the centennial of the driving of the Golden Spike at Promontory, Utah, and the linking of the United States by transcontinental railroad.

The hundredth anniversary of the date when the Nation was welded from sea to sea by twin bands of steel gave us an opportunity to pay tribute to the leadership and vision which produced the railroads, and the incredible endurance of the men who laid the rails. These were celebrated both in rhetoric and pageantry. Those who were there will never forget, I am sure, the dramatic reenactment of the moment when the Union Pacific's engine No. 119 and the Central Pacific's "Jupiter" inched forward to touch snouts, the executives shook hands, the workers exchanged bottles of champagne and the Nation went wild with joy as the telegraph message reached major centers of population from coast to coast.

Those of us who were there for the centennial will never forget either hearing again the story of the grueling years of work and sweat and courage which went into the construction of the railroad from Omaha, Nebr., to Sacramento, Calif.

The builders, surveyors, engineers, graders, and track layers battled deep snow in the California Sierra and bitter cold in the Wasatch Mountains of Utah and on the Wyoming and Nevada plains. Side by side with Federal troops they fought costly skirmishes with Indians who suspected that the manmade iron trail meant an end to their free way of life.

The logistics of the construction job were unprecedented. Rails and other supplies for the Central Pacific were shipped around Cape Horn; ties for the Union Pacific were hauled across hundreds of miles of treeless prairie. Locomotives were hauled across the ice of the yet unbridged Missouri River. Horses, scrapers, hand shovels, pickaxes, and black powder were the most modern tools available in this nonmechanized era.

Union Pacific crews mostly made up of Irish immigrants pushed across the plains and Chinese laborers of the Central Pacific tunneled and laid track across the high Sierras of California and across Nevada toward Promontory. After the Civil War, freed slaves and former soldiers from both sides were added to the work crews. In Utah, Brigham Young—bitterly disappointed when told the railroad would bypass Salt Lake City by swinging north of the lake—nevertheless put Mormon contractors to work building the grades and embankments for both lines. In all, Union Pacific laid 1,085 miles of rails and the Central Pacific 690 miles.

I can think of no better way to cement forever in the minds of all Americans the story of the building of the first transcontinental railroad than to name the highway which follows the route of these bands of steel, "The Golden Spike Highway." The route I would recommend renaming is as follows:

The National System of Interstate and Defense Highways, which consist of Route I–80 from Omaha, Nebr. to Echo Junction, Utah, Route I–80 North from Echo Junction to the junction with Utah State Highway No. U–70, and Route I–80 from the junction with such State Highway No. U–70 near Oasis, Nev., to Sacramento, Calif.

Part of this road—the portion across Nebraska and Wyoming, and part of the road in Utah—was once known as the Lincoln Highway. Some of the route across Nevada was once known as the Victory Highway. But now no one ever calls either portion by these names. They are known only by their numbered route designations.

So it is not a question of usurping any name which is now in common use, or taking away any distinction which the highway now has. It is simply a question of giving to a portion of one of our major cross country highways a name which links it to a very important and dramatic portion of our past, and associating that highway with the construction and completion of the railway which united the American East with the American West and paved the way for the development of the vast wilderness west of the Mississippi River.

Mr. President, I send to the desk for appropriate reference a bill to designate a highway beginning in Omaha, Nebr., and ending in Sacramento, Calif. and passing within a few miles of Promontory, Utah, as the Golden Spike National Highway.

By Mr. MOSS:

S. 1635. A bill to amend section 4107 of title 38, United States Code, to provide for the payment of pay differentials for evening, night, weekend, and holiday work performed by nurses employed by the Veterans' Administration, and for other purposes. Referred to the Committee on Veterans' Affairs.

PAY DIFFERENTIALS FOR VA NURSES

Mr. MOSS. Mr. President, historically, registered nurses employed by the Veterans' Administration's Department of Medicine and Surgery have been denied fringe benefits provided for those in non-Federal employment. These benefits include shift differentials for evening and night work, overtime, holiday and on-call pay, and compensatory time off. To remedy this situation, I am today introducing a bill to authorize the Administrator of Veterans' Affairs to make appropriate payments in these areas.

Enactment of these premium pay provisions is essential if the VA is to recruit and retain enough registered nurses to provide quality care for our disabled and ill veterans. The VA must offer premium pay if it is to compete successfully for the limited supply of available nursing personnel.

In the last few years, salaries for registered nurses in public and private hospitals have been increasing at a faster pace than those in the VA. This is especially true in States with large metropolitan areas. The VA has attempted to keep pace by increasing the entrance salaries for junior grade, associate grade, and full grade nurses at 74 locations. But this has not been enough to attract and hold the necessary nursing staff.

Nurses in VA hospitals work under trying conditions because of a high nurse vacancy rate as well as many other shortages, both professional and subprofessional, in medical and nursing personnel categories. VA nurses are required by agency policy to be on duty 7 days a week, 24 hours a day unless excused by proper authority. Nurses are required to rotate to all three tours of duty so that wards may have professional nursing coverage 24 hours a day. Operating room nurses take call every other week in addition to their regular schedule. It takes a special dedication for this sort of duty.

The report published by the House

Committee on Veterans Affairs on February 17, 1971, reveals that registered VA nurses worked an average of 2 uncompensated hours in excess of 40 hours per week during the report week of November 24–30, 1970. Morale is low and this has made it difficult to retain newly hired nurses.

My bill will take a giant stride toward improving the working conditions of a dedicated group of professionals engaged in the vital area of nursing practice. VA nurses have been asking for premium pay for many years. Every year the need becomes more acute. We cannot permit this situation to go any longer. We need to take prompt action to secure passage of this bill.

By Mr. McGEE (by request):

S. 1636. A bill to establish a Federal wage system for fixing and adjusting the pay of certain employees of the Government. Referred to the Committee on Post Office and Civil Service.

Mr. McGEE. Mr. President, by request of the administration I send to the desk for appropriate reference a bill to amend title 5, United States Code, to establish a system relating to the fixing of wages for employees of the Government of the United States who are paid at prevailing rates—commonly known as a wage board bill.

On March 29, the Committee on Post Office and Civil Service started public hearings on several bills designed to establish a new wage board pay system. Further hearings have been scheduled for May 3 and 6. I think it is appropriate to have the administration's bill before the committee for our consideration and to give both the administration and the employees an opportunity to look over the administration proposal and comment on its provisions.

Quite frankly, I must express my very considerable disappointment in the language of the bill submitted by the administration. I sense the deft touch of the Office of Management and Budget in this bill, because I notice that none of the provisions of any of the bills that have been introduced this year that would benefit the workingman are included in this proposal. No progressive step increases are suggested, no genuinely fixed policy other than the glittering generality of prevailing rates is included. The hundred thousand or so poorly paid employees of the canteen and PX services of the armed services are excluded from the administration proposal. I regret very much that the officials in the executive branch who are responsible for making recommendations on this legislation have failed so miserably to see the handwriting on the wall. Because if they were anything but blind, they would know that the bill which the Committee on Post Office and Civil Service is going to report and the bill which the Congress is going to enact is not going to overlook those vitally important features of this legislation.

Mr. President, I ask unanimous consent to have printed in the Record at this point the letter of transmittal, a statement of purpose and justification, and a section-by-section analysis of the bill.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Civil Service Commission,
Washington, D.C., April 20, 1971.

Hon. Spiro T. Agnew,
President of the Senate.

Dear Mr. President: I am transmitting for the consideration of Congress proposed legislation "To amend title 5, United States Code, to establish a Federal Wage System for fixing and adjusting the pay of certain employees of the Government." A draft bill, a section analysis, and a statement of purpose and justification are enclosed.

The draft bill is designed to continue existing coverage of trades, craft and manual laboring occupations and certain employees in the Bureau of Engraving and Printing, as well as officers and members of crews of vessels. The system is based on the fundamental principle that, consistent with the public interest, the pay of Federal employees in trade, crafts and manual laboring occupations should be related to prevailing rates for the same levels of work. This fundamental principle provides the necessary flexibility to keep the system current and meet changing conditions as they arise.

The proposed legislation vests in the President the responsibility for the system as part of his responsibility for management of the executive branch, with authority to designate an agent, expected to be the Chairman of the Civil Service Commission, to operate the program. This is consistent with the placement of responsibility for adjustments in statutory salary systems.

The Bureau of Labor Statistics is designated to serve as the survey agency for the Federal Wage System. Assignment of the responsibility to the BLS would unify wage survey activities of the Federal government and reduce substantially the element of duplication that now exists because of the collection of similar wage information in the same wage areas by BLS and the agencies. White collar salaries are fixed on the basis of BLS surveys as are rates of employees of companies that contract with Federal establishments (McNamara-O'Hara Service Contract Act). The professional capability of the BLS to conduct such surveys is well established.

The proposed legislation would authorize establishment of a Federal Wage System Advisory Council. This Council would not be a decision making body, but would serve to advise the agent of the President on basic policy matters concerning the establishment and the operation of the Federal Wage System. This Council would provide both management and labor representatives with a medium for expressing their views on policy matters affecting the system. The Council would consist of five labor representatives and five management representatives. Members would be selected on the basis of numbers of wage workers employed in the agencies and represented by the labor organizations.

The proposed legislation continues section 5341(c) of title 5, United States Code, commonly referred to as the Monroney Amendment, which sets requirements, under specified conditions, for using pay data from other wage areas in setting local pay schedules.

The proposed legislation specifies an effective date of 180 days after enactment with two conditions. The first concerns the recognition of surveys conducted by the agencies during the transition period and the second specifies an area-by-area application of the system as wage surveys are completed by the Bureau of Labor Statistics. The conversion process would be completed approximately one year after the first wage schedule is established under the new system.

We urge that the proposed legislation be given prompt and favorable consideration. The proposed legislation contains many features of the Coordinated Federal Wage System which we consider have proven workable and equitable based on experiences gained during the nearly three years of its operation. It will also be noted that the proposed legislation states only the general framework of the general policies and principles under which the system will function rather than specifying detailed rules and instructions. This approach provides the flexibility needed to establish or modify existing features of the system as necessary in order to respond quickly and fully to often changing needs of the system.

The Office of Management and Budget advises that enactment of the proposed legislation would be in accord with the program of the Administration.

A similar letter is being sent to the Speaker of the House of Representatives.

By direction of the Commission:

Sincerely yours,

Robert E. Hampton,
Chairman.

STATEMENT OF PURPOSE AND JUSTIFICATION

(To accompany a draft bill to amend title 5, United States Code, to establish a Federal Wage System for fixing and adjusting the pay of certain employees of the Government.)

The purpose of this draft bill is to fix into law a Federal Wage System based on the fundamental principle that, as nearly as is consistent with the public interest, the pay of employees covered by that system should be related to prevailing rates for the same levels of work. This fundamental principle provides the necessary flexibility to keep the system current and meet changing conditions and problems which arise.

The bill is designed to continue existing coverage of trades, craft and manual laboring occupations and certain employees in the Bureau of Engraving and Printing, as well as officers and members of crews of vessels. It proposes the continuation of provisions that the pay of officers and members of crews of vessels shall be fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates and practices of the maritime industry. In areas where inadequate maritime industry practice exists it provides for the fixing of pay in accordance with section 5343 of title 5, United States Code. It also proposes the continuation of exceptions presently recognized in section 5102 of title 5, United States Code.

The proposal would vest in the President the responsibility for fixing the pay of employees under the Federal Wage System and for establishing regulations to govern the establishment of wage structures and pay practices, the classification of positions, the coverage of appropriate wage surveys, and the administration of the Federal Wage System. The President would be empowered to designate an agent to carry out these executive responsibilities. These responsibilities previously have been executed by the heads of agencies and the Chairman of the Civil Service Commission. It is expected that the Chairman of the Civil Service Commission will be designated as the agent of the President.

The draft bill continues section 5341(c) of title 5, United States Code, commonly referred to as the Monroney Amendment. The Monroney Amendment requires the use of industry pay data from other wage areas when local industry does not have sufficient employment in the kinds of positions that are directly comparable to the principal types of Federal positions in the area.

The draft bill specifies that the Bureau of Labor Statistics shall serve as the survey agency for the Federal Wage System. The BLS now conducts the National Survey of Professional, Administrative, Technical and

Clerical Pay. The salaries of a much larger group of classified employees are fixed on the basis of that survey. The BLS also conducts surveys under the McNamara-O'Hara Service Contract Act which are used to establish rates for employees of companies providing services under contracts with Federal establishments. Assignment of responsibility to conduct surveys for the Federal Wage System would unify wage survey activities of the Federal government. It would eliminate a substantial element of duplication which exists under the present system whereby both the BLS and agencies now collect similar wage information in the same wage area. Wage surveys are needed to establish the facts about levels of rates being paid by industrial employers. The factfinding is best done by an impartial, objective body that will not be affected by the outcome. The BLS meets this test. The professional capability of the BLS to conduct such surveys is well established.

The draft bill would authorize the establishment of a Federal Wage System Advisory Council. This would not be a decision making body. Rather, its purpose would be to advise the agent of the President on the basic policies to govern the establishment and operation of the Federal Wage System. Five members would represent key agencies and five members would represent key labor organizations. The agent of the President or his designated representative would chair meetings with the Council. The views of management and labor would be expressed in the review of existing and proposed policies applicable to employees subject to this Act. These views would be considered by the agent of the President in the discharge of his responsibilities for the fixing and adjusting of pay in accordance with the basic principles of equity establish by this Act.

The draft bill does not include existing statutory provisions concerning position classification appeals by employees under the Federal Wage System. Under existing statutes wage fixing authority is vested in the heads of agencies and the current provisions of section 5345, title 5, United States Code, are necessary to employer the Civil Service Commission to review and possibly change the classification decision of the head of an agency. The proposed bill would vest in the agent of the President, expected to be the Chairman of the Civil Service Commission, authority to govern the classification of positions under the system. There no longer is a need for a statutory appeals system. Appeals provisions paralleling those already in existence will be established by regulation under the authority of the agent of the President to manage the new system.

The draft bill specifies an effective date 180 days after enactment under the following conditions. It is necessary to have an orderly transition in the Government's business from wage surveys conducted under the existing system to those wage surveys which will be conducted by the Bureau of Labor Statistics. One hundred eighty days are needed for the Council review of the existing system and for the preparation of regulations defining the Federal Wage System. This is the minimum time required by the BLS to recruit and train needed staff and to plan for the conduct of the wage surveys. In order to continue the orderly adjustments of existing wage schedules while BLS makes such preparations, a condition is included to recognize a wage survey conducted by an agency before the effective date of this Act for a wage schedule which becomes effective after such effective date. The second condition to insure an orderly conversion to the Federal Wage System specifies an area-by-area application as wage surveys are completed by the BLS. A full round of surveys would require one year to complete, and all affected employees would be brought under the system by approximately one year from the effective date of new wage schedules in the first area surveyed.

SECTION ANALYSIS

To accompany a draft bill to amend title 5, United States Code, to establish a Federal Wage System for fixing and adjusting the pay of certain employees of the Government.

The first section of the draft bill provides for the Act to be cited as the "Federal Wage System Act of 1971".

Section 2 of the draft bill completely revises and restates Subchapter IV of Chapter 53 of title 5, United States Code. The various sections of that subchapter as amended by this draft bill are discussed below.

Section 5341. Policy: This section sets forth the policy that the pay of employees under the Federal Wage System shall be fixed and adjusted from time to time as nearly as is consisent with the public interest in accordance with prevailing rates. It continues the requirement that subject to section 213(f) of title 29, the rates may not be less than the appropriate rates provided for by section 206(a) (1) of title 29.

Section 5342. Definitions: This section defines a number of terms used frequently throughout the draft bill. 'Agency' has the usual definition set forth in section 5102 of title 5; however, subject to section 5343(b) of title 5, an 'agency' referred to in section 5102(a) (1)–(viii) may become an 'agency' for the purpose of this subchapter. 'Employee' is defined to include (1) an employee in a recognized trade or craft or skilled, unskilled or semiskilled manual labor occupation including their supervisors in a position having trade, craft, or laboring experience and knowledge as the paramount requirement; and (2) an employee of the Bureau of Engraving and Printing who performs or directs manual or machine operations or the counting, examining, sorting, or other verification of the product of manual or machine operations.

Section 5342(b) specifically provides that the draft bill does not apply to employees and positions described by section 5102(c) of title 5, other than by paragraphs (7) (trades, crafts and laboring employees, generally) and (8) (officers and members of crews or vessels) of that section.

Section 5343. Administration: This section sets forth the procedures for carrying out the policy expressed in section 5341 of the draft bill. Responsibility for the Federal Wage System is vested in the President of the United States. It provides further for the President to designate an agent to execute these responsibilities. These previously were the functions of the heads of agencies and the Chairman of the Civil Service Commission. It is expected that the Chairman of the Civil Service Commission will be designated as the agent of the President. This includes authority to prescribe the regulations under which pay will be fixed, to establish wage structures and pay practices, to determine wage survey coverage, to govern the classification of jobs under the system, to make appropriate surveys by the Bureau of Labor Statistics, to administer the Federal Wage System, and to negotiate with the heads of each agency referred to in section 5102(a)(1)–(viii) of title 5 and with appropriate labor organizations for the purpose of bringing wage-system type employees of those agencies under the Federal Wage System. The agent of the President also is authorized to delegate wage fixing authority to the heads of agencies and to provide for management-labor union involvement.

Section 5343 continues the "Monroney Amendment" provision for using wage data from outside a wage area for the purpose of setting rates for the principal types of positions under the Federal Wage System which do not have counterparts within the area.

Section 5344. Effective date of pay increase: This section of the draft bill states when increases in pay will become effective. The term pay, rather than basic pay, is used to reflect the broadest coverage of increases (basic pay plus differentials) which result from wage surveys. This section recognizes that wage 5102(a) (i)–(viii) may become an 'agency' (BLS) other than the wage fixing authority, and continues that part of the existing statutory time limits for effecting wage increases based on surveys conducted by other than the wage fixing authority. This provides that such wage increases would be effective not later than the first day of the first pay period which begins after the 19th day, excluding Saturdays and Sundays, following the date on which the BLS survey data are received by the agent of the President or the head of an agency designated under section 5343 of title 5. The existing provisions pertaining to the effective dates for increases based on agency-conducted surveys will have no further application after BLS assumes the survey role, and accordingly that provision is being dropped.

Section 5345. Retroactive pay: This section of the draft bill continues existing statutory provisions governing the conditions under which an employee under the Federal Wage System is entitled to retroactive pay. Generally speaking only employees who are on an agency's rolls on the date the retroactive schedule is issued or who have retired or died between the period of the effective date of the schedule and the issuance date of the schedule are entitled to the retroactive pay. However, retroactive pay under this section is excluded from pay for the purpose of Chapter 83 of title 5, United States Code and for the purpose of determining the amount of insurance for which an employee is eligible under Chapter 87 of title 5, United States Code.

Section 5346. Federal Wage System Advisory Council: This section provides for the agent of the President in carrying out his functions to establish a Federal Wage System Advisory Council to advise him on policy matters. This Council will review existing and proposed policies applicable to employees under the Federal Wage System and recommend to the agent of the President their adoption, modification, or continuation consistent with the purposes of the Federal Wage System. The Council will have ten members, five representatives from among the executive agencies and five labor organization representatives. Agency representatives will be selected with due consideration to the relative numbers of employees under the Federal Wage System in those agencies. The labor organization representatives will be selected with due consideration to the relative numbers of employees under the Federal Wage System represented. The agent of the President or a representative designated by him will serve as the spokesman for the executive branch and will chair meetings with the Council. He will consider the views of each member in the discharge of his responsibilities under the basic principles of equity established by this Act.

Section 5346 of the draft bill provides for the agent of the President to make an annual report to the President on the operation of the Federal Wage System. Any views of Council members which are submitted in writing also will be furnished with the report to the President.

Section 5347. Crews of vessels: This section continues the practice of setting the pay for officers and members of crews of vessels in accordance with prevailing rates and practices of the maritime industry. It specifies that the agent of the President will prescribe the regulations to carry out the provisions of this section. These responsibilities formerly were vested in the heads of agencies. This section continues to exclude officers and members of crews of vessels from the other provisions of this subchapter. This section also provides authority to fix the pay of crews of vessels in an area where inadequate maritime practice exists in accordance with section 5343 of title 5, United States Code.

Section 2(b) of the draft bill makes conforming changes in the analysis of Chapter 53 of title 5, United States Code.

Section 3 provides for the agent of the President to prescribe the pay-fixing regulations for converting an employee's initial rate of pay to a wage schedule established pursuant to the amendments made by this Act. Under no circumstances will the amendments made by this Act be construed to decrease the existing rate of pay of any employee subject to the Act.

The draft bill also contains provisions for continuation of agreements at present in effect as a result of negotiations between departments and agencies of the Government and labor organizations.

Section 4 provides a conforming amendment to section 5541 of title 5, United States Code.

Section 5 provides a conforming amendment to section 5544 of title 5, United States Code. This section does not apply to the proposed section 5347, Crews of vessels, of this Act.

Sections 6 through 8 provide conforming amendments to appropriate sections of title 5, United States Code.

Section 9 provides for the repeal of all laws inconsistent with this Act.

Section 10 provides an effective date of 180 days after enactment for the orderly conversion to the Federal Wage System on an area by area basis.

By Mr. METCALF:

S. 1637. A bill to establish uniform standards and procedures for Government advisory committees. Referred to the Committee on Government Operations.

GOVERNMENT ADVISORY COMMITTEES

Mr. METCALF. Mr. President, I introduce for appropriate reference a bill to establish uniform standards and procedures for Government advisory committees.

The bill was drafted as a result of hearings held last year, by the Subcommittee on Intergovernmental Relations, on S. 3067, a bill to provide consumer, labor, and small business representation on committees which advise the Office of Management and Budget.

The hearings, which are printed in three parts and available from the subcommittee, deal principally with the 16 OMB committees and their role in delaying the collection of information needed by Government agencies to enforce laws and regulations, especially in the environmental and energy fields. It is the OMB committees, for example, which have for 8 years delayed the urgently needed national inventory of industrial water waste.

The OMB committees, which are coordinated through the privately financed Advisory Council on Federal Reports, are composed primarily of representatives of large corporations and their trade associations. Prior to introduction of S. 3067, these committees and the OMB discouraged public knowledge and attendance of these meetings. At the hearings last fall the OMB spokesman assured the subcommittee that notice of meetings had been broadened, that attendance by interested persons was welcomed and that efforts were being made to broaden the membership of the committees somewhat, if not to the extent suggested by S. 3067. The chairman of the Advisory Council on Federal Reports declined repeated invitations to testify. In a letter to the subcommittee he took the position that the proposed broadening of the Advisory Council would water down what OMB wishes to obtain; namely, the advice of business as respondents on a particular questionnaire.

At issue during these hearings was the fundamental question of disclosure of information by and to the Government. Knowledge is power; corporation executives who are privy to information and attitudes held by Government officials with whom they associate on advisory committees have an advantage over less-favored persons. Government officials who are persuaded by industry committees to delay and delete questions that should be asked of industry increase the difficulty of law enforcement in the corporate sector. As witness Ralph Nader pointed out:

> What good is the Freedom of Information Act if the rights accorded under that Act can't cling to any information of any significance because the information was never collected by the regulatory agencies because the Bureau of the Budget or the Office of Management and Budget has impeded that collection.

Mr. President, recent actions by some other Government advisory committees show that they do not believe in taking even the small steps taken recently by OMB toward broadening the base of advisory committees to include nonindustry representatives. I shall cite several examples.

NATIONAL INDUSTRIAL POLLUTION CONTROL BOARD

The National Industrial Pollution Control Board was created by Executive order of the President on April 9, 1970. Its stated purpose is to advise the Government on environmental programs affecting industry. The Council consists of 63 top executives of major polluting companies. They have access at their meetings to the President and his principal lieutenants. There is no comparable organization through which nonindustry persons who are concerned with environment have entry to the Presidential family.

At a meeting in the Department of Commerce on October 15, 1970—1 week after the OMB appearance before the subcommittee—this Presidential Council refused the request of 10 environmental and consumer organizations to have representatives attend the meeting. The Council refused to make a transcript of the meeting available to these 10 interested organizations. And the Council leadership declined a request to hold a press conference after its meeting.

At its meeting this year the Council again excluded the public. The Council moved its meeting place from Commerce to the new State Department Building, where security regulations prohibit entry of nonemployees without special visiting arrangements. This artifice prevented participation or even observation by the young conservationists, who must wonder how they are supposed to work within the system when they cannot even get inside the door.

CIVIL AERONAUTICS BOARD ADVISORY COMMITTEE ON FINANCE

On November 2, 1970, the Civil Aeronautics Board Advisory Committee on Finance held its organizational meeting. The Advisory Committee made several important decisions, I quote from the committee's summary of that meeting:

First. A transcript of its proceedings "was not necessary";

Second. The committee would make recommendations to the CAB "on the procedural and philosophical conduct of the Board's business."

Third. "Meetings of the committee would be closed to the press and the public."

This Government Advisory Committee did not meet in a Government office. It was not chaired by a Government official. It met at One Chase Manhattan Plaza, the New York office of its chairman, James P. Mitchell, the vice president of Chase Manhattan who is directly concerned with aerospace activities.

Chase Manhattan Bank is the major creditor for five of the nine local service air carriers. Chase Manhattan is apparently the principal stockholder in the major carrier serving my State—Northwest Airlines, and the second largest stockholder in Eastern Airlines.

I say Chase is "apparently" a major stockholder in those airlines because—thanks to industry advisory committees—Government does not assemble the basic information on corporate ownership which is necessary in antitrust and conflict of interest actions. In its 1969 annual report to the CAB, Northwest reported that 1,249,401 shares of stock—5.97 percent of total outstanding capital—were held by Kane & Co., in care of Chase Manhattan Bank. Kane & Co., according to the Nominee List published by the American Society of Corporate Secretaries at 9 Rockefeller Plaza, New York, is the nominee—the street name—for Chase Manhattan. Similarly, Eastern Air Lines reported that Kane & Co. held 763,847 shares, amounting to 6.4 percent of total outstanding capital.

In addition, Trans-World reported Chase Manhattan held as trustee the largest bloc of stock in that airline, 1,254,674 shares of common which, along with preferred stock held by the bank amounted to 11.75 percent of the airline's outstanding capital. Trans-World told the CAB that Chase held the stock "as trustee for various beneficiaries whose names the bank is unwilling to disclose."

Chase may have other substantial airline holdings—only holdings of 5 percent or more of outstanding capital need to be reported, a reporting inadequacy, I should point out, that would be rectified by passage of S. 608, the Transportation Consumers Information and Counsel Act. However, the bare facts conveniently available are sufficient to point up the conflict of interest inherent in this situation.

DEFENSE INDUSTRY ADVISORY COMMITTEE

The Defense Department's Industry Advisory Committee was created by Executive order in May 1962. Its "mission," as described by a 1968 DOD directive, is to provide a forum for top level Pentagon and industry executives to discuss policies, practices and the findings of industry study groups. Though "membership may also include representation from nondefense industry, the educational community and the professions" these groups are not represented. Most members are chairmen or president of major defense contracting firms. As of mid-1970, 12 of the 24 IAC members were from corporations in the top 40 defense contractors. Their companies held $6.12 billion of the military prime contracts let that year.

IAC is chaired by Deputy Secretary of Defense Packard. The vice chairman until recently was Paul A. Gorman, president of Penn-Central Transportation. The IAC excludes the public and press from its meetings and keeps only summary minutes which have not been available to the public.

Members who are interested in the recent General Accounting Office study of defense profits, and who had difficulty in obtaining the report, should know that the IAC received the report and a briefing on it from the Comptroller General, after which the report was revised, the criticism softened. This is the group that worries more about congressional interest in cost overruns and excess profits than about methods to eliminate the excessive costs and profits.

RAIL AND MINE SAFETY ADVISORY COMMITTEES

Mr. President, congressional directive that public members be included on advisory committees, in order to balance the advice given by industry representatives, is not carried out. Congress provided in the Rail Passenger Service Act of 1970 that the financial advisory panel would consist of two Government representatives, six representing the business of investment banking, commercial banking, and rail transportation and seven to represent the public. Nevertheless, the President went to the banking and investment community to find several of the public members, with the result that the advisory committee does not have the diversity and balance which Congress said it should have. Similarly, the administration casually disregarded the congressional directive, in the Coal Mine Safety Act of 1969, that persons "knowledgeable in the field of coal mine safety research" be appointed to the Advisory Committee on Coal Mine Safety Research. The lack of knowledge about this most important subject was admitted by some of the embarrassed appointees, who subsequently resigned.

Mr. President, I have spoken briefly about several advisory committees to illustrate the point that our whole structure of Government advisory committees needs attention. I am inclined to think we would be better off without any of them. If in some cases they can be justified they should operate openly, under the control of Government officials, and include persons with no financial interest in the business regarding which they advise. I believe the bill I am introducing today would accomplish these objectives.

I ask unanimous consent that the text of the bill along with the article and minutes to which I have referred be printed in the RECORD at this point.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 1637

A bill to establish uniform standards and procedures for Government advisory committees

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Open Advisory Committee Act."

DECLARATION OF FINDINGS

SEC. 2. The Congress finds and declares—

(1) that advisory committees should be established and used only when they are absolutely essential, and that their number should be kept to the minimum necessary;

(2) that such committees shall be subject to rules of public notice of meetings and disclosure of their number should be kept to the minimum necessary;

(3) that their membership should include a substantial number of representatives from the public;

(4) that the Congress and the public should be kept fully and currently informed with respect to the number, purpose, membership, and activities of such committees; and

(5) that the function of such committees shall be advisory only, and that all matters under their consideration shall be determined, in accordance with law, by the Federal agency involved.

DEFINITIONS

SEC. 3. As used in this Act—

(1) "Federal agency" means any Executive department, military department, independent establishment, or agency in the executive branch of the Government of the United States, including Government owned or controlled corporations;

(2) "advisory committee" means any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof, which is established for the purpose of furnishing advice or recommendations to a Federal agency, or for any other purpose, and which is not composed wholly of officers or employees of the Government.

APPLICABILITY

SEC. 4. This Act shall not apply to an advisory committee—

(1) which furnishes advice or recommendations only with respect to national security or intelligence matters;

(2) to the extent that Congress has by statute specifically provided that such committee shall be subject to provisions which are different from the provisions of this Act with respect to restrictions, purposes, or standards of conduct or disclosure; or

(3) which is composed wholly of representatives of State or local agencies or charitable, religious, educational, civic, social welfare, or other similar nonprofit organizations.

AUTHORITY; COMPOSITION

SEC. 5. No Federal agency shall establish or use an advisory committee unless—

(1) such establishment or use is specifically authorized by law, or the President has determined, as a matter of record, that such establishment or use is essential to such Federal agency's performance of its statutory functions; and

(2) at least one-third of the members of such committee shall be persons appointed from private life who are knowledgeable and competent to represent the interests of the public with respect to the subject matter of such committee; or in the case of an advisory committee composed substantially of members of representatives of an industry or of a type or group of industries, not less than one-third of the members of such committee shall be persons appointed from private life who have no direct or indirect economic, financial, or other interest in such industry or type or group of industries and who are knowledgeable and competent to represent the interests of the public with respect to the subject matter of such committee.

RESTRICTION OF FUNCTIONS

SEC. 6. The function of an advisory committee shall be exclusively advisory. The determination of Federal agency action to be taken or the decision of any matter with respect to such action shall be made solely by officers or employees of that agency.

AGENCY RESPONSIBILITY

SEC. 7. Any Federal agency which establishes or uses an advisory committee shall—

(1) appoint or designate an officer or employee of that agency who shall call, chair, and prescribe the agenda for each meeting of such committee;

(2) give timely and conspicuous notice of each meeting of such committee and of the agenda of each such meeting by publication in the Federal Register and by such other means as may be appropriate; and

(3) provide within that agency a process by which interested persons may appeal any ruling of the chair at any meeting of such a committee to the head of that agency.

ADVISORY COMMITTEE PROCEDURE

SEC. 8. (a) Each meeting of an advisory committee shall be open to the public, and a verbatim transcript shall be taken at each such meeting. The transcript shall include the names and affiliations of all persons present at such meeting and the capacity in which they attend. The chairman of the meeting shall certify the accuracy of the transcript.

(b) No advisory committee shall receive, compile, or discuss data or reports showing the current or projected commercial operations of identified business enterprises.

TERMINATION

SEC. 9. Except as otherwise provided by law, an advisory committee shall cease to exist not later than two years after the date of its establishment, unless the head of the Federal agency which established that committee determines in writing not more than sixty days prior to the expiration of such two-year period that its continued existence is absolutely essential to the performance of duties imposed on such agency by law. Except as otherwise specifically provided by law, no advisory committee shall continue to exist for a period longer than four years after the date of its establishment.

REPORTS AND RECORDS

SEC. 10. (a) Any Federal agency which establishes or uses an advisory committee shall include in its annual report or shall make a separate report to include—

(1) the name and function of each such committee;

(2) the names and affiliations of the members of each such committee; and

(3) a list of the time and place of each meeting of each such committee during the period covered by that report. Such Federal agency shall furnish copies of its report to the Library of Congress, where they shall be available for public inspection.

(b) Each Federal agency shall make available to the public for inspection and copying the records and files, including agenda, transcrips, studies, analyses, reports, and any other data compilations and working papers, which were made available to or prepared for or by each advisory committee. Such records shall be maintained at a single location in each agency for a period of five years after the committee ceases to exist.

JUDICIAL REVIEW

SEC. 11. (a) Any person may bring a suit against a Federal agency if—

(1) that person is or was adversely affected or aggrieved by an action of a Federal agency; and

(2) that action is or was related to a matter considered by an advisory committee subject to the provisions of this Act; and

(3) that advisory committee is or was not operating in accordance with the provisions of this Act.

Any such suit may be brought in the United States district court for the district in which the person bringing such suit resides or has his principal place of business or in the United States District Court for the District of Columbia.

(b) The court having jurisdiction of a suit brought under this section may enter such order as may be appropriate to enforce compliance with the provisions of this Act, and to set aside any agency action in violation of such provisions.

EXECUTIVE ORDERS AND REGULATIONS

SEC. 12. To the extent that any Executive Order or regulation is inconsistent with provisions of this Act, such Executive Order or regulation is superseded.

CIVIL AERONAUTICS BOARD, ADVISORY COMMITTEE ON FINANCE, MINUTES OF MEETING OF NOVEMBER 2, 1970

The organizational meeting of the Civil Aeronautics Board's Advisory Committee on Finance was held at the offices of its Chairman, James P. Mitchell, at One Chase Manhattan Plaza, New York, New York on Monday, November 2, 1970.

The meeting, pursuant to notice, was convened at 10:00 A.M., Mr. Mitchell, presiding. The following members of the committee were present:

James P. Mitchell.
William A. McCurdy.
Blake W. Irons.
Frederick F. Robinson.
Harper Woodward.
Milo Vesel.
S. Kenric Lessey.
Webster B. Todd, Jr.

Also present was Monte Lazarus, Administrative Assistant to CAB Chairman Secor D. Browne.

The meeting opened with a discussion as to whether or not a verbatim transcript was necessary or whether general minutes would suffice. It was decided, after much discussion, that a transcript was not necessary to the conduct of business and that this matter would be taken up with Chairman Browne. With the Chairman's concurrence the necessary steps would be taken to amend the Committee's charter to authorize the use of minutes.

The next subject was the proper province of committee operation. Both the Executive Order (11007) and the memorandum from the Office of the General Counsel were reviewed and it was agreed that the Board could request the Committee's aid in all appropriate areas except where a matter was pending before the Board.

It was also agreed that the Committee would bring matters to the attention of the Board and would make recommendations on the procedural and philosophical conduct of the Board's business and the committee could request that other appropriate members of CAB staff attend meetings.

It was decided that the meetings of the Committee would be closed to the Press and the public. The Committee would, as it deemed necessary and upon invitation, request the participation of outside persons.

The next item concerned the Board's collection and tabulation of financial information of the carriers. The feeling was expressed that the Board was dealing more with historical data rather than current or projected positions. It was agreed that in order for the Board to truly discharge its obligations, its financial information must be of the most up-to-date nature.

The Committee agreed to review the Board's methodology of compiling financial reports and would recommend changes in these procedures in the future.

There then followed a broad discussion of why the advisory groups were formed, what was expected of them, and how they fit into the general scheme of Board operations.

It was pointed out that Chairman Browne had the deepest concern with direct communication between the government and those affected by its operations and that this was the primary reason for the committees: to provide a direct informal flow of ideas. At this time there were no specific projects that the Board has set down for committee action.

The *Domestic Passenger Fare Investigation* was discussed as to format and timing without any discussion of the merits, and particular attention was paid to the *Moss* case and the necessity for legal tariffs. The details of the *Moss* case were discussed as was the Board's most recent fare order (70–9–123) and the reasons behind it.

The general economic posture of the airlines and the industry as a whole was reviewed. The Committee expressed grave concern as to the seriousness of the current situation and urged the Board to address this problem swiftly. The Committee suggested several questions which should be asked of the carriers in order to get a more precise reading of their condition. The list is attached as Appendix A.

The next meeting of the Committee was set for December 4, 1970 at Mr. Mitchell's offices.

The meeting adjourned at 12:30 P.M.

WEBSTER B. TODD, Jr.,
Secretary.

AIR TRANSPORT: NEW PRESSURES FACE LOCAL CARRIERS; DETERIORATING WORKING CAPITAL POSITIONS OF REGIONAL CARRIERS FORCE MERGER, RAISE FEARS OF OUTSIDE CONTROL IN SOME AREAS

(By Laurence Doty)

NEW YORK.—Deteriorating working capital position of the local service industry is forcing a proposed merger between Allegheny and Mohawk airlines and is generating new pressures on the group by creditors, which some observers fear may result in outside control of several carriers.

Deeply involved in the latest moves to protect outstanding loans is the Chase Manhattan Bank here, which is the major creditor for five of the nine local service carriers. The merger plan is being instigated by the Sid W. Richardson Foundation of Texas which holds a substantial interest in Mohawk.

The merger would call for an exchange of one-share of Allegheny common stock for four of Mohawk.

Question of whether actual control of some carriers by banks or loan groups now exists is being studied closely by a number of Washington, D.C., attorneys associated with the industry. Many now believe that a statutory problem may be present in that some banks could be found to hold excessive control over carriers and be in much the same position as a holder of large amounts of equity who could direct the activities of a carrier.

Several locals are resisting what they view as a growing dominance of creditors. This has created a state of ambivalence for all parties involved. The airlines cannot afford to wipe out a major source of capital. Nor do they wish to accept foreclosure because of default.

The banks must protect their loans and are forced to take some action when a carrier's debt/equity ratio and working capital positions reach dangerous levels. Foreclosure would be anathema to them because of the dubious resale value of major assets such as flight equipment.

THE 1971 PROSPECTS

Anxiety in financial circles over the slumping air travel business, which has darkened prospects for the locals in 1971, has been compounded by a recent Transportation Dept. study. This report warned that "it should be evident upon examination of the exhibits [contained in the study] that every local service carrier for one reason or another could be in a bankruptcy court."

The Civil Aeronautics Board considers this an "extreme" judgment but concedes that the debt situation is severe (AW&ST Feb. 22, p. 13).

Chase Manhattan's James P. Mitchell, vice president directly concerned with aerospace activities, thus concluded that the short-term solution lay in increased federal subsidy. Office of Management and Budget placed severe limits on the local carrier's subsidy for fiscal years 1971 and 1972.

But the CAB decided to rebuff the OMB and proposed a Fiscal Year 1971 subsidy of $58.1 billion (AW&ST Feb. 8, p. 23). Mitchell has indicated that an annual subsidy rate of between $80 million and $90 million would be the amount necessary to rescue the locals from their current fiscal dilemma.

For long-range purposes, Mitchell first publicly disclosed his thinking in an address before the Wings Club here on Nov. 18, 1970. He noted that "something is obviously wrong with the design of the local carrier system," and added:

"What is called for is a broad systems approach that will examine the entire picture: the regulatory practices and policies; equipment adequacy; competition; the relative roles of trunks, regionals and third-level carriers; the inter-play with other transport modes. . . ."

Specifically, he called for research and development which would raise economic techniques to the same efficient level attained in the technological area.

It was on this point and the subsidy issue that Mitchell met with the presidents of five local service companies here on Dec. 15, 1970. These were the carriers most heavily obligated to Chase.

The overall situation was discussed but, since the entire industry was involved, the five did not feel they were in a position to commit the other four carriers to any major program and a second meeting was arranged to be held in St. Louis on Jan. 11.

Presidents of seven locals reported at this session. Piedmont Airlines was not represented. Allegheny Airlines was represented by Edwin I. Colodny, vice president-legal affairs and economic research.

Paul Cherington, Harvard professor and former assistant secretary of Transportation under John A. Volpe, was present and emerged as a key figure in the meeting. Heads of Mohawk, Southern Airways and RKO, which holds control of Frontier Airlines, had proposed Cherington to head the long-range analysis of the industry which Mitchell had called for in his address.

In addition, because of his close association with the Nixon Administration, Cherington was felt to be the logical choice to approach the OMB and clarify the industry's immediate requirement for additional subsidy.

CONSULTING FIRMS

Cherington proposed that two consulting firms be retained: Simat, Helliesen and Eichner, and Temple, Barker and Sloan, Inc., in which Cherington has an interest. The program would be conducted over a period of two years at a cost of $200,000 each year.

The group tentatively agreed to accept the project since there were signs that its adoption would relieve some of the pressures on several airlines.

Shortly thereafter, the CAB learned of the action and appeared to respond with some disfavor. The mumblings were subdued but sufficient enough to cause concern among several officials and their attorneys.

In addition, there were a few presidents who were not totally convinced that such an undertaking would provide any beneficial guidance in the conduct of business through 1975.

Nevertheless, an outline plan for the proposed study, which had been prepared by Simat, Helliesen and Eichner, was submitted for review at a third meeting of the group on Jan. 31 at the Hotel Shoreham North in Washington.

The study, which has been nicknamed the "bible," would cover three phases; immediate-range, medium-range and long-range. It would analyze the route structure of the local service carriers to determine how they could operate at a minimum of cost and the highest degree of efficiency.

Basically, the study would define the role of local service operations in the overall air transportation field.

In this respect, the point which stirred the most dissidence among the presidents was the suggestion that the locals' major markets would be on routes with stage lengths up to 600 mi. in the west and 400–500 mi. elsewhere. Many believed that acceptance of this standard would disrupt the Board's current route strengthening policy.

Allegheny would quickly oppose such restrictions in view of its goal to establish itself as a major operator in the northeast sector of the U.S.

In addition, the cost of the project was deemed too high, although it is not out of line with current consultant rates. But, as one lawyer put it, "how willing would the Board be to accept an expenditure of $400,000 to define a role for the locals when that role had already been established by 25 years of route development under Board supervision."

Consequently, the overall plan was rejected and, the next day, the presidents screened their qualms under the enthusiasm over the annual congressional appreciation luncheon, presided over by Joseph P. Adams, general counsel and executive director of the Assn. of Local Transport Airlines (ALTA), host of the affair. During the course of the luncheon, it was evident that members of Senate and House committees concerned with aviation continue to support the locals in their economic development.

Meanwhile, strike-bound Mohawk passed the 30-day grace period after defaulting on payment of $240,000 in interest charges on 6% convertible subordinated debentures. Payments were due on Jan. 15 when the grace period began.

The lapse of the grace period means that bond holders or the indenture trustee—the Marine-Midland Bank of Buffalo—could demand immediate payment of the $8 million in principal. The airline also has a Mar. 1 deadline for payment of $3.3 million in other debt charges due in December and January.

Beyond the proposed merger plan, the airline is attempting to restructure its financial position by correcting its default situation, renegotiating long-term indebtedness and obtaining substantial new equity.

Allegheny and North Central Airlines reported profits in 1970. But the industry as a group is experiencing a decline in the working capital level. Equity for the nine carriers totaled $130 million as of Sept. 30, 1970, and long-term debt at that time stood at $532 million.

By Mr. McGEE:

S. 1639. A bill to provide an additional period of time for review of the basic national rail passenger system; to postpone for 6 months the date on which the National Railroad Passenger Corporation is authorized to contract for provision of intercity rail passenger service; to postpone for 6 months the date on which the Corporation is required to begin providing intercity rail passenger service, and for other purposes. Referred to the Committee on Commerce.

RAIL PASSENGER SERVICE ACT

Mr. McGEE. Mr. President, I introduce today and send to the desk a bill which would postpone for a period of 6 months the date on which the proposed National Railroad Passenger Corporation Act can go into effect.

I do so, Mr. President, with the hope that this body can act quickly to prevent the initiation of a rail passenger system operation that does violence to the legislation which created it—namely, the omission of six States and large sections of the western United States from the rail system that is supposed to provide a national rail passenger network.

Many Members of this body have already expressed their opposition to the system at special meetings of the Transportation Appropriations Subcommittee several days ago, and the House Commerce Committee is currently hearing similar testimony from numerous members of that body.

My own views on the Railpax Corporation proposal were expressed to the subcommittee to which I previously referred, and I ask unanimous consent that my testimony be printed in the Record, at this point.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Testimony of Senator Gale McGee

Mr. Chairman, at the outset I would like to thank you for your prompt response to my request to hold this hearing today to discuss the recent route selections of the Railpax Corporation and to explore the ramifications of the public funds involved in its creation and operation. I know many other Senators share my appreciation that you are holding this hearing.

PURPOSE OF MY TESTIMONY

I testify before your Committee today, Mr. Chairman, for one simple reason—to urge this Committee to rescind any public funds earmarked for the Railpax Corporation and to deny any future requests for funds, until the Congress receives a detailed justification of route selection and restoration of rail passenger routes across Wyoming.

HISTORY OF THE ACT

When the Rail Passenger Service Act of 1970 was enacted into law on October 30, 1970, no one was any more pleased than I. For I believe, as many believe, that the Railpax approach to upgrading and providing more efficient rail passenger service in this country is basically a sound and needed one. Certainly there is no need for me to convince anyone in this Committee of the great need to upgrade our national rail system.

Under the terms of the Railpax Act, the Secretary of Transportation, in recommending a basic route system, was directed to take into account "the need for expeditious intercity rail passenger service within and between *all* regions of the continental United States." I stress the word *"all."* All.

Further, under the Act, the Secretary was directed to consider "adequacy of other transportation facilities serving the same points."

And, finally, to quote from the Act, "The exclusion of a particular route, train, or service from the basic system *shall not be deemed* to create a presumption that the route, train, or service is not required by public convenience and necessity. . . ."

Mr. Chairman, I believe the subsequent actions by the Secretary and more specifically by the Incorporators have been in direct violation of the spirit and intent of the Rail Passenger Act.

Certainly, the route system announced by the Incorporators March 22, 1971 does not meet the criteria of providing service "within and between *all* regions of the Continental United States." Indeed, it left entirely *without* rail service some half-dozen states!

And what about the criteria of "adequacy of other transportation facilities serving the same points"? It certainly wasn't considered in Wyoming's case where we have a bare minimum of commercial air and commercial bus transportation.

WYOMING'S CASE

Indeed, Mr. Chairman, I am at a loss to understand under what logic the Incorporators operated in excluding the Union Pacific Railroad route from Omaha to Cheyenne and west across southern Wyoming and onward to the West Coast. It is the most direct route. It offers the best rail equipment in America today. It offers the smoothest and best-maintained roadbed. In short, it makes eminent sense. Yet the Incorporators have rejected it and recommended instead that the route go from Omaha south to Denver and then wind slowly across Colorado—bypassing Wyoming completely! This decision has come as an incredible shock to me and to the people of Wyoming who depend dearly on reliable rail transportation.

We in Wyoming have a long history of helping and co-operating with the Union Pacific Railroad. As everyone knows, during the construction era, the Union Pacific was granted every other section of land across the right of way spanning the entire State of Wyoming. The income to the Railroad from the mineral and other usages of those lands has not been inconsiderable. They are a large employer of Wyoming working men. And, more importantly, they provide fast, *reliable* east-west transportation within our State boundaries.

We have been shocked, therefore, at the notable lack of interest on the part of Union Pacific to press for inclusion of the Wyoming route in the Railpax system.

I noted with interest the followiing comments in a letter from Mr. Anthony Haswell, Chairman of the National Association of Railroad Passengers, to Mr. David Kendall, Chairman of the Railpax Corporation:

"Finally, a comment on what may be, after Cleveland, your biggest headache regarding routes and services—Wyoming and Idaho. In our view, a train should be operated between Denver (across Wyoming) and Portland by the Union Pacific Railroad at least until July 1973 at no net cost to the Railpax Corporation. Union Pacific is the wealthiest railroad in the country, and received extensive land grants from the U.S. in aid of its construction. By joining Railpax, it expects to save at least $20 million a year in avoidable passenger losses. It is inconceivable to us that the avoidable loss of a Denver-Portland operation would exceed $3 million annually. Were UP to absorb this loss, it still would have a very good deal. We urge the Corporation to do whatever is possible to persuade the UP to continue a Denver-Portland train at least three times a week. . . ."

Surely those revenue figures are well known to the Corporation and only add further to the incongruity of the decision to omit Wyoming. Additionally, we are told that the future of efficient rail transportation in this modern age lies in the ability to move lots of people in a minimum of time—rapid transit—in this case, high speed rail transportation. Surely if this is the notable objective we all think it is, then what more logical trackage to use than that of the Union Pacific Railroad which with its superior roadbed is almost a straight east-west course across Wyoming?

RECOMMENDATION

I submit, Mr. Chairman, that the Railpax Corporation has simply not measured up to its obligations to the Act and to the people of the United States. Yet it seeks public funds from the Congress. I urge this Committee to rescind whatever portion of the $40 million, appropriated for this purpose last year, that remains unexpended. I urge that those funds be denied until the route across Southern Wyoming is included and that rail passenger trains be provided to *each* of the states omitted from the system. And I urge the Committee to serve notice that the Congress of the United States will entertain no requests for additional funds now or in the future until those criteria have been met.

Thank you, Mr. Chairman.

Mr. McGEE. Mr. President, in the past few days we have seen many expressions of opposition to the Railpax proposal. According to the press, several of the rail carriers that were to participate are now having second thoughts. I am advised that certain segments of railroad labor are most unhappy with the proposed severance contracts under the proposal and are considering court action.

All of these developments indicate rather clearly that the pending May 1, 1971, date for the beginning of Railpax service is premature. There are too many unsolved questions, too many ill-considered route selections, and—according to many—far too little money to operate a successful nationwide system.

In view of this, I am therefore introducing this measure which would give the Congress a 6-month period to consider further the implications of the legislation and hold additional hearings on the entire concept.

By Mr. BYRD of Virginia:

S. 1640. A bill to extend the period within which members of the Armed Forces serving on extended active duty may acquire a new principal residence. Referred to the Committee on Finance.

Mr. BYRD of Virginia. Mr. President, this bill would apply to those members of the Armed Forces serving on extended active duty who have sold their principal residences. The general tax law permits any taxpayer 12 months from the time of the sale of his principal residence to reinvest the proceeds in a new principal residence without considering it income.

The current tax law puts the serviceman on an equal basis with civilians by allowing him 1 year after returning from overseas assignment to purchase new homes for not to exceed a 4-year period. Normally overseas assignments have been for a period of 3 years. More recently, however, the Department of Defense is beginning to lengthen a number of foreign assignments to 4 years.

The bill would permit members of the Armed Forces who have sold their homes up to 5 years to reinvest the proceeds in new principal residences without having to treat such proceeds as income.

The proposal I am submitting to the Senate would put the military men on the same footing as civilians. I think this bill is a matter of simple equity and would put the military men on an equal basis with civilians.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 377

At the request of Mr. Tower, the Senator from Hawaii (Mr. Fong) was added as a cosponsor of S. 377, a bill to equalize military retirement pay.

S. 455

At the request of Mr. Inouye, the Senator from California (Mr. Cranston) was added as a cosponsor of S. 455 to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for social agency, legal, and related expenses incurred in connection with the adoption of a child by the taxpayer.

S. 922

At the request of Mr. Ribicoff, the Senator from New Jersey (Mr. Williams) was added as a cosponsor of S. 922, the Youth Camp Safety Act.

S. 1307

At the request of Mr. Randolph, the Senator from Rhode Island (Mr. Pell) was added as a cosponsor of S. 1307, a bill to provide increased employment opportunities for middle-aged and older workers, and for other purposes.

S. 1374

At the request of Mr. Thurmond, the Senator from Arizona (Mr. Goldwater) was added as a cosponsor of S. 1374, a bill to exempt from taxation certain property of the Daughters of the American Revolution in the District of Columbia.

S. 1379

At the request of Mr. Jordan of Idaho, the names of the Senator from Indiana, (Mr. Bayh), the Senator from Nevada (Mr. Bible), the Senator from Minnesota (Mr. Humphrey), the Senator from South Carolina (Mr. Thurmond), and the Senator from New Hampshire (Mr. McIntyre) were added as cosponsors of S. 1379, to authorize the Secretary of Agriculture to establish a volunteers in the national forests program, and for other purposes.

S. 1435

At the request of Mr. Stevenson, the Senator from New Jersey (Mr. Williams) was added as a cosponsor of S. 1435, a bill to ban sports from closed circuit television.

S. 1461

At the request of Mr. McGovern, the Senator from Michigan (Mr. Hart) was added as a cosponsor of S. 1461, the Truth in Advertising Act of 1971.

S. 1470 AND 1471

At the request of Mr. Thurmond, the Senator from Alaska (Mr. Stevens), the Senator from Florida (Mr. Gurney), the Senator from Nevada (Mr. Bible), and the Senator from Utah (Mr. Bennett) were added as cosponsors of S. 1470, a bill to provide an incentive plan for participation in the Ready Reserve; and the Senator from Alaska (Mr. Stevens), the Senator from Florida (Mr. Gurney), and the Senator from Utah (Mr. Bennett) were added as cosponsors of S. 1471, a bill to provide an annuity for the dependents of persons who perform the service required under such chapter and die before being granted retirement pay:

S. 1483

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Georgia (Mr. Talmadge) I ask unanimous consent that, at the next printing, the names of the following Senators be added as cosponsors of S. 1483: Mr. Aiken, Mr. Allen, Mr. Allott, Mr. Bellmon, Mr. Brock, Mr. Burdick, Mr. Eagleton, Mr. Eastland, Mr. Ervin, Mr. Gurney, Mr. Harris, Mr. Hart, Mr. Hollings, Mr. Hughes, Mr. Jackson, Mr. McGee, Mr. McGovern, Mr. Mansfield, Mr. Metcalf, Mr. Muskie, Mr. Nelson, Mr. Packwood, Mr. Pearson, Mr. Saxbe, Mr. Symington, Mr. Thurmond, and Mr. Young.

Mr. President, this is a bill to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes.

The PRESIDING OFFICER (Mr. McIntyre). Without objection, it is so ordered.

S. 1607

At the request of Mr. Bellmon, the Senator from Texas (Mr. Tower) was added as a cosponsor of S. 1607, a bill to provide for additional acreage diversion to protect the environment or the local economy of any area from the results of a natural disaster.

SENATE JOINT RESOLUTION 59

At the request of Mr. Eagleton, the Senator from Hawaii (Mr. Inouye), the Senator from South Dakota (Mr. McGovern), the Senator from New Mexico (Mr. Montoya), and the Senator from Illinois (Mr. Stevenson) were added as cosponsors of Senate Joint Resolution 59, a joint resolution regarding the powers of the Congress and the President to commit the Armed Forces of the United States to hostilities.

SENATE JOINT RESOLUTION 80

Mr. BYRD of West Virginia. Mr. President, at the request of the senior Senator from West Virginia (Mr. Randolph), I ask unanimous consent that, at the next printing, the name of the Senator from New Jersey (Mr. Williams) be added as a cosponsor of Senate Joint Resolution 80, a joint resolution expressing the support of the Congress that the United States should convene in 1971 an international conference on ocean dumping.

The PRESIDING OFFICER (Mr. McIntyre). Without objection, it is so ordered.

SENATE RESOLUTION 103—SUBMISSION OF A RESOLUTION DESIGNATING INTERNATIONAL WALK FOR DEVELOPMENT WEEKEND

Mr. PERCY (for himself, Mr. McGovern, Mr. Cook, Mr. Randolph, Mr. Tunney, and Mr. Cranston) submitted a resolution (S. Res. 103) that Saturday, May the 8th, and Sunday, May the 9th, of this year be declared International Walk for Development Weekend, which reads as follows, and which was referred to the Committee on the Judiciary:

S. Res. 103

Whereas, the continued existence of hunger, malnutrition, overpopulation, unemployment and inadequate housing in this country cannot be justified, and;

Whereas, a nation that produces and consumes the largest share of the world's resources cannot call itself a just nation until an equitable global distribution of resources is achieved, and;

Whereas, Young World Development of the American Freedom from Hunger Foundation believes that a new future for mankind can be achieved when:

We can assure an adequate income for every family and every nation thru an equitable distribution of work opportunities and world trade, and;

We can feed the world's population, and;

We can re-evaluate our foreign commitments and reorder our domestic priorities, and;

We can come to live at ease with—and be enriched by—our own and the world's diversity of people and cultures, and;

We can harness the growth of the world's population, and;

We can preserve the house of man: earth and its environment, and;

A moral concern that stops at national borders is no longer moral, and;

Whereas, Young World Development of the American Freedom from Hunger Foundation further believes that these concerns are far too serious to be left to the sole care of governments and institutions, and that their solutions will be found only when there is widespread local concern for human development brought about by thousands of individuals educated in the issues that affect the future of man, and;

Whereas, Young World Development of the American Freedom from Hunger Foundation, through Walks for Development in over 300 cities in this nation on May 8 and 9, 1971, is working to gain individual involvement and public recognition for these issues, as well as raising funds to support development programs in this country and around the world, and;

Whereas, the young people who join in the Walks for Development in this country on May 8 and 9 of this year will be joined in their efforts by young people in over 40 countries around the world who share a commitment to a new future for the world; Therefore, be it

Resolved, That Saturday May the 8th and Sunday May the 9th of this year be declared International Walk for Development Weekend and, be it further

Resolved, That the week of May 9 through May 15 be declared Human Development Week in the United States of America.

EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATION ACT OF 1971—AMENDMENT

AMENDMENT NO. 56

Mr. ERVIN submitted an amendment intended to be proposed by him to amendment 55 proposed by Mr. Cook and others, to the bill (S. 1557) to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes, which was received, ordered to be printed, and to lie on the table.

NOTICE OF HEARINGS ON ECONOMICALLY DISTRESSED AREAS

Mr. McCLELLAN. Mr. President, the Committee on Government Operations will begin hearings next Tuesday and Wednesday, April 27 and 28, on S. 10, to establish a national policy to revitalize rural and other economically distressed areas. The hearings will be held in room 3302, New Senate Office Building.

NOTICE OF HEARINGS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record notice of hearings on behalf of the distinguished chairman of the Judiciary Committee, the Senator from Mississippi (Mr. Eastland).

There being no objection, the notice to be printed in the Record, is as follows:

Notice of Hearings

Mr. Eastland. Mr. President, notice is given that hearings will be held beginning at 10:30 a.m., Wednesday, May 5, before the Internal Security Subcommittee on six bills introduced by the Chairman of the Judiciary Committee, Senator Eastland, and dealing with various aspects of Internal Security matters.

These bills are, respectively:

S. 1499. A bill to amend title 18, United States Code, with respect to certain offenses against the security of the United States;

S. 1500. A bill to amend the Immigration and Nationality Act, and for other purposes;

S. 1501. A bill to amend titles 18 and 28, United States Code, with respect to proceedings before committees of the Congress, and for other purposes;

S. 1502. A bill to amend the Internal Security Act of 1950, and for other purposes;

S. 1503. A bill to amend the Foreign Agents Registration Act of 1938; and

S. 1504. A bill to provide for the internal security of the United States Government, and for other purposes.

The hearings will continue from day to day as the convenience of the Subcommittee permits until all those wishing to testify have been heard. A witness may desire to submit a statement on any one or more of these six bills at the time of his appearance before the Subcommittee; but a separate record with respect to the testimony on each bill will be maintained.

All those desiring to testify should communicate with the Chief Counsel of the Subcommittee at Room 3234 New Senate Office Building. The attention of prospective witnesses is called to the Rule of the Committee requiring that any witness desiring to read a prepared or written statement should file a copy of such statement with the Counsel or Chairman of the Subcommittee twenty-four hours in advance of the hearing at which the statement is to be presented.

VETERANS OF VIETNAM

Mr. MATHIAS. Mr. President, I am reminded that during the past week, the Nation's Capital has been honored by the presence of the Daughters of the American Revolution. I am a great admirer of that organization. I have for many years been a member of the Sons of the American Revolution. I think that both these organizations perform a very useful service in reminding us of the great struggle that was involved in gaining the political independence of America and the goals of that political independence, which were certain civil liberties.

I have just been looking over the Declaration of Independence and note that one of the points that was made by those who signed the Declaration of Independence in 1776 was as follows:

> In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury.

This complaint, which was made in 1776, became the subject of attention at the time of the Constitutional Convention and became a part of the first amendment—the first article of the Bill of Rights, as it were—whereby the right of the people peaceably to assemble and to petition the Government for a redress of grievance is guaranteed. These are—if anything are—basic American rights, rights for which the Revolution itself was fought.

These are rights which I think are very properly being considered in connection with the attempt of the veterans of Vietnam to give to Congress and the other branches of Government their views on American policy in Indochina. I may not agree with everything they have to say, but I think they have a right to say it. They are young men who have a special place in our society for the contribution they have made, for the military honors they have earned. I honor them for that. I think that they share with every other American citizen the right of petition for a redress of their grievances.

I am hopeful that this right of petition, this right to approach Government—and the attitude of Government to be approachable—will be respected while these young men are trying to express the concern and the fear and the anxiety they feel in their hearts for this country, for which they have fought so well and so honorably.

ADDITIONAL STATEMENTS

INCLUSION OF ARKANSAS IN RAILPAX SYSTEM

Mr. FULBRIGHT. Mr. President, the Arkansas General Assembly has passed a resolution, subsequently signed by Gov. Dale Bumpers, urging the inclusion of Arkansas in the network of passenger train service to be established by the National Railroad Passenger Corporation.

This resolution is indicative of the widespread feeling in Arkansas that the

State should be included in the Railpax system. As I have indicated in previous statements, I strongly believe that each of the contiguous 48 States should be served by the Railpax system, and I am cosponsoring legislation (S. 1018) with that purpose.

In addition to the resolution by the Arkansas General Assembly, I would like to call attention to two recent editorials from Arkansas newspapers. As the Arkansas Gazette points out:

> Arkansas, in plain language, got a raw deal out of the initial routing of Railpax, just as other states and many sizable cities were ignored or slighted.

I think it should be recognized that there can be no fair test of profitability and utilization until the people are provided with comfortable, reliable, and efficient service.

Mr. President, I ask unanimous consent that House Concurrent Resolution 91 of the Arkansas General Assembly, along with editorial from the Arkansas Gazette, and the Fort Smith Southwest Times Record be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOUSE CONCURRENT RESOLUTION REQUESTING THE ARKANSAS CONGRESSIONAL DELEGATION TO VIGOROUSLY SUPPORT AND PROMOTE THE INCLUSION OF ARKANSAS IN THE RAILPAX SYSTEM

Whereas, the National Railroad Passenger Corporation (Railpax) this week announced plans for a network of passenger service crisscrossing the country; and

Whereas, the proposed network of passenger service announced by Railpax would not include the State of Arkansas in the system; and

Whereas, the inclusion of the State of Arkansas in the Railpax system would provide an opportunity for the development of the State, especially the rural areas and would help reverse the trend toward greater urbanization and the problem accompanying the development of congested metropolitan areas; and

Whereas, the inclusion of the State of Arkansas in the Railpax system would be beneficial not only to the citizens of this State but would also improve the overall potential of the system,

Now therefore, be it resolved by the House of Representatives of the sixty-eighth General Assembly of the State of Arkansas, the Senate concurring therein;

Section 1. The General Assembly hereby respectfully urges and requests the Arkansas Congressional Delegation to vigorously support and promote the inclusion of Arkansas in the network of passenger train service to be established by the National Railroad Passenger Corporation.

Section 2. Upon adoption of this Resolution the Secretary of State shall send a copy hereof to each of the members of the Arkansas Congressional Delegation.

[From the Arkansas Gazette, Apr. 7, 1971]

A "NATIONAL" SYSTEM WITHOUT ARKANSAS

Each time we take another look at the intercity route map for the National Railroad Passenger Corporation (Railpax) the omission of any route through Arkansas seems more outrageous than it did before.

In the middle of the country, Arkansas appears on the map as a blank, the bare outlines of its borders being its only identifiable characteristics. It is a lonely splendor shared by only two other states west of the Mississippi—Wyoming and South Dakota—and only three east of the Mississippi—New Hampshire, Vermont and Maine, together in the northeast corner. The other five states are indeed relatively isolated by their geographic position, but in Arkansas's case the inescapable indication is that pains had to be taken to exclude us. The route lines form a loop around Arkansas. The Chicago-to-Houston route sweeps far to the west to make a loop around Arkansas.

Arkansas, in plain language, got a raw deal out of the initial routing of Railpax, just as other states and many sizable cities were ignored or slighted. After May 1, when Missouri Pacific Lines drops its last pitiful one-car daily passenger service through Little Rock, the passenger train will be foreign to Arkansas.

It is appropriate and commendable that Senator J. William Fulbright now is trying to do something about the situation that Arkansas and other states and cities find themselves facing, and we would recommend the issue as well to all others in Arkansas's congressional delegation. Senator Fulbright has joined Senator Frank Church of Idaho, whose state was barely touched on the Chicago-to-Seattle route, in sponsoring legislation that would require Railpax to provide intercity rail passenger service to a major population area in each of the 48 contiguous states. It is certainly reasonable to expect a rail system that is truly "national" to include more than 42 states. A similar expectation has been expressed by Mr. Fulbright and other senators who are not pleased with the initial route plan of Railpax.

We are not prepared to accept several of the arguments implicit in Railpax's initial routing criteria as appropriate justificaton for omitting or slighting less populous areas such as Arkansas. Railpax, for example, made its decisions partly on "current train ridership and number of trains per week." Arkansas rail passengers along the St. Louis to Texarkana route, especially, have been discouraged in almost every way imaginable from riding trains for several years now, and, of course, they have responded in exasperation by using other means of transportation.

At the time Railpax was making its decision, Little Rock was served by one northbound and one southbound train a day. Rail passengers, in truth, have been driven away, and it is simply not fair to judge the need or usefulness of a Railpax line through Little Rock on ridership, number of trains, or another of the criteria used—"current operating costs on each route."

The demand for the kind of first class train service that Railpax proposes to provide, we submit, is very strong indeed, at least on the route of the once splendid Texas Eagles. Those people who make up the demand, however, have not been willing to endure in recent years what has come to be almost a hardship to ride what few trains are left.

There are other reasons as well why Arkansas ought to be a part of the "national" passenger railway network and perhaps they can be expressed by the interested parties to the Congress. Fulbright and six other senators have asked Senator Warren Magnuson of Washington, chairman of the Senate Commerce Committee, to conduct hearings on legislation to extend Railpax. It may afford an appropriate forum for Arkansas to assert its own case in the strongest of terms.

[From the Fort Smith (Ark.) Southwest Times Record, Apr. 7, 1971]

"RAILPAX" SOUGHT IN "SKIPPED" STATES

Senators Fulbright and Church have begun an effort to make sure all states have service in the new Railpax network. Several of them, including Arkansas, were left out entirely in the routes recently announced.

The proposed move would be a law requiring that rail passenger service to a major population center be provided in each of the contiguous 48 states.

To us, this seems reasonable if the new network is to serve a national purpose and contribute to the general development of the country.

In Arkansas, for instance, the nearest passenger service available would be at Memphis on the one side of the state and Oklahoma City on the other.

That doesn't have much significance to Arkansas people.

In the original outline of the network, there were only a very few states which were provided no service at all. It seems to us some minor readjustments should be able to correct that.

And the corrections should be made.

The new bill proposed by the two Senators should receive wide backing in the Congress.

BEYOND VIETNAM: AN ADDRESS BY SECRETARY LAIRD

Mr. GRIFFIN. Mr. President, in a major speech before the American Newspaper Publishers Association in New York yesterday, Secretary of Defense Laird presented an important statement concerning our national security requirements.

I ask unanimous consent that the text of Secretary Laird's address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

BEYOND VIETNAM

(An address by the Honorable Melvin R. Laird, the Secretary of Defense, before the American Newspaper Publishers Association, New York City, April 21, 1971)

I am particularly pleased to have this opportunity to meet with the American Newspaper Publishers Association and to discuss with its members, the serious national security problems we face.

This is, in my view, a particularly timely meeting. I would not want to miss this chance to comment briefly on a matter which is of great mutual concern to the ANPA and to the Department and your profession.

As we look beyond Vietnam to the challenges of the years ahead, rarely before in our history have we needed a closer understanding among those who believe in a strong defense and a strong free press.

A strong, free country and a strong, free press go hand-in-hand. You and I share an obligation—and a unique opportunity—to preserve and strengthen both of those great national imperatives.

What we need is not to shout at one another. Rather, we need to sit down and talk over together the problems of national security news coverage which have arisen in the past decade or so. It is time for improved professional contacts—contacts that candidly recognize past mistakes and seek future understanding.

I welcome the opportunity, as you are giving me here today, to discuss openly with you some of our crucial national security problems. The President's goal of a generation of peace through partnership, strength and meaningful negotiations is a worthy goal. Our national security programs are linked to that goal.

In this month of April, 1971, I am able to report that U.S. objectives in Vietnam are rapidly being achieved and that U.S. military involvement in the war in Southeast Asia is coming to an end.

Successful negotiations in Paris remain the quickest way to resolve the Southeast Asia conflict. But Vietnamization is consistent with the goal of self-determination, should Paris continue to produce no meaningful results. Vietnamization will bring about termination of American involvement upon resolution of the Prisoner of War issue. In my judgment, Vietnamization will continue to succeed. The problems that do remain are not going to thwart the policy of United States withdrawal as announced by our Commander-in-Chief.

Now the time has come for the American people to think about America's role in promoting peace and security after Vietnam.

In 1969, when the Nixon Administration assumed office, it seemed to me that we had to shift public debate and discussion from "Why Vietnam" to "Why Vietnamization." It seemed to me profitless to continue an argument about decisions made in earlier years that had committed American forces to combat in South Vietnam. What we needed to do at that time was shift the focus from what led to increasing levels of American troops in Vietnam to what was needed and what we were doing to reduce American troop levels and terminate our involvement.

It is time now to shift the debate from "Why Vietnamization" to "Beyond Vietnam." It is time to discuss the Strategy of Realistic Deterrence which we have formulated to help achieve the goal of a generation of peace.

The changed conditions in the world today and the demands of world realities called for a new foreign policy, a new national security strategy and a different approach and attitude toward American involvement in the affairs of the world.

The President has provided the new foreign policy and the new approach that emphasize realistic involvement and vigorous negotiation while maintaining adequate strength. And we have formulated a new defense strategy that supports the foreign policy goal and approach of the Nixon Administration.

In the 1950's, you will recall, we had a defense strategy that was widely described as a strategy of massive retaliation. It was a credible or realistic strategy for that decade because we had an overwhelming strategic nuclear superiority.

In the 1960's, massive retaliation gave way to a strategy that became known as assured destruction and flexible response. This also was realistic from the standpoint of deterring nuclear war. In the early sixties, for example, President Kennedy was able to take the stand he did in the Cuban missile crisis to a large extent because we still maintained a four or five to one nuclear superiority. Unfortunately, however, the strategy of flexible response did not prevent us from becoming involved in the longest conflict in our history.

And that is precisely the challenge of the 1970's. We need a strategy for the 1970's that can effectively deter not only nuclear war but all levels of armed conflict. It was that need coupled with an awareness of the realities we face that led to the adoption of what we call the Strategy of Realistic Deterrence.

We call it realistic because it is designed to take account of the major realities facing America and the rest of the world in these difficult times. It recognizes that there cannot be any instant solutions to the problems that simultaneously confront us. And it underscores the fact that the United States by itself cannot provide realistic deterrence on a global scale.

The four basic realities which led to the new strategy are: a strategic reality; a fiscal reality; a manpower reality, and a political reality.

The strategic reality includes most notably the tremendous growth in Soviet military strength from a position of clear inferiority in the early 1960's to near parity today. It also includes an emerging nuclear capability on the part of the Peoples Republic of China.

The fiscal reality involves not only the heavy pressure in Congress for reduced defense spending but the upward pressures of inflation on the cost of everything we need to buy to maintain adequate military forces.

The manpower reality is not yet fully understood. People constitute the single biggest cost in the defense budget. Pay and related costs in FY 1972 will claim some 52 per cent of the total defense budget based on the pay increases we have recommended. It will cost us almost $18 billion more than it did in 1964 for 133,000 fewer people. And in the next year or two, manpower costs will be claiming close to 60¢ out of every defense dollar as contrasted to the 43¢ it claimed from the 1964 defense dollar.

The political reality severely complicates the other three:

Whether you look at it from the standpoint of the political and psychological effects of Soviet policy and growing presence around the world, such as in the Mediterranean and the Middle East;

Whether you look at it from the standpoint of political pressures from our allies to maintain forward deployed U.S. forces;

Whether you look at it from the standpoint of Congressional pressure to reduce those forces; or

Whether you look at it from the standpoint of gaining broad political support here at home for doing all the things we have to do to assure our national security interests while continuing to reorder our national priorities.

The most pressing reality remains the strategic reality. The most essential requirement in terms of national survival remains assuring the adequacy of our strategic deterrent.

One year ago yesterday, I spoke to the Annual Luncheon of the Associated Press here in this room. The thrust of my remarks was the deep concern I felt that by the mid-1970's the United States could find itself in a second-rate strategic position.

I regret to report today that nothing has happened in the intervening twelve months to lessen that concern. Quite the opposite is true.

In December and January, it began to look as if the Soviet Union was slowing its rapid rate of ICBM deployments after having reached a level of land-based ICBM's that gave them approximately 400 more than the 1054 possessed by the United States. The situation began to change in February and March, as we reported publicly. More recent evidence confirms the sobering fact that the Soviet Union is involved in a new—and apparently extensive—ICBM construction program. This new ICBM construction effort, coupled with additional momentum in the strategic defensive area—all clearly planned months ago—must be of major concern. Moreover, while we have an advantage in submarine-based missiles today the USSR is rapidly closing that gap with an energetic construction program that continues.

Last year, I indicated that we could postpone some hard decisions in the FY 1971 transitional budget to give SALT every chance of success. We were forced to face some of those decisions in the FY 1972 budget on which I reported to Congress last month. We felt, in the light of the continuing Soviet momentum, as it was assessed late last year, that prudence dictated accelerated development of a new strategic bomber, the B–1, and a new undersea-launched strategic missile system, the ULMS. We are proceeding at the optimum development rate consistent with sound management, but, of course, no procurement decisions have yet been made.

We sincerely hope for convincing progress in SALT. But failing such progress I must tell you today that the renewed Soviet strategic weapons momentum may confront us with the need for additional offsetting U.S. actions. I would have no choice but to recommend these actions—over and above what has been presented to Congress in the FY 72 budget—in order to preserve the sufficiency of our strategic forces. We would much prefer success in SALT.

I felt last year and I feel now that the people of America perhaps may be willing to settle for a situation of so-called strategic nuclear parity. But under no circumstances, in my view, would the American people be willing to settle for inferiority.

I can assure you of one thing: so long as I am Secretary of Defense—and no matter the criticism it may evoke—I will never refrain from recommending programs which I believe are essential to the survival of our nation and the safety of our people.

My job is to provide the capabilities necessary to prevent war, and that is what we are seeking to do under the Strategy of Realistic Deterrence. But while we can never neglect the essentials of strategic sufficiency, we have tried to fashion a strategy that will lead to the effective deterrence, of all war, not just nuclear war.

If we are to prevent all forms of war, if we are to restore and preserve peace, if we are to make possible a world in which there can be expanding freedom, we must maintain adequate U.S. strength and help improve the strength of our friends and allies. That is what the Strategy of Realistic Deterrence is all about.

In its simplest formulation, Realistic Deterrence is the strategy we have designed to carry out the Nixon Doctrine. It is based on the three principles of partnership, strength, and willingness to negotiate. It seeks to steer a prudent middle course between the policy extremes of world policeman and a new isolationism. It does this by providing the means for effective development and use of the military resources of peace-seeking nations to deter conflict at all levels. Except in the field of nuclear weaponry, it calls on other nations to do more to provide for their own defense—particularly by furnishing manpower. It seeks to foster greater readiness on the part of other nations, individually and in regional cooperation, to increase their ability to defend themselves. It offers U.S. assistance—economic and military—and U.S. support to such nations where our interests are involved. The partnership it proposes means that other nations must do for themselves some of the things we have been doing for them. One of its major goals is to prevent American involvement in future Vietnams.

Realistic Deterrence means a smaller military force for the United States, but one which is more combat-ready than it has been in peacetime in the past. It means modernized equipment. It means a vigorous Research and Development program to assure our continued technological leadership. It means strengthening the National Guard and Reserves and reducing reliance on the draft.

In our FY 1972 budget, the Department of Defense is implementing the President Strategy for Peace by completing the transition from a military force of 3.5 million men and women involved in war—largely draftees or draft-induced volunteers—to a truly volunteer force of at least one million fewer men and women who will be engaged in preventing war. We have established the goal of zero draft calls by July 1, 1973.

Let me be perfectly frank. Successful implementation of the Strategy of Realistic Deterrence is the most difficult and challenging national security effort we have ever undertaken in this country. It must be accomplished in an environment of strategic nuclear parity—a reality that leaves little margin for error and no room for failure. It must be accomplished in a period of vigorous Soviet military expansion at sea, on the land, in the air and in space. Nor can we ignore their expanding military assistance to deploy Soviet troops and equipment in other countries.

What is required is the maximum utilization of all Free World resources for deterrence—not just those, nor primarily those—that the U.S. can provide. That is why in Asia, we are stressing a greater manpower contribution on the part of our friends and allies. That is why in NATO, a new spirit of burdensharing has evolved.

But that is also why it is so important for us in the Department of Defense to have the trust and confidence of members of the press. For it is through the press that we must seek the understanding and support of the American people. Without that support, and full understanding, the goal of a lasting peace—so elusive to so many generations before us—will have no chance for success.

At the beginning of these remarks, I emphasized how important it is for all of us to begin looking beyond Vietnam. It might be appropriate, therefore, to close by calling to your attention important forthcoming talks in NATO.

As we look ahead, to the long-range national security requirements of our nation and the rest of the Free World, the meetings of the Defense Ministers in NATO next month may be the Alliance's most significant substantive discussion in at least a decade. At the Nuclear Planning Group session in the Federal Republic of Germany and then immediately afterwards at the session of the Defense Ministers in Brussels, I will continue the new level of consultations with our NATO Allies which President Nixon initiated shortly after he assumed office.

These meetings will give me an opportunity, both in the formal sessions and in my private meetings with my colleagues, to explain in full detail the new United States National Security Strategy of Realistic Deterrence.

I will speak to my fellow Ministers against a background of two decades in which the partnership, strength and willingness to negotiate among NATO members have provided peace and stability for that Alliance.

I will bring them up to date on the threat assessment as we see it today, and I will want to hear from them their view of the momentum of Soviet activities, such as the stepped-up naval operations in the Mediterranean, and the provision by the Soviet Union of sophisticated new weapons in the Middle East.

I think it is clear that we are past the day when the United States could or should discuss defense problems with our NATO allies or anyone else with a "big brother knows best" attitude. Not only are we trying to face the realities that require adequate free world strength, we are seeking conscientiously and systematically to conduct our relations to fulfill our responsibilities on a full partnership basis.

We are not going to preach platitudes to our own people or to our allies and friends as we seek to implement the Strategy of Realistic Deterrence. We ask only for recognition of the realities we face and the determination to meet them together in a timely and effective manner. In that way, we can achieve our goal of peace.

NATIONAL SCIENCE FOUNDATION ANTITRUST STUDY PROPOSAL

Mr. McCLELLAN. Mr. President, I believe that there is no category of laws of the United States which regularly and daily produce more unhappiness to both those who are subject to the law and those who enforce the law than our antitrust laws. It is an accepted fact that the statutes in this area are, generally speaking, not based upon the sort of economic evidence on which they should be based. Indeed, I am informed that the sort of economic evidence on which sound workable antitrust laws should be based is not even available.

Antitrust laws which would promote a proper relation between Government and business with regard to competitive practices and accumulation of competitive power should be assembled, and they should be assembled by an impartial organization with the expertise to give us proper bases for formulation of legislation in this field. At the present time, lawyers and judges are making antitrust laws without the benefit of such facts. A fresh idea as to how to obtain this information has been advanced by Mr. Allen C. Holmes, a district attorney, in a recent address in New York. He urges that the impartial National Science Foundation support comprehensive studies designed to develop economic theory under which we could fix acceptable standards and determine the economic facts at any given time.

I commend Mr. Holmes for his proposal and suggest that it is worthy of the serious consideration of everyone concerned with the present state of knowledge underlying our antitrust laws.

Mr. President, I ask unanimous consent that Mr. Holmes' speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

VALIDATING ECONOMIC EVIDENCE

ECONOMIC DATA AND EVIDENCE OF COMPETITION

(By Allen C. Holmes)

Last summer when Betty Bock asked me to address myself to the subject of validating economic data and evidence in the context of antitrust litigation, I responded with mixed emotions. It is an area in which I am deeply interested—although I hasten to disclaim any expertise as an economist—but the antitrust decisions in the last decade make me feel as lonely as a Chinese astronaut. Attention to the *facts* of our present economy and to the development of empirically derived economic principles has become passe. I recently heard a story that aptly illustrates the point. It seems that the Chief Executive Officer of a rapidly growing conglomerate—if there are any today—decided to employ a new firm of auditors. It took him a half day to interview eight of the leading accounting firms in the country and make his choice. When asked how he was able to act so swiftly he explained that he needed to ask only one question of most of them. How much is 2+2? Each of the first seven said 4. The last said that it wasn't really sure and then asked "what do you have in mind?" I see you get the point.

Too often major antitrust cases of great significance have been tried and ultimately decided without any real attempt to apply soundly developed economic theory to the particular facts of the case. Too often each side produces a mass of statistical and other data, attacks the meaningfulness of the data produced by the other side and then calls an appropriately-qualified expert who, without reference to any empirical studies, holds forth at length as to the significance of the data submitted to him, usually in the form of a hypothetical question. On appeal it is customary to seek to discredit, or demonstrate the irrelevancy of the testimony of the other party's expert, by reference to hoary studies of past economic systems which have become enshrined in our economic literature by virtue of the constant reference to them by prior courts and official reports of various sorts.

Obviously, this is hardly the way to bring about a wise resolution of the complex controversies regarding economic policy reflected in much of our present antitrust litigation.

In considering this problem it might be helpful to draw at the outset a basic distinction between at least two areas of economic analysis required for the proper disposition of antitrust cases. Logically, the first is analysis and validation of economic theory to the extent necessary to establish the economic standards against which structure and conduct are to be tested. The second involves the analysis and validation of the specific economic facts of a given case in relation to these standards. The courts have traditionally attempted the latter. Unfortunately they have either failed to recognize the necessity for the former or have engaged in questionable judicial abnegation.

The consequence is that there is now a widespread recognition that the trial of complex antitrust cases involving significant economic issues has become a charade. In many instances the parties engage in elaborate discovery programs consuming months upon months of time in order to secure traditional standards of proof. Once this has been done we then see courts being urged to abandon virtually all evidentiary standards in selecting and evaluating the economic data. Obviously careful proof of basic economic data is a meaningless step if the economic theory which is applied to it is without validity.

The willingness of courts to accede to such urging is, no doubt, premised in part at least upon the practical limitations of the judicial process itself. While courts are equipped to deal with a substantial volume of raw economic data relating to the particular facts of the case before it, they obviously are not able to conduct empirical studies from which meaningful economic theory may be inferred. Thus, once the battle of experts has run its course, the courts have no alternative but to turn to the available secondary economic authority.

Unfortunately, much of the available and superficially prestigious "economic" authority has no foundation in empirical data. An apt example of such authority is the report of the White House Task Force on Antitrust Policy, released in 1969 (the so-called Neal Report).[1] In explaining its preoccupation with concentration, it states:

"In general it may be said that the smaller the number of firms in any industry—at least where the number is very small or where a very small number is responsible for the overwhelming share of the industry's output—the greater the likelihood that the behavior of the industry will depart from the competitive norm."[2]

The Report cites no data, no studies, or other material which lawyers would regard as probative evidence to justify these propositions of economic theory. It merely observes that "these propositions have found general acceptance in economic literature in the past 25 to 30 years."[3] It concludes by recommending specific and drastic legislation designed to result in the restructuring of industries having annual sales of at least $500,000,000 in which four, or fewer, firms control 70% or more of the market.

One is immediately struck by the fact that the elaborate legislative scheme has been constructed on the basis of a glibbly-stated economic proposition, the validity of which is never examined. This should perhaps not be surprising, for as I have just noted it is precisely this approach which has been successfully urged upon our courts in recent years.

Footnotes at end of article.

This same issue was recently re-examined by a task force appointed by the present administration prior to its taking office and the results of this examination have been published in the so-called Stigner Report.[4] While the Stigler Report rejects the idea that structure is dispositive as to the issue of antitrust violation and calls for examination of specific conduct, it suffers from the same defect as the Neal Report. Like the Neal Report, it accepts the assumption that concentration is inconsistent with competition. The line is drawn somewhat differently, but apparently just as arbitrarily; the Stigler Report assumes that five to ten equal-sized firms constitute a sufficient number of firms to permit free competition. Unlike the Neal Report, the Stigler Report does not advocate deconcentration. Rather it calls for a change in the law by suggesting that in the "highly oligopolistic industries" noncompetitive pricing, without more, ought to be "a clear basis for proceeding against the leading firms under Section 1. Collusion that can be incontrovertibly inferred from behavior . . . should not bring immunity from the Sherman Act. . . ."[5] Like the Neal Report, the Stigler Report recommends sweeping "reforms" without any attempt to explain the concept of "noncompetitive pricing" or provide any statistical basis for demonstrating its presence.

The FTC staff report on corporate mergers (the so-called Meuller Report) differs from the Neal and Stigler Reports in that it purports to be an impartial study of the significance and character of certain economic phenomena, for example, reciprocity, cross subsidizing, predatory competition, and interdependence and mutual forbearance, all of which are asserted to be anti-competitive in nature.[6] The report contains some sixty tables which ostensibly constitute authority for the economic proposals set forth in it. Unfortunately, as one outstanding economist has recently noted, few of the tables can be duplicated even in part and nearly all list as their source of information the Bureau of Economics of the Federal Trade Commission.[7] Study of the report leads to the conclusion that, to the extent that the authors have attempted to substantiate their economic propositions, their attempts have resulted in failure.

On the other hand, it is unfair to ignore the fact that courts have sought to rely upon studies that are much more effective efforts to develop economic principles relevant to the disposition of economic issues in antitrust litigation. Unfortunately, these studies have certain common characteristics that throw serious doubt upon the propriety of a court's reliance upon them. I am speaking of the studies which were made twenty to forty years ago and include those of Berle and Means, Burns, Bain and several others. All of these studies were made with respect to an economic and business world vastly different from that of today. Further, they lack persuasiveness were we to assume that they are relevant to the present situation.

For the purposes of example only I would call attention to the studies concerning concentration undertaken by Professor Bain.[8] Professor Bain studied the relationship between eight firm concentration ratios in 42 industries as determined in 1935 and the weighted average accounting rates of return on book net worth in three or more companies in each such industry over the years 1936 through 1940. For reasons that we may accept as valid he did not use concentration ratios in the other 298 industries for which concentration ratios were calculated. His conclusion was that there was an affirmative relationship between profit margins and the degree of concentration in those industries which he studied, but he noted a series of significant reservations concerning the significance of his data which I need not go into here but which I can properly say have been completely ignored in the use of his studies by those who have followed him.

Were we to concede that the study had validity when made it is hardly to be assumed that the equilibrium condition which he sought to observe would continue to exist many years later after three wars, numerous recessions, periods of unprecedented domestic inflation and technological advances not even dreamed of in the 1930's. Certainly as one thoughtful economist has recently pointed out, the evidence offered by Bain is neither strong enough in its original form nor sufficiently supported by later evidence generated by the passing of time to underpin the conclusions that have been drawn from it by the courts.[9]

Unfortunately, effective comprehensive empirical research in areas such as this has not been undertaken in recent years. To be sure some more recent studies have been undertaken, but none of the scope of the Bain study. And even the most recent studies rely on data from the 1950's.[10]

One other aspect of the distressing state of the economic art insofar as it relates to the determination of antitrust issues should be noted. Many economic studies are based to a large degree upon data compiled by the Bureau of the Census and organized in accordance with their Standard Industrial Classifications. Before reliance can be placed upon these statistics the categories must be scrutinized to determine whether they reflect economic reality and the information gathering process itself must be validated. As many of us know, the information submitted to the Bureau of the Census is sometimes fragmentary and the classification of individual plant information frequently is made on the basis of historical precedent rather than on the basis of the directions provided by the Bureau.

Faced with this bleak situation it is not surprising that the courts, especially the Supreme Court, have begun to postulate dubious economic principles and make sweeping economic determinations on the basis of economic concepts that have not been empirically demonstrated. Moreover, judicial restatement of dubious economic propositions has become the proof of their validity. While the ultimate outcome of the Supreme Court cases may or may not be economically justifiable this methodology clearly is not. Illustrative of this problem is the line of cases commencing with the Supreme Court's decision in *United States* v. *Philadelphia National Bank*, decided in 1963 and ending with the *United States* v. *Pabst Brewing Co.* case decided in 1966.[11]

In the *Philadelphia National Bank* case the Supreme Court adopted as a matter of national economic policy, but virtually without any economic support therefor, the proposition that: "competition is likely to be greatest when there are many sellers, none of which has any significant market share."[12] On the basis of this proposition the Court constructed a rule of presumptive illegality in any merger case in which the merged company would control more than 30% of the market and held the merger in question illegal.[13] No meaningful economic evidence was offered to support the presumption and, in fact, the Court ignored substantial economic testimony which the District Court had found persuasive.[14]

The courts and legal scholars attempt to justify the use of such arbitrary presumption on the ground that they provide meaningful guidelines by which businessmen can conduct their affairs. As we are all aware, no such meaningful guidelines have emerged. The reason for this is apparent. The Supreme Court typically ignores the available economic evidence as to the anticompetitive effects of the merger in question and focuses almost exclusively on the market share of the combined company. By ignoring the available economic evidence the Court has deprived itself of the opportunity to construct a conceptual framework within which to test the conduct at issue. As a result, every merger case decided by the Supreme Court is tantamount to the establishment of a rule of presumptive illegality based on market share. Subsequent to the *Philadelphia National Bank* case the Court held unlawful the merger in the *Alcoa* case where the merged companies controlled approximately 29.1% of the market;[15] the *Continental Can* case, where the merged companies controlled approximately 25% of the market;[16] the *Von's Grocery Co.* case, where the merged companies controlled approximately 7% of the market;[17] and the *Pabst Brewing Co.* case where the merged companies controlled approximately 5% of the market.[18]

The line of cases rests upon *Philadelphia National Bank* and as such has been constructed without the benefit of economic authority. Moreover, what little economic authority was cited in the *Philadelphia National Bank* case is irrelevant to many of the subsequent decisions. For example, Professor Bain's studies, cited in *Philadelphia National Bank*, relate to concentrated industries consisting of eight manufacturers. The *Von's Grocery Co.* case however involved the retail grocery market in Los Angeles—hardly a concentrated industry. Further confusion is caused by the fact that the logical culmination of these cases, the Department of Justice Merger Guidelines appear to be less restrictive than the cases themselves. Accordingly, it seems very difficult to justify the rule of thumb approach to mergers on the ground that it has added certainty to the conduct of business affairs.

An even more basic shortcoming to the Supreme Court's handling of merger cases is its approach to the concept of the relevant market. The geographic market is typically arbitrarily drawn by reference to political boundaries which have no economic significance whatever. At the same time the definition of the product market has been the subject of *ad hoc* determination with no reference to theoretical analysis. Frequently this has involved focusing upon the historical demand side only of the market and ignoring the supply side of the equation. As a result, slight differences in product characteristics have frequently been elevated to the status of market determinants. As Dr. Terleckyj pointed out, modern market analysis ought to take into account whole systems rather than focusing solely on a restricted group of products or services.

The lack of any meaningful standard of product market is most apparent in the *Alcoa* and *Continental Can* cases, both decided by the Supreme Court in June of 1964. In both cases the Supreme Court ignored the substantial volume of economic evidence reviewed and analyzed by the district court; and in both cases the Supreme Court reversed the district court's definition of the relevant product market and found the mergers to be legal. Had there been established in the law a requirement that the structure and conduct of markets be measured against a basic concept obviously centering upon an area of effective competition, the Supreme Court could not have determined the product market in *Alcoa* to be substantially narrower than that determined by the district court and a scant three weeks later determine the product market in *Continental Can* to be substantially broader than that determined by the district court.

While the picture of economic unreality which I have painted appears to be somewhat bleak, there are some encouraging signs that an awareness of the need of a two-level analysis of the type which I have suggested as essential to the disposition of antitrust cases is receiving some support in the district courts. Six weeks ago in Chicago Judge

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Footnotes at end of article.

Richard B. Austin ruled in the Justice Department's case challenging ITT's acquisition of Canteen Corporation that the Mueller Report was not admissible into evidence. The Government had attempted to introduce the Report and the tables contained therein to substantiate the proposition that there is a trend toward increasing concentration of economic power among large companies. ITT objected to the introduction of the report primarily on the ground that the FTC had not permitted ITT the opportunity to examine fully the underlying data upon which the various tables were based. Judge Austin sustained ITT's objection and ruled the material inadmissible unless all underlying data were made available for inspection and unless the author of the Report be subjected to cross-examination. Several weeks earlier, in the Justice Department's case challenging ITT's acquisition of Grinnel Corporation, Judge William H. Timbers excluded the same report on the ground that it was not relevant to the issues in that case.

By this time those of you from the world of business, whether executive or counsel, are of two minds: some of you feel that all of the foregoing criticism is well deserved and the result should be that actions of the type that have been brought recently by the Government, particularly under Section 7 of the Clayton Act, should be abandoned; the rest of you are saying to yourselves that this has indeed been a waste of time for we all know that the Government can't abandon its enforcement activities under the antitrust laws and particularly Section 7, so why enveigh against the inevitable?

The reason I am here today is precisely because I don't think these are the only two alternatives. Quite the contrary. There are several other ways of approaching the problem I have been describing. I have one that I would like to present to you today.

I propose that the National Science Foundation be asked to support, on a broad scale, comprehensive economic studies designed to collect, organize and analyze the available economic reports, studies and statistics relating to the major economic presumptions and assumptions upon which the antitrust laws and current antitrust policy are premised. The National Science Foundation should be encouraged to commission a series of independent empirical studies by economists with differing backgrounds and positions on economic questions. Such studies would include for example (i) development of a meaningful concept of product markets including, if appropriate, the relationship between submarkets and markets, (ii) analysis of the relationship, if any, between concentration and competition, (iii) identification and analysis of the role of potential competition in various types of industries and (iv) the significance of advertising in industries having very few competitors. I could go on at length but I'm sure that each of you can expand the list from your own familiarity with recent antitrust litigation.

The program would be ongoing, the studies would be updated periodically and obsolete studies replaced or supplemented by current studies. This would enable continuous re-evaluation of current and past statistics in light of more sophisticated techniques of fact gathering and analysis.

All the resulting conclusions, reports and underlying data would be available to any party to antitrust litigation, including parties to private treble damage actions. The authors of the reports or studies would also normally be available for examination by parties to antitrust litigation. For example, if one party to antitrust litigation would seek to introduce into evidence the results of a specific study the opposing party would have the opportunity to attack the data on which the studies are based and would also have the opportunity to present other studies which it feels limit or question the study sought to be introduced. There would be no pervasive doctrine of collateral estoppel or stare decises. The fact that an economic proposition had been accepted as valid in one case would not compel its acceptance as valid in a subsequent case. While judicial acceptance in an earlier case would have some relevance, perhaps constituting a prima facie showing of validity, an economic principle established in one case would be subject to challenge in subsequent cases.

Hopefully this procedure would result in the gradual refinement of a realistic, meaningful and workable body of economic principles against which the economic evidence in antitrust cases could be tested and in relation to which the antitrust laws could be applied to the facts of a given case. Under such circumstances it does not seem unrealistic to assume that district courts would be prepared to reject miscellaneous articles, reports and other economic literature not validated in the fashion discussed above. It may not be too much to hope that appellate courts would likewise recognize the desirability of abandoning the wholesale use of miscellaneous economic literature with which none of the parties have had an opportunity to deal and which are frequently nothing more than the inspired intuition of economists.

Existing judicial procedures could be adapted easily to accommodate such economic studies and data. For example, courts might require, as they now do in many complex cases, that a pretrial hearing be held to define the economic issues. In connection with that hearing each side would be required to disclose the economic evidence which it intended to offer at trial. The judge could then set up a schedule of pretrial hearings at which the validity and relevance of the propositions could be tested; and in this manner these evidentiary questions could be thoroughly briefed, argued and disposed of prior to trial.

The National Science Foundation could become a singularly appropriate overseer of these studies. Unlike the Federal Trade Commission, it is not an antitrust enforcement agency and thus would not have an interest in the outcome of the studies. On the other hand, since the National Science Foundation is not identified with the business community it could hardly be charged with bias. Further, its activities are scholarly and could be expected to receive serious consideration. It has sufficient resources to finance the type of in-depth studies required; in fact, a specific section of the National Science Foundation is devoted to research relating to the social sciences, including law and social problems. Finally, it is likely that it could secure access to substantial quantities of statistical materials which would not otherwise be available and it has the prestige necessary to attract the participation of leading economic experts.

I suspect that this brief statement is not sufficient to convince the majority of you, but please think about the proposal. I hasten to suggest that you not spend your time criticizing my precise statement of the proposal for I am advancing an idea, not attempting to provide working drawings, although I am very conscious of their importance.

This is a logical time in history to undertake a basic reform of the approach to economic theory in antitrust cases. The courts are not incapable of change and I need only call again to your attention the decision of Judge Timbers in *Grinnel* and Judge Austin in *Canteen* to make my point. Recent decisions of our highest Court in other fields show a willingness to re-examine prior propositions established but a few years ago. Many persons are now calling for a thorough re-examination of our national antitrust policy. If this is to be done, it is important that a conceptual structure be developed to permit an evaluation of the quality of the competitive performance of our present economic institution. Further, we are undergoing a knowledge revolution. The conditions that have made economics so unsciencelike are ending. Enormous quantities of significant data are becoming available on a continuing basis. Human conduct and motivation are now better understood and there is a vastly greater awareness of the fact that technological change is bringing with it significant changes in our economic institutions.

If you have the confidence that I have in the quality of the performance of our present economic institutions, you will join in the effort to encourage objective economic research concerning the assumptions basic to the determination of antitrust policy and basic to fair and reasonable resolution of antitrust controversies under our antitrust laws.

FOOTNOTES

[1] *Report of the White House Task Force on Antitrust Policy*, dated July 5, 1968, released May 21, 1969.

[2] *Id.* at II–2.

[3] *Id.* at II–2.

[4] *Report of the Task Force on Productivity and Competition*, Cong. Rec., vol. 115, pt. 12, p. 15933.

[5] *Id.* at p. 15935.

[6] *An Economic Report on Corporate Mergers*, Staff Report to The Federal Trade Commission, published as *Economic Concentration*, hearings before the Subcommittee on the Judiciary, United States Senate, Ninety First Congress, First Session.

[7] Adelman, *Recent Reports on Antitrust Policy: An Economists's View*, 25 Record of N.Y.C.B.A. 566 (1970). See Bock, *Statistical Games and The "200 Largest" Industrials: 1954 and 1968*, (1970).

[8] Bain, *Relation of Profit Rate to Industry Concentration: American Manufacturing 1936–1940*, 65 Q. J. Econ. 293 (1951).

[9] Brozen, *The Antitrust Task Force Deconcentration Recommendation*, 13 J. Law & Econ. 279, 288 (1970).

[10] See, id. at 280, n. 5.

[11] *United States v. Philadelphia National Bank*, 374 U.S. 321 (1963); *United States v. Pabst Brewing Co.*, 384 U.S. 546 (1966).

[12] *United States v. Philadelphia National Bank*, 374 U.S. 321, 363 (1963).

[13] *Id.* at 364.

[14] *Compare Id.* at 366–67 *with* 201 F. Supp. 348, 364–69 (E.D. Pa. 1962).

[15] *United States v. Aluminum Co. of America*, 377 U.S. 271 (1964).

[16] *United States v. Continental Can Co.*, 378 U.S. 441 (1964).

[17] *United States v. Von's Grocery Co.*, 384 U.S. 277 (1966).

[18] *United States* v. *Pabst Brewing Co.*, 384 U.S. 546 (1966).

EARTH RESOURCES TECHNOLOGY SATELLITE PROGRAM

Mr. YOUNG. Mr. President, last year after several years of consideration, a decision was made to begin work on the earth resources technology satellite program. This space program, as announced, was to encompass the development and flight of two satellites, the equipment to be carried aboard them, and the supporting ground data handling systems. The data handling systems will receive information which the satellites gather about our earth and distribute that information to a great number of users, both within and outside the Government.

This program is obviously one of the

most significant of our space efforts to date. As envisioned, it will gather information of real and practical value to all of us about our farming and forestry, our oceans and rivers, and other aspects of our environment on a repetitive and long-term basis.

We as a nation have among other things used satellites and spacecraft to go to the moon; to explore and chart the radiation and magnetic fields in space; to photograph the planet Mars from close range; and to orbit and record data about our sun. Now we have the capability to develop and fly satellite systems, which will give us significantly greater knowledge of the resources of our own "Mother Earth."

In my opinion, the earth resources technology satellite program of all our space projects should have the highest priority and the greatest support at this time. I say this not from some parochial standpoint, but because I believe that this program has the greatest promise for both immediate and future payoffs.

Since the start of the program, a year ago, NASA and its contractors have progressed the plan toward the 1972 and 1973 launches of ERTS A. & B. Agencies in the Government, including the Interior Department, the Agriculture Department, the Commerce Department, and others have developed specific plans for use of the ERTS A. & B. data, building on their long involvement in NASA's earth survey program. The Department of Interior has initiated building plans for regional facilities to receive and utilize the data from the ERTS system.

The following is a recent Department of Interior news release concerning its EROS data center at Sioux Falls, S. Dak. It states as follows:

Data Center for EROS Program

February 15, 1971.

Department of Interior,
Office of the Secretary:

A significant step forward for the Department of Interior's EROS (Earth Resources Observation Systems) program—directed by the U.S. Geological Survey—was announced today by Secretary Rogers C. B. Morton.

Secretary Morton said that an architect-engineer contract for an EROS data center to be located in the vicinity of Sioux Falls, South Dakota, has been successfully negotiated.

The master plan for the center including design of the building and support facilities, was negotiated with Spitznagel Partners, Inc. in joint venture with Fritzel, Krogler, Griffin and Berg, both of Sioux Falls. The total cost of the center is estimated at $4.8 million, and is scheduled for completion in mid-1972.

"The center at Sioux Falls," Secretary Morton said, "will be a key installation in the use of remote sensor data obtained from aircraft and spacecraft for purposes of resources and environmental surveys. Under the management of the Geological Survey, it will be a central repository where data will be received and processed."

"The principal source of such data," he said, "will be NASA's ERTS (Earth Resources Technology Satellite) satellites. Launching of the first experimental ERTS satellite is planned in the spring of 1972."

Secretary Morton said that, "the facilities of the center will be available to provide professional and instrumental assistance to government and private users of the data and is expected to be of interest to resources and environmental scientists throughout the world." ERTS satellites, carrying photographic and other remote sensing equipment will eventually return about 50,000 images per year of a wide variety of land and water features of the United States.

"Repetitive images of such features," Secretary Morton said, "will be used to improve knowledge of our natural resources. Fundamental to the EROS program—the 'user' companion to NASA's ERTS program—is the data center, which will insure optimum utility of the information that will be obtained from the satellites."

Doctor William T. Pecora, Director of the U.S. Geological Survey, and Director of the EROS program, said that, "this 'down-to-earth' use of space technology promises to be a boon in the management of the nation's natural resources."

It is envisioned that the Sioux Falls center will receive data from NASA's two ERTS on a repetitive basis over a period of several years. With the enormous potential of these Earth Resources Technology Satellites, for gathering data directly relating to the resources and environmental problems facing our world today, it is essential that NASA's minimal program of two satellites be carried out as planned. Two satellites flown sequentially assure the continuous flow of data to regional centers such as that at Sioux Falls, and will enable us to reap the benefits which this system promises.

HOBBIES AND BETTER UNDERSTANDING BETWEEN NATIONS

Mr. CANNON. Mr. President, all too often we hear of the failure of nations to communicate and their inability to close the gaps which prevent better understanding.

But, sometimes it is possible for a private citizen to create the kind of spontaneous goodwill that serves to promote understanding between countries on a people-to-people basis.

Such is the case of a distinguished constituent of mine, William Harrah, who, together with his wife and several employees, were recently in Japan to promote a fast-growing hobby of collecting antique and vintage automobiles.

From all news reports, the Harrah collection did accomplish this highly laudable objective, and in the process created a new, common meeting ground for hobbyists between our Nation and Japan.

I agree with the editorial which appeared in a recent issue of the Reno Evening Gazette which comments on the journey of Mr. and Mrs. Harrah, and ask unanimous consent that this newspaper editorial be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Reno Evening Gazette, Mar. 30, 1971]

Impressive Exhibit

Harrah's automobile collection is a tremendous asset to the Reno community, as has been pointed out before by many viewers.

The finest and largest collection of antique vintage and classic cars in all the world, it has attracted over a million visitors, and has helped to spread the word that Reno is more than just a casino town.

Now, the Harrah collection is adding a new dimension to its public relations contribution—an international dimension, this time.

Thirty of its cars are the focal point of the World Classic Car Festival created by a Japanese promoter and currently on tour of three major Japanese cities.

The opening March 4 in Tokyo was attended by Mr. and Mrs. Harrah and several employees. They have reported that the exhibition is attracting phenomenal interest among the Japanese, who are just now developing an automotive society.

All of the Japanese news media, including the world's most popular newspaper, have given the event extensive coverage. It was also of sufficient significance to merit the appearance of a prominent member of the royal family—an unusual occurrence.

The success of the exhibition is generating substantial public relations benefits not only for Reno, but for the entire nation.

It is an outstanding attraction of the wholesome and positive type that can win many friends for America.

THE JAPANESE CONCEPT OF ECONOMIC COOPERATION

Mr. HATFIELD. Mr. President, as the Senator from a Pacific basin State, I have followed closely the relationship of the United States with Japan. As Governor of Oregon, I was involved intimately with the enlargement of our trade with Japan and the increase in person-to-person contacts. Portland, Oreg., is the sister city of Sapporo, Japan, site of the 1972 Winter Olympics. As Governor, I led trade missions to Japan, and was honored by being made an honorary member of the Diet.

Oregno is a leading exporter of goods to Japan, and I know that my State looked with disfavor at the import quota bill before the Congress last year. Newspapers throughout Oregon editoralized against the bill, and many citizens wrote me urging me to continue my opposition to the bill.

These remarks are preliminary to my comments regarding a recent speech by Mr. Masamichi Hanabusa, of the Embassy of Japan, before the International Development Committee of the Federal Bar Association, on April 14, 1971. Mr. Hanabusa's thoughtful speech focuses on an aspect of Japan's role in the Pacific that too often is overlooked as public attention is centered on such issues as textiles and other imports, the return of Okinawa, and similar matters. A member of my staff heard Mr. Hanabusa's speech, and told me it was well received by the audience.

Because it sheds light on an important and a growing role of the Japanese Government, I call it to the attention of my colleagues.

I ask unanimous consent that the speech by Mr. Hanabusa be printed in the Record, to be followed by a recent article by George W. Ball in Newsweek of April 12, 1971. It, too, contains thought-provoking material.

There being no objection, the address and article were ordered to be printed in the Record, as follows:

Japanese Concept of Economic Cooperation

(By Mr. Masamichi Hanabusa)

I feel very much honored and privileged to be invited by this distinguished committee to discuss with you some aspects of Japan's economic cooperation in the developing countries. I heartily thank you for the kind invitation.

Foreign aid has at least one thing in common with space exploration: Many of us really don't understand why we should do either, although we spend a substantial amount of public money for both. Any book on the subject of foreign aid devotes a chapter to "why aid?" Even Mr. Pearson's recent famed report to the World Bank is no exception. Although various explanations have been made rationalizing the giving of aid, I am afraid that none of them would convince everyone. Perhaps, Sir Edmund Hillary's well-known remarks about why he conquered Mt. Everest, "Because it is there," may be the only answer that effectively shuns futile polemics.

At any rate, Japan has already been thrown into the arena: We have been cooperating with less-developed countries, in terms of both technical and financial assistance, since the mid-50s. We started our "technical cooperation program" as early as 1954, only two years after Japan regained her sovereignty following the coming into force of the San Francisco Peace Treaty in 1952.

Also after the war, Japan assumed substantial reparation or reparation-like obligations vis-a-vis most of the Southeast Asian countries, which amounted in all to $1.5 billion (70% of which has already been paid). The annual payment of such reparations averaged between $70 to $100 million in the late 50s and 60s.

In addition, in 1958 Japan started to extend bilateral Government-to-Government loans, with its first loan of $50 million going to India.

Now Japan's governmental loan recipients number over twenty; they include all the Far Eastern and Southeast Asian countries excluding Laos, to which all aid has so far been extended in the form of grants, as well as India, Pakistan, Iran, Brazil, Mexico, Nigeria, Kenya, and Yugoslavia. In addition, we extend substantial loans to Latin American countries through IDB.

Although we started our efforts to cooperate with developing countries rather early, our aid program was initially a poor man's effort, as our economic capacities were very much limited in terms of our own living standard, the amount of available financial resources, the level of foreign exchange reserves, the state of our own social overhead capital and the relative lack of national awareness of the need for foreign aid.

For example, in 1960, when Japan became one of the original members of Development Assistance Group, the predecessor to the present DAC in the OECD, our per capita GNP was only $430. Incidentally, this is quite remarkable, because a number of aid-receiving "developing countries" of today enjoy a much higher per capita GNP. For example, per capita GNP was $639 for Singapore in 1966, $871 for Argentina, and $682 for Chile in 1970. It may be of interest to say at this point that Japan's early aid program was going on even as we continued to borrow money from the World Bank, which we did until 1966.

At any rate, as our economy expanded in the 60s, with our GNP increasing fourfold during that period our cooperative effort continued to grow in magnitude and importance.

According to OECD statistics, the volume of flow of financial resources from Japan to less-developed countries increased from less than $500 million in 1965 to over $1.2 billion in 1969. During that 5-year period the annual rate of increase in such financial flow has far exceeded the annual rate of increase in our GNP, which ranged from 15% to 19%. As a result, Japan's "aid" flows now represent 0.76% of our GNP. For reference, I might point out that the corresponding figure for the United States has declined from 0.86% in 1961 to 0.49% in 1969. In absolute terms Japan now is the fourth largest donor in the world, after the United States, Germany and France. Furthermore, the Japanese Government decided last year on a policy to endeavor to attain the United Nations target of 1% of GNP for aid by 1975. This would, in five years' time, bring Japanese aid to the level of $4 billion, which is nearly the same as the level of U.S. aid today. Even with such an impressive record of aid performance, a recent public opinion poll in Japan still indicates that almost half of the Japanese favor still greater increase in the level of our economic assistance.

I feel that Japan is one of very few countries who are not only capable but also willing to make increasingly positive efforts for the economic development of the LCDs. The purpose of my talk today is to give my views on how Japan has, and will continue to proceed in such policy.

Some of you might have noticed that the title of my talk today is the Japanese concept of "economic cooperation", rather than the Japanese concept of "foreign aid". We have tended to prefer the term "economic cooperation" to the term "foreign aid". This is partly because we wish to avoid hurting the feelings of recipients by appearing to be a "big brother". I also suspect that we may have unconsciously avoided the term "foreign aid", out of sensitivity to criticisms abroad that the Japanese effort is not so altruistic in motive or concessionary in terms and conditions as to be called "aid" pure and simple.

However, the primary reason for our differentiation between the two denominations is that we Japanese tend to regard so-called "foreign aid" as part of our total global activities in the field of non-trade economic relations. In other words, with the developing countries and that with, say, Australia, the Soviet Union or Canada. This is because we believe that, after all, Japan herself is on only a certain intermediate rung of the ladder of economic development.

In other words, in a sense we still consider ourselves a developing country. If the world regards us as a developed country, then yesterday's developing country can, and will easily become a developed country tomorrow. It is not a matter of absolute difference in quality or kind, but rather a matter of degree, or a stage in a pattern of upward growth. In this sense the classification of "developed nation", like beauty, is only skin-deep.

However, since the mid-60s, the emphasis in Japan has been placed increasingly on aid-type activities, so these days many people, even in Japan, use "aid" and "economic cooperation" as interchangeable words. Therefore, for the sake of convenience, I, too, will follow this more common usage where convenient hereafter in my talk.

Japanese economic cooperation or aid programs have shown a marked historical development. Therefore, the best way to explain the nature of our efforts in this field is first to analyze our early motivations for pursuing such activities and then to observe the ways in which these motivations have changed with the passage of time.

In the early years of Japanese aid, its proponents had considerable difficulty in persuading the general public, not to speak of the financial authorities, in allocating even a fraction of public funds to financing the economic development projects of our less fortunate neighbors. In the late 50s, Japan's per capita annual income was as low as $250 to $300 and public utilities, roads, sewage systems, housing and other social infrastructure was also miserably inadequate. In fact, quite a few of the developing countries today enjoy better roads and sewage systems than those of Japan in the 50s. Under the circumstances of our own modest economic situation, justification for giving aid for humanitarian reasons had little appeal to our people.

Until the mid-60s, the two justifications the Japanese found least objectionable for extending financial credits to the developing countries were export promotion and development of natural resources. This situation reflects the fact that for a small island nation with the population of 100 million, imports of raw material and exports to earn enough foreign exchange to pay for such imports are of overwhelmingly crucial importance.

These early interests were purely a matter of economics. As a marginal donor and a minor political power, Japan was quite free from any idea of "buying" by aid the friendship of countries which were believed to occupy vital position in the cold war checker board. Some political considerations, if we ever made any, were of a kind aimed at placating any dissatisfaction due to imbalance of trade.

As you might imagine in those days of our post-war recovery, rather more important over-all consideration for us was the need and desire to cooperate more with other developed nations, especially with the United States.

In the 60s the idea of sharing the aid burden among the economically prosperous nations became stronger. Collective pressures were brought upon all donors to increase their aid in such forums as DAC, the World Bank consortia, and various consultative groups, so that the aid burden on the United States might be lessened. Japan joined in most of these collective frameworks for international aid and made its due contributions.

A kind of shock jolted us in 1964, when the first UNCTAD meeting served strong notice that the advanced countries of the "North" must help develop economically backward countries of the "South". A veteran Japanese diplomat likened the surge of such pressures from the LDCs to the movement of a glacier, which is irreversible and overwhelming even though its movement may appear slow.

It is now widely accepted in Japan, as the poll results I mentioned substantiate, that Japan, as the unique major economic power of the world in the sense that it forever renounces war, should make positive contributions to the economic and social development of the developing countries in order to strengthen the foundations of world peace. Last October, Prime Minister Sato made this point abundantly clear in his address to the Twenty-fifth Anniversary Session of the United Nations in New York. He said "My country will use its economic power for the construction of world peace, and we have no intention whatever to use any major portion of our economic power for military purposes".

Actually even before Prime Minister Sato spoke, Japan had already taken two important steps towards the stepping up of our development assistance in the late 60s.

The first was the creation of the Asian Development Bank with authorized capital of $1 billion. Japan and the United States contributed $200 million each to the initial funding of the Bank. Japan has already made additional contributions amounting to over $70 million to the ADB's Special Fund for technical assistance grants and soft loans.

The second step was the diplomatic initiative taken by Japan in 1966 to convene the Ministerial Conference for the Economic Development of Southeast Asia. The Ministerial Conference has already met five times and considered how to promote economic development in Southeast Asia through regional cooperation. Out of the deliberations of the Conference, the Agricultural Special Fund in the ADB, the Southeast Asian Fisheries Development Center, the Southeast Asian Promotion Center for Trade, Investment and

Tourism, and the Asian Medical Organization have each come into existence or are soon to be inaugurated.

Because of Japan's geographical proximity to Asia and the recent historical fact of its own economic development, and because of the fact that Japan itself is an Asian country, there is a wealth of support among the Japanese people for such a course as was described by the Prime Minister. Moreover, unlike Japan of the 50s, my country in the 70s has the economic capacity to sustain a substantial aid program.

The gradualism in our effort has imprinted unique characteristics on the style and organizational setup of our aid activities.

One of the salient features of Japan's aid activities, although one that is often misunderstood, is the fact that they are undertaken on the basis of close cooperation between the Government and private enterprises.

To illustrate this, I wish to quote certain figures. In 1969, of the total aid by Japan of $1.2 billion, about one-third was purely official governmental aid, comprising grants including reparations payments, technical aid, bilateral loans, and contributions to multilateral organizations. The rest, two-thirds, was composed of "private flows", such as export credits and private investments, some with and some without governmental financing.

If you draw a hasty conclusion from this and say, "Ah, even in aid, Japan, Inc. is at work", you will miss an important point. Our primary goal is to assure maximum results with minimum cost: The fact is that state organizations are usually not the best instruments for running economic undertakings with efficiency and speed. Moreover, the business judgments of private industry itself has proved to be economically more sound and rational.

Secondly, the ultimate aim of economic cooperation is the establishment of lasting and harmonious relations in the fields of trade and investments among all nations. We feel that this can be best brought about by having closer working relationship between private firms of those countries, since their considerations are based on continuing advantages for both parties.

Today, the word "co-prosperity" has a bad connotation. But co-prosperity in the sense I just mentioned is no less appropriate a goal than "co-existence", which all of us in the world are eagerly seeking today.

Now let me explain how our economic cooperation works in actual practice. Of course, it varies with the type of activities. As regards technical assistance such as sending our experts or receiving of trainees in Japan, cooperation is extended almost exclusively in response to requests from the recipient Governments. In this regard, I must mention that efforts are being made to relate our technical aid to the promotion of exports by the recipient countries, by holding seminars on export promotion or sending our experts to LDCs to help develop their exportable agricultural crops.

In the development of the "private sector" of the developing countries, close working relationships between the Japanese Government and private enterprises are effective.

In most of the developing countries, the development of the so-called "private sector" is left to the initiatives of private concerns.

Japanese enterprises, together with the help of the ubiquitous overseas representatives of our trading firms, keep close touch with government and business circles in many of the developing countries. They carefully study these countries' development plans, development policies and priorities. Through this process, Japanese enterprises often come up with development projects for productive purposes, such as fertilizer plants, textile mills, electric power stations, iron and steel mills, shipyards, etc., and they seek the financing of these projects by government funds in the forms of export credits or private investments.

In these cases the main role of the Government and its lending agencies is to check and make sure that these projects are economically viable and that they make positive contributions to the economic development of the host country. Such scrutiny has been rather rigorous, contrary to the popular belief abroad that the Japanese do not care much whether these projects make real contribution to the economic development of the host country or not as long as Japan can sell its products and make money. Such is far from the truth.

You must remember that our available financial resources have always been scarce. Therefore, the Government agencies must try to make the best of them, not only from the export promotion view point, but also from the developmental view point. You may be surprised to hear that the Japanese Government officials concerned, not financial officials exclusively, have stood up against various pressures, both political and commercial, for spending public money on prestige projects or projects for domestic political consumption. All in all, I believe that Japanese economic cooperation in the form of export credits and private investments have been making immediate and substantial contributions to the economic progress of the Asian countries.

Government-business cooperation is not so important in the case of Governmental loans to social and economic infrastructure projects, such as the construction of dams, highways, bridges, and telecommunication networks, as the selection of such projects is made by agreement between the Governments. These loans are tied to the procurement of Japanese goods and services, as most of the donors do these days. However, we consider that harmful effects of aid-tying are not so large, because competitive biddings serve to bring the prices down—not infrequently the recipient Government requires international bidding among all the interested foreign firms before it utilizes our loan proceeds.

As I have already mentioned, since the mid-60s, the aid of this kind has been quickly gaining in its magnitude and importance. In 1969 net disbursements of such loans reached the level of $200 million. And the increasing trend is sure to continue in the future.

At this point, I wish to address myself to the question of the Japanese aid structure, as this problem is presently receiving a great deal of attention in the United States.

Reflecting the gradual development of our aid efforts, the institutional setup both at home and abroad for administering Japanese aid is quite unique.

In Japan there is no single agency administering our "economic cooperation" as is the case in the United States at least up to now, or as it is in the U.K., Germany or Canada. Instead three Ministries and one Agency are involved in the handling of aid matters; namely, the Ministries of Foreign Affairs, Finance, International Trade and Industry and the Economic Planning Agency. Policy decisions, including such details as terms of loan, are made after consultations among the four Ministries concerned. Very important decisions are often made by the Prime Minister himself.

In addition to these decision-making bodies, there are three principal executing agencies for our economic cooperation activities. The Export-Import Bank administers export credit as well as granting Government loans at conventional terms. Soft loans are extended by the Overseas Economic Cooperation Fund. Both of these, by the way, finance private investments, too. Finally, as the sole executing agency of the Government's technical aid programs, there is the Overseas Technical Cooperation Agency under the Ministry of Foreign Affairs. The budget of these semi-Governmental lending agencies is annually appropriated by the Diet. However, singularly lacking in such appropriations are the funds for grants and for contingency purposes. Thus, whenever a specific grant is to be extended a special appropriation must be sought in the Budget. It can not be denied that this rigidity often hampers speedy action and makes execution of our aid program inflexible.

Another point—there are practically no field missions involved in the administration of our aid programs. Aid requests are channelled through our Embassies in the recipient countries and/or Japanese enterprises on behalf of their counterparts in the developing countries. Even in cases where a substantial number of Japanese experts are working in the field, only one or two officers of the Overseas Technical Cooperation Agency are stationed in the capital of the recipient to look after these experts. In fact, at present the Export-Import Bank and the Overseas Economic Cooperation Fund together have just one or two representatives stationed in each of only a few major recipient countries in Asia.

In the past, this disorganized state of affairs in our aid setup has often been criticized in the DAC and by the United States. However, it has so far managed to handle an aid program totalling over $1 billion. We may feel it necessary in the future to create a simplified and integrated aid agency, but chances are that we will continue the present system at least for the time being. It is interesting to note, in this connection, that there is a strikingly close parallel between our aid structure and the one which has been recently recommended by Mr. Peterson and endorsed by the President.

In concluding my remarks, I shall briefly address myself to the problems facing us. In a sense, I feel Japan is approaching a crossroads. The problem is not lack of will, nor is it necessarily organizational defects. The problem for us is how we can continue to put an ever-increasing amount of financial and technical resources to the real good and welfare of the host countries. The change in quantity of funds involved necessarily entails various qualitative changes.

So far we have acted on the belief that economic and social development is something outside people cannot "give" to the developing countries, but something they should themselves strive hard to "attain." Therefore, the initiative should be taken by the recipient not by the donor. Corollary to this, we think that there is hardly a recipient country who doesn't really know what is best for her.

Also, we have been very cautious with our Asian friends about not appearing to be imposing our wishes on them. This is partly because there has been latent animosity and suspicion against us among these countries, stemming from their memories of our activities during the last war. But also it is because there is a strong sympathy in Japan for the nationalism and national aspirations of these countries.

These considerations remain valid, and we should continue to bear them in mind. However, it is becoming increasingly difficult to maintain a low profile as Japan emerges as a substantial donor, rather than the marginal donor which it used to be. Now Japanese official aid accounts for 30 to 40% of total aid receipts of some of the Asian countries. In addition, Japanese private investments in some of the Southeast Asian countries have come to such a visible level as to make host countries worry about the possibilities of "Japanese economic domination."

One way of solving the dilemma is to channel a greater portion of aid through multilateral aid organizations, which we are doing seriously. Japan's contributions to multilateral aid organizations, such as World Bank, IDA, Asian Development Bank, and UNDP, have been greatly increased in the past few years. Such contributions now account for about 20% of our total official aid.

Also we are trying actively to soften our loan terms. At the moment, the weighted average interest rate of our loans is 3.6%, and their weighted average maturity is about 20 years, including a 6 year grace period. These terms may not appear to be as soft as they should. But as internal interest rates are high in the Japanese domestic capital market, they are considered to be quite concessionary by many Japanese.

About the untying of aid, too, the Japanese Government is prepared to untie bilateral official loans and multilateral contributions, provided that all major DAC donors participate in an effective arrangement for that purpose.

We also will institute a generalized preferential tariff scheme at the latest by the coming October, in accordance with the law and regulations which passed the Diet last month.

Surely, these steps are welcome and will help solve part of the problem we face. However, our fundamental problem will still be there, until some rapport is reached between the donors and recipients about how we can bridge the enormous gap in material wealth between "have's" and "have-not's" in the world in a manner which is satisfactory to the aspirations of the people of the "developing countries" and yet also to the taxpayers of the "developed countries."

This is not a problem challenging Japan alone. Rather it is the challenge which has faced humanity in the past two decades. I am afraid I cannot offer any clear-cut solution to the problem. The only thing I can say at this point is that we in Japan are prepared to tackle the challenge squarely, to use our favorite phrases, in a forward-looking manner and with a low posture.

Playing With the Fire of the Rising Sun

(By George W. Ball)

The chronicle of our relations with Japan prior to the second world war begins with ineptitude and ends with disaster. Not only did we affront Japanese pride by slamming our doors on their sons and daughters, but, by prohibitive tariffs, we excluded their goods from our markets. For this protectionist outrage we, of course, paid dearly. By threatening Japan's ability to earn the foreign exchange needed to buy the raw materials required to sustain her then exploding population, we helped encourage her soldiers to gain control of raw material sources through conquest—a course of action pretentiously known as the "Greater East Asia Co-Prosperity Sphere," which ultimately led to Pearl Harbor.

Happily, in the postwar period, we have shown the Japanese a more mature comprehension and a greater awareness of mutual interests; yet the critical test is only now beginning, as—a quarter century after the war—Japan abandons its "low posture" for a more assertive role.

Where that role may lead her no one can say, since Japan is pervasively rootless. More than in any other country, the war tore asunder the fabric of Japanese society and politics. No longer was the Emperor the god-king, with his imperial will expressed through the military. No longer was the state cult of Shinto intact, or the obsession with ancestor worship and the Confucian authority of the family. Today, as a great industrial nation, Japan turns her eyes toward the West; yet even now the atavistic pull of the mainland remains strong, since Japan's Western ties lack the vital adhesive of a common culture, language, literature or history.

Largely because Japan leaped from feudalism to industrial pre-eminence in less than a century, the resemblance between her institutions and those of Western nations is more apparent than real. We watch with dismay as her great industrial companies pursue pricing policies and practices in external markets that subordinate profit to the national purpose. We find the collective spirit of national effort permeating every aspect of society.

SENSIBLE COMPROMISE

Thus to fit Japan into a world system of politics and economics shaped by the traditions of Western individualism will not be easy, nor can it be achieved by America alone. Although European statesmen and business leaders seem deaf to the problem, it remains a common task for the whole community of industrialized nations. Meanwhile, Japanese relations with the rest of the world are becoming more and more polarized between Tokyo and Washington.

Undoubtedly, those two capitals have much to say to one another, but not always with full understanding. Recently they have faced two issues of special urgency: the reversion of Okinawa and the opening of the burgeoning Japanese market to the produce and investment of the West.

On the first issue, President Nixon took a long stride forward when he promised Prime Minister Sato in November 1969 that Okinawa would revert to Japanese administration during 1972. It was a decision long overdue, since how could anyone possibly justify the continued rule by the United States, a whole generation after the war, of more than 1 million Japanese living in Japanese territory? The solution—a sensible compromise that assured the United States the same rights in the Okinawa base as in the bases in the Japanese home islands—came just in the nick of time. It saved the Sato government and forestalled the termination of the security treaty which might otherwise have occurred last spring.

Yet, having taken this statesmanlike step, the Administration is now in danger of throwing away the benefits by deciding not to effectuate the Okinawa reversion by executive agreement, which at the most would require only a majority vote of both houses of Congress, but rather by a treaty, requiring the approval of two-thirds of the Senate.

DANGEROUS SUSPICION

All other things being equal, one could properly regard the issue as deserving full Senate treatment. But all things are not equal, for a totally irrelevant reason—that the Administration has shown a persistent willingness to sacrifice larger interests to fulfill a campaign promise to the American textile industry. In a so-far futile effort to reduce the inflow of Japanese textiles, not only has it squandered much political capital with Japan but it has proved more Catholic than the Pope by rejecting a proposal of self-restraint from Japanese industry that had been accepted by the chairman of the House Ways and Means Committee, Wilbur Mills.

In the atmosphere of bitterness and confusion thus created, calm analysis cannot flourish, and suspicion has inevitably developed in Tokyo and elsewhere that the treaty route was deliberately chosen to strengthen the Administration's hand in extracting a more restrictive import limitation from Japan. Yet what could be more grotesque than an attempt to trade off the reversion of Okinawa—a vital step to preserve our security in the Far East—for the appeasement of a single industry and a few Southern senators, at large cost to American consumers and with grave risk of undercutting all hopes of widening access to the vast Japanese market?

Whatever the Administration's motives—and I prefer to draw no invidious conclusions—the situation demands the most careful attention, for we dare not let protectionism again wreck our relations with Japan, as occurred 40 years ago. But, unless the White House vigorously intervenes, the protectionist lobbies may well mobilize the maximum 34 Senate votes needed to block the Okinawa treaty, in the event Japan refuses to grant their protectionist demands. That is an eventuality to make one shudder, for if the President should prove unable to deliver on his promise to hand back Okinawa, there is no doubt that the whole fragile structure of our relations with Japan would come tumbling down. And if that should happen with the only large modern industrial nation in the Far East, it would make defeat in Indochina seem like a pinprick.

GENOCIDE CONVENTION—NO CONFLICT WITH TREATY-MAKING POWER LIMITS

Mr. PROXMIRE. Mr. President, it has been suggested by critics of the Genocide Convention that the treatymaking power of the United States is not without limitation and that the convention may conflict with it. This is what the case of *Geofroy* v. *Riggs* (133 U.S. 258, 267, (1890)) says about the treaty power:

> The treaty power, as expressed in the Constitution, is in terms unlimited except by those restraints which are found in that instrument against the action of the Government or its departments, and those arising from the nature of government itself and of that of the States. It would not be contended that it extends so far as to authorize what the Constitution forbids, or a change in the character of the government or in that of one of the States, or a cession of any portion of the territory of the latter without its contents. * * * But with those exceptions, it is not perceived that there is any limit to the questions which can be adjusted touching any matter which is properly the subject of negotiations with a foreign country.

Solicitor General Perlman interpreted the constitutional restraints or limitations cited in this case as being of two kinds—express prohibitions and those implied by the nature of Government and the States. He cited a Supreme Court decision, *Asakura* v. *Seattle* (265 U.S. 332, 341 (1924)) as indication on that the Supreme Court had "whittled down" the breadth of the limitation suggested in *Geofrey* v. *Riggs* (133 U.S. 258, 267 (1890)). The decision said in part:

> The treatymaking power of the United States is not limited by any express provision of the Constitution, and, though it does not extend so far as to authorize what the Constitution forbids, it does extend to all proper subjects of negotiations between our Government and all nations.

In 1920, in *Missouri* v. *Holland* (252 U.S. 416) the Supreme Court specifically eliminated the tenth amendment to the Constitution as a possible limitation on the treatymaking power. What Mr. Justice Holmes said on the existence of limitations to the treatymaking power is also of importance:

> Acts of Congress are the supreme law of the land only when in pursuance to the Constitution, while treaties are declared to be so when made under the authority of the United States. It is open to question whether the authority of the United States means more than the formal acts prescribed in the convention. We do not mean to imply that there are no qualifications to the treaty-making power; but they must be ascertained in a different way. It is obvious that there may be matters of the sharpest exigency for

> the national well-being that an act of Congress could not deal with but a treaty followed by such an act could, and it is not lightly to be assumed that, in matters requiring national action, "a power which must belong to and somewhere reside in every civilized government is not to be found." The case before us must be considered in the light of our whole experience and not merely in that of what was said a hundred years ago (252 U.S. at 433).

Solicitor General Perlman further stated that the express power of Congress to define and punish offenses against the law of nations was not a limitation on the treatymaking power. Some opponents of the convention argue that under the powers delegated to Congress "to define and punish piracies and felonies committed on the high seas, and offenses against the law of nations"—a treaty obligating the United States to punish an offense under international law is a usurpation of the legislative power. This charge is unfounded. I would like to quote Solicitor General Perlman at some length with regard to this charge:

> In order not to obscure the real argument with assumptions that are not factual, it should be observed at once that article V of the convention specifically contemplates domestic legislative action, in particular to prescribe penalties since none is provided. This part of the convention, requiring as it does legislative action, is not self-executing under the principles laid down by the Supreme Court, *Foster* v. *Neilson* (2 Pet. 253 U.S. 1829); and for the United States to enact the necessary legislation to give effect to the provisions of the convention in accordance with * * * (its) Constitution(s) "(convention art. V), and to try guilty persons by a competent tribunal of the State in the territory of which the act was committed" (convention art. VI), requires action by Congress prescribing the offenses punishable and conferring criminal jurisdiction on the courts of the United States.
>
> This is not to say that Congress may not, in its discretion, use the definitions of the offenses under international law, in this case as contained in the convention, just as it has validly provided punishment for the crime of piracy "as defined by the law of nations" (*United States* v. *Smith,* 5 Wheat. 157 (U.S. 1820)).
>
> Thus, as the result of the situation created by the very terms of the convention itself, there is removed from consideration any notion that the treaty, if accepted, will bypass the Congress, or will in itself legislate Federal criminal law.
>
> The passage from the case of *Geofrey* v. *Riggs,* which speaks of restraints arising from the nature of the Government and the States, and restraint against change in the character of the Government or in that of one of the States, is used as another argument for the existence of a constitutional limitation on the treaty power. It is argued against the convention as a whole that to impose a new body of treaty law which will become the domestic law of the United States is a change in the structure of the relation of the States and the Federal Government, and that to deprive the States of a field of criminal jurisprudence and place it in the Federal jurisdiction by treaty would be so revolutionary as to be in violation of the Constitution.
>
> If there were matters of criminal jurisdiction confided to the States so vital to their existence that a change by the Genocide Convention would destroy our dual system of government, conceivably the problem suggested might be more than hypothesis. The fact is quite the opposite. Congress is already invested by the Constitution with the power to provide the criminal sanctions for offenses against the law of nations [Constitution, article I, section 8, clause 10]. It has had that power since 1789, and the States expressly committed that field of criminal jurisprudence to the Federal Government. It is therefore of little or no consequence in comparing the effect of the exercise of Federal criminal jurisdiction upon residual State criminal jurisdiction that Congress may exercise its power to punish genocide pursuant to the authority provided in article I, section 8, clause 18 (the necessary and proper clause) of the Constitution, or pursuant to both sources of power. It is wholly unwarranted to say that, because another offense has been added to the list of the few now punishable as offenses against the law of nations, the States have been deprived of a field of criminal jurisprudence. This area of the field they never possessed . . . (p. 45–46, Hearings).

Mr. President, the Genocide Convention, if ratified by the U.S. Senate, is certainly a proper subject of the treatymaking power of the United States. Ratification would in no way alter the balance of authority between the States and the Federal Government. Genocide has been cited by the United Nations as a subject of international concern. Therefore, it is perfectly correct for Congress to enter into conventions, treaties, or agreements which deal with matters of international concern.

Mr. President, I see no constitutional limitation of the treatymaking power that would restrict in any way our ratification of the Convention on the Prevention and Punishment of the Crime of Genocide. I urge that we act now.

CONGRESS MUST ACT ON VIETNAM DISENGAGEMENT

Mr. JAVITS. Mr. President, I ask unanimous consent that my testimony in support of the Vietnam Disengagement Act of 1971—the so-called Hatfield-McGovern bill—be printed in the RECORD. These remarks were delivered in my capacity as a cosponsor of the bill and were presented to the Senate Foreign Relations Committee on April 21, 1971.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

CONGRESS MUST ACT ON VIETNAM DISENGAGEMENT

President Nixon—in his television address to the Nation of April 7 and in his remarks of April 16 to the American Society of Newspaper Editors—has refused to establish a deadline for the withdrawal of all U.S. armed forces from Vietnam. He has declared his intention to continue the massive U.S. air role in the fighting and to retain some "residual" ground forces until certain conditions are met.

In the two conditions he has set for total U.S. withdrawal, President Nixon has reaffirmed the veto of both Hanoi and Saigon over U.S. disengagement. In addition to the release of all POWs held by North Vietnam, he has established Vietnamization as a precondition to U.S. withdrawal, defined as follows:

"The ability of the South Vietnamese to develop the capacity to defend themselves against a Communist takeover, not the sure capacity, but at least the chance."

Vietnamization continues to be the base of the President's policy, so the issue is drawn between withdrawal by a time certain or an open commitment no matter how troop strength is reduced. To show how long this can take, Vice President Ky recently estimated it will take 15 to 20 years for Vietnamization to succeed.

I will yield to no one in my solicitude for American prisoners-of-war, but I do not believe the only way to rescue our prisoners is to continue the war; the history of warfare teaches that prisoners are released when wars are ended. To insist on retaining substantial U.S. troops in Vietnam to induce the release of the POWs could result in a stalemate on the POW issue, rather than their release.

The key substantive issue to be decided is whether a "time certain" should be established for the total withdrawal of U.S. armed forces from Vietnam. The President has opted for a policy of scaling down the level of U.S. involvement while leaving it open-ended with respect to time. I feel such a policy is undesirable for a number of reasons related to the Vietnam war itself and also to the unpostponable need to reorder U.S. priorities at home and in the world.

The scars in this country will not begin to heal until the United States has fully disengaged itself militarily from the fighting in Vietnam. What could our nation possibly win in Vietnam that would be worth the destruction and the division—economic, social and in morale—which this war is inflicting on our own Nation?

To cite some examples, the Vietnam war has so weakened international confidence in the dollar that our world financial position is being jeopardized. It has so eroded the motivation of the American worker that our very productive and technological superiority—our greatest strength—is threatened. It has so dismayed American youth that large segments have lost faith in the essential effectiveness, decency and humanity of our society—in our culture—and even in our credibility. It has so strained our resources as to bring on a great inflation and a dangerous erosion of confidence in our economy resulting in serious unemployment.

Along with this we have the deep aggravation of our urban problems—leading to the near "bankruptcy" of city governments across America—and the deep sense of alienation and pessimism now so prevalent in what used to be known as the most optimistic nation in the world. And there are those 50,000 American lives lost and the 200,000 wounded and that $100-billion of treasure.

The Vietnam war is now an obsolete struggle as regards U.S. interests in Asia. Whatever justification there may once have seemed to be for U.S. intervention in what has always essentially been a civil struggle—and I have long regarded any combat intervention as very improvident—continuing U.S. military involvement in Vietnam would be tangenital, if not contradictory, to the advancement of U.S. interests in Asia.

The real issues of Asia in the 1970's and the 1980's will have little to do with the question of who rules Saigon. By way of reminder it is certainly today a moot question whether the "communist" government of Yugoslavia is more opposed to the basic principles of our nation than the military dictatorship in Greece. The issues we should be concentrating on are our relations with China and Japan—and the shifting quadrilateral power relationship in Asia among the United States, Japan, China and the Soviet Union.

The Vietnam war has done more to complicate and strain our relations with both China and the Soviet Union in recent years than any other issue. Moreover, the domestic inflation produced by the Vietnam war is largely responsible for the protectionist claims which threaten a trade war with Japan.

The American obsession and preoccupation with Vietnam over the past decade has led to the danger of U.S policy being bypassed by events in many parts of the globe. Vietnam has contributed heavily to the deterioration of the U.S. position in Europe and in the Mideast. We have been so distracted and so "locked-in" to the struggle in Vietnam that we have lacked the energy, the resources and the mental freedom to give our best to the great challenges which have emerged in other parts of the globe.

It is also time that we recognize that the Vietnam war has seriously weakened the United States from a purely military viewpoint. This is a seldom discussed aspect of the question but it is one which I know to be very much on the minds of our military leaders. The Vietnam war has undermined the morale of our armed forces. It has lowered the prestige and honor of the military profession in the eyes of many millions of Americans. The vast—and improperly funded—expenditures on the Vietnam war have lead to a strong move for major cuts in the defense budget. And, while the U.S. was devoting more than $100-billion to the Vietnam war and holding the 1965 line on its strategic forces, the Soviet Union—unencumbered by Vietnam—has brought its nuclear forces up to strategic parity, has reequipped its conventional forces in Europe and has constructed a worldwide navy which now challenges the U.S. Sixth Fleet for supremacy in the Mediterranean and other vital waterways.

When viewed against the perspective of competing priorities at home and abroad, there is nothing in my judgment which we could realistically seek or gain in Vietnam to justify an open-ended involvement in the Vietnam war.

The time has come for the Congress to establish by statute a "time certain" for the withdrawal of all U.S. armed forces from the Vietnam war. Hopefully, this can be accomplished in cooperation with the President. I do not believe that a showdown confrontation on this issue between the President and the Congress would be in the interests of the President, the Congress or our nation. Like many other Senators, I came reluctantly to the view that the Congress should assert its ultimate power—the power of the purse—to bring an end to this improvident war which has done such vast and incalculable harm to our nation and its interests at home and throughout the world.

The U.S. would, of course, continue to supply financial and material aid to the South Vietnamese to assist their self-defense efforts if there is not a negotiated political settlement. Moreover, it is to be expected that the U.S. will participate in multinational regional construction assistance efforts when the war is over as previously pledged by President Johnson.

I personally favor establishing June 30, 1972, as the terminal date for the withdrawal of all remaining U.S. military forces in Vietnam, except such forces as might normally be stationed in a nation we are assisting in the traditional manner of military assistance programs where U.S. involvement in local fighting is strictly and conspicuously prohibited.

In closing, let me say that the recent operation in Laos, where U.S. helicopters, fighters and bombers played such a massive and intimate role in the South Vietnamese ground effort, showed the fallacy of limiting U.S. withdrawal to ground combat troops. If U.S. "air power" and "residual forces" are to remain in Vietnam until the ARVN masters the skills and weapons now represented by U.S. air and artillery forces in Vietnam, the President's Vietnamization and withdrawal policy does not meet the basic mandate he was given in 1968—to end the Vietnam war for America.

SUPPORT OF WITHDRAWAL OF U.S. TROOPS FROM VIETNAM

Mr. FULBRIGHT. Mr. President, I am pleased to bring to the attention of the Senate a petition signed by 47 members of the House of Representatives of the Arkansas General Assembly.

The petition supports withdrawal of U.S. troops from Vietnam by January 1, 1972, and favors legislation to this effect.

The petition takes note of the "unjustifiable and unnecessary" expenditure and of the "thousands of loyal courageous American soldiers who have lost their lives as a result of this futile war."

Mr. President, I think this petition is indicative of a widespread feeling across the country, as more and more Americans are convinced that we must curtail our involvement in Vietnam.

I ask unanimous consent that this petition, along with a letter of transmittal from the three legislators who secured the signatures, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

State of Arkansas,
House of Representatives,
Little Rock, Ark., March 31, 1971.

Hon. William F. Fulbright,
U.S. Senate,
Washington, D.C.

Dear Senator: Enclosed is a copy of request signed by 47 members of the Arkansas House of Representatives. This requests the Members of the United States Congress to withdraw U.S. military forces from Viet Nam by January 1, 1972. It also promises our support and encouragement to you in any efforts which you might find proper.

Respectfully,

N. B. Murphy.
Rudy Moore, Jr.
Joseph K. Mahony II.

Requesting the United States Congress to withdraw the United States' Military Forces from Viet Nam.

Whereas, the Viet Nam War has resulted in the unjustifiable and unnecessary expenditure of billions of dollars each year by the United States on war materials and equipment; and

Whereas, thousands of loyal courageous American soldiers have lost their lives as a result of this futile War; and

Whereas, the exorbitant cost of maintaining the status quo in Viet Nam has resulted in the drastic curtailment of many essential and worthwhile domestic projects and programs for the American people; and

Whereas, under the circumstances United States military activity in Viet Nam has been unduly and unnecessarily prolonged; and

Whereas, continued United States participation in this War has sharply divided the American people and threatens to bring chaos to our Nation, it has caused the disaffection of a large number of the youth of our Nation; and

Whereas, the loss of troops and the expenditures of billions of dollars should be curtailed by the United States by the withdrawal of American troops from Viet Nam by January 1, 1972.

Whereas we understand that Senators Church and Cooper plan to introduce legislation which would cause the withdrawal of United States troops from Viet Nam by January 1, 1972; and

Whereas we understand that in the House Democratic Party Caucus on Wednesday a similar motion is to be introduced; and

Whereas we feel that any such legislation, motion, resolution, etc., is desirable;

We, the members of the Arkansas House of Representatives, therefore, do encourage and support you in your decision to vote in favor of any such legislation, resolution, motion, etc., which would cause withdrawal of United States troops from Viet Nam by January 1, 1972.

MILITARY MANPOWER PROBLEMS MAY BLOCK ALL-VOLUNTEER ARMY

Mr. EAGLETON. Mr. President, many questions have been raised—questions that trouble me—about both the desirability and the feasibility of an all-volunteer army.

Would a volunteer army increase the already substantial power and influence of the military on American life?

Would the cost be prohibitive either absolutely or relatively in terms of the desperate needs in other areas of our society?

Would not some form of draft still be necessary in time of war?

Further doubt is cast on the feasibility of an all-volunteer army in the foreseeable future by an article in the April issue of Fortune. Juan Cameron, Washington editor of Fortune, has written about conditions in the military services today, including the shortages of manpower, especially skilled manpower, the low rate of reenlistments, the high level of discontent, and the general waning attraction of military life in our society, Mr. Cameron concludes that—

> The deep-seated manpower problem of the military must be overcome before the nation can hope to rely on an all-volunteer force . . . If the day of a 'zero draft' is ever to come, with U.S. forces still deployed around the world, the reform of military life will have to go far beyond anything so far proposed . . . (T)he continuous wholesale movement of men must be done away with. It will also be necessary to reform the entire pay and promotion—and retirement—system if the services are to achieve a stable career force; the Administration's proposals, and even the recommendations of the Gates Commission, are only a feeble first step in this direction.
>
> Most vital of all, military life will have to be made more interesting and challenging. Just how this is to be done is not clear yet, nor is it clear that the Defense Department is gearing itself adequately for the job.

Mr. President, I ask unanimous consent that Mr. Cameron's article, entitled "Our Gravest Military Problem Is Manpower," be printed at this point in my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From Fortune magazine, April 1971]

OUR GRAVEST MILITARY PROBLEM IS MANPOWER

(By Juan Cameron)

Three years ago, as candidate for President, Richard Nixon committed himself to end the draft and establish an all-volunteer military force. In January of this year, however, President Nixon called for a two-year extension of the draft. "Nobody knows precisely when we can end conscription," he told Congress. And he might well have added *or if we can*. For military manpower problems have become so severe and vast in scope that the nation's armed services are in an extremely perilous situation. Even with 650,000 men entering the services every year—most of them draftees or volunteers who are induced to enlist by the threat of conscription—dangerous shortages of men prevail in every branch of service, seriously impairing combat capability. Some low-priority units, like the 172nd Infantry Brigade in Alaska, are at only half of "foxhole," or combat, strength. Even high-priority forces are seriously undermanned. The Seventh Army is charged with the defense of Europe and, according to Nixon, stands next to the Vietnam forces in its claim on men and equipment. But last winter the Seventh Army was 20,000 men short of its authorized strength (190,000 men).

Nor is the crisis one simply of numbers. The real pinch comes from the failure of the armed services to retain officers and men with the experience and skills needed to operate and maintain the complex weapon systems of modern warfare. The U.S. Army's crack Berlin Brigade has to rely on German civilians to maintain its tanks and other armor because there aren't enough trained technicians in the service. The Navy has reported a "critical" to "serious" shortage of skilled ratings in half of its air squadrons and a third of its ships. And the Air Force is finding it increasingly difficult to retain experienced pilots.

Discontent is rampant among servicemen of all ranks and ages—not just the raw recruit reluctantly putting in his draft time, but the tough Sheridan tank commander on patrol along the East German border, the operations officer aboard a destroyer escort in the Mediterranean Fleet, the missile-silo commander in North Dakota, and the infantry noncom just returned from a second tour in Vietnam. Low morale contributes to the high turnover in personnel, costing billions each year in wasted defense dollars and ruling out the possibility of any quick move toward all-volunteer services.

White House policy still aims at ending the draft in 1973, and the Administration has taken a number of steps to make military life more attractive. Secretary of Defense Melvin Laird has proposed a pay package, involving $1.5 billion a year, to mitigate some glaring inequities in the lower ranks of the services. "Mickey Mouse" rules regulating hair length, beards, and off-duty dress have been relaxed. Go-go girls do their thing in enlisted men's clubs, beer is available in mess halls, and a few barracks have been painted in psychedelic fashion. But as treatment for what ails the armed services, these measures are like treating a cancer with a Band-Aid.

Discontent in the armed services flows from many sources. The Indochina war has been an important irritant, of course, particularly because of controversial personnel decisions dictated by the political assessments of the Johnson Administration. When American troops are finally withdrawn from Vietnam, some of the wasteful and enervating policies that have contributed to what the services call "personnel turbulence" will be lessened.

But not even an end to the Vietnam war will cure ills that derive from decades of neglect. The brightest and most ambitious military commanders have never regarded personnel administration as the way to advance professionally. "These things have been snowballing for years and pose a pretty big problem now," says Roger Kelley, Assistant Secretary of Defense for Manpower and Reserve Affairs. On top of everything else, there has been a growth of antimilitary feeling among the young people whom the services must draw upon for manpower. Higher pay scales will help, but the Nixon proposals call for, at best, only about half the amount of money recommended last year by a presidential commission headed by Thomas S. Gates Jr., a former Defense Secretary who is now chairman of the executive committee of Morgan Guaranty Trust Co.

A HEMORRHAGE OF TALENT

The magnitude of discontent among military men shows up dramatically in the low percentage of officers and enlisted men who elect to remain in the service after their first tour of duty. Perhaps it is not surprising that only about 1 percent of draftees, who were inducted involuntarily, stay in after their two years' hitch is completed. But the services are falling far short of their goal in getting volunteers to sign up for additional tours after their first three to six years of duty. They would like to get 30 to 35 percent of these men to re-enlist, but the Army is retaining only about one out of nine of its enlistees at the end of their first hitch. The retention rate for Navy enlisted men is 12 percent; for the Air Force, about 11 percent. The Marines, for all the carefully nurtured pride in "the Corps," have the lowest re-enlistment rate of all—six out of every hundred enlisted men.

The Pentagon is quick to point out that re-enlistment rates can be misleading—especially at a time when the over-all size of the military establishment is being reduced—because the services have different methods of computing the rates. Moreover, the Defense Department's manpower experts tend to denigrate the relevance of these figures with the argument that more than half of the "volunteers" were induced to sign up by the threat of being drafted for Army combat units in Vietnam. This is especially true, they argue, for many of today's young officers, who were not career-minded in the first place. There is some truth in that argument, but the trends of retention are down even among those who seemed intent on military careers. For example, in 1961 the Army was able to retain about one-third of the lieutenants and captains who had entered by way of Reserve Officers Training Corps. Today the Army's retention rate for these officers is down to about 11 percent. In 1966 the Navy retained 25 percent of the officers assigned to surface ships. The retention rate today is 16 percent.

As recently as 1966, the Navy could count on having nearly two-thirds of its pilots—each of whom takes up to two years to qualify for carrier duty at a training cost that may total $250,000—elect to stay in the service after the first obligatory service was finished. Today three out of four pilots are leaving at the end of their first six years. The situation, says one Navy personnel officer, is "getting to the point where we have no experience in the fleet." The elite nuclear-submarine force has had similar trouble keeping its officers. They are offered bonuses of up to $15,000 to remain in the submarine service, but the retention rate is only 36 percent, or slightly more than half of what it was several years ago. And in the noncommissioned ranks, men with six to eight years of service have been leaving the Navy in such numbers that the fleet is short of petty officers with critical skills—technicians who can handle sonar, missile, electronic, aviation, and data systems. Even boiler tenders are scarce.

In the Air Force, which in the past retained nearly half of its younger officers, the situation is also deteriorating. More than 13,000 officers who had previously indicated an intention of making a career in the Air Force have requested separation at the end of their current tours. Lieutenant General Robert Dixon, the deputy chief of staff for personnel, has estimated that it will cost $1 billion to train their replacements.

LIKE JUMPING ON A MOVING SURFBOARD

Few, if any, business executives ever witness the kind of turnover in manpower that the armed forces take for granted today. The military services turn over 60 percent of their *total* personnel every two years. It is not uncommon for units in Vietnam and elsewhere to roll over personnel two to three times a year. Says the Army's Vice Chief of Staff, General Bruce Palmer Jr., "When your force is turning over at the rate of 100 percent a year, you have a tough job of training to start with. The training base required to cope with this is huge. And then as fast as you get the men up to any level of proficiency you lose them. When the rate is over 100 percent, it's a hopeless situation." It's expensive, too—about $5.3 billion annually to train new men, one study shows.

The 4th Infantry Division (Mechanized), stationed at Fort Carson, Colorado, is an example of Palmer's "hopeless situation." The 4th Infantry is one of four high-priority reserve forces supposedly able to move on short notice to bolster U.S. troops in a trouble zone. On paper, that is; for today the 4th is in a decidedly parlous state. Since most of its men are Vietnam veterans with only a few months of service remaining, the division sees 6,000 of its 15,000 men depart every three months, while men just returned from Southeast Asia stream in to take their places. Lieutenant Colonel Fred Bartlett Jr., today the division's personnel officer, says that the fifteen months he spent as a battalion commander with the 4th Infantry seemed like five years. "In that short time I have had 3,700 men assigned to an 800-man battalion. With that kind of turnover, how do you get a man feeling he belongs to a unit? It gives you sort of a transitory feeling, like jumping on a moving surfboard." The game of musical chairs obviously affects the division's morale and sense of cohesiveness. In addition, the constant retraining required to integrate the newcomers into the division materially reduces the unit's combat capability.

This high rate of turnover also affects individual decisions about staying in the service. Navy Lieutenant John J. Costello, a twenty-six-year-old Harvard graduate who is operations officer aboard the destroyer escort *Hamerberg*, has been in the service for four and a half years. His ship, based in Naples, is engaged in classified underwater detection operations. Now he says he is sick of trying to run a department (four officers and fifty-one enlisted men) whose personnel is replaced every few months. "This job is like shoveling sand against the tide. I'm constantly working to train officers who hardly know their jobs here before they're transferred to another position or ship. It's the same with my men. I've made known that we lack enough technicians to maintain the ship's electronics, but nothing happens. As soon as we get a man broken in, off he goes. The whole job has become a pain in the neck. Who wants to stay in and work like this?" Costello has sent in his resignation, along with a blistering critique of Navy personnel management and leadership.

The situation that the Lieutenant Costello and Colonel Bartlett have had to face is caused in large part by two decisions made early in the Vietnam war. The first one, made by President Johnson and Secretary of Defense Robert McNamara, was to rely on the draft instead of calling up the reserves when they found it necessary to expand the Army by 50 percent in 1965. The second decision, recommended by the service chiefs, was to limit the tour in Vietnam to twelve months. In retrospect, a number of Defense Department officials, civilian and military, call these the two worst decisions of the war. They were based on a variety of political and morale factors—and on the expectation that the war would last merely months, instead of the more than five years it has lasted to date.

BUILDING IN SMALL INCREMENTS

During the Korean war, and again during the Berlin crisis in 1961, the reserves—on which the nation now spends about $3 billion a year—were partially mobilized. For Korea, over 800,000 out of a total force of 3,700,000 came from the call-up of reserves; for the Berlin crisis, 150,000 reservists were called up by President Kennedy. But only about 37,000 reservists were ever called up for Vietnam, after the *Pueblo* incident in 1968.

Because of the sharp public outcry over the 1961 call-up and the low state of readiness of the reserves, McNamara told his military commanders not to count on calling up the reserves again except for a major shooting war. In August, 1965, he affirmed this policy in a confrontation with the Joint Chiefs of Staff. His rationale was that the gradual buildup called for in Vietnam could best be met by drafting small increments of men as they were needed. This would have the advantage of leaving the reserve forces in being in case they were needed in another theatre. The policy also suited presidential politics. Lyndon Johnson was anxious to play down the U.S. involvement in Southeast Asia. He would have had to go to Congress for authority to call and hold the reserves, which would have meant a noisy debate. Using the draft instead of the reserves avoided this distasteful prospect.

Reliance on two-year draftees instead of reservists, who could have been held in service for the duration of the emergency, meant that a heavy inflow of replacements was needed as the war continued and the armed forces grew (to a peak of 3,500,000 men in 1968). The flow of new men into the services has ranged between 600,000 and one million annually over the past five years. Over five million men—half of all eligible American males between the ages of nineteen and twenty-six—have been in military service during the Vietnam war (and over 40 percent of them actually went to Southeast Asia). Because the Marines had to rely on the draft instead of volunteers, more men—about 700,000—have worn the Corps' green uniforms in this war than in all of World War II.

The decision to limit each man's tour in Vietnam to twelve months added greatly to the heavy turnover in the largely draftee Army. The aim of this policy was to spread the risks of war, as well as the hardships of family separation, over as many men as possible. However, to maintain the short tours has required rotating 25,000 to 45,000 troops a month—or up to 500,000 men a year—out of Southeast Asia and replacing them with a like number of troops from the U.S. or other theatres. The effects have been felt in military commands throughout the world. Career servicemen, particularly in the Army, have been continually shifted from post to post to fill recurring shortages caused by the rotation. It is not uncommon for officers to have been moved five times in less than three years. The constant upheaval has disrupted family life for millions of military people and intensified their discontent with the services.

The drastic cutbacks in military manpower since 1969 have also taken a toll. Nixon and Defense Secretary Laird will have sliced one million men off military payrolls by June, 1972. The very swiftness of this manpower reduction is unsettling; a reduction of comparable size at the end of the Korean war was spread over six years. As ships are decommissioned, bases closed, and divisions demobilized, men must move to other commands, thus aggravating the turbulence. The services have tried to schedule these cutbacks in an orderly manner but when a war is being waged the schedules go awry. And sometimes the consequences are serious, as the predicament of the 82nd Airborne Division illustrated last autumn.

Like the 4th Division, the 82nd Airborne, stationed at Fort Bragg, North Carolina, is supposedly to be ready to deploy anywhere in the world on a few hours' notice. But when the division was alerted last September to prepare for a move to Jordan in case U.S. citizens were endangered by the fighting there, its commander told the Joint Chiefs of Staff that only one of its three brigades was fully combat ready. The squeeze arose because the Army had cut the number of draft inductions, in the expectation that it would be reducing the size of its Vietnam force by 10,000 to 12,000 men a month. But when Nixon withdrew Marines instead of Army troops from Vietnam, he upset the Army's calculations of its manpower needs. To fill the gap, troops were levied from commands in Germany and Korea, and from U.S. outfits like the 82nd Airborne, for dispatch to Vietnam. When the Jordan emergency came, the 82nd was nearly 2,000 men short. Since then this shocking situation has been remedied for the 82nd, but not for other commands.

ICING ON THE CAKE

In a well-publicized campaign, the Pentagon has moved to show that it *does* care about its "grunts." The Chief of Naval Operations has issued "Z-grams" to abolish many restrictive regulations, and similar orders have come from the Army and Air Force Chiefs of Staff. To date there has been an encouraging pickup in reenlistment rates due to these efforts. More important, a start has been made on a dialogue between officers and men on what's wrong with the services.

The old guard—particularly retired officers—have thundered against these reforms as steps that will turn the services into country clubs. But many enlisted men and officers regard them as inadequate, though welcome. To thirty-nine-year-old Odiss Sweet, a black first sergeant with the Seventh Army, the changes that have been made are "just cold icing on a hot cake." A career man who has put in twenty years' service, Sweet says: "When the cake is hot inside, the icing is going to melt. They're going all the way for the young trooper who's not going to stay anyway. But they haven't begun to touch the problems that bother the old soldiers. Until they do, they might get men to come into the Army but they won't stay."

In analyzing their manpower problems, senior officers often tend to blame society as a whole for the waning attraction of military life. A standard lecture for visitors to military bases dwells on the fact that much of today's discontent with the services stems from the children of a permissive society and the profoundly antimilitary temper of the times. Certainly the attitude toward the Vietnam war has had a sharp impact on servicemen's morale. Says Major General John Bennett, commander of the 4th Infantry at Fort Carson: "The Vietnam soldier has seen more combat than the man who fought from Normandy to Berlin in World War II. He's been through the real meat grinder. Yet when he comes home, there's no flag in the window, no free drink at his neighborhood bar. Only silence and neglect."

Harold Wool, a Department of Labor official who until recently was the Pentagon's career civilian expert on the draft and manpower, notes that there are still deeper reasons for the alienation of young people. Recruits must be drawn today from an increasingly white-collar urban society that tends to look down on the military professions. "Quite aside from pay," Wool says, "the services have a status problem." The young see most service work as a predominantly menial, blue-collar occupation. Furthermore, he finds, life in a disciplined career bureaucracy doesn't appeal to servicemen, whose median age is twenty-three.

WHITEWALLS FROM BASE BARBERS

For centuries armies have been a haven for the unemployed. The Duke of Wellington once said that his conquering British Army was composed of "the mere scum of the earth . . . all enlisted for drink." Until the 1940's the U.S. Army could find all the recruits it needed by offering food, shelter, and $22 a month. But today the military forces do not find much of a manpower pool among the unemployed, even in recession years such as this one.

Some critics have argued that an all-volunteer army would be an army made up of blacks and other minority groups with a low-income background. In fact, though, experience has shown that black servicemen like military life only slightly more than other young Americans. Their complaints, however, are sometimes different. They don't like the "whitewalls"—a trim above the natural hairline around the ears and back of the head—that base barbers mete out. They complain about the lack of combs and shampoos for Afros in PX's, and of magazines dealing with racial issues. Blacks charge they are discriminated against in promotions; and that military justice is applied in unfair ways, resulting in an unduly high percentage of their brothers' being put in the stockades.

The services have been moving to meet these complaints, as well as the overt or subtle discrimination practiced by bar owners and landlords here and in Europe. In the meantime, however, there is a serious disciplinary problem in many commands. On some U.S. bases, junior officers have been attacked when venturing at night into barracks areas where there is a heavy concentration of black troops. There have been instances in Germany of senior officers being struck in public by blacks. And in the rear areas in Vietnam there have been an ominous number of "fragging" incidents—the throwing of gas or fragmentation grenades at officers.

A few officers, like Major General Raymond Shoemaker, commanding general of the 32nd Army Air Defense Command in Kaiserslautern, West Germany, look inward to find the causes of discontent. A trim, white-haired man who began his career as an enlisted man in the 1930's, Shoemaker comments: "Personnel procedures have been our greatest weakness. We have tended to think of soldiers as great masses of numbers instead of individuals."

What attention has been paid to manpower has been mainly in terms of promotion and pay among the career force. There has been a comfortable feeling that men to fill the lower ranks could always be obtained, thanks to the draft, at cheap prices. When the choice has been between better housing and pay for the lower ranks and new weapons, the military chiefs have invariably opted for hardware.

50,000 MEN ON WELFARE

Today's military pay scales are badly skewed in favor of the upper enlisted and officer ranks. In its exhaustive study of military pay, the Gates Commission pointed out that there has been a long "history of discrimination" against the lower enlisted and officer grades. The commission found that between 1948 and 1965 the average basic pay of officers with two or more years of military service increased 45 percent, while the pay of officers with less than two years of service increased by only about 13 percent. Pay for enlisted men with more than two years' service also increased by 45 percent in this seventeen-year period, but men with less than two years got an increase of only 4 percent, or less than one-tenth as much.

Partly as a result, it is estimated that at least 50,000 married enlisted men are actually on welfare or qualify for food-stamp programs, or both. Major General James Hollingsworth, Army commander in Alaska, has found that his married enlisted men in the four lower ranks (E–1 through E–4) go into the red by an average of $60.18 a month. By contrast, one of Hollingsworth's first sergeants with twenty-two years' service, Clarence Burdett, says he and his working wife saved $10,000 last year on their combined gross income of $20,000.

The pay and rank structure has been further distorted in recent years by a ragtag package of accelerated promotions and bonuses geared to spur re-enlistment rates. Enlisted men with skills that are in short supply can receive up to $10,000 in bonus pay by re-enlisting for a six-year tour; certain categories of officers also get bonuses to extend their service. The practice creates some inequities. For example, the skipper of the nuclear-attack submarine *Spadefish*, Commander George Henson, a Naval Academy graduate with seventeen years' service, is the third-highest-paid man on his ship; some of his junior officers have received bonuses amounting to $15,000 for staying in the Navy.

The military pay system is both discriminatory and grossly inefficient in retaining men. For one thing, the pay structure is such a complex maze that most military men have little idea of what their actual compensation is. For instance, a married E–5 with ten years' service perceives his pay to be $7,300. Actually, if quarters and subsistence allowances and medical care, which are tax free, are taken into account, his compensation may be equivalent to $10,400. Since servicemen fail to realize just how generous their total benefits are—they tend to exaggerate the gap between their wages and those of civilians—the Gates Commission recommended translating the various elements of pay and noncash benefits into a single lump sum. That would make the full value of military wages easily visible.

Although Congress and the Budget Bureau have turned a deaf ear to the fact, across-the-board pay increases, which make the rich richer and the poor relatively poorer, are also inefficient. An across-the-board increase means more for the $33,000 general than the $9,400-a-year captain, although it is the captain who leaves the Army because of low pay. Stephen Herbits, a member of the Gates Commission, points out that selective pay hires would redress a system that continues to raise the total compensation of senior officers above parity with the civilian sector, while junior servicemen fall further behind.

Even the military retirement system works against the services' needs to retain more men in their middle years. Because the system provides benefits only after twenty years of duty, future retirement pay gives little incentive to remain in until a man has at least ten to twelve years' service. The result is a surplus of men with over nineteen years' service and a shortage of those with four to eight years' service. Again the services and Congress have long ignored suggestions to encourage mid-length careers by letting men build some equity in retirement before they have served twenty years.

WHITEWASHING AND BRASS POLISHING

The availability of cheap labor in the lower ranks has encouraged the military to use its men to haul garbage and trash, wash dishes and peel potatoes, and perform such standard—and meaningless—tasks as chipping paint, polishing the base's traditional brass cannon, and whitewashing the stones lining the general's driveway. Many of these tasks could be mechanized to a greater degree, farmed out to civilians, or abolished altogether. For years the Air Force, which has a large training investment in its relatively small, highly specialized enlisted force, has contracted out its K.P. and much of its ground maintenance to civilian labor, Lieutenant General Dixon explains: "We felt it makes no economic sense to take a man capable of working on equipment worth millions of dollars and have him doing kitchen work."

The Air Force also provides its highly trained enlisted men with living quarters that are palatial in comparison to those provided by other services. To be sure, some modern barracks are to be found on Navy, Army, and Marine bases. And recently a crash program has been undertaken to provide a minimum of habitability in older quarters. A little bit of paint, a few patches of carpeting, and wall lockers rearranged to serve as partitions are being breathlessly hailed in the news media as part of the mod Navy and modern Army. Nearer to the reality of what the majority of enlisted men have are the thirty-year-old Henderson barracks, which house the Marines' headquarters force. Here, in the shadow of the Pentagon, the Marines live in cheerless open bays, stifling in Washington's summers; each bay accommodates fifty men. The bathroom facilities consist of open shower rooms and toilet stalls without doors.

Many younger men find drudgery and boredom to be the hallmarks of military life. Assistant Secretary of Defense Roger Kelley says that only among men aboard ship or among the pacification and combat units in Vietnam has he found a feeling of achievement in young officers and enlisted men. "People are either not being used at all, or are being used in jobs that aren't relevant to their mission. There just aren't the ordinary challenges in the life that are needed to sustain men."

The problem is one similar to that of a fire department, wonderfully equipped, that never has a fire to put out. A visitor to military bases is struck with the lack of activity that has any real importance. A tank crew in the U.S. is apt to spend the morning checking the oil and gas of its vehicle, starting the engine, tightening rattles and loose fittings. The rest of the day will be spent in repetitive lectures, physical training, and personal chores—or, for officers, in fighting a paper war with an endless stream of pointless correspondence and record keeping. A tank outfit not in combat might go out for training every two or three months and engage in a full firing exercise once a year. An infantry soldier might fire his M–16 once every six months. It makes for a boring life. David Gyongyos, twenty-six, a sergeant in an engineering battalion with the 4th Infantry Division, says of life at Fort Carson: "There is an old Army concept that to be an enlisted man you must be dumb. You're just a serial number assigned to meaningless work."

Many Air Force officers and men likewise find little of the wild blue yonder in their jobs. For many officers of the 91st Strategic Missile Wing stationed at Minot, North Dakota, life in an ICBM silo is as dull as or duller than that for the tank trooper. One of them, a twenty-five-year-old captain, comments that "it's hard to get much satisfaction out of 'flying' a capsule. You may work thirty minutes an hour. But for the next thirty minutes you twiddle your thumbs. After a while your mind goes stagnant."

In some instances, the feeling of frustration among military careerists is intensified by shortages of the parts and equipment that they need to do their jobs. Sergeant John Bushell, twenty-seven, has been a soldier for eight years and commands a Sheridan tank in the 1st Squadron of the 2nd Armored Cavalry. His unit, which spends one month out of three patrolling along the border between West and East Germany, has been plagued by a shortage of parts, which makes an already demanding assignment needlessly more difficult. "You're working half the night sometimes to rig these things up," Bushell says.

MEN FOR FANCY SYSTEMS

The deep-seated manpower problems of the military must be overcome before the nation can hope to rely on an all-volunteer force. The gap between the number of men the services need and the number who volunteer is enormous—for the Army alone it is over 160,000 a year. If the day of a "zero draft" is ever to come, with U.S. forces still deployed around the world, the reform of military life will have to go far beyond anything so far proposed. It is plain what some of the needed changes are. For example, the continuous wholesale movement of men must be done away with. It will also be necessary to reform the entire pay and promotion—and retirement—system if the services are to achieve a stable career force; the Administration's proposals, and even the recommendations of the Gates Commission, are only a feeble first step in this direction.

Most vital of all, military life will have to be made more interesting and challenging. Just how this is to be done is not clear yet, nor is it clear that the Defense Department is gearing itself adequately for the job. But among some high-ranking officers a sense of urgency is appearing at last. Says the Army's General Shoemaker: "You can have all the fancy weapons systems you want. But they won't do you any good if you can't keep the men needed to run them."

CONSTITUTIONAL DEMOCRACY AND THE CONTROL OF UNDECLARED WAR

Mr. JAVITS. Mr. President, I ask unanimous consent that the text of my address, entitled "Constitutional Democracy and the Control of Undeclared War," given at the Albany School of Law on April 19, 1971, be printed in the RECORD.

My remarks deal with the issues addressed in S. 731, a war powers bill I have sponsored, and which is the subject of hearings before the Senate Foreign Relations Committee. I would like to have my views available to the Senate in anticipation of the testimony on behalf of the administration of the Secretary of State on this crucial subject, which is expected in the near future.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

CONSTITUTIONAL DEMOCRACY AND THE CONTROL OF UNDECLARED WAR

(An address by Senator JAVITS)

The most impelling lesson of the 1960's for the United States is our need to devise procedures to prevent future undeclared wars as in Vietnam. I believe that an effective statutory remedy is both possible and essential. The guidelines for such legislation can be derived from within the Constitution.

To meet this challenge, I have introduced legislation which deals with the crux of the problem we face today—undeclared war.

It specifies four broad categories, derived from historical experience, wherein the President, as Commander-in-Chief, may initiate military action in the absence of a declaration of war. It requires the President to report fully and immediately to the Congress the circumstances and details of the military action he has initiated. His authority to sustain such military actions terminates within thirty days unless affirmative legislative action is taken by Congress to sustain for a longer period the action initiated by the President.

The four categories in which the President may act are:

First, to repel a sudden attack against the United States, its territories and possessions;

Second, to repel an attack against the Armed Forces of the United States on the high seas or lawfully stationed on foreign territory;

Third, to protect the lives of U.S. nationals abroad;

Fourth, to comply with a national commitment affirmatively undertaken by Congress and the President.

Under my bill, even the 30-day period may be shortened by joint resolution of Congress.

The bill also contains provisions assuring action can take place in Congress within 30 days avoiding the danger of overly extended debate or filibuster.

If the Congress does act to determine by statute how the division of the war powers specified in the Constitution is to be applied in contemporary circumstances, it will have a decisive effect in stabilizing U.S. relations with the world. In my judgment, it would raise materially our people's sense of confidence at home in dealing with foreign policy and create a climate for healing the deep division among Americans over the Vietnam war.

In a very important sense, through the passage of a war-powers bill, our democracy will have shown itself again capable of self-correction of its governing processes—by the use of those very same processes of law—and will have answered the charge that our democratic system is incapable of creative change and that revolution is required to effectuate needed change.

I am very hopeful that the Administration—which has not yet indicated its position—will support the war powers bill. To do so would be consonant with the foreign policy goals which the President has established and articulated on numerous occasions.

In his February 25, 1971, "State of the World" message, President Nixon stated:

"This Administration must lead the nation through a fundamental transition in foreign policy . . . we are at the end of an era. The postwar order of international relations—the configuration of power that emerged from the Second World War—is gone. With it are gone the conditions which have determined the assumptions and practice of United States foreign policy since 1945."

The President further stated:

"Our experience in the 1960's has underlined the fact that we should not do more abroad than domestic opinion can sustain."

In my judgment, the President is right in his diagnosis; there is urgent need for a fundamental updating of U.S. foreign policy principles and procedures—and especially is this right in recognition of the perils of trying to fight undeclared wars which domestic opinion will not sustain.

This is the fundamental rationale for S. 731. My cosponsors and I regard this bill as basic national legislation. It is legislation essential to our security and well-being. It is legislation in the interest of the President as well as the Congress. By joining us in support of this legislative approach the Administration would be seizing an opportunity to transform into creative partnership its embattled relationship with Congress over Vietnam—and it would open an opportunity to clear the turgid and oppressive political atmosphere created in this country by the Vietnam war.

The President on many recent occasions has expressed his fear of what he calls "neo-isolationist" trends. The best way for him to arrest any such trend would be to join in legislation to establish a role for Congress and the people in controlling undeclared wars.

Conversely, opposition to this type of legislation can only exacerbate the situation between the Congress and the President over undeclared wars.

For, undeclared wars have been Presidential wars. Such wars—while seeming to have so vastly expanded Presidential power—have in fact done more to undermine the Presidency than any development in modern history.

I know of no Senator who is not keenly aware of the potential dangers to American Security and American interests in many parts of the globe. And I know of no Senator who wants a President and Commander-in-Chief unequipped to safeguard U.S. security and the national interest with vigilance and dispatch.

I believe that S. 731 gives the President more authority to do what is necessary and proper in an emergency than he now possesses.

Under S. 731 the President for the first time would have statutory authority to take emergency protective actions in defense of American lives and American interests—in areas where Presidents previously have acted solely on the basis of unilaterally asserted authority which faced many subsequent challenges.

I regard the bill I have introduced as giving ample play to the need of the Commander-in-Chief to have "discretionary" as well as "emergency" authority. At the same time, the bill immediately establishes a role for Congress right from the beginning: (a) by requiring the President to report fully and promptly to the Congress as to the circumstances of and the authority for the action he has initiated; (b) by requiring the President to terminate in 30 days whatever actions he has initiated under one of the four specified categories, in the absence of a declaration of war, "except as provided in regulation enacted by the Congress to sustain such hostilities beyond 30 days."

The bill further provides that hostilities initiated by the President can be terminated by joint resolution of the Congress in less than 30 days otherwise allowed. In addition, there is a detailed section which would prevent in a filibuster from blocking Congressional action.

The period of 30 days is, of course, essentially an arbitrary one. But I think it is just about the right period of time—and it can be shortened or lengthened in particular instances as the Congress might decide. On balance, I feel that a period of 30 days strikes a fair balance between the desirability of full deliberative action by Congress (without impairing the capacity for sudden, or emergency, action by the Commander-in-Chief), and the requirement of brevity to prevent the nation from being involved beyond the point of recall before the Congress might otherwise act.

I also wish to make it clear that my bill anticipated full prior consultations between the President and the Congress with respect to developing or deepening crises which might be leading toward the outbreak of armed hostilities. There are many drawbacks in the contemporary world to a declaration of war—because of the far-reaching domestic and international implications of a declaration of war, whether enacted before or after the initiation of combat hostilities.

In developing situations which are not of a sudden nature, I believe that it would be good practice for the Administration to consult with the Congress and seek a Joint Resolution outlining the policy which the United States intends to pursue. I would like to see this become a normal practice. I am referring here to serious situations which might involve the use or threat of the use of armed force. I am not suggesting that the President should be obliged to seek a resolution from Congress to endorse all of the policies or actions he initiates—only those which move toward the exercise of the war powers.

The United States is a world power. It must and will remain one. I certainly do not advocate any American retreat from its legitimate world responsibility. It must continue to utilize its vast power for the maintenance of world peace and the establishment of the rule of flaw in place of the rule of force. I know of no significant "neo-isolationist" sentiment in the Congress. There is a great sentiment for prudence, for a reordering of priorities and for a new style and updated foreign policy goals. But this is not isolationism. The responsibilities, the difficulties and the dangers ahead are known and accepted.

Prolonged engagement in undeclared, Presidential war has created a most dangerous imbalance in our Constitutional system of checks and balances. That danger now permeates the political climate beyond the immediate issues of the war per se.

The stress of the imbalance has reached proportions where the very credibility and bona fides of our Constitutional form of government has been called into question in the minds of many Americans, particularly younger Americans. They see the unchecked power of a President to prosecute an undeclared war as a barrier to their most fundamental aspirations and ambitions for the nation they will inherit. Many members of my own generation are also deeply disturbed by the unresponsiveness of our last two Presidents to Congressional and public pressures to control war and to give the nation the means to redirect our national energies and resources to even higher priority issues at home and abroad.

The legislation I have introduced is a crucial first step in reestablishing the Constitutional balance so essential to the survival and proper functioning of our democratic political system.

Clearly, the drafters of the Constitution had the experience of Continental Congress with George Washington in mind when they designated the President as "Commander-in-Chief" in Article II, section 2. Thus, the "legislative history" of the Constitutional concept of a Commander-in-Chief was the relationship of George Washington as colonial Commander-in-Chief to the Continental Congress.

That relationship is clearly defined in the Commission as Commander-in-Chief which was given to Washington on June 19, 1775.

I would like to quote the final clause of this Commander-in-Chief's Commission, because it establishes the relationship of the Congress to the Commander-in-Chief in unmistable terms:

"And you are to regulate your conduct in every respect by the rules and discipline of war (as herewith given you) and punctually to observe and follow such orders and directions from time to time as you shall receive from this or a future Congress of the said United Colonies or a committee of Congress for that purpose appointed."

This historical background clarifies, and gives added meaning to, those phrases in the Constitution concerning the war powers which are the subject of some contemporary controversy.

The bill is rooted in the words and the spirit of the Constitution. It uses the clauses of Article I, Section 8 to restore the balance which has been upset by the historical disenthronement of that power over war which the framers of the Constitution regarded as the keystone of the whole Article of Congressional Power—the exclusive authority of Congress to "declare war;" the power to change the nation from a state of peace to a state of war.

The framers of the Constitution took pains to reinforce the central power of Congress to "declare war" by surrounding it with the power of Congress to "raise and maintain" the armed forces and "to make rules for the government and regulation of these forces. The Founding Fathers did not contemplate the existence of anything more than minimal standing armies. Consequently, they did not foresee the possibility of a President/Commander-in-Chief having the wherewithal at hand to engage in warfare without prior action by Congress (except in emergency defensive actions).

The foresight of the framers is reinforced in the crucial final clause of Section 8, Article I, which goes beyond the comprehensive and carefully specified war powers reserved to the legislature. That final clause gives to Congress the unequivocal authority:

"To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof."

The War Powers bill will, after almost 200 years, do exactly that in regard to the most decisive power dealt with under the Constitution.

NATIONAL SECRETARIES WEEK

Mr. HUGHES. Mr. President, too many people around us do not get the recognition they deserve. There are hundreds of people just in this Capitol who put in long hours and perform the many services and kindnesses that make our jobs easier.

Today I want to pay special tribute to our secretaries and to all secretaries. I would also like to remind the Senate that there is still pending Senate Joint Resolution 67, introduced by the distinguished Senator from Michigan (Mr. HART) and cosponsored by the senior Senator from Iowa (Mr. MILLER) and myself, which would authorize the President to designate the last full calendar week in April of each year as "National Secretaries Week."

We may make heavy demands on our secretaries, but they perform magnificently. Behind every speech we give, there is a typist hurriedly making our thoughts readable. Behind every letter we send, there is a stenographer adding punctuation to make our words understandable. I am convinced that better secretaries mean better government.

Today I would like to insert in the RECORD an article by Mrs. Phyllis Bauer, the president of the national Secretaries Association International. Mrs. Bauer works in Davenport, Iowa, and has written on the theme, "Better Secretaries Mean Better Business." Her comments are worthy of consideration and recognition, as is the secretarial profession. I ask unanimous consent that Mrs. Bauer's article be printed in the RECORD.

There being no objection, the article was ordered to printed in the RECORD, as follows:

BETTER SECRETARIES MEAN BETTER BUSINESS

(By Mrs. Phyllis Bauer, CPS, NSA International President)

Before a secretary may assume responsibility, her boss must be willing to delegate it—either directly or tacitly. Does your boss have confidence in your ability? Does he know that work will be done correctly the first time? Do you know your employer's goals in order to be able to work together as a team to achieve them? Does your employer allow you latitude to exercise your own initiative? Does your employer encourage you to compose letters for his signature? Does your employer appreciate your annotation of the volumes of correspondence and reference material crossing his desk?

The purpose of Secretaries Week is to bring to the attention of management the role of the professional secretary. It is a time for a reexamination of the contribution the secretary can make by freeing her employer from onerous tasks, thus conserving more of her employer's time for truly executive activities.

The potentialities of a professional secretary are limitless when opportunity is combined with desire and ability.

A good secretary is one who is dedicated to self-improvement and continuing education in professional fundamentals. The importance of education is stressed by NSA through its sponsorship of the Future Secretaries Association, one of our fastest-growing programs. FSA enables us to make personal contact with students and encourage them to prepare themselves thoroughly for their chosen career. We open classroom windows to an overview of the business world to be for them. We are attempting to communicate with and assist educators in providing more realistic training for students embarking on a secretarial career. Consequently, we are helping to provide business with capable secretaries and assistants who are better qualified to meet the challenge that is offered to them.

The constancy of change is inevitable. Neither time nor business nor the secretarial profession stands still. Experienced secretaries are no longer satisfied with merely obtaining a position and becoming ensconced in a static situation. They look for new challenges and self-impose increasingly higher goals to which their capabilities can aspire. The Certified Professional Secretary program is designed to meet new challenges to keep pace with the evolutionary changes of a profession.

The evolving role of the secretary in this century and the unrelenting struggle to gain confidence and win acceptance based on performance is recorded in the minutes of time for all to perceive. Advancements in technology, equipment, and specialized techniques pique the curiosity as to what the job requirements of a professional secretary will be in the years to come. Speculation is never lacking when it is a question of off-the-top-of-the-head predictions. To arrive at a valid, accurate projection, NSA, through its Research and Education Foundation, is working with management on a research project to determine just what should and will be expected of a secretary in the last quarter of this century. The findings will provide management, educators, and secretaries with insight into a workable approach to education and training.

The professional secretary must be able to adapt to the cause and effect of change with the poise and self-assurance that comes with preparedness. NSA will continue to be governed by its underlying objectives of elevating the standards of the secretarial profession and meeting the challenge of change, with the cooperation and encouragement of management.

Mrs. Bauer is secretary to Attorney Richard M. McMahon, partner in the law firm of Betty, Neumann, McMahon, Hellstrom and Bittner, Davenport, Iowa.

ECONOMIC CONVERSION IN CERTAIN COMMUNITIES

Mr. PEARSON. Mr. President, the Congress is fast becoming aware of the necessity to make provision for the economic conversion of many of our communities and industries. On February 25, I introduced S. 967, known as the Adapt bill, which contains both an organizational structure and the authorization of sufficient funding for a program of economic conversion in communities which suffer significant losses in federally related employment.

Of course, while I am concerned with this nationwide problem, my immediate concern is for affected areas in Kansas, particularly Wichita.

Other Senators have been similarly motivated.

On March 11, Senators MCGOVERN and MATHIAS introduced a bill, S. 1191, which approaches the problem differently, but which would have like end results. As evidenced by recent editorials in two Maryland newspapers, Senator MATHIAS' motivation specifically came from the situation in western Maryland. It pleases me to see these two newspapers call attention to this legislation, and I ask unanimous consent that two editorials—one from the April 14 Frederick, Md., Post and the other from the April 16 Hagerstown Morning Herald—be printed at this point in my remarks.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

BOLD PLAN FOR JOBS

It is apparent that if we are to attain full peace-time employment in America that a bold and imaginative approach must be taken by both the government and private industry.

Refusal of Congress to continue the SST program, with its resulting layoffs of thousands of workers by the Boeing Aircraft Company, prime contractor, and such sub-contractors as North American Aviation, General Electric, and Fairchild Hiller with plants in nearby Germantown and Hagerstown has brought the problem more sharply into focus.

These thousands of employes comprising highly trained specialists and skilled workmen have suddenly been confronted with the tragedy of receiving pink slips notifying them of their job terminations instead of their weekly paychecks.

And with the increasing tempo of troop withdrawals in Vietnam and the deescalation of the war literally hundreds of firms providing munitions, aircraft, and, in fact, all of the thousand and one items going up to the equipping of a large military force are going to be faced with similar contract cancellations.

All of Western Maryland, including Frederick County, has been hard hit by the sudden cancellation of the SST program, with the jobless rate in Washington County at 12 per cent becoming the highest in the entire state.

But, as Senator Charles McC. Mathias well points out, there has been a complete lack of intelligent planning by both the government and private industry to cope with such situations.

"It is about time," he says, "that the federal government and industry come together and establish a means of insuring workers and communities of protection against the harsh economic effects of sudden policy changes such as the recent cancellation of the supersonic transport program."

And he adds, there will inevitably be many further drastic cutbacks in government contracts as the Vietnam War comes to a close.

Yet presently both the government and industry operate as though a given program will last indefinitely.

Little or no concern is shown for the day when political events, cessation of the war, technology, or a change of emphasis in Congressional appropriations for programs will force a new course for many industries and cause widespread layoffs of their personnel.

To meet with the problem, Senator Mathias has realistically filed a bill in the Senate co-sponsored by a dozen or more of his colleagues which would require the preparation of comprehensive conversion programs as part of the awarding of all future governmental contracts.

He suggests that industry should be required to set aside some part of the funds involved in each such contract—and he suggests possibly a five per cent figure—to plan for the conversion of their plants to some other manufacturing purpose at the termination of their contracts if the products they produce are no longer required for any reason.

"This bill," says the senator, "is more than an attempt to patch-up the economy as the nation winds down its involvement in the Vietnam War.

"It is aimed at curing the chronic economic illness suffered by giant corporations that are dependent largely upon government contracts.

"As we cut spending in Vietnam and reorder our national priorities, we must also reorient our economy.

"To effectively utilize existing facilities, both public and private, for new projects will require imaginative programs that look to the time when an existent contract will expire."

It seems to us that this is merely common sense.

It should be speedily enacted by the Congress.

Sudden cancellation of government contracts—as in the instance of the SST—should not create a void, causing heavy financial losses to industries but more shattering loss of employment by thousands of highly skilled workers who find the jobs market glutted and their industrial and scientific know-how no longer required.

If, as Senator Mathias proposes, all firms holding government contracts were required to pump a percentage of their income from such sources into scientific development of alternative production to which they might expeditiously shift with the termination of their existing programs such industrial financial losses and widespread layoffs of their employes would cease to be such a crippling blow to both the economy of the community in which they are located and their suddenly surplus employes.

Nothing is so certain in this life as change.

It is ridiculous for both the government and industry to assume that any program, whether it be the SST or the Vietnam War, will continue forever.

But unless realistic and mandatory planning is required as proposed by the Mathias bill just such emergencies as has cost the jobs of thousands of workers involved in the SST development program will become still more frequent as we move toward the inevitable termination of the war in Indochina.

CONVERSION PLANS

Failure of the supersonic transport to get Congressional appropriations to complete the job is not an isolated case. There have been other instances in which companies holding government contracts suddenly find themselves without work and their employes getting pink slips instead of pay checks.

Senator Charles McC. Mathias hopes to do something about cases where employes of private industry are laid off because of a governmental decision.

In the case of Fairchild Hiller in Hagerstown, highly trained specialists and other skilled workmen were suddenly among the unemployed simply because the federal government changed its mind.

Senator Mathias' bill would require the preparation of economic conversion programs in conjunction with the awarding of all future government contracts. It is aimed at curing chronic economic illness suffered by corporations largely dependent on government work.

The Maryland senator does not spell out the details on his conversion proposal, but it stands to reason the economy cannot be bolstered unless imaginative programs are substituted for government contracts when they expire.

THE AMERICAN WORKER AND CAMPAIGN SPENDING LEGISLATION

Mr. McGOVERN. Mr. President, I have introduced the Federal Campaign Assistance and Disclosure Act—S. 1039—which is designed to provide public financing of certain campaign costs incurred in campaigns for election to Federal office, to insure full public disclosure of campaign finances, and to regulate unfair campaign practices.

The most distinctive feature of this bill is the formula for direct public financing of the costs of political campaigns for Federal office. This provision would insure that no man or woman would be disqualified from seeking public office simply because he or she lacks personal wealth or access to large political donations.

Because of this feature of the bill, it has been referred to the Committee on Finance and has largely been left out of the present debate over campaign spending legislation. I hope, Mr. President, that the bill will receive early consideration by that committee, because it could answer many of the doubts that have been expressed about other currently pending legislation.

While the bill does call for public financing of campaign costs, it also leaves the door wide open to direct political contributions from individuals. The bill is designed in such a way as to encourage such small contributions by allowing for tax deductions and by setting a limit of $50 on contributions.

The purpose of the suggested ceiling, coupled with adequate disclosure provisions, is to allow for increased citizen involvement in financing campaigns, while preventing a few large donors from dominating the process.

The Citizens Research Foundation has reported that many individual contributors have contributed enormous sums of candidates of their choice. The largest single contributor appears to have reported gifts of $148,916 to various Nixon-Agnew committees in 1968. This same donor has also said subsequently that he contributed an additional $350,000 to that campaign. His contributions apparently violate no law. But it is precisely this type of contribution that much of the pending legislation is designed to halt. Certainly, it would not be permitted by my bill.

On the other hand, I find that contributions from organized labor are unfairly grouped with such massive individual contributions. It is incorrect to equate a contribution from a single person with a contribution from a political fund supported by the individual, small contributions of a great number of workingmen. In no case does the individual contribution of any one union member come anywhere near the amount contributed by just a single major individual donor.

I intend to make it clear in the Federal Campaign and Disclosure Act that, so long as individual contributions remain below the limit on personal contributions, it is perfectly acceptable for these contributions to be channeled through a single committee, provided that is the wish of the donors.

The approach that American labor's political funds have used in performing such a function of pooling individual small contributions has been necessary to counteract the influence of the individual donors. It should be noted, for example, that officals of the 56 corporations which won the largest Government space, nuclear, and defense contracts in 1968 reported $1,235,402 in political donations. In the face of that kind of political giving, union members have had to band together if they wanted their donations even to be noticed.

Mr. President, the assertions that have been made that contributions by union members are somehow the same as those from major individual donors is blatantly false. It is based on the erroneous assumption that if many corporate donations are worthy of criticism, then many donations by members of organized labor must also be worthy of criticism. That is simply false. The concept behind the political action and education funds associated with the labor unions is a healthy one, allowing for the small contributor to have a voice in political campaigns. That, after all, is supposed to be the underlying reason for much of the pending campaign legislation.

NATIONAL SECRETARIES WEEK

Mr. MILLER. Mr. President, this week has been designated Secretaries Week by many States and cities across the Nation.

The tribute is well deserved, for these hard-working people play vital roles in business, industry, education, government, and the professions.

The 1971 theme, "Better Secretaries Mean Better Business," gives further emphasis to the importance of good, loyal secretaries in the smooth operation of our offices.

This annual week is sponsored by the National Secretaries Association—International—an organization I am pleased to note is headed by an Iowan, Mrs. Phyllis Bauer, of Davenport.

It is my hope that the Congress, through the means of a resolution I have cosponsored with Senator HART, will authorize the President to issue a proclamation designating the last full week of April as National Secretaries Week.

PRESIDENTIAL IMPOUNDMENT OF FUNDS

Mr. McGOVERN. Mr. President, the practice of presidential impoundment of funds appropriated by the Congress is of increasing concern to all of us.

This is not a new problem. Earlier administrations have also been guilty of refusing to expend funds made available by the Congress and have, in fact, even held up the distribution of trust funds for highway construction and other purposes.

But the approach of the current administration is particularly disturbing. One reason for special alarm is the unparalleled size—nearly $13 billion—of the amount held in budgetary reserve.

Another is the fact that in some cases these funds are being held for indefinite periods of time. On South Dakota's Oahe irrigation unit for which we have been waiting more than two decades, for example, the administration refused to spend land acquisition funds appropriated for fiscal 1971, and its fiscal 1972 budget discloses that those same funds will also be withheld next year.

Finally, whereas previous administrations have argued that the withholding was necessary for economic purposes, President Nixon can make no pretense of such an argument because he has, himself, presented what is termed an "expansionary budget," with an enormous deficit.

The administration is, in effect, telling the Congress that we have no right to make positive decisions on national priorities. It degrades the Congress as a coequal branch of Government. In the process I believe it attacks the vitals of our constitutional system.

All of these programs and all of these appropriations bills have been approved and signed by the President. Not a single one has been returned for the two-thirds test to override a veto, and many were approved by votes far in excess of two-thirds of the Senators and Representatives in any case. By withholding these funds, therefore, the President exercises an item veto authority he simply does not have—an authority which the executive has repeatedly been denied.

Mr. President, on April 13 the distinguished Chairman of the Senate Appropriations Committee, Mr. ELLENDER, addressed this issue in some detail, in a speech before the annual meeting of the Red River Valley Association in Shreveport, La.

Senator ELLENDER pointed out that:

> What we have in effect is a group of deskbound bureaucrats on the Washington level, looking at our national problems and saying what should be done and where. What we have is an outright denial of the wisdom of Congress, and furthermore, a denial that Congress even has a role to play in the establishment of national priorities and policies. . . .
>
> To put it bluntly, this is a topsy-turvy state of affairs. I sometimes think that there is no one in the Government who knows less about what is going on in the country than the Washington bureaucrats. Under the current regime, a tiny elite is being allowed to substitute its judgment on national priorities for the collective will of the Congress.

The Senate Judiciary Subcommittee on the Separation of Powers, led by Senator ERVIN, has initiated an important investigation into possible solutions to this problem. Senator ELLENDER has also suggested some answers which deserve careful consideration, including the prospect that Members of Congress might simply say "no" to other programs being sought by the President until he begins giving our initiatives the respect they deserve.

Mr. President, Senator ELLENDER'S speech has provoked wide interest in my own State, and I am sure the same is true in other parts of the country. I therefore ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS DELIVERED BY SENATOR ALLEN J. ELLENDER, CHAIRMAN OF THE SENATE APPROPRIATIONS COMMITTEE, BEFORE THE ANNUAL MEETING OF THE RED RIVER VALLEY ASSOCIATION, APRIL 13, 1971, SHREVEPORT, LA.

CONGRESS, THE EXECUTIVE AND THE PUBLIC FINANCE

Ladies and gentlemen: For many years now, it has been my pleasure to spend part of the Easter recess of the Congress visiting here in Northwest Louisiana and attending some of the festivities that mark the annual conventions of your Red River Valley Association.

I have been with you in the past, as a friend I hope, but more importantly in my official capacity as Chairman of the Senate Appropriations Subcommittee for Public Works. Now a change has been made and I am appearing before you as Chairman of the full Senate Appropriations Committee. This marks the culmination of a dream I have had since I was first named to the Appropriations Committee in 1948.

There are those who would criticize the operation of the seniority system in the Congress. I am not one of those. As a matter of fact, the only criticism that I could offer of the system is that it sometimes takes a little long to get where you are going.

I hope my good friends here and all over Louisiana will find the results of this change to be worth waiting for.

You will recall that I assumed the Chairmanship of this Committee, which had been called the salt mines of the Senate, after a long tenure in other positions which reflected the long-term interests of my public career. For eighteen years, I served as Chairman of the Senate Committee on Agriculture and Forestry. For fourteen years, I was Chairman of the Subcommittee on Public Works of the Appropriations Committee.

From these two seats in the Congress, I was able to do my share of constructive work in the nation-wide effort to protect and preserve our land and water resources. This concern of mine—improvement of the land by making it more productive, improvement of our waterways through navigation, flood control and hydro-electric projects, and the general harnessing of our finite resources to make them better able to serve generations of Americans yet unborn—has been the guiding light throughout my entire career of public service. This career now spans better than half a century. I say this in order to let you know that I expect, and you can expect, that my interest in this area will continue for as long as I am allowed to continue.

I am addressing you here today as a U.S. Senator from Louisiana, but at the same time I am proud to say that it has been my privilege over these years to perform services of benefit to the entire nation. Looking back over the history of my stewardship in the Congress as a member of the Appropriations Subcommittee concerned with public works, some of the progress that had been made becomes apparent.

A great deal of progress has been made in that period of time. I can see the results wherever I travel across this great country. I can see the results here in Louisiana. It may be that some among you are too young to recall when tremendous portions of our state were under several feet of water every other Spring. That condition is now largely a thing of the past. The residents of many areas have forgotten what it was to look forward to the Springtime with dread and concern. Flood conditions in Louisiana have now been brought almost entirely under control. The Southern part of the state still has a primary concern with hurricane protection, but progress is being made in that area as well.

All over the state, we are now more concerned with putting this water to work for us through improved navigation for the movement of commerce, for the production of power, and for the more and more important recreation benefits. That is your concern here today, and it need not be said that I share it fully. In the past, I have been successful in obtaining funds over and beyond the President's budget in order to get this work underway so that Red River navigation can become a reality rather than a dream. Last year the Congress added 2.8 million dollars to the public works bill for Red River Development, and it is my hope to see that additional funds are made available this year.

We are, however, facing a problem in this area, in Louisiana and all across the nation. It is a problem which many feel is approaching the crisis stage. I am coming to share that view. I refer to the increasingly intransigent attitude of the Executive toward the obligation and expenditure of funds, legally provided by the Congress, as a matter of public policy.

If I can refer to my Congressional tenure once again, over the last thirty years I have seen a tremendous shift take place in the balance of power between these supposedly co-equal branches of our Government—the Presidency and the Congress. In foreign affairs, the Executive has assumed a dominance unheard of before the Second World War. In domestic affairs, much the same situation exists, but we have not yet progressed so far as to place our Congress in the position of those in the European countries. It is said that the Twentieth Century has been hard on legislatures. That is true abroad and it is true to a certain extent in this country. I am glad to say, however, and you should be glad to say, that our Congress has not yet been reduced to a rubber stamp for Presidential policies and pronouncements, and we need not blindly follow the positions assumed by any of our Political Parties.

I am not here referring to President Nixon as an individual, or even as the man who holds the office at this particular point in time. He and I have our differences, but by-and-large I find myself supporting him in his efforts to govern the nation. I think he is definitely on the right track on many areas of public policy both at home and abroad.

I believe, however, that President Nixon is getting and accepting bad advice from some of his multitude of advisors on domestic affairs. The funds I referred to earlier as being added by the Congress to push ahead with work here in the Red River Valley have not been put to use as Congress directed. The same situation holds true all across the nation. Not one cent of Congressionally added funding has been spent for the purpose stipulated by the Congress as a policy-making body. The latest figures show that the total thus impounded by the President's Office of Management and Budget amounts to 12.7 billion dollars.

What we have in effect is a group of desk-bound bureaucrats on the Washington level, looking at our national problems and saying what should be done and where. What we have is an outright denial of the wisdom of the Congress, and furthermore, a denial that Congress even has a role to play in the establishment of national priorities and policies.

To put it bluntly, this is a topsy-turvy state of affairs. I sometimes think that there is no one in the Government who knows less about what is going on in the country than the Washingtonian bureaucrats. Under the current regime, a tiny elite is being allowed to substitute its judgment on national priorities for the collective will of the Congress.

This is a situation foreseen by our Founding Fathers in the summer of 1787, and they took steps to protect against it. They provided no item veto to the Executive. They provided a system of checks and balances to maintain a division of power between the branches of our Government, and in this manner provide some protection to the people against official tyranny. Granted that presidents do not like it—not only Mr. Nixon but many past presidents have attempted to usurp Congressional authority on occasion. Neither has the Congress always liked the Constitutional separation of powers. Occasionally the Congress has sougtht to curtail the Presidential Power, but generally over time we have worked together quite well. The will of the people, or at least the will of most the people, has been followed most of the time.

It seems to me that we are faced with a new problem in this area, however. In the beginning of the decade of the 1970s, what we are witnessing is an unparalleled attempt on the part of the Executive to say "no" to the Congress on an unprecendented scale. Thirteen billion dollars is a lot of money, even at today's values. It is more than the entire federal budget was before the Second World War. Congress has approved the use of these funds for the benefit of our people. The President is saying they shall not be used for that purpose. We have here an argument, not over a program, but over a long-range national policy.

Shortly before I left Washington, the President sent to the Congress a supplemental appropriation request in the amount of 732.9 million dollars, most of which is over and above his original budget. The parallel between the Congressional add-ons to the fiscal 1971 budget, and the Presidential add-ons to that same budget is entirely appropriate. One slight difference is that the additional funds now being requested by the President will be used to benefit our friends abroad. In my book, this goes to the heart of the matter, for we are dealing here with the establishment of national priorities in matters of finance. Some faceless individual is saying this is what we should do and will do, and Congress is being told to go jump in the Red River Waterway if it ever gets built.

I have opportuned President Nixon to change his attitude on many occasions in the recent past. I have pleaded with the head of his Budget Bureau. All to no avail, and I for one am getting tired of it.

The question is, "What can be done?" How can Congress reassert its will in this matter? To a large extent, the old saying that you can lead a horse to water but cannot make him drink has application here. It is not entirely applicable, however, thanks to the Constitution and the wisdom of its drafters. There is recourse open if the Congress is serious in its concern.

One suggestion has been that the Congress might sue the President to get a court-approved division of responsibilities and powers in this area. Frankly, I do not put much credence in this suggestion.

A second suggestion, favored by my good friend from North Carolina, Senator Ervin, is that legislation be enacted requiring the President to lay a decision to impound funds before the Congress with the provision that 60 days be allowed the Congress to overturn his decision.

A third proposal is for the members of Congress, individually and as a body, to say "no" to other policies whose approval is being sought by the President. It may be that in the long run this will prove the most effective. It was an important element in the rejection by the House of Representatives and the Senate of the funding request to carry on development of the Super Sonic Transport. I suspect we are going to see more and more of this thinking in the Congress in the days ahead if changes are not made. Although in the past I have tried to judge each issue on its merits, I myself am being brought around slowly to this point of view, particularly in areas where it seems the welfare of foreigners is being given priority over that of our own people.

Finally, it seems to me that the Congress might well consider repealing past legislation enacted during the Korean War, which provides the President with one basis for his vastly expanded power in this area. At present, Presidential authority to impound, or place in reserve, the funds appropriated by the Congress is upheld by three columns of support. One is the general authority of the Executive to administer national programs. The second is the war powers of the President, first given flesh and bone by Roosevelt in the Second World War. And the third supporting Column is language approved by the Congress in the General Appropriations Act of 1951, giving Bureau of the Budget authority to establish so-called budgetary reserves as a tool of financial management. In recent months, that tool has come to be abused and mis-used. I think that the Congress is going to have to blunt it if a change in attitude does not occur.

A final resort lies in the will of the people. I ask your support for Congress in this area, and I ask you to make your views known to the President and his advisors. Essentially, this is a political question and its ultimate solution must be found on political grounds. I am convinced, however, that regardless of who occupies the White House, if steps are not taken to curtail this new foray into the Congressional prerogatives, we will see more and more control move to the Executive. The Power of the Purse is one of the few real sources of authority left to the Congress. If we allow this to slip from us, representative government in this country will suffer a staggering blow.

Thank you.

NUTRITION FOR THE ELDERLY

Mr. EAGLETON. Mr. President, in 1968 Congress appropriated funds for the establishment, under title IV of the Older Americans Act, of a special research and demonstration program to improve nutrition services for the elderly. Currently 18 demonstration projects are serving over 14,000 meals a week to elderly persons in 15 States and the District of Columbia. Federal funding for all of these projects will expire within the next few months.

On Tuesday the senior Senator from Illinois, Senator Percy, testified before the Labor-HEW Appropriations Subcommittee in support of an amendment to the second supplemental appropriations bill to provide an additional year of funding for these 18 projects.

Because of previous commitments, I could not be present at the hearing. I have, however, submitted to the subcommittee a statement in support of Senator Percy's amendment, and I ask unanimous consent that it be printed in the Record at the conclusion of my remarks.

As I point out in my statement, it is very likely that Congress, within the next year, will enact legislation to provide an ongoing nutrition for the elderly program. In view of this likelihood, it seems to me only sensible that we not allow these 18 existing and successful projects to die in the interim.

Mr. President, I strongly support the appropriation of $1.7 million to keep these projects alive, and I hope that other Senators will also support this effort.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Senator Thomas F. Eagleton on Percy Amendment to Second Supplemental Appropriations Bill Submitted to Senate Labor-HEW Appropriations Subcommittee Tuesday, April 20, 1971

Mr. Chairman, I wish to express my support for the amendment Senator Percy will propose to the Second Supplemental Appropriations Bill for Fiscal 1971 to provide $1.7 million for the Administration on Aging to continue for one year the funding of 18 existing nutrition demonstration projects.

As the Subcommittee knows, these 18 projects are the result of an appropriation by Congress in 1968 for the purpose of establishing, under Title IV of the Older Americans Act, a special research and demonstration program to improve nutrition services for the elderly. Federal funding for 17 of these projects will have expired by the end of the current fiscal year; funding for the remaining project will be terminated in the fall.

These are, of course, only demonstration projects and there has been no reason to expect that Federal funding would continue beyond the original project period. However, I believe there are special circumstances which justify an additional year of funding.

First, there is no question about the value of the programs that have been developed. The Administration on Aging's 1970 annual report to the Senate Special Committee on Aging clearly states that "the effectiveness of group meal services for improving the nutritional status of older people, as well as their social and personal well-being, was verified through the results of . . . (the demonstration) projects."

The success of these projects has, in fact, led to a series of proposals for a permanent program. In the December 1969 report of the White House Conference on Food, Nutrition, and Health, the Panel on Aging recommended that "the U.S. Government . . . now accept its obligation to provide the opportunity for adequate nutrition to every aged resident" and that "the Administration on Aging . . . and the Department of Agriculture . . . undertake permanent funding programs of daily meal service, initially consisting of at least one meal for all the aged needing this service and desiring it, in both urban and rural locations emphasizing the importance of the values of eating in group settings where possible."

In April 1970, the President's Task Force on the Aging recommended that "the President direct the Administration on Aging and the Department of Agriculture to develop a program of technical assistance and, when necessary, financial assistance, to local groups so that such groups can provide daily meals to ambulatory older persons in group settings and to shut-ins at home."

In May 1970, Congressman Claude Pepper introduced a bill in the House of Representatives to establish a national nutrition program for the elderly under the Older Americans Act through which grants would be made to the States to underwrite 90% of the costs of local nutrition programs.

Congressman Pepper has reintroduced his bill this year as H.R. 5017 with the cosponsorship of 118 Members of the House. Senator Kennedy has introduced a similar bill in the Senate (S. 1163) with the cosponsorship of some 17 Senators, including Senator Percy and myself.

Commissioner Martin, of the Administration on Aging, testifying last year on Congressman Pepper's bill, opposed the "categorical grant program" approach in favor of an approach "which integrates nutrition services into a system of comprehensively delivered social services."

While the Administration proposal referred to by the Commissioner at that time was not forthcoming in 1970, AoA's annual report to the Special Committee on Aging indicated that, as 1970 ended, AoA "was actively engaged with OEO, OMB, the Community Services Administration, and other HEW components, in developing the preparations and plans for the major demonstration of the provision of nutrition services as part of a comprehensive social services delivery network."

Finally, nutrition will be one of the nine areas of need to be assessed by a technical committee and included in the deliberations of the 1971 White House Conference on Aging. Dr. Donald M. Watkin, Chairman of the Technical Committee on Nutrition, made the following remarks to a recent nutrition conference in New York City:

"While it would be unwise to prejudge the policies to be developed in 1971 (by the White House Conference on Aging), it is reasonable to refer back to the policies recommended by the White House Conference on Food, Nutrition and Health in 1969 and to note recommendations of the Panel on Aging that the Federal Government assume the obligation of providing the opportunity for optimum nutrition and health to every aged resident. Since the resources to achieve this objective are available, no policy falling short of this objective seems valid."

I have recited this chronology of recommendations and proposals to illustrate, first, that there is widespread agreement on the need for an on-going nutrition program for the elderly and, secondly, the likelihood that Congress, within the next year, will act to establish such a program.

In view of these facts, it seems to me that it would be extremely "penny wise and pound foolish" to permit 18 existing and successful projects, with their assembled facilities, personnel, and services, to be either terminated or drastically cut back for lack of funding.

And this is to say nothing of the impact on the lives of those elderly people being served by these projects for many of whom the social contact and nutritious meals mean the difference between living and merely surviving.

As Chairman of the Subcommittee on Aging of the Labor and Public Welfare Committee, I intend to schedule hearings on Senator Kennedy's bill at an early date so that Congress may carefully and thoroughly consider the best means of providing an on-going, national nutrition program for the elderly. I am hopeful that an Administration proposal—if there is to be one—will be forthcoming in the near future.

In the meantime, I urge this Subcommittee to adopt Senator Percy's amendment and thereby provide the funds to keep the 18 existing nutrition projects alive during the period that will be required for Congress to consider new legislation.

THE TEXTILE SITUATION IN THE UNITED STATES

Mr. SPARKMAN. Mr. President, the legislature of the State of Alabama on April 8 adopted a resolution with reference to the textile situation in the United States. I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, Within the last several years the situation in the American textile industry has become increasingly acute and particularly so in the Southern states where the production of cotton and the manufacturing of cotton products constitute the very life blood of this area; and

Whereas, Hundreds of Alabamians have lost their jobs or are onto short time manufacture and the foreign competitors who flood our market and force thousands of our citizens completely out of work and market their textiles and apparel under conditions that are illegal in the State of Alabama and in the United States; and

Whereas, The government of Japan has offered a most unsatisfactory proposal to restrain, unilaterally, its textile and apparel exports to the United States; and

Whereas, The Japanese proposal has been rejected by the President of the United States, by the Governor of Alabama, by many members of the Congress, including the Senators and Representatives from Alabama, by the American Textile Manufacturers Institute, by the Alabama Textile Manufacturers Association, by numerous newspaper editorials and by many others; and

Whereas, The textile markets of the United States are virtually wide open to foreign imports while many of the major exporters to this country tightly protect their own markets against our textile exports; and

Whereas, The American textile industry pays its employees approximately two dollars an hour more than the industry of Japan, with the gap being even wider between this country and some other Asian Nations; and

Whereas, The Alabama Legislature and the people of Alabama are not willing to see these terribly unfair conditions continue to weaken one of their most important industries which together with its supply and related industries over the years have been good, responsible corporate citizens; and

Whereas, These unfair conditions largely have been created by a combination of policies of our Federal Government. Now, therefore;

Be it resolved by the Legislature of Alabama, both houses thereof concurring, That the Legislature of Alabama respectfully requests the President of the United States and the Congress of the United States to do all in their power through legislative and adminstrative action to see that order is restored to the chaotic international textile and apparel situation.

Be is further resolved, That the Legislature of Alabama expresses to the Alabama Congressional Delegation and to other members of the Congress, who continue to work for a solution to this problem, deep appreciation for their dedication to this vital effort.

Be it further resolved, That copies of this resolution be sent to the President of the United States, to each member of Alabama's delegation in the Senate and in the House of Representatives of the United States Congress, to the Secretary of Commerce, to the Secretary of State and to the Clerks of the respective Houses of the United States Congress.

I hereby certify that the above is a true, correct and accurate copy of Senate Joint Resolution No. 16 by Messrs. Foshee, Fine, Wilder and McLain, adopted by the Legislature of Alabama on April 8, 1971.

PRISONER OF WAR DAY IN NEW YORK CITY

Mr. JAVITS. Mr. President, to express the concern of the citizens of New York City for the American prisoners of war held in Indochina, Mayor John V. Lindsay has proclaimed April 28 POW Day in New York.

The release of the prisoners ultimately depends on the termination of U.S. involvement in military hostilities in Vietnam. Until that hour, our greatest concern is that the prisoners are treated humanely—in accord with the rules of the Geneva Convention.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of the proclamation of Mayor Lindsay, which I feel certainly bespeaks the feeling of the people of New York City:

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

PROCLAMATION

For more than half a decade, American soldiers have been prisoners of war in Indochina. Their plight should command the compassion and concern of our people and the best diplomatic skills of our Government. The country owes them an unremitting effort to protect their welfare and their security.

Their fate finally depends on a negotiated peace agreement. But in the meantime, their greatest need is for fair treatment under the rules of the Geneva Convention.

Americans who support the war as well as Americans who oppose it are united by a special duty to the fighting men imprisoned in Indochina.

Now, therefore, I, John V. Lindsay, mayor of the city of New York, do hereby proclaim Wednesday, April 28, 1971, as "Prisoner of War Day" in New York City, in the hope that an expression of concern by all New Yorkers will contribute to the cause of decent, humane treatment for American prisoners of war and to the end of a conflict that prolongs their imprisonment and makes prisoners of more American soldiers every day.

ADDRESS BY FRANCIS L. KELLOGG, SPECIAL ASSISTANT TO THE SECRETARY OF STATE FOR REFUGEE AND MIGRATION AFFAIRS

Mr. PELL. Mr. President, the status of Jews in the Soviet Union is a matter of deep concern to Americans, regardless of faith or national origins. The suppression of Jewish religious practices in the Soviet Union and the reluctance of the Soviet Government to permit its

Jewish citizens to emigrate are established facts, and these policies have brought forth protests from peoples throughout the world.

I am glad that our own Government has expressed its own concern at the United Nations General Assembly and the Human Rights Commission over the status of the Soviet Jews.

Recently, in an excellent address to the United HIAS Service, Francis L. Kellogg, special assistant to the Secretary of State for Refugee and Migration Affairs, reviewed the program of the U.S. refugee program. Mr. Kellogg spoke especially of the U.S. Government's efforts to make known its concern over the status of Soviet Jews. Mr. Kellogg has had a long record of public service and very real concern in the lot of minorities and of refugees. I ask unanimous consent that the text of Mr. Kellogg's statement be printed at this point in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address to the Annual Meeting of United HIAS Service on March 14, 1971

I count it a signal honor that I have been asked to speak on this occasion. United HIAS, as one of the oldest voluntary societies in America engaged in finding immigration opportunities for needy and oppressed persons, has a record of humanitarian action and concern second to none. Thank you very much, President Friedman, for extending this invitation.

I hope that I can justify it, not only in my remarks today but more importantly in the manner in which I shall discharge the large responsibilities inherent in my position as the Secretary of State's principal agent in developing and effecting United States policy concerning refugees.

Most of you know that I am new to Government. Therefore I must feel my way, for a time, in seeking to grasp the essentials in the relationship of refugee problems to foreign policies in general, and toward learning the fact about current refugee problems in the world and about those agencies and people who deal with them. In my short time in office, I have already come to know United HIAS as a highly effective organization, masterfully capable and experienced in carrying out its basic dedication to the greatest of humanitarian endeavors: the granting of new life and renewed opportunity and thus hope to those from whom all has been cruelly taken. All, that is, except deep religious faith, and trust that help will come to them from men of good will.

I have long been deeply involved—as a person and in my associations—with humanitarian concerns. I have had during the past decade an opportunity to know the work which United HIAS is engaged in, as a Director and Treasurer of the American Immigration and Citizenship Conference and as a Director of the International Rescue Committee. Through this experience, I have come to know how vital and compelling are the endeavors of the voluntary agencies. And thus I am pleased and challenged by the chance to serve in that position in Government which, among its duties, involves the maintenance of close and productive relationships with your agency and other voluntary organizations toward resolving individually and collectively the problems of refugees.

These relationships have been and must continue to be, in a real sense, a virtual partnership. The interests and policies of government and those of the private agencies may diverge at many points and even conflict at some. But they converge and are indeed congruent in their concern for the freedom, dignity, and well-being of the individual, and in their determination that no effort shall be spared to secure for the individual the right to fulfill his destiny as a free man, free to choose and follow his religion, his profession, and to move with freedom on the face of this earth.

One of the first things I did when I assumed my duties was to ask for a briefing on the basic foreign policy objectives of the United States Government. To know these would be essential to my own work. I was given, by high-level officials, a "tour d' horizon" of broad United States policies, objectives and related actions, the most fundamental of which are: to preserve or bring about peace in all parts of the world, to foster the spread of institutional and individual freedom, and to promote the well-being of the individual so that he may live in liberty, decency and as a self-supporting, self-respecting human being. These are noble ends which, as you well know, are fully shared by the voluntary agencies such as United HIAS. They are the basis for the partnership between the United States Government and the private agencies to which I have alluded.

They are the basis of my decision to come to Washington, of my enthusiasm for my work there and of my determination to perform it as well as I can. You may be sure that I will work toward strengthening the Government and private agency partnership, so that it may endure and develop in inspiration as well as material resources. I shall also lend myself fully to the support of productive refugee assistance programs and to the development of new programs where they may be needed, and to securing Government funds and other resources consistent with present and changing requirements.

I wish at this point to emphasize also the importance of strong support and generous contributions from private sources in behalf of the voluntary agencies. As we all know, there are a number of other pressing priorities, primarily domestic, which present compelling requirements for government funds. It is therefore important and necessary that United HIAS and other private organizations, and their constituencies, themselves develop adequate priorities and contributions for refugees in order that both public and private funds may be available for assistance programs. Indeed, in the absence of sufficient private funds and support I would have great difficulty in securing government authorization and appropriations for continuing the programs jointly carried out with the voluntary agencies.

Some of these programs lend support to efforts such as your own in fostering immigration to the United States. I am deeply committed by conviction to the importance of continuing refugee immigration to this country; and I am well aware that the fabric and quality of American life have, from the earliest days of our history, been enriched beyond calculation by the contributions of immigrants from many lands. As you know, should the need for new immigration legislation arise in relation to world developments, the matter in the first instance rests chiefly with the Congress. You may count upon my firm support in the councils of government of liberal and resourceful implementation of the Immigration and Nationality Act, toward humanitarian and timely assistance in behalf of qualified refugee applicants for immigration.

A great part of your work and concern has historically centered on Europe and, to quote from the refugee preference in our immigration law, "in the general area of the Middle East." Some but not all of you are aware of the resources and mechanism existing primarily in Europe for assisting refugees who continue to seek asylum from persecution in certain European and Middle Eastern countries. Perhaps a word or two about the organizations which comprise this mechanism would be in order.

At the core of all effort in behalf of persecuted refugees is the work of the voluntary agencies—American and international. These agencies, such as your own, devote their own resources to refugee assistance and resettlement. They are also the operating partners and agents of other important entities.

The United States Refugee Program which is directed by my office and funded by the Congress provides supplemental care and maintenance and facilitates resettlement processing on an individual case basis. Our funds for these purposes are made available to the voluntary agencies who carry out the operations under contractual arrangements with the Department of State.

The vital function of arranging for and financing the movement of refugees from asylum countries to their countries of end destination is provided by the Intergovernmental Committee for European Migration—ICEM. This agency consists of 31 member governments, and is funded by voluntary contributions. Membership in ICEM is by its constitution open only to those governments which stand for freedom of movement.

Finally, the UN High Commissioner for Refugees effects the local integration of those refugees who are unable or unwilling to emigrate. More importantly, the High Commissioner's office secures for refugees, in a meaningful sense, political protection, and those rights within asylum countries which the refugee must have if he is to be rehabilitated and to live in dignity and self-respect.

Most of you know how closely United HIAS has worked with these organizations which I have briefly described and especially with the U.S. Refugee Program. Through this association, HIAS has resettled large numbers of Jewish refugees from various Eastern European countries. Until HIAS also has, as you know, strong interests and immigration programs and other activities in many areas throughout the world including Latin America. In my brief period in Washington, I have already dealt with HIAS on specific aspects of this effort; and I have come to know and to respect your outstanding Executive Vice President whose wise leadership has meant so much to so many in the restoration of their life and liberty and opportunity—Gaynor Jacobson.

We must all deplore conditions anywhere which foster human deprivation and the flight of people from their homelands. Perhaps through our efforts we can help bring about gradually, but surely, a fully awakened world in which persecution has ended and the necessity for flight no longer exists. But meanwhile we must succor those who must flee. More than that, we must press for universal recognition of the right of freedom of movement. In helping the individual refugee we learn of the misery and peril he has endured. We can see collectively the concentration of misery and desperation which has fallen on those who remain under conditions of deprivation. Prominent today in this respect is the plight of Soviet Jewry.

Our Government deeply deplores the fact that Jews in the Soviet Union are not permitted to live as Jews and are discriminated against and oppressed. And we deplore equally that those who wish to leave the Soviet Union have—except in a few instances—been denied the right to do so. Jews in the Soviet Union have been deprived of their human rights—including the right of freedom of movement. This is in direct conflict with the spirit and letter of the Universal Declaration of Human Rights and of countless subsequent related United Nations resolutions, and we deplore the denial of such rights from any human being. It is in conflict with the simple principles of humanity for which you stand and which have always been at the foundation of American thought and action. We of course share your conviction that the plight of Soviet Jews can only be aggravated by violent and irresponsible actions by a small nucleous of extremists in our country.

We have repeatedly called world attention—in the UN Human Rights Commission and the General Assembly—to the plight of the more than three million Soviet Jews and other oppressed Soviet minority groups. Our UN representatives have devoted hundreds of hours to this question, expressing US concern for Soviet Jews over the strenuous objections of the Soviet delegate.

Our support for Soviet citizens wishing to emigrate has been reiterated many times. Secretary of State Rogers, meeting with Foreign Minister Gromyko in October 1970, underscored the US position that free movement is one of the basic human rights by handing Mr. Gromyko an official representation list of Soviet citizens, including many Jews, who have been denied permission to emigrate to the US.

We support the efforts of a number of governmental and private international organizations, including the Intergovernmental Committee for European Migration in Geneva, which seek to facilitate the emigration of Soviet citizens desiring to leave the USSR. I can assure you also that those who do succeed in departing will be given, to the extent that they may need it, the full benefit of the resources of the United States Government refugee programs.

EDGAR SNOW'S TALKS WITH CHOU EN-LAI

Mr. McGOVERN. Mr. President, the distinguished journalist, Edgar Snow, is one of the few Americans who has been able to visit China and meet with the leaders of that country in recent years.

Edgar Snow has followed Chinese affairs at first hand for four decades. He has been able to talk with the leaders of the Chinese Peoples' Republic. He has, in some measure, been responsible for keeping a small line of communication open between the United States and China.

Now we see the opportunity for increased contacts between the people of our Nation and China. Our table tennis team had the opportunity of meeting with China's Premier Chou En-lai. We have sought for even a few grains of increased understanding from that meeting.

Mr. Snow has held conversations recently with Chou En-lai and they have been reported fully in the New Republic. In order that a wide number of Americans can have the opportunity to learn more about China's views and can thus evaluate them in terms of American policy, I ask unanimous consent that Mr. Snow's article from the New Republic of March 27, 1971, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Talks With Chou En-Lai: The Open Door

(By Edgar Snow)

Peking.—In two long dialogues Premier Chou En-lai discussed with me some of China's foreign and domestic policies and achievements, and released for publication the most detailed interview he has given for some years. One session brought forth the first concrete figures on China's industrial and agricultural output made available in Peking for nearly a decade.

We sat in a spacious, vaulted, noiseless reception chamber in the Great Hall of the People. The premier was, as usual, urbane, relaxed and alert. A stranger would hardly guess that he is 72 and in his twenty-first year as premier of the Republic, the last five years of which saw him at the center of stability, holding an administration together during the second or cultural revolution.

Behind China's current achievements in broadening international diplomatic and trade ties there is a recovered rhythm of agricultural and industrial production following her emergence from a valley of discord. Considering the depth of that radical upheaval and the still uncompleted reconstitution of a new state superstructure, it was striking to learn from the premier that the basic economy suffered relatively mild damage. "As a result of some struggles in factories, disruption of traffic, and lost labor hours, industrial production in 1967 and 1968 did decline somewhat," he frankly conceded. Without minimizing past difficulties he asserted: "We can still say that what we gained"—in purification of the leadership and revolutionary growth—"was far, far more than we lost."

The premier said that despite the 1967–68 decline the goals set for the 1966–70 five-year plan had been basically attained and some had even been greatly exceeded. I asked for an estimate of total value of industrial production in 1970. "Approximately ninety billion U.S. dollars," he answered. "That only includes industry and transportation and does not include commerce and the service trades."

As for agriculture, the premier said that "as a result of Liu Shao-ch'i's interference" mistakes were made in the late fifties and other mistakes were made in measures of correction during the "hardship years" of 1960–62. "Now for nine years our agriculture has had a steady growth." He continued:

"China's total grain output in 1970 was more than 240 million tons. In addition China has now accumulated state grain reserves of about 40 million tons." Grain tonnage is taken by Western economists as an index of Chinese agricultural conditions. Until recently many of them have continued to regard 1957 as the peak year, when output was officially given as 180 million tons. After that, "buoyant exaggeration" in 1958 greatly distorted China's statistical credibility. Since then few responsible estimates were ventured. The premier's statement may therefore be regarded as highly significant.

"If you now have surpluses, why does China continue to import wheat from abroad?"

Although China's grain imports in 1970 dropped to less than one percent of her total production, the premier explained why a limited amount of wheat intake from abroad was necessary. Imported wheat is cheaper in China than rice. China keeps the cheaper wheat for home consumption or reserves and exports rice, in balance, to Cuba and Ceylon in exchange for sugar and rubber, for example, and uses it in African trade. China also sends millions of tons of rice to help Vietnam and other countries.

Premier Chou gave the present production figure for chemical fertilizer as approximately 14 million tons, now considerably above Japanese output. Agriculture here needs 30 to 35 million tons and that is China's goal for 1975, the last year of the new five-year plan. "Thirty million tons of chemical fertilizer may be more or less sufficient but we need more because not only grain crops but cash crops need fertilizer. We still don't have enough phosphates and urea; our chemical fertilizer plants are mainly ammonium sulphate. Small chemical fertilizer plants have been highly effective. We have made big strides on the road to self-sufficiency by building such small plants."

The premier noted that China had attained the world's largest output of cotton, cotton yarn and cotton cloth. In 1970 China produced 8.5 billion meters of cotton cloth.

Steel output was also affected by revolutionary struggles in 1967 and 1968, he said. The average production was 10 to 18 million tons during the past five years. Capacity is now being expanded and modernized and may show a rapid increase in 1971.

Oil output reached more than 20 million tons last year—self-sufficiency in terms of China's present demands. Many new fields have been discovered. Railway mileage and double-tracking have been greatly extended. In southwest China a new and difficult system has been completed, which now connects the frontiers of Vietnam with Sinkiang in Central Asia.

The premier put agricultural product value for 1970 at about 25 percent of total combined output value of industry, transportation and agriculture. Calculated on that basis, China's industrial-transportation-agricultural output value in 1970 was around 120 billion American dollars. There is, however, no reliable index for converting "output value" in China in terms of gross national product systems used in the West. "Output value" omits or minimizes important "service values" such as rents, privately owned rural homes—now rising by the millions, built with mutual labor—as well as major and small water conservancy projects constructed by army and volunteer labor. Or consider China's nationwide urban and rural air-raid shelter system, built largely by unpaid neighborhood mutual labor teams. It would elsewhere cost billions of dollars. Finally, how is one to fit into the GNP formula the value of some 30 million acres of marginal land added during the past ten years to the cultivable area by peasant labor—with unbelievable toll—at a cost of little more than peasant food consumption?

China's output figures are based on a constant-value yuan, fixed at a rate of 2.40 to the U.S. dollar since 1953. Until now China has avoided inflation, internal prices have remained stable and on many items have been reduced, while low wages have risen more in purchasing power than in cash. China has no internal or external debt, the premier proudly pointed out. There is no personal income tax and basic consumer necessities are generally cheaper, amazingly so in food, now available in variety and abundance, as any visitor to China may see for himself.

Taking various imponderables into account one is tempted to suggest a hypothetical GNP for China much nearer to that of the larger West European countries than is generally supposed. The hard fact remains that in per capita income China still ranks among the poorer countries, with its population, despite mass birth control measures, approaching 800 million.

Switching to internal politics, the premier discussed some features which he felt were misrepresented abroad. Although at one time it was widely reported that the entire Communist Party was dissolved during the cultural revolution, membership was in fact only suspended and the premier now asserted that less than one percent was expelled. In echelons of higher leadership changes were of course much greater. At the Ninth Party Congress held in 1969, for example, a large majority of the former membership of the Central Committee and the former Politburo was replaced by cadres who had emerged from the cultural revolution. Yet the majority of those not re-elected have not been expelled from the Party but have gone down to the countryside to "temper themselves," according to Chou.

Under Mao Tse-tung's leadership the Party and the state superstructure are now being rebuilt throughout the country. Councils or congresses of peasants, workers, mass organizations and the People's Liberation Army are preparing to send delegates to a new National People's Congress. Its purpose will be to adopt a new constitution to affirm the character of the new state, and the form of future central and local government, as well as the people's fundamental rights and duties.

One of the Mao Tse-tung's aims has been to "simplify the administrative structure" and "eliminate duplication." "In the past there were 90 departments directly under the central government," said the premier. "Now there will be only 26. They are all run at present by revolutionary committees, and in each committee the Party nucleus is the core of the leadership. Formerly there were more than 60,000 administrative personnel in the central government. Now it is about 10,000."

Where have the displaced cadres gone? He said that about 80 percent of them were sent to rural centers known as May 7th schools, a term deriving from a Mao Tse-tung directive of that date. In such schools re-education in socialism and Mao Tse-tung Thought is combined with self-supporting labor on commune farms, often operating newly opened land. As for others, the premier said, many are past 60 and ready for retirement on pension. Some will choose to live on with their families in the communes. Some will go into factory work. "The ablest cadres will go or have already gone to strengthen leadership in various localities, and to help run industries and institutes formerly under central government ministries but now being turned over to local management."

Such decentralization policies also reflect intensified regional and local self-sufficiency aims not only for food but also in industrialization, based partly on growing rural electric power. Organized migrations continue, on a massive scale, of educated urban youths and city people ready for new employment into the interior cities and communes. In Shanghai alone the exodus since 1965 approaches one million.

That the rural communes continued to sow and reap better harvests, that industry recovered and advanced in new technologies, and that the government and party did not disintegrate into anarchy during the cultural revolution: all that was attributable, said the premier, to the people's unity and faith in the teachings and leadership of Mao Tse-tung. That fact would now be explicitly recognized in the new constitution. It would state that "the People's Republic of China is led by Mao Tse-tung, and the Thought of Mao Tse-tung is the guiding principle of all our work." It would also "openly declare" the proletarian state to be irrevocably under the leadership of the Communist Party.

Likewise in the constitution, said Chou, would be guarantees of new forms created by the people during the cultural revolution for carrying out the socialist revolution: the right "freely to air their views; to arouse the masses; to engage in great debates; and to write *tatsupao*." (The latter are large posters or papers, once circulated by the billions by the Red Guards.) The constitution would also guarantee the right to strike, Premier Chou added.

One point the premier wished to be clearly understood. The foreign press had greatly misinterpreted the role of the army by presenting it as dominating both the party and the government. That had not and would never be the case, he said; in the future it would become even further evident to those who wished to analyze the party leadership.

Between interviews with Mr. Chou and other officials, my wife Lois Wheeler and I traveled about the country above and below the Great Wall, retracing some of my old paths and exploring new ones. We met people at work in farming communes and on local industries—in urban communes and their revived neighborhood workshops—in large modern industries cooperating with schools and in universities experimenting with innovations in teaching and in student selections. We visited hospitals where modern surgery is combined *with acupuncture* and training of village medicine men, called barefoot doctors, who are also bearers of China's effective birth control pill now in widespread use even in rural areas. We visited a commune where whole families, down to age 6, engage in target practice, we met teachers and actors and high officials laboring in rice paddies and saying they like it and we saw electricians demonstrating how to repair overhead wires, alive with 220,000 volts, before spectators who included the director of China's largest steel plant and the chairman of a governing revolutionary committee in a city of a million men.

We found Premier Chou interested in our impressions of the cultural revolution and eager for fresh news of the United States. That I was the first American writer to return to China to gather material for Western publications perhaps in itself gave significance to these interviews. The major obstacle to re-opening long-closed lines of communication between the Chinese and American peoples remained, as for nearly two decades, the United States' armed protectorate over Taiwan and Chiang Kai-shek's defeated Nationalist regime there.

The premier reviewed the new condition in China's world relationships, featured by her expanding trade and diplomatic ties with foreign states, notably increased Canadian and Italian recognition. Not surprisingly it is believed here that continuing diplomatic breakthroughs, including the changing vote to seat China in the United Nations, increasingly isolate the Taiwan regime and isolate the US and Japan over the Taiwan question in the world community. The "revolt" is now becoming general, the premier observed, reaching to all continents. Even in Western Europe few countries are left which still have relations with Chiang Kai-shek. Canadian and Italian recognition ended illusions about the viability of a "two-China" compromise, or a "one China, one Taiwan" arrangement.

"What will be China's response whenever the United Nations votes in favor of recognizing the People's Republic as entitled to China's seat in the Security Council?" Premier Chou replied: "And with Chiang's clique out of the United Nations altogether? Then, of course we would consider that. The future of the United Nations is hard to predict. There are two possibilities. One possibility is that [organizational] change will take place. The other is that it may suffer the same fate as the League of Nations. It becomes evident from the 25th session of the General Assembly that an increasing number of medium and small countries and even certain big countries are opposing the superpowers' manipulation of the United Nations, or, more often, bypassing the United Nations to play power politics, divide spheres of influence, and even scramble for high seas and space."

In this part of the world China is still threatened with war by the superpowers, Chou asserted: with some one million land, air and naval forces as well as rocket troops to the north and west; and with the United States in alliance with a remilitarizing Japan on the east, and through Taiwan even deeper into Southeast Asia.

Since Taiwan is Chinese territory, United States encroachment there is regarded as the crux of Sino-American difference which led to the Indochina war, where China has now extended an umbrella of protection and support to the alliance of the three Indochinese peoples against the United States. The premier recalled that in 1960 and in 1965 he spelled out for me the conditions under which the Taiwan problem could be solved so as to establish Sino-American relations. He said that there had been and would be no change. China required that 1) the United States must recognize Taiwan as an inalienable part of the People's Republic of China and must withdraw all its armed forces from Taiwan and the Taiwan Straits; 2) despite their different social systems, China and the United States should practice peaceful coexistence on the basis of the Five Principles.

"Taiwan is China's internal affair and the Chinese people alone have the right to liberate it. United States armed aggression there is another question, an international question, and we are ready to negotiate that," Premier Chou said. "The door is open but it depends on whether the United States is serious in dealing with the Taiwan question." He expressed friendly feelings for the American people. He indicated a readiness to consider applications from "friends of China, in concrete cases, and in a concrete way," to visit here. [The United States last week lifted all restrictions on travel to China. A spokesman said the State Department hoped the move "would result in greater travel to the mainland." *The Editors*]

Chou En-lai explained the Chinese side of the present deadlock in Sino-Soviet boundary negotiations, which has persisted for a year or more. On September 11, 1969, the Chinese and Soviet premiers reached an understanding that Sino-Soviet boundary negotiations should be held free from any threat and that the two sides would reach an agreement on provisional measures to maintain the status quo of the border, avert armed conflicts and disengage the armed forces of both sides in disputed areas. "Disputed areas," according to Premier Chou, are places where the two sides differ in their boundary delineations on the maps, according to the Sino-Russian boundary treaties of the 19th century: "That is to say, they are places which they say belong to them and we say belong to us. This question can be solved only when an agreement on the provisional measures has been reached and adjustment is to be made in accordance with the principles of mutual understanding, mutual accommodation and consultations on an equal footing. And it really shouldn't be difficult to settle."

In practice, it seems, the Russians have simply refused to agree to disengage in the disputed areas, where the two lines remain as intertwined as the prongs of two forks pushed together.

I asked the premier whether he would today repeat China's call, made in the early 1960's, for a summit conference to prohibit the use of nuclear weapons, to abolish their manufacture, and to secure their total destruction.

"Let me make our position on this question clear," he replied. "In the first place, our nuclear tests are still in the experimental stage, and every test carried out is limited and made only when necessary. The aim of our nuclear tests is to break the nuclear monopoly and nuclear blackmail and prevent a nuclear war. Therefore, each time when we conduct a test, we declare that at no time and in no circumstances shall China be the first to use nuclear weapons. And we reiterate the proposal that a summit conference of all countries of the world, big or small, be convened to conclude an agreement on the complete prohibition and thorough destruction of nuclear weapons and, as the first step, to reach an agreement to prohibit the use of nuclear weapons. After our recent test (October 14, 1970) the Japanese Socialist Party expressed their support for this stand and proposal of ours."

As for "so-called nuclear arms limitation" talks between the superpowers, he said, these were aimed to maintain their monopoly over all others, and nothing else. Each power concentrated only on how to "limit" the other so as to maintain its own superiority. The United States and the Soviet Union indeed wished to "limit" the costs of supporting their monopoly of terror, but the costs nevertheless continued to rise astronomically even as they talked. As to how their contradictions were ever to be resolved, "We are not their chiefs of staff!" He said, "Don't cherish any illusion in that kind of 'disarmament'. For 25 years, they have all along been engaged in arms expansion, and not at all disarmament."

Speaking of China's "world outlook," Premeir Chou quoted Chairman Mao's words: "The people of all countries, the masses comprising more than 90 percent of the entire population, sooner or later want revolution. . . ." According to Chairman Mao, he said, the danger of a world war still exists, and the people of all countries must be prepared. But "revolution is the main trend in the world today."

The Premier said that Chairman Mao's statement of May 20, 1970, foresees prospects for an American revolution. Indeed no one can speak seriously to responsible leaders here without noticing their intense interest in the signs they detect of disintegration of American capitalist society. Clearly Chairman Mao is not expecting an early American revolution, however, nor seeking to build China's foreign policy on that speculation. The policy for which China seeks adherence is more limited. It calls not only for American troops to be withdrawn from Asia and Taiwan, but also for all foreign troops "to be withdrawn from all territories they are occupying, and go home, so that people of all countries may enjoy the right to solve their problems on their own without any menace or interference from the outside."

My own impression after nearly six months here is that the recovery of political stability and economic growth are now a first priority, while abroad China seeks the renewal and expansion of state-to-state ties on the basis of the old Bandung principles of peaceful coexistence. China does not aspire to become a nuclear superpower but aims at credible deterrent power while seeking to end superpower domination in world affairs with the cooperation of the medium and small powers. Relying on her own means however, China has never been so well prepared for war, and to frustrate American military and political purposes in Asia by fulfilling her obligations to support Hanoi and the Indochinese peoples allied with Hanoi.

PRISONERS OF WAR DAY IN ILLINOIS

Mr. PERCY. Mr. President, the people of Illinois, as all Americans, are deeply concerned about the plight of our men held prisoner in North Vietnam, South Vietnam, Cambodia, and Laos. We participate in every reasonable initiative to enhance opportunities for the release of the prisoners, and we support President Nixon in his own efforts.

On April 28, 1971, in Illinois, we shall observe Prisoners of War Day. I ask unanimous consent to place in the Record at this point in the proclamation of Prisoners of War Day by the Honorable Richard B. Ogilvie, Governor of Illinois.

There being no objection, the proclamation was ordered to be printed in the Record, as follows:

Proclamation

Thousands of families throughout our country daily grieve for absent members—those young stalwarts who answered our nation's call to the defense of others and are now the defenseless, silent ones. They are the prisoners of war.

The silence that envelops them fills their loved ones at home with apprehension for their safety, anxiety for their comfort and a suffocating frustration of their instinct to know and to help.

Only with a massive national protest can we hope to gain the attention of their captors and perhaps influence the North Vietnamese in their release and in fulfilling their obligations as a signatory of the 1949 Geneva Convention concerning treatment of prisoners and releasing of their names.

Therefore, I, Richard B. Ogilvie, Governor of the State of Illinois, proclaim Wednesday, April 28, 1971, Prisoners of War Day in Illinois. I urge all Illinoisans to pray for the men who are held prisoners and to cooperate in every effort to call attention to their plight.

RHODE ISLAND GENERAL ASSEMBLY RESOLUTION

Mr. PELL. Mr. President, I ask unanimous consent that the Rhode Island General Assembly's resolution memorializing Congress to permit retired persons of 65 years of age, and over, to work without sacrificing any social security pension benefits be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution, Memorializing Congress To Permit Retired Persons of 65 Years of Age, and Over, To Work Without Sacrificing Any Social Security Pension Benefits

Whereas, a great number of persons have been forced to retire at the age of 65; and

Whereas, Many of the this group are physically and mentally competent and are desirous to continue to work; and

Whereas, Their expertise in their various fields of endeavor would continue to be of great assistance to the economy of the nation; and

Whereas, With rising costs many find it necessary to work, yet are penalized by having their social security benefits reduced; now therefore be it

Resolved, That the State of Rhode Island and Providence Plantations through its general assembly requests the Congress of the United States to enact legislation to remove the limit of wages presently in effect for social security beneficiaries; and be it further

Resolved, That the secretary of state be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the senators and representatives from Rhode Island in the Congress of the United States with the hope that each will use every endeavor to have favorable action taken by Congress on this special matter.

THE SUEZ CANAL AND U.S. INTERESTS

Mr. HATFIELD. Mr. President, within the past few weeks world attention has been drawn to the question of reopening the Suez Canal. This has occurred within the context of building pressure to break the deadlock in U.N. mediated talks between Israel and the United Arab Republic. Within the past month there have been numerous articles written on this matter, three of which I would particularly like to draw attention to. The first article was written by David G. Nes, a man who has 26 years of military and diplomatic service to his credit and has acquired a thorough knowledge and expertise through his firsthand experience in the Middle East. Mr. Nes' article appeared in the March 4, 1971, edition of the Baltimore Sun.

The second article is by Ragael El Mallakh, professor of economics at the University of Colorado and a former economic consultant to the World Bank. Professor Mallakh's article appeared in the Denver Post on March 14, 1971.

The third article appeared in the New York Times of March 17, 1971. The author, William D. Smith, compares various analyses of the importance of the Suez Canal to the United States as well as its strategic and economic value to the rest of the world.

All of the authors point to the great significance the canal has for the United States and its future role in not only the Middle East, but for its own economic and technological needs as well. This is one further aspect to the crisis in the Middle East that makes it imperative that the U.S. policy supporting the Jarring mission be successful.

Mr. President, I ask unanimous consent that the articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

The Big American Stake in an Open Suez Canal

(By David G. Nes)

President Anwar Sadat's offer to re-open the Suez Canal has raised the question: would an open canal be of net advantage to the Free World? Would the United States, in particular, benefit or not?

Several weekly news magazines have recently reported State Department coolness to the re-opening of the canal. Admiral Horacio Rivero (U.S.N.) is quoted in *The Sun* of a few days ago as stating that the re-opening would provide "an enormous strategic advantage" to the Soviet Mediterranean fleet and would be "of no direct benefit for the North Atlantic Treaty Organization." But there is another, more cheerful view.

A check with high-level, reliable sources in both State and Defense departments reveals less than unanimity on the issue. They do indicate that were an American government position be set forth publicly, we would favor a canal reopening as economically and politically advantageous and as of minimal military disadvantage.

A number of factors contribute to this position. As things stand with the canal closed a vessel making an average round trip from the Persian Gulf, from the Indian subcontinent, or from the East African ports to Western Europe or North America, faces this burden: double distance covered and double time required in having to sail around Africa and the Cape of Good Hope. The result has been a very significant increase in both petroleum and dry cargo freight rates since the closure of the Suez Canal in June 1967. This increase has been reflected world-wide inasmuch as a parallel shortage of world shipping has resulted, despite accelerated construction of giant tankers.

During the first 12 months of the canal's closure, the cost to Western Europe alone was $1.5 billion in loss of export advantages and in the increased cost of imports. American exports to India, East Africa and the Persian Gulf area have also suffered. Exports from Communist China to these areas have doubled.

In the year prior to June 1967, the United States ranked fourth in tonnage of shipping using the canal, surpassed by Italy, Britain and France. The United States and Western Europe together accounted for 76 per cent of the total, with the Soviet Union's share a mere 4 per cent. With cargo and naval shipping related to the Vietnam war, American use was roughly four times that of the Soviet Union. Flotillas of American destroyers of the Seventh Fleet employed the canal regularly en route to and from Norfolk.

It is estimated that the combined dry cargo and petroleum Free World cost of the canal closure in 1971 will approximate $2.7 billion, of which the share borne by the American consumer will exceed $400 million. Higher petroleum rates on our East Coast are directly due to higher spot tanker rates related to the closing of the Suez Canal.

From a strategic standpoint, it has been contended that an open canal would facilitate Soviet naval penetration of the Indian Ocean. There is, in fact, a small Soviet naval flotilla east of Suez now. This view is not shared by military officers at the three-and four-star level in the Pentagon. They point out that the Russians would never risk maintaining major fleet units in an area which could be cut off in an emergency from their home ports by the sinking of a single vessel in a narrow canal. In such an eventuality, these units would have to run a gauntlet of 12,000 miles either to the Baltic around the Cape of Good Hope, or to Vladivostok in the Pacific. Thus, unless or until Russia gains a major port of her own east of Suez, she will not risk keeping in that area more than a small naval reserve, oriented to politics and intelligence, whether the canal is open or closed. She has that presence now and considers it expendable.

From a political standpoint, the canal's closure has been highly advantageous to the Soviet Union. She has been able effectively to attribute the cost borne by East Africa and India to Israeli-American intransigence.

Opening the canal would require abandoning the Bar Lev defense line. Israel in return, would be assured an indefinite de facto prolongation of the current "cease-fire," thereby providing time for a more all-embracing permanent peace to be worked out without the pressure of "cease-fire" deadlines.

A good case could be made for the contention of many liberals in England and in Western Europe who point out that the only real winner in the Suez Canal's disuse has been the Republic of South Africa. This country has profited by the greatly increased traffic around the cape resulting in bunkering and fueling fees, harbor dues, commercial transactions and a new strategic importance. It is this latter development which has forced Britain's Conservative government to resume arms sales to Pretoria against strong Labor opposition.

From a global standpoint, the Washington consensus seems to be that re-opening the Suez Canal would be of great economic advantage to the Free World, of some political benefit, and would not on balance give the Soviet Union a significant military-strategic asset which they do not already enjoy.

Looking ahead to 1980 when American dependence on Middle East oil will—according to recent estimates—have increased from 3 per cent to 50 per cent, transit costs from the fields of Iran, the Persian Gulf, Kuwait and Saudi Arabia will virtually govern the price of fuel oil and gasoline in the United States. An open and modernized Suez Canal will become of very vital interest to the American consumer by the end of this decade.

CLOSED SUEZ CANAL COSTING WEST DEARLY

(By Ragaei El Mallakh)

Closure of the Suez Canal in June 1967 interrupted a significant portion of international trade and caused dislocations due to the required Cape route around Africa, but the initial shock seemed to fade away with time.

World shipping apparently began to learn to live without the canal. Moreover, the prevailing impression was that oil and other commodities were finding their way around the Cape of Good Hope in quantities sufficient to support normal activities at fairly reasonable costs. One reason for this adjustment was the availability of new, efficient supertankers and the relatively stable growth of demand for oil in general and from the Persian Gulf specifically.

However, by the second half of 1970, the picture had altered drastically. For one thing, there has been a rising energy demand in the West which has been aggravated by dislocations in the logistics and production of oil on a world-wide scale.

This situation emanated from two primary causes: (1) reduced output from the Libyan fields and (2) the breakdown of Tapline. The cutback of approximately 20 per cent by Libya—the world's fourth largest exporter of crude oil—understandably wreaked havoc when one recalls the increased reliance of Western nations on Libyan oil because of that source's proximity following the Suez Canal closure. The reduction was aimed at conservation as well as securing prices because of locational advantage enjoyed since mid-1967.

The second immediate cause was the accidental cutting in Syria of the Trans-Arabian pipeline (Tapline) which moves oil from the Saudi Arabian fields to the Mediterranean in Lebanon. More than nine months elapsed before the Syrian government allowed repairs. In short, the reduction in Libyan production was to be made up by increased output from other sources, principally in the Persian Gulf area, which would have to be moved via tankers. The closing of Tapline meant that crude ordinarily moved overland also would have to be shipped by tanker. Thus, the pressure on the tanker fleet was drastic, driving up rates for the "spot" or shortcharter market, which accounts for about one-fifth of all tanker trade. By the end of 1970, rates for the long-haul trips from the Persian Gulf to Europe or North America were six times the pre-June 1967 level.

Simple supply and demand forces led to a world-wide rise in tanker rates. For example, rates for the short-haul to the United States from Venezuela (incidentally, the major source of the 24 per cent of imported oil in total U.S. consumption), almost tripled. So, while the United States does not rely heavily on Mideast oil imports, a projected direct cost of some $300 million to our country can be made for 1971 through increased transport rates within the Western hemisphere, coupled with newly won price increases in Venezuela.

A total estimated 1971 cost, direct and indirect, of the canal's closure under present demand conditions and associated with both transport and price hikes, could reach a staggering $4 billion for the United States and other Western countries.

This figure includes the February rise in Middle East oil prices negotiated at Tehran by the companies and the Organization of the Petroleum Exporting Countries, but excludes the current demands being made by Mediterranean producers on the basis of locational advantage.

Although oil is the most publicized commodity of traffic in the canal, seaborne dry cargo also has been affected by the waterway's closure.

But perhaps the most compelling ramification of the canal's disuse is the burden on consumers everywhere, including Americans. The added transport costs most usually are ultimately passed on through price increases to the final purchaser of seaborne commodities. True, there are many factors contributing to the rising oil prices both at home and abroad. The 40 cent per barrel rise in U.S. crude oil (1969 and 1970 hikes combined), which will cost an additional $1.6 billion annually, is partly the result of inflation and rising expenses in exploration and drilling, but it also can be traced in part to overall world oil price levels, which were pushed up as a result of the canal closure.

Granting the magnitude of Middle Eastern and North African reserves (70 per cent of the world total), placing 1969 U.S. proved reserves at 38 billion barrels (Saudi Arabia has 140 billion barrels and Kuwait, 68 billion barrels in reserves), and keeping in mind the ever rising energy demand of the United States over the coming 10 to 20 years, it can be assumed the United States will have to import greater quantities of oil despite development of the Alaskan fields.

Thus, factors weighing the level of non-U.S. crude prices and the cost per barrel delivered to American ports are or should be of concern to the public in this country. In fact, the Suez Canal, supertankers, existing pipelines and the Suez pipeline soon to be built, all will be needed to move the quantities of oil required by the United States, Europe, and Japan for the 1970's, let alone the following decade. Even if freight and crude posted prices cannot be rolled back with a normalization and expansion of oil transport through the resumed functioning of the Suez Canal, the cost spiral can probably be halted.

ECONOMICS OF SUEZ REOPENING: CONSUMER BENEFIT

(By William D. Smith)

Speaking strictly in terms of economics—if that is possible in the explosive and delicate potpourri of Middle East affairs—the opening of the Suez Canal would appear to be an unqualified boon to almost every country in the world.

Hope for opening of the canal was kindled last month when Egypt and Israel, whose forces face each other in an unstable cease-fire across the narrow, manmade waterway, both indicated they were willing to discuss the future of the big ditch. It has been blocked since 1967 by sunken ships, live mines and natural silt build-up.

Hot debate can be generated about whether the canal will ever open, what its importance will be when it opens, what its closing has cost the world.

Few serious students of the matter, however, would argue that the closing of the canal has not done considerable damage to consumers throughout the world.

The canal is short cut between East and West; between the oil-producing center of the world, the Persian Gulf, and the oil-consuming nations of Western Europe and North America. With the canal closed, oil from the Gulf travels 11,000 miles around the tip of Africa, rather than 6,000 miles through the canal.

The distance and time required for the longer trip called for four to six times as much tanker tonnage, creating a shortage of ships. This has driven charter rates to record highs, which in turn have influenced the costs of everything from oil to grain. This added cost has been a world inflationary factor.

The closing of the famous waterway connecting the Red Sea with the Mediterranean has cost Europe, the United States and Japan more than $3-billion in 1970, according to Ragaei El Mallakh, professor of economics and chairman of the department of African and Middle Eastern studies at the University of Colorado. He has recently completed a study of the canal. His estimate is supported by other economists.

Other knowledgeable sources would place the cost considerably lower.

Some pressures are building up from various sources in an attempt to open the canal.

Besides Egypt and Russia, these include Europe and Japan, which see their foreign exchange being eaten up by higher energy shipping rates; the oil companies, which need an open canal to help withstand the pressures from North African petroleum producers for sharply higher prices, and some diplomats, who believe that an open canal would be the first step toward a general Middle Eastern settlement.

Very few countries have benefited from the closing. Communist China is one. It has seen its exports to the Persian Gulf increase to $200-million last year from less than $100-million in 1967.

South Africa is another beneficiary, since the tankers from the Persian Gulf travel around the tip of Africa often stopping in Durban on their voyages to consuming centers.

North African oil producers, Libya and Algeria, have also benefited through being able to exact higher prices for their oil because of their proximity to European markets.

The opening of the canal would have mixed effects on other countries. Israel would lose some of the profit it makes from its Eilat-to-Ashdod pipeline, because the outlet to the Mediterranean would decline in its importance. Yet Israeli shipping would likely be allowed to use the canal if it were open.

Greece and Norway, whose fabled shipping magnates have been reaping large profits because of sharply higher tanker rates, would see much of this slip away. Yet their commerce and consumers would benefit from an open canal.

For the rest of the world, on both sides of the Iron Curtain, the closing has been costly. In 1966, the last full year before the blockage, Italy, Great Britain, France and the United States in that order were the chief users of the canal. The Communist nations were responsible for 7 per cent of the shipping through the waterway, with the Soviet Union accounting for 4 per cent.

Professor Mallakh contends that the closing of the canal has added $1.1-billion for shipments to Europe and the United States in spot tanker-rate increases, although these short-term charters only account for 20 per cent of total tonnage.

He says the cost of spot-tanker charters to other destinations, such as Japan, were about $600-million, and general, non-oil cargo charges he places at more than $200-million.

The economist contends that $810-million in price increases for North and West African and Venezuelan crude oil can be charged to the closing of the canal.

He also charges that a large part of the recent $1.2-billion settlement between the oil industry and the producing nations, reached in Teheran, can be linked to the supply-demand pressures caused by the closing of the waterway.

Can the canal be opened?

The Egyptian Government says yes, and within a matter of four months. Independent students of the situation might place the span at six or nine months.

The canal, prior to closing, could handle ships with drafts of up to 38 feet usually accommodating 60,000 deadweight ton vessels loaded and 150,000 tonners in ballast.

What would be the importance of the canal if it were opened? That it would never regain its former importance seems to be a consensus.

However, most informed sources feel it still has an important role to play in world commerce.

According to the Analysis of the World Tank Ship Fleet, made by the Sun Oil Company, some 86 per cent of the world tanker tonnage, as of Dec. 31, 1969, was capable of sailing at least in ballast through the canal. Some 42 per cent could make the voyage with a full cargo of oil.

These figures do not tell the whole story, however. Many ships capable of transiting the canal never enter the canal because they are assigned to specific coast and harbor duties.

The world tanker fleet has been growing at a rate of 15 per cent a year, with the majority of this additional tonnage coming in ships too big to use the canal even in ballast.

Prof. Morris A. Adelman of the Massachusetts Institute of Technology, an oil economist, is one who believes that the canal is unlikely to experience a renaissance. He points to the fact that the Egyptians are seriously considering building a pipeline to parallel the canal.

Other analysts who feel the canal is passe point to the overwhelming trend toward supertankers, which the canal cannot handle.

Thomas R. Stauffer, a consultant on petroleum economics at the Center for Middle East Studies at Harvard University, thinks this position is too easy. He contends that the costs of supertankers are rising and that past economies of scale are no longer being fully realized.

The Egyptian Government has announced plans to improve the canal so that in six years the waterway will be able to accommodate ships with cargo up to 250,000 tons. Mashour Ahmed Mashhour, head of the Canal Authority, also said that fees to use the canal will make it cheaper for a vessel to use the canal than go around the Cape. By this measure he hopes to convince tanker owners to build ships that will fall within the limitations.

Walter J. Levy, considered the dean of American independent oil economists, believes that the opening of the canal would have an immediate and sharp downward effect on tanker rates.

"It only takes a 3 per cent shift of tanker supply to create a shortage of a surplus. The opening of the canal would present far more tanker availability than that," he observes.

Mr. Levy opposes the substitution in the Middle East of pipelines for ship transportation. "From a Western point of view, the canal is far more reliable than pipelines that must pass through often hostile lands."

John Lichtblau, an independent economist, head of the Petroleum Industry Research Foundation, believes that the canal could play an important role in commerce for many years. But he wryly adds, "That's if politics will let it."

U.S. ENERGY CRISIS

Mr. McGOVERN. Mr. President, it is of some comfort that we made it through this past winter without any major "freezeouts" due to failures in the Nation's electric power distribution system.

We are, however, approaching the period of peak summer demands on that system, and we can expect that "blackouts" and "brownouts" will again threaten many major metropolitan areas. We will again suffer this most visible evidence that our Nation's confused power supply patchwork is unraveling.

In the current issue of Playboy magazine, writer Robert Sherrill has supplied a detailed account of the status of that system.

Having heard the private utilities argue the need for increased generating capacity—and blame the environmentalists for failures to meet demand—I suspect many of us will be startled by Mr. Sherrill's report that,

> There is no electricity shortage. In some densely populated areas, yes, there are shortages as the result of industry backwardness. But nationally there is no shortage, and the only problem is how to spread the existing power around.

Yet he cites no less reliable a source than Federal Power Commission Chairman John N. Nassikas to substantiate this claim. The dependable national generating capacity in existence now is 326,-667 megawatts, whereas the estimated peak demand—at the point of highest loads—is 257,419 megawatts. What is needed is a national grid system, so that power can be moved to points of demand.

Unfortunately, the administration has been no more hospitable to that concept than it was to Interior Secretary Hickle, who once advocated it before his sudden loss of status with the White House.

Mr. President, because of the light it sheds on this and other facets of the power crisis, I ask unanimous consent that the article to which I have referred, entitled "Power Play," be printed at this point in the RECORD.

I also ask that an additional article on the same subject be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

POWER PLAY

(By Robert Sherrill)

The most serious, immediate threat to the environment—and to the consumer's pocketbook—comes from the developing cooperation between the fuel industry and the electric-power industry. If they have their way, and there are signs that they will, then the most harmful source of air pollution will go uncontrolled, along with our most monopolistic markets. The situation has become so critical that some responsible observers are beginning to use such unkind words as conspiracy and collusion. Vermont Senator George D. Aiken, one of Congress watchdogs of the energy industry, was not accused of hysteria when he warned that what's happening constitutes "a very serious threat to political democracy," because "when you control energy—and oil interests now control coal and are on their way to controlling nuclear fuel—then you control the nation." Of specific concern, he said, is the evidence that "there is some group determined to get control of electrical energy in this nation." That would be a natural target for any group interested in controlling all of the nation's power systems—or in chain-reaction profits—because, if Montana Senator Lee Metcalf knows what he's talking about, "Electric power is by far the nation's largest industry. It's growing rapidly because it has a monopoly on an essential product. The electric utilities took the lighting business away from the gas utilities half a century ago. They appear to be on their way toward domination of the heating area as well. They are going into the real-estate and housing business in a big way. They are intertwined with the banking and insurance industries and have extraordinary force in politics, the eductional system and the press." The concentration of the industry is impressive. The 212 largest private electric companies (as distinguished from public outfits like TVA, the rural electric co-ops and the municipals) are said to constitute about one eighth of all investment in U.S. industry.

And from the environmentalists' point of view, the electric utilities are of paramount concern. The coal and oil they burn produce more than 50 percent of the deadly sulphur dioxide and nearly 30 percent of the particulates in air pollution of our cities—which is why Jerome Kretchmer, the Environmental Protection Administrator for New York City, can hardly be thought to exaggerate when he contends that "power versus the environment is *the* issue for the Seventies." (New York's sulphur-dioxide level is three times higher than the safe maximum set by Federal and state officials, and a heavy atmospheric inversion this summer could kick it up to a level that would kill enough people to ease the city's tight housing situation.)

Nothing unusual there. With an Amherst physicist claiming to have evidence that between 1000 and 10,000 lung-cancer deaths each year are caused by electric-power-plant emissions, and with some scientists now tentatively estimating that coal-burning power plants may be putting as much as 150 tons of the newest hazard, mercury, into the ecosystem each year, it's hardly surprising to find that Senator Edmund Muskie and other politicians rate power pollution at the head of the list of environmental plagues.

Aside from the various chemicals and dirty solids the industry dumps on us, the face of America has been permanently mutilated by 67,000 miles of extra-high-voltage transmission lines strung across 1,300,000 acres of land—and, in all likelihood, by 1990 there will be 165,000 miles of lines hanging over the land. By 1980, the generating plants will be pirating one sixth of our fresh water as a cooling agent and returning it to the streams and lakes at such a heightened temperature that fish will have to swim for their lives. Algaeic scum will follow.

This continual degradation of what was once a green and pleasant land may be halted only by a massive public confrontation. The situation is neatly summarized by Lee C. White, former chairman of that laissez-faire fraternity, the Federal Power Commission: "It is perfectly evident that the dialog between the environmentalists and utilities is beginning to shift. The utilities are no longer being asked, 'Why don't you locate your plant in a site other than the one you have selected?' The question being asked today is, 'Can you justify the construction of an additional plant anywhere?' "

For several years it's been plain that if the electric-utility companies were to escape stiffer regulations, they would either have to pour research money into developing more efficient and cleaner methods of production, or they would have to fight off reform by political lobbying, propaganda and threats. They chose the latter course.

Habitually, the power industry has skimped on research—even while mooching billions of dollars of Government research funds. One knowledgeable witness told the Senate Subcommittee on Fuels in 1970 that there are "only 14 Ph. D's in the entire utility industry." Expert analysts have reported that *all* power companies together spend only twenty-three hundredths of one percent of their operating revenue for R & D, which proportionately is about one ninth what the Bell System spends for that purpose, and about one eighth as much as the utility companies lay out in advertising to persuade the consumer to use more of the power they often cannot provide.

Not wishing to break their habit of sloth, the big electric companies decided to fight reform regulations by other means. For this, they teamed up—conspired, connived, whatever word seems to fit—with the big oil, gas and coal companies. Their weapon was fear, based on disruptions of electric service.

Electricity we've got to have. In vertical cities, there is no substitute for an elevator. For the urban cave dweller, who lives in canyons no breeze ever penetrates, there is no alternative to an air conditioner. The gas furnace may compete with the coal or oil burner, but nothing competes with the light bulb.

Ever since the 1965 power disruption that plunged much of the Northeast into darkness, the residents of most of the larger urban centers of the country have been wondering when the elevators would stop again between floors. And there have been enough blackouts and brownouts—more than 50 nationwide in 1970, and a severe one in New York this past February—to keep the worry flourishing. Industry spokesmen insist that the crisis will last at least another five to ten years.

Because they peddle an absolutely essential commodity and because utilities are the only industrial monopoly protected officially by Federal and state governments, it's been quite easy for the electric power companies to create a crisis situation in which they could successfully issue ultimatums: Let us charge the rates we want to charge, or we will permit our equipment to deteriorate and we will not develop new sources of power—so there will be critical blackouts. Let us build our power plants on the steps of city hall and string our transmission lines through national parks without protest from environmentalists, or we will permit so much of our operations to stop that normal life will be disrupted and endangered.

A contrapuntal ultimatum has come from fuel companies, which want no restrictions on their profits or on their drilling and mining operations. In the fight for profits, both groups have apparently won. The fuels that go into the production of electricity have jumped in price by as much as 130 percent in the past year. The electric-utility industry's income, which was 19.4 billion dollars for the 212 largest companies in 1968, is believed to have jumped a billion dollars a year since then. (It is difficult to be certain, for there is no central government office for collecting rate data.) But still at issue between the public and the electric moguls is the matter of environmental controls.

Utility officials are not very subtle about their threats. If environmentalists continue to interfere, says New York Consolidated Edison's chairman, Charles Luce, "eventually it will have an effect when you try to switch on the light." And a top official at Boston Edison said, "We can probably meet our demands in New England if no more states pass those anti-pollution laws." The fuel industry plays an equally obvious role in this psychological warfare. From Prudhoe Bay, Alaska, William Steif of the Scripps-Howard newspapers reports that in talking with a dozen of the nation's top oil executives, he learned that "the big oil companies are counting" on the possibility of blackouts caused by energy shortages to "brush aside objections of conservationists" to the construction of the highly controversial Alaskan pipeline.

When conservationists protested the proposal of some oil and gas companies to use Federal atomic devices for blowing up portions of the Rocky Mountains in their quest for 42 billion dollars' worth of new gas, Dr. Glenn T. Seaborg, chairman of the Atomic Energy Commission and a friend of the industry, warned: "Today's outcries about the environment will be nothing compared with the cries of angry citizens experiencing blackouts which could endanger the health and lives of their families."

The generator that sends electricity out one end is powered at the other by water, nuclear energy, coal, oil or natural gas. No conspiracy could depend on the first two, because water-powered generators supply 16 percent of our electricity, and at present the nuclear generators produce about two percent. The great sources are coal, oil and gas, and of these gas is the most important because it's virtually pollution-free. There is an insatiable demand for it.

And because there is such a demand, the gas producers two years ago "discovered" a shortage. Their objectives were to throw off FPC regulations, increase prices and get their hands on a larger share of the oil and gas of the outer continental shelf. Every trade magazine acknowledged that if gas prices were raised, the "shortage" would evaporate. *Business Week* flatly stated that the industry was shooting for a 60 percent price increase. Others estimated a 100 percent boost. Charles F. Wheatley, Jr., general manager of the American Public Gas Association (which is run by municipal gas distributors, at the other end of the commercial spectrum from Shell, Gulf and the rest, and is the most consumer-oriented sector of the industry), noted with apparent sarcasm that "the timing of the present asserted gas shortage is quite interesting," because the industry's chief lobbyist for a rate increase "has stated that he did not realize until late in 1968 or 1969 that there was any real gas shortage." Strange. Wheatley's suspicions were heightened by the remembrance that, though 1954 had been a banner year for drilling, "a similar [shortage] claim was made in 1955 when the industry sought passage of legislation to exempt producers from FPC regulation."

Many observers are convinced that the gas companies have plenty of reserves to meet the nation's needs but have simply capped the wells to await higher prices. Dr. Bruce Netschert, an economist with National Economic Research Associates, claims that 500 gas wells in the outer continental shelf off Louisiana have been capped. Michigan Senator Philip Hart, whose Antitrust and Monopoly Subcommittee has been investigating gas prices, says that Louisiana officials "have found 1100 gas wells shut in, mostly waiting for higher wellhead prices."

Gas prices are supposedly set by the FPC according to supply. But this is pretty much a farce, since the official supply is determined in secret session by the American Gas Association—a group of so-called competitors—who have consistently refused to disclose their records to the FPC. In other words, the FPC simply takes industry's word and is happy to do so. Says John Flynn, special counsel on the Senate Antitrust Subcommittee: "The way gas reserves are predicted through the A. G. A. is a serious antitrust question. It is a possible device for price-fixing."

What are the stakes? Joseph C. Swidler, chairman of the New York Public Service Commission, puts it this way: "There are probably some 1500 trillion cubic feet of gas in our underground resources. Each cent [increase on the price] per 1000 cubic feet thus represents 15 billion dollars for the consuming public." That's 15 billion dollars for a one-cent increase, yet, according to Flynn. "The FPC has been talking in terms of an 8- or 10-cent increase and industry wants 14 or 15 cents more."

Another assault on the consumer's peace of mind and pocketbook come via the marketers of residual fuel oil, which fires the furnaces that turn the generators that produce more than 90 percent of the electricity in the Northeast; oil figures heavily in electricity production in other areas as well, such as Florida. These days, residual oil is selling for twice the price it fetched a year ago. Industry spokesmen insist the oil is scarce for several reasons. Libya cut back on production. The big trans-Arabian pipeline has not been repaired since it was ruptured in Syria last year. There is a severe tanker shortage.

U.S. Congressman Silvio Conte, at hearings before the Subcommittee on Special Small Business Problems, got to muling over those excuses and began to suspect that somebody was lying. The oil industry had begun complaining about a "shortage" and had started pushing up its prices in April 1970, but, said Conte, "The pipeline didn't break until May 3, 1970, and the Libyan cutback occurred sometime thereafter." Furthermore, the pipeline was shut down for 100 days during 1969, yet there was no claim of a shortage or any increase in prices that year. And finally, "Only about three percent of our [residual] oil is imported from the Middle East. The remaining 97 percent comes from Venezuela, Canada and our own domestic markets." And if Libya was curtailing production, wouldn't this free tankers for the Venezuelan run?

Putting it all together, Conte concluded: "The price had gone up by such a huge amount—in some cases as much as 130 percent on the East Coast—because, I felt, there was a conspiracy among the domestic oil companies, the producers, in making this oil scarce, so that the price could be increased. . . . Let me put it this way. It is either a conspiracy or a gross miscalculation by the oil companies. And I can't believe that the oil companies would miscalculate the situation, because they certainly have the finest backup force of any industry in the world, and they very, very seldom make a miscaluation."

Coincidentally with all that came a startling "scarcity" of coal and a sudden increase in its price. There were, as usual, suspicions of collusion, but nothing was done about it. Senator Hart acknowledge that testimony before his subcommittee raised serious questions as to "whether there has been a deliberate withholding of coal from the market place."

The railroad companies were doing their share by creating a shortage of coal cars. Many cars were allowed to stand idle rather than be used to deliver coal to the power plants. Everything was screwed up: One trainload of coal bound for New England stopped short and returned to the mine; rail officials claimed the rerouting was a computer mistake. And delivery of coal was sometimes delayed because the rail lines have allowed much of their equipment, including roadbeds, to deteriorate.

It was easy to contrive these shortages because ownerships of the different fuel industries are tightly interwoven. Within the past five years, eight of the ten largest coal-mining companies, which produce half the coal in the U.S., have been purchased either by oil companies or by mineral companies or other large "energy" corporations. Since the oil companies control natural-gas production, and since they also control 45 percent or more of the known U.S. uranium reserves, which of course gives them dominance over nuclear power, the production of electricity is pretty much a matter of their whim. Clearly, control of supplies and prices is in capable hands.

So critical is this threat of fuel monopoly that it has overshadowed other monopolistic trends. Too little attention has been paid, for example, to the interlocking banking relationships of the various industries that support the electric utilities. A House Banking Committee study shows that the 49 largest banks hold interlocking directorates with 36 of the largest electric companies, 28 gas companies, 15 coal-mining companies, 17 petroleum companies, 58 coal-carrying railroads, one oil-pipeline company and 27 companies supplying electrical transmission and distribution equipment.

The Mellon National Bank & Trust Company, for example, which holds 52 percent of all bank deposits in the Pittsburgh area, has three interlocks with the Consolidation Coal Company; a total of six interlocks with General Electric, Westinghouse and H. K. Porter, all suppliers of electric-transmission, lighting and wiring equipment; a total of five interlocks with the Penn Central, Pittsburgh and Lake Erie, Cleveland & Pittsburgh and Pittsburgh, Fort Wayne & Chicago railroads; four interlocks with the Gulf Oil Corporation; and a total of seven interlocking directorates with the Pennsylvania Power and Light Company, the Duquesne Light Company and the Monongahela Power Company of Ohio. All the biggest banks can show similar ties.

The point to keep in mind is that while a fuel monopoly can afflict our pocketbooks and our blood pressure, the linchpin that holds the over-all power conspiracy together and guarantees maximum profits for all concerned is that private electric-power monopoly. There are 40,000,000 households that use gas, but if the only issue were higher gas prices or a gas shortage, they could switch to other fuels—sometimes at great expense. If the only issue were higher coal prices or a coal shortage, the switch could be made to oil or gas. And if the developing oil-gas-coal monopoly made switching meaningless, the consumers could still fight it out without feeling panic, except that oil-gas-coal is electricity, and there is no switching from that.

Having passed through the panic factory, we come back to the simple, aggravating truth: There is no electricity shortage. In some densely populated areas, yes, there are shortages as the result of industry backwardness. But nationally there is no shortage, and the only problem is how to spread the existing power around.

Obviously, this is something the industry does not exactly like to have publicized. I believe I have read every important article on the power crisis printed during the past two years. Yet I cannot recall ever seeing anyone mention what Federal Power Commission chairman John N. Nassikas admitted in Congressional testimony just before 1970's winter demands set in that "the net dependable capacity of the 48 continguous states is 326,667 megawatts, with an estimated peak demand of 257,419 megawatts." That leaves a reserve capacity—or surplus—of 27 percent, and "reserves of 15 to 20 percent are generally considered normal to guard against unexpected equipment failures and higher peak loads than predicted."

It would appear, then, that present concepts of "need" are cockeyed. The idea that New York City "needs" to build more generating facilities in Queens; or that the Los Angeles area "needs" a power plant at Malibu to continue the devastation of the beach already begun in that way at Playa del Rey, El Segundo, Redondo Beach, Alamitos Bay and Huntington Beach; or that the Chicago area "needs" more generating facilities along the Lake Michigan shore—solutions like these, with transmission technology being what it is today, are about as scientifically defensible as rubbing the scalp with parsley to cure baldness.

William E. Warne, a West Coast water-resources and energy consultant, voices from expertise what the local residents know from common sense: "[In such meglapolises as] Washington to Boston . . . San Diego to Santa Barbara . . . around southern Lake Michigan and elsewere . . . there are not now, and are not going to be later, places for twice as many power plants by 1980 or seven times as many by 2000"—as the electricity demands would seem to dictate building. "New York City simply cannot accommodate in its environs a multiplication of generating stations."

The best and easiest way to avoid new stations is to establish a national transmission grid. This is the only way to take advantage of the national electricity surplus, tying together all major sources of power production and power consumption. There are already regional grids and even a few important interregional grids, especially in the Far West; but these are not sufficient, as the experiences of the past few years clearly show. The national transmission picture is, as one Senate aide described it, "Like an interstate highway interspersed with gravel roads, detours and a few unbuilt bridges."

The idea of a national grid was first seriously proposed in the Thirties, but the private power lobby has always managed to prevent it from becoming a reality. Senator Muskie rightly blames the FPC for its failure to "face up to the needs for a national power network. We know how to build and regulate broadcast networks, sports networks, merchandising networks, food-distribution networks—but not a power network. And now we end up having hundreds of thousands of kilowatts of power unable to reach New York in an emergency because the necessary transmission lines have not been built." Yet for at least 15 years we have had the long-line transmission techniques to do the job.

If there are only two electric systems interconnected and one system loses 25 percent of its generating capacity because a turbine goes out, chances are that the combined systems will not have enough generating reserves to make up the deficiency. The result: blackouts, or at least brownouts. New York is supposedly backed up by the Pennsylvania-New Jersey-Maryland (P-J-M) Interconnection, but at the most crucial point in the summer of 1970 the backup P-J-M was itself riddled with so many problems that one fourth of its generating capacity was out of action. There were boiler explosions, boiler-tube ruptures (seven in all), an explosion in a pulverizer mill, a kinked turbine spindle and more. The situation was a total mess. The manufacturers of electric-power-plant equipment almost seem to be involved in a conspiracy of their own, for when they are not delivering needed equipment months late, what they are delivering is so shoddily made that it can almost be guaranteed to break down.

However, if you interconnect all the major systems, the combined spinning reserve would take care of any emergency. And if the country were tied together from coast to coast, there would be other great advantages resulting from the time and weather differentials. A summer evening's peak usage in New York puts a strain on Consolidated Edison's creaky equipment; but the West Coast, three hours behind has not yet reached its peak usage and could bump surplus power to New York. Most power systems in the country are overloaded in summer because of air conditioning; some, such as the Pacific Northwest, have a winter peak and a summer surplus. These various systems could bump their seasonal surpluses around the country to meet demands elsewhere.

Much of a company's equipment can earn money only during peak-use periods, which is why the electric giants are so slow about buying needed equipment. With a national grid, this wasted capital outlay could be avoided.

The national grid would also be a way to achieve almost immediate relief from air pollution. Given a serious atmospheric inversion that traps dangerous levels of a utility's crud in the urban air, the company could simply shut down its generators and import the power it needs from systems in other parts of the country.

Not only is construction of the national grid possible; it could also be built quite swiftly and, as utility-equipment costs go, relatively cheaply. Robert O. Marritz, executive director of the Missouri Basin Systems Group, says that it would probably take no more than 1.6 billion dollars to build a grid with the main direct-current transmission lines running from the Pacific Northwest through the Wyoming-Montana coal fields to Chicago and then to New York, and the southern line running from Los Angeles to Four Corners (Arizona, Colorado, New Mexico and Utah), which already has a big generating complex, through the Little Rock area to the TVA and then north to New York. (The stringing of these long lines, incidentally, will of course ultimately reduce the need for additional regional lines.) The grid could be built, Marritz believes, in three years—compared with the minimum of five years needed to build a new power plant that essentially has only local usefulness.

We asked Kenneth Holum, who was assistant Interior Secretary for Water and Power Development for eight years under Kennedy and Johnson, if he agreed. He said he thought Marritz might be optimistic on the time needed to build a transmission system. Holum talks in terms of five or six years, but he conceded "Marritz is an engineer and I'm not."

Marritz is also more optimistic on the impact. With a national grid, he said, there would be no more blackouts or power shortages for decades, if just a moderately reasonable plant-construction program went along with it. Holum balked at predicting "no" blackouts or shortages, but he agreed that their possibility would be "exceedingly remote." On that, most experts would agree. So why hasn't the grid been built? That question cannot be answered fully without illustrating the *atmosphere* of the answer. On April 8, 1970, in a hearing before a Senate subcommittee, then-Interior Secretary Walter J. Hickel said something that would have been unusual for a Democratic Cabinet official but was downright spectacular for a Nixon appointee: "I think we need a national grid system." Hickel went on talking that way, and indicated that he wanted to be encouraged to say more. After the hearing he told reporters, "Some people think it's socialism, but it isn't."

Indeed, some people do think it is socialism. And some who think so were working within shouting distance of Hickel. Rumor has it that as soon as word of Hickel's heresy got back to the Interior Department, his Assistant Secretary for Water and Power Development, James R. Smith (who came to Washington from an executive post with the Northern Natural Gas Company of Omaha), hurriedly called together everyone at the policy level and assured them that Hickel hadn't really meant it—but if he *had* meant it, he, James R. Smith, friend of private enterprise, intended to resign. Some in the power industry believe Hickel's remark on the national grid helped bring about his downfall, but this may be a parochial suspicion.

Most private power executives hate and fear the idea of a national grid. When blackouts and brownouts struck the East Coast in the late summer of 1970, emergency supplies were wheeled into the New York area from as far away as the Tennessee Valley Authority. This leaning on the TVA—still a bête noire to the private power men—and the success of long-distance transmission caused deep concern among those who dread the national-grid specter. The PR offices of the major utilities began putting together anti-grid material, just in case.

There are several reasons for this opposition, aside from the fact that leaders of the private power industry simply don't like change. As we have already shown, there are tremendous profits in isolation. Most state regulatory bodies have so many other duties—overseeing road transport, railroads, elevators, phone companies, weighing stations—and have so few trained personnel that they couldn't regulate the power companies even if they wanted to. Texas has pushed isolation to the ultimate, refusing to have any interstate power ties, so that it is not subject to any supervision from the Federal Power Commission—and there is no state agency that regulates electric rates in Texas. As long as the enormously complex utility industry keeps its activities chopped up into fiefdoms, realistic regulation is bound to be impractical.

But there are other major reasons why the grid is opposed. If the nation were tied together in this way, the resources of the West would have to be acknowledged and—given a reasonable degree of public pressure—utilized, which would further explode the "fuel shortage" myth. One of the great, untapped sources of power in the U.S. is subterranean steam. If the steam trapped under the earth's crust—mostly in the West—were put to work turning turbines and generators, we would have an almost endless supply of electricity. Italy, Japan, New Zealand and Russia, among other countries, have been using steam to generate electricity on a massive scale for years.

Since 1960, geothermal energy has actually been turning generators in California and is so efficient a source that oil companies—Union and Standard and others—have been buying into the action all over California and Nevada. Some experts believe that there is enough reachable geothermal energy under California's Imperial Valley alone to meet the electricity needs of 20,000,000 people for decades at least. The important things about it are that it's cheaper than any power except hydroelectric, it does not incur the risks of nuclear installations, and it is nonpolluting.

Also looking West: Of the nation's 130,000,000 kilowatts of undeveloped hydoelectric power, 108,000,000 kilowatts are in that region, according to the Federal Power Commission; this is impressive even as a fraction of the present total generating capacity of the nation (about 300,000,000 kilowatts), and downright overwhelming, when one considers that it is about 13 times the power needed at the peak hour in New York City.

More to the immediate point, the West has immense reserves of fossil fuel. Never mind the shale-oil potential. Production methods for it are still too iffy. But one can speak practically of coal. It's there, it's easy to get at, it's relatively free of the kind of sulphur that pollutes the air. Sixty-four percent of the nation's low-sulphur coal is in the West, and only four percent of it is being mined.

The excitement that Western coal generates in some people can be detected from the claims of Senator Metcalf that "Montana coal has something like 100 times the energy source that the East Texas oil fields have. We can provide energy for America, all the energy, out of the coal fields of Montana for the next hundred years. We have that potentiality. In North Dakota and Wyoming it's the same. We could build up a mine-mouth power complex out there and set up transmission lines, and we could literally light America from Maine to Los Angeles."

Virtually all of the Western coal would have to be strip-mined, however, and there is nothing in the Western air that reforms corporations. There is no reason to expect Humble Oil, for example, to operate with more environmental decency when strip-mining its vast coal holdings in the West than its corporate brothers have shown in strip-mining the Eastern fields.

But even if conservation guarantees could be worked out, there is no assurance that full utilization of the Western sources of geothermal energy, hydroelectric power and coal would come about easily, because the Eastern establishment might not want to cooperate.

What has New York got to do with the development and transmission of power in the West? The answer to that touches one of the primary hang-ups in trying to establish the national grid. The big corporate guns of New York, who have helped create a situation of chronic crisis from which to draw maximum profit, dominate the national picture. Senator Aiken last year urged Congressional investigators to look into New England, where private utilities—which charge the highest rates in the nation—recently spent half a million dollars in a lobbying campaign to kill a public power project. "The interlocking directorships and the deals between various executives might provide some exciting antitrust material," he said. "It might also be well to take a very special look at the financing structure in control of this New England combine. It might be shown that scarcely a kilowatt can move in New England without the approval of a Wall Street investment firm."

Somewhat the same thing might be said about the West. A recent study of ten of the big private utilities in the West, selected at random from stockownership reports filed with the FPC, showed that a majority of the ten largest stockholders of each company were headquartered either in New York or Boston.

If we, as a nation of consumers, should ever manage to construct a national grid, we would have, in a sense, achieved industrial fission. Like nuclear fission, the achievement could become a force for either good or evil. It will be a most potent force for good if the high-voltage transmission lines that tie the nation together are owned and controlled by the Government and, like highways, available to any private or public utility company that wishes to use them. On the other hand, if the Government does not retain control over the national grid, it could become the most oppressive weapon ever offered a monopoly industry—in this case a monopoly interest that is becoming increasingly concentrated.

There were 1060 private utility corporations in 1945. Today there are 267. Serving as the best balance we have to the private companies are the 2010 public and 921 rural electric co-op systems. But if the national grid's transmission lines fell into the hands of the private utilities, they would doubtless bring the public systems under their domination even more than they have today. As it is, many of the public systems that must buy power from the privates are getting short shrift.

A memorandum uncovered accidentally in the summer of 1970 at a hearing before the Securities and Exchange Commission told of a two-day meeting in January 1968 at which 100 executives representing 66 private power companies got together in a Clayton, Missouri, motel to exchange advice and experiences on how to kill municipal and co-op electric systems. A leading role was taken by executives of the Edison Electric Institute, the private utilities' trade association. The good soldiers of capitalism discussed such tactics as refusing to sell power at wholesale prices to municipal power companies; lending money to communities with municipal plants, and then putting the squeeze on them; and refusing to let public utility companies come into pooling and joint power-supply arrangements.

This cutthroat attitude on the part of private utilities is not at all unusual. Arthur Jones, president of the Basin Electric Power Cooperative in Bismarck, North Dakota, one of the more aggressive populist outfits of the Midwest, says that if consumer-owned and public systems don't get to participate actively in the planning *and ownership* of the huge regional and interregional grids which are coming, "the people's basic electric-power supply eventually will be dominated by those few utilities that can manage to finance very large facilities.

"Domination of an electric grid by a few utilities and the domination of essential-fuel supplies by a few oil companies [will mean] price-fixing at the expense of the consumer and political control by large corporations."

He could have made that much stronger and still have been accurate. Price-fixing is achievable without the grid. With a private grid, what can't they fix? The monopoly of the telephone by A. T. & T. has been with us for years. The monopoly of the energy industry by a dozen major oil companies has been apparent, if less visible, for several years. If the national grid, which is surely inevitable, gets into the hands of the major electric companies, then the monopolistic control of all industrial essentials will have gone too far to reverse. On the other hand, if the people, through their Government, own and control the grid, industry may at least be stalemated in its bid for a strangle hold on both the sources and transmitters of electric power.

Current's Future, A Realistic Appraisal of the Possibilities for Power Without Pollution

The power lines you see stretching off at angles to the roads you drive, looping across the countryside, their sagging folds supported by huge steel towers evenly spaced through right of ways cut out of farmland and woods, carry millions of watts of electricity—but not enough, it seems. And demands on the cumbersome system that sends current through these slender conduits will double in ten years. Present technology will be inadequate for two reasons: the finite quantity of resources (coal, water, U-235) and the technological inefficiencies that are built into the production processes—wastefulness that turns up as pollution. The scientific problem is basic enough: Find a means of converting an available energy source into usable electrical power without discharging even more heat or soot into the sorely abused environment.

The sun is one such source of energy, available—given the variables of weather and smog—for conversion. Solar energy is, in fact, already being converted into limited quantities of usable electricity—in the space program especially. Electrical power from solar cells could keep the Russian moon vehicle, Lunokhod I, lumbering across the lunar surface indefinitely, or until the Soviets lose interest. Some ambitious planners have suggested converting 300 square miles of reliably dry and sunny desert into a solar-energy collector. A more grandiose alternative would be to send huge collectors—squares some five miles across—into orbit around the earth, where, free of the vicissitudes of climate, they would concentrate sunlight and send it via microwave to receiving grids on earth, where it would be converted into electricity. Microwaves, however, are rather inefficient conductors; an even more visionary solution might be laser beams. The science is, in both cases, sound, but the engineering techniques have yet to be perfected and would be staggeringly expensive. The size of the machinery that would be required to harness terrestrial energy sources, the winds and the tides, is equally awesome and improbable. And the machinery would desecrate the landscape. Hopefully, there is still time to consider aesthetics.

Magnetohydrodynamics may be a winner. MHD eliminates the ponderous machinery upon which present generating systems depend by sending conductive gases under pressure and at superheated temperatures—4000 to 5000 degrees—through an electromagnetic field, thereby generating a current (a principle discovered by Michael Faraday in 1831). The greatest advantage of MHD is that it involves one energy transformation rather than the three (fuel to heat, water to steam, steam to rotary motion of conductors in a field) now required. The simplification translates into an efficiency level of 60 to 70 percent, compared with the 30 to 40 of existing plants. There is still the problem of resource availability (something has to heat up those gases), but MHD represents a significant advance, although, at present, there are no operating plants.

One method of eliminating the plunder done to natural resources may be breeder reactors. Unlike the nuclear-power plants now in operation, they do not just burn up fuel but manufacture one fissionable material while consuming another. The scarcity of U-235, which the present nonbreeders use as fuel, makes development of economical reactors mandatory, and work is going ahead smoothly. A few breeder plants will be operational in about ten years. In both types of nuclear plants, nuclear power is used to make the steam that drives old-style turbines; that is, as a substitute for fossil fuels. The only problem this substitution solves is that of air pollution. There is no smoke. But the efficiency of energy conversion is actually lower than in conventional plants (30 percent *vs.* a still dim 40). The waste is in the form of heat: thermal pollution. If the entire national demand for electricity projected for the year 2000 were met by nuclear plants, approximately one third of the daily fresh-water runoff in the U.S. would be required as a coolant. A nuclear source linked to MHD mechanics would streamline the operation and eliminate a lot of that excess heat, but the most troublesome and dangerous by-product of nuclear fission—radioactive waste—would still be around.

There is another nuclear alternative; one that could be the perfect solution to the power problem. It is fusion, a process that charged hydrogen particles undergo in very special high-heat-pressure situations—something close to the core of the universe. The sun and the hydrogen bomb are brought to you through the courtesy of fusion. When scientists first set out in pursuit of fusion, they called the effort Project Sherwood, because—one story has it—someone answered the question "Wouldn't it be nice if we could achieve fusions" with a happy "It sure would." The first experimental reactor was called a *perhapsatron*. The early, lighthearted efforts began to yield results and the United States, Great Britain and the Soviet Union jointly declassified their research and pooled resources. This unusual and hopeful cooperation bore fruit, and physicists now believe they can make controlled nuclear fusion, the ultimate and perfect energy source, into something you will someday thank for your warm apartment and well-lit city.

A sustained fusion reaction depends on many factors. At the tremendous temperatures involved, materials assume properties that are so elusive that scientists have to refer to a fourth state of matter and call it plasma. A sustained reaction depends on the confinement of this plasma. Gravity does this job for the sun; physicists use electromagnetic bottles. Until recently, plasma could be magnetically contained only for a few split seconds and at a density far below the level required for successful fusion. One researcher, David Bohm, estimated the minimum time necessary, and from then on, the problem became beating Bohm's theoretical time. The Soviets have come close and convinced most skeptics that there are no barriers to creating a sustained fusion reaction.

Once this is accomplished, a powerful and clean (relative to present fission techniques) energy source will be available. The original plan was to use the high-temperature reaction to heat a core that would transmit its energy to conventional generating machinery. Now scientists believe they may be able to take the high speed charged particles from the reaction and convert them directly into electricity, thus breaking through the limits of machine efficiency and heat tolerance.

Fusion plants, once they become available, can be safely located near or in cities. The heat generated by such plants would be used to warm homes or offices—or even cool them, using essentially the same technique that makes refrigerators work on a gas flame. There would be enough surplus heat after that to distill and purify sea water and sewage. Finally, the in-city fusion plant could operate a fusion torch to solve the nastiest of environmental problems: garbage. The fusion torch, burning at its incredible temperatures, will break refuse down into its original elements for recycling.

Breath-taking as all this is, there are doubters: very crucial doubters who are funding research into controlled fusion with exceeding parsimony. The United States currently spends $30,000,000 annually on fusion research. That is roughly one percent of the space budget. However, economics may, paradoxically, be the salvation of fusion-generated power. The engineering requirements for fusion plants are tremendous and expensive; fission would be the bookkeeper's choice at this time. But fission plants, because of their danger and adverse effects on the environment, must be located far away from populated areas. Their remote siting increases the cost of transmitting and distributing the electricity they generate. A fusion plant, close to or in the city, could drive this expense way down. This savings may be the decisive factor when the power companies sit to consider the merits of fusion *vs.* fission.

It's all remote, but there is a long list of breakthroughs that have occurred in this century, of visions made into reality. Another factory sitting in the middle of your town may not sound like an exciting prospect, even if that plant heats your house, purifies your water, runs your record player and disposes of your garbage. But there is something else to consider. If fusion can do all the things its advocates claim it can, there won't be as many of those looming, stressed-steel towers running off monotonously in all directions, holding up power lines. There won't be as much goop in the air, either.

THE SOIL CONSERVATION SERVICE

Mr. FULBRIGHT. Mr. President, the recent article in the Arkansas Gazette of April 4 by Mr. Leland DuVall concerning the work of the Soil Conservation Service is very perceptive and profound. I believe it is worthy of the attention of the Members of the Senate and the public, and I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Efforts of SCS Deserve Attention Crusaders Getting

(By Leland DuVall)

One of the little ironies woven into our system of ethics is the tendency of honor the reformed reprobate while downgrading the "ninety and nine who need no repentance." The rejoicing is inspired by the successful search for the lost coin, the finding of the missing sheep or the return of the prodigal son while the money in the piggy bank, the flock in the fold or the older brother who stayed home and did all the necessary work generally are ignored.

A variation of the theme crops up repeatedly in the currently-popular movement to "save" or even "restore" the environment. The campaign has achieved the proportions of a fad and has swept up a motley collection of instant ecologists and self-proclaimed expert environmentalists who suddenly have discovered—or have been told by others who are equally misinformed—that the people of the United States are destroying their environment. Since a movement of this nature relies heavily on catch phrases and clever slogans, the leaders insist that we are living in "the decade of environment."

(For the record, concern for the preservation of the environment, with special emphasis on the the conservation of natural resources, actually is one of the more pressing problems of society. The issue here is whether the emphasis and attention should go to those who are doing the job or to those who, having so recently discovered that a problem exists, are expending their energies on composing slogans and delivering raucous speeches in which they warn of impending disaster.)

In keeping with the established ethic, the federal government is on the verge of killing the fatted calf to celebrate the return of the less-than-penitent prodigals—followers of the fads, politicans who sense that the wind has shifted and is blowing off the garbage dumps, municipalities that still pollute the streams with their sewage but are ready to change and corporations that, until recently, thought little about the disposition of waste—but there is little chance that the groups and organizations that have been engaged in the work for many decades will get so much as a kid with which to make merry.

Reduced to dollars and cents, this means there is little indication that the established conservation agencies are having to battle for their "usual" appropriation (and may end up struggling along with reductions).

The system of soil and water conservation districts—supported by the technical staff of the Soil Conservation Service—is by no means a Johnny-come-lately in the conservation business. The districts were the creation of pioneer conservationists and their accumulated information constitutes the best and most comprehensive collection of knowledge on the subject that can be found. Membership is composed of the nation's (rural) landowners who control an extremely high percentage of the total area of the United States. These people have more reason to be concerned about the environment than just about anyone else because deterioration automatically brings reduced production.

The subject came up for discussion recently when a group from Arkansas, composed of farmers and professional conservationists, made their pitch to the state's delegation in Congress and to representatives of the SCS in the Agriculture Department. (Neither the SCS group nor the senators and congressmen who attended the luncheon meeting really needed to be convinced about the justice of the appeal.)

William A. Ratcliffe of Sweet Home, president of the Arkansas Association for Conservation Districts, was the spokesman for the group. Other members were Monroe Samuel of Hope, a member of the Board of Directors of the National Association of Conservation Districts; Homer Hall of Ozark, vice president of the West Central Area of the Arkansas Association of Conservation Districts; Jack Gibson of Dermott, vice president of the Southeast Area; Andrew Whisenhunt of Lewisville, vice president of the Southwest Area; Keith Jackson of Little Rock, executive director of the Arkansas Soil and Water Conservation Commission; John Gibson of Dermott, attorney for the Commission, and Einar Roget, state conservationist with the SCS.

"It is indeed ironic," Ratcliffe said, "in this day of unprecedented public concern for the state of our environment that technical and financial assistance to conservation districts has not kept pace with needs and a further widening the gap is threatened. I am disturbed, too, about the creation of new organizations to cope with problems which the districts are uniquely equipped to handle. Across Arkansas and the nation, districts skilled in the techniques of helping people solve [conservation and environment] problems at the gross-roots level are organized and eager for a larger share of the action. For the past 13 years, we have worked in an effective partnership with the Soil Conservation Service in programs for the care and development of natural resources. Recently, our efforts have been hampered severely because of the inadequate level of appropriations to the SCS."

Ratcliffe reviewed the shortfalls in appropriations for specific projects designed to improve the environment generally and preserve and restore soil and water resources. Here are some examples of funding needs, under Public Law 566, of projects that would make important contributions in their areas:

The Cedar-Piney Creeks Watershed, which would establish a multiple-purpose reservoir and supply water to Danville, Havana and Belleville: A new industry at Danville (100 persons employed) depends on this water supply for future growth.

The Galla Creek project in Pope County would provide water for Atkins and Pottsville and also would make a major contribution to a wildlife area. Water from the reservoir would be used to flood lowlands downstream for waterfowl. (Atkins voters last week approved an increase in their water and sewer rates to finance the town's share of the $3 million cost.)

Other projects in various stages of development, the completion of which will depend on federal funding, include Little Mulberry Creek (for a water supply for Mulberry), Big Creek in Craighead and Greene Counties and Muddy Fork of the Illinois River in Washington County.

These are a few of the many examples of resource development in which the districts and the SCS have acquired considerable competence. In the areas of conservation and improvement of the environment, the districts have played active roles in stabilizing and restoring the topsoil, slowing the runoff of surface water, reducing sediment pollution of streams and lakes, trapping water in ponds (87,367 in Arkansas alone), resetting trees on thousands of acres, helping reduce forest fires (woods burning once was an accepted practice in Arkansas and many other states), improving wildlife habitat (134,754 acres in Arkansas are under management programs), improving wetlands for wildlife (53,000 acres in Arkansas) and establishing and managing millions of acres of grassland.

FOREST SERVICE RESPONDS TO BOISE CASCADE AD ON THE MINAM

Mr. HATFIELD. Mr. President, in my home State of Oregon, tremendous support exists for enlarging the existing Eagle Cap Wilderness by the addition of the Minam River drainage. As my colleagues here today remember, last year my bill, S. 1142, added about 82,000 acres in the Minam drainage. This bill passed the Senate unanimously last fall.

This session of Congress, I reintroduced my Minam River proposal, and hope it can be considered soon. I first introduced legislation calling for preservation of this beautiful area in 1968, and I hope that this session of Congress will bring my hopes and the hopes of thousands of Oregonians to fruition. I certainly was pleased by the introduction of a bill similar to mine by Congressman AL ULLMAN, in whose district the Minam lies. I have talked with Congressman ULLMAN about the Minam, and I know he is aware of the great support for creating a Minam River Wilderness in his congressional district.

Recently, Boise Cascade, a forest products company with timber interests in Northeast Oregon, ran a full-page ad in the local papers in the area, lamenting the potential projected loss of jobs in the area, the decrease in taxes, reductions in the allowable cut, and other items they feared would occur if the Minam was set aside as a wilderness area. I will discuss at a later date in greater detail the various pros and cons of the Boise Cascade proposal. The company certainly has a right to its position, and, in fact, it supports extending the Eagle Cap Wilderness into a portion of the area covered in my bill. This act, if approved, would reduce both the jobs and taxes that Boise Cascade mentions in their ad, and they acknowledged this.

In my opinion, the entire Minam should be preserved as a wilderness area. When I introduced my bill this year, I discussed some of the reasons I believed supported setting aside this beautiful, pristine area.

Following publication of the Boise Cascade ad in question, the LaGrande Observer, a newspaper very near the Minam in Northeast Oregon, interviewed the respected Wallowa Whitman National Forest Supervisor John Rogers. I know John Rogers, and I certainly respect his opinion. His comments on the Boise Cascade ad shed some light on the situation in the area, and I ask unanimous consent that the LaGrande Observer interview of March 26, 1971, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOREST SERVICE EYES BOISE CASCADE, PATTERSON ESTIMATES

(By Gary Eisler)

Wallowa Whitman National Forest Supervisor John Rogers said today "I'm afraid the whole Minam thing is botched up."

Rogers made his remark regarding the recent Boise Cascade Corp. advertising campaign against protection of the Minam in wilderness status and Rep. E. E. "Ed" Patterson's recent mail poll on the Minam.

According to Rogers, Boise Cascade's and Patterson's estimate of 90 jobs being lost with the deletion of 10 million board feet are according to 10 year old computations and Boise Cascade's own calculation of allowable cut. But he cautioned that the Forest Service has no official calculation of the allowable cut from the Minam area.

Rogers said the Minam will be deleted from the allowable cut for the next 10 year forest management period regardless of wilderness status. He added that with the new forest inventory it is possible there will be an increase in total allowable cut despite noninclusion of the Minam into calculations.

"I don't have any idea where they got ten million board feet," he said. "Perhaps they have computed it from our statistics."

"No one at present has an accurate computation of allowable cut in the Minam," said Rogers.

"Anyone can make a calculation of allowable cut," he said, "with their own ground rules."

Rogers said he can't dispute Boise Cascade's calculations of allowable cut from the Minam because the Forest Service won't have an estimate on the area for at least another six months.

Rogers said the Forest Service computes allowable cut on different rules than private timber companies. He said the Forest Service allows 120 years for regeneration under its present management plan. Private timber companies, on their own property, often allow only half as long.

"They would like us to use a shorter rotation," he said, "but I don't think we will go to short rotation based on their assumptions."

Rogers predicted a slight overall increase in the allowable cut, despite deletion of the Minam area from such computations. Forest growth has increased since the last inventory in 1957-58, and the Forest Service had reclassified the immense volume of lodge pole pine as commercial timber.

This possible increase in allowable cut comes despite an actual decrease in commercial forest land because of a Forest Service redefinition of commercial and operable forest land. The new definition will be reflected in the figures from the 1967-68 inventory.

Rogers said, in effect, that there will not be the predicted loss of 90 jobs, as was stated by Boise Cascade in their advertising campaign and Rep. Patterson in his questionnaire.

He said that if all Boise Cascade's computations about the Minam were correct and the old job-timber formula still held true, 90 jobs that would have been created by including the Minam in the allowable cut in the next management plan would not be created.

Rogers said that in the upcoming timber management plan, the Minam River area will be calculated separately from the rest of the forest. The allowable cut will be calculated from the remainder of the forest, according to Forest Service management plans, regardless of wilderness status.

Patterson asked registered voters: "Coming back to the Minam River Canyon question, it is estimated that adding 115,000 acres to the Eagle Cap Wilderness area would mean the loss of 90 timber industry jobs. If this were the case, would you favor or oppose making this land a Wilderness Area?"

Patterson next asked, "All in all, how would you rate the present quality of the living environment in this area?" and ". . . how would you rate the condition of the economy in this area?"

Boise Cascade's and Patterson's estimate of 90 jobs derived from a 1963 report, according to Donald Flora, Ph.D. of the Pacific Northwest Experiment Station in Portland. He said the calculation was of nine jobs per million board feet of timber based on 1960 research. The nine men per million was calculated for Eastern Oregon and Washington. In the Williamette Valley area, in estimated 20 men earn a years living per million board feet. The difference between areas, according to the report, is that wood products are further refined into finished products in the Williamette Valley area. Were the wood more intensively utilized here, he said, there would be more employment.

Flora also cited a joint Forest Service Pacific Northwest Experiment Station, Oregon State Forestry study that is to be released soon that notes movement of timber. The report indicates that twice as much Wallowa County timber is removed to be processed elsewhere than is processed there. According to Forest Service figures, only slightly more than two men per million board feet earn a year's living from only felling logs.

In 1968, 2,176,000 board feet of Wallowa County logs were transported to Umatilla County to be processed, and 35,279,000 were shipped to Union County. This left only 16,992,000 of Wallowa County logs that were processed in Wallowa County.

According to figures used by Boise Cascade to compute estimated loss of jobs from the Minam, fully 259 jobs have been lost to Wallowa County through rough processing of their logs in Union and Umatilla Counties. The number of jobs lost is even higher if calculations were made on the number employed in other parts of the state, doing finishing work on Wallowa County's lumber.

Flora of the Forest Service Experiment Station also said the decrease of mills in Wallowa County reflects an area wide trend. While there were once seven mills in the county, supporting a greater, population, now there is only one big mill at Joseph.

According to Stuart Hannah, recreation assistant for the Wallowa Whitman, allowable cut figures are deceptive regarding the Minam.

"It's not as simple as some people make out," he said: "They can't base jobs on timber they can't get." Hannah said there are many areas in the Minam that could not accept a road. He said cost of getting the timber out would possibly be higher than the value of the log.

"They would have to use ballon logging to do an acceptable job of management on much of the commercial timber," he said, "and there are other areas that they could do nothing on without damage."

ON GETTING OUT OF VIETNAM

Mr. PELL. Mr. President, at this time as we are searching for various ways to bring to a conclusion our involvement in Vietnam, I was particularly struck by the thoughts of Ambassador Charles W. Yost.

Ambassador Yost, has had a long and remarkably distinguished record in our Foreign Service, winding up with the rank of career ambassador and serving as our ambassador in many posts. He was called out of retirement to serve as our delegate to the United Nations and is immensely well qualified to express views of diplomacy on the world situation. However, because he has been in the administration until recently, he has not been able to express himself as he might.

It is for this reason that I ask unanimous consent that Ambassador Yost's words be inserted in the RECORD at this time as I think they will be of interest to my colleagues.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A FIVE-STEP PLAN FOR GETTING OUT OF VIETNAM

(By Charles W. Yost)

In 1968 I prepared for the Carnegie Endowment on International Peace and the Council on Foreign Relations a paper in which I urged that the recently commenced negotiations in Paris be used to seek a political settlement which, I pointed out, would require "substantial and painful concessions" by both sides.

It was perfectly clear that Hanoi would not accept a settlement which left the Thieu-Ky government in power indefinitely or which provided for elections to be carried out by that government, even with some international supervision. There is a strong tendency among Asian voters, even in relatively free elections, to accept "the mandate of Heaven"—that is, to vote for the party in power. To Hanoi, elections managed by the present Saigon government would mean loss of all they have fought for so long and so hard. This was obviously unacceptable.

My paper suggested, therefore, that we explore seriously and urgently in Paris whether the North Vietnamese would accept a neutral interim government to carry out elections, a government from which both the Thieu partisans and the National Liberation Front would be excluded, or, alternatively, both included, but in a minor role. If this were possible, I thought an immediate cease-fire could be brought about and the war rapidly wound down. If Hanoi insisted on an interim government which the NFL would clearly control, that would be unacceptable to our side and the negotiations would fail.

This paper was just about to be circulated to the members of the two organizations which sponsored it, when I was offered by the incoming Nixon administration the post of U.S. Ambassador to the United Nations. The first request which was made to me after I accepted the post was that this paper not be circulated. It was clearly inconsistent with the policy which the administration intended to follow.

ADVICE NOT SOUGHT

During my two years' service with the administration I was not involved in any way in the formulation or execution of its policy toward Southeast Asia. My advice was never asked on any substantive aspect of the problem nor was I involved in any National Security Council deliberations on it. I therefore watched from the sidelines with growing apprehension and heartache the prolongation of our military effort in Vietnam far beyond what seemed to me a rational or justifiable point.

In October, 1969, I was moved to submit a memorandum to the administration in which I made this argument as strongly as I could. I urged that we either "bring about a drastic change in the character of the Saigon government as a basis for political settlement" or, if that was considered to be unacceptable, that we "substantially accelerate troop withdrawals without a political settlement."

I never received any response to this memorandum. On the contrary, the Paris negotiations were allowed to degenerate into a charade and troop withdrawals continued at the same deliberate pace which in April, 1971, still leaves 300,000 American troops in Vietnam.

Even the announcement by the President of slightly accelerated withdrawals would leave about 180,000 Americans there at the beginning of 1972, nearly seven years after our major involvement in the war began.

It was and still is quite clear that, despite the Nixon Doctrine and the commitment to "Vietnamization," the President and his national security adviser, Dr. Henry Kissinger, continue to believe that "victory," in the sense of the maintenance of power of the Thieu-Ky government, can still be achieved, and that continued substantial U.S. participation in the war for this purpose is not only acceptable, but necessary.

"GLOBAL STRUGGLE"

They contend that all their military actions, both defensive and offensive into Cambodia and Laos, are designed to reduce American casualties, to protect American forces as they withdraw and to secure the release of American prisoners of war. Actually, there seems little doubt that, if the administration were prepared either to accept a political settlement involving a change in the Saigon government or to fix a proximate date for the total withdrawal of U.S. forces, the North Vietnamese would be only too willing substantially to reduce hostilites, as well as to release all U.S. prisoners by the time U.S. withdrawal is completed.

It appears more likely that the reasons why the President and Kissinger are preoccupied with at least the appearance of victory in Southeast Asia are: (1) the simplistic conception, stamped on their minds in their politically formative years and never relinquished, of an apocalyptic bipolar global struggle between communism and the "Free World" in which any setback to either side anywhere threatens critically the delicate balance of power everywhere; (2) their fear that the loss of South Vietnam, after the expenditure of so much American blood and treasure in its defense, would produce a domestic political upheaval in the U.S. which would discredit their administration and throw the Republican Party into the arms of its right wing; and (3) the panic which seems to overcome any American president at the thought of being the first "to lose a war."

"HUMILIATION"

These deeply felt emotions are, I suspect, much more decisive with the President and Kissinger than are the more prudent consideration which led them to proclaim the Nixon Doctrine. They cannot yet bring themselves to renounce military "options" involving U.S. forces which they still hope will preserve the status quo in South Vietnam and which the American public could still be persuaded to tolerate.

The President has, partly by the exercise of his rhetoric, persuaded himself, as President Johnson did earlier, that the "loss" of South Vietnam, however it came about, would be an intolerable "humiliation," would cause the U.S. to be considered by both foes and friends "a pitiful helpless giant," and would fatally blot the reputation in history of the President who presided over it.

Actually, of course, the more leaders use this sort of langauge in public the more they create the atmosphere which could make it self-fulfilling. It is at least as reasonable to contend that the U.S. has, after six years of massive engagement itself and a vast buildup of the ARVN, far more than fully met any obligation it might have had to self-determination in Vietnam. If the government of South Vietnam cannot in 1972 maintain itself without U.S. military involvement, it is unlikely to be able to do so in 1973 or at any time thereafter.

Moreover, it would now seem to be demonstrated that no practicable expansion of the war is likely to be profitable or even tolerable. The Cambodian "incursion" last year and the Laotian "incursion" this year, while they produced marginal tactical advantages, have had two much more prejudicial strategic consequences: (1) They have seriously over-extended the South Vietnamese forces which we have been trying to prepare to defend their own country, and, in the Laotian case, have badly damaged their morale; (2) they have so aggravated U.S. public dissatisfaction with the whole Southeast Asian enterprise that, as the polls indicate, a majority of Americans now wish to withdraw almost immediately. Under these circumstances no further expansion of the war, concerning which the President still seems determined to keep his "options" open, lies within the realm of political reality.

TRAGIC HISTORY

In this connection, neither the administration nor the public has faced up to the role present and future, of U.S. air power in Southeast Asia. The impression is, however, emerging that the massive way in which it has been used in South Vietnam since 1965, and in Laos and Cambodia more recently, is not only indecisive and often counterproductive in a war of this character, but is so undiscriminating between combatant and noncombatant, so devastating to the lives and livelihood of friends more than of foes, so cruel and inhuman in its scale and consequences, that is unjustifiable under either the laws of war or the laws of common humanity.

In summary, in light of all this tragic history and these inexorably accumulating facts of life, what should the United States do now about getting out of Southeast Asia? I would propose the following five steps.

1. We should promptly and publicly fix a date for the total withdrawal of all U.S. military forces from South Vietnam—subject only to North Vietnamese agreement to commence releasing U.S. prisoners as soon as the date is fixed and to complete the release of all prisoners before withdrawal is completed. This date should preferably be Dec. 31, 1971, but, if this should turn out not to be logistically feasible or if agreement on the release of prisoners could not be obtained soon enough, it might be March 31 or even June 30, 1972, but certainly no later.

GENERAL TRUCE

2. At the same time that we fix a date for withdrawal we should propose a general cease-fire, to take effect at once or at any time prior to completion of withdrawal. We should not, however, make withdrawal conditional on a cease-fire. Acceptance of a general cease-fire would mean that the status quo throughout South Vietnam, and perhaps Laos and Cambodia as well, would be frozen while the Americans are withdrawing. It seems unlikely that such a freezing for a period of many months would be acceptable to either North or South Vietnamese. On the other hand, after a date had been fixed for U.S. withdrawal, local cease-fires to facilitate withdrawal might be quite feasible.

3. Before announcing a fixed date for U.S. withdrawal, we should offer the South Vietnamese government a last opportunity to negotiate a political settlement on the only basis on which it might conceivably be negotiated—that is, an interim government acceptable to both sides to carry out elections. Obviously, if Saigon were willing to try to negotiate such a settlement, it would have a better chance of doing so successfully while the Americans are still militarily present in Vietnam and participating in the Paris negotiations. Since, however, I very much doubt that the Thieu-Ky government would agree to negotiate a settlement of this kind, even faced with the prospect of early U.S. withdrawal, I should not suggest delaying for this purpose for more than one month announcement of a terminal date for U.S. withdrawal.

NEW CONFERENCE

4. We should, simultaneously with this announcement, propose to all participants in the Geneva Accords of 1954 and 1962 return to the full application of those accords, with such modifications as changed circumstances require or as seem desirable to all concerned, but specifically including withdrawal of all foreign forces (including North and South Vietnamese) from Laos and Cambodia and reaffirmation of the neutralization of these two countries. One modification of the accords which would be most desirable, if it could be obtained, would be the reaction of more effective supervisory machinery than the old international control commissions. If a new Geneva conference were necessary to accomplish these ends, as it very likely would be, such a conference, with the same or larger participation, should be convened as soon as possible. The conference could also concern itself with Vietnam, if the governments of both North and South so desired, but it would not necessarily do so.

5. We should at the same time reiterate the offer we have made in the past to contribute substantially to a program of economic rehabilitation, reconstruction and development in North and South Vietnam, Laos and Cambodia, to be carried out preferably under United Nations auspices.

Achievement of the objectives proposed under these five points seems to me realistic and practicable. Achievement of the objectives apparently still being pursued by the administration seems to me an empty fantasy, the continued pursuit of which under present circumstances would be disastrous to the security, welfare and moral character of the American people.

EIGHT AMERICAN ERRORS

The direct and massive U.S. military involvement in Southeast Asia beginning in 1965 was grossly disproportionate to any national interest the United States had in the area, and soon proved to be prodigiously damaging to the welfare of the Vietnamese and Laotian people. There are many reasons why this highly motivated but disastrous miscalculation by U.S. leadership occurred. In my view, eight major errors of judgment caused us to get in so deeply:

1. The first was the belief that Communist China had in the 1950s and 1960s both the intention and the capability to extend its dominion beyond its borders, especially southward either through invasion or, more probably, through "wars of national liberation" which it would inspire and support. In the cooler light of hindsight, we can now note that, with the exception of the war in Korea, which was certainly felt to be defensive, and the war in Vietnam, which derives almost wholly from Vietnamese rather than Chinese inspiration, Communist China has shown little intention or capability of involving itself directly or indirectly in military adventures outside its borders.

2. The second mistake in judgment, the "Domino Theory," was the belief that Southeast Asia outside Vietnam was acutely vulnerable to wars of national liberation or to subversion and takeover, that if South Vietnam fell others were almost certain to follow. This error arose from an undiscriminating extrapolation of the situation in South Vietnam, which had for 10 years prior to 1954 been deeply infested at the grassroots with Communist cadres, to the rest of Southeast Asia which had not been penetrated to anywhere nearly such a degree. Of course, the extension and conduct of the war in recent years have made Laos and Cambodia much more vulnerable to takeover than they were in the 1950s.

3. The third error in judgment was the belief that North Vietnam, if partially or wholly victorious in the south, would serve thereafter as a compliant instrument of Communist China. Actually, as the history of the past 25 years has amply proved, only the Yugoslav Communists have rivaled the North Vietnamese in stiff-necked recalcitrance and independence.

4. The fourth error was in imagining that NATO could be duplicated in Southeast Asia and in setting up there a purported military coalition which was in fact only a facade for unilateral U.S. support of several weak countries. Nevertheless SEATO had the effect of committing the U.S. to a deeper and more formal involvement in Southeast Asia than was wise, without in fact significantly increasing its capabilities there.

5. Perhaps the most decisive mistake made in Vietnam and, for a time, in Laos was, on the one hand, U.S. insistence that regimes it supported be 100 per cent anti-Communist and anti-neutralist and, on the other, its failure effectively to insist that the support it so unstintingly provided these regimes be used to carry out reforms which might have given them an expanding popular base.

6. The sixth mistake arose from the extravagant faith in "counterinsurgency" which swept Washington in the early 1960s. Based on the correct assessment that Communist aggression was henceforth more likely to take the form of insurgency than of massive attacks across frontiers, it nevertheless enormously over-estimated the capability of U.S. forces, no matter how thoroughly trained for this purpose, to conduct this highly sophisticated and acutely political type of warfare in environments where language, customs and physical conditions were so wholly alien to them.

7. The seventh error was also a military one: U.S. insistence on organizing and training most of the Vietnamese forces, from 1954 on, to fight a European or Korean-type war rather than to counterinsurgency. Serious efforts have been made in recent years to correct this error, but even now the ARVN is still trained to fight with massive air and artillery support, which obviously will be far less effectively available when the Americans depart.

8. The final error of judgment occurred repeatedly after our massive involvement, when we so often neglected or fatally compromised potential opportunities for negotiation, either for ephemeral military advantage or for fear of causing trouble with and for the Saigon government.

NUTRITION PROGRAM FOR THE ELDERLY

Mr. PERCY. Mr. President, on Tuesday of this week I testified before the Labor-HEW Subcommittee of the Senate Appropriations Committee, which is now holding hearings on the second supplemental appropriations bill for fiscal 1971. I stated my intention to propose an amendment to this bill to provide $1.7 million to enable the Administration on Aging to continue funding for 1 additional year a program of 18 demonstration projects designed to improve nutrition services for the elderly.

In 1968, $2 million was appropriated to initiate this special program of research and demonstration projects. Thirty-two grants were made, and 18 projects are still in operation throughout the country, although 17 of the 18 are due to expire by the end of this fiscal year and the last one on October 24.

These nutrition projects differ from community to community and serve a variety of socioeconomic and ethnic groups. In addition to providing the elderly with nourishing meals, the program has one broad goal—to overcome the social problems underlying inadequate diets among older people. John B. Martin, the very able Commissioner on Aging, has noted the Administration on Aging's "conviction that a sense of belonging and other psychological and social values accrue from the pleasures of mealtime and from eating with others." Indeed, the opportunities for increased socialization which occur in these projects are as important to the older participants as the nutrients they receive.

A report issued by the Administration on Aging points out that, "Raising the income level would not motivate the aged person to cook for himself alone; it would not help the invalid to shop; it would not alleviate the feelings of loneliness, rejection, and apathy; it would not help the aged person to understand the need for a nutritionally adequate diet, or how to achieve it."

For these reasons, all of the nutrition programs under title IV of the Older Americans Act have certain common elements thought necessary to meet the real needs of the elderly. These are: First, a reaching out into the community to locate those most in need of the program; second, the building of nutrition education into the project; and third, provision for a variety of ancillary social services.

The projects due to expire over the next months are located in the following places: Phoenix, Ariz.; Los Angeles, Calif.; Denver, Colo.; Washington, D.C.; St. Petersburg, Fla.; Emmett, Idaho; Chicago, Ill.; Olive Hill, Ky.; Roxbury, Mass.; Detroit, Mich.; Jackson, Miss.; Helena, Mont.; Walthill, Nebr.; New York City; Cincinnati, Ohio; and Salt Lake City, Utah. Over 14,000 meals a week are served to senior citizens in these programs.

Permit me to take special note of the Chicago project, which is one of the largest and most successful. Almost 2,000 people were fed 12,941 meals in December 1970 in 31 different locations in the city of Chicago. A total of over 3,400 elderly persons are registered participants. The cost of meals to the elderly, depending upon their income, is 45, 65, or 80 cents. The program is centrally administered by the Division for Senior Citizens of the City's Department of Human Resources, but it makes economical use of established community agencies and organizations.

From all indications, these nutrition projects have been immensely successful not only in providing hot meals to many senior citizens who might otherwise be hungry and malnourished, but also in facilitating the delivery of other social services, in fostering social interaction, and in meeting the emotional needs of the aged. Interim reports are unanimous in noting that many lonely, isolated elderly men and women have regained a zest for living largely because of these communal dining programs.

These programs were established on a temporary basis for the purposes of research and demonstration. I realize that some permanent program needs to be established, and I am a cosponsor of legislation which will accomplish this objective.

But it will take time for Congress to act on this proposal and for a new program to be implemented. I am deeply concerned that in the interim these valuable demonstration projects will be terminated without any alternative provisions being made. If we discontinue these services to our senior citizens, we will lose the organizational structure, valuable expertise, and experienced manpower needed as the basis for a permanent program.

I am very troubled by the possibility that some elderly people may now go hungry if we fail to fund the existing projects through passage of my amendment. We are all dedicated to eliminating hunger and malnutrition in all segments of our population. Why should we abandon a successful program that is accomplishing a part of this task?

The cost—$1.7 million—seems a small price when we consider what it will mean to the elderly. Compared to the amount of Federal funds needed to provide institutional care for the elderly, the expenditure is minuscule.

In recent testimony before the Senate Select Committee on Nutrition and Human Needs, Commissioner Martin said:

> There is no data on the extent to which the costs of these programs (Medicare, Medicaid, Mental Health) are increased by malnutrition among older Americans, but there are good reasons to believe that an investment in improving the nutrition of this age group would be substantially offset by savings in other publicly financed programs.

Mr. President, the case for extending these demonstration projects seems overwhelming. It is made even more persuasive when one hears directly from participants in these programs—and I have had letters from hundreds of senior citizens who participate in the Chicago nutrition project, from the directors of the projects, and others as well.

I had the privilege of meeting a number of these dedicated directors when I addressed the annual membership luncheon of the National Council on the Aging and announced my intention to work for renewed funding of the program. I asked them to provide me with details about their projects which I could pass along to my colleagues.

I ask unanimous consent that the material on the demonstration nutrition projects be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HUMAN RESOURCES,
Chicago, Ill., March 15, 1971.

Hon. CHARLES A. PERCY,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR PERCY: Thank you for your inquiry of March 9, 1971 regarding the Chicago Nutrition Program for Older Adults. The third and final year of this research and demonstration project is funded on a matching basis by the City of Chicago and the Administration on Aging (Title IV of the Older Americans Act) of the U.S. Department of Health, Education and Welfare (Grant Number 93–P–75028/5–03).

You and your staff will be interested to know the impact this project has had in meeting the needs of Chicago's elderly for improved nutrition, nutrition education, socialization and supportive services.

Almost 2,000 people were fed 12,941 meals in December, 1970. A total of over 3,250 elderly are registered participants served in 31 sites in the City. The cost of the meals to the elderly, depending on their income, is 45¢, 65¢, or 80¢. The program is centrally administered by the Division for Senior Citizens, but makes economical use of established community agencies and organizations for the housing of individual sites and other purposes. The Chicago program is the only project, of the 31 funded by the Administration on Aging, which functions on a city-wide basis.

The project has demonstrated the feasibility of a city-wide food and services delivery system for the elderly. As a result, community support is gathering momentum. Increasingly numerous requests for the development of new sites and the maintenance of the existing sites reach the Division for Senior Citizens from the elderly of all ethnic and socio-economic backgrounds, from church groups, social agencies, community organizations, etc. Such requests unfortunately cannot be honored due to the restrictive characteristics of the research and demonstration grants such as level of funding, requirements of the research design, and most critically the grant termination date.

It is therefore regrettable that just as the program's benefits are beginning to surface and to become known to the community, the project is faced with a grant termination date on June 28, 1971. The needs that the program meets will not go away. Indeed, they will grow in direct proportion to the elderly's growing awareness of their rights.

Although a program of this scope cannot be maintained without Federal support, we have been able right along to persuade a number of the cooperating community agencies to absorb part of the program cost. We are seeking city support for the maintenance of at least a skeletal program after the grant termination date. We are exploring all other Federal funding sources which may now or in the near future salvage this critical service for Chicago's elderly. These efforts, however, represent tactical delays. Without assured Federal and/or State and local support, phasing out of the service from the community is inevitable and will contribute to the bitterness of the elderly who are well aware of the low priority generally assigned to them.

Solutions to the problem could be developed in three steps. First, temporary program and grant extensions might be assured by securing authorization from the Administration on Aging to utilize the project's accumulated Federal surplus (matched by the equivalent city surplus) for the period immediately following the grant's termination date. Secondly, although research and demonstration projects are usually given a fast time limit, *continuation* has occurred in the past when sufficient interest has been expressed and justified by the appropriate persons. Thirdly, timely enabling legislation and adequate appropriations must ultimately represent the only permanent solution. The latter step should take cognizance of the potential legislative resources existing or proposed for the U.S. Department of Agriculture, Housing Urban Development, (since many sites operate in CHA senior citizens buildings) as well as for the Administration on Aging or other Divisions of the U.S. Department of Health, Education and Welfare.

We would welcome your support in pursuance of these three steps, failing which our hopes of maintaining the program are nil and we may anticipate further pleas from Chicago's elderly.

Pertinent material is enclosed. If you have any questions or require additional material, please feel free to write or call me. Any assistance you can render will be greatly appreciated and acknowledged.

Every good wish for a successful session.

Sincerely,

Robert J. Ahrens,
Director, Division for Senior Citizens.

Western Idaho Community
Action Program, Inc.,
Emmett, Idaho, April 6, 1971.

Hon. Charles H. Percy,
U.S. Senate,
Washington, D.C.

Dear Senator Percy: Thank you for holding the press conference following the luncheon meeting at the National Council on Aging session on March 31.

We certainly appreciate having the opportunity to speak on behalf of our meal programs. Also, your presentation at the luncheon was tremendous and I only wish I could relay all of it to the people in Idaho.

Enclosed please find information concerning our Title IV HEW Demonstration Grant on nutrition. There are four meal programs under this grant in Washington, Payette, Gem and Valley Counties. Each Senior Advisory Committee has written a letter about their specific meal program in their county. We serve approximately 670 meals per week in the four counties. The grant pays for outreach aides, cooks, project director, secretary, part of the raw food costs, repairs on kitchen equipment, and part of the rent and utilities in some sites.

We have tried repeatedly to spin this off to existing organizations or local government. Even though they are interested and sympathetic, they do not see fit to stretch and include the Senior programs in their budgets. Consequently, our only asset is the Seniors themselves and this place a considerable burden on them. But, if the Title IV project could possibly be extended for another year, it would be a great help to our Seniors in Western Idaho and to all 32 such programs over the nation.

Thank you Senator Percy for introducing the bill for extension of Title IV Nutrition Demonstration for another year. Also, for your concern and efforts on behalf of the Older Americans.

Thank you again.

Sincerely,

Leonard D. Harbison,
Executive Director.

Emmett, Idaho,
April 6, 1971.

Ivan Simonsen,
Director of Senior Services, Western Idaho Community Action Program, Emmett, Idaho

Dear Sir: It has been brought to our attention that some of our national legislators are concerned about the nutrition programs in the country. We could write a book of personal testimonials on the worth of the program. We feel that we are not able to continue unaided, and urge you to use all the influence of your office, to give these responsible men the moral and statistical support necessary. We are certain if our governing body is made aware they will respond to this great need.

This is not a personal request but an expression of hope from 268 eager participants of this community.

Respectfully Yours,

Howard Cayford,
President, Gem County Seniors.

April 6, 1971.

Senior Service Director,
Emmett, Idaho

Dear Sir: It is hard for us as Seniors to put into words just how we feel about our Senior Citizen Program. It has enriched all of our lives to the extent that we now have a real zest for living. The meal program has been a tremendous tool to get us together around a table twice a week. Besides the good we get from the nutricious meals we also have such a grand time socially.

We love to work and volunteer in the program and we do what we can and proud that we are able to do so, however because of our age and most of us are in the low income bracket it is going to be a financial burden almost impossible to carry. If we have to provide all the funds for the program we fear that we will have to close our doors. Another year of funding from HEW would be a wonderful help to us. Please do all that you can to help bring this about.

Sincerely,

H. C. Kartchner,
Chairman of the Senior Advisory Committee.

Star, Inc.,
Greenwood, Miss., April 7, 1971.

Senator Charles Percy,
Senate Office Building,
Washington, D.C.

Dear Senator Percy: The Food and Nutrition for Aged Program, operated under AoA Title IV, provides a daily meal at 10¢ per person for 200+ aged, poor black persons in the Mississippi Delta rural region. In this area the average income of the aged poor black is $650.00 or less per year, or about $54.00 per month. These aged poor blacks subsist mainly on welfare or private donations, as being mainly tenant farmers in their working years, they have not qualified for social security.

Our research and demonstration project for the three funded years was to develop, through a meal served in a social setting, the techniques, methods, and services to bring the aged, poor, rural, persons from isolation into the mainstream of family and community life, and to develop techniques and methods for teaching nutrition education to the aged poor in our rural area.

Evaluation shows our goals are being successfully reached. However, without federal funding our meals will cost close to $1.00, an impossible fare for the rural aged poor, some of whom have to seek private donors for the present 10¢ per meal payment. Without federal financing of our program, these aged rural poor whom we now serve will be once more abandoned, living in the dehumanizing misery and poverty of their country shacks.

Sincerely yours,

Leola G. Williams,
Project Director.

Project CAFE,
New York.

Of the approximately 450 participants in the CAFE program (averaging 150 per day), we estimate that 20% have monthly incomes below $135, another 50% below $185 (the food stamp eligibility standard), and another 25% below $250.

Our demonstration goal for the three year funded period was to see if the participants could form a non-profit cooperative, so that they could carry on the business end of the program when federal funding ended. CAFE Co-op has just been legally approved by the State of New York.

But here is our problem. Without federal funding, the price of the meal will jump from 65¢ to a minimum of $1.30. This will automatically exclude those who need the service most: those living in furnished rooms, who can't afford a main meal of the day except in places like ours; widowers who have no one to cook for them; those whose income is near the poverty level; and those on Public Assistance.

Gertrude W. Wagner,
Director, CAFE.

Urban Life Center,
Henry Street Settlement,
New York, N.Y., April 1, 1971.

Hon. Charles H. Percy,
U.S. Senate, New Senate Office Building,
Washington, D.C.

Dear Senator Percy: I was happy to meet with you and attend a press conference with you yesterday, March 31, 1971, and to share your concern about the impending termination of funding for Title IV Programs under the Older Americans Act.

Our demonstration runs from May 1, 1968 to April 31, 1971, so we will soon be forced to decrease the services we currently provide to aged people. The grant provides a daily weekday lunch at the Good Companions Center for 50¢, which is half of the days Welfare allowance for food in New York City. The lunches are served in a group setting providing warmth and companionship, complemented by a full program of recreational and social services. The program also offers frozen weekend meals, and a hot meal delivery service for the homebound. A group of elderly volunteers provide the homebound meal delivery service, and several elderly participants are employed as kitchen and dining room aides. On the average, 150 elderly are served by the luncheon program each weekday; and we have served 375 elderly persons since the beginning of the year.

We feel that the elimination of the luncheon program at the Good Companions Center will be very burdensome to many of our participants—regular and non-regular. If the elderly were no longer able to eat a low cost, hot and nutritious meal in a warm setting among peers, their lives will be greatly encumbered and much less fulfilling. Their human contact will be diminished. Alienation and loss of self-respect will come when they realize that the most impoverished minority in America is again receiving a diminution of services. Appetites will become poorer, they wil suffer from poorer diets, with poorer health as the most likely outcome, many will return to eating from garbage cans. I have no doubts that many of our clients will acquire greater amount of health care, and many will have to turn to nursing homes or extended care facilities.

There is much more to be said, but I have tried to be brief. I am sure that you share my feelings that human problems should receive a higher priority, with the aged receiving the care they need to remain active and healthy members of the society.

Sincerely,

Edward J. Kramer,
Director of Services to the Aged.

Sam's—(Serve a Meal to Seniors),
Denver, Colo., April 6, 1971.

Senator Charles H. Percy,
Senate Office Building,
Washington, D.C.

Dear Senator Percy: I am hopeful that you will be able to attach a request to continue the Title IV Nutrition Projects for the Aged to some piece of promising legislation. The one-year limit should make it attractive to the Administration, and thereby ensure more support. I feel sure that Senator

Dominick and Senator Allot would help you in this effort.

It is unusual to find a research and demonstration idea that has become so important to so many people. In fact, so important, that it must be continued. Those of us who work with these projects daily are convinced we have found an answer to one of the most nagging social problems we face today. We must continue our work because to discontinue our efforts would be devastating to too many people.

Our project here in Denver has become part of the lives of at least 800 senior citizens, who find in us, not only a good meal for a price they can afford, but also a place where they are received with dignity and friendship. A reason *not* to withdraw from a society that does not seem to want them.

Senator Percy, we are grateful beyond words for your interest in the older people of our nation. Anything we can do to assist you accomplish your goal, we will do, and please call on us. We have several hundred senior citizens here in Denver who will write letters supporting any legislation you propose. Enclosed is a brief statement of what would happen to our participants if the SAM'S project were to end.

With my best wishes for your success.

Sincerely,

(Mrs.) Lucille H. Reed,
Project Director.

SAM'S—(Serve a Meal to Seniors)

The SAM'S (Serve a Meal to Seniors) project, in Denver, Colorado reaches into the lives of at least 800 senior citizens. The project started with one location in the downtown area, hoping to reach the isolated elderly, no matter what their income. Twenty-six attended the first meal. Now there are seldom less than one hundred each day, at that location. In addition, meals are now served at five other locations, and attendance is growing everywhere we serve.

The reason for this growth is obvious. The acceptance of our program by the participants themselves is the most important factor. We are answering a proven social need in a dignified way, one which offers the senioir citizens a chance for involvement. For many of our participants, the SAM'S program is their only social contact, for these people have withdrawn from other, more frustrating endeavors. Many times we have seen isolated, lonely people respond to the warm atmosphere of a good meal with their peers.

If our project were to stop now, we know that many of our participants would suffer nutritionally, for our research indicates that the SAM'S meal is the major portion of their dietary intake each day. Besides those who suffer nutritionally are those who suffer emotionally. What value can you place on a smile of welcome? What is the real worth of a friend's hand-shake to an isolated, rejected human being? Who can purchase a sense of well-being, or a feeling of being wanted and needed? *And*, when something we love is taken away, such as a gracious place where we may share a meal with our peers in dignity, would not the natural response be one of anger and *further* withdrawal from a society which does not want us?

The SAM'S project was intended to prove that senior citizens can run a program themselves with a minimum of supervisory help. In line with this belief, 46 senior citizens are employed part-time, proving usefulness and dependability. Twelve senior citizens have served on our advisory board for the past three years, assisting with policy decisions, and seven senior citizens will form a board of directors when SAM'S incorporates, thus proving that old age does not necessarily mean inability to manage.

The SAM'S project must not discontinue. The purpose of the research was to seek a proper answer. How frustrating to the older Americans involved if the research finds this answer, but the answer cannot be used for lack of funds.

Department of Parks
and Recreation,
Detroit, Mich., April 1, 1971.

Senator Charles H. Percy,
New Senate Office Building,
Washington, D.C.

Dear Senator Percy: Our sincere appreciation is extended to you for your efforts to initiate emergency legislation to continue the Senior Citizens Food and Nutrition program currently funded under the Older Americans Act. Margheritta Loud, who represented Detroit at the Press Conference, called me from Washington to give us the encouraging news. She indicated that you would like to know more about our program.

There is no doubt that this is one of the finest programs ever devised which provides direct services to the elderly. Our "Food and Friendship" program provides hot noontime meals along with social recreational activities, nutrition education and counseling, a visiting program for the shut-ins, and free transportation to and from the participating centers, doctor's offices and clinics.

Our service area includes two inner-city housing projects and several churches and recreation centers where census data indicate large numbers of low income elderly persons. In a *six* month period from July to December 1970, close to 3,000 meals were served, 1,100 persons took advantage of the transportation service, 843 visits were made to the homebound, 490 enjoyed the potluck dinners and 1,136 participated in the nutrition education program. An additional 124 persons enrolled in our Weekend Dining Club.

The true measure of the program is extremely difficult to define. We can only tell you that we have observed attitude changes of our Seniors toward themselves and toward others. Feelings of dignity and self-worth and a friendly rapport with other members of the group are now evident. Their interest in community affairs is renewed. They eagerly seek information on shopping trips, menu planning and consumer news.

Perhaps the best way to explain their feelings about the program is to include with this mailing, letters we have received urging continuation of the program.

We will make every effort to lend our support in every way we can and will contact our Michigan representatives to urge them to do the same.

Sincerely,

Margaret A. Hossack,
Senior Citizen Program Coordinator Secretary, Mayor's Senior Citizen Council.

Success Stories of Rocky Mountain Daily Dinner Clubs

AOA TITLE IV

Case studies

I. When we started this Dinner Club three years ago we contacted an elderly bachelor living in a small shack near the airport. First he came to dinner very reluctant because he thought he didn't have the right clothes, but he came and often brought a friend. Soon his property was bought by the airport, everyone was happy for him. About every three months he would go on a drinking spree and get very ill. After he started coming to the dinner club, he had very few such sprees. He has a pick-up truck and hauls wood and helps others who need to move. We feel that we have helped by being available when he needed companionship and doesn't have to use the bottle to drown his loneliness.

II. Three weeks ago the center leader called to say that one man came to dinner and looked very ill, eyes glassy and he didn't talk coherent. They talked him into seeing a doctor that afternoon and two Senior Citizen friends called on him that next day to make sure he had something to eat. He had a bad throat infection so it took a week or so to get him to feel up to par. Charlie felt wanted and decided to take his medicine and get well. Now all the Senior Citizens watch over him and give him the will to live.

III. A month ago I was called about a 70 year old lady whose son was home and he was concerned about his mother who he was getting out of the hospital with a broken pelvis and is now bed ridden. His father is unable to care for her and the neighbors were taking him meals. I told the son we would take dinners to them and would call around to find someone to clean up the house and give the mother other help that was needed. In desperation I called the Welfare and they were able to send in a homemaker for three weeks. We are again looking for steady help for this family. The couple are so happy with the dinners and are so gracious to the center aide. We will keep in touch with this family to help them stay in their own home.

IV. This summer we have lost two of our shut-ins. They stayed at home and enjoyed the meals brought to them. We feel that our dinners and callers were a big help to their morale and to their friends and relatives.

V. One of our shut-ins is partially paralyzed. She has a small home with rental property. We deliver her meals everyday. She does not want to sell her property because she hopes to be better soon. The aide that takes in the meal often goes back to help her clean and goes grocery shopping for her. She is getting better everyday.

VI. Not all the reactions to our meals are good. Several of the people who used to eat here regularly have complained about the food. We encourage them to come on the days we prepare the meal at the center. Our menus are not repeated for five weeks, also we try to change them with the season. We also encourage them to ride downtown and eat at another eating place, but they soon come back.

Other criticism we have is from people who do not eat with us. Rumors do flourish among Seniors. When we hear this we ask them to come as a guest then they can see for themselves. We've asked the Dinner Clubbers to submit their favorite foods so that we can plan to fix their favorite meal for them. We work very hard to help the program along.

VII. One lady who has been crippled for four years by a stroke is picked up daily and brought to the daily dinner club. She says she has to get up and dress and she has only been ill once, she was delivered her meal at home for one week and was back to the center happy again. She tells everyone it is her life.

VIII. One man who has been an alcoholic felt he had nothing or no one to live for had started coming with a friend. He now dresses up everyday and is delighted with the fun, plays cards and has an interest in others, not the bottle. He tells other seniors this is the best therapy—to be involved. He enjoys the meetings and other activities of the Senior Citizens.

IX. We have a couple who come to dinner everyday. She says she is able to cook at home but her husband, who had a stroke needs to be with people. He is a very well educated man and has many hobbies. He seems to have great interest in others, reads many books and tells others about them. We feel that the meal is secondary if the person has someone to eat with and talk to. We have many others who can and will testify that the dinner is the highlight of their day and life.

X. Mrs. Mary Burkard is an 86 year old widow. She lives alone in a low cost housing area. She is delighted with the Senior Citizens

Dinner Club which delivers a dinner to her every weekday at noon. She likes the food and eats well. Mrs. Burkard is quite concerned about the discontinuance of this service.

XI. Mr. and Mrs. August Sparing live in their own home, they are in their 80's. Mrs. Sparing suffered a cracked pelvis recently and can not move without using a walker. Mr. Sparing is ill and quite feeble. They are afraid that the meals will be discontinued, each feels that the one good meal a day is the only thing they really have to look forward to each day.

XII. Emma is 79 years old, a permanent fixture of downtown Helena. Every one knows and loves her. She has never had a Social Security card, she lives in an old shack with no water or indoor plumbing. Emma walked in for dinner one day shortly after we started the dinner club. She enjoyed the meals and the games, she goes to the Drop-in Center because she enjoys the people and warmth. Last year she was missed for two days from the drop-in center and daily dinner club. Everyone was concerned when we couldn't locate her at home. At that time we were having a blizzard with weather below 30° and 54 inches of snow. She has a habit of walking out to the cemetery—Her story was soon told on radio and television and the Lewis and Clark Search and Rescue Unit decided to hunt the drifts along the roadside. Her neighbor went to the store and heard all the commotion about Emma. She said Emma was in bed at her home for she had come to her three nights before with a bad fever. She had no radio or television so she had not heard of our concern. We forget many of our Senior Citizens do not have radio's or televisions. We feel we have made Helena more aware of what can happen to a person living alone in our city.

XIII. When this program first started we did an intensive house to house survey to invite the older people to come. We found Henry, 96 years old living on the third floor of an old railroad rooming house. He had a small gas heated stove to cook from. The first year he didn't miss a day, he walked down and seemed interested in everyone. He had a bad cough in the winter and it was hard for him to eat, so we got him to the doctor. With the daily meals he functioned very well. One day we missed him at dinner and an aide went to check on him. He had fallen, he is almost blind. He was taken to the hospital then to a convalescent home. He had made many friends so had many visitors. He died last fall, he had found friends who cared through the dinner club.

XIV. We still have Nellie on our take out list. She has a meal everyday, she lives alone in a low income apartment house in downtown Helena. One day when the aide took a meal to her, she found her on the floor cold and very hurt. An ambulance was called and she was taken to a hospital with a broken hip. She remembers falling and doesn't know if she was there more than one night, but she knew that the aide would be there with the noon meal on Monday. She is out of the hospital and enjoys her meal very much.

XV. Mary Faucette lives in back of her upholstery shop and was very self supporting. One day a meal was taken to her and she didn't answer the aides knock, but the aide could see Mary on the bed. Finally the aide got in to find Mary unconscious. She had taken an overdose of pills. After she got out of the hospital she was fine for a few months. One day the aide found her on the floor, she said she had been there since the evening before. She broke her arm and hip, but is back at home with a nurse that comes in once a week and a homemaker from Welfare. Mary is in her own home now and we take her meals in as we did before.

XVI. Goldie lives in an old apartment house. She has a lovely apartment inside, she had a small stove and no refrigerator so she didn't eat correctly. She used a cane and could hardly get around, but she had been a lady of means and had nothing left when her husband died. She collected her Social Security and sat in her apartment with her leg getting worse with arthritis. We took in her meals and soon talked her in to trying to get out and come to the dinner club. She did this and soon threw away her cane. She heard of the Foster Grandparent Program and started working again. She never missed a day and has been able to make enough to bring her up to living standards. She is happy and healthy and joins in with all the Senior programs that she can.

XVII. A month ago one of the Urban Renewal workers came into the City Annex Dinner Club and told us he had found an elderly lady in a room across the street, she had moved back into an apartment that had been condemned. She was sick in bed and had arthritis in her legs, also no food or heat. We take her dinners and one aide takes her meals on the weekends. She talked someone into putting in a gas heater and hot plate to cook on. We hope to get her moved into a better place, but she says she wants to be close to the action. She says she will come to dinner soon. She is up now and can use her crutches.

XVIII. Mae was found when we first started taking meals in. She is an Indian lady that owned a little restaurant in Boulder, Montana. She became ill and the doctor diagnosed it as diabetes and advised her to watch her diet. She disregarded the doctor's advice. She lost one leg and was in the hospital long enough to use up the money from the sale of her business, home and car. When she came out of the hospital, she was put on welfare and watched closely by her doctor to see that she ate correctly. She was old enough to get social security.

She lived in a run-down low-income apartment. Eventually she lost her other leg, and became dependent on others. We often got her out of the apartment in the wheel chair, down to the daily dinner club where she could enjoy the people and dinners. She enjoys playing cards and got along fine for a while, but within the next four months she lost an eye and this made it difficult to do any fancy work, read or watch television. Mae moved from one apartment to another as each one was too hard for her to get around.

One move she made she had to have furniture and through the Director and the VISTA enough living room and bedroom furniture was found so she could be comfortable. In the past three months Mae has moved to Stewart Homes, a low-income housing project, where she has a ramp for her wheel chair and she hopes to be able to enjoy the lawns, trees and being out of doors.

She is on welfare and gets food stamps, but this is not enough for her to buy fresh fruits, vegetables, meat, etc., so she can maintain her diabetic diet. We have been delivering her meals free for the past two years trying to help her be on her own.

Community Services Council,
Salt Lake Area,
Salt Lake City, Utah, April 9, 1971.
Senator Charles H. Percy,
Senate Office Building
Washington, D.C.

Dear Senator Percy: The Title IV nutrition project being conducted in Salt Lake City, Utah, makes use of the public school cafeteria facilities for serving noon meals to the elderly.

Two hundred fifty-one persons participate in the program in an average month. Last year 526 individuals were served during the year.

We are presently working with the Salt Lake City School District and the Salt Lake County Department of Social Services to determine the means for continuing the program upon termination of federal funding. No workable solution has been arrived at to date.

If the project is not continued, there will be many lost souls who have come to depend on the program, not only for meals, but also for the social contact and the educational and enrichment activities provided after lunch in the schools. We know that many of the older people would simply sit at home until personally urged to join another senior citizens' group and be provided with transportation. No other program for the elderly in this area emphasizes the nutritional aspect as does this Project.

Cordially,

Frederick E. Keefer,
Director, Adult Nutrition Activity Program.

South County Senior Center, Inc.,
Edmonds, Wash., April 6, 1971.
Senator Charles H. Percy,
Senate Office Building
Washington, D.C.

Dear Senator Percy: Your active interest in the problems of the retired person is appreciated not only by myself and the senior citizens I represent, but by the others who attended the NCOA meeting last week.

I attended your press conference at the Statler-Hilton because I knew hot lunch and nutritional programs were to be emphasized. I have directed the South County hot lunch and health services program funded by O.E.O. through the Emergency Food and Medical Services for the past two years. This program is due to be eliminated this year.

I concur with the intention of the administration that Title IV Research and Demonstration monies and Emergency Food and Medical monies were not to be considered on-going programs and a cut in both funding levels is to be expected.

My point now is that both programs served their purpose well in bringing to light the crying need and absolute value of such hot meal services. Efforts should be directed towards the establishment of an on-going meals program with funding that does not diminish or run out with time.

My next point refers to the added importance of a hot meal program as it becomes a part of a total multi-purpose concept, such as I have demonstrated in my Center. Direct health services, health and nutrition education, employment services, transportation assistance, information and referral, continuing educational opportunities, outreach services to those confined to home, utilization of senior citizen talent for service to the community, social and recreational opportunities are all components of a broad picture in which each program enhances the other and increases the value to the senior citizen.

The 600 lunches we serve per week throughout the County reach both rural and urban areas. I have found no better way to encourage the lonely, isolated poor and deprived senior citizens to avail themselves of help than through an invitation to share a hot meal with others. They soon participate in these other programs which are available and friends are made and life once more becomes enjoyable and meaningful instead of the previous day-to-day lackluster existence.

I hope and pray that the importance of nutrition and health programs for senior citizens is recognized and that we will see the implementation of new programs. With your efforts involved I know that a greater potential of possibilities will exist.

Sincerely,

(Mrs.) Sally Wren,
Director.

SELF-DETERMINATION IN SOUTH VIETNAM

Mr. FULBRIGHT. Mr. President, no episode in our Vietnam experience more clearly illustrates the emptiness of our claim to be supporting self-determination in South Vietnam than the episode of Tran Ngoc Chau. Unfortnately, the matter has now been almost forgotten. Recently, however, Elizabeth Pond, the very fine Far East reporter of the Christion Science Monitor, analyzed the case in an article appearing in the May issue of the Atlantic. Among those who have forgotten Tran Ngoc Chau—for understandable reasons—is the U.S. Ambassador in Saigon, who apparently has made no effort to hold South Vietnamese President Thieu to the promise which he reportedly made to the Ambassador, that he would respect the Vietnamese Constitution in dealing with Chau. As matters now stand, President Thieu, in holding Chau in prison, is ignoring both his own Constitution and the Vietnam Supreme Court.

I ask unanimous consent that Miss Pond's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

South Vietnam—The Tran Ngoc Chau Affair

(By Elizabeth Pond)

In early 1970, the Thieu regime convicted a prominent South Vietnamese congressman, Tran Ngoc Chau, and jailed him. Technically, Chau's offense was having contact with a brother who was a North Vietnamese spy (despite the fact that Chau was trying to get his brother to defect to the South Vietnamese side). Actually, Chau's offense was that he challenged President Thieu politically.

There is nothing new in the persecution of political dissidents in South Vietnam. But there is something new in the American Embassy's virtual support for repression of a dynamic and effective anti-Communist leader of national stature, one who had worked closely with the Americans.

Judged by traditional American standards, the Chau case is an unhappy precedent in this period of American withdrawal from Vietnam. It suggests that going along with Thieu is more important than justice.

Chau is now in a cell in Saigon's Chi Hoa prison. There Thieu wants him to remain, and there he remains, despite two Supreme Court rulings to the contrary. A mandarin turned democrat; an idealist turned unsuccessful martyr; a former Viet Minh turned Diem loyalist turned disillusioned admirer of American virtues; a passionate nationalist; an honest, proud, stubborn, sentimental person, Chau is a quintessential—and forgotten—man in the middle.

In one sense the case of Deputy Chau is by now a dead issue. It is six months since the definitive Supreme Court ruling that Chau should be freed. And Chau continues to languish in Chi Hoa unremembered. Even his bid for political martyrdom has fizzled. Yet the Chau affair does live on, for it effectively charts the evolving political landscape.

In brief, Chau was convicted and jailed not for being a former Viet Minh (which he was), or pro-Communist (which he was not), but for not informing on his brother, who Chau knew was a spy. Out of so many South Vietnamese with brothers on "the other side," Deputy Chau was the one prosecuted because he crossed Nguyen Van Thieu politically—and because he was weak enough for Thieu to crush as an example to other, more powerful rivals.

Several legal and political issues arose in the course of the Chau affair as it stretched out over 1969 and 1970. The legal issues, as defined by the South Vietnamese Supreme Court, involved violation of Chau's parliamentary immunity; unconstitutional jurisdiction over a civilian case by a politically malleable, no-appeal military field court; and President Thieu's disregard of Supreme Court decisions.

Politically, the outcome of the Chau case confirmed, for the present, Thieu's supremacy in Saigon. But perhaps more significantly, it revealed the U.S. preference for stability over legality in South Vietnam.

CHAU'S RISE

Characteristically, for he is an independent man. Tran Ngoc Chau quit the Viet Minh in 1949. By then he had become disenchanted with the Communist take-over of the Viet Minh resistance, and with Communist murder of competing nationalists. He began making a name for himself in the early 1960s, when he was appointed province chief of Kienhoa in the Mekong Delta of South Vietnam. In this period, just prior to and after the assassination of President Ngo Dinh Diem, South Vietnam was in chaos, with the government losing one district and one battalion a week. Kienhoa had been a longtime Viet Minh-Viet Cong stronghold, yet Chau increased government control in the provinces from 15 percent to 57 percent of the population, according to a cautious American estimate at the time.

He did not accomplish this feat by military victories. Instead, he buttressed the existing leadership of the religious groups—Buddhist, Hoa Hao, Cao Dai, and Catholic—as the only strong social structures apart from the South Vietnamese Army and the National Liberation Front. Simultaneously, Chau provided channels for the population to improve its lot. He allowed villagers to bring complaints directly to him, and then acted immediately to rectify injustices. He experimented, too, with a prototype of what would become the Revolutionary Development cadres—the paramilitary defense, intelligence, and pacification workers in villages and hamlets.

His ideas caught on, and Revolutionary Development, funded and sponsored by the American CIA, was established as a national program. At the end of 1968, Chau was appointed national training director. (Contrary to some news reports, this job, plus the routine contact he had as a province chief, was Chau's only association with the CIA. He was never an American intelligence agent.)

At the training center Chau soon found himself in conflict with the powerful CIA. In vain Chau wished the Americans to be less obtrusive than they were. In vain he wished the RD village teams to emphasize redress of villagers' grievances rather than intelligence gathering. Within six months, the arguments became so acute that Chau resigned as director of training.

Not unnaturally, Chau's discontent with heavy-handed American influence in Vietnam, and with the government of the flamboyant Premier Ky, led him into politics. In 1967 he ran for deputy to the Lower House from Kienhoa, collecting one of the largest votes received by any elected deputy.

The future looked hopeful. Nguyen Van Thieu, with whom Chau had been friendly in earlier days when they were both junior army officers under Diem, had by now supplanted Nguyen Cao Ky as top man in Saigon. Chau expected improvements, and he counted himself basically pro-government.

Thieu and Chau began to fall out sometime during 1968. The Tet offensive and its aftermath prompted Chau to think about a political settlement to the war. Specifically, Chau was one of the first to suspect that the Tet offensive would prove to be the last straw for the United States, and he felt that Washington would henceforth try to disengage from Vietnam.

He believed that the United States would now be interested only in containing the military and political situation long enough to withdraw without the appearance of defeat. But he was convinced that the kind of short-term political stability that this implied—based on government in Saigon by right-wing militants—would doom South Vietnam to Communist take-over in the long run. Chau therefore began to argue that Thieu should reach out for the support of other non-Communist nationalists. The hypersuspicious Thieu, who preferred a fragmentation that he could control to a political unity that might be wrested from him, did not agree.

As Chau's ideas evolved and crystallized, he began speaking out more and more on issues of pacification, political settlement, and de-Americanization of the war. He advocated a more flexible policy of accommodation, not with Communists, but with nationalist groups (like the Buddhists) that were shut out of Saigon's political life.

He strongly opposed national or even provincial coalitions with the Communists. Among other reasons, he simply did not think that the Communists should be handed a position at the national level that they could not attain in votes. Better to accommodate them at the local level, he thought, than to let them into the central government. His ideas of accommodation thus were conceived in terms of granting the NLF positions as hamlet or village chiefs in those localities where the Front was already dominant. (Although heretical at the time, this proposal envisaged less of a national voice for the NLF than did Thieu's final election offer of 1969.)

Chau began in the late 1968-early 1969 period to demand peace talks among the three Vietnamese forces—Saigon, Hanoi, and the NLF—without the Americans. He proposed a meeting between parliamentary delegations of North and South Vietnam. Neither the North Vietnamese nor Thieu liked the suggestion.

Chau's fall was swift. His brother Tran Ngoc Hien was arrested by the South Vietnamese in April, 1969. Hien, a high-ranking Communist agent, had for five years headed a strategic intelligence cell which reported directly to Hanoi. The cell's primary task was political evaluation of long-range trends, opinions, and motivation in the South. (Chau would argue in his defense that it would have been different if Hien had been carrying out sabotage or terrorism, but that since Hien was only a political observer, Chau could not betray his own brother by having him arrested. Besides, Chau added, Hien might well find out in his explorations how strong the Saigon government really was and so advise Hanoi.)

Chau met with Hien eight times between 1965 and 1969, and this association soon came out in the interrogation of Hien. Chau, who as a youth had idolized his older brother Hien, was the more emotional about these meetings. He considered Hien a brother first, a Vietnamese patriot second, and a Communist only third. Hien, a disciplined Communist cadre and an older, brighter version of Chau without Chau's sentimental streak, did not reciprocate the feeling. He always considered Chau to be a "target" in this period, never a brother.

On an intelligence level, the deductions each brother drew from the other probably evened out. Hien astutely perceived political shifts in Chau and Chau's associates at various key points. Chau strengthened his very sound conviction that the pacified areas in South Vietnam must be truly secured, with forces not spread too thin. It cannot be said that Chau gained any advance knowledge of the Communist general offensive of 1968, but the wisdom of Chau's approach was borne out. Chau also had visions, never to be realized, of the two brothers becoming significant intermediaries in peace negotiations.

For half a year after the arrest of Hien, the Chau case lay dormant. Then in October, 1969, Chau rashly accused Nguyen Cao Thang, Thieu's liaison man with the Lower

House, of buying votes. This was a dangerous act. Thang was a powerful figure, much feared in Saigon, a man who had gradually become Thieu's most important political adviser—and a man who handled important political and personal funds for Thieu. Thang was a shrewd and wily businessman who had made his fortune in the lucrative pharmaceutical trade. He dealt with anyone it was profitable to deal with, and it was rumored that this included the Communists. He was said, too, to have made private soundings at one point on behalf of Thieu for some sort of political deal with the Communists.

Even if Chau had not had a Communist brother in Saigon's hands, his attack on Thang would have been enough in itself to incense Thieu. And Chau's defiance of Thieu was soon compounded by a more important stirring in opposition ranks. In November, Generals Duong Van Minh and Tran Don called for a popular referendum and began to talk publicly, if vaguely, about a "third force," accommodation, "reconciliation," and other phrases that smacked of coalition and a toppling of Thieu.

FORTRESS

In 1969, American withdrawal was the central political fact of South Vietnam, and it was just a question of time before it would alter the basic context of Vietnamese politics. The Americans had hoped that their disengagement would instill a sense of crisis in both pro-regime and independent Vietnamese nationalists, and convince them that they had to pull together against the Communists for self-preservation.

Until the end of 1969, Thieu did leave open the option of cooperation with a broad spectrum of non-Communist nationalists—either deliberately or just because his natural style was a network of intricate maneuvers that never committed him to any one person or any one course. But as the U.S. troops pulled out, Thieu pulled in as if to a fortress to the right-wingers, the Northern Catholics, and the Army, rather than reaching out to less hard line elements.

Previously, Thieu had contained the more left-leaning figures by ignoring them and leaving them to their own divisiveness. Now, however, he began to take Minh and Don seriously. If unchecked, the two generals could easily become the focal point for vast public war-weariness and discontent with rising prices—and latent anti-Americanism.

But it would have been awkward for Thieu to attack Minh and Don directly. The easygoing Minh was popular in the South. Both men were still the residual heroes of the 1963 coup. Most important, both had a considerable potential following in the Army.

Tran Ngoc Chau, however, was an altogether different matter. He presented an inviting target just when Thieu needed one. The President could crack down on Chau to symbolize his new toughness and issue the appropriate warning to would-be third-force opposition, to anyone tempted to make a separate deal with the Communists (or the Americans) at Theiu's expense. And this could be done, it appeared, without stirring up an unmanageable backlash.

At this point, for some reason, Thieu moved beyond a rational political tactic and became personally observed with punishing Chau. The Saigon political world and province chiefs throughout the country took Theiu's rage as weakness rather than strength. There was a backlash after all.

To summarize the ensuing kaleidoscopic developments, Thieu asked the National Assembly to strip Chau of parliamentary immunity so that he could be prosecuted (a move allowed by the Constitution if three-fourths of Chau's peers approved). The Lower House balked. Government officials responsible to Thieu, therefore, goaded the National Assembly by unloosing a paid mob of about seven hundred to riot in the legislative chambers. Still the Lower House dragged its feet. So Nguyen Cao Thang decided to circulate among deputies an undated petition asking for Chau's prosecution. Thang reportedly boasted to friends that he spent ten million piasters (about $80,000) to get signatures. And money was supplemented, according to numerous deputy accounts, by blackmail and intimidation. By February, 1970, by hook or by crook, Thieu had a document authorizing trial of Chau.

In March the III Corps Mobile Military Field Court, a court created by Diem to try political dissidents, sentenced Chau to ten years of imprisonment and hard labor.

Chau's final words in court were defiant. "I have served the country twenty-three years, an officer in the field who received medals on the battlefield," Chau said vehemently. "These last few days I came to the courtroom wearing black pajamas. You can say I am Communist or you can say I am an agent of the CIA because Revolutionary Development cadres wear black pajamas. But I wear black pajamas as a symbol of a good Vietnamese citizen. When I die, I ask the favor of being buried in a military cemetery." Chau's lawyers appealed the case to the Supreme Court. In May the Supreme Court ruled that Chau's conviction was indeed unconstitutional and said further that the whole mobile military field court was unconstitutional. In October the Supreme Court decided that Chau should be freed.

In response, Thieu replaced the Chief Justice of the Supreme Court and got the legislature to pass new laws that effectively renewed the same old military field court. Chau remains in prison under increasingly severe conditions. He has been allowed to see no visitors except his wife for the past four months, and such information as dwindling contacts with him provide indicates that he is allowed little exercise and has been in a state of depression since the final Supreme Court ruling.

THE AMERICAN HAND

Significantly, throughout the entire Chau affair, the American Embassy in Saigon approved Thieu's actions by praising him with very faint damns. The Embassy first gave Thieu *carte blanche* in July, 1969, when it imposed a gag rule on those American officials who had been close to Chau. (The Americans who knew him best were his most ardent supporters.) They were not to see Chau, nor were they to discuss the case with any outsider, whether Vietnamese official or American journalist. This was serious. At one point, according to a Foreign Service Officer in the Saigon Embassy, Ambassador Ellsworth Bunker delivered a personal ultimatum to John Vann, an old Vietnam hand, the American head of pacification in the populous Mekong Delta, and a staunch defender of Chau: if Vann talked to one more reporter about Chau, he would be summarily fired.

Then, in its own reporting to Washington, the Embassy consistently downplayed the significance of the affair and glossed over the illegalities to which Thieu was resorting in his pursuit of Chau. Curiously, it even portrayed Chau as favoring coalition with the Communists, though Chau had never advocated any such thing. And in political and diplomatic circles in Saigon, the Embassy circulated the view that Chau was himself pro-Communist. Thieu therefore came to assume, quite correctly, that he could imprison Chau without incurring any American reprisals.

Why did the American mission in Saigon, which has long been searching for committed, independent, non-Communist leaders of Chau's caliber, back off so totally on as unambiguous a political issue as it is ever likely to have in Vietnam? Why did it ratify yet one more instance of the cannibalization of leadership that has plagued South Vietnam ever since its inception? The answer would seem to reside in a failure of perception, reinforced by policy considerations.

To begin with, neither Ambassador Bunker nor his major advisers on the case, the Embassy political counselor and the CIA chief in Vietnam, had much affinity for the complexities of Asian politics. Bunker is a gentleman, an American aristocrat, a successful businessman, an able negotiator and compromiser. But that is not to say that he is a politician. His instincts favor "hard" military analysis over "soft" political analysis.

The then political counselor, Martin Herz, was described by his subordinates as being in the older-style State Department mold. He was accredited to the Thieu government, credulous of what the Thieu government said, suspicious of what government opponents or independents said. The CIA chief was a brilliant technician in intelligence, in the view of some American officials who know his work, but, like his colleagues, was simply not a political animal. And Chau's past squabbles with the CIA hardly recommended him to the local head of the agency.

Thus, when these men were given questionable information about Chau, they believed it instead of challenging it. Bunker accepted the opinion that Chau really was pro-Communist. And he apparently accepted, at least in part, Thieu's hints that army generals were pressing him to be tough with Chau and might even try a coup if he did not respond.

Furthermore, given the tensions created by American withdrawal, Bunker was unwilling to squander, on minor issues, what leverage the United States had over Thieu. To him it would have been wrong to risk so much for some abstract consideration of legality, or for some chimera of broadened political participation. Stability was the important desideratum. Chau was just the unfortunate man in the middle who got in the way.

In the short run, South Vietnamese stability probably was strengthened by the imprisonment of Chau. And yet, in the long run, Thieu's handling of the Chau affair led to a serious ebbing of confidence in the President's judgment, control, and predictability. Latent discontents burst forth in the period after the Chau trial. They were contained, and Thieu's rivals were silenced, but it was an augury of developments that may be expected any time Thieu again seems to be showng weakness or misjudgment. And the opportunities for Thieu to fumble will increase when his real power base—American military forces in Vietnam, and will to back him up—dwindles.

SUPPORT PROGRAMS

Mr. THURMOND. Mr. President, the General Assembly of South Carolina has passed a concurrent resolution memorializing Congress to continue price supports and other aid programs to tobacco farmers.

This resolution calls attention to the alarming fact that legislation is pending in Congress which would discontinue tobacco supports and other aid programs beginning with crops to be harvested in 1972.

Mr. President, the importance of the tobacco industry to the economy of South Carolina and to the economy of this country cannot be measured. In addition, legislation which would abolish these self-supporting programs would cause a tremendous loss of revenue to the Federal Government in taxes.

Mr. President, on behalf of Senator Hollings and myself I ask unanimous consent that this resolution be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

A Concurrent Resolution Memorializing Congress To Continue Price Supports and Other Aid Programs to Tobacco Farmers

Whereas, pending legislation is now before Congress which would discontinue tobacco supports and other aid programs beginning with crops to be harvested in 1972; and

Whereas, this has been a self-supporting program and if this legislation is enacted it would mean a tremendous loss of revenue to the Federal Government and would severely cripple this one hundred million dollar industry; and

Whereas, tobacco has for many years been one of South Carolina's main sources of revenue and the discontinuance of these programs would bring irreparable damage to the tobacco farmers of this State, particularly the smaller growers.

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

That the Congress of the United States is hereby memorialized to take such action as it deems necessary in order to continue the price supports and other aid programs to tobacco farmers.

Be it further resolved that copies of this resolution be forwarded to each United States Senator and each member of the House of Representatives of Congress from South Carolina and to the Clerk of the United States Senate and the Clerk of the United States House of Representatives.

IMPROVED POSTAL SERVICE

Mr. McGEE. Mr. President, a few days ago the Postmaster General announced the introduction of a new postal service designed to guarantee overnight delivery for airmail letters mailed to a destination within 600 miles from the place of mailing. I was glad to see this new policy develop; it caught the attention of the television newscasters; perhaps the most apt comment was by Harry Reasoner, who said that such timely delivery restores postal service to the level that was common in 1935.

The irony of his remark is that while many Americans look back fondly on the good old days of efficient and prompt mail delivery for 2 cents a letter, you do not have to go back very far to find overnight delivery of first-class mail and airmail to be commonplace. The bold new program proposed by the Postmaster General is considerably less than the mail service which the public received and relied upon in 1967 and 1968. When the present postal administration came into office in 1969 and announced that the archaic post office needed to be converted into a Government corporation, it also proceeded to dismantle piece by piece the best mail delivery service the country had ever known—overnight delivery of first-class mail. So I think that in honoring the "fairness doctrine" it is incumbent upon me as chairman of the Committee on Post Office and Civil Service to make known what the situation was compared to what it is proposed to be.

In 1967, upon the specific instruction of the Senate Committee on Post Office and Civil Service, Postmaster General Larry O'Brien introduced a new air taxi and airlift program on a nationwide basis to insure overnight delivery, or at least 2-day delivery, of all first-class mail. With remarkable efficiency and effectiveness, the rank-and-file officers and employees in the Bureau of Transportation and International Services established an intricate network of transportation patterns to move first-class mail from the post office where it was mailed to airports where it was dispatched either on a "space available" basis on the next scheduled air carrier going out or by a special "air taxi" air carrier on contract basis.

The program was an outstanding success. Regular first-class mail dropped into the mail chute at 5 o'clock in the afternoon here in Washington could be delivered the next morning to offices and residences clear across the country. The cost to the mail user for that service was 6 cents. In the past 2 years, the Post Office Department, in its continual quest for reductions in operating cost, has intentionally destroyed most of that prompt and efficient delivery. Airlift and air taxi operations for mail destined to a destination not greater than 750 miles away has been discontinued. Thus, within-State delivery overnight has come to an almost complete stop. First-class mail matter entered at Dallas, Tex., for instance, destined to El Paso, Tex., a distance of 630 miles, no longer is entitled to receive airlift transportation. Instead, it is carried by a star route highway contractor and there is no possibility that a 5 o'clock letter can be delivered the next day.

The ABCD same-day delivery program instituted by Postmaster General J. Edward Day in 1963, which virtually guaranteed delivery within the city of any business letter mailed before 11 o'clock in the morning, was discontinued, as was the afternoon delivery on business routes. Special delivery services were changed by increasing the postage stamp cost by 50 percent and reducing the service to a regular route carried not more than four times a day.

The new "managed mail program" discontinued the distribution of first-class mail between 6 p.m. and 6 a.m. and reduced the number of employees working mail on the weekends. Prior to this new efficiency, first-class mail was given immediate and continual handling 24 hours a day in order to insure next day delivery wherever possible. Pickup schedules for street mailboxes have been reduced in many cases to one pickup a day and that by a letter carrier on his regular route rather than a special messenger.

The sum of it all is that what the American people got from the archaic Post Office Department in 1967 and 1968 for 6 cents will now be offered by the new businesslike, efficient U.S. Postal Service for 11 cents. I have never enjoyed being critical of the management of Federal agencies unless evidence convinced me that the policies and practices of the agency should and could be revised to benefit the public. It is easy to complain about poor mail service, but it is extremely hard to do anything about it. Unfortunately, what the present postal administration is doing about mail service seems to be a conscious, deliberate effort to reduce the costs of running the Post Office to the point that the Postmaster General can say he is breaking even regardless of the kind of postal service provided. Unfortunately, the real price paid for the pursuit of that illusive goal is poor postal service, poor public relations, poor congressional relations, and the growing conviction in the average American's mind that the Post Office simply does not do the job.

The committee warned the Post Office Department against this policy last year when, in our report accompanying the Postal Reorganization Act, we specifically disapproved the discontinuance of air taxi and airlift programs—proven winners for good postal service. Our recommendations for continuing that policy were disregarded. In fairness to the committee and the public, the Postmaster General might consider amending the language of his recent press announcement to say that after 2 years of constantly declining postal service, the U.S. Postal Service has decided to reinstitute the practices of the archaic Post Office Department regarding mail transportation, except that now you will pay twice as much for the same service.

OPPORTUNITIES IN ENVIRONMENTAL CAREERS

Mr. FONG. Mr. President, the period of April 18 through 24, has been proclaimed by President Nixon to be Earth Week, 1971. In urging the 50 Governors' cooperation, the President wrote:

> The difficult decisions before us must be wise ones, and I hope that Earth Week will see educational institutions of all levels considering ways in which the learning process can best foster understanding of environmental needs and opportunities.

This week also has seen the publication of a new vocational guidance manual, "Opportunities in Environmental Careers," written by Odom Fanning, a well-known science writer, who has served as public affairs officer of the National Council on Marine Resources and Engineering Development and as a consultant to the Council on Environmental Quality. He was editor-in-chief of the First Annual Report on Environmental Quality, submitted to the Congress by the President last August, and he is author of an earlier vocational guidance manual, "Opportunities in Oceanographic Careers."

Mr. Fanning's new book is aimed at young people. It identifies 655,990 environmental management jobs today and predicts an increase to 1,181,800 by 1980, close to a doubling in a decade.

I have no doubt that Mr. Fanning's prediction of environmental manpower needs from now until 1980 is close to the mark. And yet I foresee many problems in achieving our national goals in the environment. To achieve the desired progress in ecology, we must strengthen our economy. To make progress, we must strengthen our technology.

Americans can take pride in this Nation's role of leadership in trying to preserve our world environment. In this connection, I was disappointed to learn this week that the NATO Conference on the Environment, meeting in Brussels, failed to accept a U.S. proposal to prevent dumping of any and all wastes into the world's oceans. We must continue to press for universal accord on that and other environmental reforms. Such reforms are investments in the only ecosystem we will ever have. The President so wisely stated:

> The challenges of the future clearly require that each and every week be Earth Week.

THE FOSTER GRANDPARENT PROGRAM

Mr. BURDICK. Mr. President, in spite of the success of the many programs for the elderly initiated under the Older Americans Act, the administration has proposed a $7 million cutback in the HEW budget for these programs.

Three million dollars of this cut is to be made in the foster grandparent program, one of the most successful and innovative of all elderly programs. Foster grandparents are low-income citizens over 65 years of age who spend 4 hours a day with an institutionalized child, the majority of whom are mentally retarded, providing love and attention on a rare one-to-one basis. For this work they receive a small stipend, meals on the job, and transportation expenses. Although these elderly citizens receive only a minimum wage, the income is often enough to keep them financially independent.

The foster grandparent program then, aids the elderly, aids and relieves our understaffed mental hospitals, and contributes to the growth and development of thousands of mentally retarded children. The President has proposed cutting the foster grandparent program by one-third.

I have received a great deal of mail about this program. One letter, however, was especially touching. It was written by the mother of a mentally retarded child. Her daughter is not lucky enough to have a foster grandparent at this time, although she is on a waiting list for one. If the President's recommendations are adopted, this little girl will never receive the special care and attention of a foster grandparent. I recommend that every Member of Congress who has any concern for the mentally retarded and for the elderly read this thoughtful and touching request for the continuation of the foster grandparent program, and I ask unanimous consent that it be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

March 30, 1971.

Dear Senator Burdick: I have never written anyone in public office before, but now I feel I must.

My letter is in regard to the planned cut in the National Foster Grandparent Program budget. Why does the government always seem to scrap the very good programs it starts? Why deprive the retarded?

Our daughter Lynn Marie was 6 on March 11. She has resided at the Grafton State School since May 4, 1970. Our only consolation in this heart-breaking decision to part with our only girl, was the fact that she would get the proper care from dedicated, trained or otherwise interested and loving people. People who could guide her to reaching her full potential as a brain-injured child.

Her name has been on the foster grandparent list since her arrival last May. She has not received a foster grandparent because there are not enough of them.

They do wonderful work. It is a rewarding relationship for both the retarded and the older persons who have no one else to give their extra time and love to.

A one-to-one relationship is the best possible hope for the retarded. They do the best they can at the Grafton State School, but I've been there often enough to know and see for myself how terribly under-staffed they are.

My daughter is in a 40 patient ward. Most times there are 2 attendants per shift for those 40 girls. But many times there is only 1 woman, due to illness or other reasons, and when the one woman takes a few minutes to eat they open the doors to both 40-girl wards on Lynn's floor and one attendant is many times in charge of all 80 girls. This is about as remotely removed from a one-to-one relationship as you can get.

These children can not speak for themselves to let you people in government know how much they need and deserve love, attention, care and teaching. In all good conscience, if government has one, I can not understand why these very special people at the Grafton State School and other similar institutions must bear the brunt of Budget cuts.

When I think of all the government money spent for war, a moon rocket, or the missile sites here in North Dakota, I cannot help but think how all that money could more than adequately supply the much needed people to care for and teach all the retarded for the rest of their lives.

Sincerely,

Mrs. Edward Stoltman.

TRIBUTE TO MRS. WILLIAM F. BUCKLEY

Mr. THURMOND. Mr. President, there recently appeared in the State newspaper in Columbia, S.C. a feature story on one of South Carolina's loveliest and most distinguished ladies, Mrs. William F. Buckley.

Mrs. Buckley resides in her beautiful 117-year-old estate, Kamtchatka, in Camden, S.C. She is the mother of eight living children, 48 grandchildren and one great-granddaughter—one of her sons being our most able colleague, Senator James L. Buckley of New York.

Mr. President, it is indeed a privilege for me to consider this great lady a personal friend. The true gage of her greatness is her charming personality, which exemplifies the finest attributes of Southern womanhood.

Mr. President, I ask unanimous consent that this article entitled, "A Famous Mother Loyal to Family and to the South," which appeared in the State newspaper on April 18, 1971, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Famous Mother Loyal to Family and to the South

(By Charlotte Wyndham)

Mrs. William F. Buckley, mistress of the aesthetically beautiful 117-year-old estate, Kamtchatka, in Camden, is the picture of a truly southern lady . . . soft, friendly and outgoing.

Despite her years of living in Europe and New England and her famous family's Ivy-League polish, she is quick to interject, "Oh, my dear, yes, I'm Southern down to my toes on both sides of my family. My family fought in the War-Between-the-States . . . on the side of the South."

Aloise Steiner Buckley was born in New Orleans in 1895 into a family steeped in traditional Southern proprieties. "We were not wealthy," she said modestly, "but we never lacked for anything. I had music lessons, learned to ride (my mother was an outstanding horsewoman), made my debut and attended Sophie Newcomb College."

It was at this point her education was interrupted by romance. Thirty-six-year-old, venturesome Texas lawyer and oilman William Frank Buckley asked for her hand after one week of courtship.

He had to be properly introduced to the Steiner family, and when they realized the seriousness of the couple's intent, they discreetly made inquiries of the young man's character from his family priest in Austin, Tex.

With the approval of both families they were married and took up residence in Mexico, where Will Buckley was engaged in oil speculation and politics. It was the latter that cost them their first fortune and nearly Mr. Buckley's life. He backed the "wrong" man during an insurrection, and was not only ordered out of Mexico, under the penalty of death, but lost every cent of property and investment he had.

"That was 1922, and my husband, 41 years old, settled us in Connecticut (Great Elm, the 11 bedroom, 205-year old home Mrs. Buckley still maintains), and he started all over again in New York."

While Mr. Buckley was re-amassing his fortunes in oil, Mrs. Buckley was having babies. At almost any point of the Buckley chronicle, Mrs. Buckley would recall, "I was having a baby, as usual." She had a total of ten, much to the joy of her husband. "My husband loved children," she said. "He felt it was a gift of God to have a child.

"My husband was quoted often as saying that the order in his life was: first, God, then country, then family, and then, no one."

Asked how she felt about having such a large family, 5-feet-2 Aloise Buckley said delicately, "Encouchments were always very difficult for me, but I never resented one of them. Our children grew up knowing that each one was wanted and loved."

Undaunted by her ever growing family, Mrs. Buckley packed up the children and nurses and moved about the world with her husband. They were in Paris in the fall of 1929 with six of their children when the stock markets crashed in New York.

"My husband decided we should stay in France. It was cheaper to live there, and more important to him, the children could have the benefit of a sound, cultural education. He had them tutored in everything from languages to music. He was a great believer in education.

They returned to Connecticut in time to save the baronial home from being taken by unscrupulous lawyers from Mexico, who still held a grudge against her husband.

Somehow, along the routes of the Buckleys' world travels, they visited Camden, (the exact reason escapes Mrs. Buckley now), and they fell in love with the town and the people. In 1938 they bought the home built in 1854 by Col. James Chesnut.

"It was greatly in need of repairs," Mrs. Buckley said, "but my husband bought it for me when I discovered it had a ceiling high enough to hang the chandelier that had been willed to me by a friend from Mexico. The chandelier had hung in the Mexican embassy in Paris during the reign of Maximillian."

"We had great fun remodeling and furnishing the home, which we called, Kamtchatka. We had a man come down from New York to assemble and hang the chandelier from the main staircase ceiling. Besides pieces we had collected from around the world, my husband bought at auction the furniture of William Randolph Hearst and had it sent down. The gardens, with ten sloping terraces in front, were designed by my husband."

A special living room on the second floor has among portraits and snapshots of the family, a baby grand piano. Mrs. Buckley, a student of the piano since the age of seven, said, "If my son Bill were to come into the house now, he would take me by the arm straight to this room to play a Bach or Mozart concerto with him."

Kamtchatka has become a second home for the Buckleys. Its 10 bedrooms, seven baths and surrounding cottages can just about take care of the eight remaining children, 48 grandchildren and one great-granddaughter.

William Buckley, Sr., after his first stroke in 1955, spent more and more of his time in Camden. He built an office close to the main house and worked there in between trips to New York. After his death in 1958, he was buried in the little Quaker cemetery near the home. Mademoiselle, the French governess who was with the Buckley children for 26 years, is also buried there.

FAMILY HAD SETBACKS, SUCCESSES

"Ma," as Mrs. Buckley is known to her children (and as "Mimi" to her in-laws and the children's nurses), has always been content to stay in the shadows of the successes of her illustrious husband and children ("always," she emphasized).

For instance: Mr. Buckley, in a tongue-in-cheek letter to Bill Jr.'s future in-laws in 1950, said, "My wife, while entirely too gentle to attempt fraud, is nevertheless too loyal to condone this exposure of her children."

Daughter Aloise wrote in explanation of the trials of putting out the family newspaper, "Grelmschatka" (a combination of Great Elm and Kamtchatka) . . . "My third feat may seem an anticlimax, but, believe it, it called for careful planning, bold tactics and subtle execution. I convinced Mother (she's so sweet, you know) . . . that Lulabelle, John (eldest son) and Ann's ill-fated beagle, was responsible for all but two spots on the living-room rug."

Again from Aloise: "The illnesses and accidents are now past and forgotten (in looking back over the early family crises); the callouses on Mother's knees will take a little longer to wear off."

And perhaps the funniest and truest in spirit of loyalty is the story her children tell of her when son Bill's first book, "God and Man at Yale," (which sister Aloise said he wrote out of jealousy over sister Priscilla's new job and brother Jim's new house).

"Mother had assigned herself a daily beat covering Fifth Ave. from 25th to 92nd St. and back down Madison to 25th. At each store she passed, Mother entered nonchalantly flipped through a best-seller or two and asked the clerk if he had a really fine book she'd heard of called something like, "Man and God at Harvard." The author's name sounded like William F. Butler Jr. or something.

"If the clerk answered no, she was able to launch into her carefully rehearsed lecture. Unfortunately for Mother's regal arches, the clerk usually answered yes. Those of us who know Mother know that her conversation may be loony but never lame, so inevitably, she bought the book and resumed her trudge down the Avenue, sometimes accumulating 18–20 pounds of literature in a couple of blocks. How many of the 27,000 sales were accounted for by my mother is her secret. There are several locked closets in her room, though."

Then in a perhaps more poignant child-to-mother episode, son James phoned her from New York this past year to tell her he had decided to run for the U.S. Senate, and asked her simply, "to pray for me."

Aloise Steiner Buckley belies her 78 years. Sitting in one of her splendidly furnished living rooms, she struck a familiar pose of tilted head and frequent open smile that son Bill has found fame for on television. (The two bear a remarkable resemblance.)

She has the almost forsaken gift (which her husband said was lost in Western culture) of listening to people. She gives the impression that she would by far rather hear what others have to say than speak herself.

Urged to sit through the more than three-quarters of a century of much happy living ("I've been lucky"), Mrs. Buckley reminisced on subjects close to her heart.

On the notoriety of her family: "Goodness, I don't know why anyone would be interested in writing about us . . . we're so dull."

On her husband: "We had a life-long love affair. No one could surpass him in business deals. We were both happy people . . . never moody. Our children grew up in an atmosphere of love and knew they were wanted."

"On occasions when I became cross with my husband . . . like the time he wanted me to move with all the children to England and I didn't want to . . . he listened gently to my compaints, but we moved to England."

On raising her children: "My husband was the disciplinarian . . . usually by memoranda written to them while he was away, with carbon copies sent to other members. Large families tend to discipline each other. I listened to my children's arguments and usually agreed with the last one, hoping they would not confer with the others.

"I never had favorites, although the children always said I favored Jim. It was only that Jim and I had a relationship of the heart . . . he tended to favor me. I had other, equal relationships with the rest of the children. My oldest daughter Aloise and I were closer in age and very good friends.

"When the children were teen-agers, and we were living in the country in Sharon, Conn., my room had the buzzer, so that when they each got in at night, they would ring my room and tell me they had gotten home safe and sound. The next morning, I would tell my husband that such and such a child got in quite early." (She smiled over this little deceit that so many mothers practice.)

On her faith: "My husband used to say, 'I depend on Aloise's faith.' I guess I was born with faith. My husband went through many perilous times . . . loss of money and threats on his life . . . but I never despaired.

" I remember one time when he was speculating for oil and had no money to begin operations. He asked me to pray. I went to church and simply prayed, 'Lord, Will doesn't know what to do; I don't know what to do, but You do.' The next day, Will made a bold gamble and got financial backing to begin drilling.

"When I lost my daughter Maureen at age 31 in 1964 and my daughter Aloise in 1967 . . . both suddenly with cerebral hemorrhages . . . I looked to the Church for strength. I would go into a little church in Spain, where my son Reid and his family live, and let out all my tears before my Lord. When I left I felt better.

"I don't understand it all, but I have faith that God has a plan for us all, and it is good."

On people: "I can honestly say I've never hated anyone in my life. I have disliked certain people, but I've never allowed myself to hate. Hate is inward destruction."

About criticsm of her children: "I usually won't listen to it and I certainly don't answer it. My children usually try to protect me from it anyway."

On changes in the Church: "I do not like any of the modern changes in the Church. I can't conceive of a nun dressed in secular clothes or even the litany translated to English, let alone the modern 'jazzed' up Masses. The translations from the Latin are just awful. Why not learn the beauty of Latin? Why not look to a nun in long black habit as the source of inspiration and confidence? I concede that the day will come when priests will give up their celibacy, but what will happen to confession then?"

On the future: "I used to say that having lived 76 years I didn't want to see what the future was going to bring, but now, I've changed my mind. I can't but believe that God's in His Heaven, and all's right with the world."

Today finds Mrs. Buckley wrestling still with the week's menus. ("Although I don't care a bit about food.") After following days of hectic schedules, she longs to be alone . . . just to sit by the fire and read.

Even alone, however, she is surrounded by faithful servants who have been with her for 30 years or more . . . Ella Whitaker, the intuitive waitress who knows how to set, serve a table and decorate with a word, "company," or "family;" Leslie and Elizabeth Carlos, chauffeur and maid, and Jeff Boykin, butler. They all travel with Mrs. Buckley to Connecticut in the spring and return south after Thanksgiving.

INCOMPLETE PROTEST

Mr. DOLE. Mr. President, I have noted with some interest the presence of a number of Vietnam veterans in Washington this week. Washington is, of course, no stranger to demonstrating veterans, but this group has emphasized the distinction that they are the first group to protest against the very war in which they served.

They have further stated that their protest in Washington is particularly directed at those who are responsible for the war in Indochina. This is all very well and good. These citizens are within their rights to give voice to their convictions and their consciences, and they have defended these rights in a far-off and troubled corner of the world.

I would, however, suggest that the demonstrators may be committing a substantial error of omission in their demonstrating. They say they are here to confront the "responsible parties," so they have marched on the Pentagon, they have marched on the Congress and they have marched on the Supreme Court.

MISDIRECTED DEMONSTRATIONS

I find some illogic in the direction of these expressions toward President Nixon, Secretary of Defense Laird and the rest of this administration. It is difficult to understand discontent with those who have turned around the course of the war, who have stopped the escalation, who have reduced the number of American forces in Vietnam by half and who are firmly committed to total and complete disengagement from South Vietnam.

Many, including myself, are impatient for the day when the American casualty rate reaches zero. We are impatient for the last American soldier to board the last homeward-bound airplane. We long for the day when the last shot is fired in anger in Southeast Asia—and throughout the world.

But it is difficult to understand why this President and this administration are being derided, criticized, and scorned in the face of the progress they have made by effecting a fundamental reversal of our national course in Indochina.

Likewise, it is hard to see the validity of the protest directed at our judicial system for failing to declare our conduct of the Vietnam war to be contrary to the Constitution. Our involvement in that conflict may have been wrong from the beginning. It was certainly escalated and prosecuted incorrectly. But the war, especially since August 7, 1964, has had clear and repeated constitutional sanction.

CONGRESSIONAL RESPONSIBILITY

August 7, 1964, was, of course, the date on which the Congress passed the joint resolution, granting the President authority "to take all necessary steps, including the use of armed force" in pursuing his policy in Southeast Asia. Popularly known as the Gulf of Tonkin resolution, this blank check grant of power was subsequently reiterated by the authorization and appropriation of funds to support our forces in Southeast Asia.

This brings me to the point that this week's demonstrators appear to be committing an error of omission. While the demonstrations of these veterans who are opposed to the Indochina war are closest to their mark in approaching the Congress as a responsible party, they are somewhat amiss in their selection of individual Members of Congress, particularly in the Senate, against whom to vent their oppoistion and displeasure. It seems they are leaving out several "responsible parties."

When you come down to the nub of the matter, it was the Gulf of Tonkin resolution which the previous administration relied on as a virtual declaration of war and which was used as the fundamental authority for sending these protesting veterans and more than half a million other American fighting men to Vietnam.

VIRTUALLY UNANIMOUS SUPPORT

The Gulf of Tonkin resolution passed the House of Representatives and the Senate with but two opposing votes. Every Member of today's Senate and House, who was serving in either body in 1964, voted for it's passage or was recorded in favor of passage. And the junior Senator from Kansas voted "aye" as a Member of the House at that time.

So I would suggest that when sectors of the public, whether veterans, nonveterans, Democrats, Republicans or Independents, set out in search of responsible parties for the Vietnam war, they should be fully aware of the reach and scope of that responsibility. It was virtually the entire 87th Congress which passed that resolution, and it is those individuals—particularly those who are now serving in the 92d Congress—who bear the responsibility for the consequences.

Mr. President, I ask unanimous consent that excerpts from the CONGRESSIONAL RECORD showing the votes on the Gulf of Tonkin resolution be printed in the RECORD at this point.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

The SPEAKER. All time has expired.

The question is on the motion of the gentleman from Pennsylvania (Mr. MORGAN) that the House suspend the rules and pass House Joint Resolution 1145 with an amendment.

Mr. MORGAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 416, nays 0, answered "present" 1, not voting 14, as follows:

[Roll No. 210]

YEAS—416

Abbitt, Abele, Abernethy, Adair, Addabbo, Albert, Alger, Anderson, Andrews, Ala., Andrews, N. Dak., Arends, Ashbrook, Ashley, Ashmore, Aspinall, Auchincloss, Avery, Ayres.

Baker, Baldwin, Barrett, Barry, Bass, Bates, Battin, Becker, Beermann, Belcher, Bell, Bennett, Fla., Berry, Betts, Blatnik, Boggs, Boland, Bolling, Bolton, Frances P., Bolton, Oliver P., Bonner, Bow, Brademas, Bray, Brock, Bromwell, Brooks, Broomfield, Brotzman, Brown, Calif., Brown, Ohio, Broyhill, N.C., Broyhill, Va., Bruce, Buckley, Burke, Burkhalter, Burleson, Burton, Calif., Burton, Utah, Byrne, Pa., Byrnes, Wis.

Cahill, Cameron, Carey, Casey, Cederberg, Celler, Chamberlain, Chelf, Chenoweth, Clancy, Clark, Clausen, Don H., Clawson, Del., Cleveland, Cohelan, Collier, Colmer, Conte, Cooley, Corbett, Corman, Cramer, Cunningham, Curtin, Curtis.

Daddario, Dague, Daniels, Davis, Ga., Davis, Tenn., Dawson, Delaney, Dent, Denton.

Derounian, Derwinski, Devine, Diggs, Dingell, Dole, Donohue, Dorn, Dowdy, Downing, Dulski, Duncan, Dwyer.

Edmondson, Edwards, Elliott, Ellsworth, Everett, Evins, Tenn.

Fallon, Farbstein, Fascell, Feighan, Findley, Finnegan, Fino, Fisher, Flood, Flynt, Fogarty, Ford, Foreman, Forrester, Fountain, Fraser, Frelinghuysen, Friedel, Fulton, Pa., Fulton, Tenn., Fuqua.

Gallagher, Garmatz, Gary, Gathings, Giaimo, Gibbons, Gilbert, Gill, Glenn, Gonzalez, Goodell, Goodling, Grabowski, Grant, Gray, Green, Oreg., Green, Pa., Griffin, Griffiths, Gross, Grover, Gubser, Gurney.

Hagen, Calif., Haley, Hall, Halleck, Halpern, Hanna, Hansen, Harding, Hardy, Harris, Harrison, Harsha, Harvey, Ind., Harvey, Mich., Hawkins, Hays, Healey, Hébert, Hechler, W. Va., Henderson, Herlong, Hoeven, Hoffman, Holifield, Holland, Horan, Horton, Hosmer, Huddleston, Hull, Hutchinson.

Ichord, Jarman, Jennings, Jensen.

Joelson, Johansen, Johnson, Calif., Johnson, Pa., Johnson, Wis., Jonas, Jones, Ala.

Karsten, Karth, Kastenmeier, Keith, Kelly, Keogh, Kilburn, Kilgore, King, Calif., King, N.Y., Kirwan, Kluczynski, Knox, Kornegay, Kunkel, Kyl.

Laird, Landrum, Langen, Latta, Leggett, Lesinski, Libonati, Lindsay, Lipscomb, Lloyd, Long, La.

McClory, McCulloch, McDade, McDowell, McFall, McIntire, McLoskey, McMillan, Macdonald, MacGregor, Madden, Mahon, Mailliard, Marsh, Martin, Calif., Martin, Mass., Martin, Nebr., Mathias, Matsunaga, Matthews, May, Meader, Michel, Miller, Calif., Miller, N.Y., Milliken, Mills, Minish, Minshall, Monagan, Montoya, Moore, Moorhead, Morgan, Morris, Morrison, Morse, Morton, Mosher, Moss, Multer, Murphy, Ill., Murphy, N.Y., Murray.

Natcher, Nedzi, Nelsen, Nix, O'Brien, N.Y., O'Hara, Ill., O'Hara, Mich., O'Konski, Olsen, Mont., Olson, Minn., O'Neill, Osmers, Ostertag.

Patman, Patten, Pelly, Pepper, Perkins, Philbin, Pickle.

Pike, Pilcher, Pillion, Pirnie, Poage, Poff, Price, Pucinski, Purcell, Quie, Quillen.

Rains, Randall, Reid., Ill., Reid, N.Y., Reifel, Reuss, Rhodes, Ariz., Rhodes, Pa., Rich, Riehlman, Rivers, Alaska, Rivers, S.C., Roberts, Ala., Roberts, Tex., Robison, Rodino, Rogers, Colo., Rogers, Fla., Rogers, Tex., Rooney, N.Y., Rooney, Pa., Roosevelt, Rosenthal, Rostenkowski, Roudebush, Roush, Roybal, Rumsfeld, Ryan, Mich., Ryan, N.Y.

St. George, St Germain, St. Onge, Saylor, Schadeberg, Schenck, Schneebelli, Schweiker, Schwengel, Scott, Secrest, Selden, Senner, Sheppard, Shipley, Short, Shriver, Sibal, Sickles, Sikes, Sisk, Skubitz, Slack, Smith, Calif., Smith, Iowa, Smith, Va., Snyder, Springer, Staebler, Stafford, Staggers, Steed, Stephens, Stinson, Stratton, Stubblefield, Sullivan.

Taft, Talcott, Taylor, Teague, Calif., Teague, Tex., Thomas, Thompson, La., Thompson, N.J., Thompson, Tex., Thomson, Wis., Toll, Tollefson, Trimble, Tuck, Tupper, Tuten.

Udall, Ullman, Utt.

Van Deerlin, Van Pelt, Vinson.

Waggonner, Wallhauser, Watson, Watts, Weaver, Weltner, Westland, Whalley, Wharton, White, Whitener, Whitten, Wickersham, Widnall, Williams, Willis, Wilson, Bob, Wilson, Charles H., Wilson, Ind., Winstead, Wright, Wydler, Wyman, Young, Younger, Zablocki.

NAYS—0

ANSWERED "PRESENT"—1

Powell.

NOT VOTING—14

Baring, Beckworth, Bennett, Mich., Hagan, Ga., Jones, Mo., Kee, Lankford, Lennon, Long, Md., Norblad, Passman, Pool, Siler, Vanik.

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

The Clerk announced the following pairs:

On this vote:

"Mr. Beckworth and Mr. Baring for, with Mr. Siler against."

Until further notice:

"Mr. Passman with Mrs. Kee.

"Mr. Lennon with Mr. Lankford.

"Mr. Hagan of Georgia with Mr. Long of Maryland.

"Mr. Pool with Mr. Vanik."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Joint Resolution 1145, as a substitute for the Senate joint resolution.

The PRESIDING OFFICER. The Chair lays before the Senate a joint resolution coming over from the House, which will be stated by title.

The joint resolution (H.J. Res. 1145) was read twice by its title.

The PRESIDING OFFICER. Is there objection to the present consideration of the House joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the joint resolution.

The joint resolution was ordered to a third reading, and was read the third time.

Mr. FULBRIGHT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call may be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, I ask for the yeas and nays on the House joint resolution.

The yeas and nays were ordered.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

On this question the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. Humphrey. I announce that the Senator from South Carolina [Mr. Johnston] and the Senator from Georgia [Mr. Talmadge] are absent on official business.

I also announce that the Senator from New Mexico [Mr. Anderson] and the Senator from Massachusetts [Mr. Kennedy] are absent because of illness.

I further announce that the Senator from Nevada [Mr. Cannon] the Senator from Pennsylvania [Mr. Clark], the Senator from Oklahoma [Mr. Edmondson], the Senator from Missouri [Mr. Symington], and the Senator from Texas [Mr. Yarborough] are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico [Mr. Anderson], the Senator from Nevada [Mr. Cannon], the Senator from Oklahoma [Mr. Edmondson], the Senator from South Carolina [Mr. Johnston], the Senator from Massachusetts [Mr. Kennedy], the Senator from Missouri [Mr. Symington], the Senator from Georgia [Mr. Talmadge], the Senator from Texas [Mr. Yarborough] and the Senator from Pennsylvania [Mr. Clark] would each vote "yea."

Mr. Kuchel. I announce that the Senator from Pennsylvania [Mr. Scott] is necessarily absent and, if present and voting, would vote "yea."

The result was announced—yeas 88, nays 2, as follows:

[No. 520 Leg.]

YEAS—88

Aiken, Allott, Bartlett, Bayh, Beall, Bennett, Bible, Boggs, Brewster, Burdick, Byrd, Va., Byrd, W. Va., Carlson, Case, Church, Cooper, Cotton, Curtis, Dirksen, Dodd, Dominick, Douglas, Eastland, Ellender.

Ervin, Fong, Fulbright, Goldwater, Gore, Hart, Hartke, Hayden, Hickenlooper, Hill, Holland, Hruska, Humphrey.

Inouye, Jackson, Javits, Jordan, N.C., Jordan, Idaho, Keating, Kuchel, Lausche, Long, Mo.

Long, La., Magnuson, Mansfield, McCarthy, McClellan, McGee, McGovern, McIntyre, McNamara, Mechem, Metcalf, Miller, Monroney, Morton, Moss, Mundt, Muskie, Nelson, Neuberger, Pastore, Pearson, Pell.

Prouty, Proxmire, Randolph, Ribicoff, Robertson, Russell, Salinger, Saltonstall, Simpson, Smathers, Smith, Sparkman, Stennis, Thurmond, Tower, Walters, Williams, N.J., Williams, Del., Young, N. Dak., Young, Ohio.

NAYS—2

Gruening.
Morse.

NOT VOTING—10

Anderson, Cannon, Clark, Edmondson, Johnston, Kennedy, Scott, Symington, Talmadge, Yarborough.

So the joint resolution (H.J. Res. 1145) was passed as follows:

"Whereas naval units of the Communist regime in Vietnam, in violation of the principles of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace; and

"Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Vietnam has been waging against its neighbors and the nations jointed with them in the collective defense of their freedom; and

"Whereas the United States is assisting the peoples of southeast Asia to protect their freedom and has no territorial, military or political ambitions in that area, but desires only that these peoples should be left in peace to work out their own destinies in their own way: Now, therefore, be it

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

"Sec. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

"Sec. 3. This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress."

THE FACTS SHOULD BE KNOWN

Mr. DOLE. I feel it is important for protesters, nonprotesters and all concerned citizens to be aware of these facts. I was quite surprised today, while visiting with members of the protesting veterans group, to learn that many individuals were totally unaware of the Gulf of Tonkin resolution, much less its role in the history of our Southeast Asia involvement. I am hopeful that a wider awareness of these facts will enable this group and others like it to better understand the nature of the war against which they have so vigorously dissented.

THE DRAFT AS INSTITUTIONAL RACISM

Mr. HATFIELD. Mr. President, a great deal of the debate regarding the desirability of an all-volunteer Armed Force has revolved around the question of the possibility of its putting an "unfair burden" on the poor and the black. Although proponents of this argument have not come forth with any evidence to support their thesis, the argument still has some emotional appeal and at first glance may well seem valid.

Aside from the fact that every study with which I am familiar, including most notably the report of the President's Commission on an All-Volunteer Armed Force—the Gates Commission—invalidates this argument—and aside from the fact that this perspective is the height of paternalism—I would like to draw the attention of my colleagues to a study which concludes that virtually any draft system works toward the detriment of the black.

Paul T. Murray, assistant professor of sociology at Fisk University is the author of the study and supports the following assertions: First, "Even if every local board was all black, the current disproportion of black draftees would not be significantly reduced as long as members remained obedient to national directives;" second, "Within the Selective Service System, the major sources of institutional racism are the standards for deferment," particularly student deferments, conscientious objector status, and hardship and dependency deferments; third, another "major source of inequity in the draft lies in the medical standards for induction—whites consistently receive nearly 50 percent more deferments than do blacks;" fourth, "Only one source of deferments works to the advantage of the black registrant"—the mental qualification for induction.

Although one might argue that various internal reforms conducted over an extended period of time might significantly eliminate these inequities, by the time they were effected they would no longer be relevant to men who are dying in combat today and for at least the next year or two. I would agree with Mr. Murray, the author of the study, who concludes:

> The best way to eliminate this racism is to abolish the draft altogether . . . Those opponents of draft abolition who argue that an all-volunteer Army would be predominantly poor and black fail to realize that the current draftees are also disproportionately poor and black . . . Continuation of the draft would only perpetuate the handicaps forced on the poor and the black draftees.

To argue for internal reforms within the Selective Service System in order to somehow save the poor and the black is not only factually contradictory but, even if true, too little too late.

Mr. President, I ask unanmious consent that the study by Asst. Prof. Paul T. Murray be printed in the Record.

There being no objection, the study was ordered to be printed in the Record, as follows:

Local Board Composition and Institutional Racism

The draft is hardly a popular institution in contemporary America. It has been denounced from a wide variety of political perspectives: it facilitates American imperialism in Vietnam; it deprives young men of their personal liberties; it favors the rich at the expense of the poor; it places life and death decisions in the hands of a few middle-aged men who are unsympathetic with today's youth. In February, 1967, critics of the draft received new ammunition for their attack upon the Selective Service System. Not only was the System taking young men to fight an unjust war in Vietnam, it was also an instrument of American racism. Black militants such as Stokeley Carmichael and other members of the Student Non-Violent Coordinating Committee had made this charge in 1966, but when the report of the National Advisory Commission on Selective Service was released it was given official documentation. The report stated that in October, 1966, only 1.3% of the 16,632 local board members were black. As might be expected, this systematic exclusion of blacks was most prevalent in the South. Alabama, Arkansas, Louisiana, and Mississippi had no blacks serving on local boards. But this exclusion was not confined entirely to the South. Indiana, Kansas, and New Jersey also had no black representation.

The publicity surrounding the release of these findings generated much concern in the Selective Service National Headquarters. Not only was the news damaging its already tarnished public image, but the charge of systematic exclusion of blacks from local boards was being used as a legal defense by black draft resisters. Among others, Muhammed Ali and SNCC leader Cleveland Sellers had refused induction into the Armed Forces and were using the issue of black exclusion in their court case. Drawing on the precedent of Supreme Court decisions on the systematic exclusion of blacks from jury duty, this approach seriously threatened to disrupt the operations of the draft. If the argument of systematic exclusion was upheld, the actions of many all-white local boards would be automatically invalidated and blacks would have a legally sanctioned reason for refusing induction.

In response to this threat, the Selective Service System suddenly discovered a strong commitment to equal opportunity for blacks. The System embarked on an earnest program to recruit blacks for local boards. Surprisingly, there was relatively little opposition to this effort. Even such previous strongholds of white supremacy as Georgia, South Carolina, Mississippi, and Alabama joined the rush to appoint black local board members. By June 30, 1970, there were 1,265 Negroes serving on local boards in the Selective Service System, or 6.7% of all local board members. Although not yet at the 12% figure of blacks in the total U.S. population, this number represents a six-fold increase since 1966 and is steadily increasing. Before long it appears that the Selective Service System will be successful in eliminating the systematic exclusion of blacks from local boards.

Aside from blocking a potential legal defense for black draft resisters and removing an embarrassing source of public criticism, what has been the effect of appointing blacks as local board members in the Selective Service System? Has their appointment eliminated all traces of racism in the operation of the draft? Does the black registrant now fare better in the draft than he did in 1966? One way to answer these questions is to look at the statistics on non-white inductions collected by the Department of Defense. If the absence of blacks on local boards increased the chances of black registrants being drafted, then the significant increase in black board members should result in a decrease in the proportion of black draftees. If the appointment of blacks to local boards insures equal treatment for all draftees, then blacks should not be drafted out of proportion to their numbers in the civilian population. These hypotheses, however, are not supported by the evidence. In 1966, when only 1% of local board members were black, 12.4% of all draftees were non-white. In 1970, when nearly 7% of local board members were black, 15.8% of all draftees were non-white. Instead of declining, the proportion of black draftees has dramatically increased from 1966 to 1970. While blacks were drafted in rough proportion to their numbers in the civilian population in 1966, blacks are now drafted substantially in excess of this proportion. Clearly, the appointment of blacks as local board members in the Selective Service System has not appreciably affected the racist operation of the System.

To explain this apparent contradiction, we must examine the position of local board members within the Selective Service System. The local boards meet once or twice a month usually for a period of two to three hours. At these meetings they spend most of their time deciding changes in draft classifications. A large majority of the cases which they act upon are of a routine nature and are automatically passed at the suggestion of the local board clerk. The bulk of board members' time is devoted to those cases in which the registrant is making a personal appearance to appeal his classification. Most of these appeals are made on grounds of conscientious objection, hardship, and, until recently, occupation. Thus, only a very small proportion of all reclassifications receive any close attention from local board members. In effect, they are made by the clerk of the local board. Although they can exercise wide discretion in certain cases, such as conscientious objection, the actions of local board members must follow the regulations of the Selective Service System. Although there may be variation from board to board, these classification decisions are primarily guided by national standards. Even a deliberate conspiracy on the part of local board members to draft as many blacks as possible would have little effect within the limitations of the guidelines established by the System. On the other hand, even if every local board was all-black, the current disproportion of black draftees would not be significantly reduced as long as members remained obedient to national directives. The reason for the disproportionate numbers of black draftees must be found in sources other than the composition of the local board.

The rapid increase in the number of black local board members is probably the best indication that this is a relatively powerless position. Most local board actions are routine and classifications are made by the clerk who is a full-time employee in contrast to the local board members who serve without compensation. Many observers have remarked that the clerk of the local board actually wields most of the power which is legally entrusted to the local board. However, the exclusion of blacks from the compensated positions within the Selective Service System has not received nearly as much attention as the exclusion of blacks from local board membership. Selective Service figures on full-time compensated personnel as of November 30, 1970, indicate that 447 Negroes are employed full-time by the System out of a total of 6,527 full-time employees. This figure represents 6.85% of all full-time compensated personnel, approximately the same proportion of black local board members. However, there is a considerable difference in the geographic distribution of these employees. Three hundred and thirteen of the 447 black Selective Service employees (70%) are employed in New York, District of Columbia, Illinois, California, and Michigan. In the South blacks are still almost completely excluded. Of 1,779 compensated personnel in 12 Southern states, only 32 or 1.8% are black. The System has had considerably greater success in appointing blacks to local boards. There are 448 blacks currently serving on Southern draft boards, 9.2% of all local board members.

The exclusion of blacks from compensated positions within the System may have a slight effect on the number of black draftees, but, as in the case of local board members, this is not a major reason. The cause of the disproportionate number of black draftees must be sought at the national level. Ultimately, it is the regulations of the Selective Service System and the standards of the Armed Forces which determine the number of blacks who will be drafted.

Within the Selective Service System, the major sources of institutional racism are the standards for deferment. It is generally recognized that the provision for student deferments works to the advantage of white registrants. Since fewer blacks attend college or participate in apprenticeship programs, they are less able to use this means of avoiding the drafts. Although many college students are forced to enter the Armed Forces following their graduation, they have been able to postpone military duty for four years. During this time, they have gained the necessary qualifications which will enable many of them to obtain officers' commissions. Others take advantage of this time to look for loopholes in the System. The college deferment has enabled many youths to choose their period of military service. Young men who were eighteen in 1966, when the Vietnam fighting was greatest, have been able to avoid the draft by going to college until their graduation in 1970 when the level of combat deaths had declined considerably. The elimination of deferments for graduate students has removed one source of racism in the draft, but this inequity will not be totally eliminated until all student deferments are abolished.

A second classification which works to the advantage of whites is the conscientious objector (CO) status. Although CO's are a small proportion of all Selective Service registrants, they are overwhelmingly white. Not only are the traditional pacifist churches almost entirely white in their composition, but the college deferment enables many white youths to develop both the philosophical and procedural sophistication needed to gain conscientious objector status. The nearly complete absence of draft counseling facilities on black campuses and in black communities compounds this inequity.

Hardship and dependency deferments are the final major classification granted by the Selective Service System. Based upon the social and economic conditions of blacks in the United States, one would expect a large proportion of blacks in this category. However, the greater sophistication of draft age whites may affect even this source of deferment. Since the Selective Service System does not collect data by race, it is impossible to determine whether or not this classification also works to the advantage of white registrants.

The elimination of occupational deferments has removed one major source of racial inequity in the Selective Service System. However, as long as any deferments remain, they will probably be used to the advantage of white registrants. Middle class white college students have become highly skilled in manipulating the regulations of the System. Most blacks are excluded from the sources of this sophistication and accordingly suffer from any system of deferments.

A second major source of inequity in the draft lies in the medical standards for induction. Men who are considered to be physically unfit for military service are given either an I–Y or an IV–F deferment. In case of obvious impairments, the local board may make this decision, but in most cases the men are forwarded for examination to the Armed Forces Examination and Entrance Stations (AFEES). Here they are subjected to the military examination which has been immortalized by Arlo Guthrie in "Alice's Restaurant." Many medical surveys have shown that the poor receive much less medical care than affluent Americans and when treated they receive poorer quality of care. Thus, one would expect that since a larger proportion of blacks are poor, more blacks would receive deferments for medical reasons. However, this is not the case. Whites consistently receive nearly fifty percent more medical deferments than do blacks. From 1950 to 1966, 21.9% of the whites were rejected at the physical examinations while only 14.5% of the blacks examined were rejected. In recent years, the total rejection rate has increased, but the racial disparity remains. For Fiscal Year 1970, 34.6% of the whites examined were rejected on medical grounds, but only 24.5% of the blacks were rejected for similar reasons. Bernard D. Karpinos of the Surgeon General's Office cites two reasons to explain this difference: 1) the less frequent exposure of lower class youths, i.e. blacks, to medical care which makes them less aware of their physical ailments and denies them the medical records on which many medical deferments are based, and 2) the greater sophistication of middle-class youths, i.e. whites, with regard to the medical standards for deferment. Ironically, the rate of medical disqualification increases in direct proportion to the educational level of the men examined.

Since the Army medical standards include a wide variety of ailments as grounds for rejection, nearly all resourceful young men can discover some medical condition which would be grounds for medical deferment. All that is needed is a knowledge of Selective Service requirements, a sympathetic physician, and sufficient money to purchase the services of a physician. On all three counts, black youths are at a serious disadvantage.

Only one source of deferments works to the advantage of the black registrant. This is the mental qualification for induction. Since 1950, all men entering the Armed Forces have had to make a score at a specific level on the Armed Forces Qualification Test (AFQT). Although the level for rejection has changed from time to time, the proportion of blacks who fail this test has consistently been four times greater than the proportion of white failures. From 1950 to 1966, 54.1% of the blacks examined were rejected for deficient education, but only 18.6% of the whites were rejected for this reason. Since 1965, the Armed Forces' educational standards have been lowered on several occasions. Although blacks are still rejected in larger proportions than whites, the total rejection rate has been reduced substantially. In Fiscal Year 1970, 5.3% of the whites examined were rejected for low scores on AFQT while 29% of the blacks were rejected for this reason. Despite this high rejection rate, the absence of other deferments insures that a large proportion of the draftees will be black. Among the men found physically and mentally qualified, more blacks are drafted. A 1964 survey conducted by the Department of Defense showed that among qualified men aged 26 to 34, 30.2% of the blacks had been drafted in comparison to 18.8% of the whites. If the same survey were conducted today, this disparity might be even greater due to the reduced educational standards.

Other Armed Forces' programs also contribute to the disproportionate number of black draftees. The virtual absence of blacks from the Army National Guard and Air National Guard gives white youths a monopoly on this means of avoiding the draft. The same is true for the various Reserve programs of each of the Armed Forces. The under-participation of blacks in the various ROTC programs and the absence of these programs on many predominantly black campuses is yet another reason for the disproportionate number of black draftees.

Although all but one of the above mentioned sources for avoiding the draft work to the benefit of white youths, they cannot explain the sudden and dramatic increase in the number of black draftees after 1966. The non-white induction figures shown in Table I reveal that from 1966 to 1967 the proportion of black draftees increased from 12.4% to 16.3%. Since 1967, the proportion of non-white draftees has remained at nearly this level. The major reason for this increase is Project 100,000. This program, begun in 1966, lowers the standards for induction and enlistment so that men who previously would have been rejected on medical or educational grounds are now accepted. Ninety-two percent of these "new standards men" came into the Armed Forces as a result of the lower educational standards. Of the first 246,000 men who were included under this program, 47% were draftees and 41.2% were non-white. Without Project 100,000 blacks would have been approximately 11% of all draftees. During this period the "new standards men" were 13% of all inductions.

TABLE I.—ARMED FORCES INDUCTIONS, JUNE 1952 TO NOVEMBER 1970

Calendar year	Total inductions	Nonwhite inductions	Percent nonwhite
1952 [1]	242,602	37,974	15.65
1953	470,545	60,827	12.92
1954	252,785	22,120	8.75
1955	151,943	13,877	9.13
1956	152,651	15,534	10.17
1957	138,339	17,036	12.31
1958	142,009	16,358	11.51
1959	96,094	10,553	10.98
1960	86,395	11,845	13.71
1961	119,020	17,790	14.94
1962	81,319	14,111	17.35
1963	119,159	18,673	15.67
1964	111,955	16,961	15.14
1965	232,014	31,060	13.38
1966	382,396	47,504	12.42
1967	228,743	37,336	16.27
1968	296,251	44,642	15.06
1969	284,924	45,691	16.03
1970 [2]	155,404	24,537	15.78
Total	3,726,074	542,293	14.47

[1] June to December.

[2] January to November.

Source: Qualitative Distribution of Male Enlistments, Inductions, and Rejections, DD-M(M)663.

When Project 100,000 was introduced Secretary of Defense, Robert S. McNamara, explained that his plan to "salvage" 100,000 men a year through the Department of Defense was an important part of the anti-poverty effort. "The poor of America," he said, "can be given an opportunity to serve in their country's defense, and they can be given an opportunity to return to civilian life with skills and attitudes which for them and their families will reverse the downward spiral of human decay." Adam Yarmolinsky, the McNamara assistant who is often credited with originating the program, defended the program in similar terms. He concluded that the men who served under this program would return "to civilian life with new confidence in their ability to contribute to civilian society."

The noble rhetoric associated with the introduction of this program masked its primary purpose. At a time when the manpower needs of the Vietnam War were rapidly increasing, this program took the pressure of the draft off of the "more vocal" elements of the population. Although there was never a shortage of manpower, poor whites and blacks were inducted in the place of college students to reduce protests against the draft and provide the Armed Forces with a more manageable manpower supply. Any training these men received was purely incidental to their primary function to serve as combat soldiers. The "new standards men" received no special training. They were allowed greater time to complete the normal educational cycles, but after that time they were treated no differently than any other soldiers. The skills which these men acquired can be inferred from their military occupational specialties. Thirty-seven percent of the "new standards men" were assigned to combat specialties. This compares with 23% of the men in a control group. Among Negro "new standards men" in the Army the percentage in combat specialties reached 45%.

If this program was being implemented solely from altruistic motives, then it would not have been necessary to draft the "new standards men". But participation in this program has never been voluntary. Nearly half of the men who have entered under the lower standards have been draftees. Project 100,000 has always been primarily a method for enlarging the military manpower pool. This was done at the expense of the poor and the black to the advantage of the white and the affluent. Any social benefits which may result from this program will be completely secondary and entirely unrelated to its primary purpose of protecting the sons of the middle-class from the draft and Vietnam.

The introduction of blacks to serve as local board members will no doubt reduce blatant examples of individual racism in the Selective Service System. The equitable representation of all segments of the population in the system is a worthy goal and should not be abandoned. However, those who are concerned about the fate of blacks in the draft should not abandon their efforts once an equitable proportion of blacks has been appointed to local boards. Another more important problem remains—the pervasive institutional racism of the draft. As we have shown, the actions of the local board members are of relatively little consequence in determining the number of blacks who are drafted. Even if all members of the Selective Service System were black, the number of black draftees would not be appreciably reduced as long as they followed the present regulations. To fight solely against the exclusion of blacks from local boards misdirects the energies of those alarmed about racism in the Selective Service System. Such individual efforts will have little more effect than a garden hose against a forest fire. Protests of individual cases will only be effective if they can serve as a means of education to transform the issue from one of individual racism to one of institutional racism.

Short of entirely abolishing the draft, several steps can be taken to relieve inequities in the current draft system. (1) A program of intensive lobbying should be conducted to support the proposal submitted to Congress to eliminate all student deferments. (2) Draft counseling facilities must be made as available to black youths as they are to white youths. This means the establishment of draft counseling centers on black campuses and in black communities. Draft age blacks must be made aware of the existing opportunities for deferment and appeal. (3) The Armed Forces physical examination should be seriously overhauled. Reliance on prior medical history should be made secondary to complete, thorough, and impartial examinations at the induction centers. Black physicians should be recruited to participate in these examinations. (4) Project 100,000 should be made completely voluntary. Men who are eager to enlist in the Armed Forces should not be prevented by an arbitrary educational standard. However, these men should be allowed to weigh the advantages of military service themselves.

Of course, the best way to eliminate this racism is to abolish the draft altogether. This one step would remove the need for several separate reforms. Those opponents of draft abolition who argue that an all-volunteer Army would be predominately poor and black fail to realize that the current draftees are also disproportionately poor and black. These men are now bound in a form of involuntary servitude. The pay they receive can hardly compare with their potential earnings in the civilian economy, even in a time of recession. Continuation of the draft would only perpetuate the handicaps forced on the poor and the black draftees. Simple justice demands that these men receive an adequate income, especially when all men do not have to serve. If the draft can be considered a tax in kind, it is an extremely regressive levy. Instead of falling most heavily on those able to pay, it penalizes those who can least afford it. Blacks and the poor should not be victimized any longer by this unjust system of taxation.

Many arguments support the abolition of the draft, but the elimination of institutional racism should be the most persuasive.

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THE RAILPAX INCONSISTENCY BETWEEN MONTANA AND WASHINGTON

Mr. METCALF. Mr. President, I have spoken before on behalf of adequate Railpax train service to and through the six largest cities in Montana in addition to the northern route chosen for the new corporation's trains. I must raise the subject again because it is time to point out the inconsistency in logic employed by Railpax when making their route selections.

Railpax said one reason the northern—or Hi-Line—route through Montana was chosen was that it would save an hour between Chicago and Seattle. Frankly, I do not think an hour makes a difference. I do not think a person really notices whether he is on a transcontinental train for 40 or 41 hours. Nevertheless, that was the logic used by Railpax in selecting only the northern route in Montana.

In the State of Washington, it was different.

I have found that Railpax has chosen the slower route west of Spokane, thereby negating any time-saving which might result from using the northern Montana route.

Mr. President, I ask unanimous consent to have printed in the Record a listing of the two Washington routes in question.

There being no objection, the schedules were ordered to be printed in the Record, as follows:

ANALYSIS OF TRAIN SCHEDULES WEST OF SPOKANE, WASH.

The following route, which is 396 miles long, has been chosen for Railpax trains:

Read down						Read up	
The Mainstreeter	North Coast Limited	Miles from Chicago				North Coast Limited	The Mainstreeter
2 19	11 40	1,922	Lv.	Spokane	ar.	11 29	4 25
a2 41		1,938	+	Cheney			3 52
f3 29		1,987	+	Ritzville			f2 58
g4 26		2,032	+	Connel			g1 56
5 08	2 25	2,067	Ar.	Pasco [1]		8 49	1 15
2 45	2 55	2,067	Lv.	Pasco	ar.	7 00	
4 50	6 30	2,286	Ar.	Vancouver	lv.	3 22	
5 30	7 00	2,299	Ar.	Portland (Un. Sta.)	lv.	3 00	
5 23	2 50	2,067	Lv.	Pasco [2]		8 24	1 05
5 33		2,070	+	Kennewick			12 55
6 18		2,107	+	Prosser			h12 15
h6 49		2,138	+	Toppenish			h11 46
7 23	4 35	2,157	Ar.	Yakima [1]		6 49	11 24
7 28	4 39	2,157	Lv.	Yakima	ar.	6 44	11 19
8 23	5 34	2,193	Lv.	Ellensburg [3]		5 40	10 21
f8 55		2,218	+	Cle Elum			9 53
f9 59		2,252	+	Lester			f8 53
f10 08		2,260		Maywood			f8 40
f10 33		2,275	+	Kanaskat			f8 16
11 05	8 02	2,295	Ar.	East Auburn	lv.	3 05	7 50
11 10	8 09	2,295	Lv.	East Auburn	ar.	2 59	7 45
11 45	8 45	2,318	Ar.	Seattle (P.T.) [1]		2 30	7 15
P.M.	A.M.			(King Street Station)		P.M.	P.M.

[1] Car leaves.

[2] Car arrives.

Trains take 7 hr 25 min; 8 hr; 8 hr 40 min and 8 hr 15 min Spokane-Seattle

The below listed route, which is 330 miles long, will not have train service under Railpax:

Read down						Read up	
Western Star	Empire Builder	Miles from Chicago				Empire Builder	Western Star
27 Daily	31 Daily					32 Daily	28 Daily
P.M.	P.M.		Lv.|		|Ar.	P.M.	P.M.
2 30	10 50	1,879		Spokane		11 10	6 15
4 48	1 20	2,002		Ephrata		8 59	45
5 07		2,018	+	Quincy			3 15
6 00	2 35	2,054	Ar.	Wenatchee	Lv.	7 53	2 20
6 10	2 45	2,054	Lv	Wenatchee	Ar.	7 45	2 05
e —		2,065	+	Cashmere			e1 45
e —		2,073		Peshastin			e —
e —		2,076		Leavenworth			e —
				CASCA DE TUNNEL 7.79 MILES IN LENGTH			
e —		2,161	+	Monroe			e —
e —		2,168	+	Snohomish			e —
9 14	6 05	2,176	Ar.	+ Everett	Lr.	4 45	11 10
9 25	6 20	2,176	Lv	Everett	Ar.	4 45	10 50
d9 50	d6 47	2,191	+	Edmonds		b4 16	b10 31
10 30	7 30	2,209	+	Seattle [1]		3 45	10 00
P.M.	A.M.			(King Street Station)		P.M.	P.M.
			Ar.]	(P.T.)	[Lv.		

[1] Car.

Trains take 8 hr 59 min; 9 hr 5 min; 9 hr 10 min; and 9 hr 26 min Spokane-Seattle.

Mr. METCALF. Mr. President, as can be seen, Railpax has chosen a route between Spokane and Seattle via Yakima which is 396 miles in length, or 66 miles longer than the 330-mile route via Wenatchee.

The four trains running on the Wenatchee route travel the 330 miles in as little as 7 hours and 25 minutes, while the fastest train on the Yakima route takes 8 hours and 59 minutes. This means that the fastest Railpax trains will most likely take an extra 1 hour and 34 minutes between Spokane and Seattle. I point out that the difference between the present Mainstreeter schedule via Yakima—9 hours and 26 minutes—and the Empire Builder schedule via Wenatchee—7 hours and 25 minutes—is 2 hours and 1 minute. If Railpax does not insure that its passenger trains have priority over freights, is it not reasonable to suggest that Railpax trains might even be 2 hours longer via Yakima?

Railpax says the reason it took this longer route is that a greater population will be served in the State of Washington. I have no doubt that Washingtonians should be served and I am asking equal treatment for Montana.

Instead of fomenting a mini civil war in Montana by pretending that it had to choose either the northern or southern route, Railpax should admit that there were two other alternatives that would have been acceptable to all Montanans. First, Railpax could have run all of the trains; of those to be discontinued, only one has ever been the subject of a discontinuance proceeding before the Interstate Commerce Commission. Second, Railpax could have elected an alternate day service on both routes.

If we employ the Railpax logic, we might run a train through Montana's population centers on alternate days with service on the Hi-Line, adding an hour to the southern route service as was done in Washington. But, if Railpax wanted, it could save that hour by operating the train through the shorter route in Washington.

One last point. At a cost of $100,000 the fledgling corporation has changed its name from Railpax to Amtrack. I believe the observation in yesterday's hearing cannot be improved on: Congressman Skubitz told Mr. David Kendall that he would have advised them, without charge, to retain the name Railpax and for just $50 he would have advised them to adopt red, white, and blue as their colors. The Congressman added that he hoped their contract negotiations with the railroads were more economical than those with Madison Avenue.

But a change of name, however expensive, will not change the image already received in the public's mind. Amtrack is ignoring the public as did the railroads for so many years. If Amtrack repeats the mistakes of the railroad industry—and they have begun by ignoring vast sections of the country—then Amtrack will be equated with other railroad names like Penn Central and New Haven. No amount of money spent for image making will cure Amtrack's basic problem—a lack of responsiveness to the needs of the traveling public.

It is interesting to note the dictionary defines "amtrack" as an amphibious vehicle, a sort of floating tractor of uncertain parentage.

I hope this does not indicate that after years of tossing passenger service overboard, Congress has now made it possible for the railroad industry to stand aside and let the passengers go down with the amtrack.

SELF-DETERMINATION FOR THE INDIANS

Mr. HANSEN. Mr. President, on April 18, Senator PAUL FANNIN delivered the keynote speech at the 18th annual Arizona Town Hall, where he discussed the present circumstances of the American Indian and his seemingly permanent relationship with the Federal Government.

Senator FANNIN's State of Arizona is home for some 200,000 American Indians—more than are living in any single other State. He is experienced in the area of Indian affairs, because he has worked closely with the citizens of his State and has taken a more than routine interest in the influence of the Government in the lives of Indian citizens.

In his April 18 speech, Senator FANNIN talked about a goal that is compatible with the objectives of Indian citizens, and is becoming more compatible, at long last, with the objectives of the Government. I speak of Indian self-determination.

The Senator pointed out that two things will help the Indians achieve self-determination: education and economic viability.

He said much more than this that should be of interest to us all, as shapers of the programs which so intimately affect the lives of all American Indians. So that other Senators may read the text of what I believe to be an outstanding speech on the plight of Indian citizens, I ask that Senator FANNIN's remarks be printed at this point in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR PAUL J. FANNIN

The title of this 18th Arizona Town Hall, "The Arizona Indian People and Their Relationship to the State's Total Structure," is really a mouthful. The only thing I can think of that would make it more complex is for someone to try to translate this into Navajo.

It is, however, apropos that we have a complex title for this mission. The subject we are examining is complex and involved. We will not find any easy answers.

Monumental misunderstandings have been the rule in the relationship between the Indians and non-Indians since the first explorers crossed the desert. These misunderstandings persist today.

On one hand we have Indian cultures and traditions dating back thousands of years. On the other hand we have the youthful, ambitious state of Arizona with less than six decades of experience in the business of self-government.

Indians have good reason to be puzzled and distrustful. They can cite numerous examples of deceit and broken promises stretching over four centuries of contact first with the Spaniards and then with settlers from that strange, new nation known as the United States.

Non-Indians generally are equally as puzzled when they try to relate to the Indians. They can't understand why the average Indian demonstrates little desire for the "good life" of suburban America.

We are not here to study Indian history, but it is appropriate to consider how we got where we are today.

At least 10,000 years ago, the ancient ancestors of the Hopis, Pimas, Papagos and Humans were living in what is now Arizona. About 1,000 years ago the Navajos and Apaches migrated here.

This land was well-inhabited by Indians when the Spaniards first showed up in the early 16th Century.

These Spaniards brought horses and sheep, gave the Indians a knowledge of working with metal and wool, and spread the Christian religion.

In the middle of the 19th Century, the United States took over Arizona territory by conquest and purchase. Skirmishes with some bands of Indians went on for 30 years before the last of the tribes, the Chiricahua Apaches, capitulated in 1886.

It is important to note that of all the reservations in Arizona, the only one established by a Senate-ratified treaty was the Navajo. This treaty in 1868 established a 3.5 million acre reservation—but that reservation has grown to about 24,000 square miles.

All was not conflict and war in the territorial days in Arizona. Settlers around Phoenix had a good relationship with Indians such as the Pimas who provided shelter in their villages for overland travelers. These Indians also helped provide wheat for the Army, they helped in building new irrigation ditches where the Hohokam had once dug so many years earlier, and some Indians helped build railroads and dams.

This goes to illustrate that there were a great many differences between the traditions, attitudes and experiences of the tribes in territorial Arizona.

In the early days the Indians did not have a state of Arizona to relate to. Their dealings were with individual settlers and with the vague and distant but very powerful United States government.

The federal government from its inception had an Indian program. This cost the fledgling nation $27,000 for the years 1789 to 1791.

As the nation grew, the cost went up.

In 1869 the Bureau of Indian Affairs spent about $7 million and had 400 employees to help watch over 289,778 Indians under federal jurisdiction.

One hundred years later, the BIA appropriation reached approximately $250 million and the staff exceeded 16,000—all of this to carry out federal programs for about 366,000 Indians living on trust land or nearby. In addition, the Department of Health, Education and Welfare spends about $150 million per year and has more than 6,000 people working on Indian programs.

Another $75 million annually is spent on Indian programs by other government agencies such as the Office of Economic Opportunity, Small Business Administration, Department of Housing and Urban Development, Farmers Home Administration, Rural Electrification Administration, Forest Service, Bureau of Sport Fisheries and Wildlife, Bureau of Commercial Fisheries, Geological Survey and Department of Labor.

In all, the government spends about one-half billion dollars annually on Indian programs. This expenditure is greater than the total reported per capita income of reservation Indians by more than $129 million.

This clearly illustrates that the federal government has been concerned with the Indians and has provided considerable sums of money.

Nevertheless, after more than 180 years of programming and billions of dollars in expenditures, we must face the sad facts of Indian life.

Drop-out rates for Indians are twice the National average.

The average educational level is less than six years of school.

Unemployment is ten times the National average.

Unemployment is as high as 80% on some reservations.

Average family income is $1,500.

80% of Indian families have incomes below the poverty level.

The health of Indian people is 20 to 25 years behind the general population.

Average age at death is 44, which is one-third less than the National average.

Infant mortality is almost 50% higher than the general population.

The tuberculosis rate is eight times as high.

The suicide rate is twice as high.

This, in simple terms, is the scope of the problem that we are facing.

Just what have we learned from the many years of hard experience? We have at least gained the knowledge of what will not work.

Early attempts to force certain tribes to relocate and to learn new ways of life were as futile as they were inhumane.

Efforts to apply the melting pot theory to force Indians into the mainstream of American life have failed.

Paternalism on the reservations has been a mistake on one extreme; the attempt to integrate Indians rapidly into urban areas was bad judgment in the other direction.

The realization has come that it is difficult if not impossible for the non-Indian to determine precisely what is best for the Indian. And even if the government were to come up with the perfect solution, it would not be successful unless the Indian were given a voice in arriving at the answer.

For all the differences in our cultures, the Indians and non-Indians have one thing in common—this is the insistence on a chance to help in the decision-making process.

It is somewhat amazing that it has taken our government so long to realize this need.

This is one of the lessons from our own colonial history.

"No taxation without representation" was one of the cries in colonial America.

Notice that the protest was not simply over the matter of taxes. The important part concerned representation.

Heaven only knows that once the colonists won control of their own affairs, they immediately started levying new taxes—and we haven't stopped yet.

Objective historians point out that much of what the British did in colonial America was for the benefit of the Americans, and that most of the regulations and taxes were justified. What the British failed to do was consult with the colonials.

Just as American colonials sought a voice in determining their own affairs, American Indians have long sought the same right.

All of which brings us to the Nixon Administration policy of self-determination.

President Nixon reaffirmed our national dedication to the ideal of freedom when he announced the new federal policy on July 8, 1970. The President pledged that the Administration would provide for self-determination and not termination

Last month Vice President Agnew reaffirmed this policy in a speech to the National Congress of American Indians at Kansas City. The Vice President said the time has come to achieve a partnership between the American Indians and their government "that is productive and worthy of our highest efforts."

The policy of the Nixon Administration is to give Indians the maximum opportunity to manage their own affairs and to determine their own destiny.

This necessarily means that the federal government will loosen the apron strings so that Indians will be allowed to have more freedom than ever, even if it means they will make mistakes. On the other hand, the government is pledged not to push the Indians—not to terminate the trust relationship. In a sense, the federal government is trying to offer the Indians the best of all possible worlds—an opportunity to govern their own affairs but with continued protection for those who are not either ready or willing to go it alone.

This is a difficult concept for some old-line federal bureaucrats to accept. Self-perpetuation is a strong instinct in bureaucracies.

I have spent this time talking about federal policy for a very good reason. What the federal government does is of prime importance to both the Indians and the State of Arizona. All three are so closely entangled in the scheme of government that they must all be considered together.

For the moment, however, let's try to look at the Indian people and their importance to the State of Arizona without bringing in the federal government.

Arizona possibly has more Indians than any other state in the nation—perhaps as many as 200,000. This estimate includes both Indians living on and off reservations.

Although only a small percentage of the Arizona population lives on Indian reservations, the 22 reservations account for about 26 percent of the land in Arizona.

Economic development during the first half of this century largely bypassed the reservations. The Phoenix, Tucson, Yuma, Flagstaff regions have thrived as they have presented the most alluring prospect for the development of Arizona's very scarce privately owned land.

Economic progress eluded the reservations for several reasons. The federal government did little to encourage outsiders to come onto the reservation; Indians themselves had little awareness or interest in attracting industry prior to World War II.

Now all this is changing.

With a dwindling supply of privately owned land in the state, attention has turned to the abundant economic potential for Indian lands. Five reservations—the Salt River, McDowell, San Xavier, Gila River and Yavapai reservations—all are adjacent or close to cities undergoing dramatic expansion. On the Navajo Reservation, urbanization is taking place at six major locations and numerous smaller locations.

The time is upon us when the reservation lands and the Indian people can claim their share of the wealth that comes from economic development. During the next 20 years, we should see the integration of these resources into the state's overall economy without depleting the Indian land base.

This integration must be built on trust and cooperation.

We must work together, Indian leader and state official, to establish a full economic partnership. This is to the advantage of all concerned.

The State of Arizona has ever practiced the paternalism of which the federal government has been guilty. Indians will complain, and with justification, that the opposite has been the case, that the state has not demonstrated enough concern for the welfare of the Indian. There are reasons for this. First of all, for many years the people of Arizona were struggling against great odds just to maintain their own existence in what was to our pioneering forefathers a harsh and at times cruel land. This is the root of much of our heritage of independence. In the beginning, the Indians themselves were really at an advantage because they had survived and even prospered on occasion over thousands of years in Arizona.

It is a shame that some of the cooperation between Indians and the early white settlers has since evaporated. The stereotype of the hostile and savage Indian too long dominated the national image of the Red man.

For many years the Indians and the other people of the territory of Arizona were virtually in the same relationship with the federal government—both the Indians and territorial residents were in effect wards of the government.

By the time Arizona became a sovereign state, the federal Indian bureaucracy was well entrenched. The federal government had fairly well pre-empted the state as far as responsibilities for the Indians were concerned. Thus, Arizona's state government was neither orientated toward nor capable of providing for the Indians in the manner of the federal government.

Arizona has assumed more responsibility during the past two decades. In the 1950s we created the State Commission on Indian Affairs. Arizona has established a commitment to work with the Indians for the benefit of those on and off the reservations. This commitment is growing.

The basic challenge to the Indians is economic development. This is the key to self-help, and the key to meaningful self-determination. The more economic independence the tribes gain, the more alternatives they will have in deciding their own destiny.

It takes a sound economic base for any society to make a better life for its members. Good housing, modern sanitation, effective education, and social progress all have a price.

It also is evident that anyone—Indian or non-Indian—must be willing to make some sacrifice to gain the benefits of 20th Century America. It does no good to give a man a house. If he has not had to work for it, chances are he will not take care of it. Charity is not progress. The Indian people do not basically want charity. However, the paternal approach over a long period of time has made it appear they do—and the Indian has suffered everlasting criticism on this score.

Indian leaders themselves are now saying that they need opportunities rather than any additional subsidies.

Let me quote to you from a speech made last February 25th to the Phoenix Community Council by Peter MacDonald, Chairman of the Navajo Tribal Council. Here is what Mr. MacDonald said:

"The basic challenge for the Indian is economic development. Our task is to transform our reservations into self-sufficient and dynamic centers of 20th Century life."

The Navajo chairman said that the reservations must end their colonial status, that they must develop to the point that they can provide not only raw materials but finished products for the American marketplace.

Chairman MacDonald continued, and I quote: "To achieve this economic revolution we need your active assistance as partners. We need development capital. We need technical assistance. We need businessmen as partners to assist in the development of small businesses, both on and off the reservation." I am still quoting: "To become full economic partners, we also need understanding and help from federal, state and local governments. *I am not talking of additional subsidies,* I am talking of wise legislation that will create new opportunities for Indians to help themselves."

Chairman MacDonald noted that the Nixon Administration policy of self-determination would provide Indians with the opportunity of taking over Administration of their own affairs. This would include direction of Indian hospitals and education and the regulation of traders on the reservations.

Allow me to quote further from the Navajo chairman's very good speech. He said of the new federal policy: "It offers Indians control of their own destiny. We are ready to accept that responsibility."

The Chairman said that less progress had been made at the state and local level, and he suggested that this probably is due to a lack of understanding. He said the Indians are not a drain on the taxpayer's dollar, that the reservations provide oil, coal, timber and electric power that is essential to the state and that they contribute to the tax base.

In exchange, MacDonald said, "we ask only that the Arizona Legislature adopt wise policies that will give us the necessary latitude for accelerated economic development."

Another respected spokesman for American Indians followed a similar theme last month at Kansas City in addressing the National Conference on Self-Determination. The speaker on this occasion was Barney Old Coyote, a Sioux Indian from Montana. He declared that Indians are not interested in promises that can't be kept. Speaking for the Indians, Mr. Old Coyote said:

"They want no more rhetoric, they want no more promises, they want no more philosophizing—they want action, they want concrete programs, but more importantly, they want a demonstration of good faith that they are going to participate in the process of making decisions involving or affecting them and to do this through the Indian community's own elected leadership."

Mr. Old Coyote expressed the hope that self determination would enable Indians to make things happen without the interminable waiting that is the fashion of Indian affairs.

Quoting further, Mr. Old Coyote said· "Through self-determination, through the understanding of the government and through a partnership approach with the government, we can now begin the formidable task of changing the direction of Indian affairs in this country. We need to realign our thinking before we realign our efforts and our mechanisms. We, as Indian people, need to be mindful of the trends and tendencies of this country if we are to remain a viable part of the American community."

These are encouraging statements by two of the most respected Indian spokesmen in the nation. They say that Indians are ready to take over responsibilities and to move forward on their own initiative.

One of the first steps in this direction is to evolve plans for the internal development of the reservations. The federal and state governments can and should be a party to, but not dominant in, the formulation of such plans.

There are excellent examples of Indian self-help with government aid.

The Gila River has the only Model Cities program on any Indian reservation.

The Salt River Reservation initiated the first 710 Urban Planning Program in Arizona, cooperating with the City of Scottsdale in using the same planner.

There are more than seven industrial parks on Arizona reservations funded by the Economic Development Administration. There is an Indian Development District of Arizona which is designed to promote reservation developments.

Two of the effective tools helping Indians help themselves are the Revolving Loan Fund and the Indian Business Development Fund. Both are major contributors to economic developments in Arizona. There is $25 million in the revolving credit fund. The Bureau of Indian Affairs want to add another $25 million and in addition provide for $200 million in loan guarantees and interest subsidies. These additions will head Indian borrowers in the direction of banks and other private lenders. Currently Arizona Indians have loans exceeding $3.5 million.

The Indian Business Development Fund received $3.4 million this year. It provides grants of venture capital to allow Indians to borrow from private sources. The fund generated $5 million from the Small Business Administration and $11 million from banks.

This money has gone for such things as a small machine shop on the Salt River Indian Reservation and a trucking business on the Navajo Reservation.

Another economic tool is the "Buy Indian" contract. This allows federal contracting through unilateral negotiations between the BIA and corporations which are more than half Indian. On the San Carlos, Gila River, Salt River and the Hopi reservations individuals or corporations have undertaken road construction and maintenance contracts as well as building construction and repair.

On the Salt River reservation, three tribal members recently borrowed more than $100,000 from the revolving loan fund and joined with a group of non-Indians in leasing large portions of land in the agricultural reserve. This is the first time that Indian farming, other than "tribal enterprises," has taken place there in years.

Government aid is giving Indians in all parts of Arizona the means to develop their reservations and create jobs. Two weeks ago the Economic Development Administration approved a $196,000 grant to help develop an industrial park on the Yavapai Reservation.

Enterprises in the Indian Development program are many and varied. They include the manufacturing of fishing boats on the Colorado River Reservation; ski facilities at Fort Apache; canoe trips on the Colorado River with headquarters at Fort Mojave; experiments in vegetable growing at Fort Yuma . . . the list goes on and on. The Navajos and White Mountain Apaches have shown great energy in developing tribal enterprises.

As these enterprises grow, so must the relationship between the tribal governments and the state government. No reservation is an island. Decisions made by the tribal government can have drastic effects on the state economy. The Indian Reservations are rich in resources, such as the coal being mined at Black Mesa. There is oil, copper, and other minerals on the reservations. The tribes are proving that it is possible to develop these resources and at the same time preserve their land.

State legislation and state policy can help the Indian enterprises to flourish, or cause them to strangle. State cooperation will return dividends for everyone in Arizona.

It is not surprising that the Indians of Arizona have shown such keen interest in economic development in the past decades. They have long been in the forefront of administration of their own affairs. The Navajos in the late 1940s and the early 1950s started to use royalty monies to provide municipal services to their people. They have a tribally funded police force, utility development, and social services system as well as industrial development, mining and timber units.

It was the Salt River Indians that in 1968 became the first tribe to take over a substantial number of BIA services under contract. They since have replaced nine federal employees with tribal slots and presently are expending $183,000 of the BIA's budget under contracts.

Indians will gain in independence as the tribes contract to take over reservation services now provided by the federal government itself.

The same progress that is being made in economic development and self government on the reservations also is possible in the field of education.

At the federal level we have the proposed National Board of Regents for Indian Education Act of 1971. (That's a title almost as complex as the one we have for this Town Hall.)

This bill which I am cosponsoring would encourage Indian communities to establish school boards to assume control and operation of federal schools serving the children in such communities.

The bill authorizes an eleven member national board of regents for Indian education to provide leadership and an organizational framework for establishment of a new Indian education program. Within four years of enactment, the board of regents would assume full operational responsibility of the federal school system currently administered by the Bureau of Indian Affairs.

Arizona state education officials also are proposing a plan which would give Indians the opportunity to take responsibility in the education of their children.

This would provide for a state Division of Indian Education staffed with capable Indian personnel who would develop a program.

The objective would be to increase educational opportunities for Indian children.

As part of this plan, there would be consultations with tribal councils to determine the educational needs and priorities of each local district.

This division also would conduct workshops to help Indians prepare for the responsibilities of serving on school boards. It would provide for curriculum guidance and teacher education shaped to the needs of Indian education.

Federal funding has been requested to implement this program.

Over the years BIA schools have been the focus of much criticism. There has been a tendency for more and more Indian students to enroll in the public schools when they have had such an opportunity.

It would appear to be the right time for the BIA to turn their schools over to the state system. This would require continued federal funding, of course, since the basic support for the state system is the property tax, and Indian land is not taxable.

One problem which could arise in the future is the financing of Indian students in the state junior college system. As the numbers grow, the burden on the state of Arizona will increase considerably.

At this point I might point out that the opportunities for Indians to attend college are increasing. The new campus site for Navajo Community College was dedicated five days ago. We also have the Scottsdale Community College located on Salt River Reservation land.

As I said earlier, my remarks have been concentrated on the problems of economic development and education for good reason. These are two essential areas where we must have progress before we can expect any lasting solution to other problems such as health and welfare.

If industry is developed on the reservation, the Indians will be able to work in an environment much more compatible than that found in the big city. Indian management should be able to make the necessary adjustments in working schedules and conditions to fit in with the Indian temperament and cultural background. And reliable employment is the only adequate solution to welfare problems both for Indians and the general American public.

Both education and economic development are essential to improved Indian health. Economic development will raise the sanitation standards of those Indians living on reservations; education will give these Indians the required knowledge to care for themselves and their families.

You may be interested in the bio-satellite proposal that I have been working on to help improve health care for the isolated reservation dwellers. The idea is to set up mobile units manned by Indian para-medical personnel. These mobile units would have television and other electronic equipment. An Indian patient on the reservation could be examined at the mobile unit, and the electronic equipment would provide data instantly to consulting doctors in Tucson or Phoenix. These doctors could then diagnose the case and either prescribe treatment or advise the patient where to go for further examinations and treatment. If this idea can be implemented, it could be applied to health care across the nation.

There are many other problems that we will want to discuss here during the next three days. For example, we will want to explore the problems faced by Indians who chose to move to the cities.

In closing, I would like to re-emphasize several points.

First, I believe that the new federal doctrine of self-determination will give the Indians the opportunities to become full partners in the government and economy. Indian leaders themselves have said that they are ready to assume the responsibility of shaping their own destiny.

Cooperation between the tribes and state government is a key element. Working together, both the Indian and non-Indian can prosper. Hostility or militancy in either quarter will cost us much more than we can afford. Our goal at this Town Hall is to develop suggestions that can foster the needed cooperation.

NEED TO REPLACE MEDICAID WITH FHIP

Mr. HANSEN. Mr. President, I would like to add my voice in support of this bill. In my opinion, one of its most important features is that it would provide for the replacement of much of the medicaid program with a new family health insurance plan.

For many years, medicaid has been criticized as a haphazard system, one that contains many inequities. For example, 16 States now get 80 percent of all medicaid money and two States, California and New York, get 30 percent of Federal funds though they have only 20 percent of the poverty program. Twenty-five States provide medicaid payments for the medically indigent, people who need medical but not financial assistance; 23 do not. Two States have no medicaid programs at all.

Eligibility requirements for medical assistance also vary widely from State to State. In New York, a medically indigent family of four which has an income of less than $5,000 is eligible for medical assistance. In Maryland, the corresponding figure is $3,200. Here, in the Nation's Capital, the cutoff point for medical assistance is $3,560. Beyond this, benefits differ from State to State. Thirty-nine States cover home health services, 11 do not. Twenty-six States cover physical therapy, 24 do not. I could go into such differences at great length, but I think the point has been made. The availability of basic health services to those citizens who cannot afford them should not depend on which State they live in.

The family health insurance plan on the other hand would apply to all eligible citizens across the country, and the definition of eligibility would be uniform nationwide. For example, the income cutoff for a family of four would be $5,000. But the income cutoff under the family insurance plan would not be the same as under medicaid. It would be far more humane and equitable. Under present law, a family moving up in income from just below the cutoff point to just above it would move from full medicaid benefits in that State to no benefits at all. This factor encourages families to stay below that cutoff income level. The family health insurance plan would enact a graduated schedule of premium charges, deductibles, and coinsurance payments, so that the family would assume a greater share of the costs as its income rose. In addition, medicaid suffers from other defects that now plague our failing welfare system. Coverage is provided when husbands desert their families, but is often eliminated when they come back home and work. In States which include the medically needy, any income above the eligibility level for the medically needy must be spent for medical care before the individual or family is eligible for medicaid.

These problems would not exist under the proposed family health insurance plan. For the first time, families headed by a low-earning, part-time, or self-employed, or unemployed male would be eligible for medical assistance nationwide. Eligibility would not depend on receipt of cash assistance. The spend-down provision, which forces families back to the poverty level when illness strikes would not apply, since all families with income below the cutoff point would be eligible for protection. Families above the cutoff point are presumably working full-time and would be covered under title I of the bill, the National Health Insurance Standards Act.

Each family which includes one or more members not entitled to medicare hospital insurance or to health insurance under the National Health Insurance Standards Act would be entitled to coverage under the family health insurance plan provided that total annual family income does not exceed specified limits and that total family resources do not exceed $1,500. These income limits range from $2,500 for one-member families to $7,000 for families of seven or more members. Deductibles and coinsurance would vary in accordance with the income class of eligible families.

In each calendar year, each covered member of a family would be eligible for coverage of 30 days of inpatient hospital care—or equivalent days of extended care or home health services—emergency services, outpatient and inpatient physicians' services, and other services. Also covered would be well-child care, with the number of occasions of such care being limited by the child's age, routine eye examinations for children under 12 years of age; and maternity care, family planning services, and related drugs and devices.

Provision is made for families to choose to receive covered services through a health maintenance organization. To insure that providers give adequate service to beneficiaries, the Federal Government would contract with local committees to review local practices and to insure that adequate care is being provided in exchange for Federal payments.

Do we need health insurance protection for low-income families? In 1969, 22.4 percent of all households in this Nation had incomes of less than $4,000. At the same time, the average health bill per person was $324. And low-income families tend to have more health problems. Obviously, these low-income families cannot afford the $324 or more per person that is needed to keep family members in good health.

Medicaid has not done the job. It has encouraged families to keep incomes low. It has not provided uniform coverage across the Nation.

Our low-income citizens deserve a better medical care system; they have a right to a better medical care system. We must not allow good health to become a luxury for those who can afford it. Gentlemen, I urge that you join me in support of the National Health Insurance Partnership Act of 1971.

Mr. President, on February 25, 1971, I introduced S. 987, legislation which has become known as the medicredit concept of meeting our Nation's health needs. The legislation introduced today by the distinguished and able senior Senator from Utah is consistent with the concepts developed under medicredit. While the two proposals may differ in some details, it is the principle that is important.

Medicaid has not met the health needs of the American people in a sufficient manner. I am convinced that medicredit and the family health insurance plan are reasonably effective means of replacing the medicaid program.

Over the next several months, the Congress will be considering many health care proposals. Certainly no legislation will be enacted in its original form. The medicredit and family health insurance plan offer much, and I urge my colleagues to study the provisions of these proposals closely in our efforts to provide the American people with a health program that meets their needs.

SECRETARY ROGERS' ADDRESS BEFORE ASSEMBLY OF THE OAS

Mr. JAVITS. Mr. President, in the near future, I will be making a report to the Senate on my recent visit to Mexico City where, with U.S. Ambassador McBride, who did the translating, I met with President Luis Echeverria. I also will be making some observations on the first regular session of the General Assembly of the Organization of American States—OAS—which is presently meeting in Costa Rica.

I wish to call the attention of my colleagues to the major Latin American policy statement made in San Jose by Secretary of State Rogers. The Secretary's statement thoroughly reviews the evolution and present status of our Latin American policy and addresses itself to important legislation which will soon be submitted to the Congress. In his speech, the Secretary pinpoints that "Latin America particularly needs an open market in the United States" and that "perhaps the most important single initiative we have taken in the trade field was our decision to advocate—and urge the other developed countries to accept—a liberal system of generalized tariff preferences." The Secretary then noted that the European Common Market has set a target date of July 1 for implementation of its system, the Japanese Diet has approved implementation for not later than October 1 and that most other developed countries have already obtained authority or will seek it soon.

Concerning the U.S. proposal, the Secretary of State then stated before the ministerial representatives of all the nations of the Organization of American States and the observers of many other foreign nations that—

> Action on generalized preferences will require Congressional approval. The President has asked me immediately on my return from this meeting to initiate consultations with members of Congress with a view to early introduction of legislation to grant to developing countries generalized tariff preferences on a wide-range of products, including the 500 items requested by Latin America. The Administration will make a concerted effort to secure enactment of this legislation.

I am convinced, Mr. President, that this generalized preferences legislation is a key element in our future relations with the nations of Latin America and with the developing nations of the world generally.

The importance of the generalized preferences scheme was signaled further since the Secretary General of the United Nations, U Thant, stated in Costa Rica:

> And it is to one of your most forward-looking and forceful statesman-economist, Don Raul Prebisch, that we owe the design of a world-wide economic development strategy and of a system of preferences for the products of all developing countries, instead of a fractioning of the world into separate preferential economic groups.

In my view, Secretary General U Thant covers the key question which must be considered when the Congress debates the generalized preferences scheme. This question is whether it is in the U.S. national interest for a fractioning of the world into separate preferential economic groups or whether the U.S. interest would be best served by joining with other developed nations in extending generalized preferences to the developing world.

Mr. President, I ask unanimous consent that Secretary of State Rogers' address be printed in the Record at this point.

There being no objection, the address was ordered to be printed in the Record, as follows:

Statement by the Honorable William P. Rogers

This meeting of the General Assembly is the first one of the organization's leading bodies to be held in Central America since regular sessions began 81 years ago. It is time that we met in Central America. This year marks the 150th anniversary of Central America's successful declaration of independence. It is most appropriate that our meeting is in Costa Rica, a country renowned equally for its beauty, the hospitality of its people, and especially for the strength of its democratic institutions.

Since the first inter-American meeting in 1890, support for the inter-American system has continued to broaden. Today we have a newly strengthened and reorganized institution. We who are fortunate enough to represent the member states here today have a special responsibility to contribute to the success of this institution. Today I reaffirm the willingness of the United States to play a useful and constructive role in that endeavor. That is the policy President Nixon stated in 1969 when he reaffirmed our commitment to the inter-American system and to the compacts which bind us in that system. That is the message the President asked me to underscore to this assembly today.

The work of the Organization of American States contributes importantly to economic and social progress. It also plays a valuable part in resolving political problems in the hemisphere. The peace-keeping role of the OAS in the El Salvador-Honduras conflict demonstrated the continued vitality of our collective security machinery under the Rio Treaty.

Our adoption in February of a convention making terrorism against foreign officials an extraditable crime also aided the cause of a peaceful hemisphere. Just this week I sent to the President the formal papers required for transmitting that convention to the United States Senate. I hope that, in time, all the members of this organization will sign and ratify it.

OAS meetings are occasionally marked by stresses and disagreements, as the differences we had over the terrorism convention demonstrated. Such dissent, however vigorous, is not a sign of weakness but is a sign of vitality—and, in a sense, of confidence. The hemisphere is not homogeneous. The member states of this organization are changing and becoming stronger, each in a way compatible with its social and cultural background.

An Organization of American States open to different points of view can help assure that change comes peacefully and with due regard to each other's views.

The involvement of the United States in Latin America—for reasons of history, geography, politics and economics—has always been close.

In the 1930's with the Good Neighbor Policy the United States began to turn our close relations into more fully cooperative ones, reversing some of our previous attitudes toward our role in the hemisphere. In the Alliance for Progress we have been seeking together to bring greater substance and closer cooperation to efforts in hemispheric development.

More recently, the United States became convinced that the continuing demand for social change and the growing spirit of nationalism in the hemisphere required still further policy changes. We knew that the countries of the hemisphere wanted to decide for yourselves which road you would follow. We knew that you wanted to direct your own destinies and assume fully your own responsibilities, true to your own cultures, personalities, and social dynamics. It was on this basis, we believed, that the more balanced and reinvigorated partnership urged by President Nixon could be achieved, while still preserving the historically close mutual relationship.

This is the object of the policy the United States is now pursuing.

It is a policy of continued close association. It is also one of support for full sovereign equality.

We want no hegemony. We have no desire for an inward-looking hemisphere. We are, therefore, seeking to act on four basic principles:

First, that the problems that affect the hemisphere are the concern of all its states.

Second, that initiatives in the hemisphere must be the responsibility of all.

Third, that the interest of other nations in productive and supportive cooperation with Latin America is to be welcomed.

Fourth, that the growing interest—and participation—of Latin American countries in global, as well as in hemispneric, affairs gives an important new dimension to this organization.

We believe these principles are a guide to a new kind of U.S. relationship with Latin America. They are not a prescription for abandonment, or for withdrawal from commitments or obligations. It is in character, rather than in fundamentals, that our association with Latin America is changing. It is a policy merely altered to meet the changing policies of your countries.

A moment ago I said that the United States welcomed the interest of other nations in supportive and constructive cooperation with Latin America. Increased cooperation from West European countries, Canada and Japan has already been helpful. Each member state—of this Organization—must, of course, judge carefully, particularly as the problem has been highlighted by recent disclosures, which nations are prepared to play a constructive role in this hemisphere—a role which gives full recognition to sovereign rights—and which nations follow a policy of seeking to undermine and subvert those rights.

How do we intend to implement the four basic principles to which I have referred?

In the economic sphere we support proposals for a larger hemispheric role in setting assistance goals. We favor a greater reliance on multilateral cooperation in development and trade. We welcome the constructive economic interest in the hemisphere of those outside it such as the European states and Japan, just as we welcome Canada's stated intention of drawing closer to the states and institutions of the hemisphere.

During the rest of the century the process of social and economic modernization in this hemisphere will continue to bring with it a stronger sense of nationalism and in some instances disruptive political changes. Some of these developments may well cause short-term problems. But we recognize that in the long run many of these changes will contribute to the constructive and necessary process of social and economic growth.

In the modernization process a certain amount of trial and error will be inevitable. While we naturally expect fair treatment for our interests, we seek to avoid overreaction to short-term problems to the detriment of our long-term relationships and we are ready to engage in cooperative efforts to mitigate the problems which arise in the process.

The decade of the 1970's is already seeing its share of political and social tensions, both in Latin America and in the United States. We hold many social problems in common—the pressures of population, the decay in our cities, the unrest of our young people, and inadequate income levels for sections of our population.

In recent years such stresses in the hemisphere have increasingly produced pressures against representative institutions. The United States has a clear preference for democratic systems and procedures—in this hemisphere as elsewhere. We recognize, nevertheless, that other countries must choose their own political systems, governments, and policies. The Organization of American States now embraces governments with several political systems, governments with differing philosophical orientations, and governments with policies often differing from ours. With all these governments the United States will continue to work as cooperatively as possible.

Thus the policy of the United States is based on our conviction that in the years ahead friendship and confidence within the framework of this Organization will consolidate political relationships in the hemisphere to our mutual benefit. As has been pointed out by many of my colleagues, our economic relationship in the next few years will be equally vital.

The importance to Latin America of its trade with the United States is obvious. We buy a third of Latin America's exports and supply two-fifths of its imports. This trade is also important to the United States. It is about a seventh of our total international trade.

While Latin America's exports to the United States have continued to grow in quantitative terms, the U.S. share of all Latin American exports has dropped from 42 per cent in 1959 to 32 per cent in 1969. This reflects in part a healthy growth of new markets for Latin American exports, notably in Japan. Even more significantly, it reflects an increase in trade among Latin American and Caribbean countries themselves. The hemispheric initiatives which created the Latin American and Caribbean Free Trade Areas, the Central American Common Market, and the Andean Group all illustrate this trend.

The Common Market here in Central America, for example, has had notable successes. While there are current differences over the future of regional integration, I am confident that the Central American States will be able to work them out. The United States is ready to continue its assistance to the Common Market, as well as to encourage regional initiatives in Central America and elsewhere in the hemisphere.

Despite the welcome trend toward diversified export markets, Latin America particularly needs an open market in the United States. We remain committed to a policy of freer trade, and we are, as you know, giving special attention in our approach to generalized tariff preferences to products of particular interest to Latin American countries. We are continuing to work for the elimination or reduction of trade barriers in regional as well as international forums.

Perhaps the most important single initiative we have taken in the trade field was our decision to advocate—and urge the other developed countries to accept—a liberal system of generalized tariff preferences. The European Common Market has set a target date of July 1 for implementation of its system. The Japanese Diet has approved implementation for not later than October 1. Most other developed countries have already obtained authority or will seek it soon.

The United States Government has decided, in large part because of the consultations within this Organization, to include in our own preference system some 500 products requested by Latin American countries. The total value of U.S. imports of these items from Latin America in 1969 was $650 million.

Action on generalized preferences will require congressional approval. The President has asked me immediately on my return from this meeting to initiate consultations with members of Congress with a view to early introduction of legislation to grant to developing countries generalized tariff preferences on a wide range of products, including the 500 items requested by Latin America. The administration will make a concerted effort to secure enactment of this legislation.

While the figure is necessarily rough, we estimate that under this legislation the share by value of Latin American exports entering the United States free of duty, would rise from almost 50 per cent to over 60 per cent.

More important, in addition to products currently traded, new opportunities would be created for many other products for which Latin America has, or may develop, an export capacity.

In addition to preferences other steps will be necessary as well, not all of them concerned with external barriers. As my government subjects its policies to continuing examination, it will be necessary for the Latin American countries to review their policies and practices with an eye to encouraging export development. The United States is ready to increase our technical and financial assistance to promote this development.

Economic growth is the product, not only of trade and assistance policies, but also of judicious investment. The key to higher standards of living is production. The source of production—and the most basic source of development—must inevitably be investment. No matter how much public assistance developed countries make available, long-term economic growth will depend heavily on private investment—domestic and foreign. Foreign investment provides needed capital. It serves to transfer the technology and scientific knowledge critical to the development process. It also increases export earnings.

In his report to the Inter-American Development Bank last year, Raul Prebisch noted that foreign investment has a unique contribution to make in the development of the exports Latin America needs for acquiring foreign exchange. We believe this is true. In 1968, the most recent year for which we have figures, we estimate that export sales by U.S. affiliates located in Latin America accounted for over a third of Latin America's total exports of manufactures.

It is often claimed that foreign investment, in intent or in fact, deprives developing countries of their wealth. Our own experience is that natural resources, if rationally developed under fair terms, contribute more to a country's development than if left undeveloped. Each country must, of course, determine for itself the pace at which to transform natural resource wealth into other useful forms of property.

In the past, foreign private investment, including that from the United States, tended to be concentrated in extractive industries, but this has changed. The book value of private U.S. direct investment in Latin America amounted at the end of 1969 to $13.8 billion. Of this total, mining and smelting account for less than 15 percent and petroleum for only just over 25 percent. The remaining 60 percent is in manufacturing, trade, and other non-extractive categories. The largest single amount, nearly 33 percent, is in manufacturing—an investment of $4.3 billion which provides about 500,000 jobs.

The allegation that is sometimes made, that foreign investment particularly seeks out weak developing countries, is not correct. Two-thirds of U.S. direct international investment, and almost all portfolio investment, is in developed, not developing countries. If there is a problem in the distribution of private capital abroad, it is a problem of encouraging it to go to developing countries where it can help in economic development, not one of keeping it out.

Our belief in the value of private foreign investment for economic growth does not mean an indiscriminate policy of pressing such investment upon other countries. Developing nations must weigh for themselves the relationship between foreign and domestic investment. The decision must be theirs. The United States also shares the Latin American view that foreign investment should be related to development criteria. Indeed, long-term investment is by its very nature developmental.

My government is sympathetic to new approaches toward a healthy investment relationship. As I said in my recent report on foreign policy: "Our own investors, both established and prospective, will need to organize their enterprises in ways that are compatible with the legitimate economic and social aspirations and standards of their hosts." At the same time it must be recognized that a favorable investment climate requires conditions of consistency and stability, and that new formulas cannot be applied retroactively to existing enterprises without in many cases damaging future prospects.

Development assistance—with trade and investment, the third focus of our economic policy—continues to be required in the hemisphere both for economic purposes and purposes of human betterment. I am aware of expressed concerns that the Alliance for Progress may be dying, that our commitment to assistance for Latin American development may be weakening, that the proposed reorganization of our aid programs may signify decreased assistance.

Reference has been made by the Secretary General to declining levels of financial cooperation. However, today United States economic flows to the hemisphere remain at substantially the same high levels as over the past five years—though we are putting more through multilateral channels. And loan terms are explicitly concessional—averaging well less than half of the cost of our own industries and enterprises must pay. The policies which he suggests are policies on which we are seeking to act: a policy of large-scale "multilateral" financial cooperation, and "a trade policy that encourages development."

Let me state categorically: the commitment of the United States to assistance for Latin America is undiminished. Our reorganization of foreign assistance, far from lessening that commitment, is intended to make it possible for us to fulfill it more effectively.

As part of that reorganization, we seek to divert larger shares of our assistance into multilateral channels. While our bilateral assistance is somewhat below the peaks of the mid-sixties, our multilateral commitments have increased and, as I have said, our total U.S. assistance has remained at substantially the same high level. The Inter-American Committee on the Alliance for Progress, in its first review of U.S. economic policy, judged the trend toward the use of multilateral channels as highly beneficial. The Committee also recognized that the United States had complied with the financial assistance and the objectives defined at the beginning of the Alliance for Progress.

Between 1963 and 1970 international institutions increased their lending to Latin America four-fold. Today they account for well over half of all economic assistance to the hemisphere. As a result, total assistance is greater now than ever before. In fiscal 1970 economic assistance allocations to Latin America by the three primary donors—the U.S. bilateral programs, the Inter-American Development Bank, and the World Bank group—reached almost $2.2 billion, more than in any other year. With the addition of bilateral assistance from other countries, plus United Nations and European Economic Community programs, the total assistance to Latin America was about $2.7 billion, also a new high.

A regional institution—the Inter-American Development Bank—is fast becoming the major source of development funds for Latin America. It has increased its lending commitments from $394 million only three years ago to $681 million last year. President Nixon has asked Congress to authorize $1.8 billion as the U.S. share to make possible a further increase in the Bank's lending by 50 percent in the next three to four years. Part has been authorized; the President has strongly urged approval of the rest this year.

The multilateral framework offers an opportunity for development priorities to be worked out jointly with Latin American countries themselves. In this process the Inter-American Committee on the Alliance for Progress is playing an important role, a role which my Government hopes will become greater. Multilaterialism also facilitates the participation of other developed countries, thus increasing the sources of loan funds. In particular, we would like to see the Inter-American Development Bank broaden the financial participation of other developed countries.

The United States will also, of course, continue its bilateral programs. In the last fiscal year these totaled $750 million, about half in aid development assistance and half in agricultural commodities, long-term Export-Import Bank loans, Peace Corps assistance, and educational and cultural exchanges.

I have concentrated today on the broad problems demanding cooperation among us. In concluding I would like to refer to some other developments which should engage our attention.

President Nixon has pledged a new dedication to improving the quality of life in the Americas. Within the Alliance for Progress the United States now hopes to give greater emphasis to areas like education, agriculture, and health areas which relate directly to the basic concerns of people.

There are other human concerns which the Organization of American States can itself usefully investigate. Unemployment—particularly as it affects young people—the increasing pressures on our cities, and the threats to our environment are problems to which we all must respond. Future meetings of the Inter-American Economic and Social Council should address these important issues.

The limitation of armaments, already suggested by other delegations, is a question which this assembly will consider. The United States would be glad to cooperate in discussions on this Latin American initiative in any way the other members think appropriate.

I would also like to emphasize the great extent to which our cooperation can be advanced on specific bilateral issues. My government, for example, has been endeavoring to eliminate outdated impediments to its bilateral relations by resolving old problems arising from territorial questions. We have announced that we are prepared to recognize Honduran sovereignty over the Swan Islands. We have agreed with Nicaragua to terminate a 1914 treaty assigning us the right to build a canal across that country. We have negotiated with Mexico a permament solution to boundary questions which plagued our relations for more than 100 years.

The economic and political policies I have described underline the enduring support by the United States for the Inter-American system. They affirm our continuing commitment to the hemisphere's economic development. They embody an approach broad enough to accommodate the political diversity which now characterizes Latin America. They reflect an abiding desire for close and constructive relations with all governments which share the same desire.

In friendship and with respect I will close with these observations.

The challenges facing the members of this organization are great. Continuous constructive attention to these challenges requires the highest levels of understanding in our Inter-American relationships. Effective action to meet these challenges will best be encouraged if all of us emphasize the mutuality, rather than the differences, in our interests.

Last week President Nixon entertained the diplomats of our countries at the White House. He defined our relationship as a governmental and personal one of long standing based on trust and confidence. I believe that we can develop further that "personal" relationship in a way which will contribute to making the rest of the century in our half of the globe a time of peaceful cooperation and effective progress.

ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further morning business?

SENATE RESOLUTION 101—USE OF THE MALL BY VIETNAM VETERANS

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. Allen) The Senator from Montana will state it.

Mr. MANSFIELD. Has the hour of 12 o'clock arrived?

The PRESIDING OFFICER. In 30 seconds.

Mr. MANSFIELD. I suggest the absence of a quorum, not to exceed 30 seconds.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and there will be a call of the quorum for 30 seconds.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. I ask that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered and, at this time, under the previous order, the Chair lays before the Senate, Senate Resolution 101, coming over under the rule, which the clerk will state.

The Assistant Legislative Clerk. To express the sense of the Senate that the Vietnam veterans' request to use the Mall be granted.

The PRESIDING OFFICER (Mr. Allen). Under the previous order, the distinguished Senator from Michigan (Mr. Hart) is now recognized for not to exceed 15 minutes.

Mr. HART. Mr. President, I have a modified version of my resolution at the desk and I ask that it be stated.

The PRESIDING OFFICER. The clerk will please state the modification.

The assistant legislative clerk read as follows:

> Whereas, the Vietnam Veterans Against the War have requested permission from the Superintendent of National Parks to stay overnight on National Park Service grounds known as the "Mall Area" during the period of their presentation of their views to their elected representatives here in Washington through Saturday, and
>
> Whereas, the request has been denied and the government has obtained an injunction against the requested use of the Mall Area to camp. It is hereby resolved that the sense of the Senate is that the Superintendent of National Parks and the Secretary of the Interior should permit the Veterans to sleep on the Mall, subject to the other limitations in the reinstated order of the District Court, and that the Department of the Interior also seek any modificaion of the outstanding order it has obtained necessary for such authorization to be granted by the Department, so that the Vietnam Veterans may effectively petition the government during this period.

The PRESIDING OFFICER. The resolution is so modified.

Mr. HART. Mr. President, it is my hope that the Senate will be permitted to vote this afternoon on my resolution, Senate Resolution 101, expressing the sense of the Senate that the Superintendent of Parks and the Secretary of the Interior seek a modification in the court injunction to permit the veterans to sleep on the Mall at night, subject to other limitations in the district court's order. The period from noon to 12:15 today has been set aside for consideration of my resolution. I will seek the yeas and nays at the close of my remarks.

Let me stress two points regarding my resolution.

First, the resolution is neither a rebuke to, nor an interference with the judiciary. Remember that neither the court of appeals, nor the Chief Justice, individually, nor the full Supreme Court gave any indication whatsoever of the reasons on which their respective decisions were based; and there are many possibilities. In any event, the litigation has determined, if anything, only that the Superintendent of the Park Service was acting within his discretion in opposing the veterans' request to sleep on the Mall. None of this derogates one iota from the ability of Congress to make known its views as to the legislative policy which the National Park Service regulations are supposed to implement.

There is no time to seek congressional review of these regulations. But we can express the sense of the Senate that a peaceful effort to petition their representatives by Vietnam veterans who have fought, and in some cases been wounded, in the service of their country, and who wish to sleep peacefully on the Mall at night in this brief period is not the kind of activity which Congress intended the Park Service to prohibit under regulations governing camping on national park grounds. It should be remembered that the Park Service has concluded in the past that groups such as the Boy Scout Jamboree could sleep on the Mall without hindering national policy on the use of the park grounds in Washington and that the Park Service has presently agreed that it would be appropriate and reasonable for these veterans to congregate on the Mall at night.

I have modified my resolution to ask the Department of Interior to seek any modification of the injunction it has obtained necessary to permit the Superintendent to grant this permission.

Second, under the district court order as interpreted by the Department of Justice, the veterans may mill around, sit or stand during the evening on the the Mall and, believe it or not, are not barred from falling asleep there during the day. Thus we are asked to believe that our national park policy is preserved if these men are forced to keep their eyes open and not lie down. We are asked to believe that their peaceful sleeping at night on the Mall is more of a disturbance of the normal public use of the park than will be their singing, or walking around in the park, or their sleeping there during the day when most tourists come.

Clearly, such logic approaches the point of inanity.

One more point, Mr. President. It is true that some, although not all of the veterans may have violated the terms of the reinstated district court order last night by sleeping. Many complied fully.

But we, in the Senate, can try to change the circumstances so that these young men will not face that painful moral choice of civil disobedience again.

The following Senators join me in sponsoring the resolution:

Senators Bayh, Brooke, Case, Church, Cranston, Eagleton, Fulbright, Gravel, Harris, Hartke, Hatfield, Hughes, Humphrey, Inoyue, Javits, Kennedy, Mansfield, McGovern, Mathias, Metcalf, Mondale, Montoya, Moss, Muskie, Pell, Ribicoff, Stevenson, Williams, and Tunney.

Mr. JAVITS. Mr. President, will the Senator from Michigan yield to me for 30 seconds?

Mr. HART. I yield.

Mr. JAVITS. I am one of the cosponsors. It is a fact, is it not, that any Member can kill this resolution by talking it to death or just by getting a quorum call which will last for 10 minutes or so; is that not right?

Mr. HART. I thank the Senator from New York for making that point so clear.

Mr. JAVITS. The purpose of the author of this resolution is to protect the right to petition at this place under suitable relations, up to and including Saturday, and that he limits the time expressly in the "whereas" clause; is that not correct?

Mr. HART. That is right.

Mr. President, I have concluded. I would ask for a voice vote in support of the resolution for which there are now a bipartisan group of 30 sponsors.

The PRESIDING OFFICER (Mr. Talmadge). The question is on agreeing to Senate Resolution 101——

Mr. THURMOND. Mr. President——

ORDER OF BUSINESS

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. GURNEY. Mr. President, I object.

Mr. THURMOND. Mr. President, I object.

The PRESIDING OFFICER (Mr. Ervin). Objection is heard. The clerk will continue to call the roll.

The assistant legislative clerk continued to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. JAVITS. Mr. President, reserving the right to object, and I shall not object, is it a fact, I ask the——

Mr. BYRD of West Virginia. Mr. President, I make the point of order that there can be no debate. I asked unanimous consent that the order for the quorum call be rescinded. The Senator may object.

Mr. JAVITS. Mr. President, will the Senator allow me to make a parliamentary inquiry?

Mr. BYRD of West Virginia. Mr. President, the Senator cannot make a parliamentary inquiry until the quorum call is called off.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from West Virginia that the order for the quorum call be rescinded? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President——

The PRESIDING OFFICER. The time allotted for the consideration of Senate Resolution 101 having expired, the resolution goes to the calendar.

EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATION ACT OF 1971

The PRESIDING OFFICER. Pursuant to the previous order of the Senate, the Chair lays before the Senate the unfinished business which the clerk will state.

The assistant legislative clerk read as follows:

> A bill (S. 1557) to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes.

Mr. JAVITS. Mr. President——

The PRESIDING OFFICER. In view of the fact that the unfinished business has been laid before the Senate and the amendment of the Presiding Officer is the pending amendment, the Chair asks to be excused from further service as Presiding Officer so that he may discuss the amendment as its sponsor.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, for the purpose of raising parliamentary inquiries, I ask unanimous consent that there be a 5-minute period for that purpose, without interfering with the time allotted for the consideration of the pending amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Mr. President, is it a fact that a quorum call was put in and because of the objections to terminating that quorum call, the elapse of time as a result substituted the business of the Emergency School Aid Act for the business of the Hart resolution?

The PRESIDING OFFICER (Mr. ALLEN). The quorum call, of course, was for the purpose of ascertaining if a quorum was present. The time allotted under the previous order for the consideration of Senate Resolution 101 was 15 minutes, covering a period from 12 noon to 12:15 p.m. Inasmuch as the quorum call was in process, there could be no further consideration of Senate Resolution 101 during the quorum call.

Mr. JAVITS. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. The resolution, therefore, went to the calendar, and is it then the parliamentary situation that in order to be called up again it must be motioned up, subject to debate in the Senate?

The PRESIDING OFFICER. The Senator is correct, except at certain times it could be called up. It has to be after an adjournment of the Senate.

Mr. JAVITS. I thank the Chair.

EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATION ACT OF 1971

The Senate resumed the consideration of the bill (S. 1557) to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes.

The PRESIDING OFFICER. Who yields time?

Mr. ERVIN. Mr. President, I yield myself such time as I may use.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The ACTING PRESIDENT pro tempore (Mr. METCALF). The Senate will be in order.

Mr. ERVIN. Mr. President, S. 1557, in its provisions and implications, is one of the most drastic legislative proposals ever made before the Senate. The bill is designed to fragmentize and divide the States and localities, putting some of the areas of the country into one category and other areas of the country into another category.

The bill is also designed to transfer from local officials in the States or subdivisions of the States falling into one of the categories, to one nonelected Federal official, the Commissioner of Education, the ultimate power to exercise control over the primary and secondary public schools of the areas falling into one of the two categories.

The bill is also designed to violate both the establishment and the freedom of religion clauses of the First Amendment in two different ways; namely, first, by transferring from the officials of church schools to the Commissioner of Education the power to control certain aspects of education in those church schools; and second, by authorizing the expenditure of tax moneys for the support of religious institutions.

The bill does not contemplate the use of force to effect these overall objects of fragmentizing and dividing the country and centralizing in a single nonelected Federal official, the Commissioner of Education, the power ultimately to control primary and secondary education in the areas of the Nation falling into one of the categories into which the country is to be divided. On the contrary, it undertakes to do this in the same manner in which the betrayal of Christ by Judas was accomplished; namely, by using Federal money to bribe State officials and local officials to surrender the control of public schools to the Federal Government acting through the Commissioner of Education.

Unlike the case of Judas, the bill does not contemplate there is going to be any silver used to accomplish this purpose, because the Nation has no silver; it contemplates that this purpose is to be solved by inflated paper dollars taken out of the Federal Treasury, which now has a hole in it approximately $400 billion deep.

At the present moment the United States is virtually being torn asunder by many forces which tend to divide our people. This bill would add to this division. I said it proposed to fragmentize America by dividing all areas of America into two categories.

One of these categories is the area inhabited by minority groups within the purview of the definition set forth in section 12(8)(A), which appears on page 36. That section states:

> (8) (A) The term "minority group" refers to (i) persons who are Negro, American Indian, Spanish-surnamed American, Portuguese, or Oriental; and (ii) (except for the purposes of section (4), as determined by the Secretary, persons who are from environments in which a dominant language is other than English and who, as a result of language barriers and cultural differences, do not have an equal educational opportunity, and (B) the term "Spanish-surnamed American" includes persons of Mexican, Puerto Rican, Cuban, or Spanish origin or ancestry.

Mr. President, great areas of this country are inhabited almost exclusively by persons who are not members of minority groups within the purview of that definition. In these areas of this Nation live millions of American school children who are just as much entitled to assistance out of the Federal Treasury as the schoolchildren who inhabit the areas of this Nation in which substantial minority groups reside.

I have offered an amendment, amendment No. 44, which would do away with the provisions of the bill, which fragmentize and divide America. It would do away with the provisions of the bill which undertake to centralize in the Federal Government the power to control primary and secondary education, which, under our system of government, rightly belongs to the local communities.

It would do away with the provisions of the bill which propose that the Members of this Congress violate the oath of office which each of them has taken to support the first amendment.

My substitute would extend absolute equality to all areas of this Nation and to every school child in this Nation, regardless of the race, religion, or national origin of that child.

The pending bill provides, in effect, in section 4(a)(1) on page 4, that virtually all the money authorized to be appropriated by the bill shall be spent in a limited number of States, because it provides that—

> The Commissioner shall apportion to each State for grants and contracts within that State an amount which bears the same ratio to such sums as the number of minority group children enrolled in elementary and secondary schools in that State bears to the number of such children in all the States...

Under that provision, many States of this Union—and I would say to the present occupant of the chair (Mr. METCALF), particularly in the western part of this Nation, and particularly in the mountain regions—would obtain nothing under this bill except a minimum of $100,000 out of the amount authorized to be appropriated of $1.5 billion.

My amendment would strike out all the provisions of the bill which are designed to divide and fragmentize the American people, which are designed to reserve to some areas of this country the right of self-government in school matters, and to take away from other areas of this country the right of self-government in school matters.

It would also obviate any possible violations of the first amendment.

It would provide that the money would be divided on the basis of equality, not only in the various States of our Nation but also in our possessions. It sets forth that 3 percent of the money is to be allotted among the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific islands according to their respective needs, and that 97 percent of this money is to be allocated to the States on the basis of the number of the children in each of the States as compared with all of the children in all of the 50 States.

The result is that, under the substitute, every State would receive an equitable share of the money, and the possessions would receive equitable shares of the money, and they would receive it without any Federal strings attached to it, to be used by them for such educational purposes as they find needful or desirable in their respective boundaries.

One of the great tragedies of the present day lies in the fact that we have so much sectional legislation directed to the South. The truth is that this bill, in its overall purpose, is a bill which is designed to reconstruct the educational systems in some of the States by giving Federal control of those educational systems to the Commissioner of Education.

It is one of the unfortunate things in our national life now that 103 years after General Lee surrendered at Appomattox, many politicians in the United States are unwilling to admit Southern States back into the Union on a basis of equality with the other States.

This bill is fundamentally applicable to the South. To be sure, there are certain areas outside the South where there is a concentration of minority groups as defined in this bill, but the overall purpose of the bill is to continue a course of action which has been in progress for 103 years—that is, to reconstruct the South.

When the Constitution was under consideration, the Father of the Constitution, James Madison, stated what was true then, what is just as true now, that the concentration of power in any government or in any branch of any government is inimical to the preservation of liberty. It was for that reason that this Nation adopted a Constitution which divided the powers of government between the Federal Government and the States. They did this because they were conscious of the truth that people in local communities know better the problems of their respective communities and how those problems should be solved than public officials in offices on the banks of the Potomac River.

There are some comments on this point in an opinion of the Supreme Court written by the late Justice Burton, in the case of *Bute* v. *Illinois*, 333 U.S. 640, 650–653. Justice Burton said:

> One of the major contributions to the science of government that was made by the Constitution of the United States was its division of powers between the states and the Federal Government. The compromise between state rights and those of a central government was fully considered in securing the ratification of the Constitution in 1787 and 1788. It was emphasized in the "Bill of Rights," ratified in 1791. In the ten Amendments constituting such Bill, additional restrictions were placed upon the Federal Government and particularly upon procedure in the federal courts. None were placed upon the states. On the contrary, the reserved powers of the states and of the people were emphasized in the Ninth and Tenth Amendments. The Constitution was conceived in large part in the spirit of the Declaration of Independence which declared that to secure such "unalienable Rights" as those of "Life, Liberty and the pursuit of Happiness . . . Governments are instituted among Men, deriving their just powers from the consent of the governed, . . ." It sought to keep the control over individual rights close to the people through their states. While there have been modifications made by the states, the Congress and the courts in some of the relations between the Federal Government and the people, there has been no change that has taken from the states their underlying control over their local police powers and state court procedures. They retained this control from the beginning and, in some states, local control of these matters long antedated the Constitution. The states and the people still are the repositories of the "powers not delegated to the United States by the Constitution, nor prohibited by it to the States, . . ." The underlying control over the procedure in any state court, dealing with distinctly local offenses such as those here involved, consequently remains in the state.

I emphasize the following passage:

> The differing needs and customs of the respective states and even of the respective communities within each state emphasize the principle that familiarity with, and complete understanding of, local characteristics, customs and standards are foundation stones of successful self-government. Local processes of law are an essential part of any government conducted by the people. No national authority, however benevolent, that governs over 130,000,000 people in 48 states, can be as closely in touch with those who are governed as can the local authorities in the several states and their subdivisions. The principle of "Home Rule" was an axiom among the authors of the Constitution. After all, the vital test of self-government is not so much its satisfactoriness weighed in the scales of outsiders as it is its satisfactoriness weighed in the scales of "the governed." While, under the Constitution of the United States, the Federal Government, as well as each state government, is at bottom a government by the people, nevertheless, the federal sphere of government has been largely limited to certain delegated powers. The burden of establishing a delegation of power to the United States or the prohibition of power to the states is upon those making the claim.

Mr. President, when this bill is reduced to its final analysis, it represents an effort to purchase from local governments in the South and a very few areas outside the South the power which our constitutional system of government gives them to operate their local primary and secondary schools.

The Constitution gives the Federal Government no power to operate primary and secondary local schools. It is a power reserved to the States; and it is just as wise and just as necessary that that power remain with the States today as it was when it was reserved to the States. We now have, instead of 48 States and 130 million people, as was the case when Justice Burton wrote the opinion, 50 States and over 200 million people.

The advocates of the bill say: "Oh," we are not going to take this by force. We are just going to buy from local officials, by grants of Federal moneys and by contracts with State officials, the powers which our system of government rightly gives to them, and vest them in one Federal official sitting in an office on the banks of the Potomac River."

Mr. President, it is just as bad to take by bribery the powers of the localities as it is to take them by force.

As a North Carolinian and as a representative of the people of North Carolina, which State would receive a tremendous amount of money under this bill, I resent the feeling which prompts bills of this nature. Essentially, it is that the people of North Carolina and the people of these other areas, which are put in one category in this bill, do not have enough character or enough intelligence to manage their own affairs, and that the management of their affairs must be transferred, either by force or by the persuasive power of filthy lucre, to the Federal Government.

This bill provides that nobody can get any of this money except those localities which have a population composed in part of minority groups. It provides that they cannot get this money unless they file an application with the Commissioner of Education; and it provides that they cannot get it in that case unless they set forth in their application what they propose to do with the money, and obtain the approval of the Commissioner of Education.

I shall not go into the details, but the bill provides, among other things, that by this method the Commissioner of Education, who has the power to pass upon these applications, shall make the grants or the contracts upon applications which are required to set forth certain purposes or activities. Among these are the curriculums of the schools, the right to pay the salaries of administrators, the power to make provisions for the education of teachers, the power to pay the salaries of teachers, the power to make provision for repairing or remodeling school buildings, and virtually all other powers now vested in local school boards in the States falling into one of the categories created by the bill.

I do not think that the Constitution of the United States should be circumvented by the beguiling use of filthy lucre. I think that the interests of this Nation require that all States be put on an equality; that some of the States should not be singled out from the other States on the theory that they are not capable of managing their own affairs; and that the equality of the States should not be varied in any manner, even by the beguiling use of Federal funds.

"Oh," my brethren will say, "the local people are going to specify in these applications the purposes for which these funds are to be used," which, as I have stated, are just about as broad as the purposes for which State moneys can be expended and in the case of church schools more broad.

The Senator from North Carolina is not ignorant of the facts of political life and the results they produce in cases of this kind. The power to pass on applications is exercised by the Federal officials who used it to determine what the application is to contain. So the result of this bill would be to vest in one Federal official the ultimate power to control the operation, the management, the hiring of teachers, the assignment of teachers, and the assignment of schoolchildren in both local schools, and in church schools.

I do not think it is any business of the Federal Government to undertake to say what shall be the racial composition of church schools. That is the business of those schools and those who control them. Yet, precisely under this bill, the Federal Commissioner of Education would acquire by indirection the power to determine the racial composition of student bodies in church schools.

I sincerely hope that the Senate of the United States will be true to the constitutional system that divides the powers of government between the Federal Government and the States and leaves to the States, including such States as some of the authors of this bill may think are somewhat benighted, the power to conduct their own school systems. I think the Senate of the United States ought to recognize, by adopting my amendment, that local affairs such as the employment of teachers, the assignment of children to schools, and the determination of the curriculums of schools can be best settled by the people in the localities in which the people of America live, move, and have their being. I cannot imagine a greater tragedy that could befall this Nation than to concentrate the control of primary and secondary education, even in part, in a Federal official in an office on the banks of the Potomac River and to take it away from the States and their communities.

I urge the Senate to adopt my substitute amendment and put all the States on an equality and leave the control of primary and secondary schools in the local authorities, and divide this money so that every school child in America, whether he lives in an area inhabited by minority groups or in an area inhabited by other Americans, will have the benefit of the largess of the United States.

I yield the floor.

APPOINTMENT BY THE VICE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. METCALF). The Chair, on behalf of the Vice President, pursuant to Public Law 86–420, appoints the Senator from Florida (Mr. GURNEY) to attend the 11th Mexico-United States Interparliamentary Conference, Mexico, May 27 to June 1, 1971.

EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATION ACT OF 1971

The Senate continued with the consideration of the bill (S. 1557) to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes.

Mr. PELL. Mr. President, I yield myself as much time as may be necessary.

As chairman of the Subcommittee on Education of the Senate Committee on Labor and Public Welfare and manager of the bill, I am compelled to oppose the amendment of the Senator from North Carolina (Mr. ERVIN).

I do this with mixed feelings since that amendment proposes to authorize $1.5 billion in the next 2 years for general aid to education. I have been in favor of general aid to education and hope that, within the foreseeable future, we will be able to authorize appropriations for general aid. When and if that occurs, I would hope that any general aid we have is in addition to funds we already have authorized under present law rather than in lieu of those funds. The same point arises in connection with the Ervin amendment. If the amendment were in addition to the desegregation program authorized in the committee bill, I would be hard pressed to oppose it. However, the manner in which the amendment is before us diffuses the proposed Federal programs away from the specific purpose of overcoming minority group isolation which is the purpose of the committee bill.

Moreover, the question of whether or not we would get appropriations is of paramount importance here. The administration has committed itself to requesting $1.5 billion for the purpose of the committee bill. This commitment does not apply to a general aid approach. Although there has been no flat statement on the part of the administration that they would not request funds for general aid, it is my opinion that the likelihood of such a request is small.

I would also say that, if the Senate were to adopt the amendment offered by the gentleman from North Carolina, it would be in effect repudiating the committee system which we have established and tried to honor in the Senate. A program with an authorization of $1.5 billion is of such magnitude that the Committee on Labor and Public Welfare ought to have the opportunity to study the language of the proposal.

I would think that if the amendment proposed by the Senator from North Carolina was offered as a separate bill, it would not be difficult for our committee to support it.

The Senator from North Carolina mentioned one further point, he alleged that this bill was designed to fragmentize the United States, I cannot agree with that point. The funds which could be appropriated if this bill becomes law are expected to be utilized by States all over the country. I have high hopes that my own State of Rhode Island, while not receiving a substantial share, will voluntarily participate.

I did a very quick computation to see how accurate the statement was that it was designed to fragmentize the country, and I find that of the 68 percent—now 69 percent, in view of the elimination of legal fees section—of the funds which are allocated, to the States, and that amounts to a billion dollars—a little more than one-quarter, $271 million, is allocated to the States of Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia. The remainder of the country, I am delighted to say, will benefit to the amount of $726 million.

So these funds are not designed—as was the original bill proposed by the administration—to concentrate on the Southern or border States; but it is designed to be of benefit to the country as a whole, and rather than increasing the fragmentation, it should work to reduce fragmentation.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. PELL. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally against both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. Who yields time?

Mr. ERVIN. Mr. President, I yield to the distinguished Senator from Alabama such time as he may require.

The ACTING PRESIDENT pro tempore. The Senator from Alabama may proceed.

Mr. ALLEN. I thank the distinguished Senator from North Carolina.

Mr. President, I rise in support of amendment No. 44, offered by the distinguished senior Senator from North Carolina (Mr. ERVIN), for whom I have so much admiration and who certainly is the most distinguished authority on the law of the Constitution in this Chamber, in the entire Congress—and, for that matter, in the Nation.

The Nation has suffered by not having a man of the caliber of this distinguished Senator on the Supreme Court Bench. It is the Nation's loss that many years ago he was not asked to serve on the U.S. Supreme Court.

Mr. President, this amendment, which is in the nature of a substitute because it changes the language of the bill in its entirety and substitutes new language after the enacting clause, would remove the objections that many of us have to the bill under consideration.

The supposed purpose of the bill, as originally introduced, S. 1557, was to enable school districts, North and South, to desegregate their school systems.

One of the many troubles with the bill is that, of necessity, there must be read into the bill the present national policy with regard to the desegregation of the public schools.

What is that national policy?

Is it a single policy?

No, far from it. It is a dual policy and the existence of that dual policy of necessity is read into and has become an integral part of the bill itself. Certainly, following the decisions of the Supreme Court handed down on Tuesday, it has become more evident that there is a dual school policy. But that dual school policy calls for the immediate desegregation of the public schools in the South, whereas, at the same time, it protects, defends, and fosters the continued existence of segregated schools in areas outside the South.

Only this week, in debate on the floor and in colloquy with the distinguished Senator from Minnesota (Mr. MONDALE), the junior Senator from Alabama asked him the question as to segregation in the public schools in areas outside the South, is segregation more prevalent, less prevalent, or about the same as it was 5 years ago.

He said that everyone knows there is more segregation outside the South in the public schools today than there was a year ago, that there is more now than there was 2 years ago. Yes, I say that segregation is gaining by leaps and bounds in areas outside the South, whereas it is rapidly vanishing in the southern region of this country.

So, under this bill, if the Federal dual school policy is read into the bill, we have the southern schools, under court order and under rulings and plans of the Department of Health, Education, and Welfare, required to desegregate now—"now" is the word they use time and time again on the Supreme Court.

Mr. ERVIN. Mr. President, will the Senator from Alabama yield for a question?

Mr. ALLEN. I yield.

Mr. ERVIN. Does not this bill provide for the use of this money in three areas; first, where there is a Federal court decree requiring desegregation; second, where there is an HEW plan requiring desegregation as a condition of receiving funds under the Civil Rights Act of 1964; and, third, voluntary desegregation?

Mr. ALLEN. That is correct; yes, sir.

Mr. ERVIN. Does not this bill go far beyond the requirements of the equal protection clause of the 14th amendment?

Mr. ALLEN. Yes; very definitely.

Mr. ERVIN. Does not the distinguished Senator from Alabama agree with the Senator from North Carolina that the only forced desegregation known to America is in southern schools?

Mr. ALLEN. Very definitely.

Mr. ERVIN. So that this bill is to be used for forced desegregation in the South while our northern brethren are not to be desegregated in any manner unless they voluntarily agree to it?

Mr. ALLEN. That is exactly right. That is the point I am seeking to get across.

Mr. ERVIN. So it is, fundamentally, in its ultimate analysis, a bill to finance forced integration in the South and to require nothing of the North except voluntary action.

Mr. ALLEN. The Senator is exactly correct. Another thing that I would like to point out to the distinguished Senator from North Carolina is that if a school district in the South applies in good faith under the allocation to its respective State, it submits a plan concerning what it intends to do with the money afforded by the grant. They seek in good faith to comply with everything that the court and the HEW seemingly require. However, the Commissioner can then find some flaw. He can find that they had conveyed some property to a private school or had not quite come up to the standards he wants in another respect. He can then throw the application out.

It reminds me somewhat of the old character in Greek mythology, Tantalus, from whom the word tantalize comes.

Tantalus was in Hades. One of his punishments was to suffer the torments of continual hunger and thirst. Just out of reach above his head, luscious fruits grew. The waters of the river of Hades, in which he stood up to his neck, receded when he stooped to drink.

So the schools that are seeking in good faith to comply with the edicts of the court and of HEW might desegregate in every particular as the court or HEW would have them desegregate, but the court or HEW might find some little aspect of their plan that does not comply with their notion of what the school district should do. They can then deny the application.

In northern school districts—and I will use that term loosely and apply it to all areas outside of the South—there is a carrot approach to the grant system. There is nothing mandatory about it. They award them to these districts that make some efforts to comply with the voluntary plan. A northern school district might come out with some voluntary plan providing for shifting a very few students from one school to another. They would then come in and apply for a large grant. However, in the southern school districts, I say to the distinguished Senator from North Carolina, there is a carrot and a stick approach in that the southern school districts are forced to, and they do, desegregate; and possibly in order to get this grant they would take certain actions that they would not ordinarily take. However, if they do not comply, the stick and the power of the Federal court is going to be applied to the southern school districts only.

Mr. ERVIN. Mr. President, in other words the Senator from Alabama is making the point that both the carrot and the stick will be applied to the South.

Mr. ALLEN. Largely a stick, I dare say.

Mr. ERVIN. So, if the South does not take the carrot, it gets the stick; however, the North does not get anything except the carrot. And if they do not like carrots in the North, there will be no desegregation of the schools?

Mr. ALLEN. The Senator is exactly correct.

I commend the Senate for the action it took on yesterday concerning the Dominick amendment in striking out the $15 million that would have been allocated to private attorneys throughout the country, and I dare say that most of them would have been in the South, though not necessarily residents of the South. They could be people who come to the South to stir up litigation against school districts.

The proposal to appropriate this $15 million shows the character of the thinking, I say to the distinguished Senator from North Carolina, that has gone into the pending bill when they would provide for a fund of $15 million to award attorneys to harass school districts. They would pay these attorneys for stirring up litigation.

The school districts are already spending more time preparing plans and resisting efforts to force plans upon the school districts. They are so busy answering questionnaires and filling out forms and going to Federal court and communicating with HEW that they do not have the time to educate the children in the school systems.

It is quite obvious that the Supreme Court could not care less about educating schoolchildren. HEW obviously cares nothing about educating schoolchildren. These are sociological experiments. The welfare of the children is given very little thought. However, the supposedly beneficent act of the mixing of bodies is what is taken into account. And we are placing less and less emphasis upon education and more and more emphasis upon sociology.

The amendment offered by the distinguished Senator from North Carolina (Mr. ERVIN) would take the same amount of money provided in the bill—the Senator is not trying to cut 1 cent off this authorization. We should bear in mind that the pending bill is an authorization bill rather than an appropriation. The Senator's amendment would take the same amount $1,500,000,000, and authorize the expenditure of $500 million the first year and $1 billion the next year. It would allocate it among the States to spend for educational purposes.

The Senator knows that this is not too different in some respects from some of the revenue sharing that we hear about, the special revenue sharing. The President, of course, has suggested the sum of $5 billion this year for revenue sharing with State and local governments, supposedly without strings attached, if that could be possible, and $11.5 billion for special revenue sharing in which 130 Federal programs are folded into six programs.

One of those is education. I believe that the six programs are law enforcement, manpower training, rural development, urban development, transportation, and education.

This $11.5 billion would be divided in

those six areas. So this would, in effect, be a type of revenue sharing. That is exactly what it would be. The President asked for revenue sharing. The President and his administration have said that they are for S. 1557.

Each side on many controversial bills coming before the Senate has come in from time to time with a letter from someone close to the President. One will say he favors and the other will say he opposes the measure. I do not see either letter yet. Possibly we will get a letter before the Senate later on both sides. The President is said to favor S. 1557, and there being some questions about whether the President's special revenue-sharing measure is going to pass, it would seem to me that it might be likely that he might favor this as revenue sharing for the purposes of education, because that is what it would be.

Mr. ERVIN. Mr. President, will the Senator yield for an observation?

Mr. ALLEN. I yield.

Mr. ERVIN. I was rather surprised to hear my good friend from Rhode Island say that the President wants this bill. It seems to me that my amendment is right down the President's alley. It provides for revenue sharing.

Also, every time the President runs for office or comes to North Carolina for the purpose of persuading North Carolinians to vote for Republican candidates he says he is in favor of the neighborhood schools and that he is against the busing of students to promote integration; and yet this bill would authorize the Commissioner of Education to say to Southern States, "You cannot get this money unless you deny to your children the right to go to a neighborhood school, and bus them vast distances to integate schools elsewhere."

I can hardly understand that as being part of the President's strategy as he announces it in the South.

Mr. ALLEN. It is hard to visualize that strategy.

Possibly we will see both letters before the day is out, one advocating and one opposing.

The amendment, which the junior Senator from Alabama supports, would divide this money among the States on the percentage of the proportion of schoolchildren in that State to the overall number of schoolchildren throughout the Nation. It would be not too different, I assume, from the percentage of the overall population. Possibly there would be some difference, but we are supposed to be thinking about schoolchildren and not sociological problems and solutions.

The money, under the amendment of the Senator from North Carolina would, in effect, be revenue sharing, to which the President is so strongly committed; and this measure, if passed, could very easily take the place of the special revenue-sharing bill for education.

This money could be spent at the local level by local people who know the needs of their children. You know, Mr. President, there is a great need in Charlotte and Mecklenburg for money for buses because the Supreme Court has just upheld the district court ruling in that matter.

I was outraged by the opinions handed down by the Supreme Court on Tuesday. They finally answered these questions that the Chief Justice posed back on March 9, 1970, in which he said that the Supreme Court had failed to answer three questions in all their decisions, starting in 1954.

He said they had failed to cover the ground on the matter of whether a fixed or any particular racial balance could be required in the desegregation of schools. He said they had not answered the question of whether school district lines should or could be restructured to accomplish the desegregation process, and whether transportational busing could be used to carry out the desegregation process.

Well, I believe on Monday the junior Senator from Alabama pointed out the failure of the Supreme Court to answer these questions and called on it to answer them; and he will not say that the Supreme Court accommodated his request for an answer, but by coincidence they did hand down the decision the very next day and left very little doubt as to what their conception of the law is as regards to southern schools.

It is quite obvious that the thrust of their decisions in these cases is that as to desegregation of southern schools anything goes, no matter how vicious it is. We saw in a memorandum of the opinion, and as it came across on the news service we have in the lobby, that it is not necessary to have racial balance in order to properly desegregate.

The PRESIDING OFFICER. The time of the Senator from North Carolina has expired.

Mr. PELL. Mr. President, I would be glad to allocate some of my time to the Senator.

The PRESIDING OFFICER. The Senator from Rhode Island has 54 minutes remaining.

Mr. PELL. How much time would the Senator like: I would be glad to allocate 20 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 20 minutes.

Mr. ALLEN. Mr. President, I will close in another 2 minutes.

Apparently the ruling of the Supreme Court, and I notice that the Chief Justice emulated his predecessor in arrogating to himself the right to write these opinions and to get a unanimous decision of the Justices, was that racial balance quota is a pretty good way to start, not necessarily to apply racial balance, but if that figure is used as a starting point, that is all right—so racial balance is all right, busing is all right, and changing district lines is all right

The amendment offered by the distinguished Senator from North Carolina is a revenue-sharing bill. It will allow money to be spent at the local level by local people. For that reason the junior Senator from Alabama supports the pending amendment.

I thank the distinguished Senator from Rhode Island.

Mr. ERVIN. Mr. President, I would like to ask the Senator from Rhode Island to yield to me briefly so that I may make a unanimous-consent request.

Mr. PELL. I am glad to yield to the Senator from North Carolina.

Mr. ERVIN. Mr. President, I ask unanimous consent to have printed in the RECORD a tabulation showing how much money each State of the Union would receive under my substitute amendment.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

STATE ALLOTMENTS UNDER SENATOR ERVIN'S AMENDMENT NO. 44

	Total	
	100 (percent)	$1,500,000,000 (dollar amount)
Alabama	1.751	25,477,050
Alaska	0.171	2,488,050
Arizona	.954	13,880,700
Arkansas	1.009	14,680,950
California	10.248	149,108,400
Colorado	1.198	17,430,900
Connecticut	1.408	20,486,400
Delaware	.289	4,204,950
District of Columbia	.320	4,656,000
Florida	3.112	45,279,600
Georgia	2.445	35,574,750
Hawaii	.401	5,834,550
Idaho	.397	5,776,350
Illinois	5.125	74,568,750
Indiana	2.684	39,052,200
Iowa	1.445	21,024,750
Kansas	1.119	16,281,450
Kentucky	1.549	22,537,950
Louisiana	1.835	26,699,250
Maine	.526	7,653,300
Maryland	1.984	28,867,200
Massachusetts	2.567	37,349,850
Michigan	4.752	69,141,600
Minnesota	2.028	29,507,400
Mississippi	1.164	16,936,200
Missouri	2.266	32,970,300
Montana	.381	5,543,550
Nebraska	.717	10,432,350
Nevada	.278	4,044,900
New Hampshire	.346	5,034,300
New Jersey	3.230	46,996,500
New Mexico	.621	9,035,550
New York	7.578	110,259,900
North Carolina	2.598	37,800,900
North Dakota	.320	4,656,000
Ohio	5.283	76,867,650
Oklahoma	1.394	20,282,700
Oregon	1.049	15,262,950
Pennsylvania	5.139	74,772,450
Rhode Island	.409	5,950,950
South Carolina	1.408	20,486,400
South Dakota	.362	5,267,100
Tennessee	1.961	28,532,550
Texas	5.890	85,699,500
Utah	.662	9,632,100
Vermont	.245	3,564,750
Virginia	2.351	34,207,050
Washington	1.782	25,928,100
West Virginia	.870	12,658,500
Wisconsin	2.165	31,500,750
Wyoming	.189	2,749,950
Puerto Rico, Guam, etc	3	45,000,000

Source: State percentages figured from estimates of school statistics, 1970–71, p. 27.

Mr. DOMINICK. Mr. President, it is my understanding that the pending amendment offered by the distinguished Senator from North Carolina would provide general assistance to local educational agencies. As we all know, the administration has submitted six proposals for special revenue sharing, one of which would provide a source of flexible funding to local school districts for elementary and secondary education. Much as I appreciate the Senator's early endorsement of this general aid concept, I feel it incumbent upon me to point out that the Ervin amendment is not the administration's education revenue-sharing proposal. It would appear that the senior Senator from North Carolina agrees with me that local educational agencies require greater flexibility in determining responses to their particular needs than existing categorical programs permit.

I would be very pleased to have the Senator from North Carolina join me in supporting the administration's revenue-sharing proposal. However, I do not believe it should substitute for the bill we are considering today. The special educational needs of children attending racially isolated schools or those undergoing desegregation cannot be ignored. I am firmly committed to the special aid that would be provided to such children through the provisions of this bill.

The pending amendment would redirect all the funds authorized, and is thus entirely inconsistent with the intent of the legislation.

I therefore urge my colleagues to reject the Ervin amendment.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. ERVIN. Mr. President, I am reluctant to object, but I want to get enough Senators here so I can get a rollcall vote.

Mr. PELL. Would the Senator like it to go live?

Mr. ERVIN. I am not going to object, but we ought to have enough Senators here to ask for the yeas and nays.

The PRESIDING OFFICER. Does the Senator object? Debate is not in order during a rollcall.

Mr. ERVIN. I would like to have a rollcall.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. PELL. No, no—a rollcall now?

Mr. ERVIN. No; I want to ask for the yeas and nays.

Mr. BYRD of West Virginia. Mr. President, has the quorum call been rescinded? Does the Senator from North Carolina object?

Mr. ERVIN. No; I do not object; but I would say this——

Mr. BYRD of West Virginia. Mr. President, a statement is not in order while a quorum call is in progress.

The PRESIDING OFFICER. Is there objection?

Mr. ERVIN. No; I do not object.

Mr. BYRD of West Virginia. Mr. President, is a quorum call in progress?

The PRESIDING OFFICER. Without objection the quorum call is rescinded. The Senator from Rhode Island has control of the time.

Mr. PELL. Mr. President, I would like to assure the Senator from North Carolina that I will support his efforts to have a rollcall vote when the time comes. I think that in a few moments our colleagues may be closer to the floor, and we will then be able to get the necessary number.

I have listened carefully to the arguments and the discussion of the Senator from North Carolina, who is a far more learned man in the law than many of my colleagues who are lawyers, and I myself am not a lawyer. I have also listened to the arguments of the Senator from Alabama. But nevertheless, I remain convinced that the bill we have reported to the Senate, while not a perfect bill, does, in the last analysis, have provisions which will bind and cure our Nation rather than to further fragmentize it.

One of the reasons I favor it, as opposed to the bill offered by the administration, is that instead of all the funds apparently going to one part of the country, other areas outside the Confederacy would also benefit.

For that reason, I continue to press my objection to the amendment of the Senator from North Carolina.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD of West Virginia. Mr. President, it is my understanding that only the Senator from Rhode Island has time, so the time would be charged against the Senator from Rhode Island.

The PRESIDING OFFICER. Does the Senator from Rhode Island yield?

Mr. BYRD of West Virginia. The Senator from Rhode Island does not have the floor to yield.

The PRESIDING OFFICER. The Senator from Rhode Island is the only one with the floor.

Mr. BYRD of West Virginia. The Senator from Rhode Island is not standing. He does not have the floor.

The PRESIDING OFFICER. Does the Senator from Rhode Island yield for a quorum call?

Mr. PELL. I yield for a quorum call, absolutely.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from North Carolina. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia (after having voted in the negative). On this vote I have a live pair with the distinguished Senator from Georgia (Mr. GAMBRELL). If he were present and voting, he would vote "yea." If I were permitted to vote I would vote "nay." Having already voted in the negative, I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CHURCH), the Senator from Missouri (Mr. EAGLETON), the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), and the Senator from Washington (Mr. MAGNUSON) are necessarily absent.

I further announce that the Senator from Florida (Mr. CHILES), the Senator from Georgia (Mr. GAMBRELL), the Senator from Wisconsin (Mr. NELSON), the Senator from Oklahoma (Mr. HARRIS), and the Senator from South Carolina (Mr. HOLLINGS) are absent on official business.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), and the Senator from Indiana (Mr. BAYH) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT) is absent by leave of the Senate on official business.

The Senator from Kentucky (Mr. COOPER) is absent on official business.

The Senator from Arizona (Mr. FANNIN) and the Senator from Oregon (Mr. PACKWOOD) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "nay."

The result was announced—yeas 22, nays 60, as follows:

[No. 45 Leg.]

YEAS—22

Allen
Byrd, Va.
Cannon
Cotton
Eastland
Ellender
Ervin
Fulbright
Goldwater
Gurney
Hansen
Jordan, N.C.
Long
McClellan
Pastore
Sparkman
Spong
Stennis
Talmadge
Thurmond
Tower
Young

NAYS—60

Aiken
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Case
Cook
Cranston
Curtis
Dole
Dominick
Fong
Griffin
Hart
Hartke
Hatfield
Hruska
Hughes
Inouye
Javits
Jordan, Idaho
Kennedy
Mansfield
Mathias
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Stevens
Stevenson
Symington
Taft
Tunney
Weicker
Williams

PRESENT AND GIVING A LIVE PAIR AS PREVIOUSLY RECORDED

Byrd, W. Va., against.

NOT VOTING—17

Allott
Bayh
Chiles
Church
Cooper
Eagleton
Fannin
Gambrell
Gravel
Harris
Hollings
Humphrey
Jackson
Magnuson
Mundt
Nelson
Packwood

So, Mr. ERVIN's amendment was rejected.

Mr. PELL. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 53

Mr. STENNIS. Mr. President, I call up my amendment No. 53 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be read.

The assistant legislative clerk proceeded to read amendment No. 53.

Mr. STENNIS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. Amendment No. 53 is as follows:

On page 1, between lines 4 and 5, insert the following new section:

"POLICY WITH RESPECT TO THE APPLICATION OF CERTAIN PROVISIONS OF FEDERAL LAW

"SEC. 2. It is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964, section 182 of the Elementary and Secondary Education Amendments of 1966, and this Act, shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race whether de jure or de facto in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation."

On page 1, line 6, strike out "SEC. 2. (a)" and substitute "SEC. 2A. (a)".

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield myself 10 minutes.

Mr. President, let me say to the membership that I think this is a highly important amendment. It has far-reaching implications. Most of the Members of this body are familiar with the debate on it last year. It passed this body by a vote of 56 to 36, which was a considerable margin in this field of legislation. It came out of conference, however, in altogether different shape, form, and manner, and the intervening time of a year has made the amendment even more applicable and important.

I agreed yesterday afternoon to a limitation of time for this debate, with the idea that the consideration of the bill might otherwise be completed. I plead with my colleagues to stay for at least a few minutes and get a statement as to what the real situation is, or at least what the issue is, and see if we can put this matter in proper focus.

The issue is a matter of policy, just as it was last year, and the amendment is identical to the amendment passed by the Senate last year, with the addition of three words which makes it apply to this bill. It is limited to a matter of policy in the desegregation of schools, so far as withholding of money is concerned and the administration of the Civil Rights Act of 1964 and the Education Act of 1966. It does not apply to or limit the courts in any way. It does not affect any case pending in court or any case that may come up in court. It is purely an administrative matter and it is binding on the executive branch of Government to the extent of a statement of policy.

It is not necessary to assert the facts here as to the extent of the vigorous prosecution of the idea of desegregating schools in the South. I do not come today to complain about that. I have no bill of indictment to lay at anyone's feet. But the facts have all been admitted. They have all been put into the record as relates to States beyond the South. What has happened in the last year has been put in the record.

One fact is that in the South now there is a considerably higher percentage of the attendance of minority children in schools that are desegregated than is true in States beyond the South. In many of the States beyond the South they have actually gone backward since this matter was up in the Senate 14 months ago. Segregated conditions in schools beyond the South have increased. We have the figures to show this. I have already put them in the record. That fact has been admitted by the proponents of the bill. They have admitted it to be correct. The proponents of the bill agree that the figures are correct. They do not contradict anything that has been put in the record about conditions of the various schools beyond the South.

The fact is that in many States there have been recall elections held where desegregation plans were proposed. The people, under the laws of those States or cities, filed recall petitions and got an election and voted out of office the members on the school boards who voted in favor of the desegregation plans. The case was more or less dropped there. That happened in Denver. It happened in many places. In the course of this debate I shall cite them in more particulars. Those matters are not denied at all.

The proponents of the bill say it is designed to destroy segregation whether it is, on an historical basis, de jure or de facto. They say that is one of the purposes of the bill. I shall read a quotation from our distinguished friend from Rhode Island, quoting him to that effect. The Senator from Minnesota has addressed himself to this matter. The record shows he agreed with the facts.

What are we going to do? Not a single case has been taken for decision by the Supreme Court, and therefore not a single one has been decided, which touches on the proposition of so-called de facto segregation beyond the States of the South. I do not say that in any criticism of them. I cannot understand why in the world they have not taken at least some of these cases and decided the matter, rather than confine their activities to the South, but I cite the fact that they have not done it.

I made a speech a year ago pointing out four cases in particular that had been to the Supreme Court that raised the question of segregated school conditions beyond the South. In every one of them, they turned it down. In one of those cases they turned the case down without even hearing it. Lawyers know what they mean when they say "writ of certiorari denied." That means they considered it to a degree, but would not hear it. One of those cases was Deal against Cincinnati Board of Education, certiorari denied, Case No. 369 F. 2d–55 (6th Circuit) 1966; 389 U.S. 847, 1967.

That case is back in the Supreme Court now, and has been for a year, and has not been passed on one way or the other. No writ has been denied and no writ has been granted. I do not know why in the world anything like that is happening, but it is happening and it is conclusive proof that the judicial branch of the Government, at the highest level, is not doing one thing about the problem of segregated schools beyond the South.

We all know what they have done this week. I am not attacking them, but they have borne down with all the might that they had upon them, with an augmented, demanding, immediate total pattern of desegregation for the South.

All my amendment says is that it is the policy of the legislative branch that this operation, or whatever you want to call it, shall be applied throughout the Nation the same way, whether the history is de facto, so-called, or de jure, so-called. That is all. That is all the amendment says, and with all deference to everyone, I cannot see how in the world a person who is really standing for desegregation can stand up here and oppose this amendment; because, again with all deference, he would be saying, "I favor it, but I do not favor it for my State." That is what it comes to.

I do not blame any Senator for representing his State. There is plenty of evidence—I have referred to it in a passing way—that the people in many of the States beyond the South do not want these plans of integration. They do not want to bus their children from one side of a city to another. They do not want a school board that even begins to try to put into effect a plan of that kind; and they exercise their privilege at the voting booth, and recall those who try to do something about it, their own officers. Some of the States have gone so far as to pass laws saying that there shall be no busing under State law; that there shall be a freedom of choice by these parents.

I do not see anything to indicate that the Department of Justice is stirring itself to get those laws outside the South set aside, or to overcome them in any way, and I speak with all deference to everyone; but to show how one sided this matter is, they went down to Atlanta, five members of the President's Cabinet, acting in good faith, I am sure, celebrating there the integration, to a great extent, of the Atlanta schools, and they issued statements, and so forth, complimenting the people; and the people deserve credit for trying to live up to these mandates.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. STENNIS. I yield myself 10 additional minutes.

But, Mr. President, they have not been celebrating anywhere else—Chicago, Boston, Pittsburgh, Philadelphia, Denver, Los Angeles, or New York City—about integrating their schools, because they are not doing anything about it there. And I have not read anything about these Cabinet level officials going to those places and trying to do something about it. I do not attack them personally; they are fine people. Two of those men who went to Atlanta were former Governors of Massachusetts. One of them is Secretary of Health, Education, and Welfare now, and is a splendid man. But they are having trouble, unfortunately, more trouble in Boston than in Atlanta, and they have not been to Boston to try to enforce the law there. In many cities of the North and West the voters in elections recalled the trustees who tried to put in such a plan.

What are we going to do about it? Congress passed the Civil Rights Act, and it was voted for in good faith. It has been interpreted in many ways—many ways—to give the de facto group a way out; and the courts, to a large degree, so far have backed them up. The Supreme Court of the United States, by inaction, has backed them up.

What is the matter with this proposal? Why should not Congress light just one little lamp that might shed some light whereby the officials could find their way? I believe there has been so little activity beyond the South, and so many years have passed and so many promises have been made, that somewhere down the line there should be a slowdown signal, and I think Congress is one branch of the Government that at least can light that little candle. It is very small. Some say this proposal does not have any meaning.

Well, if it does not have any meaning, it will do no harm. But I think it does have meaning. I think there is a great principle behind it. If these minority children are entitled to a fully integrated school as a matter of right or a matter of American principle, then they are being discriminated against.

By whom? By Congress. By the executive branch. If this is a right that Brown against Board of Education decided, then those children are being discriminated against knowingly and willfully, and without proper excuse.

Or, there may be a few statistics here to show that they asked for some men, have asked for additional workers, and that it works a hardship there. But let me tell you, if they really want to go after this matter beyond the South, they can do it.

We opposed it, yes. Everyone did. That is human nature. It is being opposed everywhere else, or almost everywhere, just as strongly as it ever was in the South.

What are we going to do about this? Mr. President, I charge that the executive branch has been inactive, and I think the admitted facts prove it—not only this administration, but the previous ones. They were just as bad. I had a conference 4 or 5 years ago with the then esteemed Secretary of the Department of Health, Education, and Welfare. The late Senator Russell was in that conference, and former Senator Hill. We were given a definite promise that a constitutional amendment along this line was going to be put into effect. A promise was made, and it was not kept.

I do not charge that Secretary with willful misrepresentation. He might have been prohibited from carrying it out. Another one made the same promise. Mr. Finch, later Secretary of the Department of Health, Education, and Welfare, said there was massive segregation beyond the South that ought to be attacked. I have already referred to Mr. Richardson, the esteemed and able gentleman who is presently the Department of Health, Education, and Welfare Secretary.

I believe if they are going to integrate these schools, they need some help. I refer to the Supreme Court with proper deference, but I cannot understand why they have not at least considered these four cases that have been pending there, or were pending so long, from outside the South, involving the question of de facto segregation. That was all set out by me in a speech in the CONGRESSIONAL RECORD, volume 116, part 11, page 14098. This case from Cincinnati has been back before the Supreme Court since I made that speech, and is lying there now, unanswered and undecided, with no decision whether they are going to get their writ.

They decided another case just this week, a major case; in fact, four of them, from the South, all at one time, and they bore down and actually approved the idea of willful quotas.

Willful quotas, in these integration cases; that was something that was promulgated to high heaven during the passage of the civil rights law as not being the intention, the wish, or the desire of the sponsors. But over and over again, we come down, now, in the interpretation, to that. In the Charlotte, N.C., case, there is nothing to avoid that. They even established and approved a lower court decision which said the purpose was to set up these quotas, and then went on to set them.

This is a problem for the whole Nation, for those who believe that. But what about a sense of fairness?

What about a sense of fairness to these minority children? How are you going to answer this? What is the reason, the logical reason, and, in a sense, the fairness that can be given to these minority children?

This does not set any timetable. It does not call for any drastic action. It just says that the policy applied by HEW ought to be nationwide. What is the real reason? What is the trouble? What is the opposition?

I tell you right now—you criticize the South on many scores. But while we have been going further on this integration, the areas beyond the South have been doing more than standing still. They have not been standing still. They have been going backward, marching backward, on this very problem. I do not want to punish them. I do not want anything drastic. But I want a little light here on this subject, that Congress would just run up a signal and say that we believe in a sense of fairness to those minority children, at least; that if we are going to have a policy in one part of the country on this matter, we ought to have it throughout the Nation.

Here is another thing, Mr. President: The people in the South have cooperated and have supported the idea of supporting the law and integrating. Teachers, administrators, school trustees, and parents buried themselves in this problem. What about a little fairness for the idea, the whole concept, of dramatically changing our entire school system? They tried not only to keep from violating the law but also to keep the public schools open—the public schools—to keep them going, and going on a quality basis. What about a little fairness to them? And this is no small point—to those of us who have had the burden in connection with that problem. Year after year after year they have been told what they had to do, and they have been trying to do it. Now it has even come to the point where there are quotas for them, but nothing for the rest of the country.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). The time of the Senator has expired.

Mr. STENNIS. I yield myself 5 additional minutes.

Nothing has been required for the rest of the country except a little token effort, which just amounts to 4, 5, or 6 cases having been filed. Do we approve of that? I do not think we do. The membership here does not approve it.

If we can just separate this matter from the emotional side, from the sectional side, and really make education paramount, we can solve this problem and pass this amendment, and maybe be on our way—maybe.

I know a little about the history of the kind of legislation in this bill. I am a member of the Committee on Appropriations. It is a fact that when this measure was first introduced—not this bill, but when the first bill of this kind was introduced—it was actually justified and written up in such a way that it would apply only to the South. There could not be anything more conclusive of the fact that that is what they were shooting at, anyway. The bill was not even planning any integration except in the South.

In the subcommittee room, on my motion, that record was changed to make it apply throughout the Nation. That was the first small bill. Later, when it came here and it came to putting penalty clauses in it, I made a point of order, and it was thrown out. But it came back with another in a few days. The genesis of it goes back to the original bill. This was conceived in the mind of someone—it was not even going to apply to the North. The Senator from Arkansas (Mr. McCLELLAN) called it right there, at that table, as soon as he read it. He said, "This is bribe money."

This has grown now, and I do not attack those who favor the bill and have worked on it so hard. But I tell you right now, enough is enough of this unfairness to a great segment of the minority children of this country.

Who can explain away the striking illustration here of all three branches of this Government being guilty either of inaction or of dodging or of doing nothing with respect to this problem outside the South? I would like to hear what real, logical reasons, based on commonsense, the opponents have with respect to this amendment. I have said repeatedly that it does not contradict the bill. It goes along with the bill. One of the authors of the bill has said that this is to wipe out the distinction between de facto and de jure discrimination. It does not limit the courts. Now, what is the matter with the bill?

Mr. President, I reserve the remainder of my time, and I yield the floor.

Mr. PELL. Mr. President, I have listened to the argument of the Senator from Mississippi, whom I respect tremendously. He is as much an authority on this subject as one can find. Actually, I find myself somewhat caught in a crossfire between experts on civil rights law on both sides of the issue, from both parties.

As I see it, to try to simplify it, there is already in the law and in court decisions a difference between de jure and de facto segregation. As I understand it, de jure segregation has been ruled unconstitutional by the Supreme Court; and so far, I am informed, there never has been such a ruling by a Federal court concerning segregation de facto, segregation which grows out of housing patterns and economic circumstances, not because of administrative rulings.

What I think is needed is a separate bill, to be handled by the Committee on the Judiciary, because this is a civil rights matter. Such a bill would say that in the future, de facto segregation is illegal; or, in lieu of that, a court decision to this effect could achieve the same end result. But I am not sure that tacking this amendment on to this bill is the way to handle the problem.

Actually, our bill seeks to go to the very problem that concerns the Senator from Mississippi. It seeks to go at the problem of de facto segregation by making it possible on a voluntary basis for those areas to secure help in desegregating and integrating its school systems.

Mr. President, I yield the floor.

Mr. TOWER. Mr. President, I am very concerned with the recent Supreme Court ruling concerning the duties of a formerly segregated school system in converting to a unitary one. Likewise, I am vitally concerned with what we are doing here today, debating the one Federal standards amendment and its far reaching implications. I regret very much that the Supreme Court refused to go along with the approach that President Nixon had suggested, which would have allowed the school districts in the South to achieve a unitary school system with a minimum amount of disruption of the educational process. I had hoped at least that the Supreme Court would define what a unitary school system was. In both of these matters, I have been very disappointed. The Supreme Court has granted the district judges extremely broad equitable powers, without giving the school districts which might be the subjects of such powers any definite guidelines on how they might conform to the mandate to institute a unitary school system. Where the Court had sought to end uncertainty, it has created only despair.

Mr. President, during every debate that we have had on this matter and every time in this body that I have had the opportunity to express my belief, I have spoken for and fought for the basic concept of freedom of choice and the neighborhod school. The "bizarre" approach of the Supreme Court to this problem, to use its own term, could destroy the school systems in formerly segregated areas. Already, the so-called white academy has begun to flourish. Quality education is suffering from "bizarre" approaches to the question of how to achieve a unitary system.

It is becoming increasingly clear that it will be incumbent upon this Congress to define what constitutes a unitary school system. The Supreme Court has consistently avoided its responsibility in this area; and, up until now, we in Congress have not acted, even though many, including myself, have urged that we do so. We will need some thoughtful analysis before we can decide ultimately what constitutes a unitary system. What the Court has refused to do for seventeen years, we cannot hope to do in a few days in an emotionally charged situation. This much, however, is clear, Mr. President, whatever policy we adopt will have to apply to the Nation as a whole. We can no longer tolerate the luxury of having a dual policy on what is a unitary school system. The distinction between de facto and de jure segregation was dismissed last year by this body during the debate on this very same amendment. With that precedent in mind, we cannot now retreat from the progress we have made. Indeed, we must go forward and exhort whoever may be the conferees on this bill to insist that this language be maintained in this bill, for better no bill at all than a measure which would perpetuate an injustice that this body in a decisive 56-to-36 vote rejected just a few months ago.

With the adoption of the Stennis amendment, when this Congress takes up the matter of what constitutes a unitary school system, we can treat the problem as a nation as a whole, not as segments of a nation. Segregation de facto has every bit as much impact on the learning process as segregation de jure. As we affirmed last year, the time for treating the South as the proverbial whipping boy for racial problems has long passed. Let us now reaffirm this belief, and then we can proceed to the larger question of what constitutes a unitary school system. Every section of the Nation can make a contribution as to what should constitute our national policy. I urge my colleagues to again support this amendment as a sincere method of improving race relations in this great Nation of ours.

ORDER OF BUSINESS

Mr. STENNIS. Mr. President, I ask unanimous consent that 3 to 5 minutes be allowed to the Senator from Minnesota (Mr. Humphrey) for a special purpose, the time to be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

VISIT TO THE SENATE BY MEMBERS OF THE GERMAN BUNDESTAG

Mr. HUMPHREY. Mr. President, we are very privileged today to have as guests in the Senate members of the Bundestag of the Federal Republic of Germany. The Bundestag is their parliament. These gentlemen are members of the Committee on Agriculture in the Federal Republic's Parliament.

They have been meeting today with Members of the House of Representatives as well as Members of the Senate. Senator Aiken and Senator Young have been hosting these gentlemen in the Senate.

I have been privileged to be with them for a short period of time.

I shall not try to mention the name of each one of our visitors at this time but ask unanimous consent that a list of our guests be printed in the Record.

There being no objection, the list was ordered to be printed in the Record, as follows:

1. Karl Bewerunge: Christian Democratic Union (CDU), Farmer Deputy Chairman of the Agricultural Committee and Head of the Delegation.
2. Dr. Hermann Siemer: CDU, Businessman and Farmer.
3. Georg Ehnes: CDU, Farmer.
4. Werner Marquardt: Social Democratic Party, Germany (SPD), Employee.
5. Heinrich Welslau: SPD, Mayor.
6. Dr. Willi Fischer: SPD, former County Executive.
7. Wilhelm Helms, Free Democratic Party (FDP), Liberal, Farmer.
8. Dr. Horst Gerold, Landgerichtsrat Secretary of the Agricultural Committee.
9. Max Salzberger: Oberregierungsrat (1st Secretary), Office for Parliamentary Relations in the German Federal Department of Agriculture.
10. Hans H. Hagemann, Philadelphia, Pa., Guide and Interpreter.

Mr. HUMPHREY. Mr. President, let me yield now to the distinguished senior Senator from Vermont (Mr. Aiken) for any comments he may wish to make.

Mr. AIKEN. Mr. President, I merely want to add my word of welcome to our visitors from the Bundestag who are members of the agricultural committee in their country. We are very glad to have them here.

I was surprised to find that they have agricultural problems just as we do. I thought we were the only ones, but it appears that they have the same problems, too.

Our guests are here for a short visit to Congress and to our Department of Agriculture, trying to learn something about our troubles, as much as they can.

Mr. HUMPHREY. I thank the distinguished Senator from Vermont.

Mr. President, it is always a pleasure to share mutual concerns and mutual problems. This group from the Federal Republic of Germany has also been meeting with representatives of the Department of Agriculture, acquainting themselves with many of the challenges we face in this country in our agricultural economy.

In my view, these exchanges are valuable and we welcome these distinguished gentlemen who serve their country so ably.

Mr. President, I ask that these gentlemen from the Federal Republic of Germany now stand so that we may give them a good, old-fashioned American welcome.

[Applause, Senators rising.]

Mr. HUMPHREY. Mr. President, let me express my thanks to the distinguished Senator from Rhode Island (Mr. Pell), the manager of the bill here today, and to the distinguished Senator from Mississippi (Mr. Stennis), for their courtesy in arranging this time.

EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATION ACT OF 1971

The Senate continued with the consideration of the bill (S. 1557) to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes.

Mr. PELL. Mr. President, I yield myself as much time as I find necessary.

The PRESIDING OFFICER (Mr. Jordan of Idaho). The Senator from Rhode Island may proceed.

Mr. PELL. Mr. President, what the bill seeks to do is to reduce de facto segregation which so concerns the Senator from Mississippi, but it does so on a voluntary basis.

Actually, one of the beauties of the bill as opposed to the House-passed measure in the last Congress is that it applies to all sections of the country. The fact of the matter is exactly what the Senator from Mississippi says, that in the last Congress the bulk of that money would have gone to a single section of the country; but in this bill one finds the money spread around; and, actually, as I read into the Record earlier, the States of the Old South; namely, Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia, would be eligible for about one-quarter of the money, or $271 million of the total of almost $1 billion allocated to the States would be spent. This means that almost three-quarters, or $726 million, would be spent for the very purpose of eliminating de facto segregation in the other parts of the country.

While this is voluntary, it would seem to me to be a good first step. I would like to see the time come when Congress, in its wisdom, would pass a civil rights measure along the lines proposed by the Senator from Mississippi, or when the Supreme Court would make a ruling to that effect the Senator from Mississippi is absolutely correct, the situation in the North with regard to racial isolation has been getting worse and the situation in the South has been getting better. But I think the way to handle it is, one, to do it through the approach of the bill that we have, unencumbered and unamended, on a voluntary basis; and, second, to face up to the issue and pass it as a civil rights measure.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

QUORUM CALL

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. STENNIS. Mr. President, I yield 5 minutes to the distinguished Senator from Connecticut (Mr. Ribicoff), or such additional time as he may require.

The PRESIDING OFFICER. The Senator from Connecticut may proceed.

Mr. RIBICOFF. Mr. President, I rise in support of the amendment of the distinguished Senator from Mississippi (Mr. Stennis). This amendment is the same amendment I supported last year which passed the Senate 56 to 36. It sets forth the declaration of a national school integration policy for this Nation in the North as well as in the South.

Some argued last year that the Stennis amendment was only a declaration of policy and did not implement any affirmative program in the North. Many of these same Senators yesterday voted against a program that would implement this declaration of policy and begin for the first time a program of school integration in the North. Nonetheless, I continue to support the Stennis amendment for I feel it is critical for the Senate to declare at least a policy of ending segregation in the North as well as in the South.

As the Supreme Court has made clear this week, southern schools are desegregating under the mandate of the 14th amendment to the Constitution.

Nothing this body, nor the President, nor the executive branch can do will stay or slow the implementation of that mandate. The Supreme Court made it clear over a year ago that insufficient or inadequate plans proposed by the Justice Department or the Department of Health, Education, and Welfare would be summarily rejected by the courts. Therefore, the Stennis amendment's declaration of policy in no way will lead to a slowdown in the South, but hopefully will encourage school desegregation activities throughout other areas of this country.

Time is running out in this country if we are ever to arrest the division of this Nation into two separate and unequal societies.

No one has stood on this floor this week to advocate a segregated society or support segregated education. No one has risen on the floor this week to dispute the 1970 census figures, documenting the increasing racial separation in this country between the suburbs and the central cities. No one has rejected the recent HEW figures showing the existence of more segregated education in the North than in the South.

The question is what are we going to do about this crisis? The amendment proposed by the Senator from Mississippi would at least declare a policy of integration in the North as well as the South. This would be a small but still significant step forward and I will vote for his amendment.

Mr. President, I yield the floor.

Mr. STENNIS. Mr. President, I thank the distinguished Senator from Connecticut.

Mr. EASTLAND. Mr. President, there are a number of amendments which should be made to the pending bill. This is very important legislation. It would authorize the appropriation of $500 million for the fiscal year ending June 30, 1972, and the appropriation of $1 billion for the fiscal year ending June 30, 1973.

One of the amendments that should certainly be adopted is the one that has been offered by my colleague from Mississippi. The Stennis amendment would provide that there be a national school policy applied equally to all States, localities, regions, and sections of the United States. The adoption of this amendment would help to eliminate the use of the "double standard," which has resulted in the requirements for the integration of the public schools being given a very stringent application in the South and a very lenient application elsewhere.

The Federal courts have held that zoning is permissible in the North, East, and West, but that southern schools must bus children to overcome racial imbalance. This is wrong, and it is discrimination in its worst form. Unfortunately, this policy toward the South has been approved by the Supreme Court in Swan against Charlotte-Mecklenburg Board of Education, handed down on April 20, 1971.

The courts justify this discriminatory treatment on the basis that racial separation in the northern, eastern, and western schools is a result of residential patterns. They label this "de facto" segregation. On the other hand, they claim that the racial separation in the southern public schools is a result of State legislation requiring it. They label this "de jure" segregation.

We all know that this is a distinction without a difference. We know that the so-called fortuitous housing patterns of the North, East, and West are the results of long-established customs, habits, and traditions sanctioned or permitted by State and local governments. Indeed, until a few years ago this discrimination was required by agencies of the Federal Government such as the Federal Housing Authority and the Veterans' Administration.

These housing patterns did not just happen. They exist because the law sanctioned or permitted them to exist and grow.

We also know that most States in the North, East, and West had laws which required or permitted racial separation in the public schools. These laws were widespread in the 19th century, and in many of these States existed into the 20th century.

This distinction between de facto and de jure segregation is meaningless. It should not be used to discriminate against the South.

In the unfortunate opinion of the Supreme Court of the United States in the case of Brown against Board of Education, which amended the Constitution of the United States and took away from the States and localities the right to operate the public school system, the Court discussed the impact on colored students of racial separation. The harmful impact on these children, which I believe the Court erroneously found, is the basis for the holding of the case. The Supreme Court stated this harmful impact in the following words:

> To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone.

I have never been able to understand how a 10-year-old colored student in a public school in Harlem, Watts, or South Chicago, is expected to look around and see nothing but black faces in his classroom and say to himself: "This kind of racial separation does not hurt me because the State of Illinois does not have a law requiring me to attend all-black schools. I should not feel hurt by this racial separation because it is the result of housing patterns that just accidentally developed."

Perhaps the Federal courts and some of my colleagues will attribute this much wisdom, knowledge, and sophistication to a 10-year-old child, but I cannot.

I have long contended that the Federal courts have consciously or unconsciously followed a policy of applying one rule of law to the Southern schools and another rule of law to the schools in the rest of the country. It is up to Congress to eradicate this type of regional discrimination.

The adoption of the Stennis amendment as it is written and not watered down to perpetuate the unjust de jure-de facto distinction, will help to achieve this objective.

Unfortunately, Congress is not without guilt on this issue of regional discrimination. There are provisions in the pending bill as reported by the Committee on Labor and Public Welfare which would increase the regional discrimination which has been suffered by the South.

I refer specifically to section 5(d)(2)(A)(i), which states in essence that no local educational agency shall be eligible for assistance under the act if after August 18, 1970, it has received assistance under the paragraph heading "Emergency School Assistance" in the Office of Education Appropriations Act, 1971, and it has caused to exist or occur or has permitted to exist or occur, any transaction, practice, procedure, or policy described in the following categories:

First. Any local educational agency which has transferred—directly or indirectly by gift, lease, loan, sale, or other means—real or personal property to, or made any services available to, any nonpublic school or school system—or any organization controlling, or intending to establish, such a school or school system—without prior determination that such nonpublic school or school system, first, is not operated on a racially segregated basis as an alternative for children seeking to avoid attendance in desegregated public schools, and, second, does not otherwise practice, or permit to be practiced, discrimination on the basis of race, color, or national origin in the operation of any school activity;

Second. Any local educational agency which has had in effect any practice, policy, or procedure which results—or has resulted—in the disproportionate demotion or dismissal of instructional or other personnel from minority groups in conjunction with desegregation or the conduct of an activity described in section 5, or otherwise engaged in discrimination based upon race, color, or national origin in the hiring, promotion, or assignment of employees of the agency—or other personnel for whom the agency has any administrative responsibility;

Third. Any local educational agency which has in conjunction with desegregation or the conduct of an activity described in section 5, had in effect any procedure for the assignment of children to or within classes which results in the separation of minority group from nonminority group children for a substantial portion of the school day; or

Fourth. Any local educational agency which has had in effect any other practice, policy, or procedure, such as limiting curricular or extracurricular activities—or participation therein by children—in order to avoid the participation of minority group children in such activities, which discriminates among children on the basis of race, color, or national origin.

This section goes on to provide that any local educational agency which is ineligible for assistance by reason of the above provisions may make a special application for waiver of its ineligibility to the Secretary of Health, Education, and Welfare. Such application for waiver of ineligibility shall include such information and assurances as the Secretary shall require by regulation in order to insure any practice, policy, or procedure, or other activity resulting in the ineligibility has ceased to exist or occur and include such provisions as are necessary to insure that such activities do not reoccur after the submission of the application.

It is further provided that only the Secretary can grant such a waiver of ineligibility and that such waiver will not take effect prior to 30 days after receipt of a notice of intention to grant the waiver by the chairman of the Committee on Labor and Public Welfare of the Senate and the chairman of the Committee on Education and Labor of the House of Representatives.

The effect of this language, of course, forces a number of public school districts in the South to go through the onerous procedure outlined above of obtaining a waiver of ineligibility in order to receive funds under the act, while at the same time exempt school districts in other parts of the Nation from its stringent requirements. There can be no doubt but that these four categories were drafted in language to catch some southern schools and exempt the schools elsewhere. It reminds me of the language of the Voting Rights Act of 1965 which, while not naming any States, was concededly drawn up to cover five Southern States and a portion of North Carolina and not to cover the rest of the States in the country.

It is also similar to the Voting Rights Act in that it looks to a date in the past and visits punishment for alleged misconduct as of the past date. It is not unreasonable to characterize such legislation as punitive. Remedial legislation looks to the future and undertakes to redress wrongs in the future. Punitive legislation looks to the past and punishes for alleged past misconduct.

My feeling that this is punitive legislation directed at the South is reinforced by the omission of a number of categories which could have been added to the four which are enumerated in the act.

For instance, if we are to have the four categories which are directed toward the southern school districts, then why should it not be provided that no local educational agency which as of August 18, 1970, has received assistance under the emergency school assistance provisions and has since that time engaged in such practices as overloading predominantly black schools, spending less money per pupil in predominantly black schools than in other schools of the district, allowing or permitting school zone lines which had the purpose or effect of causing racial separation in the school system to continue to exist, and planning for or locating new schools in such places as to maximize racial separation in the public schools.

One obvious answer is that such provisions would adversely affect public schools outside the South. The resulting public outcry would be heard even in the Halls of Congress.

The language of the Voting Rights Act of 1965 which admittedly singled out certain Southern States for coverage was justified by many of its proponents on the basis that the covered States were where the problem of voter registration by black citizens existed and that since the rest of the country did not have that particular problem, there was no need to apply that law to the other 44 States. Even this argument, spacious as it was and is, does not apply to the pending legislation. It is beyond doubt that the fact of racial separation in the public schools is more acute outside the South than in the South. This is graphically illustrated by a statement made by my colleague from Mississippi on the floor on April 14, 1971. Senator STENNIS used figures supplied him by the Department of Health, Education, and Welfare. The figures he presented are so striking that they bear repeating here:

> In the 32 northern and western States, there is a total enrollment of 29.2 million, of which 2.9 million, or 9.8 percent, are Negro students and, of these, 27.7 percent attended majority white schools and 72.3 percent attended predominantly minority schools; 57.4 percent of the Negro students are in 80- to 100-percent segregated schools; 50.7 percent are in 90- to 100-percent minority schools; and 30.6 percent in 99- to 100-percent minority schools.
>
> In the 11 southern States, there is a total enrollment of 11.7 million students, of which 3.2 million, or 27.2 percent, are Negro students, as compared with 9.8 percent in the North and West. However, 38.1 percent of the Negro students in the 11 southern States go to majority white schools, compared to 27.7 percent in the schools of the North and West. It follows that 61.9 percent of the Negro students in the 11 Southern States attend predominantly minority schools, compared with 82.3 percent in the North and West; 41.7 percent of the Negro students are in 80- to 100-percent minority schools, as compared with 57.4 percent in the North and West; 1,042,803, or 32.7 percent, of the Negro students in the 11 southern States attended 90-to 100-percent segregated schools, as compared with 1,283,370, or 44.8 percent, in the North and West; and 26.6 percent of the Negro students in the southern schools are in 99- to 100-percent minority schools, as compared with the 30.6 percent in the Northern and Western States. It is only in the 100-percent minority segregated school that the numbers and percentages are higher in the South than in the North and West—341,354, or 11.9 percent, in the North and West, compared with 587,172, or 18 percent, in the South.
>
> Of course, it should be remembered that many Northern and Western State school districts make a practice of token desegregation in order to get away from 100-percent black schools. Washington, D.C., which although classified with the southern and border State schools, is an excellent example of such tokenism. With a Negro student enrollment of 94 percent, it reported that only 27.8 percent of its Negro students are in 100-minority schools.

So, the old argument about making the law apply to where the problem is cannot be used to justify the singling out of alleged practices of some southern school districts for special punitive treatment.

I would think that no one today would doubt the fact that some school districts in the North, East, and West have indeed engaged in acts and practices which had the purpose or effect of increasing racial separation in the public schools. A number of cases have been taken to court on this issue, and in some instances the courts have made specific findings that school districts outside the South have committed such acts and practices. We may be certain that the cases taken to court represent only the tip of the iceberg. The Legislation Reference Service of the Library of Congress has furnished me with a list of some cases decided in the Federal courts in the States outside the South which involve the question of whether school officials in the North, East, and West have engaged in such acts and practices. I ask unanimous consent that a list of these cases be printed in the RECORD at this point.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

LIST OF CASES

Barksdale v. *Springfield School Committee,* 237 F. Supp. 543 (D. Mass. 1965), Vac'd 348 F. 2d 261 (1st Cir. 1965).

Taylor v. *Board of Education* (New Rochelle), 191 F. Supp. 181, 195 F. Supp. 231, Aff'd 294 F. 2d 36 (2nd Cir. 1961).

Sealy v. *Department of Public Instruction,* 159 F. Supp. 561 (E.D. Pa. 1957), Aff'd 252 F. 2d 898 (3rd Cir.), Cert. denied U.S. 975, 1958.

Clemons v. *Board of Education,* 228 F. 2d 853 (6th Cir.), Cert. denied 350 U.S. 1006 (1956).

Blocker v. *Board of Education* (Manhasset), 226 F. Supp. 208 (E.D. N.Y. 1964).

Craggett v. *Board of Education* (Cleveland), 234 F. Supp 381 (N.D. Ohio 1964).

Webb v. *Board of Education* (Chicago) 223 F. Supp. 466 (N.D. Ill. 1963).

Brache v. *Board of Education* (Hempstead), 204 F. Supp. 150 (E.D. N.Y. 1962).

Evans v. *Buchanan,* 207 F. Supp. 820 (Del. 1962).

Henry v. *Godsell,* 165 F. Supp. 87 (E.D. Mich. 1958).

United States v. *School District 151* (Cook County, Illinois), 404 F. 2d 1125 (7th Cir. 1969).

Mr. EASTLAND. Mr. President, in some of these cases, a determination was made that the school officials had not engaged in discriminatory acts and practices; in other cases it was held that they had so acted.

For instance, the U.S. Court of Appeals for the Second Circuit affirmed certain findings of the district court pertaining to the operation of the schools of New Rochelle, N.Y.:

> A major finding of the court below was that the defendant School Board had deliberately created and maintained Lincoln School as a racially segregated school. This crucial finding is, we conclude, supported by the record. Thus, around 1930, an area of several blocks, occupied by whites, was carved out of the Lincoln District and added to the Daniel Webster District, even though this area was adjacent to the Lincoln School and was a relatively long distance from the Webster School. When Negroes later moved into this area it was restored to the Lincoln District. In addition, children from the predominantly white Rochelle Park within the Lincoln District were removed from that district and assigned to the Mayflower school. It also appears that until 1949 the Board allowed white children within the Lincoln District to transfer to other schools, with the result that Lincoln School in 1949 was 100 per cent Negro. The defendants sharply attack the testimonial evidence received on this issue; but the basic facts just recited, which appear incontrovertible, support the finding and leave as the vital problem the later conduct of the Board and its present responsibility for the conditions stimulated prior to 1949.
>
> On January 11, 1949, the Board adopted a policy of refusing further transfers and of admitting new students only to the school of the district in which they reside. This policy of attendance at the school of the district of residence, the "neighborhood school policy" or NSP, had been in existence for some time, but with the amelioration provided by the system of permissive transfers; henceforth it was to be applied with complete rigor. While it did mean that a small number of white children were retained in the district, yet it served to fix the Lincoln School as a segregated one, so that it is now 94 per cent Negro. . . .

The Manhasset, N.Y., school case involved a situation in which zone lines were used to foster racial separation in the schools. The U.S. District Court made the following findings and conclusions, which would doubtless be applicable to many other school districts:

> The defendants deny that the continuance of the rigid neighborhood school policy, permitting no transfers under any circumstances, discriminates against the Negro elementary school student population. They hark back to the original, innocent delineation of the Valley area in 1929 as justification for its continuance. They contend that, because the original delineation of the lines of this area was not racially motivated, it must follow that its continuance is beyond the scrutiny of the Fourteenth Amendment; in other words, what they are doing in the 1960's must be tested in the light of what they or their predecessors did in 1929.
>
> The defendants are, and for several years have been, fully aware of the total separation of the entire Negro elementary school population from over 99% of their white contemporaries. With knowledge of this fact, were they to prescribe today the attendance area lines which now exist could such action be justified by the normal criteria supporting the neighborhood school policy? Were the Board to create out of the total District one disproportionately small attendance area, provide a school for a disproportionately small student body composed almost entirely of Negro children and representing 100% of the Negro student population of the District, and couple such action with a rigid no-transfer policy—were the Board to take such action today would it not be reasonable to regard it as a rather ingenious device to separate the races, protestations to the contrary notwithstanding? Could such attendance lines, if drawn today, be insulated from the Fourteenth Amendment merely because the bylaw or rule of the Board did not mention the word Negro, but, rather, was cast in terms of residence?
>
> The defendants argue that the cause of this racial separation in the District differs from that in Brown; that, here, the Negroes have segregated themselves by moving into the Valley area voluntarily in order to benefit from and enjoy the dual attractions of low-rent housing and a good, conveniently located school for their children. True it is that they have taken up residence in the Valley area under no compulsion of law but, rather, under that of the purse. Considering the disparity in socioeconomic levels within the District, their selection of the Valley was only Hobson's choice.
>
> On the facts of this case, the separation of the Negro elementary school children is segregation. It is segregation by law—the law of the School Board. In the light of the existing facts, the continuance of the defendant Board's impenetrable attendance lines amounts to nothing less than state imposed segregation. . . .

And, the U.S. Court of Appeals for the Sixth Circuit, in deciding the Hillsboro, Ohio, school case, made the following statements of fact and conclusions of law:

> There is no controversy as to the material facts of the case. There are three elementary schools in Hillsboro, Ohio: Washington, Webster, and Lincoln. Washington and Webster Schools have 12 regular elementary classrooms each, with one teacher assigned to each room and teaching one grade in the room. For approximately 15 years prior to September 7, 1954, the Webster and Washington Schools have been attended exclusively by white children.
>
> Lincoln School has four classrooms, two of which are in use as regular classrooms. It has long been maintained exclusively for Negro children and it has two full-time Negro teachers who teach six elementary grades in two rooms. On September 8, 1954, Lincoln School had an enrollment of 17 Negro children.
>
> "Segregation of school children according to race or color is not permitted under Ohio law.
>
> * * * * *
>
> The Hillsboro schools in part have complied with the Ohio law. The High School in Hillsboro is attended by both Negro and white children. The segregation of pupils in the 7th and 8th grades was discontinued by the Board in 1951. But the long-standing segregation in Lincoln School still exists. On September 7, 1954, plaintiffs, colored children of elementary school age, were registered, three in Webster and four in Washington School, and each assigned a seat in a classroom. Immediately thereafter the schools were closed for several days, and on September 14th plaintiffs were reassigned to Lincoln School.
>
> On September 13th the Board established school zones for the City of Hillsboro. This was the first school zoning ever set up for Hillsboro schools. The resolution of the Board divided the city into three school zones, Washington, Webster and Lincoln. The Lincoln zone was divided into two completely separated parts, one in the northwest and one in the southeast section of the city. Three of the plaintiffs who live in the southeast part of the Lincoln zone have to pass by the Washington School in order to reach the Lincoln School. The Lincoln School is not in the Lincoln zone, but in the Washington zone.
>
> * * * * *
>
> The District Court held that the establishment for the first time in Hillsboro of a zoning system with a gerrymandered district set up in two separate parts, designed to embrace practically the entire colored population of the city, was brought about as a subterfuge to segregate children who had been admitted to Webster and Washington Schools.

Although the pending legislation does not spell it out, it is reasonable to suppose that the investigations and findings of ineligibility to be directed against the southern school districts will be made by employees of the Department of Health, Education, and Welfare. It is significant that the Secretary of Health, Education, and Welfare would not be permitted to delegate his authority to issue a waiver of ineligibility, but that he would be permitted to delegate his authority to make a finding of ineligibility.

Past experience has clearly shown that many of the employees of HEW who are sent to the southern schools to investigate them are extremely unsympathetic to the local problems that they encounter. I do not think the southern schools could expect fair treatment from such persons. Yet, the pending legislation as written would turn them loose again.

Certainly the findings of courts as to the acts and practices of school districts in the North, East, and West are entitled to greater weight than some ex parte determination of an HEW bureaucrat as to acts and practices in the southern schools. In a court proceeding, unlike HEW proceedings, both sides are afforded the opportunity to put on full proof and receive a fair and impartial hearing.

In the face of all this, the pending legislation, as written, would continue to perpetuate regional discrimination. I strongly urge that the provisions for a cutoff of funds be stricken from this bill. If this is not done, then the least that should be done is the addition of a number of categories which might actually apply to public schools outside of the South. If we are to have a national policy, then let us truly have a national, not a regional, application of the law.

QUORUM CALL

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I yield 10 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 10 minutes.

Mr. JAVITS. Mr. President, if I could have the attention of the distinguished sponsor of the amendment, I would greatly appreciate it because what I am about to say, I think, is of great pertinence to the position taken by the Senator from Mississippi.

Mr. President, it will be remembered that when the extension of the Elementary and Secondary Education Act was up for consideration before the Congress last year, the Senate adopted an identical Stennis amendment. When it came out of conference with the House of Representatives, it was in a form which took account of the existing state of law.

The so-called ESEA is a measure to which we devote roughly $2 billion a year. Its extension passed and became law on April 13, 1970.

The Senator from Mississippi (Mr. STENNIS) has pointed out that we had passed the Stennis amendment in exactly the form in which it was offered today. However, the key to the change which had been made in conference, reading from the law, section 2(b) of Public Law 91–230, is:

> Such uniformity refers to one policy applied uniformly to de jure segregation wherever found and such other policy as may be provided pursuant to the law applied uniformly to de facto segregation wherever found.

This is a two-track plan. In other words, the Department of HEW, in the North or South, would pursue exactly the same route regarding de jure segregation, and the same route in the North and South regarding de facto segregation.

The reason why the managers of the conference changed the Stennis amendment and why the Senate went along with the change is stated in the statement of the managers on the part of the House. That reads:

> It is stated that nothing in the section can be construed to diminish the problems and responsibilities of officials to enforce or comply with such guidelines and criteria in order to eliminate discrimination in Federal programs and activities required by Section VI of the Civil Rights Act of 1964.

The Stennis amendment, we felt—and we argued this and it was the argument which eventually prevailed—would have, if taken in good faith and administered in good faith, though it was only a statement of policy, tended to dilute and divert law enforcement because the problem of de facto segregation would be merged into the very much larger problem concerning the effort to correct violations of the law in the South and in any other part of the country where there was a violation of the law against segregation in a school system.

This was taken in good faith and actually carried out. Incidentally, this law that I have just read, the Stennis amendment as modified, is presently the law and the policy of the United States. It is contained in this law which I have read. It remains in effect until, I think, June 30, 1973. At any rate, it was for 3 years. It is in effect right now, even in the absence of the adoption of the Stennis amendment or any variance of this measure. This is declared to be the policy of the United States, and not just with regard to this particular statute for Federal aid to elementary and secondary education. It is not a field in which we have not legislated. We have already legislated.

As I say, the Stennis amendment was designed to provide enforcement of equal protection. The policy throughout the country was to combat such violations with enforcement of the law. With so many districts in the South which were still in violation of the law, the authorities have sought to do that. Since we passed this law in 1970, and as a matter of fact slightly before that, there have been and are quite a few compliance actions being taken in the North and in the West. There are presently 64 districts under review on enforcement proceedings by the Department of HEW.

I ask unanimous consent that a list of those districts that are still engaged in such review, prepared by the Department of HEW, be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

DHEW TITLE VI COMPLIANCE REVIEWS OF ELEMENTARY AND SECONDARY SCHOOL DISTRICTS IN THE 33 NORTHERN AND WESTERN STATES—REVIEW STATUS AS OF APR. 15, 1971

State and district name	Latest district visit	Internal report prepared	Review status
Arizona:			
Tempe	March 1971		Review in progress.
Tucson District No. 1	February 1971		Do.
Clifton	January 1971		Report being written.
Winslow	do		Do.
California:			
Pomona	November 1970		Do.
Delano Joint Union High	October 1970		Review in progress.
Delano Joint Union Elementary	do		Do.
San Francisco City Unified	July 1970		Review in progress. No report yet.
Sequoia Union High (Redwood City)	April 1969	July 1969	OCR negotiating with district.
Bakersfield City Elementary	October 1970	April 1969	Do.
Fresno City Unified	September 1970		Report being written.
Pasadena	June 1968	September 1968	Justice Department taking action.
Colorado:			
Loveland	April 1971		Review in progress.
Pueblo City	September 1969	January 1970	Report being reviewed by OGC.
Colorado Springs No. 11	April 1971		Review in progress.
Connecticut:			
Hartford	November 1969	July 1970	Report being reviewed by OGC.
Stamford	June 1970	November 1970	Do.
Waterbury	April 1968	May 1968	Justice Department taking action.
Illinois:			
Springfield	September 1968	February 1969	Recommended for further review.
Maywood	June 1969	December 1969	Do.
Cahokia Community	October 1969	April 1970	Report being reviewed in regional office.
Joliet	April 1969	October 1969	Recommended for further review.
Kankakee	January 1970	May 1970	Plan approved. District notified July 17, 1970.
Rock Island	September 1970		Report being written.
Indiana:			
East Chicago	February 1971		Review in progress.
Hammond	August 1968	October 1968	Recommended for further review.
Evansville-Vanderburgh	November 1970		Report being written.
South Bend	October 1969	May 1970	Report being reviewed.
Fort Wayne	February 1971		Review in progress.
Kansas:			
Kansas City	September 1968	September 1968	Recommended for further review.
Wichita	March 1970	March 1970	Hearing found noncompliance; appeal pending.
Massachusetts: Boston	October 1970		Review in progress.
Michigan:			
Westwood Community (Dearborn Heights)	April 1970		Report being written.
Pontiac	July 1968	September 1968	Review suspended because of court action.
Ecorse	February 1969	July 1969	Recommended for further review.
River Rouge	do	do	Do.
Saginaw	May 1970	January 1971	Do.
Flint	September 1970		Report being written.
Ferndale	October 1968	November 1968	Hearing found noncompliance; appeal pending.
Nebraska: Omaha	May 1970	January 1971	Report being reviewed by OGC.
New Jersey:			
Hoboken	February 1971		Review in progress.
Passaic	April 1969		Report awaiting further information.
Pleasantville	October 1969	July 1970	More information requested by OGC.
Perth Amboy	June 1969	October 1969	Recommended for further review.
Union Township	June 1968	July 1968	Problems settled by negotiation.
New York:			
Buffalo	February 1971		Review in progress
Utica	October 1970		Do
Lackawanna	June 1970	January 1971	Report being reviewed by OGC
Mount Vernon	February 1971	March 1971	Noncompliance letter sent to district March 24, 1971.
Monticello	March 1970	October 1970	Found to be in substantial compliance.
Poughkeepsie	June 1970	July 1969	Settled by negotiation.
Ohio:			
Springfield City	May 1969	December 1969	Report being reviewed by OGC.
Hamilton	November 1970		Report being written.
Lima	July 1969	February 1970	Report being reviewed in Washington office.
Warren City	November 1970		Report being written.
Toledo	October 1968	February 1969	Report under review by OGC.
Dayton	August 1970		Student assignment under further review. Teaching plan approved.
Canton City	August 1968	October 1968	Recommended for further review.
Middletown	May 1968	May 1968	Problems settled by negotiation.
Pennsylvania:			
McKeesport area	April 1968	June 1968	Desegregation plan accepted by State officials.
Penn Hills (Pittsburgh)	May 1967	May 1967	Problems settled by negotiation.
Utah: Ogden	November 1970	January 1971	Report being reviewed by OGC.
Wisconsin:			
Shawano	June 1969	December 1969	Recommended for further review.
Racine	July 1970	September 1970	Report being reviewed in Regional office.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. JAVITS. Not yet. I would be very grateful to the Senator from Alabama if he would wait. The Senator knows that I never hesitate to yield. I will yield later, but I want to complete my argument and then I will gladly yield.

Mr. President, it will be noted from this analysis that the Department of Health, Education, and Welfare has nine districts actually in negotiation and 64 cases pending. There are nine cases actually in the enforcement process between Department and district, and the Justice Department has taken action in six. This is something which occurred within the last year or two.

The correlative set of figures to that, reflecting one of the other strong contentions of the Senator from Mississippi (Mr. Stennis) and our beloved and departed colleague, the former Senator from Georgia (Mr. Russell) was that there should be some concentration of personnel charged with enforcing the civil rights acts in other parts of the country, as well as the South. That, too, has been accomplished.

We now have, of the personnel of the Office of Civil Rights in the Department of HEW, 80 operatives in parts of the country other than the South, and only 52 operatives in the South. That is a shift over the years.

Again, I am pointing out, in all deference and in all fairness, the work done in the struggle made by the Senator from Mississippi (Mr. Stennis) and his colleagues.

Finally, and very critically, as it bears on this subject, which is a developing one, and the situation today may not be the situation tomorrow, I would like to call attention to the figures, which are important, on what is not so much segregation in violation of law, as segregated status. That is what the Senator from Mississippi has been arguing, and quite properly.

Mr. President, I ask unanimous consent to have printed in the Record the table to which I am about to refer.

There being no objection, the table was ordered to be printed in the Record, as follows:

TABLE 1.—NEGRO PUPILS IN ALL DISTRICTS [1]—FALL 1968, FALL 1970

Number and Percent of Negro Pupils Attending Public Elementary and Secondary Schools

Geographical area	Total pupils	Negro pupils	Negro pupils attending: 0 to 49.9 percent minority schools: Number	Percent	80 to 100 percent minority schools: Number	Percent	100 percent minority schools: Number	Percent
Continental United States:								
1968	43, 353, 568	6, 282, 173	1, 467, 291	23.4	4, 274, 461	68.0	2, 493, 398	39.7
1970 estimated	44, 774, 679	6, 723, 950	2, 206, 521	32.8	3, 378, 231	50.2	1, 076, 033	16.0
32 North and West [2]:								
1968	28, 579, 766	2, 703, 056	746, 030	27.6	1, 550, 440	57.4	332, 408	12.3
1970 estimated	29, 162, 896	2, 865, 059	792, 442	27.7	1, 645, 508	57.4	341, 354	11.9
11 South [3]:								
1968	11, 043, 485	2, 942, 960	540, 692	18.4	2, 317, 850	78.8	2, 000, 486	68.0
1970 estimated	11, 738, 916	3, 187, 684	1, 215, 089	38.1	1, 328, 137	41.7	587, 172	18.4
6 Border + District of Columbia [4]:								
1968	3, 730, 317	636, 157	180, 569	28.4	406, 171	63.8	160, 504	25.2
1970 estimated	3, 872, 867	671, 207	198, 990	29.6	404, 586	60.3	147, 507	22.0

[1] Districts with fewer than 300 pupils are not included in the survey. 1970 figures are estimates based on latest available data and are subject to variation upon final compilation.

[2] Alaska, Arizona, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, Wyoming.

[3] Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia.

[4] Delaware, District of Columbia, Kentucky, Maryland, Missouri, Oklahoma, West Virginia.

Mr. JAVITS. Mr. President, let us take 1968 as a standard because I think it is a fair standard, and let us take schools where 80 percent to 100 percent of the students were black. I will come to lesser percentages in a moment. But in the 80–100 percent group, it appears in 1968 in the North and West the situation affected 57.4 percent of the minority group pupils. They were in the 80–100 percent minority impacted schools. In 1970 the figure is the same, 57.4 percent.

In 100 percent minority schools the figure in the North and West was 12.3 percent in 1968. In 1970 it was 11.9 percent.

Now, let us move to the South. In 1968, the percentage of minority students in 80–100 percent minority schools was 78.8 percent. In the roughly 2 years from 1968 to 1970 that percentage had dropped to 41.7 percent.

The Senator is correct in the conclusion that the percentage drop has been enormous and much greater than in the North and West, where it remains static. The reason is obvious. There were widespread violations of what was the declared law. I am not getting moralistic about this matter; we are dealing with the facts. That situation did not exist in the North. That situation persists today.

Mr. President, you still have the same degree of segregation in the North, and you obviously have a material decrease in the South because the law has begun to be enforced.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, will the Senator yield to me for an additional 10 minutes.

Mr. PELL. I yield 10 additional minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 10 additional minutes.

Mr. JAVITS. I thank the Senator for yielding. I requested 10 minutes so that I may then yield to whoever may wish to be yielded to.

Is it not right that we should redress law violations even if they affect only 41 percent as against the previous 78 percent? It is still a violation of the law and, therefore, those who suffer from it have a right to say, "When are we going to be relieved under this law?"

I would like to point out that this extends to completely segregated schools much more in the South than in the North because that was the social pattern, the official legal pattern.

We find in the North the figure for 100-percent black schools is 11.9 percent in 1970 and went down by a fraction of 1 percent from 1968, when it was 12.3 percent. Why? Because they did not have proven violations of law in the North, although they had de facto segregation.

In the South in 1968, 68 percent of the black students attended 100-percent segregated schools. I point out that this is 1968 and not 1955, and that the situation persisted for 14 years.

In 1968 there were 68 percent in completely segregated schools. The change occurred between 1968 and 1970 when the law really cracked down, and that, I think, is something that is a real tribute to the administration, although I do not give them all the credit; it took a while to tool up and to get sufficiently unequivocal court decisions to make desegregation a reality. They cracked down and the figure went down rapidly to 18 percent. But even that figure of 100-percent segregation is still substantially greater than what it is in the North and West.

In short, the violations of law have not completely ceased, by any means. If they had, why would we have these cases which were just decided by the Supreme Court this week?

Mr. President, that is the factual analysis which induced us in writing the policy for elementary and secondary education aid to write what we did; to wit, that we had a two-track system, but that the same policy and degree of enforcement would be carried through in the North as in the South. The two tracks were, first, enforcement of violations of law, and additionally, what we considered to be violations of policy.

Now, we come to this particular situation which faces us. Again, the amendment of the Senator from Mississippi is not confined to this act, I would say to him, if he had confined his amendment to this act, I could have a rather different attitude toward it because in this act for $1.5 billion we are trying to do everything we can about both kinds of segregation. However, he did not confine it to this act.

The Senator from Mississippi is simply rearguing the case of 1970 in his amendment. I beg Senators to read the amendment because it is terribly important with respect to the vote. The amendment does not apply to this act at all, except in context with other acts.

The amendment states:

> It is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964,

That is one act. The amendment continues:

> * * * Section 182 of the Elementary and Secondary Education amendments of 1966,

That is another act. The amendment continues:

> And this Act, * * *

That makes a total of three acts and not just this one—

> shall be applied uniformly * * *."

So we have the same concerns exactly about this amendment that we did back in 1970.

I would look with much more sympathy on uniform application of the $1.5 billion. I say that with all respect to my colleague from Connecticut. He made a good argument, but it ran afoul of the fact that we are trying to do what he is trying to do. I hope and pray that we may get together on a long-range program. I say to the Senator from Mississippi that where he proposes what he tried to do in 1970, which is to hobble enforcement directed toward violations of law—we feel it should be hobbled by being dissolved in a much larger sea, which given the present state of the law as defined by the Supreme Court, includes conditions of a lawful character as well as those of an unlawful character.

Mr. President, I have one final point. I said yesterday and I say it again today. The Supreme Court has taken cognizance of what we are talking about. I am a lawyer and there are many other lawyers in the Chamber. Others may have different points of view. We have not yet closed the door on whether the Supreme Court will hold that what we do considers de facto segregation to be de jure segregation. Nor has the Supreme Court. They are approaching it in their own due time, step by step. This is what Chief Justice Burger said in the decision of Tuesday. I quote:

> We do not reach in this case the question whether a showing that school segregation is a consequence of other types of State action, without any discriminatory action by the school authorities, is a constitutional violation requiring remedial action by a school desegregation decree. This case does not present that question and we therefore do not decide it.

In short, the Court may very well go all the way with the Senator from Mississippi (Mr. STENNIS). It may hold that every form of segregation—including de facto segregation, as we now call it—is attributable to State action or Federal action. One has to get a building permit. There are zoning laws. There are police.

There are streets and traffic lights. If I were a Supreme Court Justice and I wanted to find that way, I think I could find many bases for making that decision. But the Court has not done it. When they find it, just as they have on de jure segregation, I will be just as passionate, no matter where it reaches, about giving that matter priority for enforcement. But the Court has not done it. Until the Court does it, I think it is our duty first to crack down on violations of the law.

So I sum up as follows: If the Senator from Mississippi would confine his amendment to this act, where we have a quite different purpose in mind, I would look at it with much more sympathy, but if it is intended to make prosecutions of violations of the law more difficult, I would oppose it. For that reason I oppose the amendment.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MONDALE. As I understand the recent Supreme Court decision, it seems to contemplate two types of situations. The first is where there is segregation among the races and with respect to which it can be found that State or local school board policy resulted in such separation. The Supreme Court finds that where such official discrimination exists there is a violation of title VI, there is a violation of the equal protection clause of the 14th amendment, and then a host of remedies can follow to eliminate and overcome the results of such discrimination. But there is a second situation which the Court did not reach, where there may be a separation and segregation of the races, but not as a result of the acts of a school board, or even the acts of any other governmental agency.

But there are many instances where there is segregation today, which some people call de facto segregation, which, upon analysis, will prove in fact to have a basis in official discrimination.

Would the Senator from New York agree with that?

Mr. JAVITS. There is no question about that. I wish to read one sentence from the opinion, which appears on page 10:

> The objective today remains to eliminate from the public schools all vestiges of state-imposed segregation—

I repeat, "State-imposed segregation."

Mr. MONDALE. That is what the 14th amendment says.

Mr. JAVITS. Exactly.

Mr. MONDALE. "No State shall."

Mr. JAVITS. Exactly.

Mr. MONDALE. It does not run to private, voluntary action; it runs only to State and local governments, official acts. Unless one is willing to say that all separations of the races today have underneath them some official act of local or State government, there may be cases of segregation in which there is no constitutional, legal remedy under the present law. Is that correct?

Mr. JAVITS. The Senator is correct.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JAVITS. Mr. President, will the Senator yield me 5 additional minutes?

Mr. MONDALE. I yield 5 minutes to the Senator.

Mr. JAVITS. Mr. President, how much time do we have left?

The PRESIDING OFFICER. Forty-six minutes.

Mr. MONDALE. That being true—and that is why I oppose the Stennis amendment as presently written—the amendment of the Senator from Mississippi might be construed to say there shall be a uniform national policy as to all segregation, whether it is the result of official discrimination or whether it is the result of acts which the laws now do not and cannot reach constitutionally.

Mr. JAVITS. Exactly.

Mr. MONDALE. What worries me is this: It could be argued, if this became law, that the Attorney General and the Secretary of Health, Education, and Welfare could be told, "Do not seek a remedy against an instance where there is official discrimination unless you can also tell me how you can uniformly find the same kind of remedy available to eliminate segregation which does not have an official basis."

The way it reads, I believe that argument might be made.

I think there is some honest disagreement among many Senators on this issue, but I believe many would take it to mean just that. It could be taken to mean not a national policy of enforcement, as some argue, but a national policy of nonenforcement. That is what worries me.

Mr. JAVITS. That is exactly right.

Mr. MONDALE. Having said that, I agree wholeheartedly with what many of our Southern colleagues have said about the failure of the Justice Department and the failure of the Department of Health, Education, and Welfare to pursue a national policy against enforcement of official discrimination wherever it would be found.

The Justice Department has brought very few actions outside the South. HEW has put into effect administrative procedures in the East and the West. However, they have not done anywhere near an effective job. Partly it is the fault of the Congress for not giving them the resources, and partly as a result of not stating, as our own responsibility, the need for a national policy of enforcement.

Would the Senator agree that if Senators are trying to have a national policy of enforcement for elimination of discrimination, and to achieve a uniform policy in the North, South, East, and West, they would have no difficulty obtaining the support of the Senator from New York or the support of the Senator from Minnesota?

Mr. JAVITS. There is no question about that, Mr. President, and I even went so far, though I have not received the consent of Senators handling the bill, of my saying that if this kind of approach were confined to this bill, I would see a great deal of merit to it. That is what we purport to do with this bill. We want this money used to combat all types of segregation, whether de facto—racial isolation—or de jure.

As a matter of fact, with or without the Stennis amendment, even if it were so confined, the division of the moneys which the Senator from Minnesota (Mr. MONDALE) enforced, in the way we worked it out, does that. The money goes for stable, integrated schools in all parts of the country. It goes for programs to improve educational achievement of children in minority group isolated schools, whatever their region. It goes for educational parks, of which we specify at least one conducted on an inter-district basis. So we do that. The money is earmarked for that purpose. It could be used for no other. So no one could object to a statement of policy which is exactly that. But when one combines, as the Senator from Mississippi (Mr. STENNIS) does, the enforcement policies as to title VI of the Civil Rights Act of 1964 with the effort to deal with de facto segregation, there I must oppose it.

Mr. MONDALE. Mr. President, will the Senator yield further?

Mr. JAVITS. Would the Senator allow me to say one thing before I forget it? The administration is opposed to the Stennis amendment, and I would like to read the letter of the Secretary of Health, Education, and Welfare on that score. I shall not read the personal references, though they will all be in the RECORD:

> The bill in its present form is supported by the Administration. We oppose all the amendments currently before the Senate, which have been offered by Senators Ervin and Stennis, because they have not received consideration comparable to that given the bill itself and because they would undermine the purposes of the bill.

Mr. ERVIN. Mr. President, would the Senator read the part pertaining to the Senator from North Carolina?

Mr. JAVITS. I repeat:

> The bill in its present form is supported by the Administration. We oppose all the amendments currently before the Senate, which have been offered by Senators Ervin and Stennis, because they have not received consideration comparable to that given the bill itself and because they would undermine the purposes of the bill.

Mr. ERVIN. In other words, that letter states in effect that the administration is opposed to the amendments which I have offered to prevent violation of the first amendment.

Mr. JAVITS. Mr. President, I really cannot debate that issue. The administration just opposes the amendments, I assume, of which it had notice. If the Senator has any new ones, that is another matter.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. JAVITS. Mr. President, I ask unanimous consent to have the letter printed in the RECORD.

Mr. STENNIS. Mr. President, I object until I know whose name is signed to it.

Mr. JAVITS. I beg the Senator's pardon. I hand the letter to the page boy, so he may show it to the Senator from Mississippi.

Mr. STENNIS. Well, I am sorry. I cannot read it, but I judge, since it is on the letterhead of the Secretary of Health, Education, and Welfare, that it is the signature of Mr. Richardson.

Mr. JAVITS. Well, the first name is Elliot.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, if the Senator has any objection to the letter, I will read it.

The PRESIDING OFFICER. Is there objection? Without objection, the letter will be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., April 22, 1971.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: Let me take this opportunity to thank you again most sincerely for your constructive help in developing the Emergency School Aid legislation now being debated by the Senate. Your assistance is especially appreciated in defeating the Ribicoff amendment yesterday.

The bill in its present form is supported by the Administration. We oppose all the amendments currently before the Senate, which have been offered by Senators Ervin and Stennis, because they have not received consideration comparable to that given the bill itself and because they would undermine the purposes of the bill.

We stand ready, of course, to provide any assistance you may need during the remainder of the debate on the bill.

With kindest regards,
Sincerely,
ELLIOT RICHARDSON,
Secretary.

Mr. ERVIN. Mr. President, I would like to ask the Senator a question.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JAVITS. Mr. President, does the Senator from Minnesota wish to give me a little more time?

Mr. MONDALE. Not right now.

Mr. JAVITS. Not right now? Very well.

The PRESIDING OFFICER. Who yields time?

Mr. ERVIN. Mr. President, will the Senator from Mississippi yield me 1 minute?

Mr. STENNIS. I yield 2 minutes to the Senator from North Carolina.

Mr. ERVIN. I would like someone who is in the confidence of the President to ask the President to explain to the American people why he advocates a bill to violate the first amendment, but is very much concerned about the enforcement of the 14th amendment.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield myself 5 minutes.

I have listened very closely to the Senator from New York, and I appreciate his arguments and his reasons. I know they are offered in good faith. But as to his suggestion that we limit my proviso to the money in this bill alone, I could not accept that, because there is a principle involved here. This amendment has already passed the Senate by a vote of 56 to 36, in its present form, applied to other laws. So it is no stranger to the Senate. It was well known when Senators passed on it before, and they knew what they were doing.

So, now, to come along and limit it to this bill, which has a spurious parentage, as I pointed out awhile ago—the first ones just applied to the South, anyway—is hardly acceptable. But I appreciate the Senator's suggestion.

As to this letter from Mr. Richardson saying the administration stood solidly in opposition to the Stennis amendment because it had not been considered, that is ridiculous on its face. With all deference to Mr. Richardson, he has been Secretary of Health, Education, and Welfare, I believe, about 9 months. This amendment, 14 months ago, was debated in the Senate for days, off and on, and in a final debate for several hours. It was passed by the Senate, went to conference and was fully considered there, and fully rewritten. For someone to send a letter like this in here now is like a Russian ukase, saying, "We are against everything that has Ervin's name or Stennis' name." What about the Dominick amendment? I heard of no such objection on that one.

What is coming off here, if the administration can send to the legislative branch a letter like that? Mr. President, I resent it, and I think we all ought to resent it, especially on a matter that has been passed by this body after full debate and full understanding, 14 months ago, when this Secretary was not in office. With all deference to him, he knows something about the subject, from experience right in his own State. But if he knew more about it, I believe we would not have as much trouble on this issue.

Mr. President, the Senator from Minnesota is a very careful man, and I say that also about the Senator from Rhode Island, who is handling the bill. The Senator from Rhode Island said this, as shown on page 10747 of the RECORD, on April 19:

> This measure does just what the junior Senator from Mississippi asks; it does away with the distinction between de facto and de jure, it says to the North and South you have problems which must be dealt with, and it provides a mechanism for a local educational agency to alleviate those problems.

That is why I say that this amendment is directly in line and direction and in harmony with this bill. This bill adopts the policy that the amendment tried to get adopted here 14 months ago. As the Senator from Minnesota, a man of the very highest character and honor, said here quite recently, on April 19, as shown on page 10760 of the RECORD:

> The statistics presented by the Senator from Mississippi cannot be refuted, nor can it be accurately said by anyone in this Chamber that we have a uniform national policy on school integration or that the law is being equally enforced in all regions of the country.

I commend the Senator for his honor, his honesty, and his frankness. As he said, we do not fully agree on this amendment, but we agree on the facts, and he stated it more clearly and more forcefully than I could, about this situation that we have no national policy. On page 10764, the distinguished Senator said further:

> I have pleaded with the Justice Department for a national policy, to do a better job of enforcing the law not only in the South but also in the North, East, and West.

So those are the hard facts. Let us not try to whittle them away. Let us not try to dodge them. Let us not get off in the field of semantics.

While I have admiration for the ability of the Senator from New York, as to his argument about the conference report language 14 months ago, I think it is reasonable to say that that language says, in loud, eloquent words, "We want things to continue like they are."

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. I yield myself 3 more minutes.

"We want things to continue like they are." And the language came in here at the end in a conference report on a bill that had a thousand points in it, and of course that is no place to get a test on the real sentiment of this body. The real sentiment of this body was expressed in that 56 to 36 vote that was taken in favor of this identical amendment, and I believe those are still largely the sentiments of this body on the merits. I do not believe any letter from the Secretary of Health, Education, and Welfare, sent in here at the last minute, apparently, saying that the administration is opposed to all these amendments and wants them defeated, that there is something the matter with them, will influence Senators to vote otherwise. I leave that up to the judgment of the Senate, but I think they called on the wrong body and the wrong personnel to just give carte blanche disapproval to amendments that Members of this body have asked their colleagues to consider on the merits.

Mr. President, I yield back such time as I may have remaining.

Mr. MONDALE. Mr. President, I yield myself 5 minutes.

We have spent the last 3½ days discussing the civil rights issue. In the process, the Senate has rejected what I think are two of the most effective proposals ever to come before this body. Yesterday we rejected the attorneys' fee provision, which was designed to assure that the law is applied equally and uniformly, and to begin the task of eliminating official discrimination and desegregation in the North as well as the South. The Senate also rejected the Ribicoff amendment, which would have provided a metropolitan solution, with a deadline, for the problems of racial isolation.

Having twice voted against a national policy of effective law enforcement, we are now presented with a third approach—the amendment of the junior Senator from Mississippi. I fear this amendment could be construed as an endorsement of weakened enforcement throughout this Nation. The reason why I oppose it—and I know that the Senator from Mississippi and I disagree as to the import of this amendment—is that I fear it will be read as a policy statement calling for a national policy of nonenforcement.

I am pleased that the administration, which was neutral with respect to the same amendment when it came before the Senate 14 months ago, has now taken a strong position opposed to it. I am grateful to the administration for that support. I commend them for their vision.

The amendment of the junior Senator from Mississippi may mean what I believe it means, that it calls for a uniform policy of vigorous title VI enforcement throughout the Nation. But there may be persons who choose to interpret it for their own ends, regardless of legislative history. What I think could be argued is this: Stay away from communities in the North and the South where there is obviously official discrimination separating the races. Do not bring lawsuits or pursue lawsuits in such environments, where there is a clear legal responsibility and a clear constitutional, legal remedy available, until you can find a remedy for the separation of races where there is no official discrimination, in which case there is no constitutional or statutory remedy, under the present state of the law.

Just the other day the U.S. Supreme Court, in the Charlotte-Mecklenburg case, made it clear, although they did not define the parameters, that the reach of the Constitution extends only to the point where official discrimination—that is, governmental action—has resulted in the separation of the races, and it does not extend beyond that to situations in which minorities live separately from the majority as a result of factors not related to governmental action.

The Stennis amendment might be construed by some to say that until there is a remedy which would bring about desegregation in those situations for which a remedy does not now exist, you should not pursue a remedy where a constitutional violation exists, for which remedies are to be found today. I think at best it would create confusion, and at worst it would be a powerful tool in the hands of those who are arguing for a national policy of nonenforcement.

I think the Attorney General once said that he thought the problem of illegal segregation existed widely in the North. I do, too. But what the Department of Justice has done with respect to official discrimination in the North is next to nothing. So I would agree with the Senator from Mississippi that it is time for Congress to act and to do what it can to assure uniform law enforcement throughout the country. But I do not wish to be misunderstood. There is a very serious law enforcement crisis in the South as well as the North.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MONDALE. I yield myself 3 additional minutes.

Let us look at what HEW and the Justice Department have done. The administration claims to have eliminated dual school systems in the South. Yet, 62 percent of southern black children are still in majority black schools. The administration is doing little or nothing to eliminate black schools, while it is claiming that "dramatic and unprecedented progress has been accomplished in school desegregation."

What is the administration doing about what some have called "second generation" discrimination within so-called desegregated schools, schools in which children go through the front door together but then are separated on the basis of race and are placed in separate classrooms? What is happening there? How many lawsuits have been filed by the Justice Department to reinstate the hundreds and possibly thousands of black teachers and school administrators who have been fired or demoted, as charged by the National Education Association?

The answer is only one or two such lawsuits. How many private segregation academies have been denied tax exemption? The answer is, with a single exception, only those which the Internal Revenue Service has been ordered to deny in case brought by private attorneys involving private schools in Mississippi. How many suits has the Justice Department brought to prevent segregated classrooms and segregated extracurricular activities in desegregated schools? Very, very few.

How many lawsuits have been brought by the Justice Department to restrain any transfer of public properties to private, segregated academies? None that I know of.

So, when I talk about a crisis of law enforcement, I say there is a serious one in the North. There is a serious one in the East. There is a serious one in the West. There is a serious crisis in the South. The question is whether we are going to have a full-hearted law-and-order approach to civil rights and to the protection of human rights in this country or whether we are not.

What causes me to oppose the amendment of the Senator from Mississippi—knowing, as I do, the good faith in which it is offered—is that I think it would be used to argue that until you can find a remedy for a situation for which there is no remedy today, under present Supreme Court decisions, you should lay off law enforcement in situations of official discrimination, throughout the Nation, where there is both a duty and a remedy to correct the separation of the races.

For this reason, Mr. President, I very strongly hope that we will follow the advice and the leadership of the administration and reject the amendment of the Senator from Mississippi.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, on my time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, in the present situation, I intend to sum up for a few minutes.

The situation is still the same. Both sides intend to yield back their remaining time.

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, just a quick summary. I hope that no Members of the minority party or anyone else will be misled by a letter. I doubt that the President ever saw the letter. I do not believe he knows it was written. That is just my opinion. The letter comes here and says:

> We are opposed to all amendments before the Senate which have been offered by Senators Ervin and Stennis.

What is the matter with those amendments?

They give the reason that they have not received considerations comparable to that given the bill.

Well, this amendment was before the Senate for days of debate 14 months ago and was passed by a vote of 56 to 36. Mr. Richardson was not even Secretary of HEW. Therefore, I believe that I know a little bit more about it than he does. He was Governor of Massachusetts where they have been having the same trouble. He did not solve it there, and I speak with great respect for him. But they have had trouble up there of a serious nature. I hope they do not have any more.

Let me tell the Senate that we do not want people saying there is no good in this amendment, that they are against it just by name and by habit. If Mr. Richardson is against it, that is because he stands for inaction and his unwillingness to do anything beyond the South. I hope that Senators will not be misled by that letter.

The State of Massachusetts passed a law, when Mr. Richardson was not Governor, with reference to integration, which provided that no school could have over 50 percent black enrollment, but it has not been enforced. I have been trying to get the figures from the Department of HEW for 7 months now about what did happen up in Boston, and I cannot get them. My letter might have gone in before he became Secretary. I am not attacking him. But it does seem strange that when they want to say something they will say it, and when they do not want to give anyone figures they do not do so. Someone down there knows about my letter. It has not been answered. That is what we are up against here. I know the Senate would not be guilty of muddying the waters. I know that the Senator from New York would not be guilty of muddying the waters. But this HEW letter is. I hope that the Senate will pay no attention to it.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. MANSFIELD. I ask unanimous consent that the vote on the pending Stennis amendment occur no later than 10 minutes from now, with the time to be equally divided between the sponsor of the amendment and the manager of the bill.

Mr. STENNIS. Mr. President, reserving the right to object—all right.

The PRESIDING OFFICER (Mr. HANSEN). Is there objection to the request of the Senator from Montana?

Mr. MANSFIELD. Mr. President, let me reduce that time from 10 minutes to 4 minutes, to be equally divided.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. MONDALE. Mr. President, I yield myself the remaining time.

The PRESIDING OFFICER. The Senator from Minnesota may proceed.

Mr. MONDALE. Mr. President, first, let me say that over the past 14 months there have been many opportunities to consider the issues addressed by the amendment of the Senator from Mississippi. Perhaps most significantly, the Supreme Court has issued a landmark decision on this matter. We did not have that decision before us when we dealt with the amendment 14 months ago.

The Supreme Court said that there is a Constitutional remedy and a legal remedy for situations where the races are separated because of official governmental action, North as well as South, but there is no such remedy and there is no such Constitutional protection and right as yet where the races are separated for reasons other than official government action.

Again the reason I oppose the amendment is that I think its net effect might possibly be to institute a national policy of non-law enforcement. Some will say that it means in effect, that until the Justice Department or the Department of HEW can figure out a remedy for desegregating the races where they are segregated but not as a result of official government action, the heat should be off with respect to all discrimination, and those who have practiced discrimination by official government action should not be prosecuted. There is today, I would support any resolution that would help bring about a national policy of law enforcement to overcome official discrimination. I fear that the amendment before the Senate will do more than good.

Is that, if the Senator's amendment is passed, it will be argued that since there is no answer to de facto segregation, as defined by the courts, there should be no action taken to eliminate de jure official discrimination and, thus, we would put both the Attorney General and the Secretary of HEW in a position where they would say, in the name of uniformity, that since we have no answer for the one area, there is nothing we can do in the other area.

I think, at best, that this amendment will confuse and obscure this Nation's law-enforcement policies in the field of civil rights. At worst, in the hands of an unwilling administrator, it could be used to stall and totally paralyze law-enforcement efforts in this field.

The PRESIDING OFFICER (Mr. HANSEN). The time of the Senator from Minnesota has expired.

Mr. STENNIS. Mr. President, I propose to take only another minute or two. I believe that the facts are understood. I have had an inquiry here about voting. I trust that the membership will remember the debate last year and remember how the Senate voted.

Let me point out that the opposition argument calls for a continuation of the old way. I believe that, unless something is done to change the situation, for years and years they will be prosecuting us in the South, being unwilling for the courts to dismiss the cases even after there has been a total pattern of integration; and, for years and years—perhaps 50 or 100 years—they will be doing nothing beyond the South except making excuses. New Senators and new Secretaries of Health, Education, and Welfare will be coming in here sending in letters at the last minute saying, "Do not vote for any amendment that disturbs the established order. We are getting along pretty well as we are. It is politically unsafe to go into further territory."

Mr. President, I hope that the amendment will be voted straight up or down. I hope that it will be voted up.

I thank the Senator from Minnesota for his many courtesies during this debate.

Mr. MONDALE. I thank the Senator from Mississippi.

Mr. STENNIS. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. HANSEN). The question is on agreeing to the amendment of the Senator from Mississippi.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia (after having voted in the negative). On this vote I have a pair with the Senator from Georgia (Mr. GAMBRELL). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CHURCH), the Senator from Missouri (Mr. EAGLETON), the Senator from Alaska (Mr. GRAVEL), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Iowa (Mr. HUGHES), and the Senator from Washington (Mr. MAGNUSON) are necessarily absent.

I further announce that the Senator from Florida (Mr. CHILES), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Wisconsin (Mr. NELSON), are absent on official business.

I further announce that, if present and voting, the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. MAGNUSON), and the Senator from Indiana (Mr. BAYH), would each vote "nay".

I further announce that, if present and voting, the Senator from Florida (Mr. CHILES.), the Senator from Arkansas (Mr. FULBRIGHT) would each vote "yea".

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT) is absent by leave of the Senate on official business.

The Senator from Kentucky (Mr. COOPER) is absent on official business.

The Senator from Arizona (Mr. FANNIN), and the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

Also, the Senator from Maryland (Mr. BEALL), the Senator from Colorado (Mr. DOMINICK), and the Senator from Arizona (Mr. GOLDWATER) are necessarily absent.

If present and voting, the Senator from Colorado (Mr. DOMINICK), the Senator from Oregon (Mr. HATFIELD), and the Senator from South Dakota (Mr. MUNDT) would each vote "nay".

The result was announced—yeas 44, nays 34, as follows:

[No. 46 Leg.]

YEAS—44

Aiken
Allen
Anderson
Baker
Bellmon
Bennett
Bentsen
Bible
Brock
Burdick
Byrd, Va.
Cannon
Cook
Cotton
Curtis
Dole
Eastland
Ellender
Ervin
Fong
Gurney
Hansen
Hruska
Jordan, N.C.
Jordan, Idaho
Long
Mansfield
McClellan
McGee
McIntyre
Montoya
Pearson
Prouty
Randolph
Ribicoff
Smith
Sparkman
Spong
Stennis
Stevens
Talmadge
Thurmond
Tower
Young

NAYS—34

Boggs
Brooke
Buckley
Case
Cranston
Griffin
Hart
Hartke
Humphrey
Inouye
Jackson
Javits
Kennedy
Mathias
McGovern
Metcalf
Miller
Mondale
Moss
Muskie
Pastore
Pell
Percy
Proxmire
Roth
Saxbe
Schweiker
Scott
Stevenson
Symington
Taft
Tunney
Weicker
Williams

PRESENT AND GIVING A LIVE PAIR AS PREVIOUSLY RECORDED—1

Mr. Byrd of West Virginia, against.

NOT VOTING—21

Allott
Bayh
Beall
Chiles
Church
Cooper
Dominick
Eagleton
Fannin
Fulbright
Gambrell
Goldwater
Gravel
Harris
Hatfield
Hollings
Hughes
Magnuson
Mundt
Nelson
Packwood

So Mr. STENNIS' amendment (No. 53), was agreed to.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. TALMADGE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 55

Mr. COOK. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be read.

The assistant legislative clerk proceeded to read the amendment.

Mr. COOK. Mr. President, I ask unanimous consent that the further reading of the amendment may be dispensed with.

Mr. ALLEN. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to read the amendment.

The amendment was read, as follows:

> At the end of the bill add a new Section as follows:
>
> "ATTORNEY FEES
>
> "Upon the entry of a final order by a Court of the United States against a local educational agency, a State (or any agency thereof), or the United States (or any agency thereof), for failure to comply with any provision of this Act or for discrimination on the basis of race, color or national origin in violation of Title VI of the Civil Rights Act of 1964, or the Fourteenth Amendment to the Constitution of the United States as they pertain to elementary and secondary education, the Court, in its discretion, upon a finding that the proceedings were necessary to bring about compliance, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs."

Mr. COOK. Mr. President, I offer this amendment for myself, the Senator from Michigan (Mr. Griffin), the Senator from Minnesota (Mr. Mondale), and the Senator from New York (Mr. Javits).

Mr. SCOTT. Mr. President, if the Senator will yield, I would like to be a cosponsor.

Mr. COOK. Mr. President, I ask unanimous consent to have the name of the Senator from Pennsylvania added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM—ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. SCOTT. Mr. President, would the Senator yield further so I may inquire of the majority leader as to the order of business?

Mr. COOK. I yield.

Mr. SCOTT. I would now like to ask the distinguished majority leader how hard we are going to work. Are we going to work further tonight, and how long will it take us to get rid of this bill? I would like his expert opinion.

Mr. MANSFIELD. Mr. President——

Mr. BYRD of West Virginia. Mr. President, may we have order so the majority leader may be heard?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. Mr. President, the eternal optimist I think has come to a pretty pass. We will not finish the bill today. We will not finish the bill tomorrow. We have a reasonably good chance of finishing it on Monday.

Mr. President, I ask unanimous consent that when the Senate adjourns tonight, it stand in adjournment until the hour of 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, it is the leadership's understanding, after talking with interested Members of the Senate, that there will be some votes on some Ervin amendments tomorrow. It appears to me, just giving a horseback opinion, that there may be a vote on the Cook amendment tonight.

It is my understanding that the distinguished assistant minority leader has an amendment which will be acceptable at least to the managers of the bill.

It is hoped that we will be able to vote on the Cook amendment tonight, if at all possible. I have been unable to get a time limitation. If possible, that is true on the Griffin amendment as well. If that is done, one of the Ervin amendments would be laid before the Senate and made the pending business for tomorrow.

It is my understanding, after talking with the distinguished Senator from North Carolina (Mr. Ervin), that there will be rollcall votes tomorrow and that there will be rollcall votes on Monday. This is bad news, but that is the way the ball rolls.

Mr. SCOTT. Mr. President, if the distinguished majority leader will yield, as the eternal optimist, I can only say to him "Dum spiro, spero," which, translated from the Latin, I assure the Senator, means while I breathe there is hope.

Mr. MANSFIELD. Oh, I thought the Senator was referring to the Vice President. [Laughter.]

Mr. ERVIN. Mr. President, I propose to offer an amendment to the Cook amendment. Since I have not seen the Cook amendment and do not know exactly how to phrase my amendment, I do not think there is likely to be any vote on the Cook amendment tonight.

Mr. MANSFIELD. Well, that is that.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed a joint resolution (H.J. Res. 567) making certain urgent supplemental appropriations for the fiscal year 1971, and for other purposes.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 567) making certain urgent supplemental appropriations for the fiscal year 1971, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATION ACT OF 1971

The Senate continued with the consideration of the bill (S. 1557) to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes.

Mr. COOK. Mr. President——

Mr. BYRD of West Virginia. Mr. President, may we have order? Persons are passing to and fro. Will the Chair ask aides and Senators to take seats?

The PRESIDING OFFICER. There will be order in the Senate.

Mr. COOK. Mr. President, I ask unanimous consent that the names of the distinguished Senator from West Virginia (Mr. Randolph) and the distinguished Senator from Massachusetts (Mr. Brooks) be added as cosponsors of the amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. COOK. Mr. President, I vehemently argued for the Dominick amendment yesterday because it established a precedent that I do not think had ever been established before, and that was that under no circumstance could the Federal Government relieve itself of attorneys' fees and costs in any case brought under title I if a judgment was rendered against the defendant, regardless of who that defendant might be, by a plaintiff.

I suggested, in my debate yesterday with the distinguished Senator from Minnesota (Mr. Mondale), that if in fact the cost and a reasonable fee could be levied against a defendant who had in fact been accused, and a judgment rendered by the Federal Government, of violating any of the provisions of this act, I would be very much in sympathy with such a provision.

The reason why I say that, Mr. President, is very simple. This is the same thing that now prevails in section 204(b) of the Civil Rights Act of 1964 on public accommodations, title II, which reads:

> Sec. 204(b). In any action commenced pursuant to this title, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs, and the United States shall be liable for costs the same as a private person.

Also, in title VII of the Equal Employment Opportunities Act, section 706(k) reads:

> Sec. 706(k). In any action or proceeding under this title, the court, in its discretion, may allow the prevailing party, other than the Commission or the United States, a reasonable attorney's fee as part of the costs, and the Commission and the United States shall be liable for costs the same as a private person.

I might also say that in the Civil Rights Act of 1968, under title VIII, fair housing, section 812(c) reads:

> Sec. 812(c). The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award to the plaintiff actual damages and not more than $1,000 punitive damages, together with court costs and reasonable attorney's fees in the case of a prevailing plaintiff: *Provided*, That the said plaintiff in the opinion of the court is not financially able to assume said attorney's fees.

The precedent has been established three times by this body, and a majority of the Members of the Senate have established that precedent.

The difference between this amendment today and section XI originally in the bill, which was defeated yesterday, was the very issue of assessing attorneys' fees and costs, at the discretion of the court against the defendant, and not against the Federal Government.

There is another point in this, and it is that this is a separate section at the end of the bill. It does not set up any funds. It does not set up a fund of $15 million for attorneys' fees. It says, as it said in those three instances, in the Civil

Rights Act of 1964, the Equal Employment Opportunities Act, and the Civil Rights Act of 1968, that in the discretion of the court—and I might say in its discretion upon a finding that proceedings were necessary to bring about compliance—the court may levy a reasonable attorney's fee and costs against the party. That is the basis for this amendment. It is in complete compliance with my discussion yesterday with the Senator from Minnesota. It is not inconsistent at all with the position that I took yesterday in that we should not now or at any time impose upon the Federal Government the costs on the attorneys' fees for an action that in many instances the Federal Government might not even be a party to, an action in which in many instances the Federal Government is not a party, upon whom an order and a judgment of the Federal court is granted to a plaintiff. Consequently, I think this amendment covers the situation in a consistent manner in regard to the laws that are already on the books. That is the import of the amendment.

If there is no further discussion, I yield the floor.

Mr. PELL. Mr. President, I would like to ask the Senator a question.

As I understand the difference between the Senator's amendment and the amendment as originally in the bill, it is that the attorney's fees are now paid by the local agency, as opposed to the Federal Government. Is that correct?

Mr. COOK. Well, that is perfectly true. I might say to the Senator from Rhode Island, if the Federal Government is defendent, and if the Federal Government is found guilty of violation of this act, and it is in fact discriminating, then it is conceivable that the attorney's fees and the costs could go against the Federal Government.

Mr. PELL. But can an individual sue the Federal Government?

Mr. COOK. Under this title?

Mr. PELL. Yes.

Mr. COOK. Oh, yes. But the point of it is that, in most instances, the suit is brought against the local school board or State board of education, or whatever the name may be, and, under those circumstances, there is no reason that the costs and the attorney's fees should go against the Federal Government.

Mr. JAVITS. Mr. President, will the Senator yield for another question?

Mr. COOK. I yield.

Mr. JAVITS. It is a fact, is it not, that the amendment absolutely requires a finding by the court that the litigation was necessary to bring about compliance with the listed legal standards, as a condition for granting attorney's fees?

Mr. COOK. The Senator is exactly correct; and I quote one short line: "Upon a finding that the proceedings were necessary to bring about compliance."

Mr. JAVITS. So that you cannot have any kind of champertous situation, or any situation where administrative remedies were not available of before a suit was started, and then the effort was made to collect from the defendant for the attorneys' fees?

Mr. COOK. The Senator is absolutely correct.

Mr. JAVITS. I thank my colleague.

Mr. ALLEN. Mr. President, I was much impressed, yesterday, at the speech of the distinguished Senator from Kentucky (Mr. Cook) with regard to section 11 of S. 1557, providing for attorneys' fees. He spoke against that provision and in favor of the Dominick amendment to strike section 11 from the bill, as well as that portion of section 3, I believe, starting with line 22 on page 3, striking out the authorization of the $15 million appropriation for attorneys' fees.

I was so impressed with that argument that if I had not already been convinced that this provision for attorneys' fees was not in the public interest, I would have been persuaded by the merits of the argument presented by the distinguished Senator, because I agreed with him at that time and I agree today with his position yesterday that there should be no provision in this bill to provide a lawyers' relief fund for harassing local school bodies.

We were told by the distinguished Senator from Minnesota (Mr. Mondale) that this bill was all sweetness and light, that we were going to do great wonders for the school systems of the North and South, we were going to provide for making grants to school systems, North and South, that were required by Court order to desegregate their school systems, that were required by HEW edict to desegregate their school systems, or that had a voluntary plan for the desegregation of their school systems.

We were assured—and naturally we took those assurances at face value—that all of this was purely optional, that no system had to apply for a grant, this was all for the benefit of these systems, to aid them in the desegregation process.

But we find now section 11 creeping back in, without a designation as to section; the Senator would just amend the bill to put in a new section which would be properly numbered, I assume, reinstating this very principle that the Senate on yesterday rejected by a substantial margin.

I do not feel that this is putting this system of aid to the desegregation process on a purely voluntary basis, on application by the school system involved, if we are going back to section 11.

The distinguished Senator from Kentucky will say, "Oh, we are not authorizing any $15 million." No; his amendment does not authorize $15 million, it has an unlimited ceiling—not out of the pocketbook of the Federal Government, however; it is out of the pocketbooks of the local school systems.

Mr. COOK. Mr. President, will the Senator yield?

Mr. ALLEN. Yes; I am glad to yield.

Mr. COOK. Is it not just as much a fact that if such a suit were brought without this provision, the local system would pay the attorney, those funds would come out of the local school system, those funds would be paid by the taxpayers for a lawyer who is retained to represent the school board, and the court could conceivably render a judgment against the school board that it violated the law, but that attorney would still be paid by the taxpayers; is that not correct?

Mr. ALLEN. Yes; naturally the school board pays for its own counsel, and anyone employing counsel would be expected to pay for that.

I thought the Senator was going to inject some new information into the argument, rather than take over the floor to argue in lieu of the junior Senator from Alabama, who is seeking to make an argument. In due course, I shall yield the floor, and at that time the distinguished Senator from Kentucky, if there are no others who wish recognition, will have no difficulty in obtaining recognition.

So far as having a ceiling of $15 million to be paid by the Federal Government is concerned, under this proposal we would have the sky as the limit in the thousands of school districts throughout the country; and theoretically, we assume, some of these attorneys might go into areas outside of the South. We rather imagine there would be a few attorneys traveling up North as part of an attorneys' team bringing these suits. But we feel like most of them would be enjoying the balmy climes of the southern sections of the country when they filed their suits.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. ERVIN. There is nothing offered in the amendment of the distinguished Senator from Kentucky, however, to keep a carpetbagger from coming down South from other sections of the country, is there?

Mr. ALLEN. No.

Mr. ERVIN. In the hope of getting one of these fees?

Mr. ALLEN. Nothing whatsoever. I was hoping a little later, by an amendment which I might offer, to provide that these attorneys would have to be bona fide residents of the judicial district or circuit in which they filed the suit, to prevent this carpetbagging team from traveling all over the country filing these suits.

Mr. ERVIN. Will the Senator yield to the Senator from North Carolina for the purpose of enabling the Senator from North Carolina to offer an amendment to the Cook amendment, with the understanding that the Senator from Alabama will not lose his right to the floor?

Mr. ALLEN. Mr. President, I do ask unanimous consent that I might yield to the distinguished Senator from North Carolina for the purpose of offering an amendment, with the understanding that I not lose my right to the floor and that my resumption of remarks would not be treated as a second speech.

The PRESIDING OFFICER. Is there objection?

Mr. COOK. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ERVIN. Will the Senator from Alabama permit the Senator from North Carolina to make the observation that the Senator from Kentucky apparently is averse to having any amendments proposed to his amendment?

Mr. ALLEN. That seems to be the attitude of all. I have this letter from Secretary Richardson in which he said:

> The bill in its present form is supported by the administration. We oppose all amendments currently before the Senate.

That may be the amendment of the

Senator from Kentucky. I do not know. But it does go on with the telltale phrase "which have been offered by Senators ERVIN and STENNIS."

The Secretary would be against the amendment of the Senator from North Carolina, under this letter, so the Senator had better not offer it. Possibly, the distinguished Senator from Kentucky is acting for the Secretary in objecting to the Senator from North Carolina offering an amendment. But in due course the Senator will have an opportunity to offer his amendment, I am sure, because I do not believe that we are near a vote on this amendment.

Mr. President, resuming my brief remarks with reference to this amendment, we were told that this bill, S. 1557, was providing a method by which school districts, of their own volition, could come in and apply to the Federal Government for grants for the purpose of aiding them in the process of desegregating their present school system.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. ALLEN. I yield.

Mr. ERVIN. Does not the Senator from Alabama agree with the Senator from North Carolina that all the provisions of the Constitution are equally sacred?

Mr. ALLEN. Yes. They should be. I like some better than others, but they should have the same degree of enforcement.

Mr. ERVIN. Does not the Senator from Alabama agree with the Senator from North Carolina that this bill provides for the use of tax moneys for the support of church schools?

Mr. ALLEN. Yes, very definitely.

Mr. ERVIN. Does not the Senator from Alabama agree with the Senator from North Carolina that the Supreme Court has held in a number of cases that it is a violation of the first amendment to use tax moneys for the support of church schools?

Mr. ALLEN. Yes. That is certainly a well defined principle of law.

Mr. ERVIN. Does not the Senator from Alabama agree with the Senator from North Carolina that if we are going to embark upon a policy of allowing attorneys' fees for people who secure decrees enjoining violations of the Constitution or recovering funds for violation of the Constitution, we should allow attorneys' fees for that purpose in like manner as for persons who sue for violations of the 14th amendment?

Mr. ALLEN. Yes. One would certainly be just as consistent as the other and just as proper as the other.

Mr. ERVIN. Does not the Senator from Alabama agree with the Senator from North Carolina that it would be in order for the Senator from North Carolina to offer an amendment to the amendment offered by the able and distinguished Senator from Kentucky providing that there not only be recovery of fees in 14th amendment cases but also recovery of fees in first amendment cases?

Mr. ALLEN. One would stand on the same ground, whether high or low, as the other. Yes, I would certainly agree with the distinguished Senator.

Mr. ERVIN. I thank the distinguished Senator from Alabama for yielding for these questions. I should like to ask him whether he would accept the assurance of the Senator from North Carolina that the Senator from North Carolina intends to point out in detail the provisions of this bill which authorize the violation of the first amendment.

Mr. ALLEN. Yes. I hope the Senator will do that, and I certainly respect his stated intention.

Mr. President, resuming my remarks, which I hope will be rather brief, this bill as originally drafted had the lawyers' relief fund of $15 million in it, and the Dominick amendment cut out the payment of attorneys' fees for bringing suits. Actually, this lawyers' relief fund is really not germane to the stated purposes of the bill, because the purpose of the bill is to aid local public school systems and not to harass them. Harassment is exactly what we would get if this lawyers' relief fund is set up, whether it be by an appropriation of $15 million or whether it be by a blanket provision saying that the school district is going to have to pay for that attorney's fee.

We do not know in how many districts suits would be filed. There are several thousand districts. It appears that thousands of suits might be filed. I see nothing here to prevent multiplicity of suits in a single jurisdiction or against a single school system. All the lawyers, all the public service lawyers, all the lawyers who would care to file these suits, could get in and file as many suits as they saw fit and could collect a large fee on every one of them.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. ALLEN. I yield.

Mr. ERVIN. The Senator from North Carolina desires to ask the Senator from Alabama if he does not accept as valid the old adage that what is sauce for the goose——

Mr. COOK. Mr. President, would the Senator use his microphone, so that I may hear?

Mr. ERVIN. The Senator from North Carolina desires to propound this interrogatory to the Senator from Alabama: Has not the Senator from Alabama heard the old adage that what is sauce for the goose is sauce for the gander?

Mr. ALLEN. Yes. That is familiar from my boyhood.

Mr. ERVIN. Does not the Senator from Alabama agree with the Senator from North Carolina that the amendment offered by the able and distinguished Senator from Kentucky fails to comply with that old adage, in that it allows one side to recover attorneys' fees in the event it wins a case but does not allow the other side to hold that side responsible for attorneys' fees in the event it loses the case?

Mr. ALLEN. I have read the amendment very carefully, and no provision of that sort is provided.

Mr. ERVIN. Does not the Senator think that if the Senate should be so foolish as to adopt an amendment which is intended to reward ambulance chasers—I use that phrase in a figurative sense—it ought to contain a provision that those who defeat the ambulance chasers should recover their attorneys' fees, also?

Mr. ALLEN. Yes. I think that would be a fair provision. I see the application of the Senator's expression about sauce for the goose and the gander. I feel that is a really appropriate analogy.

Mr. ERVIN. Does not the Senator from Alabama agree with the Senator from North Carolina that there should be a reciprocal obligation in this respect—even though the parties in these suits are to be southern officials, largely?

Mr. ALLEN. Yes, I think so.

Mr. ERVIN. Does the Senator from Alabama agree with the Senator from North Carolina that this amendment would have no application to the States outside the South, in that the courts do not recognize that there should be any desegregation suits outside the South?

Mr. ALLEN. It seems unlikely there would be many suits filed outside the South that would be prosecuted to a successful conclusion, which seems to be the requirement under the amendment, so that this would be a lawyers' relief fund, not necessarily for southern lawyers, the Senator from Alabama points out, but for lawyers from whatever section of the country who filed suits in Federal courts situated in Southern States, since suits would have to be filed, apparently, in a Federal court.

Whether that is so, I have not had an opportunity to study the amendment. It has not been printed. The suits, practically all of them, will be filed in the Southern section of the country.

So, Mr. President, no ceiling is set on the total amount of attorneys' fees that might be anticipated to be paid by Southern school districts.

It was estimated by the proponents of the bill that it would take $15 million in 2 years to pay these attorneys' fees. That is a provision of S. 1557 to which the distinguished Senator from Kentucky objected. So the junior Senator from Alabama feels that the distinguished Senator from Kentucky has not cut down on the amount that the attorneys would have to be paid. Only the source of the payment has been shifted from the back of the Federal Government—and it was bad enough there, and I opposed it at that point—but I certainly do not want to shift it over to the local school system. They are having a difficult time keeping the school doors open as it is. It is hard to get public support for public schools in Alabama and the South because of the condition the HEW and the Supreme Court have put the Southern school districts in.

Mr. ERVIN. Mr. President, will the Senator from Alabama yield for another question?

Mr. ALLEN. I am delighted to yield to the Senator from North Carolina.

Mr. ERVIN. Is not the fundamental argument made by the proponents of the bill that the school districts embraced within the purview of the bill are so poor that they are not capable of operating without Federal assistance?

Mr. ALLEN. Our people are willing to sacrifice to operate the school system. If the Federal Government would leave us alone and allow our people freedom of choice, we would be willing to make all sorts of sacrifices to give a proper education to our boys and girls. But the Federal Government is making it most difficult for us to get the proper public support for a public school system. I will be absolutely frank about that.

Mr. ERVIN. Is not one of the arguments for the enactment of this bill the fact that the school districts are rather poverty stricken and they need Federal funds in order to operate?

Mr. ALLEN. Yes; in many cases.

Mr. ERVIN. So this is a provision designed to make people, who are already poor, pay out additionally in educational costs.

Mr. ALLEN. That is correct. We find, under this system—and this is supposed to be a bill all sweetness and light for the public school system—we find in the South, applying for a grant to enable it to put through a desegregation plan, and then we find a commissioner turning down that application because possibly some time ago this public school system may have sold a desk or a broken-down bus to a private school, and yet the barratrous attorney would come along and file a suit claiming discrimination, and push that through to a final conclusion, and have the court set a large fee for his services, which would have to come out of the impoverished local school district.

So, if that is a voluntary type of grant system to aid desegregation, please deliver this Senator and the State and section that he represents from any such voluntary grant system that is all sweetness and light and the giving of grants to school systems to aid in the desegregation process. We want nothing of that. So, if we are going to have a system that provides, as the title of the bill calls for, "Emergency School Aid"—that is what we are supposed to be working on, an emergency school aid bill, what do they do? They come in with a lawyer's relief fund provision.

The junior Senator from Alabama, at one time, was a practicing attorney. He practiced law for over 30 years in his hometown. When he came to the Senate, he retired completely from law practice and has absolutely no connection with any law firm or business enterprise of any sort. His sole interest is in seeking to represent the people of his State and his Nation. But, he does not see how, by setting up a method for lawyers to have a lawyers' relief fund, that he is representing the people of his State and his Nation. He is not representing the schoolchildren of his State. He is not representing the patrons of those schools. He is not representing, as the distinguished Senator from North Carolina (Mr. ERVIN) has said, impoverished school districts—although he is representing them in many cases, but he certainly does not want to see them required to pay out large fees to lawyers who come in and harass them with lawsuits seeking compliance with the Civil Rights Act.

Mr. President, after the distinguished Senator from Kentucky, in the great tradition of one of his predecessors in the Senate from his State, Henry Clay, with his great oratory, convinced the junior Senator from Alabama—and if he was not already convinced, let me hasten to add there that this iniquitous lawyers relief fund should be stricken from the bill—the junior Senator from Alabama was happy to follow the leadership of his distinguished colleague in striking this iniquitous lawyers' relief fund from the bill. So, to his great surprise and chagrin, after following the leadership of the distinguished Senator from Kentucky in striking out this $15 million fund for lawyers, to find the distinguished Senator from Kentucky coming in the back door and seeking to have this fund set up in a different way.

Mr. President, the Senate has spoken on this subject, and the junior Senator from Alabama is happy to abide by the decision of the Senate in this matter—that is, the knocking out of the lawyers' relief fund provision—but he does not want to come in the back door and provide a more iniquitous approach to providing relief for lawyers.

It is passing strange to the junior Senator from Alabama why it is necessary to set up a lawyer's relief fund for lawyers who have a social consciousness, for lawyers who are interested in lending a helping hand to those who feel they are being deprived of rights the Constitution gives to them, why it is necessary to set up a $15 million lawyers' relief fund to prick their social consciousness.

They ought to have enough social consciousness to file these suits without hope of financial reward if they have the sort of social consciousness which one would expect them to have.

Why is it necessary to subsidize them to set up a champertous type of provision and barratrous type of provision to get them to come in and render this public service? They do not have the social consciousness that one would expect them to have if it is necessary to subsidize their efforts with the amount of $15 million or a similar amount under the back door method.

There is no ceiling in the amount that would be paid. All they say is, "We are saving the Federal Government this $15 million. We have devised a way."

The Senate said, "We are not going to allow it." Yet, they come forward and say, "We have devised a way that we will not have to spend this $15 million."

The Senate spoke a moment ago. But now they are going a worse route, a more iniquitous route, Mr. President.

So, if we have got to pay the lawyers to prick their social consciousness, let us not do it through the small amount of funds that the local school systems receive. Why, the local school systems now are filling in forms and questionnaires, going to court, preparing to go to court, testifying, and going to the Federal buildings trying to find out what is expected of them so that they can make a bona fide effort to comply.

If we are going to set up a lawyers' relief fund to encourage litigation against the local school systems, when will they have time to teach the boys and girls?

Mr. President, many times the difference between whether a harassing suit is brought against a local school board or not would turn on whether a fee is is available for him under the provisions going to be paid to the lawyer. If money of this bill out of the local school system, we will find these suits filed.

Mr. President, in many cases those suits would not be filed by local attorneys. However, I can envision teams of so-called socially conscious attorneys, teams of dozens of lawyers, moving from State to State across the South with directories of local school systems and stopping off long enough to fill in a few blanks in the complaint forms they had prepared and turned out on a mimeograph machine. They just crank them out by the hundreds and leave a few blanks in them.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. ALLEN. I yield for a question.

The PRESIDING OFFICER (Mr. MCINTYRE). The Senator from North Carolina is recognized for a question.

Mr. ERVIN. Mr. President, does not the Senator from Alabama recall that the Supreme Court had before it a case called NAACP against Button?

Mr. ALLEN. I do.

Mr. ERVIN. Button was the attorney general for Virginia, was he not?

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. And Virginia, like all other States of the Union, has laws which forbid and make it illegal for attorneys to solicit business.

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. And Virginia, like all other States, has laws making it a crime for lawyers to practice champerty and maintenance.

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. That means to stir up lawsuits or unlawfully intermeddle in a lawsuit by assisting either party with the means to carry it on.

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. Does not the Senator from Alabama know as a lawyer that under State laws lawyers can be disciplined and even disbarred and prosecuted for such practices?

Mr. ALLEN. I do know that, and many are.

Mr. ERVIN. Does not the Senator from Alabama recall that the record in that case disclosed that attorneys for the NAACP went into public meetings and in those public meetings solicited people to authorize them to bring lawsuits, and carried in their hands at these public meetings contracts to be signed by persons who were willing to have them bring suit for that purpose?

Mr. ALLEN. The Senator is correct. That is one of the things that the Senator from Alabama can envision happening again.

Mr. ERVIN. Mr. President, does not the Senator from Alabama recall that in that case Justice Brennan wrote an opinion which held, in effect, that the laws of the States prohibiting the soliciting of legal business and prohibiting champerty and maintenance did not apply to the NAACP.

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. Those lawyers are able to solicit business at public meetings and have people employ them to bring suits for alleged violations of the equal protection clause.

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. But those laws apply to all other attorneys.

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. Mr. President, does not the Senator from Alabama recognize that if the amendment of the Senator from Kentucky is agreed to, we are about to allow these lawyers and these organizations such as the NAACP, to go into all the States, and solicit business, and practice champerty in the hope of recovering fees under this amendment.

Mr. ALLEN. I would definitely look for it and fully expect it. The Senator is correct.

Mr. ERVIN. So if this amendment were agreed to it would result in intolerable harassment of local school boards, would it not?

Mr. ALLEN. It would, indeed.

Mr. ERVIN. Most of the local school boards consist of members who merely serve out of a sense of duty. Is that not correct?

Mr. ALLEN. Yes.

Mr. ERVIN. There would be perhaps the greatest harassment ever suffered in view of the fact that the Supreme Court held on the 20th of this month that in some way or another the southern school board could not be absolved of the responsibility by ceasing to practice discrimination; that it could be absolved only if it could find some way to eradicate the last vestiges of State-imposed segregation.

Can the Senator from Alabama tell the Senator from North Carolina where there will be justice in recovering attorneys' fees against a school board which had abandoned all discrimination in the admission of children to schools under its jurisdiction, but which was incapable of discovering vestiges of former discrimination and eradicating them?

Can the Senator from Alabama tell the Senator from North Carolina what the Supreme Court means when it talks about vestiges of de jure discrimination?

Mr. ALLEN. No. I sometimes wonder, with all due respect to the Justices, if they clearly understand the chaos into which they have gotten the country.

Mr. ERVIN. Does not the Senator from Alabama recall the case of Green against the County School Board of New Kent County, Va.?

Mr. ALLEN. I do.

Mr. ERVIN. And did not the school board in that case abolish all forms of discrimination and establish a freedom of choice system in which they said to all the black and white children that they could attend either one of the only two schools that county had; and was not that system in effect for 2 years before any case reached the Supreme Court?

Mr. ALLEN. Yes.

Mr. ERVIN. And did not the Supreme Court say, notwithstanding that, and notwithstanding the fact that they had given complete freedom to all the children to go to any school they had, that they were guilty of a violation of the equal protection clause of the 14th amendment because these schoolchildren, to whom liberty was granted by the school board, had not elected to mix themselves to the satisfaction of the Supreme Court Justices?

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. Can the Senator from Alabama tell the Senator from North Carolina any way in which Southern school boards under such decisions as that can avoid being penalized?

Mr. ALLEN. No; it seems difficult for them to pay a sufficient penalty.

Mr. ERVIN. Does not the Senator from Alabama agree with the Senator from North Carolina that the only hope that was held out to southern school districts which merely practiced segregation before the Supreme Court was smart enough to discover for itself that the separate but equal doctrine was no longer a part of the law of the land, was the mere hope that at some time in the long distant future, just before the last echo of Gabriel's horn trembles into silence, they might be able to persuade some Federal judge that they had purged themselves from all the consequences of history and for that reason would be entitled to operate their school systems with the same lack of interference on the part of Federal courts that segregated school districts outside the South now have?

Mr. ALLEN. It might take that long. I hope not.

I would suggest that the Supreme Court, by taking the position apparently that the Federal Government is without power to proceed against any type of segregation that does not result from official action, in effect ruling that they cannot proceed against de facto segregation, may, in fact, be painting itself into a box because in many areas of the South school systems have become desegregated even to the point of approval by the Federal courts and by HEW.

Now, if the inhabitants of those school districts should move from those areas into an entirely new area and other citizens would join them, we would have a case of resegregation which would result in de facto segregation against which the Federal Government seems to take the position it cannot proceed.

So if all segregation, and this is possible, then becomes de facto segregation, we will not have any integration because they are not proceeding against integration of the segregation of the northern type; and if southern segregation becomes of the character of the northern-type segregation, where will we have integration?

Mr. President, you cannot get integration in the northern areas. They say they cannot integrate because it is not unconstitutional not to and it is not unconstitutional to integrate; it would not be unconstitutional if the school boards would transfer these pupils. They hide behind the shield saying, "we do not do anything because it is not unconstitutional not to do something, and it is not unconstitutional to do something." But they keep the blacks and the whites separate even though they subscribe to the doctrine of the Supreme Court in the 1954 decision that a child in a segregated school is in an inferior status; and yet they do nothing to break up this segregation because they say it is not unconstitutional not to do it.

We are going to see the Supreme Court painted into a box by its own action by saying they cannot reach what we will call de facto desegregation.

Mr. ERVIN. Mr. President, will the Senator yield to me for an observation with the understanding he will not lose his privilege of the floor?

Mr. ALLEN. I am delighted to yield to the Senator from North Carolina.

Mr. ERVIN. Do not the provisions of this bill indicate to the Senator from Alabama that those who support it think white southerners are very evil people?

Mr. ALLEN. Some would be of that opinion; yes.

Mr. ERVIN. That being so, can the Senator from Alabama explain why they want to spend $1.5 billion to compel black folks to associate with such evil people as the white folks of the South are?

Mr. ALLEN. That is a mystery to the Senator from Alabama. I appreciate the Senator's observation.

Now, Mr. President, continuing my brief remarks, the junior Senator from Alabama fails to see the voluntary aspect of this legislation. It is said to be voluntary because one does not have to apply for grants in aid of desegregating the school system, but the amendment offered by the distinguished Senator from Kentucky is not voluntary except in this respect: It is not voluntary as regards the local public school system. It is voluntary only as regards the lawyer looking for a fee out of a public body and at the expense of schoolchildren.

The ultimate losers are the schoolchildren of Alabama and the South. That is what the junior Senator from Alabama resents about this measure. This money is coming out of the skimpy pockets of the schoolchildren of Alabama and the South, because if the local school boards did not have to pay out these attorneys' fees, they could use the money for better instruction, better facilities, more books, educational aids; but this amendment would deprive the southern schoolchildren of some of their access to better education.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. ALLEN. I yield.

Mr. ERVIN. Would the Senator not agree that the decision would punish little children by denying them the right to go to neighborhood schools and require them to be bused vast distances to schools other than their neighborhood schools, not because of any fault of the little children, but because some adults who happened to be school board members had not complied with notions of the Court—the undefined notions of the Court, I would say—about mixing children in the schools in proportions satisfactory to the undefined notions of the Supreme Court?

Mr. ALLEN. Yes; that would be consistent with that.

Mr. ERVIN. Does not the Senator recall that Scripture says the sins of the fathers are visited upon their children unto the third and fourth generation?

Mr. ALLEN. Yes.

Mr. ERVIN. And is not that what we are doing when we force children to be hauled in buses long distances to go to school? Is that not visiting the sins of the fathers upon their children?

Mr. ALLEN. That is correct.

Mr. ERVIN. Does not the Senator envision that the decision of the court in the Swann case, having to do with vestiges of former State-imposed segregation, is visiting the sins of the fathers upon poor schoolchildren unto the third and fourth generation, just as the Scriptures say?

Mr. ALLEN. Yes.

Mr. ERVIN. Is that not about the only similarity between these matters and the Bible?

Mr. ALLEN. Yes. The money for these fees would come from the schoolchildren of the South. There is no escape from that conclusion. That is the only place it could come from. It would come from the local school systems. The great bulk or the great majority of all the suits would be filed in the South, because of the limitations imposed by the Supreme Court. So this money would come from white and black students in the South. They cannot afford to pay these attorneys' fees. I am speaking for them when I protest the setting up of a lawyers' relief fund coming out of the schoolchildren of the South.

It is hard for us to provide a good education for our children in the South with the attitude of the Federal Government in well-nigh destroying our public school system.

In my own State of Alabama, HEW, and the Federal courts have ordered the closing of more than $100 million worth of school buildings. Over $100 million worth of school buildings have been closed in Alabama alone under edicts of HEW and the Federal courts.

Where is the money coming from to replace that? It is not going to be available in the school districts representing the schoolchildren if they are called upon from time to time to pay attorneys fees, to pay for suits brought against them.

The Senator from North Carolina mentioned the Green case, which went to the Supreme Court of the United States. Mr. President, can you imagine the fee that a court would set for bringing a suit against a school board, going from the district court to the circuit court of appeals to the Supreme Court? Can you imagine, Mr. President, the attorneys' fees that would be involved there—and that paid out of the pockets of the schoolchildren of that school district? Is that fair? Is that right? Is that proper? Is that what we want to do by statutory law of the Congress of the United States? I do not believe so.

What court sets this fee? The final order by a court of the United States. Well, if it went to the Supreme Court, it might be the one to set the fee. I do not know. The amendment does not say.

I would like to offer an amendment a little later on seeking to change the title from "Attorneys' Fees" to "Lawyers' Relief Fund." We have a relief fund for nearly everybody, and lawyers have not been neglected, but we are setting up a special one here that was estimated by the proponents of the bill at $15 million. I do not know; perhaps the Senator from Kentucky thought $15 million was too small. Perhaps that is the reason he was against the provision in section XI and the appropriation section. Perhaps that is the reason why he comes in with an amendment that does not even set a ceiling. The sky is the limit.

Well, the Supreme Court said Tuesday anything goes as regards desegregation of the public schools of the South. Then comes in this amendment. Anything goes as regards the fees. No dollar limitation. Take a case to the Supreme Court of the United States. It would be worth thousands and thousands of dollars.

This takes a final order by a court of the United States; so there would be no possibility, then, that an agreement could be reached that would obviate the necessity for the filing of a suit.

If these attorneys were genuinely interested in the welfare of the child, they would come in and talk the matter over with the school authorities, and say, "Look here, do you think you are complying with the law in this respect?"

I do not know where they are going to find school boards that have not been harassed to death already, but say they found one—and they will find many, of course—say they found one, and, in seeking to serve the best interests of the schoolchildren, they tried to get an agreement out of the school authorities that would be satisfactory to their way of thinking.

That will not happen under this amendment, because it takes the entry of a final order by a court of the United States against a local educational agency before this fee can be paid. So we will not find them going in and trying to work out an agreement, because they could not dip into the lawyers' relief fund if they worked out a settlement without going to court.

So we will find a multiplicity of suits filed by attorneys. In Alabama, we have reciprocity provisions whereby a lawyer can come into our State from outside the State and represent local clients. So I envision many teams being sent in from areas outside the South, armed with a Federal court statute that gives them a fee for harrassing a local school board.

They will come into a State, get themselves a directory of school systems—one county might have its schools organized in a county school system, such as they could conceivably have in our State, or there might be 200, 300, or 400 schools in a city system, right there in the same county seat. The attorney could take his mimeograph with him, crank out some of these complaints, get his clients to furnish their names, he would fill in the blanks and file the complaints with the Federal judge, and he would be well on his way to earning a fee to be paid out of the lawyers' relief fund, namely, at the expense of the schoolchildren of the South.

So I do not believe this is in the public interest. I know it is not in the interest of the schoolchildren. And here is a bill, as we pointed out earlier today, that, as regards the school systems outside the South, adopts a carrot approach. They give a carrot to the complying school board. They give a monetary benefit, a grant, to the complying school board. Not so with the southern school districts: the approach there is the carrot and stick approach, in that they are required by edict of HEW and the Supreme Court to desegregate now.

So the local school board is whipped with this stick at the same time that this carrot of the monetary benefit or grant is held out as an inducement. So the rules are not the same by any manner of means, because the southern district is required to comply and the northern district is not.

Mr. President, I believe there is an order that when the Senate concludes its business today, it will adjourn until 10 o'clock tomorrow morning; is that correct?

The PRESIDING OFFICER. Eleven o'clock.

Mr. ALLEN. The significant word is "adjourn"; is it not? We do adjourn?

The PRESIDING OFFICER. The Senator is correct.

Mr. ALLEN. So that a new legislative day will start, and the junior Senator from Alabama will have an opportunity to speak twice on this amendment and twice on the amendment to be offered by the Senator from North Carolina; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. ALLEN. That being true, at this time I yield the floor.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. McINTYRE). The Chair, on behalf of the Vice President pursuant to Public Law 86-420, appoints the Senator from Kentucky (Mr. COOK) to attend the 11th Mexico-United States Interparliamentary Conference, Mexico, May 27 through June 1, 1971.

Mr. ALLEN. Mr. President, was that date April 27, that the Senator from Kentucky is to be out of the city?

Mr. COOK. I think the Senator well recognizes that it was May.

EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATION ACT OF 1971

The Senate continued with the consideration of the bill (S. 1557) to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes.

Mr. COOK. Mr. President, I have heard with a great deal of interest the argument of the Senator from Alabama, for whom I have a great deal of respect. I hope all Senators will read his remarks in the RECORD tomorrow, because I think his argument has been repeated in his remarks at least five times, repetitiously.

I might also say, Mr. President, because I feel it is only fair to say this, that we are under the rule of germaneness, and I might say I have listened now for 45 minutes to as many violations of the rule of germaneness in regard to the Supreme Court's actions, which have absolutely nothing to do with this amendment.

I might say further that the reason I objected to the amendment of the distinguished Senator from North Carolina, for whom I have all the respect in the world, as he knows that I have, was because I was rather put down by the Senator from Alabama, when I asked what I thought was a rather intelligent question and was told that somehow or other I had not added anything to the debate. I thought under the circumstances, because the two gentlemen in question, quite frankly, hold the floor for hours and hours, that I might find him in the same position. And now that I have the floor, I believe I might, Mr. President.

For instance, because I have heard that this will cost millions and millions of dollars, and that the two distinguished Senators feared that this $15 million we voted down yesterday would in fact be a paltry sum by comparison, I have requested from the Government information as to just how many attorneys' fees have been paid out since 1967 under the Equal Employment Opportunities Act, and under the Civil Rights Act of 1968. I think they will be rather shocked to find how little money has been spent in this regard. They think this is going to be just absolutely disastrous, that lawyers are going to move in by the thousands.

As a matter of fact, if they would suggest that only lawyers within the respective districts can bring these suits in their States, so that we might stop carpetbaggers going into the South—and, as a matter of fact, carpetbaggers going into the North—I would be perfectly willing to accept it. But this argument is that this just is going to cost money.

First of all, they say that you cannot settle these suits. The language yesterday was that you could not settle them. But in the language in this amendment, you can settle them. You can settle them, because if you fail to settle them and the school board pleads that it offered the opportunity to settle and offered the opportunity to solve that matter, they would come under the following language of the amendment: "upon a finding that the proceedings were necessary to bring about compliance."

Therefore, if it could have been settled, it would have been incumbent upon them to settle; and if they had failed to have done so, and the court was convinced that the school board was correct and had offered a fair settlement, a settlement that it would agree to, it could deny them any attorneys' fees or costs.

I might say, Mr. President, that I was delighted that—except that he had already made up his mind—the junior Senator from Alabama was totally and completely captivated by my argument yesterday; because if he had been, as he said—and he must not have been—he did not listen to all of it. Let me read from page 11343, in response to remarks by the distinguished Senator from Minnesota (Mr. MONDALE):

> Mr. President, to penalize that school district for violating the law and then to say, "Even if you are poor, if you violate the 14th amendment of the Constitution of the United States, if you violate the rules and regulations under the act, if you are using title I money improperly, you should not have to pay these fees," is rather like saying, "We know you are poor, but if you want to violate the law and continue this type of discrimination, we are not really going to make you pay for it, we are going to make somebody else pay for it."

I proceed:

> Mr. President, I can only say that on this matter I may be speaking as the junior Senator from Kentucky, and I may be speaking from the Republican side of the Senate, but I am also speaking, I hope, as a member of the bar, as a person who has a tremendous amount of respect for the law and what the law intends, and I see a situation whereby we could solve the problem by merely inserting the language that the costs and attorneys' fees will be charged against the losing litigant, and we will reach the same result. We can even charge that school district those funds——

Mr. President, I hope that I may have had some effort yesterday to convince him that that might be a fair approach. Apparently, I did not. As he stated, I have convinced him that my arguments were good and valid.

It is said that we are going to deprive these schoolchildren of these funds. I do not know of any school board attorney who is on a retainer, who is getting $1,000 a month or $2,500 a month and loses his case—the mandate comes down from the Supreme Court that his school district has lost the case, that he has to comply—I am not going to find very many of those lawyers who will fail to send a bill because they lost a case and say:

> All right, I didn't do a good job. Forget about the 500 or 600 hours I spent on the case. I'm not going to send a bill.

Certainly, he is going to send a bill. Is that going to deny those poor children a better education? Is that going to deny those poor children the facilities they want? This is a specious argument, and I think it is specious on its face.

So I can only say that here we have a matter in which you have to have a final entry of a judgment. We know there are no final entries of judgments made in the Supreme Court of the United States. The Supreme Court of the United States is not going to sit there and determine what a fee is. We know that a mandate from the Supreme Court comes down to the court that had the jurisdiction of the case and that they enforce that mandate.

After all, we are not talking about who is going to make this determination when we read this amendment. We, as lawyers, certainly ought to know when a final judgment becomes a final judgment and when a mandate comes down. These kinds of arguments are just a little difficult to take.

They are going to move in and crank up all these suits.

I might say, because I think the remark was made by the distinguished junior Senator from Alabama, that Elliot Richardson does not want any amendment on this bill; the administration does not want any amendments on this bill. I hasten to add that I voted for the Stennis amendment, and the Stennis amendment was adopted.

I might say to the distinguished Senator from Alabama and the Senator from North Carolina—and all of us voted for the Stennis amendment—that if in fact we believe the Stennis amendment and what it is supposed to represent, there will be no flood of lawyers from the North into the South. The southern lawyers will flee into the North to bring all these actions.

We voted for the Stennis amendment, which in fact established a policy that we all say should be in effect in this country. So the argument that, somehow or other, we are waiting with bated breath for all the carpetbaggers to come is now a rather specious argument.

This amendment is very simple. This amendment conforms with the language of the Civil Rights Act of 1964, it complies with title VII of the Equal Employment Opportunities Act, and it complies with the Civil Rights Act of 1968.

I do not mean to be repetitious, Mr. President, because I, somehow or other, just cannot keep the floor that long. But when I submit the amounts of money that have been paid out by the respective departments for legal fees, I hope that not only the two distinguished Senators who have been arguing that this is going to cost a fortune will be surprised but that all the other Members of the Senate likewise will be surprised.

This amendment says one very simple thing. It says that if it is necessary to bring an action by reason of the violation of this act and by realization of a violation of the act of 1964 and, I might add, the 14th amendment to the Constitution of the United States—and I would hope that the distinguished Senator, in his argument, would feel that if a mandate was brought down from even the Supreme Court of the United States to a local Federal district court that there was a violation of the 14th amendment to the Constitution of the United States, he would not think that that would be a champertous suit, that he would not think that if the courts up and down had concluded that there was a violation of the Civil Rights Act of 1964 or a violation of the Civil Rights

Act of 1968 or a violation of the 14th amendment to the United States Constitution or this act, that would be a champertous suit.

We are saying in this amendment that, first of all, it must be necessary to bring this action to a judgment within the discretion of the court before in fact these fees and costs could be allowed. That is what the language says:

> Upon a finding that the proceedings were necessary to bring about compliance.

This is the substance of it. This is what we are saying. We are saying that the court can make a determination of what this is.

The Senator is saying that we are taking this away from the children and from poor school boards. Well, I might say—and I say very emphatically—that if a judgment is rendered that there has been a violation, if a mandate comes down that there has been in fact a violation, the school board should be compelled to pay those attorneys' fees and costs, whether they be rich or poor.

The 14th amendment to the Constitution of the United States was there long before we came to a conclusion that something should be done in the field of civil rights or something should be done in the field of discrimination in the school systems of the United States. We are not talking about something that was born yesterday.

So I can merely say that these arguments are fine, and I do not mind if we continue these arguments tomorrow. I do not mind if we hear all the same arguments repeated, if we go back to the mimeograph machine and crank out the suits again, if we go and have our meetings and we hold up our hands and try to get people to agree that, somehow or other, a suit should be brought. I do not mind if we go through that again. But I honestly think we ought to have that understanding.

I honestly think we ought to stick to the merits. I honestly think we ought to stick to the rule of germaneness. I honestly think we ought to dispose of it. If it is not to be disposed of, then let us honestly say so; because I think this is what we are here for.

I might say that if the two distinguished Senators who are here opposing this amendment wish to debate among themselves for hour and hour on end, I think it is no more than fair that they say so to the Members of the Senate, so that we can at least be fair and honest with our fellow Members of the Senate as well as those who either oppose it or are for it; because that is our job, that is our duty, that is our responsibility.

I do not think one has to look very far to determine what the language of this amendment is. One does not have to look very far to determine that a matter could be settled, that it is up to the court if one pleads that a settlement was perfected and then a lawyer refused to do it because he wanted to get his fee, and that the court would deny that fee.

I would hope, in all fairness, that the junior Senator from Alabama would even understand, as much as I opposed the $15 million yesterday and would oppose any figure today, that that $15 million was to be maintained until it was totally and completely expended, which could be 10, 20, or 30 years. It well may be a lawyers' relief fund. But I might say, I still do not know, but legal counsel for the school board, when he loses that lawsuit, will bill the school board for his time and effort and he is going to be paid. That might well be a kind of lawyers' relief fund.

Mr. ERVIN. Will the Senator from Kentucky yield for an observation?

Mr. COOK. I am happy to yield to the Senator from North Carolina.

Mr. ERVIN. It may not be germane, but I have always heard that ignorance of the law does not prevent the lawyer from getting paid.

Mr. COOK. I agree with that. I might say to the distinguished Senator from North Carolina that ignorance of the rule of germaneness, when it is in operation before the United States Senate, also falls in the same category.

Mr. ERVIN. If the Senator from Kentucky will yield for a question, can he tell me anything I have said that was not germane to this amendment?

Mr. COOK. If I had the opportunity to look at the record before tomorrow morning, I would be delighted to answer the Senator in full. I know that I shall find many items that the Senator mentioned which did not involve the rule of germaneness.

Mr. ERVIN. Could the Senator specify one now?

Mr. COOK. Oh, yes. When the Senator mentioned the little children and the quotation from the Bible and the court action, which had absolutely nothing to do with this amendment.

Mr. ERVIN. I believe it was absolutely germane. The Senator from Alabama pointed out that the money would come out of school funds of the school district which would have to pay; therefore the money would be paid out of funds to pay for the education of little children. That is germane, in my opinion.

Mr. COOK. I would suggest to the distinguished Senator from North Carolina that the rule of germaneness is in effect today until after 7 o'clock. I ask the majority whip, is that not correct?

Mr. BYRD of West Virginia. The Senator is correct.

Mr. COOK. Thank you, sir.

Mr. ERVIN. I will say to the Senator from Kentucky that the Senator from North Carolina was ignorant that the rules of the Senate had been changed for this particular day.

Mr. BYRD of West Virginia. That is correct.

Mr. COOK. Then a lawyer can get a fee for being ignorant of the law. I only repeat what the Senator from North Carolina said a moment ago.

Mr. ERVIN. I am glad to say to the Senator from Kentucky that ignorance of a change in the rule, made on the spur of the moment by a unanimous consent request, without the knowledge of the Senator from North Carolina, does not deduct anything or justify deducting anything from the salary of the Senator from North Carolina.

Mr. COOK. First of all, I do not really mean to pursue this argument at all. I might say, honestly, that I have the greatest respect for the distinguished Senator from North Carolina.

Mr. ERVIN. Let me say to the Senator from Kentucky that he has not offended me in the slightest. He has added to the joy of life.

Mr. COOK. I hope that I have not only done that but, I might say to the distinguished Senator, that I have at least covered my tracks.

Mr. President, let me say one other thing. This amendment of the Senator from Kentucky is not an effort to come in the back door. The Senator from Alabama has said that it was an effort to come in the back door. The Senator from Kentucky has never introduced a bill or an amendment that ever made any attempt to come in the back door. My position was established clearly on yesterday. I made my point clearly on yesterday, that if it were to be done in that manner, it would have to be acceptable to me.

The real unfair point on yesterday, the point I am sure the Senator from Alabama was talking about, was that it was absolutely the rankest type of legislation, to impose legal fees and costs upon the Federal Government when the Federal Government was not the violator. This I stand on. This I will always stand on. If, under these circumstances, it is necessary to bring a suit, if it is necessary to seek compliance under the 14th amendment to the Constitution, under the Civil Rights Act of 1965, or under this act, to bring an action and, if, in fact, that school district is held to be guilty and a mandate comes down, then they should have to make recompense for that mistake.

It is not that the person that came into the school district violated the law. It is not the idea of that person who filed that action seeking attorneys' fees. It is the idea of that person seeking one thing; namely, compliance with this act, compliance with the 1964 Civil Rights Act, and compliance with the 14th amendment.

I might add, I can only hope and certainly the Senator from North Carolina and certainly the Senator from Alabama and the Senator from Kentucky can hope that this, in fact, is what exists today, because we voted and we imposed upon this bill the Stennis amendment.

So, Mr. President, that is the import of this, the import of the $15 million. The import is not that we are, somehow or other, setting up a lawyers' relief fund. The import is that costs and attorneys' fees are to be put before the court as a matter for the court to determine. If, in fact, an action is brought which the court finds was absolutely necessary for the compliance with the acts involved and, as a result of securing a judgment, and as a result of the mandate issuing therefrom, the attorney for those plaintiffs, who sought to see to it that the 14th amendment of the Constitution of the United States was imposed upon that school district, that the acts of legislation already passed by this body and its regulations were to be imposed on that school district, would be entitled to his costs, and that he would be entitled to attorneys' fees as determined by the court. If the court came to the conclusion, Mr. President, that it could have been settled or could have been resolved short of an order, then the court will deny any such fees and will deny any such sums, because the court would find that the proceedings were not necessary to bring about compliance.

It is that easy.

I do not see any great sums of money would have been expended. I do not see any great move for lawyers to roam all across the South or all across the North. I do not see any need for anyone to buy a second-hand mimeograph machine to crank out lawsuits. I think it would be futile. I think it is understood by Members on this floor that it also would be futile.

Mr. President, I yield the floor.

Mr. ALLEN. Mr. President, if the junior Senator from Alabama has offended the distinguished Senator from Kentucky by use of the phrase "back door approach," the junior Senator from Alabama assures the distinguished Senator from Kentucky that he certainly meant to suggest no possible, improper activity or approach of the distinguished Senator from Kentucky. He was merely using a metaphor to indicate the use by the distinguished Senator from Kentucky of an approach that was a departure from a mere amendment of section 11 which could have been made or attempted to have been made on yesterday to achieve the same result.

Rather than do that, the whole of section 11 was first deleted and then a new section with no number is now offered, and it was something of an indirect approach, and that caused the junior Senator from Alabama to use that metaphor to describe the actions of the distinguished Senator from Kentucky.

The PRESIDING OFFICER (Mr. Byrd of Virginia). What is the will of the Senate?

ORDER FOR TRANSACTION OF ADDITIONAL ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Pastore rule of germaneness now be lifted and that there again be a period for the transaction of routine morning business, with statements limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BYRD OF VIRGINIA TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow following the recognition of the two leaders under the standing order, the distinguished senior Senator from Virginia (Mr. Byrd) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR COOK TOMORROW

Mr. BYRD of West Virginia. Mr. President I ask unanimous consent that, following the remarks of the distinguished Senator from Virginia (Mr. Byrd) on tomorrow, the very able Senator from Kentucky (Mr. Cook) be recognized for not to exceed 15 minutes.

TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW—ORDER FOR RECOGNITION OF SENATOR STEVENS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the Senator from Kentucky (Mr. Cook) tomorrow there be a period for the transaction of routine morning business for not to exceed 30 minutes with statements therein limited to 3 minutes.

Mr. COOK. Mr. President, reserving the right to object, and I may not, would the Senator in addition to the 15 minutes graciously allotted to me, allot 15 minutes to the Senator from Alaska (Mr. Stevens)?

Mr. BYRD of West Virginia. Mr. President, I so amend my request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, following the remarks tomorrow of the able Senator from Alaska (Mr. Stevens) the period for the transaction of routine morning business will occur in accordance with the request.

The PRESIDING OFFICER. The Senator is correct.

ANNOUNCEMENT OF POSITION OF SENATOR CHILES ON STENNIS AMENDMENT

Mr. BYRD of West Virginia. Mr. President, I wish to state that had the distinguished Senator from Florida (Mr. Chiles) been present today, he would have voted for the amendment offered by the Senator from Mississippi (Mr. Stennis).

Mr. Chiles last week received a leave of absence from the Senate for several days for the conduct of official business and he is absent today on that official business.

The Record should show that and should also show that he would have voted for the Stennis amendment had he been present.

PERMANENT DISPLAY OF THE SENATE'S COLLECTION OF HISTORIC DOCUMENTS IN THE CRYPT OF THE CAPITOL

Mr. BYRD of West Virginia. Mr. President, on Tuesday of this week, the Commission on Art and Antiquities of the Senate inaugurated a permanent display of the Senate's collection of historic documents in the crypt of the Capitol. These papers record the highlights of the Senate's history and are of unique interest and significance. Many of them date back to the earliest years of the Republic and they include handwritten messages from many of the early Presidents.

We are indeed fortunate that the Commission on Art and Antiquities, chaired by the distinguished majority leader, has turned its attention to this veritable trove of Senate memorabilia. The display, which has been arranged by the Commission's distinguished and able curator, Mr. James Ketchum, is an excellent one and I commend it to the attention of every Member of the Senate.

I ask unanimous consent to have printed in the Record the remarks of the chairman of the Senate Commission on Art and Antiquities (Mr. Mansfield) and of the Commission's ranking minority member (Mr. Prouty) on the occasion of the inauguration of this important exhibition.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Statement of Senator Mansfield

It has been said that we are a government of laws, not of men. It may be added that we are also a government of paper. The event which draws us together here today is not so much in celebration of that fact as it is a celebration of the survival of a few papers which make government meaningful.

What goes on display here today is but a minute distillation of the millions of documents which have bound this government together since its beginning. Each of these documents was selected for its intrinsic significance. Together, they serve to remind us, out of the profusion of the past, that the process of documentation is what gives permanence and continuity to the institutions of government. The ideas we carry in our heads and the agreements we reach in the give and take of political debate are of no use to the future unless they are accurately recorded and preserved.

The documentary record is of particular interest in the intricate relationship between the Presidency and the Senate. Born of Constitutional compromise, the relationship, especially in the early years, was the object of experimentation and testing. It withstood and survived, of course, and stands today as the evolutionary product of the precedents established over the years.

The Senate's historic document collection comprises the living record of this evolutionary process. These are original documents, signed by the Presidents and in some cases executed entirely in their own hand. The first of them which goes on display today was signed by George Washington more than 181 years ago.

This first Washington document itself provides a significant essay on the need for the intermediary of the written word in the relationship between the Executive and the Senate. It shows how, in the early months of the Republic, the first President conducted an uncomfortable experiment in substituting his personal presence for the more formal transaction of business by paper.

President Washington was acutely aware that his every act and word as the nation's first chief executive would be regarded as precedent for the future. He was particularly concerned about those parts of the Constitution which while clear as to what should be done were not so clear as to how to do it. A notable case in point was Article II, Section 2. It stipulates that the process of making treaties and nominating ambassadors and other high officers should be undertaken "by and with the advice and consent of the Senate."

Washington had to determine, by experiment, the most effective method for giving and receiving such advice and consent. While he was quite firm in his belief that nominations should be transmitted in writing, he apparently felt that the intricacies of treaty-making might justify a face-to-face confrontation with the Senate. Accordingly, he sent the letter which we have here today declaring his intention to meet with the Senate "to advise with them on the terms of the treaty to be negotiated with the Southern Indians."

Historians tell us that it was not a successful confrontation. The process of verbal communication was long and cumbersome, complicated by the competition of street noises from passing carriages. Most important, apparently, was the fact that the presence of the President of the United States on the rostrum of the Senate had an inhibiting effect on Senatorial debate. The treaty was referred to committee, accordingly, where it could be considered in a more relaxed atmosphere. The President departed in what one observer called "a discontented air." He transmitted all subsequent treaty mesages in writing and it was 130 years before another President would come to the Senate to discuss a treaty, and that was the occasion of the submission of the Treaty of Versailles by Woodrow Wilson.

The failure of that first effort at personal representation by President Washington set the stage for our being here today. For it led to the practice of conducting all subsequent advice and consent transactions on paper and it thereby assured the Senate of this unique collection of documents.

Fortunately for us today, one man had the historical perspective and good sense to recognize the worth of these papers nearly 100 years ago while the earliest files of the Senate were still intact. That was the then Secretary of the Senate, Anson G. McCook, who in 1885 began to assemble and preserve the collection. I am very pleased to note that Secretary McCook's daughter, Mrs. Katharine McCook Knox, is able to be here with us today to help celebrate the opening of this display.

Thanks to the foresight of Secretary McCook and those who followed him, the Senate collection now contains several hundred documents, each of which marks a significant step in the relationship between the Senate and the Presidency. The Senate Commission on Art and Antiquities intends to place the collection on rotating display as part of a continuing effort to promote understanding of the rich heritage of this branch of the federal legislature. We invite your attention to the display and hope you will find it a source of interest and, above all, a reminder of the human dimension which lies behind the affairs of state.

Statement of Senator Prouty

It has seemed to me that this ceremony should not serve simply as the opening of an historic exhibit. It should, also, be remembered as our recognition of the importance of historic manuscripts in the "permanence of our national institutions."

I would like to expand on the theme which the Majority Leader has already struck to the effect that many of these documents constitute landmarks in the Executive-Senatorial relationship.

I am particularly pleased that the second document displayed here today is from the hand of John Adams, the first of several Presidents from New England. And it strikes me that Adams' letter, perhaps unwittingly, created another precedent in the advice and consent process; this one having to do with nominations for public office.

President Adams, we are told, was much less rigid in his criteria for selection of federal appointees than was his immediate predecessor. Washington had been scrupulous in rejecting the advances of relatives and close friends who sought public office. Adams, on the other hand, was much more flexible in his view and saw no reason to exclude a qualified person just because he happened to be a relative. His nomination of his son, John Quincy Adams, to be Minister Plenipotentiary to Prussia, which we see here today, thus is in character and typifies a practical New England view, that those whom a President knows best are sometimes best suited for positions of trust. Each of us remembers when another President, John Kennedy, also from Massachusetts, as was John Adams, followed a similar course when he sent the name of his brother, Robert, to the Senate to be Attorney General.

Speaking as a Republican, I am also pleased to note that Presidents of my party are well represented here today. President Lincoln's nomination of Senator Seward to be Secretary of State, President Harding's nomination of William Howard Taft to be Chief Justice of the United States and President Nixon's nomination of his whole cabinet all are here.

Many of the letters in the collection, which will be seen in this and subsequent displays, have to do with the nomination of Cabinet officers. It is perhaps worth noting that Presidents have been particularly innovative in presenting their nominations to the Senate and to the country.

President Warren Harding, for example, went directly to the Senate chamber from his inauguration to present his nominations in executive session—thus breaking the long tradition established by Washington of nominating by letter.

President Nixon, it will be recalled, introduced his cabinet to the nation on television, while at the same time tendering his formal nominations to the Senate in writing, as we see here today.

Thus, we see that while Presidents do follow precedent they also make their own.

And so it is that these documents have as much to say about the men who wrote them as they do about the events they describe. They warrant our attention not simply for sentimental reasons, but because they give us a clearer understanding of that body of tradition and precedent which guide both the Senate and the Presidency today.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the additional period for morning business now be closed and and that the able senior Senator from Virginia (Mr. Byrd) be recognized for such time as he may require.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. Byrd of Virginia when he introduced S. 1640 are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

THE PENDING QUESTION

Mr. BYRD of West Virginia. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER (Mr. Hart). The pending question is the amendment offered by the Senator from Kentucky (Mr. Cook) and others to S. 1557, the pending business.

ORDER FOR UNFINISHED BUSINESS TO BE LAID BEFORE THE SENATE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the conclusion of the morning business tomorrow the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 11 a.m. Immediately following the recognition of the two leaders under the standing order, the able senior Senator from Virginia (Mr. Byrd) will be recognized for not to exceed 15 minutes, to be followed by the distinguished junior Senator from Kentucky (Mr. Cook) for not to exceed 15 minutes, to be followed by the distinguished senior Senator from Alaska (Mr. Stevens) for not to exceed 15 minutes, at the conclusion of which there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes. The unfinished business will then be laid before the Senate. There may be votes tomorrow.

ADJOURNMENT TO 11 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order that the Senate adjourn until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 17 minutes p.m.) the Senate adjourned until tomorrow, Friday, April 23, 1971, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate April 22, 1971:

National Railroad Passenger Corporation

The following-named persons to be members of the Board of Directors of the National Railroad Passenger Corporation for terms commencing April 29, 1971, as indicated:

For a term of 2 years:
Catherine May Bedell, of Washington.
David Walbridge Kendall, of Michigan.
John A. Volpe, Secretary of Transportation.
For a term of 3 years:
Frank S. Besson, Jr., of Virginia.
David E. Bradshaw, of Illinois.
Charles Luna, of Ohio.
For a term of 4 years:
John J. Gilhooley, of New York.
Roger Lewis, of New York.

HOUSE OF REPRESENTATIVES—*Thursday, April 22, 1971*

The House met at 12 o'clock noon.

Rev. James F. Humphries, missionary associate, Southern Baptist Convention, Saigon, Vietnam, offered the following prayer:

Our Father, as we stand in this honored place today, we are reminded of those great men of bygone years who labored so faithfully to make our Nation what it is today. For the foundation upon which we stand we give Thee thanks.

Likewise we are reminded of our responsibilities for the present; of our responsibilities as elected leaders of this Nation; of our responsibilities as citizens of this Nation.

Grant to each of us wisdom, courage, and strength. Wisdom to discern, courage to act, strength to uphold.

Teach us Thy ways; and may we find grace sufficient to always render unto Caesar the things which are Caesar's and unto God the things which are God's.

In Jesus' name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 230. An Act to authorize the U.S. District Court for the Northern District of West Virginia to hold court at Morgantown.

The message also announced that the Vice President, pursuant to Public Law 86-420, appointed Mr. MANSFIELD, Mr. BYRD of West Virginia, Mr. JACKSON, Mr. BYRD of Virginia, Mr. MONTOYA, Mr. BENTSEN, Mr. CHILES, and Mr. AIKEN to attend, on the part of the Senate, the 11th Mexico-United States Interparliamentary Conference in Mexico, May 27 to June 1, 1971.

THE REVEREND JAMES F. HUMPHRIES

(Mr. WRIGHT asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. WRIGHT. Mr. Speaker, the House today was honored that the prayer could be offered by the Reverend James F. Humphries of my city of Fort Worth. The Reverend Humphries is a graduate of the Southwestern Baptist Theological Seminary at Fort Worth.

For the past 4 years he has been in Vietnam as minister of the English language Trinity Baptist Church of Saigon. He is here on leave, and will soon return for an additional 4 years in this important ministry.

I have taken this time, Mr. Speaker, in order to say a word of welcome to the Reverend Humphries, of whom those of us in our community and in our State are very proud, and to express to the House my pleasure that he could offer the prayer for the House today.

REV. JAMES F. HUMPHRIES

(Mr. DORN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DORN. Mr. Speaker, may I join my distinguished colleague from Texas, Mr. WRIGHT, in welcoming to the House, Rev. James F. Humphries. I commend Reverend Humphries for his timely, inspiring, and beautiful prayer. Reverend Humphries, though born in Savannah, Ga., was reared in South Carolina. He spent much of his boyhood in Anderson, in my congressional district. He is a graduate of our great Baptist institution, Furman University in Greenville, and as my colleague stated attended the Southwestern Baptist Theological Seminary in Fort Worth, Tex.

His pastorate includes churches in Oklahoma and Texas. Reverend Humphries has rendered particularly outstanding service as a missionary to South Vietnam. He has ministered to our people and to a people who are struggling for freedom and human dignity. In South Vietnam he has served the cause of Christianity with dedication and devotion. He has served America and the cause of freedom in a splendid and superb manner.

Mr. Speaker, we are fortunate and pleased to have Reverend Humphries and his lovely family visit the Capitol today.

Mr. Speaker, Col. and Mrs. W. T. Moseley, are escorting Reverend Humphries on a tour of Capitol Hill. Colonel Moseley served in the U.S. Army for 29 years. He served in South Vietnam with honor and distinction.

This is truly a great day in the House we shall long remember. I wish Reverend Humphries and our patriotic friends Godspeed and the very best always.

INFLATION

(Mr. ANDERSON of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ANDERSON of California. Mr. Speaker, there are many causes of inflation—high interest rates, excessive Government spending, the war—to name a few.

If we are going to stabilize prices, we must attack all of the causes of inflation—not simply single out a particular industry and accuse them of causing skyrocketing prices.

The construction industry has been accused of causing the rise in the costs of purchasing a home.

Mr. Speaker, the facts prove the opposite. From 1949 to 1969, the total wages and fringe benefits of onsite construction workers fell from 33 percent of the price of the home to 18 percent. Yet, the price of a home rose 110 percent during this 20-year period.

Who is to blame? The cost of land jumped 296 percent and the cost of financing a home rose 356 percent over this 20-year period. Land costs, which were 11 percent of the price of a home in 1949, are now 21 percent. Financing costs—formerly 5 percent of the costs of homeownership—are now 10 percent of the costs.

Mr. Speaker, I favor action to stabilize the economy, but we must realize that a balanced, fair and workable stabilization program must include overall restraints on all costs and prices—including profits, dividends, and capital gains—as well as wages, salaries, and rents.

HAPPY BIRTHDAY TURNER ROBERTSON

(Mr. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOGGS. Mr. Speaker, I take this time to congratulate the chief page, Turner Robertson, who today is celebrating his 62d birthday.

Turner Robertson has been working with and for the Members of the House of Representatives for well over 32 years. He has been a devoted and faithful worker. I am sure I express the sentiments of all of us here when I wish for him not only a happy birthday today but many more in the future.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I am happy to yield to the minority leader.

Mr. GERALD R. FORD. I am delighted to join in indicating the same sentiments that the gentleman from Louisiana has expressed concerning Turner Robertson. We on this side wish him the same warm, happy anniversary that those on your side wish him, and many more in the future.

Mr. BOGGS. I thank the gentleman.

IMPROVED MAIL SERVICE STANDARDS

(Mr. NICHOLS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NICHOLS. Mr. Speaker, until I read the news announcements from Postmaster General Winton M. Blount recently concerning improved mail service standards, I was beginning to feel that the postal service was like the weather—everybody talking about it, but nobody doing anything about it.

I was pleased to note in Mr. Blount's statements, however, that he is doing much more than talking—that he has an overall master plan already developed for several improvements. The first of these is, quite properly, designed to speed up the premium service—airmail—and at the same time to provide some assurance of dependability so we will know with reasonable certainty when our airmail letter will get to its destination. At the same time, we are assured that the postal service will do everything possible to speed it along the way.

Moreover, I understand that these new standards for airmail represent only minimum goals. Next-day delivery is promised between designated cities up to 600 miles apart, but probably we will find airmail reaching some cities next day as much as 1,500 or even 2,500 miles distant.

This is the kind of performance that the Congress hoped for in reorganizing the postal service. I am pleased to see Mr. Blount doing something about it instead of just talking about it.

TRIBUTE TO THE LATE HONORABLE BOB CHIPERFIELD

(Mr. ARENDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. ARENDS. Mr. Speaker, during the Easter recess our country lost one of its finest public servants and my State of Illinois lost one of its most distinguished sons. On April 9 Bob Chiperfield, a former Member of this body and one of my good friends, passed away.

He first came to Congress in 1939. After 24 years of service he decided not to be a candidate for reelection. His length of service itself bespeaks the high quality of his representation of the people.

Bob Chiperfield was one of those all too rare individuals in public life who did not seek for himself honor or glory. Those of us who were privileged to know him and to work with him knew how in his quiet unassuming way the contribution he made to some of our country's most critical problems.

He served on the Committee on Foreign Affairs, and during the 83d Congress, 1953–54, he was the committee chairman. As ranking minority member of that committee and as its chairman he demonstrated statesmanship in the fullest sense. He took the position that politics stopped at the water's edge, and he gave our Presidents, Republican and Democrat, support. He did not take the politically expedient course. He supported foreign assistance programs when it would have been easier for him to oppose them.

With the passing of Bob Chiperfield our country has lost a true patriot and a real statesman who will live forever on the pages of history.

I am saddened by his passing and extend my deepest sympathy to his wife and son and daughter.

Mr. RAILSBACK. Mr. Speaker, I am sure that my colleagues and former Members of this body will be saddened to learn of the death of Robert B. Chiperfield on April 9, 1971, during the Easter recess. Bob Chiperfield served as a Member of this body for 24 years and was the last Republican chairman of the House Foreign Affairs Committee.

Bob Chiperfield was noted for his kind and considerate nature and I have benefited greatly from his advice on several occasions during my service as a State legislator in the Illinois General Assembly and as the Representative of the 19th District of Illinois. I came to know and appreciate Bob's kindness and helpfulness and I am indeed saddened by his passing. I extend my sincere sympathy to his wife and his son and daughter. Not only they, but the rest of the people in Illinois have lost a valuable leader and a member of a very distinguished family.

A native of Canton, Ill., Bob Chiperfield was the son of a former Member of Congress, Brig. Gen. Burnett Mitchell Chiperfield, who served in the 64th, 71st, and 72d Congresses as a Republican Representative from Illinois. Bob Chiperfield's great grandfather was Ossaim M. Ross, a pioneer settler of Fulton County and founder of Lewistown, Ill.

Bob Chiperfield was elected as a Republican Representative from what is now the 19th District of Illinois in 1938 and served as a Member of Congress for 24 years, from 1939 until he chose to retire and not run for reelection in November 1962.

He attended Phillips Exeter Academy in Exeter, N.H.; Knox College in Galesburg, Ill.; and graduated from Harvard University. He received his law degree in 1925 from Boston University. He was 71 at the time of his death.

Bob Chiperfield served on the Foreign Affairs Committee for nearly his entire time in Congress. He was ranking minority member for most of the 1950's and served as chairman during 1953 and 1954. He traveled to several foreign nations, was an observer at the United Nations, and was at one time offered an ambassadorship which he declined because of his wife's failing health and his duties on the Foreign Affairs Committee.

Following his retirement, Bob Chiperfield performed selflessly as an elder statesman for his native State of Illinois and for his chosen Republican Party. He was an active and energetic citizen until felled by a heart attack at age 71. We salute him and his wonderful career in public service and we extend our heartfelt sympathies to his family.

GENERAL LEAVE TO EXTEND

Mr. McKEVITT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of the announcement by Congressman Arends of the death of former Congressman Robert Chiperfield.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

FIFTH ANNUAL REPORT OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, CALENDAR YEAR 1969—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–97)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, together with the accompanying papers, referred to the Committee on Banking and Currency and ordered to be printed with illustrations:

To the Congress of the United States:

I transmit herewith the Fifth Annual Report of the Department of Housing and Urban Development for the calendar year 1969.

Richard Nixon.

The White House, *April 22, 1971.*

RESIGNATION AS MEMBER OF CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER laid before the House the following communication, which was read:

April 8, 1971.

Hon. Carl Albert,
Speaker,
Washington, D.C.

Dear Mr. Speaker: Please accept my sincere appreciation for my appointment as a delegate to the 14th meeting of the Canada-United States Interparliamentary Group.

I regret, however, that present circumstances preclude my fulfillment of this responsibility. I, therefore, herewith submit my resignation.

My thanks, again to you, Ranking Minority Member William Maillard and House Minority Leader Gerald R. Ford for this appointment.

With kindnest personal regards.

Sincerely,

John H. Buchanan, Jr.,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

APPOINTMENT AS MEMBER OF CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER. Pursuant to the provisions of Section I, Public Law 86–42, the Chair appoints as a member of the U.S. delegation of the Canada-United States Interparliamentary Group the gentleman from Massachusetts (Mr. Morse) to fill the existing vacancy thereon.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, if it is the intention to proceed with the bill dealing with the public works program under the rule which the leadership did not see fit to have discussed yesterday, I believe we should have a quorum present.

I, therefore, make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 65]

Abourezk
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Baring
Bow
Brooks
Brotzman
Brown, Mich.
Carey, N.Y.
Casey, Tex.
Clark
Clay
Conyers
Corbett
Davis, Ga.
Dellums
Dent
Dow
Dowdy
Dwyer
Edwards, La.
Fascell
Flynt
Foley
Fuqua
Gallagher
Goodling
Gray
Green, Pa.
Gubser
Halpern
Harvey
Hays
Hicks, Mass.
Kazen
Kemp
Kluczynski
Leggett
Long, La.
McCloskey
McCulloch
Mailliard
Mathis, Ga.
Murphy, Ill.
Nedzi
Peyser
Pickle
Rees
Reid, N.Y.
Roncalio
Rooney, Pa.
Rosenthal
Ryan
Scheuer
Schwengel
Sebelius
Shriver
Steele
Tiernan
Veysey
Whalen
Whitehurst
Wolff

The SPEAKER. On this rollcall 367 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PUBLIC WORKS ACCELERATION ACT, PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT, AND APPALACHIAN REGIONAL DEVELOPMENT ACT EXTENSIONS

Mr. BLATNIK. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5376) to extend the Public Works Acceleration Act, the Public Works and Economic Development Act of 1965, and the Appalachian Regional Development Act of 1965.

The SPEAKER. The question is on the motion offered by the gentleman from Minnesota.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 5376, with Mr. SLACK in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. Before the committee rose on yesterday, it had agreed that title II of the committee amendment in the nature of a substitute, ending on page 15, line 16, would be considered as read and open to amendment at any point.

Are there any amendments to title II?

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time to briefly ask the chairman of the committee a question for purposes of legislative history. In title II, under consideration, it provides that even neighborhoods, for example, a small cluster of houses not in a metropolitan area may qualify under certain conditions. I have in my district a neighborhood or a group of houses—that would meet the low-income requirement, and they need a water system. That is all they want. They do not want to be required to have some grandiose plan of development and so forth. The bill says in (B) at the bottom of page 13, that they must have "an overall economic development program." I want to know specifically would this neighborhood, by just wanting a water system, be able to qualify?

Mr. BLATNIK. Mr. Chairman, I have discussed this matter with the gentleman before. He does have a problem. I think we can help. First of all, if they are eligible under the eligibility requirements as listed in the bill we have, we can say this.

Mr. SMITH of Iowa. Let us assume they would be eligible as a low-income area.

Mr. BLATNIK. If they are eligible under this bill, there is no requirement for a complicated overall economic development program. The water needs are obvious and they are spelled out in clear detail, and the benefits to be derived therefrom can be clearly spelled out in rather short order, without any prolonged and complicated plan. There is a contribution to the community, by improving the quality of life and enchancing the economy of the area. Under this section the committee only requires a simple plan to expedite the procedure, so the community or neighborhood could be helped rapidly. There may be the possibility of help under the Department of Agriculture program.

We will check that out. We will definitely work with the gentleman.

Mr. SMITH of Iowa. That has already been checked, and they cannot qualify.

Mr. BLATNIK. They cannot qualify. Let me read, then, from the committee report on page 20.

Mr. SMITH of Iowa. They are not an incorporated area.

Mr. BLATNIK. It says:

> The Committee intends that the proposal for the overall economic development program required by section 401(a) (6) (B) with respect to areas designated under the authority of section 401(a) (6) (A), be in lieu of any requirement of any such program in section 401(b) (2) and section 202(b) (10). These new proposals should be narrower in their scope and acceptable in a shorter period of time than is the case for programs under the present procedure.

This reaffirms what I have previously told the gentleman.

Mr. SMITH of Iowa. I thank the gentleman.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Missouri.

Mr. HUNGATE. I should like to incorporate for reference the Stringtown community north of Wright City, Mo. I have the exact problem the gentleman has. I should like to have the attention of the chairman. This is apparently a common problem.

We have applied to HUD, FHA, SBA, OEO, and I think everything but the CIA has now turned us down.

This is about a mile and a half. There are some 50 families, practically all of whom are black, a factor which should enter into this today.

There is a program for everything, but there is nothing to reach these people. I know the chairman is looking at these problems. I hope he will devote particular attention to that one.

I thank the gentleman for yielding.

Mr. SMITH of Iowa. I thank the gentleman. I believe some of these communities fear that they will have to have some high-paid developer develop a grandiose plan, and all they want is a water system.

Mr. HUNGATE. That is right.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman from Iowa yielding. I believe he has put his finger on a very important point.

In fact, I would go one step further, and I would say that these small communities which need help under the past or present law of the land, or the one we are passing, have now been constrained to seek approval by as many as seven different planning committees and/or State or Federal agencies, long-range planning organizations, the Environment Protective Organization and many others.

I had a letter in my office only yesterday where they had to have seven different approvals.

The actual fact of the matter is that the administration of the so-called long-range planning groups is in the saddle and riding the horse and has taken the ball away from the Federal agencies completely under the guidance of State administration in the various States.

I believe it is a very real problem. There is a real necessity for us to address this fact and take the automatic, complete, czar-like negative power away from the so-called long-range planning commission.

I believe in a long-range program. There is no argument about that. But I believe the gentleman has put his finger on a very salient point involving politics and control of Federal funds.

Mr. WRIGHT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time in the interest of my colleague the Honorable J. J. PICKLE, who has a peculiar problem with regard to some of the counties in his particular congressional district.

The gentleman from Texas (Mr. PICKLE) has discussed this problem with members of the committee, including the distinguished chairman, the gentleman from Minnesota (Mr. BLATNIK). He initially had intended to offer an amendment to the bill today.

Mr. Chairman, I ask unanimous consent that the remarks of the gentleman from Texas (Mr. PICKLE) may be printed in the RECORD at this point, as well as a copy of the amendment the gentleman would have offered initially.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. HARSHA. Mr. Chairman, reserving the right to object, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Ohio.

Mr. HARSHA. Is it the intention of the gentleman now standing to offer this as an amendment to the bill?

Mr. WRIGHT. No; the gentleman from Texas (Mr. PICKLE) asked me to bring it to the attention of the committee. He will not offer the amendment, nor will I offer the amendment. We have discussed it, and the gentleman from Texas (Mr. PICKLE) has agreed to come before our committee at a later time when we consider in detail any revisions we might wish to make in the eligibility qualifications to participate in this program.

Mr. Chairman, I wanted to direct some questions to some of the members of the committee with respect to this as I promised the gentleman from Texas (Mr. PICKLE) I would do. He is not able to be here. A longstanding commitment forced him to leave today. We thought we would have concluded the bill yesterday. He has agreed not to offer his amendment, and I shall not offer it in his stead.

Mr. HARSHA. Let me say to the gentleman that I want to commend our colleague, the gentleman from Texas (Mr. PICKLE), for what is a proper matter that he took up with some of the Members, and I believe it should be possibly passed. It goes to the changes in the basic law. We should have the benefit of the committee hearings on it and the benefit of the advice of the administration as to what effect it would have on the act itself. I want to commend him for taking this action to try to resolve his own problem.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas (Mr. WRIGHT)?

There was no objection.

The statement and amendment of Mr. PICKLE are as follows:

STATEMENT OF MR. PICKLE

Mr. Chairman, a long standing commitment prevents me from being here today for the continuation of the consideration of the Public Works and Economic Development Act, H.R. 5376. First, I would like to commend the Public Works Committee for their work on this legislation. Also, I want to salute the EDA's work as an effective government service. Although I am in support of the bill generally as reported by the Committee, I had intended to offer an amendment to the bill.

The idea of my amendment is to simply provide the Secretary of Commerce with discretion to designate as a redevelopment area an area that is within an economic development district but is not eligible for direct participation under Section 401 of the Act. The Secretary would base his judgment on the economic needs of the particular area. This amendment is aimed at areas that are suffering economic hardships, but do not quite meet the standards set out in the bill. The EDA program has cutoff points that decide whether an area is eligible for funds. These standards are necessary, but they should not be inflexible.

In my Congressional District there is a county that suffers from underemployment, but the rate of income is slightly too high for the county to be designated as a redevelopment area under Section 401 of the Act. This county has actively participated in an economic development district. They contributed to the staffing expenses of the district office, but they could not be selected for location of an EDA project. This amendment that I have drafted would give the Secretary the ability to say although this county does not meet to the letter the qualifications necessary, this area is suffering sufficient economic growth problems to be eligible for EDA projects, especially since as a member of a redevelopment district they are eligible for planning money.

As you know under current law, the EDA is authorized to designate a multi-county district when recommended by the governor of a state. When an economic unit is shown to exist, and when the core counties do meet the EDA criteria, then other adjoining counties may be included in a district.

Grouping of this nature generally benefits the core areas directly, through the approval of public works projects and business loans, and the adjoining areas indirectly. By and large it is a workable arrangement, but it is restrictive in that projects cannot be placed in non-eligible counties even though they might be utilized there.

My amendment would just allow some flexibility in this arrangement. When measuring economic need it is not always practical to set out certain cutoff points that cannot be adjusted.

My amendment differs from one I have considered in the past which would have said that all counties in a redevelopment district are eligible for EDA projects. My present proposal would only give the Secretary of Commerce the discretion to bend the guidelines as far as areas in a district are concerned. This change in my proposal answers the argument that we would be opening the door to non-eligible counties in a district that did not need aid.

Since the House adjourned on Wednesday before I could offer this amendment and since I was not able to attend today, my amendment unfortunately will not be offered. I have been told that the Public Works Committee intends to hold hearings this session at which time they will evaluate the whole EDA program. I have been assured that my amendment will be considered at that time. I would like for the RECORD to show my proposal.

AMENDMENT TO H.R. 5376, AS REPORTED—PROPOSED BY MR. PICKLE

Page 14, line 17, immediately after "Sec. 207." insert "(a)".

Page 14, after line 20, insert the following:

"(b) Section 403 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3171) is amended by adding at the end thereof the following new subsection:

"'(i) Notwithstanding any other provision of this Act any area within an economic development district designated in accordance with subsection (a) of this section which area is not eligible for designation as a redevelopment area under section 401 of this Act, may, in the discretion of the Secretary, be deemed to be a redevelopment area for the purpose of receiving financial assistance under all titles of this Act for so long as such area is within such economic development district, if the Secretary determines that the economic conditions of such area equitably require that it receive such assistance.'"

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to my colleague from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, I am personally pleased to hear the gentleman from Texas (Mr. WRIGHT) bring this question to the attention of the Committee of the Whole.

The gentleman from Texas (Mr. PICKLE) has, indeed, diligently contacted members of the committee on both sides of the aisle in support of his amendment and action to meet the problem it seeks to solve. I have a very keen appreciation and genuine sympathy for the situation that confronts him. I know all of us have some areas that we know from close personal knowledge have severe economic problems and genuine economic distress, but for one reason or another find it very difficult to produce the statistical material and the factual material to justify its designation under this law. I think the gentleman from Texas (Mr. PICKLE) has made a very strong case for this amendment, and I am grateful that he will be bringing the detailed presentation of it before the committee in the near future.

Mr. WRIGHT. I thank the gentleman for his comments.

Mr. BLATNIK. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the distinguished chairman of the committee.

Mr. BLATNIK. May I reply to the question by saying that I have personally made a commitment and in good faith, and an earnest one, to the gentleman from Texas (Mr. PICKLE) who does really have a problem. Just as in any program you can accommodate most of the problems, but some are in borderline areas, not quite clear, sort of in a gray zone. The fact remains, however, that there is poverty and there is economic hardship in these areas, and the gentleman from Texas does have every justification for advancing and presenting his case. He has done it with great effectiveness. Again I repeat my pledge that when we do reconsider and review this act to see how it has worked and in what areas it is strong and weak, we will certainly give serious consideration to how we can help a problem area such as that of the gentleman from Texas (Mr. PICKLE).

Mr. WRIGHT. I thank the Chairman, and I yield back the balance of my time.

AMENDMENT OFFERED BY MR. CLEVELAND

Mr. CLEVELAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CLEVELAND: On page 13, line 17, strike out the word "abrupt."

The CHAIRMAN. The gentleman from New Hampshire is recognized for 5 minutes in support of his amendment.

Mr. CLEVELAND. Mr. Chairman, the

purpose of this amendment which is to strike out the word "abrupt" on line 17, page 13, is quite simple. Experience shows that when you have the closing of a mill, or a source of unemployment, many times it is a result of imports. Sometimes it is a result of technological changes, or sometimes, sad to say, it is the result of poor business management. Quite frequently, though, when you do have a mill that closes, and this has happened a good many times in my district, it does not close all at once. It dies a lingering death. To those Members of this House who have had mills close in their district, whether it is because of imports or because of some technological change, or perhaps adverse business conditions, or poor management, I hope you will bear in mind the important implications of this rather simple amendment.

It seems to me that if the major source of employment closes down or goes out of business slowly as imports increase or as the recession deepens they should be just as entitled to help as if there is a cataclysmic abrupt closing that happens overnight while the mill is fully employing as many people as it can.

It is certainly true that the committee attempted to cope with this particular problem to which I have alluded here by incorporating language in the report. But I am very much concerned that if we leave the word "abrupt" in the criteria for entitlement, the bureaucrats downtown may not go along with the language of the committee report.

I am afraid that, based upon the way this language reads they are going to require a closing of a mill where a lot of people are thrown out of work and not the situation which so frequently happens which is the slow, lingering death of a mill with a few people being laid off each week, finally culminating in the closing of the mill.

Mr. Chairman, for the people who have this particular problem which is unfortunately common to many parts of the country, I would hope that they would support this amendment, because by supporting this amendment it will make it crystal clear that a part of our policy in enacting this legislation is to recognize the slow, tortuous death of a mill by reason of imports or some other reason, as well as the more startling cataclysmic closing of a mill or business that is in full operation.

Therefore, Mr. Chairman, I would hope that the Committee would accept this amendment, because I think it is in accordance with the policy of this act which is to assist areas of unemployment and economic disadvantage.

Certainly, one of the problems that we are facing in many parts of the country, certainly in New England and parts of the South as well as the Middle West, has been the closing of mills by reason of imports that have crept up on an industry, resulting not in its going suddenly out of business, with an abrupt rise in unemployment, but a slow death, and the unemployment and lack of employment opportunities might not be considered as abrupt.

Mr. Chairman, I yield back the balance of my time.

Mr. EDMONDSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment and I want to say in opposition to it that it is a matter which the gentleman from New Hampshire (Mr. CLEVELAND) brought very, very forcefully to the attention of the committee when this bill was pending before the committee.

It was considered by the committee during the mark up of the bill. The committee felt very, very strongly that the matter could be handled and handled very adequately with the language which is now contained in the report.

I would like to direct the attention of the members of the Committee of the Whole House on the State of the Union to the language that appears on pages 20 and 21 of the report which is as follows:

> The committee further feels that the word "abrupt" should be interpreted in accordance with its broadest connotations and that it should include not only a sudden or immediate rise of unemployment but also a threatened rise of unemployment of such extent that its overall effect upon the community would be abrupt. For example, in those instances involving the closing of a large manufacturing complex, the unemployment caused within the community does not necessarily occur instantaneously since, in fact, the complete closing may take place over a prolonged period of time yet the effect of the announcement of the closing itself or the phasing out of the business over a period of time can produce abrupt and serious consequences to the community.

The committee feels in this situation, as it goes on to say in the report:

> Examples of this type of closing includes plants forced to shut down as a result of excessive imports or technological change.
>
> In addition to the foregoing, those areas where long-range commuting by the work force of an affected source of employment is involved, the areas designated for assistance may include not only the community in which the major source of employment is located, but also the area from which its work force is drawn, or any pocket of unemployment within such areas, which suffer such a loss or threatened abrupt rise of unemployment.

So the committee feels that the broad criteria that we have placed in this bill as a result of the amendment offered by the gentleman from Arkansas (Mr. HAMMERSCHMIDT) in the committee, have already greatly liberalized and enlarged the areas that will be covered by this legislation.

To eliminate entirely any time element in consideration of a threatened rise of unemployment, and to take this word "abrupt" out of the bill, would probably open the barn gate so wide that you would have practically a flood of applications coming in from those communities that actually are not facing any real threat of unemployment in the immediate future.

So, Mr. Chairman, I hope that there can be a retention of the language contained in the bill, and that there will be a defeat of the amendment offered by the gentleman from New Hampshire (Mr. CLEVELAND).

Mr. BLATNIK. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I yield to the gentleman from Minnesota.

Mr. BLATNIK. Mr. Chairman, I do not believe it can be stated any more clearly or precisely than has already been done so well by the very able gentleman from Oklahoma (Mr. EDMONDSON), but I did want to underscore in general terms that "abrupt" does not just mean an immediate, abrupt rise in unemployment, but has been clarified in the report, and I hope further clarified by this colloquy. It is our intent that the word "abrupt" would be that its construction shall be given the broadest connotation. The gentleman from Oklahoma has pointed this out very well when he read the language in the committee report on this section. I reaffirm that interpretation.

Therefore, Mr. Chairman, in my opinion the language contained in the report, and the description as given by the gentleman from Oklahoma, clearly protect the gentleman from New Hampshire, and I would hope that he will not insist upon his amendment.

Mr. EDMONDSON. Would the chairman agree with me that under the description of the conditions set forth by our good friend, the gentleman from New Hampshire (Mr. CLEVELAND), that the areas in his district which he has described to us in the committee and on the floor would have no difficulty qualifying despite the presence of this word "abrupt"?

Mr. BLATNIK. There is no question in my mind that on the basis of the explanation in the committee report on pages 20 and 21, that the gentleman would have no difficulty whatsoever.

Mr. CLEVELAND. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I yield to the gentleman from New Hampshire.

Mr. CLEVELAND. Of course, it seems to me that if what the gentleman says is true, if the language in the report is going to cover it essentially, then we do not need the word "abrupt," and that is why, of course, I want to take that word out. I think you may have a bit more confidence than I do in the amount of latitude that a bureaucrat making a decision on an application might give to congressional intent.

Mr. EDMONDSON. May I say to the gentleman that we have a great deal of respect not only for the good sense and judgment of Secretary Podesta and the people working with him, but also for the influence of the gentleman from New Hampshire on those gentlemen.

Mr. CLEVELAND. Mr. Chairman, I appreciate the kind words of the gentleman from Oklahoma.

In view of the fact that I have the assurance of the chairman, I assume that if I do run into a situation where the use of the word "abrupt" is being used to deny an application of the type I have described, you will give me an immediate hearing on legislation to correct the wrong; am I correct?

Mr. BLATNIK. We have made the assurance several times yesterday and do it again now, that as soon as the water pollution legislation, which has high priority and on which we plan to start hearings within a matter of weeks, are concluded. Then, the next item of business will be a total review of the EDA program and how it is working. At that time you will have ample opportunity further and you can be assured you are protected and covered under the interpretation here.

Mr. CLEVELAND. Mr. Chairman, with that assurance I ask unanimous consent that my amendment be withdrawn.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. If there are no further amendments to title II, the Clerk will read.

The Clerk read as follows:

TITLE III—APPALACHIAN REGIONAL DEVELOPMENT ACT OF 1965

SEC. 301. This title may be cited as the "Appalachian Regional Development Act Amendments of 1971".

SEC. 302. The second sentence of subsection (b) of section 105 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 105) is amended to read as follows: "To carry out this section there is hereby authorized to be appropriated to the Commission, to be available until expended, not to exceed $1,900,000 for the two-fiscal-year period ending June 30, 1973, and not to exceed $1,900,000 for the two-fiscal-year period ending June 30, 1975. Not to exceed $475,000 of the authorization for any such two-year period shall be available for the expenses of the Federal Cochairman, his alternate, and his staff.".

SEC. 303. Paragraph (7) of section 106 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 106) is amended by striking out "1971" and inserting in lieu thereof "1975".

SEC. 304. Subsection (g) of section 201 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 106) is amended to read as follows:

"(g) To carry out this section, there is hereby authorized to be appropriated to the President, to be available until expended, $175,000,000 for the fiscal year ending June 30, 1971; $175,000,000 for the fiscal year ending June 30, 1972; $180,000,000 for the fiscal year ending June 30, 1973; $180,000,000 for the fiscal year ending June 30, 1974; $185,000,000 for the fiscal year ending June 30, 1975; $185,000,000 for the fiscal year ending June 30, 1976; $185,000,000 for the fiscal year ending June 30, 1977; and $180,000,000 for the fiscal year ending June 30, 1978."

SEC. 305. Subsection (b) of section 205 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 205) is amended to read as follows:

"(b) Notwithstanding any other provision of law, the Federal share of mining area restoration project costs carried out under subsection (a) of this section and conducted on lands other than federally owned lands shall not exceed 75 per centum of the total cost thereof. For the purposes of this section, such project costs may include the reasonable value (including donations) of planning, engineering, real property acquisition (limited to the reasonable value of the real property in its unreclaimed state and costs incidental to its acquisition, as determined by the Commission) and such other materials and services as may be required for such project."

SEC. 306. The first sentence of subsection (c) of section 214 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 214) is amended by striking out "December 31, 1970" and inserting in lieu thereof "December 31, 1974".

SEC. 307. Section 401 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 401) is amended to read as follows:

"SEC. 401. In addition to the appropriations authorized in section 105 for administrative expenses, and in section 201 for the Appalachian development highway system and local access roads, there is hereby authorized to be appropriated to the President, to be available until expended, to carry out this Act, $268,500,000 for the two-fiscal-year period ending June 30, 1971; $302,000,000 for the two-fiscal-year period ending June 30, 1973; and $314,000,000 for the two-fiscal-year period ending June 30, 1975."

SEC. 308. Section 405 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 405) is amended by striking out "1971." and inserting in lieu thereof "1975.".

SEC. 309. No person in the United States shall, on the ground of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance under the Appalachian Regional Development Act of 1965.

Mr. BLATNIK (during the reading). Mr. Chairman, I ask unanimous consent that title III be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

AMENDMENT OFFERED BY MR. ROBISON OF NEW YORK

Mr. ROBISON of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROBISON of New York: On page 16, strike lines 11 through 24 and insert in lieu thereof the following:

"SEC. 304. Section 201 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 201) is amended as follows:

"'(1) The penultimate sentence of subsection (a) is amended to read as follows: "Construction on the development highway system shall not exceed two thousand seven hundred and sixty-five miles."'

"(2) Subsection (g) is amended to read as follows:

"'(g) To carry out this section, there is hereby authorized to be appropriated to the President, to be available until expended, $175,000,000 for the fiscal year ending June 30, 1971; $180,000,000 for the fiscal year ending June 30, 1972; $185,000,000 for the fiscal year ending June 30, 1973; $185,000,000 for the fiscal year ending June 30, 1974; $190,000,000 for the fiscal year ending June 30, 1975; $190,000,000 for the fiscal year ending June 30, 1976; $190,000,000 for the fiscal year ending June 30, 1977; and $185,000,000 for the fiscal year ending June 30, 1978.'"

Mr. ROBISON of New York. Mr. Chairman, it is my understanding that the construction of 2,700 miles of development highways is presently authorized for the Appalachian region; that all—or virtually all—of that mileage is presently allocated, and that the committee bill, as now before us, while it contains a further authorization of moneys believed necessary to complete that original highway system, does not provide for any additional mileage.

One such allocation of mileage has been made for a development highway, known as the Appalachian Thruway, and running through the Pennsylvania Valley corridor, so-called, from Cumberland, Md., as its southern terminus, on north through Pennsylvania and on into New York a few miles to Elmira, N.Y., as the present northerly terminus of this key developmental highway. At Elmira, this proposed road connects with New York State Route 17, a major highway running in an east-west direction through the southern tier counties of New York, as they are called, from New York City to Buffalo.

However, some 65 miles or so, in a northeasterly direction from Elmira—on a route running from Elmira through Ithaca, N.Y., and on to Cortland, N.Y.—lies Interstate Route 81, complete now from the Harrisburg, Pa., vicinity, through Scranton, in that State, on into New York through Binghamton, Cortland, Syracuse, and Watertown, to the Canadian border. This latter highway is a key portion of the Interstate System, and, from the standpoint of sound highway planning, it makes all sorts of sense for the Appalachian Thruway, now under construction, to connect with it and not end, as would now be the case, at Elmira.

In 1969, a study known as the Rust Report was made under contract with the EDA, and with the cooperation of both the Appalachian Regional Commission and the Appalachian Thruway Association, headquartered in Altoona, Pa. That study urged such a continuation, and connection with Interstate 81, of the developmental highway I have described to you, in terms indicating that, unless such a connection is eventually made, the affected region's projected economic growth would fall substantially below the 2½ times increase otherwise believed possible. As the Appalachian Thruway Association's bulletin for March of 1969 noted:

> Ending the corridor at Elmira would let the area to the north flounder and drastically reduce the degree of growth of the lower Thruway counties.

Mr. Chairman, this extension and interconnection is strongly supported by the affected communities in the 10 counties along the corridor. In the judgment of their citizens—as in mine—the highway in question will not achieve its maximum value without such an extension and interconnection; and, without it, we will have built, so to speak, a ladder to economic development in which the upper two rungs are missing.

As I have said, the additional mileage needed to accommodate such an extension is 65 miles, give or take a few. As best I can compute it, the estimated cost of such an extension which, let me point out, would be through three New York counties—Chemung, Tompkins, and Cortland—already designated as within the Appalachian region, would be about

$35 million in Appalachian highway moneys.

The amendment I offer, therefore, simply adds the necessary 65 miles to the presently authorized system for these purposes, and spreads the cost under this program over a 7-year period by adding $5 million a year to the committee's recommendation for highway purposes in the 7 fiscal years beginning with the one that ends on June 30, 1972, and ending with the fiscal year that ends on June 30, 1978.

I hope the amendment will meet with the approval of the committee—to whose members I have previously presented this problem—as well as with the approval of my colleagues, and I urge its adoption.

Mr. JONES of Alabama. Mr. Chairman, I rise in opposition to the amendment. I do so very reluctantly because I know the fervor and zeal with which the gentleman from New York, the author of the amendment, has worked for the Appalachian program and for this amendment. However, under the 1967 act, additional mileage was authorized to accommodate the State of New York, and since that time there has been no addition to the corridors. We have not received any request from the Commission or from any of the States to make additions to the Appalachian corridor highway system.

I would like to point out to my good friend from New York that under the Federal Aid Highway Act of 1970, we provided a national formula that can be utilized by the State of New York for this highway program the gentleman is advocating. By July 1, 1973, we change the formula for Federal aid highway construction can develop to 70–30. This will certainly help this highway he is talking about. He will receive as great assistance under this as he would under the Appalachia program. It seems to me this is the way to proceed.

I would think that if the gentleman is going to insist on additional mileage, he would open up the act to all the other 12 States who would than seek additional mileage.

Let us finish the program we now have underway—at a later date we may consider further mileage for Appalachia if the commission proposes.

Mr. ROBISON of New York. Mr. Chairman, will the gentleman yield?

Mr. JONES of Alabama. I yield to the gentleman from New York.

Mr. ROBISON of New York. Mr. Chairman, the gentleman makes some telling points, of course. But the problem at the moment is that this road extension is sort of betwixt and between. It is being studied for inclusion under the Appalachian highway system, as the gentleman knows, by virtue of the EDA study, and also by virtue of continuing study by the regional commission itself. Under those circumstances, the State department of transportation generally says it will leave the question of the extension of this road from Elmira to Cortland, N.Y., up to the availability of Appalachian funds if they ever come. Today we are offered a 4-year extension, which is all well and good, but without any available miles or money for this extension this is eventually going to have to be done. This highway is left in limbo, then, so I have no alternative but to present my case here again.

Mr. JONES of Alabama. I do not share the fears of the gentleman from New York. I think the highway can be built under the new formula in the Federal-Aid Highway Act of 1970.

Mr. ROBISON of New York. Mr. Chairman, if the gentleman will yield further, that may be so, except for the fact that, insofar as I can find out from the regional commission, all of that original mileage is allocated and it does not have any more money to allocate to this extension, which is a proper extension in my judgment. That is my problem, and that is the purpose of the amendment.

Mr. JONES of Alabama. I understand. As I have said, it would certainly be a proposition that the State cochairmen should bring up on the agenda for discussion under any future proposals by the Appalachian Commission, so I think the gentleman is in a position of trying to develop the corridor in New York, under future needs. There would be the proper time to consider it.

Mr. ROBISON of New York. If the gentleman would yield further, my purpose, as the gentleman probably understands, is to help lay a foundation on the basis of which the committee, the Commission, and the regional Governors involved, will all continue to appreciate that we have a problem, and that good sound highway practice requires the problem to be solved, it seems to me, along the lines as suggested by my amendment. I am not, of course, going to be mad at anybody if the amendment is opposed or defeated, but I want to make sure that the door is kept open.

Mr. JONES of Alabama. I appreciate the gentleman's position, and I can assure the gentleman we will not be neglectful of his needs.

Mr. ROBISON of New York. Mr. Chairman, I thank the gentleman from Alabama.

Mr. TAYLOR. Mr. Chairman, will the gentleman yield?

Mr. JONES of Alabama. I yield to the gentleman from North Carolina.

Mr. TAYLOR. Mr. Chairman, has this additional road been approved by the Commission?

Mr. JONES of Alabama. No; that is what we were discussing. It has not been approved by the Commission.

Mr. TAYLOR. Mr. Chairman, I have in my district several counties that would like to add some additional mileage. I have taken it up with the Commission, and they tell me the time will come when they will study the whole matter of additional mileage, and they will consider it then, as far as additional mileage for here and there and yonder, additional requests. I do not think we should try to approach this now by piecemeal requests.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

(By ananimous consent, Mr. JONES of Alabama was allowed to proceed for 1 additional minute.)

Mr. JONES of Alabama. Mr. Chairman, I yield to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Chairman, I thank the gentleman for yielding.

I am inclined to be very sympathetic with the amendment offered by the gentleman from New York. However, we are in the process of receiving information based upon a functional application needs study that is being coordinated by the American Association of State Highway Officials. I believe it will be more appropriate if we can give consideration to that particular matter at that time.

But I believe also we are going to be holding additional hearings on the Economic Development Administration programs, and it is conceivable that we could have the information at that time. I, for one, would be willing to listen to the gentleman's proposal at that time and give it some credence.

I would like to have a comment possibly from the chairman in that regard.

The CHAIRMAN. The time of the gentleman from Alabama has again expired.

(By unanimous consent, Mr. JONES of Alabama was allowed to proceed for 1 additional minute.)

Mr. JONES of Alabama. Mr. Chairman, it is my feeling, as I have stated previously, that these problems must be considered in proper order. We have an authorized highway system to be developed for Appalachia and that should have first priority. At a later date we could then consider additional mileage if such is recommended by the various States and the Commission, itself. For the present time, let us complete the existing authorized Appalachian system so we can fully open up the region as we intended when we originally passed the act.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, it is my understanding there is some maneuvering going on in the Public Works Committee these days to provide another deal for downtown Washington known as a sports arena.

In this $3 or $4 billion bill we have before us this afternoon can some member of the committee advise me as to whether there is any money or authorization for another "white elephant" stadium, sports arena, or tourist center or something of that kind under the name of "Appalachia," that blessed name of "Appalachia," or anywhere else?

Mr. BLATNIK. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Minnesota.

Mr. BLATNIK. The proposed center to which the gentleman makes reference is being considered for a study to determine alternative locations and methods of financing. This bill does not deal with this matter.

I can assure the gentleman from Iowa that in this bill there are neither mice nor white elephants, nor even any woodchucks. We have a good bill, and that goes for title III.

Mr. GROSS. What did the gentleman say about the bill?

Mr. BLATNIK. This is a good bill. There is no sports arena or any similar item in it.

Mr. GROSS. Is the gentleman saying inversely if the sports arena were in this bill it would not be a good bill?

Mr. BLATNIK. I am not commenting about the sports arena itself. I am talking about the bill here, as explained by the members of the committee. It is an excellent bill.

Mr. GROSS. I am glad to hear from my friend from Minnesota there is no money in this bill for that arena under the title of "Appalachia" or any other title.

Mr. BLATNIK. The gentleman is correct.

Mr. GROSS. I should like the Members to turn to page 16 of the bill. These authorizations call for committing the Congress for the next 8 years to an expenditure of $1,445,000,000, and if the sweetening just proposed by the amendment of the gentleman from New York is added, I do not know by how much it would be increased. It would be well above $1,445,000,000.

Why would you commit the Congress of the United States to put up $1,445,000,000 over a period of 8 years, when you have not the faintest idea of what the fiscal situation of this Government is going to be even 2 or 3 years from now?

How can you in good conscience commit the taxpayers of this country to that amount of money and for the construction of roads in a selected area of this country, to the exclusion of millions upon millions of taxpayers elsewhere across the country? It seems to me that a program of this kind requires, I will not say gall, but I think you are way out in left field. Would some member of the committee tell me on what basis you commit this Congress to the expenditure of $1,445,000,000 over a period of 8 years? If that question is not answerable, then let me ask why you provide in this bill that the Federal taxpayers pay 75 percent of the cost of restoration of cut-up land as the result of strip mining? Why do you saddle 75 percent of this cost upon the taxpayers of Iowa? Why are the mining companies not required to restore the land they mutilate?

Mr. RONCALIO. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes; I yield to the gentleman.

Mr. RONCALIO. I speak with some degree of reticence because I have great respect for the gentleman in the well who is considered the conscience of the House. Second, I am a freshman member of the committee. However, I will answer the question if I may in this way: Why do not those in our society who do damage to the earth, become tried for their damage and become assessed for the cost of repairing the damage which has occurred since the beginning of the Nation? The Union Pacific Railroad came through my State, and the gentleman from Pennsylvania is here to hear this, and they dug coal mines and homes were built on top of them later and the ground there is caving in, causing the homes to fall in. If there is going to be any help given for this damage that has been done, it will have to come from the Treasury of the United States because the Union Pacific will not pay for it. I will be happy to join with the gentleman in the well and other Members in drafting legislation to compel those who have committed these damages, to restore the damages.

Mr. GROSS. That is hardly an answer to the question as to why this is done this way. Simply because we were negligent many years ago, or even a few years ago, does not excuse raping the taxpayers of the entire country to take care of situations of this kind.

Mr. Chairman, this is a continuation of special privilege legislation, it is committing Congress much too far in the future and it involves the expenditure of a huge amount of unbudgeted funds. I cannot support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ROBISON).

The amendment was rejected.

AMENDMENT OFFERED BY MR. M'EWEN

Mr. McEWEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McEWEN: on page 18, after line 14, insert the following section:

"SEC. 310. That section 403 of the Appalachian Regional Development Act of 1965 is amended by striking out the clause relating to the counties in New York and inserting in lieu thereof the following:

" 'In New York, the counties of Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Cortland, Delaware, Essex, Franklin, Fulton, Greene, Hamilton, Herkimer, Jefferson, Lewis, Madison, Montgomery, Oneida, Onondaga, Oswego, Otsego, St. Lawrence, Schoharie, Schuyler, Steuben, Tioga, Tompkins, Warren, and Washington.' "

Mr. GROSS. Mr. Chairman, will the gentleman yield for one quick question?

Mr. McEWEN. I would be happy to yield to the gentleman from Iowa.

Mr. GROSS. Are those counties in the United States?

Mr. McEWEN. I would say to the gentleman from Iowa that they are all in the United States. Some are rather adjacent to the neighboring country to the north, Canada, but they are in the United States.

Mr. Chairman, I would like to commend our reading clerk for the excellent job he did in reading some of these Indian names such as Cattaraugus, Cayuga, Chautauqua, and others.

Mr. Chairman, this is the amendment to which I referred yesterday when I said that I would offer at this time an amendment to add 18 counties in New York State to the Appalachian region.

Since then, I have had the opportunity of discussing this matter with my good friend and colleague for 6 years on the Public Works Committee, the distinguished chairman of the committee, the gentleman from Minnesota (Mr. BLATNIK), and my friend, the gentleman from Alabama (Mr. JONES), who chairs the subcommittee which considered this legislation.

Mr. Chairman, just briefly, let me give you some history as to why this amendment was discussed.

I am aware of the fact that areas, as the gentleman from Iowa has pointed out, such as these counties, leads one to wonder why it is that a certain part of the country should be eligible for programs such as the Appalachian program.

In the persuasive arguments that were made in 1965 when this program was adopted, evidence was presented that this Appalachian area had unique characteristics. First, that the topography was rough and rugged and that it would hinder the development of roads, and that it was plagued with outmigration and high unemployment.

Mr. Chairman, at that time a southern tier of counties in the State of New York was added to the Appalachian region, but the crowning glory of New York State, the Catskill and Adirondack Mountains were not included, although many, including my Governor, have felt that this area should be considered.

Let me read to the Members of the Committee of the Whole House on the State of the Union the counties in this amendment with reference to the most recent unemployment figures. I say to my dear friend, the gentleman from Minnesota, that I think this is illustrative of the situation which exists.

Cayuga, 10 percent; Clinton, 10.4 percent; Essex, 15.8 percent, and I say to my friend from Minnesota, that is the county that is a subject of a New York Times article that I placed in his hands just recently; Franklin County, 16.7 percent, which is the county that I referred to yesterday when I quoted from a news story that said "employment in the county reported up" but went on to say that unemployment was down to 15.8 percent; Fulton, 13.1 percent; Greene, 11.4 percent; Hamilton, 26.7 percent; Herkimer-Oneida, 8.1 percent; Jefferson, 11.1 percent: Lewis, 9 percent; Madison-Onondaga-Oswego, 6.1 percent; Montgomery, 8 percent; St. Lawrence, 8.9 percent; Oswego, 8.9 percent; Warren, 9.6 percent, and Washington-Warren, 7.5 percent.

Mr. Chairman, almost without exception, this entire area has higher unemployment than the national average and, in many areas, higher than the levels of counties now included in the Appalachian Commission.

Mr. Chairman, the President's report has pointed out that these counties have socioeconomic characteristics similar to the rest of the Appalachian region.

I would now briefly refer to two quotations from the message of the President that was sent to us last year and printed as House Document 91-367:

> Without question, many of the counties of Upper New York suffer severe economic

> distress. Sixteen counties outside the Appalachian region certainly qualify for aid under the Public Works and Economic Development Act of 1965.

Then, the report concludes:

> There is sufficient economic justification to warrant the inclusion of portions of Upper New York State in an Economic Development region. Further, the socioeconomic orientation of the area in question appears to favor inclusion within the Appalachian region.

Mr. Chairman, I would like to ask my dear friend and colleague, the chairman of the Public Works Committee, in line with what we were discussing earlier here today, is it his intention that there will be, later this year, hearings held on the Public Works and Economic Development Act to consider amendments to that act and at that time would there be consideration given to the inclusion of additional counties in New York within the Appalachian region?

Mr. BLATNIK. Mr. Chairman, at the outset may I state to the gentleman that there is no question about the nature of the problem to which the gentleman refers, and may I also express my great sympathy to the gentleman because of that but, more than that, my determination to help in any way we can. However, we do not feel that this is the proper way to do this.

And if I may be permitted to continue——

The CHAIRMAN. The time of the gentleman from New York has expired.

(On request of Mr. BLATNIK, and by unanimous consent, Mr. MCEWEN was allowed to proceed for 2 additional minutes.)

Mr. BLATNIK. Mr. Chairman, if the gentleman will yield further, and referring to the President's studies, I refer to page 52, appendix B, entitled "Comments Submitted by the Appalachian Regional Commission." It is addressed to the Honorable Maurice H. Stans, Secretary of Commerce, and is dated May 8, 1970, not quite a year ago. The pertinent portions of the letter, which is a brief one, is signed by John B. Waters, Jr., the then Federal cochairman, and John D. Wisman, the then States' regional representative, and it says:

> DEAR MR. SECRETARY: This is in response to the directive from President Nixon that the Appalachian Regional Commission provide its comments on the study, required under P.L. 91-123, which your Department has conducted concerning the relationship between the counties of northern New York State and the New England and Appalachian Regions as presently delineated under the Appalachian Regional Development Act and the Public Works and Economic Development Act.

It continues:

> On the basis of its own analysis, this Commission believes that there is demonstrable evidence of special needs in the northern counties of New York State which would benefit from the kinds of approaches made possible through regional cooperation.

Here is the key statement:

> Our analysis of commutation patterns and other social and economic relationships indicates that the northern counties of New York are preponderantly tied to the Mohawk and Upper Hudson Valleys and the Great Lakes Plain. This would indicate that proper regionalization of the area would incorporate most of upstate New York in one region.
>
> This Commission agrees with the President in his call for national and regional growth policies designed to achieve more balanced patterns of national development.

What they suggest is obviously a new mechanism such as a commission like one of the five we have already created in the Economic Development Act Commissions such as the Upper Great Lakes, the Ozarks, the Four Corners, New England, and the Southeastern Coastal Plains Area.

May I again state to the gentleman that we will definitely review EDA. We will definitely review your problem in great detail. We hope by then to have more detailed recommendations or comments from the Governors working through Gov. Arch Moore, who is now the State cochairman of the Appalachian Commission. At that time we can make a determination of what is the best mechanism with which to deal with this serious problem involving a number of counties.

The CHAIRMAN. The time of the gentleman has again expired.

(On request of Mr. BLATNIK, and by unanimous consent, Mr. MCEWEN was allowed to proceed for 2 additional minutes.)

Mr. McEWEN. In my conversation with my dear friend and colleague earlier today, I understood the gentleman to indicate that it would be a proper subject for his hearings to consider this area for an addition to Appalachia. I realize it could be considered as an EDA region also.

Mr. BLATNIK. Or a new commission.

Mr. McEWEN. But it could be considered for the Appalachian region.

Mr. BLATNIK. Yes; it could as well as a complete new region under FDA.

Mr. McEWEN. I think this report, to which we have both referred, the message from the President, House Document No. 91-367, does make a very good case that this is mountainous terrain, and I would call the attention of the gentleman to this map which shows some of the topography of this area, and there are mountains in almost all of it, and that it does lend itself, as the report says, because its socioeconomic characteristics are quite similar to those of Appalachia to inclusion in that regional commission.

Then as I understand it, the chairman of the committee is telling me that hearings will be held, and that consideration will be given to this area of New York State.

May I say to the gentleman that, while we are pleased with the progress of the Appalachia Commission in the southern tier of New York, we believe that these additional counties, 12 of which are fully eligible under all titles of the EDA, should be included in the Appalachian region.

I read a list of the unemployment figures, so the gentleman knows what the situation is.

Mr. BLATNIK. The gentleman has made that clear and there is no doubt about the critical need for aid to the counties to which he has referred.

The only difference in this is the mechanism we should use to help these counties—shall we add them to Appalachia—shall they be a separate commission? This problem will be reviewed fully when we consider in greater detail economic development and at that time a determination will be made as to what is the best way to help these counties.

Mr. McEWEN. I thank the distinguished gentleman for his assurance.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. McEWEN. I am happy to yield to the distinguished dean of the House, the gentleman from New York (Mr. CELLER).

Mr. CELLER. Mr. Chairman, the dialog we have just heard between the gentleman from Minnesota and the gentleman from New York tokens genuine comfort to the members of the New York delegation. It is in line with the very distinguished service that has been rendered by the chairman of the committee, the gentleman from Minnesota and his eminent colleague on the committee, the gentleman from Alabama (Mr. JONES). They have realized the importance of this amendment and they have agreed to something in the nature of a compromise which I am sure will redound to the decided advantage of the State of New York.

Mr. Chairman, it is now incumbent upon the Governor of our Empire State to take up the cudgels and vigilantly follow the lead suggested by this dialog.

I am quite convinced from what we have heard from the very distinguished gentleman from New York who now has the floor that the commission mentioned in this dialog will recognize the legitimacy of the claim of the State of New York to include those counties within our Appalachian region.

Mr. DON H. CLAUSEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like to add to what the chairman has said, the gentleman from New York (Mr. MCEWEN) has been very diligent in advancing his request to the committee. I believe the gentleman feels the contiguous counties that are bordering other areas in the Appalachian region that have a similar problem should be included in the regional highway development program. I think it is totally unfair not to give consideration to those counties. By the same token you cannot jeopardize the funding requirements of other counties in the Appalachian region.

I am pleased to hear the assurances of our chairman that this matter will be again reviewed by our committee. I believe once we hold these hearings, we will then, in fact, be able to give consideration not only to his request but also to requests such as those of the gentleman from Pennsylvania (Mr. SAYLOR).

I want to assure my friend from New York (Mr. MCEWEN) that as the ranking Republican on this subcommittee, I will do every thing possible to assist him in accomplishing his stated objectives. His exemplary service on our committee and the economic problems of his constituency are deserving of the earliest possible consideration.

Mr. McEWEN. Mr. Chairman, will the gentleman yield?

Mr. DON H. CLAUSEN. I yield to the gentleman.

Mr. McEWEN. Mr. Chairman, I thank my friend, the gentleman from California for yielding and thank him for his remarks just made on this subject.

Mr. Chairman, I ask unanimous consent to withdraw my amendment on the basis of the assurances given by the chairman of the committee, the gentleman from Minnesota (Mr. BLATNIK).

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. MIZELL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I shall not take the 5 minutes, but just to pursue the statement by my distinguished chairman that he has every intention of reviewing the EDA and the Appalachian region, plus other title commissions, at that time would it be in order for any governor of any of the States within the Appalachian region to recommend the addition of other counties to Appalachia?

Mr. BLATNIK. I cannot quite respond, although I am inclined to be sympathetic. But to be fair, it is a rather broad, sweeping question and I hesitate to respond to such a broad, sweeping inquiry over which I may have no control. But this I can say, to the gentleman, who is a very valuable member of the committee—he would be given a full hearing on any problems that he may have in any areas of his State.

If he will work with his Governor and the State agencies, we will give you in advance any staff assistance we can. Whether the question involves EDA or Appalachia, we will give you all the assistance we can so that the gentleman will have an opportunity to present a full case to the committee. Then the committee will make its own determination.

Mr. MIZELL. I wanted to be clear on that point, Mr. Chairman, because if I understood the gentleman correctly, he made the statement to the gentleman from New York that at the time the committee reviews the question, that would be the proper time to ask that these other counties be added, and I just wanted to make sure that an option will be open to any State representative to make a presentation.

Mr. BLATNIK. The option will be open. I do urge that you have a well documented case to present. I am sure that in his own case the gentleman will have a well documented case in support of his proposition when he makes his presentation to the committee, and we shall assist him in that preparation.

Mr. MIZELL. I thank the Chairman.

I would like to direct a question to the Chairman of the subcommittee, my good friend from Alabama, so that I might be completely clear on this point. It is my understanding that under present law the governors of the States in Appalachia have the right at this time to make a study and to recommend any counties that they think should be included in Appalachia under present law.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. MIZELL. I am happy to yield to the gentleman from Alabama.

Mr. JONES of Alabama. Let me say to my distinguished friend that I appreciate his problem. I would point out the following: That under the Appalachian Regional Development Act, under section 403 of that act, the procedure for including new counties is spelled out as follows, and I quote directly from the law:

> No recommendation for any change in the definition of the Appalachian region as set forth in this section shall be proposed or considered by the Commission without a prior resolution by the Committee on Public Works of the Senate or of the House of Representatives, directing a study of such change.

Thus, it is obvious that the only way a change can be made to the region is by first a resolution by the Public Works Committee of the House or the Senate, directing such a study. However, there is nothing to prevent the Governors from testifying before the committee, or having their representatives appear and present statements to the committee, urging the inclusion of additional counties for the committee to consider.

Mr. MIZELL. I thank my distinguished chairman of the subcommittee for his clarification of this point. I for one would think that all of us in the Appalachian region owe the gentleman from Alabama and all of those working with him a debt of gratitude for bringing about a program that has done so much in our States.

Mr. FISH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to urge the inclusion of an additional 18 New York counties under the Appalachian Regional Development Act of 1965. The President's authorized upper New York study urges this broadening of this Federal assistance program to these additional counties.

Mr. Chairman, I presently have within my 28th Congressional District in New York, three counties already included under the Appalachian Regional Development Act. These are Delaware, Otsego, and Schoharie Counties. The 18 counties covered by this amendment include two additional counties from my nine-county district. These are Montgomery and Greene Counties. At the present time there is no criteria of poverty, of unemployment, of human economic need which divides Delaware, Otsego, or Schoharie County from Montgomery and Greene Counties except that the first three receive additional assistance from the Federal Government, while the latter two do not.

Unemployment is as high in one county as the next, the need is as great in one as the other. For example, those counties presently sitting under the shelter of the Appalachian Regional Act's financial assistance umbrella show unemployment rates, as of February 1, 1971, of 8 percent for Delaware County, 8.9 percent for Otsego, and 11.1 percent for Schoharie. Certainly these rates are extremely high in relation to the average unemployment of the United States, yet in February, Montgomery County showed an unemployment rate of 8 percent, while Greene County had an official 14.1 percent of its total work force unemployed.

Mr. Chairman, the counties of Greene and Montgomery need the highway assistance, the public works assistance, the help with sewer, water, and hospital facilities, and vocational training precisely as much as their neighboring counties of Schoharie, Otsego, and Delaware. As a matter of fact, the unemployment statistics alone which I have just quoted indicate that Greene County needs this help far more. Like Otsego, Delaware, and Schoharie, Montgomery, and Greene have reached a point where it is economically impossible for them to pull themselves up unaided by their own economic bootstraps. If it could have been done, it would have been done. I know these counties intimately, and I can assure you these counties have done everything possible to help themselves. They do not have these high unemployment rates because these people do not want to work, but because there is no work to do.

It is, I think, worth noting that the high unemployment rate reflects what can be called only the tip of the iceberg of social want. It represents only those people now out of work who were eligible for unemployment benefits. It does not reflect those hundreds who are not eligible, or those who have exhausted their unemployment benefits. Nor does it begin to reflect the underemployed or the underpaid.

It fails totally to give a true idea of the deteriorated condition of the physical plant in these counties—the basic capital investment required in any community for highways, schools, hospitals, and sewer and water facilities which is essential for a community if it is to generate not only the amenities, but even the barest necessities of life for its citizens.

Although aggravated by the present economic downturn, high unemployment in these counties, and the reasons for that unemployment are chronic. It is not something that can be cured by just another general business upturn, as it has been there during every business upturn for the last quarter of a century. In fact, over the long pull, rather than improving, the inertia of localized economic slowdown pulls them ever lower each year, quite independently of any general business boom.

As an example of this, in 1966, at a time of peak economic activity, when New York State adopted a medicaid law that provided free medical assistance for any family of four the net income of which did not exceed somewhat over

$6,000, 87 percent of the population of Greene County, or approximately 26,000 people, were eligible. Fortunately, only something under 2,000 actually applied. Even so, the county share of this cost drove the county tax up approximately $1,000,000 short of being double the highest tax peak ever attained in that county before. Because of these problems the county has had to institute a 2-percent local sales tax—an added regressive tax which aggravated and accelerated the slide toward lower incomes, lessened job opportunities, and delapidated housing.

Mr. Chairman, there can be little meaning to the people of these chronically depressed areas to know they live in the wealthiest Nation in the history of civilization, when their illnesses are treated in inadequate medical facilities, their children attend school in overcrowded or antiquated buildings, they drive to work, when there is work available, over deteriorating roads, while they live in housing that, in spite of their best efforts, deteriorates every year. Certainly inclusion in Appalachia will not solve all these problems. But it could mean the necessary boost to reverse the decades-old downward economic spiral that has led to these ills. It should help the citizens of these areas to at last start moving toward some of the benfits of 20th century living enjoyed by so many of their fellow citizens.

Mr. BLATNIK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I merely wish to make some brief comments. I appreciate the participation, the contributions, and the attendance of so many Members on both sides of the aisle during consideration of what I think will be a program of great value, not merely an expedient, not just a band-aid for the immediate few months or years of our economic problem, but one which will bring both immediate and long-term benefits to this Nation.

This program of accelerated public works and economic development, if properly reviewed together with our review of other programs, including water pollution control, will bring us to the further realization of the contribution it can make to our well-being by stopping the migration from our rural and smaller communities, which adds to the problems of our larger cities.

I would like to see this Congress consider H.R. 5376 as an initial, preliminary basis for what should be and ought to be in time, a not too far distant time, a national policy for a concerted effort by the Federal Government to exert influence and support, in cooperation with the States and local governments to encourage people to live where they are now living. The provisions of title I can assist not only in dealing with the problems of unemployment in many of our rural areas, but also can make these communities more desirable for people to live in and to attract industry. The control of pollution in its various forms can be dealt with much easier if we revitalize our smaller communities than when we continue to add to the population of our large cities. Too much of our population is now concentrated along our coasts and in a few major metropolitan areas.

Certainly, if it is at all possible, we have to slow the outward migration of people who really want to live where they are living, in lovely areas where there is a minimum of pollution and where there is a minimum of crime and where there is a minimum of drug addiction, and where they have nice, comfortable homes. We can do that if we can only provide economic opportunities, opportunities for vocational training, and opportunities for education including junior colleges. In short, with the report which will be due soon on the population and its distribution, we will begin to give serious consideration to what will happen to this Nation in the next 30 years.

The population will increase in the next 30 years, and with it an outflow of the population to the cities, so that by the year 2000, we could easily reach the point where we will find 85 percent of our population crammed into and piled up on top of each other in about 15 percent of our land area. Then we will have to try to remedy the problems and diseases that set in with pollution of all forms and congestion and substandard housing and the other problems we face in the large metropolitan areas such as New York City.

I merely want to express our appreciation for the efforts of the gentleman from California for repeatedly calling our attention to this matter.

The enactment of the Accelerated Public Works Act Amendments of 1971 will also represent clear evidence to all that this Congress intends to attack unemployment problems now confronting so many areas of this country. And in doing so, we do not intend to embark on any leaf-raking project. There are too many planned public works projects that can add to the wealth of our communities and, at the same time, provide the source of gainful employment.

In closing, let me again emphasize that one of the most important problems facing this Nation is to find some means of decentralizing our population and avoiding the constant growth of our seaboard cities and our other large metropolitan areas. Every program that comes before the House Public Works Committee will be reviewed from the point of view of what it can contribute to a better balanced population and an improvement in the quality of life. In this way, the committee will be able to present to this great body programs that will help develop our Nation for decades ahead and generations yet to be born.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I thank the gentleman for his remarks. As the chairman of our committee and all members of the committee know, as I have served on this Public Works Committee, I have constantly hammered away on the theme that the answer to the urban problems and ills in this country is to give recognition to the problems of rural America.

As I view what has happened, the costs of providing services to people as they have migrated to the metropolitan areas have contributed substantially to the total inflationary problem. We have to face this migration problem and change the direction so that people in the sparsely populated areas will have the same opportunities for jobs as those living in metropolitan areas. The country definitely needs to have a population balance if for no other reason than internal security, with the threats we face today.

I greatly appreciate the fact that this committee has recently held hearings and will develop what I think will be a balanced economic growth pattern and a pattern for balanced growth for the future that will give us an opportunity for balanced development throughout our country.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, I commend the chairman of the committee for the great job he has done to bring this bill to the floor.

I want to ask the Chairman if he agrees with me that despite all the talk we have heard about the 22- and 24-month delays on this bill in terms of accelerated public works projects really getting going, there is no real reason why we cannot have people working on projects under the accelerated public works programs in a very few months if there is a real desire to get this going?

Mr. BLATNIK. I think we can in very short order, and with very sound and economically well-conceived projects.

Mr. HARSHA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to direct these remarks to the gentleman from Oklahoma (Mr. EDMONDSON). In 1962, we had a House of Representatives that supported the act, and we had a Senate that supported the act, and we had an administration that wanted the bill and supported the act and expedited every effort to get it funded and implemented. Also, we did not have any statutory delays, which we are now confronted with.

We now have an administration that is opposed to it. We also do not know what the other body is going to do on it. Under these former most favorable circumstances, why did it take 2 to 3 years to get the full impact from whatever we got out of the 1962 act?

If that occurred under those most favorable circumstances, then how do we expect that we will get more immediate relief under the present circumstances?

Mr. EDMONDSON. Mr. Chairman, does the gentleman want an answer? Will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. When we passed the 1962 act it was 2 years before there was a national election. When we pass this act it is not going to be 2 years, it is going to be just about a year. I believe the President of the United States is going to see the need to move these projects rapidly.

Even in 1962 we had over $63 million worth of projects within a few months.

Mr. HARSHA. Is the gentleman saying it took an election to move the Kennedy administration?

Mr. GROSS. Mr. Chairman, I move to strike the first word or the last word.

Mr. Chairman, all I want to say is it is my fervent hope that the Appalachia "gravy train" is to continue to operate; that it will run long enough so that the citizens of the rest of the country can crawl on and take a ride.

Mr. FLOOD. Mr. Chairman, I rise today in support of H.R. 5376 which brings within its scope the Public Works Acceleration Act; Public Works and Economic Development Act; and Appalachian Regional Development Act extensions. The honorable chairman and members of the Public Works Committee are to be congratulated on their thorough and expeditious handling of the bill, which in the future will be looked upon with as much favor as have been the original acts which we seek to extend today.

As cosponsor of the accelerated public works bill, which has been reported to the House as title I of H.R. 5376, I realize the glorious history which this legislation has enjoyed, the present need for its extension, and the promise for the future which it holds out to beleaguered communities throughout the Nation.

In 1962, the 87th Congress met the needs of a nation troubled with a stagnant economy, facing high levels of unemployment, and with State and local governments in dire need of public facilities which they had been unable to finance on their own. The Congress authorized the appropriation of $900 million to undertake Federal projects under this act and provided the "transfusion" which an unhealthy nation required to gain back its vigor. Responding as the Congress had anticipated, the Nation embarked on a grand program of increasing employment in areas of greatest need and helping communities provide urgently needed facilities such as water and sewer works, hospitals, road improvements, public buildings, and the like. Over 1,500 sewage treatment plants, vital in the fight against expanding pollution, were built through this program as were thousands of community buildings. The same Public Works Acceleration Act generated approximately 210,000 man-years of work in a period when such employment was desperately needed. The result was 7 years of uninterrupted economic growth.

The needs of the present call for the extension of this successful program. Faced with "substantial unemployment" in numerous sectors of the country; with a backlog of public works projects ready for construction; and with an economy which could clearly use another "transfusion" similar to that given in 1962, the House would do well to extend this program.

Mr. Chairman, the Public Works and Economic Development Act of 1965 had great impact upon my district, helping it climb out of the despair of unemployment and underemployment which were at substantial levels. An outgrowth of the Public Works Acceleration Act and the Area Redevelopment Act, it provided the necessary long-range planning and programing which is so vital to economic development. Furthermore, it provided for grants for public works and development facilities on the local level where the short-term impact on employment was highly effective.

The experience gained by the Public Works Acceleration Act and Area Redevelopment Act has shown that areas faced with unemployment rates twice the national average; with communities deprived of their most vital natural resource through outmigration of residents in search of work; and faced with the inability to finance public improvements desperately needed, can still be revitalized economically. The Economic Development Act recognized these factors and planned and executed a successful program.

As stated by President Johnson on March 25, 1965:

> It is not enough to simply finance projects. These projects must be part of a comprehensive plan to build a viable economy.

The Economic Development Act had such a plan and exercised it. By providing grants and loans to designated areas for community facility improvements; by providing for water and sewerage extensions to industrial parks; by providing for airport improvements; and by providing for the extension of vocational training centers, the act initiated and maintained a constant and vigorous activity for the public good.

In addition to public works grants and loans, the Economic Development Act makes industrial development loans designed to help business acquire new land, buildings, machinery, and equipment resulting in more jobs for depressed areas. The act extends aid not only to the business community at large, but makes special effort to enter the central city, the "urban core," where unemployment is a chronic condition. Through technical assistance programs the Economic Development Act provides an attraction for private enterprise to locate in the center city and furthermore, encourages local, low-income minority groups into entrepreneurship.

I have firsthand knowledge of the help which the act can provide. In my district, the Economic Development Act approved and assisted in a project to coordinate the waste disposal system on a regional basis. We are all well aware of the ravages of pollution which modern economy has thrust upon industrial society; and the EDA aid to the Wyoming Valley Sanitary Authority in my district was of paramount importance. Grants and assistance through the Economic Development Act allowed the fight against culmbank fires to be fought with much success in an area despoiled by such fires.

These problems are continuing ones. Pollution, unemployment, and community despair are conquerable, but only if continuing efforts are made to do so. The Economic Development Act is a powerful weapon in the fight and should be extended.

Mr. Chairman, the Appalachian Regional Development Act has been short in life but long in providing sorely needed help to distressed areas. In 1965, when the Congress passed the original bill, the term "Appalachia" was synonymous with every type of economic poverty and ruination familiar to modern man. With the advent of the Appalachian Regional Commission and the other aspects of the Appalachian Regional Development Act, great strides have been taken to reverse these trends.

Programs of vocational training have doubled the manpower training needs in the area. New innovations in health delivery services have been developed through the comprehensive health demonstration program. Thousands of new housing units have been initiated under the Appalachian housing program. Were it not for the extra assistance provided by the supplemental grant program of the Appalachian Regional Development Act, nearly 1,000 projects in health, education, water pollution control, libraries, airports, and other forms of public improvement would have not become the realities they are today.

Appalachia is an area that is rich in resources. It is known the world over for its coal, gas, oil, and many other natural riches. Because of its natural wealth, it has suffered the pains of the extraction of that wealth from the land. My own district is as good an example you could find of an area trying to overcome the problems of past mining—the scars on the land, the piles of mine waste, the underground and surface mine fires, and acid mine drainage pollution. The people of my district have fought valiantly to end these problems and the assistance to the Appalachian Regional Development Act has been invaluable. One of the first projects under the act was to combat the Laurel Run mine fires at a cost of nearly $4 million. This is merely an investment in ourselves. The saving of our cities from the scourge of devastating mine subsidence which in the past has damaged or destroyed many of our homes, businesses, and public facilities will be returned many times. The property that will be saved by these projects more than repays our investment. Through the act, the completed mine fire projects will protect 227,000 people and $842.5 million in property. The mine subsidence projects will save $85 million in property. The projects now awaiting approval will save another $100,000,000 in property.

Coupled with the extension of the Public Works Acceleration Act and the Public Works and Economic Development Act, the Appalachian Regional Development Act extension would provide a powerful boost to our Nation's general welfare. Following the philosophy of President Kennedy, "Even a journey of a thousand miles must begin with one step," the Congress has taken the initial steps to invigorate our urban and rural economies; to provide assistance on the State and local level for the construction of public facilities; to provide jobs for our workers; and to train those without work. The journey must not end here—it is a continuing one, and the Congress should facilitate that journey through the extension of this legislation.

Mr. DE LA GRAZA. Mr. Chairman, I strongly support H.R. 5376, the Public Works Acceleration Act and related matters.

The problems of my area are acute and, unfortunately, almost chronic due to the fact that we are basically a farming and ranching area.

Mr. Chairman, to emphasize my reasons, let me show you how my area has ost population. By 1970 census we have the following counties and degree of population loss: Jim Hogg, —7.3 percent; Zapata, —0.9 percent; Willacy, —22.5 percent; Cameron, —7.1 percent; Kenedy, —23.3 percent; Brooks, —7 percent. The rate of unemployment is no better. Please allow me to cite you a few statistics for some counties in my district.

The annual rate of unemployment in Starr County for 1970 was 13.8 percent and during the months of October, November, and December of that same year the rate was 11.6 percent, 15.6 percent, 21.6 percent, respectively. Now we know how important any source of income is to a family during these months preceding the Christmas holidays.

Willacy County shows an annual unemployment rate of 7.9 percent; Zapata County 13.8 percent.

The lowest rate is Hidalgo County and that shows 6.4 percent. We then have a further problem. When there is employment it is at a low wage in most instances. Therefore, you can plainly see my reasons for supporting this legislation and very respectfully urging all my colleagues to do likewise. As I have told you before, we have a responsibility to these people.

I do not want you to get the impression that we are not trying to attract industry, to attract private enterprise, to provide the badly needed jobs. We are, many of us are, working daily toward this end but the Government also has a responsibility to these people, and let me assure you, the greater majority of them would prefer employment to welfare.

Again, I strongly urge you to join with me in support of this legislation for the above reasons, and further for what benefits this legislation can provide besides the jobs. We need, badly, hospitals in some of my counties. We need rural water supply programs, sewer, waste disposal, and so forth, so we provide help for the people in creating employment and at the same time providing many badly needed public facilities.

Mr. BURKE of Massachusetts. Mr. Chairman, I rise with the rest of my compassionate and farseeing colleagues n support of the accelerated public works bill. Owing to the importance of the current deliberations of the Ways and Means Committee on the omnibus H.R. 1, it was not possible for me to participate to the extent that I would have wished in yesterday's discussion. But the proposed legislation is so important that I did not want to let this debate conclude without recording myself as strongly in favor of what it sets out to do. At the same time, I want to single out for especial commendation the hard-working chairman of the Public Works Committee, my distinguished and good friend, JOHN BLATNIK, for the speed and efficiency with which he has directed the fate of this bill to date and brought it before our attention this week. It demonstrates his concern for the human problems which the bill is designed to alleviate, before any more time goes by. Why prolong suffering when we can make a significant attempt to do something today? As was indicated yesterday, there is a log-jam of projects which could be started with minimal delay—projects for which there is a crying need.

Those who argue that this will "create" jobs just do not know what they are talking about. There is plenty of work to be done in this country. Each of the projects that the chairman referred to yesterday have already been studied and decisions made that they are worthwhile. What has been lacking are the funds and/or the determination on the part of the administration to carry them through. What better way to begin to attack this Nation's unemployment problem here and now than to spend money in a way which would get the money into the economy as rapidly as possible and at the same time help us to get caught up with needed public works projects? If the rumors that the President will veto this are true, then he will have on his shoulder once again the responsibility for flying in the face of majority sentiment in this country, of sitting back and doing nothing to reduce the ever-growing unemployment roles around this Nation.

I am particularly anxious to rise today to underscore the seriousness of the unemployment situation in my own district. The thing that struck me in reading the RECORD this morning is that it presents a firsthand accounting by individual Members of the human problems created underlying the clinical phrase tossed about so lightly by administration economists, "high unemployment areas." Member after Member rose yesterday to relate what this phrase really means by recounting the real problems in community after community across this Nation. The story they had to tell was hardly reassuring, but it is nevertheless an accurate picture of the problems confronting major American communities the length and breadth of this country in the year 1971. What more compelling evidence does a Member of Congress need in making up his mind how he will vote on this bill than that offered yesterday? By directing public expenditures at an accelerated rate into areas of higher than average unemployment, we would be using our national resources, which are after all limited, in the most constructive way possible in combating unemployment. By delving behind the average unemployment figure and pinpointing community after community which lives with a higher rate than the national average, the Members yesterday gave the lie to any comfort or reassurance that anyone might possibly be able to take from a national average of 6 percent. The Commonwealth of Massachusetts, as a State, is higher than the national average, with a rate of 7.3 percent the month of February. Translated into numbers, 184,600 people were unemployed. The city of Brockton, which I so proudly represent, has seen the rate jump from 6.2 percent a year ago to 8.9 percent. I know from firsthand experience that this is an intolerable situation.

No one who is voting for this bill, least of all myself, would be prepared to argue that it will solve the unemployment problem. But it does at least make a contribution to the solution of the problem by releasing millions of dollars in the immediate future. An economist would find it difficult to find a more effective way of injecting money into the economy in a manner calculated to yield a higher multiplier than by accelerating public works projects. In other words, what is at stake here is not a mere $2 billion, significant as that might be, but a return of severalfold, several times this figure. There are other areas where Congress can be of help in the absence of executive initiative. Technical conversion bills are slated for consideration by this House. Needed trade reform legislation should be on the agenda this Congress which would curb the present unchecked flooding of our domestic markets with cheap foreign imports. Congress can continue to keep up the pressure on the administration to cease and desist from its arbitrary impounding of funds appropriated by Congress for deserving projects. But let us take these steps one at a time. The matter before us today is H.R. 5376 and it offers us the most immediate way of making a dent in the present unemployment crisis.

Mr. HOWARD. Mr. Chairman, I congratulate the chairman of the Public Works Committee for his leadership and his foresight in bringing the Public Works Acceleration Act Amendments of 1971 to the floor today.

I am sure that, as in my own case, Members returning from this recess are aware that unemployment represents a serious problem to many Americans. I also know that my correspondence for the past several months has also given added evidence of this concern. Today, 6 percent of our working population is unemployed and about 25 percent of the industrial capacity is unused. Resources, both human and physical are being wasted. Yet, there is hardly a community in the Nation that is not in need of public facilities such as hospitals, nursing homes, sewers, waste treatment, and other public facilities to meet its present needs—let alone the increased requirement to meet our expanding population. Many of these projects are planned and only the inability of the State or local community to finance them keeps these projects from getting underway.

In 1962, public works construction was used as one of the means of dealing with our unemployment problem and reducing the heavy outlay of funds for unemployment compensation and welfare payments. The Accelerated Public Works Act of 1962 came into being as a means of assisting in meeting our unemployment problem by making an investment in public facilities.

I am confident that, as in 1962, the 1971 amendments before us today will assist us in meeting our present employment problem. However, I recognize that the construction of public facilities can only be a part of a comprehensive economic program; other measures will also be required. But I firmly believe that the enactment of this bill will start us in the right direction.

Mr. LEGGETT. Mr. Chairman, in the last 2 years unemployment has risen in this great Nation from 3.4 to 6 percent until now we have 5.2 million workers who are unable to find employment. Although the administration has issued an optimistic prognosis for the coming 18 months, I find myself haunted by statements of a similar nature for the past 12 months in which the economy was at a virtual standstill. What is needed is immediate action to turn the economy around and head it back on the road to full employment. The Public Works Acceleration Amendments of 1971 will provide this.

The key to its potential is that it can provide an immediate shot in the arm to areas where unemployment is greatest. And, it can do this at the same time we provide vitally needed public services.

There is now a backlog of applications of nearly $6 billion of Federal funds from communities throughout the Nation to assist in the construction of more than 6,000 waste treatment plants, water and sewer projects, hospitals, and public health centers. Half of these projects are at the stage where immediate construction is possible.

This bill provides for $2 billion for accelerated public works in areas of unemployment greater than 6 percent. This would now include more than one-third of the counties of the United States.

In 1962, when this approach to economic recovery was applied in a similar situation, it was a big factor in the upswing of the economy. It provided increased employment, stimulated local economics, and encouraged private industry to expand.

This program will not be a panacea for all the economic ills of 1971, but it can be a positive step that will get immediate results in stabilizing the economy and providing assistance where it is needed most, at the level of the unemployed.

Two billion dollars is a great deal of money to spend for anything. But if it is necessary to spend this vast sum I can think of no better investment than to invest it in the people of the United States.

There can be no greater frustration to an individual than being eager to work but unable to find a job to support himself and his family. Giving these persons the means to regain their self-respect and to become a productive segment of society is a vital factor in my support of this legislation.

However, my support does not end there. I also fully support the work that these men will be doing. The project will not be make work, but well-planned efforts to restore our environment and prevent its further deterioration. They will improve the basic quality of life available to each of us.

Not only will this legislation give us a sounder economy, but it will qualitatively improve our lives in many cases by: Providing water to areas that are short of water; treating water where it has become polluted; building hospital facilities in areas where they are overcrowded; and many other vital areas.

Mr. WAMPLER. Mr. Chairman, the most visable feature of the Appalachian program has been Federal-State cooperation, but as important has been the great surge forward in local cooperation which has resulted from this program.

There will never be enough appropriations to do everything required in every community in Appalachia or in any other region of the country. That is why Congress directed the Appalachian Commission to encourage groups of counties in Appalachia to work together in planning and developing area water systems, area sanitation systems, area-serving industrial parks, areawide cooperation in education and health.

Section 302 of the statute authorized the Appalachian Regional Commission to contribute up to 75 percent of the administrative costs of multicounty development organizations. The boundaries of the multicounty areas were to be planned by the States and their organizations were to be chartered by the States. The regional plan of the Appalachian Commission calls for 63 such multicounty areas in all of Appalachia. Today, there are over 50 development districts in operation. While they have a variety of forms, they are generally designed to bring together locally elected officials and private citizens from the local area to plan the future of the area.

It is not the Federal Government, but the States and localities themselves that determined the type of organization and the policies and programs required to cope with the problems besetting their area. A general review of their plans today is encouraging. Many districts are now planning multicounty services that are far lower in cost per taxpayer than if each jurisdiction had attempted to meet these needs on its own. School districts are cooperating in new education cooperatives to pool the costs of administrative overhead, provide expanded faculty and equipment and provide programs to upgrade the quality of teachers. Health councils in selected districts are carrying out comprehensive areawide programs, some of which are the best of their kind in the country. Multicounty solid waste disposal programs are getting underway eliminating many of the diseases caused in the past by pollution and garbage left in the streams and along the roadways. New areawide housing projects have been started. Areawide cooperation in law enforcement is increasingly common. But perhaps most importantly, cooperation among the towns and counties in developing industrial parks has assured the most efficient expenditure of funds.

One mayor has remarked that the land of the Hatfields and the McCoys is now one of the best examples of community cooperation in the Nation. Towns and counties are helping each other in attracting and developing industry and the tax dollar is going further.

The expenditures that have been made so far in encouraging these efforts have been investments well made.

My own district provides a good example. We have one of the oldest multicounty districts in Appalachia—the Lenowisco Development District which embraces the three counties of Lee, Wise, and Scott Counties and the independent city of Norton.

The county and city cooperation which has resulted from Lenowisco has been nothing short of remarkable and great things have been accomplished. The role of the Appalachian program in all this has been essential.

By combining the resources of the counties, Norton, the Commonwealth of Virginia, and Appalachian and other Federal funds, we are close to completing a full network of vocational-technical training schools and a network of public health centers and hospitals. We have an educational cooperative underway covering Dickinson County as well.

The three counties and Norton, through Lenowisco, formed the Duffield Development Authority to develop a new industrial area on the Appalachian Development Highway. Funds from the counties, the State, the Appalachian Commission, the Economic Development Administration, and the Tennesse Valley Authority are being used to develop the site. And we already have our first employer locating at the site.

The people of my area believe, with results like these, that the Appalachian regional development program and the fruits that have flowed from it, is the best thing that has happened in a long time in terms of the help it offers us to dig out from under our past problems and build the kind of future we want.

Mr. PEYSER. Mr. Chairman, the Public Works Acceleration Act, H.R. 5376, which will provide money for public works projects, such as waste treatment plants, water and sewers, hospitals, nursing homes, and public health centers just to name a few, will provide a valuable stimulus to our economy and enable many local communities who are experiencing a shortage of funds to complete these much needed facilities.

This bill will also provide a stimulus to the economy of any area in which the unemployment is expected to reach 6 percent within 2 months. I feel that this provision is excellent insurance against any regional areas of unemployment.

H.R. 5376 will place more money in the local economy, help suppliers, result in additional jobs and provide vital and needed public facilities. I wholeheartedly support it and feel it will certainly help our economy.

Mr. DELLENBACK. Mr. Chairman, the Public Works Acceleration Act would create job opportunities in areas which are suffering inordinately high rates of unemployment.

A soundly conceived public works project is a tremendously valuable capital investment which will yield benefits year after year to the local area in which it is situated. In so doing it strengthens the Nation. When we can combine with that type of long-range value the additional short-range value of desperately needed immediate economic aid, we are doing something doubly valuable.

This is a crash program of Federal grant assistance to enable economically depressed areas to make public works facilities improvements needed to create lasting job opportunities. It is a concept which has proved sound and workable in other times of high unemployment.

The district which I represent is heavily dependent upon the lumber and plywood industry. When there is a decline in housing starts, such as we have recently experienced, employment in southwestern Oregon is sharply affected. Although the homebuilding industry has begun to show signs of recovering, it will be a long time before many of the unemployed are back on payrolls. In the meantime, they are available for other work and their skills could be put to use on public works projects that this legislation would make possible.

By enacting this needed legislation we will prime the labor pump, help depressed communities make permanent public improvements, and stimulate economic expansion. I urge my colleagues to approve this measure.

Mr. LUJAN. Mr. Chairman, in voting "yea" on H.R. 5376, the Accelerated Public Works Act, I want to urge my colleagues on both sides of the aisle to join me in giving this much-needed legislation the unanimous favorable vote it deserves.

The chronic unemployment in New Mexico and the desperate need for a speed up in public works construction throughout my district were two reasons why I sponsored two earlier bills that have been incorporated as titles I and II of this act.

H.R. 5376 will provide funds for public works grants to communities with high unemployment which have planned public works projects ready to go as soon the grant is made. The bill requires that a major part of the grant must be used in payroll—thus bringing money immediately into the community and directly into the pockets of those who need it most.

This is not a make-work project nor a Federal handout. It is a mutual benefit arrangement, and the projects that can get underway immediately range from water and sewer works to street repairs. These are projects that will improve the environment and living conditions of our people while also providing hundreds of thousands of badly needed jobs.

Mr. Chairman, the benefits of this bill are particularly needed in areas such as the North and South Valley of Albuquerque, N.Mex. If my colleagues could see the conditions under which many of our people live in this area, they would not have a second thought about passing this needed legislation.

We have an entire community without water or sewer facilities. The State legislature tried to assist these people earlier this year by passing a State appropriation aimed directly at their need, but the bill was vetoed. The community itself does not have the money to provide these services. Under this act, that money will become available, and hundreds of families will for the first time be able to have running water, showers, bathtubs, and flush toilets in their homes.

Throughout northern New Mexico, the need for public works projects as contained in this bill are startling and obvious. Villages like Tesuque and Chimayo need water and sewer systems; towns like Tres Piedras and Duran need present water systems replaced, the village of Mora now has a county health office with no hot water and with sewage running down its walls from the jail upstairs. These conditions can be tolerated no longer, and I for one insist that our people be given the help they need to get the job done.

I must stress that this bill will create new jobs immediately, especially in the construction trades which are now hit by high unemployment. And with the creation of each new job, there is a multiplier factor involving all the backup forces of engineers, architects, designers, manufacturers, truckers, common laborers, and so on giving a boost to the economy and making the area more attractive to industry as well as more habitable for our citizens.

If there is a single Member of this House who thinks for a second that this bill is not needed—who has the slightest hesitation about voting in favor of it—I invite him to come with me to New Mexico tonight, at my personal expense, and I will show him conditions that will make him want to catch the swiftest jet to get back here and give this legislation his strongest support.

Mr. COLLINS of Illinois. Mr. Chairman, an accelerated public works program is the only one that creates employment opportunities directly and immediately, of all the resources in the repository of public policy designed to emulate unemployment.

Such a program draws workers into gainful employment and releases them from the need to depend on unemployment compensation and relief. It strengthens their self-respect, pride of work, and dignity in a society that continues to give them an opportunity to participate in useful functions. Payment under the Public Works Acceleration Act is for work accomplished, not for unemployed persons.

The existing 6-percent rate of unemployment clearly demonstrates that public works employment is needed to provide jobs and income for the far too many Americans who have fallen into unemployment because of the current economic decline. Therefore, the high rates of unemployment makes the need for this legislation abundantly clear. It will provide the funds to build needed public works in the communities of our country which are suffering from high rates of unemployment. Such public works construction will create needed jobs for many of our unemployed constituents, who desire work but who because of the current recession cannot find work. These jobs will bring monetary gains into our districts, and help prime the economy of our Nation to enable it to recover faster.

The importance of the need for the Public Works Acceleration Act should not be underestimated. The citizen out of work cannot eat, clothe, and shelter his family on the administration's promises and experts' predictions of economic recovery later this year. He needs and wants employment now. This legislation will provide employment for many of those now unemployed. I, therefore, ask all my colleagues to support the Public Works Acceleration Act, H.R. 5376.

Mr. LANDRUM. Mr. Chairman, it is only fair for Members to ask what has been accomplished by the special Appalachian regional program after 6 years. There are many ways to answer the question. The committee has recited many of the physical accomplishments. But the achievements can be measured in statistical terms too.

All of us who have watched this program recognize that there are still many needs in Appalachia that are unmet. No one pretends that everything has been accomplished. But there is no doubt that early signs of improvement are apparent.

Outmigration from Appalachia has been cut in half. Between 1950 and 1960, a net of 2.2 million people moved out of Appalachia into the large cities of the Midwest. That is more people than the total number of persons who moved into the entire United States during the same period. Between 1960 and 1970 that net outmigration had been reduced to about 1.1 million persons. My own home area of northern Georgia has changed from a center of outmigration in the 1950's to a center of inmigration in the 1960's. It will take another decade or so before we can expect net outmigration from Appalachia to stop, but at the moment it appears that the program is on target. The hope of the program is to make it unnecessary for people to crowd into the large cities to make a living, but if they do choose to move—which is their right as American citizens—it is the hope of the Governors on the Appalachian Regional Commission that they will go to their new homes with the health and skills which they require to compete for jobs and become productive citizens in their new homes. The best measure of improvement is increased income.

In 1962, Appalachia's average per capita income was about 76 percent of the United States. Today it is approximately 80 percent.

This means more translated into total dollar gains. Between 1965 and 1966, total regional income increased by $1.5 billion over what it would have been had there been no gain relative to the rest of the United States.

Of course within Appalachia there are substantial variations. Per capita income in eastern Kentucky today is only half that of the United States. But the poorest areas of Appalachia are making significant income gains now. Between 1965 and 1968 Kentucky increased from 42.9 percent of the United States to 50.1, Virginia increased from 50.5 to 60 percent, and Georgia from 57.4 to 60.2 percent.

But it is in employment that we find the most significant measures of improvement. Well over 500,000 new jobs have been added to the Appalachian economy since 1965—many of them in diversified manufacturing enterprises which have had no previous history of locating in Appalachia. Unemployment in Appalachia has declined rapidly relative to the United States, so that in 1969 the official unemployment rate in Appalachia was only 0.5 percent greater than that of the United States. Even under today's economic conditions, many Appalachian labor markets appear to be holding their own reasonably well relative to the rest of the country, except for some areas in the northern part of the region and some areas in Alabama which have been affected by recent reductions in defense and space expenditures.

Unfortunately, these official unemployment statistics do not count an estimated 500,000 to 600,000 persons who are not looking for work but who would work if they thought the jobs were available.

What makes these statistics remarkable is that in the past, Appalachia's rate of decline during times of economic downturn has always been greater than those of the Nation, while rates of employment, in relative terms, have exceeded those of the country in times of prosperity. It now appears that this high sensitivity of the Appalachian economy to the national economic cycle is evening out because of increasing diversification of economic activity in the region during the last 5 years.

It would be a serious mistake to stop the efforts at bringing about a self-sustaining economy in the Appalachian region before the job is finished.

Mr. FUQUA. Mr. Chairman, as a cosponsor of the Public Works Acceleration Act, I want to voice my earnest support of this bill, as the Congress must address the economic ills of this country. Unemployment is insidious and is destroying the pride and vigor of millions of Americans. We can now count 5½ million Americans on the unemployed rolls. Factories are running at much less than full capacity. And while these millions of unemployed Americans are spending idle and unproductive hours, many of our communities are stagnating for want of public services.

This bill will not solve all of the economic problems of this country, but it will contribute to the resolution of these ills and provide productive employment to hundreds of thousands of people whose talents are being wasted. In my own district public works programs could provide much needed water and sewer systems, improved lighting, and a plethora of other much needed services. The problem of unemployment is cyclical and as the unemployment rolls in a community grows, tax revenues decline, and public services are the first area to feel the bite.

The committee has spent long and fruitful hours in hammering out a bill that will greatly stimulate the economy and lessen the psychological and physical effects of unemployment. The response to this bill has been overwhelming as is manifested by the fact that over 150 Members of this House have cosponsored it.

We recognize the great need for this legislation as a substitute for Federal handouts and the dehumanizing aspects of such relief. The bill calls for much needed public services as a vehicle for providing work for these unemployed. Not busy work, as some would suggest, but essential projects utilizing the talents and skills of thousands of Americans who have spent dreary months in enforced idleness.

I commend the committee for the excellent bill that is being considered today and I urge full support for this essential legislation.

Mr. MONAGAN. Mr. Chairman, I rise in support of H.R. 5376, especially as it authorizes funds for the Accelerated Public Works Act of 1962. I am a sponsor of the accelerated public works bill which the Public Works Committee has reported as title I of this bill.

Five and a half million unemployed persons are looking for quick, effective action which will put them back to work and this bill, with a great infusion of Federal funds, will do much to accomplish that objective in the areas of greatest need.

This type of accelerated public works program worked successfully in previous times when the economy needed stimulation, and I am confident that this program, if enacted, will again help to turn the economy around. Under the Public Works Acceleration Act, enacted with my support and signed into law by President Kennedy on September 14, 1962, $861 million were invested in more than 7,700 worthwhile public works projects. The congressional district which I represent benefited greatly from the 1962 act in terms of persons employed, economic renewal, and completed projects.

The Accelerated Public Works Act is not a Federal leaf-raking program. The projects eligible for funding under the program will open areas for industrial and commercial development by improving public facilities, and will provide immediate and constructive work for unemployed persons. Projects are authorized for areas designated by the Secretary of Labor as areas of substantial unemployment, areas designated as redevelopment areas by the Secretary of Commerce or as economic development centers under the Public Works and Economic Development Act of 1965. The act provides assistance for communities that: First, have a firm plan for a badly needed permanent public facility; second, are ready to begin immediate construction; and third, can guarantee that a high percentage of the construction cost will be labor. One of the areas which qualifies for funds under this program is the Waterbury labor market area in the district which I represent. The unemployment rate in the Waterbury area has been well above the 10-percent level for some time which is the highest jobless level in 12 years. Because of the persistently high unemployment rate in the Waterbury area, the Economic Development Administration designated the Waterbury labor market area as a redevelopment area under the Public Works and Economic Development Act of 1965 on January 27, action which I recommended in August 1970. In addition to being eligible for funds under the Accelerated Public Works Act, the January 27 designation makes this area eligible for funds under the Public Works and Economic Development Act of 1965 and funds for that program are authorized in title II of this bill. Title II extends the EDA authorization for 2 additional years and increases the authorization for appropriations to $550 million annually.

In addition to the Waterbury area which includes Bethlehem, Woodbury, Southbury, Thomaston, Watertown, Middlebury, Waterbury, Naugatuck, and Beacon Falls, other areas in or near the Fifth Congressional District which qualify for assistance under the Public Works Acceleration Act by virtue of being designated as an "area of substantial unemployment" by the Secretary of Labor are Danbury, which includes the towns of Bethel, Brookfield, Danbury, New Fairfield, Newtown, Redding, Ridgefield, and Sherman in Fairfield County and the towns of Bridgewater, Kent, New Milford, Roxbury, Warren, and Washington in Litchfield County; Meriden, including the towns of Southington in Hartford County and the towns of Meriden and Wallingford in New Haven County; and Ansonia, including Derby, Oxford, and Seymour in New Haven County.

While enactment of this bill can be expected to make an increase in employment, other action will still be needed to slow down inflation. Because of the inherent weakness of the administration's economic strategy of combating inflation with unemployment, the Nation is being forced to live with both. In this Congress I have introduced legislation which provides a way to put a lid on rising prices and wages on a nondiscriminatory, across-the-board basis. My bill, creating an Emergency Guidance Board which I have introduced with several cosponsors, would create a temporary price-wage guidance board to administer a system of voluntary price-wage guidelines for certain concentrated industries and large labor organizations. I believe that my bill deserves immediate consideration by Congress and I am hopeful that my colleagues will join me in working for enactment of the proposal in this session.

While I support titles I and II of this bill to provide funds for jobs on worthwhile and lasting public works projects, I continue to have reservations about the soundness of programs funded under the Appalachian Regional Development Act. I am particularly concerned that under title III of this bill the authorization for the development highway system and the local access road program is increased by $925 million and the program is extended through fiscal year 1978. The $925 million in new authorizations brings the total amount authorized for the highway program to over $2 billion. I have consistently questioned the effectiveness of spending such a large proportion of these funds for highway construction as a means to increase the economic vitality of the area. It is only by placing great reliance on the assurances of the committee that this method of pump-priming is having the desired effect that I continue to support this program. I do believe however that the appropriation authorities should keep a constant watch on the effectiveness of this program in the years ahead.

Titles I and II of the bill we are considering today fund programs which are to reduce employment. The programs will put people back to work in areas of severe unemployment, and the bill deserves the support of every Member of Congress.

Mr. RARICK. Mr. Chairman, I had coauthored H.R. 4402 to amend the Public Works Acceleration Act to provide job benefits in certain areas of extra high unemployment. However, at that time I had no idea that the bill would come to the floor in a much modified condition and hooked on to the sectional Appalachian bill and the public works and economic development bill—a plan for more federalized control over the soverign States.

In the public works acceleration bill I had cosponsored, the triggering clause was nondiscretionary and fixed at a rate of unemployment of at least 150 percent above the national average for the 2 preceding calendar years.

The triggering phraseology of the Public Works Acceleration Act we are today considering is relegated to the discretion of the Secretary of Commerce and to the Secretary of Labor without clearcut guidelines.

Furthermore, section 4 of the bill we are now entertaining contains a double standard in Federal contributions favoring projects in the State or local government which has "exhausted its effective taxing and borrowing capacity." This preferential type treatment to some areas over others was not in the proposed bill and should not belong in any public works bill of national coverage.

Likewise, the sought-after appropriation of $950 million as a spurt to the economy has now been increased to $2 billion.

Other definitions and limitations which were in H.R. 4402 have not only been omitted or watered down, but the entire thrust of the bill before us seems bent on delegating the entire authority to the discretion of members of the Cabinet. I disapprove of this and do not feel this is wise legislation or good law. I am interested in helping alleviate unemployment in critical areas, but not at the cost of more inflation, reincreasing the entire national debt and setting the stage for more bipartisan battles between the Congress and the executive branch.

I shall cast my people's vote "No."

Mrs. HECKLER of Massachusetts. Mr. Chairman, I wish to take this opportunity to express my strong support for H.R. 5376 and to urge overwhelming approval.

The most important facet of the measure is the extension and improvement of the programs of the Economic Development Administration. EDA assistance has been responsible for scores of projects that will strengthen the economies of areas that have suffered from serious unemployent problems.

My own congressional district has faced severe unemployment and economic instability. At the present time, an industrial park is being developed in Fall River to attract industry, to create jobs and to help the area reach its full economic potential. A grant from the EDA is providing the necessary financial assistance for essential water and sewer lines for the industrial park.

At a time when several economic indicators are offering more optimistic outlooks for the future of our economy, we must strengthen and improve programs which will contribute to the growth we anticipate. Continuation of the work of the EDA is fundamental to this effort.

In addition, because of the great importance of improving our economy we must not overlook any possibility to create jobs. For that reason, I shall support title I of the bill which will reinstate the Public Works Acceleration Act of 1962.

Unlike the assistance provided by EDA, the Public Works Acceleration Act is designed to provide immediately, short-term employment to create job opportunities. While long-range assistance is essential, we must also attempt to increase the number of jobs immediately available. This title will do that and, at the same time, speed up completion of important public projects.

Mr. DANIELSON. Mr. Chairman, I wish to express my strong support for H.R. 5376 which extends the Public Works Acceleration Act, the Public Works and Economic Development Act of 1965, and the Appalachian Regional Development Act of 1965. As an early cosponsor of H.R. 3636, and later of H.R. 4408—which was reported out as title I of H.R. 5376—I would like to speak especially to the section on public works acceleration.

We are all made aware by our constituents and by the news media that unemployment has reached and maintained a critical level. This bill answers that problem specifically and rapidly. It will create jobs—worthwhile jobs—in the areas where unemployment is highest. At the same time, the end result of these jobs will benefit the whole community. The welfare of individuals and of their communities will be served.

Due to the nature of the Federal grants and the projects to be funded, many of them can be operational within a short period of time. This will be particularly helpful in those areas where people have already used up their allotted period of unemployment insurance. Also, the stipulation that the major portion of each grant must be used for payroll is directed to meet the need for employment, and is also responsibly geared to the current state of the economy.

The economic outlook of our country at present is so discouraging for the citizen that we should do everything we can through the Congress to give him a reasonable hope for the future. We must put forward our best ideas, and legislate the best programs, and see that the programs are carried through to put hope in some tangible form for people severely affected by the economic situation.

Acceleration of public works funds has been tried before, and has been proven effective. In addition to its short-term accomplishments which we anticipate, this bill will have long-range benefits to our environment. In the past decade, since the original bill was first employed, improvement has been in our national parks, our roads, our recreational facilities, and on Indian reservations.

Mr. Chairman, I am concerned about the condition of the economy and about the millions of persons who have lost their jobs because of the economic policies of the administration. Here is an opportunity to provide some work for these people. The $2 billion price tag on title I is a small amount when compared to the benefits that will derive from the various programs it will initiate.

Hopefully, positive action by this body on H.R. 5376 will serve also as an indicator to the President and will encourage him to release, additionally, the already appropriated funds that are currently not being utilized for important public works and other programs.

Mr. DORN. Mr. Chairman, may I congratulate and commend the distinguished chairman of the full committee, the gentleman from Minnesota (Mr. BLATNIK), for his leadership and ability in conducting this debate.

The debate on H.R. 5376 has been on a particularly high plane, due in large measure to the tone set by our able chairman. I take this opportunity to remind my colleagues of the splendid manner in which the chairman has conducted hearings, consideration of the bill in committee, and now on this floor.

He has already established himself in the tradition of great chairmen in the past history of this the most deliberative body in the world. I am proud and honored to serve under his able leadership and predict for him a great and illustrious career as chairman of the powerful and important Committee on Public Works. I urge the House to rally to his support and give Chairman BLATNIK an overwhelming endorsement on this, his first major piece of legislation as committee chairman.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the committee rises.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SLACK, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 5376) to extend the Public Works Acceleration Act, the Public Works and Economic Development Act of 1965, and the Appalachian Regional Development Act of 1965, pursuant to House Resolution 373, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the Committee amendment in the nature of a substitute? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. DEVINE

Mr. DEVINE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. DEVINE. In its present form I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. DEVINE moves to recommit the bill, H.R. 5376, as reported, to the Committee on Public Works, with instructions to report the same back to the House forthwith with the following amendment: On page 8, strike out line 5 and all that follows down through line 3 on page 12.

Renumber succeeding titles and references thereto accordingly.

PARLIAMENTARY INQUIRY

Mr. BLATNIK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLATNIK. May I ask the author of the motion a question? The motion is that on page 8, strike out line 5 and all that follows down through line 3 on page 12. As I read it, that would strike out completely title I, and only title I; is that correct?

Mr. DEVINE. Mr. Speaker, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from Ohio.

Mr. DEVINE. That is correct. It would strike out title I, that carries $2 billion of money that is not included in the budget.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 128, nays 261, answered "present" 0, not voting 43, as follows:

[Roll No. 66]

YEAS—128

Abbitt
Anderson, Ill.
Archer
Arends
Ashbrook
Baker
Belcher
Bell
Betts
Blackburn
Bray
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson, Tex.
Byrnes, Wis.
Camp
Cederberg
Chamberlain
Clancy
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Coughlin
Crane
Daniel, Va.
Davis, Wis.
Dennis
Derwinski
Devine
Dickinson
duPont
Edwards, Ala.
Erlenborn
Esch
Eshleman
Findley
Fish
Fisher
Ford, Gerald R.
Forsythe
Frelinghuysen
Frey
Goldwater
Gross
Grover
Haley
Hall
Hansen, Idaho
Harsha
Hastings
Hillis
Hogan
Hosmer
Hutchinson
Jarman
Johnson, Pa.
Jonas
Keating
Kemp
King
Kuykendall
Kyl
Landgrebe
Latta
Lent
Lloyd
McClory
McClure
McCollister
McEwen
McKevitt
McKinney
Martin
Mathias, Calif.
Mayne
Michel
Mizell
Mosher
Myers
Nelsen
Passman
Poff
Powell
Price, Tex.
Quie
Quillen
Rarick
Reid, Ill.
Rhodes
Robinson, Va.
Robison, N.Y.
Rousselot
Ruth
Satterfield
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Shoup
Smith, Calif.
Smith, N.Y.
Snyder
Spence
Springer
Steiger, Ariz.
Steiger, Wis.
Talcott
Teague, Calif.
Terry
Thone
Wampler
Ware
Wiggins
Williams
Wilson, Bob
Winn
Wydler
Wylie
Wyman
Young, Fla.
Zion
Zwach

NAYS—261

Abernethy
Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Aspinall
Badillo
Baring
Barrett
Begich
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brinkley
Broomfield
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Cabell
Caffery
Carney
Carter
Celler
Chappell
Chisholm
Clark
Clausen, Don H.
Clay
Collins, Ill.
Conte
Conyers
Corman
Cotter
Culver
Daniels, N.J.
Danielson
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Evans, Colo.
Evins, Tenn.
Flood
Flowers
Foley
Ford, William D.
Fountain
Fraser
Frenzel
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gude
Hagan
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Wash.
Holifield
Horton
Howard
Hull
Hungate
Hunt
Ichord
Jacobs
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kee
Keith
Koch
Kyros
Landrum
Leggett
Lennon
Link
Long, Md.
Lujan
McCormack
McDade
McDonald, Mich.
McFall
McKay
McMillan
Macdonald, Mass.
Madden
Mahon
Mann
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mitchell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Moss
Murphy, N.Y.
Natcher
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Pike
Pirnie
Poage
Podell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Railsback
Randall
Rangel
Rees
Reid, N.Y.
Reuss
Riegle
Roberts
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ryan
St Germain
Sandman
Sarbanes
Saylor
Scheuer
Seiberling
Shipley
Sikes
Sisk
Slack
Smith, Iowa
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steed
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taylor
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Watts
Whalen
Whalley
White
Whitten
Widnall
Wilson, Charles H.
Wyatt
Yates
Yatron
Young, Tex.
Zablocki

ANSWERED PRESENT—0

NOT VOTING—43

Andrews, Ala.
Bow
Brooks
Brotzman
Brown, Mich.
Carey, N.Y.
Casey, Tex.
Corbett
Davis, Ga.
Dow
Dowdy
Dwyer
Edwards, La.
Fascell
Flynt
Fuqua
Goodling
Gubser
Halpern
Harvey
Hays
Hicks, Mass.
Kazen
Kluczynski
Long, La.
McCloskey
McCulloch
Mailliard
Mathis, Ga.
Murphy, Ill.
Nedzi
Peyser
Pickle
Purcell
Rooney, Pa.
Rosenthal
Sebelius
Shriver
Skubitz
Steele
Whitehurst
Wolff
Wright

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Mr. Wright with Mr. Skubitz.

Mr. Fuqua with Mr. Gubser.

Mr. Fascell with Mr. Shriver.

Mr. Nedzi with Mrs. Dwyer.

Mr. Kluczynski with Mr. Bow.

Mr. Brooks with Mr. Mailliard.

Mr. Kazen with Mr. Keith.

Mr. Hays with Mr. Goodling.

Mr. Andrews of Alabama with Mr. Sebelius.

Mr. Carey of New York with Mr. Peyser.

Mr. Pickle with Mr. Steele.

Mr. Purcell with Mr. Brotzman.

Mr. Rooney of Pennsylvania with Mr. Corbett.

Mr. Wolff with Mr. Halpern.

Mr. Flynt with Mr. Whitehurst.

Mr. Edwards of Louisiana with Mr. McCulloch.

Mr. Casey of Texas with Mr. Brown of Michigan.

Mr. Davis of Georgia with Mr. McCloskey.

Mr. Long of Louisiana with Mr. Mathis.

Mr. Dow with Mr. Dowdy.

Mrs. Hicks of Massachusetts with Mr. Murphy of Illinois.

Mr. BARRETT changed his vote from "yea" to "nay."

Messrs. STEIGER of Arizona and CAMP changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. BLATNIK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 319, nays 68, answered "present" 0, not voting 45, as follows:

[Roll No. 67]

YEAS—319

Abernethy
Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Aspinall
Badillo
Baker
Baring
Barrett
Begich
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blanton
Blatnik
Boland
Bolling
Brademas
Brasco
Brinkley
Broomfield
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Cabell
Caffery
Carey, N.Y.
Carney
Carter
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collins, Ill.
Colmer
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Daniels, N.J.
Danielson
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
duPont
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fish
Flood
Flowers
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Frenzel
Frey
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Gallagher

Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gude
Hagan
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Hastings
Hathaway
Hawkins
Hébert
Hechler, W. Va.
Helstoski
Henderson
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Keating
Kee
Keith
Kemp
King
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Lennon
Link
Long, Md.
Lujan
McClory
McClure
McCormack
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mann
Mathias, Calif.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, N.Y.
Natcher
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Pike
Pirnie
Poage
Podell
Powell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quie
Quillen
Railsback
Randall
Rangel
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Roberts
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Saylor
Scherle
Scheuer
Seiberling
Shipley
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steed
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Watts
Whalen
Whalley
White
Whitten
Widnall
Wilson, Charles H.
Wyatt
Wylie
Wyman
Yates
Yatron
Young, Tex.
Zablocki
Zwach

NAYS—68

Abbitt
Archer
Arends
Ashbrook
Belcher
Betts
Blackburn
Bray
Broyhill, Va.
Burleson, Tex.
Byrnes, Wis.
Camp
Collier
Collins, Tex.
Conable
Crane
Daniel, Va.
Davis, Wis.
Dennis
Derwinski
Devine
Dickinson
Edwards, Ala.
Erlenborn
Findley
Fisher
Ford, Gerald R.
Frelinghuysen
Goldwater
Gross
Grover
Haley
Hall
Jarman
Jonas
Kyl
Landgrebe
Lent
Lloyd
McCollister
McKevitt
Martin
Mayne
Michel
Myers
Poff
Price, Tex.
Rarick
Robinson, Va.
Rousselot
Satterfield
Schmitz
Schneebeli
Scott
Shoup
Steiger, Ariz.
Steiger, Wis.
Teague, Calif.
Terry
Thone
Ware
Wiggins
Williams
Wilson, Bob
Winn
Wydler
Young, Fla
Zion

ANSWERED PRESENT—0

NOT VOTING—45

Andrews, Ala.
Boggs
Bow
Brooks
Brotzman
Brown, Mich.
Casey, Tex.
Corbett
Davis, Ga.
Dow
Dowdy
Dwyer
Edwards, La.
Fascell
Flynt
Fuqua
Goodling
Gubser
Halpern
Harvey
Hays
Heckler, Mass.
Hicks, Mass.
Hosmer
Kazen
Kluczynski
Long, La.
McCloskey
McCulloch
Mailliard
Mathis, Ga.
Murphy, Ill.
Nedzi
Peyser
Pickle
Purcell
Rooney, Pa.
Rosenthal
Schwengel
Sebelius
Shriver
Steele
Whitehurst
Wolff
Wright

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hays with Mr. Bow.

Mr. Fuqua with Mr. Shriver.

Mr. Fascell with Mr. Steele.

Mr. Nedzi with Mr. Brown of Michigan.

Mr. Wright with Mr. Mailliard.

Mrs. Hicks of Massachusetts with Mrs. Dwyer.

Mr. Wolff with Mr. Halpern.

Mr. Pickle with Mr. Brotzman.

Mr. Brooks with Mr. Hosmer.

Mr. Boggs with Mrs. Heckler of Massachusetts.

Mr. Andrews of Louisiana with Mr. Goodling.

Mr. Kluczynski with Mr. Harvey.

Mr. Purcell with Mr. Schwengel.

Mr. Rosenthal with Mr. Peyser.

Mr. Rooney of Pennsylvania with Mr. Corbett.

Mr. Kazen with Mr. McCloskey.

Mr. Casey of Texas with Mr. Gubser.

Mr. Davis of Georgia with Mr. Sebelius.

Mr. Flynt with Mr. Whitehurst.

Mr. Pucinski with Mr. McCulloch.

Mr. Mathis with Mr. Long of Louisiana.

Mr. Dowdy with Mr. Dow.

Mr. Edwards of Louisiana and Mr. Murphy of Illinois.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. BOLLING). Pursuant to the provisions of House Resolution 373, the Committee on Public Works is discharged from further consideration of the bill S. 575.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. BLATNIK

Mr. BLATNIK. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Motion offered by Mr. BLATNIK: Strike out all after the enacting clause of the bill S. 575, to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended, and insert in lieu thereof the provisions of H.R. 5376, as passed, as follows:

TITLE I—PUBLIC WORKS ACCELERATION ACT

SEC. 101. This title may be cited as the "Public Works Acceleration Act Amendments of 1971".

SEC. 102. The Public Works Acceleration Act (42 U.S.C. 2641 et seq.) is amended as follows:

(1) Clause (1) of section 2(a) is amended to read as follows: "(1) certain communities and areas in the Nation are presently burdened by substantial unemployment and underemployment resulting from the economic decline of 1970, and".

(2) Subsection (b) of section 2 is amended to read as follows:

"(b) Congress further finds that Federal assistance to stimulate public works investment in order to increase employment opportunities is most urgently needed in those areas, both urban and rural, suffering persistent or substantial unemployment or underemployment."

(3) Subsection (a) of section 3 is amended to read as follows:

"(a) For the purposes of this section, the term 'eligible area' means—

"(1) those areas designated by the Secretary of Commerce as 'redevelopment areas' or as 'economic development centers' for the purpose of the Public Works and Economic Development Act of 1965, and those areas designated by such Secretary under section 102 of such Act.

"(2) those areas which the Secretary of Labor designates each month as having been areas of substantial unemployment for at least six of the preceding twelve months.

"(3) those areas which the Secretary of Labor designates each month as areas having an average rate of unemployment of veterans who served on active duty during the Vietnam era as defined in section 101(29) of Title 38, United States Code, and who were discharged or released from active duty in the military, naval, or air service of the United States under conditions other than dishonorable, at least 25 per centum above the national average rate of all unemployment for three consecutive months or more during the preceding 12 month period."

(4) The last sentence of subsection (c) of section 3 is amended to read as follows: "Notwithstanding any provision of such law requiring the Federal contribution to the State or local government involved to be less than a fixed portion of the cost of a project, grants-in-aid may be made under authority of this section which bring the total of all Federal contributions to such project up to 80 per centum of the cost of such project, or up to 100 per centum of the cost of such project if the State or local government has exhausted its effective taxing and borrowing capacity for such purposes and therefore does not have economic and financial capability to assume all of the additional financial obligations required."

(5) Subsection (d) of section 3 is amended to read as follows:

"(d) There is hereby authorized to be appropriated for the fiscal years beginning after June 30, 1970, not to exceed $2,000,000,000, to be allocated by the President in accordance with subsection (b) of this section."

(6) Subsection (e) of section 3 is amended by adding at the end thereof the following: "In prescribing such rules, regulations, and procedures, the President shall require that priority be given to projects for assistance in the construction of basic public works (including works for the storage, treatment, purification, or distribution of water; and sewage, sewage treatment, and sewer facilities) for which there is an urgent and vital public need."

(7) Subsection (h) of section 3 is amended to read as follows:

"(h) The criteria to be used by the Secretary of Labor in determining areas of substantial unemployment for the purposes of paragraph (2) of subsection (a) of this section shall be the criteria established in section 8.3(a) of title 29 of the Code of Federal Regulations as in effect March 2, 1971."

(8) Subsection (a) of section 4 is amended to read as follows:

"(a) No part of any allocation made by the President under this Act shall be made available during any fiscal year to any State or local government for any public works project if the proposed or planned total expenditure (exclusive of Federal funds) of such State or local government during such fiscal year for all its capital improvement projects is decreased."

(9) By adding at the end thereof the following:

"SEC. 7. An eligible area under this Act shall retain such designation for only so long as it continues to meet the unemployment criteria applicable to it but in no event shall such designation be terminated prior to one year after the date of designation.

"SEC. 8. Federal financial assistance made from allocations made by the President under this Act may be used for all or any portion of the basic Federal contribution to projects and for the purpose of increasing the Federal contribution to such projects."

SEC. 103. (a) Clause (ii) of the last sentence of paragraph (4) of subsection (b) of section 202 of the Housing Amendments of 1955 is amended by striking out "section 9" and inserting in lieu thereof "section 3".

(b) Section 202(e) of the Housing Amendments of 1955 is amended by striking out "section 9" and inserting in lieu thereof "section 3", and by striking out "50 per centum" and inserting in lieu thereof "80 per centum".

SEC. 104. No person in the United States shall, on the ground of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance under the Public Works Acceleration Act.

TITLE II—THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965

SEC. 201. This title may be cited as the "Public Works and Economic Development Act Amendments of 1971".

SEC. 202. Section 105 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3135) is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and not to exceed $550,000,000 per fiscal year for the fiscal years ending June 30, 1972, and June 30, 1973."

SEC. 203. Subsection (c) of section 201 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141) is amended by striking out "June 30, 1971" and inserting in lieu thereof "June 30, 1973".

SEC. 204. Section 302 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3152) is amended by striking out "and June 30, 1971" and inserting in lieu thereof "June 30, 1971, June 30, 1972, and June 30, 1973".

SEC. 205. Section 401 of the Public Works and Economic Development Act of 1965 (42 U.S.S. 3161) is amended as follows:

(1) Paragraph (2) of subsection (a) is amended by striking out "40 per centum" and inserting in lieu thereof "50 per centum".

(2) Paragraph (6) of subsection (a) is amended to read as follows:

"(6) the Secretary may designate as redevelopment areas those communities or neighborhoods (defined without regard to political or other subdivisions or boundaries) which—

"(A) the Secretary determines have one of the following conditions:

"(i) a large concentration of low-income persons;

"(ii) rural areas having substantial outmigration;

"(iii) substantial unemployment;

"(iv) an actual or threatened abrupt rise of unemployment due to the closing or curtailment of a major source of employment; or

"(v) severe economic distress due to the occurrence of a natural disaster; and

"(B) have submitted an acceptable proposal for an overall economic development program which will have an appreciable beneficial impact upon such condition.

No redevelopment area established under this paragraph shall be eligible to meet the requirements of section 403(a)(1)(B) of this Act;

"(7) those areas where per capita employment has declined significantly during the next preceding ten-year period for which appropriate statistics are available."

SEC. 206. The first sentence of section 402 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3162) is amended by striking out "thereof" and all that follows down through and including the period at the end of the sentence and inserting in lieu thereof the following: "of such reviews shall terminate or modify such designation whenever such an area no longer satisfies the designation requirements of section 401, but in no event shall such a designation of an area be terminated prior to the expiration of the third year after the date such area was so designated."

SEC. 207. Subsection (g) of section 403 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3171) is amended by striking out "June 30, 1971" and inserting in lieu thereof "June 30, 1973".

SEC. 208. Subsection (d) of section 509 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3188a) is amended by striking out the period at the end of the first sentence thereof and inserting in lieu thereof a comma and the following: "and for the two-fiscal-year period ending June 30, 1973, to be available until expended, not to exceed $305,000,000."

SEC. 209. Section 512 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3191) is amended by inserting immediately after "1971," the following: "and $500,000 for the two-fiscal-year period ending June 30, 1973,".

SEC. 210. Section 2 of the Act of July 6, 1970 (Public Law 91–304) is amended by striking out "1971" and inserting in lieu thereof "1972".

SEC. 211. No person in the United States shall, on the ground of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance under the Public Works and Economic Development Act of 1965.

TITLE III—APPALACHIAN REGIONAL DEVELOPMENT ACT OF 1965

SEC. 301. This title may be cited as the "Appalachian Regional Development Act Amendments of 1971".

SEC. 302. The second sentence of subsection (b) of section 105 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 105) is amended to read as follows: "To carry out this section there is hereby authorized to be appropriated to the Commission, to be available until expended, not to exceed $1,900,000 for the two-fiscal-year period ending June 30, 1973, and not to exceed $1,900,000 for the two-fiscal-year period ending June 30, 1975. Not to exceed $475,000 of the authorization for any such two-year period shall be available for the expenses of the Federal Cochairman, his alternate, and his staff.".

SEC. 303. Pargaraph (7) of section 106 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 106) is amended by striking out "1971" and inserting in lieu thereof "1975".

SEC. 304. Subsection (g) of section 201 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 201) is amended to read as follows:

"(g) To carry out this section, there is hereby authorized to be appropriated to the President, to be available until expended, $175,000,000 for the fiscal year ending June 30, 1971; $175,000,000 for the fiscal year ending June 30, 1972; $180,000,000 for the fiscal year ending June 30, 1973; $180,000,000 for the fiscal year ending June 3, 1974; $185,000,000 for the fiscal year ending June 30, 1975; $185,000,000 for the fiscal year ending June 30, 1976; $185,000,000 for the fiscal year ending June 30, 1977; and $180,000,000 for the fiscal year ending June 30, 1978."

SEC. 305. Subsection (b) of section 205 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 205) is amended to read as follows:

"(b) Notwithstanding any other provision of law, the Federal share of mining area restoration project costs carried out under subsection (a) of this section and conducted on lands other than federally owned lands shall not exceed 75 per centum of the total cost thereof. For the purposes of this section, such project costs may include the reasonable value (including donations) of planning, engineering, real property acquisition (limited to the reasonable value of the real property in its unreclaimed state and costs incidental to its acquisition, as determined by the Commission) and such other materals and services as may be required for such project."

SEC. 306. The first sentence of subsection (c) of section 214 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 214) is amended by striking out "December 31, 1970" and inserting in lieu thereof "December 31, 1974".

SEC. 307. Section 401 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 401) is amended to read as follows:

"SEC. 401. In addition to the appropriations authorized in section 105 for administrative expenses, and in section 201 for the Appalachian development highway system and local access roads, there is hereby authorized to be appropriated to the President, to be available until expended, to carry out this Act, $268,500,000 for the two-fiscal-year period ending June 30, 1971; $302,000,000 for the two-fiscal-year period ending June 30, 1973; and $314,000,000 for the two-fiscal-year period ending June 3, 1975."

SEC. 308. Section 405 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 405) is amended by striking out "1971." and inserting in lieu thereof "1975.".

SEC. 309. No person in the United States shall, on the ground of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance under the Appalachian Regional Development Act of 1965.

Amend the title so as to read:

"An Act to extend the Public Works Acceleration Act, the Public Works and Economic Development Act of 1965, and the Appalachian Regional Development Act of 1965."

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. BLATNIK).

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read:

"To extend the Public Works Acceleration Act, the Public Works and Economic Development Act of 1965, and the Appalachian Regional Development Act of 1965."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 5376) was laid on the table.

APPOINTMENT OF CONFEREES

Mr. BLATNIK. Mr. Speaker, I ask unanimous consent that the House insist on its amendments to the bill (S. 575) to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota? The Chair hears none and, without objection, appoints the following conferees: Messrs. BLATNIK, JONES of Alabama, GRAY, EDMONDSON, HARSHA, SCHWENGEL, and CLEVELAND.

There was no objection.

VICTORY FOR PUBLIC WORKS LEGISLATION AND OUR ECONOMY

Mr. MADDEN. Mr. Speaker, the House of Representatives today responded by a very substantial majority vote in the passage of the 1971 public works legislation. It was a great victory when the House by a substantial majority defeated the amendment to strike out title I of this legislation which would have emasculated at least 60 percent of the projects to be authorized under the provisions of this bill. Millions of American families are in desperate need as a result of the present administration's failure to combat the problems of unemployment and inflation. The Congress by its vote today took the leadership to combat recession and unemployment. This is merely the first step toward restoring prosperity and employment through the Nation.

It is indeed unfortunate that 90 percent of the vote in favor of striking out section I came from the Republican side of the House. Ninety-eight percent of the employed in this country want an honest day's wage in exchange for an honest day's work. This bill authorizes $2 billion immediately for accelerated public works employment through both Federal and local government projects, such as waste treatment plants, water, and sewer projects, hospitals, nursing homes, and public health centers. It is estimated that this part of the public works legislation alone would create about 420,000 jobs.

With the other projects, including title III of the bill, which deals with Appalachia, this public works legislation enacted today by the Congress could provide several million jobs throughout the Nation.

Title II of H.R. 5376 amends the Public Works and Economic Development Act to provide Federal help in conjunction with the States—to assist communities, areas, and regions which are suffering from unemployment by providing financial and technical assistance needed for the creation of new jobs. Its long-range objective is to enhance domestic prosperity by establishing stable and diversified local economies.

URGENT SUPPLEMENTAL APPROPRIATIONS, 1971

Mr. MAHON. Mr. Speaker, pursuant to the order of the House on Monday last, I call up the joint resolution (H.J. Res. 567) making certain urgent supplemental appropriations for the fiscal year 1971, and for other purposes, and ask unanimous consent that the joint resolution be considered in the House as in the Committee of the Whole.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. Res. 567

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1971, namely:

CHAPTER I

VETERANS ADMINISTRATION

Compensation and Pensions

For an additional amount for "Compensation and pensions," $433,779,000, to remain available until expended.

Readjustment Benefits

For an additional amount for "Readjustment benefits," $302,200,000, to remain available until expended.

CHAPTER II

DEPARTMENT OF LABOR

Wage and Labor Standards Administration

SALARIES AND EXPENSES

For an additional amount for "Wage and Labor Standards Administration, Salaries and Expenses," including carrying out the functions of the Secretary under the Occupational Safety and Health Act of 1970 (Public Law 91-596, approved December 29, 1970), $7,818,000, of which $4,000,000 shall be for grants to States authorized by said Public Law 91-596 and not to exceed $118,000 shall be transferred to the fund created by section 44 of the Longshoremen's and Harbor Workers' Compensation Act, as amended.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Environmental Health Service

ENVIRONMENTAL CONTROL

For an additional amount for "Environmental control," for carrying out the provisions of the Occupational Safety and Health Act of 1970, Public Law 91-596, $4,000,000.

RELATED AGENCIES

Occupational Safety and Health Review Commission

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission, established by section 12 of the Act of December 29, 1970 (Public Law 91-596), $75,000.

CHAPTER III

SMALL BUSINESS ADMINISTRATION

DISASTER LOAN FUND

For additional capital for the "Disaster loan fund," $265,000,000, to remain available without fiscal year limitation.

CHAPTER IV

FUNDS APPROPRIATED TO THE PRESIDENT

DISASTER RELIEF

For an additional amount for "Disaster relief," including carrying out the functions of the Office of Emergency Preparedness under the Disaster Relief Act of 1970 (Public Law 91-606), $25,000,000, to remain available until expended: *Provided*, That not to exceed 3 per centum of the foregoing amount shall be available for administrative expenses.

CHAPTER V

GENERAL PROVISIONS

No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Mr. MAHON. Mr. Speaker, I move to strike the last word.

Mr. Speaker, this is a joint resolution making certain urgent supplemental appropriations for the current fiscal year 1971 which ends on June 30.

The Committee on Appropriations has, over a considerable period, been working a general supplemental appropriation bill which is required to meet various Government expenditure requirements. We expect to report that bill early next month but in the meantime there are a few items that for one reason or another require more expeditious handling. That is the purpose of the pending measure. We have lifted these few items from the second supplemental bill for 1971 which, as I indicated, we expect to report next month.

The total sum of $1,038 million, a reduction of $4.4 million from the requests, is recommended in three program areas under seven separate appropriations: $736 million relates to mandatory-type veterans benefits programs which could run out of cash before the second supplemental is finalized; $11.9 million relates to the newly enacted occupational safety and health program which goes into effect April 28—the budget requests were received in early March and there is considerable urgency attached to getting the program underway; and $290 million is for disaster relief and Small Business Administration disaster loan funds to meet emergency assistance needs in various areas of the country.

The committee report is at the desk. It goes into more detail.

I am going to yield to the gentleman from Pennsylvania (Mr. Flood), as the chairman of the subcommittee immediately in charge, to make a brief comment in regard to the funds for occupational safety and health. The request was reduced somewhat for reasons which we consider fully valid, but this is a matter in which Members of the House are very much interested. I yield now to the gentleman from Pennsylvania for discussion of that matter.

OCCUPATIONAL HEALTH AND SAFETY

Mr. FLOOD. Mr. Speaker, chapter 2 is a rather simple situation. We have three appropriation items: One for the Department of Labor, one for the Department of Health, Education, and Welfare, and the third for the Occupational Safety and Health Review Commission. However, all three are for implementing a single piece of legislation, the Occupational Safety and Health Act that was passed late in the last session of Congress. Since the act goes into effect on the 28th of this month, next Wednesday, it is urgent that these funds be appropriated within the next few days.

I am sure that most of you will remember that the occupational safety and health bill passed late in the last session of Congress. It became law December 29, 1970. The act covers all employers engaged in interstate commerce in this country.

So far as the Department of Labor is concerned the act provides that the Secretary shall promulgate standards to protect the occupational safety and health of the employees of all these covered employers, in other words, those engaged in interstate commerce. The Secretary of Labor is also responsible for the inspection and enforcement activities. The Department's inspectors are to go to plants covered by this statute either on their own initiative; or, if an employee or group of employees makes a reasonable request for an inspection, the law requires the Secretary to send an inspector to the plant involved.

The Secretary of Labor also has the responsibility to bring litigation, if necessary, against employers alleged to have violated a safety standard. That litigation is brought before an independent review commission, the Occupational Safety and Health Review Commission. This is an independent judicial body. That body makes the determination as to whether there is in fact a violation.

The act charges the Department of Health, Education, and Welfare with several responsibilities. That Department is to make recommendations regarding the need for mandatory standards, and the priority of each; to systematically develop criteria for standards, and to develop criteria dealing with toxic materials and harmful physical agents and substances; to conduct programs designed to provide education and training to personnel in order to assure that an adequate supply of qualified manpower exists for implementation of the act; and to develop informational programs to assure proper use of safety and health equipment and to train employers and employees in the recognition and prevention of unhealthful working conditions.

The committee's recommendation with regard to the level of funding is set forth in the table on pages 6 and 7 of the report. In summary the total request was $16,315,000 and the bill includes $11,893,000, a cut of approximately 25 percent. The cut is recommended solely on the basis that the Department expected to get the appropriation earlier, so unless the Antideficiency Act has been violated—and we have no reason to believe that it has—these agencies will obviously need less money for the shorter period of time left in the fiscal year. This delay is occasioned by the fact that the last part of this package was not transmitted to Congress until March 23 and so did not afford Congress the opportunity to act in a deliberate manner prior to the Easter recess.

The recommendation of the committee will make no reduction in the number of positions requested for this very important program. I can assure you that we took no action that will keep either Department or the Commission from building the staff they requested by the end of this fiscal year. We simply recognized that they would be aboard for a shorter period of time than anticipated.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. MAHON was allowed to proceed for 10 additional minutes.)

VETERANS BENEFIT ITEMS

Mr. MAHON. Mr. Speaker, the largest item in this urgent supplemental is for the Veterans' Administration. It totals about $736 million. The chairman of the subcommittee immediately in charge, the gentleman from Massachusetts (Mr. BOLAND), is quite familiar with this requirement and I am glad to yield to him for a more detailed explanation.

Mr. BOLAND. Mr. Speaker, the supplemental appropriations recommended in the bill for the Veterans' Administration total $735,979,000. This includes a supplemental appropriation of $433,779,000 for the payment of compensation, pensions, and related benefits to eligible veterans and their beneficiaries as proposed in the budget estimate, and $302,200,000 for readjustment benefits for education and training assistance for veterans returning from Vietnam and other eligible dependents of veterans.

Last year the Congress enacted legislation increasing the rates of compensation. Great effort has been made by the Veterans' Administration to encourage veterans to avail themselves of the opportunities that are open to them in the readjustment benefits program. The fact that there is a need for these supplemental funds reflects some of the results that have been achieved.

In the compensation and pensions program, Public Law 91-376 increased most rates of disability compensation on the average of approximately 11 percent effective July 1, 1970. It is estimated that this will increase compensation costs in 1971 by $217,943,000. Vietnam era veterans continue to come on the rolls at a much fater rate than was originally anticipated, and $51,244,000 is due to this factor.

Public Law 91-262 increased the rates of payment to certain survivors of deceased veterans, effective July 1, 1970. This is estimated to increase costs in 1971 by $3,612,000. Public Law 91-376 also authorized the payment of benefits to certain remarried widows effective January 1, 1971. This requires an additional $2,549,999 in the current fiscal year.

Legislation enacted by the Congress in Public Law 91-588 raised the rates of pensions and increased the income limitations for veterans. This is estimated to increase the cost this year by $71,015,000 in the pensions program. There also is an increasing trend toward a higher average payment per veteran, especially for World War I and World War II veterans, who are becoming eligible to receive the higher "aid and attendance" and "housebound" rates. It is estimated that this will increase the 1971 costs by $29,171,000.

Pension benefits for survivors pursuant to Public Law 91-376 will now include the payment of benefits to certain remarried widow pensioners, effective January 1, 1971, similar to those provided for those eligible for compensation benefits. An amount $1,720,000 is included for this purpose. Public Law 91-588 also increases the rates and income limitations for survivor pensioners, as it did for veterans. This requires an addition of $43,985,000.

The subsistence allowances provided in the compensation and pensions program to certain veteran trainees are increased in Public Law 91-219 by approximately 22.7 percent effective February 1, 1970, and a continued buildup of seriously disabled veterans associated with the Southeast Asian crisis requires an addition of approximatley $8,400,000.

The additional $302,200,000 recommended in the bill for the readadjustment benefits program is primarily due to the increased numbers of veterans taking educational training when they return from service. The number of trainees is now projected to be 1,568,000 compared with an estimate of 1,394,000 made last September. The added cost in 1971 of these additional trainees is $175,000,000.

Public Law 91-966 increases the allowance for automobiles and other conveyances for disabled veterans from $1,600 to $2,800 toward the purchase price of conveyances for disabled veterans to more realistically reflect current price levels. This is estimated to add a requirement for $8,700,000.

The readjustment benefits item also covers cost of educational benefits that were liberalized and expanded in a number of other ways in Public Law 91-584. The primary change is to reduce the 2-year active duty requirement for benefits to 180 days. This and other changes add a requirement for approximately $10,500,000.

So, Mr. Speaker, the appropriations in this resolution for the Veterans' Administration are entirely for compensation, pensions, and readjustment benefits payments that are due to increasing numbers of veterans. More veterans are availing themselves of education benefits. This is good. Legislation has been enacted by the Congress in the last year to raise many of the payments to more realistic levels. The additional costs are reflected in this bill. The funds for payments will be required late this month or at the latest, in May. These payments are mandatory at this time, and I recommend the adoption of these recommendations as proposed in this resolution.

DISASTER ASSISTANCE AND LOAN PROGRAMS

Mr. MAHON. Mr. Speaker, one of the larger items in this bill involves the disaster loan programs of the Small Business Administration. The hearings with respect to this matter were conducted by the subcommittee headed by the gentleman from New York, (Mr. ROONEY). I am glad to now yield to him for an explanation of the necessity for this appropriation of $265 million.

Mr. ROONEY of New York. Mr. Speaker, I thank the distinguished chairman of the full Committee on Appropriations of the House, the gentleman from Texas (Mr. MAHON), for inviting me to explain this item. I do not believe we will have the slightest problem with this chapter because the $265 million request of the Small Business Administration to add to their disaster loan fund is for moneys that will be repaid. The total as I said is $265 million. Primarily this requested increase in capital is due to the fact that there was an earthquake in southern California. It also concerns other areas where there have been hurricanes as well as a flood situation in Puerto Rico, all of which must be taken care of so that these private citizens and private companies may apply for repayable loans and so that sufficient moneys will be available in the disaster loan fund to meet their applications, if approved.

Mr. Speaker, I suggest that this be approved in toto.

Mr. MAHON. Mr Speaker, the chapter of the bill just referred to, as you have heard, relates to disaster loans handled under the auspices of the Small Business Administration. For grants as a result of disasters—not loans, but grants—the gentleman from Oklahoma, (Mr. STEED) chairs the subcommittee that held hearings on the $25 million request for disaster relief assistance. I now yield to him for remarks about the necessity for this item.

Mr. STEED. I thank the gentleman for yielding.

Mr. Speaker, as a result of the omnibus bill on disaster aid that was passed by the Congress last fall, the Office of Emergency Preparedness has had to deal already this year with 38 disasters which have depleted the disaster relief assistance fund. The $25 million included in this bill is urgently needed not only to carry out relief work already underway but to have some margin to meet any disasters that may occur between now and July 1.

So, Mr. Speaker, this is a very urgently needed item and it ought to be approved.

Mr. MAHON. Mr. Speaker, there was virtually complete agreement among the members of the Committee on Appropriations in regard to the appropriations in this urgent supplemental measure. The regular supplemental bill which we expect to report in about two weeks or so will be a much larger measure containing many provisions. I believe the need and the urgency for this legislation being passed has been adequately explained.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the distinguished gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

Are there funds in this urgent emergency supplemental for pay raises?

Mr. MAHON. No; the pay raise supplementals will come later with a large number of other items—in the second supplemental bill.

Mr. GROSS. But not in this bill?

Mr. MAHON. Not in this bill. These were items that were lifted out because the funds are needed in the next few days, really, or certainly before Congress will probably finalize the general supplemental bill. It was thought that if we had a joint resolution that was noncontroversial it could be passed through the House and the Senate and promptly enacted into law and the funds made available, such as for the programs of occupational health and safety, disaster relief, disaster loans, and veterans' benefits which are required by law.

Mr. GROSS. I thank the gentleman for his explanation.

Mr. MAHON. Mr. Speaker, I yield back the balance of my time.

Mr. JONAS. Mr. Speaker, I move to strike the last two words.

Mr. Speaker, the distinguished chairman of the committee, the gentleman from Texas, and the chairmen of the subcommittees have adequately explained this urgent supplemental joint resolution. I, therefore, shall not take the full 5 minutes.

However, I would like to proceed long enough to say that there is no opposition on this side of the aisle to the passage of this legislation. We concur in the view expressed by the distinguished chairman of the committee that this money is necessary to continue our veterans programs, to move forward on occupational safety and health and to provide funds necessary for disaster relief.

As the gentleman from Texas has said, most of these items are lifted out of the second supplemental bill, lifted out because they are of particular urgency right now due to the time factor that is involved.

As the gentleman from Massachusetts (Mr. BOLAND) has stated, the principal items in this bill are for the Veterans' Administration. An additional sum of $302 million has been requested, and included in the joint resolution for readjustment benefits. There is also included some $433 million for additional money with which to pay compensation and pension claims that accrue by law. I know of no way to avoid paying these items. They are mandatory. It is incumbent upon the Congress to make the funds available when the funds are required to discharge the obligations. That is why we bring to the House today these few items in an urgent supplemental in an effort to get the joint resolution through the Congress at the earliest possible date.

Mr. Speaker, as a part of my remarks, I ask unanimous consent to include a summary of the entire bill and a special analysis of the readjustment benefits section and the compensation and pension sections of title I of the joint resolution.

The SPEAKER pro tempore (Mr. BOLLING). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The material referred to follows:

Summary of urgent supplemental appropriation bills

[In thousands of dollars]

H. DOC. NO. 92–73	
VA, readjustment benefits. (Due primarily to increased caseload of veterans participating in academic and on-the-job training programs, plus impact of new legislation (P.L. 91–584, P.L. 91–666)	$302,200
VA, compensation and pensions. (Almost 80 percent is due to new legislation enacted subsequent to budget submission (P.L. 91–262, 91–376, 91–588). Rest is due to caseload increase and average unit costs)	433,779
HEW, occupational safety and health program. (Budget request was for $5,315,000 to fund 139 new positions to establish the National Institute for Occupational Safety and Health and fulfill the mandate of the Williams-Steiger Occupational Safety and Health Act of 1970 (P.L. 91–596), which takes effect April 28. Subcommittee reduced the request to $4 million)	4,000
H. DOC. NO. 92–60	
Labor, occupational safety and health program. (Budget request was for $10,900,000 for start-up costs for implementation of the Williams-Steiger Act. Subcommittee reduced to $7,818,000 ($3.7 milion salaries and expenses, $4 million in grants to States, $118,000 for transfer to the fund created by sec. 44 of the Longshoremen's and Harbor Workers' Compensation Act).)	7,818
Occupational Safety and Health Review Commission. (Budget request was for $100,000 for 10 positions, library and other facilities as start-up costs to prepare for adjudicatory functions under the Wiliams-Steiger Act. Subcommittee reduced to $75,000)	75
H. DOC. NO. 92–72	
Disaster relief. (Larger than anticipated number of disasters has caused an estimated deficiency in the President's Disaster Fund, administered by the Office of Emergency Preparedness. The 2 largest expenditures for the fourth quarter are $20 million for the Los Angeles earthquake and $11,084,000 for the Texas hurricane (Celia).)	25,000
SBA, disaster loan fund. (Disaster losses eligible for assistance from the disaster loan fund were underestimated, due primiarily to the Los Angeles earthquake ($242 million) and Hurricane Celia ($175 million).)	265,000
Total Appropriations Committee recommendation	1,037,872

(Original budget request, $1,042,294,000.)

READJUSTMENT BENEFITS

For an additional amount for readjustment benefits, $302,200,000, to remain available until expended.

VETERAN'S ADMINISTRATION—READJUSTMENT BENEFITS

Additional funds in the amount of $302,200,000 will be required to supplement the initial appropriation for 1971. The continued wide publicity given to VA's educational programs, together with recent increases in educational allowances, have increased 1971 requirements beyond original estimate.. In addition, new legislation has generated $19,200,000 of the total $302,200,000 supplemental requirement. Obligations incurred against these funds arise by operation of law and are not administratively controllable.

[In thousands of dollars]

Increases under present legislation:	
Post-Korean conflict veterans—increased average payments and increased demand by eligible veterans for academic and on-the-job training. 1,568,000 trainees compared with a September 1970 projection of 1,394,000 trainees	$275,000
Sons and daughters—Increased participation in this group of veterans' dependents. 52,300 trainees compared with a September 1970 projection of 45,900 trainees	8,000
Total increases under present legislation	283,000
Increases resulting from new legislation:	
Public Law 91–584—Liberalization and expansion of certain educational benefits:	
Eligibility of servicemen for GI bill benefits—Reduces the 2-year active duty requirement to more than 180 days, adding 20,000 trainees in 1971	5,000
Apprenticeship and on-the-job training—Liberalizes the conditions under which training allowances may be paid	1,200
Correspondence school training—Bases payment upon the lowest extended time payment plan or actual cost to the veteran	4,100

Increases resulting from new legislation—Continued	
Extends VA educational benefits to wives and children of servicemen who have been listed for more than 90 days as missing in action or prisoners of war, estimated trainee load of 200 wives and 100 children in 1971	200
Public Law 91–584 total	10,500
Public Law 91–666—Automobiles and other conveyances for disabled veterans:	
Increases from $1,600 to $2,800 the amount allowed toward the purchase price of an automobile or other conveyance for disabled veterans, also certain servicemen, and helps pay for adaptive automobile equipment	8,700
Total increases for new legislation	19,200
Proposed 1971 supplemental	302,200

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions," $433,779,000, to remain available until expended.

VETERANS' ADMINISTRATION—COMPENSATION AND PENSIONS

Additional requirements of $433,779,000 are needed to make payments authorized by law. Nearly 80 percent or $344,964,000 of this total, is due to legislation enacted subsequent to the initial budget submission. The balance, or $88,815,000, is required to cover unforeseen increases in caseloads, particularly in the Vietnam era category, and higher than planned average payments, especially veterans pension, which manifested themselves in 1970 after the 1971 budget request was submitted to Congress. Obligations incurred against these funds arise by operation of law and are not administratively controllable. Requirements by major category are as follows:

[In thousands of dollars]

Compensation:	
Veterans: Public Law 91–376, approved August 12, 1970, increased most rates of disability compensation on the average by approximately 11 percent effective July 1, 1970, and is estimated to increase costs in 1971 by $217,943,000. Additionally, Vietnam era veterans continue to come on the rolls at a greater than anticipated rate and is estimated to increase costs by $51,244,000. Total veterans compensation	$269,187
Survivors: Public Law 91–262, approved May 21, 1970, increased rates to certain "children alone" cases effective July 1, 1970, and is estimated to increase costs in 1971 by $3,612,000. Public Law 91–376, approved August 12, 1970, authorized the payment of benefits to certain remarried widows effective January 1, 1971, for an added cost in 1971 of $2,549,000. Total survivors compensation	6,161
Pensions:	
Veterans: Public Law 91–588, approved December 24, 1970, and effective January 1, 1971, increased rates and income limitations for veterans and is estimated to increase costs in 1971 by $71,015,000. Additionally, there is an increasing trend being experienced in the average payment for this category. This is attributable to more veterans, especially World War I and World War II, becoming eligible to receive the higher "aid and attendance" and "housebound" rates. It is estimated that 1971 costs will increase $29,171,000. Total veterans pension	100,186
Survivors: Public Law 91–376, as it did for survivors compensation, authorized the payment of benefits to certain remarried widow pensioners effective January 1, 1971, and is estimated to increase costs in 1971 by $1,720,000. Public Law 91–588, as it did for veterans, increased rates and income limitations for survivor pensions and is estimated to increase costs in 1971 by $43,985,000. Total survivors pension	45,705
Other:	
Subsistence allowance: Public Law 91–219, approved March 26, 1970, increased the subsistence allowance rates of veteran trainees by approximately 22.7 percent effective February 1, 1970, and is estimated to increase costs in 1971 by $4,140,000. Reprograming of veteran trainees and unit costs caused by the continued buildup of seriously disabled veterans associated with the Southeast Asian crisis will create an additional need in 1971 of approximately $8,400,000. Total other	12,540
Summary of requirements:	
(a) New legislation	344,964
(b) Reprograming	88,815
Total supplemental requirements for 1971	433,779

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. JONAS. I am glad to yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Speaker, I want to take this time to thank the gentleman who has just spoken, the gentleman from North Carolina (Mr. JONAS), and the Members who are serving as chairmen of their respective appropriation subcommittees for their effective response in the area of disaster relief, referring particularly on behalf of southern California. I happen to be from the northern part of the State, but I am the ranking minority member on the subcommittee which deals with disaster relief assistance programs. I can tell you that this appropriation is urgently needed. We are most grateful that you are giving it the kind of responsive consideration that you have.

Mr. MICHEL. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I take this time only to say and concur with what has previously been said particularly with regard to those items having to do with the implementation of the Occupational Health and Safety Act. It is no secret that the administration, obliged as it is to implement the act and have it going by April 28—has in fact hired some competent people to serve in the capacity of the roles which will be required to implement the act. A good many of them have been taken from the Space Agency where there has been a reduction in personnel, but people who possess the talent and expertise to be utilized in this field, where with the reduction in that program there have been some very competent people with engineering and graduate degrees who could be very well utilized, and that work is underway.

Mr. KEATING. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Ohio.

Mr. KEATING. Mr. Speaker, today, the House is voting on an urgent appropriation for the Bureau of Occupational Health and Safety. This additional money was required by the passage of Public Law 91–596, which established a National Institute for Occupational Health and Safety. This new Institute is designed to conduct research into this field, to design educational programs to assure qualified manpower, to train employees to recognize and prevent unhealthy working conditions, to make recommendations for mandatory safety standards, to develop criteria for dealing with toxic and harmful materials, and to maintain occupational health and safety statistics. To take on these new and needed responsibilities, the new Institute will need additional manpower. It is for this reason that we should pass this bill.

I am honored that the Bureau's main activities are located in Cincinnati. The citizens of Cincinnati while proud of our industrial growth, feel a deep responsibility to do everything possible to assure safe and healthy working environments.

When the Bureau becomes the Institute on April 28, it will need additional floor space to keep up with its increased responsibilities. I assure the Members of Congress that the city of Cincinnati will do everything possible to make room for this very important new Institute.

This supplemental appropriations is a major first step that will be followed by additional funds in the 1972 budget.

President Nixon, realizing the great need to expand our knowledge in this area, recommended a $13 million increase in his health message.

To the city of Cincinnati, this will mean an increase in the present staff of 150.

To the Nation, it will mean that we are giving the attention to this area that is so badly needed.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Speaker, I appreciate the gentleman yielding to me.

I simply want to say that I am glad that the Appropriations Committee has brought this supplemental to the floor, particularly with reference to occupational health and safety. I must admit that on April 22, it will make it somewhat more difficult, I am afraid, for the Department of Labor to do as effective job in the initial stages of the development of this act.

I would hope that those who are concerned about the problems in occupational health and safety will recognize that the dollar amount is less, and the time is late, and it may not be possible to have as prompt and speedy an implementation of the act as some of us might like to have seen. But I think, to be fair to the Committee on Appropriations as well as to the Department of Labor, that the figure that is contained in this supplemental is clearly legitimate. I think it will give the Department of Labor the tools with which to do the job. I appreciate very much the consideration that has been given by the chairman of the subcommittee and the ranking minority member, the gentleman from Illinois (Mr. Michel), who I know have spent a long time on this subject, and I am delighted that it is finally here.

Mr. MICHEL. Mr. Speaker, if the gentleman will yield, I might say to the gentleman that the committee did not get the request for this supplemental until March 23, so we think that we are acting pretty expeditiously in view of that late request.

As has been said, it does have to be implemented later.

Mr. RYAN. Mr. Speaker, today, the House is considering a supplemental appropriation for fiscal year 1971 for the funding of the Occupational Safety and Health Act.

The enactment of the Occupational Safety and Health Act of 1970—Public Law 91-596—was a milestone in the effort to protect the working men and women of this country from the hazards of the workplace. But, as with all legislation, the true proof of the pudding will be how this law is funded. For if we do not provide the sufficient funds to administer this program properly, this law will be nothing more than yet another empty promise. Therefore, the $11.9 million supplemental appropriation considered today is of the utmost importance to the Nation's workers.

Now that this law is beginning to be funded and the programs embodied in it beginning to be implemented, I would hope that the Assistant Secretary of Labor for Occupational Safety and Health will particularly concern his office with the hazard of noise pollution in the industrial environment. In this regard, I would hope that he would act affirmatively in urging passage of the Occupational Noise Control Act of 1971—H.R. 6990 and H.R. 6991—which I introduced on March 30, 1971, on behalf of myself and 35 of my colleagues.

In the report "Noise—Sound Without Value," which was issued in September of 1968, by the Federal Council for Science and Technology, the number of workers in the United States experiencing noise conditions unsafe to hearing was estimated as being "in excess of 6 million and as high as 16 million." Some experts feel that the number of workers subjected to potentially harmful noise levels exceeds the number exposed to any other health hazard in the work environment.

Excessive noise is not merely an irritant to the worker—it is a threat to his health. Excessive noise can inflict damage on the ear, resulting in temporary or even permanent damage to hearing. It has been charged with contributing to such conditions as fatigue, hypertension, high blood pressure, sleep disturbance, and decreased mental efficiency. Loud sounds can cause the blood vessels to constrict, the skin to pale, the muscles to tense, and adrenal hormone to be injected into the blood stream, indicating a probable relationship between noise and emotion-related disturbances.

Certain effects of noise may lead to accidents—noise may directly affect a worker's performance by interfering with the reception of speech, and by masking other auditory warning signals. Noise may also be an indirect cause of accidents, because it increases annoyance and fatigue, and it decreases alertness.

Other effects on workers are still not fully proven, however, the problem is serious enough so that we should not wait for absolutely conclusive scientific proof. As the Federal Council for Science and Technology stated:

> Aside from hearing loss, noise may cause cardiovascular, glandular, respiratory, and neurologic changes, all of which are suggestive of a general stress reaction. These psychologic changes are produced typically by intense sounds of sudden onset, but also can occur under sustained high level, or even moderately strong, noise conditions. Whether such reactions have pathologic consequences is not really known and may be unlikely in view of sound stimulation including those of fairly high level. However, there are growing indications, mainly in the foreign scientific literature, that routine exposures to intense industrial noise may lead to chronic physiologic disturbances. A German study, for example, has shown a high incidence of abnormal heart rhythms in steel workers exposed to high noise level in their workplaces. Neurological examinations of Italian weavers, also exposed daily to intense noise, have shown their reflexes to be hyperactive, and, in a few cases, electroencephalography has revealed a pattern of desynchronization as seen in personality disorders. A study reported in the Russian Literature shows that workers in noisy ball-bearing and steel plants have a high incidence of cardiovascular irregularities such as bradycardia. Subjective complaints of extreme fatigue, irritability, insomnia, impaired tactile function and sexual impotence also have been made by workers repeatedly exposed to high level industrial noise.

The only present Federal standards relating to noise in industry are those regulations promulgated under the 1936 Walsh-Healey Public Contracts Act. However, these standards only cover a small portion of the working population, being applicable only to firms having Government procurement contracts over $10,000.

Furthermore, though a step in the right direction, these standards are demonstrably too lax to protect the majority of working individuals. Scientific studies very clearly establish that the average individual will sustain permanent hearing loss if subjected to prolonged exposure to noise levels of 85 decibels or more. Yet, the standards under Walsh-Healey afford no more protection than a limit of 90 decibels for the normal workdays. Under this standard, thousands of American working men and women incur irreparable hearing loss.

It is interesting to note that in January 1969, the outgoing Johnson administration proposed tougher noise standards, which would have restricted the allowable noise exposure for an 8-hour day to 85 decibels. But the Nixon administration chose to disregard these proposed standards and promulgate the 90-decibel standard instead.

On December 29, 1970, the Occupational Safety and Health Act of 1970—the act for which we are considering funding today—was enacted into law. This act will go into effect on April 28 of this year, and standards promulgated under it will supersede standards which have been set under the Walsh-Healey Act. Under the Occupational Safety and Health Act, the authority of the Federal Government to regulate industrial safety will be broadened to extend to all businesses affecting interstate commerce—a major improvement over the limited reach of the Walsh-Healey provisions, which are applicable only to firms which have Federal contracts totaling $10,000 or more during the course of 1 year. However, at least at the outset, the noise levels to be promulgated under the Occupational Safety and Health Act will be the stand as the old Walsh-Healey standards.

In order to insure more adequate protection for workers from excessive and harmful noise I introduced, on March 30, the Occupational Noise Control Act of 1971, H.R. 6990 and H.R. 6991. This legislation, part of a comprehensive four-bill antinoise pollution package, would amend the Occupational Safety and Health Act to direct the Secretary of Labor to promulgate noise exposure limitations no less protective than provided in the following table:

Permissible noise exposures

Duration per day, hours:	*Sound level dBA*
8	80
6	82
4	85
3	87
2	90
1½	92
1	95
½	100
¼ or less	105

Thus, my bill produces an across-the-board reduction of 10 decibels from those levels currently in effect. Because of the workings of the decibel scale, a reduction of 10 decibels means that the perceived loudness would be cut in half. This would be a major step toward making our factories, construction sites, and other places of work more tolerable—and less unhealthy—for the American workingman.

Thirty-five Members of Congress have joined me in cosponsoring the Occupational Noise Control Act of 1971. They are: Mrs. Abzug, Mr. Addabbo, Mr. Badillo, Mr. Begich, Mr. Biaggi, Mr. Bingham, Mr. Brasco, Mr. Burton, Mr. Cleveland, Mr. Conyers, Mr. Dellums, Mr. Dow, Mr. Edwards of California, Mrs. Grasso, Mr. Halpern, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Helstoski, Mrs. Hicks of Massachusetts, Mr. Kastenmeier, Mr. Koch, Mr. Leggett, Mr. Mikva, Mr. Mitchell, Mr. Moorhead, Mr. Pepper, Mr. Podell, Mr. Rangel, Mr. Rees, Mr. Roe, Mr. Rosenthal, Mr. Roybal, Mr. Scheuer, Mr. Seiberling, and Mr. Wolff.

In almost all cases, the technology for a quieter industrial environment does not have to be invented—it is already available. What is needed is a national policy that will prevent workers being subjected to excessive and unhealthy noise levels. The time for the institution of such a policy is now.

Mr. TEAGUE of Texas. Mr. Speaker, I wholeheartedly support the urgent supplemental appropriation bill of 1971 which is now being considered as it pertains to our veterans' program.

Mr. Speaker, it is my opinion that the 91st Congress passed the best and most comprehensive legislative program benefiting America's veterans and their dependents that has ever been passed during the 23 years I have been privileged to serve in the Congress. The House Veterans' Affairs Committee which I am privileged to chair has always been nonpartisan toward the problems of veterans, particularly the disabled, widows of veterans' and veterans orphans. Practically all of the legislation reported by our committee has passed the House without a dissenting vote. I want to pay special tribute to my colleagues on the Veterans' Affairs Committee—both Republicans and Democrats—for their great statesmanship and hard work in the committee which enabled us to present to the full House the type of sensible legislation which could be passed with such great unity. The 91st Congress passed legislation which increased benefits of direct payments to veterans and their dependents by over three-quarters of a billion dollars per year.

Mr. Speaker, among the major legislative achievements of the 91st Congress were measures—

Increasing by 8 percent service-connected compensation for 2 million disabled veterans;

Increasing by 10 percent compensation for over 170,000 widows and dependent children of deceased servicemen;

Providing $155 million in additional medical care funds above the original budget request to improve care for America's sick and disabled veterans;

Increasing education and training allowances, by 35 percent for returning Vietnam veterans and other ex-servicemen;

Liberalizing veterans' housing assistance by providing increased loan limitations from $17,500 to $21,000 for veterans living in small towns and rural areas, increased housing grants for seriously disabled from $10,000 to $12,500 and creating a new historic mortgage insurance program for these veterans, and direct and guaranteed loans for mobile homes and removing deadlines for use of housing entitlement for World War II and Korea veterans;

Increasing nonservice pension rates by 8 percent and income limitations for veterans and widows assuring that none will have pensions reduced because of a 15-percent increase in social security;

Liberalizing terms and increasing insurance coverage from $10,000 to $15,000 for those serving in the Armed Forces of the United States;

Preserving disability compensation evaluations in effect for 20 or more years;

Liberalizing Federal payments, and grants to State veterans' homes;

Liberalizing nursing care and outpatient care benefits for service-connected veterans to help provide complete medical care services; and

Increasing by $1,200 the amount allowed for the purchase of specially equipped automobiles for disabled veterans and extending these benefits to certain active duty military personnel.

Mr. Speaker, it is my understanding that the Committee on Appropriations will soon bring before this body a bill containing supplemental funding for the balance of 1971 for the Veterans' Administration hospital program. The Office of Management and Budget has prevented the Veterans' Administration from seeking all of the necessary funding which is needed to provide a proper level of medical care in the VA hospital system for the balance of 1971. In fact, the Office of Management and Budget has forced the Veterans' Administration to absorb over $43 million of increased costs during this fiscal year, all of which should have been a part of the Administration's supplemental budget request.

Mr. Speaker, I hope the Appropriations Committee will take appropriate corrective action in the regular supplemental bill, which we will consider at a later date, to insure restoration of funds for fiscal year 1971 for veterans' medical care which the Office of Management and Budget has endeavored to deprive from our wounded, sick, and disabled veterans.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to extend their remarks on the urgent supplemental appropriation measure just passed.

Further, Mr. Speaker, I ask unanimous consent that I may be permitted to revise and extend my remarks, and to include therewith certain pertinent inserts.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I have asked for this time for the purpose of asking the distinguished majority leader the program for the balance of this week, if any, and the schedule for next week.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. In response to the inquiry of the distinguished minority leader, there is no further program scheduled for the balance of this week, and it is my intention to ask that we adjourn over until Monday at the conclusion of today's session.

Mr. Speaker, on Monday we have District day, and there are six bills:

H.R. 2598, the K-9 Corps expansion,

H.R. 2600, to equalize retirement benefits for policemen and firemen,

H.R. 6417, to amend ABC Act on retail licenses,

H.R. 2894, to incorporate the Paralyzed Veterans of America,

H.R. 6105, to incorporate the Merchant Marine Veterans Association, and

H.R. 5765, 6 months' extension for the report of the Commission on the Organization of the District of Columbia Government.

On Tuesday we will have House Resolution 28, to provide funds for the Committee on the District of Columbia;

House Resolution 282, to provide pay comparability adjustments for certain House employees whose pay rates are specifically fixed by House resolutions;

House Resolution 288, Foreign Affairs Committee investigation funding; and

House Resolution 320, transferring jurisdiction of the Subcommittee on Foundations of the Select Committee on Small Business to the Committee on Banking and Currency.

Also we will have H.R. 2166, oleomargarine amendment to Food, Drug, and Cosmetic Act, with an open rule and 1 hour of debate.

H.R. 5674, Commission on Marihuana and Drug Abuse authorization, again with an open rule and 1 hour of debate.

On Wednesday we will have H.R. 6444, the railroad retirement annuity increase, with an open rule and 1 hour of debate followed by H.R. 5066, a bill to authorize appropriations to carry out the Flammable Fabrics Act, subject to a rule being granted.

For Thursday and the balance of the week, we will have seven funding resolutions from the Committee on House Administration. We will also have H.R. 5208, the Coast Guard authorization, subject to a rule being granted, and H.R. 6479, towing vessel licensing bill, also subject to a rule being granted.

And, of course conference reports, as the gentleman knows, may be brought up at any time, and that any further program will be announced later.

ADJOURNMENT OVER

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet on Monday next.

The SPEAKER pro tempore (Mr. BOLLING). Without objection, it is so ordered.

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER CALENDAR WEDNESDAY RULE

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that Calendar Wednesday business on Wednesday next be dispensed with.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

PRESIDENT NIXON'S REQUEST FOR FOREIGN AID

(Mr. PASSMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous material.)

Mr. PASSMAN. Mr. Speaker, yesterday we received the President's message requesting funds for foreign aid and assistance for fiscal 1972. Let me say at the outset that in my opinion we have never had a bad President. President Nixon is a great President, but I recognize that Presidents often have very little personal knowledge of the voluminous messages sent to Congress in their names. According to a computer analysis, it would require 4,502 individuals to do and say all the things that are issued either by or through the Office of the President.

The President's message indicated that he requested $3,200,000,000 for foreign aid. This represents only the amount requested under title I. The actual amount included in the new and formal request for foreign aid and assistance for this year amounts to $13,517,628,000. The message that came to Congress yesterday represents only one of 27 spigots of foreign aid and assistance.

Fortunately, when the President speaks, he gets coverage on the front pages of the newspapers, but when I supplement the President's facts with additional facts, it is seldom carried by the press. Therefore, I shall place in the RECORD at this point an itemized list of the total request for foreign aid and assistance for this year, repeating if I may, what you read in the President's message represents less than 25 percent of the grand total requested.

I hope the Members will read the CONGRESSIONAL RECORD tomorrow and get the exact figure of the total aid and assistance requested for this calendar year or, if you please, the next fiscal year.

New requests for foreign aid and assistance—fiscal year 1972

International security assistance	$1,993,000,000
International organizations and programs	168,000,000
Bilateral assistance	1,077,000,000
President's foreign assistance contingency fund	100,000,000
Inter-American Development Bank	500,000,000
Inter-American Development Bank (supplemental)	486,760,000
International Bank for Reconstruction and Development (supplemental)	246,100,000
International Development Association	320,000,000
Asian Development Bank	40,000,000
Asian Development Bank (supplemental)	60,000,000
Expanded multilateral assistance	35,000,000
Receipts and recoveries from previous programs	370,310,000
Military assistance (in defense budget)	2,250,800,000
International military headquarters	74,400,000
Economic assistance (in defense budget)	90,900,000
MAAG's, missions, and military groups	262,600,000
Permanent military construction—foreign nations	106,000,000
Export-Import Bank, long-term credits	2,445,000,000
Export-Import Bank, regular operations	1,195,639,000
Peace Corps	71,200,000
Ryukyu Islands	4,450,000
Migrants and refugees	8,650,000
Public Law 480 (agricultural commodities)	1,320,400,000
Contributions to international organizations	160,680,000
Education (foreign and other students)	51,000,000
Trust Territories of the Pacific	59,739,000
Latin America Highway (Darien Gap)	20,000,000
Total new requests—foreign aid and assistance—fiscal year 1972	13,517,628,000

By way of explanation of my statement that Presidents are not familiar with all statements issued in their names, remember that if you operate a small filling station on a cash basis with two attendants, the two attendants make 60 percent of the decisions. Contrast this with over 6 million Americans on the payroll—military and civilian—2,814 Federal agencies, bureaus, and departments, a $230 billion annual budget with Ambassadors and thousands of staff members scattered in 130 nations of the world. This should make it easy for even the President's staff to understand that at least I know that most of these messages and public utterances are the composition of some trusted bureaucrat, even though they say they are from the President.

I have heard it said already this year hundreds of time. "The President's budget requested this or that." Yet the budget is so voluminous that it requires several weeks to read it in detail. So it is the President's budget in name only, not in detail.

COMMUNIST-LED DEMONSTRATORS

(Mr. ICHORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ICHORD. Mr. Speaker, considering the past history of violence in some of the massive antiwar demonstrations Washington has witnessed in recent years and because the sponsors of the forthcoming "Spring Antiwar Offensive" have endorsed confrontation, obstruction, and disruption as part of their program over the 2-week period of protest due to begin this Saturday, I am deeply concerned that the concept of violence is an integral part of a significant portion of today's "peace movement" philosophy.

The so-called offensive, which will be conducted by the Communist-dominated National Peace Action Coalition—NPAC—and the People's Coalition for Peace and Justice—PCPJ—is designed to take advantage of the natural desire of all Americans to achieve peace and stability in the world. The fact that NPAC and PCPJ are principally run by elements whose avowed aim is the ultimate triumph of communism and the embarrassment and eventual destruction of our own system of government does not seem to deter their followers, including a number of Members of this Congress. There is no doubt about it. In an area where issue exploitation is the name of the game, the divisive war in Vietnam and other troublesome issues have given Trotskyite Communists, regular Communists and other types of marxists an air of respectability. But as I suggested in a speech to this House on April 6, 1971, the sincerely motivated seekers of a meaningful and just peace, who have endorsed NPAC or PCPJ in the upcoming demonstrations, should be prepared to accept the consequences of threatened violence.

I firmly believe that while all American citizens have the right to peaceably assemble and petition their Government for a redress of grievances, real and imagined, no organization should be allowed to employ intimidation, unlawful coercion, or violence to impose its will to achieve its aim.

If violence does occur from the tactics of protest planned by NPAC and PCPJ, not only will the rights of the great majority of our citizens be endangered but a relatively small percentage of dissenters will have trampled severely on the image and intent of the great majority of the demonstrators. The rule of law which is the foundation of our free system will have received another damaging blow.

There have been clear indications that the various groups making up the PCPJ are formulating plans for disruption without benefit of PCPJ coordination in any one single action.

Last Tuesday night, on local television, I saw and heard Rennie Davis—one of the PCPJ leaders—outline the group's plan to engage in civil disobedience designed to disrupt the city of Washington in general and the Federal Government in particular. Davis says PCPJ participants intend to block access to bridges and major arteries feeding into and through the Nation's Capital, obstruct entry by employees to key Government agencies, and pursue such activities as sit-ins and stall-ins to bring the wheels of Government to a halt.

I saw and heard the leftist militants' principal attorney, William Kunstler, defend Davis' call for violence in the name of civil disobedience by equating such action with the "Boston Tea Party".

The fact that Rennie Davis has already been convicted of violation of the Federal antiriot law should not be dismissed as insignificant. In this connection, it should be noted that even though the authorities have wisely rejected a PCPJ request for use of Rock Creek Park as an encampment for their followers, Davis has publicly stated he will urge demonstrators to defy the authorities.

Such urgings by the leadership of PCPJ and the failure of NPAC leaders to renounce disruptive acts in the approaching period of demonstrations creates an atmosphere conducive to individual and group defiance of law and order. Those conducting the "Spring Antiwar Offensive" are thus saying, in effect, that they do not believe in the proper and peaceful means provided by our system of government for showing disagreement with policies. They have made it clear that the law of the jungle shall prevail if they have their way.

No responsible Member of this Congress, Mr. Speaker, can condone the law of the jungle and for that reason I am appalled that some of my colleagues seem to be inclined to simply ignore the realities in a rather blind faith born of wishful thinking that the protest demonstrations from April 24 to May 7 of this spring will be without incident and thus, without violence.

Let me now, Mr. Speaker, briefly alert this House to the plans for the upcoming "offensive"—a word, incidentally, which may describe what we are about to witness in more ways than one.

On April 24, the NPAC has scheduled a rally on the Ellipse beginning at 9 a.m. and then will march in front of the White House starting at 11 a.m. The group will then march to the east steps of the Capitol for a noon rally. The NPAC has notified the chief of the Capitol Police Force that "upwards of 50,000 persons" will participate in this demonstration.

Beginning on Monday, April 26, the PCPJ plans a multitactical action designed to keep Members of Congress from "doing business as usual unless they are addressing themselves to ending the war."

On April 27, the Selective Service Headquarters will be the focal point for the PCPJ's actions.

On April 28, the Internal Revenue Service office building will be the target for PCPJ actions.

On April 29, the Department of Health, Education, and Welfare will be the primary target.

On April 30 the Justice Department will be singled out for picketing and a multitactical action.

On May 1, the Communist May Day, there will be a "Celebration of Peace" tentatively scheduled to be held in Rock Creek Park.

On May 2, there will be a "mass soul rally calling for implementation of the People's Peace Treaty."

On May 3, the Pentagon will become the focal point of action.

On May 4, the Department of Justice will again be singled out for protest action.

On May 5, as part of a nationwide moratorium on business as usual, the two antiwar coalitions will join ranks and march on and encircle the Capitol building, insisting that Congress must stay in session until it has ratified the "People's Peace Treaty," a document drafted in Hanoi which is in complete accord with the Communist position in Vietnam.

The extended period of the demonstrations scheduled by these antiwar groups will have the effect of wearing down law enforcement authorities. Once this happens we can expect full-scale violence. Some of the unconfirmed press information coming in from various sections of the country indicates that there are individuals converging on Washington that are known to be carrying arms, ammunition, and possibly explosives.

The objectives and possible consequences of the antiwar demonstration are a matter of deep concern to all of us, particularly those of us in the Nation's Capital. If lawlessness and disorders are permitted to prevail in Washington during the forthcoming demonstrations, the United States, as a nation, will be greatly weakened in the eyes of its law-abiding citizens and in the eyes of the world. The Attorney General has a responsibility and a definite obligation to make it very clear that civil disobedience and acts of violence designed to disrupt the city and Government will not be tolerated.

While TV and press coverage of statements and news releases of these antiwar groups are apparently leading to a buildup of participation in the demonstrations, there has been almost no press or TV comments made as to the fact that there is considerable subversive influence in the leadership of these groups. For example, my speech of April 6 received very little press attention until NPAC called a press conference for the purpose of repudiating the same.

There are more than 200 million people in this great Nation of ours. All too often a very small minority by banding together in a common effort can create the impression that they speak for the majority simply because they speak louder and are more boisterous. There must be universal awareness in our Nation of the dangers that threaten us. If we continue to operate in a vacuum of seeming indifference, we are permitting the mistaken impression to exist that the noisy and rowdy ones in the street speak for the majority of Americans.

The problem bluntly stated is that neither in terms of adequacy of journalistic coverage nor objectivity are the American people being given a complete and fair picture of the forthcoming antiwar demonstrations. Because the antiwar issue is a subject of extensive public debate and soul searching, I feel it is vital that the American public be given complete information. I recognize the difficulties the press has in covering activities of this type when there are many groups involved. Presenting a balanced picture of what is happening is an immense job. But it is precisely because this issue is so complex and perplexing that the press owes to the American public a higher degree of responsibility than ever before.

If the public is to come to a rational and sound conclusion as to what these antiwar groups truly represent, it is vitally important that the public be provided with the most complete news reports. The country simply cannot afford incomplete coverage of this type of activity. If the press chooses to play up the demonstrations and play down the subversive influence, it is, of course, easy to gain the impression that these antiwar groups are acting entirely in the best interest of their country's welfare.

I want to see the war in Indochina brought to an end as much as anybody. However, national policy, while it must, of course, take into account public opinion, cannot be made by demonstrations designed to turn Washington upside down.

REINTERPRETATION OF SCOPE OF TITLE IV OF ECONOMIC OPPORTUNITY ACT NEEDED

(Mr. **FREY** asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. **FREY**. Mr. Speaker, because of interpretations by the General Counsel of OEO and SBA of title IV of the Economic Opportunity Act, areas of the country with high unemployment among skilled, white-collar workers have been excluded from the benefits available under title IV.

Title IV of the Economic Opportunity Act offers the unemployed person a much better opportunity than under ordinary SBA procedures to receive assistance to establish their own businesses. Such advantages include: first, loans are made directly by the Small Business Administration and not through an intermediary bank; second, the borrower does not have to put up one-half of the money for the new business if it holds promise of jobs for other unemployed persons; third, the credit criteria is more flexible; fourth, the employment schedule is more liberal; and fifth, management training courses are provided to borrowers.

The entire thrust of title IV is to stimulate employment by the creation of new private enterprise. Section 401 states that special attention should be paid to small business concerns—

> (1) located in urban or rural areas with high proportions of unemployed or low-income individals, or
>
> (2) owned by low-income individuals.

It is apparent that there is no language that excludes areas of high unemployment among white- or blue-collar workers; for example, areas where there has been substantial unemployment due to layoffs of aerospace and defense workers. Moreover, the legislative history reveals that it was the intention of the Congress that all areas of high unemployment were to be eligible.

However, in practice title IV benefits have only been made available to the unskilled and long-term unemployed persons. The large number of unemployed persons in the Cape Kennedy area, and other areas of aerospace unemployment, are as "disadvantaged" as those in Appalachia. Indeed, the situation is worse there because of the suddenness with which the economic dislocation has taken place. These dislocated persons have been placed upon a depressed job market with little or no chance of employment due to their refined skill levels. Unlike those unemployed in Appalahcia, these persons have incurred substantial financial obligations which they are now unable to make.

The return on the investment by the SBA would be substantially greater than in other so-called "poverty areas" because many of the business ideas these persons have are viable, and force of pride would result in many successes.

The inclusion of these small pockets of aerospace unemployment would result in utilizing the skills and knowledge of these persons in a productive manner, making a significant dent in unemployment in these areas, and creating viable, ongoing enterprises.

I have contacted the General Counsel's office at the Small Business Administration to ask for a clarification of the areas that are eligible for title IV assistance. Hopefully, an objective legal analysis will enable areas such as Cape Kennedy, Seattle, Boston, south California, and others to be eligible for assistance. If not, then I plan to introduce with cosponsors a bill to expressly include "all areas of high unemployment, whether it be unemployment among skilled or unskilled persons."

VIETNAM

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PUCINSKI. Mr. Speaker, the Associated Press carried a story from Paris yesterday:

> According to the chief spokesman of the North Vietnam delegation at the Paris peace talks there will be no problem about rapid repatriation of all of our American prisoners of war by Hanoi if a deadline is announced for total withdrawal of American armed forces from South Vietnam.

I have proposed as one way of breaking this deadlock a moratorium on sending any more troops to Vietnam as replacements. As our boys are rotated and brought back home, having concluded their 12 months of duty, I have proposed that they not be replaced.

For the remainder of the year, we will rotate back home 32,893 troops. The President has asked for a reduction of 100,000 troops. Thus, we will send to Vietnam this year 32,893 replacement troops. If, indeed, the President were to announce a moratorium at this time on the sending of those 32,893 replacement troops, we could get our American POW's released.

So I would hope my colleagues would join me in a discharge petition which I have pending at the desk calling for consideration of a resolution which would urge a moratorium on the sending of troops to Vietnam at this time. I think it is a worthwhile chance.

Mr. CEDERBERG. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Michigan.

Mr. CEDERBERG. Does the gentleman know how many North Vietnamese troops are being rotated, and whether he could urge some plan whereby they could do the same thing in relation to their troops? If they could cease their rotation of troops, we could do so, also. If they would set a date for gradually reducing their troops, we could do so, also.

Mr. PUCINSKI. The gentleman has asked a valid question, but I do not have the answer.

Mr. CEDERBERG. They could take their troops back and we could do the same thing.

PROPOSED ESTABLISHMENT OF A NATIONAL SICKLE CELL ANEMIA INSTITUTE

(Mrs. GRASSO asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. GRASSO. Mr. Speaker, today I am introducing legislation which would provide for the establishment of a National Sickle Cell Anemia Institute.

During the early months of this session, I acquainted my colleagues with the great threat which endangers the lives of many of our citizens—the inherited and deadly blood disease known as sickle cell anemia. The disease can only be transmitted to a child when both parents have what is known as the sickle trait—a condition that can be identified through a simple, inexpensive blood test.

Sickle cell anemia is more prevalent than many of the more highly publicized childhood diseases. For example, the dreadful cystic fibrosis occurs once in every 1,400 births; sickle cell anemia occurs once in every 500 births. It can cause strokes or seizures, chronic bone infections, enlarged hearts and livers, and yellow jaundice. Women suffering from the disease bear children at great risk.

This long ignored disease, which claims the lives of half of its victims before the age of 20, has recently received attention through the efforts of WTIC radio and television in Hartford, Conn., to inform its viewers of sickle cell anemia and its effects. Through editorials, special programs and a fund drive, WTIC president Leonard J. Patricelli and his associates have sought to attain priority status for the need to develop a treatment and cure for this dread disease. The Hartford Board of Education, in response to the editorials, tested all children during March in the Hartford schools in grades 7 through 12. Hartford has thus become the first city in the Nation to conduct citywide tests of schoolchildren for sickle cell anemia.

Contributions for the fund drive have been received from a wide variety of sources, with particular credit going to the efforts of high school and grammar schoolchildren. To date, well over $30,000 has been collected and will be used to provide the Center for the Study of Sickle Cell Anemia at Howard University with a full-time director to oversee their program.

The Foundation for Research and Education in Sickle Cell Disease announced that a nationwide drive will begin to alert black Americans, the chief victims of this disease, to the peril of sickle cell anemia. Financed through a $50,000 grant from the Chase Manhattan Bank Foundation, the program will consist of a nationwide network of volunteer groups to make potential carriers aware of the disease and what they can do about it.

Despite these very commendable activities to raise the level of national consciousness about this terrible disease, there exists no coordinated, national attack on the grave problem of finding the most effective treatment and cure for sickle cell anemia. Some limited advancements have been made in the treatment of sickle cell disease, and such a national effort would greatly accelerate the progress now being made to lessen the agony caused by this disease. The need for a concentrated emphasis on sickle cell anemia, similar to proposals for cancer research, is most apparent. It is for this reason, Mr. Speaker, that I have introduced this legislation.

My bill would establish a National Sickle Cell Anemia Institute for the purpose of conducting and supporting programs for the diagnosis, treatment and prevention of sickle cell anemia. The bill would establish traineeships in the Institute and elsewhere in matters relating to the diagnosis, treatment, and prevention of sickle cell anemia.

Nationwide screening programs would be instituted to determine the incidence of sickle cell anemia and its traits among school age children. Counseling and education programs would be developed in consultation with community representatives in order to make individuals and communities aware of the services available under this legislation.

Since an excellent opportunity exists to attend to the health needs of members of our Armed Forces, this bill provides assistance to the Secretary of Defense for screening persons entering the Armed Forces for sickle cell traits.

To oversee the work of the Institute, an advisory board would be established to advise, consult with, and make recommendations on matters relating to the institute.

Mr. Speaker, in my opinion, the establishment of a National Sickle Cell Anemia Institute is vital in our efforts to finally give proper attention to developing a treatment and cure for this disease. The lack of concern up to now has been a national disgrace. The coordinated, national effort which I propose would greatly ease the frightful burdens now endured by thousands of people afflicted with this awful disease.

The text of my legislation follows:

H.R. —

A bill to amend the Public Health Service Act to provide for the establishment of a National Sickle Cell Anemia Institute

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title IV of the Public Health Service Act (42 U.S.C., ch. 6A, subch. III) is amended by adding at the end thereof the following new part:

"PART G—NATIONAL SICKLE CELL ANEMIA INSTITUTE

"ESTABLISHMENT OF NATIONAL SICKLE CELL ANEMIA INSTITUTE

"SEC. 461. For the purpose of conducting and supporting programs for the diagnosis, treatment, and prevention of sickle cell anemia, the Secretary shall establish in the Public Health Service an institute to be known as the National Sickle Cell Anemia Institute (hereafter in this part referred to as the 'Institute').

"FUNCTIONS

"SEC. 462. (a) The Secretary, through the Institute, shall—

"(1) conduct and support (through grants or contracts) research programs for the diagnosis, treatment, and prevention of sickle cell anemia,

"(2) provide training and instruction and establish traineeships and fellowships, in the Institute and elsewhere, in matters relating to the diagnosis, treatment, and prevention of sickle cell anemia,

"(3) provide for nationwide screening programs to determine the incidence of sickle cell anemia and its traits among school age children,

"(4) conduct and support (through grants or contracts) counseling and education programs, developed in consultation with community representatives, to make individuals and communities aware of the services available with respect to sickle cell anemia and to make individuals aware of their chances of carrying the disease, and

"(5) assist the Secretary of Defense in screening all persons entering the armed forces for sickle cell anemia and its traits,

"(b) The Secretary, through the Institute, shall also carry out the purposes of section 301 with respect to research, investigations, experiments, demonstrations, and studies related to sickle cell anemia, except that the Secretary shall determine the areas in which and the extent to which he will carry out such purposes of section 301 through the Institute or another institute established by or under other provisions of this Act, or both of them, when both such institutes have functions with respect to the same subject matter.

"(c) The Secretary may provide trainees and fellows participating in training and instruction or in traineeships and fellowships under subsection (a) (2) with such stipends and allowances (including travel and subsistence expenses) as he deems necessary, and, in addition, provide for such training, instruction, traineeships, and fellowships through grants to public and other nonprofit institutions.

"Establishment of Advisory Council

"Sec. 463. (a) The Secretary shall establish an advisory council to advise, consult with, and make recommendations to, him on matters relating to the Institute.

"(b) The provisions relating to the composition, terms of office of members, and reappointment of members of advisory councils under section 432(a) shall be applicable to the advisory council established under this section, except that the Secretary may include on such advisory council such additional ex-officio members as he deems necessary.

"(c) Upon appointment of such advisory council, it shall assume all, or such part as the Secretary may specify, of the duties, functions, and powers of the National Advisory Health Council relating to the research or training projects with which the advisory council established under this part is concerned and such portion as the Secretary may specify of the duties, functions, and powers of any other advisory council established under this Act relating to such projects."

LEGISLATION TO EXTEND HEALTH CARE PROVIDED BY SOCIAL SECURITY AMENDMENTS—SAVE THE CHILDREN AND YOUTH COMPREHENSIVE HEALTH PROJECTS

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, I am introducing legislation today with eight of my colleagues from New York, Mr. CELLER, Mr. CAREY, Mr. RYAN, Mr. ADDABBO, Mr. SCHEUER, Mr. BRASCO, Mrs. ABZUG, and Mr. BADILLO, to provide for continued Federal funding for children and youth projects for 5 additional years. There are 67 programs in 29 States delivering comprehensive health care to 450,000 children and youth of lower socioeconomic levels in central cities and rural areas. These children and youth projects represent one of the major reservoirs of experience in comprehensive health care today, especially to the poor children of the country.

The current authorization for this project under title V of the 1965 amendments to the Social Security Act terminates June 30, 1972, at which time 90 percent of the funds will be given to the States so that each of the 50 States might have one such project. It was not the intent of Congress that these existing pilot projects be discontinued, but that they be financed by the States. However, New York State finances being what they are, as is true of most States, it is hardly likely that the State will finance these projects and the result of this will be that the programs will have no funds with which to operate. As important as it is that each of the States have one children and youth project, it is just as important that these existing service projects be maintained and funding continued.

There are nine children and youth projects in New York City. It would be disastrous if these programs were to cease and it would result in a breach of commitment to the community which has looked to these programs for their ongoing care. Since it will be at least 5 to 10 years before there is a sufficient number of group practices able to meet present needs for low-income areas, an extension is required so that these programs will ultimately be able to turn into health maintenance organizations.

Four years of experience in delivering comprehensive health care under title V has proved to be a practical and efficient way to treat children who would otherwise continue to experience crisis-oriented, episodic care. These programs provide medical, dental, nursing, psychological, psychiatric, nutritional counseling, speech and hearing, physiotherapy, medical and dental specialty, and social services on a complete and continuing basis, emphasizing the advantages of preventive care and health maintenance.

The usual encounter of the indigent patient with his local hospital is primarily limited to acute episodes involving illness or accident. These incidents, surrounded as they are by anxiety and unhappiness and treated in crowded and impersonal emergency rooms, have contributed to attitudes of disaffection for the institution. The impersonal, episodic care is characteristic of medical care received by the poor in low-income areas in which few private practitioners remain.

The children and youth projects, by bringing medical and related resources into these areas and by providing a broad spectrum of health services, are responding to the medical and social problems of this population.

The 67 national children and youth projects constitute an experienced, dedicated, and highly trained corps of professional and allied health workers. At present they are delivering comprehensive health care to children in central cities and rural areas where previously there had been a critical lack of such facilities. These programs have been widely accepted and utilized by the communities they serve, and the community residents are among their most enthusiastic supporters.

If authorization for an extension of these programs is not passed during this session of Congress, there will be a dissolution of the children and youth program and a loss of trained personnel in areas where there is already a critical shortage. Minority groups will be deprived of continuous health care and preventive services which are so vitally needed by this Nation's most precious resource: its children.

I urge our colleagues to become cosponsors of this legislation. The programs which are endangered are listed below:

CHILDREN AND YOUTH PROJECTS

REGION I

Director, C & Y Project 602, Beth Israel Hospital, 330 Brookline Ave., Boston, Mass. 02115

Selma Deitch, M.D., Director, C & Y Project 635, State Health Dept., 61 S. Spring St., Concord, N.H. 03301

Alvin Novack, M.D., Director, C & Y Project 651, Hill Health Center, 428 Columbus Ave., New Haven, Conn.

John Connelly, M.D., Director, C & Y Project 659 Bunker Hill Center, 73 High St., Charlestown, Mass. 02129

Anthony Jong, D.D.S., Director, C & Y Project 632, 484 Tremont St., Boston, Mass. 02116

Robert Rosenberg, M.D., C & Y Project 632A, Martha Eliot Center, 33 Bickford St., Jamaica Plain, Mass. 02130

REGION II

Saul Krugman, M.D., C & Y Project 605, N.Y.U. Med. Center, Bellevue Hosp., 550 First Ave., N.Y. 10016

Director, C & Y Project 610, Project PRYME, 67–10 Rockaway Bch, Blvd. Arverne, N.Y. 11692

Katherine Lobach, M.D., Director, C & Y Project 614A, 1175 Morris Park Ave., N.Y. City.

Mutya San Augustin, M.D., Director, C & Y Project 614B, Montefiore Hosp., N.Y. City.

Fred Tunick, M.D., Director, C & Y Project, 628, Brooklyn Jewish Hosp., Brooklyn, N.Y.

Pierre Severgens, M.D., Director, C & Y Project 629, Virgin Islands, P.O. Box 1442, St. Thomas, V.I. 00801.

Director, C & Y Project 630, Beth Israel Med. Center, 10 Nathan Dr., Pearlman Pl., N.Y. 10003.

Fred Green, M.D., Director, C & Y Project 645 Roosevelt Hosp., 430 W. 59th St., N.Y. 10019.

Director, C & Y Project 653, Brookdale Hosp. Center, 9620 Church Ave., Brooklyn, N.Y. 11212.

Director, C & Y Project 655, Drew Neighborhood Health Center, 425 Howard Ave., Brooklyn, N.Y. 11233.

REGION III

Jimmy Rhyne, M.D., Director, C & Y Proj., 606, American Bldg., Rm. 800, Baltimore and South St., Baltimore, Md. 21202.

Director, C & Y Prop. 606A, Community Pediatric Center, Univ. of Maryland School of Med., 412–420 W. Redwood St., Baltimore, Maryland, 21201.

Director, C & Y Proj. 606B, Sinai-Druid Comprehensive Pediatric Center, 1515 W. North Ave., Baltimore, Maryland, 21217.

Director, C & Y Proj. 606C, Greater Baltimore Med. Center, Presbyterian Hosp., 1017 E. Baltimore St., Baltimore, Maryland 21202.

Zsolt H. Koppanyi, M.D., Director, C & Y Proj. 606D, Baltimore City Hospitals, 4940 Eastern Ave., Baltimore, Maryland 21224.

Neil Sims, M.D., Director, C & Y Proj. 609, Johns Hopkins School of Medicine, Baltimore, Maryland.

Director, C & Y Prop. 612, 1701 Fitzwater St., Philadelphia, Penn. 19146.

W. G. Thurman, M.D., Director, C & Y Proj. 613, U. of Va. School of Medicine, 1924 Arlington, Charlottesville, Va. 22903.

Edwin Harrington, M.D., Director, C & Y Proj. 618, Jeff. Med. Coll., 1332 Fitzwater St., Philadelphia, Pa. 19107.

Guilio Barbero, M.D., Director, C & Y Proj. 619, Hanneman Med. Coll., 230 N. Broad St., Phil., Pa. 19102.

Vince Hutchias, M.D., Director, C & Y Proj. 620, Med. Coll. of Pa. 3300 Henry Ave., Philadelphia, Pa. 19129.

Director, C & Y Proj. 623, Comprehensive Health Services Group, 2539 Germantown, Phil., Pa. 19133.

Hilary Miller, M.D., Director, C & Y Proj. 631, 801 N. Capitol, Wash., D.C. 20001.

William Oberman, M.D., Director C & Y Proj. 627, Children's Hosp. 2125 13th St. NW., Washington, D.C. 20009.

James Chappel, M.D., Director, C & Y Proj. 654, Children's Hosp. of Pittsburgh, 1125 DeSota St., Pittsburgh, Pa. 15213.

Yvonne Creteur, M.D., Director, C & Y Proj. 657, Norfolk City HD, 425 W. 35th St., Norfolk, Va. 23508.

REGION IV

Nancy Thornton, M.D., Director, C & Y Proj. 615, Med. Coll. of Ga. Dept. of Ped., Augusta, Ga. 30902.

William Daniel, Jr., M.D., Director, C & Y Proj. 622, U. of Ala. Children's Hospital, Birmingham, Ala. 35233.

Sarah Morrow, M.D., C & Y Medical Director, Guilford Co. H.D., Proj. 625, 300 E. Northwood, Greensboro, N.C. 27401.

David Jones, M.D., Director, C & Y Proj. 626, Le Bonheur Children's Hosp., 848 Adams Ave., Memphis, Tenn. 39103.

Milton Saslow, M.D., Director, C & Y Proj. 636, Dade County Dept. of Public Health, 1350 NW 14th St., Dade Co., Fla.

E. Perry Crump, M.D., Director, C & Y Proj. 637, Meharry Med. Coll. Nashville, Tenn.

Fred Seligman, M.D., Director, C & Y Proj. 638, Univ. of Miami School of Medicine, Miami, Fla. 33152.

Billy Andrews, M.D., Director, C & Y Proj. 656, Univ. of Louisville School of Med., 323 E. Chestnut, Louisville, Ky. 40202.

REGION V

William Morrow, M.D., Director, C & Y Proj. 601, New North Children's Center, 1441 N. Cleveland, Chicago 60610.

Evelyn Hartman, M.D., Director, C & Y Proj. 603, Minneapolis H.D., 250 S. 4th St., Minneapolis, Minn. 55415.

Phil Ambuel, M.D., Director, C & Y Proj. 607, 561 S. 17th St., Columbus, Ohio, 43205.

Gerry Rice, M.D., Director, C & Y Proj. 616, Michigan State H.D., Lansing, Mich.

George Sperry, M.D., Director, C & Y Proj. 617, Barney's Children's Med. Center, 1735 Chapel St., Dayton, Ohio, 45404.

Jean Smelker, M.D., Director, C & Y Proj. 603A, 2016 16th Ave. South Minneapolis, Minn. 55404.

REGION VI

Heinz Eichenwald, M.D., Director, C & Y Proj. 647, Southwestern Med. School, 5323 Harry Hines, Dallas, Texas. 75235.

Jimmy Simon, M.D., Director, C & Y Proj. 648, U. of Tex. Med. Br. Sealy-Smith Med. Bldg., Galveston, Texas 77550.

Director, C & Y Proj. 660, Corpus Christi-Driscoll-Found, Ch. Hosp., Corpus Christi, Texas.

Roger B. Bost, M.D., Director, C & Y Proj. 658, U. of Arkansas Med. Center, 4301 W. Markham, Little Rock, Ark. 72201.

REGION VII

Ned Smull, M.D., Director, C & Y Proj. 604, Children's Mercy Hosp., 1710 Independence Ave., Kansas City, Mo. 64106.

Wilks Hiatt, M.D., Director, C & Y Proj. 621, U. of Kansas, 39th and Rainbow, Kansas City, Kan. 66103.

Alice Moriaty, M.D., Director, C & Y Proj. 641, Topeka-Shawnee County Health Dept., 1615 W. 8th St., Topeka, Kansas 66606.

Charles Kline, DO, P.D. Director, C & Y Proj. 642, Kirksville Coll. of Osteopathy, 800 W. Jefferson St., Kirksville, Mo. 63501.

Robert Kugel, M.D., Director, C & Y Proj. 643, U. of Nebraska School of Med. 42nd and Dewey St. Omaha, Nebr. 68105.

Matilda McIntire, C & Y Proj. Director, Proj. 644, C.H.D. Creighton U., 11th and Dorcas Sts., Omaha, Nebr. 68108.

REGION VIII

William Haynes, M.D., Director, C & Y Proj. 611, Tri County H.D., 180 E. Hampden, Englewood, Colo. 80110.

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REGION X

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THE RIGHTS OF PUBLIC EMPLOYEES

(Mr. CLAY asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. CLAY. Mr. Speaker, last year 69 Members of this body, myself included, cosponsored the introduction of the Public Employee Relations Act. That bill again has been submitted to the House of Representatives and I am joining today with a number of my colleagues to urge that it be promptly considered and approved in this session.

There is a long-standing myth in this country about the status of the millions of men and women who work for our governments. It is and always was a myth, but it dies hard. The myth goes: Men and women who work for government are "public servants" who must be honored to hold such a sacred trust. And because their responsibilities are different in some respects from workers in the private sector, because they are paid from tax dollars rather than from commercial income, they are entitled to none of the rights and protections guaranteed to all other Americans who work for a living.

One does not have to be a student of labor-management relations to see that the myth does not relate to the realities of public employment today. The rapid growth of government, the growing awareness among all Americans of their rights and responsibilities as citizens and as working adults and the extraordinarily complex array of problems facing public bodies today guarantee that even if the myth had a factual basis a century ago, no basis for it exists today. The day of the meek and abused public bureaucrat waiting patiently for handout pay raises and job improvements is over, and we should be happy that it is so. But while attitudes and conditions have been changing the legal structure affecting Federal, State, county, local, and quasi-governmental body employees has not kept the pace.

The Public Employee Relations Act which my colleagues and I have introduced would attempt to bring a measure of order to the field of public employee-employer relations. Today virtually every State and local body approaches the matter from a different direction. What is legal in one town or county can bring a jail term in the next. We would remedy this situation by defining the rights of public employees and establishing as a national policy their right to organize, to bargain collectively, and to secure a contract with their employers.

Long experience since the signing of the Wagner Act has proven the value of a rational, orderly mechanism for protecting the rights of employers and employees through the collective-bargaining process. While many management figures in the private sector bemoan aloud the terms of settlements with their employees, I doubt that any but the most naive would care to return to the days where unions and employee associations did not exist and where, therefore, no mechanism was there for reaching collective accords.

The Public Employee Relations Act would define the rights of public employees, establish a procedure for choosing their representatives through elections and provide other avenues for resolution of complaints by both employees and employers.

The provision of the act establishes binding agreements between management and labor for the arbitration of unresolved grievances and disputed interruptions, and allows either party to go to court to enforce agreements once they have been determined. Finally, as was stated last year, the bill provides for administration of its procedures by a five-man national Public Employee Relations Commission appointed by the President and confirmed by the Senate, and for mediation of disputes and conciliation service.

The time has come—indeed, it came long ago—to assure public employees the rights which their brothers and sisters in private industry have enjoyed for so long.

The trend toward unions for public employees is well established. It is a healthy trend and should be viewed not as a move toward unionized government, but rather as an opportunity to improve the quality of public service. For this to happen, however, there must be proper channels for public management and public employee representatives to meet and agree upon common issues. The Public Employee Relations Act provides those channels.

J. EDGAR HOOVER

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Louisiana (Mr. BOGGS) is recognized for 60 minutes.

Mr. BOGGS. Mr. Speaker, on April 5, before this House, I spoke briefly, expressing certain personal views regarding activities of the Federal Bureau of Investigation and the threat which I believe those activities present to both the spirit and the letter of the Bill of Rights.

On the following day, April 6, in a statement to the press, I amplified the previous remarks, announcing that it was my personal conclusion the Director of the Federal Bureau of Investigation, Mr. J. Edgar Hoover, should resign from the position which he has held continuously since the administration of President Calvin Coolidge.

As my statement said, that conclusion

was reached only "with a great deal of sorrow." For years I have numbered myself among the admirers of this dedicated and able public servant. Under his direction, the Bureau has earned the reputation as one of the most effective investigatory agencies in the world. Mr. Hoover's own patriotism and dedication have never been—and are not now—in the slightest question. Having said these things, however, I went on to say in my prepared statement that "the time has come for Mr. Hoover to retire and make way for younger men, equally dedicated to the goals he has set."

That is why I speak at this hour.

Under the order granted on Monday, April 19, I have come before this House to renew my request for Mr. Hoover's resignation, and to set forth before the Members the basis on which that request is regretfully made.

At the outset, permit me this personal word.

Although I serve as majority leader of this body, I am speaking only for myself. I have not asked and do not ask that Members of my own party associate themselves with either my request or my remarks, except as their own private convictions may move them to do so. Other Members, of both my own party and others, may wish to ally themselves with Mr. Hoover and with the defense of the activities which I shall discuss. For each Member, that is a matter of personal choice.

Although Mr. Hoover was first appointed by a Republican Attorney General, and although he is presently serving under a Republican administration, 60 percent of his tenure has been with Presidents and Attorney Generals of the Democratic Party.

The past, therefore, offers no promise of partisan profit.

Whatever our judgments, they should be and must be taken on the basis of the relevant present, with the national interest transcending any thought of personal or party interest.

On this occasion, as on the occasion of my prior remarks before the House, I am frank to say that I speak from the stirrings of a newly awakened and aroused sense of responsibility.

Over the 26 years of my service in this body, I have concerned myself with what seemed to be the great issues of these trying and traumatic times. Coming here in the year of Pearl Harbor, I have deemed it my first responsibility to devote my energies to those things required for the support of freedom and the keeping of peace around the globe. I should also stress that I have never asked for the resignation of a high Government official.

In addition, I have concerned myself with the strength and success of the economy, with the expansion of our system of personal financial security, with the effective response of the National Government to the infinite needs of a growing nation.

Furthermore, in recent years, I have proudly and willingly given my own best efforts toward securing for all our people those rights as Americans to which the Constitution entitles each of us equally.

For these priorities, I have no apologies or regrets.

They remain my active priorities still.

In common with many of you, I believed it inconceivable that so long as we still lived under a government of laws, rather than men, there would be or could be any serious or concerted effort to abridge the inalienable rights guaranteed from the beginning of our Government.

In common with many of you, I believed that those who forewarned us of the directions we were taking were, in some instances, more dangerous than the dangers they warned against. I responded with impatience to their cries of peril. I was not moved to bestir myself with any great sense of responsibility.

It is apathy, though, that waters the roots of tyranny.

Today I see what until now I did not permit myself to see.

Our apathy in this Congress, our silence in this House, our very fear of speaking out in other forums has watered the roots and hastened the growth of a vine of tyranny which is ensnaring that Constitution and Bill of Rights which we are each sworn to defend and uphold.

That is why I have chosen to break my own silence and speak as I believe it is the responsibility of all who serve the American people to speak.

Almost 200 years ago, soon after the birth of the Republic, Thomas Jefferson wrote that—

> The natural progress of things is for liberty to yield and government to gain ground.

Over the years since the mid century, we have seen that wisdom fulfilled in our midst.

While America's sons have faithfully manned the watchtowers of freedom around the globe, the liberty of our own lives has been yielding steadily before the power, prerogatives, and privileges of government.

I point no fingers and place no blame elsewhere.

What has occurred could not have occurred without our consent and complicity here on Capitol Hill.

Congress by Congress, session by session, vote by vote, we have been surrendering our duty of oversight over those bureaus, agencies, and organizations within the Federal Establishment which are most sensitively involved with the lives and liberties of the people.

The postwar years do not make a proud procession.

Over this period, we have authorized and permitted the bureaus and agencies to assume powers that belong to Congress.

We have established the rule of the dossier.

We have conferred respectability upon the informer.

We have sanctioned the use of bribes and payments to citizen to spy upon citizen.

We have consented to the accused being denied the right to confront his accuser.

But, this is not all.

Our consent to these abridgments of our own heritage has emboldened the bureaus and agencies both to seek and, at times, simply to assume exemption from review by the people's representatives.

More and more of the public money expended by the American Government to monitor the American people is subject to no effective accounting.

More and more of such clandestine activities are subject to no meaningful reporting.

More and more of the devices employed and premises used for the conduct of such activities are off limits even to Members of this body where the power of the people reposes.

More and more of the governing guidelines and policies for such enterprises are withheld not only from the Congress but from even the appointive departmental officials charged with responsibility for oversight of the bureaus and agencies in question.

No Member of this House knows—or can know with any certainty—what the bureaus and agencies involved with the liberties of the American people may be doing.

Furthermore, no Member of this House knows—or can know with any certainty—which or how many such bureaus and agencies may be involved in such activities—where, against whom, or for what purpose.

This is the result—these are the fruits—of our own silence.

Over the postwar years, we have granted to the elite and secret police within our system vast new powers over the lives and liberties of the people. At the request of the trusted and respected heads of those forces, and on their appeal to the necessities of national security, we have exempted those grants of power from due accounting and strict surveillance. And history has run its inexorable course.

Liberty has yielded.

The power of government has gained commanding ground.

Today, as we in the Congress undertake to recover and restore the people's liberty, we find that it is ourselves who are called to account, ourselves who are under surveillance, ourselves who are prisoners of the power which our silence permitted to come into being.

It is in this context that I want to relate to the Members certain of those things which have occurred in regard to my statement on the floor of the House of Representatives 2 weeks ago.

That statement, as you recall, was very brief.

I will repeat it in its entirety:

> When the FBI taps the telephones of Members of this body and Members of the Senate, when the FBI stations agents on college campuses to infiltrate college organizations, when the FBI adopts the tactics of the Soviet Union and Hitler's Gestapo, then it is time—it is way past time, Mr. Speaker—that the present Director thereof no longer be the Director.
>
> The greatest thing we have in this Nation is The Bill of Rights. We are a great country because we are a free country under The Bill of Rights. The way Mr. Hoover is running the FBI today, it is no longer a free country.

The response to those remarks has run a revealing course.

Forthwith, the Attorney General of the United States, John N. Mitchell, issued a statement to the press announcing that

I "had no factual basis whatever" for my remarks. Further, he demanded that I retract my own statement, saying additionally of me—

> He has made a reckless and cruel attack upon a dedicated American and an organization of loyal and devoted men and women.

This was followed by another public statement from the Deputy Attorney General of the United States, Mr. Richard Kleindienst.

Mr. Kleindienst denounced my statement as "slanderous, false and irresponsible." Then he went on to make a slanderous statement of his own, suggesting to the press that the majority leader "must have been sick or not in possession of his faculties."

The results of such leadership were as calculated.

Within 24 hours, my office began receiving hate mail from every part of the country, impugning my patriotism, loyalty, and character. Letters of support now outnumber letters of opposition.

Within 48 hours, my office was being telephoned by prominent newspaper columnists to whom had been released what they describe as the bureau's "standard smear sheet"—a dossier of scurrilous accusations against me which was compiled, reproduced, and distributed at taxpayers expense through the Department of Justice and elsewhere in the first hours I spoke.

There was a second line of response, however, which is of significance.

Immediately after my statement to the House, the Director of the Federal Bureau of Investigation chose to reply. He did not challenge or deny my statement that the Bureau is stationing agents on college campuses to infiltrate student organizations. He did not attempt to refute my statement that the Bureau is adopting tactics associated with the secret police of totalitarian regimes. He did not mention the Bill of Rights.

The Director of the Federal Bureau of Investigation carefully chose to direct his entire rebuttal to the first 17 words of my statement. Through the offices of the minority leader of the U.S. Senate, the Director released the following unqualified statement:

> I want to make a positive assertion that there has never been a wiretap of a Senator's phone or the phone of a Member of Congress since I became Director in 1952, nor has any Member of the Congress or the Senate been under surveillance by the FBI.

Two terms employed in the Director's statement have very precise meanings. "Wiretap'" refers to a mechanical interconnection with a telephone wire and it is a procedure which everyone in Washington must know has been rendered unnecessary and obsolete by technological advances. The term, "surveillance" also has a precise Webster's dictionary meaning of "keeping a close watch on a person or group."

On April 7, in a national network news interview, the Deputy Attorney General, Mr. Kleindienst, found it necessary to qualify the Director's statement. There have been instances, he conceded, where Congressmen accused of committing specific illegal acts have been under what would properly be called "surveillance."

However, the Deputy Attorney General went further, saying:

> But the issue here is whether or not the Bureau has used electronic surveillance or the tapping of telephones of Senators and Congressmen even in a case like that, and the Bureau has not done so.

One week later, on April 14, a Justice Department spokesman was asked whether the Bureau had ever engaged in electronic eavesdropping on any Congressman, and he answered:

> The FBI has never installed an electronic listening device of any kind in the home, office, or on the telephone of a U.S. Senator or Congressman.

On the following day, April 15, another inquiry was made. A reporter asked if the Federal Bureau of Investigation had ever used an electronic listening device to monitor the private conversations of a Congressman without actually installing the device.

The Department of Justice refused to answer the question.

At about this time, I realized that I had made what might be regarded as a mistake. My statement before the House was, of course, supported both by personal experience and by information which had come to me regarding the Bureau's activities toward another Member. The mistake which I made was to continue discussing the information which I intended to present to the House on this occasion today.

On the evening of April 16, while watching the Walter Cronkite news program, I came to a better understanding of both present day Washington and the reason that the Director of the Federal Bureau of Investigation had chosen to answer only such a narrow portion of my original remarks.

CBS White House correspondent, Dan Rather, presented this report from which I quote in part:

> The White House calls criticism of the FBI "blatantly political" . . . saying it is "designed to create a feeling of fear and intimidation among the public."
>
> As for Boggs, the FBI has told the President Boggs found a wiretap on his phone but has no way of proving whose wiretap it was.
>
> Boggs' case is the one where proof is lacking. Thus the White House is trying to focus as much attention on it as possible. . . . Then saying in effect to all those who question FBI tactics: Put up or shut up.

The information reported by Dan Rather is substantially correct. It is information which I had not reported to anyone within the administration or the White House. The information is this:

In the summer of 1970, my family, members of the staff and myself became suspicious of interference on the telephone lines at my private residence. The Chesapeake & Potomac Telephone Co. was asked to investigate. The investigator determined that a tap had been placed on my private telephone lines but that it had been removed in advance of the inspection. Some time later, the Chesapeake & Potomac Telephone Co. transmitted to me its official report on the matter. That report stated categorically that there was no tap on my lines. Subsequently, I learned that it is the policy of the Washington company and of the regional companies throughout the Bell System to give such reports, denying the existence of a tap, if the tap has been placed by the Federal Bureau of Investigation.

Apart from that information, it was also my intention to present to the House on this occasion an account of the Bureau's activities with regard to Congressman John Dowdy.

On the eve of the return of Congress, when it was expected that I would be addressing the House, selective information regarding the Dowdy case hastily became available. Following the strategy which had been decided upon to silence "all those who question FBI tactics," the Department of Justice frantically undertook to demolish my presentation in advance by redefining their own actions in their own terms.

Members are fully aware now of the ludicrous results.

First. Congressman Dowdy's telephone conversations, we were told, had not been "tapped," they had been "taped." Taped by FBI agents sitting with an informant whom they had intimidated into calling the Congressman for the express purpose of attempting to incriminate him.

Second. Congressman Dowdy's personal conversations, conducted in the privacy of his office here on Capitol Hill, had been recorded on an electronic device, but we were told by the Department that the Bureau's hands were clean. The electronic recording device had not been "installed" in the Congressman's office; it had only been carried in and out of the Congressman's private quarters strapped to the back of an informant in the service of the FBI.

The fact that the Congressman did not know did not make any difference.

As a matter of fact, I was rather amused at the reaction of one of the FBI—or one of the Department's or Bureau's favorites, a little fellow over in Baltimore named Sachs. He had denied the week before that there had ever been any tap on Congressman Dowdy, or any type of surveillance. So when a reporter confronted him with it he said this, and I will read it. He said:

> You said last week that no wire taps had been used on the Dowdy investigation, for the last week no wire taps had been used on the Dowdy investigation—

Obviously you cannot believe any of these people—

> but said nothing about tape recordings. You said yesterday that the entire surveillance operation was legal.

Then he criticized the Justice Department for their semantics—semantics—how do you like that? And I will give you a quote:

> One of the problems of the last ten days has been the fact that the Justice Department has its own glossary which he has not shared with the rest of the world over what it means by electronic surveillance.

Boy, I can say that over and over again, they really do have their own glossary, and it is a very interesting glossary.

Third. Most astonishingly, we were told that none of this constituted "surveillance" in the Department's definition of the term because the informant knew, if the Congressman did not, that the FBI was taping the telephone calls, and the informant knew, if the Congressman did not, that the FBI had strapped the electronic recording device on his back and that the FBI agents had accompanied him to the door of the Congressman's office and were waiting outside in the corridor.

Fourth. Finally, the Department of Justice denied that this practice in any way contravened Mr. Hoover's traditional assurances that the Capitol and the House and Senate Office Buildings were sanctuaries—sanctuaries which FBI agents were not to enter when following any person under surveillance. The agents were not following the informant and conspirator to the Congressman's office, we were told; they were accompanying him.

Mr. Speaker, I submit that 1984 is closer than we think.

This has been a sorry and saddening spectacle of a great department of this Government caught up in 2 weeks of slander, falsehood, irresponsibility, evasion, and doublethink.

By its own actions, the Department of Justice has now supported and proved every aspect of the statement which I made before the House on April 5.

The account which I have unfolded challenges each of us.

A single voice breaking the silence has drawn back the curtain. Secret policies of which we were unaware have been revealed. Secret practices repugnant to American standards have been disclosed. Secret papers on file with American courts have been opened to public scrutiny. Because of a single challenge, raised in this House of all the people, we know far more now than any of us knew 2 weeks ago about just how much liberty has yielded while the power of government has gained ground, unchecked and unchallenged.

I take no credit. I should have spoken sooner.

Over my 26 years in this Chamber, I have been aware—as each of you has been aware—of the directions in which we have been moving.

I have been aware that in the reality of postwar America the character of the Department of Justice has changed, from an agency solely devoted to the quest for justice into an organ with great potential for political control of the American people.

I have seen every postwar President, Democrat or Republican, except Lyndon Johnson, tacitly acknowledge this new character of the Department by installing their campaign managers or political party chairmen as Attorney General or Deputy Attorney General.

I have seen the size and sweep of the Federal Bureau of Investigation grow and widen and steadily move into closer and closer surveillance of not only the deeds, but the words and thoughts, of the American people.

I have seen the Federal Bureau of Investigation build its legions of informers and spread them through the structure of our society's vital private institutions.

I have seen the Bureau penetrate the labor unions and the corporations and the colleges and the churches and the private organizations, worthy and unworthy, of private citizens.

I have seen the Bureau awaken reporters in the middle of the night to demand their notes on confidential conversations with leaders of America's largest corporations.

I have seen the Bureau harass, intimidate and blackmail the most honored leaders of the black community's struggle for equal rights.

I have seen these things—and many more—but I have remained silent.

Two years ago, though, it became evident to me that the nature and character of the Bureau was undergoing conspicuous change. That change was apparent by what I saw on the Hill and in this Capitol.

I saw—as many others saw—the Bureau lay seige to one of the most honorable and most honored men ever to serve his country in this Congress—John McCormack of Massachusetts.

They showed no compassion for age, no respect for position, no honor for the patriotism and loyalty of a grand American. The records of his telephone calls were seized. His time was taken in endless hostile interviews.

I served at that time as majority whip. I made no secret of my outrage and indignation at what was being done to the career of a good and faithful public servant. I told many of my colleagues that if this could happen to the Speaker of the House of Representatives—the man second in line of succession to the Presidency itself—it could happen to any of us, to any citizen, public or private.

The accuracy of the prophecy was soon brought home to me.

Late in 1969, an employee of the House came to my office and made this report. Agents of the Federal Bureau of Investigation had appeared at the Capitol, and, without my knowledge, demanded the records of all telephone calls placed from my private office for a period of 4 years. The records were not released, but this did not matter. The agents promptly obtained the records they sought from the telephone company.

I did not know what information was being sought or why. I soon learned the answer.

Over a period of 2 months, at the beginning of the election year of 1970, the constituents in my district with whom I talked began receiving telephone calls from the Bureau's agents. Identifying themselves as "FBI agents," they went down the list, one by one, asking those with whom I spoke if on such and such a day they had received a telephone call from Congressman Boggs.

As Members can well imagine, the result was to sow seeds of suspicion and to create a climate of fear in my home district.

The political power of this tactic is beyond measuring.

With no charges, no accusations, no hint of their purpose, the agents of the Bureau were able to create a climate of their own choosing within my own district, as the same tactics could do in the district of any Member.

The effect on me, I readily admit, was as intended.

I said nothing before this House or any other forum.

The Bureau had accomplished its aim of silence simply by letting me know that I was under surveillance.

Months later I learned of the tap which had been on my residence telephone.

Again the result was intimidation that assured my silence.

It was this personal experience, however, which caused me to reconsider and reevaluate my own responsibilities. If a bureau or agency of the Government could with impunity intimidate the Speaker of the House and the majority whip of the House, what Member of either body of the Congress was free of this control.

In this perspective, the events of these past 2 years acquired a new meaning.

I had heard before, as each of you had heard, of various episodes relating to Members of the House and Senate.

I knew that former Senator Ralph Yarborough of Texas had been critical of the Federal Bureau of Investigation and found an electronic surveillance device in the intercom system on his desk.

I knew that former Senator Stephen Young of Ohio delivered a speech critical of the Director of the Federal Bureau of Investigation and promptly found his telephone lines being monitored.

I knew that former Senator William Benton of Connecticut was critical of the Director's friend, Senator Joe McCarthy of Wisconsin, and was shortly advised to use care in speaking over his telephone.

But I realized that where these cases through the years were individual and isolated, the concern for surveillance on Capitol Hill had escalated to a new dimension over the past 2 years.

Senator Joe Montoya of New Mexico, engaged in a contest for reelection, had reason to believe his telephone was under surveillance.

Senator Birch Bayh of Indiana, engaged in leadership of the confirmation contest over Judge Haynesworth, had reason to believe his private office was under surveillance. He received in his office an official of the Government critical of the Haynesworth appointment. The Senator and the official talked privately and confidentially at the Senator's desk. When the official returned to his office, he was advised that he was under suspicion of having expressed his views to Senator Bayh.

On that evidence, Senator Bayh called in a private expert to search his office in the Senate Office Building for electronic listening devices. The expert located a radio transmission emanating from beneath the carpet of the Senator's office. As an expedient, the expert beat against the spot where the transmission was detected until the radio transmission stopped. It was several days, however, before the Senator's staff could secure the services of the necessary labor to raise the carpet.

When this was finally done, the device transmitting radio signals was gone.

Senator Charles Percy of Illinois related his experience at a hearing on March 22 of the Senate Appropriations Committee. His neighbor discovered that a highly sophisticated listening device—capable of monitoring telephone calls from the Senator's home without direct interconnection to telephone lines—had been installed underneath the chassis of the automobile which was normally parked each night in front of Senator Percy's home. The device was removed.

Almost immediately thereafter, Senator PERCY's wife discovered two technicians at work on the telephone lines entering the Senator's home. When Mrs. Percy asked their purpose, they would only explain curtly that their activities were for "safety purposes."

When Senator Wayne Morse was in the Senate he was told by a newsman that there was a listening device in his office. He discounted the report whereupon the newsman quoted to him remarks he had made critical of the administration in conversation in the office with his administrative assistant. The newsman said he had been told this by a Government source.

The episodes are too many, occurring too frequenty, to be ignored or disregarded.

Today, there are Members of this body so imprisoned by the climate of fear that they will not use their telephones for the conduct of normal business with constituents or fellow Members.

Today there is not a Member of the U.S. Senate currently active in the contest for the Democratic presidential nomination in 1972 who has not publicly expressed his belief that his telephones are under surveillance.

And today we know that Senator MUSKIE and others were the subject of surveillance by the Federal Bureau of Investigation on Earth Day, 1970.

There is no question here of standards. The Constitution expressly makes clear that Members of the Congress shall not be exempt from accounting before the law for any violations. But that same document embodies in it for the protection of the people the provisions of article 1, section 6. Those provisions provide that Senators and Representatives shall "be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from same." That same section also provides that "for any speech or debate in either House, they shall not be questioned in any other place."

These provisions exist in our Constitution because all the experience of representative government through the ages has demonstrated that those elected to represent the people must be protected against the vengeance of a hostile crown.

It is clear, however, in the pattern now in evidence, that for the views expressed in their respective Houses and other forums, Members of the Congress are being questioned in another place—the Department of Justice and the Federal Bureau of Investigation.

The sham is being stripped away.

Until the Dowdy case, it has been the public contention of the Department and the Bureau that all telephone conversations employed as the basis for criminal prosecutions of Members were intercepted inadvertently on surveillance devices installed for purposes of national or international security.

This was the pleading made by the Department in the prosecution of former Maryland Senator, Daniel Brewster.

This was the pleading made by the Department in the prosecution of the Voloshen case, involving Speaker McCormack's office.

Yet, now we find that the Department and the Bureau are engaged in a far more insidious activity which has no real limits.

Furthermore, we learn from the Department's own filings in the Brewster case appeal that the supposed protection of a court authorization for such surveillance is only meaningless. In that case, the Department has argued that the court cannot deny—but can only approve—any request for such authorization.

Let me read one sentence from the Department's petition:

> Since the Executive Branch alone possesses both the expertise and the factual background to assess the "reasonableness" of such a surveillance, the courts should not question the decision of the Executive Branch that such surveillances are reasonable and necessary to protect the national interest.

The net is very clear. If the executive chooses to invoke the national interest, neitheir courts nor Congress should, or under this doctrine, could question its surveillance activities.

Mr. Speaker, not long ago, in a published interview, the Attorney General of the United States, Mr. Mitchell, dismissed what I am describing by saying that Senators and Congressmen are becoming paranoid.

If that is so, however, it is exactly what is intended.

Freedom of speech, freedom of thought, freedoom of acting for men in public life can be compromised quite as effectively by the fear of surveillance as by the fact of surveillance.

We have learned recently that this is a standard objective and tactic of the Bureau.

Formal memoranda of the Federal Bureau of Investigation have disclosed the Bureau's strategy, in establishing surveillance on one campus community, to make the citizens believe that there is an FBI agent behind every mailbox.

By making the Members of Congress believe that there is an FBI agent listening to every telephone call, the Bureau and the Department are elevating paranoia to the level of calculated national policy.

Our society can survive many challenges and many threats.

It cannot survive a planned and programed fear of its own Government bureaus and agencies.

Mr. Speaker, this is not a court of evidence, and I shall not detain the Members longer with accounts of the many episodes which illuminate this dark passage through which we are traveling.

What moved me to speak as I did 2 weeks ago was none of these concerns which I have repeated today. It was, rather, a far more personal experience.

Several days before I spoke, two highly placed career officials of the Department of Justice came to see me here at the Capitol. Their coming was itself an act of courage. But they spoke with me without fear and their petition was this.

Over long and unquestioned careers, they had worked in and with the Federal Bureau of Investigation. They respected and trusted the organization. They believed it to be one of the great assets of our society's freedom and liberty. But their sad conclusion was that the Bureau was being destroyed—being turned into something it had never been—all because it was being used not to perform its mission but to protect the position of its Director.

I will not relate the information which they brought to me about the perverting of this once splendid organization into an instrument of one man's will. But I do ask you to consider with me the evidence which abounds on every hand.

The Federal Bureau of Investigation today is not the Federal Bureau of Investigation of film and fiction. The organization of which we were once so justly proud—and which inspired among us all a sense of security and serenity—no longer exists. The Bureau and the Director of the Bureau must be judged by the present, not the past.

In my mind, in the minds of most of my contemporaries, it has long been fixed that agents of the Bureau were all men who held degrees in law or accounting. That is what we were told and that is what we have believed. Yet the reality is very different.

Only one-third of the agents are lawyers or accountants.

For a decade, the standards have been failing.

This ought not to be.

In my mind, in the minds of most of my contemporaries, it has also been fixed that the Federal Bureau of Investigation is an organization of young men, directed by young men, overseen by young men. Youth itself is no assurance of effectiveness or direction. But it has been reassuring that this was an organization of fine young Americans in touch with their times and giving the Bureau those qualities which youth provides. Yet the reality is very different.

Around the oldest head of any agency in Government there is clustered a small and unchanging guard of old cronies and old friends whose positions are dependent solely upon their relationship with the Director himself.

For a decade, the brighest talents within the organization have been leaving, unable to secure or to expect advancement in their careers .

This ought not to be.

In my mind, in the minds of most of my contemporaries, it has long been fixed that the Federal Bureau of Investigation is the standard to which all other law enforcement agencies should aspire. That lingering legend has, in fact, been the basis of many decisions made here to permit the Bureau to be the center of instruction and training for all the police organizations in the land. Yet the reality is very different.

For a decade, we have seen instance after instance of the Director himself, conducting himself in ways in which no responsible law enforcement executive would permit himself to emulate. He has vented the spleen of personal vendetta against a great Negro leader. He has denounced the Justices of the Supreme Court. He has turned upon his lawful superiors once they and their party were out of office. He has, furthermore, in recent months, seriously compromised the workings of justice by prejudicing grand jury proceedings with proclamations of guilt of defendants 4 months before sufficient evidence was taken to permit the return of indictments.

This ought not to be.

Mr. Speaker, in this country, it ought not to be that the Federal Bureau of Investigation is devoting itself to surveillance on the children of Members of Congress as this organization has done in the case of the lovely daughter of Congressman HENRY REUSS.

Mr. Speaker, in this country and in this age, it ought not to be that agents of the Federal Bureau of Investigation should be rummaging through wastepaper baskets to collect evidence incriminating another agent of having failed to report on the classroom views of a law professor, as was the case with Agent Shaw. It ought not to be that a loyal agent, such as Mr. Shaw, should be preemptorily and punitively transferred to a distant outpost in Montana to appease the Director's personal petulance. It ought not to be that the Director of the Bureau—or the Director of any agency in the Government—should be permitted to demand that a college dismiss a professor for views expressed in the classroom critical of the Director himself.

Mr. Speaker, in this country, with crime rampant on the streets, with organized criminals penetrating our cities and our corporations and other corners of our life, it ought not to be that the most intensive investigation in the Bureau's recent history is being directed against orders and individuals of a major church. The conduct of the Bureau in its current harassment and intimidation of Catholic liberals is itself demanding of appropriate investigation. Agents have been entering the sanctuaries of convents and holy orders, searching under beds, searching through luggage and personal belongings of nuns and priests, questioning and intimidating servants—all without proper warrants.

Mr. Speaker, in this country, it ought not to be that the Federal Bureau of Investigation is unloosing paid informers and conspirators on campuses to organize and encourage the very demonstrations which its agents are reporting to demonstrate the Bureau's alertness and effectiveness.

Mr. Speaker, in this country, none of these things should be.

The Federal Bureau of Investigation is vital and imperative to our security and to the safety and stability of our society. The existence of the Bureau is not in the slightest question. But that Bureau cannot be what it ought to be—and what it must be—so long as it runs as it is presently run, beyond the oversight, beyond the control, beyond the accountability of our American system.

We here in Congress cannot disregard the challenge to us.

We have before us the testimony of three successive Attorneys General that they had no effective control over the Bureau under its present Director.

We have before us the testimony of the facts that duly constituted committees of Congress no longer are able to secure answers from the Bureau in response to lawful and orderly requests.

We have before us the testimony of the Bureau's own declining competence in service to the Executive. I refer, of course, to the fact that President Nixon himself took a very "bum rap" on both his Haynsworth and Carswell appointments.

In both instances, Senate committees—with their far more limited resources—discovered important and critical information regarding both appointees which the Federal Bureau either did not find or withheld from the Chief Executive.

Mr. Speaker, I repeat: The Federal Bureau of Investigation today is not the Federal Bureau of Investigation we once knew or that most Americans assume it still to be.

The reason is very clear. The Director of that Bureau has clearly overstayed the proper limits of his service. In saying that, let me emphasize that age is not a basis for criticizing Mr. Hoover; on the contrary, age exempts him from criticism that a younger man with the same recent record of performance could not escape.

In no country in the world could a director of a nation's secret police escape censure and removal for what is happening now. The offices of the Bureau have been burglarized and the files of the Bureau have become common knowledge.

The system of informers has turned on its master and is filling the stream of public dialog with disclosures and revelations which only serve to undermine the Bureau's future and further effectiveness. The agents of the Bureau are demoralized and in fear of the pettiness and wrath of the man under whom they work. The standards for recruitment are falling. These are all symptoms of internal disarray and decay which would be acceptable in no other organization, public or private.

Facing this, as we and the Nation must, it is no reassurance to read and hear, as we do, that the White House and the Department of Justice know that change must be made but that they are fearful of acting in what is clearly the national interest.

Has the power of one man become so great that the American system is in paralysis before him?

That question can only be answered by the President himself.

Mr. Speaker, let me say, history has come full circle.

The last time there was a change in the Directorship of the Federal Bureau of Investigation it occurred because of that Agency's disregard of the constitutional separation of powers.

Forty-seven years ago, malfeasance of the worst sort was occurring among officials of the Department of Justice. Voices on Capitol Hill were raised demanding investigations to bring the wrongdoers to justice. What happened then has been described well by one journalist and I would like to read a single paragraph:

> When Senators and Congressmen continued to probe, they themselves became targets of the Bureau of Investigation. The names of Congressional critics of the Bureau were placed on a "suspect list," and detectives were turned loose to trail them, to bribe their servants, to ransack their offices, to dig up some scandal that might be used to silence a critical voice in Congress.

Today we see the pattern repeating once more. Slanderous statements are directed against leaders of the Congress. Smears are circulated to the press.

Members are placed under surveillance at home and office with fine disregard for both the traditions of our system and the meaning of our language. Even the ugly threat of bribery of employees is openly raised.

Only last week, Mr. Speaker, United Press International carried a statement from a Department of Justice attorney who presides over enforcement of the act prohibiting electronic eavesdropping.

The statement by the attorney, James R. Robinson, deserves the attention of all Members.

Mr. Robinson said:

> The idea of the government going to all the trouble of tapping Congressmen's phones is ridiculous. It's much easier to pay off an Administrative Assistant. There's always someone in an office with information.

Then, he added:

> Of course, the Executive Branch would never resort to such tactics, but others have in the past.

Mr. Speaker, so long as this spirit and these attitudes pervade the Department of Justice there must be doubt—there must be fear—here on Capitol Hill, at the heart of the system.

Only the President himself can act to reassure the country. The President can demonstrate that the system still functions by instructing his Attorney General to request and to accept the resignation of the Director of the Federal Bureau of Investigation.

But the questions raised go beyond that solution.

The events now coming to the surface from many quarters clearly reveal that we have permitted to come into being a power and a force with the Government for which no one is accountable and of which no one is knowledgeable.

This is a power which threatens and places in jeopardy those rights and those liberties essential to the survival of our system.

On this matter, as on many other grave matters which have confronted the Nation in the past, there is a need and a demand for a presidential commission to go to the core of this cancer and remove it before the poisons spread further.

Such a commission could review the overall activities of the Federal Bureau of Investigation and establish rules of accountability for the future. I would hope that the President would include Members of the Senate and of this body on the commission.

Mr. Speaker, our liberties have yielded too much.

We must know—we must be able to assure the Ameriacn people that we do know—what the powers of Government are being used for, how they are being used and by whom they are being used in this ugly business of surveillance on the people and their representatives.

I want to thank oll of you for your attention and for listening to me. Thank you very much.

The SPEAKER pro tempore. The time of the gentleman from Louisiana has expired.

CONCERNING MR. HOOVER AND THE FBI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 60 minutes.

Mr. HOGAN. Mr. Speaker, I am shocked, I am disgusted, and I am upset by the stench of red herring in this Chamber. When the distinguished majority leader last month took the floor to attack the reputation of a great American who has rendered outstanding service to this country for so many years, I was particularly shocked because I was privileged to spend 10 years of my career as an employee of the FBI, and I knew from firsthand knowledge how zealous the FBI and Mr. Hoover are in protecting the rights of citizens.

So when the gentleman from Louisiana came here today, after assuring the public at large that he could prove that his statement was true, that his phone was indeed tapped by the FBI, I came here with an open mind awaiting that proof.

It seemed to me he had two choices when he took the floor today. One, to offer that proof or, two, in the absence of offering that proof, to apologize to Mr. Hoover and the FBI. And it is disappointing and disgusting that he has done neither.

He said his phone was tapped by the FBI and that he had proof of that charge. Where is his proof?

He deplores Gestapo tactics, and infringing on the Bill of Rights. He deplores faceless informers. But he did not give us the name of that nameless telephone company employee who told him that his phone had been tapped, but was not now.

I am here to tell you there is no way for anyone to tell whether or not a telephone has or has not been tapped unless it is currently being tapped. I am here also to tell you that it is a very simple matter for a telephone to be tapped. So, even if his phone had been tapped, what proof is there that it was the FBI who tapped the phone? There are disreputable politicians, there are disreputable newsmen, there are disreputable organized criminals—all who engage in the practice of wiretapping. So, even if he had been able to prove that his phone had in fact been tapped, which he did not, he offered no evidence whatsoever that it was tapped by the FBI.

He talks about the use of semantics. I submit that semantics were used—and used very loosely here today by the terms "Gestapo" and "police state." And anyone with an open mind knows that we do not have that in America.

The gentleman from Louisiana deplores the fact that he and other Members of this body have come under scrutiny. Does he mean to say that Congressmen should be exempt from investigation and prosecution for violations of the law? Should allegations about employees of Congressmen go uninvestigated, and wrongdoing by those employees, or members of the families of Congressmen go uninvestigated and unprosecuted? I submit that they should not.

The gentleman threw in a whole recitation of innuendoes that so-and-so "has reason to believe" that his phone was tapped—so-and-so "has reason to believe" that he had been under electronic surveillance. And then he deplores the alleged tactics of the FBI in infringing the rights of citizens.

Do not Mr. Hoover and the FBI have any rights?

Can a Member of this body besmirch reputations which have been hard earned over decades of service to the people of this country? Is this a one-way street—that criticisms can be leveled against the FBI using the same tactics which are deplored by those making the charges?

Lewis Carroll in "Alice in Wonderland" could explain that better than I can.

When he took the floor on April 5 and said that he had proof positive that his own phone had been tapped, I expected some kind of substantiation of this very, very serious charge. We received no substantiation today whatsoever.

I suggest to my colleagues that the gentleman from Louisiana has failed completely to make his case. His proof positive is the most blatant mixture of innuendos, distortions and misinformation and suggestive nonsense that I have ever heard. The material would be excluded before any hearing body, even a hearing by one of the committees of this House.

The majority leader has alleged that he and his family last summer became suspicious of interference on his telephone in his home in Bethesda and asked the Chespeake & Potomac Telephone Co. to investigate. He went on to say that a company official advised his phone had not been tapped. But that some nameless investigator had assured him that it had been.

Well, I hope our friends in the Press Gallery who are always in such great haste to report criticisms of Mr. Hoover and the FBI will contact that investigator and interview him and see if, in fact, he did say that, and if so, on what he based his conclusion. They should also contact the Chesapeake & Potomac Telephone Co. and see if, in fact, they have a policy to deny telephone taps if the FBI is involved.

To me, this is total nonsense.

POINT OF ORDER

Mr. CAREY of New York. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman will state the point of order.

Mr. CAREY of New York. Mr. Speaker, did I understand the gentleman in the well to make reference to the gallery?

Mr. HOGAN. Mr. Speaker, may I respond to the point of order?

The SPEAKER pro tempore. The Chair will hear the gentleman.

Mr. HOGAN. Mr. Speaker, I made the observation—I expressed the hope that the gentlemen in the galley would do certain things—but I did not address them.

Mr. CAREY of New York. Was the gentleman referring to the Press Gallery or to the gallery at large?

Mr. HOGAN. I was referring to the Press Gallery.

Mr. CAREY of New York. I think the Press Gallery will pay as little attention to the gentleman's observation as it deserves.

Mr. HOGAN. We will let them be the judge of that.

Mr. GROSS. Moreover, Mr. Speaker, the point of order comes too late.

The SPEAKER pro tempore. The gentleman from Maryland will proceed.

Mr. HOGAN. The reasoning apparently is that since the company said there was no tap, this should be considered as proof that the phone is tapped because the company has a policy to deny there is a tap when the FBI is involved. Thus, we are faced with a ludicrous bit of logic. The telephone company is placed in an impossible position. It can never factually report the absence of a tap because by this tortured logic this really means there really was one by the FBI, according to the majority leader.

I wonder what his logic would declare if the telephone company official had said, "Yes, we found a tap on your phone." I assume that following along this tortured path of reasoning this would mean that, in fact, the FBI had never tapped his telephone.

But beyond this, the majority leader, in a desperate effort to substantiate charges which he must now know look foolish, has charged that an investigator from the telephone company found that there had been a tap on the telephone but it had been removed before his inspection.

The majority leader is knowledgeable of Federal law. He knows that it is a violation of Federal law to tap any telephone, whether it is the telephone of a Congressman or not—except under specific circumstances spelled out in the Federal statute. He failed to tell us whether or not he had reported to the proper authorities this evidence which he obtained from the telephone company investigator about his telephone being tapped. I submit that, as a public official, he has such a responsibility to furnish the name of the individual who has evidence that a telephone was tapped in violation of Federal law.

The FBI has asserted that it has never tapped the telephone of the majority leader at his home or his office—and I am inclined to believe the FBI rather than the majority leader on the basis of the proof—or rather the alleged proof—that I have heard today.

The gentleman from Louisiana makes a big to-do over the fact that the FBI had checked some records of toll calls made from his office and home telephones. He protests that he does not want to imply that Members of Congress should not be subject to investigation when they are involved in possible criminal activities, but at the same time he has declared that he feels such action should first be brought to his attention.

Now, that is a fine thing to say. The facts in this particular situation are that a Federal grand jury in Baltimore, in my home State of Maryland, on September 9, 1969, issued subpenas for the toll call records of the gentleman from Louisiana at his home telephone as well as the records of some other Congressmen and Senators, growing out of a criminal investigation which was being conducted, of which we are all very familiar. The FBI had nothing whatsoever to do with the issuance of those subpenas. After the records were obtained by the grand jury, the Department of Justice instructed the FBI to check a portion of them. This the FBI did, as it was its duty to do.

Now, the majority leader, who is an attorney, must also know that grand jury proceedings are secret, and certainly he would not expect the FBI to violate this rule of secrecy by going to him in advance and so advising him.

I would also ask rhetorically if the gentleman from Louisiana feels that a bank teller who is suspected of embezzling money from a bank should be advised in advance that bank records are going to be subpenaed, or that a Cosa Nostra gambler should be given this courtesy when his toll call records are going to be subpenaed by a grand jury?

Perhaps he does in fact feel that a Congressman should receive special treatment. I do not, and I do not feel that the American people do, either. Elected public officials should be held as strictly responsible for their acts as any other citizen is.

But there is one very interesting contradiction in the scattered innuendoes which we have listened to for 60 minutes. It has been alleged that the FBI tapped the majority leader's telephones, and the gentleman complains about the FBI checking his toll records. Certainly he must know that, if the FBI were in fact tapping his telephones, they would have no need to check toll records. They would already have that information as to whom was called, what was said, and the whole information without going to the additional trouble of checking his toll records.

The majority leader said on the floor:

> When the FBI adopts the tactics of the Soviet Union and Hitler's Gestapo, then it is time, it is way past time that the present Director thereof no longer be the Director.

It is disappointing to me that a distinguished gentleman such as the majority leader would lend his own prestige to an effort which is underway to discredit the FBI, to bring pressure to bear upon the Director to resign.

The majority leader alludes to the age of the Director of the FBI. I have the privilege of serving on a committee of this House under the chairmanship of the Dean of the House, a man who is far older than Mr. Hoover, and I submit to my colleagues that on the Judiciary Committee he is rendering outstanding service in spite of his advanced years. I submit also that Mr. Hoover is rendering outstanding service in spite of his years, considerably less than those of the chairman of the Judiciary Committee.

But the point is immaterial as to whether a man is of a certain fixed age. The question is whether he is competent to perform the functions of his office. If he is, he should be allowed to continue. If he is not, he should be removed. I submit that the majority leader and the news media and those who have been trying to discredit the FBI are not the best judges of whether or not he is adequately performing the functions of his office.

The President of the United States and the Attorney General are in the best position to so judge, and they have indicated their complete confidence in the way Mr. Hoover is carrying out his responsibilities.

Does the majority leader really seriously mean what he says when he says that there is no check on the FBI? Surely he knows that the Appropriations Committee of this body every year goes over with a fine-tooth comb the detailed requests of the FBI and specifically authorizes expenditures which are included in that appropriation.

Does the gentleman suggest that our court system, from the lowest level up to and including the Supreme Court of the United States, is so totally under the control of this alleged "secret police" organization that it seldom finds fault with FBI methods? As a matter of fact, the U.S. Supreme Court has from time to time commented favorably regarding the FBI policies, noting that they go beyond the letter of the law to protect in spirit the very rights guaranteed to us under the Constitution.

We know of the methods used by the Soviet Secret Police and by the Gestapo. They were and are the brutal methods used by the enforcing arm of a totalitarian dictatorship that must use force to remain in power. Does the majority leader suggest to us that this is the state in this country today? Can he seriously suggest that we so fear the FBI that the rest of us here in this body and the citizens throughout the country and the other body and the other offices of the executive branch are not entirely free to criticize the FBI?

Is there any resemblance between the FBI and the Gestapo which employed assassinations, midnight rides, and tortures? Fortunately this country has never been subjected to that kind of situation. With our open news media in this country, it would be completely impossible for any of these activities to go on.

The majority leader as well as every other Member of this body knows that this charge is an exaggeration and a distortion. The FBI has never engaged in secret arrests, in unlawful detentions, or in interrogations through the use of illegal force or in any other tactics connected with a secret police operation. All of the FBI activities are under the continuing scrutiny of the Members of this House and of the other body and under the continued close supervision of the Department of Justice through the many attorneys here in Washington.

The gentleman mentions the two other faceless informers who came to his office about the FBI. If he really wants to do a service, if he really believes those things he has said, why does the gentleman not offer the names of these faceless informers from the phone company and from the Department of Justice who gave evidence the FBI is in a rapid state of deterioration?

The work of the FBI is reviewed every day by the Federal courts all over the United States which must rule on those tactics used in collecting evidence for prosecutive purposes.

Furthermore, and most important, the FBI's activities are observed and reported by the news media. Are we really to believe the television, radio and newspaper representatives are unwilling to tell us of Gestapo-like tactics if, in fact, they occur?

Even the severest critics of the FBI know it is a highly professional law enforcement agency, which could well be a model for the rest of the Nation's police agencies, and which has been a model for police agencies all over the world.

The majority leader's statement, as far as I am concerned, is an affront to the FBI, to its Director, and to every FBI employee. The gentleman has spent a great deal of time attempting to recover with dignity from the very awkward position in which he placed himself on April 5. Whatever his feelings continue to be about the FBI, his accusation of secret police and Gestapo tactics are untrue and unproved, and the gentleman knows it. It is significant to note he offered no "proof positive" here today of his charge that the FBI has "adapted the tactics of the Soviet Union and Hitler's Gestapo," or that the FBI has tapped his telephone or that of any other Member of the Congress.

If, for no other reason, Mr. Speaker, this gentleman owes the FBI and the Director and the employees of the FBI and the American people a public apology—and I regret the gentleman did not give that today.

Mr. HUNT. Mr. Speaker, will the gentleman yield?

Mr. HOGAN. I yield to the gentleman from New Jersey.

Mr. HUNT. Mr. Speaker, I take this opportunity to commend the gentleman from Maryland (Mr. HOGAN). I was amazed throughout this entire procedure, that has been drawn out for several weeks now, to find that the evidence submitted here today by the distinguished majority leader would not in the least even qualify as hearsay evidence.

It was my pleasure for a number of years to have been associated with the Federal Bureau of Investigation. In fact, I am a graduate of the Federal Bureau of Investigation Police School. I know Mr. Hoover very well. I know his personal integrity. I know his devotion. I just know him as a man.

I have heard him say on a number of occasions that insofar as he is concerned wiretapping of Members of Congress has never been within his prerogative—never—nor has he ever instituted the so-called surveillances that you and I know so well become so very intensive.

I just stand here as a Member of the

House unable to explain to anyone how the 1-hour dissertation today in any way substantiated the charge that the majority leader knew his wires had been tapped. You know and I know, and most Members of this House know, that wiretapping went out with the billy goats. The electronic devices are so sophisticated today that this would be utterly ridiculous.

I do not care if somebody taps my phone. I doubt that anybody in this House worries about his telephone being tapped, because if one has nothing to hide then certainly one does not care. But why would a Member of this House have his telephone tapped if there were not some reason to do so?

Today not one scintilla of evidence was advanced to indicate to me or to any Member on the floor, I am sure, or to the news media in the gallery, or to persons listening, that the majority leader's telephone had been tapped. There is no way to detect a removed tap.

I am going to refer to one portion of a statement that somebody said, the distinguished majority leader said, that there was a listening device under the rug of a Senator, and two days later, when they took the rug up, it was gone.

Let us be really factual about this. What takes anybody 2 days to lift a rug? This is what I call sweeping the device under the rug.

Perhaps if we have a few more Presidential campaign aspirants in this great body we have here in the Congress we will find some more of them buried in the back of a hair net some time. It is the most ridiculous thing I have ever heard.

And the innuendos that agents, Federal Bureau agents, men sworn to uphold the law—men, in my estimation, of profound integrity—searched quarters of persons and searched their baggage without warrants is utterly ridiculous. If these things did occur, then those persons have the right to bring legal action against any police enforcement officer in this Nation.

Mr. HOGAN. I assure you if that were true Mr. Hoover would fire them immediately.

Mr. HUNT. Mr. Hoover would never tolerate that 10 seconds. I know Mr. Hoover.

But if there is someone being investigated on criminal charges, and if a grand jury subpenas records, then they must produce those records, duces tecum, and when they do, if the Bureau is ordered to make a further investigation, that is their duty.

Mr. Hoover and the FBI have the job of preserving the internal security of this Nation. It is not easy.

They are likewise required to sustain charges and to investigate all charges of violations of Federal statutes, which they have done admirably.

Mr. HOGAN. And why should someone be exempt from such an investigation because they are on a college campus or related to a Member of Congress or working for a Member of Congress?

Mr. HUNT. There should be no exceptions.

I have heard a saying for many, many years, "If you can't stand the heat get out of the kitchen."

If you choose your associates, water seeks its own level.

If the FBI investigates you and gives you a clean bill of health, they have done a good job. This has been the way of life as long as I can remember.

Many Presidents have commended Mr. Hoover. Let me go back a little and talk about Tom Clark. I looked up what Tom Clark said. There are beautiful quotations by Thomas Clark, then the gentleman heading up the Bureau and the Department of Justice. His son came along later, Ramsey Clark. If you will recall, there were times when Ramsey had accolades for Mr. Hoover.

There was no equivocation then as to getting rid of Mr. Hoover. The hue and cry on getting rid of Mr. Hoover today seems to indicate that something is about to break somewhere and, so as to discredit Mr. Hoover, these allegations have been made without substantiation. Let the chips fall where they may.

Mr. Speaker, I commend the gentleman in the well for his service to the FBI, and I commend him for his attitude in defending Mr. Hoover today. He is a great American. He has done the finest job that I know of for this Nation insofar as the suppression and detection of crime is concerned. This is in the interest of the internal security of the Nation. No matter where these people go, if they are in violation of a law, whether it be on a college campus, in a college president's office, in the hallowed halls, or in a restaurant, or wherever it may be, it is their job—if it is in violation of a Federal statute, or if it involves the security of this Nation—it is their job to make sure that we, the people of these great United States of America, are protected.

I thank the gentleman for yielding to me.

Mr. HOGAN. I thank the gentleman for his contribution.

Mr. Speaker, I yield back the balance of my time.

IN DEFENSE OF THE FEDERAL BUREAU OF INVESTIGATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. DEVINE) is recognized for 60 minutes.

Mr. DEVINE. Mr. Speaker and Members of the House, the hour is growing late, and I do not intend to take the full hour. However, after the remarks of the majority leader from Louisiana, I think some questions should be answered. Again I would read into the record his original remarks that preceded the opening day ball game on Monday, April 5. He said, and this appears at page 9470 of the CONGRESSIONAL RECORD:

> When the FBI taps the telephones of Members of this body and of Members of the Senate, when the FBI stations agents on college campuses to infiltrate college organizations, when the FBI adopts the tactics of the Soviet Union and Hitler's Gestapo, then it is time—it is way past time, Mr. Speaker, that the present Director thereof no longer be the Director.

Mr. Speaker, I will skip some of his other remarks and get down here again quoting from Mr. BOGGS, where he says:

> If law and order means the suppression of the Bill of Rights, infiltration of college campuses, the tapping of the telephones of Members of the Congress of the United States, then I say "God help us."

Mr. Speaker, I have been here during the entire time of the special order of the gentleman from Louisiana waiting for proof. Immediately following his remarks on April 5, the minority leader, Mr. GERALD R. FORD of Michigan, said:

> Criticism of the FBI should be supported by facts.

Other persons here in this body and members of the press editorially across the country have said, "Put up or shut up. Where is the proof?"

Mr. Speaker, we are somewhat at a disadvantage in not having had an advance copy of the remarks of the gentleman from Louisiana. I finally obtained a copy of it when he was reading on page 9 of his remarks, so I am not prepared with formal remarks to answer or to refute each charge that is contained therein, but let me clarify the record, because he does deal in semantics, innuendoes, and playing with words.

Let us talk about wiretapping for a minute. There seems to be a great deal of misunderstanding on the part of some Members of this body as well as some of our local newsmen as to exactly what constitutes a wiretap. I have seen recent references to the mere recording of face to face conversation as wiretaps, a technique many newsmen themselves use today. A wiretap is the surreptitious interception of a telephone—a telephone conversation. The legality and illegality of wiretaps are carefully spelled out in the omnibus crime bill and Safe Streets Act of 1968. If a Member of Congress, either in the House or the Senate, happens to call a person someplace else not within the confines of the Capitol that may belong to some organization that is under suspicion either from a national security or organized crime point of view, and that particular conversation happens to be recorded, that is not a tap on the telephone of a Member of the House or the Senate. That distinction should be clear to all of us.

Now, there are other methods of eavesdropping on conversations.

One method involves microphones or what is commonly referred to as bugs. In other words, you just put the device on a wall of a hotel room and pick up conversations or activities in an adjoining hotel room. But, that is not a wiretap. That is not exactly what the name implies, microphones which pick up and transmit those conversations or other sounds within the area in which they are located. The legality and illegality of such devices was discussed in the Omnibus Crime and Safe Streets Act of 1968.

A third method at times used by law enforcement agencies in order to get a complete record of a conversation of a suspect or a subject in a crime is the use of recording devices worn by a party to the conversation or attached to the telephone with the knowledge and permission of one of the participants in the conversation.

These are the methods sometimes used whether they involve a Member of this body but which have been inaccurately referred to as wiretaps.

The Supreme Court has ruled in separate cases that such methods of electronically overhearing and recording conversations are legal so long as one party to the conversation has given consent.

And, Mr. Speaker, it should be emphasized that in the case involving a Member of this body the FBI even had taken the precaution of obtaining a court order authorizing the overhearing and recording of a specific telephone conversation using a recorder to report the face to face conversations in advance.

This is an unusual precaution indeed, since it goes well beyond the legal requirements and shows very clearly the dedication of the Federal Bureau of Investigation to the avoidance of any unnecessary infringement upon the prerogatives of the legislative branch.

Now, Mr. Speaker, the distinguished majority leader made great measure in his remarks about having been approached by two high officials in the Department of Justice. That is not the FBI but in the Department of Justice. He would have us believe that he is only serving as a spokesman for two highly placed Department of Justice officials who have contacts with the FBI and who came to see him shortly before he made his intemperate charges on April 5 against the FBI and demanding the resignation of its great Director, Hon. J. Edgar Hoover.

Mr. Speaker, I may be prejudiced because I too, like the gentleman from Maryland (Mr. Hogan), served as an FBI agent for nearly 5 years. It has been about a quarter of a century ago since I left the FBI, but I have been in contact with the Bureau, its agents, and its Director, and I might say that my contacts with the Director have been as late as yesterday. He is just as sharp, he is just as alert, he is just as on the ball as during his entire 41 years of service. I think it is an outrage and a shame, as he approaches the time when he will retire, this great, loyal, and dedicated public servant, to be placed under a cloud raised by irresponsible charges for which thus far there has been no proof offered.

So, now, I doubt that the FBI will dismiss J. Edgar Hoover because of the word of two faceless informants and that their word would be taken above the word of Mr. Hoover who has been endorsed by and served under eight Presidents of this Nation, who has served under numerous Attorney Generals, who has served numerous Members of Congress, who enjoys the respect of the national chiefs of police and the National Sheriffs Association, is just beyond conception.

Mr. Speaker, the majority leader on April 5 criticized the FBI for stationing agents on college campuses to infiltrate college organizations, another false charge. Has the majority leader begun his own infiltration campaign? Has he planted sources within the FBI, if he feels that infiltration and informants are so bad? Then, let him have the stature to produce the two highly placed Department of Justice officials so we can be informed as to what their complaints are and we can also explore what their motives may be. Who are they?

The majority leader asserts these two sources allege the FBI is being destroyed because it has not been used to fight crime but, to the contrary, to protect the position of Mr. Hoover.

Well, hogwash.

While protecting Mr. Hoover, last year the FBI agents also managed to collect enough evidence to lead to convictions of nearly 500 persons in organized crime. They also collected enough information which, when passed along to local law enforcement agencies, led to over 800 indictments and arrests of some 4,400 organized crime figures. And also in the 1970 fiscal year agents, which these faceless, unnamed sources claim were so busy protecting Mr. Hoover, conducted investigations which led to over 13,000 convictions, the location of over 30,000 Federal fugitives, fines, savings, and recoveries exceeding $400 million, and they also managed—while they were supposedly protecting the image of that great Director—to keep tabs on some of the organizations that have been under question in this country, like the Ku Klux Klan, the Black Panthers, the Communist Party, and many other extremist groups, both on the right and on the left.

The allegations by the faceless informants are an insult to every member of the FBI and to the integrity of every American, and an indictment to the intelligence of any American who would give them any credence whatsoever.

I would say to the majority leader that he has the responsibility to offer proof, to identify the names of these persons, these faceless officials in the Department of Justice who are so inclined to sneak into him and give him information, but that he apparently does not wish to reveal.

Let me just for a moment go over some of the remarks that appear in the prepared speech of the majority leader, and I quote from his statement on page 12:

> A month later I learned of the tap which had been on my residence telephone.

What tap? The Chesapeake & Potomac Telephone Co. was called, and had it examined, and some other nameless employee of the telephone company said, "Well, there is no tap now, but there was one."

Mr. Hogan already has said it is impossible to tell, when a tap has once been removed, that there has ever been a tap on the telephone. And anyone who has had any experience with surveillance—or electronic surveillance devices—knows there is no evidence that the tap has already been there.

Then he talks about Senator Yarborough, who found an electronic surveillance device in the intercom system on his desk.

Who put it there? Mr. Hoover? No evidence whatsoever.

Steve Young, a former Senator from my State, found his telephone lines being monitored. By whom? Not the FBI. There is no allegation of that.

And then he talks about Senator William Benton of Connecticut, who was "shortly advised to use care in speaking over his telephone."

Everybody is told to use care. I do not know what they are up to, but you are told to use care. What does that have to do with the FBI?

Then he talks about Senator Montoya, a former Member of this body, and that he had "reason to believe that his telephone was under surveillance."

"Had reason to believe." Why?

Then Senator Birch Bayh, another presidential candidate, I am reminded, "had reason to believe his private office was under surveillance."

By whom? Maybe the Republicans were watching him. You cannot tell about that.

"He was advised that he was under suspicion of having expressed his views to Senator Bayh."

It is amazing.

Then we have here the statement that he got an expert, and the expert located a radio transmission emanating from beneath the carpet of the Senator's office. It does not say who put it there. He does not know who put it there. Then a few days later, when they got around to digging it out, it was gone.

Then Senator Charles Percy, the same thing, a lot of allegations but no proof, and no tie-in with the FBI.

And in just going through this, let me casually mention that he made reference to Senator Muskie having criticized Mr. Hoover for having agents who had the Earth Day activities under surveillance a year ago.

He very conveniently neglected to say that there were some persons in attendance there such as Rennie Davis, who should be under surveillance.

He neglected to mention that this goes on—and I say to you once more that we should have proof—or an apology is owed not only to Mr. Hoover and the FBI, but to the entire Nation for the headlines that occurred because of the untimely remarks of the gentleman on Monday, April 5.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding and I appreciate the remarks he has made, based on his background.

Mr. Speaker, I would like to speak as one who has never met Mr. Hoover, to my knowledge. I do not know him, but I certainly know of his record and the esteem in which he is held.

I rise at this time for two purposes, primarily—one because I think this fiasco has damaged the image of the House of Representatives and the Congress as a whole. As such, although we do have need for surveillance and oversight and review of bureaus and departments and of the Cabinet and the Congress, we cannot first properly personalize remarks we make and just come to and involve this entire body for apathy or complacency and lead to a point of contact to make any individual given point.

I think we have labored mightily here today. Those who make unproved allegations have brought forth nothing. I think this does damage. I believe the Supreme Court has oftentimes so ruled. Although the Bill of Rights gives us complete freedom of speech, it was Oliver Wendell Holmes who said, as Associate Justice, "We also have responsibility, and no one has the right to cry 'fire' in a crowded theater." I might add "unless there indeed be a fire."

If one thing is clear, it is that those who, by authority of election, have the national trust at hand must be willing to so live that they would not care whether they are placed under surveillance or not. I, for one, feel free at any time to use any telephone to discuss any subject that I might want to.

(Mr. HALL asked and was given permission to revise and extend his remarks and include pertinent material.)

Mr. HALL. Mr. Speaker, will the gentleman yield further?

Mr. DEVINE. I yield to the gentleman.

Mr. HALL. Mr. Speaker, it is not my custom to play games in this Chamber, but today, if I may, I would like to make an exception. The ground rules of the game will be simple. I will read a passage, and the Members can attempt to answer the question, "Who said that?

> His work in behalf of our national security in exposing the communist threat; his unceasing battle against crime all over this country, his work in reference to juvenile delinquency, his great interest in the young people of our country, his dedication to intelligent police research all have made for him a place in history unequaled by any similar official in the history of mankind.
>
> I might say further it has been my experience in recent months to be very closely associated with Mr. Hoover in the work of the commission appointed by the President to investigate the assassination of our great and beloved President Kennedy. This has given me an opportunity to see how thorough and how objective this man and his associates are. It has not been surprising to me, Mr. Speaker, because I knew of his efficiency over the years, but it has been gratifying and it has given me renewed confidence and trust in this agency of our Government.

The entire statement is as follows:

On the Occasion of J. Edgar Hoover's 40th Anniversary, May 7, 1964

> Mr. Boggs. Mr. Speaker, I should like to subscribe to the remarks which have been made by the distinguished gentleman from Louisiana, chairman of the House Committee on Un-American Activities, and the remarks made by our distinguished Speaker, the distinguished minority leader, and the distinguished majority leader in commending and congratulating one of the great Americans as he celebrates his 40th anniversary in the public service.
>
> The resolution itself expresses more ably than any of us can the devotion to our country of this great man.
>
> His work in behalf of our national security in exposing the Communist threat; his unceasing battle against crime all over the country, his works in reference to juvenile delinquency, his great interest in the young people of our country, his dedication to intelligent police research all have made for him a place in history unequaled by any similar official in the history of mankind.
>
> I might say further it has been my experience in recent months to be very closely associated with Mr. Hoover in the work of the Commission appointed by the President to investigate the assassination of our great and beloved President Kennedy. This has given me an opportunity to see how thorough and how objective this man and his associates are. It has not been surprising to me, Mr. Speaker, because I knew the efficiency over the years, but it has been gratifying and it has given me renewed confidence and trust in this agency of our Government.
>
> I might say also that his work in crime prevention continues at a high rate of efficiency. Only last week an agent of the Federal Bureau of Investigation apprehended one of the most wanted criminals in the United States in my district, and in the process rescued and saved the life of a child 8 years of age.
>
> Mr. Speaker, I am glad that the Congress is passing this resolution. It is fitting, it is proper, and it is well deserved.

Mr. DEVINE. I would be very happy to play the game with the gentleman and would like the gentleman to identify the author of that statement and the date and place.

Mr. HALL. "Who said that?" The Honorable Hale Boggs, May 7, 1964, on the occasion of the presentation of House Resolution 706, offering congratulations on the 40th anniversary of the appointment of J. Edgar Hoover.

Mr. Speaker, under the permission I have obtained I will put an excerpt from the Congressional Record of that date in today's Record.

Mr. MYERS. Mr. Speaker, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman.

Mr. MYERS. Mr. Speaker, many of us came this afternoon expecting the majority leader to do exactly as he said he would do—provide proof positive of a bug on his telephone. As all have witnessed this afternoon, he gave none of that. In fact, most of the majority leader's attention and time was consumed talking about other people.

It is interesting to note on page 11 of his prepared text—and I want to read this to you:

> Two years ago, though, it became evident to me that the nature and character of the Bureau was undergoing conspicuous change. That change was apparent by what I saw on the Hill and in this Capitol.
>
> I saw—as many others saw—the Bureau lay seize to one of the most honorable and most honored men ever to serve his Country in the Congress—John McCormack of Massachusetts.

Now, this is not true. John McCormack was never, to my knowledge, accused of anything. John McCormack, who served very ably in this body for a great many years and who served so well as Speaker of the House, I do not think should be part of this discussion. The fact is, however, that a member of his staff was indicted. That member of his staff was found guilty. He was convicted. I suggest that, implied in the gentleman's statement, is the argument that a member of the staff of the Speaker of the House should not then even be questioned about his integrity or his dishonesty. I do not think that is really true.

I think every one of us is certainly subject to criminal investigation, if that be true. Why this statement was inserted in the speech I cannot imagine. The gentleman went on to say—

> They showed no compassion for age, no respect for position, no honor for the patriotism and loyalty of a grand American. The records of his telephone calls were seized. His time was taken in endless hostile interviews.

Again the record will show that there was an indictment, not of the Speaker, but he had to give information, and thank goodness, we have a Federal Bureau of Investigation. But this was not a "bug." This afternoon the majority leader did not imply or say there was a "bug." But there was an indictment. This signifies to me the majority leader says he should not have been found guilty, that we should not make this type of investigation.

How about age? Has age really anything to do with it? It is implied here that Mr. Hoover showed no respect for age. What compassion for age has the distinguished majority leader shown this afternoon for the man who has been most honored, J. Edgar Hoover, who is, I believe, of comparable age? It is interesting to observe, as the gentleman in the well has so ably pointed out, the innuendoes in the statement of the gentleman from Louisiana: "It is believed," "a certain Member believed there was a bug." The daughter of a Member, our friend from Wisconsin, Congressman Henry Reuss, was bugged. Because some cousin of ours or someone else is under suspicion, should they also be immune from investigation? I do not think that is what we want. Thank God we do have a Federal Bureau of Investigation that is interested in reducing the crime rate in this country.

I noticed that there was not one single Member of either political party, but most especially the party which the majority leader serves as a leader of that party, that joined him this afternoon in making assertions that his telephone or her telephone was bugged—not one joined. But over in the other body those listed seem to be presidential candidates that have been brought forward as suspecting that their telephones were bugged. I just wonder if the DSG does not keep records on Republicans also. Is there anyone here who will say that the DSG does not keep records on Republicans, especially those in areas of question, areas which might be called marginal? Of course you keep records on us. But I am not suggesting that the Federal Bureau of Investigation has bugged anyone's telephone, and no one here, other than the majority leader himself, has suggested that his telephones have been bugged.

In closing, if a presidential candidate takes 2 days to get his carpet up when he believes he is being bugged, do we want that kind of a President?

Mr. DEVINE. No. I thank the gentleman.

Mr. Speaker, I recognize the gentleman from New Jersey (Mr. Hunt), who, incidentally, was a lieutenant in the New Jersey State troopers and for a number of years had a distinguished record as a law-enforcement officer.

Mr. HUNT. I thank the gentleman.

Mr. Speaker, I rise to call attention to a wire message, UPI–121, No. 140, on April 20, 1971, with the dateline of Washington, D.C. It states as follows:

> Rep. Ed Edmondson, D-Okla., wrote to President Nixon, "It would be a grave injustice to this dedicated public servant to dismiss him at this time because of partisan political criticism and I hope no such decision will be made. J. Edgar Hoover should be retained as director of the Federal Bureau of Investigation."
>
> The Oklahoma congressman said Hoover "has, in fact, become a symbol of integrity and dedication in the public service, and he has insisted upon high standards of integrity and dedication among the personnel of the FBI. I believe the great majority of Americans continue to honor him for his contribution to the country, and have a high degree of confidence in both his ability and his leadership."
>
> Edmondson, a former FBI agent, said his letter was prompted by the calls, many of them in capitol hill, for Hoover's resignation. Most of the clamor, Edmondson said, is coming from men who are possible candidates for President.

I thank the gentleman for yielding.

Mr. DEVINE. Mr. Speaker, I thank the gentleman from New Jersey.

Let me conclude by saying my experience as an agent in the Bureau in the forties was one of the most meaningful experiences of my life. I am deeply indebted to the Bureau primarily because of the caliber of men who served in that body under the fine direction and guidance of Mr. Hoover. I have watched him very closely over the years. I recognize the FBI is not a national police force, and I do not know of anyone in this country who has resisted creation of a national police force more than Mr. Hoover.

The FBI is a fact-finding agency. It cannot prosecute anyone. Any facts it compiles are presented to the U.S. attorney or to the Attorney General, and it is through that body that any prosecution must be authorized. The FBI is not a prosecuting arm of the Government. It does not even make any recommendations.

I can tell the Members it follows very strict investigative techniques under strict rules and regulations which would not be violated by Mr. Hoover.

I take my hat off to Mr. Hoover as one of the most dedicated Americans of our time, and I know he will go down in history as such.

OHIO CANAL AND CUYAHOGA VALLEY NATIONAL HISTORICAL PARK AND RECREATION AREA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. SEIBERLING) is recognized for 30 minutes.

Mr. SEIBERLING. Mr. Speaker, I am most pleased to be joining with my distinguished colleague from Ohio (Mr. VANIK), other members of the Ohio delegation, and other Members of Congress in introducing a bill to create the Ohio Canal and Cuyahoga Valley National Historical Park and Recreation Area.

The bill would create a network of three separate but interrelated park and open space areas in populous Northeastern and Central Ohio. The network would include:

A 28,000 acre park in the Cuyahoga Valley along the Cuyahoga River and old Ohio Canal, between Akron and Cleveland;

Establishment of a recreation corridor along the old Ohio Canal, extending south of Akron through Summit, Stark, and Tuscarawas Counties; and

Preservation of portions of the Cuyahoga River stretching upstream from Akron as a recreation river within the Wild and Scenic Rivers Act.

The primary purpose of this bill is to preserve for ourselves, and our children, and their children, the most important and most scenic and historic open green space remaining in this highly industrialized region.

The proposal is designed to meet the objective of a new national policy outlined by President Nixon in his environmental message to Congress in February: A policy to "bring parks to where the people are so that everyone has access to nearby recreational areas."

Last fall, former Interior Secretary Hickel spoke of the need for this new direction in national parks policy. He said:

> Our existing national parks are unique, strikingly beautiful, and absolutely necessary elements of our nationwide system. But they are mostly located in areas remote from the less affluent members of our society. Many of our people cannot get to the parks; therefore, we must get parks to the people.

Time is an important factor in this effort, and we do not have much time left.

The Cuyahoga River Valley lies in the center of one of the Nation's most populous and industrialized sections.

Some 4 million people, one-third of the entire population of the State of Ohio, already live within 30 miles of the valley region and the proposed park.

For 8 years prior to coming to this House, I was a member of the Tri-County Regional Planning Commission in northeastern Ohio. For 3 years, I was president of the commission. All the studies of the commission projected an enormous expansion of population and urban development in northwest Ohio for the remaining decades of this century. But, it has not been necessary to study projections to verify this. I could see the process with my own eyes, as each year thousands of acres of green space disappeared under the blades of the bulldozers.

Because its floor is a flood plain and its slopes are too steep for low cost development, the Cuyahoga Valley has been one of the few large land areas in the region to retain its rural character. In fact, this beautiful valley stands out as the only remaining large undeveloped and unurbanized land in the Cleveland-Akron metropolitan area. Fortunately, it is the most scenic land in the area. But, it is also on the threshold of becoming completely urbanized with industry and high density population unless action is taken quickly.

The Cuyahoga Valley, running in a north-south direction between Cleveland and Akron, is 30 miles long. The Cuyahoga River runs through the valley, and the old Ohio Canal parallels the river, extending down into the Tuscarawas River Valley.

Both valleys are rich in Indian history, and played a significant role in early Northwest Territory history. Between them lay the shortest portage point between the Great Lakes and the Ohio and Mississippi Valley. In fact, the Cuyahoga was so important to the Indians as a trading route that it was declared "sacred ground" to assure that it remain open, free from warfare, at all times.

The purpose of this bill is, in effect, to adopt the Indian's approach—to redeclare this land "sacred ground" to be spared for all time from becoming an "asphalt jungle" and to remain open as breathing space for the vast city-bound populations of middle America.

The old Ohio Canal connected the Great Lakes with the Ohio-Mississippi River system between 1830 and 1913, and, of course, played a very important role in the development of the Ohio Territory. A recent study prepared for the Ohio Department of Natural Resources recommends that sections of the Ohio Canal in Summit, Stark, and Tuscarawas Counties be developed as part of a recreational corridor.

The Cuyahoga Valley itself possesses a wealth of beautiful scenery, impressive landscapes, pastoral lands, deep wooded and picturesque ravines, streams and lakes and hills. Over four-fifths of the valley is steeply sloped, heavily wooded, rugged terrain.

The valley boasts a particularly wide variety of vegetation and wildlife, because it is, in a sense, a botanical crossroads—the meeting place for plant life of the East, West, North, and South.

The western edge of the Appalachian Plateau crosses the Cuyahoga River near the town of Independence, and turns south just west of the valley. This makes the Cuyahoga a dividing line between eastern mountain and western prairie botanical provides.

As one botanist has pointed out:

> Northeastern Ohio is one of the richest, if not the richest, natural history area on the North American continent.

The idea of preserving the Cuyahoga Valley is not new. In fact, it is the product of years of study and hard work on the part of many dedicated citizens.

In the mid-1960's, the Ohio State Department of Natural Resources commissioned a study of the Cuyahoga Valley to determine its potential for recreational uses and to develop a plan to realize this potential.

The study, completed in 1968, reached the "indisputable conclusion that the valley must be preserved as open space land."

Five major recommendations were made in the report:

First. Preserve the natural landscape of the entire valley and its tributary valleys and ravines.

Second. Provide for public benefit, leisure time recreational facilities for camping, hiking, horseback riding, fishing, nature study, and outdoor recreation.

Third. Take immediate action to arrest damaging effects of both water and air pollution.

Fourth. Establish extensions and additions to existing park lands to be owned and maintained by the agencies already operating in the valley; namely the Cleveland Metropolitan Park District and the Akron Metropolitan Park District.

Fifth. Restore and preserve, for public enjoyment, the rich historical features of the valley.

Following publication of the study, the Akron Metropolitan Park District and the Cleveland Metropolitan Park District joined in an effort to create a 20,000-acre park within the valley region.

Both park districts are to be commended for the superb job they have done, under extremely difficult financial conditions, in acquiring land. At present, 10,000 acres of land in the valley area are already owned by one of the two park districts or by quasi-public agencies such as scout camps.

But the pressures of development and the shortage of funds at the local and State level make immediate and substantial Federal assistance imperative if the area is going to be maintained in its present state.

It was recently estimated that the cost of acquiring title to or scenic restrictions on the remaining acreage to complete the project would be $22 million, although that estimate is already out of date due to continued inflation, pressures on land use, and the recent announcement that Akron would provide water for a portion of the area encompassed in the project.

Local park districts simply cannot come up with that kind of money. Property taxes in most communities are already way out of line, and additional pressures are being piled on this resource every day. The Akron and Cleveland Park Districts combined are able to squeeze out only about $300,000 a year for acquisition. At that rate—if prices remained constant—it would take 73 years to acquire the land.

Some help has come from the land and water conservation fund and the State of Ohio. The park districts have received a total of $210,000 in LAWCON funds, and have applications on file for an additional $812,000. In addition, the State of Ohio has appropriated $366,000 for land acquisition.

But clearly, there is no time for this kind of piecemeal approach.

Considerable public and private investment has already been made in the park area. The wonderful Blossom Music Festival—summer home of the famed Cleveland Symphony—is located in the park area. Numerous summer camps for children, golf courses, historic sites, parks, and the Boston Mills ski area are all included. If these investments are going to be protected and enhanced for the benefit of everyone, additional acquisitions must be made and they must be made promptly, while the land is still undeveloped.

The bill is designed so that this objective of preserving the land as scenic open space can be achieved with a minimum of interference with the rights of landowners to continue to use their land as they are now doing. It provides that the Secretary of Interior need not acquire all of the land in the park area by outright purchase. The Secretary may negotiate with the landowners for so-called "scenic easement" rights on their land. This is done by agreement between the landowner and the Government, under which the Government agrees to pay the owner for a binding covenant that the land will not be developed in the future in specific ways which would not be harmonious with the park plan.

By this means the landowner is able to continue to use his land as, for example, a farm or a family residence, and the open character of the land is preserved for the benefit of the public.

The bill also provides that even as to land that the Secretary may wish to acquire outright, the owner may retain, for a term of 25 years or for life, the right to continue to use and occupy the land in a manner harmonious with the purposes of the bill.

Finally, the bill would enable local governments in the park area to minimize the amount of real estate removed from their tax rolls by the proposed park. The Secretary of the Interior would be prohibited from acquiring by condemnation any land or rights therein so long as local zoning laws are in force which have been approved by the Secretary as insuring that the land will not be used in a manner incompatible with the character of the park.

The combined effect of this and the scenic easement and occupancy provisions of the bill is to make possible the maximum amount of open space at a minimal cost to the Federal Government and minimal loss of taxes to the local authorities.

Moreover, experience has shown that the effects of stabilizing the character of the land as open space and park land is to raise property values of surrounding land and thereby compensate for any loss in tax revenues that may result from the removal of park land from the tax rolls.

The plan of this bill will conserve valuable agricultural land around the urban fringe.

It will protect our flood plains and wildlife.

It will provide buffers between communities, to keep them from merging into one sprawling sea of subdivisions.

It will give children growing up in an urban environment the opportunity to play in the woods and discover the joy of being close to nature; and finally, it will give adults an essential reference point of sanity. "The touch of nature," someone once said, "is man's only reality. Too far removed from it, he spins in dizzy gyrations."

I am delighted to be a part of this effort today, and I am hopeful that the Congress will seriously consider our proposal in the near future.

Mr. VANIK. Mr. Speaker, today, Earth Day, 1971, I am introducing on behalf of a bipartisan group of Ohio and Midwestern Congressmen, legislation to create a network of national parks in northeastern and central Ohio.

The bill, sponsored by 20 Congressmen from Ohio, Michigan, West Virginia, and Pennsylvania, is entitled the "Ohio Canal and Cuyahoga Valley Recreation Development Act."

Designed to meet the President's goal of "putting parks where the people are," the bill will create a network of three separate but interrelated park and open space areas for the use of Ohioans and all persons traveling in the State.

The three parks can be summarized as follows:

First. A park along the Cuyahoga River and Old Ohio Canal stretching between Route 17 in southern Cuyahoga County and the northern city limits of Akron in Summit County.

This park will preserve some of the last remaining beautiful open land which lies between these two major Ohio cities. It is expected that portions of the canal will be restored and a regular "operating canal boat ride" can be provided for visitors.

The development of the beautiful wooded park is being coordinated with a major Army Corps of Engineers project currently underway to clean up the Cuyahoga River itself.

Second. Portions of the Cuyahoga River stretching upstream from the eastern city limits of Cuyahoga Falls to its headwaters in Geauga County would be designated as a recreational river under the provisions of the Wild and Scenic Rivers Act passed by Congress in 1968. Such designation means that such portions of the river shall be preserved in a free-flowing condition and "that it and its immediate environments shall be protected for the benefit and enjoyment of present and future generations."

Third. The right of way along the old Ohio Canal extending south of Akron through Summit, Stark, and into Tuscarawas Counties shall be preserved, new parks along the Tuscarawas River will be developed and an operating canal boat ride developed for the enjoyment of visitors.

The need to preserve green space in the populous northeast Ohio area is vital. The statement of findings and purposes attached to the beginning of the bill clearly states the desperate need for this park:

FINDINGS AND PURPOSES OF THE OHIO CANAL AND CUYAHOGA VALLEY RECREATION DEVELOPMENT ACT

Congress finds and declares that it is a policy of this Nation to "put parks where the people are" so that everyone has access to nearby recreational areas; that the Cuyahoga Valley is the last major un-urbanized and underdeveloped open land between Cleveland and Akron, Ohio, serving interstate travelers and four-million residents in adjoining Standard Metropolitan Statistical Areas; that the Cuyahoga Valley, south of Cleveland and north of Akron, is a large, green area of some 40,000 acres, of which over four-fifths is steeply sloped, heavily wooded, rugged terrain, located in the center of a rapidly spreading super-metropolis; that the Cuyahoga and Tuscarawas Valleys lie in an area which is rich in Indian history and artifacts and early Northwest Territory history as the shortest portage point between the Great Lakes and the Ohio and Mississippi Valleys, thus making the Cuyahoga River the "most important of the small rivers of America"; and that the Ohio Canal, which connected the Great Lakes with the Ohio-Mississippi River system between 1830 and 1913 ran through the Cuyahoga and Tuscarawas River Valleys where much of the canal is still intact with portions under reconstruction and preservation in Stark and Tuscarawas counties.

It is therefore the purpose of this Act to develop the Ohio Canal and Cuyahoga Valley for the recreational enjoyment of the American people in an area where there is a pressing and critical shortage of Federal and state recreation facilities.

Discussion of the proposed park has created a great deal of excitement, popular support and interest in the Northeastern Ohio area. The beauties of the potential park region are treasured by the people of the entire area. As one of my constituents wrote:

> Such fabulous colors and contours to the Riverview-Akron-Peninsula, Canal Road routes. They make a person feel alive and part of his land compared to the old Route 8, the sterile 271 and 77 (Interstates). The area is replete with Ohio history—the canals, salt-box homes, quarries, covered bridges, etc. Please help preserve it as is—maybe even better with the suggested cleaning up of the Cuyahoga!

The area is replete not only with Ohio history but with the history of American Indians and the growth of the American Republic. Mrs. Earl H. Anderson of University Heights in the 22d Congressional District wrote me in some detail about the history of the area. I would like to quote portions of her letter here to show the potential that this park holds in the minds of northeastern Ohioans:

> Mr. Vanik, I am particularly interested in the establishment and development of an American Indian Historical and Cultural Center for the Park. It seems a primary requisite. . . . A Center concentrating on the histories and cultures of the Indian Nations of Ohio and the Southeastern section of North America offers great possibilities.
>
> As the beginning, a small Center, like those the State of Ohio has at the Historic Mound sites, would have maps showing: the Mounds at Botzum and Boston; the sites of the Erie Nation camps on the bluffs of the Cuyahoga; the Mahoning Trail fording the Cuyahoga at Tinkers Creek . . . site of the French Trading Post and natural location for the Indian Center . . . with the camp of the Moravian Indians shown to be two miles SW across the river. The Muskegon Trail met and followed Route 21 paralleling the Cuyahoga.
>
> A more elaborate Cultural and Historical Center would have dioramas and/or life-size replicas of Indian dwellings and camps similar to the displays at the Natural History Building in Wahington.
>
> The Cuyahoga Valley has sheltered many nationalities over countless centuries. During the past 500 years, following the annihilation of the Erie nation, many displaced peoples lived in or near the valley; Shawnees, Delawares, Miamis, Ottawas, Hurons and Mohicans. The great Tecumseh was here with his twin brother, the Shawnee Prophet. Pontiac had a camp near Boston where lies his mother's grave.

"The Ohio Canals," a book written by Frank Wilcox in 1969 and printed by the Kent State University Press, puts together more of the history of the old canals and the northeastern Ohio region:

> THE HISTORICAL ROLE OF THE CUYAHOGA AND TUSCARAWAS RIVER VALLEYS AND THE DEVELOPMENT OF THE OHIO CANAL
>
> The Cuyahoga and Tuscarawas River Valleys are rich in historical lore, for they have long served as major north-south routes from the Great Lakes to the Mississippi Valley watershed. It was used as an Indian portage and trading route for centuries before the white man came. It was such an important trading route that the various tribes declared it a "sacred ground" and off-limits to war parties.
>
> As early as 1765, George Washington considered the feasibility and the potential impact of an all-water route from the Great Lakes to the Ohio River and beyond. And Thomas Jefferson, in his famous *Notes on the State of Virginia,* written to acquaint our French allies in the Revolutionary War with the natural resources of America, commented on the excellent portage route that the Cuyahoga River provided between the Great Lakes and the Ohio-Mississippi Valley. The Cuyahoga and Tuscarawas River Valleys constituted one of the strategic points of the new nation.
>
> The eventual canal route paralleled the Muskingum Indian Trail and had a tremendous impact on the development of the Ohio Territory. Originating at Lake Erie, the Muskingum followed the ridges along the Cuyahoga, Tuscarawas and Muskingum Rivers to reach the Ohio River. The same streams were parts of a major canoe route from the Great Lakes to the Mississippi, and many historical Indian remnants can still be found along the old trail route and canal.
>
> Construction of the Ohio and Erie canal began in Cleveland in 1825. In June of 1827, the thirty-six mile distance between Akron and Cleveland was completed, and by 1832, the entire 309 mile route to Portsmouth on the Ohio River had been finished. Contracts for canal construction were generally awarded in short sections of a mile or less, and were given to the farmer owning the adjacent land. The digging was done with mules and log plows, and by hand.
>
> Locks and spillways were constructed to control the canal water level, with several reservoirs needed to maintain the water level at the various summits along the canal route. These locks and spillways were made of large hand-hewn stones and white oak timbers, and were built by driving the timbers at the side of the excavation, and then facing them with the heavy stone. The lock bottoms were surfaced with white oak timbers to prevent erosion and washouts, and the lock gates were also made of the heavy white oak timbers. Aqueducts and culverts were also needed—aqueducts to carry the canal over each major stream, and culverts to carry lateral drainage under the canal.
>
> As the sections of the canal were constructed and completed, many towns and communities came into existence: Clinton, Canal Fulton, Massillon, Navarre, Bolivar and Dover. Other communities such as Boston Mills, Valley View and historic Peninsula, with its mid-19th century examples of architecture, retain their rural atmosphere. During the canal era, these cities were alive with warehouses and taverns. Massillon became known as the "Wheat City;" Dover was a center of commerce, where men were kept busy loading and unloading produce, building boats, managing warehouses and operating the equally busy taverns.
>
> The Ohio and Erie Canal continued to operate on an intensive level until about the time of the Civil War when the railroads began to take over. Because of its heavily wooded slopes, the valley was deserted as a travel route with the advent of the trai and the automobile. Floods in 1913 wiped ou large sections of the canals putting an en to their economic utility.

The bill is written in such a way as t assure that a maximum of open spac and green lands will be preserved wit a minimum of disruption to local communities and residents. So that the details of this important measure can b examined by all concerned with th development of the park, I would like t print the bill in the RECORD at thi point—less the section on findings an purpose, which has already been reprinted.

It is my hope that this legislation ca receive early, favorable action by th Congress. The people of Ohio, and th people of the adjoining populous States need this open space park land.

The bill follows:

A bill to provide for the establishment of th Ohio and Cuyahoga Valley National Historical Park and Recreation Area

Be it enacted by the Senate and House o Representatives of the United States o America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as th "Ohio Canal and Cuyahoga Valley Recreatio Development Act."

DEFINITIONS

SEC. 3. As used in this Act—

(1) "Park" means the Ohio Canal an Cuyahoga Valley National Historical Park, a provided in this Act.

(2) "canal" means the Ohio Canal, including its towpath.

(3) "recreation development" means th development of the park for scenic, educational, historic, and recreational purposes including but not limited to, walking, hiking, horseback riding, boating, bicycling swimming, picknicking, camping, fores management, fish and wildlife management fishing, water sports, and scenic and historic site preservation, including development and reconstruction of portions of th canal as a working canal with operatin canal boats.

(4) "Secretary" means the Secretary o the Interior.

(5) "State" means the State of Ohio.

(6) "local government" means any politica subdivision of the State, including but no limited to a county, city, village, township park district, school district, or other special district created pursuant to State law

(7) "person" means any individual, partnership, corporation, private nonprofit organization, or club.

(8) "landowner" means any person, loca government or State owning real property o interests in real property in, adjacent to or i the vicinity of the development area.

SEC. 4. (a) In order to preserve and interpret the historic and scenic features o the Canal and Cuyahoga Valley, and to enhance the potential of the area for Recreation Development, the Secretary is authorized and directed to establish, within thre years from the date of enactment of thi Act, the Ohio Canal and Cuyahoga Valle National Historical Park, in the State o Ohio. The Secretary shall establish the par area by publication of a notice to that effect in the Federal Register at such time a he determines that lands, waters, and interests therein sufficient to constitute an efficiently administrable park area have bee acquired for administration in accordanc with the purposes of this Act. The Par shall be located within the eastern and western rims of the Cuyahoga Valley, north o the city limits of Akron, Ohio, in Summi

County, and south of State Route 17 in Cuyahoga County, and the right of way of the Canal extending south from the northern city limits of Akron through Summit, Stark, and Tuscarawas counties to the southern border of Tuscarawas county, all of which area shall hereinafter be referred to as the "Development Area".

In general, the Park shall include the land area located (1) within the "acquisition line" and the "easement line" generally depicted on the topographical map in "The Cuyahoga Valley of Ohio—A Recreational Feasibility Study" (in the appendix on plates F-a through F-e) prepared by the Department of Natural Resources of the State of Ohio and delivered to the Secretary in 1968, *and (2) within the "parkway corridor" "scenic easement" and "proposed parks" generally depicted on the aerial maps in "The Tuscarawas River and Ohio and Erie Canal Recreation and Development Study" (in index maps A through L) prepared for the Department of Natural Resources of the State of Ohio in June of 1970, both* of which shall be on file and available for public inspection in the offices of the National Park Service of the Department of the Interior, and, in addition to those portions of the Canal within the "acquisition line," "the easement line," *the "parkway corridor," "scenic easement" and "proposed parks,"* those portions of the Canal within the Development Area but outside said lines and areas as the Secretary shall place in categories I and II pursuant to section 5 of this Act. The Secretary is empowered to change the boundaries of the Park from time to time within the Development Area.

SEC. 5. (a) As soon as practicable, but not later than one year after the effective date of this Act, the Secretary, after notice and a public hearing held in the State, shall publish in the Federal Register a map or other description of the Development Area, designating all parcels of real property therein one of the following categories:

Category I, public ownership areas.

Category II, environmental conservation areas.

Category III, private use and development areas.

(b) The Secretary may, from time to time, alter or amend the map or other description referred to in subsection (a), but no such alteration or amendment shall take effect until notice and a public hearing is held in the State, and such alteration or amendment is published in the Federal Register.

(c) In the case of real property placed in Category I, the Secretary may acquire any interest therein, including fee simple title thereto.

(d) In the case of real property placed in Category II, the Secretary may acquire interests less than fee simple title to prevent future development which would be inharmonious with the character of the Park. Nothing contained in this subsection shall prevent the Secretary from acquiring, without the consent of the owner, the fee simple title in real property in Category II whenever in the Secretary's judgment the estimated cost of acquiring the lesser interest would be a substantial percentage of the estimated cost of acquiring the fee simple title.

(e) In the case of real property placed in Category III, the Secretary shall have no authority to acquire any interest, unless such property is placed in another category in accordance with subsection (b).

(f) The Secretary shall notify landowners of real property in categories II and III of the restrictions on use and development of such property under which such property can be retained by the landowner in a manner compatible with the purpose for which the Park was established.

SEC. 6. Nothing in this Act shall prohibit the State or any local government from taxing any interest of an landowner in any real property.

SEC. 7. The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, by condemnation, or by exchange, real property and interests therein for the purposes of this Act. When a tract of land is only partly within the Park, the Secretary may acquire the entire tract to avoid the payment of severance costs. Real property so acquired outside the Park may be included within the Park or exchanged by the Secretary for non-federal real property within the Park, and any portion of the real property not utilized for such exchanges may be disposed of in accordance with the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377) as amended (40 U.S.C. 471 et seq.).

(b) In exercising his authority to acquire property under this Act, the Secretary shall give immediate and careful consideration to any offer made by an individual owning property within the Park to sell such property to the Secretary. An individual owning property within the Park may notify the Secretary that the continued ownership by such individual of that property would result in hardship to him, and the Secretary shall immediately consider such evidence and shall within one year following the submission of such notice, subject to the availability of funds, purchase such property offered for a price which does not exceed its fair market value.

(c) No real property or interests therein, owned by the State or any local government, may be acquired under this Act by condemnation. Notwithstanding any other provision of law, any property owned by the United States and located within the Development Area may, with the concurrence of the head of the Federal agency, department or instrumentality having custody thereof, be transferred without consideration to the Secretary for use by him in carrying out the provisions of this Act.

SEC. 8. (a) The Secretary shall, at the request of any local government in or adjacent to the Park, assist and consult with the appropriate officers and employees of such local government in establishing zoning laws or ordinances for the purpose of this Act. Such assistance may include payments to the local government for technical aid.

(b) No real property within the Development Area shall be acquired by the Secretary by condemnation so long as the local government having jurisdiction over such property has in force and applicable thereto a duly adopted, valid zoning law or ordinance approved by the Secretary in accordance with subsection (d) of this section and the use of such property is in compliance therewith.

(c) If the Secretary determines that any such property referred to in subsection (b) of this section covered by any such law or ordinance is being used in a way which is not in substantial compliance with such law or ordinance, he shall so notify the owner of any such property and the local government. In any case in which such use is not discontinued within sixty days after the date of such notification, the Secretary may acquire such property by condemnation.

(d) Any zoning law, ordinance or amendment thereto submitted to the Secretary for approval for the purposes of this Act shall be approved by him if such law, ordinance or amendment contains provisions which—

(1) have the effect of prohibiting the commercial and industrial use (other than a use for commercial farms and orchards) of all real property within the boundaries of the Park within the jurisdiction of the local government adopting such law, ordinance or amendment;

(2) are consistent with the objectives and purposes of this Act so that, to the extent possible under State law, the scenic and historic values of the park will be protected;

(3) aid in preserving the character of the Park by appropriate restrictions, including but not limited to restrictions upon building, signs and billboards, the burning of cover, cutting of timber (except tracts managed for sustained yield), removal of topsoil, sand or gravel, dumping, storage, or piling of refuse, and other uses which would detract from the aesthetic character of the Park; and

(4) have the effect of providing that the Secretary shall receive notice of any variance granted under, and of any exception made to the application of such law or ordinance.

SEC. 9. The Secretary shall take into account comprehensive regional or State development, land use, or recreational plans affecting or relating to the Development Area, and shall, wherever practicable, consistent with the purposes of this Act, exercise the authority granted by this Act in a manner which he finds will not conflict with such regional or State plans.

SEC. 10. Any landowner of real property situated within the Park may, as a condition of such acquisition by the Secretary, retain, for a term not to exceed twenty-five years, or for a term ending at the death of such owner or owners, the right of use and occupancy of such property for any residential or other purpose not incompatible with the purposes of this Act. The Secretary shall pay to the owner the value of the property on the date of such acquisition, less the value on such date of the right retained by the owner. Where any such owner retains the right of use and occupancy as provided in this section, such right may be conveyed or leased.

ADVISORY COMMISSION

SEC. 11. (a) There is hereby established an Ohio Canal and Cuyahoga Valley National Park Commission (hereafter in this section referred to as the "Commission").

(b) The Commission shall be composed of 13 members appointed by the Secretary for terms of five years, as follows:

(1) Two members to be appointed from recommendations submitted by the Board of Park Commissioners of the Akron Metropolitan Park District;

(2) Two members to be appointed from recommendations submitted by the Board of Park Commissioners of the Cleveland Metropolitan Park District;

(3) Two members to be appointed from recommendations submitted by the Board of Park Commissioners of the Stark Metropolitan Park District;

(4) Four members to be appointed from recommendations submitted by the Governor of the State;

(5) Three members to be appointed by the Secretary, one of whom shall represent the general public, one of whom shall be a member of a regularly constituted conservation organization, and one of whom shall be a member of a regularly constituted historical society.

(6) The Secretary shall designate one member of the Commission as Chairman of the Commission.

(c) Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) Members of the Commission shall serve without compensation as such, but the Secretary is authorized to reimburse the members for expenses reasonably incurred by the Commission and its members in carrying out their responsibilities under this Act.

(e) The Secretary, or his designee, shall from time to time but at least semi-annually, meet and consult with the Commission on matters related to the administration and development of the Park.

(f) The Commission shall act and advise

by affirmative vote of a majority of the members thereof.

Sec. 12. The Ohio Canal and Cuyahoga Valley National Historical Park shall be administered by the Secretary in accordance with the Act of August 26, 1916 (30 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented.

Sec. 13. There is authorized to be appropriated to carry out this Act, sums not to exceed $40 million for real property acquisition and development.

Sec. 14. Portions of the Cuyahoga River stretching upstream from the eastern city limits of Cuyahoga Falls, Ohio, to its headwaters in Geauga County, Ohio, is hereby designated as the National Recreation River for purposes of the Wild and Scenic Rivers Act (82 Stat. 906; 16 U.S.C., 1271–1287).

JUSTICE—A REPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 15 minutes.

Mr. GONZALEZ. Mr. Speaker, a crime was committed on March 30, 1969. Those adjudged guilty of the crime surrendered to begin serving their Federal sentences on March 29, 1971—just 1 day short of 2 years after their criminal act. Crimes are committed every day, and men begin to serve sentences every day, but this crime involved a key political appointee of the Government, a Government loan, and the privileges and immunities of the House itself. All that being so, I believe that I have the duty to give the House a final report on the case, more particularly since I first brought the crime to public attention, and addressed the House on many occasions to demand that the Government appointee involved be suspended from his position until an investigation could be had. Curiously, the man stayed on his job until the Justice Department decided to turn the matter over to a grand jury and seek an indictment; it may be said of his superior, the former head of the Small Business Administration, that he exhibited more loyalty to his friend than he did judgment.

Emmanuel Salaiz was a small businessman. He had energy, determination, and skill, but no money. He hoped that he could make his business grow, but he needed help. As it was, he made ornamental hardware in his little garage, sold it as best as he could, and hoped for a break.

Albert Fuentes was an ambitious man, who lived mostly by his wits. He had at one time worked at a patronage job for a local county commissioner, and had been the head of a small political organization known for its noise, but not for its clout. He then set up a political consulting firm, and decided that chances for him were better as a Republican—he had not been successful as a patronage employee, or consultant, or as a hopeful for the Democratic nomination to be Lieutenant Governor of Texas. So Albert Fuentes became a Republican, made the acquaintance of an El Paso man named Hilary Sandoval—who later became Administrator of the Small Business Administration—and worked in the Nelson Rockefeller campaign. He made enough of a name for himself, or was thought by the Republicans to be useful enough—that he was asked to lead the Pledge of Allegiance at the opening session of the 1968 Republican National Convention. With the election of Richard Nixon, Hilary Sandoval was named to replace Howard Samuels as head of the Small Business Administration, and he brought Albert Fuentes along to Washington to be his special assistant.

Edward Montez also had his ambitions, and tried to live by his wits, but had not the ability of Fuentes. Montez worked at various jobs, but the first good job he ever had was when I named him to be a part-time employee in my San Antonio District office, mostly to help him with grocery money at $250 a month. Montez, like Fuentes, liked to dabble in politics and for a while served as a school board member in one of the local school districts. However, he seemed unable to resist the temptation to easy money. Not many months after I became a Member of Congress, and was appointed to be a member of the Committee on Banking and Currency, I received an attractive offer to buy—or have given to me—a block of bank stock. Since I could not see how I could be a bank stockholder and member of the Committee on Banking and Currency at the same time, I turned the offer down. But a similar offer was made to Montez, while in my part-time employment and he accepted. When I learned of this, I immediately dismissed Montez. After that he tried his hand at various ventures, never with much success, and ended up working as a salesman for a maker of prison equipment. In the meanwhile, he maintained a friendship with Albert Fuentes.

The hard working businessman, Emmanuel Salaiz, tried for many months to obtain a loan through the Small Business Administration. For one reason or another, he met with discouragement and delay. But finally, in February 1969, he received approval for a $10,000 loan—he thought because Edward Montez had intervened with his friend Fuentes, who was supposed to have influence with the Small Business Administration.

By this time, Nixon had been elected, Hilary Sandoval appointed to be Administrator of the SBA, and Albert Fuentes had been appointed by his erstwhile political road companion Sandoval to become his Special Assistant.

Salaiz was now certain that his long wait for help from the Small Business Administration was over—his advisers Fuentes and Montez assured him of it. In fact, they told him not to accept the $10,000 loan that had been approved for him—his business had more potential, they said, and maybe he could swing a bigger loan, if he would give them time to work on it.

On the last day of February 1969, Albert Fuentes registered two business names with the Bexar County clerk—as is required by Texas law. These firms were called Area Research and Planning Service and Governmental Affairs and Management Consultants. They were given the address of a law firm, an address that Fuentes often used for business purposes. Three days later, Fuentes left San Antonio to take up his new duties as Special Assistant to the Administrator, Small Business Administration. It was at about this time tha Fuentez and Montez advised the anxiou businessman Salaiz to be patient, tha his chances of getting a bigger loan tha he had received were very good indeed

One of the first things that the newl appointed Special Assistant did when h arrived in Washington was to reques the SBA's Assistant Administrator, W J. Garvin, to come up with a study o the prospects of E. & S. Sales Co., an how it might best be helped through a SBA loan. A few days later, Fuentes received a memorandum indicating tha this company had good prospects, if i got good management and could obtai a loan for expanded facilities and working capital. Garvin said that a loan of a much as $100,000 would be needed t make the firm capable of sales of a million dollars a year, but that in the alternative, the company might do ver nicely on a loan of perhaps $50,000 o $60,000. As it happened, E. & S. Sales wa the same firm that Fuentes and Monte had been so interested in back in Sa Antonio, and was owned by Emmanue Salaiz, whom they had advised not t take the loan that he had negotiate with SBA—but which he thought he ha received only through the interventio of Fuentes and Montez.

Within 10 days of the Garvin report Fuentes was back in San Antonio, an while there, he arranged a meeting wit Salaiz and Montez, and an attorney an others. The meeting was at the attorney's office, the same address tha Fuentes used for his new consultin firms. The date was March 30, Palm Sunday.

Fuentes outlined the Garvin repor to Salaiz, and gave him a copy of i Montez told the anxious businessma "This is where friendship ends. This is business meeting." Then Montez told th astonished Salaiz that he could get loan, a very large loan, from the SBA i he would incorporate the business an turn 49 percent of it over to himself an Fuentes.

Fuentes said that he did not intend t be in Government forever, and that h wanted a little something to fall back o when he left public service. At that tim he had been Special Assistant only for matter of a few weeks. Clearly, he ha big plans.

But Salaiz did not want to give u half his hard-won business, small an struggling though it was; after all, i was his creation, it was his artistry, i was his idea, and it was his enterprise He asked if he could bring in his ow attorney, was told no, that Fuentes an Montez had a man on retainer. Bu Salaiz asked for some time to think i over, and left the meeting. Fuentes an Montez left San Antonio that night t return to Washington, Montez, who ha a coach class ticket, moved into th first-class section to be with his frien Fuentes; it was a small thing, but typical of Montez' eye for a quick gain a little or no cost—he would always g out of his way to get a little more for little less.

Salaiz, who was determined not to giv in to the demands of Fuentes and Mon tez, went to his attorney. The attorney heard him out, thought about it, and then recommended that Salaiz go see the chairman of the local SBA advisory council, who was another attorney. Salaiz and his attorney were not sure of their ground, and wanted more advice before they acted.

The SBA advisory chairman heard the story a few days later—April 18, 1969. He immediately advised Salaiz to report the whole thing to the FBI office, because he was certain that the Fuentes-Montez proposition was illegal.

Salaiz went to the FBI on April 22 and made a statement. Two days later, he gave a similar affidavit to a notary public. When I learned of this, and investigated to determine whether there was an investigation underway, I decided to make public my knowledge of the case. I had not talked with Salaiz or any other principal in the case, and have not done so to this day. But as a member of the Committee on Banking and Currency, which has jurisdiction over SBA, and having knowledge of this situation, I felt it was my duty to contact the Administrator, advise him of the situation, and request that he suspend Fuentes pending a full investigation. Moreover, since I knew about the matter and did not want to risk the possibility of any other businessman being told that he could get loans through influence—I had no choice but to make a public statement about the whole thing and demand action.

Being charged with knowledge of this racket, I had the clear duty to warn the public about it while at the same time demanding action to stop it. So on April 25, I held a press conference to reveal what I knew, and at the same time to demand Fuentes' suspension.

For reasons best known to himself, the then-SBA Administrator decided not to suspend Fuentes. Instead he asked for a private meeting with me, and initiated a request for an FBI meeting. For the next several weeks, I advised the House of events as they developed, until finally the Justice Department advised the SBA Administrator that it was going to seek an indictment against his special assistant Fuentes; at about that same time, Fuentes was in San Antonio calling me "an unmitigated liar." Knowing that Fuentes was about to be called before a grand jury, the SBA Administrator fired Fuentes, saying that his actions in San Antonio were against express instructions to stay out of the Southwest.

The grand jury indicted both Fuentes and Montez for conspiracy, and the matter came to trial in November 1969.

As I have said, both Fuentes and Montez liked politics. Fuentes had been a political appointee, one of the highest ranking Mexican-Americans in the Nixon administration. Montez had for a short time been an employee of mine, many years earlier. This background gave the case political implications, and the defense attorneys decided to put me on trial rather than the defendants. They moved to have me called as a witness, although I had not been a party to the transaction, nor have any direct knowledge of it. Along with me, the defense demanded appearances from a long list of persons, all of whom were in one way or another political figures; this was to be a political trial.

The House was in session at that time, and I believed that my duty was to be here. Moreover, I had not been a witness to the criminal transaction, nor had I ever talked to the witnesses about it. There was no reason for me to appear, and I had duties to attend to elsewhere.

But the court ordered me to appear, and I referred the question to the House, since it involved the privileges and immunities of the House. The House took no action on the order of the court, so I remained here and carried out my duties.

May I say here that the privilege of the House is not lightly to be taken, nor lightly to be abused. Were it not for the wisdom of the House, any one of us could be summoned at any time to be used by some defendant's attorney who was attempting to save his client by seizing the opportunity to make him appear as a political martyr. The privileges and immunities of the House prevent us from being used in this way, prevented me from being used in this way, and I say that this is a wise thing. For if we lacked this privilege and immunity, the whole House would be subject to capricious legal actions, and the entire legislative process would thus be endangered. This case is a perfect example of the wisdom of providing the privilege and immunity, and of defending it; and that is the principal reason that I present it in such detail.

In the course of events, the jury found Fuentes and Montez guilty of conspiracy. The judge sentenced them each to two 5-year terms, one on each count, the terms to run concurrently.

Although the case tried involved only one attempt at a shakedown of an SBA loan applicant, others were reported to me; evidently the defendants had ambitions to participate in more than one business venture, by virtue of the influence held by Fuentes, and the peddling abilities of Montez, who made the contacts with businessmen and represented himself as a man with access to influential people.

The defendants appealed, and the fifth circuit denied their application. Finally, this year, the Supreme Court refused to hear the case.

March 29 last, just 1 day short of 2 years since the fateful meeting with the troubled and anxious businessman, whom they tried to shake down for half his business in exchange for a Government loan, Fuentes and Montez surrendered themselves to begin serving their sentences.

In the intervening 2 years, the defendants worked at their appeals, and Emmanuel Salaiz continued to attempt to make his business a success.

One of the defendants, Montez, became much embittered, and believed that I was responsible for his downfall and conviction. But he is only unable to admit his fault and guilt. It was he, not I, who made himself part of the case. He publicly confessed to his part in the conspiracy within hours of my original charges against Fuentes, and claimed full responsibility. Montez could never see that he had done anything illegal, and could somehow never believe that it was his own press conference confession that irrevocably bound him to the conspiracy; he could never believe either that he had done anything wrong, nor that his admission of lying to the grand jury impaired his credibility at trial.

So this defendant, in the 2 years between the deed, the trial, and his incarceration, would often say to his friends that he had never done anything wrong—that it was Henry Gonzalez who was at fault, and that he would get even with me some way, someday. He left freedom snarling, and I can only suppose he still curses me. But he knows, though he will not confess it to himself, that I did not mention his name before he injected himself into the case via a Saturday press conference, with a full confession; nor can he admit to himself that it was his deeds and his words that propelled him into trial and confession. I was neither prosecutor, judge, nor witness—yet this man blames his troubles on me.

This curious moral obtuseness is also reflected by one of the defense attorneys, a man by the name of Ruben Montemayor, who stated to the press just before the convicted pair were removed to the penitentiary:

> Henry Gonzalez will have this on his conscience the rest of his life.

Yet the unsuccessful defense attorney has not offered to return his clients' fees, nor give up the Cadillac that he took from one of them in partial satisfaction of those fees.

Justice has been served.

FRANK JAMES WAS QUIET AND STUDIOUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. RANDALL), is recognized for 30 minutes.

Mr. RANDALL. Mr. Speaker, it is a privilege to make these remarks concerning an honor recently bestowed upon one of our constituents, Elizabeth Rogers Jones, of Independence, Mo. She is a longtime friend for whom I have the highest regard. All Missourians share my appreciation for her literary efforts.

Mrs. Jones' parents, grandparents, and even some of her great-grandparents lived their lives in eastern Jackson County, Mo. Not only is Betty Jones an historian in her own right, but her family, because of its deep roots in west-central Missouri has been a part of that history about which she so frequently writes.

It has recently come to my attention that she is the winner of the Missouri Press Women's writing contest. It should be remembered that the Missouri Press Women are affiliated with the National Press Women, Inc.

In a recent letter from the contest chairman, Jane Byrd, Mrs. Jones was advised that she had placed second among the authors of feature stories in newspapers of 100,000 or more circulation. There will be a presentation of awards in May of this year at the spring meeting of the Missouri Press Women in Columbia. For those of my colleagues who may not be fully advised, Columbia, Mo., is the home of the University of Missouri and the seat of its world famous University of Missouri School of Journalism.

Mrs. Jones deserves the warmest congratulations from her fellow members of the Missouri Press Women and the members of the National Federation of Press Women.

The winning feature story is centered around the life of Frank James, brother of the quick-tempered Jesse James and one of the associates of the Youngers who were participants in a kind of guerrilla warfare which was waged in western Missouri during the year of the War Between the States. These guerrillas were pro-Confederate and, famous or infamous, were known as Bushwhackers.

Betty Jones, in my opinion, does a scholarly job of describing Frank James as a kind of bookworm who could recite from memory passages from Shakespeare. We must remember that this same man who carried books in his saddlebag was a man who had the capability at the same time to disrupt the enemy's communications and to capture Union supplies. This same Frank James, who could quote from Macbeth was a man who served as one of Capt. Charles Quantrill's own guerrilla recruits. Every one of these men all under 25 years old were dead shots and mounted on splendid fast horses.

The winning feature story is so well written, so interesting and so informative that when it came to my attention I thought it should be shared with my colleagues in the House and to become a part of the Congressional Record in order that it would be preserved in our archives.

It is my privilege now to read for the Record the winning feature story as it appeared in the Kansas City Times, a newspaper in Kansas City, Mo. It follows:

[From the Kansas City Times, December 8, 1970]

Frank James Was Quiet and Studious

(By Elizabeth R. Jones)

Baird Liggett of Blue Springs, 80 years old and active, remembers seeing Frank James, the Shakespeare-quoting bandit, at a picnic and reunion on the Judge S. L. Luttrell farm back in the 1890s when he was ten years old.

"The clearing had been cut between a grove of large oaks," he said, "and a platform built for the town fathers, leading citizens and Confederate veterans to sit on. They were waiting for the festivities to begin when Frank James slipped up on the platform and poured water into a glass for the speaker, a close friend of his. It was a hot day in August."

As Baird Liggett talked, these men, famous or infamous, rode across the pages of Eastern Jackson County history once again.

"I remember the day well," Liggett went on. "Frank James was a medium-sized, thin, handsome and slightly stooped man and well dressed. Being just a kid, I was afraid of him. He had a large head with a more prominent high forehead than most people. To me it seemed to slope back."

BOOKWORM

All his life Frank was quiet and studious, not quick-tempered like his brother Jesse. He had a scanty education but was a "bookworm" and carried in his saddle bags his favorite books. No matter where he was, in a Rebel camp, a well-supplied, hidden Bushwhackers cave or in a pro-Southern friend's home he studied the classics and read Ingersoll.

Capt. Harrison Trowe, in his history "Guerrilla Warfare in the Missouri and Kansas Border, 1861 to 1865," relates that Frank could recite by memory almost all of Shakespeare's "Richard the Second"—his favorite.

"You see how I know about the Jameses and the Bushwhackers," Liggett explained my great uncles, James and John Little, were Bushwhackers and rode with the James boys, Cole Younger and Quantrill. They married my grandfather's sisters, the Liggett girls, and I learned from them the daring exploits of the pro-Confederate armed resistance to the Union troops stationed in Missouri, and Kansas Jayhawker's raids across the border.

Because of the strong feelings of Southern sympathizers against what they called the "hated abolitionist" in Kansas the entire state of Missouri was almost thrown into anarchy.

The border warfare began in earnest in 1861. Capt. Charles Quantrill and his young guerrilla recruits (all under 25) were dead shots and were mounted on splendid horses. They began to retaliate against the tactics of the Union Kansas leaders—Montgomery, Lane, and Jennson—partly for protection and partly for revenge.

Frank James fought under the black flag of Quantrill and under the Rebel flag of Gen. Jo Shelby.

Some Bushwhackers were spies for the Confederacy. Others were farmers who fought for the South between planting and harvesting time and protected and fed their comrades.

As an armed force, not more than 250 at a time, the Bushwhackers hid behind patches of hazel bushes, thick undergrowth and culverts along the roadsides where unsuspecting Union cavalrymen and marching soldiers traveled. They harassed and disrupted the enemies' communications, looting and capturing Union supplies and then disappeared like vapor on their fast horses into the tall, heavy timber nearby.

At the beginning of the Civil War, Frank "joined up" with Gen. Sterling Price's Confederate army. He was 18 years old. The Jameses owned no slaves but were hot-headed Kentucky secessionists, especially Zerelda James Samuels, the James boys' mother.

In the battle of Wilson creek in South Missouri, Frank had his first encounter with the enemy. He was captured and brought back and imprisoned in the Liberty jail. Due to the pleading of his mother and promises from Frank never to take up arms again against the federal government, he was released. He had had enough of organized fighting. He didn't like it and soon afterward in 1862 joined Quantrill.

In June 1863, a squad of Union soldiers dismounted at the James' home at Kearney, Mo., and demanded that his stepfather, Dr. Reuben Samuels, tell them where Frank was hiding.

The doctor refused to give them the information they came for. In a rage they attempted to hang him. But his wife cut the rope just in time to save his life. As the Unionists were leaving the place, they came upon Jesse, 15, plowing corn. They dismounted again and began to question him about his older brother. Jesse gave them only contemptuous answers. The soldiers beat him with a rope until his back was a bloody mass of welts. That day Jesse made up his mind to join his brother Frank and fight with Quantrill.

JUST A COWARD

"Frank James had a score to finish with the Federals, and so did Jimmy Little after his brother Johnny was killed by them," Liggett went on. "It chilled my blood to see Frank at close range. I guess I'm just a coward," he laughed. "My Bushwhacking relatives used up all the bravery in the family. Grandpa Liggett came from Illinois and bought a 600-acre farm near here. He protected his brothers-in-law, partly out of fear and partly because he liked them, and after the war he got into politics and was elected county marshal.

"My Great-Uncle Jimmy said to me, 'Son, never tell about us as long as I live,' and I never did. He was so resentful over the death of Johnny that he killed easy after that. One day in a skirmish with the Union soldiers near Heifner railroad crossing, Uncle Jimmy shot a federal cavalryman off his horse. He called back to the Rebs who were following on fast horses, 'Shoot him again!' They thought the soldier was already dead and did not shoot. In the fury of the battle the soldier escaped and crawled to safety. Jimmy shouted, 'I'll never take another prisoner!' and he lived to prove it."

Liggett continued: "The code of the Bushwhackers was if their enemy was killed in battle his possessions belonged to them, and they expected the same treatment.

"One day a band of Bushwhackers and Jimmy Little came upon a lone federal cavalryman watering his horse in the middle of the creek. 'Let him alone, Jimmy,' his companions said, 'we want to ask him some questions and find out where the feds are hiding.' But the only question Little asked was 'How much do you want for your horse?'

"The federalist shouted, 'You'll have to take him over my dead body!' The reply made Jimmy mad and he shot the soldier right above the ear, with one shot. Lifeless, he toppled into the shallow water.

"After the war, Jimmy Little went to Kentucky and his family never heard from him again.

"Jim Hopkins'—another Bushwhacker in these parts—aunt told me many times this story," Liggett said. "The woods were full of Bushwhackers and many were farmers. Hopkins' little daughter, Nancy, about 12 years old, was walking home along the road near East Fork creek one day when she recognized Frank and Jesse James riding their magnificent horses toward her. Panic-stricken, she tried to escape unnoticed by cautiously working her way up the side of the bank. The two riders, seeing her, stopped their horses. Jesse asked, 'Who is the little girl?' Frank replied, 'Why that's Nancy, Jim Hopkins' little girl.' Then Jesse said, 'Little girl, come down and don't be afraid of us. This road belongs to you as well as anyone else.'

Liggett bent over in his chair and laughed and rubbed his forehead in a familiar gesture. Ruth, his wife, for over 50 years, sat nearby and smiled at him, listening attentively.

"I tell you if you can't laugh at things, life isn't worth livin'," he said.

Mrs. Liggett smiled in agreement. Both look unusually young for their age and have a delightful sense of humor.

COLE YOUNGER

"I also saw Cole Younger, on Maple avenue in Independence when I was 12 years old," Liggett said. "He and Frank were good friends but not with Jesse."

At the Northfield, Minn., bank robbery, 1876, by the Younger-James band, all the bandits were killed or captured except Frank and Jesse.

A quarrel ensued between Cole and Jesse when he wanted Cole to leave his brother Bob who was badly wounded. Cole refused and he and his brothers were captured and Cole served 25 years in the state penitentiary.

"Cole as well as Frank during Bushwhacking days had their horses trained to take their rider into battle from a walk to a full run with both reins held in the teeth, a gun in each hand, cocked and ready to fire. It was a 2-gun business to be a Bushwhacker. It was also an unwritten Bushwhacker law to respect each other's guns," Liggett emphasized.

The bank robbery at Northfield, Minn., spelled doom for the Jameses and Youngers.

Frank was tired of running and wanted a peaceful life with his beloved wife, Annie, and son, Robert.

After Jesse was murdered by Bob Ford, 1882, Frank was afraid he would be ambushed for the $10,000 reward hanging over his head.

Frank James surrendered to Gov. Thomas Crittenden in Jefferson City on October 5, 1883. He presented his two six-shooters to the governor and said, "You're the first man to touch my guns. My life is in your hands."

Frank was acquitted on February 21, 1885.

In September, 1897, he went to the battlefield at Centralia, Mo., to pay homage to his dead comrades. A reporter from the Herald newspaper was there asking him questions about his Bushwhacking days. He quoted from Macbeth, "Never shake thy gory locks at me; thou canst say I did it."

WARMED-UP NEW DEAL PANACEAS WILL NOT HELP THE ECONOMY

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. ANDERSON) is recognized for 30 minutes.

Mr. ANDERSON of Illinois. Mr. Speaker, in a recent statement, the Democratic leadership of the House charged that there is little prospect for recovery "as long as we continue to follow the do-nothing policies" of the administration. Rather than acquiesce in the "grim dimensions of the real human tragedy and waste" allegedly stemming from the current economic downturn, the Speaker announced that—

> Congress is prepared to act . . . (to fill) the void left by the inactivity of the Nixon Administration.

These actions were to include immediate approval of the $2-billion public works bill and a $1-billion public service employment measure, new legislation to raise the minimum wage to $2 per hour, federalization of welfare costs, the establishment of an Urban Development Bank, and the unfreezing of nearly $12 billion in appropriations for the current fiscal year. Together, it was promised, these measures hold out the "hope that the initiatives we take in the months ahead will restore our economy to its full potential."

This is an ambitious package of programs, to be sure, but just how much will it really contribute to the promise of restoring the economy to full employment? Is it possible that the economy has undergone such extensive and profound changes in recent years that these essentially New Deal pump-priming, wage-propping, job-creating programs no longer promise to be fully effective in helping to revive a sluggish economy? Are they based on an oversimplified and outmoded understanding of the unemployment-inflation problem?

I think the answer to these questions is "Yes." In my view, there is strong reason to believe that policies which focus too exclusively on the single factor of aggregate demand, as do the alternatives offered by the Democratic leadership, may not only prove to be ineffective remedies but may even compound the problem. This follows, in part, from the fact that steady shifts in the structure of the labor market mean that current overall unemployment rates are not strictly comparable with similar figures from earlier periods.

To be concrete, the current figure of 6 percent unemployment indicates the total number of workers out of jobs, but it tells nothing about the distribution of these unemployed workers nor about their status in the labor force. Yet, the distribution and status of unemployed workers is probably just as important in the determination of appropriate fiscal policy as is the overall rate. The fact is there has been a significant change in these factors in recent years, and these changes may well tend to lessen the effectiveness of the traditional pump-priming solution to unemployment.

Consider first the changing composition of the labor force, specifically the increasing proportion of female and teenage workers. Between 1951 and 1970, the proportion of female workers in the labor force increased nearly 30 percent. During the same period, the portion of young males and females increased substantially, while the share of prime-age male workers dropped from 55 to 48 percent of the labor force. Since they tend to be concentrated in the more marginal sectors of the economy, temporary unemployment among these new workers does not have the same significance for the economy in loss of production, man-hours, and dollar value as does idleness of prime-age male workers in the economic mainstream.

And the fact is, unemployment tends to be disproportionately concentrated among these new workers, especially young male and female workers. In 1956, 31 percent of all unemployed workers were under 25; by 1969 the percentage was fully 50 percent. This shift can further be demonstrated by the following comparisons: In November of 1970, the seasonally adjusted annual unemployment rate was about 5.8 percent, approximately the same rate that prevailed in 1949, two decades earlier. Yet in 1949, the unemployment rate for workers under 20 was 13.4 percent while in November of 1970 the rate was 17.5 percent for the same group. This is an increase of 31 percent. By the same token, the rate for men 20 and older in 1949 was 5.4 percent but only 4.2 percent in 1970. This means that at a constant overall unemployment rate, the rate for prime-age male workers was over 22 percent lower. Finally, while the ratio of unemployed male workers under 20 to those in the prime-age group stood at 3.9 in 1951, it had increased dramatically to 6.8 by 1969.

The conclusion to be drawn from this, I believe, is that the overall unemployment rate is not as good a measure as it once may have been of tightness or slack in the economy. For any given level of total unemployment, the real rate for mainstream workers is considerably lower because the overall rate is pushed upward by chronic, rising unemployment among marginal workers. This is why the classic pump-priming approach, or the deliberate unleashing of a burst of aggregate demand may not be the most effective way to bring down the overall unemployment rate. Considerably before the economy has been stimulated enough to bring down the unemployment rates to more acceptable levels among young workers, the mainstream labor market will likely have become so tight as to touch off strong inflationary pressures. Thus, it is clear that we cannot spend ourselves into full employment in the Keynesian sense.

The highly respected Brookings Institution economist, George L. Perry, has developed a sophisticated econometric model to demonstrate the practical consequences of this change for economic policy. Simply stated, it has made the job of managing the economy considerably more difficult. The tradeoff between unemployment and inflation has gotten less and less favorable. According to his calculations, an unemployment level of 4 percent—the full employment target—in the mid-fifties was associated with an annual rate of inflation of about 2.8 percent. While this inflation rate is higher than the ideal, I think it is certainly one we can live with. But Perry calculates that today we can expect a 4-percent level of unemployment accompanied by an inflation rate of 4.5 percent—a 60-percent increase. This is clearly unacceptable, and serves to underscore the fact that the President is confronted with a considerably more difficult job than his critics imagine. It also shows why the Democratic panaceas are no real solutions at all.

Consider first such proposals as accelerated public works, public service employment, federalization of welfare, and the release of appropriated funds currently impounded by the Executive. Together these measures could add almost $22 billion to a budget that is already $19 billion in deficit this year, with an estimated $11-billion deficit next year. They could throw even the full employment budget well into the red. What would be the practical consequence of such a sudden surge of demand in the economy? In light of the foregoing, I conclude that the result would probably be an unacceptable increase in inflation for a marginal reduction in overall unemployment.

This is certainly no plea for inactivity or acquiescence in the face of current high levels of unemployment, nor is it a call for strictly balanced budgets and opposition to the use of fiscal and budgetary tools to stimulate the economy. The point is rather that new economic conditions probably mean that the trusty old solution of vigorously priming the pump and expanding total demand cannot be used in the open-throttle manner that was once thought desirable.

I believe the moderately stimulative fiscal policy of the Nixon administration indicates clear recognition of this important new truth. The record $28.5 billion first quarter GNP increase indicates that the current spending levels geared to the full employment budget are having an expansionary effect, but without undermining the battle to slow down the totally unacceptable rate of inflation set in motion by the irresponsible fiscal policies of the last Democratic administration. To be sure, progress in winding up the economy is going to be slower than many who favor obsolete big spending remedies would like. But the fact that both the consumer and wholesale price indexes have increased at an annual rate of less than 3 percent during the past 2 months, indicates that patience and steadiness will pay off in the long run.

The other major proposal to revive the economy put forward by the Democratic leadership is even more of a throwback to the New Deal mentality; namely, the promise to immediately raise the minimum wage to $2 per hour. The obvious aim again is to expand purchasing power on the assumption that all the economy lacks is enough effective demand. But again, the excessive emphasis on stimulating demand may actually undermine the very objective of reducing the unemployment rate.

I have argued that the aggregate unemployment rate may be misleading because of the high concentration of unemployment among young and marginal workers. One would think, then, that any program aimed at reducing the overall unemployment rate would pay particular attention to reducing unemployment among these workers. Yet, the proposal to increase the minimum wage would probably have just the opposite effect.

In the period between 1960 and 1968, the minimum wage was increased four times and each increase was followed by a sharp rise in unemployment among young workers. In 1961, the unemployment rate for workers under 20 was 17.1 percent just prior to the effective date, and rose to over 18 percent just after. When the minimum wage was increased again in 1964, during a period of rapidly declining overall unemployment, the rate for young workers rose from 16.1 to 17.4 percent. In 1967 and 1968, the unemployment rate for this group increased 14 and 12 percent, respectively, after the effective dates of further minimum wage increases.

In my view, there is no reason to believe that a further—and much larger—increase in the minimum wage at this time will not have an even more adverse impact on unemployment among the young and marginal work force, because sagging profits have made employers unusually prone to cost-cutting measures, including the elimination of unprofitable, marginal jobs. In short, what is intended to be a measure to lower unemployment by stimulating aggregate demand, may end up increasing it among the very groups that keep the overall rate at artificially high levels now.

In light of the obvious inadequacies of the grand alternative strategy offered by the Democratic leadership, just what can be done to improve the functioning of the economy? The answer is twofold:

First, we must continue on the moderate expansionary course outlined by the administration. It promises to bring steady movement toward a restoration of full production while holding inflation to tolerable levels; but, we must recognize that changed economic conditions mean that mere manipulation and expansion of demand are no longer adequate means of promoting recovery. In particular, we need to augment the prudent aggregate policies of the administration with policies specifically targeted against structural defects in our economic system.

The administration has already taken an important step in this direction with the establishment of stabilization machinery in the construction industry. All the hypocritical prattle opposing "selective controls in a single industry" notwithstanding, wage levels are way out of line in the building trades and must be brought under control. Last year, for example, the average increase was over two times that in manufacturing. Not only do these excessive wage rates increase costs in the construction industry and undermine the achievement of our housing goals, but they exert a tremendous pull on wage rates in other unionized sectors of the economy. The Democratic leadership complained that—

> Unemployment among construction workers is close to 11%.

Yet, are we supposed to believe that the administration is responsible for this state of affairs, when obviously it is the unions which are pricing themselves out of the market?

Second, we can carry through the Treasury Department plan to liberalize depreciation allowances, and consider other measures—such as reenactment of the investment credit—to stimulate new investment. It is indeed strangely inconsistent that the other party should complain that "projected expenditures for plant and equipment by business are expected to remain virtually flat in real terms," and then turn around and lead the charge against the new Treasury guidelines.

Despite all the recent loose rhetoric about loopholes and a tax break for business, the liberalized depreciation guidelines promise to make a very important contribution to more effective management of economic growth. For this reason they should be viewed not as a tax preference, but as a measure in the broad public interest.

As I said earlier, the tradeoff between inflation and unemployment has become less and less favorable in recent years. This means that we can no longer rely as heavily on a strict policy of reducing total demand in order to fight inflation, because the cost in higher unemployment has become too great. It is therefore essential that we find other less costly tools to aid in the battle against inflation, and I believe that one of these should be more rapid growth in productivity. Greater productivity will allow companies moderate increases in both wages and profits, without excessive price increases leading to inflationary pressures. By spurring more rapid growth in productivity, the liberalized depreciation guidelines promise to make an important contribution to fuller employment at lower levels of inflation. This is surely something that is in the interest of all Americans.

Finally, we need to think in a much more creative way about manpower training and public service employment. While well intentioned, the Democratic manpower programs of the 1960's focused almost exclusively on young, marginal, and unemployed workers and trained them for semiskilled jobs already in short supply. What we need to do in the 1970's, I believe, is to develop programs geared to the actual structure of the labor market. This means a new emphasis on upgrading currently employed blue-collar workers for technical, highly skilled and white-collar jobs where the real shortages now exist.

Such a shift in focus would have two important consequences: First, the intense wage pressure that stokes inflation in these sectors would be dampened; and second, many new job slots in the blue-collar mainstream would be vacated, to be filled by the marginal and unemployed workers that we do continue to train.

Our fundamental problem is that we have too many workers competing for a limited number of jobs at the bottom of the employment ladder. This is not due primarily to slack in the economy. I submit that the real difficulty is structural. The basic fact is that the makeup of the American labor force is several years behind the changing job structure of our technologically dynamic economy. The goal of our national manpower policy, therefore, must be to retain the labor force to better fit these changing job opportunities.

I do not see how a massive emergency public service job program can serve this purpose any better than the manpower training programs of the last decade. Such a program is based on the assumption that American firms will never be able to offer jobs to the large number of marginal and semiskilled workers at the bottom of the labor force, and that these workers, must, therefore, be sopped up by public make-work projects.

I realize that many would argue that we need an expanded public work force in order to deal with the problems of health, sanitation, environmental restoration, and the like. But proponents of large scale emergency public employment consistently refuse to put a time limit on public jobs. In my view, this indicates quite clearly that they have no real hope of finding permanent jobs for these subsidized workers on State and local payrolls. At bottom then, the emergency public service employment panacea is a recipe for a permanently subsidized public job market.

But do we have to settle for this? Is it really the case that the American economy cannot use these workers? That we must permanently tap the Treasury to subsidize unproductive jobs in order to maintain full employment? I think not. I think marginal and semiskilled workers can be retrained and upgraded to match the real needs of the private and public sectors. I believe the chronic manpower surplus at the botton of the job ladder can be reduced without bloating the public payroll. But this cannot be accomplished if we try to spend our way into permanent make-work programs or programs to train the unskilled unemployed for jobs that currently do not exist. Instead, we must use our limited funds for manpower programs aimed at upgrading, adjusting, and retraining across the entire labor force, not merely at the bottom. For it is the entire labor force that is out of joint with the needs of the economy and until we change the basic focus of manpower policy to account for this fact, we will make no real headway in reducing either the shortages in some sectors or the surpluses in others which undermine steady, high-level economic performance.

In making these points, I do not wish to imply that there is no place for public service employment programs or for manpower training programs aimed at the unemployed and marginal worker. What I am calling for is more balance and realism. Indeed, current economic circumstances, and the fact that there are growing opportunities for use of public service employees in genuine paraprofessional roles, mean that a modest public service employment program may well be in order. But any funds made available should be expressly tied to a cutoff mechanism so that only persons who can legitimately hope to find permanent places in the public sector will be brought into the program.

In conclusion let me say that my criticism of the programs offered by the Democratic leadership in no way implies satisfaction with the current state of the economy. Far from it. I do believe, however, that the President's balanced, moderately expansionary fiscal policy is the prudent course for the present, and that there are strong signs that it is beginning to have a significant effect in quelling the raging fires of inflation that have racked our economy for the last 4 years.

There is much more yet to be done, particularly in dealing with some of the structural deficiencies of the economy I have touched upon today. But I want to stress again that these cannot be remedied by resorting to warmed-over New Deal panaceas. Open-throttle expansion of total demand promises to destroy through inflation any gains made by reducing unemployment. While raising the minimum wage may be desirable over the long run, I am convinced that an immediate 22-percent increase, as proposed by the other party, will eliminate more jobs than it will create—especially when we remember that it will take more jobs away from those groups where unemployment is already highest. Business baiting of the type implicit in the current opposition to the depreciation liberalization is simply a revival of the old harangue against economic royalist, and obscures the real public interest in more rapid capital investment. And finally, the proposal for massive emergency public service employment is, at bottom, a narrow, costly way of dealing with a symptom that can only be cured by balanced training and development of the entire labor force, geared to the broader needs of the whole economy.

SCHOOL BUSING

The SPEAKER. Under a previous order of the House, the gentleman from Colorado (Mr. McKevitt) is recognized for 5 minutes.

Mr. McKEVITT. Mr. Speaker, the issue of school busing is a critical one and one that is of interest to all of us.

All of us are aware of the Supreme Court's decisions on this issue which were handed down on Tuesday. While the decisions may have answered most of the questions for school districts in the South, they seem to leave unanswered questions held by Denver school officials and by school officials in other northern cities.

Mr. Speaker, I would hope that the U.S. Supreme Court would get on with it. To my knowledge, the Court has never dealt specifically with a northern case involving either de jure or de facto segregation. Instead, it generally has been left to lower courts to attempt to decipher what the Supreme Court might be thinking in these matters.

The situation reminds me of the plight which faced law enforcement officers for a number of years after such cases as Miranda. The Court chipped away at this block of cases slowly, which caused uncertainty for law enforcement officers for years.

The same thing is happening to school officials in the North. In Denver, our school officials want to obey the law. The problem is that they are uncertain what the law is insofar as school desegregation and busing are concerned.

There is a good deal of consternation among school officials all over the North. I would hope that the Supreme Court would move quickly to resolve the situation and put down some specific and precise guidelines on the question of busing to deal with de jure segregation.

It was not too long ago that the Supreme Court moved rapidly with a decision regarding conduct of defense counsel and defendents during the course of a trial. The decision was timely and needed.

A decision putting down additional guidelines for forced busing would also be timely and it is needed. I would hope that the Supreme Court would move with some dispatch in resolving this dilemma.

THE PRESIDENT'S PROGRAM FOR PEACE WITH FREEDOM IN SOUTH VIETNAM

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. Hunt) is recognized for 10 minutes.

Mr. HUNT. Mr. Speaker, it is amazing that the party that brought us 3 years of the Korean war and 7 years of the Vietnam war has suddenly decided it knows how to make peace. Its formula is to abandon our commitments and turn the South Vietnamese over to the Vietcong. This approach runs counter to the leadership of that party, as recently as the 1968 campaign, when its candidates were vociferously supporting our commitment, and the buildup of troops to the half-million-man level.

The Hue massacre, where 2,700 perished at the hands of the Vietcong, was an example of the kind of bloodbath that could be expected if we were to pull U.S. troops out of Vietnam before the South Vietnamese are fully prepared to defend themselves. It should weigh heavily on the conscience of any Member of Congress tempted to play politics with the war—anyone who is tempted to join the stampede toward a dishonorable settlement on the enemy's terms. This is what Hanoi has called for, and this is exactly why we cannot end the war on those conditions.

President Nixon is phasing out this war—just as President Eisenhower phased out the last Democrat war in Korea. Mr. Nixon has a plan and a workable, honorable program to get American combat troops out of Vietnam. He already has cut troop levels nearly in half. He has reduced the intensity of the fighting, and by his courageous decisions to go into Cambodia and Laos has crippled the enemy's capacity to expand the war.

Vietnamization is moving ahead rapidly. The South Vietnamese are swiftly developing the capability of their own armed defense. The President needs the support of the American people in his efforts to end this war on terms that will provide some hope for future peace in Asia and which will head off future Communist aggression. If the Asian Reds are allowed to declare a military victory—and they would do so if we threw the South Vietnamese to the wolves—it would only encourage further territorial aggression in Asia, and endanger world peace for the decade of the 1970's.

This is a time when we must meet the challenge of greatness. We have assumed leadership in defending the free world—and freedom of choice for the South Vietnamese is our purpose in being in Vietnam. It is a time when we must resist the blandishments of taking the easy way out, when we must cling to our national integrity, and back our President's program which is practical and working well, and which promises peace with freedom in South Vietnam.

A GI'S "OTHER" VIETNAM WAR

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. Danielson) is recognized for 5 minutes.

Mr. DANIELSON. Mr. Speaker, significant actions of individual servicemen to alleviate misery suffered by the Vietnamese people are worthy of note. Such is the story of the continuing efforts of Army S. Sgt. Donald L. Fryer of Alhambra, Calif.—one of the cities in the district which I represent.

Sergeant Fryer's dedication to helping orphans and the aged in Vietnam started in 1967 while he was stationed there, and led him to request return to Vietnam and civic action assignment after being sent back to the safety of the United States. His commitment is notable, also, for its accomplishments: malnutrition has been eliminated in the Go Vap orphanages and other needs are being met.

I commend to the Members of the Congress the fine example set by Sergeant Fryer, who is serving both his country and the unfortunate victims of the war in Vietnam:

[From the Los Angeles (Calif.) Times, Mar. 24, 1971]

A GI's "OTHER" VIETNAM WAR

(By Jean Murphy)

Army Staff Sgt. Donald L. Fryer began fighting "the other war" in Vietnam at Christmastime, 1967.

"I had collected toys for some orphans," he said. "When I walked into the orphanage, they handed me a baby—she was really, really frail—and asked did I have any food. The baby died of starvation while I was holding her."

Since then, the Alhambra soldier has dedicated himself to fighting hunger and misery in Vietnam by collecting food, clothes, medical supplies and other items for 2,000 orphans. He also helps the aged in a hospital near his outfit, the 1st Military Intelligence Battalion (ARS).

("Perhaps no other soldier," Timesman Jack Foisie has written from Saigon, "can match his performance for volunteer assistance to Vietnamese orphanages and hospitals."

Currently at home on a brief leave, Sgt. Fryer said that "I personally feel that if we are to salvage anything from this war, we must win this other war. Money and effort, not to mention the lives, will be wasted if we do not succeed in helping these real victims of the war."

When Sgt. Fryer first visited the Go Vap orphanage, which operates at three locations near Saigon, "The children were dying 8, 10, 12 a week from starvation."

Sgt. Fryer "began writing home and things began coming in and in eight months' time, we did away with malnutrition. For the last 10 months I was there, wasn't one death from starvation."

Sent back to the United States, he tried vainly to keep the project going from his recruiting post in Pasadena. Last September, he returned to Vietnam at his own request and was assigned to work full time on "civic action" for the orphanages. The battalion's civic actions committee, which serves in an advisory capacity, is headed by Maj. Gerald W. Trapp of West Covina.

Sgt. Fryer said the orphanages get some help from a Catholic welfare agency but that they have no source of steady income, government or private.

"Most of the children at Go Vap are war orphans and increasing numbers of them are Vietnamese-American," Sgt. Fryer said. He said he did not know the total number of orphans and fatherless children in Vietnam but that "in Saigon alone, there are 120 orphanages ranging in size from 40 kids up to 2,000." Polio, he added, is widespread.

On leave in the Los Angeles area to visit his wife and parents, Mr. and Mrs. Frank Fryer of Alhambra, and to seek aid for the orphans, Sgt. Fryer said:

"We're not soliciting from corporations. We're just asking Joe Citizen to share a little with these kids."

Needed are food, clothes, infant formula and bottles, diapers, vitamins, safety pins, disinfectants—anything babies and youngsters must have. Also needed are food and clothing for the aged.

Donations may be sent to the 1st Military Intelligence Battalion (ARS), Civic Actions Committee, APO San Francisco 96307. In addition, the committee has a special trust account in the name of Vietnamese Orphanage Project at the First City Bank, P.O. Box 29, Alhambra 91802, where financial contributions may be made.

"We draw from there to buy such things as rice, beds and building materials," Sgt. Fryer said.

Sgt. Fryer, who more than once has been called "father to 2,000 orphans," now has one of his own.

He and Mrs. Fryer are adopting a boy they have named David Mathew. David is a Vietnamese war orphan and he will be 3 years old in April.

TESTIMONY BY I. W. ABEL, PRESIDENT OF THE UNITED STEELWORKERS OF AMERICA—INSURING AND GUARANTEEING EMPLOYEE BENEFITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 30 minutes.

Mr. DENT. Mr. Speaker, one of the most important bills that will be presented to the House during this session of Congress will be H.R. 1269, proposed legislation to insure and guarantee employees benefits under welfare and pension plans.

I present to the House outstanding testimony given by I. W. Abel, president of the United Steelworkers of America before the General Subcommittee on Labor, as well as a summary of the major provisions of the proposed act.

The meeting before this committee was attended by the largest number of people to attend a public hearing on a specific piece of legislation in my 40-odd years of legislative duties. This shows, without a doubt, the very serious nature of this legislation and the intense interest of the millions of Americans covered by private pension systems. I am asking that this be presented for the purpose of bringing, to the attention of Congress, the provisions of the proposed act, and the clear and concise analysis of the needs and requirements in this legislation to guarantee all the participants in private pension plans a security of their pension rights and entitlements.

It would be of great assistance to the Members themselves to read this presentation and blue sheet of facts, in order to clear up many misunderstandings concerning this important legislative proposal. I present the testimony and summary at this time.

TESTIMONY BY I. W. ABEL

Mr. Chairman, I thank you and the committee for your kind invitation to appear before you today and to speak for some 1.2 million members of the United Steelworkers of America on a subject that is a priority concern of our union.

I have with me today, Mr. Jack Sheehan, our Legislative Director, and Murray Latimer, who is our actuarial adviser.

I want to extend to you, Mr. Chairman, on behalf of my fellow Officers, and the members of our Union, our appreciation for your interest, concern, and efforts, in obtaining passage of legislation that will strengthen and guarantee the private pension system in this country.

We also commend your fellow committee members for their interest and concern in this very complex and vitally important area.

It is my hope today, as I attempted to do when I appeared before you last year, that I can convey to you the earnest desires and the hopes of our members for Congressional action to protect and guarantee their pension rights. These desires and hopes are understandable because no union in the world has as many members covered by private pension plans as does the United Steelworkers of America. Currently, we have some one million members who are covered by pension plans negotiated by our union. Almost 183,000 of our members are now being paid pensions under these negotiated plans. As I stated in my last appearance before this committee, reserves in these plans have been accumulated in excess of $3 billion. While this is an impressive figure, it is not impressive enough to guarantee fully the ability of many of the plans to meet all their obligations.

What we desire, and what we are urging upon this session of Congress, is legislation which will—in effect—make retirement mean what it is supposed to mean: Warm days of sunshine and security; not cold days of uncertainty and fear.

What we desire is legislation which will guarantee that years of labor under a pension plan shall not be in vain; that a change of jobs, that financial instability, that inadequate funding, shall not deny a worker the pension he has labored for. Unfortunately, we in the Steelworkers have had some 75 bad experiences, and in some cases affecting thousands of workers.

As I said, this is indeed a very complex field requiring careful study. But I believe the necessary homework has been done and that action now can be taken so that a pension plan should not be a game of chance for workers.

I have read the testimony of industry witnesses before this committee, and I have heard much of it before. You too have heard such arguments against legislation designed to protect and advance the welfare of workers.

Mr. Chairman, I recall your own observation during the hearings last year that you didn't remember any drive that was more intense than the drive in Congress to prevent the insurance of bank deposits. Yet, today, as you noted, bankers advertise this fact in seeking customers.

In the industries under our jurisdiction we have had a similar experience. Companies bitterly resisted paid vacations, extended vacations, paid holidays—and pensions—yet today they claim such benefits as proof of their own virtuous employment practices.

In brief, I maintain that in a society as affluent as ours, in a society with our skills and knowledge, but most of all in a society which has proclaimed its dedication to promoting the general welfare, we can and must guarantee a worker's economic security in his later years.

The pension from his employer is usually the single largest asset other than Social Security, that a worker has after a lifetime of work. It is almost always more than he has in his bank account, and usually exceeds the value of his home. The average worker retiring at or after age 65 from the major companies under contract with the United Steelworkers of America has approximately 30 years of service. In our recent container industry settlements, an employee with average service retiring at age 65 will be entitled to pension payments after retirement totaling about $45,000.

While the annuity values of pensions may be huge, for some workers this value will turn out to be a paper asset only. Their employers will not have funded these great costs during the workers' active lifetimes. When the time comes to pay pensions at retirement, some employers—by termination of operations or for other reasons—will be unable to provide some or all the promised benefits.

Every responsible witness who has appeared before this Committee has agreed with the necessity for federal legislation to pro-

tect pension rights. But the employer representatives and their supporters attempt to make you believe that only some minor tinkering with the present law will do the job. **Since everyone agrees it is necessary to enact standards of fiduciary responsibility and that there should be full disclosure and reporting of the financial activities and operation of pension plans, it is not necessary to belabor these points. However, I repeat as I have said before: While housekeeping measures protecting the integrity of pension funds are an elementary and essential part of federal laws protecting pensions, *real* pension security will come only from the enactment of laws to provide three new pension rights: vesting, funding, and the federal insurance of terminated plans which are insufficiently funded.**

I will address myself first to vesting. The basic principle which justifies deferred vested pension rights is this—the right to a pension after a specified number of years of service, **or for disability, or after a specified age, is an earned *right*. That is, pension rights are part of the total compensation a worker receives for his labor. The fact that pension rights** become payable after work ceases, does not change its essential character as payment for **services rendered. When a worker is deprived of his deferred compensation each time he** changes employers, or when he loses his **job, he has been unfairly and unjustly deprived of part of his earnings.**

Although much emphasis is placed upon the loss of benefits due to plant shutdowns, the loss is no less real for those workers who lose their benefits because of failure to vest. As Americans, we pride ourselves on a mobile work force. If this be true, then the individual worker should not be penalized if he exercises his option to seek other employment—regardless of cause. Hence an effective vesting and portability section in any bill protecting pension rights is an absolute necessity.

Various objections to providing vested rights by law have been made at different times to this Committee. These objections are not only irrelevant, but they would seek to perpetuate injustices.

For example, there was the testimony before this Committee on May 20, 1970, by Mr. Robert C. Tyson, Chairman of the Finance Committee of the United States Steel Corporation. In his testimony he argued that if the Congress made "vesting mandatory, and mandatorily you increase our costs, something they (the United Steelworkers of America) do not have to negotiate, and if (they) can get a benefit in (the) employment package that (they) don't have to ask for because the Government gives it to them, (they) would love to have it". In his formal statement Mr. Tyson pooh-poohed the necessity for mandatory vesting. "Over-all", said Mr. Tyson, "we expect that roughly 19 of every 20 of our employees—or their survivors—with 10 or more years of service will receive either pension or insurance benefits, or both, from our company." Thus, the argument seems to go, only 5% of our employees with 10 or more years of service would benefit from legislated vested rights, and this small percentage of beneficiaries should not be given their due unless the Union is compelled to give up some other benefit during contract negotiations. If this argument is valid, it could be used to deny the necessity for *other* forms of social legislation such as minimum wage or overtime laws. Should the laws abolishing child labor be repealed, so that Unions would be forced to give up something in collective bargaining for their re-enactment? There may be employers who think the factory and mine safety laws are unnecessary. Should safe practices and a healthy place of work be dependent on the Union's willingness to sacrifice some essential economic demand? Mr. Tyson, and those who argue like him, are saying that legislation protecting workers' rights should not be thought of as minimum **decent and fair standards, which a humane and just society demands for those who labor. They are arguing, in effect, that the nation's basic laws which protect labor from exploitation, should be traded at the collective bargaining table as if justice was a matter of private** negotiation instead of a social right.

Let me hasten to add that the alleged consolation which the Tyson figures might provide, is by no means applicable to the vast majority of American workers. Senators Williams and Javits within the last weeks released preliminary data indicating that in some plans studied by them, more than 92% of workers lost all rights to benefits because of lack of more liberal vesting rights. That statistic is just the opposite of the experience recorded by Mr. Tyson and a horrendous conclusion for workers.

Mr. H. C. Lumb of Republic Steel, representing the National Association of Manufacturers, has even indicated what could be suitable for trading at the bargining table. In his testimony on March 28, 1970, Mr. Lumb said, "The alternatives to vesting may be either larger normal retirement benefits for those nearing retirement age, disability pensions, perhaps an early retirement feature, or widow's benefits—to name a few". In other words, let's make the Unions trade off benefits for their totally and permanently disabled members who will never again be able to work, or benefits for the widows and orphaned children of their dead members. He is saying we should obtain, by negotiation rather than legislation, the rights that employees have earned after years of service. Laws establishing fair labor standards are based on the fact that only a small minority of employers are unwilling to treat their employees fairly. The aim of labor legislation is to establish the *minimum* standards which all employers must comply with, so that competition can be based on such factors as quality, service and price, rather than on the exploitation of labor.

Arguments against pension vesting legislation which would trade one fair standard for another, make about as much sense as would an argument against minimum wage legislation which suggested that the Wage and Hour Law should not be amended unless its proponents were agreeable to a reduction in Social Security benefits. Deferred vested pension rights should be provided by *law* because they are a basic element of pension security for workers.

Now, to turn to funding. Funding of pensions, if we are to judge by what witnesses before this Committee continuously claim, is as praiseworthy as virtue and charity.

The testimony previously given before this Committee, reveals the following typical statements by various employer witnesses:

"NAM (National Association of Manufacturers) also endorses funding of private pension plans."

Mr. Tyson for U.S. Steel, "We favor adequate funding . . ."

Mr. William F. Lackman, Morgan Guaranty Trust Company, representing the American Bankers Association, "We believe that the funding of pension plans does not present any serious problems."

Mr. John Moore, The Wyatt Company, an actuary, "It is also in the public interest to encourage employers with unfunded pension programs to convert them to advance funded plans."

Mr. E. S. Willis, General Electric Company, speaking on behalf of the Chamber of Commerce of the United States, "Employers and pension plan administrators recognize the need to build reserves."

The representative of the Bell Telephone Company, stated, "We in the Bell System believe in the sound financing of pension plans." The Life Insurance Association of America advocated "reasonable vesting and strong funding arrangements in private pension plans." While many employer spokesmen may have endorsed the concept of funding of pension plans, it would be difficult to find such spokesmen who support legislation to *require* the funding of pension plans.

What is meant when it is said that a pension plan is fully funded? A pension plan is considered to be fully funded when—on any date—the pension fund reserves are actuarially sufficient to pay all the benefits of the plan based on the service of the participants up to such a date, without any further contributions to the pension fund. This condition can come about only if regular contributions are made to cover each employee's accrual of service each year, and to amortize the unfunded past service liabilities of the plan. If a plan terminates before the date full funding is achieved, the unfunded pension obligations will be lost unless they can be paid from the assets of the company.

Since almost all employers, bankers, actuaries, and insurance representatives recognize that funding of pensions is essential for the eventual payment of benefits, one begins to wonder why most of these same people oppose legislation which will require adherence to an essential element of pension financing.

Many employers who are funding their pension plans and who oppose the compulsory funding of pensions are trying to avoid being required permanently to adhere to sound standards of pension financing. In essence, they are saying, "We'll be glad to fund pensions voluntarily as long as we think we want to do so. But, if we should change our minds, we want the right to quit at any time—without the government saying, you cannot."

As to those companies which have undertaken to pay thousands of dollars in pensions to their individual employees but which do not fund or deliberately underfund their accrued and accruing liabilities, it is obvious they do not intend to honor their obligations. The rising disbursements of pension payments in any new plan are usually not felt until the passage of 10, 20 or 30 years. The irresponsible owner who intends to abandon his business before rising pension costs prove to be what he regards as an excessive drain on profits, may complain about his being denied flexibility to meet his obligations as he pleases. What he really means is that he wants the right to assume large obligations to pay pensions to his employees at a future date, but that he wants to be free not to accumulate the money necessary to pay them. The retired victim of such an employer will have no way to undo retroactively the loss of pension fund contributions which should have been made during his working life. And shall we tell him the reason why he is without a pension is that we wanted to give his employer flexibility?

The establishment of laws requiring the funding of pension liabilities is as legitimate a function of government as are the regulation of bank reserves to insure the safety of depositors' bank accounts. It is as legitimate a function of government as is the requirement of reserves to insure the integrity of policies issued by insurance companies. Arguments are put forward to allow employers to have self-insured pension plans without any fixed requirement for amortizing liabilities. This is equivalent to saying that bankers should not be compelled by law to maintain any fixed ratio of assets to deposits or for insurance companies to maintain legally established levels of reserves. It will be noted that every soundly run bank should have proper ratios of assets to deposits, and loans should always be made on the basis of sound collateral, but it would be absurd to suggest that banking laws regulating these matters

should not be enacted because some high flyers might be discouraged from starting up *new* banks to accept deposits.

Yet, that is precisely the argument advanced by some spokesmen for industry in opposition to laws requiring pension funding. A typical statement is made by the NAM which says that compulsory funding "would slow down normal pension plan improvements while discouraging the establishment of new plans." This statement is totally illogical, if not downright silly. If pension promises can only be paid if the accruing liability is funded, how can anyone urge the government to permit or encourage the establishment of plans which are almost certain not to pay their benefits? The failure to establish such new plans is no more to be regretted than the failure to establish banks and insurance companies which intend to operate without proper reserves.

If a Company cannot afford to pay the discounted contributions under a funding formula while its employees are actively at work and earning their pension rights, how will it pay the full cost of the benefits when they fall due? Whether a plan is funded or unfunded, the same number of employees will retire and will expect to live their lifetimes on pension. But let us look at the difference in costs when benefits are paid directly from current income, or when they are paid from a pension fund.

A 65-year-old male retiree on a pension of $300 a month will, on the average, be paid $51,840 during the remainder of his lifetime.

If the Company, to insure the payment of the employee's benefit for his lifetime, decided to put aside, at age 65, the total amount required to pay the same employee the $300 per month from capital and interest, the amount required is only $38,675.

Finally, let us assume that the Company funds the same obligation by making annual contributions to a pension fund during each year of the employee's 35 years of active employment. **Now the Company needs only to put aside $475.44 a year for 35 years. At 3½%** interest, compounded annually, these relatively small annual contributions will total the nearly $39,000 required to fully fund the retiree's pension, *but all the Company would actually have contributed is $16,640*. In other words, the *funded* cost is only 32% of the pay-as-you-go, or *unfunded*, cost. How can it reasonably be argued that a Company, which cannot fund a total of less than $17,000 in 35 years, can pay a pension of almost *$52,000* over 14½ years?

The truth is that a Company which does not fund its accrued and accruing financial liabilities for pensions, probably has no intention of meeting its obligation.

For many years, particularly late in the last century, hundreds of banks and insurance companies failed. These failures were particularly intense during periods of business depression, and rose to a peak in the early years of the Big Depression. But even in good times, banks and insurance companies were constantly failing due to under capitalization, inadequate reserves, poor investment policies and poor, if not dishonest, management. The failures of banks and insurance companies frequently meant the loss of millions of dollars and great suffering by many people, particularly working people.

The life insurance industry has been regulated by the states for the past 60 years. The basis of this regulation which has raised the industry to one of the most stable in the Nation, has been the requirement of adequate levels of reserves and the definition of what are proper types of investments. The banking industry has also been strengthened and protected by legally established forms of reserves, standards of investment and loan policies, and extensive government audit and examination of banking operations and management.

The Nation's private pension system can *avoid* the scandals and suffering brought about in the early days of banking and insurance because of inadequate financing, unsuitable investments and mismanagement by irresponsible managements. The regrettable part of these early episodes was that the manipulations of a few could bring ruin to many or all. It may be argued that the legal requirements for capitalization, specified reserve levels, proscribed investment policies and high standards of management have discouraged some fly-by-night operators from starting up banks and insurance companies. However, these discouragements do not seem to have denied Americans the opportunity to deposit or borrow money, or the opportunity to buy life insurance. On the contrary, those who avail themselves of the services of our legal reserve banking and insurance institutions sleep better for knowing their savings are secure.

We, therefore, support the concept of standardized funding of pension plans as proposed in H.R. 1269, but suggest that the actual funding provisions of the bill contain serious deficiencies and should be changed. If they are suggested as a compromise to discourage or divert the opposition of those who oppose federal compulsory funding requirements, we believe they will not succeed. The most serious objection to the proposed funding standards is that they will not succeed in creating pension security for the victims of inadequately funded pension plans.

"Internal Revenue regulations and this bill would not require the funding of all past service liability. All that is done is to specify that the unfunded past service liability is not to increase."

The aim of pension funding *should be* the full buildup of pension funds over the active lifetime of employees so that by the time of retirement the money will be there to pay the pensions.

The problem of pension financing concerns not only termination of operations, it also concerns payment of benefits during periods of economic recession.

In discussing the early history of pensions at U.S. Steel, Mr. Tyson observed in last year's hearings, "We operated on a pay-as-you-go basis to make up the difference (between inadequate pension-fund income and pension costs) for many years—and we came to the 1930's". Then, observes Mr. Tyson, "it was necessary for us to reduce pensions, just as we had to reduce wages, and reduce salaries. When we came out of that period, it was . . . the conclusion of my predecessors, that adequate funding was an essential for the successful operation of a pension plan."

If the largest steel company in the world was forced during the depression to reduce benefits because of underfunding imagine what will happen to unfunded or underfunded smaller company plans if we were to face an economic turndown. The time to acquire the reserves to prevent the loss of benefits in bad times is when business is prosperous. Needless to say, sound penion plan financing serves the Nation's economy well because pension contributions in times of inflationary pressures represent spendable income deferred for a number of years and make capital available for economic expansion.

The legislation enacted in **Canada** could well serve as a model for the **United States.** In Canada, provincial law requires that all unfunded liabilities at the inception of the law, be amortized in approximately 25 years. Any new liabilities created by the establishment of new plans or the amendment of old plans must be amortized in 15 years. Actuarial deficiencies as the result of unanticipated changes in experience must be amortized in 5 years. The importance of the Canadian laws lie in the fact that their standards were established by professional criteria to insure pension security for Canadian pensioners. Though not without weaknesses, Canadian laws were not designed to satisfy opponents of sound financing.

And now for re-insurance. The arguments against Federal insurance largely fall into two categories:

1. A recent Pension Research Council study which supposedly shows that most pension plans are soundly funded.

2. Few people have lost their benefits as the result of the failure of poorly or unfunded pension plans.

Although the problem of plan termination and loss of benefits is continuously minimized, the administrative problems associated with meeting this minor problem are constantly dramatized by the opponents of re-insurance. The administrative problems of regulating pension plans are no greater than the problems met every day by pension plan administrators. The valuation of a pension plan cannot be performed by a lay administrator. And outside of the insurance industry, practically all private pension plans are managed by administrators who are not actuaries. Every plan, therefore, is analyzed and has its funding costs determined by an actuarial consultant. The standards used by actuaries are matters of professional study and discussion. Standards are established by consensus and by reference to expert opinion on such matters as interest projections, predictions of mortality, retirement and turnover. If these matters can be determined by professional consensus they can be determined by legislative and administrative standards. In fact, similar administrative functions are now continuously performed by the Internal Revenue Service, State Insurance Departments, the Federal Deposit Insurance Corporation, and by State Banking Departments. A mere claim that an administrative function cannot be performed should carry no weight.

It has been suggested that a re-insurance program will encourage use of pension funds for speculation or will discourage funding that would otherwise take place. The outlawing of such conduct can be accomplished by law or regulation, and is successfully forbidden by law in banking and insurance. It is worth noting, however, that this argument assumes an ability to fund, but that some who can fund will avail themselves of every loophole of law to evade their responsibilities. Reasonably, it should be assumed that the people who do not fund at all at the present time, are the people who could be expected to try to evade their lawful obligations. Working people are not protected from such unscrupulous employers at the present time because the law is silent on how pensions must be funded, and further, no one is policing their activities.

It should be assumed that a minority of persons will attempt to evade the spirit and letter of the regulatory statute. The desired legislation, therefore, must prevent the abuse of plan termination insurance by providing *compulsory* funding standards and by specifying what are approved investments.

This raises the question as to the reliability of the Pension Research Council's report that the overwhelming majority of American private pension plans have voluntarily acquired sufficient reserves to pay earned benefits.

For a technical demonstration of the questionability of applying the Council's findings to all pension plans, I refer you to the analysis of the report appearing on pages 938 through 942 of the printed 1970 Hearings before this Committee. But perhaps a more convincing demonstration of why this study does not tell the whole story, can be illustrated with a very recent example affecting members of our Union.

We were notified recently that the Industrial Division of the R. C. Mahon Co., Detroit, Michigan, is terminating its operations. We were informed that the market value of the assets in the pension fund, as of December 31, 1970, was $731,000. As of that date, the company's actuary estimates that the liabilities of the Plan were $2,306,000.

According to the company, the assets are sufficient to provide full benefits for persons previously retired, and for employees over age 65 who are still working. But after these priorities are satisfied, only 30% of the plan's death benefits are payable, and 352 employees (59% of the total participants) will receive nothing. These 352 employees had an actuarial liability of $1,525,000. Any study of this particular fund's Benefit Security Ratio based on the fund's status in 1968, became completely misleading by 1970. The same would apply to any other fund. In the two or more years between 1968 and the date of the Plan's termination, the Plan's level of benefits were more than doubled. Thus, the Benefit Security Ratio of the plan which is estimated to have been near 66% in 1968, declined in 1970 to about 30%. I assure you the increased benefits negotiated were completely in line with other pension increases negotiated by our Union in the industry and area. Furthermore, just a few short years ago the R. C. Mahon Company was considered one of the most efficient and profitable in its industry. The 352 employees of this Company, who will receive nothing, will not be satisfied that they should lose their pension rights because some employers believe federal re-insurance might present difficult problems.

Please permit me to describe in a little more detail just a few of the 352 employees who will suffer the loss of their pension rights, as things now stand. As of today, thirteen of these employees have fewer than 5 years to retirement. One of the thirteen has almost 31 years of service with the Company. Three have between 29 and 30 years of service. Five have been with the Company for between 25 and 29 years. The three men with the shortest service among this group of near-retirees have between 17 and 21 years of service. In other similar situations I have been asked by the affected men, "What can I go home and tell my wife? We looked forward for years to my retirement and now I have nothing left." Gentlemen, in such situations I am at a loss for explanations. Frankly, I can't conceive of a satisfactory answer. What do you tell a worker who has earned his living and accumulated his pension credits for most of his working life that will justify his losing not only his livelihood, but his retirement pension as well?

It must be recognized that some employers may presently be acting in an irresponsible fashion because their unfunded pension liabilities need not be listed as lawfully binding debts. In the event of bankruptcy, such employers can list the employees who are owed pensions among the general category of creditors or not at all if liability has been limited to the reserves in the pension fund. The present Bankruptcy Laws which were established at the turn of the century were enacted many years before pension plans were common. It is essential, therefore, that the Nation's outmoded Bankruptcy Laws be changed to take account of this problem.

If the status of a Company's pension obligations is changed under the laws regulating pensions and the Bankruptcy Laws, the feasibility and effectiveness of pension re-insurance can be vastly improved. Some have argued before this Committee that such re-insurance should not be enacted because, unlike the insurance of bank deposits, re-insurance is not insurance of existing assets.

However, the purpose of the law should be to re-insure not just the existing assets the employers to pay a certain pension bene- in the pension funds, but the promise of fit to eligible employees. It is the promise of the employers which the Federal government will guarantee and secure. It therefore is appropriate that the law should require that the funding of the liabilities of pension plans will be considered a legally binding obligation of the Company. This would be shown by a pension liability amortization period provided by law. The pension obligations of the Company would thereby become a Company's liability and would greatly improve pension security. In the event a Company went bankrupt, the unpaid balance of the pension liability note should be considered the same as unpaid wages and given preferred status among the bankrupt Company's debts.

In bankruptcy proceedings, human rights must have precedence over property rights. Most debts of a bankrupt company are of recent origin. However, the unfunded pension debt of the employer has been accumulating since the first date of employment of its oldest employee. Forcing employers to recognize their unfunded pension obligations as an unavoidable debt will reinforce compliance with the proposed laws for compulsory funding.

The status of pension liability notes would permit the administrators of pension re-insurance to handle a terminated pension plan in exactly the same way as bank deposit insurance operates when a bank fails. Because of the preferred status of the pension liability note in bankruptcy, the re-insurance administrator would have access to the Company's liquid assets before having to pay benefits from the insurance reserves. That is exactly the same principle involved in the Federal Deposit Insurance Corporation insurance of bank deposits. Few failed banks are total bankrupts. Before the FDIC pays from its insurance reserves, it uses the bank's good assets to meet the depositors' demands. The analogy between the insurance of bank deposits and pension re-insurance is, therefore, sound—on the basis that both laws would be protecting the rights and property of the workingman, but also that both laws could readily be administered on a comparable basis.

Now in conclusion, I want to point out that the Bureau of Labor Statistics recently found that there is a marked upward trend in the terminating of pension plans The Bureau found that most pension plans do not have sufficient resources to fully discharge all of their liabilities. The Bureau significantly found that about one per cent of all active pension plans fail every year.

We are advocating that the Congress of the United States protect the pension security of the men and women who have spent their lives in service to our Nation's economy.

The problem is not a huge one if we require that all pension plans be funded on a sound basis.

Also, the pensions earned by workers should be permanently granted to them by vesting the rights they earn wherever they work.

In recognition that some small percentage of plans will always terminate before their pension obligations are fully funded, and that Company assets will not make up the deficiency, we must insure that workers' rights will be met by Federal re-insurance of pensions.

Finally, the re-insurance program should be supplemented by providing that unfunded pension liabilities are a legally binding debt, and that a bankrupt company's assets must be pledged to fulfill pension obligations to its employees.

Again, I wish to thank you, Mr. Chairman, and the members of the Committee for this opportunity to be with you. I hope that you will persevere in your task and that the historic legislation we seek, to which our members and all workers look forward, will become a matter of record during the life of this session of Congress. Thank you.

SUMMARY OF THE MAJOR PROVISIONS OF THE PROPOSED EMPLOYEE BENEFIT SECURITY ACT—H.R. 1269

PURPOSES

The purposes of the proposed Employee Benefit Security Act are: (1) to establish minimum standards of fiduciary conduct for plan trustees and administrators, to provide for their enforcement through civil and criminal means, and to require expanded reporting of the details of a plan's administrative and financial affairs; and (2) to improve the equitable character and soundness of private pension plans by requiring them to: (a) make irrevocable (or vest) the accrued benefits of employees with significant periods of service with an employer; (b) meet minimum standards of funding; and (c) protect the vested rights of participants against losses due to essentially involuntary plan terminations.

TITLE I—FIDUCIARY RESPONSIBILITY AND DISCLOSURE

Coverage

SEC. 101. Title I of the act would apply to any employee welfare or pension benefit plan which covers eight or more participants including State, County and municipal plans. It would not apply to plans established by the Federal Government or any of its agencies.

Duty of disclosure and reporting

SEC. 102. The administrator of an employee benefit fund would be required to publish to each participant or beneficiary a description of the plan. The report would include the information required by sections 103 and 104 of title I in such form and detail as the Secretary shall prescribe by regulation. Whenever a plan terminates, special reports would also be required. The Secretary may provide by regulation for exemption from all or part of the reporting and disclosure requirements of any class or type of plan, if he finds that the application of such requirements to them is not required in order to effectuate the purposes of title I.

Description of the plan

SEC. 103. Plan descriptions would be required to be published within 90 days after the establishment of a plan or within 90 days after a plan becomes subject to this title, whichever is later. Descriptions would be required to be republished every 5 years after initial publication. The description would have to be comprehensive and written in a manner calculated to be understood by the average plan participant. Among other things it would have to include: the name and address of the administrator; the schedule of benefits; a description of the plan's vesting provisions; the source of the plan's financing; and the procedures to be followed in presenting claims for benefits as well as those for appealing claims which are denied.

Annual report

SEC. 104. An annual financial report would be required by this section. Information required in the report would include:

The amount contributed by each employer . . .

The amount of benefits paid . . .

The number of employees covered . . .

A detailed statement of the salaries, fees and commissions charged to the plan, to whom paid and for what purpose . . .

The name and address of each fiduciary, his official position with respect to the plan, and his relationship to any party in interest . . .

A schedule of all loans made from the fund . . .

A schedule showing the aggregate amount of purchases, sales, redemptions and exchanges of all investments, by categories, made during the year.

Supplementing this information would be schedules designed to highlight party in interest transactions and schedules highlighting investments of over $100,000 or 3 percent of the fund.

If some or all of the plan's assets are held in a common or collective trust maintained by a bank or similar institution or in a separate account maintained by an insurance carrier, the report also would have to include a statement of assets and liabilities.

If some or all of the benefits under the plan are provided by an insurance carrier or other organization such report would also have to include: the premium rate or subscription charge and the total premium or subscription charges paid to each carrier and the approximate number of persons covered by each class of benefits; the total premiums received, the approximate number of persons covered by each class of benefits, and the total claims paid by such carriers; or, if separate experience ratings are not kept, a statement as to the basis of a carrier's premium rate or a copy of the financial report of the carrier.

In addition to the required financial information, each plan would have to provide a copy of its most recent actuarial report. It would also submit a statement showing the number of participants who terminated with vested benefits.

Publication

SEC. 105. The Secretary would be required to prescribe forms for the plan descriptions, annual reports, and actuarial reports required by the previous section.

A copy of the plan description and each annual report would have to be filed with the Secretary of Labor who would make them available for inspection in the public document room of the Department of Labor. The administrator would be required to make copies of the annual report and plan description as well as the bargaining agreement, and trust instrument creating the plan available for examination by any plan participant or beneficiary in the administrator's principal office, in the local office of the employee organization representing the plan's participants, and in such other places as the Secretary may by regulation prescribe.

While a full copy of the annual report would not have to be provided to each participant, the administrator would be required to furnish participants with a fair summary of the latest annual reports. If a written request is made for a full copy of the annual report or any other document relating to the trust, the administrator would be permitted to make a reasonable charge to cover the cost of complying with the request.

The administrator of each pension plan would be required to furnish to any plan participant or beneficiary, at least once each year, a statement indicating: (1) whether such person has a vested right to pension benefits; (2) the vested benefits, if any, which have accrued or the earliest date on which benefits will become vested.

Whenever a participant terminates employment with vested benefits, the plan administrator would be required to furnish him with a statement of rights and privileges under the plan.

Enforcement

SEC. 106. Any person who willfully violates the disclosure provisions of this act would be subject to a fine of up to $1,000 and/or up to 1 year imprisonment. Violation of the provisions dealing with the retention of records subjects a person to a fine of up to $5,000 and/or imprisonment of up to 2 years. Violations of the provisions of section 111(b) (2) (dealing with prohibited transactions) would subject a person to a fine of up to $10,000 or up to 5 years imprisonment, or both.

This section would give the Secretary of Labor authority to investigate any plan. He would be given authority to demand sufficient information as he may deem necessary to enable him to conduct his investigations.

Plan participants, beneficiaries, or the Secretary of Labor on behalf of the participants and beneficiaries would be allowed to bring civil actions to redress breaches of a fiduciary's responsibility or to remove a fiduciary who has failed to carry out his duties. The Secretary would also be empowered to bring an action to enjoin any act or practice which appears to him to violate the title. Civil actions brought by a participant or beneficiary may be brought in either a State or Federal court. However, the Secretary would have the right to intervene in a case and remove it to a Federal District court. In any action by a participant or beneficiary, the court could, at its discretion, allow reasonable attorneys fees and costs. No action would be allowed to be brought, however, except upon leave of the court after a showing of cause.

Bonding

SEC. 110. Every person subject to the fiduciary provisions of the act would have to be bonded.

Fiduciary responsibility

SEC. 111. This section would deem every employee benefit fund to be a trust held for the exclusive purpose of providing benefits to participants and their beneficiaries as well as defraying reasonable administrative expenses. Each plan would have to be in writing. No plan amendments could be made until 30 days after proposed amendments are published to all participants or beneficiaries. Funds would never be permitted to return to the employer.

Fiduciaries are defined in the act as anyone who exercises any power of control, management or disposition with regard to a fund's assets or who has authority to do so or who has authority or responsibility in the plan's administration. Fiduciaries would be required to discharge their duties with respect to the fund: "solely in the interests of the participants and with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent man acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims."

A fiduciary would be specifically prohibited from making the following transactions:

Leasing or selling property of the fund to any persons known to be a party in interest (defined to be the employer, employee organization, trustees, fiduciaries, relatives of the above or joint ventures);

Leasing or buying on behalf of the fund any property known to be owned by a party in interest;

Dealing with a fund for his own account;

Representing any other party dealing with the fund or act on behalf of a party adverse to the fund or the interests of its participants;

Receiving any consideration from a party dealing with the fund in connection with a transaction involving the fund;

Loaning money to any person known to be a party in interest;

Benefiting personally, directly, or indirectly, from any transaction involving property of the fund.

Fiduciaries would be free to purchase securities of an employer provided that no purchase is for more than adequate consideration. However, after the effective date of this act, no fiduciary would be permitted to invest more than 10 percent of the fund's assets in the securities of an employer. Investments in the securities of an employer would be subject to all fiduciary standards imposed by this section.

TITLE II—VESTING

SEC. 201. This title will apply to any pension plan to which an employer makes contributions as well as to profit sharing plans which provide benefits after retirement. This title will not apply to plans administered by any Federal Government agency nor will it apply to pension plans to which only employees contribute.

Eligibility requirements

SEC. 202. No plan, after the effective date of this title, will be allowed to require as a condition for eligibility to participate in it a period of service longer than 3 years or an age higher than age 25 whichever is later. Existing plans will be permitted to retain their eligibility requirements for 10 years or until they are amended to provide increased benefits, whichever is sooner.

Nonforfeitable benefits

SEC. 203. Every pension plan subject to title II will be required to vest rights to regular retirement benefits when the plan has been in effect for 5 years or more.

SEC. 203(a). Plans in existence before the date of enactment of this title must vest accrued benefits by one of the following alternatives: (1) vest in full, after a period of service not exceeding 10 years, the accrued portion of the regular retirement benefits (including benefits provided under amendment) which is attributable to periods after the effective date of this title; or (2) vest, after a period of service not exceeding 10 years, 10 percent of the entire accrued portion of the regular retirement benefits (including benefits provided under amendment) which percentage shall be increased thereafter no less than 10 percent per year until 100 percent of the accrued portion of the regular retirement benefits is vested; or (3) vest, after a period of service not exceeding 20 years, the entire accrued portion of the regular retirement benefits (including benefits provided under amendment), the period of service required for vesting then being reduced at least 1 year for each year the plan has been in effect after the effective date of this title until the required period of service does not exceed 10 years; (4) vest in accordance with such other provisions as the Secretary of Labor might hold consistent with the purposes of this title.

SEC. 203(b). Plans created on or after the date of enactment of this title must vest benefits by one of the following alternatives: (1) vest in the sixth year of the plan's operation, after a period of service not exceeding 15 years, the entire accrued portion of the regular retirement benefits, the period of service required for vesting thereafter being reduced at least 1 year for each subsequent year of the plan's operation until the required period of service does not exceed 10 years; or (2) vest in the sixth year of the plan's operation after a period of service not exceeding 10 years, 50 percent of the entire accrued portion of the regular retirement benefits, the percentage vested thereafter increasing in each of the succeeding years of the plan's operation by at least 10 percent until the entire accrued portion of the regular retirement benefits is vested.

Period of service

SEC. 203(d). In computing the period of service under a plan, an employee's entire service with the employer contributing to or maintaining the plan shall be considered. However, service prior to age 25, service during which the employee declined to contribute to a plan requiring employee contribution, service with a predecessor of the employer contributing to or maintaining the plan (except where the plan has been continued in effect by the successor employer), and service broken by periods of suspension of employment (provided the rules governing such breaks in service are not unreasonable or arbitrary) may be disregarded.

Distribution of vested benefits

SEC. 204. Vested benefits must be distributed at regular retirement age. In no case shall that age be later than age 65.

SEC. 205. The effective date of this title would be 2 years after enactment.

TITLE III—FUNDING

Funding

SEC. 302. Every pension plan subject to title II must provide for contributions to the plan in amounts necessary to meet the normal costs of the plan plus interest on any unfunded past service costs. Vested liabilities are to be funded according to a prescribed schedule which will fund those costs in 25 years. Special transitional provisions are included for plans already in existence.

Plan amendments

Provisions are made to adjust a plan's funding schdule in the event of an amendment, however, if the amendment results in a 25 percent or greater increase in vested liabilities, the amendment may be regarded as a new plan and subject to the same funding requirements as new plans.

Reports of funding status

SEC. 303. A report must be filed each year with the Secretary of Labor indicating a fund's assets and vested liabilities.

Enforcement of funding standards

SEC. 304. When the contribution to a pension plan falls below the amount necessary to meet the plans' funding schedule, the Secretary of Labor may prevent the plan from increasing by amendment its vested liabilities until the funding schedule is met. When a pension plan fails to meet its schedule for 5 years, the Secretary may require by order, after notice and opportunity for hearing, that the fund suspend further accumulation of vested liabilities until the funding deficiency has been removed. At any time when a pension plan is in suspended status, the Secretary may require, after notice and opportunity for hearing, that the plan terminate and wind up its affairs in accordance with the provisions of title III and procedures established by the Pension Benefit Insurance Corp. if he determines such action necessary to protect the interest of participants.

SEC. 305. The effective date of this title would be 2 years after enactment.

TITLE IV—BENEFIT INSURANCE

Insurance coverage

SEC. 401. Every pension plan required to meet a funding schedule in accordance with title III would be required to obtain insurance covering unfunded vested liabilities in order to protect participants and beneficiaries against possible loss of vested benefits which might arise from an essentially involuntary termination of the plan. The amount to be insured would be the plan's vested liabilities less the greater of: (1) 90 percent of the assets needed to meet the funding schedule required under the act, or (2) 90 percent of the plan's actual assets.

The Pension Benefit Insurance Corp. (established in title IV) will be the insurer.

The Pension Benefit Insurance Corp. would not insure: (1) any unfunded vested liabilities created by a plan amendment which took effect within 3 years immediately preceding termination of a plan, or (2) any unfunded vested liabilities resulting from the participation in the plan by a participant owning 10 percent or more of the voting stock of the employer contributing to the plan or by any participant owning a 10 percent or more interest in a partnership contributing to the plan.

Premiums

SEC. 402. Each plan would pay a premium for insurance at rates prescribed by the Pension Benefit Insurance Corp., based upon the amount of unfunded vested liabilities which is to be insured and upon such other factors as the Corporation determines to be appropriate. The premium for the initial 3-year period will not exceed 0.6 percent of the amount insured (0.2 percent per year).

Claims procedure

SEC. 403. A claim must be filed with the Pension Benefit Insurance Corp. in the event a plan is terminated for reasons of financial difficulty or bankruptcy, plant closing, by order of the Secretary, or such other reasons as the Corporation may specify as reflecting as essentially involuntary plan termination. The Corporation is given authority to investigate and pay claims.

Uninsured plans

SEC. 405. It would be unlawful to operate a pension plan without insurance.

TITLE V—PENSION BENEFIT INSURANCE CORPORATION

SECS. 501–511. This title establishes the Pension Benefit Insurance Corp. and provides initial capital from the Treasury on a loan basis.

TITLE VI—MISCELLANEOUS

Variations

SEC. 601. The Secretary of Labor may on his own initiative, after having received the petition of an administrator, prescribe an alternative method for satisfying the requirements of title II or III. Variations may be granted as is necessary or appropriate to carry out the purposes of the act and provide adequate protection to the participants and beneficiaries in the plan whenever the Secretary finds that the application of title II or III would: (1) increase the costs of the parties to the plan to such an extent that here would result a substantial risk to the voluntary continuation of the plan or a substantial curtailment of employees' pension benefits levels, or (2) impose unreasonable administrative burdens with respect to the operation of the plan. Such variations are intended to be temporary only.

Denials of variations could be appealed to a Variations Appeals Board which would consist of the Secretary of Labor or his delegate, the Secretary of Commerce, or his delegate, and a person selected jointly by the Secretaries of Labor and Commerce.

Investigations

SEC. 602. The Secretary of Labor will be given authority to investigate violations of the provisions of titles II, III, and VI, or other rules or regulations issued thereunder.

Civil enforcement

SEC. 603. The Secretary may seek to enjoin violations of the provisions of titles II, III and VI, or any rule or regulation issued thereunder.

Studies

SEC. 605. The Secretary is authorized and directed to undertake research studies relating to pension plans, including methods of ecouraging future development of pension plans.

Penalties

SEC. 607. Any person who willfully violates any provision of titles II through VI or any rule, regulation, variation, or order issued thereunder, or forges, counterfeits, destroys, or falsifies records or statements necessary to the operation of this act will be subject to criminal penalties.

Rules and regulations

SEC. 608. The Secretary of Labor is given authority to prescribe the rules which he may find necessary or appropriate to carry out the provisions of title II, III, and IV. These rules and regulations may define accounting, technical, and trade terms used in such provisions; may prescribe the form and detail of all reports required to be made under such provisions; and may provide for the keeping of books and records as well as for the inspection of such books and records.

POLICE STATE PARANOIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 15 minutes.

Mr. RARICK. Mr. Speaker, we have heard today about the growing threat of a police state—a KGB, or a gestapo in the United States. As one Member who has consistently voted against and opposed national police enlargement programs, such as additional FBI agents, the new FBI building, a police training academy, and the law enforcement assistance acts to dangle seed money before State and local police, I find it strange to hear expressions of concern for the threat of a national police state from those who have consistently voted for programs and funds which increase Federal police power and expand Federal control over local police forces. It seems that some fail to understand that agitation and mob demands for change and progress, such as encouraging street demonstrations and hampering investigations of subversives, are the very tools which set the stage to justify the creation of the very police state some profess to fear.

Certainly, law-abiding citizens—those who do not take to the streets nor attempt by force to encroach upon other people's freedom—do not supply the excuse for a threat to internal security, national defense, or growing crime. It is not the law-abiding citizen that can be used to justify the need for a national police buildup. It takes a threat to justify a threat.

And to some who express concern over a centralized national police force, I am aghast at their naivete in thinking they can remove the threat against individual liberty by laying the blame at the feet of a man such as J. Edgar Hoover, who more than any other lawman in the history of our country has consistently opposed a national police force.

To those who see Mr. Hoover's resignation as a solution, I but ask if Mr. J. Edgar Hoover steps down, what assurance do they have that the problems complained of may not worsen so that a new FBI Director might be compelled to use the national police powers Congress has amassed thus creating the complained-of police state?

Would Mr. Hoover's departure end the complained-of threat or be but the beginning of a true national police state? The answer rests not with Mr. Hoover—nor the law-abiding citizen—but with other forces at work in our Nation.

The pressure from the bottom is now escalated from the top.

FLOODING OF IMPORTS FORCES CLOSING OF SHOE PLANTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 15 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, I have learned of today's announcement by the President of the Stacey Adams Shoe Co., Brockton, with great regret. Not that it was exactly an unexpected development that this shoe company must close. In fact, there have been rumors for a while, and that is just it. It is so frustrating to have to watch one fine shoe factory after another close down and feel completely powerless to do anything about it. If it is evidence that Congress needs before it is going to act and act decisively for the shoe industry; if it is further evidence that the President of the United States needs before he acts and acts decisively under existing legislation for the shoe industry, then they have it today. How many more plants are going to have to close before we are going to get some action? I have been crying out for action ever since I came to Congress, but I am only one Member out of 535 and at times I feel like a voice crying in the wilderness. The fact is that the real reason behind this closing is the continued unchecked flooding of imports into this country. This closing is symptomatic of a sick industry. Sick industries are always characterized by mergers, consolidations, and finally closings of one plant or another. And the one who loses in the end is not the shareholders, but the workers.

It is all well and good for the free trade lobby, the arm of big business in this country, to continue to justify an open door, free trade policy because all big business has to do is close down American plants and transfer operations to new plants overseas and still stay in business. The shareholders still get their dividends. But what about the workers that have been left behind? They cannot pack up and follow their jobs overseas. The very reason these firms are locating overseas is to go after cheap labor. The free trade lobby gets nervous every time someone pushes for long overdue relief for American workers employed in manufacturing in this country. They do not want anything to happen that might ruin their "best of two worlds" situation—an American market with access to foreign countries' labor supply for investment opportunities. I think that it is time that the workers in this country were given a modicum of protection by their elected officials. They are asking to bear too big a sacrifice to protect the right of a few multinational corporations to invest and reap handsome dividends wherever in the world they choose.

There is need for action without further delay on trade legislation by this Congress—not tomorrow, but today.

In this connection I insert a copy of a resolution I have received from the general court of the Commonwealth of Massachusetts on the need for such legislation:

THE COMMONWEALTH OF MASSACHUSETTS

Resolutions memorializing the President of the United States and the Congress to control the importation of men's wearing apparel and textile goods and shoes from foreign countries employing cheap labor

Whereas, The importation of unlimited quantities of men's wearing apparel and textile goods and shoes from countries employing cheap labor constitutes a serious economic threat to the apparel and textile and shoe industry of the Commonwealth, industries vital to the state's economy; and

Whereas, A sensible and equitable policy should be adopted and strictly adhered to by the federal government in order to protect and promote the standard of living of thousands of American wage earners whose livelihood is directly or indirectly affected by governmental directives regarding unrestricted quantities of imported apparel and textile goods and materials and shoes; now, therefore, be it

Resolved, That the Massachusetts Senate respectfully urges the President of the United States and the Congress to take any action that may be necessary to protect the men's apparel and textile industry and shoe industry of the Commonwealth by invoking reasonable and equitable controls on the importation of men's apparel and textiles and shoes from countries employing cheap labor; and be it further

Resolved, That a copy of these resolutions be transmitted forthwith by the Clerk of the Senate to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from the Commonwealth.

Senate, adopted, April 14, 1971.

GAO DRAFT OF THE DEFENSE INDUSTRY PROFIT STUDY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 20 minutes.

Mr. ASPIN. Mr. Speaker, on March 11 of this year, the Government Accounting Office—GAO—released its Defense Industry Profit Study which had been requested by Senator WILLIAM PROXMIRE in 1969. Although this final study was a good one, it differed in significant ways from the GAO's draft of December 22, 1970.

I would like to mention the fine testimony of Representative BOB ECKHARDT made before the Legislation and Military Operations Subcommittee of the House Committee on Government Operations on March 26 of this year. Representative ECKHARDT's testimony provides an excellent in-depth analysis of the discrepancies between the draft and the final report issued by GAO.

As he points out, data which indicated the average pretax rate of return to be 56.1 percent was emphasized prominently in the draft report, but was relegated to decidedly lesser prominence in the final report. Moreover, another set of statistics based on a questionnaire sent to 74 primary defense contractors indicating pretax profits of 21.1 percent was given more prominence in the final report than in the draft.

The GAO considered the 56.1 percent figure, which was based on a study of 146 completed defense contracts to be "not representative." But, the GAO left unanswered the questions of what does constitute a truly representative sample and exactly why this sample was considered unrepresentative.

This difference in emphasis was perhaps the most prominent discrepancy between the original and final reports. But other differences have been noted.

The GAO requested and received comments on the draft from the Pentagon and various defense contractors as well as certain "think-tanks." After receiving these comments, the GAO made various changes including: softening several paragraphs particularly critical of Defense Department practices; changing the order and emphasis of certain chapters; and eliminating a chart of comparative statistics on defense profits.

Although in many respects the study is still a good one, it is highly likely, after studying the available evidence, that at least some of the alterations and changes in emphasis were not justified on the merits

Mr. Speaker, the size and scope of the defense industry presents a built-in disadvantage for any attempt to study it. We in the Congress must rely heavily on the GAO as our watchdog agency. Its reports are essential to our knowledge of the defense industry and many other Government operations. For this reason, I am disturbed more about the implications these changes have for the long-range integrity and effectiveness of GAO than in the substantive changes made in this particular report. Even though the GAO has monitored defense spending well in the past, Congress is still at an enormous disadvantage in scrutinizing defense spending. Any ambiguities such as those I have cited make Congress task even more difficult. If the GAO appears to reflect a pro-Pentagon bias in any way, Congress task becomes next to impossible. The GAO—like Caesar's wife, must be above suspicion. On this particular study, it has failed to do that.

I would like to emphasize the fact that this statement is not intended as an indictment of the GAO. In fact, I would like to note the enlightened and energetic direction given to GAO by Comptroller General Elmer Staats. But, I do believe one procedure of the Office must be called into question. This practice consists of allowing involved Government agencies and private industries to comment on the first draft of its studies. While in many cases, their comments may be valuable and pertinent, in others they may help undermine the impartiality of GAO reports. We all recognize the need for GAO to maintain good relations with the agencies it studies, but not at the expense of informing Congress in the most direct and objective way possible how Federal money is being spent. GAO must not forget that its function is to provide Congress with the facts about Government spending—even when those facts are harsh, disturbing, and controversial. The GAO has a responsibility to see that, in its attempt to be scrupulously fair to the agency being studied, it does not deprive Congress of the ungarnished facts.

I am today inserting into the RECORD the original draft of the Defense Industry Profit Study. I invite my colleagues to compare it with the final report issued by the GAO. The complete text of the draft report follows:

Draft of Report to the Congress of the United States, Defense Industry Profit Study (Code 89900)

U.S. General Accounting Office,
Washington, D.C.

The Honorable the Secretary of Defense.
Attention: Assistant Secretary of Defense, (Comptroller).

Dear Mr. Secretary: Enclosed for your review and comment are twelve copies of a draft of a major segment of our profit study report. The draft gives background information on our approach to the study and the procedures we followed. It also covers basically what we plan to say on the very significant point concerning our belief in the need for consideration of invested capital in negotiating Government contracts where (1) there is no effective price competition, and (2) invested capital is a significant factor.

As we complete our reviews of contractor questionnaires we will be adding various additional charts and schedules to chapter 4 of the report in presenting the data on annual profit rates. The data should be considered illustrative only and will not be the data contained in our final report after we complete our reviews and process the remaining questionnaires. We believe, however, that it would be very helpful to have any suggestions, comments, or criticism you might have on the report as it is developed to date. This will assist us materially in meeting our deadline for a report to the Congress by March 31, 1971.

It is unlikely that there will be time available to obtain your comments on the final version of this report prior to its transmittal to the Congress. However, we will be glad to discuss the final report prior to its issuance, if you desire.

Your attention is directed to the limitations on the use of this draft report as indicated on the cover.

We would appreciate receiving your comments on this draft report by January 25, 1971. We will be glad to discuss matters in the draft report with you or your representatives. If you wish to discuss this draft, please contact Mr. John V. Flynn, Deputy Associate Director, telephone number 386-4325.

This report is also being sent to the Acting Administrator, National Aeronautics and Space Administration; Comptroller, Atomic Energy Commission; the Secretary of Transportation and various industry associations for review and comment.

Sincerely yours,

C. M. Bailey,
Director.

CHAPTER I—INTRODUCTION

During the hearings in November 1968 and in January 1969 the Subcommittee on Economy in Government of the Joint Economic Committee developed in considerable detail the need for a comprehensive study of the profits realized by defense contractors and recommended that GAO conduct such a study under its existing authority. To make the study, we felt that additional authority was needed giving GAO the right to: (1) examine any records relating to a defense contract; (2) require defense contractors to furnish data considered necessary by GAO; (3) issue subpoenas with authority of a United States District Court to require compliance; and (4) examine records of (a) formally advertised contracts, (b) second and lower tier subcontracts, and (c) the commercial business of defense contractors.

The Armed Forces Appropriation Authorization Act for fiscal year 1970, Public Law 91-121, approved on November 19, 1969, authorized GAO to study profits earned on selected contracts and subcontracts entered into by the *Department of Defense (DOD)*, *National Aeronautics and Space Administration* (NASA) and *Coast Guard*. Contracts of the *Atomic Energy Commission* (AEC) awarded to meet requirements of the Department of Defense were also included. The study authorized was limited to *negotiated contracts*, and subpoena power was retained by the Senate and House Committee on Armed Services.

In making the study we took two approaches. First, we developed cost, profit, and invested capital data for 146 individual contracts at 37 contractor locations. Second, to obtain information on annual overall profits on defense contracts, we circulated a questionnaire to the larger defense contractors and subcontractors and to a relatively small sample of other defense contractors and subcontractors. The profit data developed in each of these phases are without reduction from renegotiation. Unless otherwise stated, the profit rates shown for defense business are after deduction of all costs allocable to defense business, including costs unallowable under Section 15 (contract cost principles and procedures) of the Armed Service Procurement Regulation. By deducting all applicable costs, the *profit rates on defense and commercial work are placed on a comparable basis.*

Development of profit data on specific contracts

We reviewed 146 negotiated contracts at 37 contractor locations. The contracts totaled $4.3 billion in expenditures for such items as aircraft, missiles, space equipment, ship repairs, weapons, ammunition, electronics, and communications equipment. Contract types involved were those commonly used such as *cost plus fixed fee, cost plus incentive fee, fixed price incentive* and *firm fixed price.* Our selection was limited to recently completed contracts and was made without prior knowledge concerning their profitability.

We computed profit as a percentage of sales and of costs for each contract. We also computed profit as a percentage of the contractor's capital employed in contract performance. We excluded consideration of Government resources as we were interested in the rate of return on contractor resources employed. Our computation of total capital employed included provision for the following asset elements.

(1) *Cost of work in process, finished goods and accounts receivable.* On a monthly basis we totaled costs incurred under the contract, deducting progress payments and cost or other reimbursements received from the Government. From these data we computed the average amount the contractor had invested in work in process, finished goods, and accounts receivable.

(2) *Investment in fixed assets.* In developing the contractor's average investment in fixed assets for the contract, we determined (1) depreciation charged to the contract, and (2) the ratio between depreciation charged to the contract and total depreciation charges during the contract period. Using this ratio we computed the approximate fixed asset investment. Allocation was based on the contractor's net book value of assets involved.

(3) *Other assets.* We used several methods to allocate assets such as cash, raw materials inventories, and prepaid expenses. For example, in some cases investment in raw materials inventories was allocated on the basis of the ratio of the value of material issued to the contract to total material issued during the period involved. Prepaid expenses were generally allocated in the same proportion as other more directly allocable items.

In computing rate of return on total capital investment, we added back interest expense since we included related liabilities as an element of total capital, and interest represents the return to the providers of debt capital.

After determining average contract total investment and computing the rate of annual profit, we computed the approximate contract equity investment. This was done based on the overall relationship of the contractor's equity to the total amount of his liabilities and capital. The rate of return on equity capital was based on net contract income after deduction of all contractor expenses allocable to the contract, including interest expense.

Development of annual profit rates for period 1966 through 1969

We developed a questionnaire to obtain information from selected contractors for the years 1966 through 1969 on sales, profits, total capital investment, and contractor equity investment for defense business, comparable commercial sales, and other categories of sales. We also requested a breakdown of defense sales and profits by type of contract. While the legislation only called for a study of negotiated defense contracts, we asked and received information on all work of the contractors involved in order to reconcile cost allocations to the various categories of sales and to make significant comparisons of contractors' rates of profit on total defense business and on commercial work.

We sent questionnaires to 154 contractors who received (1) more than 60 percent of recent Department of Defense prime contract awards of over $10,000, (2) about 80 percent of similar NASA awards, and (3) a significant portion of Atomic Energy Commission and Coast Guard contract awards. The 154 contractors included:

81 selected from a listing of the 100 contractors receiving the largest dollar volume of military prime contractors of $10,000 or more in fiscal year 1969;

73 selected by taking (1) every 72nd contractor from a random listing of military prime contractors receiving awards of $10,000 and aggregating $500,000 or more in fiscal year 1968, exclusive of the 81 top contractors already selected and their subsidiary companies, and (2) a small number of contractors receiving Atomic Energy Commission awards or receiving a major portion of their defense business in the form of subcontract awards.

A random selection of 40 questionnaires was made for detailed site verification. Each of the groups mentioned above was represented in the 40 contracts selected. In addition, each remaining questionnaire was carefully reviewed and verified through calls, letters, and follow-up visits to the contractors' offices.

We checked to see that on an overall basis the data provided agreed with similar data on the contractors' audited financial statements and appeared reasonably accurate. While we believe the breakdown of profit data by sales category is reasonably accurate, there are several factors which made it impossible to certify to its absolute correctness.

Contractors' records not set up to disclose profit data by customer

Contractors' records are generally designed to provide only overall results of operations. Since the data we needed on defense sales was not produced in the normal course of business, it was developed on an after the fact basis from the available records. Accumulating the data involved numerous individual judgments as to the degree of accuracy necessary in relation to the costs involved. For example, some contractors had little information available to show whether subcontract sales of commercial type items related to defense prime contracts. This problem was resolved in some cases on the basis of a detailed review of a representative sales sample, and projection of the results to the total population involved.

Similarly, allocations were necessary to determine capital investment for the sales categories in which we were interested. We explained to contractors what we wanted and requested that allocations be representative of the extent to which company-owned assets were used in generating the sales. We were particularly interested in assuring that allocations to defense sales reflected adequate consideration of (1) Government cost reimbursements and progress payments, and (2) Government-furnished facilities and equipment. The importance of the latter is indicated by the fact that as of June 30, 1969, Government land, buildings, and equipment costing about $7 billion were in the hands of contractors.

While we obtained some capital allocations based on specific identification of assets with sales categories, this was not possible in all cases. In the latter instances the less desirable cost of sales basis was usually employed.

Complexity of some of participating companies

Many of the business enterprises; covered in our study were complex organizations and included numerous diversified subsidiary corporations which in turn were made up of a number of diversified operating segments. We requested that questionnaire data be provided on a consolidated basis, including information on all majority-owned domestic subsidiaries, in order to obtain as much information as it was practical to get on total defense profits of the selected companies. While in some cases divisions or other operational segments were almost entirely engaged in defense work and thus had data readily available for defense sales, this was probably the exception. In most cases it was necessary for the participating companies to do substantial work to break out information on defense and the other categories of sales that we requested and to allocate related costs and invested capital.

Numerous accounting alternatives available

Numerous alternatives are available in determining costs and profits under generally accepted accounting principles. In this regard, in considering the results of operations over a long period of time, the alternatives adopted may be unimportant as long as they are followed consistently. However, in looking at the relatively short four year time covered in our study, the alternatives followed could make a significant difference in profit rates. Two of the major items affected are research and development costs, and depreciation expense.

A good description of the differences that can result from using some of the various bases available for allocating costs is contained in an article in the June 1968 issue of the Financial Executive. The article, "Common Cost Allocation in Diversified Companies," was written by Robert K. Mautz and K. Fred Skousen. While the article deals with certain common costs not affecting inventory values such as general and administrative expenses, a similar situation exists with respect to common manufacturing overhead and other costs which are included in inventory valuations. The participating companies, thus, had considerable latitude in determining and allocating costs to the various categories of sale. In our review work, however, we attempted to see that the methods utilized were reasonable in the circumstances.

Financial terms defined

(1) *Total Sales*—Net sales to all customers exclusive of the cost of operation of DOD and other defense agencies' Government-owned contractor operated (GOCO) plants, and performance of operation and maintenance contracts and service contracts.

(2) *DOD Sales*—Net sales to DOD under both prime and subcontracts exclusive of sales, profits or fees for operation of DOD GOCO plants, and performance of operation and maintenance contracts and service contracts.

(3) *Other Defense Agency Sales*—Net sales to NASA, AEC and the Coast Guard under both prime and subcontracts exclusive of sales, profits or fees for operation of GOCO plants, performance of operation and maintenance contracts and service contracts for these agencies.

(4) *Commercial Sales*—Net sales of defense industry companies to commercial customers, domestic, state and local governments and foreign governments, of products or services that are reasonably comparable to those sold to the defense agencies or involve comparable manufacturing operations.

(5) *Equity Capital Investment (ECI)*—The total dollars assigned to capital shares, retained earnings, retained earning reserves, minority interests and other equity type items such as deferred investment tax credits. A basic premise was established for this study that generally ECI allocated to any sales category should be in the same proportion as the total equity capital was to the total capital utilized in the business. Total capital allocated to each sales category is assumed to be composed of equity and debt capital in proportion to that contained in the business as a whole.

(6) *Turnover of Equity Capital Investment (ECI)*—Sales divided by Equity Capital Investment equals turnover of ECI.

(7) *DOD ECI, Other Defense Agency ECI and Commercial ECI*—The portions of total ECI which are allocable to Sales to the Department of Defense, Other Defense Agencies and commercial customers respectively.

(8) *Total Capital Investment (TCI)*—Equity Capital Investment *plus all liabilities*. In other words, the total investment in assets utilized in the production and sale of company products.

(9) *Turnover of Total Capital Investment (TCI)*—Sales divided by total capital investment equals turnover of TCI.

(10) *DOD TCI, Other Defense Agency TCI, and Commercial TCI*—The portion of total TCI which is allocable to sales to the Department of Defense, Other Defense Agencies and commercial customers respectively.

(11) *Total Profit before Federal income taxes*—The net income or loss after deduction of all state and local taxes but before provision for U.S. Federal incomes taxes or reduction of profits as a result of renegotiation.

(12) *DOD and Other Defense Agency Profits before Federal Income Taxes*—The net income or loss on prime contracts and subcontracts of the DOD and Other Defense agencies respectively, after deduction of all allocable costs, whether or not allowable or recoverable.

(13) *Commercial Profits before Federal Income Taxes*—The net income or loss from sales to commercial customers, as well as state, local and foreign governments, of products or services that are reasonably comparable to those sold to the defense agencies, or involve comparable production processes.

CHAPTER 2—NEED TO CONSIDER CONTRACTOR'S CAPITAL REQUIREMENTS IN NEGOTIATING PROFIT FACTORS

In our review of 146 negotiated Government contracts, we found that contractors' rates of return on capital employed in contract performance varied greatly. The range extended from a loss of 78 percent to a gain of 240 percent of contractor total capital investment. This wide range is due to the fact that under present policies Government procurement personnel give little consideration to contractors' capital requirement in developing profit rate objectives for negotiated contracts. Profit objectives are usually developed as percentages of various cost elements. In general, the higher the costs, the higher the profits. Thus, paradoxically, contractors are discouraged from investing in new, more efficient facilities because an investment in facilities that would lower uni costs would also result in lower profits.

Rates of profit on 146 contracts

Overall rates of return, before Federal income taxes, and other data on the 146 contracts: Total value of contracts, $4,256 million; profit as a percent of costs, 6.9%; annualized rate of return on total capital employed, 28.3%; annualized rate of return o equity capital employed, 56.1%. (Percentag weighed by costs, total capital investment, o equity capital investment, as appropriate, fo the contracts involved.)

The great range in return on total capita investment for the 146 contracts is pointe up in the following schedule:

Profit category	Number of contracts	Percent of total	
		Contracts	Sale dolla
Loss contracts—78 to 0 percent	17	12	8.
Return of—			
0 to 20 percent	46	32	17.
20.1 to 40 percent	43	29	23.
40.1 to 60 percent	19	13	16.
60.1 to 100 percent	13	9	29.
100.1 to 240 percent	8	5	5.
Total	146	100	100.

Effect of government progress payments o return on investment

Government progress payments significant ly increase rates of return on contractor capital investments.

Under defense type contracts there ar usually provisions for reimbursing contrac tors periodically in whole or in part as cost are incurred. This reduces the working capita required for contract performance. Cost typ contracts generally provide for reimburse ment of costs on a monthly, or more fre quent basis. Other types of defense contracts, involving predelivery or unbillabl partial performance expenditures that wil have material impact on the contractor working capital, provide for periodic progress payments of 85 percent of total costs incurred for small business concerns and 8 percent for larger companies.

For 12 contracts involving 8 different contractors, we computed the rates of return o total capital investment with progress pay ments and without progress payments. In a cases the rates of return were higher whe progress payments were received. The over all average increase, weighted for the tota capital investment required for each contract, is shown below.

[In percent]

Annual Rate of Return on total capital investment with progress payments	45.
Annual Rate of Return on total capital investment without progress payments	25.
Increase in rate of return due to progress payments	20.

The increase in rate of return because o the progress payments is 80 percent. (20.2 25.1)

In one case we noted that a contractor wa selling the same item under a Governmen prime contract and under a subcontract. Th Government, however, provided progress pay ments under the prime contract while th contractor did not receive progress payment from the prime contractor under the subcontract. Also, the Government paid fo deliveries within an average of 29 days whil the contractor did not receive payments fo deliveries under the subcontract until a average of 131 days after delivery.

The effect of progress payments and th time difference in payment for deliveries shown.

[In percent]

	Prime contract	Sub-contract	Difference
Profit rate on costs	10.9	14.2	(3.3)
Annual return on total capital investment	29.7	16.6	13.1
Annual return on equity capital investment	49.4	27.5	21.9

Return on total capital investment on the prime contract was substantially more than on the subcontract because of progress payments and more timely payments after delivery of the items ordered, even though profit as a percent of cost was 3.3 percent higher under the subcontract.

Government-furnished facilities, of course, have a similar effect in reducing the capital investment required of contractors.

Guidelines for development of negotiated contract profit objectives

Guidelines used by Department of Defense procurement officials in developing profit objectives are set forth in Section 3-808 of the Armed Services Procurement Regulation (ASPR). In the absence of price competition and where analysis of the contractor's proposed costs is required, a procedure known as the weighted guidelines method is used. Using this method, procurement officials prepare a systematic analysis of profit objectives before they begin negotiations. The factors and weights considered in developing the profit objective are as follows:

Factors	Profit range [1] (percent)
Contractor's input to total performance composite rate on cost input (profit computed below divided by total estimated cost shown below:	
Direct materials:	
Purchased parts	1 to 4.
Subcontracted items	1 to 5.
Other materials	1 to 4.
Engineering labor	9 to 15.
Engineering overhead	6 to 9.
Manufacturing labor	5 to 9.
Manufacturing overhead	4 to 7.
General and administrative expense	6 to 8
Add: Specific percentages assigned below:	
Contractor's assumption of contract cost risk: 0 to +7-percent profit [2]):	
By type of contract:	
Cost-plus-fixed-fee	0 to 1.
Cost-plus-incentive-fee (cost incentive)	1 to 2.
Cost-plus-incentive-fee (cost-performance-delivery).	1½ to 3.
Fixed price incentive (cost incentive)	2 to 4.
Fixed price incentive (cost-performance-delivery).	3 to 5.
Prospective price redetermination	4 to 5.
Firm fixed price	5 to 7.
Reasonableness of cost estimates	(1).
Difficulty of task	(1).
Record of contractor's performance (−2 to +2 percent profit [2]):	
Considerations:	
(a) Management	(1).
(b) Cost efficiency	(1).
(c) Reliability of cost estimates	(1).
(d) Cost reduction program accomplishments.	(1).
(e) Value engineering accomplishments.	(1).
(f) Timely deliveries	(1).
(g) Quality of product	(1).
(h) Inventive and development contributions	(1). (1).
(i) Small business and labor surplus area participation.	(1).
Selected factors (−2 to +2 percent profit [2]):	
Source of resources	−2 to 0.
Special achievement	0 to +2.
Other	NS.[1]
Special profit consideration (+1, to +4 percent [2]):	
Total profit rate	
Profit objective (Total profit rate × total recognized costs).	

[1] No specific weight range designated.

[2] Profit range times estimated cost equals profit.

As shown above, there is no provision to consider the amount of contractor capital investment required during contract performance. Further, only minor consideration is given to the use of Government-owned facilities under the source of resources factor. This could amount to a penalty of as much as minus 2 percent for a contractor with Government facilities. However, we have found that the penalty assessed usually has not exceeded 1 percent, even in some cases where all facilities involved were Government owned. In the case of a contractor having no Government facilities, there is no provision for increasing his profit percentage as a result of his adding new, privately-owned facilities. In fact, since new, improved facilities should result in reduced costs, his profits on negotiated follow-on contracts would probably be reduced if such facilities were added.

The Armed Services Procurement Regulation provides that normal progress payments shall not be weighted in developing profit objectives.

The other agencies included in our profit study follow profit negotiation policies similar to those of the Department of Defense. In fact, the Atomic Energy Commission and the Coast Guard use the Department of Defense weighted guidelines to negotiate some contracts. While NASA has not adopted the weighted guidelines method, NASA's procurement regulation calls for consideration of essentially the same profit factors covered in the guidelines.

Studies concerning consideration of contractor invested capital requirements in performing government contracts

Several studies have been made which concluded that some consideration should be given to contractor invested capital requirements when negotiating the profit factor of noncompetitive Government contracts.

These studies are summarized below.

Weighted guideline changes and other proposals for incentives for contractor acquisition of facilities

This study was completed by the Logistics Management Institute in September 1967, at the request of the Assistant Secretary of Defense (Installations and Logistics). The objective was to develop and propose ways of improving the incentives for contractors to acquire and maintain efficient facilities of adequate capacity. Some significant quotes from the study are as follows:

"Facility investments, soundly made, generally reduce total contract costs. Under the present ASPR, however, facilities investment tends to lower rather than increase profit dollars on negotiated contracts. Lower profits result from lower estimated costs for labor, materials, and overhead. *This is the most significant deficiency in the incentives for defense contractors to acquire facilities.*"

"The acquisition of facilities that increase efficiency may affect the ability to obtain a contract. Under the present rules, however, if a contractor can get the business without additional facilities investment, he can expect more dollars, and a higher percentage of profit on invested capital by refraining from investment as much as possible and allowing or causing expected costs to be as high as will be acceptable."

"Other things being equal, a modern efficient plant can be expected to have lower labor and material costs than one with less up-to-date facilities. Therefore, the present Guidelines applied on individual contract negotiation tend to establish a lower dollar profit objective for an efficient plant with a large investment in facilities than it would for a less efficient plant producing the same output."

"Most of the contractors stated frankly that they invest as little capital as possible in facilities for production on negotiated contracts in order to avoid reducing their return on invested capital. Since more than half of the defense procurement dollars are spent on contracts negotiated on the basis of cost analysis, it would appear that a change in profit policy giving greater consideration to invested capital would be equitable for defense industry and beneficial to the Department of Defense."

One of several recommendations made in the report was as follows:

"Percentages of profit on net book value of plant and operating capital (equity plus debt less facilities and outside investments) should be included in the Weighted Guidelines for determining profit objectives. The present percentages on labor, material and overhead costs and the percentages to be applied to the capital elements should be adjusted as necessary to accomplish overall DOD profit objective policies.

Armed Services Procurement Regulation Special Subcommittee Report

A special subcommittee was established in December 1967 by the ASPR Committee to consider the LMI recommendation. The ASPR Committee is part of the Office of the Assistant Secretary of Defense (Installations and Logistics) and is responsible for developing any needed amendments of ASPR. The Special Subcommittee was given the specific task to (1) develop and test procedures for giving greater weight in prenegotiation profit objectives to capital employed, (2) evaluate the results of the test, and (3) if appropriate, recommend any needed changes to ASPR.

The Subcommittee issued a report dated March 15, 1968, presenting a test plan and procedures for developing information on contractor capital employed in contract performance. After further study, in October 1968, the proposal was presented to a panel of the Defense Industry Advisory Council which was chartered to explore ways and means to foster and maintain a healthy defense industrial base. (The Defense Industry Advisory Council was established in 1962 to provide a means for direct and regular contact between the Secretary of Defense and his management assistants and knowledgeable industry representatives.)

Subsequently, in June 1969, the Defense Industry Advisory Council recommended to the Secretary of Defense that in addition to costs, DOD profit policy should recognize and provide for adequate return on company capital employed. Since then, however, progress has been slow. However, a new ASPR Subcommittee has been established and in October 1970 the subcommittee distributed for comment draft forms for gathering preliminary data on contractor capital employed.

In regard to progress in the Department of Defense in this area, Dr. Robert N. Anthony, a former Department of Defense Comptroller, appearing before the Subcommittee on Economy in Government of the Joint Economic Committee on May 21, 1970, stated:

"Fees are based on capital employed in public utilities and in public rate negotiations generally. Defense procurement is one of the few important areas where cost-based pricing still prevails. In Great Britain, Defense contract pricing recently was shifted to a return-on-capital basis. The possibility has been discussed in the Department of Defense at least since 1962. It is time to act."

NASA report on an investment oriented profit analysis technique

NASA has developed a contract negotiation procedure that includes consideration of contractor investment required during contract performance. The procedure was developed in 1968 by George Washington University and presented to NASA procurement personnel during a three day course in profit and fee analysis. NASA then decided to conduct a test of the new procedure and each NASA procurement office was requested to furnish data on new procurements over $100,000, outlining the profit negotiated. In addition, the negotiators were asked to furnish an estimated profit objective using the return on investment analysis technique. The latter was not to be used in actual contract negotiations, however.

NASA awarded a contract to George Washington University to monitor the test and evaluate data. On June 29, 1970, we received a copy of an interim report on that test which concluded that (1) it was feasible to develop the requisite investment data from contractors, and (2) NASA personnel were able to employ the new technique under operational conditions for research and development and hardware contracts. NASA cautioned, though, that the wisdom and practicality of using a return on investment approach as a means of determining profit compensation was still being explored, and NASA was not prepared, at the time, to endorse any particular return on investment technique.

The NASA and DOD proposed procedures for developing invested capital data differ to some extent. For example, in computing operating capital employed DOD uses accounting data from the most recent fiscal year in computing the estimated operating capital required for a new contract. In contrast, NASA uses a monthly forecast of the estimated costs to be incurred, less progress payments, during performance of the new contract.

In negotiating profit on noncompetitive Government contracts British consider capital employed

In the United Kingdom, capital employed has been considered for some time in negotiating profit rates for non-competitive Government contracts. The British objective is to provide a rate of return on non-competitive Government work that approximates the overall average return earned by British industry in the years 1960 to 1966. At the present time an average annual rate of 11 percent on capital employed, plus 3 percent on costs, is applicable on non-competitive risk Government contracts, with 8 percent on capital employed, plus 3 percent on costs for nonrisk Government contracts. The extent of risk is determined by the nature of the work involved, the degree of difficulty in estimating costs, and the point in time at which the price is fixed. It is also important to note that these rates are computed before the United Kingdom Corporation tax is deducted (currently 45 percent).

The British system also provides that contracts involving an excessive profit or loss may be referred to a review board. The findings of the board are binding to both parties. The board will consider contracts referred to it by either the Government or a contractor, where the profit made is 27½ percent or more of capital employed, or the loss on capital employed is 15 percent or more.

Conclusions

We believe that in determining profit objectives for negotiated Government contracts where (1) effective price competition is lacking, and (2) the amount of contractor capital required is a significant factor, consideration should be given to the capital requirements. Where contractor capital requirements are insignificant, such as in many service type contracts or contracts to operate Government-owned plants, profit objectives would, of course, continue to be developed primarily through consideration of other factors.

Under present policies the profits being negotiated for contracts where there is no effective price competition are based upon a percentage of the estimated costs involved. As a result, contractors have no incentive to invest in more modern equipment to increase efficiency and reduce costs. Such investments tend to lower rather than increase profits in the long run. Thus, contractors have a strong incentive to minimize their investments. Of course, other factors, such as whether or not the program will be continued, could be an overriding consideration in bringing about contractor investments to reduce costs.

Present policies also give no consideration to the effect of customary progress payments or cost reimbursements in reducing contractor operating capital requirements for contract performance.

We believe that it is essential to change the present system in order to motivate contractors to reduce costs under Government non-competitive negotiated contracts. Where the acquisition of new, more efficient facilities by contractors will result in savings to the Government in the form of lower contract costs, we believe that contractors should be encouraged to make such investments. We also believe that proper consideration of contractor provided capital can cause a greater reliance on private capital to support defense production. To accomplish this, it is essential that capital investment be considered in negotiating profit rates.

In our opinion, a system providing for consideration of capital requirements in negotiating profit rates would be fairer to both contractors and the Government, than the present system.

We believe also that the system adopted should be used where applicable by all Government agencies to simplify industry participation.

Recommendation

We recommend that the Director, Office of Management and Budget, take the lead in interagency development of uniform Government-wide guidelines for determining profit objectives for negotiating Government contracts where (1) effective price competition is lacking, and (2) the amount of contractor capital required is substantial. These guidelines should stress return on capital in determining profits.

CHAPTER 3—UNALLOWABLE AND NONRECOVERABLE COSTS

During our reviews of selected defense contracts we developed some information about the significance of costs that are not allowable under Section XV of the Armed Services Procurement Regulation. For 42 cost type contracts with contract prices totaling $833 million, the unallowable costs amounted to 1.4 percent of sales. This percentage is within the range of percentages reported in profit studies of the Logistics Management Institute for the years 1958 through 1968. The Logistics Management Institute percentages ranged from 1.4 percent to 1.8 percent of sales.

Section XV of the Armed Services Procurement Regulation contains general cost principles for the determination of costs in the negotiation and administration of cost reimbursement-type contracts. As of July 1, 1970, use of Section XV became mandatory for fixed price contracts and contract modifications whenever cost analysis is performed, and for the determination or negotiation of costs whenever such action is required by a fixed price contract clause.

The most significant unallowable costs we noted were *interest, research and development* (in excess of amounts agreed to for reimbursement by the Government), *advertising, contributions, and entertainment.*

CHAPTER 4—ANNUAL PROFIT RATES OF DEFENSE CONTRACTORS

The questionnaire date on annual profits of defense contractors disclosed that the ratio of profit to sales is much higher for their commercial sales than for their defense sales. However, when profit is considered as a percentage of return on contractor invested capital, the rates for commercial and defense work are much closer together. This is due to the effect of Government-furnished capital in the form of progress payments, cost reimbursements and industrial facilities and equipment. Further details on this and on other points are set out in the schedules and analyses thereof which follow.

Schedule 1—Summary of data for large DOD contratcor (before Federal income taxes)

In Schedule 1, we present a summary of profit data developed from our sample of the 100 largest DOD contractors. The profit rates for the other Defense Agencies (NASA, AEC, and Coast Guard) in most instances are slightly higher but are comparable to the DOD data. Therefore, we will generally limit our discussion to the DOD data and the comparable commercial data.

The dollar volume of commercial sales, comparable to defense sales (line 3), is from 2 to 3 times greater than the DOD sales volume (line 1). Also, ratios obtained by dividing profits by sales, (lines 4 through 6) are considerably higher for commercial sales. However, profits measured as a percentage of total capital investment (lines 7 through 9) and as a percentage of equity capital investment (lines 10 through 12) compare much more closely for defense and commercial sales. As stated above, this is due to the effect of Government-furnished capital. The relatively smaller amount of capital required of the contractor for defense work also shows up in the higher capital turnover rates for these sales compared with commercial sales (see lines 13 through 18).

Schedules 2 and 3—Stratification of return on TCI (before Federal income taxes) for DOD and commercial sales, respectively, of large DOD contractors

The range in profit rates was fairly wide for both DOD and comparable commercial sales of the larger defense contractors. A larger percentage of DOD sales was in the loss category in each of the four years. However, the rate of return on DOD sales also extended to a higher range in three of the four years. On an overal' basis, the return on TCI was higher on commercial sales for three of the four years.

Schedule 4—Stratification of return on TCI for various categories of defense contractors

In this schedule we have broken down our sample of the larger defense contractors into three categories and show return on TCI for DOD and commercial sales. All of the contractors had at least $50 million in annual defense sales. The categories are:

High volume defense contractor—A contractor which has:

(1) At least 10 percent of total company business in defense sales.

(2) Over $200 million in annual defense sales.

Medium volume defense contractor—A contractor which has:

(1) At least 10 percent of total company business in defense sales.

(2) Annual defense sales of less than $200 million.

Commercially oriented contractor—A contractor which had less than 10 percent of total company business in defense sales.

In all years the commercially oriented companies had higher rates of return overall than the defense oriented companies. Also except for one instance, the rates of return on commercial sales of the commercially oriented companies were higher than the comparable rates of the defense companies. Further, the commercially oriented companies had lower rates of return on their DOD work than on their comparable commercial work for all four years.

There were no very significant differences in the rates of return of the high volume and medium volume defense contractors except for the year 1966. In that year the low rate of 2.5 percent, on DOD sales of medium volume defense contractors, was due to large losses of a small number of companies.

Schedule 5—Stratification of return on Equity Capital Investment (ECI) for various categories of defense contractors

In this schedule we have broken down our sample of the larger defense contractors into three categories and show return on ECI for DOD and commercial sales. The three categories are *high volume defense contractors*, *medium volume defense contractors*, and *commercially oriented contractors*. The definitions of the categories are on page 25.

In three of the four years the commercially oriented contractors had a higher return on ECI than the defense oriented contractors. The defense and commercially oriented contractors compared much more closely on return on ECI than on return on TCI. This is due to the fact that our defense contractors have a higher proportion of borrowed capital than our commercial contractors. It is interesting to note also that in three of the four years the defense oriented contractors, as an overall group, show a higher rate of return on ECI for defense work than the commercially oriented contractors. Also, in all four years the commercially oriented contractors show a higher rate of return on commercial work.

Schedule 6—Summary of profits, before Federal income taxes, by types of contract for large DOD contractors

The types of contracts covered are those most commonly used in recent years by the Department of Defense, *cost plus fixed fee* (*CPFF*), *cost plus incentive fee* (*CIPIF*), *fixed price incentive* (*FPI*), *firm fixed price, negotiated* (*FFP*) and *firm fixed price, formally advertised.*

The data indicates that the bulk of the dollars are in the firm fixed price, negotiated, and fixed price incentive categories. In addition, firm fixed price negotiated contracts appear to be generally the most profitable.

Advertised prime contracts appear to be the least profitable in that contractors reported losses in three of the four years. The dollar volume of such contracts is small, however, amounting to only about 4 percent of the total sales reported.

On an overall basis, profits were slightly higher on subcontract sales than on prime contract sales except for 1969 when a loss on fixed price incentive subcontracts reduced the overall profit rate for subcontracts.

Schedule 7—Profit data (before Federal income taxes) for sample of smaller defense contractors

This schedule presents data we obtained from a sample of the defense contractors with less defense work than those covered in our sample of the top 100 DOD contractors. The magnitude of the population and diversity of operations involved made it impractical to obtain a sufficiently large sample to project the overall profit rates. Therefore, the results of this portion of our review are simply a summary of the data for our sample of the smaller contractors and should not be considered representative of all contractors in the group.

The dollar value of defense sales of these contractors (line 1) amounts to only about 7 percent of their comparable commercial sales (line 2). Thus, these companies are much more commercially oriented than those in our large defense contractor sample. In that sample the dollar volume of defense sales amounted to about one-third of the comparable commercial sales.

Profit as a percent of sales (lines 3 and 4) averaged slightly more than half the profit earned on comparable commercial sales. This is not significantly different from the experience of the larger defense contractors for which we show average defense profits of slightly less than half of their comparable commercial profits.

The rate of return on TCI and ECI is significantly greater for commercial sales (lines 6 and 8) than for defense sales (lines 5 and 7) in 1966 and 1968. In 1967 the rate was slightly higher on DOD sales and in 1969 slightly higher on commercial sales. In comparison with the large companies, the wider spread in rates of return on DOD and commercial work may result from many of the smaller contractors selling products that have shorter production cycles or off the shelf items which do not qualify for progress payments or cost reimbursements. Under these circumstances the contractor would be paid after delivery and would not benefit from Government financing. In addition, such contractors are less likely to obtain Government plant and equipment to the extent that major DOD contractors do.

The rates of turnover on TCI and ECI for DOD sales (lines 9 and 11) are significantly lower for the smaller defense contractors than for the larger DOD contractors. This, of course, is also a good indication that the contractors have substantially less Government financing and other assistance than the larger DOD contractors.

Schedule 8—Comparison of GAO profit data (before Federal income taxes) with LMI profit data for DOD contractors meeting LMI criteria

In this schedule we compare GAO profit data for large DOD contractors with similar data developed by the Logistic Management Institute (LMI) for the Department of Defense. Our comparison is limited to the years 1966 through 1968 since LMI did not develop data for 1969.

LMI's criteria, in recent years, for including companies in its studies, provided that they have at least $25 million in annual DOD sales and do at least 10 percent of their business with DOD. We did not have similar limitations, therefore, for this comparison we have included only those companies that met LMI's criteria.

Our study also differed from LMI in the following respects:

1. LMI defined total capital investment (TCI) as equity capital plus long term debt. We included the investment in all assets used by the company in producing and selling material, regardless of whether the investment was financed by current liabilities, long term debt, equity capital, or other items on the liability and capital side of the balance sheet.

2. In computing return on TCI we added interest expense to profit since we considered the related liabilities as capital. LMI did not add back interest on the basis that the effect would be insignificant.

For this schedule we have adjusted our data to meet LMI's criteria for TCI, and interest was not added to profit.

Our rate of profit on DOD sales (line 3) is about the same as LMI in 1966, about 28 percent higher in 1967, and about 31 percent higher in 1968. (These differences may be due to differences in the companies covered. Also, so far we have processed data for only about one-half of the companies included in our study.) Our rate of profit on commercial sales compares very closely with LMI.

In the return on TCI and ECI sections (lines 5 through 8) we show some fairly significant differences from LMI. Our DOD rates of return are much higher than LMI's in all three years and our commercial rates of return are slightly lower. We believe that much of the difference is due to our attempt to identify assets such as inventories, accounts receivable, and fixed assets specifically with DOD sales and with commercial sales rather than accepting an allocation based on cost of sales. While it was not possible to directly associate assets with sales categories in all cases, we were at least partially successful in many instances, particularly in obtaining direct allocations of inventories and receivables.

The proper identification of assets with each sales category was important to assure proper consideration of Government-furnished capital for defense work.

The capital turnover rates (sales divided by capital) are shown on lines 9 through 12. Our rates much higher for DOD sales than LMI's and are slightly lower for commercial sales. We believe that basically, as stated above, the differences were due to different allocation methods.

Conclusions

Commercial work on an average basis appears somewhat more profitable than defense work. This shows up, for example, in our schedules showing return on TCI. For both the large defense contractors and the smaller defense contractors, commercial work was more profitable than defense work in three of the four years.

Contractors, of course, realize benefits in addition to profits on defense work. These include such items as:

(1) The Government generally pays for research and development costs for defense work while a contractor may invest a substantial amount in developing a commercial product which doesn't sell.

(2) The defense work may result in substantial benefits for the contractor in commercial applications.

(3) The absorption of overhead costs by defense work, particularly independent research and development costs.

Because of the additional benefits it would not seem unreasonable that the profit on defense work would be somewhat lower than on commercial work. There is no one right answer on what the rate of profit should be, however, for all types of defense work. Where there is good price competition, there is probably no need to be concerned with the profit rate. For the noncompetitive contracts, a number of factors must be considered, such as complexity of the work, the difficulty in estimating costs, the type of contract involved, and the capital required for completion of the contract. The profit rates must be sufficient to maintain a strong defense industry. This is vital to the security of the country. On the other hand, profit rates should not be greater than necessary, particularly with the huge unmet social needs of the country.

SCHEDULE 1

SUMMARY OF DATA, BEFORE FEDERAL INCOME TAXES, FOR LARGE DOD CONTRACTORS

	1966	1967	1968	1969
Sales (in billions):				
DOD	$10.4	$13.1	$13.5	$13.6
Other Defense agencies	2.0	1.5	1.5	1.4
Commercial	31.1	32.3	41.1	41.3
Profit as percent of sales:				
DOD	5.1	5.4	5.2	3.9
Other Defense agencies	4.9	4.6	5.5	5.4
Commercial	11.6	7.9	11.6	9.2
Profit as percent of TCI:				
DOD	$11.9	$14.1	$13.7	$10.2
Other Defense agencies	14.4	14.5	14.7	13.0
Commercial	17.1	11.1	17.4	13.0
Profit as percent of ECI:				
DOD	23.6	28.4	27.3	19.8
Other defense agencies	26.3	26.6	26.4	21.8
Commercial	26.7	17.2	28.6	20.9

SCHEDULE 1—Continued

SUMMARY OF DATA, BEFORE FEDERAL INCOME TAXES, FOR LARGE DOD CONTRACTORS—Continued

	1966	1967	1968	1969		1966	1967	1968	196
TCI turnover:					ECI turnover:				
DOD	2.2	2.4	2.4	2.2	DOD	4.7	5.2	5.2	5.
Other defense agencies	2.7	2.4	2.4	2.1	Other defense agencies	5.3	4.7	4.8	4.
Commercial	1.4	1.3	1.4	1.3	Commercial	2.3	2.2	2.5	2.

Note: The figures in this chart are not final and are illustrative only.

SCHEDULE 2

STRATIFICATION OF RETURN ON TCI (BEFORE FEDERAL INCOME TAXES) FOR DOD SALES OF LARGE DOD CONTRACTORS

Return on TCI	1966 percent of total		1967 percent of total		1968 percent of total		1969 percent of total	
	Contractors	Sales	Contractors	Sales	Contractors	Sales	Contractors	Sale
Loss	4.8	3.62	9.8	8.44	4.8	1.56	12.2	14.6
0 to 5 percent	17.1	8.41	2.4	2.57	7.4	8.59	12.2	8.6
5.1 to 10 percent	17.1	15.63	12.2	18.59	9.8	23.74	14.6	14.0
10.1 to 15 percent	39.0	43.14	31.7	33.85	26.8	19.42	24.4	25.6
15.1 to 20 percent	12.2	9.78	22.0	8.15	26.8	20.63	12.2	8.8
20.1 to 25 percent	9.8	19.42	7.3	11.79	9.8	19.24	9.8	20.7
25.1 to 30 percent	0	0	2.4	.81	2.4	.53	7.3	5.3
30.1 to 50 percent	0	0	4.9	14.18	7.3	4.60	4.9	1.4
50.1 to 100 percent	0	0	7.3	1.62	4.9	1.69	2.4	.7
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.
Total sales (billions)		10.4		13.1		13.5		13.
Return on TCI spread by year		−26.7 to +22.4		−6.1 to +85.0		−21.5 to +81.4		−12.3 to +95.
Average return on TCI		11.9		14.1		13.7		10.

Note: The figures in this chart are not final and are illustrative only.

SCHEDULE 3

STRATIFICATION OF RETURN ON TCI (BEFORE FEDERAL INCOME TAXES) FOR COMMERCIAL SALES OF LARGE DOD CONTRACTORS

Return on TCI	1966 percent of total		1967 percent of total		1968 percent of total		1969 percent of total	
	Contractors	Sales	Contractors	Sales	Contractors	Sales	Contractors	Sale
Loss	5.1	1.79	12.8	3.50	12.8	1.41	15.4	5.3
0 to 5 percent	2.6	.22	7.7	26.31	2.6	0	10.3	17.0
5.1 to 10 percent	7.7	4.73	18.0	6.89	15.4	10.18	15.4	8.5
10.1 to 15 percent	38.5	35.83	33.3	37.10	33.3	22.86	28.2	39.0
15.1 to 20 percent	17.9	32.74	12.8	3.24	15.4	44.64	10.2	8.2
20.1 to 25 percent	10.3	12.32	7.7	11.68	5.1	.59	7.7	9.6
25.1 to 30 percent	10.3	10.71	5.2	10.16	7.7	8.79	7.7	11.0
30.1 to 50 percent	5.1	1.65	2.5	1.12	7.7	11.53	5.1	1.1
50.1 to 100 percent	2.5	5.01	0	0	0	0	0	0
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Total sales (billions)		$31.1		$32.3		$41.1		$41.
Return on TCI spread by year		−16.2 to +16.3		−27.2 to +35.2		−50.2 to +45.9		−17.8 to +38.
Average return on TCI		17.1		11.1		17.4		13.

Note: The figures in this chart are not final and are illustrative only.

RETURN ON TCL FOR VARIOUS CATEGORIES OF DEFENSE CONTRACTORS

Description	1966	1967	1968	1969	Description	1966	1967	1968	196
Contractors—Overall	14.7	11.4	16.3	12.5	High volume Defense contractors—Overall	11.4	10.2	12.3	10.
DOD	10.9	12.6	13.1	10.3	DOD	12.1	13.3	12.4	9.
Commercial high profits	16.2	11.1	16.9	12.9	Commercial	11.1	8.8	12.3	10.
High and medium volume Defense contractors—Overall	11.7	10.3	12.3	10.4	Medium volume Defense contractors—Overall	12.6	11.9	12.3	11.
DOD	10.4	12.8	13.1	10.2	DOD	2.5	10.7	16.0	14.
Commercial	12.3	9.7	21.0	10.5	Commercial	15.1	12.2	11.3	10.
					Commercially oriented contractors—Overall	19.0	12.2	20.6	15.
					DOD	14.5	11.3	12.7	10.
					Commercial	19.2	12.2	21.0	15.

Note: Data is included in this schedule for a few more contractors than were covered in schedule 1. The figures in this chart are not final and are illustrative only.

SCHEDULE 5

RETURN ON ECI FOR VARIOUS CATEGORIES OF DEFENSE CONTRACTORS

Description	1966	1967	1968	1969	Description	1966	1967	1968	196
All contractors:					Medium volume defense contractors:				
Overall	24.7	18.2	27.1	20.5	Overall	22.8	19.9	21.3	18.
DOD	20.9	24.0	25.1	19.3	DOD	2.9	18.1	29.0	24.
Commercial	25.3	17.2	27.4	20.7	Commercial	27.6	20.4	18.9	16.
High and medium volume defense contractors:					Commercially oriented contractors:				
Overall	21.4	18.7	21.8	18.7	Overall	27.2	17.7	31.6	22.1
DOD	20.4	25.0	25.7	19.8	DOD	23.6	18.9	22.0	17.4
Commercial	21.8	16.4	20.5	18.3	Commercial	27.4	17.7	32.0	22.
High volume defense contractors:									
Overall	20.6	18.2	22.1	18.8					
DOD	24.4	26.9	24.7	18.3					
Commercial	19.6	14.8	21.2	18.9					

Note: The figures in this chart are not final and are illustrative only. Data is included in this schedule for a few more contractors that were covered in schedule 1.

SUMMARY OF PROFITS BY TYPE OF CONTRACT FOR LARGE DOD CONTRACTORS (BEFORE FEDERAL INCOME TAXES)

[Sales in millions of dollars]

	1966		1967		1968		1969	
	Prime contractor	Subcontractor	Prime contractor	Subcontractor	Prime contractor	Subcontractor	Prime contractor	Subcontractor
CPFF:								
Sales	630	45	727	45	775	68	900	110
Percent profit	5.3	5.8	3.7	5.6	3.6	6.1	3.8	4.6
CPIF:								
Sales	1,069	163	1,434	233	1,528	228	1,297	210
Percent profit	4.9	3.8	5.3	6.2	5.8	6.9	7.1	4.6
FPI:								
Sales	3,040	189	4,285	236	3,509	325	4,528	293
Percent profit	4.9	4.9	3.9	(0.6)	4.0	2.9	2.5	(5.3)
FFP-NEG.:								
Sales	3,771	807	4,552	939	5,485	967	4,643	978
Percent profit	5.1	7.2	6.6	6.9	6.5	6.0	5.4	4.6
Advertised:								
Sales	512		619		513		520	
Percent profit	(1.3)		2.3		(3.8)		(2.7)	
Total:								
Sales	9,022	1,204	11,617	1,453	11,810	1,588	11,888	1,591
Percent profit	4.6	6.4	5.1	5.5	5.0	5.4	4.0	2.8

Note: The figures in this chart are not final and are illustrative only.

SCHEDULE 7

PROFIT DATA BEFORE FEDERAL INCOME TAXES FOR SAMPLE OF SMALLER CONTRACTORS

	1966	1967	1968	1969
Sales (in billions):				
DOD	$0.17	$0.26	$0.28	$0.26
Commercial	3.26	3.38	3.45	3.65
Profit as percent of sales:				
DOD	4.6	7.3	5.0	5.8
Commercial	11.0	9.5	10.8	10.3
Profit as percent of TCI:				
DOD	8.9	14.6	10.3	12.1
Commercial	15.9	13.9	15.4	14.9
Profit as percent of ECI:				
DOD	$13.8	$22.7	$15.4	$18.6
Commercial	25.0	21.2	23.2	23.2
Turnover of TCI:				
DOD	1.7	1.8	1.8	1.8
Commercial	1.4	1.3	1.3	1.3
Turnover of ECI:				
DOD	3.0	3.1	3.1	3.2
Commercial	2.3	2.2	2.2	2.3

Note: The figures in this chart are not final and are illustrative only.

SCHEDULE 8

COMPARISON OF GAO PROFIT DATA (BEFORE FEDERAL INCOME TAXES) WITH LMI PROFIT DATA FOR DOD CONTRACTORS MEETING LMI STUDY CRITERIA

	1966		1967		1968	
Description	GAO	LMI	GAO	LMI	GAO	LMI
Sales (in billions):						
DOD	9.1	14.7	11.5	17.9	11.8	20.8
Commercial	9.6	13.5	11.5	17.6	14.2	24.2
Profit divided by sales:						
DOD	4.6	4.5	5.4	4.2	5.1	3.9
Commercial	9.1	9.2	5.8	6.4	7.2	7.6
Profit divided by TCI:						
DOD	18.5	13.0	22.3	13.0	20.6	12.8
Commercial	18.6	19.7	11.1	13.4	14.7	16.3
Profit divided by ECI:						
DOD	24.6	17.4	32.5	18.9	30.4	18.5
Commercial	25.9	27.5	16.2	19.5	21.2	23.8
TCI turnover:						
DOD	4.0	2.9	4.2	3.1	4.1	3.3
Commercial	2.1	2.2	1.9	2.1	2.1	2.1
ECI turnover:						
DOD	5.3	3.9	6.1	4.5	6.0	4.8
Commercial	2.9	3.0	2.8	3.1	2.9	3.1

Note: The figures in this chart are not final and are illustrative only.

IMMIGRATION AND NATIONALITY ACT HEARINGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 10 minutes.

Mr. RODINO. Mr. Speaker, I wish to advise the House that on Wednesday, April 28, 1971. Subcommittee No. 1 on Immigration and Nationality, Committee on the Judiciary, will commence a series of hearings on revision of the Immigration and Nationality Act.

Miss Barbara M. Watson, Administrator of the Bureau of Security and Consular Affairs, will appear before the subcommittee on April 28, 1971, at 10 a.m. in room 2237, Rayburn House Office Building. Miss Watson will also appear before the committee on April 29, 1971, at 10 a.m., in room 2237.

On May 5, 1971, the Honorable Raymond F. Farrell, Commissioner of the Immigration and Naturalization Service of the Department of Justice, will be the witness before the committee at 10 a.m. in room 2237, Rayburn House Office Building.

The purpose of the hearings is to review visa issuance procedures, general enforcement of the immigration laws, and to analyze the problems that have developed in the administration of the law. Further hearings will be announced at a future date.

ADMINISTRATION PROPOSING WAGE BOARD CHANGES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. DULSKI) is recognized for 10 minutes.

Mr. DULSKI. Mr. Speaker, on Tuesday, April 27, the Subcommittee on Manpower and Civil Service, chaired by the gentleman from North Carolina (Mr. HENDERSON), will begin hearings on several bills dealing with changes in the wage board system. Chairman Robert E. Hampton of the Civil Service Commission will be the opening witness.

Chairman Hampton has submitted to the Speaker proposed legislation in this field which has been referred to our committee for consideration.

In order that the draft of legislation submitted by Mr. Hampton will be before the committee when the hearings get underway, I am introducing the bill today.

Mr. Speaker, as a part of my remarks, I am including the text of the letter which Chairman Hampton sent to you, as well as the accompanying statement of purpose and justification for the legislation and the section analysis of the bill, as follows:

Hon. CARL ALBERT,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: I am transmitting for the consideration of Congress proposed legislation "To amend title 5, United States Code, to establish a Federal Wage System for fixing and adjusting the pay of certain employees of the Government." A draft bill, a section analysis, and a statement of purpose and justification are enclosed.

The draft bill is designed to continue existing coverage of trades, craft and manual laboring occupations and certain employees in the Bureau of Engraving and Printing, as well as officers and members of crews of vessels. The system is based on the fundamental principle that, consistent with the public interest, the pay of Federal employees in trade, crafts and manual laboring occupations should be related to prevailing rates for the same levels of work. This fundamental principle provides the necessary flexibility to keep the system current and meet changing conditions as they arise.

The proposed legislation vests in the President the responsibility for the system as part of his responsibility for management of the executive branch, with authority to designate an agent, expected to be the Chairman of the Civil Service Commission, to operate the program. This is consistent with the placement of responsibility for adjustments in statutory salary systems.

The Bureau of Labor Statistics is designated to serve as the survey agency for the Federal Wage System. Assignment of the responsibility to the BLS would unify wage survey activities of the Federal government and reduce substantially the element of duplication that now exists because of the collection of similar wage information in the same wage areas by BLS and the agencies. White collar salaries are fixed on the basis of BLS surveys as are rates of employees of companies that contract with Federal establishments (McNamara-O'Hara Service Contract Act). The professional capability of the BLS to conduct such surveys is well established.

The proposed legislation would authorize establishment of a Federal Wage System Advisory Council. This Council would not be a decision making body, but would serve to advise the agent of the President on basic policy matters concerning the establishment and the operation of the Federal Wage System. This Council would provide both management and labor representatives with a medium for expressing their views on policy matters affecting the system. The Council would consist of five labor representatives and five management representatives. Members would be selected on the basis of numbers of wage workers employed in the agencies and represented by the labor organizations.

The proposed legislation continues section 5341(c) of title 5, United States Code, commonly referred to as the Monroney Amendment, which sets requirements, under specified conditions, for using pay data from other wage areas in setting local pay schedules.

The proposed legislation specifies an effective date of 180 days after enactment with two conditions. The first concerns the recognition of surveys conducted by the agencies during the transition period and the second specifies an area-by-area application of the system as wage surveys are completed by the Bureau of Labor Statistics. The conversion process would be completed approximately one year after the first wage schedule is established under the new system.

We urge that the proposed legislation be given prompt and favorable consideration. The proposed legislation contains many features of the Coordinated Federal Wage System which we consider have proven workable and equitable based on experiences gained during the nearly three years of its operation. It will also be noted that the proposed legislation states only the general framework of the general policies and principles under which the system will function rather than specifying detailed rules and instructions. This approach provides the flexibility needed to establish or modify existing features of the system as necessary in order to respond quickly and fully to often changing needs of the system.

The Office of Management and Budget advises that enactment of the proposed legislation would be in accord with the program of the Administration.

A similar letter is being sent to the President of the Senate.

By direction of the Commission:

Sincerely yours,
ROBERT E. HAMPTON,
Chairman.

STATEMENT OF PURPOSE AND JUSTIFICATION

(To accompany a draft bill to amend title 5, United States Code, to establish a Federal Wage System for fixing and adjusting the pay of certain employees of the Government.)

The purpose of this draft bill is to fix into law a Federal Wage System based on the fundamental principle that, as nearly as is consistent with the public interest, the pay of employees covered by that system should be related to prevailing rates for the same levels of work. This fundamental principle provides the necessary flexibility to keep the system current and meet changing conditions and problems which arise.

The bill is designed to continue existing coverage of trades, craft and manual laboring occupations and certain employees in the Bureau of Engraving and Printing, as well as officers and members of crews of vessels. It proposes the continuation of provisions that the pay of officers and members of crews of vessels shall be fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates and practices of the maritime industry. In areas where inadequate maritime industry practice exists it provides for the fixing of pay in accordance with section 5343 of title 5, United States Code. It also proposes the continuation of exceptions presently recognized in section 5102 of title 5, United States Code.

The proposal would vest in the President the responsibility for fixing the pay of employees under the Federal Wage System and for establishing regulations to govern the establishment of wage structures and pay practices, the classification of positions, the coverage of appropriate wage surveys, and the administration of the Federal Wage System. The President would be empowered to designate an agent to carry out these executive responsibilities. These responsibilities previously have been executed by the heads of agencies and the Chairman of the Civil Service Commission. It is expected that the Chairman of the Civil Service Commission will be designated as the agent of the President.

The draft bill continues section 5341(c) of title 5, United States Code, commonly referred to as the Monroney Amendment. The Monroney Amendment requires the use of industry pay data from other wage areas when local industry does not have sufficient employment in the kinds of positions that are directly comparable to the principal types of Federal positions in the area.

The draft bill specifies that the Bureau of Labor Statistics shall serve as the survey agency for the Federal Wage System. The BLS now conducts the National Survey of Professional, Administrative, Technical and Clerical Pay. The salaries of a much larger group of classified employees are fixed on the basis of that survey. The BLS also conducts surveys under the McNamara-O'Hara Service Contract Act which are used to establish rates for employees of companies providing services under contracts with Federal establishments. Assignment of responsibility to conduct surveys for the Federal Wage System would unify wage survey activities of the Federal government. It would eliminate a substantial element of duplication which exists under the present system whereby both the BLS and agencies now collect similar wage information in the same wage area. Wage surveys are needed to establish the facts about levels of rates being paid by industrial employers. This factfinding is best done by an impartial, objective body that will not be affected by the outcome. The BLS meets this test. The professional capability of the BLS to conduct such surveys is well established.

The draft bill would authorize the establishment of a Federal Wage System Advisory Council. This would not be a decision making body. Rather, its purpose would be to advise the agent of the President on the basic policies to govern the establishment and operation of the Federal Wage System. Five members would represent key agencies and five members would represent key labor organizations. The agent of the President or his designated representative would chair meetings with the Council. The views of management and labor would be expressed in the review of existing and proposed policies applicable to employees subject to this Act. These views would be considered by the agent of the President in the discharge of his responsibilities for the fixing and adjusting of pay in accordance with the basic principles of equity established by this Act.

The draft bill does not include existing statutory provisions concerning position classification appeals by employees under the Federal Wage System. Under existing statutes wage fixing authority is vested in the heads of agencies and the current provisions of section 5345, title 5, United States Code, are necessary to empower the Civil Service Commission to review and possibly change the classification decision of the head of an agency. The proposed bill would vest in the agent of the President, expected to be the Chairman of the Civil Service Commission, authority to govern the classification of positions under the system. There no longer is a need for a statutory appeals system. Appeals provisions paralleling those already in existence will be established by regulation under the authority of the agent of the President to manage the new system.

The draft bill specifies an effective date 180 days after enactment under the following conditions. It is necessary to have an orderly transition in the government's business from wage surveys conducted under the existing system to those wage surveys which will be conducted by the Bureau of Labor Statistics. One hundred eighty days are needed for the council review of the existing system and for the preparation of regulations defining the Federal Wage System. This is the minimum time required by the BLS to recruit and train needed staff and to plan for the conduct of the wage surveys. In order to continue the orderly adjustments of existing wage schedules while BLS makes such preparations, a condition is included to recognize a wage survey conducted by an agency before the effective date of this Act for a wage schedule which becomes effective after such effective date. The second condition to insure an orderly conversion to the Federal Wage System specifies an area-by-area application as wage surveys are completed by the BLS. A full round of surveys would require one year to complete, and all affected employees would be brought under the system by approximately one year from the effective date of new wage schedules in the first area surveyed.

SECTION ANALYSIS

To accompany a draft bill to amend title 5, United States Code, to establish a Federal Wage System for fixing and adjusting the pay of certain employees of the Government.

The first section of the draft bill provides for the Act to be cited as the "Federal Wage System Act of 1971".

Section 2 of the draft bill completely revises and restates Subchapter IV of Chapter 53 of title 5, United States Code. The various sections of that subchapter as amended by this draft bill are discussed below.

Section 5341 Policy. This section sets forth the policy that the pay of employees under the Federal Wage System shall be fixed and adjusted from time to time as early as is consistent with the public interest in accordance with prevailing rates. It continues the requirement that subject to section 213(f) of title 29, the rates may not be less than the appropriate rates provided for by section 206(a)(1) of title 29.

Section 5342 Definitions. This section defines a number of terms used frequently throughout the draft bill. 'Agency' has the usual definition set forth in section 5102 of title 5; however, subject to section 5343(b) of title 5, an 'agency' referred to in section 5102(a) (1)—(viii) may become an 'agency' for the purpose of this subchapter. 'Employee' is defined to include (1) an employee in a recognized trade or craft or skilled, unskilled or semiskilled manual labor occupation including their supervisors in a position having trade, craft, or laboring experience and knowledge as the paramount requirement; and (2) an employee of the Bureau of Engraving and Printing who performs or directs manual or machine operations, or the counting, examining, sorting, or other verification of the product of manual or machine operations.

Section 5342 (b) specifically provides that the draft bill does not apply to employees and positions described by section 5102(c) of title 5, other than by paragraphs (7) (trades, crafts and laboring employees, generally) and (8) (officers and members of crews of vessels) of that section.

Section 5343 Administration. This section sets forth the procedures for carrying out the policy expressed in section 5341 of the draft bill. Responsibility for the Federal Wage System is vested in the President of the United States. It provides further for the President to designate an agent to execute these responsibilities. These proviously were the functions of the heads of agencies and the Chairman of the Civil Service Commission. It is expected that the Chairman of the Civil Service Commission will be designated as the agent of the President. This includes authority to prescribe the regulations under which pay will be fixed, to establish wage structures and pay practices, to determine wage survey coverage, to govern the classification of jobs under the system, to make appropriate surveys by the Bureau of Labor Statistics, to administer the Federal Wage System, and to negotiate with the heads of each agency referred to in section 5102(a) (1)—(viii) of title 5 and with appropriate labor organizations for the purpose of bringing wage-system type employees of those agencies under the Federal Wage System. The agent of the President also is authorized to delegate wage fixing authority to the heads of agencies and to provide for management-labor union involvement.

Section 5342 continues the "Monroney Amendment" provision for using wage data from outside a wage area for the purpose of setting rates for the principal types of positions under the Federal Wage System which do not have counterparts within the area.

Section 5344 Effective date of pay increase. This section of the draft bill states when increases in pay will become effective. The term pay, rather than basic pay, is used to reflect the broadest coverage of increases (basic pay plus differentials) which result from wage surveys. This section recognizes that wage surveys will be conducted by an agency (BLS) other than the wage fixing authority, and continues that part of the existing statutory time limits for effecting wage increases based on surveys conducted by other than the wage fixing authority. This provides that such wage increases would be effective not later than the first day of the first pay period which begins after the 19th day, excluding Saturdays and Sundays, following the date on which the BLS survey data are received by the agent of the President or the head of an agency designated under section 5343 of title 5. The existing provisions pertaining to the effective dates for increases based on agency-conducted surveys will have no further application after BLS assumes the survey role, and accordingly that provision is being dropped.

Section 5345 Retroactive pay. This section of the draft bill continues existing statutory provisions governing the conditions under which an employee under the Federal Wage System is entitled to retroactive pay. Generally speaking only employees who are on an agency's rolls on the date the retroactive schedule is issued or who have retired or died between the period of the effective date of the schedule and the issuance date of the schedule are entitled to the retroactive pay. However, retroactive pay under this section is excluded from pay for the purpose of Chapter 83 of title 5, United States Code and for the purpose of determining the amount of insurance for which an employee is eligible under Chapter 87 of title 5, United States Code.

Section 5346 Federal Wage System Advisory Council. This section provides for the agent of the President in carrying out his functions to establish a Federal Wage System Advisory Council to advise him on policy matters. This Council will review existing and proposed policies applicable to employees under the Federal Wage System and recommend to the agent of the President their adoption, modification, or continuation consistent with the purposes of the Federal Wage System. The Council will have ten members, five representatives from among the executive agencies and five labor organization representatives. Agency representatives will be selected with due consideration to the relative numbers of employees under the Federal Wage System in those agencies. The labor organization representatives will be selected with due consideration to the relative numbers of employees under the Federal Wage System represented. The agent of the President or a representative designated by him will serve as the spokesman for the executive branch and will chair meetings with the Council. He will consider the views of each member in the discharge of his responsibilities under the basic principles of equity established by this Act.

Section 5346 of the draft bill provides for the agent of the President to make an annual report to the President on the operation of the Federal Wage System. Any views of Council members which are submitted in writing also will be furnished with the report to the President.

Section 5347 Crews of vessels. This section continues the practice of setting the pay for officers and members of crews of vessels in accordance with prevailing rates and practices of the maritime industry. It specifies that the agent of the President will prescribe the regulations to carry out the provisions of this section. These responsibilities formerly were vested in the heads of agencies. This section continues to exclude officers and members of crews of vessels from the other provisions of this subchapter. This section also provides authority to fix the pay of crews of vessels in an area where inadequate maritime practice exists in accordance with section 5343 of title 5, United States Code.

Section 2(b) of the draft bill makes conforming changes in the analysis of Chapter 53 of title 5, United States Code.

Section 3 provides for the agent of the President to prescribe the payfixing regulations for converting an employee's initial rate of pay to a wage schedule established pursuant to the amendments made by this Act. Under no circumstances will the amendments made by this Act be construed to decrease the existing rate of pay of any employee subject to the Act.

The draft bill also contains provisions for continuation of agreements at present in effect as a result of negotiations between departments and agencies of the Government and labor organizations.

Section 4 provides a conforming amendment to section 5541 of title 5, United States Code.

Section 5 provides a conforming amendment to section 5544 of title 5, United States Code. This section does not apply to the proposed section 5347, Crews of vessels, of this Act.

Sections 6 through 8 provide conforming amendments to appropriate sections of title 5, United States Code.

Section 9 provides for the repeal of all laws inconsistent with this Act.

Section 10 provides an effective date of 180 days after enactment for the orderly conversion to the Federal Wage System on an area by area basis.

FEDERAL PRIVACY ACT

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, recently I made a trip to the U.S.S.R. which was for the purpose of visiting with the families of Soviet Jews held in Leningrad jails and to speak with Soviet officials on their policy of refusing rights to Jews accorded other nationalities in the Soviet Union and refusing to permit Jews to emigrate from the Soviet Union. The details of my trip were reported to the House in a statement which I made on the floor on April 7.

I would like now to provide this House with some further observations that I have had as a result of my trip to the Soviet Union. From the moment I landed in Moscow until I left I, like every other foreigner, was under constant observation by the KGB, the secret police. How do I know this? I know it from personal observation since those who were assigned to follow me at times were quite overt in their activities. I also was told about routine KGB surveillance in conversations with newspapermen from western countries, U.S. Embassy officials, and other Americans now in the Soviet Union either as tourists or in some kind of an exchange program. According to all of these sources the telephones are tapped, and the bugging of hotel rooms and tables in restaurants is a common occurrence.

The oppressiveness of this kind of monitoring is overwhelming. One young American who is part of an exchange program at Moscow University told me, "The national pastime here is to take walks in the parks." What he meant was that no one speaks freely, even in the dormitory housing provided for students.

Mr. Speaker, I know that we in this country have not been immune from Government surveillance, but one major difference between what takes place here and that which takes place in the Soviet Union is that in the Congress, Members do rise to speak out against such surveillance and ask for the resignation of the FBI Director without fear that they will be incarcerated or otherwise punished. The editorials of our daily newspapers which are critical of excessive Government snooping further attests to a major difference in our societies.

But it is not enough to say that we have an open society. No, it is essential that we remain vigilant against Government invasions of privacy. It is for this reason that I have introduced H.R. 854, the Federal Privacy Act. This bill would require all Federal agencies maintaining records on an individual to:

First, notify the individual that such records exist.

Second, notify him of all transfers of such information.

Third, disclose information from such records only with the consent of the individual or when legally required.

Fourth, maintain a record of all persons given access to such records.

Fifth, permit the individual to inspect his records, make copies of them and supplement them.

Exceptions to this requirement would be made in instances of national security and when information is temporarily withheld for the purposes of criminal prosecution.

This Nation is in the debt of Senator Sam Ervin for having made public the dimensions of surveillance by Government agencies now taking place in our country and making so clear the need for limitations and restraints to be placed on the kind of surveillance and the access that citizens should have to those records now being collected. H.R. 854 now has 114 cosponsors. Its sponsorship crosses party and philosophical lines. I insert for the Record a list of the bill's cosponsors. I urge the distinguished chairman of the Government Operations Committee to hold hearings on this important legislation.

The list follows:

Cosponsors of Federal Privacy Act

Mr. Koch, Mr. Reid, Mr. Ryan, Mr. Harrington, Mr. Bingham, Mr. Halpern, Mr. Olin Teague, Mr. Begich, Mr. Lent, Mr. McKinney, Mr. Don Edwards, Mr. Podell, Mr. Leggett.

Mr. Aspin, Mr. Mitchell, Mr. Abourezk, Mrs. Abzug, Mr. Biaggi, Mr. Schwengel, Mrs. Chisholm, Mr. Thomas O'Neill, Mr. Dorn, Mr. Gonzalez, Mr. McCormack.

Mr. Addabbo, Mr. Badillo, Mr. Boland, Mr. Brasco, Mr. Carney, Mr. Conte, Mr. Drinan, Mr. Wm. Ford, Mrs. Julia B. Hansen, Mr. Augustus Hawkins.

Mr. Lujan, Mr. Moorhead, Mr. F. Bradford Morse, Mr. Pepper, Mr. Rangel, Mr. Rosenthal, Mr. St Germain, Mr. Scheuer, Mr. Stokes, Mr. Tiernan.

Mr. Vander Jagt, Mr. Waldie, Mr. Lester Wolff, Mr. Gallagher, Mr. Arthur Link, Mr. Clay, Mr. Wm. Green, Mrs. Ella Grasso, Mr. Wm. Anderson, Mr. John Dent, Mr. Brooks, Mr. Fraser.

Mr. Thompson, N.J., Mr. Udall, Mr. Baring, Mr. Moss, Mr. Ken Hechler, Mr. Mailliard, Mr. Bob Casey, Mr. Melvin Price.

Mr. Burton, Mr. Joe Evins, Mr. James Corman, Mr. Frank Clark, Mr. Pike, Mr. Hays, Mr. Gibbons, Mr. McCloskey, Mr. Eilberg.

Mr. Roncalio, Mrs. Louise Day Hicks, Mr. John Anderson, Mr. Chappell, Mr. Sarbanes, Mr. Wm. Roy, Mr. Roe, Mr. Sandman, Mr. Annunzio, Mr. John Conyers.

Mr. John Dingell, Mr. Robert Nix, Mr. Carl Perkins, Mr. James Kee, Mr. Bill Burlison, Mr. Lucien Nedzi, Mr. Henry Reuss, Mr. Lloyd Meeds, Mr. Robert Giaimo, Mr. Edward Derwinski, Mr. John Melcher.

Mr. Dominick Daniels, Mr. Culver, Mr. Jerry Pettis, Mr. Henry Helstoski, Mr. Sherman Lloyd, Mr. Coughlin, Mr. McMillan, Mr. Peter Kyros, Mr. Brademas, Mr. Gude, Mr. George Collins.

Mr. William Cotter, Mr. Charles Diggs, Mr. Hamilton Fish, Mr. Abner Mikva, Mr. George Miller of Calif., Mr. Edward Patten, Mr. Dick Shoup, Mrs. Dwyer, Mr. Yates.

HOW ABOUT THE OTHER GUY?

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, the Postmaster General this week notified me that "In recognition of the special importance of prompt delivery of your mail to your constituents, the U.S. Postal Service is initiating a program to provide Members of Congress with overnight delivery of airmail, as well as delivery generally not later than the second day for first-class mail." I know that my colleagues will join me in an expression of thanks to Postmaster General Blount for his stated recognition that "much of your correspondence responding to constituents' letters, as well as the correspondence you initiate, has an urgent time value."

At the risk of assuming the role of ingrate in the face of the Postmaster General's benevolence, I believe that we in the House should neither ask nor expect any privileges related to speed of delivery of our mail not accorded to the citizens and taxpayers who are our employers. One of the greatest governmental advances we can provide our constituents is an improvement in the mail service and this we must do through the Postmaster General and the newly created U.S. Postal Service.

There arrived on my desk in the same mail with the Postmaster General's notice of expedited service for Members' mail a letter from a constituent. I have received several similar letters but this was a litle unique in that it graphically pointed up the miseries suffered by the average individual through delays in the mail. We spoke of checks mailed at a post office on March 3 addressed to a bank less than 5 miles distant. The checks mailed on March 3, a Wednesday, were delivered on March 8, the following Monday, and in the words of this constituent "it took the Post Office 5 days to do what a boy with a bike could have done in 15 minutes."

Let me conclude by stating that I welcome the Postmaster General's leadership in effecting any improvement in mail service but I suggest that the emphasis be placed on moving the mail with the efficiency and at the speed which prevailed in the past. After all the fanfare which attended the creation of the Postal Service and the claims about performance, surely it is now time for us to expect tangible and salutary improvements.

CHANGING THE FISCAL YEAR

(Mr. MICHEL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MICHEL. Mr. Speaker, I am today introducing another bill, with seven cosponsors, to change the fiscal year of the Federal Government to coincide with the calendar year. This legislation is identical to H.R. 1458 and several other bills which 103 of my colleagues and I introduced earlier this session.

Joining me today are the gentleman from Tennessee (Mr. Baker); the gentleman from Connecticut (Mr. Giaimo); the gentleman from Florida (Mr. Gibbons); the gentleman from Washington (Mr. Hicks); the gentleman from Ohio (Mr. J. William Stanton); the gentleman from Oregon (Mr. Ullman); and the gentleman from Virginia (Mr. Whitehurst).

Once again, I urge prompt action on this proposal. Adoption of this change would be a major step toward a more orderly fiscal process.

In order to assist my colleagues and the public in better understanding just why we need to change our current fiscal year and how this would help improve our Federal budgetary and appropriation system, I would like to provide some answers for a number of questions which commonly arise in relation to this proposal.

Question: Why should Congress consider changing the current fiscal year of the Federal Government to coincide with the calendar year? What is wrong with the present system? What is the problem?

Answer: Simply stated, the problem is retroactive funding. In recent years, Congress has not been able to pass appropriation bills prior to the start of the new fiscal year beginning July 1.

During the last Congress, for example, not one regular appropriation bill was enacted into law before the start of the fiscal year to which it applied.

When this happens, dozens of Federal, State, and local agencies go into a fiscal limbo of continuing resolutions. Hospitals, schools, public institutions of all types, private organizations, contractors and the like are left hanging—unable to plan or budget properly.

The levels of Federal revenue and expenditures are of a magnitude to exert a significant influence on the economic pattern of our country, with the Federal Government participating in so many activities at all levels.

This state of affairs, especially after the sorry record of the last Congress in passing appropriation bills, has become intolerable.

Question: How would changing the fiscal year help?

Answer: Over a hundred years ago Congress ran into a similar problem when they met in December and tried in the next 3 or 4 weeks to pass all appropriation bills for a fiscal year beginning January first. It worked for a time, but when the activities of the Federal Government increased and the budget expanded and became more complex, Congress kept falling further and further behind.

So, in 1842, the fiscal year was pushed 6 months ahead, to begin on July 1. This seemed to work reasonably well for the next hundred years.

Now, we find ourselves, once again, in the same kind of predicament. Congress is unable to cope with the complexities of an expanding Federal budget before July 1 of each year. More time is needed, and pushing the fiscal year 6 months into the future would provide that time.

Question: Would this not play havoc with budget preparation by the executive?

Answer: No, it would not. While it is true that some changes in the present budget cycle would be required, the benefits of going to a calendar year would outweigh the disadvantages. We could even provide an additional 90 days for the executive branch, if needed, to avoid the problems which would be created by putting them in the middle of their accounting year. The budget could be submitted the first of April instead of early in January, as it now is. That way, they could have the benefit of the hard statistical data of the fiscal-calendar year which ended December 31. Congress usually takes several weeks to reorganize, anyway, and we are not able to conduct any significant business until this is completed.

Other changes would be needed, of course, but these are changes which can be made with no great inconvenience. The character of the President's budget would be altered, but this might be a change for the better in some ways. Since basic economic policy, and some high priority appropriation and authorization requests would probably be made before April 1, the budget would become more a summary than a presentation, as it is now. This could be less confusing over all and our committees would not have wasted any time prior to April, having begun consideration of the priority items.

Question: How would the budget and appropriations be handled for the interim 6-month period required by the changeover?

Answer: Since a 6-month and then a 12-month budgetary period would be an especially heavy workload for both the executive branch and the Congress, an interim 18-month budget would appear more workable. The data could be divided into a 6-month and a 12-month period for accounting purposes, but only one set of appropriation bills would be necessary. In this way, the transition could be relatively smooth.

Question: Why go to all this trouble? Can Congress not simply speed up the appropriation process?

Answer: We have been trying, but it just is not working. For one thing, authorizations must come before appropriations, and time and again appropriation bills are held up till the end of the session by tardy authorizations. I do not want to appear to be laying the blame for this at anyone's doorstep, because quite often these authorizing bills involve highly controversial issues for which a great deal of committee time is required to work out acceptable compromises.

As the President pointed out in his budget message this year, we seem to be operating on a 10- to 12-month basis instead of the 5½ required by the present fiscal year system. This puts us 5 to 6 months into the new fiscal year, but, like it or not, this is the way it is working.

I think we need to make every effort to work faster, and use such methods as multiple year authorizations more. But, when you do this you also cut down on the effectiveness of the job Congress must do—oversight and review of Federal expenditures. So, I do not think that in itself is an answer. Combine it with a change in the fiscal year, though, and I believe we will have taken a major step forward toward solving some of these problems.

Question: Was not this proposal originally a provision of the Legislative Reorganization Act in the last Congress? Why was it not left in the bill which passed last year?

Answer: I think basically because it was felt that the present system should be given another chance—that perhaps if we made another concentrated effort to get the bills through on time, we might be able to make it work.

The results, of course, are self evident—it did not happen. And that is why so many Representatives have cosponsored the bills I have introduced, have introduced legislation of their own or have expressed support of the idea.

Question: Well, then, is there any real opposition to this recommendation?

Answer: Some individuals have expressed reservations about the magnitude of the problems which would be involved in making the change, and some feel that there is no guarantee the Congress will not just let things slide even further once the pressure of the July 1 date has been taken off.

Well, I cannot accept that. Certainly there will be problems in making the change, and it will take time. That is why my bill provides that it would not take effect until the 4th year after the legislation is enacted. But, I do not believe Congress would do things very much differently than they are doing now.

We have got to remember that the end of each congressional session and the elections are the magic dates around here, not the first of July. The big push is always to get legislation cleared away before the end of the session or the elections. Often we do not succeed, but changing the fiscal year will not relieve the pressure of those deadlines.

Question: Where does the administration stand on this proposal?

Answer: The President wants something done about "retroactive funding." In his budget message this year he devoted several paragraphs to the need for reform of the budget process, and referred to the present situation as "intolerable."

It "impairs the ability of agency heads to manage their agencies responsibly and economically," he said, and then he concluded:

> Therefore we must seek a more rational orderly budget process. The people deserve one, and our Government, the largest fiscal unit in the free world, requires it.

Now, he is apparently leaving the door open for any workable solution we can come up with, but it looks to me as though anything short of changing the fiscal year is not going to help much. Officials from the Office of Management and Budget testified to the House Rules Committee during the last Congress that changing the fiscal year would help, and could be made to work. Clearly it would not be a panacea, but I think that is the way we are going to have to go.

"SELLING OF THE PENTAGON"—FILM VERSION OF THE PENTAGON PROPAGANDA MACHINE

(Mr. MICHEL asked and was given permisison to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MICHEL. Mr. Speaker, there is increasing evidence that a huge credibility gap has been developed by the CBS network in their so-called documentary, "The Selling of the Pentagon."

Evidence keeps mounting that distortions were made. Since one of the segments related to my own congressional district, I would like to bring to the attention of my colleagues a peculiar parallel between the path of the CBS documentary and a book written by one of the most vocal Pentagon critics, a Member of the other body.

This strange similarity of courses was pointed out to me by one of my constituents who appeared on the CBS program. The book I refer to is "The Pentagon Propaganda Machine."

The CBS documentary covers five topics: First, the civilian VIP tours; second, the staging of films; third, the hometown newspapers; fourth, equipment demonstrations; and fifth, the traveling colonels.

In the anti-Pentagon book, authored by a Member of the other body, the civilian VIP tours are covered on pages 34 to 37. Pages 104 to 106 detail the staging of Defense Department films. Pages 72 to 76 discusses public information handouts on GI's. References to equipment demonstrations are made on page 77 and other places throughout the book. On pages 38 to 42 references are made to the traveling colonels.

So what we have it not a spontaneous documentary but simply a film version of a book written with obvious bias against America's Defense Establishment The fairness doctrine was trampled under a stampede of prejudiced viewpoint. Editing was carefully done to assure that not hint of equality was allowed to remain.

Mr. Speaker, CBS has refused the Congress when asked to present material used in this documentary. It seems that CBS officials consider themselves above the law, above the Government, and above responsibility in presentation of broadcasts to the public.

There is factual evidence that CBS "doctored" other documentaries to express a prefixed point of view, not to give an evenhanded account.

Since network TV is a monopoly by Federal permission, it must necessarily be accompanied by a responsibility that justifies the privilege. It will no longer suffice for TV executives to issue statements viewing with alarm an attack on "freedom of the press" when they are caught in manipulation of the news. The Congress demands more than that, and the American people demand more than that.

We are not talking about suppression of the news, we are talking about opening up the news channels to full, unbiased presentation of facts as they are, not as some TV editor would wish to present them.

I believe that CBS has committed a serious breach of faith with the American people, and that Congress must fulfill its responsibility by conducting a full, fair, and thorough investigation into what kind of editing was done to put together this "documentary" and others purporting to explore fully a current domestic or foreign policy scene.

Perhaps a woman, who recently wrote the Wall Street Journal, summed up the viewpoint of most Americans on TV network handling of the news. She said:

> CBS certainly is entitled to its own bias, just as you and Vice President Agnew and I are. Clearly, though, they don't have any right to masquerade that bias as "The Evening News" nor do they have any right to rechristen it "A Documentary."

ANNOUNCEMENT OF SUBCOMMITTEE HEARINGS, THE NATIONAL LABOR RELATIONS BOARD AND THE LABOR-MANAGEMENT RELATIONS ACT

(Mr. THOMPSON of New Jersey asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. THOMPSON of New Jersey. Mr. Speaker, on May 6, 1971, the Special Subcommittee on Labor will begin hearings on H.R. 7152, a bill to expedite the processes of the National Labor Relations Board and strengthen the remedies available under the Labor-Management Relations Act.

H.R. 7152 proposes that the Board be authorized to delegate to trial examiners in unfair labor practice cases the power to make final decisions subject to a discretionary review by the Board; that the orders of the Board shall be "self-enforcing" unless notice of appeal is filed with an appropriate court within forty-five days; and further provides that a victim of a discriminatory discharge under section 8(a)(3) or 8(b)(2) of the act may sue for treble the damages by him sustained.

In addition to considering the merits of H.R. 7152, these hearings will mark the beginning of a comprehensive legislative review of the Labor-Management Relations Act by the subcommittee during this session.

No in-depth review of the operation of the act has been conducted by the House since 1961. Now we see rising concern about the Board's caseload problems, the long delays involved in getting through the Board and court processes, and the alleged inadequacy of some of the remedies available under the act.

We plan to study the Board's processes and certain of the act's remedies during this series of hearings, and move on to a study of the Board's jurisdiction during the fall. I hope our study will enable the House to reach some conclusions on whether the act is achieving its purpose of fairly maintaining industrial peace, and whether changes must be made to that we can better reach that goal.

ANNOUNCEMENT OF SUBCOMMITTEE HEARINGS—PROPOSED AMENDMENT OF THE LABOR-MANAGEMENT RELATIONS ACT

(Mr. THOMPSON of New Jersey asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. THOMPSON of New Jersey. Mr. Speaker, on May 10, 1971, the Special Subcommittee on Labor will hold hearings on H.R. 6195, a bill to amend section 302(c) of the Labor-Management Relations Act to permit employer contributions to trust funds established to finance joint industry promotional programs.

The bill applies only to employers in the construction industry. Similar legislation has been introduced by the gentleman from Illinois (Mr. PUCINSKI) and the gentleman from Kentucky (Mr. PERKINS).

The trust funds that would be authorized by this bill would be administered by equal numbers of representatives of employers and employees, and their sole purpose would be to finance the promotion of products used in the construction industry. The funds would be involved in areas such as public relations, research and development, market development, and publication of technical information about the product.

They would be financed by employers through contributions arrived at in collective bargaining agreements on an agreed upon "cents per hour, per employee" basis. Bargaining over the establishment of such a fund would be permissive; that is, a refusal to bargain on this issue would not be an unfair labor practice. The bill contains special provisions to protect the fiscal integrity of the funds.

The bill is narrowly drawn to cover only product promotion programs in the construction industry. It does not affect so-called industry advancement programs that are unilaterally administered by management.

We expect to have several witnesses from labor and management testifying on the bill, and would be happy to hear any of our colleagues who wish to testify.

A 6-FOOT HIGH BOARD FENCE

(Mr. VANIK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. VANIK. Mr. Speaker, today, workmen are constructing a 6-foot high board fence on the West Front of the Capitol.

I regret to see this happen.

Nothing desecrates the Capitol so much as a fence which seeks to separate it from its people.

THE VUITCH DECISION OUTRAGE AGAINST WOMEN

(Mrs. ABZUG asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. ABZUG. Mr. Speaker, yesterday the U.S. Supreme Court handed down a decision which is an outrage against women. By a 5-to-2 vote, the Court reversed an earlier decision of the U.S. district court and upheld a District of Columbia abortion law which says, in effect, that pregnant women may not decide for themselves whether to have an abortion.

Some may say—as Dr. Vuitch, the defendant in this case, himself said—that the Court's decision was proper, that having an abortion is a medical matter, and that only a doctor may decide—but I say a woman herself is entitled to decide whether she will have a baby, and no doctor may make that decision for her.

This Supreme Court ruling gives doctors—94 percent of whom are men—the right to impose moral standards on a woman's life. It lets a doctor refuse an abortion simply on the grounds that in his judgment a woman's "mental health" does not justify it. It says that if a woman chooses not to have a baby, she must be mentally sick.

I believe that this outrageous Supreme Court decision only confirms our need to have more women judges and women legislators sitting in positions of power on the decisionmaking bodies of this country. Surely a woman Justice, with any sense of the agony of bearing an unwanted child, with any understanding of the right of women to control their own bodies, would not have voted here with the majority. Until we have women representing women where decisions like this are made I fear that women's rights will continue to be disregarded. I deplore the Vuitch decision and consider it a legal step backward for all of us.

NIX BILL INTRODUCED TO PROTECT THE BASIC LIVING WAGE INCOME OF RETIRED FEDERAL EMPLOYEES FROM THE FEDERAL INCOME TAX

(Mr. NIX asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. NIX. Mr. Speaker, I will today introduce a bill that will, upon enactment, provide that the first $5,000 of an individual's civil service retirement be excluded from the gross income of such individual's Federal tax computation. This is a matter of justice, Mr. Speaker.

Social security payments and railroad retirement annuities are tax exempt. This would merely exempt the first $5,000 of gross income from Federal tax liability. As such, it is a compromise measure.

Mr. Speaker, I believe that we should not penalize the Federal Government's own employees for being part of its retirement system rather than the social security or railroad retirement system. Because of a severe inflation caused by war, Federal employees have lost much of the value of their pensions, even though in recent years we have passed legislation to rectify this situation with cost-of-living increases. This is only half the problem, however. In order to retain present employees we have raised salaries, thus raising the pensions of present employees while at the same time not adjusting the retirement pay of former employees. This has created a hardship.

It seems to me that the least we can do at the present time is give some minimal tax relief to retired Federal employees. The tax loss would be small but the gain for these employees would be an important one. I do not believe that the minimum income necessary to sustain life should be taxable. This bill in extending that principle to Federal employees will be a long-needed step in the right direction.

NIX BILL INTRODUCED TO PAY FOR PRESCRIPTION DRUGS AND OTHER COSTS FOR THOSE SERVED BY MEDICARE

(Mr. NIX asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. NIX. Mr. Speaker, one of the outstanding problems in our Nation is the way that we neglect the elderly.

We do take half measures. We have enacted a medical care program as part of the Social Security Act. But, we have left out of that legislation coverage for expenses resulting from the purchase of prescription drugs, hearing aids, eye examinations, glasses, dental care, and the service of chiropractors.

These are the very items which drain the income of those who have retired or who depend on their social security system.

We in the Congress have in the past and at present taken great interest in a crusade against poverty. At the same time, one third of the poor are the aged. It is these people who need practical help, not advice from administrators or so-called community involvement projects.

I believe that the bill I am introducing today is part of the answer. It would make expenses resulting from the purchase of prescription drugs, dental care, eye care, and the services of chiropractors subject to payment by the Federal Government under the Social Security Act.

I believe that the passage of the Social Security Act in the 1930's was a first step in the right direction. The social security system has great promise and it is a promise that must be fulfilled. The legislation I have introduced here will fulfill that promise.

A BILL RELATING TO NATIONAL GUARD CIVILIAN EMPLOYEES, APRIL 21, 1971

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, the need for corrective legislation concerning National Guard civilian employees has been a concern of mine for many years. Some equity for this group of 42,000 Federal employees was gained in 1968 when the Congress passed the "National Guard Technician Act of 1968" and rewarded this group of dedicated servants with partial credit for their decades of past service. However, legitimate concern with this 42,000-member civil employee group remains with us because of the unique circumstance of their employment and because of the imbalance between normal Civil Service and the demands put upon this group that deprive them of secure careers and rational employment qualifications.

In this day of military draft controversy, we find that National Guard civilian employees have a continuing military service requirement to keep their jobs that can place service obligations of up to 42 years upon them. We find 50-year-old men forced to continue the physically demanding role of field combat soldiers to retain their civilian administrative jobs. We hear of men in dire fear of military physicals because failure to pass would terminate their civilian career. We find employees with retirement service requirements in their civilian employment that do not meet the military standards and with little or no recourse to other Federal employment because of their "excepted" status. We find a system that rewards the attainment of military rank or grade with civilian employment potentials but disregards the standards of a civil merit system with its criteria of education, talent, and experience. We find a civilian employment field at odds with almost all Civil Service Commission standards.

This legislation I am introducing endeavors to equitably bridge the gap between military and civilian standards by:

First. Allowing a National Guard employee who has completed 20 years of service, and who is honorably separated from his military position, to continue in employment for the National Guard if otherwise qualified.

Second. Allowing the National Guard employee with more than 10 years of service to continue in employment in the event he does not pass a military physical if he is otherwise qualified.

Third. Eliminate military grade as a qualification for civilian employment or promotion which would serve to establish merit standards for men, or women, that compare with other Federal employment.

My years of interest and concern have brought me into contact with hundreds of these National Guard employees and I have their interest at heart when I propose this legislation. The Association of Civilian Technicians, long active in this area, have advised us on this legislation and the needs of these 42,000 employees. I am convinced of the need of this legislation to provide a degree of equity for theme dedicated employees and to reward them with security of career in return for loyalty of service.

The National Guard itself can ill afford to lose the talents of this group of dedicated employees and should welcome this opportunity to keep skilled and experienced employees in the fold.

POW SURVEY BY FORT HUNT JUNIOR CIVITANS

(Mr. ZION asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ZION. Mr. Speaker, I rise to call attention to the activities of the students of Fort Hunt High School, Alexandria, Va., in behalf of our prisoners of war.

These students, under the direction of Paula Lewis, Randy Manner, and Mark Peifer collected 4,932 letters and petitions to be sent to the North Vietnamese, Vietcong, and Pathet Lao.

In addition they conducted a survey of House and Senate Members on the prisoner question.

The results of the survey follows:

FORT HUNT JUNIOR CIVITAN'S POW SURVEY AS OF MAR. 19, 1971

Number of responses:	
Senate	16
Congress	67
Total	83
No reply to questionnaire	23
Sent own literature	30

Questions	Yes	No	No comment
1. Would you support a bill that would provide for certain percentage of American troops withdrawn, the same percentage of POW's would then be released?	15	23	16
2. Were you in favor of the futile military attempt to free American POW's at Son Tay?	41	9	4
3. Would you support another action similar in purpose to the one last year?	32	7	10
4. Do you feel that the POW issue is a political problem, 39; military problem, 30; other 19?			
5. Do you support Operation Hundred Tons, sponsored by the National League of Families of POW's and MIA's did any good in pressuring the NVN envoys in Paris?	35	11	9
6. Do you feel that American POW's are being fairly treated by the NVN?	1	46	5
7. Do you feel that the letters sent to NVN did any good?	44	8	2
8. Do you know of any legislation now in Congress that concerns POW's and MIA's?	38	2	19
9. Are you active in supporting the POW issue?	51	2	0
10. What must be done to end the war; pull out, 16; talk, 25; no comment, 13			
11. When will the war end?			

1970	0
1971	1
1972	11
1973	3
1975	1
1976	1
1990	1
2001	1
????	35

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

More than 42 million people visit the national parks each year, and more than 150 million stop at some National Park Service area. That is more than a twofold increase in a single decade.

LEST WE FORGET

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, in a land of progress and prosperity, it is often easy to assume an "out-of-sight, out-of-mind" attitude about matters which are not consistently brought to our attention. The fact exists that today more than 1,550 American servicemen are listed as prisoners or missing in Southeast Asia. The wives, children, and parents of these men have not forgotten, and I would hope that my colleagues in Congress and our countrymen across America will not neglect the fact that all men are not free for as long as one of our number is enslaved.

Sp4c. John E. Conger, Jr., U.S. Army, RA11658668, Lebanon, Ohio. Single. The son of Mr. and Mrs. John E. Conger, Sr., Lebanon, Ohio. Graduate of Lebanon High School. Officially listed as missing January 27, 1969. As of today Specialist Fourth Class Conger has been missing in action in Southeast Asia for 815 days.

WE MUST GET OUT

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, among the many troubled by the tragedy of Vietnam, those who meet our young people in the classrooms and work with them on campus have been in the forefront.

I have received many letters supporting the efforts of those of us who are asking our colleagues to pledge to "work and vote for responsible legislation during the current session" that would lead to an American withdrawal from Indochina.

Among those letters was one from George H. Williams. It was written and signed as an individual, but you will recognize the name as that of the president of American University, one of the most distinguished private institutions in the United States. The letter said:

DEAR MR. GUDE: I applaud and support your continuing efforts and particularly your leadership in recent weeks to accelerate withdrawal of all American military forces from Indochina this year.

In writing to you, I do so as an individual in no way reflecting an institutional position or intending to speak on behalf of any of my colleagues. It is, however, because of my position that I may with special sensitivity reflect the concerns of many of our young people. They are encouraged by the scheduled acceleration of troop withdrawal; but they are not satisfied, and will not be, until an early date certain for full withdrawal is established by the Congress and its implementation assured by necessary legislative action. Past disenchantments with what appeared to be disengagement from this tragic war have dissuaded many young people from accepting vague assurances that it was being "wound down" as fast as possible. They see this as of little help to the soldier or civilian who is killed or crippled with the distinction of being a casuality-statistic showing one week as somehow "better" than the week before.

Young people and increasingly most people in America have come to realize, as some of us did earlier, that we must get out; and the commitment to do so must be reinforced by setting a date now, preferably not later than December 31, 1971.

So much remains to be done to effect the quality of life, rather than the quantity of death, that all of us, whether as individual citizens or as public leaders, must keep that idea central in our thinking. I commend you as I shall others who have given strong, visible leadership to a position of such critical importance.

Very sincerely yours,

GEORGE H. WILLIAMS.

MUSTANG ASSOCIATION

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, no cause—no matter how good—is free from difficulty. It is hard to prevent this, especially when large sums of money are involved.

As the sponsor of legislation that would require the Secretary of the Interior to protect the wild horses of the American West, I have received hundreds of letters of support from young people. Many of the letters were full of love for horses—and some said that the writers were not only circulating petitions on behalf of the mustang protection bill, but were also collecting funds for the National Mustang Association, which has advertised nationally for money to buy lands for wild horses and has been associated, in some minds, with the legislation I have sponsored.

Many members of the National Mustang Association have worked hard on behalf of wild horses—digging water holes for the horses, for example. But I must also inform the Congress, and the Nation, that the National Mustang Association is in difficulty. Without prejudging the internal controversy nor the persons involved and their views, I am placing in the RECORD a letter from some officials of the organization.

If we remember that considerable amounts of money are involved, that these have been contributed by children as well as adults in the hope of aiding wild horses that were not being adequately protected by the Government, and that lands already under Federal ownership can be used to help the horses without the private purchase of special ranches, we should be further encouraged to approve wild horse protective legislation.

Here is the letter:

During the past years, much has been written about the Mustang. A wild horse "born free" on the open range. It has become apparent from recent news items that the public is very much concerned about the diminishing herds that roam the public lands. This concern has been brought by the relentless efforts of persons like Mrs. Velma (Wild Horse Annie) Johnston, who has been fighting for the mustang for some 20 years.

On January 13, 1965 an organization called the National Mustang Assn. was founded. The president: Tom Holland of Newcastle, Utah. The purpose: to preserve & protect the rapidly vanishing part of early America, the mustang. This group is a non-profit organization, with no officer or director to receive any compensation for services rendered. (With the possible exception of the secretary). This group had its problems, and after getting off to a slow start, was practically at a stand still until two years ago when its President, Tom Holland, was employed by the Gates Rubber Co. leaving most of the duties to the Las Vegas and the Hillsboro, Ohio Chapters of the N.M.A.

The Las Vegas Chapter began building up a volunteer work force to practice the kind of program that it was organized for. During the past two years here in Nev. the program was a success. One of the problems facing the National Mustang Assn. was what to do with the mustangs that were removed from ranges where they were no longer wanted. The answer: a large holding ranch.

While the majority of the N.M.A. members were discussing this new idea, the President of the N.M.A., Tom Holland, acting on his own, made a broadcast from Station W.O.R. in New York City that he was buying the 302 sq. mile Emery Conway Ranch in Caliente, Nevada. Although the public responded to his request for funds, the deal fell through. Again, without proper authorization, he paid for an option to buy another ranch in the Caliente area. Again it was no deal, as he was paying several times more than the ranch was worth.

Although thousands of dollars were received from the public, it was spent by the N.M.A. President without proper authorization. At this time, the Las Vegas Chapter and the Hillsboro, Ohio Chapter contacted the owner of a large ranch near Caliente, Nev. A ranch was secured and an option was paid, and the N.M.A. had possession of their ranch. As funds were needed, not only to pay for the ranch, but also for building, sanitation, roads, power, etc. the Las Vegas Chapter contacted the firm of Stuart A. Schwalbe & Associates of San Francisco, California, who agreed to help us. The president of the N.M.A. was notified and it was agreed by the Las Vegas Chapter and the N.M.A. President that the funds would go into a special ranch fund. However, the N.M.A. President, without the consent of the rest of the N.M.A. changed the mailing address. In order to safeguard the public funds now being received from the new campaign, the officers, and board members of the Las Vegas Chapter authorized the changing of the mailing address to: *Mustang Special Fund* Nat'l. Mustang Assn. Inc. Dept. 1A Box 293 Caliente, Nev. 89008, with the money now going into a special bank account to be used to buy the ranch that the public donated it for.

Walter E. Clutts, President, Las Vegas Chapter; John McCormack, President, Ohio Chapter; Ellis LeFevre, Vice President, Las Vegas Chapter; Carlos Black, Board Member; Richard Baker, Board Member; John Fine, Board Member; Jerry Hughes, Board Member.

RELEASE OF PRISONERS IN NORTH VIETNAM

(Mr. TERRY asked and was given permission to extend his remarks at this point in the Record.)

Mr. TERRY. Mr. Speaker, in Wednesday's Washington Evening Star, an Associated Press story reported the statements of a North Vietnamese spokesman, Nguyen Thahn Le, that Hanoi has no intention of dragging out the release of the prisoners once a date for total withdrawal has been set by President Nixon.

The Communist spokesman stated that Hanoi had shown good faith with the French, and it had a long history of keeping its commitments.

Mr. Speaker, the history of our negotiations with the North have been anything but examples of Hanoi's good faith. We were told that cessation of the bombing would bring a halt to the war nearly 3 years ago. However, the North only used this act of good faith by the United States to rebuild their forces in the South, in Laos and Cambodia.

Their general conduct at the Paris negotiations has been characterized by polemics and misrepresentations of the truth. They have shown little interest in serious negotiations and have offered little which is negotiable.

The status of our prisoners is more complex than the broad brush statements of the North Vietnamese spokesman. Hanoi has denied any knowledge of more than a thousand men listed as missing in South Vietnam, Laos, and Cambodia. Now surely they cannot believe that the American people are going to accept such an indiscriminate disregard for the truth.

In March, Congress commemorated the prisoners and missing by officially declaring a National Week of Concern. The response was tremendous from all parts of the Nation.

One of the reasons for that week was to remind this country of the poor treatment being afforded our men in prison in North Vietnam. Now our adversaries would like everyone to believe that there never has been any mistreatment of our prisoners and that the Hanoi government has been completely above board in their dealings with the United States on the prisoners. This convenient differentiation between what they are doing and what they are saying has unfortunately convinced some Americans that our own leaders are not responsive to the Hanoi proposals.

Mr. Speaker, those who do not learn from the past are doomed to relive the mistakes of the past. We must remain strong in our resolve to gain release of the prisoners in North Vietnam on terms which will guarantee a full disclosure of all the men who are imprisoned and the status of those listed as missing.

FOREIGN POLICY IS RESPONSIBILITY OF PRESIDENT

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the Record.)

Mr. DEVINE. Mr. Speaker, the foreign policy of the United States has traditionally been, and is today, primarily the responsibility of the President. Our foreign policy would dissolve into chaos if it is allowed to be made in the streets.

President Nixon's Indochina policy is based on sound, pragmatic solutions to our military withdrawal from South Vietnam. It is the only practical way for America to honor our national commitment and phase out the inherited war in Vietnam.

The President must consider many factors in his decisions on how we are to leave Asia. We have the welfare of the South Vietnamese people to consider, their ability to have a free choice after we withdraw. The President's program is based on the premise that they must defend themselves in the future, and that we must withdraw at a rate that will permit them to build their own defenses. Vietnamization is an honorable and successful answer to our commitment to the defense of freedom in Asia.

The President has the prisoner-of-war issue to weigh in with his military decisions. All Americans, I am sure, are desirous that negotiations begin at once to return our POW's as our withdrawal from combat operations accelerates.

The stability of the South Vietnamese Government, and the economic future of the country must be considered, for an impoverished South Vietnam could fall prey to Communist ideologies as readily as a weak South Vietnamese military establishment could be victimized by Vietcong forces.

The President has taken the many factors into consideration. He has comprehensive knowledge that the man on the street cannot possibly have. He has moved decisively, and has a definite program in progress to halt our combat involvement. He deserves and needs the backing of every patriotic American. The issue today cannot be whether or not the Democratic Party should have gotten us into the war in the first place. The issue today is whether or not the Democratic Party is going to have enough principle to follow through and honor its own decisions, by backing the efforts of our present President to secure a just and honorable peace in Asia.

Emotional demonstrations, which I regret some members of the Democratic Party have helped organize, and have fanned into greater outbursts, are based on frenzy and political headline hunting. They do a disservice to the President, and to the honor of our Nation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Hosmer (at the request of Mr. Gerald R. Ford), for the balance of the week, on account of official business.

Mr. Flynt (at the request of Mr. Biaggi), for Thursday, April 22, 1971, on account of official business.

Mr. Peyser (at the request of Mr. Gerald R. Ford), on account of official business.

Mr. Saylor (at the request of Mr. Gerald R. Ford), for the balance of week, on account of committee business.

Mr. Mathis of Georgia (at the request of Mr. Boggs), for Thursday, April 22 and Friday, April 23, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Collier, for 30 minutes, on May 10.

Mr. Seiberling, today, for 30 minutes, and to revise and extend his remarks and to include extraneous matter.

Mr. Gonzalez, today, for 15 minutes, and to revise and extend his remarks and to include extraneous matter.

Mr. Randall, for 30 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. McKevitt) to address the House and to revise and extend their marks and include extraneous matter:)

Mr. Betts, for 1 hour, on May 6.

Mr. Conte, for 15 minutes, today.

Mr. Schwengel, for 30 minutes, on April 26.

Mr. Schwengel, for 30 minutes, on April 27.

Mr. Anderson of Illinois, for 30 minutes, today.

Mr. McKevitt, for 5 minutes, today.

Mr. Hunt, for 5 minutes, today.

(The following Members (at the request of Mr. Gonzalez) to address the House and to revise and extend their remarks and to include extraneous matter:)

Mr. Danielson, for 5 minutes, today.

Mr. Dent, for 15 minutes, today.

Mr. Rarick, for 15 minutes, today.

Mr. Sikes, for 60 minutes, today.

Mr. Burke of Massachusetts, for 10 minutes, today.

Mr. Stuckey, for 10 minutes, today.

Mr. Aspin, for 20 minutes, today.

Mr. Rodino, for 10 minutes, today.

Mr. Rangel, for 15 minutes, April 27.

Mr. Badillo, for 30 minutes, on April 28.

Mr. Sikes, for 60 minutes, on May 5.

(The following Members (at the request of Mr. Vanik), to revise and extend their remarks and include extraneous matter:)

Mr. Dulski, for 10 minutes, today.

Mr. Fraser, for 60 minutes, April 26.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Passman, and to include extraneous material.

Mr. Gray, and to include extraneous matter in two instances.

Mr. Jones of Alabama to revise and extend his remarks made today in the Committee of the Whole.

Mr. Madden to extend his remarks in the Record after the vote on the public works bill.

Mr. Vanik to extend his remarks on the subject of special order by Mr. Seiberling and to include extraneous matter.

(The following Members (at the request of Mr. MCKEVITT) and to include extraneous matter:)

Mr. RAILSBACK.

Mr. THONE.

Mr. FISH in two instances.

Mr. QUIE.

Mr. BURKE of Florida in four instances.

Mr. TERRY in two instances.

Mr. ROBISON of New York in two instances.

Mr. GROVER.

Mr. PELLY in two instances.

Mr. WYMAN in two instances.

Mr. ASHBROOK in two instances.

Mr. HOSMER in three instances.

Mr. SCHMITZ in four instances.

Mr. DUPONT.

Mr. STEIGER of Wisconsin in three instances.

Mr. LUJAN.

Mr. REID of New York in two instances.

Mr. GOLDWATER in three instances.

Mr. GROSS.

Mr. COLLIER in five instances.

Mr. MCCLORY.

Mr. NELSEN.

Mr. HARSHA.

Mr. PRICE of Texas.

Mr. SCHWENGEL in two instances.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. BADILLO in five instances.

Mr. BEGICH.

Mr. BOLLING.

Mr. DINGELL in three instances.

Mr. CORMAN in two instances.

Mr. PRYOR of Arkansas.

Mr. MILLER of California.

Mr. RARICK in three instances.

Mr. WALDIE in two instances.

Mr. PEPPER.

Mr. GONZALEZ in two instances.

Mr. BURKE of Massachusetts.

Mr. GIBBONS in two instances.

Mr. MIKVA in six instances.

Mr. VANIK in two instances.

Mr. ADAMS.

Mr. RYAN in five instances.

Mr. KLUCZYNSKI in two instances.

Mr. FOUNTAIN in two instances.

Mr. ANDERSON of California in two instances.

Mr. STOKES.

Mr. HAWKINS in two instances.

Mr. DANIELSON.

Mr. BRINKLEY in two instances.

Mr. MOLLOHAN in five instances.

Mr. SCHEUER in three instances.

Mr. REES.

Mr. BINGHAM.

Mr. COTTER in five instances.

Mr. TEAGUE of Texas in six instances.

Mr. FRASER in six instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 230. An act to authorize the U.S. District Court for the Northern District of West Virginia to hold court at Morgantown; to the Committee on the Judiciary.

ADJOURNMENT

Mr. VANIK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 34 minutes p.m.), under its previous order, the House adjourned until Monday, April 26, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

615. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation for the Canal Zone Government for "Operating expenses," for fiscal year 1971, has been further reapportioned on a basis indicating a need for a supplemental estimate of appropriation, pursuant to 31 U.S.C 665; to the Committee on Appropriations.

616. A letter from the Secretary of Defense, transmitting the 1970 Annual Report of the Office of Civil Defense, pursuant to section 406 of the Federal Civil Defense Act of 1950; to the Committee on Armed Services.

617. A letter from the Assistant Administrator of General Services, transmitting a draft of proposed legislation to amend the Federal Property and Administrative Services Act of 1949, as amended, to authorize the Administrator of General Services to enter into contracts for janitorial services, trash removal, and similar services in federally owned and leased properties for periods not to exceed 3 years, and for other purposes; to the Committee on Government Operations.

618. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to terminate and to direct the Secretary of the Interior and the Secretary of the Navy to take action with respect to certain leases issued pursuant to the Outer Continental Shelf Lands Act in the Santa Barbara Channel, offshore of the State of California; to explore Naval Petroleum Reserve No. 4, and for other purposes; to the Committee on Interior and Insular Affairs.

619. A letter from the Chairman, Indian Claims Commission, transmitting a report on the final conclusion of judicial proceedings in docket No. 236-H, *Gila River Pima-Maricopa Indian Community, etc., Plaintiff* v. *the United States of America, Defendant*, pursuant to 60 Stat. 1055; to the Committee on Interior and Insular Affairs.

620. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to increase the security and protection of imported merchandise and merchandise for export at ports of entry in the United States from loss or damage as a result of criminal and corrupt practices, and for other purposes; to the Committee on Ways and Means.

RECEIVED FROM THE COMPTROLLER GENERAL

621. A letter from the Comptroller General of the United States, transmitting a report that the financial feasibility of rural water and sewer systems should be checked more thoroughly by the Farmers Home Administration, Department of Agriculture; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California: Committee on Science and Astronautics. H.R. 7109. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; (Rept. No. 92–143). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee on Appropriations. House Joint Resolution 567. Joint resolution making certain urgent supplemental appropriations for the fiscal year 1971, and for other purposes; (Rept. No. 92–144). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Committee on Government Operations. H.R. 4848. A bill to amend the act of November 26, 1969, to provide for an extension of the date on which the Commission on Government Procurement shall submit its final report; (Rept. No. 92–145). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Committee on Government Operations. H.R. 6283. A bill to extend the period within which the President may transmit to Congress reorganization plans concerning agencies of the executive branch of the Federal Government, and for other purposes; (Rept. No. 92–146). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 1100. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Grand River Band of Ottawa Indians in Indian Claims Commission docket No. 40-K, and for other purposes; with amendments (Rept. No. 92–147). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 1444. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Snohomish Tribe in Indian Claims Commission docket No. 125, the Upper Skagit Tribe in Indian Claims Commission docket No. 92, and the Snoqualmie and Skykomish Tribes in Indian Claims Commission docket No. 93, and for other purposes; with an amendment (Rept. No. 92–148). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 4353. A bill to provide for the disposition of funds appropriated to pay certain judgments in favor of the Iowa Tribes of Oklahoma and of Kansas and Nebraska; with amendments (Rept. No. 92–149). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 6072. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Pembina Band of Chippewa Indians in Indian Claims Commission dockets Nos. 18-A, 113, and 191, and for other purposes; (Rept. No. 92–150). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 6797. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Kickapoo Indians of Kansas and Oklahoma in Indian Claims Commission dockets Nos. 316, 316-A, 317, 145, 193, and 318; with amendments (Rept. No. 92–151). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BRASCO:

H.R. 7647. A bill to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BROWN of Ohio:

H.R. 7648. A bill to authorize the establishment of the Cedar Swamp National Monument, Ohio, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CLANCY:

H.R. 7649. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of certain materials to minors; to the Committee on the Judiciary.

H.R. 7650. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising; to the Committee on the Judiciary.

H.R. 7651. A bill to amend section 1257 of title 28, United States Code, to provide that the Supreme Court shall not have jurisdiction to review a State court final judgment or decree that an act or publication is obscene; to the Committee on the Judiciary.

By Mr. CORMAN:

H.R. 7652. A bill to amend the Tariff Schedules of the United States to suspend the duty on certain aircraft components; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 7653. A bill to require the furnishing of documentation of claims concerning safety, performance, efficacy, characteristics, and comparative price of advertised products and services; to the Committee on Interstate and Foreign Commerce.

By Mrs. GRASSO:

H.R. 7654. A bill to amend the Public Health Service Act to provide for the establishment of a National Sickle Cell Anemia Institute; to the Committee on Interstate and Foreign Commerce.

By Mr. GUDE:

H.R. 7655. A bill to amend the Public Health Service Act to continue and broaden eligibility of schools of nursing for financial assistance, to improve the quality of such schools, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH (for himself, Mr. Abourezk, Mr. Annunzio, Mr. Cleveland, Mr. Fulton of Pennsylvania, Mr. Gubser, Mr. Horton, Mr. Mazzoli, Mr. Rarick, Mr. Rodino, and Mr. Whalen):

H.R. 7656. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Mr. Celler, Mr. Carey of New York, Mr. Ryan, Mr. Addabbo, Mr. Scheuer, Mr. Brasco, Mrs. Abzug, and Mr. Badillo):

H.R. 7657. A bill to amend title V of the Social Security Act to extend for 5 years (until June 30, 1977) the period within which certain special project grants may be made thereunder; to the Committee on Ways and Means.

By Mr. MICHEL (for himself, Mr. Baker, Mr. Giaimo, Mr. Gibbons, Mr. Hicks of Washington, Mr. J. William Stanton, Mr. Ullman, and Mr. Whitehurst):

H.R. 7658. A bill to provide that the fiscal year of the United States shall coincide with the calendar year; to the Committee on Government Operations.

By Mr. MIKVA:

H.R. 7659. A bill to extend the maximum educational benefits for veterans to 54 months; to the Committee on Veterans' Affairs.

H.R. 7660. A bill to amend title II of the Social Security Act to provide that an insured individual may retire and receive full old-age insurance benefits, without regard to his age, after he has worked in covered employment or self-employment for 40 years; to the Committee on Ways and Means.

By Mrs. MINK:

H.R. 7661. A bill to include papayas within the list of imported commodities to which certain restrictions apply if the Secretary of Agriculture issues marketing orders with respect to like commodities domestically produced; to the Committee on Agriculture.

H.R. 7662. A bill to authorize appropriations to carry out the International Education Act of 1966; to the Committee on Education and Labor.

By Mr. NIX:

H.R. 7663. A bill to amend title XVII of the Social Security Act to provide coverage under the supplementary medical insurance program for prescription drugs, hearing aids, eye examinations, glasses, and treatment, dental care, and the services of chiropractors; to the Committee on Ways and Means.

H.R. 7664. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 each year of an individual's civil service retirement annuity (or other Federal retirement annuity) shall be exempt from income tax; to the Committee on Ways and Means.

By Mr. RAILSBACK (for himself, Mr. Abernethy, Mr. Bevill, Mr. Brown of Michigan, Mr. Burton, Mr. Byrne of Pennsylvania, Mr. Cleveland, Mr. Conable, Mr. Córdova, Mr. Dow, Mr. Dickinson, Mr. Erlenborn, Mr. Findley, Mr. Flowers, Mr. Forsythe, Mr. Frenzel, Mr. Frey, Mr. Halpern, Mr. Hansen of Idaho, Mr. Hungate, Mr. Jones of North Carolina, Mr. Kemp, Mr. Lennon, Mr. McKinney, and Mr. Mathis of Georgia):

H.R. 7665. A bill to amend title 28, United States Code, to prohibit Federal judges from receiving compensation other than for the performance of their judicial duties, except in certain instances, and to provide for the disclosure of certain financial information; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.R. 7666. A bill: National Public Employee Relations Act; to the Committee on Education and Labor.

By Mr. JAMES V. STANTON (for himself and Mr. Horton):

H.R. 7667. A bill to provide maternity benefits for pregnant wives of certain former servicemen; to the Committee on Armed Services.

By Mr. TEAGUE of Texas (by request):

H.R. 7668. A bill to amend chapter 35 of title 38, United States Code, so as to provide educational assistance at secondary school level to eligible widows and wives, without charge to any period of entitlement the wife or widow may have pursuant to sections 1710 and 1711 of this chapter; to the Committee on Veterans' Affairs.

H.R. 7669. A bill to amend subsection (d) (1) of section 3203, title 38, United States Code, to provide that where any veteran having neither wife nor child is being furnished hospital treatment, institutional, or domiciliary care by the Veterans' Administration, no pension in excess of $40 per month shall be paid to or for the veteran for any period after (*a*) the end of the second full calendar month following the month of admission for treatment or care or (*b*) readmission for treatment or care within 6 months following termination of a period of treatment or care of not less than 2 full calendar months; to the Committee on Veterans' Affairs.

H.R. 7670. A bill to amend title 38, United States Code, to provide a special allowance of $55 per month to a child or dependent parent who is (1) a patient in a nursing home or (2) helpless or blind or so nearly helpless or blind as to need or require the regular aid and attendance of another person; to the Committee on Veterans' Affairs.

H.R. 7671. A bill to amend subsection (a) of section 3102 of title 38, United States Code, so as to liberalize the Veterans' Administration procedures for the waiver of recovery of overpayments; to the Committee on Veterans' Affairs.

H.R. 7672. A bill to amend chapter 39 of title 38, United States Code, to provide the same eligibility criteria for Vietnam era veterans as is applicable to veterans of World War II and the Korean conflict; to the Committee on Veterans' Affairs.

By Mr. VANIK (for himself, Mr. Seiberling, Mr. Bow, Mr. Ashbrook, Mr. Brown of Ohio, Mr. Hays, Mr. Keating, Mr. Minshall, Mr. Powell, Mr. James V. Stanton, Mr. Stokes, Mr. Dingell, Mr. Nedzi, Mr. Dent, Mr. Moorhead, Mr. Nix, Mr. Vigorito, Mr. Williams, Mr. Hechler of West Virginia, and Mr. Mollohan):

H.R. 7673. A bill to provide for the establishment of the Ohio Canal and Cuyahoga Valley National Historic Park and Recreation Area; to the Committee on Interior and Insular Affairs.

By Mr. WALDIE:

H.R. 7674. A bill to amend the Internal Revenue Code of 1954 to simplify the retirement income credit; to the Committee on Ways and Means.

By Mr. WHALEN:

H.R. 7675. A bill to provide for the control of surface and underground coal mining operations which adversely affect the quality of our environment, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WINN:

H.R. 7676. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968: to the Committee on the Judiciary.

By Mr. WRIGHT:

H.R. 7677. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. ANDERSON of Illinois (for himself and Mr. Flowers):

H.R. 7678. A bill to amend the Internal Revenue Code of 1954 to allow an income tax credit for gifts or contributions made to any institution of higher education to be cited as, "The Higher Education Gift Incentive Act of 1971"; to the Committee on Ways and Means.

By Mr. ASPIN (for himself, Mrs. Abzug, Mr. Addabbo, Mr. Badillo, Mrs. Chisholm, Mr. Dent, Mr. Dorn, Mr. Downing, Mr. Edwards of California, Mr. Fisher, Mr. William D. Ford, Mr. Fulton of Tennessee, Mrs. Grasso, Mr. Halpern, Mr. Hamilton, Mr. Harrington, Mr. Hays, Mr. Hull, Mr. Koch, Mr. Leggett, Mr. Montgomery, Mr. Morse, Mr. Moss, Mr. Patten, and Mr. Pepper):

H.R. 7679. A bill to amend the Communications Act of 1934 to ban sports from closed-circuit television; to the Committee on Interstate and Foreign Commerce.

By Mr. ASPIN (for himself, Mr. Pettis, Mr. Pucinski, Mr. Rosenthal, Mr. Roy, Mr. St Germain, Mr. Stokes, Mr. Vander Jagt, Mr. Veysey, and Mr. Zwach):

H.R. 7680. A bill to amend the Communications Act of 1934 to ban sports from closed-circuit television; to the Committee on Interstate and Foreign Commerce.

By Mr. BEGICH:

H.R. 7681. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 7682. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. BERGLAND:

H.R. 7683. A bill to declare Leech Lake, Cass Lake, and Winnibigoshish Lake in the State of Minnesota to be nonnavigable waters for certain purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CLAY (for himself, Mr. Addabbo, Mr. Burke of Massachusetts, Mr. Mikva, Mr. Waldie, Mr. Harrington, Mr. Donohue, Mr. Stokes, Mrs. Chisholm, Mr. Roe, Mr. Charles H. Wilson, Mr. Diggs, Mr. Carney, Mr. Conyers, Mrs. Hicks of Massachusetts, Mr. Drinan, Mr. Halpern, Mr. Roybal, Mr. Edwards of California, Mr. Hawkins, Mrs. Grasso, Mr. Brasco, Mr. Wyatt, Mr. Daniels of New Jersey, and Mr. Eckhardt):

H.R. 7684. A bill; National Public Employee Relations Act; to the Committee on Education and Labor.

By Mr. CLAY (for himself, Mr. Badillo, Mr. Eilberg, Mr. Nix, Mr. Bingham, Mr. Garmatz, Mr. Rosenthal, Mr. Green of Pennsylvania, Mr. Ryan, Mr. Moss, Mr. Scheuer, Mr. Steele, Mr. Sarbanes, Mr. Pepper, Mr. Collins of Illinois, Mr. Dellums, Mr. Reuss, Mr. Byrne of Pennsylvania, Mrs. Abzug, Mr. Gallagher, Mr. Rooney of Pennsylvania, Mr. Corman, Mr. Minish, Mr. Barrett, and Mr. Seiberling):

H.R. 7685. A bill; National Public Employee Relations Act; to the Committee on Education and Labor.

By Mr. CLAY (for himself, Mr. Hathaway, Mr. Tiernan, Mr. Helstoski, Mr. Shipley, Mr. Carey of New York, Mr. Riegle, Mr. Dow, Mr. Murphy of New York, Mr. Jacobs, Mr. Meeds, Mr. O'Neill, Mr. Mitchell, Mr. Kyros, Mr. Karth, and Mr. Koch):

H.R. 7686. A bill; National Public Employee Relations Act; to the Committee on Education and Labor.

By Mr. COLMER (for himself, Mr. Poff, Mr. Hammerschmidt, and Mr. Mizell):

H.R. 7687. A bill to consent to the interstate environment compact; to the Committee on the Judiciary.

By Mr. CULVER:

H.R. 7688. A bill to provide for the economic development of Indians, Indian tribes, and other Indian organizations, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 7689. A bill to provide for the creation of the Indian Trust Counsel Authority, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 7690. A bill to provide a tax incentive for industrial development for the Indians on certain reservations in order to improve conditions among the Indian people on such reservations and in other communities, and for other purposes; to the Committee on Ways and Means.

By Mr. DULSKI:

H.R. 7691. A bill to establish a Federal wage system for fixing and adjusting the pay for certain employees of the Government; to the Committee on Post Office and Civil Service.

By Mr. EVINS of Tennessee (for himself, Mr. Addabbo, Mr. Carney, Mr. Conte, Mr. Garmatz, Mr. Harrington, Mr. Horton, Mr. Kluczynski, Mr. Lujan, Mr. McDade, Mr. Mitchell, Mr. Morse, Mr. St Germain, Mr. J. William Stanton, Mr. Steed, Mr. Smith of Iowa, and Mr. Wyman):

H.R. 7692. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. FULTON of Pennsylvania:

H.R. 7693. A bill to amend the Internal Revenue Code of 1954 to extend the head of household benefits to unremarried widows and widowers, and individuals who have never been married or who have been separated or divorced for 1 year or more, who maintain their own households; to the Committee on Ways and Means.

By Mr. HARSHA:

H.R. 7694. A bill to amend title 38, United States Code, to provide for the payment of pensions to veterans of World War I; to the Committee on Veterans' Affairs.

By Mr. HECHLER of West Virginia (for himself, Mr. Biaggi, Mr. Biester, Mr. Carey of New York, Mr. Cotter, Mr. Danielson, Mr. Drinan, Mr. Galifianakis, Mr. Koch, Mr. Kyros, Mr. Pepper, Mr. Podell, Mr. Rodino, and Mr. James V. Stanton):

H.R. 7695. A bill to provide for the control of surface and underground coal mining operations which adversely affect the quality of our environment, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HELSTOSKI:

H.R. 7696. A bill to provide increased annuities under the Civil Service Retirement Act; to the Committee on Post Office and Civil Service.

By Mr. JACOBS:

H.R. 7697. A bill to amend title VII of the Public Health Service Act by providing for the establishment of a family physician scholarship and fellowship program; to the Committee on Interstate and Foreign Commerce.

By Mr. LANDGREBE:

H.R. 7698. A bill to amend the Public Health Service Act to continue and broaden eligibility of schools of nursing for financial assistance, to improve the quality of such schools, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. LATTA:

H.R. 7699. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended; to the Committee on Interior and Insular Affairs.

By Mr. LENNON:

H.R. 7700. A bill to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes; to the Committee on Agriculture.

By Mr. LUJAN:

H.R. 7701. A bill to amend the act of August 9, 1955, to authorize longer term leases of Indian lands located outside the boundaries of Indian reservations in New Mexico; to the Committee on Interior and Insular Affairs.

H.R. 7702. A bill to amend the Atomic Energy Community Act of 1955, as amended, to authorize the transfer of certain property at Los Alamos, N. Mex.; to the Committee on Joint Committee on Atomic Energy.

By Mr. McDONALD of Michigan:

H.R. 7703. A bill to amend the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

By Mr. MORSE (for himself and Mr. Bingham):

H.R. 7704. A bill to provide assistance to defense workers whose employment has been adversely affected by the transition to a peacetime economy; to the Committee on Ways and Means.

By Mr. POFF:

H.R. 7705. A bill to amend certain provisions of law relating to the compensation of the Federal representative on the Southern Interstate Nuclear Board; to the Committee on the Judiciary.

By Mr. PRYOR of Arkansas (for himself, Mr. Brasco, Mr. Buchanan, Mr. Byrne of Pennsylvania, Mr. Esch, Mr. Fulton of Pennsylvania, Mr. Kyros, Mr. Link, Mr. Moorhead, Mr. Morse,, Mr. Nix, Mr. Podell, Mr. Rangel, Mr. Rees, Mr. Sarbanes, and Mr. Wiggins):

H.R. 7706. A bill to protect ocean mammals from being pursued, harassed, or killed; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. REID of New York:

H.R. 7707. A bill to amend the Public Health Service Act to extend and broaden existing programs to provide financial assistance in the construction and expansion of schools of nursing, to improve the quality of such schools, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 7708. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

By Mr. SCHEUER:

H.R. 7709. A bill to amend title XI of the Social Security Act to protect State and local employees against the loss of their jobs or the worsening of their employment positions in cases where the Federal Government takes over the performance of welfare functions from such States and their political subdivisions; to the Committee on Ways and Means.

By Mr. STEED:

H.R. 7710. A bill to further provide for the former-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes; to the Committee on Agriculture.

H.R. 7711. A bill to amend the Public Health Service Act to continue and broaden eligibility of schools of nursing for financial assistance, to improve the qualty of such schools, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ULLMAN:

H.R. 7712. A bill to amend the Internal Revenue Code of 1954 to restore the investment credit; to the Committee on Ways and Means.

By Mr. VANDER JAGT (for himself, Mr. Bell, Mr. Brasco, Mr. Byrne of Pennsylvania, Mrs. Chisholm, Mr. Clay, Mr. Edwards of California, Mr. Eilberg, Mr. Evins of Tennessee, Mr. Hansen of Idaho, Mr. Hechler of West Virginia, Mr. Hor,ton, Mr. Keating, Mr. Michel, Mrs. Mink, Mr. Mitchell, Mr. Moorhead, Mr. Roncalio, Mr. Rosenthal, Mr. Ruppe, Mr. Scott, Mr. Veysey, Mr. Charles H. Wilson, Mr. Wright, and Mr. Wyatt):

H.R. 7713. A bill to encourage States to establish abandoned automobile removal programs and to provide for tax incentives for automobile scrap processing; to the Committee on Ways and Means.

By Mr. MAHON:

H.J. Res. 567. Joint resolution making certain urgent supplemental appropriations for the fiscal year 1971, and for other purposes; to the Committee on Appropriations.

By Mr. BADILLO:

H.J. Res. 568. Joint resolution to authorize the President to proclaim the 22d day of April of each year as "Queen Isabella Day"; to the Committee on the Judiciary.

By Mr. BAKER (for himself, Mr. Daniel of Virginia, Mr. Duncan, Mr. Kuykendall, Mr. Mazzoli, Mr. Montgomery, Mr. Pickle, and Mr. Quillen):

H.J. Res. 569. Joint resolution providing for the designation of the first week of October of each year as "National Gospel Music Week"; to the Committee on the Judiciary.

By Mr. BOGGS (for himself, Mr. Gerald R. Ford, Mr. Aspin, Mr. Bolling, Mr. Brademas, Mr. Brown of Ohio, Mr. Buchanan, Mr. Derwinski, Mr. Fraser, Mr. Frelinghuysen, Mr. Frey, Mr. Gude, Mrs. Mink, Mr. McClory, Mr. McFall, Mr. Morse, Mr. Riegle, Mr. Smith of New York, Mr. Steiger of Wisconsin, Mr. Stephens, and Mr. Bob Wilson):

H.J. Res. 570. Joint resolution to provide for the designation of the calendar week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week"; to the Committee on the Judiciary.

By Mr. LONG of Maryland:

H.J. Res. 571. Joint resolution authorizing the President to designate June 5 of each year as "National Scoutmaster Day"; to the Committee on the Judiciary.

By Mr. LUJAN:

H.J. Res. 572. Joint resolution authorizing the Secretary of the Interior to establish a memorial museum at Las Vegas, N. Mex., to commemorate the Rough Riders and related history of the Southwest; to the Committee on Interior and Insular Affairs.

By Mr. PEPPER:

H. Con. Res. 275. Concurrent resolution expressing the sense of the Congress with respect to the diplomatic recognition of the Government of Cuba; to the Committee on Foreign Affairs.

By Mr. PRICE of Illinois:

H. Con. Res. 276. Concurrent resolution proposing a means for the establishment of a cease-fire in Vietnam; to the Committee on Foreign Affairs.

By Mr. SCHEUER:

H. Con. Res. 277. Concurrent resolution urging the President to initiate action with respect to a plan to secure the release of American prisoners of war from captivity by North Vietnam; to the Committee on Foreign Affairs.

By Mr. VANIK (for himself, Mrs. Abzug, Mr. Adams, Mr. Addabbo, Mr. Aspin, Mr. Badillo, Mr. Begich, Mrs. Chisholm, Mr. Corman, Mr. Drinan, Mr. Eilberg, Mr. Gibbons, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Moss, Mr. Nix, Mr. Podell, Mr. Rodino, Mr. Rosenthal, Mr. Sarbanes, and Mr. Stokes):

H. Con. Res. 278. Concurrent resolution relative to asset depreciation range; to the Committee on Ways and Means.

By Mr. ASHBROOK:

H. Res. 399. Resolution to establish a House select committee to investigate the forced repatriation by the United States of prisoners of war and civilians to the Soviet Union during and after World War II; to the Committee on Rules.

By Mr. CULVER:

H. Res. 400. Resolution; No termination of tribal council; to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASPINALL:

H.R. 7714. A bill for the relief of Ludwig Kurz; to the Committee on the Judiciary.

By Mr. BIAGGI:

H.R. 7715. A bill for the relief of Franco Emilio Nardi; to the Committee on the Judiciary.

By Mr. DANIELSON:

H.R. 7716. A bill for the relief of Erlinda Alindogan; to the Committee on the Judiciary.

By Mr. EVINS of Tennessee:

H.R. 7717. A bill to exempt from taxation by the District of Columbia certain property in the District of Columbia which is owned by the Supreme Council (Mother Council of the World) of the Inspectors General Knights Commanders of the House of the Temple of Solomon of the 33d Degree of the Ancient and Accepted Scottish Rite of Free Masonry of the Southern Jurisdiction of the United States of America; to the Committee on the District of Columbia.

By Mr. MAHON:

H.R. 7718. A bill to exempt from taxation by the District of Columbia certain property in the District of Columbia which is owned by the Supreme Council (Mother Council of the World) of the Inspectors General Knights Commanders of the House of the Temple of Solomon of the 33d Degree of the Ancient and Accepted Scottish Rite of Free Masonry of the Southern Jurisdiction of the United States of America; to the Committee on the District of Columbia.

By Mr. BROTZMAN:

H.R. 7719. A bill to exempt from taxation by the District of Columbia certain property in the District of Columbia which is owned by the Supreme Council (Mother Council of the World) of the Inspectors General Knights Commanders of the House of the Temple of Solomon of the 33d Degree of the Ancient and Accepted Scottish Rite of Free Masonry of the Southern Jurisdiction of the United States of America; to the Committee on the District of Columbia.

By Mr. SEBELIUS:

H.R. 7720. A bill to exempt from taxation by the District of Columbia certain property in the District of Columbia which is owned by the Supreme Council (Mother Council of the World) of the Inspectors General Knights Commanders of the House of the Temple of Solomon of the 33d Degree of the Ancient and Accepted Scottish Rite of Free Masonry of the Southern Jurisdiction of the United States of America; to the Committee on the District of Columbia.

By Mr. HELSTOSKI:

H.R. 7721. A bill for the relief of Anna I. Duisberg, sole heir of Dr. Walter H. Duisberg; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.R. 7722. A bill for the relief of Angelina do Carmo; to the Committee on the Judiciary.

By Mr. STEPHENS:

H.R. 7723. A bill for the relief of Moises Kankolsky Agosin, his wife, Frida Halpern Agosin, and their minor son, Mario D. Agosin; to the Committee on the Judiciary.

By Mr. LUJAN:

H.J. Res. 573. Joint Resolution relating to 1st Lt. William L. Calley, Jr., and Capt. Ernest L. Medina, U.S. Army Reserve; to the Committee on Armed Services.

By Mr. BROYHILL of Virginia:

H. Res. 401. Resolution to refer the bill (H.R. 6204) entitled "A bill for the relief of John S. Attinello" to the Chief Commissioner of the Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code, as amended; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

SAN FRANCISCO CIVIC CENTER FORUM

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. ROYBAL. Mr. Speaker, on the occasion of the Civil Service Commission's recent announcement of its efforts to increase the number of minority group personnel working for the Federal Government, I would like to inform my fellow Members of Congress of a study completed by the San Francisco Civic Center Forum on the employment of Spanish-surnamed Americans in Government. This study reveals that Spanish-surnamed employees only constitute 2.8 percent of the total number of people employed by the Federal Government nationwide. The inequity of Spanish-surnamed employment in the Federal Government is even more apparent when one observes specific Federal agencies and departments. The Postal Service, for example, only claims 2.5 percent of its employees are Spanish-speaking while the two agencies in the Departments of Agriculture and Health, Education, and Welfare most concerned with the problems of migratory laborers and other Spanish-speaking groups show that no more than 1.7 percent of their employees have Spanish surnames. With these statistics in mind I would like my colleagues to consider the following list of recommendations compiled by the Civic Center Forum of San Francisco which relates to the President's 16-point program for the Spanish speaking:

Civic Center Forum

(Recommendations for Implementation of President Nixon's Sixteen Point Program for the Spanish-Speaking)

Point 1—In order to effect the changes needed to bring about full participation by the Spanish-Surnamed in federal jobs, the coordinator position at the national level should be of a policy-making nature (at least GS–16). Regionally, the Civil Service Commission should add Spanish-Surnamed recruiters to its staff (at least at GS–14 level) in order to insure that all possible sources of Spanish-Surnamed applicants are tapped.

Point 2—The Civil Service Commission and other federal agencies should identify and contact all present Spanish-Surnamed federal employees (not a difficult task, considering their number) and Spanish-Speaking organizations in order to insure that the recruiting program includes all possible persons with knowledge of the Spanish-Speaking community.

Point 3—Using the list of Spanish-Surnamed college graduates developed by the Cabinet Committee on Spanish-Surnamed Affairs, a mailer should be developed and used to complement recruiting drives.

Point 4—All federal agencies, not just the ones listed, should be included in an effort to assist Spanish-Surnamed applicants in the recruiting-selection-placement process.

Point 5—No additional recommendations.

Point 6—Require all agencies to report why they should not use selective-recruitment method (for the purpose of hiring Spanish-Surnamed applicants) in specific jobs and areas where bilingual skills are a necessary asset.

Point 7—Each region and each agency should hold its own seminar, thus insuring that the peculiar problems of each area are dealt with.

Point 8—Spanish-Surnamed teams should be used in these efforts.

Point 9—Special care should be taken to insure that applicants are hired into meaningful jobs in order to avoid negative results.

Point 10—Spanish-Surnamed service organizations, such as the G.I. Forum, should be included in these efforts.

Point 11—No additional recommendations.

Point 12—Each EEO program should include at least one Spanish-Surnamed officer.

Point 13—If these programs are to be successful, the trainers who conduct them must be Spanish-Surnamed and must have knowledge of the Spanish-Speaking community.

Point 14—The feasibility of such a program has already been established many times over. Meaningful implementation and commitment are necessary and these can be realized by including Spanish-Surnamed federal employees in the program.

Point 15—No additional recommendation.

Point 16—A norm for compliance must be established by the Civil Service Commission in order to gauge the effectiveness of the EEO program. Agencies which are found to be not in compliance should have their plans reviewed by the local CSC Spanish-Surnamed recruiter (see point 1) and, if necessary, appropriate administrative action should be taken against that agency.

THE IMPOSSIBLE DREAM OF SILENCE?

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. DERWINSKI. Mr. Speaker, the Southwest Messenger Press, serving over a dozen communities in southwest suburban Cook County, Ill., continually maintains an editorial policy directed to the best long-term interests of its readers.

On Thursday, April 15, the paper carried a very provocative and challenging editorial. In it, Messenger Press directs its readers attention to the complications we recognize in noise pollution.

The editorial follows:

> ### THE IMPOSSIBLE DREAM OF SILENCE?
>
> Americans live in an increasingly noisy world. The blare of horns, the screeching of brakes, the rumble of trucks and the jet engine's whine and roar assault not only the traveler but countless others trapped in the carpet of sound. The pneumatic drill can make a simple street repair job worse than a visit to an old-fashioned dentist, and a major construction project can disrupt a city block for months. Perhaps the worst hit are industrial workers who earn their living in noisy factories. But even whitecollar workers are often subjected to the unending hum of inefficient heating and air conditioning equipment.
>
> An advisory panel has recently reported to the Secretary of Commerce on the extent and seriousness of noise pollution. "Millions of workers are now exposed to noise levels that have been shown conclusively to produce hearing damage," the panel declared. "Most of these workers are unaware of the hazard and do not act to protect themselves."
>
> Yet almost all of this din and uproar is unnecessary. The science and technology of sound are well-known. If people are willing to pay the added costs and do the necessary advance planning, it is possible to engineer a quieter environment. The obstacles are related to money and social custom, not lack of technical knowledge.
>
> President Nixon has submitted to Congress a bill to authorize the Environmental Protection Agency to set noise standards for certain equipment and products and to require other products to bear labels setting forth their noise characteristics. If the public makes itself heard with sufficient clarity, a strong bill can be written into law. A quiet world is not an impossible dream.

WHEREVER MY SHADOW FALLS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. SCHMITZ. Mr. Speaker, the following letter, written by Capt. Tibor Bierbaum, U.S. Army Special Forces, deserves to be read by all my colleagues.

Captain Bierbaum is a Hungarian refugee who became a U.S. citizen and is now serving with the forces of freedom. His statement was awarded first prize in the Freedom Foundations annual military letter writing contest.

Why does Captain Bierbaum serve in our fighting forces?

> When I left (Hungary), I knew I carried with me the obligation to help others resist such oppression. Wherever my shadow falls, I want this story heard. The Countries who lie silent under Communist rule are not content to do so. They are fearful countries; they are helpless countries; they are conquered countries. And worst of all, they are countries that may not remember freedom in another generation. The Communists in Vietnam would create such a silence there and the world would call it peace.

The letter follows:

> For the fifth consecutive year and the tenth time since 1953, the Army has taken first place in the Freedoms Foundation's annual military letter writing contest.
>
> (From more than 7,500 entries from all services, Captain Tibor Bierbaum, a Hungarian refugee and naturalized citizen, was designated the Defender of Freedom for submitting the best active duty entry. CPT Bierbaum is assigned to the 6th Special Forces Group at Fort Bragg, N.C.)
>
> I saw my little brother die unattended in a Communist hospital because my parents were not members of the Communist Party. My father was being "detained" for four years in Russia and I helped my mother support my two younger brothers. When Stephen died, I vowed to leave Hungary to escape this tyranny and, after my father's return, I fled to the United States.
>
> When I left, I knew I carried with me the obligation to help others resist such oppression. Wherever my shadow falls, I want this story heard. The countries who lie silent under Communist rule are not content to do so. The are fearful countries; they are helpless countries; they are conquered countries And worst of all, they are countries that ma not remember freedom in another generation The Communists in Vietnam would creat such a silence there and the world would cal it peace.
>
> To be strong on the earth, a nation mus first be strong in the mind of its youth fo here it is the Communist's prey. Strength o mind comes before all other strength an youthful minds are being trained and controlled in all countries. Yes, here in th United States, too.
>
> Idealism in the United States must no become the maudlin sentiment of pictures inside minds. Our "revolution" is *here* and th Communists will take every advantage t increase discord and dissension in our country. *Hear me!* I've lived through it once and cling to those old ideals of honor and morality, especially with respect to our Countr and the sanctity of freedom.
>
> Enemy bullets are no different wherever face them, but now I have my dreams o returning to my home, my family and choosing my way of life. I have been privilege to become a citizen in America.
>
> Influence and man are inseparable. Thos who have been as privileged as I will feel th obligation to protect and preserve the freedoms of the United States against all aggressors, within and without, and under th shadow of their strength, freedom will flourish. All the others who do not do so are th freeloaders—dead weight to freedom an have no right to the privilege because the do not apply their obligation.

EVANGEL COLLEGE WASHINGTO PROGRAM

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. HOGAN. Mr. Speaker, student need an opportunity to get a firsthan view of their Government. Because of th alienation of a large segment of ou youth and also because of their frustration with not being able to play a mor active part in decisions which directl affect them, young people need an outle to explore channels open to them.

A Washington studies program offer such an opportunity. I recently receive a letter from one of my constituents, Dr Nicholas Tavani, coordinator for Evange College's Washington program. I had th opportunity to speak with the student from Evangel College when they were i Washington in January. So that my colleagues might be alerted to the potentia such a program affords, I offer a portio of that letter, which describes the program's success, for inclusion in th RECORD:

> As the New Year turned, twelve student from this midwestern college met in the nation's capital to begin an intensive thre week study of governmental processes. Th usual questions and suspicions plague them. For most of them it was a David meets-Goliath experience. By the time th term ended they might have had more questions, but they were a different set of questions, and with them they not only had answers to many of their original question but an invaluable experience that virtuall

defies articulation. They spoke of the change which they could see they had undergone. Federal governmental processes were now identifiable with real people and real world. Perhaps more confusing than ever, but also more meaningful, throbbing with life, worth improving, and worth working for.

JEWS TOLD OF GAIN IN TIES TO BLACKS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. STOKES. Mr. Speaker, April 19, 1971, marked the 28th anniversary of the Jewish revolt against the Nazi tyranny in Warsaw, Poland. Twenty-eight years ago, a group of Polish Jews, when faced with segregation, starvation, and execution, chose to die for a cause rather than be murdered in ignominy. It is that cause I honor today.

I choose to commemorate the ghetto uprising on its 28th anniversary because it is not an action to be acknowledged at 25-year intervals, but annually, if not daily.

This uprising was more than an historic battle, it was a dramatic demonstration of pride and desire for freedom in the face of inevitable death. Their pride lives today and should be acknowledged.

Jews in America today have learned through their own hardships to respect human rights in a way that few can. They, along with the black community which has a similar picture of civil rights, have been leaders in the civil rights movement in this country. In fact, Jews and blacks have joined forces and made important advances in other areas, despite widespread publicity of friction between the two groups. The following article by Irving Spiegel which appeared in the March 30 New York Times explains some of the programs and may be of interest to my colleagues.

The article follows:

JEWS TOLD OF GAIN IN TIES TO BLACKS

REPORT DESCRIBES PROJECTS JOINED BY BOTH GROUPS

(By Irving Spiegel)

BOSTON, March 29.—The American Jewish Congress reported today "a significant number of projects" in which blacks and Jews were working together to strengthen relations between the two groups.

The report was presented at the biennial meeting of the organization's National Women's Division at the Statler Hilton Hotel.

Mrs. Naomi Levine, director of the congress' Commission on Urban Affairs, said the information had been gathered from 400 organizations and agencies working in civil rights, education and human relations.

She said that these agencies were linked together through the Information Center on Jewish-Negro Relations, established a year ago by the congress as a clearinghouse to compile and distribute news on current programs, activities and studies involving Negroes and Jews.

"While the mass media often stress tension and conflict between blacks and Jews," Mrs. Levine said, "the reality is that a remarkable—and increasing—number of programs are taking place in which blacks and Jews are cooperating for social progress."

For example, she said, many Jewish institutions are making special efforts to increase the number of black builders in the construction of new synagogues and schools.

Under the heading of social services, Mrs. Levine reported, Congregation B'nai Amoona in University City, Mo., has worked with residents of a St. Louis low-income public housing development and programs aimed at improving physical conditions in the project.

"With the growth of confidence in the partnership has come a comparable growth in effectiveness and scope, ranging from providing baseball uniforms and organizing adult classes in reading, typing and sewing," Mrs. Levine said.

In Chicago, she added, the Jewish Council on Urban Affairs has worked with local community groups in a project with Negro home owners who had been forced to pay unfair prices for their homes. The program includes legal services, fund raising assistance for court costs, and the use of an architect city planner to work with local residents and join plans for improving the neighborhood.

NEGROES USING TEMPLE

In Philadelphia, the Beth David Reform Temple is sharing its facilities with a local Negro Baptist congregation in formation, the First Baptist Winnefield, in a racially mixed area. One recent joint project was a combined effort by the temple and the church to keep new taverns out of the area.

At a joint meeting in the temple, an appeal for funds to publish a newspaper advertisement on the plight of Soviet Jewry was supported by blacks in the audience.

Mrs. David Smith of New York, chairman of the urban affairs committee of the American Jewish Congress' women's division, said that her organization itself was working through chapters in Cleveland, Westchester County and Long Island with black and other community groups in efforts to attack suburban zoning regulations that prevent the construction of low and moderate income housing in suburban areas.

Reflecting the "improved climate of communication" Mrs. Levine observed "is a growing interest by black groups in Israel and the lessons which Israel offers for the black community in this country."

In one such project the Southern Cooperative Development Program composed of black leaders of Lafayette La. recently sent eight black community leaders to study technological methods of agriculture in Israel with a view to adapting them to their similarly situated Southern communities.

"These programs indicate that blacks and Jews are beginning to recognize that they have more in common than in conflict" Mrs. Levine said. "Only by working together can the stereotypes and suspicions that separate one group from the other be overcome."

DEATH OF CAPT. R. B. HANDY, JR.

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. BRAY. Mr. Speaker, it is with a feeling of sadness that I announce the death of Capt. Robert B. Handy, Jr. Captain Handy passed away April 13, 1971, following a lingering illness which had confined him to his home and more recently to the hospital where he died.

Captain Handy concluded a period of long and distinguished service to the Veterans of Foreign Wars of the United States when he retired as quartermaster general in February 1962. Prior to that time, Captain Handy had served the national organization as director of the Veterans of Foreign Wars Service Bureau in Washington, D.C., inspector general and adjutant general. Captain Handy served as quartermaster general from December 1923 until he retired in 1962.

The delegates to the 71st national convention unanimously adopted a resolution that named Captain Handy, quartermaster general emeritus. Commonly referred to as "Mr. VFW," Captain Handy also served as national historian following his retirement in 1962.

Comrade Handy attained the rank of captain—a title that he retained throughout his service with the Veterans of Foreign Wars by serving with the 318th Infantry, 80th Division, in World War I.

Comrade Handy was well known and respected throughout the Veterans of Foreign Wars of the United States as well as in private life. His dedicated service to veterans and especially to members of our organization has left an indelible mark on the history of our organization.

Born in Northampton County, Va., Captain Handy was 85 at the time of his passing. Captain Handy's wife, Edna, survives him.

Funeral services for Captain Handy were held April 15, 1971, in Kansas City, following which his body was flown to Washington, D.C., where services were held April 16, after which his body was laid to rest in the Congressional Cemetery, Washington, D.C.

Certainly the VFW and the veterans of this Nation have lost a true friend and a great leader. My deepest sympathy is extended to his wife, Mrs. Edna Handy, and the members of his family.

EARTH WEEK IN ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. BEGICH. Mr. Speaker, Alaska's principal resource is her magnificent natural environment. It is this environment which brought many of us to the State in the beginning, and it is this environment which we feel obligated to preserve and protect.

Repeatedly, Alaska's Gov. William Egan and all of our citizens have concerned themselves with the responsibility of caring for Alaska's principal natural resource; they have again demonstrated their awareness of the crisis in environmental problems facing not only Alaska, but in each State. This week Gov. William Egan has proclaimed the third week of April as Earth Week.

I heartily concur in this proclamation. Each State needs and, indeed, must take time to both reexamine the problems facing its own environment now and in the future as well as dedicate itself to the maintenance and development of its principal resource—the natural environment.

PROCLAMATION: EARTH WEEK

There is an urgent need to promote a broader awareness and understanding of the environmental crisis facing each and every state in the United States; and

There is a compelling need to encourage a continuing commitment by all interests including education, agriculture, business, labor and civil and private organizations, to work to solve these fundamental environmental problems;

Therefore, I, William A. Egan, Governor of Alaska, proclaim the third week in April "Earth Week" in Alaska and seek the broadest participation in its activities.

THE CIVIL WAR IN PAKISTAN

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. SCHEUER. Mr. Speaker, the citizens of East Pakistan are now engaged in a bitter, bloody struggle for those human rights that all men are entitled to by birth. Their desire for a representative government and freedom from the shackles of a colonial-like existence with the ruling West have resulted in wide scale oppression and suffering at the hands of a military regime that is perpetrating a senseless massacre of defenseless citizens, unparalleled in recent history.

The nature of this conflict is civil war, and no doubt we should allow the Pakistani people to resolve their own political questions. However, we can, indeed, we should provide active leadership in all efforts designed to lessen the plight of the sick, and the suffering, and the dying of East Pakistan, not because of any political preference or considerations, but because it is the right, the proper, and the humanitarian course for this Nation to follow.

On April 2 of this year, a plane carrying food and medical supplies, under the aegis of the International Red Cross, sought entry to East Pakistan on a mission of unquestionably nonpartisan good will. The West Pakistan Government denied entry to this Red Cross mission. In discussions with Mr. S. N. Qutb, press attaché for the Pakistani Embassy in Washingon, I have learned that the West Pakistani Government considered those Red Cross supplies delivered in the aftermath of Pakistan's recent cyclone disaster to be sufficient to cover their current needs. They also felt that they did not have at this time the administrative capacity to handle increased Red Cross aid or that of individual nations.

When dealing with questions of human survival, answers such as these are clearly unacceptable. I cannot help being reminded of the thousands of Biafran men, women, and children who died of disease and starvation as the United States and much of the world sat and watched the Nigerian Government isolate these people from essential foods and medicines.

We cannot profess to be a humanitarian people and allow the horror of Biafra to repeat itself in East Pakistan.

It is with this in mind that I today introduce a resolution that would call upon the President of the United States to:

First, urge the West Pakistan Government, out of concern and respect for the lives of all men, to allow the International Red Cross, or any such organization or government concerned with welfare and not politics, to immediately ship food and medical supplies to those people of East Pakistan who require such assistance;

Second, offer to provide the food and medicines required for any such relief effort as a gesture of international goodwill.

It is my hope that my colleagues in this House would support such a resolution and also that a way might soon be found to end this latest struggle between a people striving for justice, and a government unwilling to respond to their pleas.

JACKSONVILLE'S WALK FOR MANKIND: AN INSPIRATION FOR ALL

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. BENNETT. Mr. Speaker, recently it was my honor and privilege to participate in a "Walk for Mankind" project in my hometown of Jacksonville, Fla. This was an inspiring example of young America working toward a better world in which to live.

"Walk for Mankind" was sponsored by the Jacksonville Junior Chamber of Commerce, six area Jacksonville Junior Women's Clubs and the Duval County Association of Student Councils. The demonstration attracted thousands of people and about $20,000 was raised for Project Concern. The funds will go to help build hospitals and provide medical care to needy people throughout the world, and to also assist in local drug control programs in Jacksonville.

So that this great civic undertaking might be recognized and perhaps duplicated throughout the Nation, I include in the RECORD news reports on the "Walk for Mankind":

[From the Florida Times Union, Mar. 8, 1971]

THOUSANDS TURN OUT HERE TO "WALK FOR MANKIND" IN CHARITABLE MARATHON

(By Bill Waller)

An estimated 7,500 people—mostly students from Jacksonville schools—turned out Sunday to tackle a 21-mile endurance course in the Walk for Mankind—a project designed to raise funds for medical care for needy people throughout the world and to help fight drug abuse in Jacksonville.

A Jaycee vice president, Eric Smith, called it "the most fantastic thing that has ever been done in this community."

Each of the participants had gotten a list of sponsors to pay him—the walker—a negotiable rate per mile for every mile covered in the walkathon. Numerous participants had more than 25 sponsors.

The march—originally slated to begin at 8 a.m. from the Regency Square starting point—got off to a damp and dreary note as predawn rains threatened to make the event a wet walk.

But the rains stopped and hundreds crowded around the registration tables to register for the event.

They braved the damp cold wind—some dressed in shorts and short-sleeved shirts—to add their names to the list of participants

The walk itself started shortly before 9 a.m. with U.S. Rep. Charles E. Bennett leading a crowd of several hundred to the first checkpoint a mile into the course.

The 21-mile course began with a westward march along Regency Square Road. Treking along Townsend Boulevard, Lone Star Road and other throughfares, the group reached Jacksonville University, then struck out for Ft. Caroline Road to the national monument doubling back a distance before heading down Monument Road and on toward the starting point.

At first, the pace was brisk as the participants kept moving in the chilling wind. But as the morning progressed, the cloud cover moved and, by early afternoon, it was warm if not hot, along the walkathon course.

There were 10 checkpoints along the route—at 1, 3, 5, 7, 10, 12, 14, 15, 17 and 19 miles.

Free refreshments and live entertainment were offered at most of the checkpoints and the walkers continuously flocked to them to have their progress cards stamped and to take a short break.

The further a participant progressed along the route the slower he ambled. As the trek for mankind neared its end, walkers frequently sat down to take it easy before starting on the last leg to Regency Square.

The walk was enlivened occasionally by group singing. One walker had a harmonica to help pass the time.

There were three "very minor accidents" along the route, according to Mrs. Tom Boal Jr. Boal is the Jaycee chairman of the project. One of the mishaps involved a sprained ankle.

The walk was sponsored by the Jaycees six local junior women's clubs and the Duval County Association of Student Councils.

Mrs. Boal estimated that 90 percent of all entrants finished.

She said it would probably be approximately two weeks before all of the money earned in the Walk would be turned in by the participants. She also hesitated to estimate how much money that would be.

Smith said he expected "at least $15,000," although he said that was a conservative figure.

Smith concurred with Mrs. Boal in that it would be at least a week or 10 days before project officials would have any idea of how much money was earned.

Of the money turned in, 80 percent is to go to Project Concern, an organization that helps build hospitals and provide medical care in needy areas of the world. The remaining 20 percent of the fund will help fight drug abuse in Jacksonville.

Sunday's walk was one of more than 50 such walks scheduled throughout Florida Two such walks were conducted last year by Jaycee chapters in Ocala and St. Petersburg and checks totaling $11,200 were presented to the head of Project Concern, Dr. James Turpin, last August at a Jaycee state meeting in Winter Haven.

While most of the walkers covered the course in more than five or six hours, a Marine established two records Sunday. He was the first walker to cross the finish line and also did it in the shortest amount of time—two hours and 27 minutes, according to Mrs. Boal.

The youngest to cross the finish line was a seven-year-old boy who was accompanied by his mother along the course.

The track team from Fletcher High School was the first team to cross the finish line in competition with track teams from other Jacksonville schools, Mrs. Boal said.

Smith also had high praise for the youth participating in the community. He commented that while many people may be "down" on today's youth, thousands of them "behaved themselves" in Sunday's walk.

He said that "every step they took helped a child somewhere in the world."

Finding food for the walkers proved a problem at one point in the walkathon. Boal said a radio appeal was broadcast asking people to bring some food to Regency Square so sandwiches could be made. He said, "There was some response to the appeal, but I don't know how much."

Extra drinks also had to be purchased, Boal said.

WALK FOR MANKIND

There's a lot of wringing of hands and scratching of heads about young people these days. But there's less reason for wringing and scratching in Jacksonville when you consider some of the things that are happening.

Walking seems to be the latest thing. It's a fund-raising idea. The kids line up sponsors who pay an amount of money for every mile they walk. It may be a dime or ten dollars for every mile walked.

A couple of weeks ago it was the "walk for development". Five hundred walkers raised $7,500 to help feed underprivileged people.

And some students from Terry Parker High did their thing out at the zoo. Their thing was a rock concert. With cooperation from Zoo Superintendent Raymond Gray, the rock musicians provided Sunday afternoon entertainment for hundreds of young people And zoo visitors had some unexpected music to watch animals by.

This Sunday it's walking time again. It's the "walk for mankind," sponsored by Project Concern. The money goes to help the helpless—those who need medical aid, food and other assistance.

All of this hoofing is a pretty good deal. The kids get exercise. The good causes get money. You can't beat it.

And it might just cause a little less wringing of hands and scratching of heads about our young people.

This was a WJXT Editorial.

[From the Florida Times-Union, Mar. 11, 1971]

TRUSTEES NAMED FOR "WALK" FUNDS

Representatives from Jacksonville high school student councils, Jacksonville area Jaycees and Junior Woman's Clubs will be trustees for funds raised in last Sunday's Walk for Mankind.

Andrew Johnson, president of the county association of student councils, said Wednesday the 18-member board of trustees will oversee use of funds for a halfway house for drug addicts.

From 20 to 30 percent of about $15,000 raised by the walk will go to the local halfway house project. The rest will be given to Project Concern for international and national relief work.

The trustees are:

Students—Johnson, from Paxon High School, Keith Bailey (Jackson), Clyde Patterson (Englewood), Jim Nevin (Fletcher), Curtis Davis (Episcopal) and Louis LaBlanc (Stanton).

Jaycees—Tom Boal, Bruce Smathers, Ric Arrington, Fred Cone, Byron Bollingberg, Cliff Hardy, Treat Cowart.

Junior Woman's Clubs— Mrs. Pat Boal, Mrs. Paula Holleman, Mrs. Carolyn Kenyon, Mrs. Monica Hayes and Mrs. Donna Darby.

[From the Florida Times-Union, Mar. 23, 1971]

WALK FOR MANKIND HITS $10,000 MARK

About $10,000 has already been collected as part of the money raised from the March 7 Walk for Mankind, sponsored by the Jacksonville Jaycees, six area junior women's clubs and the Duval County Association of Student Councils.

Tom Boal Jr., Jaycee chairman of the project, said Monday only about 350 people of the approximately 4,000 to 5,000 people who participated in the 21-mile walk had turned in their money collected from their sponsors.

Boal said the money had not "been coming in quite as quickly as anticipated," although he hopes to see "an acceleration in the influx of money."

He encourages those who have not turned in their money to do so as soon as possible.

Boal said the money could either be mailed to Walk for Mankind at P.O. Box 1349 or turned in at the Jaycee office at 60 N. Hogan St.

And, if anyone needs any information about the walk, then they should contact the Jaycee office.

The money was raised via the walk to help build hospitals and provide medical care to needy people throughout the world. Eighty percent of the money raised is to go to Project Concern, which is designed to build the hospitals and provide the needed medical care. The remaining 20 percent is to go to help area drug programs.

Regency Square served as both the starting and finishing points of the walk. Ten checkpoints were set up on the walk route and refreshments provided at the checkpoints.

Boal said the Jaycees have discussed making such walk an annual affair but definite plans have not yet been set.

[From the Amerco World, Apr. 2, 1971]

ABOUT 17,000 CONVERGE ON DEALERSHIP

(By Craig Shrum)

JACKSONVILLE, FLA.—A band played and television cameras focused in on the Union 76 station of U-Haul Dealers George and Mike Regas as an estimated 17,000 people converged on the scene during a *"Walk for Mankind."*

"We had no idea it would be this big," said Mike Regas. "The response was beyond everyone's imagination until it started happening. Fantastic."

The big *"Walk for Mankind"* was sponsored by the Jacksonville Jaycees to raise money for hospitals and schools in underdeveloped countries, and for hospitals in poorer sections of the United States.

As the first checkpoint on the 20-mile walk, the Regas dealership was the center of activity and focal point for television and newspaper coverage.

Each volunteer walker obtained sponsors from the business community to donate an amount per mile walked by the volunteer. For instance, the Amerco Marketing Co. of Northern Florida sponsored Roddy Coffin, 18-year-old son of U-Haul Dealer Almond Coffin, at the rate of 60 cents per mile. Six U-Haul Dealers, including his father, also sponsored young Coffin.

The Regas dealership sponsored "anybody who came in and asked," at the rate of 10 cents per mile. Mike Regas was too busy to keep a count of the people he sponsored, but his checks to the "Walk for Mankind" fund totaled $54.

A total of 7,500 persons registered for the big walk, and turned in proceeds estimated at $18–$20,000.

The Sunday affair started at Jacksonville's Regency Square, and, led by Florida Congressman Charles Bennett, headed for the Regas station, one and three-quarter miles away.

Due to the nippy weather and winds gusting to 50 miles per hour, Regas set up a horseshoe formation of U-Haul trailers to encompass the officials' area.

A five-piece band played as the throng of walkers flowed through the U-Haul windbreak to have their cards validated. The Regas station and U-Haul equipment were "splashed all over newspapers and TV channels."

The walkers stopped at several check points along the route to have cards validated as evidence that they were applying shoe leather to asphalt for the full 20 miles.

An estimated 17,000 people joined the spectacle, counting a caravan of parents and other on-lookers. Some chose to follow the event in cars, rather than compete with the volunteers, most of whom were students from high schools and nearby Jacksonville University.

"The walk was primarily of and by the kids," Regas said, "with guidance from the Jaycees. A high school senior did most of the organizing. But you'd be surprised at how many adults joined in—about 500. I saw several of my customers going through the checkpoint."

Walkers flowed through the Regas station from 9:15 a.m. to 2:30 p.m.

Seven months ago Regas teamed up with his father, George, to open the service station and U-Haul dealership.

"I was an oil company representative," Regas said, "and many dealers I worked with had very healthy businesses. One of them was a top U-Haul dealer in the national rankings, and I'm sort of copying his operation. As soon as the yellow page ads break, I'll expand to a 24-hour business, and U-Haul will be the main support for that round-the-clock operation. I don't know what I'd do without those trucks and trailers. They've given me a beautiful cash flow."

Regas predicts that similar 'Walks' will happen soon in other cities because of the overwhelming success in Jacksonville. The Jaycees are distributing organizational information to affiliates across the nation.

"The routes are organized around service station check points, and there may be opportunities for other U-Haul dealers to do their part, while receiving invaluable publicity," Regas added.

THE ATTORNEY GENERAL IS NOT DEFENSE COUNSEL

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. WYMAN. Mr. Speaker, the Attorney General is the chief law enforcement officer of the Nation. His basic responsibility by oath and commitment is to justly, fairly, and firmly enforce the laws of the United States. He is obliged to refrain from undermining law enforcement or encouraging violations of law by speech or act.

The Attorney General's duty is to protect society against criminal conduct. He is not counsel for the defense. One who by penchant, philosophy, or temperament is so inclined, cannot fulfill the requirements of the office, for the Attorney General is a prosecutor. He is not attorney for the defendant.

This does not mean indifference to the requirements of justice and fairness in all cases, or that humanity and compassion should be lacking in the evaluation of cases. But adherence to justice and compassion is a far cry from permissivism in the job of chief law enforcement officer of the United States.

If there have been any lingering doubts concerning the appropriateness of certain critical public references concerning the record and activities of former Attorney General Ramsey Clark they should be dispelled by his latest writing called "Crime in America," in which statistics and basic truths in law enforcement have been subverted to Clark's personal predilection to permissivism. He is making more difficult the attainment of society's need for just, sure, and firm protection against rising crime in the Nation.

In this connection, I commend the reading of a recent column by William F. Buckley, Jr., appearing in the New Hampshire Sunday News of April 18, 1971:

RAMSEY CLARK'S BOOK

(By William F. Buckley Jr.)

During this period, presidential hopefuls are bringing out books; either that, or else authors are writing books about them. In the case of Ramsey Clark, it is not fair to suppose that someone else wrote his book, the widely heralded "Crime in America." It is a true expression of this amiable, well-meaning man who, in the world of thought, cannot even ride a bicycle.

Every now and again, the American critical mechanism really goes to work on somebody like Ramsey Clark: and this has now happened.

In the current "Commentary," Professor James Q. Wilson of Harvard goes through the book and concludes, pained, that "As a statement of personal moral and political conviction, it conveys a message that will reassure those who wish to avoid coming to grips with the crime problem and will disappoint those who wish to think seriously about it."

As analysis, he finds that the "book contains individual sentences supportive of a wide range of mutually inconsistent positions." And consider:

"Even the question of whether street or violent crime is important enough to worry about is left unclear. On page 49, we are told that since only one person in 400 was the victim of a crime of violence in 1967, the average individual's chance of being a victim was 'once in 400 years.'"

If one assumes that only half of all violent crimes are reported, then the individual's chances are "one in 200 years." "The implication is clear: what are we so excited about?"

"One thing we should be excited about," says Professor Wilson, "is the misrepresentation embodied in these figures. If the average person has each year a one in 200 chance of being a victim then his lifetime chances of being a victim are the sum of these annual probabilities over his life expectancy."

"If the average man lives 70 years, then his chances of being a victim of a violent crime at some time are seven in 20, or about one in three, not one in 200."

Professor Sidney Hook, writing in "Fortune," is equally mystified. "Clark's failure to face up to the necessity for hard choices in the prevention and control of crime results in a shocking absence of common sense. 'There is no conflict between liberty and safety,' he declares. 'We will have both, or neither.' That is sheer balder-dash. In many situations, liberty and safety are inversely related . . . The safety of a traffic system depends upon restriction of motorists' freedom to drive in any lane or at any speed they please."

It is left for Professor van den Haag, in "National Review," to inter this pathetic book, around which the left-liberals are forming. I give you an example of what happens when you analyze Ramsey Clark:

"Clark," says van den Haag, "has mastered misleading comparisons. He indignantly denounces 'Spiro Agnew who supported the looters,' since 'fewer than 250 died in riots' while 25,000 are killed by drunken drivers. Whereupon he ask sarcastically, 'why not shoot drunken drivers? . . .' Why call 'for shooting looters when no one is heard to suggest the same treatment for the deadlier crime?'

"Now proportionately, I think drunken driving leads to injury less often than rioting—as Clark should have known. He also knows that this is the only relevant comparison, since elsewhere he (rightly) attacks as misleading, statistics which state crime frequencies rather than crime rates (proportions). However, both drunken driving and looting are certainly dangerous criminal acts. Policemen should arrest the offenders and, if they resist, or try to escape, use whatever force is needed to control them.

Nobody advocated shooting looters after arrest. The Vice President (unlike Clark, Lindsay, et al.) urged that the necessary force be used to make arrests and to prevent continuation of the criminal action.

I am sure Mr. Agnew advocates no less for any escaping or resisting offender, driving or walking, drunk or sober. So do I.

It is the former Attorney General who advocates an exemption for looters—not, as he disingenuously suggests, the Vice President for drunken drivers.

Now that, of which there is much more in the extensive review, is 24-karat analysis, and it leaves Mr. Clark and his jejune book quite simply speechless. Or rather it should. It hasn't, of course: Mr. Clark is busy reciting his good-sounding cliches everywhere—the college students go mad, by the way, mad with pleasure, while, far away, the muses of rigor and thought, sulk in their gardens, despondent as they have not been since the golden days of Eleanor Roosevelt.

EMERGENCY DETENTION CAMPS: THE CASE FOR REPEAL

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. MIKVA. Mr. Speaker, there are presently two bills pending dealing with title II of the Internal Security Act of 1950. I earnestly hope that every Member of this House will pause to familiarize himself or herself with this issue, for it is one which goes to the heart of the kind of freedom our Constitution and laws are to provide.

In brief, the act in question authorizes the Federal Government to construct and maintain "emergency detention camps" which can be employed in an emergency to detain people whom the Government considers security risks.

Legislation has been submitted to the Judiciary Committee by the distinguished Representative from Hawaii (Mr. MATSUNAGA) and others which would repeal these provisions which are so odious to a free society and are antithetical to the most fundamental principles of the Bill of Rights. Hearings have been held by Subcommittee No. 3 of the Judiciary Committee on which I am privileged to serve, the bill has been favorably reported to the full committee, and on April 6 the full committee reported the bill favorably.

In hopes of avoiding repeal of the emergency detention camps provision of the Internal Security Act, Representative ICHORD has introduced a more limited measure which would amend the act instead of repealing it. In a short time, it will be up to the Rules Committee and untimately to the House to decide whether this obnoxious law should be wiped off the books, or merely whitewashed so as to present a less offensive appearance.

I commend to my colleague the following excerpts from an article by Alan Dershowitz which recently appeared in "The Nation," and which recounts the history of the present legislation authorizing emergency detention:

"STRETCH POINTS" OF LIBERTY

(By Alan Dershowitz)

At 4 A.M. on October 16, 1970, Prime Minister Pierre Trudeau proclaimed a "state of apprehended insurrection" throughout Canada. Pointing to the kidnapping of a Canadian minister and a British consul by members of Le Front de Liberation du Québec (FLQ), he invoked the "War Measures Act," thereby authorizing extraordinary powers of arrest, search and detention. Before dawn, the police—who had been strategically deployed in anticipation of the announcement—began to round up French Canadians suspected of association with the FLQ. Though most of the 450 arrested were never charged with any crime, many were held incommunicado for considerable periods of time. The Canadian Bill of Rights—which prohibits such detention—was rendered inapplicable by the emergency decree.

In the middle of the night of December 4, 1970, Irish Prime Minister John Lynch announced that a grave emergency existed in his country. Citing information that Saore Eire (a splinter group of the Irish Republican Army) was conspiring to kidnap "prominent" ministers, he declared that "unless this threat is removed," he would, without further notice, empower the police to "intern any citizen without trial." The government issued instructions "that places of detention be prepared immediately" and that the Council of Europe be notified that "these proposals will involve derogations from certain provisions of the European Convention on Human Rights."

Within the past few months, then, one

democracy has suspended, and another has threatened to suspend, fundamental constitutional protections in response to political kidnappings and other disruptions of a kind not unknown to the United States. This raises the obvious question: could President Nixon take to the airwaves some night and announce that the nation was confronted with an emergency requiring suspension of the Bill of Rights? . . .

Abraham Lincoln proclaimed Emancipation, but he also issued another, less well-known proclamation which had the effect of virtually suspending the Bill of Rights. A week after the fall of Fort Sumter, in a communiqué authorizing Gen. Winfield Scott to commence the "bombardment" of certain cities in Maryland "if necessary," Lincoln also empowered the General to suspend the writ of *habeas corpus* in designated areas, but only "in the extremest necessity." (*Habeas corpus,* though not a part of the Bill of Rights, is the critical safeguard without which all other constitutional protections would remain largely unenforceable, since its suspension would deny the courts the power to release persons held in violation of other protections.) Shortly after Lincoln issued his "incarceration proclamation," an obscure Marylander named John Merryman, whose loyalties were apparently with the South, was roused from his bed at two in the morning, taken to Fort McHenry and imprisoned there under military guard. A writ of *habeas corpus* was sought from the Chief Justice of the United States, Roger B. Taney—a Lincoln protagonist and author of the infamous Dred Scott decision. Taney's opinion gave Lincoln a failing grade in consitutional law: "I had supposed it to be one of those points in constitutional law upon which there was no difference of opinion," he commented sarcastically, "that the privilege of the writ could not be suspended, except by act of Congress." But though the Chief Justice ordered him released, Merryman remained confined: the general in charge of the fort simply denied a marshal permission to serve the necessary papers, and Lincoln took no official notice of the opinion (which was personally transmitted to him by order of the Court).

Following this confrontation between the Executive and the judiciary, Congress enacted a statute giving Lincoln even broader authority to suspend constitutional safeguards than he had requested. And so, when Lambdin Milligan was arrested in Indiana on October 5, 1864, there was little doubt that the privilege of the writ of *habeas corpus* had been properly suspended.[1] Not content to detain him, the military authorities decided to try Milligan—a civilian—before a military commission, which promptly sentenced him to hang. By the time the case worked its way up to the Supreme Court, the war was over and, in Justice Davis' words, "now that the public safety is assured, this question . . . can be discussed and decided without passion or the admixture of any element not required to form a legal judgment." The Supreme Court held that since the civil courts of Indiana—a loyal state—had been open and "needed no bayonets" to protect them, it had been unconstitutional to try Milligan before a military commission. Recognizing that Milligan was arrested in wartime, when passions run high and "considerations of safety" are deemed all important, the Court concluded that the framers of our Constitution * * * Foresaw that troublous times would arise, when rulers and people would become restive under restraint, and seek by sharp and decisive measures to accomplish ends deemed just and proper; and that the principles of constitutional liberty would be in peril, unless established by irrepealable law.

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> This nation . . . has no right to expect that it will always have wise and humane rulers, sincerely attached to the principles of the Constitution. Wicked men, ambitious of power, with hatred of liberty and contempt of law, may fill the place once occupied by Washington and Lincoln, and if this right [to suspend provisions of the Constitution during the great exigencies of government] is conceded, and the calamities of war again befall us, the dangers to human liberty are frightful to contemplate.

Having delivered itself of this bold rhetoric about "irrepealable law," the Supreme Court then proceeded to suggest that the right to bail could be suspended during emergencies:

> If it was dangerous, in the distracted condition of affairs, to leave Milligan unrestrained of his liberty, . . . the *law* said to arrest him, confine him closely, render him powerless to do further mischief; and then . . . try him according to the course of the common law.

That is what Congress meant, reasoned the Court, when it authorized the suspension of the privilege of *habeas corpus.*[2]

This view was reaffirmed—and strengthened—by Justice Oliver Wendell Holmes in a case growing out of a private war between Colorado coal miners and owners which led to a declaration of local martial law. In addition to suppressing newspapers, deposing civil magistrates and closing all saloons, the Governor suspended *habeas corpus* and ordered the arrest of certain "objectionable characters." One of these characters, a leader of the miners, was detained without bail for two and a half months and sued the Governor after his release. Though Holmes need never have reached the legality of the detention, he went out of his way to justify the Governor's action. Employing "logic" for which he surely would have chastised his first-year Harvard law students, Holmes argued that since a governor can order soldiers to "kill persons who resist" efforts to put down a rebellion, it certainly follows that "he may use the milder measure of seizing the bodies of those whom he considers to stand in the way of restoring peace." (This *non sequitur* would, if taken seriously, justify detention of all persons suspected of felonies, since under the laws of most states deadly force can be used against anyone resisting a felony arrest.)

Although Holmes intimated that the Court might not sustain a detention of undue duration, his uncritical legitimation of the Governor's exercise of extraordinary power was a clear invitation to abuse; and abuse was not long in coming. Numerous governors invoked the magic phrase "martial law" as a kind of "household remedy" to accomplish such diverse and illegitimate ends as closing a race track, manipulating a primary election, keeping a neighborhood segregated and, frequently, settling labor strikes to the advantage of management. It was inevitable that the Supreme Court could not long tolerate such bogus declarations of martial law. The case that finally made the Court lose patience arose in the east Texas oil fields during the early years of the depression. The Governor declared martial law and ordered restrictions on the production of oil, in an effort to raise its price. There were no riots or violence; nor were any troops employed. Martial law was invoked simply to accomplish economic ends, The Supreme Court enjoined the Governor's action, reasoning that unless it did so "the fiat of a state Governor, and not the Constitution of the United States, would be the Supreme law of the land."

That is where the law stood on December 7, 1941 when the Japanese air force bombed Pearl Harbor, throwing Hawaii into turmoil and generating fear of attack in our West Coast cities. Within hours, the Governor of Hawaii, at the insistence of the Army, declared martial law, suspended *habeas corpus,* ordered the civil courts closed, and empowered military tribunals to try all criminal cases. The Governor handed the reins of government over to the military only after receiving assurances that civilian control would be restored as soon as the immediate emergency was over—within days or, at most, weeks. Relative calm returned quickly to the islands, as the threat of renewed attack dissipated; places of amusement and saloons were permitted to open in February of 1942; and life returned to near normality after our victory at Midway removed any realistic threat of invasion. But the military still insisted that the civil courts remain closed and the writ of *habeas corpus* remain suspended. A considerable battle ensued over the next years between the ousted civilian officials and the governing generals. It culminated in a contempt citation issued by a federal judge against the Commanding General, followed by an order issued by the General threatening to court-martial the judge if he persisted in issuing writs of *habeas corpus.* Not until after the war (and the restoration of *habeas corpus* by the President did the Supreme Court decide that Congress, in authorizing martial law in Hawaii, had not intended to permit the "supplanting of courts by military tribunals." By that time, thousands of man days of illegal imprisonment had already been served.[3]

Martial law in Hawaii, with all its abuses, did not include the kind of mass detention on racial grounds, used on the West Coast from 1942 to 1944. The removal and confinement of 110,000 Japanese-Americans, though carried out by the Army, resulted from intense pressure brought by civilian officials (such as the then Attorney General of California, Earl Warren). This shameful episode is publicliy defended today by almost no one, not even the House Internal Security Committee, which recently called the episode—"at least in hindsight"—"a dark day in our history."

It is important to recall that the Supreme Court, although it did approve the forced removal of Japanese-Americans from the

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[1] The Constitution specifically authorizes suspension "when in cases of Rebellion or Invasion the public safety may require it," and the Civil War was, of course, a rebellion within the intended meaning of that term.

[2] The Milligan case suggests an interesting argument against the constitutionality of pretrial preventive detention during normal times: if it requires suspension of *habeas corpus* to deny bail on grounds of danger (as *Milligan* implies); and if *habeas corpus* cannot be suspended except in cases of "rebellion" or "invasion" then it would seem to follow that bail cannot be denied on such grounds except during extreme situations.

[3] The main reason why this issue did not reach the Supreme Court earlier was that the Justice Department "mooted" prior cases by releasing the defendants as soon as they filed petitions in the Supreme Court.

An extreme—and absurd—example of the inclination of judges to defer decision until after the emergency has passed was provided by a case growing out of the Hawaiian martial rule. In 1944, a Circiut Court of Appeals had approved the military trial of civilians. Two years later Circuit Judge Stephens filed a belated dissenting opinion, saying he had been reluctant to file it while the war was still going on.

West Coast, did not sustain their long-term detention in the camps. The only detention case decided by the Court involved a woman who the government conceded was loyal. That case reached the Court near the end of the war, when plans were already in progress to return the detainees to their homes. It was easy for the Court, therefore, to order the woman's release on the ground that Congress had never explicitly authorized detention of a "citizen who is concededly loyal (and who) presents no problem of espionage or sabotage." "Loyalty is a matter of the mind," said Justice Douglas, "not of race, creed or color."

The Japanese-American cases are more important for what they legitimated than for what they disapproved. As Justice Jackson observed in his dissenting opinion in the *Korematsu* case: "The principle (of this case) lies about like a loaded weapon for the hand of any authority that can bring forward a plausible claim of an urgent need." Within a few years after the last of the Japanese detention camps had been dismantled, Congress picked up this loaded weapon and aimed it at another group. On the heels of the Communist invasion of South Korea, a number of liberal Senators—among them Kilgore, Douglas, Humphrey, Lehman, Graham, Kefauver and Benton—introduced the Emergency Detention Act of 1950. After devoting fifteen paragraphs to a recitation of the evils of the "world Communist movement," the statute empowers the attorney general to arrest and detain anyone "as to whom there is a reasonable ground to believe that such person probably will engage in, or probably will conspire with others to engage in, acts of espionage or sabotage." The suspect may be kept in "a place of detention" for an indefinite time, and he is denied such basic constitutional safeguards as trial by jury, bail, confrontation of his accuser and proof beyond reasonable doubt. This extraordinary measure can be invoked in the event of a Presidential declaration of "Internal Security Emergency," but such an emergency cannot be declared unless our territory is invaded, Congress declares war, or there is an insurrection in aid of a foreign enemy.

Had Congress declared war against North Korea or North Vietnam, as many—including some liberals—urged it to do, the President could have invoked the Detention Act. He could have invoked it also had he agreed with some Congressmen that the urban riots were "insurrections in aid of a foreign enemy." But since there has, in fact, been no Presidential declaration of internal security emergency since the enactment of the law, the detention provisios have never been employed.[4]

There was a time, however, when serious thought was given to mass detention of potential saboteurs. No less a liberal than former Sen. Paul Douglas declared, in the course of the debate over the Detention Act:

> Mr. Hoover says there are 12,000 ["hard core . . . potential saboteurs and spies"]. In my judgment, if we had a period of national emergency—and I think it is pretty close to being a period of national emergency now—the best thing the country could do would be to "put them on ice," so to speak, treating them nicely but to take them out of circulation so that they could not commit acts of treason.

Following the passage of the Act, the Justice Department established six detention "camps" throughout the country. These camps remained unused and generated little concern, until a few years ago a writer named Charles R. Allen achieved some prominence by publishing a pamphlet, "Concentration Camps, U.S.A.," which alleged that the Justice Department had a plan—code-named "Operation Dragnet"—under which it could round up hundreds of thousands of dissidents "overnight." That unfortunate document was given considerable credence by the publication of a report by the House Committee on Un-American Activities, entitled "Guerrilla Warfare in the United States." Among the actions that the report said "could be taken" in the event of a ghetto riot is the invocation of the Emergency Detention Law:

> Acts of overt violence by the guerrillas would mean that they had declared a "state of war" within the country and, therefore, would forfeit their rights as in wartime. The [Detention] Act provides for various detention centers to be operated throughout the country and these might well be utilized for the temporary imprisonment of warring guerrillas.

The report also stated that during a "guerrilla uprising most civil liberties would have to be suspended. . . ." It is not surprising therefore that mimeographed copies of this report were widely circulated in black areas and that a survey by *The Washington Post* found a "deep and abiding" belief in the black community that massive riots would lead the government to "make a vast indiscriminate sweep down the streets of black ghettos and hustle every man, woman and child off into a concentration camp."

Another incident that lent some credence to the concentration camp alarm was a reported interview in which Deputy Attorney General Kleindienst was quoted as saying that demonstrators who "interfered with others . . . should be rounded up and put in a detention camp.' On the very day that this charge was categorically denied, Kleindienst wrote a letter to Senator Eastland stating the Administration's recommendation that the Detention Law be repealed, because such action would "ally the fears and suspicions—unfounded as they may be—of many of our citizens; and this benefit "outweighs any potential advantage which the Act may provide in a time of internal security emergency." (My own discussions with Mr. Kleindienst convinced me that he did not—and does not—advocate the use of the detention law that was attributed to him.)

The Senate recently voted, by voice and without debate, to repeal the detention law, but the House sent the proposal to the newly named but familiar Committee on Internal Security. Its chairman, Mr. Ichord, is now trying, with apparent success, to persuade his colleagues in the House that retention of the Detention Act would be in the interests of civil liberties, since the Act would not permit a roundup on racial grounds such as were used against the Japanese.[5] It is unlikely, therefore, that we shall see repeal of the Detention Act in the immediate future. Nor are we likely to see repeal of the many other statutes that authorize the President to employ extraordinary powers during periods of crisis—powers which include the closing or taking over of radio and television stations; the censorship of newspapers; the imposition of travel restrictions on citizens and aliens; the summoning of the *posse comitatus* (the old "posse" of the cowboy movies); the calling out of federal troops; and the expropriation of private property (subject to subsequent reimbursement). Moreover, the President has considerable inherent powers which are said to derive from the nature of his office, and which can be invoked without regard to Congressional authorization.

The power to declare martial law, for example, is not even mentioned in the Constitution. Nor is the scope of that power anywhere defined, as an opinion of the attorney general pointed out in 1857:

> The common law authorities and commentators afford no clue to what martial law, as understood in England, really is. . . . In this country, it is still worse.

"And what was true [of martial law] in 1857 remains true today," observed Justice Black in a 1946 opinion. Some commentators have been content to cite Wellington's cynical apothegm that martial law is simply the will of the general; or the equally simple-minded aphorism that "necessity knows no law." The Supreme Court has recognized that "Civil liberty and this kind of martial law cannot endure together; the antagonism is irreconcilable."

While courts have delivered opinions that are full of promise and prose about their majestic role during crises and the "irrepealable" nature of our fundamental safeguards, they have acted far more cautiously. And experience teaches that what courts have in fact done in the past is a far better guide to what they will do in the future than is the rhetoric they have invoked.

What then could we reasonably expect from our courts if an American President during a period of dire emergency were once again to suspend important constitutional safeguards? Past experiences suggest the following outline: The courts—especially the Supreme Court—will generally not interfere with the Executive's handling of a genuine emergency while it still exists, but will employ every technique of judicial avoidance at their disposal to postpone decision. (Indeed, though thousands of persons have been unlawfully confined during the country's various periods of declared emergency, I am aware of no case where the Supreme Court has ever actually ordered anyone's release while the emergency persisted.)[6] The likely exceptions to this rule of judicial postponement will be cases of clear abuse when no real emergency can be said to exist, and cases in which delay would result in irrevocable loss of rights, such as those involving the death penalty.[7] Once the emergency has passed, the courts will generally not approve further punishment; they will order the release of all those sentenced to imprisonment or death in violation of ordinary constitutional safeguards. But they will not entertain damage suits for illegal confinement ordered during the course of the emergency.

When these strands are woven together there emerges an approach to the limits of martial law which was encapsulated by Justice Holmes: Martial law is not "for punishment" but rather "by way of precaution, to prevent the exercise of hostile power." This distinction between "punitive" and "preventive" law runs through the cases and has been echoed by many commentators. But, as Blackstone recognized many years ago, there is no sharp line between punishment and prevention: "If we consider all human punishment in a large and extended view, we shall find them all rather calculated to prevent future crimes than to expiate the past." Practically speaking, the distinction means simply that the courts will tolerate preventive detention during an emergency, but will not approve the carrying out of any part of a sentence after the emergency has ended.

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[4] We are now in a state of "national emergency" as a result of President Truman's proclamation of December 16, 1950. The existence of this state has been reaffirmed by subsequent Presidents. But we are not in a state of "internal security emergency" which carries very different powers. Other possible states include: "extreme emergency," "sufficient emergency," "war or similar emergency" and "public peril."

[5] Ichord's Alice in Wonderland logic assumes that the President would have more power to detain without a Congressional act than he would with such an act. What he neglects to mention is that the Supreme Court specifically relied on Congressional ratification in sustaining certain aspects, and in disallowing other aspects, of the Japanese relocation. Moreover, the disingenuousness of Ichord's crocodile tears for civil liberties is established by the fact that when repeal was considered in Committee, he introduced an amendment explicitly saying that repeal should not be construed to limit the President's inherent powers to order detention.

[6] The Japanese detention case was decided while we were still at war with Japan but well after the danger of a Japanese invasion has ended. Some lower federal courts did order the release of individuals of German and Italian origin who were detained on the East Coast.

[7] In *ex parte* Quirin, the Supreme Court held that German spies captured in the United States could be tried and sentenced to death by a military commission.

The prediction of what courts will do in fact may not prove entirely accurate. Important changes have occurred since World War II. The Warren Court entered "political thickets" into which previous Courts had been reluctant to venture, and its bold record of recognizing and enforcing basic rights can scarcely be undone by the Burger Court. Civil rights organizations have proliferated and are better—though probably not well enough—prepared to resist an emergency suspension of civil rights. And, most important, the war in Vietnam and other recent events may have divided the country beyond any possibility of full repair; short of a nuclear holocause, we shall probably never again see an emergency that will bring the country together in a unanimous display of solidarity and patriotism such as followed the Japanese attack on Pearl Harbor.

But historical experience—even when tempered by these recent developments—ought to warn us that we cannot place entire reliance upon judges to vindicate our liberties in the midst of great national crises. Judge Learned Hand recognized this when he said: "Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it; no constitution, no law, no court can even do much to help it." But just how deeply is liberty engrained in the hearts of American men and women? Can we rely on heir "eternal vigilance" to resist suspension of fundamental safeguards during periods of crisis (especially those safeguards designed to protect a small minority)? History is disappointing in this respect. When the military assumed control in Hawaii, few protests were heard from the average citizen. Part of the reason, of course, was that it is in the nature of military rule to discourage dissent. In Hawaii, newspapers were allowed to print only what the generals wanted the people to read, and public criticism was punished by court-martial. But there is a subtle, and dangerous, sense in which people—even people whose traditions proclaim liberty—becomes comfortable with regimentation and authority. They do not necessarily welcome it, but neither are they willing to take risks in order to restore traditional rights. Many Hawaiian businessmen and store owners, for example, resisted the return of civilian authority and even wired the President to urge caution in the restoration of *habeas corpus*. As one businessman commented: [We] were a darned sight safer as American citizens under that kind of military control. . . .

It has been indeed fortunate for the survival of our liberties that there have always been some Americans—often only a small group and sometimes not those directly affected—who have been willing to challenge governmental highhandedness, even during periods of crisis. Under our constitutional system, it takes only a single person challenging the government to create a case or controversy suitable for judicial resolution. Even though the Supreme Court has been reluctant to decide such cases and controversies in the midst of the crisis, it has performed an important historical cleansing function by condemning illegal action after normality has been restored. But the courts should do more than issue retrospective *pronunciamientos*. This is not to suggest that justice should remain blind to the existence of a real emergency endangering the survival of the nation. As Justice Arthur Goldberg once wrote: "While the Constitution protects against the invasion of individual rights, it is not a suicide pact." But it is precisely during times of crisis—when the balance between momentary expediency and enduring safeguards often goes askew—that courts can perform their most critical function: to preserve or restore a sense of perspective.

Nor is there any sound reason why the courts should refuse to entertain declaratory actions challenging emergency powers *before* they are invoked. Legal issues can be "discussed and decided without passion" before a crisis as well as after it, and with considerably greater impact. But such anticipatory litigation has been generally rejected, on the ground that there will be ample opportunity for challenge when the emergency power is invoked. (A constitutional attack on the Emergency Detention Act, for example, was recently dismissed on this basis.) Given the course of avoidance consistently followed by courts during emergencies, this "wait for the crunch" argument is not persuasive.

Learned Hand is surely correct when he warns that courts alone cannot save liberty during times of crisis. But he is wrong when he suggests that "no court can even do much to help it." In the eternal struggle between liberty and security, we have come to expect the executive and legislative branches to champion the latter. The judiciary—with its lifetime tenure, its tradition of independence, and its unique stewardship over our irrepealable rights—is the institution most able to resist the passing fears and passions of a dangerous moment.

But liberty, like life itself, needs many sources of nutriment to sustain it. It is not a commodity that can be obtained once and for all and then passively held on to. The difficult struggle must be endured by every new generation and in each new crisis. What Thomas Paine taught us on the eve of our own Revolution remains true today: "Those who expect to reap the blessings of freedom must, like men, undergo the fatigue of supporting it."

MASS MURDER IN THE SUDAN

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. SCHEUER. Mr. Speaker, one of the most cruel wars of extermination to cloud the annals of this century is going on today in the South Sudan.

A half million black Africans have been murdered by the armies of the Arab military dictatorship in Khartoum. As many more have perished from starvation and pestilence, and at least 300,000 others are in exile in adjoining African countries.

Yet, because the region is so far removed from ordinary news channels, very few Americans know anything about this genocidal war. Three years ago I called it to the attention of the House, and quoted articles by a team of West German correspondents who had managed to penetrate that distant and troubled area. Their report, in the German newsweekly Stern, was headed "Here, Arabs May Murder Negroes—the Drama That Remains Unreported." This, and reports from other observers, appeared in an article from the magazine Prevent World War III, which I included in my remarks at the time.

Meanwhile, many months have passed; men, women, and children have been slain; churches have been burned, and all Catholic and Protestant missionaries have been forcibly expelled.

At the 1970 session of the United Nations General Assembly, a delegation representing the people of the South Sudan presented a formal petition, asking that a fact-finding body be sent to investigate conditions there. I quote one paragraph from this petition:

> The crime of genocide has been committed against 4 million people of South Sudan because they are black, because they are African, and because they do not belong to the dominant religion of the North.

In this is summed up the tragedy: The Sudan, Africa's largest country, is governed by a minority of Arabs, committed to a program of close cooperation with the Soviets, and armed with Soviet-supplied weapons. The Africans of the south are mostly Christian or animistic—and they resist forced Moslemization and forced socialization. So they are being killed.

The petition of the South Sudanese was well received by the President of the General Assembly, who forwarded it to the U.N. Commission on Human Rights—where it was buried. Unfortunately, delegates of Arab and Communist countries comprise a dominant bloc in that Commission. Even more unfortunate, however, was the failure of our own Department of State to instruct the American delegates to raise their voices on the subject of genocide in the South Sudan.

Mr. Speaker, I commend to you an article entitled "Mass Murder in the Sudan," which appears in the spring, 1971, issue of Prevent World War III, published by the Society for the Prevention of World War III, 50 West 57th Street, New York, N.Y. Written by Dr. James H. Sheldon, a well-known specialist on Middle Eastern and African affairs, it gives a full background of this war, which has been too long hidden from the eyes of the world and from the conscience of our own Nation.

I include this article in the RECORD, as part of my remarks:

MASS MURDER IN THE SUDAN

(By James H. Sheldon)

The struggle of millions of black Africians in the Sudan, to retain their freedom and their very lives against genocidal oppression by an Arab government, is one of the great tragedies of our times.

In the Southern Sudan, this conflict has already led to violent death for a half-million black people, widespread starvation and pestilence resulting in more deaths, and the forced exile of 300,000 men, women and children.

There is a sickening parallel to Hitler's campaign of extermination against the Jews of Germany, a generation ago. Yet, the story is mostly untold in the outside world, and the terrible facts have barely commenced to make an impression upon the conscience of humanity.

The huge Sudan lies just South of Egypt. In area, it is Africa's largest nation. Arabized Moslems living in the Northern section constitute only a minority of the population, but they control the left-leaning dictatorial government, headquartered in Khartoum. The black African majority find themselves dispossessed—especially the 4.5 million concentrated in the three Southern provinces, where an organized popular movement has been struggling for fifteen years to gain political and civil rights.

From the very beginning of Sudanese independence the black Africans have been restive under Khartoum rule, because they remember long centuries of the slave trade, during which the Arabs were the principal dealers in human merchandise.

Moreover, the Africans in the South are of a different culture and religion—Christian, in the towns and cities, and pagan in the countryside. There are also economic factors. The South contains most of the Sudan's water supply, and is a potentially rich agricultural area. As viewed by the politically dominant Arab North, it is a region ripe for colonization.

Not long after the end of British administration, the Arab government began an all-out campaign to destroy local institutions in the South, and to forcibly substitute Islam for other religions. Christian missionaries—231 Roman Catholic and 51 Protestant—were expelled. In some instances native priests were killed outright. Mission schools—usually the only source of local education—were ordered closed. Churches were destroyed, and mosques were erected at public expense. Non-Moslem leaders were driven out, or killed.

What happened next is graphically summed up in a petition which a delegation representing the Southern Sudanese people presented to the President of the United Nations General Assembly in December, 1970.* We quote from it:

"Since the year 1962 nearly one million South Sudanese men, women and children have perished either through deprivation, famine and disease, or they have been shot dead.

"About 300,000 others live as refugees in the neighboring countries of Uganda, Congo, Kenya, Ethiopia and the Central African Republic. Those left in South Sudan live equally as refugees, hiding in tropical forests and mountains. . . .

"The crime of genocide has been committed and is being committed against 4 million people of South Sudan because they are black, because they are African and because they do not belong to the dominant religion of the North."

The details of the struggle are of a kind that one usually finds only in horror movies.

The Khartoum regime, backed up by military manpower and equipment from Egypt and Libya, and with support from Algeria and other Arab states, sent into the South an army that now totals 25,000, with headquarters at the regional capital, Juba. Sophisticated arms, including MIG planes, were supplied by the Soviets, and Soviet advisors are reported in Juba. Finances came from outside, including an initial gift of $5.5 million from the oil-rich sheikdom of Kuwait.

The Southern inhabitants, unwilling to submit, armed themselves with left-over weapons brought in from the Congo, with captured equipment, or with ancient tribal spears. Here are some incidents from the unequal contest:

In 1965, following the arrival of the first major forces from Khartoum, 1400 people were massacred in Juba. At the town of Torit, 150 were killed. At Yei-Yambio, 450 more; at Kapoeta, 87, and so on.

Soon native villages were emptied as their people fled into the jungles and marshes. Then a campaign was started against the herds of cattle on which the Africans depend principally for food and livelihood. In December of 1969, an air raid destroyed 800 cattle in the Ngok area—by that time mostly emptied of human beings, so only a few persons were injured. In January, 1970, a raid killed 500 more cattle in the Nasser district, with no human casualties; in February, at Akobo, 3000 animals were killed in a combined air and ground operation, and hundreds more driven away as loot.

With their major food source taken away, starvation came next—and a roving Newsweek photographer who had managed to get into the region was horrified by the crowds of starving children, with distended stomachs, whom he found in the aftermath.

PLANNED TERRORISM

Meanwhile, attacks on the towns continued. During November, 1970, Morta and Ido were bombed, attacked from armored cars and burned down, with 50 African corpses left behind. On August 20, 1970, Arab troops raided villages near Mogiri—murdering five people, but primarily concerned to make sure that the settlements were burned and their people forced into flight. For a continuous period of ten days in June the villages of the Torit district were raided from the air—and then burned. Even a leper colony (at Lokondo) was destroyed—and those too sick to escape into the forest were killed.

Many of the Africans who survived but did not manage to get away, were deported to forced labor centers, euphemistically called "peace villages."

As an example of planned terrorism, consider the case of a hamlet called Bamga, on the Congolese border, where on July 23, 1970, Khartoum troops found most of the people engaged in prayer, at the village church. As an Anglican priest reported the next events, 28 of these unfortunates were caught, roped together inside the church, and machine-gunned. Then the building was burned down, while the Arab soldiers jeered: "We shall kill you and your God will not come and save you."

In an earlier massacre at the town of Wau the victims were 76 persons attending a double wedding. The killing of this group meant the destruction of most of the educated (and Christian) leadership of the town.

Such incidents of deliberate horror can only be explained as part of a consciously planned campaign to destroy all vestiges of the native culture which had previously existed in the region.

It is Khartoum policy to build, at public expense , a mosque in every place of any size, and to decree that it shall be the only accepted place of religious worship. It is also the practice to "develop" areas from which the population has been forced to flee, by handing them over to favored Arabs moving in from the North.

"THE UNKNOWN WAR"

Unfortunately, the Sudan is so far removed from communication centers that these genocidal events have gone almost unnoticed. We have intentionally included in the above paragraphs the names of places that are not apt to be found on maps in European or American atlases, because this helps to dramatize the isolation of the area. Journalists are forbidden to visit the South. To report the mass murder that goes on there, they must resort to dangerous and clandestine entries across remote borders with other African countries. Nevertheless, a few reporters have managed to penetrate the region—beginning with a team of two from the West German photo magazine Stern, which printed their findings in a series called "The Unknown War: Here, Arabs May Murder Negroes."

Last year David Robison, the Newsweek photographer quoted above, succeeded in making the dangerous trip. Within the last two or three months, a Norwegian Television team also visited the region. Among the "shocking" things with which the Norwegians returned, were pictures of the ruined church at Bamja.

In its drive to enforce absolute conformity, the Khartoum regime has extended its attack to include dissident religious and ethnic groups amongst the Moslems themselves. The Ansar followers of the Mahdi were the victims of such a campaign in March, 1969, when at least 1200 of these opponents of the Arab-leftist dictatorship were mercilessly destroyed, mostly in fighting at Aba. Again, Soviet MIG planes took part in the operation.

The open support which Moscow has given to the genocidal war against the South is apparent not only from the presence of MIG planes and Russian advisors at Juba, but also in official Soviet propaganda intended for foreign consumption. For example, on Nov. 16, 1970, just after the South Sudanese delegates had arrived at the United Nations, Radio Moscow (in a broadcast to the Arab world) castigated "the secessionists" as "a gang of criminals and thieves" and called them "tools in the hands of the imperialists." This is normal Soviet terminology for attacking any elements of democratic resistance, particularly in the critical Middle East region where the Kremlin is trying to establish a vast new sphere of influence.

Meanwhile, the South Sudan has developed a kind of rudimentary self-government, under the leadership of the Southern Sudan Liberation Front. Its military arm, the Anya-Nya, has somehow rounded up enough weapons to make the roads and the back country untenable for the Sudanese troops, in spite of the Soviet-made bombers and Soviet advisors. As of the present, the cities and towns—nearly depopulated, following the flight of most of the indigenous Africans—are controlled by forces from Khartoum, while the countryside is in the hands of the local people. A simple tax system has been worked out by the South Sudanese and wherever possible rudimentary schools are maintained by the local authorities.

The South Sudan did not initially ask for separate sovereignty, but preferred to seek its political and civil rights within a clearly defined federation. In fact, the outlines of such a federation had been prepared before withdrawal of the British administration. The central regime at Khartoum, on the other hand, is primarily concerned with the twin purposes of Islamization and communization. Of late, the erection of a new United Arab Republic—joining Sudan with Egypt, Libya and Syria—has also occupied much of Khartoum's attention. This evokes the spectre of grave new danger for the Africans of the South. Unless a fairly prompt solution can be secured, Southern support for the idea of a federated Sudan may give way to outright separatism, provided the inhabitants of the region have not been murdered or starved out in the meanwhile.

UN MUST ACT

In their petition to the United Nations, the delegates of the Southern Sudan Liberation Front ask that a fact-finding commission be created to investigate their charges, and to report back to the General Assembly. They also ask for immediate steps to prevent the supplying of arms and troops by outside nations, such as the Soviets, the Egyptians and the Libyans. They would like to see the creation of a UN peacekeeping force, to help put a stop to the bloodshed.

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* Petition presented to Dr. Edvard Hambro, President of the General Assembly, by delegation of Southern Sudan Liberation Front, Dec. 15, 1970.

South Sudanese refugees in the neighboring African states already account for a major part of the burden of the UN's High Commissioner for Refugees, the distinguished Prince Sadruddin Aga Khan. The High Commissioner's office, although operating under grave budgetary stringencies, evidently considers that the problem of Sudanese refugees is not apt to be settled quickly, and has started a communal agricultural program for one group of 20,000 Sudanese, at M'Boki, in the Central African Republic.

The South Sudanese petition urgently asks that the International Red Cross be invited to supplement this assistance, particularly with medical and food aid to displaced people inside the Sudan, as well as those who have fled to neighboring countries.

Disquieting news of another kind meanwhile comes from the province of Ethiopia, immediately adjoining the Sudan, where a violent guerrilla operation supported by several Arab states is trying to gain control of the strategic area fronting on the Red Sea. Again, the arms being used are mostly Soviet. As in the South Sudan, black Africans—this time the Ethiopians—have suffered heavy casualties.

Taken in conjunction with the fighting in Southern Sudan, and the announcement of the impending federation of Egypt, Libya, Syria and Sudan, the Eritrean development compels one to wonder whether Arab leaders, with communist support, are still intent on realizing some of the late President Nasser's grandiose plans to take over all of Africa, "to the remotest depths of the jungle."

RE-COLONIZATION?

It is important to understand the South Sudan struggle in this context. When the British withdrew from both Egypt and the Sudan, most observers assumed that the area had been "decolonized." In actual fact, what followed was merely the substitution of a new colonial overlord; and the Arabized Moslems promptly set out to make themselves masters of the non-Moslem African majority, resorting to murder and plunder for accomplishing that purpose. As David McClintock writes in the current issue of The Middle East Journal, the conflict is not merely the product of an internal crisis, but "a confrontation between two major African peoples," so that "rather than being a direct product of Western decolonization, it is one result of a contest between two important peoples of the non-Western world."**

In other words, the colonial problem does not always involve Europeans versus non-Europeans; it can also involve, in even more brutal form, Arabs against black Africans.

The President of the UN General Assembly, Dr. Edvard Hambro, in the closing days of the 1970 session, referred the South Sudan petition to the Commission on Human Rights which meets at Geneva in late February. At that time, the unhappy people of the region will have their first opportunity to be heard in an international forum. Unfortunately, the 1971 membership of the Commission on Human Rights includes a large bloc of Arab and communist states. The people of the world will be watching to see whether these meetings are dominated by humanity or by political expediency.

***David Wm. McClintock, "The Southern Sudan Problem," Middle East Journal, Autumn, 1970, published by Middle East Institute, Washington, D.C.*

THE RIGHT OF ENTRY TO DESTROY

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. SCHMITZ. Mr. Speaker, in the Supreme Court decision, Communist Party against Subversive Activities Control Board, 1961, it says:

> When existing government is menaced by a world-wide integrated movement which employs every combination of possible means, peaceful and violent, domestic and foreign, overt and clandestine, to destroy the government itself—the legislative judgment as to how that threat may best be met consistently with the safeguarding of personal freedom is not to be set aside merely because the judgment of judges would, in the first instances, have chosen other methods.

Two recent cases involving the travel to the United States of noncitizens known to espouse Communist doctrines have attracted a great deal of attention. The most widely known was the case of Bernadette Devlin.

Miss Devlin is a self-professed "true Communist" who probably could have been denied admission to the United States under section 221(a)(28) of the Immigration and Nationality Act, better known as the McCarran Act. This section of the act states that aliens who are anarchists, or affiliated with any Communist Party, or who "advocate the economic, international, and governmental doctrines of World Communism or the establishment in the United States of a totalitarian dictatorship," are ineligible to receive visas to enter the United States.

During her stay in the United States, Miss Devlin railed against our way of life and threw whatever weight she has behind the causes of people such as Angela Davis. The Internal Revenue Service is now investigating the allegation that she left the country without paying income tax on the money she collected during her tour.

While Miss Devlin's activities were proving the worth of the alien exclusion provisions of the McCarran Act, a U.S. district court in New York was striking this section of the act down. This was the case of one Ernest Mandel against Attorney General Mitchell. Mandel is a Belgian Marxist of the Trotskyite school—revolution now—who had twice previously, in 1962 and 1968, been admitted to the United States under a waiver. His third application for entry to the United States in September of 1969 was denied. The Department of Justice stated that Mandel "was ineligible because of his subversive affiliations" and because "on his last visit in 1968 his activities went far beyond the stated purpose of his trip, on the basis of which his admission had been authorized, and represented a flagrant abuse of the opportunities afforded him to express his views in this country."

In a 2-to-1 decision, the three-judge district court decided that, while no one was contending that Mandel was not "an advocate of the economic, international, and governmental doctrines of world communism," denying him entry to espouse these views was an abridgment of the first amendment rights of some of our citizens who might wish to hear him." Section 221(a) (28) of the McCarran Act was declared to be unconstitutional.

Incredible decisions of this type are the reason why my latest districtwide questionnaire revealed that 69.8 percent of my constituents responding had decreasing or little or no confidence in our Federal courts.

The McCarran Act was based on the long established principle that the congressional power to exclude aliens is absolute and that the interests of national security make it necessary to give the Government the power to deny entry to those who advocate the destruction of our way of life. Previous landmark court decisions have upheld these principles.

The framers of our Constitution understood and continually affirmed the right and duty of the Government to protect the citizenry from foreign danger. James Madison in Federalist Paper No. 41 stated:

> Security against foreign danger is one of the primitive (first) objects of civil society. The means of security can only be regulated by the means and the danger of attack. They will, in fact, be ever determined by these rules, and by no others. It is vain to oppose constitutional barriers to the impulse of self-preservation. It is worse than in vain; because it plants in the Constitution itself necessary usurpations of power.

This wisdom of one of the Founding Fathers was recalled by Judge John Bartels in his dissenting opinion. Judge Bartels went on to add:

> In the hierarchy of priorities the imperative of national security in dealing with aliens must prevail over limited restrictions upon First Amendment rights."

Most reasonable people will agree with this.

The Justice Department has until the middle of May to appeal this egregious decision. Attorney General Mitchell would probably welcome a show of citizen support for a reversal of the Mandel decision.

NATIONAL SECRETARIES WEEK

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. HASTINGS. Mr. Speaker, the last full week in April has again been designated as Secretaries Week. In 1971, the week is April 18–24, Wednesday, April 21, being highlighted as Secretaries Day. The National Secretaries Association—International—in cooperation with the U.S. Department of Commerce originated the idea for Secretaries Week. The theme again will be, "Better Secretaries Mean Better Business."

Special committees are established throughout NSA to formulate programs to make Secretaries Week ever more meaningful to secretaries and to the business community. In keeping with the professional objective of the association, chapters of NSA sponsor special educational activities such as seminars, workshops, and study groups available to members and nonmembers alike. Additional recognition is gained for the secretarial profession during the week through public appearances of NSA members at meetings of civic, educational, and professional groups, as well as through open meetings for all secretaries.

This then, for the 20th consecutive year, is Secretaries Week. Nineteen hundred and seventy-one—a time for secretaries to look back on past accomplishments and ahead to future progress.

TWO POEMS BY MARILYN KRANTZ

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. EILBERG. Mr. Speaker, the poet's role frequently is to give expression to those sentiments many of us share, but with a style, precision, and talent for language that many of us do not command.

Mrs. Marilyn Krantz, who is the editor of the Northeast and Feltonville Weekly which serves part of my northeast Philadelphia district, is such a gifted poet.

Her poem "Not on a Silver Platter" describes what it has taken to build that tiny but indomitable state, Israel, on the eastern shore of the Mediterranean. The poem has been widely read in Philadelphia-area synagogues and before meetings of Philadelphia organizations. Mrs. Krantz says that she hopes the poem expresses Israel's worthiness of our continued support and the continued respect of peoples and nations all over the world. I think it does.

A second poem by Mrs. Krantz, "John F. Kennedy . . . His Message to the World," evokes the memory of our fallen President and acknowledges this Nation and this people's continuing debt to him. This poem won first prize in the poetry contest of the Philadelphia Regional Writers' Conference in June 1964.

With the unanimous consent of my colleagues, I place these two poems on the RECORD:

NOT ON A SILVER PLATTER

(By Marilyn Krantz)

Israel was not handed over
On a silver platter,
Yet isn't this the truth of all
Things that really matter?

The State of Israel has come
To the Jewish nation
On a platter beset with both
Sorrow and Elation.
Not one ounce of silver's in it,
Nor a single drop of gold,
Yet its value (beyond measure)
Only History can unfold.

It is made of fallen heroes . . .
Of wives' and mothers' tears . . .
Of the Maccabean spirit
Which dates back two thousand years . . .

Of a People's dauntless struggle
To uphold man's dignity . . .
Of willingness to live or die
For Peace, as the need may be . . .

Of moral strength and courage
Voiced in songs both sad and gay . . .
Of stubborn perserverance
Shining forth 'mid skies of gray.

Its blend of countless heartbreaks
And endless hours of toil. . .
Of blood and sweat, prayers and sighs,
All mingled with the soil. . .

Of many busy, vital hands
Moving in harmony:
Planning, working, building the land,
Fighting to keep it free. . .

Molded, too, from that same spirit
Which gave birth to Herzl's notion
Of a Jewish homeland—
And engraved with God's devotion.

No, Israel was not handed over
On a silver platter,
Yet isn't this the truth of all
Things that really matter!

JOHN F. KENNEDY . . . HIS MESSAGE TO THE WORLD

He stood erect, with youthful smile—
Wise far beyond his years;
His words instilled in young and old
The strength to conquer fears.

He gave his heart and soul to aid
Mankind in time of strife,
And then, as if 'twas not enough,
He gave his only life!

Whisked from our arms, he left his mark
Upon the Nation's heart;
Heaven wept, also—tears and rain
Could scarce be told apart.

Of what great magnitude, his love,
That from lands far-and-wide
Came leaders, shedding differences
To stand, bowed, side by side!

All grieved alike, despite their creed
Or color of their skin;
He proved in death, his theme in life:
That all men are akin.

His voice, through stilled, can yet be heard
In freedom's vibrant song,
Echoing hope's eternal plea
That Right shall conquer Wrong.

For, like the sun which disappears
Behind the clouds at night,
Great men are never really gone
But only out of sight.

THE REVEREND FATHER JOSEPH F. THORNING

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. BYRON. Mr. Speaker, yesterday the House of Representatives on the occasion of Pan American Day was honored to be led in prayer by one of the most distinguished constituents of Maryland's Sixth District, the Reverend Father Joseph F. Thorning, of St. Joseph's-on-Carrollton Manor, Md. This marked the 28th annual appearance of Father Thorning before the House on Pan American Day.

Father Thorning, known as the Padre of the Americas, has been a personal friend for many years as well as a friend of both my parents. Father Thorning is one of America's eminent scholars in Latin American affairs and is known throughout the hemisphere and in Europe for his efforts on behalf of brotherhood and international understanding in the Americas. I commend his efforts as an example that others should try to emulate. I personally hope that he will return each year for many years to join the House of Representatives in marking Pan American Day.

VIETNAM

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1971

Mr. WALDIE. Mr. Speaker, during the Easter vacation my colleague from California, PAUL MCCLOSKEY, and I visited Vietnam and visited Laos, and a series of reports will be forthcoming from that visit. Tonight will be the first report, involving a program that is a part of Vietnamization, as is apparently the case, a program designed, in my view, to suppress political dissent in that country at a time when the war is over, as well as the program that is presently in existence in Vietnam during this war period. It is a program that is called the Phung Hoang program, otherwise known as the Phoenix program.

My first introduction to the program occurred upon the initial briefing that was provided Congressman MCCLOSKEY and I in Saigon by the CORDS people.

At that time they were giving what they called "neutralization" figures. They reported that in Military Region One in 1971 we had "neutralized" 5,380 members of the Vietcong infrastructure and political dissenters in that country.

The breakdown of the neutralization figures is as follows: "Kills," 2,000. They are obviously "neutralized," the briefing officer said, when they are killed. I suspect that is a fair assessment.

Rallied, 17,000. These are the Chieu Hoi ralliers to the flag of South Vietnam, as they become "neutralized" when they rally.

Sentenced, 1,680. These are people that were sentenced to more than 1 year for their offenses as being identified as part of the Vietcong infrastructure.

Captured, 4,000 people. These are not considered to be "neutralized" because they received sentences of less than 1 year and were not determined to be a part of the Vietcong infrastructure but were people that were determined to have been in opposition to the existing government in South Vietnam.

So of a total of over 9,000 people in Military Region One in five northern provinces 5,380 of them were considered to be neutralized whereas 4,000 of them were not considered to be "neutralized" because they were not given sentences up to 1 year in length.

The figure that startled us who were listening to the briefing was the fact that 2,000 people under the Phoenix program were killed and thereby considered to be neutralized.

We sought additional information on precisely what this particular program was, and one document that immediately came to our attention was a MACV—Military Assistance Command Vietnam—directive 525-36 dated 18 May 1970. It was entitled "Military Operations Phoenix—Phung Hoang—Operations" and it was a directive to all U.S. military personnel acting as advisers to the South Vietnamese in that program.

This is part of that statement and, Mr. Speaker, at this point I include this MACV directive in full with my remarks:

U.S. MILITARY ASSISTANCE
COMMAND, VIETNAM,
APO SAN FRANCISCO, CALIF.
May 18, 1970.

DIRECTIVE NUMBER 525-36—MILITARY OPERATIONS

PHOENIX (PHUNG HOANG) OPERATIONS

1. *Purpose.* This directive establishes policy and responsibilities for all US personnel participating in, or supporting in any way, Phoenix (Phung Hoang) operations.

2. *Applicability.* This directive is applicable to all MACV staff agencies and subordinate commands.

3. *Policy.*

a. The Phoenix Program is one of advice, support, and assistance to the Government of Vietnam (GVN) Phung Hoang Program, aimed at reducing the influence and effectiveness of the Viet Cong Infrastructure (VCI) in the Republic of Vietnam (RVN). The VCI is an inherent part of the war effort being waged against the GVN by the Viet Cong (VC) and their North Vietnamese allies. The unlawful status of members of the VCI (as defined in the "Green Book" and in GVN official decrees) is well established in GVN law and is in full accord with the laws of land warfare followed by the US Army.

b. Operations against the VCI include: the collection of intelligence identifying these members, inducing them to abandon their allegiance to the VC and rally to the government, capturing or arresting them in order to bring them before province security committees for lawful sentencing, and as a final resort the use of military or police force against them (if no other way) of preventing them from carrying on their unlawful activities is possible. Our training emphasizes the desirability of obtaining these target individuals alive and of using intelligent and lawful methods of interrogation to obtain the truth of what they know about other aspects of the VCI. US personnel are under the same legal and moral constraints with respect to operations of a Phoenix character as they are with respect to regular military operations against enemy units in the field. Thus, they are specifically unauthorized to engage in assassinations or other violations of the rules of land warfare, but they are entitled to use such reasonable military force as is necessary to obtain the goals of rallying, capturing, or eliminating the VCI in the RVN.

c. If US personnel come in contact with activities conducted by Vietnamese which do not meet the standards of land warfare, they are:

(1) Not to participate further in the activity.

(2) Expected to make their objections to this kind of behavior known to the Vietnamese conducting them.

(3) Expected to report the circumstances to the next higher US authority for decision as to action to be taken with the GVN.

d. There are individuals who find normal police work or even military operations repugnant to them personally, despite the overall legality and morality of these activities. Arrangements exist whereby individuals having this feeling about military affairs can, according to law, receive specialized assignments or even exemption from military service. There is no similar legislation with respect to police type activities of the US military, but if an individual finds the police type activities of the Phoenix Program repugnant to him, on his application, he can be reassigned from the program without prejudice.

4. *Responsibilities.* Subordinate US commanders are to insure that the policies outlined above are strictly adhered to.

5. *Reports.* This directive requires no report.

W. G. DOLVIN,
Major General, U.S.A.,
Chief of Staff.

Part of the statement is:

POLICY

The PHOENIX Program is one of advice, support, and assistance to the Government of Vietnam (GVN) Phung Hoang Program, aimed at reducing the influence and effectiveness of the Viet Cong Infrastructure (VCI) in the Republic of Vietnam (RVN). The VCI is an inherent part of the war effort being waged against the GVN by the Viet Cong (VC) and their North Vietnamese allies. The unlawful status of members of the VCI (as defined in the "Green Book" and in GVN official decrees) is well established in GVN law and is in full accord with the laws of land warfare followed by the US Army.

I emphasize the latter sentence.

It continues:

Operations against the VCI include: the collection of intelligence identifying these members, inducing them to abandon their allegiance to the VC and rally to the government, capturing or arresting them in order to bring them before province security committees for lawful sentencing, and as a final resort the use of military or police force against them (if no other way) of preventing them from carrying on their unlawful activities is possible. Our training emphasizes the desirability of obtaining these target individuals alive and of using intelligent and lawful methods of interrogation to obtain the truth of what they know about other aspects of the VCI. US personnel are under the same legal and moral constraints with respect to operations of a PHOENIX character as they are with respect to regular military operations against enemy units in the field.

Please listen carefully to the next sentence:

Thus, they are specifically unauthorized to engage in assassinations.

I will read that sentence again, Mr. Speaker:

Thus, they are specifically unauthorized to engage in assassinations or other violations of the rules of land warfare, but they are entitled to use such reasonable military force as is necessary to obtain the goals of rallying, capturing, or eliminating the VCI in the RVN.

It seems to me to be a rather absurd requirement that a MACV directive to U.S. Army personnel cooperating with the Government of South Vietnam in the operation of the Phoenix program must state American military men are "specifically unauthorized to engage in assassinations."

The directive further says:

c. If US personnel come in contact with activities conducted by Vietnamese which do not meet the standards of land warfare, they are:

(1) Not to participate further in the activity.

(2) Expected to make their objections to this kind of behavior known to the Vietnamese conducting them.

(3) Expected to report the circumstances to the next higher US authority for decision as to action to be taken with the GVN.

d. There are individuals who find normal police work or even military operations repugnant to them personally, despite the overall legality and morality of these activities. Arrangements exist whereby individuals having this feeling about military affairs can, according to law, receive specialized assignments or even exemption from military service. There is no similar legislation with respect to police type activities of the US military, but if an individual finds the police type activities of the Phoenix Program repugnant to him, on his application, he can be reassigned from the program without prejudice.

The directive goes on, Mr. Speaker, but the words in the sentence "they are specifically unauthorized to engage in assassinations" is ominous in the extreme.

Mr. Speaker, looking further into the program we discovered a briefing paper that was provided us from the director of Military Region 1 in Danang, which was apparently a document prepared for the U.S. military advisers to the Phoenix program. The document is entitled "An Analysis of Province Security Committee." I will read just portions of the document and will request at the end of my reading from the document that the text be printed in its entirety following my analysis.

The document follows:

AN ANALYSTS OF PROVINCE SECURITY COMMITTEES

BACKGROUND

Province Security Committees (PSC) were created in 1957 to provide the CVN with an administrative method of settling the status of political detainees considered threats to the national security. Their purpose is political; their method is administrative detention of those persons reasonably believed to endanger the national security, but against whom sufficient evidence for a trial is lacking.

PROCEDURE

Suspect detainees may appear before the committee but do not have the right to demand such appearance. Due to the administrative nature and political mission of the PSC, procedures are far less exacting than those of the courts.

DETENTION

Where evidence for trial is lacking, but it is apparent that the suspect is a threat to the national security, the committee may impose administrative ("an Tri") detention. This is a type of preventative detention to protect the state from a known threat to its security. There is the additional provision of continual extension of two year terms if the individual remains a threat to the national security. "An Tri" detention is nonjudicial and administrative in nature. A violation of the national security laws need not be proven; all that must be demonstrated is that a reasonable belief exists that the suspect threatens the national security. Once "an tri" detention is imposed there are no judicial remedies. The duration and place of detention are governed by GVN administrative regulations.

BASIS OF DETERMINATION

The purpose of the PSC is to protect the State from those persons threatening its existence. Thus its power goes beyond that of the courts into the area of emergency political detention necessitated by the need of the State to survive. There is no defined burden of proof, as utilized by courts, because the committees are not engaged with violators of law. The committee is concerned with those cases which, due to a lack of evidence, cannot be prosecuted under existing judicial standards. Rather than a judicial determination, these cases call for an administrative determination. The decision of the committee is based on a prosecution dossier. There is no rigid rule regarding the amount of evidence necessary for detention, and the criteria may vary significantly from province to province. Each committee determines the existing threat to national security based on conditions within the particular province, and the function of the detainee within the VCI. This process, because it is administrative and political in nature, reflects the political "facts-of-life" in the province. It is encumbent upon each PHOENIX Coordinator to determine these local variances and tailor his advice accordingly. The PSC does not need evidence of the type required by a court; on the other hand, a dossier which contains nothing but an interrogation report cannot be expected to convince the committee that a maximum detention is warranted. What is necessary is sufficient intelligence to reasonably indicate that the suspect is a threat to national security. Thus the test applied by the PSC is not one of proven guilt. This is the distinguishing factor between the PSC and a Military Court. The court is concerned with guilt beyond a reasonable doubt, or the existence of a proven violation of national security, where as the PSC is concerned with preventing danger to the State by a suspect who appears to threaten the national security. The Military Court is punitive; the committee is preventative in nature.

And, finally, in this document prepared for the elucidation and information of American military advisers to this program there is a section called "Observations":

OBSERVATIONS

First. The PSC's are, by definition, political tools, and are governed from province to province by the political "facts-of-life".

Second. PSC existence is extra-constitutional and non-judicial, based upon the right of a State to survive.

Third. These committees, although in possession of power to administratively detain anyone reasonably believed to threaten the national security, have acted with remarkable restraint.

Fourth. The nature of these committees, and their strictly political function, dictate a "hands-off" policy by all U.S. personnel and agencies.

Fifth. U.S. advisors, specifically PHOENIX Coordinators, should direct their efforts to insure that their counterparts provide the PSC with the necessary evidence for the committee to reach an informed decision. This evidence should be in accordance with the minimum considered necessary for detention by the Chief of Internal Security. Additional emphasis should be placed upon providing the committee the type dossier specified by GVN MOI Circular #2212 and Phung Hoang SOP 3. If all available intelligence is in the dossier, an informed, intelligent, and equitable decision can be rendered.

Sixth. The varying quality of dossiers presented to the committee has caused an imbalance in proof, resulting in reliance upon the interrogation report to the exclusion of the Phung Hoang dossier. In far too many cases, the quality of the dossiers provided to PSC's can only be described as poor and incomplete. It is advisable for both PHOENIX Coordinators and their counterparts to screen the dossiers before they leave the PIOCC, if this is accomplished regularly, a comparison can be made between the amount of evidence presented to the committee, and the relative decisions reached by the committee. Thus, by reviewing the decisions of the PSC, in conjunction with the dossiers presented to the PSC, the PHOENIX Coordinator and his counterpart can determine what type of dossier the committee considers to be sufficient for detention.

Seventh. Guidance had been provided to the PSC's in GVN MOI Circulars No. 757 and 2412. Utilization of this guidance, coupled with an understanding of the political realities of the province, will provide the coordinator with an understanding of dossier deficiencies. The critical official to satisfy is the Chief of Internal Security, the second most influential member (after the Province Chief) of the PSC. The Chief of Internal Security is the central figure in determining what burden of proof the committee adheres to, as it is his recommendation which usually determines the duration of detention. It is essential to determine what minimum content a dossier must contain to conform to his standards.

Mr. Speaker, I have described the advice given by the U.S. authorities, by the military advisers, to the South Vietnamese in the administration of a program concerning which our military people as of May 18, 1970 "are specifically unauthorized to engage in assassinations" and concerning which in military region 1, five provinces, 1970, 2,000 people were killed, 1,700 were sentenced and 4,000 were captured. All of these people were people that could not have been convicted in any court given the basis of the ANTRI detention law because "evidence was insufficient to convict them of a crime." These are people that, in fact, have not committed a crime but have been deemed to be by reasonable belief detrimental to the security of the state.

Mr. Speaker, those documents that I just read to you were the documents that prompted our interest in delving into this program in greater detail. In the process of doing so, we visited six provinces, five of which are located in military region 1 and one in military region 2.

We discovered some very interesting facts concerning this program, Mr Speaker, that led me again to the conclusion with which I commenced this presentation, that we are leaving a structure that has been defined by American military authorities as a part of Vietnamization that produces a great possibility of political suppression in that government when we are no longer a part of it and, in its present operation, clearly presents an actual political suppression and, perhaps, of other dangers if our military people deem it necessary to "specifically unauthorize" American military people who are participating in this program from participating in assassinations.

The basic document governing the operation of the Phoenix program is called SOP-3, which is the Government of Vietnam instructions to the Vietnamese who participate in this program as to how the program works, and what the burden of proof must be in determining whether a man is subject to administrative detention.

The SOP-3, though a Vietnamese document, has been translated into English, and is used by our military advisers at all stages of this program.

Let me read just a few standards and criteria set forth in SOP-3, so that you might have a general idea of the type of person and the type of objective that this program has.

In referring to inteligence that is sought to be obtained about citizens in Vietnam, or activiteies that are antithetical to the best interests of the South Vietnamese Government, SOP-3 states such intelligence "is not only of immediate value, but also will be needed in the future in any postwar political struggle with the Vietcong.

It further states:

It is most important to indoctrinate and impress upon local residents the duties of defending their villages and hamlets, and serving as the Government's eyes and ears.

In the area called information collection, this document describes the type of information they desire.

Information on a person, residents of the area who make suspicious utterances such as (1) expressions which distort Government of Vietnam policies and the action of Government of Vietnam cadres.

(2) False rumors which confuse and frighten the people.

(3) Creation of division and hatred among the populace and between the populace and Government of Vietnam cadres.

SOP-3 continues and describes how an informer can tell whether his neighbor should be reported through the Phoenix program for action by the Province Security Committee:

Those Who Act Suspiciously: (a) the hesitation or fearful attitude of a dishonest person; (b) contact with those whom we suspect; (c) regular secret colloquies of a certain group of people in the area.

Then they have a category called duties of the political subsection, or DIOCC.

DIOCC is a term I will go into in greater detail later, but it is called the District Intelligence Operation Coordinating Committee.

The duties of the political subsection of the DIOCC are, among others:

Maintain a district, village and hamlet picture album, the photos to be taken in front of the family residence, photos to be provided by the National Police.

And then how to prepare file cards upon people who will be entered into this special program.

One important category that they are cautioned to fill out is "marital status":

Is he single or married? What is the number of his children?

This can be useful in exploiting family sentiment to obtain his arrest or afterwards.

It seems to me, Mr. Speaker, that in the three documents I have just read I have described not an instrument of a reasonably free society, let alone a free society, but an instrument of a totalitarian society. I doubt seriously that the documents describing a similar program of the North Vietnamese or in Communist China would be any different from the documents I have just read devised by the American advisers to the South Vietnamese Government, as an instrument of such government which we will leave them as part of Vietnamization.

We discovered that the way the system works is this: Each province is divided into villages, districts, and province capitals. Each village has a village intelligence operations coordination center wherein all of the information concerning your neighbor described in the general terms I read from the SOP-3 is fed into the village intelligence center—if he is using expressions which distort the Government of Vietnam policies; or if he is spreading false rumors which confuse and frighten the people; or if he is creating division and hatred among the populace and between the populace and the Government of Vietnam cadre and if he acts suspiciously by the hesitant or fearful attitudes of a dishonest person; then his name goes into the VIOCC in the village—and from the VIOCC it goes to the DIOCC and the DIOCC is the District Intelligence Coordinating Operation Center where all the information is gathered from the village and fed into the district and the district intelligence operation center.

They process the information further and they then start programing what are known as dossiers. A dossier is a file on a category A or B suspect in the Phoenix program.

The dossier of a category B suspect means that there is in his dossier intelligence from three sources. That they identify him as being a part of the Vietcong infrastructure. If he is of top level Vietcong infrastructure, according to the three intelligence sources in his dossier, he is listed as category A and he is then "targeted."

Now "targeted" means theoretically that he can be arrested or sould be arrested so that he can be processed through the province security committee.

If he is a category B suspect and has three intelligence references in his dossier as to his connection with the Vietcong infrastructure, he is similarly "targeted" for arrest and process.

If he has no such references in the dossier identifying him as part of the Vietcong infrastructure, he is categorized as category C—a fellow who is just not quite right—he may have expressed some disagreement with the South Vietnamese government in Saigon—he is that kind of fellow—a troublemaker—and it might be better to let him know what the central government thinks about troublemakers. So he is picked up by the DIOCC and sent to the PIOCC, the province intelligence operation coordination center, at which time he is detained. Then he can be sentenced ultimately to up to 1 year. He is frequently released, but there is no man of whom I am aware who would believe any neighbor picked up for expressing disagreeable statements about the government and processed through one of these centers into a detention center would thenceforth feel free in any way to criticise the central government of Saigon.

Then it is category C which is perhaps the most troublesome of all the categories. Although category A and category B afford equal concern because of failure to comply with a standard of evidence sufficient to convict in a court before imprisonment.

After information on a suspect has been processed through the PIOCC, the province intelligence operation coordinating center, and the dossier is prepared upon him, he is then arrested.

They can be arrested in a number of ways—in military operations by the regional and popular forces where they pick up a lot of people in enemy territory or in contested territory. Quite a number of these people have found their names listed in the "blacklists" or in the "greenlists" that they carry around and they trace them from those lists to the dossier on them and then they are arrested and taken to the PIC, the province interrogation center.

They can also be arrested by a process known as the cordon and search process, where the national police with the regional forces or the popular forces cordon off a village and send everybody in that village through a single file line where they are looked at and examined and searched by the national police and are checked against the "blacklist" or the "greenlist" and if they are identified as a part of an A or B category having a dossier in existence, they are arrested and sent to the province interrogation center.

The province interrogation center is the most remarkable instrument in this whole procedure. It was not until the second province we toured that we discovered an interesting fact about the province interrogation center.

You would assume that since CORDS and the military forces working through CORDS have the responsibility of advising the South Vietnamese Government concerning this program, that the American advisers in the province interrogation centers where the people who are arrested are taken for interrogation—an interrogation that can last up to 45 days—and that is their last step prior to going before the province security committee for judgment—you would assume that the American advisers of the province interrogation center would be military advisers, such as is the case at every other step or procedure in the Phoenix program. In fact, that is not so.

The way this was revealed to us is an interesting sidelight in the problems of a Congressman attempting to elicit facts in any trip that he makes in dealing with any bureaucracy—military or civilian.

Talking to one of the American advisers in one of the provinces, I asked that province adviser, who is a military man working for CORD, to show me the Province Interrogation Center. He said he had never been to the Province Interrogation Center. I asked him why this was so, inasmuch as he was the American adviser to the Phoenix program.

He said because the CIA operates the Province Interrogation Center. I said:

> You must be kidding.

He said:

> I only know that from rumor. No one has proven that to me as a fact, but I have been told not to go near the Province Interrogation Center, because that is not within the responsibility of CORD's or the military advisers. That is a CIA operation.

That evening I puzzled over his statement and concluded that he was suffering from delusions of a conspiracy that were not warranted by the briefing given us in Saigon as to who operates and advises this program and by all information given to us up to that point on the operation of this program.

The next day we visited another province. At that province, in the middle of the military briefings, I asked the briefing officer if he would excuse me from the military briefing and instruct his Phung Hoang Phoenix adviser to take me to the Province Interrogation Center, which he did. At the Province Interrogation Center I was met by two civilians, American civilians. I asked them by which agency they were employed. They told me the Pacification Security Coordination Division.

I said:

> Is that a cover for the Central Intelligence Agency?

They both said:

> Yes, it is.

I said:

> Are you employees of the Central Intelligence Agency?

They both said:

> Yes, we are.

From there on we were told that the Province Intelligence Centers were run by the Central Intelligence Agency, and that information and intelligence was confirmed when we got back to Saigon, after great anguish on the part of our briefing officers, who had been instructed not to reveal that fact to us, and who had been instructed that if we were to inquire of them, they were to respond that they were unable to answer that question.

What alarms me and disturbs me about the Central Intelligency Agency operating the Province Interrogation Centers is that this is the most sensitive part of the entire Phoenix program. This is where the civilian, who is not accused of a crime, because there is evidence insufficient to convict him of a crime, is taken in order to question him and to get a confession from him.

Our American military advisers, when they pick that suspect up again after he leaves the Province Interrogation Center and is taken before the Province Security Committee, are advised not to give too much weight to confessions that are obtained or declarations obtained in the Province Interrogation Center.

Now, I must suggest this, too, that we were given free access from that point on to all Province Interrogation Centers, and we were given that access on no notice whatsoever to those who were running the center or advising them, and I saw nothing in any of the centers to which I had access that led me to believe that abuses, in fact, did occur in the Province Interrogation Centers—with one exception.

There was testimony from an American adviser who had gone to his particular Province Interrogation Center on other business that he had been a detainee being taken blindfolded into an interrogation room with a rubber hose in the hands of the South Vietnamese interrogator. He also said that when he saw the prisoner come out of the interrogation room, there was no sign of abuse of that prisoner.

We found out in another district, in a District Operations Coordination Center, that the American adviser to the DIOC had found a rubber hose on the desk of the district intelligence officer at the coordinating center and had advised that district official that a rubber hose should have no part in the district interrogations.

Beyond those indications that abuses did exist there was nothing I saw in the operation of the Province Intelligence Centers that would lead me to believe the abuses did in fact exist.

What disturbs me, then, is the necessity for a cover for the operation of the CIA in the operation of the Province Intelligence Center. If military advisers are going to advise the South Vietnamese at every step of this process up until the detainee enters the interrogation center, and then they close the door and shroud it in the secrecy of the CIA, and then pick up that detainee after he goes out the door of the Province Security Center, there is cause for concern as to what happens in that vacuum.

The CIA agents do not report to the Phung Hoang administrators. They report directly to the Ambassador in Saigon, Mr. Bunker. Mr. Bunker is not within the chain of command of the Phoenix program. It seems to me to be a mistake of great proportions to include the Central Intelligence Agency as advisers and operators of the Province Interrogation Centers.

Once the detainee has gone through all this process and has been interrogated for up to 45 days at the Province Interrogation Center he goes before the Province Security Committee. The Province Security Committee does not have the function of finding guilt or innocence. They only have the function of establishing the length of the sentence.

On the category C detainee, they can release him, and frequently do. He is the fellow, you recall, that is not identified as a part of the VCI, Vietcong infrastructure. He is the fellow who may have been spreading rumors about the Government, who was picked up and brought through this thing to cow him into refraining from that sort of action.

But the category A or B, who has been identified in his dossier by three separate intelligences as being a member of the VCI is brought before the Province Security Committee for sentencing.

The Province Security Committee consists of seven members: The Province Chief, the Chief of the Court of that province, a representative of the Province Council, the intelligence officer of the ARVN army, the National Police Chief of the province, the Military Security service chief, and the Political Service chief of Internal Security of the province.

These are the people who prepare the dossier, and who participate in the interrogation. These are the people who are sitting in judgment as to whether the dossier was adequately prepared to convict the detainee of this program.

I talked in one province to the only elected official on that particular security committee, who was the elected Chief of the Provincial Council, and he told me that this was a great concern to the members of the security committees throughout the nation, and they had met in a national meeting and expressed concern to Saigon on two bases:

First, there are too many policemen on this security committee making judgments as to whether or not the policemen did their work right.

Second, he said there are too many representatives of Saigon on this committee, and that opens this committee to great political abuse. I asked him if abuses had in fact occurred, and he said no, but he was afraid because abuses could occur; and I could not agree more.

We asked how many cases were heard by the Province Security Committee and how long was devoted to a case. They meet once a week, on Friday, generally between 9 and 12 in the morning. They average 40 to 50 cases between 9 and 12 in the morning in the Province Security Committee.

The defendant is not permitted to be present. There is no defense attorney. The public is not admitted to the hearings of the province security committee. Now, that does not seem to me to provide much opportunity for even vestigial due process. Neither does the Province Interrogation Center seem to me to provide much opportunity for even vestigial due process.

I think that this area or this program is subject to fantastic abuse.

Let me clarify one figure that was startling to us. In the neutralization figures for 1970 in these five provinces they listed with great pride a category of "kills" numbering 2,000. They had neutralized 2,000 members of the VCI, against whom, mind you, there was insufficient evidence to convict of a crime, by killing. It occurred to us that there was an area for possibility of abuse. This is an awful lot of "kills" occurring in view of the number of arrests made.

We inquired further and found out that of the number of 2,000 listed as "kills" and, therefore, as results of the Phoenix programs and credited to that program, that 99 percent of the 2,000 were in fact not attributable to the Phoenix program at all but were bodies found on the field of battle after a fire fight and after the clash and identified from papers on their bodies as being members of the Vietcong, which was a reasonable assumption since they were found in a battle fighting the Government soldiers. That is a reasonable assumption that they would be Vietcong. They were listed, however, as a result of a neutralization of the Phoenix program, which is a wildly erroneous and misleading figure.

I asked of the 2,000 that were found on the battlefield and identified as members of the Vietcong infrastructure how many of those men had dossiers in the PIOCC or province intelligence center before their bodies were found; how many of them had been "targeted" as class A or class B Vietcong infrastructure. The answer was very few. Less than 20 or 30 out of the 2,000 probably had been identified by anybody as being a member of the Vietcong infrastructure.

So what happened here is that you have the traditional weakness of the American authority when they are trying to show progress in the war in Vietnam. They always show progress in the war in Vietnam by raising charts with statistics on them and an ever-increasing graph and thus they show "progress" in the neutralization program. The Phoenix program was shown by an increasing graph with 2,000 killed of the Vietcong infrastructure attributable to this program while they were not attributable at all to this program.

Mr. Speaker, I am recommending to the Secretary of State, who, in fact, has the primary administration of this program, that category C detainess—and you will recall of the 9,000 neutralization statistics attributable to Military Region I that 4,000 of them were category C detainess—people who were not identified as part of the Vietcong infrastructure but people who were nosy as far as their neighbors are concerned—I am recommending that these category C detainees not be a part of this program. If this is an American-constructed program, as reprehensible as the entire program might appear to be, category C is absolutely incomprehensible. It is incomprehensible that we would permit, advise, and suggest to a government that their neighbors who happen to express opposition to the central government should be run through an interrogation process and sentenced for up to 6 months.

Mr. Speaker, I am also suggesting that we not put goals in each province as we now do. American advisers have goals. Next year they have to get so many "kills" and so many "sentences" and so many "neutralizations" in their provinces. That has this effect: Unless a man is sentenced to a year or 2 years he is not considered "neutralized." Anything less than a year in category B or less than 2 years in category A is not considered a neutralization. So we had a province adviser tell us that his great concern with the functioning of his Province Security Committee was that it was not attempting deliberately enough to bring in those maximum sentences so that he could take credit for a neutralization.

It is the incentive system that we have established in America that we have told our province advisers, you have got to better your program, you have got to get more "kills" next year, you have got to get more "sentencings" and you have got to get more "neutralization."

It does not seem to me to have the remotest semblance to justice.

There is not a word in this document

about justice being done to people picked up under this system.

Then, Mr. Speaker, I would recommend that the Central Intelligence Agency be denied any further control of the Province Interrogation Centers, that they be placed in the chain of command of CORDS and that the chain of command and advice and monitoring not be interrupted at any point from the time the suspect is picked up until he is sentenced.

I am recommending further that the "kill" statistics be reported realistically; that the people who are found dead on the battlefield and where in their pockets there are found papers identifying them as a Vietcong, that they not be ascribed as a "success" of this program because they have nothing to do with this program and are not a part of this program.

Finally, Mr. Speaker, just one final comment. I can understand at a time when a nation is perhaps subjected to an onslaught from without and an onslaught from within that due process as we know it in this country and which, even here, has been an evolutionary thing that is continuing to evolve, may not have equal application to such a country. I recognize that this proces under the conditions of war that exist in South Vietnam cannot be accorded to the extent that we accord them in this country. I also recognize that in making a determination in the interest of national security that you are going to deprive a man of some due process, you are going to permit his detention even though there is insufficient evidence to convict him of a crime, that you must monitor that program exceptionally carefully in order to see that abuses in sentencing, that abuses in detention and that abuses in interrogation do not occur. I am, personally, not convinced that abuses in sentencing, abuses in interrogation and abuses in detention do not occur.

I would hope, Mr. Speaker, that if we leave this remnant of American knowall to the South Vietnamese as a part of their civil society, then we will do much to improve it. It is a terrible situation as it presently exists.

ARE EXTRA FUNDS FOR HISC NECESSARY?

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. RIEGLE. Mr. Speaker, I would like to voice my opposition against the current request of the House Internal Security Committee which asks the House to appropriate $670,000 in addition to the approximately $250,000 automatically granted to it as a standing committee. This sum seems to be rather disproportionate, especially when this committee's record of legislative activity is considered. During the years 1969–70, only three bills were reported out of committee and none became law.

I am on record as a sponsor of a resolution which proposes transferring the responsibilities of HISC to the Judiciary Committee, thereby abolishing HISC. Since the functions of the House Internal Security Committee are closely related to those of the Judiciary Committee, it would seem logical and probably in the long run, more economical to enlarge the jurisdiction of the House Judiciary Committee in this way.

Pending any action on this resolution, however, I would favor careful review of the needs of HISC before appropriating funds which represent a significant increase over last year's authorization. In the interest of curbing Government spending, it would also seem appropriate to examine closely the reasons for a budget increase as proposed by this committee this week.

RESOLUTION OF STATE OF IOWA GENERAL ASSEMBLY

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. SCHERLE. Mr. Speaker, 64th General Assembly of the State of Iowa is to be commended for the recent concurrent resolution of the house and senate opposing any plan to move the U.S. Department of Agriculture Veterinary Biologists Division Laboratory from Ames, Iowa. The value of this asset to education and industry in Iowa and the practical utility of its present location are cogently set forth in the text of the resolution, which follows in its entirety:

SENATE CONCURRENT RESOLUTION 34

Whereas, the United States Department of Agriculture Veterinary Biologics Division Laboratory situated at Ames, Iowa, is ideally located in the feed grains and livestock center of the United States and adjacent to the National Animal Disease Laboratory and the Veterinary College of Iowa State University; and

Whereas, the successful continuation and coordination of its work is vitally important to the basic industry of Iowa, and the loss of the employment of some one hundred persons with a payroll of one million dollars annually would be a severe economic depressant to the city of Ames and the state of Iowa; and

Whereas, recent news articles have reported on the possibility of transferring the laboratory from Ames, Iowa, to Fort Detrick, Maryland, which follows by only two years a proposal to move this facility to Lincoln, Nebraska, now therefore,

Be it resolved by the Senate, the House concurring, That the General Assembly deplores and opposes any plan or proposal to move the United States Department of Agriculture, Veterinary Biologics Division Laboratory from its present location in Ames, Iowa; and

Be it further resolved, That copies of this Resolution be directed to the President and Vice President of the United States, the Secretary of Agriculture of the United States; and that copies of this Resolution combined with the General Assembly's expression of appreciation for efforts in this regard be directed to the Iowa delegation in the United States Congress, and to the Governor of Iowa.

ROGER W. JEPSEN,
President of the Senate.
WILLIAM H. HARBOR,
Speaker of the House.

I hereby certify that this Resolution originated in the Senate and is known as Senate Concurrent Resolution 34, Sixty-fourth General Assembly, First Session.

CARROLL A. LANE,
Secretary of the Senate.

A meeting was subsequently held in my office which included Under Secretary of Agriculture J. Phil Campbell and USDA's Director of Science and Education, Ned D. Bayley. As a result of this meeting, the Department of Agriculture has agreed not to move the laboratory at this time. However, the Department may do so in the future if more adequate facilities are not made available in Ames.

A group of concerned citizens in Ames has begun negotiations with USDA to provide better facilities. As a member of the House Appropriations Subcommittee on Agriculture, I intend to follow the progress of these consultations closely. It is my hope that they will soon be brought to a successful conclusion.

SENATOR McGOVERN CRITICIZES J. EDGAR HOOVER AND THE FEDERAL BUREAU OF "INTIMIDATION"

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. MIKVA. Mr. Speaker, Senator McGOVERN recently delivered a speech in Lockport, Ill., in which he discussed the sorry state of the present administration of the FBI and related some disturbing new information. Senator McGOVERN's statement demonstrates the need to secure effective congressional review of FBI procedures, and effective Executive action. A transcript of the speech follows:

REMARKS BY SENATOR GEORGE MCGOVERN

Some months ago I called for an investigation of the administration of the FBI. That call has been repeated in the House and the Senate, and various proposals have been made suggesting procedures for securing the needed review. But while all the consideration of review continues, so does the degeneration of the FBI under Mr. Hoover's failing leadership. In the light of evidence I am about to present, I urge that the President call for Mr. Hoover's resignation now.

How dangerous the situation has become was first clear to me when Mr. Hoover publicly slandered his former superiors Robert Kennedy and Ramsey Clark. I decried this outrage on the floor of the Senate on November 17, 1970. Then the control and coercion Mr. Hoover exercises over the lives of his employees became clear when I discovered that a loyal and competent agent, John F. Shaw, was cruelly persecuted by Mr. Hoover for critically appraising the FBI in a confidential letter to his professor.

I have become increasingly familiar with a situation concealed from the public, but known to many highly respected law enforcement officers across the nation. Behind the TV image of gang-busting and spy-catching, there is the true story, often sad and shocking, sometimes absurd.

For example, a longtime high-ranking former official of the FBI in whom I have complete faith has told me that Mr. Hoover has long kept a record on every FBI agent which includes systematic notations of agents who fail to request an autographed picture of the Director, or who fail to remember the Director at Christmas time and on his birthday with appropriate gratitude. Agents have been called upon during government time to install automatic windows at the Director's private residence. Every year Mr. Hoover is provided with specially built limousines (the last cost taxpayers over $27,000) which are kept in readiness throughout the country for the personal use of the Director. An elaborate public relations team carefully nurtures the image of the Director with a steady flow of ghosted articles, press releases, films and speeches. After careful work by local police forces, Mr. Hoover will place the name of a fugitive about to be captured on the "most wanted" list and then claim public credit for a capture that should be credited to a local police chief and his men.

Responsible to no one, Mr. Hoover has become irresponsible. Unchecked by Congress, unsupervised by the Executive, the Hoover regime has resulted in an American tragedy. It is an individual tragedy—that Mr. Hoover should diminish the institution to which he long dedicated his energies and talent. It is a tragedy for the American people that Mr. Hoover continues to weaken a most important federal law enforcement institution, and seems prepared to take the ship down with the Captain.

In response to the public outcry, the President and Attorney General Mitchell have continued to profess complete confidence in Mr. Hoover, and claim that each and every excess reported is in the service of law enforcement.

Was it in the service of law enforcement that Mr. Hoover declared, prior to any indictment or trial, the guilt of the Berrigans? Was it in the service of law enforcement that he has condemned other individuals who are not even under indictment—individuals who will never have the opportunity to prove their innocence?

Is it in the service of law enforcement that the FBI has intimidated the wives and mothers of POW's desperate for news of their loved ones, by telling them to have nothing to do with pacifist groups who may relay mail between POW's and their families?

Was it in the service of law enforcement that the FBI fired some young girls who served as clerks because they spent their evenings stuffing envelopes for a peace organization?

These activities are obviously not in the service of law enforcement, but rather a peculiar view of the nation's real values and problems combined with a self-centered effort to nurture the power and reputation of Mr. Hoover and his top associates.

Victim of its own mythmaking, the FBI has become ideological. Running the glory road created by Mr. Hoover's public relations department, Mr. Hoover's regime is now suffering from its own propaganda. The FBI is in danger of losing that most essential element of the policeman's role in a free society, absolute neutrality in the enforcement of the law.

For instance, because each year Mr. Hoover requires additional convictions from his Special Agents in Charge, convictions tend to be sought among minority groups where civil rights may not be well understood or protected. And then there is the current pursuit of political extremists, and their placement on the "Most Wanted List" though many other fugitives are often responsible for more serious crime and though the politically most wanted are without prior criminal records. It all shows once again Mr. Hoover's unerring penchant for whatever is box-office.

Six months just passed before anyone on the "Most Wanted List" was captured. Actually, the "Most Wanted List" is a phony public relations gimmick regarded with scorn by responsible law enforcement officials. It is unconstitutional in that it prejudices the possibilities for fair trial by judging in advance of trial and with widespread publicity the relative danger and guilt of alleged criminals. It is a gimmick which should be ended by the Executive or challenged in the courts, for it taints the whole process of federal law enforcement.

Does the President really have full confidence in the top federal policeman who says "you never have to bother about a President being shot by Puerto Ricans or Mexicans. They don't shoot very straight. But, if they come at you with a knife, beware."

Do the President and the Attorney General have complete confidence in Mr. Hoover's regime when it has repeatedly refused to carry out its responsibilities in the protection of civil rights, as documented in the story of the *Orangeburg Massacre* and innumerable other instances?

Do Mr. Nixon and Mr. Mitchell have comlete confidence in an FBI regime which for decades chose to ignore organized crime, and only recently began to develop a coordinated attack?

What is the source of confidence? Mr. Hoover has carefully avoided jurisdiction in very difficult areas such as the drug traffic which hangs as a terrible curse over millions of people across our land.

Mr. Hoover arrogantly announced that he refused to speak to the late Robert Kennedy during the last six months of his service as Attorney General because Mr. Kennedy questioned why, when blacks compose 10% of the national population, only two-tenths of 1% of FBI agents were black. Mr. Hoover claimed that this would require the lowering of FBI standards for agents, which include the necessity for a degree in accounting or law. As late as 1970, in an article on the FBI which he wrote for Encyclopedia Britannica, Mr. Hoover repeated that a degree in either law or accounting was a requirement for service as an FBI agent. Yet it was recently revealed by Assistant Director of the FBI Mr. Thomas E. Bishop that only about one-third of FBI agents have such degrees. In the press there has been little if any look at the contradictory nature of these statements and their significance. They mean that Mr. Hoover was deceiving his own administrative supervisor about the reasons blacks were so poorly represented in the Bureau. Hoover refused to speak to Mr. Kennedy because the FBI Director knew he was practicing this deception. I bring it to your attention because I hope that it may serve to eradicate any measure of credence that may have been given to Mr. Hoover's unconscionable vilification of the late Robert Kennedy—a deeply compassionate and courageous human being.

What then *is* the President's source of confidence? The United States Capitol is bombed, and bombings occur throughout the land without indictments or convictions. In case after case fugitives elude Mr. Hoover, and all we see is a frantic reaction that results in the violation of civil liberties on a broad scale.

The obvious truth is that Mr. Hoover is retained in office not out of a sense of confidence, but out of fear. Out of political fear that the Administration cannot afford to remove this "sacred cow" from the public scene.

I submit that this situation has become so serious and so dangerous to the health of our society and the survival of the FBI, that in carrying out his constitutional responsibility to see that the laws are faithfully executed, the President of the United States is duty bound to end the Hoover regime.

If we were to ask what is the best society, I think the answer might be that it is that society most free from fear—a society where the dignity and the privacy of each individual is carefully respected. Mr. Hoover heads an agency which was created to lessen our fears and increase our sense of well-being. When Attorney General Harlan Stone established the FBI in 1924 and made J. Edgar Hoover Director of it he declared,

"The Bureau of Investigation is not concerned with political or other opinions of individuals. It is concerned only with their conduct and then only with such as is forbidden by the laws of the United States. When a police system passes beyond these limits, it is dangerous to the proper administration of justice and to human liberty, which it should be our first concern to cherish."

These limits have now been exceeded and the worst fears confirmed. The documents stolen from the FBI and now published present clear evidence that the FBI is listening to the phone calls of college students and professors who are active in movements for peace and racial justice. They present clear evidence that the FBI uses paid informers, telephone switchboard operators, mail carriers, and neighborhood spies in recording the every move of citizens whose only crime seems to be a social conscience that moves them to social action.

There is now no doubt in my mind that virtually every political figure, every student activist, every leader for peace and social justice is under the surveillance of the FBI. I am convinced that paid informers are the rule rather than the exception on college campuses, within civil rights groups, and throughout the peace movement. I have no doubt that elaborate files are maintained on thousands of political figures across the land.

Mr. Hoover's regime has long called the statement of such fears paranoid. But now there is clear evidence in the published documents that it is the express policy of the FBI to encourage paranoia. In a memo entitled "New Left Notes—Philadelphia," agents were instructed, and I quote:

"To get more interviews with these subjects and hangers-on . . . for plenty of reasons, chief of which are it will enhance the paranoia endemic in these circles and will further serve to get the point across there is an FBI agent behind every mailbox. In addition, some will be overcome by the overwhelming personalities of the contacting agent and volunteer to tell all—perhaps on a continuing basis."

I don't know whether there is an FBI agent watching us from behind every mailbox, but what are we to say of a law enforcement agency that wants us to live in that kind of George Orwell 1984 'Big Brother is watching you" atmosphere. This is far more important than the question of whether and to what extent surveillance exists because, by such a policy, Mr. Hoover inflicts a clear and present denial of all our freedoms. It is a policy which is a direct assault on the First Amendment and completely subversive of its intention. It is a policy of deliberate intimidation and rule by fear.

For millions of decent and loyal Americans, the Federal Bureau of Investigation is now the Federal Bureau of Intimidation.

But still, and throughout the long history of the excesses of Mr. Hoover's regime it has always been said, even by critics, that granted the great and dangerous power available to Mr. Hoover, he has never used the resources of the FBI as an instrument of personal power and oppression outside his extraordinary policies for the control of the lives of FBI personnel.

Evidence has come to my attention which shows that there is no such limit to the danger, and that J. Edgar Hoover has in fact used the investigative resources of the FBI as an instrument of personal power and oppression against a United States citizen.

It may be recalled that on November 1, 1969, after a TWA jetliner was hijacked to Rome, the pilot of the plane complained bitterly of a wild-west type FBI raid on the jetliner while it was refueling in New York, a raid which the pilot of the plane, Captain Donald J. Cook, Jr., criticized as unnecessary, irresponsible and reckless. He publicly stated that "the FBI plan was a prescription for getting the entire crew killed and the plane destroyed."

I have been told by former agents of the FBI that J. Edgar Hoover reacted personally to this criticism and launched an investigation of the private life of Captain Cook. In retribution for Captain Cook's criticism of the FBI, Mr. Hoover informed TWA that Captain Cook had experienced some personal difficulty in the Air Force prior to his employment with TWA. It is clear that Mr. Hoover was trying to destroy the career of Captain Cook. TWA responded that Captain Cook's record with the airline was excellent in every regard, and that TWA would stand by its employee.

This series of events has been substantiated by former agents of the FBI, and by Charles C. Tillinghast, Jr., Chairman of the Board of TWA, in a telephone conversation with my office.

It has also been reported to my office by former agents that subsequent to the failure of Mr. Hoover's attempt to undermine TWA's confidence in Captain Cook, Mr. Hoover sought to discourage FBI personnel from flying TWA, and that when the FBI was to supply a contingency force of air marshals to prevent hijackings, Mr. Hoover sought to prevent any service by FBI personnel on TWA flights. These latter allegations have been repeated to me by reliable sources and are quite consistent with the pattern of reaction to criticism for which the Hoover regime is famous among law enforcement officials.

This episode is an example of the outrage that I am sure has been repeated in various forms, but I believe this is the first instance to come to Congressional attention.

It demonstrates the immediate necessity for the end of the Hoover regime. Despite Mr. Nixon's words of last weekend, I cannot believe that he can any longer with a straight face profess his confidence in Mr. Hoover.

It is never easy to end a simple myth which provides false security for a nation. But that is the obligation of leadership.

As a child, I regarded J. Edgar Hoover as the great G-man, protector of all virtue, enemy of all vice. But I grew up and learned the truth. And the Nation can do no less. If we are ever to successfully engage the cancer of crime which continues to increase and strike at the vitals of our national life, we must put aside the mythmakers and then launch a real attack on the sources of crime.

"NATIONAL SECRETARIES WEEK"

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. MURPHY of New York. Mr. Speaker, I am pleased to insert in the RECORD today remarks in tribute to the observance of "National Secretaries Week."

NATIONAL SECRETARIES WEEK, APRIL 18–24, 1971

For all Secretaries: The theme "Better Secretaries Mean Better Business" is stressed to promote the significance of teamwork throughout the business world.

Observance: The last full week in April . . . since 1952. Wednesday of this week is highlighted as Secretaries Day.

Official proclamations are issued throughout the United States and Canadian governments designating Secretaries Week and Secretaries Day.

Purpose: Acknowledgement of the contributions of all Secretaries to the vital roles of business, industry, education, government, and the professions.

The National Secretaries Association (International), cooperating with the U. S. Department of Commerce, originated Secretaries Week. The involvement of all Secretaries for this observance reemphasizes the importance of continued loyalty of Secretaries to their employers and their responsibility to their profession.

I believe in the purposes of Secretaries Week. For that reason I have introduced H.J. Res. 131, which would authorize the President to issue a proclamation designating the last full week of April as National Secretaries Week.

PORT—COMMUNITY REHABILITATION FOR LEGAL OFFENDERS

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. QUIE. Mr. Speaker, I request permission to insert into the RECORD an article from Hospital & Community Psychiatry, a journal of the American Psychiatric Association, by Dr. Francis A. Tyce, medical director of the Rochester, Minn., State Hospital.

The article deals with a community-oriented approach for treating criminal offenders and juvenile delinquents centered in Olmsted County, Minn.

The approach employed stresses developing internal controls in offenders, not merely imposing external controls. Each client contribtues toward his own rehabilitation through work programs. Some participants in the project work or go to school in the community, thus providing more meaningful social rehabilitation.

For those of us concerned with the quality of justice and the efficacy of rehabilitation, this Minnesota experience is a valuable development which can help redirect our emphasis in correctional policy.

PORT OF OLMSTED COUNTY, MINNESOTA COMMUNITY REHABILITATION FOR LEGAL OFFENDERS

(By Francis A. Tyce, M.D.)

(NOTE.—This paper is based on a presentation at the 22nd Institute on Hospital & Community Psychiatry, held September 21–24, 1970, in Philadelphia.)

PORT stands for Probationed Offenders Rehabilitation and Training. It is a community-based, community-supported, community-directed treatment facility for criminal offenders and juvenile delinquents. We see it as an analogue in the corrections field to the mental health center in the field of psychiatry. Like the mental health center, the PORT program serves as an alternative to institutionalization. In addition, it also serves a specific catchment area, namely the three counties that fall under the jurisdiction of the two district courts in our area.

The PORT program, located on the campus of Rochester (Minn.) State Hospital, was two years in the making before it accepted its first clients in October 1969. The idea grew out of my relationship with two district-court judges, the Hon. Russell O. Olson and the Hon. Donald T. Franke. As humane, thoughtful jurists, they were troubled by the unsatisfactory alternatives for handling a convicted offender: prison or probation. Prison bred recidivism, and often provided only graduate training in crime. Probation frequently consisted of irregular and inadequate supervision by an overworked probation officer; it also meant placing the offender back into the environment that had contributed to his delinquency, with no means to produce positive change in his behavior. Because of the dilemma, the judges often opted for the safer solution and committed the offender to prison.

Some nine years ago, the judges asked if our hospital could accept offenders for psychiatric study before sentencing. The judges wanted a report that would not only address itself to the particular behavior of the accused and attempt to explain it, but also would offer definite recommendations for psychiatric treatment, if indicated.

One of the early referrals was the son of a police chief. The father was a successful, honest cop; the son was a most successfully unsuccessful and dishonest 22-year-old whose antisocial behavior had embarrassed his father for years. The young man had just been convicted of burglary, but the sentence was stayed for psychiatric examination.

In the interview, he emerged as a highly intelligent young man with a compassionate understanding of his father's detestation of his behavior. He revealed a long-standing estrangement between him and his father, which was based on his ability to compete with an athletic and academically successful elder brother. Although the accused was physically large, he had never been athletic because he had lost an eye in an accident at the age of seven. Interestingly enough, his father had regarded the injury lightly at the time it occurred, and when medical help was sought a day or so later, it was not possible to save the eye. Estrangement grew over the years, and was intensified after the policeman father had to arrest his own son on several occasions.

Our recommendation to the court was to place the young man on probation. He was admitted to our day hospital and slept in the jail at night. After about six months he was placed in a vocational school for radio broadcasting. He was graduated at the top of his class and immediately obtained a job as a broadcaster in a neighboring state. After he had held the job successfully for several months, his father learned of his whereabouts, and on weekends he and his wife would drive some 50 miles to the state border, park their car, and listen to their son broadcast. Later the reconciliation was completed.

That case was particularly interesting because the court had acted in the face of the great hostility the local law enforcement agencies had for this young man. Success with his case did much to gain their support for new approaches to the treatment of criminal offenders. The courts referred a few other cases to us for rehabilitation, and although they were not many in number, the results were good—good enough to give birth to the concept of PORT.

About four years ago, the two district-court judges called a meeting of interested people to consider the possibility of a community-based facility to treat selected criminal offenders. Subsequent meetings were held, and the group was enlarged to include police and probation officers, attorneys, psychiatrists, and representatives of the sheriff's office, the city government, the press, the municipal court, and the county welfare department, as well as interested citizens. These meetings began to prepare the community for the concept of PORT.

Surprisingly, there was little opposition from areas in which we most expected it. We had thought the police would not welcome the idea of a group of criminals living together in the community instead of being safely tucked away in prison. However, the police were unexpectedly receptive to the idea of a community facility. The probation officers also thought it would be infinitely better than the existing system of having a probationer live at home, with no one knowing where he was most of the time. They felt that a residential program of rehabilitation would make their work easier.

Gradually, as the concept of PORT was formulated, community awareness of it grew. There was little opposition or apprehension encountered among the local citizens. Instead, we found a great deal of positive support. I am sure that had something to do with the mounting anxiety felt by most citizens about the increase of violence in our society, in the streets and on the campuses, and about the general decline in social discipline.

Community support was more than vocal. When the decision was made to start the program, the community contributed almost half the first year's budget; the rest came from the Hill Foundation of Minnesota. Legislative approval was obtained for PORT to lease state buildings, and the program secured a building on the Rochester State Hospital campus. The director of PORT was hired from the administrative staff of the State Department of Corrections.

At present there are 23 residents in the PORT program, ranging in age from 13 to 32; their offenses range from repeated running away from home to arson and burglary. It must be clearly understood that PORT is not a sheltering home for wayward boys; all but one of the present clients would be in a reformatory or prison were it not for PORT. The exception is a predelinquent 16-year-old who was on the verge of adjudication.

Referrals to the program come from district, juvenile, or municipal courts. After a candidate spends a two-week evaluation period in residence at PORT, a recommendation about whether or not to admit him is sent to the court for final decision. If the court decides to offer him the opportunity to enter PORT, the offender must make the choice to do so. If he does, the court will place him on probation to PORT or sentence him and stay the execution of sentence with the stipulation that he enter the PORT program. All but one of those offered the opportunity have chosen PORT over a prison sentence. The exception was a man with a history of multiple admissions to reformatory and prison; he refused the chance to enter PORT, saying he did not think he could tolerate the freedom inherent in the program, and did not want to be the first to foul it up.

The paid staff of PORT consists of the director, the assistant director, and a secretary. There are also ten to 12 resident volunteers, young men who live in the PORT facility; most of them are junior-college students. In return for room and board, they assume certain responsibilities. The volunteers take turns as duty officer in charge of the facility on evenings and weekends, when the other staff are not there. Clients who demonstrate the ability to handle freedom and responsibility can advance to the status of client-volunteers, serving the same functions as the resident volunteers. At present, four are doing so.

During the two weeks that a prospective client is being evaluated, he is interviewed individually by members of a screening committee. It consists of all the clients and resident volunteers, the director, a probation officer, a local businessman, and a psychiatrist. The groups of clients and resident volunteers each have one collective vote, and the other members have one vote apiece. The committee meets as a group only if any member casts a dissenting vote, to allow him to discuss his objections to the candidate. Interestingly, the psychiatrist member may be considered the professional expert on the committee, but he has been no more astute in his recommendations than the other members—which indicates to me that the program can function without a psychiatrist. The screening committee's report is transmitted to the court as its recommendation about admitting the candidate to PORT.

When a client is accepted, he is assigned to a resident volunteer, who acts as a peer model in a mirror-image fashion for the offender. A daily course of activities is outlined for the client. If he is a juvenile, he may attend junior or senior high school or junior college. If he has a job, he goes to work; if necessary, the state vocational rehabilitation agency will train him for a job.

Other than the group meetings described below, there are few formally planned activities in the PORT building. The volunteers and clients work together on the necessary housekeeping and minor maintenance chores and engage in informal social activities, and their interaction is felt to have therapeutic value. Clients who need psychotherapy arrange for it through the local mental health center, the Mayo Clinic, a private psychiatrist, or me.

The core of the PORT program is group process and the pressure it exerts on each member. The clients meet as a group three times a week with the assistant director, and the resident volunteers meet weekly with the director. Both groups meet together once a week. The meetings are frank, gut-level interchanges in which every attempt is made to help each member see himself and his behavior honestly. This has been a maturing process for the clients, the resident volunteers, and the staff.

Extra group meetings are called any time a crisis occurs. The object is to deal with deviant behavior immediately and in its present context. Deviant behavior must be expected to occur from time to time in a group of offenders; it represents the symptoms of their social pathology. As the group process in PORT has gained strength, actual acting-out behavior, such as using drugs or drinking, has decreased, and the underlying problems are expressed verbally instead.

Because the group deals with problems as they occur, the peer-group pressure begins to develop internal controls in the offender. That is in contrast to the practice in institutions of applying only external controls to modify behavior; the result is that the model prisoner (like the model patient) is one who is externally conforming, but too often has undergone no internal change whatever.

The total group makes all decisions about members, including the amount of freedom each may have. The group has developed a classification system with ratings from 0 to 5, each specifying a varying degree of freedom a client may have. Newly admitted clients must demonstrate through their behavior that they can be trusted before the group permits them more than minimal activity outside the building. When they demonstrate sufficiently responsible behavior, they are permitted to go home on overnight and weekend visits.

Clients are gradually weaned from PORT, spending an increasing amount of time in the community. When they move out of the building, they return for group meetings for as long as considered necessary. Throughout a client's stay in PORT, and for the duration of his probation, he maintains regular contact with a probation officer, who advises him about such matters as buying a car, getting married, or locating a place to live. The probation officer is vitally involved with the PORT program and is kept advised of his clients' progress in it through regular reports.

Each client pays for his own room and board, except for juveniles, whose parents must pay the $15 a week charged. Any client who is not working is extended credit until he obtains a job and can repay what he owes. In a sense, clients are paying for their own rehabilitation, quite the opposite of what would happen if they were imprisoned. Furthermore, if a client needs medical care, it is provided by local medical facilities; if he works, it is at a real job; if he is a student, he attends local schools. PORT's use of community facilities is in contrast to the necessity of replicating them within the walls of a correctional institution, always an inadequate arrangement.

Some of the juveniles in the PORT program have had truancy problems. Unfortunately schools tend to deal with the persistent truant by making him a permanent truant—that is, by throwing him out of school for good. The local school system has agreed to retain truant students who are in the PORT program. We had some episodes of truancy with three young clients, but it stopped when the group decided that three of the older clients would accompany the truants to school and sit in class with them. They did so, and the problem disappeared. That experience illustrates the healthy concern the adult clients have for the juvenile ones. Again, it is quite unlike the situation in correctional facilities, which have a fixed and necessary principle that you cannot and must not mix adult and juvenile offenders.

The cost of maintaining an offender in the PORT program is $3000 a year, compared with $11,000 in the state juvenile diagnostic center, $7000 in the reformatory for adolescents, and $5000 in the adult reformatory and the state prison. Furthermore, the PORT client not only pays for his own room and board; if he is married he supports his family, who would most likely be on welfare if he was in prison. He also pays his taxes—city, property, state, and federal—whereas in prison he would be supported by taxes.

One such client was a 28-year-old professional engineer, who was convicted of burglary. He was admitted to PORT in January 1970, rather than being sent to prison. Had he been imprisoned, he would have lost his job and would have found it extremely difficult to obtain a similar one after being released. Furthermore, his wife decided to divorce him if he went to prison. Instead, in PORT, he retained both his wife and his job; he worked steadily and continued to support his family and pay his taxes, as well as paying for his own rehabilitation. He received psychotherapy for the sexual hangup that was the cause of his burglarizing, and the cost of treatment was covered by the excellent comprehensive medical insurance provided by his employer. The client did well in the PORT program, became a client-volunteer, and was discharged in October. He was one of the six clients discharged to date whom we consider successfully rehabilitated; four others who left the program were sent to institutions for varying lengths of time, and three of them are expected to be readmitted to PORT later.

We anticipate that PORT will eventually become part of the Department of Corrections. At present it is a private nonprofit corporation, with a board of directors consisting of two district-court judges, an attorney, a local banker, a psychiatrist, the director of PORT, one of the clients, and one of the resident volunteers.

Providing support for the board is a citizens' advisory committee, a self-formed group of some 350 local residents who are interested in the program. They are sub-divided into a number of working committees, dealing with such matters as education, employment, social rehabilitation, prevention, and new legislation. For example, the employment committee, which consists mostly of local employers, finds jobs for PORT clients, and the education committee works with the local school system concerning educational arrangements for juvenile clients. The education committee is also trying to work out some way that resident volunteers enrolled in college can get academic credit for the time they work in PORT.

The citizens' advisory group will eventually provide the local board of directors for PORT when it becomes supported by local and state matching funds. The PORT corporation is making plans to approach the state legislature during the current session for support to extend the program. It will seek two-year state funding of 75 per cent of the cost, after income from client fees is deducted, with the county supplying 25 per cent. After two years, PORT expects to develop sophisticated legislation, based on what is being done in the states of California and Washington, whereby the state would reimburse communities at the rate their admissions to various state institutions are reduced.

We expect in that way to build into the financing mechanism enough local concern that the community sees to it that PORT does what it says—keeps people out of prison. There is no better way to ensure that a community continues to be earnestly interested in a program than to nail the success or failure of the program to the community's tax dollar.

Thus if by some miracle the PORT program should be completely successful and there have been no admissions to the correctional institutions from the three counties, the state would assume the total cost of PORT. However, to be realistic, we recognize that certain offenders require greater security than PORT is designed for. Nevertheless, it is foreseeable that PORT can appreciably decrease the need to send offenders to reformatories or prisons, and may have considerable impact on reducing recidivism. During the last six months of 1970, one of the district courts committed no offenders to prison.

Our future plans for PORT include admitting female offenders; we expect that most would be juveniles, because few women appear before the courts on criminal charges. We also plan to have young women as resident volunteers, whether or not we have female clients; we believe they would add much to the program and can be expected to behave as maturely as their male counterparts. We also expect to make more use of PORT as a nonresidential program for probationers who have a healthy family situation and can live at home; these clients would attend PORT activities during the evenings and weekends.

The rationale for the creation of a program like PORT lies in a comparison of correctional and mental institutions. Historically, there was only one institution for persons with aberrant behavior, whether due to mental illness or to an inclination to thieving—and that was prison. Gradually, as the antisocial behavior of the mentally ill was accepted as a manifestation of disease, separate institutions called asylums were built to accommodate them.

The prisons and the mental hospitals developed separately but similarly. Whether an individual was sent to one or the other, he was removed from society by due process of law, and deprived of all his civil rights. Both institutions were given two charges by society: security and rehabilitation. However, money was made readily available only for the first charge, and some of the formidable fortresses built as prisons and mental hospitals still stand. Only lately have we in the mental health field been able to convince the providers of funds that to neglect the second charge is uneconomic, both socially, biologically, and fiscally.

The institutions' attempts to carry out rehabilitation required them to try to replicate the community's educational, vocational, and recreational facilities, but they seldom had the resources to do an adequate job. It was perhaps some 15 years ago that the two types of institutions began to become less similar. With the advent of new drugs and new programs, the hospitals began to practice selective security as they found that fewer and fewer patients needed to be kept behind locked doors.

As the hospitals became more open, they began to interact more with the community. They found that they could use the community's resources to rehabilitate patients—the schools, employment opportunities, and medical, recreational, and vocational facilities. That has proved to be far more effective as well as more realistic and humane. It has also proved to be essential to the concept of continuity of care.

In contrast, the prisons still have security as their primary charge. In most cases they must provide total security for everyone in their keeping, whether it is necessary or not. Because of that emphasis on security, rehabilitation efforts are still carried on inadequately equipped and staffed, poorly replicated facilities within the institution. In addition, the correctional system has nothing resembling continuity of care. It lacks dispositional planning and community resources for rehabilitation. However, that is not the fault of the system itself: society gets the kind of correctional system it is willing to support.

My contention is that the correctional system in this country now stands where the mental hospital system stood some 15 years ago. I believe that it can profit by the hospitals' experience in changing from custodial, security-oriented institutions to active rehabilitation centers with community-based supportive facilities. The correctional system could adapt that course to its own goals and introduce changes that would be acceptable to society. By profiting from the hospitals' experience, I believe it could move ahead in far less time than it took them.

As a beginning, I suggest a program like PORT—a community-based, community-directed, community-supported domiciliary treatment facility for the criminal offender as an alternative to prison. We have in our communities many citizens who are concerned about the pressing social issues of our day—poverty, racial unrest, crime, and violence. They realize that the old solutions are no longer effective—if they ever were—and will accept the idea that institutionalization can be at least partially superseded by community care for the socially sick. We have a generation of youth searching for a cause who have a positive stake in the future; they can be brought into PORT programs as resident volunteers, where they can help bring about the social reforms they seek. As our experience in Minnesota has demonstrated, these citizens can provide strong, active support for programs like PORT.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spirtual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

I WORRY ABOUT MY LOYALTY RATING

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. HARRINGTON. Mr. Speaker, the antics of various agencies in the surveillance of American citizens would be humorous if they were less real and threatening. The ominous presence of governmental supersleuths complete with dossiers and wiretaps should be reserved for the realm of Mickey Spillane and James Bond. Instead, we find a complete spectrum of Americans, from U.S. Senators to housewives in Toledo to concerned conservationists, being appraised by the watchful eye of Government.

We are observed and recorded, cataloged and rated, photographed and fingerprinted, all in the name of American security and self-interest. Yet when a letter from a scoutmaster in Idaho arranging a tour of the Soviet Union for a troop of Explorer Scouts ends up in an FBI file or when some bungling Clousseau is so isolated from American society that he must send a spy to uncover the nature of Martin Luther King's dream, then we must ask whose security and whose self-interest.

The article which I now insert recounts one individual's attempts to master this labyrinth and uncover the existence and nature of such files. It is a chilling reminder to all of us and I recommend it to my colleagues:

I WORRY ABOUT MY LOYALTY RATING

(By Peter W. Roberts)

(EDITOR'S NOTE.—Peter W. Roberts of Coralville, associate editor of the University of Iowa News Service, has long waged a "commentary campaign"—usually with post cards—on various local and national issues. Here, he relates his most on-going project, this one "involving" the secretary of defense, the Department of the Army and others.)

On April 1 the Department of Army finally wrote and told me I was clean. I had been sweating out their answer for three months, after writing two letters to Secretary of Defense Melvin Laird, so I was relieved to read that a check of the Defense Central Index of Investigations showed that the military services are keeping neither a file nor a dossier on me.

This index covers the Army, Navy, and Air Force, but does not mention the Marines or the Coast Guard. Nor have I been able to figure out the difference between a file and a dossier.

I want to say there is no good reason why the Pentagon, or any other federal branch which does spying, should have a file on me. I am a parlor liberal, and all my political action has been within the system. But in the past year, a growing number of reports on how the military does spy on civilians made me afraid that the lack of a good reason might not deter the Pentagon. And I had decided to try the direct approach.

I first heard about military spying on

civilians during a primary campaign last year in the 1st Congressional District of Iowa, where I live. I was concerned about the totalitarian implications of such a policy, and my first postcard to the Pentagon on this subject ended with the question, "What is this, Russia?"

I got back a letter from Major Gen. J. A. McChristian, the assistant chief of staff for Army intelligence, assuring me that the informer, Capt. Christopher Pyle, had made a lot of mistakes, including the main charge that the Army was using undercover methods to collect information on people who might make trouble for the Army.

Six months later I really got upset after listening to Tom Pettit explain on the NBC television program "First Tuesday" how military spies had worked on the Poor People's Campaign and infiltrated the two political conventions in 1968. What bothered me most was the report that when one spy called his superior to say that Coretta King referred in a speech to the need to make her late husband's dream come true, the superior sent the spy back to the hall to find out what the dream was.

In a newspaper story about the same time, a former spy said, without sarcasm, that his superiors had ranked William F. Buckley Jr. to the left of center as they decided how to evaluate people's political positions. This meant to me that these patriots would not be able to distinguish Sen. Eugene McCarthy from Leon Trotsky. So I sent another card to the Pentagon, protesting against this military subversion of the political process and closing with my question, "What is this, Russia?"

But before Gen. McChristian could reply to this card, the newspaper came out with two more revelations: military spies had reportedly kept track of U.S. Sen. Adlai Stevenson, U.S. Rep. Abner Mikva, and former Gov. Otto Kerner, all of Illinois; and the Army was alleged to make routine investigations on everyone elected to Congress. One story quoted some intelligence guy as having said something like, "Just because a man is elected to office doesn't necessarily mean he's loyal."

Now, I have always considered myself a loyal citizen of the United States of America. I have in my possession a medal awarded to me by the Daughters of the American Revolution in 1955 or 1956, when as a senior at Hyde Park High School in Boston I had written a prize-winning essay on "What the Constitution Means to Me." I remember that the punchline of my essay was the quotation of a colloquial remark, "It's a free country, ain't it?", as illustration of the feeling of freedom the Constitution had made possible even in ungrammatical citizens.

But I started to wonder what status my own political activities might have in the minds of spies who had to be told what Martin Luther King's dream was.

Well, I had recently had a letter to the editor published in the Des Moines Sunday Register, charging that the display of the Confederate flag in Carl McIntire's Win-the-War parade was really more subversive, in view of past and present threats to our government, than the display of the Viet Cong flag in the Quit-the-War parades.

My picture had appeared in several newspapers as a participant in a weekly silent vigil for half an hour on Wednesday noons at an intersection in Iowa City, Iowa, to protest what we used to call the war in Vietnam and what we now call the war in Indochina. I've also marched in a moratorium parade and picketed a bus taking 18-year-old kids to the draft board.

I had given small amounts of money to various local and national groups engaged in protest and action against the war, racism, hunger, and other hateful things.

I was the author of an unending stream of snotty postcards and letters to Mr. Nixon, Mr. Agnew, Mr. Mitchell, Mr. Laird, Mr. Volpe, Mr. Hardin, and various congressmen, expressing positions no less "subversive" than Martin Luther King's dream.

In 1969, I had conducted a six-month-long campaign in private correspondence and in the pages of the Des Moines newspaper in an unsuccessful attempt to induce U.S. Sen. Jack Miller of Iowa to resign publicly from the Eagles Lodge, on grounds that a man with only 99 peers in the republic should not lend respectability to a whites-only club.

And, God help me, in 1964 while doing volunteer work for CORE, in Boston, I had written a postcard to J. Edgar Hoover pointing out the discrepancy between FBI agents' availability to arrest a 10 Most Wanted listee and their unavailability to protect the constitutional rights of American citizens in the Deep South.

And I started to think, I may consider myself an innocent employe of a Big Ten university and a loyal citizen, but Melvin Laird and J. Edgar Hoover may think I am a loathesome and dangerous character. So, I thought, I will write to Laird to seek my official "loyalty rating," and find out whether postcards ending "What is this, Russia?" eclipse high school essays ending "It's a free country, ain't it?" in the minds of the spies.

On Jan. 4, 1971, and again on Feb. 16, I sent certified letters to Melvin Laird, secretary of defense; in care of the Pentagon, confessing my political activity and dissent, and asking if he'd take a look and let me know if they had a spy-file on me. I concluded my letter: "I make these requests in the spirit of the Nixon Administration, which was conceived, gestated, and delivered under the slogan of Law and Order. What is this, Russia?"

In each case, the little green card proving that the letter had been delivered was returned to me in a week or so, but it took Mr. Laird's people three months to get around to answering. In the meantime, some more interesting things happened which kept my concern alive:

I got another letter from Gen. McChristian, answering my card about the "First Tuesday" show. He said the program had exaggerated and distorted the truth, and that the Army's real role in 1968 had been to help local authorities handle civil disturbances that got too big for them. "Despite the allegations of 'First Tuesday', the Army did not tap Sen. McCarthy's telephone in Chicago; it does not maintain a file on Sen. Fulbright; and it does not establish files on civilians solely because they have taken part in political activities," said the general. Also, in June, 1970, local units were ordered to destroy their civil disturbance information, he said.

Within a week or so after I got that letter, several former Army spies held a news conference to explain how they had spied at speeches given at the University of Minnesota by U.S. Sen. Walter Mondale and former Ambassador John Kenneth Galbraith. I wrote right back to Gen. McChristian, roughly as follows: "Every time you send me a letter denying domestic spying, five more of your agents give a public description of how they did it. Now it seems you were keeping an eye on John Kenneth Galbraith, a man who thinks the Democratic party is still an agent of change. If you clowns think he's dangerous, you must have files on half the population." I was thinking of myself.

Then I read a newspaper story describing some peace rally in Colorado attended by about 120 persons, more than 50 of whom were military and domestic spies for the federal government. One man who had been there supposedly said in disbelief, "Even the Navy had two people there." I wondered what kind of time those Navy men must've had rowing their canoe up the Colorado River against the current, to get to the rally.

Then Sen. Sam J. Ervin, chairman of the Senate Subcommittee on Constitutional Rights, opened about a week of hearings on what he called "unwarranted governmental invasions of privacy and abuses of computerized and other data banks." I learned two things from them: among the organizations the spies thought were suspicious were three to which I was giving about $100 a year, the American Civil Liberties Union, the National Association for the Advancement of Colored People, and the Southern Christian Leadership Conference. Then, when I sent him a complimentary postcard mentioning my unanswered letters to Laird, Ervin wrote back that his resources were too limited to let him intervene in individual cases.

Shortly afterward, newspaper stories about some files stolen from the FBI quoted the strategy of some agents to promote paranoia by encouraging citizens to believe that their phones are being tapped and their actions observed.

And I heard, by word of mouth, the figure 25,000,000 for the number of citizens listed in spy-files. The huge size of this figure, amounting to one citizen in every eight in the country, made me feel that if it was accurate, I must be in there.

But finally I got the letter April 1 from Robert E. Jordan III, general counsel of the Department of the Army, including the following sentence: "A check of the Defense Central Index of Investigations (DCII) indicates that the military services do not maintain a file or dossier on you at their central records repositories." The supporting information he included with the letter notes that the DCII contains about 25,000,000 index cards on personalities and 760,000 cards on organizations and incidents.

Among the categories considered fair game for the collection of information are "subversive and other organizations of intelligence interest to the Army, wherever located, and of whatever sponsorship, considered to constitute a threat to national security." As I ponder my government through the paranoid haze the FBI likes to cultivate. I'm wondering whether that definition can be applied to 11 citizens standing on the corner of Clinton and Washington Streets on a Wednesday noon when it's 3-below-zero to protest the war.

Anyway, the pressure's off now. One colleague at work says Life magazine says regional spy centers have a lot of information not listed in the central index. But I say, if one of Melvin Laird's general counsels says I'm clean, I'm clean. I've read that Gen. McChristian is going to retire earlier than he had intended, which may account for his failure to answer my last card about the Galbraith spy operation. I've told several people that I have neither file nor dossier in the DCII, and one said cheerfully, "You do now." I've mulled over the paradox of a country trying to preserve its freedom by destroying its freedom, like a man committing suicide to avoid being murdered.

Oh, and I saw on TV the other night that a letter written by a Scoutmaster in Idaho to the Soviet embassy, to arrange for a tour of the Soviet Union by a platoon of Explorer Scouts, ended up in an FBI file. So I wrote a snotty postcard to Atty. Gen. John Mitchell, asking him to explain to the American public how that letter could have got in that file, and I said to him, "What is this, Russia?"

A GIRL'S TRAGEDY

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. EDWARDS of California. Mr. Speaker, this morning's Washington

Post carried an article by Haynes Johnson which was a followup to an earlier story on Mary Vecchio, the young girl who became immortalized when her picture was taken next to a slain student at Kent State. The tragedy at Kent State in Ohio and Jackson State in Mississippi is a blot on our history that can never be forgotten. But Mr. Johnson has pointed to another tragedy, a personal tragedy which in many ways is even worse than what happened at these colleges. The tragedy is that of a young, confused girl who was caught up in circumstances beyond her control and was ostracized from society as a result and was finally committed to a juvenile home. Mr. Johnson is to be commended for his compassion and his insight into American life for he has shown us both the worst and the best in the American character. We should all take a lesson from the personal ordeal of Mary Vecchio and the response which it evoked from the American public and Mr. Johnson is to be congratulated for teaching us that lesson. Who can doubt that it was the intolerance, hatred, cruelty, and lack of compassion that sent Mary to that juvenile home? We can only hope that those who were moved to express their compassion for Mary, will save her.

The article follows:

Response to a Girl's Tragedy: The Letters on Mary Vecchio

(By Haynes Johnson)

Scott Fitzgerald once said there are no second acts in American lives, and that may be true. He was expressing, in more literate fashion, the old cliche about how they never come back. No one can say whether Mary Vecchio will survive her personal ordeal and put her life back together, but I do know that the response of people across America to her tragedy has affected my own thinking about the country.

Mary, you may remember, was the teenage girl who ran away from home and wound up on the Kent State campus last spring where she was photographed, kneeling in horror, over the body of a slain student. A few weeks ago I wrote a story about what had happened to Mary since then—her tearful reunion with her parents in Opa Locka, Fla., the venomous hate mail she received, the abuse she endured in her own home town because she had become a symbol of wayward, rebellious youth, and finally how she ran away again and was committed to a juvenile home south of Miami.

Taken on its face, it expressed all the worst elements in American life: intolerance, hatred, cruelty, and, most chilling of all, the lack of compassion for one human being trapped in circumstances not of her making and beyond her capacity to handle. The first public response to Mary's story seemed to confirm that belief. A woman from Arlington, Va., wrote to say The Washington Post, Mary Vecchio and I deserved "a good paddling." "It would do you all a lot of good," she concluded.

Then the letters began pouring in, from all over the country and, indeed, overseas. In more years as a reporter than I care to count, I have never experienced such a spontaneous and overwhelming reaction to anything I have written. The letters are still coming, two or three a day—letters from children and housewives and old men, letters to Mary with such inscriptions on the envelopes as "Mary, this is *not* a hate letter" and "could you get this to her? It isn't a nasty letter at all." With only one exception—an anonymous writer from Seattle, Wash., who called Mary a "bum" and said I should be fired—they all expressed the same thought. They wanted Mary to know they cared.

"Dear Mary," a woman from Milwaukee wrote on a postcard, "we (many, many of us—mothers, teachers, etc.) sincerely *love you*, a fellow human being."

I like to think they are the voice of the true silent majority.

Here's what some of them had to say:

A housewife from Dayton, Ohio: "Dear Mary: Please accept my deepest apology for the whole human race, it's unbelievable how cruel they can become. Please don't blame God for all of this—His message is just the opposite—love. But this is not a sermon. I just had to let you know that there are an enormous number of people that wish you nothing but good—and we didn't write sooner because we had no more idea than you did what misery you would have to go through."

A 13-year-old boy from Teaneck, N. J.: "Dear Mary: I read the article and felt sick to my stomach, because anyone who shows even the slightest feeling for someone who gets senselessly shot down certainly is *not* a whore, prostitute, dirty hippie and the other disgusting names they called you. I just want you to know that I myself and my parents and sister and thousands of other people in the New York area and other places sympathize with you a *great* deal. . . ."

A 19-year-old from Forest Hills, Long Island: "Dear Mary: Hi! My name is Stan. I'm 19 and I live in New York. . . I would like very much to be your friend. If it is possible, please write back."

A woman from Attleboro, Mass.: "There are thousands of people, I'm certain, who are deeply sympathetic with you—having been exposed to what is most tragic in life—suffering and ignorant cruelty. For every one unfortunate person whom the world has ill taught, there are hundreds of thousands of warm compassionate persons who would gather you into the haven and shelter of their hearts and homes."

A post-graduate student from Chicago: "I'm supposed to begin working on my Ph.D. in education in September and have been asking myself what for. Some of my friends have left the country, others have moved to communes, but the majority just work and pay taxes. Most young people, I believe, don't want to split, just be treated like human beings. Too many feel our parents don't practice what they preach."

A man from Wantagh, N.Y.: "I'm 80 years old and no bleeding heart. While I was, before my retirement, a probation officer and in that capacity had contact with some 3,000 male youngsters whose 'offenses' ranged from truancy to homicide, Mary's story still shocked me more than any case I had ever handled. . . . The real horror of your story is not so much the account of Mary's confused (and socially unapproved) search for her own identity and place in society . . . it is the hateful, merciless reaction of countless pharisaic soi-distant Christian citizens whose deathwish for Mary is a projection of their own feelings of weakness and unworthiness."

Again and again, virtually the same phrases were repeated in the letters. One parent said it for all.

"My family and I would like her to know that the world is not an entirely hostile place, and that some people do care and sympathize with her more than words can say."

JEROLD HOFFBERGER HONORED

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. GARMATZ. Mr. Speaker, on Tuesday, April 13, 1971, I had the pleasure of attending again this year, the Baltimore Junior Association of Commerce annual luncheon when the Port and Industrial Development Committee of the Baltimore Junior Association of Commerce honored Jerold C. Hoffberger as the Outstanding Man of Industry of Baltimore for the past year.

Jerry Hoffberger has been a leading citizen in the Baltimore community for many years. He is president and director of the National Brewing Co., president of the world champion Baltimore Orioles, a trustee of Johns Hopkins and Mercy Hospitals, director of Sinai Hospital, trustee of Goucher College, and an active participant in numerous Jewish organizations.

The above accomplishments are only a few of the many outstanding contributions this man has made to the city of Baltimore and the State of Maryland. I cannot think of another individual who more justly deserves the award of the Outstanding Man of Industry of Baltimore.

As a past recipient of this award, I would like to share with my colleagues the remarks made by Jerry Hoffberger at the annual luncheon:

Remarks by Jerold C. Hoffberger

Thank you Mr. Hopewell, fellow members of the Jaycees, and distinguished guests. It is an honor for me to accept the award which you are giving me today, not because I feel that I deserve it, but because I hope that in some small way, I can inspire the younger members of our community to put their brains, their muscle, and their initiative behind the great future which can be in store for us as individuals and as a community.

Walter Sondheim has so aptly recounted to you some of the latest steps which are being undertaken to make Baltimore one of the truly great metropolitan centers of the world. No one could have described this metamorphosis with more dedication and optimism for Baltimore, than Mr. Sondheim.

He has labored long and hard in the vineyards of community development, social betterment, and unstinting service to his fellow man, And now, even after he has retired, he still won't quit.

Walter and I were in at the beginning, I think I can say, when a group of businessmen in Baltimore, discouraged with the apathy of many citizens, discouraged with the deterioration of downtown and concerned about the future of our city, met and formed the Greater Baltimore Committee. Much that followed is history to you who are here today.

With few believers at its inception, the Charles Center started Baltimore up the long road toward rehabilitation. The results speak for themselves.

You have only to look around to see the vitality of a new city, the return of commerce and industry to downtown, and the beginning of an increase in the assessable tax base.

The benefits of the vision, the hard work, the boot-strap financing and the molding together of government and business for this project will eventually be yours and your childrens'.

As I reflect back to the beginning of the restoration of our downtown, I know that the most important ingredient was people—dedicated men who gave of their time, their knowledge, their vitality and their vision. But, the job is far from complete—the work must go on, and there is enough catch-up ball to keep everyone busy.

Most of you know that I have a soft spot in my heart for this great organization. It is a builder of men, of citizens, of doers and thinkers.

I don't think, *I know*, that this organization, if it decides to put its back to the task can, starting right today, make a significant contribution to this city.

Robert Kennedy used to say, "I would rather light one candle than curse the darkness."

How many of you have read this week's issue of *Sports Illustrated*? On page 78 there is an article called "Best Damn Team in Baseball". The article is highly complimentary about the Orioles and in particular the organization which runs it. All of us who are involved in management of the team thank the editors and Mr. Deford who wrote the piece.

It is very significant though, that while the article is extremely laudatory about the baseball team, some of the comments which are made about the support which Baltimore gives to a championship team should make all of our faces red. Let me quote a few classic comments . . . "The best damn team in the baseball world did not draw one million last year although it always pulls well at the free airport reception when the victorious team is welcomed home at the end of each season."

And again, "the citizens there are proficient at inertia. They have back up reasons for not doing the things they never intended doing anyway. Complaints about traffic, parking and memorial stadium are repeated ad infinitum. Crabtowners have the nerve to call up the Orioles and for some slight—a favorite player farmed out perhaps—threaten that they will stop listening to the game on Radio."

This is what people outside of Baltimore think of us. If it doesn't make you mad, it sure does me.

So what does that have to do with the jaycees . . . isn't this a job made to order for this great organization. Will this group . . . the present and future leaders of our community . . . stand idly back and be overcome with inertia. Are you going to let people believe Baltimore is a do nothing city, whose citizens don't care or who are content to "let George or Donald do it?"

Baltimore began to move again with the Charles Center. It will progress further with the new Metro center about which you hear today . . . an investment of almost a billion dollars by 1990 in public and private funds. That is a lot of money, but bricks and mortar are not always the only answer. It also takes people, dedicated people.

Today you have honored me and I return that honor by saying to you what finer or more appropriate organization of young men could be prepared to take up the torch at this most important period. The work has been commenced, but the "exhausted roosters" now look to you to carry out not only the completion of the Metro Center, but to dig deeply into the other problems of our urban areas which are so enormous as to defy description.

There are social problems, transportation problems, tax problems, municipal service problems to list a few. This can and must be solved if we, and this means your generation, are not to be destroyed in our own ruins and be continually criticized by outsiders as "bush."

The Charles Center very likely saved Baltimore from the fate which is overtaking other urban areas right at this moment. That same vigor is desperately needed again—right at this moment.

It was a bold and forthright step. It took vision and even more—it took guts. The continuance of what has been started is now up to you. You who are here today can accept this challenge and acquit yourselves as you have in the past.

I ask each and everyone of you not to walk away from the obligations to your community. You have the vision, the energy and the guts. Let's light the candle—today—before it is too late.

Thank you for having me with you today and singling me out for this great honor. It is always good to be among friends.

THE UPPER MISSOURI BASIN WANTS A DEVELOPMENT COMMISSION

HON. JOHN MELCHER

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. MELCHER. Mr. Speaker, with the passage of the public works bill, those of us in the Upper Missouri River Basin are going to get to work again to obtain establishment of an Economic Development Commission for Montana, Wyoming, Nebraska, and the Dakotas.

The Secretary of Commerce and the President have postponed action on the unanimous petition for creation of a commission filed by our five Governors and backed by all 10 Senators and all 10 Members of this House from the area.

The Senate has voted to extend the authority for such commissions previously. The House has now voted to continue them, instead of putting their funds in one of the President's revenue-sharing proposals.

Not only the officials in both parties in the area, but the press and the public feel that we need and are entitled to designation, along with the Northeast, Upper Great Lakes, Ozarks, Four Corners, and Southeastern areas.

I am placing in the RECORD two editorials on our development needs in Montana from the Billings Gazette which is representative of the feeling that such a commission offers us a regional approach to development which will prevent another lost generation in economic development.

The second editorial, which followed Senate action to extend the development commissions, concludes that the money should be released now and the commission established.

The editorial follows:

EAST MONTANA CAN CATCH UP

(By D. W. Bowler)

William Warne is a man with both memory and vision.

Warne says Eastern Montana and related areas missed the economic recovery boat 30 years ago—but another one can be built and launched now, if we will.

The internationally recognized consultant on water and power matters recalls that 30 years ago a presidential commission pointed to four areas of the nation that were going to go downhill unless proper measures were taken.

Appalachia was one of them. So was Eastern Montana and its adjacent areas of the Upper Great Plains.

The commission spent about $250,000, a lot of money then, talking to people, surveying the needs. But little or nothing happened.

Trends that were detected and projected then have continued. Populations have dropped. There are fewer and fewer persons in rural, agricultural areas to support the schools, the hospitals, churches, libraries, the governments.

This is not to say there are not people in the area who are doing quite well. There are, many of them. But many are not, too.

The area is suffering from outmigration, caused by fewer job possibilities for the many as the few get larger and larger.

Vacant store buildings appear more and more in the smaller communities.

Community leaders recognize what is happening. Some, not all, realize the folly of their stands of a few decades ago when they knowingly or unwittingly opposed economic development of the area along more productive lines.

Warne, a former assistant secretary of the interior who now bases in California, recalls one such instance.

The Missouri Valley Authority plan, designed to bring Tennessee Valley Authority expansion and development to the area, was turned down by Congress.

It did result in a partial substitute, the Pick-Sloan Plan, described by one MVA supporter as a "shameless, loveless shotgun wedding" between the Corps of Engineers and the Bureau of Reclamation.

Some work was done on it, plenty of planning. One project on the Missouri River near Culbertson called for a diversion dam to irrigate 200,000 acres. The project even went to contract.

Then, Warne recalls, five major wheat growers of the area, organized to defeat the project. They carried their battle to Washington, D.C. Interior Secretary McKay, just in office under the Eisenhower Administration, let the project die.

Not only did the project die, but highly restrictive steps were taken to prevent development. As a result the region now labors under restricted rules.

However, Warne advises, they can be overcome by local, community action.

"Some of the same people who fought to prevent this (Culbertson) project from bearing fruit now see they were wrong," Warne says.

Warne returned to the area last year at the request of community leaders, those who have formed a council of leaders to strive for improved economic development.

His answer is the same: You can't reverse the trend without better use of your resources.

Those resources are 1) water for irrigation, 2) land to be irrigated and 3) the livestock industry.

The problem, says Warne, is to keep the cattle and the feed here longer, then sell a finished product whether it be fat cattle or slaughtered beef.

Even though the feeder business has grown, Montana still ships vast numbers of cattle and millions of bushels of feed out-of-state.

If more of it was kept here, the area would gain in people and the icome people need to stay here to support the institutions every community desires.

Warne says it can be done, and we think he's right, if we will take advantage of available opportunities.

Leadership in the overall program probably will have to come from the Upper Missouri Basin Commission, suggested by U.S. Rep. John Melcher, proposed to the other governors by Gov. Forrest H. Anderson of Montana and endorsed by the ten senators, ten representatives and five governors of Montana, Wyoming, North Dakota, South Dakota and Nebraska.

It is a nonpolitical effort to change an economic picture in which the outlook is not bright

Congress has funded $300,000 for the Commission operations. Other funds, both loans and grants, have been made available when the need has been shown. All are designed to promote economic recovery for areas in need.

The efforts to be made to promote economic development will require the much-heralded grass roots support that was missing or overpowered before.

Here's an opportunity to prevent another lost generation in the economic development of Eastern Montana.

It doesn't have to happen.

PLANNING GREEN LIGHT

Long-needed, legitimate plans for sensible regional economic development of the upper Missouri River states are back on the track again in Washington, D.C.

A week ago it appeared that the program would be sidetracked under President Nixon's proposed rural aid revenue sharing programs.

The President's proposed full-share program would have poured millions into local government setups of the five states without regard to regional planning.

It was made clear Thursday that the U.S. Senate wants the proposed Upper Missouri River Regional Planning Commission as well as the entire regional planning concept continued.

The Senate approved by 73 to 2 a measure to extend for four more years the life of the regional planning commissions now operating or in the proposed stage.

The Upper Missouri River Regional Planning Commission for Montana, Wyoming, North Dakota, South Dakota and Nebraska was mentioned by name to be continued.

Senators made it clear to the Nixon Administration that they want the concept continued. Congressman John Melcher sees assurance of its approval in the House as "one revenue sharing plan that has worked."

Now that Congress has spoken again, and quite clearly, in favor of the regional planning concept, it is time that the Office of Management and the Budget releases the $300,000 Congress appropriated for the Upper Missouri project in 1969.

Money appropriated for the project has been held back despite the completely bipartisan pleas of governors and congressional delegations from the five states.

Political leaders of the five states involved realize they have problems in common, problems they should solve jointly. They realize the need to plan jointly to halt the outmigration of people, to develop water resources, protect the environment, improve transportation and develop common resources.

The Upper Missouri River states need more than money, which the revenue sharing plan would undoubtedly contribute. They needed planned use of the money to spend it wisely and for long-term benefit.

Other forces, for selfish economic reasons, blocked joint area development a few decades ago.

It will be sad indeed to see that same economic potential blocked again, this time because a well-meaning President doesn't see eye-to-eye with Congress.

The money should be released now and the project started.

REPRESENTATIVE MOORHEAD IS PRESENTED PLAQUE BY PITTSBURGH SCOUT TROOP 270

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. MOORHEAD. Mr. Speaker, it is not often that one attends a function with the intent of making a presentation and is in turn presented with a gift.

But such was the case recently in Pittsburgh when I arranged for a flag to be presented to a Boy Scout troop from the Polish Hill section of Pittsburgh.

The boys and their scoutmaster, David Klotz, turned the tables and gave me a beautiful plaque.

In addition, Junior Assistant Scoutmaster Vincent Karpuszka, read a short dedication speech, which he wrote. It was an inspiring piece and I am truly thankful for the Scout troop's salute.

I would like to put young Mr. Karpuszka's words in the RECORD at this time for the edification of my colleagues:

SPEECH BY VINCENT KARPUSZKA

To the Americans of 1776, liberty was a God given right. It was their belief that no power, political, economic, or any other could crush that right. The right to life, liberty, and equal justice could not be legally denied by the government. These early Americans, uneducated as many were, realized that the state was the servant of the people and not the people servants of the state. With this belief in their fellow man, their hope of equal justice, and their faith in God, a handful of revolutionists built a nation which was to become the greatest nation to ever rule in this world. The "watch-dog" of the free world, the United States of America.

Today, we Scouts of Troop 270 carry on this belief in our Boy Scout oath and law. This evening's candle lite ceremony is dedicated to a man who has helped strengthen this belief in our American way, Congressman William S. Moorhead.

FUNDS FOR NINDS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. CONTE. Mr. Speaker, the work of the National Institute of Neurological Diseases and Stroke has resulted in dramatic breakthroughs in the nature and treatment of neurological diseases. To cite just a few examples, important studies have been conducted on the effect German measles—rubella—produces on the nervous system during pregnancy.

Development of the miracle drug L-Dopa has dramatically improved the outlook of patients afflicted with Parkinson's disease. In addition, significant discoveries have been made in the entire area of genetic diseases. Because of the impetus that the Institute has provided, the development of idiocy and deafness will be effectively curtailed in the near future

Thus the importance of the work of NINDS is self-evident. It has been estimated that the diseases covered by the Institute affect over 12 percent of the population. That is why I am most concerned about both the administration freeze on funds for the current fiscal year and the $7.1 million reduction from last year's appropriation that it is requesting for fiscal 1972.

The reduction in funds for research, training, and direct operations is a mistake in my opinion. Dr. Paul C. Bucy, Chairman of the National Committee for Research in Neurological Disorders has written a letter to Elliot Richardson, Secretary of the Department of Health, Education, and Welfare, outlining the work of NINDS and describing the effect these budgetary cutbacks would have on its operations.

I now insert in the RECORD this thoughtful and perceptive letter and commend it to the attention of my colleagues:

FEBRUARY 10, 1971.

Hon. ELLIOT RICHARDSON,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR SECRETARY RICHARDSON: It was a pleasure to meet with you and your associates, Dr. Egeberg and Mr. Cardwell, on Tuesday, February 9, and to have the opportunity to discuss with you the problems of NINDS. You will recall that those who accompanied me were Mrs. Majorie Guthrie, Executive Secretary of the Committee to Combat Huntington's Disease; Dr. A. B. Baker, President of the American Neurological Association and Professor of Neurology at the University of Minnesota; Dr. Sidney Carter, President of the American Academy of Neurology and Professor of Pediatric Neurology, Columbia University; Dr. Collin S. MacCarty, President of the American Association of Neurological Surgeons and Head of the Department of Neurological Surgery at the Mayo Clinic; Dr. John Bordley, Executive Director of the American Council of Otolaryngology and Emeritus Professor of Otolaryngology, Johns Hopkins University. These leaders of Neurology, Neurosurgery, and Otolaryngology met with you because they are concerned that the present policies of the Administration and of the Department of HEW are seriously endangering the delivery of health care in this country. I am writing you at this time for two reasons. First, I wish to place the principal points of our concern in writing for your consideration. Second, I wish to again request a reply from you as to what the Department of HEW proposes to do regarding these matters.

(1) The Congress appropriated for FY 1971 $105,807,000 for NINDS. The Administration has indicated that it will release only $103,022,000 of this inadequate appropriation for utilization by the Institute. This is a reduction of $2,785,000. The reduction is both in funds for research grants and for training programs. Although it is a lesser amount, the reduction for training, $672,000 is the more serious. We request that all of the funds appropriated for NINDS be released.

(2) The President's request for funds for NINDS for FY 1972 constitutes an even more serious curtailment of the activities of the Institute. The President's budget would result in a reduction in funds for research of $1,310,000, for training of $3,031,000, and for direct operations of $3,185,000. It must be obvious to even the uninformed citizen that such a serious curtailment of funds for NINDS can only seriously impair the acquisition of new knowledge regarding the nature and treatment of neurological diseases, conditions which by and large paralyze and disable our children and young people. This curtailment in the areas of neurological and otolaryngological diseases is particularly serious. In the approximately 15 years that NINDS (formerly NINDB) has been in existence it has been a prime factor in transforming neurology from a medical specialty primarily interested only in the diagnosis of disease, to one with a very real potential so far as treatment of disease is concerned. It has transformed otolaryngology from a dying specialty concerned largely with infectious disorders which had been eliminated by antibiotics, to one which could cure many forms of deafness and cancer of the larynx. The Institute has only begun to achieve its goals. To curtail its activities at this time will result in losing much of what has been accomplished.

Let us look at the specific areas affected by the curtailment.

(a) Research—

Obviously you are familiar with the many outstanding research accomplishments of NINDS over the years. But for the record let me present a few of the more dramatic ones.

(i) German measles. Studies have shown the serious disabling disorders of the nervous system which occur when the mother suffers from German measles (Rubella). In addition, studies supported by the Institute have shown how to prevent the development of the idiocy, deafness, etc., which were so common in the past. In the future these will be as rare as infantile paralysis has become.

(ii) L-Dopa. The development of this drug has miraculously improved the outlook of the patient with Parkinson's disease (shaking palsy) and re-oriented our thinking about a multiude of other diseases of the nervous system.

(iii) The discovery of a method for detecting which child will develop amaurotic family idiocy—a condition which leads to idiocy, blindness, deafness and in a few years to death—will abolish that disease from our experience shortly. This has also been an outstanding break-through in the entire area of genetic diseases and will lead to their abolition also in the next few years if research is continued.

(iv) In the past few years we have learned how to cure choriocarcinoma of the brain. This is the first brain tumor which has been cured by other than surgical means. It is reasonable to expect that continued research will lead to similar favorable results with other brain tumors.

(v) Recently we have learned how to cure monkeys paralyzed by injury to their spinal cords. With the opportunity for continued study we can extend those results to man.

But there remain other diseases of the nervous system which still elude our research efforts—multiple sclerosis, epilepsy, Huntington's chorea, amyotrophic lateral sclerosis, and many others. The solutions of their problems are no more hopeless than diabetes, pernicious anemia, tuberculosis, pneumonia, meningitis, infantile paralysis, and many others once were. These unconquered diseases can only be mastered by more, certainly not by less research. The public demands that these researchers be continued and that more, not less, of their money be used for their benefits.

(b) Training—

The most serious criticism of the policies of the Administration and of the Department of HEW concern training. This is particularly true of the Training Programs of NINDS. When this Institute became active a little more than 15 years ago, both neurology and otolaryngology were dying medical specialties. Neurology was concerned largely with the diagnosis of diseases for which it had no treatment. Many medical schools had no department of neurology and there were few teachers. Today largely because of the activities of NINDS (formerly NINDB) neurology has become a very active specialty whose members are interested in treatment and have effective means of prevention and treatment. The training programs of NINDS have produced practically all of the teachers of neurology in our medical schools today but with the terrific increase in the number of medical students and medical schools many more teachers are needed. These can not be produced if our training programs are destroyed or seriously curtailed.

Otolaryngology was disappearing because the infectious diseases with which it was predominantly concerned were being prevented by antibiotics. The discovery of how to cure some forms of deafness and cancer of the larynx have restored it to greater vigor than ever before. The training programs in this specialty have been largely responsible for the teachers and investigators who have made this possible.

The training programs have another accomplishment to their credit. Although the direct support from NINDS has been to produce teachers and investigators, the strengthening of the training programs has also resulted in a greater output of specialists capable of the delivery of superior medical care. In considerable measure it is also these men who have the education and training which has enabled them to inform the general medical profession regarding the discoveries which have been made and how they can be used to deliver better health care. In the main these men have not been supported during their training by NINDS. They have been supported locally. However, the outstanding programs in which they were trained would not have been possible without NINDS support.

It is the opinion of this group of leaders in neurology, neurosurgery, and otolaryngology that the most serious error in the policies of the Administration has been its deliberate plan to reduce the training programs. This policy will ultimately result in making improved delivery of health care impossible.

(c) The plan to transfer funds from the NIH training programs to the deans of medical schools appears particularly ill-advised to these experts in neurology, neurosurgery, and otolaryngology. This exercise in bookkeeping evidences a very commendable interest on the part of the Administration in the serious state of the finances of our medical schools. They need financial help. This help should not be given by removing funds from the training programs. To do so will destroy the training programs. In the long run this will only damage the medical schools which will no longer find faculty available to them and will damage the delivery of health care. It is obvious that this transfer is designed to enable medical schools to pay faculty members outside the training programs. If it were only to permit the payment of salaries now being paid in training programs there would be no sense in making the change. If the salaries of men now involved in the training programs are not to be paid the programs will be destroyed.

(d) The reduction in funds for direct operation of NINDS by $3,185,000 is primarily designed to abandon the perinatal program. This is a longterm program developed years ago, to learn why mothers bear children with defective brains. This requires study of the mothers and follow-up of the children for at least 12 years—the period in which the defects become obvious—and then a correlation of the findings in the mothers with what develops in the children. To date a great deal of information has been obtained at great cost. Now the Institute is prepared to analyze this information and to learn what it can in this important area of deformed, disabled children. If this program is not continued all the time, effort and money which have been invested will be lost. It is difficult to imagine more misdirected policy than this. In criticism it has been said that there have been so few worth while results from this program. It could not be otherwise. There can be no worth while results until the information regarding these thousands of pregnancies has been collected and finally analyzed.

The reduction in funds for direct operations will also seriously impair the research program of NINDS at the clinical research center in Bethesda, will impair the success of the head injury centers and prevent the development of the spinal cord injury centers.

This group of leaders in neurology, neurosurgery, and otolaryngology were very disturbed to learn that these important and devastating policy decisions relative to NINDS were made without the consultation and advice of knowledgeable experts in these fields of medical science. They again express their willingness to cooperate with the Administration in offering the benefit of their special knowledge and experience to aid the Administration in achieving a better policy and arriving at wiser decisions concerning this Institute.

It is the considered opinion of this group of experts that the present Administrative policy if pursued will destroy neurology as it has been developed over the past 15 years. Neurosurgery and otolaryngology can survive this setback but not without serious damage. The most severe will be that the young men in training who have determined to devote their lives to a career in teaching and research will be disastrously discouraged and disillusioned, and will forsake careers which could be of great importance in teaching and research for ones restricted to private practice. The loss to the citizens of this country in what could be achieved in the further understanding and treatment of neurological disease cannot only be measured in human suffering but in the millions of dollars which will have to be spent upon the care of patients whose diseases might have been prevented or cured.

To restate our position we specifically request that the funds appropriated by Congress for NINDS for FY 1971 be released for utilization by the Institute.

We further request that the President's budget for NINDS for FY 1972 be reconsidered and increased in line with the demonstrable needs of that Institute. For the Institute to continue its present programs and to restore them to necessary levels of funding and for it to approve and fund those projects and programs which have already passed the careful review of their study sections and review committees and been approved by their Advisory Council will require $144,000,000. This amount should be appropriated and released for use.

We also most strongly advise that the new policy of transferring funds from the training programs to the deans of medical schools be completely reversed. The medical schools should receive needed support, but not at the expense of the training programs. The training programs should be restored to their old levels of support and acceptable new programs should be added.

We on this committee await with great interest your letter regarding the withheld funds for FY 1971 and the budget for FY 1972. Your reply will also be of great interest to the neurologists, neurosurgeons and otolaryngologists that we represent and to the general public who have created the several voluntary health agencies which constituted the National Committee for Research in Neurological Disorders.

Sincerely yours,

PAUL C. BUCY, M.D.,
Chairman, National Committee for Research in Neurological Disorders.

GOVERNOR SHAPP OFFERS VIEWS ON CLEAN WATER RESTORATION ACT OF 1966

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. MOORHEAD. Mr. Speaker, the recent November elections brought to office many men whose ability and intellect could mean the difference between winning and losing the constant fight public officials have to improve the character of life for the people of our Nation.

Milton Shapp, the Governor of Pennsylvania, is one of those men whose presence bodes well for the citizens of our

State. He is an outstanding administrator and indications are that he will be a fine Governor.

Recently, the gentleman from Michigan (Mr. Dingell) wrote to several Governors soliciting their views concerning the Clean Water Restoration Act of 1966 and how best this law can help the American people.

I would like to introduce into the Record at this time the enlightened response of Milton Shapp and Representative Dingell's letter to me:

Washington, D.C.,
April 5, 1971.

Hon. William S. Moorhead,
House of Representatives,
Washington, D.C.

Dear Bill: On January 20, 1971, I wrote to the Governors of the various States to request their views on the operations of the Clean Water Restoration Act of 1966 and to ask for an indication of what they felt should be included in new legislation to replace this expiring Act.

Enclosed for your information is the response which I have received from Governor Milton J. Shapp.

With warmest regards.

Sincerely yours,

John D. Dingell,
Member of Congress.

Commonwealth of Pennsylvania,
Harrisburg, March 31, 1971.

Hon. John D. Dingell,
Member, U.S. House of Representatives, Rayburn House Office Building, Washington, D.C.

Dear Congressman Dingell: Thank you for your letter of January 20, 1971, and the attached correspondence between yourself and Governor Milliken. We, too, are greatly concerned over the grant program under the Clean Water Restoration Act of 1966. This program has had a substantial effect on the construction of municipal sewage treatment facilities in Pennsylvania. Even with this impact we feel that the program does have certain shortcomings.

The greatest shortcoming is the deficiency in the funds appropriated to enable the states to proceed with the greatly needed clean-up of our rivers and other surface waters. It has only been in the last two years that we have been able to extend our funding beyond the original 30 percent level in Pennsylvania. We have utilized State funding to increase the grants beyond 30 percent. Additional federal funds are needed to assure an on-going program for construction of municipal treatment facilities. Another shortcoming in the program is the lack of funds for sanitary sewer construction. Many municipalities are in need of sewage collection systems to eliminate health hazards and pollution from individual on-lot disposal facilities. The cost of sewer construction constitutes the major portion of the total cost of a comprehensive municipal project. The present Federal act does not provide funds for sewer construction. Funds for this purpose under other programs are limited.

As we reported to the Environmental Protection Agency in our program plan, the five-year need for sewage treatment construction in Pennsylvania has been estimated to be $584,260,000. This, of course, must be upgraded as inflation further increases costs. We anticipate a need for the coming fiscal year of over $120 million to fund those projects presently under consideration. This is over twice the amount allotted to Pennsylvania in Fiscal Year 1971.

The program can be improved, we feel, by the allocation of additional funds to the states for administration. This has become increasingly important in view of the expanded scope of work which must be performed by the states to meet federal requirements. A good example is the adoption last July of the Federal Grant Regulations which require the states to develop statewide plans for comprehensive wastewater management and water pollution control. The states are expected to comply with these regulations, but the Federal government now provides no additional funds to the states for this purpose. Serious consideration must be given to increasing state water pollution control program grants if those program grant funds should be revised. More consideration should be given to those states who have developed legal and administrative ability to implement an effective water pollution control program but have been hampered by lack of sufficient funds to develop staff capabilities to do so.

Finally, we feel there is a need for providing funds to municipalities for the preparation of feasibility reports and final plans and specifications for projects. Although the present construction grant program now participates in these costs, the funds are not available until after the project construction has started. Often the lack of funds for design causes delays in project development and implementation.

Again, thank you for the opportunity to express my thoughts on the Clean Water Restoration Act program.

Sincerely,

Milton J. Shapp,
Governor.

DEMOCRATS ABANDON HONORABLE SETTLEMENT IN VIETNAM

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. SCHERLE. Mr. Speaker, the Republican National Committee's hard-hitting weekly publication, Monday, edited by John Lofton, Jr., often prints articles of interest to the general public. This week's issue contained two excellent stories: "Democrats Abandon Honorable Settlement in Vietnam" and "Majority of Youth Back President's Vietnam Policies, Poll Shows." The articles follow:

Democrats Abandon Honorable Settlement in Vietnam

Back when they were in the White House and persons like Presidential advisor *Larry O'Brien* (now Democrat National Chairman) were out making speeches about Americans fighting in Vietnam to defend "Iowa . . . Massachusetts . . . all the Free World," there was talk among Democrats about *an honorable settlement* of that war. There was talk about the national interest, the need to prevent Communist aggression and things like that. For example: *Sen. Hubert Humphrey* spoke of America's honor and its relationship to Vietnam in an Aug. 6, 1964, speech on the Senate floor strongly backing the Gulf of Tonkin Resolution. HHH said: "It is my view that the minute we back away from commitments we have made in the *defense of freedom*, where the Communist powers are guilty of outright *subversion and aggression*, on that day the strength, the freedom and the honor of the United States starts to be eroded."

Sen. Birch Bayh of Indiana was another Democrat worried about Communist expansionism in Southeast Asia. "If we are to *turn tail and run*, the entire Southeast Asia area . . . would come under Communist domination," said Bayh in the March 16, 1965, Congressional Record. "Responsible Americans realize that *giving in to aggressors* cannot stop them," the Record of Sept. 13, 1966, quotes Bayh. "That . . . is why we are fighting in Vietnam."

In remarks before the Philadelphia Allied Jewish Appeal in February of 1966, *Sen. Edmund Muskie* said that to retreat from the objective of stopping Communist aggression in South Vietnam would be to "undermine the prospects for *stability and peace*. We believe that the credibility of our word and our purpose as a Nation is at stake;" he declared, "and that its loss would be an enormous *setback for the forces of freedom*." That fall Muskie spoke to the Parliamentary Conference of the British Commonwealth about withdrawing from Vietnam: "If we make the decision to withdraw, we have to *contemplate the implications*, not as someone counseling another country but as someone responsible for the results."

Even S.D. *Sen. George McGovern* is quoted as saying in the Jan. 15, 1965, Congressional Record: "Actually North Vietnam cannot benefit any more than South Vietnam from a prolonged conflict. I would hope that we would be prepared to wage such a conflict rather than to *surrender the area to Communism*."

In 1968, in the section on Vietnam and Asia, the Democratic Party platform was explicit on the necessity for an *honorable settlement* in Vietnam: "Our most urgent task in Southeast Asia is to end the war in Vietnam by an *honorable and lasting settlement* which respects the rights of all the people of Vietnam . . . we have borne a heavy burden in helping South Vietnam to counter *aggression and subversion* from the North. We reject as unacceptable a *unilateral withdrawal* of our forces which would allow that aggression and subversion to succeed."

But times have changed. Virtually none of the Democrats running for President now talk about *an honorable settlement*. The Party has officially abandoned not only the concept but also the words. Last month's Democratic Policy Council statement on Vietnam contrasts sharply with the 1968 Democratic platform in its *conspicuous omission of the phrase "honorable settlement."* "There should be a firm, unequivocal declaration by the Government that all American forces will be withdrawn by the end of this year," said the DPC statement. There was *no mention of honor*, no mention of the possible consequences of such withdrawal.

Unlike the Democratic Presidential hopefuls, President Nixon is concerned about how we get out of Vietnam. In his April 7 talk he said: "Shall we leave Vietnam in a way that—by our own actions—consciously turns the country over to the Communists? Or shall we leave in a way that gives the South Vietnamese *a reasonable chance to survive* as a free people? My plan will end American involvement in a way that would provide that chance. The other plan (a publicly announced date for our withdrawal) would end it precipitately and *give victory to the Communists* . . . we have it in our power to close a difficult chapter in American history, not meanly, not nobly—so that each one of us can come out of this searing experience with *a measure of pride in our Nation*, confidence in our own character, and *hope for the future of the spirit of America*."

Why does the President put so much emphasis on how the war in Vietnam should end? Again, on April 7, he explained: "I know there are those who honestly believe that I should move to end this war without regard to what happens to South Vietnam. *This way would abandon our friends*. But even more important, we would abandon ourselves. We would plunge from the anguish of war into a nightmare of recrimination. We would lose the respect for this Nation, respect for one another, respect for ourselves."

Are the President's fears well-founded? Those who think so point to a 1969 statement by Democratic Sen. Fred Harris, then Democratic National Chairman: *"We will hold Nixon responsible if he turns South Vietnam over to the Communists."*

MAJORITY OF YOUTH BACK PRESIDENT'S VIETNAM POLICIES, POLL SHOWS

A majority of America's young people, ages 14–24, support what is in essence President *Nixon's Vietnamization policies*, according to a national poll taken for the White House Conference on Youth. The data, collected by the Daniel Yankelovich firm from 1,049 young people nationwide during the latter part of last year and the first part of 1971, shows the following: *56 percent* feel the U.S. should "withdraw steadily, and as promptly as possible, but with *reasonable assurance* the *South Vietnamese will remain strong enough to be able* to make their own political choices;" *23 percent* feel "withdraw immediately, consistent with the safety of American troops," and *19 percent* feel withdrawal, immediate or anticipated, is unacceptable at this time.

The preliminary survey further showed that the group most strongly favoring immediate withdrawal from Vietnam was *college students*, while the youngest respondents (14–16) are more likely than any other age group to endorse the *use of all necessary force* to win the war. This same solution is also more likely to be endorsed by males and by youth whose annual family income is less than $10,000. According to the most recent data available (Census figures, Oct. 1969), *only 36 percent of college aged young people (18–21) are enrolled in colleges or universities.*

PROTESTS AGAINST FREEZING OF FUNDS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. EVINS of Tennessee. Mr. Speaker, protests from throughout the United States continue to mount in volume and intensity against the arbitrary and excessive impoundment by the Office of Management and Budget of funds appropriated by the Congress.

In this connection U.S. News & World Report in its current issue provides an excellent discussion of the overview and impact of funds frozen and withheld by the Bureau of the Budget.

As a result of the excessive volume of funds frozen and impounded and the challenge to the constitutional power of the purse by Congress, Senator SAM ERVIN, Democrat, of North Carolina, chairman of the Subcommittee on Separation of Powers of the Committee on the Judiciary, has introduced a resolution that would establish a Joint Congressional Oversight Committee on Executive Impoundment of Funds.

Representative CHARLES E. BENNETT, Democrat, of Florida, has announced he will introduce a similar resolution. Representative JOHN MOSS, Democrat, of California, has announced plans to sponsor legislation to create an oversight committee on the budget.

Senator JOHN SPARKMAN, Democrat, of Alabama, chairman of the Committee on Banking and Currency, has conducted hearings on this matter and Senator ALLEN ELLENDER, Democrat, of Louisiana, chairman of the Senate Committee on Appropriations, has just announced that it is his view that Congress may have to withhold action on administration appropriations requests until frozen funds have been released.

Speaker CARL ALBERT, Democrat of Oklahoma, Majority Leader HALE BOGGS, Democrat of Louisiana, Representative EDWARD BOLAND, Democrat of Massachusetts, chairman of the Subcommittee on Space-Housing-Science Appropriations; Representative JAMIE WHITTEN, Democrat of Mississippi, chairman of the Subcommittee on Agriculture, Environmental, and Consumer Protection Appropriations, and Representative JOHN J. MCFALL, chairman of the Subcommittee on Transportation Appropriations, participated in a nationally televised press conference, in which I was pleased to join, outlining the impact of these massive and excessive withholdings of funds appropriated by the Congress.

Senator MIKE MANSFIELD, Democrat of Montana, Senate majority leader, has suggested a court suit to affirm the constitutional power over appropriations by the Congress.

Chairman GEORGE MAHON, Democrat of Texas, of the Committee on Appropriations of the House has challenged the excessive and extensive impoundment of funds appropriated by the Committee on Appropriations and Congress—as have Representatives WILLIAM HARSHA, Republican of Ohio, JOHN RHODES, Republican of Arizona, WENDELL WYATT, Republican of Oregon, and many others.

Mayors and other city officials throughout the country have denounced the withholding of more than $1,300 million of funds for programs for our cities, large and small.

Mayor John Lindsay of New York City said recently that this arbitrary impoundment "is unacceptable" because of "the tremendous needs for these moneys in virtually every city."

Mayors Thomas J. D'Alesandro of Baltimore and Mayor Lee Alexander of Syracuse, N.Y., have added their voices to the protests in behalf of the National League of Cities and the U.S. Conference of Mayors. The National Housing Conference, through its president, Nathaniel S. Keith, has done an outstanding work in alerting its members throughout the country to the impact of $942 million being withheld and frozen for public housing and other needed housing.

Because of the arbitrary action by OMB in withholding funds for vital and important programs for human needs, our people are being deprived of highway construction—communities are being deprived of safe and adequate water supplies and sanitation systems—families are being deprived of housing and modern community developments—children are being deprived of nutrition and milk assistance and important programs of education—medical centers are being deprived of assistance under the regional medical program—entire regions are being deprived of needed water resource developments—and the tragic list goes on and on, cutting into the mainstream of many vital and essential Federal programs for human needs.

The Congress has responded to these needs.

The Bureau of the Budget is backing and filling in its effort to justify its flagrant disregard of the mandate of the Congress. Now the Bureau spokesmen are contending that earlier administrations impounded funds.

Certainly this is true—but in the main those were Department of Defense impoundments—for cancellation of military systems and projects that were outdated by progress in technology—the delay of a bomber, aircraft or battleship.

The apologists for OMB flit from argument like a ballet dancer—but with far less grace and to no applause.

The fact is that this administration has impounded more funds than any other administration—its "deep freeze" is chock-full of funds which could help and assist the people of the United States, programs to meet human needs and to provide full employment.

Major programs hit by this arbitrary action include $91 million for public works and water resource projects throughout the Nation—$6.3 billion for highway construction; $862 million for airports; $200 million for urban renewal; $200 million for water and sewer grants; $727 million for Model Cities; and $191 million for the Appalachian Regional Development program, among others.

Mr. Speaker, as you know, many have suggested that the design of the political strategists is to withhold these funds now for release prior to the election of 1972 in an effort to "buy" the election.

I cannot believe this—even of the OMB.

As the impact of these withholdings and impoundments of funds appropriated by Congress builds in our local communities, the spontaneous protests from throughout the United States are serving notice on this administration that action is required to release these funds.

In this connection the article from U.S. News and World Report is placed in the RECORD herewith, because of the tremendous interest of my colleagues and the American people in this most important subject.

The article follows:

WHY NIXON REFUSES TO SPEND BILLIONS VOTED BY CONGRESS

Controversy is boiling up in Washington over who controls the Government purse strings.

President Nixon, Democrats charge, is freezing funds that Congress has voted and should be spent now for highways, urban renewal, public housing, irrigation projects and other public works.

Democratic leaders maintain that hundreds of communities and millions of people would benefit if the President would release more money to spur local economies and create jobs at a time when unemployment is a worry.

The White House makes no secret about the "frozen funds." Its Office of Management and Budget lists 12.8 billion dollars appropriated by Congress but still not committed to specific projects. Major categories of funds withheld are shown in the chart on this page.

In addition, another 10 billion dollars in revolving funds for programs such as mass transit and urban renewal is uncommitted.

The White House has ordered delays in spending nearly 13 billion dollars of funds appropriated by Congress. Among major programs involved:

Highway building, $6.3 billion.
Navy shipbuilding, $957 million.
Low-rent public housing, $942 million.
Airports, aviation facilities, $862 million.
Model cities, $583 million.
Foreign aid, military and economic, $415 million.
Military construction, $370 million.
Farm Credit Administration loans, $260 million.
Forest roads and trails, $217 million.
Highway safety, $208 million.
Water and sewage facilities, $200 million.

Source: Office of Management and Budget.

President Nixon's budget managers say that this money is not actually frozen, but rather that it is "budget authority reserved." Presidents, they say, have long followed this practice. They hold that the reserved funds are being released as fast as prudent fiscal management permits and that if the federal money spigot is opened too wide, it will feed the forces of inflation.

"EXECUTIVE FIAT" HIT

Top Democrats in Congress take issue with this. They say the amounts being withheld by President Nixon are unprecedented.

House Speaker Carl Albert has complained that the President is thwarting the will of Congress by "executive fiat" and that "the Administration should live up to its own rhetoric and release these important funds forthwith."

On April 5, Senate Majority Leader Mike Mansfield said that the House, which initiates appropriations bills, should go to court to force President Nixon to release the impounded funds. Senator Mansfield stated that a "grave constitutional question" is involved.

The Democratic leaders are getting strong support from many Governors and big-city mayors.

The U.S. Conference of Mayors, meeting recently in Washington, charged that Administration withholding of about 1 billion dollars in money earmarked for urban areas is having a crippling effect on vital big-city projects.

In a joint statement to the Senate Subcommittee on Housing and Urban Affairs early in March, Mayor Thomas J. D'Alesandro of Baltimore, and Mayor Lee Alexander of Syracuse, N.Y., said:

"Of the fiscal-year-1971 funds already made available by Congress, the following program amounts have been frozen: 192 million dollars in public-housing-contract authority, 200 million dollars in urban-renewal funds, and 200 million dollars for water and sewer grants—a total of nearly 600 million dollars in funds which could be utilized today."

At the same hearings, B. R. Stokes, general manager of the San Francisco Bay Area Rapid Transit District, said:

"The Urban Mass Transportation Assistance Act of 1970, authorized 3.1 billion dollars over five years. . . . The effect of reducing the first-year authorization to 269.7 million dollars [by the White House] is tragic for it virtually invalidates the contract-authority feature of the 1970 act."

"UNPRECEDENTED SIZE"

Complaints also poured in from private industries. Said John A. Stastny, president of the National Association of Home Builders:

"The number of programs affected and the amount of funds involved are of unprecedented size. Never before has HUD [Department of Housing and Urban Development] or its predecessor, the Housing and Home Finance Agency, in terms of dollar amounts, failed to such an extent to use the funding authority granted to it by Congress."

Officials of the National Housing Conference said on April 8 that public-housing projects all across the country are being stopped by the White House hold-down on funds.

In San Antonio, Tex., for example, said Housing Conference officials, 987 housing units and apartments for low-income families, elderly people and handicapped persons are caught in the slowdown. Because the housing project is stalled, they say, a 2-million-dollar model-city plan cannot move ahead.

"It is impossible to explain to families awaiting these units that Congress has provided the money, but the Administration is holding it up," said an official of the Housing Conference.

Among other cities where housing or urban-renewal projects are stalled, according to the National Housing Conference, are Knoxville, Tenn.; Iowa City; Rochester, N.Y.; Houston, Tex.; San Francisco; and Los Angeles.

Senator Allen J. Ellender, chairman of the Senate Appropriations Committee, on March 30, said the President was showing a "complete and utter disregard for the expressed will of Congress."

Senator Ellender also published in "The Congressional Record" a long list of projects from which he said President Nixon was withholding appropriated funds.

On the Ellender list was a hurricane protection project for New Orleans, with 3 million dollars withheld. Another was an irrigation project for California's Central Valley, with an appropriation of 10 million blocked. The Columbia Basin Project in Washington State, involving about 1.5 million in appropriations, also was on the Ellender list.

ADMINISTRATION STAND

Presenting the Administration viewpoint, HUD Secretary George Romney told the Senate Subcommittee on Housing and Urban Affairs that money was being held back because it could not now be used effectively.

Mr. Romney said that about 1.3 billion dollars for urban programs was in budget reserves, but that much of this would be released in the last half of 1971. His explanation:

"I am not going to be a party to throwing federal funds around just because they happen to be available. We are also looking into the possibility of folding any unused funds into the special revenue-sharing pot."

Casper Weinberger, deputy director of the Office of Management and Budget in the White House, told Congress that it is the duty of the President to regulate the flow of money appropriated by Congress.

"A balance must be struck between bringing inflation under control and meeting other national needs," said Mr. Weinberger. "One way of doing this is by being selective in applying fiscal restraints."

The largest single category of money in the present budget reserve is 5.9 billion dollars in federal aid for highway construction. A White House aide says that releasing large amounts of this money now would be of little help to the States, because many do not have the matching funds on hand that are required to be eligible for federal highway grants.

ROOSEVELT QUOTED

Presidential withholding of funds is not new. It goes back at least to Franklin Roosevelt, according to Mr. Weinberger. He said that Mr. Roosevelt, in a 1942 letter to a congressional leader, said that "the mere fact that Congress by the appropriation process has made available specified sums for the various programs and functions of the Government is not a mandate that such funds must be fully expended."

The chart on this page shows that Presidents Eisenhower, Kennedy and Johnson impounded large amounts of appropriated funds. But the 11.5 billion dollars held back by President Nixon in 1970 was larger than the amount in any year under the three previous Presidents. The $12.8 billion on hand as of February, 1971, probably will be drawn down to about the 1970 level by the end of June, budget officials say.

Mr. Nixon's withholding of funds, however, has been smaller when measured as a percentage of total spending than the sums impounded in some years of previous Administrations. The 1970 reserve was 5.8 per cent of Government outlays for the year.

The amount held back by President Johnson in 1967 was 6.7 per cent of the total spending in 1967 and President Eisenhower's withholding was 8.7 per cent of 1960 outlays.

Political implications of the dispute between President Nixon and Congress are seen as far-reaching. "The Washington Post" stated on April 5:

"Some critics . . . hint the Administration is holding back the money as bait for congressional enactment of revenue sharing or as a slush fund to pump up the economy in 1972 and help reelect Mr. Nixon on a wave of full employment."

HINTS OF LOOSENING

By the end of the first full week in April, there were indications that Democratic complaints probably would bring some thawing of frozen funds. A White House aide said that sizable amounts of the budget reserve probably would be turned loose in the weeks ahead.

This official said that the spending slowdown was making it more difficult for President Nixon to win approval of his program from a Congress controlled by Democrats.

But the basic issue of who controls the Government's purse strings remains unresolved, and many in Congress are determined to bring it to a showdown. Said a Republican Senator, Charles McC. Mathias, Jr., of Maryland:

"The power of the purse—the power of Congress to determine the expenditure of public money . . . must be preserved if we are to preserve the fundamental balance between the legislative and executive branches."

THE PING-PONG CAPER

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. McCLURE. Mr. Speaker, it was left for Bill Buckley to put into words what many of us had been thinking about the emergence of ping-pong as the national pastime.

I join with the President in the hope that tensions between these two major powers can soon be eased. At the same time, I recognize the fact that the goals of the Communist world remain unchanged and that every boost to the Chinese economy through American trade works to their advantage in this regard.

In any event, it is always good to have National Review around to bring us back into the real world after all the propaganda that emanates from the rest of the news media. Come to think of it, I take a great deal more comfort in the fact that the author of this article has a brother in the Senate than I do in the fact that 15 American ping-pong players spent a few hours in Communist China.

The article follows:

The Ping-Pong Caper

If we read or hear one more time that this springtime tour of China by fifteen American ping-pong players is a "significant breakthrough," we'll throw up. Significant, yes; breakthrough, no way.

Consider. In Communist countries, sport—most particularly, international sport—serves primarily political purposes. The skill of the athlete, the enjoyment of the audience are strictly secondary. The chief end is the glorification of the People's Republic of Whatever in the eyes of the world, and the planting in credulous minds of the suggestion that any country than can produce such able and sportsmanlike athletes and such friendly spectators must be okay in other respects as well. The free peoples, especially Americans with their traditional belief that sport is for its own sake, are sadly vulnerable to such psywar operations.

Thus when Mao invited our ping-pongers to paddle in his parlor, the kindly old gent who leads our team hastened to opine that the Chinese had no ulterior motives at all, that they "extended to us the invitation for goodwill and good sportsmanship." And so off our innocents flew to see the sights, tour a Potemkin Village or two, drop a few anti-American remarks (one mothminded teenager on the team announced that there's "more individuality here than in the United States" and that Chairman Mao is "the greatest moral and intellectual leader in the world today"). Three handpicked American newsmen were even allowed to accompany the group.

Whereupon the press had a field day, and the Significant Breakthrough pinged and ponged its way up and down the Republic. Herblock sketched a rotund, jolly Chairman Mao jumping over a fortified tennis net. Dispatches emphasized the "warmth" and "friendliness" of the Chinaman-in-the-street. Everything, clearly, was hunky-dory. The news analysts, cheerfully conceding the point that the tour had a political purpose, hailed China's "move away from isolation," her effort to "advance the cause of understanding between the two countries." President Nixon, known to be reassessing our China policy, volleyed by lifting our twenty-year embargo on trade with China. By some accounts, diplomatic exchanges, unrestricted trade and tourism, and peace in our time are just around the corner, now that bilateral ping-pong is at last a reality.

That this new dawn is, of course, a carefully calculated diplomatic ploy. The masters of China hope to convince the American people that we should all be friends, that only the reactionary ruling circles in Washington stand in the way of an eternal friendly game of ping-pong between us and the jolly players across the water. If Americans believe what they read in the papers, Mao and his henchmen may already have won their point.

And the ping-pong team, they lost—but those nice Chinese let them keep a little face. "Chinese Tact Lets Us Lose Gracefully," said the *N.Y. Times*. Said the kindly old gent: "They provided entertainment for thousands of people rather than trying to destroy us with a quick victory." Obviously the State Department has been lying to us all these years.

TEN FEDERAL EMPLOYEES HONORED IN CLEVELAND

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. MILLER of Ohio. Mr. Speaker, as one who attended the Greater Cleveland Growth Association's Federal awards luncheon which was held on April 15, I would like to bring to the attention of my colleagues the achievements of 10 Federal employees from the Cleveland area who have been honored for their contributions to their communities, their State, and to our national life. Those honored include:

ZRELDER E. AIKENS

Zrelder E. Aikens, Department of Defense. Honored for maintaining superior productivity within her own section and for being a key leader in training agency personnel throughout the country in new techniques.

A graduate of John Hay High School in Cleveland, Mrs. Aikens began her Federal career as a key punch operator with the Internal Revenue Service in 1956. Later the same year she transferred to the Cleveland Procurement District of the U.S. Army Ordnance Corps as a clerk typist. She has moved steadily upwards in this organization which became part of the Defense Contracts Administration Services Region (DCASR) in 1965, holding jobs as an accounting technician and accounts maintenance clerk. In 1968 she was appointed a supervisor in the Contract and Review Branch, Office of Systems and Financial Management. Her unit is principally responsible for computer input of contractual data. Her unit of 25 clerks process more than 24,000 contracts and 24,000 contract modifications a year. Since late June 1970 she has been detailed to a Department of Defense-wide test program to determine the effectiveness of a new automated contract administration data system. In her assignments she has been responsible for training and supervising various groups of personnel from all 11 DCASR's in the United States. Always interested in self-improvement, Mrs. Aikens has attended Case Western Reserve University and Cleveland State University completing 42 hours of business administration courses. In addition she has completed a 16 hour correspondence course in financial accounting offered by the U.S. Air Force. Despite her heavy schedule and family obligations, she is also active in the Shaker Heights High School P.T.A., the Lomond Elementary School P.T.A., and the Women's Guild of St. Dominic's Church.

CHANNING C. CONGER

Channing C. Conger, National Aeronautics and Space Administration. Honored for his vision and technical leadership in preparing a new propulsion system which extends man's ability to explore space.

A native of Caldwell, Iowa, Mr. Conger earned his bachelor of science degree in electrical engineering from Iowa State College in 1948. Upon graduation he joined the staff of NASA's Lewis Research Center as an electronics engineer specializing in instrumentation and data systems. In 1963 Conger was promoted to assistant manager of the Agena launch vehicle project and in 1967 to his present position as Chief of the Spacecraft Technology Division. Under his direction the SERT II spacecraft was developed and flown providing the first conclusive demonstration of the practicability of electric propulsion systems. SERT II, which stands for Space Electric Rocket Test, carried two electron bombardment ion engines into Earth orbit. These thrustors, which were invented at Lewis, operated continuously for nearly 4,000 hours in space. In addition to his heavy work load and community activities, Conger continues his education through graduate study, managing to take one or two courses per semester. He is also the advisor and leader of the Aerospace Explorer Posts at Lewis devoted to electronics. In this capacity he is responsible for devising, organizing and conducting the activities of 42 young explorers.

MICHAEL L. HOLLORAN

Michael L. Holloran, Veterans Administration. Honored for effective leadership and outstanding management of the Veterans Administration Regional Office.

A native of Soldiers Grove, Wisconsin, Mr. Halloran graduated from the University of Wisconsin with a Doctor of Jurisprudence Degree in 1938. He began his Federal career in the Department of Justice in 1941. In 1942 he entered the U.S. Army Air Corps as an intelligence officer, serving with distinction until 1946. He has remained active in the Air Force Reserve since then and presently holds the rank of Colonel. Upon leaving active duty in 1946 he joined the Veterans Administration in San Francisco, California as an adjudicator. During his career he also served in V.A. Regional Offices in Los Angeles and San Diego, California, Denver, Colorado, Salt Lake City, Utah, and Kansas City, Missouri. In 1950, Halloran was recalled by the Air Force because of the Korean war. For the next three years he served as executive officer of the Foreign Claims Commission in Europe with headquarters in London, England. He continued his career with the Veterans Administration upon his return and was appointed assistant director of the Regional Office in San Francisco, Calif. in 1964. He was promoted to Director of the Milwaukee, Wisc. office in 1966 and in 1968 moved to Cleveland as Director of the VA Regional Office here. Under his direction the Cleveland office has jurisdiction over veterans benefits for the entire State of Ohio. The approximately 1,660,000 veterans and their families make up nearly a half of the state's total population. Significant programs include the G.I. Home Loan Program which has helped finance the construction of one out of every seven homes built in the state during the past twenty years. During his career, Halloran has received many awards including the Administrator's Commendation in 1970.

CARL F. HEITMEYER

Carl F. Heitmeyer, Department of the Navy. Honored for technical expertise and management skill to provide key methods for the centralized financial management services of the U. S. Navy.

Born in Cleveland, Ohio, Mr. Heitmeyer graduated cum laude from Case Western Reserve University with a bachelor of business administration degree. He began his Federal service with the U. S. Navy as an enlisted man in 1944. Immediately following his discharge in 1946 he joined the Navy Finance Center as a Military Claims Examiner. His continuous outstanding service led to frequent promotion and in 1958 he was selected to direct the establishment of a computer system at the Finance Center and was named assistant director of the Data Processing Department. He was promoted to director of that department early this year when policy changes allowed the naming of a civilian director. One of the most important assignments undertaken by Heitmeyer was that of director of the Pay Systems Development Group for the Joint Uniform Military Pay System project. During the years he has received many awards and commendations including the Navy's Superior Accomplishment Award and Meritorious Civilian Service Award. He is active in many community projects and is presently serving as treasurer of St. James Lutheran Church. He has previously served his church as president and chairman of the Board of Elders.

ELEANOR M. JAKLITSCH

Eleanor M. Jaklitsch, Department of the Navy. Honored for improving the effectiveness of her office by providing fast and accurate correspondence control and by assuming responsibilities beyond her job requirements.

Born in Cleveland, Ohio, Miss Jaklitsch attended Holy Trinity Catholic High School and Dyke Spencerian Business College. She joined the Navy Finance Center as a clerk when it was known as the Navy's Bureau of Supplies and Accounts. She began in the Family Allowance Division and later was assigned to her present position in the Mail Classification Branch of the Allotment Investigation Division. In this position she is responsible for the receipt, control and redirection of all mail coming through her department. Throughout her career with the Navy, Miss Jaklitsch has been commended repeatedly for excellence in her job field and voluntary efforts on behalf of others. She has received an "Outstanding" rating for superior job performance over a recent four year period and the Navy's Superior Accomplishment Award for the past six consecutive years, an attainment unmatched by any other Navy Finance Center employee.

ALBERT H. M'CLELLAND

Albert H. McClelland, Department of Transportation. Honored for helping to preserve the natural beauty of our country through leadership and personal commitment.

The Coast Guard career of Senior Chief Petty Officer McClelland began in 1951 when he enlisted from his hometown of Tampa, Florida. Following boot camp at Cape May, N.J., he was assigned to the Coast Guard Cutter Chincoteague stationed at Norfolk, Va. He subsequently served on the Winter Quarter Light Ship, operating out of Chincoteague, Va., and the Cutter Winnebago stationed at Honolulu, Hawaii. In 1960 following assignment with the Captain of the Port Office in New York City, McClelland became an instructor in gunnery at the Coast Guard Training Station, Groton, Conn. In 1961 he was assigned to the Intelligence Unit in San Francisco, California. As part of his first five year tour of duty in intelligence he completed the U.S. Treasury Department's Law Enforcement School and rose to the rank of Chief Petty Officer. McClelland returned to sea duty in 1966 aboard the Cutter McCulloch operating out of Wilmington, North Carolina. Early in 1969 he began his present assignment with the Intelligence Unit of the Ninth Coast Guard District. Throughout his career McClelland has been interested in the preservation of this country's natural beauty and resources. He took an active part in the task force to save the Grand Canyon and organized the North and South Carolina group of the Sierra Club which has now grown into a full fledged chapter. When he was assigned to Cleveland, McClelland continued his conservation activities by organizing the Northeast Ohio Group of the Sierra Club which has now grown to more than 600 families.

ANTHONY MONTVILLE

Anthony Montville, Post Office Department. Honored for heroism in saving the life of a young child and for the exemplary performance of his job.

Mr. Montville was born in Wilkes-Barre, Pennsylvania but moved to Cleveland with his family in time to attend Cleveland schools. In 1937 he joined the U.S. Army Air Corps volunteering for service in Europe prior to the U.S. entry in World War II. Montville served as an aerial gunner, flight engineer and mechanic rising to the rank of Sergeant Major. He received an honorable discharge in 1945. In 1947, he joined the Post Office Department as a letter carrier, the position he has enjoyed up to the present. His positive attitude of "liking people" has earned him praise for doing an outstanding job on a very difficult mail route. This same attitude plus personal bravery led to his pursuing and stopping a runaway auto preventing serious injury and possibly death of the three-year old boy in the car. He received the Post Office Department's Special Achievement Award and a Bronze Medal and cash award from the Carnegie Hero Fund Commission.

EDWARD SHEA

Edward Shea, Department of the Navy. Honored for preventing the death of a fellow employee who was being stabbed repeatedly by a deranged intruder.

Although he was born in Chicago, Illinois, Mr. Shea moved to Cleveland in time to complete high school at Euclid Shore. In 1942 he joined the U.S. Army Air Corps, serving as a bombardier and navigator in the European Theatre. During his tour of duty he flew 71 missions winning the Distinguished Flying Cross and 12 Air Medals. Upon discharge in 1945 he became a file clerk in the Navy's Field Branch, Bureau of Supplies and Accounts, which evolved into the Navy Finance Center. He was selected for the Navy's management intern program in 1951 and completed related courses at Cleveland College, George Washington and American Universities. In 1952 he was promoted to management analyst. He became assistant director of the Retired Pay Department in 1954 and was named director of that department in 1969. He has received many commendations for his work including the Navy's Meritorious Civilian Service Award in 1967. In February of this year his concern for others led him to attack and subdue a much larger man who burst into his work area and repeatedly stabbed a fellow worker. His action undoubtedly saved the life of the employee and perhaps pervented injury to other employees in the area.

MARYANN A. REVAY

MaryAnn A. Revay, Department of Health, Education, and Welfare. Honored for efficiency that has made a significant contribution to successful recruiting, maintenance of employee morale, and the advancement of careers within her agency.

Born in Cleveland, Ohio, Miss Revay graduated from West Technical High School and has taken courses at Cuyahoga Community College and Cleveland State University. She began her Federal career in 1962 as a stenographer with the Social Security Administration. Advancing steadily, she now provides technical assistance and secretarial support to the Senior Staff Assistant who is responsible for personnel and recruiting actions in the Cleveland Region of the Bureau of District Office Operations. In this position she prepares drafts of regional directives used as a basis for personnel actions in 68 district and branch offices. She prepares announcements of promotional vacancies, and, after applications are received, she reviews personnel records and prepares promotional rosters showing point scores assigned to each candidate. She also plays an important part in the Region's recruiting program for claims representative trainees. Her accomplishments and progress in the Social Security Administration have been recognized with two Superior Performance Awards.

PRESTON R. TWYMAN

Preston R. Twyman, Jr., Department of Transportation. Honored for public service both in controlling air traffic and in advancing the cause of equal opportunity in his agency and in his community.

A native of New York City, Mr. Twyman began his Federal service in 1951 when he enlisted in the U.S. Air Force. Trained as an air traffic control specialist in the service, he continued this career with the Federal Aviation Administration beginning in 1957. He was initially stationed at the control center located in the Cleveland Tank Plant and was transferred to the new center at Oberlin when it was opened in 1961. While serving as a radar controller, he earned "Outstanding" ratings and several commendations for his knowledge of equipment, control procedures and ability to handle complex control problems. In 1969 he was named Cleveland Area Equal Employment Opportunity Officer. In this position he has also earned "Outstanding" ratings for his effective leadership, resourcefulness and dedication to his job. Twyman has continued his education whenever possible. He has completed courses in E. E. O. counseling sponsored by the Civil Service Commission and John Carroll University. He has taken courses in business administration at Lorain County Community College and is presently studying personnel management through correspondence courses sponsored by the Philadelphia Region Civil Service Commission. He has served as a Councilman-at-large on the Oberlin City Council, helped organize a branch of the Urban League in Lorain County and served as a representative of the Neighborhood Youth Corps.

PENNSYLVANIA PRISON INMATES PUBLISH NEWSPAPER

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. MOORHEAD. Mr. Speaker, one hears much about prison reform and the fact that recidivism is a result of the bad condition of America's jails. It is said that if one goes into prison not a criminal, he will be one when he leaves.

I am afraid that the prison situation in our country, generally, is poor. The possibility of rehabilitation in our prisons for numerous reasons remains meager.

But every now and then certain events occur, examples of cooperation and understanding, that bring a fresh wind and hope for change. I think one such situation is now occurring at Western State Penitentiary in Pittsburgh where the inmates have begun publishing a newspaper called Vibrations.

Vibrations, uncensored except by the prisoners themselves, is an effort by the inmates to put the bitterness of prison and the needs, demands, and feelings of prison life, in a context that might lead to better understanding by the public at-large and by prison officials.

The prisoners accept any and all articles written by the inmates themselves and they also request material from nonprisoners.

I think this effort to increase dialog and ultimately understanding augers well for those men who must spend a portion of their lives behind prison walls. In addition there is the possibility of these men developing news writing skills that can make job hunting after prison a bit easier.

One of the features in Vibrations is a "Most Wanted List."

It might surprise some to learn that chocolate cakes containing files and guns appear nowhere on the list. Instead the list asks for typing paper, printing ink, stencils and the rest of the material needed to publish a mimeographed newspaper.

I would like to introduce into the RECORD at this time a series of articles and poems that were in the most recent issue of Vibrations and an article that appeared in the Pittsburgh Press telling about the new experiment in journalism at the Western State Penitentiary:

Mystery

Among young people in America today the alienation process has worked so deeply and effectively that many youths see violent revolution as being the vehicle best suited to bring about badly needed changes in our present system. Parenthetically, it is indeed a sad commentary on a social system when those who have supposedly been the recipients of the best that the system has to offer are for the most part irreconceivably dissatisfied. At any rate, we are faced with a paradox that is unprecedented in the history of modern social change: The stratum of the community that is next in line to inherit the community not only rejects the inheritance but seems to favor its destruction.

At this stage in the alienation process that is separating young Americans from their elders, a number of factors are presently preventing another civil war from breaking out in our midst.

First off, the major role that economic deprivation ordinarily plays in a totally violent revolution has up to now been deprived of much of its revolutionary efficacy because the bountiful American economic system has not permitted any serious wrinkles to appear in the bellies of the majority of its young.

Secondly, the alienated youth of America have a deep seated, possibly genetic, fear of igniting a revolution that would ultimately be aimed directly at their parents.

Thirdly, the angry young white and the dissident Afro-Americans have thus far been unable to forge the kind of alliance that would be needed to execute a violent political revolution in America.

Fourthly, all of the sectors of American society that favor revolution have in common a strong fear of the U.S. collection of weapons and the technology that backs it.

Fifthly, many of the Western World's young are today floundering in an ideological quagmire that causes them to want Peace so fervently that they are being manipulated into placing their blessing of peace on the very people and agencies in the community that are directly responsible for the wholesale violence that surrounds us.

And finally, the heavy flow of narcotics, in some measure tolerated if not actually secretly encouraged by The Establishment, has so tranquilized and stupefied many of the angry young people that they presently find it impossible to generate the kind of concerted energy that is required to sustain a violent political revolt.

Query: While the aforementioned factors are standing in the way of the ignition of America's second civil war, before the so-called generation gap is transformed into a bloody battle field, can't the now famous American resourcefulness and ingenuity come up with a feasible way to save us?

Up Against the Wall . . . Again!

(By "Yippie" Dan (The Glump) Klauck)

I'm not much of a writer, but there are a few thoughts I'd like to share with you. It's about prison and the mental anguish a convict must contend with each day, each hour and each minute of his incarceration. Did you ever stop to realize that prisoners are HUMAN too? We've all shared all the human emotions that you express and accept everyday. We were all once children. We all had mothers, fathers, brothers and sisters. And more important, many of us have had love, we've had our chicks and wives and lovers, and many of us have or have had children and enjoyed loving them and looking into their bright shining faces and hearing them say, "Daddy, I love you".

But now we're the bad guys, the misfits, the dirty-filthy no good cons, unfit for any type of civilized life. So we're treated as the scum of a nation, we're treated as though we've been that way all of our lives. But we haven't! We've all shared and enjoyed life as humans, things that you take for granted, we no longer even have the privilege to think about. Just take for example something like mail. You go to your mail box in the morning to see what the postman has left. You'd really be shocked and uptight if all the mail was open and checked and censored before you received it.

Such a situation is, to us, a natural thing now. We're not privileged to get our mail unopen. Intimate thoughts and promises of love, meant only for our eyes, have already been read by someone else. And when we write we're all conscious that someone will read what we write before it reaches its intended destination. So when you write and tell your chick you love her, you know that the mail censor, and God knows who else, will read and probably snicker at our most personal, cherished intimacies.

We're too ashamed to tell our loved ones that we've cried for them in our cell last night. We're ashamed because we know that that loved one will only be one of a long list of people who will read it. How can you tell someone you love them more than all the words in all the world could ever possibly express, when you know that those personal thoughts will be read by many people and snickered upon by those same people? Is it fair that we must be treated as such?

We neglect what we really feel in order to save face, we don't want to share our love and thoughts with a mail censor and whoever he passes it on to when he finds something to scoff at. They say our mail isn't censored now, but we're not even permitted the privilege of putting our letters in an envelope as we were before. Hostile? If you choose to call me that, YES! But I view it as trying to hold on to the last particle of a relationship I have with my loved ones. A particle that just isn't meant for anyone! I never let a mail censor participate in my lovemaking, so why should he participate in my lovewriting?

My Ideal American

(By Clifford P. Gaines)

My ideal American is neither the greatest lawmaker nor the greatest lawbreaker. Instead he tries to obey the law and has tried to make his own little corner a better place in which to live.

My ideal American went to graduate school and representing the American who realizes that a democracy can't survive on ignorance.

My ideal American helps young boys in the streets learn something, becoming a father to the fatherless, realizing that today's boys are tomorrow's men.

My ideal American enlisted in the service wanting to do something good for himself and his country, regardless if he believes in the war or not. He never did anything especially heroic while in the service, but he advised and befriended many men who did become outstanding.

My ideal American votes in the elections and votes for the man, not the party. He tries to help the Red Cross. This American has lived and worked in many places where he has been a goodwill ambassador. He was not appointed by the President, but by the people who have seen exemplified in him a concerned and dedicated American.

This American has raised children and taught them the fundamentals of democracy. He has taught them to have compassion for those less fortunate than themselves, because they too are children of God.

My ideal American is someone who hasn't done anything earthshaking but is loved by all those whom he has helped. To me the ideal American, regardless of color, race or creed, is one who loves his fellow Americans and goes out of his way to make the country a better place for them to live, and fo all mankind—that is my Ideal American.

Who? . . . Where? . . . Oh!

(By Hercules Butler)

Who is that . . . drug dealer,
That sells . . . that child dope,
Knowing from a dirty needle,
The germs can't be washed . . . with soap
Who is that . . . drug pusher,
Asking that child . . . to try a pill,
Knowing . . . he himself . . . is a hooker
And cannot stop at will.
Where is the child's parents,
Who love the child so dearly,
Knowing her child . . . is not on any errands,
But on drugs . . . and becoming weary.
Oh, . . . no . . . not my child . . . said she.
We are the law . . . doctor . . . and society . . . said they:
And your child is dead . . . from an O.D
And . . . I hope it's the last child!

The Speaking Chair

(By Dominic Codispoti)

You've brought me the healthy, the weak and the strong
You've brought me the wise and those who went wrong
You've brought me the knave, the tyrant and fool
You've brought me the youth who was only a tool
You've brought me the soldier, sailor and marine
You've brought me the senile so naive and serene
You've brought me the bigamist with five wedding bands
You've brought me the convict with time on his hands
You've brought me the innocent with so vacant a stare
But you've brought me not ever, one millionaire!

Education Is Key to Liberation

(By Ron. Mlima Lomax)

Many of our Black Brothers and Sisters have picked-up the revolutionary chant "Liberation by any means necessary." This would be beautiful not only in words, but in deeds too, if they take time to learn just what it takes to liberate oneself as a member of an oppressed ethnic group. A lot of us repeat various philosophy's of great liberation leaders such as Mao, Che, Fidel, Trotsky, Malcolm X, and Garvey. Yet we fail to try and seek the source which gave them insight to project philosophy's that people will live by for hundreds of years to come.

All these men were highly educated, even the colonial exploiter is highly educated. Should not this be a clear example that education is the "Key to Liberation", and in many cases, without it the Key to Suppression. The real struggle doesn't come before liberation, but after liberation, for this is when you have to build all that it takes to build a civilized and equal society for all

When you say it is nation building time, you are in effect saying that you need all the professionals that it takes to master certain fields that constitute the building of a nation. The following are examples: engineers, architects, doctors, lawyers, judges, teachers, military commanders, economical advisers and controllers, and many others of professional caliber.

Getting an education is the way that directs you to become a professional. The price for an education is the willingness to give up negative ideas that use up positive energy. Instead of looking at schools and universities as institutions of indoctrination, look upon them as institutions of liberation. Don't look at the teacher as an indoctrinator, but as a liberator.

PRISONER'S PAPER AT WESTERN PEN

(By Eleanor Adamets)

Vibrations isn't just another prison newspaper—it's the beginning of a whole new process of communication with the "outside world" for inmates of Western Penitentiary.

Designed to "bridge the communications gap" between free society, prison administrators, and "residents" at the prison, the weekly newsletter represents the first attempt to establish a "free press" at Western Pen in almost a decade.

It is written and printed entirely by prisoners, and is intended to one day become a "doorstep delivery" community newspaper.

GREW FROM "RAPS"

"Though home delivery is still a grandiose plan for the future, the concept of this kind of communication through journalism means that someday our residents may play an active role in the resolution of the kinds of social problems that may have led to their incarceration," Charles Austin said.

It is not censored by penitentiary brass, and contains far fewer four-letter words than the average college newspaper.

Austin, director of training services at the prison, said the idea of a "tri-community" oriented newspaper grew out of open "rap" sessions he had with some inmates shortly after he assumed his new position.

"There was virtually no communication process here when I first arrived between the administration and the residents," he said. "So, I sat down with a group of 12 inmates, and as a group, we decided to get a newspaper started."

The same 12 men who voluntarily met with Austin now make up the editorial staff of Vibrations. All inmates are permitted and encouraged to write articles expressing their own views on topics of interest to both residents and members of free society.

MYTHS ARE TARGET

"We want to dispel a lot of the myths and prejudices that the free community associates with this institution," an inmate on the staff explained.

"But, we don't want the paper to degenerate into a traditional institutional 'gripe sheet,' " he added. "That's why people from all three communities are invited to submit material and we'll print it."

The men on the editorial staff spend much of their "free time" working on the newsletter in the small, old prison warehouse room they have converted into an office.

But, regardless of their enthusiasm, publishing even a weekly newsletter inside Western Penitentiary isn't an easy task.

The state provides no funds for the production of the paper, and the conditions under which it is published are somewhat less than ideal.

"At first, we didn't even have an office, and when we finally got this one, it was dirty and unheated," an inmate said.

The office was so cold early in January that an inmate wearing gloves and a coat typed one of the first editions of the newsletter—stopping occasionally to warm his hands on a hot plate the men had managed to get into the freezing room.

Since then, the men have done much to try to improve their "newsroom". The floor has been cleaned and scrubbed, and a collage made from old magazine pictures "brightens" the dingy walls.

The one radiator in the room is now functional, and the 12 men have been given five chairs, six and a "half" desks, and three typewriters (of which only one can be used to type the stencils used to print the newsletter).

"The only funds we have for production are what we are able to solicit ourselves from the community—and if the Copco people hadn't donated us the paper, we wouldn't have a newsletter now," a staff member explained.

Copco Papers Inc., a local firm, has been giving the prisoners enough paper to publish their newsletter since the first issue came out on Christmas Day.

"Some other organizations like the American Civil Liberties Union and two or three others have also given us some supplies," another inmate said.

Sympathetic members of the administration at Western Pen, too, are trying to help the men as much as they can.

Besides Austin, who has been closely involved with the paper since its inception, Kostas J. Mastros and Mrs. Betty Godown, Austin's secretary, have been working with the men on the paper.

Mastros, the news staff adviser, has had 18 years experience as a case worker at the correctional institution. He finds the interaction and involvement of the men working on the paper have a positive rehabilitative aspect.

"I've known all these guys for years—and I know their good points and bad points. Seeing them working and interacting together is a kind of group therapy session, and it's extremely satisfying for me to watch," Mastros said.

A POLITE STAFF

Mrs. Godown, an "honorary member" of the news staff, serves as liaison between the prisoners and the administration. The men telephone her to discuss problems or obtain information pertaining to the paper.

"My role on the staff is a little therapeutical, too," Mrs. Godown explained. "After all, you can't expect to rehabilitate men without allowing them to have some social contact with women before sending them back to society."

She finds the prisoners are extremely courteous in their dealings with her, and is impressed both by their sincerity and by the favorable response of other immates to the newsletter.

"The staff is deluged by articles from other inmates," Mrs. Godown said. "They also received hundreds of entries from inmates during the naming contest for the paper."

Vibrations, the name finally selected for the paper, was drawn by Mrs. Godown from a sealed envelope containing names the staff liked best.

The contest winner, who won a carton of cigarettes donated by Austin, had alone submitted more than 70 entries.

Both the men on the staff and other inmates at the prison share the excitement of at last having an "uncensored" paper through which they are free to communicate their views to each other, the administration and free society.

"We know people on the outside have just as many problems as we do, and we're concerned about all the problems of society—not just our own," a staff member said.

"We want our paper to let society know that we're not animals—we're human beings who need to communicate our ideas," he added before he and the others returned to their cells after the interview.

A BILL TO EXTEND VETERANS EDUCATIONAL BENEFITS FROM 36 TO 54 MONTHS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. MIKVA. Mr. Speaker, I have introduced legislation today to extend the maximum educational benefits available to veterans under the GI bill from 36 months to 54 months.

The GI bill of 1966 provided educational assistance for veterans at the rate of 1 month of benefits for each month of service, with a maximum of 36 months of benefits. Thus a draftee who served 2 years of active duty was entitled to 24 months of education benefits, while an enlistee who served for 3 years would be entitled to benefits for 36 months of schooling, or the equivalent of 4 full academic years.

Congress later realized that, under this provision, discharged draftees who entered college after completing their military service would be financially stranded after 2½ years of school. Therefore, in 1968 Congress passed Public Law 90–631, which increased the benefit rate to 1½ months of benefits for each month of service. This meant that draftees serving 24 months would be entitled to receive benefits for 36 months, long enough to enable them to complete 4 years of college. However, Congress failed to raise the maximum number of benefit months allowable, with the result that draftees and enlistees alike were both entitled to a maximum of 36 months of benefits.

Thus the differential between enlistees and draftees was erased, removing an incentive for enlistment and ending the earlier correspondence between length of time served in the military and extent of benefits afforded.

To cure these defects, the bill I have introduced would raise the ceiling on number of months of education benefits to 54. Both draftees and enlistees would be entitled to 1½ months of benefits for each month served, but enlistees would be eligible to receive benefits for a longer period than draftees based on their longer service in the military.

This extension is not retroactive, but is granted only to those servicemen discharged or released from active duty subsequent to enactment of the bill.

These additional educational benefits are well deserved by those veterans who voluntarily serve their country longer than they would otherwise be required, and I urge my colleagues to support such remedial legislation.

A CONSTITUENT ASKS QUESTIONS ABOUT OUR INCOME TAX LAWS

HON. OTTO E. PASSMAN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. PASSMAN. Mr. Speaker, I include the following letter from Mr. J. B. Dawkins Jr., inquiring about certain provisions of our current tax laws:

PAN AMERICAN LIFE
INSURANCE CO.,
Monroe, La., Apr. 16, 1971.

HON. OTTO PASSMAN,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN PASSMAN: I am writing to you in the hope that you may be of help in answering some questions which have been troubling me since the 15th day of this month.

To begin with, it was necessary for me to write a check for the balance of some $1,200 owed the government for roughly $6,000 of taxable income earned in 1970. Now, it has entered my mind, after hearing some of the more liberal elements in the House and Senate espouse a minimum income of $6,000 for all citizens because this is considered the border line of poverty, that I may be living in poverty and not know it. I have also been able to keep one of my children in college for two years and expect to have the second child there beginning this coming school year without any help from the federal government or anyone else. I understand that in certain areas of this country there are programs for the underprivileged, allowing them to attend college at no charge to them or their parents, even to the extent of attending Ivy League schools. However, I was not allowed a deduction on my tax schedule for even the tuition to a state school.

The other day I took a few minutes out of my work schedule, and this is an unusual thing for me to do because I work to make a living for my family during the day and to pay my dear Uncle half the night, to read the newspaper. The first article I saw said that Senator Kennedy wants the government to provide medical care for everyone and the cost will be only about $70.00 a year for each worker. I don't really know, but he must be counting all those workers who have gone before and are now in the cemetery, as well as those who still earn a living, and if so, it will be difficult collecting. I had about $300.00 of medical bills in 1970, but I couldn't deduct a penny, because it was less than three per cent of my adjusted gross income.

You know, I've lived in my present home since 1953, and I've had a lot of deferred maintenance since then, so my wife and I decided to remodel. We didn't have the money because we can't save anything with taxes what they are, so we refinanced the house. Well, we are in the process of remodeling now and trying to live in without any gas or water gets to be a little sticky at times. Thank goodness it will last only about a week. I wish I could get H. E. W. to put my wife, son and me up at the Holiday Inn, or if that's too expensive, I'll settle for the Quaker Motel till the carpenters get through. I understand that in New York the government has been putting poverty families up at the Waldorf, but I wouldn't want anything that fancy.

I'm an insurance man by profession and business hasn't been too good. Too many people want to buy term insurance and invest the difference in stocks in order to hedge against inflation, and I guess that's O.K., but I didn't realize that the government was doing the same thing until my tax man told me that I owed an additional fifty some odd dollars as a penalty for not guessing what my income would be for the year and sending it along to Washington and letting the government use it interest free during the year. Now the Internal Revenue Service is charging six per cent on the money I didn't let them use. But I guess I can't gripe about this if it will solve the inflation problem.

What I would like you to tell me is: Is everyone in Washington crazy or is it me. If you say it's me, I'll be satisfied. However, if it is me, would you let me know right away and enclose some information on how I can get on some of these poverty programs. Please send applications for any programs available. If there are none available to me, perhaps you could secure a membership application for me to the Blackstone Rangers. I understand they have some lucrative governmental programs going for themselves.

Sincerely,

J. B. DAWKINS, Jr.

GENERALS WERE THE DOVES

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, April 22, 1971

Mr. SCOTT. Mr. President, a column in the Philadelphia Inquirer, written by Roscoe Drummond, relates several important facts—facts that over the years have been forgotten by many and are probably unknown to many others. The column was entitled, "Generals Were the Doves." Mr. Drummond outlines circumstances and actions leading to eventual decisions by General Ridgway and former General Eisenhower not to deploy military troops in Vietnam. His writing is refreshing in this period when the so-called military mind is being blamed for this most unfortunate period in our Nation's long history. I commend this column to my colleagues and, Mr. President, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Philadelphia Inquirer, Apr. 19, 1971]

GENERALS WERE THE DOVES

(By Roscoe Drummond)

WASHINGTON.—Beware—it may not be safe for extreme doves and many young people to read this column. It might spoil their fun.

The reason: This column takes aim at some currently popular oversimplifications and downright falsehoods.

It is the fashion view of extreme doves, including many students, that it is the military who are intent upon getting the nation into war and that there is a monolithic "military mind" to whom war is a joy and peace is a bore.

There are contrary facts.

In the short span of the past decade and a half it was two generals who kept us out of war in Vietnam and two civilian leaders—Presidents Kennedy and Johnson—who put us in.

It was Gen. Matthew B. Ridgway, then chief of staff of the Army, whose alertness and influence countered successfully Secretary of State John Foster Dulles' effort to have the United States intervene in Vietnam while the French were fighting there in 1954.

It was Gen. Dwight D. Eisenhower, then President, who later refused to put American military forces in Vietnam and confined the American role to economic and arms aid.

I'm not saying that Presidents Kennedy and Johnson were wrong in going further. Emotions run too high today to judge objectively. I am saying that the two United States generals most directly concerned chose a different course.

The role of Gen. Ridgway: The French were losing in Vietnam and the decisive battle of Dien Bien Phu was imminent. Serious consideration was being given at the highest level for U.S. intervention and the wishful thought was dominant that all we would have to do was drop a few bombs and shoot off a few big naval guns.

Ridgway was horrified. He acted quickly. He knew that rhetoric wouldn't be enough to stop this intervention. He sent to Indochina a team of Army specialists in every field of ground warfare to get the hard answers to hard military questions. They flew back to Washington with a concrete and realistic appraisal, and here is how Gen. Ridgway describes what happened next:

"In Korea we had learned that air and naval power alone cannot win a war and that inadequate ground forces cannot win one either. It was incredible to me that we had forgotten that bitter lesson so soon—that we were on the verge of making the same tragic error.

"That error, thank God, was not repeated. As soon as a full report was in, I lost no time in having it passed on up the chain of command. It reached President Eisenhower. To a man of his military experience its implications were immediately clear. The idea of intervening was abandoned, and it is my belief that the analysis which the Army made and presented to higher authority played a considerable, perhaps a decisive, part in persuading our government not to embark on that tragic adventure."

The role of Gen. Eisenhower: After the French were driven from Vietnam and the country was divided into two halves by the Geneva Conference, President Eisenhower was still faced with the creeping aggression of North Vietnam against South Vietnam. As a military man he opposed the commitment of U.S. ground troops in Indochina. As President he never sent Americans to fight in Vietnam.

There is another revealing sidelight to Gen. Eisenhower's "military mind." When he became chief of staff of the Army after World War II, Congress was just drafting the legislation creating the Atomic Energy Commission to be responsible for both military and nonmilitary nuclear development. Many leading congressmen wanted to put the commission under the Pentagon and were pleading with Gen. Eisenhower to advocate this course. They knew that if he did, his views would prevail. Eisenhower said "No." He believed that the AEC should be under civilian control. He prevailed.

Perhaps we should all take a new look at the "military mind." We may discover that it is as many-sided as the "civilian mind."

THE SENSELESS WAR ON SCIENCE

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. MILLER of California. Mr. Speaker, I should like to invite the attention of the Congress to a timely and, in my opinion, perceptive article by Lawrence Lessing called "The Senseless War on Science." This article appeared in the March 1971 issue of Fortune and to me it suggests that the American public may be starting to part company with the anti-science forces which have been blaming all of our worldly ills upon science and technology. I was particularly heartened to note that the American space program is beginning to achieve the stature in history which it deserves—one of the great accomplishments of our age.

The article follows:

THE SENSELESS WAR ON SCIENCE

(By Lawrence Lessing)

That classic of science fiction, *A Connecticut Yankee in King Arthur's Court*, might well serve as a parable of the present-day predicament of science and technology. Everyone will recall how the hero, superintendent of a small-arms plant in East Hartford, whisked back into the sixth century, saves his own life and establishes his power over the sorcerer Merlin by using as a threat the handy occurrence of a solar eclipse. He then secretly teaches the serfs some rudiments of science and mechanics, and reinvents for them such amenities as the telephone, machine tools, movable type, safety matches, soap, and sanitation—of which they are in great need. And he places his aptest pupils in a factory, where he proposes, in his late-nineteenth-century innocence, "to turn groping and grubbing automata into *men.*"

One day, after having restored the waters of a holy fountain that had run dry, by a simple application of hydraulics, he returns to find the monks and pilgrims piously agog over an itinerant magician from the East, who, "mowing, and mumbling, and gesticulating, and drawing mystical figures in the air," purports to be able to tell what any man is doing anywhere on the globe at any moment. When the rationalist from East Hartford suggests that this is a fraud, the assembly turns upon him in fear and distress. He manages to surmount the situation, but he is shaken. "Think of that!" he muses. "Observe how much a reputation was worth in such a country."

A GREAT ODYSSEY DISPARAGED

American scientists and technologists today are suffering a similar reversal and recession. At the precise moment when a new and more sensitive high level of science is needed, a great disenchantment has settled over the field, after a period of unparalleled accomplishments. Over the last quarter century, despite dips and lags, science and the U.S. economy together have had the longest period of sustained growth, discovery, innovation, and new industry in recent history. While none of this has brought on the millennium—indeed, science's very success has acerbated some age-old problems and created new ones—still it has measurably widened the options and potentials of human life on earth. Perhaps the pinnacle of this period was reached when man stepped on the moon, a feat that will rank in history among the few clear, large, and positive achievements of the last decade, a great human feat that once would have swelled the lyrics of a Homer. Yet nothing is currently more disparaged or discounted, often by the most determined humanists, than the odyssey of man in space.

The assaults on science and technology have developed a variety of themes and come from many directions. Technology is pictured as a powerful juggernaut, with an internal momentum of its own, relentlessly pressing on with irresponsible developments, out of control. On the other hand, this juggernaut is also soon to be so weak that it is suffering all sorts of breakdowns—in power, transportation, and telephone services in our cities, for example. In one breath, science is said to be progressively more abstract and irrelevant to society; in the next, it is urged that this "irrelevant" activity is a threat that must be curbed. Almost as reflex, funds have been damagingly cut in such basic areas as the life and medical sciences, which could reduce costs and care, while a large amount of advanced but abstract technology, which could begin to solve the problems of overcrowding, energy, pollution, transportation, and waste that cloud men's sky and vision, is going neglected.

There is a new hostility to science and technology—though not closely coupled, the two cannot be separated—in many quarters that can only be loosely categorized. Many ordinary Americans, increasingly worried by science's growing complexity, cost, and accelerating change, think we might do with less science, and provide an opportunity for budget cutting. The prevalent attitude toward science, as Robert G. Loewy of the University of Rochester puts it, is, "What have you done for me lately?" This hostility has been made intellectually respectable by some thinkers of the New Left, who have embraced a glorified irrationality that is the antithesis of all science.

The attack comes even from within science itself. The last meetings of the American Association for the Advancement of Science were loudly and riotously disrupted by the now inevitable small band of young graduate-student activists, demanding, in that cabalistic catchword of the times, relevance.

CAST AS DR. STRANGELOVE

More serious and disturbing than these "revolutionaries" is a rumbling intellectual attack on science, seizing this troubled juncture to revive the old, false antagonisms between the arts and sciences. The latest, most prepossessing broadside in this ancient battle is *The Pentagon of Power* by the noted architectural and urban critic, Lewis Mumford. In this treatise the whole humanistic history of science is warped to the thesis that the evils of the modern world go back to Copernicus, Galileo, and Newton, whose earth-displacing view of the solar system was the beginning of that dehumanized, mechanistic world view that today has put at the center of the power system "the latest I.B.M. computer, zealously programmed by Dr. Strangelove and his associates." Other voices, ranging from the mystic to the nihilistic, have elaborated a whole new demonology of science and technology.

The most visible embodiment of these philosophies is in the new youth culture, or counterculture, which turns away from hard science to the softer, still forming social sciences, the arts and handicrafts, the primitive and a return-to-nature à la Rousseau—and ravels out in astrology, drugs, and those Eastern mysticisms that for centuries have held whole continents impoverished. While this movement has brought a fresh, rebellious spirit into the nation, and represents a reaction to real social ills, a warm reassertion of some essential human values, it is a very mixed phenomenon. Avowedly antiscience, its culture rests squarely on those electrical sciences that power its amplifiers, electric guitars, and stereo rigs, and on the pharmacopoeia of chemical agents that give it instant visions. Its communes are never far from the supermarket, that base of modern food technology, and it does not eschew motorcycles or motorcars. It accepts, in other words, the science and technology that please it, but would destroy those that do not.

But science is indivisible, a seamless web of accumulated knowledge, and to destroy a part would rip the whole fabric. The beneficial and pleasing effects of science cannot really be separated from the potential harms. No drug to save lives can be secured, for instance, that is entirely without risks or side effects, for all drugs are by nature toxic agents and therefore subject to misuse. Every discovery or invention of man has this dual aspect. And it does no good to try to retreat to the nineteenth century or the sixth. Konrad Lorenz, the famed naturalist and animal behaviorist, has been going about warning hostile student audiences that if they tear down man's store of knowledge to start afresh, they will backslide not a few centuries but two hundred thousand years. "Watch out!" he says. "If you make a clean sweep of things, you won't go back to the Stone Age, because you're there already, but to well before the Stone Age."

This apocalyptic mood has been stirred, of course, by some very palpable social miscarriages of science and technology. The leading one is the continuing Indochina war. From the early selective saturation bombing of a peasant people to the later defoliation of a large part of their land, using vast quantities of advanced machines and chemical agents, it represents to more and more people the biggest misuse of technology in recent history. A close second, which may yet be first, is the environmental crisis. Through carelessness, the mismanagement, misuse, or neglect of industrial-urban technology in an increasingly crowded world, the deteriorating air, earth, and water suddenly raise a threat to man's continuing life on earth. Together these crises have whipped up a wholly new conservationist attack on science. At its emotional extreme, it reduces itself to the proposition that America needs less growth, less knowledge, less skill, less progress.

Scientists and engineers are increasingly cast as the villains of this emotional drama. They are blamed by implication and transference, as epitomized in the cry of the French writer, Georges Bernanos, in the last great war: "You go on supplying the killing machines!" But it should be obvious that science by its nature and structure can offer society only options. Scientists do not sit in the seats of power or decision in matters of war, government, or industrial management. Traditionally, their role, if any, is advisory, and as often as not their advice is ignored. "Scientists can no more be blamed for the misuses to which their discoveries or devices are put," says Harvard's noted chemist George B. Kistiakowsky, former science adviser to President Eisenhower, "than artists and writers can be blamed for the misuses to which their arts are put on Madison Avenue."

The height of the new folly is the rising call upon scientists and technicians to foresee all the consequences of their actions and to make a moral commitment to suppress work on any discovery that might someday be dangerous, which is to demand that they be not only scientists but certified clairvoyants and saints. Too often, all this only tends to deflect blame from where it belongs. "I would put it this way," says the noted British immunologist Sir Peter Medawar, Nobel Prize winner in medicine, "that in the management of our affairs we have too often been bad workmen, and like all bad workmen we blame our tools."

INTO THE ECONOMIC BIND

As if this sociophilosophical tanglefoot were not enough, U.S. science also finds itself, as a direct consequence of prolonged war, inflation, and a now contracted economy, contending with a severe cutback in research and development. Since 1967, total federal expenditures in this field have declined in real dollars by more than 20 percent. This has lopped off whole programs, sharply curtailed others, and disrupted the feedlines to new developments. Many scientists believe this endangers the whole structure of science. "If we continue to cut down at 10 percent a year," says Dr. Philip Abelson, editor of *Science* and new head of the Carnegie Institution, "the U.S. is going to be a second-class nation in scientific enterprise."

In the Northeast and on the West Coast, where most of this enterprise is concentrated, newspapers are full of stories of engineers vainly seeking jobs and young physicists driving taxis. The exact extent of unemployment is unknown. But for a relatively small but vital profession—there are some 500,000 U.S. scientists in research and teaching, and about twice that many engineers—a 10 percent yearly decline in funds hits hard.

Scientists attempting to shore up the "crumbling" scientific enterprise, as Philip Handler, president of the National Academy of Sciences, characterizes it, have been attacked for their efforts. One leader of the attack is Daniel S. Greenberg, recently resigned news editor of *Science,* who has made a career out of finding that scientists play politics, seek grants, build small empires, occasionally stumble, or otherwise act human. He and others maintain that there is no serious crisis in U.S. science, only a wringing out of "fat," a transitory shift in priorities. Scientists, they say, simply want more money.

It is true that this year's federal science and development budget still stands at a substantial $15 billion. But this figure hides imbalances and a steady real decline, masked by inflation. If the decline continues, it will have a delayed, disastrous effect on the economy. Says the University of Rochester's Robert Loewy, dean of the College of Engineering and Applied Science and former chief scientist of the U.S. Air Force: "Despite our nation's purported lead in science, the U.S. is only coasting on an advantage we have had since World War II."

A RATHER DISORDERLY GROWTH

Out of World War II, in what has been called the greatest mobilization of scientists and technologists in history, came a great victory over a clearly evil tyranny, and a cornucopia of great technical developments to build and keep the peace. None of these developments could be economically "afforded" in the long lagging, depressed Thirties, but in war the men and wherewithal were quickly found to develop them, largely out of the banked-up store of European science. From these wartime projects in due time came the antibiotics, atomic power, cryogenics, computers, jet planes, rocket vehicles, radar, transistors, masers, lasers, and other products that became the new industrial face of the mid-century. More important, out of the war came the impetus to get the U.S. fully engaged in doing basic science of its own. From having won only a sparse dozen Nobel Prizes in the forty years up to 1940, U.S. scientists went on in the next thirty years to win forty-five, and take first place among the nations.

The feat was not accomplished without some typical disorder and conflict. At the end of the war there was no civilian agency to take over the support of basic science, and Congress lagged in adopting the proposal of Vannevar Bush, the Yankee M.I.T. engineer who had brilliantly headed the scientific war effort, that a National Science Foundation be set up to do the job. The Defense Department leaped in to support basic research, mainly in physics, across the board. At the same time, other departments moved in on their own fields of interest. And a spontaneous uprising of atomic scientists fought to get atomic development out of military control and into a civilian Atomic Energy Commission. When a National Science Foundation bill finally reached President Truman's desk in 1947, he vetoed it, contending that it lacked proper governmental control. Another three years passed before a compromise N.S.F. came into being with a minimum of politics in its make-up and minimal funds. It continued to be much easier to get large funds out of Congress for basic research marked for defense, much of it having little or no military relevance, than for purely civilian research.

This set the pattern through the Fifties, when, under cold-war pressures, the federal research and development budget began its exponential climb. Over three-fourths of the growing budget, however, went to the Defense Department and Atomic Energy Commission—whose charter required it to supply "free" nuclear weapons to the military. The 1957 launching of the Soviet Sputnik I into space set off another burst of growth, creating the new civilian National Aeronautics and Space Administration, formalizing the office of science adviser to the President, and generating a large effort to expand science education.

As the federal research and development budget passed $12 billion in 1963, toward a peak of over $17 billion, Congress nervously began to seek cuts. Trying to maintain defense spending, it fastened first on NASA. And NASA, in order to keep the Kennedy Administration's commitment of a manned lunar landing by 1970, was forced to cut back its scientific and forward development programs.

With the ascendancy of Lyndon Johnson and the escalation or the Vietnam war, the U.S. federal science structure, never very well organized, took a turn for the worse. Wary of the northeastern "establishment" that had dominated Washington's scientific affairs since World War II, Johnson set in motion two populist currents, congenial to Congress, that had ultimately dubious effects. The first was designed to spread research funds more evenly over the country, particularly, to build up more midwestern university centers. The second involved a switch in emphasis to the "practical," away from the more tenuous regions of basic research, a policy that hit the National Institutes of Health with devastating effect. With money growing tighter, funds were spread thinner and thinner with fewer results.

APPOINTMENTS AT THE WHITE HOUSE

There had been some hope in scientific circles that when Richard M. Nixon took office things might change in the handling of science. He came into the White House with an earnest campaign pledge to reverse the downtrend in basic science, and with an impeccable choice as his science adviser—Dr. Lee A. DuBridge, retiring president of California Institute of Technology and the distinguished World War II director of M.I.T.'s great radar-developing Radiation Laboratory. And, in fact, Nixon's fiscal 1971–72 budgets show a rise in basic research funds; however, the rise is not nearly enough to cancel out the effects of inflation and prior cuts. Unfortunately, Nixon's relations with the scientific community were somewhat poisoned by the sequence of events surrounding some appointments. First, there was the matter of naming Cornell University's Dr. Franklin A. Long, to head the N.S.F.; when it was discovered that he had written an article opposing the antiballistic missile, he was precipitously dropped. Then the appointment of Caltech's Dr. George S. Hammond to be N.S.F. deputy director was scotched when it was found he had made a speech critical of the Cambodian invasion. Later there was the unceremonious dumping of Dr. John Knowles, scheduled to be Assistant Secretary of Health and Scientific Affairs, when he drew the potent political opposition of the American Medical Association.

Suddenly, late last summer, Lee DuBridge resigned to enter retirement. In DuBridge's place, President Nixon named a younger, relatively unknown industrial scientist, Dr. Edward E. David Jr., who had been director of communication-systems research at Bell Laboratories. A brilliant worker in acoustics and electronics, but an unknown quantity in forming high federal science policy, David faces two hard tasks: reassessing national science priorities and establishing better communications between the scientific community and the White House.

David's job is not made easier by a prickly Congress, which has arbitrarily cut research funds in some instances, and late in 1969 enacted legislation that has wreaked some havoc. The damage was done by the so-called Mansfield Amendment, which ordered the Defense Department to cut off all research not related to specific military operations. Even most scientists opposed to the Vietnam war protested stripping the Pentagon of all basic research. Since the times of Archimedes and Leonardo da Vinci, scientists have aided military invention to protect their societies, and in a still dangerous world the military needs a reasonable amount of basic research, reasonably applied, to keep its technology from growing sterile.

One relatively minor result of the Mansfield Amendment was to cut some $8 million in basic research out of the Defense Department's fiscal 1970 budget. But its more damaging effect was indirect: it induced other departments to cut back in like fashion, for another net loss in basic research. Moreover, the defense cuts plus continuing large cuts in the NASA program combined to cripple the U.S. aerospace industry and begin the dismantling of the great space structure, which ranges from the promotion of basic science education to the development of the most advanced technology. All of which happened without any forethought as to the human employment problems associated with the cuts. Most of the thousands of unemployed aerospace engineers, says the National Academy of Engineering, are unlikely ever to find employment in their profession again.

WHERE THE LAGS ARE

While men and talent are thus going to waste, the things that need doing, which we are not doing or doing only insufficiently, keep piling up. All through the late Sixties the National Academy of Sciences was issuing a series of ponderous, largely ignored surveys, evaluating where we stand in the basic sciences—and finding that deficiencies were beginning to develop. Washington's repeatedly expressed view now is that we can't expect to be first in everything, which is true enough. But unless we try, we will soon be coming in second or third almost everywhere, and many in the sciences believe we are at or near that danger point.

Space does not permit a comprehensive list of the lacks and lags, but here are a few significant ones. They may suggest something about what is ultimately at stake in the war between U.S. science and those now mindlessly assailing it.

In high-energy physics, Europe in the late Sixties took the lead in developing so-called colliding-beam electron accelerators, the latest in Big Machines for investigating the subatomic properties of matter. From one of these machines in Italy late last year came the report of a discovery—now being excitedly tested by others in France, the Soviet Union, and Switzerland—of what may be a new phenomenon in the creation of matter from energy, which seems to go beyond present physical theory, and which may herald the tapping of the most powerful inner force in nature. The U.S. now has only one such machine near operation at Cambridge, Massachusetts, and its operating budget has been cut. Belatedly in development are two more powerful machines at Stanford University and in Weston, Illinois, expected to be started up within a year or so.

In radio astronomy, the U.S., after a strong surge to a leadership position in the late Fifties, is rapidly losing its place. For five years the radio astronomers have been unable to get funds to complete three big, advanced radio telescopes, all together estimated to cost some $115 million. Meanwhile, some older installations have lost Air Force support under the Mansfield Amendment, and are being hard pressed to function fully. Abroad, however, large advanced radio arrays have been going up in England, Germany, Holland, Russia, and even India, to pursue investigations into two of the major discoveries of radio astronomy: the mysterious, high-energy quasars, starlike galaxies that may be the most distant bodies in the universe, and the more recently found pulsars, giving off huge bursts of radio waves at precise intervals.

In plasma physics, the latest breakthrough in the containment of thermonuclear power was made in 1968 in the Soviet Union's so-called Tokamak devices. Later there were confirming experiments in the U.S. and Britain, setting off the current optimism that the harnessing of this almost limitless, pollutionless source of energy may be nearer than was once expected. But the U.S. thermonuclear research effort is being funded at a level, cut back again this year, that could put off this development as much as twenty-five to fifty years. The Soviet authorities are spending about twice as much money and employing about three times as many people in controlled fusion research as the U.S.

In conventional energy research, the Soviet Union this year is also starting up the first large-scale, prototype magneto-hydrodynamic or MHD electric plant, burning fossil fuels, but generating electricity directly and more efficiently than the old steam-turbine cycle, from a supersonic stream of high-temperature ionized gases (see "New Ways to More Power with Less Pollution," FORTUNE, November, 1970). No such project is yet in sight in the U.S. Since much of our electric power will continue to come for a long time from conventional fuels, particularly the still large reserves of coal, we are neglecting basic research in this area at the expense of a cleaner environment. While a small program goes on in this direction in the U.S. Bureau of Mines, half a dozen promising, advanced methods of high-pressure coal distillation and gasification are being widely developed in Europe. In combination with gas turbines or MHD, such systems could produce the clean, more economic hybrid chemical-and-power plant complex of the future.

In space science, our present position was tersely put by Dr. George M. Low, NASA's acting administrator since Thomas O. Paine quit six months ago to return to General Electric: "The U.S. leads today, but we are rapidly losing the capability that made us first." With two of the later, more scientifically oriented Apollo moon flights canceled, though the equipment is long bought and paid for, work on NASA's forward-looking space station, nuclear-powered rocket, and unmanned planetary exploration vehicles has been so cut back that after 1975 almost nothing will be scheduled.

In transportation, while U.S. road vehicles continue to increase in numbers twice as fast as the human population, the creation of new mass transportation systems to relieve our choking roads lags far behind—though not for lack of abundant new technology. Japan's sleek high-speed Tokaido train system is expanding; Europe's fast new train networks are multiplying, with the future already appearing in advanced prototype gas-turbine and air-cushion vehicles; and even Mexico City has built a new subway system that is both a great feat of engineering, smooth, noiseless, and computer-controlled, and a work of art. But in the U.S. only a token part remains of the ambitious 1965 Northeast Corridor Project to revitalize the rails (see "The 400-Mph Passenger Train," FORTUNE, April, 1965).

In the life sciences, reports the latest survey of the National Academy, research funds are still lagging some 20 percent, or at least $250 million per year, behind research capacity. This is happening in an area which is in a tremendous stage of growth, similar to that in atomic physics in the Thirties, and which, with reasonable support, could bring forth a host of epochal developments. The range of the revolution in molecular biology is especially wide. It includes such items as insect hormones, whose isolation and synthesis in many analogue compounds promise much safer biological insecticides—which are now being developed rapidly enough to replace toxic products. The biological revolution, through its now complete decoding of the genetic code of life, also promises a way to the genetic repair of congenital defects, and to a basic attack on those little understood degenerative ills, such as cancer and heart diseases, that whittle away men's lives.

TOWARD TECHNOLOGICAL ASSESSMENT

Over much of the last decade, a plethora of studies and reports on how the tangled structure of U.S. science might be better balanced and organized has flowed out of Washington's scientific hierarchy, executive agencies and offices, and congressional committees. Proposals have ranged from one to put all science in a single huge Federal department to more modest reorganizations built around the National Science Foundation. But most scientists, are wary of any more centralization than we already have, and United Nations in-depth studies of national science organizations have in general found the U.S.'s pluralism and sometimes wasteful and untidy freedom its major source of strength.

The organization problem, it should be noted, is quite different in basic science from the problems in technology. Basic science, while intellectually quite orderly, is often disorderly in its operations; it is extremely difficult for researchers in basic science to set priorities or scales of relevance. In technological research, however, there is an urgent need, recognized in a dozen studies, for some means of technological assessment before development. The assessment would make possible democratic control over the excesses and misuses of rapidly advancing technologies.

Proposals for setting up technological assessment operations range from some that involve a separate agency, attached to Congress, to some others creating a kind of high court, without legal trappings, that would hear different contentions and render a balanced report of the available operations. But many scientists fear that this would only add another layer of bureaucracy to the problem. Carroll Wilson, professor of management at M.I.T. and once right-hand aide to Vannevar Bush, favors a more ad hoc arrangement that would pull together multidisciplined conferences on a given problem. He organized a prototype last summer in a large international meeting that in one month developed a hardheaded report on major global pollutants.

Rational assessment programs right, then, take a variety of forms. In the last analysis, the organizational form is probably less important than the spirit in which any such undertaking is launched. On the record of recent years, it is hard to be optimistic about the spirit. We can only hope the strange and irrational assaults on U.S. science end soon.

THE ROLE OF THE VFW

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, April 22, 1971

Mr. THURMOND. Mr. President, in the April 1971 issue of the "Veterans of Foreign Wars," magazine there appeared an article entitled "Protect Benefits of Veterans."

Commander-in-chief of the VFW, H. R. Rainwater, spoke before tthe first session of the newly created Senate Veterans Affairs Committee. Mr. Rainwater expressed his pleasure over the creation of this committee and the VFW's desire to have a productive and successful relationship with the Veterans Affairs Committee.

Mr. Rainwater points out the remarkable history of growth this organization has enjoyed. This growth has led to the VFW's present membership of over 1,600,000. The objective of this organization is to "Honor the Dead by Helping the Living." In furtherance of this goal, the VFW has created many programs and activities such as their National Home for Widows and Orphans and their National Rehabilitation Service. This outstanding organization deserves the consideration of the Congress.

Mr. President, I ask unanimous consent that the article entitled "Protect Benefits of Veterans," which appeared in the April 1971 issue of the Veterans of Foreign Wars magazine be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PROTECT BENEFITS OF VETERANS

For the V.F.W. March 9 was an historic occasion. On that date the newly created Senate Veterans Affairs Committee held its first session.

Recognizing the vigorous effort the V.F.W. has made over the past quarter century to achieve the establishment of this Committee, the senators invited Commander-in-Chief H. R. Rainwater to appear at its initial meeting. More than 500 representatives of the V.F.W. crowded into the auditorium of the New Senate Office Building for Rainwater's presentation.

Each member of the Committee in attendance (five of nine), including Sen. Vance Hartke (Ind.), its chairman, and Sen. Strom Thurmond (S.C.), its ranking minority member, pledged his support for the V.F.W. goals.

Earlier in the day Rainwater presented similar recommendations to the House Veterans Affairs Committee. Following are excerpts from his Senate testimony:

Permit me to express my deep appreciation as well as that of my fellow officers and all of the members of the Veterans of Foreign Wars of the United States for this opportunity to appear before your Committee. This is indeed an historic occasion. It marks for us, I am sure, what will be the beginning of a productive and successful relationship.

You will notice that I am accompanied by a large number of Veterans of Foreign Wars members. These gentlemen are the top leaders of our organization. All are serving in a leadership capacity on our national or state level in either elected or appointed capacities. Most of the men with me today are moving toward the top. Some have already held high positions in our organization but continue to give our organization their time and energy in an unofficial way.

Mr. Chairman, in addition to the Veterans of Foreign Wars officers who are with me, there are another 1,000 who are attending our Washington Conference who could not be here because of the size of the hearing room. They are extremely disappointed to have missed the opportunity to attend our first meeting with this distinguished Committee. It is hoped that on similar occasions in future years all will have the privilege of seeing our Senate Veterans Committee in action and how it functions with respect to veterans legislation and programs.

Since this is my first appearance before this Committee, permit me to take a few moments to review the history and functions of the Veterans of Foreign Wars.

It was founded in 1899 by a small group of veterans who had just returned from combat in the Spanish-American War. Some had fought in Cuba, some in the Philippine Islands. This group agreed to limit membership to those men who had served overseas in engagements for which a campaign badge or medal was authorized.

This has continued to be the prerequisite for membership and from the slim ranks of that humble beginning, the organization's membership roster has grown to over 1,600,000. These members are distributed throughout 10,000 Posts, the majority of which are in the United States, but located also in territories and foreign countries from Okinawa in the Far East to Paris, France, in Europe. Aiding these Posts are their Ladies Auxiliaries with a total membership of approximately 500,000.

The common purpose of our organization is to "Honor the Dead by Helping the Living." To achieve this objective, the Veterans of Foreign Wars of the United States over the years has initiated many activities and programs. High on this list is our National Home for widows and orphans, in Eaton Rapids, Mich. This Home founded in 1926 is a model in the care of young people.

It is a matter of great pride, Mr. Chairman and members of the Committee, to point out that the Veterans of Foreign Wars has enjoyed an increase in membership for 19 successive years. I believe that this testifies to the high worth of our objectives and the effectiveness of our methods of achieving them. On this date we are about 110,000 members ahead of the number we had last year at this time and we are expecting to close out this current year with an all-time high of 1,750,000 members.

One program of which the Veterans of Foreign Wars is especially proud is our National Rehabilitation Service. For many years it has furnished without charge counsel and assistance to millions of veterans and their dependents eligible for benefits provided by Congress. This service has been made available to all veterans regardless of whether or not they were Veterans of Foreign Wars members or even eligible for membership. It is this kind of activity that sets our veterans organizations apart and makes us unique.

Another is our Voice of Democracy program. This program is a broadcast scriptwriting contest for all high school students, whose theme this year is "Freedom—Our Heritage." We believe this particular program is an outstanding example of furthering the great pupose of the Veterans of Foreign Wars to maintain and extend the institutions of American Freedom upon which this great nation was founded and has been preserved. Tonight at our Annual Dinner honoring members of Congress the National Voice of Democracy winner will receive a $10,000 scholarship award, second place winner a $5,000 scholarship award, third place winner a $3,500 scholarship award, fourth place winner a $2,500 scholarship award and the fifth place winner a $1,500 scholarship award. We will have the privilege of hearing the first place winner deliver his or her winning script at the dinner tonight.

Mr. Chairman and Members of the Committee, the legislative program of the Veterans of Foreign Wars is determined by the delegates to our annual National Convention. At our most recent Convention, which was held in Miami Beach last August, almost 300 separate resolutions in the field of veterans rights and benefits, national security and Americanism projects were adopted.

TEXTILE IMPORTS

HON. L. H. FOUNTAIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. FOUNTAIN. Mr. Speaker, the flood of textile imports now coming into our country from Japan and elsewhere is causing extremely serious problems in my State and in many others.

Jobs by the thousands have been lost, and textile mills by the dozens have been forced to close down. A vital segment of the economy is suffering badly.

America is faced with a problem her present technology cannot overcome—a problem of low Asian wages. It is not a question of better machinery or the need for better management in order to meet competition from Japan and elsewhere. It is simply a case where American wages and the American standard of living are too high to produce textiles in competition with people who work for so little.

I support in general the concept of free trade, but there must be limits. Trade is a two-way street. We must not cripple an American industry of importance to millions of our citizens and taxpayers. We must not allow the destruction of the economy of vast sections of our country.

The time has long since come for the brakes to be put on cheap textile imports. Certainly, a reasonable and proper amount of textile imports should be permitted, but never in such vast quantities as today, never at the expense of American jobs and investments.

With this situation plainly before it, the General Assembly of the State of North Carolina recently expressed its deep concern over this growing problem.

On April 13, 1971 the General Assembly passed the following resolution:

GENERAL ASSEMBLY OF NORTH CAROLINA 1971
SESSION RATIFIED BILL

RESOLUTION 46—HOUSE JOINT RESOLUTION 574

A Joint Resolution Memorializing the President and the Congress to Take Steps Necessary to Restore Order to International Trade in Textiles and Apparel and Commending the President for his Rejecting the Unsatisfactory Japanese Proposal to Unilaterally Restrain Textile Exports to the United States

Whereas, the importation of textiles and apparel from foreign nations is seriously undermining the whole economic structure of the State of North Carolina, and

Whereas, thousands of North Carolinians have lost their jobs or, because of short-time operations, are earning below their normal wages, and

Whereas, the revenues of the State are seriously jeopardized, which may result in a decrease of services, thereby affecting all citizens in the State, and

Whereas, foreign competition markets its textiles and apparel in this country under conditions which are illegal in the State of North Carolina and the United States, and

Whereas, the Japanese have offered a most unsatisfactory proposal to restrain, unilaterally, its textile and apparel exports to the United States, and

Whereas, the Japanese proposal has been rejected by the President of the United States, by many Members of Congress, including Senators and Representatives from North Carolina, by the American Textile Manufacturers Institute, by the North Carolina Textile Manufacturers Association, by numerous newspaper editorials, and by many others, and

Whereas, the textile markets of the United States are virtually wide open to foreign imports while many of the governments representing the major textile exporters to this country rigidly protect their own markets against American textile exports, and

Whereas, in the United States we have numerous laws and regulations which affect the cost of American textiles while our foreign competitors are not subject to any such regulations by their governments, and

Whereas, the recent Japanese offer is based upon imports at the highest level in history, and

Whereas, the Japanese plan destroys the vitally important concept of categories and government-to-government agreements, and

Whereas, the percentage growth rate under the Japanese proposal would be nearly double the percentage growth rate of the American textile industry since World War II, and

Whereas, the Japanese proposal woul undercut the long-term arrangements o cotton textiles that have been in effect fo ten years, and

Whereas, the wages in the American textil industry are approximately two dollars a hour more than they are in the Japanes textile industry, with the difference bein considerably more in some other Asian nations, and

Whereas, the General Assembly and th people of North Carolina are not willing t see these most unfair conditions continue t weaken their largest industry which, together with its numerous suppliers and related industries, have been good responsibl corporate citizens over the years, and

Whereas, these unfair conditions hav largely been created by a combination of policies of our Federal Government; Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the General Assembly o North Carolina respectfully memorializes th President of the United States and the Congress of the United States to do all in thei power, through legislative and administrative action, to see that order is restored t the chaotic textile and apparel import situation; and

Sec. 2. That the General Assembly of Nort Carolina express to the President of th United States its appreciation for his forthright statement in which he rejected the recent Japanese proposal and gave strong support to the textile quota legislation (H.R. 20 now pending before the Congress, and, also express to the Members of the North Carolina Congressional Delegation, and othe Members of the Congress who continue t work for a solution to this problem, its dee appreciation for their dedication to this vita effort; and

Sec. 3. That copies of this resolution be forwarded to the President of the United States to each United States Senator, and eac Member of the House of Representatives from North Carolina, the Secretary of Commerce the Secretary of State of the United States the Chairman of the House Ways and Mean Committee, the Chairman of the Senate Finance Committee, the Clerk of the Unite States Senate, and the Clerk of the House o Representatives of the United States.

Sec. 4. This resolution shall be effectiv upon its ratification.

In the General Assembly read three time and ratified, this the 13th day of April 1971

H. P. TAYLOR, Jr.,
President of the Senate.
PHILIP P. GODWIN,
Speaker of the House of Representatives.

ORGANIZATIONS USING THE NAMES OF MEMBERS OF CONGRESS MUST BE CAREFUL

HON. PIERRE S. (PETE) duPONT

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. DUPONT. Mr. Speaker, it was called to my attention late yesterday that my name appeared on a publication of the Concerned Officers Movement listing me as one of the "Congressmen Supporting Memorial Service" to be held April 23, 1971, at the Washington Cathedral.

My support for this memorial service was never requested, nor was it given by me. It is misleading and irresponsible for any organization to suggest that a Member of Congress is a "supporter" of its purposes or programs without ever asking for or receiving such support.

I would hope that in the future, any organization using the name of a Member of Congress as a supporter, will be careful to insure that it does so only with the personal approval of the Member.

EARTH DAY

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Thursday, April 22, 1971

Mr. GRIFFIN. Mr. President, I was privileged recently to address the Fourth Annual National Pollution Control Conference held in Detroit.

Being mindful of the fact that today is Earth Day, I ask unanimous consent that the text of my remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

AN ACTION PROGRAM FOR POLLUTION CONTROL IN THE GREAT LAKES

(By U.S. Senator ROBERT P. GRIFFIN)

Distinguished guests, ladies and gentlemen: Along with others you have already heard from, I am delighted to welcome President Mike Walker, the Houston Jaycees and the many others who have been active in arranging this Fourth National Pollution Control Conference and Exposition. I hope you are enjoying the hospitality of our great state and the great city of Detroit.

I was pleased that Vice President Agnew came here yesterday to deliver the keynote address at your Conference.

Not too long ago, people like those of you gathered at this Conference—those concerned about the environment—were scorned and viewed as extremists. In many quarters, you were just dismissed as bird-watchers and eccentrics.

Indeed, as recently as 1962, when Rachel Carson wrote *The Silent Spring*, most Americans were still blithely unconcerned—or oblivious—to the environmental dangers confronting our nation.

To be sure, the situation is much different now. And much credit for the public awareness and recognition of pollution problems should go to groups like the Jaycees, and to leaders like those participating in this Conference—spokesmen who have been important voices calling, pleading, encouraging, arguing, pressing for a necessary national dialogue.

It's a pity, but it's a fact that most Americans have awakened to the threat of pollution only in the last few years.

Before that, they viewed the air and water as belonging to everyone. At the same time, they seemed content with an attitude that what belongs to every one needs to be cared for by no one.

Now, the situation is different. Perhaps you are aware of two studies made by the pollster, Louis Harris—one in 1967 and another in April of 1970. They indicate that the number of Americans concerned about air pollution in their home communities rose from 56 to 70 per cent during those three years. The most notable increase in concern, incidentally, was *not* in the major metropolitan areas—as one might expect—but in smaller cities and towns. In those areas, the percentage of people indicating serious concern about air pollution rose from 36 to 60 per cent.

More significant, I suggest, is the fact that Americans today are even willing to *pay* more out of their pockets to clean up the environment. Harris compared the attitudes of Americans on this point in 1967, and again in 1970. He found a dramatic turnabout.

In 1967, the public was narrowly divided: 46 per cent opposed *any* additional taxes for such a purpose, while only 44 per cent were willing to pay something for pollution controls. But by 1970, the margin was reversed: 54 per cent of the people registered a willingness to pay "$15 a year more in taxes" for programs to improve the environment, while only 34 per cent said "no."

When one considers the economic climate which prevailed last April—and today for that matter—those results are very interesting. At that time, you will recall, unemployment was higher than anticipated, and many feared the Nation was sliding into a recession. The economy is moving up these days—but then as now there was a general mood of protest against high taxes and federal spending for space exploration, Vietnam and foreign aid. Bond issues for education were among the most convenient targets for this protest. So, given the economic times, the indication that a majority would back up their convictions with a willingness to pay for improving the environment was nothing less than a political phenomenon.

Because you have chosen to meet in the midst of the Great Lakes area, I thought it would be particularly appropriate for me this evening to focus on some of the pollution dangers which threaten these priceless national and international resources.

When a large fire threatens a national forest, we don't hesitate—we mobilize every available means to bring it under control. Yet, the precious Great Lakes are being threatened on a greater scale—and, as a nation, we are doing almost nothing about it.

Last year the State of Michigan began implementing a law requiring vessels to have holding tanks for sewage. Holding tanks to prevent pollution are just fine. But it is *very* disturbing to realize that the Great Lakes themselves are fast becoming a holding tank for the wastes of society.

The time for action was *yesterday*. But action *now* would give the Lakes at least a chance to survive.

Of course, I recognize that there are some general Federal programs which incidentally benefit the Great Lakes. One such program provides assistance for the construction of municipal waste-treatment facilities.

Unfortunately, in the past, the level of funding for this program has not kept pace with either the Nation's needs or the unique requirements of the Great Lakes.

For instance, total Federal expenditures in Fiscal Year 1970 for such facilities in the seven states comprising the Great Lakes Basin amounted to only $33 million. That is less than the Federal share needed to finance waste-treatment facilities for the city of Detroit alone. According to the International Joint Commission, over $1.3 billion is required to build adequate treatment facilities along just two of the Great Lakes—Lake Erie and Lake Ontario.

Given this background, it should be clear that greater emphasis *must* be directed toward the Great Lakes. We *must* begin eliminating pollution of the Great Lakes—not as if we were occasionally answering a fire-alarm or chasing an ambulance—but rather on a comprehensive basis. Tonight I propose a six-point action program as part of an overall attack which must be launched against pollution in the Great Lakes.

First, I believe adequate personnel must be provided to monitor all polluters along the entire United States shoreline of the Great Lakes.

With the manpower presently available, we are only reacting to emergencies—to situations where the pollution is particularly severe. This is only one of the reasons why some 1600 municipalities and industries along the five Great Lakes are not likely to meet Federal-State water quality standards by 1975. We need to hasten compliance with these standards; we need to prod the municipalities, and industries that are behind schedule. We need city-by-city, industry-by-industry inspection of waste discharges along the entire United States shoreline of the Great Lakes.

Significant action could and must be taken immediately in connection with the Refuse Act of 1899—a law of ancient vintage that has been brought to life and modernized by Bill Ruckelshaus, the impressive new administrator of the new Environmental Protection Agency. I've discovered that EPA has enough funds right now to hire an additional 400 personnel to inspect and monitor industrial pollution of navigable waters—like the Great Lakes. Of course, the fact that I represent a Great Lakes state may have something to do with it; but I submit that by any reasonable assessment, the Great Lakes pollution problems are severe enough to justify the assignment of a significant portion of those positions to the Great Lakes area.

As it stands now, however, authority under the Refuse Act limits federal inspection of water pollution to industrial sources—so that municipalities are subject to less scrutiny. This gap in jurisdiction could and would be closed if legislation submitted to the Congress by President Nixon were enacted. In the last session Congress did *not* complete action on that or on a number of other important requests by President Nixon relating to pollution.

As a second point in this action program, I call for a halt to the raw-sewerage overflows that now foul our Great Lakes beaches.

Congress will have to provide funds to help cope with the problem of "combined sewers."

At the present time many waste treatment facilities simply cannot handle the volume of both sewage and runoff from storms. As a result, sewage and storm runoff are often routed around treatment plants and dumped directly into the Lake or they back up, overflow and escape into the water.

As a result, some beaches in Michigan, in Illinois, in Indiana and in Ohio have been closed by the onslaught of filth released by combined sewers. Experts estimate, however, that an aggressive program to prevent such dumping—if instituted soon—would mean that some of the beaches could be clean enough to reopen within the next few years.

Third, I propose that the Administrator of the Environmental Protection Agency be empowered through legislation to set deadlines for phasing phosphates out of detergents.

As you know, phosphates are causing such rapid growth of algae and other plant life that they may eventually choke the life out of the Lakes.

It is true that waste treatment facilities *can* be designed to substantially reduce the phosphates entering the water from all sources. And a program to provide funds for the construction of such facilities, to reduce phosphorus discharges up to 80 per cent by 1975, is part of the Administration's $12 billion water pollution control bill.

But even this is not sufficient. A more satisfactory solution is to attack the *source* of half the phosphates that flow into the Great Lakes—I refer to the phosphates in detergents.

Canada already has a program to eliminate phosphates from detergents. And last week the Indiana legislature passed a law to reduce sharply the maximum phosphate level allowed in detergents. I can report to this national conference that Michigan is also considering strong measures to phase phosphates out of detergents.

Once again, Canada is setting a good example for its neighbor to the south. States such as Indiana and Michigan are pointing in the right direction. But, surely, it would make more sense to have uniform *Federal* legislation, authorizing the EPA Administrator to set deadlines phasing phosphates out of detergents.

As a fourth point, I believe the EPA should start a pilot project now to work out solutions to the problems of air pollution and solid waste which are generated in the attack on water pollution.

As you know, environmental problems often overlap. Nowhere is there a greater need to develop an integrated environmental program than in the Great Lakes area.

Vast amounts of polluted sludge, generated in the process of cleaning our waters, create *new* disposal problems. Should this sludge be spread over the soil? Should it be burned or should it be disposed of in some other way.

One imaginative approach for disposing of municipal wastes is being put into operation in Muskegon County here in Michigan. After initial treatment, wastes will be piped to rural areas and sprayed on surrounding farmlands. Federal water pollution control officials are watching this project very closely—and it's potential may be far reaching.

Larger problems face metropolitan areas, such as Chicago, Detroit and Cleveland, and they require the same kind of imagination and innovation demonstrated in Muskegon.

Funding must be available for pilot projects to show the way. So far $815,000 has actually been appropriated by Congress to fund such projects. Much more must be provided.

For a fifth point, I propose, as part of a "Save the Great Lakes Program" that the Administrator of EPA make available in this area a substantial portion of about $450 million in discretionary funds which he can allocate for waste treatment facilities—discretionary funds that will be available at the end of this fiscal year.

In addition, another $600 million is likely to be available over the next three years for the EPA Administrator to apply against "severe" water pollution problems. I submit that the Great Lakes certainly qualify as a "severe" pollution problem—and a good share of those funds should be channeled in this direction.

As a sixth point in this action program, I call for establishment and operation of the long-awaited Great Lakes Water Laboratory—which has been under discussion since 1961.

It's high time that the Great Lakes have a laboratory and research facility equal to the breadth and urgency of the pollution problems that are overtaking the Great Lakes.

Finally, any discussion about cleaning up the Great Lakes must include important reference to our international partner to the North—Canada.

Some of the experts say that, as a nation, we have violated the 1909 Boundary Waters Treaty with Canada by our neglect of pollution of the Great Lakes. So action now to clean up the Lakes is essential, not only for selfish reasons but it is called for to comply with our solemn international obligations.

The six points I have outlined are not a cure-all for the environmental ills of the Great Lakes. But I suggest that they do provide a framework for beginning—and pushing.

In a sense, it is a sad state of affairs when new frontiers must necessarily be frontiers of restoration and preservation.

But restoration and preservation of the Great Lakes is an environmental frontier of the highest national importance.

Indeed the Great Lakes should be made an environmental showcase for the Nation and the world.

A great American once said:

"To waste, to destroy, our natural resources, to skin and exhaust the land instead of using it to increase its usefulness, will result in undermining, in the days of our children, the very prosperity which we ought by right to hand down to them, amplified and developed."

The words, of course, were those of President Teddy Roosevelt; he used them in a message to Congress more than 63 years ago.

One can only imagine what would have been Teddy Roosevelt's indignation if he were alive and aware of the pollution in our lakes and in the air today.

Many of you who have visited the Capitol Building in Washington have seen a beautiful chandelier hanging in the Vice President's formal office. There is a delightful, true story about that chandelier. It was not always in the Vice President's office. For many years it hung in the President's oval room in the White House.

But when Teddy Roosevelt became President, he wanted the windows wide open so the invigorating fresh air could rush in. President Teddy enjoyed the fresh air; but the breezes kept up a constant tinkling of the crystals of the chandelier—and the noise disturbed and bothered the President's concentration at his desk.

Finally, he ordered his secretary to take the chandelier down, and move it to the Vice President's office. "Maybe it will keep him awake," were Teddy's parting words.

I don't know about Charles Fairbanks, who was Vice President then—but I do know that the Vice President we have now is awake to the problems of pollution—as his presence at this conference yesterday indicated. Fortunately, when he spoke here he spoke for an Administration in Washington that is providing the most vigorous and enlightened leadership since Teddy Roosevelt in the constant battle of the ages to protect our environment.

We shall succeed, I am confident, in extricating ourselves from a distant, tragic war; we may yet solve the problems of urban blight, discrimination and poverty. But even if we solve all of those problems—we shall fail—unless we can save our environment.

Because you are here at this national pollution control conference, there is hope—I salute you, and I thank you very much.

ASIAN STUDIES VITAL

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. HAWKINS. Mr. Speaker, one of the major concerns of our foreign policy is that of our relationships, past, present, and future, with the countries of Asia.

Recently, in my city of Los Angeles, the Honorable Patsy Mink delivered an address to the First National Conference on Asian American Studies at the University of Southern California. As a representative of the beautiful island State of Hawaii and one of the most articulate Members of the House Committee on Education and Labor, Mrs. Mink is not only distinguished for her brilliant, legal mind, but has forged an ambassadorial link between our friends in Asia and the United States.

Her thoughtful and illuminating remarks should be read by all of us who strive for understanding of worlds and culture other than our own and who seek, in her words, "a more rational foreign policy than has been demonstrated by our involvement in Vietnam."

I am pleased and honored to have the opportunity to bring this significant address to the attention of my colleagues:

Address by Representative Patsy T. Mink

My credentials to address this distinguished body are obvious, as well as inalienable. What you see, or think you see in my person is, however, only skin-deep. I am basically no different than any typical person of my generation whose education was totally devoid of all reference to the understanding of any world other than the Western civilization. The color of my skin, however, did give me a sensitivity and a curiosity about the other world which was not studied or taught in the regular school system.

It is, therefore, with a myopic egotistical mentality that our country has persisted in this educational direction which fails to recognize that the history, culture and politics of Asia are equally important as the study of Europe, its history, culture and politics. And thus we have deliberately stultified our ability to comprehend the Asian. If America is to reach full bloom as a nation which fulfills the ideal of a democracy, it must develop an attitude in its people which accepts an Asian life as being equal to that of other human beings, and accords it full dignity.

The deeply imbued prejudice which is harbored by most Americans against those of Asian blood, citizen and alien alike, was revealed by the unchallenged actions of our government against all peoples of Japanese descent during World War II. Over a hundred thousand persons were taken from their homes and placed behind barbed wires as a protection to the rest of the country against presumed hostility and potential sabotage. The basis of this outrageous act was fear brought about by the belief that the "inscrutable" Oriental could not be trusted. This decision did not produce any public outcry. The entire population of one national origin overnight became the enemy, stripped of property, rights of citizenship, human dignity and due process of law, without so much as even a stifled voice of conscience among our leading scholars or civil libertarians.

The war in Vietnam has hardened this view. All Vietnamese stooping in the rice fields are pictured as the enemy, sub-human without emotions and for whom life is less valuable than for us.

During the Calley trial, we were told about "MGR", the "Mere Gook Rule" which was the underlying basis for Calley's assertion that the slaughter of women and children, our prisoners of war, was "no big thing."

The "Mere Gook Rule" says that life is less important, less valuable to an Oriental. Laws that protect other human beings do not apply to "Gooks". In a sense as William Greider of the Washington Post said before the verdict became known, the essence of the Calley case was to determine the validity of this rule. He described it as the "unspoken issue" at the trial.

The issue was not as unspoken as most would still prefer to believe. The indictment drawn up by the Army against Lieutenant Calley stated in six separate charges that he did at My Lai murder four Oriental human beings . . . murder not less than 30 Oriental human beings . . . murder three Oriental human beings . . . murder an unknown number of Oriental human beings not less than seventy . . . and so on numbering 102.

The indictment made clear to me that the murder of "Mere Gooks" was the issue, else why the special description of the victims as "Oriental human beings"?

The public reaction after the verdict further verifies the condition of our society. No one likes to believe that our country is so lacking of understanding and reason as to be incapable of appreciating the enormous importance of the verdict in the Calley case.

Are the vast majority of voices being sounded against the verdict really conscious of the implications of their protest? Are they saying that Calley should be freed even though he was found guilty of murdering 22 human beings? or was it because it was 22 Oriental human beings? and that the Geneva Law regarding treatment of prisoners did not apply to "Mere Gooks"? These are the questions which should never have to be asked in a free society.

How do we put into proper perspective Dean Rusk's vision of the "yellow peril" expressed as justification for building an antiballistic missile system on the one hand, and improved relations with the ping-pong experts in Peking?

A third generation American, why must I continue to be asked how I enjoy living in this country as though it could never really be mine as it is yours. Why must I explain that my father does not own a restaurant or a laundry?

These are gnawing pains of those who yearn the full enjoyment of our citizenship yet who realize that there are invisible and visible barriers to its attainment.

Your obligations as scholars cannot be overlooked. The intellectual segment of our society has been derelict in its influence. It has failed to equip the general public with adequate knowledge upon which to refute prejudice and with which to base wholesome and genuine conclusions. The collection of artifacts in the museums and libraries of the wealthy do not influence public policy.

We must become aggressive. We must insist upon the study of Asian culture and history in the earliest years of our schooling. Oriental studies must not only be a fetish for a few wise scholars at universities but it must become a standard part of our school curriculum, both elementary and secondary. This is an obligation which you must not further delay, lest we fall again into a second Vietnam.

When all our men are home safely and the war yet rages on in Vietnam and our bombs continue to kill Asians, it will be too late to begin our understanding of Vietnamization.

If our foreign policy were not intertwined with the fate of the world, I would not be so anxious or disturbed, for our own failings would suffer no consequence except to ourselves. But in the realm of world politics every act we do or fail to do out of ignorance or lack of perception reflects upon the next step.

With instant media and mass communication the need for greater attention to the interpretative capacity of our citizens is self-evident. We cannot be satisfied with a few scholars with knowledge and expertise. We must rather have a nation fully conversant with the history of the East as well as the West.

Dr. Margaret Mead has said that, "The United States has always been afraid of foreigners . . . the last foreigners to come have always upset the previous foreigners who had just settled down." She says that this fear is based on a feeling that "our internal integration is weak, and it is weak." This is the point to which education must be directed, to build our national stability by overcoming false fears and prejudice. Asian American studies therefore has the important task of instructing non-Asians in the ways of those of Asian descent.

All too often, the American concept of international studies has seemed to be that we would bring Asian scholars to our shores to study the "advanced" culture of this nation. There was no thought or expectation that, we, too, had much to learn from such contacts. The concept of Americans studying Asia from the standpoint of themselves attempting to learn something better was all but ignored. As a result, when the Vietnam War broke out, according to a study by Education and World Affairs, there were only ten American scholars engaged in research on that country. Perhaps the staggering cost of more than 250,000 Americans dead or wounded and some 125 billion dollars expended in a futile quest for "victory" over an ill-defined aggressor has convinced us of the need for far more attention to the political, social and cultural character of these countries of Asia.

The turbulent politics of a region where millions are crying for change and a better life underscores the need for a more positive and enlightened American role. As we have seen, even the smallest misunderstanding has potential for disastrous results. Indeed, the ravages of the Vietnam war on the American spirit may yet prove to be the most damaging result of all.

If education be the answer, let us move forward then to an expanded program of research and study, and bring this knowledge to bear on public understanding. To forestall future Vietnams and My Lais, it will be necessary to imbue in our national consciousness the certain knowledge that it is no more right or just to slaughter millions of Asians and destroy whole Asian countrysides than it is to exterminate equal numbers of Europeans.

Obviously, you—the scholars engaged in this vital field—will have a key role in this most important undertaking. You can inform America about how to understand the many facets of Asia, from the intentions of the People's Republic of China, to the reasons for the racial hostility in Malaysia.

Anthropologists have often talked of the "cultural distance" factor, which increases our difficulty to deal with people around the world, as their own traditions differ radically from ours. As the distance increases, more skill and knowledge are necessary for real communication. Insights developed in cross-cultural studies are in turn essential aids to understanding the way in which our own national events respond to, are stimulated by, and contribute to events in other countries. Can Asian scholars better comprehend the adverse reaction of the American body politic to the sentence of Lieutenant Calley? Perhaps not, but I believe that they are more equipped to realize the magnitude of the ethical problem confronting us that is demonstrated by the Calley episode. And I am sure that they will agree on the need for our intensive effort and understanding to overcome the prejudice that the Calley reaction suggests.

It is not going too far to state that the very future of America as we have known it depends largely on our future relationships with Asia. Unless we can surmount outdated notions of superiority and inferiority, conflicts arising from such attitudes will continue to plague us.

As a Member of Congress from the State of Hawaii, I have felt a special obligation to help bring Hawaii's experience to the attention of the rest of our country. The very admission of Hawaii as the 50th State was a large step forward acknowledging American growth towards the Pacific. That same year we saw the establishment of the East-West Center at the University of Hawaii. Over the years since its origin, the East-West Center has compiled an outstanding record of bringing together students and scholars from Asia and America.

While the accomplishments of the Center have been exemplary, I feel that its administration under the "umbrella" of the Department of State and Agency for International Development has not provided a framework for the Center's greatest and most important achievement. State and AID are concerned primarily with carrying out and implementing American foreign policy, and they are not as concerned with educating Americans towards a greater understanding of Asians. It is true that we have much to offer Asians in the way of technical knowledge and expertise. And we should provide it. And State and AID are the proper vehicles for this kind of program. However, we need something more than this in our national program.

The Department of Health, Education and Welfare is the agency of our government most concerned with education for its own sake. Accordingly, it is my hope that either the East-West Center be transferred to the jurisdiction of this Department, or that a new cross-cultural Asian Studies program be augmented under HEW to run parallel to the East-West Center's programmatic goals. Congress will this year take up an extension of the International Education Act, and I will strive for consideration of my bill at that time. Hopefully, we will be able to secure a more meaningful implementation of the International Education Act, perhaps focusing on an expanded role for the East-West Center which would place more stress on cultural studies. Again, I do not scorn the problem-oriented approach of AID with its emphasis on population, food, and similar areas. I do feel, however, on a long-range basis we must begin to give similar recognition to the broader dimensions of Asian studies which bear on the important issues of understanding and trust, and which demonstrate a real equality.

To implement my strong belief that Asian studies should be a component part of our entire educational system beginning in the elementary grades, I am supporting other legislation currently under consideration in Congress. This bill, the Ethnic Heritage Studies Act of 1971, would amend the Elementary and Secondary Education Act of 1965 by adding a broad new Federal program of aid to school systems in affording our students an opportunity to learn of the background and contributions of those ethnic minorities which are now part of America.

Under this program, we envision the development of curriculum materials for use in elementary and secondary schools which deal with the history, geography, society, economy, literature, art, music, drama, language, and general culture of these various ethnic groups. These curriculum materials would be distributed throughout our school systems, and educators trained to utilize them in daily classroom instruction.

We would draw on such resources as research facilities and personnel of colleges, universities, and museums, as well as the special knowledge of ethnic groups in local communities. Thus, the expertise of Asian scholars could be employed to the benefit of the schoolchildren of this county in giving them a far better understanding than their parents had of life in Asia and other non-Caucasian areas. I believe this knowledge is imperative if we are to equip our people with the means of seeking, through the democratic process, a more rational foreign policy than has been demonstrated by our involvement in Vietnam.

It will be a grass-roots effort, if you will, starting at the very base of our society in educating future generations to provide better leadership than we have shown to date. As I have said, Asian scholars will have a vital role in this task, taking themselves out of the realm of academic isolation and dusty research journals. They will dedicate themselves to transforming our entire society through active involvement.

The ethnic studies bill has recently been approved by a subcommittee of the House Committee on Education and Labor. I will do all I can to obtain its final adoption this session so that we can at least begin to meet this great challenge.

Extension of the International Education Act, which would also accomplish these objectives of ethnic instruction in our grade school as well as other purposes, is also on the Congressional agenda. The Act, which held immense promise, has never been funded, a situation which I feel can be attributed to the lack of sufficient lobbying by Asian scholars. Adoption of the basic authorizing framework was only half the task, but I am sorry to say that after this was accomplished those involved seem to return to their professorial duties and assume that the money to implement the Act would be forthcoming automatically.

By now, I hope, the realization has struck that it will take an even greater amount of effort to pursue the matter to a conclusion. This year we have to start all over again in securing extension of the authorizing law. Then, we will be concerned with appropriations. This time we have the additional obstacles of lack of the momentum that was built up with passage of the original Act, and a budget stringency which has seen cut-backs rather than additions in most areas of education. We now have to explain why the Act was not funded the first time around, a logical question by those holding the Congressional purse-strings. These are some of the problems faced by those members of Congress who are sincerely interested in furthering the cause of Asian and other international studies through the International Education Act. As you can see, Asian scholars have their work cut out if they expect to succeed. Victory will not be attained except through a concerted drive employing all the legislative lobbying strategies that many academicians have hesitated to concern themselves with in the past.

I hope that all those who want to see the International Education Act become the effective, dynamic program it should be, will take an active part in rallying the support of their Members of Congress to make certain that the extension legislation is considered this year.

Somebody is going to have to take the lead if our country is to get off dead center in its attitudes toward and knowledge of Asia. I am encouraged by the interest in this conference, which I hope presages a renewed bid for attention to this important field.

How else are we to pass on to our children, and to the new generation of leaders, the knowledge that Asian life is just as precious as any other? We have to show that yellow-skinned people, too, have their arts and their cultures and their accomplishments, knowledge that can only be gleaned by studying these subjects in detail.

I trust that someday, America will be able to look back and wonder how there could have been a Vietnam war, in which our country helped one group of Vietnamese kill other groups of Vietnamese. We will know that the ultimate folly was to pursue continued killing long after acknowledging that there could be no military victory. Our only purpose in continuing this awful war then, was to save "face"—a fault usually attributed to Asians—by turning over the fighting to others instead of ending it. But in so doing, we have contributed to the destruction of our own humanity and respect for fellow beings. Indeed as one writer put it, the success of Vietnamization means only that the color of corpses are to be yellow.

Lieutenant Calley, so much the "typical" American that he stirred pangs of sympathy from his countrymen, exemplifies the horror of a nation that has lost the ability to tell right from wrong. The American reaction shows at once that there can be no "crime" whatever is done to Asians, yet we know that the entire war is a crime in all its aspects.

If there is a glimmer of hope in all of this, it is that the brutal truth of our own shortcomings has been made absolutely clear, and that there can be no doubt that we have far to go to achieve a true dedication to our own exaulted ideals and traditions of human value. When we see the First Lady leading a crusade to help earthquake victims in South America but our country ignoring the deaths of hundreds of thousands in a similar disaster in East Pakistan, we realize the enormity of the challenge with which we are faced.

Realization that something is wrong is the first step toward correcting it. Dedication toward change is the next. Asian scholars, I feel, are in a special position to know what must and should be done. I call on this conference to help lead our nation to a greater appreciation of the values and humanity of Asia, so that we will not again stumble in the pursuit of greatness but will humbly seek the more fundamental goal of progress for all mankind.

HAITI

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, April 22, 1971

Mr. SCOTT. Mr. President, the President-for-life of Haiti, our tiny black neighbor to the south, is dead. It is to be doubted that he will be greatly mourned except by the very few people whom he benefited. Certainly the mass of the population of Haiti, ground into poverty, and totally at the mercy of their Papa Doc and his Tonton Macoute, have very little in their recent history to look back upon with pleasure, and only the terrible condition of their country for which to thank their now-departed tyrant.

Time was when we in this country entertained high hopes for the little black republic occupying what was once one of the most fertile lands of the blessed Caribbean Sea. After all they were one of the first—perhaps the very first—to throw off the yoke of their Old World imperialist masters. Proud in their history are names like Toussainte L'Ouverture, Dessalines, Christophe—blacks all, slaves all—who in the early 19th century rose in rebellion and defeated the disciplined military power of Napoleon Bonaparte, then Emperor of France. Haiti became independent of France approximately one generation after we of the United States threw off the yoke of our own English masters.

But there the similarity stopped. Democracy took permanent root in our country. The tyranny of Napoleon was replaced by another tyranny—a homegrown one—in theirs. Ruins of the fortress-like castles of Dessalines and Christophe can still be seen in Haiti, built by slave labor under the lash of a black master.

Ultimately, the forms of democratic institutions were established in Haiti, with an elected legislature and an elected chief executive, but even these were quickly perverted. For the presidency of Haiti became a prize to be gained by armed revolution, this office a vehicle for corrupt acquisition of wealth.

It was into these conditions that the U.S. Navy and the U.S. Marine Corps came in 1915 at the height of riots in the capital city of Port-au-Prince. For a period of 19 years until 1934 the people of Haiti, their government supported by a military authority imposed from without, enjoyed the only time of peace and prosperity they have had since their French masters were overthrown.

Then, in 1934 our Marines were removed from Haiti and the little nation was once again on its own. We have seen the results. The future holds nothing but foreboding.

It is axiomatic that a people cannot rise if their faintest hopes are always crushed to earth the moment they arise. The human condition, like a lovely spring flower, can only blossom in receptive soil, tended by skilled gardners.

In the past perhaps unwisely, we have tried to help the people of Haiti. There has been criticism of our intervention on the grounds that it stifled the political activities of the people themselves. No doubt such criticisms had some justice. We have, however, seen what the political activities of the Haitian leaders were before our Navy and Marines came, and we have also seen to what they degenerated after we left. One should also recognize that the true meaning of freedom relates to freedom on the part of the individual: freedom from fear, freedom to grow and develop, freedom to work and benefit from the results of one's work. Political freedom alone, if it becomes a license for tyranny, is not to be praised but to be condemned.

Mr. President, I do not advocate U.S. intervention into the affairs of Haiti. But it is only natural that we should feel sympathy for the people of that pathetic little land and extend to them, in whatever way we can, such help as our wisest men can devise to be of real benefit to the people, the victims of nearly two centuries of incredible exploitation and misrule.

SENATOR DOLE SPEAKS

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. GROSS. Mr. Speaker, I am pleased to insert in the Record the address delivered by the Honorable Bob Dole, U.S. Senator and Republican National Chairman, to the annual banquet of the Newspaper Farm Editors of America at the National Press Club on April 19, 1971.

While I do not agree with Senator Dole in certain of his views concerning the Federal Government's relations with the industry of agriculture, especially proposed Government reorganization which would apparently splinter and proliferate the Department of Agriculture, I know of the long and earnest service the Senator has given in Congress to American agriculture.

Senator Dole's address to the editors follows:

I wish to thank the Newspaper Farm Editors of America for the invitation to speak this evening about farm issues and the Nixon Administration.

It seemed significant to me that when your vice president and my good friend Don Kenedall wrote me about the banquet, he addressed the letter to the Republican National Chairman. I have to assume from this that he expects me to be at least partially partisan in my remarks.

The fact that President Nixon chose for the top GOP post a man from a Western Kansas wheat town with ten years in Congress and a membership on both the Senate Committee on Agriculture and Forestry and the Select Committee on Nutrition and Human Needs, is a strong indication of his interest in American agriculture.

It has been many years since the Chairman of either the Republican or Democrat party has had such clear agricultural credentials. It should be obvious that the Republican Party and President Nixon care about the farmer—and not just at election time.

And just as Secretary of Agriculture Clifford Hardin represents our farmers in the councils of government, this GOP Chairman is prepared to fight for farming interests both on the Senate floor and in the political arena.

AGRICULTURE'S CONSUMER STORY

On several occasions you have been exhorted by Secretaries of Agriculture that food is a good buy—thanks to the productive genius of the American farmer wedded to a superlative processing and distributive system. You have been told that Americans pay a smaller share of their income for food than anyone else: about 16.5 per cent of disposable income is used for food. (In Canada, the figure is about 20 per cent; Western Europe and Japan, about 37 per cent; Russia up to 50 per cent, and not to mention the developing countries.)

Speaking in terms of per capita incomes, between 1960 and 1970, per capita disposable incomes increased from $1,937 to $3,333, while per capita food expenditures rose only from $388 to $558. In other words, per capita food expenditures increased only about one-eighth as much as per capita income, and notably, during a decade when meat consumption showed a marked increase.

This is truly a remarkable record of production, especially considering the shrinking number of farm men and women—a story that I hope the press will help to make clear to all Americans.

We know that in terms of income, working time and in comparison with other countries, food in America is a great buy, but not all of the 95 per cent of the American people who do not live on farms know agriculture's consumer story. Perhaps you and I, and your editors, need to do a better job of conveying both sides of the farm picture to the general public.

I hope my remarks this evening tell a little of both the consumer and producer stories of agriculture.

PAST AND NET FARM INCOME

First, I will review briefly the past.

From 1961 to 1968 (during Democrat Administrations), American farmers posted a realized net farm income level that averaged $13.8 billion. From 1969 to 1970, however, during the Nixon-Hardin period, farm income averaged $16.0 billion—up 16 per cent (for a cumulative total increase of $4.4 billion.)

Farmers must get incomes commensurate to their work, as do most workers in other segments of the economy. Secretary Hardin has told President Nixon he will do everything economically feasible to meet this need. We intend to do even better with the new farm programs. Last year farmers received only 78 per cent as much per capita income as the non-farm people. That was an increase compared with the 55 per cent level in 1960, but far from our plans for further increase by 1976.

The Republican party knows that in 1972 it will have to run on its record. We will have a successful story to tell about this Administration's work for American agriculture. I know that you good people will tell it like it is—both its strengths and weaknesses.

NEW FARM PROGRAM

Never before in history has a new departure in farm programs been developed with such a truly bipartisan appoach. You are familiar with the night sessions that Secretary Hardin and his staff spent with Chairman Poage trying to hammer out an acceptable program. I think it can be honestly stated that a true spirit of compromise carried this matter to legislative victory.

The Agricultural Act of 1970 is a break with the past by enabling farmers to employ their land and capital resources in planting the crops they can best produce. At the same time, the Act continues the protection of farm income through payments and loans. The 1971 programs give farmers a much wider choice in using their acreages without losing program benefits.

The new provisions place greater emphasis on market needs as the guide for producers' planting decisions. *The acreage provisions are designed primarily to keep the overall excess of productive capacity in check to prevent surpluses.*

The Act is encouraging shifts in crop acreages from farm to farm that will make each a more successful financial operation.

The basic factor in the new approach is that it enables farmers to devote a much larger portion of their acreage to the market as they determine and continue to participate. As a result, the interplay of market needs and farmers' plans will play a much greater role in price determination than for some time.

Now there are still a few—albeit a few—snipers at this program. But, let none of the political carpers overlook the fact that this program is more popular than any program in years—as demonstrated by the number of grain farmers enrolling in the program during the current signup period.

AGRICULTURAL EXPORT

We are on the threshold of a "triple" record for U.S. agrcultural exports in the current fiscal year.

First: The value of total shipments will approximate $7.5 billion—an all-time high record by a margin of $700 million.

Second: Sales for dollars will be a record $6.5 billion. This means that agriculture, on the dollar account, could earn a favorable balance of about $800 million. That's the amount by which sales for dollars should exceed the value of agricultural imports.

Third: The volume of these exports will be about 6 per cent above the volume of the previous record export year.

In the 1970 crop year, almost one cropland acre out of every four is produced for the export market. In soybeans, we are exporting well over one-half the 1970 crop. We are exporting well over one-half of our wheat crop, two-thirds of the rice crop, and one-third of the cotton crop.

The growth in farm exports this year came because the market is working. An unfettered market can move farm products from the people who product to the people who consume. That is the real underlying meaning of this year's trade figures: The international market—while not obstacle free—is working. It is working to the benefit of our farmers.

American producers of grains and other feedstuffs are returning as a part of the world economy—where the market works to favor the efficient producer and reward the holder of comparative economic advantage.

The Republican Administration is alert to defend agriculture's trading rights. We have been concerned about the growth of restrictionist thinking in many countries in recent years. We have been particularly uneasy about the growth of trade-restrictive policies of the European Community—and concerned that these policies might be extended at such times as the Community may be enlarged.

Assistant Secretary Palmby said recently:

"We have made it plain both to the United Kingdom and the Community that we are determined to use all appropriate means to safeguard our trade rights and interests in grains, soybeans, and other agricultural commodities. With this in mind, we intend to exercise fully our rights under the General Agreement on Tariffs and Trade (GATT), including retaliatory trade measures should that be necessary. This applies both during and after the period of U.K. negotiation with the Community, whether or not the United Kingdom becomes a member of the Community."

Our programs look to overseas markets, and we intend to compete for maximum utilization of our products throughout the world.

If U.S. farm exports are to reach our $10 billion goal by the next decade—a necessary objective—they must move competitively in the world markets. It will be our policy to do everything feasible in our discussions with foreign governments to stimulate export markets for U.S. farm families. We are not satisfied with the results of the Kennedy round of trade negotiations. We know now that in that round agriculture was treated as a poor relative.

For example, the International Grains Arrangement was an international economic disaster especially to U.S. wheat growers. It is regrettable that the then President Johnson in the signing on behalf of the United States, should state:

"The new arrangement thus will prove new price insurance to U.S. wheat farmers."

It proved to be low price insurance and losing market insurance. Other countries undersold us and we were left "holding the bag" full of unexported wheat.

Australian Minister for Primary Industry, the Honorable J. D. Anthony expressed it perfectly when he said:

"What has happened is that France has increased her sales at the expense of Canada and the United States. At the same time, the Australian Wheat Board has taken full advantage of its favorable position under the I.G.A. and has been very vigorous and successful in its marketing. As a result—and there is no doubt about this—Australia has gained more than her traditional share of the world market. While this has been happening, countries who are not parties to the I.G.A.—particularly the Soviet Union and East European countries—have been expanding their sales at prices out of line with I.G.A. prices."

A new agreement has been negotiated which enables U.S. wheat growers to prosper from expanding markets. The machinery of the International Wheat Council for consultation and the collection of detailed information about prices, commercial and concessional sales and freight rates will be maintained. During the life of the new agreement, wheat trading prices are determined by the ordinary play of market forces.

It is the intention of this Administration to obtain our fair share of the world wheat markets. Wheat growers deserve every consideration, and we intend to see that they get it.

RESPONSIVE TO FARMERS

Perfection is seldom seen in Government or any organization or individual. This Administration has on occasion demonstrated its human fraility, but more important, it has proved itself responsive to the citizens of this nation.

For instance, there was the ASCS regulation requiring production from all set-aside acreage in one of the past three years. It didn't take long to learn that while this might accomplish the ASC's desire to make historical yields more accurate, it was undesirable to require farmers to plow up land that has been out of production for 10 years or more, just to maintain the land's proven yield record. The years of good conservation practices would have been destroyed with the turning of the earth by the plow.

The Administration promptly rescinded the regulation.

Over the past few years, hog prices stabilized fairly well, and we saw the growth of sophisticated hog feeding operations. I use the word sophisticated to emphasize the change in well designed feedlots from what we knew as hog pens a few years back. The improvements and efficiencies gained by these new methods spread rapidly until last October when the USDA's hog population figures indicated an increase in hog population of 18 per cent over the year earlier. Hog prices plummeted. This was not the result of any USDA action, but the Department took positive steps to respond in behalf of the farmer by purchasing pork for the Department's food distribution and school lunch programs to help stabilize falling pork prices. So far this fiscal year USDA has purchased over 145 million pounds of pork . . . the highest level of pork purchases by the Department since 1956.

The Administration is responsive to the needs of the farmers. Farmers have responded also, by indicating a sharp downturn in their intended farrowings.

PROPOSED LEGISLATION

(*a*) *Farm labor*

You have heard the rumors about the bill the Department of Labor plans to recommend to place agricultural workers under the National Labor Relations Act.

As far as I know, this legislation is not in final form, and I assure you this Administration will consider the need further before it recommends farm labor legislation.

As you know, under present labor law, agricultural workers are exempt from NLRB regulations. With this exemption, Cesar Chavez started the United Farm Workers Organizing Committee (UFWOC) in Southern California. The farmers who produced grapes in that area had no choice. If they wanted to sell their grapes, they had to sign the UFWOC contract. The farm workers did not even get to vote. The farmer just started deducting dues from their pay for the UFWOC.

In this regard, I have written Secretary Hodgson urging that any farm labor legislation provides for:

1) Secret Vote by the worker.

2) Prohibition of Retail Boycott tactics.

3) Prevention of strike at harvest time.

4) A separate administrative entity established to arbitrate disputes and administer the program, completely separate of the National Labor Relations Board.

(*b*) *Pesticides*

Legislative hearings on the use of pesticides have been conducted by the Agriculture Committees of both Houses of Congress.

As a result of these hearings it becomes apparent:

1) Some form of regulatory Agricultural chemical legislation will be passed by this Congress.

2) Agricultural chemicals are basically very important and useful both to farmers and to city dwellers.

Reason—not emotion must become the means to compare and evaluate the risks and the benefits of using these chemicals.

Proposed legislation is too broad without some means to evaluate and compare different chemicals as to their toxicity and pollutive capacity. Some common standard must be established before such judgments can be made.

With such a standard, it seems reasonable that regulations for these valuable "tools" can be written that would assure a clean healthy environment.

(*c*) *Farm credit*

The Federal Farm Credit Board has planned legislation that would extensively revise and expand the service of the Farm Credit Banks.

This agricultural credit system is over 50 years old. As you know, it was started to assist and maintain farm credit in a time when farmers could not obtain credit from other sources. The system has been so successful that the "seed" money from the Federal government has been repaid and the system operates independent of government supervision within the provisions of the Farm Credit legislation.

The proposed credit legislation has not been appraised by the Executive branch of government. It is generally believed, however, that the bill contains some provisions the Farm Credit system does not hope to attain, but were included to serve as "trading stock" when the bill is considered by Congress.

I can assure you this Administration is aware of the importance of credit to the operation of a farm in today's economy. As agriculture changes, its financial sources should also change, and this will be the basis on which this legislation will be considered.

(*d*) *Rural development*

Rural development legislation will be implemented in this session of Congress and in the next. The Rural Development Subcommittee of the Senate Agriculture and Forestry Committee, of which I am a member, will be conducting hearings throughout the nation. The first of these will be in Sioux City, Iowa on May 3 and 4. The Subcommittee plans to call in farmers and small businessmen from rural communities in the four-state area around Sioux City (Iowa, South Dakota, Minnesota and Nebraska) the first day. The second day will be devoted to field trips throughout the area talking with the people in their rural environment.

By these hearings we hope to get some new ideas from which to develop legislation to aid rural American. It may require revenue sharing, it may require government reorganization.

GOVERNMENT REORGANIZATION

I do not believe any of you would disagree that a drastic reform of our Federal government structure is long overdue. Your ideas of where the revamping should begin, however, probably differ greatly from those of your financial and managing editors, and with officials faced with excruciating problems in the cities. But, if we are to achieve progress, all of us must be willing to see the other guy's side, and give a little to gain a lot.

When the President assessed our present position in his State of the Union message I think he stated the case for all of us. He said, "Most Americans today are simply fed up with government at all levels." The President followed this with a further expansion of the idea in his message to the Congress March 25 when he recalled, "There was some surprise that such a sweeping indictment of government would come from within the government itself, yet it is precisely there, within the government itself that frustration with government is often most deeply experienced. A president and his associates often feel that frustration as they try to fulfill their promises to the people. Legislators feel that frustration as they work to carry out the hopes of their constituents. And dedicated civil servants feel that frustration as they strive to achieve in action the goals which have been established in law."

The President summed up succinctly a real problem of agriculture—that of frustration all the way from the farm level to the highest administrative offices.

It is necessary at this point in time that all of us acknowledge that government bureaucracy has become top heavy and far removed from the people.

I am not inferring that reorganization is the ultimate solution to all farm problems, but proper reorganization of the Federal government could go a long way in removing agriculture as a whipping boy of urban influences.

Past administrations have struggled under the existing maze of uncoordinated departments and agencies of government, each adding patch upon patch and providing only temporary or negligible regional achievement. This Administration has valiantly attempted to tighten up procedures; to coordinate departments and agencies.

Out of all this effort, I have reached but one conclusion: Future opportunity for America can and must be met with changes that will permit more rapid and flexible inter-agency action, plus more freedom for individual initiative. This can only be brought about by grouping areas of responsibility having common characteristics.

The time is here for a thorough evaluation of agricultural trends and practices, to attempt to project farm needs for the future. We have not always done this successfully in the past. The fact up to 100,000 farmers are dropping out of the family farm system each year ought to be proof enough of our present inadequacy in retaining the family farm system. What we all thought were good farm programs from time to time, provided only a precarious partial security for about 40 per cent of our agricultural people; and these programs have failed dismally to keep our farmers and their sons in the farming business. I know we agree on that point.

Congress and the Executive branch need to look in the future toward permanent solutions—ways to stabilize a now declining farm population, and to improve the income for those remaining farmers. I am hopeful that Rural Development legislation will be passed this session and begin to alleviate these problems.

In some areas, farmers are making great strides in helping themselves. This is good. Farmers have found that they can often help themselves through bargaining and commodity groups. But, they cannot do it all alone.

We need your help in generating the kind of public support that is absolutely essential to obtain and implement the kinds of programs needed by farmers. In past years, we have not sold the true image of agriculture to city dwellers and their representatives in Congress. This particular failure is part of the reason unsatisfactory farm programs have been compromised in the past.

The farmer must be given the legislative means to help himself toward a better life. Such means would require equitable programs passed by an agriculturally-attuned Congress, encouraged and supported by informed constituencies. As agricultural writers, your role in assisting this nation's backbone industry is self-evident—and unquestionably, an important one—as communicating the needs of the farmer—is communicating the needs of the country.

MEMBERS OF CONGRESS HOLDING COMMISSIONS IN THE ARMY RESERVE OR NATIONAL GUARD SERVICES

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, April 22, 1971

Mr. THURMOND. Mr. President, in the April 7, 1971, issue of the State newspaper there appeared a very relevant article entitled "Congress, Court, and the Constitution."

Federal District Judge Gerhard A. Gesell in his recent decision barring Members of Congress from holding Reserve or National Guard commissions, has created an immediate problem. In writing this article, Mr. W. D. Workman, Jr., points out that Judge Gesell relied on section 6, article I of the Constitution. Section 6 of the Constitution bars Congressmen from also "holding any civil office under the authority of the United States."

This is a safeguard that shows the intention of the drafters of the Constitution. These safeguards were created to establish a balance between the different components of the Federal Government. Further, these drafters wanted a balance between enough military strength and the danger of a large active army. To this end, militia were established, and the appointment of militia officers was reserved to the States. Thus, the Constitution clearly contrasts militia officers with those of the Regular services as State officials rather than national officials. These important comments deserve the consideration of the Congress.

Mr. President, I ask unanimous consent that the article entitled "Congress, Court, and the Constitution," which appeared in the April 7, 1971, issue of the State newspaper be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONGRESS, COURT, AND THE CONSTITUTION

(By W. D. Workman, Jr.)

The language of the U.S. Constitution seems specific enough through the provisions of Section 6 of Article I in banning congressmen from dual office-holding:

"No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office."

This was the section relied upon by Federal District Judge Gerhard A. Gesell last week when he handed down a decision barring members of Congress from holding commissions in the Reserve or National Guard components of the armed services.

But the judge may have overlooked the intent of those who drafted the Constitution at the Philadelphia convention of 1787. To be sure, they were concerned lest the contemplated new central government be granted too much power. And to that end, they erected several barriers (including the one cited above) to prevent the United States from acquiring greater powers through influencing either the functioning or the composition of Congress.

Nevertheless, the prohibition against membership in Congress by persons holding U.S. office could not have envisioned the ban's being applied against officers of the militia—which is what the controversy is all about.

The drafters sought a balance between the need for adequate military strength and the danger of a large standing army by mandating Congress to provide "for organizing, arming and disciplining the militia." At the same time, and upon motion of James Madison, they agreed that the appointment of the militia officers should be reserved to the states.

Thus, it was the clear intention that officers of the militia, as contrasted with those of the regular services, should be state rather than national officials. In the years since then, both the Reserves and the National Guard have taken on far greater identification with the central government, especially so with respect to the Reserves.

These subsequent developments, however, do not in themselves overthrow the 1787 premise (still in the Constitution) that officers of the militia should be appointed within the several states. The question is one of sufficient magnitude to be carried to the U.S. Supreme Court, as Judge Gesell himself hinted.

Furthermore, Congress itself should give thought to the possibility of revising the Constitution so as to more clearly spell out the conditions under which Reserve and National Guard officers might serve in the national legislature.

Most of the states, South Carolina among them, traditionally have excepted such military officers from restrictions applicable to civil officers. Our own Constitution of 1895, for example, prohibits dual office-holding within state government but adds this pertinent exclusion:

"Provided, That any person holding another office may at the same time be an officer in the Militia or a Notary Public."

The issue is a legitimate and important one, for there are 119 members of Congress directly affected by its outcome. The functioning of that body could well be impaired if all those legislators were called to active duty in a critical national emergency. So, too, could military operations be hampered to some degree by the absence of so many officers if the individuals stayed on congressional duty.

The matter needs more thought than it has been given up to this time. However it comes out, the nation may wind up owing a vote of thanks to Judge Gesell for facing the issue squarely—whether or not his ruling is sustained.

THE PUBLIC EMPLOYEE RELATIONS ACT

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. BURKE of Massaehusetts. Mr. Speaker, nearly four decades ago the Congress passed the National Labor Relations Act and set this Nation on a constant course of action to guarantee certain rights and protections to working men and women of America. Under that act American industrial production boomed, corporate growth outreached even the wildest projections, and the era of the sweatshop and human agony was supplanted by a new prosperity and security for wage earners.

Unfortunately, that farsighted act exempted two crucial sectors of our national economy—agricultural workers and public employees. Both were deemed at the time to have special needs and responsibilities which set them apart from the general labor body.

Since passage of that act employment in the public sector has soared to embrace nearly 13 million men and women. The public sector continues to grow more rapidly than any other part of our economy—and yet most of those employees do not enjoy the rights and protections afforded their counterparts all these years in private employment.

The Public Employee Relations Act which several of my colleagues and I are promoting in this session would declare as a national policy that all public employees be allowed to organize and bargain collectively with public management. This is no new notion; rather, it is a long overdue extension of rights which most workers have enjoyed for a generation, to Government employees.

Higher wages, job security, overtime pay, holidays and vacations, medical and hospitalization protection and grievance resolution—these are the benefits afforded employees in the private sector through negotiated agreements with their employers. Government workers continue to depend upon the benevolence of politicians and administrators; however, in too many cases, their needs have fallen low on the priorities lists.

Many public employees today find that their counterparts in private industry enjoy far higher salaries and considerably greater freedom and dignity on the job. This sort of injustice must be overcome and the enactment of the Public Employees Relations Act is a logical first step.

The bill would define the rights of public employees, establish a procedure for choosing labor representatives through elections and provide procedures for resolving management and employee complaints. It creates a collective bargaining framework and contemplates the possible need for binding agreements and the arbitration of unresolved conflicts. Finally, the bill provides for administration of its procedures by a five-man National Public Employees Relations Commission. This Commission is patterned after the National Labor Relations Board but takes note of the legitimate differences in function and decisionmaking processes in the public sector.

Many labor relations authorities insist that a uniform system of employee relations is essential if Government services are to continue to function efficiently. The collective bargaining process has, in the private sector, proven itself to be a dependable mechanism and a fine expression of the free enterprise system. There is no reason to believe that it will not work with equal reliability in protecting the rights of public employees and preserving the high standards of Government operation which Americans have come to expect.

THE DIFFERENCES BETWEEN OUR COMMITMENT IN VIETNAM AND IN THE MIDDLE EAST

HON. ALAN CRANSTON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Thursday, April 22, 1971

Mr. CRANSTON. Mr. President, on April 13, 1971, it was my privilege to address the Los Angeles World Affairs Council on the subject of the U.S. commitment to achieving a lasting peace in the Middle East. I am deeply concerned that the frustration and disillusionment resulting from our involvement in Vietnam could cause us to turn away from the active role we must play in the Middle East. In the course of my remarks I discussed the differences between our commitment in Vietnam and in the Middle East.

Mr. President, I ask unanimous consent that the text of my remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

SPEECH OF SENATOR ALAN CRANSTON

Disaster could strike us in the Middle East if the U.S. turns away from its world responsibilities because of the frustrations and agonies of the Vietnam war.

The situations in the two areas are totally different, and disillusionment over the way things have turned out in Southeast Asia must not blind us to the fact that Israel's survival and world peace depend on our standing by our commitments.

Vietnam was a bad case of giving commitments in the name of national interests which never existed.

In contrast, we have sound, proper, long-standing commitments to Israel, and our national interests are integrally tied to peace in the area.

There are at least seven fundamental differences between the situation in Southeast Asia and the situation in the Middle East.

1. Our moral obligation to Israel dates back to pre-World War II days when we did far less than we should have to try to stop the Nazi persecution of the Jews, and when we shut our doors to those who fled the slaughter, and forced them to find sanctuary in Palestine. We have no such moral obligations to South Vietnam.

2. The present cease-fire came about largely because of our initiative. We are therefore especially obligated to see that it ends satisfactorily—particularly since the Arabs, with Russian assistance, violated it to Israel's disadvantage by moving SAM anti-aircraft missiles to the Suez Canal.

3. Israel is a Democracy, and one of the few truly free societies in her part of the world.

The South Vietnamese Government, in contrast, is a corrupt military dictatorship.

While it may, unfortunately, be in the recent American tradition to support military dictatorships, doing so is not, in my opinion, in the best interest of the U.S.

4. We are militarily entangled in a foreign civil war in Vietnam.

There is no similar situation in the case of Israel.

5. Israel asks only military equipment from us; the Israelis do their own fighting.

Defending the Government of South Vietnam has cost us 45,000 American lives—and more than a quarter of a million wounded and maimed—and we continue to pay in blood and misery day after day after day.

6. Supporting the South Vietnamese military struggle with as much as $28.8 billion a year in outright gifts of American taxpayers' money has threatened the value of the dollar, drained our economy, brought us rampant inflation and with it, under present administration policies, a business recession and increased unemployment.

Israel, in contrast, pays for the material we send her.

7. Vital American national interests are not involved in the Indochina war.

If American interests were, in fact, at stake in Southeast Asia we would not be pulling our men out.

On the other hand, America historically has had vital strategic interest in the Middle East.

World War II with the Nazi and Fascist thrusts around the Mediterranean revealed how important that area is.

Today, Russia is moving into the area with a vast naval fleet, above and below the water, and arms support to the Arabs.

We cannot abandon the nations of the Middle East to the Russians and this includes the Arabs too.

In a very real sense, the U.S. is a truer friend of the Arabs than is the Soviet Union.

And the Arabs need peace above all to make the social and economic progress that their proud people need and deserve.

There is no doubt about our need and desire for peace in the Middle East.

There is grave doubt that the Soviet Union shares our need and desire.

I believe that peace in the Middle East can be brought about—and eventually made permanent—only if it is the result of direct negotiations between the Arabs and the Israelis, and only if Israel winds up with recognized borders that are as geographically defendable as borders can be—and with the means with which to defend them.

Israel cannot achieve proper borders without America's full diplomatic backing.

And to defend her borders against a possible Soviet-supported Arab invasion, she will need continued American economic aid and military weapons until a sound and secure peace is established.

All in all, I think the Nixon Administration has handled an incredibly difficult situation in the Middle East with considerable skill.

It is perhaps its best performance in foreign policy. But I do not believe that the Administration has fully realized the implications of its recent public and private pressures on Israel to accept, either in fact or in principle, a territorial solution before substantive negotiations take place.

Asking the Israelis to draw up a territorial map in advance of direct peace talks is like asking a poker dealer to deal his cards face up.

This, again, is not analogous to the Vietnam situation.

There are no signs that any significant negotiations will ever be possible in Indochina.

This is not true in the Middle East.

Quite understandably, the Israelis refuse to accept oral or written guarantees of security from the United States or anyone else.

The promises of the past quarter century have taught them that, in our violent world of power politics, arms races, and war, they can rely only on security built on armed strength bolstered by an advantageous territorial position.

At numerous times in the past, the United States has been quick to assure Israel of its full diplomatic support—but slow to back up its oral and written guarantees.

Secretary Rogers gave the impression in his news conference on March 16, that the U.S. was minimizing Israel's need for territory as security.

He said:

"Now we don't think geography is solely responsible for security, or even to a large extent responsible for security.

"Certainly in modern-day world situations, geography is ordinarily not important."

The next day, the American press carried headlines like the following, which appeared in California, over stories reporting the Secretary's statements:

"Rogers Urges Israeli Land Concessions"

"Rogers Urges Israel To Concede Conquered Land"

Contrary to the statements made by the Secretary of State, "Geographical considerations" are crucial to any political settlement in this part of the world. In my opinion, they are the critical factor in establishing permanent peace in the Middle East.

Our Government knows that Israel will not accept any settlement that leaves its territorial needs unmet. When these needs are ignored or when we pretend that they can be compromised, our diplomatic initiatives are blunted because of our apparent inability to understand the unconditional nature of Israel's security requirements.

On March 25, I attended a rather unprecedented closed meeting Secretary Rogers held with 67 Senators to clarify the State Department's position concerning an Arab-Israeli peace settlement.

At this meeting the Secretary assured us that there were no preconditions on the part of the United States that would require the Israelis to withdraw to the Pre-1967 borders before negotiations occur, or to agree in advance to such a withdrawal.

This was the central point which he discussed.

He amply cleared up the misunderstandings that many of us had concerning the American diplomatic position.

I know that the majority of those present were satisfied with his clarifications.

But the Secretary knows how every word of his every public utterance is studied for its open and hidden meaning.

He knows that if the American press interpreted his March 16 remarks as calling on Israel to agree in advance to a territorial settlement, the Arabs and the Russians would interpret it that way, too.

If Secretary Rogers felt that he could explain the American diplomatic position on the Middle East to 67 members of the Senate why hasn't he also told the American public—and the world—that we are not asking the Israelis to agree to the principle of withdrawal before negotiations begin?

Secretary Rogers should provide publicly the same explanation of U.S. policies that he gave privately to Senators. The exact intent of the American policies—both at home and abroad—will be unclear until there is public clarification of the Nixon Administration's policies in the Middle East.

At the heart of this matter is American support of Israel's diplomatic position.

No one is asking that we blindly follow the dictates of any nation.

But our commitment to peace in the Middle East must be a commitment to obtain a stable and lasting peace.

All parties must feel secure.

All must be relatively satisfied.

The leaders of both Israel and the Arab states must be able to come before their people with a politically acceptable settlement.

An American diplomatic position which is weak and ambivalent in regard to Israel's legitimate territorial needs threatens the possibility of achieving true peace in the middle East.

Perhaps we have privately—in official and unofficial circles—taken diplomatic steps to demonstrate support for Israel's territorial needs.

But the credibility of such a private position is jeopardized by the Secretary of State's public silence.

The nature of what Israel deems its proper and vital territorial needs are no secret.

A few days before the closed session of Senators with Secretary Rogers, I attended a similar closed meeting of Senators with Israel's Foreign Secretary, Abba Edan.

At that private meeting, as elsewhere publicly, Israel has made it abundantly clear that she believes she has three basic security needs:

1. A demilitarized Sinai Peninsula to serve as a buffer between Israel and Egypt.

Israel has also made it plain, however, that she has no desire to hold forever the Great Sinai Desert she presently occupies.

2. An Israel presence at Sharm El Shiek—at the mouth of the Gulf of Aqaba—with a connecting link to Eilat, the port of entry for most of Israel's oil imports.

The Israelis do not demand permanent possession of Sharm El Shiek—but they feel they must be there for the foreseeable future.

Abba Eban suggested that a 99-year Israeli lease of Sharm El Sheik would be an acceptable alternative to actual sovereignty.

3. Possession of the Golan Heights.

Taken from Syria in 1967, the Israelis are firm in the belief that the Heights must remain in their hands to insure that they cannot be used by Syrian artillery forces to fire on Israeli agricultural settlements in the Galilee.

Finally, the Israelis have never indicated a desire to hold the territory they presently occupy on the West bank of the Jordan. They have declared, however, that they will not again divide the City of Jerusalem, for religious, historic, and symbolic reasons.

For the U.S. to act as if these territorial needs deemed absolutely essential by Israel are, to use Secretary Rogers' March 16 phrase, "not important" has put Israel in the untenable position of having to publicly disagree with her strongest ally.

This has encouraged the Arab states, and their Soviet allies to become increasingly intransigent on the issue of negotiations and territorial adjustments.

Furthermore, the continued American focus on ways to guarantee the peace in the absence of any real move toward direct peace negotiations seems to be based on the illusion that peace can be had if only we can find someone to enforce it.

Enforcing a peace between bitter enemies is, of course, important. But the Horse has been placed before the cart.

A settlement needs many things before it needs an army to enforce it.

Needed now—before direct negotiations—are specific steps which will dissipate the atmosphere of Israeli-Arab mistrust.

The Suez Canal could be reopened with Israeli right of passage.

A discussion of the future status of refugees could be begun.

Prisoners of war could be exchanged before peace negotiations take place.

I do not believe that the United States can play the role of neutral mediator in the Middle East.

We are morally and historically committed to Israel's survival.

The Arab nations rightly question our impartiality.

The Nixon administration has failed to realize that when we diplomatically stray from reasonable support of Israeli territorial needs we neither gain friends in the Arab world nor move the parties closer to peace.

Our role must be to do everything to bring both sides to direct negotiations.

The chances for an Arab-Israeli peace conference are directly related to the support Israel receives from the United States.

As long as President Sadat feels that Israel lacks complete American diplomatic support he will set unreasonable preconditions on direct Egyptian participation in a Middle East settlement with Israel.

TORRANCE MEMORIAL HOSPITAL

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. ANDERSON of California. Mr. Speaker, a significant increase in the quality of medical care available to the residents of Torrance, Calif., and surrounding cities in the 17th Congressional District, will be recognized on May 1 of this year when the new Torrance Memorial Hospital is dedicated.

This seven-story, 250-bed structure will be one of the most modern medical facilities in the South Bay area. It was built at the cost of $9 million, with $3.2 million in Federal funds provided under the Hill-Burton Act and the remainder coming from industry and citizens served by the hospital. Its area of service includes all of the cities west of the Harbor Freeway and south of Rosecrans Avenue.

Torrance Memorial is a nonprofit community hospital created by combining the former Jared Sydney Torrance Memorial Hospital and Riviera Community Hospital. It is fully accredited by the Joint Commission on Accreditation.

With the population in the hospital's service area doubling in the past decade, it became apparent that expanded medical facilities would be needed. A 10-acre site was acquired at 3330 Lomita Boulevard in the heart of a 53-acre medical complex that is now being developed north of the Torrance Airport.

The new hospital will provide complete acute general hospital care and is also equipped with a six-bed coronary care unit with sophisticated monitoring equipment, a six-bed intensive care unit for medical or surgical patients, and a large area devoted to the rapidly developing field of nuclear medicine.

Built on the Friesen architectural plan, the completely soundproofed building utilizes a central core for supply, processing and distributions systems. The food service makes use of mass-production techniques including microwave cooking equipment. A complete electrical generator is on constant standby status in the event of a power failure. A giant disposal system grinds all wastes, reducing its bulk by 80 percent and expelling it as a fine powder.

Other specialized medical departments include its well-equipped laboratory which will conduct extensive serology tests for parasitic diseases, the only laboratory of its type in the United States offering direct service to the physician.

Its emergency department is specifically designed to meet the needs of the surrounding industrial community. Surgeries, blood bank and X-ray departments, located on the first floor, assure patients of complete attention within minutes of arrival at the hospital in emergency conditions.

Torrance Memorial Hospital has been designated as the West Coast headquarters for the International Eye Foundation based here in Washington, D.C. The hospital will collect transplant material from eye banks in California and surrounding Western States. If not required locally within 20 hours, these eye tissues will be sent abroad for use within the critical 48-hour period after their donation.

After the opening of the modern new hospital, the board of directors plans to dispose of the existing facilities in Torrance—the old Torrance Memorial Hospital which has been in service since 1925 and the present Riviera Community Hospital which was built in 1957. One proposal which is still under consideration is the conversion of Riviera Community Hospital to a psychiatric clinic.

The well-being of the patient has always been the prime concern of the staffs of the present hospitals, and I am certain this will continue to be true in the new facility which will provide the very finest of modern medical and surgical techniques and equipment.

Mr. Speaker, as with any project of this magnitude, it was completed as a result of the dreams and dedicated hard work of many people.

Among those who should be honored for their efforts to bring the new Torrance Memorial Hospital to reality are its administrator, Ron Harper; Margaret Wooley, president of the board of directors; Dr. John Steward, chief of staff and a member of the board; and Judy Miller, president of the woman's auxiliary and wife of Mayor Ken Miller.

Equal recognition is deserved by the other members of the board: Vice President John Barrington, Secretary Dean Sears, Treasurer Philip Halloran, J. Robert Bloomfield, M.D.; Jack R. Brokken, M.D.; William G. Davis, Vernon Hughes, Kenneth Marsden, Mrs. John D. Melville, John Nursall, M.D.; George W. Post, C. Nelson Rucker, Maurice D. Schwartz, Mrs. John A. Shidler, Ray B. Slaney, Samuel C. Steward, Mrs. Grover Whyte, George Wing, and a longtime friend, our colleague, the Honorable CHARLES H. WILSON.

MINERVA S. BUERK HONORED BY GOVERNMENT OF FRANCE AS ONE OF SIX DISTINGUISHED AMERICAN WOMEN

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, April 22, 1971

Mr. SCOTT. Mr. President, a well-known doctor from the Commonwealth of Pennsylvania has been highly honored by the Government of France.

Minerva S. Buerk, M.D., from Bryn Mawr, Pa., who is President of the American Medical Women's Association, has been honored as one of six "distinguished American women" by the Government of France. She will be the guest of the French Government from April 23 to May 6, 1971, on a 2-week tour of France which will include visits to places the French Government believes will be of interest to the women as representatives of American women.

Dr. Buerk and the other visiting "distinguished American women" will be honored at a luncheon on Thursday, April 22, given by the Honorable Charles Lucet, Ambassador from France, and Mme. Lucet, at the French Embassy in Washington, D.C., prior to their departure from Washington. Upon arrival they will be greeted by a welcoming ceremony extended by the French Foreign Office.

Dr. Buerk served as chief of dermatology at the Bryn Mawr Hospital from 1958 to 1969 and became consultant in dermatology at the hospital in 1970. She is on the teaching staff at the University of Pennsylvania, and at the Medical College of Pennsylvania. She conducts a private practice in dermatology.

Dr. Buerk believes the medical profession is in a state of flux now which could mean more opportunities for women in the future. She has stated that:

> The medical profession is changing its image and is making the changes fast because we need doctors.

Dr. Buerk said:

> The American Medical Women's Association relies on counselling to get more women into the medical field.

She listed pediatrics, general medicine, gynecology, psychiatry, and anesthesiology as good medical fields for women. "Dermatology is another ideal field for women," she added. She also said:

> Medicine is a very demanding career, but it's also one of the most gratifying, both intellectually and emotionally. That's why it's a natural for women.

JOBS FOR THE PACIFIC NORTHWEST

HON. BROCK ADAMS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. ADAMS. Mr. Speaker, as we have been debating the accelerated public works bill, H.R. 5376, during the last 2 days I have pointed out why it is so urgently needed to provide jobs immediately in the Seattle-King County area of the State of Washington. I was an original sponsor of this legislation during the 91st Congress and again cosponsored it this session. I opposed the attempt yesterday by the ranking minority Member, Mr. HARSHA, to strike title I of the bill which is the part that provides the authorization for the accelerated public works. I am pleased we were able to keep the bill intact.

I. STATUS OF EMPLOYMENT IN THE PACIFIC NORTHWEST IN 1971

The unemployment chart which has been available to Members as they enter the House Chamber shows that Seattle has the highest rate of unemployment among major cities in the United States, and this is steadily climbing each week. Our unemployment began to rise in January of 1969, and many of our unemployed exhausted their unemployment compensation benefits in 1969 and 1970 and have become welfare recipients. The result has been that during 1969–70 public assistance recipients in the Seattle reporting area increased over 50 percent, the number of recipients of aid to dependent children has doubled, and the number of persons receiving food stamps has trebled.

Last week I met with representatives of the Boeing Co., our largest single employer, to discuss their employment status. From a high employment of 105,000 in 1968 they will have terminated approximately 68,000 people by April 1971, and unless there is a dramatic upturn in the economy or an unforeseen major change in the company's military or space contracts, the total terminations will reach over 76,000 by the end of this year.

The drastic reduction in the 2.6 million per year new housing starts projected by the national administration in 1969 has caused a severe recession in Washington State's lumber products industry, which is the second major employer in our State. Our third major industry is agriculture, and this has been operating at a reduced level for the last 3 years.

II. IMMEDIATE PUBLIC PROJECTS FOR SEATTLE-KING COUNTY

The bill which we are debating today is patterned on the Public Works Acceleration Act which President Kennedy signed on September 14, 1962, and has two principal purposes:

First, to provide immediate useful work for the unemployed; and

Second, to open the areas for industrial and commercial development by improving public facilities.

The $2 billion proposed in the bill would create 170,000 jobs nationwide in on-site construction, and as additional employee incomes and business profits are spent there would be a multiplying boost to production and employment of about 250,000 or more. It also renews assistance for the economic development areas.

In the Seattle-King County area, the local officials have already prepared a list of specific public works, and local funds are available to match Federal funds to create immediate employment. For example, in Seattle the following categories are proposed:

Streets and sewers	$16,810,000
Parks and recreation	1,322,500
Fire	2,623,000
Water	3,245,000
Building (Engineering Personnel Building, and purchase and conversion of Armory in Seattle Center)	5,050,000
City Light (undergrounding wires)	8,678,800
Total	37,729,300

All of us know this program is not a panacea, but we desperately need any help we can obtain at this time. Section (iv) on page 13 of the bill directly provides the necessary authorization to help our area because of our sharp rise in unemployment.

III. OTHER EMERGENCY RELIEF

First. Extending unemployment benefits: Last year many of us sponsored and were successful in obtaining passage of the Unemployment Compensation Amendments, Public Law 91–373, which granted additional Federal money to help the States pay extended unemployment compensation. I am sponsoring this year H.R. 6876 to permit Federal sharing of the cost of extending unemployment compensation benefits to 52 weeks.

Second. Public service jobs and temporary economic assistance: The Congress also last year passed an Employment and Training Opportunities Act, which I supported, authorizing $1.4 billion for public service jobs over a 3-year period. Unfortunately, President Nixon vetoed that bill.

This year we in the Congress are moving rapidly to reenact this vitally needed public service jobs bill. The House has completed hearings on H.R. 3613, which will create these public sector employment opportunities in periods of high national unemployment. The Senate passed its bill on April 1, 1971. I am strongly committed to providing thes working opportunities for the unemployed, including those on public assistance.

Third. Other proposed immediate relief bills: Some of the bills I have sponsored during the 92d Congress and on which I hope speedy action will be taken are:

H.R. 4122, to involve our defense and space oriented scientists, engineers, and technicians in efforts to meet our transportation, housing, health, social, and other domestic research and development needs. I have also requested NASA to reprogram funds to continue the development of parts of the SST technology in the titanium and pilot guidance systems.

H.R. 1744, to create a Nationa Economic Conversion Commission and require major defense and space contractors to put a percentage of thei profits into a conversion fund which wil be drawn out as a particular contractor converts. This is one of several economic conversion bills we are trying to pass.

A forestry legislative package to increase the Federal appropriations of the Clarke-McNary Act from $20 to $40 million to aid in fire protection; to increase the cooperative forest management account from $5 to $15 million and to inaugurate a new program for urban and environmental forestry. This is to help our ailing lumber industry.

H.R. 7414, to amend the State Technical Services Act of 1965 to include municipal governments, to increase the limits of Federal funding from 50 to 75 percent, and authorize appropriations of $30 million the first year, $40 million the second, and $50 million the third. This will directly increase the ability of our local cities to meet the problems of our increasingly urban society.

IV. LONG-RANGE SOLUTIONS ARE NECESSARY

The first factor necessary to provide permanent employment in our area is to produce an upturn in the economy similar to that which occurred in 1962 after the 1958–60 recession. The major manufactured product of the Pacific Northwest consists of commercial airliners. Because of tight money, high interest rates, and depressed conditions in the airline industry, the sales of commercial airplanes in the United States have plummeted to almost zero. I have urged that the 7-percent investmen credit which was part of the Kennedy economic package in 1962 be reinstated This will mean the purchase of new equipment attractive to business. I have also urged that the Nixon administration change its tight money and high interest rate policies and that the tools of direct credit controls, wage and price guidelines and a careful use of Federal taxing and appropriating powers similar to those used in 1962–64 be instituted in order to restore a full employmen economy.

A second factor is the need for diversification of our major business concerns I have discussed this in detail with those in the private enterprise sector of our economy and they are fully prepared to move ahead with the use of their skilled people and systems analysis techniques to meet the problems of urban mass transportation, antipollution devices, and other new products for the decade of the 1970's. This will require, however, the development of new Federal Government purchasing techniques to supplement the dwindling budgets of NASA and the Department of Defense. I have suggested the creation of a national transportation policy with the appropriate agencies and quasi-public corporations being formed to contract directly with major private concerns for the use of systems analysis in solving our transportation snarls, and later the purchase of the vehicles to carry out these solutions.

V. CONCLUSION

The passage of the public works bill today is very vital to the people of Seattle and the other economically depressed areas of this Nation. We know this is no panacea but we need help while the long-term solutions I have mentioned are being implemented. Our area needs jobs now. Most of our unemployed people are trained, highly skilled individuals who have worked hard all of their lives and are now unable to obtain employment because of national economic conditions. I urge the national administration to change the economic policies that have been in effect during the last 2 years. This bill is part of what can be an overall program to make jobs available to our people.

IT IS ONLY FITTING

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. HÉBERT. Mr. Speaker, the April 1971 issue of Army magazine had a stirring and touching article which requires no comment. I insert it in the Record at this point:

It Is Only Fitting

(Note.—The following "obituary" was written before his death last 7 July by Maj. John A. Hottell III, 27, who was aide to Maj. Gen. George W. Casey when the general's helicopter crashed into a mountain in Vietnam, killing all six aboard. Maj. Hottell—the holder of two Silver Stars, a former Rhodes scholar and No. 10 in his 1964 West Point class—was an excellent writer who authored two articles for Army. The last, "Motivation in Combat," appeared in the February 1970 issue. The son of Col. John A. Hottell, USA, retired, Maj. Hottell wrote this moving description of what Army life meant to him for The Assembly, which is published by the Association of Graduates of the U.S. Military Academy.)

I am taking the somewhat macabre step of writing my own obituary for several reasons, and I hope none of them are too trite. First, I would like to spare my friends, who may happen to read this, the usual cliches about being a good soldier, etc. They were all kind enough to me, and I not enough to them. Second, I would not want to be a party to perpetuation of an image that is harmful and inaccurate; "glory" is the most meaningless of concepts, and I feel that in some cases it is doubly damaging. And third, I am quite simply the last authority on my own death.

I loved the Army; it reared me, it nurtured me, and it gave me the most satisfying years of my life. Thanks to it, I have lived an entire lifetime in 27 years. It is only fitting that I should die in its service. We all have but one death to spend, and insofar as it can have any meaning, it finds it in the service of comrades-in-arms.

And yet, I deny that I died *for* anything: not my country, not my Army, not my fellow man, none of these things. I *lived* for these things, and the manner in which I chose to do it involved the very real chance that I would die in the execution of my duties. I knew this, and accepted it, but my love for West Point and the Army was great enough—and the promise that I would some day be able to serve all the ideals that meant anything to me through it was great enough—for me to accept this possibility as a part of a price which must be paid for all things of great value. If there is nothing worth dying for—in this sense—there is nothing worth living for.

The Army has let me live in Japan, Germany and England with experiences in all of these places that others only dream about. I have killed a scorpion in my tent camping in Turkey, climbed Mount Fuji, visited the ruins of Athens, Ephesus and Rome, seen the town of Gordius where another Alexander challenged his destiny, gone to the opera in Munich and plays in the West End of London, seen the Oxford-Cambridge rugby match, gone for pub crawls through the Cotswolds, seen the night life of Hamburg, danced to the Rolling Stones, and earned a master's degree in a foreign university [Magdalen College, Oxford, England, as a Rhodes scholar].

I have known what it is like to be married to a fine and wonderful woman and to love her beyond bearing with the sure knowledge that she loves me; I have commanded a company [in combat] and been father, priest, income-tax advisor, confessor and judge for 200 men at one time; I have played college football and rugby, won the British national diving championship two years in a row, boxed for Oxford against Cambridge only to be knocked out in the first round, played handball to distraction—and all of these sports I loved I learned at West Point. They gave me hours of intense happiness.

I have been an exchange student at the German Military Academy, and gone to the German jumpmaster school. I have made 30 parachute jumps from everything from a balloon in England to a jet at Fort Bragg. I have written articles that were published in Army magazine, and I have studied philosophy. I have skied in the Alps and lived on a racehorse farm in Kentucky for two years. I have experienced all these things because I was in the Army and was an Army brat.

The Army is my life; it is such a part of what I was that what happened is the logical outcome of the life I lived. I never knew what it is to fail; I never knew what it is to be too old and too tired to do anything. I lived a full life in the Army, and it has exacted the price. It is only just.

KANSAS CITY KEEPS THE WOLF AWAY FROM THE DOOR

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. BOLLING. Mr. Speaker, it is with considerable pride that I insert the following editorial concerning Kansas City, Mo., in the Congressional Record. At a time when most major cities are near desperation in terms of mounting problems, the following Kansas City Star editorial of April 18 finds our city "a conspicuous exception" in terms of progress and financial stability:

Kansas City Keeps the Wolf Away From the Door

This spring Kansas City stands out as a conspicuous exception among American cities. While the leaders of many other large communities are grinding their teeth in near desperation, not knowing whether they can meet the next payroll or not, the finances of this municipality have finally been put in order—at least temporarily.

Mayor Charles B. Wheeler, Jr., and the new council can turn their attention to other problems, assured that revenue will not be the dominant concern of the next four years. Many other mayors have not been so fortunate. Here is a sampling, made recently in Washington, which suggests how grave conditions are elsewhere:

Mayor Moon Landrieu of New Orleans: "We are virtually at the border of decay. We have taxed everything that moves and everything that it moves in."

Mayor Carl Stokes of Cleveland: "I can't even add a policeman or a fireman. We can't even do the basic, fundamental thing of filling chuckholes in the streets." Stokes has had to fire 1,500 city employees because the money wasn't there to pay them.

Mayor Ken Gibson of Newark: "We are broke and bankrupt. We have the highest of everything—infant mortality, tuberculosis, crime. Wherever American cities are going, Newark is going to get there first."

Mayor Wes Ullman of Seattle: Americans "have lost their love for cities." Although mayors have cried "wolf" before, "the wolf is here."

These observations do not highlight the unusual. They are typical of what most American mayors are saying in 1971 to describe the plight of the city. To suggest that they are exaggerating would be to ignore the most dangerous domestic problem facing the nation.

CRISIS THAT OVERWHELMS

So far the American solution to the urban crisis has been likened to "nailing a two-by-four across a chasm caused by an earthquake." And short of massive revenue sharing from Washington there are few hopeful indications that the quality of life can be substantially improved in most of the great cities of this nation.

Kansas City has its share of problems in 1971. They are very real and some of them are very large. The critical financial position of the public schools, the transit system and the Philharmonic orchestra are only three that come immediately to mind. But those difficulties, as serious as they are, should not be allowed to obscure the brighter side.

Today Kansas City is one of the few major communities in the United States that is on a sound financial footing. It took a sustained effort spanning eight years, but by the time Mayor Ilus W. Davis and the old council left office April 10 the basic tax structure of this community had been realigned to meet the crushing demands of inflation and the need for expanded services.

This is not to suggest that Mayor Ullman's "wolf" has been permanently shooed from the Kansas City door. If costs and wages continue to spiral in the years ahead, this city could again face the choice of higher taxes or a retrenchment of municipal services. But those alternatives do not confront the new administration today.

They don't because of two essential ingredients: Leadership at City hall and a willingness of the voters to respond to genuine needs. If the people of Kansas City had refused to increase their own taxes to finance an adequate level of services, by necessity Mayor Wheeler would now be joining the lamentations of Mayors Landrieu, Stokes, Gibson, Ullman and many others.

Although the events of the last eight years are well-known, they merit a brief review in this period of transition at City hall. In 1963, when the Davis administration took over, the city was virtually bankrupt. A concerted effort in the Missouri Legislature that spring won authorization for an earnings tax of one-half per cent, subject to approval at the polls. On December 17, 1963, by a majority of 64 per cent, the voters agreed to levy a new tax on themselves.

After a short period of municipal solvency, inflation devoured most of those revenue gains. Again the city turned to Jefferson City, but to no avail. By the summer of 1968 Kansas City was desperate. An increase in the utilities tax offered the only way out. But a proposal to hike that levy from 6 to 10 per cent was turned down 12 to 1 by the council. After he cast the only affirmative vote, Mayor Davis said:

"It is inconceivable in this prosperous year that this city should be faced with getting rid of . . . policemen and cutting 100 beds for the poor at General hospital."

By September six councilmen had changed their minds and the increase was approved on a 7-to-6 vote. However, the higher collections on utilities provided no more than stopgap relief, as wages and all other costs continued to soar. In 1969, the Legislature permitted Kansas City to double the E-tax to 1 per cent, if the voters would go along at the polls. Last December 17—exactly seven years to the day after the first successful E-tax election—the people of Kansas City agreed to dip deeper into their pocketbooks. This time the majority was 64.9 per cent.

IMPROVEMENTS, NOT CUTBACKS

As a direct result Kansas City is strengthening municipal services, rather than laying off employees as Mayor Stokes is doing in Cleveland. The police department has already begun to hire more patrolmen in order to reach the goal of 1,300 men by May 1, 1972. The crime rate, which dropped here in 1970, has continued to decline this year. Municipal trash collection has become a reality at last. More street lights are being installed. Chuckholes are being patched.

Instead of succumbing to paralysis and retrenchment across the board, which is the prospect for most American cities, this community is moving ahead. After a long and sometimes agonizing struggle, City hall has finally obtained a financial base that many other cities must envy.

While his remarkable success offers little immediate comfort to the public schools, the transit system and the orchestra, it does suggest that the people of Kansas City are willing to respond to unified, constructive leadership in times of genuine crisis. Now the challenge is to apply this same pattern, or still another formula, to the difficulties that persist.

The accomplishments of the last eight years at City hall demonstrate that responsive and determined leaders can find solutions to even the most baffling problems. When they do, the Kansas City record proves that the people have the foresight and the courage to follow through at the polls.

CATFISH FARMING CONTINUES TO GAIN

HON. DAVID PRYOR

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. PRYOR of Arkansas. Mr. Speaker, Leland DuVall, staff writer of the Arkansas Gazette, has written an article on "Catfish Farming," which has become one of the important industries in my State during the past few years. Lincoln, Ashley, and Desha Counties in my district are the three leading catfish producers in Arkansas. Catfish is grown on approximately 13,850 acres in the State and the crop value has been estimated at about $6.9 million.

I commend this interesting article, which appeared in the April 6 issue of the Gazette, to the attention of my colleagues and include it in the appendix of the RECORD:

CATFISH FARMING CONTINUES TO GAIN

(By Leland DuVall)

The bottom-lurking, stout jawed, glut-shaped denizen of the muddy lakes and sluggish streams—known simply as the catfish to every lad who ever shouldered a fishing pole—is gradually and stubbornly yielding to domestication and commercialization. Preliminary figures have been compiled on Arkansas production last year and they indicate that the industry experienced significant growth, but at a slower rate than the previous year.

(For the benefit of those who worry about such matters, the word "glut" in this context is used to mean the wooden wedge that was a standard tool of the railsplitters.)

Dr. Roy Grizzell, biologist with the Soil Conservation Service, has estimated that catfish were grown last year on about 14,850 acres in Arkansas, compared with 10,950 acres in 1969, and 5,950 acres in 1968. He placed crop value at about $6.9 million.

The catfish food crop is only a part of the fish farming activities in Arkansas. Grizzell said catfish fingerlings were produced on 2,173 acres last year, compared with 1,611 acres the previous year, and 1,025 acres in 1966. He estimated the yield at 41 million fingerlings, but said the producers might not sell all of them this spring. Some fingerlings may be "carried over" until next year, when they will be larger and when, presumably, the value will be greater.

While channel catfish accounted for most of the sales, Grizzell said some growers were producing blue catfish, albino channel catfish and white catfish.

Lincoln County, with 2,725 acres, was the leading producer followed by Ashley, 999 acres; Desha, 954 acres; Greene, 763 acres; Lawrence, 729 acres, and Lonoke, 648 acres.

Food fish comprised only one segment of the fish farming business. The other and better-established bait minnow industry had gross sales of almost $6.6 million and required 18,733 acres of Arkansas land. The bait minnow production showed relatively little change from the 18,241 acres used in 1969, but was somewhat larger than the 16,844 acres in 1968.

Lonoke County continued to lead in the production of minnows with 10,530 acres. It was followed by Prairie County (2,460 acres), Monroe (925), Woodruff (915), Desha (913) and Drew (761 acres).

Catfish production, as an agricultural crop, is relatively new in this part of the world. (Domestic fish culture in some countries is an ancient business.) Apparently, farmers in the South began to consider it as a serious business about 1960. Since that time, persons familiar with the industry have drawn rough parallels between catfish farming and broiler production and have predicted that the business would experience sensational growth within a few years. Despite the optimistic outlook, realists recognize that many problems will have to be overcome if catfish are to approach broilers in the matter of volume and value.

At the moment, the more serious growing pains seem to be somewhat similar to those experienced by the pioneers in the broiler business. One of the major tasks is to move all segments of the industry at approximately the same speed.

When production expands faster than processing facilities, farmers end up with ponds full of fish that cannot be moved. I too many processing plants are built, th facilities stay idle too much of the time an the operators cannot show a profit. The ke to the success of the business probably is a the retail level where customer deman must expand at least as rapidly as production and processing in order to avoid a market glut. (Note the marvelous flexibility o the English language. The word here has a entirely different meaning.)

In the past, the demand for catfish ha been limited by several factors:

In extreme cases, people were not eve aware that the catfish was edible.

Many who knew that catfish were caugh and consumed or sold believed the qualit of the meat was inferior. They regarded th catfish as a scavenger that inhabited onl the muddy or contaminated waters tha would not support other species and, heretofore, they reasoned that he was not an attractive table fish.

At the other side of the spectrum was group—ranging from the rural gourmand t the sophisticated gourmet—who knew tha the catfish ranked with the best of th fresh-water fish.

The growth rate of the industry likely wil be determined more by the success of it promoters in convincing potential consumer to "try" their product than in the limitin factors associated with production and processing. Despite the fact that research an experiments with commercial production o catfish are in their early stages, the producers and processors almost certainly wil be able to meet growing demands with onl an occasional lag.

The growth potential in Arkansas appear to be relatively good. A recently published review of research into catfish farming, compiled by the Bureau of Commercial Fisheries in the Department of the Interior, reported that catfish farming was practiced o a commercial scale in 15 states, but it sai that about 80 per cent of the total productio of pond-raised catfish was concentrated i "the Central Mississippi Delta Region, embracing parts of Arkansas, Mississippi an Louisiana."

The report said:

"This region has several characteristic that lend themselves to fish production These include a temperate climate, an abundant water supply, many impervious soils an large, well-financed farming enterprises."

Given this basic foundation of favorabl factors, coupled with a growing body o technical knowledge related to productio and marketing, catfish farming in the region may continue to expand. At any rate there is a good chance that if those who ar in the business can detect an opportunit for a profit they will find a way to produc the fish.

RURAL ELECTRIC CO-OPS

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. REES. Mr. Speaker, as we debat the President's new approaches to foreign aid in the seventies, I would like t relate his proposals to a particular aspec of these programs which has long bee of interest to me. I refer to the contribution the United States is making to a brighter tomorrow in the developin countries by helping to bring the benefit of light and power to rural towns an villages.

Our foreign aid program has over th years done much to encourage the growt of rural electricity cooperatives in th poorer nations. These are the same organizations which did so much to improve the lives of our own farmers back in the thirties. As an example, the Agency for International Development is currently cooperating with India's Rural Electric Corp., and with Indian state electricity boards in developing five large pilot cooperatives designed to serve some 85,000 families and power about 18,000 irrigation pumps. The National Rural Electric Cooperative Association—the NRECA—is providing the advisory services of American specialists for the project under an AID contract.

A $3.1-million loan also is helping the Republic of the Philippines to establish two pilot cooperatives which will bring light and power to an estimated 15,000 families during the first year of the service scheduled to start in September. American specialists provided by NRECA are advising the cooperatives on model distribution systems, and a $5-million AID grant has helped the South Vietnamese organize three pilot cooperatives serving almost 250,000 people—many of them farmers—in the northern highlands at Da Lat, at Ho Nai just north of Saigon, and at Long Xuyen in the Delta. American specialists recruited by NRECA also provided advisory assistance in Vietnam.

For farmers, rural electricity cooperatives mean the opportunity to use new, improved tilling techniques—such as tubewell irrigation powered by electric pumps which can bring in more crops and income on terms farmers can afford. For governments, rural electricity means the opportunity to promote rural economic growth by way of greater agricultural productivity and small, mechanized industries. And rural economic growth, in turn, means more demand for labor and less incentive for village people to join the rural exodus to overcrowded cities.

The proposals by their emphasis on utilizing the talents of the American private sector in international development, will further the use of cooperatives and other expert American organizations in bringing the benefits of modern technology to the rural areas of the developing countries. Such encouragement of rural electricity cooperatives is an excellent example of the concept of a shared partnership with the developing world.

THE TROUBLE AHEAD

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. SCHMITZ. Mr. Speaker, the following column by Joseph Alsop deals with the deteriorating state of the U.S. strategic force capability in the face of a growing Soviet threat.

Writing from Offutt Air Force Base, Omaha, Nebr., the headquarters of the Strategic Air Command, Mr. Alsop states that—

> Leaders of our Strategic Air Command are not merely convinced that the huge former American margin of power has now been lost. They are further convinced that the Soviets today probably enjoy a favorable margin of nuclear strategic power that is now on the order of five-to-three.

And that—

> The Laird claim of "parity" is squarely based on optimistic rejection of important evidence.

In a recent prepared testimony before the Senate Committee on the Armed Forces, Gen. John D. Ryan, Chief of Staff, U.S. Air Force, gave this appraisal of the fiscal year 1972 resources which the Air Force has been allotted to counter the growing Soviet threat:

> Despite our best efforts to maintain optimum forces and to achieve a measure of near and long term modernization. I see our Air Force capability continuing to decline relative to its possible adversaries. Even with the leveling off of the severity of our reductions over the past 2 years, I can support this (budget request) as a tenable position on the assumption that concrete improvements are made in three areas: First, that the growing nuclear capability of the Soviet Union is checked by enforceable agreements resulting from the strategic arms limitation talks. Second, that free world self-defense capabilities are increased in line with the Nixon doctrine. And third, that we continue to reduce our commitments in Southeast Asia. Unless progress can be achieved in these endeavors, the budget which we are presenting to you today will fall short of the Air Force capability we need.

In other words, if the Soviets do not stop their strategic buildup voluntarily by agreeing to enforceable arms limitation at SALT, or if our allies do not dramatically increase their own spending for defense, or if we cannot continue to reduce our commitments in Southeast Asia, a commitment, I might add, which could be rapidly reduced by destroying the enemy's capability to continue the war, then the capability of our Air Force will be below what General Ryan sees as necessary.

This is a startling statement which clearly reveals the highly dubious basis of the new U.S. strategy which the administration refers to as "Realistic Deterrence." As far as many people are concerned there is nothing whatsoever realistic about gearing the concrete capabilities of our Armed Forces around a possible agreement with the Soviet Union. In fact it becomes positively disadvantageous for the Soviets to make an agreement when they know that by not making one they can assure their own superiority.

Mr. Alsop concludes this article with the statement:

> The Soviets are clearly aiming for what the Pentagon calls a first strike capability.

A first strike capability is being able to reduce the enemy's retaliatory power below some acceptable threshold through the use of counterforce, strategic weapons which have the capability of destroying our strategic forces before launch, such as the SS–9 25-megaton weapon which could be used against our Minuteman force or the Soviet SLBM which could be used against our B–52 force, and ballistic missile defense. Ballistic missile defense—BMD—includes both active defenses, such as the Soviet ABM complexes now operational around Moscow, and passive defense measures such as the civil defense programs on which the Soviets are placing such heavy emphasis.

The presidentially appointed Blue Ribbon Defense Panel's supplemental report makes the point that the Soviets are structuring their strategic offensive forces in a manner consistent only with the needs of a first strike. The report states:

> Our planners in the 60's assumed that if both super-powers had an adequate survivable retaliatory capability neither would risk a first strike. They further assumed that the Soviet leadership would be content with this "balance of deterrence," especially if—by freezing our own program—we permitted the Soviet Union to attain a rough parity of strength. Little consideration appears to have been given to the possibility that the Soviets would not "buy" such a rational program, but rather would seek a capability to neutralize the effectiveness of our retaliatory response.
>
> It now appears that the Soviet Union is developing just such a capability. It is producing and deploying offensive nuclear weapons with the capability, when sufficient are deployed, to destroy the ICBM and bomber elements of our retaliatory forces. At the same time, the Soviet Union is pressing ahead with an anti-ballistic missile system designed to provide a strategic defense against such U.S. retaliatory missiles as might survive a first strike.
>
> It is to be remembered that, with the possible exception of our obsolete B–52 force, our strategic weapons are designed primarily for retaliation against enemy centers of population. They are not designed as counterforce weapons and with their limited warheads are not an effective weapon for destroying Soviet ICBM's in hardened silos. This is in accord with America's irreversible commitment never to make a first strike, and to rely—as a deterrent—on having enough operational missiles after an enemy strike to destroy its population centers.
>
> This entire theory becomes untenable if the enemy develops (i) an offensive first-strike capability against our means of delivering retaliatory missiles and (ii) a defensive capability of protecting much of its heartland from such U.S. missiles (e.g., Polaris) as survive the preemptive strike.
>
> The evidence is reasonably conclusive that the Soviet Union is planning precisely these capabilities. This is not to say that a preemptive first strike is intended, but rather that weapons systems which are needed only for such a purpose are being deployed:

Mr. Alsop's column follows:

THE TROUBLE AHEAD

(By Joseph Alsop)

OFFUTT AIR FORCE BASE, OMAHA.—When you come out here to the rather unpretentious headquarters of American deterrent power, you find yourself endlessly reliving the Cuban missile crisis of the autumn of 1962.

At that time, the United States enjoyed a margin of nuclear-strategic power that was at least five-to-one; and it may have been as high as ten to one. Despite this huge margin of superiority, and despite the wisdom and courage of President Kennedy, it is not too much to say that the leaders of the U.S. government were breathless with fear until the Cuban missile crisis ended successfully.

You find yourself haunted by these facts, out here at Offutt nearly nine years later, for two very simple reasons. To begin with, the leaders of our Strategic Air Command are not merely convinced that the huge former American margin of power has now been lost.

They are further convinced that the Soviets today probably enjoy a favorable margin of nuclear-strategic power that is now on the order of five-to-three. This is not the view of those like Secretary of Defense Melvin Laird, who say that there is now "parity" between the U.S. and the U.S.S.R.

But the Laird claim of "parity" is squarely based on optimistic rejection of important evidence. Notably, there is the evidence, firmly believed by the SAC analysts, that the Soviets already possess an extensive ABM defense system disguised as a system of antiaircraft defense. The balance of power, and therefore the margin of either side, of course includes defensive strength as well as offensive strength.

As to the second reason, the power of the American deterrent has remained absolutely stable, or has even declined, for a period of years. Small advances have been, and are being made, here and there. But SAC's B–52 force, for example, has declined from 600 to 452 aircraft. Many items of SAC's equipment, including many of the strategic missiles, have reached the stage of obsolescence. Overall, in sum, the American deterrent has been complacently neglected for years on end.

In contrast, Soviet nuclear power has been built up, continuously, remorselessly and often with surprising advances, ever since the period just after the Cuban missile crisis. The technical components of this Soviet power do not matter as much as the over-all balance. That is probably five-to-three in the Soviets' favor at present, as stated above. By 1974, or thereabouts, the balance should be at least two-to-one in the Soviets' favor. And it just could be much worse than that!

To see the dreadful meaning of this dreadful forecast, it is only necessary to think of two things. First, think of the fear (and in some quarters, the plain weakness and uncertainty) that could be seen in the U.S. government in the 1962 Cuban crisis, when this country had a five-to-one margin over the Soviets.

Second, think of Israel. For Israel is confronted nowadays, not just by her surrounding Arab enemies, but by Soviet airmen and other soldiers ready to fight side by side with the Arabs. The Middle Eastern situation has again deteriorated gravely. The wisest men in Washington are again talking of "war breaking out again this summer."

That is no sure prediction. But one prediction is absolutely sure. If the Soviets finally push forward their Arab clients against Israel, they will never tolerate another great defeat in the Middle East. They will stop at nothing; they will do anything that is required, to avert such defeat—if they ever take the road of renewed war. And averting defeat for the Arabs necessarily means defeat, if not destruction, for Israel.

In these circumstances, empty-headed people in the U.S. government still prate about this country "never letting Israel be destroyed." But because of the factors above-described, they are lying. The "never" is what makes them liars. Suppose there is no way to prevent Israel's destruction except a nuclear confrontation, with all the advantages on the side of the Soviets. In that horrible event, the American attempt to save Israel will not go beyond hand-wringing, empty gestures, and United Nations twaddle.

Such are the cruel realities of the changing nuclear-strategic balance. The Soviets are clearly aiming for what the Pentagon calls a first strike capability. For various technical reasons, however, there is little need to fear a Soviet first strike against the U.S., at any rate in the years just ahead.

But there is every reason to fear U.S. impotence in the face of the most terrible future developments, of which a Soviet-supported attack on Israel is only one example. And U.S. impotence is sure, if the nuclear-strategic balance goes on being neglected.

AN AMERICAN BUSINESSMAN'S CONCERN FOR ENVIRONMENTAL PROTECTION

HON. JOHN Y. McCOLLISTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. McCOLLISTER. Mr. Speaker, George Barrie, president of Faberge, Inc., recently addressed executives of Tip Top Products at the 16th and Cuming Street plant in Omaha, Nebr. Faberge is the parent corporation to Tip Top and other companies engaged in the manufacture and distribution of fragrance and beauty products.

As a director of the Omaha Chamber of Commerce, I was impressed by Mr. Barrie's concern both for business and the environment. He directed his employees' attention to the great obligation they must have for the preservation of our natural resources.

While I take great pride with my constituents in the Omaha company's success, the responsibility Mr. Barrie enunciated for his executives and employees contributing to environmental protection was most enlightening. He stated in part:

> Your company has chosen for its core—discipline and innovation. This choice reflects management's dedication to growth as the most effective corporate strategy in a world of accelerating change. . . . In addition to our basic marketing job, we feel a serious responsibility in making a better world in which to live . . . for all peoples. We have been pioneers in movements to create action in doing something about pollution control, our environmental protection, an understanding of the ecological problems we face . . . and the necessity to do something about them. We have never had any attitude towards discrimination in any form or manner except that discrimination towards our fellow man is wasteful, destructive and beneath the dignity of mankind.

For a large corporation whose chief purpose must be profit, I find this attitude by their chief executive officer enlightening and commendable.

Our State of Nebraska has long been known for its wealth of natural resources and the pride our citizens have in it. Therefore, it is gratifying to hear an industrialist of a profitmaking organization volunteer "that industry has a great stake in the entire environmental protection movement in our country."

Mr. Barrie made this analogy:

> Good grooming and beauty go hand in hand. Our cities, towns and countrysides require protection of their natural beauty just as a glamorous woman who, in analysis, appears elegant and chic because of her attention to her best features and because she takes consistent care of them. We cannot expect beauty to be legislated alone as it is the personal responsibility of each of us, regardless of the assistance we may enjoy from government.
>
> It is more than concern for the esoteric, this initiation of institutional and personal pride in the American environment we will be passing to our children and their children's children. It is simply good for all businesses and all forms of industry.

Mr. Speaker, I am sure you are aware that the U.S. Government will spend nearly $225 billion this fiscal year on the business of this country. It is, therefore, gratifying to note that industry such as Mr. Barrie's is ready, willing and currently involved in spending its energy and dollars to support the worthy efforts for environmental protection in Nebraska and throughout the entire United States of America, as insurance for a better life for us now and in the future.

QUEEN ISABELLA OF SPAIN: THE 520TH ANNIVERSARY OF HER BIRTH

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. BADILLO. Mr. Speaker, today we observe the 520th anniversary of the birth of a woman regarded by many historians as the most able and illustrious sovereign ever to occupy the Spanish throne, Isabella de Castilla. The preeminence of Spain during the end of the 15th century and for most of the 16th century is attributable in large measure to the strength of the policy Isabella fostered and developed during her brief reign. Of particular significance was her influence on the lives and achievements of Columbus; of the great general, Gonsalvo de Cordova; and of her royal consort, Fernando de Aragon.

Born on April 22, 1451, at Madrigal, Castile, Spain, Isabella was the daughter of Juan II of Castile by his second wife, Isabella, and the granddaughter of Juan I of Portugal. Through both of her parents she was a descendent of the famous John of Gaunt of England. On October 19, 1469, she married Fernando de Aragon at Valladolid and, upon the death of her brother, Enrique IV, she was proclaimed Queen of Castile and Leon on December 13, 1474.

Much of the greatness which Spain achieved under "Los Reyes Catolicos" is due to Queen Isabella's clear intellect, great energy, and unselfish patriotism. Isabella's conquest of the Moorish kingdom of Granada gave to Castile and all of Spain an importance which it never before possessed. One country, one faith, and one monarchy were achieved under Isabella's tireless labors.

By uniting the crowns of Castile and Aragon, Isabella essentially founded the Spanish monarchy. By her encouragement of and impetus to trade and industry, she increased the national wealth and prosperity of her country. By sponsoring and supporting Columbus in his great discovery of the New World, she achieved lasting world reknown and gratitude—not to mention the greatly expanded economic, political, and diplomatic opportunities available to Spain in the 16th century. On November 24, 1504—after a 30-year reign—Isabella died at Medina del Campo.

Isabella's legacy continues to thrive today, not only in Spain but in the Americas as well. Those of us of Latin American background have been directly affected by her contributions. It would be a fitting tribute—not only to honor the memory of this great woman but to also highlight the contributions and accomplishments of the Spanish-speaking world—by having the President issue a special proclamation declaring April 22 of each year as Queen Isabella Day. I am today introducing a resolution, the text of which follows, authorizing the President to issue such a proclamation:

Joint resolution to authorize the President to proclaim the 22d day of April of each year as Queen Isabella Day

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue annually a proclamation designating the 22d day of April of each year as Queen Isabella Day in recognition of Queen Isabella I of Spain and her contribution to Columbus' voyages to the New World, and calling upon the people of the United States to observe such birthday with appropriate ceremonies and activities.

CHIEF JUSTICE WARREN EARL BURGER

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. RARICK. Mr. Speaker, following Tuesday's biased Supreme Court ruling on the Southern busing cases, more and more Americans are searching the background of the replacement of Earl Warren—Warren Earl Burger.

One documented report on Chief Justice Burger's background was contained in the Review of the News on March 17, 1971.

I include it in the RECORD at this point:

WARREN BURGER: THE CHIEF JUSTICE WHO USED TO BE HAROLD STASSEN'S CAMPAIGN MANAGER

(By Frank A. Capell)

When President Nixon announced the name of Warren Earl Burger, Judge of the Federal Circuit Court of Appeals in Washington, D.C., as his choice to be Chief Justice of the U.S. Supreme Court, cautious optimism shaded all hues of political opinion. Conservatives were worried because the "Liberals" liked him, and "Liberals" felt he couldn't be all good if Conservatives weren't opposing his selection. Judge Burger was said to be a Conservative on "law and order," a "Liberal" on "Civil Rights," and a "strict constructionist." No one remembered a speech he had made in 1967, proposing treatment of all criminals by swarms of public "psychiatrists," in which he had declared: "Neither the laws nor the Constitution are too sacred to change. . . ."

Mayor John Lindsay called Burger "an excellent choice" and recalled him as a good friend with whom he had worked closely while employed in the Department of Justice under President Eisenhower. Thomas E. Dewey said it was "a perfect appointment." Others to add their immediate endorsement were Ramsey Clark, —— ———, ——— ———, and Earl Warren. James Reston wrote in the *New York Times* that Burger is "experienced, industrious, . . . Presbyterian, orderly, and handsome." Civil Rights attorney Anthony Amsterdam called him a "first-rate legal craftsman." Burger was, in short, endorsed by every son of the Establishment to have ever dreamed of membership in the Eleanor Roosevelt League For The Mystified.

Warren Earl Burger was born in St. Paul, Minnesota, on September 17, 1907. The son of Charles Joseph Burger and the former Katharine Schnittger, he was the fourth of seven children. His father, who was never very successful, worked off and on as a railroad cargo inspector and a traveling salesman of patent medicine and jimcracks. *Current Biography* says young Burger was "not an outstanding student," but that he took a few extension courses given by the University of Minnesota from 1925 to 1927 and was awarded a L.L.B. in 1931 after attending some night classes at something called the St. Paul College of Law. During the day he worked as a clerk for the Mutual Life Insurance Company.

On November 8, 1933, Burger married Elvera Stromberg, with whom he had taken extension courses. They now have two children, Wade Allen (33), who is in the real estate business in Arlington, Virginia, and Margaret Elizabeth (23), who teaches in a Montessori school.

Warren Earl Burger was admitted to the Minnesota bar in 1931 and took a job as a clerk with the St. Paul law firm of Boyesen, Otis & Faricy. He soon began to make friends with some of the state's leading radicals, and in 1934 helped organize the Minnesota Young Republicans as a political holding company for his radical friends. In 1935, Burger was named a partner in the law firm of Faricy, Burger, Moore & Costello, where he remained until 1953, when he went to Washington to work in the Eisenhower Administration.

In 1938, Warren Earl Burger played an important role in the election of Harold Stassen as Governor of Minnesota. Both were thirty-one, and they remained personally and ideologically very close. When Stassen went to war, Burger developed "back trouble" and was thus available to run the "Draft Stassen" campaign at the 1944 Republican National Convention. When Harold Stassen made plans for his more serious try for the Presidency in 1948, he chose Warren Burger as his chief of staff and "idea man," and Burger ran the Stassen national headquarters in Minneapolis. Unsuccessful in 1948, Stassen moved out of the state to become President of the University of Pennsylvania. Even so, with an eye to 1952, Harold Stassen reached back to Minnesota to appoint Burger as Vice President of the Stassen-for-President National Organization.

It is thus hardly surprising that Warren Earl Burger has characterized himself as a "Stassen Progressive." A "Liberal" friend is quoted in the *New York Times* magazine of October 5, 1969, as putting it this way: "Remember that Warren Burger is a liberal Minnesota Republican, and that's a fairly liberal beast." It certainly is! Harold Stassen, Burger's closets political associate, had not only been floor manager for Wendell Willkie at the 1940 Convention, he was a radical well to the Left of Franklin D. Roosevelt, and remains so even to this day.

Burger early showed his interest in "human relations," in "interracial activities," and in other "Liberal" causes. He was the first president of the St. Paul Council on Human Relations and was responsible for hiring "experts" to "improve" relations between the police and the few Negroes and Mexican-Americans in that city.* In 1948 he was appointed to the Governor's Interracial Commission as a result of his interest in the "Civil Rights struggle."

But it was, as we noted, at that 1948 Republican National Convention in Philadelphia that Warren Earl Burger had come into his own. He was floor manager for Harold Stassen's near-successful campaign for the Presidential nomination—and got a good, hard look at how the world is run when the nomination went to Thomas E. Dewey. Four years later, with Eisenhower, Taft, and MacArthur interested in the nomination, Burger was again at the Republican Convention as Stassen's campaign manager. He was also a delegate to the credentials committee, where he threw his support to Eisenhower in the maneuver which eventually sealed the nomination for the General. Even so, the first ballot was close between Taft and Eisenhower. When Ike fell short, Burger sent word to the platform that Minnesota was switching its votes to Ike. Having thus assured General Eisenhower's nomination, Warren Earl Burger was subsequently rewarded by being named Assistant Attorney General in the Eisenhower Administration.

Burger was soon on his way to Geneva as a U.S. delegate to the subversive International Labor Organization, described by George Meany in the *New York Times* as "an instrument for transmitting Communist propaganda." Even last year the Senate refused it funds, noting that its Assistant Director (Pavel E. Astapenko) is a Soviet agent.

When not advising the Marxist I.L.O., Warren Burger was head of the Civil Division of the Department of Justice in charge of more than 180 lawyers, and worked under both Attorneys General Herbert Brownell and (now Secretary of State) William Rogers. Things went well for Burger for awhile. Then something very strange happened.

Although he had no previous experience in admiralty matters, Assistant Attorney General Burger was selected to initiate the U.S. suits to recover surplus victory ships sold illegally to certain foreign owners. During the period between March 1953 and September 1955 the Department of Justice instituted twenty-one separate forfeiture proceedings against twenty-one vessels. These ships had been sold between 1945 and 1949 to Victory Carriers, United States Petroleum Carriers, and Trafalgar and Western. The Department of Justice knew that those corporations were controlled by one Aristotle Onassis, not a U.S. citizen, and that the sales were therefore in violation of our shipping laws.

When Onassis learned that our government intended to bring criminal conspiracy charges against him he contacted the man in charge of the matter, Warren E. Burger, who quickly worked out a deal with Onassis and his lawyer. The *New York Times* of May 25, 1969, quotes Onassis as having asked Burger, "What's the ransom?" To which Burger is said to have replied: "Twenty million dollars." Burger then arranged a sweetheart deal, letting Onassis off the hook for $7 million—and sending the Congress into a rage. Shortly thereafter, Warren Earl Burger accepted the opportunity to become a Federal Circuit Court Judge in Washington, D.C. The heat was on and the federal judiciary provided a safe hiding place.

A series of Congressional Hearings were soon held concerning the "Trade-Out And Build Activities Of Onassis Companies," revealing much doubledealing and bad faith on the part of Onassis, who never even bothered to fulfill his part of the shabby agreement reached with Burger on December 21, 1955. But Aristotle Onassis was nonetheless allowed to retain his ships and to escape criminal prosecution.

Had Burger not eased off, Onassis would have forfeited his ships and faced serious charges under the law which stated: "Any such vessel, or any interest therein, chartered, sold, transferred, or mortgaged to a person not a citizen of the United States or placed under a foreign registry or flag, or operated in violation of any provision of this section shall be guilty of a misdemeanor and subject to a fine of not more than $5,000, or to imprisonment for not more than five years, or both." For reasons of a sufficiently suspicious nature to force his removal from the Justice Department to the security of the federal bench, Warren Burger simply did not apply the law—and Onassis is still riding high to brag, as he did recently, that he will remain a millionaire even if the Communists conquer the world.

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* And in 1964, at the height of the Communist push for "Civilian Review Boards" to harass our local police, Judge Warren E. Burger wrote an article which appeared in *American University Law Review* 1–2; 9–23 (1964). He spent fourteen pages presenting the same radical arguments for the Review Boards as the Communist *People's World.* To call so vigorous an advocate of Civilian Review Boards a "law and order" judge is simply ludicrous.

Warren Earl Burger was sworn as Judge of the United States Court of Appeals for the District of Columbia Circuit on April 13, 1956. There was more trouble with his confirmation to this lower post than with the later confirmation as Chief Justice. The necessary confirmation was delayed for months by the Senate Judiciary Committee.

During his thirteen years as a U.S. Circuit Court Judge, Mr. Burger clashed repeatedly with such of his "Liberal" colleagues as J. Skelly Wright and David L. Bazelon—especially in cases involving criminal law. How much of a "Conservative" Mr. Burger is, however, is still open to serious question. Such experts on radicalism as Robert M. Hutchins and Harry S. Ashmore of the Marxist Center for the Study of Democratic Institutions know better. They engaged him as a Consultant to the Center during the autumn before his appointment as Chief Justice. In fact, Hutchins and Ashmore held a special conference on "criminal justice" at the Center—a conference which Judge Burger not only attended, but which he personally conceived. After that conference, Ashmore stated that by current American judicial standards some of Judge Burger's views are "radical," and Hutchins chuckled that if Mr. Nixon thought Burger a Conservative he might be in for a surprise.

The seminar in question was part of a Center project the purpose of which is to rewrite the Constitution of the United States. In charge of this operation has been former F.D.R. brain-truster Rexford Guy Tugwell, a Marxist of long standing. But Judge Warren Earl Burger, says the *New York Times* of September 9, 1970, was the Center Fellow who acted as consultant on the Judiciary section of this outrage—persuading the group to omit the guarantee of an adversary trial, trial by jury, and the presumption of the innocence of the accused.

The Center's proposed constitution is, in fact, a plan for a Marxist dictatorship in America—a plan for which the *Times* says Warren Earl Burger has been an important architect. It calls for an all-powerful central government, abolition of the states, government by a vast Planning Branch, six-year development plans, a Gestapo-like Office of "Intendant" to maintain "national security," abolition of a general guarantee of civil liberties, *etc.*

This is serious business. Professor Tugwell explains in its preface how the Center constitution—on which Warren Earl Burger was judiciary advisor—might be instituted. As you read it, keep in mind the reputation created for Chief Justice Burger as a "law and order" man. Here is Dr. Tugwell's introduction:

A President, approaching the end of his term, provoked by his inability to move the Congress, determined to check the government's hardening into bureaucratic stolidity, fearful of the accumulating consequences of obsolescence, and conscious of his inability to carry all his responsibilities, concludes that he must appeal for a new constitution.. ..

It seems to the President that some new effort . . . must be made. If it must be made in unorthodox fashion, it still could have the consent of the ultimate authority in a democracy—the people. If they demand a new constitution, who could say that the demand ought to be denied? He decides to give them that opportunity and he announces what he intends.

There is the expected uproar from those who fear the loss of privileges. But there is louder commendation from those who agree with him, and he is able to persuade a hundred concerned citizens of acknowledged prominence [including, no doubt, the Chief Justice] to join in the new reconsiderations. They undertake to draft a new constitution. By the time he has to campaign for reelection something like the following document has been produced and agreed to by eighty of the hundred. . . .

The President assumes, he says, that since he is wholly identified with it, his election by a considerable majority would signal approval of the new constitution. They are engaged, he tells the voters, in a referendum of sovereign persons who stand above all the institutions of the government created by their ancestors and too little changed since that time. He puts the ratifying majority at sixty percent of those voting. . . .

He pledges that if his proposal is approved, he will proceed by interim arrangement until the new constitution can be implemented; then he will retire to become a member of the new Senate provided for in the constitution.

Thus the issue is joined.

Can it be that Warren Earl Burger is a "law and order" man because he favors the sort of Marxist dictatorship promoted by the radical Center for the Study of Democratic Institutions? If not, why has he not repudiated the role he played in creating a new constitution for just such a dictatorship? And why has he repeatedly attacked the American judicial system? Consider the following Burger proposals as reported in the Chicago Daily News for June 3, 1969:

Among the "techniques, devices and mechanisms" Burger questioned were: The jury system, the presumption that a defendant is innocent until proved guilty, the right of a defendant to remain silent and putting the burden of proof on the prosecution . . . Burger suggested that defendants ought to be required to testify in a courtroom. And, he said: "If we would eliminate the jury we would save a lot of time."

No doubt the shades of Lenin and Stalin cheered.

Little wonder that John Cogley, writing about Judge Burger's visit to the Center for the Study of Democratic Institutions, observed in a recent issue of The Center Magazine: "It comes as a kind of shock to hear Judge Warren E. Burger . . . widely described as a conservative jurist . . . The dominant impression he left on me . . . was that there was something paradoxical about a gentleman of such conservative mien expressing radical views about the American system of jurisprudence. . . If words means anything, I don't think that Judge Burger's views can be called conservative." A long time associate of such super-radicals as Michael Harrington, Chairman of the Socialist Party, John Cogley knows a radical when he sees one.

Certainly Judge Burger's last decision as a Circuit Court Judge came as a shock to those who looked upon him as a Conservative. In this ruling, written by Warren Burger but a few days before he was sworn as Chief Justice, the premise of the accused being presumed innocent until proved guilty went down the drain in a decision regarding the license renewal of WLBT-TV, a Mississippi television station operated at Jackson by Lamar Life Insurance Company. The U.S. Court of Appeals, with Burger not only taking part but writing the opinion, ordered the Federal Communications Commission to set aside its award of a license renewal to the station because it was accused of all sorts of dreadful things—including locally introducing National network news broadcasts by announcing: "What you are about to see is an example of biased, managed, northern news." The station was also accused of favoring segregation, being anti-union, and disliking Martin Luther King.

Disregarding whether any of this is the F.C.C.'s business, none of it was proved. The F.C.C. had thus renewed the license of WLBT-TV. But the Burger Court of Appeals was furious—it reprimanded the F.C.C. for placing the burden of proof on the citizens who made the accusations, thus setting the dangerous precedent of a presumption of guilt on the part of the accused.

The accusers were organized television "watchdogs" who make a practice of challenging the TV-license renewals of those few channels owned or operated by Conservatives. The Reverend Everett C. Parker of the United Church of Christ has organized groups of local "Liberals" all across the country to force stations to take a "Liberal" course or face complaints when license renewal time rolls around. (Parker was an official of the National Council of Churches from 1961 to 1965.) In the instant case, it was the United Church of Christ which made the accusations against television station WLBT.

The decision cancelling the station's license was written by Justice Burger himself, who said that the court considered the F.C.C. handling of the case so improper that it would "serve no useful purpose" to send the issue of the license renewal back to the agency for a new hearing. Usurping the powers of the F.C.C., Mr. Burger cancelled the license and instructed the F.C.C. to devise a plan for interim operation of the station—possibly impounding the profits—until a more "Liberal" licensee is chosen.

Having shown the F.C.C. that it had better keep a wary eye on Conservatives, Warren Earl Burger was sworn as the fifteenth Chief Justice of the U.S. Supreme Court on June 23, 1969.

There was much speculation as to how the "Burger Court" would compare with the "Warren Court." The answer came suddenly in the field of "Civil Rights." Early in November the Burger Court ruled that not ten minutes more could be given over to racial problem-solving in the schools and that any school segregation still practiced in fourteen Mississippi districts (and anywhere else in the nation) must now cease "at once." On October 29, 1969, Congressman John Rarick, himself a former judge, commented on this decision of the Supreme Court as follows:

"Mr. Speaker, I state plainly and simply that this action of the Supreme Court of the United States is founded neither in any possible construction of the Constitution nor in any possible understanding of the law.

"It is a classic example of the arbitrary and unfettered exercise of naked power.

"Long years ago, Thomas Jefferson warned free men of this very possibility, when he dramatically pointed out that of all tyranny, judicial tyranny is the most fearful.

"If the Constitution of the United States forbids a State to assign pupils to a school solely because of their race, it makes no difference whether the object of such assignment is segregation or forced integration. . . . If the government has no power to forcefully segregate, it has no power to forcefully integrate.

"It does not take genius to understand than the State either has that power or does not. Until 1954, it had such power. The Constitution did not change, but in 1954, the Warren court decided the power had vanished. The Burger court has now decided that although the State has no such power, the court has.

"What this preposterous decision amounts to is that racial school assignments are unconstitutional if they are made by the States, but constitutional if made by the courts. . . ."

Chief Justice Burger has been working almost feverishly to bring about other far-reaching changes in the judicial and penal systems of the United States. Within twenty-four hours after he took office on June 23, 1969, he met with a small group seeking to revolutionize court administration, and within two months he had made specific proposals to the American Bar Association at its convention in Dallas. He asked for the establishment of a special institute to train court manager-executives, and he called for a "re-examination" of the penal systems with special emphasis on "rehabilitation" facilities.

In less than six months the new institute, located at the Unversity of Denver Law School, was established. It is supported by both private grants and government financing.

To take care of the second proposal, the A.B.A. created a special penal commission headed by Richard Hughes, the weakling "Liberal" Governor of New Jersey at the time of the Newark riots. Among those working with him on the project are such "Liberals" as Dr. Karl Menninger, George Meany, and Robert Strange McNamara.

The third Burger proposal was also acted upon with the creation of an A.B.A. committee to suggest "new approaches" to legal education. The Chief Justice has spent many summers in England and Western Europe studying judicial systems there and feels that in most ways they are superior to ours. The British system of training some lawyers for courtroom work (barristers) and others for only office work (solicitors) impressed him as producing the sort of "dignified professionals" that young American lawyers should emulate. He has given at least a dozen speeches while Chief Justice calling on lawyers to be more "dignified" in the courtroom.

Does he mean it? Apparently it is just part of Mr. Burger's white-shocked image. The following report on the Burger Court's efforts to reduce dignity in the courtroom is from *Time* magazine for February 1, 1971:

The Supreme Court generally gives trial judges wide latitude in running their courtrooms—even to permitting the shackling, gagging or removal of obstreperous defendants. But last week the Justices unanimously curbed a judge's power to hand out contempt sentences for courtroom misbehavior. Using carefully uncritical language, the court held that a judge may cite a defendant at the moment of his contemptuous action, but that if the judge chooses to wait until the end of the trial, "it is generally wise where the makers of the unseemly conduct have left personal stings to ask a fellow judge to take his place." The decision reversed an eleven-to-22-year contempt sentence imposed by Pittsburgh Judge Albert Fiok on a defendant who had called him a "dirty — of a —" and a "dirty tyrannical old dog."

It also seemed to apply squarely to last year's trial of the Chicago Seven. In that raucous proceeding, Judge Julius Hoffman waited until after the jury began deliberations, then declared the defendants and their lawyers in contempt and imposed sentences of as much as four years and 13 days. Under last week's ruling, it seems quite possible that those contempt sentences will now be reversed and that another judge will have the Seven back in court to consider whether they were in contempt and, if so, what the penalties should be.

So much for the courtroom "dignity' about which the Chief Justice speaks when not writing opinions.

Barring unforeseen circumstances, Warren Earl Burger will be Chief Justice of the United States for a long time, and most Americans had hoped that he would help to repair some of the damage done by the Warren Court. There have been far too few signs that this is happening, and many to indicate that Burger has no intention of attacking the Warren precedents. Although Chief Justice Burger has shown himself to be in charge, he has yet to produce that major reversal of the Leftward course plotted by Earl Warren which Republican Conservatives claimed was President Nixon's purpose in appointing Burger. Don't hold your breath waiting for it to happen!

A DECADE OF SPACE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. TEAGUE of Texas. Mr. Speaker, in the Chicago Today magazine of March 28, 1971, Peter Reich, one of the Nation's most distinguished aerospace writers, reviews the accomplishments of our national space program in the 1960's. As we approach the most crucial decisions on the future of our national space program, I think it is worth while to recall the achievements outlined in Peter Reich's outstanding article. I commend this significant editorial to your reading:

A DECADE OF SPACE

(By Peter Reich)

Ten years ago, a lot of "experts" insisted it couldn't be done.

Man, they declared, could not survive the terrible stresses of a journey beyond the sheltering atmosphere of his home planet. He would be deafened by the roar of his rocket, shaken to jelly by its vibration, crushed by acceleration on takeoff and deceleration on landing, riddled by radiation, hopelessly confused by zero gravity, and driven mad by the fear of being lost in space.

All this would happen, they warned, even if scientists could find a way to protect a man against the deadly vacuum of space, the broiling heat of an unfiltered sun, the frigid cold of the cosmos, and the blast-furnace temperatures associated with a plunge back into the atmosphere.

On April 12, 1961, a Russian steelworker's son proved them wrong.

His name was Yuri Gagarin. He blasted off inside a 5-ton spaceship called Vostok [East], atop a 20-engined launch rocket, from a place named Tyuratam.

He circled the globe once, traveling higher [203 miles up] and faster [17,400 miles an hour—5 miles every second] than any human being before him. And when he landed safely, on a collective farm, less than two hours after takeoff, he had ushered the world into a new era—the era of space flight.

He also had given the Soviet Union a commanding lead in the fabled race for space. Four months later, a second Russian cosmonaut, Gherman Titov, circled the globe 17 times, remaining aloft a whole day.

The best the United States could do the same year was send two astronauts on 15-minute sub-orbital [up-down] space flights—and put a chimpanzee named Enos into orbit.

The first American to travel beyond the atmosphere was Alan B. Shepard Jr. On May 5, 1961, a slim white Chrysler Redstone rocket hurled him 115 miles high and 302 miles downrange from Cape Canaveral [later to be renamed Cape Kennedy]. His first words from space were:

"What a beautiful view!"

On his return, he told this reporter he wanted very much to fly to the moon some day. Last month [February, 1971], he got his wish. On Feb. 5, he became the fifth human being of all time to set foot on the lunar surface. His companion, Ed Mitchell, was the sixth.

The rocket that launched Shepard on his second space flight showed how far we had progressed in the intervening years. The rocket—a 36-story-tall Saturn 5—developed 7.6 million pounds of thrust, 100 times as much as Shepard's original 8-story-tall Redstone had put out.

Between Shepard's two flights, the United States launched 22 other manned space missions, for a total of 24 manned space flights during man's first decade in space. The first two, as noted, were sub-orbital flights—rehearsals, really, for the orbital missions to come.

Then came four one-man orbital missions, and 10 two-man orbital flights, and, finally, two three-man orbital missions, and six three-man moon flights, including Shepard's. Many of the flights were pioneering flights—missions which saw men venturing into the unknown, doing things no human beings before them had done.

On Feb. 20, 1962, Marine Col. John Glenn became the first American to circle the Earth. His three-orbit flight culminated in "a fireball of a re-entry," as Glenn put it. Glenn's flight was not the first manned orbital flight of course—Cosmonauts Gagarin and Titov had preceded him. But it was the first manned orbital flight the public was permitted to share, with newsmen from all over the world on hand for the launch.

Air Force Maj. Virgil I. [Gus] Grissom—who also had flown our second sub-orbital flight and whose capsule sank after landing in the ocean after a hatch blew open inadvertently—carried out our first two-man flight, Gemini 3, with Navy Lt. Comdr. John Young, on March 23, 1965. It was historic for yet another reason: For the first time, a spacecraft was maneuvered into a different orbit by its crew. That set the stage for all sorts of space spectaculars.

On the following mission, Gemini 4, June 3 to 7, 1965, Air Force Maj. Edward H. White II became the first American to walk in space. Cosmonaut Aleksi Leonov had turned the trick three months earlier, but he had floated helplessly outside his Voskhod 2 spacecraft.

White, by contrast, had an oxygen squirter gun that enabled him to control his position as he floated for 21 minutes [more than twice as long as Leonov] outside his Gemini, 160 miles up, himself a satellite of Earth.

Every Gemini flight set a new rceord. With Gemini 5 [eight days], the United States wrested the time-in-space record from the Russians. Gemini 6 achieved history's first rendezvous in space between two manned spaceships [with Gemini 7].

Gemini 7 kept its two astronauts, Frank Borman and James Lovell, aloft for a record two weeks. Gemini 8, piloted by Neil A. Armstrong and David Scott, achieved history's first linkup in orbit with an unmanned satellite—a station wagon sized Agena.

On Gemini 9, Bellwood, Ill. Astronaut Gene Cernan circled the Earth while outside his spaceship—the first man to "walk around the world" in space. On Gemini 10, Astronaut Michael Collins became the first human being to "walk" to another satellite in orbit. And Gemini 10 soared a record 475 miles above the Earth.

Gemini 11, commanded by Charles Conrad, stretched the altitude record to 853 miles. And Gemini 12 saw an astronaut named Edwin (Buzz) Aldrin walk in space for a record 2 hours, 6 minutes, and stand up in his hatch, exposed to the space vacuum, for 2½ hours more.

By this time, the Russians had set some impressive space records of their own.

In 1962, they had accomplished history's first tandem space flight. It involved two simultaneously orbiting one-man spaceships. Vostoks 3 and 4, that came within three miles of one another at one point.

In 1963, they put history's first woman in space—Valentina Tereshkova, aboard the Vostok 6. She circled the Earth 48 times—more than all American astronauts up to that time put together.

And in 1964, they orbited history's first three-man spaceship, the Voskhod I.

Not until February, 1967, was the United States prepared to launch its first three-man spaceship, the Apollo.

And then disaster struck.

On Jan. 27, 1967, a week before the scheduled flight, Astronauts Grissom, White and Roger Chaffee were involved in a ground test inside their spaceship as it stood on the launch pad. For the test, the craft was filled with 100 per cent oxygen at triple the pressure normal for a space flight, and all hatches were sealed.

Suddenly, there was a shout of "Fire! Fire in the spacecraft!"

A small electrical fire (determined later) erupted into a holocaust in the pressurized-oxygen environment. Before rescuers could get to them, the three men were dead.

They were the first Americans to perish in a spaceship, tho three others, Elliott See, Charles Bassett and Theodore Freeman, had died in plane crashes, Clifton Williams was to lose his life that way the following October, and Edward Givens was to die in an auto accident the same year.

The Russians, presumably, had suffered similar accidents. Rumors of cosmonaut casualties persisted. But the Russians apparently hushed up any such disasters, if they occurred.

However, they could not hush up the death of Cosmonaut Vladimir Komarov. He perished on April 22, 1967, when the parachutes of his new Soyuz spaceship tangled prior to landing. Komarov had been the command pilot of the first three-man spaceship, the Voskhod I, in 1964, and with Soyuz had become the first Russian to make two flights into space.

Nor could the Russians hide the death, some time later, of their pioneer cosmonaut, Yuri Gagarin. He perished in a plane crash.

For the Russians as well as the Americans, during the first decade of manned space flight, the big target was the moon.

The Russians, because of their early lead in manned space flight [until 1965, they were decidedly ahead of us], were presumed to have the inside track for both the first around-the-moon flight and the first moon landing.

The respected British astronomer, Sir Bernard Lovell, as late as Sept. 23, 1968, predicted that the Russians would make history's first around-the-moon flight "within months." Sir Bernard had made similar predictions for several preceding years, and some enthusiastic [if technically naive] observers had predicted a manned Russian moon flight as early as 1962.

Life magazine predicted in the early 1960s that the Russians would celebrate the 50th anniversary of the Red Revolution on the moon, in 1967.

Others—including this writer—were convinced the first men around, and on, the moon would be Americans. This writer said so in print as early as 1962, and many times thereafter.

As it turned out, the latter group was correct. With a revamped, more fire-resistant Apollo, the United States flew a 10-day test flight in October, 1968. Two months later, we sent history's first men around the moon.

The crew of the Apollo 8—Frank Borman, James Lovell, and William Anders—became the first to break the gravitational bonds of Earth, to see the moon up close, to view the mysterious backside of the moon, to be caught in a gravity not that of Earth, and to see their home planet as a beautiful blue ball floating serenely in the black velvet expanse of space. Splashdown date was Dec. 27 1968.

Apollo 9 was a rehearsal of a moon landing in Earth orbit, with the lunar landing module carried along for the first time. Apollo 10 was a similar rehearsal in moon orbit, with the lunar module, "Snoopy," dipping to within just nine miles of the lunar surface.

And then came Apollo 11.

Astronauts Neil Armstrong, Edwin Aldrin and Michael Collins were selected for the historic mission. Blastoff came on July 16. 1969. At 3:17 p. m., on Sunday, July 20, the lunar module, "Eagle," with Armstrong and Aldrin at the controls, settled gently into the lunar dust of the moon's dry Sea of Tranquility, and the electrifying words crackled across a quarter million miles of space:

"Tranquility base here. The Eagle has landed."

Men were on the moon. Man had ceased being an Earthbound creature. Late that Sunday night, Armstrong and Aldrin set foot on the moon.

Walking in the strange one-sixth of Earth gravity of the moon, they explored the lunar surface for 3½ hours, planted an American flag, set out instruments, and collected rock samples.

A safe return to Earth was made on July 24, and the goal set by President Kennedy in 1961—to put an American on the moon and return him safely before the end of the decade—had been accomplished. It was the greatest achievement of the Space Age and, quite likely, any age.

Four months later, Apollo 12 astronauts Charles [Pete] Conrad and Alan Bean walked on the moon for a total of 7½ hours during two separate lunar excursions.

Apollo 13, in April 1970, had a narrow brush with death when a service module oxygen tank blew up, causing an electrical failure. A scheduled moon landing had to be abandoned, but the crew—James Lovell, Fred Haise, and John Swigert—returned safely.

That July, two Russians—Andrian Nikolayev and Vitaly Sevastyanov—remained in Earth orbit for 17 days, shattering the 14-day endurance record our Gemini 7 had set back in 1965. But it was anti-climactic, as was an orbital mission involving three Russian spaceship in October, 1969, and a link-up of two manned Russian craft earlier that year.

In the first decade of man-in-space, history would record that six human beings walked on the moon, 11 others flew around it [Lovell twice]—and all of them were Americans.

HON. WILLIAM J. SCHERLE

MAN'S INHUMANITY TO MAN—HOW LONG?

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

COTTER PRAISES SCHOOL DRUG EDUCATION PROGRAMS

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. COTTER. Mr. Speaker, I would like to share with my colleagues and the readers of this Record a story about an eighth grader which demonstrates the effectiveness of drug education programs that approach drug abuse in a factual and adult manner:

Youth Writes Anti-Drug Poem

(By William Grava)

"No, I definitely will never take drugs," Paul Secker said. "But a lot of kids will take them without knowing about the stuff and what it will do—they've never had a drug program."

Paul Secker is a budding poet. He's 13 (but will be 14 in November) and in the eighth grade at East Hartford's Center School.

He wrote a poem about drugs that was recently published in a local paper.

"Scars on the body, scars on the mind./ Destroying themselves, destroying mankind," the poem reads in part, "Held within a dream-like world/Until their minds become unfurled."

But Paul's mind seems very much together, at least as far as drugs are concerned.

He enjoys reading and likes "to write a lot," he said—"but only two or three poems."

His poem, "Theme of Death: Drugs," was written from what he learned about drugs in school, from the police and from the town, he said.

Last year he read about drugs a little bit, he said, but wasn't really interested in learning about them. He saw "a lot of scary movies in school," he said, but they weren't good.

But this year the schools' new drug education program is "real good," Paul said. Now the movies (including interviews with former drug abusers, he said) are much more interesting.

The school program uses simple terms, he said, and is easy to understand.

Besides the school drug program, he went to the Police Department open house in mid-February. "That was real good, too," he said. "I saw the different drugs and drug implements, and a policeman explained them all."

All his interest was chanelled into the poem after he read the drug brochure that was distributed with the town's annual report.

The brochure, recommended by the Mayors Committee to Study Drug Abuse and distributed by the East Hartford Jaycees, is considered one of the best of its type, according to Youth Services Director Fred N. Balet.

"After I read the drug pamphlet," Paul said, "I just had to write a poem."

"All their lives have gone to waste, all for drugs, all in haste," the poem reads.

But that doesn't apply to Paul, or any of his friends, he said. "Kids who starting taking drugs are kinda dumb," he concluded.

MAYOR RICHARD J. DALEY'S INAUGURAL MESSAGE FOR HIS UNPRECEDENTED FIFTH TERM

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. PUCINSKI. Mr. Speaker, last night Mayor Richard J. Daley took his oath of office for an unprecedented fifth term as chief executive of the city of Chicago.

Mayor Daley has been reelected to his fifth term by a staggering majority of 424,000 votes.

This tremendous margin of victory shows how deeply the people of Chicago respect, admire, and desire him and his continued leadership.

Mayor Daley stands today as the most highly respected and the most thoroughly successful mayor of a large city in the entire world.

While urban areas throughout the Nation stand on the brink of bankruptcy, Chicago under Mayor Daley's leadership continous to flourish and prosper.

It was an inspiring occasion last night in Chicago's city council to see Mayor Daley sworn in for a fifth term.

The council chamber was packed to the rafters and the ovation given Mayor Daley shall ring for a long time to come.

The council chamber was alive with a spirit of expectation, confident hope, and dedication, as Mayor Daley enunciated his great dreams and hopes for the next 4 years.

I am proud to present in the RECORD today Mayor Daley's inspiring message. It can serve as a message of hope for all of us as Americans.

I am also proud of the men and women who were sworn in as members of the city council last night. I extend my best wishes to the mayor, to the city clerk, John Marcin, to newly elected city treasurer, Joseph G. Bertrand, and to the members of city council. May their service be an inspiration to all of us.

Mayor Daley's inaugural message follows:

INAUGURAL ADDRESS BY MAYOR RICHARD J. DALEY

In my first Inaugural Address, and in every one since, I made one commitment that has priority over all others, that as Mayor of Chicago "My employer is all the people of Chicago, Democrats, Republicans, and Independents, of every economic group, of every neighborhood."

The result of the April 6th election was especially gratifying because it demonstrated that the voters not only approved our record in office, but more importantly, agreed we have kept our pledge to serve all the people of Chicago. It is in this spirit that I have taken this Oath of Office and pledge to you my total dedication and my unstinting labor to serve the people of Chicago.

It is difficult to single out priorities in an urban society, for almost every activity of government is related to, and affected by another. We do have a measure however, our priorities should attempt to meet those needs which most people have in common.

In a real sense this is what makes a community, a gathering of people who have common interests, goals and desires. This City Council serves two kinds of communities, two constituencies, the city and the neighborhoods. We hold the belief in a democracy that what is good for most of the people is good for all the neighborhoods. We also believe that in order to have a good city, we must have good neighborhoods.

From this community viewpoint we arrive at fundamental priorities. We must have neighborhoods that have sufficient order and safety to allow freedom of movement, we must have communities in which people can work, shop, attend school and church and enjoy leisure, and in which we can associate with our fellow men to achieve those objectives that serve all of us.

To that end, we must constantly improve our police and fire departments and expand patrol duty in every neighborhood. We cannot tolerate children being intimidated in any neighborhood. Foot patrols in all areas of the city will be expanded by the use of portable radios carried by policemen. Two hundred and seventy five recruits were graduated last week, after seven months of intensive training, and will be equipped with this latest design in personal radios for use in foot patrol.

The police have recently instituted a pilot program in two districts in which beat patrolmen work on a team under the direction of a team sergeant. This system will provide several more unified squads working in coordination on each watch.

Another important program to be undertaken this year will enable police officers to issue citations for court appearances in lieu of arrest for minor offenses such as disorderly conduct. In a large number of cases this will eliminate physical arrest, prisoner transportation, detention and report writing. This will relieve police officers of time consuming tasks and make more time available for the primary mission of preventing serious crimes.

The additional personnel, the increased sophistication of radio technology, the team police concept and the use of the court citation will make it possible to provide more extensive coverage and increase safety for our citizens on the streets of our city.

The police alone, however, cannot bring safety to any community. Essential is the direct participation of every citizen to assist and help the police in making every neighborhood a good place in which to live.

We must seek to reduce poverty and the effects of poverty by supplying health care to all who need it.

In recent years the Chicago Board of Health has expanded its services to meet the needs of those families who do not have their own physicians, nor the resources to pay the high costs of private hospital or clinical care. The private medical sector has not been able to meet these needs.

The infant mortality rate in Chicago has dropped from 33.6 deaths per thousand live births in 1965, to 27.7 in 1970. This is a city-wide average. Among blacks, the reduction has been even more dramatic, with a drop from 44.8 in 1966 to 35.9 in 1970. This infant mortality rate will continue to be reduced through a number of programs.

Seven new comprehensive medical care centers will be built. New programs, public and private, will make it possible for more doctors to be available in the areas where they are most needed. Currently fourteen of Chicago's leading hospitals are participating in Board of Health programs for high risk mothers and infants. The infant mortality rate in this program is 17.1 percent per thousand live births, much better than the nation-wide average for all patients, this program will be expanded.

We must eliminate slums and provide housing to both low and moderate income families. We will continue to build housing for senior citizens. This year ten neighborhood not-for-profit corporations will build 2300 units for moderates and low income families. A typical neighborhood corporation consists of a dozen neighborhood organizations including church groups. The city is now working with other community organizations to sponsor similar projects and we look forward to a genuine increase in the housing supply through this community participation.

More than five hundred scattered vacant sites, which have been acquired by the city through its program of removing hazardous buildings, will be made available to community groups and to the Chicago Dwellings Association for housing.

We will explore new methods of rehabilitation and expand our programs of supplying large four and five bedroom apartments which are needed urgently. We will undertake to launch programs to encourage better tenant-landlord responsibility and to provide greater opportunity for home ownership.

In longer range plans, the City Department of Development and Planning has been analyzing sites for new townhouses in town which will provide thousands of new housing units with virtually no relocation.

The housing shortage of Chicago and other cities, particularly for the low income family which cannot find accommodations in the private market, will not be solved until the Federal Government makes the same kind of effort it has made in other areas, in developing atomic weapons or placing a man on the moon.

We have not seen that kind of national commitment from Washington but I am confident that public opinion will make it happen, and soon. With national and city resources we will lead the nation in providing a decent home for every Chicago family in a suitable living environment.

We must give our total support to improving the quality of education in every neighborhood. We must call for the allocation of additional resources to those communities which need it the most.

We must reduce and prevent the pollution of our environment. We are now making real progress and to further improve our environmental control program, I recommend that the council hold hearings for the preparation of an up-dated industrial waste ordinance.

We must preserve and improve our mass transportation system. This is a responsibility not only for Chicago and other municipalities but for the state. Legislation to provide operating subsidies to the CTA is essential for the economy and welfare of the entire metropolitan area.

We must maintain our excellent economic growth, our high employment rate, and expand job opportunities to everyone who wants to work. These, for the most part, are the basic priorities. They are not new. They arise from the common needs of people. They are functions of government which make the city viable, a place in which people can enjoy living.

This administration and this city council, with the support of the people, have carried on programs that have laid a foundation for us to move forward to achieving these goals. The performance of the city's basic housekeeping services have reached high standards. We have underway programs, such as model cities, urban opportunity, comprehensive health care and consumer protection. These seek to meet the personal needs of people. We have a well-balanced public works program. Our financial structure is on a sound basis.

The record has demonstrated that this administration and the city council, with public support, have taken positive action to meet the problems of urban life. We have made progress, but we are not satisfied. There is much to be done. There are areas in which we have made a great deal of progress, in others our success has only been moderate, and in some, our experience has been disappointing.

Many of the programs were new and carried on during times of social stress. But each year, all of us have learned a little more, and from our experiences those of us in government and the people in the communities have become wiser.

The city's greatest resource is its people and without their active participation there can be no real progress. There are many kinds of participation. There are those who cry out against injustice and hold before us ideal goals. Certainly it is important to focus on goals and define problems but their continual repetition alone cannot bring about their accomplishment. They mean little unless they are accompanied by action, programs and plans.

There is another kind of participation. This is the participation of responsibility, which calls upon people and government to act constructively, to bring their convictions, their goals to reality. They are willing, after debate and discussion, to accept alternative realistic solutions.

Examples of this forward looking of responsible participation is where neighborhood not-for-profit organizations are building urgently needed housing in cooperation with government. We have the same spirit of responsible participation by the residents and their leaders in the model cities program, the conservation boards, and urban opportunity councils.

Chicago has more community organizations with trained staffs and well planned activities than any other city.

From these and other experiences we have developed a greater understanding and a new strength. We now share a clearer recognition of our common goals, a better understanding that we can work together, a common recognition of the magnitude of the problems and the magnitude of the challenges that face us.

I am convinced that we will make far greater progress in the next four years because there has developed an atmosphere of genuine cooperation, an atmosphere of mutual responsibility.

We also begin this new administration with a new State Constitution. It has broadened our home-rule powers and provides us with opportunities for better government that we have sought for many years. It is our responsibility, a responsibility we welcome, to use these new powers to make a better city, and better neighborhoods.

Chicago always has been a testing laboratory for new programs and for new approaches to urban living. We expect to continue proving our methods to answer the problems we face, recognizing that these are not local problems alone, but national in scope. Poverty, ignorance, disease, and discrimination require a national commitment with Federal and State funds.

I have confidence in the future of Chicago. No city in America is as strong as Chicago. No city has the spirit that Chicago has. No city has more skilled labor. No city has more enlightened management. No city has more aggressive and dynamic neighborhood organizations. No people have demonstrated that they have as much vision and determination to do those things which need doing, to put into practice the motto of Chicago "I Will."

Whatever success, whatever progress, we have made has only been possible because Chicago is all these things. We must have the continued responsible participation of the people in all the neighborhoods. There is so much to be done and it can only be done with the active support and help of every citizen.

Tonight, as I look back upon sixteen years as Chief Executive of this great city, I feel just as I did when I first took office. I knew then that the Mayor's office was no ivory tower. Its problems could not be solved with a slide rule, that there were no miracles, there were no bargains in government as in anything else.

But I had faith in the city and its people. Because I live in a community and work with my neighbors, I knew their dreams, hopes and aspirations, that their determination to make a better life for themselves and their children were shared by the residents of all neighborhoods. Sixteen years ago, nothing meant so much to me as to serve the city I love, and nothing means so much to me today.

Tonight I rededicate myself to maintaining the fabric of urban life in Chicago and to make our city a rewarding place in which to live and work.

And now, I want to thank the membership of the City Council for their help in making the record of our administration. I know full well the contributions of the people in the neighborhoods, and of the many private agencies as well as public bodies, who have worked with us. I thank the city employees, and all other citizens, who have given of their own time and their full support so that this city could make progress, so that we can expect an even better city tomorrow for ourselves and our children.

I think it is appropriate on this occasion to reflect on the words of Sir Thomas More. He was writing in the 16th Century, but his advice has deep significance today, he wrote:

"Suppose wrong opinions cannot be plucked up by the roots, and you cannot cure as you would wish, vices of long standing, yet you must not on that account abandon ship of state and desert it in a storm, because you cannot control the winds. But neither must you impress upon them new and strange language, which you know will carry no weight with those of opposite conviction, but rather you must endeavor and strive to the best of your power to handle all well, and what you cannot turn to good you must make as little bad as you can. For it is impossible that all should be well, unless all men are good, which I do not expect for a great many years to come."

In the words of Sir Thomas, I pledge that I will strive to the best of my power to handle all well.

RESOLUTION ON PROPOSED INVESTIGATION OF OPERATION KEELHAUL

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. ASHBROOK. Mr. Speaker, on November 23, 1970, a Lithuanian seaman, Simas Kudirka, attempted to defect to the United States by jumping from a Soviet vessel to the U.S. Coast Guard cutter *Vigilant*. After incredible bungling by both the Coast Guard and the State Department Kudirka was returned to the Soviet vessel. Here is how the House Subcommittee on State Department Organization and Foreign Operations described his return:

> Five Soviet crew members boarded the Vigilant bringing with them a blanket, rope, and a ball of material that they intended to stuff in Kudirka's mouth. Kudirka prepared to fight and gave to Commander Eustis the few personal effects he had brought with him. Included in these were his identification card and a photo of his wife. Action moved over the Vigilant as Kudirka tried to elude his pursuers. Finally cornered, he was beaten by his captors, tied up in the blanket, and by 11:15 p.m. was under the control of the Soviet sailors.

Further detailing this outrageous incident the subcommittee's report stated:

> During the excitement the two ships had been unmoored. Kudirka could only be transferred to the Soviet ship by small boat. Whose small boat? When Captain Brown was advised of the situation, he authorized the use of the Vigilant's. Bound in the blanket, Kudirka was thrown into the small boat. One of the Soviet crew sat on his head while another beat him. From the boat he was thrown into a net lowered from the Soviet ship. His bid for freedom was over.

This tragic incident in which U.S. officials played such a disgusting part caused a storm of protest across the Nation. Letters poured into congressional offices, newspapers covered it with banner headlines, President Nixon ordered an immediate report and both the Departments of State and Transportation submitted such reports. The commandant of the Coast Guard appointed a Board of Investigation which produced a report of more than 900 pages. All in all, the Kudirka case, after the public learned the facts, resulted in the official action which it so fully deserved.

Contrast this with another case of forced repatriation which involved an estimated several million people, the Operation Keelhaul case during and at the end of World War II. Had the facts of this unbelievable episode been given the publicity at that time which accompanied the Kudirka case, doubtlessly widespread protest resulting in official action would have resulted. Unfortunately, to this very day, the full story of this tragic case has never been brought to public attention.

Briefly, beginning in 1944 and continuing into 1947, civilians and prisoners of war held by the allied authorities were given over to the Soviets, against their wishes, to be transported back to Communist territories. These included Russians, Ukrainians, Poles, Hungarians, and natives of the Baltic countries who feared for their safety or survival if returned to Communist custody. Some committed suicide rather than face Soviet "justice." As in the Kudirka case, the State Department played a questionable role. The CONGRESSIONAL RECORD, volume 116, part 20, page 25505, provides some revealing information on the involvement of the State Department in this miserable page of American history. Other references to Operation Keelhaul appear in the RECORD in 1970 on July 22, September 24 and 30, and December 30. In 1971 further references appear in the RECORD issues of January 2 and 26 and on March 25.

For those acquainted with the story of Operation Keelhaul the name of Mr. Julius Epstein is a familiar one. Now with the Hoover Institution on War, Revolution, and Peace at Stanford University, Mr. Epstein, as far back as 1956, tried to call public attention to this case before the Internal Security Subcommittee of the U.S. Senate. Through his efforts it was learned that the U.S. Army possessed a file titled "Operation Keelhaul" which detailed pertinent information but which had been a security classification which denied the public access to it. To have the given information made public, Mr. Epstein went all the way to the Supreme Court where he was denied certiorari. He appealed to the White House and was successful in having the national security and foreign policy arguments for the secret classification removed. There now remains but one objection to having the information released—the coauthorship of some of this information by our British allies, whose approval the Department of Army and the White House contend are necessary before release of the Operation Keelhaul file.

Back in the 1940's Mr. Epstein's tenacity played a major role in the establishment of a select committee to investigate the Katyn Forest massacre, resulting in the finding that the Soviets had slaughtered thousands of Poles in the Katyn Forest area. Because I believe that the American public is entitled, as in the Kudirka case, to all the information relevant to Operation Keelhaul, I have today submitted a House resolution calling for a similar select committee to be established which will hopefully set the record straight as did the committee in the Katyne Forest massacre case.

The text of the resolution follows:

TO ESTABLISH A HOUSE SELECT COMMITTEE TO INVESTIGATE THE FORCED REPARATION BY THE UNITED STATES OF PRISONERS OF WAR AND CIVILIANS TO THE SOVIET UNION DURING AND AFTER WORLD WAR II

Whereas Operation Keelhaul (the forced reparation to Soviet-controlled countries of millions of anti-Communist prisoners of war and civilians by American military and civilian authorities in the years 1944–1947 in Germany and in other countries) brought death and misery to untold millions of these anti-Communists before Soviet firing squads, on Soviet gallows, and in the Siberian slave labor camps; and

Whereas Operation Keelhaul cannot be justified by the agreement on the exchange of prisoners of war and civilians signed at Yalta on February 11, 1945; and

Whereas Operation Keelhaul was in violation of the rulings in implementation of the Yalta agreement on prisoners of war and displaced persons, made public by the Department of State on March 8, 1946; and

Whereas the forced repatriation of prisoners of war who had enlisted in the enemy's army was in contradiction to the opinions of the Judge Advocate General of the Army, as expressed during the last fifty-five years, and

Whereas the forced repatration of millions of anti-Communist prisoners of war and civilians represents an indelible blot on the American tradition of ready asylum for political exiles; and

Whereas the forced repatriation and annihilation of millions of anti-Communist prisoners of war and civilians of Russian, Ukrainian, Polish, Hungarian, Baltic and other origin is still poisoning our spiritual relations with the vigorously anti-Communist peoples behind the Iron Curtain, and is therefore impeding our foreign policy; and

Whereas the Operation Keelhaul files assembled by the Combined Chiefs of Staff twenty-three years ago are still classified and therefore cannot be released to the American people; and

Whereas the legal action "Epstein v. Resor" based upon the Freedom of Information Act and instituted to bring about the declassification and the release of the Operation Keelhaul file did not succeed; and

Whereas the Supreme Court of the United States denied plaintiff's petition for a writ of certiorari, thereby, in effect, negating the Freedom of Information Act a dead letter; and

Whereas the President of the United States has removed the main obstacle to the declassification of the Operation Keelhaul files by declaring that "The U.S. Government has absolutely no objection (based on the contents of the files) to the declassification of the 'Operation Keelhaul' files, however, given the joint origin of the documents, British concurrence has not been received. Thus, we have no alternative but to deny your request."; and

Whereas the Operation Keelhaul files consist to a large extent of American documents, classified by American military authorities; and

Whereas no foreign government should have the power to deprive the American people of the opportunity to learn their own history based upon documentary evidence concerning events which occurred more than twenty-five years ago: Therefore be it

Resolved, That there is hereby created a select committee to be composed of seven Members of the House of Representatives to be appointed by the Speaker, one of whom he shall designate as chairman, and no more than four members of the committee shall be selected from the majority party. Any vacancy occurring in the membership of the committee shall be filled in the same manner in which the original appointment was made.

SEC. 2(a). The committee is authorized and directed (1) to conduct a full and complete investigation and study of the facts, evidence, and extenuating circumstances of the forced repatriation program, carried out by our military and civilian authorities in Germany and other countries in the years 1944–1947, under which millions of anti-Communist prisoners of war and civilians were forcibly repatriated to Soviet-controlled countries, and (2) to fix the responsibility for such program.

(b). The investigation by the committee shall further include the circumstances under which the documentary evidence of that forced repatriation was compiled in a dossier known as the Operation Keelhaul file. The investigation of the committee shall establish the circmustances under which the Operation Keelhaul file was classified Top Secret and later downgraded to Secret as well as the aspects under which the documents of purely American origin should be released to the American people.

SEC. 3. The committee shall report to the House (or to the Clerk of the House if the House is not in session) as soon as practicable during the present Congress the results of its investigation and study, together with such recommendations as it deems advisable.

SEC. 4. For the purpose of carrying out this resolution the committee, or any subcommittee thereof authorized by the committee to hold hearings, is authorized to sit and act during the present Congress at such times and places within or outside the United States, its territories, and possessions, whether the House is in session, has recessed, or has adjourned, to hold such hearings, and to require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any member of the committee designated by him, and may be served by any person designated by such chairman or member.

RETURN OF POW'S AND MIA'S

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. SCHEUER. Mr. Speaker, as proclaimed by Robert Abrams, president of the Borough of the Bronx, New York City, April 28, 1971, is Prisoner of War Day in the Bronx. We of the Congress, as well as all Americans should join with the citizens of the Bronx in their concern and their prayers for the captured and missing soldiers in Vietnam. My sympathies are thus extended to the families of all captive and missing soldiers, and particularly on this day, to the families of Capt. Gary A. Chavez, Lt. Col. Brendan P. Foley, Capt. Eugene M. Pabst, Capt. Peter J. Russel, and SFC Donald J. Rander, residents of the Bronx. It is my strong hope that we will soon see the speedy and safe return of them all.

The status of the American prisoners of war currently held captive in North Vietnam presents an agonizing dilemma both for the families of the POW's and MIA's, who must endure the grief and heartache of their captivity, and to our Government, whose withdrawal program is threatened and menaced by their continuing detention.

The North Vietnamese have consistently violated all tenets of international law dealing with prisoners of war. They have denied inspection rights to the International Red Cross, restricted and in many cases denied mail and information rights, and have in general neglected the care and welfare of our men which is their responsibility. Our soldiers have been subjected to physical abuse and many are suffering from injuries months and years after capture.

I have cosponsored, and vigorously support efforts to end our involvement in this war by December 31, 1971, and will continue to do so. It is to save the lives of the prisoners of war and the very spirit of this Nation that we seek early termination of this tragic conflict. If these efforts fail, we must find alternatives to secure the freedom and security of the men imprisoned in North Vietnam.

The North Vietnamese have stated that release of American prisoners will begin upon withdrawal of the United States from Vietnam. President Nixon has declared that as long as there are prisoners in North Vietnam, United States forces must remain in Vietnam. This stalemate does little to lessen the plight of over 1,600 Americans now suffering in captivity in North Vietnam. We must take action to aid these men even as we seek to end this war.

With this in mind, I have introduced the following resolution:

The material follows:

CONCURRENT RESOLUTION

Urging the President to initiate action with respect to a plan to secure the release of American prisoners of war from capitivity by North Vietnam

Resolved by the House of Representatives (the Senate concurring), That because 1600 Americans are currently held captive in North Vietnam without genuine hope of being soon returned, it is the sense of the Congress that since Article 12 of Part II of the 1949 Geneva Convention authorizes the transfer of prisoners by a detaining power to another party to the convention, the President is strongly urged to request the Secretary-General of the United Nations (1) to ask the Government of North Vietnam to accept the tenets of such Article 12, and (2) if the North Vietnamese government so accepts, to offer an arrangement whereby—

(A) the Government of North Vietnam will agree to the internment of the American prisoners of war in a neutral nation to be chosen by the Secretary-General and mutually agreeable to the concerned parties, for release upon the withdrawal of the United States forces from Vietnam, and

(B) in exchange for such internment, the United States Government will—

(i) guarantee that the South Vietnamese Government will reciprocate by placing North Vietnamese prisoners in a neutral nation, mutually agreeable to all parties, to be released upon the withdrawal of all United States forces from Vietnam; and

(ii) agree to undertake all costs of the internment; and

(iii) agree not to invade North Vietnam, nor to in any way support or aid an invasion of North Vietnam.

The implementation of this resolution will eliminate a major impasse in efforts to end this war. It will also alleviate the pain and hardship of soldiers and citizens who have suffered too hard and too long. Our actions must now reflect our concern for those who are imprisoned and for those who shoulder the daily burden of an unending, senseless war.

The American people have clearly said "No More" to the anguish, and the bloodshed of a struggle that has no rightful place in the scope of American events. I urge my colleagues to unite behind a resolution which affords a clear opportunity to make the wishes of a broad-based consensus of the American people a reality: to end this war and return to their homes the sons and brothers of the United States.

SECOND-BEST IN THE WASTELAND

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. MANN. Mr. Speaker, as T. S. Eliot told us in his famous poem "The Wasteland," April is the cruelest month. It has certainly been so for the SST and the future of American technology, receiving their cruelest jolt to date on April Fools' Day of this year when the Congress foreclosed the American chance to be first in aviation. What the reason for this so-called triumph for "enlightened liberalism" was now escapes me, as it was never fully stated. However, the emotional overtones behind its various rationales led me to believe that those who voted against the SST did so out of a concern for America's underdogs, under the mistaken belief that the funds might be diverted to help those on welfare. This was extremely short-sighted, in my opinion, because a country which is not first in technology, which every day is finding more and more of its workers going on unemployment due to foreign competition which it either cannot or refuses to protect itself from and which sees its economy rapidly shifting from production of its own goods to distribution of the goods of foreign countries geared to slave-wages—such a country, such a wasteland of warehouses and distributing centers will not long be able to support either those on welfare or those still grimly holding onto their very threatened jobs. It would seem, then, that a vote against the SST was also a long-range vote against those whom the SST's opponents maintained they were trying to help on April Fools' Day of this year.

Yes, April is the cruelest month—cruel for the SST and for American technology, but cruelest of all in this fast-becoming economic wasteland for those already on welfare. Of interest along these lines, I believe is the following editorial from the April 1971, issue of Government Executive:

WHAT'S SO BAD ABOUT SECOND-BEST?

(By C. W. Borklund)

The U.S. House's and Senate's decision—after six years of voting the other way—not to fund final development of two Supersonic Transport prototypes is a classic in dumbness. Out of $1.009 billion already invested in SST's development, $864 million has come from the taxpayers via Congress. Cancellation costs will run the final Government tab up about $140 million more.

The approximately two-year estimated development cost to complete is some $400 million. Probably $200 million of that is the result of Congress, mainly, having foisted stop-start, on-off, up-down delays on the program since it started in 1961. If the taxpayer really believes the liberal Congressmen who say they voted "no" because the "funds are needed for more pressing human needs," then the taxpayer is gullible indeed. And if he believes the Conservative justification that "the SST cost too much," he's too naive to cope with his own grocery bill.

However, there seems little point now in rehashing all that. Only God, as far as we know, can kick a dead horse and bring it to life. But, Congressmen do not make stupid decisions, do they. Do they? So there must be some logical explanation for what is, on the face of it, such an illogical and unsubstantiated decision.

Trying, with as much calm as we can muster, to search the big picture for underlying causes, we think we see a couple. One is a significant lesson for the aerospace industry. The other adds up to an ominous trend for all of us.

Regarding the first, Boeing, among others, now readily (if privately) admits, it didn't know all it thought it knew about marketing to Government, especially non-Defense Government and particularly at Government's highest levels, e.g. the Congress. Aerospace is a technologically, as compared to a marketing, intense industry. As is evident in Defense and NASA, a huge chunk of the "selling" effort on a new product development amounts to Government technical experts negotiating with industry engineers over the nature of the problem and how to solve it.

Whatever "marketing," in the classic sense, goes on is in support of the engineer in the home office who is really doing the firing-line "selling." As witness to that, most aerospace industry Washington office personnel are actually intelligence gatherers, not hard-sell marketeers, at least not as more standard, marketing-intense industries (office equipment, automobiles, consumer goods, much of electronics, et al) would define them. In the latter, the engineer tends to support the salesman.

But the industry is quickly learning how "to get the pig to market." Most notable is the growing list of aerospace firms which have made a serious, and not a lip-service, commitment to selling their problem-solving capability not just to Defense and NASA but to other Government as well. And the high-technology companies most successful in this market-diversification effort have long since learned most of their non-Defense NASA customers aren't too interested in why the black-box lights have to wink and blink. All he wants to know is if the black box will solve his problem.

And, in our judgment, it may well end up a boon to preserving this Nation's greatness that the engineer is learning how necessary it has become for him to sell the importance of what he does and can do in language a non-technical buyer will understand. For an ominous philosophy seems to be creeping through the land—prevalent enough already to scare a few people like Dr. John Foster in the Pentagon—that in a very affluent Nation like the U.S. there's nothing particularly bad about being second-best.

Along with a host of smaller ones, this country faces two large intellectual challenges: One in the air-and-space environment and the other in the oceans. The program for facing up to the latter one languishes; and, at least on Capitol Hill, a majority of the lawyers and bankers in charge of big-picture decision-making seem intent on backing away from the former one.

Indeed, many experts think the Nation's wealth of technological brainpower has even now been clobbered by budget cuts close to the point of no recovery. And history records show consistently it's become a politico-economic truism that the civilization which does not face up to these technological challenges sooner or later becomes captive of the civilization which does.

Aware of all this, and of the fact that it's not loved much anymore like it was a decade ago, the scientific community faces one monumental frustration in trying to rebuild its image. That is that those afflicted with the second-best syndrome (the proponents of more funding for social needs, i.e. welfare) consider the technology community a competitor for the Nation's limited resources.

And their attention span isn't much greater than a pre-school child's. Else they wouldn't have forgotten so quickly what the rest of the world learned, largely just from watching us. The lesson: What falls out of investment in technology is not just, or even primarily, the ego-inflating reward of being first in something. The payoff from technological development is economic development, an expansion of wealth and resources which in turn means larger aid, more help and greater opportunity for the poor and underprivileged.

The Government which invests in technology has a program of national growth in mind. The Government which takes away from technology and taxes the present "haves" to give to the present "have nots" is defeatist. It gives a poor man a couple of dollars today and expects him to be grateful when in fact even he recognizes it has foreclosed on his future.

HONOR AMERICA DAY

HON. JAMES R. GROVER, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. GROVER. Mr. Speaker, in these hectic days of demonstrations, strife, and antiestablishment activity, it is refreshing to note, from time to time, instances of constructive and positive action on the part of community minded and patriotic citizens and organizations.

The American Legion is one of these forming a bulwark to safeguard our heritage, and the Archie McCord Post No. 86 of the American Legion of Bethpage, N.Y. is to be complimented for the fine example of active Americanism in recognizing the work of Willard Marriott, evangelist Billy Graham, and Bob Hope in the spectacular "Honor America Day" on Independence Day, July 4, 1970, at Washington, D.C.

The Archie McCord Post No. 94 has adopted a resolution sponsored by Charles J. Sinning urging that "Honor America Day" be a yearly event and that these three outstanding Americans be remembered and associated on their own respective birthdays with "Honor America Day."

I am pleased to comply with the personal request of Post Commander Bob King to memorialize in the Congressional Record this commendable action by Conrad Sinning and the post members.

A PROPER INQUIRY

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. MOLLOHAN. Mr. Speaker, recently the Investigations Subcommittee of the House Commerce Committee issued a subpena to the CBS network to provide certain materials related to its documentary "The Selling of the Pentagon." This action resulted in an immediate and hostile reaction from many segments of the print and electronic news media who saw, or professed to see, a threat to the first amendment in the subcommittee's action.

To those who have taken the trouble to consider this matter before speaking out, it is clear that the subcommittee is engaging in a legitimate inquiry into the adequacy of the present laws governing broadcasting. An editorial from the Martinsburg Journal places the issue in its proper perspective. The great power conferred upon the broadcast news media carries with it some responsibilities to the public. An inquiry into how these responsibilities are being met does no violence to the first amendment. Rather, the failure of the Congress to concern itself with such matters would be a dereliction of our own responsibilities for which we would be properly called to account by the people we represent.

The editorial follows:

[From the Martinsburg (W. Va.) Journal, Apr. 15, 1971]

A Proper Inquiry

Congressman Harley O. Staggers, of our own district, chairman of the U.S. House of Representatives Commerce Committee, has ordered officials of the Columbia Broadcasting System to appear before his group and present information concerning the recent controversial CBS program, "The Selling of the Pentagon."

This has really put the liberals on edge and their pack, led by The Washington Post, is now in full cry against Mr. Staggers charging that he is threatennig freedom of the press.

This writer, as a lifelong newspaper type, is certainly in accordance with the principle of freedom of the press in the nation but we also adhere to the seemingly old-fashioned and overlooked idea of the liberals that freedom of the press also involves responsibility.

For years we have noticed, particularly among young newspapermen and those who run college newspapers, a tendency to be completely enthralled and overcome by the power granted through freedom of the press. As a result, these young reporters take off in all directions and on any subject, acting under the cover of "freedom of the press" but taking no heed to the basic fact that freedom also entails responsibility.

Now we come to freedom of the press as it relates to the major television broadcasting networks.

The Washington Post editorialized at length last Sunday on Staggers' effort to control activities of CBS and to investigate its methods. In defense of the network, The Post blurted out the usual cliches and even went back to invoke the words of James Madison some century and a half ago.

Mr. Madison was certainly one of the pillars and founding fathers of our system but even he could not visualize the power which would one day be given to such a giant as CBS.

It should be remembered that the TV networks operate under federal license. In other words, they are given more or less monopoly rights just as power companies and telephone companies are given monopoly franchises. Because public utilities do not operate under the free enterprise system and have no direct competition, the federal government has to regulate them as to their rates and matters of service to customers. If these giant monopolies were not regulated, they could run roughshod over the people.

The same thing is more or less true of the television network monopolies which are a far cry from the comparatively small newspapers of both the past and the present.

Television networks today have the means of monopolizing the dissemination of news to many millions of people. Newspapers have to operate in the open market of competition. In other words, no one is restricted from starting his own newspaper if he can get the financial backing. It is not so with television networks. No one can move in on the networks because they are given monopoly status by the government.

Thus it is that the networks, by the very nature of their monopoly status, must be regulated.

CBS, which can come into practically every home in the nation, ran and then re-ran a highly propagandistic program attacking the defense establishment of the United States of America. Why is it wrong then for a committee of the U.S. House of Representatives to inquire into the program and to require CBS to explain its motives and methods?

It needs to be established that television networks, as powerful as they are, are not yet running the nation.

THE POSTAL SERVICE VERSUS ORGANIZED CRIME

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. ROBISON of New York. Mr. Speaker, the Evening Star of Friday, April 16, 1971, carried a most interesting article relative to the new Postal Service's plans to fight organized crime. The recent strengthening of laws dealing with mail fraud will aid the Postal Service in its fight against "racketeering activity" and Postmaster General Blount and his postal inspectors are to be congratulated and encouraged in their efforts in this direction. I commend the following article to my colleagues attention:

Postal Service to Step Up Crime Fight

(By Miriam Ottenberg)

Postmaster General Winton M. Blount said today that postal inspectors will step up their fight against organized crime when the Post Office Department becomes the Postal Service on July 1.

He made the statement in an interview after a closed-door session with postal inspectors assigned to strike forces against organized crime in 16 cities.

"The effort will be strengthened," he said, "because we will be able to add inspectors to our investigative forces where necessary without having to take the time to go to Congress, We'll have more flexibility in applying our resources."

MUST PROTECT PRODUCT

There's a matter of self-interest involved, he added. Since the new public corporation will have a mandate to become self-supporting as soon as possible, "It's far more to our interest to protect our product—the mail."

He said all existing postal laws against crime will remain on the books for the new corporation—and the most sweeping one, the one dealing with mail fraud, has been strengthened. For the first time, Congress has listed a mail fraud as a "racketeering activity."

Under the Organized Crime Control Act of 1970, if mail fraud is committed in connection with a business and the offender is convicted of a pattern of racketeering activity, the government can move to take over the business.

The implications of the new law were explained to postal inspectors assigned to strike forces on organized crime during a two-day conference of inspectors here.

INFILTRATION EXTENSIVE

Blount said during the interview that organized crime's infiltration of legitimate business is far more extensive than anyone realizes. But somewhere along the line, the criminals have to use the mails and that's where the mail-fraud statute comes into play.

The postmaster general reported that of the 396 organized crime figures now under indictment for postal crimes, most were trapped through enforcement of the mail-fraud law.

Fencing of stolen and counterfeit credit cards, for example, has become increasingly common within organized crime. When someone is caught, the charge is mail fraud.

Other frequent mail-fraud offenses are advanced-fee swindles where businessmen pay big fees in advance to get multi-million dollar loans which never materialize, and the looting of assets of banks and insurance companies by organized criminals well-versed in financial matters.

SEEKS CONSISTENCY

Blount said that in the past the federal effort on organized crime hasn't been consistent. The thrust of the Nixon administration, he said, is to make the fight more effective over a longer period of time.

He has assigned postal inspectors to the inter-agency strike forces for the first time.

He said he is particularly pleased with recent successes against professional post office burglary rings and well organized fences who dispose of stolen stamps. Six major burglary gangs have been substantially wiped out, with nearly 50 members caught, he said.

Losses of stamps and money through post office burglaries has dropped by close to 60 percent.

He also noted that organized crime's assault on securities moving through the registered mail system at New York's Kennedy airport has been eliminated after $70 million in securities had been stolen since 1967.

CONVOYS USED

And a convoy securities system devised by Chief Postal Inspector William J. Cotter to insure that registered mail is no longer accessible to criminals while being transported to and from airplanes has put an end to theft of registered mail securities at 20 major airports, he said.

The postal system's growing attack on organized crime, Blount reported, has resulted in 142 major investigations now being under way.

An indication that anti-crime efforts are having effect is the fact that in the past few months, three organized crime figures under postal-crime indictment have been murdered gangland style, Blount said.

DELAYS HIT

Blount was asked his view of sentencing in organized crime cases related to the postal system. (In a recent case, organized crime figures received fines of $100. In another, the fine was $1 on each of two mail-fraud charges.)

"I think the courts should definitely consider whether the offender is part of an organized group," said Blount, who serves on the National Council on Organized Crime. "I think most courts do take that into consideration because certainly these people, who conduct themselves in an organized way, are a far different problem from the boy who gets into trouble for the first time.

"One of our big problems, though, is the criminal out on bail who continues his criminal operations. The delay in getting him to trial because of clogged court dockets is one of the things we must get straightened out," he said.

SSBN'S ON STATION

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. SCHMITZ. Mr. Speaker, Cuba has been aptly described by some as a 900 mile long Soviet launching platform. The following article from the March issue of Navy magazine details some of the many implications of a Soviet presence in the Caribbean.

The author of this piece, Mr. James D. Theberge, director of Latin American Studies for the Center for Strategic and International Studies, Georgetown University, points out that:

> By January, 1971, is was evident that extensive repair and servicing facilities for nuclear-powered submarines had been built and two barges anchored in the harbor to receive nuclear reactor effluents. These facilities can be made fully operational almost immediately. In fact, according to reliable sources the Cienfuegos facilities were in use during January, 1971, by a Soviet diesel-powered submarine that called many times in Cienfuegos, and a Soviet submarine tender, another submarine and two other ships were reported heading towards Cuba in early February.

In one of late chairman of the House Armed Services Committee, Hon. L. Mendel Rivers, last speeches before the House, he pointed out the advantages gained by the Soviet Union through having access to a nuclear submarine base in Cuba:

> I am including as a part of my remarks a chart which illustrates the great advantage of a base in Cuba by showing the comparative transit time and days on station for submarines operating out of the Soviet North Fleet area and operating out of Cuba. It will be seen that in a 2-month patrol the on-station time for a ballistic missile submarine in the middle Atlantic is 32 days when operating from the North Fleet and 50 days when operating from Cuba. For a Gulf of Mexico station, it is 20 days on station when operating from the North Fleet and 56 days when operating from Cuba. In addition, as I mentioned, during transit time the subs based in Cuba are within range of targets in the United States. The chart also shows that for attack submarines the days on station are at least doubled if the subs can operate out of Cuba.
>
> The chart follows:

DEPLOYMENT COMPARISON: NORTH FLEET VERSUS CUBA

Station	Transit Time[1] (days) North Fleet	Transit Time[1] (days) Cuba	Days on station North Fleet	Days on station Cuba
SSBN:				
Middle Atlantic	14	5	32	50
Vicinity Bermuda	15	4	30	52
Gulf of Mexico	20	2	20	56
SSN:				
Panama Canal	19	2	22	56
Florida Str	18	2	24	56
Windward Pass	16	2	28	56
Mona Pass	16	3	28	56

[1] Assumes 12 kt.

Note: This great increase in the military effectiveness of this strategic force must certainly be appealing to Soviet leaders.

This increased advantage of a Soviet base, approximately contiguous to the continental United States, must now be viewed in the light of a continually expanding Soviet operational force of Y-class Polaris type ballistic nuclear submarines. Dr. John S. Foster, director of Defense Research and Engineering has reported on April 19, 1971, in prepared testimony before the Senate Committee on Armed Services that:

> By mid-1971 the Soviets are expected to have MORE (emp. added) than 20 Y-class submarines operational. In addition the Soviets have G-class diesel powered and H-class nuclear powered submarines carrying submerged launched 650 mile nautical mile range SLBM's. The Soviets have also been actively testing a new SLBM, with a much longer range than the Y-class missile.

The increased on station time of an expanding number of Soviet nuclear ballistic submarines as a result of a base in Cuba is becoming a very real threat to the prelaunch surviability of our CONUS based B-52 force. At this time we are attempting to disperse this increment of our strategic retaliatory force, which incidentally represents 55 percent of the total megatonnage assigned to all U.S. strategic systems, through a satellite basing program which will give our bombers additional warning time to get off the ground in case of a Soviet SLBM strike at our SAC bases.

An article in the Washington Star of April 16 this year quoted Col. Vergil Bates, chief of the strategic division in the Air Force directorate of operations to the effect that:

> As it (the threat) increases, we improve. We plan to stay a few months ahead of them.

This was in connection with the satellite basing program. This would seem to me to be a very thin edge of security, especially in light of our continuous intelligence underestimation of Soviet deployment capabilities and also in light of a recent statement of Dr. John S. Foster's that:

> Starting about 1971 we could reasonably expect several technological surprises from the Soviet Union.

A technological surprise, that is the deployment of a new weapons system which we did not expect—possibly of the type Senator JACKSON brought to our attention in March and the existence of which was confirmed yesterday by Secretary of Defense Laird—a new ICBM missile at least equal and perhaps superior in megatonnage to the currently deployed Soviet SS-9 25 megaton intercontinental missile—or the employment of an existing system in an unexpected fashion by dint of a small but significant technological improvement, is something which can only be planned for in advance by having a posture of relative strategic superiority.

It is obvious that the current administration has no intention of attempting to regain superiority over the Soviet Union, thus radically decreasing our changes of survival in the event that one of the technological surprises which Dr. Foster predicts we can reasonably expect gives the Soviets the capability to overwhelm our limited forces.

Although Secretary Laird thinks the American people will accept parity, that is loss of American strategic superiority with no attempt to regain it, it is doubtful that they would do so if they understood the highly unstable nature of this posture and were fully aware of the increasing Soviet momentum in the strategic weapons field which is fast turning an uncertain parity into total U.S. inferiority all across the board.

As the Presidental Blue Ribbon Defense Panel Supplemental Report pointed out:

> The most ominous danger of being second rate in the nuclear age is that it multiples the chances—not of peace—but of nuclear war. Soviet or Red Chinese overconfidence or miscalculation in the employment of, or threat to use, their power may trigger such a war inadvertently or place the United States in a posture from which there could be no retreat.
>
> The road to peace has never been through appeasement, unilateral disarmament or negotiation from weakness. The entire recorded history of mankind is precisely to the contrary. Among the great nations, only the strong survive.
>
> Weakness of the U.S.—of its military capability and its will—would be the gravest threat to the peace of the world.

The article from Navy magazine as well as the story from the Washington Star of April 16, 1971, follows:

THE DOORSTEP CHALLENGE

(By James D. Theberge)

(James D. Theberge is the Director of Latin American Studies for the Center for Strategic and International Studies, Georgetown University. A former foreign service reserve officer, Theberge served in Argentina as an economist. He also served as advisor to the Inter-American Development Bank. A graduate of Columbia he also holds two masters degrees, one from Oxford and one from Harvard.)

There are very few unchanging principles governing the relations between nations. Some, however, do exist, and for Americans the Monroe Doctrine is one of the most enduring of them all.

Promulgated almost one hundred and fifty years ago in President Monroe's State of the Union message, the Doctrine aimed at thwarting the territorial and ideological pretensions of the Great Powers in the New World. It declared any attempt to colonize, oppress or control the independent states of the Western Hemisphere would be considered an "unfriendly act" and a threat to U.S. "peace and safety." The Monroe Doctrine has been and continues to be accepted without question both by policy-makers and the vast majority of Americans as a fundamental tenet of U.S. foreign policy.

That this remains so is understandable but perhaps surprising for since the 1962 confrontation over strategic missiles in Cuba, Russia has made it clear that she is actively challenging the United States' unquestioned position of predominance in the Hemisphere. The modern era in which Great Powers from outside the Hemisphere could be expected to willingly abide by the Monroe Doctrine may be coming to an end. The Caribbean is the latest testing ground of the Doctrine with Cuba as the vortex of conflict. It is there that Soviet intentions and the vital importance of sea power are being clarified.

Since the end of World War II, the Soviet challenge to the United States and its allies has been largely restricted to areas around the periphery of Eurasia. Latin America has been, until recently, free from the direct threat or influence of Soviet military power. In large measure this flows from the fact that the Soviets traditionally have been primarily a land power.

PROCESS OF CHANGE

All this is in the process of change, however, due to the Soviet ambitions to become a global naval power backed by a large Soviet shipbuilding program. The Soviets have begun to grasp the possibilities of employing their naval power politically to reorient a country's economic and foreign policies as can be seen in their actions in areas adjacent to their own borders. (See NAVY November and December, 1970, and Page 8 this issue.) While not claiming that Soviet naval power is the only causal factor, it clearly has influenced the policies of Turkey and Iran—both nations have adopted a more neutral stance toward the United States.

The Soviets appear now to be striving to repeat this process by maintaining a naval presence in the Indian Ocean east and south of Suez. The Soviet presence in these areas is believed to be released to the natural Russian interest in areas close to its borders. It now seems clear, however, that whatever may have been the initial Soviet motivation in the Middle East, success has encouraged her to employ naval power for the achievement of political aims in other areas as well.

It is not too early to begin considering the possibility that Russia through her navy may be able to influence the policies of nations in the Caribbean and ultimately in other areas of the Hemisphere as well. It is also important to see this in the context of growing anti-military feeling in the United States, and the relative decline in the size and quality of the U.S. Navy; all this at a time when the USSR is rapidly developing the world's most modern naval force.

As her naval capabilities grow, the Soviet Union will be increasingly able to preoccupy the United States in more than one area at a time. Just such a situation developed recently in Jordan where U.S. naval forces reportedly had to be redeployed from the Caribbean to the Mediterranean at a time when the Soviet Union was drawing attention to that very area by developing submarine facilities in Cuba. There simply were not enough U.S. warships to go around any longer.

This is not an isolated incident. The United States Navy is no longer able to maintain a reinforced amphibious Marine battalion permanently on station in the Caribbean because of requirements elsewhere. Tuna fishermen on the West Coast whose vessels were seized illegally by the Ecuadorian Navy at the end of January, 1971, wonder if the United States Navy is too over-committed to protect them or was prevented from acting by State Department policy.

Like the Middle East, the Caribbean area is characterized by great physical weakness on the part of the riparian and insular states, and recent history suggests that the Soviets are unable to resist temptations to make gains wherever weakness prevails. This is a tendency not likely to diminish as the Soviet Navy grows in strength; and the U.S. fleet suffers from further cutbacks and constraints.

Soviet naval forces have been operating with increasing frequency in the Caribbean since July, 1969, when the first Soviet flotilla intruded into the area, and there is evidence that the Soviet Union now is intent on developing some form of permanent naval presence in the Caribbean, whether based on Cuba or not.

Russia also is active on the Pacific Coast of South America. Discussions are now underway with Chile's Marxist government for the Soviets to build port facilities at Valparaiso for the Chilean fishing fleet as the first step in gaining base rights for the Soviet navy.

STRATEGIC IMPORTANCE OF CARIBBEAN

The strategic importance of the Caribbean archipelago and surrounding land masses may be considered from three points of view: (1) as sources of war materials, (2) as bases for offensive and subversive operations, and (3) as a lifeline of commerce and logistic supply.

Most U.S. imports of bauxite are supplied from Jamaica, Guyana, and Surinam, (they also account for over 40 per cent of world production); the Caribbean supplies about one-fifth of U.S. imports of iron ore and concentrates, almost entirely from Venezuela, and over one-third of U.S. crude oil imports from Venezuela, with small amounts from Colombia. Significant shares of total U.S. imports of graphite, sulphur, barium, fluorspar, sodium chloride and zinc also originate in Mexico and other Caribbean states. While some of these raw materials are not, strictly speaking, a "vital" necessity to the United States they are of value in conserving U.S. resources and diversifying her sources of supply.

The proximity of the area to the United States makes it of paramount importance to the continental defense. In the event that the mainland or any of the islands came under the control of a major enemy power, Hanson Baldwin, writing in his latest book, "Strategy For Tomorrow," (Harper and Row), has warned that "the continental ramparts would be breached, and, under certain conditions, as the Cuban Missile Crisis of 1962 demonstrated, a deadly, indeed a vital, danger to the security of the United States might develop."

The establishment of another expansionist Communist-dominated nation in the Caribbean would also, as Cuba demonstrated, pose a threat of guerrilla and terrorist type attacks on neighboring Caribbean states, and, if violent revolutionary activity is unsuccessful, the support of "united front" or "coalition" tactics to further expand the area of Communist imperialism. The existence of Communist-controlled territory in the Caribbean (Cuba) already confronts the United States wtih a major political problem, requires constant surveillance, and diverts part of the U.S. military and intelligence forces.

Finally, the Caribbean (including the Panama Canal), has major military value as a lifeline of seaborne commerce and communication, the area of convergence of interoceanic trade routes and as a logistic and supply route for the United States. Major sea routes crisscross the area carrying troops and military supplies to crisis areas such as Southeast Asia and bulk cargo (mainly coarse grains, coal, crude oil, and petroleum, lumber) and general cargo between the production and consumption centers in the Western Hemisphere, Europe and the Far East.

SOVIET NAVAL INTRUSION

Soviet construction of nuclear submarine support facilities in Cuba during the last half of 1970 demonstrated that Soviet interest in the Caribbean went beyond the protection of "Socialist" Cuba and the large Russian investment there. Furthermore, reports from reliable underground sources indicate that a substantial naval construction program is underway in Cuba to provide the Soviet Union with the facilities required to support a sustained naval presence.

The seven-ship Soviet flotilla that entered the Caribbean and visited Cuba for the first time on July 20, 1969, consisted of a KYDNA class guided-missile cruiser (from the Black Sea fleet) accompanied by two guided missile destroyers, two diesel powered submarines, a submarine tender, and a tanker. In Castro's address aboard the guided missile cruiser GROSNY, the flagship of the flotilla, he described the Soviet visit as an "historic event" marking the first time since the Cuban revolution of 1959 that the Soviet Navy had called on Cuban ports. In November of the same year, Marshal Grechko, Soviet Minister of defense, visited Cuba for the first time. Several months later in February of 1970, Raul Castro, Minister of the Armed Forces of Cuba, returned the visit and probably negotiated an increase in Soviet military aid to Cuba. On April 22, 1970, Fidel Castro, speaking in Havana on the 100th anniversary of Lenin's birthday, declared Cuba's military connections with the Soviet Union were "unbreakable."

Then in May, a second Soviet naval task force visited Cuba for two weeks after a cruise in the Caribbean stopping off in the port of Cienfuegos. The task force this time included three submarines (two diesel and one nuclear-powered), a submarine tender, guided missile cruiser, a missile-equipped destroyer, and an oil tanker.

A NUCLEAR SUB BASE

During the late spring and summer of 1970 increased Soviet military activity was evident in Cuba and in August details of Soviet naval construction in Cienfuegos was brought to the attention of the U.S. intelligence community by agents and Cuban refugees. The evidence pointed to the strong possibility that the Soviets were installing a permanent nuclear submarine facility.

The third arrival in less than 15 months of a USSR flotilla (a guided missile destroyer, guided missile cruiser, tanker, submarine tender and ALLIGATOR-class amphibious landing craft carrying three barges on her deck) in Cienfuegos on September 9th aroused U.S. interest in Soviet intentions as new evidence accumulated that the Russians were preparing Cienfuegos to support and service nuclear-powered ballistic missile submarines.

It is worth noting that earlier in 1968, the Russians had installed facilities for servicing 130 medium-sized ships, a floating dock, repair shops and a long-range communications center in Havana. Therefore, ample facilities already were available to surface ships and submarines for port calls and "flag showing" expeditions into the Caribbean. Soviet warships berthed in Havana on their first visit to Cuba and the Russians have no need for a secluded, well-protected deep-water facility at Cienfuegos, unless, as the London Economist noted, "They want to stockpile large amounts of strategic equipment," and, it should be added, unless they intend to establish a strategic submarine support facility.

THE CIENFUEGOS INCIDENT

By the end of September, 1970, reports from Cuban underground sources and U-2 photo reconaissance flights over Cuba, which had been stepped up earlier in the month, indicated that apart from the submarine tender and barges anchored in Cienfuegos there was considerable Soviet supervised construction activity in the port. On September 25th, the Nixon Administration warned the Soviet Union against establishing a strategic submarine base in the Caribbean and reminded Soviet leaders of Khruschev's promise to President Kennedy to keep offensive weapons out of Cuba and the Hemisphere. The Pentagon declared that it was not sure about Soviet intentions and whether the Soviet Union was building a submarine support facility although there were some indications that was what they were doing.

While the Soviets did not deny they might be building submarine support facilities at Cienfuegos, Pravda accused the Nixon Administration of fanning war hysteria to "artificially aggravate the international situation and create an atmosphere of military psychosis." It was not until October 9th that the Soviet Union rejected reports that it was planning a strategic submarine base in Cuba. Izvestia declared that the Soviet Government was honoring its part of the 1962 agreement with President Kennedy. On October 13th, the Soviet Government made a stronger denial and charged, as reported in the New York Times, that U.S. suggestions that it was constructing a naval base in Cuba were a "concoction" and that "the Soviet Union has not built and is not building its *own* military base in Cuba." (Italic added)

The Nixon Administration appeared anxious to accept the Soviet Union's reaffirmation of the 1962 Kennedy-Khrushchev understandings and clearly did not want a crisis over Cienfuegos in view of the upcoming Congressional elections, the SALT negotiations and the desire to make a success of the "era of negotiations" into which United States-Soviet relations were supposed to be entering. On October 10th the Soviet withdrawal of the submarine tender from Cienfuegos harbor temporarily cleared the air of growing suspicion and distrust of Soviet intentions. However, the barges designed to receive radioactive effluents from Soviet nuclear-powered submarines, remained anchored in the harbor and the construction of facilities for the Soviet Navy on Cayo Alcatraz within Cienfuegos continued until completed in early January, 1971. On October 15th, five days after steaming out to sea, the submarine tender returned to Cuba, entering the harbor of Mariel, 25 miles east of Havana. She returned to Cienfuegos on October 31st and remained there until January 4th or 5th.

Since the Soviet submarine tender presumably was equipped to service nuclear-powered missile submarines, the Nixon Administration appeared relieved to announce that the tender (along with a diesel-powered submarine, a guided missile frigate and an oiler) had left Cienfuegos and apparently was on its way home and hoped that the incident finally was closed. However, by January, 1971, it was evident that extensive repair and servicing facilities for nuclear-powered submarines had been built and two barges anchored in the harbor to receive reactor effluents. These facilities can be made fully operational almost immediately. In fact, according to reliable sources the Cienfuegos facilities were in use during January, 1971, by a Soviet diesel-powered submarine that called many times in Cienfuegos, and a Soviet submarine tender, another submarine and two other ships were reported heading towards Cuba in early February.

Soviet naval activities in the Caribbean during the period from mid-September in 1970 to early January, 1971, can be viewed as an assertion of the Soviet right to send ships to the area and as a test of U.S. determination to prevent the Soviet Union from basing or servicing nuclear missile submarines in Cuba or elsewhere in the Caribbean. President Nixon made it quite clear in a television interview on January 4, 1971, that the United States would consider it a violation of its "understanding" with the Soviet Union if the latter serviced nuclear submarines "either in or from Cuba."

SOVIET STRATEGY

Three elements of the Soviet Union's strategy in the Caribbean can be summarized briefly: (1) intrusion into the United States sphere of influence through military alliance with Cuba and deployment of Soviet naval power in the Caribbean; (2) protection of Cuba's "socialist" regime as an extension of the Brezhnev Doctrine—the right of Soviet intervention in Communist regimes to protect Soviet-defined "socialism"; and (3) promotion of "peaceful" Communist accession to power through "united front" and "coalition" tactics along the lines of the Chilean model.

What does the Soviet Union hope to gain from the deployment of its naval power in the Caribbean? The Soviets may be trying to capitalize on the crisis in the relations between the United States and a growing number of Latin American and Caribbean states in recent years as a result of resurgent nationalism, the striving for an independent foreign policy and the desire to reduce economic dependence on the United States.

Soviet naval activity in the Caribbean strengthens the image of the Soviet Union as a rising power contrasted with the apparent decline of the United States' power and nerve. At present, their presence is less a military than a political threat to U.S. predominance in the Caribbean and the Western Hemisphere. By undermining U.S. prestige, the Soviets hope to enhance their image as the expanding power of the future.

The United States cannot afford to permit the Soviet Union to undermine the U.S. position in the Caribbean, or any other area of vital importance to U.S. security, to the point where, as Chief of Naval Operations Admiral Elmo R. Zumwalt, Jr., put it, "free world nations and uncommitted nations around the globe will begin to back away from their commitments to the U.S. and seek accommodations in other directions."

This will happen if our allies and neighbors in the Caribbean begin to believe the Soviet Union is considerably more powerful than the United States.

The political costs of the failure of socialism in Cuba are considered sufficiently high to compel the Soviet Union to support Castro's regime in spite of differences. The Soviet Union has used the "friendship visits" to Cuba by the Soviet Navy since July, 1969, to demonstrate Soviet-Cuban solidarity and Soviet commitment to the survival of Cuba. As Fleet Admiral Kasatonov declared in 1967: "Ships' visits facilitate the development and strengthening of friendly relations between the Soviet people and the peoples of foreign countries, and they strengthen the authority and influence of our homeland in the international arena."

As a member of the "socialist camp" the defense of Cuba occupies a relatively high priority in Soviet world-wide policy, but at the same time, the Soviet Union would like to reduce the heavy economic burden of subsidizing Cuba. Since 1966, the Soviet Union has launched an offensive in Latin America which combines flexible economic aid and trade policy with non-revolutionary reform-type politics on the part of local Communist parties. The ultimate aim is to end the U.S.-sponsored economic blockade and political isolation of Cuba so that Cuba can become more self-sufficient and less of an economic political, and military burden.

The major Moscow-oriented Communist parties in the Caribbean have sought coalitions or "fronts" with anti-U.S. nationalist groups and generally eschewed revolutionary violence. The Soviet Union's primary aim has been to undermine the U.S. position in Latin America and the Caribbean while carefully avoiding the risk of direct confrontation with the United States. Particular attention has been given to harnessing the forces of middle class nationalism to the cause of international communism.

Soviet specialists consider the nationalistic sectors of the middle class to be the decisive force behind the "national liberation" movements in Latin America and the Caribbean. A coalition of Communist, left-wing and nationalistic middle-class forces, united by their hostility to growing U.S. economic power and frustrated at the pace of social progress, will gain in peaceful political competition. In time, it is believed that the nationalistic middle-class will come to power, nationalize U.S. property and break with the United States. Foreign investment, by provoking nationalist reaction, becomes then a powerful agent of its own destruction.

The 1970 Chilean presidential election demonstrated that Soviet policy may succeed under special circumstances. The victory of Marxist Salvador Allende's Unidad Popular Party, an alliance of Communists, Socialists, Radicals, and radical Christian Democrats, suggests that power may be within the grasp of those local Communist parties capable of enlisting the cooperation of the "anti-imperialist" national and petit bourgeois parties and groups.

SOVIET PROSPECTS

What are the prospects for the success of Soviet strategy in the Caribbean? The intense anti-United States feeling from which the USSR has been the chief beneficiary in many Arab states has made limited headway in the Caribbean aside from Cuba. Nevertheless, anti-United States feeling is strong in the Dominican Republic, Panama, Guatemala and other states, where memories of U.S. intervention are still fresh. Some Caribbean political leaders show signs of moving towards a more independent foreign policy and are beginning to place restrictions on foreign investment, but they have not yet fallen into the trap of a negative anti-Americanism or reduced their traditional pro-Western orientation.

As long as the USSR has acquired few interests, aside from Cuba, worth protecting in the Caribbean, it can afford to favor local forces whose aim is to alter the status quo. The USSR has more to gain than the United States from instability in the area, although it cannot carry these tactics too far without risking a strong local or U.S. response.

ESTABLISHED FOOTHOLD

We *must not* forget that the Soviet Union has established a foothold in the Western Hemisphere and successfully challenged the Monroe Doctrine as a result of the unimpeded arming of Cuba and the establishment of Soviet controlled military facilities on the island. The United States allowed this to happen in the early 1960's when she was the most powerful industrial and military nation in the world. In the 1970's the strategic and naval balance will be less favorable to the United States. Soviet surface ships will be capable of influencing political-military affairs in the Caribbean, thereby introducing a new element of instability into one of the most politically unstable and socially tense areas in the world.

During the century and a half since President Monroe's historic message of 1823, the Monroe Doctrine has been the subject of perennial controversy and often pronounced dead by its enemies. In 1962, Premier Khrushchev flatly declared, "The Monroe Doctrine is dead," and should be buried. The current Soviet build-up in the Caribbean, with the Soviet navy playing a leading role, presents the most formidable challenge to the Doctrine and to the U.S. interests in modern history. Only timely and resolute counter-action by the United States, preferably with the cooperative support of the Organization of American States' members can persuade the Soviet Union in the 1970's that the spirit of the Monroe Doctrine—that of keeping hostile powers and ideologies out of the Western Hemisphere—is far from dead.

[From the Washington Star, Apr., 16, 1971]

REDS OFF U.S. COASTS: SUBS FORCE A-JETS INLAND

(By Orr Kelly)

The United States is gradually pulling back its bomber force from the Atlantic and Pacific Coasts to protect the planes from possible attack by a growing fleet of Soviet missile-firing submarines.

More than 1,100 bombers and tankers eventually may be involved in the redeployment.

The change in bomber locations is based on maps showing, minute-by-minute, the areas that could be reached by missiles fired from off-shore, according to Col. Vergil Bates, chief of the strategic division in the Air Force directorate of operations.

It is assumed that the submarine-launched missiles would be used first against the bomber bases, rather than cities, if the Soviet Union were to attempt a surprise attack on this country, while intercontinental missiles would be aimed at the U.S. Minuteman missiles.

"Our program is in line with the threat. As it increases, we improve. We plan to stay a few months ahead of them," he said during an interview in his office deep in the Pentagon.

According to Adm. Thomas H. Moorer, chairman of the Joint Chiefs of Staff, the Soviet Union is expected to have 20 Yankee Class ballistic missile submarines in operation by mid-year. Each sub carries 16 missiles capable of flying more than 1,000 miles.

Some of the subs reportedly are on station off the Atlantic and Pacific coasts, but not yet in sufficient numbers to pose a major threat to the bomber force.

But as the number of subs on station increases, Bates said, more and more of the bombers will be pulled back to satellite bases farther from the coasts.

The satellite-basing program will, within the next two years, involve the use of 17 more bases where bombers and tankers can be placed on alert. Most of these are bases formerly used by bombers. They will be in addition to the 30 bomber and tanker home bases in use now.

Spreading the planes over more bases and moving them away from the coasts not only will create more targets, but also will make it possible for the planes to get into the air more quickly, Bates said.

As an example, he said there now are 30 bombers and 30 tankers assigned to March Air Force Base in California. Twelve of each may be on alert. Since it takes 15 seconds for each plane to get off the ground, it would take at least six minutes to launch the 24 planes. Because March is close to the coast, this might not be enough time to get them all into the air.

So, six bombers now have been sent to a satellite base at Ellsworth AFB, South Dakota. Since Ellsworth is much farther from the coast than March, more planes could get off the ground if a warning were received in both places at the same time. The planes remain on alert at Ellsworth for 28 days and then return to March for servicing. The crews are rotated every seven days.

Eventually, some bases near the coast may have as few as four planes on alert, while inland bases may have as many as 20.

The satellite basing program, which is expected to involve about $20.5 million in construction costs, involves a major realignment of the way the bomber force is deployed.

In the past, the major threat was thought to come from intercontinental missiles launched from Russia. Planes along the northern U.S. border were closest to their potential targets but they also were the most vulnerable to attack. So other planes were based far to the south, in Southern California and Florida.

Now, the planes along the coasts are thought to be vulnerable to the submarine-launched missiles, which provide much less warning time than ICBMs, and the planes based inland are considered relatively safe.

CRITICS OF PRESIDENT NIXON

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. DUNCAN. Mr. Speaker, I would like to call attention to the column by William F. Buckley, Jr., which appeared in the April 21 edition of the Washington Evening Star.

Mr. Buckley has given us some new ideas to consider as we assess the tremendous job of the President at this time.

THE CRITICS OF RICHARD M. NIXON

(By William F. Buckley, Jr.)

Richard M. Nixon is in for a very very rough time during the next period. He does things to people, causing even, very decent folk to behave quite incomprehensibly. Joe McCarthy had the same knack. I used to point out that I never knew anything McCarthy had said that could equal in vileness some of the things that were said about him.

Take, for instance, Allard Lowenstein. He is a civilized man, of incontinent idealism, who will be remembered as the person who launched the program to retire Lyndon Johnson in 1968 by fielding an opponent in the Democratic primary in New Hampshire. Subsequently, he served a term in the House of Representatives, and now he is back on the road, organizing to beat Nixon in 1972.

He stopped by recently at the John F. Kennedy Center at Harvard, where he delivered a paean on the memory of Robert F. Kennedy. Then he announced his plans, making the remark that "Nixon is making Johnson look retroactively very credible, which is an extraordinary achievement when you think about it."

Now we are all used to the hurly-burly of polemics, but when you stop to think of it, in what significant way has Nixon let the liberals down? Or, more exactly stated, in what significant way has he deceived them?

He never said that he would have American troops out of Vietnam within 6 months or 16 months of taking office. He said he would wind down the war, and he has done so. He said he would pull out of Cambodia by the end of June, and did; said that American foot soldiers would not fight in Laos, and they haven't.

What is Lowenstein, so excited about? It is mysterious. It is partly what Nixon does to Lowenstein, and partly what Lowenstein does to Lowenstein, because Al Baby is going to be looking pensive and sad about the state of the world before the New Hampshire primary of 1996, when he will announce that the world cannot survive a second term by John-John.

Then there is the columnist and author Garry Wills who, did one not know that he is capable of making distinctions only Bertrand Russell and Alfred North Whitehead could follow, is beginning to sound like a slogan-writer for the John Birch Society.

For instance, there were those (myself included) who commented that Nixon's recent refusal to give a date when all American troops would be out of Vietnam was a sign of courage, given the clear indication that the overwhelming majority of the American people desire to be given such a date. Wills' comment? "I prefer heroes who are not 'brave" with other men's lives." At an intellectual level, that comment is the equal of, "If you don't like our foreign policy, why don't you go live in Russia."

Wills, if he would permit himself to reflect on the matter, would recognize that we are called upon, in our lifetime, to be courageous in different ways. As soldiers, we are asked to show courage on the firing line, and it is reported that, when Nixon was a soldier, he did so. Later in life, courage is needed in many different situations, in facing personal and public crisis. Is Wills saying that it is improper to consider the courage of Julius Caesar, or Alexander the Great, or Napoleon Bonaparte, or Winston Churchill, because more often than not they were engaged not in exposing their own lives to the enemies' weapons, but the lives of the soldiers whom destiny put them in command of?

Wills then takes offense at Billy Graham who, commenting on the fate of Lt. Calley, said, "Perhaps it is a good time for each of us to reevaluate our life. We have all had our My Lais in one way or another, perhaps not with guns, but we have hurt others with a thoughtless word, an arrogant act or a selfish deed." Observes Wills: "To equate My Lai—multiple cold-blooded murder of women and children—with a thoughtless word does not so much diminish My Lai's importance as destroy any claim Graham has to speak seriously about morality."

Really, it requires the Nixonization of the spleen, so to affect a critic's reasoning powers. Graham did not equate My Lai with "a thoughtless word," he observed merely that many men are tempted by special circumstances to quite hideous lengths. The objective harm done differs: Perhaps it is the killing of helpless children, as at My Lai. Perhaps it is the psychological castration of the human being, as in Albee's "Virginia Wolfe." Sadism, hysteria, and thoughtlessness, in different mixes, are generically responsible for My Lai, and for some of the criticisms made of public figures. Garry Wills has written imploring me please to learn to distinguish between Fathers Daniel and Philip Berrigan, and I am writing back today promising to make the effort, in return for which I ask that he learn to distinguish between Nixon and Satan.

WILLARD EDWARDS PUTS PEACE ACTIONS IN PERSPECTIVE

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. McCLORY. Mr. Speaker, in today's Chicago Tribune the distinguished journalist, Willard Edwards, makes a comparison between those who are parading about our Nation's Capitol in a variety of odd costumes in behalf of immediate withdrawal from Vietnam—and those who are considering an improved defense system against possible enemy nuclear attack.

A responsibility of the Congress is to provide thoughtful and long-range measures intended to provide for the national security. Reenacting the flight to Dunkirk with the expectation that this would induce other nations—including those controlled by tyranical dictators—to lay down their arms, would seem to be the height of human folly.

While it may not be possible to effectively defend against sophisticated enemy nuclear weapons, neither would it seem wise to fail to provide some substantial measure of defense against such weapons.

Willard Edwards' cogent observations are worth pondering by those in and out of Congress—particularly those like myself who yearn for the reestablishment of an early and durable peace:

HEARINGS ON ABM OUTWEIGH PROTEST

(By Willard Edwards)

WASHINGTON, April 21.—Outside, in the spring sunshine flooding the grassy expanse of the Capitol Plaza, groups of young men in faded green jungle fatigues clamored for an immediate end to the war in Viet Nam.

Inside, in the calm and quiet of a Senate committee hearing room, attention was focused on the very real threat of a future war and defenses against it. The issue here was not how to hasten the end of a fading war but how to prevent conditions which might bring on a dreadful new one.

In the mood of the times, the antiwar demonstrators captured the front pages and the prime network time. The committee hearings, just as legitimately antiwar in their objective, went almost unnoticed.

Nobody knows the eventual outcome of the mass protests which began here this week and will continue into May with a climactic effort to paralyze the government. If violence is averted, it will be a miracle.

In the end, the energies of tens, perhaps hundreds of thousands will have been poured into attempts to pressure President Nixon into a precipitate pullout from a conflict which he has already diminished far beyond expectations and is committed to terminate.

The spectacle of the United States government under siege may give comfort in Moscow, Peking and Hanoi. They, however, will recognize the Senate committee hearings as far more crucial to future relations between the East and the West.

For, once again, the battle was being joined over development of an antiballistic missile system to provide at least partial protection to the nation from a devastating nuclear attack.

The Armed Services Committee began considering an administration request for $1.3 billion to continue construction of Safeguard ABM sites around Minuteman intercontinental missile bases in North Dakota and Montana, start a new one in Missouri and prepare for a fourth site in Wyoming or at Washington, D.C.

Dr. John S. Foster Jr., director of defense engineering and research, put the case simply. Russia, with its own defense against intercontinental missiles, was continuing a surge toward nuclear predominance.

Russia will have 1,500 ICBM's by midyear, he said, compared to 1,054 operational missiles in the U.S.

It has started a new ICBM silo construction program of unknown but menacing nature; developed a new version of its huge SS–9 missile; and is continuing at full speed its production of new submarines, each with 16 submerged-launch missiles of 1,000 nautical mile range.

Under these circumstances, it might be expected that the modest ABM program [now reduced to four sites from the 17 originally proposed in 1969], would encounter little opposition. In its present form, it can no more than blunt a first strike by Russia, permitting some retaliation.

But the ABM has always been a center of controversy. It was almost killed by the Senate in 1969 and was saved by a one-vote margin. The opponents have not given up hope.

Why "expand" the system, they ask, when Russia proposed a limitation on ABM systems at the strategic arms limitation talks? Why, retorted Foster, give away a bargaining incentive? This argument will continue thru the session.

The decision finally reached, it is suggested, will have a greater impact on the world's hopes for peace than the fixing of a date for withdrawal of troops from Viet Nam—the subject of storm and fury here in the next two weeks.

THE INTERNATIONAL DEVELOPMENT INSTITUTE

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. BURKE of Florida. Mr. Speaker, of the various types of foreign assistance that have been provided by the United States over the past two decades, none has had more personal impact than the type we call technical assistance. "Point IV" still rings around the world as an expression of imaginative, creative, and selfless assistance to others.

The American adviser and technician, often a rugged, salty type who would wade in the rice paddies and sweat in the shops alongside the farmers and workmen of the less-developed countries, became a symbol of American energy and ingenuity. The clasped hand emblem, most closely associated with technical assistance, is one of the best known insignia in the world.

I was pleased to note recently a typical example of this type of assistance. Floyd Moon, a 62-year-old native of Colorado, went to a remote village of Kenya and showed, with a great deal of imagination, hard work and ingenuity, and very little money, how to install a pump, form a cooperative and harvest more rice. Through the introduction of bees, he brought greater production of food to the coastal region of that East African country.

This type of assistance has made an outstanding record. It expanded the skills and knowledge of farmers and the rural facilities that permitted India, Pakistan, the Philippines and other countries to take full advantage of the "Green Revolution." It helped develop educational, health and vocational institutions, and financed training in the United States for 150,000 participants.

Technical assistance, if it is to have long-lasting effects, however, must meet the changing conditions of the 1970's. The President has therefore proposed the establishment of an International Development Institute as a part of the new proposed foreign assistance legislation. This suggested institute will be designed to make the greatest possible use of our U.S. science and technology. It will also seek to make greater use of other government, institutional and private resources.

The aim will be to better help the people of developing countries improve the quality of their lives; to help them enjoy better education and health, expand job opportunities, and in general to share more fully in the benefits of technological, economic and social progress.

It is important to note that the burden of responsibility by technical assistance programs will be on the countries themselves. The Institute will advise, consult and help determine the problems and the methods of solving them. It will rely heavily on research—here in the United States and in fostering the capabilities of the assisted countries.

I have confidence that the Institute will function in a spirit of partnership keyed to the needs of the 1970's and will be in line with the American spirit and a tradition of seeking to help all people along the pathway to a safer, healthier and happier life.

TELEVISION AND TRUTH

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1971

Mr. GONZALEZ. Mr. Speaker, we all know that nobody has a monopoly on truth; we all know that any reporter, however able and however diligent, may make mistakes. We know also that television news documentaries may contain errors of omission—and what is worse, errors and distortions that may be deliberate.

I do not believe that any one of us wants to have Government imposed censorship over the news media. But I know from sober experience that at least one television news network, CBS, has not only made errors, but refused to admit that it did.

I believe that responsibility involves

not only telling the truth, but admitting mistakes.

But when I asked CBS 2 years ago to admit their error in the famous "dying baby" episode in their "Hunger in America" show, they refused to do it. They refused to confess error even after three separate independent investigations proved the facts.

This was not responsibility; it was arrogance personified—they were saying that they were too big, too good to either make or confess error. And so they went ahead with their original version of the show, unaltered, uncorrected, even to this very day—and that show is still being used.

It is that kind of arrogance on the part of a few high network executives that has brought public scorn down on the networks. The media are not in any public difficulty because they have dared treat controversial subjects—far from it—but only because they have given the impression that they alone know what the truth is, that they have no need to admit mistakes, no need to correct the record, no responsibility to anyone save themselves, and possibly the Neilson ratings.

Mr. Speaker, Barrons magazine recently published an article on where this kind of attitude can lead; and I include that article in the Record at this point:

Broadcast License—CBS Has Forfeited Access to the Nation's Airwaves

We cannot help but admire a man who defends his principles and sticks to his guns. Last Tuesday evening Richard S. Salant, president of the News Division of the Columbia Broadcasting System, gave a nationwide television audience a demonstration of doggedness which in other circumstances, might well have commanded our respect. Under fierce attack from Congress and the White House for airing the controversial documentary, "The Selling of the Pentagon," Mr. Salant refused to give an inch. Perhaps with an eye on the clock—the 11–12 p.m. slot, while not exactly prime time, is still too valuable to waste—the CBS executive took no more than a moment or so to rebut "only a few" of the critics' charges; however, he assured his viewers, "We have an answer for every one. . . ." Then, boldly switching to the offensive, the head of CBS News asserted: "We are proud of 'The Selling of the Pentagon.'... We are confident that when passions die down, it will be recognized as a vital contribution to the people's right to know." Lesser media of communications may occasionally run a correction or retraction; The Washington Post, not long ago, printed an extraordinary confession of error. CBS News, which is made of sterner stuff, stands defiantly on the record.

Quite a record it is, too. As to "The Selling of the Pentagon," Mr. Salant addressed himself to merely two of the many points of criticism raised. Regarding the rest, the chief critics—including the Vice President of the United States, senior editor of Air Force magazine and a non-partisan citizens' organization known as Accuracy in Media (AIM), which plans to lodge a complaint with the National Association of Broadcasters—make a compelling, and thus far uncontroverted, case. In particular, CBS stands accused of various misstatements, including the amount spent by the Pentagon on public affairs, and the true identity of those responsible for a certain military briefing (not, as alleged, Peoria's Caterpillar Tractor Co., "which did $39 million of business with the Defense Department last year," but the local Association of Commerce).

Far worse were the omissions and distortions, including two episodes in which tapes were clipped and reassembled to convey false impressions of what the speakers said. Specific lapses aside, even the untutored eye could scarcely fail to detect, in a so-called documentary, pervasive malice and editorial bias.

On the CBS television network—which includes five wholly owned stations and 198 affiliates—slanted (or, in view of his authority and tenure, perhaps the word should be Salanted) journalism has long been the name of the game. As in "The Selling of the Pentagon," moreover, the thrust has tended to be violently against what most of the country would regard as its basic interests, institutions and values. In a prize-winning "documentary," key sequences of which subsequently proved false, CBS News professed to uncover "Hunger in America"; contrariwise, in an equally distorted report from Cuba, the television camera found, in effect, that Cubans under Castro never had it so good. Not content merely to cover (albeit in its own fashion) the news, CBS time and again has sought to make news. Shortly after NBC scooped the competition by airing an LSD-stimulated interview with Dr. Timothy Leary, WBBM–TV, CBS outlet in Chicago, participated in a headline-making, and illegal, pot party, which became the object of an investigation by the Federal Communications Commission. In a similar, if far more brazen, exploit—on which both Vice President Agnew and Mr. Salant touched last week—CBS sought to stage, and to film, an invasion of Haiti. One picture supposedly is worth a thousand words. High time the U.S. got the picture.

As last Tuesday's performance suggests, it isn't pretty. Among other sins of omission and commission, CBS News failed to mention that it was paid to produce one of the films at which it scoffed. In depicting a press conference, during which the briefing officer, replying to 34 questions, gave three no-comment answers, the camera focused on the latter. Statements made on tape by two Pentagon spokesmen, a Marine colonel and the Assistant Secretary of Defense for Public Affairs, were cut up, transposed and pieced together again in a way that made both of them seem unresponsive and foolish. Rep. Edward Hébert (not Herbert, as the caption later had it), chairman of the House Armed Services Committee, turned up on the screen with this gracious—and, despite Mr. Salant's subsequent remarks, wholly misleading—introduction: "Using sympathetic Congressmen, the Pentagon tries to counter what it regards as the antimilitary tilt of network reporting (Ed. note: where would it ever get such an idea?). War heroes are made available for taped home district TV reports from pro-Pentagon politicians."

All this is reprehensible enough. Far worse—in a format presumably dedicated to fact—are the extremist opinions which it was used to convey. Here is a disillusioned and slightly incoherent ex-Air Force officer: "I feel that the military information arm is so vast, has been able to become so pervasive by the variety and the amounts and the way and the sheer numbers it's able to present its viewpoint to the American people, I think this attitude it was able to develop allowed Vietnam to happen. . . ." Here is CBS-News' own dispassionate Roger Mudd: "On this broadcast we have seen violence made glamorous, expensive weapons advertised as if they were automobiles, biased opinions presented as straight facts. Defending the country not just with arms but also with ideology, Pentagon propaganda insists on America's role as the cop on every beat in the world."

Anyone—even CBS, though it won't concede as much—can make mistakes. What the record shows, however, is a pattern of distortion and slanted reporting stretching back over the years. In 1963, so a revealing article and exchange of letters in The New York Times Magazine has disclosed, President Kennedy gave an exclusive interview to Walter Cronkite of CBS News on such literally inflammatory issues as the Buddhists in South Vietnam and the allegedly repressive government of Ngo Dinh Diem. In the editing process, the footage shrank from 30 minutes to 12, and, according to Pierre Salinger, then White House press secretary, "the result was a partial distortion of JFK's opinion of President Diem. In the actual interview . . . President Kennedy spoke of his respect and sympathy for the problems of President Diem. When the film was shown to the public, only the unfavorable Presidential remarks remained, and JFK's praise of Diem had been deleted. The impression was left that JFK had no confidence at all in Diem, and when he and his brother, Ngo Dinh Nhu, were later shot to death in a military coup, there were persistent charges from Madame Nhu and others that the President's statements had given aid and comfort to Diem's enemies. JFK was deeply hurt by the accusations."

Prior to the Republican convention the following year, CBS News struck again. According to Senator Barry Goldwater (R., Ariz.), Daniel Schorr, then serving as correspondent abroad, "took it upon himself to put out a news report to portray the idea that I was trying to forge links with far-rightist, neo-fascist groups in Germany . . . Schorr dealt heavily in false facts which neither he nor CBS newsmen in this country made any attempt to check with my office." So it has gone year by year. In 1968, after a storm of protest, a Special Subcommittee of the Committee on Interstate and Foreign Commerce investigated television coverage of the Democratic national convention in Chicago. In viewing the video tape of the CBS coverage, the Congressional probers noted a passage in which Walter Cronkite cried that the police "were severely manhandling a minister." According to the Committee Report: "The accompanying action shows police merely attempting to get a man dressed in clerical garb into a patrol wagon, using what the investigators felt was reasonable force to overcome the man's resistance." The Report concluded, in part: "In an attempt to give an overall impression, it might be said that the coverage presented over the air does, in retrospect, seem to present a one-sided picture which in large measure exonerates the demonstrators and protestors and indicts the city government of Chicago and, to a lesser degree, the Democratic Party."

The long reel of distortion continues to unwind. In her nationally syndicated column, Alice Widener, frequent contributor to Barron's, has chronicled some of the gamier episodes. In the fall of 1969, Frank Kearns, CBS correspondent in Rome, broadcast a report on alleged Italian opinion in the criminal case against the man who hijacked a commercial airliner from San Francisco. Mr. Kearns chose to quote the views of a single editor, that of the Communist newspaper "Unita," who described the hijacker a "Robin Hood . . . who made a fool of the repressive and hated FBI." Again, on "Face the Nation," CBS devoted a half-hour of Sunday time to Tom Hayden, revolutionist of the so-called New Left. Mrs. Widener wrote: "He was permitted by reporter Martin Agronsky of CBS, and two other reporters, to get away with intellectual murder. . . . Thus it came about that at the end of the program, the arrogant co-founder of the anarchic Students for a Democratic Society made an unchallenged statement about 'the poverty around the world that the United States is responsible for.'" Abbie Hoffman, convicted of inciting to riot in Chicago, appeared on the Merv Griffin show wearing a shirt made from the American flag (on the air, CBS thoughtfully blipped it out.) Small wonder that Desmond Smith of CBS once told TV Guide: "There's been a great deal of manipulation from the left. The left and SDS have been getting a great deal of play. Americans are starting to feel they're not getting the whole story."

Since then the credibility gap, notably with respect to so-called documentaries, has widened beyond belief. Webster's Seventh New Collegiate Dictionary defines documentary as follows:—"adj. (1) contained or certified in writing; (2) relating to, or employing, documentation in literature or art; broadly, factual, objective." The noun, of course, possesses the same qualities. Neither word belongs in the CBS lexicon. In the famous charade on "Hunger in America," the narrator's off-screen voice said: "Hunger is easy to recognize when it looks like this. This baby is dying of starvation. He was an American. Now he is dead." Heart-rending, but untrue. The baby was born prematurely, and, according to an FCC report, died of "septicemia due to meningitis and peritonitis . . . There was no evidence to show that either the mother or father was suffering from malnutrition. . . ." Far less attention than it warrants has been paid the outrageous report on Cuba last September, which, by actual count of Accuracy in Media, contained 10 major doubtful statements, including: "For Cuba's poor, things are a good deal better than they used to be . . . the Cuban poor man doesn't want to leave . . . Schools are free, everyone must go. There is a quiet equality of the races now in Cuba. . . ."

So ran the script. However as AIM pointed out in a letter to CBS News, real life refuses to follow it. On the contrary, the organization cited specific examples of working-class Cubans who risked their lives to flee the Castro regime. One, a Negro bricklayer, was quoted in The New York Times as saying: "Not only is there not enough to eat, but they make you spend extra hours in the fields after a 54-hour work week." As to schooling, AIM pointed out that on January 5, 1969, Castro admitted that 400,000 school-age children were not in school. Brotherhood of man? AIM quoted Erneldo Oliva, an Afro-Cuban and one of the first Castro appointees, to the effect that even under Batista, "whom we rejoiced to see go," Negroes were judges, Senators and high officials. Today only one black man holds an important post. An American Negro, who defected to Castro for five years, returned in 1968 saying that he would rather live in an American jail than remain. Citing the list of inaccuracies, AIM solicited comment from Richard S. Salant, head of CBS News, which was duly forthcoming (and, with the rest of the correspondence, put into the Record). Nine times out of 10, the criticism went unanswered.

Last Tuesday Mr. Salant took a stab at answering criticism of CBS' role in "financing a secret and illegal invasion of Haiti." Here, word, for word, is his rebuttal. "We did *not* finance the planned invasion. We did nothing illegal. No significant amount of money even inadvertently found its way to persons involved in the invasion plan. The Department of Justice found *no* unlawful activities on the part of CBS News. And John Davitt, Chief of the Criminal Division of the U.S. Department of Justice, said, quote: 'CBS advised us of the facts, advised the Bureau of Customs that they were filming these episodes.' At one point the Treasury Department asked us *not* to withdraw from the project. But the short answer to the Vice President is that he is attacking a journalistic investigation that never became a broadcast about an invasion that never took place."

For a short answer, not bad. But let's take a longer look at "Project Nassau," as CBS called it and it is known in the Report of the Special Subcommittee on Investigations of the House Committee on Interstate and Foreign Commerce. Let's note at once that the executive producer, Perry Wolff, served in the same capacity on "The Selling of the Pentagon." Let's also dispose of Mr. Salant. If CBS News did not "finance the proposed invasion," it did, according to the House Report, provide funds for the leasing of a 67-foot schooner which was to be utilized by the invasion force, reimburse expenses for the transportation of weapons to be used by the conspirators, make payments to the leader of the conspiracy "with full knowledge of his identity and his criminal intentions." "Significant," of course, is what lawyers call a word of art; while exact figures were never forthcoming from CBS, the House Report states that "Project Nassau" cost more than $200,000. CBS cooperation with the government was grudging, and, the Report indicates, evoked at official instance (a CBS cameraman blew the whistle to the authorities).

But let the Subcommittee speak for itself. "The implications of what has been learned are disquieting. To the average viewer, unsophisticated in the intricacies of television production, a network news documentary typically represents a scrupulously objective reporting of actual events shown as they actually transpired. If 'Project Nassau' is any indication, this is not always true.

During the preparation of this news documentary, CBS employes and consultants intermingled and interacted with personages actively engaged in breaking the law. Large sums of money were made available to these individuals with no safeguards as to the manner in which these funds would be put to use. Events were set up and staged solely for the purpose of being filmed by the CBS camera. An individual who was retained as a consultant, and later an employe, of CBS, was allowed to or instructed to appear in the actual filming and to provide narration for it. . . .

"The CBS News organization, or at least the individuals charged with the immediate supervision of the project, displayed a shocking indifference to the real possibility that their organization and funds were being made use of to further illegal activities. The control exercised by CBS Management in New York over the activities of the producer in the field seems to have been practically nonexistent. . . . Had the decision . . . not to proceed with the documentary been founded on a recognition of any of the deficiencies indicated above, the only remaining question would be why the decision was so long in coming. But under the circumstances, the rationale for the decision is itself far from reassuring. Rather than responding to any taint of artificiality or fraud in the considerable volume of film which had been prepared, the decision was apparently made on the basis that the project was journalistically unsatisfactory in view of the unfinished nature of the enterprise."

The law requires television quiz shows and commercials to be honest. Unfortunately, however, the public enjoys no similar protection against "documentaries," a credibility gap which the Subcommittee hopes to bridge. We would like to offer a proposal or two of our own. Believe it or not, Frank Stanton, president of the Columbia Broadcasting System Inc., serves as Chairman of U.S. Advisory Commission on Information. Unlike Vice President Agnew, who backed away from the idea, we suggest that he be asked to resign. Moreover, to judge by the record cited above (which has exhausted our space, but barely scratched the surface), CBS television stations stand wide open to challenge on their license renewals, and we urge concerned, public-spirited citizens—as well as the FCC—to respond. CBS, in our view, has forfeited its access to the nation's airways. The time has come to turn it off.

CRIME STILL RUNNING RAMPANT

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. BURKE of Florida. Mr. Speaker, there are some in our country who would like us to believe that law and order is a dead issue. Fortunately, the majority of Americans disagree and from North to South, East to West, people are united in the fight against the continued rise in our crime rate, including crime in our streets. More importantly, they are united against the lords of crime, for far too long now, law abiding citizens have been the victims of thugs, both professional and amateur.

The crime is that these hoodlums make a mockery of our law officials, prosecutors, judges and the courts themselves. They know that with the kid glove treatment that our officials have been forced to take, they can get away with almost any crime without paying a stiff penalty.

In recent years, the bleeding heart rulings by the courts have helped tie the hands of our police and law enforcement officers across the land. Yet, it is heartening to know that there are some court officials such as Judge Robert D. Simms of Tulsa, Oklahoma, who are still staunch believers in an individual's right to protect his home and his family. A very capable and outstanding newspaper editor, Mr. William Mullen recently wrote on the subject in an editorial which appeared in the Sun Sentinel newspaper located in Broward County, Florida. His editorial calls attention to many of the shortcomings existing in our present court system. I wish to share Mr. Mullen's editorial with you. It reads as follows:

[From the Sun-Sentinel, Mar. 23, 1971]

NEED OF OUR COURTS—TO CATCH UP WITH TIMES

Law and order was a principal issue in the congressional elections last fall, and although it did not trigger a rush to Republican nominees using the theme in their campaigns under the leadership of President Richard M. Nixon, it was a topic that scored with the people.

This subsequently has been proved in public opinion polls that show personal safety and a curb on crime are major concerns of the law abiding.

Such surveys also revealed more than casual disenchantment with the American judicial system, especially in the realms of light sentences for hardened criminals, easy bail and tortured decisions that placed the emphasis on rights of the criminal rather than those of the victims.

Further evidence of this dark public mood toward the underworld and its permissive pronouncers of penance came this weekend with the favorable response accorded what might be a modern version of the Wild West's "hanging judge."

Appropriately, the locale was in Oklahoma where District Court Judge Robert D. Simms in Tulsa received hundreds of letters congratulating him for his support of a housewife who, carrying her nine-month-old baby in her arms, shot and killed an ex-convict who kicked in the door of her home.

The judge returned the woman's pistol to her after ruling the homicide was justifiable and said she did "no less than what I would expect my wife to do under similar circumstances. If more people did this, we would have less of the problem we have in this country today."

Judge Simms is, of course, correct in his clearing the woman and in his observation that more self-protection under like circumstances is needed, even though this has prompted bleeding heart liberals to protest that no judge should encourage meeting violence with violent reaction.

He also offered wise advice to each of his correspondents, whom he answered personally, that they express their views supporting his law and order emphasis to their local judges.

We are inclined to believe that an ample amount of mail to our area's Circuit Court and Court of Record judges complimenting them for stern justice and denouncing them for any unwonted forbearance with the habitual and/or hard core criminal might have a salutary effect on our courts, spiraling upward from the local level to the highest bench.

In this respect, we would suggest that our county and state judges lend serious thought and courageous effort to establish some new mileposts in law by logical decisions that disregard outmoded precedents set in other times and in a different atmosphere.

Many decisions handed down these days are predicated on previous findings for cases decided in circumstances that do not prevail today.

In the field of civil rights, for example, the wave of sympathy was at the outset for those struggling for equality, and innumerable decisions stretched or bent the law to conform with the then prevailing public mood. What with the abuses of civil rights, the callous use of the issue for selfish political purposes and the disappointments engendered by desegregation, it is possible that some more practical law can be found in new precedents established in the prevailing and different climate of public opinion.

The same might be said for cases of criminal appeal where precedent has been set on the basis of flimsy technicalities. The U.S. Supreme Court under Chief Justice Warren E. Burger already has begun to undo some of the mischief with the law committed by the so-called Warren Supreme Court.

But the job requires more than distilling the mischief with the law committed by the local and state level with new positions of law upon which the appellate and final courts can base decisions. The federal district court system and its eagerness to assume jurisdictions also could stand some remedial findings at law.

Years of deterioration would not be undone overnight, but an approach through establishing new precedents more in keeping with the times would be an effort heading in the direction of restoring confidence in our courts and making law and order an expected commodity and not a biennial election issue.

McCOLLISTER—BOSS OF THE YEAR

HON. CHARLES THONE

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. THONE. Mr. Speaker, on Tuesday night a great honor was bestowed on a colleague and a good friend. JOHN Y. MCCOLLISTER has been named "Boss of the Year" by the Ak-Sar-Ben chapter of the National Secretaries Association.

Congressman MCCOLLISTER was chosen on the basis of his accomplishments in the civic and business world, his enthusiastic nature and his support for the National Secretaries Association throughout the years.

John's civic activities seem endless, but most important I feel I should point out his interest in young people. While chairman of the board of McCollister & Co., John found time for the Children's Memorial Hospital, the Greater Omaha Association for Retarded Children, and the Boy Scouts of America. He also taught Sunday school for 10 years.

John is well acquainted with the benefits available to members of the National Secretaries. He has sung loud praises about the association to his Washington staff and has urged them to join the Capitol Hill chapter.

His secretary, Mrs. Sandy Sisson, who nominated him for this honor, has been a NSA member since 1966. She is currently a board member and corresponding secretary, and has served as treasurer and recording secretary.

I salute Nebraska's National Secretaries Association for their admirable choice for "Boss of the Year." John has attended every Boss' night since 1966 and I know his "Boscar" was accepted with great honor and will bring him much pleasure.

WHO WRITES THE TAX LAWS?

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. GIBBONS. Mr. Speaker, because of the interest and concern of Members of Congress about the proposed asset depreciation range regulations announced by Treasury, I would like to have the following article from the Christian Science Monitor inserted in the CONGRESSIONAL RECORD. The article is from the issue of April 17, 1971, and follows:

WHO WRITES THE TAX LAWS?

The United States Treasury is moving perilously close to violating the spirit and the letter of the tax law, as written by Congress, in a proposed new business depreciation schedule known officially as the Asset Depreciation Range (ADR).

Briefly, the situation is this: the power to tax resides with Congress, which in Section 167 of the Internal Revenue Code of 1954, provided that business may deduct from the corporate income tax "a reasonable allowance" for wear, tear, and obsolescence of capital assets, such as machinery. Last January President Nixon issued a statement announcing the new ADR system. He described it as "essentially a change in timing" that would allow business "to reduce tax payments now, when additional purchasing power is needed, and to make up these payments in later years."

But Robert J. Domrese, editor of the Harvard Law Review, terms the ADR system "a conceptually distinct system of capital cost recovery" that bears no relation to depreciation accounting as Congress provided for in the tax law. He argues that the ADR is inequitable because it confers a special bonus on business.

Secretary of Treasury Connally acknowledges that the liberalized tax credit will cost the Treasury $2.7 billion in fiscal year 1972. Mr. Domrese estimate that figure will reach $5 billion a year by 1976.

Other independent tax experts contend that the Treasury's ostensible reason for the ADR—as a fiscal tool to boost the lagging economy—is a phony argument. Prof. Robert Eisner of Northwestern University doubts the ADR "will have much effect on investment" in the long run, and "certainly almost no effect over the short period."

A public hearing is scheduled for May 3, but a Treasury spokesman is quoted in news reports to the effect that whatever the testimony, the Treasury plans to go ahead with the ADR. The opposition will certainly be represented in force at the hearing. Just as certainly, the Treasury should be on hand, displaying a more sensitive ear than it has to date.

But if the Treasury persists in its overconcern toward business via the tax laws, some public interest law group will have a strong case to carry into the courts for argument on constitutional grounds.

THE TRUTH IN ADVERTISING ACT OF 1971

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. DINGELL. Mr. Speaker, I am introducing today a bill identical to that introduced by Senators MCGOVERN and Moss entitled "The Truth in Advertising Act of 1971." I applaud and endorse the initiative taken by the initial sponsors of this legislation in the Senate and am honored to introduce this proposal in the House. The purpose of this bill is to make available to consumers relevant information used by an advertiser in supporting advertising claims of superiority over competing products.

I have long felt that advertising claims concerning performance, efficacy, and product characteristics which allegedly are based on reliable testing techniques are incorporated in the advertisement itself and consumers should have access to the data upon which the claims are based. This bill would require advertisers to make this type of information available and would act as an incentive to advertisers in developing meaningful data upon which intelligent consumer preferences may be made.

Compliance with this bill by advertisers should not be difficult in that documentation would only be needed to be supplied when requested and that the advertisers would be entitled to charge the consumer for the cost incurred in reproducing the documentation upon which the advertising claims are based.

In John Kenneth Galbraith's book, "The New Industrial State," he defines advertising as "consumer management." Consumers today are demanding that they not be managed but informed and that advertising material contain truly meaningful information as to one product's superiority over another.

This bill should also be welcomed by industry in that competition will be enhanced through actions designed to eliminate deceptive advertising based on unsubstantiated advertising claims. Deceptive advertising is not only harmful to the consumer but can also result in lost sales to companies who must compete with advertising of competitors based upon false and deceptive claims of product superiority.

Mr. Speaker, I insert the text of the bill in the CONGRESSIONAL RECORD at this point:

THE TRUTH IN ADVERTISING ACT OF 1971

A bill to require the furnishing of documentation of claims concerning safety, performance, efficacy, characteristics, and comparative price of advertised products and services

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Truth in Advertising Act of 1971".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds that informed consumers are essential to the fair and efficient functioning of the free market economy; that the individual has the right to know and ought to be able to obtain for his personal consideration, the documentation advertisers use in support of claims for the products and services he is asked to purchase; and that this information, which frequently is unavailable through the advertising itself, is needed by the individual to make intelligent and informed choices in today's highly competitive and complex market place.

(b) It is the purpose of this Act (1) to ensure that no advertisement can be disseminated if substantiating documentation is not available to the public and (2) to ensure that individuals will be able to exercise their right to know, to protect themselves from unsubstantiated claims and to act directly to promote fairness in advertising.

DEFINITIONS

SEC. 3. As used in this Act—

(a) The term "advertisement" means all forms of promotion for products and services conveyed through, but not limited to, radio, television, cable television, cinema, newspapers, magazines, billboards, posters, direct mail material and point of sale display material.

(b) The term "Commission" means the Federal Trade Commission.

(c) The term "commerce" means commerce between any State, or possession of the United States, or the District of Columbia, and any place outside thereof; or between points within the same State, possession, or the District of Columbia, but through any place outside thereof; or within the District of Columbia or any possession of the United States.

(d) The term "documentation" means—

(1) in the case of any advertisement containing claims concerning the safety, performance, efficacy, or characteristics of a product or service including testimonials thereto—

(A) a full and complete description of all material aspects of any pertinent research or other data, including a detailed summary of all tests, in support of or detracting from any claim in the advertisement, including the name and address of any testing organization or agency and its principal officers, the results of any tests, the brand names of products or services tested, and the technical names of any ingredients tested;

(B) when specifically requested by a person, full disclosure of all material research, tests, and other data contained in the description and summary referred to in clause (A) of this paragraph. Nothing in this subsection shall require disclosure of the exact product formulation when such a disclosure comprises a trade secret;

(2) in the case of an advertisement with respect to comparative price, a substantial representative listing of prices of products or services sold in the marketing area served by the advertisement which form the basis for the comparison.

(e) The term "person" means an individual, corporation, partnership, association, or any organized group, including local, State, or Federal Government agencies.

(f) The term "principal office" means the headquarters, corporate or otherwise, of the person disseminating the advertising; however, in the case of regional or local advertising, the principal office shall mean an office located within the regional or local marketing area in which the advertising is disseminated.

UNLAWFUL ADVERTISING WITHOUT FURNISHING DOCUMENTATION

SEC. 4. (a) It shall be unlawful for any person to disseminate, or cause to be disseminated, by the United States mails, or in commerce by the use of, but not limited to, radio, television, cable television, cinema, newspapers, magazines, billboards, posters, and point of sale display material, any advertisement concerning the safety, performance, efficacy, characteristics or comparative price of any product or service unless documentation is available at the principal office of such person in the United States for public inspection, including the furnishing of copies of such documentation to any person requesting such documentation by mail, telephone, or otherwise. The cost of duplication may be charged to the person requesting such copies but in no case shall the charge exceed the actual cost of duplication.

(b) The publisher, radio or television broadcast station, or agency or medium for the dissemination of advertising, except the person making the claims subject to this Act in such advertisement, shall be liable under this section by reason of the dissemination of such advertising—

(1) if he refuses, on the verbal or written request of any person, to furnish the name and address of the person who caused him to disseminate such advertisement.

(2) if he fails to inform publicly his readers, listeners of viewers on a regular basis that documentation for advertising claims is available upon request and that the name and address of the person making the advertising claims subject to this Act, and carried by his publication or broadcast station, is available by contacting his publication or station.

(c) The dissemination or the causing to be disseminated of any advertisement in violation of subsections (a) and (b) shall be an unfair or receptive act or practice in commerce within the meaning of section 5 of the Federal Trade Commission Act.

ADMINISTRATION

SEC. 5. (a) This Act shall be enforced by the Commission under rules, regulations and procedure provided for in the Federal Trade Commission Act.

(b) The Commission is authorized and directed to prevent any person from violating the provisions of this Act in the same manner, by the same means, and with the same jurisdiction, powers and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act. Any such person violating the provisions of this Act shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act, in the same manner, by the same means, and with the same jurisdiction, powers and duties as though the applicable terms and provisions of such Act were incorporated into and made a part of this Act: *Provided,* That persons excepted by section 5(a)(6) thereof shall not thereby be exempted from Federal Trade Commission enforcement of the provisions of this Act.

(c) The Commission is authorized to prescribe such substantive and procedural rules and regulations as may be necessary or proper in carrying out the provisions of this Act.

EFFECTIVE DATE

SEC. 6. The provisions of this Act shall take effect upon the expiration of one hundred and twenty days after the date of its enactment; except that subsection 5(c) shall take effect immediately.

FORMATION OF THE SELECTIVE SERVICE ASSOCIATION

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. BRINKLEY. Mr. Speaker, recently I received information concerning the formation of the Selective Service Association of the United States. During the month of April, I received a newsletter from the founder and national president of this organization, Brig. Gen. Bernard T. Franck III, retired. I was very much impressed with the high quality of the newsletter and the thoughtfulness of its content, and I believe it would be of interest to my colleagues in the House of Representatives:

SELECTIVE SERVICE ASSOCIATION,
OF THE UNITED STATES,
Washington, D.C., Apr. 9, 1971.

GREETINGS: The enthusiastic response to my letter announcing formation of the Selective Service Association of the United States was most gratifying. Rather than attempt to answer your letters individually, I am using this means to thank each of you and respond to your requests for further information on the Association; its purposes, structure and eligibility for membership.

The purpose as set out in Article II of the Constitution is to foster an adequate and effective national defense posture by: a) supporting a realistic national military manpower procurement policy; and b) promoting and improving development and execution of such policy.

The Association structure is highly decentralized with a chapter in each state. Each chapter has a president, vice-president, secretary and treasurer. The chapter president is a member of the National Executive Committee, the governing body of the National Association. Hereafter membership in a state chapter will be a prerequisite to hold national office.

Membership is open to all persons now heretofore or hereafter connected with the Selective Service System in any capacity, active or inactive, at any level, including local and appeal board members, clerical assistants of boards, and advisors to boards and other elements of the system.

In order to promote frequent and effective two-way communications, membership dues will be divided evenly between state chapters and the national office and each member will hold a national membership and membership in his state chapter. The types of membership are: Annual—$10; Life—$50; Charter—$100 (limited to 500 memberships); Benefactor and Honorary—Selected by the Executive Committee.

State chapters are developing. As soon as you can, please write or phone us so that we can know what part you wish to take in the formation of your state chapter. The national office will give all necessary help and assistance in the formation of the state chapters.

The Association will actively participate in anything that is likely to affect the system administratively or legislatively and will keep each member currently informed. A complimentary copy of the Association's most recent communication to members is enclosed.

Sincerely,

BERNARD T. FRANCK III,
Brigadier General (ret.) VANG.,
President.

REPORT TO THE ASSOCIATION

An emphatic step in Congressional repudiation of the recent trend toward centralization and federalization of the Selective Service System was taken when the House of Representatives voted to prohibit "colocation" of Local Boards of which over 600 were in progress.

Present authority in the law to create intercounty Local Boards was at the same time taken away from the President, removing the only remaining basis that conceivably could be used to consolidate or colocate Local Boards.

Responsible for these were the "Brinkley Amendments" that could well be ranked historically with the nationally famous "Tydings Amendment" to the 1940 Selective Service Act.

Authored and ably presented by Representative Jack Brinkley of Georgia, the amendments to insure the continued integrity of the Local Board System received almost unanimous endorsement of the House membership, which almost certainly insures their survival through the Senate, where many members already have been made aware by you of what has been occurring in their states.

State Headquarters and Local Boards have every reason to expect action soon to halt all local board centralization in process and to create new local boards with functioning offices in every county which may not now be serviced with a board.

The Selective Service System is still living, however, in the shadow of an effort to abolish states and localities in its operation, under frequently asserted, but never demonstrated, claim that in centralization lies all the virtues of fairness, uniformity and freedom. Evidence of this is contained in claims of monetary savings by closing local boards occupying free quarters, by professing that service to registrants whose boards are open only a few days a week is improved by closing the boards completely and by the proposed dismissal of the more than 600 local board personnel while at the same time substantially increasing and upgrading the National Headquarters staff.

One of the most telling arguments on the House floor was that consolidation of Local Board facilities, regardless of how it is done, in addition to destroying local board integrity, merely transfers the cost of operation from the Government to the registrants, their dependents and board members who must bear this additional burden of time and travel.

The House also rejected the Selective Service proposals to eliminate exemptions for divinity students, to authorize and pay Advisors to the Director $150 per day and to soften the alien provisions. It disregarded their advice to leave the existing conscientious objector provisions stand and toughened it up to require 3 years of work and provided induction into the armed forces as another penalty for failure or refusal to work. All of these actions are in line with the information and indication given you in the previous Association Report.

As was predicted, the House returned to the President authority for undergraduate student deferment. Authority for a national call in conjunction with the lottery was also given but legislative history makes it clear that the functions of selecting and ordering for induction must remain with the Local Boards.

An important point to bear in mind:—even with the full time we are spending at the Capitol on this legislation, the Association will succeed in its endeavors only to the extent that we have your support and the back-up you and the many members of the System have been furnishing in keeping the Members of Congress informed on how things are going back home.

ALASKA RESOLUTION

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. BEGICH. Mr. Speaker, one of the primary functions any government can guarantee its citizens is that it enable each and every individual access to adequate health care.

One area in which adequate health care, especially proper dental care is lacking, is for many citizens of Alaska. Though the Public Health Service makes a genuine attempt to provide this service because of the shortage of trained personnel and lack of financial backing, it is unable to bring proper dental care to the people of the bush.

In too many instances, dentists visit the village on a once-a-year basis and then they treat only the emergency cases. Clearly the public service needs more dentists to fill this important void. The State legislature of Alaska has observed this problem and has passed the following resolution:

HOUSE JOINT RESOLUTION NO. 65—RELATING TO DENTAL CARE IN THE RURAL AREAS OF ALASKA

Be it resolved by the Legislature of the State of Alaska:

Whereas one of the greatest needs of the citizens of rural Alaska is adequate dental care; and

Whereas, in order to encourage the practice of dentistry in rural areas, the state permits dentists to practice in areas that are 100 miles or more from a resident licensed dentist; and

Whereas in the rural areas of Alaska there is not a large enough population to support a private practitioner; and

Whereas both the residents of any given community and the dentist involved would greatly benefit if the United States Public Health Service would contract with those dentists living in rural areas to service those United States beneficiaries who reside in the area of the dentist's practice; and

Whereas, if this were done, it would free Public Health Service personnel to concentrate their efforts in the rural areas that currently receive no dental aid in any way; and

Whereas in certain areas the United States Public Health Service is now planning to send their personnel into areas where practicing dentists are already in residence and this is due to a lack of funds in the Public Health Service budget for contractual services;

Be it resolved by the Alaska Legislature that the United States Public Health Service is urgently requested to immediately seek adequate funding for contractual services so that it may contract with private persons to service United States beneficiaries in the area of a private practitioner's residence, and to redirect their dental care services to those areas of the state that are totally lacking in dental services at this time; and be it

Further resolved that the United States Congress is urgently requested to provide increased and adequate funding for all areas of concern to the United States Public Health Service, and especially the allotment of increased contractual funds for dental services.

Copies of this Resolution shall be sent to the Honorable Richard M. Nixon, President of the United States; the Honorable Elliott Richardson, Secretary of the Department of Health, Education and Welfare; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U. S. Senators, and the Honorable Nick Begich, U. S. Representative, members of the Alaska delegation in Congress.

CONSERVATION IS A BASIS FOR NEGOTIATIONS WITH ECUADOR, PERU, AND CHILE

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. PELLY. Mr. Speaker, the Associated Press reported out of Cincinnati this week on a speech by Ecuadorian Ambassador Carlos Mantilla-Ortega. The Ambassador was quoted as saying his country has been seizing U.S. fishing vessels in an effort to control the ecological balance of fish in the Pacific Ocean.

This was a welcome admission for it might be a basis for negotiations over our dispute and their seizures of our tuna fishing vessels as well as their claim of 200-miles jurisdiction off their coast. Peru and Chile share this claim of sovereignty offshore.

It was the first time I had heard that ecology was the reason for the jurisdictional claim, and I welcome the news. And, by the way, the Ecuadorian Ambassador is a man highly respected by our Government.

American fishermen are second to none in their desire to conserve fishery resources, and if conservation is the basis for the Latin Americans' concern, then we certainly have a basis for settlement of our differences.

I am urging our State Department to make the overtures necessary for talks on the conservation of fish in these waters, and I am hopeful agreement can be reached in the matter for I commend the Ambassador's statement when he said:

> Our position toward tuna fishing off our coast rises mainly from our interest in ecolcgy.

U.S. tuna fishermen, I am sure, will be glad to cooperate to protect and conserve the ecology.

THE ANTIENVIRONMENTALISTS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. DINGELL. Mr. Speaker, the sorry state of the national economy since the Nixon administration came into office has led me to have grave doubts as to the competency of President Nixon's economic advisers. Despite the rhetoric of the President and his advisers, the economy remains in very bad shape indeed. Unemployment is up, employment is down. Prices keep rising, corporate profits keep falling.

In view of these facts, one would think that the President would insist that his economic advisers stick to their own knitting and try to make whole the fabric of our economic system. However, the President's economic advisers apparently are not satisfied with the havoc which has been done to the economy; they now appear to be out to wreck the environment as well.

Specifically, I am referring to Hendrik S. Houthakker, a member of the President's Council of Economic Advisers who switched from economics to ecology in a speech to the Cleveland Business Economists Club on April 19, 1971. As an economist, the record shows Mr. Houthakker to be a "C" student at best. As an ecologist, I am afraid that he would rank as a clear-cut failure.

The New York Times of April 20, 1971, carried a news report on Mr. Houthakker's Cleveland speech and on April 22, 1971, the Times commented editorially on Mr. Houthakker's views under the heading "The Anti-Environmentalists." I would like to share both the news report and the editorial with my colleagues and, therefore, I insert the texts of these two items at this point in the RECORD:

NIXON AIDE CONTENDS ENVIRONMENTALISTS UNDERESTIMATE SOCIAL COST OF GOALS

(By Edwin L. Dale, Jr.)

WASHINGTON.—One of the Government's top economists criticized and even ridiculed some environmentalists today, saying they would impose too heavy a "social cost" in trying to achieve their goals.

Discussing current issues such as the proposed Alaskan oil pipeline and cutting timber from the national forests, Hendrik S. Houthakker, a member of the President's Council of Economic Advisers, concluded:

"We have to be sure that no single interest group, no matter how highly motivated, be allowed to dictate an extreme solution that is not in the general interest."

Mr. Houthakker gave his views in a speech to the Cleveland Business Economists Club, the text of which was made available here.

Contending that the nation had "an urgent need" for the oil from Alaska and that there was "no satisfactory alternative" to a pipeline, he maintained that it was "clearly extreme to suggest that we cannot take any chances at all with the permafrost" in Alaska. Permafrost is a permanently frozen layer of soil or subsoil in an arctic region.

"Even in the highly unlikely event that some of the permafrost would be melted," he said, "the area involved could hardly be more than a fraction of 1 per cent of the total permafrost in Alaska."

As for the national forests, Mr. Houthakker emphasized the need for more lumber to meet the universally desired increase in housing construction, noting that lumber prices had recently begun rising again. He continued:

"The search for less damaging ways of cutting timber should be actively pursued, but at the same time we should be careful not to impair our ability to supply the nation with the housing it needs while at the same time satisfying the legitimate demands for a better physical environment. Some of the more extreme conservationists come close to arguing that there should be no cutting on the national forests at all."

He said the nation might need "a more clear-cut division of the national forests into recreational and other uses." The present method of multiple use "worked well until recently," he said, "but apparently no longer satisfies present conservationists demands."

In discussing the air pollution problem, Mr. Houthakker said there should be some degree of local choice on how stringent standards should be.

Any air standard, he said, "implies a value judgment on the social importance of clean air relative to the social cost of achieving it." He continued:

"There is no obvious reason why this value judgment should lead to the same conclusion everywhere. It is conceivable that a depressed area may want to attract industry at the expense of a less stringent air standard; the citizens of that area should be able to have some influence on the choice involved, even though it is also appropriate for the Federal Government to set minimum standards for the entire country, as the Clean air Act provides."

He denied that this viewpoint amounted to a "Magna Carta for polluters," as has been charged by Representative Henry S. Reuss, Democrat of Wisconsin.

Mr. Houthakker began his speech with a sarcastic description of the gloomier forecasts of man's future by some environmentalists.

"While human ecology does not seem to have developed either the conceptual framework or the empirical evidence that would make it into a science," he said, "the literature makes up for this by a liberal supply of horror stories that make the description of economics as 'the dismal science' obsolete."

He said that "while prophets of doom do not always agree whether the human race will starve to death, boil to death, freeze to death or merely blow itself up, they do seem to agree that things cannot go on much longer."

THE ANTIENVIRONMENTALISTS

Besides the expected and appropriate speeches on protecting the environment, Earth Week has produced a number of pronouncements urging limits to such protection. Conservation is all very well, their authors suggest, but other matters should have priority—such as poverty, crime and even the need to attract industry to depressed areas—and, anyway, the threat of pollution is overdone. Such arguments seem to us painfully illogical when they are not downright disingenuous.

If these critics merely deplored the doom-crying which a few environmentalists indulge in, there would be little room for disagreement. Extravagant scare-tactics in this area are like defeatism in war—they either paralyze the troops or discredit the source. But some of these opponents of environmental reform go a great deal further.

It is especially hard to take at face value the protestations that concern for the underprivileged should have precedence over concern for the environment. Why does it have to be the either-or? Aren't the lungs of the poor as badly affected as those of the rich by the polluted air they breathe? More so, one would think, since more of them are concentrated for more of the time in the industrialized central cities.

Are the children of the poor not entitled to relax at clean public beaches and to bathe in unpolluted water, especially since, unlike those of the rich, they are not likely either to have their own pools or be sent away for the summer? Do the poor have some immunity to fish contaminated by pesticides, or to other chemically poisoned food, which their affluent brothers do not enjoy?

The argument is foolish, but it is innocence itself compared with the shabby statement put out a few days ago by Hendrik S. Houthakker, a member of President Nixon's Council of Economic Advisers. Going down a list of environmental causes, Mr. Houthakker found reasons to minimize them all: since there is "no satisfactory alternative" to the Alaskan oil pipeline, why worry about "a fraction of 1 per cent of the total permafrost" in the state?; "extreme" conservationists are "close to arguing that there should be no cutting on the national forests at all"; any air standard is only a "value judgment" which should be left to local option, etc., etc.

On every one of these points the distinguished Presidential adviser is guilty of more blatant oversimplification, more extremism, than the most one-sided of propagandists for the environment. There is no reason whatever to assert that no satisfactory alternative exists to the Alaskan pipeline when a probably safer Canadian route is right now being considered. The danger of a disruption in the hot oil line is not to the "permafrost" as such, but to miles of ground and riverbed, not to mention wildlife, and perhaps above all, to the teeming waters of King William Sound, where the oil would be transferred to tankers.

Similarly, no conservationists we are aware of want to prohibit all cutting in the national forests; many want, rather, to curb the kind of cutting that is death to a forest and a violent jolt to the ecology of an entire area. As for local preferences on air quality, Mr. Houthakker must know which segment of the population would have the last word and which would suffer the consequences.

Reasonable men will differ on this or that attack on an environmental evil as well as on priorities. But to denigrate the whole current effort to undo man's long abuse of nature is to assume a responsibility as senseless as it is gratuitous.

INCOME TAX CREDIT TO RETIRED CITIZENS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. WALDIE. Mr. Speaker, the practice of providing an income tax credit to retired citizens is a commendable feature of present tax laws. Retired Americans, often living on fixed incomes and having low earning potentials, are plagued by inflation and rising medical needs, and they deserve special and generous considerations to tax time.

The present schedule R of Form 1040 for retirement income credit computation can often have the result of providing maximum credits for those retired citizens needing them far less than others who derive little or no benefit from this method of computation.

I have just introduced legislation aimed to simplify and universalize tax credits for the retired. It would provide a flat $400 credit to filers 62 years of age and older. It is my feeling that this credit will more fairly serve to relieve tax pressures on those retired citizens who need such benefits. This straightforward approach would provide retired Americans with an uncomplicated and uniform assurance of tax relief.

Surely those who have contributed to the wealth of this Nation should be given such tax considerations in their later years.

FEDERAL WATER POLLUTION CONTROL ACT

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. REID of New York. Mr. Speaker, almost since the initial enactment of the Federal Water Pollution Control Act the need for yet stricter antipollution enforcement measures has been clear.

Several days ago I attended the Long Island Sound Enforcement Conference in New Haven, which was called because it is demonstrably evident that the sound continues to be polluted at an alarming rate in spite of Federal and State antipollution laws which have been on the books for some time. I am sure that this is true not only of Long Island Sound but of every major body of water in our country. The present law was a significant step when it was enacted, but regrettably it seems not to have enough teeth to insure that the battle against water pollution will be won.

The principal deficiencies in the current law are:

That it applies only to water pollution of an interstate character;

That it provides no subpena power to compel attendance of polluters at enforcement conferences and hearings;

That it gives the polluter far too great a period of time—at least 12 months and as a practical matter closer to 2 years—for voluntary compliance with abatement schedules; and

That it does not authorize or mandate any financial penalties for a polluter's failure to comply with an abatement schedule.

I am introducing today a bill to amend the Federal Water Pollution Control Act so as to remedy these deficiencies. Essentially it parallels the administration bill recently introduced, but with two important differences: it provides a shorter period for compliance with abatement schedules, and it doubles the potential amount of financial penalties prescribed in the administration bill. In its principal features, my bill would:

First. Broaden coverage of water quality standards and enforcement provisions to intrastate, as well as interstate waters, including all navigable waters, ground waters, and tributaries of any such waters;

Second. Empower the Environmental Protection Administrator to issue an order for prompt remedial action to a polluter; the order may be based on any information, however obtained, that the polluter was violating water quality standards;

Third. Allow 15 days for a polluter to request a hearing on such an order, after which time the order shall become final if no hearing is requested;

Fourth. Authorize the Administrator to modify and finalize his order at the completion of hearings if hearings are requested; and

Fifth. Provide civil penalties up to $50,000 a day for violations of final enforcement orders.

The last provision would mean, for example, that a municipality which permitted effluents of unacceptable quality to be discharged in its sewage for a month would be subject to a fine of $1.5 million.

The time has come to crack down hard on industrial and municipal polluters that have flouted the public interest for several years. The principal answers, in my judgment, are prompt compliance with abatement schedules and, in the absence of compliance, major fines. My bill would accomplish these objectives, and I urge this House to expedite its enactment.

PUBLIC HOUSING PLIGHT

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. RYAN. Mr. Speaker, the plight of public housing throughout the Nation is acute. Local public housing agencies are in dire need of funds; the supply of public housing units is totally inadequate. In New York City, for example, there are currently more than 130,000 families on the waiting list for public housing.

Congress has not been unaware of these problems. In the 1970 Housing and Urban Development Act, an additional $75 million was authorized for fiscal year 1971 for the production of public housing. Both in the 1969 and 1970 Housing Acts, Congress provided for the provision of operating subsidies to enable local public housing authorities to maintain existing developments while keeping rentals at levels which low-income families can afford to pay. A total of $150 million annually was authorized by these two acts. In addition, $225 million is authorized for fiscal year 1972 for annual contributions for public housing.

Unfortunately, Congress, cognizance of the problems, and its actions to ameliorate them, have not met with affirmative action by the administration. The Department of Housing and Urban Development has chosen not to use the $75 million authorized for fiscal year 1971. It has also determined that production in fiscal year 1972 will be limited to 100,000 units, thereby using about $150 million of the total $225 million authorized. And as to the $150 million for operating subsidies, the Department has released only a small amount of such funds to date. Furthermore, the Department is eliminating special subsidies hitherto available, looking to the $150 million authorized by operating subsidies as the replacement for them.

Thirteen of my colleagues have joined me in writing to Secretary George Romney, of the Department of Housing and Urban Development, urging reversal of this decision. I am at this point including a copy of that letter to Secretary Romney, dated April 21, 1971:

APRIL 21, 1971.

Hon. GEORGE ROMNEY,
Secretary, Department of Housing and Urban Development.

DEAR SECRETARY ROMNEY: The plight of public housing programs across the nation is severe, as we are sure you know. In New York City, the situation is dire. Currently, more than 130,000 families are on the public housing waiting list, and this staggering figure exists even after the deactivation of applications which are more than two years old. In light of this state of affairs, there are several matters concerning your department's operation of the public housing program which are of particular concern to us, as they very seriously affect the public housing situation in New York City.

In the Housing and Urban Development Act of 1970, the Congress authorized $75 million to support contracts for additional housing to be undertaken in fiscal year 1971. It voted this additional authorization because it was clear that available funds were substantially exhausted. It is our understanding that despite this, your department does not intend to use any of these additional funds.

In addition, the 1970 Act authorized $225 million to be contracted in fiscal year 1972 for the initiation of additional public housing units. It is our understanding that your department intends to limit its approvals during fiscal year 1972 to a maximum of 100,000 units, thereby using only about $150 million of its available contract authority.

We feel that both of these actions are in contravention of the intent of Congress, and we specifically request that your department use both the $75 million authorized for this year, and the full $225 million authorized for the next fiscal year, with New York City of course being allocated appropriate sums from these totals.

Both in the 1969 and 1970 Housing Acts, Congress provided for the provision of operating subsidies to enable local public housing authorities to maintain existing developments in good condition while keeping rentals at levels which low-income families can afford to pay. A total of $150 million annually was authorized by these two Acts. However, your department has released only a small amount of such funds to date.

Again, we request that your department implement Congressional intent by using these authorizations to their full extent.

We are also concerned regarding the apparent decision to terminate special subsidies hitherto available. These include the special subsidy for elderly, disabled, handicapped, displaced, unusually large, and unusually low-income families residing in public housing; and the special subsidy provided under the Housing Act of 1969 by the Brooke Amendment to make up the difference between the reduced rent of tenants and the total operating costs of the units occupied by the tenants.

Each of these special subsidies amounted to more than $50 million annually nationwide. HUD's apparent decision is that the funds available for operating subsidies are limited to a maximum of $150 million on the basis of amendments enacted in 1969 and 1970. The consequence is that the $150 million authorized for operating deficits will be eaten up by being applied to these former special subsidies, and the remainder will be inadequate to cover the operating deficits of local public housing authorities. We strongly urge your reconsideration of this decision, and would appreciate your apprising us of the basis for that decision, should it not be changed.

Finally, we are concerned regarding that provision of the 1970 Housing Act authorizing your department to promulgate cost limitations suitable for localities on the basis of prototypes for various types of construction. These are to be issued by the end of April. We are very much concerned that the new prototype cost limits which will be established will be sufficient to allow construction in New York City, where costs are particularly high. We are also concerned that allowance be made for subsequent upward revisions to reflect increased costs.

With best regards,

William F. Ryan, Bella S. Abzug, Herman Badillo, Jonathan B. Bingham, Hugh L. Carey, Emanuel Celler, Shirley Chisholm, Seymour Halpern, Edward I. Koch, Bertram Podell, Charles B. Rangel, Benjamin S. Rosenthal, James H. Scheuer,

Members of Congress.

THE REAL GREENING OF AMERICA—SPEECH BY HON. WENDELL WYATT

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. RAILSBACK. Mr. Speaker, our distinguished colleague, Wendell Wyatt, from Oregon's First Congressional District, addressed the annual meeting of the Western Wood Products Association in San Francisco on March 11 of this year. His remarks are so pertinent and far reaching and present such an exciting challenge to this country that I am sure they will be of interest to other Members of Congress and I offer them herewith:

The Real Greening of America

A timely title for my remarks might be "The Real Greening of America." I think this topic is timely because I believe that we are now entering an era when understanding and cooperation between conservationists and wood fiber producers is absolutely essential. I think the time is long past when a wood fiber merchant and conservationist have been sworn enemies. Some of the very best conservation practices in this world are today a part and parcel of sound tree farm and sustained yield goals of timber producers.

First, let's define conservation. To me, it means the development and use of our natural resources on a continuing basis so as to yield the maximum benefits, short term and long term, for all of our citizens. These people-owned resources, which nature has made available to us, do not belong to any one person, to any one group of persons, or to any single interest group. They belong to all of our people. The most disadvantaged child in the ghetto has an equal stake, an equal ownership of these public natural resources, equal to that of each and every other person in the United States.

Wilderness, recreation, watershed management, wild life habitat protection, timber production and the other purposes for which we manage the forests of the United States do not have to be either/or propositions. With effort and with good common sense we can accommodate all of these public values. I suppose our differences, as usual, center around the application of a definition or a goal, to a specific circumstance, or problem. Perhaps an example of the very broadest conflict, would come between the right of the ghetto child to a decent home, inevitably containing some wood products, and the maintenance of hundreds of thousands of acres of pristine wilderness, sometimes accessible only to a handful of people.

I would ask you here, "What about the interest of the avid conservationist in meeting the housing goals of our country and conversely, what about the right of the ghetto dweller to the ultimate enjoyment for himself and for his children in our great wilderness areas? These and other instances can be resolved and largely protected and the other purposes for which our timberlands are held can be achieved only if we join together as persons of good will in this country, determined that a massive effort will be undertaken to preserve, to manage and to multiply these resources.

It was just two years ago that the timber industry faced a real crisis. There was the perennial boxcar shortage, bad logging weather the previous winter and labor strikes that combined with a very inelastic timber source to throw supply and demand for timber completely out of harmony. This resulted in prices that rose to very high levels. You all remember well the screams at that time that came from all sides, the resulting congressional committee investigations (I think there were as many as four at one time), and the Presidential Task Force formed to examine this problem. Unfortunately, the economic situation deteriorated so quickly that prices went the other way, where they have stagnated until just recently.

During this two-year period, I have been predicting that the squeeze would come again. That housing demands, long pent up, would again result in a repetition of the 1969 problem which no one wanted at that time and I am certain that no one wants again in the future in the same magnitude.

What have we done to prepare for this problem? The answer is, essentially—nothing. Just last week the House Interior Appropriations Committee (on which I serve) heard testimony from both the Forest Service and the Bureau of Land Management on their budget for fiscal 1972. They, of course, are not free agents and are very much subject to the whims and domination of the Office of Management and Budget of the federal government.

I was shocked to see that this expansionary budget (which is being adopted) did not contain one nickel for research construction, that forest research itself was slightly cut over the current fiscal year, that such important areas as watershed management research, forest recreation research, range management research, wildlife habitat research, fire research and forest surveys, were either cut slightly or continued at the current year's level. With the inflation that is going on every day this means a cut in services in every one of these areas in real terms. I say to you that this "budgeteering" has prevailed in spite of the very high return from modest investments in good forestry, which includes reforestation. The Forest Service has testified that its experience is that there is a return of $5.75 to the government for every dollar invested in intensive management. It is therefore clear that it is, in fact, in the public interest that these investments be made.

Forestry is a science that is relatively young. We imported our original technology from Europe at the turn of the century but greater advancements in this science have been made in the last 10 years than in the preceding 60 years. The bulk of this advancement and knowledge has been developed on intensively managed private lands where the dollars spent must bring a return. This budgetary shortsightedness is in the face of the testimony of the Forest Service that we are losing over five billion board feet annually in our national forests to insects and diseases.

It is very clear that we face a real crisis in what I believe will be an unprecedented and a continuing demand for wood and for wood fiber products. When the day comes, and I don't think it is far away, that black men in the big cities find they can't have a house because wood products are not available at any price or without prolonged delays, they and those who are representing them in Congress, will be knocking very loudly at our door demanding their share of the national timber resource. I hope we don't have to wait until that moment before the conservationists and you in the industry join together seeking solutions to our mutual problems. I would hope that you can decide that logic, that reason and fairness will guide you in your decisions—not plain, blind emotions and "sloganeering" of the type that has become all too prevalent in the last few years.

Now, what can we do? What can I propose to meet the demand that is coming?

I propose that this country adopt as its national policy the reforesting of America. Perhaps it would be even more proper to call it foresting of America. It is a program that can unite recreationists and industry in a determination to take full advantage of the opportunity given us by nature to solve these problems.

There are in this country literally millions of acres that are really little more than a vast wasteland today. They lay unused, unloved and completely neglected in this great country of ours. They have perhaps been logged over many years in the past. They may be lands overgrown or made useless by rampant brush or weed-tree growth. They may be marginal farm lands removed from farm production for economic reasons.

In one segment of our forest economy alone, I found that it will take nearly 50 years at the present rate to reforest just our national forests under the supervision of the Forest Service.

So here is what I propose: It is the concept of total reforestation and that we adopt a national program with the aim of achieving total reforestation within the next 10 years. This concept requires a fresh and a vigorous new attitude toward our forest lands.

I would suggest that the program be divided into four separate parts. First, that we commit ourselves and the necessary dollars to forest every acre of federally owned land capable of high growth trees. These lands would include our national forests, public domain lands, lands managed by the Bureau of Indian Affairs and all other federal government agencies. This would require the announcement of a policy and a program and then its implementation by the allocation of sufficient dollars to finance it. The federal government would, by way of example, lead the way to this program.

Second, the federal government would intensify its cooperative efforts with state and local governments to see that the same result is accomplished on all non-federal lands. This concept would include furnishing seedlings, education, encouragement, technical assistance and perhaps through direct aid or through the Youth Conservation Corps, some of the manpower to see that this job is accomplished.

Third is in the area of the third forest where a great total land area of small wood lots and timber-capable lands remain unused. Here the federal government, by use of various incentives, possibly including tax devices, free seedlings and technical assistance could see that a maximum effort would be made to return these lands to productive use for the common good.

This morning I held a brief press conference and I received a number of questions centering on the possibilities that the large timber companies might be the beneficiaries of this federal-private timberland aspect of the program I'm outlining. My response was that virtually all of the large companies are already doing what I am proposing for the public and the small private wood lots. I would just hope that the large private timberland owners won't feel disadvantaged by efforts to grow millions of additional trees on the neglected lands of America.

Besides replanting I would propose that in all three of the areas I have outlined here—the federal area, the state and local area and the private area—that wholesale programs of thinning and salvage be undertaken for the maximum use of these lands and to discourage timber insects and disease.

Finally, the last part of my proposal involves the reforestation of the cities of America. You all know how barren Tokyo and Berlin were left immediately following World War II. Many of you, I am sure, have seen what has been done in these cities in the last 25 years, and in many other war-ravaged areas of the world. You also know what has been done in most of the suburban developments of America. You have seen developers bulldoze areas naked, lay out the streets and sewers and then start construction minus trees. There are a few exceptions to this practice, but they remain the exceptions in the development of the suburbs of this country.

We must make ornamental seedlings available to cities for this use in making parking lots and other center strips decorative for park and private use. We must help the horticultural industry to meet the needs in our cities for varieties of ornamental trees suited to each geographical area. Each tree planted is a small oxygen factory. Each tree planted in America will contribute to the beauty of our environment. Each tree will help absorb the increasing noises of the urban environment.

In my judgment, and based on preliminary estimates, the program I have presented in rough outline would command an investment of an average of 250 million dollars per year for 10 years. It may be grandiose in concept but clearly something like this commitment is required, and immediately, if we are to satisfy the multiple purposes for which we manage our forest lands and if we are to leave our children a United States of America as rich in natural resources and beauty as the great country which we ourselves inherited.

IMPORT COMPETITION AND CONTRACT NEGOTIATIONS IN THE STEEL INDUSTRY

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. ANNUNZIO. Mr. Speaker, I am happy to support the position of my distinguished colleague, Congressman DENT, chairman of the General Labor Subcommittee, who for many years now has served as one of the country's foremost guardians of the American worker against the flood of imports which threatens ever larger numbers of jobs in our economy and the well-being of many of America's fairest, happiest, and most peaceful communities. Congressman DENT is not, and I certainly am not, opposed to imports in principle. We know that we must import if foreigners are to get the dollars they need to buy our exports. What Congressman DENT and I object to are imports brought in from extremely low-wage areas with indecently substandard working conditions. American labor is not afraid of competition, but only under accepted rules. Baseball has rules, golf has rules, chess too, in fact every aspect of civilized living needs and subscribes to rules. Why should not international trade do the same?

One of the underlying requirements for acceptable international trade competition is worldwide fair labor standards. American management should not be required to observe fair labor standards at home and then be expected to compete with foreign suppliers who produce under subhuman labor standards. This principle is the basic rationale of the much-publicized Davis-Bacon Act, which has been on the legislative books since 1931—to make it unnecessary for construction contractors operating with fair labor standards to compete with contractors who do not. That is also one of the basic purposes of the Federal Wage and Hour Act, which has been law since 1938—to outlaw unfair competition from producers paying excessively low wages. Why should not the same rationale exist, the same requirements apply to foreign trade?

Congressman DENT has included a much needed provision in H.R. 7130, a bill which he introduced on April 1 and for which I am happy and proud to serve as a cosponsor, which would give the President power to take appropriate action to regulate imports which threaten serious impairment to the health, efficiency, and general well-being of any group of American workers and the communities in which they are employed. H.R. 7130 also contains provisions to raise the Federal hourly minimum wage to $2 and to extend its coverage. Hearings on the bill were begun very recently, on April 20, by the General Labor Subcommittee. The hearings are scheduled to end April 29. It should not be long after that before the bill goes to the full House Labor Committee for its consideration and, I hope, its approval.

We all know that one of the American industries most sorely beset by imports is the steel industry. Steel imports from Japan and European nations at present are regulated by voluntary quotas agreed upon by those countries and the United States. These quota agreements, entered into in 1968, are scheduled to expire at the end of this year. The Nixon administration should be starting negotiations at this time for new steel import quotas beginning in 1972, and should be pressing in such negotiations for the protection of jobs in the American steel industry and for the maintenance of decent wages and working conditions in U.S. steel production.

The Nixon administration appears to be doing just the opposite. It appears to be holding the threat over the heads of American steel labor that it may not negotiate for the extension of steel import quotas. This threat is intended to force the steel workers to settle for very low wage increases in their forthcoming contract negotiations this summer with the steel companies.

It is plainly unfair for the White House to ask steel labor singlehandedly to try to plug the large and gaping hole in the dike against the floodwaters of inflation. And yet this is what the administration is asking, with an implicit threat behind the request, in numerous statements emanating from the executive office, the latest one being in the third inflation alert.

The price elevator has been zooming rapidly up during 1969 and 1970—years of power for the Nixon administration. The Consumer Price Index rose 5.4 percent in 1969 and 5.9 percent in 1970; these were the largest annual increases in this index since the period of Korean hostilities in 1951. One would have thought that the sensible and reasonable way to curb our inflation was to institute some sort of incomes policy, whether wage and price guidelines, review of wage and price changes, or whatever. Congress gave the President the power to do this through the Economic Stabilization Act, legislation still in effect. But no, the President and some of his grand pooh-bahs appear to entertain an almost theological aversion to any sort of comprehensive, across-the-board incomes policy. Instead, the administration wasted 2 years and gravely disrupted and divided our countrymen by playing around with its so-called "game plan," a course of action which was crude, unjust to many economic interests such as the housing industry, and to cap it all, a failure.

Inflation was caused by massive economic forces unleashed in Washington and must be curbed by massive correctional steps taken in Washington. In effect, the White House has already joined up with the steel companies as a partner at the bargaining table against the steelworkers. I am opposed to this action of the administration, as I think all fair-minded men must be.

I call upon the President not to interfere in the upcoming contract negotiations in steel. I ask him not to bludgeon the steelworkers with the club of low-wage steel imports. I suggest that he not encourage the steel companies to take an uncompromising stance and gird for a strike. Hands off, Mr. President. Give collective bargaining a chance to work freely. You believe in the principles of free markets, free domestic competition, and free men. Why not free collective bargaining in steel?

According to the U.S. News & World Report, the "real" buying power of average steelworker earnings fell 4.4 percent over the past year. Steelworkers want to make up this lost purchasing power.

They want wage increases which also reflect productivity improvements—about 3 percent annually in American industry, according to U.S. Labor Department statistics. Further, they want full and unlimited protection against future cost-of-living increases. These are all legitimate aspirations. They are no more than American workers deserve. They are no more than other workers have been getting. I hope that steel labor will achieve these goals, and in a free bargaining climate I think they will.

DAVENPORT FIRE CHIEF RETIRES

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. SCHWENGEL. Mr. Speaker, Les Schick, the fire chief at Davenport, Iowa, is retiring. He has served his community for 32 years as a member of the Davenport Fire Department. For over 20 years he was the fire chief.

Les Schick's career is marked by his dedication to his profession and the city of Davenport. He has held the highest offices in the organizations of his profession. The many awards and other recognition he has received indicate the high quality of his work.

Upon his retirement, Les Schick will again be accorded well-deserved tributes. None can be higher, however, than the simple thank you of his community for a job well done.

An article which appeared recently in the Davenport Times-Democrat highlights some of the more important events in Les Schick's career:

WHAT THEY ALWAYS SAY ABOUT OLD FIRE HORSES

(By Jim Arpy)

The ever-present pipe is out, as if after 32 years Lester Schick had had his fill of fire and smoke.

The truth of that was evident recently when the Davenport fire chief surprised everyone by announcing his retirement at the age of 55.

Now he is cleaning out his desk, filling cardboard boxes with the accumulation of more than a century, old scrapbooks, photos, cartons and sacks full of memories.

Memories . . . "I almost had a short-lived career. I'd been on the department less than six months when I helped fight my first big fire, a very serious one at the Holbrook Furniture store in the 100 block of East 2nd street.

"Capt. Herbert Miller, who was then a private, and I had a line out in the alley behind the store, the heat built up in the nearby Murdock Paint Co. store and the concussion blew a large steel safety door clear across the alley. It hit the wall on the other side, just 18 inches from where we were standing, with terrible force. If I'd been in front of that door, my career would have ended right then," Schick says.

The fire caused a $103,000 loss and several firemen were badly burned. Did young Schick then have any doubts about his new profession?

"No, I guess it was as much a challenge as it has always been. Fighting fires gets into your blood. Just a few weeks later I was at another major fire when the two top floors burned off the Vale Apartments at E. 4th and Perry Streets."

The retiring chief recalls that the most difficult fire he ever fought was not necessarily a very spectacular one.

"It was in the Chandler Hotel in the 600 block of Harrison Street. There was formerly a stable in back and they had later added two floors there to make it a three story building. This left a 150-foot void between the old roof and the second-story level, but we didn't know this at the time," Schick relates.

"The fire originated in the basement and got into all the walls. Every place we'd put an axe into was burning. We couldn't imagine what made it burn like that. Then one of the firemen noticed that one wall was unusually hot. We opened it and there was that wide open void, feeding the flames like a chimney. We put a line in and were able to knock down the fire. But we fought it for six or eight hours before we got it under control."

Schick's face is pained as he relives the worst fire of his career, the St. Elizabeth's Hospital blaze that snuffed out 41 lives on a cold January day in 1950. It was later determined that a mental patient had set curtains afire with a cigarette lighter. He was chief at the time.

"The alarm came in at 2:06 a.m. I was home in bed. I dressed quickly and drove to the scene. I never hope to see anything like that again. I got out of my car and ran to the chief's car where my gear was. I could see we had a terrible fire under the worst conditions. There were locked bars on the patients' rooms.

"As I turned my back to put my boots on, the roof practically exploded from pent-up heat in the attic area. In a flash, the whole roof was burning all over. We not only had to bring the fire under control, but to try to get the people out.

"I stayed there working until 6:30 the following night. Then I went to clean up and came back and stayed until 11 p.m. I was exhausted by then, as we all were. I went home and was back at the hospital at 6 a.m. It was an experience I never hope to have more than once in a lifetime!" Schick says.

"We had many unaccounted-for bodies. We lost 39 people in the fire, and two died later. It happened so fast. By the time anyone could get there the damage to property and loss of life were pretty well established."

As a young man, Schick never thought of joining the fire service. After graduation from high school, he spent some time in the Civilian Conservation Corps. Returning to Davenport, he bought a house-to-house bakery route.

"One of my customers was a captain on the Fire Department. One afternoon I sat on his front porch complaining about how bad business was, and he asked why I didn't join the Fire Department.

"I said, 'You're crazy. What do I know about fighting fires?' But it gave me an idea. I took the entrance examination, but there weren't any openings then. I had to take it two more times before I was accepted.

"If I had any real ambition as a young man it was to become a professional baseball player. I played in an organized league when I was in high school and later played semi-pro hardball around here. Then I was on the Red Jacket and later The Democrat softball teams, which played some of the best teams in the country. I always played either third base, or in the outfield," Schick recalls.

Once he was on the fire department, Schick set about learning all there was to know about his new profession. Some years later, he jumped from lieutenant to chief, over many older men, by scoring highest in an examination for the post.

"There were a lot of fires in the winter years ago. Furnaces were manually fired, and houses of frame construction with shingle roofs. People would often overfire their furnaces. Today you never know when a major fire will occur.

"One of the most physically exhausting fires I ever fought occurred during a terribly hot summer day at the old Moss Clothing Co. store in the 400 block of W. 2nd St. The heat was as bad as the cold winter, maybe worse," Schick says.

The Clark Furniture Co. fire of a few years ago was one of the most potentially dangerous blazes he has fought. For a time there was a very good chance it would engulf an entire block.

"During my time as chief we've never had any major extension of a fire beyond the building of origin. We've been quite successful in containing them within one building," Schick says.

Schick's biggest fire, in relation to dollar loss, occurred toward the end of his career as chief, the Davenport Machine and Foundry blaze on Jan. 28, 1970. The total loss to building and contents was $1,085,833.

"I've never been seriously injured fighting a fire. I've been real lucky in that respect," he says.

Schick plans to rest and travel for a couple of months. After that he hopes to find a position where his knowledge and experience in firefighting techniques and prevention can be utilized.

"I also hope to be available to give any assistance to the man who gets the chief's job, whoever he may be. I've had a fine relationship with all these people on the department for so many years. I want to help them in any way I can," he stresses.

And what if the throaty bullfrog alarm sounds, and the big motors roar to life and he's standing there in his civies listening to the long, mournful wail of sirens?

The eyes in the face familiar to so many Davenporter twinkle. "Well, you know what they always say about old fire horses . . ."

SOCIAL SECURITY BENEFITS WITHOUT REGARD TO AGE

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. MIKVA. Mr. Speaker, I am honored to rise today in support of a most deserving group of Americans. I am referring to the thousands of people who live quiet, unheralded lives, characterized primarily by years of hard work.

The Social Security Act is intended to insure that no American is forced to work beyond his years, or to live his last years in poverty once he is no longer able to work. At present, social security benefits are keyed to age. The bill I am introducing today would add another criterion of eligibility: number of years worked. If a man has worked and paid social security deductions for 40 years, he should be able to retire if he wishes to and to receive a return on that long investment. There ought be nothing magical about age 65 or 62. Under the legislation I am introducing, old-age benefits would be available to any worker either upon reaching the minimum age, or upon completion of 160 quarters of coverage. Any man or woman who has worked and contributed to social security for 40 years should be entitled to retire and to receive full old-age insurance benefits, without regard to his or her age.

ASSET DEPRECIATION RANGE

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. VANIK. Mr. Speaker, the Treasury recently announced an unprecedented proposed ruling on depreciation called asset depreciation range—ADR. It will cost the public Treasury $3 to $5 billion per year and nearly $40 billion in this decade. The Treasury action is unconstitutional, an illegal usurpation of authority and an inefficient economic tool which wastes the Nation's tax resources.

The Constitution states that—

> The Congress shall have power to lay and collect taxes.

And provides that—

> All bills for raising revenue shall originate in the House of Representatives.

If the Executive has the authority to "wash-out" or remit $3 billion annually from the Public Treasury, what are the outer limits of this power? Can he excuse or give back 40, 80, or 100 percent of annual depreciation?

If the President can legally excuse $3 billion in corporate taxation by accelerating depreciation by 20 percent this year, he must also have the incredible power to excuse 100 percent depreciation, or $15 billion in annual taxation. This power, unrestrained, is the power to eliminate corporate taxation—which appears to be the goal of the President. What power remains to Congress?

As part of an effort to oppose this usurpation by the Executive, I am testifying at the hearings at Treasury beginning May 3.

In addition, I have introduced in the House today the following concurrent resolution:

> That it is the sense of the Congress:
>
> (1) That the Treasury Department does not have the authority under existing law to grant taxpayers the additional income tax deductions which would be allowed under the proposed asset depreciation range system as set forth in proposed regulations issued on March 12, 1971; and
>
> (2) That the proposed regulations, if adopted by the Treasury Department, would be null and void in the absence of action by Congress in the form of enabling legislation.

This resolution was sponsored by the following Members:

Mr. VANIK (for himself, Mrs. ABZUG, and Mr. ADAMS).

Mr. ADDABBO.

Mr. ASPIN.

Mr. BADILLO.

Mr. BEGICH.

Mrs. CHISHOLM.

Mr. CORMAN.

Mr. DRINAN.

Mr. EILBERG.

Mr. GIBBONS.

Mr. HARRINGTON.

Mr. HECHLER of West Virginia.

Mr. MOSS.

Mr. NIX.

Mr. PODELL.

Mr. RODINO

Mr. ROSENTHAL.

Mr. SARBANES.

Mr. STOKES.

SENATE—*Friday, April 23, 1971*

The Senate met at 11 a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

The Right Reverend Monsignor Patrick J. Ryan, major general, U.S. Army, retired, former chief of U.S. Army chaplains, Washington, D.C., offered the following prayer:

Almighty and ever-loving God, who has been the help of our forefathers from the beginning of our Nation's history, look with favor upon this group of lawmakers. Direct them in their actions, grant them wisdom and strength to perform their important duties for the people of our Nation. Give them vigilant hearts and temper their zeal with prudence. In the long tradition of great lawmakers in our country, may they continue to protect and perpetuate the high principles and lofty ideals upon which our Nation was founded. Guide them in their deliberations, bless them with Your counsel that their endeavors may begin with Thee and through Thee be happily ended. Amen.

JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal and the proceedings of Thursday, April 22, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

U.S. AIR FORCE

The legislative clerk proceeded to read sundry nominations in the U.S. Air Force.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. ARMY

The legislative clerk proceeded to read sundry nominations in the U.S. Army.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. NAVY

The legislative clerk proceeded to read sundry nominations in the U.S. Navy.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. MARINE CORPS

The legislative clerk proceeded to read sundry nominations in the U.S. Marine Corps.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—IN THE ARMY AND IN THE NAVY

The legislative clerk proceeded to read sundry nominations in the Army and in the Navy, which had been placed on the Secretary's desk.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ARTHUR RIKE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 65, S. 157, and that the rule of germaneness not apply to the consideration of this one cleared bill on the calendar.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and the bill will be stated by title.

The LEGISLATIVE CLERK. S. 157, for the relief of Arthur Rike.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 157

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, notwithstanding any statute of limitations, or lapse of time, or bars of laches or any proceeding heretofore had in the United States District Court for the District of North Dakota, jurisdiction is hereby conferred upon the United States District Court for the District of North Dakota to hear, determine, and render judgment upon any claim filed by Arthur Rike against the United States for compensation for personal injury, medical expenses, and property damage sustained by him arising out of an accident which occurred on December 24, 1964, allegedly as a result of the negligent operation of a motor vehicle by an employee of the United States while acting within the scope of his Federal employment.
>
> SEC. 2. Suit upon any such claim may be instituted at any time within one year after the date of the enactment of this Act. Nothing in this Act shall be construed as an inference of liability on the part of the United States. Except as otherwise provided herein, proceedings for the determination of such claim, and review and payment of any judgment or judgments thereon, shall be had in the same manner as in the case of claims over which such court has jurisdiction under section 1346(b) of title 28, United States Code.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–63), explaining the purpose of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to confer jurisdiction upon the U.S. District Court for the District of North Dakota to hear, determine, and render judgment upon a claim by Arthur Rike. The bill would also waive the defenses of the United States to such claim based on the statute of limitations, lapse of time, laches, or any previous proceeding in the said district court.

STATEMENT

A similar bill for this claimant in the 91st Congress was approved by the committee and passed by the Senate, but no action was taken on it in the House of Representatives.

In its report to the committee, the Post Office Department stated the facts in the case and its recommendations as follows:

> On February 5, 1968, the Department submitted a report on S. 2214 to this committee. The present report amends and supersedes the February 5 report in order to reflect correctly the final disposition of the civil tort action which is discussed below.
>
> Our records disclosed that on February 23, 1967, Arthur Rike filed a civil tort action in the District Court, First Judicial District, Grand Forks, N. Dak., against David John Mersy, a postal employee. The suit demanded damages of $37,905 for alleged injuries sustained by Mr. Rike as a result of a collision on December 24, 1964, between Mr. Rike's automobile and that of Mr. Mersy, who was acting within the scope of his Federal employment. At the request of the assistant U.S. attorney the action was removed to the U.S. District Court for the District of North Dakota pursuant to 28 U.S.C. 2679(d), and the United States was substituted as party defendant in place of Mr. Mersy. The Government then moved to dismiss the suit on the ground that plaintiff's cause of action was barred by the 2-year Federal statute of limitations, 28 U.S.C. 2401(b). The court granted the Government's motion, dismissing the suit on November 29, 1967.
>
> The Department opposes enactment of S. 2214. This bill would, in effect, nullify the above court proceedings and allow Mr. Rike an additional year within which to bring suit. In the 82d Congress this committee, in its report on Senate Joint Resolution 23, declared that it "would not relieve a claimant of a statute of limitations except for 'good cause' shown * * *." We see no evidence of "good cause" in this case to grant the relief which would be afforded by S. 2214.
>
> The Bureau of the Budget has advised that there is no objection to the submission of this report to the committee from the standpoint of the administration's program.

The sponsor of the bill, Hon. Quentin N. Burdick, has advised the committee as follows:

> It has come to my attention that the Post Office Department's opposition to S. 2214, a bill for the relief of Arthur Rike, is that there is no showing of a "good cause" for extending the statute of limitations.
>
> I feel that I must take exception to this. Mr. Rike was lulled into believing that the U.S. Government was not a party to claims arising out of an automobile accident in which he and David John Mersy were the drivers. The only reason an action was not filed within the statute of limitations is a belief on the part of Mr. Rike and his attorney, supported by statements made by representatives of the insurance company and the U.S. Post Office, that the Government was not a party to this suit. In a deposition taken by Mr. Rike's attorney, the postal inspector did not deny that he had made such a statement.
>
> I firmly believe that this is a good and sufficient cause for the Judiciary Committee to favorably report S. 2214. The only thing this bill would do is give Arthur Rike the day in court which he has so far been denied.

The committee believes that the bill is meritorious and recommends it favorably.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Virginia (Mr. BYRD) is now recognized for not to exceed 15 minutes.

RETURN OF OKINAWA TO JAPAN

Mr. BYRD of Virginia. Mr. President, the Nixon administration has formally agreed to regard the return of Okinawa to Japan as a treaty issue requiring two-thirds Senate approval.

This was made clear in public statements by the Department of State, and also in an official letter from the Secretary of State to the chairman of the Senate Foreign Relations Committee.

For this action, the administration has been severely condemned by such newspapers as the New York Times, which contends that Okinawa should be returned to Japan by Executive agreement rather than by the advice and consent of the Senate.

Most certainly I do not agree with the Times' assessment—and I am indeed amazed that a newspaper which has been urging the Senate to reassert its prerogatives in foreign policy, now wants it to be bypassed because it fears the Senate will not do what the Times wants it to do.

As I see it, there are two issues involved:

First, shall Okinawa revert to Japanese administrative control; and

Second, if so, should it be by unilateral action by the President, or by recommendation of the President with the consent of the Senate?

As to whether it is in the best interest of the United States for Okinawa to be returned to Japan at this particular time in our history is one matter—and a debatable one.

But as to whether such action should be taken unilaterally by the President or by the President with the consent of the Senate, is, to my mind, clear cut. The United States obtained control of Okinawa by the Treaty of Peace with Japan, which treaty was ratified by the Senate of the United States.

I submit that it is logical and proper that any change in the Treaty of Peace with Japan can be made only with the approval of the Senate.

I am not concerned today with the question of whether Okinawa should or should not revert to the administrative control of Japan.

I am concerned today as to just how the matter should be handled if and when the executive department reaches an agreement with the Japanese Government.

It is appropriate at this point, I think, to give some background on this vitally important issue.

On May 29, 1969, just prior to the visit of the Japanese Foreign Minister to the United States, I addressed the Senate on the future status of Okinawa.

I pointed out that under the 1952 Treaty of Peace with Japan, the United States was granted the unrestricted use of the island of Okinawa in the far Pacific. On this island we have our greatest Pacific military base complex.

I expressed the view that any change in the status of Okinawa should be through action by the President and the Senate together, rather than by the President unilaterally.

That was May 29, 1969.

On November 4, 1969, 2 weeks before Prime Minister Sato of Japan was scheduled to arrive in Washington for further discussions regarding the reversion of Okinawa, I introduced in the Senate the following resolution:

> It is the sense of the Congress that the President shall not enter into any agreement or understanding, the effect of which would be to change the status of any territory referred to in Article III of the Treaty of Peace with Japan, without the advice and consent of the Senate.

On November 5, 1969, I discussed this resolution at some length on the floor of the Senate. During the course of my remarks, I urged the Department of State and the President to make clear to the Prime Minister of Japan that any change in the treaty between the United States and Japan must be submitted to the Senate for approval.

When the vote was taken on the Byrd resolution, it was approved overwhelmingly by 63 yeas and 14 nays.

On November 21, President Nixon and Prime Minister Sato, after an exchange of views November 19, 20, and 21, issued a joint communique stating, among other things, that any agreements between the two governments would be subject to "the necessary legislative support."

The Senator from Virginia took this to mean that the executive branch would comply with the Senate resolution and that any change in the Treaty of Peace with Japan would be submitted to the Senate for approval or disapproval.

In the Senate, I commended President Nixon.

Simultaneously, the distinguished junior Senator from South Carolina (Mr. Hollings), expressed the fear that I had not accurately interpreted the communique's meaning.

On November 25, 1969, Senator Hollings addressed a letter to the President, in which he asserted:

> Senator Harry Byrd of Virginia has just commended the language of the communique of the Prime Minister and yourself; and Senator Byrd commended you for recognizing this role of the legislative branch.

And then the able Senator from South Carolina went on to say in his letter to the President that he had just returned from Japan and a conference with the Prime Minister, and that the Prime Minister discounted the necessity for ratification of any agreement affecting Okinawa.

President Nixon replied to Senator Hollings in a letter dated January 9, 1970. That letter contained this sentence:

> With regard to Congressional action on any agreement with Japan on Okinawa, I want to say that I am fully cognizant—as is Secretary Rogers—of the implications of the Senate vote on Senator Byrd's Resolution of November 5.

From the beginning, I had confidence that President Nixon would honor the resolution adopted by the Senate on November 5, 1969. I have known Mr. Nixon for more than 20 years and had no reason to doubt that he would take the only appropriate course and submit to the Senate for ratification any change in the Treaty of Peace with Japan.

This is a part of the constitutional process—even though other presidents have breached the process, particularly President Johnson when he returned the Bonin Islands to Japan by Executive agreement. In fact, it was this action by President Johnson that prompted my resolution of November 5, 1969.

Many Senators have expressed concern at the erosion of Senate authority in regard to foreign policy. I myself feel very strongly in that regard, and I feel that the fault lies at least to some extent with the Senate for not asserting its constitutional prerogatives.

None feels more keenly about this than the distinguished chairman of the Foreign Relations Committee, Mr. Fulbright, who was so helpful in the Senate enactment of my resolution of November 5, 1969.

On February 25, 1971, Chairman Fulbright addressed a letter to the Secretary of State calling attention to the Senate-adopted resolution and requesting that the Foreign Relations Committee be advised "concerning the administration's plans for seeking congressional approval for any agreement on reversion of Okinawa."

On March 10, 1971, Secretary Rogers replied stating that—

> As soon as the negotiations (Okinawa) reach a situation which permits meaningful discussions, we will wish to begin consultations . . . on steps for obtaining the advice and consent of the Senate. Our hope will be to obtain Senate action this year.

I ask unanimous consent that at this point Chairman Fulbright's letter and Secretary Rogers' reply be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

February 25, 1971.

Hon. William P. Rogers,
Secretary of State,
Washington, D.C.

Dear Mr. Secretary: I would appreciate your providing the Committee with a status report on the negotiations for the reversion of Okinawa, along with your estimate of when a formal agreement may be reached with Japan.

As you know, on November 5, 1969, the Senate adopted, by a vote of 63 to 14, an amendment offered by Senator Byrd of Virginia which expressed the sense of the Senate that any agreement changing the status of Okinawa "shall not take effect without the advice and consent of the Senate." In view of this expression of the Senate's views, I hope that any reversion agreement will be submitted in the form of a treaty. I would appreciate your advising the Committee concerning the Administration's plans for seeking Congressional approval for any agreement on reversion of Okinawa.

Sincerely yours,

J. W. Fulbright,
Chairman.

The Secretary of State,
Washington, D.C., March 10, 1971.

Hon. J. W. Fulbright,
Chairman, Committee on Foreign Relations, U.S. Senate.

Dear Mr. Chairman: I am answering your letter of February 25 concerning Okinawa reversion.

Negotiations on specific reversion arrangements have been in progress now for nearly one year. Substantial progress has been made, but several issues remain unresolved. We expect to complete the negotiations sometime this spring, hopefully by May 1. As soon as the negotiations reach a stage which will permit meaningful discussions, we will wish to begin consultations with you and the Foreign Relations Committee on the substance of the reversion agreement and on steps for obtaining the advice and consent of the Senate. Our hope will be to obtain Senate action this year to permit both governments to go ahead with preparations for reversion sometime in 1972.

Sincerely,

William P. Rogers.

Mr. BYRD of Virginia. Mr. President, I think it worthwhile, too, to have printed in the Record the background chronology of the Okinawa question beginning with my Senate speech of May 29, 1969.

I ask unanimous consent to have printed at this point in the Record my speech of May 29, 1969; my speech of June 23, 1969, captioned "Future Status of Okinawa"; my statement to the Senate in presenting the resolution of November 4, 1969; my speech to the Senate of November 5, 1969, including the rollcall vote on the Byrd resolution; my Senate speech on November 25, 1969; and the Senate statement by Senator Hollings of February 25, 1970, along with his letter to President Nixon and President Nixon's reply.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Congressional Record, May 29, 1969]

Okinawa

Mr. Byrd of Virginia. Mr. President, the Foreign Minister of Japan will arrive in Washington Saturday, May 31.

He will be in the United States to discuss the future status of the island of Okinawa.

Okinawa, and in fact the whole U.S. position in the Far East, is part of the heritage of World War II, which ended 24 years ago.

During the past quarter century, the United States has entered into mutual defense agreements with 44 nations—and has been involved in three major wars, counting World War II.

I doubt that any other nation in history, during such a short period of time, has engaged in three different major wars.

The U.S. Senate, under the Constitution, has a responsibility for foreign policy.

Too often during the past 25 years, the Senate has abdicated its responsibility in the field of foreign affairs, relying instead on the Department of State. Now I know that within that Department the overwhelming majority are dedicated, conscientious individuals; I know, too, that many of them are men of great ability.

But, I know also that whatever the reason, or wherever the responsibility may lie, the fact is that our Nation in this year of 1969 finds itself in a most unenviable position.

We are the dominant party in the North Atlantic Treaty Organization, the purpose of which is to guarantee the freedom of Europe; we are the dominant party of ANZUS—the treaty among Australia, New Zealand, and the United States; we are the military head of CENTO—Central Treaty Organization—Turkey, Iran, and Pakistan; we are the dominant partner in the Southeast Asia Treaty Organization, one of the prime reasons, according to former Secretary of State Dean Rusk, that the United States became involved in the war in Vietnam; we have guaranteed the security of Free China, and we have guaranteed the security of Japan.

As a practical matter, we have become the policeman of the world.

Can we logically continue in this role? Should we, even if we could?

Twenty-four years after the defeat of Germany, we have 225,000 troops in Europe, mostly in West Germany.

Twenty-four years after the defeat of Japan, we have nearly 1 million military personnel in the far Pacific, on land and sea.

The question of Okinawa, which the Japanese Foreign Minister is coming here to discuss, is of great significance to our position in the Pacific.

The status of the island has become the most inflammatory political issue in Japan; a clamor is rising among Japanese and Okinawans for the reversion of the Ryukyu Islands to Japanese administration.

There are many factors behind this move by Japan to regain administrative control of

Okinawa, one of which is the political fate of the administration of Prime Minister Sato.

In Japan, leftist elements, including the Socialist and Communist Parties and radical student groups, have vowed to wage a massive campaign of confrontation with the Government in 1970 to force the dissolution of the United States-Japanese Security Treaty. In addition, the same elements have coupled with this a demand that the United States withdraw completely from Okinawa.

This reminds one of the effort of elements in Panama to blackmail the United States into giving up the Panama Canal. The administration of President Johnson drew a treaty to meet the demands of the Panamanians, but strong opposition in the Senate kept the President from bringing the issue to a vote.

Okinawa is our most important single military base complex in the Far East—and is strategically located.

The United States has had unrestricted use of the island since World War II.

Beginning with President Eisenhower, each administration since 1951, has firmly maintained that the unrestricted use of U.S. bases on Okinawa is vital if the United States is to continue to have obligations in the Far East.

Sometimes the future status of Okinawa is linked to the United States-Japanese Mutual Security Treaty in which the United States guarantees the freedom and safety of Japan.

Such linkage is not correct. These are two separate issues.

The Mutual Security Treaty with Japan was consummated in 1960. Either party has the right to reopen it after 10 years, otherwise it remains in effect.

But, the status of Okinawa was determined by the 1952 Treaty of Peace with Japan. There is no legal obligation to discuss reversion of the island to Japan at this time or any other time.

The United States has complete administrative authority over the Ryukyu Islands, the largest of which is Okinawa, under the provisions of article 3 of the 1952 Treaty of Peace. This peace treaty is entirely separate—and I want to emphasize that—from the 1960 Mutual Defense Treaty with Japan.

The Japanese Government recognizes the important contribution of our Okinawa bases to Japanese and Asian security and is not likely to seek the removal of our bases. The Japanese Government does, however, want administrative control of the island which supports our major military base complex in the West Pacific.

To state it another way, the Japanese Government wants the United States to continue to guarantee the safety of Japan; to continue to guarantee the safety of Okinawa; to continue to spend hundreds of millions of dollars on Okinawa—$260 million last year. But it seeks to put restrictions on what the United States can do.

Japan wants a veto over any U.S. action affecting Okinawa. It specifically wants the right to deny to the United States the authority to store nuclear weapons on Okinawa and would require prior consultation before our military forces based there could be used.

In other words, the United States no longer would have unrestricted use of Okinawa.

Our role as the defender of the Far East has enabled Japan to avoid the burden of rearmament—less than 1 percent of her gross national product is spent on defense—and thus concentrate on expanding and modernizing its domestic economy.

In defense matters, the Japanese have gotten a free ride. As a direct result, Japan's present gross national product is over $120 billion and ranks third in the world, behind only the United States and the Soviet Union.

While the peace treaty with Japan gives the United States unrestricted rights on Okinawa, the 1960 Mutual Security Treaty provides that our military forces based in Japan cannot be used without prior consultation with the Japanese Government.

For example, when the North Koreans seized the U.S.S. *Pueblo* last year, Adm. Frank L. Johnson, commander of naval forces in Japan, testified that one reason aid could not be sent to the *Pueblo* was that approval first must be obtained from the Japanese Government to use U.S. aircraft based in Japan, those being the nearest aircraft available.

The Japanese Government now seeks to extend such authority to Okinawa.

Whether the United States should continue to guarantee the freedom of Japan, and Free China; whether we should continue the mutual defense arrangements covering the eight countries signing the Southeast Asia Treaty; plus the Phillipines; plus Australia and New Zealand; plus Thailand, Laos and Vietnam, is debatable.

But what is clear-cut commonsense, in my judgment, is that if we are to continue to guarantee the security of the Asian nations—and our Government has not advocated scrapping these commitments—then I say that it is only logical, sound, and responsible that the United States continue to have the unrestricted use of its greatest base in the West Pacific; namely, Okinawa.

The demand on the part of Japan that she obtain administrative authority on Okinawa stems from President Kennedy's statement in 1962 that he looked forward to the island's reversion to Japan "when the security interest of the free world will permit."

President Johnson reaffirmed this statement, and, in 1967, he and the Japanese Prime Minister agreed that the United States and Japan should keep the status of the Ryukyu Islands under review, "guided by the aim of returning administrative rights of these islands to Japan."

While I agree that eventually the Ryukyu Islands will be returned to Japan, I think it unfortunate that public statements by past Presidents, not binding on the U.S. Senate, have aroused the hopes of the Japanese that it could be accomplished at an early date.

It would be foolhardy, in my judgment, to commit the United States to defend most of the Far East and then to give away this country's unrestricted right to use its military bases on Okinawa.

For 4 long years, we have fought the Vietnam war with one hand tied behind our back. As a result, the war has been prolonged and the casualties increased.

Let us not be so foolish as to get into a similar position by giving someone else control over our principal military complex.

It is vitally important that public attention be focused on this issue of unrestricted use of our bases on Okinawa.

I speak as one who is not sympathetic to our deep involvement in Southeast Asia, one who from the beginning regarded it as an error of judgment to become involved in a ground war there.

I speak as one who questions the wisdom of our country's committing itself to mutual defense agreements with 44 different nations.

I speak as one who feels that we cannot logically be the world's policeman.

If by the act of granting Japan administrative control over Okinawa, the United States could insure a multinational defense structure in the Far East, with increased participation by Japan—if this action would relieve our country of a measure of its heavy international responsibilities—then, I would support a reversion of Okinawa to Japanese control.

But this is not the case.

Quite the contrary. Surrender of control over Okinawa would only make more difficult our role in the Pacific.

The issue must be decided by the Senate; it was the Senate which ratified the treaty of peace in 1952, which gave to the United States the unrestricted use of Okinawa.

In my opinion, so long as the United States maintains its significant role in the Far East, the continued unrestricted use of our bases on Okinawa is vital and fundamental.

[From the Congressional Record, June 23, 1969]

FUTURE STATUS OF OKINAWA

Mr. Byrd of Virginia. Mr. President, on May 29, just prior to the visit of the Japanese Foreign Minister to the United States, I addressed the Senate on the future status of Okinawa.

Under the 1952 Treaty of Peace with Japan, the United States was granted the unrestricted use of the island of Okinawa in the far Pacific. On this island, we have our greatest Pacific military base complex.

The Japanese Government is seeking administrative control of Okinawa, which is to say that it wants a veto over any U.S. action affecting Okinawa. It specifically wants the right to deny the United States the authority to store nuclear weapons on Okinawa, and would require prior consultation before our military forces based there could be used.

In speaking to the Senate, I expressed the view that it is debatable whether the United States should continue to guarantee the security of much of Asia.

But I expressed the view, too, that if we are to continue to guarantee the security of the Asian nations—and our Government has not advocated reducing these commitments—then it seems only logical, sound, and responsible that the United States continue to have the unrestricted use of its greatest base in the west Pacific; namely, Okinawa.

It would be foolhardy, in my judgment, to commit the United States to defend most of the Far East and then to give away this country's unrestricted right to use its military bases on Okinawa.

For 4 years we have fought the war in Vietnam with one hand tied behind our back. Let us not be so foolish now as to get into a similar position by giving someone else control over our principal military complex.

My Senate speech on Okinawa was published throughout Asia. Such newspapers as Asahi in Tokyo published the full text.

The Japanese newspapers, of course, do not agree with my view. It was given full coverage, however, by such papers as the Japanese Times and Yomiuri, which ran it in both its Japanese and English editions.

The future status of Okinawa is the most burning political issue in Japan.

The purpose of my speech was to focus public attention on what I consider to be a matter of great importance—assuming our Nation plans to continue to play a major role in the far Pacific.

Even the New York Times said in discussing the Japanese Foreign Minister's visit to Washington that—

"The Japanese must recognize that they cannot continue to enjoy the luxury of American protection without making some sacrifices on their own on behalf of mutual security."

While my speech received a cool reception in Japan, it appears to have helped focus attention on an important problem. It received support from the Shreveport, La., Journal; the Birmingham, Ala., News; the Lynchburg, Va., News; the Northern Virginia Daily, Strasburg, Va.; the Hartford, Conn., Courant; the Phoenix, Ariz., Republic; and the Nashville, Tenn., Banner, as well as from Chicago Tribune columnist, Walter Trohan.

I received the following telegram from the Chamber of Commerce of the United States in Okinawa:

"Applaud your speech in the Senate 29 May stop Please air mail copy complete text."

I also received the following telegram from the Patton Crosswhite Post 6975, Veterans of Foreign Wars, Bristol, Va.-Tenn.:

"Members oppose the return of Okinawa to the Japanese Government."

I ask unanimous consent that the text of various editorials mentioned above be published in the Record at this point.

(There being no objection, the editorials were ordered to be printed in the Record, as follows:)

[From the Shreveport (La.) Journal, May 30, 1969]

OKINAWA VITAL TO U.S. SECURITY

So long as the United States maintains its role as the defender of the Far East, the continued unrestricted use of this nation's military bases on Okinawa is vital and fundamental to the security of America and the rest of the free world.

This is the warning sounded by U.S. Sen. Harry F. Byrd Jr. of Virginia on the eve of a visit to Washington by the Foreign Minister of Japan, who will be in the United States to discuss the future status of the Island of Okinawa.

Senator Byrd, in a speech to his colleagues Thursday, and the U.S. Senate, under the Constitution, has a responsibility for foreign policy, but that too often during the past 25 years the Senate has abdicated this responsibility and relied instead on the Department of State.

Today the United States has become the policeman of the world, having entered into mutual defense agreements with 44 nations.

Senator Byrd asks, "Can we logically continue in this role? Should we, even if we could?

"Twenty-four years after the defeat of Germany we have 225,000 troops in Europe, mostly in West Germany.

"Twenty-four years after the defeat of Japan, we have nearly 1,000,000 military personnel in the Far Pacific, on land and sea."

Behind Japan's efforts to regain administrative control of Okinawa are many factors, one of which is the political fate of Prime Minister Sato. Leftist elements including the Socialist and Communist parties and radical student groups, have demanded that the United States withdraw completely from Okinawa.

The United States has had unrestricted use of Okinawa since World War II. The status of the island was determined by the 1952 Treaty of Peace with Japan. There is no legal obligation on the part of the United States to discuss reversion of the island to Japan at this time or any other time.

As analyzed by Senator Byrd, "The Japanese Government wants the United States to continue to guarantee the safety of Japan; to continue to guarantee the safety of Okinawa; to continue to spend hundreds of millions of dollars on Okinawa ($260,000,000 last year). But, it seeks to put restrictions on what the United States can do.

"Japan wants a veto over any U.S. action affecting Okinawa. It specifically wants the right to deny the United States the authority to store nuclear weapons on Okinawa and would require prior consultation before our military forces based there could be used."

In defense matters, the Virginia senator pointed out, the Japanese have been given a free ride. As a direct result, Japan's present gross national product is more than one hundred and twenty billion dollars a year and ranks third in the world, behind only those of the United States and the Soviet Union. Japan's expenses for its own national defense are less than one per cent of the value of its gross national product.

For four years the United States has fought the Vietnamese war with one hand tied behind its back. To relinquish control of Okinawa to the Japanese at this time—regardless of our friendship with the country—would be to further cripple ourselves for the benefit of others.

Senator Byrd deserves the gratitude of all Americans for his alertness and for his forthright stand against an action which could destroy the military security achieved for this nation by the men who gave their lives to take Okinawa in World War II.

[From the Birmingham, (Ala.) News, May 30, 1969]

OKINAWA: NOT NOW

Printed on the opposite page today are excerpts from a speech made in the U.S. Senate yesterday by Sen. Harry F. Byrd, Jr., of Virginia.

The subject of the speech is Okinawa, and it is timely because the Japanese minister arrives in Washington tomorrow for talks on the status of that island.

American forces captured Okinawa in the last major land battle against Japan in World War II. Since then the U.S. has administered the affairs of the island. Important military bases are maintained there under the terms of the peace treaty.

Under a separate agreement—the U.S.-Japan Mutual Security Treaty—the U.S. maintains troops in Japan itself. But, as Sen. Byrd pointed out yesterday, there are restrictions imposed on the use of U.S. forces based in Japan.

Increasingly in recent years there has been agitation in Japan against both the Mutual Security Treaty, which will be up for renegotiation next year, and U.S. control of Okinawa. But it is important to keep the two issues separate.

There may be modifications next year in the Mutual Security Treaty binding the two one-time enemies. This is a legitimate subject of negotiation and agreement—or, if the two nations so conclude, of disagreement.

The News believes that extension of the security treaty is in the national interest of both countries. Scrapping it would force the U.S. to re-think much of its Pacific strategy; it also would impose dramatic new responsibilities on the Japanese government which, under the protection of the U.S. defense umbrella, has achieved a near miraculous economic reconstruction without the nasty necessity of worrying much about its national defense.

But this newspaper does not believe that the U.S., in exchange for renewal of the security agreement—which as we say is of at least as much importance to Japan as to America—need succumb to pressure on the at-this-point extraneous issue of Okinawa.

To repeat: The two things are distinct and separate, despite the efforts of militant Japanese leftists to lump them into one big anti-American "cause."

With Sen. Byrd we assume that someday administrative control of Okinawa will revert to Japan. But it would be foolhardy under the present circumstances, when we are deeply involved in a war in Southeast Asia and committed to a border defense role in alliance with non-Communist nations in the region; to hand over or agree to hand-tying restrictions on the use of one of the key American military outposts in the Western Pacific.

We hope that the talks with the Japanese foreign minister will be cordial and constructive. But the Tokyo government should be given to understand that the question of Okinawa's reversion to Japanese control must wait more propitious times and meanwhile should not be allowed—by Tokyo or by us—to damage the good and mutually beneficial relations which have existed between the two countries since World War II or to poison the atmosphere in which the important forthcoming negotiations on the Mutual Security Treaty will be conducted.

As usual, Harry Byrd talked sense in the Senate yesterday. This is a refreshing change from what we too often hear from some other members of the august body, whose attacks on the U.S. defense establishment and quaint views on national security resemble nothing much as an apparent national death-wish.

[From the Congressional Record, Nov. 4, 1969]

OKINAWA

Mr. Byrd of Virginia. Mr. President, I send an amendment to the desk and asked that it be stated at this time, and then I wish to address a parliamentary inquiry to the Chair.

The Presiding Officer. The amendment will be stated.

The assistant legislative clerk read as follows:

"On page 13, after line 10, insert the following:

" 'Sec. 106. It is the sense of the Congress that the President shall not enter into any agreement or understanding, the effect of which would be to change the status of any territory referred to in Article 3 of the Treaty of Peace with Japan, without the advice and consent of the Senate.' "

Mr. Byrd of Virginia. Mr. President, a parliamentary inquiry.

The Presiding Officer. The Senator from Virginia will state it.

Mr. Byrd of Virginia. I should like to ask the Chair whether the amendment which I have just submitted would be subject to a point of order.

The Presiding Officer. The Chair is informed by the parliamentarian that this is a sense resolution that does not involve legislation.

Mr. Byrd of Virginia. I thank the Chair. I interpret the Chair's ruling to mean that the amendment can be appropriately and properly presented to the pending legislation.

The Presiding Officer. The Senator from Virginia is correct.

Mr. Byrd of Virginia. Mr. President, I should like to address myself briefly to the amendment. I do not seek a vote this afternoon.

Mr. President, later this month, the Prime Minister of Japan, Mr. Sato, will come to the United States to discuss with the President the future status of the Ryukyu Islands, the principal one being Okinawa.

There will be a difference of views among Members of the Senate as to what the future role of Okinawa shall be. There will be some Members who will oppose any change in the present status, the present status being that the United States has sole and exclusive control over Okinawa.

There will be other Members of the Senate who will feel that there should be a change, and that Okinawa should revert to the administrative control of Japan.

Mr. President, my amendment does not suggest what the future status of Okinawa shall be. It does not in any way circumscribe the State Department or the President in negotiating with Prime Minister Sato, or other officials of the Japanese Government.

What the amendment provides is that it shall be the sense of Congress that whatever changes the administration concludes to make with the Japanese Government, affecting the treaty of peace with Japan, shall come to the Senate for ratification.

The treaty of peace with Japan was ratified by the Senate in 1952. It was under that treaty that the United States was given control over the Ryukyus which includes Okinawa.

Because the treaty governing control over the Ryukyus was ratified by the Senate, it is my view that any changes in the treaty should come to the Senate for approval or disapproval.

Mr. President, I do not argue whether it would be wise or unwise to change the treaty of peace with Japan. What I am suggesting to the Senate is that whatever changes are deemed desirable by the executive branch not become effective by unilateral action, but that they come before the Senate for its approval or disapproval.

It was only a few weeks ago—a few months ago, perhaps—that the Senate adopted, I believe unanimously, the national commitments resolution which was presented to the Senate by the distinguished Senator from Arkansas (Mr. FULBRIGHT), chairman of the Foreign Relations Committee. The purpose of that national commitments resolution was to attempt to restore to the Senate some of the constitutional prerogatives which are Senate's but which, in my judgment, and apparently in the judgment of many Senators, have been taken over in recent years by the executive branch.

So this amendment, which will be presented tomorrow, is, in reality, the first opportunity that the Senate has had to pass on a specific issue coming before the Senate since the national commitments resolution was adopted by this body.

I want to emphasize again, Mr. President, that the amendment does not in any way circumscribe the State Department or the Chief Executive of our Nation in his negotiations with the government of Japan. But it does say, "Whatever decisions you make must then be submitted to the Senate of the United States for approval or disapproval." That, as I see it, is the constitutional process under which our Government is supposed to work.

I feel that in recent years the executive branch of the Government has assumed too much authority, and I think the Senate of the United States has helped the executive branch assume authority by refusing to demand that its own constitutional prerogatives be upheld. I feel that we have given away many of our responsibilities.

Here is an opportunity, on a vitally important issue, to decide whether there shall be a change in the control of the greatest military base complex that the United States has in the far Pacific—namely, Okinawa—by unilateral executive action, or whether such action taken by the President, to be effective, must be submitted to the Senate for its consideration, advice, and consent.

I shall not detain the Senate longer today. Tomorrow I would like to present a few additional facts in regard to the amendment and mention some other aspects of the problem of Okinawa which faces the United States.

I think it will be a very important mission which the premier of Japan will undertake on behalf of his government when he comes to the United States on the 18th of this month. I think it is very desirable at this time to focus on the question of Okinawa. I think the Japanese Government should understand that, while the negotiations properly will be carried out by the executive branch of the Government, the Senate of the United States will participate in the final decision by having the opportunity to accept or to reject whatever commitments are made to that government on behalf of the United States.

[From the CONGRESSIONAL RECORD, Nov. 5, 1969]

OKINAWA

Mr. BYRD of Virginia. Mr. President, the pending amendment was laid down yesterday.

It deals with the treaty of peace signed by the United States with Japan in 1952. The amendment provides that the treaty of peace having been ratified by the Senate of the United States, any changes which are proposed in the treaty shall come back to the U.S. Senate for approval or disapproval.

The Prime Minister of Japan will arrive in Washington on Monday, November 17.

He will be in the United States to discuss the future status of the island of Okinawa.

Okinawa, and, in fact, the whole U.S. position in the Far East, is part of the heritage of World War II, which ended 24 years ago.

During the past quarter century, the United States has entered into mutual defense agreements with 44 nations—and has been involved in three major wars, counting World War II.

I doubt that any other nation in history, during such a short period of time, has engaged in three different major wars.

The U.S. Senate, under the Constitution, has a responsibility for foreign policy.

Too often during the past 25 years, the Senate has abdicated its responsibility in the field of foreign affairs, relying instead on the Department of State. Now, I know that within that Department that overwhelming majority are dedicated, conscientious individuals; I know, too, that many of them are men of great ability.

But I know also that whatever the reason, or wherever the responsibility may lie, the fact is that our Nation in this year of 1969 finds itself in a most unenviable position.

We are the dominant party in the North Atlantic Treaty Organization, the purpose of which is to guarantee the freedom of Europe; we are the dominant party of ANZUS—the treaty among Australia, New Zealand, and the United States; we are the military head of CENTO—Central Treaty Organization—Turkey, Iran, and Pakistan; we are the dominant partner in the Southeast Asia Treaty Organization, one of the prime reasons, according to former Secretary of State, Dean Rusk, that the United States become involved in the war in Vietnam; we have guaranteed the security of free China, and we have guaranteed the security of Japan.

As a practical matter, we have become the policeman of the world.

Can we logically continue in this role? Should we, even if we could?

Twenty-four years after the defeat of Germany, we have 225,000 troops in Europe, mostly in West Germany.

Twenty-four years after the defeat of Japan, we have nearly 1 million military personnel in the far Pacific, on land and sea.

The question of Okinawa, which the Japanese Prime Minister is coming here to discuss is of great significance to our position in the Pacific.

Okinawa is our most important single military base complex in the Far East—and is strategically located.

The United States has had unrestricted use of the island since World War II.

Beginning with President Eisenhower, each administration since 1951, has firmly maintained that the unrestricted use of U.S. bases on Okinawa is vital if the United States is to continue to have obligations in the Far East.

Sometimes the future status of Okinawa is linked to the United States-Japan Mutual Security Treaty in which the United States guarantees the freedom and safety of Japan. Such linkage is not correct. These are two separate issues.

The Mutual Security Treaty with Japan was consummated in 1960. Either party has the right to reopen it after 10 years, otherwise it remains in effect.

But, the status of Okinawa was determined by the 1952 Treaty of Peace with Japan. There is no legal obligation to discuss reversion of the island to Japan at this or any other time.

The United States has complete administrative authority over the Ryukyu Islands, the largest of which is Okinawa, under the provisions of article 3 of the 1952 Treaty of Peace. This peace treaty is entirely separate—and I want to emphasize that—from the 1960 Mutual Defense Treaty with Japan.

The Japanese Government recognizes the important contribution of our Okinawa bases to Japanese and Asian security and is not likely to seek the removal of our bases. The Japanese Government does, however, want administrative control of the island which supports our major military base complex in the West Pacific.

To state it another way, the Japanese Government wants the United States to continue the safety of Japan; to guarantee the safety of Okinawa; to continue to spend hundreds of millions of dollars on Okinawa—$260 million last year. But it seeks to put restrictions on what the United States can do.

Japan wants a veto over any U.S. action affecting Okinawa. It specifically wants the right to deny to the United States the authority to store nuclear weapons on Okinawa and would require prior consultation before our military forces based there could be used.

In other words, the United States no longer would have restricted use of Okinawa.

Our role as the defender of the Far East has enabled Japan to avoid the burden of rearmament—less than 1 percent of her gross national product is spent on defense—and thus concentrate on expanding and modernizing its domestic economy.

In defense matters, the Japanese have gotten a free ride. As a direct result, Japan's present gross national product is over $120 billion and Japan ranks third in the world, behind only the United States and the Soviet Union.

While the peace treaty with Japan gives the United States unrestricted rights on Okinawa, the 1960 Mutual Security treaty provides that our military forces based in Japan cannot be used without prior consultation with the Japanese Government.

For example, when the North Koreans seized the U.S.S. *Pueblo* last year, Adm. Frank L. Johnson, commander of naval forces in Japan, testified that one reason aid could not be sent to the *Pueblo* was that approval first must be obtained from the Japanese Government to use U.S. aircraft based in Japan, those being the nearest aircraft available.

The Japanese Government now seeks to extend such authority to Okinawa.

Whether the United States should continue to guarantee the freedom of Japan, and free China; whether we should continue the mutual defense arrangements covering the eight countries signing the Southeast Asia Treaty; plus the Philippines; plus Australia and New Zealand; plus Thailand, Laos, and Vietnam, is debatable.

But what is clear-cut commonsense, in my judgment, is that if we are to continue to guarantee the security of the Asian nations—and our Government has not advocated scrapping these commitments—then I say that it is only logical, sound, and responsible that the United States continue to have the unrestricted use of its greatest base in the West Pacific; namely, Okinawa.

While I agree that eventually the Ryukyu Islands will be returned to Japan, it would be foolhardy, in my judgment, to commit the United States to defend most of the Far East and then to give away this country's unrestricted right to use its military bases on Okinawa.

If by the act of granting Japan administrative control over Okinawa, the United States could insure a multinational defense structure in the Far East, with increased participation by Japan—if this action would relieve our country of a measure of its heavy international responsibilities—then, I would support a reversion of Okinawa to Japanese control.

But this is not the case.

Quite the contrary. Surrender of control over Okinawa would only make more difficult our role in the Pacific.

The future role of the United States in Far Pacific is of tremendous importance.

It is of great importance to the American people—and it is of great importance to the people of Asia.

Many feel, as do I, that our worldwide commitments must be reduced. This, too, appears to be the view of President Nixon.

But so long as the United States maintains its significant role in the Far East, the continued unrestricted use of our bases on Okinawa is vital and fundamental.

This month's visit to the United States by the Japanese Prime Minister presents a good opportunity for our Government to focus attention on the Far Pacific and the future role there, both of the United States and Japan.

The issue of Okinawa and its future status is not alone an executive decision.

It was the U.S. Senate which, in 1952, ratified the Treaty of Peace, which treaty gave to the United States the unrestricted use of Okinawa.

That treaty, Mr. President, was approved by the Senate on March 20, 1952. The yeas were 66, the nays 10. Two-thirds of the Senators present and voting having voted in the affirmative, the treaty of peace with Japan was agreed to on March 20, 1952.

Any change in that treaty must come to the Senate for approval. It would be unwise and undesirable for the executive branch to make commitments to Japan without the consent of the Senate.

If the Senate is to fulfill its constitutional responsibility in the field of foreign policy, it must make clear that any change in the Treaty of Peace with Japan must be ratified by the Senate.

The issue of Okinawa is important on its own; and the Senate may be divided on the proper course to pursue.

But the Senate, I should think, would be united in its determination to require Senate ratification of any changes which may be made in regard to treaties which have been ratified by the Senate.

For the Senate to concede to the executive branch of Government the right to change treaty commitments without Senate approval would be to make a mockery of the national commitments resolution it adopted unanimously only a few months ago.

On the eve of Prime Minister Sato's visit to the United States, I call on the Department of State and the President to make clear to the Prime Minister that any change in the treaties between the United States and Japan must be submitted to the Senate for approval.

Mr. Byrd of Virginia. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The result was announced—yeas 63, nays 14, as follows:

[No. 137 Leg.]

YEAS—63

Allen, Allott, Anderson, Baker, Bellmon, Bennett, Bible, Burdick, Byrd, Va., Byrd, W. Va., Cannon, Case, Church, Cook, Cotton, Curtis, Dodd, Dole, Eagleton, Eastland, Ellender.

Ervin, Fulbright, Goodell, Gravel, Gurney, Hansen, Hart, Holland, Hruska, Hughes, Jordan, Idaho, Magnuson, McClellan, McGovern, McIntyre, Miller, Mondale, Montoya, Moss, Mundt, Murphy.

Nelson, Packwood, Pastore, Pearson, Pell, Prouty, Proxmire, Randolph, Russell, Schweiker, Smith, Maine, Spong, Stennis, Stevens, Symington, Talmadge, Tydings, Williams, N.J., Williams, Del., Young, N. Dak., Young, Ohio.

NAYS—14

Boggs, Brooke, Harris, Hatfield, Inouye.

Javits, Kennedy, Mansfield, Mathias, McCarthy.

McGee, Muskie, Percy, Scott.

PRESENT AND ANNOUNCING A LIVE PAIR AS PREVIOUSLY RECORDED—1

Griffin, against.

NOT VOTING—22

Aiken, Bayh, Cooper, Cranston, Dominick, Fannin, Fong, Goldwater.

Gore, Hartke, Hollings, Jackson, Jordan, N.C., Long, Metcalf, Ribicoff.

Saxbe, Smith, Ill., Sparkman, Thurmond, Tower, Yarborough.

Speech by Senator Harry F. Byrd, Jr., Democrat of Virginia on the Floor of the Senate, Nov. 25, 1969

During the weekend, I had an apportunity to study the Communique issued Friday by the President of the United States and the Prime Minister of Japan.

It was cordial in tone, as it should have been. It is important, I feel, that there be a close and friendly relationship between Japan and the United States.

Prime Minister Sato's visit to the United States, as President Nixon made clear, should help achieve a better understanding between the two countries.

The text of the communique is three columns of newspaper type. It is divided into 15 brief sections.

The key section is number 6.

This is the section which deals specifically with Okinawa. In this section, the Prime Minister emphasized his view that the time had come to respond to the strong desire of the people of Japan to return Okinawa to Japanese control. President Nixon expressed appreciation of the Prime Minister's view.

Now we come to the key sentences.

"They (President Nixon and Prime Minister Sato) therefore agreed that the two governments would immediately enter into consultations regarding specific arrangements for accomplishing the early reversion of Okinawa without detriment to the security of the Far East, including Japan.

"They further agreed to expedite the consultations with a view to accomplishing the reversion during 1972, subject to the conclusion of these specific arrangements with the necessary legislative support."

Now, let's analyze the above language.

Just what agreement was reached by Mr. Nixon and Mr. Sato?

1. They "agreed that the two governments would immediately enter into consultations regarding specific arrangements for accomplishing the early reversion of Okinawa" . . . and,

2. Such consultations would be "subject to the conclusion of these specific arrangements with the necessary legislative support."

So, it seems clear that the only agreement made by President Nixon is one of principle, namely, an early reversion of Okinawa.

But no details have been agreed to.

No specific arrangements have been agreed to.

The agreement, to cite the text of the communique, is to "enter into consultations regarding specific arrangements."

As one who feels that the United States must have the unrestricted use of Okinawa, our greatest military complex in the Far Pacific, if we are to continue our widespread commitments in Asia, I frankly am relieved since reading the text of the communique.

The text does not bear out the newspaper headlines concerning the communique.

The only agreement President Nixon made was to "immediately enter into consultations regarding specific arrangements . . ."

And then that was followed by the two leaders of government specifying that any specific arrangement would be subject to legislative support action which, in so far as the United States is concerned, means approval by the Senate.

I am glad to state to the Senate that I support this communique. It should help Prime Minister Sato in Japan without forfeiture by the United States of any control over Okinawa other than agreeing to enter "into consultations regarding specific arrangements . . ."

I am especially pleased that the Senate's role in any final arrangements affecting Okinawa is specifically recognized in the text of the communique.

The fact that this is so clearly spelled out in the communique results, I feel, from the action taken by the Senate of the United States on November 5, 1969.

On that date, the Senate, by a recorded vote of 63 to 14, specified that any change in the Treaty of Peace with Japan must come to the Senate for approval or disapproval.

In the Nixon/Sato Communique 16 days later, both leaders recognized that any "specific arrangements" affecting Okinawa would be subject to Senate approval.

In my judgment, this establishes a historic precedent and one which is of vital importance both to the Senate and to the nation.

President Johnson, last year, unilaterally returned to Japan the Bonin Islands, which included Iwo Jima, without submitting his action to the Senate for ratification.

The Senate was not aware of President Johnson's action until the deed had been accomplished.

But the Senate on November 5 of this year served notice that any changes in treaties previously ratified by the Senate must be submitted to the Senate for approval.

This action of the Senate on November 5, followed by the Nixon/Sato Communique of November 21, makes clear that both the Senate and President Nixon are aware that no change may be made in the present status of Okinawa without Senate approval.

It is difficult to predict what the Senate will do in regard to Okinawa—and I do not intend to try.

The leadership of the Senate favors an early return of Okinawa to Japan, but I have talked with a great many Senators who do not agree with that viewpoint.

I have the feeling that the United States will be retaining the free and unrestricted use of Okinawa until such time as we reduce our commitments to defend so many Asian nations. It is my hope that we will soon begin to reduce our Asian commitments.

[From the Congressional Record, Feb. 25, 1970]

The Disposition of Okinawa

Mr. Hollings. Mr. President, during the last session of Congress, I expressed my concern over the question of the commitment of the United States to Japan regarding the disposition of Okinawa. Since we obtained Okinawa under article 3 of the Peace Treaty of 1954, it was my judgment that any disposition of Okinawa required the advice and consent of the U.S. Senate. Although such Senate action would seem to be required, the issue was somewhat clouded in June of 1968 when President Johnson returned the Bonin Islands which were secured under the same article to Japan without benefit of congressional approval. ue to the importance of Okinawa under our present treaty commitments and considering the problems of seeking and maintaining peace in the Far East, it is my feeling that kinawa, bound by a treaty with the advice and consent of the Senate, can only be disposed of with the advice and consent of the Senate.

Senators may recall, on November 5, 1969, the Senator from Virginia (Mr. Byrd) offered an amendment to the State Department appropriation bill which stated:

"It is the sense of the Senate that any agreement or understanding entered into by the President to change the status of any territory referred to in Article 3 of the Treaty of Peace with Japan, shall not take effect without the advice and consent of the Senate."

This amendment was agreed to by a vote of 63–14.

Subsequently, President Nixon met with Premier Eisaku Sato of Japan on November 19, 20, and 21, 1969, "to exchange views on the present international situation and on other matters of mutual interest to the United States and Japan." On November 21, 1969, they issued a joint communique which stated in relation to Okinawa that they agreed "to expedite the consultations with the view to accomplishing the reversion during 1972 subject to the conclusion of these specific agreements with the necessary legislative support."

In view of the Senate resolution agreed to earlier that month, I was extremely concerned that the word "support" did not necessarily mean "advice and consent" and so stated on the floor of the Senate on November 25, 1969. On that same day I addressed a letter to the President of the United States requesting a clarification. At this point in the Record, I ask unanimous consent that this letter be printed in its entirety.

(There being no objection, the letter was ordered to be printed in the Record, as follows:)

November 25, 1969.

Hon. Richard M. Nixon,
The White House,
Washington, D.C.

Dear Mr. President: I would appreciate your understanding as to the responsibility of the Legislative Branch of government in the disposition of Okinawa.

It appears that Okinawa, bound by a treaty, with the advice and consent of the Senate, could only be disposed of with the advice and consent of the Senate. Accordingly, to reaffirm this requirement, the United States Senate recently enacted the Byrd Resolution expressing the sense of the Senate, to this effect. Feeling still that you have adhered to this requirement in your talks with Prime Minister Sato, Senator Harry Byrd of Virginia has just commended the language of the Communique between the Prime Minister and yourself. And Senator Byrd commended you for recognizing this role of the Legislative Branch. However, I have just returned from Japan and a conference with Prime Minister Sato. It is my impression that Prime Minister Sato's view is best expressed in the *Japan Times* of November 11 in the article entitled "Sato Tells Opposition U.S. Will Okay Reversion Under 1972 Formula" in which the Prime Minister discounts the necessity for ratification of any agreement affecting Okinawa. Senator Byrd interprets the language under Section 6 of the Communique ". . . with necessary legislative support" as recognizing the necessity under the Constitution for ratification by the United States Senate. On the contrary, the use of the word "support" rather than "advice and consent" leads me to conclusion that as long as substantial support is obtained you do not believe that a ratification by a two-thirds vote of the United States Senate is necessary. Specifically, I am sure you would receive substantial support for the return of Okinawa without the uninhibited right of launching combat operations from members of the Democratic leadership and the Foreign Relations Committee. But this does not constitute "advice and consent."

As a result of my discussion with our commanders in the Far East, I do not believe that we can fulfill our commitments with the restrictions of the 1972 formula. I believe our commitments in the Far East and to world peace transcend the domestic and political problems of Japan, the textile problems here at home and other considerations that have been confused into the "Okinawa question." I believe in the ultimate return of Okinawa, but not now.

Accordingly, I would like an opportunity to vote on any agreement or treaty made affecting Okinawa. Please tell me whether or not Senator Byrd is correct in his understanding. Please tell me whether or not you believe that I, as a Senator, have this right on the Okinawa question.

Most respectfully, I am

Ernest F. Hollings.

Mr. Hollings. Mr. President, on January 9, 1970, the President answered my letter and stated in part:

"Let me assure you that the Executive Branch will continue to maintain close contact with the Legislative Branch in order to work out mutually satisfactory arrangements for handling the problems of Okinawa reversion, including the appropriate form of Congressional participation in this matter."

I am reassured by this statement. Obviously, we do not seek to control the land or the people of Okinawa and we are certainly interested in maintaining friendly relations with Japan. However, I do believe in view of our commitments in the Far East the role of Okinawa is vital and I believe the Senate's role in this foreign policy issue is important. Consequently, I am pleased that the President has erased any doubt as to the Senate's participation which should eliminate any confusion on this point on the part of the people of the United States or Japan.

Mr. President, I ask unanimous consent that the letter from the President be printed in the Record in its entirety.

(There being no objection, the letter was ordered to be printed in the Record, as follows:)

The White House,
Washington, January 9, 1970.

Hon. Ernest F. Hollings,
U.S. Senate,
Washington, D.C.

Dear Senator Hollings: Your thoughtful letter of November 25 has been given careful consideration.

With regard to Congressional action on any agreement negotiated with Japan on Okinawa, I want to say that I am fully cognizant—as is Secretary Rogers—of the implication of the Senate vote on Senator Byrd's resolution of November 5. We intend to stay in close touch with the Congressional leadership and appropriate committees as our negotiations with Japan go along. As you know, we have already discussed Okinawa reversion with many members of the Congress and have benefited from your views.

It was because of the importance of Congressional judgment that we inserted into the Joint Communique of November 21 the statement that consultations with Japan would be expedited with a view to accomplishing the reversion during 1972 subject to the conclusion of specific arrangements with the necessary legislative support.

Let me assure you that the Executive Branch will continue to maintain close contact with the Legislative Branch in order to work out mutually satisfactory arrangements for handling the problem of Okinawa reversion, including the appropriate form of Congressional participation in this matter.

You also expressed concern, as a result of your discussion with our commanders in the Far East, that we could not fulfill our commitments in the Far East with the restrictions of the 1972 formula. I want to assure you that I gave the fullest consideration to this most important aspect of my talks with the Prime Minister. He and I agreed, as the communique stated, that it was important for the peace and security of the Far East that the United States should be in a position to carry out fully its defense treaty obligations in the area and that reversion should not hinder the effective discharge of these obligations.

As a result of my talks with the Prime Minister, I am convinced that the arrangements we will make for reversion will not impair our ability to meet our security commitments in Asia. This belief is shared by my senior military advisers. I also feel strongly that resolution of the Okinawa question is essential to healthy relations over the long term with a most important Asian ally, the Government and people of Japan.

I appreciate your writing to me about this important matter.

Sincerely,

Richard Nixon.

QUORUM CALL

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. COOK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Kentucky (Mr. Cook) is recognized for not to exceed 15 minutes.

(The remarks of Mr. Cook when he introduced Senate Joint Resolution 89 and the ensuing debate are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 575) entitled "An act to authorize funds to carry out the purposes of the Appalachian Region Development Act of 1965, as amended," with amendments in the nature of a substitute.

The message also announced that the House insists upon its amendments, requests a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Blatnik, Mr. Jones of Alabama, Mr. Gray, Mr. Edmondson, Mr. Harsha, Mr. Schwengel, and Mr. Cleveland was appointed managers of the conference on the part of the House.

The message further announced that, pursuant to the provisions of section 1, Public Law 86–42, the Speaker had appointed Mr. Morse of Massachusetts as a member of the U.S. Delegation of the Canada-U.S. Interparliamentary Group to fill the existing vacancy thereon.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. In accordance with the previous order, there will be a period for the transaction of routine morning business of not to exceed 30 minutes, with a limitation of 3 minutes on statements therein.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(Mr. ERVIN's remarks when he introduced S. 1642 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

Mr. ERVIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. METCALF):

A joint resolution of the Legislature of the State of California; to the Committee on Aeronautics and Space Sciences:

"ASSEMBLY JOINT RESOLUTION NO. 13—RELATIVE TO SPACE SHUTTLE PROGRAM

"Whereas, The hub of NASA's future space plans is the earth-orbited manned space station, from which interorbital ferries and planetary expeditions will depart, and hopefully, it will prove to be the precursor for the module that will eventually carry men to Mars and back; and

"Whereas, In order to support the station and its subsequent additions, an earth-to-orbit shuttle is required; and

"Whereas, Together, the space station and shuttle are the keystones to the next major accomplishments of the nation's space program; and

"Whereas, California's year-round climatic conditions are ideal for the earthside operations of the so-called "shuttle ship" to the future United States space station; and

"Whereas, California has a tremendous reserve of highly trained engineers and technicians experienced in aerospace; and

"Whereas, California's aerospace industry presently has unused capacity and the capability to supply all project components at the lowest cost; and

"Whereas, California offers a variety of launch and recovery sites in clear weather areas; and

"Whereas, California offers the necessary open space to allow for a launch area 7,000 miles long free of any population and not crossing over any foreign country, or miles of dry lakebed areas for recovery; and

"Whereas, California has available, in place, most of the operating facilities required; and

"Whereas, California's vast unemployment problem would be greatly alleviated with the employment that would be generated by locating the space shuttle project here; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States, and requests the National Aeronautics and Space Administration, to permanently locate the launch and reentry facilities for the space station shuttle ship project in the State of California; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the National Aeronautics and Space Administration."

Two joint resolutions of the Legislature of the State of California; to the Committee on Public Works:

"SENATE JOINT RESOLUTION NO. 16

"Relative to earthquake-damaged dwellings

"Whereas, The northeast San Fernando Valley, situated in Los Angeles County, suffered a disastrous earthquake on the morning of February 9, 1971; and

"Whereas, It has been estimated that approximately 1,000 dwellings will be condemned as unsafe for human occupancy; and

"Whereas, The affected homeowners face staggering monetary expenditures as they attempt to repair and replace their domiciles; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Secretary of the Treasury to establish interest rates not to exceed 1 percent on Federal Small Business Administration loans to homeowners for repair or replacement or earthquake damaged dwellings; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States and to the Secretary of the Treasury.

"SENATE JOINT RESOLUTION NO. 25

"Relative to economic dislocation caused by curtailment of the SST program

"Whereas, The recent decision of the Congress of the United States to suspend continued federal support of development of a supersonic transport will result in severe economic dislocation in parts of California; and

"Whereas, The elimination of subcontracted work related to SST development will result in yet more unemployment in an already severely depressed aerospace and technical job market in California; and

"Whereas, This economic crisis should be met by immediate federal action to provide California workers and California industry with new jobs and new contracts; and

"Whereas, It is hoped that Senator Alan Cranston and Senator John V. Tunney will especially do whatever they can to obtain federal assistance for the California economy; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memoralizes the President and the Congress of the United States to provide economic assistance to California to meet the economic dislocation caused by the curtailment of the SST program; and be it further

"Resolved, That the Secretary of the Senate transmit a copy of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. ELLENDER, from the Committee on Appropriations, with amendments:

H.J. Res. 567. A joint resolution making certain urgent supplemental appropriations for the fiscal year 1971, and for other purposes (Rept. No. 92–77).

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, the following favorable executive reports of nominations were submitted:

By Mr. PASTORE, from the Committee on Commerce:

James W. Moreau, Joseph R. Steele, and Owen W. Siler, officers of the Coast Guard for promotion to the grade of rear admiral;

John H. Reed, of Maine, to be a member of the National Transportation Safety Board for the term expiring December 31, 1975;

Jame T. Lynn, of Ohio, to be Under Secretary of Commerce; and

William N. Letson, of Ohio, to be General Counsel of the Department of Commerce.

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. JAVITS:

S. 1641. A bill to provide federally guaranteed loans to necessitous firms which are affected with the public interest. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. ERVIN:

S. 1642. A bill to insure the separation of Federal powers by amending title I of the United States Code, to provide for the implementation of article I, section 7, of the Constitution. Referred to the Committee on the Judiciary.

By Mr. INOUYE:

S. 1643. A bill to authorize reduced postage rates for certain mail matter sent to Members of Congress. Referred to the Committee on Post Office and Civil Service.

By Mr. DOLE:

S. 1644. A bill to amend section 103 of the Internal Revenue Code of 1954 to increase the small issue exemption from the industrial development bond provision from $5,000,000 to $10,000,000. Referred to the Committee on Finance.

By Mr. COOK (for himself and Mr. STEVENS):

S.J. Res. 89. A joint resolution expressing a proposal by the Congress of the United States for the safe return of American prisoners of war and the accelerated withdrawal of all American military forces and equipment from South Vietnam. Referred to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JAVITS:

S. 1641. A bill to provide federally guaranteed loans to necessitous firms which are affected with the public interest. Referred to the Committee on Banking, Housing and Urban Affairs.

EMERGENCY LOAN GUARANTEE BILL

Mr. JAVITS. Mr. President, I send to the desk for appropriate reference a bill to establish a $5 billion Federal emergency loan guarantee authority, for providing U.S. guaranteed loans to enable necessitous businesses threatened with having to cut off essential public services to continue such services.

When the history books of the past 2 years are written there will quite possibly be some reference to the fact that we were for some weeks on the very edge of economic disaster because of the inability of U.S. businesses to maintain a sufficiently liquid position. The Penn Central incident attracted the major share of publicity, to be sure; but behind Penn Central were scores of other corporations, being gradually strangled in a liquidity squeeze. I have come away from conversations with financial leaders, and those in the business of lending money, convinced that many sound corporations would have failed for lack of ready cash but for the fact that there was only one major bankruptcy and that the Federal Reserve was able to act so decisively in that situation.

It would be tragic if the history books also had to relate that the U.S. Congress had failed to perceive the danger, even in retrospect, and had taken no action to prevent such incidents from taking place.

Mr. President, the bill I introduce today is the fourth in a series of high-priority economic legislation which I have introduced or cosponsored in this Congress. The first, the Emergency Employment Act of 1971—to provide public service employment—seeks to make a dent in our unacceptably high level of unemployment which has to date shown no signs of abating, and to provide State and local governments with sorely needed manpower in fields ranging from transportation and law enforcement to environmental protection.

The second, the administration's general revenue sharing bill, is important for the fact that it would turn back to State and local governments a share of the Federal fiscal growth dividend each year. It would introduce a new, more equitable principle into our tax system and help relieve the truly grave crisis conditions of State and local government finance. Although I believe the money to be shared under the program is not enough—I have introduced an amendment to that bill doubling the amount—the principle of general revenue sharing is one I thoroughly support.

The third priority economic legislation is the bill I introduced last month, to establish an emergency Price Stabilization Board, for restraining major inflationary wage and price increases. This temporary Board would in my opinion provide the administration with the margin it needs to speed up our economy and lower unemployment without setting loose new inflationary forces.

These bills if passed could together make substantial inroads into our unsatisfactory unemployment situation, the crisis conditions of many State and local governments and the still high rate of inflation. Thus they would speed our economy recovery. What they could not do, however, is insure that financial markets and public services would operate smoothly in the event of a future liquidity squeeze of a major corporation providing essential services which is what this bill would do.

It is similar in concept to the recommendations of the Republican members of the Joint Economic Committee in the Joint Economic Committee Annual Report of 1971, and is basically the same bill I introduced last July.

It would amount to an economic "war power" which the Federal Government could use when extraordinary weapons are called for.

At a time when an RFC-type operation is being openly discussed in Congress, my bill offers a modern alternative to the more bureaucratized RFC.

The bill would authorize the Secretary of the Treasury to guarantee loans made to businesses which are in necessitous circumstances, the discontinuance of whose operations would result in an unacceptable curtailment of service vital to the national interest. This guarantee authority would have a life of 1 year, by which time the Secretary must submit to Congress a report together with recommendations on the need for establishing a permanent Emergency Loan Guarantee Corporation. That Corporation, if recommended, and not vetoed by either House of Congress, would succeed to the Secretary's loan guarantee authority.

The Secretary cannot act indiscriminately under the provisions of the bill; he would be bound by a number of safeguards.

First. No guarantee could be made under my bill unless the Secretary certifies in writing that the loan to be guaranteed is necessary, considering the purposes of the bill; that the loan cannot otherwise be obtained on reasonable terms and conditions; that there is reasonable assurance of repayment, and that failure to provide a guarantee would in effect shut down the services for maintenance of which the loan is sought.

The Secretary would also have to certify that the end use of the loan will be in productive purposes which are necessary to the well-being of the national economy or a region thereof; also that the business to be assisted is one which offers services which are essential to the national or regional interest. The business in question could conceivably be undergoing reorganization under the Bankruptcy Act, so long as all the necessary conditions are met.

Second. Before making a guarantee the Secretary would consult with the chairman and the ranking minority members of the Banking Committees of the Senate and the House of Representatives. An appropriate analogy here is the consultations which the Federal Reserve Board carries on with the FDIC and the Federal Home Loan Bank Board before making changes in interest ceilings under regulation Q.

Third. The Secretary would be subject to ceilings on the amount he can guarantee. The maximum aggregate amount outstanding of guaranteed loans outstanding cannot exceed $5 billion. He must justify to Congress any guarantees—or series of guarantees to one borrower—which exceed $20 million in any one year, and such guarantees are subject to congressional veto.

Fourth. The Secretary could impose any conditions on the borrower he deems to be appropriate. This safeguard is intended to prevent the loan from merely enabling the borrower to siphon funds out of its productive enterprises for use in such activities as mergers and acquisitions, increased dividend payments, and so forth; or to bail out badly managed or failing businesses.

Fifth. The Secretary would be bound by the policy directive of a Loan Guarantee Policy Board, which also would be established by my bill. The membership of the Board would consist of a Chairman to be appointed by the President, the Chairman of the Federal Reserve Board, and the Secretary of the Treasury. The purpose of setting up this Board is to have some fully independent authority exercise overall supervision of the guarantee program. The Board would be directed in the bill to establish the general policies which shall govern who is eligible and who is ineligible for guarantees. These policies would be published and, of course, subject to public scrutiny. In particular, the Board would have to define the national or regional economic interest involved in granting or denying a guarantee.

Sixth. The Secretary of the Treasury is given visitation powers sufficient for him to insure that any guaranteed loan was being used for the purposes for which it was made.

To summarize, the bill contains two guarantee authorities: The first in the Secretary of the Treasury, would start immediately upon passage of the bill and last for one year. The second, if sent to the Congress by the Secretary, would permanently reside in the loan guarantee corporation. The fact that the President presently lacks economic "war powers" to cope with a liquidity emergency is reason enough for establishing the guarantee authority relatively soon, on a temporary basis, and with appropriate safeguards. I believe that the question of whether we need a permanent guarantee authority is one that can be deferred for the present time. It needs more study, and even if a permanent authority is called for, the details of the permanent guarantee corporation would require some time for planning. This is the reason for the 1-year period given the Secretary to come up with his report and recommendations.

Mr. President, recent newspaper reports have raised the possibility that the administration might ask Congress to approve an emergency loan guarantee for the Lockheed Corp. Lockheed's difficulties, as we all know, have stemmed primarily from the costs of developing the complex C-5A aircraft and, more recently, from the Rolls Royce bankruptcy. Whether or not Lockheed could qualify for a guarantee under my bill is something the Secretary of the Treasury would have to determine. But the important thing here is that Lockheed's difficulties are ones which could occur in the life of any corporation independent of a national economic slowdown or recession. They illustrate the need to arm the Federal Government with authority to act as a guarantor of last resort in the event it determines that national interest is at stake. We must all agree that the present situation is too unsatisfactory where the question of emergency loan guarantee relief has to be decided in the Congress only when it is in session. I urge my colleagues to give serious consideration to providing our Government with the economic "war power," with appropriate safeguards, which our economy clearly needs.

Mr. President, I ask unanimous consent to have printed in the RECORD a fine analysis and recommendations regarding the corporate liquidity problem and the need for an emergency loan guarantee authority which appeared in the minority views of the Joint Economic Committee's annual report, as well as the text of the bill.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 1641

A bill to provide federally guaranteed loans to necessitous firms which are affected with the public interest

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS AND PURPOSE

SECTION 1. (a) The Congress finds—

(1) that the liquidity necessary to keep the Nation's economic system operating and productive continues to grow rapidly and that the effective functioning of the capital markets is a prerequisite to meeting these liquidity needs;

(2) that the capital markets have from time to time been unable to satisfy such needs on reasonable terms and this inability leads in given cases to severe regional or national economic disruption and liquidity crises; and

(3) that the existence of a loan guarantee authority in the Government is necessary to the national interest to stabilize capital markets during those times when urgent and temporary financing cannot generally be acquired on reasonable terms.

(b) It is the purpose of this Act to provide authority for emergency financial assistance in the form of loan guarantees to aid business enterprises to meet temporary and urgent financial requirements which, if not met, might seriously impair the ability of such enterprises to produce goods and services, and might seriously affect the economy of the Nation or a region thereof.

EMERGENCY LOAN GUARANTEE AUTHORITY

SEC. 2 (a) In furtherance of the purpose of this Act, the Secretary of the Treasury (hereinafter in this Act referred to as the "Secretary") is authorized upon terms and conditions perscribed by him, and after consulting with the chairman and ranking minority member of the Committee on Banking, Housing, and Urban Affairs of the Senate and of the Committee on Banking and Currency of the House of Representatives to make commitments to guarantee and to guarantee any financing institution against loss of principal or interest on any loan to a business enterprise for the purpose of assisting that enterprise to meet temporary and urgent financial needs which if not met (1) could seriously impair the ability of the enterprise to produce goods or services for the public, and (2) could adversely and seriously affect the economy of the nation or a region thereof.

(b) No guarantee of a loan shall be made under this section unless the Secretary finds and appropriately certifies that—

(1) the loan is necessary to carry out the purposes of this Act;

(2) the loan is not otherwise available on reasonable terms and conditions;

(3) there is reasonable assurance of repayment of the loan;

(4) a failure to provide a guarantee of the loan under the authority of this section would seriously impair the ability to produce the goods and services of the enterprise in behalf of which the guarantee is to be made;

(5) the business of the enterprise to be assisted is of a nature which makes assistance under this section appropriate in furtherance of the purposes of this Act; and

(6) the loan to be guaranteed will be applied to productive purposes which are necessary to the economic health and welfare of the nation or a region thereof.

(c) The Secretary shall require such security for guarantees and such agreements regarding management of the components of the enterprise to be assisted as he may deem appropriate. An enterprise in reorganization pursuant to the Bankruptcy Act is not ineligible to receive a loan guaranteed under this section if the Secretary makes the findings and certifications required by subsection (b).

(d) The Secretary shall consult, as necessary, with any business enterprise which has received a loan guaranteed under this section concerning any matter which may bear upon the ability of such enterprise to repay the loan within the time fixed therefore and reasonable protection to the United States; and otherwise to assure that the purpose of this Act is being carried out.

(e) (1) The maximum obligation of the Secretary under any loan or loans made to any one borrower within any one year which is guaranteed under this section shall not exceed $20,000,000 unless—

(A) prior to making such guarantee the Secretary submits to the Congress a full detailed report of the circumstances requiring the guarantee in the case of the particular enterprise and the justification therefor in furtherance of the purposes of this Act; and

(B) a period of thirty calendar days of continuous session of the Congress following the date on which such report is submitted to the Congress elapses, and during such period there is not passed by either the Senate or the House of Representatives a resolution stating in substance that the Senate or the House of Representatives, as the case may be, does not approve the proposed guarantee. For the purposes of this paragraph in the computation of the thirty-day period there shall be excluded the days on which either the Senate or the House of Representatives is not in session because of adjournment of more than three days to a day certain or an adjournment of the Congress sine die.

(2) The maximum obligation of the Secretary under all outstanding loans guaranteed under this section shall not exceed at any time $5,000,000,000.

(f) (1) Payments required to be made as a consequence of any guarantee under this section shall be made by the Secretary from the loan guarantee fund established pursuant to subsection (f).

(2) In the event of any default on any loan guaranteed under this section and payment in accordance with the guarantee is made by the Secretary, the Attorney General shall take such action as may be appropriate to recover the amount paid by the Secretary, with interest, from the defaulting borrower or other persons liable therefor.

(3) The Secretary shall prescribe and collect a guarantee fee in connection with each loan guaranteed under this Act. Sums realized from such fees shall be deposited in the loan guarantee fund established pursuant to subsection (f).

(g) (1) There is established in the Treasury a loan guarantee fund to be administered by the Secretary. The fund shall be used only for the purpose of the guarantee program authorized by this section, including the payment of administrative expenses. All fees paid in connection with such program shall be credited to the fund. Moneys in the fund not needed for current operations may be invested in bonds or other obligations of, or guaranteed by, the United States.

(2) There are authorized to be appropriated to the loan guarantee fund such amounts as may be necessary to provide requisite capital. In the event there are insufficient moneys in the fund to meet obligations of the fund, the Secretary shall transfer to the fund such sums as may be necessary to fulfill such obligations. The Secretary may use, for the purpose of making any such transfer, the proceeds from the sale of any securities issued under the Second Liberty Bond Act which are extended to include such transfers to the fund. There are authorized to be appropriated to the Secretary of the Treasury such sums as may be necessary to repay such transfers. Interest on sums so transferred shall be paid from time to time, at a rate determined by the Secretary, from fees credited to the fund.

(h) There is created a Loan Guarantee Policy Board which shall consist of a chairman appointed by the President, with the advice and consent of the Senate, and the Chairman of the Federal Reserve Board and the Secretary of the Treasury as members. The Board shall establish general policies (particularly with respect to the national or regional economic interest involved in the granting or denial of applications for guarantees under this section and with respect to the coordination of the functions of the Secretary under this section with other activities and policies of the Government) which shall govern the granting or denial of applications for guarantees under this section.

(i) Any Federal Reserve Bank is authorized to act as fiscal agent of the Secretary in the making of contracts of guarantee under this section and in otherwise carrying out the purposes of this section. All funds necessary to enable any such fiscal agent to carry out any guarantee made by it on behalf of the Secretary shall be supplied and disbursed by or under authority from the Secretary. No such fiscal agent shall have any responsibility or accountability except as agent in taking any action pursuant to or under authority of the provisions of this section. Each such fiscal agent shall be reimbursed by the Secretary for all expenses and losses incurred by it in acting as agent on behalf of the Secretary, including (without being limited to) the expenses of litigation.

(j) (1) Except as provided in paragraph (2) and (3) of this subsection, this section and all authority conferred thereunder shall terminate upon the expiration of one year after the date of enactment of this Act, or upon the establishment of an Emergency Loan Guarantee Corporation pursuant to section 3, whichever is the earlier.

(2) If, at the expiration of one year after the date of enactment of this Act action on the Emergency Loan Guarantee Corporation is still pending before the Congress, the authority conferred under this section shall continue until such action is completed or upon the establishment of the Corporation, whichever is the earlier.

(3) The termination of this section and the authority conferred thereunder shall not affect the disbursement of funds under, or the carrying out of, any contract, guarantee, commitment, or other obligation entered into pursuant to this section prior to such termination, or the taking of any action necessary to preserve or protect the interests of the United States in any amounts advanced or paid out pursuant to this section.

REPORT; ESTABLISHMENT OF EMERGENCY LOAN GUARANTEE CORPORATION

SEC. 3. Not later than one year after the date of enactment of this Act, the Secretary shall submit to the Congress a full and complete report of his operations under section 2, together with his recommendations with respect to the need for the establishment of an Emergency Loan Guarantee to provide for the continuation of a loan guarantee assistance program comparable to that authorized under section 2. If the Secretary recommends the establishment of such corporation, he shall, at the time of submitting such report or at any time thereafter but prior to the expiration of one year after the date of enactment of this Act, submit to the Congress a charter for the organization of such corporation. Such charter shall take effect, and the Emergency Loan Guarantee Corporation shall become a body corporate with the powers stated in such charter, upon the expiration of the first period of sixty calendar days of continuous session of the Congress following the date on which the charter is transmitted to the Congress, if between the date of transmittal and the expiration of such sixty-day period there has not been passed by either the Senate or the House of Representatives a resolution stating in substance that it does not approve the proposed corporation. For the purpose of the foregoing, there shall be excluded, in the computation of such sixty-day period, the days on which either the Senate or the House of Representatives is not in session because of adjournment of more than three days to a day certain or an adjournment of the Congress sine die.

PROCEDURE WITH RESPECT TO DISAPPROVAL RESOLUTIONS

SEC. 4. The provisions of sections 910–913 of title 5, United States Code, shall be applicable with respect to the procedure to be followed in the Senate and House of Representatives in the exercise of their respective responsibilities under section 2 (d) and (3) of this Act; except that references in such provisions to a "resolution with respect to a reorganization plan" shall be deemed for the purposes of this section to refer to a resolution of disapproval under section 2 (d) and 3.

EXCERPT FROM MINORITY VIEWS TO THE JOINT ECONOMIC COMMITTEE ANNUAL REPORT

CORPORATE LIQUIDITY

With application of the Penn Central Railroad for bankruptcy in June 1970, the difficulties of certain brokerage houses in conducting business, and the rumors of other large corporations verging on bankruptcy during 1970 and into this year, the subject of corporate liquidity has become an item of some concern to economic policymakers. Basically, corporate liquidity is a concept used to describe the ability of a corporation to meet obligations as they become due. There are a number of different statistical ways to show what the liquidity position of any corporation is. Most of these measures of liquidity compare a corporation's cash and other liquid assets with various kinds of short-term liabilities; but as this description implies, liquidity bears a close relation to cash flow, the rate of corporate investment and other dynamic concepts which cannot easily be conveyed by statistical ratios.

Within the limitations of our commonly accepted measures of liquidity it is clear that corporations have been in a progressively tighter liquidity squeeze since the late 1950's. In part, declining liquidity ratios have been the result of more efficient management; in the Appendix to the President's Economic Report, there is conjecture that confidence in the economy also caused many corporations to reduce the amount of cash and other liquid assets to a lower proportion of total assets. By the late 1960's, however, it was clear that corporate balance sheets continued to reflect a view of rising sales and prices which was not warranted by a national policy of slowing the economy and stemming inflation. New capital appropriations in the first half of 1969 rose by 17 percent over the late 1968 level, notwithstanding that the Administration's and the Federal Reserve's policies were well known. Business spending for new plant and equipment accelerated from a temporary low in mid-1968 through the third quarter of 1969; in late 1969, when interest rates were at record high's, manufacturers were still projecting a quick upturn within the next six months.

In fact, the quick upturn did not come. Although moderately expansionary policies were begun in early 1970, the Administration's announced goal in this regard was to avoid stimulating a rise in demand such as occurred in 1967. It should have been clear to most business leaders that the Administration was taking its mandate of halting inflation seriously. Nevertheless, businesses kept a pattern of financing and inventory accumulation that was more suited to boom times than to the slow conditions of 1970. The ratio of total business inventories to sales during the first half of 1970 stayed at the relatively high rate of 1.56–1.59, and the rate of inventory accumulation far exceeded the rate of increase in other current assets. The accelerating use of commercial paper to maintain cash flows reflected the apparently general expectation that any slowdown in sales was quite temporary; during the first five months of 1970, the use of commercial paper increased 25 percent.

The failure of the Penn Central Corporation to refinance its maturing commercial paper in June 1970, and the resulting petition for bankruptcy, precipitated what many observers have called a liquidity crisis. Effects of the Penn Central situation were felt in the money and securities markets, which in turn affected the ability of other corporations—some with low liquidity ratios themselves—to obtain fully adequate financing.

During the first few weeks after Penn Central's difficulties came to light, the Federal Reserve Board took action to encourage bank financing where cash flow problems of businesses were being caused by weakness in the commercial paper market. On June 23, it suspended the Regulation Q ceilings on larger denomination, short-term certificates of deposit, and announced at the same time that the discount window would be available to assist banks in financing the emergency cash needs of business. The promptness of the Fed's action, and its unequivocal objectives, helped materially to cool what could have been a crisis of major proportions. Since mid-1970 corporations have attempted to restructure their balance sheets to secure a larger proportion of liquid assets, but this has not prevented the ratio of total current assets to current liabilities from reaching new lows by the end of 1970. On the other hand, indications are that changes in the pattern of corporate financing will make some headway in improving liquidity ratios during 1971.

Several lessons can be drawn from last year's experience.

The first is the widespread effect which the insolvency of a few major corporations could have in this country. In its Annual Report, the Council of Economic Advisors concludes that there was no liquidity crisis in 1970 "if this term is taken to connote skyrocketing interest rates, a complete absence of bids for established securities, and numerous bankruptcies of sound corporations." We do not accept the implication of the Council that these conditions need exist before a liquidity crisis is recognized. Quite apart from the fact that the insolvency of a major source of employment in an area can result in regional economic depression and inestimable human suffering, the bankruptcy of a few large corporations, we have learned, has implications for the ability of others to raise money and thus to maintain their own liquidity positions and profit levels; the response of the Federal government to such conditions as this should be the same as in any other crisis.

A second lesson from the 1970 liquidity experience is that the Federal government has shown it has substantial powers to prevent widespread bankruptcies in the event of a potential liquidity crisis. The power of the Federal Reserve as an emergency source of liquidity was amply demonstrated last June, and we thoroughly approve of the Fed's decisive reaction to the Penn Central situation.

Thirdly, however, we believe that the Government needs additional tools in order to ensure the smooth functioning of financial markets during times of unusual demands for liquidity. As Chairman Burns said during testimony before this Committee last July, the liquidity-creation powers of the Federal Reserve should be used only under extraordinary circumstances. Therefore, we recommend establishing a Federal emergency loan guarantee program to be used in situations where the inability of a necessitous borrower to obtain a loan would result in serious curtailment of essential services to the public. Such a program should not be used as a means to bail out poorly run corporations or to correct for misjudgments of management, and businesses receiving the benefits of the guarantee program would thus have to be subjected to far-reaching Federal supervision. As our discussion of the events of 1970 indicates, misjudgments by businessmen of the Administration's rather clear intentions played a role in the liquidity squeeze, and they should not be rewarded by having available federally guaranteed loans on a no-strings basis.

Fourthly, it is clear that better analytical tools need to be devised to assess business liquidity and potential liquidity problems. In its Appendix to the President's Economic Report the CEA does a competent job of analyzing liquidity but concedes that its conclusions might have to be qualified to the extent its sampling of firms was not completely representative. It states furthermore that "the severe difficulties experienced by some of the large manufacturing corporations in the analysis are concealed within the general averages." More work should be done in assessing the effect of major corporate bankruptcies and the ability of government to ease any resulting hardship. Government also owes a particular responsibility to warn the business community of any incompatibility between government objectives and business expectations, and while this was done during 1969 and 1970, it is evident that the methods employed were not effective enough. We look forward to the report of the Presidential Commission on Financial Structure and Regulation, which will address itself to factors influencing the liquidity situation.

By Mr. ERVIN:

S. 1642. A bill to insure the separation of Federal powers by amending title I of the United States Code, to provide for the implementation of article I, section 7, of the Constitution. Referred to the Committee on the Judiciary.

THE POCKET VETO BILL

Mr. ERVIN. Mr. President, I introduce, for appropriate reference, a bill to implement article I, section 7, of the Constitution, thereby spelling out the so-called pocket veto power of the President.

This bill is submitted in an effort to solve the longstanding pocket veto controversy which was brought into focus so clearly last December when President Nixon allegedly pocket vetoed the Family Practice of Medicine Act and a private relief bill.

The Judiciary Committee on Separation of Powers, of which I am honored to serve as chairman, became involved in the pocket veto controversy early this year when we conducted a day of hearings on the subject on January 26. As a result, I am acutely aware of the potential for the abuse of our constitutional principles when the pocket veto power is illegally invoked.

Mr. President, over the years the executive branch has exhibited a rather startling lack of sensitivity for the separation of powers principle, and often has disregarded the constitutional powers, prerogatives, and responsibilities of Congress. The President's alleged pocket veto last December of two acts passed by Congress is but one example. Another glaring instance is the present impoundment of more than $12 billion in funds that have been lawfully appropriated by Congress for projects and programs it deemed important. There are other examples, but my focus here is on the President's pocket veto action, which constituted a raw assertion of executive power.

The veto provision in the Constitution, embodied in article I, section 7, assures the President of adequate time—10 days—to consider legislation passed by Congress and this period of time cannot be narrowed or reduced, directly or indirectly, by Congress. The Constitution also provides that the Congress shall have adequate opportunity to consider the President's objections to a bill which he has vetoed, and to override it by a two-thirds majority. However, the Constitution provides that in those rare instances when the Congress shall "by their adjournment prevent" the return of a bill, such bill shall not become law. This last provision is popularly known as the pocket veto.

In the situation that occurred last December, the President was presented the Family Practice of Medicine Act and the private bill for relief of Miloye Sokitch on December 14. On December 25—which marked the expiration of the 10-day period, the intervening Sunday not counted—he claimed that the bills had been "pocket vetoed." President Nixon maintained that he had been prevented from returning the bills because the Congress had "adjourned" for Christmas. The Senate, in which the Family Practice of Medicine Act had originated, had recessed from the close of business on Tuesday, December 22, 1970, until 12 o'clock noon on Monday, December 28, 1970, a period of 4 days, excluding the intervening Sunday. Obviously, the President had ample time to consider these measures and to return them to Congress, which under no reasonable interpretation could be considered "adjourned" in the constitutional sense, but was merely in temporary recess for the Christmas holiday.

As I mentioned, the President had adequate time to consider these bills and to return them with his objections; by refusing to use the normal veto process appropriate to this situation, the President deprived the Congress of its opportunity to reconsider the measures in light of his objections. By relying on this alleged "pocket veto," the President was able to exercise an absolute veto—which is completely contrary to any constitutional provision. It is perfectly clear that the President grasped this opportunity to use the "pocket veto" in order to avoid returning the bills to the Congress where they almost certainly would have been overridden. The President thus avoided another political defeat by abusing his Executive power.

In order to carry out this ploy, the President and his lawyers in the Justice Department looked at the Christmas recess of Congress just as they would a sine die adjournment at the end of a session. I find no support in the Constitution for such an interpretation.

Moreover, the Supreme Court has dealt with the "pocket veto" concept in two cases, neither of which is precisely on point.

In the *Pocket Veto* case, 279 U.S. 655 (1928), the Court ruled that a congressional recess of several months constituted an "adjournment" and was sufficient to support a "pocket veto." In that case, the House had adjourned sine die at the end of a session, while the Senate had recessed for several months until reconvening to sit as a court of impeachment. Prof. Arthur S. Miller, of the George Washington University National Law Center and a consultant to the Subcommittee on Separation of Powers, said at our hearings that the Pocket Veto case "really is so different that it does not even bear much resemblance to what happened last month at the short recess for Christmas."

The other Supreme Court decision was in *Wright* v. *United States*, 302 U.S. 583 (1938). In that case, the Senate had adjourned for 3 days while the House was still in session. The Court held that article I, section 5, clause 4, which permits one House to adjourn for up to 3 days without the consent of the other, does not constitute adjournment in the constitutional sense. The Court went on to hold that the officers of the House and Senate can receive bills and messages from the President when their respective House is in recess for 3 days or less.

Factually, the situation last year differs from both the Pocket Veto and Wright cases. Neither the Senate nor House had adjourned sine die at the end of a session, which distinguishes it from the Pocket Veto case. Neither House was in session and the recess was for more than 3 days, which distinguishes it from the Wright case.

It is my hope that definitive answer to the problem posed by President Nixon's alleged "pocket veto" can be obtained from the courts, perhaps by way of the Sokitch private bill. However, the Congress in the meantime can and should act to prevent another abuse of the "pocket veto" power by defining what "adjournment" means.

A memorandum prepared earlier this year by the Congressional Research Service of the Library of Congress, at the request of the Subcommittee on Separation of Powers, properly describes the power of the Congress to define the meaning of "adjournment." I quote from that memorandum:

> By legislating to provide that the pocket veto will only be available in situations wherein Congress has adjourned *sine die* Congress will be furthering the spirit of the Constitution as well as laying to rest an anomaly that has found its way into constitutional interpretation, an absolute veto by the President while the session of Congress continues. Such action would not only be perfectly proper but would conform to the requirements of constitutional interpretation as set forth in *Fairbanks v. United States*, 181 U.S. 283: The true spirit of constitutional interpretation both as to grants of powers and in respect to prohibitions and limitations is to give full, liberal construction to the language, aiming ever to show fidelity to the spirit and purpose.
>
> Constitutional justification for such a definition can be found in Article I, Section 8, Clause 18, the "necessary and proper" clause of the Constitution, which provides that Congress shall have the power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.
>
> The Courts have given to Congress great latitude in acting under the power conferred by this clause: By the settled construction and the only reasonable interpretation of this clause, the words "necessary and proper" are not limited to such measures as are absolutely and indispensably necessary, without which the powers granted must fail of execution; but they include all appropriate means which are conducive or adapted to the end to be accomplished, and which in the judgment of Congress will most advantageously effect it. *Legal Tender* Case, 110 U.S. 440 (1884).
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> Surely the defining of the word adjournment to ensure that legislation enacted during a session will be available for reconsideration by that session if the President disapproves is an "appropriate means which (is) conducive (and) adapted to the end to be accomplished". The power of the President to approve or disapprove would not be disturbed or lessened in any degree whatsoever and neither would the ten day period which the Constitution grants him be affected.
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> The fact that the Supreme Court in the *Pocket Veto* Case, supra, 680, found in the absence of legislation, a definition of the word "adjournment" as used in Article I, Section 7, Clause 2 embodied within the Constitution that was broader than the one proposed should not act as a deterrent to such legislation construing this constitutional provision. The decision of the Supreme Court in *Veazie Bank v. Fenno*, 8 Wall 533, where it is held that an interpretation by Congress of a provision of the Constitution is entitled to great weight, especially in the absence of anything adverse to it in the discussions of the Conventions which framed and ratified the Constitution," is particularly applicable here because the Court noted in the *Pocket Veto* Case, supra, 675, that, "No light is thrown on the meaning of the constitutional provision (veto power) in the proceedings and debates of the Constitutional Convention;" . . . Therefore, since there is nothing "adverse to it" in the record of the Convention it would appear that it is within the power of Congress to provide the President and the Court with its construction of what an adjournment, within the meaning of Article I, Section 7, is.

Mr. President, almost daily the Members who are honored to sit in the Congress express outrage over the usurpation of congressional authority by the executive branch of the Government. In the instant controversy there is no doubt in my mind that the President violated the separation of powers doctrine. The Founding Fathers, in order to make government by law secure, ordained that the

Constitution and the laws enacted by Congress pursuant to it should be the supreme law of the land, and imposed upon all public officials the duty to obey them. This includes, of course, the President of the United States.

I think the controversy boils down to a very simple question: Will Congress demand that the executive branch of Government respect its rights, duties, and obligations as set out by the Constitution?

The bill I introduce today will help answer one aspect of that question by defining "adjournment" as "an adjournment sine die by either the Senate or the House of Representatives."

This provision, Mr. President, would make it impossible for the President to exercise a pocket veto except when either the Senate or House has adjourned sine die, which occurs only at the end of a session of Congress or at the end of a Congress.

Such a definition would be on all fours with the facts of the pocket veto case. In that case the House had adjourned sine die at the end of a session and the Senate had adjourned to meet at a date certain in order to sit as a court of impeachment.

Essentially, the bill is designed to implement article I, section 7, of the Constitution. It will do that by providing:

First. That every bill passed by the Congress be presented to the President or to a person in the Executive Office of the President previously designated and authorized in writing by the President to receive it. This provision is in keeping with the present practice whereby enrolled bills are hand carried by agents of the House or Senate to the White House, where they are received by a representative of the White House Records Office with a notation of the date and time of receipt. Delivery to the White House Records Office is considered presentation to the President, unless he has advised the Congress that he has withdrawn the authority of the officials of the White House Records Office to receive enrolled bills, as has been done at times when the President is outside the country.

Second. That the President, if he approves a bill, shall place on it his signature and the date and, if he so desires, the word "approved."

Third. That if the President does not approve a bill presented to him, he shall return it with his objections to the House in which it originated. If he returns a bill prior to adjournment but when the respective House is not actually in session, then presentation to an officer designated and authorized by that House to receive bills under those circumstances shall constitute a return of the bill. Such officer shall call the matter to the attention of that House, through its presiding officer, on the next succeeding day on which it is in session. Mr. President, this part of the overall scheme, utilizing the agents of the House and Senate, is in keeping with the Wright case.

Fourth. That the House to which the bill is returned shall enter the President's objections at large on their Journal and proceed to reconsider it. The Congress would then be able to override the President's veto in keeping with the constitutional provision.

Fifth. That if any bill is not returned by the President or his successor in office within 10 days, Sundays excepted, after it is presented as provided for in the bill, it shall be law in like manner as if he had signed it unless either the House or Senate prevent its return by their having adjourned sine die.

Mr. President, I believe that time is of the essence in this matter, since the Congress contemplates several short recesses during this session, one of them being for a month during August and September. If we delay, we may find more legislation passed by the Congress subjected to this illegal, absolute veto by the President. I think that it is of the utmost importance that the Congress reassert its prerogative in this area by favorably considering this legislation.

I urge the Members of this body to support this measure.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1642

A bill to insure the separation of Federal powers by amending title I of the United States Code, to provide for the implementation of article I, section 7, of the Constitution

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title I of the United States Code be amended by adding the following chapter:

"Chapter 4.—APPROVAL OF ACTS

"Sec.
"301. Presentation to President.
"302. Approval by President.
"303. Disapproval by President.
"304. Reconsideration.
"305. Enactment without signature; pocket veto.
"306. Definition.

"§ 301. PRESENTATION TO PRESIDENT

"Every bill that passes the Senate and the House of Representatives shall, before it becomes a law, be presented to the President of the United States or to a person in the Executive Office of the President previously designated and authorized in writing by the President to receive it.

"§ 302. APPROVAL BY PRESIDENT

"(a) If the President approves a bill presented as provided in section 301 of this title, he shall sign it at the end thereof.

"(b) The President shall not make any notation on a bill, so presented, other than his signature and, if he desires, the word 'approved' and the date.

"(c) The President's authority to sign a bill, so presented shall not be affected by the adjournment of the Congress.

"(d) The authority to sign a bill, so presented, shall devolve to the President's successor in office.

"§ 303. DISAPPROVAL BY PRESIDENT

"If the President does not approve a bill presented as provided in section 301 of this title he shall return it with his objections to the House in which it originated. His objections may be on any basis without limitation.

"Return to an officer designated and authorized by the House of Representatives or the Senate respectively, to receive bills so returned prior to adjournment while the body is not actually in session shall constitute a return to that House. Such officer shall call the matter to the attention of that House, through its presiding officer, on the next succeeding day on which it is in session.

"§ 304. RECONSIDERATION

"The House to which a bill is returned shall enter the President's objections at large on their Journal and proceed to reconsider it. If after such reconsideration two-thirds of the Members present shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall be likewise reconsidered, and if approved by two-thirds of the Members present, it shall become a law. The votes of both Houses shall be determined by the yeas and nays, and the names of the persons voting for and against the bill shall be entered on the Journal of each House respectively.

"§ 305. ENACTMENT WITHOUT SIGNATURE; POCKET VETO

"If any bill is not returned by the President or his successor in office within ten days, Sundays excepted, after it is presented as provided in section 301 of this title, it shall be a law in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

"§ 306. DEFINITION

"As used in this chapter, 'adjournment' means an adjournment sine die by either the Senate or the House of Representatives."

By Mr. INOUYE:

S. 1643. A bill to authorize reduced postage rates for certain mail matter sent to Members of Congress. Referred to the Committee on Post Office and Civil Service.

Mr. INOUYE. Mr. President, I rise today to introduce a bill to provide for the issuance of a special 1-cent postage stamp to be used for correspondence with Members of Congress.

The introduction of this legislation emanates from my firm belief that the essence of our democratic system is the continuing operation of a two-way communication system between the people of this country and their elected representatives.

Each Member of the Congress is directly responsible to those people in his State or district which he represents. He must not only keep communication channels open, but more importantly, he must be responsive to the opinions be receives through these channels. The most practical means of transmitting these signals is through the mail. It is most difficult for many of us to imagine ourselves in a situation where the desire to express an opinion is frustrated because we must think twice about spending money on a postage stamp. Unfortunately, we must face the fact that many of our Nation's citizens are forced to consider the purchase of postage stamps for the purpose of expressing a grievance to their representatives as something beyond their means.

The issuance of a 1-cent stamp for this purpose would effectively remove this prohibition and allow any citizen to advise their representatives of their individual opinions on the issues facing our Nation. I cannot overestimate the importance of this concept of individual expression. Every citizen has the right and the responsibility to participate in the democratic system through both the ballot box and the use of correspondence. This measure would amend the Postal Reform Act of 1970 to provide for the issuance of these 1-cent stamps to be sold only at U.S. Post Offices. The bill also authorizes appropriations necessary to account for the difference in postal revenue resulting from the sale of 1-cent stamps as opposed to prevailing postage rates for mail matter addressed to Congressmen, which does not exceed 4 ounces in weight. In view of the franking privileges available to Members of Congress, this measure would effectively equalize the treatment of mail from both the Congress and its constituency.

By Mr. DOLE:

S. 1644. A bill to amend section 103 of the Internal Revenue Code of 1954 to increase the small issue exemption from the industrial development bond provision from $5,000,000 to $10,000,000. Referred to the Committee on Finance.

INDUSTRIAL REVENUE BONDS

Mr. DOLE. Mr. President, I am pleased to introduce a bill to amend section 103 of the Internal Revenue Code of 1954, as amended to increase the small issue exemption from the industrial development bond provision from $5,000,000 to $10,000,000. This bill is identical to H.R. 4752 introduced by Congressman Garner Shriver on February 22, 1971. Similar legislation was also introduced by Congressman Wilbur Mills, chairman of the Ways and Means Committee on April 6, 1971.

For over 30 years, municipalities have had the authority to issue tax-exempt, industrial-revenue bonds to encourage industrial growth and help create new jobs. And until approximately 2 years ago, there was no limit on the amount of these bonds which a municipality could issue. In the fall of 1968, the previous administration proposed a reduction of this authority to $1 million. However, because of the outstanding efforts of several of my colleagues led by the distinguished Senators Curtis and Hruska, an amendment was approved which raised the level of small issue exemption to $5 million.

But the current level of exemption is only sufficient to cover the needs of the smallest communities or the smallest projects. With the present economic problems existing in many communities in our country both rural and urban, we need to do everything possible to help them help themselves. An enlightened tax policy plays an invaluable part in stimulating economic development. This bill would be especially beneficial to areas such as Wichita, Kans., where expended industrial development would do much to offset existing unemployment.

Mr. President, the main argument for placing a limitation on the amount of tax-exempt, industrial-revenue bonds which a town or city could issue was that certain cities were abusing this privilege through the issuance of as much as $100 million or more of these bonds. I support the need for a limitation. An open-ended authorization would cause a serious loss in Federal revenues and unnecessary use of the tax exempt market at the expense of other public issues. However, I feel that the $5 million authorization is now too restrictive, and increasing it to $10 million would mean only a minimal loss to the Treasury.

If we mean business about reversing the trend of outmigration from rural areas and really intend to encourage rural development, we must make it conducive for industry to locate in rural areas.

President Nixon in his recent message to the Congress of the United States on rural community development stated:

> For the sake of balanced growth, therefore, but even more for the sake of the farmer and all his neighbors in rural America—first class citizens who deserve to live in first class communities—I am proposing that the federal government re-think America's rural development needs and rededicate itself to providing the resources and the creative leadership those needs demand. The President also stated that it takes many different kinds of activities to create rural development—to create rural opportunity.

Tax-exempt industrial revenue bonds are such an activity. With a reasonable ceiling of $10 million they can be an outstanding means of generating employment and increasing income for low-income rural areas, thus retarding the flow of people from rural areas. These industrial revenue bonds would also help small businesses locate in large cities. This small business exemption of $10 million is not a device to provide tax benefits for large business ventures but only to provide the impetus to permit them to become efficient. It would be a means to rejuvenate depressed areas not only in the country but also within our cities. I personally know how important it is to a community and its general well-being to encourage and promote the growth of industries. This proposal would not only provide jobs but also increase productivity and promote an improved standard of living for rural and urban residents alike. These are proper solutions to poverty and welfare.

I urge the Senate Finance Committee to seriously consider this legislation.

By Mr. COOK (for himself and Mr. Stevens):

S.J. Res. 89. A joint resolution expressing a proposal by the Congress of the United States for the safe return of American prisoners of war and the accelerated withdrawal of all American military forces and equipment from South Vietnam. Referred to the Committee on Foreign Relations.

Mr. COOK. Mr. President, I introduce a joint resolution for the safe return of all American prisoners of war and for the accelerated withdrawal of all American military forces and equipment from South Vietnam.

For 6 long years a large contingent of American combat troops supported by American air and artillery forces have been actively engaged in the defense of the people of South Vietnam. Prior to that the United States assisted the South Vietnamese by means of military and economic aid and the presence of American military advisers.

In 1954, in a letter to President Diem, President Eisenhower offered a "program of American aid" to "assist Vietnam" and help it resist aggression from the North. What began as "assistance" to the free people of Indochina after 1954, became a "firm commitment" to the military defense of the present government in Saigon. When President Eisenhower left office there were 685 U.S. military advisers in South Vietnam. There were no combat troops. By the time of President Kennedy's assassination in 1963, the American presence had grown to 16,200 military advisers, but still no combat troops. However, at the conclusion of 1968 the Government of the United States had stationed on Vietnamese soil 545,000 combat troops supported by American airpower and artillery.

The escalation of American airpower and combat troops was a gross and costly overcommitment. As I have said before:

> We all realize in 1970 what only a few of the wisest understood in 1964 and before—that is—*our national security is not threatened in the least by events in Southeast Asia.* The most powerful nation in the world has finally learned that intervention with our manpower, the youth of our nation, is not the answer. The presence of American men on Indochinese soil we now know is not only not productive, it is counter-productive.

Through the determined efforts of the present administration, that number will be reduced by almost one-half by May of this year. As of December 1, the President has promised that only 185,000 American soldiers will remain. His avowed goal, as well as that of the Congress, is total and complete withdrawal.

Last year the Congress in representing the demands of an overwhelming majority of Americans stated its intention that all American military personnel be withdrawn from South Vietnam both consistent with the amount of time reasonably necessary for the completion of the program of Vietnamization and in conformity with the Nixon doctrine first espoused on July 15, 1969. The essence of that doctrine is that a nation allied or important to the United States must assume primary responsibility for its defense.

It is now time for the Congress to assess its contribution of aid and military expertise to the Republic of South Vietnam. From all reports, 1970 has shown a marked improvement in the performance of the South Vietnamese military forces. They have increased their tactical and logistical skills as both the Cambodian and Laos operations have shown. As President Nixon stated in the U.S. foreign policy for the 1970's, a report made in February of this year to the Congress:

> The South Vietnamese accounted for a growing bulk of combat engagements. They took over more of our bases. They completely assumed naval operational responsibilities inside the country, and they substantially stepped up the role of their air forces, flying almost half the sorties in South Vietnam.

In comparing the Army of South Vietnam of today as opposed to a mere 2 years ago, he further elaborated:

> Two years ago there was no assurance that the South Vietnamese could undertake large-scale military operations on their own. Now, they have proven their ability to do so.
>
> Two years ago the South Vietnamese con-

stitutional system was just beginning to take hold. Since then the national assembly and the supreme court have played increasingly meaningful roles, and there has been a series of elections at the province, village, and hamlet levels. Today, the political focus in South Vietnam for almost all forces except the Communists is within the established system.

Two years ago large areas of South Vietnam were unsafe and many routes impassable. Now, while there are still many dangerous pockets, the vast bulk of the country is secure.

And only recently on April 7 in his address to the Nation on this subject, President Nixon said that "Vietnamization has succeeded."

As expected, the President's military advisers fully support him on this matter. According to a Pentagon fact sheet on the Laotian operation:

> The weight of evidence is that the South Vietnamese forces acquitted themselves very well in the six weeks of fighting which followed the initial incursion into Laos.

The Pentagon further stated:

> Lom Son has underlined the progress which has been made in Vietnamization. Three years ago, ARVN units were engaged against the enemy units in and close to South Vietnam's own population centers. Now ARVN units have shown themselves able to deal with the enemy threat in sanctuary areas without the support of U.S. ground combat forces or advisors while keeping their own territory pacified as well. They have demonstrated the ability to mount a complex multidivision operation in conditions of difficult and unfamiliar terrain, adverse weather, and against a well-prepared enemy. Moreover, this is being achieved with a U.S. presence which has diminished by some 260,000 men since 1969.
>
> To illustrate this point further, it should be recognized that February and March are the months of the year in which the Communists traditionally mount the most extensive military operations in all regions of South Vietnam. This year they were given an additional incentive to do this because of that (sic) fact that such actions would harass the rear areas of ARVN operations in Laos and Cambodia and would distract attention from those two actions. Despite exhortations to their cadre to undertake such action within South Vietnam they have been unable to date to mount anything which can even be considered a major successful high point. In fact, the situation within South Vietnam has been extraordinarily calm during the entire month of February and March with the exception of an action being taken by ARVN forces against Communist strongholds in the U Minh forest of military Region IV.
>
> The ability of the South Vietnamese forces to sustain security after the departure of United States forces, will in the long run, be measured by the balance of strength which exists between North and South Vietnamese forces. Our assessment is that the balance in the Indochina peninsula has swung in favor of the South Vietnamese. As Ambassador Bunker has reported, the operation has created confidence among the South Vietnamese in the ability of ARVN and pride in its accomplishments. There has been satisfaction in the fact that the fighting has been taken outside the borders of South Vietnam and that ARVN has been able to inflict far heavier casualties on the enemy.
>
> We conclude, therefore, that the foundation for Vietnamization in South Vietnam is sound and that the process has been enhanced by the disruptions Lam Son has caused the enemy and by the increased confidence it has given the South Vietnamese in meeting their own defense needs.

Mr. President, the time has come to acknowledge that we have done all that we can reasonably expect to do in building a viable force in South Vietnam capable of its own self-defense. Whether or not the original commitment was justified or regardless of how essential some may consider South Vietnam or the whole of Indochina, the cost we have paid clearly outweighs any further involvement.

America in fighting in its longest war since independence has generously given to the defense of the people of Indochina.

We have contributed both in aid and the cost of our involvement well over $120 billion.

We have lost over 44,000 of our finest young men.

We have suffered the disabling and wounding of an additional 197,000 young men.

And finally, we have contributed the ultimate in society, the unity and spirit of our body politic.

No other nation has given more to the aid and defense of another.

We have honorably fulfilled our commitment to the people of South Vietnam. We can give no more. In the words of the most distinguished senior Senator from Vermont, the dean of Senate Republicans and ranking Republican on the Senate Foreign Relations Committee:

> Common sense should tell us that we have now accomplished our purpose as far as South Vietnam is concerned.

With our pledge thus fulfilled, we have but one other promise to keep. We must bring home all of those that we sent over including those being held as prisoners of war.

Since the first American soldier was captured in March of 1964, the lists of men missing in action and those being held as prisoners of war has swollen to over 1,600. The best available evidence suggests that some of these men have been prisoners since that time, a period of 6 years. Although many efforts have been made by their families, by concerned individuals, and by the U.S. Government, they still remain in the custody of the North. Hanoi has admitted that it is holding 339 U.S. servicemen. We are all deeply concerned about the fate of these courageous men. President Nixon in his October Indochina peace initiative called for a cease-fire-in-place and the immediate and unconditional release of all prisoners of war held by all sides.

Although some administration spokesmen believe that the POW problem is a humanitarian issue and one that should not be linked to any eventual political and military settlements in Indochina, the fact remains that it is related to these other objectives.

The administration's position has consistently been that if our prisoners are released, we shall withdraw. In a CBS interview on March 16, Secretary Laird was quoted as saying:

> We will maintain a U.S. presence in South Vietnam just as long as the North Vietnamese hold a single American prisoner, either in Laos, Cambodia, South Vietnam or in North Vietnam, so, we will maintain a presence in South Vietnam until this POW question is resolved.

Also, on that same day, Secretary Rogers was asked the following questions:

> Are the prisoners the only reason we would be leaving troops there?
>
> Yes.
>
> So if the prisoners are released or the North Vietnamese agree to release them, we will get out?
>
> Yes.

From these statements we can, and we must, conclude that the United States is negotiating for the purpose of obtaining the release of its prisoners of war in order to facilitate total withdrawal.

The North Vietnamese have made it perfectly clear that they will not take the initial step of releasing our POW's. Representatives of the North on May 8, 1968, issued the so-called 10 points or principles by which they hoped to see implemented on overall solution to the present conflict. The "ninth point" referred to the negotiation of prisoners of war. However, such talks were to occur as an "aftermath" of the war which included the total withdrawal of all American troops. Their position was altered somewhat in the "eighth point" of September 17, 1970. Here, they agreed to "discussions" on prisoner release on the condition that the United States would commit itself to a withdrawal date for all American forces.

Hanoi certainly wants the United States out of the Southeast Asia. There is no logical reason to assume that Hanoi is holding our POW's in order to prolong the American military presence. Rather, they are obviously holding these prisoners as a means of assuring a total, American withdrawal. We should realize that the United States is in a weak bargaining position. We have already announced our intention to withdraw and we have announced a schedule for that withdrawal, even though we have set no deadline.

If, therefore, our primary military objective of Vietnamization is succeeding, and if the only remaining obstacle for our complete withdrawal is the release of American prisoners of war, there can only be one logical conclusion. The United States must again take the initiative in negotiating a release of American prisoners. We must display, by our willingness to take immediate and significant steps toward total withdrawal, the sincerity of our position, and our strong desire to disengage, keeping foremost in mind our resolve to obtain the release of American prisoners. We must be prepared to make a commitment of total withdrawal in exchange for a commitment by the North Vietnamese to release all American prisoners of war.

The resolution I am introducing today can accomplish the setting of a date certain for complete withdrawal. That date is fixed as a time 9 months after the Governments of the United States and North Vietnam reach an agreement on the release of our prisoners. It neither specifies the terms of the agreement, nor demands a prior complete release as a condition precedent for withdrawal. I believe it will give our negotiators at the Paris peace talks increased flexibility. I am also of the opinion that it will provide a new incentive for quick action by North Vietnam.

Mr. President, the case for our total and complete withdrawal has been set forth. When an agreement is reached, our exit should be as expeditious as is logistically possible. I have been assured that this objective may be accomplished within 9 months.

The time to begin is now.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Under the previous order, the Senator from Alaska (Mr. STEVENS) is recognized for not to exceed 15 minutes.

Mr. STEVENS. Mr. President, I shall be pleased to yield to the Senator from Kentucky any further time he would like to have.

Mr. COOK. I have completed my statement.

Mr. STEVENS. Mr. President, I rise as a cosponsor of the joint resolution which has been proposed by the Senator from Kentucky. I think that he initiated a new approach to terminating the involvement of U.S. forces in South Vietnam.

I have just returned from South Vietnam and Cambodia, and I found that there has been a rapid growth of the volunteer nonregular defense forces—the so-called People's Self-Defense Forces, the regional forces, and the popular forces—in South Vietnam, and that their participation has, in fact, enabled the regular army and air force in South Vietnam to become more mobile and to replace our American combat forces.

It is true, as the Senator from Kentucky stated, that the South Vietnamese leaders believe that the Cambodian and Laos engagements have rebuilt the confidence of the South Vietnamese forces. There are now almost 4 million men and women in their Home Guard, the People's Self-Defense Forces, with an additional 550,000 men in the regional forces and popular forces, which are similar to our National Guard. These forces are trained and armed by us, and are now defending the hamlets, villages, and district capitals. Significantly, it is the volunteer forces that are taking most of the casualties in combat between the North Vietnamese and the South Vietnamese, but it is the growth of these forces that gives stability to the Vietnamization program and gives us the ability to withdraw our troops.

I have cosponsored the resolution of the Senator from Kentucky because I think he does emphasize the matter that must be settled between the North Vietnamese and American negotiators in Paris before we can complete the withdrawal of our forces. There is a necessity for the North Vietnamese to agree that they will release our prisoners in exchange for a definite commitment on the part of American forces to withdraw within a time certain. I think this agreement can then be the triggering device to a complete American withdrawal from South Vietnam and the total Southeast Asia conflict.

I believe that the Vietnamization program is working, and I believe that this Nation is committed, under President Nixon's leadership, to a total withdrawal of our forces. The South Vietnamese I have talked to acknowledge this decision. All the military people I have talked with in South Vietnam acknowledge the decision. Our withdrawal is working, and it has primarily one goal, that is, the withdrawal of our forces in complete safety—forces that have been involved in behalf of this Government in assisting the South Vietnamese Government.

We are taking great pains to bring back those who are in the service of this country in South Vietnam. I was told that not one American soldier has been injured as a result of the withdrawal operations. We have as great an obligation, or an even greater obligation, to those men who have been captured.

I feel that there is a considerable difference between our deployment based upon Vietnamization and a retreat based upon withdrawal, without regard to the considerations involved in the prisoners-of-war issue or involved in the safety of our troops in South Vietnam.

I hope that we can see a new light on the horizon, and this is the lessening of tensions with China. And I hope that we are now on the road to eventual total peace in Indochina.

I served in China during World War II, Mr. President. There has not been peace in this area since I went there as a boy of 19. I think it is high time that we found a way to initiate not only the complete withdrawal of our people from South Vietnam, but to initiate, through the Peking government in China, the efforts of that Government in trying to restore peace throughout Southeast Asia. I think Peking has the key to this. If they would deny assistance to North Vietnam, I think we could also terminate further assistance to South Vietnam and probably bring the conflict there to an end.

In any event, the chief issue as far as I am concerned, after my second trip to South Vietnam, is the future safety and treatment of our prisoners of war. The Senator from Kentucky has proposed in his resolution that Congress assist in bearing the burden of trying to bring about the resolution of our involvement in Southeast Asia. It is a reasonable approach. It will give the two governments the opportunity to trigger the total withdrawal of U.S. forces, and also permit us to leave honorably with all our people, particularly our prisoners of war.

I congratulate the Senator from Kentucky for his comments today, and I hope that we will achieve consideration of this resolution. I still oppose the idea of a date, picking an arbitrary date and saying we will completely withdraw our forces without regard to the prisoners of war situation. The prisoners of war must come first, not last. I think that is what the resolution of the Senator from Kentucky wo'uld achieve—putting the fate of the prisoners of war first. Once there is agreement on this, we can bring about the total process of withdrawal and disengagement, and resume the actions of this country under what I consider to be a great doctrine, the Guam doctrine presented by President Nixon.

I am happy to yield to the Senator from Kentucky.

Mr. COOK. Mr. President, would the Senator agree that both of us have been absolutely assured that logistically, the removal of the manpower and the literally millions and millions of tons of equipment can be accomplished within a period of 9 months?

Mr. STEVENS. I would certainly agree with the Senator that we have been given every assurance and told categorically this can be done. I spent a considerable amount of time during the Easter recess examining the retrograde program myself, and I have been told personally by those in charge of this program that it is possible to withdraw, not only our men, but also the equipment which must be removed from Southeast Asia within this period.

I think it highly important that we keep in mind that our equipment must be removed from South Vietnam. This equipment is necessary to insure the military preparedness of our country. Also, there are thousands of tons of civilian equipment—road graders, trucks, caterpillars, dozers, and equipment—that this country can use in its own roadbuilding and improvement efforts. I hope we will consider this and provide the time that is necessary for the whole defense establishment, not only to withdraw our troops, but to withdraw this equipment. I am pleased to say that we have been given the assurance that it can be done in no more than 9 months.

Mr. COOK. Does the Senator also agree that this is basically not an issue that can be determined after a settlement, or after withdrawal, but this can ultimately be the very key by which we ourselves have committed ourselves to maintain a facility in South Vietnam as long as the north maintains any prisoners of war?

Mr. STEVENS. I agree absolutely with that statement. Furthermore, I have the deep, certain feeling that were we to leave our prisoners of war there, they would be used after we leave by the North Vietnamese in a trading process with the South Vietnamese. We must resolve the POW issue first, and let everything flow as a consequence of an agreement, on the part of the North Vietnamese and Vietcong to release our prisoners, and an agreement on our part to leave completely.

Mr. COOK. Did not the President of the United States make it clear that he had the concurrence of the South Vietnamese Government, the Cambodian Government, and the Laotian Government when he made the speech some time ago in which he said that the first thing that should occur should be that all prisoners of war should be released and sent to their respective homes, and that he had a commitment from the other countries that this could be said and this commitment could be made to the North Vietnamese?

Mr. STEVENS. That is my understanding. I believe the Senator from Kentucky correctly recalls the statement of the President.

Furthermore, I believe that should we succeed in getting an agreement for the release of American prisoners of war, the total release of all prisoners would follow from this agreement. We have the triggering device; we have the ability, not simply to demand the release of our prisoners, as the Senator realizes, but to say that if the North Vietnamese will agree to release our prisoners, we will withdraw in a time certain.

I think that this is the crux of the whole issue, getting the first agreement. Thus, I believe that the joint resolution takes the proper course.

Mr. COOK. I thank the Senator from Alaska for joining me in this effort. I hope we might have a great deal of support among Senators.

ADDITIONAL COSPONSORS OF BILLS

S. 646

At the request of Mr. McClellan, the Senator from California (Mr. Tunney) was added as a cosponsor of S. 646, a bill to amend title 17 of the United States Code to provide for the creation of a limited copyright in sound recordings for the purpose of protecting against unauthorized duplication and piracy of sound recordings, and for other purposes.

S. 855

At the request of Mr. Cotton, the Senator from Michigan (Mr. Hart) was added as a cosponsor of S. 855, a bill to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement.

S. 1113

At the request of Mr. Baker, and by unanimous consent, the Senator from New York (Mr. Buckley), the Senator from Florida (Mr. Gurney), and the Senator from Washington (Mr. Jackson) were added as cosponsors of S. 1113, a bill to establish a structure that will provide integrated knowledge and understanding of ecological and other problems associated with pollution and other related problems.

S. 1156

At the request of Mr. Hart, the Senator from Michigan (Mr. Griffin), the Senator from Minnesota (Mr. Mondale), the Senator from Wisconsin (Mr. Nelson), and the Senator from Pennsylvania (Mr. Scott) were added as cosponsors of S. 1156, a bill to provide for a Great Lakes basic conservation program.

S. 1384

At the request of Mr. Prouty, the Senator from New Hampshire (Mr. Cotton), the Senators from Kansas (Mr. Pearson and Mr. Dole), the Senator from Alaska (Mr. Stevens), and the Senator from Minnesota (Mr. Mondale) were added as cosponsors of S. 1384, a bill to enact the Older Americans Income Assurance Act of 1971.

S. 1505

At the request of Mr. Prouty, the Senator from New Hampshire (Mr. Cotton) and the Senator from Kansas (Mr. Pearson) were added as cosponsors of S. 1505, a bill to enact the Blind and Disabled Income Assurance Act of 1971.

S. 1611

At the request of Mr. Pearson, the Senator from Wisconsin (Mr. Nelson) and the Senator from Oklahoma (Mr. Bellmon) were added as cosponsors of S. 1611, to amend the Interstate Commerce Act for the purpose of insuring that regulations governing the operation of farm vehicles will be based on commonsense and on an understanding of the normal operation of our Nation's farms.

ADDITIONAL COSPONSORS OF RESOLUTIONS

SENATE RESOLUTION 38

At the request of Mr. Stevens, the Senator from South Dakota (Mr. McGovern) was added as a cosponsor of Senate Resolution 38, a resolution to provide legislative authority to the Senate Select Committee on Small Business.

SENATE RESOLUTION 73

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the next printing, the name of the distinguished Senator from Alaska (Mr. Stevens) be added as a cosponsor of Senate Resolution 73, a resolution to amend the Standing Rules of the Senate.

The ACTING PRESIDENT pro tempore (Mr. Metcalf). Without objection, it is so ordered.

EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATION ACT OF 1971—AMENDMENTS

AMENDMENTS NOS. 57, 58, 59, 60

Mr. ERVIN submitted four amendments intended to be proposed by him to the bill (S. 1557) to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes, which were received, ordered to be printed, and to lie on the table.

NOTICE OF HEARINGS—VA HOSPITAL CRISIS

Mr. CRANSTON. Mr. President, for the information of Senators, I wish to announce that my Subcommittee on Health and Hospitals of the Veterans' Affairs Committee will hold hearings next week on the Veterans' Administration hospital crisis.

The hearings will be held next Tuesday, Wednesday, and Thursday, at these times and places: Tuesday, April 27, at 9:30 a.m. in room 4221, New Senate Office Building; Wednesday, April 28, at 1 p.m. in room 4221, New Senate Office Building; Thursday, April 29, at 9:30 a.m. in room 412, Old Senate Office Building.

The purpose of these hearings is to investigate what has happened to the extra $105 million Congress appropriated for this fiscal year to the Veterans' Administration to expand its medical staff and improve the medical services rendered by the VA. We will also inquire into the proposed reduction in the patient census in veterans' hospitals across the country by 47,000 patients during fiscal year 1972.

I am very much concerned that the Office of Management and Budget has ordered the VA to make a drastic reduction in its anticipated patient load. It is important that we determine what medical impact this cutback will have on our sick and disabled veterans. The American people have a right to know whether this is a part of a plan by the OMB to phase out and eventually do away with veterans' hospitals.

As chairman of the Veterans' Affairs Subcommittee of the Committee on Labor and Public Welfare in the 91st Congress, in oversight hearings on medical care of veterans wounded in Vietnam we found a serious deterioration in VA hospital care. As a result of this investigation, Congress appropriated an additional $105 million above the budget request for VA medical care in order to improve immediately the quality of care for our veterans. I understand that this money has been diverted to uses other than those intended by Congress. The money was for more doctors, nurses, and medical attendants. However, none of the additional funds were spent for these purposes.

Mr. President, these will be the first hearings held before the Subcommittee on Health and Hospitals of our new Veterans' Affairs Committee. Several outstanding medical school deans will testify, as well as representatives of veterans organizations, and individual disabled veterans. The VA's top medical people will also appear to testify on the continuing tragedy of our VA hospital crisis.

It is urgent that we get a firm grasp on the current need for medical services by our sick and wounded veterans, and that we make it clear to the administration and the Nation that the Senate will do everything possible to provide first-class medical care to our veterans.

ADDITIONAL STATEMENTS

PUBLICATION OF RULES OF PROCEDURE OF SELECT COMMITTEE ON STANDARDS AND CONDUCT

Mr. STENNIS. Mr. President, as required by the Legislative Reorganization Act of 1970, I submit herewith for publication in the Record the Rules of Procedure adopted by the Select Committee on Standards and Conduct:

Resolved, That the Select Committee on Standards and Conduct, United States Senate, adopt the following rules governing the procedure for the Committee:

1. *Meeting time.*—The meetings of the Committee shall be on the first Monday of each month at 10:30 a.m. or upon call of the Chairman.

2. *Organization.*—Upon the convening of each Congress, the Committee shall organize itself by electing a chairman and a vice chairman, adopting rules of procedure, and confirming staff members.

3. *Quorum.*—A majority of the Members of the Committee shall constitute a quorum for the transaction of business, except that two Members shall constitute a quorum for the purpose of taking sworn testimony.

4. *Proxies.*—A Member may vote by special proxy on any issue which comes before

the Committee for decision except as otherwise designated in these rules.

5. *Record of Committee action.*—The Chief Counsel of the Committee shall keep or cause to be kept a complete record of all Committee action. Such record shall include a report of the votes on any question on which a record vote is demanded.

6. *Public hearings.*—All hearings conducted by this Committee shall be open to the public, except executive sessions for voting or where the Chairman orders an executive session. The Committee, by a majority vote, may order a public session at any time. In making such determination, the Committee will take into account evidence which may tend to defame or otherwise adversely affect the reputation of any person.

7. *Secrecy of executive testimony.*—All testimony taken in executive session shall be kept secret and will not be released for public information without the approval of a majority of the Committee.

8. *Stenographic record of testimony.*—An accurate stenographic record shall be kept of the testimony of all witnesses in executive or public hearings. The record of his own testimony, whether in public or executive session, shall be made available for inspection by a witness or his counsel under Committee supervision; a copy of any testimony given in public session, or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session, shall be made available to any witness at his expense if he so requests.

9. *Release of reports to public.*—No Committee report or document shall be released to the public in whole or in part without the approval of a majority of the Committee. In case the Committee is unable to reach a unanimous decision, separate views or reports may be presented and printed by any Member or Members of the Committee.

10. *Subpenas.*—Subpenas may be issued by the Committee Chairman or any other Member designated by him, and may be served by any person designated by the Chairman or Member. The Chairman or any Member may administer oaths to witnesses.

11. *Swearing of witnesses.*—All witnesses at public or executive hearings who testify to matters of fact shall be sworn unless the Chairman, for good cause, decides that a witness does not have to be sworn.

12. *Counsel for witnesses.*—Any witness summoned to a public or executive hearing may be accompanied by counsel of his own choosing who shall be permitted while the witness is testifying to advise him of his legal rights.

13. *Right to submit interrogatories.*—Any person who is the subject of an investigation in public hearings may submit to the Chairman of the Committee questions in writing for the cross-examination of other witnesses called by the Committee. With the consent of a majority of the members of the Committee present and voting, these questions shall be put to the witnesses by the Chairman, by a member of the Committee, or by counsel of the Committee.

14. *Written witness statements.*—Any witness desiring to read a prepared or written statement in executive or public hearings shall file a copy of such statement with the counsel or Chairman of the Committee 24 hours in advance of the hearings at which the statement is to be presented. The Committee shall determine whether such statement may be read or placed in the record of the hearing.

15. *Prohibition of cameras.*—Television, motion picture and other cameras and lights will not be permitted to operate during a hearing.

16. *Interrogation of witnesses.*—Interrogation of witnesses at Committee hearings shall be conducted on behalf of the Committee by Members and authorized Committee staff members only.

17. *Right to testify.*—Any person whose name is mentioned or who is specifically identified, and who believes that testimony or other evidence presented at a public hearing, or comment made by a Committee Member or counsel, tends to defame him or otherwise adversely affect his reputation, may (a) request to appear personally before the Committee to testify in his own behalf, or, in the alternative, (b) file a sworn statement of facts relevant to the testimony or other evidence or comment complained of. Such request and such statement shall be submitted to the Committee for its consideration and action.

18. *Confirmation of staff.*—All staff members shall be confirmed by a majority of the Committee.

19. *Changing rules.*—These rules may be modified, amended, or repealed by a decision of the Committee, provided that a notice in writing of the proposed change has been given to each Member.

ANOTHER PIPELINE IN ALASKA

Mr. STEVENS. Mr. President, the importance of the Trans-Alaska pipeline cannot be overstressed. It is the key to the solution of the impending energy shortage. Although many have speculated about its adverse effects, few have taken time to research the subject. An exception is Kent Sturgis, an Alaskan newsman. Sturgis, who is the Anchorage reporter for the Associated Press, was born in Alaska and educated at the University of Alaska and the University of Washington. He worked for the Fairbanks Daily News-Miner before joining the Associated Press. His knowledge of Alaska is extensive. Recently, he researched an existing pipeline—a 626-mile fuel artery that crosses Alaska and northern Canada. Built in the mid-1950's, the pipe is 8 inches in diameter and supplies the needs of military installations in Fairbanks, crossing mountain passes as high as 7,000 feet. His article is enlightening and provides an insight into the kind of problems that will be faced by the Trans-Alaska pipeline's builders. Here is the article:

> The military has operated a 626-mile fuel pipeline through Alaska and northern Canada for more than 15 years without apparent lasting environmental damage, an Army report says.
>
> The eight-inch line was designed and built in the mid-1950's before ecology became a household word.
>
> Beginning at the deep-water port of Haines in Alaska's Southeastern Panhandle, the pipeline snakes over mountain passes as high as 7,000 feet, and crosses 26 major rivers through Canada's Yukon Territory and British Columbia to Fairbanks.
>
> To date, the report says, the Army line has withstood earthquakes, floods, erosion and corrosion, subzero temperatures and vandalism. But it also says the line has been the source of more than a dozen documented spills ranging from a few barrels to 4,000 barrels, and is in a "deteriorating" condition.
>
> The existing pipeline has faced many of the same problems as those encountered by seven oil firms hoping to build and operate an 800-mile Trans-Alaska crude oil pipeline from the Arctic Coast to the Gulf of Alaska.
>
> The Trans-Alaska pipeline, subject of a raging national debate, cannot be built until approval for construction is granted by the Interior Department under terms of the National Environmental Policy Act. More than 75 percent of the route crosses the federal land.
>
> Conservationists and others fear construction of the commercial pipeline will harm Alaska's ecology and wildlife populations permanently, and will open America's last sizeable wilderness to face-changing development. They also fear the possibility of spills in shipping the oil by tanker from Valdez, the southern terminus of the proposed line, to Washington State and elsewhere along the West Coast.
>
> The oil companies, which have formed Alyeska Pipeline Service Co. in their joint venture, contend the Alaskan line is the only practical and economic means of marketing oil from the North Slope oilfields, which are hundreds of miles from the nearest highway.
>
> Fate of the Trans-Alaska pipeline hinges on the final draft of construction stipulations now being prepared by the Interior Department following environmental impact hearings in Washington, D.C., and Anchorage.
>
> The Army pipeline was built in 1954 and 1955 under supervision of the Corps of Engineers to supply an assortment of fuels to Interior Alaska military reservations.
>
> The existing pipeline is only one-sixth the diameter of the proposed 48-inch Trans-Alaska line. The fuel it carries is much lighter than crude oil. Its route is several hundred miles south of that over which the commercial pipe would be laid.
>
> The Army line has a daily pumping capacity of some 30,000 barrels, while the larger line could deliver more than 2 million barrels of oil to Valdez daily. The military facility cost almost $44 million when completed; the Trans-Alaska line would cost more than $1 billion.
>
> But those involved in construction and operation of the military line have dealt with many of the problems facing the Alyeska Pipeline Service Co., and have learned a number of environmental lessons.
>
> The history of the Haines-Fairbanks pipeline is contained in a report compiled recently at the request of Fairbanks Mayor Julian Rice, who presented it as evidence with his testimony last month at hearings in Anchorage. It was prepared by the Petroleum Directorate of the U.S. Army Alaska, headquartered at Fort Richardson near Anchorage.
>
> The report contains limited information on a dozen spills reported since the spring of 1956, with eight of them occurring since 1968. Six were caused by corrosion, four by bullet holes, one a motor vehicle struck a valve and another when buried pipe was ruptured by a power pole auger, the report said.
>
> "There was never a requirement to report environmental damage caused by petroleum spills," it said. "As a result, very few official records or observations were made that reflect this area of concern so prevalent today."
>
> The board of directors of the Southeast Alaska Community Action Program passed a resolution last month asking that Governor William A. Egan appoint a board to investigate a spill last September into a tributary of the Chilkat River, about 20 miles north of Haines. It also asked that the pipeline be closed "until it is satisfactorily shown to be in good condition."
>
> The resolution had been requested by Tlingit Indians in Haines and nearby Klukwan, who use the Chilkat River for subsistence fishing.
>
> The Army report said the break, through which about 1,800 barrels of jet fuel were lost, was caused by corrosion.
>
> The Army said fishing reports indicated "the bottom of the small stream was bared of marine life by the density of the initial spill." The report said "monitoring of this

stream by fisheries experts continues" and added that other environmental damage appeared negligible.

According to the report, the most serious oil spill on record occurred near Dezadeash (Daisy-dash) Lake in Yukon Territory during May, 1968, when some 4,000 barrels of diesel fuel was lost. The Army said it was caused "from a corrosion break where the pipeline was buried in an area of predominantly corrosion-conducive soils."

Straw was spread over the lake, a boom was used to pick up the fuel-soaked straw and after most of the cleanup job was done, "a detail was left behind for a period of months to clean up any traces of fuel that could be found," the report said.

The Army said "the fish kill was considered significant," but adds that as of last summer, lake fishing was "fair to good."

"Along the route, temperatures have ranged from a low of minus 83 degrees at Snag, Yukon Territory, to a high of 92 degrees at Fairbanks, a range of 175 degrees.

"As liquid fuels are capable of contracting and expanding with temperature changes," the report said, "line pressures and flow rates are directly affected. During a temperature rise, it has been possible to receive 1,000 barrels an hour while only pumping from Haines 500 barrels an hour."

Although the Army reports no serious problems caused by permafrost—which is considered one of the engineering question marks in the Trans-Alaska proposal—it has learned several lessons from operations in severe winter temperatures.

Some critics of the Trans-Alaska pipeline say that because the line will be moving hot oil over areas of heavy permafrost, the pipe may buckle and break if the hot oil melts ice-laden soil supporting the line.

The Army report said its pipeline—built south of the Arctic Circle—is laid over ground which contains only "patchy" permafrost which does not have as high a water content as permafrost north of Fairbanks.

Deicing work had to be undertaken on the Army pipeline in Yukon Territory during the winter of 1956 because water was left in sections of the line after completion of hydrostatic testing the previous fall.

Because it was plugged by ice, the report said, the line had to be cut in 28 locations in order to remove ice.

The Army said "significant quantities" of fuel were spilled, but it could not say exactly how much or what damage, if any, was caused.

The report said the pipeline suffered no damage during the Great Alaska Earthquake of 1964.

"The above-ground sections merely writhed across the 50-foot right-of-way, but the line was designed for movement," the report said. "The buried sections presented no problems since, during the ditch phase, the line was snaked in such a way that the movement of the earthquake caused no appreciable undue stress."

Another problem encountered by the Army is erosion. During spring thaw, the report said, rushing water can undermine the pipeline "and in some cases, up to 200 feet of pipe would be suspended."

The report attributes no spills to erosion working on the line.

"This caused no serious problems . . . since our aerial surveillance aircraft brought this to our attention immediately," the report said. "Maintenance teams would go out and brace the pipeline in the area. The bracing invariably was designed to take care of future problems."

Because the pipe was not wrapped or coated to ward off external corrosion, several miles of pipe have had to be replaced.

However, the report said the "major problem facing the petroleum directorate is the deteriorated—and deteriorating—condition of the southern section" of the line. And it says the cost of all necessary repairs is prohibitively high.

The report said only "emergency repairs" will be made until decisions about the pipeline's future are made on the basis of a utilization study. If the Trans-Alaska pipeline is built, the military expects to use fuel refined in Fairbanks from North Slope oil.

EXECUTIVE IMPOUNDMENT OF APPROPRIATED FUNDS

Mr. ERVIN. Mr. President, as Senators know, the Subcommittee on Separation of Powers recently conducted 3 days of hearings on the practice of impoundment of appropriated funds by the executive branch of the Government.

At those hearings we heard from legal scholars, political scientists, Government officials, and Members of Congress. While the witnesses did not all agree on the legality of the impoundment practice, there was a consensus, except from the administration witnesses, that the impoundment practice has been used by various administrations as a policy tool. The Constitution gives to the Congress all legislative power, and the executive branch of the Government is charged with the faithful execution of the laws passed by Congress. When impoundment is used illegally to thwart the will of the duly elected representatives of the people, the separation of powers doctrine becomes nothing more than a figment of the imagination of the Founding Fathers. Those wise men knew that freedom is best preserved when governmental powers are separated in a manner so that the different branches of the Government may maintain checks and balances over the others.

In the next few days I intend to introduce proposed legislation which would require the President to report to Congress instances of impoundment of funds appropriated for specific projects. The President will be required to give his reasons for the impoundment, and Congress, within a given number of days, will be able to disapprove his impounding action by a majority vote of both Houses.

As Senators know, I strongly advocate a balanced budget and fervently believe that the Federal Government has been hypocritical in promulgating its fiscal policies. Moreover, the executive branch of the Government has not employed the impoundment practice to effectuate savings and economies in government; rather it has become a raw assertion of executive power employed to usurp Congress' power of the purse.

Consequently, I think the time has come for Congress to reassert its power in this area.

I ask unanimous consent that an editorial from the New York Times of April 22, 1971, and an article from the Wall Street Journal of April 22, 1971, regarding the whole question of impoundment and the role of the Subcommittee on Separation of Powers in this controversy, be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Separate Those Powers

The average American still tends to assume that when Congress appropriates a sum of money for a particular program or project and the President fails to veto it, precisely that sum of money will be spent in the allotted time. Few assumptions are less warranted; as a result, a political confrontation between the executive and legislative branches of government is not far in the offing.

Over most of the Republic's history the authority of Congress to appropriate money was unchallenged, but now Congress proposes and the President disposes—if he so wishes. If not, he impounds the appropriated money or whatever part of it he thinks wise.

The shift started in complete innocence soon after the turn of the century, when the President was empowered to save the Treasury money if he could achieve a Congressional purpose for less than the amount appropriated. In World War II the executive power in this regard was swollen by President Roosevelt's refusal to spend money appropriated for projects that might require scarce materials or otherwise hinder the war effort. And legislation enabled postwar Presidents to exercise the same discretion for other reasons—the state of the nation's economy, the debt ceiling and the like.

By now the process has gone so far that the Nixon Administration has impounded nearly $13 billion in funds appropriated by Congress for domestic programs. Instead of the roughly $600 million that Congress clearly wanted spent on urban mass transit this year, the Administration has budgeted only $269.7 million. Of funds made available by Congress for fiscal year 1971, some $192 million for public housing has been frozen, $200 million for urban renewal, $200 million for water and sewer grants, and so on. The trend has gone so far that some Congressmen themselves accept the contention that a Congressional appropriation is merely an authorization to spend, not a mandate.

But the tide is turning. In hearings before his own subcommittee on the separation of powers, Senator Ervin of North Carolina complained rightly that through this discretionary use of funds "the President is able to modify, reshape or nullify completely the laws passed by Congress."

Legislation is in preparation to restore the balance by requiring a President to seek Congressional approval for cuts in appropriations that go beyond the dictates of efficiency. But Senator Mathias of Maryland, a liberal Republican, seems to us to be on an even better track. Why not give the President, through constitutional amendment, a line-item veto in appropriations bills—with Congressional power, of course, to override? Given a compelling case, the President would generally have his way—but he would have it only by grace of a truly equal branch of government.

Can the President Refuse To Spend Some Funds? Fight Rages in Capital

(By Arlen J. Large)

Washington.—The city has monuments and vistas, but it doesn't have a proper aquarium. Congress voted nine years ago to build one, and legislators appropriated money for it, but Presidents Johnson and Nixon refused to spend it. Now the aquarium's chief congressional sponsor has died, and the plans are abandoned.

But Mike Kirwan's aquarium keeps cropping up in a raging Congress-vs.-White House debate over a President's power not to spend funds appropriated by law. Members of Congress in both parties assail what they consider constitutional corner-cutting by President Nixon, and the unbuilt aquarium is cited as a classic example.

Sen. Charles Mathias, the Maryland Republican, says, "The President has just quietly effected a veto without getting all the fish lovers in the United States upset by having to issue a veto message."

It's a serious quarrel. Legislation is being considered that would crimp a President's power to impound funds unilaterally, and lawmakers are threatening to put some administration-backed bills in cold storage until President Nixon unfreezes some of the $12.8 billion of unspent appropriations. And in a related dispute, a move is afoot to force Mr. Nixon to spend money on a health program he thinks he formally and officially vetoed.

SOURING RELATIONS

The din from Capitol Hill may be having some effect. Appropriations Committee members in both houses are beginning to get private assurances from the White House that the freeze on at least some public works projects will be lifted after July 1.

No matter how it all comes out, the argument over spending authority is further souring relations between the legislative and executive branches, which already are at odds over war powers and foreign policy. Democratic Sen. Allen Ellender of Louisiana, chairman of the Senate Appropriations Committee, has called openly for Congress to say "no" to Nixon proposals in retaliation for the spending freeze.

"I suspect we are going to see more and more of this thinking in the Congress in the days ahead if changes are not made," warned Sen. Ellender in a Shreveport speech last week.

To hear the aggrieved lawmakers tell it, they're just patriots trying to preserve the Constitution. The freezing of appropriated funds, says Democratic Sen. Sam Ervin of North Carolina, lets the President "modify, reshape or nullify completely laws passed by Congress," and this "flies directly in the face of constitutional principles." Sen. Ervin, an expert on the Constitution, has been holding scholarly hearings on the subject. He hasn't been complaining about the specific project freezes in North Carolina though there are some.

ICE IN THE PORK BARREL

Not so with many of the other avowed Constitution-preservers, who are alarmed at ice in the pork barrel. Sen. Ellender is sore because the administration won't spend an extra $3 million that Congress voted for the Red River Waterway in Louisiana. Democratic Rep. Joe Evins, chairman of the House Appropriations Subcommittee on public works, is miffed at the withholding of funds for expansion of the Oak Ridge Atomic Energy operation in his Tennessee district, and he also resents a national hold-down on aid to cities. That kind of thing, he wrote constituents, is counter to the principles "established by our forefathers in the Constitution."

Democratic Rep. Charles Bennett from north Florida condemns the "Louis 14th decision" of the President to cut off funds for the Cross Florida Barge Canal. But Republican Rep. Herbert Burke, an opponent of the canal from south Florida, has no constitutional objection to the decision.

Indeed, congressional complaints about impounding are highly selective. Critics of big Pentagon spending aren't saying much about the $1.3 billion of frozen military funds. Conservative lawmakers aren't loudly demanding release of $38 million in antipoverty money. Senate Democratic Leader Mike Mansfield has suggested the administration be taken to court for impounding appropriated funds, but there's an exception: Mr. Mansfield has been having a furious row with the new quasi-government railroad passenger corporation over curtailed service in Montana. Some $38 million in government start-up grants to the company are temporarily on the impounded list, and "as far as I'm concerned," says the Senator, "they can impound that from now till doomsday."

TWO POSITIONS OF JOHNSON

A typical Senate complaint about impounding goes this way: "I had thought that once the Congress passed the appropriation bill and the President approved it and signed it and said to the country that 'This has my approval' that the money would be used instead of sacked up and put down in the basement somewhere."

That is the familiar syntax of Lyndon Johnson, and the words were uttered when he was a Senator in 1959. But when he got to the White House he sent appropriations to the basement as freely as his predecessors had, and that's one of the Nixon administration's main answers to its critics: all Presidents impound funds when "necessary" to manage the government efficiently.

A 1950 law specifically authorizes the President to pace the spending of appropriated funds in ways that achieve economy and efficiency. The White House also argues it must regulate spending rates to comply with other laws that Congress fancies as inducements to general thrift: the stautory limit on the national debt, and a leaky 'ceiling' on total government spending. Finally, the administration says Presidents can hold back spending for construction projects that might be inflationary, under terms of the 1946 law requiring the government to "promote maximum employment, production and purchasing power."

Thus both sides have plenty of statutes and constitutional clauses to hurl at each other, and these are augmented with political brickbats. House Majority Leader Hale Boggs of Louisiana has accused the administration of hypocrisy for pushing its revenue-sharing plans while holding back $600 million available for present programs of aid to cities. This is becoming a major debating point for Democrats who don't want revenue sharing anyway.

There are hints from the administration that some impounded money may be released even before July 1. Budget-keepers are said to have determined that the statutory spending ceiling won't, after all, require the continued freezing of the entire $12.8 billion. Officials insist any turn of the spending spigot would be due to bookkeeping technicalities, not a conscious decision to hypo the economy or appease the opponents of revenue sharing.

THE CANAL AND THE AQUARIUM

Release of funds temporarily held up by a technicality, however, wouldn't quiet another branch of the controversy: impounding of money for projects the President wants killed for policy reasons. The blocking of spending on the Cross Florida Barge Canal is an example; President Nixon decided the canal was a menace to the environment and shouldn't be built. The Washington aquarium likewise falls into this category, as do past disputes over development of a new bomber and the size of the Marine Corps.

To increase congressional clout in such disagreements, some lawmakers would like to lace up their spending bills with language making the outlays mandatory. A prototype was last year's bill authorizing hospital construction funds and requiring that the entire annual appropriation be spent every year. Mr. Nixon complained vigorously about this assault on "Presidential options," and vetoed the bill. The veto was overridden, and the mandatory spending language now is law, a precedent for applying it to other programs.

Sen. Ervin says he's considering another approach. His bill, still being drafted, would require the President to send Congress formal notice he's impounding something, and why. Congress then would have 60 days or so to pass a resolution overturning the impounding decision.

This plan, however, is meeting resistance from Rep. Evins and others, who think it would give the President a new form of pocket veto; Mr. Evins says he prefers creation of a congressional committee just to ride herd on the doings of White House budgeteers.

WHAT'S A POCKET VETO?

Sen. Ervin has teamed with two fellow Democrats, Sen. Ted Kennedy of Massachusetts and Rep. Fred Rooney of Pennsylvania, in a separate money fight with the administration. This involves a dispute over the definition of a presidential pocket veto, which is a veto of a bill by failure to sign it after congressional adjournment.

Last Christmas, Congress gave itself the weekend off, after passing by nearly unanimous votes a bill authorizing funds for the training of family-practice doctors. President Nixon used a pocket veto to kill the bill on Dec. 24, on the ground that Congress had adjourned and wasn't in town to receive a regular veto message. Congress can't override a pocket veto.

When the Senate reconvened on Dec. 28, Sen. Ervin said the pocket veto had been improperly used. By neither signing the doctor-training bill nor returning it with his disapproval, the President actually had allowed it to become law, Sen. Ervin contended.

On this assumption, Sen. Kennedy and Rep. Rooney have asked the House Appropriations Committee to provide some money as if the disputed 1970 bill were law, wrapping it in mandatory-spending language and designating some specific medical schools as recipients. If the appropriation is enacted and the administration refuses to spend the money, a recipient school could start a suit leading to a Supreme Court ruling on the proper use of a pocket veto.

SCHOOL TUITION EXPENDITURES SHOULD BE MADE DEDUCTIBLE ITEMS FOR INCOME TAX PURPOSES

Mr. PELL. Mr. President, I present to the Senate a resolution entitled "Senate Resolution Memorializing Congress To Make School Tuition Expenditures Paid on Behalf of Dependents Deductible Items for Income Tax Purposes," introduced by Senator Donald E. Roch, and adopted by the State Senate of Rhode Island on March 19, 1971. I ask unanimous consent that it be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution

Whereas, The existence of nonpublic education facilities greatly eases the cost of general education that is borne by the state, and

Whereas, The financial burden of nonpublic education has been increasing rapidly, and

Whereas, Those taxpayers making expenditures for school tuition on behalf of their dependents ought not to be required to pay an income tax on money so expended, now therefore be it

Resolved, That the Congress of the United

States be memorialized to enact legislation to make school tuition expenditures paid on behalf of dependents deductible items for income tax purposes, and be it further

Resolved, That the Secretary of State be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the Senators and Representatives from Rhode Island in the hope that they will use every endeavor to influence favorable action by the Congress in this matter.

TRIBUTE TO WILLIAM D. RUCKELSHAUS

Mr. BAKER. Mr. President, Look magazine for May 4 includes an article written by Jack Shepherd on the Administrator of the Environmental Protection Agency, William D. Ruckelshaus. Mr. Shepherd has done remarkably well, I think, in capturing the essence of one of the finest public servants on the scene today.

Although the Federal antipollution effort has been underway for years, we are only now beginning to enter the most difficult phase of that effort—enforcement of the various standards that have been so painstakingly established. Without vigorous enforcement, the whole program is meaningless. And it is with enforcement that the hard economic issues will come to the fore with great force. We are finally being asked as a society to make some very difficult decisions about "tradeoffs" between unhibited economic progress and protection of our natural environment. It is not going to be easy.

As a Republican and as an American interested in the quality of environment, it is a matter of great comfort and satisfaction to me that Bill Ruckelshaus has been charged with the job of being the Nation's top antipollution cop. Without any derogation of other officials intended, I have felt since his appointment was announced that it is among the finest made by the Nixon administration. Together with Dr. Russell Train, Chairman of the Council on Environmental Quality, Mr. Ruckelshaus is a member of an environmental team of the very highest quality and competence.

Mr. President, I ask unanimous consent that Mr. Shepherd's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INTRODUCING WILLIAM RUCKELSHAUS—WHO?

(By Jack Shepherd)

The introducer drawls into the microphone: "There's been lotsa articles in magazines about hot pants. Here's the guy who sits on about the hot-test seat in the United States. He's William D. Rick- uh, Rickelslus, the first administrator of the bran' new Environmental Protection Agency that's gonna clean up our air, water and just about a host of other things. He's a graduate of Princeton, cum laude, and Harvard Law School, and one of the best, if not the best bass fisherman in the state of Indiana. Some conservationists called his appointment 'the worst since Caligula made his horse a consul,' but things are happenin' over there at EPA—Mr. Ruckelsloose. . . ."

Wary applause.

Bill Buckelshaus unreels quickly from his seat. He's 6'4" and hits the podium with the enthusiasm of a bass popping bugs. "Thank you," he begins. "I lay claim to being the best bass fisherman in the country. That claim is disputed by a few. . . ." He talks fondly of fishing with his dad in Michigan every year for 30 years, of flying into a Canadian lake until it was closed by pollution, of taking Jill and the kids to Manitou Island in Lake Michigan, catching bass, camping, running wild for two weeks. Between speeches in his Senate campaign in 1968, Bill often stopped by the road and tossed a line into any Indiana pond. But there's not much fishing now.

"Ladies and gentlemen . . . ," he continues, "America is in an environmental crisis of the first magnitude. We are in deep trouble. . . ."

Now, Bill Ruckelshaus is a snake-oil salesman. He's on the road, making speeches, cajoling state health officials, mixing together 15 separate Federal divisions into the Environmental Protection Agency. EPA, started December 2, 1970, may be the most potent anti-pollution agency ever concocted. It will monitor and enforce standards for air, water, pesticides, noise, radiation and solid wastes.

He is also a magician. He's putting together an agency—scattered in ten regions across the U.S.—that must produce environmental results fast. If he sells out, or loses his magic, we'll all know—we'll taste it in our water and smell it in our air. In truth, however, Ruckelshaus may be only the rabbit, yanked out of the hat in a daring display by our new environmental President for that skeptic in the front row, Sen. Edmund S. Muskie, already billed as Mr. Clean for his efforts. How strong is Nixon's act on the environment? How free and agrressive can Ruckelshaus be? Will the snake-oil salesman/magician return to fishing? (Are there any fish left?)

". . . It is time for every member of our society to participate in the development of a new environmental ethic. We must no longer ask ourselves whether pollution control is worth it, whether we might be doing more than our share, whether our business competitors might be getting by with murder while we are limited to mayhem. There is no excuse for the delay and dalliance which have brought us to our current crisis. . . ."

Bill Ruckelshaus is young, 38, and big, 195 pounds, with shoulder-wide cheeks—"It all goes to my cheeks," he laughs. "I have 50 pounds in each cheek." He's intellectual, even solemn in public, but can break up his friends in private. He casts jokes with skill, and when he smiles, his face looks like a smallmouth bass took a jitterbug sideways. Ruckelshaus is a moderate Indiana Republican, a bright, candid and accessible man. His speech is studded with phrases like "I'd be less than honest to say . . . ," "to tell you otherwise would be untruthful. . . ." He believes in the law the way John Muir believed in trees. This, and his honesty, may carry the fight.

"We are victims of a long-obsolete point of view. This viewpoint holds that man must conquer nature. We have clung to this vision with such tenacity that we now inherit the spoils of a 300-year-old war against nature. . . ."

President Nixon, when he appointed Ruckelshaus, called him "the enforcer," and added, "You're going to be called a lot worse." Indiana newspapers groaned: "President Nixon has found himself an environmental Carswell." People accuse: "You ought to be called The Big Business Protection Agency."

"The only way I'll be able to dispel that attitude is by action," Ruckelshaus says. "If there were any industry Nixon had a hands-off policy toward, I would resign. I feel no inhibition whatsoever to enforce the laws—even if the polluter has contributed to campaigns. We're going after polluters—all of them."

When EPA was a week old, Ruckelshaus brought action against Atlanta, Detriot and Cleveland for violations of water-quality standards. A week later, he filed suit against U.S. Plywood-Champion Papers, Inc. and Jones & Laughlin Steel Corp. for water-quality violations. In January, he filed suits against ARMCO Steel in Houston and ITT Rayonier's pulp mill on Puget Sound. In February, he filed again, this time against Koppers Co., Inc., on the Ohio River. He also told Union Carbide Corp. to speed up air-pollution controls at its Marietta, Ohio, plant. EPA held enforcement conferences concerning water pollution in Dade County, Fla.; the Escambia River and Bay, and Perdido Bay, in Alabama-Florida; and the Long Island Sound and its tributaries. In March, Ruckelshaus asked the Interior Department to hold up the Alaskan pipeline for further study. He started administrative proceedings (scientific inquiries and public hearings) on DDT, 2,4,5-T, Aldrin, Dieldrin and Mirex pesticides.

He stands above the microphone and speaks coolly: "In some areas, where even maximum control is in effect on carbon monoxide from stationary sources, automobile traffic may have to be regulated or curtailed by 1975."

Ruckelshaus' grandfather was Republican county chairman and a county prosecutor in Indiana in the early 1900's. His father never missed a Republican convention between 1920 and 1960, and helped write the platforms. Bill was born in Indianapolis and raised a strict Catholic.

At Portsmouth Priory School in Rhode Island, he was an all-state football and basketball player for three years; he played end and guard: "Very deft, very deft," he jokes. "I wanted to bring the ball up court and bomb away." A football block injured his right knee—he was later operated on and it still buckles occasionally—and "ruined a truly fantastic career in sports." Bill went to Princeton and coasted for two years. But his father, who also served as chairman of the local draft board, had other ideas. Five days before Bill was to return for his junior year, a letter arrived: " 'Greetings,' " he recalls it said, " 'Your friends and neighbors have selected you. . . .' Hell, it was my old man." He smiles. "It was the best thing that ever happened to me." He spent two years in the Army, most of it as a drill instructor in the Signal Corps ("Wanna hear a dirty word in Morse code?") and packed fly rods out to the field with the radio equipment. He got back to Old Nassau, majored in politics, graduated with honors, and went on to Harvard Law.

"We need to bring environmental sanity to our country. We're not going to solve all our problems just by the existence of this agency. . . . We're going to have to bring a change in our life-style: What we thought of as waste isn't any longer. Resources on this planet are finite. We must preserve what we have."

After law school, Ruckleshaus joined the Indiana Attorney General's staff. In 1963, he drafted the Indiana Air Pollution Control Act. He prosecuted cities and industries for water violations. "That law dealt with something that meant a great deal to me"—clean water for fishing.

In 1966, after forming a Republican Action Committee and reorganizing the party in Marion County, Ruckelshaus won a seat in the Indiana House of Representatives. He led the ticket, and became the first freshman legislator elected majority leader. In 1968, he ran for the U.S. Senate against Sen. Birch Bayh, but the campaign bogged down in mud-slinging. Ruckelshaus lost by 62,639 votes. Nothing worked. He spent fistfuls on billboards, TV and radio spots to make Ruckelshaus a common noun in Indiana. After the campaign, on a flight back to Indianapolis, the pilot announced: "We have a distinguished Hoosier on board tonight, Mr. William Bucklenuts."

"Under the new Clean Air Act, a citizen can even sue EPA." He pauses, and smiles. "I wouldn't recommend that." They laugh.

In January, 1969, John Mitchell met with Ruckelshaus at the Hotel Pierre in New York City and offered him a job. For the next 23 months, Ruckelshaus was an assistant attorney general and head of the Justice Department's civil division, boss of 200 lawyers and 20,000 cases. He got the reputation of a skilled administrator and a cool hand. When student anger boiled over the Cambodian invasion last spring, Ruckelshaus went along with the demonstrators' demands for a rally on the Ellipse behind the White House. It marked the first shift in the Administration's don't-give-an-inch attitude toward antiwar protesters. Ruckelshaus led civilian disturbance teams and soothed New Haven during the Black Panther trials. He was the first man in the Department to go on campus to "improve communications" with antagonistic students: the kamikaze tour, he calls it. In October, onstage at Chapin Auditorium at Mount Holyoke, he faced 1,200 angry kids from five Massachusetts colleges. He started, "Now, I don't want to make a lengthy speech. . . ." A pretty girl waved a "F— Ruck" sign at him. ". . . . I want to discuss the policy of the Justice Department. . . ." A black yelled: "What about Bobby Seale, you mother ———!" The debate ranged over drugs, civil rights, Women's Lib, war, and after an hour and a half, Ruckelshaus got solid applause.

In his new job, he still finds kids "a little suspicious" of Government, "but nothing like the Justice Department. They called us goddamn oppressors, picking on everybody, putting them in jail. Here, it's just the opposite: They want us to pick on everybody and put them in jail."

He leans his left arm on the podium, explaining: "Recycling is the direction we should go. Recycle waste and recycle what we use. Our raw materials are not inexhaustible, nor are air and water. . . ."

Ruckelshaus' public success has been scarred by personal tragedy. During his last year at Harvard, he met a girl from Baltimore in his juvenile-delinquency class, and they married. On March 31, 1961, she gave birth to twin girls, and died three days later of complications. Then on Labor Day weekend, 1962, Bill and his dad went fishing on Lake Michigan with friends. They anchored a boat about a mile and a half from Hog Island and rowed to some smaller islands. They wore waders, and walked in the rocky shallows fishing for smallmouth bass. The fishing was great, but a storm blew up, and they decided to return to the larger boat. Bill's father, another man and a boy started out. Bill saw the little boat overturn. Both men drowned, but the boy got his waders off and swam back to shore. Bill, Don Mosiman, a lifelong friend and now an assistant administrator at EPA, and the boy spent the night on the island before the Coast Guard picked them up.

Christmas, 1961, Bill met Jill Strickland at his aunt and uncle's in Indianapolis. "She told me she thought I was pretty stuffy." Jill, who became his second wife, has an MA in education from Harvard, and two years at Indiana University law school. The first year they were married, Jill entered the Indianapolis golf championship, and came in third. "She would-a made a helluva golfer if she hadn't married me," says Ruckelshaus. Jill is 5′ 9″ and a driver: She has a variety of volunteer jobs, including chairwoman of the Office of Economic Opportunity's advisory council. Bill calls her "Jilly." Sometimes she calls him "Mr. Solid Waste of 1971." They have four girls and a boy, William Justice. "He and I," says Ruckelshaus, "spend all our time running around raising the toilet seats."

"Public awareness is so intense it will demand that we come to grips with the problems. . . . Citizens simply rising up and saying we have to halt degradation are able to do remarkable things. It's tough work. It takes commitment. You have to stick with it longer than the fad some people think environmental cleanup may be—and isn't."

The speech ends, and Ruckelshaus' aides hustle him to a meeting with local EPA staff members. He hears about pulp-mill sludge, 300 million pounds of waste from seafood processing, runoff from 66,000 feedlots, lost railroad cars of 2,4,5-T, plus air, water, solid-waste and pesticide problems. Ruckelshaus studies black briefing books prepared by his staff. He knows the problems well; he's quick and sharp. He tells the staff: "Back me up. Give me a case with hard facts, and I'll go to the mat with 'em." He warns about industry that threatens to leave or shut down. "There are guys who are marginal, but also guys who've made up their minds to shut down and use the Federal order as an excuse. Or the third guy, who uses it as a threat to the state." The EPA staff is exploring ways of getting emergency loans into areas where pollution abatement orders close plants and cause unemployment.

Ruckelshaus is an articulate swearer. After a rough meeting with state officials, he stomps back to his rooms and lets loose: "I must be a masochist! . . . The ——— states are reluctant to set tough standards, well, ——— 'em, the Federal presence will come right in. They're tellin' me, 'You guys come in here and file suit and embarrass us.' What am I supposed to tell Congress: we can't enforce the law because we might embarrass somebody?" He lies on his bed tired, eyes narrowed to slits. "Well, ——— 'em, if I come in here and file suit, sure it's a tacit statement that the states have failed. I'm still goin' to do it!" Where shall we eat, an aide asks. "I don't give a loose ——— where we eat," Bill replies.

At an opening meeting that evening, he gives a short, extemporaneous talk, and asks for questions from the audience.

"Mr. Rooslouse," says a lady, "in the Nixon Administration, which comes first, the environment or the economy?"

"If the environment doesn't come first," he replies, "there won't be any economy. . . . We will make it profitable to clean up by making it unprofitable to continue business as usual." Someone mentions air pollution in Gary, Ind. It's so thick says Bill, "you can practically chin yourself on the particulate matter."

Later, an aide reads Ruckelshaus the names of groups at the meeting: Sierra Club, Ecology Action, the Junior League—"in the Junior League it's The Year of the Environment," the aide says, "and, oh, the consumers and utilities both said you were great.

"M'gawd!"—mock horror, eyebrows up, the word shoots from the side of Bill's mouth—"something's wrong. Those guys should be out there hitting each other."

Ruckelshaus, under mounting pressure, has few releases except his humor. He doesn't smoke. He is an amateur botanist, and once got up at 4 a.m. to work in his garden. On Friday nights, he watches the horror movies. "Jilly hides her head under the covers—scares her to death. The ones I like best are where, about ten minutes into the film, one guy says to another, 'It's someone . . . or something.'" He mentions Godzilla, a late-show horror, and can do a good hulking impression. Is Godzilla a pretty big thing for him? "Godzilla is pretty clearly a balloon," he says with disappointment.

On July 1, Ruckelshaus gets his first test. U.S. industry will begin applying for permits to dump effluent into our navigable rivers and tributaries under the 1899 Refuse Act. The U.S. Army Corps of Engineers will issue the permits, but EPA will have to check water standards and monitor the performances of the companies. Ecologists already are calling it a license to pollute.

Ruckelshaus' tougher encounter will come in early 1972, when Detroit may tell him it cannot meet the 1974 air-pollution guidelines for motor vehicles, and ask for a one year extension. If Ruckelshaus grants it, everyone will howl about dirty air, especially Senator Muskie, who wrote the bill; if Ruckelshaus rejects the request, Detroit could yell about cutbacks and layoffs. Nixon won't win either way.

For now, Ruckelshaus faces congressional hearings on Nixon's 12 environmental bills. EPA's budget could jump 91 percent (to $2.45 billion) and the staff could grow more than 40 percent (to 8,600). Ruckelshaus sees the most important bills as those on toxic substances, pesticides, ocean dumping and noise. "The water bill is a crucial one," he adds. EPA would get the power to improve punitive administrative fines up to $25,000 a day (with court fines up to $50,000) on industries and cities that pollute. "I think the agency will most likely be judged on air-and-water improvement," he says.

Bill Ruckelshaus will be judged on results. If he succeeds, "Mr. Solid Waste" may be the new Mr. Clean.

NATIONAL SECRETARIES WEEK, APRIL 18–24, 1971

Mr. HART. Mr. President, the purpose of Secretaries Week is to bring to the attention of management the role of the professional secretary. It is an occasion for a reexamination of the contribution the secretary can make by freeing her employer from time-consuming tasks, thus making it possible for her employer to redouble his effectiveness.

The contributions which can be made by a professional secretary are limitless, as the Members of this body are only too well aware.

Neither time nor business nor the secretarial profession stands still. Experienced secretaries are no longer satisfied with merely obtaining a position and then enjoying a static situation. They look for new challenges and set themselves increasingly higher goals.

In agreement with the purposes of Secretaries Week, I have introduced—for myself, Mr. Hughes, and Mr. Miller—Senate Joint Resolution 67, which would authorize the President to issue a proclamation designating the last full week of April as National Secretaries Week. I hope the Judiciary Committee will schedule this joint resolution for consideration at an early date.

RELEASE OF JAILED SOVIET JEWS SOUGHT

Mr. GRIFFIN. Mr. President, my attention has been called to the efforts of Prof. Herbert Paper of the University of Michigan to obtain the release of Mikhail Zand from Russia.

Mr. Zand, a student of Arabic and Persian literature, has been arrested by Soviet authorities.

Mr. President, I ask unanimous consent that an article published in the Detroit Jewish News be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

PROFESSOR TRYING TO WIN RELEASE OF JAILED SOVIET JEWS

Herbert Paper, professor of linguistics and Near Eastern languages at the University of Michigan, is actively seeking the release of the 40 Soviet citizens—one a personal friend—who were arrested while participating in a peaceful protest in Moscow Saturday. Two were sent to an insane asylum and the other 38 to prison for 15 days on a charge of "minor hooliganism."

They were protesting against the practice of Soviet authorities of holding a number of persons, contrary to Soviet law, beyond a certain time without bringing charges against them.

With the help of Abraham Udovich, a professor at Princeton now on research leave in England, Paper was able to learn that Mikhail Zand, a young specialist in Arabic and Persian literature and a mutual friend, was involved in the Soviet action.

Paper has sent a letter to the New York Times protesting the Soviet charges against the Jews and said he hopes to enlist the aid of his U. of M. colleagues and other scholars in a statement.

In his letter, Dr. Paper wrote that Zand is well known for his scholarly accomplishments. "Those who know him personally can attest that hooliganism and Zand are simply not a possible combination. He is a warm, gentle soul who exemplifies the best in scholarship. His letters to me have been models of professional probity and full of personal warmth about his family and his hopes for his son and daughter. It happens also to be a fact that he is in poor health.

"Not unrelated to Zand's arrest must surely be the news that on March 12 he formally submitted the required papers requesting exit visas for himself and his family to be united with relatives in Israel," Dr. Paper said.

"My appeal on Mikhail Zand's behalf would be as strong and passionate if he were only an ordinaary Russian Jew who had never published a word, and my protest is indeed registered on behalf of all who were arrested with him. I protest with all my heart against this further example of Soviet harrassment. Let Mikhail Zand's name be added to those magnificent valiant who have been publicly demanding their rights as human beings in the Soviet Union. I call specifically on fellow scholars to appeal to the Soviet government to rectify this reprehensible treatment of those individuals and especially to call attention to the plight of Mikhail Zand. What will it harm the mighty USSR if the Zands are permitted to live and flourish in Israel?"

Paper and Zand have corresponded in Yiddish since meeting at a conference in Iran several years ago.

The professor is trying to get further information from England that he can submit to scientific organizations in the Soviet Union in Zand's behalf.

THE JARRING MISSION—III

Mr. HATFIELD. Mr. President, since the passage of Resolution 242 by the United Nations in 1967 and the consequent appointment of Dr. Gunnar Jarring as special envoy to the Middle East, little hope for constructive progress was evident until the United States initiative in 1969. The Jarring mission was resumed as a result and a glimmer of hope was seen. In recent months, however, the talks have been stalled once again.

To help better understand the hopefully temporary impasse in the negotiations, Mr. Clyde R. Mark, of the Congressional Research Service, prepared an analysis of the exchange of letters between U.N. Ambassador Jarring and the Governments of Israel and the United Arab Republic. The study was completed March 30, 1971, and examines the letters exchanged through February 1971.

Mr. President, I highly commend this analysis to the Senate and to anyone interested in gaining a better understanding of the conflicts in the Middle East. I ask unanimous consent that the analysis and the texts of the letters exchanged, as reported in the London Times of March 11, 1971, be printed in the RECORD.

There being no objection, the study and the article were ordered to be printed in the RECORD, as follows:

ARAB-ISRAELI PEACE NEGOTIATIONS: EXCHANGE OF LETTERS BETWEEN U.N. AMBASSADOR JARRING AND THE GOVERNMENTS OF ISRAEL AND THE UNITED ARAB REPUBLIC, FEBRUARY 1971

(By Clyde R. Mark, analyst in Middle Eastern Affairs, Foreign Affairs Division, March 30, 1971)

On March 1, 1971, the *Times* of London published what purported to be a letter from U.N. Special Representative Gunnar Jarring to the government of Israel, a similar letter from Jarring to the government of the United Arab Republic (Egypt), and the Egyptian and Israeli replies to Jarring.

Summaries of the main points of the letters are listed below. Following the summaries is a section of notes which attempts to point out the apparent differences in interpretation in the Jarring letters, the Egyptian reply, and the Israeli reply.

JARRING, FEBRUARY 8, 1971	UNITED ARAB REPUBLIC, FEBRUARY 15, 1971	ISRAEL, FEBRUARY 26, 1971
(1) Israel to withdraw from occupied U.A.R. territories to "the former international boundary."	(1) Israel to withdraw from the Sinai and the Gaza Strip.	(1) Israel to withdraw to "secure, recognized and agreed boundaries to be established in the peace agreement." Israel will not withdraw to the June 4, 1967, borders.
(2) Establish demilitarized zones.	(2) Establish demilitarized zones astride the borders and extending an equal distance on both sides.	(2)
(3) Arrange "Practical security" for Sharm al-Shaykh.	(3) Station a U.N. peacekeeping force at Sharm al-Shaykh.	(3)
(4) Guarantee free navigation through the Strait of Tiran.	(4) Guarantee free navigation through Tiran "in accordance with the principles of international law."	(4)
(5) Guarantee free navigation through the Suez Canal.	(5) Guarantee free navigation through the Suez Canal "in accordance with the 1888 Constantinople Convention."	(5) State explicitly Israel's right to free passage through Suez.
(6) Israel and the U.A.R. to accept a mutual commitment to end the war.	(6) Mutual commitment to end the war.	(6) Mutual commitment to end the war.
(7) Israel and the U.A.R. to acknowledge each other's independence.	(7) Mutual acknowledgement of independence.	(7) Mutual acknowledgement of independence.
(8) Mutual acknowledgement of each other's right to live in peace within secure and recognized boundaries.	(8) Mutual acknowledgement of right to live in peace within secure, recognized boundaries.	(8) Mutual acknowledgement of right to live in peace within secure, recognized boundaries.
(9) Each side to stop all hostile acts against the other.	(9) Stop hostile acts.	(9) Stop hostile acts.
(10) Mutual noninterference in domestic affairs.	(10) Mutual noninterference in domestic affairs.	(10) Mutual noninterference in domestic affairs.
(11) Set a high priority on a just settlement of the refugee problem.	(11) A just settlement of the refugee problem in accordance with U.N. resolutions.	(11) A refugee settlement to be negotiated—compensation to be paid for lands and property; planned rehabilitation for the refugees.
(12) Mutual, simultaneous commitment to all of the above points.	(12) ". . . accepts to carry out on a reciprocal basis all its obligations. . . . " ". . . the U.A.R. would give a commitment. . . ."	(12) "Israel would give undertakings . . . ."
(13)	(13) U.N. peacekeeping force to include four permanent members of the Security Council.	(13)
(14)	(14)	(14) Mutual nonparticipation in hostile alliances.
(15)	(15)	(15) Mutual prohibition against stationing of foreign troops hostile to either state.
(16)	(16)	(16) U.A.R. to end economic warfare and boycott.
(17)	(17)	(17) U.A.R. to end interference in Israeli international relations.

NOTES

(1) *Israeli Withdrawal:* Jarring's phrase "international boundary" refers to the line from the Gulf of Aqaba to the Mediterranean which served as the border between Egypt and British Mandate Palestine, and which became the Armistice line between Egypt and Israel from 1948 to 1967. Secretary of State William Rogers referred to the same international boundary in his speech of December 9, 1969, and his news conference of March 16, 1971.

If Egypt and Israel accepted the international boundary, the Gaza Strip would be in Israel. Egypt's reply to Jarring clearly demands Israeli withdrawal from the Gaza Strip and the Sinai. Israel's reply to Jarring clearly states that Israel will not return to the boundaries that prevailed on June 4, 1967. Israel wants to negotiate new boundaries.

(2) *Demilitarized Zones:* The Egyptian reply to Jarring adds that the demilitarized zones must straddle the borders—both Israel and Egypt would have a demilitarized space along their side of their common border. The "equal distant" phrase in the Egyptian reply means that both sides would have the same amount of demilitarized space on their side; for example, a ten-mile-wide demilitarized zone along the border would extend five miles into Egypt and five miles into Israel.

Israel did not respond to the Jarring point on a demilitarized zone. Israel has stated in the past that its territory is sovereign and will not be subject to any outside control. Israel also has stated that it would not allow foreign troops to be stationed on its territory, a possible point of contention should a U.N. peacekeeping force be formed to patrol borders or demilitarized zones.

(3) *Sharm al-Shaykh:* Egypt's concession of sovereignty to a U.N. peacekeeping force may answer Jarring's call for "practical security." The Egyptian answer also rebuffs any Israeli intention to keep Sharm al-Shaykh.

Israel did not respond to Jarring's point on Sharm al-Shaykh, probably because Israel includes the area among the to-be-negotiated border problems. Prime Minister Golda Meir has called Israeli's control over Sharm al-Shaykh a "legitimate security requirement." Apparently, Israel intends to keep Sharm al-Shaykh.

(4) *Strait of Tiran Navigation:* In the Egyptian reply, the phrase "in accordance with the principles of international law" could be interpreted in two ways: (1) that the International Court of Justice should adjudicate the matter of sovereignty and control; or (2) that the conventional laws of the territorial sea apply to the Strait.

Israel did not reply to Jarring's point on the Strait of Tiran. If Israel retains Sharm al-Shaykh, navigation through the Strait would be under Israeli control.

(5) *Suez Canal Navigation:* The 1888 Constantinople Convention contains ambiguous and conflicting wording on the status of the Canal in war. Israel wants a separate clause in a peace treaty specifically guaranteeing Israeli passage through the Suez Canal.

(6) *End of War:* Jarring, Israel, and Egypt appear to agree on this point.

(7) *Independence:* Apparent agreement.

(8) *Secure Boundaries:* Apparent agreement.

(9) *No Hostile Acts:* Apparent agreement.

(10 *Noninterference in Domestic Affairs:* Apparent agreement.

(11) *Refugees:* Jarring's suggestion of applying a high priority to the refugee issue probably meets with everyone's approval. The Egyptian caveat "in accordance with U.N. resolutions" is usually understood to refer to paragraph 11 of U.N. Resolution 194 (III) of December 11, 1948, which says that the Arab refugees should be offered a choice between compensation or repatriation. The Israeli suggestion for negotiations on the refugee issue is in keeping with past Israeli policy for resettlement of the Arab refugees in other Arab countries. Israel agrees to pay compnesation for land and property, but the Arabs usually include compensation for damages. The Israeli word "rehabilitation" is probably a euphemism for resettlement.

One point not raised by Jarring, Israel, or Egypt is the definition of refugee—does refugee include Jews who left property and land in Arab countries when they moved to Israel?

(12) *Commitment:* Egypt says it will make the commitment called for in the Jarring letter; Israel implies that it will also.

(13) *U.N. Peacekeeping Force:* Egypt wants to include troops from the "big four" nations, France, the United Kingdom, the Soviet Union, and the United States, in the U.N. peacekeeping force so that the big four will take an active part in the peace settlement. Israel opposes big four involvement.

(14) *Hostile Alliances:* An Israeli point added to nullify or counteract mutual defense pacts among the Arab states, such as the defense treaty which appeared in late May-early June 1967. In mid-March 1971, Syria and Egypt announced that their two countries had signed another mutual defense pact. If Egypt and Israel signed a peace agreement, Egyptian troops theoretically could be placed on Syrian soil, and could continue the war. Syria has refused to discuss peace with Israel. Two open questions are: Would this clause apply to Egyptian membership in the Arab League? Would this clause preclude a U.S.-Israeli mutual defense agreement?

(15) *Hostile Troops:* An Israeli point added to avoid stationing other Arab troops in Egpyt to continue the war after Egypt and Israel signed a peace agreement.

(16) *Boycott:* An Israeli point aimed at the Arab League boycott of Israeli goods and foreign firm which deal with Israel.

(17) *Interference with Israeli Foreign Relations:* An Israeli point aimed at Arab pressure on "third world" states to avoid contact with Israel.

Conflict of View Between Israel and Egypt Made Clear in Jarring Documents

Documents understood to be the original letter by Dr. Gunnar Jarring, the United Nations special envoy in the Middle East, to Egypt and Israel and the Egyptian reply, have been made available to United Press International by diplomatic sources in Cairo.

Dr. Jarring sought a commitment from Israel to withdraw from the whole of Sinai in return for an Egyptian undertaking to "enter into a peace agreement." Egypt agreed but insisted that the Israelis should also pull out of the Gaza sector. Israel accepted the principle of withdrawal but only to "secure recognized and agreed boundaries to be established in the peace agreement" and "not to the pre-June 1967 lines."

Proposals To Break Deadlock

Cairo.—Dr. Jarring's letter is as follows:

I have been following with a mixture of restrained optimism and growing concern the resumed discussion under my auspices for the purpose of arriving at a peaceful settlement of the Middle East question.

My restrained optimism arises from the fact that in my view the parties are seriously defining their positions and wish to move forward to a permanent peace.

My growing concern is that each side unyieldingly insists that the other make certain commitments before being ready to proceed to the stage of formulating the provisions to be included in final peace agreement. There is—as I see it—a serious risk that we shall find ourselves in the same deadlock as existed during the first three years of my mission.

I, therefore, feel that I should at this stage make clear my views on what I believe to be the necessary steps to be taken in order to achieve a peaceful and accepted settlement in accordance with the provisions and principles of Security Council Resolution W242/67, which the parties have agreed to carry out in all its parts.

I have come to the conclusion that the only possibility to break the imminent deadlock arising from the differing views (of) Israel and the United Arab Republic as to the priority to be given to commitments and undertakings—which seems to me to be the real cause for the present immobility—is for me to seek from each side the parallel and simultaneous commitments which seem to be inevitable prerequisites of an eventual peace settlement between them.

It should thereafter be possible to proceed at once to formulate the provisions and terms of a peace agreement not only for those topics covered by the commitments but with equal priority for other topics and in particular the refugee question.

Specifically, I wish to request the Governments of Israel and the U.A.R. to make to me at this stage the following prior commitments simultaneously and on condition that the other party makes its commitments, and subject to the eventual satisfactory determination of all other aspects of a peace settlement, including in particular a just settlement of the refugee problem:—

Israel would give a commitment to withdraw its forces from occupied U.A.R. territory to the former international boundary between Egypt and the British Mandate of Palestine on the understanding that satisfactory arrangements are made for:

a.—Establishing demilitarized zones;

b.—Practical security arrangements in the Sharm el Sheikh area for guaranteeing freedom of navigation through the Straits of Tiran; and

c.—Freedom of navigation through the Suez Canal.

The U.A.R. would give a commitment to enter into a peace agreement with Israel and to make explicit therein to Israel—on a reciprocal basis—undertakings and acknowledgments covering the following subjects:

a.—Termination of all claims of states of belligerency;

b.—Respect for and acknowledgment of each other's independence;

c.—Respect for and acknowledgment of each other's right to live in peace within secure and recognized boundaries;

d.—Responsibility to do all in their power to ensure that acts of belligerency or hostility do not originate from or are not committed from within the respective territories against the population, citizens or property of the other party; and

c.—Non-interference in each other's domestic affairs.

In making the above-mentioned suggestion I am conscious that I am requesting both sides to make serious commitments but I am convinced that the present situation requires me to take this step.

[Delivered to both sides on Feb. 8, 1971.]

Israel Terms for Agreement

Tel Aviv.—Following is the official English text of the statement delivered to Dr. Jarring on February 26, 1971, by Mr. Yosef Tekoah, Israel's Ambassador to the United Nations:

Pursuant to our meetings on February 8 and February 17. I am instructed to convey to you, and through you to the U.A.R., the following:

Israel views favourably the expression by the U.A.R. of its readiness to enter into peace agreement with Israel and reiterates that it is prepared for meaningful negotiations on all subjects relevant to a peace agreement between the two countries.

The Government of Israel wishes to state that the peace agreement to be concluded between Israel and the U.A.R. should *inter alia* include the provisions set out below.

A.—Israel would give undertakings covering the following:—

1. Declared and explicit decision to regard the conflict between Israel and the U.A.R. as finally ended, and termination of all claims and states of war and acts of hostility or belligerency between Israel and the U.A.R.:

2. Respect for and acknowledgement of the sovereignty, territorial integrity and political independence of the U.A.R.:

3. Respect for and acknowledgement of the right of the U.A.R. to live in peace within secure and recognized boundaries:

4. Withdrawal of Israel armed forces from the Israel-U.A.R. ceasefire line to the secure, recognized and agreed boundaries to be established in the peace agreement. Israel will not withdraw to the pre-June 5, 1967, lines:

5. In the matter of the refugees and the claims of both parties in this connexion, Israel is prepared to negotiate with the governments directly involved on:—

a—The payment of compensation for abandoned lands and property; and.

b—Participation in the planning of the rehabilitation of the refugees in the region.

Once the obligations of the parties towards the settlement of the refugees issue have been agreed neither party shall be under claims from the other inconsistent with its sovereignty:

6. The responsibility for ensuring that no warlike act, or act of violence, by any organization, group or individual originates from or is committed in the territory of Israel against the population, armed forces or property of the U.A.R.;

7. Non-interference in the domestic affairs of the U.A.R.;

8. Non-participation by Israel in hostile alliances against the U.A.R. and the prohibition of stationing of troops of other parties which maintain a state of belligerency against the U.A.R.

B. The U.A.R. undertakings in the peace agreement with Israel would include:—

1. Declared and explicit decision to regard the conflict between the U.A.R. and Israel as finally ended and termination of all claims and states of war and acts of hostility or belligerency between the U.A.R. and Israel;

2. Respect for and acknowledgement of the sovereignty, territorial integrity and political independence of Israel;

3. Respect for and acknowledgement of the right of Israel to live in peace within secure and recognized boundaries to be determined in the peace agreement;

4. The responsibility for ensuring that no war-like act, or act of violence, by any organization, group or individual originates from or is committed in the territory of the U.A.R. against the population, armed forces or property of Israel;

5. Non-interference in the domestic affairs of Israel;

6. An explicit undertaking to guarantee free passage for Israel ships and cargoes through the Suez Canal;

7. Termination of economic warfare in all its manifestations, including boycott, and of interference in the normal international relations of Israel; and,

8. Non-participation by the U.A.R. in hostile alliances against Israel and the prohibition of stationing of troops of other parties which maintain a state of belligerency against Israel.

The U.A.R. and Israel should enter into a peace agreement with each other to be expressed in a binding treaty in accordance with normal international law and precedent, and containing the above undertakings.

The Government of Israel believes that now that the U.A.R. has through Ambasador Jarring expressed its willingness to enter into a peace agreement with Israel, and both parties have presented their basic positions, they should now pursue their negotiations in a detailed and concrete manner without prior conditions so as to cover all the points listed in their respective documents with a view to concluding a peace agreement.—Agence France Presse.

TEXT OF THE EGYPTIAN REPLY

The U.A.R. has informed your Excellency that it accepts to carry out on a reciprocal basis all its obligations as provided for in Security Council Resolution 242/1967 with a view to achieving a peaceful settlement in the Middle East.

On the same basis, Israel should carry out all its obligations contained in this resolution. Referring to your *aide-memoire* of February, 1971, the U.A.R. would give a commitment covering the following:—

1. Termination of all claims or states of belligerency:

2. Respect for and acknowledgment of each other's sovereignty, territorial integrity and political independence;

3. Respect for and acknowledgment of each other's right to live in peace within secure and recognized boundaries;

4. Responsibility to do all in their power to ensure that acts of belligerency or hostility do not originate from or are committed from within the respective territories against the population, citizens or property of the other party; and

5. Non-interference in each other's domestic affairs.

The U.A.R. would also give a commitment that:

6. It ensures the freedom of navigation in the Suez Canal in accordance with the 1888 Constantinople Convention;

7. It ensures the freedom of navigation in the Straits of Tiran in accordance with the principles of international law;

8. It accepts the stationing of a United Nations peace-keeping force in Sharm el Sheikh.

To guarantee the peaceful settlement and the territorial inviolability of every state in the area, the U.A.R. would accept:—

a. The establishment of demilitarized zones astride the borders in equal distances; and

b. The establishment of a United Nations peace-keeping force in which the four permanent members of the Security Council would participate.

Israel should, likewise, give a commitment to implement all the provisions of the Security Council's Resolution 242 of 1967. Israel should give a commitment covering the following:

1. Withdrawal of its armed forces from Sinai and the Gaza strip;

2. Achievement of a just settlement for the refugees' problem in accordance with United Nations resolutions;

3. Termination of all claims or states of belligerency;

4. Respect for and acknowledgment of each other's sovereignty, territorial integrity and political independence;

5. Respect for and acknowledgement of each other's right to live in peace within secure and recognized boundaries;

6. Responsibility to do all in their power to ensure that acts of belligerency or hostility do not originate from or are committed from within the respective territories against the population, citizens or property of the other party;

7. Non-interference in each other's domestic affairs.

To guarantee the peaceful settlement and the territorial inviolability of every state in the area. Israel would accept:

a.—The establishment of demilitarized zones astride the borders in equal distances; and

b.—The establishment of a United Nations peace-keeping force in which the four permanent members of the Security Council would participate.

When Israel gives these commitments, the U.A.R. will be ready to enter into a peace agreement with Israel containing all the aforementioned obligations as provided for in Security Council Resolution 242.

The U.A.R. considers that just and lasting peace cannot be realized without the full and scrupulous implementation of Security Council Resolution 242 of 1967 and the withdrawal of the Israeli armed forces from all the territories occupied since June 5, 1967.—U.P.I.

[Submitted Feb. 15, 1971.]

NEW PERSPECTIVES ON MIDDLE EAST

Mr. MUSKIE. Mr. President, I am sure that each of us constantly seeks new perspectives on the situation in the Middle East.

The continuing tensions there, the risk of renewed hostilities, and the risk of a great power confrontation underline the importance of a settlement between Israel and her Arab neighbors.

What should be the elements of such a settlement?

As we consider the frustrations of the current impasse, it is useful to review developments since the 6-day war.

Our former Ambassador to the United Nations, Arthur J. Goldberg, has given us such a review in an address delivered at Chatham House in London on April 6, 1971.

So that Senators may have the benefit of that review, I ask unanimous consent that the full text of Ambassador Goldberg's address be printed in the RECORD at the conclusion of my remarks.

In his address, Ambassador Goldberg recited three principles which guided our policy in the period following the 6-day war and culminating in Security Council Resolution 242 on November 22, 1967:

> 1. To return to the situation as it was on June 4, 1967, is not a prescription for peace, but for renewed hostilities.
>
> 2. Clearly the parties to the conflict must be the parties to the peace. Sooner or later it is they who must make a settlement in the area. It is hard to see how it is possible for nations to live together in peace if they cannot learn to reason together.
>
> 3. That others can and should help, but their contribution should be "to promote and assist efforts to achieve a peaceful and accepted settlement."

I agree with Ambassador Goldberg's assessment that these principles still make sense.

The Ambassador also reviewed the history of Resolution 242 and its application to the question of withdrawal of Israel forces. That the question of "secure and recognized boundaries" was to be the subject of negotiations is clear.

Finally, the Ambassador reviewed the concessions which have been made by Israel to date in the search for peace.

I commend Ambassador Goldberg's address to the attention of the Senate.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE CONTEXT OF PEACE EFFORTS IN THE MIDDLE EAST

(By Hon. Arthur J. Goldberg)

It is a natural temptation for one who, as United States Ambassador to the United

Nations, for three years played a key role in the debates and negotiations involving conflict and peace in the Middle East to offer his personal blueprint of how peace can best be achieved.

I do not propose to yield to this temptation. It is one thing to express concern about the situation in the Middle East and to voice the fervent hope that a peace treaty between Israel and the Arab states will be achieved—better sooner than later. It is quite another thing to profess a monopoly on the prescription which thus far has eluded Israel, the Arab states, Ambassador Jarring and governments, including my own and Great Britain, in attaining a peace agreement.

Accordingly, in lieu of a blueprint, I wish to offer some general observations about the road to peace in the Middle East. Most of these relate to expressions emanating from my own country. I have noted some similar attitudes from Great Britain.

Perhaps the best way to start is to recall the principle that guided my government, and others at the UN during the long period of debate and negotiations following the six-day war and culminating in the unanimous adoption of the critically important Resolution 242 by the Security Council on 22 November 1967. This is what I said at the time, not once but repeatedly: "To return to the situation as it was on June 4, 1967 is not a prescription for peace, but for renewed hostilities".

I believe that this principle was accurate then. I believe it is accurate now. And, as an American, I express the fervent hope and expectation that our respective governments will remain faithful to this principle, derived as it is from the history of the last two decades.

I think it is appropriate to recall also what my government, immediately after the June war, said about the nature of a peace settlement in the Middle East: In the words of President Johnson, "But who will make this peace where all others have failed for 20 years or more? Clearly the parties to the conflict must be the parties to the peace. Sooner or later, it is they who must make a settlement in the area. It is hard to see how it is possible for nations to live together in peace if they cannot learn to reason together." I am not aware that the British Government in any way disagreed with or disassociated itself from this formulation when made.

Again, I believe that this insight was right then. I believe it is right now. As an American I again express the fervent hope and expectation that our governments will remain faithful to this insight.

Finally, we might also recall another principle agreed upon by our governments, namely that others can and should help, but their contribution should be "to promote agreement and assist efforts to achieve a peaceful and accepted settlement." That is the exact language of Resolution 242 of 22 November 1967; it is also Ambassador Jarring's mandate, and is also binding on both our governments which were principal architects of that resolution.

In light of these principles, the concept recently bruited about in the Four-Power discussions in New York and elsewhere of a Big-Four Power UN peacekeeping force, including American and Soviet "fighting forces" is, in my opinion, a non-starter, completely lacking in substance and fraught with the most dangerous possible consequences. It is true that this proposal has been somewhat blunted in the last fortnight by a welcome declaration of Secretary of State Rogers that my government would not support such a proposal unless both Israel and the UAR agreed. Perhaps this moots the proposition since it is inconceivable to me that Israel would or should accept it, in light of the tragic experience of 1967. But whether Israel accepted it or not, I would, nonetheless, be opposed to such a proposal on the basic ground that participation by the Soviet Union and the United States in particular, or the big powers in general, through contingents of fighting military forces under a UN peacekeeping umbrella would be contrary to America's interests, Britain's interests and the interests of world peace.

I think it therefore essential that those governments and statesmen seeking to help the parties resolve this dispute, as well as responsible commentators, should recall the history and language of Resolution 242, since all seem to agree that this resolution is the key to a peace agreement between the parties. If the dramatic events preceding and occurring during the six-day war of early June, 1967, have dimmed in public recollection, this is doubly the case with respect to Resolution 242. Just last week, for example, the New York Times reported a meeting between Soviet Ambassador Dobrynin and Secretary Rogers, following which the Soviet Ambassador told newsmen that it is up to Israel, if peace is to be achieved, to accept the November 22, 1967 resolution and implement it. The Soviet Ambassador seems to have a lapse of memory. Israel has accepted the resolution. The important thing to recall, however, is that the Security Council, when it adopted the Resolution, did not adopt the Soviet version of it, and with good reason. Moreover, the resolution is not self implementing but depends ultimately upon agreement of the parties.

Resolution 242 was not adopted in a vacuum. It was the product of months of debate and negotiation at the United Nations extending from May 1967 before the war actually broke out, until November 22 of the same year, the date of its adoption.

In May of 1967 the late President Nasser of the UAR moved substantial Egyptian forces into the Sinai, ejected the UN peacekeeping forces, reoccupied the strategic and previously demilitarised Sharm-el-Sheik and proclaimed a blockade of the Straits of Tiran.

These were ominous measures. Israel, which under American pressure had withdrawn its forces from Sinai and Sharm-el-Sheik in 1957, had consistently affirmed that a blockade of its ships and cargoes seeking to pass through the Straits of Tiran would be a causus bellum. Moreover, faced with divisional forces of well armed UAR troops on its borders and increasingly provocative statements by Nasser and other Arab leaders, Israel had little choice but to order mobilization of its largely civilian army.

It was justified concern which, therefore, prompted the Western powers, including our two countries, to take the initiative in convoking the Security Council in an attempt to avert a conflict by restoring the situation.

These attempts in the Security Council and through private diplomatic channels failed because of Arab objections supported by the Soviet Union. Apparently, whatever the reason, both were ready to risk war rather than reestablish the conditions which had previously prevailed in the area.

It was only on the second day of the war, after it became publicly apparent to all that Israel for all practical purposes had already won the war, that agreement was reached in the Security Council on a simple resolution calling for a ceasefire.

The ceasefire resolutions which were ultimately adopted during the tense days of the war differed dramatically, however, from previous resolutions of the Council in the Israeli-Arab wars of the preceding nineteen years. In the earlier resolutions, the call for a ceasefire was usually accompanied by a demand for a withdrawal of troops to the positions held before the conflicts erupted. In June of 1967, however, no withdrawal provisions were incorporated as part of the ceasefire resolutions. This was not by accident but rather as a result of the reaction by a majority of the Security Council to what had occurred.

As the debates revealed, the Council was unwilling to vote forthwith withdrawal of Israeli forces because of the conviction of a substantial number of the members of the Council that to return to the situation as it was before the June 1967 war would not be a prescription for peace but a formula for renewed hostilities. Proof that this was so is provided by the action of the Council with respect to a resolution pressed at the time by the Soviet Union. The Soviet representative offered a specific resolution not only reaffirming the Council's call for a ceasefire, but additionally, condemning Israel as the aggressor and demanding a withdrawal of its forces to the positions held on June 5, 1967 before the conflict erupted. But this resolution of the Soviet Union, although put to a vote, did not command the support of the requisite nine members of the Security Council.

The unwillingness to support the Soviet resolution for a withdrawal of Israeli forces to the positions they held before June 5, 1967, was based upon the conviction of a substantial number of the Security Council members that the withdrawal of Israeli troops should this time be in the context of a just and lasting peace settlement putting an end to the state of belligerency which had prevailed for two decades resulting from the Arab States unwillingness to acknowledge and respect Israel's sovereignty and right to live.

The Soviet Union did not allow the matter to rest with its defeat in the Security Council. It called for a special session of the General Assembly which convened on June 17, 1967. It is important to recall that the General Assembly also refused to adopt by the requisite ⅔ majority a resolution offered by Yugoslavia and several other members and supported by the Soviet Union and the Arab states, differing somewhat in tone but not in substance from the prior Soviet resolution.

With the adjournment of the Special Session of the General Assembly in September 1967, the matter once again reverted to the Security Council and again became the subject of further public debate as well as intensive private negotiations. These finally culminated in the November 22 resolution.

The resolution offered by the British Representative, my distinguished friend, Lord Caradon, stemmed in substantial degree from the General Assembly resolution of the Latin Americans and a United States resolution offered to the resumed Security Council meeting. The unanimous support for this resolution was the product in considerable measure of intensive diplomatic activity by the United States and Great Britain both at the United Nations and in foreign capitals throughout the world. This is not to say that the various Latin American countries, India and others were not actively engaged in the negotiations and diplomatic activity, but it cannot be gainsaid that the United States together with Great Britain took the lead in the adoption of the November 22 resolution. Impartial observers reported at the time that the United States' role was the primary one. As its representative, I now confirm the validity of this observation.

It should be noted that before the vote on the November 22 resolution, the Soviet Union offered a draft resolution again calling for withdrawal of Israeli troops to the June 5 lines. It did not, however, press the resolution to a vote. Then, and only then, was the stage set for the adoption of the November 22 resolution.

It is to the text of the resolution that I now turn, since it is the text of the resolution, illuminated by its legislative history, which expressed the will of the Security Council.

It is of great significance in interpreting the resolution that it does not specifically require Israel to withdraw to the June 5, 1967 lines. Rather, it enunciates as a principle "withdrawal of Israeli armed forces from territories occupied in the recent conflict".

The word "all" does not precede "territories" in this formulation or principle. Nor does the article "the" precede "territories" in the English text which was the negotiated document. This was not accidental but was the product of negotiated design.

Coupled and linked with the withdrawal provision is the enunciation of the deeply-held conviction by many UN members: the time had come for the termination by the Arab states of all claims of a state of belligerency and respect for and acknowledgment by them of Israeli sovereignty and its right to live in peace within secure and recognized boundaries. In this linkage, the Security Council realistically acknowledged that the Arab states could not be left free to assert the rights of war, as they had been doing, while Israel was being called upon to abide by the rules of peace. While the resolution speaks in terms of respect for the sovereignty of all states in the area, it is obvious that its main thrust is to obtain acknowledgment of Israel's sovereignty, something the Arab states have been unwilling until now to do.

The resolution further affirms the necessity for guaranteeing freedom of navigation of international waterways in the area, of achieving a just settlement of the refugee problem, and for guaranteeing the territorial inviolability and political independence of every state in the area, through measures including the establishment of demilitarized zones. In light of reports concerning the role of the Security Council, and particularly its four leading permanent members, in connection with the peace settlement, it is important to note that the language of the resolution speaks in terms of guarantees rather than imposition.

While the provisions relating to withdrawal, renunciation of belligerency, freedom of navigation and settlement of the refugee problem are numbered paragraphs 1 and 2 in the resolution, they are all stated in terms of principles for a settlement. The really operative part of the resolution is in paragraph 3 which requests the Secretary General to designate a special representative to the Middle East to establish and maintain contacts with the states concerned in order to promote agreement and assist efforts to achieve a peaceful and accepted settlement.

It is this paragraph pursuant to which Ambassador Jarring was designated to undertake his delicate mission. It is his mandate and sets forth the ultimate object of the whole enterprise, namely, to help bring about agreement between the parties to ensure a just and lasting peace in the area. The concept of a just, agreed upon and lasting peace in which every state in the area can live in security is emphasized and repeated throughout the resolution. It cannot be disputed that this concern is the very essence and goal of Resolution 242.

Given this diplomatic history, it is appropriate for me to take note of some recent developments. President Sadat of the UAR has advised Ambassador Jarring that his government is willing to sign a peace agreement with Israel, although this offer is conditioned with reservations not embodied in the November 22 resolution. And Israel, of course, has long stated its fervent desire to conclude a peace treaty with the UAR. In this connection, I would like to emphasize the value of patience in the resolution of grave diplomatic dilemmas such as this. Patience and fortitude can bring their own rewards. In the years following the 1967 war many diplomats adhered to the view that the UAR would never agree to sign a peace agreement with Israel under any circumstances. Israel's insistence upon a peace agreement led to charges of unrealism and inflexibility on its part. But events and the recent offer of President Sadat have, at least to some extent, justified Israel's patient resolve on this point.

And not only has Israel proved to be right in this respect, but I have always believed that, given the opportunity through appropriate negotiations, Israel will effectively discredit the all-too-prevelant conception, held even among some friends, that Israel is inflexible and unwilling to display magnanimity for peace. The concessions to date made by Israel in the search for peace are too often overlooked.

Israel wanted to start with direct negotiations but agreed to begin with indirect negotiations under Ambassador Jarring's auspices.

Israel wanted the Jarring talks to be held on the foreign minister's level, but agreed to begin on the ambassadorial level.

Israel wanted the discussions to be held close to the Middle East, but agreed to commence in New York.

Israel wanted a restoration of the agreed-upon ceasefire with an indefinite duration but agreed to resume negotiations through Ambassador Jarring with the ceasefire limited by a unilateral declaration of the UAR.

Israel wanted the removal of missiles and sites constructed in violation of the ceasefire understanding arranged by the United States, but agreed to proceed with the talks despite the Soviet and UAR breach of this understanding.

These are not insubstantial concessions. In my view, they reflect the fervent desire of the government and people of Israel for the long sought goal—a just and enduring peace in the area.

In light of these considerations, I welcome the assurances of my government that Israel will not be pressured in the search for a just and lasting peace which will serve the interests of Israel and its Arab neighbours. It is precisely such a peace that is mandated by Resolution 242.

The time has long passed when great powers can or should impose their views on small states. Greatness alone does not assure a monopoly on wisdom. Rather, all powers and people genuinely interested in a settlement in the Middle East should lend their influence for a negotiated peace treaty between the parties to the 1967 conflict. In this uncertain world, no one can guarantee that anything done today will endure forever. But I am strongly of the conviction that there is no other way to lasting peace in the Middle East than the way in which nations throughout history made peace which lasts—through negotiated agreements between the affected parties reflecting both magnanimity and a true and realistic recognition of the needs and interests of those directly concerned.

MARY CREESE: A TALENTED AND DEDICATED JOURNALIST

Mr. HANSEN. Mr. President, a distinguished member of the profession of journalism in the Rocky Mountain States died Sunday. Many throughout our region, and especially in her chosen profession, and in Government where objective reporting is appreciated, mourn the passing of Miss Mary Kathryn Creese.

Mary had exceptional talents and versatility. She was blessed with a rare commonsense that, in my opinion, is so important to news reporting and editing.

The Rock Springs Daily Rocket-Miner, the newspaper she edited in Wyoming for almost 10 years, briefly summarized Mary's accomplishments in an obituary this week. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Mary Creese Dies Sunday

Mary Kathryn Creese, 56, veteran newswoman and news editor of the Rock Springs Daily Rocket-Miner for nearly 10 years, died Sunday at 2 a.m. at Memorial Hospital of Sweetwater County, where she had been a patient since Friday.

Miss Creese, once nominated for a Pulitzer Prize in Journalism, had more than 35 years' experience in newspaper work in Wyoming and Colorado. She had been in failing health for the past several months.

Before coming to Rock Springs in August 1961, Miss Creese had been wire editor for two years on the Loveland, Colo., Reporter-Herald. She also worked 23 years on the Longmont, Colo., Times-Call in the city news department.

Miss Creese devoted one full year exclusively to free-lance photography and writing daily for the Denver Post, which she also served as a correspondent from Longmont and Loveland.

She had articles published in trade and law enforcement magazines, with the latest story on news and law enforcement in the October 1970 Federal Bureau of Investigation Law Enforcement Bulletin. Miss Creese was the first woman outside law enforcement to have an article in the publication. The same article was printed in the Congressional Record of Oct. 14, 1970.

In November 1956 Miss Creese and a co-worker, Jim Matlack, were nominated for a Pulitzer Prize in Journalism for coverage of the crash of the United Airlines DC6B near Longmont. The crash resulted from the explosion of a bomb. They also received the Associated Press Managing Editors Association Citation for "outstanding participation in the news report and for first and solid information on the crash, and sharing the unusual story with AP members."

Born in Robinson, Ill., Aug. 12, 1914, she moved to Colorado with her family at the age of two, living in Colorado Springs for two years before going to Longmont, where she resided for 40 years. She lived in Loveland, Colo., three years before coming to Rock Springs.

Miss Creese attended Longmont schools and was graduated from Longmont High School in 1932. She attended the University of Colorado at Boulder and at the time of her death was completing the Famous Writers School course of study in fiction writing.

She was interested in flying for many years, and at one time owned and flew her own airplane on a national flight to all of the 48 continental states.

As a police reporter Miss Creese participated in the organization 22 years ago of the Boulder, Colo., Crime School, which offered in-service training for police officers.

Her wide range of interests included books, music and dramatics. She was organist for several churches in Longmont, Boulder and Estes Park, Colo., and for a number of years played the piano in a small dance band.

She maintained her interest in dramatics, having assisted in staging a Little Theatre productions in Longmont and the opera season at the time it opened in Central City, Colo.

She was a member of the Central Presbyterian Church of Longmont and had attended the First Congregational Church while a resident of Rock Springs.

Miss Creese was well respected by news personnel throughout the state for her ability and had gained a reputation as a determined newswoman, who always had time to laugh despite deadline pressures.

She is survived by three brothers, Loren of Lakewood, Colo., Vernon of Wheat Ridge, and Donald of Boulder; one sister, Mrs. Henry (Margaret) Starkel of Denver; her stepmother, Mrs. Floy M. Creese of Canon City, Colo.; and several nieces and nephews.

Funeral services will be conducted Tuesday at 1 p.m. at the Vase Funeral Home, the

Rev. Nick Natelli of the First Congressional Church officiating.

The body will be taken to Longmont, Colo., for services Wednesday at 2 p.m. at the Howe Funeral Chapel, the Rev. Doug Wasson, former pastor of the First Congregational Church of Rock Springs, now of Colorado Springs, officiating.

Burial will be in Mountain View Cemetery in Longmont, Colo.

Friends may call at the mortuary chapel, 154 Elk St., Tuesday until time of services.

BRINKSMANSHIP AT THE MALL

Mr. HART. Mr. President, in its final report, the National Commission on the Causes and Prevention of Violence addressed itself to the importance of keeping open channels of peaceful protest.

The Commission found:

> Obstructions to peaceful speech and assembly—whether by public officials, policemen, or unruly mobs—abridge the fundamental right to free expression . . . Society's failure to afford full protection to the exercise of these rights is probably a major reason why protest sometimes results in violence. . . .

To substantiate that finding, we need to look no further back in our history than to the Chicago demonstrations of 1968 and the counterinaugural in Washington in 1969.

In the first instance, there was a policy of tight restrictions designed to discourage protestors from coming to Chicago; in the second, permits to demonstrate peacefully were issued liberally.

The difference in the outcome of those two demonstrations make the case for the Commission's finding.

The chronology of that policy went like this:

April 16, the U.S. district court granted the request of the Justice Department for an injunction prohibiting the veterans from sleeping on the Mall.

April 19, the U.S. court of appeals reverses that decision.

April 20, the Chief Justice, acting on the request of the Justice Department, reinstates the original ban.

April 21, the full Supreme Court upholds the ban.

At this point, the veterans voted to defy the ban, and the situation had reached the brink.

Fortunately, the administration retreated from the brink and refused to enforce the ban.

And finally, permission to use park land was granted to both the veterans and another group of protestors.

Unhappily, in its handling of the Vietnam war veterans, the lessons of Chicago and of the counterinaugural seem to have been forgotten.

Instead of welcoming the exercise of the veterans' right to petition peacefully, the Federal Government adopted a policy which led to civil disobedience and to the brink of potential violent demonstrations.

The brinksmanship policy has been dropped, but our system of government, respect for the right to petition peacefully would have been better served if the policy had never been followed.

Let us add this experience to the lessons learned from Chicago and the counterinaugural.

Let us not forget the lessons the next time a group wishes to exercise the right to petition its Government.

EXECUTIVE BRANCH REORGANIZATION

Mr. DOLE. Mr. President, I am pleased to join the distinguished senior Senator from Illinois (Mr. PERCY) in sponsoring S. 1430, S. 1431, S. 1432, and S. 1433. These bills will promote more effective management of the executive branch by establishing four new departments to consolidate functions relating to community development, natural resources, human resources, and economic affairs.

PRESIDENTIAL LEADERSHIP

The President has eloquently set forth the need for long overdue reform and restructuring of the domestic departments of Government in his message to the Congress of March 3, 1971. In this message the President noted that good men and women in public office are often handicapped in performing their functions by fragmented and outdated Government structures. The President correctly pointed out that inadequate organization frustrates those charged with serving the public and dissipates money which this country cannot afford to waste.

The President has proposed the most far-reaching reorganization of the executive sector of the Government since the adoption of the Constitution, and I am glad that he has had the courage to tell the Congress and the country that these steps needed to be taken—and with dispatch. The President has thus pointed the way for the kind of fundamental improvements in our executive machinery needed to restore the faith of our citizens in the efficiency of our Government and its ability to get things done.

BIPARTISAN SUPPORT

I am especially heartened to note the bipartisan support which the four departmental bills have already elicited. The junior Senator from Utah, the senior Senator from Connecticut, and the junior Senator from Washington have all sponsored one or more of the reorganization bills, and I am confident that many additional Members of the Senate will join as sponsors as they find an opportunity to review these vital measures.

CAREFULLY STUDIED PROPOSALS

Prior to presenting these proposals for the reorganization of the domestic departments, the President had the benefit of careful studies conducted by Roy Ash, a prominent American who has served as the principal executive of one of the Nation's largest industrial enterprises. Associated with Mr. Ash in this work were other outstanding Americans of great reputation in the management of governmental and private enterprises. In addition, the President had the benefit of other studies of Executive organization conducted in recent years, as well as the experience which he and members of his administration have gained in attempting to make our Government function effectively.

FUNCTIONAL EFFICIENCY: THE GOAL

It is particularly significant that the President seeks to organize around the major purposes of Government rather than by constituencies or processes. By using the great objectives of our Government as a principal guide to how the departments should be arranged, it is possible to reduce the total number of departments from 11 to 8, while at the same time eliminating a number of independent agencies. It will thus be possible for the President to work with a smaller number of key administrators and to hold them accountable for results.

The more broadly oriented departments will also permit the Secretaries to decide innumerable issues of Government which are now entrusted to the dubious workings of interagency committees or unnecessarily added to the burdens of the Presidency. The reorganization will, in short, revitalize the executive departments and make the Cabinet officers genuine lieutenants to the President in matters of policy and administration.

Numerous programs of a similar nature which are now scattered throughout the Government will be placed under one management umbrella in the proposed departmental reorganization. For example, income security programs now operated by three departments and the Railroad Retirement Board will be united in the Human Resources Department. Major education programs currently directed by HUD, OEO, Labor, Agriculture, and the Office of Education also will be merged in the new Human Resources Department. A multiplicity of water resources programs will function more effectively if combined within a Department of Natural Resources. Joining similar programs together will vastly improve the Government's ability to respond to national needs.

FULL AND EARLY HEARINGS

I recognize that many questions will be raised concerning these reorganization proposals, and this is only proper. I hope that the distinguished Senator from Arkansas and chairman of the Committee on Government Operations will see his way clear to schedule early hearings so that all points of view can be considered. The proposed reorganizations are so important to this country that their approval should be preceded by full public debate and careful consideration by the Congress. Where changes are in order to improve the bills as introduced, we should make them. In the last analysis, it is most vital that we act, and that we in this Congress take full advantage of this unique opportunity to make a monumental contribution to the functioning of our Republic.

THE RIGHT TO READ

Mr. PELL. Mr. President, 25 million American workers cannot get better jobs because they cannot read well enough.

Some 18½ million adults in this country cannot read simplified forms for medicaid, driver's license, bank loan, and welfare applications.

Fifteen million American schoolchildren have reading deficiencies which, if not corrected, may cause them to join the growing ranks of 847,000 annual school dropouts.

The current cost to taxpayers of having one out of every 20 children repeat a grade is $1.5 billion per year.

These rarely publicized figures reveal just how serious a reading crisis exists today in a country which spends more money on education than the rest of the world combined.

Walter W. Straley, vice-president for Environmental Affairs for the American Telephone and Telegraph Co., and chairman of the National Reading Council, claims that these figures not only are realistic but that the outlook for the future is bleak unless immediately steps are taken to combat illiteracy and reading deficiencies in this country.

He hopes that this can be accomplished through the National Reading Center, the operating arm of the council which has set 1976 as its goal for a major breakthrough on this problem.

On March 15, in Los Angeles, Mr. Straley delivered the keynote speech at a reading seminar, and I found his address, entitled "On the Morning of the Fifth Day," of such great interest that I ask unanimous consent that it be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Keynote Speech

(By Walter W. Straley)

On the Morning of the Fifth Day

There is in our nation a decreasing faith in our own institutions. Be it Church, or School, or Business Corporation, or Government, there seems a gathering uncertainty that our institutions produce our personal views of progress, or reflect the values which we suppose to be our own. I say we suppose the institution does not reflect our own values: for we are not altogether sure we possess the high moral values which once we hoped to live by; and we seem only certain that the values of others are even more suspect than our own. Thus we build our frustration, based upon self-doubt and suspicion. And we turn increasingly to confrontation. It takes many forms.

If you are grumbling aloud to your TV set, and many of us are doing more of that these days, this is confrontation; fairly satisfying, for we can have the last word. More people are calling and writing presidents of corporations and universities, and school superintendents, and Congressmen, and Bishops—and this is confrontation. And more of us are looking for and joining groups and subgroups and splinter groups where we can find a matching indignation toward those idiots in other groups whose values and goals are obviously wrong.

Sooner or later this grouping process leads to physical confrontation, to the committee charged with seeking redress, to the mass march on City Hall. Often we attack our own institutions for their lack of foresight, for their failure of initiative on our behalf, knowing at least subconsciously that the attack itself will produce a natural defensive stance of self-protection—less risk taking, fewer innovations and retreat to the relative safety of the status quo. We require change, chiefly a change from our own emptiness of spirit, we demand *results* which we assure ourselves can only accrue from the efforts of others, we assume that at some distant place solutions will be found to the problems *we* create.

I suppose we believe that a great and simple program will be devised, if we scream hard enough, which will produce self-serenity and return to us our faith in each other. If we continue to use accusative confrontation to produce such a program, there is only one likely to emerge and that, I suppose, is a program of hydrogen extinction, the logical ultimate in confrontation.

You may think this an ominous introduction to a few remarks about reading. Perhaps it is.

I work down the street from City Hall in New York. And on Friday last we escaped the crush of a threatened quarter million people massed around City Hall to protest a prospective 40 million dollar deficit in the school system's billion and a half budget. The 40 million was found in the bookkeeping fiction of next year's budget.

I was an intimate participant in the New York School crisis of 1968–69 during which we battered each other over the helpless figures of a million children, each of us claiming, often shouting, that only we could be trusted to serve the child. We all turned into villains. No heroes emerged from that fiasco.

Across the country, more than half of last year's school bond issues were defeated in confrontations of often, angry voters. Taxpayers strike against their schools, teachers strike against school boards, administrators cut staff and strike curricula, many schools must close before normal terms are ended. And probably a million children will strike this year by simply dropping out, many to drugs and decay.

Into this anger and turmoil and sadness, I drop this matter of literacy. And the reason for my introduction is that I think of reading and learning to read as one, but perhaps an important path to a new kind of confrontation—a loving confrontation between a person who reads and one who doesn't read well enough. Perhaps one of every four Americans can't read well enough to get their full "shot" in our society. If this be so, there are three people in four who can read pretty well. Suppose half of those "reading" people could teach somebody else how to do it. (Now I hear the cries, "but they would have to be trained," "they would need materials," "they would interfere with school process," etc.) Let's lay all that aside for a moment and just bear in mind that there might be 75 million people who *could* teach another person how to read.

Let me make what I hope will not be a digression by quoting from Dr. Luvern L. Cunningham, Dean of the College of Education at Ohio State University, and his recent article called "Shut It Down."

"I am not advancing a namby-pamby approach to solving the nation's reading problem—or any other for that matter. This is an earnest, deadly serious proposal. I recommend that we use (unshackle if you prefer) our total capacity in a massive assault. And that we give our complete, undivided attention to the problem by shutting the nation down.

"Let us visualize a nation closed down and a maximum mass education effort. It is not a holiday; but no one goes to school, no one goes to work, no one plays golf. We simply inform ourselves about this national deficiency and search for ways to eliminate it. Think of continuous radio and television programming on reading; newspapers carrying no news (only legal notices and obituaries)—just stories on reading. Picture the supplementary roles that schools could play. Visualize churches and thousands of other voluntary and civic associations turning their attention to the problem. All other news, problems, world events would be set aside, shelved for a brief period. Total attention, zeroed in on reading.

"Can you imagine it? The nation closed down. Total saturation programming on radio and television, all stations, all channels, for four days. Newspapers and other printed materials devoting complete attention to the national reading problem. Just imagine. Comprehensive, in depth, learned attention to the problems and issues in reading. Programming so rich that it will attract the interests of everyone—toddlers and teenagers, gurus and grandpas, potters and Ph. D's."

Now I wish Dr. Cunningham well in his recommendation to shut the country down for four days of concentration on the reading problem. But I don't envision his success, mostly because I don't think he can get people to stop playing golf for four days. It's fun, however, to speculate on possible results of such single mindedness.

On the morning of the fifth day, I think we would see the professional educator as a devoted, often over-burdened, sometimes highly successful teacher of reading, puzzled as to why her successes don't seem to spread to other places and people of even greater need.

I suppose we would *all* discover the millions of children who need food or medicine, or glasses or hearing aids, or help with whatever their handicap, *before* they can read successfully.

Perhaps mothers and fathers and older brothers and sisters might become interested in teaching the baby to read before he goes to school.

We might come to pity, and through it, determined to rescue the adult from illiteracy.

We might even decide that in certain bilingual areas we would keep right on teaching in Spanish as well as English all the way through high school.

We might conclude that, if Television and Radio and Newspapers could teach us so much about reading in four days, they should teach a little reading every day thereafter.

Maybe, we would ask whether every child who is learning to read shouldn't be allowed to have his very own books, and perhaps we would start to revolutionize the book distribution system.

We could decide after four days of concentration to make reading a national game, "simple Scrabble for everybody," reading lessons on cereal packages, peanut butter jars, pop bottles, candy wrappers. I suppose we'd think business ought to really fall to in making reading teaching of its reading-lame employees "the business of business."

There's one certain thing. From among those 75 million prospective reading teachers, there *would* appear on the morning of the fifth day many millions of Americans who had determined to engage in a new confrontation; not in groups, but struggling alone or in couples into schools mostly, or maybe community centers, or child care centers, or churches. Children and aged, and mamas and clerks and tycoons, and the campus young. And when they got to where they were going they would say, "I'd like to teach someone to read" or "I have come to help."

This would not be a grand, Federally directed program. It would be local, and chaotic, confusing, distressing and altogether a lovely outpouring of poor and rich people, villagers and farmers, and commuters and high-rise dwellers who at long last would say, as they used to say, "this needs to be done. I'd better go and do it."

And I think the teachers and the parents and the children and the principals and the superintendents and the social agencies would find ways to channel this person-to-person flood of good people into union with one child or one needful adult. Yes, on the morning of the fifth day a great loving confrontation of learning might begin.

Now, what does this all have to do with our National Reading Council and its National Reading Center?

Most importantly, the Council and its Center are a symbol of what may exist of a National determination to solve our reading problem. It is a place of partnership, where the professional educator, the parent, the child, the communications expert, the business man may offer their contribution toward reading success.

The Council exists because President Nixon and Secretary Richardson brought it into being. Upon its formation the President said, "I hope the Council will serve as a catalyst for the nation in producing dramatic improvement in reading ability for those requiring it."

We count as a valued colleague, Commissioner Marland, and acknowledge with affection and respect the father of Right to Read, former Commissioner James Allen.

But this sponsorship and support gives us no license to overpromise nor to interfere with people and processes already under way. We are already under way. We are small. We will have under Dr. Donald Emery, a small, but lively staff not much larger than a baseball team roster. At the outset we will try to do these things, mostly in conjunction with the Office of Education and other people and agencies.

Build an information service where people can find how they can fit into reading progress.

Help spread national information to build national determination to lick this problem.

Serve the people who are building community networks of volunteer tutors. Help them with training and materials.

Stimulate the communications media to a greater effort to stress the importance of reading teaching and to do more of it in their own media.

Assistant librarians, publishers, distributors, others to break through some of the roadblocks to book ownership by the reading student who can't own them now.

Encourage a coalition of cartoonists, games people, packagers who can help to make reading learning a national game that everybody can play.

Excepting the building of our Information Center, it is important to note that every suggested accomplishment rests in the prospective hands of others. Millions of others.

We will try, as the President has charged us, to be a catalyst, and to be a small but visible working symbol of his and your and our determination to produce dramatic reading improvement in this decade.

Not long before her death, Marilyn Monroe was supposed to have said, "People say I'm a sex symbol. When I see some of the other things people are symbols of, I guess I don't mind."

If, as Dean Cunningham suggests, we were to shut the country down for four days to sweat out the disgrace of our own illiteracy, I assume that we would begin on the morning of the fifth day to offer millions of personal symbols of willingness to make real the "Right to Read."

If we of the National Reading Council can serve as one of today's symbols of the "Right to Read," it's all right with me. It would also be all right with me if you and I could learn (without the shut-down), how to come with personal urgency, personal understanding, personal determination, each to our own "morning of the fifth day."

DEMOCRACY'S STAKE IN VOLUNTARY ARMED FORCES

Mr. HATFIELD. Mr. President, Senate action draws nearer on the question of military conscription and an all-volunteer armed force. I cannot stress too strongly the profound weakening of our social fiber, the undermining of the individual's faith in his Government and his hope for his future, the military draft inculcates. Edward L. Ericson, leader of the Washington Ethical Society and president of the American Ethical Union, on March 21, 1971, delivered an address at the meetinghouse of the Washington Ethical Society in which he spoke decisively in favor of a volunteer armed force, calling for nonextension of the President's authority to induct.

Mr. President I commend this address to the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Democracy's Stake in a Voluntary Army: The Need to End the Tyranny of Conscription

(By Edward L. Ericson)

For the first time in a generation there is serious discussion in high places on the desirability to end the military draft and rely on voluntary recruitment for the armed forces. For the first time in twenty-three years, when the Selective Service Act of 1948 introduced the first long-standing "peacetime" draft in American history, there is an influential bloc in the Congress attempting to terminate the draft with the expiration of the present law on 30 June. And for the first time since World War II, there is a President in the White House who agrees in principle that voluntary recruitment should be the goal and who made the end of the draft a plank in his personal platform for the presidency during the 1968 campaign.

It is to Mr. Nixon's credit that he took the initiative to propose the end of the draft when most other politicians were avoiding the issue or even advocating the draft as the most "democratic" and "equitable" way to raise an army. As a result of Mr. Nixon's ininitiative, a Presidential Commission was appointed, known after its chairman as the Gates Commission, which studied in depth the feasibility of raising an army by voluntary means and found the concept sound.

But now Mr. Nixon has weakened his own position by proposing to continue the draft for two years beyond its 30 June expiration and by seeking to retain indefinitely the presidential power of reinstituting conscription without special congressional authorization. This proposal seriously flaws Mr. Nixon's announced goal of bringing the draft to an end, and threatens even more seriously the strict-constructionist view of constitutional powers to which he and his party are pledged. The strange recommendation that the President be authorized to reinstitute the draft at his pleasure makes a mockery of his proposal. His own Commission called such an arrangement "the worst of both worlds." A law which would bequeath to the President stand-by authority to activate conscription nullifies the clear mandate of the Constitution which reserves to Congress the authority to raise an army.

I submit that Mr. Nixon should reconsider his present compromised posture on this question.

THE DRAFT FACILITATES UNDECLARED PRESIDENTIAL WARS

In recent times the power to activate the draft has so enlarged the domain of the President over military manpower that we live under a system of virtual presidential dictatorship with respect to the means to make and sustain war without congressional authorization. At every crucial point, the Congress has failed us—and for good reason, for the political and military clout have already been surrendered to the President. That balance must be righted before anything else in the restoration of representative democracy is even possible. The draft is a built-in tap on manpower for presidential wars.

THE DRAFT REPUDIATES THE AMERICAN TRADITION

I address you on this issue from the standpoint of one who is thoroughly committed to the democratic process in its historic American framework. But because I believe that liberal democracy in the classic sense—which means a constitutional democracy with clearly defined individual rights which the state is obliged to respect—is so important, I must express utmost dismay when I see the effect of those who erode the name and concept of liberalism by claiming its sanctions while undercutting its historic principles. The worst offenders in this respect, in my opinion, are those who have made a generation of "cold" and "brushfire" war against communism the occasion for abandoning the very element of voluntarism which ought to set our system apart from all other systems of government, including especially that of the communists.

We are the voluntary society, or we are nothing. Voluntarism is a general characteristic of liberal democracy and its preservation ought to be its principal object. The method of recruiting military manpower is only a special case (albeit a crucial case) in upholding or subverting that general principle.

The thrust toward a freer, more voluntary society has been the chief engine of American history. It was the quest for personal freedom, for the power to command one's own life, the power to be a man and no man's serf, which steered the west-bound ships and opened the continental trails to the Pacific. It drives today's movements to secure more consistent civil liberties and civil rights for the individual citizen.

EQUALITY CANNOT BE SECURED BY SACRIFICING FREEDOM

The thrust toward a voluntary society has even taken precedence over the legitimate and necessary effort to secure equality—and I believe that this ordering of values is the correct one. We have become progressively more attached to the principle of human equality because we increasingly recognize that equality of rights and opportunities is the necessary condition for the realization of personal freedom. In this respect the approaches of liberalism and communism are fundamentally opposed. The liberal democratic tradition (which is the truly conservative tradition of American democracy) says that our equality must follow from and facilitate our freedom. Communism proceeds in the opposite direction: we must be equal so that at some future date we may become free. I submit that these two precepts are irreconcilable; we cannot compromise our basic approach without undermining the free society.

If you think I stress the historic difference between these opposing propositions too sharply, let me cite the course of our national history. The central, dominating event of American history through most of the first century of nationhood was the struggle to abolish slavery; this struggle and the war which it produced, remain the epic events of American history. Yet almost no white man in 1860 would have shed a drop of his blood to defend the proposition that black men are equally endowed with white men. Most whites of that period accepted superiority of the white race as a self-evident truth.

Abraham Lincoln was undoubtedly honest when he argued that the black man's freedom ought to be affirmed quite apart from his assumed racial limitations, which Lincoln along with most of his contemporaries accepted as a fact.

But Abraham Lincoln—despite the faulty anthropology of his age—was entirely clear in his recognition that the logic of the free society required the liberation of the slave. The nation could not survive half-slave and half-free. Lincoln answered those who justified slavery on the ground of the assumed inferiority of the Negro race by saying that if I am to be the master of the man who is my inferior, I must then be the slave of the first man who is my better. The choice for Lincoln, as for emancipationists generally, was to give first priority to personal freedom as a human right—and as a political necessity for the maintenance of a free nation.

I think that such a guiding philosophy of history is essential if we are to recognize and reject the many high-sounding and well-meaning arguments which are now being offered in defense of conscription (involuntary military servitude) as the fairest, most democratic, and safest way to maintain an army.

IDEALISTIC ARGUMENTS OFFERED BUT FOUND WANTING

We are told that conscription offers the fairest way to raise an army, since voluntary recruitment, it is alleged, would put the burden of military service disproportionately upon the black and the poor—which even as a factual assumption the Gates Commission finds to be unwarranted, as we shall review later.

We are told that conscription offers the most democratic way to maintain an army, since it spreads the liability of military service most equally and appeals to a sense of patriotism and national duty rather than to "mercenary" motives.

And we are told that conscription offers the safest way to recruit military manpower, since a large army of voluntary "professionals" could lead to a self-perpetuating military caste which might gain control of the nation or overthrow constitutional government.

There are other more practical or pragmatic reasons offered for continuing the draft, which we shall consider later; but first we should determine what merit there may be in these "idealistic" or "patriotic" reasons which are offered in defense of the draft. These are the arguments of some of our most forward-looking senators and representatives; I do not question their motives, but I think their case is not only fallacious but perilous to the nation's future. It would be a bitter irony indeed, if future generations of youth were to be saddled with a system of military regimentation and indoctrination perfected by Frederick the Great and Bismarck to magnify both their military and political power—on the dubious argument that this Prussian system of modern military conscription becomes "democratic" and "just" when it is done by an American military establishment instead of a Prussian one.

IS CONSCRIPTION THE "SAFE" METHOD TO SECURE DEMOCRACY?

Let us take first the argument that conscription offers the "safest" way to raise an armed force, since, it is argued, draftees retain their democratic and civilian values, whereas an army of volunteers are assumed to be mere mercenaries or a militaristic elite. This is a particularly annoying assertion for the anti-draft advocate to confront continually, because the defenders of the proposition does not seem to be bothered by the facts.

Draw up a list of nations which during the past hundred years or so have had a succession of dictatorships, army coup d'etats, caudillos, juntas, and the like. That list will include dozens of chronically unhappy nations. These nations have been the seed-beds for almost all the great wars and recurrent civil upheavals. Yet, you will not find one nation, great or small, on that list of militarized or militaristic states which has a long-standing tradition of voluntary recruitment. This is a fact which the defenders of conscription eternally ignore, although it is a towering reality of our tortured and violence-wracked century.

We are told that conscript troops are a deterrent to military seizures of power or foreign adventures abroad. Tell that to Napolean, Bismarck, Mussolini, Hitler, Stalin, Franco, and a continent and a half of military adventurers in South and Central America, to a crowd of cutthroats and reigning cutthroats who have depended upon conscription to keep them in a bountiful supply of cannon fodder. Only recently Senator Cranson observed: "In Latin America, out of some 72 military coups in the last 25 years, 60 were with conscripted armies. European experience has been similar."

Again look at the list of nations which have had a long history of democracy governments and a tradition of individual civil rights. Among these nations the great English-speaking states are conspicuous—a family of nations which share a long social evolution toward democratic government and individual rights. These English-speaking democracies have stood out on the map of the world as the great resisters to the European continental system of conscription. The United Kingdom and Canada, and most of the smaller nations of the Commonwealth, continue to maintain the principle of voluntary armed forces, except for periods of extreme national crisis, such as World War II. Yet we are told that this family of nations, the most stable democracies to be found on this planet, follow a system of recruitment which places them in jeopardy of takeover by professional military castes. We are to suppose on the other hand that the conscript troops of Spain, Bolivia, Argentina, and a list too long to mention of military-dominated nations have presumably spread their populations the inconvenience of dictators, military castes, and disadvantaged armies of the poor.

When measured against past and present history, the claim that conscription is a force for democratic government or a check on military elites is a proposition totally without merit—a tragic and demonstrable farce which informed citizens ought to reject. The converse is more nearly the universal experience. Yet you may be sure that next week and the week after "concerned" voices will again be raised to offer the dire warning that a voluntary army would menace democracy!

The argument that conscription offers a way to prevent development of a military caste would be valid only if we followed the practice of drafting our top officers while filling the lower ranks voluntarily—in other words, if the privates were professional soldiers and their commanders draftees. But this is not what the conscriptionists want. They want authority to place every young man in the nation into a "manpower pool" which can be tapped at the pleasure of the President.

IS INVOLUNTARY SERVICE THE "FAIREST," MOST "DEMOCRATIC" WAY?

To turn to the two remaining "idealistic" arguments which are offered for the draft, we are told that this method is the fairest way to raise an army and that it is the more "patriotic" and democratic way.

The theory which supports this case argues that poverty and lack of economic opportunity will force a disproportionate percentage of "the black and the poor" into a voluntary army. I would have assumed that even a black man who is poor would prefer to have some choice in the matter of joining the army or solving his economic problem some other way. But apparently those who would play tzar over other men's lives, complete with the power to lock young men in prison for long sentences if they reject such direction, enjoy special insight into what is best for the black and the poor—and for everybody else. They offer the black and the poor the miserable wages of the conscript; but since they would also make everyone else equally miserable and unfree, they conceive themselves as great social equalizers.

We must provide adequate economic opportunity and protection for all members of our society. We have the resources to do so, and it is not necessary to strip citizens of their civilian rights for them to secure economic opportunity and human rights. This issue must be faced and resolved on its own merits. Using the power of conscription for the purpose of social leveling is indefensible. It is pernicious moral evasion to offer this monster to the nation as a means of "protecting" the black and the poor.

There is one, and only one, argument which has been historically acceptable to the American people as sufficient cause for depriving citizens of their freedom with a military draft. That reason is the one of extreme military necessity. If such necessity could not be established, they have had no case.

But this new breed of pro-draft advocates—now that the Gates Commission has robbed them of the claim that the draft is a military necessity—offer essentially non-defense related arguments for conscription. However they may disguise their case, I submit that they are guilty of the discredited use of the draft to "channel" manpower and to force young men against their will and under threat of criminal penalty into activities which have nothing to do with national necessity. This is a practice fraught with authoritarian and even totalitarian possibilities. If this be democracy, who needs dictatorship?

The third argument for conscription follows from the argument just considered: a conscript army is "democratic" while a voluntary army is "mercenary." I had always assumed that a man who did a job because he was offered patriotic inducements and a decent salary for volunteering was at least morally equal to the man who does a job because he is told that he must or be sent to jail.

However the advocates of permanent peacetime conscription may try to disguise their argument, their case for drafting men into the peacetime army, instead of persuading volunteers to serve, is a rehash of the old, discredited arguments which have been served up in every age to defend slavery, serfdom, and every other form of involuntary servitude. And of all the forms of involuntary servitude, military conscription seems to be curiously immune from recognition for what it is, since it so easily disguises its denial of personal freedom under the rhetoric of many duty and patriotic obligation.

The so-called "idealistic" and "democratic" arguments for perpetuating conscription will not stand up under analysis of their logic or examination of their historical assumptions. They are rationalizations for continuing a system which denies a portion of our population control over their lives and moral choice over their acts.

VOLUNTARY RECRUITMENT A PRACTICAL METHOD

Mr. Nixon's blue-ribbon Commission on an All-Volunteer Armed Force, headed by former Defense Secretary Thomas Gates, *unanimously* found the concept of voluntary recruitment to be within practical reach. They declared such a method to be more acceptable and more consistent with historic American practice and tradition than the method of involuntary service to which we have become habituated since World War II.

They estimated that a modest increase in pay for men in the lower ranks would sufficiently increase voluntary recruitment and reenlistments to supply manpower; and they argued that such salary scales for servicemen are deserved and overdue, since today draftees and volunteers alike are paid salaries woefully below the level of compensation for civilian jobs which require comparable skills. We make the draftee subsidize his own service by denying him a wage equal to that of the man who is not drafted.

The Commission found that voluntary recruitment will not mean an army of the black and the poor. Their study revealed that even now a substantial majority of army personnel are true volunteers (men who did not volunteer to avoid being drafted). Therefore, making the army totally voluntary by inducing a higher percentage of reenlistments and new enlistments would not basically alter its class origin or color. All of these fears proved groundless when measured against the facts.

It is time to end the draft. National necessity does not require conscription. Personal freedom demands that it be terminated.

It is time to stop sending to prison an increasing flow of our best young men, men deeply opposed to an unnecessary draft. Only a handful can meet the rigorous definition of the conscientious objector, the objector to all war. But other men are entitled to have their principled objections and scruples respected, especially when the nation can so easily afford to raise its army by voluntary means.

History has shown that Americans will freely sacrifice their lives when they are morally convinced that such a course is necessary and right. But American history has also shown—and the present growing draft resistance is a case in point—that Americans will court draconian punishment rather than suffer slave-like subservience to the state. This is much more fundamental than opposition to a particular war. If this were not a historic fact about our national character we would have surrendered our ideals of freedom long before now.

Now is the time to bring the American system into line with our professed ideals of individual freedom and personal choice. We must end the draft now!

THE B–1 BOMBER PROGRAM

Mr. CRANSTON. Mr. President, I invite the attention of the Senate to an article published recently in Business Week concerning the management of the B–1 bomber program by the North American Rockwell Corp., Los Angeles Division.

The B–1 strategic bomber program seems to be setting a good example of how research and development on a major weapon system should be handled. The management of this important project has produced a program on schedule, within the funds appropriated, and, more important, within the cost estimates.

I ask unanimous consent that the article, entitled "Project Bosses Get More Power," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PROJECT BOSSES GET MORE POWER

PACKARD DRIVE FOR EFFICIENCY MAKES THE B–1 MANAGER AND OTHER CHIEFS CALL THE SHOTS

When the Air Force announced recently that it was scaling back North American Rockwell Corp.'s $1.4-billion development program for the B–1 strategic bomber, Pentagon watchers jumped to some interesting conclusion. They read the decision as a White House ploy to improve prospects for a strategic arms limitation agreement with Russia, a sign of Pentagon concern over escalation of the B–1's costs, or fallout from the missile-vs.-bomber debate.

They were all wrong. The scaleback decision originated neither in the White House nor in the Pentagon but was made by Brigadier General Douglas T. Nelson, B–1 program manager at Wright-Patterson Air Force Base in Dayton, Ohio. For this reason, the move has major implications not only for the military but for defense contractors as well.

Nelson had simply decided to take a new management tack in the B–1 program. His approach is something of a gamble, but it quickly won the endorsement of Air Force Secretary Robert C. Seamans, Jr., and Deputy Defense Secretary David Packard.

In a break with Air Force tradition, Nelson will telescope the classic pattern of testing prototype military aircraft. As a result, he can reduce the number of B–1 development aircraft he has ordered from NR and save perhaps as much as $300-million. His aim in shortening the period of testing—without compromising on its rigors, he emphsizes—is not only to save money, but also to enable the Air Force to decide slightly earlier than had been expected, probably in the spring of 1975, to move into production.

RESPONSIBILITY

To cynical students of the Pentagon, the fact that the cost of a military development program had been reduced without prodding from Congress was news of the first order. It is potentially more important, however, that the decision was made by the project manager and merely endorsed by his superiors.

Traditionally, the post of project manager has been a second-class job in the military establishment. At worst, it has been a dead-end assignment for an officer, at best, it was a way station on the road to a more glamorous operational command.

Under Packard's philosophy for Pentagon management, this is wrong. To help rid the Defense Dept. of inept management and huge cost overruns, he has therefore given officers in charge of major weapons development the authority to be true managers, not mere errand boys or yes-men for their bosses.

"Management will be improved only to the extent that capable people with the right kind of experience and training are designated to manage," he says. "In order to be effective, program managers must be given adequate authority to make decisions on major questions." In the case of General Nelson, this translates to a full endorsement of his decision to telescope the testing of the prototype B–1. Furthermore, it reflects Packard's insistence that other members of the executive branch of the government also respect the right of project managers to manage.

WARNING

Privately, Packard has laid it on the line to the military services that there will be a price for the delegation of this kind of authority. Henceforth, project managers will have to be good at their jobs, and they will have to assume responsibility when things go wrong.

In the past, Packard has complained, too many program managers lacked expertise in contracting, engineering, management, or industrial operations. Even when they were experts, they allowed too much of their time to be taken up with briefing officers at intervening levels.

Such intermediaries, Packard has noted, seldom contribute anything substantial to the success of a weapons project but can often hold up or reverse a manager's decision.

Moreover, many managers of multibillion-dollar projects stay on the job for only a year or so, hardly time enough to learn the intricacies of their task.

Packard has told the services to change all that. He wants project managers to stay put at least three years, with longer assignments in special cases. He has also acted to ease the "layering" problem—the numerous levels of review that used to be required between a program manager and his top bosses at the Pentagon.

Packard first cut through this layering in the McDonnell Douglas F–15 fighter program by arranging for Brigadier General Benjamin Bellis to report initially to the commander of the Air Force Systems Command, and then directly to Seamans. Now he is easing the reporting responsibilities for other project managers, too.

To enable project managers to discuss their mutual problems, Packard has begun a series of informal Saturday morning meetings in his office at the Pentagon. At the first such meeting last week, he met with Nelson and managers of eight other defense projects, including Captain L. E. Ames, chief of the Navy's F–14 fighter aircraft program and Colonel James Miller, head of the Army's SAM–D antiaircraft missile program.

Packard also is working to improve the training of younger officers in the procurement field who will one day become program managers. At his direction, the Defense Weapon Systems Management School now at Wright-Patterson, will soon move to Washington, D.C. Its curriculum will be upgraded and its course lengthened from 10 weeks to five months.

Vice Admiral Vincent P. de Poix, the Pentagon's Deputy Director for Research & Engineering Management, says Packard feels that "the best program manager should know when to abrogate or shortcut the rules to good effect"—even though "he takes his career into his hands when he does so." The fact that both Packard and Seamans quickly backed Nelson when he proposed veering from the rule book on aircraft testing seems to bear out the belief that this is the type of decision that they think project managers should make.

THE B–1 STRATEGY

Under Nelson's new approach, North American Rockwell will now build three B–1s for flight testing and one for ground testing, instead of five and two, respectively, as originally contemplated. Under the cutback order, General Electric Co. will provide 27, rather than 40, engines for the prototype planes.

Nelson will ditch the normal Category One and Category Two pattern of testing. Category One involves experimental flights and data-gathering by contractor personnel only. In Category Two, the Air Force takes over with its own crews and repeats about 50% of what the contractor has done. "Our plan," says Nelson, "is to knock out most of the duplication by having Air Force and contractor personnel fly side by side."

Nelson also is deferring some design work normally handled during an aircraft's development phase—design for production tooling, training equipment, and ground support equipment. And he is sharply cutting the volume of written reports the contractor must make; the Air Force instead will rely largely on the builder's in-house data.

To reflect the scaled-down development effort, the Air Force and NR are now renegotiating the B–1 contract. Just how much the price will drop is not yet certain. But Richard F. Walker, president of the company's Los Angeles Div. and general manager of the B–1, says the revised price, while lower than the original $1.4-billion, will still top $1-billion and that he is "very much enthused" about the program change.

"The net result of the testing reduction," says Walker, "is that we will be able to get to the point of a production decision by spending less money—eliminating some things considered unnecessary and deferring others." And since production, not development, brings profits to a company, that, by NR standards, is a desirable thing.

MINUTEMAN OF THE YEAR AWARD TO SENATOR THURMOND

Mr. BROCK. Mr. President, the distinguished senior Senator from South Carolina (Mr. THURMOND) was presented the coveted "Minuteman of the Year" Award by the Reserve Officers Association of the United States in February. The selection of Senator THURMOND for this high award was praised recently in an editorial appearing in the March 15, 1971, issue of the Nashville Banner in an editorial entitled "The ROA Has Chosen Well."

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ROA HAS CHOSEN WELL

"A hard worker, a man of independent mind, a politician who has put country above himself, and a man who has put his principles and beliefs above his party."

Not words from one of his fellow Republicans, but a salute from not only another party, but another House.

Paying tribute to South Carolina Republican Sen. Strom Thurmond in presenting the Reserve Officers Association "Minuteman of the Year Award," the Speaker of the House of Representatives, Carl Albert, said Sen. Thurmond "believes a strong reserve is indispensable to the security of the United States."

Selected as the "'citizen who has contributed most to the national security," Sen. Thurmond illustrates perfectly—when it comes to the defense and military strength of the United States—there is no political division. And parity, as Sen. Thurmond said in accepting the award, is not the proper course for this great nation; superiority is the only course.

The South and the nation are proud of Sen. Thurmond. The reserve officers again have chosen well.

PROFESSOR HENKIN ARGUES "CONSTITUTIONAL LIMITATION" DOCTRINE INVALID

Mr. PROXMIRE. Mr. President, for the past few days I have argued that the Genocide Convention is properly a matter of international concern. I have further argued that it poses no conflict with the doctrine of constitutional limitations on the treatymaking power.

In the April 1969 issue of the American Journal of International Law, Louis Henkin discusses this question. Henkin says the "international concern" doctrine has been unduly and needlessly elevated to the level of an independent doctrine rather than being considered in "light of our whole experience and not merely in that of what was said a hundred years ago"—*Missouri* v. *Holland,* 252 U.S. at 433.

Explicitly, the Constitution contains no limitations on the treaty power. The term "treaty" in the Constitution does not limit agreements only to those of "international agreement" since "neither international law nor practice has ever known such a requirement."

Professor Henkin points out that this doctrine came from an address by Charles Evans Hughes before the American Society of International Law in 1929. Unfortunately, his address has been misinterpreted. He made it clear that he did not care "to voice any opinion as to an implied limitation on the treatymaking power." Much of Hughes' argument dealt with political advisability rather than constitutional power.

Mr. President, I ask unanimous consent that Professor Henkin's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"INTERNATIONAL CONCERN" AND THE TREATY POWER OF THE UNITED STATES

(By Louis Henkin)

A generation ago Senator Bricker lost his battle to amend the Constitution in ways designed particularly to make it impossible for the United States to adhere to international human rights covenants. His principal proposal would have eliminated self-executing treaties, so that a treaty could not become law in the United States unless implemented by Act of Congress, and would have overruled *Missouri* v. *Holland,* so that Congress could not legislate to implement a treaty unless that legislation would have been within the powers of Congress in the absence of treaty. Some of us urged at the time that his efforts were misconceived: to cut the treaty power down to the size of Congressional power would reduce it very little, for the powers of Congress reached much farther than Senator Bricker seemed to recognize.[1] In regard to human rights in particular, further extensions of powers of Congress announced by the Supreme Court since the Bricker controversy—under the Commerce Clause and the Thirteenth and Fourteenth Amendments[2]—render it very unlikely that the Bricker Amendment would have effectively barred adherence to the treaties he feared.

Contemporary opponents of American adherence to human rights covenants have learned the lessons of the previous decade. They now insist that, although it was apparently not perceived by Senator Bricker and his supporters, the Constitution *as it is* forbids the use of the treaty power for adhering to human rights covenants, principally because they deal with matters that are not of "international concern." As regards the human rights covenants, their arguments have been widely—and I believe effectively—refuted, but in the debates both sides largely accepted (or assumed) that under the Constitution some matters are not proper subjects for treaties because they are not of "international concern."[3]

My purpose here is to urge re-examination of the constitutional doctrine that has been assumed. To open discussion, I assert the following propositions: that the "international concern" limitation may not in fact exist; that if there is some such limitation, it has been unduly and needlessly elevated to independent doctrine and its scope exaggerated; that, in any event, it is mislabeled and therefore likely to be misapplied.

Explicitly, the Constitution contains no limitations on the treaty power. It gave the President and Senate the power to make "treaties." The word "treaty," surely, does not imply that an agreement may deal only with certain subjects, those of "international concern," since neither international law nor practice has ever known such a requirement.

For 150 years no one claimed any such limitation, although other limitations on the treaty power were frequently suggested. Jefferson's famous *Manual* mentions four limitations, and revealed him as no friend of the treaty power, but even he did not suggest the one that concerns us. He did say that a treaty "must concern the other nation, party to the contract, or it would be a mere nullity, *res inter alios acta.*" The requirement that there be "a thing done between others," would seem to require only that in addition to the United States there be another nation party to the agreement. That might reject a mock treaty, or some hypothetical document which another government signs as an accommodation to the United States, where there is in fact no treaty, and such a limitation can indeed be inferred from the word "treaty"; it does not suggest any limitations as to the subject matter of treaties. After Jefferson there were dicta in Supreme Court decisions, and statements by writers, suggesting various limitations on the treaty power, but not ours.

The limitation—and the phrase "international concern"—sprang full blown from the mind and mouth of Charles Evans Hughes in 1929.[4] He was not speaking *ex cathedra,* either as Secretary of State or as Chief Justice. (He had long ceased to be the one and had not yet taken his seat as the latter.) He spoke to the annual meeting of the American Society of International Law (of which he was then President), apparently extemporaneously, perhaps even impromptu, in response to urging from the floor. He was attempting to justify a position taken earlier by the American Delegation to the Sixth International Conference of American States (which he headed) that, in part for constitutional reasons, the United States "could not join" in a treaty to adopt the Bustamonte Code and establish uniform principles of private international law. Earlier, Hughes had attempted to justify that position in words that smack of the Tenth Amendment, suggesting that he had not accepted the implication of *Missouri* v. *Holland.*[5] His 1929 statement also had some such undertones, but this time he suggested that there might also be a different constitutional limitation: a treaty must deal with a matter of "international concern." The position of the American Delegation to the Inter-American Conference had been criticized by other leading international lawyers of the day, including Charles Butler and Manley Hudson. There is no indication that the critics were persuaded by the 1929 statement. (Today few would accept—on any theory—the conclusion he was justifying, that the United States could not adhere to a convention establishing uniform principles of private international law. The United States Government has recently adhered to the Hague Conference on Private International Law.)

Hughes made his suggestion as a suggestion. Earlier in the statement he said: "I should not care to voice any opinion as to an implied limitation on the treaty-making power." Later he said only that "there *might be* ground for implying a limitation upon the treaty-making power." (Emphasis mine.) Much of his argument dealt with political advisability rather than with constitutional power. But, perhaps, because he became Chief Justice of the United States shortly thereafter, perhaps because the constitutional law of American foreign relations has so little authoritative, hard, "case" law, the Hughes address was quickly and uncritically seized, shorn of Hughes's own *caveats* and hesitations, and accepted as authority. It has been incorporated in the case books and is taught to students. It has been invoked in a lower court opinion.[6] It has been enshrined, in first place and in black letters, in the *Restatement on the Law of United States Foreign Relations.*[7]

Where did Hughes find his proposed limitation? I commend reading the whole, brief address, but I quote the most relevant paragraphs:

> . . . I should not care to voice any opinion as to an implied limitation on the treaty-making power. The Supreme Court has expressed a doubt whether there could be any

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Footnotes at end of article.

such. That is, the doubt has been expressed in one of its opinions. But if there is a limitation to be implied, I should say it might be found in the *nature* of the treaty-making power.

What is the power to make a treaty? What is the object of the power? The normal scope of the power can be found in the appropriate object of the power. The power is to deal with foreign nations with regard to matters of international concern. It is not a power intended to be exercised, it may be assumed, with respect to matters that have no relation to international concerns.

So I come back to the suggestion I made at the start, that this is a sovereign nation; from my point of view the nation has the power to make any agreement whatever in a constitutional manner that relates to the conduct of our international relations, unless there can be found some express prohibition in the Constitution, and I am not aware of any which would in any way detract from the power as I have defined it in connection with our relations with other governments. But if we attempted to use the treaty-making power to deal with matters which did not pertain to our external relations but to control matters which normally and appropriately were within the local jurisdictions of the States, then I again say there might be ground for implying a limitation upon the treaty-making power that it is intended for the purpose of having treaties made relating to foreign affairs and not to make laws for the people of the United States in their internal concerns through the exercise of the asserted treaty-making power.

It is not fair to parse informal remarks and subject them to exegesis as though they were a text of a constitutional provision or statute, but since others have treated them that way, and they are all we have, one cannot avoid scrutinizing them. It is difficult to fault individual sentences but their seductive simplicities carry implications that do not remain persuasive. "The power is to deal with foreign nations with regard to matters of international concern." Of course, the treaty power is a power to deal with foreign nations. Of course, nations deal with matters that concern them. Of course, I have said, it was not intended that the President could call something a treaty which was not a treaty, perhaps even if some obliging foreign government went through a "mock marriage" with us. But what basis is there for the inferences Hughes sought to make—or which others have sought to attribute to him—that the Constitution intended more, that it sought to limit the subject matter of *bona fide* treaties, to exclude some which do not "concern" the parties in some particular ways?

Or: ". . . if we attempted to use the treaty-making power to deal with matters which did not pertain to our external relations but to control matters which normally and appropriately were within the local jurisdictions of the States. . . ." And then: ". . . it is intended for the purpose of having treaties made relating to foreign affairs and not to make laws for the people of the United States in their internal concerns. . . ." But how can there be a *bona fide* treaty that does not pertain to our external relations? And why the dichotomy between external relations and internal affairs? Every treaty that has any effect as the law of the land "relates to our foreign affairs" and "makes laws for the people of the United States in their internal concerns." Many a treaty pertains to our foreign relations *and* controls matters which—apart from the treaty—normally and appropriately are within the local jurisdiction of the States.[8]

Although Hughes did not spell it out, the argument presumably is that the treaty power must be seen in the context of the patern of government established by the Constitution. The power to make laws in the United States was, in effect, distributed between the Congress and the States; law would be made by treaty only when it served some "transnational" purpose of the United States. Agreed. But the argument will not carry the limitations on the subject matter of treaties which have been imposed upon it; for, by hypothesis, every treaty, regardless of subject, serves the external purposes of the United States. The argument would not even prevent treaties designed specifically to change law in the United States: that is the purpose and effect of every treaty which modifies the rights of aliens in this country.[9] There is nothing in international law, in the treaty power, in "the Constitution as a whole," that says that other changes in American law cannot pertain to the foreign relations of the United States. Is the suggestion that the principal motive, purpose, effect must be "foreign relations" rather than "domestic legislation?" But how do you disentangle and weigh the two? And Chief Justice Hughes would not have indulged such chemical analysis and such speculations about motives, purposes and effects of legislation in other contexts.[10] In any event, that would be a different and far narrower limitation than that for which Hughes has been cited.

I can conceive of no *bona fide* treaty that does not relate to our foreign affairs. If all the Hughes address means is that treaties must be *bona fide*, one needs no new doctrine to support that: it is implied in the word "treaty," as perhaps Jefferson long ago suggested. If the Hughes address means any more than that, I see no basis for it in the Constitution. Nor do I know what any such additional limitation could possibly mean, how "international concern" would be determined, how one kind of "international concern" that is constitutionally acceptable could be distinguished from another that was not.

I regret that Mr. Hughes sought to justify reluctance to adhere to the Bustamante Code in constitutional imperatives. I regret that lawyers eager to make constitutional bricks have seized on Hughes's straws, and that the *Restatement* now has enshrined them into the *Law of American Foreign Relations*. In my view, there is no relevant constitutional limitation worthy of that name and deserving independent identification—only what is implied in the word "treaty." I do not believe that the United States would ever conclude a treaty that would not pass constitutional muster as a treaty. I do not believe the Supreme Court would ever find that a treaty of the United States was not a *bona fide* treaty. I am confident that, if the Supreme Court ever faced the question, it would not find any special requirement of "international concern," if that is interpreted to exclude some subjects from international negotiation by the United States. I do not pretend to hope that Hughes's "doctrine" can now be "repealed." I hope that in applying that "law" it might be recognized that Hughes had a small point that went without saying, which should not be distorted to hamstring constitutional powers.

I conclude with a modest plea: At least, the Hughes doctrine should have a change of name; the phrase "international concern" is Hughes's, but he used other phrases even more frequently. He spoke of the power to make an agreement "that relates to the conduct of our international relations," not to deal with matters "which did not pertain to our external relations." He proposed "a limitation upon the treaty-making power that it is intended for the purpose of having treaties made relating to foreign affairs." Later, as Chief Justice, Hughes also spoke of the treaty power as reaching "all subjects that propertly pertain to our foreign relations."[11] The *Restatement*, too, while it gives black letters to "international concern," takes its comment from Hughes's other phrases: "An international agreement of the United States must relate to the external concerns of the nation . . ." Neither Hughes nor the authors of the *Restatement* intended two different standards, but there may be a difference between the two formulations—"international concern" and "relating to the foreign relations of the United States"—and the one that has crept into the legal language is the wrong one. "International concern" suggests an objective standard as to what matters do, or should, or properly may, concern nations generally. Especially since international law and practice know no such conception, there is no basis for finding that concept in the use of the word "treaty" or in the grant of the treaty power in the Constitution. On the other hand, the distribution of national power between the treaty-makers and the law-makers and between the Federal Government and the States does imply that treaties shall be used to further transnational foreign relations purposes of the United States, as the United States conceives them. The difference I am suggesting would not lead to different results as to the human rights covenants: human rights everywhere have been of deep "international concern" to nations generally; human rights, in the United States and elsewhere, deeply "relate to" American foreign relations. But if the limitation survives and ever proves meaningful, it might matter what the limitation is.

FOOTNOTES

[1] See, *e.g.*, Henkin, "The Treaty Makers and the Law Makers: the Law of the Land and Foreign Relations," 107 U. Pa. Law Rev. 903, 933–935 (1959).

[2] Compare, *e.g.*, Heart of Atlanta Motel *v.* United States, 379 U.S. 241 (1964); Katzenbach *v.* McClung, 379 U.S. 294 (1964); Jones *v.* Alfred H. Mayer Co., 392 U.S. 409 (1968).

[3] See, *e.g.*, MacChesney, "Should the United States Ratify the Covenants? A Question of Merits not of Constitutional Law," 62 A.J.I.L. 912 (1968), and materials there cited. I, too, joined the debates on that assumption. See Henkin, "The Constitution, Treaties, and International Human Rights," 116 U. Pa. Law Rev. 1012 (1968). I am now suggesting a position going beyond the one assumed there.

[4] 1929 Proceedings, American Society of International Law 194, 195–196. Jefferson, and others, suggested another limitation, that a treaty may deal only with "those objects which are usually regulated by treaty, and can not be otherwise regulated." That limitation might coincide with "international concern" to some extent, but is different in scope and significance. It has long ago been discarded. See Henkin, *loc. cit.* note 3, at 1020–1022.

[5] Hughes, "The Outlook for Pan Americanism—Some Observations on the Sixth International Conference of American States," 1928 Proceedings, American Society of International Law 1, 12.

[6] Power Authority *v.* FPC, 247 F. 2d 538 (D.C. Cir.), *vacated as moot*, 355 U.S. 64 (1957). That case, I believe, was wrongly decided but, in any event, it did not depend on the Hughes doctrine. The Court in effect said that a particular Senate reservation was not part of the treaty, because it related only to the American legislative process and did not concern Canada, the other party to the treaty, in any way. That would fall exactly within Jefferson's narrow proposition quoted above.

[7] § 117(1): "The United States has the power under the Constitution to make an international agreement if (a) the matter is of international concern. . . ."

[8] See, *e.g.*, Hauenstein *v.* Lynham, 100 U.S. 483 (1879); Santovicenzo *v.* Egan, 284 U.S. 30 (1931) (opinion by Chief Justice Hughes). Some matters which it was once thought "normally and appropriately are within the local jurisdiction of the States," apart from treaty, are no longer so, since the Court held

that the Constitution itself bars "intrusion by the States into the field of foreign affairs." Zschernig *v.* Miller, 389 U.S. 429 (1968).

As even the Restatement's comment recognizes: "Matters of international concern are not confined to matters exclusively concerned with foreign relations. Usually, matters of international concern have both international and domestic effects, and the existence of the latter does not remove a matter from international concern."

[9] Compare the treaties in the cases cited in note 8; also in Asakura *v.* Seattle, 265 U.S. 332 (1924).

[10] See, *e.g.*, the opinions which Chief Justice Hughes joined in Sonzinsky *v.* United States, 300 U.S. 506 (1937); Magnano Co. *v.* Hamilton, 292 U.S. 40, 44–45 (1933). Associate Justice Hughes had joined the Court's opinion in Hoke *v.* United States, 227 U.S. 308 (1913).

THE POSTAL SYSTEM

Mr. JAVITS. Mr. President, I wish personally to commend the U.S. Postal Service for the efforts being made to improve the mail service.

The new airmail delivery system is welcomed. The Postmaster General's recent announcement regarding airmail delivery illustrates a major step in mail handling operation. He has promised that 95 percent of all airmail deposited by 4 p.m. weekdays in special white topped mailboxes on the street will be delivered the next delivery day in designated cities within a 600-mile radius, and that mail will be delivered within 2 days in practically all large cities in the United States.

The State of New York will certainly appreciate this improvement, which allows our correspondence to go out over the network quickly, accurately, and efficiently. The service the citizen-customer deserves is well underway, and I commend the Postmaster General for this major evidence of improvement and automating the Postal Service.

FINANCIAL STATEMENT OF SENATOR AND MRS. CASE

Mr. CASE. Mr. President, I ask unanimous consent to place in the RECORD the following combined statement for my wife and myself of our assets and liabilities at the end of 1970 and our income for that year.

There being no objection, the statement ordered to be printed in the RECORD, as follows:

Financial Statement April 23, 1971

ASSETS

Cash in checking and savings accounts (after provision for Federal income tax for 1970), approximately	$50,000
Life insurance policies with the following insurers (currently providing for death benefits totaling $138,500): U.S. Group Life Insurance, Aetna Life Insurance Co., Connecticut Mutual Life Insurance Co., Continental Assurance Co., Equitable Life Assurance Society, Provident Mutual Life Insurance Co. of Philadelphia, Travelers Insurance Co. (cash surrender value)	47,695
Retirement contract with Federal employees retirement system (providing for single life annuity effective Jan. 3, 1973 of $28,236 per annum) Senator Case's own contributions to the fund total, without interest	$37,672
Annuity contracts with Teachers Insurance and Annuity Association and College Retirement Equities Funds. As at Dec. 31, 1970, these contracts (estimated to provide a life annuity effective January, 1973 of $1,391) had an accumulation value of	12,340
Securities as listed in schedule A	407,137
Real estate: consisting of residence building lot on Elm Avenue, Rahway, N.J., and house in Washington, D.C. (original cost plus capital expenditures)	72,200
Tangible personal property in Rahway and Washington, estimated	15,000
Share in estate of Senator Case's mother, undistributed balance	728
Contingent interest in a small trust fund of which Chase Manhattan Bank of N.Y. is Trustee, 1970 Income, $28.	

LIABILITIES

None.

INCOME IN 1970

Senate salary and allowances, $42,732, less estimated expenses allowable as income tax deductions of $6,472 (actual expenses considerably exceed this figure)	36,260
Dividends and interest on above securities and accounts	17,777
Lectures and speaking engagements: Carnegie-Mellon University	454
Net gains on sales of property	2,580

Schedule A—Securities

	Principal amount
Bonds and debentures of the following, at cost (aggregate market value somewhat lower)	$51,205
American Telephone & Telegraph Co.	12,000
Cincinnati Gas & Electric Co.	4,000
Consolidated Edison Co. of N.Y.	5,000
Consumers Power Co.	5,000
General Motors Acceptance Corp.	5,000
Iowa Electric & Power Co.	5,000
Mountain States Tel. & Tel. Co.	5,000
South Western Bell Tel. Co.	5,000
Toledo Electric Co.	5,000
Stocks (common, unless otherwise noted) at market	355,932

Corporation:	*Number of shares*
American Electric Power Co.	919
American Natural Gas Co.	548
American Tel. & Tel. Co.	200
A.T. & T. Warrants	20
Cities Service Co.	144
Combined Insurance	35
Consolidated Edison Co. of New York	400
Consolidated Edison Co. of New York, $5 Pfd.	50
Continental Can	38
Detroit Edison Co.	100
DuPont	40
General Electric Co.	120
General Motors Corp.	270
Gulf Oil	140
Household Finance Corp. $4.40 Cum. Conv. Pfd.	100
International Business Machines Corp.	128
Investors Mutual, Inc.	2,641
Kennilworth State Bank	23
Litton Industries	89
Madison Gas & Electric Co.	275
Marine Midland Corp.	563
Merck & Co., Inc.	200
Mid-Continent Telephone	80
Morgan, J.	22
Owens-Illinois	80
Reynolds Industries	100
Tri-Continental Corp.	1,464
Union Carbide	48
Union County (N.J.) Trust Co.	1,157
Warner-Lambert Pharmaceutical Co.	260

CLIFFORD P. CASE.

THE URBAN INDIAN DEVELOPMENT ASSOCIATION HELPS INDIANS ADJUST TO URBAN LIVING

Mr. CRANSTON. Mr. President, for the past three decades, the city of Los Angeles has been attracting American Indians from all over the country. By the thousands, Indians have left the reservations and relocated in Los Angeles. Today Los Angeles has the highest concentration of American Indians of any urban center in the United States, with an estimated Indian population of 60,000.

They come to Los Angeles in search of a better life. But that better life all too frequently eludes them. They find, instead, that they lack the education and the skills to obtain a decent job. They are faced with tremendous language and cultural barriers. They find the urban environment overwhelming, confusing, and frightening. Cut off from family and friends—often by many thousands of miles—new communities are difficult to establish. Moving from neighborhood to neighborhood and shuttling back and forth between the city and the reservation, the urban Indian has become one of the most deprived, invisible, and least understood segments of the urban poverty population.

To deal with these many complex problems, Indians in Los Angeles have begun the process of building a community. Los Angeles boasts the oldest Indian center in the Nation, having been organized in 1935. Currently, there are 40 Indian organizations in the Los Angeles area, all working for the welfare of their fellow Indians.

One of these groups, the Urban Indian Development Association—UIDA—provides assistance for the economic development of Indians in the metropolitan Los Angeles area. Created in August 1969, by a group of local Indian businessmen, UIDA's unique approach has proven highly successful.

UIDA's first effort was the establishment of an Indian Business Development Center—IBDC—as a basis for off-reservation economic development. In its first grant to an urban Indian organization, the Economic Development Association funded UIDA's IBDC for $50,000. These funds were matched in cash and in kind by UIDA in the abount of $51,000. The EDA grant in May 1970, was soon followed by a small grant from the Small Business Administration.

In its first 10 months of operation, IBDC has assisted over 50 Indian businessmen. From the businesses assisted or initiated, 40 new jobs have been created. The number of Indian businessmen in the Los Angeles area has tripled since IBDC's inception.

The success of UIDA's first effort confirms that Indian leadership in partnership with Government and private enterprise can provide the initiative and direction needed to solve the unique problems faced by newly arrived urban Indians.

In January 1971, UIDA won a contract from the Bureau of Indian Affairs for $125,911. This is one of two contracts the BIA has awarded to nonreservation Indian organizations. The contract calls for UIDA to provide housing assistance, urban orientation, and avocation services to American Indians relocating in Los Angeles through the BIA's employment assistance program. To date, UIDA has assisted over 500 recently relocated Indians through this project, known as the relocation assistance program.

Through these activities, UIDA is an important factor in the adjustment of relocated Indians to urban life. Its success offers tangible evidence that the leadership of Indians themselves can help to solve many of the problems faced by growing numbers of urban Indians across the Nation.

I commend the Economic Development Administration, the Small Business Administration, and the Bureau of Indian Affairs for their farsighted and enlightened assistance to Indians in the Los Angeles area.

THE EQUAL RIGHTS AMENDMENT

Mr. COOK. Mr. President, I am sure that Senators are aware of the recent hearings that took place in the House Judiciary Committee on the equal rights amendment and other legislation pertaining to the rights of women. I invite their attention to some of the highlights of those hearings.

Of great importance is the testimony of Mr. William H. Rehnquist, Assistant Attorney General, who outlined the position of the Justice Department and the Nixon administration regarding the equal rights amendment. He stated:

> In spite of the reservations of the Department of Justice and of these developments which have intervened between the time that the President spoke in 1968 and the present time, the administration is committed to the support of H.J. Res. 208.

The present administration, then, is "committed" to the support of the equal rights amendment as provided in House Joint Resolution 208 and Senate Joint Resolutions 9 and 8.

The reservations of which Mr. Rehnquist and the senior Senator from North Carolina (Mr. Ervin) spoke in their testimony were completely answered in the testimony of other witnesses before the subcommittee. It is to these experts that I would like to turn.

Certainly the testimony of Yale Law School Prof. Thomas I. Emerson, which I shall place in the Record at the end of my remarks, is an excellent reputation of all the criticisms of the equal rights amendment.

In addition to this statement, I would add only a few more points.

In regard to the need for a constitutional amendment to combat sex discrimination, I quote New Mexico University law professor Leo Kanowitz when he stated his hope that the Supreme Court would render the proposed equal rights amendment a redundancy by using violations of existing constitutional provisions in ruling on sex discrimination cases. This hope has been somewhat dampened by the recent decision in Phillips against Martin-Marietta. He said:

> In that case the court, construing title VII of the 1964 Civil Rights Act, held that an employer could not automatically preclude mothers of pre-school age children from consideration for employment when it did not preclude the fathers of such children equally. . . . Unfortunately, because of some language in the decision, it was only a partial victory at best, and perhaps even a defeat—only time will tell. For eight of the nine justices in remanding the case to the lower Federal Court for further evidence, suggested that certain "conflicting family obligations" if proved to be more relevant to job performance for a woman than a man, could justify separate treatment under the bonafide occupational qualification provisions of title VII.
>
> Characterizing his colleagues' approach in this respect, Justice Marshall observed that they had "fallen into the trap of assuming that the act permits ancient canards about the proper role of women to be a basis for discrimination."

Professor Kanowitz continued by saying:

> This event makes it even more urgent than before to adopt the equal rights amendment so as to eliminate any possibility that the equal rights principle will not be scrupulously observed by the United States Supreme Court.

I would like to include remarks of New York University law professor Norman Dorsen when he spoke of the drafting of women. Speaking of behalf of the American Civil Rights Union, he said:

> Similarly, the amendment would not mean the end of the draft, but would instead require conscription of both men and women insofar as each individual met minimum physical qualifications. This should not be regarded as a particularly daring suggestion in light of the military service being performed by women in the United States and other countries. Putting aside the question of the desirability of any draft, there is no reason to put the onus of military service solely on men. Furthermore, drafting women will make them equally eligible for important benefits of service—job training and experience, veterans' benefits, and participation as equals in the duties of citizenship. It is no answer to this argument to say that if military service is such a benefit, women are always free to enlist in one of the women's corps. Women are limited by regulation of the Secretary of the Army to two percent of the male service.

Mr. President, I ask unanimous consent that the Emerson testimony be printed at this point in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Testimony of Thomas I. Emerson Before Sub-Committee No. 4 of the House Judiciary Committee on the Equal Rights Amendment and H.R. 916 and H.R. 4589

My name is Thomas I. Emerson. I am Lines Professor of Law at Yale Law School. Most of my teaching and study over the past 25 years has been in the field of constitutional law, with particular emphasis upon political and civil rights. I wholeheartedly support the Equal Rights Amendment in the form in which it is now before this Committee. I also favor the enactment of H.R. 916 or a similar bill, but only as a supplement to, not a substitute for, the Equal Rights Amendment. I wish to address myself primarily to the Amendment.

There is no need, to describe to this Committee the manifold ways in which the laws, institutions and practices of this country relegate women to an inferior status. The facts are by now well-documented and widely acknowledged. Nor is it necessary to stress to this Committee that the mood of the country on these matters has matured over the past few years. The justice of the claim by women are equal status in our society has come to be widely recognized. We are, I believe, on the verge of a major breakthrough. The time is ripe for serious action.

Any real effort to establish equal rights for women must begin with our legal system. From the earliest period in our history the subordinate position of women has been entrenched in our laws, our governmental institutions, and our official practices. Some of these inequities are obvious, others are subtle; some are notorious, others appear in unexpected places. Whatever their form, however, they permeate the legal structure. It is for this reason, I believe, that the problems of securing equality for women can only be solved through constitutional amendment.

It can hardly be disputed that change of this scope and depth through the process of piecemeal legislation and administration would prove to be cumbersome, time-consuming and probably ineffective. Such a method would require Congress and 50 State legislatures to debate and agree upon the repeal or modification of hundreds of separate statutory provisions in scores of different areas of the law. It would require countless Federal and State bureaucracies to be persuaded to alter long-existing methods of operation. There is no need for such struggles to be conducted on an individual, case-by-case basis. Nor is the basic change to be made—elimination of different legal treatment because of sex—so hard to grasp or so difficult of application that it demands individual attention by the whole decision-making process in each separate situation. The problem can only be remedied by a broad statement of principle embodied in our fundamental law.

A change by way of judicial interpretation of the equal protection clause of the Fourteenth Amendment likewise is not presently feasible. The Supreme Court has taken the position that differences in legal treatment on account of sex do not violate the equal protection clause so long as the law-making body has reasonable grounds for making a classification along such lines. And the Court has so far not found any classification by sex to be unreasonable. The recent action of the Court in affirming, without even hearing oral argument, a lower court decision upholding the exclusion of one sex from a State university demonstrates that the Court is still clinging to its traditional stance. One can indeed only describe the Supreme Court's views on these issues as male chauvinist.

The only alternative remaining, therefore, is to proceed by constitutional amendment. In addition to avoiding delays and uncertainities this method has a number of positive advantages. For one thing a major reform of our legal system is appropriately accomplished by a formal alteration of the fundamental document. Those who complain that the Supreme Court has been exceeding its powers through interpretation of constitutional provisions should especially welcome the amending process. Moreover, a constitutional amendment furnishes a clear and uniform policy basis upon which legislative and judicial action by the Federal Government and the 50 States can be predicated. Further, adoption of a constitutional amendment would demonstrate a broad national commitment that the goal of equal status for women should be quickly and effectively achieved.

If one reaches the conclusion that a constitutional amendment provides the best method of going forward, then it becomes important to formulate a specific provision that will accomplish the purpose and receive general support. Fortunately this task has already been performed. The Equal Rights Amendment, in the form it was cast by the Senate Judiciary Committee in 1943, has been broadly accepted as a proper formulation. I agree with this conclusion. The present language embodies, succinctly and clearly, the central idea. Its wording is similar in tone and scope to other constitutional amendments protecting fundamental rights, notably the Fourteenth, Fifteenth and Nineteenth Amendments. I believe it constitutes a satisfactory vehicle for eliminating sex inequalities from our legal system.

While I do not think that the language of the Equal Rights Amendment requires modification, I do feel that it is important to have agreement upon the basic principles of law which the Amendment expresses and upon the main ways in which it will affect existing laws and practices. The failure of proponents of the measure in the past to formulate a clear theory of the Amendment and its application has confused consideration of the issues and left us without a satisfactory legislative history. It is not possible to discuss these matters fully here, but the underlying concepts can be briefly outlined.

The basic premise of the Equal Rights Amendment is that sex should not be a factor in determining the legal rights of women, or of men. The existence of a characteristic found more often in one sex than the other does not justify legal treatment of all members of that sex different from all members of the other sex. The same is true of the functions performed by individuals. The circumstance that in our present society members of one sex are more likely to be found in a particular type of activity than members of the other sex does not authorize the government to fix legal rights or obligations on the basis of membership in one sex. The law may operate by grouping individuals in terms of existing characteristics or functions, but not through a vast overclassification by sex.

The main reasons underlying this basic concept derive from both theoretical and practical considerations. The Equal Rights Amendment embodies a moral value judgment that a legal right or obligation should not depend upon sex but upon other factors, factors which are common to both sexes. This judgment is rooted in the basic concern of society with the individual, and with the right of each individual to develop her own potentiality.

The Equal Rights Amendment also expresses a political value judgment that the government cannot rely upon the administrative technique of grouping or averaging where the classification is by sex. There are many situations where it is permissible for the law to operate on the basis of groups or averages. Thus individuals can be classified by age—under 21 or over 65—even though there are individual differences as to maturity or senility. In such cases individual rights are sacrificed to administrative efficiency. But the Equal Rights Amendment makes the constitutional judgment that this is not acceptable where the factor of sex is concerned. Here, whatever the price in efficiency, the decision must be made on some other basis.

From this analysis it follows that the constitutional mandate should be absolute. The issue under the Equal Rights Amendment cannot be benefit or detriment, reasonable or unreasonable classification, strict scrutiny, compelling reasons, or the demands of administrative expediency. Equality of rights simply means that sex is not a factor.

There are two qualifications of this central principle, however, that must be stressed. One is that the Equal Rights Amendment does not preclude legislation (or other official action) which relates to a physical characteristic unique to one sex. Thus a law relating to wet nurses would cover only women, and a law regulating the donation of sperm would restrict only men. Such legislation does not, however, deny equal rights to the other sex. So long as the characteristic is found in *all* women and no men, or *all* men and no women, the law does not violate the basic principle of the Equal Rights Amendment; for it raises no problem of ignoring individual characteristics in favor of a prevailing group characteristic or an average.

Instances of laws directly concerned with physical differences found only in one sex are relatively rare. Yet they include many of the examples cited by opponents of the Equal Rights Amendment as demonstrating the nonviability of that proposal. Thus not only would laws concerning wet nurses and sperm donors be permissible but so would laws establishing medical leave for child bearing (though medical leave for child rearing would have to apply to both sexes). Laws punishing forcible rape, which relate to a unique physical characteristic of man, would remain in effect. So would paternity legislation. Laws dealing with homosexual relations would likewise be unaffected, for such laws also deal with physical characteristics pertaining only to one sex.

A second qualification of the central principle of the Equal Rights Amendment flows from the constitutional right of privacy, established by the Supreme Court in *Griswold v. Connecticut* (381 U.S. 479 (1965)). Thus the right of privacy would justify police practices by which a search of a woman could be performed only by another woman and search of a man by another man. Similarly the right of privacy would permit, perhaps require, the separation of the sexes in public rest rooms, segregation by sex in sleeping quarters of prisons or similar public institutions, and a certain segregation of living conditions in the armed forces. It is impossible to spell out in advance the precise boundaries that the courts will eventually fix in accommodating the Equal Rights Amendment and the right of privacy. In general it can be said, however, that the privacy concept is applicable primarily in situations which involve disrobing, sleeping, or performing personal bodily functions in the presence of the other sex. The great concern over these matters expressed by opponents of the Equal Rights Amendment seems not only to have been magnified beyond all proportion but to have failed to take into account the impact of the young, but fully recognized, constitutional right of privacy.

Opponents of the Equal Rights Amendment have argued that an interpretation of the Amendment which does not allow the legislature or courts to make "reasonable" exceptions is unworkable and leads to absurd results. I do not believe this is so. Taking into consideration the two qualifications just outlined, the Equal Rights Amendment is fully viable. In my judgment no exceptions are necessary or desirable. And certainly a construction or modification which allowed a category of exceptions, on the basis of "reasonable classification" or otherwise, would nullify the whole purpose of the Amendment. It would leave us just where we are now.

A great deal has been said about the uncertainty and confusion which would result from adoption of the Equal Rights Amendment. I think the picture, here also, has been grossly overdrawn. There can be no doubt that the transitional problems are important. But they are surely not beyond the capacity of our legislatures and courts. Under existing legal doctrines pertaining to severability much of the impact of the Amendment can be readily predicted and no further action will be required. In some areas present laws and practices will have to be changed or the legislature may want to consider alternative ways of complying with the mandate of the Amendment. There are many organizations and groups, including the law schools, which can aid the legislature in this task of law revision.

The Equal Rights Amendment does not become effective until two years after ratification. For practical purposes at least another year, during which the ratification process is going on, can be added to the waiting period. Thus a total of three years is available for study and action. We have achieved similar reforms in our laws in a shorter period of time. When the Social Security Act was passed in August 1935 it became necessary for every State in the Union to revise its entire welfare system, including the enactment of an unemployment compensation statute and establishment of machinery for its administration. This task was effectively accomplished by January 1937, less than 18 months later, when the Federal Unemployment Compensation Tax went into operation. I see no reason why the transition required by the Equal Rights Amendment should prove more difficult.

Mr. COOK. Mr. President, I think it also important to place in the Record a letter from Mr. Richard W. Velde, associate administrator of the law enforcement assistance administration, to the national organization for women concerning the extent of the 14th amendment's protection in the area of sex discrimination. I ask unanimous consent that the letter and a Washington Post article on the subject be printed at this point in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

March 5, 1971.

Miss Lucy Komisar,
Vice President, Contract Compliance Committee, National Organization for Women, New York, N.Y.

Dear Miss Komisar: This is in response to your letter of February 6, 1971, to the Attorney General, relative to the recently issued regulations prohibiting discrimination in employment under Federal assistance programs of the Law Enforcement Assistance Administration. You protest the fact that discrimination on the ground of sex was not included in the regulations.

You will note that the regulations were issued pursuant to the Fourteenth Amendment. The extent to which Fourteenth Amendment protections prohibit discrimination because of sex is not fully settled legally. Because of this, we do not feel, at this stage, in a position to make a decision in this important matter.

I want you to know that we share your concern regarding discrimination in employment because of sex. We will closely follow the development of the law in this area to guide us in future policies affecting the Law Enforcement Assistance Administration.

Sincerely,

RICHARD W. VELDE,
Associate Administrator.

ANGRY WOMEN ASK LEAA RULE ON EQUAL HIRING

(By John P. MacKenzie)

The Justice Department's failure to ban sex bias as well as race discrimination from anticrime programs which are federally funded has stirred the angle of the National Organization for Women—and so has the explanation offered by the department to explain the omission.

The women's liberation group has complained that sex was not included in the category of outlawed discrimination along with race, religion and national origin when the department's Law Enforcement Assistance Administration issued its guidelines last December.

The LEAA regulations are backed up by the threat of court action and the cutoff of funds to state agencies which are receiving millions of dollars to upgrade police, court and correction systems. The regulation requirement that fund recipients have equal employment policies is in accord with constitutional standards.

NOW's compliance officer, Lucy Komisar, wrote Attorney General John N. Mitchell to protest, stating that the Constitution protects the rights of women. Her reply was from LEAA, saying the agency's action was based on the unsettled state of the law of women's rights.

"You will note," said Associate Director Richard W. Velde, "that the regulations were issued pursuant to the 14th amendment." He added:

"The extent to which the 14th amendment protections prohibit discrimination because of sex is not fully settled legally. Because of this, we do not feel in a position to make a decision on this important matter."

"That's crazy," Miss Komisar said. "How can they say they haven't made up their minds? They could just as easily assume the 14th amendment does apply."

"I'm a little outraged, but not really very surprised," she said.

Informed of NOW's reaction, LEAA general counsel Paul Woodard admitted that a decision of sorts had been made when sex discrimination was excluded from the regulations.

Woodward said that after consultation with the Civil Rights Division, LEAA felt it would be "ill-advised" to insist on state observance of a right that had not yet been fully declared in the courts. He said the decision was "not final" and any complaints from women would receive serious attention from LEAA.

Federal law does not cover the problem, in LEAA's view. The employment section of the 1964 civil rights act bars sex bias in employment but doesn't cover government agencies, and Title VI, which provides for federal fund cutoffs, doesn't mention sex.

The 14th amendment says no state shall deprive "any person" of life, liberty or property without due process of law "nor deny any person within its jurisdiction the equal protection of the laws."

Women have won some constitutional battles in the courts but the judges have not considered sex discrimination in the same category with race or poverty—so evil that the state must show a "compelling" justification for discriminatory treatment.

Mr. COOK. Finally, Mr. President, I ask unanimous consent that the testimony of Prof. Leo Kanowitz be printed in the RECORD so as to clarify the differences between the two different versions of the equal rights amendment that have been introduced in this session of Congress.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

PREPARED REMARKS OF PROF. LEO KANOWITZ

Mr. Chairman and Members of the Committee: My name is Leo Kanowitz. I am a Professor of Law at the University of New Mexico where I teach courses in Family Law, Labor Law, Federal Jurisdiction, and a seminar in Women and the Law. I am also the author of the book, *Women and the Law: The Unfinished Revolution,* and of a series of articles on sex discrimination in the law that have been published in various American law journals.

I regret that I do not have copies of my book, *Women and the Law,* to distribute to you this morning. But its contents are described generally in the accompanying copy of my prepared remarks before the full U.S. Senate Judiciary Committee on September 11, 1970, which I would like to file with these prepared remarks as part of the record.

When I testified last September before the Senate Judiciary Committee during its hearings on the proposed Equal Rights Amendment to the U.S. Constitution, I spoke in support of Senate Joint Resolution 61, which was the exact counterpart of the Equal Rights Amendment that had already been passed by the House in the 91st Congress.

I still support, wholeheartedly, the basic principle of that Amendment, which states that "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex," and I shall explain the reasons for that support in a few minutes.

That principle, indeed its exact language, is contained intact in each of the three House Joint Resolutions presently before you on the subject of the Equal Rights Amendment Numbers 35, 208, and 231.

Of these three House Joint Resolutions, however, only one, H.J.R. 35, is exactly the same as the Resolution passed by the House during the 91st Congress.

This time, however, now that there is a choice to be made between resolutions, I should like to indicate my preference for H.J.R. 208, sponsored by Representative Griffiths of Michigan—emphasizing again that all three House Joint Resolutions are identical in their basic statement of principle.

What, then, are the differences between them, and why do I prefer H.J.R. 208 over H.J.R. 35 and H.J.R. 231?

Let us first compare H.J.R. 208 and H.J.R. 35. There are essentially three differences between them: H.J.R. 35 places no limit on the time within which the Amendment must be ratified by the legislatures of three-fourths of the states. By contrast H.J.R. 208 requires the amendment to be ratified by the requisite number of states within seven years after Congress submits it. Secondly, H.J.R. 35 provides that the Amendment will take effect one year after the date of ratification. By contrast, under H.J.R. 208 the amendment would take effect two years after ratification. Finally, H.J.R. 35 provides that both Congress and the states shall have power, "within their respective jurisdictions," to enforce the new article by appropriate legislation, whereas H.J.R. 208 does not mention the States, or "respective jurisdictions," but states simply that Congress shall have the power to enforce the provisions of the new articles by appropriate legislation.

H.J.R. 231, on the other hand, contains some features resembling those in H.J.R. 35, and others resembling those in H.J.R. 208. Thus, H.J.R. 231, like House Joint Resolution 208, limits the ratification process to seven years, and provides that the amendment will take effect two years after ratification. But unlike H.J.R. 208, and like H.J.R. 35, H.J.R. 231 provides that "Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation."

In expressing a preference for H.J.R. 208 over the two other resolutions, I am motivated in large part by my perception of the political feasibility of enacting this legislation in this session of Congress. Were all other things equal, I believe I would prefer no time limit on the ratification process, since very little is achieved by such a limit. But all other things are not equal. In particular, I am impressed by the fact that the seven-year limit has been proposed by Mrs. Griffiths and, in the Senate, by Senators Bayh and Cook—all of whom have been staunch proponents of the Equal Rights Amendment in recent times. Therefore, though I would prefer no limit on the time for ratification, I am willing to go along with the acceptance of such a limit by the three aforementioned members of Congress.

As for the two year delay in the Amendment's effective date, I would refer to my Senate Judiciary testimony of September 11, in which I stated: "[W]hile there is some merit to the idea that the state legislatures and Congress should be given more than one year to enact appropriate implementing legislation, a one-year period would be adequate since both state and Federal legislatures would have had time to prepare for their work while the ratification process was still pending."

In other words, though I preferred only a delay of only one year in the Amendment's effective date following ratification, I indicated that a two-year delay would also make sense for the reasons stated in that testimony. Therefore, once again, since Representative Griffiths and Senators Bayh and Cook have, in their respective joint resolutions, provided a two year delay in the amendment's effective date following ratification, I am perfectly willing to go along with this.

Perhaps the most complex of the areas in which the respective bills take a different approach concerns the language in H.J.R. 208 which provides that the Congress shall have the power to enforce by appropriate legislation the provisions of the new Constitutional article, but says nothing about the power of the states to enforce the provisions of the article by appropriate legislation. By contrast, the House-passed Equal Rights Amendment in the 91st Congress, and the present H.J.R. 231 and H.J.R. 35 all state that "Congress *and the several States* shall have power, *within their respective jurisdictions,* to enforce this article by appropriate legislation."

During the 91st Congress, Senator Cook of Kentucky introduced into the *Congressional Record* a letter from Dean Louis H. Pollock of the Yale Law School criticizing this language of the House-passed Equal Rights Amendment. Specifically, Dean Pollock noted that the Federal courts might read this provision as requiring the same degree of judicial deference to state statutes purporting to implement the Amendment as would normally be given to Federal statutes implementing the Amendment; this could mean that the parochial (and, as might often be the case, mutually inconsistent) statutes of state legislatures would assume an unprecedented degree of apparent dignity and consequent unreviewability merely because they were denominated implementations of this Amendment. Second of all, the phrase "within their respective jurisdictions" might be read by the federal courts as requiring some other constitutional basis for implementing legislation (e.g., Congress might be held to be without power to enforce the amendment with respect to intra-state commerce, etc.).

When Dean Pollock's concern about this particular wording of the amendment was first brought to the attention of the Amendment's proponents, it was important, *for tactical reasons,* not to permit further revision of the original proposal. As a result, several legal scholars, myself included, submitted letters to Senator Cook, which suggested that the adverse court interpretations feared by Dean Pollock could be avoided if the legislative history clearly negated such interpretations.

However, now that Congress is considering this legislation as a new bill in the current session, the earlier tactical considerations are no longer relevant. I, therefore, believe it preferable that the language of the 91st Congress' House-passed Equal Rights Amendment be changed in this respect. That is, instead of providing as the House-passed Amendment did in the last session of Congress, that "Congress and the several states shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation" (which is the language of H.J.R. 35 and 231), it is preferable to adopt the language of Representative Griffiths' bill, H.J.R. 208, which states simply that "Congress shall have the power to enforce by appropriate legislation, the provisions of this article."

Eliminating any reference to the power of the States to enforce the new article represents no loss. For pursuant to their inherent police power, the States could still enact legislation to implement the principle of equality of the sexes under law. Such inherent police power has been the source of state authority in enacting fair employment, fair housing, and general civil rights law. In none of these instances have the States needed special authorization in the Federal Constitution, their inherent police power being sufficient for such purposes.

At the same time, by removing any reference to the States' power to enforce the new article by appropriate legislation, the Equal Rights Amendment as worded in Representative Griffiths' bill, H.J.R. 208 makes absolutely certain that Dean Pollock's feared court interpretations could not came to pass.

While the preparation of an appropriate legislative history could probably achieve the same result, it is preferable, in my opinion, simply to omit any reference to the power of the States to enforce the article by appropriate legislation.

Finally, it should also be noted that specifying only the Congress' power to enforce the new article by appropriate legislation, as is done in H.J.R. 208, is consistent with the language in the 13th, 14th, 15th, 19th, 23rd and 24th Amendments to the United States Constitution. Only in the 18th Amendment establishing Prohibition were the States expressly given concurrent enforcement powers, probably because of doubts that they would otherwise have them, in view of the drastic curtailment of freedom of choice effected by that Amendment.

So much for the differences between the three House Joint Resolutions, and my reasons for preferring H.J.R. 208. I understand the Committee would prefer witnesses to limit their testimony to fifteen minutes, so that questions can be posed. I am therefore not going to read the full statement previously made to the Senate Judiciary Committee. But that statement has now been filed for the record, and I hope that all members of this Committee and their staffs will have an occasion to read it in the near future.

But I would like to take this occasion to reemphasize some of the major points in that statement.

First, I would reiterate that, were it not for the United States Supreme Court's failure to apply existing Constitutional provisions to the sex discrimination areas, as they could be applied, we would not need an Equal Rights Amendment now.

Secondly, I still have hopes that, pending ratification of the Equal Rights Amendment, the Supreme Court, in ruling on sex discrimination cases in which violations of existing Constitutional provisions are asserted, will render the Equal Rights Amendment a Constitutional redundancy.

My hopes in this regard have been dampened somewhat, however, by the recent Supreme Court Decision in *Phillips* v. *Martin-Marietta.* In that case the court, construing Title VII of the 1964 Civil Rights Act, held that an employer could not automatically preclude mothers of pre-school age children from consideration for employment when it did not preclude the fathers of such children equally. This represented a victory for equal rights proponents. Unfortunately, because of some language in the decision, it was only a partial victory at best, and perhaps even a defeat—only time will tell. For eight of the nine Justices, in remanding the case to the lower Federal court for further evidence, suggested that certain "conflicting family obligations" if proved to be more relevant to job performance for a woman than for a man, could justify separate treatment under the bonafide occupational qualification provisions of Title VII.

Characterizing his colleagues' approach in this respect, Justice Marshall observed that they had "fallen into the trap of assuming that the act permits ancient canards about the proper role of women to be a basis for discrimination."

If Justice Marshall's fears are well founded in this respect, it does not bode well for the cases now pending before the court in which various types of official sex discriminatory practices and rules are being challenged on the ground that they violate existing Constitutional provisions.

This event makes it even more urgent than before to adopt the Equal Rights Amendment so as to eliminate any possibility that the equal rights principle will not be scrupulously observed by the United States Supreme Court.

Another point that I would stress is the need for the legislative history of the Equal Rights Amendment to be clear that Congress, in adopting the Amendment, does not thereby intend to dissuade the courts from vigorously interpreting *existing* Constitutional provisions so as to give life to the basic principle of equality under law without regard to sex.

I would also call to this Committee's attention my view that much of the present controversy surrounding the Equal Rights Amendment proceeds from a confusion about its probable effects by some of its proponents as well as its opponents. I would re-emphasize the position I urged before the Senate Judiciary Committee that, in very many respects, the Equal Rights Amendment, should it become part of our fundamental law, would require the extension of certain benefits to men which are now presently enjoyed by women only, rather than their abrogation. This would be true of such protective labor legislation as the minimum wage laws presently applicable to women only, the requirement of seats at work for women workers only, and the requirement of rest periods for women workers only. However, in so far as weight-lifting-limitation-laws and hours-limitation-laws are concerned, the solution I have proposed for implementing the equal rights without sacrificing the limited social gains represented by such laws, would require new state and federal legislation in each of these realms which is described in my accompanying statement.

Finally, with regard to the Equal Rights Amendment, as worded in Representative Griffiths' bill, House Joint Resolution 208, I would repeat what I told the Senate Judiciary Committee:

"I now believe that it is necessary for all branches of government to demonstrate an unshakable intention to eliminate every last vestige of sex-based discrimination in American law. The adoption of the Equal Rights Amendment at this time would give encouragement to the many American women and men who now see the need for substantial reform in this area. . . . [S]hould the next few years bear out my prediction that the Court will soon begin to interpret the existing Constitutional provisions so as to eliminate irrational sex discrimination in the law, no harm will have been achieved by the presence of the Equal Rights Amendment. Indeed, many examples can be cited in which laws and official practices may violate more than one constitutional provision at one time.

I should like to turn my attention to H.R. 916 introduced by Representative Mikva and others. Time does not permit a thorough exposition of all my reasons for supporting H.R. 916. But let me try to summarize these briefly.

As I see it, the bill is designed to add sex as a prohibited basis for discrimination in a number of anti-discrimination laws already in effect. There is ample precedent for this kind of action in the revision of Executive Order 11246 by Executive Order 11375, which added sex discrimination to other types of discrimination as a reason for cutting off government contracts.

H.R. 916 also provides, among other things, for the extension of the Equal Employment Opportunity Commission's jurisdiction by removing the present exemption of educational institutions from Title VII of the 1964 Civil Rights Act.

Perhaps most importantly, the bill would authorize the Equal Employment Opportunity Commission, upon complaint and hearing, to issue cease and desist orders, comparable to those presently issuable by the National Labor Relations Board. This would represent a marked improvement over the present remedial powers of the EEOC which are now limited to conciliation efforts. It would also relieve individual complainants of the need to pursue lengthy and costly legal proceedings on their own, following the EEOC's failure to conciliate the dispute. It would permit the EEOC to enforce its cease and desist orders in the federal courts of appeal.

The experience of the last few years has demonstrated the need for the legislative reforms contained in H.R. 916, and I would urge its passage. But I would stress the importance of not regarding H.R. 916 as an alternative for adoption of the Equal Rights Amendment. Both are urgently needed at this time. Especially with regard to the Equal Rights Amendment, the legislative momentum for its passage, which has been steadily gaining in recent years, must not be lost.

Mr. COOK. Mr. President, the need for this amendment becomes more obvious every day. I trust that Senators will become even more aware of this need and support the equal rights amendment.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there any further morning business? If not, morning business is concluded.

EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATION ACT OF 1971

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair now lays before the Senate the unfinished business which the clerk will state.

The legislative clerk read as follows:

(S. 1557) to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes.

The Senate resumed the consideration of the bill.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I am authorized by the distinguished majority leader, after consultations with the distinguished minority whip, the distinguished Senator from North Carolina (Mr. ERVIN), the distinguished Senator from Alabama (Mr. ALLEN), the distinguished Senator from Kentucky (Mr. COOK), and others, to propound the following unanimous-consent request:

I ask unanimous consent that at 1:30 p.m. today the distinguished Senator from Alabama (Mr. ALLEN) be recognized for not to exceed 15 minutes, and that, at the close of the 15 minutes—to wit, at 1:45 p.m. today—a vote occur on the pending amendment which has been offered by the distinguished Senator from Kentucky (Mr. COOK); and that any time on any amendments thereto—and we know of none—be limited to 10 minutes, to be equally divided between the mover of such amendment and the distinguished Senator from Kentucky (Mr. COOK).

Mr. GRIFFIN. Mr. President, reserving the right to object—and I do not intend to object—I believe that the distinguished majority whip would want to include in his agreement a provision for the division of the time between now and 1:30 p.m., and I wonder whether, in view of the fact that only 10 minutes would be allowed for an amendment to the amendment, it be understood that no such amendments would be in order except that they be germane?

Mr. BYRD of West Virginia. Yes, Mr. President, and I so request, that amendments not germane not be received; and, further, that time between now and 1:30 p.m. be equally divided between the author of the pending amendment, the distinguished Senator from Kentucky (Mr. COOK), and the manager of the bill, the distinguished Senator from Rhode Island (Mr. PELL) or his designee.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous consent request just propounded by the distinguished Senator from West Virginia?

Mr. GRIFFIN. Mr. President, again reserving the right to object—and I shall not object—I only wish to state that I have had the opportunity to confer with the distinguished ranking minority member, the Senator from New York (Mr. JAVITS), with the sponsor of the amendment, the distinguished Senator from Kentucky (Mr. COOK), and with a number of others on our side, and there is general agreement that this is satisfactory.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia? The chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, will the distinguished Senator from Rhode Island yield me one-half minute?

Mr. PELL. I am happy to yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, have the yeas and nays been ordered?

The ACTING PRESIDENT pro tempore. The yeas and nays have not been ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. Who yields time?

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, will the Senator from West Virginia yield me 1 minute.

Mr. BYRD of West Virginia. I yield.

Mr. JAVITS. Could I ask a question of the distinguished majority whip? I was delayed coming over here and could not meet the time for the morning hour. I have a bill I wish to introduce and I wonder whether I could put it in now.

WAIVER OF GERMANENESS RULE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that in this one instance, and because of certain extenuating circumstances, the Pastore rule of germaneness be waived for 1 minute so that the distinguished Senator from New York (Mr. JAVITS) may be recognized to introduce a bill.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

(The remarks of Mr. JAVITS when he introduced S. 1641 are printed in the RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. JAVITS. Mr. President, I thank my colleague from West Virginia very much for his courtesy in this regard.

Mr. BYRD of West Virginia. Mr. President, may I say that I hope Senators will not take the lifting of the Pastore rule of germaneness in this instance as any precedent that will be followed in the future, but because of an extenuating circumstance——

Mr. JAVITS. May I say to the Senator from West Virginia that I was actually on the subway car when the bells rang ending the period for the transaction of morning business. I had understood that that period would last from 11:45 to 12:15. I have a witness on the stand waiting for me to come back now. If those are not extenuating circumstances, I do not know what are.

Mr. BYRD of West Virginia. The agreement yesterday was to the extent that the period for the transaction of routine morning business would not extend beyond 30 minutes; it could, of course, be closed at any time short of 30 minutes, and thus I waived the Pastore rule of germaneness reluctantly in this one instance because the Senator had been misinformed.

Mr. JAVITS. I thank the Senator from West Virginia very much.

EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATION ACT OF 1971

The Senate resumed the consideration of the bill (S. 1557) to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes.

The PRESIDING OFFICER (Mr. BENTSEN). Who yields time?

QUORUM CALL

Mr. PELL. Mr. President, I suggest the absence of a quorum, with the time to be charged equally to both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. COOK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSOR

Mr. COOK. Mr. President, I ask unanimous consent that the name of the distinguished Senator from Michigan (Mr. HART) be added as a cosponsor to the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. COOK. Mr. President, I suggest the absence of a quorum, with the time to be evenly charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I have followed the debate on this amendment with considerable interest, and recognize the merits on each side. As my colleagues know, as manager of the bill I voted in favor of the Dominick amendment, which struck attorneys' fees—section 11—from the bill, because I have a certain aversion to the use of public funds for private attorneys' fees. The differences between the amendment we shall be voting on today and the one we voted on the day before yesterday should be noted. In the pending amendment the costs will be borne by the local agencies, as opposed to the Federal Government. This amendment is permissive; the other was mandatory. Also, this one is permanent, and the other was for 2 years. I voted against section 11 in subcommittee and in full committee, and intend to vote along the same line on the floor. I will oppose the amendment of the Senator from Kentucky. I am sure the majority of my committee disagrees with me.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. METCALF) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

RECESS

Mr. BYRD of West Virginia. Mr. President, will the Senator from Rhode Island yield?

Mr. PELL. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous that the Senate stand in recess until 1:20 o'clock p.m. today.

The PRESIDING OFFICER. Is the time for the recess to be charged against both sides?

Mr. BYRD of West Virginia. It is.

The PRESIDING OFFICER. Is there objection?

There being no objection, at 12:30 p.m. the Senate took a recess until 1:20 p.m. today.

On the expiration of the recess, the Senate reassembled, and was called to order by the Presiding Officer (Mr. BYRD of Virginia).

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally divided between both sides.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATION ACT OF 1971

The Senate continued with the consideration of the bill (S. 1557) to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes.

ORDER FOR RECOGNITION OF SENATOR COOK AND FOR VOTE ON AMENDMENT OFFERED BY SENATOR COOK

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at 1:45 p.m. today the distinguished Senator from Kentucky (Mr. COOK), the author of the pending amendment, be recognized for not to exceed 5 minutes, and that the vote on the amendment offered by the Senator from Kentucky (Mr. COOK) then occur.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR TUNNEY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at 3:01 p.m. today the distinguished Senator from California (Mr. TUNNEY) be recognized for not to exceed 5 minutes, without prejudice to any Senator who may be holding the floor at that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I ask that the time be equally divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATION ACT OF 1971

The Senate resumed the consideration of the bill (S. 1557) to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes.

The PRESIDING OFFICER (Mr. BYRD of Virginia). Under the previous order, the Senator from Alabama (Mr. ALLEN) is recognized for 15 minutes.

Mr. ALLEN. I thank the Chair.

Mr. President, I speak in opposition to the pending amendment offered by the distinguished Senator from Kentucky (Mr. COOK) and cosponsored by a distinguished array of Senators from both sides of the aisle.

So that the Senate can place this amendment in proper perspective, it must be remembered that on last Wednesday, an amendment was offered by the distinguished Senator from Colorado (Mr. DOMINICK). Section 11 of S. 1557 provided for the allowance of attorneys' fees for attorneys bringing desegregation suits. The bill also authorized an appropriation of $15 million to pay such attorneys' fees. Under the Dominick amendment, the provision allowing attorneys' fees and the section authorizing the $15 million appropriation were both striken from the bill.

Then, on yesterday, the present amendment was offered by the Senator from Kentucky (Mr. COOK), with the cosponsors that I have mentioned, which is much worse than the provision which was stricken out. I say it is much worse because it provides no limitation whatsoever in dollar amount for attorneys' fees for suits brought against local school districts seeking to compel desegregation of public schools. Instead of a $15 million limitation, as was contained in the original bill, which was deleted under the Dominick amendment, we now have an amendment that has no dollar amount ceiling whatsoever.

In the second place, the original provision provided that these attorneys' fees would be paid from an appropriation from the Federal Treasury, whereas the present amendment provides that they will be paid by the local school districts, which is another way of saying that these fees are to be paid by the schoolchildren in those districts, or from funds appropriated for their use. So instead of the attorneys' fees being paid by the Federal Government, as originally provided, the amendment would provide that they shall be paid by the local school districts, which means the local schoolchildren.

Where would these suits be filed? The overwhelming majority of the suits would be filed in the southern area of this country, because the Supreme Court has ruled that only that segregation resulting from official action is unconstitutional. So, under some sort of legal fiction, the types of segregation which exist in the North, and which are growing by leaps and bounds, have not been held to be unconstitutional. So there would be nothing to avail the attorney to file a suit in the North, because he would not be successful, and the payment of his attorney's fees depends upon the success of the action. Therefore, the overwhelming majority of the suits would be filed in the southern section of the country.

This would encourage litigation, Mr. President. It would encourage the bringing of lawsuits against local school boards. Already the local school boards, already the administrators and the faculties, are kept busy by filling in forms, answering questionnaires, applying for grants, going to court. Add this additional incentive for the bringing of suits, and we will find that the local school authorities are not going to have any time to consider the matter of educating the schoolchild. They are going to be kept busy defending suits brought against them, encouraged all the more by this very provision for the payment of attorneys' fees.

Mr. President, we have appropriations for the relief of this segment of the economy and that segment of the economy, and now we have a lawyer's relief fund set up under this amendment, or, at least, access to a lawyer's relief fund. The junior Senator from Alabama feels that this amendment is not in the public interest. It is not in the interest of the schools of Alabama and the South and the Nation. It would encourage harassment by attorneys bringing desegregation cases against local school boards for the primary purpose of the attorneys' fees involved.

Mr. President, if it takes the payment of an attorney's fee to prick or to alert the social consciousness of the attorneys, then, in the judgment of the junior Senator from Alabama, those attorneys do not have sufficient social consciousness.

S. 1557 is supposed to be an emergency school aid authorization, and its sponsors have come in and said, "Why, this is purely voluntary. We are not forcing any money on any local school board. Only those school systems that want grants need apply for them." Purely voluntary, but yet, Mr. President, there must be read into S. 1557 the Federal school policy that was all too clearly and the more forcefully declared by the Supreme Court on Tuesday—that there is, in fact, a dual Federal school policy for the desegregation of the public schools of the Nation. That policy as regards the South demands immediate desegregation now—and "now" is the word the Supreme Court likes to use time and time again about southern school systems, that they desegregate now—while at the same time, in areas outside of the South, segregation is fostered and encouraged and protected in the local school systems.

All too clearly, the effect of these decisions was that, as regards southern public school systems, anything goes, no matter how vicious. So we have got to read that Federal school policy into S. 1557. Then it becomes not altogether voluntary, because the southern schools must be desegregated now; but that situation, that mandate, that edict, that ruling does not apply to northern schools.

Mr. President, if segregation is evil, if it is inferior in the South, why is it not inferior in the North? They say, "Well, we do not have to desegregate. Our segregation is not unconstitutional."

But to desegregate would not be unconstitutional. So why are those in the North depriving minority group students of a good education? Why are they imposing upon the schoolchildren of racial minorities in the North a segregated school system?

Mr. President, what is the effect of this amendment—and I do not have any thought whatsoever that even a respectable vote is going to be cast against the amendment; it is all set, it is going to go right on through, sponsored heavily on both sides of the aisle.

It will encourage litigation in the South against public school systems. Any attorney's fee that is recovered will be paid by southern schoolchildren. How do they pay it? They pay it in the sense that they are deprived of the public funds that have been made available for their education, for adequate school buildings, for adequate facilities, for competent teaching personnel. That is how they are going to pay this bill.

Mr. President, nothing was said about where these attorneys will come from. The junior Senator from Alabama can envision teams of attorneys coming into Southern States and filing desegregation suits against local school boards for the purpose of collecting fees from such school systems.

Mr. President, this amendment providing for a lawyers relief fund should be defeated.

Now, having used the time allotted me, I yield the floor.

The PRESIDING OFFICER (Mr. BYRD of Virginia). The Senator from Kentucky is recognized for 5 minutes.

Mr. COOK. Mr. President, this amendment is not new to the law. It is merely, frankly, an extension of what has been written into the law on at least three occasions. It was written into the Civil Rights Act of 1964, under title II. It was a valid part of title VII of the 1964 Civil Rights Act. And it was reaffirmed, reestablished, and extended to punitive damages under title VIII of the Civil Rights Act of 1968.

I tried yesterday, to the best of my ability, to determine from the respective agencies how much had been spent, because the point was made by the distinguished Senator from Alabama that this was worse than section 11, because section 11 at least limited lawyers' fees to a total of $15 million, and this had no ceiling at all.

So we tried to the best of our ability, Mr. President, to find out from HEW how much money had been expended for attorneys' fees under the 1964 Civil Rights Act. The lowest estimated figure that we were able to get was approximately $100,000 in 7 years, and the highest figure we could get, by the outside stretch of the imagination, was $160,000.

I might say, Mr. President, that in the largest case undertaken by a national organization to protect the right to equal employment, the fee that was awarded by the court—and this was for a multiplicity of suits that were finally brought together, in litigation that involved about 5 years—when a decision was finally made, the court awarded an attorneys' fee of $20,000.

Mr. President, no limitation, the Senator has said, is worse than the $15 million. But our experience under the 1964 Civil Rights Act has proved that is not a correct asumption.

The Senator says one of the worst things about it is that the fees are paid by the local school board, and this takes money away from the schoolchildren. Mr. President, if someone violates the 14th amendment of the Constitution of the United States, who ought to pay that fee? The Federal Government because the local school board or State Board of Education violates the Constitution? I would think not. That was one of the reasons we were so opposed to title XI, because the Federal Government was to pay it regardless of who the guilty party was.

There has been an erroneous assumption on the part of the Senator from Alabama, Mr. President, because he asked who was going to pay these fees, and then stated that only the local school boards would pay them. That is not what the amendment says. The amendment says:

> Upon the entry of a final order by a Court of the United States against a local educational agency, a State (or any agency thereof), or the United States (or any agency thereof).

So it is the guilty party; it is not the local school board.

He says we are going to take money away from these schoolchildren. Mr. President, who represents the school boards when they defend these cases? It is a local attorney, hired by the school board on a permanent basis, paid 12 months of each year. Some of them are paid substantial sums of money, as lawyers on this floor know, on a retainer basis. If this is taking money from little schoolchildren, I do not know of any local school board attorney who, when he lost a case before the Supreme Court, ever wrote a letter to his local school board and said, "I lost this case I was defending for you, therefore I will not send you a bill, because I do not want to deprive these little schoolchildren of the money; I might take away a teacher, or in some other way deprive them of a part of their education."

The Senator's next argument was that the overwhelming majority of the suits would be in the South. After we passed the Stennis amendment yesterday, how could this claim possibly be true? Those of us who voted to pass the Stennis amendment—and I include myself in that group, with the Senator from Alabama—concluded that there should be a nationwide policy, that that nationwide policy should be established, to the effect that no one will flee from North to South to file these suits. As a matter of fact, the contrary could be true, now that the Stennis amendment is a part of this act: That the lawyers from the South will flee to the North to bring all these segregation suits, because we will have established a national policy. I doubt seriously that lawyers will roam through the South with mimeograph machines and bring suits against every school board because they want to collect a fee.

The Senator says this is a lawyers' relief fund. Mr. President, it is the people's relief fund, I say to the Senator from Alabama, because if a judgment is brought and a mandate is rendered that a violation of the law has occurred or that a violation of the 14th amendment has occurred, it is not for the benefit of the lawyer who may ask for a fee, but for the benefit of the clients the lawyer represents. That is the important thing. That is the thing that counts, and that is what we are after here.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ALLEN. I ask unanimous consent that the Senator's time may be extended for such time as he requires.

Mr. MANSFIELD. That would make it unlimited.

Mr. ALLEN. Five additional minutes.

Mr. MANSFIELD. Mr. President, would the Senator withhold that?

Mr. COOK. Yes. All I need is another minute.

The PRESIDING OFFICER. What is the motion?

Mr. MANSFIELD. The Senator from Kentucky says he needs 1 more minute.

Mr. ALLEN. I modify the request accordingly.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. COOK. Mr. President, it is said that this will encourage litigation in the South. This has not been the case. This has not been the case under the 1964 act or under title VII or under the 1968 act.

I can only say that what this does, in essence, is that it says a party is entitled to pursue his remedy if there is a violation of this act, if there is a violation of the 1964 Civil Rights Act, if there is a violation of the 14th amendment to the Constitution of the United States. It says that, in the discretion of the court, if a mandate comes down, if a judgment is rendered, and if it was necessary to bring the action to see to it that the act was enforced, they could allow the cost and a reasonable fee for time expended. That is the extent of it.

I yield the floor, and I am ready to vote.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may be allowed to proceed for not to exceed 2 minutes, to make certain announcements to the Senate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. MONDAY, APRIL 26, 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock Monday morning next.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

PROGRAM

Mr. GRIFFIN. Mr. President, if the distinguished majority leader will yield for an inquiry, I should like to ask whether he can tell us what the program is for the remainder of the day.

Mr. MANSFIELD. Yes. When the pending amendment is disposed of, the distinguished Senator from North Carolina will offer an amendment, and he has agreed to a 20-minute limitation, 10 minutes to a side. I would assume that, on that basis, there would be another rollcall vote.

Mr. ERVIN. That is correct.

Mr. MANSFIELD. Furthermore, at the request of the minority side, I intend to speak to the chairman of the Committee on Appropriations to see if it would be possible, because of the time factor, to get the supplemental appropriation bill through this afternoon. What will happen beyond that, if we get that far, I do not know.

Mr. GRIFFIN. I thank the majority leader.

EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATION ACT OF 1971

The Senate continued with the consideration of the bill (S. 1557) to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes.

The PRESIDING OFFICER. All time on the amendment having expired, the question is on agreeing to the amendment of the Senator from Kentucky. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the negative). On this vote I have a pair with the senior Senator from Massachusetts (Mr. KENNEDY). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. BYRD of West Virginia (after having voted in the negative). On this vote I have a pair with the distinguished senior Senator from West Virginia (Mr. RANDOLPH). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from North Carolina (Mr. JORDAN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Wisconsin (Mr. NELSON), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I also announce that the Senator from Florida (Mr. CHILES), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Illinois (Mr. STEVENSON), and the Senator from Georgia (Mr. TALMADGE) are absent on official business.

On this vote, the Senator from Connecticut (Mr. RIBICOFF) is paired with the Senator from Mississippi (Mr. EASTLAND).

If present and voting, the Senator from Connecticut would vote "yea" and the Senator from Mississippi would vote "nay."

On this vote, the Senator from Maine (Mr. MUSKIE) is paired with the Senator from Georgia (Mr. GAMBRELL).

If present and voting, the Senator from Maine would vote "yea" and the Senator from Georgia would vote "nay."

On this vote, the Senator from Illinois (Mr. STEVENSON) is paired with the Senator from Georgia (Mr. TALMADGE).

If present and voting, the Senator from Illinois would vote "yea" and the Senator from Georgia would vote "nay."

I further announce that, if present and voting, the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. BAYH), and the Senator from Missouri (Mr. SYMINGTON) would each vote "yea."

On this vote, the Senator from Washington (Mr. MAGNUSON) is paired with the Senator from North Carolina (Mr. JORDAN).

If present and voting, the Senator from Washington would vote "yea" and the Senator from North Carolina would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT) is absent by leave of the Senate on official business.

The Senator from Kentucky (Mr. COOPER) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Massachusetts (Mr. BROOKE), the Senator from New York (Mr. BUCKLEY), and the Senator from Colorado (Mr. DOMINICK), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Florida (Mr. GURNEY), the Senator from Oregon (Mr. PACKWOOD), the Senator from Nebraska (Mr. HRUSKA), the Senator from Iowa (Mr. MILLER), the Senator from Illinois (Mr. PERCY), the Senator from Ohio (Mr. SAXBE), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Alaska (Mr. STEVENS), the Senator from Ohio (Mr. TAFT), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) are necessarily absent.

On this vote the Senator from Massachusetts (Mr. BROOKE) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from Texas would vote "nay."

On this vote, the Senator from Pennsylvania (Mr. SCOTT) is paired with the Senator from South Carolina (Mr. THURMOND). If present and voting, the Senator from Pennsylvania would vote "yea" and the Senator from South Carolina would vote "nay."

On this vote, the Senator from Ohio (Mr. TAFT) is paired with the Senator from South Dakota (Mr. MUNDT). If present and voting, the Senator from Ohio would vote "yea" and the Senator from South Dakota would vote "nay."

The result was announced—yeas 30, nays 24, as follows:

[No. 47 Leg.]

YEAS—30

Beall
Bellmon
Boggs
Case
Cook
Cranston
Dole
Griffin
Hart
Hatfield
Hughes
Humphrey
Inouye
Jackson
Javits
Mathias
McGee
McGovern
McIntyre
Metcalf
Mondale
Pastore
Pearson
Prouty
Proxmire
Schweiker
Smith
Tunney
Weicker
Williams

NAYS—24

Aiken
Allen
Anderson
Baker
Bennett
Bentsen
Bible
Brock
Byrd, Va.
Cotton
Curtis
Ellender
Ervin
Fong
Hansen
Jordan, Idaho
Long
McClellan
Montoya
Pell
Roth
Spong
Stennis
Young

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Byrd of West Virginia, against.
Mansfield, against.

NOT VOTING—44

Allott
Bayh
Brooke
Buckley
Burdick
Cannon
Chiles
Church
Cooper
Dominick
Eagleton
Eastland
Fannin
Fulbright
Gambrell
Goldwater
Gravel
Gurney
Harris
Hartke
Hollings
Hruska
Jordan, N.C.
Kennedy
Magnuson
Miller
Moss
Mundt
Muskie
Nelson
Packwood
Percy
Randolph
Ribicoff
Saxbe
Scott
Sparkman
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower

So Mr. COOK's amendment was agreed to.

Mr. MONDALE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. COOK. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 48

Mr. ERVIN. Mr. President, I call up amendment No. 48 and ask unanimous consent that the reading of the amendment be dispensed with and that I be permitted to explain the amendment in lieu of having it read.

The **PRESIDING OFFICER.** Is there objection to the request of the Senator from North Carolina? The Chair hears none, and it is so ordered. The amendment will be printed in the RECORD.

The amendment ordered to be printed in the RECORD reads as follows:

AMENDMENT No. 48

On page 11, line 13, insert the word "or" after the semicolon.

On page 11, line 14, strike out through line 19.

On page 11, line 20, strike out "(D)" and insert in lieu thereof "(C)".

On page 12, line 3, strike out "(C), or (D)" and insert in lieu thereof "or (C)".

On page 12, line 18, strike out "(C), or (D)" and insert in lieu thereof "or (C)".

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on the pending amendment there be a time limitation of 20 minutes, the time to be equally divided between the sponsor of the amendment and the manager of the bill or whomever he designates.

The **PRESIDING OFFICER.** Is there objection? The Chair hears none, and it is so ordered.

YEAS AND NAYS

Mr. ERVIN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ERVIN. Mr. President, I assure all Senators that I believe they can vote for this amendment, even though it is offered by a southerner and even though it is an amendment to a bill that has racial overtones, if they understand the amendment.

Mr. President, I have been constrained to say on several occasions that the constant agitation for the forced integration of races in this country has impaired our national sanity. There is no stronger proof of this assertion than the provision which my amendment seeks to strike from the bill.

Mr. President, I invite the attention of the Senate to pages 10 and 11 of the bill and to these words:

> No local educational agency shall be eligible for assistance under this act if it has, after the date of enactment of this act—
>
> (C) in conjunction with desegregation or the conduct of activity described in section 5, had in effect any procedure for the assignment of children to or within classes which results in the separation of minority group from non-minority group children for a substantial portion of the school day;

My amendment would strike from the bill the words which appear in subsection (C).

Mr. President, I submit that school days are ordinarily 4 or 5 hours in length and that 15 or 30 minutes or 1 hour is a substantial part of a school day.

This provision is designed to make minority and nonminority children as inseparable as the Siamese twins. School boards cannot separate them for even a few minutes. That is a rank insult to intelligence. It is rank discrimination against all schoolchildren whether they be advantaged or disadvantaged.

Under the words of this provision a school board cannot receive any benefits under the bill if it separates for a substantial part of a day bright or diligent students for the purpose of enabling them to learn more than is taught the dull or lazy students. We cannot separate disadvantaged black children from the ghettos for the purpose of giving them remedial training.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The **PRESIDING OFFICER.** There will be order in the Senate. The Senator from North Carolina may proceed.

Mr. ERVIN. Mr. President, I believe that every American child whether he belongs to a minority or nonminority group has an inalienable right to make of himself everything which God Almighty gave him any possibility of being. And this provision which I seek to strike says that Congress will deny bright children and dull children equally this inalienable right if it results in a separation for only a few minutes of minority and nonminority groups of children.

I say that is an insult to intelligence because it says as far as the bright or diligent children are concerned that if they separate minority and nonminority children for a few minutes during school days, the bright or diligent children cannot be taught anything more than the school board attempts to teach the dull or lazy children.

More than that, it says that the school board cannot arrange to have remedial teaching done for the benefit of disadvantaged black children from the ghettos if such action results in their separation for only a few minutes during the school day from advantaged white children.

Surely, in any bill for education Congress ought not to set limitations upon the capacity of a child to acquire knowledge. Especially, Congress ought not to put limitations upon the capacity of school boards to give remedial training to disadvantaged black children from the ghettos. And that is what the provision that I seek to strike does.

Let the Senate be intelligent on this. Let the Senate vote to accord to every child, black or white, of any origin, an opportunity to make of himself everything which God Almighty gave him any possibility of being.

This section would say that a school would be forbidden, if it wanted any of these funds, to afford bright and diligent students the opportunity to learn anything more than the school would teach dull or lazy students. Under this section a school could obtain no funds unless that it agreed that it would not separate the disadvantaged black children from the ghettos from advantaged white children in order to give them remedial education to overcome their handicaps.

Notwithstanding the fact that this amendment is offered by a southerner to a bill which has racial overtones, I am confident that the Senate will overlook that fact and vote to strike this provision from the bill.

Mr. President, I yield the floor.

The **PRESIDING OFFICER.** Who yields time?

Mr. PELL. Mr. President, I have listened to the comments of the Senator from North Carolina, and have studied his amendment. I have been trying to see worked out some language to bring about a compromise, and that is why I was not in the Chamber when the Senator concluded his remarks.

I speak as one who believes in a degree of ability grouping. I see nothing wrong with it. Our Nation will progress primarily because those who are gifted children will be better equipped to fulfill their capacities. Therefore, I have no argument with the concept.

This language in the bill seeks only to avoid ability grouping which is used as a guise or cover for segregation. To be specific, the amendment offered by the Senator from North Carolina very properly raises a question about the interpretation of some language in the bill. I have heard several lawyers arguing about what it does say. They do not seem to agree.

As I understand it, the language on lines 14 through 15 of page 11 does not prohibit special classes for gifted children or, for that matter, special classes for disadvantaged children. The clause which the Senator proposes to strike out must be read as a whole. The clause is introduced with the phrase "in conjunction with desegregation"; therefore, the following language simply prohibits procedures which are used to separate children on the basis of race. The language does not prohibit a legitimate use of ability grouping if it inadvertently results in a separation of minority group children from nonminority group children.

As a Senator who would be a conferee on this bill, if I found that this language was being used to prevent ability grouping, per se, I would be opposed to it. For instance, if there was a school in suburbia with three sections, a advanced section, a medium section, and a slow section, and if there were minority children in only the slow section, and it appeared that ability grouping was being used as a means of segregating children, then I would be opposed; but if it were a coincidence and had happened merely as the normal outcome of standard educational practice, then I would not be opposed.

Mr. ERVIN. The easiest way to determine what a law means is to read it, and the easiest way to determine what it means after reading it is to say that it means exactly what it says.

Section 5 deals with segregation. Here is what the statute states:

> (C) In conjunction with desegregation or the conduct of an activity described in section 5,

No school can receive funds under this act if it has at any time after enactment:

> any procedure for the assignment of children to or within classes which results in the separation of minority group from nonminority group children for a substantial portion of the school day;

That means, Mr. President, that a school board cannot separate bright students or disadvantaged students from the rest of the school to get extra or remedial training, no matter how righteous its conduct may be, if it results in the separation of minority or nonminority group children for a substantial portion of the school day.

Notwithstanding my good friend's assurance that he would try to keep it from meaning that in a conference committee, that is the construction the Court would have to place on it, because that is what this says and nothing more. It cannot be construed out of existence.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. PELL. I yield 3 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I am very sympathetic to the problem. I believe, however, with the legislative construction that the Senator from Rhode Island (Mr. PELL) placed upon this and the legislative construction that I, as the ranking minority member, will now place upon it, it will be brought into focus.

The Senator is correct when he stated that a statute means what it says. However, the provision states in the first clause:

> In conjunction with desegregation or the conduct of an activity described in Section 5,

Now, the activities described in section 5 are activities relating to desegregation. That is what this is for. Therefore, if the tracking system is used as an effort to defeat desegregation which, in my judgment, is the clear intent of the paragraph, then I would naturally be against it and I would want this provision in the bill. On the other hand, I do not want to interfere with the normal pedagogical practice of ability grouping for selected subject instruction.

I have before me the guidelines which were being used in these matters by the Department of Health, Education, and Welfare. That is exactly what they said. I would like to read the language for the RECORD:

> (G) that no practices or procedures, including testing, will be employed by the local educational agency in the assignment of children to classes, or otherwise in carrying out curricular or extracurricular activities, within the schools of such agency in such a manner as (i) to result in the isolation of minority and nonminority group children in such classes or with respect to such activities; or (ii) to discriminate against children on the basis of their being members of a minority group;

As so construed, I could in good conscience accept this provision without feeling I was striking down the pedagogical concept of ability grouping. That is what the Senator from Rhode Island had in mind and it is what I have in mind.

Mr. ERVIN. I am astounded that as able and distinguished a lawyer as the Senator from New York would suggest that the courts, when they interpret this, would interpret it to mean not what it says but what is said in an inapplicable regulation of the Department of Health, Education, and Welfare which is especially designed to prevent racial isolation as a permanent thing in school classes or, as it is expressly said, to make a discrimination on racial grounds.

This provision outlaws tracking systems, no matter how innocent they are, if they result in separation of minority and nonminority groups for any part of a day, which may well mean for only 15 minutes. Everything in this bill is connected with desegregation. This provision in its present form, as I said in the beginning, ties the minority and the nonminority children as close together as Siamese twins, and the school board cannot separate them even to give the bright students superior education or the disadvantaged students of a minority race remedial education.

Mr. President, I hope the Senate agrees to my amendment.

Mr. PELL. Mr. President, I yield to the Senator from Minnesota for 2 minutes.

Mr. MONDALE. Mr. President, the provision found in the pending bill which would be amended by the amendment proposed by the Senator from North Carolina is a provision which was recommended by the administration. In fact, it is less strong than the regulations on this subject promulgated by the administration with respect to the use of the first $75 million under the emergency school assistance program. Despite the existence of those regulations for the expenditure of that first money, the report of six civil rights groups last November, based on 295 districts, found over 100 cases of classroom segregation.

In other words, in the name of ability grouping, children were separated on the basis of race and continued to be segregated. They did not call it racial discrimination; they called it ability grouping. The white class was the bright class, and the black class was the dumb class. If anything, this kind of discrimination is more insidious, more insulting, and more discriminating than the old kind of discrimination, which just recognized that children were to be separated on the basis of race. The bitterness of minority group students who, finding themselves in segregated classrooms, discover that desegregation has proved a fraud, is easy to understand. Moreover, we cannot expect the benefits of integrated education to accrue to any child unless classrooms, as well as schools, are operated on an integrated basis.

If the amendment by the Senator from North Carolina is adopted, the word is out that what was done traditionally in the old dual school systems in the name of racial segregation can be done now in the name of what is called tracking. Whether they call it tracking or racial segregation, the effect on children is the same—failure, bitterness, division, a divided community.

The provision found in the pending bill is an administration-supported proposal. I support it strongly. I think it is essential to a balanced, strong measure, and I oppose the amendment offered by the Senator from North Carolina.

Permit me to say one final thing about that amendment——

The PRESIDING OFFICER. All time of the Senator from Rhode Island has expired.

Mr. PELL. Mr. President, I ask unanimous consent that we may have an additional 10 minutes, to be equally divided.

Mr. ERVIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD of West Virginia. Mr. President, I hope the Senator will not object.

Mr. ERVIN. Mr. President, my position is this: If this were done for discriminatory purposes, with intent to separate the races, it would be invalid under about 25 separate provisions of the bill. So nothing is necessary to outlaw discrimination. I think we ought to go ahead and vote.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time may be extended for 1 minute.

The PRESIDING OFFICER. Is there objection?

Mr. ERVIN. Mr. President, the reason why I am going to object is that I have agreed to a 10-minute limitation, and if they come in here with some effort to change this, I have no time to discuss it. I do not think any discussion is necessary, because this says exactly what it means—that minority and nonminority students cannot be separated.

The PRESIDING OFFICER. Is there objection? All time has expired.

Mr. BYRD of West Virginia. Mr. President, I offer a substitute amendment.

The PRESIDING OFFICER. The clerk will read the substitute amendment.

Mr. BYRD of West Virginia. Mr. President, under my substitute, section 5(d)(1)(C) would remain as it appears in the bill, but following the semicolon on line 19, I would delete the "or" and insert the following language:

> *Provided, however,* the foregoing does not enjoin the use of bona fide ability grouping by a local education agency as a standard pedagogical practice; or

Mr. President, I ask unanimous consent for 10 minutes, to be equally divided, for the purpose of discussing my substitute amendment.

The PRESIDING OFFICER. Will the Senator from West Virginia send his amendment to the desk?

Mr. ERVIN. Mr. President, I would like to have a copy of it. I do not understand it.

The PRESIDING OFFICER. The clerk will read the amendment.

Mr. COTTON. Mr. President, has the unanimous-consent request been agreed to?

Mr. BYRD of West Virginia. Mr. President, I modify my unanimous consent to allow for 5 minutes, equally divided.

The PRESIDING OFFICER. Is there objection? The Chair hears none——

Mr. ERVIN. Mr. President, just a moment. I do not know what the amendment is.

The PRESIDING OFFICER. The Chair requests the Senator from West Virginia to withhold his request until the clerk can read the amendment.

The legislative clerk read the amendment of Mr. BYRD of West Virginia as follows:

On page 11, line 19, before the word "or" insert the following language:

> ; *Provided, however,* the foregoing does not enjoin the use of bona fide ability grouping by a local agency as a standard pedagogical practice; or

The PRESIDING OFFICER. Is there objection to the request?

Mr. COTTON. Mr. President, what was the request?

Mr. BYRD of West Virginia. The request was for 5 additional minutes, to be equally divided between the author of the substitute amendment and the distinguished Senator from North Carolina (Mr. ERVIN).

THE URGENT SUPPLEMENTAL APPROPRIATIONS BILL

Mr. COTTON. Mr. President, reserving the right to object—and I shall not object—the Senator from New Hampshire has to say that he regrets that he has to leave the floor. It was the intention and the hope of the Senator from New Hampshire to stay until the urgent supplemental appropriation bill was taken up, because of the fact that the distinguished Senator from Washington (Mr. MAGNUSON), as well as the Senator from New Hampshire, made a promise when the funds were not included in the earlier Urgent Supplemental Bill that we would see to it that the money for the new occupational safety legislation would be appropriated by April 28. We kept that promise. I anticipate we have not kept it in sufficient quantity to be satisfactory to the Senator from New York, and I anticipate that he will have some comments.

In the absence of the Senator from Washington, I had hoped to be here to cover it on behalf of our Subcommittee. I cannot do it, because I have to leave at once. I wanted to get that statement in the RECORD. I regret that I shall not be able to remain here and vote on it.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may speak for 30 seconds.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I wish to say I may not be able to be here, either. I did not intend to block the bill, but to record the inadequacy of the provision for occupational health and safety administration. My purpose is remedying that in the regular supplemental bill which will come up soon.

Mr. COTTON. Mr. President, I wish to say that the Senator from Washington and the Senator from New Hampshire realize that fact. We did keep our promise to get the part of the money needed to get the program going by April 28. We can now monitor and watch, their program with the idea that it will be taken care of when the Subcommittee shortly considers the regular 1972 bill.

CANCELLATION OF WHITE HOUSE TOURS TOMORROW

Mr. MANSFIELD. Mr. President, I have just received a message from the office of the Vice President.

It has been requested by the White House Tour Office to have an announcement made on the Senate floor today.

All special public and any other tours at the White House are canceled for Saturday, April 24, 1971. All people holding passes for that day may come to the White House on Tuesday morning, at which time they will be admitted for a tour.

EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATION ACT OF 1971

The Senate continued with the consideration of the bill—S. 1557—to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia for 5 minutes, to be equally divided? Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I have listened to the Senator from North Carolina as he has explained his amendment. He seeks to provide a way by which local education agencies may allow for bona fide ability groupings, so that bright students will not have their progress impaired by being forced to study with students who are slow learners.

I have listened to the objection that was expressed to the Senator's amendment. The opposition accepts the viewpoint, apparently, that ability grouping should be permitted where there is justification, but the opposition is fearful that such might be used as a subterfuge for segregation on the basis of race.

Mr. President, my substitute language would reach the objective which the able Senator from North Carolina seeks, while, at the same time, guarding against the kind of thing the opposition fears. It would allow, not for the discriminatory separation of students on the basis of race, color, and so on, but for bona fide ability groupings by a local education agency which feels that such is justified and in accordance with good pedagogical practice.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. PASTORE. As I understand this situation, which has led to a lot of confusion, the point is that both sides have the same objective in mind, but because of the ambiguity of the language, they drive in separate directions, and this clarifies the whole situation and brings them all together.

Mr. BYRD of West Virginia. Precisely.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ERVIN. Mr. President, if the Senator from West Virginia will withdraw his proposed amendment to my amendment, I will modify my amendment to provide that the semicolon on line 19 of page 11 be changed to a colon and that the following be added thereafter: "Provided, however, that nothing contained in this paragraph shall be construed to prevent any school board from adopting a system of ability groupings for any class of students, whether bright, average, or dull, if such ability grouping is not designed to promote discrimination."

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. BYRD of West Virginia. Mr. President, will the Senator permit the clerk once again to read my amendment so that it will be clearly understood by all Senators? I would be glad to withdraw my name from the amendment and substitute the name of the distinguished senior Senator from North Carolina, because my language does precisely what the Senator wishes to achieve.

Mr. ERVIN. I think the name of the Senator from West Virginia adds dignity and luster to the measure.

The legislative clerk read as follows:

> In lieu of line 3 of the Ervin amendment, insert the following: "*Provided, however,* That the foregoing does not enjoin the use of bona fide ability groupings by a local educational agency as a standard pedagogical practice; or"

Mr. BYRD of West Virginia. I think that is what the Senator wants.

Mr. ERVIN. Read it again, please.

The PRESIDING OFFICER. The clerk will read it.

The legislative clerk read as follows:

> *Provided, however,* That the foregoing does not enjoin the use of bona fide ability groupings by a local educational agency as a standard pedagogical practice; or

Mr. ERVIN. Will the Senator change the word "enjoin" to "prohibit"?

Mr. PELL. Mr. President, will the Senator yield 30 seconds to me?

Mr. BYRD of West Virginia. I yield.

Mr. PELL. The manager of the bill having followed this debate closely, and the ranking minority member of the committee having the same view, we would accept the amendment of the Senator from West Virginia, and recommend that our colleagues accept the amendment, but would not be opposed to the suggestion the Senator from North Carolina has just made.

The PRESIDING OFFICER. Does the Senator from West Virginia so modify his amendment?

Mr. BYRD of West Virginia. I believe the Senator misspoke.

Mr. PELL. We are supporting the amendment of the Senator from West Virginia, and would not oppose the amendment of the Senator from North Carolina.

Mr. ERVIN. Mr. President, I construe the amendment offered by the Senator from West Virginia to permit ability groupings for instructional purposes if such ability groupings do not——

Mr. BYRD of West Virginia. Mr. President, if the Senator will yield, I modify my amendment—in accordance with his wishes—to substitute the word "prohibit" for the word "enjoin."

The PRESIDING OFFICER. The amendment is so modified.

Mr. ERVIN. That is satisfactory to me.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia to the amendment of the Senator from North Carolina, as modified,

The amendment, as modified, was agreed to.

Mr. ERVIN. Mr. President, I ask unanimous consent that the order for the yeas and nays on the original amendment be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question now is on agreeing to the amendment of the Senator from North Carolina, as amended.

The amendment, as amended, was agreed to as follows:

On page 11, line 19 of the bill insert:

> Provided, However, the foregoing does not prohibit the use of bona fide ability grouping by a local education agency as a standard pedagogical practice; or

Mr. MONDALE. Mr. President, where genuine, pedagogically motivated ability grouping is conducted, where it does result in separation of students—as for bilingual education, or for special classes in arithmetic—but not for most of the school day, or where bona fide ability grouping does not result in separation of the races, as in most cases it should not, it should be permitted. The amendment of the Senator from West Virginia clarifies this point.

As I understand it, the amendment of the Senator from North Carolina does not change the meaning of the provision of the committee bill, and on that basis I am happy to accept it.

Mr. MANSFIELD. Mr. President, it is now the intention of the joint leadership——

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. BYRD of West Virginia. I want to express appreciation to the Senator from North Carolina for the amendment that he offered, and for his cooperation. He has achieved the objective he sought, and I think that his efforts have served a very good purpose today. I also want to thank the distinguished manager of the bill for the cooperation and understanding that he and the Senator from New York (Mr. JAVITS) and other Senators on both sides of the aisle have shown with respect to the amendment offered by the able senior Senator from North Carolina, Mr. ERVIN.

Mr. PELL. If the Senator will yield for 1 more minute, I would like to add my words of thanks to the Senator from North Carolina for the contribution he has made here. What he was seeking to do was to spell out what we had intended to be the language of the bill.

I also thank the Senator from Minnesota and the Senator from New York, whose basic amendment this was originally, for their cooperation in working with the Senator from North Carolina.

Mr. JAVITS. I think we all thank, if the Senator will yield, the Senator from West Virginia, who came up with the right answer.

Mr. PELL. I join in that sentiment.

URGENT SUPPLEMENTAL APPROPRIATIONS, 1971

Mr. MANSFIELD. Mr. President, on behalf of the joint leadership—and we hope we have cleared this matter with all concerned—we would like at this time to call up House Joint Resolution 567, the urgent supplemental appropriation bill for 1971. I ask that it be laid before the Senate and made the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

> A joint resolution (H.J. Res. 567) making certain urgent supplemental appropriations for fiscal year 1971, and for other purposes, reported with amendments.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. MANSFIELD. Mr. President, I would say the chances are about 98 out of 100 that there will not be a rollcall vote on the pending measure. Of course, there is always the chance that something might happen. But the legislation being considered in this appropriation bill is statutory. There is a time limitation to be considered, and I would not anticipate that the consideration of this bill would take more than 10 minutes.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ELLENDER. Mr. President, some of the items in the pending urgent supplemental were included in the request from the administration for consideration in connection with the supplemental considered a few weeks ago; but, because they were not urgent at that time, we did not include them. Under a new procedure that was adopted by the Committee on Appropriations this year, each subcommittee considered the items under its jurisdiction, so that we had at least four subcommittees of the Appropriations Committee consider these various items prior to action by the full committee.

The Committee on Appropriations met in executive session this morning for the purpose of considering this urgent appropriation bill, which was reported by the House Committee on Appropriations yesterday morning and was passed by the other body yesterday afternoon. In this morning's meeting of the Senate committee, I was authorized to present this bill to the Senate today.

Budget estimates in the total amount of $1,042,294,000—contained in House Documents Nos. 92–60, 92–72, and 92–73—have been considered in connection with this urgent supplemental appropriation bill, and the committee recommendations total $1,037,872,000, a reduction of $4,422,000 in the estimates. Specifically, the committee considered eight budgeted items:

One request in the amount of $13 million, to be derived by transfer for "claims, defense." This item was not included in the House bill. However I have every reason to believe it will be accepted by the House so that a conference will be unnecessary.

Two requests in the amount of $433,779,000 and $302,200,000, which relate to veterans' compensation and pensions, and readjustment benefits.

Three line items totaling $16,315,000 for occupational safety and health activities; $265,000,000 for the disaster loan fund administered by the Small Business Administration.

Twenty-five million dollars for Disaster Relief, administered by the Office of Emergency Preparedness.

The committee has amended the bill by inserting a new chapter—Chapter 1—for "Claims, Defense," which provides $13 million, by transfer, as requested in House Document 92–73. The Department of Defense advised the committee that preliminary reports for the month of March indicate that the Department has obligated $35.7 million of the $39 million provided by Congress for fiscal year 1971 for this purpose. The remaining unobligated balance of $3.3 million will not finance adjudicated claims pending at the end of March, valued at $7.6 million notwithstanding the current policy of the Department to obligate only those claims involving personal hardships.

This additional $13 million, to be derived by transfer, will not increase the total amount of new budget authority recommended in the bill.

With respect to chapter II, Veterans' Administration, the committee recommended the full budget estimate of $433,779,000 for compensation and pensions. For compensation, $275,348,000 is recommended, of which $269,187,000 is for veterans and $6,161,000 is for survivors. Public Law 91–367, which became effective July 1, 1970, retroactively, increased most rates of disability compensation, on the average, by approximately 11 percent and, in addition, Vietnam era veterans continue to come on the rolls at a greater-than-anticipated rate.

For pensions, a total of $158,431,000 is provided. Of this sum, $100,186,000 is for veterans, $45,705,000 is for survivors, $4,-

140,000 is to cover the increase in subsistence allowance rates of veteran-trainees, and $8,400,000 is provided for reprograming of veteran-trainees and unit costs caused by the continued buildup of seriously disabled veterans associated with the Southeast Asian crisis.

The additional funds recommended under these two subheads will be required for making benefit payments in May and, thus, the urgency for this appropriation at this time.

For readjustment benefits, the committee has recommended the full budget estimate, $302,200,000—$238 million is required for increased average payments and increased demand by eligible veterans for academic and on-the-job training, as well as the increased participation by sons and daughters of post-Korean conflict veterans; $10,500,000 is provided pursuant to Public Law 91-584, approved December 24, 1970, which liberalized and expanded certain additional benefits for veterans, and the balance of the increase—namely, $8,700,000—results from passage of Public Law 91-666, approved January 11, 1971, authorizing automobiles and other conveyances for disabled veterans. Funds to meet these obligations will be required before the end of this current month.

In all, a total of $735,979,000 is recommended for the Veterans' Administration which is the same as the budget estimate and the House allowance.

The next three items in the bill, chapter III, relate to occupational safety and health activities, authorized under the Occupational Safety and Health Act of 1970—Public Law 91-596, approved December 29, 1970—and which becomes effective April 28, 1971.

Under the Wage and Labor Standards Administration, $10,900,000 was requested for its responsibilities under the act, and the committee has concurred in the House recommendation of $7,818,000, a reduction of $3,082,000 in the estimate. Of this sum $4 million is recommended for grants to States, as authorized under the act, and not to exceed $118,000 is to be transferred to the fund created by section 44 of the Longshoremen's and Harbor Workers' Compensation Act, as amended.

ORDER FOR RECOGNITION OF SENATORS TUNNEY AND MANSFIELD

Mr. BYRD of West Virginia. Mr. President, if the distinguished Senator from Louisiana will yield at that point, I ask unanimous consent that the previous order recognizing the distinguished Senator from California (Mr. TUNNEY) at 3:01 p.m. today be vacated; and I further ask unanimous consent that the distinguished Senator from California be recognized at the completion of the reading of the prepared statement by the distinguished chairman of the Appropriations Committee.

The PRESIDING OFFICER (Mr. WEICKER). Is there objection to the request of the Senator from West Virginia?

Mr. YOUNG. Mr. President, I should like to have 1 minute, as the ranking Republican.

Mr. ELLENDER. And, Mr. President, I would like to have the bill acted on as soon as possible, before the Senator from California speaks.

Mr. YOUNG. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the junior Senator from California (Mr. TUNNEY) be recognized for 5 minutes immediately following the remarks of the able Senator from North Dakota (Mr. YOUNG) and the passage of the bill, and that the Senator from North Dakota be recognized immediately following the distinguished chairman of the Appropriations Committee.

Mr. MANSFIELD. If the Senator from West Virginia will yield, may I ask unanimous consent also that I be recognized immediately following the remarks of the Senator from California?

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The Chair hears none, and it is so ordered.

URGENT SUPPLEMENTAL APPROPRIATIONS, 1971

The Senate continued with the consideration of House Joint Resolution 567, a joint resolution making certain urgent supplemental appropriations for the fiscal year 1971, and for other purposes.

The Senator from Louisiana may proceed.

Mr. ELLENDER. Mr. President, of the $5,315,000 requested for environmental control under the Environmental Health Service, the committee has recommended $4 million, a reduction of $1,315,000 from the estimate.

For the Occupational Safety and Health Review Commission, $75,000 of the requested $100,000 is recommended to provide the initial funding for this Commission, which was established by the Occupational Safety and Health Act of 1970, primarily for salaries and related expenses for three Commission members and a small staff.

Further details of the activities funded under these three items are included in the report. In all, a total of $11,893,000 of the $16,315,000 requested is recommended, which effects a reduction of $4,422,000 in this chapter of the bill.

For the Small Business Administration, chapter IV, $265 million is recommended, the same as the House allowance and the budget estimate. This sum will provide additional capital for the disaster loan fund, which will be depleted, the committee was informed, as of April 23—today's date, Mr. President. As Members know, loans are made from this fund to victims of natural disasters for rehabilitation of damaged or destroyed property.

Under chapter V, Disaster Relief, the budget estimate of $25 million is recommended, the same as the House allowance and the budget estimate. This action will insure that sufficient funds are available to cover emergency requirements during the remainder of this fiscal year. As the report states, $15 million of this sum is the estimated additional requirement for major disaster areas declared by the President, leaving a $10 million reserve for the normal spring floods from storms and melting snow, as well as for undeclared disasters.

Before concluding my remarks, Mr. President, I wish to advise the Senate that the Committee on Appropriations has been diligently engaged in considering the many budget estimates submitted for inclusion in the Second Supplemental Appropriation bill, 1971, totaling at the time of this reporting some $8.6 billion, including the items in the bill which is before us. Because of the number of items and the diversity of the supplemental appropriations requested, which I assure the Senate are under active consideration by the subcommittees of jurisdiction, it was realized that action on the Second Supplemental bill by both Houses, and in conference, could not be finalized in time to meet the obviously urgent needs represented in this urgent supplemental.

Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

Mr. YOUNG. Mr. President, I shall support the distinguished chairman of the Appropriations Committee on all of these items in the bill. The obligations of the Federal Government must be paid. They are of an urgent nature. It should be done now.

The bill, as it now is before the Senate, is a little different from what was approved by the House.

Mr. JAVITS. Mr. President, when the Williams-Steiger Occupational Safety and Health Act was enacted last December, it was properly and widely regarded as one of the most significant pieces of social legislation in many years. It is obvious that a major new program which will significantly affect millions of American workers requires adequate funding to assure its effective implementation.

It is for this reason that I am particularly disturbed at cuts which were made in the other body in funds appropriated to the program under House Joint Resolution 567, the urgent supplemental appropriations bill.

The House reduced the amounts requested for occupational safety and health activities by $3,082,000 in the Wage and Labor Standards Administration account and by $25,000 with regard to activities of the new Occupational Safety and Health Review Commission. In addition, the House action had the effect of further reducing by $118,000 the funds available to the Department of Labor under the new appropriation. It would specify that this amount would be transferred to the Longshoremen's and Harbor Workers' Compensation Act. The Department of Labor had requested that this amount be transferred from existing funds.

The cuts would affect critical aspects of the new law's authorized activities. The supplemental appropriation requested by the Department would have earmarked $5.8 million for planning grants to assist the States in developing their programs and $5.1 million for start-up activities by the Federal Government. In reducing this request by approximately 30 percent, the House action would provide only $4 million for State grants and $3.7 million for performance of the Department's activities.

The Federal start-up activities would include:

First, the promulgation of Federal occupational safety and health standards; Second, the recruiting and training of an inspection staff in the field to obtain compliance with these standards; third, the development of training and educational programs to promote safe practices and voluntary compliance; and Fourth, the implementation of a comprehensive nationwide statistical program providing the data on occupational injuries and illnesses needed to formulate additional standards and to plan the direction of future compliance activities. Initial efforts have been made in each of these areas in preparation for the April 28 effective date of the act, utilizing existing funds within the Department relating to job safety and injury. The funds required for salaries and expenses plus nonlabor services through the balance of the fiscal year total $3.1 million. This provides for the costs of employing and training persons already hired and persons temporarily assigned on a full-time reimbursable basis to the headquarters offices of the newly created Occupational Safety and Health Administration within the Department of Labor. The remaining $0.6 million provided by the House action for the implementation of the Federal Government's responsibilities under the act are sufficient only to meet the needs for deployment, office space, and technical equipment requirements of the existing field safety staff, with no additional recruitment or training activity for the balance of the year.

Effectively, under the House bill, staffing for the new Occupational Safety and Health Administration will be frozen at approximately 50 percent of required strength. The promulgation of new Federal standards and efforts to eliminate hazards will thus be delayed, with continuing loss of safety benefits accruing in future years. More immediately, the shutting down of current efforts to build-up to desired program levels will result in losses of efficiency in the current recruitment and training activity, plus a possible irretrievable loss of qualified applicants who are presently available for Federal employment as a result of recent layoffs in the defense and aerospace industries.

Further, the timetable for State operational programs is contingent upon the full funding of planning grants for States to develop the operational programs. The present timetable which anticipated operational grants beginning July 1, 1972, for at least all States where agreements have been made with respect to preemption was based upon the assumption that the full amount requested for fiscal year 1971 would be available to support the preparatory and planning efforts of the States immediately.

Reduction of the level of funding for State grants in fiscal year 1971 will severely impair and delay the entire State participation program in occupational safety and health.

The grant moneys—$5.8 million—requested for fiscal year 1971 were to be utilized in funding 90 to 100 State planning grants—5 million for program planning grants for States to assess their needs and responsibilities and to develop operational programs, and $0.8 million for statistical planning grants. These planning grants are considered essential to the entire program as a means of encouraging States to participate and, of enabling States to develop the capability to assume responsibility for occupational safety and health as intended by the act.

The $4 million for State grants allowed by the House for fiscal year 1971 would reduce proportionately the program planning and statistical planning grants to $3.4 million and $0.6 million respectively.

The Department of Labor estimates that program planning grants will require an average of $100,000. Therefore, the $3.4 million level for these grants will result either in reducing the number of States which can receive program planning grants—by at least 30 percent in fiscal year 1971—or in only partial funding of these grants. Either alternative will prove detrimental to the program in terms of credibility, delay, and efficiency.

Specifically, if States cannot receive funding or the amount required for the initial planning grants for this program, the Federal Government's ability to fulfill its statutory obligation to encourage States will be subject to question by the States and may result in a serious lack of confidence in the program.

The 10 staff positions requested this year for the Occupational Safety and Health Review Commission need to be filled as soon as possible after the April 28 effective date of the act to enable the Commission to develop practices and procedures and otherwise prepare for handling the anticipated workloads under the act.

The three Commissioners already have been confirmed by the Senate and candidates for the remainder of the required staff have been identified. It is expected that each of the 10 employees will be on duty for approximately 2 months this year rather than 1 month as provided for in the supplemental request. The General Services Administration has arranged to rent space to house the Commission and staff although rental costs were not provided for in the original estimate on the assumption that the Commission would be housed in a Federal office building. These unanticipated requirements coupled with other startup costs and necessary contractual and housekeeping arrangements make appropriation of the full amount of $100,000 included in the supplemental request a bare minimum if the Commission is to fulfill its basic responsibilities under the Occupational Safety and Health Act.

Mr. President, I recognize that the first order of priority is to assure that money is immediately provided to get this important program moving. I am not going to propose that we restore the House cuts here, because that would delay the enactment of any appropriation. I am asking that this body pass the House proposal without delay and then give prompt and favorable consideration to a second supplemental bill which would restore the cuts which have been made.

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished Senator from New Jersey (Mr. Williams), I ask unanimous consent that a statement by him relating to the Occupational Safety and Health Act be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Supplemental Appropriations, Occupational Safety and Health Act

Mr. Williams. Mr. President, one of the most important pieces of legislation passed by the 91st Congress was the Occupational Safety and Health Act of 1970. It was appropriately hailed as landmark legislation by Members on both sides of the aisle. It was passed by an overwhelming vote in the Senate and in the House, and had the strong endorsement of the President. The point was made then, and it is even clearer now, that this important new program would need sufficient resources to carry out its mission.

The Congress chose to make the effective date of the Occupational Safety and Health Act April 28, 1971, with the understanding that a supplemental appropriation would be necessary in order to make possible its prompt and meaningful implementation. A supplemental appropriation was requested to implement the Act from the effective date in the sum of $10,900,000 for the Department of Labor, $5,315,000 for the Department of Health, Education, and Welfare, and $100,000 for the newly established Occupational Safety and Health Review Commission.

Mr. President, these sums are extremely modest in terms of the needs of the job to be done. Yet yesterday, in acting on this supplemental appropriation bill, the other body reduced the requested amounts by over $3 million for the Department of Labor, over $1.3 million for the Department of Health, Education, and Welfare, and $25,000 for the Review Commission. Mr. President, I am distressed by these reductions because of the impact they will have on the critical start up phase of this important new program. However, the April 28 effective date is hard upon us, and money must be made available immediately. Therefore, I urge the Senate to act favorably on the supplemental appropriation bill before us and I express my earnest hope that a further supplemental appropriation will restore the full amounts requested.

The PRESIDING OFFICER (Mr. Weicker). Without objection, the committee amendments will be considered en bloc, and without objection are agreed to en bloc.

The committee amendments agreed to en bloc are as follows:

On page 1, after line 5, insert the following language:

CHAPTER I. DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

Claims, Defense

For an additional amount for "Claims, Defense", ***not to exceed $18,000,000 may be de-***

rived by transfer in amounts not to exceed (a) $3,000,000 from "Defense production guarantees, Army", (b) $4,000,000 from "Defense production guarantees, Navy", and (c) $6,000,000 from "Defense production guarantees, Air Force".

on line 6, strike "CHAPTER I" and insert "CHAPTER II"; on page 2, line 4, strike "CHAPTER II" and insert "CHAPTER III"; on page 3, line 9, strike "CHAPTER III" and insert "CHAPTER IV"; line 15, strike "CHAPTER IV" and insert "CHAPTER V"; and on page 4, line 3, strike "CHAPTER V" and insert "CHAPTER VI".

The PRESIDING OFFICER. The joint resolution is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the joint resolution.

The House Joint Resolution 567 was ordered to a third reading, was read the third time, and passed.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the distinguished Senator from California (Mr. TUNNEY) is now recognized for 5 minutes.

THE AEROSPACE INDUSTRY

Mr. TUNNEY. Mr. President, no industry is more vital to our Nation than aerospace, for not only will it keep us preeminent in the skies and in the heavens beyond, but it will also provide the technological skills that will enable us to clean our air and our waterways and combat other problems right here at ground level.

The industry is one that pioneers on the frontiers of the imagination and opens the way to discoveries that advance the quality of our lives.

For these reasons, I shall support the guarantee of a loan of $250 million for the Lockheed Aircraft Corp., provided, of course, that the Treasury Department believes this is feasible and seeks congressional authorization for it.

Such a Government guarantee will permit Lockheed to continue with its promising airbus—L–1011—program, and its impact will radiate through our economy and to that of Great Britain.

The guarantee will preserve Lockheed and the more than 60,000 jobs it now provides, most of them in my home State.

It will offer the assurances that the British Government believes vital if it puts its treasury behind Rolls Royce, which will make the engines for the L–1011.

It will spur continued competitiveness in the development of the airbus—the logical next generation in air travel.

The L–1011, along with the DC–10 airbus now being built by McDonnell-Douglas—will open the skies to cheaper, more convenient travel by millions of Americans.

I would insist, of course, that any guaranteed loan would be so strictly drawn and so rigidly implemented by the Department of the Treasury that it would be the last spent and the first repaid by Lockheed.

To be sure, the national treasury should not be thrown open merely to provide funds to rescue businesses that may be going under. Only a vital national interest should dictate a Government-guaranteed loan to any business, and I believe such a national interest is clearly involved in this case.

The L–1011 airbus means jobs—17,000 at Lockheed and 14,000 among subcontractors.

It represents a total investment of more than $1.3 billion in private capital.

It will permit Lockheed to recover from the impact of a $500 million loss because of defense contracts and the unexpected collapse of Rolls Royce.

The impact of our economy of the loss of the jobs and the dollars and, maybe, even of the company itself defy accurate prediction. But it is clear that the setback would be enormous.

For one thing, such losses, I believe, would cripple whatever confidence is growing in the country that we can pull ourselves out of the current recession and its twin devils of inflation and rising unemployment.

And it would be a decisive setback to the competitiveness upon which our free enterprise system depends.

Furthermore, I believe in the airbus. It will provide transportation of convenience rather than of extravagance as represented by the SST.

There are other striking differences between the airbus and the SST.

It will carry millions of Americans, while the SST would have carried only those willing to pay a premium to fly supersonically.

Its financing, for the most part, is private, while the SST would have gotten 90 percent of its money from the taxpayer.

It will not break the sound barrier and dirty the stratosphere with pollutants, while the SST would.

I am convinced that any guaranteed loans proposed by the Treasury Department will be sensible for Lockheed and prudent for the United States, and I shall work for its authorization by Congress.

Mr. President, I might point out that it appears that Congress will be faced with this problem within the next 2 weeks. Lockheed has recently received commitments of $50 million in secured loans from banks without any Government underwriting. However, it appears that this is the end of the line. Unless the Government acts promptly and Congress authorizes the money, I feel that Lockheed will be in a serious financial condition. I hope that Congress will act swiftly.

SECRETARY ROGERS' TRIP TO MIDEAST

Mr. MANSFIELD. Mr. President, I note that the distinguished Secretary of State, William P. Rogers, is leaving on Monday to attend a meeting of SEATO in London. Subsequently, he will be going to a conference of CENTO in Ankara. At the conclusion of his business in Ankara, the Secretary is planning to travel in the Middle Eastern countries of Egypt, Jordan, Lebanon, Saudi Arabia, and Israel.

This is the first time in 18 years that a Secretary of State has taken the time to visit the countries on his itinerary. For all these years—18 years—we have been conducting our basic diplomacy with the Middle East, so-to-speak, at arm's length.

I am delighted, therefore, that the Secretary, on the instructions of the President, is going for a firsthand look. In my judgment, he could hardly spend his time to better purpose at this moment than in meeting with the heads of these Middle Eastern states. Their relationships are interwoven with the stability of peace in that region.

The Secretary can be counted on to look to the realities of the situation when he visits, Israel, Saudi Arabia, Jordan, Lebanon, and Egypt. He can be counted on to listen and to learn and, when he speaks, to make a most constructive contribution. He can strengthen the ceasefire and encourage the tentative negotiations or, more accurately, the feelers which, extended from Egypt and Israel, are groping for the beginnings of a durable settlement in the Middle East.

The Senate joins with me, I know, in wishing Secretary Rogers a most successful mission.

Mr. AIKEN. Mr. President, I call to the attention of the Senate that for the first time since 1953 an American Secretary of State will be visiting the Middle East.

Secretary William P. Rogers plans to visit four Arab countries—Egypt, Jordan, Lebanon and Saudi Arabia and then go to Israel during the first week of May.

It is notable that the Secretary will be in the Middle East after attending a meeting of the Southeast Asian Treaty Organization next week in London, and the Eighteenth Annual Council of Ministers Meeting of the Central Treaty Organization sessions in Ankara, Turkey, scheduled for April 30 and May 1.

I am especially pleased that the President and the Secretary of State have concluded that a firsthand visit to the Middle East is in order.

The Secretary of State has won worldwide respect for the way he has helped to bring about a peace—even though it may be temporary—to the long troubled Middle East.

I feel it is worth repeating a comment made by the Secretary at his news conference this morning.

He said, and I quote:

> I want to say at the outset that this trip should be viewed and understood in light of our expressed willingness to play a constructive and responsible role in continuing efforts to achieve peace in the area.
>
> I do not anticipate any dramatic results or breakthroughs from this visit.
>
> But I do trust that it will provide an opportunity to explore ways in the evolving situation to maintain and hopefully accelerate the momentum toward peace.

It is well that the Secretary is going to the Middle East for a firsthand observation and I know I speak for my colleagues on the Committee on Foreign Relations that we look forward to hearing his report on his return.

Mr. President, I ask that the Secretary's opening press conference remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

OPENING STATEMENT ON UPCOMING TRIP

(Secretary Rogers' News Conference, April 23, 1971)

Following is the transcript of Secretary of State William P. Rogers' News Conference, which is authorized for direct quotation:

Secretary Rogers: Ladies and Gentlemen, as you know, I plan to leave Monday for London where I will head the United States delegation to the Sixteenth Annual Ministerial Meeting of the Southeast Asia Treaty Organization on April 27 and 28. This will also afford me an opportunity to meet with Foreign Secretary Sir Douglas Home, and his colleagues for discussion on a number of matters of mutual interest.

I will leave London on Thursday April 29 for Ankara, Turkey to attend the Eighteenth Annual Council of Ministers Meeting of the Central Treaty Organization on April 30 and May 1. On the way to Ankara I plan to stop in Paris on April 29 to consult with French Foreign Minister Maurice Schumann.

I am looking forward to both the SEATO and CENTO Meetings. In London, the SEATO meetings will provide an opportunity to discuss continued cooperation with our allies on mutual security in Southeast Asia and to reenforce our efforts to encourage other nations to assist in the economic development of Indo-China as the war comes to a close.

In Ankara the CENTO Meeting, which as you may remember was held last year in Washington, will provide an opportunity to share views on regional and international problems, and especially to get to know the new leaders of the Turkish Government.

From Ankara, I plan to go to four Arab countries—Egypt, Jordan, Lebanon, and Saudi Arabia, not necessarily in that order, that is alphabetically listed,—and to Israel. On my return, I will make a stop in Italy for talks with officials of the Italian Government.

The last visit of an American Secretary of State to the Middle East—an area of such rich and abiding historical and cultural significance—was in 1953. As I embark on this trip, I am quite conscious of the ancient traditions that exist in the area and the profound spiritual and religious beliefs of the people who live there.

This is a visit I have long wanted to make as you know. It underscores the importance we attach in the United States to our relations with the Middle East countries. I look forward to meeting with the leaders of the countries that I will visit and for the opportunity to strengthen the ties between us.

I want to say at the outset that this trip should be viewed and understood in light of our expressed willingness to play a constructive and responsible role in continuing efforts to achieve peace in the area. I do not anticipate any dramatic results or breakthroughs from this visit. But I do trust that it will provide an opportunity to explore ways in the evolving situation to maintain and hopefully accelerate the momentum toward peace.

I intend to reiterate our strong dedication to the objective of reaching a contractually binding and lasting peace settlement in accordance with United Nations Security Council Resolution 242 and our full and constant support for Ambassador Jarring's efforts to this end. We believe there is an exceptional opportunity—and an opportunity that must not be missed—to build on the progress that already has been made.

For almost nine months the shooting has stopped. This has given people in the area some reason for hope where previously there was little or none. We believe that the negotiations which have been undertaken under Ambassador Jarring must succeed—the climate will never be better.

President Nixon believes that the United States should seek every opportunity, expend every effort, take every chance in playing a constructive and energetic role in the search for peace in the area. It is for these reasons—or should I say in that spirit—that President Nixon has asked me to take this trip.

EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATION ACT OF 1971

The Senate resumed the consideration of the bill (S. 1557) to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 45

Mr. ERVIN. Mr. President, I call up amendment No. 45 and ask unanimous consent that the reading of the amendment be omitted and that I be permitted to explain the amendment in lieu of its being read.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be printed in the Record.

The amendment ordered to be printed in the Record, reads as follows:

AMENDMENT NO. 45

On page 18, line 1, strike out "and private nonprofit".

On page 18, line 9, strike out "and private nonprofit".

On page 18, line 11, strike out "nonpublic" and insert in lieu thereof "public".

On page 19, beginning with line 6, strike out through the words "section 5" in line 9 and insert in lieu thereof the following:

"(A) local educational agencies eligible for assistance under section 5 to develop curricula".

On page 19, strike out lines 19 through 21.

On page 19, line 22. strike out "(C)" and insert in lieu thereof "(B)".

On page 19, line 25, beginning with the word "clauses" strike out through line 3 on page 20 and insert in lieu thereof "clause (A)".

On page 20, lines 7 and 8, strike out "clause (C)" and insert in lieu thereof "clause (B)".

On page 20, line 11, strike out "clause (C)" and insert in lieu thereof "clause (B)".

On page 20, beginning with line 15, strike out through line 5 on page 21 and insert in lieu thereof the following:

"(2) (A) In order to be eligible for a grant or contract under this subsection a local educational agency must establish a program or project committee meeting the requirements of subparagraph (B), which will fully participate in the preparation of the application under this subsection and in the implementation of the program or project and join in submitting such application."

On page 27, strike out lines 10 through 21.

Renumber the succeeding paragraphs in section 9(a) accordingly.

On page 31, line 12, strike out "or private nonprofit".

Mr. ERVIN. Mr. President, the first amendment provides in part that Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

The pending bill in its present form provides that Federal tax moneys shall be allocated through the agency of local boards of education to church schools which are established and maintained by religious organizations for the primary purpose of teaching religion, which teaching is not permitted by the Constitution in the public schools.

Mr. President, to make this amendment understandable, it is necessary for us to consider the first amendment in detail. This amendment was designed to make Americans spiritually free.

If we are to understand the first amendment, we must recur to history This is so because we cannot understand the institutions and laws of today unless we understand the historical events out of which they arise.

As we recur to history, we will do well to remember that a nation which ignores the lessons history teaches is doomed to repeat the tragic mistakes of the past Let us pray that America may not do this in respect to church and state relationships.

The most heart-rending story of history is that of man's struggle against civil and ecclesiastical tyranny for the simple right to bow his own knees before his own God in his own way.

As one of America's wisest jurists of all time, the late Chief Justice Walter P Stacy, of the Supreme Court of North Carolina, declared in the opinion he wrote in *State* v. *Beal* (199 N.C. 278):

> For some reason, too deep to fathom, men contend more furiously over the road to heaven, which they cannot see, than over their visible walks on earth. It would be almost unbelievable, if history did not record the tragic fact, that men have gone to war and cut each other's throats because they could not agree as to what was to become of them after their throats were cut

The Founding Fathers who wrote the Constitution of the United States were acutely aware of these truths.

They saw with the eyes of history the throwing of Christians to the lions in the Colosseum at Rome; the bloody crusades of the Christians against the Saracens for possession of the shrines hallowed by the footsteps of the Prince of Peace; the use by the papacy of the dungeon and the rack to coerce conformity and of the fiery fagot to exterminate heresy; the unspeakable cruelties of the Spanish Inquisition; the slaughter of the Waldenses in the Alpine valleys of Italy; the hanging and jailing by Protestant kings of England of Catholics for abiding with the faith of their fathers; the hanging and jailing by a Catholic queen of English Protestants for reading English Scriptures and saying Protestant prayers; the hunting down and slaying of the Covenanters upon the crags and moors of Scotland; the killing of half the people of Germany in the Thirty Years' War between Catholics and Protestants; the massacre of the Huguenots of France the pogroms and persecutions of the Jew in many lands; the banishing of Baptists and the execution, jailing and branding of Quakers by Puritan Massa chusetts; and the hundreds of other atrocities committed in the name of religion.

The Founding Fathers knew, moreover, that even during their own lifetimes those who did not conform to the doctrines and practices of the churches established by law in the places where they lived, such as Scotch-Irish Presbyterians in Ulster, Catholics in England and Ireland, and dissenters in various American Colonies, had been barred from civil and military offices because of their faiths, had been compelled to pay tithes for the propagation of religious opinions they disbelieved, and had had their marriages annulled and their children adjudged illegitimate for daring to speak their marriage vows before ministers of their own faiths, rather than before clergymen of the established churches.

The Founding Fathers were determined that none of these tragic historical events should be repeated in the nation they were creating.

To this end they inserted two provisions in the Constitution of the United States.

The first of these provisions appears in article VI and declares that "no religious test shall ever be required as a qualification to any office or public trust in the United States."

The second appears in the first amendment, and states that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

What did the Founding Fathers intend to do when they embodied these words in the first amendment? The answer to this question becomes clear when we consider the events which preceded the writing of the first amendment.

At the time of the settlement of the Thirteen Original Colonies, every nation in Western Europe and the British Isles had what were known as established churches. These churches were established by law, and the law compelled all persons, including those who dissented from their religious beliefs, to attend their services. The law furthermore required all persons to pay taxes for the construction of church buildings and the support of the clergy of the established churches.

An overwhelming number of the colonists who came from Europe to America came primarily to secure religious liberty and freedom from taxation for the support of established churches. Unfortunately, when they came to America, they found that in many of the colonies predominant groups had set up established churches here, and that in consequence they were compelled, in such colonies, to pay taxes for the support of churches whose religious doctrines they disbelieved.

There is more than a modicum of historical truth in the statement of Artemus Ward to the effect that—

> The Puritans nobly fled from a land of despotism to a land of freedom, where they could not only enjoy their own religion, but could prevent everybody else from enjoying his.

The Colonies of Virginia, North Carolina, South Carolina, Georgia, and Maryland had established churches, and the Anglican Church was the favorite under their laws.

In the Colonies of Massachusetts, Connecticut, and New Hampshire, the Congregational Church was established by law.

In the Colony of New York, the Dutch Reformed and Anglican Churches, in turn, were established by law.

The people of these colonies were compelled by law to pay taxes for the support of these established churches, and in some cases to attend their services.

The dissenters rebelled against these requirements. They believed it tyrannical for government to attempt to regulate by law the relationship between the individual and his God. Moreover, as they pondered the words of verses 15 to 22 of the 22d chapter of Matthew, "Render, therefore, unto Caesar the things which are Caesar's, and unto God the things that are God's," they also concluded that in addition to being tyrannical, the attempt to regulate religion by law was sinful.

So they demanded the separation of church and state. As they envisaged it, the separation of church and state required these things:

First. The abolition of religious tests for public office.

Second. The recognition of the right of all men to worship God according to their own consciences.

Third. The disestablishment of financial and legal support of religion by government.

During the Revolutionary and early national periods, nonchurch members and even some adherents of the churches established by law, who had come to believe in religious freedom, joined the dissenters in their demand that church and state be separated and kept separate in the newly independent nation.

The separation of church and state presented no problems in Rhode Island, where Baptists led by Roger Williams had settled under a royal charter granting complete religious freedom to all, or in Delaware, New Jersey, and Pennsylvania, where establishment never acquired a foothold.

When their revolt against England converted the Thirteen Original Colonies into self-governing States, Rhode Island retained separation under its original charter, and Delaware, New Jersey, and Pennsylvania did so under Constitutions adopted in 1776. North Carolina, New York, Georgia, and Virginia granted the right of freedom of worship to all and disestablished all religion within their borders before the drafting of the first amendment, and South Carolina did likewise before the amendment was ratified.

As a consequence, the only States maintaining any financial and legal relationship to religion at the time the first amendment became a part of the Constitution were Maryland, Connecticut, New Hampshire, and Massachusetts. The last of these States to dissolve such relationship was Massachusetts, which did so in 1833.

The first amendment was originally designed to apply to the Federal Government only, and it was not until 1940 the Supreme Court held in *Cantwell* v. *Connecticut*, 310 U.S. 296, that the 14th amendment had made it applicable to the States. Nevertheless history makes it clear that the fight for separation of church and state in the original States and the fight to place the first amendment in the Constitution were integral parts of the same movement. For this reason, history illuminates the meaning of the first amendment.

The first amendment contains a freedom of religion clause which declares that "Congress shall make no law—prohibiting the free exercise" of religion, and an establishment clause which provides that "Congress shall make no law respecting an establishment of religion."

History joins language in revealing that the freedom of religion clause was framed to strip government of all power to interfere with the religious beliefs of any individual or group.

During recent times those who seek to justify the use of tax moneys to finance religious activities have advanced the theory that the establishment clause forbids Congress to create a single established church, but permits Congress to appropriate on an impartial basis tax moneys for the use of all religious institutions which it may deem to be respectable.

This theory is incompatible with history, which shows exactly what James Madison meant when he insisted in writing into the first amendment the words "an establishment of religion."

In 1776, Virginia, acting as an independent Commonwealth, adopted a new constitution. As a delegate to the convention which drafted this constitution and as a member of the legislature of 1776 which met after its adoption, James Madison displayed much interest in religious matters.

He was able to persuade the legislature to provide that no dissenters should be compelled to pay any taxes to the established church of Virginia, the Anglican Church, which had been established in 1629. Moreover, he secured the passage of a law which suspended for the time being the requirement that even members of the Anglican Church should pay taxes for its support.

But the legislature of 1776 expressly postponed for future decision the most crucial question confronting Virginians at that time: Whether general taxes should be levied for the support of all the denominations which the controlling element in Virginia deemed to be respectable denominations.

This question arose in the Virginia Legislature of 1779, and a bitter controversy ensued between those who advocated a bill introduced by James Henry and those who supported Thomas Jefferson's bill for religious freedom.

The Henry bill undertook to establish, by law, virtually all of the Christian churches as the established churches of Virginia, and to lay taxes for the support of all of them on an impartial basis. It is significant that in this bill references to an establishment of religion appear at a number of points, in contexts which clearly show that James Henry and the others of his day understood the term "an establishment of religion" to mean an official connection between the State and one or more churches, whereby the State recognized such church or churches and provided for taxation for its or their support.

Thomas Jefferson's bill for religious freedom was one of the great documents which preceded the Constitution. It laid down three propositions: First, that there should be no religious qualification for public office; second, that it is sinful and tyrannical to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves; and, third, that no man should be compelled to frequent or support any religious worship, place, or ministry whatsoever.

The opposing forces in the Virginia Legislature of 1779 were so nearly equal in power that it was impossible to secure the enactment of either of these bills.

The contest was renewed in the legislature of 1784 when James Madison introduced Thomas Jefferson's bill for religious freedom and Patrick Henry sponsored a new bill entitled "a bill establishing a provision for teachers of the Christian religion."

There was an acrimonious contest between James Madison and Patrick Henry and their respective followers in the Virginia Legislature of 1784. The legislature was on the verge of passing the bill sponsored by Patrick Henry, which would have recognized the legal interest of the State in virtually all the Christian churches then functioning in Virginia, and which would have imposed taxes on all Virginians for the support of such churches. But Madison, at the last moment, was able to persuade the Legislature of Virginia to put off the final vote on the bill sponsored by Patrick Henry until the next session of the legislature, which was scheduled for November 1785.

Between that time and the time when the legislature next met, James Madison made one of the greatest of all appeals for religious freedom. It was called the Memorial and Remonstrance Against Religious Assessments. The memorial of James Madison is crucial in determining what the Founding Fathers meant when they yielded to the insistence of James Madison and wrote into the first amendment the provision that Congress shall make no law respecting an establishment of religion.

On a number of occasions in his remonstrance, which was a protest against the bill sponsored by Patrick Henry to levy taxes for the support of virtually all Christian churches in Virginia, James Madison used the word "establishment" at least five times in contexts which showed that in his mind "an establishment of religion" meant an official relationship between the State and one church or many or all churches and the imposition of taxation for the support of one chuch or many churches or all churches.

I make the assertion without fear of successful contradiction that no man can read James Madison's remonstrance without coming to the conclusion that what James Madison and the other men of his generation had in mind when they wrote the first amendment was that there should be no official relationship of any character between government and any church, or many churches, or all churches, and no levying of taxes for the support of any church, or many churches, or all churches, or any institutions conducted by any of them.

Madison caused his remonstrance to be widely distributed throughout the State of Virginia. As a result of his remonstrance, when the members of the legislature which was scheduled to convene in November 1785 were elected, those who supported Madison in his fight for religious freedom were in an overwhelming majority. They enacted into law Jefferson's bill for religious freedom. We cannot overmagnify the importance which Thomas Jefferson and James Madison attributed to Jefferson's statute for religious freedom or their demand that people should not be compelled by law to support in an official manner or by taxes any religious institutions.

I believe the clearest proof of the transcendent importance which Thomas Jefferson attributed to that statute is shown by the epitaph on the gravestone which he is said to have written himself.

As one ascends the hill which leads to Jefferson's home at Monticello, he passes the burial ground of members of the Jefferson family. He passes the spot where the mortal remains of Thomas Jefferson rest in the tongueless silence of the dreamless dust. On the gravestone of Thomas Jefferson is the epitaph which speaks with as much eloquence as Jefferson used in writing the Declaration of Independence or the statute of Virginia for religious freedom. The statement is as follows:

> Here was buried Thomas Jefferson, author of the Declaration of American Independence; of the Statute of Virginia for Religious Liberty; and father of the University of Virginia.

At the time that Jefferson decided that those were the words which he wished to have engraved on the stone which marks his last resting place, he had been a member of the Legislature of Virginia; he had been Governor of the State of Virginia; he had represented Virginia in the Continental Congress; he had served as American Minister to France; he had officiated as Secretary of State in George Washington's Cabinet; he had been Vice President of the United States under John Adams; and he had been twice elected to the highest office within the gift of the American people—the Presidency itself.

Yet, Thomas Jefferson was not concerned that he should be remembered for the high offices which he had filled, but he was concerned that he should be remembered as the author of the Virginia statute for religious freedom, one of the greatest documents ever penned by man. It lays down the proposition that it is sinful and tyrannical to compel a man to make contributions of money for the propagation of opinions that he disbelieves.

After the drafting of the Constitution of the United States, many Americans were dissatisfied with it because it did not contain any bill of rights, and particularly because it did not contain any provision which would guarantee religious freedom beyond the provision which merely specified that no religious qualification should ever be required as a test for holding public office in our Nation. When New York, New Hampshire and Virginia ratified the Constitution they adopted resolutions which insisted that the Constitution should be amended by incorporating in it a guarantee of religious freedom and a guarantee of freedom from taxation for the support o religious institutions.

My own State of North Carolina and the State of Rhode Island both postponed ratifying the Constitution, and their conventions stated in substance that they would not ratify the Constitution unless it were amended so as to provide for a total disestablishment o religion.

As a result of the demands of these fiv States, and the demands of thousands o other Americans throughout the othe original States, the Constitution wa amended in this respect. It was amended at the instigation of James Madison, who was elected to serve in Congress from the State of Virginia in the first Congres which met under the Constitution. A soon as this Congress convened, he began his great fight to have the firs amendment written into the Constitution.

I wish I had sufficient time to detai the fight which occurred in Congress o this point. There were some who wished to maintain some vestige of religiou support by Government, and some wh merely wished to put in the restrictio that there should be no single established church. But Madison insisted at all time that the first amendment should embod in it the provision that Congress shoul pass no law respecting an establishmen of religion or prohibiting the free exercise of religion.

James Madison triumphed after muc effort. On September 23, 1789, Madiso made a report to the House of Representatives concerning the action of th conference committee of the Senate an House, which had been appointed t reconcile varying views as to the language of the first amendment. This conference committee agreed with Madiso and recommended the words which no are incorporated in the first amendmen

So we can say that James Madiso whom historians call the Father of th Constitution, was responsible for th phrasing of the first amendment. Th meaning of the words of the first amendment that "Congress shall make no la respecting an establishment of religion is crystal clear. By those words, Jame Madison and his contemporaries intended to prohibit the Government fro establishing any official relation betwee Government and religion and to preven the Government from using tax mone to support or assist in the support of a religious institutions of any characte whatsoever.

As Justice Black said in *Everson* *Board of Education,* 330 U.S. 1:

> The people there, as elsewhere, reached the conviction that individual religious liberty could be achieved best under a government which was stripped of all power to tax, to support, or otherwise to assist any or all religions, or to interfere with the beliefs of any religious individual or group.

I have attempted to set out as clearly as possible the conviction of James Madison and his contemporaries that there should be no establishment or religion, and the meaning which they attributed to the words "establishment of religion." Those words clearly implied to them that there should be no official relationship between Government and any religious organization, and no support of any religious organization by tax moneys.

It is interesting to note that the Supreme Court of the United States has consistently adhered to this meaning of this term, "an establishment of religion," when it has dealt with cases involving the first amendment.

I wish to read some excerpts from opinions of the Supreme Court dealing with this question. Justice Jackson declared in the Everson case:

> This freedom (i.e., religious freedom) was first in the Bill of Rights because it was first in the forefathers' minds; it was set forth in absolute terms, and its strength is its rigidity. It was intended not only to keep the States' hands out of religion, but to keep religion's hands off the State, and above all, to keep bitter religious controversy out of public life by denying to every denomination any advantage from getting control of public policy or the public purse.

Justice Rutledge declared in the Everson case:

> Not simply an established church, but any law respecting an establishment of religion is forbidden * * *. It was to create a complete and permanent separation of the spheres of religious activity and civil authority by comprehensively forbidding every form of public aid or support for religion.

Justice Black, writing the majority opinion in *McCollum* v. *Board of Education*, 333 U.S. 203, said:

> For the first amendment rests upon the premise that both religion and Government can best work to achieve their lofty aims if each is left free from the other within its respective sphere. Or, as we said in the Everson case, the first amendment has erected a wall between church and state which must be kept high and impregnable.

Justice Frankfurter asserted this in the McCollum case:

> The great American principle of eternal separation—Elihu Root's phrase bears repetition—is one of the vital reliances of our constitutional system for assuring unities among our people stronger than our diversities. It is the Court's duty to enforce this principle in its full integrity.
>
> We renew our conviction that "we have staked the very existence of our country on the faith that complete separation between the state and religion is best for the State and best for religion."

Justice Douglas said in *Zorach* v. *Clauson*, 343 U.S. 306:

> There cannot be the slightest doubt that the first amendment reflects the philosophy that church and state should be separated. And so far as interference with the free exercise of religion and an establishment of religion are concerned, the separation must be complete and unequivocal. The first amendment within the scope of its coverage permits no exception; the prohibition is absolute.

Justice Douglas also declared in his concurring opinion in *Abington School District* v. *Schempp*, 374 U.S. 203. 229:

> But the Establishment Clause is not limited to precluding the State itself from conducting religious exercises. It also forbids the State to employ its facilities or funds in a way that gives any church, or all churches, greater strength in our society than it would have by relying on its members alone. * * *
>
> The most effective way to establish any institution is to finance it; and this truth is reflected in the appeals by church groups for public funds to finance their religious schools. Financing a church either in its strictly religious activities or in its other activities is equally unconstitutional, as I understand the Establishment Clause. Budgets for one activity may be technically separable from budgets for others. But the institution is an inseparable whole, a living organism, which is strengthened in proselytizing when it is strengthened in any department by contributions from other than its own members.

So much for the statements of Justices of the Supreme Court of the United States in respect to the objectives of the establishment clause of the first amendment. The greatest declaration as to the overall meaning of the provisions of the first amendment denying to Congress the power to make any laws respecting an establishment of religion, or prohibiting the free exercise thereof, is that contained in the majority opinion written by Justice Black in the Everson case. This is what he said:

> The establishment of religion clause of the first amendment means at least this: Neither a State nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or nonattendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a State nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups and vice versa. In the words of Jefferson, the clause against establishment of religion by law was intended to erect a wall of separation between church and state.

If any provision of the Constitution can be rightly said to be more precious than the others, it is the provision of the first amendment which undertakes to separate church and state by keeping government's hands out of religion and by denying to any and all religious denominations any advantage from getting control of public policy or the public purse.

This is so because the history of nations makes this truth manifest: When religion controls government, political liberty dies; and when government controls religion, religious liberty perishes.

Under the first amendment, all Federal taxpayers have the basic right "to be free of taxation to support a transgression of the constitutional command that the authorities 'shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.'" As an incident of this right, they are entitled not to have any Federal tax moneys being disbursed to institutions or organizations owned, controlled, or operated by religious groups.

There are many clauses in the pending bill which violate the provision of the first amendment declaring that Congress shall make no law respecting an establishment of religion. The bill makes provisions which, in substance, declare that tax moneys of the United States shall be used to aid church schools in the same manner in which Federal tax money is to be used for the support of public schools.

It also contains a provision that a local school board, in applying for funds under this act, must make an application which requests that Federal tax moneys be made available to church schools within their areas in a manner which is consistent with what they ask for their public schools.

Despite the statement I have just read from an opinion of the Supreme Court, that there can be no transaction or agreement, secret or otherwise, between the representatives of the State and the representatives of any religious denomination looking to use of tax funds in violation of the first amendment, this bill contains an express provision that in applying for funds, each public board of education must first consult with the officials of church schools and that they must in effect make requests in compliance with the wishes of the officials of these church schools.

For these reasons, this bill constitutes a flagrant effort to circumvent and disobey the provisions of the First Amendment which declare that Congress shall make no law with respect to the establishment of religion.

In closing, I wish to assert that all Members of Congress have taken an oath to support the first amendment. That oath obliges them not to pass any legislation which will make Federal tax moneys available for the support of churches or institutions operated by churches for the purpose of teaching religion in any form. The church schools which would be given the benefit of Federal tax moneys under this bill were established because the people who support those church schools believe that schools should teach religion, and the Constitution of the United States has been interpreted to forbid public schools to teach religion.

We have had several school prayer cases in which the Supreme Court has expressly declared that the State cannot use public school property, even for a moment, to instruct students in religious matters. It is inconceivable to me that a constitution which forbids such action on the part of a State could be construed to provide that, while Government cannot use public school property for the teaching of religion, even for a moment, Government is permitted to take tax moneys to support schools which are set up primarily for the purpose of teaching religion.

This is a serious question. Every American has a right, under the first amendment, not to be taxed for the violation of that amendment.

So, Mr. President, it is incumbent upon all Americans—particularly upon Members of Congress—who believe it to be unconstitutional as well as sinful and tyrannical to compel a man to make contribution of money for the propagation of opinions which he disbelieves to be steadfast in their obedience to the first amendment, and they must persevere in the fight to preserve religous liberty in America. Religious liberty is the most precious of our freedoms. It is necessary for us to preserve our liberties. If we are to be loyal to our country and if we are to obey its Constitution, we cannot do otherwise.

I should like to close with this quotation from the French-Swiss moralist, Jean Jacques Rousseau:

> Free people, remember this maxim: We may acquire liberty, but it is never recovered if it is once lost.

I yield the floor.

Mr. PELL. Mr. President, the suggestion has been made that this bill, S. 1557, unconstitutionally makes funds available to schools run by certain religious groups.

I do not believe that this bill contains such an unconstitutional provision.

Under present law, schoolchildren in nonpublic schools can participate in the following programs:

First. Title I of the Elementary and Secondary Education Act—programs for the disadvantaged.

Second. Title II of the Elementary and Secondary Education Act—library resources and textbooks.

Third. Title III of the Elementary and Secondary Education Act—supplementary centers and services.

Fourth. Title VII of the Elementary and Secondary Education Act—bilingual education.

Participation in programs under the proposed bill is limited to participation in programs designed to eliminate minority group isolation and would not flow to nonpublic schools themselves. In fact, nonpublic school participation is strictly limited to those minority group children who attend nonpublic schools. It permits those children to participate in local projects operated by the public schools.

Since the funds in question in this bill follow and aid the schoolchildren attending nonpublic schools, rather than the school, I do not see a constitutional problem.

VIETNAM VETERANS AGAINST THE WAR

Mr. PELL. Mr. President, the distinguished Senator from Arkansas (Mr. FULBRIGHT) is absent today by necessity. He has prepared, however, a statement concerning the testimony of Mr. John F. Kerry before the Committee on Foreign Relations, which Senator FULBRIGHT so ably chairs. I ask unanimous consent that this statement, together with its attachments, be printed at this point in the RECORD.

I am very glad to be doing this, as I know and admire John Kerry and consider immensely eloquent his testimony concerning our ill-advised Indochina war.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY MR. FULBRIGHT

Mr. President, yesterday Mr. John F. Kerry, representing the Vietnam Veterans Against the War, made a very eloquent statement before the Senate Committee on Foreign Relations. In due course the full hearing will be printed and available to the Senate and the public. In the meantime, however, I ask unanimous consent that Mr. Kerry's opening statement be printed in the RECORD.

In addition, Mr. President, I ask unanimous consent that the profile of Mr. Kerry which appeared in this morning's New York Times also be included in the RECORD.

STATEMENT OF MR. JOHN KERRY, REPRESENTING THE VIETNAM VETERANS AGAINST THE WAR

Mr. KERRY. Thank you very much, Senator Fulbright, Senator Javits, Senator Symington, Senator Pell. I would like to say for the record, and also for the men behind me who are also wearing the uniform and their medals, that my sitting here is really symbolic. I am not here as John Kerry. I am here as one member of the group of 1,000, which is a small representation of a very much larger group of veterans in this country, and were it possible for all of them to sit at this table they would be here and have the same kind of testimony.

I would simply like to speak in very general terms. I apologize if my statement is general because I received notification yesterday you would hear me and I am afraid that because of the court injunction I was up most of the night and haven't had a great deal of time to prepare for this hearing.

I would like to talk on behalf of all those veterans and say that several months ago in Detroit we had an investigation at which over 150 honorably discharged, and many very highly decorated, veterans testified to war crimes committed in Southeast Asia. These were not isolated incidents but crimes committed on a day to day basis with the full awareness of officers at all levels of command.

It is impossible to describe to you exactly what did happen in Detroit—the emotions in the room and the feelings of the men who were reliving their experiences in Vietnam. They relived the absolute horror of what this country, in a sense, made them do.

They told stories that at times they had personally raped, cut off ears, cut of heads, taped wires from portable telephones to human genitals and turned up the power, cut off limbs, blown up bodies, randomly shot at civilians, razed villages in fashion reminiscent of Genghis Khan, shot cattle and dogs for fun, poisoned food stocks, and generally ravaged the countryside of South Vietnam in addition to the normal ravage of war and the normal and very particular ravaging which is done by the applied bombing power of this country.

We call this investigation the Winter Soldier Investigation. The term Winter Soldier is a play on words of Thomas Paine's in 1776 when he spoke of the Sunshine Patriot and summer time soldiers who deserted at Valley Forge because the going was rough.

We who have come here to Washington have come here because we feel we have to be winter soldiers now. We could come back to this country, we could be quiet, we could hold our silence, we could not tell what went on in Vietnam, but we feel because of what threatens this country, not the reds, but the crimes which we are commiting that threaten it, that we have to speak out.

I would like to talk to you a little bit about what the result is of the feelings these men carry with them after coming back from Vietnam. The country doesn't know it ye but it has created a monster, a monster i the form of millions of men who have bee taught to deal and to trade in violence an who are given the chance to die for th biggest nothing in history; men who hav returned with a sense of anger and a sense o betrayal which no one has yet grasped.

As a veteran and one who feels this ange I would like to talk about it. We are angr because we feel we have been used in th worst fashion by the administration of thi country.

In 1970 at West Point Vice Presiden Agnew said "some glamorize the crimina misfits of society while our best men die i Asian rice paddies to preserve the freedom which most of those misfits abuse," and thi was used as a rallying point for our effort i Vietnam.

But for us, as boys in Asia whom the country was supposed to support, his statemen is a terrible distortion from which we ca only draw a very deep sense of revulsion, an hence the anger of some of the men wh are here in Washington today. It is a distortion because we in no way consider ourselve the best men of this country; because thos he calls misfits were standing up for us i a way that nobody else in this country dare to; because so many who have died woul have returned to this country to join th misfits in their efforts to ask for an immediate withdrawal from South Vietnam; because so many of those best men have returned as quadruplegics and amputees—an they lie forgotten in Veterans Administratio Hospitals in this country which fly the fla which so many have chosen as their ow personal symbol—and we cannot conside ourselves America's best men when we ar ashamed of and hated for what we wer called on to do in Southeast Asia.

In our opinion, and from our experience there is nothing in South Vietnam which could happen that realistically threatens th United States of America. And to attempt t justify the loss of one American life in Vietnam, Cambodia or Laos by linking such los to the preservation of freedom, which thos misfits supposedly abuse, is to us the heigh of criminal hypocrisy, and it is that kind o hypocrisy which we feel has torn this country apart.

We are probably much more angry tha that, but I don't want to go into the foreig policy aspects because I am outclassed here I know that all of you talk about every possible alternative to getting out of Vietnam We understand that. We know you have considered the seriousness of the aspects to th utmost level and I am not going to try t dwell on that. But I want to relate to you th feeling that many of the men who have returned to this country express because we ar probably angriest about all that we were tol about Vietnam and about the mystical wa again communism.

We found that not only was it a civil wa an effort by a people who had for years bee seeking their liberation from any colonia influence whatsoever, but also we found tha the Vietnamese whom we had enthusiastically molded after our own image were har put to take up the fight against the threat w were supposedly saving them from.

We found most people didn't even kno the difference between communism and democracy. They only wanted to work in ric paddies without helicopters strafing the and bombs with napalm burning their villages and tearing their country apart. The wanted everything to do with the war, particularly with this foreign presence of th United States of America, to leave them alon in peace, and they practiced the art of survival by siding with whichever military forc was present at a particular time, be it Vie Cong, North Vietnamese or American.

We found also that all too often America men were dying in those rice paddies for want of support from their allies. We saw first hand how monies from American taxes were used for a corrupt dictatorial regime. We saw that many people in this country had a one-sided idea of who was kept free by our flag, and blacks provided the highest percentage of casualties. We saw Vietnam ravaged equally by American bombs and search and destroy missions, as well as by Viet Cong terrorism, and yet we listened while this country tried to blame all of the havoc on the Viet Cong.

We rationalized destroying villages in order to save them. We saw America lose her sense of morality as she accepted very cooly a My Lai and refused to give up the image of American soldiers who hand out chocolate bars and chewing gum.

We learned the meaning of free fire zones, shooting anything that moves, and we watched while America placed a cheapness on the lives of orientals.

We watched the United States falsification of body counts, in fact the glorification of body counts. We listened while month after month we were told the back of the enemy was about to break. We fought using weapons against "oriental human beings." We fought using weapons against those people which I do not believe this country would dream of using were we fighting in the European theater. We watched while men charged up hills because a general said that hill has to be taken, and after losing one platoon or two platoons they marched away to leave the hill for re-occupation by the North Vietnamese. We watched pride allow the most unimportant battles to be blown into extravaganzas, because we couldn't lose, and we couldn't retreat, and because it didn't matter how many American bodies were lost to prove that point, and so there were Hamburger Hills and Khe Sahns and Hill 81s and Fire Base 6s, and so many others.

Now we are told that the men who fought there must watch quietly while American lives are lost so that we can exercise the incredible arrogance of Vietnamizing the Vietnamese.

Each day to facilitate the process by which the United States washes her hands of Vietnam someone has to give up his life so that the United States doesn't have to admit something that the entire world already knows, so that we can't say that we have made a mistake. Someone has to die so that President Nixon won't be, and these are his words, "the first President to lose a war."

We are asking Americans to think about that because how do you ask a man to be the last man to die in Vietnam? How do you ask a man to be the last man to die for a mistake? But we are trying to do that, and we are doing it with thousands of rationalizations, and if you read carefully the President's last speech to the people of this country, you can see that he says, and says clearly, "but the issue, gentlemen, the issue, is communism, and the question is whether or not we will leave that country to the communists or whether or not we will try to give it hope to be a free people." But the point is they are not a free people now under us. They are not a free people, and we cannot fight communism all over the world. I think we should have learned that lesson by now.

But the problem of veterans goes beyond this personal problem, because you think about a poster in this country with a picture of Uncle Sam and the picture says "I want you." And a young man comes out of high school and says, "that is fine, I am going to serve my country." and he goes to Vietnam and he shoots and he kills and he does his job. Or maybe he doesn't kill. Maybe he just goes and he comes back, and when he gets back to this country he finds that he isn't really wanted, because the largest corps of unemployed in the country—it varies depending on who you get it from, the Veterans Administration says 15 percent and various other sources 22 percent—but the largest corps of unemployed in this country are veterans of this war, and of those veterans 33 percent of the unemployed are black. That means one out of every ten of the nation's unemployed is a veteran of Vietnam.

The hospitals across the country won't, or can't meet their demands. It is not a question of not trying; they haven't got the appropriations. A man recently died after he had a tracheotomy in California, not because of the operation but because there weren't enough personnel to clean the mucus out of his tube and he suffocated to death.

Another young man just died in a New York VA Hospital the other day. A friend of mine was lying in a bed two beds away and tried to help him but he couldn't. He rang a bell and there was nobody there to service that man and so he died of convulsions.

I understand 57 percent of all those entering the VA hospitals talk about suicide. Some 27 percent have tried, and they try because they come back to this country and they have to face what they did in Vietnam, and then they come back and find the indifference of a country that doesn't really care.

Suddenly we are faced with a very sickening situation in this country, because there is no moral indignation and, if there is, it comes from people who are almost exhausted by their past indignations, and I know that many of them are sitting in front of me. The country seems to have lain down and shrugged off something as serious as Laos, just as we calmly shrugged off the loss of 700,000 lives in Pakistan, the so-called greatest disaster of all times.

But we are here as veterans to say we think we are in the midst of the greatest disaster of all times now because they are still dying over there—not just Americans, but Vietnamese—and we are rationalizing leaving that country so that those people can go on killing each other for years to come.

Americans seem to have accepted the idea that the war is winding down, at least for Americans, and they have also allowed the bodies which were once used by a President for statistics to prove that we were winning that war, to be used as evidence against a man who followed orders and who interpreted those orders no differently than hundreds of other men in Vietnam.

We veterans can only look with amazement on the fact that this country has been unable to see there is absolutely no difference between ground troops and a helicopter crew, and yet people have accepted a differentiation fed them by the administration.

No ground troops are in Laos so it is all right to kill Laotians by remote control. But believe me the helicopter crews fill the same body bags and they wreak the same kind of damage on the Vietnamese and Laotian countryside as anybody else, and the President is talking about allowing that to go on for many years to come. One can only ask if we will really be satisfied only when the troops march into Hanoi.

We are asking here in Washington for some action; action from the Congress of the United States of America which has the power to raise and maintain armies, and which by the Constitution also has the power to declare war.

We have come here, not to the President, because we believe that this body can be responsive to the will of the people, and we believe that the will of the people says that we should be out of Vietnam now.

We are here in Washington also to say that the problem of this war is not just a question of war and diplomacy. It is part and parcel of everything that we are trying as human beings to communicate to people in this country—the question of racism, which is rampant in the military, and so many other questions such as the use of weapons; the hypocrisy in our taking umbrage in the Geneva Conventions and using that as justification for a continuation of this war when we are more guilty than any other body of violations of those Geneva Conventions; in the use of free fire zones, harassment interdiction fire, search and destroy missions, the bombings, the torture of prisoners, the killing of prisoners, all accepted policy by many units in South Vietnam. That is what we are trying to say. It is part and parcel of everything.

An American Indian friend of mine who lives in the Indian Nation of Alcatraz put it to me very succinctly. He told me how as a boy on an Indian reservation he had watched television and he used to cheer the cowboys when they came in and shot the Indians, and then suddenly one day he stopped in Vietnam and he said "my God, I am doing to these people the very same thing that was done to my people," and he stopped. And that is what we are trying to say, that we think this thing has to end.

We are also here to ask, and we are here to ask vehemently, where are the leaders of our country? Where is the leadership? We are here to ask where are McNamara, Rostow, Bundy, Gilpatric and so many others? Where are they now that we, the men whom they sent off to war, have returned? These are commanders who have deserted their troops, and there is no more serious crime in the law of war. The Army says they never leave their wounded. The Marines say they never leave even their dead. These men have left all the casualties and retreated behind a pious shield of public rectitude. They have left the real stuff of their reputations bleaching behind them in the sun in this country.

Finally, this administration has done us the ultimate dishonor. They have attempted to disown us and the sacrifices we made for this country. In their blindness and fear they have tried to deny that we are veterans or that we served in Nam. We do not need their testimony. Our own scars and stumps of limbs are witness enough for others and for ourselves.

We wish that a merciful God could wipe away our own memories of that service as easily as this administration has wiped away their memories of us. But all that they have done and all that they can do by this denial is to make more clear than ever our own determination to undertake one last mission—to search out and destroy the last vestige of this barbaric war, to pacify our own hearts, to conquer the hate and the fear that have driven this country these last ten years and more, so when 30 years from now our brothers go down the street without a leg, without an arm, or a face, and small boys ask why, we will be able to say "Vietnam" and not mean a desert, not a filthy obscene memory, but mean instead the place where America finally turned and where soldiers like us helped it in the turning.

Thank you.

ANGRY WAR VETERAN

(By John Forbes Kerry)

WASHINGTON, April 22.—Early in 1968, not long after his graduation from the Navy's officer candidate school, Lieut. j.g. John Forbes Kerry visited Vietnam for the first time when his ship stopped over in Danang after a brief tour in the Gulf of Tonkin. "I went ashore and saw the barbed wire, the machine guns and a 'woodpile' of dead Vietcong bodies," Mr. Kerry recalls, "and it hit me all at once. This was my first contact with the land war, and at first it looked like something out of the movies. Then I reacted—I said 'my God, what is going on here—this is really a war.' "

Mr. Kerry is here this week to protest that war as leader of 1,000 or so veterans encamped on the grassy mall near the Capitol.

Last night, he stretched out his lean, 6-foot frame and recounted some of the experiences that turned him against American policy in Southeast Asia.

Mr. Kerry was born in Denver Dec. 11, 1943. He later lived in Washington and in France and Germany.

WAR DOUBTS AT YALE

While still an undergraduate at Yale, Mr. Kerry developed some reservations about American foreign policy. This was reflected in the senior oration he delivered at his graduation in 1966 criticizing aspects of the draft and the war.

At Yale, Mr. Kerry won letters in soccer and lacrosse and belonged to the Skull and Bones Society. His plans to study abroad were quashed by a notice from his draft board that he would probably be called for service.

Neither jail nor self-exile appealed to him, he said, and "although I did have some doubts about the war in terms of policy, at that time I believed very strongly in the code of service to one's country. So," he added, "I enlisted in the Navy."

That first trip to Vietnam piqued his curiosity—"I wanted to go back and see for myself what was going on, but I didn't really want to get involved in the war." So, late in 1968 he volunteered for an assignment on "swift boats"—the short, fast aluminum craft that were then used for patrol duty off the Vietnam coast.

Two weeks before he arrived in Vietnam as a swift boat commander, he said, "they changed the policy on the use of the boats—decided to send them up the rivers to prove to the Vietcong that they didn't own the waters."

The river missions involved shooting at sampans and at huts along the banks and suddenly, Mr. Kerry recalls, "We said, 'hey, wait a minute—we don't know who these people are.' So we started to beach our boats to go ashore and find out what we had been shooting at."

Mr. Kerry, 27 years old, paused a moment, then remembered a time earlier in his life when his father, now a Massachusetts lawyer, was a Foreign Service Officer stationed in Paris.

"My mother was born in France," he said, "and when we lived there, I used to play in the old German bunkers outside my grandmother's house. From listening to her stories, I got a vivid impresion of what it was like to live in an occupied country, and when I went ashore in those villages, I realized that's exactly what I was in—an occupied country."

Because he had been wounded three times (in addition to the three Purple Hearts, he holds the Bronze and Silver Stars), he took advantage of a navy regulation that allowed him to return to duty in the United States.

Mr. Kerry left Vietnam in March, 1969, and took a job as an admiral's aide in New York City. Shortly afterward he married. His wife, Julia, is 26.

During this time, he says, "my opposition to the war was haunting me. The October moratorium came along and I did some work for it. It was just incredible, seeing all those people, and I said to myself, 'that's it.'"

He asked for, and was given, an early release from the Navy so he could run for Congress on an antiwar platform from his home district of Waltham, Mass. His campaign lasted a month, ending when he withdrew in favor of the Rev. Robert F. Drinan, the Jesuit who was elected to Congress last November.

While campaigning for Father Drinan, Mr. Kerry appeared on the Dick Cavett television program and was seen by members of the Vietnam Veterans Against the War, who asked him if he would work for their group. He has been a full-time organizer for them ever since.

During a veteran's meeting in Detroit last winter, Mr. Kerry said he became aware of increasing antiwar sentiment among returning veterans. "I saw guys there who couldn't talk about what they'd done in Vietnam without crying," he said. "That's when I realized that we had to take this thing to the Government."

Operation Dewey Canyon Three, the week-long veterans' protest now underway in the capital, is the result.

Mr. Kerry describes himself as "still a moderate—I'm not a radical in any sense of the word. I guess I'm just an angry young man."

He is not a pacifist—"if I have to pick up arms to defend something that is very real. If the shores of this country were threatened, I'd be the first to defend it."

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. WEICKER). The Chair, on behalf of the Vice President, appoints the Senator from Maryland (Mr. MATHIAS) to the Conference on Problems Relating to Environment, of the Economic Commission for Europe, Prague, Czechoslovakia, May 2 to 15, 1971.

AUTHORIZATION FOR THE SUBCOMMITTEE ON HEALTH AND HOSPITALS TO MEET AT 1 P.M. ON WEDNESDAY, APRIL 28, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Subcommittee on Health and Hospitals of the Committee on Veterans' Affairs be authorized to meet at 1 p.m. on Wednesday, April 28, 1971.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS AND FOR EXTENSION OF TIME UNDER THE PASTORE RULE ON MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, at the close of the remarks by the distinguished Senator from Wisconsin (Mr. PROXMIRE), there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes; that at the close of the period for the transaction of routine morning business, the unfinished business be laid before the Senate; that at that point, the Pastore rule, paragraph 3 of rule VIII of the Standing Rules of the Senate, be triggered, and that it run for 7 hours or until completion of action on the unfinished business, whichever is the earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WEICKER). Without objection, it is so ordered.

VIETNAM WAR DEMONSTRATIONS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to be permitted to submit a statement by the distinguished junior Senator from Indiana (Mr. BAYH) on the Vietnam War demonstrations.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

The statement by Senator BAYH is as follows:

STATEMENT BY SENATOR BIRCH BAYH ON VIETNAM WAR DEMONSTRATIONS

Mr. President: This week bears witness to a massive outpouring of public concern over the continuation of war in Vietnam. In the thousands of dissenting Americans who have come to their capital, there is a deep desire to change the course of national policy. For too long our national leaders have failed to take full account of the depth and breadth of this conviction. Now these citizens have joined to petition their elected representatives to cease the senseless slaying.

As we observe the demonstrations, we should bear in mind the fundamental freedoms insured by our Constitution. The just and legal exercise of those freedoms ennobles the purpose of most Americans who participate in these demonstrations. Though a few individuals may act violently because of deep frustration of destructive intent, such actions must not obscure the underlying and lawful goals of the majority of dissenting citizens. If there is violence, I don't condone it, I condemn it. I believe that the bulk of the people involved in these demonstrations realize that such violence would contradict their purpose—and is counter-productive.

We cannot ignore what the veterans who have come here have to say to us. These men have borne the terrible responsibility of battle and now return only to speak of peace.

The President's desire to ensure the survival of the Thieu-Ky regime, unfortunately, seems to have been a major factor in postponing withdrawal. I do not believe we have any commitment to the Thieu government—or to any particular government in South Vietnam. Nor should we. I believe we have fulfilled whatever commitment we might have had to the people of South Vietnam. We have no commitment to the generals. We have already given them the most precious gift in our possession, 53,000 American lives. We have spent more than $125 billion in Vietnam already and have trained and equipped a one-million-man army.

This moment can mark a turning point in our nation's history; a time when America abandons a bankrupt policy whose only certain achievement would be more precious futures squandered—more young Americans dying and imprisoned in Vietnam. We must respond to the chorus of voices raised in peaceful dissent. We must seize this mandate and fix a date for complete and final withdrawal.

There is no honor to be won and no glory to be gained by continuing. There are only more lives to be lost.

PROGRAM FOR MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, the program for Monday next is as follows:

The Senate will convene at 10 a.m. and immediately following the recognition of the two leaders under the standing order, the distinguished senior Senator from Wisconsin (Mr. PROXMIRE) will be recognized for not to exceed 15 minutes, at the close of which there will be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes; upon the conclusion of which the Chair will lay before the Senate the unfinished business, S. 1557; at that point, the Pastore rule of germaneness, paragraph 3, of rule VIII of the Standing Rules of the Senate, will take effect and, under the previous order, will extend for a period of 7 hours or until completion of action on the unfiinished business, whichever is the earlier.

There will be rollcall votes, and action is expected to be completed on the emergency school aid bill on Monday.

ADJOURNMENT TO MONDAY, APRIL 26, 1971, AT 10 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. on Monday next.

The motion was agreed to; and (at 4 o'clock and 7 minutes p.m.) the Senate adjourned until Monday, April 26, 1971, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate April 23, 1971:

Department of Transportation

John W. Barnum, of New York, to be General Counsel of the Department of Transportation, vice James A. Washington, Jr.

U.S. Army

The following-named officer under the provisions of title X, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Walter James Woolwine, 704–12–6183, U.S. Army.

The following-named officer under the provisions of title X, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. George Philip Seneff, Jr., 037–26–0693, Army of the United States (brigadier general, United States Army).

In the Marine Corps

The following-named commissioned warrant officers/warrant officers for temporary appointment to the grade of first lieutenant in the Marine Corps, for limited duty, subject to the qualifications therefor as provided by law:

Bobo, Archie G.
Coulter, Patrick C.
Draper, Steven J.
Grant, William M.
Haskins, James E.
Keller, Robert J.
Killebrew, Joe
Kittilstved, Ray E.
Kochuba, Joseph
Lewis, Babre
Long, Leonard A.
Mattox, Aove E.
McLean, James F.
Medeiros, Kenneth H.
Thurmond, Joseph
Turney, Conrad B.
Woodruff, James E.
Vance, Larry F.

The following-named temporary commissioned warrant officers/warrant officers for temporary appointment to the grade of second lieutenant in the Marine Corps, for limited duty, subject to the qualifications therefor as provided by law:

Burnett, Leslie H. Jr.
Fotinos, Nickolas G.
Garcia, Donald P.
Owen, Forrest D.

The following-named staff noncommissioned officers for temporary appointment to the grade of second lieutenant in the Marine Corps, for limited duty, subject to the qualifications therefor as provided by law:

Angier, Rodney E.
Balske, Ronald E.
Buckle, Daniel J., Jr.
Chandler, Richard
Chapman, Laurel E.
Dewey, Robert J.
Ellis, Russell E.
Felder, Gary L.
Gainey, Weldon M.
Gale, Joe A.
Grabus, Edward J.
Grassilli, Leo J. Jr.
Hale, James H.
Harris, James R.
Hashimoto, Clifford P.
Humann, Leroy D.
Irvine, Joseph W.
Jones, Roy E.
Kaaekuahiwi, R. Y.
Lewis, Billy W.
Lincoln, Michael M.
Magers, Donald P.
Marte, Gary F.
Murray, Charles R., Jr.
Parkerson, Lowell B.
Pate, Eugene L.
Peabody, Charles P.
Privett, J. C.
Reid, Dewitt R.
Rusnak, Anthony
Schroyer, Paul R.
Snow, Richard C.
Stephenson, Walter C.
Stipe, Carl M.
Tavares, Edward
Taylor, Gene A.
Wilding, James L.
York, Wallace E.

The following-named U.S. Military Academy graduates for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Hindes, Clyde J.
Robinson, John R.

The following-named Army Reserve Officer Training Corps graduates for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Carnevale, Michael J.
Larkin, James J.

The following-named U.S. Air Force Academy graduate for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Weber, David B.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 23, 1971:

U.S. Air Force

The following officer to be placed on the retired list, in the grade of lieutenant general, under the provisions of section 8962, title 10, of the United States Code:

Lt. Gen. Joseph H. Moore, [redacted]FR (major general, Regular Air Force), U.S. Air Force.

Maj. Gen. George J. Eade [redacted], Regular Air Force, to be assigned to positions of importance and responsibility designated by the President, in the grade of lieutenant general, under the provisions of section 8066, title 10, of the United States Code.

U.S. Army

The following-named officers to be placed on the retired list, in grades indicated, under the provisions of title 10, United States Code, section 3962:

To be general

Gen. Berton Everett Spivy, Jr., [redacted], Army of the United States (major general, U.S. Army).

To be lieutenant general

Lt. Gen. Vernon Price Mock, [redacted], Army of the United States (major general, U.S. Army).

Lt. Gen. Harry Jacob Lemley, Jr., [redacted] Army of the United States (major general, U.S. Army).

Lt. Gen. William Pelham Yarborough, [redacted] Army of the United States (major general, U.S. Army).

Lt. Gen. Beverley Evans Powell, [redacted] Army of the United States (major general, U.S. Army).

The following-named officer, under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Robert Clinton Taber, [redacted] Army of the United States (brigadier general, U.S. Army).

The following-named officer, under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Richard Thomas Cassidy, [redacted] United States Army.

The following-named officer, under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Robert Edmondston Coffin, [redacted] Army of the United States (brigadier general, U.S. Army).

U.S. Navy

Vice Adm. Turner F. Caldwell, Jr., U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

Vice Admiral Isaac C. Kidd, Jr., U.S. Navy, having been designated for commands and other duties of great importance and responsibility determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of admiral while so serving.

U.S. Marine Corps

Lt. Gen. Louis B. Robertshaw, U.S. Marine Corps, and Lt. Gen. Frederick E. Leek, U.S. Marine Corps, when retired, to be placed on the retired list in the grade of lieutenant general, in accordance with the provisions of title 10, United States Code, section 5233.

Maj. Gen. Ormond R. Simpson, U.S. Marine Corps, and Maj. Gen. Earl E. Anderson, U.S. Marine Corps, having been designated, in accordance with the provisions of title 10, United States Code, section 5232, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of lieutenant general while so serving.

U.S. Army

The nominations beginning Roger H. Nye, to be colonel, and ending Harvey K. Nakayama, to be 1st lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on Apr. 14, 1971; and

The nominations beginning Roger H. Nye, to be professor of history, U.S. Military Academy, and ending Raymond K. Yuen, to be 2d lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on Apr. 14, 1971.

U.S. Navy

The nominations beginning David W. Clark, to be ensign, and ending Stuart P. Timm, to be lieutenant (j.g.), which nominations were received by the Senate and appeared in the Congressional Record on Mar. 29, 1971.

EXTENSIONS OF REMARKS

BILINGUAL EDUCATION

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. BADILLO. Mr. Speaker, my colleagues know well by now of my deep concern for the bilingual education and how strongly I am committed to seeing it strengthened and expanded.

With regard to this program, as with so many vital domestic efforts, there is a tremendous gap between rhetoric and performance on the part of the administration. In a recent letter U.S. Commissioner of Education Sidney P. Marland Jr. told me:

> . . . we are aware of the need for education funds in New York City and in other large cities across the Nation.

Unfortunately, that self-proclaimed awareness was not translated into requests for appropriations, for the administration this year asked Congress to keep the bilingual education program at the same funding level in fiscal 1972 as in the current fiscal year.

A recent editorial in El Diario emphasizes the urgency of the need for an expanded bilingual education program. It deserves the careful consideration of all Representatives and Senators:

CRISIS IN EDUCATION

Despite the crying need for bicultural, bilingual education for hundreds of thousands in New York City, there are only 4,000 students in bilingual programs, and few plans at the district, city or state level to make them available on a larger scale.

Schools continue operating with little structural change being considered to guarantee that Puerto Ricans and other non-English speaking pupils, will receive the kind of education they need. This need is quite clear when we consider that 86% of pupils in Puerto Rican majority schools are below reading level.

Three of every four non-English children in the city school system—which has 121,000—receive no help at all with their special language problems. And the balance do not receive much help from the small number of teachers of English as a second language who can, at most, give one period a day to 10,000 children.

The only place where the non-English child might be receiving adequate help—since he is taught all day in either Spanish or English—is in bilingual programs. But only 4,000, or 3% of non-English children, are in such programs. Actually, the 3% is benefitting mainly from federally funded programs. No attempts have been made to meet this need under regular educational programs of our Board of Education.

The sad truth is that two thirds of the pupils are, for all intents and purposes, educationally crippled. This is translated in a high drop-out rate among Puerto Rican students.

These figures make it evident that the Puerto Rican child's right to an education is being violated. This violation must not be allowed to continue. Strong efforts should be made at the district, city and state level to institute bilingual, bicultural education.

Since education in all cities comes under state jurisdiction, it is particularly important that state authorities recognize the nature of the emergency in the education of Puerto Rican pupils and take immediate action to effect significant changes.

A bicultural, bilingual education is not only a necessity for Puerto Ricans and other persons of hispanic background, but for other ethnic groups such as Orientals, Haitians, Italians and Jews.

Recognizing this, the American Jewish Committee has supported a private multinational school in California, including Mexican Americans, Orientals, Jews and others, where pupils spend half the day learning in English, and the other half learning the language and culture of their origins. These schools are a good model to follow and we should consider adopting this system to meet our needs here.

Unfortunately, on the basis of their previous poor performance, we are skeptical about the major state educational bodies, the Board of Regents and the State Education Department, taking the emergency steps that are urgently needed.

To help them move more quickly, and to make sure that the special educational needs of the 260,000 Puerto Ricans and those of other ethnical origins are met, the proposal made by Mr. Hector Vazquez for the creation of a State Commission on Bilingual, Bicultural Education deserves immediate consideration.

We call on the State legislature and the Governor to establish such a Commission, with an adequate budget, as quickly as possible.

TECHNOLOGY—THE ROOT OF ALL EVIL?

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. GOLDWATER. Mr. Speaker, this week I had the opportunity to appear before the San Francisco Press Club to discuss the current crisis in the aerospace industry. Almost 200,000 people are currently unemployed in southern California as a result of this crisis; a contributing factor to this dilemma is an antitechnology attitude being experienced by many Americans.

I wish to present my remarks in the hope that they will assist, in some small way, to put the relationship between technology and progress and our environment into perspective:

TECHNOLOGY—THE ROOT OF ALL EVIL?

Love of money is no longer the root of all evil.

Now I hear that the root of all evil is *technology*—that we have technology and its side effects to thank for air pollution, noise pollution, traffic jams, garbage heaps, and the generally deteriorating quality of life.

There are even people who seriously propose that this country should completely halt all scientific research and cease the further introduction of new technology.

I am sure that none of us here today would advocate such an extreme. It would be cutting off our noses to spite our faces!

But we must face the fact that science and technology are under very strong attack from many quarters, and that the general public is growing increasingly disenchanted with some of the side effects of the technological good life.

It is unfortunately true that advances in technology have caused many of the unpleasant environmental situations which have developed.

But what are our alternatives? Do we de-emphasize science and technology as irrelevant to our current concerns? I think not. But what should be their new role?

Let's examine these troubling questions in a larger context. Consider the fact that while I am speaking to you here, 8,000 children will be born on the planet Earth—over half of whom are condemned to a life of malnutrition and deprivation!

Consider also that if the current birth rate on Earth is maintained, 360 *billion* people will cover the face of the planet one thousand years from now.

That's an increase of 5,600 percent over our current population!

The point being made here is that anti-science countercultures are obviously ignoring the pressing social and economic demands of the very societies they are trying to preserve. 360 billion people are going to require a lot of technological improvement in our current logistical systems!

Fortunately, scientific change and technological development seem to be advancing at the same exponential rate as population. During the past hundred years we have moved from the crude steam engine to sophisticated atomic devices as sources of energy, from the Pony Express to instantaneous communication, from the abacus to the computer, from an agrarian society to an urbanized society fed by the most productive farmers on earth.

In this context, it is no wonder that our problems multiply exponentially too! And the global state of our awareness makes them even more visible.

Pollution, for example, is generally considered a space age problem. Los Angeles "old timers" are constantly reminding me that they used to be able to see the distant mountains. But pollution is not quite the modern problem we might think it is.

The early California Indians used to call Los Angeles the Valley of Smoke because of its then-current smog—which was produced by trees!

Going back even further, I might point out that the first real anti-pollution legislation was passed 650 years ago by King Edward I of England, who issued an edict against the burning of coal, on penalty of death. Slightly stiffer punishment than we have today! History also records executions carried out under that law!

One of the worst cases of smog in *modern* times in the United States was recorded over 20 years ago, when 6,000 fell ill and 20 died in the town of Donora, Pennsylvania.

Thus, today's "in" issues—ecology and the environment—are not new ones, and the complaints do not stem solely from advances in technology. This makes it very clear that we must come up with some powerful solutions—and fast!

It is within this context that we must ask again—what role should science and technology play?

Let's examine the thrust of this question as it applies to the most publicized field of technological advancement—the aerospace industry.

From a steady-state expenditure of $10 to $15 billion per year during the 1950's and early 1960's, the aerospace industry has doubled its efforts over the past eight years to nearly $30 billion, in a fantastic response to demands from the Pentagon, NASA, and the commercial airlines.

For a while, it looked as if the spending ceiling would never be reached. NASA was spending $6 billion annually, and was programmed for $10 billion by 1975. The Defense Department budget was growing at an equal rate. The aircraft manufacturers couldn't write the orders fast enough.

Responding to the demand, the industry scored a series of impressive triumphs—200 successful space shots, including 3 visits to the surface of the moon, satellite communications, navigation, and weather prediction, probes into outer space which have advanced our physical knowledge a thousandfold. Responding to a quadrupling in air travel miles between 1965 and 1968, the industry upped its annual sales of aircraft from 230 to 700.

But the expansion has come to a screeching halt.

NASA's budget has dropped from $6 to $3 billion annually, and the launch rate has also been halved.

Seven of the twelve major U.S. air carriers have reported major earnings losses, and have curtailed their purchases accordingly.

Pentagon spending has abruptly declined in favor of other priorities—so much so that the House Armed Services Committee was told this year that Soviet spending on military research and development is now 50 percent greater than ours. As a result, our defense posture is seriously threatened, for the first time in decades. In addition, the Russians launched 57 military satellites, as opposed to our 17, last year.

Looking back, what were the benefits of our high point in aerospace and defense spending?

Jobs for 1.4 million civilian workers.

An unprecedented rate of economic growth.

Over 10,000 new products.

A favorable balance of trade in advanced equipment.

An unqualified reputation as a "can-do" nation.

A spiritual rejuvenation for the American people. And, of course, the aftermath.

The 1.4 million jobs are now 1 million.

Total industry sales have fallen by 20 percent in two years.

The national unemployment rate has reached its highest level in nine years, with California and the Northwest suffering the worst blows.

There are a few bright spots—new military and civilian space and aircraft programs. But it would be the worst kind of foolishness to expect these programs to serve as the basis for rebuilding the industry to its old levels of growth. The decline may be at an end, but the climb back will be slow.

There is no doubt that the aerospace industry will survive—but at the same time it is entering its worst period of danger. The country is on the verge of abandoning one of its greatest national resources: our technological capability. The extent of this danger was clearly illustrated in the recent vote on the SST. California's two Senators, Cranston and Tunney, so far forgot themselves as proper representatives of the people to cast their vote with the environmental hysterics and defeat the SST. Not for them the consideration of the jobs lost, the technology swept under the rug, the lives shattered, the local economies ruined. They preferred to think of "possible" environmental problems (which were wholly solvable by the technology in hand), and to divert the funds to welfare instead of *jobs.*

This brings us to my main point concerning the role of science and technology. Which is that we can have *both* technological advances and the resolution of our society's ills. What is needed is not less technology but more—it is vitally necessary if we are to clean up our air, our waters, our cities.

Our problems would remain even if all technology were discontinued. In fact, as you can imagine, they would accelerate tremendously.

It is clear, therefore, that we must redirect our attention, concentrate our resources, and establish new goals. NASA set itself the goal of reaching the moon in a decade. Why can't this country dedicate itself with equal fervor to the goals of eliminating environmental deterioration, restoring our cities, and developing an economic and efficient transportation system?

We have shown time and time again that we have the resources and dedication to achieve the most challenging goals in a very short time. Can we not apply ourselves in this way again? Is this not the new role of technology?

Right now we have 400,000 highly skilled and educated problem-solvers on the unemployed lists. Their capabilities cover the scientific spectrum. They are accustomed to working in a coordinated fashion and to keeping track of potential side-effects and results. They know how to structure and analyze a problem in order to reach a successful conclusion.

Are the problems of our cities too tough or complex for these individuals? I doubt it. Current city planning sees a city as a system comprised of a complex of subsystems, approximately 130 in number—transportation, communications, revenues, etc. The Apollo system had double that number of subsystems.

Can the industry undertake such a massive task in a coordinated fashion? I think so. The 10-year Apollo program involved 20,000 different companies and agencies, and over 400,000 individuals.

Is the aerospace skill bank applicable to "civilian" problems? It sure looks like it. Lockheed, down the Peninsula, has developed an innovative program to fight drug abuse which is now being used in many public schools. North American Rockwell, near my District, is coverting raw sewage to poultry mash and clean water. Hughes Aircraft Company lasers are cutting dress and suit patterns and performing bloodless surgery. Here in San Francisco, advanced rapid transit vehicles are being built by the Rohr Corporation.

The examples of successful applications of aerospace techniques to new technology are endless.

Why, then, hasn't the industry diversified even more, since the skills and procedures are there?

Two reasons.

First, the market is new and highly fragmented. What used to be a single customer—DOD or NASA—has now become 50 states and hundreds of metropolitan areas. It took TRW one and one half years of coordination with different local governments in Southern California before they were able to land a single small mass transportation study contract. It doesn't take many exercises of that sort to discourage a company operating at an annual sales level of $1.6 billion!

The second major problem in diversification is lack of money. Clearly, a massive infusion of State and Federal funds will be required if the problems are to be approached in meaningful and timely fashion. President Nixon has requested $2.5 billion in funding for the Environmental Protection Agency for fiscal 1972—though this figure is double last year's, it is still a drop in the bucket when compared with the former aerospace expenditures of $30 billion per year. This is especially true when we consider the magnitude of the problems, and the needs of the industry.

Meanwhile, of course, the negativistic attitude toward science and technology continues to prevail. The results are already being felt. In 1969, we had approximately 540,000 engineers and scientists working in research and development activities. But given the decrease in scientific job opportunities and in students entering technical fields, there is a predicted growth of technically-oriented professionals of only *four* percent per year for the next 15 years!

In contrast, the USSR, which has an almost identical number of engineers and scientists, is predicting an annual growth rate of 15 to 20 percent over the same period. Thus, their technical personnel resources will be 30 percent greater than ours by 1985!

The ultimate result is obvious to any thinking person. The anti-scientific counterculture will achieve the loss of our position as a world leader. We will be second-best—militarily, economically, socially. It will take decades to recover from the blow.

To counter this trend, we must realize that it is not the use of technology which has created problems, but its misuse. No one can deny that Americans today enjoy a better all-round existence than ever before in history. On the whole, science has had an incredibly beneficial effect on our lives.

In an effort to meet these two problems head-on, I have called on President Nixon to establish the Environmental Protection Agency as a truly centralized authority, with the responsibility of responding to the environmental needs of all geographical locales. The Agency could thus bring to bear the necessary centralized leadership and overall control for developing and administering those programs which the industry might want to develop. This would ease the fragmentation and stretch the available monies.

In addition, I have also requested that EPA's funding be substantially increased, and that a program of matching funds for state and local governments be instituted. Through such a program, the Federal Government would match local and state investments in environmental improvement programs.

But the quality of our life today is far from perfect. And therein lies the challenge—to free humanity for "the human use of human beings." The path to greater universal wealth, happiness, natural beauty, and individual freedom lies through science and technology—not a "runaway bus" of uncontrolled expansion, but an orderly progression toward desired and specific goals.

The job ahead is awesome. I have undertaken for you a small but critical part of that job—presentation of the case for science. The public must be made to comprehend the role of science and technology.

It lies then in your hands. You must do a press relations job and education job of crucial importance. For the future of America as a world leader and as a nation which cares for its people depends on your success.

PLYMOUTH, WIS., REVIEW EDITORIAL SUPPORTS REVENUE SHARING

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, "Revenue sharing is a sound, even revolutionary idea, but its time has come," concludes Robert S. Johanson's editorial in the March 25, 1971 Plymouth, Wis., Review.

So that my colleagues in the House may know the editorial opinion of the Plymouth Review, and my own strong support for revenue sharing, I am including the editorial as a part of my remarks at this point:

REVENUE SHARING WOULD HELP COMMUNITIES DO NEEDED TASKS

President Nixon's proposal of "revenue sharing" has aroused both support and opposition from many sectors of Wisconsin.

Even the state's distinguished Rep. John W. Byrnes (R-Green Bay), who serves on strategic financial committees in congress, has derided the plan and commented that the only thing the US has to share is a deficit.

Most Wisconsin legislators, mayors and others disagree with Byrnes.

They see the federal government as a tax collector without peer. Nobody rakes in money from citizens so easily, efficiently and quickly as Uncle Sam.

But can Washington direct the expenditure so effectively? Experience of the past couple of decades has proved the answer to be no.

The revenue sharing plan, in essence, means that large sums of tax money, collected by the US from the income tax mostly, would be sent back to the local units of government for use with no strings attached. There would be some basic guidelines, but the use of the funds would be up to locally elected officials.

We may kid a lot about local officials. But in our judgment they are highly capable, at all levels, of making the best decisions on how money should be spent, and is needed, in their own communities.

Rep. William A. Steiger, sixth district, is among others who will be beating the bushes for support of the revenue sharing concept.

The public, we believe, supports the idea and is not interested in splitting hairs about technicalities. As state Sen. Robert P. Knowles recently observed:

"As one who has devoted much of his adult life to public affairs, I have complete confidence that our state and local officials in Wisconsin are far better qualified, and more concerned, in the determination of public policies and priorities at the state and municipal levels than federal bureaucrats and 'social engineers' who are in no position to understand local problems and are not accountable to the people of Wisconsin on election day."

Revenue sharing is a sound, even revolutionary idea, but its time has come.

NATIONAL NURSING EDUCATION ACT

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. REID of New York. Mr. Speaker, I am introducing today a bill entitled the "National Nursing Education Act of 1971," being introduced in the other body by Senator JAVITS, in behalf of a bipartisan group of Senators. This bill is designed to overcome the critical shortage of nurses throughout our country.

Although there are severe manpower problems in all areas of the health spectrum, one of the most dangerous is the nurse shortage. Presently, there is a shortage of 150,000 nurses; within a decade, we are expected to be short 220,000 nurses.

Although the Nurse Training Act of 1964 has done much to increase the nurse supply and to expand our nursing schools, clearly it has not done enough.

To truly improve America's health care and to make it available to all Americans, we must assure adequate facilities, including personnel.

The National Nursing Education Act attempts to achieve these goals by providing the following:

First, it would authorize a new 3-year program of institutional support grants to nursing schools on a capitation formula of a certain amount per graduate.

Second, project grants are authorized to nursing schools and to nonprofit organizations to aid disadvantaged students and to promote preventive health care.

Third, the bill would authorize financial disaster relief grants for nursing schools.

Fourth, the bill would extend for 3 years traineeship programs and construction grant authorities, and would expand the Nurse Talent Search program.

Finally, it would increase the amounts available for the existing nursing student scholarship program from $2,000 to $3,000 in grants and from $1,500 to $2,500 in maximum loan amounts. Forgiveness for loans would be authorized at a rate of 20 percent a year up to the maximum amount of the loan for full-time employment in a health center or public or nonprofit private institution. Furthermore, if the Secretary of HEW determined the area of employment as a "health care shortage area," the forgiveness rate is increased to 33⅓ percent a year, and if nursing students were in exceptional financial need, the bill would authorize repayment of guaranteed loans.

Finally, let me say in closing that decent health should be a right for all Americans. This bill should help that right become a reality.

A YEAR SINCE THE FIRST EARTH DAY

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. FISH. Mr. Speaker, now 1 year later, perhaps we can take stock of what has—and what has not—been accomplished since that day last year when our Nation's attention—largely through the activities and interest of our young people—was focused on the problems of our environment.

Clearly, any honest evaluation indicates that our human environment has not been saved in the past 12 months. Nor has it even been materially improved. During the past year we have gone from crisis to crisis—from oil spills, to ocean dumping of poison gas and sewage sludge—from the discovery of dangerous levels of mercury pollution in fish to the documentation of ecological disaster signs by protracted and heavy use of DDT. Forty thousand industries still discharge effluents into our rivers. Increasing numbers of city water systems are of questionable quality for human consumption. The question of solid waste—the junk and garbage our civilization produces in ever-increasing quantities—once considered just a problem of logistics, has grown to a point where it is spoken of in terms of utmost urgency.

In fact we are essentially in the same state we were a year ago. That is, we are in the same position except for one significant factor.

The factor lies in the awareness that has been created in the public mind of the seriousness of our environmental crisis—a public awareness of our stewardship which was to a large extent seeded by last year's Earth Day. Today government officials, homemakers, professionals, people from every segment of our society are for the first time awakening to the magnitude of the problems we are facing.

Let us then take a few minutes to see some of the ways in which this new public awareness has been put into action.

On the Federal level an Environmental Protection Agency has been created, pulling together all Federal antipollution efforts. It is charged with enforcement of water, air, and land use standards. This new agency is funding a number of pilot projects across the Nation to determine the best and most economical ways to solve an entire range of environmental problems. Also, the Council on Environmental Quality is charged with the evaluation of all Federal projects to determine their environmental impact.

The lesson of the Santa Barbara oil spills—that all possible adverse consequences on the environment must be explored before a project is undertaken—is today our public policy. The proposed trans-Alaskan pipeline is the object of this scrutiny. The recent rejection of the trans-Florida canal by the President and the refusal by the Congress to fund the controversial supersonic transport plane are examples of this new concern. It would not be accurate to claim that environmental issues downed the SST. But those of us who objected to the expense—to a high priority being given to what we conceived to be a socially useless project—would not have prevailed without the awareness of the environmental hazards involved.

The Federal Government, through the Justice Department, for the first time is attacking industrial water polluters under an 1899 law which forbids dumping in any navigable waterway. This law, on the books for over 70 years, was never enforced before. Now, enforcement of existing antipollution legislation is becoming the rule rather than the exception to the rule. But more vigorous enforcement and Federal monitoring of pollution is needed.

Congress is appropriating ever-larger sums of money, and passing evermore stringent laws, in an effort to move toward control of the polluters of our environment. Last year a notable attack on the major air polluter was the law requiring automobiles to be pollution free by 1975.

New environmental protection laws are being introduced every day. For instance, I have just introduced a solid waste management bill, which, if enacted, will place the burden of the cost of garbage and waste disposal on the users of the item which later finds its way to our Nation's trash piles. Funds collected under this bill would be used to finance the technology of waste disposal—the art of recycling, indispensable as our natural resources are steadily depleted.

I have also introduced legislation to ban the use of phosphates in laundry and dishwashing detergents by June 30, 1973. This legislation is needed as at the present time phosphate use represents 27.5 pounds of pollutant for every man, woman, and child in this country—phosphates stimulate algae growth, which in turn is a major polluter as it is a massive user of free oxygen in our rivers and waterways.

These are but two of literally hundreds of bills being introduced on the Federal level aimed directly at getting a firm legal control over the pollution of our environment.

On the local and State level these new directions, started 1 year ago on Earth Day, can also be seen. In New York State, Suffolk County has banned the sale of all phosphate detergents, while Dutchess County is presently contemplating similar legislation. Counties in Wisconsin and Maryland have banned the sale of all throwaway containers, and many industries have set up programs to collect and reuse their discarded products. Every day brings its new step toward pollution abatement.

During this past 12 months it has become increasingly apparent that the people of this Nation, in ever-increasing numbers, are exerting pressure and direction upon the political and economic structures of our society in favor of an improved environment, and these structures are beginning to respond.

It is clear that, if there is any ultimate solution to environmental deterioration, its base is political and economic—bases in our country which will respond to public pressures.

Technology, industry, government—each can and must respond to the wishes of the people if they are to survive either the voter at the polls or the customer in the supermarket. For technology or government or industry is neither intrinsically good or evil. They obtain their direction and objectives from our—the people's—values and priorities.

Nor can we expect total environmental victory in 12 months—or even perhaps 12 years. Environmental protection is not something we will be able to solve once and then turn our backs upon. It will have to become and remain a way of life for us all. What in essence we are speaking of here is a cultural revolution.

Many of the habits and attitudes of our cultural past which have come down to us from the days of our Western frontier, will have to be reexamined in the light of today's realities. Many of our ideas about and definitions of progress will have to be closely scrutinized. Many of the present quantitative standards by which we measure social progress will have to be transformed into qualitative ones. It will not be easy, but it must be done or we will continue to suffer a deterioration in those very things which make life worth living—good food, good water, good air, and some escape from the pressures and clamor of technological society.

In the past year the American people have made some of these decisions. A small start, perhaps, but a start nevertheless. For the year ahead—and the years after that—to make these beginnings meaningful, more decisions as to what our priorities as a society should be will have to be taken. In the next year—and all the years ahead—we will have to keep up the pressure on industry and government to insure that the goals we seek are not lost sight of. It would be nothing short of a catastrophe for the United States if the Earth Day movement loses momentum.

It is a big job—a long-time job. But it is a job that, if successful, spells the difference between an improving or a deteriorating life for every inhabitant of our country, today and for the generations to come.

MISS ELLYN CORNISH: FREDERICK, MD.'S ATHLETIC AMBASSADOR

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. BYRON. Mr. Speaker, recently the U.S. Women's Cross-Country Team participated in the international championship races in San Sebastian, Spain. One of the team members was Miss Ellyn Cornish of Frederick, Md. Ellyn is a 10th grade student at Frederick High School where she has been coached by Jack Griffin. I congratulate her on her participation in the international races. I would like to include a tribute to Ellyn that was published on April 19 in the Frederick News, as follows:

AMBASSADOR ELLYN CORNISH

In these days when we so quickly draw attention to the minority negative actions of our young people, it is an inspiration to read a letter from Juner Bellew, manager of the recent USA Women's Cross Country Team which participated in the International Championship races at San Sebastian, Spain, in which she pays tribute to Ellyn Cornish of Frederick who was one of the members of the contending group from America.

It would be difficult to find a more eloquent tribute than that contained in Juner Bellew's letter.

"I would like to comment," she says "on the young lady from Frederick City, Ellyn Cornish, who was a member of the USA team.

"Although the youngest member of the group chronologically, she possessed the poise and demeanor anyone would be proud to display.

"It is most gratifying for a team leader to have a youngster of such character and integrity representing our country in international competition.

"As a city, you should swell with pride to have helped produce a young citizen of such character.

"She was such a delight.

"And I hope her performances in the future will warrant other trips abroad, for she is a great credit to the United States."

Such an accolade is a tribute not only to Ellyn Cornish but to her parents, her coach Jack Griffin, and her teachers at Frederick High School where she is a student in the 10th grade, and West Frederick Junior High which she attended.

The negative actions of a minority of our young people are so much in the spotlight today that it is indeed a pleasure not only to receive this tribute to Ellyn Cornish, a real ambassador of American good will, but also to reflect that even in these chaotic times of social stress that young people of her type are by far in the overwhelming majority among their age group.

MINNESOTA VETERANS PAY VISIT TO CONGRESSMAN ANCHER NELSEN

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. NELSEN. Mr. Speaker, I was visited in my office this morning by several young men from the Second Congressional District who are here in Washington, D.C., this week taking part in activities sponsored by Vietnam Veterans Against the War. They included Ed Flaherty, James E. Brown, Greg Hall, and Stephen Thomas, all of Mankato; Mark W. Downey of St. Peter and Wayne Wolter of Belle Plaine.

They presented me with a list of demands prepared by their organization which is contained in an open letter to the Congress of the United States, and they said they would appreciate it if I placed this letter in the CONGRESSIONAL RECORD. It should be noted that while I share their deep desire to see peace restored in Asia, and an end brought to the fighting, I do not share their views about the best ways to accomplish these objectives.

I do believe, however, that both the Congress and the administration will give most sympathetic attention to their concerns involving proper medical care, job training, and similar matters of great importance to all veterans returning home from the war in Southeast Asia.

I am inserting their letter at this point in my remarks:

OPEN LETTER TO THE CONGRESS OF THE UNITED STATES: DEMAND FOR PUBLIC HEARINGS ON REDRESS OF GRIEVANCES OF VETERANS OF THE INDOCHINA WAR

VIETNAM VETERANS
AGAINST THE WAR, INC.,
New York, N.Y.

Vietnam Veterans Against the War, on behalf of its members and all other people who have worked toward peace, place before the Congress of the United States the following demands:

1. The Congress enact legislation to necessitate the immediate, unilateral, unconditional withdrawal of all United States Armed Forces and Central Intelligence Agency personnel from the countries of Vietnam, Cambodia, Laos, and Thailand.

2. The Congress enact legislation to terminate all funds appropriated for the continued presence of the United States Military, its Allies and the Central Intelligence Agency in the countries of Vietnam, Cambodia, Laos, and Thailand.

3. The Congress enact legislation for the termination of all funds being utilized by the Central Intelligence Agency to support their illegal operations in Latin America, Africa, China, Europe, and the countries of Vietnam, Cambodia, Laos, and Thailand.

4. The Congress refuse to grant the 200 million dollars requested by the Administration for the continued United States support of the corrupt military machinery of the illegal government of Cambodia.

5. The Congress enact legislation for the immediate repatriation with full amnesty to those men and women who are in prison or in self-exile by reason of their refusal to serve in the military.

6. The Congress convene immediate full public hearings into the charges of War Crimes committed against the people of In-

dochina as a result of official and de facto United States military policy in the conducting of the illegal war of aggression in the countries of Vietnam, Cambodia, Laos, and Thailand.

7. The Congress allow the Vietnam Veterans who brought these charges at the recently concluded Winter Soldier Investigation to testify with full Congressional immunity at these public hearings.

8. The Congress without regard for domestic political consideration issue a statement to the American people that the only means of securing the release of American prisoners of War is through the immediate cessation of all acts of aggression against the countries of Vietnam, Cambodia, and Laos, the immediate withdrawal of United States support in any form to the illegal, corrupt, government of Thieu, Ky, and Khiem, and the immediate withdrawal of all United States and Allied Forces from the countries of Vietnam, Cambodia, Laos, and Thailand.

9. The Congress enact immediate legislation to provide proper care and services for all patients in Veterans Administration hospitals.

10. The Congress enact immediate legislation to make available job training and placement in both the public and private sectors for every returning Veteran.

11. The Congress enact immediate legislation providing the necessary funding for the structuring and implementation of drug rehabilitation and psychotherapy programs for returning veterans of the Indochina War.

12. The Congress enact immediate legislation providing the funds and means necessary for the Veterans Administration to provide materials, services, and subsistence required by the veterans in the course of their educational and vocational endeavors.

13. The Congress address itself immediately to the reordering of national priorities to serve the dire domestic, social, economic, and educational needs of all the people.

14. The Congress convene a joint session to be addressed by a member of our organization.

15. The Congress of the United States of America cease immediately acting in tandem with the Executive Branch and meet its responsibility under the Constitution of the United States of America to protest the interest of and safeguard the rights of all the people of the United States of America.

16. We demand these things as citizens of the United States of America and as the vehicles by which this illegal, immoral, criminal war against the people of Vietnam, Cambodia, and Laos has been carried out.

CONGRESS MUST ACT ON TREASURY TAX BREAK

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. CORMAN. Mr. Speaker, the President's proposed change in depreciation policy is very probably an unlawful encroachment upon the congressional power to tax. Eminent law professors throughout the country have written to express their concern that the multibillion-dollar Treasury proposals are illegal. Prominent among them is Prof. Boris Bittker of Yale Law School, who concluded that—

In my opinion—

(a) The Treasury does not have the statutory authority to permit taxpayers to depreciate assets over the ranges proposed by the ADR System or to deduct rehabilitation and improvement expenditures as part of a "repair allowance;" and

(b) If interpreted to support these aspects of the ADR System, the statutory provisions on which the Treasury relies would equally support the most extraordinary departures from widely-accepted principles regarding the division between current expenditures and capital items in the computation of taxable income.

Mr. Speaker, the effective operation of our tax system depends upon the willingness of millions of citizens lawfully to obey the commands of the Internal Revenue Code. We can collect our taxes only if our taxpayers remain law abiding.

This willingness of the American people to bear their tax burdens can only be strained by the example of the very questionable Treasury Department conduct in this case. Three billion dollars a year, if distributed among our taxpayers, would be nearly the equivalent of a $100 increase in the personal exemption. The $3 billion tax subsidy for large businesses—and the proposal does little for the majority of our businesses, which are small—raises serious questions of tax policy which ought to be debated by the Congress.

The fact that this tax break is bad policy and probably unlawful makes it imperative that the Congress reassume its leadership in matters of tax policy.

Indeed, the proposed tax break is open to serious doubts as to its economic value. Distinguished economists have noted that the stimulative effects of this expensive measure will be very limited and too slow. At the end of my remarks I would like to insert for the record the comments of Prof. Robert Eisner of Northwestern University. Professor Eisner has written extensively on depreciation economics and is a leading authority in the study of determinants of capital investment.

As Professor Eisner notes, the proposed tax break is unlikely to have much effect on capital investment. This is especially true since American industry is operating with considerable excess capacity during the present economic slump.

Finally, the dubious legality of the tax break is likely to result in court action if the Treasury attempts to enact the proposals. The probability of legal action to block the final change is already discouraging businesses from relying upon the proposals. Of course, this further reduces the economic benefits of the change.

In short then, the Treasury was unwise in not seeking legal counsel as to the lawfulness of the proposed tax break. However, the changes are only in proposed form at the moment. There is still time for them to be withdrawn and submitted to Congress for our study and debate.

Mr. Speaker, following are the comments of Professor Eisner, which I mentioned earlier:

THE ASSET DEPRECIATION RANGE SYSTEM

The comments set forth below relate to the proposed asset depreciation range regulations that were announced on January 11, 1971 and published in the Federal Register on March 13, 1971. I shall focus on several premises of the asset depreciation system which are either mathematically false or contrary to generally accepted economic principles and data.

1. The "Statement by the President" of January 11, 1971, announcing the ADR system declares, "A liberalization of depreciation allowances is essentially a change in the *timing* of a tax liability. The policy permits business firms to reduce tax payments now, when additional purchasing power is needed, and to make up these payments in later years." An accompanying statement by then Treasury Secretary David M. Kennedy declares, "It should be kept in mind that a liberalization of depreciation allowances primarily involves a postponement of the tax payment, and that this payment will eventually be added to government revenues."

THE ADR SYSTEM WILL CAUSE PERMANENT REVENUE LOSSES

These statements are false. At the worst they represent a conscious effort on the part of some to deceive the public. At best they represent a confusion between the consequences of the "liberalization" in depreciation for a single asset or assets of a single year or even a limited number of years and the permanent "liberalization" envisaged in the proposed system.

The incorrectness of the Administration's claims regarding the ADR system is illustrated arithmetically by a succession of numerical examples set forth in Appendix A. The example relevant to the current issue is given in Table A–3, which indicates not only that the initial tax savings due to the ADR system are never paid back, but that they have added to them further savings as the years go on. Indeed, while there is a hump in tax savings (i.e., in the tax loss to the Treasury) during the transition to the ADR system, after this period the annual tax savings resume an upward path equal to the per cent rate of growth of equipment acquisitions.

The Statement of the Department of the Treasury of January 11 is thus grievously misleading in suggesting that "these changes will result in a reduction in Federal revenues of $0.8 billion in the fiscal year ending June 30, 1971, and of $2.7 billion in fiscal 1972, rising annually thereafter to a peak of $4.1 billion in fiscal 1976 and falling thereafter to $2.8 billion by fiscal 1980." For the sentence should have continued "and rising thereafter." I do not have available the detailed figures on which the Treasury made its estimates but it is easy to reconstruct their broad outlines. Ignoring the additional loss to the Treasury due to the new first-year convention, which acts as a further speed-up, we might reconstruct the Treasury figures roughly in Table 1 by assuming initial expenditures for equipment of $75.656 billion in 1971, growing at a 5 per cent per annum rate in money terms (which may well prove to be conservative if inflation persists) and further assuming for simplicity that all equipment previously had a depreciation life of ten years and will now have a depreciation life of eight years and all is subject to sum-of-the-years-digits depreciation. We can then note in Table 1 that tax savings are $0.7 billion in 1971, rise annually to a peak of $4.4 billion in 1976, fall thereafter to $1.5 billion by 1981, and do in fact rise thereafter. The annual tax savings finally stabilize at a 5 per cent growth rate and, year after year, amount to 1¼ per cent of annual equipment acquisition.[1]

Thus, whatever one's view of the economic consequences of the Asset Depreciation Range system, there should be no mistake about its arithmetic. It is not a change in the timing of tax payments. It is not a matter of reducing tax payments now in return for tax liabilities in the future. It involves a permanent, repeating and accumulating loss in tax revenues year after year, a loss which will ultimately grow along with the general rate of growth of the economy and in particular the rate of growth in money terms of equipment subject to tax depreciation. The statement by the President issued on January 11, referring to the ADR system, declared, "The policy permits business firms to reduce tax payments now, when additional purchasing power is needed, and to make up these payments in later years." The concluding clause in that sentence, "and to make up these payments in later years," is false. There is no knowledgeable expert in the Treasury or out of it who can stand by this statement. It is unfortunate that such a flat contradiction of what is an unambiguous matter of arithmetic and mathematics, was issued in the name of the President of the United States.[2]

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[1] The exact calculations are based upon equation (4.26) and (4.27) in the mathematical supplement to my article, "Depreciation and the New Tax Law," *Harvard Business Review*, January-February 1955. This does not take into account the change in the first year convention, the new salvage provision and the fact that equipment lives are varied rather than all equal to the assumed mean. All of these factors, as well as the fact that some firms still apply straightline depreciation, produce further tax savings, beyond our estimates.

2. In the Department of the Treasury press conference of January 11, 1971, then Secretary of the Treasury Mr. David M. Kennedy declares, "The reform of depreciation policy will encourage business to increase its investment in new machinery and equipment . . ." Dr. Paul W. McCracken, Chairman of the President's Council of Economic Advisers declares, "These basic changes would also have a favorable impact on the market for capital goods in 1971." In answer to a question by a reporter, ". . . can you quantify the impact this move will have on investment levels in the next few years? And the remainder of this year and '72?", Mr. Edwin S. Cohen, Assistant Secretary of the Treasury for Tax Policy, declares, "We think this will have a substantial impact on investment in plant and equipment but I wouldn't make an effort to quantify it." Dr. McCracken said, "It's impossible, of course, to do anything more than form some kind of judgment about this. The impact here will build fairly slowly."

THE ADR SYSTEM IS UNLIKELY TO HAVE MUCH EFFECT ON CAPITAL INVESTMENT

The fact is that there is little evidence that "liberalization of depreciation allowances of this type will have much effect on investment. There are strong arguments why it should not be expected to have much effect, and certainly almost no effect over the short period when a stimulus to investment is, according to some, considered desirable. There are essentially two justifications for the argument that increased depreciation allowances for tax purposes will increase investment. As Dr. McCracken put it himself, these are that the increased depreciation allowances will increase "the cash flow and the rate of return."

The first of these justifications is in considerable contradiction, at the level of the economy as a whole, to fundamental economic theory and analysis of a free enterprise, profit-oriented system. For under such a system, business decisionmakers, unlike bureaucrats in some managed economies, are expected to spend not on the basis of the money that they get or are allotted but on the basis of what will increase profits (or reduce losses). There is little point to investment by a firm faced with excess demand and falling utilization of capacity. To argue that American business would increase expenditures for plant and equipment on the basis of cash flow rather than profit expectations suggests a surprising lack of faith in and understanding of the nature of a profit economy.

To suggest that a firm with expectations that additional plant and equipment would add to profits (or reduce losses) would not make such expenditures unless cash were in hand or "flowing in" is to argue that our prided capital markets have ceased to function. It is of course true that certain firms, particularly small ones, are forced to allow their investment to be limited by cash flow and sources of credit which are closely tied to such cash flow or to profits. It may properly be the concern of government to remove and reduce imperfections in capital markets that cause these constraints to be felt by small firms. But this is hardly true of the bulk of large American industry which accounts for the bulk of plant and equipment spending.

I have devoted a major part of my career to study of the determinants of business investment and have written extensively on studies involving both interviews of business executives and fairly elaborate statistical or econometric investigation of the actual relations between business spending and the variables which might affect them. There is little or no sound evidence, I can assure you, that cash flow as such affects the long run rate of investment. What influence it or past profits have is related largely to smaller firms and perhaps, in the case of fluctuating profits, to the timing of investment. But in regard to the timing, as Dr. McCracken acknowledges, "The impact here will build fairly slowly. It takes time for these decisions of course to be changed."

The second justification for the argument that increased depreciation allowances will stimulate investment relates to the "incentive" effect or the influence on expected rate of return on investment. This argument is in principle a stronger one but the magnitude of the effect may readily be exaggerated. I have no independent calculations at this time, but we may note Dr. McCracken's estimate that the new measures "will mean roughly a percentage point increase in rate of return." However, the fact is that business investment has shown itself to be relatively uninfluenced by analogous changes in the cost of capital as measured by the rate of interest and this, as well as understood in modern economics, involves the relative magnitudes of fluctuations of expected rates of return and costs of capital. The question of how much any given change in the expected after-tax return on capital will induce a substitution to more capital intensive production is a matter of what we call the elasticity of substitution, influenced by technological as well as other considerations.

The evidence is accumulating that long run substitution possibilities are significant, but far from unlimited, and that short run substitution is decidedly smaller. While in all fairness, it must be stated that the elasticity of substitution, or the expected effect from any given percentage change in expected rate of return, remains uncertain in current economic analysis, there is no agreement that the effect is likely to be large and it is interesting that, on a matter that is critical, Dr. McCracken was not prepared publicly to offer any estimates of what the effect would be. I would suggest that the best estimates would indicate that the effects, particularly in the short run, would be small, involving a considerably smaller increase in capital expenditures than the loss in tax revenues associated with the increased tax depreciation, and there are a number of studies which have indicated as much.

THERE ARE BETTER WAYS TO STIMULATE CAPITAL INVESTMENT

But what must be stated most directly is that, if the objective were to increase investment spending, economic analysis makes clear that a far more effective device, dollar for dollar of tax loss to the Treasury, would be some form of direct investment subsidy or tax credit. And here, I might add, the subsidy should be structured in such a way as to offer a maximum incentive effect rather than maximum cash flow to firms and tax loss to the Treasury.

Thus, far better than the general 7 per cent tax credit for equipment spending in previous law would be a much higher tax credit, say 14 per cent or 28 per cent or even 56 per cent, restricted as far as possible to equipment spending that would not have been undertaken in the absence of the tax credit or subsidy. This might be done by applying the credit, for example, only to investment in excess of some average of previous investment (with appropriate adjustments for new firms) or to investment in excess of some per cent (probably more than 100 per cent) of depreciation charges, which are themselves a weighted average of past investment. Such a system would have the advantage, if more business investment were desired, of concentrating the rewards or tax benefits where they would really count rather than squandering the bulk of the lost tax revenues for investment which would have been undertaken anyway.

In this connection it should be stated, however, that the proposition that business investment should secure tax benefits and special encouragement is exceedingly dubious. While our tax structure is far from neutral as it stands, it is not at all clear that the whole structure of taxes, including in particular preferential treatment to capital gains, has not already distorted the free market in the direction of greater business spending for plant and equipment. Is there really a considered judgment that more spending for business equipment is desirable rather than spending in, for example, research and development, on-the-job training, or improvement of management efficiency (or even business structures)?

ADR IN EFFECT DISCRIMINATES AGAINST IMPORTANT TYPES OF INVESTMENT

But beyond this, why stimulate business equipment spending rather than investment in human capital, in education, in health, in basic research? Is it even clear that we want more plant and equipment spending, that is, accumulation of capital for the future, rather than greater private consumption or greater enjoyment of leisure or greater government investment in public goods and the general welfare? I am not one that believes that the free market, or the imperfectly free markets that we have in our economy, should never be influenced by government. But I am a firm believer in the view that government should be restrained in its intervention and should only interfere with private markets when there is a clear indication that they are not functioning appropriately and that interference in the public interest is called for. This might apply to those economic activities that involve what economists call external diseconomies, such as air and water pollution. This may also apply where capital markets are notoriously imperfect, as in the market for human capital; investment in the potential of individual human beings is frequently beyond their own means and too risky for an individual outsider. But one of the last places where I would think that government intervention, help or subsidy is called for is in the private investment decisions of the great bulk of American industry. There is no need for a handout to American industry to persuade them to do what should be in their own interest, that is have the optimal capital and investment policies for their own efficiency and profits.

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[2] Administration spokesmen have made another logically distinct argument, however blurred in rhetoric, that the tax loss to the Treasury now will ultimately be recouped as a consequence of higher income in the future. This is an argument that could be made for any tax cut. Its applicability here is particularly dubious because of the limited and questionable stimulatory effect of this liberalized depreciation as discussed below. To the extent that this proposal proves a substitute for other, more effective stimulatory and growth-inducing measures, it may actually still further lower future tax payments along with future incomes.

BALANCE OF PAYMENTS CONSIDERATIONS DO NOT SUPPORT THE ADR SYSTEM

It is broadly hinted, although rarely systematically argued, that increased or liberalized depreciation allowances are somehow necessary to make American firms competitive with foreign firms that receive such subsidies from the public purse. This argument, I must insist is based upon a profound misunderstanding of the nature of international trade and international economic relations. In the first place, American industry is generally able to compete very well abroad. The United States has had positive net exports, that is, has exported more than it has imported in goods and services (on National Income Account) for every one of the last twenty-five years from 1946 to the present. Preliminary figures for 1970 put that surplus at $3.6 billion. In fact, despite the drain of government spending for military activities in Southeast Asia and for the support of large armed forces in foreign countries, the United States has been tending over the years to be a net investor abroad and acquirer of long term foreign assets. And if there were a problem in our balance of payments, particularly of foreign countries acquiring more in the way of American currency than they wish, the clear economic answer would be changes in the relative prices of American and foreign currencies rather than distortion of our own economy. Inasmuch as the dollar has become the reserve currency of the world, such adjustments would essentially be undertaken by foreign countries concerned with their excessive (or deficient) accumulation of dollars. But for the economy as a whole it must always be true that as long as exchange rates are reasonably appropriate, a nation will find itself exporting those goods in which it has a *comparative* cost advantage and importing those goods at which it is at a *comparative* cost disadvantage. A tax subsidy to capital-intensive industries can only give them a comparative advantage over less capital-intensive industries. We then find ourselves not increasing total exports but exporting more of those products that receive the greatest tax subsidies, particularly capital-intensive manufacturing, and exporting less (or importing more) of less capital-intensive output such as, for example, agricultural products. The American people should not be deceived. Measures of this kind cannot help the American economy as a whole by forcing foreigners to buy an even greater excess of products from us over what they in turn send to us, for we are not likely to be able to impose this, even if it were desirable. They result ultimately in more sales by some American producers at the expense of sales by other American producers.

POSSIBLE ADVANTAGES OF ADR IN THE PUBLIC UTILITY AREA ARE LIMITED BY ACCOUNTING AND RATE-MAKING RESTRICTIONS

I might close this particular discussion by calling attention to a curious irony as well as inconsistency in Administration proposals to date. There is something to be said, where we are concerned with combating inflation as well as stimulating the economy, for tax subsidies that tend to lower costs and hence lower prices in a reasonably free market. Liberalized depreciation allowances might ultimately have some slight beneficial effect in this direction by lowering capital costs after taxes and hence bringing down prices. Yet in the one area where this might be most likely to occur, that is in the area of public utility investment, there are restrictions on accounting and rate regulation which operate to prevent regulated utilities from passing the tax savings from liberalized depreciation on to ultimate consumers. Such restrictions prevent the operation of this price-reducing effect. Ironically such restrictions also tend to reduce the presumably desired impact on investment. For one way in which liberalized tax depreciation would encourage investment is precisely by what is called in economic theory an "output effect," that is, bringing about an increased demand and expansion as a consequence of the lower prices of the final product, thus stimulating investors to acquire the increased capital to produce the increased output.

THE ADR SYSTEM IS DESTABILIZING

Finally, it may be noted that faster depreciation tends to be pro-cyclical rather than counter-cyclical. For the faster is depreciation, the greater the tax savings attributable to current and recent investment. That means that with faster depreciation, the tax savings will be greatest in boom times when investment has been high and least in recessions or depressions when investment has been low. A correct, automatic stabilizing policy would give more tax relief in recessions and less tax relief in booms. "Liberalized" or faster depreciation then has exactly the opposite effect, giving more tax relief in booms when it is not needed and less tax relief in recessions when it is needed.

CONCLUSION

It should be clear then that the current "liberalizations" of tax depreciation—coming on top of a long series of liberalizations of which the most notable were in the Revenue Act of 1954 introducing sum-of-the-years-digits and double-rate declining balance tax depreciation, in 1962 with the major revisions of estimated lives, and in subsequent years with the failure to enforce the reserve ratio test—are not in the public interest. First, they have been falsely presented as involving only a change in timing of tax payments, thus suggesting that the Treasury would lose tax revenues now but gain them back later from the affected taxpayers. Second, as a measure to increase business investment it is dubious at best, slow in its effects, and particularly costly to the Treasury in terms of the amount of increased investment which may result for each dollar of tax loss. Third, it represents a distortion in existing markets and an alteration of the distribution of income and command over resources which is particularly unjustified in view of all of the competing needs for investment in human capital, public goods, and the atmosphere in which we live. Fourth, its presumed value in terms of competition with foreign producers is fallacious; it can at best help some American producers at the expense of other American producers. Fifth, it will contribute to rather than counteract cyclical fluctuations, stimulating booms and deepening depressions.

For these reasons, the Asset Depreciation Range proposals should be withdrawn. I question whether any special equipment investment incentive is socially desirable but, if the objective is to increase investment spending, some form of direct investment subsidy or tax credit is a far more effective device, dollar for dollar of tax loss, than is the ADR proposal.

TABLE 1.—ANNUAL TAX SAVINGS RESULTING FROM SWITCH FROM 10-YEAR TO 8-YEAR LIFE FOR SUM-OF-YEARS-DIGITS DEPRECIATION CHARGES ON TREASURY ASSUMPTION OF $75,656,000,000 OF EQUIPMENT ACQUISITIONS IN 1971 AND 5 PERCENT PER ANNUM GROWTH THEREAFTER (HALF-YEAR CONVENTION)

[In millions of dollars]

Year	Depreciation charges		Tax saving (48 percent of col. 3 minus col. 2)
	10-year life	8-year life	
(1)	(2)	(3)	(4)
1 1971	$6,878	$8,406	$733
2 1972	20,289	24,588	2,064
3 1973	32,996	39,478	3,111
4 1974	44,962	53,010	3,863
5 1975	56,152	65,118	4,304
6 1976	66,526	75,729	4,417
7 1977	76,042	84,769	4,189
8 1978	84,658	92,160	3,601
9 1979	92,330	97,819	2,635
10 1980	99,010	102,710	1,776
11 1981	104,648	107,845	1,535
12 1982	109,880	113,237	1,611
15 1985	127,201	131,087	1,865
20 1990	162,344	167,304	2,381
Sum to 1980	579,843	643,787	30,693
Sum to 1985	1,158,089	1,239,699	39,173
Sum to 1990	1,896,094	2,000,250	49,995

APPENDIX

The effect of the permitted speed-up in depreciation by 20 per cent (aside from the new initial year convention which represents an additional speed-up) may be more readily illustrated arithmetically by considering a switch from a five-year life to a four-year life. To do so we shall construct several numerical examples involving the very simple straight-line method as well as the more liberal and realistic sum-of-the-years digits depreciation.

Let us first assume a firm that acquires $180 of equipment early in 1971 and none in subsequent years. It should be noted readily that with regard to such acquisitions of a single year, as shown in Table A-1, four-year-life, straight-line depreciation is higher and taxes are saved for each of the first four years, but this is all cancelled out in the fifth year. With sum-of-the-years digits depreciation, tax saving occurs in only the first two years, 1971 and 1972, and there is a payback in 1974 and 1975, the last two years of the original five-year period. In both cases there is what amounts to an interest-free loan, a far from insignificant matter, but the loan is paid back by the end of the originally estimated period of life of equipment.

There are very few substantial firms, however, that acquire equipment in one year and then never again. Indeed such a firm could obviously not last very long. And for the economy as a whole as well as for the substantial firms that account for the bulk of spending, equipment purchase is a repeated process, perhaps fluctuating but generally considerable and, in the long run, growing. In Table A-2 we assume, however, a firm whose acquisitions are still not growing but are merely constant, year after year, at $180. With straight-line depreciation we then see tax savings, as a consequence of the speed-up of depreciation permitted in the ADR system, of $4.32 in 1971, $8.64 in 1972, $12.96 in 1973 and $17.28 in 1974. In 1975 the tax savings come to an end, in the sense that they are not repeated, but there is never any "payback," as long as equipment purchases stay constant, which implies that the firm replaces its expiring equipment. The firm has thus received tax savings of $43.20 which it keeps. There is apparently some disposition to refer to these tax savings as interest-free loans. They are indeed the most desirable kind, interest-free loans which are never to be paid back. Semantics aside, a mathematician would be hard-pressed to distinguish a permanent, interest-free loan and a pure gift.

TABLE A-1.—DEPRECIATION CHARGES FROM A SINGLE YEAR'S ACQUISITIONS, EFFECTS OF 20 PERCENT "LIBERALIZATION" OR CHANGE FROM 5-YEAR LIFE TO 4-YEAR LIFE, STRAIGHT-LINE AND SUM-OF-THE-YEARS-DIGITS DEPRECIATION. $180 OF EQUIPMENT PURCHASED EARLY IN 1971

	Straight-line depreciation			Sum-of-the-years-digits depreciation		
Year (1)	5-year life (2)	4-year life (3)	Tax saving (48 percent of (3)—(2)) (4)	5-year life (5)	4-year life (6)	Tax saving (48 percent of (6)—(5)) (7)
1. 1971	$36	$45	$4.32	$60	$72	$5.76
2. 1972	36	45	4.32	48	54	2.88
3. 1973	36	45	4.32	36	36	0
4. 1974	36	45	4.32	24	18	−2.88
5. 1975	36	0	−17.28	12	0	−5.76
6. 1976	0	0	0	0	0	0
Sum	180	180	0	180	180	0

TABLE A-2.—DEPRECIATION CHARGES FROM A STEADY STREAM OF ACQUISITION, EFFECTS OF 20 PERCENT "LIBERALIZATION" OF CHANGE FROM 5-YEAR LIFE TO 4-YEAR LIFE, STRAIGHT-LINE AND SUM-OF-THE-YEARS-DIGITS DEPRECIATION. $180 OF EQUIPMENT PURCHASED EARLY IN EACH YEAR BEGINNING IN 1971

	Straight-line depreciation			Sum-of-the-years-digits depreciation		
Year (1)	5-year life (2)	4-year life (3)	Tax saving (48 percent of (3)—(2)) (4)	5-year life (5)	4-year life (6)	Tax saving (48 percent of (6)—(5)) (7)
1. 1971	$36	$45	$4.32	$60	$72	$5.76
2. 1972	72	90	8.64	108	126	8.64
3. 1973	108	135	12.96	144	162	8.64
4. 1974	144	188	17.28	168	180	5.76
5. 1975	180	180	0	180	180	0
6. 1976	180	180	0	180	180	0
Sum			43.20			28.80

The situation is, of course, analogous for for sum-of-the-years digits depreciation although the tax loss to the Treasury totals only $28.80 for a firm buying $180 of equipment per year, the lesser amount being due to the fact that sum-of-the-years digits depreciation is already considerably more rapid, in terms of a weighted average of depreciation charges by period, than is straight-line depreciation, and hence there is less further saving available from a corresponding speed-up.

In Table A-3 we turn to a more realistic case. This is the one assumed by the Treasury analysts, in which equipment acquisitions are growing at a 5 per cent per annum rate in money terms. It is then apparent that the tax savings of the first four years are not only never paid back; they have added to them further savings in later years. Indeed, while there is a hump in tax savings (tax loss to the Treasury) during the period of transition, before any of the assets subject to ADR have exhausted their depreciation, after this period the annual tax savings resume an upward path equal to the per cent rate of growth of equipment acquisitions.

TABLE A-3.—DEPRECIATION CHARGES FROM A STREAM OF ACQUISITIONS GROWING AT A 5-PERCENT RATE, EFFECTS OF 20-PERCENT "LIBERALIZATION" OF CHANGE FROM 5-YEAR LIFE TO 4-YEAR LIFE, STRAIGHT-LINE AND SUM-OF-THE-YEARS DIGITS DEPRECIATION

		Straight-line depreciation			Sum-of-the-years depreciation		
Year (1)	Equipment acquisitions (2)	5-year life (3)	4-year life (4)	Tax saving, 48 percent of col. (4) minus col. (3) (5)	5-year life (6)	4-year life (7)	Tax saving, 48 percent of col. (7) minus col. (6) (8)
1971	$180.00	$36.00	$45.00	$4.32	$60.00	$72.00	$5.76
1972	189.00	73.80	92.25	8.86	111.00	129.60	8.93
1973	198.45	113.49	141.86	13.62	152.55	172.08	9.37
1974	208.37	155.16	193.96	18.62	184.18	198.68	6.96
1975	218.79	198.92	203.65	2.27	205.39	208.62	1.55
1976	229.73	208.87	213.84	2.39	215.66	219.05	1.63

NATIONAL SECRETARIES WEEK

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. BROYHILL of Virginia. Mr. Speaker, for the 20th consecutive year, National Secretaries Week is being observed, April 18–24. The theme "Better Secretaries Mean Better Business" is stressed to promote the significance of teamwork throughout the business world.

The National Secretaries Association, International, cooperating with the U.S. Department of Commerce, originated Secretaries Week. The involvement of all secretaries for this observance reemphasizes the importance of continued loyalty of secretaries to their employers and their responsibility to their profession.

Official proclamations are issued throughout the United States and Canadian Governments designating Secretaries Week and Secretaries Day, April 21.

Locally, District of Columbia, Capital, and Bethesda chapters of the National Secretaries Association, International, will sponsor such events as: A Secretaries Day banquet on Wednesday, at Blackies House of Beef, at which Dr. Juanita M. Kreps, dean of women at Duke University, will speak on "Sex in the Marketplace: American Women at Work"; and a luncheon and fashion show Saturday at Kenwood Country Club to present fashions for the secretary.

A SOCIALIST REPUDIATION OF THE NATIONAL PEACE ACTION COALITION

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. ASHBROOK. Mr. Speaker, it is unfortunately forgotten at times that such communist-led groups as the National Peace Action Coalition (NPAC) and Peoples Coalition for Peace and Justices (PCPJ), which are cosponsoring the demonstrations in Washington and San Francisco this Saturday, April 24, really do, despite their posturings and claims, represent but a minority of the American people, even of those who oppose the war in Vietnam.

In this connection, it has been brought to my attention that the April 23, 1971, issue of The Militant, official newspaper of the Trotskyist Communist Socialist Workers Party, guiding genius behind the NPAC, includes a letter specifically repudiating the NPAC because of its blatant Trotskyist domination. The letter is written by Mike Kerper of Philadelphia, Pa., and is especially significant because Kerper is both opposed to the war in Vietnam and a member of the Young Peoples Socialist League, youth group of the Socialist Party, which is also vigorously opposed to the war.

This is not a new phenomenon. The YPSL's National Action Committee issued a statement as far back as March 16, 1967, repudiating the April 15, 1967, New York and San Francisco marches organized by the Spring Mobilization Committee to End the War in Vietnam, one of the Communist-led predecessors of the PCPJ and NPAC. That statement declared that Spring Mobe was making "no demands on the Communists, as well as the United States, to de-escalate and end the war." The statement then went on to denounce the Spring Mobe's demands as "cause. . . to wonder if the peace movement is against the war, or merely against the American side in the war. Anti-Americanism alone may appeal to simple minds, but will only discredit the legitimate peace movement."

On October 18, 1969, The Washington Post carried an article quoting another YPSL statement, this time against the November 1969 activities planned and executed by the New Mobilization Committee to End the War in Vietnam, another Communist-dominated predecessor of the Peoples Coalition and NPAC. This statement denounced the New Mobe's activities on the grounds that "Many in the leadership [of New Mobe] are more committed to an NLF victory than to peace."

And Josh Muravchic, at that time YPSL national chairman, made the following statement condemning the New Mobe:

> There are many people involved in the New Mobe who are active, proclaimed supporters of what they call "the liberation Movement" in Vietnam—the Viet Cong. I think those people do not properly belong in the peace movement. They are not for peace. They are "hawks" on the other side.

Thus, it can be seen that, even on the left. support for such Communist-serving activities as those scheduled for this Saturday and subsequent weeks is limited at best. Coming from a source such as the YPSL, which certainly cannot be claimed to be a "rightist" or "redbaiting" source, the following letter is most significant and should serve as a warning to those who would lend their support to the Peoples Coalition for Peace and Justice or the National Peace Action Coalition:

> The lengthy article condemning Evans and Novak for allegedly "red-baiting" the Spring Offensive further illustrates the reality of Socialist Workers Party and Young Socialist Alliance domination of the National Peace Action Coalition and the Student Mobilization Committee, respectively.
>
> I attended the SMC Winter Conference at Catholic University as a reporter for the LaSalle College Collegian. My suspicion of NPAC was confirmed by the proceedings of the conference, which were utterly unbelievable in their rhetoric and total anti-Americanism. How can you hope to establish a broad-based coalition of workers, students and women by deceiving them of your true perspective on the war?

I do not say this as a reactionary. In fact, I am a democratic socialist (YPSL) with a strong aversion to the brutality of the war in Indochina. But I find myself utterly bewildered when peace advocates begin shouting slogans for a Communist victory.

THE EXPANSION OF SPORTS ON CLOSED-CIRCUIT TELEVISION

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. ASPIN. Mr. Speaker, on Wednesday I reintroduced the ban sports from closed-circuit television bill (H.R. 6718) with 13 new cosponsors, bringing the total of cosponsors in the House to 34. This bill would prohibit all sports events of general public interest from being shown on closed-circuit TV, thus forcing promoters to turn to free home television for the broadcast of their events. Senator Stevenson has introduced almost identical legislation on the Senate side.

Today I include in the Record an article from the March 8, 1971, issue of Sports Illustrated. This article discusses in a balanced and incisive fashion, I believe, the future direction of sports on closed-circuit TV. I think many of my colleagues will find it of interest.

It follows:

TV Talk: A Court Test and Some New Attractions Could Open Up the Closed-Circuit World

(By Frank Deford)

The attention paid lately to cable television and the certainty that the video cassette is not too far in the future have obscured the rejuvenation of a familiar old form of the media—theater, or closed-circuit, TV. All by himself that indomitable showman, Muhammad Ali, has brought closed-circuit television back to million-dollar prominence, but this alone is a deceptive sign of resurgence. The very reason that closed-circuit TV has never become a broad force is that it has been too content to exist on one attraction—heavyweight championship fights.

Ali's fight with Joe Frazier will break all records and hold them until the night Jack Kent Cooke convinces the Beatles they ought to team up again. But heavyweight championships are exceptional events and should not be given undue weight in the closed-circuit equation. The future lies not with attractions of such massive public interest, but with those that appeal to devoted specialty audiences. The World Cup soccer matches, which drew 500,000 paying theater fans in the U.S., Canada and Mexico, proved that. On network TV, consumed as it is by the rating game, there was no more hope for soccer than for catechism. Theaters and arenas, however, are small enough to support loyal crowds with precise interests. In San Francisco a young travel agent gambled on the World Cup and sold out the Cow Palace twice, with all 14,000 seats at no less than $5. Many big auto races are on closed-circuit now, with the Indianapolis and Daytona 500s drawing 2,000 and more in many cities—and at Broadway prices ($7.50 plus) that proves people do not mind paying if they like something enough. Wimbledon, El Cordobés and the NHL and NBA playoffs (on the nights they are not on network TV) are other immediate attractions for the big screens, which added color in the last year.

Yet the real boom may come on an even more specialized basis—where there is, in a small area, intense interest in an event but not enough seats. So far, only professional basketball and college football have effectively employed closed-circuit TV for local fans. Last spring during the NBA playoffs the Lakers piped the games into eight arenas and theaters in the Los Angeles area and grossed $110,000. LSU sold out three campus locations—4,500 seats—for its football game at Notre Dame. Purdue drew almost as many indoor fans when it played the Irish at South Bend. Although closed-circuit basketball flopped at the University of Kentucky this winter, apparently because of bad timing around the Christmas holidays, some schools are considering selling closed-circuit season tickets for a package of away games. That could be the next big step for closed-circuit sports.

As a device to handle the home sellout overflow, closed-circuit TV long has been of concern to sports promoters and leagues, notably the NFL. Pro football fears that closed-circuit might offer such quality and comfort that fans would rather pay to go to a warm theater than to a cold ball park. The NFL does not exactly encourage its teams to put home games on closed-circuit, even when a game is sold out. Last year, when closed-circuit TV of the Super Bowl was not permitted in the blacked-out New Orleans area, the NFL was sued by Management Television Systems, Inc., one of the leading closed-circuit firms, whose chairman is E. William Henry, a former head of the Federal Communications Commission.

MTS has an interesting case, for whereas federal law protects the NFL home-TV blackout, Henry claims there is no legal support offered the NFL in its closed-circuit policies. Indeed, the Government has constantly supported the general notion of public title to the air waves. According to Henry, all that mumbo-jumbo at the close of football games about needing to obtain rebroadcast rights is not, legally, worth the breath wasted. If this theory proves correct, here is a real possibility:

The Jets are blacked out for their '71 conference final at home, a game that will decide the race. Of course, the game does go into the NBC outlet in nearby Philadelphia. With the proper equipment, the telecast could be lifted and brought right into Madison Square Garden, where another 20,000 New York fans could see the game that was being played at Shea Stadium. The lawsuits involved in this one probably would keep lawyers rich until Super Bowl MCXVI.

Henry, the enthusiastic MTS boss, sees only two prerequisites for an event to succeed on closed-circuit TV: "It must be popular in the area and it should not be on home TV in the area." Besides sports, he envisions new specialized theater networks for opera, Broadway shows and college attractions, from Ralph Nader to rock. "We think we can be the answer to Woodstock," he says, pointing out that while the quality of music could be retained, even improved, the crowds could be dispersed and under control. Sadly, a similar use of closed-circuit television may be needed to save high school athletics from its own violence in many cities.

There is almost certainly going to be a more active closed-circuit game ahead, and a large portion of it will be in sports. With the addition of color and improvement of quality, theater sports fans are already catching on: they boo the officials and stand up for the national anthem.

—Frank Deford.

SENATOR HUGHES ADDRESSES THE LABOR-UNIVERSITY-COMMUNITY ALLIANCE CONFERENCE

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. CLAY. Mr. Speaker, I want to bring to the attention of my colleagues the recent remarks made by Senator Harold Hughes to the Labor-University-Community Alliance Conference on "Peace and Jobs." The event, held in St. Louis on April 17, is one of the first efforts to build a coalition of students, professors, and working people against the war. The event was cosponsored by the Teamsters, UAW, Amalgamated Meat Cutters, Amalgamated Clothing Workers, Business Executives Move for Peace in Vietnam, and faculty and student groups at St. Louis area colleges and universities.

The Senator makes it perfectly clear that the Vietnam war is feeding the recession, and taking us away from pressing domestic needs. I commend the wisdom and lucidity of the Senator's words:

Remarks of Senator Harold E. Hughes

St. Louis and other cities of America are contributing more to the Indochina War than they are spending on themselves—and neither an end to the war nor relief for unmet local needs is in sight.

By this I mean that we are literally spending more on war than we are spending for schools, hospitals, police, employment, and other needs here and elsewhere in the United States.

In the meantime, there were 65,000 persons out of work in this city as of January of this year—and the national unemployment figure is in excess of 5 million.

It is time for action on the Nation's two top priorities—peace and jobs.

We know all too well the cost of this war in terms of death, destruction, and human suffering—the American boys killed, wounded, or imprisoned by a harsh enemy. The hundreds of thousands of Asians who have lost their lives, their homes, their means of subsistence—including multitudes of innocent civilians, men, women, and children.

We know the frightful psychological impact of all of this on the spirit of the people—in Asia and here at home.

Today I want to call to your attention the economic impact of the war on our own people and the damage that is being inflicted on our own society by our government's abandonment of critical domestic needs.

The war has cost an average of about $20 billion a year. Think what we could have done with that money.

We could have built two million homes each year for people in dire need of decent housing.

We could have given virtually free medical care to all Americans.

We could have give annual scholarships of $2400 to each of the 8.8 million college-age children of American workers.

Instead of this, we have extended our military intervention into Cambodia and Laos. Troop levels have been reduced, but the air war has been escalated and widened.

You may remember the small village of Ben Tre, which was in the news about three years ago. An American major said quite frankly, "We had to destroy the village in order to save it."

Is that our policy now? Are we destroying Indochina—and America—allegedly in order to save it?

Look at the facts. Since 1965, the United States has dropped twice as many tons of bombs on Indochina as it dropped in all of World War II and Korea. Last year alone, we dropped 50 percent more bombs on Indochina than we did in the entire Korean War.

And only this week, despite the alleged "success" of the invasion of Laos, we began using our largest conventional weapons against the North Vietnamese. Never before in this war—not even during the Tet offensive or the siege of Khe Sanh—have we used these 7½ ton bombs against enemy forces.

What do these bombs do? Many of them, of course, have their desired tactical effect. But they also destroy villages and kill innocent civilians.

The Senate Subcommittee on Refugees reported last month that about 350,000 civilians have been killed by the warfare in Indochina since 1965, and 6½ million people have been made refugees.

In the meantime, while we continue to pour billions into an unwanted and unconscionable war, the critical needs of our domestic society go untended.

The job crisis, for one, has become a great deal more acute than is generally realized.

The true unemployment figure is not 6 percent, as advertised, but between 7½ and 8½ percent—and this high unemployment is unacceptable to the American people.

The unemployment rate put out by the Department of Labor is built on the premise that only those applying for jobs are in the labor force.

But the fact is that hundreds of thousands of Americans—in the face of the Administration's negative attitude toward the labor crisis and the President's veto of critically needed manpower legislation passed by the Congress—have given up applying for employment. These individuals are still unemployed and if they are counted, the true rate of unemployment would be 7½ to 8½ percent.

While the top priorities of America in this hour are peace and jobs, these are the people's priorities—unfortunately not those of the Nixon Administration.

A mighty coalition of Americans of every creed and conviction and economic status are fed up to the eye-balls with the myths, half-truths, bottoming-out-of-the-economy talk and light-at-the-end-of-the-tunnel propaganda emanating from Washington.

It is scant consolation to read the glowing accounts from Washington about the record quarter for GNP growth when the inflation rate still stands at 5.2 percent and you are out of work.

People want an end to the war, an end to the draft, a sensible cut-down of excessive military spending, and decent jobs with which to earn a living.

There is a gap the size of the Grand Canyon between the mood of the American people and the current policies of this Administration.

Throughout America you hear the slogan—"The majority is not silent; the Administration is just deaf."

There is no longer any doubt as to who is bearing the major burden of paying for an unwanted war and sustaining the irrational level of military spending and waste.

The average American is paying.

He is also bearing the burden of the Nixon economic policies or non-policies to get the country out of simultaneous recession and inflation.

The options aren't victory versus defeat in Southeast Asia or continuing inflation versus decent employment conditions in this country.

No rational person in this country, or any other, doubts America's military might when our security and national interest are threatened and the country is united, as was the case in World War II.

No one doubts that we have the resources to put the unemployed to work—if these resources were properly applied.

But the super-cabinet in the White House and the unbridled spenders in the military-industrial combine have sealed off the options.

You pay your money, but you don't take your choice.

The lack of attention by the government and industry to attainable goals of converting from a predominantly military to a predominantly civilian economy is a national scandal.

The idea that the American economy can only function successfully on a war-time basis is a ghastly heritage to hand down to our children and succeeding generations—and it is an idea that no right-thinking American can accept.

Yet there are those who hold that the only way we can provide decent jobs is to sustain our war industries in their present form—either by excessive military production or by giant boondoggles such as the SST.

The latter is a good case in point.

Certainly the high unemployment in the Seattle area should be a top priority for remedial action on the nation's agenda.

But it should be remembered that the high unemployment in Seattle is due to the fact that Boeing tried bull-headedly to capture the world market in heavy aircraft against a shrinking demand for the big planes.

They were unwilling to diversify and to convert and are depending now, as in the past, for the government to bail them out.

While the continuation of the SST would have eased a short-range employment problem and kept Boeing afloat despite unsound business policies, it would have compounded our labor and industrial problems over the long pull.

We need sound planning and policies for industrial conversion.

And we need short-range measures set in the context of long-range policies to provide a decent job for every employable American.

And these goals are clearly within our reach if we apply our resources sensibly.

The American people are just beginning to fully realize that the enormous defense budgets of the past half-dozen years have been the core of our inflation.

When we pay a worker $200 to make another helicopter to be blown up in Asia, that worker still wants to spend the money on available domestic goods. If he'd been paid the $200 to make something we could use here at home, say railway cars or automobiles or houses, he would be contributing something to the economy for his own $200 to consume.

The war expenditures are inflationary because the workers we pay, in much of defense production, are not producing any product or service which flows back into the economy.

Workers spend their paychecks no matter what they're producing to earn those paychecks.

But if they're producing weapons, they bid up prices on available domestic goods.

Economists estimate the cost of this war to have been in excess of $150 billion. The government's own official estimates admit to $115 billion.

We also have incurred obligations to pay $750 billion more in veterans' benefits, medical services, and other compensations in the future.

These staggering sums add up to the total Gross National Product for the United States in 1969.

In effect, every American will spend about one year of his life working to pay for the cost thus far of the Vietnam War.

Already, you and I are paying for this war. We are paying for it when milk costs a dime a quart more than it did five years ago and when gasoline is a nickel more a gallon. The cost of living has jumped over 25 percent since the war started.

During the next year, it is estimated that the war will cost about $1 billion per month.

Consider what that monthly outlay could do if applied to constructive channels.

One billion dollars would send 200,000 students through four years on scholarships covering full tuition, board, and room.

One billion dollars would build 333 hospitals with 125 beds each.

One billion dollars would build 70,000 low-cost housing units for a typical family.

Of course, these economic costs are trivial when compared to the sacrifice of human lives.

In the last month, 242 Americans gave their lives—and Heaven knows how many Asians, including innocent non-combatants.

It is time to set the stage for total disengagement from this tragic war—without delaying another costly month.

We need to set a time when all of our forces will be withdrawn. We need to instruct the negotiators at Paris to offer plans for the exchange of prisoners. And we need to join with the nations which met at Geneva in 1954 and 1962 to neutralize all of Indochina.

At the same time, we need to take decisive measures—without further delay—to put the unemployed men and women of our labor force back to work.

SOLID WASTE PROBLEM

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. VANIK. Mr. Speaker, on this occasion of Earth Week, I am tremendously impressed with the broad scale, intensive environmental improvement efforts to which young people of my community are presently devoting their time and energy.

They are vigorously pursuing solutions to special problems. Two young people of my community, Mr. Todd Gross of Brush High School, Lyndhurst, Ohio, and Miss Diane Krasner of Shaker Heights Senior High School, Shaker Heights, Ohio, are conducting an extraordinary study of the solid waste problem. They have come upon a very important point—the discriminatory nature of current freight rates which provide preference for primary materials and discourage the collection and return of used materials for recycling purposes.

As a result of the study by these students, I am requesting the Interstate Commerce Commission to report on the feasibility of equalizing freight rates between primary and secondary production materials.

An analysis of the problem by the students follows:

In addition, I am including a column from the Plain Dealer written by Mrs. Silver on "What to Do With the Discards":

SOLID WASTE PROBLEM

(By Todd Gross and Diane Krasner)

The current solid waste disposal problem demands a solution. Incineration and landfilling are only stop-gap measures. Along with wasting valuable raw materials, incineration wastes valuable energy and creates a residue that has to be disposed of. Landfilling also wastes raw material and uses up land that could be developed more effectively and efficiently. The apparent solution is to reduce the amount of material that has to be disposed of by recycling the useful materials.

There are three components of solid waste that are effectively recycled and reused in secondary production without expending too much energy: metal, paper, and glass. There are existing markets for these products but they are limited by three factors.

1. The cost of transportation.
2. Materials-handling difficulties.
3. A limited market resulting from public preference for virgin material over secondary material.

METAL SCRAP

There are three basic methods used in producing steel: the open-hearth furnace, the electric arc furnace, and the basic oxygen furnace. In a pragmatic sense, the raw material used in making steel is iron ore. This can be in the form of the ore itself or in the form of obsolete ferrous scrap. The open-hearth furnace uses a significant quantity of both pig iron (reduced iron ore after cooling) and scrap. The electric-arc furnace uses almost 100% scrap. The basic-oxygen furnace uses hot metal (reduced iron ore in a molten state) along with a 30% scrap charge. The basic-oxygen furnace accounts for approximately 40% of the steel production in the United States today, which accounts for the increasing back-up of ferrous scrap.

One also notes that the basic-oxygen furnace can be entirely independent of scrap. Therefore, the use of scrap depends upon the attractiveness of its price as compared with iron ore. The price of scrap is adversely affected by discriminatory freight rates.

In making one ton of steel it takes either approximately one and one-half tons of iron ore, one ton of coke, and one-half ton of limestone or approximately one ton of ferrous scrap. If the freight rates for hauling ore and for hauling scrap were based on equal cost per ton this would give scrap an unfair advantage. If the rates were based upon the value of the material, scrap should cost one and one-half times as much per ton to haul. This would give no advantage to either scrap or ore because it would cost the same to make one ton of steel whether you use iron ore or scrap.

However, this is not the case. In 1966 the average revenue on hauling one ton of ore one mile (short-haul) was 1.187¢. The average revenue on one ton-mile of scrap was 2.865. This means scrap cost 2.42 times as much to haul as iron ore. The average railroad revenue on hauling scrap throughout the United States was $4.12. The revenue on iron ore was $1.64. According to the three-halves to one ratio (scrap to ore) the revenue for scrap should be $2.46. This means there is a $1.66 discrimination against scrap. On one average load of scrap (50 tons) the discrimination is approximately $80.00. If the freight rates were put into proportion the steel mills should increase their consumption of scrap, thereby increasing the market for recycled scrap.

Freight rates are discriminatory by approximately $1.66 per ton. That is 67% more than it should cost. (Note figures have changed slightly but, the discrimination remains.)

MATERIALS HANDLING

The combination of ferrous and non-ferrous (aluminum, tin) materials within a single product, greatly complicates and hinders the reclamation process. The non-ferrous material, usually more valuable as a single commodity, has to be separated from the ferrous material because of undesirable qualities in the finished product, referred to as non-ferrous contamination. This extra, complicated separation process greatly reduces the saleability and desirability of bi-metallic scrap. The metal can is the hardest hit by this disadvantage. If cans were made of one metal, preferably steel since aluminum is limited in supply, they could be more completely recycled (assuming an increase in the demand for scrap). We recommend that a statement be made to encourage this move to metal container manufacturers.

A letter to the Plain Dealer is included to give an idea of the problems of recent programs to recycle metals. The following is an excerpt from an ecology kit distributed by the National Can Company:

Q. Can a can collection center pay for itself?

A. With the exception of centers taking aluminum cans only, the cost of running a can collection center will exceed the value of the metal scrap collected. The cost for equipping, manning, advertising, and freight for a well-managed center can be expected to be a $200 a ton above the cost of the cans collected.

PAPER AND GLASS

While there are no exact figures available, currently, there are discriminatory freight rates against paper and glass. A removal of these unfair freight rates will stimulate a demand for products made from recycled materials.

CLEVELAND, OHIO,
April 14, 1971.

MR. THOMAS VAIL,
Editor, The Plain Dealer,
Cleveland, Ohio.

DEAR MR. VAIL: On Thursday, April 8, the Continental, American, National, and Heekin can companies released information, in a press conference at the Sheraton-Cleveland Hotel, concerning a can collection program. Before this release the Recycling Council had access to information from the companies concerning their program. With this advantage the Recycling Council was able to draw some conclusions concerning the feasibility of the said program.

First and most obvious, the centers mentioned are collection, not recycling, centers. The cans have to be shipped to Vulcan Materials, a de-tinning mill in Pittsburgh. The minimum freight rate for one gondola to Pittsburgh is approximately three hundred dollars. (This is based on an 80,000 pound minimum rate.) Vulcan Materials has agreed to pay $20 a ton for metal cans; unbaled and delivered to their mill in Pittsburgh. They want no aerosol cans, no can lids, and no aluminum in the gondola. National Can Company, at 5200 Harvard, said they plan no separation. In National Can Company's estimation, they will be able to fit thirty tons of flattened cans in one railroad gondola. The Recycling Council's estimation puts the figure closer to ten tons. The freight, in the first estimation would be thirty dollars a ton. The can companies have agreed to pay ten dollars a ton to the ecology groups. If the companies can get thirty tons on one gondola they will break even, not counting any loading cost or the cost of yard space. If only ten tons are put on the gondola the loss will be ten dollars a ton before any operating costs are figured in. This is economically unfeasible.

Another factor that has to be considered is the amount of energy that has to be expended to transport the cans to the collection site. The Recycling Council points out that if the program expends more energy than it saves it is "ecologically unsound."

Concerning the can situation the Recycling Council feels two things have to be taken care of before a can reclamation program can be successful.

1. The elimination of discriminatory freight rates on hauling metal scrap.
2. The introduction of mono-metallic cans. Aluminum; very valuable by itself; contaminates the steel, thus limiting its recycling potential. The tin coating on food cans creates the need for a de-tinning mill. The argument against mono-metallic cans is the fact that the aluminum and tin can be burnt off in the steel furnaces. The Recycling Council simply states that the steel mills are not doing this now and have expressed no intention to do so in the future.

The Recycling Council would like to increase the amount of recycling of solid waste Your help is needed.

Sincerely,

TODD GROSS,
The Recycling Council.

GARDEN STATE PAPER CO., INC.,
Garfield, N.J., March 29, 1971.

MR. TODD GROSS,
South Euclid, Ohio.

DEAR MR. GROSS: I trust the following information will be responsive to your inquiry of March 23rd. We sell our finished product at $7.00 beneath the Canadian newsprint market price making our current price $145.00 per ton. We purchase old newspaper for varying amounts depending on the market.

Currently, we are paying $26.00 in the east, $29.95 in the midwest, and $25.00 per ton on the west coast, for old news delivered to our mill from the local market area. Our Garfield mill manufactures about 160,000 tons per year, with the Alsip, Illinois and Pomona

California mills producing about 100,000 tons each. The Garfield mill has two paper machines.

The virgin mills have managed over the years to obtain favorable freight rates for their product which are about three times cheaper than the rates for hauling secondary fibers. The National Association of Secondary Materials Industries, Inc., at 330 Madison Ave., New York, can provide specifics on this.

Our largest customers in the east are the Newark Evening News, the Boston Globe, Boston Herald, Newsday, the New York Daily News, Washington Post, New York Post, and Baltimore Sun.

In the midwest, we sell nearly one half of our production to the Chicago Sun Times, and Chicago Daily News because their parent company, Field Enterprises, is a partner with Garden State in that paper mill (FSC Paper Corporation).

On the west coast, we include the San Francisco Examiner, the Long Beach Independent Press-Telegram, the Oakland Tribune, the San Bernadino Sun Telegram, the Riverside Press Enterprise, the Sacramento Bee, the Las Vegas Review Journal and Las Vegas Sun, and the Phoenix Republic Gazette, among some 80 customers. In all, Garden State and FSC Paper Corporation serve nearly 200 customers coast to coast.

Regarding recycled stationery, I suggest you contact Bergstrom Press in Neenah, Wisconsin.

I am including some literature concerning our firm as you requested.

Sincerely,

WILLIAM E. HANCOCK,
Director of Paper Stock Procurement.

GARDEN STATE PAPER CO., INC.,
Garfield, N.J., March 29, 1971.

Mr. TODD GROSS,
South Euclid, Ohio

DEAR MR. GROSS: The Garden State Paper Co. Inc., a subsidiary of Media General Inc., is the only company in the world manufacturing newsprint entirely from old newspapers. The process was developed during the 1950's, and our first mill was opened in Garfield in 1961.

Since that time, a second paper machine has been installed in the Garfield mill, and two other machines have been built, one in Pomono, California and the other in Alsip, Illinois, just outside of Chicago. The Alsip facility is known as the FSC Paper Corporation, and is a joint venture with Field Enterprises, Inc.

Garden State does not purchase newspaper directly from the general public at this time, but depends on brokerage firms to supply its mills. In the east, we purchase our paper from Bruno & D'Elia of Hackensack, N.J., and Great Eastern Packing and Paper Stock Corporation of Roselle, N.J.

The Alsip mill purchases its paper from Pioneer Paper Stock Division, Container Corporation of America in Chicago, and on the West Coast, the Pomona mill deals with Garden State Fiber Company, Inc. of Pomona, California.

We purchase only newspaper. Magazines contain non-soluble glues in their bindings and a clay coating representing about 25% of its weight, that washes away during the repulping process. Since we buy paper by weight, the 25% weight loss is unacceptable.

In order to stimulate a reliable flow of newspaper to our mills, we have encouraged municipal leaders to consider the advantages to their communities of asking residents to keep old news out of the garbage. By separating newspaper from the trash, a municipality's garbage volume can be substantially reduced since newspaper can represent as much as 40% of a homeowner's garbage yield. Local groups can then be organized to collect the paper using the proceeds as regular income.

In addition, the salvage of old newspaper represents an important contribution to the nation's conservation effort. Each year we save in excess of 5 million trees.

Finally, there is no better way in our opinion for an organization to raise funds than through a well organized paper drive, primarily because no initial outlay of funds is necessary to guarantee success.

I sincerely hope this information will be useful to you. If you should desire any additional assistance, please do not hesitate to contact me.

Yours very truly,

GARDEN STATE PAPER CO., INC.,
WILLIAM E. HANCOCK,
Director of Paper Stock Procurement.

[From the Cleveland Plain Dealer]

WHAT TO DO WITH THE DISCARDS

If you're ready to do something about the pollution problem—instead of just talking about it—here are a few carefully selected collection centers. Clip the list and keep it close to the place in your house where trash collects.

PAPER

Packaging Corp. of America, 3400 Vega Avenue S.W., 961-5060. Newspaper, corrugated boxes, cardboard. Can be loose, tied, or put in grocery bags or boxes. Forty cents a hundred pounds for paper. 50 cents a hundred pounds for corrugated board (prices fluctuate with market conditions). Hours: Monday through Friday, 7 a.m. to 4 p.m. (corrugated only until noon on Friday; Saturday, 7 to 9 a.m. for corrugated, 7 to 11 a.m. for newspaper.

Parking lot of Taylor School, Superior and South Taylor Roads, Cleveland Heights, after May 1. Every Saturday 10 to 6, 382-945. Newspapers and magazines. Please separate them. Tie up or put into paper grocery bags.

Volunteers of America, 281-5100. Call for home pickup. Monday through Friday after 8:30 a.m. Newspapers only. Tie up or put into paper bags.

GLASS

Bassichis Glass Co., 2323 W. 3d Street (make half-left turn before east end of Lorain-Carnegie Bridge, follow Commercial Hill down to bottom, turn left, drive ¼ mile.) Deposits can be made any time. Separate clear, brown, and green bottles. Make sure they are free of metal caps or rings. No window or plate glass. Put in bags or boxes and deposit at place marked outside company offices.

Berea City Hall, Berea. Next collection Saturday, April 24, 9 a.m. to 4 p.m. Collection is one Saturday a month, generally last. Call 243-2227 for information. Same instructions as above.

ALUMINUM

Shaker Lakes Nature Center, 2600 South Park Boulevard, Shaker Heights, 321-5935. Daily collection, 9 a.m. to 4 p.m. Aluminum only—frozen food trays, Ballantine beer cans, etc. No foil. (Pure aluminum cans are nonmagnetic and seamless; most soft drink or beer cans are bimetal.)

Alcoa, 210 Harvard Avenue, Newburgh Heights, 641-3600. Next collection, Saturday, April 24, 8 a.m. to noon. For other dates, call to schedule Saturday times. Same instructions as above.

OTHER METALS

Continental Can Co., 23500 Corbin Drive, Bedford Heights, 696-7600. Monday through Friday, 7 a.m. to 3:30 p.m. Bins are always available for small quantities of drop-offs. Any cans (except aerosol), and all should be cleaned out, paper-label removed, tops and bottoms taken out and the can squashed flat.

National Can Corp., 5200 Harvard Avenue, 271-6460. Collection times: Monday and Thursday, 9 a.m. to 3:30 p.m. Same instructions as above.

Academy Iron and Metal Co., 3500 W. 140th Street, 941-8400. Monday through Friday, 8 a.m. to 4 p.m. Saturday, 8 a.m. to noon. All cans, aluminum, bimetal, but should be separated. Also takes clean foil, rusty rakes and tricycles, wrought iron, and other obsolete metal scrap.

These two can companies are making their first venture into the ecology field. Their efforts are useful but would be more useful if they switched to manufacturing single-metal cans in the first place. Happy Earth Day! Remember: Earth Day is forever.

THE NONDETERRENT

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. SCHMITZ. Mr. Speaker, Mr. Joseph Alsop recently authored a highly important column aptly entitled "The Nondeterrent." Unfortunately it is not the Soviet deterrent he is writing about, but rather our deterrent.

Mr. Alsop points out that despite the statements which have been issued from the White House showing the contradictions inherent in a strategic force posture based on the concept of "assured destruction"—a force structure designed to strike only at enemy population centers and "soft" military targets—that, in truth, "assured destruction" is still the posture on which we are basing our nuclear strategic planning.

Mr. Alsop then goes on to draw out the implications of its approach to strategic planning using a very likely case, if present trends continue, in which the Soviets achieve the capability to severely degrade our land based ICBM and B-52 forces while holding their SS-11 ICBM's, of which they currently have 900 in hardened silos, in reserve. At that point the President has the choice of either utilizing that portion of our Polaris-Poseidon force which has not been destroyed in port to strike back against Soviet cities, thus bringing total destruction against our own cities as the Soviets launch their SS-11 countercity reserve force, or accepting a "Czechoslovakian solution." It should be recalled that the Polaris-Poseidon SLBM's do not have the capability to destroy hardened SS-11's.

This is not by any means what is sometimes referred to as a "worst case." A worst case is one in which all our forces do not work at all and the Soviet forces all work perfectly. This is rather a case, given a certain strategic force relationship, in which both sides' forces work adequately. It is a likely case based on the trends which we see operant today.

Another eventuality which could come to pass through adherence to the doctrine of "assured destruction," which is simply another way of saying that the United States will deny itself those weapons which can be used to damage the Soviet offensive striking weapons prior to their launch thus limiting a good part of any future war to an area of the world other than the continental United States, was recently brought to light by Prof. Eugene Wigner of Princeton University.

Professor Wigner is one of our most renowned physicists. He is one of the men who designed and tested the world's first atomic pile and has received awards such as the Enrico Fermi Award, Atoms for Peace Award, Nobel Prize for Physics, National Science Medal, and so forth.

Professor Wigner, writing in the July–August 1970 issue of Survive magazine, postulated a situation based on the Soviet Union's successful evacuation of their cities and a U.S. force structure lacking the capability to degrade Soviet offensive striking weapons prior to launch; that is, "assured destruction." Since the Soviets put a good deal of emphasis on both military and civilian civil defense procedures it would be highly unrealistic to overlook a contingency in which they put what they are practicing into action.

Dr. Wigner made his calculations on the basis of three assumptions which would give us the ability to inflict the highest number of civilian casualties. He gives us the best possible case following the "assured destruction" targeting doctrine. The McNamara regime considered assured destruction, the guarantee that the Soviets would not attack, as U.S. capability to destroy 20 to 30 percent of the civilian population of the U.S.S.R. and 50 to 70 percent of its industry after first absorbing a Soviet first strike. These assumptions were that, first, the Soviet strike against our weapons systems would have no degrading effect whatsoever; second, the Soviet antimissile defense system is completely inoperative; and third, we target our strategic forces solely on evacuated civilians and forgo any soft military or industrial targets.

Dr. Wigner concludes that given these three assumptions, which make for our best case under the doctrine of "assured destruction," we would destroy approximately 5 percent of the Soviet civilian population. This is a far cry from the 20 to 30 percent postulated as necessary to deter the Soviets. In fact, our retaliatory capability, given successful Soviet evacuation of their cities, would inflict less casualties on the Soviets than they took during World War II from the Germans and actually less than the Soviet Communists have inflicted upon their own people in their efforts to consolidate their rule.

Both the Alsop case and the Wigner case result directly from the United States self-denial of the weapons necessary to deny guaranteed prelaunch survival to the Soviet offensive weapons and our refusal to adequately respond to the growing Soviet nuclear force threat by regaining and maintaining clear nuclear superiority. It must be remembered that these are not worst cases postulated simply to frighten people, but rather easily conceivable possibilities based on a realistic evaluation of prevailing trends.

As was pointed out by members of the President's Blue Ribbon Defense Panel in the supplemental report:

> The Soviet Union has been an unpredictable and aggressive power, certainly for the past 30 years. It has acted with stealth, surprise and ruthlessness—when it attacked Poland in concert with Nazi Germany; when it subjugated its allies, Hungary and Czechoslovakia; and when it moved to deploy missiles in Cuba.
>
> The Soviet Union has been making a massive effort, out of all proportion to its own resources or any external threat, to acquire and extend strategic nuclear superiority over the U.S. Its record of feverish military preparation is unequaled since Hitler—determined upon conquest—structured his Wehrmacht for World War II. The Soviet Union has shown an almost paranoiac hostility toward America and "capitalist imperialism," as evidenced by its consistently hostile conduct in every arena of international affairs and by its pervasive anti-American propaganda for a quarter of a century.
>
> Only the reckless or the naive would negotiate with such an adversary except with the greatest caution and skepticism. Likewise, we would indeed risk the security of our country if defense planning and funding are predicated on assumptions or hopes as to the willingness of the Soviet Union to agree to mutually fair and enforceable disarmament.

The articles by Joseph Alsop and Prof. Eugene Wigner follow:

THE NONDETERRENT

(By Joseph Alsop)

OFFUTT AIR FORCE BASE, OMAHA, NEB.—The strategy of "assured destruction" is still the official basis of U.S. nuclear-strategic planning. But "assured destruction" is also held to be illogical, erroneous and phony by the President of the United States, and also by all the leaders of the Strategic Air Command here at Offutt, who have the actual job of implementing this strategy of "assured destruction."

If these statements sound insanely remote from normal American affairs, the answer is, of course, that they are indeed remote. Everything is automatically remote, that has to do with the hideous new weapons that modern science has made available to the giant powers.

The question is, however, whether this remoteness can be permanently maintained. Here, the central fact to face is that the simple mechanics of the historical process have been radically changed by these new weapons.

The change is greater, in truth, than that which occurred when the Bronze Age followed the Stone Age, or the Iron Age followed the Bronze Age. It even exceeds the change when the industrial revolution once again made obsolete all former methods of making war.

The essence of the change wrought by the new weapons is really rather simple. For world empire in the last half of the Twentieth Century, you do not need Indian armies, or governors general in plumed hats, or any of the rest of the outmoded apparatus of old fashioned western imperialism. You need only one thing, an effective nuclear monopoly!

If the Soviet Union ever gains such a monopoly, the experience of the unhappy Czechoslovaks can be rather easily repeated, world-wise. It will not then be a question of imposing a docile Gustave Husak, to rule as the Kremlin commands in Prague. It will then be a question, rather, of men like Gustave Husak being imposed, to rule as the Kremlin chooses in Paris, London, Washington and any other capital the Kremlin fancies.

If you think about it, this enormous change in the basic historical situation places this country in an exceedingly exposed position. The U.S., and the U.S. essentially alone, now stands between the Soviet Union and world empire. This is because the U.S. alone is a serious obstacle to world-wide Soviet nuclear monopoly.

These are the reasons, in turn, for the extreme danger in basing everything on this strategy of "assured destruction", abovementioned. It is not just that the strategy is not credited by the President, or by the leaders of the Strategic Air Command here at Offutt. The real flaw is that the strategy cannot possibly seem credible to the Soviets.

Speaking of "assured destruction", President Nixon told the Congress on 9 March, this year, "I must not be—and my successors must not be—limited to the indiscriminate mass destruction of enemy civilians as the sole possible response to challenges. This is especially so when that response involves the likelihood of triggering nuclear attacks on our own population."

The President could hardly have stated more cogently the reasons that this strategy of "assured destruction" can never seem credible to the Soviets. These are reasons, in fact, that mean we are rapidly moving towards having a deterrent that will not deter.

Consider the situation schematically, and you will soon see how this works. To begin with the Soviets have been making enormous, highly impressive efforts to gain the capability of breaking the back of our main deterrent, the Minuteman missile system. They have also been making similar efforts to gain the capability of knocking out SAC's bomber force.

Suppose, then, that these efforts are permitted to succeed. Still speaking schematically, suppose that the back of the U.S. deterrent is broken, mainly by a first strike of the huge Soviet SS–9 missiles. In theory, our nuclear submarine fleet would still give the President the option of "assured destruction" our offical strategy calls for.

But in practice, what would be the President's real option? Would he hurl against the Soviet population centers a few scores of Polaris and Poseidon missiles, with the certain knowledge that this would cause our population centers to be utterly destroyed by the huge numbers of SS–11 and other missiles the Soviets would still have in reserve? Would he wipe out the American people, in fact, for the sake of inadequate retaliation?

The answer is, of course, that no President in his senses would do anything of the sort. The time of Husak-government in Washington would thus have come. So the further answer is that we very badly need a brand new national strategy.

THE MYTH OF "ASSURED DESTRUCTION"

(By Eugene P. Wigner)

A large part of our public and much of our military consider civil defense preparations unnecessary because they believe we can rely on the "assured destruction" doctrine. This doctrine tells us that, even after being subjected to a first strike, our forces can inflict such damage on the assailant that his destruction as a nation is assured. Hence, no nation will ever attack us or even threaten us with an attack. The purpose of this article to expose this doctrine of "assured destruction" as a myth. It became a myth principally as a result of the elaborate preparations which were undertaken by the USSR to evacuate its cities. If such an evacuation were carried out before a confrontation is precipitated, our deterrent based on the threat to the Soviet urban population would have evaporated.

Underestimating the effectiveness of defense—in the present case the civil defense and city evacuation plans of the USSR—is almost as common a mistake as preparing defenses against the enemy tactics of the *preceding* war. Thus, before the First World War, it was taken as axiomatic that the outcome would be determined one way or the other within three weeks because the offensive power of at least one of the parties would overwhelm the defense of the other. Yet the trenches protected the troops of both sides and stalled the progress of the attacker for four years. As to the Second World War, psychologist Janis observes,[1] "prior to World War II, government circles in Britain believed that, if their cities were subjected to heavy air raids, a high percentage of the bombed

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Footnotes at end of article.

civilian population would break down mentally and become chronically neurotic. This belief, based on predictions made by various specialists, proved to be a myth." Indeed, the stories of horror, the subject of a variety of books before the Second World War, depicting the utter hopelessness of people roaming the streets, their disorientation and helplessness, must have deeply affected every reader. Yet, when the attacks came, the air raid shelters proved to be very effective—effective not only emotionally by preventing the breakdown of morale anticipated by Janis' "specialists," but also physically by providing a remarkable degree of protection.

THE EFFECTIVENESS OF DEFENSE: U.S. DOUBTS VERSUS SOVIET CONFIDENCE

The situation now is somewhat similar to that before World War II. Both our military and our public give credence to statements by those who grossly exaggerate the power of offense over defense. They tell us that we can do little or nothing to protect the civilian population against the effects of nuclear weapons. In the USSR, on the other hand, civil defense has the wholehearted endorsement of the military, and belief in its effectiveness with which the Soviet government has developed protection for its people.[2]

The publications in the USSR do not conceal the terrible nature of nuclear weapons. Thus, the article of General Chuykov,[3] which forms one of the bases of this article, gives a fair and, in fact, unusually clear picture of the effects of these weapons. One can only wish that all our people were familiar with this article. However, it then goes on to say that "there is no poison for which there cannot be an antidote, nor can there be a weapon against which there is no defense. Although the weapons we have examined are mass weapons . . . they will not affect masses but only those who neglect the study, mastery, and use of defense measures."

SOVIET SURVIVAL MEASURES

Indeed, as readers of *Survive* well know, the Soviet Union is well ahead of us in shelter construction. According to Podchufarov,[4] the length of their subway tunnels is by now 130 miles. Even though they surely exaggerate when claiming that all the subways in the USSR are "safe" in the case of nuclear attack, it is true that they have hardened subways and these provide not only fallout but also very good blast protection—much better than any of the public shelters in our country.

The public shelters in the cities of the USSR are, nevertheless, designed to protect only a small part of the total population—those whose services would remain indispensable even during a conflict. What then renders our theory of assured destruction truly a myth? The USSR's extensive plans for evacuation of cities. These are barely more than two years old, yet they extend to all details—often, it seems, to a ridiculous extent. However, their principal lines are simply and clearly formulated. The decision to evacuate "will be announced by radio, television, published in the press (note this), or brought to you at your place of work or residence." People are expected to take along only what is most necessary, not more than 110 lbs. per person. The evacuation plans, communicated to all city residents, specify the collection point where transportation will be provided for them. At the destination, food, lodging, shelter, work, medical services, will be available. Mail will be automatically redirected to reach people at the evacuation point rather than at their city residence. Plans are also formulated for the evacuation of sick and infirm persons—even for women who have just given birth to a child. Some of the plans appear to be too detailed.

EFFECTIVE OF EVACUATION

How effectively would the evacuation, if carried out completely, reduce the casualties and thus negate our "assured destruction"? It is difficult to give an exact figure for this because the total number of casualties depends on several factors. Chief among these are (a) the extent of the success of the USSR first strike in reducing our retaliatory capability, i.e., in destroying some of our missile sites,[5] (b) the effectiveness of the USSR ballistic missile defense in destroying the missiles which we can launch after absorbing a first strike. (c) our own targeting doctrine, whether under the conditions outlined, we would aim at the remaining missile sites in the USSR, at their evacuated cities to cause industrial damage, or at the evacuated population.[6]

Clearly, the maximum number of casualties would be caused under the least likely assumption: that (a) the USSR first strike against our missile bases is without any effect, (b) that the ABM of the USSR is entirely inoperative and (c) that we aim only at the evacuated people, disregarding the cities and industries, the people sheltered there, as well as the remaining missile sites in the USSR. This last assumption is, of course, least credible.

Under the assumptions just made, the USSR hostage level is easily estimated. The evacuated people are immune to two of the most important effects of nuclear weapons: fire damage and fallout. The shelters protect them from the fallout radiation and no large fires can spread in the countryside. They are subject to the blast. Anyway, if fallout is to be caused the area subject to a certain blast damage is reduced to about one-half. The total area which we can cover with a blast wave of 15 psi overpressure is 19,000 square miles.[7] This overpressure, 15 psi, is far from the "mean lethal overpressure"[8] of about 50 psi, as established by extensive studies.[9] Hence, one might claim that the number of fatalities which the USSR leaders have to fear is considerably less than the number which we shall obtain, using the adverse assumptions (a), (b) and (c). To some extent this may be true. However, if one considers additional effects, such as initial radiation, flying objects, as well as damage to the eardrums which (though by no means lethal) occurs at much lower overpressures, the 15 psi may be a good estimate for a "practical mean lethal overpressure."

If evacuation has taken place, how many people will there be within the area of 19,000 square miles in which we may be able to create the "practical mean lethal overpressure"? This depends on the area into which the people of the cities will be dispersed. Chuykov's aforementioned article[3] gives an indication for this. He mentions a "city A," which we can assume to be Moscow, with a population density of 7000 per square kilometer (18,000 per square mile). After evacuation, the density would drop to one tenth of these figures. Since the population of Moscow is about 7.5 million, one obtains an evacuation area of 3900 square miles or a maximum evacuation distance of about 35 miles.[10] This area then can be destroyed by less than one half of our missiles even though the "area coverage" needed for this is, since circles do not cover an area without overlap, about 4700 square miles.

How to use the remaining missiles, with an area coverage of 19,000−4,700=14,300 square miles? The next largest city in the USSR is Leningrad and, since it lies on the sea, its population cannot be dispersed as well as that of Moscow. The dispersal area for its 4 million people is closer to 2000 square miles (again using the maximum dispersal radius of 35 miles), requiring an area coverage of about 2400 square miles, leaving an area coverage of 11,900 square miles for the other large cities. These—Kiev, Baku, Karkov, Gorky and Tashkent—have populations of about 1.4 million each. The dispersal of these people into areas similar to that given by Chuykov for "city A," would give an average density of 1.4 million/3900 square miles, that is 360 per square mile. There would be no point in covering any of these dispersal areas with an overlapping pattern so that the remaining 11,900 square miles would place an additional 4.3 million people at risk. Together with the populations of Moscow and Leningrad, this gives 7.5+4+4.3=15.8 milion people at risk. If we accept the official estimate that about two-thirds of our missiles function as expected, the total number of hostages we may have in the USSR becomes just about 10.5 million people.

This estimate is obtained under the unrealistic assumptions (a), (b), and (c), as explained above. Actually, the loss of some of our missiles to a first strike, the destruction of others by the missile defense of the USSR, and the fact that at least some of our own missiles would be aimed at industrial, and military installations, would reduce the number of "hostages"—would reduce it to perhaps one-half of the 10.5 million figure.[11] The total number of casualties suffered by the people of the USSR in World War II was about 11 million.

EVACUATION—A PRELUDE TO CONFRONTATION?

There is a question that must have arisen in the reader's mind concerning the real effectiveness of evacuation in negating our "assured destruction" capability. It concerns the time needed for evacuation as contrasted with the warning time of a missile attack. The flying time of the land-based missiles is about 20 minutes, that of submarine-based missiles may be shorter. Evacuation of cities takes at least a day—according to General Chuykov, the press is one of the means of communicating the order to evacuate. Hence, evacuation is not a valid defense measure[12] against a first strike, certainly not against an unanticipated first strike. Does this circumstance revalidate the doctrine of assured destruction, and is it reassuring in this sense?

The answer is, in this writer's opinion, rather the opposite. City evacuation may not be a valid defense measure but, should a first strike or a confrontation be planned, evacuation would give the initiator a tremendous advantage. While 5½ million lives lost is a terrible retribution, is it "assured destruction"? Is it sure to deter a nation that lost twice that many in World War II? Can a President of the United States bargain with this deterrent against the threat of a first strike which can kill many millions of Americans?

We are spending less than 35 cents per person per year for civil defense. We have hardly any blast shelters, no plans for evacuation, and most of our fallout shelters are located in cities, exposed to destruction by blast. We have 5½ million Russian hostages; the USSR can threaten the destruction of more than 80 million American lives. In a confrontation, our President would be in a very, very inferior position.

Assured destruction has become a myth.

FOOTNOTES

[1] J. Janis, Bull. At. Scientists, VI, 256 (1950).

[2] See various articles in *Survive* by J. Levey, later J. Gailar.

[3] Marshall V. I. Chuykov, Nauka i Thizn (Science and Life) No. 1, p. 43 (1969). Marshall Chuykov may be known to the American public as a representative of the USSR at President Eisenhower's funeral.

[4] I. I. Podchufarov, Kommunist Vooruzhennykk Sil (Communist of the Armed Forces) No. 8 (April, 1968), p. 52.

[5] See "Last To Be Eaten," by Edward Teller, page 8, this issue of *Survive*.

[6] See, "They Bet Your Life," by Arthur A. Broyles, page 6. this issue of *Survive*.

[7] See, for instance, this writer's article in *Survive*, Vol. 2, No. 4, p. 16.

[8] The "mean lethal overpressure" is the pressure of the blast wave which causes fatal injuries in 50 per cent of those exposed to it.

[9] See various publications of the Lovelace Foundation, in particular Report LF–1242–1 by Clayton S. White. See also DASA report 2113 by I. G. Bowen, E. R. Fletcher and D. R. Richmond of the same Foundation.

[10] This writer's estimate for the evacuation area, before the article of reference 3 became available, was 50 miles. The resulting estimate of the maximum casualty figure was then 7.5 million, instead of the 10.5 million to be arrived at here. Actually, the book of reference 11 supports the original, higher estimate of dispersal area (p. 63).

[11] The estimate given in the USSR textbook on Civil Defense (edited by N. I. Akimov) is about four times lower if I understand this passage correctly.

[12] According to the opinion of the authors of the Little Harbor Study, it is not a valid defense measure to be initiated by the U.S. See "The Threat" chapter of Civil Defense, Little Harbor Report, TID–24690, published by the Division of Technical Information, U.S. Atomic Energy Commission, 1969.

HOW TO STOP INFLATION

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. ROBISON of New York. Mr. Speaker, the problem of controlling inflation concerns us all. Everyone agrees that something must be done, but no one agrees on the same solution. Edwin L. Dale, Jr., who is a member of the Washington bureau of the New York Times, has come up with one solution—"compensation controls"—and his recent article, "How To Stop Inflation: Stop Raising Wages," was read with considerable interest on my part. I have a good deal of regard for Dale's thought processes and objectivity, and I am pleased to include his article here in the RECORD and commend it to my colleagues' attention:

[From Look magazine, Feb. 23, 1971]

HOW TO STOP INFLATION: STOP RAISING WAGES

(By Edwin L. Dale, Jr.)

(Editor's Note: We believe that the article which follows is of such unusual importance to the economic well-being of the United States that it merits the widest possible readership. It is reprinted from the New York Times Sunday Magazine.)

In early November, an emergency board appointed by President Nixon to deal with the interminable problem of labor relations in the railroad industry recommended a 37 percent increase in wages and benefits over three years.

"It's not enough," said C. L. Dennis, the chief union negotiator.

A month earlier, Milton Gilbert, a thoughtful American economist who has gone to Basel, Switzerland, as research chief of the Bank for International Settlements, allowed himself the following remarks about what he called "excessive wage increases":

"This is the primary inflationary force at the present time, and it is not too much to say that we are in the middle of an international wage explosion.... Wage increases in recent years have become more and more an independent variable in the economic picture.... The annual wage round, usually excessive, has become part of our culture."

The United States Bureau of Labor Statistics reported early in December that the average hourly compensation in the United States had gone up by about seven percent in 1970 despite relatively high, and rising, unemployment.

In late November, the Secretariat of the Organization for Economic Cooperation and Development, the Paris-based group of the industrial countries, reported to member nations: "While signs of an easing of price increases have become manifest in more recent months, the pressure on wages seems to have strengthened further in most countries." Speaking of Germany, the report said, "It is possible that behavior patterns may have changed somewhat as a result of experience over the last cycle. . . . In retrospect, union leaders seem to regret their moderation. . . ." For Japan: "There is danger that the wage round in the spring of 1971 might result in a further acceleration in the wage increase; in this case heavy pressures would build up on the price level." Geoffrey Bell, a British economist and former civil servant, said in September: "The recent experience in the United Kingdom may well lead to the general conclusion that the levels of unemployment and changes in unemployment have become less important in the bargaining process. . . . More generally, we might well have reached the point at which the unemployment rate has to be increased to a level that is politically unacceptable before there is any restraint on wage claims."

Back in the United States, the Bureau of Labor Statistics reported in late November that consumer prices were 5.9 percent higher than they had been a year earlier, despite a whole year of slowdown, even recession.

And a man whose credentials as a liberal Democrat are no less impressive than his credentials as an economist, Gardner Ackley, former chairman of the Council of Economic Advisers, said in mid-November: "It seems crystal clear to me that an incomes policy is meaningless unless—among other things—it aims directly at reducing excessive wage gains made by the powerful unions."

The proposal here had better be stated forthrightly so that everyone will have a chance to explode in indignation at the outset. Elaboration will come later.

There is little evidence that union-bargained wage increases were a significant inflationary factor in the United States until very recent times. (How many people recall that settlements averaged 3.5 percent in 1960–65?) In the past, Government spending and deficits and erratic Federal Reserve monetary policy were the overwhelming—and essentially the only—causes of inflation when it occurred, which was by no means always. They were the cause of the *start* of our present inflation in 1966–68.

Now there is something new at work, and it concerns wages—mainly, but not entirely, union wages. It is an independent force for inflation, regardless of Government monetary and fiscal policy, and it is international in scope.

No conceivable form of voluntary restraint will solve the problem. In part, this is because union leaders appear to believe genuinely that their claims are "just," and in part, it is because of a new mood in the American working force generally.

Public debate and discussion of the present inflation issue has been bedeviled by a fatal semantic error: the use of the term "price and wage problem." It is a wage problem, and it will not be solved until the "plague on both your houses" mentality is overcome. Corporate profits, no matter how measured are not the culprit now.

If the problem is accepted as one of wages—and that is increasingly the case here and abroad—the only solution is abhorrent but unavoidable. It is mandatory, legislated control, not only of what we call wages but also of all money and other compensation earned by *all* employees from employers. That is, it must apply to the president of General Motors as well as a union carpenter, an advertising executive as well as a steelworker, a bank vice president as well as a teamster, a congressman as well as a Federal civil servant, a university professor as well as a policeman—and certainly to a newspaperman. It should be limited to two years.

Control of prices and, by implication, profits is not needed and would be both harmful and administratively impossible. But there would be control of dividends because they are a form of individual income. Control of compensation will bring fairly rapid results in slowing inflation without price controls; it is largely self-enforcing and might be more "politically acceptable" than it would appear at first glance.

The asusmption that will probably appear most doubtful to economists, if not to the general public, is that we are indeed living with something new on the wage front that is significant enough to require action at variance with all our past thinking and tradition. No one can be absolutely sure yet that we are it would be marvelous if in 1971 we could have the unanimously desired expansion of the economy and at the same time a slowdown in wage and price increases. But is this really likely to happen?

In examining whether new forces are at work, two things can be said. First, the performance of wages in the current mild recession seems to be without precedent. With unemployment at five percent of the labor force and rising in the third quarter of 1970, average compensation rose at the astonishing annual rate of 7.7 percent. The economy has been slowing since mid-1969, yet compensation has continued to rise rather steadily at around seven percent and this, remember, with only one-quarter of our labor force unionized.

Economists are not of one mind on whether fundamentally new forces are at work. But the words of Arthur F. Burns, the chairman of the Federal Reserve Board, a man who has spent much of his life studying economic history, are worth noting:

"What I see clearly is the need for our nation to recognize that we are dealing, practically speaking, with a new problem . . . monetary and fiscal tools are inadequate for dealing with sources of price inflation such as are plaguing us now—that is, pressures on costs arising from excessive wage increases."

In our hearts, we are pretty sure that Mr. Burns is right—that wages will not start slowing down just because of some unemployment. One important reason is simply the duration of this inflation—the greatest we have experienced. It has created, understandably, a new attitude of bitterness and aggressiveness on the part of workingmen, seeing their past wage gains slip away, and also, apparently, a certain sense of resignation on the part of employers as both union and nonunion workers demand higher income.

The second point is factual. Over all of recorded economic history, with only brief periods of divergence, the price level has risen or stayed level or declined precisely in line with the unit labor cost, the cost of labor for each unit of output. If the average worker, because of new machines and better methods, produces three percent more each year, then average wages can go up by three percent without an increase in unit labor costs. But if wages go up more than three percent, unit costs, and then prices, are raised.

That basic truth holds even though direct labor costs account for different proportions of total costs in various industries; the percentage is high for barbershops and relatively low for the automobile industry. Where direct labor costs are relatively low, other costs—materials, for instance, or transportation—are affected by the price of labor in the service or supply industries.

To say that, for the economy as a whole, prices almost invariably move directly with unit labor costs is not to say that the only *cause* of inflation—or even a usual cause—is an upward push from wages. Typically, prices start to rise because of booming demand, which is usually caused by faulty Government policy, sometimes associated with the unwillingness or inability of governments to finance wars with higher taxes; wages are usually "sucked up" soon afterward. This happened at the outset of our present inflation. The inflation was not started by a wage explosion.

But there can be occasions when the initiating force comes from the wage side, and we're now in what is clearly the most spectacular of them. Excess demand has long since disappeared from the American economy. In the past, as the decline in demand was followed by declines in output and employment, the rate of wage increase fell back and, soon afterward, the rate of inflation. But not this time—or at least only in very minor degree. As the Council of Economic Advisers said in its second "inflation alert":

"One of the best-established facts about the American economy is the long-run tendency for prices on the average to rise at about the same rate as unit labor cost. . . Productivity cannot be counted on for long to rise more than about 3 per cent per year, although this rate will probably be exceeded during the next year. This means that a continuing rate of increase of employee compensation per man-hour of 7 per cent per year would commit the economy to a continuing inflation rate of about 4 per cent."

Unless something is done, this is precisely what is likely to happen. The labor unions show no sign of moderating their demands, and George Meany undoubtedly believes his propaganda that wages are not to blame for our troubles. Even if labor leaders took a different attitude, however, it is doubtful that their members would. For example, union printers in Washington have just rejected by a five-to-one vote a contract that would have increased their compensation at a rate of 13 per cent a year.

Apart from the figures, one has the "feel" that something new is at work. A sophisticated bargainer maintained recently that blue-collar workers are taking out their frustrations about the troubling events in American society in the one place they have power—in their unions, through which they make very large wage demands.

What about profits? Economists have never fully agreed on what is the "fairest" measure of profits. But in 1970, by just about every measure, profits have been extraordinarily low. For example, when the final figures are in, corporate profits in 1970 will probably turn out to have been the smallest, as a percentage of gross national product, for any year since World War II. What is more, by most measures, they were on the very low side in 1969. And it seems unnecessary to remind anyone where the stock market is today compared to 1966, 1967 or 1968.

This says nothing about profits in past times. It says nothing about a "fair" share between labor and capital. And there remains a certain amount of corporate "pricing power" that can maintain prices in the face of weak demand or permit the passing on of higher wage costs. But all of these ancient arguments do not change the fact that today's problem is not one of "excessive" profits, and it is unlikely to be such a problem tomorrow either. The new problem is wages, and none of our preconceptions can change that fact.

Now, to the remedy I propose and the justification for it: My proposal is simply that the Government declare it illegal for any employer, during the next two years, to grant an employee an increase in his total compensation—chiefly money, but also such things as company cars or stock options—of more than three percent a year. A man or woman moving to a different and higher-paying job could, of course, get more, but otherwise, from the executive vice president to the union production workers nobody could get a raise of more than three percent. (A law is now on the books that permits but does not require the President to impose wage and other controls. It was unwanted by President Nixon and will expire at the end of March unless it is renewed. He could request renewal, retroactive to March 31, thus effectively imposing control during the inevitable delay while Congress debates.)

In the hope of winning public acceptance, it would make sense to apply the controls with a modest "progressiveness." That is, anyone earning $15,000 a year or more could get only two percent; those at $25,000 a year, one percent; and those over $40,000, no increase at all during the two-year freeze. In addition, the Government would declare a freeze on dividends: no increase of more than three percent a year could be declared by any company.

But there would be no controls on prices, or, by definition, on profits. The limit would be only on how much of the profits can be paid out to people in dividends.

The first beauty of this somewhat startling plan is that it would have self-interest as a strong enforcement feature. No employer wakes up in the morning with a strong urge to raise the wages of his labor force by ten percent. With the new regulation, when he said "no," he woud have the law behind him.

This is not the case at all with price control. Given the literally millions of prices in our economy—many of them reflecting an infinite variety of small differences in products—price control is quite impossible to enforce fully or fairly. And self-interest in this case is to cheat; the difference is crucial.

Besides, it remains as true as ever that a free-price mechanism is essential to the functioning of our kind of economy. Some prices at any time *should* go higher, and some would go higher even with compensation control, reflecting the shifting composition of demand and costs.

If wages in a beauty shop or plumbing repair company go up, even only three percent, prices have to rise somewhat because there is little or no way to improve technology and hence the productivity of the workers. But in a highly automated chemical plant or oil refinery, wages can go up and prices down—and they have gone down in the past in times of modest wage increases. It is impossible and wrong to have stability of *every* price.

But doesn't a free labor market perform the same function? We all know that part of the labor market is not free, in the sense of setting an "economic" wage, because unions exercise monopoly power.

There is more, however. The chief "classic" reason for a free labor market is to produce labor mobility—to have wages rise according to the demand for specific types of labor. But we have now, and will have for another year and probably for two, a slack labor market. Employers will not have to bid up wages to find workers because so many workers are unemployed. Except for a few scarce skills, employers can find all the workers they want, as output expands, at prevailing wages. Given the current condition of the American economy, it is simply a fact that compensation controls would not introduce the much feared "distortions" of a free market that price controls undoubtedly would. The labor market would function quite well. Compensation controls will work best when the demand for labor is relatively weak.

In our present situation, this is as true for vice presidents and engineers and technicians as it is for blue-collar production workers. Employers are *already* under much less pressure than they had been to pay big salaries and add a lot of company-paid "extras" in order to attract top-level managers or scientists or marketing men. For the first time in modern memory there is a noticeable (though still marginal) unemployment in these classes of our labor force. Ask any management-placement agency.

What this means is that—thanks to market forces, if not a general urge for "fairness"—compensation control would really work at the upper levels of employment as well as the lower. This is, of course, essential for fairness. The urge to cut costs in American business is now so great that we can be confident that compensation control would reinforce a motivation already at work in setting the pay of upper-level personnel.

There is also the question whether the kind of control I am proposing would achieve what is after all its only objective: a sharp drop in the rate at which prices are rising. It has not been tried, and no one can be sure. But there is some useful evidence.

We have noted the remarkable coincidence over a long period between the average price level and average unit labor costs. By definition, compensation control would markedly slow the rise in unit labor costs. Why should not prices respond as they always have? In the early nineteen-sixties, unit labor costs hardly increased at all, and wholesale prices were stable (consumer prices rose less than 1.5 percent a year).

Undoubtedly, there would be some instances—particularly in industries whose profits have been unusually depressed—in which "business," whatever that term might mean, would take advantage of compensation control to hold down costs and go right on raising prices. No one should expect compensation control to stop inflation immediately. But there would be a new psychological climate.

Besides, vast sectors of this economy are highly competitive. Competition is the chief force for holding prices in line, and it will continue to operate.

The public must expect some increase in profits next year as demand and output expand under Government stimulus (profits per unit of output are now some 20 percent below their recent peak in 1966). A rise in profits under a system of compensation control would not, by itself, imply bad faith on the part of business.

But even with some rise in profits, one can say with considerable assurance that compensation control would bring early results in slowing the rise in prices. Without it, there is great danger that all the pain we have been going through in the effort to deal a decisive check to inflation—rising unemployment, sluggish output, bankruptcies and the like—will have been in vain.

Compensaton control would be a little unfair to some. The steelworkers, who have been held back by a three-year contract negotiated in 1968 and are warming up for at least ten percent in 1971, could not get it, while the teamsters, auto workers and others already have "got theirs."

But two things can be said. First, compensation control—the three percent limit—would apply to and supersede contract wage increases negotiated in 1970 for 1971 and 1972. The 11 percent increase called for in the New York newspaper settlement for each of those years, for example, would be cut back to three percent. Second, there is an inescapable fact of life that was pointed out well by the Council of Economic Advisers:

At any moment there are some people who have recently received a wage or price increase and some who have not but soon may. Slowing down the inflation means that those who come later will get smaller wage or price increases than those who came earlier. This may seem unfair to some, but there is no escape from it. If everyone in his turn gets as big a wage or price increase as the biggest obtained by others during the height of the inflation, the inflation will go on endlessly."

There is also a question about the sector of our economy in which wages are prices—the fees of such professionals as doctors and lawyers and accountants. To some extent, these groups are employers and would be affected by the same rules as any other employer. Beyond that, it seems reasonable to expect that they, too, would respond to a new psychological climate and would moderate the increases of their fees. If they did not, compensation control could very soon be applied to them, too, though it would not be easy to enforce and would raise some of the problems associated with price control.

One final point, almost stunning in its simplicity but widely unrecognized, should be made. In the period from 1960 to 1965, as we noted, wages were rising at only 3.5 percent a year, roughly the same for union and nonunion employees, which looks pitifully small by today's standards. But prices rose so little in that period that it can properly be termed a time of price stability. During that period, the real income of American workingmen and women—adjusting wage increases for the change in prices—rose far faster than it has risen in the inflationary period since 1965. And at the same time, corporate profits boomed. Everybody came out ahead.

A big question about compensation control is whether it could gain public and congressional acceptance. Organized labor probably would oppose it, but labor has opposed other things that have become law. The real issue is whether the public would regard it as a fair means of accomplishing something important.

Well, it is fair. It would apply equitably to nearly all of us. And it does accomplish something important. Stopping this inflation is not only vital to such classic victims as the elderly and others living on fixed incomes. Inflation has become the chief threat to the very solvency of state and local governments. It affects welfare recipients, hospitals and universities as well as retired people. It is gravely impairing the ability of millions of Americans to own a home.

Why shouldn't the public see compensation control as fair? It would not be designed to last forever, but only to break a new kind of spiral that cannot be broken any other way. It is reasonable to assume that once the rate of inflation has been drastically reduced, our income demands might moderate. Certainly most of us are aware that we are fruitlessly chasing our own tails now, and perhaps a majority of us just might want to stop it.

NEEDED DROUGHT AID FOR SOUTHWEST

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. PRICE of Texas. Mr. Speaker, yesterday I missed six quorum calls because I was out of town on official business. I was glad, however, I did not miss any floor votes and that the House carried over its legislative business until this afternoon.

I spent yesterday in the company of Secretary of Agriculture Clifford Hardin; Gen. George Lincoln, Director of the President's Office of Emergency Preparedness; and Senator John Tower. These distinguished gentlemen accompanied me to the Texas Panhandle for a firsthand look at the drought damage in that area. And believe you me, Mr. Speaker, my area of the country is really gripped in the throes of a major dry spell.

Secretary Hardin and Director Lincoln, as representatives of the President, were most interested in what they saw during their visit; and I was deeply impressed by their obvious willingness and, in fact, their eagerness to assist the farmers and ranchers in the drought-stricken areas. This, in my mind, demonstrated once again that President Nixon is vitally concerned about the well-being of rural America and is willing to devote the time and energies of key members of his administration in an effort to solve rural problems.

Mr. Speaker, the Nixon men did more than look, they acted. Secretary Hardin has issued a series of drought aids for the stricken Southwest. I am inserting a USDA statement regarding the Secretary's orders in the Record so all my colleagues can see the kind of action that the Nixon administration is willing to take in behalf of the drought-plagued farmers and ranchers in Texas and Oklahoma:

HARDIN ORDERS DROUGHT AID FOR STRICKEN SOUTHWEST

Declaring that "without question, this is a major agricultural disaster," Secretary of Agriculture Clifford M. Hardin ordered new drought emergency aid yesterday for parts of Texas and Oklahoma.

Following an air-helicopter-and-bus tour of drought areas as a special representative of President Nixon, Secretary Hardin said that he was authorizing:

Government-owned feed grain to be made available at reduced prices to farmers and ranchers in nine Oklahoma counties—Beckham, Comanche, Cotton, Greer, Harmon, Jackson, Kiowa, Roger Mills and Tillman.

Haying and grazing privileges in four Oklahoma counties—Beckham, Cimaron, Harmon, and Texas. They join seven other Oklahoma counties—Caddo, Comanche, Custer, Greer, Jackson, Kiowa and Roger Mills—designated for such privileges last January.

Cancellation of deductions from farm program payments to farmers and ranchers who grazed livestock or harvested hay on set-aside acres or acres diverted under long range programs in designated counties. This applies to non-irrigated lands in all Texas and Oklahoma counties approved for either emergency livestock feed or haying and grazing.

In all Texas and Oklahoma counties approved for either emergency livestock feed or haying and grazing, cancellation of a $10 per acre reduction which farmers normally would have in their farm program payment for planting any of eight allowable crops on non-irrigated set-aside acres. This means that farmers who elected to plant these crops on non-irrigated set-aside acres will not have the normal reduction of payment. The eight crops are guar, sunflower, sesame, castor beans, mustard seed, safflower, crambe, and plantago ovato.

In addition, Secretary Hardin announced that:

The Office of Management and Budget had approved a U.S. Department of Agriculture request for an additional $10 million authorization for emergency loan funds for the Department's Farmers Home Administration.

The 39 Texas counties designated for the emergency livestock feed program had also been made eligible for hay transportation help. In these counties, farmers and ranchers may buy hay, and the Federal government, through the Commodity Credit Corporation, will pay up to two-thirds of the transportation cost, but not over $20 a ton, to get the hay to the drought area. Funds for this payment come through the Office of Emergency Preparedness.

Emergency conservation program funds are available upon request from county disaster committees, with appropriate approval, for surface tillage practices that control erosion.

He was authorizing local Agricultural Stabilization and Conservation Service officials to permit farmers in counties designated for any type of disaster help to graze cattle or cut hay on set-aside acres in our outside the designated county when mutually satisfactory arrangements can be made between the producers involved.

The Department has asked the Interstate Commerce Commission to authorize reduced freight rates on hay shipped into the drought area.

The Secretary and G. A. Lincoln, Director of the Office of Emergency Preparedness, toured the drought area with newsmen and Senators and Congressmen from the area. State and local officials, including Governors Preston Smith of Texas and David Hall of Oklahoma, met the group at stops in Altus, Okla., and Amarillo and San Antonio, Tex. They toured the areas at each stop.

Secretary Hardin said the effects of the drought, which began in mid 1970, are "indeed severe."

"For example, we saw fields from which wheat had been harvested last year, given stubble mulch treatment shortly after harvest, and in which nothing has grown since, not even weeds. In the areas we visited around Altus, Amarillo and San Antonio, we did not see any dryland wheat that looked as though it would be harvested this season."

Mr. Hardin said that President Nixon had instructed General Lincoln and him "to do everything we can within our authority to provide help to the farmers in the stricken area."

The drought has hit hardest at winter wheat and cattle operations. It also has caused farmers to fall behind in their spring planting operations, especially in two basic crops—cotton and milo.

Secretary Hardin said ranchers' applications for emergency livestock feed at reduced prices are being accepted in county Agricultural and Stabilization Conservation Service offices.

State and county disaster committees are in the process of submitting additional recommendations for drought disaster designations, and any such requests will be considered immediately, he said.

SUPREME COURT UPHOLDS DISTRICT OF COLUMBIA ABORTION LAW

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. HOGAN. Mr. Speaker, as a stanch opponent of liberalized abortion policies I was pleased to learn yesterday of the U.S. Supreme Court's decision to uphold the constitutionality of the District of Columbia's abortion law. Since this law was held "constitutionally vague" by a U.S. district court judge 17 months ago, abortion clinics have mushroomed in the Nation's Capital.

Although the Supreme Court has upheld the right-to-life philosophy, it has, at the same time, so worded the decision that it will become extremely difficult to prosecute violations of the law. Meanwhile, hundreds of illegal abortions are still being performed daily in the District of Columbia. Just yesterday, as news of this landmark decision was being released, Dr. Milan Vuitch of Washington, D.C.—the defendant in the case before the High Court—admitted to the press that he had just performed eight abortions that day.

Earlier this week, prior to learning of the Supreme Court's decision in this case, I called upon the U.S. attorney for the District of Columbia, Thomas Flannery, to prosecute violations of the District of Columbia abortion statutes vigorously. I reaffirm that request today with the knowledge that the Supreme Court has affirmed the constitutionality of the District of Columbia abortion law.

Mr. Speaker, I have the honor to be the guest speaker this evening at the annual spring dinner of the Merrick Boys Camp. In remarks prepared for this occasion I explain my views on the abortion issue and call attention specifically to the illegal abortion activity in the Nation's Capital.

In this speech, as in my recent letter to the U.S. attorney for the District of Columbia, I refer particularly to a shocking incident which occurred at the Washington Hospital Center. It has come to my attention that at the Washington Hospital Center a live baby resulted from an abortion performed there. This child was then placed in a refrigerator. Some time thereafter an employee found the baby in the refrigerator still alive. It was thereupon removed to the nursery where it lived for a short while, then died. I have urged the U.S. attorney to initiate an immediate investigation of this incident and to determine if other live babies have resulted from abortions and been slaughtered by those performing them.

Similar incidents have occurred in New York City where 26 live babies were aborted between July 1 and December 18, 1970, after enactment of New York's liberalized abortion law.

Mr. Speaker, I hope that my remarks to the board of the directors of the Merrick Boys Camp will help clarify my strong feelings on this issue. The speech follows:

Remarks of Honorable Lawrence J. Hogan Before the Annual Spring Dinner of the Merrick Boys Camp, April 22, 1971

It's a real pleasure for me to be here with you this evening.

I'd like to take this opportunity to commend all of you for making it possible for 600 boys to enjoy a happy and fun-filled summer vacation each year. The success of this camp, located in Charles County in my Congressional district, speaks well of the social involvement of the business and professional community in the Washington metropolitan area. I know that the camp is completely dependent on donations so your efforts to raise funds each year are particularly laudable.

The subject I'd like to address myself to this evening—abortion—in a sense relates to your activities with the Merrick Boys Camp. Let me qualify that statement. There are those in this day and age who believe that abortion-on-demand is simply a way of demonstrating concern for their fellow man.

I strongly disagree with that point of view. Abortion-on-demand is not the answer to the social and economic ills of this country. And, as President Nixon recently said, abortion is "an unacceptable form" of population control which does not square with his belief in the "sanctity of human life."

I agree with the President. Demographers tell us that our population growth, probably because of contraception, is practically stable. And in any event, in the United States the problem is not numbers of people but distribution of those people. Two-thirds of this country is practically empty of people, while they leave the farms and small towns and pile into the cities. We need an incentive policy to encourage the repopulation of the rural areas—not abortion-on-demand.

It is simply not rational to assume that we can solve the problems of the underprivileged by institutionalizing abortion. The destruction of human infants will not solve the agonizing problems of poverty, hunger, lack of education, poor housing, lack of job opportunities, the plight of the unwed mother, inadequate family planning programs or all the conditions that go to make up a situation where a child is unwanted.

Some time ago we were all shocked to see on television pictures of grown men killing baby seals by beating them to death with clubs.

But what about the destruction of human babies? Haven't they more worth than baby seals? It is sad that we cannot get the conservationists aroused by destruction of human life. The burning by saline solution, the dismembering, the torture and agony of the tiny, but sensitive, fetus are so real and so revolting that one hesitates to describe them. But the scientists assure us that the cry of an unborn infant is still a shriek of pain even if it is muffled, and it should be on the consciences of legislators and citizens as much as it is on the ears of the nurses and doctors who hear these shrieks.

This is why I've chosen to speak about abortion this evening. Through your activities with the Merrick Boys Camp, you have already demonstrated your personal concern for the welfare of your fellow men. But, it is my guess that there are some among you here tonight who do favor the liberalizing of present abortion policies. Although I am of the opposite persuasion and will speak in that vein tonight, I do not mean to question the motives of those who disagree with me, or to demean their deep concern about personal and social problems.

I recently polled my constituents on the abortion question and the response was substantially what I expected—55% favored weakening the laws against abortion. Some of my political advisers say that this should convince me that I'm on the wrong side of this issue and that I should stop speaking out publicly against liberalized abortion.

I won't do that for two reasons. One, I firmly believe that the abortion question is one of conscience; and secondly, I am convinced that most people who favor easing abortion policies have been sold the idea that the fetus is not human. They have bought the argument that the child in the womb is just a growth in someone's body, like tonsils or an appendix.

But, an unborn infant feels, turns, kicks, somersaults, swallows, swims, makes a fist and even sucks his thumb. Can he be anything but a human being?

And knowing this, can any American really believe that it can be right—that it can be legal—to end one human life for the personal convenience of another human being?

I think not. And I am convinced that if this message—the message of the fundamental humanity of the unborn fetus—is more widely disseminated, most Americans will agree that abortion is akin to murder.

Scientific evidence is overwhelming that from a very few days after conception, the fetus is a full human person. His circulatory and digestive systems are his own. His genetic make-up is complete—and incidentally, unique. It can never be duplicated. He is in no way a part of his mother and hence cannot, or should not, be treated as if he were, regardless of the intensity of his mother's wishes.

Of course, this fetus is tiny, and therefore vulnerable. He lacks full physical development, and may, in the eyes of some, be unattractive. His personality does not express itself in ways intelligible to most adults of his species, and so he may seem to have none. But, are feebleness, unattractiveness, and helplessness valid reasons for attack, rather than for defense?

I feel obliged to defend these unborn constituents of mine who have no lobby group to defend their rights.

One hundred and ninety-five years ago, Marylanders and other Americans joined hands and declared themselves a free people. In so doing, they set forth in writing a statement of the principles and attitudes which joined them together and which have ever since expressed the common philosophy of our Nation. The first of these principles, they wrote, is self-evident: "all men are created equal." Early drafts of the Declaration of Independence had used the phrase, "all men are born equal," but after considerable discussion, the farmers of the document decided that they wanted to go on record as accepting that human beings possessed personal dignity, individual worth, and inalienable rights from the time of their creation—from the time of conception. This is history.

Today, all over the country, that principle is under attack in the form of liberalized abortion legislation. Happily, I can stand here tonight and say that, for the time being at least, that attack has been beaten back in the State of Maryland. On March 24 of this year, the Maryland House of Delegates defeated a liberalized abortion bill by a vote of 77 to 59. This action was all the more remarkable because last year the Maryland Legislature approved an abortion bill which was the most liberal in the Nation. You will recall that the Governor vetoed that bill, but indicated he would have signed the one proposed this year.

You might well ask, why the sudden change of heart on the part of Maryland's legislators? The answer, of course, is that last year these same legislators acted only on the word of abortion advocates. Last year this country, as others around the world, was engulfed in an abortion mentality which considered the human fetus to be nothing more than an appendix or tonsils.

I believe the defeat of the Maryland bill this year portends a new trend. The hard work and dedication of thousands of pro-life Americans is beginning to make an impact. For example, at the same time as the abortion battle was being waged in Maryland, the Illinois legislature was also considering a liberalized bill. In Illinois, however, the measure was killed in committee by a vote of 12 to 6. The bill never even made it to the floor of the State Legislature.

Even more noteworthy, from a national point of view, was the President's action of two weeks ago. As you are certainly aware, the President reversed the liberalized abortion policy in military hospitals, thereby indicating his personal belief in the sanctity of human life. Again, this policy which the President rescinded was put into effect last year. By taking this action as the leader of the American people and the highest elected official in our country, President Nixon has symbolically proclaimed that Americans will stand up for the right to life of any human being.

But these recent indications of success in the fight against liberalized abortion policies should not allow us to rest on our laurels. We have been less successful, or too late in our fight, in other areas in the country. The New York State Legislature last year passed the most liberal abortion statute in the country—by one vote. Recent statistics indicate that one vote has resulted in 98,000 innocents being slaughtered by a surgical curette. Even more shocking is the recent news account stating that at least 26 babies have been born alive in legalized abortion procedures in New York City. The child of one mother who was aborted survived and now is up for adoption. The others did not fare so well. Some breathed for only a few minutes and others cried, and kicked before finally dying within two days after being artificially expelled from their mothers' wombs.

We have no reason to doubt that similar conditions exist in the District of Columbia today. The only difference is, of course, that in the District of Columbia abortions are still prohibited by law even though hundreds are being performed every day.

A lower court judge has ruled that the D.C. abortion law is "constitutionally vague" and yesterday the Supreme Court overturned that decision. And yet the man involved in that case is reported as stating that he performed eight such abortions yesterday.

Nevertheless, illegal abortion clinics have been mushrooming in the District of Columbia in recent months. These abortions are not legal. I have urged the U.S. Attorney for the District of Columbia to vigorously prosecute these illegal abortion activities as the crimes they are. On March 15 of this year an abortion clinic opened in the District of Columbia in blatant contravention of the law but amidst much fanfare from the press. Abortions are also being performed at the Washington Hospital Center, at D.C. General and at other hospitals.

I spoke, just a few minutes ago, about the 26 live babies which were aborted in New York City. I said, too, that similar conditions exist in the District of Columbia. Let me explain.

I learned recently that a live baby resulted from an abortion performed at the Washington Hospital Center. This child was then placed in a refrigerator. Some time thereafter an employee found the baby in the refrigerator still alive. It was thereupon removed to the nursery where it lived for a short while, then died.

To me, this is homicide. I have demanded that the U.S. Attorney's office initiate an immediate investigation into this incident and to determine if other live babies which have resulted from abortions have been slaughtered by those performing them. Physicians are not, or should not, be exempt from the homicide laws.

I'm sure you've all read about the young woman from nearby Virginia who is being charged with killing her one-day-old baby. I ask you, what is the difference between this woman's action and that of a physician or nurse who kills a baby which is aborted alive or kills a live unborn baby? It's only a question of age.

As a nation, we cannot tolerate this indiscriminate slaughter of human babies, if indeed we are to survive as a free country. Recent reports from Japan indicate that the combination of contraception and abortion has so reduced the Japanese population that commercial interests are now openly predicting a severe labor shortage by the end of the 1970's. Apparently, we won't even have to wait until 1985 for the "Brave New World" to overtake us.

In closing, I would like to read to you a portion of Pearl Buck's very moving and touching foreword to the book, "The Terrible Choice: The Abortion Dilemma." She writes, "As a mother of a child retarded from phenylketonuria, I can ask myself at this reflective moment, if I had rather she had never been born. No, let me ask the question fully. Could it have been possible for me to have had foreknowledge of her thwarted life, would I have wanted abortion? Now with full knowledge of anguish and despair the answer is no, I would not. Even in full knowledge I would have chosen life. . . . Since the fetus is a creature already alive and in the process of development, to kill it is to choose death over life. At what point shall we allow this choice? For me the answer is—at no point, once life has begun. . . . Beyond life lie only faith and surmise, but no knowledge. Where there is no knowledge except for life, decision for death is not safe for the human race."

Pearl Buck says it much more eloquently than I can but I hope you've understood my message tonight. As a nation, as individuals, we can't survive the indiscriminate slaughter of human babies which abortion-on-demand would bring.

NATIONAL ARBOR DAY

HON. GEORGE E. DANIELSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. DANIELSON. Mr. Speaker, yesterday I introduced a resolution, House Joint Resolution 563, to authorize and request the President to proclaim and designate the last Friday of April of each year "National Arbor Day" and to encourage appropriate observance of such day by the people of the United States. Support for such legislation and the need for national recognition of Arbor Day has become increasingly evident in recent years.

Although the observance of Arbor Day dates back to 1872 when it was proclaimed a holiday in Nebraska, and although 49 States now recognize Arbor Day in one form or other, it was not until last year that Arbor Day was officially recognized by Congress—but then for the year 1970 only. I believe that this year it is our responsibility to take the further step of enacting legislation to provide for the annual observance of Arbor Day.

Several of my colleagues have, in recent years, called attention to the importance of Arbor Day in our national life. It is a day with historical significance for the people of the United States, and it has special meaning today as we are acutely aware of the deteriorating condition of our environment. The rich tradition of Arbor Day can serve as the focus of our efforts to restore and to conserve our natural resources.

Citizen concern for conservation has become increasingly manifest during the past few years. The people of America are calling on us as their representatives not only to conserve what we presently have, but also to plan for the future. People are becoming involved in efforts to save the environment, even when it may mean an inconvenience to themselves. We need to provide opportunities that are responsive to these concerns and to the needs of our day. The observance of Arbor Day, on an annual basis, would be such an occasion. It has been estimated that an individual in his lifetime uses the wood produced by 300 mature trees.

Einstein once said that a person should put back into this world at least as much as he takes out of it. The minimum goal of conservation is to do that much. The challenge of today is that we plan further, for the long-range needs of our country.

I would like to include at this point some pertinent thoughts expressed by William Jennings Bryan that speak to the value of such an annual observance as Arbor Day. He said:

> It should be our purpose, not only to preserve the nation's resources for future generations by reducing waste to a minimum . . . we should see to it that a few of the people do not monopolize that which in equity is the property of all the people. The earth belongs to each generation, and it is as criminal to fetter future generations with perpetual franchises, making the multitude servants to a favored faction of the population, as it would be to impair, unnecessarily, the common store.
>
> Money spent in care for the life and health of the people, in protecting the soil from erosion and from exhaustion, in preventing waste in the use of minerals of limited supply, in the reclamation of deserts and swamps, and in the preservation of forests still remaining and the planting of denuded tracts—money invested in these and in the development of waterways and in the deepening of harbors is an investment yielding an annual return. If any of these expenditures fail to bring a return at once, the money expended is like a bequest to those who come after us. And as the parent lives for his child as well as for himself, so the good citizen provides for the future as well as for the present.

And, in the words of President William Howard Taft:

THOUGHTS ON CONSERVATION

> Without the resources which make labor productive, American enterprise, energy, and skill would not in the past have been able to make headway against hard conditions. Our children and their children will not be able to make headway if we leave to them an impoverished country. Our land, our waters, our forests, and our minerals are the sources from which come directly or indirectly the livelihood of all of us. The conservation of our natural resources is a question of fundamental importance to the United States now.

Our positive action on this legislation will evidence our concern for the present, as well as our foresightedness in planning for the generation to come. Arbor Day is our original recognition of the need to conserve our natural resources; it is deeply rooted in our history.

We should remember the lessons of history, because the actions we take now will have effects many years in the future. We know that our Nation's population is increasing dramatically year by year, but have we thought of the significance of trees in that regard? Emil Rothe writes of a lesson from Palestine:

WARNINGS FROM HISTORY—PALESTINE

> At the time when Joshua conquered the Promised Land, milk and honey were flowing into Canaan; that is, it was a country of wonderful fertility, blessed with a delightful climate. Both ranges of the Lebanon and its Spur Mountains were then densely covered with forests, in which the famous cedar predominated, that stately tree so masterfully and poetically described by the psalmist and the prophets. The large and continually increasing population of Palestine enjoyed comfort and abundance during centuries. But the gradual devastation of the forests, which was finally completed by the Venetians and the Genoese, brought about a general deterioration of the country. The hills of Galilee, once the rich pasturing grounds for large herds of cattle, are now sterile knobs. The Jordan became an insignificant stream, and the several beautiful smaller rivers, mentioned in the Bible, now appear as stony runs, leading off the snow and rainwater, but being completely dry during the greater part of the year. Some few valleys, in which the fertile soil washed down from the hills was

deposited, have retained their old fertility, but the few cedar trees remaining as a landmark around the Maronite convent on the rocky and barren Lebanon, look lonely and mournfully upon an arid and desolate country, not fit to sustain one-sixth of such a population as it contained at the time of Solomon.

When we talk about the deteriorating environment, and the disappearance of trees as society grows, the importance of Arbor Day becomes self-evident. This day, when we take some positive action in tree-planting ceremonies, would be an extremely valuable adjunct to other activities that are being organized. National observance of Arbor Day each year would be a recognition of the fact that we care about the future of our land.

Finally, I want to introduce in the Record a list of the Arbor Day observances of the various States, noting that 19 states currently proclaim the last Friday in April as Arbor Day and that most of the other States have ceremonies near that time of year. National legislation would coordinate and enhance these observances:

ARBOR DAY OBSERVANCES

State	Year 1st observed	Date how observed
Alabama	1887	2d Friday in February, designated by Governor.
Alaska		No formal observance.
Arizona	1890	Friday after Feb. 1 (Friday after Apr. 1 in 5 counties).
Arkansas	1906	1st Saturday in December, by proclamation of Governor.
California	1886	Mar. 7, by proclamation of Governor.
Colorado	1885	3d Friday in April.
Connecticut	1886	Last Friday in April.
Delaware	1901	Last Friday in April (passed 1959).
District of Columbia	1920	3d Friday in April.
Florida	1886	3d Friday in January.
Georgia		3d Friday in February.
Hawaii	1905	November, by proclamation of Governor in cooperation with the department of public instruction.
Idaho	1886	Last Friday in April (passed 1957).
Illinois	1887	Last Friday in April by law.
Indiana	1884	Last Friday in April.
Iowa	1887	Last Friday in April (passed 1959).
Kansas	1875	Last Friday in March, by proclamation of Governor.
Kentucky	1886	By proclamation of Governor.
Louisiana	1888	Usually in January, designated by State and parish boards of education.
Maine	1887	Last Friday in April, law passed 1950.
Maryland	1884	1st Wednesday in April, designated by State department of education.
Massachusetts	1886	Last Friday in April, by proclamation of Governor.
Michigan	1885	Late April, by proclamation of Governor.
Minnesota	1876	1st Friday in May, designated by Governor.
Mississippi	1890	Friday after 1st Monday in December.
Missouri	1886	Friday after 1st Tuesday in April.
Montana	1888	Last Friday in April by proclamation of Governor.
Nebraska	1872	Apr. 22, legal holiday.
Nevada	1887	Last Friday in April.
New Hampshire	1886	Late April or early May, designated by Governor.
New Jersey	1884	Last Friday in April.
New Mexico	1890	2d Friday in March.
New York	1889	Last Friday in April by recommendation of State commissioner of education.
North Carolina	1893	1st Friday after Mar. 15.
North Dakota	1882	1st Friday in May, State law.
Ohio	1882	Last Friday in April.
Oklahoma	1898	Friday after 2d Monday in March.
Oregon	1889	Last Friday in April west of Cascades; 2d Friday in April east of Cascades.
Pennsylvania	1885	Last Friday in April (proclamation of Governor).
Rhode Island	1887	Last Friday in April.
South Carolina	1898	1st Friday in December.
South Dakota	1884	Last Friday in April.
Tennessee	1875	1st Friday in March.
Texas	1890	3d Friday in January.
Utah	1925	Last Friday in April, passed 1959.
Vermont	1885	1st Friday in May, Vermont State title I, sec. 372, No. 47, acts of 1957.
Virginia	1892	2d Friday in March.
Washington	1894	2d Wednesday in April, by proclamation of Governor.
West Virginia	1883	2d Friday in April, by proclamation of Governor.
Wisconsin	1892	Last Friday in April.
Wyoming	1888	Early spring, by proclamation of Governor.
Guam		Last Friday in October, by proclamation of Governor.
Puerto Rico		Friday after Thanksgiving.
Virgin Islands	1952	3d Friday in September.

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J. EDGAR HOOVER

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. SCHMITZ. Mr. Speaker, this month's issue of U.S.A. magazine contains a highly interesting study of the work of the Federal Bureau of Investigation since its inception in the early part of this century. Alice Widener puts the current torrent of abuse being heaped upon the FBI and its outstanding Director, Mr. J. Edgar Hoover, in historical perspective.

She recalls the attack directed at Mr. Hoover by Congressman Vito Marcantonio when, in 1940, Mr. Hoover organized the General Intelligence Division of the Bureau to supervise espionage, sabotage, and other activities which might endanger the Nation as the threat of war moved ever closer. The object of this program was to be able to locate persons who were likely to jeopardize our national security should war come.

Congressman Marcantonio's response to this obviously sensible security precaution was to accuse Mr. Hoover of preparing a general raid against civil rights, a blackout of civil liberties, and of establishing a system of terror by index cards. These charges are similar to many which we hear today.

War, of course, did come and the Federal Bureau of Investigation was prepared to cope with internal enemies. As Mrs. Widener points out, "due mainly to the FBI's alphabetical and geographical index of persons reported upon as being active in subversive activity or in movements detrimental to the internal security, many potential internal enemies of our Nation were taken into protective custody and no major act of sabotage was perpetrated within our Nation."

This is quite an accomplishment.

It should also be recalled by those who rail against the Bureau and Mr. Hoover on the grounds that they represent a threat to their civil rights, that it was J. Edgar Hoover who recommended against the internment of of our Japanese citizens during the early part of World War II. Mr. Hoover felt that he had the capability to locate those Americans of Japanese ancestry who might pose a threat to our country because of the information which the Bureau had available for just such a purpose. He had this capability because of adequate intelligence gathering activities.

Intelligence is the eyes of justice and allows for selective limitation of freedom as opposed to such practices as massive internment. It culls the dangerous from the loyal and responsible citizens thus allowing for the protection of the many. Why anyone should object to having the information necessary to prevent wide scale detention should a crisis materialize is rather had to see.

Although Mr. Hoover was overruled in his stand against nonselective massive internment of our Japanese citizenry, there was great pressure in favor of internment from such quarters as the Houses of Congress of the three west coast States, the attorney general of California at the time Mr. Earl Warren, and leading media columnists such as Walter Lippmann, it is important to remember that it was only the capability which the FBI possessed to separate the dangerous from the loyal Japanese which made it possible to oppose the indiscriminate roundup which did in fact take place.

I highly recommend this extremely interesting and timely article entitled "Our Twentieth Century Struggle for Internal Security, the Story of J. Edgar Hoover and the FBI."

I include the article as follows:

OUR TWENTIETH CENTURY STRUGGLE FOR INTERNAL SECURITY—THE STORY OF J. EDGAR HOOVER AND THE F.B.I.

(By Alice Widener)

PREFACE

On July 1, 1908, U.S. Attorney General Charles Joseph Bonaparte appointed twenty-three detectives, examiners and special agents in the Justice Department to a permanent subdivision of it. In March 1909, U.S. Attorney General George W. Wickersham gave the name "Bureau of Investigation" to the Justice Department subdivision. Twenty-four years later, in 1935, it was named "The Federal Bureau of Investigation."

In 1917, during World War I, a twenty-two-year-old lawyer, J. Edgar Hoover, became an Assistant Attorney General in the Department of Justice. Seven years later, Herbert Hoover (not a relative) recommended to U.S. Attorney General Harlan Fiske Stone that J. Edgar Hoover be appointed Acting Director of the Bureau of Investigation and that he reconstruct it "according to highest ethical and executive standards removed from partisan politics."

In 1933, Mr. Stone, having become a Justice of the Supreme Court, wrote to Felix Frankfurter that J. Edgar Hoover had "removed from the Bureau every man as to whose character there was any ground for suspicion. He refused to yield to any kind of political pressure; he appointed to the Bureau men of intelligence and education, and strove to build up a morale such as should control such an organization. He withdrew it wholly from extra-legal activities and made it an efficient organization for investigation of criminal offenses against the United States."

Justice Stone wrote the letter about Hoover to protect him and the Bureau from unfair criticism by Leftist radicals and from efforts by special political interests to gain control over the Bureau.

It is an organization originally established under Federal law. Gradually, and always under Federal law, the Bureau has been adapted to meet 20th century threats to the internal security of the United States that were wholly unimagined by the 18th century framers of our Constitution and Bill of Rights.

The present day credentials of a special agent of the F.B.I. state that he is a special agent in the U.S. Department of Justice and is charged "with the duty of investigating violations of the laws of the United States, collecting evidence in cases in which the U.S. is or may be a party in interest, and performing other duties imposed upon him by law."

By law.

But what is the law?

That is a key question affecting the national security of our country, for, as a result of 20th century historical circumstances, "the law" often has been hastily and emotionally enacted by Congress and has been subsequently adulterated by judicial opinion. Due to political instability and judicial inconsistency in our century, only an executive director of the highest caliber, brilliance, commonsense, moderation and political incorruptibility could have built and maintained the Federal Bureau of Investigation into the world famous organization it is.

Shakespeare said, "Some are born great, some achieve greatness, and some have greatness thrust upon them." All three conditions apply to Mr. Hoover. Owing mainly to his firmness and good judgment, the F.B.I. has remained immune to the politically infectious diseases of our times. Steadfastly, Mr. Hoover has opposed aggrandizement of the powers of the Bureau or its transformation into a national or secret police.

In my opinion, it was Presidential awareness of general political instability and judicial inconsistency that gave rise to the unswerving confidence reposed in Mr. Hoover by eight Presidents. Mr. Hoover's own steadfast adherence to basic principle has been the source of similar confidence reposed in him by the personnel of the F.B.I.

Our Presidents and the F.B.I. have been keenly aware of a most paradoxical situation: Though the threat to our nation's internal security has been constant during most of our century, "the law" concerning that threat has been extremely inconstant to the point of absurdity, a kind of "pass it" then "abolish it" affair lending aid and comfort to internal enemies and also with external ones.

It is largely owing to this paradoxical situation that exceptional responsibility for our security has rested so heavily on J. Edgar Hoover's shoulders. That is why President Eisenhower awarded him the National Security Medal for "brilliant leadership in a position of great responsibility" and for "the highest ideals of Federal Law enforcement."

In wars and rumors of wars, in economic depression and prosperity, in times of violence and moral decline, Mr. Hoover remained within himself a kind of American lifetime warranty of law and order, justice and probity, excellence and integrity. He earned the right to be where he is. The historical circumstances under which he earned it constitute a long story of utmost present concern to every American.

PART I

In our century, the first well organized threat to our national internal security—that is, to our form of government and basic economic structure—occurred in 1900. In that year, two separate groups of socialists belonging to the Socialist Labor Party and Social Democracy Party joined forces and ran Eugene Victor Debs, son of Alsatian parents and a native of Indiana, as Socialist candidate for President of the United States. He polled 100,000 votes and his backers thereafter united to form the Socialist Party.

In 1904, Debs and six other socialists met secretly to organize the I.W.W., Industrial Workers of the World, a group opposed to the American Federation of Labor and pledged to creation of "One Big Union" in an effort to smash capitalism and overthrow the American form of government.

On January 2, 1905, twenty-seven persons met secretly in Chicago to sign an I.W.W. "industrial manifesto." It declared that one big international industrial union must be founded to wage "the class struggle" in recognition "of the irrepressible conflict between the capitalist class and the working class."

The original I.W.W. signers were characteristic of the political factionalism within the worldwide socialist movement that confused and still confuses the majority of Americans. Though belonging to different socialist, communist and anarchist groups among whom there was bitter in-fighting over the most desirable and effective means of organizing a socialist revolution and obtaining full political and economic power, the mutually antagonistic I.W.W. signers did not hesitate to join forces opportunistically in support of international Marxism and in antipathy to traditional Americanism.

Almost all the original I.W.W. signers were native born Americans. In the first two decades of our century, however, most revolutionary radicals were aliens.

During the period 1900–1920, there took place an event unprecedented in all history—the mass emigration of 14,531,000 persons from Europe to the United States. Among the new immigrants, 75 per cent were from southern and eastern Europe. A fourth of these came from Russia. Only four per cent of all new immigrants could speak English.

Crowding into our cities and industrial areas, the immigrants created their own enclaves. Deep within them were fanatical minorities of revolutionary radicals whose entire outlook on life was predicated on hatreds, resentments and other traumatic emotional attitudes born of experiences in native European homelands.

In all history, no other nation ever absorbed so huge a group of aliens in such a short span of time. In 1900, the total population of our country was approximately 75,000,000; in 1920, the total was approximately 105,000,000. Thus within the period 1900–1920, almost half the 30,000,000 U.S. population increase was due to foreign immigration.

The alien revolutionary radicals in our midst during 1900–1920 formed their own foreign language press. Physically, they were in the United States, but intellectually and emotionally they were still in Europe. This was true of the Russian anarchist-communists Emma Goldman and Alexander Berkman, the Bolshevik Leon Trotsky, the Italian anarchist Carlo Tresca, the anarcho-communists Sacco and Vanzetti, and the Russian Nicholas Bucharin. There also were many radicals among the German, Jewish, Hungarian, Finnish, Latvian, Polish and other immigrants.

When World War I broke out in 1914, the alien radicals in the United States feverishly multiplied their activities and formed a closely knit alliance with native-born American socialists, communists and anarchists. In the alliance, Russian-born Morris Hillquit, Socialist candidate for Mayor of New York City and International Secretary of the American Socialist Party, was a leading figure.

On April 6, 1917, the United States declared war on Germany. Next day the Socialist Party of America met in national convention at St. Louis and a week later proclaimed:

"The Socialist Party of the United States in the present grave crisis reaffirms its allegiance to the principle of internationalism and working class solidarity the world over, and proclaims its unalterable opposition to the war just declared by the Government of the United States."

The Socialist Party then called upon workers in America to withhold their support from the nation's war effort. "As against the false doctrine of national patriotism," the Party declared, "we uphold the ideal of international working-class solidarity."

In many ways, most socialists in America, perhaps because their personal roots were shallowly planted in our native soil, were more international and radical than West European socialists, most of whom supported their own nation's aims in World War I and supported the concept of national patriotism.

It is a fact that historically, most native-born American socialists were far less patriotic than were their French, Belgian, German and Italian counterparts. Moreover, alien anarchists and radicals among new immigrants to the United States had no feeling of loyalty or patriotism for America, which they regarded merely as a place of temporary residence or a convenient physical refuge.

In testifying before the New York Legislature, "pacifist" Morris Hillquit said, "The only struggle which would justify the workers in taking up arms is the great struggle of the working class of the world to free itself from economic exploitation and political oppression."

Thus in the World War I period 1914–1918, the attitude of "pacifist" socialists, communists and anarchists was precisely the same as it is now in 1971 toward the Vietnam War: they were against all wars except wars for socialism. To express their hostility to World War I, the socialists allied themselves with the small minority of genuine religious pacifists in the United States and also with the far larger minority of "pacifists" objecting only to "capitalist" war.

Throughout World War I and immediately after it, socialists and alien radicals in our country posed a severe threat to its internal security. In 1917, when J. Edgar Hoover became a youthful U.S. Assistant Attorney General, there was no well-organized Federal investigative bureau in the U.S. Government, and no effective Federal group professionally equipped to deal with draft dodgers, saboteurs, *agents provocateur*, espionage agents and seditious aliens.

No nation in the world faced a problem similar to that posed in our own by the presence of millions of alien immigrants. Except for Constitutional provisions concerning treason and protective provisions of the 1903 Immigration Act as amended in February 1917, there was in April 1917 very little Federal legislation to guard the ntaional security.

On April 16, 1917, President Woodrow Wilson issued a proclamation reciting the acts which United States courts had declared treasonable. On June 15, 1917, Congress passed the Espionage Act which included the following section:

"Whoever when the United States is at war shall willfully cause or attempt to cause in subordination, disloyalty, mutiny or refusal of duty in the military or naval forces of the United States, or shall willfully obstruct the recruiting or enlistment service of the United States to the injury of the service of the United States, shall be punished by a fine of not more than $10,000 or imprisonment for not more than twenty years, or both."

In October 1918, as a result of violence perpetrated by revolutionary radicals, Congress amended the Immigration Act to include deportation of aliens advocating or practicing criminal anarchy and overthrow of the U.S. Government. In addition, many states enacted their own statutes against criminal anarchy.

All these internal security measures were branded as "infamous" by socials and were compared by them to the alien and sedition laws of 1798 that were allowed to lapse in 1800 and 1802.

Under the 1917 Espionage Act more than 2,000 Socialists were imprisoned during World War I; under the Immigration Act as amended in October 1918, hundreds of alien anarchists were deported after the war.

All Leftist writers describe the post-World War I period as one of American "hysteria" and "xenophobia." They minimize the revolutionary activities promoted in our country by agents of the new Bolshevik regime in Russia. Leftist writers minimize the acts of radical terrorism perpetrated by the I.W.W. and also the May-June 1919 bombings by anarchists that were aimed at killing prominent private citizens and high officials in our Federal, state and city governments. Leftist writers also minimize the tragedies that occurred in our country as a result of other acts of criminal revolutionary violence, such as the Wall Street bombing of September 1920 that killed 30 persons, injured 100, and did $2,000,000 property damage.

All Leftists described as "infamous" the raids conducted on Leftist radical organization headquarters and the roundup of aliens alleged to be radicals during the period 1919–1921 while A. Mitchell Palmer was U.S. Attorney General and William J. Flynn was chief of the Justice Department Bureau of Investigation. Because J. Edgar Hoover was in the Justice Department during 1917–1921, radical Leftists always have wrongfully accused him—through guilt-by-association—of partial responsibility for the inevitable excesses and a few injustices committed during wartime drag-net roundup of draft dodgers and during post-war "Red raids" and deportations.

Actually, the excesses and injustices were committed by untrained private volunteers whose services were urgently needed in carrying out protection of our internal security because the Justice Department Bureau of Investigation had only 400 special agents in June 1917, though it was loaded with huge responsibilities for massive undertakings.

Through first-hand observation, young Hoover was able to see what was lacking for the Bureau during the 1917–1924 period before he was made its Acting Director. He also was able to gain special insight into the real menace of Leftist radicalism which he assessed correctly as a major future danger to our nation's freedom.

PART II

Today very few Americans are familiar with the allegedly "infamous" Federal statutes as they existed in World War I and immediately thereafter. Today, too, very few Americans are familiar with the great basic judicial decisions rendered in U.S. courts in regard to the sedition and criminal anarchy cases.

Essentially, the problem they posed dealt with basic American interpretation of our Constitution and First Amendment. In the period 1917–1924, as later in the period 1947–1954, and again later in the period 1964–71, the distinction between liberty and license in interpretation of our First Amendment was paramount to our national security and essential to its protection by the Federal Bureau of Investigation.

Always and always, the socialists in our nation have had a vested interest in absolute license as the sole criterion for interpretation of the First Amendment. In the years 1917–1924, Americans were guaranteed liberty but not license in a series of Federal statutes and court decisions of utmost pertinence to present times.

The Immigration Law as amended in 1918 provided for the deportation at any time within five years after entry into our country of

"Any alien who at any time after entry shall be found advocating or teaching the unlawful destruction of property, or advocating or teaching anarchy, or the overthrow by force or violence of the Government of the United States or of all forms of law or the assassination of public officials."

The Act also made it a felony for "any person knowingly to aid or assist such an alien."

When Eugene V. Debs was arrested for violation of the Espionage Act in a speech he made at a public meeting to obstruct the enlistment or recruiting of Americans in the armed services, he claimed in court that he had merely exercised the right of a free citizen and that his utterances were protected by the First Amendment.

Unanimously, the Supreme Court upheld the conviction of Debs and Justice Oliver Wendell Holmes, in delivering the opinion, he declared:

"The main theme of the speech was Socialism, its growth, and a prophecy of its ultimate success. With that we have nothing to do, but if a part or the manifest intent of the more general utterance was to encourage those present to obstruct the recruiting service, and if in pasages such encouragement was indirectly given, the immunity of the general theme may not be enough to protect the speech."

Debs was sent to jail.

In the case of Scheneck v. the United States and Baer v. the United States, 249 U.S. 47, the Supreme Court upheld the U.S., and Justice Holmes delivered a celebrated opinion that should have remained forever as a national bulwark of fixed principle but was subsequently distorted by propagandists into a one-liner about "shouting fire." What Justice Holmes really said was:

"But the character of every act depends upon the circumstances in which it was done. The most stringent protection of free speech would not protect a man falsely shouting fire in a theater and causing a panic. It does not even protect a man from an injunction against uttering words that may have all the effect of force. (Gompers v. Bucks Stove & Range Co., 221 U.S. 418, 439.) The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent. It is a question of proximity and degree. When a nation is at war, many things that might be said in time of peace are such a hindrance to its effort that their utterance will not be endured so long as men fight and that no court could regard them as protected by any constitutional right."

In charging the jury which had listened to anarchists Emma Goldman and Alexander Berkman claim they were victims of a "political trial" and had merely exerted their constitutional right of free speech for urging disobedience to the Selective Service Law, Judge Mayer in the United States District Court said:

"This is not a trial of political principles. This cannot be turned into a political trial or state trial in the political sense. You are not to be misled by any effort to digress your mind from the real issue, which simply is, whether these defendants are guilty or not guilty of the crime charged in the indictment."

"This is not a question of free speech. Free speech is guaranteed to us under the Constitution. No American worthy of the name believes in else than free speech; but free speech means, not license, not counseling disobedience of the law; free speech means that frank, free, full and orderly expression which every man or woman in the land, citizen or alien, may engage in, in lawful and orderly fashion; and that free speech is guaranteed to us, and no court would deny it to anyone."

In the case of The People against Louis C. Fraina (a founder of the Communist Party of America in Chicago, September 1919), Judge Hough of the U.S. Circuit Court of Appeals of the Second Circuit denied the defendant's plea that it was an error to permit the jury to infer guilt from speeches that were "all words." In denying defendant's assertion that men cannot constitutionally and lawfully be punished for words, especially when the language relates to rights based on the moral sense, i.e., the "idealism of the non-religious conscientious objector," Judge Hough said:

"The free speech secured federally by the first amendment means complete immunity for the publication by speech or print of whatever is not harmful in character, when tested by such standards as the law affords. For those standards we must look to the common law rules in force when the constitutional rights were established and in reference to which they were adopted. By legislative action the boundaries of unpunishable speech have doubtless and often been much enlarged; but the constitutional limit remains unchanged, and what the legislature has done it can undo. Legal talk-liberty never has meant, however, "the unrestricted right to say what one pleases at all times and under all circumstances." (Warren v. United States, 183 Fed., at 721, 106, C.C.A. 156, 33 L.R.A., N.S. 800.)"

Probably the legal observations of the World War I period which are most pertinent to our contemporary 1971 situation were made in the U.S. Government's case against Roger N. Baldwin of the National Civil Liberties Bureau, a group which he reorganized in January 1920, after having spent a year in jail, into the American Civil Liberties Union.

In the case of Baldwin, the Court said:

"It would be impossible for me to convey to your mind successfully the point of view which I think is entertained by the great masses of the people, and which must be entertained by the courts and by those, such as the Department of Justice, who are charged with the administration of the law.

"In all that you have said, I think that you have lost sight of one very fundamental and essential thing for the preservation of that American liberty to which, by tradition, you feel you are genuinely devoted.

"A republic can last only so long as its laws are obeyed. The freest discussion is permitted, and should be invited, in the processes that lead up to the enactment of a statute. There should be freeest opportunity of discussion as to the method of administration of a statute by human beings, but the republic must cease to exist if disobedience to any law enacted by the orderly processes laid down by the Constitution is in the very slightest degree to be tolerated.

"That is, from my point of view, fundamental; that is essential not only from an ideal standpoint, but from a practical standpoint, and we should not be able, as I think most Americans think, to conduct what we regard as the government of the free people, if some individual, whether from good or bad motives, were able to successfully violate a statute duly, properly and constitutionally passed, because his own view of the statute might differ from that entertained by the lawmakers who had enacted the law, and the executive who has given it his approval.

"That, to my mind, is the foundation of our system; its perpetuity rests upon the obedience of the law.

"It may often be that a man or woman has greater foresight than the masses of the people; and it may be that in the history of things he who seems to be wrong today may be right tomorrow; but with these possible idealistic and academic speculations a court has nothing to do."

The extent to which Roger N. Baldwin and other American philosophical anarchists and radicals lost sight of the very tenets of government and were able during a half-century of persistent effort in our nation to undermine respect for law, order and decency. is clearly evident in the statement he made in 1920 on behalf of the American Civil Liberties Union to the New York State Joint Legislative Committee Investigating Seditious Activities.

Mr. Baldwin said:

"Expression of opinion, as we define it, includes any language unaccompanied by an overt act—that is, an act which in itself is a violation of the criminal law.

Language that is part of an overt or criminal act is part of the act itself and has nothing to do with the issue of free speech; but the language unaccompanied by such an act, even if the logical consequencies of it lead others to the commission of the act, is legitimately within our conception of free speech.

For instance, the advocacy of murder, unaccompanied by any act, is within the legitimate scope of free speech."

There it is!

There is the truly infamous interpretation of our First Amendment which has come to prevail in our country after the period 1953 1969 during which the Supreme Court, under Chief Justice Earl Warren, struck down one after another of our internal security laws in what are known as "the Communist cases" and thereby thrust upon the Federal Bureau of Investigation an almost insuperable task of effective counter-intelligence and of effective internal security protection.

In 1920, the New York State Joint Legislative Investigating Committee, after having studied Baldwin's statement and a mass of ACLU documents, declared in an official report:

"While the Constitution of the State of New York guarantees the right of free speech, it also contains the warning that the citizen may exercise it "being responsible for the abuse of that right." The effect of the activities of the American Civil Liberties Union is to create in the minds of ill-informed people the impression that it is un-American to interfere with the activities of those who seek to destroy American institutions. They seek to influence legislators and executives to repeal or veto any act calculated to protect the States or the Federal government from the attacks of agitators....

The American Civil Liberties Union, in the last analysis, is a supporter of all subversive movements, and its propaganda is detrimental to the interests of the State."

In organizing a People's Council to imitate the new Workmen and Soldiers Councils in Russia, August 1917, Roger N. Baldwin—an outwardly charming liberal but inwardly deceitful conspirator—wrote a letter to Louis P. Lochner that perfectly illustrates the duplicity of Leftist radicals in our country throughout this century. "Do steer away from making it look like a Socialist enterprise," wrote Baldwin. ". . . We want also to look like patriots in everything we do. We want to get a lot of good flags, talk a good deal about the Constitution and what our forefathers wanted to make of this country and to show that we are fellows that really stand for the spirit of our institutions."

From the very inception of Bureau of Investigation operations under J. Edgar Hoover, who always opposed all kinds of extremist activities conducted in violation of U.S. law, the American Civil Liberties Union continually tried to discredit Hoover and the F.B.I.

Ever since July 1919, when a Left Wing split away from the Socialist Party of America to form a Communist Party patterned after the Russian one, the CP in the United States has waged permanent propaganda war against the investigative subdivision of the Department of Justice. Likewise other Leftist civil liberties groups in the 1950's and 1960's—the pro-Communist Emergency Civil Liberties Committee and its expanded National Emergency Civil Liberties Committee—have waged ceaseless propaganda warfare against the F.B.I. and Mr. Hoover, though the latter are genuine protectors of our liberties from subversion by revolutionaries and criminals.

PART III

Each time in our century that the United States has been at war, as, alas, it has been several times, the Communists, Socialists and anarchists have formed coalitions to protect Marxist interests. In World War II, the Korean War and Vietnam War, all Marxists bitterly opposed J. Edgar Hoover for supporting American interests rather than international Marxist ones.

On September 6, 1939, five days after Nazi Germany invaded Poland and World War II began, President Franklin D. Roosevelt, completely confident of Hoover's efficiency and integrity, issued a proclamation that greatly broadened F.B.I. responsibility for national security.

On January 5, 1940, Mr. Hoover went before the House Subcommittee on Appropriations to make his annual report on how the F.B.I. had used the taxpayers' money, and he explained that when broadened responsibilities for security were assigned to it, "we organized . . . the General Intelligence Division, which will have supervision of espionage, sabotage, and other subversive activities, and violations of the neutrality regulations." Mr. Hoover continued:

"We have also initiated special investigations of persons reported upon as being active in any subversive activity or in movments detrimental to the national security. In that connection, we have a general index, arranged alphabetically and geographically, available at the Bureau, so that in the event of any greater emergency coming to our country, we will be able to locate immediately those various persons who may need to be the subject of further investigation."

Don Whitehead, Pulitzer prize winner and chief of the Washington bureau of the *New York Herald Tribune*, wrote in "The F.B.I. Story—A Report to the People" (Random House, New York): "Hoover's statement was like the steel point of a dentist's probe touching an exposed nerve in a decayed tooth. The reaction was violent."

The first attack came from a radical Leftist, the pro-Communist New York Congressman Vito Marcantonio, who declared on Capitol Hill about Hoover's security preparations that "two facts become obvious: First, we are preparing a general raid against civil rights, a blackout of the civil liberties of the American people, a system of terror by index cards such as you have in the Gestapo countries of the world; second, we are engendering a war hysteria which is a menace to the peace of the United States."

What happened?

Now in 1971, some people have very short memories and others, being too young, have no memories of World War II and little historical knowledge of it.

In 1940, Nazi Germany and Soviet Russia were allies owing to the Hitler-Stalin Pact.

On February 6, 1940, a group of Communist leaders met in Washington to make plans for a propaganda campaign against Hoover and the F.B.I. They decided that the campaign should have two principal phases: (1) an attack on the Bureau as a violator of civil liberties and (2) a personal attack on Mr. Hoover. Writers sympathetic to communism were assigned to carry out the second phase; persons friendly with Leftist members of Congress were chosen to carry out the first phase by endeavoring to obtain Congressional restrictions on F.B.I. activities.

On December 7, 1941, the Japanese attacked Pearl Harbor and the Philippines, and declared war on the United States. Next day, we declared war on Japan. On December 11, 1941, Germany and Italy declared war on the United States. A few hours later, we declared war on them.

Then what?

A great emergency did indeed come to our country. But, due mainly to the F.B.I.'s alphabetical and geographical index of persons reported upon as being active in subversive activity or in movements detrimental to the internal security, many potential internal enemies of our nation were taken into protective custody and no major act of sabotage was perpetrated within our nation.

From the George Washington Bridge in New York City to the Golden Gate Bridge in San Francisco, not a single vehicular approach to our big cities, not a tunnel, harbor, railroad or airport in the nation was destroyed by sabotage!

And, it must be remembered, all during the period September 1939 to June 22, 1941, when Nazi Germany suddenly attacked the Soviet Union, many Nazis and Communists within the United States were working together in all kinds of propaganda and political activities. It was only after Hitler launched a sudden attack on the Soviet Union that the Communist Party, U.S.A. switched away from a "pacifist" position regarding possible U.S. entry into the war in Europe. In the eyes of CP members and their fellow-travelers, World War II was merely a capitalist war from 1939 to June 22, 1941; then, when the Soviet Union was attacked, the war immediately became a "people's war." From that moment the CPUSA urged our country to get into the war and to open up in Western Europe "a second front" against Hitler.

The Communist tactics never for a moment fooled J. Edgar Hoover. He knew that though the Soviet Union was allegedly our "ally" in World War II, it would turn into our bitter enemy the moment it was over. In his book "Masters of Deceit,"* Hoover later exposed every facet and tricky angle of Communist strategy and tactics inside and outside the United States.

Unfortunately, in World War II, most Americans didn't know what the Reds were up to and neither did many of our highest government officials. And so, in 1947, only two years after VE and VJ days, the United States found itself in a Cold War with the Soviet Union and President Truman was forced to send economic and military aid to Greece and Turkey to rescue those nations from Communist conquest.

Three years later, on June 25, 1950, the Communist North Koreans suddenly attacked the Republic of South Korea. On June 27, President Truman (acting in support of demands made by the United Nations Security Council, with the Soviet Union absent) ordered General Douglas MacArthur to aid South Korea and sent the U.S. Seventh Fleet to protect Formosa against aggression by Communist China.

Once again, J. Edgar Hoover and the F.B.I. had to shoulder enormous burdens to protect U.S. internal security. But, as everybody over thirty knows today, there were no mass internments in our country and there was no "system of terror by index cards."

Meanwhile, in the period 1948–1952, the American people learned about Communist subversion the hard way. The F.B.I. figured prominently in the perjury-espionage case of Alger Hiss, in the espionage cases of Julius and Ethel Rosenberg, and the conviction of eleven top U.S. Communist Party leaders for advocating violent overthrow of the U.S. Government, all of which convictions were uphold by the U.S. Supreme Court in 1951.

In addition, the contempt of court sentences meted out to five defense attorneys in the case of the Communist Party leaders were upheld by the Supreme Court in 1952.

Friends of the radical Left and many prominent men and women, who were successful in their fields of endeavor but were naive or muddleheaded in political and foreign affairs, immediately launched another campaign of vilification against the F.B.I. and Mr. Hoover.

In the *New York Times Magazine*, February 16, 1954, for example, Lord Bertrand Russell declared in an article "The Corroding Effects of Suspicion":

"The people of Moscow are proud of their subway and are persuaded that there is nothing analagous in capitalist cities. If you assure them to the contrary, they merely pity your ignorance. The F.B.I. has a similar attitude toward nuclear physics and opposes visas for all European physicists, with the result that international congresses of men of science can no longer be held in America."

Bertrand Russell's statement was, of course, a scurrilous whopper. Almost all outstanding European nuclear physicists freely visited our country to take part in scientific conferences. It was the U.S. Government, not the F.B.I., that barred a few Communist scientists from our shores. What Bertrand Russell really sought was admission to the U.S. of Red Chinese and Soviet nuclear scientists. When he was unable to accomplish this, he formed an alliance with Dr. Linus Pauling and with Cyrus S. Eaton, wealthy Canadian-born industrialist in Cleveland, and together they organized the First Pugwash Conference of nuclear scientists and others at Eaton's home, Pugwash, Nova Scotia, July 1957. There, in defiance of the U.S. Government, not of the F.B.I., some American scientists conferred with Red Chinese and Soviet opposite numbers.

In May 1958, the $15,000,000 Fund for the Republic (created but later disavowed by the Ford Foundation) sponsored a Mike Wallace TV show in which Cyrus Eaton scurriously attacked the FB.I., the C.I.A., Secretary of State John Foster Dulles and J. Edgar Hoover. Parroting the Communist Party line that the F.B.I. was like "Hitler's Nazi Gestapo," Eaton declared, "There are no Communists in America to speak of except in the mind of those on the payroll of the F.B.I."

Concerning the Eaton broadcast, the *Omaha World-Herald* commented editorially, May 10, 1958:

"He has strange likes and dislikes, does Cyrus Eaton. . . . John Foster Dulles is "a petty tyrant" in Cyrus Eaton's view, but the Soviet Ambassador to Washington was his (Eaton's) recent house guest (at his country estate in Ohio)."

The campaign against the F.B.I. and Mr. Hoover went on unabated all during the 1950's. On June 18, 1958, the Communist-front Emergency Civil Liberties Commitee held a "victory celebration" at the Hotel New Yorker in Manhattan to laud Supreme Court decisions in the "Communist cases," decisions of the Court, under Chief Justice Earl Warren, that severely impaired our national security and laid the groundwork for the kind of rampant, violent revolutionary radicalism in our country that culminated in the Berkeley rebellion at the University of California in 1964.

At the ECLC victory celebration, Corliss Lamont, vice-chairman, boasted, "Step by step, the Supreme Court has enacted all the measures in the program of our Committee. But we must not act as if the whole fight has been won. The next step is against the F.B.I.—the Federal Bureau of *Intimidation* under that man J. Edgar Hoover."

On February 1, 1959, Edward J. Mowery, Pulitzer Prize winner and feature writer for Newhouse Newspapers, wrote a series of eleven articles documenting the entire Communist-led attempt to discredit Mr. Hoover and the F.B.I. Mr Mowry wrote:

"Americans are witnessing a brazen and unprecedented attack from a number of apparently diverse sources upon the Federal Bureau of Investigation and J. Edgar Hoover. . . . It has two goals: (1) To capture the F.B.I. when the 64-year-old Hoover steps down—or render it impotent; (2) to harass or halt the F.B.I.'s round-the-clock investigations of subversions.

"The campaign received its initial impetus on September 20, 1957, in New York City when the Emergency Civil Liberties Committee launched a nationwide anti-F.B.I. drive with a 'barnstorming tour' earmarked for 22 cities.

"The Committee (ECLC) has been cited by the Senate Internal Security Subcommittee on a Communist front."

On February 5, 1961, the *New York Post* carried a column datelined Washington, D.C. by William V. Shannon who attacked President John F. Kennedy and U.S. Attorney General Robert F. Kennedy for having "thus far touched nothing labeled 'security.'" Columnist Shannon went on to allege, "Our civil liberties cannot be restored to their full vigor as long as J. Edgar Hoover remains as head of the F.B.I."

Shannon's column was widely distributed by the Emergency Civil Liberties Committee which was waging an "abolition" campaign against the House Committee on Un-American Activities (later, House Committee on Internal Security), against the Senate Internal Security Subcommittee and against the F.B.I. Openly, Dorothy Marshall of the ECLC boasted of visits by its members to Senators and Representatives in Congress in behalf of the ECLC "abolition" campaign.

It went on and on.

In August 1962, W. H. Ferry of the Fund for the Republic launched into a vitriolic attack against Hoover and the F.B.I. at the Democratic Party's Western States Conference, calling Mr. Hoover "the indubitable mandarin of anti-communism in the United States." Ferry dismissed as "sententious poppy-cock" Mr. Hoover's warning to the nation about Communists' capacity to pervert our thinking and destroy the spiritual supports forming the foundations of our freedom. Ferry accused Mr. Hoover of throwing the American people and Congress "into a trance."

President Kennedy and Attorney General Kennedy were outraged by Ferry's remarks and embarrassed that a Democratic Party conference was the scene of Ferry's unfounded attack. Immediately, Robert Kennedy apologized publicly to Mr. Hoover for the insults offered to him and the F.B.I. Robert Kennedy went on to describe as "badly informed" those persons who dismiss the problem of Communist espionage in our nation as non-existent or inconsequential, and he said these persons "perform a disservice to the nation." In addition, Mr. Kennedy reminded Americans that the U.S. Supreme Court had declared the Communist Party U.S.A. to be dominated and controlled by the Soviet Union.

How great, really, are the historical ironies of our times!

President Kennedy was assassinated in 1963 by Lee Harvey Oswald, a Marxist and member of the pro-Communist Fair Play for Cuba Committee.

Senator Robert F. Kennedy was assassinated in 1968 by Sirhan Sirhan, an alien living in Los Angeles who wrote in his diary, "I am a Communist, I am a Communist, I am a Communist."

To think that less than a decade after Robert Kennedy apologized to Mr. Hoover for attacks made on him at a conference of the Democratic Party, the House Democratic leader, Congressman Hale Boggs of Louisiana, would use his position to join, on April 5, 1971, in an all-on-the-same-day, triple-pronged concerted attack on Mr. Hoover that took place in the House, in a vulgar full-page *Life Magazine* newspaper ad against "The Emperor of the F.B.I.," and in front page articles in the *Washington Post!*

Rep. Boggs accused Mr. Hoover—in precisely the same manner as the discredited Rep. Marcantonio had done 31 years earlier—of establishing "a Gestapo" in our country. Like his predecessor, Rep. Boggs attributed to Mr. Hoover the initiation of actions which he and the F.B.I. were ordered to undertake by Congress itself.

Thus Rep. Boggs accused Mr. Hoover of stationing F.B.I. agents on campuses to spy on students and faculty members. Actually, Mr. Hoover has done nothing of the kind. After the Kent State University shootings and the bombing at the University of Wisconsin, Congress ordered the F.B.I. to make campus investigations and it gave the F.B.I. additional funds to hire the special agents required for extra duty in investigating arson, bombings and destruction of Federal properties on campus, including research and ROTC centers.

On April 5, 1971, Rep. Boggs made the unfounded accusation that the F.B.I. was wiretapping Congressmen's telephones. Immediately, U.S. Attorney General John N. Mitchell branded the wiretapping charges as "false" and said Mr. Boggs "should know it is false." The Department of Justice knows what's what in cases of F.B.I. wiretapping because all of it, and there is very little of it, must be authorized by the Department of Justice.

Attorney General Mitchell said:

"Let me repeat categorically: the F.B.I. has not tapped the telephone of any member of the House or Senate, now or in the past. In comparing the F.B.I. to Hitler's Gestapo, Mr. Boggs has reached a new low in political dialogue. He should recant at once and apologize to a great and dedicated American and the men and women who have made the F.B.I. the finest investigative organization in the world."

The plain fact is that under our form of government the F.B.I. has not been, is not, and never can be a "Gestapo." Though there always have been public and congressional outcries in time of national crisis for enlarging the powers of the F.B.I., it is J. Edgar Hoover himself who has steadfastly shunned any distortion of its subordinate and purely investigative role.

In our country, every single activity of the F.B.I. is controlled by laws enacted in a Congress whose members are freely elected by American voters casting a secret ballot. The Director of the F.B.I. is appointed by the President of the United States who is himself elected by the people. Every aspect of our national security program is controlled by Congressional legislation and appropriation. Thus our security program expresses the will of the people and is the diametric opposite of a secret police security program controlled by a dictatorship.

On August 24, 1967, Tom O'Brien of the *Santa Barbara News-Press* reported under the headline "University Destruction":

"A master plan of how best to destroy the American university system as it is today seemed to be the goal as a conference of militant student leaders and ex-students opened yesterday at the Center for the Study of Democratic Institutions (funded by the Fund for the Republic). The participants were described by the Center as all having been prominent in demonstrations and movements within their universities."

Mr. O'Brien further reported, "Devereaux Kennedy, student body president at Washington University, St. Louis, Mo., called for outright revolution and overthrow of the United States Government. He advocated terrorism on such a scale that it would 'demoralize and castrate America.' "

During the years 1968–1970 that terrorism very nearly did demoralize and castrate America. Today all thoughtful, patriotic and law-abiding Americans are relying heavily on the F.B.I. to prevent any reoccurrence of that terrorism.

In historical perspective of our century, our United States of America has constantly been in danger of demoralization and of destruction by internal enemies.

Since 1924, J. Edgar Hoover has fulfilled all the duties originally laid on his shoulders by Supreme Court Justice Harlan Fiske Stone. Today Mr. Hoover is seventy-six years old and has given more than half a century of distinguished service to our nation in the cause of justice and freedom. Charged by Presidents and by Congress with the awesome duty of protecting our national internal security, Mr. Hoover has faithfully carried out his duty under most difficult circumstances.

Many years ago, the Reverend Paul Curry Armstrong preached at St. Thomas Chapel in New York City the sermon, "Greatness *is* gratitude."

Surely the American people are great enough to be grateful to J. Edgar Hoover who, within himself, is an embodiment of a lifetime American warranty of integrity.

CONGRESSMAN DINGELL OPPOSES THE SO-CALLED EQUAL RIGHTS AMENDMENT FOR WOMEN

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. DINGELL. Mr. Speaker, I insert into the CONGRESSIONAL RECORD an excellent statement given by Mrs. Myra K. Wolfgang before the Judiciary Committee of the House of Representatives, March 31, 1971, in opposition to the so-called equal rights amendment for women.

Mrs. Wolfgang is vice president of the Hotel and Restaurant Employees and Bartenders International Union and is a militant trade unionist and battler for the rights of the workingwoman.

Her excellent statement tends to give a measure of balance to the real situation afflicting workingwomen, housewives, widows, and retirees on passage of the equal rights amendment. The statement follows:

TESTIMONY ON WOMEN'S EQUALITY ACT AND EQUAL RIGHTS AMENDMENT

My name is Myra K. Wolfgang. I reside in the City of Detroit, State of Michigan. I am an International Vice President of the Hotel and Restaurant Employes Union AFL–CIO and Secretary-Treasurer of its Detroit Local 705. I represent the interests of service workers, both organized, and as a member of the Michigan Minimum Wage Board, unorganized as well. I have been a member of the Mayor's Committee on Human Relations and at the present time am serving as a member of the Michigan Women's Commission (formerly known as the Governor's Commission on the Status of Women) since its inception having been appointed by Michigan's last 3 Governors, Democrat and Republican. I am grateful for the opportunity of appearing before you and wish to thank the Committee for holding these hearings.

Hearings are particularly necessary since your body voted for the passage of a bill similar to H.J. Resolution 208, now under consideration, in the last session of Congress. You did so without hearings and with a brief floor debate, giving the proponents of the Bill 45 minutes and the opponents 15 minutes. Since you were told by the Bill's sponsor in that very brief discussion that the proponents of the Equal Rights Amendment are seeking a "psychological uplift" for women, I am, indeed, happy to have this opportunity to discuss the heavy price the unskilled, untrained non-professional woman is being asked to pay for that "psychological lift."

In previous testimony before the Senate Judiciary Committee, I stated that the best road to travel to achieve the equality we all seek would be the "specific bills for specific ills" approach. H.R. 916 makes such an attempt. I will discuss it in greater detail after I first state my opposition to the so-called Equal Rights Amendment, and to H.J. Res. 35, 208, and 231.

I oppose adoption of the so-called Equal Rights Amendment since I believe that the adoption of the Amendment would jeopardize existing labor laws and standards that apply to women only.

I oppose the so-called Equal Rights Amendment because I do not believe that it will solve the problems of sex discrimination.

1. It will not bring about equal pay for equal work, nor guarantee job promotion free from sex discrimination.

2. It does not apply to the private sector of the community where the greatest amount of discrimination exists.

3. It is excessively sweeping in scope, reaching into the work force where "equality" cannot always be achieved through "identity of treatment". Not all laws are necessarily discriminatory, nor should all laws containing different provisions for men and women be abolished.

The contention of the optimistic proponents of the Equal Rights Amendment that the vulnerable woman down at the bottom of the ladder will in the long run be pulled up by the Equal Rights Amendment is outrageously optimistic.

Unfortunately, the only way to go is not up. Far more likely, a good many women would be forced off the job ladder altogether, preferring the purgatory of existence on Aid to Dependent Children (ADC) to the hell of back-breaking, home-wrecking compulsory overtime—overtime that would be required if state protective legislation is abolished.

The pie in the sky so generously proffered by the advocates of the Equal Rights Amendment must seem like a cruel joke to women who have no hope of reaching it. Just try telling a woman obliged to work a 60 or even a 70-hour week, as well as meet her family responsibilities, that the Equal Rights Amendment should boost her "morale, aspiration and fighting spirit".

The middle-class supporters of the Amendment make the mistake of thinking that sweat-shops belong to the past. This is not the case. Profit is still the name of the game—just as it was in the heyday of laissez-faire. It is legislation and labor unions, not any notable improvement in employer morality that has created better working conditions today than we had a century ago.

Witness what happened when Michigan's 54-hour a week law for women was temporarily suspended in the late fall and winte of 1967–68: the Chrysler Corporation, to be specific, immediately initiated excessive overtime for women—a 69-hour week—which resulted in some women literally dropping from exhaustion and having to be carried out on stretchers.

This is not my idle appraisal, this is sworn testimony of witnesses in the case of Stephanie Prociuk vs the State of Michigan A meat packing company, to be specific, the Glendale Meat Packing Company, began requiring its women employees to work a 70-hour week in a refrigerated room where temperatures ranged from 32 to 40 degrees. If these women are not already arthritic, they will become so working under such conditions.

This inhuman bondage took place, not at the turn of the century, but in 1968 and should give us a glimpse of the havoc that would be created if existing state protective legislation was swept off the books.

Hours limitation laws for women were provided them as a shield against obligatory overtime permitting them to fulfill their responsibilities as wives and mothers and *still continue* in the work force. While all overtime should be optional for both men and women, it is absolutely mandatory that overtime for women be regulated because of her dual role.

This doesn't sound like the testimony you heard last week from the spokesman from the A.C.L.U. Mr. Norman Dorsen. He testified, as did Congressman Abzug and Congressman Ryan's staff member, Jean Faust, that women are bringing suit to escape from the protection of such legislation. Some are, many aren't. They predicted that if the so-called Equal Rights Amendment is ratified, the benefits enjoyed by women in protecting themselves from excessive overtime *"would be* extended to both sexes". But, that's not what happens. The facts are that only compulsory overtime has been extended and that's equality of mistreatment. Those witnessed told you that protective laws "are a fraud and sham". That they are fast becoming "a red herring". Gentlemen, the exhausted Chrysler working mothers didn't think so, those shivering meat packers know different. Michigan's working women knew that they were covered by a law albeit inadequate, that guaranteed their getting home in time to fulfill their roles as mother and housewife. Those witnesses, gentlemen, are as far away from reality as Neil Armstrong was from earth when he stepped out onto the face of the moon.

Any witness who tells you that the passage of the so-called Equal Rights Amendment will not "invalidate any of the necessary protection and benefits that have been extended to women by statute" is getting their pot from Shangri La.

Many of those witnesses said that the question of the impact of the Equal Rights Amendment on protective hours legislation is a moot one, since several court decisions and State Attorneys rulings have said that such laws are superseded by Title VII of the Civil Rights Act of 1964. They are wrong. They do not take into account that hundreds of thousands of women are not covered by Title VII since they work for employers of less than 25 persons. To strike down as conflicting with Title VII all maximum-hour legislation for women only, is by no means the way to achieve equality. A much more sensible way would be to extend such laws to men.

But to promise an unsuspected electorate that passage of the so-called Equal Rights Amendment will extend hours protection to men, is as wrong as the promise was of a chicken in every pot and a car in every garage.

How strange, that the women who are rarely called upon to work overtime speak of a 60 or 70 hour week as a privilege. Excesive overtime for either men or women is a unishment, not a privilege. Overtime is sually agreed to by the worker for fear of ismissal or to solve dire economic problems aused by inflation and the ever-increasing ost-of-living. Equalizing to the lowest deominator is not the answer, it increases xploitation as it has in other Michigan ndustries.

In addition to the previous instances entioned—the Hostess Baking Company in etroit (a subsidiary of the I.T.T.-Continenal) eliminated their 3 shifts and instituted 2-shift day, after our Attorney General ullified the hours law. This meant that omen were scheduled to work from 12 to 4 hours per day. I'm talking about Septemer 1970, not the turn of the Century!! There ere no men working in the bake rooms of his plant so the increase in work hours asn't a question of equal application of he law. It was solely a question of an emloyer taking advantage of an Attorney Genral's ruling. This is another example of inreased exploitation. I could give many more.

Those who say exploitation is a thing of he past are no doubt referring to life as hey see it, in their professional Ivory owers. Exploitation is real in 1971, bitterly eal to women who are compelled to work exessive overtime. In addition, hundreds of housands of women workers are not covered y the Fair Labor Standards Act and thereore are not even paid any premium pay for vertime worked. In fact, the entire hotel nd restaurant industry is excluded from the vertime provisions of the Fair Labor Standrds Act; only those workers covered by nion contracts receive premium pay for vertime worked.

I am sure you realize that time and one alf is no longer a deterrent to overtime. It s more economical for employers to schedle overtime than to hire new workers.

Those who are urging the nullification of rotective labor standards are playing the mployers' game. Whether they are doing it n the name of equality, or whether they are oing it because of conservative commitment, it is treachery and has the same disstrous effect on the working woman.

Anyone who tells you that the employers f this nation will not jump at the opporunity to work their workers as much as hey can are kidding you. That's the best ay they know how to avoid giving pay raises o offset the rising cost-of-living—more hours nd more hours and more hours—forget omen's home responsibilities. It is this unimited work week which will lead more womn out of work force than the Pied Piper ed Hamlin's rats.

Gentlemen, the women of America need to ork, want to work and will work but not t the expense of their children, their husands or their marriages.

Protective legislation was won by working omen, for the protection of working women nder the leadership of courageous women rusaders who knew that true equality didn't ean sameness of treatment or equality of istreatment.

I find it strikingly inconsistent that the ouse floor leader of this Adimnistration, hat wouldn't approve a bill to extend equal ay for equal work to executive, professional nd administrative women in the last session f Congress, spoke on the same floor in suport of the Equal Rights Amendment and aid: "This Amendment will give women hose most valued of rights—the right to a ob—to a promotion—to a pension—to all ringe benefits of any job".

Congressman Ford, Gerald not William, cerainly must know that the only employment he Amendment will have any effect on, is ublic employment—Federal and State. It oes not affect the private sector. Such inensitivity and inaccuracy is matched only y those who say "no one is compelled to ork overtime if they don't want to—women houldn't be treated like children."

Employers exercise controls over the unskilled and service workers that make protective laws as needed now as when they were first enacted. What is more, collective bargaining, as an instrument of balance between employer-employee relationships, is a non-existent factor for the majority of women in the work force who remain organized.

Voluntary overtime is rarely controlled by collective bargaining. The demand against compulsory overtime was one of the first dropped in the recent GM–UAW negotiations. Certainly no one can charge that the UAW was lacking in militancy, force or power. Yet, even after a crippling strike, the Union could not do away with the compulsory overtime. Those who say "if you don't like the job then why don't you quit" should have an alternative to suggest to the person of meager income who must work and cannot quit.

Equality for some women should not entail misery for others. The woman executive who wants to work long hours is a far cry from the average working woman, for whom compulsory overtime can be both back-breaking and home-wrecking. The woman who must choose between neglecting her home and family by working excessive overtime or quitting her job to go on welfare, is certainly not "free" in any real sense of the word. It is such a choice the proponents of the so-called Equal Rights Amendment will be obliging many of the lower-paid women workers, who they so facetiously refer to as "sisters", to make.

I have read with interest the rationale behind the Equal Employment Opportunity Commission's August 1969 guideline. It states: "hours of work have ceased to be relevant to our technology". Now this is simply not true, just what has technology done for service workers? Without protective legislation the unorganized service worker may be asked to "stand on her feet" for 10 and 12 hours a day. Has technology given her an extra set of feet? Tell the unorganized hotel maid making beds and changing linens, that economic progress has made labor standards legislation obsolete—she may well ask you if people are now sleeping standing up!!

Many of today's feminists who support the so-called Equal Rights Amendment state the role of mother and her need at home is exaggerated, therefore, regulated hours are not warranted. They assure you that many children are suffering from too much "momism". Gentlemen, it is not a question of too much "momism." I'm concerned with too little "momism." I'm concerned with the problems of many waitresses whom I personally know, who had to leave their jobs—and mind you, they were working just 8 hours a day—to be with their 13 or 14 year old daughters who were desperately in need of supervision and parental care. One of these harassed working mothers discovered that her home was being used by her 15-year old daughter as the "Place" to go after school hours for "pot parties."

We are on the threshold of the worst drug epidemic (in the sociological sense) that our Country has ever known, affecting young teen-agers from all classes in our society, much of it caused by lack of parental supervision. I am a Consultant of SHAR, a Detroit based effort to help cure narcotics addiction. Self Help Addiction Rehabilitation spells SHAR, pronounced share. I frequently see the results of "too little momism" there. Nevertheless, the super-feminists have now jointed Portnoy in his complaint and say what is needed is more "popism."

More popism! What "popism" can there be for children of divorced women, widowed mothers, abandoned wives and unwed mothers. Such a mother has strong obligations at home for she is both mother and father to the child and its sole-support. Such women should not be forced by economic circumstances to work excessive hours, for rare indeed, is the mother who abandons her children while the father who "walks out" on both wife and child is not unusual.

The number of unwed mothers in this Country is increasing, according to Dr. Clark E. Vincent in his book "Unmarried Mothers", a compilation of studies published in the "American Journal of Sociology" and the "American Sociological Review". His studies also point out the contrast in judging the behavior of unmarried fathers and unmarried mothers. Although the father is half the cause of illegitimacy, the ratio of studies of unwed fathers to unwed mothers is approximately one to twenty-five. The father is considered less of an important research project simply because it is so difficult to recognize him. The mother's participation is made obvious by a protruding profile—evidence hard to conceal. The father bears no outward signs, his accessory role must be proved. It is easy for the male to maintain his anonymity if he chooses. No Equal Rights Amendment will ever alter that fact. Studies further show that the unwed mothers who keep their children come from families of lower socio-economic status, working in semi or unskilled jobs.

I resent the cavalier way that some of the proponents of the so-called Equal Rights Amendment handle the question of maternity legislation. Equal Rights Amendment supporters who recently testified before the Senate Judiciary Committee correlated the need for maternity legislation with paternity legislation. Could they possibly be serious!! Are the functions the same? The fathers contribution to the blessed event is the act of impregnation followed by the ritual of passing out cigars nine months later, dutifully announcing "it's a boy" or with bowed head "it's a girl." While the mother, in addition to the many problems of pregnancy, some disabling, loses an average of 20% of her blood in delivery. Some difference! !

Since we persist in killing off our men in wars, the growth of the female population is exceeding that of the male by about 100,000 a year. The number of divorced women who do not remarry is more than 30% larger than that of men in same situation. There are over 8 million widows in this Country. The widow is almost totally helpless in this situation, for rare, indeed, is the man who agrees to become the married ward of a built-in family.

What is more, we are now living in a three-generation society. In many households, the working wife is the mother, caring for her children, and the daughter, caring for aged parents, as well. It may be true that "father knows best" but where in the devil is he? That question is being asked by an increasing number of women.

Senator Birch Bayh when opening the Senate Judiciary Committee hearings on the Amendment stated that the purpose of the hearings was to create grass-roots support for passage of the so-called Equal Rights Amendment. The hearings were held in early May. What support have the hearings generated since then? A recent edition of McCall's Magazine reveals the results of a poll on the question of Women's Liberation. When asked Do You Think Young Children Need A Full-Time Mother?—76% of those questioned answered yes. When asked Do You Think That Women Should Be Drafted?—73% answered no. When asked Do You Think All-Male Clubs And Bars Should Be Abolished?—83% of those questioned answered no.

Ponder this when the proponents of the so-called Equal Rights Amendment appear before you to remind you (with political overtones) that women are 51% of the population. McCall's Magazine also recently compiled a list of State laws that "discriminate" against women. Listed were family support laws. It is very doubtful that women would agree that a family support law is a curtailment of their rights. Divorced, separated or deserted wives struggling to support themselves and their children may find their claims to support even harder to enforce than they are right now, with the passage of the proposed Equal Rights Amendment. Can it be said that the treatment everywhere accorded to wives regarding support is a manifestation of male oppression or chauvinism or domination?

An Equal Rights Amendment that prohibits any legal differentiation between the sexes compresses all relationships into one tight formula. This can't be done. There are many laws that now differentiate, and indeed they should.

Virginia R. Allan, Chairman, President's Task Force, has assured you that the passage of the Equal Rights Amendment would *"enable* women to share with men the responsibilities of family, community, and nation. *Too long* (she continues) have men borne the total burden themselves without the full partnership of that other half of the population".

To give credence to such a statement, we have to blind ourselves completely to the realities of life in our society. Some of the upper-middle-class feminists who talk about the "shared-roles" ideology, may be able to brow beat their husbands into sharing some of the "responsibilities of family"—perhaps even into sharing some of the less delightful tasks arising out of that responsibility, like floorscrubbing and dishwashing, and if they fail in this ploy, they can always hire another woman to do the housework, for them.

But let's face it—the "shared roles" ideology is just an ideology as far as most women are concerned. The average working mother and homemaker is going to be doing her outside job as well as meeting her family responsibilities. She will have little or no help at her second job at home. If she has a husband at home—and is not widowed, divorced, separated or unmarried, as many working women are—she will probably not find him very eager to put on an apron and do dishes, or to bathe the children, or to cook dinner, or to do the laundry. Unjust this may well be—it's the way things are. If you think you're going to "enable" women to share their roles by an Equal Rights Amendment, better first ask the average husband how he feels about housework. All the Equal Rights Amendment will do, in most cases, is make the role of the working women harder, by removing the legislation that protects her in outside employment and sending her home to her second job exhausted.

Representative Mikva notes that the "underlying social reality" of the male as provider and the female as child-bearer and rearer has changed, indicating a change is needed in the laws. But just how much, and in what way, has this change taken place?

To be sure, more women have entered the work force—often functioning as sole provider for their family. *But the woman still is the one who bears primary responsibility for the home and children.* She now has two jobs. To me, this indicates she needs more protection—not less—in order to successfully play the dual role modern society demands of her. This is the true reality—the *dual* role of women—not the illusionary "shared-role" some of our feminists are talking about.

As some feminists seem to have it, any difference is a discrimination. If this be the case, women are damned from birth. No Equal Rights Amendment will alter one whit the basic biological differences between men and women. Nor, unless we are foolish enough to imagine we can restructure in one broad sweep our entire society, will it alter the traditional role of woman, not only as the bearer of children, but also as the one primarily responsible for their care, their growth, and development. This being the case, "sameness" of treatment will never result in true equality.

Senator Sam Ervin recently noted, and it deserves repeating, that in the State of North Carolina, any man sexually molesting a female under the age of 14 is guilty of statutory rape, punishable by death. A woman molesting a boy under the age of 14 is guilty of misdemeanor, punishable by 90 days imprisonment. The reasons are obvious—pregnancy may follow the rape upon the girl. The effects of molestation upon the boy are either a pleasant or unpleasant experience. But come "equality" which law will apply? Which will it be?

Or consider the law that approves different premium rates for life insurance for men and women; based on actuarial statistics of life expectancy, the rates for women are lower. Here is a legal recognition of a fact of life, which happens to favor the position of women. Women's greater longevity also effects the cost of providing pensions. The cost is higher for women than for men. Insurance companies, in providing for such differences, are not guilty of sex discrimination, but are simply providing for biological differences, which will not go away if we try to pretend they do not exist. Private employer-employee pension funds administered by Union and Employer representatives have found that since, normally, a wife is dependent on her husband's pension, a husband usually not dependent on his wife's pension, that providing death benefits under a retirement plan to husbands of deceased employees, especially if they have their own source of income, is an unnecessary diversion of monies that could be used to improve benefits for other female employees living in retirement.

Likewise, health and welfare insurance is utilized differently by men than women. The incidence of pregnancies and hysterectomies among men being, needless to say, nonexistant.

Therefore, if an insurance fund to which both male and female employees contribute, men are, in effect, subsidizing the higher cost of pensions and health benefits for women. Discrimination? I think not. Rather a fact of life—one that no so-called Equal Rights Amendment will legislate away. How will those laws be equalized?

Many of the proponents of the so-called Equal Rights Amendment acclaim the Court's decision in Weeks vs. Southern Bell. They hail it as progress. The Court stated that "Men have always had the right to determine whether the incremental increase in remuneration for strenuous, dangerous, obnoxious, boring or unromantic tasks is worth the candle. The promise of Title VII is that women are now to be on equal footing". To be given the opportunity to do strenuous, dangerous, obnoxious work is not what American women wish to be liberated to. An Associated Press release of March 24th, interestingly enough entitled "Equal Rights", reports: "Women now can work in Colorado coal mines. Governor John Love signed a bill removing a ban on the employment of women in the mines". What would the Mad-Hatter say now!!

The middle-class women who push for the passage of the so-called Equal Rights Amendment will, at best, be "liberating" only themselves—(and they won't be going to work in the Colorado coal mines)—at the price of adding to the exploitation of the 64% of the female working force who hold low-paying or menial jobs and who desperately need what protection they now have. Our goal should be to humanize working conditions for all, not to de-humanize them for women in the name of equality.

Mrs. Shriver testifying for the Business and Professional Women before your Committee quoted the National Safety Council's 1954 study in which it is said that women *can* perform arduous labor, like coal mining, and railroad building. She seems to feel this is reason for requiring such back-breaking work. Strange reasoning, to say the least! I do not doubt that there are both women and men who can work perhaps even survive for a
while—under the most inhuman of con
ditions. But is this what we want? If a woma
can manage somehow to return to work an
stand 12 hours a day after delivery of chil
shall we then demand she do so in the nam
of equality? If one can lift heavy weigh
without injury, should all be obliged to so d
despite the obvious risk. Of course not, an
to argue otherwise is either unthinking o
cruel.

Nothing in the Amendment prohibits th
reduction of present benefits and privilege
as a means of complying with the equalit
standard set out by the Amendment. I woul
point out in the Equal Pay Act of 1963,
provision against equalizing to the lowe
denominator was written into the law wit
the words "Provided, that an employer wh
is paying a wage rate differential in violatio
of this subsection shall not, in order to com
ply with the provisions of this subsectio
reduce the wage rates of any employee". N
such provision has been proposed to th
Equal Rights Amendment. In absence of suc
a provision, there is no guarantee that w
will not equalize to the lowest denominato

I do not, of course, disavow the princip
of equality, but I oppose this Equal Right
Amendment as a method of trying to achiev
it. Legal remedies must be made availabl
for specific areas of discrimination on a cas
by case approach. H.R. 916 attempts to d
this, and I would like to make the followin
comments:

H.R. 916, the Women's Equality Act o
1971, is intended primarily to carry out th
recommendations of the Presidential Tas
Force on Women's Rights and Responsibili
ties. Notably, this piece of legislation doe
not propose passage of the so-called Equ
Rights Amendment, which was the first o
the Task Force's list of recommended legis
lation. I can only hope this indicates a
awareness on the part of the proponents o
H.R. 916 that the so-called Equal Right
Amendment is not the answer.

H.R. 916 amends the Civil Rights Act o
1964 as well as other existing Federal statut
and programs to extend protection again
sex discrimination. Section 3 of H.R. 91
deals with public accommodations. The prob
lem of public accommodations is not
great an issue as others facing the wome
of this country. To be sure, there are a fe
diehard bars, such as the infamous M
Sorley's who refused to serve women, bu
let's face it, most women couldn't care le
and wouldn't be found dead in the plac
They are too busy to waste much time brood
ing about their inability to buy a drink
one of the few remaining men only bar
Most women get their beer shampoo
beauty parlors, not at McSorley's. Grante
that women should have the right to drin
where they please. H.R. 916 would give it
them—but the public accommodations pr
vision, as it stands, could have less desirab
effects.

Segregation by sex in certain kinds
physical accommodations is not always, as
racial segregation, a *per se* discriminatio
Separate rooming facilities, for example, ru
by the YMCA and the YWCA can hardl
be called discriminatory against either me
or women, but, to the contrary, offer the ad
vantages of convenience and privacy to bot
Few women want or are willing to sha
communal toilet and bathing facilities wit
men, and *vice versa*, yet many YMCA an
YWCA's are built with communal accom
modations. If an occassional odd-ball fem
nist is refused a room at the YMCA, or a
eager young man turned down by the YWC
I would say that is their problem, deman
ing a personal solution, not legislative co
rection.

Therefore, if the Civil Rights Act is to
amended to prohibit sex discrimination
public accommodations, as it should be, pr
vision should be made for cases where tr
discrimination does not exist and where se

ation by sex is reasonable and advanta- eous to both sexes.

Section 4 of H.R. 916 amends Section 301 f the Civil Rights Act of 1964 to forbid sex iscrimination in public facilities, giving the ttorney-General power to bring suit in such ases at public facilities owned, operated or anaged by any State government or sub- ivision thereof

Presumably, "public facilities" would in- ude, parks, hospitals, prisons and other in- itutions or recreational facilities—as well s any restrooms connected with them. gain, we must ask if any segregation by x in such cases would be true discrimina- on. Is it discriminatory to have separate en's and women's prisons? I think not. rovision should be made to allow for legit- nate, non-discriminatory segregation by x, where society deems it appropriate.

When considering Section 5 of H.R. 916, e same question of legitimate separation y sex versus sex discrimination arises. Sec- on 5 would amend the Civil Rights Act 1964 to include sex under Sections 407 nd 410, authorizing the Attorney-General bring suit in behalf of women in our sys- em of higher education.

The problems of women and our educa- onal system are many. Women received a rger percentage of masters and doctors egrees in 1930 than they did over 30 years ter. The passage of H.R. 916 could be a step wards correcting this inbalance. Most dis- imination in educational facilities would robably continue on a de facto basis, since is based more on the deeply entrenched ttitudes of the male hierarchy of academia, an on public policy. Whether the existence any educational facility segregated by sex discriminatory is an involved question. oth men and women sometimes prefer to ttend institutions limited to members of eir own sex; the passage of H.R. 916 would robably not leave this option open.

I am not sure we should pay the price of utlawing all non-coeducational schools and olleges in order to curtail real sex discrimi- ation, albeit, discrimination does exist in ost of our educational institutions. The re- lts are reflected in the fact that 9% of merican physicians are women as compared 24% in Great Britain and 65% in Russia.

There is a special legislative basis, however, r the large number of women in Soviet edical schools and as practicing physicians. rovisions for nurseries for small children hich facilitate the continued useful em- loyment of women is one such benefit. By w, the physician mother in the U.S.S.R. nd women medical students have the right paid leave for pregnancy and delivery—56 ays before and 56 days after. Students pre- erve their scholastic standing during this eriod and proceed with their studies as if ey had missed no time. Women with very oung children are not required to serve ight duty in hospitals. It is this special *pro- ective legislation* which could not be enacted nder the so-called Equal Rights Amend- ent, that has enabled so many Soviet wom- n to become doctors. Dr. Harold Kaplan of e New York Medical College in an issue of The Woman Physician" writes—"Dykman nd Stalnaker's authoritative survey of omen physicians which revealed that 38% the 17,000 women physicians in the United tates had to remove themselves from pro- ssional activity for an average of four years ch because of pregnancy and family prob- ms; thus the nation was deprived of 25,440 ars of medical practice from these women hich was approximately the number of an-hours that the graduates of 25 new verage-sized medical schools would practice 10 years". This appalling situation should ggest to the powers-in-charge that radical anges must be made in education. Amend- g Sections 407 (a) (2) and 410 of the Civil ghts Act will not by itself bring about the anges needed to utilize women to their full capacity; conversely, further special legislation is needed. Using foreign countries as an example, where flexible and special provisions are made for women, there is an increase in the number of women continuing medicine as a career.

Section 6 of H.R. 916 adds sex discrimination to the jurisdiction of the Civil Rights Commission in the areas of voting rights, a study of legal developments concerning equal protection of the laws under the constitution, and the appraisal of the laws and policies of the Federal Government with respect to equal protection and fringe benefits for families of female Federal employees. It also authorizes the commission to serve as a national clearing house for information on sex discrimination involving denial of equal protection.

I feel that sex discrimination is a legitimate concern of the Civil Rights Commission and that the inclusions proposed here are valid and acceptable.

Section 7 of H.R. 916 amends the Civil Rights Act of 1964 to prohibit discrimination on the basis of sex in *any* program or activity receiving Federal financial assistance. Let's consider what that fine-sounding proposal could mean: Federal assistance would have to be denied to many organizations operating now with bona fide, non-discriminatory sexual segregation, such as Boy Scouts and Girl Scouts, many summer camps for poor children, and men's and women's colleges and those student organizations limited to one sex or the other, to name a few.

I don't think these results would be in keeping with the true intent of the act, and feel that provision should be made for such organizations that legitimately restrict membership by sex.

I concur with Section 8 of H.R. 916 which amends the Civil Rights Act to authorize the Attorney-General to intervene in court actions involving denial of equal protection under the law under the 14th Amendment on account of sex. Since I believe the 14th Amendment already guarantees equal protection for all persons, including women, this provision would encourage court decisions to that effect.

Sections 9 and 10 of H.R. 916 include sex under the fair housing provisions of the 1964 Civil Rights Act making it unlawful to refuse to sell or rent a dwelling to any person on account of sex, as well as prohibiting sex discrimination in other aspects of housing, such as loans and listing of dwellings.

Just how much sex discrimination exists in this area is not known to me. Certainly, men as well as women suffer from sex discrimination, particularly in rentals. In some University towns, landlords hesitate to rent to single young men, being convinced that young men will not own vacuum cleaners and will therefore let the carpet go to pot, you should pardon the expression. Other landlords don't want to rent to young women, on the grounds that they will give loud parties, or get married and move out. More and more landlords make blanket refusals to rent to families with children.

No such class typing, of course, is valid. Some young men keep a clean house, and some young women live quietly in the same place for years and do not get married and not all children finger paint on the walls. Landlords who refuse to rent to some particular category, especially in regard to sex, may have formed a hasty judgment on the basis of societal influences. This sort of sex discrimination is not valid and should be stopped; for this reason, I support this passage.

Section 11 of H.R. 916 extends the Fair Labor Standards Act to provide for equal pay for women in executive, administrative and professional positions. I support it. However, this concern on the part of the President's Task Force seems a bit suspect, in view of the fact that no recommendation is made by the Task Force members for extending coverage of the Fair Labor Standards Act by including household employment and other workers not now covered.

There are over 2 million domestic workers, most of them women, most of them earning less than $1.00 an hour, many of them the sole support of their families. Almost all of them are far below the poverty level, barely subsisting on pitifully, outrageously inadequate wages. Surely, their plight is as pressing as the plight of discrimination of women executives receiving $24,000 a year in contrast to their male counterpart's $26,000. I do not think that professional women should be discriminated against—we must have equal pay for equal work—but I do insist that strengthening amendments to the Fair Labor Standards Act should affect far more seriously the lower paid working women.

President Nixon's Task Force showed inordinate, although expected, insensitivity to the problems of working women by not recommending that Fair Labor Standards Act coverage be extended to all workers, premium pay be paid for all overtime, and a minimum wage of $2.00 per hour be enacted.

Mrs. Shriver of the Business and Professional Women claimed in her testimony before you that protective legislation prevents millions of women from providing "their dependents with proper support and care". Surely women forced to work excessive overtime are going to have trouble "caring" properly for young children. Is Mrs. Shriver basing her claim on the concept that wages for women are so low they have to work a 70-hour week to properly support their children? The way to correct that would not be with an Equal Rights Amendment but with legislation bringing *all* workers under an improved Minimum Wage Law, strengthened with the aforementioned amendments.

Section 12 of H.R. 916 authorizes the Secretary of Health, Education and Welfare to pay up to 50% of the cost of Women's commissions, panels, and boards established by the States to study discrimination against women under State laws, in employment, public accommodations, etc.

I have one strong reservation about this proposal—it fails to require that the commissions so funded have a truly representative membership. Without such a provision, we may find the commissions presumably claiming to speak for all the women of their particular States composed solely of well-to-do professional and business women, who have little or no understanding of the lives, needs or problems of the majority of working women.

Therefore, I submit that Section 12 of H.R. 916 should be amended to assure that the commissions are bi-partisan and made up of employer-employee representation. I would not like to see Federal funds subsidizing, in effect, the interests of one class, to the exclusion of the needs of other female members of our society.

Section 13 of H.R. 916 authorizes a number of studies and the reporting of them to Congress. Section 13(a) authorizes the Secretary of Health, Education and Welfare to submit to Congress, within one year from the effective date of the Family Assistance Act of 1970, his recommendations for legislation to provide social security benefits for husbands and widowers of women workers under the same conditions that are now provided to wives and widows; to provide equitable retirement benefits to families with working wives under the Social Security Act and the Civil Service Retirement Act; to provide Federal assistance for child-care services to families not covered under the Family Assistance Act and to amend child-care services under that act to apply equally to families with working husbands and working wives; and to amend the Internal Revenue Code to allow families with both spouses working, families with one spouse disabled and the other working, and families headed by one person to deduct from gross income as a business expense the cost of a housekeeper, nurse or institution for care of children or disabled parents.

Since the bill at this time calls for a *study* of Social Security benefits, I support it. However, I cannot agree that the inequity towards women rests with the specific provision mentioned (spouse benefits); since women are the greatest recipients of medicare (financed by Social Security) because of their longevity, perhaps the difference of survivors benefits is understandable. This is a complex matter that will certainly not be clarified by a constitutional amendment, rather a study is warranted so that if any changes are required, the Social Security Act can be amended to conform to such changes.

I further want to comment on the proposal relating to child-care services. I am strongly in favor of child-care facilities being available to all who need and wish to use them, and I feel that immediate action to reach this goal is imperative. I question whether further studies are necessary. Child-care centers, like convalescent homes, are springing up in a helter-skelter, uncontrolled, unregulated manner. We are at a point where we can no longer caution against rushing into child-care centers. They are starting anyway, one way or another. I would, however, like to make the observation that after 50 years of child-care centers in the Soviet Union, "Grandmother" has now become once again a most important institution. For if "babushka" is willing to baby-sit, mother does not have to face the difficulty of what to do with the child while working. "Babushka's" American counterpart, though, is on well-earned Social Security retirement living with her peers in Florida. To coin a phrase, she feels her grandchildren's homes are "a nice place to visit but I wouldn't want to live there". Child-care centers are of immediate urgency, let's get on with the job. I urge the government authorize the appropriate funds necessary for an adequate and comprehensive child-care program.

The proposed amendment to the Internal Revenue Code, allowing deductions for child-care and for care of disabled parents is a valid approach, but I feel an income limit, which would keep upper-income taxpayers from using the provision as just another tax benefit, should be included.

Section 13 (b) of H.R. 916 authorizes the Commissioner of Education to conduct a survey of sex discrimination in education and to submit his findings to Congress along with recommendations for legislation to correct what inequities exist. As I said earlier, I believe equality of education will come not just from equality in admission policies, but from recognition of and provision for the biological and social differences between men and women. Legislation designed to equalize educational opportunities should be studied. A review of the testimony on the Equal Rights Amendment hearings before the Senate Committee dramatically illustrates how badly correct information is needed.

The so-called Equal Rights Amendments proponent's rose-colored spectacles are not admitting the light of common sense when they suggest that the so-called Equal Rights Amendment will dislodge the male hierarchy of academia. It is doubtful that a woman was even denied a full professorship because of state protective legislation. The heaviest lifting these women teachers perform in their work duties is to carry the weight of their knowledge—by no means a challenge to weight lifting restrictions.

It is more likely that a good many have been denied promotion on the centuries old, if unspoken, assumption that "women just can't think like men". To be sure, this is nonsense, but it is equally nonsensical to claim the Amendment would change it or the discrimination. Discrimination, we all know, is deplorably pervasive. It exists not only in our universities, but in virtually every field of endeavor. It is firmly rooted in attitude; and attitudes—pre-dispositions to act or react in certain ways—are intangible, insidious, and extremely hard to change.

H.R. 916 strengthens the enforcement provisions of the Equal Employment Opportunities Commission and should be enacted to assure compliance with the Law.

A member of Congressman Ryan's staff, Jean Faust, has testified that the "baby boom" of the fifties came about because women left the factories. Surely, she must know that this "baby boom" came about as the result of husbands and boyfriends returning from the armed forces at the end of the War. Fewer babies were born in the forties because of the absence of husbands. To say different confirms men's suspicion of lunacy in the women's liberation movement.

In order to have true equality, we must have protective legislation and social rights to meet woman's dual role as mother and breadwinner. We need—

1. Meaningful child-care centers and school lunch programs. H.R. 916 is such a beginning.
2. Improve hours limitation laws and their rigid enforcement.
3. Mandatory rest periods and separate washroom facilities.
4. Reasonable weight lifting limitations.
5. Rigid enforcement of Equal pay and Equal employment opportunity laws. H.R. 916 is a step in that direction.
6. An educational campaign to expose male chauvinism and its roots in order to create the social atmosphere conducive to real sex equality.
7. Recognition of the special double role of women and their acceptance of that responsibility.
8. Equal access to all educational facilities. H.R. 916 attempts this.

By working for the enactment of such legislation, women would, as they should, become part of a social movement dedicated to reforming our social structure to permit true equality between the sexes. True equality should accomplish for all women, young and old, married and single, housewives and breadwinners, mothers and the childless, wives and widows—their goals and aspirations. It should improve their life. It should broaden the fruits of science to lessen the drudgery of our housework and to make clothing functional, yet enhancing. It should bring peace to the world and bring our teenagers home, going to colleges or learning a trade rather than working towards expanding the draft by including women to kill and destroy. It should fight to maintain the right to stay home as a housewife and mother, if circumstances permit, and that it be the preference of the individual woman. It should fight to have an economy that's free from hunger and privation that affords freedom from want and need in a society that promises every man and woman equal pay for equal work. That's the kind of liberation I'm interested in. That liberation embodies the "rights" we should fight for.

In conclusion, whatever one's definition of "male" and "female" may be, nothing justifies an inequality of rights and where such inequality exists, it must be eliminated. Let us make sure, though, that we properly define rights and privileges before eliminating them. I do not propose to take away the rights of some women to give privilege to others. When equality becomes "sameness" an imminent principle of order is lost. Shakespeare in Troilus and Cressida tells us: "Take but degree away, untune that string, and hark, what discord follows. Each thing meets in mere oppugnancy".

That was said over 350 years ago when Ulysses was warning Agamemnon about the danger of changing the structure of communities and the inter-personal relations in society. Not recognizing immutable differences is as dangerous today as it was during the Trojan War. The discord that will b created by the failure of the so-called Equa Rights Amendment to recognize difference could well be disastrous.

Thank you for this opportunity to testif before your Committee.

COMMON CAUSE

HON. BARRY M. GOLDWATER, JR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. GOLDWATER. Mr. Speaker, th Republican National Committee's hard hitting weekly publication, Monday, ha recently done two outstanding article on John Gardner's organization, Common Cause. I would recommend thes pieces to my colleagues, as well as t anyone else proceeding on the mistake assumption that the organization i nonpartisan. The articles follow:

JUST HOW NONPARTISAN IS THE "NONPARTISAN" COMMON CAUSE

Ralph Waldo Emerson: "Do not say things What you are stands over you the while, an thunders so that I cannot hear what yo say to the contrary."

In his "Dear Friend" letter to potentia members, the Chairman of Common Cause John Gardner, refers to his organization a a new "independent, nonpartisan organization for those Americans who want to hel in the rebuilding of this Nation." An investigation of the organization by Monday ha shown that behind the nonpartisan rhetori there is much more than meets the eye.

To begin with, there is Gardner. A nomina Republican, he has become a purveyor of th radical Democratic line on virtually ever major issue. Examples abound: In a 196 speech to the National Press Club, Gardne accused the President of a "failure of leadership" in domestic affairs. The New Yor Times called the address a "strong indictment" that bore down particularly hard o the Presidency." In May, 1970, Gardner assailed President Nixon on civil rights. In statement on Laos this February, Gardne ignored North Vietnamese violations of Laotian neutrality and accused the Nixon Administration of widening the war in Indochina. He accused President Nixon of playin Russian roulette" and a deadly game."

Next, there is the staff of Common Caus and the way the organization is run. It' Policy Council has approved as President o Common Cause, Jack Conway. And Harol Willens has become Special Advisor to Gardner. Conway, who will be the "chief operatin officer" of Common Cause, is a Democrat an former chief assistant to the late Walte Reuther, head of the United Auto Worker' union. He was also Deputy Director of th War on Poverty in the Johnson-Humphre Administration. Willens, also a Democrat, i co-founder with Henry Niles, another Democrat, of the radical Business Executives Mov for Vietnam Peace. Both Willens and th group he helped found have been unremitting critics of the Nixon Administration Their views are indistinguishable from th Democratic party's left-wing. The Washington Post has quoted Willens as blamin "American militarism" for the war in Vietnam. The Post also reported that Busines Executives Move for Peace contributed $8,00 to help bail out the left-wing Vietnam Moratorium Committee.

A Monday poll of Common Cause's 19-member Executive Committee, which is responsible for detailed review of both pas and future action, shows Democrats outnumbering Republicans by 11 to 6. On identified herself as an Independent; another was unreachable. The Common Cause Policy Council is also loaded with Democrats: Ga. State Rep. Julian Bond, Tex. State Sen. Joseph Bernal, the wife of Sen. Fred Harris of Okla., Gary, Ind. Mayor, Richard Hatcher, Henry Santiestivan, husband of the editor of the Americans for Democratic Action publication, ADA World, Cleveland Mayor Carl Stokes, Philadelphia Mayor James Tate, UAW President Leonard Woodcock and Andrew Young, Jr.

While President Nixon is fighting to reverse the flow of power from Washington to the States, Common Cause is doing precisely the reverse. In a signed message to members last week, Gardner reported that after "consultation with long-established organizations" it had been decided that Common Cause would not adopt the conventional local chapter form of organization. "Nor do we want members to launch local actions that are not a part of a national effort that Common Cause is making," he warned. The reason: "Uncoordinated local initiatives would dissipate the power that Common Cause can exert when all members act together."

Common Cause's stand on issues also belies the claim to nonpartisanship. Following up on charges by Newsweek columnist Stewart Alsop and Washington Post columnist Kenneth Crawford that there are no differences on the issues between Common Cause and the Americans for Democratic Action (ADA), Monday put the question to both organizations. The answer was the same: Neither could think of one major issue on which the other differed substantially. "I think there are some," ADA Press Secretary Sarah Trott told Monday, "but I can't think of one specifically." Special Assistant to the chaiman of Common Cause, Thomas Mathews, said essentially the same thing, only a little more colorfully (see box).

Not only do Common Cause's positions follow the liberal Democrat line, but they also are even lobbied for on Capitol Hill by Democrats. Four out of five of Common Cause's registered lobbyists are Democrats. They are: John Lagomarcino, who wouldn't admit to Monday that he was a Democrat, but said he voted for Humphrey in '68 and Johnson in '64; Jack Moskowitz, formerly with a subcommittee of the Senate Judiciary Committee—put there by the Democrat Senator from Michigan, Philip Hart; Wayne Horvitz; and Ed Anderson, formerly with the Friends Committee on National Legislation. Anderson, when asked if a Democrat, said: "Please don't ask that." But when pressed, he said he was a Democrat. The lone Republican lobbyist is Lowell Beck.

How Common Cause got into one issue, the seniority system, has been reported in the New York Times which said the organization took on the controversy after Gardner, Lagomarcino and Pete Edelman, a former staff aide to Sen. Kennedy, "scouted around Capitol Hill talking with such Congressmen as Donald Fraser, Democrat of Minnesota, head of the liberal Democratic Study Group."

Seeking a Common Cause member's opinion as to the partisanship or nonpartisanship of the organization, Monday spoke with Mrs. M. E. Herr of Yakima, Washington. Mrs. Herr was chosen at random from material in a Common Cause press kit quoting her on the ineffectiveness of Congress. Mrs. Herr told Monday: "I think Common Cause does lean toward the liberal Democrats on the issues. And I think if they are partisan, and I concede it looks as if they are getting that way, I believe they should say so."

In a letter to the Washington Star last month, Common Cause member E. D. Gibson announced his resignation from the group saying: "The bloom is soon departed . . . Common Cause . . . is found wanting. It has taken the easy turn in becoming another anti-government organization opposing the national policy in the Far East."

In recent weeks, other information has come to light which seriously weakens Common Cause's pretenses to nonpartisanship. These include:

The revelation that the organization allowed the Democratic National Committee to use part of its membership list to raise funds. Gardner later expressed regret over the incident causing RNC Chmn. Bob Dole to ask if Gardner was embarassed "because he goofed or because he was caught?"

Reports in the Albuquerque Journal that Anne Wexler, a veteran of the Eugene McCarthy and Joe Duffey campaigns, is heading a voting rights division for Common Cause. The Journal also reported that she is pushing reforms contained in the report issued by the Democratic Nat'l Committee's convention reform commission headed by Sen. George McGovern. David Mixner, also a veteran of the McCarthy campaign and a Vietnam Moratorium Committee organizer, is working for Common Cause on a pilot project on the relationship between corporations, regulatory agencies and state legislatures, the Journal reported. Craig Barnes, a defeated Democratic House candidate, is working with Mixner.

A report in the leftist New Republic magazine that Common Cause is "serving as a half-way house for backers of Presidential candidates who haven't announced, such as Sen. Harold Hughes of Iowa." The magazine also reported that while Common Cause boasts of its nonpartisanship, in the early weeks of its formation "rumors were flying about that Common Cause was laying the foundation for a third party . . ." The New Republic reported that Gardner enjoys former Sen. Eugene McCarthy; "He thinks that every time the former Senator opens his mouth, he says something, which is unusual in Washington."

A report in Human Events that the PR firm of Doyle, Bane and Bernbach, which handled LBJ's campaign in 1964 is providing free services to Common Cause.

To sum up, the question about Common Cause is not whether it has the right to employ whoever it wants to take whatever positions it wants. What is at issue is whether the organization should hire partisan individuals in prominent positions and take partisan political positions while at the same time calling itself nonpartisan. As Stewart Alsop put it: "I'm not arguing whether the dove Democrats and Common Cause are right or wrong. My point is that a spade really does occasionally need to be called a spade. And John Gardner, who is undoubtedly an admirable fellow, is no more the head of a nonpartisan citizen's lobby than I am. He's the head of a lobby for liberal Democrats—which, of course, he has every right to be."

A Slight Case of Paranoia

When Monday spoke with Thomas Mathews, special assistant to Common Cause's Chmn. John Gardner, about Stewart Alsop's comment that there are no major differences between CC and the Americans for Democratic Action, Mathews became indignant. "Not true," he snorted. "Absurd." Then name a few, Monday asked. But I don't know where ADA stands on the major issues, replied Mathews. Then how do you know your stands aren't the same, asked Monday. At this point Mathews began to yell incoherently. But all ended well. Mathews later apologized to Monday explaining that he has a "slight case of paranoia" when it comes to discussing "our partisanship."

Common Cause Continues to Parrot Democrat Line

As we were saying last week, the organization Common Cause and its chairman, John Gardner, are purveyors of the radical Democrat line. In this month's newsletter, Common Cause advocates a legislated end to the Vietnam war, a position the organization says it arrived at after "consulting at length with former officials of the Defense Department and National Security Council." Although the newsletter did not say so, a spokesman for Common Cause admitted to Monday that the officials consulted were officials in the Johnson-Humphrey Administration. In an attempt to document the wisdom of setting a date for withdrawal from Vietnam, Common Cause cited the beliefs of such "experienced Americans" as Averell Harriman, Clark Clifford and Cyrus Vance. All Democrats and all high officials in the Johnson-Humphrey Administration. Why the men who got us into the war in Vietnam and escalated our involvement there should now be looked upon for advice as to how to get out of the war and de-escalate it, is not explained in the Common Cause newsletter.

In addition the language used by Common Cause in urging a legislated end to the war is strikingly similar to the language used in last month's bug-out statement by the Democratic Policy Council (see box). Common Cause also charges that no party to the Paris talks has begun serious negotiations. This is most puzzling. President Nixon, as recently as last week, has called for: an immediate release of all prisoners of war in the Indochina area; an all Indochina Peace Conference; the complete withdrawal of all outside forces; and a political settlement of the war. It would appear that Common Cause defines "serious negotiations" as those put forward by Democrats.

Democratic Policy Council statement on Indochina, March 24, 1971: "There should be a firm, unequivocal declaration by the Government that all American forces will be withdrawn by the end of this year. The Congress should share responsibility for this decision. An announcement for complete withdrawal this year should be used to negotiate the safe withdrawal of our troops and the speedy release of our men who are prisoners of war. . . . Such an announcement could also result in the beginning of real substantive negotiations in Paris . . ."

Common Cause newsletter statement on Indochina, April, 1971: "Congress must reassert its role. It must legislate an end to the war. It must enact into legislation the desire of the American people for a complete military withdrawal from Indochina and it must fix a date by which that process must be completed. Only this step can end American involvement in the war, free our prisoners, and permit the Vietnamese to determine their own future. . . . Announcement of a definite date for withdrawal of all U.S. forces is the only basis on which Hanoi will begin serious negotiations."

Whoops!

Common Cause newsletter, April, 1971: "The American people haven't been told, but all indications are that the President does *not* (emphasis theirs) intend a total withdrawal."

President Nixon in his troop withdrawal address, April 7, 1971: "Our goal is a total American withdrawal from Vietnam."

HOUSE JOINT RESOLUTION 540 PROVIDES ADDED FUNDS SOUGHT FOR RAILPAX

HON. JOHN H. TERRY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. TERRY. Mr. Speaker, I am one of over 30 cosponsors of House Joint Resolution 540, with the aforementioned representing 10 States. I feel that House Joint Resolution 540 is the most comprehensive bill introduced so far dealing with the overall problems concerning the drastic reductions of the Nation's passenger service.

Furthermore, I was delighted that the Subcommittee on Transportation and Aeronautics of the House Committee on Interstate and Foreign Commerce held hearings on April 21 and 22 on House Joint Resolution 540 and other legislation amending Public Law 91–518, the Rail Passenger Service Act of 1970.

My good friend and distinguished colleague from New York, Congressman KEMP, has reintroduced House Joint Resolution 540 and is now asking for additional cosponsors. This legislation, if enacted, would enable Railpax to expand the basic system and for the States to then work with Railpax to tie in other routes going through the various congressional districts.

Mr. Speaker, Labor, a national newspaper had an article and an editorial in their April 17 issue concerning House Joint Resolution 540 which they referred to as "most significant of the bills," and the determined efforts of Congressman JACK KEMP to bring better passenger service, not only to his own congressional district, but also throughout the Nation.

Mr. Speaker, at this point, I include the article and the editorial:

ADDED FUNDS SOUGHT FOR RAILPAX—ASK $290 MILLION MORE FOR TRAINS—SKELETON PLAN HIT

Ferment is continuing in Congress over drastic slashes in the nation's passenger trains announced by Railpax, the semi-public corporation which is slated to take over the trains on May 1.

At a Senate hearing, the skeletonized network announced by Railpax drew rounds of severe denunication from senators, led by Majority Leader Mike Mansfield (D., Mont.). A similar fusillade is epected at hearings before a House Interstate Commerce subcommittee, set for April 23.

Also, railway unions continued a battle to win adequate job protection for thousands of employes in passenger service who will be adversely affected by the Railpax slash in trains.

Meanwhile, many members of Congress have introduced measures calling for enlargement of the Railpax network. Others have proposed a six-months extension of the May 1 deadline for the Railpax takeover so as to allow time for reconsideration of some of the slashes.

Most significant of the bills was one submitted by Rep. Jack F. Kemp (R., N.Y.), with the cosponsorship of over a score of other congressmen from both parties.

A $290 MILLION EXPANSION

This measure proposed that Congress appropriate another $290 million to Railpax for the fiscal year starting July 1 so that the agency can finance a larger passenger network. In its initial Railpax legislation, Congress authorized only $40 million.

Sen. Robert Taft (R., Ohio) announced he would introduce a similar bill, calling for an additional $250 million to cover six more routes. Hitting the exclusion of northern Ohio from the network, Taft declared that if a rail passenger system is going to succeed, "the trains must go where the people are." Other senators indicated they would support such a measure.

Under Kemp's bill, the $290 million would be used to add major routes dropped from the Railpax list. These would include: Buffalo to Chicago, via Cleveland; Detroit to Toledo; Denver to Portland, via Cheyenne, Ogden and Boise; Fargo (N.D.) to Portland, via Billings, Butte and Spokane; Denver to San Francisco, via Cheyenne, Ogden and Boise; Washington to Cleveland, via Cumberland, Pittsburgh and Akron.

WOULD SAVE JOBS

"I think the inclusion of these additional routes, plus others, will make for a more effectively integrated passenger rail network," Kemp said. Also, it will save many of the thousands of jobs in passenger service slated for elimination, at a time of already-high unemployment, he explained.

Deploring the fact that "the passenger train is on the verge of extinction in many parts of the country," Kemp declared: "This trend must be stopped and reversed."

Kemp's bill also contains a provision that states wishing additional service can arrange with Railpax for operation of the added trains by picking up a third of the losses. Under the present Railpax law, they must pay two-thirds.

MOVE FOR STATE PARTICIPATION

A possibility that states in the area between Chicago and Buffalo may be willing to pay two-thirds in order to retain service was indicated by Gov. William Milliken of Michigan last weekend. He said that Railpax had agreed to provide such service if the states involved—Indiana, Ohio, Michigan, Pennsylvania and New York—pick up two-thirds of the deficit, estimated at about $2 million a year.

At the Senate hearing on Railpax, held before a Transportation Appropriations subcommittee, Mansfield charged that Congress had been "misled" earlier by the Department of Transportation into believing that most existing passenger routes would be retained by Railpax.

The system finally announced by Railpax, Mansfield, was "a shock to many of us in Congress and to the people we represent." He pointed out that the system leaves many states and cities with no service, or only token service.

"INADEQUATE," SAYS MANSFIELD

"As of May 1, we will have a totally inadequate rail passenger service, still to be operated (under contract with Railpax) by the same railroads which for years have attempted to abandon their responsibility to the traveling public," the Montana senator declared.

Mansfield suggested that Congress might rescind all funds appropriated for Railpax, unless it expands on the announced system.

Chairman David Kendall of Railpax defended the system, asserting it will serve all but two of 56 cities with over a half million population. He said that in view of the limited funds voted for Railpax by Congress, the corporation has no alternative but to start with a restricted system "covering routes of highest ridership demand" and then "gradually expand the system as public confidence is renewed and prudent finances permit."

Kendall declared that the type of service to be provided by Railpax, even though reduced, will be "far superior to what is running now."

MORE MONEY AND ALL-OUT EFFORT NEEDED FOR RAILPAX

Many newspapers have voiced dismay in editorials over the drastic cut in intercity passenger trains being made by Railpax, the semi-public corporation which takes over these trains on May 1. Among constructive editorials on the subject appearing in the press was one carried in the conservative Washington (D.C.) Star, an evening daily.

Said the Star: "There is an obvious imbalance in federal transportation policy, which has provided many billions to subsidize highways and air travel, while taking a miserly approach to the promising effort to salvage rail travel. The financial standing of Railpax requires an early re-examination by the Administration and Congress. If additional funds are needed to enhance the plan's chances for success, they should be forthcoming."

Similarly, the New York Times editorially urged that the government go all-out on a program of modern rail transportation and apply the most advanced technology to this purpose.

In contrast to the rejected SST, which would have served only a relatively few travelers, "rapid rail transportation would serve the many, while at the same time reducing the pollution and congestion created by automobiles and aviation," the Times said.

Many other newspapers have carried editorials along the same line, and some members of Congress have moved to implement the suggestions for more adequate financing of Railpax. **Among them, Rep. Jack F. Kemp (R., N.Y.) has introduced a resolution calling for an additional appropriation of $290 million to Railpax for the fiscal year starting July 1 so the corporation can substantially expand the number of lines it will operate. Kemp's measure has the initial co-sponsorship of over a score of congressmen of both parties, as reported in another story in this issue.**

LABOR most heartily agrees with the suggestions and proposals that more money be voted for Railpax, over and above the meager $40 million previously authorized. Only if that is done can Railpax truly serve the nation as a whole.

DAVENPORTER IS INTERNATIONAL PRESIDENT OF SOCIETY OF REAL ESTATE APPRAISERS

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. SCHWENGEL. Mr. Speaker, serving as president of the Society of Real Estate Appraisers this year is Roy R. Fisher, Jr., of Davenport, Iowa.

Better known to his friends as "Jack," Mr. Fisher is a well-known realtor in the Quad-Cities area. The recognition he has earned as presiednt of the Society of Real Estate Appraisers is well earned.

His official speech as president of the Society of Real Estate Appraisers should be of interest to the House. It follows:

THE SOCIETY OF REAL ESTATE APPRAISERS

(By Roy R. Fisher, international president)

As the growth of government services and involvement in American life has expanded its operations in the area of real estate, so too has the appraisal profession in the past 35 years expanded its operations and aid to government and the public.

This expansion of professional appraising has been vital to the equity of both government and the public in the real estate area for it is the appraiser who is the key link in the translation of passing the title to real property from the government to the public and from the public to the government. As a major professional appraisal organization the Society of Real Estate Appraisers has played an important role in making sure this link has been and will be a strong one.

The American economy, recovering from the impact and controls of World War I gathered momentum in the early 1920's

Housing demand soared to unprecedented heights. Income producing properties, featuring apartments, office buildings and combined residential-commercial structures appeared.

By 1928, "two cars in every garage, and a chicken in every pot," became a way of life for the vast majority of a materially-minded American public. In this period, too, mortgages were considered to be the best of all forms of savings investment. Mortgage bankers, quick to sense the atmosphere of the times, utilized Gold Bonds in $1,000 and $500 denominations which enabled these bankers to finance larger mortgages required for apartments and commercial buildings.

Eagerly, the public accepted the Gold Bonds and in doing so opened the flood gates for the less ethical land developers, for land speculators and for a type of promoter whose credibility was literally nonexistent. The public clamored for more and more Gold Bond real estate investment opportunities and they got it—but not in the way expected.

Mortgage loans exceeding the cost of construction became so numerous that unneeded and unjustified new construction was not only permitted, but encouraged. If appraisals of value were made at all, no methods or standards have ever been discovered.

The aftermath of Black Friday and its toll in terms of real estate investment became apparent by mid-1930. By 1931, public psychology concerning real estate investment had turned a complete 180 degrees.

During 1931 and 1932 the Federal government created Federal Savings and Loan Associations, replete with Federal audit supervision and Federal insurance guaranteeing the safety of deposits designed to reestablish public confidence in regular savings for the purpose of making home loans. In 1934, the financial community and the real estate industry collided head-on with a "no exception" regulation. Henceforth all loan applications processed through the Home Owners Loan Corporation would require an estimate of property value based upon some type of standard and consistent methodology. But such methodologies were virtually non-existent and bona-fide students of the basic valuation processes were a scant few in number.

Such valuations were unprecedented and resulted in many abuses. There was no market against which selling prices could be compared. A need arose to establish universally accepted standards governing the obvious approaches to property valuations.

In 1934, leaders of trustee lending institutions moved to correct the haphazard and slipshod methods which characterized broker-oriented residential appraisals. As a result, the U.S. Building and Loan League approved a resolution to sponsor the "Society of Residential Appraisers." The league also funded the fledgling Society and assisted in formation of the all important By-Laws. This historic first annual meeting took place on November 14, 1935, and with the election of the first successor-president, drawn from the ranks of membership, the Society's continuity was assured.

Contributory thinking in the direction and management of the Society came from the U.S. Savings and Loan League, the Federal Home Loan Bank Board, the Home Owners Loan Corporation and the Federal Housing Administration. No effort was spared to program a plan of action which would achieve the Society's purposes and objectives. Standards governing appraisal conduct and ethics, together with rules to control questionable solicitation of business, were also established.

With membership growing and chapters being activated, 1940 saw the Society of Residential Appraisers continue its search for ways and means to improve the educational processes available to those members desiring the professional designations denoted by Associate membership and by Senior Residential Appraiser membership. At the close of 1940, membership stood at 2,885 and by 1945 this number had increased to 3,936. Forty-five chapters had been established.

By 1950, membership had soared to 8,727 and the number of chapters rose to 75. Formal educational courses of 18 and 22 week duration were introduced by two chapters. Also, the Society inaugurated special training sessions in conjunction with regional conferences. These training sessions, tailored to current appraisal problems and techniques were an instant success in terms of improved quality of education. The response by the membership to these training sessions emphasized the need for building a solid educational program on a sustained basis.

In 1951, training clinics sans regional conference sponsorship were held. In addition, was the establishment of a permanent Education Committee. The Society continued to move forward in the achievement of its foremost objective—to possess the best in professional educational opportunities for member appraisers. The Society's Board of Governors directed that contact be made with leading colleges and universities to ascertain the feasibility of joint participation in the presentation of the Society's formal training courses.

Growth of the Society's membership continued at a phenomenal pace. By 1960, membership exceeded 13,000 and the count of chapters had reached 130. Programs related to appraisal education again recorded substantial progress. In 1956, some 1,500 members were enrolled in 20 officially approved courses based upon the "Principles and Techniques of Residential Appraising." By 1960, enrollment numbered 4,100 members in 80 courses with 32 of these courses being jointly sponsored by the Society and leading colleges and universities. In 1957, the Narrative Report Seminars were introduced and more than 1,000 members attended 43 presentations. National Symposiums were also introduced.

In the first half of the 1960 decade, the Society continued its accelerating drive toward improved educational opportunities for appraisers. Formal training courses were upgraded to meet the challenge of rapid changes in the real estate market place.

Although a seemingly unlimited residential appraisal market still existed by virtue of long-term government-guaranteed housing loans, the Society moved to broaden its professional appraisal base to include commercial, industrial and rural properties as well as residential properties. And so, in 1963, the Society's name was changed from the Society of Residential Appraisers to the "Society of Real Estate Appraisers," and a new designation of Senior Real Estate Appraiser was created for those qualified to appraise many different types of real property.

Recognizing that updated education alone was not sufficient to serve the public interest, in 1968 and 1969, a program was launched directly toward public education in the understanding of the "what," "why" and "when" of the need for property appraisals and of the advantages that could accrue given a professional appraisal when needed.

In this program, every available media including news coverage, the periodic use of public service time on television and radio, trade magazine publications, educational films depicting the appraisal process and paid advertisements had been and will continue to be utilized.

With problems growing more complex and interests in real estate more diverse, the appraiser must constantly learn new approaches and procedures to remain current with the market. Professional appraisers are now carefully trained in economics, financing, investigation, condemnation, law, observation of market phenomena, reporting techniques and even computer application to the real estate industry.

In keeping pace with the need for such training, the Society has this year restructured its membership requirements. A new Senior Realty Appraiser designation was created for those members competent to appraise both residential and income properties. To obtain this new designation an Associate member must pass residential and income property courses and pass a general examination designed to test the member's ability to apply the knowledge acquired both through actual experience and course study to practical situations. In addition, the Associate member must attend an income seminar and submit a demonstration appraisal on an income property, as well as comply with minimum experience requirements.

The first Senior Realty Appraiser designation will be awarded in July of this year. All existing Society members are being urged to move up into this new category as the Society of Real Estate Appraisers continues to meet the expanding needs of the government and the public.

QUALIFICATIONS OF APPRAISER ROY R. FISHER, JR., SREA, MAI

1. Graduate of Iowa State College of Agriculture and Mechanic Arts, Ames, Iowa, with a Bachelor of Science Degree, 1947.

2. Real Estate Broker with Roy R. Fisher, Inc., Davenport, Iowa since 1947.

3. Granted M.A.I. Designation, i.e., Member Appraisers Institute #1927, November 9, 1953.

4. Past President of Greater Davenport Board of Realtors and past President of Chapter #34 American Institute of Real Estate Appraisers.

5. Granted the Senior Residential Appraisers designation by the Society of Residential Appraisers July 24, 1956.

6. Granted the Senior Real Estate Appraiser Designation #160 November 15, 1963 and renewed in 1968.

7. Fee Appraiser for condemnation appraisals for Iowa State Highway Commission, Illinois Highway Commission, Union Electric Co., of St. Louis, and Iowa-Illinois Gas and Electric Company.

8. Have engaged in private appraisal work on various types of property for the following: General Motors Corp.; Ford Motor Co.; Shell Oil Co.; Union Electric Company of St. Louis; Standard Oil Co.; Continental Oil Co.; DX Sunray Oil Co.; University of Iowa; Monsanto Chemical Co.

9. Appeared as expert witness in Scott, Johnson, Wapello, Lee, Blackhawk, Linn, and Des Moines Counties in Iowa and Rock Island County, Illinois, testifying both for and against condemning bodies.

10. Have qualified as expert witness before Illinois and Missouri Commerce Commission.

11. Served as a faculty member for the American Institute of Real Estate Appraiser's Course I offered at Missouri University, University of Mississippi, and the University of California at Berkeley; for the Society of Real Estate Appraisers in Principles and Techniques Course at Minneapolis, and the Apartment Course at Davenport, Iowa.

12. Appeared in Federal Court, Northern District of Iowa.

13. Served two terms on Governing Council of American Institute of Real Estate Appraisers.

14. Served as Member of Board of Governors of Society of Real Estate Appraisers.

15. Served as Vice President of the Society of Real Estate Appraisers, 1969, Senior Vice President, 1970, currently President for 1971.

16. American Society of Real Estate Counselors, May 7, 1970.

RAILROAD RETIREMENT BENEFITS

HON. WILLIAM H. HARSHA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. HARSHA. Mr. Speaker, I rise today to express my full support of an increase in railroad retirement benefits. Providing an increase in benefits comparable to that recently provided social security recipients is a matter of simple justice, and I fully support the 10-percent increase, retroactive to January 1, 1971, called for in this legislation.

Railroad retirees living on fixed incomes have found it increasingly difficult to meet living expenses in view of the continuing inflation in the United States. These retirees worked hard and long, often in hazardous conditions, to establish their eligibility for benefits and have therefore, earned the right to a secure and comfortable retirement. However, in recent years prices and wages have continually escalated, and this has made it extremely difficult for those dependent solely upon retirement incomes to eke out more than a bare minimum for survival.

Sufficient retirement income is essential to the human dignity of those who have worked long years and contributed to a retirement system which they believed would adequately provide for them after their active working years were over. The economic security of all is enhanced by the economic security of those who have passed the age of active employment, so it is imperative that Congress fulfill its responsibility and provide this much needed and richly deserved increase. I fully support and strongly urge that every Member of the House give this increase the fullest consideration and support possible.

While I strongly support this increase in benefits, there is another provision of this bill which concerns me deeply. This legislation will continue an inequity as it applies to retirees who have earned both railroad retirement and social security benefits. Like the legislation approved during the last Congress, this bill includes an offset provision which provides that a retiree's railroad retirement benefit increase will be reduced by the amount of his social security benefit increase. Workers who have worked under both railroad retirement and social security and have contributed to both systems understandably feel that they have earned and are entitled to receive increases authorized for both programs—and I fully agree with them.

In my judgment, there is no justification for such a reduction in benefits. Last year and again this year, I introduced legislation to repeal this offset provision and to guarantee full benefits for all retired citizens who worked long and hard and deserve the full retirement compensation they have earned. While I shall vote for this bill as I believe it is imperative that railroad retirement recipients receive the 10-percent increase provided without delay, I am greatly disappointed that this unfair and unjust offset provision is perpetuated and earnestly hope that the committee will favorably consider my proposal to repeal this provision at the earliest possible time.

I was pleased that the legislation enacted last year authorized the establishment of a Commission on Railroad Retirement to conduct a thorough study of the entire railroad retirement system with a view to making such recommendations as might be necessary to provide adequate levels of benefits under the program on an actuarially sound basis. The original legislation intended that the Commission submit its recommendations to the Congress in a year and that Congress thereafter would have a year to study the recommendations to determine what changes in the system where necessary. Unfortunately, delays that have been encountered in the appointment of the Commission and in its initial organization have not reflected the sense of urgency which I feel is necessary. I regret to note, here, that the actual increases included in this bill are only temporary and without further action will expire on July 1, 1972. The bill we will consider authorizes a 6-month extension of the time given the Commission to submit its report for congressional study. Hopefully, the findings of the Commission will make it possible to make the necessary revisions within the financial structure of the program which will eliminate the present operating deficit and allow the benefit increases to be made permanent. These changes should also strengthen the stability of the fund for the benefit of future retirees and, thus, I strongly urge that the Commission proceed with its study without further delay.

In closing, I again wish to express my complete support for the benefit increase provided by this bill. It is a well-deserved and long-overdue step and should have the unanimous approval of all Members of the House.

THE BIG TIMBER RAID

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. DINGELL. Mr. Speaker, "The Big Timber Raid" is the title of a column by Stewart Udall and Jeff Stansbury which has just been released by the Los Angeles Times Syndicate in association with Newsday. Former Secretary of the Interior Udall and Mr. Stansbury are doing an outstanding job of bringing environmental and conservation issues to the attention of the public and I feel that my colleagues will find the current column of timbering operations to be of interest. Therefore, under unanimous consent, I include the text of the column at this point in the RECORD:

THE BIG TIMBER RAID

(By Stewart Udall and Jeff Stansbury)

Last month we reported that timber companies had launched a new logging raid on the national forests, using the housing shortage as a pretext. Their main objective in boosting the harvest of public timber, we believe, was to lower lumber prices and thereby deny competing wood substitutes a larger share of the housing market.

We challenged the timber companies to back up their domestic housing arguments by answering these four questions:

Why did they export 2.5 billion board feet of softwood logs in 1970?

Why don't they harvest the 30 billion b.f. of standing saw-timber they have already bought from the U.S. Forest Service in the lower 48 states?

Why don't they earmark more of their timber to housing?

Why do they waste a third of the wood and bark in the average commercial tree?

After our column appeared, the Western Wood Products Assn. (WWPA) issued an indignant reply asserting that the United States is a net importer of softwood lumber, that a large standing timber backlog is essential for sound management, that "It is not man's law but nature which determines to what use a tree is put" and that, in the Pacific Northwest, industry uses 90% to 95% of each tree trunk it harvests.

These claims are fascinating. Let's examine them.

Exports: The United States *is* a net importer of softwood—but this reply begs our question. If housing needs are so acute, why does industry *export* at least 3 billion b.f. of high-priced logs and lumber each year? Diverting this wood to domestic housing would appear to be a vital step if housing materials are in short supply.

Backlog: The forest products people are correct: *Some* purchased timber must be left standing "in the pipeline," but surely not 30 billion b.f.—a full two-and-a-half-years' supply. A big backlog is a device for financial speculation. Market prices determine when it is cut, not social needs such as housing.

Non-housing uses: On commercial forests, it is man's law, not nature, which determines what three species are planted and harvested. Today most companies give top priority to low-grade timber grown on short rotation for pulp and paper—while most of the best softwood is earmarked for high-priced homes, not for urgently needed low-income housing.

Waste: The WWPA rebuttal artfully talked only about tree *trunks* trimmed for the sawmill. Our statistics referred to the whole green tree. Nationwide, timber companies still convert no more than two-thirds of the wood and bark in the average commercial tree into useful products—a weak performance by Japanese and European standards. Millions of tons of logging cull, bark, mill shavings and pulp fibers contribute to the dismal record of waste each year.

Timbermen cannot have it both ways. They cannot export softwood, build up a huge standing backlog and waste prodigious amount of their resources while asking the public to sacrifice outdoor values as a result of increased Forest Service harvests.

Our analysis convinces us that the timber industry's real motive in lobbying for a stepped-up cut is to depress the market for such increasingly popular wood substitutes as aluminum, steel, concrete and plastics.

CENSORSHIP

As a leading and stanchly independent conservation author, Mike Frome has brightened the pages of *American Forests* magazine with a no-punches-pulled monthly column.

Recently, in typically outspoken pieces, Frome has told the magazine's 83,000 readers about clearcutting, erosion and waste in the national forests. We have learned that, on March 4, William Towell, executive vice president of the American Forestry Assn. (which published the magazine) sent editor James Craig a memo. Its contents were apparently designed to appease American Forests' principal advertisers—the forests products industry.

"Mike's column," wrote Towell, "is to be censored—Frome, in the future, is not to write critically about the U.S. Forest Service, the forest industry, the profession or about controversial forestry issues."

Without telling Frome, Craig reluctantly began softening his star columnist's copy. Frome protested vigorously. According to latest reports, Craig, who has edited *American Forests* for nearly two decades, may resign rather than remain a party to censorship. We hope Frome's admirers will rally behind him and force the AFA supposedly a citizens group, to keep his column.

FRAZIER OF SOUTH CAROLINA

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. MANN. Mr. Speaker, I would like to insert into the RECORD the following account, from the Greenville, S.C., News of April 10, 1971, of Joe Frazier's appearance before the South Carolina Legislature. Those who think that all the evil that exists in racial relations has sprung from the South stand to learn something from the champ's remarks. Joe Frazier sees that the fight for racial equality must be waged no less in the North than in the South. Joe Frazier knows that it must be waged through an effort at mutual understanding, not a series of force acts. That the South Carolina Legislature, to a man, should rise to its feet, applauding these remarks, says something very real about the condition of race relations in my own State—and it is a message of which I, along with all Americans, can be very proud. Joe Frazier is a champion among men—a good and a patriotic man, a man who has not ducked any of his responsibilities to his Nation, standing up before his peers. That this is all that matters to his fellow Americans in the South Carolina Legislature should give us all heart and hope in the future of America.

The editorial follows:

MESSAGE FROM A REAL CHAMP

Joe Frazier's address to the General Assembly proved that the Beaufort native is a champ in the truest sense of the word. As a man among men, he brought an important message to all South Carolinians—both black and white.

"Our main problem today is that people won't work together, won't get along," the heavyweight champion of the world said. And although he was one of the first black men to speak before a joint session of the legislature since Reconstruction, he aimed his remarks at all races.

"In my hometown there have been some changes, but some things never seem to change," he said. "We must work together, get a little closer, and we can solve all of our problems."

The champ termed his speech a "rap" session with the legislators. It was a talk obviously from his heart, from a philosophy that has carried him from plowing with a mule on the sandy soil of coastal South Carolina to one of the highest honors the athletic world can bestow.

It was not an easy journey, but along the way Joe Frazier has gained a profound understanding of life and what it takes to be a winner. "It is you and me, all men together, we must fight and we can whip the problems of South Carolina and the whole country. And it isn't just the South, it is the North too," he told the legislators.

The champion has first-hand knowledge of the daily trials that, in the past, have been part of being black—and a Southerner. But his experiences have not left him bitter. Rather, they have convinced him that cooperation, understanding, brotherhood between the races are necessary to create a good life for all our people.

"When I say our people, I mean both black and white," the champ said. His pride in the blacks elected to the legislature comes from his pleasure, he said, in knowing "that finally white and black citizens are working together for the help of all people."

The spotlight of the world was on Joe Frazier when he won his boxing title. But his homecoming this week carried more deep significance for his fellow South Carolinians than that famous appearance in Madison Square Garden.

He is a native son of whom the entire state can be proud. We all wish him well.

GUNNAR MYRDAL TALKS ABOUT TROUBLES IN "UTOPIA"

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. DUNCAN. Mr. Speaker, a leading businessman in my district has called to my attention an article in the April 1971 issue of Nation's Business on "utopia" in Sweden.

I think this article is well worth the reading by our colleagues, especially in view of the great problems we are facing in our State welfare programs. I would like to include the article, "Gunnar Myrdal Talks About Troubles in 'Utopia'," in the RECORD today:

GUNNAR MYRDAL TALKS ABOUT TROUBLES IN "UTOPIA"

(By Sterling G. Slappey)

STOCKHOLM.—The impossible happened in the welfare state of Sweden not long ago.

Tens of thousands of Swedes—professionals, including judges, doctors and teachers; various white collar workers, including municipal employees; and railwaymen—went on strike.

It was class strife in an egalitarian society and it came at a time when taxes were incredibly high and when inflation in a nation so often called "Utopia" roared up and up and up.

As springtime arrived, it was obvious that changes could be expected in Swedish welfarism, and in the public's attitude toward unions.

One man who saw a need for changes was an architect of this welfare state: Gunnar Myrdal, the internationally renowned thinker and economist. In his small office near the top of a Stockholm skyscraper, he talked to a Nation's Business editor about his views.

Much of what Prof. Myrdal said applies to the United States, for the two countries are alike in numerous ways. Many Americans feel their nation is moving down the road Sweden has already traveled.

Prof. Myrdal, author of "An American Dilemma," "Asian Drama," "The Challenge of World Poverty," "Beyond the Welfare State" and other books, emphatically made it clear he does not want to disassemble the welfare state in his homeland.

But he also made it clear he feels there can be excesses in welfarism, as he discussed:

HANDOUTS

He's against the welfare check for those who can work, he said. "Instead, every person should have a job, for without a job there is no dignity." The welfare situation in the United States "is scandalous, just horrible. It must be changed." When welfare recipients are given cash, in many cases all they do is get "bigger automobiles and fancy dresses. These problems are too deep, brother, to solve with cash."

He had deep "reservations about the American guaranteed income plan."

Instead of cash welfare handouts, Prof. Myrdal said, "aid in kind should be provided—better schools, hospitals, parks. Housing must be improved. Day nurseries should be built so mothers can go off to jobs." And, he said, family planning aid must be provided.

HAPPINESS

Welfare state aid, Prof. Myrdal said, often fails to create the happiness and contentment it is supposed to. No country, certainly not Sweden, "is a picture of paradise. Here the lion is not beside the sheep."

Greediness exists in the welfare state. There is always agitation for lowering the retirement age and "everyone wants the road in front of his home paved. People want more nurseries, more hospitals . . . more and more."

When people have to line up to receive payments, "they are angry."

At the same time that people are demanding more benefits, they are complaining about high taxes. "The people must realize they can't get something for nothing."

Bureaucrats think they know more about what a citizen wants than the citizen himself does, Prof. Myrdal added. He recalled how bureaucrats tried to tell his uncle in Dalecarlia (a central Swedish province) "where to put the doors in his house" after the uncle got a state loan for reconstruction.

CLASHES BETWEEN CLASSES

Since the Swedish welfare state reduced the range in income between the highest and lowest paid workers, between upper, middle and lower classes, sharp frictions have developed in a society where everyone supposedly is to be made equal. Extensive strikes among middle-class white collar union members grew from these frictions.

"The middle- and upper-class union members must come to their senses," Prof. Myrdal said. "They create trouble for everyone. It's become a class struggle with the academics [university graduates] and civil servants seeing the lower classes creeping up on them and not liking it."

Miscalculations have been made in Sweden on attitudes of union members. "We thought the upper- and middle-class unions would show as much respect for society as lower-class unions have, but this was a mistake." When white collar and professional people struck, Prof. Myrdal said, it was a case of a few men being in a position to stop everything. "This was their freedom, but non-freedom for everyone else."

He called for disbanding Swedish unions of professionals and university graduates and for denying Swedish Army officers and a wide range of government employees—including judges, teachers, municipal workers and railwaymen—the right to strike.

INFLATION

Ballooning costs throughout the economy are among Prof. Myrdal's greatest worries. "Inflation is upsetting for everyone. It's hell for every society."

The situations here and in the United States are alike in that all political parties compete in offering more and bigger welfare benefits. Prof. Myrdal said. This, he added, is as true of Democrats and Republicans as it is of leaders of Sweden's Social Democratic, Liberal, Conservative, Centre and Communist parties.

Too many people in a welfare state look upon the state as an employer, Prof. Myrdal said. "They forget the state is all of us."

To put Prof. Myrdal's thoughts in context, an examination of the Swedish welfare state should be made.

FREE—AT A PRICE

Children under 16 receive nontaxable allowances. Nearly every kind of health care (some dental care is excepted) is provided free for youngsters. Nurseries, nursery schools, leisuretime centers and camps are free or provided at vastly reduced costs. Child welfare officers stand by with copious advice.

Free education is available at universities as well as at lower-level schools. Most school meals and supplies are free. School travel allowances are paid out. There is a tremendous range of educational grants, the size depending on family income.

Though there is practically no unemployment, the government has special employment services that provide job opportunity news, training, and transfer grants.

Young people who aren't well off can get loans for furniture. The man and woman don't have to be married; just living together will qualify them.

Every mother receives a maternity allowance, with extra money paid for twins. Medical needs including services of midwives and stays at maternity hospitals are provided free. Family guidance centers offer young mothers plenty of advice. Some dental services are provided. If a prospective mother wants an abortion, it's hers.

Tenants with children get help in paying their rents.

Old age pensions of one kind or another cover just about everyone. Supplements are available to boost income of the elderly. Social and home help of many kinds are given the aged and handicapped.

A woman who feels the need of a holiday can get government aid if her income does not go above a quite-liberal figure.

Illness and accident benefits are nearly all-covering. Disabled citizens, including those disabled by too much whiskey, can get considerable help, depending in many cases on their abilities to pay part of their bills. Several programs help the family whose breadwinner has passed away.

Paying for all of this, and more, has made Swedish taxes mountain-high.

A person earning $10,000 a year pays up to 46 per cent in direct national and local income taxes, plus another 15 to 20 per cent in sales taxes and other levies. A Swede making $20,000 a year pays up to 54 per cent in income taxes, with numerous other taxes heaped on top of that. A value added tax on appliances and large items such as cars or boats amounts to 15 per cent of the cost of the item.

As welfare benefits have expanded and taxes have gone steadily higher, the Swedes have been beset by fearful inflation. Customarily, it has raged at an annual rate of 7 per cent.

After years of constantly cheapening money, Sweden has become a very expensive country to live in, or visit.

THE SPICE OUT OF LIFE

Welfarism has, in the opinion of many people, taken much of the spice out of life in Sweden, as the citizenry has leaned so heavily on the state.

Swedish culture increasingly has become a matter of imports from more imaginative populations.

Until the divisive issue of the strikes last winter, Swedes found few domestic matters to get excited about. So they have spent large amounts of time worrying about other people's problems, including the Viet Nam war.

They have made big productions of shipping aid to the Viet Cong, and to Castro's Cuba. They also have delighted in listening to speeches by U.S. servicemen who have deserted.

Virulent anti-Americanism, which grew partly from the fact that life was so placid, even took the form of trying to degrade the American ambassador, the distinguished Negro, Dr. Jerome H. Holland. (Sweden's brand of neutralism has found little favor among her neighbors, Denmark and Norway. Unlike the Swedes, both are members of NATO and seek Common Market membership.)

Prof. Myrdal took note of the blandness of Sweden's society:

"Society does not need rebels and ardent reformers any longer, and neither does it have any place for the diehard philosophers of reaction. It has, instead, use for large cadres of practical tacticians, organizers and bureaucrats. Most potential intellectuals are now being drawn into these cadres early in life.

"Their adventurousness is calmed down, and they seem to be happy to be engaged in practical matters. But, of course, not all react in this way.

"I will honestly confess that to me, personally, Sweden has become somewhat boring, while I feel excited about America, the underdeveloped regions and most other countries where there are staggering problems and spectacular struggles to wage."

Prof. Myrdal, who owns stocks in U.S. companies and whose son-in-law, Derek C. Bok, has been named the next president of Harvard, is anything but anti-American. He visits America six or eight times a year, lectures regularly at universities and adults he often works more with America than with Sweden in mind.

He warmly greets American visitors at his Institute for International Economic Studies—part of the University of Stockholm.

With his tremendous imagination and his wide-roving mind he is as free with his conversion as he is frugal with his cigarets (he takes a few puffs, stubs out the cigaret carefully and later fires it up again).

He's candid about his country, which he obviously loves dearly, and there is one particular thing which irks him deeply. It is to repeat the canard that Sweden has the world's highest suicide rate. It doesn't. Several other nations have a much higher rate.

Prof. Myrdal comes on strong when a visitor casually asks just what the Swedish government has nationalized recently.

"Nothing," the professor fires back. In fact the tobacco industry is being denationalized.

Most of Sweden's economy has always been in the private sector, though there is far more government ownership than in the United States. There is nationalization, for example, in transportation, in the liquor industry, and in several smaller industries in Lapland, where it is so cold and sparsely populated that private capital is hard to come by.

GENERALS ON THE PICKET LINE?

With Army officers and even clergymen in the ranks of unionists, Sweden presents a spectacle of vastness not only in taxation and welfare benefits, but also in unionism.

However, except for an occasional rather minor flareup, there was labor peace until just after Christmas, when big trouble broke out.

Middle- and upper-class unionists wanted large pay increases which would put them once again well ahead of lower-class workers—a position they were losing as the welfare state constricted wage differences. The government offered raises one third the size of those demanded.

One of the most agitated unions was the Confederation of Professional Associations. Other highly irritated unions included those representing white collar salaried employees, teachers and highly paid civil servants.

Strikes broke out across the country. Schools were closed. Courts shut down. Trains did not run; dispatchers sent themselves home.

In the midst of it all the government toyed with the idea of barring 3,000 unionized Army officers from military bases. This would have forced the officers' union to pay them weekly sums equal to the strike benefits paid other members of the same union who had walked off civilian jobs. This, the government said, would break the union financially.

At the last moment the government backed off, though some military maneuvers were canceled in anticipation of an official lockout.

Besides saving government face, the change of plans saved innocent officers from being stranded outside bases which they would not have been able to enter. They could not have caught trains home either, of course, because the railways were struck.

THOUGHTS OF THE FUTURE

Clashes between the classes set Swedes to thinking about problems and alternatives.

Staffan Burenstam-Linder, member of the Riksdag (Parliament) and deputy head of the Conservative Party, said that if a non-Socialist government gets into power, there will be few major, immediate changes in the direction of government.

"But," he said, "small changes in direction amount to large changes. Like a ship, a small change in course, if maintained, means you are many degrees off the original course.

"We would encourage private savings, more private home building and ownership, more holding of stock in companies. This would leave more money in the hands of people who earn it."

Mr. Burenstam-Linder said the Conservatives are pressing for adoption of a scheme to encourage private saving. The plan would operate generally like this: A Swede who puts away as much as 2 per cent of his salary annually for as long as five years would be given a sizable deduction off the amount of income he declares on his tax return.

The Social Democrats, in power for nearly four decades, have in recent years lost their majority in Parliament and now hold onto the government only because Prime Minister Olof Palme gets the Communists to vote with them. The Palme government could well topple within a year. Mr. Palme, who got part of his education in the United States, is so unpopular in Washington he was not invited to the White House during a visit last year.

A government official from Mr. Palme's side of the political spectrum also looked ahead for Sweden.

Bror Rexed, chief of several welfare services, said he feels that taxation is near the ceiling, that the government probably can't collect much more than it now does. At the same time, he said, refinements can improve good programs and new programs can replace poorer ones. More women can be brought into the working corps and a larger percentage of the almost automatic 4 per cent annual expansion of the Swedish economy can go toward paying added costs, he said.

One government official who wished to remain anonymous said some of the present discontent was caused by local programs which promised more to the people than could be delivered.

Another problem, he said, is that "we are educating many youths just so they can be educated." He added:

"Sweden possibly cannot afford some of the social programs it has. We know full well there are many poor people who cannot afford the new, low-cost housing we're building for them. Too much of their income already goes to the state for welfare.

"Something is wrong and we must reconcile the money we pay to house these low-income people with the money we must pay workers to put up the houses.

"There are many people in Sweden who feel we have gone too far and this is a cause of some of the strikes we're having."

Does all this indicate anything for America? Probably.

As Prof. Myrdal put it: "You're already more of a welfare state than some Americans think." He noted that "President Nixon has done some things along these lines recently," and recalled President Johnson's Great Society as being recognition of the welfare state as a national goal.

Prof. Myrdal, however, made it clear once again that he doesn't favor leaving the welfare road—only changing some of the travel methods.

America, he said, should clear out poverty pockets, and bring people up from "slum-mindedness," by spending an extra trillion dollars in the next decade.

TRAMMELL CROW RECOGNIZED AS U.S. BIGGEST REAL ESTATE DEVELOPER

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. COLLINS of Texas. Mr. Speaker, America's challenge for the seventies is to find more men of vision and have them lead the way. Dynamic business leaders such as Trammell Crow of Dallas, Tex., set the pace for the Nation. He is now recognized as the largest real estate developer in our country.

Crow represents the best of business leadership. He has sound commonsense developed by experience as a self-made man. He works hard because creativity to him is a challenge. Trammell grows while his associates grow with him as he shares his opportunities.

I have known Trammell since we lived in the same neighborhood and went to Woodrow Wilson High School together. He started from scratch. Yet, he is still the same nice guy that I knew as a boy. His character and sense of honesty and fairness have made him a successful builder. He has drive and vibrates action as he likes to close out deals. Crow made it the hard way and climbed the ladder all the way to the top.

America still offers much to young men who have ambition and are willing to work for success. Forbes magazine in its current April 15 issue wrote an interesting article on Trammell's individuality that has given him such a record of achievement. You will find the story of Trammell Crow exciting. Crow owns the biggest private real estate operation in the United States and you will enjoy reading the Trammell Crow story in Forbes magazine, as follows:

TRAMMELL CROW: BIG, BIGGER, BIGGEST?

(NOTE.—Real estate developer Crow doesn't follow the crowd. He builds to own, and what he owns is now the biggest private real estate operation in the U.S.)

The conventional real estate strategy is to borrow, build, depreciate, sell; then take the profit and start all over again. But the U.S.' biggest private real estate developer, Dallas' Trammell Crow, achieved his present Texas-sized eminence by standing such accepted canons of real estate practice on their heads. "We aim to keep everything we build," says Crow. "We pay lots of taxes, depreciate slower than we have to, and no borrowing out—beyond the bare cost of the project—and no refinancing."

It's keeping everything he builds that has done it—made Crow at the age of 56 the biggest private landlord in the U.S., head of the loosely structured Trammell Crow Co. and sole or partnership proprietor of properties worth something in excess of $1 billion. Crow's involvement in the $55-million Dallas Market Center, in Atlanta's $60-million Peachtree Center and, with David Rockefeller, in San Francisco's $200-million Embarcadero Center commercial complex, have won him what public attention he has had to date. But the underpinnings of his nationwide empire are somewhat more mundane—25 million square feet of warehouse space in 26 cities from New Orleans to Philadelphia, 24,000 housing and apartment units—"no high rises, just garden apartments"—in cities from Palm Beach to Chicago.

"You won't find us mentioned in the slick magazines as innovators," he says, eyebrows bristling, "but you won't find us listed in The Wall Street Journal as bankrupt, either."

Crow's friends describe him as folksy, imaginative, modest and "tough as hell when he wants." But doesn't it take more than that to build a single Dallas warehouse into a real estate empire stretching from Hong Kong to Belgium to Shreveport? Crow's own answer is deceptively forthright: "By finding a success formula, making it work and repeating it, repeating it, repeating it," he says. Sounds simple, but it's trickier than that.

BUY, BORROW, BUILD

In 1936 Trammell Crow, the teller behind window H-to-M in the Mercantile National Bank in Dallas, was a 22-year-old kid who dreamed of going to college, but was stymied by the Depression. Instead, he got his CPA at night, quit banking to work for the accounting firm of Ernst & Ernst, then served in wartime Washington as a Naval commander. He married during the war, and in the late 1940s was managing his wife's family grain elevator business in Dallas.

"In 1948 I had to find tenants for an old multistoried warehouse," he says. "That attracted me to real estate, and I decided to try my hand at it. By buying a piece of land, and using it as collateral, I was able to borrow $40,000 from Pacific Mutual Life and the First National (Bank in Dallas on whose board he now sits) and build a warehouse. I rented it to Ray-O-Vac." Crow had discovered his first formula—to buy, borrow, then build—and he kept repeating it until he had used up every cent he had.

Having reached the limit of his own resources, Crow searched for partners. He found them: the Stemmons brothers, scions of Dallas' pioneering Stemmons family, became his backers and partners by putting up some of their land holdings. "Equitable Life Assurance (of New York) was pretty far-sighted," Crow says, "and loaned us money—the land was our equity—to build the Dallas Market Center."

The Dallas Market Center became the prototype of another Crow formula: trade marts, showrooms for wholesalers, which he has since developed in several other U.S. cities and more recently in Europe.

The partnership concept became a central element in his operating style, and many of his Dallas friends were among his early partners, just as David and Winthrop Rockefeller were among his later ones when he began operating on a national scale. Next came formulas for apartments and offices.

"Had I done what others do," Crow points out, "I could have avoided having any partners. I could have sold out and gone on to the next thing. But that's not what I wanted. I wanted to hold on. And partners have been one way to do it.

"You have to delay the fruits of your work," he says. "Many people can't wait for profits. Me and my partners, we held off. We lived through hard times on low pay, sweated it out waiting for the long term. The good times arrived because we hung on. Look," he goes on, "we're not big because I'm a ——— ——— big shot. We've all worked for it. Our worth is a function of this steady accumulation, year in, year out, of more and more real estate, plus the growth inherent in these times. We just got less and less small. Then medium sized. Then big. Then bigger."

What his backers like about Crow (besides getting a piece of the equity action) is what Chairman Robert H. Stewart III of Dallas' First National Bank calls his "long-term judgment." Says Stewart: "Trammell convinced us to move over one block from our old location, tear down a $3.5-million parking garage and think in terms of developing an entire block. We did and we are. He was right." The resulting First National Tower is one of the bank's better investments and a prime piece of Dallas real estate.

"What real estate is" Crow explains, "is marketing. You look at an area, decide what it needs that you can market and get your return on it. Only then, with the concept, the financing and design details pulled together, do you worry about the land."

Many investors believe real estate is a local rather than a national business. "Trammell understands this," says William Murdoch, head of Schroder (Bank) Real Estate, New York. "It's a local business that needs local people involved." Not just to take care of the details, but because real estate—especially zoning—is local politics, and it's knowing local social and economic patterns that make real estate values. So it makes sense to have partners who know the ropes.

A recent venture in San Francisco shows how Crow's mind and system operate. "Ned Spieker and I—he's my San Francisco partner—see the Bay area as needing more warehouses. We're on the peninsula, in San Jose and East Bay. But we've decided that East Bay is *the* area for warehousing and we're going ahead there."

Why East Bay? "First place, most of the population growth must be off the peninsula, in the East Bay area, so warehouse service points don't have to be concentrated on the peninsula itself. Second place, it's first stop for the railroads. Third place, highways going south to Los Angeles and north to Seattle go right through there. Fourth place, more land is available there. Fifth place, it's half a day quicker for railroad deliveries; they don't have to run around the peninsula. Sixth place. . . ."

KEEPING IN TOUCH

Spieker will take charge of the new 100,000-square-foot project now under way. He's a 20–40 partner with Crow. The other 40% belongs to Crow's general partner Robert E. Glaze. Spieker and Crow will talk over the phone twice a month, meet four times a year. "And Ned will send in written reports which will cross either my desk or Bob Glaze's."

Crow has five operating partners in the Trammell Crow Co., six regional operating partners and nine partners who, in their own right, manage development companies in which Crow has a 50% stake. Glaze, Crow's financial manager, joined the company eight years ago, and is now worth around $5 million. Says Crow: "I'm worth about $40 million [it has doubled in the last eight years], the children [six, ranging from 11 to 26 years] are worth about another $40 million, through separate ownerships. My partners [in the

Trammell Crow Co.] are worth about another $40 million. That's net worth, of course. You don't hire a guy and tell him to work for you. You give him a piece and let him work for himself. That's not just your strength, it's your guarantee the job will be well done."

Crow operating partner Mack Pogue, 36, is 50-50 with Crow in Lincoln Property Co., in which Winthrop Rockefeller participates. Pogue has taken Lincoln Property from a one-city to a 13-city operation in seven years, building a quarter-billion dollars' worth of housing and apartments. Along the way Pogue's share has made him a millionaire ten times over. "Trammel gave me free rein, and trusted my judgment," Pogue explains.

"Take Gillis Thomas, for example," says Crow. "Gillis joined us in the Fifties as a bookkeeper. Today he's my senior partner for industrial buildings in Dallas, Atlanta and Denver, where Gillis and I go 50-50 in the Crow Co.'s share of any project, usually a majority share. But Gillis is getting as much out of it as I am."

PROFITS, CASH, AND TAXES

At last count, the Trammell Crow Co. had some $554 million worth of completed projects, another $285 million still under construction. But that's cost. The market value, at a 25% to 27% markup, is over $1 billion. On top of that, the various properties are probably yielding around $8 million to $10 million in income annually.

The fact is, some of the early Crow developments have been paid off and are now generating substantial amounts of cash—free and clear of any interest or principal charges. "We can use that income," Crow says, "and the value of those properties to secure a greater piece of the equity in the next project we undertake. This means our net worth is starting to appreciate more rapidly, because we have to take in proportionately less outside money on some projects."

It also means that Trammell Crow Co.'s tax bill has been rising, but Crow dismisses the tax problem with a shrug. "We pay lots and lots of taxes," he says. "We never play the tax game of shielding income unless a co-partner insists on it. We can't afford to—everything we do is directed at hanging on to what we build.

"If you use depreciation to shield income, especially accelerated depreciation, there's going to be a time when the tax shield runs out. But the income is still coming in, and the debt must be serviced." To offset that, Crow tries for an equation in which debt service will never exceed depreciation.

So where does he go from here? Is the next step to take the Trammell Crow Co. public and really cash in on the fruits? "There is no room for a cents-per-share approach to real estate," replies Crow. "First place, real estate does not produce the pretax profit goals, usually around 20% on *dollars allocated*, that most corporations require. Real estate can offer only 9% to 13%—our profits go up and down with the interest rate. Twenty percent would be totally unrealistic as a goal for our business."

Warming to his theme, Crow adds: "Corporations can shoot for the moon and try to make that type of money in real estate, but they are apt to make the kinds of deals which in the long run are going to hurt. Big corporations are still coming into real estate, but they are going out the other end of the tube, battered."

Has Crow ever been battered? "Oh, yes, you can be sure. We've not always been able to hold on. But no one has ever lost money on us. Right now we have a couple of properties which, if we sold them, we'd lose money on. But we'll not sell them."

Crow tries not to let his formulas, or those of his competitors, tie him down to a pattern. Right now he's building a downtown Dallas office tower—though he hadn't really planned to. "It just became apparent to us that several office buildings slated for downtown Dallas, Griffin Square, LTV Tower and Two Main Place would not, in fact, be built. And we were right. So we looked at what the area needed, thought about financing and design and then went out to look for the land. Metropolitan Life felt a downtown Dallas tower would be great." The tower is going up at the rate of two stories a week, and Crow's partners are looking after the details. As for Crow himself, he's already on to something else.

RESOLUTION CALLING FOR FREEDOM FOR THE BALTIC STATES

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. GOLDWATER. Mr. Speaker, recently the Los Angeles County Board of Supervisors passed a resolution urging the President of the United States to bring the question of freedom for the long-enslaved Baltic States before the United Nations. I find this action by the board of supervisors commendable and I would like to share their resolution with my colleagues:

RESOLUTION, COUNTY OF LOS ANGELES: 720TH ANNIVERSARY OF THE LITHUANIAN STATE

Whereas, this year marks the 720th anniversary of the formation of the Lithuanian State when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251 and the 53rd anniversary of the establishment of the Republic of Lithuania on February 16, 1918 commemorated by Americans of Lithuanian origin or descent and their friends in all parts of our great nation; and

Whereas, the Communist regime did not come to power in Lithuania, Latvia and Estonia by legal or democratic process; and

Whereas, the Soviet Union took over Lithuania, Latvia and Estonia by force of arms; and

Whereas, the Government of the United States maintains diplomatic relations with the governments of the Free Baltic Republics of Lithuania, Latvia and Estonia and consistently has refused to recognize their seizure and forced incorporation into the Soviet Union; and

Whereas, the committee of the House of Representatives, created by H. Res. 346 of the 83rd Congress to investigate the incorporation of the Baltic States into the Soviet Union, found that the incorporation of Lithuania, Latvia and Estonia was contrary to established principles of international law; and

Whereas, the House of Representatives and the United States Senate (of the 89th Congress) unanimously passed House concurrent Resolution 416 urging the President of the United States to direct the attention of world opinion at the United Nations and at other appropriate international forums by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Lithuania, Latvia and Estonia and to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples:

Now, therefore, be it resolved, that the board of supervisors of the county of Los Angeles respectfully urges the President of the United States to bring the question of liberation of the Baltic States before the United Nations and ask that body to request the Soviet Union withdraw all of its troops and release its control of Lithuania, Latvia and Estonia and return to their homes all Baltic exiles and deportees from prison camps in the Soviet Union; and

Be it further resolved that a copy of this resolution be forwarded to the President of the United States, Secretary of State William P. Rogers, and United States Ambassador to the United Nations George Bush.

Adopted by order of the Board of Supervisors of the County of Los Angeles, State of California.

WARREN M. DORN,
Chairman of the Board and Supervisor 5th District.
FRANK G. BONELLI,
Supervisor 1st District.
KENNETH HAHN,
Supervisor 2d District.
ERNEST E. DEBS,
Supervisor 3d District.
BURTON W. CHACE,
Supervisor 4th District.

QUEEN ISABELLA DAY

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, in 1492 Christopher Columbus landed on the shores of America opening North and South America to settlement and development by European nations, thus laying the foundations for contemporary America. However, this voyage of discovery would never have taken place had it not been for the vision, intuition, and willingness to gamble of Queen Isabella of Spain.

Today, April 22, 1971, is the 520th birthday anniversary of this remarkable woman. A day all of us should remember with gratitude and pride. I have introduced a bill in the House of Representatives, House Joint Resolution 85, which would authorize the President to proclaim the 22d day of April of each year as Queen Isabella Day. While the House has yet to take action on this legislation, a number of cities and States throughout the Nation are celebrating Queen Isabella Day today.

It is a pleasure to place in the CONGRESSIONAL RECORD a number of proclamations designating Thursday, April 22, 1971, as Queen Isabella Day.

The proclamation follows:

PROCLAMATION

Whereas, the enthusiasm and support of a single ruler led to the discovery of America and the resounding affect this discovery had upon the history of the world; and

Whereas, this great ruler, Queen Isabella of Castile, was the sole backer of Christopher Columbus, whose proposed expedition to the New World was contrary to the 15th century concept of the world; and

Whereas, the shrewd intuition of Queen Isabella, as well as the financial support and risk taken by Her Majesty on behalf of Spain, was responsible for uncovering the unknown riches of the Western Hemisphere; and

Whereas, the history of America has direct linkage to the birth of Queen Isabella on April 22, 1451;

Now, therefore, I, Erastus Corning 2nd,

Mayor of the City of Albany, New York, do hereby proclaim Thursday, April 22, 1971, as Queen Isabella Day in the City of Albany, and urge all citizens to honor this Spanish Queen who was solely responsible for America's Discovery.

HOUSE OF REPRESENTATIVES,
Washington, D.C., Apr. 8, 1971.

Mr. JOHN P. PAINE,
President, National Committee for a Queen Isabella Day, Kittanning, Pa.

DEAR MR. PAINE: Thank you very much for your letter of April 5 with regard to the forthcoming 520th anniversary of the birth of Queen Isabella and the proposal to have the President proclaim a "Queen Isabella Day".

I read your letter and attachments with interest and appreciate your furnishing me with this information. The contributions made by Queen Isabella in underwriting the discovery of the New World are certainly well-known and it would be a fitting tribute if a special day would be set aside to honor her memory. I will be glad to continue to support such an effort.

In addition, I will make appropriate remarks in the Congressional Record, after the Congress reconvenes following the Easter recess, and I will be pleased to keep you advised of my activities in this regard.

Sincerely,

HERMAN BADILLO,
Member of Congress.

STATE OF MISSOURI

Whereas, the enthusiasm and support of a single ruler led to the discovery of America and the resounding effect this discovery had upon the history of the world; and

Whereas, this great ruler, Queen Isabella of Aragon and Castile, was the sole backer of Christopher Columbus, whose proposed expedition to the New World was contrary to the 15th century concept of the world; and

Whereas, the shrewd intuition of Queen Isabella, as well as the financial support and risk taken by Her Majesty on behalf of Spain, was responsible for uncovering the unknown riches of the Western Hemisphere; and

Whereas, the history of America has direct linkage to the birth of Queen Isabella on April 22, 1451:

Now, therefore, I, Warren E. Hearnes, Governor of the State of Missouri, do hereby proclaim Thursday, April 22, 1971, as Queen Isabella Day in Missouri, and urge all citizens to mark this day with ceremonies appropriate to her honor.

COMMONWEALTH OF KENTUCKY

To All To Whom These Presents Shall Come:

Whereas, April 22, 1971 marks the 520th anniversary of the birth of Queen Isabella, dynamic Castillian queen, who through her faith and confidence in Christopher Columbus, gave the civilized world a new dimension; and

Whereas, Queen Isabella, wife of Ferdinand of Aragon, by her support of Columbus in his plans for exploration, earned for herself a unique place in the history of Western civilization; and

Whereas, In her own time, Isabella was a queen noted for clear intellect, energy, virtue and patriotism; and

Whereas, The qualities of confidence in the future, spirit of adventure with a purpose and sacrifice in the cause of human progress exhibited by Queen Isabella are characteristics worthy of emulation in our twentieth century era of exploration;

Now, therefore, I, Louie B. Nunn, Governor of the Commonwealth of Kentucky, do hereby proclaim Thursday, April 22, 1971, as Queen Isabella Day in Kentucky, and urge all citizens, schools, historical and other interested organizations suitably observe this significant event in the history of the world.

STATE OF VERMONT
MARCH 30, 1971.

Mr. JOHN PAUL PAINE,
President, National Committee for a Queen Isabella Day, Kittanning, Pa.

DEAR MR. PAINE: Governor Davis has asked me to respond to your letter requesting him to proclaim Queen Isabella Day in Vermont on April 22.

The Governor will be very happy to proclaim this day in Vermont, and we will send you a copy of the proclamation when it is issued.

Sincerely,

FREDERICK M. REED,
Secretary of Civil and Military Affairs.

COMMONWEALTH OF VIRGINIA

Queen Isabella of Castile, as the sole backer of Christopher Columbus, was responsible for the discovery of America.

The shrewd intuition of Queen Isabella, contrary to the fifteenth century concept of the world, as well as her financial support and risk, led to the uncovering of the unknown riches of the Western Hemisphere.

April 22, 1971, marks the 520th birthday anniversary of this great ruler of Spain, and has been declared Queen Isabella Day by the National Committee for a Queen Isabella Day.

I call this occasion to the attention of all our citizens.

LINWOOD HOLTON,
Governor.

OFFICE OF THE GOVERNOR, FRANKFORT, KY.
MARCH 26, 1971.

Mr. JOHN PAUL PAINE,
President, Queen Isabella Day,
Kittanning, Pa.

DEAR MR. PAINE: This will acknowledge your letter of March 22, 1971, relative to a proclamation for Queen Isabella Day, April 22nd.

I am pleased to inform you that this proclamation has already been issued as of February 23rd. This document was requested by Mrs. Helen Brockman, State Regent of Kentucky, Daughters of Isabella, who resides at 18 Curtis Avenue, Ft. Thomas, Kentucky.

Thanking you for writing, with best wishes, I am,

Sincerely yours,

LOUIE B. NUNN,
Governor.

STATE OF ILLINOIS,
OFFICE OF THE GOVERNOR,
March 26, 1971.

Mr. JOHN PAUL PAINE,
Kittanning Pa.

DEAR MR. PAINE: Thank you for your letter of March 22.

The proclamation you requested for Queen Isabella Day has been approved and will be sent to you as soon as it is processed.

Sincerely,

(Mrs.) DIANE OTTINO,
Press aide.

WILLIAM G. MILLIKEN, GOVERNOR OF THE STATE OF MICHIGAN, PRESENTS THIS EXECUTIVE DECLARATION IN OBSERVANCE OF APRIL 22, 1971, AS QUEEN ISABELLA DAY

In recognition of the enthusiasm and support given by Queen Isabella of Castile, which led to the discovery of America. Queen Isabella was the sole backer of Christopher Columbus and her intuition, as well as the financial support and risk taken by Her Majesty on behalf of Spain, was responsible for uncovering the unknown riches of the Western Hemisphere.

STATEMENT BY GOVERNOR RUSSELL W. PETERSON IN OBSERVANCE OF QUEEN ISABELLA DAY

April 22 marks the 520th anniversary of Queen Isabella of Spain. The courage, foresight and keen intuition of this ruler led her to back Christopher Columbus in a proposed expedition which was contrary to the contemporary concept of the world.

The discovery of America by Christopher Columbus was one of the great turning points of the history of civilization and has also become imbedded in the tradition of our nation.

Accordingly, as Governor of the State of Delaware, I designate Thursday, April 22, 1971, as Queen Isabella Day in Delaware and urge all residents to join in tribute to the memory of this great queen whose financial support to Columbia made the discovery of this great continent possible.

STATE OF CALIFORNIA,
GOVERNOR'S OFFICE.

I am happy to join with those who are giving recognition to April 22, 1971, Queen Isabella Day.

This 520th birthday of this great woman of courage and vision focuses the attention of Americans on her contributions which led to the discovery of the New World. Queen Isabella's faith in the capabilities and the quest of Christopher Columbus is that same kind of faith which has allowed man to reach into the infinity of space.

I urge my fellow Californians to give due recognition to this outstanding woman of history on April 22, 1971.

Sincerely,

RONALD REAGAN,
Governor.

STATE OF MONTANA, OFFICE OF THE GOVERNOR

All of us realize the importance of adequate financing, but few of us, with the exception of economists, appreciate the important role financers have played in history.

Each October 12 we honor intrepid Christopher Columbus, the sailor who discovered the new world.

We do not honor Queen Isabella, the woman whose foresight and support of Columbus made his discoveries possible.

I believe it is fitting that Americans remember the important part Queen Isabella played in the pre-history of this nation.

FORREST H. ANDERSON,
Governor of Montana.

STATE OF NEW JERSEY, EXECUTIVE DEPARTMENT, PROCLAMATION

Whereas, the enthusiasm and support of a single ruler led to the discovery of America and the resounding affect this discovery had upon the history of the world; and

Whereas, this great ruler, Queen Isabella of Castile, was the sole backer of Christopher Columbus, whose proposed expedition to the New World was contrary to the 15th century concept of the world; and

Whereas, the shrewd intuition of Queen Isabella, as well as the financial support and risk taken by Her Majesty on behalf of Spain, was responsible for uncovering the unknown riches of the Western Hemisphere; and

Whereas, the history of America has direct linkage to the birth of Queen Isabella on April 22, 1451:

Now, therefore, I, William T. Cahill, Governor of the State of New Jersey, do hereby proclaim Thursday, April 22, 1971 as Queen Isabella Day in New Jersey and urge all citizens to honor this Spanish Queen who was solely responsible for America's Discovery.

PROCLAMATION BY THE GOVERNOR OF THE STATE OF KANSAS

Whereas, April 22, 1971 marks the 520th anniversary of the birth of Queen Isabella, dynamic Castillian queen, who through her faith and confidence in Christopher Columbus, gave the civilized world a new dimension; and

Whereas, Queen Isabella, wife of Ferdinand of Aragon, by her support of Columbus in his plans for exploration, earned for herself a unique place in the history of Western civilization; and

Whereas, in her own time, Isabella was a queen noted for clear intellect, virtue and partriotism; and

Whereas, the qualities of confidence in the future, spirit of adventure with a purpose and sacrifice in the cause of human progress exhibited by Queen Isabella are characteristics worthy of emulation in our twentieth century era of exploration:

Now, therefore, I, Robert B. Docking, Governor of the State of Kansas, do hereby proclaim Thursday, April 22, 1971, as Queen Isabella Day in Kansas, and urge all citizens, schools, historical and other interested organizations suitably observe this significant event in the history of the world.

OFFICIAL MEMORANDUM BY PRESTON SMITH, GOVERNOR OF TEXAS

The enthusiasm and support of a single ruler lead to the discovery of America and the resounding effect this discovery had upon the history of the world.

This great ruler, Queen Isabella of Aragon and Castile, was the sole backer of Christopher Columbus, whose proposed expedition to the New World was contrary to the 15th Century concept of the world.

The shrewd intuition of Queen Isabella, as well as the financial support and risk taken by Her Majesty on behalf of Spain, was responsible for uncovering the unknown riches of the Western Hemisphere.

The history of America has direct linkage to the birth of Queen Isabella on April 22, 1451.

Therefore, I, as Governor of Texas, do hereby designate Thursday, April 22, 1971, as Queen Isabella Day in Texas, and urge appropriate recognition thereof.

STATE OF OHIO PROCLAMATION, QUEEN ISABELLA DAY, APRIL 22, 1971

Whereas, April 22, 1971, marks the 520th anniversary of the birth of Queen Isabella, gracious and far-sighted Castilian Queen, whose name and fame are fixed forever in the history of both hemispheres in recognition of her intuition and generosity which moved her to be the sole financial backer of Christopher Columbus on his first epic voyage to the New World; and

Whereas, the chronicles of her time portray Isabella as a lady of great force of character distinguished for her intellect, energy, virtue and patriotism; and

Whereas, the qualities of character ascribed to Queen Isabella are not confined to one single era of human history. History is replete with the achievements of able and inspiring rulers whose statesmanship and wisdom shaped the course of events for centuries to follow:

Now, therefore, I, John J. Gilligan, Governor of the State of Ohio, do hereby designate Thursday, April 22, 1971, as Queen Isabella Day in Ohio, and urge all citizens, schools, historical societies, and civic and cultural organizations to suitably observe the significant event which changed the history of the world.

STATE OF NEW MEXICO PROCLAMATION

Whereas, the support of Queen Isabella of Castile led to the discovery of America and the modern affect this discovery had upon the history of the world was resounding, and

Whereas, Queen Isabella was the backer of Christopher Columbus, whose proposed expedition to the New World was contrary to the 15th century concept of the world, and

Whereas, the financial support and risk taken by Her Majesty on behalf of Spain, was responsible for uncovering the unknown riches of the Western Hemisphere, and

Whereas, the history of America has direct linkage to the birth of Queen Isabella on April 22, 1451, and

Now, therefore, I Bruce King, Governor of the State of New Mexico by virtue of the authority in me vested do hereby proclaim Thursday, April 22, 1971 as: "Queen Isabella Day in New Mexico" and urge all citizens solely responsible for America's discovery.

STATE OF NEBRASKA PROCLAMATION

Whereas the enthusiasm and support of a single ruler led to the discovery of America and the resounding affect this discovery had upon the history of the world; and

Whereas this great ruler, Queen Isabella of Castile, was the sole backer of Christopher Columbus, whose proposed expedition to the New World was contrary to the 15th Century concept of the world; and

Whereas the shrewd intuition of Queen Isabella, as well as the financial support and risk taken by Her Majesty on behalf of Spain, was responsible for uncovering the unknown riches of the Western Hemisphere; and

Whereas the history of America has direct linkage to the birth of Queen Isabella on April 22, 1451:

Now, therefore, I, J. James Exon, Governor of the State of Nebraska, do hereby proclaim, Thursday, April 22, 1971, as Queen Isabella Day in Nebraska and urge all citizens to honor this Spanish Queen who was solely responsible for America's discovery.

EARTH WEEK

HON. JOHN H. TERRY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. TERRY. Mr. Speaker, the week of April 18 through the 24th is Earth Week. It is a movement to guarantee the existence of our Nation. The continuing awareness of the environmental issue is shown by the fact that so many different bills and resolutions have been introduced on the subject of the environment. We are really very fortunate that near unanimity exists in our resolve to end the destruction of our land, air, and water resources.

Since joining the House of Representatives in January, I have been continually in communication with a variety of organizations in the counties of my district who are trying to stop the destruction of our resources. The beautiful Finger Lakes are located in the center of my congressional district. These magnificent bodies of water have provided recreation and business to a large portion of my constituency. The Finger Lakes are an international attraction to tourists, and we cannot permit them to be destroyed by carelessness or lack of concern.

Much of the zeal of our youth has been channeled into the environmental cause. Several Scout groups recently held cleanup days in different parts of my district. Their personal commitment to cleaning up their communities is an example for all of us.

The most critical problem we face is finding methods of stopping all forms of pollution without disrupting our communities. For example, if General Electric in Syracuse were ordered closed, or the American Can Co. in Geneva or Eastman Kodak in Rochester, the economic impact on my District would be disastrous. In our zeal to clean up the environment, we must also be aware of the dangers of reacting too hastily.

Recent actions by the Environmental Protection Agency under the aggressive direction of William Ruckelshaus, have worked to stop industrial pollution. The standards set up by the EPA are not avoidable and every industry will have to meet these standards.

Another major problem has been the construction of solid waste disposal facilities for all of the smaller communities of this Nation. Since January, we have received over 20 requests in my office for Federal assistance for construction of these facilities. The towns simply do not have the money to independently construct a treatment plant which will serve its needs. Again, the Government must take the lead. It will cost a great deal of money over the years, but it is a cost which is vital to our very survival.

Finally, a recent survey published by Lou Harris indicates that over 70 percent of the American people are not willing to pay extra for consumer items which are packaged in such a way as to make them easily disposable. This is a critical problem. We need only drive by the proliferating landfills of this Nation to know that we are about to drown in our own garbage. If we are to demand certain standards of operation from our businesses, and if we are to provide facilities for our towns and villages for sewage treatment systems, then there will be some need of additional Federal assistance.

The cause is survival of our Nation. In the plenty of the United States, there has been poverty in planning our expansion and preservation of our environment. It will not be simple, but it must be done.

TOWARD COMMON INDUSTRY ACTION ON TRANSPORT PROBLEMS

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. ALEXANDER. Mr. Speaker, in a time when the competition among the various special interest groups for the Federal dollar has reached a new high, I find greatly encouraging the attitude toward transportation problems expressed by John A. Creedy, president of the Water Transportation Association.

The troubles of the mass transportation industry are well documented. They are regularly lamented in this Chamber, and outside it, by myself and my colleagues. Many, if not most, of us are seeking ideas for practical, workable solutions. All too often the best of legislative intentions have been thwarted by the jealousies exhibited by various segments of the transportation industry in their quest for more Federal support.

In view of the national concern over the crisis level difficulties of the mass transportation situation, I feel that many of my colleagues in the House of Representatives will be especially interested in Mr. Creedy's remarks. That is the reason I would like to insert in the Congressional Record his statement, entitled "Toward Common Industry Action on Transport Problems," presented at the University of Louisville in Louisville, Ky., on March 11, 1971.

The following is the text of his comments:

Toward Common Industry Action on Transport Problems

It is a pleasure to be here today to comment on the railroad package of cures for transport ills. I will have to say at the outset that the Water Transport Association, the I.C.C.-certificated carriers on the rivers, Great Lakes and in the coastwise and intercoastal trades, has refrained from taking a position on any of the various aspects of the railroad proposals.

There is a flood of ideas around this season for curing transport ills—mostly the usual reactions one expects from those who are impatient with complex problems. This is the year of the simple solution. Abolish the ICC. End all regulation. Put transportation under the antitrust statutes. Such simple solutions are hardly likely to get very far because they do not meet the problems.

In discussing these issues, I find it hard to forget the complaint of one of the leaders of the Congress. He has observed the transportation industry for many years as a senior member of one of the most powerful committees of the Congress. He said recently: "Year after year the various modes come to us each with his own little program, each concentrated on his own problems. Anyone can see that there can't be just a railroad or a trucking or a water carrier solution to the problems. Congress won't rubber stamp the program of any mode. We can't, in the public interest. And yet what do we see: each mode has just enough power to cut the other down and not enough power to get its own program enacted. Therefore nothing happens. If the day ever came when the transportation industry came before us with a unified position, it could almost write its own ticket. "But," he shrugged and then went on, "it'll never happen again."

Perhaps this year we will surprise him—and ourselves. Today, as never before, there is a need for new thinking and constructive thinking on the part of the entire transportation industry and its customers. I have been visiting around the railroad and trucking industries in the past few months. Signs are clear to me that most of the industry leaders are ready for it. Water Transport Association has taken the leadership in this effort in the past few months and the response so far has been just what we expected: an eagerness to cooperate on a sound all-industry program.

It is inevitable that there will be a trend to common action in the coming months. I have never observed so great a willingness to communicate among the modes, as exemplified by this meeting today. Out of this type of communication is going to come common action.

Before commenting on any aspect of the railroad package, let me say that we have been analyzing the various issues before us—few of them are new—and we suggest a division of them into three categories.

Category one would be the issues on which all the common carriers in transportation have a common interest. We ought to be able to agree on policies and programs in this area and get them accomplished quickly.

Category two is defined as those issues which vitally affect one mode and don't hurt any other mode. In the past we've been indifferent to vital issues affecting other segments of the industry even when they don't hurt or affect us. I think that has to change. The entire transportation industry should be organized to put its weight behind getting these issues resolved quickly in the interest of the common carrier system.

The third category is made up of those issues which are frankly controversial, where economic interests appear to be adverse and where quick agreement seems unlikely. The issues are tangled, the myths abundant on both sides and the benefits to be derived perhaps less real than they appear to be. We are *not* recommending that these issues be put aside. Each mode should do about them what it deems best and let the soundest public policy approach win! But parallel to that activity, we should organize ourselves as a transportation industry to get the category one and category two issues settled. It may well be that the habit of common action and common thinking on important issues will lead to new thinking even on the controversial issues.

We believe category one and category two items, if adopted reasonably quickly, would have enough impact to enable the transport industry to reverse most of its major difficulties.

Where would one start on a category one program of communication? Water Transport Association has started at the beginning. Secretary of Transportation John Volpe has stated that in the next 10 years, if the transportation industry is to keep up with the growth of the economy, there has to be an increase in capacity of at least 50 per cent. Many people believe that estimate to be conservative. Now that's a sensational statement. We have to put in place in 10 years 50 per cent of the capacity it has taken us generations to build. The alternative is great loss of efficiency for the economy.

The next question practically asks itself. Where is the money coming from to underwrite such an enormous expansion in capacity? Well, those of us in this room who are trying to be constructive about reforms in national policy don't even know how much money it will take in new investment to keep up with the needs of the economy. Is it $20 billions or $50 billions? That's an essential piece of intelligence to have around when we discuss rate levels. The plain and simple fact is that transportation service is undervalued in the economy. Despite the fact that transportation is, without question, one of the two or three most important industries and perhaps the most important industry in the economy, we don't seem to be able to get our shippers to pay us a level of rates that will enable us to expand and improve our productivity.

Just how badly we have fallen behind the economy generally was pointed out in a paper given in Washington recently by the Water Transport Association. Using 1960 as a 100, freight rates in 1969 by barge were at 69, pipelines at 84, railroads at 96.4 and trucking at 110.9. The wholesale price index was at 112.2 and the consumer price index at 123.

Now if underpricing of transportation is the problem, and few if any transport problems would not be solved by adequate revenues and earnings, let's get at the solution as an industry by advocating the modernization of the ICC's approach to cost justification.

On the one hand, rates are held down by the ICC and, on the other, transportation has to pay higher prices for materials and labor. We never catch up. This is the most important single problem.

In the unregulated segment of the economy prices rise until profits are sufficient to underwrite replacement and capital costs at whatever level they need to be. Our Association is advocating that the Commission should use current replacement cost for assets which need replacement rather than historic cost as a proper basis for cost justification and the current cost of capital rather than the imbedded or average cost. I'm going over that very fast, but our Association suggests that it is timely, in the light of inflation, to upset about 30 years of settled regulatory thinking in this field. What would be accomplished? If this new approach were taken, we would have—all of us—a much more convincing and sounder rationale for adequate revenues and earnings.

Would it mean rate increases? Yes, of course, it would; but rate increases are coming anyway. If we approach this question properly by explaining what the increased earnings are going to be used for—better service—it is not unlikely that we can get the shippers to support us. Just last week I was asked by a major shipper to join a symposium to discuss this very subject. The shipper wants to raise the question as to whether the rate increases have been large enough. I thought I'd never live to see the day! The way the system works now, a premium is placed on hanging on to obsolete and high cost equipment and methods of working. The new approach we recommend would result in the creation of a powerful incentive for deployment of the most modern and efficient methods of operating. We have been saying that the *only* way to break out of the lock step spiral of cost and rate increases is by buying productivity improvements which today too many of us cannot afford to buy. Thus, the way to stable or lower rates in the long run, may well be higher rates in the short run, higher rates the shippers ought to be glad to pay in their own enlightened self-interest.

Our Association also thinks that a major effort ought to be made to switch huge blocks of traffic now in the private carriage sector back to common carriage. All of us individually of course work on this issue all the time. The common carrier water carriers have standing offers out for the private barge fleets. But we would make more progress if we worked on it together attacking the basic—and we believe economically unsound—thinking on which much of private carriage is founded.

One interesting fact is that those operating private fleets of trucks, barges and ships typically buy enough capicity to take care of their minimum needs, then depend on the common carrier to take care of peaking and standby needs—not at the premium prices charged in the electric utility industry for peaking and standby capacity, but at the normal freight charge. Now it is quite obvious that those with private fleets are shifting the cost of maintaining peaking and standby transport capacity to the common carriers and their customers. To that extent, they are getting a free ride on the common carriers and are incorrectly figuring their costs.

The Water Transport Association believes that the economic reasons on which much of private carriage is based, no longer exists for a very large proportion of the traffic. But, of course, empires have been built, jobs are involved, we have a hard time getting in the door to make sure that top management really has the true facts about what private carriage costs. The transportation industry working together could do the research necessary which would result in the diversion back to common carriage of great blocks of this traffic. Common carriers would be more efficient with the added volume and manufacturing would be much more efficient without the financial burden of operating services which, in too many cases, they don't know how to operate efficiently. What's needed is a vigorous counter-attack to divert private carriage freight back to common carriage.

We think that if the transportation industry could get behind a program of this kind—all of which represents sound free enterprise business thinking—the benefits would be so substantial that some of the patching proposals now before the government—loans and the like—would not be necessary. That's the nucleus of a category one program: modernizing the cost justification for adequate rate levels and a counterattack on private carriage.

We all have candidates for the category two area—items which would be helpful to one mode but would not hurt another. Basically, we have not opposed loans, fast write-offs, and other tax incentives for the railroads. The government may have a new and larger role to play in connection with maintaining healthy railroad operations in the public interest.

A railroad right-of-way is an extremely valuable national asset, just as a waterway is. I would very much like to see someone develop a 50-year perspective on railroad capacity needs out ahead, as has been done for water resource needs, including navigation. The transport industry would look pretty foolish 20 or 30 years from now re-buying right-of-way at land prices current at the time. If, in fact, railroads are shown to have excess right-of-way and this is too much of a financial burden for railroads now, let's develop some sort of plan for a Government-owned national right-of-way bank which could be used for the needs of later generations. Let's not build shopping centers on rights-of-way which we may need in the future.

You'll find the water carriers thinking constructively and willing to help on such railroad problems as inequitable state and local taxation, improved tax incentives for modernization and expansion, and ways to resolve the over-lapping of regulation among varying jurisdictions.

The Water Transport Association went all out last year in support of a favorite railroad proposition. We believe, with you, that all commercial transportation rates should be publicly disclosed and price structures brought into the open. There you had an example of close cooperation between railroads and water carriers and between railroad labor and water carrier labor. More progress was made on that issue than had ever been made before; the measure passed the House of Representatives. But it was run over in the Senate by forces beyond the control of either the railroads or the water carriers. However, the water carriers kept faith, despite the most extreme pressures from many quarters and the basic risk that they would lose altogether the one thing they had to have—authority to mix regulated and unregulated commodities in a single tow. In the end the question of publication of all dry bulk rates will be settled after a study by the Department of Transportation so the issue is by no means closed. The certificated water carriers have not changed their views on the desirability of open disclosure of rates as a matter both of equity for the railroads and in the interests of more vigorous competition.

I know that the issue of open published rates borders on the controversial. Mr. Mechling of our Association wants it made clear, he's not for it. We found ourselves ranged with the railroads against the most powerful commodity interests in the country. However, there is truth in lending, truth in packaging; why shouldn't there be truth in freight rates?

If the truckers, the railroads and ourselves were to work together to accomplish category one and category two items, some of the more drastic remedies of public subsidy and public ownership would be avoided.

However, let's not duck the controversial category 3 items. The water carriers are very skeptical of the need of the railroads for greater freedom from the minimum rate power of the Commission, which is what is meant when greater freedom for rate reductions is advocated.

Our position on the question is basically a pro-competition position, very much in line with national competition policy. I think it is best illustrated by the Supreme Court's decision in the ingot molds case which received so much unfavorable publicity in railroad journals. What did the Supreme Court really say? On the basis of standards which made sense to the court, it found that the water carriers were the most efficient carriers. The reduced rate was not offered even-handedly to all customers but was aimed solely at barge traffic. The railroad was found to be the more powerful economically, therefore, if allowed to do so, could extinguish the water carrier, and, in the end, the shippers would be deprived of the more efficient and lower cost means of transportation.

There you have the problem in essence. When the railroads set out to sharpshoot the traffic of the more efficient or equally efficient carrier, cross-subsidizing a rate to drive the more efficient carrier out of business, that railroad is going to get into hot water whether under the Interstate Commerce Act or antitrust laws.

Now of course I can see even from here the hair on the heads of railroad attorneys bristling. How do you determine efficiency? What about Federal maintenance of the waterways? We have accommodated all these questions in a very carefully developed position in the Cost-Finding Case, Docket #34013, Sub. 1 and I recommend it to you if you have an interest in the subject: but the nub of our position is that water carriers should not be precluded from competition by the kind of strong-arm tactics which would be indefensible under the antitrust statutes.

The Water carrier position on common or intermodal ownership is that the railroads can't have it both ways. On the one hand there has been a major trend toward high concentration in the railroad industry in recent years; more concentration—merging of railroads—will undoubtedly be approved. Extending the concentration trend to include ownership of water carriers would be clearly anti-competitive.

Even the most enthusiastic proponent of common ownership has trouble with the question of its impact on competition. Would the mammoth transportation department stores really be competitive? Other industries that are highly concentrated find little difficulty in avoiding price competition. The water carriers and the railroads are now highly price competitive.

The day one railroad is given control of a water carrier, every railroad would have to have a water carrier in self-defense. A glance at the structure of the two industries demonstrates at once that water carriers would rapidly become railroad dominated. What then would happen to all those so-called water-compelled rail rates? I know the theoretical answers, but we say there is a credibility gap there a mile wide.

A perfectly good alternative is available. All the benefits claimed for common ownership can be achieved through voluntary coordination without any of the risks of drastically reducing competition.

The Water Transportation Association has suggested that the railroads embark on a five-year period of promotion of water-rail coordination on a "willing partner" basis. At the end of five years, if the public can be shown to have benefitted from new intermodal movements at less cost and a pattern established beyond recall, who knows what would happen in that changed climate? We could then take a new look at common ownership.

In closing let me say that the water carriers believe with the railroads that a successful and financially secure railroad industry is in the national interest. At the same time, it is clear that the nation would not be advantaged by curing the railroad problem at the expense of ruining the truckers and the water carriers.

We believe the areas for common action are broad enough to rescue transportation for private enterprise and lead to substantially improved public service. We think it utopian to suggest that we quit quarreling altogether. The issues are very complex; there is room for honest difference of opinion. But that should not divert us from common action on all-transportation solutions we can all support. The water carriers have been saying privately and publicly for the past few months: we're ready to go.

YOUNG PEOPLE LEAD THE WAY IN EARTH WEEK CELEBRATION

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. PEYSER. Mr. Speaker, in conjunction with National Earth Week, many of the schoolchildren in the 25th Congressional District of New York have planned special projects to help alleviate pollution in their hometowns. I personally visited three of these schools at the beginning of Earth Week, and I would like to share the imagination and enthusiasm of these young people with my colleagues.

The sixth grades of West Nyack Elementary School, West Nyack, will complete a week of contests and speakers with an antipollution play, requiring glass bottles for admission.

The Tappan Elementary School, Tappan, N.Y., has scheduled several speakers, and are helping to raise funds for a community park.

The Ardsley Primary School has planned several learning experience, teaching the 5- and 6-year-olds how to care for nature around them.

The Carrie E. Tompkins School in Croton-on-Hudson is sponsoring a poster contest and has formed a litter bug patrol.

Briarcliff High School in Briarcliff Manor has been active in recycling projects for several months.

The Washington Avenue School in Hartsdale has planned an "ugliness to beauty" campaign, including planting flowers and grass, displays of uses for garbage, and painting the trash collection baskets downtown.

The ecology department of Webb School in Hartsdale is collecting aluminum cans and newspapers for recycling.

The Old Tarrytown Road School in White Plains is cleaning up and beautifying their school grounds.

The Nauraushaun School in Pearl River is spearheading a litter collection campaign, conducting a spring cleanup campaign, and publicizing methods of fighting pollution.

The Lakewood School in Congers has invited several speakers to their school, is conducting a cleanup of the school grounds, and is planning the construction of a nature trail in a nearby nature center.

The Springhurst Primary School in Dobbs Ferry is involved in bottle recycling programs and conducting a cleanup of school grounds.

The Dobbs Ferry Public School is collecting bottles and glass for recycling and are cooperating with Dobbs Ferry High School in sponsoring an "earth fair."

Transfiguration Elementary School in Tarrytown is constructing a "peace and love" garden.

Juniper Hill School in White Plains is providing trash cans and cleaning up the school grounds, and sponsoring a poster campaign.

Orangeburg Elementary School, Orangeburg, has organized a bottle and aluminum can collection campaign, and plans to beautify the school grounds by planting flowers and shrubs.

Our Lady of Perpetual Help in Ardsley has been active in beautifying and maintaining nearby Sprain Brook.

Stony Point Elementary School, Stoney Point, has scheduled speakers, films, and demonstrations, and will plant flower beds on the school grounds.

I certainly feel that all of these programs are very worthwhile and I commend all of the people involved for their efforts.

SUPPORT GROWS FOR NONSMOKERS RELIEF ACT

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. YOUNG of Florida. Mr. Speaker, support for my Nonsmokers Relief Act is still pouring in from every section of the country. An American Medical Association policy adopted last summer is in line with the aims of this vitally needed legislation, and a Government survey shows the general public strongly supports it as well. Meanwhile, airlines are adopting policies along the same line.

The AMA house of delegates last June adopted a resolution stating:

> That the American Medical Association go on record as urging very strongly that the Federal Aviation Administration require all public air transportation suppliers to separate nonsmokers from smokers when the size of the aircraft permits.

This policy is in line with the aims of my bill, H.R. 4776, introduced on January 22. This legislation would require that separate areas be set aside for nonsmoking passengers aboard airliners, trains and buses. The measure would place no burden on the smoker, but would protect the rights of the nonsmoker from being forced to inhale fumes coming from others' cigarettes, cigars and pipes.

The flood of letters pouring into my office in support of this bill is an accurate indication that relief for the nonsmoker is badly needed.

On April 7, United Press International reported on a survey released by Dr. Daniel Horn, Director of the Federal National Clearing House for Smoking and Health. Dr. Horn said that 58 percent of the people favor restricting cigarette smoking in the presence of nonsmokers. In addition, he said, 86.5 percent of the population believes smoking is enough of a health hazard "for something to be done about it."

If smokers want to continue the habit despite all the evidence of damage to health, that is their right. But why must nonsmokers traveling in public transportation be forced to inhale smoke-polluted air as well?

The airlines are beginning to recognize the problem and do something about it. As I reported earlier, Trans World Airlines, one of the Nation's largest carriers, has separated smoking and nonsmoking passengers for more than a year with substantial success.

Now I am delighted to note that another of our major carriers, United Air Lines, is adopting a similar policy. Here, for the consideration of my colleagues, is a copy of United's press release on the matter:

SUPPORT GROWS FOR NONSMOKERS RELIEF ACT

Separate areas for smokers and nonsmokers will be available on all flights operated by United Air Lines beginning April 21.

Currently, United provides separate smoker areas only on Boeing 747 flights. According to company officials, the arrangement was introduced on wide-body aircraft because of the ease in separating smokers and non-smokers. Favorable passenger acceptance has prompted expansion of the plan to all aircraft.

In first class sections on all United planes, non-smokers will be seated in the front of the cabin, and smokers in the rear. The division of coach sections, in general, will follow a similar pattern, although there will be variations, depending on the type of aircraft, and whether economy service is offered.

When passengers check in for boarding they will be asked whether they prefer the non-smoking or smoking section, and their ticket wallets will be marked accordingly.

When the smoking section is filled, smokers will be seated in the no-smoking section. If they wish to smoke enroute, they will be asked to walk back to the smoking area before lighting up.

EMPLOYMENT OF THE HANDICAPPED: COMMUNITY ATTITUDES

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. RHODES. Mr. Speaker, a charming young lady, Miss Raelene Ada Shelley, of my hometown of Mesa, Ariz., was selected the first place winner in the Ability Counts Contest sponsored by the President's Committee and the Governors Committees on Employment of the Handicapped, and was presented the Robert S. Marx Memorial Award of $1,000 on April 15 in Washington. Miss Shelley, who is a senior at Mesa High School, wrote an essay which, in my opinion, perfectly expressed the theme of the contest—"Employment of the Handicapped: Community Attitudes"—as well as its objectives. These very worthy objectives are to instill positive attitudes in young people toward their handicapped peers, and to focus national attention on the potentials, capabilities, and accomplishments of the handicapped.

I am proud of Miss Shelley and of her winning essay—and take real pleasure in sharing it with my colleagues by inserting it in the RECORD. Its title is "Are They Dumb, Stupid, and Untrainable?" You will find the answer by reading Miss Shelley's fine essay, which follows:

EMPLOYMENT OF THE HANDICAPPED: COMMUNITY ATTITUDES—ARE THEY DUMB, STUPID, AND UNTRAINABLE?

(By Raelene Ada Shelley)

Sitting quietly under an old oak tree a young blind girl monotonously strings a chain of beads. Several streets away a seventeen year old boy sits in front of his television set. Because he is mentally retarded, like the young girl, he is unable to find a job. Day after day they sit around doing nothing. Would you hire them? Do you want a cripple, or one who is retarded, blind, deaf, or has cardiac defects, working for you?

Recently, I interviewed nine employers, each representing a different occupation. In the first part of the interview I asked them to rank from most important to least important the fifteen basic points in an application data. Six out of the nine said the most important factors they looked for were the type of skills possessed and references from previous employers. The majority said that physical handicaps, emotional illness, and age really had nothing to do with deciding who gets the job.

I then had each employer rank the employability of people having various handicaps. Those handicaps receiving no chance of employment were mental retardation and drug addition. Alcoholics and those with no relevant developed skills placed next lowest on the scale. All other handicaps ranked with a good chance of employment.

Yes, the employers are willing to help, but with no trained skills very few, if any, of the handicapped get hired. In some communities, a rehabilitation center is built primarily to help train the handicapped. Located on the west side of Mesa, the LDS Church has established such an organization, Deseret Industries.

Deseret Industries' method of rehabilitation is carried out in four basic steps: (1) build back the person's self-respect; (2) train the person in some skill; (3) give him some responsibility; (4) get him a job in a private enterprise.

Last year, 1970, Deseret Industries placed seventeen of their employees in private businesses. In 1969, eleven were placed and in 1968, thirteen. Most of these handicapped people train for either laundry or janitor work. Mr. Holein, Director of Deseret Industries, said they were the only business he knew of who were trying to work their employees out of a job.

Deseret Industries has done a tremendous job in training the handicapped. After working seven years with a young girl they were able to teach her to speak. With the same kind of training, in another eight or nine years she will be able to live a normal life. In a short space of time the staff of Deseret Industries trained one deaf man to run a high-powered, electric saw. Normally the saw's high-pitched sound would drive a man crazy, but because this man was deaf, the sound did not bother him. Over a period of several years a blind man, who is also unable to bend his back, learned to cane chairs better than anyone in the department.

One blind lady they trained to cut zippers and buttons out of used garments. She uses a razor blade for cutting and has never once cut herself. From the State Hospital a blind boy arrived at Deseret Industries with the following recommendation, "He is dumb, stupid, and untrainable." In just one year's time this boy has been trained to sandpaper the wooden furniture produced in his department.

Mr. Holein once told me the thought the largest organization responsible for helping these people was United Fund. Hundreds are involved through the United Fund.

Recently I conducted a survey of fifty-three citizens in my community, all randomly selected from the phone book. The results of this survey showed that 90% of those interviewed wanted to, and in some cases did, help the handicapped.

My community cares. The citizens want to help, but they are not the only ones in our nation. What are you doing? How are you helping? Do you even care? If more would become involved in organizations like United Fund and Deseret Industries, the operation of helping the handicapped would grow.

As J. R. Lowell once wrote, "No man is born into the world whose work is not born with him." I feel we should help those who are unable to help themselves find their work.

COUNCIL ON ENVIRONMENTAL QUALITY GUIDELINES

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. DINGELL. Mr. Speaker, the Council on Environmental Quality on April 21, 1971, issued its revised guidelines on environmental impact statements required under the National Environmental Policy Act. The major innovations of the revised guidelines, first proposed in January, have been retained: draft environmental statements are to be available to the public for 90 days before an administrative action—that is, agency actions other than proposals or reports on legislation—is taken, and final environmental statements are to be available for 30 days prior to such action. I welcome this development and congratulate the Council on affirming this stand.

The revised guidelines integrate the requirements of both Section 102(2)(C) of the National Environmental Policy Act and Section 309 of the Clean Air Act, as amended. The latter calls for public comment by the Administrator of the Environmental Protection Agency on proposed legislation, regulations or agency actions affecting the EPA's areas of jurisdiction, that is, water and air quality, solid waste, pesticides, radiation, and noise.

I understand that the CEQ and the Agency for International Development are presently discussing what arrangements equivalent to the environmental impact statement process should be applied to development assistance transactions abroad. This seems most appropriate even if somewhat overdue.

The revised guidelines will apply to agency actions on which draft environmental statements are first circulated after June 30. Agencies are directed to update their existing procedures to incorporate the new requirements no later than July 1.

Mr. Speaker, so that my colleagues may have an opportunity to make a detailed examination of the Council on Environmental Quality's revised guidelines, I insert the text of the guidelines, together with certain appendixes thereto, at this point in the CONGRESSIONAL RECORD:

COUNCIL ON ENVIRONMENTAL QUALITY GUIDELINES

(Statements on Proposed Federal Actions Affecting the Environment.)

1. Purpose. This memorandum provides guidelines to Federal departments, agencies and establishments for preparing detailed environmental statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, as required by Section 102(2)(C) of the National Environmental Policy Act (Public Law 91–190) (hereafter "the Act"). Underlying the preparation of such environmental statements is the mandate of both the Act and Executive Order 11514 (35 F.R. 4247) of March 4, 1970, that all Federal agencies, to the fullest extent possible, direct their policies, plans and programs so as to meet national environmental goals. The objective of Section 102(2)(C) of the Act and of these guidelines is to build into the agency decision making process an appropriate and careful consideration of the environmental aspects of proposed action and to assist agencies in implementing not only the letter, but the spirit, of the Act. This memorandum also provides guidance on implementation of Section 309 of the Clean Air Act, as amended (42 U.S.C. 1857 et seq.).

2. Policy. As early as possible and in all cases prior to agency decision concerning major action or recommendation or a favorable report on legislation that signifiantly affects the environment, Federal agencies will, in consultation with other appropriate Federal, State, and local agencies, assess in detail the potential environmental impact in order that adverse effects are avoided, and environmental quality is restored or enhanced, to the fullest extent practicable. In particular, alternative actions that will minimize adverse impact should be explored and both the long- and short-range implications to man, his physical and social surroundings, and to nature, should be evacuated in order to avoid to the fullest extent practicable undesirable consequences for the environment.

3. Agency and OMB procedures. (a) Pursuant to section 2(f) of Executive Order 11514, the heads of Federal agencies have been directed to proceed with measures required by Section 102(2)(C) of the Act. Consequently, each agency will establish, in consultation with the Council on Environmental Quality, not later than June 1, 1970 (and, by July 1, 1971 with respect to requirements imposed by revisions in these guidelines, which will apply to draft environmental statements circulated after June 30, 1971) its own formal procedures for (1) identifying those agency actions requiring environmental statements, the appropriate time prior to decision for the consultations required by Section 102(2)(C), and the agency review process for which environmental statements are to be available, (2) obtaining information required in their preparation, (3) designating the officials who are to be responsible for the statements, (4) consulting with and taking account of the comments of appropriate Federal, State, and local agencies, including obtaining the comment of the Administrator of the Environmental Protection Agency, whether or not an environmental statement is prepared, when required under Section 309 of the Clean Air Act, as amended, and section 8 of these guidelines, and (5) meeting the requirements of section 2(b) of Executive Order 11514 for providing timely public information on Federal plans and programs with environmental impact including procedures responsive to section 10 of these guidelines. These procedures should be consonant with the guidelines contained herein. Each agency should file seven (7) copies of all such procedures with the Council on Environmental Quality, which will provide advice to agencies in the preparation of their procedures and guidance on the application and interpretation of the Council's guidelines. The Environmental Protection Agency will assist in resolving any question relating to Sec. 309 of the Clean Air Act, as amended.

(b) Each Federal agency should consult, with the assistance of the Council on Environmental Quality and the Office of Management and Budget if desired, with other appropriate Federal agencies in the development of the above procedures so as to achieve consistency in dealing with similar activities and to assure effective coordination among agencies in their review of proposed activities.

(c) State and local review of agency procedures, regulations, and policies for the the administration of Federal programs of assistance to State and local governments will be conducted pursuant to procedures established by the Office of Management and Budget Circular No. A–85. For agency procedures subject to OMB Circular No. A–85 a thirty day extension in the July 1, 1971 deadline set in section 3(a) is granted.

(d) It is imperative that existing mechanisms for obtaining the views of Federal, State, and local agencies on proposed Federal actions be utilized to the extent practicable in dealing with environmental matters. The Office of Management and Budget will issue instructions, as necessary, to take full advantage of existing mechanisms (relating to procedures for handling legislation, preparation of budgetary materials, new procedures, water resource and other objects, etc.).

4. Federal agencies included. Section 102(2)(C) applies to all agencies of the Federal Government with respect to recommendations or favorable reports on proposals for (i) legislation and (ii) other major Federal actions significantly affecting the quality of the human environment. The phrase "to the fullest extent possible" in Section 102(2)(C) is meant to make clear that each agency of the Federal Government shall comply with the requirement unless existing law applicable to the agency's operations expressly prohibits or makes compliance impossible. (Section 105 of the Act provides that "The policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies.")

5. Actions included. The following criteria will be employed by agencies in deciding whether a proposed action requires the preparation of an environmental statement:

(a) "Actions" include but are not limited to:

(i) Recommendations or favorable reports relating to legislation including that for appropriations. The requirement for following the Section 102(2)(C) procedure as elaborated in these guidelines applies to both (i) agency recommendations on their own proposals for legislation and (ii) agency reports on legislation initiated elsewhere. (In the latter case only the agency which has primary responsibility for the subject matter involved will prepare an environmental statement.) The Office of Management and Budget will supplement these general guidelines with specific instructions relating to the way in which the Section 102(2)(C) procedure fits into its legislative clearance process;

(ii) Projects and continuing activities:

Directly undertaken by Federal agencies;

Supported in whole or in part through Federal contracts, grants, subsidies, loans, or other forms of funding assistance;

involving a Federal lease, permit, license, certificate or other entitlement for use;

(iii) Policy, regulations, and procedure-making.

(b) The statutory clause "major Federal actions significantly affecting the quality of the human environment" is to be construed by agencies with a view to the overall, cumulative impact of the action proposed (and of further actions contemplated). Such actions may be localized in their impact, but if there is potential that the environment may be significantly affected, the statement is to be prepared. Proposed actions the environmental impact of which is likely to be highly controversial should be covered in all cases. In considering what constitutes major action significantly affecting the environment, agencies should bear in mind that the effect of many Federal decisions about a project or complex of projects can be individually limited but cumulatively considerable. This can occur when one or more agencies over a period of years puts into a project individually minor but collectively major resources, when one decision involving a limited amount of money is a precedent for action in much larger cases or represents a decision in principle about a future major course of action, or when several Government agencies individually make decisions about partial aspects of a major action. The lead agency should prepare an environmental statement if it is reasonable to anticipate a cumulatively significant impact on the environment from Federal action. "Lead agency" refers to the Federal agency which has primary authority for committing the Federal Government to a course of action with significant environmental impact. As necessary, the Council on Environmental Quality will assist in resolving questions of lead agency determination.

(c) Section 101(b) of the Act indicates the broad range of aspects of the environment to be surveyed in any assessment of significant effect. The Act also indicates that adverse significant effects include those that degrade the quality of the environment, curtail the range of beneficial uses of the environment, and serve short-term, to the disadvantage of long-term, environmental goals. Significant effects can also include actions which may have both beneficial and detrimental effects, even if, on balance, the agency believes that the effect will be beneficial. Significant adverse effects on the quality of the human environment include both those that directly affect human beings and those that indirectly affect human beings through adverse effects on the environment.

(d) Because of the Act's legislative history, environmental protective regulatory activities concurred in or taken by the Environmental Protection Agency are not deemed actions which require the preparation of environmental statements under Section 102(2)(C) of the Act.

6. Content of environmental statement. (a) The following points are to be covered:

(i) A description of the proposed action including information and technical data adequate to permit a careful assessment of environmental impact by commenting agencies. Where relevant, maps should be provided.

(ii) The probable impact of the proposed action on the environment, including impact on ecological systems such as wildlife, fish and marine life. Both primary and secondary significant consequences for the environment should be included in the analysis. For example, the implications, if any, of the action for population distribution or concentration should be estimated and an assessment made of the effect of any possible change in population patterns upon the resource base, including land use, water, and public services, of the area in question.

(iii) Any probable adverse environmental effects which cannot be avoided (such as water or air pollution, undesirable land use patterns, damage to life systems, urban congestion, threats to health or other consequences adverse to the environmental goals set out in Section 101(b) of the Act).

(iv) Alternatives to the proposed action (Section 102(2)(D) of the Act requires the responsible agency to "study, develop and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources"). A rigorous exploration and objective evaluation of alternative actions that might avoid some or all of the adverse environmental effects is essential. Sufficient analysis of such alternatives and their costs and impact on the environment should accompany the proposed action through the agency review process in order not to foreclose prematurely options which might have less detrimental effects.

(v) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. This in essence requires the agency to assess the action for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations.

(vi) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. This requires the agency to identify the extent to which the action curtails the range of beneficial uses of the environment.

(vii) Where appropriate, a discussion of problems and objections raised by other Federal, State and local agencies and by private organizations and individuals in the review process and the disposition of the issues involved. (This section may be added at the end of the review process in the final text of the environmental statement.)

(b) With respect to water quality aspects of the proposed action which have been previously certified by the appropriate State or interstate organization as being in substantial compliance with applicable water quality standards, the comment of the Environmental Protection Agency should also be requested.

(c) Each environmental statement should be prepared in accordance with the precept in Section 102(2)(A) of the Act that all agencies of the Federal Government "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decision making which may have an impact on man's environment."

(d) Where an agency follows a practice of declining to favor an alternative until public hearings have been held on a proposed action, a draft environmental statement may be prepared and circulated indicating that two or more alternatives are under consideration.

(e) Appendix 1 prescribes the form of the summary sheet which should accompany each draft and final environmental statement.

7. Federal agencies to be consulted in connection with preparation of environmental statement. A Federal agency considering an action requiring an environmental statement, on the basis of (i) a draft environmental statement for which it takes responsibility or (ii) comparable information followed by a hearing subject to the provisions of the Administrative Procedure Act, should consult with, and obtain the comment on the environmental impact of the action of, Federal agencies with jurisdiction by law or special expertise with respect to any environmental impact involved. These Federal agencies include components of (depending on the aspect or aspects of the environment):

Advisory Council on Historic Preservation.
Department of Agriculture.
Department of Commerce.
Department of Defense.
Department of Health, Education, and Welfare.
Department of Housing and Urban Development.
Dpartment of the Interior.
Department of State.
Department of Transportation.
Atomic Energy Commission.
Federal Power Commission.
Environmental Protection Agency.
Office of Economic Opportunity.

For actions specifically affecting the environment of their geographic jurisdictions, the following Federal and Federal-State agencies are also to be consulted:

Tennessee Valley Authority.
Appalachian Regional Commission.
National Capital Planning Commission.
Delaware River Basin Commission.
Susquehanna River Basin Commission.

Agencies seeking comment should determine which one or more of the above listed agencies are appropriate to consult on the basis of the areas of expertise identified in Appendix 2 to these guidelines. It is recommended (i) that the above listed departments and agencies establish contact points, which often are most appropriately regional offices, for providing comments on the environmental statements and (ii) that departments from which comment is solicited coordinate and consolidate the comments of their component entities. The requirement in Section 102(2)(C) to obtain comment from Federal agencies having jurisdiction or special expertise is in addition to any specific statutory obligation of any Federal agency to coordinate or consult with any other Federal or State agency. Agencies seeking comment may establish time limits of not less than thirty (30) days for reply, after which it may be presumed, unless the agency consulted requests a specified extension of time, that the agency consulted has no comment to make. Agencies seeking comment should endeavor to comply with requests for extensions of time of up to fifteen (15) days.

8. Interim EPA procedures for implementation of Section 309 of the Clean Air Act, as amended. (a) Section 309 of the Clean Air Act, as amended, provides:

"SEC. 309. (a) The Administrator shall review and comment in writing on the environmental impact of any matter relating to duties and responsibilities granted pursuant to this Act or other provisions of the authority of the Administrator, contained in any (1) legislation proposed by any Federal department or agency, (2) newly authorized Federal projects for construction and any major Federal agency action (other than a project for construction) to which section 102(2)(C) of Public Law 91–190 applies, and (3) proposed regulations published by any department or agency of the Federal Government. Such written comment shall be made public at the conclusion of any such review.

"(b) In the event the Administrator determines that any such legislation, action, or regulation is unsatisfactory from the standpoint of public health or welfare or environmental quality, he shall publish his determination and the matter shall be referred to the Council on Environmental Quality."

(b) Accordingly, wherever an agency action related to air or water quality, noise abatement and control, pesticide regulation, solid waste disposal, radiation criteria and standards, or other provisions of the authority of the Administrator of the Environmental Protection Agency is involved, including his enforcement authority, Federal agencies are required to submit for review and comment by the Administrator in writing: (i) proposals for new Federal construction projects and other major Federal agency actions to which Section 102(2)(C) of the National Environmental Policy Act applies and (ii) proposed legislation and regulations, whether or not Section 102(2)(C) of the National Environmental Policy Act applies. (Actions requiring review by the Administrator do not include litigation or enforcement proceedings.) The Administrator's comments shall constitute his comments for the purposes of both Section 309 of the Clean Air Act and Section 102(2)(C) of the National Environmental Policy Act. A period of forty-five days shall be allowed for such review. The Administrator's written comment shall be furnished to the responsible Federal department or agency, to the Council on Environmental Quality and summarized in a notice published in the *Federal Register*. The public may obtain copies of such comment on request from the Environmental Protection Agency.

9. State and local review. Where no public hearing has been held on the proposed action at which the appropriate State and local review has been invited, and where review of the environmental impact of the proposed action by State and local agencies authorized to develop and enforce environmental standards is relevant, such State and local review shall be provided as follows:

(a) For direct Federal development projects and projects assisted under programs listed in Attachment D of the Office of Management and Budget Circular No. A–95, review of draft environmental statements by State and local governments will be through procedures set forth under Part 1 of Circular No. A–95.

(b) Where these procedures are not appropriate and where a proposed action affects matters within their jurisdiction, review of the draft environmental statement on a proposed action by State and local agencies authorized to develop and enforce environmental standards and their comments on the environmental impact of the proposed action may be obtained directly or by distributing the draft environmental statement to the appropriate State, regional and metropolitan clearinghouses unless the Governor of the State involved has designated some other point for obtaining this review.

10. Use of statements in agency review processes; distribution to Council on Environmental Quality; availability to public. (a) Agencies will need to identify at what stage or stages of a series of actions relating to a particular matter the environmental statement procedures of this directive will be applied. It will often be necessary to use the procedures both in the development of a national program and in the review of proposed projects within the national program. However, where a grant-in-aid program does not entail prior approval by Federal agencies of specific projects, the view of Federal, State and local agencies in the legislative process may have to suffice. The principle to be applied is to obtain views of other agencies at the earliest feasible time in the development of program and project proposals. Care should be exercised so as not to duplicate the clearance process, but when actions being considered differ significantly from those that have already been reviewed pursuant to Section 102(2)(C) of the Act an environmental statement should be provided.

(b) Ten (10) copies of draft environmental statements (when prepared), ten (10) copies of all comments made thereon (to be forwarded to the Council by the entity making comment at the time comment is forwarded to the responsible agency), and ten (10) copies of the final text of environmental statements (together with all comments received thereon by the responsible agency from Federal, State and local agencies and from private organizations and individuals) shall be supplied to the Council on Environmental Quality in the Executive Office of the President (this will serve as making environmental statements available to the President). It is important that draft environmental statements be prepared and circulated for comment and furnished to the Council early enough in the agency review process before an action is taken in order to permit meaningful consideration of the environmental issues involved. To the maximum extent practicable no administrative action (i.e. any proposed action to be taken by the agency other than agency proposals for legislation to Congress or agency reports on legislation) subject to Section 102(2)(C) is to be taken sooner than ninety (90) days after a draft environmental statement has been circulated for comment, furnished to the Council and, except where advance public disclosure will result in significantly increased costs of procurement to the Government, made available to the public pursuant to these guidelines; neither should such administrative action be taken sooner than thirty (30) days after the final text of an environmental statement (together with comments) has been made available to the Council and the public. If the final text of an environmental statement is filed within ninety (90) days after a draft statement has been circulated for comment, furnished to the Council and made public pursuant to this section of these guidelines, the thirty (30) day period and ninety (90) day period may run concurrently to the extent that they overlap.

(c) With respect to recommendations or reports on proposals for legislation to which Section 102(2)(C) applies, the final text of the environmental statement and comments thereon should be available to the Congress and to the public in support of the proposed legislation or report. In cases where the scheduling of Congressional hearings on recommendations or reports on proposals for legislation which the Federal agency has forwarded to the Congress does not allow adequate time for the completion of a final text of an environmental statement (together with comments), a draft environmental statement may be furnished to the Congress and made available to the public pending transmittal of the comments as received and the final text.

(d) Where emergency circumstances make it necessary to take an action with significant environmental impact without observing the provisions of these guidelines concerning minimum periods for agency review and advance availability of environmental statements, the Federal agency proposing to take the action should consult with the Council on Environmental Quality about alternative arrangements. Similarly, where there are overriding considerations of expense to the Government or impaired program effectiveness, the responsible agency should consult the Council concerning appropriate modifications of the minimum periods

(e) In accord with the policy of the National Environmental Policy Act and Executive Order 11514 agencies have a responsibility to develop procedures to insure the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties. These procedures shall include, whenever appropriate, provision for public hearings, and shall provide the public with relevant information, including information on alternative courses of action. Agencies which hold hearings on proposed administrative actions or legislation should make the draft environmental statement available to the public at least fifteen (15) days prior to the time of the relevant hearings except where the agency prepares the draft statement on the basis of a hearing subject to the Administrative Procedure Act and preceded by adequate public notice and information to identify the issues and obtain the comments provded for in Sections 6–9 of these guidelines.

(f) The agency which prepared the environmental statement is responsible for making the statement and the comments received available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C. sec. 552), without regard to the exclusion of interagency memoranda when such memoranda transmit comments of Federal agencies listed in section 7 of these guidelines upon the environmental impact of proposed actions subject to Sec. 102(2)(C).

(g) Agency procedures prepared pursuant to section 3 of these guidelines shall implement these public information requirements and shall include arrangements for availability of environmental statements and comments at the head and appropriate regional offices of the responsible agency and at appropriate State, regional and metropolitan clearinghouses unless the Governor of the State involved designates some other point for receipt of this information.

11. Application of Section 102(2)(C) procedure to existing projects and programs. To the maximum extent practicable the Section 102(2)(C) procedure should be applied to further major Federal actions having a significant effect on the environment even though they arise from projects or programs initiated prior to enactment of the Act on January 1, 1970. Where it is not practicable to reassess the basic course of action, it is still important that further incremental major actions be shaped so as to minimize adverse environmental consequences. It is also important in further action that account be taken of environmental consequences not fully evaluated at the outset of the project or program.

12. Supplementary guidelines, evaluation of procedures. (a) The Council on Environmental Quality after examining environmental statements and agency procedures with respect to such statements will issue such supplements to these guidelines as are necessary.

(b) Agencies will continue to assess their experience in the implementation of the Section 102(2)(C) provisions of the Act and in conforming with these guidelines and report thereon to the Council on Environmental Quality by December 1, 1971. Such reports should include an identification of the problem areas and suggestions for revision or clarification of these guidelines to achieve effective coordination of views on environmental aspects (and alternatives, where appropriate) of proposed actions without imposing unproductive administrative procedures.

RUSSELL E. TRAIN,
Chairman.

APPENDIX I

(Check one) ( ) Draft ( ) Final Environmental Statement

Name of Responsible Federal Agency (with name of operating division where appropriate)

1. Name of Action. (Check one) ( ) Administrative Action ( ) Legislative Action

2. Brief description of action indicating what States (and counties) particularly affected.

3. Summary of environmental impact and adverse environmental effects.

4. List alternatives considered.

5. a. (For draft statements) List all Federal, State and local agencies from which comments have been requested.

b. (For final statements) List all Federal, State and local agencies and other sources from which written comments have been received.

6. Dates draft statement and final statement made available to Council on Environmental Quality and public.

APPENDIX II

Federal agencies with jurisdiction by law or special expertise to comment on various types of environmental impacts.

Air

Air Quality and Air Pollution Control

Department of Agriculture—Forest Service (effects on vegetation).

Department of Health, Education and Welfare (Health aspects).

Environmental Protection Agency—Air Pollution Control Office.

Department of the Interior—Bureau of Mines (fossil and gaseous fuel combustion); Bureau of Sport Fisheries and Wildlife (wildlife).

Department of Transportation—Assistant Secretary for Systems Development and Technology (auto emissions); Coast Guard (vessel emissions); Federal Aviation Administration (aircraft emissions).

Weather Modification

Department of Commerce—National Oceanic and Atmospheric Administration.

Department of Defense—Department of the Air Force.

Department of the Interior—Bureau of Reclamation.

Energy

Environmental Aspects of Electric Energy Generation and Transmission

Atomic Energy Commission (nuclear power).

Environmental Protection Agency—Water Quality Office; Air Pollution Control Office.

Department of Agriculture—Rural Electrification Administration (rural areas).

Department of Defense—Army Corps of Engineers (hydro-facilities).

Federal Power Commission (hydro-facilities and transmission lines).

Department of Housing and Urban Development (urban areas).

Department of the Interior—(facilities on Government lands).

Natural Gas Energy Development, Transmission and Generation

Federal Power Commission (natural gas production, transmission and supply).

Department of the Interior—Geological Survey; Bureau of Mines.

Hazardous substances

Toxic Materials

Department of Commerce—National Oceanic and Atmospheric Administration.

Department of Health, Education and Welfare (Health aspects).

Environmental Protection Agency.

Department of Agriculture—Agricultural Research Service; Consumer and Marketing Service.

Department of Defense.

Department of the Interior—Bureau of Sport Fisheries and Wildlife.

Pesticides

Department of Agriculture—Agricultural Research Service (biological controls, food and fiber production). Consumer and Marketing Service. Forest Service.

Department of Commerce—National Marine Fisheries Service; National Oceanic and Atmospheric Administration.

Environmental Protection Agency—Office of Pesticides.

Department of the Interior—Bureau of Sport Fisheries and Wildlife (effects on fish and wildlife); Bureau of Land Management.

Department of Health, Education and Welfare (Health aspects).

Herbicides

Department of Agriculture—Agricultural Research Service; Forest Service.

Environmental Protection Agency—Office of Pesticides.

Department of Health, Education, and Welfare (Health aspects).

Department of the Interior—Bureau of Sport Fisheries and Wildlife; Bureau of Land Management; Bureau of Reclamation.

Transportation and Handling of Hazardous Materials

Department of Commerce—Maritime Administration; National Marine Fisheries Service; National Oceanic and Atmospheric Administration (impact on marine life).

Department of Defense—Armed Services Explosive Safety Board; Army Corps of Engineers (navigable waterways).

Department of Health, Education and Welfare; Office of the Surgeon General (Health aspects).

Department of Transportation—Federal Highway Administration Bureau of Motor; Carrier Safety; Coast Guard; Federal Railroad Administration; Federal Aviation Administration; Assistant Secretary for Systems Development and Technology; Office of Hazardous Materials; Office of Pipeline Safety.

Environmental Protection Agency (hazardous substances).

Atomic Energy Commission (radioactive substances).

Land Use and Management

Coastal Areas: Wetlands, Estuaries, Waterfowl Refuges, and Beaches

Department of Agriculture—Forest Service.

Department of Commerce—National Marine Fisheries Service (impact on marine life); National Oceanic and Atmospheric Administration (impact on marine life).

Department of Transportation—Coast Guard (bridges, navigation).

Department of Defense—Army Corps of Engineers (beaches, dredge and fill permits, Refuge Act permits).

Department of the Interior—Bureau of Sport Fisheries and Wildlife; National Park Service; U.S. Geological Survey (coastal geology); Bureau of Outdoor Recreation (beaches).

Department of Agriculture—Soil Conservation Service (soil stability, hydrology).

Environmental Protection Agency—Water Quality Office.

Historic and Archeological Sites

Department of the Interior—National Park Service.

Advisory Council on Historic Preservation.

Department of Housing and Urban Development (urban areas).

Flood Plains and Watersheds

Department of Agriculture—Agricultural Stabilization and Research Service; Soil Conservation Service; Forest Service.

Department of the Interior—Bureau of Outdoor Recreation; Bureau of Reclamation; Bureau of Sport Fisheries and Wildlife; Bureau of Land Management; U.S. Geological Survey.

Department of Housing and Urban Development (urban areas).

Department of Defense—Army Corps of Engineers.

Mineral Land Reclamation

Appalachian Regional Commission.

Department of Agriculture—Forest Service.

Department of the Interior—Bureau of Mines; Bureau of Outdoor Recreation; Bureau of Sport Fisheries and Wildlife; Bureau of Land Management; U.S. Geological Survey.

Tennessee Valley Authority.

Parks, Forests, and Outdoor Recreation

Department of Agriculture—Forest Service; Soil Conservation Service.

Department of the Interior—Bureau of Land Management; National Park Service; Bureau of Outdoor Recreation; Bureau of Sport Fisheries and Wildlife.

Department of Defense—Army Corps of Engineers.

Department of Housing and Urban Development (urban areas).

Soil and Plant Life, Sedimentation, Erosion and Hydrologic Conditions

Department of Agriculture—Soil Conservation Service; Agricultural Research Service; Forest Service.

Department of Defense—Army Corps of Engineers (dredging, aquatic plants).

Department of Commerce—National Oceanic and Atmospheric Administration.

Department of the Interior—Bureau of Land Management; Bureau of Sport Fisheries and Wildlife; Geological Survey; Bureau of Reclamation.

Noise

Noise Control and Abatement

Department of Health, Education and Welfare (Health aspects).

Department of Commerce—National Bureau of Standards.

Department of Transportation—Assistant Secretary for Systems Development and Technology; Federal Aviation Administration (Office of Noise Abatement).

Environmental Protection Agency (Office of Noise).

Department of Housing and Urban Development (urban land use aspects, building materials standards).

Physiological health and human well being

Chemical Contamination of Food Products

Department of Agriculture—Consumer and Marketing Service.

Department of Health, Education and Welfare (Health aspects).

Environmental Protection Agency—Office of Pesticides (economic poisons).

Food Additives and Food Sanitation

Department of Health, Education, and Welfare (Health aspects).

Environmental Protection Agency—Office of Pesticides (economic poisons, e.g., pesticide residues).

Department of Agriculture—Consumer Marketing Service (meat and poultry products).

Microbiological Contamination

Department of Health, Education and Welfare (Health aspects).

Radiation and Radiological Health

Department of Commerce—National Bureau of Standards.

Atomic Energy Commission.

Environmental Protection Agency—Office of Radiation.

Department of the Interior—Bureau of Mines (uranium mines).

Sanitation and Waste Systems

Department of Health, Education and Welfare—(Health aspects).

Department of Defense—Army Corps of Engineers.

Environmental Protection Agency—Solid Waste Office, Water Quality Office.

Department of Transportation—U.S. Coast Guard (ship sanitation).

Department of the Interior—Bureau of Mines (mineral waste and recycling, mine acid wastes, urban solid wastes); Bureau of Land Management (solid wastes on public lands); Office of Saline Water (demineralization of liquid wastes).

Shellfish Sanitation

Department of Commerce—National Marine Fisheries Service; National Oceanic and Atmospheric Administration.

Department of Health, Education and Welfare (Health aspects).

Environmental Protection Agency—Office of Water Quality.

Transportation

Air Quality

Environmental Protection Agency—Air Pollution Control Office.

Department of Transportation—Federal Aviation Administration.

Department of the Interior—Bureau of Outdoor Recreation; Bureau of Sport Fisheries and Wildlife.

Department of Commerce—National Oceanic and Atmospheric Administration (meteorological conditions).

Water Quality

Environmental Protection Agency—Office of Water Quality.

Department of the Interior—Bureau of Sport Fisheries and Wildlife.

Department of Commerce—National Oceanic and Atmospheric Administration (impact on marine life and ocean monitoring).

Department of Defense—Army Corps of Engineers.

Department of Transportation—Coast Guard.

Urban

Congestion in Urban Areas, Housing and Building Displacement

Department of Transportation—Urban Mass Transportation Administration; Federal Highway Administration.

Office of Economic Opportunity.

Department of Housing and Urban Development.

Department of the Interior—Bureau of Outdoor Recreation.

Environmental Effects With Special Impact in Low-Income Neighborhoods

Department of the Interior—National Park Service.

Office of Economic Opportunity.

Department of Housing and Urban Development (urban areas).

Department of Commerce (economic development areas) Economic Development Administration.

Department of Transportation—Urban Mass Transportation Administration.

Rodent Control

Department of Health, Education and Welfare (Health aspects).

Department of Housing and Urban Development (urban areas).

Urban Planning

Department of Transportation—Federal Highway Administration.

Department of Housing and Urban Development.

Environmental Protection Agency.

Department of the Interior—Geological Survey; Bureau of Outdoor Recreation.

Department of Commerce—Economic Development Administration.

Water

Water Quality and Water Pollution Control

Department of Agriculture—Soil Conservation Service; Forest Service.

Department of the Interior—Bureau of Reclamation; Bureau of Land Management; Bureau of Sports Fisheries and Wildlife; Bureau of Outdoor Recreation; Geological Survey; Office of Saline Water.

Environmental Protection Agency—Water Quality Office.

Department of Health, Education and Welfare (Health aspects).

Department of Defense—Army Corps of Engineers; Department of the Navy (ship pollution control).

Department of Transportation—Coast Guard (oil spills, ship sanitation).

Department of Commerce—National Oceanic and Atmospheric Administration.

Marine Pollution

Department of Commerce—National Oceanic and Atmospheric Administration.

Department of Transportation—Coast Guard.

Department of Defense—Army Corps of Engineers; Office of Oceanographer of the Navy.

River and Canal Regulation and Stream Channelization

Department of Agriculture—Soil Conservation Service.

Department of Defense—Army Corps of Engineers.

Department of the Interior—Bureau of Reclamation; Geological Survey; Bureau of Sports Fisheries and Wildlife.

Department of Transportation—Coast Guard.

Wildlife

Environmental Protection Agency.

Department of Agriculture—Forest Service; Soil Conservation Service.

Department of the Interior—Bureau of Sport Fisheries and Wildlife; Bureau of Land Management; Bureau of Outdoor Recreation.

APPENDIX 3

Federal agency offices for receiving and coordinating comments upon environmental impact statements:

Advisory Council on Historic Preservation—Robert Garvey, Executive Director, Suite 618, 801 19th Street, N.W., Washington, D.C. 20006, 343-8607.

Department of Agriculture—Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, 388-7803.

Appalachian Regional Commission—Orville H. Lerch, Alternate Federal Co-Chairman, 1666 Connecticut Avenue, N.W., Washington, D.C. 20235, 967-4103.

Department of the Army (Corps of Engineers)—Colonel J. B. Newman, Executive Director of Civil Works, Office of the Chief of Engineers, Washington, D.C. 20314, 693-7168.

Atomic Energy Commission—For Non-Regulatory Matters: Joseph J. DiNunno, Director, Office of Environmental Affairs, Washington, D.C. 20545, 973-5391.

For Regulatory Matters: Christopher L. Henderson, Assistant Director of Regulation, Washington, D.C. 20545, 973-7531.

Department of Commerce—Dr. Sydney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Washington, D.C. 20230, 967-4335.

Department of Defense—Dr. Louis M. Rousselot, Assistant Secretary for Defense (Health and Environment), Room 3E172, The Pentagon, Washington, D.C. 20301, 697-2111.

Delaware River Basin Commission—W. Brinton Whitall, Secretary, P.O. Box 360, Trenton, New Jersey, 08603, 609-883-9500.

Environmental Protection Agency—Charles Fabrikant, Director of Impact Statements Office, 1626 K Street, N.W., Washington, D.C., 20460, 632-7719.

Federal Power Commission—Frederick H. Warren, Commission's Advisory on Environmental Quality, 441 G Street, N.W., Washington, D.C. 20426, 386-6084.

General Services Administration—Rod Kreger, Deputy Administrator, General Services Administration-AD, Washington, D.C., 20405, 343-6077.

Alternate Contact: Aaron Woloshin, Director, Office of Environmental Affairs, General Services Administration-ADF, 343-4161.

Department of Health, Education and Welfare—Roger O. Egeberg, Assistant Secretary for Health and Science Affairs, HEW North Building, Washington, D.C. 20202, 963-4254.

Department of Housing and Urban Development[1]—Charles Orlebeke, Deputy Under Secretary, 451 7th Street, S.W., Washington, D.C., 20410, 755-6960; Alternate Contact: George Wright, Office of the Deputy Under Secretary, 755-8192.

James J. Barry, Regional Administrator I, Attn: Environmental Clearance Officer, Room 405, John F. Kennedy Federal Building, Boston, MA 02203, 617-223-4066.

S. William Green, Regional Administrator II, Attn: Environmental Clearance Officer, 26 Federal Plaza, New York, NY 10007, 212-264-8068.

Warren P. Phelan, Regional Administrator III, Attn: Environmental Clearance Officer, Curtis Building, Sixth and Walnut Street, Philadelphia, PA 19106, 215-597-2560.

Edward H. Baxter, Regional Administrator IV, Attn: Environmental Clearance Officer, Peachtree-Seventh Building, Atlanta, GA 30323, 404-526-5585.

George Vavoulis, Regional Administrator V. Attn: Environmental Clearance Officer, 360 North Michigan Avenue, Chicago, IL 60601, 312-353-5680.

Richard L. Morgan, Regional Administrator VI, Attn: Environmental Clearance Officer, Federal Office Building, 819 Taylor Street, Forth Worth, TX 76102, 817-334-2867.

Harry T. Morley, Jr., Regional Administrator VII, Attn: Environmental Clearance Officer, 911 Walnut Street, Kansas City, MO 64106, 816-374-2661.

Robert C. Rosenheim, Regional Administrator VIII, Attn: Environmental Clearance Officer, Samsonite Building, 1051 South Broadway, Denver, CO 80209, 303-837-4061.

Robert H. Baida, Regional Administrator IX, Attn: Environmental Clearance Officer, 450 Golden Gate Avenue, Post Office Box 36003, San Francisco, CA 94102, 415-556-4752.

Oscar P. Pederson, Regional Administrator X, Attn: Environmental Clearance Officer, Room 226, Arcade Plaza Building, Seattle, WA 98101, 206-583-5415.

Department of the Interior—Jack O. Horton, Deputy Assistant Secretary for Programs, Washington, D.C. 20240, 343-6181.

National Capital Planning Commission—Charles H. Conrad, Executive Director, Washington, D.C. 20576, 382-1163.

Office of Economic Opportunity—Frank Carlucci, Director, 1200 19th Street, N.W., Washington, D.C. 20506, 254-6000.

Susquehanna River Basin Commission—Alan J. Summerville, Water Resources Coordinator, Department of Environmental Resources, 105 S. Office Building, Harrisburg, Pennsylvania 17120, 717-787-2315.

Tennessee Valley Authority—Dr. Francis Gartrell, Director of Environmental Research and Development, 720 Edney Building, Chattanooga, Tennessee 37401, 615-755-20002.

Department of Transportation—Herbert F. DeSimone, Assistant Secretary for Environment and Urban Systems, Washington, D.C. 20590, 426-4563.

Department of Treasury—Richard E. Slitor, Assistant Director, Office of Tax Analysis, Washington, D.C. 20220, 964-2797.

Department of State—Christian Herter Jr., Special Assistant to the Secretary for Environmental Affairs, Washington, D.C. 20520, 632-7964.

SERENDIPITY IN WASHINGTON

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. MANN. Mr. Speaker, I would like to insert into the RECORD the following editorial from WSPA-TV of Spartanburg, S.C., on April 12, 1971. It describes the pleasurable—and pleasure-giving—antics of the Dorman High School chorus of Spartanburg, S.C., when they journeyed to our Nation's Capital. Those who conceive of our Nation's young people as a motley collection of shouters and troublemakers should receive a pleasant surprise from reading this account of what the Dorman High School chorus did with their free time in Washington. For myself, I think this little incident augurs well for the future of our country.

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[1] Contact the Deputy Under Secretary with regard to environmental impacts of legislation, policy statements, program regulations and procedures and precedent-making project decisions. For all other HUD consultation, contact the HUD Regional Administrator in whose jurisdiction the project lies, as follows:

The editorial follows:

WSPA EDITORIAL

The ancient king of Serendip once sent his three sons out to see the world. They encountered so many unexpected pleasures that a word has been coined to describe such pleasures. It is "serendipity."

Last month 130 members of the Dorman High School chorus set out to see the world that is Valley Forge and Washington. They had a full five days. They sang at Valley Forge and had a song recorded to be sent to prisoners of war. They sang at the Senate Office Building. They sang before the South Carolina delegation at a reception. They saw *My Fair Lady*. They visited the Capitol, Mt. Vernon, Arlington, the Smithsonian, and the White House. They attended church at Annapolis.

But it was a bit of serendipity that happened to them on Sunday night that this editorial is about. They had been told to stay in their rooms and not roam up and down the halls. But, as one of them said to us, "We wanted to be together." So someone asked the manager of the Harrington Hotel, where they were staying, if they could sit in the lobby. He said yes. And so nearly all of them went down and sat on the floor. Pretty soon they began to sing softly. When the telephone at the desk would ring, someone would whistle, the music would stop, but as soon as the telephone conversation was over the singing went on. It went on with various small interruptions for the better part of three hours. A well-dressed good natured stranger on the sunny side of middle age soon joined in the singing. As one chorus member said, "She knew all the songs we sang. An old man sent word for them to sing "On Top Of Old Smokey." They laughed and tried to sing it but didn't know many of the words. Then the "sunny side of middle age" got up and led them in the singing. Someone had a guitar and there was a tambourine, and Helen—that was the lady's name—sang "Your Cheatin' Heart" country style to guitar accompaniment. Toward the end, one of the girls said, "She knows all our songs. Let's make her an honorary member of the chorus." And it was done to applause. The next day, they sang at the Senate Rotunda. And who do you suppose was there? Helen, of course.

We dedicate this editorial to an old man who wanted the young people to sing "On Top Of Old Smokey", to Helen, the newest honorary member of the Dorman High School Chorus who was the life of the party, to a kindly manager at the Harrington Hotel who made the young people welcome in his lobby.

But most of all we dedicate it to the 130 princes and princesses of Serendip who helped to create their own serendipity that night. It is a night they will not soon forget because as one of them said, "This was something we did together, something we wanted to do. Besides, I think it pleased Miss Gosnell."

After all, why shouldn't she be pleased? They were acting with the grace and charm which is young people at their best. And she had trained them that way.

WATSON CREATES NEW PROFESSION—PLANNED ESTHETIC LIGHTING

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. COLLINS of Texas. Mr. Speaker, as we now concern ourselves with steps our Government should take toward achieving full employment, it is refreshing to note the imaginative thinking of John Watson, of Dallas, Tex. He has, by exercising choice under our free enterprise system, developed a profitable and challenging business for himself. And, thereby, has created 17 new jobs—slots that never before existed—and an approximate annual payroll of $170,000 benefiting his employees and community.

All of this Watson has done through initiative and hard work, asking help from no one. And contrary to popular practice, he used no grants-in-aid, no Government loan guarantees, and no subsidies.

In the Southwest with our long summers and mild short winters, many residents have discovered the fun of a garden and enjoying the outdoor life. Now thanks to John Watson, the leader in a field in which he pioneered and helped to create, landscape illumination, people are discovering that their activity does not have to stop at sundown. And in addition to being functional, lighting their yard or garden can be beautifying.

Watson, starting with nothing more than an idea has single-handedly opened a new field of business, and has developed a flourishing exciting enterprise for himself. In fact, he has often more business than he can comfortably handle. Our local power comany will give lighting advice free—but homeowners are delighted to pay him for his superior and creative creation.

Watson has requests from all over the world—South America, Australia, and Europe to work on private and public projects, and he is now internationally acclaimed as a lighting consultant. His work includes, lighting New York's Empire State Building, Six Flags Over Texas, the lush, tropical enclosed patios of numerous Mexican hotels and hundreds of private gardens in the Dallas area. Watson insists on personally supervising all of the work himself, down to the exact placement of each light fixture.

John Watson is truly an artist in his work and concerns himself with much more than just lighting the subject he works with. He practices what he calls planned esthetic lighting. That is, lighting planned to be both functional and interpretive. For Watson the illumination is always secondary to the subject and its place in the total scene.

The pessimists and bearers of gloom in this country who would argue that creativity no longer exists do not know what they are talking about. Let us create more new job opportunities in America—let us encourage better ecology—and we will have a stronger future in the seventies.

BENCH AND BAR HAIL DAVID

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. JAMES V. STANTON. Mr. Speaker, Cleveland is most fortunate to have a man of such rare dedication and wisdom as Herman H. David.

Mr. David is a long-time personal friend, a man I respect for his judgment and loyalty to the legal profession in Cleveland. For 31 of his 80 years Mr. David has served as treasurer of the Cleveland Bar Association, until his retirement last year. He has practiced law nearly 50 years.

Recently he was honored by the Cleveland Bar Association at its annual oldtimers' luncheon. In accepting the tributes of his fellow attorneys, David said:

> I have given almost half my lifetime to serving the bar association, and wish that I had started earlier so I could have given more time.

The following article describing the luncheon ceremonies appeared in the Plain Dealer on April 15:

BENCH AND BAR HAIL DAVID

More than 1,000 lawyers and judges gathered in Hotel Sheraton-Cleveland yesterday to honor Herman H. David, 80, who resigned last year after 31 years as treasurer of the Cleveland Bar Association.

The occasion was the association's yearly oldtimers' luncheon. Besides David, who has been a lawyer since 1923, another 18 lawyers were honored for completing 50 years of legal practice.

Presented a plaque commemorating his long service to the association, David, in a voice chocked with emotion. told his fellow lawyers that "I have given almost half my lifetime to serving the bar association, and wish that I had started earlier so I could have given more time."

He recalled that when he became treasurer in 1939 the association had a balance of $3,500 while recently the budget has been in six figures.

David, born in Youngstown, was graduated from West High School here in 1908. He was widely known in his younger years as a championship baseball and basketball player, coach and manager, was one of the organizers of the Cleveland Amateur Basketball Association, was the group's first vice president and ultimately held every office in the organization.

He attended the old John Marshall law school of Ohio Northern University while working for the Lake Shore & Michigan Southern Railroad as a claims agent.

Lawyers honored for 50 years in the profession included William H. Bemis, Joseph H. Crowley, D. C. Demorbus, Karl T. Fish, Jerome M. Friedlander, Suggs I. Garber, Victor Godfrie, Frank Harrison, David R. Hertz, Eben H. Jones, Albert G. Levine, Archie M. Marks, Sylvester Marx, Dennis J. McGuire, Fred J. Perkins, Alfred I. Soltz, Frances Tetlak and Mary K. Wolf.

YOUNG DEMOCRATS—POLITICS IS THE MEANS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 23, 1971

Mr. WALDIE. Mr. Speaker, the values of our young people of today constitute an acute controversial issue. Many times communications between the generations is clouded by misapplied rhetoric, confusing symbolic language, emotional overreactions, and all too often no communication at all.

Today I submit to the House an address prepared and written by Duke Williams and John Vitalis. Both young men are members of the San Francisco Federated Young Democrats.

The address follows:

"YOUNG DEMOCRATS—POLITICS IS THE MEANS"—OPENING ADDRESS BY THE PRESIDENT OF THE SAN FRANCISCO FEDERATED YOUNG DEMOCRATS

Pericles (404 B.C.): "A citizen does not neglect his state because he takes care of his own household; even those of us who are engaged in business have a very fair idea of politics. We regard a man who takes no interest in public affairs not as harmless. We do not say that such a man 'minds his own business.' Rather, we say that he has no business at all." . . . "We regard him as a useless citizen who takes no part in public affairs."

Young Democrats! Politics is the means. The time has now come for us to dispense with our petty idiosyncracies and hangups, we must get down to business and get something done. We must finally come to recognize our commonality as human beings. Through the wonders of modern science we have penetrated the forbidden spheres of outer space, reaching as far to achieve the moon and splitting an atom. Politically, we must now begin to reach ourselves. We are on the brink of a new era in the history of man's time.

What is politics? Politics is a system of persistent patterns of human relationships that involve, to a significant extent, power, rule, or authority. A political party may be defined as an agency for the organization of political power characterized by exclusively political functions, by a stable structure and inclusive membership, and by the ability to dominate the contesting of elections.

A stable and inclusive organization also marks the political party. It is stable in that it persists beyond the single cause or the single election. It acquires traditions, clienteles, and ideologies that live on beyond the fleeting policy issues or mortal men. Given this stability it may become a symbol, a focus of loyalty, and a point of orientation for its public. The party is inclusive in the sense that it appeals for and welcomes new adherents to its goals, its candidates, and its symbols.

There would be small need for a political system if there were unanimity among people about their goals and the means for reaching them. Any one person could voice the wishes of the group and it would receive immediate assent. The state and its subsystems exist because people are neither homogeneous nor neatly complementary with respect to their roles, their interests, their perceptions, and their values Homogeneity of interests and goals are not enough to make for automatic solutions of problems.

The reason why a political system emerges in a society at all—that is, why men engage in political activity—is that demands are being made by persons or groups in the society that cannot all be fully satisfied. In all societies one fact dominates political life: scarcity prevails with regard to most of the valued things. Only where wants require some special organized effort on the part of society to settle them authoritatively we must say that they have become inputs of the political system.

The San Francisco Federated Young Democrats is a "political organization" whose purpose is to endeavor to contribute to the growth and influence of the Democratic Party, particularly among the younger citizens of California by developing leadership, increasing party responsibility, maintaining and promoting harmony within party ranks. Our job, from time to time, is to uphold and effect leadership. As a political organization, we are and must remain dedicated to the Democratic process as the means by which every citizen moving and breathing must express himself in a free and fulfilling environment, an environment truly reflective of ourselves and where we want to be. Unity of spirit, interest and concern are the human qualities of character which strengthen each of us as individuals and, in turn, enable us to help each other in achieving higher realities and newer possibilities.

It is in this capacity that the Young Democrats can act as "brokers" due to the fact that it is an organization primarily constituted of young and politically active people with a liberal orientation toward politics. Many of these people have participated in various ideological causes which, in turn, have enabled them to interpret and articulate these ideological causes to the Democratic Party leadership through the party candidates that are willing to listen, and there are many candidates these days who are now willing to listen. Political figures have the necessary resources to utilize these ideological issues into a purpose for conducting a winning, issue-oriented campaign.

The most dreaded time has finally arrived, the time when we cannot deny the ultimate hard social judgments we must make. We must act in order to maintain a government "of the people, by the people, and for the people." The question therefore arises as to whether or not we are, as individuals, capable of politically effecting positive change within our government. What we have been, are, and to become is to be determined by us through the wise and thoroughly seasoned experience of our elder and senior citizens. The time has come for the youth of our country to show that compared to the youth of foreign nations, we too are on the rise and busily getting involved in the determining of the various stances, poses, and postures we will assume in life. The choice should always be ours as dedicated Democratic citizens of the State.

Renown political author, Alexis de Tocqueville, feared that social conflict would disappear because there would be only one center of power—the state—which no other group would be strong enough to oppose. There would be no more political competition because there would be no social basis to sustain it. He also feared that consensus as well would be undermined in the mass society. The atomised individual, left alone without membership in a politically significant social unit, would lack sufficient interest to participate in politics or even simply to accept the regime. Politics would not only be hopeless but meaningless. Apathy undermines consensus, and apathy was the attitude of the masses toward the state which Tocqueville saw as the outcome of an industrial bureaucratic society. Moreover, political apathy in our society tends to be greatest among the groups most poorly integrated into the reward structure of the society, i.e., minorities, unemployed, and the economically underprivileged.

Pluralistic democracy is not enough. Other organizational structures should also follow democratic forms. By democratic forms, leaders do not just merely consult their followers but the source of legislative power is vested in the rank-and-file membership. Thus the leadership of professional societies, labor unions, and the educational institutions should validate their positions by a vote of of the members and by referenda on new policies. To arrive at any semblance of consensus, one has to take into account the aims, purposes, and the types of organizations that exist and function in American society. On one hand, there exist the traditional political parties whose ideologies have never been clearly defined. Political parties, in essense, are interested primarily in winning elections. However, issues do materialize mainly from the smaller and more controversial political parties and militant organizations of young people coalesced together for some common ideological purpose, such as the issues involving foreign policy and our involvement in Southeast Asia, ecology, education, civil rights, etc. It is in this capacity that the political party, as a broker, can pick up these important issues and present them to the prospective voting constituency, issues which, otherwise, could not be articulated on a wide range political basis except through the media of the smaller political organizations which exist primarily for the purposes of articulating issues and running candidates who will present these issues on the political forum.

While empirical evidence suggests that most Americans feel unqualified to advise their leaders, a basic tenet of political philosophy is that every citizen is not only qualified but *obligated to advise* the leadership if he feels so moved. This has produced a significant ritual wherein the citizen is always welcome to make his views known to the politicians, and the politicians—whether in office or not, and whether they hear anything or not—are expected to listen attentively. From the point of view of socialization, the assumptions underlying this ritual are, first, that citizens have the capacity to teach something to politicians and, second, the politicians are eager and rapid learners.

Learning by politicians is best facilitated by the heterogeneity of groups in his constituency and the competitiveness of its policies. Very little political learning goes on in one-party constituencies. On the other hand, the politician who has to campaign vigorously and build winning coalitions out of these diverse elements is likely to be sensitive in his perceptions, eager for new information, flexible in his attitudes, cautious in his opinions, and adaptive in his self-socialization. The American ideology tends to prefer the latter "learning situation."

We, as young Americans, have been challenged by age and our times. But what is the challenge? It is precisely our need and duty to be free to constructively criticize our nation for its open-faced weakness or humbly praising our nation for its hidden strength. We must believe that we can make America a more beautiful country by politically pointing out its defects and by trying to correct these defects, wherever they may be. As we become seasoned in wars, experience will dictate the qualities of political leadership needed, but only if we act now; start now to truly build the social and moral values which older generations of Americans have told us have no place in politics.

WHITE HOUSE CONFERENCE ON YOUTH—PRESSURE FROM BELOW

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. RARICK. Mr. Speaker, according to reports, the White House Conference on Youth recently held in Estes Park, Colo., is described by White House aide Stephen Hess as "the most representative body of American youth ever assembled."

Among the proposals which the conference representatives voted for are the following: a total withdrawal from Vietnam by the end of the year—with no mention made of what happens to our POW's; legalization of marihuana; tolerance of "any sexual behavior" between consenting individuals; and resignation of FBI Director J. Edgar Hoover.

While the event was billed as a youth conference, over one-third of the participants were reported to be adults, largely from government and business. The 900 or so young persons in attendance, said to be selected "scientifically" according to statistical distribution nationwide, were certainly not representative of the vast majority of the youth of my district, nor do I believe they reflect the views of most American young people.

The entire affair appears to be an application of the technique called pressure from below and pressure from above which was used so successfully in the Communist takeover of Czechoslovakia. A group of scientifically chosen radical youth, promoted by a cooperating news media to appear as representative of American young people, provided the pressure from below in the form of resolutions calling for change which if implemented would weaken and destroy rather than strengthen and unify America. The pressure from above would be supplied through a yielding to the youthful desires by those persons and groups in positions of power in the fields of government, medicine, education, law enforcement, et cetera as a reform reaction to the "pressing demands of the overwhelming majority of American youth." Give every group a little of what they want or relate to so as to keep them content.

Is it not strange that while efforts of some at the top to dump FBI Director J. Edgar Hoover, to legalize marihuana, and to provide a guaranteed annual income founder because of lack of public support, these efforts are given a boost by resolutions for the very same innovations by what is billed as the "most representative body of American youth ever assembled?"

I insert a newsclipping to follow my remarks:

[From the Washington Star, Apr. 22, 1971]

YOUTHS ON WAR, POT, AND SEX

(By John Mathews)

ESTES PARK, COLO.—The White House Conference on Youth, billed by its national director as the most representative body of American youth ever assembled, has voted in favor of:

A total withdrawal from Vietnam by the end of the year.

Legalization of marijuana.

Tolerance of "any sexual behavior" between consenting individuals.

When recommendations of the 3½-day conference are presented to President Nixon, they will be introduced by a preamble that says the American Constitution is "both racist and sexist in its conception." The preamble goes on to call slavery the "greatest blemish" of the nation's history and to characterize as "genocide" the "annihilation of American Indians."

PREAMBLE APPLAUDED

The preamble was not voted on by the delegates but was greeted with standing applause by a majority of 1,200 to 1,400 youth and adult delegates attending the final session of the conference yesterday. It states:

"Out of the rage of love for the unimplemented principles we here assert, we challenge the government and power structures to respond swiftly, actively, and constructively to our proposals. We are motivated not by hatred, but by disappointment over and love for the unfulfilled potential of this nation."

Although the 900 or so young people attending the conference were chosen scientifically according to statistical distribution nationwide and the 500 adults were largely from government and business, the scores of resolutions adopted were either liberal or radical. Only about half the delegates actually voted on the resolutions and some of the 10-issue task forces decided not to put their proposals to a vote, although their recommendations will be included in the conference report.

VOTE IS 450 TO 155

On leading foreign policy issues, 450 delegates voted "yes" and 155 voted "no" on a proposal calling for total withdrawal of U.S. military forces and support from Vietnam by Dec. 31—similar to a Senate proposal introduced by Sen. Mark Hatfield, R-Ore., and Sen. George McGovern, D-S.D. The proposal called for immediate cessation of bombing and ground and naval operations in Vietnam.

A minority report recommendation largely backing President Nixon's phased troop withdrawal and Vietnamization policy was defeated, 339 to 246.

With 536 young people and 123 adults voting by secret ballot, the conference also approved by large majorities resolutions calling for the resignation of FBI Director J. Edgar Hoover, a lowering of the legal age of majority, to 18, abolition of the detention camp provision of the Internal Security Act and statehood for the District of Columbia.

Stephen Hess, the White House aide who acted as conference director, did not discount in any way the delegates' votes. He said he stood by earlier statements that the conference was broadly representative of young people, although he added that many of the delegates "tended to be activists." All conference resolutions will be sent to the President and to appropriate government agencies, he said.

STUDENTS BACKED

Although Hess did not mention it, many of the resolutions were drawn up by college and high school students and adults, although the voting indicated that a diverse group of young people saw the issues the same way.

The final five-hour general session in a cavernous roller skating rink here at the conference site, a YMCA camp nearly 8,000 feet high in the snow-covered Rockies, was a remarkable scene. A picture of Hess pasted to the podium was labeled, "Would you buy a used youth conference from this man?"

A self-proclaimed anarchist waving a black flag occasionally passed in front of the speaker's platform and young people sitting in front openly smoked marijuana while the drug task force read its report calling for legalization of the drug.

CAUCUSES ARE HEARD

A long list of minority caucuses addressed the delegates, including groups representing blacks, Chicanos, Italian-Americans, Asian-Americans, women, socialists, and believers in free enterprise. The latter group received a cool reception when its spokesman said, "We seem to be a minority here who want little government and big people, while the vast majority want big government and little people."

Perhaps the most warmly received statement was made by Tomasine Hill, a 23-year-old Indian from Billings, Mont. "The American nation is a state of mind," she said, "and only the land endures. You can have the country, but the land, it is ours."

The black caucus submitted a wide variety of resolutions dealing with racism and oppression, but officially withdrew from the conference, as did the Indians.

Although many of the resolutions approved by balloting and others submitted by task forces without a vote criticized government policy, few mentioned President Nixon by name. The Asian caucus, however, called on the President to denounce racism in a television address to the nation.

Resolutions submitted by task forces without a vote by the delegates called for support of this Saturday's anti-war demonstrations and a "Peoples Peace Treaty" with North Vietnam, a $6,500 guaranteed annual family income for a family of four, an end to strip mining, and conversion of the private coal mining industry into a public Appalachian Mountain Authority.

LEST WE FORGET: IT HAS BEEN 7 YEARS, 28 DAYS SINCE THE FIRST PRISONER OF WAR WAS TAKEN IN SOUTHEAST ASIA

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22 1971

Mr. BIAGGI. Mr. Speaker, it has been 7 years and 28 days since the first prisoner of war was taken captive by the enemy in Southeast Asia. During that period of time almost 1,600 men have been listed as prisoners or missing in action. However, even more heartbreaking is the countless many more wives, children, and parents who await at home to hear some word of their lost loved one.

I have joined in this series on our prisoners of war to help keep alive in the minds and hearts of all Americans the plight of these brave men. We cannot let this war end without assuring the safety and return home of these valiant soldiers. This is the very least we owe them.

Words alone, however, are not sufficient to bring action. We have initiated several proposals here in this body. They include a mutual exchange of all prisoners, placing prisoners in the case of a neutral nation, and tying the release of all prisoners with withdrawal of all foreign troops.

In addition, many of us have encouraged the mailing of letters to the President of North Vietnam asking him to adhere to the Geneva convention on the treatment of prisoners of war.

I am pleased that the President, too, is in agreement with me and others on this issue. He recently stated that there would be no end to the war without a settlement of the prisoners of war issue.

Lest we forget, I will repeat again the grim statistics. It has been 7 years and 28 days since the first of 1,600 Americans has been imprisoned or listed as missing in Southeast Asia.

THE NEED TO REFORM THE MINING LAW OF 1872

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. UDALL. Mr. Speaker, last month I introduced legislation designed to reform the antiquated Mining Law of 1872. In this week's Sports Illustrated, Bil Gilbert has written an excellent article pointing out some of the abuses that our public lands suffer from as a result of mineral activities carried on there under the 1872 law. I want to share this eloquent article with my colleagues, Mr. Speaker, and accordingly include it in the Record at this point:

When a Law Fights a Law

(By Bil Gilbert)

Those encountering the Mining Law of 1872 for the first time find it an incredible act. Literally, they do not believe such a law can exist. Yet there it is on the books, giving—to industry or any citizen—license to take over huge tracts of the nation's public lands.

Before the act was passed a hundred years ago there was no national mining law, but there was a lot of mining and passion and money tied up in mineral exploration and exploitation. Unable to start afresh, or believing it politically imprudent to do so, the Congress simply collected most of the traditions, practices and local laws then current in the Western mining country, roughly codified them and declared them the law of the land. The resulting statute, with all its vagaries, loopholes and contradictions, more or less defies summarization. What follows is simply a listing of those of its provisions that prominently affect the country's public lands.

The law provides that on most of our public lands (virtually all of the 450 million acres of the Bureau of Land Management, the 140 million acres under the jurisdiction of the U.S. Forest Service and even on portions of our national parks and federal wildlife refuges) any American may stake a mining claim. To do so he simply marks off the claim area and then registers its location at a county courthouse where he must pay a token fee (in most states the charge is about $1.50 per claim). Claims are usually 20 acres in size but a man may stake as many of them as he wants. He is not required to ask permission of a public land agency, *e.g.*, the Forest Service, before staking the claim. After he has done so, he is not required to inform the agency where his claim is or what he plans to do with it.

Having staked a claim on public lands, the claimant can immediately begin mining operations. He may erect living quarters on the claimed land for himself and his employees. To facilitate mining operations he may timber the land, raise crops, pasture livestock on it and make use of its water resources. He may not be denied access to his claim and can construct a road—anything from a donkey trail to a paved highway—to it. He must obtain a permit from the Forest Service for his road, but the agency cannot deny the permit, only require that the builder meet certain specifications.

A mining claim, though it is on public lands, may be sold or traded for private gain. No federal taxes are paid on a claim since the land theoretically belongs to the public.

In general there are only two ways in which a claimant can lose his land. If he fails to make token ($100 worth) improvements on the claim each year, another prospector may restake the land and claim it for himself. Secondly, a claimant may lose his land (but, on the other hand, may gain almost perpetual use of it) through validation proceedings. Under this process a public-lands agency sends a mineral examiner to look at the claim. He makes a report of his findings to the Bureau of Land Management, a division of the Department of the Interior. If it appears that a "prudent man" can conduct a profitable operation on the claim, it is validated, which means the claim holder can do more or less anything he wants with it. If, on the other hand, the mineral examiner does not find evidence that a prudent man could turn a profit, the BLM will invalidate the claim. The miner must leave it and the land reverts to the public. However, a miner whose claim has been invalidated may appeal the BLM decision, first through a series of administrative tribunals in the Department of the Interior and from there to the federal courts. Large mining companies usually ask that their claims be validated prior to commencing operations so as to avoid future disputes. However, this is not necessary. In effect, a claim is treated as valid until the BLM declares it invalid. Agencies do not enter into these proceedings lightly as they are costly in terms of money, manpower and time. Even an uncontested invalidation case may take 18 months and a hard, messy one may drag on for a decade. Finally—and most ironic of all—the day after a claim is invalidated, another would-be miner may restake it.

A claim holder may also patent his land. He simply applies to the BLM for the patent and provides evidence that he can make a profit from the land. The BLM then patents his claim, which means that the land becomes his private property—the patent being a valid land deed. In theory virtually all of our national forest land is open to being patented; and, in fact, hundreds of thousands of acres have in this way been transferred to private control.

The mining industry, by whom and for whom the Mining Law of 1872 was created, believes it to be a splendid law and that any tampering with it will inevitably result in the destruction of the American way of life. The industry is, however, very cautious about making public statements on the controversial questions being raised these days by land managers, environmentalists and lawyers. Many of these people feel the mining law has created devastating land problems and abuses. For example:

The law not only permits but encourages (by giving subsidies in the form of virtually free land) spectacular and speculative exploitation. Millions of acres of land are vulnerable to despoliation, not because they possess minerals of value but because a miner has a hunch they might, and it costs him little or nothing to play his hunch.

If a mining claim can be regarded, as it often has been in the courts, as giving its holder *de facto* ownership of public lands, then no public-lands agency can be sure exactly how much land it controls or how it can manage its holdings. There may be as much as 20 million acres of national forest lands encumbered by mining claims. At least, that is one estimate. The uncertainty about just how many acres are involved arises from the fact that the claimant does not need to tell the land agency when he claims land from it.

Perhaps the most notorious abuse of the mining law has had nothing to do with either real or hunch mining. For generations Westerners who wanted a nice secluded site for a summer cabin, real-estate development, resort or, in a few cases, a gambling casino or house of infamy would simply stake a claim or claims in a national forest and proceed to occupy and use the land as they so desired. During the last decade the Forest Service has been trying to crack down on some of these "illegal occupancy" cases and retrieve some of this fraudulently claimed land. However, given the ubiquitousness of the practice (over 100,000 claims have been examined so far) and the limited resources of the agencies involved (the Forest Service employs only 40 mineral examiners, the BLM about 60), the best guess is that it will take another 20 years to clean up just the current cases.

For those who think it a bad statute, the worst feature of the Mining Law of 1872 is that it gives public agencies no real autonomy in the use of their own land. No matter how valuable a tract may be for grazing, timbering, recreation, no matter what its water, wildlife, wilderness or scenic values may be, a miner, if he wants the land, is entitled to take it. No other special-interest group has been so favored. Ranchers and lumbermen have been granted certain privileges over the years on public lands, but even they must secure permits and pay fees. The miner needs nothing under the law of 1872.

Currently the Forest Service is involved in a series of major disputes in which miners, attempting to exercise their rights under the mining law, are threatening valuable Forest Service resources—the home waters of the rare cutthroat trout in the Humboldt Forest of Nevada; the entire White Cloud mountain complex in Idaho's Sawtooth Forest; the Stillwater area in Montana's Custer National Forest. These are the most prominent of the current confrontations between Forest Service and mining interests.

In the final analysis, however, another dispute—and the solution of it—may prove more consequential. This case, relatively small in terms of land and resources, involves Ash Canyon in the Huachuca Mountains of southern Arizona. Here a few forest rangers are trying a new approach in defense of their lands.

The Huachucas are little-known mountains but in some respects they are unique. Rising at the Mexican border, they extend 25 miles northward, with their highest peaks soaring to about 9,500 feet. Surrounding the Huachucas is the Sonoran Desert. What makes these mountains singular is their range of climate. There are in the foothill canyons microenvironments that are tropical and more than a mile up on the mountain peaks ones that are subarctic. In consequence the flora and fauna is unusually varied. A greater assortment of reptiles, birds and mammals can be found in the Huachucas than in any comparably sized area in the U.S.

By and large the mountains are still wilderness. There has always been some ranching, lumbering and mining but, due to the difficult terrain and the lack of resources thereabouts, the mountains have not really been disturbed. Most of the range belongs to the Forest Service, being part of the mammoth Coronado National Forest. Just two rangers are assigned to oversee the Huachucas and adjacent valleys, a 300,000-acre chunk of land. The supervisor is Adrian Hill, a Forest Service veteran, and his assistant is Chuck Sipp, a young ranger who was assigned to the district last June.

The area also has two full-time nonprofessional maintenance men. These four men are responsible for everything that goes on in the district—fighting fires, erosion and floods, issuing grazing and camping permits, enforcing the provisions of the permits, cutting trails, clearing springs, building impoundments, locating lost hunters and hikers, assisting miners.

The two regular rangers spend much of their time simply driving, horsebacking and hiking about their vast domain trying to find out what is happening within it. Last July 29 while making a routine patrol along the eastern flank of the Huachucas, Chuck Shipp discovered what looked like trouble in Ash Canyon, one of the many canyons that scar and torture the sides of the Huachucas.

An elderly prospector named Bill King, who had held some claims in Ash Canyon and had pecked away at them for beans for more than a quarter of a century, had leased his holdings and become associated with one Alvin C. Hartley of Los Angeles and Las Vegas. Both men have a certain amount of notoriety. King had come into possession of his claims after killing an early partner, James Kelly. He was acquitted of the murder but retains the reputation of being a formidable gunman. He wears a six-shooter on his belt and normally cradles a .30-30 over his arm. Over the years King has run off more than one innocent visitor to the section of national forest on which he holds mining claims. His cohort Hartley is a bit less colorful but has had trouble with the law, too. He is on parole from California and has convictions for receiving stolen property and carrying a concealed weapon.

At their first meeting Hartley told Chuck Shipp that he had organized something called Cochise Mining and Exploration, Inc. He planned, he said, with the advice of his technical expert, Bill King, to take a lot of gold out of Ash Canyon, build some roads through it to the west side of the mountains, strip 150 acres for placer operations and construct a placer mill and wells.

"Right from the beginning this whole Ash Canyon thing really bothered us," recalls Shipp, who by temperament and age is an environmental activist. "In the first place there is no history of productive mining in the Huachucas, no mineral survey that justified the kind of operation Hartley was talking about. But the mountains have very important natural, wildlife and recreational values. It seemed almost criminal to tear them apart for marginal mining operations.

Also, it seemed to us that this scheme in Ash Canyon had the smell of a promotion, not a legitimate mining operation. We got the feeling that Ash Canyon—and maybe more of this range—was to be gutted not for gold but for a few photographs in a stock prospectus.

This latter suspicion was confirmed by an investigation conducted by the Arizona Corporation Commission. Last winter the commission found that Hartley, an unregistered stock salesman, had peddled unregistered shares in Cochise Mining and Exploration. It ordered Hartley to cease and desist in this felonious activity, but the order was of an empty, post-factum sort. Late in November, Hartley left the Huachuca scene for Mexico, taking with him a hundred glossy Cochise stock certificates. He has not been seen since.

Between the end of July and mid-December, Shipp made 38 trips to Ash Canyon (on one visit he was unable to proceed up a Forest Service road, being blocked by Bill King and his six-shooter). Cochise Mining and Exploration began building a placer mill and, more important, cutting without permit a 1½-mile, 130-foot-wide road up Ash Canyon across Forest Service land. Shipp was convinced that the work already done had seriously and adversely affected drainage patterns in the canyon. It also seemed obvious to the ranger that if Hartley should return and settle his curious financial and legal problems, he could and would mount new operations in the Huachucas that would further ravage the land.

Shipp telephoned Ray Russell, the director of mining and recreation resources at the Tucson headquarters of the Coronado National Forest. Ray had been following the case," says Shipp, "and I guess I told him in effect that they had sent me down here to protect a public resource and I didn't feel I had any authority to do so. We'd lost a good part of Ash Canyon and the chances were we'd lose more. I asked Ray if he had any suggestions. I also made a suggestion. We'd all been getting directives about the new Environmental Act and I asked Ray if there was anything in that which might help us. He said he would take a look."

Russell looked, and then he decided to do three things. He started proceedings leading toward a trespass hearing in federal court, charging King and Hartley with cutting a road without permit in Ash Canyon. He got in touch with the nearest Forest Service mineral inspector and asked that the King-Hartley claims be examined to see if they could be invalidated. Both of these actions were more or less conventional ones under the old rules of the Forest Service-Mining Law game. However, the third step Russell took, or rather suggested be taken, was extraordinary, something that nobody within the Forest Service had ever thought of doing before. Russell asked that the Forest Service seek a federal injunction, based principally on the provisions of the National Environmental Policy Act of 1969 (hereafter NEPA), to halt all mining operations in Ash Canyon while a study of the environmental impact of such operations was made.

"I am not a lawyer," Russell says, "but it seems to me under Section 102 of NEPA if any land changes are contemplated we are required to make an environmental impact study before the changes are permitted. So I applied this to Ash Canyon. The mining operations that King and Hartley were talking about there would certainly result in environmetal changes. O.K., so we are required to make a study on the consequences of these changes. This kind of study will cost some money, tie up a lot of men and take a lot of time. Suppose we start such a study. The Mining Law and the Environmental Act appear to be in basic conflict. I thought maybe Ash Canyon would be a good place to find out where we stood legally—which law we should obey."

Clyde Doran, the Coronado National Forest supervisor, approved Russell's recommendation that the service seek a NEPA injunction in Ash Canyon and started the request for such action through departmental channels. Also, before paper work on the recommendation was completed, Doran made the matter public. He told the local press about Russell's proposal—that they were going to try to get permission to do something absolutely new, challenge the Mining Law of 1872 on the grounds it was in conflict with the Environmental Act.

Change, especially precedent-setting action, unsettles all bureaucracies, and the Forest Service is no different. If the service pushed for an injunction and all that it implied, it would certainly become involved in a bitter battle with the mining industry.

"The whole question is of special interest to us in the Coronado," Clyde Doran says, "since there are indications we may have more rather than less mining activity here in the future." It is something of an understatement when Doran says there are "indications" of future mining ventures and problems in southern Arizona. During the past 18 months it is estimated that some 250,000 acres of Doran's 1,800,000-acre forest have been staked in claims by giant mining concerns—Anaconda, Hanna Mining, Hecla, Kerr-McGee. When old claims and new claims by small operators such as Hartley and King are added, it is likely that somewhere between a third and a half of the Coronado is not, in a practical sense and according to the Mining Law, a public forest at all—it is a potential mine.

The reason for this sudden interest in southern Arizona mineral deposits is gossiped about openly within the mining community. The big operators are fearful to certain that they will soon lose control over major foreign holdings—that their mining properties in Chile, Peru and elsewhere in South America will be nationalized. Therefore, they are looking for domestic mines, particularly in Arizona where there are minerals and favorable tax laws. These political and economic factors, along with the ever-increasing demand for metal products, make it almost certain that mining pressure on national forest lands will markedly increase during the next few years. They also explain why land managers like Doran believe that if the Forest Service does not now get additional authority to control, direct and tame the exploiters, they may shortly have very little land left to manage.

The National Environmental Policy Act to which Russell and Doran have turned in the Ash Canyon case is, like the Mining Law, not well understood, but for different reasons. It is so new that few are certain whether it is a real law or simply another pious statement of good intentions.

"I have a theory," says Malcolm Baldwin, a young lawyer employed by the Conservation Foundation, one of the most respected organizations along Washington's Environmental Row (a collection of offices and chambers in the vicinity of DuPont Circle, lying mostly between Massachusetts Avenue and the National Rifle Association). "Until a law is fought over, either before it is passed or later in the courts, nobody really knows what it means. There have been few suits to date involving NEPA. It was written mostly by Scoop Jackson's staff and there was no great debate. You didn't have, say, the American Mining Congress and the Sierra Club at each other's throats when it was being considered. In fact, nobody paid much attention to it—it just eased through. This business in Arizona may provide a significant test case. Obviously if the Forest Service has enough nerve to ask for a NEPA injunction, it could be a formidable weapon."

It is said that a motto of the Devil is "Let's organize this thing." If true, his Satanic Majesty probably created the concept of the Regional Office. Regional Offices—religious, educational, military, corporate, federal—neither sow nor reap. They are not concerned with ideas and policy, which is the business of Headquarters; nor with action—chasing bulldozers out of canyons—which is the work of the field staff. However, they are exquisite instruments for muddying ideas until they cannot be translated into action, for muffling action so that it cannot influence ideas or policy. The function and ambition of a Regional Man is to hide dirty linen, keep boats from rocking and at all times present a very low profile.

The Albuquerque office of the U.S. Forest Service is not that different from regional offices everywhere. Having been brought into the Ash Canyon case during the second week of January, Albuquerque did what Regional Offices do best—sat down tight on the whole affair. The request for an NEPA injunction looked as if it would not be approved, disapproved or bucked on to Washington, where decisions are made. In what passed for furious action at this administrative level, the Regional Office promised to send a Regional Attorney to Tucson in late February to discuss with the Coronado foresters the implications of an NEPA injunction. The first meeting was postponed but the conference was finally held a few weeks ago. The attorney is now in Washington and is said to be formulating his case. So that is how the matter officially stands at the moment.

Fortunately, the Ash Canyon affair has broken out of channels. While anonymous Albuquerque men were brooding over the embryonic case, word of its imminent hatching spread. On March 17 Arizona Congressman Morris Udall submitted a bill to the House of Representatives that would drastically revise the Mining Law of 1872.

Ash Canyon and the issues it raises, the challenge to the Mining Law, the question of the public right to regulate use of public lands, has become too large and knobby to be stuffed back in any Regional Man's bag. Like it or not, injunction or not, Ash Canyon has become a case to which we are all party. The proceedings promise to be long and difficult.

PROFESSIONAL VETERANS OF VIOLENCE VERSUS MILITARY VETERANS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. RARICK. Mr. Speaker, all week long we have encountered in our midst a group of bearded and shabbily dressed young men clothed in various remnants of military uniform who have been widely billed and played up by the news media as veterans.

Several of these men have been by my office holding themselves out as representing veterans and knowing veterans' problems but when asked for ID cards or discharge papers they folded camp and disappeared. While it is possible that there are veterans of former military service among the crowd, I feel that our Government and the news media are doing a great disservice by not exposing this farce for what it is.

Many are veterans all right—they are veterans of Selma, Watts, Newark, Chicago, Kent State, and other cities too numerous to mention, where the American people have encountered agitation, confusion, and violence. They are veterans all right—just in another costume. Any military veteran involved with such a horde would have to be duped because of a feeling of exploitation by those in Government into thinking that the people with whom they are associated are synonymous with helping their country.

Tragically, many military veterans have been the victims of a psychological slideoff to where they are supporting those who are actually responsible for any bitterness and disillusionment.

If this so-called veterans group contained American military veterans who expected by their presence to receive the respect and courtesies due them, most certainly they would have appeared at their Nation's Capitol and among their legislators as military men. They would have worn their uniform complete, or not at all, they would have been clean shaven, would have attended to their personal grooming and would not have used profanity and other vulgarity as if intending to agitate disrespect and revulsion from everyone they met.

This was the first giveaway. The ultimate was the display following permission to enter the Arlington Cemetery, our Nation's shrine to our country's heroes, ostensibly to pay homage to fallen comrades. Then on departure and for the benefit of the seemingly previously cued-in TV cameramen to raise their arms and give the clenched fist salute—the Communist identification symbol—marking them as comrades of the same Communist movement that had killed their comrades they had earlier professed to want to visit out of respect.

Then late this afternoon, again for the benefit of the always-on-hand communications media, this army of fifth columnists paraded by the steps of their Nation's Capitol throwing military decorations, awards, and citations with vulgar exclamations onto a pile as if so much refuse.

Again, a further disservice will be done to every military veteran and to the American people unless our political and military leaders tell our people which of these awards and honors were earned and awarded and which were bought at a military supply or military surplus store.

As a veteran myself, I wonder what the communications media expects to do with the many posed photos and enacted scenes of members of this mob, some with simulated weapons—scenes such as a uniformed man holding a rifle sitting in a tree with the dome of our Nation's Capitol in the background; scenes such as were filmed on the Capitol Grounds and on the streets in Washington, D.C., with simulated riflemen shooting women and children, who were coactors in the drama—falling to the ground and with coloring bags which they burst, giving the effect of wounds and blood.

Words could not describe the injury such films and photos improperly labeled or misused could cause to our POW's or our fighting men. Nor could the propaganda effect be underrated if such staged films and pictures reach the hands of the Communist world and their people are told the pictures show an uprising by the Americans or among our military forces, or that U.S. soldiers have committed acts of violence against women and children in their own country to maintain law and order. In such instances the photos could be misused to support charges from some quarters that a police state situation has developed.

The visit of the so-called veterans to Washington, D.C., did not accomplish one constructive thing for any participating members—it was not intended to and the actors went out of their way to make sure that they could not and did not accomplish anything for the benefit of the American people or for peace or for national unity. Their mission was not that of a war-weary military veteran, but rather that of a highly trained soldier carrying out a strategic objective in psychological warfare.

I include a news clipping at this point:

[From the Washington Post, Apr. 23, 1971]

AT NIGHT, VETERANS VOICE INNER FEELINGS

(By B. D. Colen)

Phil Lavoie, who has two artificial legs, was explaining why he was sleeping on the Mall with 500 other veterans Wednesday night in what then was defiance of a U.S. Supreme Court order.

"America is the best thing going, man. I love this country. I wouldn't leave it for anything."

But Lavoie, 22, a Vietnam veteran with the Americal Division of the 196th Infantry, is puzzled by things he has seen in Vietnam and at home.

"We captured a couple of sacks," he said. "They were white five pound sacks and they said 'a gift to the free people of India from the free people of the United States'." The sacks, he said were filled with American wheat, and he believed the Vietcong had bought the wheat on the black market.

"I'm fighting with men eating American wheat. Americans are dying, being killed by dudes eating American wheat.

"President Nixon said he wants to open trade relations with Red China. I was hit with an 82 millimeter mortar round, made in Red China."

If we are going to trade with China, he said, we shouldn't be in Vietnam."

Lavoie joined a circle of friends to listen to a recording of "With a Little Help From My Friends," as light drifted from one of the medical tents at the far end of the encampment.

Nine persons were crammed into the green tent. One of them strummed a guitar, singing "When Johnny Comes Marching Home." Sen. —— sat slumped next to the guitarist listening intently. He wore a leather service jacket bearing the presidential seal over the left breast.

"Far out," muttered a fatigue-clad veteran who noticed —— in the tent. "This is the heaviest thing that's happened here."

The bright lights used to illuminate the construction project along lower Pennsylvania Avenue NW cast an eerie glow over the sea of sleeping bags on the mall. In the shadows, the still bags looked like the body bags used to bring the dead back from the field, the same kind of bag the veterans are planning to fill with their medals today.

Patrick McCann, a 22-year-old Marine Corps veteran from Philadelphia, paused in his rounds of sentry duty.

"I fought against doing this (guard duty) for a year, and here I am," he said, laughing quietly.

"I'm not sleeping tonight. There's been some people missing stuff, like 45 sleeping bags, but you can probably cut that in half. Some people are tired and misplaced things."

A voice called out, "Ohio?" and about a

dozen uniformed veterans came trotting into the area where the Ohio veterans were sleeping.

"Hey man," one called, "we've got 16 more from Kent State."

"Far out!" was the reply.

"Where have you been eating?"

The old timer at the camp site replied: "We got hot lunch, supper, breakfast. People have been buying it for us. People have been great."

EUROPEAN EXPERIENCE WITH CONSCRIPT AND VOLUNTEER FORCES

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, in an effort to preserve the power of conscription, the contention has been made that an end to the draft would threaten our democratic institutions. Militarism, however, has been historically associated with the power of a state to compel young men to serve involuntarily.

In the United States, as I have previously noted, we have had a long tradition of civilian control of the Armed Forces. This tradition was developed and enhanced in conjunction with a system of manpower procurement that has relied upon voluntarism for all but 34 of the nearly 200 years since our Nation, in the Declaration of Independence, proclaimed its belief in the freedom and dignity of the individual.

Those who favor the draft profess a fear of so-called professional armies, but they have never produced evidence to justify their fears. The Gates Commission, with the thoroughness that characterized all of their studies, made a detailed investigation of the experience of foreign nations with different forms of military manpower procurement.

According to part I of the study, for example:

> The Greek government is a military dictatorship established by a military coup against constitutional authorities, but Greece is notorious for the rigor of her conscription. For the period 1956–65 the compulsiveness of the Greek recruiting system was exceeded only by that of the U.S.S.R. . . . Both conscription and coups have a long tradition in Greece. . . .

The examination of military interventionism in French and Spanish history also shows that conscription cannot be relied upon as a means of civilian control. I commend this item to your attention:

EUROPEAN EXPERIENCE WITH VOLUNTEER AND CONSCRIPT FORCES' INVOLVEMENT IN DOMESTIC ISSUES

PART I: GREECE, SPAIN, AND FRANCE

(By James W. McConnell)

Purpose

The purpose of this study is to examine European cases to find what lessons, if any, they offer for the United States. Military personnel recruitment has been handled differently by different countries and differently by the same country at different times. Historically and logically, there have been three choices. *First,* should the armed forces be comprised of citizens, ethnically and culturally representative of the state, or foreigners? *Second,* should the armed forces be a standing establishment of full-time military personnel specializing in the art of war, or a militia system of part-time civilian soldiers? *Third,* should the armed forces personnel be recruited voluntarily or be compelled to serve? Since the U.S. is committed to a citizen standing army, this study will not discuss foreign mercenary forces and will largely ignore the European experience with militia systems. Of primary relevance to America is the European experience with volunteer and conscript standing armies and their effect upon domestic politics.

Among both scholars and practitioners there have been intense conflicts over the relationship of the recruiting system to authoritarianism. G. G. Coulton, an Englishman, has stated that "in history, compulsory service has been the usual note of democracies, while despots have preferred a paid army." He finds that "the despot and the mercenary have commonly gone hand in hand," while "complete compulsion" in recruiting is "less inimical to political and social liberty." Coulton did not agree with those who hold that "voluntarism in the army, as in other departments of state, is the note of a free country." For him, the test of the army of a free country is whether it "represents the totality of national feeling and national ideals." The hallmark of a free people's army is equality of service, since "it is an obviously democratic principle that all necessary burdens of the state should be shared, as equally as possible, among all citizens." This definition and democracy could be used to justify a totalitarian system, which, if it does treat its citizens harshly, at least treats them equally.

One of the major pro-conscription assumptions is that the major flow of influence is from civilian society through the conscript to the army, rather than the other way. This has been disputed. Many have felt that in the army, the conscript encounters a world he never made and over which he has little control. He must simply adjust and obey. Having served, the ex-soldier might retain his new militarism giving us not civilians in uniform but "soldiers in civvies." In the American debate on conscription prior to our entry into World War I, Villard contended that "men of noble spirit are in every land crushed by the whole system of compulsory military labor precisely as compulsory servitude deadens men's souls everywhere." This line of thought induced adverse comment on President Roosevelt's 1945 proposal for a year's obligatory service for all young men after the war.

"It is inconceivable that the activities of every able-bodied youth every waking moment of every day through a full year of his life at a most impressionable age could be devoid of profound educational consequences."

The recruiting system and military influence

The conscription-vs.-voluntarism argument does not appear to be readily resolvable through logical argument, so perhaps an empirical-statistical approach covering a long span of European history might yield better results. One way to measure the influence of the military is to calculate the burden of defense, i.e., the military's share of the Gross National Product. However, GNP data is simply not available in any lengthy series for many European countries. In lieu of the overall burden of defense, we can use the *manpower* burden of defense, i.e., the number of active-duty military personnel per million population. This information is available—in the annual issues of the *Statesman's Yearbook,* in the *Armaments Yearbooks* of the League of Nations, and in books and articles on military affairs. Russett and his collaborators show that the manpower burden of defense is a good proxy for the total burden of defense. From a sample made up of a number of heterogeneous countries, they conclude that the economic burden and the manpower burden vary together, with a correlation coefficient of .68.

Data showing the average annual active-duty military personnel per million population (MP/pmp) for our eight European countries, by decades for the period 1816–1965, is presented in Table III.2.1. The figures do not represent the average for all ten years of each decade. Instead the figures give the annual average for the peacetime or prewar years only. If during a particular decade there was no war or only a war requiring no significant expansion of the armed forces, then the annual average for the entire decade (or representative years of the decade) was calculated. If a major war occurred, then the calculation was based on the three years prior to the war if data was available.

The data on conscription in the various countries (Table III.2.2) was taken from the most readily available sources, primarily *Stateman's Yearbook, Whitaker's Almanac,* The League of Nations' *Armament Yearbooks, Encyclopedia Brittanica* and various military surveys. These data are most uncertain. The compulsiveness of a country's recruiting system is the average annual number of men putting in compulsory full-time military duty. A conscript on active duty during the entire year is treated as one full-time conscript. A compulsory reservist is treated as a fraction of a full-time conscript, depending upon the amount of time spent on military duties. The same calculation has also been made for second-line troops (*Landwehr, Honved,* Mobile Militia), third-line troops (Landsturm, Territorial Militia), and Ersatz Reserves, as well as young men engaged in compulsory pre-military training.

The data on the size of the military in eight European countries (Table III.2.1), together with the data on conscription in Table III.2.3, show the relationship between compulsiveness and force size (see Table II. 2.3).

In the aggregate case and in the cases of the traditionally conscript countries, there should turn out to be a very high correlation between the size of the military establishment and the degree of compulsion. If a country is already under conscription, it is reasonable that an increase in the number of conscripts will increase the size of the force. The interesting point is that Britain, which shifted back and forth between voluntarism and compulsion, shows the highest correlation of any of the eight countries. Most of the variations in the size of her establishment can be attributed to variations in the degree of compulsiveness. During the period of peace-time voluntarism in the years before World War II the British establishment, as voted by Parliament, never varied outside the limits of 5,000 and 7,900 MP/pmp, the lowest of any of the eight European countries. In the years 1948–56, however, at the height of her post-World War II conscription effort, the average annual strength of the armed forces exceeded 21,000 MP/pmp. By 1968, after returning to voluntarism, that strength had shrunk to 7,868 MP/pmp, within the historic limits. If the size of the military establishment is an adequate measure of the degree of military influence within society, the evidence suggests that a shift from compulsion to voluntarism should result in a reduction of military influence.

TABLE III.2.1.—8 EUROPEAN COUNTRIES: AVERAGE ANNUAL MILITARY PERSONNEL PER MILLION POPULATION BY DECADES, 1816-1965

	Britain	France	Germany	Austria	Russia	Spain	Italy	Greece
Period:								
1816 to 1825		8,706	11,247		15,169	12,023		
1826 to 1835		8,060	9,982		11,020	11,754		
1836 to 1845		8,399	8,860		9,721			
1846 to 1855		11,111	8,178	9,740	12,456		10,922	
1856 to 1865	7,243	11,240	9,405	9,395	5,964	10,967	14,842	
1866 to 1875	6,272	11,567	10,710	7,705	8,824	10,793	9,520	11,484
1876 to 1885	5,530	14,196	9,787	7,247	8,565	1,223	8,354	12,342
1886 to 1895	5,773	15,888	10,404	8,253	7,455	9,368	9,285	13,466
1895 to 1905	6,245	18,200	11,105	8,358	8,157	13,457	9,262	11,708
1906 to 1915	6,840	19,735	10,957	7,975	7,450	6,664	8,709	14,375
1916 to 1925	7,898	19,193	2,499	3,487	4,715	9,606	9,028	13,475
1926 to 1935	6,006	16,591	2,896	3,355	4,388	8,019	13,860	11,244
1936 to 1945	7,124	19,905	14,550		15,612		15,416	11,750
1946 to 1955	21,014	15,441	0	0	34,527		6,442	25,182
1956 to 1965	12,085	14,796	5,030	2,870	18,061	9,275	8,777	19,087

TABLE III.2.2.—9 EUROPEAN COUNTRIES: AVERAGE ANNUAL FULL-TIME CONSCRIPTS PER MILLION POPULATION, BY 10-YEAR PERIODS, 1816-1965

	Britain	France	Germany	Austria	Russia	Spain	Italy	Greece	Switzerland
Period:									
1816 to 1825	0	3,283	10,774		12,211				
1826 to 1835	0	5,885	9,190		10,907				
1836 to 1845	0	4,856	7,496		9,235				
1846 to 1855	0	4,856	6,895		11,832		7,508		
1856 to 1865	0	3,119	10,979		5,634		8,816		1,849
1866 to 1875	0	4,489	12,060		9,219		9,111	5,134	1,888
1876 to 1885	0	13,606	10,818	8,436	9,725		9,239	7,387	1,893
1886 to 1895	0	16,202	10,430	8,620	11,078	5,905	8,951	9,412	2,099
1896 to 1905	0	14,586	8,709	8,009	9,542	8,866	9,298	7,867	2,047
1906 to 1915	0	14,419	7,589	7,560	9,222	5,738	9,750	6,583	[1] 18,130
1916 to 1925	0	11,006	0	0	7,511	8,364	7,549	10,371	1,751
1926 to 1935	0	7,658	462	0	7,650	3,512	9,325	8,944	2,914
1936 to 1945	698	12,591	15,441		14,009		12,091	11,742	[1] 79,037
1946 to 1955	5,378	5,050	0	0	30,348		4,291	13,293	4,785
1956 to 1965	1,709	5,000	2,020	0	16,984	7,415	5,810	14,770	5,016

[1] The high numbers reflect Swiss mobilization to preserve armed neutrality in the 2 World Wars.

TABLE III.2.3.—COMPULSIVENESS AND SIZE OF MILITARY

[Percent of military personnel that is conscripted]

Country	0 to 9.9	10 to 19.9	20 to 29.9	30 to 39.9	40 to 49.9	50 to 59.9	60 to 69.9	70 to 79.9	80 to 89.9	90 plus	Total
Britain:											
Decades	9	1	1								11
MP (pmp)	6,548	12,085	21,014								8,366
France:											
Decades			1	4	2	2	1	2	1	2	15
MP (pmp)			11,240	12,628	13,851	13,796	19,905	13,898	18,200	15,042	14,202
Germany:											
Decades	2	1			1		1	1	2	7	15
MP (pmp)	1,250	2,896			5,030		10,957	11,105	8,519	10,869	8,374
Austria:											
Decades	2									4	8
MP (pmp)	2,428									8,458	5,443
Russia:											
Decades									3	12	15
MP (pmp)									21,769	8,898	11,472
Spain:											
Decades					1		2	1	2		6
MP (pmp)					8,019		11,413	9,275	8,135		9,398
Italy:											
Decades						1	4	1	1	5	12
MP (pmp)						14,842	10,000	15,416	9,028	9,026	10,368
Greece:											
Decades					2	2	2	3		1	10
MP (pmp)					12,930	18,762	12,589	14,602		11,750	14,412
Total:											
Decades	15	2	2	4	6	5	10	8	9	31	92
MP (pmp)	4,743	7,491	16,127	12,628	11,102	15,992	11,887	13,425	13,983	9,795	10,557

Militarism in immature political cultures

In the abstract, of course, it would be possible for a volunteer army to show restraint in using its power to gain material advantages from society, and at the same time, intervene to a serious degree in other matters. In the American debate on conscription which preceded entry into World War I, Professor M. J. Bonn contended that volunteer armies (he preferred to call them "professional" armies) "have often supported governments against the people, and have turned out governments in the interest of the military leaders." He added that a conscript army (he preferred to call it a "national" army) "is scarcely fit for such a purpose." One wonders how such an opinion could have been formed.

Greece

To test Bonn's conclusion we first look at Greece. [The Greek government is a military dictatorship established by a military coup against constitutional authorities, but Greece is notorious for the rigor of her conscription. For the period 1955–65 the compulsiveness of the Greek recruiting system was exceeded only by that of the USSR: it was seven or eight times that of Germany and England, double that of Spain, and almost triple that of France and Italy. Both conscription and coups have a long tradition in Greece,] a point which can easily be substantiated from any good encyclopedia. Conscription was introduced as early as 1839, shortly after Greece was established as an independent nation; four years later, in 1843, the soldiers staged their first coup. It was only the first of many interventions. To consider only the highlights of the 1920's and 1930's there was the abortive pro-royalist military uprising of 1923 in Macedonia; the seizure of power in 1925 by General Pangalos; the latter's deposition in 1926, in favor of normal civil government, by another military faction; the abortive military coup of 1935; and the installation of General Metaxas as dictator in 1936. It is understandable that the military historian, Alfred Vagts, should characterize the Greek political system as "vicious," because (among other reasons) officers took a lively part. There is little evidence of opposition from the conscripts.

Spain 1812–1873

Essentially the same correlation between conscription and military interventionism is found in Spanish history. The citizen's obligation to bear arms was enshrined in the liberal Constitution of 1812; and when Ferdinand VII, with the aid of the army, overthrew that constitution in 1814, conscription was about the only element retained. This was the *quinta* or selection by lot with the well-to-do permitted to buy their way out. Ferdinand's action was followed by a series of military conspiracies and *pronunciamentos*—five between 1814 and 1819—culminating in the rising of Major Riego in 1820. The success of Riego's military liberalism was ensured when the rest of the army refused to support the government against him (a "negative" *pronunciamento*). This particular revolt set the pattern of Spanish political change for over half a century; military involvement in politics was endemic. It is sufficient to mention the march of the Pardo battalions on Madrid in 1822; the abortive landing at Tarifa in 1824; the La Granja sergeants' revolt of 1836, the only successful *pronunciamento* of non-commissioned officers in Spanish history); the whole series of conspiracies and mutinies preceding the negative *pronunciamento* of 1840 which placed General Espartero in power; the overthrow of Espartero in 1843 by General Narvaez; the unsuccessful *pronunciamento* of General Zurbano in 1844; the abortive risings of the Zamora regiment in 1846 and of the sergeants of the Regiment of Spain in 1848; the revolution of 1854 which first brought General Espartero back to power, then General O'Donnell in 1858 and finally General Narvaez again; the return to O'Donnell in 1865 and to Narvaez for the third time in 1866; the repeated attempts by General Prim and others at military rebellion in the 1860's, including a bungled sergeants' revolt of 1866, which finally led to Admiral Topete's *pronunciamento* of 1868 and the acquisition of power by Generals Prim and Serrano; the unsuccessful soldiers' revolt at Ferrol in 1871; General Pavia's *coup d'etat* against the Constituent Cortes in 1874; and, finally, in the same years, the overthrow of the Republic and the return of the Bourbons through General Campos' positive *pronunciamento* at Sagunto and the negative *pronunciamento* of the Spanish army of the north. "Either positively or negatively, the existence of any regime in Spain was a function of the loyalty of the army."

In this period of Spanish history, military intervention in politics did not normally have the same authoritarian consequences as later. The basically liberal military interventions before 1874 can be distinguished from the generally conservative, even reactionary character of subsequent interventions. Although there were some individual defections, the army as a whole would have nothing to do with Carlist absolutism, either in the 1830's or the 1870's. The army was liberal in the early period but it was a liberalism with limits, the moderate liberalism of a General Narvaez or the Progressivism of a General Espartero. Their democracy was not of the whole nation, for one of the main popular demands of the time was the abolition of conscription, which struck at the very basis of the army's power. Indeed, almost the last gasp of the Spanish small democracy was the anti-*quinta* riots of 1871.

The Spanish Republican Party alone seriously took up the anti-conscription cause; and the Republicans in their period of vigor had only one general in their ranks. "The Republicans," writes Carr, "resentful of the way the democratic revolution [of 1868] had been pushed aside by generals, were the first party that could afford to stress the threat of the army to civil liberty and to campaign for a small army. . . .

In the early 1870's the Spanish republic was proclaimed. The officers under General Gaminde immediately went for their swords, but the soldiers had different ideas. They were counting on the Republic to abolish conscription—one of the most hated features of Spanish life—and they refused to rise. Gaminde and most of his officers fled, and the army at least partially fell to pieces. . . .

The new Republic faced many grave problems—a Carlist uprising that quickly gained control of Navarre and the Basque provinces, as well as federalist tendencies which threatened to dissolve Spain into its provincial elements. At first the Republicans resigned themselves to chaos rather than turn again to the generals, but "realism" eventually prevailed. The original Republican leaders were replaced by another group of Republicans under Castelar, whose commission was virtually to pull the country together and hold it by force. This commission in itself could only be construed as an acknowledgement of the failure of the Republic.

Castelar began by raising a compulsory levy of 120,000 men. The levy, no doubt, gave him the necessary troops to restore law and order. . . . But in effect the new application of compulsory military service gave the Republic its *coup de grace*. . . . Freedom from the blood-tax was the only interest the common man or the private soldier had found to bind him to the Republic. It was too much an affair of the intellectual middle classes and too little an expression of the feelings of the common people. The reintroduction of conscription knocked away the only popular supports.

1873–1936

The Republic had lost its following, among the public and in the lower echelons of the army, the latter following their officers in welcoming back the monarchy. There followed a quarter of a century of reaction and Republican decline. Deprived of popular support, the movement substituted the party for the people and developed a doctrine of armed intervention. The anti-militarism of 1873 was dropped as unrealistic; to gain the support of the army conscription was promised. Thus, the few serious attempts at military intervention during this period were all Republican-inspired. However, even these conspiracies and revolts on behalf of "the people" did not rely on the initiative of conscripts; they originated with volunteer elements—in 1883 with the sergeants and lower-ranking officers of the garrison of Badajoz, in 1886 with General Villacampa and the senior sergeants.

Although liberalism revived after 1898, it was weaker than in the Republic of 1873. There was some success in equalizing the burden of conscription, but little was done to reduce the total weight of compulsion on society. Liberalism did have some impact on the army's outlook, but even here the initiative came from the officer volunteers rather than the conscripts. On the whole, however, it is difficult to give a liberal blessing to the politics of the army in this period. The notorious Law of Jurisdictions of 1905, for example, which was forced through by the threat of an army coup, provided that defamation of the army by civilians was to be tried by court martial, i.e., by the army itself. As Carr has written, the military "came to feel itself not only 'second class citizens' instead of a political elite but slandered by the new anti-militarism of the left."

After 1920 there can be no question of the basically negative and authoritarian character of military intervention. One must notice, says Finer:

"The quite morbid superiority feeling of the army by Spain. . . . This army, from about 1900 onwards, had felt rejected by society and had drawn hermetic boundaries around itself, nourishing itself on its own values and hating without understanding the movements of separatism and socialism that were surging through Spain. After its decisive and humiliating defeat by the Moors at Anuel in 1921 the Spanish officers reacted like the Greek officers after Smyrna, or the German officers after 1918, or the Egyptian officers after 1948, or the French officers after Dien Bien Phu. The Spanish army . . . accused the civilians of betraying it. . . . If the Spanish army had not defeated the Rif, it would show that it could at least defeat its own civilians. Thus arose the dictatorship of Primo de Rivera in 1923."

It is an astonishing business. How could a "national army," always, in its majority, comprised of conscripts, civilians in uniform, draw hermetic boundaries around itself, seal itself off from society and nourish itself on its own values? The facts of Spanish military life seem to defy the theory of the Nation in Arms, which expects officer interventionism to be curbed from below, by the conscripts.

Despite the conscripts the dictatorship of Rivera put the generals back at the top of the political ladder. The rest of the story is well known. Preoccupation with domestic politics demonstrated that the army did not exist to repel or conquer the foreigner, but to hold down the Spanish people either on its own account or as "the police force of the ruling oligarchy." "Completely shut off from the civilian currents of opinion that surged about it," the ideal of the military leadership by 1936 "was of a timeless Spain, centralized, hierarchial, Castilian and Catholic."

Civil War of 1936–39

The facts of the Civil War of 1936 have been said to show that a conscript force might, under certain circumstances, prove less reliable for subverting the national will than a volunteer force. This is not entirely clear. The Air Force is, in most countries, a stronghold of voluntarism; and this was probably true for Spain in 1936. Yet the Air Force was the only service which remained loyal as a whole (both officers and men) to the Republic. The Navy was also presumably a stronghold of voluntarism, yet, while naval officers were Nationalist in sympathy, the rank and file were actively Republican. On the day of the Nationalist rising, on all of the ships of the fleet dispatched to crush the rebels of Morocco, as well as at Cadiz and Cartagena and in the harbors of Galicia, the men, stimulated in some cases by radio messages from the Admiralty in Madrid addressed to them and not to their commanders, imprisoned or killed their officers and took over command of the ships for the Republic.

In the army, the stronghold of conscription, defection of whole units to the Nationalists was evident. Army officers were overwhelmingly pro-Franco. Of 14,000 Spanish officers (over 10,000 on active duty), only about 200 opted for the Republic. The 8,000 non-commissioned officers are said to have called to Franco almost to a man. Given this unity of officers and NCO's it is remarkable that the Republic was successful in retaining one-third of the regular army units in Spain. This third was saved primarily by the overwhelming numbers in the Republican militia and volunteer workers' organizations which were sent against the troops. In only two recorded instances were conscripts persuaded to act against their commanders. A larger number of garrisons' defection to the Nationalists was prevented by the resolute initiative of loyal officers, not by conscripts acting independently. As Chorley notes—

"The history of Spain during the opening phases of the rebellion can only emphasize how serious a widespread officers' revolt can be, provided it can raise any support among influential sections of the civilian population and provided it can succeed in carrying with it at any rate a proportion of the rank and file . . . The men, . . . to a considerable extent in Spain, blindly accepted their officers' lead. . . ."

And she concludes "from the Spanish experience that conscription is not in itself an adequate foundation for a democratic army."

While the vast majority of the conscripts followed their officers in 1936 they did so without enthusiasm. The conscripts were thought by the Nationalist generals to be unsteady in their discipline—compulsory service under the Republic had been reduced to a single year, hardly sufficient time to induce a military point of view. The two-thirds of the peninsula army which went over to the rebels (with conscript acquiescence) were first used by the Nationalists only as garrison forces.

The role of shock troops in the rebellion was reserved for the more reliable Army of Africa. Part was left to garrison Morocco and the rest brought over to Spain. The ordinary accounts of the Army of Africa give the impression that it contained no Spanish conscripts. Thomas, for example, implies that it was comprised of two elements only: native Moorish units; and volunteers of the Foreign Legion, which, despite its name, consisted primarily of Spaniards, together with some Portuguese, French and Germans. However, of the more than 30,000 privates in the Army of Africa in 1936, the Moors and Legionnaires together accounted for no more than 15,000, leaving at least 15,000 Spaniards unaccounted for. Moreover, according to League of Nations data, the "annual contingent of recruits" for 1936, amounting to a total of 82,850 men, included 21,850 for the Army of Africa. Even if this is a novel use of the term "annual contingent" to imply, not conscripts alone, but conscripts and volunteers taken together, it seems unlikely that all of the 12,850 consigned to the Army of Africa were new volunteers, since only a few years earlier, in 1932, when the army was larger than in 1936, the total number of first-time volunteers *plus* re-enlisted men in the entire Spanish army (presumably including Moors and Legionnaires) only amounted to 25,099. But even if the Army of Africa were an all-volunteer force, Franco did not in the long run take this alleged object lesson of the Civil War to heart. In reconstituting the Spanish Army after the Civil War, instead of asking for reliable volunteers, he restored the older two-year conscription period of 1930 and thereby was able to increase the size of the Spanish Army from the 145,000 troops of 1936 to the 320,000 of 1941.

To sum up the record: in modern Spanish history conscription has been a constant; and so has direct military involvement in domestic politics. Ignoring the Carlist defections, we can count no fewer than 43 successful or unsuccessful *pronunciamentos* between 1814 and 1923 alone, not to mention the later ones; this represents an average of about one violent intervention every two and a half years. Moreover, the character of these interventions has changed for the worse in the long run. As Carr has noted, in the first period of military involvement, in the nineteenth century, "it took the generals some time to adapt themselves to a new role as permanent party leaders rather than as the occasional interpreters of the national will in the mechanism of the *pronunciamento*. . . ." It took them an even longer time to move from an interpretative "general will" theory to a creative "real will" theory, but with Franco the transition was complete.

Though advocates of conscription frequently point disparagingly at the militarism of Greece and Spain, neither nation is a particularly appropriate country to investigate for the impact of conscription on the domestic political process. Each country has a tradition of conscription and of military interference, but both are countries of a low political culture with relatively undifferentiated and unstructured societies. As Carr has said of Spain, "Military rule is incomprehensible unless we remember that the division between military and civilian society was indistinct." Unstructured societies do not readily resolve competing claims; there has to be purposeful intervention and the military is often the only accepted institution to act and enforce a consensus. Public opinion in countries of a low political culture "would not be strongly resistive to military intervention; this opinion, being weak and self-divided, is in a fluid state. . . ." Since the views of civilians in uniform can hardly be more advanced than those of civilians in mufti, one would not expect conscripts to resist. Even the benefits of conscription would necessarily be masked by tendencies to give in to the military.

Military aggrandizement in developed political cultures

In developed political cultures military intervention might be resisted by public opinion even though the procedures for transferring power and the problem of the ultimate authority are both in dispute. This leaves room for the military to act, but at the same time the conscript might oppose military intervention and play a more exalted role.

France

France falls within the definition of a developed political culture. In France civil institutions are highly developed; the public is a wide one, well organized into powerful associations; and civil procedures and public authorities are well rooted. Nevertheless, modern France has not been immune to military interference. Within the last dozen years in particular she has suffered severe interventionism, culminating in the attempted *putsch* of the Four Generals in 1961.

Prerevolutionary France

Though we attribute the innovation of large-scale conscription to France, before the Revolution compulsion played no role in recruiting for the regular army in peacetime, aside from the occasional frauds and excesses of recruiting officers, acting on their own authority. The king took his volunteers wherever he could, and almost half of the troops were foreign mercenaries. To be sure, the French also had a parish militia usually recruited "by the ballot," although Paris and other important communities laid aside the lottery and paid for volunteers. Not much more than .2 percent of the population were compulsory militiamen in Louis XVI's time. Their drill duties were light and almost non-existing during the fourteen years before the Revolution. Except in war, the militia was never called up.

Despite the eighteenth-century voluntarism, the military never disputed the civil political prerogative. After Louis XIV's time, the army was not often called upon to put down popular self-expression. Military acceptance of civilian politics was probably a consequence of the strong traditional dynastic consensus. That the army was rarely called out testifies only to the greater orderliness of eighteenth-century society.

The revolutionary period

If the French people had no reason to fear voluntarism in the army in pre-Revolution days, they had even less once the Revolution began. In the summer of 1789 Louis XVI tried to rely on the army, but the troops simply melted away. Soldiers led the attack on the Bastille, the men of the Gardes Francaises, the best regiment of the line, in the midst. In the end, in August 1792, the besieged king was defended only by his Swiss Guards. The citizen volunteers had gone over en masse to the Revolution. The volunteer French armies of the eighteenth century may have been recruited from "the scum of the earth," but they did not support the royal government against the French people: under his buffs and bandoliers, your hired shooter has instincts, feelings, even a kind of thought. It is his kindred, bone of his bone, this same *canaille* that shall be whipped. . . . His very doxy . . . drives him into military heterodoxy; declares that if he shed Patriot blood, he shall be accursed among men. . . .

In October 1789 the National Assembly came down on the side of voluntarism. A committee was appointed to report on military reorganization and its recommendations were carried into effect the following March. The voluntary principle was retained in recruiting, "because only an army of this nature seemed worthy of a free nation." The pay of the soldiers, a miserable pittance in pre-Revolutionary days, was increased. In considering alternative recruiting schemes, a few deputies did propose a universal-service militia to replace the volunteer regular army but were voted down. The abolition of the old compulsory militia had been a popular act of the revolutionary assembly (May 1789). The new citizens' militia—the National Guard—was founded on a strictly voluntary basis. Thus democracy and compulsion in France were not born together.

When the French went over to the *levée en masse* in 1793 they were faced with an invasion. Many officers were either sulking at home or in the aristocratic Emigration and Civil War had broken out at home. The Republic felt it had to throw quantity against quality. Necessity led to conscription rather than any inherent democratic predilection for the notion that every citizen ought to be a soldier. The advent of compulsory service in 1793 "was an abrupt and complete reversal of the initial stand of the revolutionaries, who at first looked on conscription as an instrument of oppression, a wasteful consumer of national income, and the earmark of militarism . . .

Napoleonic period

As war became perennial and the Republic went over from defense to offense, civil institutions lost their superior standing in public opinion, and the army gradually came to be regarded as "the soundest part of the nation." In the dark days of 1793 Carnot took charge of military affairs for the Committee of Public Safety. He "was left relatively unmolested in his efforts to raise a great conscript army" and he "brooked no interference from civilian 'meddlers'," unwittingly making possible "the swing of the pendulum from the extreme of civilian domination . . . to its opposite, militarism incarnate— Caesarism—or Bonapartism." The triumph of the Moderates—the Thermidoreans—over the Jacobin terrorists in 1794 did not stop the drift to militarism. By 1795 the army was a political force, its grapeshot useful for protecting the established leadership. By 1797 the army was a useful force in the hands of one leadership faction against another. In 1799 it was just as useful in replacing the Thermidorean leadership with Napoleon. Finally Napoleon, when he thought the time ripe to put on a crown, nevertheless thought it only prudent to prepare the way by a petition from the army professing its monarchist desires. A representative indication of the army mood was that "order has arrived"; the installation of a general as head of state "makes the whole weight fall back on the military estate; and that is the more due to us since the nature of our condition has already given us the physical weight."

While the civilian revolutionaries of 1789–92 found voluntary recruiting compatible with an egalitarian society, the increasing militarization of France ultimately produced a reaction. Napoleon was determined on principle to keep conscription—for its equalizing tendencies—even when convinced of its unpopularity. Equality of duties replaced equality of rights as the touchstone of democracy. Conscription, first introduced in 1793 on an *ad hoc* basis, was ultimately regularized in 1798; conscript service was set at five years with substitution authorized. In the early years this right was used by about one out of ten conscripts. Compulsory recruiting grew with militarism. The first decree of February 1793 took 180,000 men; the *levée en masse* later in the year added 450,000. Millions were drafted subsequently. Napoleon, as Emperor, is said to have gathered up almost two and a half million conscripts between 1804 and 1813. From the very beginning compulsory service had been resisted; the *levée en masse* had even been the occasion for a rising against the new Republic. Of the 200,000 men levied in the first year under the conscription law of 1798, less than 40,000 were actually raised after months of pressure. By 1800 desertion was endemic and, ten years later, it is said that "more than 80 percent of the annual French quota failed to appear for registration. To hunt down the bands of *Réfractaires*, sixteen flying columns of his best troops, more than 40,000 men all told, were diverted from their normal duties." The situation had not improved by 1812, when as many as a hundred thousand regulars and *Réfractaires* were actually clashing in guerrilla combat in the interior of France. With Napoleon's downfall in 1814, Louis XVIII, anxious to ingratiate himself with the people, abolished conscription. When Napoleon returned to power the following year at first he dared not countermand the order. When he finally felt compelled to take the risk, it was too late to draft and train the new recruits; his Hundred Days were up, at Waterloo.

.1815 to 1870

But Louis XVIII did not long adhere to voluntarism; in 1818 conscription, with the right to hire substitutes, was reintroduced. Initially the legal term of active service was six years. The term was increased in 1832 to seven years but it was apparently intended that only half this term would be spent on active duty. In 1868 on the eve of the war with Prussia, the term of service was set at five active and four reserve. During this period, from 1818 to 1870, the number of conscripts taken was never large. In 1818 the annual contingent was set at 40,000; this was raised in 1824 to 60,000, in 1832 to 80,000, in 1857, after the Crimean War, to 100,000, and in 1867 to 160,000. However, these figures are purely nominal. After the Crimean War, for example, of a legal annual contingent of 100,000, usually about 30,000 were exempted or declared unfit. The remaining 70,000 were then divided into two portions by lot, the first subject to active duty, the second (*deuxième portion*) subject to six months of superficial militia training in the departmental depots spread over three years. The *deuxième portion* amounted to 30,995 in 1860, 33,234 in 1861, and to at least 34,500 (probably more) in 1868. If these figures are representative of the short-service contingent, then the number allotted annually to long service was about 40,000. However, from these have to be deducted the substitutes, who averaged out at about 23,000 per annum over the period 1855–62, after Napoleon III had given a boost to the practice by a law of 1855. Thus the annual conscript contingent under the last Bonaparte is not likely to have exceeded 20,000.

The same conscript/nominal-contingent ratio does not apply to earlier periods. Volunteering from 1815 to 1830 was particularly sluggish, and the price of a substitute at that time, when "crimps" were the intermediaries between "buyer" and "seller," ranged between 4,000 and 6,000 francs. After 1855 voluntary enlistments were far more brisk and the price of a substitute, after the state assumed the role of intermediary, averaged about 2500 francs. The declining burden of conscription is clearly revealed in Sales de Bohigas' figures on the percentage of conscripts who were able to procure substitutes in various years. The commutation rate shows a steadily increasing trend from 8 percent in 1808, to 12 in 1820, to 19 in 1824–28, to 27 in 1851, then a sharp leap to 50–60 percent in 1870. The total burden of compulsion on French society between 1815 and 1870 was larger than before 1793, but much smaller than the burden under Napoleon I or after 1871. The burden fell largely on the peasants, who could not afford a substitute or insurance against the lottery, but the total weight on society, even on the peasantry, was less.

Did the reduction in the burden of conscription correlate with less or greater military influence over civil society?

Less influence, less interventionism, unquestionably, compared to that before 1815. It was precisely during this period, 1815 to 1870, that the tradition of *la grande muette* originated and became fixed.

"The Great Mute was an army that had no politics; its function was to execute the orders of the government without reflection. To obey was the duty of the soldier, and the chain of command ultimately reached the civilian Chief of State. . . ."

The army in turn was granted considerable autonomy in military affairs, but it did not intervene in civil affairs. General officers usually headed the French War ministry from 1815 to 1871; this was the minimum prerogative. However, the army did not abuse its autonomy during this period (something that cannot be said after 1872, when universal service was promulgated). During this era the views of the army seem to have either coincided with those of the government or to have been of the "left" of the regime; there was no "right-wing" alienation.

The leftist, Republican bias of many career officers and non-commissioned officers was particularly conspicuous from 1815 to 1830. Disaffected militia men made an alliance with Liberalism. The Napoleonic veterans reciprocated the affection of the Liberals. "Bonapartist, then liberal," as Balzac said, "for by one of the strangest of metamorphoses, the soldiers of Napoleon nearly all become lovers of the constitutional system. . . ." From 1815 to 1830 almost all the plots against the restored Bourbons were the joint work of the officers and NCO's of the garrisons, the officers on half-pay, Liberals, and Republicans.

From the outset, the restored Bourbon king, Louis XVIII, had been aware of the alienation of the officers. A purge was immediately conducted, with loyal aristocrats replacing plebeian Bonapartists in the upper ranks. The officers who had been on duty with Napoleon in 1815 were either reduced in rank or put on half-pay. In 1823 the army proved that it could obey orders, when the king sent soldiers into Spain to put down the constitutional movement. Nevertheless, after the Spanish intervention, the opportunity was taken to strike another blow at suspects in the army: 56 additional lieutenant-generals held over from the Empire were put on half-pay. The tongue of the soldier was being gradually slit—but from the Right.

The last Bourbon, Charles X, believed in July 1830 that he could count on the army in his attempt at a coup d'etat against the Restoration Charter. When revolution broke out in response to the attempted coup, the Paris garrison did attempt to defend the monarchy for two days; it gave up on the third. "The soldiers were reluctant to make war on the populace. . . .

The insurgents hoisted the tricolor flag—which . . . even the soldiers still regarded as the national colors. Two regiments of the line went over to the revolution and the rest of the troops left Paris. "When Paris successfully showed that the Bourbons' time had run out, the army obediently accepted the verdict."

The Republicans of Paris, who had made the revolution, were politically outmaneuvered; a constitutional monarchy was established and Louis Philippe, the Duke of Orleans, was brought to the throne. It was the understanding on his accession that the throne was to be "surrounded by republican institutions," and in large part for this reason the new dynasty was initially more acceptable to the Army. "Louis Philippe's army was a faithful force and the regime enjoyed a popularity in military circles which the Restoration monarchs had never experienced." The king made every effort to accommodate the new regime to army sentiment. His first cabinet even included generals who had served under the Empire.

Even under the Restoration, the nobility and the middle classes sent few of their sons to the military schools, so that the individuals who rose from the enlisted ranks became the backbone of the officer corps. A law of 1818 provided that two-thirds of new commissions be reserved for cadets from the military schools and another one-third for NCOs. The army was not considered a "socially acceptable calling" and the proportion of those commissioned from the ranks between 1821 and 1831 amounted to well over half. Moreover, not all the military school cadets came from noble families, and this proportion was to diminish further after 1830. As Chapman says,

"From the military point of view the decline had considerable compensations. . . . It is during these years that professional neutrality towards changing regimes begins to become characteristic of the Army. The Army has no politics. It looks on itself as the agent of the Government, an instrument for upholding the laws of the country and for the protection of existing institutions. If the Government collapses, the soldier obeys his hierarchial superior, who in turn obeys his until finally the chain of command reaches the Minister of War."

The political indifference of the Great Mute was not an innovation of the revolution in 1830. Earlier Colonel Castellane, although privately at odds with the Bourbon regime, had nevertheless declared that, "if you order me to put the soldiers in slippers, tomorrow they will be in slippers." In 1830 Castellane (by then a general) acted on the same principle when he inspected a regiment which had discarded all its equipment that bore the Bourbon symbol. Despite his acceptance of the new regime, Castellane had the symbol restored, explaining that "nothing . . . must be changed in the uniform without an order from the Minister of War."

The Republicans remained unreconciled with the outcome of the Revolution of 1830, and this cooled some of their ardor for the Army.

"A slight reversal of attitudes concerning the army was noticeable in the French Left and Right after 1830. . . . The Left, which had considered the army an instrument of rebirth and revolution, had witnessed the army firing on insurgents in the streets of Paris [in 1832, 1834 and 1839]. As a result, antimilitarism appeared in leftist circles, but not in great measure, for most republicans retained their faith in the army. On the other hand, the Right, which had feared the military for the same reasons the Left had supported it, now began to wonder whether the army might be a trustworthy force for order. . . ."

In the 1830's and early 1840's French society accepted the July monarchy. In the mid-forties, however, the nation began to move to the left, demanding that the franchise be extended. Revolution broke out in February 1848.

Although the Army continued to maintain rigid silence, there is evidence that, in its private sentiments, it was moving along with the nation before the Revolution broke out. For some time before the revolution the personal popularity of the king in the Army had been falling; this partly accounts for "the willing ease with which the officers drifted over from their allegiance to Louis Philippe into service under the Provisional Government. . . ." The officers had also welcomed the July Revolution, yet 2000 had resigned in the aftermath. In contrast, there were almost no resignations after the February Resolution. One can even speak of "an enthusiastic feeling for the Republic among the rank and file and the lower officers." It was an ominous sign for the monarchy that on 22 February, the day before the barricade rose, the Dragoons had saluted the milling crowds; they felt themselves part of the nation. Around noon of the second day of the revolution the king still had 8,000–10,000 troops of the 55,000-strong Paris garrison, but when Louis-Philippe asked his generals whether defense was still possible, their noticeable lack of ardor for his cause led him to abdicate. The sympathy of the soldiers for the revolution was balanced by the good will of the Parisians toward the troops. The Revolution of 1848 illustrates that predominantly voluntary recruiting constitutes no bar to the unity of army and people. The army was not alienated and did not seek to impose its own separate wishes. It defended the government until society changed the government. Then it readily accommodated itself to the new political structure.

The army's role in the June Days of 1848, when the barricades reappeared in Paris, is more controversial. Constitutionally, it acted correctly in carrying out the order of the National Assembly to put down the new insurrection, although there was plenty of provocation for the insurrections and its suppression was unnecessarily bloody. The number of unemployed in Paris had increased after February, and those scheduled to be released from the dissolved National Workshops were explicitly given the choice of enlisting in the army (if 18 to 25 years of age), of being sent to drain the unhealthy marshes of Sologne, or of starving. When Paris revolted, the troops, who had been isolated from the Parisians until the confrontation, stood resolutely behind the assembly, which undoubtedly reflected the point of view of most Frenchmen. To handle the insurrection, General Cavaignac, the Minister of War, was given dictatorial powers. The insurrection over, he yielded them up—"the perfect Republican."

The role of the Army in Louis Napoleon's coup d'etat of 1851 against the National Assembly has been even more controversial. Napoleon had been elected President of the Republic in 1848 by an overwhelming majority. His personal popularity was unquestionable and he could have easily been returned again had there not been a Constitutional ban against the reelection of an incumbent. Napoleon resolved on a coup; and for this he needed the loyalty of the Army. Given Napoleon's personal popularity in the Army (as in the nation), the constitutional subordination of the armed forces to the President, and the tradition of the Great Mute, the readying of the Army for the coup was reduced to a few personnel transfers, notably General Changarnier, who commanded both the National Guard and the Paris Garrison and whose sympathies lay with the royalists of the National Assembly, then in the majority. According to Menard,

"Even though the army played a vitally important part in Louis Napoleon's success, it was not the instigator of the coup; there was no pronunciamento. The change of regimes was certainly acceptable to the army, but it was neither the initiator nor the cause of the Second Republic's overthrow. The growing tradition of political neutrality remained intact as the army obeyed legally transmitted orders."

Thus in the coup of 1851 it was the President who violated his constitutional oath, not the army.

However, there is still the concern that a volunteer army will obey blindly when the civilian authorities themselves are acting unconstitutionally or against the national interest. A conscript army, it is argued, would be more responsive to public opinion, which would hardly support illegal acts. Actually, the mood in the French army in 1851 was similar to that of the nation.

Following the coup of 1851 sanction was sought from the nation in a plebiscite: 7.5 million said "yes," only 600,000 "no." As Thompson notes, "half Paris and all but a twelfth part of France approved of the *coup d'état*. . . ." In 1852 Napoleon again held a plebiscite to pass on the establishment of the Second Empire. The votes were 7,800,000 in favor and 250,000 against, with 2,000,000 abstentions, most of which should be added to the negative column. As the nation, so went the Army, though its views were hardly monolithic. Napoleon's stock was high in the Army, but in the Assembly elections of 1849 "many soldiers had voted radical, especially in Paris," and numerous soldiers and NCOs had to be transferred to Algerian regiments after the Republican "demonstration" of June 1849. In the plebiscite of 1851 the percentage of soldiers voting against the coup was at least three times greater than the percentage of the entire electorate casting negative votes.

Except for its savage treatment of the Republicans when they rose after the coup, the regime was not oppressive; it was "a period of surprising intellectual freedom." Nor was it unpopular, propped up only by bayonets. As Guérard says,

"The rule of Napoleon III never was militaristic. . . . The army was an instrument in home and foreign affairs, . . . but at all times it was merely an instrument. . . . Right up to 1870, the power of the Emperor rested, not on the loyalty of the soldiers, but on the seven million votes which had again ratified the regime. France was not, for twenty years, a concentration camp held in awe by sentinels with loaded rifles. The atmosphere was radically different from that of modern dictatorships. The thought of the time was strikingly free. . . ."

Under Napoleon III the conditions of service became more attractive. For the officers retirement became more profitable under a law of 1853. "Under a law of 1855 *remplacement* (the avoidance of conscription by payment of substitutes) was standardized at a fixed sum, and then proceeds went to bettering the pay and pensions of old soldiers. A new code, two years later, secured a fairer trial and lighter penalties for military offences. . . ."

The army under the second Empire was a "corporation of poor men, with an increasingly professional spirit; most of its officers risen from the ranks, with a minority of those who could afford to purchase commissions, and a few aristocrats who entered it no longer as a calling but as a career."

In contrast to the situation from 1815 to the 1840's, the army came to be associated with the Right under the Second Empire, but it was hardly an "alienated" Right. There was less of this alienation in French society under the Second Empire than before or after. The Church and aristocracy did not dominate the Second Empire or determine its intellectual tone. They were becoming reconciled with French society, integrating themselves into the mainstream. The army "was becoming increasingly associated with conservative milieux, as a result of an evolution taking place in the political sphere rather than in its midst. In this sense, it was genuinely passive and reflected, rather than caused, change. The army did not so much move to the right as the military idea was taken over by the right."

Under Napoleon III the trend was toward a reduction in obligatory military service. What was the Republican attitude? One of the acts of the Assembly of 1869 was to cut the annual conscript contingent by 10,000 men. The Republicans protested the bill, not because it put less of the nation under arms, but because it left too many still under arms. Sales de Bohigas reports that between 1815 and 1870, only a few of the European revolutionary parties demanded universal service in a standing army on the Prussian model. "Most of them demanded basically voluntary recruitment; some wanted a militia on the Swiss model." The latter was the position of the French Republican leadership. In opposition to military spokesmen, who wanted Prussian-type conscription without commutation, the Republicans advocated the replacement of the standing army with a short-service National Guard; and when Paris rose in 1871 after the French defeat by Prussia this was its central demand. The point is that the Republicans of the Sixties and the Paris Commune of 1871 wanted to cut down on the amount of compulsory service. Confronted with the universal service bill of 1872, in which some profess to see inherently Republican virtues, they would have been appalled. Although the bill of 1872 was not a Republican measure, they acquiesced in its passage. But as Plamenatz points out, the center of gravity of Republicanism after 1871 was "considerably more to the right . . . than during the Liberal Empire" of Napoleon III.

The Parisian rising of 1871 was the product of French defeat and an attempt by the Provisional Government to disarm the National Guard of Paris. The suppression of the Commune correlated with a major change in the French mood that lasted, with fluctuations, for decades. The Provisional Government used both the conscripts of the *levée en masse* of the war and the regulars of the Imperial Army released by the Germans to put down the Parisians in an unnecessarily bloody encounter. No doubt they had to be put down. Their point of view was in the minority; the provinces had turned sharply to the Right. But the point to be remembered is that it was in this context—the ascendancy of Monarchist France over Jacobin Paris—that the French in 1872 adopted peacetime universal service on the Prussian model.

1871 to 1898

France's recruiting practices changed drastically with her defeat in the Franco-Prussian War. Although the French defeat was far more the consequence of a failure of military leadership, the French jumped to the conclusion that universal service was the secret of Prussian success. Everywhere in the 1870's in Europe there was a rage for conscription, but in France the rage was excessive by earlier Prussian standards, much less the milder German standards after 1871. In the decade 1856–65 and on the eve of the Franco-Prussian War, the average annual full-time conscripts per million population in peacetime France amounted to roughly 3,100 and 4,500, respectively. The comparable

Prussian figures for these two periods are 11,000 and 12,000. In the decades 1876–85 and 1886–95 the French figures leaped to 13,600 and 16,200, respectively, compared with German levels of 10,800 and 10,400. By 1911 the Germans inducted only 53 percent of those bound to serve and the French enlisted 83 percent.

French "universal" service included abolition of the traditional right to hire substitutes, although the egalitarian tendencies of this prohibition were vitiated, at least initially, by a long list of controversial exemptions. One provision taken from the Prussian system allowed for "one-year volunteers," i.e., conscripts of a superior education who served, not the five years of an ordinary "first-portion" conscript, but only for a single year, provided they compensated the state for maintenance (about 1,500 francs) during their year of service. As in the Napoleonic period, inductees were divided into two "portions" by lot. Those drawing a "bad" number served nominally for five years, actually for four; those drawing a "good" number, the *deuxième portion,* served for six to twelve months. The systematic organization of reserves and second- and third-line troops was not neglected, since this was recognized as a key element in Prussian success. A first-portion conscript, after active duty, was to spend four years in the first-line reserves, another five years in the Territorial Army and a final six in the Territorial Army Reserve, with part-time duties at each stage. A conscript of the *deuxième portion,* after active duty, served the remainder of nine years in the reserves before fulfilling the same second- and third-line obligations as the first portion. In addition, large numbers whose defects excused them from active duty were put in the "auxiliary services."

It has for long been taken for granted that, since this first law on universal service (1872) followed closely on the foundation of the Third Republic, universal service must be a peculiarly republican institution. The truth is that the assembly elected in 1871 was two-thirds royalist; France, as the saying went, was a "Republic without Republicans." The monarchy was not re-established because the royalists could not agree on the precise conditions for a Restoration. The only recourse was a Republic, with "as much of the monarchial spirit united to its democratic body as possible."

In reorganizing the army, democratic innovations were no more compatible with the temper of the deputies of 1872 than they had been in other areas. In army matters their preoccupations lay elsewhere—with the late war and the late rising in Paris.

"The Franco-Prussian War and the Paris Commune were decisive factors in the history of the nation in arms. . . . The French were convinced . . . that the events of the war provided convincing evidence that the Prussian military organization, based upon a rigorous system of obligatory service, produced an army which was superior in both quantity and quality to their own military machine. . . . On the other hand, the Commune had filled both moderates and conservatives with a not unjustified fear of popular military insurrections and of trusting the populace with arms. All post-1870 military theories would thus have to reconcile the obvious need for conscription with the dread of social and political disorder. . . ."

Under the circumstances, it is not surprising that an "essential conservatism" pervaded the military discussions of 1872.

"In the 1872 military debates there was, indeed, none of the optimistic egalitarianism which a Jules Simon had exhibited only a few years earlier. Rather it seemed as if many of the advocates of compulsory service considered conscription would be a moral antidote for the anarchy of the times. The Marquis de Chasseloup-Laubat, revealing the extent to which the army committee of the National Assembly was motivated by a desire to solve domestic French problems, at times seemed a warm admirer of conscription simply because he believed it would be beneficial for French youth to endure the rigors of military discipline. . . ."

The early 1870's did not see the birth of the French citizen-army; rather, they saw its demise, since one of the first acts of the "republicans" was to abolish—as it turned out, for all time—the National Guard. A citizens' militia, whether volunteer or compulsory, had formerly occupied the central position in republican theories of a nation in arms. The Republicans of 1872, however, abandoned the militia principle as a demonstrated delusion. Generally they had no quarrel with a universal-service standing army, not even a *long-service* standing army. If the funds had been available, the France of 1872 would have probably trained every available man up to the five-year limit rather than reducing the term of the *deuxième portion* to six months.

The Republicans of 1872 were aware of the significance of their shift in allegiance from a weekend militia to a long-service conscript standing army. Jules Ferry, a leading Republican—and soon to become a leading advocate of Imperialism—asked rhetorically at the time:

"Do you recall that during the Empire we had little to say in favor of militarism? . . . But today is there even one man . . . who has not been converted by events? This country has witnessed the war of 1870; it turns back forever on these perilous and disappointing Utopias."

Perhaps the deputies of 1872 were mistaken in their decision to introduce universal service. Introduced under the auspicies of royalists, reactionaries, conservatives and retrograde Republicans, mass conscription may have had the unintended effect of democratizing the army, reconciling the army to civilian control, reducing the alienation and caste-like character of the officer corps, softening the impact of authoritarianism in the army and improving the conditions of service of the rank and file, raising the whole tone of French society, and so forth. These possible benefits of universal service, however, have to be compared with French realities in the last quarter of the nineteenth century.

It is true that the Army never resolved on a *coup d'état* against the Republic during this period. To this extent, the tradition of the Great Mute was upheld. But the tradition was subjected to more severe strain during this period than it had been earlier. The three great domestic political crises of the era—the Sixteenth of May, the Boulanger affair, and the Dreyfus controversy—all had as their theme the relationship of the Army to the Republic. On May 16, 1877, President MacMahon dissolved the Chamber of Deputies and ordered new elections resulting in a Republican majority and a first-rate political crisis. Investigation revealed that General Rochebouët, Minister of War, had indeed prepared to coup d'état; but the investigation also revealed that the officers would not have dared to follow Rochebouët, despite their overwhelmingly royalist sentiments. Certainly MacMahon, though he had considered a second dissolution, was not in league with Rochebouët.

The crisis provoked in the late eighties by General Boulanger, ex-Minister of War, also seemed to spell the doom of the Republic. General Boulanger championed war against Germany and connived to make himself dictator. He was elected to the Chamber but when the government ordered his arrest he went into exile. Boulanger had demonstrated his waywardness very early. "Sent to Tunis to command the Army of Occupation, he showed that, Republican as he might be, he would defend the rights—or privileges—of the Army against mere civilians like the Resident, Paul Cambon," although Paris had clearly commissioned Cambon as Boulanger's superior. To many, "Boulanger's methods recalled a little too much the soldiers of the First Empire." But Boulanger's demagoguery and charisma, the violence and irrationality of his backers, the skill with which he resisted identification with Right or Left, give his methods a modern, totalitarian ring. The Army hierarchy was too traditionalist not to be bewildered by Boulanger's seemingly mindless improvisations and incongruous ideological combinations. He had support in the Army, but not where it counted. Of all the political crises of this period, says de la Gorce.

"Only the Boulangist crisis could, in actual fact, have made it possible for the Army to intervene in political controversy. The overthrow of the Republic, at the height of General Boulanger's popularity, would have encountered no concrete obstacle. Yet everyone knew, at the time, that only Boulanger himself could think of a coup d'etat. The General Staff could not have taken such an initiative and never even dreamed of it, since almost without exception its members were hostile to Boulanger. . . .

Thus the most that Boulanger could have expected from the Army leadership was a tacit, prudent declaration of neutrality, a "negative pronunciamento."

In the Dreyfus crisis in the 1890's, however, the role of the Army was central. Dreyfus, a Jewish captain on the General Staff, was unjustly convicted of espionage in a secret court-martial in 1894. Subsequently, the General Staff became involved in falsehoods and forgeries in an effort to cover up falsified evidence. The Dreyfus episode was "essentially an issue of the Army's autonomy," not its legitimate professional autonomy but its autonomy understood as isolation, as a caste "way of life."

"The Dreyfus case, in its judicial and first phase, hardly affected military opinion. It was when the civilian authorities began to question the authenticity of the military verdict that the army became excited. This was a civilian interference with their precious autonomy; and their view was, basically, that whether Dreyfus had been innocent or guilty was unimportant—the important thing was that the army had decided the issue, and the civilians should keep out of it. . . ."

Once the case became public knowledge, forces outside the army exploited it for their own purposes. The result was a "great nationalist, anti-semitic and anti-parliamentary groundswell" that threatened to undermine the Republic. Extreme nationalists hoped the Army would act, but at the decisive moment, when General Roget was asked to march his troops against the Presidential Palace, the general refused.

"His refusal made it perfectly clear that two distinct factors characterized the military outlook. Military men were ready to believe anything—and, within limits, to do anything—rather than see the General Staff put to shame by the liquidation of the Dreyfus Affair. On the other hand, they remained faithful to the traditional notion of the Army's political neutrality. While desiring, perhaps, the victory of the nationalistic trend, they refused to act as its instrument; while no doubt deploring the evolution of the Republican regime, it did not enter their heads to overthrow the government."

Thus, we know what the higher echelons of the army thought about these issues, but of the conscripts we know nothing. There is no hint that Roget's refusal or the restraint of the General Staff throughout this period were based on fear of conscript unreliability. The great mass of conscripts went about its duties silently, obeying orders.

The main significance of the Dreyfus controversy was that a new mood was emerging in France, a mood not only willing to trench on Army self-government but also to cut down on the number of conscripts and expand the scope of voluntarism. Until the late nineties little of this mood was visible. The portfolio of Minister of War was on one occasion held by a civilian, but this was purely formal. Civilian control was impossible given the parliamentary instability of the period, which saw 34 different governments and almost as many war ministers in the 23 years between 1873 and 1896. The war ministers could accomplish nothing under these circumstances, so that real control was vested in the General Staff. Down to the Dreyfus case, "the authority of the military hierarchy in its own domain was total; it was counterbalanced by no external influence at all. . . ."

But if France had no way of installing a civilian point of view from the top, perhaps it could from the bottom? Did universal service eliminate caste in the officers corps and democratize its outlook? The data collected by de la Gorce points in the opposite direction. Comparing the class yearbooks for St. Cyr, the French West Point, for 1868 and 1873, he notes the already preceptible increase in the number of names preceded by the nobility particle "de."

"Names may be read that had not appeared in a very long time, or never before. . . . A deep division began to mark off the Army cadres from the political, administrative and economic personnel of the nation.

"The Army's great prestige had attracted to a military career an ever-increasing number of men from the traditionalist aristocracy and from the conservative and Catholic burgeoisie. The flocking to the colors, on the part of scions of these families, had a consequence whose ultimate effects would grow more and more serious. In the officers' corps, the proportion of former pupils of religious establishments iincreased with startling rapidity. Between 1847 and 1871, these establishments contributed 700 pupils to Saint Cyr, but between 1871 and 1887 they provided 1,800. This was the starting point for an apparently irreversible process which continually strengthened the proportion, in the military hierarchy, of men with an aristocratic and religious background."

In part the growing conservatism and alienation of the army cadres were the consequence of a natural trend of sentiment under the Third Republic. In large part, however, they were the result of an artificial process, made possible by the increasing trend toward army autonomy. "By the end of the century the civil authorities had little grip on the army. Its promotions were governed by its own classification committees of generals (in which the Catholic 'old boy network' played an influential part) and were outside cabinet control. . . ." Promotion on the basis of seniority or merit was transformed into a system of officer co-option, based on personal and family ties and on ideological and religious affinities. "This tendency developed very rapidly; and it came to be applied in a sectarian if not downright brutal fashion."

"Indeed, the military policy of succeeding governments betwen 1899 and 1905 would never have taken on the shape it did if it had not been above all else a reaction against the hitherto dominant trend to put the officers into a caste ruled by the representatives of the traditionalist aristocracy, marked by the influence of the clergy and harboring a thorough contempt for republican institutions. Those officers who refused to conform all had the same story to report: for twenty-five years the climate in the Army had been hostile to everything that deviated from an all-embracing conservatism, that is, from monarchist sympathies or a monarchist tradition."

But if universal service did little to reduce the hostility of the officer corps for civil institutions, perhaps it softened authoritarianism, and promoted rapport and respect between the personnel of different ranks? Colonel Maude, who had a wide and long acquaintance with continental armies, observed at the time that, since the introduction of universal service in France, there had been a ruthless emphasis on obedience.

"Generally my own observation goes to show that the average French Officer, or Non-Commissioned Officer, treats his men with a large-hearted geniality and "bonhommie" quite charming to witness. . . . But now and again the veil has been lifted, and I have come across incidents of malice and revenge . . . far beyond anything I have encountered in any other country. . . .

Maude's impression has recently been seconded by others, yet the historians have not recorded any serious mutinies or collective conscript protests from the period. Apparently, the conscripts reacted as individuals, in a blind, irrational way and, as a result, were subjected to savage punishment. Maude, writing in 1897, reported that "a yearly average of over fifty death sentences are awarded and, for the most part, carried into execution in the army (in 1895 the exact number was fifty-six)."

According to the theory of the nation in arms, society, with conscript kin in the armed forces, should at this point have intervened to rectify an abnormal situation. These were not bellicose, unruly volunteers of whom "quiet folk" were glad to be rid; they were "quiet folk" themselves, involuntarily fitted into uniforms, theoretically deserving the alert attention of their fellow citizens. Deserving or not, the conscripts did not gain the citizens' solicitude. From the 1870's to 1890's there was a real "cult of the Army"; it was the object of the country's fervent enthusiasm."

The average Frenchman . . . loved the army, military parades, all the pomp and circumstance of the uniform, which was but natural in a conscription country . . . To criticize the army was to touch a national institution; to attack it with any violence a certain way of arousing the bitterest hostility."

The evidence casts doubt on the notion that conscription reconciled the army hierarchy to civil institutions or improved the treatment of the rank and file. But is it possible that universal service, a "school for the nation," had a beneficial effect on French society? Perhaps it did, but one would have to dive deep beneath the rising tide of integral nationalism, anti-Semitism, imperialism, parliamentary instability, public swindles and corruption to find the democratic pearls. All over Europe, generally paralleling the introduction of universal service, there was a renewed outburst of empire building. So potent was the trend "that during the next three decades [after 1870] greater progress was made toward subjecting the world to European domination than had been made during three centuries previous. This may seem odd in view of the fact that the immediately preceding era of Liberal ascendancy, say from the 1840's into the 1870's, had witnessed a marked decline of European imperialism . . ." France was prominent in the scramble for Asian and African possessions. From 1874, when a protectorate was acquired over Annam, to 1896, with the final conquest of Madagascar, the French armed forces, impartially under Royalist or Republican cabinets, managed to add 3.5 million square miles and 26 million subjects to the sphere of French domination.

Even more sinister was the appearance of a fundamentally new type of nationalism and anti-Semitism. Hayes is convinced that these years were the real "seed-time of totalitarian nationalism," which then matured in the thirties. Though not the only country affected, France was peculiarly receptive. At the time of the Dreyfus controversy especially, "anti-Semitism was the spearhead of a popular movement seriously threatening the replacement of the Third French Republic by some form of nationalist dictatorship."

The social and political context of the introduction of universal service in France is important in exposing the myth of its liberal origins and its liberalizing results. The Republican deputies of 1872 did give their support to the universal service bill, but in the judgment of Republicans of a later generation this only compounded the shame. Before 1898 liberal political leaders were preoccupied with *revanche* and with the defense competition with Germany. The Republicans did not swallow the bill of 1872 entirely. Occasionally they took vigorous exception, but the exceptions were confined to detail, such as the exemptions granted to members of the liberal professions or to seminarists. The surprising thing about the Republican mood of 1872 is its easy acquiescence in discriminatory long-service for the first portion. The acquiescence was later withdrawn, as was the willingness to compromise on a liberal exemption policy. In the 1880's a bill was pushed through which abolished the distinction between first and second portions, set a single three-year standard for all, and prohibited numerous exemptions. The reform of 1889 may have been impressive from an egalitarian standpoint; it was less impressive from the standpoint of lowering the total conscription burden. Since the decade 1886–95 showed an appreciable increase in the total burden of conscription, one can only wonder which was more persuasive to the Republicans—the explicit argument from equality or the implicit argument from the state's demand for additional soldiers.

1898 to 1928

In the aftermath of the Dreyfus case the army was laid low. There is irony in that it was no furore over a mistreated conscript which occasioned this metamorphosis in the civil-military relationship; it was the kangaroo conviction of a "forgotten" volunteer, a pariah-Jew from German-speaking and German-occupied Alsace, hardly bone of the bone and flesh of the flesh of the ordinary Frenchman. If the solution to the Dreyfus case does not redound to the glory of the theory of the nation in arms, perhaps it does to the French nation itself. The conduct of the pro-Dreyfus campaign against militarism and clericalism coincided with a dramatic change in the French political mood.

"Until 1899 the crucial year of the Dreyfus affair, the political history of the Third French Republic had been one of chronic instability. Ministers had followed each other in rapid succession. Attacks upon the republic had failed by the narrowest of margins. One financial scandal had followed another. No wonder, therefore, that French, as well as foreign observers, feared that the republican form of government was not destined to solve the political difficulties of France. Their fears, however, were unwarranted. In the decade following the year 1899 only five ministries held office in France, three of which resigned without having lost the confidence of the legislature. No great financial scandals were discovered involving the representatives of the nation. The attacks against the republic dwindled to harmless verbal battles. This astonishing change in the political life of France was brought about by the Bloc des Gauches, which was formed to defend the republic during the Dreyfus affairs. . . ."

Hitherto, military "autonomy" had been among the political untouchables, due to the ultra-nationalism and spirit of *revanche* which pervaded French society. Now, "in their disillusionment. and weary of the demands that for thirty long years had been made on the Nation's young men, the French were ready . . . to let the Army become the object of political controversy. . . ." Taking advantage of the antimilitarist groundswell, liberalism no longer confined itself to the fringe issues of military reform but intervened directly to republicanize the army. "The long-standing monopoly of the conservative political clique was broken by placing in the hands of a civilian minister of war the right to determine promotion policies. Reactionary general peers were pensioned off and men of a more democratic inclination were raised to positions of influence in the military establishment. . . ." At the same time, the period of conscript service was reduced from three years to two.

Aside from the fact that all this was based on public concern over a volunteer officer, the military reform had other ironies. The rhetoric of the French Left required an attack in the name of the Nation in Arms against a "professional," i.e., a volunteer army. Yet, when convinced that manpower totals could not been maintained at agreed levels with two-year service (even though the institution of "one-year volunteers" and other short-service privileges were eliminated) the majority in the Assembly acquiesced in the recruitment of additional volunteers rather than extend the period of conscript service. It was also part of the traditional rhetoric of French Republicanism that the role of the reserves be exalted over the active army. Yet along with cuts in the obligations of active-duty conscripts went cuts in the obligations of reservists.

The anti-militarist tide was not continuously sustained. Immediately before World War I the mood of the French electorate grew more conservative and the military regained some of its old prestige and weight. In 1913, the political leadership, with one eye on domestic conservatism and the other on Germany went back to three-year obligatory service. (In Germany the same mood had resulted in an increase in the annual contingent of conscripts and in the size of the military establishment.)

In the first period of the war, capitulation to the military was even more the theme in France; one can speak even of an actual military dictatorship. However, a reaction to this began to develop in 1915, resulting first in the supremacy of Parliament in 1916 and then of the executive under Clemenceau in 1917. His government, too, was a dictatorship, but it was at least a civilian dictatorship. Not that the French were even then free of military intervention in politics, as the behavior of Marshal Foch at the Peace Conference demonstrated. But the growing pre-eminence of the civilian element during the war, together with the large-scale mutinies that took place in 1917—a total of sixteen Army corps had been involved—also demonstrated that there was to be no return to the system of 1872–98.

In the postwar period the Assembly took up where it had left off in 1905. In 1920 it sliced the three-year term of service in half and in 1926 reduced it to a single year, with three more years in the "available reserves," sixteen in the first reserves and eight in the Territorial Army. Again there were contradictions in the rationale offered by the Assembly. The reforms were supposed to achieve a "national" rather than a "professional" army, yet they strengthened the professional element. Along with the promulgation of eighteen-months service went a provision for 72,000 rank-and-file army volunteers; and along with the reduction to one-year service a provision for 106,000 volunteers compared with an annual conscript contingent of 240,000. Our study thus far certainly suggests that, whenever Frenchmen have been seriously determined to maintain civilian supremacy, they have reduced the weight of compulsion and strengthened the element of voluntarism in their recruiting system.

1928 to 1961

At the time when the French began to implement one-year service and increase the proportion of volunteers the mood in the French officer corps began to change. This was to lead soon to the recrudescence of anti-Semitic, anti-capitalist and anti-republican themes in army agitation, Croix de Feu riots, the formation of underground army networks, political intervention in full force in 1940, the victory of Vichy fascism, and ultimately, to the Affair of the Four Generals in 1961. Enlarged voluntarism did not cause Army alienation, nor did it act as a brake. But then neither did the reimposition of two-year service in 1935; the problem clearly became more acute after that date. As early as the summer of 1936 many officers were adjusting to the possibility of civil war and "some were even preparing it." But before 1939 only a fraction of the low level officers had been tempted into actual political plotting.

"But 1940 was to be marked by the direct intervention of the military hierarchy, on the very highest level, to exert pressure on and, eventually, against the government. It was paradoxical that certain Army men could use the defeat as an instrument of direct political intervention, and that only the defeat should have made this possible."

The ideological rift of the thirties between Army and civil society could have been easily closed in the postwar world if the defeats in Indochina and Algeria had not reopened the unhealed wounds of 1940—the memory of decisive defeat and German occupation, when the army had been tested and found wanting. The doctrines and "lessons" which the French officers took away from Indochina after 1954 became firmly lodged in the new Algerian context and underwent a further evolution. These doctrines revealed a disturbing alienation of Army thought from the French mainstream, as in the thirties.

Could there be any connection between this alienation and the character of the French recruiting system in the post-war period? With the end of the Second World War the French first returned to one-year service but in 1950 increased the period to eighteen months and, with the conscript demands of the Algerian campaign, to twenty-eight months. However, the postwar battle for Indochina was fought with the volunteer "Colonial Army," not with the conscript "Metropolitan Army," which included North Africa, as well as France. Only a minority of the rank and file sent to Indochina were volunteers from France. The majority was made up of Foreign Legionnaires, native troops from African possessions, and native Indochinese. The casualty lists are indicative: of 92,000 battle deaths in the French forces during the war, only 20,000 were contributed by Metropolitan France. Thus the milieu for officer alienation in Indochina was primarily one of foreign mercenaries and secondarily of citizen volunteers rather than citizen conscripts.

The rank and file milieu of Algeria, where potential intervention crystallized into insurrection, was in many respects quite different. The main forces of the 1961 revolt were provided by officers of the Army; the Navy remained staunchly loyal and the Air Force failed to rally, even though the latter contributed two of the Four Generals heading the insurrection. Yet the Navy was overwhelmingly volunteer in its rank and file an the Air Force predominantly so. The Army of Algeria, on the other hand, was 80 percent conscript in its regular territorial formations and about 40 percent conscript in the Réserve Générale, an elite body one-tenth the size of the territorial formation. The service milieu from which revolt sprang was thus conscript, and not volunteer.

Focus on branch of service may obscure the point that the major source of disaffection in the Army lay in the predominantly volunteer Réserve Générale, with its Foreign Legionnaires and elite paratroop units, rather than in the conscript territorial formations. The Réserve Générale as a whole contained only 40 percent conscripts as compared with the 80 percent of the territorial formations. However, what is often ignored is that almost all of the volunteer element was supplied by the mercenaries of the Foreign Legion, not by national units; and there ought to be little wonder that foreigners should show less attachment to French institutions than citizens, whether conscript or volunteer. The Foreign Legion and the paratroopers were the two dissident elements of the Réserve Générale—but the para rank and file was 70 percent conscript!

Although the significance of their role has been disputed, it is true that the conscripts of the territorial formations—in contrast to those of the Réserve Générale—behaved in an exemplary fashion in the crisis of April 1961; they deserve the gratitude of the French nation. At considerable personal risk they resorted to sit-down strikes, sabotaged orders, encouraged loyal officers to be aggressive, and stiffened the backbones of the wavering. Nor, as has been charged, were the Communists heavily implicated in the troop resistance; many of the popular leaders with "syndicalist" experience that spontaneously emerged in the course of the affair had ties instead with Left-wing Catholic movements. However, spokesmen of the Left in France have generally overestimated the significance of conscript (and working-class) resistance in foiling the generals' attempted coup. We can say this without going as far as Kerr, who believes the emphasis on an important role for the *contingent* in the events of April 1961 to be a myth. According to Kerr, "the incidents where it played any role whatsoever were few and far between. . . . The 'contingent' actually did little in April. . . ." This may or may not be an underestimate, but even if it is, it is necessary to recognize that there were not only other factors operating directly on the principals which were more important, but that there were also external influences which conditioned the attitude and behavior of the conscripts themselves, alone making it possible for them to play any role at all, whether important or insignificant.

Probably the most important factor in determining the behavior of the conscripts was the disunity and irresolution among the officers themselves. The notion that the affair arrayed the entire officer corps in opposition to the Government is a misconception. According to one estimate, about 40 percent of the officers would have been glad to see the war come to an end; another 40 percent would have accepted this outcome despite misgivings, simply because the tradition of the Great Mute dictated that a soldier's duty was to obey; while the final 20 percent consisted of militants, who would actively oppose the liquidation of the struggle. Both Menard and Planchais believe this estimate of militant strength to be too high. Planchais places it at less than 10 percent (2,000–3,000 out of 33,000 career army officers) and, as Menard points out, even this minority of activists itself had only a minority of ideologues. Apparently the majority of the militants were uninterested in promoting any particular ideology; they were simply concerned with the question of French Algeria. Thus they represented no long-term danger to republican institutions. Although a tiny minority, the activists hoped to exploit the passion for unity which is a necessary ingredient for any disciplined army. If the majority of the officers were not expected to help, it was hoped that they would not hinder.

When planning their coup the conspirators had found no backing among the generals holding important commands.

"This hestitation on the part of the Army in the field had been so clearly foreseen by the organizers of the coup d'etat that they had appealed to retired generals to head it. Once again, the choice of men reveals the isolation of these partisans of violent action against established authority. . . ."

The hesitation, indecision and *attentisme* ("wait-and-see-ism") of the officers, derived from a tradition which discouraged military intervention and from a knowledge that public opinion in metropolitan France was against them, first set the stage for a conscript performance. The conscripts simply "utilized the opportunity offered by their officers' disunity. If the military hierarchy had been passionately united, these various manifestations of dissent could no doubt have been crushed. But there was skepticism, uncertainty and pessimism concerning General Challe's chances of succeeding. . . ."

Irresolution of the officers furnished only one condition for conscript disobedience. The resolute stand of civil authorities and public opinion in France against the insurgents furnished another. The morale of the disloyal troops was nourished by the European community of Algiers; the conscripts drew strength from the mainland. The effect of metropolitan opinion on conscript attitude can be seen by comparing behavior in April 1961 with the behavior in 1958. In May 1958 the Algerian *colons* rose, received army support, and forced a change of government in France, bringing de Gaulle to power, to the acclaim of much of Metropolitan France. The conscripts showed no resistance in 1958, although de la Gorce says they probably felt much the same on both occasions. The determining variable was the state of opinion in France. In 1958 that opinion supported the generals; in 1961 it disowned them. The conscripts did not initiate resistance; they followed in its wake. Some even trace the conscript turn toward passive defiance to de Gaulle's firm broadcast of 22 April, in which he declared the coup "a grave and premeditated act of indiscipline," forbade "all soldiers to obey the rebels," and commanded that "all means—I repeat *all means*—be used to bar the way to those men." Some of the soldiers are known to have heard the broadcast illicitly and repeated its gist to comrades. The precipitated resistance was thereafter referred to as the "victoire des transistors."

Thus it was the developed political culture of France which defeated the Four Generals.

"Treize Mai [1958] demonstrated that the army could intimidate a government into resigning—provided the army had powerful civilian support. But it received such support only by adopting as its candidate one who was a masterful public figure in his own right, and a politician to boot. April 22 [1961] demonstrated, *per contra*, that by defying this figure it brought against itself the full weight of civilian resistance, and that in face of this it was powerless."

Although rebel troops momentarily controlled Algeria, no one joined them except the colons. "The army, acting alone and in defiance of civilian opinion, was isolated and then defeated by civilian resistance. . . . Wherever lawful authority might be thought to lie, there was widespread consensus that it did *not* lie with the military. . . ."

Thus, the picture presented by the Affair of the Four Generals, does not give much support to the theory of the Nation in Arms. The volunteers of the Navy and Air Force, both officers and men, remained loyal. The vast majority of the officer-volunteers of the Army, too, remained loyal, although the core of disloyalty (the 30,000 troops of the Réserve Générale) did contain volunteer officers, volunteer enlisted men (mostly mercenaries of the Foreign Legion) and a large majority of conscripts in the French national units. Many conscripts of the territorial formations resisted passively, but only after they saw that many officers remained loyal and that most of the rest were hesitant, and only after they were convinced that public opinion was against the coup and that the highest political and military authority of the nation had decisively condemned it and solicited the soldiers' aid in frustrating disloyal officers. The notion that the role of the conscript was decisive rather than subsidiary is a myth.

DR. H. EDWIN SMITH OF THE GROUP RELATIONS ONGOING WORKSHOPS—GROW—RECEIVES THE ELOY ALFARO GRAND CROSS

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. RYAN. Mr. Speaker, I am including in the CONGRESSIONAL RECORD the formal presentation address of Dr. Herman A. Bayern, American provost, the Eloy Alfaro International Foundation of the Republic of Panama; the opening remarks by Patricia Kurland, Patrician Productions; the investiture by Dr. René Shapshak, deputy American provost, the Eloy Alfaro International Foundation of the Republic of Panama; the presentation and translation of the diplomas by Dr. Roger Bell, founder-director, Institute of Applied Psychotherapy, and the acceptance by Dr. H. Edwin Smith when he was honored by this foundation.

Dr. Smith is cofounder and executive director of the Group Relations Ongoing Workshops—GROW. The decoration ceremony took place in my congressional district on September 24, 1970, in the drawing room of the All Angels Church Parish House; in the presence of more than 150 associates and guests, the reception was held in the GROW Building at 312 West 82d Street, New York City, N.Y.

After the opening remarks by Patricia Kurland, Dr. Herman A. Bayern delivered the formal presentation address which follows:

ADDRESS BY DR. HERMAN A. BAYERN

Dr. and Mrs. Smith, Miss Kurland, Dr. Shapshak, distinguished guests, and ladies and gentlemen: We are gathered here this evening, in testimony, in our devotion to the cause of universal education and peace as the bulwark of these ideals: and because of our confidence in the cooperation of all the peoples of the Western Hemisphere, in the preservation of human freedom and peace of all the peoples of the world.

You, Dr. Smith, have been unanimously voted the highest honor of the Eloy Alfaro Foundation of the Republic of Panama—the Eloy Alfaro Grand Cross and Diploma.

In recognition of your outstanding innovative contribution to mankind in the fields of education, psychotherapy and community mental health, in keeping with the aims, ideals, principles and purposes of this foundation.

But many of you may not be fully aware of the background of the Foundation; I would like at this time to describe it to you. This Foundation was authorized by decree issued by the then President of the Republic of Panama, on January 22, 1949, to perpetuate the memory of Eloy Alfaro, martyred ex-President of the Republic of Ecuador, a movement which has been devoted to the task of encouraging the study and propagation of the liberal ideals and principles, for which this great Ecuadorean statesman and leader fought during the period of more than half a century ago.

The Foundation, named after the patriot, statesman, martyr, the former President of the Republic of Ecuador for two terms, at the turn of the century, is for the perpetuation of justice, truth and friendship among peoples and nations, and serves to promote the values, with personal integrity, for which General Alfaro devoted and laid down his life.

President Alfaro, (1842–1912), established in Latin America, many schools, colleges and universities, as well as hospitals and other welfare institutions, and furthered cooperation and unity among the countries of the entire Western Hemisphere. Under his leadership whenever there was a threat to the peace in the Western Hemisphere, he was the dynamic leader who brought about the peaceful settlement of such disputes, at the conference table.

General Alfaro sowed the seeds for Pan American understanding and cooperation. In 1907, he called a peace conference in Mexico City, in which the United States actively participated, for the purpose of trying to weld together all the Americas, and to preserve for the Western Hemisphere.

Were General Alfaro alive today, he would be a zealous supporter of the work and program of the United Nations, the Organization of the American States, for the purpose of helping our friends in Latin America, to solve their problems, and promote peace for the entire Western Hemisphere, and for all the peoples of the world, that hope and peace and good will to all men that is the common heritage.

The philosophy of General Alfaro, the Abraham Lincoln of South America, was based principally on service to his fellow human being, to education, health and welfare, and the cause of international peace.

As I officially notified you, Dr. Smith, the board of dignitaries unanimously voted you its highest honor, the Eloy Alfaro Grand Cross and Diploma, in recognition of your selfless devotion to all worthy causes, and because all of your activities come within the framework of the aims and purposes of this foundation, and that is why the ruling body of this foundation grants you, Dr. Smith, this honor.

The Eloy Alfaro International Foundation has neither political nor lucrative purposes. The finality is to pay tribute to the memory of Eloy Alfaro, and make available all knowledge of his life and works, as a statesman and liberator. What Alfaro undertook and accomplished.

Eloy Alfaro was a citizen, not only of his native Ecuador, but of all the Americas. The personal integrity, the unwavering defense of the principles of truth, justice and friendship among nations: the self-control and self-sacrifice that marked about one quarter of a century service to his fellow man, extended way beyond the confines of his own country, Ecuador.

Eloy Alfaro was a rebel and conspirator, but his rebellion and conspiracy were directed against hatred, injustice, discord and tyranny. He was the leader of a generation fired with the hope and desire that responsible political action would enhance the prosperity of their country and the welfare of their people, and hence the world.

Among the elite and select group of Americans who have been similarly honored in the past are former Presidents Franklin D. Roosevelt, Herbert Hoover, Dwight D. Eisenhower, John F. Kennedy, L. B. Johnson, Harry S. Truman, President Richard Nixon, former Vice President Hubert Humphrey, Vice President Agnew, and former Governor Harriman, Governor Nelson A. Rockefeller, former Congressman James Roosevelt, Congressmen Celler, Ryan, Ford, the late Governor Adlai Stevenson, Senators Stuart Symington, Javits, Edward Kennedy, Clark, Mansfield, J. William Fulbright, Henry Ford, the 2nd, Dr. Milton Stover Eisenhower, Mayor

John F. Lindsay, Dr. Herbert Holt, Stanley Fuld, Chief Judge of the Court of Appeals of the State of New York, and James E. Allen, Jr., who typify the caliber of men holding this high honor.

It now gives me great pleasure and it is an honor and a privilege for me to call on that outstanding sculpter, and deputy American Provost, Dr. Rene Shapshak, to carry out the determination to invest you, Dr. Smith, with the Loy Alfaro Grand Cross and Diploma.

Investiture speech and translation of the diplomas of Dr. Rene Shapshak:

"I am aware of the achievements of Dr. Smith and GROW, and I can appreciate the dedication and perseverance necessary to start such an innovative school, in order to train people to guide people to happier, fuller lives.

"In this world, few people take time out to care, Dr. Smith and his wife, Mildred, have given unselfishly of themselves in the service of man.

"It now gives me great pleasure, as the Deputy American Provost of the Eloy Alfaro International Foundation, to carry out the determination of the Board of Dignitaries, to present you, Dr. Smith, the Eloy Alfaro Grand Cross."

The presentation and translation of the diplomas from Spanish to English by Dr. Roger Bell:

"As a former recipient of this honor, it gives me great pleasure to translate and present the diploma to Dr. Smith.

"This one goes to the stars—Eloy Alfaro International Foundation, recognizing the special value of the services rendered by Dr. H. Edwin Smith, in support of the objectives of this institution, they have been awarded the Cross of the Eloy Alfaro International Foundation. In witness whereof, this diploma, with the seal of the Foundation, is presented in the City of Panama, Republic of Panama, on the 25th of June, 1970."

Acceptance speech of Dr. H. Edwin Smith, cofounder and executive director of the Group Relations Ongoing Workshops—GROW:

"Dr. Bayern, Dr. Shapshak, Dr. Bell, Patricia and Mildred, and esteemed friends—

As the co-founder in this family of men and women, called by the name of GROW, I greet you and though I stand here to accept this distinguished honor—the Eloy Alfaro Award—it has been earned by and is deserved by, and belongs not to me, but to the GROW Family.

In this year—one nine seven o—The name of the game is *social progress.*

But in a gathering, such as ours, with this many workers, if we know nothing else, we know that at this point peaceful progress requires away—an innovative way—to implement man's understanding of man.

"It's hard work, and it takes a lot of people. It was to meet this need that many dedicated people joined to found GROW.

"GROW is dedicated to the education of the natural leaders drawn from the people and needed by all of humanity. It is their job and our job to teach man to better understand man.

"A new way of learning was called for to meet the demands of the worldwide upsurge of people meeting in small groups. . . . To change their lives, to enhance themselves, to come closer together, and to act together to create better opportunities for better living.

"GROW developed a new educational method—with a focus on experiential learning instead of the standard teaching model. The leaders that develop out of the GROW experience will bring together a nationwide network of groups of people able to act together for constructive social change.

"The dynamics of these groups create the climate for personal growth, for warm contact between people and a return to the willingness and the ability to understand, accept and to care."

In conclusion I would like to re-echo from an acceptance speech made in Stockholm about 20 years ago—when William Faulkner accepted his Nobel prize:

"I believe that man will not merely endure—he will prevail: He is immortal not because he alone among creatures has an inexhaustible voice but because he has a soul—a spirit capable of compassion and sacrifice and endurance."

This I believe, and as the spokesman for each and everyone of the GROW family of men and women, with a sense of worth in the scheme of all things, I here do accept this merit—the Eloy Alfaro Award—and hope we continue worthy—and thank you all for being a part of this sharing.

PEACE OFFENSIVE CRUSHING TO NIXON

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. FRASER. Mr. Speaker, I feel the following article is an excellent analysis of the impact of Veterans Against the War in their visit to Washington this week. Mary McGrory should be congratulated for capturing so well the response of the administration and the victory of the veterans.

PEACE OFFENSIVE CRUSHES NIXON

(By Mary McGrory)

The battle of the Mall has ended in total defeat for Richard Nixon. The Commander-in-Chief was outclassed, out-generalled and out-faced by a thousand ragged anti-war veterans who slept at last in peace on the ground he had tried to deny them.

The administration had thought, by routing the shock troops, to break the back of the spring peace offensive. But, as has been said so often of Vietnam, where the veterans had fought, it was the wrong war in the wrong place at the wrong time.

From the first, the administration had miscalculated the strength of the Vietnam Veterans Against the War, and their steel.

"I don't think it could have been handled worse," raged the District Court judge who had issued the first order to keep the troops off the mangy grass plot at the foot of the Capitol.

SPLIT DOESN'T DEVELOP

The White House had hoped to demoralize and divide them, confident they would split under the pressure of a Supreme Court order. But while they disagreed among themselves, they were "hearts with one purpose alone." Under the motely uniforms, they burned to "bring our brothers home."

The veterans looked like hippies, and the administration, perhaps recalled Mayor Daley, knows you can't go wrong chasing hippies. But these were hippies with combat infantry badges pinned below the knees of their blue jeans, and Purple Hearts swinging from their headbands.

And they had won the hearts and minds of the police, who had advised the administration they were uncertain how the men would react to arresting veterans. It was plain from the first that the cops had no stomach for the prospect of loading double amputees and their wheelchairs into the wagon.

FRIENDLY WITH POLICE

Mike Oliver, a member of the National Board of VVAW, had written a letter to "our brothers in blue" a week ago, pointing out that unlike other demonstrators, the veterans had lived what they were talking about.

The letter infiltrated the bulletin boards of the station houses. The veterans rapped through the night with the park police assigned to watch over them. The cops, like the many tourists who picked their way through the state flags and sleeping bags, had found the oddly garbed young men peaceable and friendly.

The administration saw them differently, as a new and dangerous animal—antimilitary, anti-war veterans who swapped atrocity stories and griped, not about the first sergeant, but about the Commander-in-Chief. The decision was made to harass and interdict.

It was obvious that once the national television showed three Gold Star mothers sobbing outside the locked gates of Arlington Cemetery at the head of a veterans' parade, a public-relations catastrophe was in the making. Middle America saw at once that this was not the usual hippie-authority clash. Oblivious, the administration pressed on to the Supreme Court for an eviction order.

Had the President dispatched a junior staff member to the Mall, he would have found out that while it looked like an open-air coffee-house, it was something else entirely. It was full of men who had learned to hate the war in fire-fights, not teach-ins.

"Scared? Me? Are you kidding?" asked a moustachioed Marine from Connecticut. "I was scared when the Russian 22's were coming over, but scared of the Park Police?"

KENNEDY MAKES SCENE

If the administration treated the vets as a political problem, the Democrats did little better. They ate and laughed it up at a $500-a-plate political dinner at the Hilton, while the victims of the war they had made huddled on the cold, cold ground, waiting for the sirens.

Of the presidential men, only Edward Kennedy realized how it looked. After the party, he went home, changed clothes and came back to drink wine and sing songs with the veterans until 3 o'clock in the morning.

At dusk of the next day, when the trouble was over, Edmund Muskie of Maine, the front-runner, showed up, to tell them they had "many friends," which was somewhat derisively received by men who 24 hours earlier had braced for a busting.

The administration did not really, it seems ever intend to haul off the heroes with their crutches and canes. It merely meant to shake them up. Still, at 3 o'clock Wednesday afternoon, Oliver and the Park Police went over the arrest process. It was agreed the veterans would be arrested by states in alphabetical order. They planned to march out holding their hands clasped over their heads, like prisoners of war, singing the National Anthem.

But at 4:30, when the alarm clock went off from the stage, nothing happened. At 9 p.m., when Oliver saw the police again, they told him, "We have received no orders."

The order never came. The White House had backed down.

John Kerry, the veterans' brilliant spokesman, asked said somberly, "It won't be so why he thought the President had gone so far in brinkmanship, replied, "He didn't understand us, and he doesn't understand the country."

Mike Oliver, contemplating the victory

which the vets gathering for a candle-light parade hailed as "fantastic," fantastic if we don't stop the killing of our brothers."

"PEACE" MARCH OF APRIL 24 PLANNED BY COMMUNIST FOURTH INTERNATIONAL

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. RARICK. Mr. Speaker, 4 months ago it was announced that on April 24 the Communists around the world would have a day of active world solidarity with demonstrations to show their solidarity with their "dear American friends," the antiwar movement in the United States. The demands of the international Communists worldwide demonstration will be identical with those of the big "peace" march in Washington, D.C., on Saturday, April 24—for the immediate and unconditional withdrawal of the American troops from Vietnam and for the victory of the Vietnamese revolution. All under Communist discipline are ordered to be in the demonstrations on April 24, 1971.

A most interesting editorial appeared on Sunday, April 18, 1971, in the Sunday, Herald Traveler of Boston, Mass. Whoever the editor was, he most certainly understood the situation and fearlessly identified the Communist demonstration under the guise of a peace march. It is regretful that other editors did not so inform their readers.

The leaders of our country have known full well that the Washington peace march was planned by the Communist Fourth International 4 months ago. Yet, these same U.S. leaders have never advised the American people of the identity of the march leaders and the true objective of the march. Thus they have permitted innocent Americans to become duped into participating in this march not realizing that by so doing they are helping to destroy their own country at the price of losing their own freedom, rather than hastening the day of peace.

Perhaps the American people will ask their leaders why they have not been told the truth.

I insert the editorial at this point:

[From the Boston, Mass., Sunday Herald Traveler, Apr. 18, 1971]

LOOK WHO'S LEADING THE BIG "PEACE" MARCH

("Let's make April 24, 1971 a day of active world solidarity with the heroic Vietnamese revolution! Let's demonstrate everywhere April 24, 1971, showing our solidarity with the courageous antiwar movement in the United States! For the immediate and unconditional withdrawal of the American troops from Vietnam! For the victory of the Vietnamese revolution—everyone in the streets April 24, 1971!")

That appeal for street demonstrations this coming Saturday demanding "immediate" U.S. withdrawal and "victory" by the Communists in Vietnam (not peace) was issued more than four months ago by the Communist Fourth International.

Most of the people who are planning to participate in the April 24 march on Washington—the main event of the anti-war "Spring Offensive"—are probably not aware of that fact. Nor are the politicians who have been foolish enough to publicly endorse the march.

Those politicians include two Democratic presidential candidates and a few Bay Staters.

The fact that they are supporting or participating in Saturday's march does not, of course, mean that they have joined or are in sympathy with the Fourth International. It does suggest, however, that they are rather naive—in two respects.

First, they are assuming that the march will be peaceful and non-violent, and indeed they have been promised that it will be by its principal sponsors and organizers. The same assumptions and promises were made prior to the big anti-war march on Washington in November 1969, organized by many of the same people. But that "non-violent" demonstration turned into a riot and an orgy of destruction, resulting in 175 arrests, over 600 injuries and more than $2 million in damages to government and private property. Who can "guarantee" that the same thing won't happen this week? Indeed, is anything being done to see that it won't?

Second, they are assuming and they have been told that everybody marching on Washington this week wants only to stop the killing and bring the boys home. That may be what most of the marchers and their political sponsors want. But the hard fact is that the march itself was conceived and organized chiefly by people who have rather different aims and purposes in mind.

Although a number of other respectable and semi-respectable organizations have since hopped on the bandwagon, the April 24 march is being produced and directed primarily by two groups: the National Peace Action Coalition and the People's Coalition for Peace and Justice.

The NPAC is led chiefly by "Trotskyites" and former members of the Students for a Democratic Society. Four of its five national coordinators are affiliated with the Socialist Workers party.

The PCPJ is led mainly by "Stalinists" from the Communist party's national committee, "crazies" from New Mobe and "Chicago 7" defendants Rennie Davis and David Dellinger.

For a while, the two factions were split and planned to hold separate marches on the Capital and other "Spring Offensive" events. But after receiving numerous appeals from Hanoi and from Viet Cong officials in South Vietnam and at the Paris peace talks—they announced last month that they had agreed on a single calendar of events. The big one, they decided, would be the march on Washington on April 24—the very day selected three months earlier by the Communist Fourth International!

Nearly two weeks ago, Congressman Richard Ichord, a Missouri Democrat who is chairman of the House Internal Security Committee, issued a long report on the demonstration and its organizers. He also made a speech on the floor of the House warning his colleagues that they were playing with fire by endorsing the march and lending their names to such a dubious cause, whose real purpose was not as pacific as they naively think.

"I wonder if my colleagues are prepared to accept the chaos which these anti-war groups are proposing to unleash?" he asked. "I wonder also if my colleagues would be participating if they were aware of the leading part which Communist elements both at home and abroad have played in the planning and coordination of the demonstration soon to take place?"

Those are good questions, which ought to be answered by the Messrs. blank, blank, blank, and blank.

Peaceful dissent is an act of faith in the democratic system and a responsible outlet for differences of opinion on issues which trouble the nation, said Ichord, but it is not a license for violence, subversion or revolution.

He warned, finally, that the only respectability the instigators of Saturday's "peace" march on Washington can hope to achieve "is from the good and conscientious Americans who follow behind their banner. I can only hope that my colleagues and our fellow Americans will look closely before they leap behind these groups' Communist banner. These militants have absolutely nothing genuinely in common with the vast majority of those Americans who are interested in securing peace on an honorable basis."

That's good advice for some of our over-eager local politicians and for the many youngsters hereabouts who plan to board buses for Washington later this week.

HOUSE OF REPRESENTATIVES—*Monday, April 26, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

If thou canst believe, all things are possible to him that believeth.—Mark 9: 23.

We offer Thee our gratitude, our Father, for the arrival of another day praying that it may be glorious with Thy presence and for the coming of another week praying that it may witness good work done for Thee and for our Nation.

With Thy gifts of love and joy grant unto us also a measure of discontent that we may never rest until justice is done and peace has come. Keep us restless until the hungry are fed, the jobless find work, and children and youth secure a sound education. Thus may we be true Americans and faithful children of Thine.

We mourn the passing of our beloved colleague, ROBERT J. CORBETT, who served his Nation in this body so long, so faithfully, and so well. May Thy blessing rest upon his family, giving them strength now and for the days that lie ahead.

In the name of Him who is the resurrection and the life we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments, in which the concurrence of the

House is requested, a joint resolution of the House of the following title:

H.J. Res. 567. Joint resolution making certain urgent supplemental appropriations for the fiscal year 1971, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 145. An act for the relief of Esther Catherine Milner;

S. 157. An act for the relief of Arthur Rike;

S. 341. An act for the relief of Arline Loader and Maurice Loader;

S. 513. An act for the relief of Maria Badalamenti;

S. 566. An act for the relief of Maria Grazia Iaccarino;

S. 629. An act for the relief of Chen-Pai Miao;

S. 645. An act to provide relief in patent and trademark cases affected by the emergency situation in the U.S. Postal Service which began on March 18, 1970;

S. 672. An act for the relief of Nicholaos Demitrios Apostolakis;

S. 1253. An act to amend section 6 of title 35, United States Code, "Patents", to authorize domestic and international studies and programs relating to patents and trademarks; and

S. 1254. An act to amend title 35, United States Code, "Patents," and for other purposes.

The message also announced that the Vice President, pursuant to Public Law 86–420, appointed Mr. Gurney and Mr. Cook to attend, on the part of the Senate, the 11th Mexico-United States Interparliamentary Conference in Mexico, May 27 to June 1, 1971.

MAKING IN ORDER DISTRICT OF COLUMBIA BUSINESS ON TUESDAY, APRIL 27, 1971

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that business in order today under the District of Columbia rule, clause 8, rule XXIV, be in order on tomorrow, April 27.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

TRANSFER OF TODAY'S SPECIAL ORDERS TO TOMORROW

Mr. BOGGS. Mr. Speaker, I also ask unanimous consent that any special orders granted for today be put over until tomorrow, to be called before any special orders previously granted for April 27.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

GENERAL LEAVE FOR ALL MEMBERS TO EXTEND REMARKS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that all Members have permission today to insert their remarks in the body of the Record and to include therewith extraneous material as well as in that portion of the Record entitled "Extensions of Remarks."

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. In view of the fact that the majority leader has obtained permission for all Members to extend their remarks both in the body of the Record and in the Extensions of Remarks, out of respect for our deceased colleague the Chair will not recognize Members for 1-minute speeches today, but the Chair will recognize Members for corrections of the Record or any business Members may have.

MISCALCULATION OF THE ADMINISTRATION LEADS TO INTEREST RATE INCREASE

Mr. PATMAN. Mr. Speaker, the Nixon administration has badly miscalculated again and we may be faced with another period of rising interest rates.

The announcement by Chase Manhattan Bank of New York of a prime rate increase from 5¼ to 5½ percent last Thursday was extremely bad news for an economy struggling to recover from a severe recession.

The administration has engaged in a series of maneuvers in conjunction with the Federal Reserve System to raise short-term interest rates, and we are now reaping the consequences of this ill-timed, poorly conceived policy.

The Federal Reserve System's effort to push up short-term rates has been widely reported in the financial press and the Treasury Department has been a willing partner in the scheme. The Treasury Department announced in late March that it would shove $5 billion of short-term Treasury bills into the market just before the heavy corporate tax payments.

When the sudden offering of the $5 billion in short-term bills was made, a Treasury official was quoted as saying:

> We are doing this all at once in hopes of knocking up short-term interest rates.

The Treasury had also created further pressure on the money markets by offering $1.5 billion of 3-month Treasury bills at an unnecessarily high interest rate of 5.38 percent to the overseas branches of U.S. banks earlier this month.

This was a bonanza for the large commercial banks operating overseas and produced an unfortunate effect on domestic interest rates.

Secretary of the Treasury John Connally has created an "high interest atmosphere" by lobbying for higher interest rates on Government bonds earlier this year.

The first proposal made by Mr. Connally after he took the oath of office was to remove the 4¼-percent ceiling on long-term Government obligations and this has created a high interest psychology throughout the economy. When the Congress approved this request, it was a signal to large commercial banks—such as Chase Manhattan—that this administration believed that we were facing a period of relatively high interest rates and that no effort would be made to drive down rates to the levels existing in the early 1960's.

The problems created by the removal of the 4¼-percent ceiling on long-term bonds was noted by the Wall Street Journal in this morning's editions.

The Journal said:

> "If the Treasury offers a long-term bond, due out in the Nineties, corporate bond rates would soar and money for mortgages would vanish," one specialist said. "Borrowers just couldn't compete with the Treasury for long-term funds."

What worsens this already critical situation is the fact that the Treasury this week must announce plans for a $8.4 billion refunding of maturing securities. The Treasury's actions on this issue could have critical bearing on the economy and interest rates.

Mr. Speaker, I place in the Record a copy of the Wall Street Journal article with the headline, "Unveiling of Treasury's Refinancing of Package Awaited This Week."

The Bond Markets: Unveiling of Treasury's Refinancing Package Awaited This Week—Question of How the $8.4 Billion in Old Notes Will Be Refunded Has Created Much Uncertainty

(By Ivan Silverman)

New York.—Bond dealers are tensely awaiting a Treasury announcement, expected Wednesday, on plans for refunding about $8.4 billion of maturing Government securities.

The uncertainties normally associated with refundings have been compounded by recent congressional action permitting the Treasury to sell $10 billion of securities without regard to a 4¼% ceiling on bonds. That ceiling has been in large part responsible for blocking the sale of Government bonds—issues due in more than seven years—since 1962.

In light of the congressional move, the Treasury has more options open for refunding 5¼% and 8% notes due May 15 than has been the case for nearly a decade. Ironically, some of the new options can't be used without upending the corporate bond and mortgage markets, dealers say.

"If the Treasury offers a long-term bond, due out in the Nineties, corporate bond rates would soar and money for mortgages would vanish," one specialist said. "Borrowers just couldn't compete with the Treasury for long-term funds."

Specialists have split into two camps in guessing how the Treasury will refund the old notes, $5.8 billion of which are held by the public. One group believes note owners will be offered a two-part or three-part package of issues, due from late 1972 through 1978. That is, security holders can either turn in their holdings for cash or swap them for new notes due in 18 months to seven years.

A second group expects the Treasury to include an intermediate-term issue, due in perhaps 10-to-15 years, in the refunding offer. This issue also might be made available to holders of Government securities due later this year, or next year, some specialists suggested.

In addition, the Treasury also might offer as part of the funding package a short-term "cash" note due in about 18 months. This security would be open to all comers, not just owners of selected government issues.

The "cash" note could raise funds to pay off investors who want money rather than new government securities for their 5¼ and 8% notes. It also could be used for other needs. According to Aubrey G. Lanston & Co., a leading government bond dealer, "the failure of corporate income taxes and estimated individual income taxes to show any significant improvement to date leaves the Treasury with sizable cash borrowing needs in May and early June. Our own estimate puts the amount in the vicinity of $4 billion to $5 billion.

The Treasury's refinancing plan will send ripples through all debt securities sectors. The use of an intermediate-term issue in the package, for example, would probably unsettle corporate and municipal bond prices, onlookers say. Declines could be minimal, or major, depending upon the maturity and interest rate placed on the Treasury note, and on other details, the onlookers said.

For the past month, corporate and municipal prices have declined steadily. A Long Island Lighting Co. 7¼% bond first offered in late March at a price of 101.857 was quoted in the marketplace last Friday at a price of 96—a drop of nearly six points—or $60 for a $1,000 security—in about one month. At the latest price an investor's yield is about 7.59% in 30 years—up from 7.10% at the original level.

Over the same period, the Dow Jones Municipal bond yield index has jumped to 5.56% from 5.30%. This 0.26 percentage point change reflects a $33 decline in the market value of a typical 20-year state and local government issue. Last week the index moved up 0.9 percentage point from the previous period's 5.47%.

Over the next five days dealers face a load somewhat lighter than last week's $1 billion plus schedule. In the corporate sector, Morgan Stanley & Co. is expected to offer Wednesday $200 million of General Motors Acceptance Corp.'s debentures. The General Motors Corp. unit's issue, due 1993, is rated single-A by Standard & Poor's.

Other negotiated issues on this week's calendar include: $60 million of Interlake Inc. 25-year debentures, rated single-A Moody's, sometime this week, through Kuhn, Loeb & Co.; $50 million of Avco Financial Services Inc. six-year debentures, rated triple-B by Standard & Poor's, tomorrow, Lehman Brothers Inc.; $50 million of McGraw-Edison Co. 25-year debentures, rated double-A, tomorrow, Dean Witter & Co.; $50 million of Standard Brands Inc. 30-year debentures, rated single-A, tomorrow, Lehman Brothers.

In addition, $27 million of Atlantic City Electric Co. 30-year bonds, rated double-A, Thursday, Eastman Dillon, Union Securities & Co.; $25 million of Armstrong Rubber Co. 25-year debentures, rated Baa by Moody's and triple-B, by S&P's, Thursday, Goldman, Sachs & Co.; $25 million of Lucky Stores Inc. 25-year debentures, rated Baa and triple-B, Wednesday, Goldman-Sachs; $20 million of Kayser-Roth Corp. 25-year debentures, tomorrow, Hornblower & Weeks-Hemphill, Noyes; $15 million of First Union Inc. seven-year notes, Wednesday, Merrill Lynch, Pierce, Fenner & Smith Inc.; $15 million of Midland Enterprises Inc. 20-year bonds, Baa and triple-B Wednesday, First Boston Corp.; $5 million of Brockton Taunton Gas Co. 25-year notes, Baa by Moody's, Thursday, Merrill Lynch.

Issues due to reach the market through competitive biddings include: $50 million of Northern States Power Co. 30-year bonds, Wednesday; $20 million of Potomac Edison Co. 30-year bonds, single-A by Moody's, plus 50,000 shares of preferred stock, Tuesday; $10.8 million of Southern Railway equipment trust certificates, due 1972–86, rated double-A, Wednesday.

Two equity oriented convertible issues due this week are: $15 million of McCormick & Co. convertible debentures, due 1996, Tuesday through Alex Brown & Sons; $10 million of General Health Services Inc. convertible debentures, due 1991, plus 393,000 shares of common stock, Tuesday, Hornblower & Weeks.

In the municipal market, about $240.9 million of bonds are due to reach investors through competitive bidding, well below last week's $400 million total. Larger auctions include: $48.6 million of Philadelphia, various-purpose bonds, Wednesday; $45 million of New York State Job Development Authority state-backed bonds. Tuesday; $39 million of Los Angeles Department of Water and Power electric revenue bonds, Wednesday; $20 million of Greater Chicago Metropolitan Sanitary District bonds, Wednesday.

Over the next 30 days, about $1.3 billion of tax-exempt bonds are due to sell at competitive bidding, according to the Daily Bond Buyer, a trade publication.

In the government securities market, despite some advances towards the end of the week, most issues finished lower over the five-day period. The closely watched 6¼% note of 1978 dipped ⅜ point over the week, closing Friday at 101¾ bid, 102 asked, where an investor's return is 5.89%.

PRICES OF RECENT ISSUES—STRAIGHT DEBT

[Current quotations are indicated below for recent issues of senior securities that are not listed on a principal exchange]

Issue	Offering price	Current		Charge	Yield percent
		Bid	Asked		
Utilities:					
BaltG&E (7¼s '01)	100.5	96¼	96¾	− ¼	7.54
CnIll PS (7½s '01)	101.1987	99	99¾	+ ⅛	7.53
DukePw (7½s '01)	101	98	98¾	+ ⅛	7.74
LI Ltg (7¼s '01)	101.857	95¼	96	− ¾	7.59
NJ Bell (7¼s '11)	100.65	95¾	96½	+ ½	7.52
PacG&E (8s '03)	101.5	102	102½	− ¼	7.79
IllBell (7⅝s '06)	100.304	99¾	100¼	+ ¼	6.68
VaE&P (7⅜s '01)	101.52	97¾	98¼		7.55
UnElec (7⅜s '01)	101.845	98½	99	− ¼	7.70
Industrials:					
FordMC (8½s '91)	100	101¾	102¼	−¼	8.15
FordMC (6⅞s '78)	100.55	100⅜	100⅝		6.77
Pennzoil (8⅜s '96)	100.25	96¾	97¼	+ ¼	8.63
StOilCal (7s '96)	100	95½	95⅞	− ⅝	7.35
Woolwth (7⅜s (96)	100	98	98½	+ ¼	7.49
Convertibles:					
GaPac (5¼s '96)	100	105½	106		
WT Grant (4¾s (96)	100	106¾	107½	+ ¾	
StOilInd (5s '96)	100	107¾	108⅛		
Canadians:					
Newfdlnd (8¾s 96)	98.5	100	100¾	+ ¼	8.69

THE PROTEST MARCH IN WASHINGTON

Mr. MONTGOMERY. Mr. Speaker, just because there were no serious injuries or major destruction this past Saturday, is no reason to make heroes of the leaders of the protest march. I certainly respect the right of these people to conduct a peaceful protest and redress their Government, but it should be pointed out that the march will cost the American taxpayers almost a million dollars for the extra duty by the Metropolitan Police Department, active duty National Guardsmen and cleaning up the debris.

Let us take a realistic look at some of the happenings during the march which I just cannot condone. I refer to the carrying of the Vietcong and North Vietnamese flags and destroying some of the American flags around the Washington Monument. Neither can I condone the carrying of placards praising Communist leaders. It is one thing to protest the policies of our President. It is quite another when you champion the cause of the enemy.

Mr. Speaker, these protesters might do well to direct some of their energies toward freedom for the North Vietnamese people. I can assure you no North Vietnamese would be allowed to walk through the streets of Hanoi carrying the American flag and protesting the policies of President Ton Duc Thang.

I also feel that in the long run protest marches like last Saturday make it that much more difficult to end the war in Southeast Asia and bring our American troops home. The Communists view these marches as signs of weakness in America and become more firm in their determination to dominate the whole of Indochina through military conquest.

We are bringing our troops home and bringing the war to a close, but we are doing it in such a way that we will not endanger the fate of our prisoners of war or the right of the South Vietnamese people to elect a government of their own choosing.

Mr. Speaker, I urge our Government leaders to do whatever is necessary to see that law and order is maintained in our National Capitol during the coming days of demonstrations that promise to be more militant.

To use a trite and not so polite expression, I have a feeling the people of America will have a "belly-full" of these demonstrations within the next 2 weeks.

THE APRIL 24 PROTEST DEMONSTRATION

Mr. ICHORD. Mr. Speaker, last Saturday a crowd estimated at over 170,000 peacefully protested against U.S. involvement in Indochina. The Trotskyite elements in the demonstration marched behind a large picture of Russian revolutionary Leon Trotsky and there was also a large delegation marching behind a large picture of Chinese Communist leader Mao Tse-tung. The local Sunday papers carried such disgusting pictures of a demonstrator atop the Peace Monument at the foot of Capitol Hill waving a Vietcong flag and protestors climbing flagpoles at the Washington Monument grounds in an effort to haul down American flags. In all, 32 American flags at the Washington Monument were ripped down by protesters. All in the name of peace.

I am, of course, relieved that there were no major outbreaks of violence. Peaceful dissent and opposition are healthy and vigorous components of our way of life. This is how democracy works. However, I cannot help but feel that those of us who did not take an active part in last Saturday's demonstration have been placed in a rather untenable position by the publicity given the marchers. By this I mean that the mass news media have accorded the protesters the title of "antiwar" while apparently the rest of us have been labeled "prowar." Current plans call for the protesters to disrupt Members of Congress unless they are directing their efforts toward ending the war.

Mr. Speaker, no person in his right mind is in favor of continuing the conflict in Indochina one instance longer than it takes to gain a just and lasting peace. In fact, I am convinced that the misguided efforts of many of our citizens, such as those who participated in the April 24 demonstration, who truly believe they are following the best position to peace, coupled with the activities of radical militants and malcontents, have done more to prevent a ceasefire in Indochina than any other single factor. Their actions have helped convince Hanoi that the United States will abandon its convictions eventually because of the pressure of public opinion. They have given the enemy a false idea of the nature of public opinion in this country. Every day that the conflict in Indochina is prolonged, American servicemen continue to die; and, yet, it is those who help prolong the war who have the effrontery to parade the streets of the Nation's Capital publicly displaying the Vietcong flag.

I certainly do not question the motives of most of the people who marched last Saturday to protest the war, but I do charge that many of them simply do not understand the consequence of what they do.

NATURALIZATION BILL

Mr. KAZEN. Mr. Speaker, on Monday last, while I was absent on official business, the House passed H.R. 1535, exempting aliens over 50 years of age and with 20 years' residence from the English literacy requirement for naturalization. I was pleased to cosponsor this bill, as I had done before when the last session of the House sought this modernization of an old law. I regret that other duties kept me away from the House on Monday. Had I been present, I would have voted "aye."

FTC COMMISSIONER DIXON DISCUSSES PROPOSED REORGANIZATION

Mr. EVINS of Tennessee. Mr. Speaker, Commissioner Paul Rand Dixon of the Federal Trade Commission recently delivered an important address before the Rotary Club of Huntsville, Ala., on the subject of the proposed reorganization of the FTC.

The so-called Ash Council has recommended to the President a reorganization of this important Commission which would transfer the FTC's consumer protection responsibility to a Federal Trade Practices Agency and its antitrust enforcement responsibilities to a proposed Federal Antitrust Board.

Commissioner Dixon contends the proposal would eliminate the safeguards established by Congress for a truly independent agency serving in the public interest.

Because of the interest of my colleagues and the American people in this most important subject, I place the address by Commissioner Dixon in the Record, as follows:

An Answer to Suggested Change

(Address by Hon. Paul Rand Dixon, Commissioner of the Federal Trade Commission)

It has been written that a nation without a history is a nation without a future.

I propose to defend the future of the Federal Trade Commission because it does have a history. Its history is so steeped with the development of our free competitive enterprise system that the two cannot be separated.

The business community at large has never seemed to grasp fully that the antitrust and trade regulation laws are not shackles on the free enterprise system, but simply tools for striking off the chains that some businessmen insist upon forging for their fellows. I say this because an excellent case can be made for the proposition that, if the people of this country, through their elected representatives in Congress, had not seen fit to enact these laws, we could very well be living today under the restrictive cartel system which flourished in Europe in the years preceding World War II, or under some form of public ownership of industry that would be even less congenial to our democratic institutions.

It would seem at first blush that it is a contradiction in terms to say that the trade regulation laws are designed to increase the liberty of those to whom they are directed. But there is no contradiction in fact. Red lights placed at busy intersections may seem irksome to those who like to live dangerously. But to those of us who value life and limb, those traffic signals represent simply the efforts of a well-disposed government to keep us as *free* as possible from traffic dangers. It is, in short, the old principle of distinguishing between *liberty* and *license*, between freedom and anarchy.

Hence, the Federal Trade Commission and the trade regulation laws which it enforces were conceived not in hostility to the principles of laissez-faire capitalism, but in direct support of it. Just as it would be absurd to say that traffic lights were placed at intersections for the purpose of impeding the flow of automobiles, so it is equally unsound to say that laws prohibiting the destruction of competition are themselves designed to hinder the system they protect. On the contrary, trade regulation laws are conservative measures in every meaningful sense of that term—they were intended not to alter the existing economic order but to preserve it and protect it from forces hostile to its continued existence.

In order to appreciate the profound conservatism of these laws, one need only reflect for a moment on the economic and political history that gave rise to them. Capitalism itself is a comparatively recent development. Prior to the Industrial Revolution that produced it, wealth was produced and distributed by one of two basic methods:

(1) by sovereign command, as in Soviet Russia today, and

(2) by custom and tradition, as in medieval Europe where each man automatically followed the trade of his father. The latter system, which was the immediate predecessor in Europe of capitalism, was often "regulated," in the full sense of that word. In England, for example, at the behest of the button-makers guild, a law was passed imposing a fine on tailors who made *cloth* buttons and consumers who wore them.[1]

When capitalism first appeared on the scene, there were some very grave doubts as to its respectability. It was untidy, for one thing. Pushy merchants were scrambling all over each other in pursuit of what was regarded by the more genteel folk as naked greed.

Adam Smith, the first great economist in 1776, the same year that the Declaration of Independence was signed in America, published a book that remains to this day as the bible of laissez-faire capitalism. The *Wealth of Nations*[2] was even more than that. It was no less than an economic Declaration of Independence, no less revolutionary than our own Political Declaration of Independence. All men, while not necessarily equal in talents, must be afforded equal economic opportunities. All men must be left free to pursue whatever economic activities they might choose. They must be free to make any product they like, sell it to anyone they choose, and charge for it any price they desire.

Under a free enterprise system, the only natural price is a "competitive price." Here the consumer is king. Eager to make their limited number of dollars buy as much goods as possible, they shop carefully to see which seller of a particular product will accept the lowest price.

A paradox of the free enterprise system is the fact that this economic free-for-all, this undignified scrambling of men for wealth, has yielded the best possible results, not only for the individual pursuing his own selfish gain, but for society at large.

There have been many prophets of doom in our story. In 1849—while Americans were engaged in the great Western goldrush—there appeared in Europe an angry document entitled *The Communist Manifesto*. It was followed in 1867 by the first volume of its author's monumental book called *Das Kapital*.[3] In it, Karl Marx declared that capitalism was *doomed*—that it carried within it seeds of its own destruction. Its principal defect, as he saw it, aside from a moral injustice, was the uneven distribution among individuals of the total wealth produced, and an inevitable tendency toward monopoly. He predicted that when monopoly came, as it surely would, the oppression of the people would become so great that the latter would arise, cast off their chains, and install the "dictatorship of the proletariat" as the owners of all productive wealth.

Monopoly—with its tendency to fix prices, allocate markets and artificially protect against innovation and emerging competition—is plainly not an integral part of free enterprise. It is, instead, a cancer on the body of the system. It holds productive wealth in an industry that does not need it, and withholds it from some other industry that needs it badly. It diverts consumer dollars from other industries.

There was one development Marx failed to anticipate—it did not occur to him that free men of a capitalistic society would have the ingenuity and the strength to prune from the system the disease of monopoly without killing the system itself.

The story of the growth of the "trusts"

Footnotes at end of article.

following the Civil War and throughout the 19th Century is an old one. Suffice it to say here that, by the year 1890, a number of our major industries were completely dominated by one or a few firms. And their behavior was, to put it conservatively, anti-social. The public was being robbed and knew it. The people began to speak and their voice was heard in Congress.

Congress was not ready for the Socialist or the Communist. It represented the will of a free people. The result was the Sherman Act of 1890. Monopolization, whether accomplished by a single firm or several acting in combination, was made a crime punishable by fine and imprisonment. And those acts that led to monopolization—conspiracy to eliminate competition—were similarly made a crime. There was virtually no enforcement of this statute, however, during its first decade, and the tide of consolidation continued unabated. Indeed, a majority of the "440 large industrial, franchise and transportation Trusts" listed in 1904[4] were actually incorporated in their "Trust" from after 1900.

There was no longer any pretense of adherence to a competitive free enterpirse system. Toleration of competition was considered a sign of business incompetence. During these years of trust formation and wholesale abandonment of competition—1897 to 1913—there was an over-all economy-wide price increase of 50%.[5]

After the Supreme Court handed down its celebrated "rule of reason" opinion in the *Standard Oil* case of 1911,[6] a storm of controversy broke out over whether the courts could ever be expected to handle the trust problems. Thus, in 1912, the trust problem became a major issue in the presidential campaign. All three candidates—Republican Taft, running for reelection, Roosevelt, running on the Progressive ticket, and Democrat Woodrow Wilson—were agreed that something had to be done.

Wilson, the winner, on December 2, 1913, in his State of the Union message to Congress, called for new antitrust legislation. In a special message to Congress on January 20, 1914,[7] he spelled out some of his proposals; requesting specific prohibition of such known restraints as price discrimination, tying and exclusive dealing arrangements, mergers and consolidations, and interlocking directorates. More importantly, however, he called for the creation of an "interstate trade commission," with broad powers to investigate trade practices, make findings regarding the significance of various trade practices, and prohibit those found to be promotive of monopoly.

The result was that Congress passed not one but two laws. The Clayton Act, signed into law on October 15, 1914,[8] singled out four specific practices for special consideration—price discriminations, exclusive and tying arrangements, acquisition of stock, and interlocking directorates. The Federal Trade Commission Act, enacted on September 26, 1914,[9] covered the entire field with the sweeping 10-word prohibition "Unfair methods of competition in commerce are hereby declared unlawful."[10]

Having passed these new substantive standards to measure business conduct, Congress was not content to trust their administration entirely to the courts. Too fresh in its mind was the restrictions placed on the Sherman Act. It was concluded that the administration of this new Act had to be placed in the hands of an impartial, non-partisan body of men, thoroughly experienced in the intricacies of commerce, with more flexibility than the judicial machinery could offer.

Another reason was expressed by Senator Newlands who had earlier observed:

"I am attacking this system of turning over administration of our legislation regarding interstate trade to the Attorney General's Office or to the courts, when we should create a great administrative tribunal like the Interstate Commerce Commission, charged with powers over interstate trade similar to those possessed by that tribunal regarding transportation . . . if such a Commission had been organized 23 years ago when the antitrust law (Sherman Act) was passed, these vast accumulations of menacing capital would have been prevented. . . ."[11]

Congress also shied away from the question of the delegation of legislative power to the Executive. The new Commission being an arm of Congress, there was no question of such delegation to the new Commission.

Section 5(a) (6) "empowered and directed" the Commission to "prevent" the use of "unfair methods of competition" in commerce. Hence, quasi-judicial functions were assigned the Commission. The courts were assigned the limited role of judicial review if the Commission findings were supported by substantial evidence.

This is the history of the Commission. Now let us look at its future.

Various committees and task forces which have made studies of the administrative agencies, including the Federal Trade Commission, over the past few decades, have proposed either the abolition of these agencies or a radical change in their structure. The most recent of these investigations was made by the President's Advisory Council on Executive Organization—the Ash Council. Its recommendations with respect to the Federal Trade Commission were that the Commission's consumer protection responsibility be transferred to a new Federal Trade Practices Agency, and its antitrust enforcement responsibilities to a new Federal Antitrust Board. Both the Administrator of the Federal Trade Practices Agency and the Chairman of the Federal Antitrust Board would be appointed by the President, subject to Senate confirmation, and would serve at the pleasure of the President.[12]

In commenting on similar proposals calling for "radical structral reform" of administrative agencies which have been made from time to time by various individuals, the first Chairman of the Administrative Conference of the United States regards as noteworthy that despite these recommendations and continuing expressed doubts about the role of the independent regulatory agency and its basic organization, no significant changes have taken place.[13] This commentator has concluded that administrative agencies, as we know them, will continue principally because the agencies have been effectively separated from both Congress and the President. He pointed out that Congress has indicated the general direction the agency is to travel, and that both the Congress, through its oversight powers, and the Executive, through its leadership powers, are ready to criticize the activities of the agency, and the courts are ready to review these activities. He characterizes the administrative agency as "a buffer between the Congress and the Executive, between the members of Congress and their constituents, between the President and his responsibility to the people."[14]

Shortly after the Ash Report was published, it was the subject of a very critical and penetrating review in the February 21, 1971, edition of *The New York Times*. With great perception the writer observed that the central failure of the Report concerned its principal recommendation—the proposed transformation of the commissions into agencies headed by a single individual. According to the review, the Report never comes to grips with the consequences of one-man rule, "And even more importantly, as a matter of public policy, it never debates the crucial issue of independence vs. Presidential or Congressional control."

Ironically, a strong argument against the single administrator concept is made in the Report itself to justify the recommendation that the Federal Communications Commission retain the collegial form of administration. This form, the Report points out, "increases the probability that internal checks and balances will be effected." In other words, the collegial form "tends to insulate the exchange of ideas and information from partisan control," and assures "broad-based deliberation and a non-partisan environment." The corollary is that a single administrator is placed "in an exceptionally vulnerable position which . . . could impair public trust." The Report says that, by "placing in the hands of a single administrator, appointed to serve at the pleasure of the President, the power to exercise control over industry members . . . [it] could create the suspicion of improper political influence. . . ."[15]

To saddle the administration of restraint of trade and consumer protection legislation with these weaknesses of the single administrator, and to deprive the agency of the advantages inherent in the collegial form, can only be justified if one believes that these acts are less vital to the public interest and susceptible to political pressures than is the work of the Federal Communications Commission. I do not believe this.

Congress, in creating the five-member Federal Trade Commission, obviously believed that the function it was to perform was far too important to be entrusted to a single individual answerable either to the executive or to the legislative arm of the government. The idea of an agency having five members with staggered terms of office was not only to insure a continuity of expertise in the field of trade regulation, but to insure the independence of the agency. And to make the agency as non-partisan as possible, Congress specifically provided that not more than three of the Commissioners were to be members of the same political party. This was a reflection of Congress' belief that the Commissioners "should be removed as far as possible from political influence. It will be far safer to place this power in the hands of a great independent Commission that will go on while administrations may change."[16]

The Act, as originally drafted, provided that the Commission should choose a chairman from its own membership. This function, however, was later transferred to the President by Reorganization Plan No. 8 of 1950. Under this plan, there were also transferred from the Commission to the Chairman of the Commission, subject to certain limitations, "the executive and administrative functions of the Commission, including functions of the Commission with respect to (1) the appointment and supervision of personnel employed under the Commission, (2) the distribution of business among such personnel and among administrative units of the Commission, and (3) the use and expenditure of funds." This is sufficient authority and responsibility to confer upon a single individual.

The Ash Council Report, primarily in the name of efficiency, would eliminate the safeguards created by Congress to preserve the independence of the agency by granting to a single administrator who would serve at the pleasure of the President virtually all of the powers now vested in the five-member board. It is at best debatable whether an agency headed by a single administrator would be more efficient or more effective than the present collegial form of administration. But of one thing I am certain—there is no reason to believe that there is less need today for a truly independent agency to regulate interstate trade practices than there was when the Federal Trade Commission first came into being.

FOOTNOTES

[1] Heilbroner, *The Worldly Philosophers*, 22 (1953).

[2] Smith, *The Wealth of Nations* (1776) (Modern Library Ed., 1937).

[3] Marx, *Das Kapital* (1867).

[4] See Moody, note 4 at XI (207–208, 453–477).

[5] Heilbroner and Bernstein, *A Primer on Government Spending*, 67 (1963).

[6] *Standard Oil Co.* v. *United States*, 221 U.S. 1 (1911).

[7] XVI *Messages and Papers of the Presidents*, 7913–7918.

[8] 38 Stat. 730. 15 U.S.C. 12. Amended and enlarged by Robinson-Patman Act, June 1936, 49 Stat. 1526, 15 U.S.C. 13; amended by Celler-Kefauver Act, Dec. 29, 1950, 64 Stat. 1125, 15 U.S.C. 18.

[9] 38 Stat. 717, as amended, 15 U.S.C. 41.

[10] Sec. 5 of the FTC Act, 38 Stat. 7.9. This provision was amended by the Wheeler-Lea Act of 1938, 52 Stat. 111, 15 U.S.C. 45, to prohibit "Unfair acts or practices as well."

[11] 47 Cong. Rec. 1227, 62nd Cong., 1st Sess. (1911).

[12] The Administrator of the Federal Trade Practices Agency would "be empowered to promulgate rules and regulations, prosecute violations of agency statutes, review within 30 days, on his own motion, determinations of hearing examiners for consistency with agency policy and manage staff and budgetary matters." The Administrator would also delegate authority to field offices to handle consumer protection cases, and would also coordinate field activities and take part directly in those cases which affect nationwide consumer interests.

The Federal Antitrust Board would have no adjudicatory functions. The Chairman of this Board would possess much the same authority as a single Administrator.

[13] 29 *Fed. B.J.* 267 (1970).

[14] *Id.*, at 279.

[15] *The President's Advisory Council on Executive Organization, A New Regulatory Framework* (1971) at 116–118.

[16] Sen. Rep. No. 597, 63rd Cong., 2nd Sess 11 (1914).

HEARINGS ON COMMAND RESPONSIBILITIES FOR WAR ATROCITIES IN VIETNAM

Mr. SEIBERLING. Mr. Speaker, today we held the first in a 4-day series of ad hoc public hearings on command responsibilities for war atrocities in Vietnam.

I want to commend our colleague, Congressman RON DELLUMS, from California, who initiated these hearings, and who is acting as chairman.

This forum is necessary because, to date, despite requests from a number of Members of Congress, including myself, there have been no official hearings.

The central question to which this series of hearings must address itself is simply stated by Telford Taylor, chief counsel for the prosecution at the Nuremberg Trials, in his book "Nuremberg and Vietnam: An American Tragedy." I would like to quote one key paragraph from that book:

> The 1956 Army Manual provides explicitly that a military commander is responsible not only for criminal acts committed in pursuance of his orders, but "is also responsible if he has actual knowledge, or *should have knowledge*. . . . that troops or other persons subject to his control are about to commit or have committed a war crime *and he fails to take the necessary and reasonable steps to insure compliance with the law of war or to punish violations thereof*." (*emphasis added*)

The purpose of these hearings is not to try to discredit our military services, but, first, to determine whether there were widespread violations of the law by the American military with respect to the treatment of civilians and prisoners, and, if so, to pinpoint responsibility for such violations.

Neither the military services nor the Nation should have to face the world under a cloud of suspicion. The best way to prevent this is to get the facts, and to take whatever action is necessary to correct the deficiencies which may have led to such violations.

One of the most shocking and depressing aspects of the disclosures of German atrocities immediately after World War II was the fact that so few citizens in that great nation raised their voices in protest—or even took pains to learn the truth.

This is understandable in a people living under the iron grip of a totalitarian regime. It is unthinkable in a humane and civilized democracy.

We must know the truth before we can deal effectively with our Nation's problems.

All Members of the House and the Senate have been invited to participate in these hearings, and I am hopeful that many will take time out to hear the testimony and ask questions.

As Telford Taylor points out in a particularly thoughtful article in a recent Life magazine· the Calley court-martial is not the end of the story. Rather it "certainly should be the beginning of a painful but necessary course of national self-scrutiny."

I recommend Professor Taylor's article to my colleagues, and ask that it be printed in the RECORD, at this point:

JUDGING CALLEY IS NOT ENOUGH

(By Telford Taylor)

(NOTE.—Telford Taylor, an eminent authority on international and criminal law and a retired brigadier general, is now a professor of law at Columbia University. His Nuremberg and Vietnam: an American Tragedy is a study of the conduct of the Vietnam war.)

Long before the case against Lt. William L. Calley Jr. was given to the jury of six officers at Fort Benning, it was apparent that his trial, and other official proceedings in the wake of Mylai, had exposed glaring faults in our system of military justice, and would leave unanswered some dark questions about our conduct of the war in Indochina.

The jury's verdict—finding Calley guilty of premeditated murder and sentencing him to life imprisonment—did little either to redeem the faults or answer the questions. Calley's conviction did establish that the Mylai killings were a violation of the Army's "Laws of Land Warfare," but there had never been much doubt about that. There was virtually no dispute at the trial about the circumstances in which the defenseless and unresisting villagers were cut down, and an acquittal would have been a virtual avowal that American troops are no longer bound by the Hague and Geneva conventions or their own "Rules of Engagement" in Vietnam.

Courts-martial do not write opinions explaining their decisions, and one can only speculate on the jurors' thoughts during the 13 days that they pondered the matter, and the reasons why they convicted Calley of premeditated murder—the most serious crime of which he was accused—rather than the lesser offenses of unpremeditated murder or manslaughter that were available to them.

To the eye, the jury was a remarkably homogeneous group—three of them with "white sidewall" cropped heads, all of them solemn and stiffly military. None of them was a West Pointer, all were "Mustangs" commissioned from the ranks, and all had had combat experience. The only college graduate was the president of the court, Colonel Clifford Ford, who is in his 50s and served in Europe during World War II and in Korea. The others, four majors and a captain, were all in their 30s and veterans of Vietnam. All six jurors were and are now instructors at Fort Benning, and for all of them the Army is their career, their livelihood and their pride.

One wonders how far that pride was shaken as they heard Platoon Commander Calley testify that he could recall nothing about his instruction in the laws of war, that his official indoctrination about the Vietnamese people was "to suspect everyone" and to "put out of mind the World War II and Korean concept of giving candy and chewing gum and things to the children," that he was not "curious" about what his men were shooting at as they went through Mylai, and "made no inquiry" because he didn't "think in terms of men, women and children," that he was under constant pressure from his superiors to report "high body counts," that it was the "policy" of his task force to drive civilians in front of an advancing line to clear mine fields, and that he had not told his company commander about the shootings in the village because "there wasn't any big deal."

If none of this was much to Calley's credit, it certainly raised a strong possibility that the guilt was not his alone. General Westmoreland, the responsible commander in Vietnam at the time of Mylai and now Chief of Staff of the Army, has described Mylai as "an aberration in the system," and it is true that no deliberate slaughter of comparable proportions has come to public attention. But Calley's testimony—largely uncontradicted—indicates grave deficiencies of training and discipline in Vietnam that would go far to explain how a Mylai could "happen."

The testimony of Calley's company and brigade commanders, Captain Ernest L. Medina and Colonel Oran Henderson, was scarcely less damaging to the Army high command. Flanked by attorneys F. Lee Bailey and Melvin Belli, the two officers, whose appearances had been specially requested by the jury, were the last witnesses in the four-month trial. Both testified that the troops at Mylai were woefully undertrained, and Henderson admitted that he had given them no instructions for the handling of prisoners. Medina, the senior officer on the ground at Mylai, had exercised no effective control of his company, could not say whether his shouted command had ordered or had been a futile effort to prevent the admitted shooting a small boy, and freely acknowledged that he had covered up the massacre because of "the disgrace that was being brought upon the Army uniform," and to protect himself and his family.

Calley and a number of his men testified that Medina gave orders to kill all the villagers, including men and children. Medina flatly denied this, and sought to put the major blame on Calley. The issue is of some relevance in assessing their personal responsibility, but is not fundamentally important. Such an order would be so flagrantly in violation of the laws of war, to say nothing of common humanity, that Calley could hardly have taken it as seriously intended unless it was in keeping with his prior military experience. If it was in keeping, he might well have done as he did without any explicit instructions from Medina. If not, the order should at least have puzzled and disturbed him, which plainly was not the case.

That is why the jury's verdict of premeditated murder, calling for a mandatory sentence of death or life imprisonment, is opaque as well as harsh. Did the jurors disbelieve or choose to disregard the voluminous testimony that Calley's platoon had been ordered or encouraged by what they had observed in Vietnam to behave as it did? Or did they hold the lieutenant responsible for the sins and shortcomings of his superiors? The first conclusion is insupportable, the second ignominious, and the ambiguity is itself a grave defect in the judgment rendered. Inevitably, it will be said on all sides, if for various and contradictory reasons, that Calley has been made a scapegoat.

"Nuremberg has come back to haunt us" will be the cry of many who disdain the laws of war as futile and their enforcement as hypocritical, and regard the Nuremberg trials either as a victor's bloody vengeance or as a folly perpetrated by misguided liberals of the New Deal era. For them the Communist foe in Vietnam is so ruthless and treacherous that Mylai is to be condoned if not justified, and Calley was just an American boy fighting for his country and doing what he was told to do, who should have had a medal instead of a court-martial. But those who so express themselves are sadly misinformed, and blind to the practical as well as the moral factors. The laws of wars are centuries old, and have been part of the U.S. Army's written code of conduct since 1863. They have been enforced by courts-martial or military commissions throughout our history—against Major John Andre during the Revolution, and against Captain Henry Wirz of Andersonville infamy after the War between the States. The Calley trial is not the first time that the Army has sought to enforce these rules against one of its own officers: in 1902 Brig. General Jacob Smith was brought to trial on the charge that during the Philippine fighting against Aguinaldo he had given orders, comparable to those attributed to Captain Medina, to kill all the inhabitants of Balangiga. During World War II, and long before Nuremberg had been conceived, the Army Judge Advocate General had made extensive plans for war crimes trials in Germany, Italy and Japan. If the Nuremberg trials had never occurred, therefore, the events at Mylai would nonetheless raise the same issues that now confront us.

Nor is history the only determinant. The laws of war are not the creation of sentimental civilians but of military men, and their purposes are practical as well as moral. Quite apart from the human benefits of limiting, so far as possible, the carnage of war, military efficiency requires a disciplined awareness that soldiers are not licensed to kill indiscriminately, but only as a part of a military operation. A reign of terror against civilians will turn the population against the occupation troops and make their tasks the more difficult. Soldiers allowed to plunder and murder will become the less useful for military purposes, and if they lose respect for human life, will be the more ready to assault each other or their officers—as is currently reported to be happening in Vietnam. An army that shows no consideration for the prisoners of war must expect that its own men will be mistreated if taken by the enemy.

Today, with waning enthusiasm for the Indochina war and a declared policy of withdrawal, public and official concern alike have focused on the hundreds of American prisoners held by the North Vietnamese. Their mistreatment has been widely deplored, and their eventual safe return is an important part of any peace settlement. Those who scoff at the laws of war might well ponder the fact that but for those laws there would be no legal obstacle to the prisoners' being publicly boiled in oil in Hanoi. Alfred P. Chamie, national commander of the American Legion, has rightly condemned the North Vietnamese for their open disregard of the Geneva Convention requirements for the treatment of prisoners. Sound as these strictures are, and disgraceful as the conduct of the North Vietnamese may be, our protests would ring hollow indeed if by condoning Mylai or other transgressions of our own, we were to discredit and undermine the force of those very laws of war on the observance of which the survival of the American prisoners depends.

Thus, the trial of Lieutenant Calley was a practical, legal and moral necessity and, given the uncontroverted evidence, his acquittal would have been a disaster. It does not follow, however, either that his conviction of premediated murder instead of a lesser offense is a just verdict, or that the judgment of the court-martial is the end of the story. On the contrary, it may and certainly should be the beginning of a painful but necessary course of national self-scrutiny.

Justice, as reflected in the penalties courts impose, must have a comparative as well as an absolute dimension. None of the enlisted men of Calley's platoon have been or will be convicted for their part in the Mylai killings. Of his superiors, only Captain Medina has been charged with a share of the guilt. To dismiss Mylai as an "aberration" for which Calley, or Calley and Medina, are alone responsible is a transparent effort, unworthy and futile, to sweep under the rug the question of our conduct of the Indochina war and its consequences. Apart from Calley's own testimony, his counsel made no real effort to portray, as mitigating circumstances, the smell and temper of the Indochina war—the attitude toward civilians fostered or tolerated by those responsible for training and leadership, the disregard of human life and property signified by search-and-destroy missions, free-fire and free-strike zones, and relocation programs, and the massive area bombardments by B–52s: the defense lawyers' failure to explore these areas, whether or not a mistake, may well have been a calculated omission. For a full inquiry into the combat practices prevailing in Vietnam would have put the Army system of command on trial, and might have deeply antagonized the jury of career officers.

Such is the weakness of a military court-martial where in killings are sought to be justified as an incident to military operations. And the lawfulness of the operations themselves is thus called into question. Loyalty to colleagues and superiors and anxiety about future promotion are pressures bound to be felt by a military jury confronting issues that deeply affect the morale and integrity of the service as a whole.

The post-Mylai experience has disclosed other serious problems of military justice. By the time the story was flushed out of the recesses where it had been hidden, many of the soldiers who participated in the killings had left the service. Under a 1955 decision of the Supreme Court, these men could not be tried by court-martial. It is possible that they could have been tried by special military commissions, but there were doubts and difficulties, and no such efforts were made. One of them, Pvt. Paul Meadlo, had made a virtually full confession on a TV program witnessed by millions. He then was called to testify at the trial of Sgt. David Mitchell, but invoked his Fifth Amendment privilege against self-incrimination. One can readily conjecture the effect of this spectacle on the jury that tried Sergeant Mitchell. Assuming that Mitchell shared the guilt, why should he suffer if Meadlo was to go free? Here is a jurisdictional defect which has long been apparent, which Congress and the President should have acted to correct.

Another serious deficiency disclosed in the wake of Mylai lies in the procedure by which charges are brought, particularly against high-ranking officers. Embarrassed or worse by the long period of time between the Mylai killings and their disclosure, the Secretary of the Army initiated an inquiry into the reasons and responsibility for the cover-up, which was conducted by Lt. General William R. Peers and a specially appointed civilian lawyer, Mr. Robert MacCrate. After intensive investigation, the Peers-MacCrate commission concluded that the cover-up had been the result of "dereliction of duty" and "false swearing" and recommended that charges be brought against those responsible. Before publication, the Peers-MacCrate recommendations were reviewed by a separate group of officers. The published report listed 14 officers to be charged, including the divisional commander, deputy commander and chief of staff, as well as the brigade commander and others. Under Army judicial procedure, however, charges are actually brought by the accused's superior who convenes the court-martial. This proved to be Lt. General Jonathan O. Seaman, commander of the First Army at Fort Meade, where most of those accused in the Peers-MacCrate report had been temporarily assigned. In the upshot, General Seaman dismissed the charges against all but one of the officers accused in the Peers-McCrate report, and accordingly only the brigade commander, Colonel Oran Henderson, will stand trial.

There appears to be no reason why a decision to prosecute, made at the departmental level, should be subject to the veto of a field commander. Furthermore, there are grave drawbacks to a system under which charges against senior officers are required to be brought by others of comparable age and rank among whom there has been close acquaintance and professional association extending over many years. What appears to be needed is an independent military legal department, comparable to the Department of Justice, within which would lie the authority to prosecute, subject only to review by the Secretary of the Army.

These procedural matters, important as they are, pale into insignificance in comparison to the deep and urgent need for a dispassionate, thorough inquiry into our conduct of the war. Mylai may have been unique in its size and quality, but it was not an aberration. Rather it was a symptom of disease, and the disease itself was the product of our decision to fight guerrillas with massive fire power brought to bear on the ground and from the air in such circumstances and which such force that enormous civilian casualties and the reduction of millions to a miserable refugee existence were the inevitable consequences.

It is high time that the people of the United States squarely face the human consequences of their Vietnam venture. The criminal aspects of these activities must not be blinked, but they are only a small part of the problem. Calley's conviction, necessary as it was, will do nothing to alleviate the sufferings of the maimed and homeless Vietnamese, and there is danger that the severity of the judgment pronounced at Fort Benning may deflect public attention from our national responsibility to repair, as far as possible, the carnage in Indochina that has been wrought in the name of America.

GUN CRIME SENTENCES

Mr. HOGAN. Mr. Speaker, in January I introduced a bill, H.R. 1346 to strengthen the penalty provisions of title 18 of the United States Code which apply to a Federal felony committed with a firearm. Very simply, the bill would prohibit suspension of sentence or probation in any case where an individual is convicted of such an offense. At present, both are possible on a first conviction.

In 1969, according to statistics compiled by the Federal Bureau of Investigation, out of 11,318 homicides in the country 65 percent were committed with a firearm; 24 percent of the 306,420 aggravated assaults reported that year involved use of a gun, along with 63 percent of all armed robbery. Of course, these are mostly crimes falling under the jurisdictions of the States, but a number of them—especially the bank robberies, U.S. post office robberies, and assaults on Federal officers—are Federal offenses.

The direct impact of the existing statute, and of my amendment, is on the Federal felon, as a matter of course. However, the secondary effect—the establishment of a general attitude toward gun crimes and the influence of Federal legislation on State legislatures—are probably of greater importance. Certainly, anything we can do on the Federal level will be beneficial if it serves as a warning to the gunwielding criminals of this country that they will be dealt with severely.

The statute which my bill would amend—section 924(c) of title 18—was enacted as a part of the Gun Control Act of 1968. It provided for a 1- to 10-year term of imprisonment for a first time offender and a 5- to 25-year term for a person convicted a second or subsequent time. It prohibited probation and suspended sentences only for the man convicted more than once.

Last year, a title of the Omnibus Crime Control Act of 1970—Public Law 91-644—amended section 924(c) to bar the concurrent service of a term of imprisonment imposed by the section with the one imposed for the underlying felony. This was very definitely a step in the right direction, repairing a serious weakness in the original statute. However, we should now be ready to take the final step in tightening up this law by denying suspended sentences or probation to any of the people convicted under the section.

I submit that any man who carries a gun during commission of a felony does so with absolute premeditation and with a willingness to use that gun to wound or kill if necessary. For such a man I do not think it matters whether he has been convicted of the same offense previously. It is just as serious the first time.

Mr. Speaker, we still hear proposals for such draconian laws as universal gun owner licensing, universal registration, and even outright prohibition of the private ownership of handguns. A certain segment of the American public seems to relish the thought of any measures which will annoy or restrict the hunters, sportsmen, and other law-abiding gun enthusiasts. I suggest it is time to stop pandering to this group. If the House is really interested in gun control, it should pass my bill, H.R. 1346.

STRIP MINING: WORKERS AND ECOLOGY

Mr. SEIBERLING. Mr. Speaker, Congressman KEN HECHLER, of West Virginia, has introduced a bill to abolish the strip mining of coal which I, with more than 70 other Members of Congress, have cosponsored.

There is no question in my mind that Congress must take responsibility for seeing that our natural resources are no longer abused and exploited for the profit of a very few. Therefore, I believe the approach of the Hechler bill is absolutely correct.

But, in taking such a step, Congress must also accept responsibility for the men and women who depend on strip mining for their livelihood.

According to the latest statistics from the U.S. Bureau of Mines, nearly 25,000 people in this country are involved in strip mining, either as miners, or as supervisory or technical personnel.

This week, I plan to introduce a bill to provide special assistance to workers who are unemployed because of the abolition of strip mining. That assistance, based on the adjustment program of the Trade Expansion Act of 1962, will include cash payments, retraining, relocation allowances, and special consideration in obtaining jobs for strip miners in areas for which they are particularly well trained, such as reclamation of strip mined land, and heavy construction.

In a case like the strip mining of coal, where an entire industry must be eliminated for environmental considerations, unquestionably Congress owes to the workers in that industry special consideration and assistance in rebuilding their lives.

Fortunately, the strip-mining problem is not the usual case. In most instances, industries can produce their product without fouling the environment, and they can afford to clean up their manufacturing process without going bankrupt. The cries of many companies that compliance with environmental laws and regulations will cost workers their jobs is a form of blackmail that cannot be tolerated. The fact is that, for most industries, the cost of cleaning up represents a very small fraction of their total profit.

In the Sunday Washington Post Outlook section, former Interior Secretary Udall and Jeff Stansbury have written an informative article on the question of reconciling the demands of the workers and the demands of a healthy environment. I recommend the article to my colleagues and include it in the RECORD at this point:

SELLING ECOLOGY TO THE HARDHATS

(By Stewart Udall and Jeff Stansbury)

(NOTE.—Udall, Secretary of the Interior in the Kennedy and Johnson administrations, now heads an environmental consulting firm called Overview. Stansbury was managing editor for the Population Reference Bureau from 1968 to 1970, when he and Udall began writing a twice-weekly column for the Los Angeles Times Syndicate.)

"The working people of this nation are not at war with ecology," Sen. Henry M. Jackson (D-Wash.) angrily declared after Congress grounded the SST, "but some people are mistakenly attacking them in the place where they work."

There was a certain irony in this, since on the one hand Sen. Jackson's constituency includes the thousands of Boeing aircraft workers in Seattle, and on the other his credentials as an environmentalist are excellent—it was Jackson who authored the landmark National Environmental Policy Act.

Yet the senator put his finger on a problem for the motley coalition of ill-financed conservationists and ecoactivists who dumped the SST: If they are to go on winning battles, they must develop a strategy that will gain support, not hostility, from working men, and to do this they must convince them that they are not destroying their means of livelihood.

This problem for environmentalists is sharpened by what often appears to be a tacit unity between management and labor when faced with an ecological campaign that could conceivably close down a factory. Some corporations and their allies are warning that the fight for clean air and clean water will cost workers their jobs.

As a result, some unionists have unleashed strong attacks on environmentalists. Writing in Clear Creek, a new environmental magazine, labor lawyer Joe McCray asked rhetorically: "Why suddenly are all of the intellectuals, the professionals and the technocrats asking for crash programs to stop pollution? It is obvious. The noxious excretions of production, the chaotic disregard of human needs in our system, are touching and affecting the world of the new ruling class. The professor's hyacinths are dying . . ."

McCray's old boss, longshoremen's chief Henry Bridges, is much more blunt. "The ecology movement is obviously antiworker, first of all because it is a product of the ruling class. It recognizes no obligation to the worker."

INDUSTRY'S WEAPON

Clearly the "ecologists-are-antiworker" argument has a strong demagogic appeal. It feeds on the growing number of incidents in which companies seek to thwart environmental reforms by closing down or brandishing the Damocles sword of unemployment over workers' heads. Examples:

In January, Union Carbide announced it would lay off 625 workers at its Marietta, Ohio, plant if the Environmental Protection Agency (EPA) imposed strict air pollution controls.

While steelworkers jammed the galleries, the Maryland Senate recently scrapped a bill that would have discouraged the use of no-return beverage cans in favor of returnable bottles. The bill's sponsor attributed its defeat to a "strange marriage of labor and management."

Olin Corp., which employs most of the work force in tiny Saltville, Va., is shutting down its soda ash plant because it apparently cannot meet the state's new water pollution standards. Long a marginal enterprise, it will leave 650 men and women without work.

In Selby, Calif., a notoriously dirty American Smelting and Refining Company (ASARCO) plant has met cleanup orders by shutting down. The corporation is threatening similar action in Tacoma, Wash. For the moment, ASARCO's stance has won the support of its Tacoma workers, but they are growing restive in their role as pollution pawns.

Charging that 6,700 men would lose their jobs, the West Virginia Surface Mine Association recently helped kill legislation to outlaw strip mining throughout the state. The ban was sought by Secretary of State Jay Rockefeller, who was unceremoniously told off by one worker: "You've honestly never had to look for a job."

U.S. Steel, which has major plants in Birmingham and Duluth, has warned Alabama and Minnesota pollution control agencies to ease up if they want the company and its jobs to stay put. In Birmingham the company has won long extensions of its cleanup deadlines; in Duluth it has extracted more modest delays.

Three weeks ago EPA ordered Pfizer Chemical Co., which manufactures nearly half the nation's penicillin at its Groton, Conn. plant, to stop dumping fibrous and nitrogenous wastes into Long Island Sound. Plant manager Stanley Emsminger swiftly put the jobs of his 2,500 workers on the line. "We will not be able to continue to produce under these conditions," he said.

"An industry's first response to environmental orders is often to create a job scare," says Norman Cole, head of the Virginia State Water Pollution Control Board. "It tries to bluff its union and its congressmen into calling off the dogs. If companies spent as much time and ingenuity cleaning up as they do stalling, the whole country would be better off."

Men like Cole, who deal with recalcitrant polluters in the political arena, know the evidence does not support most threats of environmentally caused plant shutdowns. Except for marginal firms which would soon be closed down anyway, cleanup orders almost never provide an economic justification for laying off workers or boarding up whole plants.

"Air pollution controls cost so little it's pathetic," says Ben Linsky, former environmental official in Michigan and California. "They would add only one cent to the price of an automobile tire and tube and less than two dollars to the price of a ton of steel. I see no justification whatsoever for industry's claims that environmentalists are driving it out of business."

One government estimate is that cleaning up air and water pollution would raise industry's capital investments by only about 2 per cent, and the Council on Environmental Quality has calculated that to control all of the major air pollutants would cost U.S. industry less than 1 per cent of the worth of its annual production. Yet business executives often camouflage the real economic and technological facts.

An example of this was Union Carbide's threat to fire 625 workers in Marietta, Ohio. Air pollution cleanup orders from EPA, the company alleged, made such a move necessary because neither the requisite technology nor the requisite low-sulfur, low-ash coal could be found in time to meet EPA's deadlines. Calling Union Carbide's tactics "blackmail," Ralph Nader and four public interest groups charged that plenty of high-grade coal was available but that Union Carbide preferred to use cheap, dirty coal from its own strip mine. Sen. Edmund Muskie then announced his air and pollution subcommittee would investigate this charge. The Oil, Chemical & Atomic Workers (OCAW) sharply rebuked Union Carbide and EPA refused to give ground. Shortly thereafter, Union Carbide backed down and said it never intended to use its workers as hostages.

Union Carbide is a thriving international corporation, not a tottering, underfinanced local industry. Last year its sales totalled $3.03 billion and its profits $157.3 million. Some polluting companies, of course, are not so fortunate, and a few of them are hanging on for dear life. Even so, they cannot fairly claim that environmental controls rank at the top of their list of woes. "Any plant so marginal that a small addition to its costs threatens a shutdown is probably being carried on faith credit and has been sick for a long time," says Linsky. "It is already on the verge of collapse."

Marginal plants that can stay in business only if they pollute—enjoy a hidden subsidy—the public's sacrifice of its health and environmental values. When the owners of such plants finally do close them down, they often blame the loss of jobs on environmentalists as a tactic designed to buy time for dirty plants in other communities.

CALLING THE BLUFF

The relatively low cost of pollution controls is only one reason why industry's job threats are usually a bluff. Most plants have a compelling reason to stay where they are—tax laws are often lenient, prime markets and raw materials are near, or the right kind of work force is available. Thus, though the enforcement of pollution laws varies from state to state, only a few well-heeled companies can afford to seek temporary "pollution shelters" by crossing state lines. They will be even less able to do so as the national standards written into new laws take hold.

Recently, in Ticonderoga, N.Y., the managers of an International Paper Company mill threatened such a move and tacitly won the union's support in resisting a state air pollution order. Pulp and paper workers are highly skilled, however, and not easily replaced. When they realized that International Paper could not move without them, their support waned. International Paper reluctantly stayed in Ticonderoga—and cleaned up.

Similarly, ASARCO has threatened to pull out of Tacoma if forced to meet deadlines set by the Puget Sound Air Pollution Control Agency. But ASARCO gets its copper ore from the Philippines and obviously must remain near the Pacific Coast. Oregon has served notice that it doesn't want a dirty smelter, and neither does California. ASARCO may draw a reprieve from state pollution officials, but even if it doesn't it will probably stay in Tacoma—and clean up.

Economic realities such as these are beginning to get the attention of alert union officials. It takes no little courage for them to call a company's job bluff, especially in a time of high unemployment. But there are already signs that the United Auto Workers, United Steel Workers, Teamsters, and OCAW are withdrawing from industry's coercive embrace on the job issue.

"I don't see how a work force and a community can accept the kind of desolation that results from an operation such as the mine and smelter in Anaconda and Butte, Montana," says Teamster Vice President Einar Mohn. "It seems to me that even if this operation is the only means of making a living, it just isn't worth the resulting barrenness."

The Teamsters, of course, do not work the smelters, but OCAW chief A. F. Grospiron speaks for his own men when he says: "Our members just aren't going to be forced into fighting the EPA." More flatly, OCAW official Robert Palmer declares: "Our union wants to stop pollution with controls even if it means lost jobs. If a plant can't clean up after a reasonable period it should close down. What good are jobs if you can't drink the water and catch fish any more?"

Such labor leaders are buoyed by more than courage or a public relations sixth-sense. They also know that ecological controls and environmentally sound programs create far more jobs than they abolish. Hindsight is always an easy exercise, but if, for example, President Johnson had opted in 1965 *not* to build the SST and to spend the same $800 million designing and subsidizing the air cushion train, he would have promoted a largely pollution-free new industry that today would employ tens of thousands of industrial and construction workers.

Creation of waste-recycling industries would likewise mean more, not fewer, jobs, and so would across-the-board pollution controls on all our manufacturing industries. Clearly, no group has a bigger stake than labor on balancing our priorities—a fact AFL–CIO chief George Meany may have overlooked when he launched his last-ditch campaign to save the SST.

Nevertheless, the environmental job issue has an irreducible hard core and cannot be dismissed. Marginal plants *do* close down under antipollution orders (especially when they are owned by large conglomerates), and small businesses *do* give way to impersonal, multiplant corporations. In these shifts the worker is often caught in a ruthless squeeze between industry's thirst for profits and society's demands for environmental reforms.

Furthermore, many workers *are* intimidated by dishonest job threats. "They tend to believe what the company says," observes Minnesota Air Quality Office engineer Tibor Kosa. "And why not? No one tells them the real economic facts. In Minnesota not even the state government can tell a plant to disclose the economic bases for its shutdown decision."

Small wonder, then, that some workers feel they are being unfairly asked to bear the heaviest burden of environmental reform. This belief is encouraged by industry spokesmen and demagogic politicians who misrepresent the issues and gloss over the true economics of environmental controls. Of equal weight in the worker's psychology is his basically accurate perception—oversimplified to be sure—that most environmentalists come from a different social climate than his own and do not always understand his predicament.

Yet despite misunderstandings between workers and environmentalists, at bottom their interests and enemies are the same. If the worker thinks he is merely a pawn on somebody else's ecological chess game he is deceiving himself, for he stands to gain immeasurably from the environmental thrust toward more liveable cities, cleaner beaches, purer air, more abundant wildlife and a healthier world for his children.

Just as emphatically, the environmentalist is deceived if he thinks he can control industrial pollution without winning the trust and protecting the health of the men and women who labor at its source. There is some hard truth in McCray's onesided charge that 'the style of the ecology movement has time and again demonstrated contempt for the working class and unions." McCray adds: "To the extent that the recent ecology movement is an upper- and middle-class phenomenon—seeking protection for the middle-class environment, avoiding the burdens of pollution control, disregarding the working class—then it cannot enlist the trade unions in its cause, and in fact incurs the enmity of labor."

But this is only a fragment of the truth. Increasingly, younger labor leaders realize that most workers live near their plants in some of the worst urban neighborhoods, and that the very poisons environmentalists hope to remove from the outside community do their greatest damage inside the blue-collar workplace. For these reasons, the industrial worker stands to gain more than anyone else from the ecology movement.

Who, then, is really attacking the worker in his workplace? It is not the environmentalists, as Sen. Jackson charges, but those corporate managers who would prolong industry's license to pollute.

Though most environmental groups and unions do not fully realize it, their paths are slowly concerging. Neither can go very much further in the pollution fight without the other. And if society truly wants a decent environment, it can go nowhere without both of them. "Only through the politics of coalition," says UAW President Leonard Woodcock, "can we solve the desperate social problems this country has."

CONVERGING INTERESTS

The first signs of an emerging community of interest are now visible. The OCAW refused to back the SST. It is educating its workers on inplant pollution, calling upon public interest lawyers and the medical profession for help. With the United Automobile Workers (UAW) and other labor allies, it has joined and sometimes led the fight for pollution controls—though seldom receiving much credit for its efforts. Both the OCAW and UAW have also moved cautiously (and without much early success) to lay such controls on the table at contract negotiating time.

Environmentalists, for their part, helped students in five states support the UAW strike against General Motors last fall. Environmental Action, Inc., while focusing most of its energies on the markup of the 1970 Clean Air Act, also lobbied for the equally important Occupational Health and Safety Act; this young organization remains the most philosophically attuned of all national environmental groups to the needs of workers. A close cousin, Environmental Health Programs, Inc., is now building momentum for an attack on workplace pollution and is bringing together union officials, environmentalists and medical experts for this campaign.

These are small beginnings at best, but they may foreshadow a powerful ideological convergence of workers and environmentalists. In the immediate future, if the jobs-environment crunch is not to generate needless mistrust between the two groups, basic remedies must be applied. We have talked with many people in conservation, public interest law, unions and Congress about the problem. Here are some of their recommendations:

Unions should put pollution controls high on their list of contract negotiation priorities. The legal basis for negotiating occupational health issues is clear, though the subject has elicited widespread union concern only in the last few years. The legal basis for labor negotiations over community pollution is not as clear, but it must be explored because workers normally live within the zone of heaviest pollution surrounding their plants.

Congress should enact uniform national emission standards for all industries and link them to the highest available technology, not to the assimilative capacity of airsheds and watersheds or to the unfortunate state stream classification system. Putting all polluters on equal footing will make it impossible for states such as Maine and Alabama to serve as pollution shelters for companies trying to escape controls elsewhere.

Congress should also pass legislation forcing companies to disclose the full economic data supposedly supporting their shutdown threats or decisions. In Tacoma, ASARCO claims it would have to spend an intolerable $33 million to meet the state's new standards for sulfur oxide emmissions. But how much would the company gain in state and federal tax credits, depreciation allowances and the sale of liquid sulfur dioxide from the recovery process? ASARCO doesn't say.

If a company can demonstrate that environmental controls forced it to shut down, the government should compensate its workers for 52 weeks, with the term being extended by 13 weeks for workers over the age of 60 and by 26 weeks for workers enrolled in approved retraining courses. Two strong precedents for such compensation are the Interstate Commerce Act, recently used by Labor Secretary James Hodgson in awarding benefits to workers whose jobs were sacrificed by the shift to the new Railpax passenger system, and the Trade Expansion Act, recently used by President Nixon to compensate, retrain and relocate unemployed shoe industry workers.

Congress should enact the McGovern-Mathias job transition bill and the Nelson and Daniels public works job bills; they would put thousands of people to work on environmentally useful projects.

Finally, environmentalists and unions should launch an all-out attack against the workplace pollution which threatens the health of millions of blue-collar employees. The chronic disease rate among these men and women is tragically high. If they can be protected from further industrial poisoning, the communities near their plants can be protected, too.

The logical and potentially powerful links between the interests of the public, the worker and the environmentalist are rightly viewed by some industrialists as a threat to their own excessive power. Will this new coalition work, though? There are hopeful omens in current and recent controversies. When ASARCO closes down the last wing of its Selby, Calif., plant next month rather than clean up, it will throw the last of 800 men out of work. One of them is Steven Pine, a 35-year employee who has seen the plant poison its surroundings and sicken its workers. Of the imminent shutdown he says: "They're doing the men a favor."

And in Seattle, a young Boeing worker with six children and unemployment staring him in the face contemplates the Senate defeat of the SST. Vincent Tricola hoped the airplane would be spared, of course, but he concedes: "We need it like a hole in the head."

TAKE PRIDE IN AMERICA

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

Born on an Oklahoma Indian reservation in 1925, Maria Tallchief danced with the Paris Opera Ballet and the Ballet Russe de Monte Carlo, and became prima ballerina of the New York City Ballet Company at the age of 23.

WILD MUSTANG LEGISLATION

Mr. HOGAN. Mr. Speaker, as a lover and owner of horses, I was particularly impressed when the plight of the wild mustangs came to national attention. Soon after, I cosponsored legislation introduced by my colleague from Maryland (Mr. Gude) that would protect these animals. I am pleased that the Subcommittee on Public Lands scheduled and held an early hearing on this problem and I took that opportunity to make my views known to the committee members. At this point I would like to insert in the Record my statement to the Subcommittee on Public Lands regarding H.R. 5684:

Statement of Hon. Lawrence J. Hogan

Mr. Chairman and Members of the Committee, one of our most cherished symbols of freedom is in danger of being squeezed out of existence. I am referring to the free-roaming horses and burros that struggle for survival in the remote, wild mountains and deserts of our western states. Unless Congress comes to their rescue by passing legislation to provide adequate protection, I fear that the wild horse in America will soon become only a nostalgic memory.

It was for this reason, Mr. Chairman, that on March 8, 1971, I introduced H.R. 5684, as a co-sponsor with my colleague from Maryland, Congressman Gude, and other Members. This bill recognizes the few remaining wild horses and burros as an important part of our national heritage and authorizes the Secretary of the Interior to control, manage, and protect them on public lands. The Secretary would also be authorized to establish special ranges for these endangered animals. The bill further provides that the Secretary would be authorized to enter into cooperative agreements with landowners and certain agencies and to appoint an advisory board to share in the management planning.

Under the bill, a fine of $1,000 and/or one year of imprisonment could be imposed for molesting, capturing, or using these animals in any commercial product. The penalties for these and certain other actions may seem rather stiff, but if we are to stop the abuse, neglect, inhumane treatment, and occasional outright torture that the wild free-roaming horses have been subjected to in the past, I feel that strong measures are needed.

At one time great herds of wild horses thrived on the western plains alongside the buffalo. But like the buffalo, the wild horse could not withstand the increasing pressure brought on by the settlement of the west. Something had to give. As usual, it was the native Indian, the buffalo, the timber wolf, and wild horses who were crowded out.

About the turn of the century the Indian ponies and wild mustangs could be numbered in the millions. Today there are less than 17,000 left, and these are mostly in the rugged parts of Nevada and Wyoming.

It is my impression that the protection in this bill would also apply to the wild ponies on the Assateague National Seashore on the eastern coast of my own State of Maryland. Tradition indicates these wild ponies swam ashore hundreds of years ago from Spanish galleons and have subsisted on the scrub grass growing on Assateague Island. The Volunteer Fire Department at Chincoteague, Virginia, has been the caretaker of the ponies and rounds them up every year, feeds them, gives them veterinary attention and in other ways helps to preserve these beautiful animals. I personally own two of these Assateague ponies and they are marvelous pets.

I do not expect this bill will greatly alter the present care being given to the Assateague ponies, except to possibly assist the Chincoteague Fire Department in providing care. However, one provision of the bill that I hope will be dealt with carefully by the Committee, because of its possible effect on the Assateague ponies, is that which provides a penalty for anyone who allows a domestic horse or burro to run with the wild ones. In order to improve the breed of the Assateague ponies, which has been weakened by inbreeding, Arab stallions have been turned loose on the Island to mate with the wild mares. The provision in H.R. 5684 contains language which places penalties on those persons who allow domestic animals to run with the wild stock "without appropriate authorization." It is very important to me that this or similar language providing authorized exceptions be maintained in the bill reported by the Committee to permit continued efforts to strengthen the breed of the Assateague ponies. If no such exception is provided, I fear this practice would be illegal; in any event it could not be done without being subject to the penalty.

Mr. Chairman, I am proud to be counted among those who are willing to make the effort to save and protect the free-roaming horses and burros as a symbol of the prisoner spirit and the love of freedom that built this great land of ours. Like the famous western writer, J. Frank Dobie, I, too, feel that the wild horse is "The most beautiful, the most spirited, and the most inspiring ceature ever to print the grasses of America."

For these reasons, I hope this Committee and the Congress will pass this urgently needed legislation without delay.

Mr. Speaker, to lend support to my bill, I should like to cite parts of a recent report prepared by the Library of Congress, Congressional Research Service, entitled "The Wild Horse Controversy." The report presents both sides of the question. The pro and con arguments contained in the report are as follows:

Those who are opposed or indifferent to the wild horse make these claims:

1. It has little economic value except for pet food.
2. It is not an endangered species under the Department of the Interior standards.
3. It is not a game animal and is therefore not protected by state game laws.
4. In some places it competes seriously with domestic livestock and big game.
5. When overgrazing results, range deterioration and erosion are accelerated.
6. When populations exceed the carrying capacity of the meager range, the horses often die of starvation during severe winters. The situation is much the same as with the elk herds in Jackson Hole and Yellowstone National Park.
7. The wild horse has no value as a trophy animal, as compared with bighorn sheep, for example.
8. The horse is not a native species to North America. It was introduced from Europe by the early explorers 400 years ago.
9. The mustang is not really "wild" in the same sense as elk or bear. "Feral" is a more accurate word to describe it.
10. As a tourist attraction, the wild horse poses several difficulties. It is hard to even get a glimpse of one under natural conditions. If the animals are captured, corraled, fed, and managed for exhibition, then they are no longer wild. A wild horse in the zoo would look no different from any other horse.
11. The bloodlines of the original mustang or Spanish barb have been so diluted that the ancestry of very few individuals could be traced back to the superior horses introduced from Spain 400 years ago.
12. Inbreeding, poor habitat, and severe hardship have produced a horse that no longer resembles the original mustang. Many are stunted, scrawny, and diseased. They are frequently called "broomtails" or "knotheads" because of their poor appearance.
13. Many wild bands contain horses that have been recently turned loose by local ranchers. Some are branded. It takes only one generation for a horse to revert to the wild.

Those who are striving to save the mustangs present the following arguments:

1. Their numbers are diminishing. In the 1870's an estimated 3.5 million roamed the plains. Now, the population is down to about 17,000.
2. Man's love and respect for the horse is universal. Nearly everyone hates to see the animal mistreated, abused, or neglected.
3. The mustangs and burros played such an important and colorful part in America's early history that they should be protected and preserved as a part of our National heritage.
4. These animals have already been crowded out of the better habitats. They now occupy areas that are not well suited for domestic livestock.
5. Where competition with big game exists, at least some areas should be set aside where the wild horses are given preference.
6. The emotional appeal of the wild mustangs is almost unequalled. Countless people who have never seen a wild horse are rising up in its defense.
7. Erosion is a geologic process, and in the wild, remote areas now occupied by mustangs, erosion will continue regardless of what species occupies the land.
8. There are some things that cannot be evaluated in dollars and cents—and the wild horse is one. Who can put a price tag on a view of a wild stallion running the ridges with his harem?

Mr. Speaker, I uge all Members to closely consider the problem this legislation responds to and to support it when it comes to the floor of the House for a vote.

BID SHOPPING

Mr. HOGAN. Mr. Speaker, prior to my election to Congress some of my clients were companies operating as subcontractors in the construction field, and this afforded me some insight into the problems which confront them. One of these problems, the pernicious practice referred to in the trade as "bid shopping," is the target of concern in a bill I have cosponsored in the 92d Congress, H.R. 10, which bill would prevent this practice on construction contracts with the Federal Government in excess of $100,000.

Here is the way bid shopping works. A general contractor about to bid on a Federal contract asks various specialty subcontractors to submit bids for various segments of the overall contract. He then takes the aggregate of these bids and submits his own proposal to the Federal contracting officer. When he is chosen as the successful bidder, the contractor sometimes calls other specialty subcontractors who are in competition with the subcontractor submitting the original bid and tries to interest them in submitting a lower bid, thus increasing his own margin of profit.

Not only is this unfair to the bidding subcontractor who has gone to a great deal of effort, time, and expense in submitting the bid, but it also results in inferior work on the jobs. There always seems to be subcontractors desperately in need of work or on the verge of bankruptcy who are willing to do a job at or below cost. The effect is a deterioration of healthy competition. The bid-listing plan which this legislation authorizes will help to irradicate this evil practice by requiring the general contractor to list the names of those subcontractors submitting the specialty bids, and requiring him to use them if he is chosen to perform the work for the Government.

Although hearings were held on this proposal during the 91st Congress, no action was taken by the Judiciary Committee. I do hope that the members of this committee will thoroughly study this proposal and the practice which it attempts to correct and will approve this legislation at an early date.

BILL TO PROTECT THE ATLANTIC SALMON

Mr. HOGAN. Mr. Speaker, being a Marylander, I appreciate the importance of the fishing industry. The living resources of the Chesapeake Bay and the broad Atlantic are important economically and recreationally to my State of Maryland and for these reasons I joined in cosponsorship of H.R. 3305—a bill whose purpose is to protect the existence of the Atlantic salmon.

The Atlantic salmon has been an important sport and commercial fish for many years. Although threatened by pollution of the streams in which it breeds, it has survived and, as we make progress in cleaning our northeastern rivers, the Atlantic salmon has begun to appear again in those rivers.

A serious situation has developed in recent years however, stemming from the commercial taking of these fish in the open seas. In the Davis Strait between Canada and Greenland there has developed an extensive fishery which nets immature salmon born in North American rivers.

Taking the young salmon is a most inefficient utilization of the resource. If allowed to reach maturity the fish would be much larger. Most importantly, taking the fish in the open sea prevents their returning to fresh water to spawn. Thus the future of the salmon fishery is placed in jeopardy.

Fourteen nations which fish the North Atlantic have voted to ban fishing for salmon in the North Atlantic. Several other nations, notably Denmark, have not. Lacking a means to enforce the will of the majority, open-sea fishing for salmon continues.

The essence of wise management of a resource is a willingness to forgo immediate gain in order to insure a continuing return from the resource.

There is now a need to move toward that means of management of the Atlantic salmon. While most of the nations involved are in agreement, there must be action to bring all parties to accept such a philosophy.

H.R. 3305 provides us with the leverage needed to bring about such unanimity of action. The bill would prohibit importation of the fish products of any country whose fishing operations are detrimental to the conservation of Atlantic salmon.

The bill requires a determination by the Secretary of Commerce that nationals of a foreign country are operating in a manner which diminishes the effectiveness of domestic salmon conservation programs.

The Secretary of the Treasury, after

being informed of such a determination by the Commerce Secretary, is required to prohibit the importation of any fish products of the offending country.

Inasmuch as the currently offending country is heavily dependent upon the sale in this country of her fishery products, we can expect prompt compliance with sound salmon conservation practices.

It is worth adding, I believe, that other nations are experiencing a swell of public sentiment in favor of such restrictions of trade with the offending nation.

I hope that this Congress may move promptly on this matter.

LEGISLATION INTRODUCED TO CONTINUE MEDICAL PAYMENTS FOR DISTRICT OF COLUMBIA POLICE AND FIREMEN IN SERVICE-CONNECTED DISABILITY CASES

Mr. HOGAN. Mr. Speaker, we read periodically of an instance when a policeman or fireman forefeits his life in the line of duty. There is no way, of course, in which we can begin to repay these men for the service they have rendered. At the same time, however, there are officers who make almost as great a contribution, those who have sustained injuries in the line of duty, which leave them totally disabled for the rest of their lives. Even worse, the medical and surgical care required for these injuries oftentimes place them and their families under a financial burden which they cannot hope to bear. I have cosponsored with my colleague from Virginia (Mr. BROYHILL) legislation which responds to this type of situation.

Presently, under the Policemen and Firemen's Retirement and Disability Act, the expense of such care is paid by the District of Columbia government when a member of these forces becomes temporarily disabled in the performance of his duty. The act does not include such benefits, however, for members retired for duty-related disability.

Two particular cases were brought to my attention last year of men who were seriously injured in the line of duty. After several years and several thousands of dollars in medical bills, the District of Columbia Fire Department and the Metropolitan Police Department were having difficulty carrying the financial burden of these medical costs. Because of this, the retirement of these men from the active rolls had been recommended.

What will happen to these men if and when they are retired? Policeman Charles Allen, of Lanham, Md., in my district, is paralyzed from his waist down. Over $30,000 has been expended for his care since May 1965, and further hospital and surgical treatment is anticipated. Firemen Hunter Vaughn is permanently hospitalized and requires nurses around the clock. The Fire Department has expended approximately $70,000 for his care. When these men are retired on disability, will they be able to bear these financial costs? We all know the answer to this question.

I firmly believe that the District's moral obligation to assist financially those who become totally disabled from service-connected injuries or diseases is just as binding after their retirement from the forces as it is while they remain on the active rolls.

H.R. 113, which I have cosponsored, would permit the District Government to fulfill this obligation to those members retiring after its effective date whose disability is determined by the Commissioner to be total at the time of retirement. It would authorize the payment of the expenses of medical or surgical services, or hospital treatment, which either can be rendered by the Commissioner or approved by him to be rendered by others. Funding provisions are also included.

Late in the 91st Congress, the House District Committee held a hearing regarding this legislation. I urge the members of that committee to act quickly to favorably report this legislation to the House for approval.

STATEMENT IN SUPPORT OF H.R. 851, TO EXTEND THE TAX BENEFITS OF INCOME SPLITTING TO UNMARRIED INDIVIDUALS

Mr. HOGAN. Mr. Speaker, at this time of year we are painfully aware of income taxes, and it seems appropriate to speak about one serious inequity in our tax structure. Everywhere in the United States on April 15, single men and women paid income taxes at substantially higher rates than married couples filing joint returns.

Prior to 1948, the same schedule of rates applied to all categories of taxpayers. However, husbands and wives who lived in a community property State could divide their income between them for Federal tax purposes and pay taxes at the lower rate applicable to each segment of income. In order to eliminate the inequities created between taxpayers in community and noncommunity property States, legislation was enacted to allow income splitting for all married couples who filed joint returns.

The result has been a tax inequity against single persons. I am pleased, therefore, to cosponsor H.R. 851 which would extend the tax benefits of income splitting to unmarried individuals.

The Tax Reform Act of 1969 moved toward eliminating this inequity by providing that the taxes paid by single people would be no more than 20 percent higher than those paid by married couples for the same taxable income. But there is no justification for any difference at all in the tax rates. Differences in ability to pay should be arrived at through other provisions of the code such as the exemptions for dependents.

I urge my colleagues to join with me in correcting this inequity in the tax structure by supporting this bill.

HANOI'S MARCH FOR U.S. DEFEAT

Mr. RARICK. Mr. Speaker, Hanoi's dear American friends executed a highly successful invasion and occupation of the District of Columbia on Saturday, April 24. It was effective, not so much for their operation, but for the skill and subterfuge in camouflaging the maneuvers from the citizen behind the cloak of peace though expertise in deceit and buoyed up by a cooperative communications system. Their operation was so effective that they were even able to convince some of the duped participants.

Reportedly, top U.S. Reds joined with their international comrades in world solidarity Saturday to prove their adeptness in exploiting man's eternal aspiration for peace—the global peace that the same Communist leadership has prevented the people from attaining for over 25 years.

Judging from the size of the crowd and its composition, including middle aged and elderly, all Reds under party leadership were ordered to participate. Even the Abraham Lincoln Brigade—the Communist aggressors who fought in Spain—were welcomed. Under their banner the Abraham Lincoln Brigade marched for "peace"—which to those professional Bolsheviks is a material state that can only be achieved when all resistance to communism has been destroyed, suppressed, or liquidated.

The real purpose of the march did not seem to be for peace, but rather for the glory of who was to receive the credit for defeating the United States.

President Nixon has to date done everything the Reds have asked, but his appeasement infuriates them. Nixon has committed our country to surrender, but the Reds in Southeast Asia remain on the offensive as if to prevent U.S. withdrawal. Nixon has appeased so far to talk peace in Paris that even his confidants question his loyalty, but the Reds would not permit a dialog. The administration talks of a planned retreat but the Commies do not want that either. Their objective calls for a complete rout and run affair. The Reds do not want Nixon to get the credit for a U.S. surrender. They must have the international glory of bringing the United States to its knees to use as propaganda for intimidation elsewhere about the world in their imperialistic expansionism.

The marchers expressed warped objectives: Start a domestic war to end a foreign one. Destroy your fellow countrymen to stop the killing of foreign enemies.

It was frightening to see a militant, well-disciplined foreign army maneuvering as a show of force within our own Nation. Saturday's march operation presented gigantic problems in logistics, training, discipline, and control. The troops were well trained and the leaders highly proficient. The timing was precision. The leadership and marchers in the know did not want peace—their goal was a U.S. defeat.

Not since Hitler's Brown Shirts and SS has the civilized world beheld such a mass conglomeration of nondescript humanity, allowing itself to be used for intimidation today—cannon fodder tomorrow. A mob of humanity representing a classless army—uniformed to set them off from normalcy by long hair, extreme clothes, and a togetherness of appearance. The new army is indoctrinated to lack individuality—classless men and women dressed to look alike in their unkemptness, barren of pride, patriotism, and any dedication except to what was drilled into them as the only objective on this mission: nonviolence and end the war with a Communist victory.

Anyone led to believe this march was a volunteer outpouring of incensed Americans had best reconsider. The march was mostly a coalition of various leftist groups. Any militant and well-disciplined mob is always an internal threat to peace. The march and day passed mostly peaceful; but on orders or by erosion of discipline, it could just as easily have become violent.

Despite the many live news coverages of the protest, lacking was the usual analytical observations advising the viewers of the background of the march organizers and leaders. Many reporters were most sympathetic. Some looked like the march participants and helped explain the activities. One interviewed marcher was asked about charges that the organizers were pro-Communist. The interviewed marchers professionally evaded answers with the best slide-off methods, denying they were Communists but labeling themselves Progressive Labor or Marxists. Even a TV interviewer should be informed enough to know that the Progressive Labor and Marxists are Communists. Yet there was no further explanation to the listening public.

Was the march a Communist operation? The record showed it was contrived by the Communists in Hanoi 4 months before April 24. Who gained by the show of force?

The Sunday Washington Post carried a front page photo taken at the antiwar demonstration showing a long-haired participant sitting atop the Peace Monument of America. The protestor was waving a Vietcong flag. One need not wonder what would have happened in World War II if a fifth columnist calling himself a peace advocate had mounted the Peace Statue to wave a Nazi or Japanese flag. The swastika or rising sun flags are felt to generate animosity but the Vietcong flag is a symbol of peace and brotherhood. Who is fooling whom? The parade was replete with many Vietcong, Red flags, and black banners, certainly more representative of death and enslavement than peace. A large portrait of Mao Tse-tung was carried in the parade, but no pictures of American patriots were displayed.

At least one American flag was burned. This was done at the Washington Monument and was photographed by a Sunday Star photographer. Yet there has been no announcement of charges or prosecution. Nor any reported action taken against the burners of the monument benches.

The Women's Contingent of Vietnam Veterans Against War passed out mimeographed material which included a poem by the Russian, Yevtoshenko:

> Flood the streets and country roads with the tramp of a terrible army marching in columns of humanity and flowers.

The clenched fist salute—universally recognized symbol of the Communist movement—was the rule, not the exception throughout the crowd of participants and marchers. The clenched fist, a symbol of brute strength and power, makes a sordid peace symbol.

Many of these youthful participants represent the product of revolutionary training in Communist and Socialist schools in Cuba, Russia, North Vietnam, North Korea, and Red China. As such, they must be regarded as desperate agents—zombies, so confused that they can look a gift horse in the mouth and still not appreciate it. These are foreign agents whose motto is that justice for Americans is found at the muzzle of a rifle. And our leaders have done nothing to prevent such free travel for subversion.

The latest attack on the FBI complains of surveillance on a 14-year-old boy attending a revolutionary training school in East Germany. One of the intercepted messages is said to have contained this quote:

> He had learned a great deal about socialism when he previously attended the camp and after his next experience at the camp, he would be able to return to the United States with ideas and to inform the children about the camp.

The anti-FBI ad hoc committee attacks this role in national security by saying it infringes on intellectual freedom.

Where are President Nixon and his appointees charged with the security of our Nation? Why are they silent? How long do they think the American people are going to sit back and permit this cancer to grow in our Nation's bowels before some action is initiated?

The Commies, Reds, pinks, and their fellow travelers may want to live under collectivism and communism; but they do not speak for the rest of us. Yet, in America, American ideas, solutions, and activities come last in priority, if at all. It would have been unheard of for any conservative or constitutional coalition of Americans to have been granted the silence of approval given the National Peace Action Coalition, let alone the favorable press. The free, unorganized Americans who put faith in their elected leaders are being desensitized to sit back and accept this abuse and mockery. Why?

The saving of our country must be our first order of business.

I include several related news clippings:

[From the Washington (D.C.) Sunday Star, Apr. 25, 1971]

About 200,000 March Against War

(By Woody West)

A mighty tide of humanity, estimated officially at 200,000 people, filled downtown Washington from the Ellipse to the Capitol yesterday to urge an end to the war in Indochina.

It was a quiet, almost subdued march that flowed down the south side of Pennsylvania Avenue to gather in a swelling mass before the West Front of the Capitol.

THE 5 HOURS OF SPEECHES

They heard about five hours of speeches, folk songs and rock music in front of the Capitol, a new rallying point for an antiwar demonstration. Then in mid-afternoon they began drifting off again, back to buses jammed along the Mall and the Tidal Basin, but also toward other areas of the city: An encampment in West Potomac Park, the South Vietnamese Embassy and roped-off Dupont Circle.

Last night, about 14,000 people listened to a rock concert at the Sylvan Theater, while thousands more settled down with blankets and sleeping bags in West Potomac Park.

About 11 p.m., an explosion destroyed a foot-long section of curbing at 6th Street and Madison Drive on the Mall opposite the National Gallery. Police were unable immediately to explain the explosion which caused no injuries.

The marchers were led down Pennsylvania Avenue by an American flag and, just behind it, a large red-and-blue Viet Cong flag. The weather was bright and gentle and matched the marchers' mood.

District police put the crowd at 200,000 and sponsors said it was "in excess" of 500,000. The rally came after a week of anti-war activity here by about 1,000 Vietnam veterans.

The rally also marked the beginning of two more weeks of protest, some by more militant groups. One, the May Day Collective, has threatened to disrupt the normal functioning of government during the week of May 2.

Yesterday, however, it was a massively peaceful display of sentiment against the decade-old war in Southeast Asia.

FEW DISTURBANCES

Despite warnings by U.S. Atty. Gen. John Mitchell that there was a "substantial possibility" of violence during the next two weeks of activities, there was little trouble yesterday. A group of American Nazis scuffled with some marchers on the way to the Capitol. Eight persons were arrested and charged with disorderly conduct. Four persons were arrested later in other incidents.

As the marchers passed the White House, a prime target of their protest was absent. President Nixon was spending the weekend at Camp David in the Catoctin Mountains of Maryland.

The marching contingents represented a diverse collection—from labor union bands to a group from Gay Liberation. There even was a tiny band of white-haired men who marched under a blue banner proclaiming them as "Veterans of the Abraham Lincoln Brigade," one of the American volunteer units that fought in the Spanish Civil War.

YOUTH IN "UNIFORM"

The marching throng was predominantly young and wore the uniforms of the young—fragments of military garb, denims, and head-bands.

The familiar paraphernalia of protest marchers was present. There were dozens of Viet Cong flags; dozens of American flags, many carried upside down in the international distress signal, and dozens upon dozens of placards and banners expressing contempt for the war and demanding its immediate end.

Although the marchers were overwhelmingly young, there were also many older protesters. Several hundred people marched under the banner of "Federal Employes Against the War." They were older, paunchier, less flamboyantly dressed.

Along the route of march, several hundred marshals supervised the marchers, politely asking them to remain in line on the south side of the avenue.

Yesterday's demonstration was sponsored by two primary groups: The National Peace Action Coalition, and the People's Coalition for Peace and Justice. NPAC will drop out from sponsorship of the next two weeks of protest activities, but the People's Coalition will continue to participate.

WILL NOT TOLERATE WAR

Jerry Gordon, a 42-year-old Cleveland lawyer who is a leader of the National Peace Action Coalition, said, "I think people who contended the anti-war movement is dead have their answer today. This demonstrates that people are not going to tolerate this war any longer."

By 7 p.m., D.C. Health Services officials reported that 330 demonstrators had been treated, with six sent to hospitals for further examination. The cases included such usual march maladies as sore feet, exhaustion, headaches, dirt under contact lenses and a few drug overdoses.

A doctor at the Ellipse medical station was worried because he was running low on medicine to counter drug reactions, particularly in view of an expected need later at the Sylvan Theater rock concert staged by the People's Coalition for Peace and Justice.

At one point in the concert, officials interrupted the program to announce that "white pills with pink and green speckles" being distributed apparently contained strychnine.

A spokesman for George Washington University Hospital said eight people had been brought to the hospital with symptoms of strychnine poisoning, but were not hospitalized.

The hospital official said its emergency medical center had treated 84 demonstrators for various ailments, including a large number of bad drug trips.

The march in Washington was counterpointed yesterday by an anti-war march in San Francisco, where police estimated 156,000 paraded through the downtown streets.

Several members of Congress were among the dozen speakers who addressed the crowd in front of the Capitol. The speeches began even as thousands still poured down Pennsylvania Avenue, and other late arrivals clogged sidewalks east of Capitol Hill.

At mid-afternoon, traffic was still heavy along the Baltimore-Washington Parkway and other arteries into Washington from the Eastern Seaboard. One police spokesman said some 600 buses had been counted coming into the city, as well as some 700 railroad cars.

Among the congressmen who talked to the protesters was Rep. Herman Badillo, D-N.Y. Bandillo, the first Puerto Rican elected to Congress, said, "Friends, you've come to the right place," as he stood in front of the Capitol, "because I don't have much hope that President Nixon will take action."

Also in the sizable cadre of speakers were: Journalist I. F. Stone; Harold Gibbons, introduced as a Teamster Union official; Rev. Joseph Duffy, head of the Americans for Democratic Action; Rep. John Conyers, D-Mich.; and John Kerry, a former Navy lieutenant junior grade who was a leader of the veterans group.

Another speaker, David Dellinger, one of the Chicago 7 defendants, drew a roaring ovation when he said that if Congress will not deny money for the war, then people must, "by not paying our war taxes, by not paying our telephone taxes."

At the Capitol grounds, the demonstrators remained subdued. Many stretched out under trees or in the sun, and peace-button hawkers circulated through the crowd. Blocks away, a few young people waded in the Reflecting Pool.

Nearly every sizable tree around the periphery of the West Front had a couple of youngsters perched high for better visibility. One of the few injuries reported was someone falling from a tree. Otherwise, according to the marchers' medical personnel, about the only treatment required during the day was for "blisters and drunks."

Attorney General Mitchell, relieved that the rally had occurred peacefully, nonetheless stuck by his warning there was substantial likelihood of violence in the next two weeks of demonstrations here.

"There is nothing that I have seen today that would change that," Mitchell told a few reporters as he left his Justice Department office at the end of the day.

The groups from labor unions were far more conspicuous than in past anti-war marches.

One union member, Zoltan Massanyi, a member of the United Auto Workers here from Cleveland, said it was the first time that union had sent buses here for an anti-war protest.

"The people are feeling the war in the pocketbook and in their families or other people's families where somebody had gotten killed" in Southeast Asia, he said.

More blacks took part than in past marches, although their numbers were not large.

THIRD WORLD RALLY

One of the major non-white contingents in the demonstration was the Third World Task Force, which rallied at Meridian Hill Park—Malcolm X Park, as it has been informally renamed—before joining the main body of marchers.

"We feel that the Third World people organizing in their own group will change the whole nature of the antiwar movement. We have more people here than ever before and this is an indication that our ranks will be even larger in the future," said a spokesman for the group that numbered about 2,000.

Even as the rally at the Capitol was continuing, the flow down Pennsylvania Avenue continued so heavy that police opened Constitution Avenue to the marchers to channel off some of the stream, and they entered the Capitol grounds from the North.

CLEANUP PLEA

When the last speakers finished at 5:30 p.m., the crowd moved toward the Ellipse and Pennsylvania Avenue was again almost wall-to-wall with people. Frequent reminders came from march leaders over loudspeakers:

"It won't help if we end the war and choke on our own garbage. Please clean up after yourselves."

And marshals, who won praise from District police, were distributing plastic bags to marchers and urging them to help pick up discarded leaflets, flyers, placards, and the thousands of pieces of debris.

[From the Sunday Star, Apr. 25, 1971]

FACES GLIMPSED IN THE THRONG

(NOTE.—The view from the Capitol at the height of yesterday's anti-war march showed a great throng filling the historical parade route of Pennsylvania Avenue. The throng seemed to be a united force calling for an end to the war in Vietnam.

(But a closer look at the many demonstrators turned up vignettes of a more personal nature, little happenings that gave the day a special flavor for those who observed them.)

Allan Jackson was in the line of march, carrying a banner which read, "My Son Was Killed in Vietnam. What For?" The World War II veteran, who came here from Bloomfield, Conn., said, "I'm here representing my son Barry, who was killed in Vietnam on March 18, 1969."

The 50-year-old father said his 20-year-old son received the Bronze Star for knocking out two machine gun nests "and he was killed doing it." He said he had received much correspondence from his son, adding that Barry "was always against the war . . . he was just tired of killing people."

When Jackson's sole surviving son received his draft notice shortly after Barry was killed, the father said he told the draft board that his other son would not go to Vietnam, "even if you have to put me in jail." The son was deferred.

Shortly after the march began, a small group of white-haired men in suits and ties fell into step at Eleventh Street. They carried a large, blue banner, "Veterans of the Abraham Lincoln Brigade." This was one of the main groups of American volunteers who went to Spain in the late 1930s to join forces fighting against Franco.

Later, the brigade was placed on the U.S. Attorney General's list of subversive organizations. Their participation yesterday drew loud cheers from younger demonstrators who presumably recognized the brigade members' role in leftist politics.

Garden beds teeming with bright tulips around the Capitol were among the first casualties of yesterday's demonstration. In some beds, half or more of the flowers had been plucked by the demonstrators and were converted to personal clothing decorations.

As expected, the climbers were on hand for the march. A young man in blue denim and a headband clambered atop the stone lap of the brooding statue beneath which is inscribed "The Past is Prologue." He drew cheers as he gave the "V" peace sign to the massed marchers below. But his stone perch apparently became uncomfortable after about 15 minutes and he scrambled down to rejoin the march.

A seven-man contingent from the George Washington chapter of Young Americans for Freedom spent most of the afternoon standing along the parade route, holding up a sign which read, "Welcome Hawks of Hanoi. Marchers Smile, Your Nation's Enemies Applaud."

A young demonstrator with wildly flowing brown hair and huge sideburns looked at the cleancut, neatly dressed young men holding the sign and remarked with a laugh, "they're rather bizarre looking, aren't they?"

The march marshals and the volunteer medics with the Medical Committee on Human Rights had a relatively easy time of it yesterday.

Asked if she had treated many injuries, a young medic laughed, "Only blisters—and a lot of drunks."

Across 6th Street in the 3-tiered pool in front of the National Gallery of Art, someone dumped soap suds into the fountain and it foamed into a huge bubble bath. Gusty winds wafted the bubbles onto the marchers.

A collective from New York posted a four-foot-high picture of Ghandi and stood in silent vigil in the soap suds.

Police roped off the area around the White House and barred any entrance to the park at Dupont Circle. Officials in the command center said these areas have a history of becoming "trouble spots" after marches and they decided to prevent the possibility of dealing with crowds that might get out of hand after dark.

More coverage than in the past was given yesterday by local television stations which had been criticised by demonstrators in past marches. WTOP-TV began coverage at 10 a.m., with 5-minute live spots before resuming regular programming at 11 a.m. But by 10:08, the station's news vice president, James Snyder, gave the word to provide continuous live coverage up to 3 p.m., when the station joined the CBS network's coast-to-coast one-hour summary of the anti-war events.

WMAL-TV and WTTZ-TV chose to give demonstration news during their regular evening news programs, but WMAL did several spot reports on radio.

WETA-TV provided continuous live coverage of activities both in Washington and San Francisco, and WRC-TV relied on spot live reports and a wrapup program following NBC's coverage of a major league baseball game. It was making plans for possible special reports later in the evening.

Rock singer Country Joe McDonald, with a cheerleader's enthusiasm, stepped to the speaker's platform at the Capitol and asked the huge crowd to spell out a four letter obscenity. When the thousands repeatedly shouted back what it spelled, WTOP–TV already had switched to a network news program and WETA–TV was televising events from San Francisco.

David Seeley, 50, a second-grade teacher from Montclair, N.J., made the march to Capitol Hill on crutches. He had broken his leg in an accident at home. The exhausted teacher said, "I'll be over this in a couple of weeks, but there are some fellows in Vietnam who will never recover."

[From the Washington Post, Apr. 25, 1971]

Vignettes of a Peaceful Peace Rally

At the Welters School of Ballet at 12th Street and Pennsylvania Avenue NW, a group of six small girls in turquoise leotards and pink tights practiced their dances in front of a third-story window. Pasted to the window was a sign that read: "Welters School of Ballet for Peace." Periodically, the girls did a ballet routine in which they flashed the "V" peace sign to the marchers below, who cheered them.

Hundreds of demonstrators accepted face masks bearing a likeness of Lt. William Calley, Jr., from a man on Pennsylvania Avenue and marched off down the avenue behind Calley's face.

A young man climbed to the top of the statue of Gen. Winfield Scott Hancock, at 8th Street and Pennsylvania Avenue NW, and planted a Vietcong flag in the crook of the general's arm, three stories above the avenue. Later, the same youth climbed up the statue again, took down the VC flag, and installed the Stars and Stripes, upside down.

A few demonstrators also attempted to turn the flag at the National Archives across the street upside down (a distress signal). However, when they had the flag lowered and were turning it over, a guard shooed them away and other demonstrators ran it up the staff again.

Spectators looked for vantage points anywhere they could find them. Virtually every statue along Pennsylvania Avenue was occupied, rooftops of nongovernment buildings and trees were favorite spots and the shell of a new federal building under construction at 2d Street and Indiana Avenue NW had several hundred tenants.

As the Metropolitan police department movie film crew approached the corner of 11th Street and Pennsylvania Avenue photographing demonstrators, about 15 camera-toting marchers ran out, surrounded the two-man crew and snapped pictures. "Some times, we have to push through them," said cameraman Sgt. Cecil Kirk.

James F. Kuppers, 25, of Chapel Hill, N.C., began following the film crew as it passed 9th and Pennsylvania. Kuppers continuously blew on a plastic police-type whistle, trying, said Sgt. Kirk, to ruin the motion picture sound track. Said Kuppers: "I just want to hassle them. If it's nonviolent, what the hell." Police did not film him.

Among those marching were a young man in his 20s from Philadelphia who said he pedaled down on his bicycle. "It took me about two days, mostly on Route 22."

He wheeled his bike down Pennsylvania, made it to the edge of the Capitol grounds, turned around and announced, "I've got to go back to Philadelphia."

Johann Lee, 21-year-old son of a retired laundry owner who immigrated from China 40 years ago, was resting on the steps of the Metropolitan AME Church at 1518 M St. NW. Inside about 200 members of the Asian Coalition, composed of young people with Japanese and Chinese origins, were deep in a policy dispute.

"The antiwar movement has refused to address itself to two basic issues except in a superficial way—racism and imperialism," Lee said. "Their major call has been 'Bring the boys home.' This war has seen the degradation of an entire race of people as 'gooks and dinks.' "

Lee, a college student in New York, said he was part of a "surging movement" of young Oriental-Americans who are developing consciousness of their Asian origins. "We're following the same trend that black people have followed—trying to find common goals to work for."

Sam Shropshire, a senior at Shelton College, Cape May, N.J., stood resolutely holding a "Win the War" poster at Pennsylvania Avenue and 3d Street NW at about 2 p.m. There were tears in his eyes.

"Join up, you chicken, you murderer," Bernard Goodman of New York City shouted at him. "Join up, join up."

Others joined in the taunts.

"Shhhh, don't say anything," Shropshire whispered to the girl next to him. She was Debbie Halorson, a sophomore at Shelton. The two said they were members of an organization called International Christian Youth.

[From the Washington Post, Apr. 25, 1971]

Peace Marcher: "Winds of Change; This Is Our Storm"

(Note.—Protest participants and observers were interviewed during various stages of yesterday's demonstration. Following are excerpts of their comments.)

10 A.M., THE ELLIPSE

Tom Murphy, University of Maryland law student, holding up a sign with the legal aid telephone number, wearing a fatigue shirt with a 25th Division patch.

"I nearly died there.

"A guy died there.

"A guy jumped up and put an AK–47 round in me here (points to the left side of his chest) just as I killed him. I remember blood ran out of my mouth.

"This is my first demonstration. I think lots of people have been waiting for something like this, something without any violent overtones."

NOON, 14TH AND PENNSYLVANIA

Joseph D. Mullen, 49, of Wilmington, Del., who works for Dupont and wore a straw hat, while his high school student daughter Debbie carried a sign reading "Peace, Please?":

"There are symptoms of change, I think. The only other march I ever came to Washington for, there were very few older people here. Today, I think every sixth person is in his 40s or 50s."

1 P.M., 11TH AND PENNSYLVANIA

Kristin Hollenbeck, 20, a Central Michigan University student from Mt. Pleasant, Mich.:

"I don't think this (demonstrating) will work again. We'll never get this many again. This group of people just isn't as frustrated as some. It's just high school and college kids having a good time. For the really frustrated people, this isn't enough."

1:15 P.M., 9TH AND PENNSYLVANIA

Metropolitan Police Officer William Brady Jr., a five-year policeman:

"I think it's wonderful that all these people can get together and protest something that they're opposed to. People come up to you, they're friendly, you can see that all they want is the war stopped. They don't want to give the police a hard time, and I appreciate that."

2 P.M., 7TH AND PENNSYLVANIA

Mrs. C. W. Fletcher, a teacher from Larchmont, N.Y., at her first peace demonstration:

"I had to come to this because nothing else seemed to be working. My son is 20, and many of his friends have been there. I teach school, and my pupils have gone off. They're seventh-graders I'm teaching, and the war is close to them."

2:30 P.M., CONSTITUTION AND JOHN MARSHALL

Dan Close, 30, a teacher from New York City; marshal at the demonstration:

"It's all going well, for once. The yippies didn't break our lines, the YAWF (Youth Against War and Fascism) went the other way.

"Why am I against the war? I was in the Peace Corps in Ethiopia, way up in the hills. One day one of the village elders came in and we talked politics. He said 'Eisenhower,' and he made the thumbs-up sign. 'Churchill, Khrushchev,' thumbs up. Then he said 'Stalin, Hitler, Vietnam, and he made thumbs down.' "

3 P.M. FRONT OF THE CAPITOL

Steve Caplan, 24, an actor from Washington, attending his first peace demonstration: "I see things in religious terms. This march is an expression of the human spirit, to which you cannot lie. We have to move to a more spiritual community, completely honest, completely open. And the war is an attempt to lie in a very large, public way.

And as the wind blew, and dark clouds came overhead: "These are in winds of change; this is our storm."

3:30 P.M. 16TH AND M NW

Nelson Kitsuse, 51, of Chicago, a Japanese-American pharmacist: "I feel that this is a very racist war." President Nixon's Vietnamization policy "is a policy whereby Asians will kill Asians, as if there were something less important about their lives. An Asian life is as dear as an American life."

[From the Evening Star, Apr. 23, 1971]

Women in the March Dedicated

(By Mary Anne Dolan)

"I've fought so many wars with my husband and my son. But we women fight the silent battles . . . of never knowing why and always wondering when, dear God, they'll come home alive."

As 64-year-old Mrs. Thomas Thatcher of Long Beach, Calif., stood on the grass of Lafayette Square last night, she watched a group of Vietnam veterans silently carrying the Stars and Stripes turned upside down in the international distress signal before the sleeping eyes of the White House.

She had gone there as a sightseer to see the home of the President for the first time. But when a shaggy-haired veteran out of the line of more than 1,500 protestors asked her to "come in, sister, join us," she did so with very little hesitation.

"I've never done anything like this before." Mrs. Thatcher said, as she carried a candle and walked with members of the Vietnam Veterans Against the War, "but for all the times I've wanted to . . ."

Seasoned by the two World Wars she knew as a daughter and a wife and the Korean War she quietly accepted with her son, Mrs. Thatcher voiced concern that "we women say something" about the war in Indochina.

WOMEN OF VVAW

Last night and this whole week the women were here, showing the same concern as Mrs. Thatcher, many of them hoping to give a new, strictly female thrust to the spring offensive.

They are women at the VVAW encampment on the Mall—veteran servicewomen and volunteers doing the cooking and staffing the medical tent; the wives and mothers of dead Vietnam soldiers, here to speak out and protest the war by turning in medals awarded their loved ones at a ceremony today; the more than 1,000 women from all over the country who are expected to join the Women's Contingent of tomorrow's demonstrations.

And the many others, like Mrs. Thatcher, who will join in readily when the opportunity arises, even if it is only to donate food or shelter for visiting demonstrators.

Much of the food handed out at the VVAW campground this week was solicited from local supermarkets, housewives and church groups.

Dava Ansell, a 20-year-old Gold Star wife from Laurel, Md., who helped to carry the flag in last night's march, was five months pregnant when her husband was killed in action.

She said he enlisted in the Army's 101st Airborne at 18 and that her 2½-year-old son, named John Arthur Ansell III for his father, will have the medals her husband won, "though they don't mean that much."

Mrs. Ansell thought the candelight procession was "beautiful," because, she said, "these guys . . . they've all been there. They're not copping out like the college kids."

One of the women who will be giving up medals today—seven of them—is Gold Star mother Mrs. Anna Pine of Trenton, N.J. Among the medals will be the Bronze Star awarded posthumously to her son, Fred Pine, after he was killed in Vietnam in 1968.

SHE HAD TO SEE

According to one of the New Jersey Veterans Against the War, Mrs. Pine said she also wanted to come to Washington to see if, among the more than 1,000 veterans gathered here, she might find "someone who knew her son in Vietnam."

At the spot on the Mall where the veterans have maintained an orderly camp despite a Supreme Court order to disperse, talk of former comrades and war experiences has flourished.

A 26-year-old veteran Navy nurse, Mary Lou Keener, reminisced Wednesday night about her reasons for enlisting:

"Listening to the stories the administration was putting forth, you never knew who was telling the truth and who wasn't. I came to the point where I just couldn't believe anything I heard and I wanted to see for myself."

Originally from Michigan, she spent three years in the Navy, part of that time on the hospital ship Repose in Vietnam.

Now, Mary Lou says, she hopes that she and other veterans will have the "credibility" "to change the level of consciousness of the people in this country.

"And maybe it will lend credibility to other parts of the spring offensive if the people on the Hill have a better understanding."

Red-haired and pretty, even in her fatigue jacket, Mary Lou recently quit her job on Capitol Hill where she worked for Rep. Blank and hopes to start graduate school at Georgia's Emory University in September.

But, she says, "there's no way I can go for $175 a month," so she is even more interested in ending the Indochina involvement, and in easing the unemployment rate.

And too, "we've got to do something to rehabilitate the people who come back with a habit. There are so many of them.

"Most of all, no matter what happens or doesn't happen, you have to keep on trying. The peace movement has brought us to the point we're at today and if you just keep on 'truckin,' as the boys say, maybe something will happen."

Mary Lou, like graying Mrs. Richard Kerry of Massachusetts who marched last night, thinks that, so far, the activities of the VVAW have been in Mrs. Kerry's words, "extremely impressive."

Mrs. Kerry is the mother of the 28-year-old coordinator of VVAW, John Kerry.

After Kerry's group ends its activities officially tonight, organizers for tomorrow's march will stay on and many of them are women.

FROM 11 STATES

The United Women's Contingent, which already has sponsored noontime rallies downtown, is expecting representatives from at least 11 states and the District.

According to contingent coordinator, Marcia Sweetenham, "we hope to link up problems of abortion, child care and job opportunity to our demands to get out of the war and end the draft.

"We hope to involve all women, including those in college and high school, those who work, housewives, women's liberation activists, plus Blacks, Chicana, Puerto Rican, Asian American and Native American women."

While the VVAW march was taking place last night, workers for the Women's contingent were busily arming themselves with leaflets and reading material at their headquarters at George Washington University.

One of their weapons for Saturday will be a mimeographed poem by the Russian poet, Yevtushenko:

> "Flood the streets and country roads
> With the tramp of a terrible army
> Marching in columns of humanity
> And flowers . . ."

[From the Washington (D.C.) Evening Star, Saturday, Apr. 24, 1971]

Stolen Data Shows FBI Kept Tabs on Boy, 14

(By Jared Stout)

The Army intercepted a Pennsylvania father's message to his 14-year-old son at an East German youth camp and gave the information to the State Department and the FBI, according to stolen FBI documents.

The use of Army facilities to intercept messages that are then relayed to the State Department and the FBI has been suspected but heretofore undocumented.

The interception by an undisclosed means was done by the U.S. Army operations and research detachment at Frankfurt, West Germany, in July 1970, while the boy was at a camp in Eberswalde, near Altenhop, East Germany.

FOUR INTERCEPTIONS

According to an FBI document stamped "Secret—No Foreign Dissemination," the message told the boy "of the physical and emotional well-being of 'mom,' who presumably is the subject's mother." It was one of four interceptions by the Army unit, but there was no indication whether the message was written or spoken.

The other interceptions involved the boy's communications with persons who had helped him get into the camp. All were attributed to source "PH T-L, another government agency which conducts intelligence operations." It was later identified as the Army unit in Frankfurt.

In one intercept, the youth was reported by the FBI to have said:

"He had learned a great deal about socialism when he previously attended the camp and after his next experience at the camp, he would be able to return to the United States with ideas and to inform the children about the camp."

The FBI began an investigation of the boy, apparently not knowing his age. When it was learned he was 14, the inquiry was dropped in favor of one into the background of his father who had traveled in West Germany.

FATHER WAS PROFESSOR

A "Mrs. E. Thompson" in the personnel records section of the University of Pennsylvania was listed by the report of Special Agent Charles Silverthorn as a source of data on the father, who was employed by the university as a professor.

The Citizens Commission to Investigate the FBI, which made the documents available yesterday, said they brought to over 50 the number of documents mailed to several newspapers and members of Congress. They were stolen March 8 from the FBI's Media, Pa., office.

Other disclosures in the documents included the presence of FBI agents in Argentina, an investigation of a Quaker who asked a Czech national to visit his Pennsylvania home, and inquiries into persons working with international organizations such as the United Nations.

The documents also showed FBI efforts to recruit as informants businessmen traveling abroad. A cautionary note was included to get FBI headquarters approval before approaching those in the news media, entertainment, or state and local government.

INDUSTRIAL QUERIES

The recruitment was aimed at individuals traveling to or through Sino-Soviet countries or to any international meeting outside the United States. It also called on industrial security officers at defense plants to supply the names of those intending to travel.

Another document called for investigation of any student, professor or scientist who visits Russia for more than a month. The purpose is "to identify them and determine whether any of them have been approached for recruitment by Soviet intelligence services."

"Utmost care must be exercised," the memorandum continued, "to prevent any embarrassment to the bureau and possibly jeopardize the bureau's program in countering Soviet intelligence services recruitment of students.

"The motives of the bureau in investigating American students, professors and scientists must not be construed as infringements of the American educational system and the pursuit of intellectual freedom," the memorandum said.

[From the Washington Post, Apr. 25, 1971]

Starting Monday, Protestors' Aims Turn to Disruption

With yesterday's mass march and rally over, more militant elements of the antiwar movement are now preparing for almost two weeks of gradually intensifying street actions here, including mass civil disobedience.

Beginning Monday, the Peoples Coalition for Peace and Justice led by Chicago Seven defendant Rennie Davis and others, said thousands of protesters will surround and attempt to enter selected government buildings; "lobby" and "rap" with employees, and urge a general strike.

The program, according to planners, will reach its climax the following week on May 3 and 4 when thousands of "tribesmen" from the militant Mayday Movement, a constituent of the coalition will attempt to block early morning commuter traffic at 21 locations in downtown Washington and suburban Virginia.

Simultaneously on May 3, thousands will march across 14th Street Bridge from the Washington Monument to the Pentagon in an attempt to close it down by mass sit-ins, coalition leaders said.

A similar mass march against the Justice Department will be staged early on May 4, they said. Both marches will be deliberately held during the morning rush period to disrupt traffic, they said. If police stop them, they will sit down in the streets, they added.

The planned actions signal a new order of militancy in the antiwar movement here. Never before have antiwar leaders urged mass violations of the law and disruption of government functions.

Coalition leaders say such actions are now necessary to dramatize the intensity of antiwar feeling and are an irreversible outgrowth of the conviction among many antiwar supporters that traditional, democratic methods of redressing grievances—marches, picketing, writing your congressman—no longer work in this nation.

As distinct from yesterday's march and rally, which drew public endorsements from 10 senators and 20 representatives, the peoples coalition has no known congressional support.

Several endorsers of yesterday's demonstration have condemned the concept of civil disobedience or expressed reservations about the coming two weeks' activities.

Peoples coalition members have been permitted to use a portion of West Potomac Park near the Tidal Basin as a training ground and assembly area for their demonstrations.

This arrangement has put the government in the novel position of providing public ground for the launching of large scale law breaking.

The coalition had originally asked for Rock Creek Park, promising that up to 75,000 protesters were coming up and needed camping space. The Interior Department turned the coalition down, and Rennie Davis warned that protesters would come anyway.

Late last week, the Justice Department reached an agreement with coalition leaders permitting protesters to use West Potomac Park as a staging and training area, but the government insisted that no "camping" or overnight sleeping could be allowed in violation of park regulations.

Davis has said that efforts are being made to house protesters in local churches and universities and that only a minimum number of people will stay at the park overnight. "We'll provide entertainment to keep them awake," he said.

This schedule of coalition actions has been announced:

Monday, April 26: Peoples Lobby at Congress. Protesters will enter the Capitol and congressional office buildings to talk with congressmen, office workers and janitors. Protesters will circulate a "Peoples Peace Treaty" to end the war and sit-in at congressional offices until seen by individual congressmen. (The Peoples Lobby is organized by the National Action Group (NAG), a constituent of the coalition consisting of pacifist and peace groups such as the War Resisters League, Fellowship of Reconciliation and American Friends Service Committee.)

Tuesday, April 27: Peoples Lobby at Selective Service headquarters, 1724 F St. NW, with the promise of sit-ins if officials refuse to meet or speak with protesters.

Wednesday, April 28: Peoples Lobby at Internal Revenue Service headquarters, 1111 Constitution Ave. NW.

Thursday, April 29: Peoples Lobby at the Department of Health, Education and Welfare, 330 Independence Ave. SW.

Friday, April 30: Peoples Lobby at the Justice Department, 10th Street and Constitution Avenue NW.

Saturday, May 1. Youth Festival in West Potomac Park.

Sunday, May 2: Soul Rally in West Potomac Park, stressing minority rights.

Monday, May 3: Traffic blocking at 21 downtown and suburban Virginia locations during the morning rush hour by thousands of demonstrators. Targets include bridges across the Potomac River, access roads to the Pentagon and major intown traffic circles and squares. Mayday Movement, the coalition group organizing the traffic tie-up, stresses that the purpose is to halt the functioning of government only, not to disrupt the rest of the city, especially the black community.

Tuesday, May 4: Traffic blocking at the same locations.

Wednesday, May 5: Peoples coalition nationwide "moratorium on business as usual." In Washington, this means a large-scale "vigil" at the Capitol.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Ashbrook (at the request of Mr. Gerald R. Ford), for April 26, 27, and 28, on account of official business.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 145. An act for the relief of Esther Catherine Milner; to the Committee on the Judiciary.

S. 157. An act for the relief of Arthur Rike; to the Committee on the Judiciary.

S. 341. An act for the relief of Arline Loader and Maurice Loader; to the Committee on the Judiciary.

S. 513. An act for the relief of Maria Badalamenti; to the Committee on the Judiciary.

S. 566. An act for the relief of Maria Grazia Iaccarino; to the Committee on the Judiciary.

S. 629. An act for the relief of Chen-Pai Miao; to the Committee on the Judiciary.

S. 645. An act to provide relief in patent and trademark cases affected by the emergency situation in the U.S. Postal Service which began on March 18, 1970; to the Committee on the Judiciary.

S. 672. An act for the relief of Nicholaos Demitrios Apostolakis; to the Committee on the Judiciary.

S. 1253. An act to amend section 6 of title 35, United States Code, "Patents," to authorize domestic and international studies and programs relating to patents and trademarks; to the Committee on the Judiciary.

S. 1254. An act to amend title 35, United States Code, "Patents," and for other purposes; to the Committee on the Judiciary.

THE LATE HONORABLE ROBERT J. CORBETT

The SPEAKER. The Chair recognizes the gentleman from Pennsylvania (Mr. Saylor).

Mr. SAYLOR. Mr. Speaker and my colleagues in the House, it is with profound sadness in my heart that I announce to the Members the passing of Robert J. Corbett, who represented the 18th District of Pennsylvania.

Bob Corbett was the dean of the Pennsylvania delegation and has served his constituents faithfully and well since 1938 when he was first elected to the 76th Congress. His passing leaves a void in the hearts and the ranks of the Pennsylvania delegation and the people of Allegheny County whom he represented.

He was the ranking Republican on the Post Office and Civil Service Committee and was recognized not only in Pennsylvania but also throughout the country as an authority on postal matters and on civil service affairs.

It is rather unusual that his brother died just a little over a week ago. It was at the service being conducted for his brother that he became ill, was taken to the hospital and went into a coma, from which he never recovered.

I remember our colleague most vividly, not as the senior member of the Pennsylvania delegation, nor as the ranking Republican on the Post Office and Civil Service Committee, but as the man who took me aside after I was sworn in as a new Member of Congress in 1949, and counseled me on the ways of the House, the ways of being a Congressman, and the ways of best serving one's constituency. I have followed his advice to this day.

Mr. Speaker, Bob Corbett has gone to his reward; the Nation, Pennsylvania, his district, the House of Representatives, and the Republican Party—this is the order he viewed his responsibilities—have lost an uncommon man. He was in large sense exactly what his campaign posters read:

> He is a good Congressman.

From his entrance into politics as one of the originators of the Young Republicans in Allegheny County and through his rise to leadership in the House of Representatives and the Republican Party, Bob Corbett never forgot his primary duty to represent his constituents. He served them, not as a Republican, but as their Representative.

There are not many who remember that Congressman Corbett was the first of our colleagues to use a public opinion poll in a congressional district. At the time, in 1938, he was roundly accused of playing a political trick but he knew different. Many scoffed at the innovation—not Bob Corbett. He listened to those results and was influenced, but, and this is the critical difference between the led and the leader, Bob Corbett was also guided by the sage counsel of Edmund Burke who taught us:

> Your representative owes you, not his industry only, but his judgment; and he betrays instead of serving you, if he sacrifices it to your opinion.

One more indicator of Bob's guiding philosophy can be found in an article he wrote entitled, "What I Believe About Jesus Christ." In that beautiful essay, he said,

> For the Christian as a guide to his religious and social behavior nothing can be more significant than Christ's own words, "I am the way". It is the sign post pointing to a constantly improving life on earth and the hope for eternal satisfactions. For the non-Christian we can only preach and pray to the end that they will eventually at least agree that as a proper guide for human behavior that His is "the way."

Mr. Speaker, I believe Bob Corbett would like to be remembered as a fair man who tried to do his very best; a man of keen wit and intelligence who enjoyed helping anyone who needed help. Bob Corbett was also a man who was a stanch advocate of the virtues of being brief. So I shall be also.

I have lost a warm, considerate friend. One that will not be replaced.

On behalf of the Speaker and on behalf of the Members of the House, I extend our profound sympathy to his wife, Ruthe, and daughter, Mrs. Donald F. Dunbar, to his sister, Mrs. Doris Thompson, and to his grandchildren, Robert James and Laurie Craig.

I wish to inform the Members that Mr. Corbett's body will lie in state at the McDonald Linn Funeral Home at Lincoln Avenue, Bellevue, Pittsburgh, this afternoon from 2 to 4 p.m. and from 7 to 9 o'clock this evening. Services will be held on Tuesday evening in the funeral home. Private interment will follow on Wednesday. Transportation will be provided for the Members of Congress who wish to attend the services in Pittsburgh, leaving the House steps at 5:15 p.m. Tuesday. Those who desire to go should see the Sergeant at Arms.

In lieu of flowers, the family has asked that contributions be made to the Suburban General Hospital, Pittsburgh.

I will be happy to yield now to my colleague, the distinguished majority leader.

Mr. BOGGS. Mr. Speaker, I appreciate the gentleman from Pennsylvania yielding to me. I was shocked, as I am sure my colleagues were, to hear on the radio last evening of the sudden death of our colleague. I knew, of course, that he had borne illness for many years, diabetes and other illnesses, none of which he complained about. He did his work well and faithfully, and I was not prepared to learn of his sudden passing.

Mr. Speaker, Bob Corbett and I came to the Congress at about the same time. I knew him well. I shared the universal affection that Members of this body had for him. He was a Member's Member in that he was always considerate of the other Members of this body regardless of what side of the aisle they sat on. He was faithful in his committee work and devoted to helping people who work for the Government and others who come before the Committee on Post Office and Civil Service. I shall miss him, and I know that my colleagues will miss him. He leaves a monument of dedicated service to his district, his State, and his Nation.

Mr. Speaker, I thank the gentleman for yielding to me.

Mr. SAYLOR. Mr. Speaker, I am happy to yield to the minority leader, the gentleman from Michigan, (Mr. Gerald Ford).

Mr. GERALD R. FORD. Mr. Speaker, I was shocked to receive a telephone call Sunday morning, informing me of Bob Corbett's passing. We had all known he was not in the best of health, but Bob was not a complainer. He carried on in his duties as a Member of the House to the best of his ability despite a persistent physical disability. In the years that I served in the House with Bob Corbett, I was always impressed by his great understanding of the problems of Government employees. He was especially sympathetic to the requests of those who worked for the Post Office Department. Bob Corbett served for many years on the Committee on Post Office and Civil Service, gradually reaching the pinnacle on our side of the aisle. He performed his duties as the senior Republican on that committee in a most exemplary way. Bob Corbett broadened his responsibilities as a Member of the House several years ago when he was appointed a member of the House Committee on Armed Services. His service there was constructive and helpful. This year when we organized the Congress, Bob realized his health would not permit his continued service on two major committees. As a consequence, he left the Committee on Armed Services so he could devote his time and attention to the Committee on Post Office and Civil Service.

Mr. Speaker, all of us in the House have lost a fine friend with the death of our colleague, Bob Corbett, but the little people of America and the handicapped have lost a champion.

In eulogizing Bob Corbett, we can talk about the fact that he was the third-ranking House Republican in terms of seniority and the fact he was senior Republican on the House Post Office ana Civil Service Committee.

But what Bob would most like to be remembered for is what he did for the little people of this country, particularly the blind.

Bob Corbett sponsored many bills over the years to assist the blind and the handicapped.

In his capacity as a member of the Post Office and Civil Service Committee Bob won preferential mail treatment for tapes and recordings for the blind—handling of them at minimal cost. He also saw to it that special library materials for the blind were made available from the Library of Congress. And in 1964 he sponsored white cane safety legislation which culminated in the white cane fund-raising efforts engaged in annually by the Kiwanis Clubs throughout the country.

Bob also was proud of the manner in which he served his constituents. Not only did he answer every piece of constituent mail that came to his office, but he also sent out two questionnaires a year and kept closely in touch with his district. Bob Corbett, in his fact, could be said to have developed the congressional questionnaire.

When Bob Corbett first was elected to Congress in 1938, opinion polling was in its infancy. Bob quickly adopted this technique, with the theory that it was more important what his constituents thought than what he thought.

Bob Corbett was not only devoted to his constituents but also to his friends. He gave his layolayt completely to those he liked and trusted.

Bob's congressional service was interrupted, and in 1944 he managed Congressman Jim Fulton's campaign for the House. Jim at that time was out on World War II duty aboard a destroyer in the Pacific. Bob ran a successful campaign on Jim's behalf. When Jim showed up in the House in 1945 to take the oath of office he was wearing his Navy uniform. He was told he could not take the oath in military uniform—so Bob Corbett literally gave Jim Fulton the coat off his back and the oathtaking proceeded.

Bob Corbett was in his 15th term in the House. In effect, he gave his life to this House. His congressional service was the high point of a career during which he was a high school teacher, publisher and editor of the North Pittsburgh Times, and the sheriff of Allegheny County, Pa.

We shall all miss Bob Corbett, humanitarian and loyal friend. My wife, Betty and I extend our condolences to his wife, Ruthe, and daughter, Sally.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the distinguished Speaker.

Mr. ALBERT. Mr. Speaker, I learned yesterday with profound shock of the death of my longtime friend and colleague, Robert J. Corbett. I join with the distinguished gentleman from Pennsylvania (Mr. Saylor) and his colleagues from Pennsylvania and other Members of the House, in the tributes being paid to his life and service.

I have known personally and well Bob Corbett ever since I became a Member of the House. We served together during the early years of my membership in this body on the Committee on Post Office and Civil Service. Bob devoted most of his congressional service to that great committee. He has been its ranking member for many years. Much of the landmark postal and civil service legislation on the statute books has been enacted during his membership. His fingerprints are on every postal and civil service law enacted during the past quarter of a century.

Bob Corbett was a fine, considerate, and gentle man. He was a devoted friend, husband, and father.

He was a distinguished legislator. He was constructive and progressive, and he approached every problem with careful consideration, measured by the national interest in the broadest sense of the term.

I shall miss this good man, this pleasant, decent colleague with whom I have conversed so many times during my service in the House. We have discussed many problems, never once on the basis that he was a Republican and I a Democrat.

We have lost a strong and solid figure in this House. The great Pittsburgh area has lost a man who knew and understood its problems. Our country has lost an able, contributing, and distinguished public servant.

Mrs. Albert and I extend to Mrs. Corbett and their daughter and the host of friends and loved ones our deepest sympathy in their bereavement.

Mr. SAYLOR. I thank the distinguished Speaker for his kind remarks.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the distinguished minority whip.

Mr. ARENDS. Mr. Speaker, nothing I can possibly say will adequately express the loss we have suffered with the passing of Bob Corbett. We have lost one of our most distinguished colleagues and one of our ablest legislators. His contribution to the work of the Congress is beyond measure.

Bob first came to Congress in 1939. He was out of Congress for 4 years, returning in 1944 and serving continuously since. While he is best known for his work on the Post Office and Civil Service Committee, where he was ranking minority member, he played a vitally important part in connection with many legislative issues that came before us during his 15 terms in the House.

Bob Corbett was a very good friend of mine. I will miss him greatly. To his family I extend my sincere sympathy.

Mr. SAYLOR. I thank the distinguished gentleman from Illinois for those kind remarks on the passing of our colleague.

Mr. MORGAN. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to our dean of the Pennsylvania delegation, Mr. Morgan.

Mr. MORGAN. Mr. Speaker, all of us have been saddened by the death of our colleague Bob Corbett who passed away yesterday at age of 66.

Although he had not been in good health in recent years, he had continued to serve the people of his district actively and with distinction to the last.

Bob Corbett's passing will be felt by us all but particularly by the thousands of civil service and post office personnel who benefited from the wisdom and sympathetic consideration which he always manifested toward them during his long service as a member of the Committee on Post Office and Civil Service. He served as ranking minority member of that Committee during recent years and played an active and influential role in its deliberations.

Those of us from the State of Pennsylvania are particularly conscious of the loss we have sustained. He was dean of the Pennsylvania delegation. We all recognized the wisdom which he had acquired during his 28 years of service in the House and we looked to him for guidance.

Bob Corbett had a warm and friendly personality. He liked people. He liked his colleagues here in the House and we always found him to be a good companion. He also liked and took a deepseated interest in less fortunate people and was active in programs to improve their conditions.

It is hard to realize that he is no longer with us. All of us will miss him as a friend. It will take some time for the House to make the readjustments necessary because of his passing.

I especially want to extend by sympathy to his widow and his children. They can be comforted by the knowledge that he rendered outstanding service to his country during his long and distinguished career.

Mr. SAYLOR. Mr. Speaker, I now yield to the distinguished gentleman from Pennsylvania (Mr. Williams).

Mr. WILLIAMS. Mr. Speaker, in the death of the Honorable Robert J. Corbett yesterday morning, the Nation lost a dedicated public servant, the people of the 18th Congressional District of Pennsylvania lost an outstanding Representative, and all of us lost a wonderful colleague.

I was born in that portion of Allegheny County which Bob so ably represented as the little man's Congressman. I know from this familiarity with the area and with Bob that he deserved that title, just as he deserved the loyalty he received from his constituency, which returned him to the Congress as their Representative for 28 years.

As dean of the Pennsylvania congressional delegation and ranking Republican on the Post Office and Civil Service Committee, Bob was an able, tough, and effective leader. His well-known concern for the little man, for the blind, the infirm, and others deserving special attention, most clearly demonstrated him as the compassionate human being he was.

I will miss Bob, as I know we all will, and I take this moment to extend my heartfelt sympathy to his wife, Ruthe, and to his daughter, Sally.

Mr. SAYLOR. I yield now, Mr. Speaker, to the chairman of the Committee on Post Office and Civil Service, the distinguished gentleman from New York (Mr. Dulski).

Mr. DULSKI. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding to me. I was shocked to learn of the passing of my very close friend and colleague, the Honorable Robert J. Corbett.

Bob Corbett was one of the best liked and most respected members of the Committee on Post Office and Civil Service, which I have the honor to chair.

When I came to Congress in 1959 and was assigned to the committee, Bob Corbett was the first member of the committee I had the pleasure to meet. I recall how he graciously welcomed me and arranged to introduce me to the then ranking minority member, the late Edward H. Rees, of Kansas.

In the following Congress, beginning in 1961, Bob became the ranking member of our committee and I know of no member who has been more cooperative and understanding in dealing with the complex matters which come before our committee.

He had an understanding and an interest in the issues dealing with the postal services and Federal employment.

Over the years, his strong concern and the area where he felt he made his greatest contribution was in developing a sound and workable retirement system for employees of the Federal Government.

Indeed, not only was he interested in their retirement provisions, but he also was deeply concerned with all the rules and regulations and benefits applying to Government workers.

Bob Corbett had been a member of the committee since he returned to the Congress in 1945, first being named to to the Committee on Post Office and Post Roads which 2 years later was absorbed into the present Post Office and Civil Service Committee created by the Reorganization Act of 1946.

During the 91st Congress, when our committee faced up to its most comprehensive piece of legislation—the postal reform measure—Bob Corbett played a key role in the long and often frustrating effort to work out the final reorganization bill.

Mr. Speaker, as chairman I know that I speak for all members of the committee in expressing my deepest sorrow at the sudden passing of our friend and colleague. His lovely wife, Ruthe, and his daughter, Sally, have lost a beloved husband and father. We have lost a good friend.

Mr. Speaker, I include at this point a statement of James H. Rademacher, president of the National Association of Letter Carriers on the unfortunate death of Representative Robert J. Corbett, of Pennsylvania:

STATEMENT OF JAMES H. RADEMACHER

I appreciate very much this opportunity, granted by Rep. Thaddeus J. Dulski, Chairman of the House Committee on Post Office and Civil Service, to pay tribute to a great postal statesman, Hon. Robert J. Corbett, of Pennsylvania.

Bob Corbett served on the House Post Office Committee longer than any man in the history of the United States. During his 28 years in Congress, he never once cast a vote that was detrimental to the best interests of those who work in the Post Office.

Bob Corbett was a man of courage and determination. He remained staunchly liberal when the administration of the nation and of the Postal Establishment were both unremittingly conservative. Despite many physical ailments, sufficient to discourage a lesser man, he stood up bravely for his own principles and for the dignity of the human family.

Bob Corbett was at his best when, from our point of view, the legislative picture looked darkest. He was forever looking for some kind of compromise, some kind of opening through which the light could come in and dispel the gloom of darkness which was surrounding us.

We, the members of the National Association of Letter Carriers, will miss him tremendously and we shall remember him always. May God grant him eternal rest, and may He grant to his widow, Ruth, and his daughter, Sally, the strength to bear their burden of sorrow.

Mr. SAYLOR. Mr. Speaker, I yield to the distinguished gentleman from Iowa (Mr. Gross), now the ranking Member of the Committee on Post Office and Civil Service.

Mr. GROSS. Mr. Speaker, it was with great regret that I learned early yesterday morning of the death of our colleague, the Honorable Robert J. Corbett.

While I knew that he suffered from a chronic ailment, there was no indication that his condition had become acute, and apparently it was the death of his brother last week, to whom he was deeply attached, that brought him to a crisis and a shockingly sudden end.

For more than 22 years Bob Corbett and I had served on the Post Office and Civil Service Committee and I am therefore aware of the many contributions he made to legislation affecting the welfare of Government employees and the operation of the postal service.

His long experience in dealing with problems of civil service and postal service will be missed by the members of the Post Office and Civil Service Committee.

To Mrs. Corbett and their daughter I extend sincere condolences in their grievous loss.

Mr. SAYLOR. Mr. Speaker, I yield to my colleague, the gentleman from Pennsylvania (Mr. Moorhead).

Mr. MOORHEAD. Mr. Speaker, I rise to join my colleagues in expressing profound shock and sorrow at the death of our good friend, Bob Corbett. With the death of Bob Corbett, the Nation has lost a dedicated public servant. Congress has lost an effective legislator and the 18th Congressional District of Pennsylvania has lost a powerful Representative. The postal clerks and civil servants have lost a great champion, and we in the House have lost a loyal and devoted friend.

Mr. Speaker, Bob Corbett's district and mine adjoin and we shared many of the same problems. When I came to the Congress 12 years ago, Bob had already served 16 years in Congress. He gave to me unstintingly of the wisdom he had acquired over those years. There was never any partisan dispute between us and we remained friends throughout our service.

Mr. Speaker, I know that Pennsylvania has lost a very able and effective Representative and we, in the Congress, have lost a dear friend.

My wife and I join in expressing our most profound sympathy to his wife and daughter.

Mr. SAYLOR. Mr. Speaker, I yield to my colleague, the gentleman from Pennsylvania (Mr. Johnson).

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I was shocked and saddened when I received the news of the death of my good friend and colleague, Robert Corbett.

My real warm association with Bob started when I was named a member of the Committee on Post Office and Civil Service about 6 years ago. On this committee I was able to observe and to get to know this man who had a profound knowledge of the workings of the Post Office Department. He was a pillar of strength in the operations of the Committee on Post Office and Civil Service and was highly respected by those who had something to do with the postal service. I will never forget his kindness to me, as a member of the committee of which he was the minority chairman. He always was sympathetic to my requests as a member of the committee. He gave me valuable advice and counsel. Bob was essentially a very kind and considerate person, and, therefore, had a host of friends.

We certainly will miss his cheery "hello" and his ready smile. We have lost a great public servant.

May I extend to his wife and family my deepest sympathy in their great loss.

Mr. SAYLOR. Mr. Speaker, I yield to my colleague from Pennsylvania (Mr. Coughlin).

Mr. COUGHLIN. Mr. Speaker, I join my colleagues in mourning the death of Bob Corbett, a distinguished Pennsylvanian who served the United States and the Commonwealth of Pennsylvania for almost 28 years in the House of Representatives.

As dean of the Pennsylvania Republican delegation, Bob Corbett exhibited the qualities of leadership and empathy that endeared him to all of us. I know that I will never forget the kindness, consideration, and advice he offered to his junior colleagues.

During his lifetime, Bob Corbett was a teacher, a newspaper publisher, and an activist in community affairs. The many accomplishments of his career, both within and without the U.S. Congress, could not have been attained without his genuine involvement with people as individuals, for his deep concern with the course our American society pursued, and without his immense fund of knowledge about our history and our Government.

I extend my condolences to his wife, Ruthe; his daughter, Mrs. Sally Dunbar, and his two grandchildren. I hope that the high affection and esteem in which we all held Bob Corbett will afford comfort to them in their time of grief.

Mr. SAYLOR. Mr. Speaker, I yield to my colleague from Pennsylvania (Mr. Rooney).

Mr. ROONEY of Pennsylvania. I thank the gentleman for yielding.

Mr. Speaker, I, too, join my colleagues in mourning the loss of a beloved Pennsylvania Congressman, Bob Corbett. When I came to the Congress after a special election in 1963, I remember so well Bob coming over and congratulating me and asking if he could be of any help to me. He was a great inspiration. He has been most helpful to me ever since I came to Congress.

I know a little something about Bob Corbett off the floor of the Congress because he represented the part of western Pennsylvania that encompasses Sewickley, where Mrs. Rooney's parents live. For years, Bob was a knowledgeable, skilled, and forceful Member of Congress. He was one of the first Members to poll his constituency by mail on the issues of the day. His thoughtful response to the views expressed was always well appreciated, and I know personally the tremendous respect which the people in his district had for Bob.

Bob was also well known for his loyal service to the Post Office and Civil Service Committee, of which he was ranking minority member, and especially for his dedication to providing wage equality for our Federal employees. He previously served as a member of the Armed Services Committee.

Bob Corbett was an outstanding Congressman, a dedicated American, and a valued friend. Mrs. Rooney and I extend to Mrs. Corbett and their daughter, Sally, our deepest sympathy.

Mr. SAYLOR. I yield to the gentleman from Illinois (Mr. Anderson).

Mr. ANDERSON of Illinois. Mr. Speaker, it was not until a few minutes ago, when I was preparing to come to the House Chamber, that I learned of the unfortunate passing of our late colleague, the Honorable Bob Corbett.

Many of those who have addressed the House this morning have spoken of their association with him over the years as members of the Post Office and Civil Service Committee. Even though I never had the experience or the opportunity of serving with Bob on a committee of the Congress, I had come to regard him with great affection and respect during the more than 10 years that I have been here. He was an able and an experienced legislator. We will miss him sorely in this body, and I certainly want to take this opportunity not only to express a deep sense of personal loss but also to offer my most sincere condolences to his widow and to his daughter.

Mr. UDALL. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the distinguished gentleman from Arizona (Mr. Udall).

Mr. UDALL. Mr. Speaker, it was with a great deal of sorrow that I received the word that my colleague and friend, Congressman Robert Corbett, had passed away.

I remember Bob in his finest moments when he was with us on the Post Office and Civil Service Committee. He was the kind of man who stuck to his principles of fair play and honesty even when it would have been easier to go along with the party or some special consideration of the time. Over and over again I saw Bob Corbett vote for equal opportunities for all men, for better pay and benefit for the Federal worker, and for those measures which mark a man as good, decent, and honest. That is how I remember Bob Corbett.

To the Congressman's widow and daughter, my sincere sympathy. They can be assured that the memory and legislative accomplishments of Bob Corbett will be with us for a long time to come. He was truly an outstanding American.

Mr. O'NEILL. Mr. Speaker, I would like to add my voice to the already impressive list of tributes to our esteemed colleague, Robert J. Corbett, who passed away unexpectedly this weekend.

Representative Corbett, the dean of the Pennsylvania delegation, embodied all of the qualities and talents that are essential to the makeup of an effective legislator. His example kept all of us aware that our first responsibility is to our constituents.

Representative Corbett continually demonstrated admirable humanitarian traits, particularly in his zeal to see that the rights of the "little man" were protected. He was especially concerned with the plight of the handicapped.

As one of the first Members to systematically solicit the opinion of his constituents, Representative Corbett's votes were largely determined by the results of his polls. The veteran Pennsylvania legislator felt a deep obligation to carry out the mandates expressed by those who elected him.

Strong in every aspect of legislation, his tireless work on the Post Office and Civil Service Committee upgraded the efficiency of the Post Office and led to increased salaries and improved working conditions for Government employees. Representative Corbett remained true to the underprivileged by introducing and cosponsoring numerous pieces of legislation designed to help the black and the handicapped.

Representative Corbett's interests and accomplishments were not limited to congressional affairs. As the youngest sheriff in the history of Allegheny County, he was the first to appoint black deputies. In addition, Representative Corbett once edited and published the North

Pittsburgh Times and also was the owner of Pittsburgh's first professional basketball team, the Raiders.

It is obvious that Representative CORBETT was a most dedicated worker. Significantly, he was most dedicated to the cause of those who needed him most. His death is a great loss to each and every one of us.

Mr. EVINS of Tennessee. Mr. Speaker, I want to take this means of joining my friends from Pennsylvania and others in paying a brief but sincere tribute to the memory of our late colleague and friend, ROBERT J. CORBETT, of Pennsylvania.

Certainly we were all shocked and saddened to learn of the passing of BOB CORBETT on Sunday in Pittsburgh—who served with great distinction and dedication for 28 years in the House.

BOB CORBETT was a genial, personable, able legislator and devoted to the public interest. He had a great compassion for the underprivileged and the handicapped, and worked to assure passage of much legislation to assist the unfortunate and disadvantaged people of our Nation.

As a senior and active member of the Post Office and Civil Service Committee, BOB CORBETT made great and significant contributions to these important areas of our Government.

He served his district, State, and Nation well and faithfully, and will be greatly missed. I want to take this means of extending to Mrs. Corbett and other members of his family this expression of my deepest and most sincere sympathy, in their loss and bereavement.

Mr. HARVEY. Mr. Speaker, I was saddened to learn of the passing on Sunday of my fellow colleague, BOB CORBETT.

For some 10 years I served in this body with the distinguished gentleman from Pennsylvania, and throughout this entire time he exhibited a true dedication, not only for those citizens of his 18th Congressional District, but for all humanity.

A continuing testimony of this concern and dedication is evidenced in his constant efforts to help the blind, the infirm, and other handicapped citizens. His outstanding efforts in these areas will not be soon forgotten.

I shall recall with fondness and appreciation the privilege that was mine in knowing BOB CORBETT. He was a good Congressman and a truly fine gentleman. His presence will be sorely missed.

My wife, June, joins me in extending our deepest sympathy to Mrs. Corbett and their daughter.

Mr. DERWINSKI. Mr. Speaker, I was shocked to hear of the passing of our beloved colleague, and my good friend, the Honorable ROBERT J. CORBETT.

As the ranking Republican member of the House Post Office and Civil Service Committee, BOB CORBETT played a major role in all the legislation coming before that unit. He was a very effective and knowledgeable legislator. He had the ability to work out compromises and to moderate differences of opinion—traits which were consistent with his quiet demeanor and gentle nature.

However, Mr. Speaker, we not only lose the service of a respected colleague but of a member who had acquired many, many friends through his long years in this body. BOB CORBETT served his district well and was a most effective legislator, which is, of course, the first responsibility of a law maker. At all times he was cognizant of and served the best interests of our country.

We will miss him as a colleague, friend, and as an individual. On behalf of Mrs. Derwinski, as well as myself, I extend condolences to Mrs. Corbett and the family.

Mr. SIKES. Mr. Speaker, this Congress and the nation are poorer with the passing of ROBERT CORBETT. His long and dedicated career of public service ended with his death on yesterday.

I think it can be safely said that few who have served in the Congress devoted more time and energy to help their fellow man. Known as the little man's Congressman, BOB CORBETT could always be counted on for wise counsel and sound leadership in matters concerning those Americans in special need. He stood fast in his dedication to the United States, and he was in the front rank when it came to urging a strong and free America.

To say that he will be missed is an understatement. BOB CORBETT cannot be replaced in the hearts of those of us who knew him well and valued him as a friend. Our sympathies and prayers go out to his family. All of us can take solace in the knowledge that in BOB CORBETT, we enjoyed a personal relationship with a great gentleman who was always just that—a gentle man. This helps us to understand the greater loss which has been suffered by his family.

Mr. FULTON of Pennsylvania. Mr. Speaker, we personal friends have suffered deep loss in the passing of our longtime friend and colleague Congressman ROBERT J. CORBETT, of Pennsylvania. It is with a real sense of personal loss, as well as loss for Congressman CORBETT's fine family, his many friends in the 18th Congressional District of Pennsylvania, and Allegheny County, as well as the State of Pennsylvania and our whole country that I make these remarks in tribute to BOB CORBETT.

BOB CORBETT and I worked together as longtime friends starting with our work in the Young Republican organization of Pittsburgh and Allegheny County. Each of us in the Pennsylvania delegation, both Republican and Democrat, extend to BOB CORBETT's family and his many friends our sincere sympathy and condolence at this time of sorrow and unexpected loss.

I would like to report to the House that we have had nothing but good comments about Congressman BOB CORBETT. His dedication to the House of Representatives, his patriotism and his love of country, his work through the years in civic and public affairs on the Federal, State, and local levels have won him a place of high standing in our Nation's history where he will be long remembered.

One of the most impressive statements that has been made about BOB CORBETT is the personal statement by President Nixon at Camp David yesterday, Sunday, April 25, when he said:

Congressman Bob Corbett of Pennsylvania is a valuable personal friend whom I have known since our service together in the House of Representatives more than 20 years ago. It was with justifiable pride that Robert Corbett of Pennsylvania called himself "the little man's Congressman."

His constant concern for the blind, the infirm and others in special need was a tribute to his humanitarianism. With his death the Congress has lost a distinguished member and the Nation has lost a dedicated servant.

Our two Pittsburgh leading newspapers have excellent articles on the passing of BOB CORBETT, which I now include in my remarks:

[From the Pittsburgh (Pa.) Press, Apr. 26, 1971]

REPRESENTATIVE CORBETT DIES—RITES TOMORROW

U.S. Representative Robert J. Corbett, the veteran Republican Congressman from Ben Avon Heights died yesterday in Suburban General Hospital, Bellevue. Mr. Corbett entered the hospital Thursday for a diabetic condition and his personal physician attributed his death to cerebral thrombosis on the left side of the brain.

Mr. Corbett, who lived with his wife, Mrs. Ruthe M. Corbett at 15 Devon Lane, Ben Avon Heights represented the 18th Congressional District.

Mr. Corbett has served in Congress longer than anyone from Western Pennsylvania and was within a year of the Pennsylvania record set last century by Representative William D. Kelley of Philadelphia 1861–1890. Mr. Corbett had served continuously since the convening of the 79th Congress in January of 1945. He had served previously in the 76th Congress (1939–1941). He ranked 19th in seniority among the 435 House members and 3rd among Republicans. He was the Dean of the State's House Delegation, as well as the senior Republican from Pennsylvania.

Although Mr. Corbett never sought to be a dominant figure in the House Republican organization, and often voted independently, he rose to a position of importance 10 years ago. At that time, he became the senior GOP member of the House Post Office and Civil Service Committee, a position which assured him of becoming its Chairman in the event his party took control of the House. There Mr. Corbett helped write the laws which transformed the Post Office Department into the quasi-independent U.S. Postal Service, and set the pay and rules for the millions of Federal employees who compose Civil Service.

He helped bring about in recent years a goal he had long sought—a pay schedule for upper bracket civil servants comparable to private industry. But he also . . . supported pay increases for lower level workers to keep pace with the cost of living and increases in productivity. Though he voted for pay increases for House members, he also was quick to insist that members of their staffs be granted proportionate pay raises.

Mr. Corbett was recognized as a friend of the blind and was honored by their organizations. He saw to it that in Reorganization Act some years ago the right of blind people to operate vending stand in Federal buildings was preserved. He was the author of a law permitting Federal employees who become blind to continue working if they can provide "sighted readers" to help them at their own expense or at the cost of blind organizations.

Mr. Corbett's office has a good reputation for service to constituents, and his long time Administrative Assistant Harold Eberle is a leader among GOP staff members in the House. During much of his career Mr. Corbett had one of the most liberal voting records among Republican Congressmen, but he had voted somewhat more conservatively in recent years.

Mr. Corbett was graduated from Allegheny College in 1927 and received an honorary Doctor of Laws degree from the school in 1965. He was a Wallace Research Fellow in History at the University of Pittsburgh from 1927 to 1929, where he earned a Masters Degree. Mr. Corbett taught at Coraopolis Senior High School from 1929 to 1938. He also taught at Allegheny College, Pitt and Pittsburgh Academy. Mr. Corbett was an instructor of political science, economics, history and public speaking. He was the former editor and publisher of the "North Pittsburgh Times".

Mr. Corbett was elected Sheriff of Allegheny County in 1941 and, at the age of 36, became the youngest person to hold that office.

Mr. Corbett was elected again in the 1944 Congressional elections and remained in office until his death. He served as a Congressional representative to the North Atlantic Treaty Organization Parliamentary Conference in Paris in 1957, 1958 and 1959. He was also a member of the Bellevue Chamber of Commerce, Phi Delta Theta fraternity, Loyal Order of Moose, Elks, Eagles, Kiwanis, Lions, Phi Alpha Theta, Delta Sigma Rho and the Board of Directors of Suburban General Hospital.

Mr. Corbett was proud of his efforts on behalf of flood control in the Pittsburgh area, and once said, "I have been in the forefront in the battle for flood control and have done much to get the Allegheny River dams which have helped to save Pittsburgh and other towns from severe flooding." He attributed his long tenure in Congress to "the fact that I have stayed away from extreme views by following a moderate course." Mr. Corbett supported President Lyndon B. Johnson's and President Richard M. Nixon's Vietnam War policy. "I believe," he once said, "I have no choice except to follow decisions made at the top level and do my bit to help my country maintain a united front against those who spurn our objectives and ideals."

In addition to his widow, survivors are a daughter, Mrs. Sally C. Dunbar of Ben Avon Heights, a sister, Mrs. Doris Thompson of Bellevue, and two grandchildren.

Friends will be received from 7 to 9 tonight and 2 to 4 p.m. and 7 to 8 p.m. tomorrow at the MacDonald-Linn Funeral Home, 366 Lincoln Avenue, Bellevue. Services will be held at 8 p.m. tomorrow at the funeral home. Burial will be Wednesday at Union Dale Cemetery, North Side.

[From the Pittsburgh (Pa.) Post Gazette, April 26, 1971]

CONGRESSMAN CORBETT DIES IN HOSPITAL HERE

U.S. Representative Robert J. Corbett died early yesterday, at the age of 65, after serving almost half a lifetime as Congressman for northern Allegheny County's 18th District. Death came at 1:25 a.m. in the Suburban General Hospital, Bellevue, in the aftermath of cerebral thrombosis, a blood clot lodged in the brain suffered early Thursday. Corbett long had been a victim of diabetes, and entered the hospital Wednesday night with a temperature.

He succumbed just 8 days after an elder brother, William (Ted) Corbett died in Virginia. William Corbett had been a judge of the old Allegheny County Court and in the late 1950's was Governor of Guam.

Funeral services for Representative Corbett will be held tomorrow at 8 p.m. at the MacDonald-Linn Funeral Home, 366 Lincoln Avenue, Bellevue with interment to follow Wednesday morning at Union Dale Cemetery, North Side.

Friends will be received at the funeral home today and tomorrow from 2 to 4 and 7 to 9 p.m. The Congressman is survived by his wife, Mrs. Ruthe M. Corbett, one daughter, Mrs. Sally Corbett Dunbar, two grandchildren and one sister, Mrs. Doris Thompson. He lived at 15 Devon Lane, Ben Avon Heights.

The Congressional District that sent Corbett to Washington for 29 years is a sprawling and varied one that takes in virtually all of the northern half of Allegheny County and has a population of about 460,000. It encompasses everything north of the Ohio and Allegheny Rivers, except the North Side Business district, and crosses the Allegheny to include the Boroughs of Oakmont, Verona, Penn Hills, Plum, Monroeville, Pitcairn, Forest Hills, Edgewood and Wilkinsburg Boroughs and Wilkins Township.

The District sent Corbett to Congress for the first time in the elections of 1938. In 1941 he ran for sheriff. He served until 1944, when he ran for Congress the 2nd time and was sent back to Congress by his District. From that time on he was reelected every 2 years and had planned to run again next year. In his later campaigns he generally had an easy time, although that was not always so, and even in the "easy" years there were wide fluctuations in his margins of victory.

It was a legislative attitude that helped him attain more time in Congress than any other member from Western Pennsylvania. The tenure made him the ranking Republican on the House Post Office and Civil Service Committee, and membership of the NATO Assembly and the Republican Policy Committee.

Congressman Corbett was born in Avalon in 1905 and was graduated in 1927 from Allegheny College where he recently was awarded an honorary degree of Doctor of Laws. He received his Masters Degree from Pitt and did graduate study at Columbia University. In the 1930's Corbett taught at Coraopolis High School and coached several championship debating teams, (a capacity he did not often utilize in Congress, but when he did he was good), and in the 1940's he was the owner of the first professional basketball team in the city, the Pittsburgh Raiders. At one time he was publisher of the "North Pittsburgh Times". He was recipient of the George Washington Carver Award and the American Legion Distinguished Service Award and the 89th Congress Watchdog of the Treasury Award.

In conclusion, the Pennsylvania Delegation in the Congress, where Bob Corbett was very popular both among the Democrats and Republicans, will really miss Bob Corbett and sincerely extend our feelings of loss and sympathy to his family and his many friends.

Mr. McDADE. Mr. Speaker, early Sunday morning death took ROBERT J. CORBETT, and in that taking this Nation lost a splendid man, a distinguished American, a dedicated Member of Congress.

For those of us who came to know him as a friend as I did, that loss is a deep and very personal one.

It would not be possible to put into words my sense of loss at the death of BOB CORBETT. When I first came to the Congress, when I was faced with those instant decisions which confront every freshman Congressman in the same manner they confront the very experienced Members of this House, I learned early to discuss the issues with BOB. I learned that he had an astonishing grasp of legislation, a profound understanding of the issues of the times, and a willingness to share his knowledge with those who were interested in seeking it out.

Out of many hours of discussion there grew between us a friendship that was to endure with growing warmth until the day he passed from among us.

He was a man who loved the people of this Nation profoundly. Through his work on the Post Office and Civil Service Committee, he came to know the mailmen of this Nation—those patient, hardworking, often-abused, seldom-appreciated, splendid people who keep the wheels of commerce turning in this Nation, who keep alive a million threads of friendship across this Nation and across the world. He came to understand and to love these people, and became their champion here in Congress. They knew this. They became his champions, as he had become theirs; they became a legion of campaigners for CORBETT who stopped at every home in his district and who spread the word that this was indeed a man.

He was loved and respected also by his colleagues here in the House. He was the senior member of his party in the Pennsylvania delegation. When we met to discuss the issues before the Nation which might have a notable effect upon the Commonwealth of Pennsylvania, there was no voice raised in that caucus more respected than the voice of BOB CORBETT. We knew he had more than knowledge; he had wisdom and vision and depth that we valued dearly; and always that wisdom was framed in a delightful wit and humor that would move any heart. Even in pain, he could make the world laugh.

Now he has gone from us. Here, in the House of Representatives, the entire Nation has symbolically paused from its work to pay tribute to this splendid man, and that is a fitting thing to do for a man who served this Nation so well. I extend my condolences to his beloved wife Ruthe, and his daughter Eleanor Louise. Their loss is greater than the loss any others among us have sustained. I would tell them, in their grief, that he will be remembered here in this House as a quiet, patient man who in a quiet, patient way helped shape the destiny of this Nation. It was of such men as BOB CORBETT that John Donne wrote:

> Death, be not proud, though some have called thee
> Mighty and dreadful, for thou art not so:
> For those whom thou think's thou dost overthrow
> Die not, poor Death, nor yet canst thou kill me.
> From rest and sleep, which but thy pictures be,
> Much pleasure, then from thee much more must flow.
> And soonest our best men with thee do go,
> Rest of their bones and souls' delivery.
> Thou art slave to fate, chance, kings, and desperate men,
> And dost with poison, war, and sickness dwell;
> And poppy, or charms can make us sleep as well,
> And better than thy stroke: why swell's thou then?
> One short sleep past, we wake eternally,
> And Death shall be no more: Death, thou shalt die!

Mr. BIESTER. Mr. Speaker, I learned

only yesterday of the passing of our distinguished colleague, Robert Corbett, the dean of the Pennsylvania delegation.

There was a special warmth and sprightly wit in Bob Corbett which this House will miss deeply. He was a man who unabashedly loved to work on the problems faced by the little people of his district and his country. His special regard for the man and women who work in the postal service is well known to all Members.

It always seemed to me that Bob Corbett knew the Government was not an abstract system but rather an interweaving of hundreds upon thousands of human beings and his concern toward the human beings who make the system work was the source of energy that drove him to champion their cause.

We will miss his wit, his warmth, and his down-to-earth commonsense. There are many tributes that could be paid to Bob but the one I think he would appreciate the most would be the fact that those of us who worked with him know beyond any doubt that he cared about people and put his care to work in long years of service and the people he loved have a better life and the Nation he served is stronger as a result.

Mr. ESHLEMAN. Mr. Speaker, Pennsylvania has lost a distinguished citizen, the Nation has lost a dedicated servant, and the Congress has lost a valued Member. Bob Corbett's death came with unexpected suddenness, and the loss will be felt in many quarters, but particularly in this Chamber.

President Nixon noted that Bob was proud of his reputation as "the little man's Congressman." Thousands of Government employees can attest to his interest in their problems during his many years of service on the Post Office and Civil Service Committee. Thousands of Americans who belong to minority groups knew of his personal dedication to bettering racial and ethnic affairs in our country and our communities. Handicapped citizens found him responsive to and knowledgeable about their special needs. And Bob's constituents were beneficiaries of his belief in representation through service.

I think that we can also say that Bob Corbett was a Congressman's Congressman. He was dean of our Pennsylvania Republican delegation in Congress. He was the Member from the Mid-Atlantic region on the GOP policy committee. He was chairman of Pennsylvania's Republican congressional committee. In all these posts he worked with his colleagues and won their respect.

But, the one thing which I remember as setting Bob Corbett apart from most of us in this body was his great skill in handling legislation on the House floor. When a bill was under his management, it was in the very best of hands. He knew not only the job of legislating, but the art of legislating.

Bob will be missed in the U.S. House of Representatives. He will be missed by the Nation. We each share in the bereavement of his family at this hour, and I want to take this opportunity to extend to Mrs. Corbett and other members of the family this expression of my deep and sincere sympathy. My wife joins me in these condolences.

Mr. NIX. Mr. Speaker, I was greatly saddened to learn that my good friend and colleague, the Honorable Robert Corbett, dean of the Pennsylvania delegation, had expired over the weekend.

I worked with Congressman Corbett for over 9 years on the Post Office and Civil Service Committee.

His experience as a legislator, whose career dated back to the late thirties, was invaluable to our committee and its members. His humor and good will was largely responsible for the good feeling that exist between members of both parties on the Post Office and Civil Service Committee.

Congressman Corbett's life spanned several careers, including teaching, newspaper publishing, and local government. He was a historian by training, a just man by temperament, and an outstanding lawmaker. His good sense was part of the bone and sinew of every good piece of legislation coming from our committee.

At the conclusion of Congressman's Corbett's career, the Federal Government had become the best employer in the United States. He was largely responsible for the success of pay legislation. Federal employees have lost one of their greatest champions.

During the span of his career, he fought for reasonable first-class mail rates.

The people of Pittsburgh and the people of Pennsylvania know that he never failed them in 28 years.

I remember and I know that Federal employees will remember his dedication to the principles of equal employment opportunity in the Federal Government. He was one of those responsible for the preserving of the National Alliance of Postal and Federal Employees during the postal reorganization battle.

He was a Congressman's Congressman. He worked hard and he worked intelligently.

He was a great family man and I want to extend my condolences to his wife, Mrs. Ruthe Corbett, their daughter, Mrs. Donald Dunbar, his sister, Mrs. Doris Thompson, and to his grandchildren, Robert, James, and Laurie Craig.

Mr. SCHNEEBELI. Mr. Speaker, the House of Representatives has just suffered a great loss; so has the Nation. Many of Bob Corbett's colleagues were surprised and shocked by Bob's sudden passing over the weekend, and we are still stunned by the impact of our loss.

Those of us privileged to serve in the Pennsylvania Republican Delegation under the leadership of Robert J. Corbett were constantly impressed by his rare leadership qualities. During his 13 years as dean of the delegation, his excellent wit served him and all of us well, and he was always ready with an apt and appropriate reply to any situation.

Perhaps his fine leadership exhibited itself best at those times when disagreements on important issues appeared to be developing during delegation meetings; his talent for smoothing ruffled feathers was deeply appreciated by his colleagues in promoting harmony within the delegation.

In addition, Bob Corbett was a great friend of the working man and, as ranking Republican member of the Post Office Committee, was a true champion of U.S. Postal employees.

By tradition, he was many times referred to as "the gentleman from Pennsylvania." The term applied with unusual accuracy. Colleague, constituent, citizen—all were impressed by the high degree of sensitivity which guided his activities.

Some of us are aware that, for the past several years, Bob Corbett was burdened by poor health and had difficulty in mobility. We all know, however, that his active, dedicated service continued and he responded to the duties of his office, despite physical limitations. We shall all miss our genial friend, gentleman Bob Corbett.

Mr. ADDABBO. Mr. Speaker, I join with my colleagues in the House in mourning the loss of our distinguished Member from Pennsylvania, the Honorable Robert J. Corbett. His record of service in this Chamber and his dedication to public service throughout his life is to be admired and remembered by those of us who knew of his achievements.

It was my pleasure to serve with Congressman Corbett on the House Post Office and Civil Service Committee when I first became a Member of the House Since that time I have respected Bob for his outstanding contribution as ranking member of that committee. The people of the 18th Congressional District of Pennsylvania and all Americans will miss his active and constructive participation in the legislative process.

I join in extending my personal sympathies to the family and friends of the Honorable Robert J. Corbett.

Mr. HILLIS. Mr. Speaker, today it is my privilege to join my colleagues in paying tribute to a great American, Congressman Robert Corbett.

As a freshman, I did not have the honor of knowing Congressman Corbett for any great length of time. But as a new member of the House Post Office and Civil Service Committee, I quickly developed keen respect and admiration for this great man.

Congressman Corbett will certainly be missed by his fellow committee members, by all Members of the House and by all citizens of the United States.

But we must remember that this country is a better place because of Robert Corbett.

Mr. GAYDOS. Mr. Speaker, I was deeply saddened to learn of the death of Bob Corbett, our distinguished colleague and dear friend from western Pennsylvania. When I first came to Congress 3 years ago, Bob Corbett was one of the first to extend the warm hand of friendship and offer of assistance. As the dean of the Pennsylvania delegation, he was always willing to assist new Members and provide them with the benefit of his vast experience and intimate knowledge of House procedures.

For over a quarter of a century Bob Corbett's service in the House of Representatives has justifiably earned him the reputation as being the champion of the postal service employees. As the ranking minority member on the Post Office and Civil Service Committee, he was instrumental in developing a sound and sensible retirement system for the employees of the Federal Government. During the last Congress when the postal reform measure was being considered by the committee, Bob Corbett was a motivating force in working out the intricate details of this complex legislation. He was a dedicated and effective legislator and will always be remembered for his tireless work on behalf of his constituents. He was a great leader with an ingrained sense of fair play and devotion to duty. He will be sorely missed by the body. I join my colleagues in expressing our sorrow and I wish to extend to his wife and daughter my deepest sympathy in their hour of grief.

Mr. GOODLING. Mr. Speaker, I was deeply saddened by the news that Congressman Robert J. Corbett, my good friend and colleague, had passed away.

Bob Corbett's talent and experience made him a "quality Congressman," and he made a superb contribution to the function of the House of Representatives. He was diligent in and devoted to his congressional work, constantly conscious of his responsibilities as a Member of the House of Representatives.

One can gain some appreciation of Mr. Corbett's personal dynamics when he realizes that he was the dean of the Pennsylvania congressional delegation and ranking Republican on the House Post Office and Civil Service Committee.

In a deep sense Bob Corbett was a humanitarian, constantly championing legislation designed to improve the lot of the physically disabled and the economically underprivileged.

His absence will bring great sorrow to his colleagues. He will be missed in proportion to the great contribution he made to the House of Representatives and to the people he represented in Pennsylvania's 18th Congressional District.

Mr. YATRON. Mr. Speaker, I rise to join my colleagues in honoring the memory of a man who served his community, his State, and his Nation with dedication and distinction for more than three decades.

I was shocked and deeply saddened to learn of Bob Corbett's passing, and my family joins me in extending our sympathies to his wife, Ruthe; his daughter, Mrs. Sally Dunbar, and his two grandchildren.

I remember that when I arrived in Washington to serve in this legislative body, Bob Corbett was kind enough to offer me his friendship and counsel. He brought to the House of Representatives the wisdom and compassion of a man who engaged and excelled in a variety of occupations. As a teacher, newspaper publisher, and public servant. Bob Corbett compiled an impressive list of accomplishments.

Mr. Speaker, I hope that it will be of some comfort to Bob Corbett's family to know that the 18th Congressional District, the Commonwealth of Pennsylvania, and our Nation share their sense of loss.

Mr. BRAY. Mr. Speaker, it was with sadness and a deep sense of loss that I heard the news of the passing of our good friend and colleague from Pennsylvania, Robert J. Corbett.

His long, faithful, and diligent service to his constituency, his State, and his country is now ended. We who were privileged to be his friends will always remember him for the man among men that he was. A wise, thoughtful, and considerate man is gone, and the Congress and the American Republic is poorer for his passing.

Mr. BOB WILSON. Mr. Speaker, I would like to join in the tributes to our beloved friend and distinguished colleague, Bob Corbett. For three decades, he represented the 18th Congressional District of Pennsylvania—but more so he also represented the ideals of public service. His work for the blind and infirm was well known. He liked to call himself the "little man's Congressman" and his work in Congress reflected his concern for the welfare of the people of his district and the handicapped people of the Nation.

Bob Corbett was active in the affairs of the Republican congressional committee and served on that committee during a period which saw it grow into a major party function. I am pleased to have had the opportunity to work closely with Bob in the political field—and I consider his death a personal loss.

Bob was an expert in postal affairs and a friend of the post office employee. He was diligent and skillful in carrying on the work of his congressional office and earned the respect and allegiance of his North Pittsburgh district. I feel it can truly be said that he was a "Congressman's Congressman" and that we who knew him have lost a friend, a good Republican, and a fine example of a dedicated public servant—a man that Congress can be proud to have had as a Member for 30 years.

Mr. MATSUNAGA. Mr. Speaker, I shall always treasure my memories of the period when I served on the House Post Office and Civil Service Committee with our late beloved colleague, the Honorable Robert J. Corbett. In our common effort to advance the best interests of the Federal worker, I found, and I am sure that Bob did too, that party labels are relatively unimportant. Although he was the ranking Republican and I a very junior Democrat on the committee, I found that we voted together in support of innumerable pieces of legislation which were designed to improve the status of the Federal employee.

It is little wonder that Bob came to be known as the little man's Congressman. It was not a meaningless appellation. It aptly described his work and his attitude during the 28 years he served as a Member of Congress. The handicapped, the infirm, and the underprivileged—they all were the unforgotten beneficiaries of legislation supported by the Congressman from Pennsylvania's 18th District. His humanitarianism was deep and sincere; it was in fact a part of his nature.

In Bob Corbett's untimely passing, his constituents have lost a dedicated and effective representative. The people of America have lost an able and diligent lawmaker. And we in Congress have lost a true and respected friend.

Saddened by the loss of this great American, I would like to extend my heartfelt sympathy to Ruthe Corbett and their daughter, Sally.

Mr. BYRNE of Pennsylvania. Mr. Speaker, once again we are obligated to halt the regular business of this body to pay tribute to one of our colleagues who will no longer be part of us.

This situation becomes especially painful personally when I lose a colleague from my own State who has been a close friend of mine in the Congress for two decades. Such a man was Congressman Robert J. Corbett, who served his constituents of the 19th District of Pennsylvania honorably and well in 14 Congresses.

Bob Corbett was only 34 years old when his constituents first elected him to the U.S. Congress. Then he went home as sheriff of Allegheny County. But I guess Potomac fever was too strong and he returned to the 79th Congress and was elected to each Congress since.

Though we sat on opposite sides of the aisle and we naturally had our political differences, I can say Bob Corbett never took a stand which was not for the people of Pennsylvania and his district.

I had the honor of serving with him on the Armed Services Committee and he was ranking Republican member of the Post Office and Civil Service Committee.

I have lost a dear friend, this Congress has lost an outstanding and hardworking colleague, and the people of Pennsylvania have lost a sterling representative.

To his beloved wife Ruthe and his daughter Eleanor we offer our heartfelt condolences.

Mr. ROONEY of New York. Mr. Speaker, I was truly shocked to hear of the sudden passing of the Honorable Robert J. Corbett. I knew Bob Corbett for most of the 28 years he represented the people of the Pennsylvania's 18th Congressional District so well, and came to admire his ability and wit and determination to do the right thing. I had the good fortune recently to share some of that delightful wit while at the Capital physicians physiotherapy room. Bob Corbett was a man dedicated to the people of his district and even more to the people of the country who needed his help. He had a special place in his heart for our blind and sponsored many pieces of legislation to help them. He was a fighter for the often ignored lower ranking Federal employee. He was a valued member of the House Post Office and Civil Service Committee and as its ranking minority member lent much weight to legislation aimed at improving our postal service. He was a kindly man and in a quiet, but effective way, a leader. The people of his district, his State delegation, his party, and all of his colleagues here will truly miss him. To his lovely wife and daughter I extend the Rooney's deepest sympathy.

Mr. MILLER of Ohio. Mr. Speaker, we mourn the loss of our colleague from Pennsylvania, Robert J. Corbett. First elected to the 76th Congress, Bob Corbett had served the constituency of the Keystone State's 18th District faithfully. He was the dean of the Pennsylvania delegation to the House of Representatives and the ranking Republican on the Post Office and Civil Service Committee. I think our colleague will be remembered best, however, as one devoted to the needs of the disadvantaged people of this country—particularly the blind. He saw to it that special materials were placed in the Library of Congress to assist the handicapped and sponsored numerous legislative packages designed specifically to correct the hardships and problems of the handicapped. His hard work and dedication to the Congress and this country will continue to be evident for years to come. I extend my deepest sympathy to his wife, Ruthe, his daughter, Mrs. Sally Dunbar, and this two grandchildren.

Mr. HORTON. Mr. Speaker, with the death of our colleague, the Honorable Robert Corbett, the House of Representatives, and the Nation, have suffered a great loss.

As a legislator, Congressman Corbett achieved a record which speaks of his commitment to helping the people of the 18th Congressional District of Pennsylvania and his dedication to public service for all Americans.

Congressman Corbett distinguished himself by his service on the House Post Office and Civil Service Committee. He was largely responsible for legislation which benefited Federal employees, whether in the area of pay increases or equal employment opportunity.

The Northwestern New York Council of the American Federation of Government Employees has asked me to recognize for them their deep regret over the loss of Congressman Corbett. I share with the council their feeling that with the death of Bob Corbett we have lost a great representative of the people.

Mr. DULSKI. Mr. Speaker, the passing of our friend and colleague, Congressman Robert J. Corbett, has brought many profound and sincere expression of sorrow.

He was the last active original member of the Post Office and Civil Service Committee, of which he was ranking minority member at the time of his death. In addition to his many other legislative achievements, Bob Corbett made a great mark on matters concerning Federal employees.

Mr. Speaker, as part of my remarks I am including the text of a letter written to Mrs. Corbett by Robert L. White, president of the National Alliance of Postal and Federal Employees:

April 30, 1971.

Mrs. Robert J. Corbett
Pittsburgh, Pa.

Dear Mrs. Corbett: On behalf of the 45,000 members of the National Alliance of Postal and Federal Employees, I wish to extend our deepest sympathies to the bereaved family of the distinguished Congressman from Pennsylvania, Mr. Robert J. Corbett.

Bob Corbett was not only a true and great friend to postal and federal employees, he was a true American who believed in doing what was right for America.

While many talked of democracy, Bob Corbett carried out the creed of democracy toward his fellow man regardless of race, religion, sex or national origin.

The National Alliance of Postal and Federal Employees shall never forget the deeds of Bob Corbett for he came to our aid at the time of our greatest need.

He stood by our side against the combined forces of organized labor and his own Republican administrators, when together, they were trying to put this predominantly black organization out of business. We, as an organization, were fully aware that Bob Corbett stood by our side, because he was dedicated to the principals of democracy and Americanism, and not because he needed the black vote. For in his district, blacks and whites lived as one.

Sincerely,

Robert L. White,
President.

GENERAL LEAVE TO EXTEND

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the life, character, and service of the late Honorable Robert J. Corbett.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

THE LATE HONORABLE ROBERT J. CORBETT

Mr. SAYLOR. Mr. Speaker, I offer a resolution.

The Clerk read the resolution as follows:

H. Res. 402

Resolved, That the House has heard with profound sorrow of the death of the Honorable Robert J. Corbett, a Representative from the State of Pennsylvania.

Resolved, That a committee of forty-eight Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolutions were agreed to.

The SPEAKER. The Chair appoints as members of the Funeral Committee the following members on the part of the House: Messrs. Saylor, Fulton of Pennsylvania, Morgan, Barrett, Byrne of Pennsylvania, Flood, Clark, Dent, Nix, Moorhead, Schneebeli, Whalley, McDade, Rooney of Pennsylvania, Johnson of Pennsylvania, Green of Pennsylvania, Vigorito, Goodling, Biester, Eilberg, Eshleman, Williams, Gaydos, Coughlin, Yatron, Ware, Gross, Daniels of New Jersey, Derwinski, Dulski, Henderson, Udall, Purcell, Charles H. Wilson, William D. Ford, Hamilton, Hanley, White, Waldie, Bevill, Brasco, McClure, Scott, Rousselot, Chappell, Hogan, Hillis, and Powell.

The Clerk will report the remaining resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect the House do now adjourn.

The resolution was agreed to.

ADJOURNMENT

Accordingly (at 12 o'clock and 31 minutes p.m.), the House adjourned until tomorrow, Tuesday, April 27, 1971, at 12 o'clock noon.

OATH OF OFFICE MEMBERS AND RESIDENT COMMISSIONER

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members and Delegates of the House of Representatives, the text of which is carried in section 1757 of title XIX of the Revised Statutes of the United States and being as follows:

> "I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help the God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Delegate of the 92d Congress, pursuant to Public Law 412 of the 80th Congress entitled "An act to amend section 30 of the Revised Statutes of the United States" (U.S.C., title 2, sec. 25), approved February 18, 1948:

Walter E. Fauntroy, District of Columbia.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMS:

H.R. 7724. A bill to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes; to the Committee on Education and Labor.

By Mr. ANDERSON of California:

H.R. 7725. A bill to amend the Federal Water Pollution Control Act to establish standards and programs to abate and control water pollution by synthetic detergents; to the Committee on Public Works.

By Mr. BLATNIK (for himself, Mr. Bergland, Mr. Fraser, and Mr. Karth):

H.R. 7726. A bill to amend the Foreign Assistance Act of 1961 as amended; to the Committee on Foreign Affairs.

By Mr. CLEVELAND:

H.R. 7727. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for expenses incurred in connection with the adoption of a child by the taxpayer; to the Committee on Ways and Means.

By Mr. HANNA (for himself, Mr. Esch, Mr. McCormack, Mr. Coughlin, Mr. Flowers, Mr. Seiberling, Mr. Rangel, Mr. Murphy of Illinois, Mr. Roe, and Mr. Cotter):

H.R. 7728. A bill to establish an Office of Technology Assessment for the Congress as an aid in the identification and consideration of existing and probable impacts of technological application; to amend the National Science Foundation Act of 1950; and for other purposes; to the Committee on Science and Astronautics.

By Mr. HELSTOSKI:

H.R. 7729. A bill to provide for the settlement of certain land claims of Alaska Natives, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MATHIAS of California:

H.R. 7730. A bill to amend the Internal Revenue Code of 1954 to clarify the status of certain oil well service equipment under subchapter D of chapter 36 of such code (relating to tax on the use of certain vehicles); to the Committee on Ways and Means.

By Mr. PREYER of North Carolina:

H.R. 7731. A bill to suspend until the close of March 31, 1972, the duty on seed corn; to the Committee on Ways and Means.

By Mr. RAILSBACK (for himself, Mr. Matsunaga, Mr. Minshall, Mr. Morse, Mr. Mosher, Mr. Moss, Mr. Preyer of North Carolina, Mr. Rarick, Mr. Rhodes, Mr. Robinson of Virginia, Mr. Runnels, Mr. Skubitz, Mr. Steele, Mr. Thomson of Wisconsin, Mr. Thone, Mr. Vander Jagt, Mr. Waggonner, Mr. Whitehurst, and Mr. Wyatt):

H.R. 7732: A bill to amend title 28, United States Code, to prohibt Federal judges from receiving compensation other than for the performance of their judicial duties, except in certain instances, and to provide for the disclosure of certain financial information: to the Committee on the Judiciary.

By Mr. ROGERS:

H.R. 7733. A bill to amend chapter 83 of title 5, United States Code, to eliminate the annuity reduction during periods of nonmarriage of retired employees and members, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 7734. A bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ROGERS (by request):

H.R. 7735. A bill to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, so as to authorize certain grapefruit marketing orders which provide for an assessment against handlers for the purpose of financing a marketing promotion program to also provide for a credit against such assessment in the case of handlers who expend directly for marketing promotion; to the Committee on Agriculture.

By Mr. ROGERS (for himself, Mr. Satterfield, Mr. Kyros, Mr. Preyer of North Carolina, Mr. Symington, Mr. Roy, Mr. Nelsen, Mr. Carter, and Mr. Hastings):

H.R. 7736. A bill to amend the Public Health Service Act to extend for 1 year the student loan and scholarship provisions of titles VII and VIII of such act; to the Committee on Interstate and Foreign Commerce.

By Mr. THONE:

H.R. 7737. A bill to amend the act of June 27, 1960 (74 Stat. 220) relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

H.R. 7738. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for social agency, legal, and related expenses incurred in connection with the adoption of a child by the taxpayer; to the Committee on Ways and Means.

By Mr. WINN:

H.R. 7739. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

By Mr. KING:

H. Con. Res. 279. Concurrent resolution to establish a joint committee to investigate the treatment of prisoners of war in Vietnam; to the Committee on Rules.

SENATE—*Monday, April 26, 1971*

The Senate met at 10 a.m. and was called to order by Hon. Adlai E. Stevenson III, a Senator from the State of Illinois.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, our help in ages past, our hope for years to come, we pray for Thy strength and guidance at the beginning of a new week. Above the tangled tragedies of our times and the tumult of many voices enable us to hear Thy still small voice. Be with this Nation and all its people. Keep our goals clear, our hearts pure, our spirits courageous, our loyalties firm, our faith enduring. Help us all to wage peace by peaceable means, to rely on reason and persuasion and the power of the spirit. Keep our hearts free from the hidden hate which corrupts the soul and blights the spirit, and separates us one from the other. Give Thy higher wisdom to all who bear the burdens of government. Bind us together as one great and good people, strong in the Lord and in the power of His might, for the making of His kingdom of justice and righteousness.

We pray in the name of that One who is the truth and the way and the life. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Ellender).

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., April 26, 1971.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. Adlai E. Stevenson III, a Senator from the State of Illinois, to perform the duties of the Chair during my absence.

Allen J. Ellender,
President pro tempore.

Mr. STEVENSON thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, April 23, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the Legislative Calendar, under rule VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations of the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

DEPARTMENT OF COMMERCE

The assistant legislative clerk read the nominations in the Department of Commerce, as follows:

James T. Lynn of Ohio, to be Under Secretary of Commerce.

William N. Letson of Ohio, to be General Counsel of the Department of Commerce.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

NATIONAL TRANSPORTATION SAFETY BOARD

The assistant legislative clerk read the nomination of John H. Reed, of Maine, to be a member of the National

Transportation Safety Board for the term expiring December 31, 1975.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

U.S. COAST GUARD

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Coast Guard.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ADDITIONAL ASSISTANT SECRETARY OF THE INTERIOR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 77, S. 1399, and that its consideration and disposal in no way interfere with the Pastore rule of germaneness.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and the bill will be stated by title.

The assistant legislative clerk read as follows:

S. 1399, to establish within the Department of the Interior the position of an additional Assistant Secretary of the Interior.

The ACTING PRESIDENT pro tempore. Is there objection to consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1399

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be hereafter in the Department of the Interior, in addition to the Assistant Secretary now provided for by law, an additional Assistant Secretary of the Interior who shall be appointed by the President, by and with the advice and consent of the Senate, who shall be responsible for such duties as the Secretary of the Interior shall prescribe, and shall receive compensation at the rate now or hereafter prescribed by law for Assistant Secretaries of the Interior.

SEC. 2. Section 5315, title 5, United States Code, is amended by striking the figure "(5)" at the end of item (18) and by inserting in lieu thereof the figure "(6)".

SEC. 3. Section 4 of Reorganization Plan Numbered 3 of 1950, as amended (64 Stat. 1262), is repealed, effective upon the confirmation by the United States Senate of a Presidential appointee to fill the position created by this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–75), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE MEASURE

The purpose of this legislation, which was proposed by the Department of Interior, and introduced by Senators Jackson and Allott, is to create a sixth Assistant Secretary of the Department of the Interior who will be appointed by the President with the advice and consent of the Senate. His responsibility will be the duties assigned to him by the Secretary of the Interior and he will be compensated at the rate of executive level IV.

The new position will replace the now existing position, Assistant Secretary for Administration. However, the bill provides that the existing position will not be abolished until an appointee is confirmed by the Senate to fill the new office.

The present Assistant Secretary for Administration is appointed by the Secretary of the Interior with the approval of the President and is compensated at executive level V. It is felt that by placing the new Assistant Secretary for Administration on the same level as the other Assistant Secretaries, he will be better able to carry out his functions. In addition, by providing for Senate confirmation, the Congress will be better able to review the qualifications of the nominees for this important position dealing with budgeting and management operations in the Department of Interior.

COMMITTEE RECOMMENDATIONS

The Interior and Insular Affairs Committee recommends that S. 1399 be enacted without amendment.

TRIP TO THE MIDDLE EAST BY SECRETARY OF STATE ROGERS: THE QUIET ONE

Mr. MANSFIELD. Mr. President, our distinguished Secretary of State, Mr. William Rogers, leaves today for a trip to the Middle East.

I believe that Secretary Rogers has been one of the most significant men in the affairs of our Government. While he is sometimes referred to as the "quiet man," he has always been working in his job, seeking to do what he thinks is in the best interests of the people of the United States and the Nation as a whole.

I wish Secretary Rogers all the best in this momentous trip which he is undertaking and to assure him that I have always supported his policy in the Middle East, still do, and expect to continue to do so in the months ahead.

Secretary Rogers goes to the Middle East with the full trust and the full confidence of the Senate and, I feel quite certain, the full trust and confidence of the American people in this momentous undertaking which he is now about to assume.

Mr. AIKEN. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I am delighted to yield to the Senator from Vermont.

Mr. GRIFFIN. Mr. President, I yield also from my time to the Senator from Vermont.

Mr. AIKEN. Mr. President, in regard to what the distinguished leader has just said, I point out that last Saturday we had many visitors from around the country—200,000 to 500,000, it has been estimated—conscientious people beyond a doubt, law abiding, and well behaved. Their mission to Washington was to bring an end to the war in South Vietnam and the withdrawal of our forces from that part of the world almost immediately.

I agree that we should withdraw from South Vietnam at the earliest possible moment and I hope that it will be done very quickly.

In a few weeks the President will have withdrawn at least one-half the number of our troops sent there between the years 1961 and 1968.

However, when I asked one of them, "What about the Middle East?" he said, "Oh, we do not care about the Middle East. We are just concerned with Vietnam."

Well, Mr. President, I cannot understand that line of thinking because, should war break out in the Middle East, it could involve most of the so-called civilized nations of the world, and that would make the war in Southeast Asia look like a barnyard scuffle. Yet, apparently, this person did not recognize the importance of preventing war in the Middle East.

Therefore, I believe that the trip of Secretary Rogers to the countries of the Middle East, and those countries which are concerned with preventing war in the Middle East, is one of the most significant trips that anyone has taken in our time.

Secretary Rogers has shown courage. He has shown understanding. I believe that he has the confidence of both sides—confidence that he is trying to do everything he can to prevent an outbreak of war, which would be truly horrible.

Thus, Mr. President, I join the distinguished majority leader in commending Secretary Rogers. He is one of the outstanding public servants of our time.

Mr. MANSFIELD. I thank the distinguished Senator from Vermont for his comments.

Mr. President, I ask unanimous consent to have printed in the Record a commentary which was published in the New York Times on yesterday entitled "The Quiet One," written by James Reston, and also an article published in the Christian Science Monitor on April 24, 1971, entitled "Rogers Scores on Two Fronts," written by Joseph C. Harsch.

There being no objection, the articles were ordered to be printed in the Record, as follows:

THE QUIET ONE

(By James Reston)

WASHINGTON, April 24.—Secretary of State Rogers is beginning to play an increasingly significant role in the Nixon Administration's foreign-policy planning.

The preoccupation in Washington with Vietnam and White House diplomacy has tended to overwhelm the quiet influence Mr. Rogers has been exerting, particularly in the Middle East and post-Vietnam policy.

It would be wrong to say that he opposes the President's timetable for withdrawal from Saigon, but he manages to look vaguely irritated about the whole subject of Vietnam and has obviously been concentrating on other problems.

For personal and religious reasons, Henry Kissinger, the President's White House foreign-policy adviser, has not played a prominent part in either U.S. Middle East or German policy.

In fact, there is some evidence that Mr. Kissinger's support for West Germany's efforts to reach an accommodation with the Soviet Union is not pronounced, and while he was deeply involved in Middle East policy when Syria attacked Jordan, he has left the development of the Israeli-Egyptian negotiations primarily to Rogers and Assistant Secretary of State Joseph Sisco.

This has not been an easy assignment for Mr. Rogers and his colleagues at the State Department. Israeli officials, including Prime Minister Meir and Ambassador Rabin here in Washington, have been convinced for years that the State Department was full of Arabists, and they have done nothing to discourage the pro-Israeli lobby, which tends to be critical of Rogers every time he tries to work out a Middle East compromise.

The Israelis feel that Mr. Rogers has been so eager to produce a settlement in the Middle East—this being his main field of activity—that he has suggested terms which place Israel's security in danger and actually interfere, as they see it, with the chances for a compromise settlement.

Nevertheless, it is Rogers and Sisco who have kept pressing the Middle East question, who are largely responsible for the cease-fire, now in its ninth month, and who managed, through several unpublicized missions and messages to President Sadat in Cairo, to get Egyptian concessions the Israeli Government did not think possible.

Mr. Rogers has not been pleased with the efforts of Israeli officials to lobby with U.S. Senators against his policy and was actually forced to have a secret meeting of the Senate in order to counteract the influence of Israeli Foreign Minister Abba Eban, who held a large private meeting with United States legislators, but Mr. Rogers has kept insisting to President Nixon that now, if ever, is the time for a Middle East deal, and Mr. Nixon has finally authorized him to pursue his inquires personally in the Middle East.

For Secretary Rogers, this is a critical mission. According to his intimates, he would like to complete his work at the State Department of the end of Mr. Nixon's first term, or even before then, if a Supreme Court appointment were available to him.

He was more surprised than anybody else when he was offered the most prestigious post in the Cabinet, particularly since he took no part in Mr. Nixon's election campaign and was, in fact, engaged in some professional difference with Mr. Nixon before the election.

Also, the Secretary of State has not been amused by all the publicity about Mr. Kissinger's primary role in foreign affairs and knows what a mistake Dean Rusk made in staying at the State Department too long.

Meanwhile, however, he is using his restored influence with the President to turn the minds of his colleagues to the larger postwar questions—particularly the Middle East and China, where he thinks there is more room for constructive diplomacy than in Vietnam.

He does not duck the Vietnam question. He takes the George Aiken view of the situation: We have won the war and should come home. Also, he has managed better than most members of the Nixon Cabinet to maintain good relations with both chairman Fulbright of the Senate Foreign Relations Committee and Dr. Morgan, chairman of the House Foreign Affairs Committee.

In the coming year, Mr. Nixon will of course continue to be his own Foreign Secretary, with close personal ties to Mr. Kissinger, but the political campaign is bound to interfere with this, and Secretary Rogers will be freer to pursue his primary interests.

He is not presiding over a satisfied or happy Government department. The time is not right for that. The State Department has been in the shadows ever since Mr. Nixon entered the White House.

But Mr. Rogers now has a much clearer role and goal than when he came into the Cabinet. He is more comfortable in his job and more precise about the need to get Vietnam behind us and get on to larger and more vital questions beyond Vietnam.

ROGERS SCORES ON TWO FRONTS

(By Joseph C. Harsch)

William P. Rogers, who would be called foreign minister in any other country but the United States, can take well-earned satisfaction from the results during the last week of his contributions to American foreign policymaking.

He, largely from his own personal efforts in the team with those of his deputy for the Middle East, Joseph J. Sisco, extracted from Israel enough of a concession on the matter of reopening the Suez Canal to keep the dove of peace still circling in the air over what we call the cradle of civilization.

And he had the satisfaction of seeing his patient efforts to reopen communications between Washington and Peking to reach the stage of an exchange of ping-pong teams.

Of the two, perhaps the more remarkable was getting Israel to the point of agreeing, at least in principle, to a token withdrawal of its armed forces from the banks of the Suez Canal.

Granted, the agreement was hedged in by all sorts of safeguards for Israel. The Egyptians must not move a soldier across the canal into the vacated territory. Israel refuses to admit that going back by five miles or so might some day be a precedent for going back much farther. Sharm el Sheikh is being fortified, not abandoned.

But it was enough to keep going the talks about peace—someday. The UN's patient Ambassador, Gunnar V. Jarring, should now be justified in keeping at his rounds of the Mideast capitals. Israel has gone far enough, if only just to permit Mr. Rogers to be able to go back to the Egyptians and say that he has extracted a concession from Israel in return for the earlier concessions which he had, with equal difficulty, extracted from Cairo.

This, all along, has been the thorny moment.

When all this began, way last year, it was expected and expectable that the Egyptians could be persuaded to open the bargaining with a concession of substance. But would Israel respond with a similar concession of substance? Could the diplomatic tennis ball, once put into play, be kept in play?

Happily, the answer is yes, for at least one more round. But to get even one round is a long step forward. It means that Mr. Rogers is confirmed in his theory that a complete "package" settlement is not in sight or attainable but that a modest pilot project in peacemaking just might be brought off.

The target at the moment is the one simple thing of getting the Suez Canal open and operating again with the Egyptian and Israeli armed forces back far enough from the canal so that a ship steaming through it would not have to feel that it is moving through a no-man's-land of World War I vintage.

NEW GAME EXPECTABLE

The new game between Washington and Peking was more easily expectable than was the concession from Israel, although this does not belittle its dimensions. When countries have ignored and boycotted each other for 21 years the posture becomes a habit. In great-power relations the breaking of established habits is rarely achieved and then only with great wrenchings of vested interests built around the old habit. It is a substantial change.

But the times were ripe for it. After all, the Chinese have achieved something they have greatly wanted for a very long time. They have become masters in their own household.

They lost control of their own affairs way back in 1839. In that year they attempted to prevent British merchants from selling opium in China to the Chinese people. This was regarded by the British merchants of the time as an outrageous interference with their enterprise.

The British Government declared war on China over that issue. By 1842 the military issue had been decided. The Chinese were defeated. From that day to 1960 some foreign country or countries have been dominant in and over China.

The British in effect ran China from 1842 till the Japanese conquest of northern China in the 1930's. During World War II the Japanese conquered and ruled most of China. American victory in the Pacific in 1945 opened the American chapter of Chinese history. It lasted four years. In 1949 the Russians moved in behind the Chinese Communists. From then until 1960 Russians swanned around Peking and regarded themselves as the real and proper masters of China.

CHAPTER ENDS ABRUPTLY

The Russian chapter ended abruptly in 1960.

From then till now the Chinese have been getting used to owning and running, or misrunning, their own affairs. What mistakes they have made, and there have been many, were made by Chinese. Never since Marco Polo talked his way into China have the Chinese been so isolated from the outside world as during the last 10 years. But whatever else they did, they made China again their own.

Now, having regained mastery over their own affairs, they have looked around and noticed Mr. Rogers making signals to them from the ramparts of Washington. They have responded.

It is a most careful arm's-length affair so far, and is likely to continue to be so for a long time to come.

People who have been pushed around in their own household for 132 years by foreigners whom they regard as their cultural and intellectual inferiors are hardly likely to let any foreigners get deeply back inside their affairs.

The forecast is that Peking will keep Washington at arm's length just as it does Moscow; play one off against the other, and use both to consolidate that independence for China which has been Chairman Mao's goal since the day he captured China in 1949.

The Chinese have become very Chinese.

The interesting question is whether Peking or Washington will get most out of this remarkable change in world patterns.

That of course will depend on which of Peking and Washington plays the game ahead with the greater expertise.

Mr. MANSFIELD. Mr. President, let me say that, so far as the Reston article is concerned, which of course refers to Secretary Rogers, the following is quotable:

> He does not duck the Vietnam question. He takes the George Aiken view of the situation: We have won the war and should come home.

The article is well worth the attention of the Senate.

Again, I think I can say this for the Senate, that Secretary Rogers goes with our full trust and our full confidence, and that what applies to the Senate also applies to the people of this Nation as a whole.

The ACTING PRESIDENT pro tempore. Does the Senator from Michigan desire to be recognized at this time?

Mr. GRIFFIN. Mr. President, I want to commend the distinguished majority leader for his remarks. Once again, he has demonstrated that he is a statesman—as he demonstrates quite frequently.

I associate myself with his remarks as well as the remarks made by the dean on this side of the aisle, the distinguished Senator from Vermont (Mr. AIKEN), who in a few words has put the demonstrations as well as the Secretary's trip in perspective. Secretary Rogers does go with the support of Senators on both sides of the aisle. He leaves on a very important mission, and has our best wishes. Mr. Rogers is not only the Secretary of State in fact, but he is doing an excellent job.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order the Senator from Wisconsin is recognized for 15 minutes.

AMERICA'S PRIORITIES ARE UPSIDE DOWN

Mr. PROXMIRE. Mr. President, we are spending too much on the wrong things. America's priorities are upside down. In terms of its programs and policies, the Federal Government is making some very bad choices.

While we face the imminent collapse of our cities, the Pentagon is increasing the military budget.

While unemployment has reached the 6-percent level and while 5 million Americans who want to work are out of a job, the administration has frozen $12.7 billion of funds Congress has appropriated.

At the same time that our cities and States are starving for money to educate our children, provide health services for the sick, and care for the indigent, the administration is proposing to spend vast sums for space shuttles, the B–1 bomber, and foreign aid.

THE CRISIS OF THE CITIES

That the country is facing a vast emergency was made clear again only this week. The mayor of New York City warned that unless funds were restored to the city's budget, and unless the city's taxing power increased, he would have to eliminate some 90,000 city jobs and add those 90,000 to the unemployed.

The magnitude of the crisis and the enormity of the country's misplaced priorities are clear from a few facts.

If worse comes to worst, New York City will have to close eight municipal hospitals. It will have to stop all its remedial and other special education. No freshmen will be admitted at City University for next year. Some 4,200 sanitation workers will lose their jobs; 19,700 people now in the education system will be fired or not replaced through attrition. Over 35,000 jobs in health, hospital, and welfare services will end. New York City is facing the moment when it will be unable to provide fundamental and essential public services.

Meanwhile, in the Federal budget, the administration proposes to increase our strategic weapons beyond any reasonable need, to continue the duplication in developing close support aircraft, to fund duplicate antisubmarine weapons with an ultimate cost of over $23 billion, and to build new tanks, ships, planes, and missiles which—if the past is any guide to the future—will cost far more than estimated, will be delivered late, and will fail to perform according to specifications.

NEWARK'S CRISIS

New York City is not alone in its crisis. Recently the mayor of Newark testified before the Joint Economic Committee on the crisis in his city.

In Newark, manufacturing industry has declined by 25 percent in the last 20 years.

Newark has the highest crime rate in the Nation.

The per capita incidence of venereal disease and infant mortality is the highest in the United States.

The unemployment rate among young people from 16 to 22 at the beginning of 1971 was 34 percent.

Thirty percent of Newark's population in January 1971 received public assistance—30 percent on welfare.

Meantime, the city is broke. The anticipated deficit of $70 million for 1971 represents 43 percent of the operating budget.

Similar situations exist throughout the major cities of the country. These are not isolated incidents.

DETROIT IN TROUBLE

This year, Detroit faces a deficit of $43 million or 11 percent of its revenues.

Unemployment in that city for 1970 averaged 11.7 percent.

Of the pitifully small number—only 828—single-family homes built in that city during the entire year of 1970, almost all of them were financed through a Federal interest rate subsidy—section 235—or were factory built; that is, they were mobile homes. Only 33 new single-family homes built in the entire city of Detroit during 1970 were valued in excess of $25,000.

From July 1969 to October 1970, there was a 42-percent increase in Detroit's welfare caseload and a 67-percent increase in welfare payments.

According to Mayor Tate, "Philadelphia will lock up 26 playgrounds this summer because we do not have the funds for the people to run them."

These are just a few examples of the magnitude of the problem of the cities.

These problems have been accentuated by the economic downturn. A major part of the gap between income and expenses is the result of the present economic condition of high unemployment and continued inflation. Mayor Lindsay testified before the Joint Economic Committee last January 22 that—

> The recession will deny us about $150 million in revenue, while inflation is driving our costs $100 million higher.

Thus the combination of inflation and recession will cost New York City one quarter of a billion dollars this year.

Unfortunately, at the national level, these terrible fiscal problems have been met by actions which are counterproductive.

While the President steadfastly refuses to initiate a general incomes policy or wage-price guidelines, the problems of inflation and unemployment are greeted by glowing statements and optimistic interpretations of the facts.

Instead of helping to meet the problem of the cities through stronger Federal fiscal policies, the administration has frozen $12.7 billion in appropriated funds. This includes $942 million in funds for public housing, $583 million for model cities, and $200 million in water and sewer grants.

CITY FUNDS FROZEN—DEFENSE FUNDS BOOSTED

Meantime, while the cities are denied $1.7 billion in desperately needed funds, the administration has increased military spending. At the beginning of fiscal year 1971, the President estimated in his budget that military spending for the Department of Defense would amount to $71.2 bilion. But now that estimate has been revised upward. According to the fiscal year 1972 budget, military spending for 1971 will not be $71.2 billion, but will be $73.4 billion—or an increase of $2.2 billion.

Thus, while the executive froze $1.7 billion in desperately needed money for the cities, it boosted spending for the Pentagon by $2.2 billion. This is called reordering priorities. They reordered priorities by reordering them from the domestic economy to the military.

Other funds have been frozen as well. They include money for the economic opportunity program, salaries and expenses for the Peace Corps, REA loans, family housing, regional medical programs, higher education, facilties and equipment for the FAA, highway beautification, and farm credit, to name only a few.

Meantime, the administration is pressing for funds to begin a $9 billion space shuttle program which has no other function than as the precursor to a $100 billion manned flight to Mars. In any case, the tangible benefits of the space shuttle are almost impossible to define.

HOW TO MEET NEEDS WITH LIMITED RESOURCES

America's needs are very great. But America's resources are not unlimited. The amounts which the Federal Government can and should spend in any one year must be limited to sums which do not impose a confiscatory tax burden on the American people or promote additional inflation by continuous deficits.

How then can America's legitimate needs be met? How can we provide desperately needed funds for America's Newarks and Detroits and Milwaukees? How can we finance a jobs program to provide public service employment? Where are we to get the means to institute a broadly based health program which would lift our country to first place in the quality and quantity of medical care? Where are the funds to come from to relieve the cities and States of the most onerous burden they must now carry, namely, the burden of welfare which would cost the Federal Government at least an additional $7 billion a year if it were to carry that burden alone?

FIRST, REORDER PRIORITIES

There are two fundamental means by which these purposes can be achieved. The first is through a reordering of American priorities. We must cut unneeded programs and low priority programs and transfer those resources to programs the American people need. We must cut military spending and military waste. We should deny the money for the space shuttle. We should cut back on subsidies which go to the affluent and those who need them least of all. We should chop out inefficient public works projects and programs where the return is low or where private enterprise can function better.

The funds thus saved can then be used in part to revive the cities, provide desperately needed public services, build houses, educate children, prevent disease, cure the sick, and provide for the indigent and disabled. Any adverse effects from retrenchment in space or defense spending could be more than offset by the expansionary effects of funds spent to meet America's fundamental needs.

SECOND, GET THE ECONOMY MOVING AGAIN

The second means of providing funds for needed services is to get the economy moving again. If unemployment were reduced to 4 percent from the present 6 percent, the economy would be producing $60 billion a year more than it now produces. Federal tax receipts would grow by about $12 billion and State and local revenues by about $3 billion with no change in existing tax rates. Millions of men and women who are now jobless or who work only part time would become taxpayers rather than the recipients of unemployment compensation or welfare payments. Business would move from red ink to black ink, profits would rise, and industry would once again pay taxes instead of absorbing losses.

There are the ways to get America moving again.

We need expansion not retrenchment.

We need schools, houses, and hospitals, not new B-1 bombers, space shuttles, and SST's.

We need to spend money for cities and cut back on subsidies and frills.

We need deeds, not words; and action in the place of rhetoric.

As we cut military spending, space waste, and unnecessary programs, a portion of the cuts should be channeled into job producing, economically stimulating programs, especially housing.

A LOW-INCOME TAX CUT

A portion should also go to the hard-pressed taxpayer through cuts in his taxes. Two immediate steps should be taken. First, the increase in social security taxes now scheduled for January 1, 1972, should not be made retroactive to January 1, 1971, as the administration requests.

Second, the increases in deductions for dependents in the personal income tax now scheduled for 1972 and 1973 should be moved up into 1971.

These two actions would produce tax cuts this year of $7 billion below what taxes would otherwise be. As the cuts would go in large part to low and moderate income families, the funds would be spent. This would have a multiplier effect which would not only stimulate the economy but should increase the gross national product by about $20 billion over what it would otherwise be. That in turn would reduce unemployment, increase the revenues collected by all levels of government, help the cities and get the economy off dead center.

CONCLUSION

It is time to reorder priorities, put Americans back to work, and to put first things first.

It is time to choose schools over military waste, hospitals instead of space shuttles, and full employment instead of frozen funds.

We must put the needs of people on earth ahead of funds for the space shuttle.

Housing the poor must have a higher priority than billions for an excessive number of the weapons of destruction.

Cleaning the air is more important than boondoggling for the military.

Providing public transportation to get Americans to work must have a higher priority than billions for Lockheed bail-outs.

Such a program is the way to provide real national security. That can only be gained by a balance between our military and our domestic needs, and by enhancing the strength of our people and the strength of our economy.

It is time to put our money where the need is.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore (Mr. STEVENSON). Under the previous order there will now be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes for each Senator recognized.

EVOLUTION OF CONCERN FOR HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, treaties which deal with the rights of individuals within their own countries as a matter of international concern may be the proper exercise of the treatymaking power.

It seems almost anachronistic that this question continues to be raised in connection with the Genocide Convention. It is nearly 25 years since this country used the treaty power to become a party to the U.N. Charter. One of the charter's basic purposes is the promotion of human rights.

Chief Justice Warren once noted that—

> We as a nation should have been the first to ratify the Genocide Convention . . .

In 1968 a special committee of lawyers of the President's Commission for the observance of Human Rights Year, prepared a study of the treatymaking power of the United States in human rights matters.

The report points out that one of the most noteworthy developments in 20th century international law is the recognition of the human rights of the individual. Certainly in previous traditional law there was a recognition of the rights of the individual. But the denial of the human rights of an individual was seen only as an affront to the state of this individual. It was not considered a matter of "international concern." As the countries of the world became more interdependent, there was a simultaneous recognition for the need of increased international cooperation to secure fundamental human rights. This was a profound change from the doctrine that "there is a general agreement that, by virtue of its personal and territorial supremacy, a state can treat its own nationals according to discretion"—I. L. Oppenheim, International Law 279, 7th edition, H. Lauterpacht 1948.

This new concern originated in the Allied Powers' treaty of peace with Poland at the end of World War I. Poland was required to undertake the protection of "certain racial, religious, and linguistic minorities" within its own borders. The substantive obligations taken by Poland were recognized as "obligations of international concern." A Council of the League of Nations was given the responsibility of enforcement.

The effects of this change in the meaning of international law have led to the establishment of a European Commission of Human Rights and a European Court of Human Rights; a Commission of Human Rights drafted by the Organization of American States; and a vast number of international human rights covenants.

Mr. President, I ask unanimous consent that the report of the Special Committee of Lawyers of the President's Commission for the Observance of Human Rights Year 1968 be printed in the RECORD.

There being no objection, the report

was ordered to be printed in the Record, as follows:

A Report in Support of the Treatymaking Power of the United States in Human Rights Matters

(Prepared by the Special Committee of Lawyers of the President's Commission for the Observance of Human Rights Year 1968)

EVOLUTION OF CONCERN FOR HUMAN RIGHTS IN INTERNATIONAL LAW

Since the founding of the United Nations there has been a marked increase in concern about effective guarantees of human rights through a system of international treaties. This concern has raised a fundamental question for the United States: Are the rights of the individual inside his own country within the scope of the treatymaking power of the United States?

The second paragraph of the preamble to the Charter of the United Nations reaffirms "faith in fundamental human rights, in the dignity and worth of the human person. . . ." Article 55(c) of the Charter dedicates the United Nations to the promotion of universal respect for, and observance of, human rights and fundamental freedoms for all. Article 56 commits members to "joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55."

One of the most profound developments in 20th-century international law is the increasing recognition of the human rights of the individual in international law. That is not to say that individual status, or the individual as a person, went unrecognized in traditional international law.[1] But traditional international law dealt with human rights only indirectly, seeing mistreatment of the national of another state as an affront only to that state; the latter then could object to such mistreatment of its nationals as denied them "justice" or violated rights specifically promised for them by treaty. In view of that conceptual orientation, traditional customary law of course had nothing to say about a state's treatment of its own nationals, and traditional treaties ordinarily contained no undertakings by a state as to how it would treat its own nationals. A standard text on international law asserted, therefore, as late as 1948: "There is general agreement that, by virtue of its personal and territorial supremacy, a State can treat its own nationals according to discretion."[2]

On the other hand, treaties in which one state made promises to another as to how it would treat its own citizens in some respects were not unknown even before this century. Long ago the memory of religious wars emphasized the relation between international peace and religious toleration, and nations adhered to treaties in which they undertook to afford freedom of religion to their inhabitants, including their own nationals. The Berlin Treaty of 1878, for example, imposed on Turkey and the Balkan countries an obligation not to discriminate against religious minorities in their lands. When territory changed hands, too, the ceding states often required an undertaking by the new sovereign that it would give its new inhabitants the rights of citizenship or other protections; the United States included such provisions in its treaties acquiring territories in Louisiana, Florida, Mexico, and Alaska.

Contemporary concern for human rights, however, is broader and deeper, reflecting new political concerns in the international community and having its origins at the end of World War I. In the Allied Powers' treaty of peace with Poland,[3] that country undertook to protect certain racial, religious, and linguistic minorities within its boundaries. This was required of Poland as being relevant to friendly relations between nations: mistreatment of minorities by a state might antagonize its neighbors or other states, especially those which had ethnic, religious, or other identification with the minorities in question. But the treaty embodies some new notions respecting the status of individuals and their rights in international law. The first radical departure was the recognition that the substantive obligations undertaken by Poland were "obligations of international concern."[4]

Second, although the obligations undertaken by Poland were designed to secure protection of racial, religious, and linguistic minorities, it was nonetheless agreed that the protection was for *"persons* belonging to racial, religious or linguistic minorities." Finally, an international body, the Council of the League of Nations, was given the responsibility of enforcement. The cumulative effect of these new conceptions was to change the relationship between the designated minorities and their own government. No longer could Poland act toward them with uncontrolled discretion.

The pattern of the Polish Convention was followed in other peace treaties formally concluding the First World War and in several collateral declarations and conventions.[5] The responsibility for implementing the minorities treaties was lodged with the Council of the League of Nations. Japan proposed that the convenant creating the League should itself contain provisions prohibiting discrimination on the basis of nationality, race, or religion, but that proposal was rejected. Nonetheless, the work of the League of Nations system in the administration of minorities treaties, as well as the League's concern for humane treatment of the inhabitants of mandated territories, were important steps in the evolution of individual rights in international law. Nazi atrocities before and during World War II accelerated the evolution to make human rights everywhere a matter of general concern.

The origins of U.N. concern with individual human rights lie not only in the human rights activities of the League of Nations system, but also in the concerns of the Allied Powers during the course of World War II. After the German forces had overrun most of Europe, President Roosevelt and Prime Minister Churchill met in the North Atlantic. A joint statement was issued on August 14, 1941, which became known as the Atlantic Charter. This charter, among other things, asserted the guarantee of human rights as one of the peace aims of the Allies. The same principle was reaffirmed in the declaration of January 1, 1942, signed by the Allied Powers, styled the Grand Alliance, in Washington.

The Atlantic Charter and the New Year's Declaration of 1942 had a profound effect upon the deliberations which led to the creation of the United Nations. Panama and other Latin American countries advanced proposals to include an International Bill of Human Rights, in the charter itself. Although these specific proposals were rejected, there was a consensus that a priority task of the new United Nations would be the formulation of an International Bill of Human Rights. The Charter of the United Nations was written to include among the organization's purposes and principles:

"To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion;"

While this and several other provisions of the charter refer to the role of the United Nations in promoting universal respect for and observance of fundamental human rights and freedoms, the cornerstone of U.N. human rights treaties is a separate instrument, the Universal Declaration of Human Rights. The U.N. Commission on Human Rights, under the chairmanship of Eleanor Roosevelt, submitted the declaration to the General Assembly of the United Nations in 1948.[6]

While the declaration did not purport to impose legal obligations, in the years since adoption it has exerted a profound influence around the world. In the peace treaty with Japan signed in 1951 Japan promised to strive to realize the aims of the Universal Declaration of Human Rights. In 1954, Italy and Yugoslavia undertook to govern Trieste in accordance with the precepts of the Universal Declaration. Over 30 new countries have adopted sections of the declaration in their constitutions. It has also influenced the national laws and court decisions in many countries.[7]

The indirect influence of the declaration has been even greater. Nations in Western and central Europe, selecting portions of the declaration as their basis, established by treaty a European Commission on Human Rights as well as a European Court of Human Rights. The Organization of American States has adopted a Commission of Human Rights and drafted a full convention. A number of international conventions or treaties on human rights have been promulgated, including those on genocide, slavery, refugees, political rights of women, marriage, discrimination in education, elimination of all forms of racial discrimination, and the two definitive human rights convenants adopted by the U.N. General Assembly in 1966.

HUMAN RIGHTS MATTERS OF INTERNATIONAL CONCERN UNDER THE TREATYMAKING POWER

The Constitutional Structure

Four provisions of the Constitution deal expressly with treaties.[8] The repository of the power to make treaties is designated in article II, sec. 2, clause 2:

"He (the President) shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur."

The second principal provision, article IV, sec. 2, establishes the effect of treaties:

"This Constitution and the laws of the United States, which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land, . . ."

Article III, sec. 2 extends to treaties the judicial power of the United States. The states are prohibited by article I, sec. 10(1) from entering into "any treaty, alliance or confederation."

It is of course patent that the Constitution itself does not by express terms define the scope of the treatymaking power. Professor Louis Henkin has observed that "the framers knew what treaties were and, no doubt, did not see any need to define what was well known in international law and practice."[9] On the bare constitutional language, the treaty power of the United States would seem to be as broad as the range of subjects on which the Nation might wish to exchange obligations with other nations. However, it has been asserted that there is a separate constitutional criterion to be applied in determining the propriety of a particular treaty for U.S. adherence. The criterion has been called "international concern." This phrase was used in 1929 by Charles Evans Hughes, when he said that

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Footnotes at end of article.

the U.S. had "power to deal with foreign nations with regard to matters of international concern. It is not a power intended to be exercised, it may be assumed, with respect to matters that have no relation to international concerns."[10] The limitation has been restated as follows: "An international agreement of the United States must relate to the external concerns of the nation as distinguished from matters of a purely internal nature."[11] A U.S. interest to be served by exchanging with other nations solemn obligations on human rights matters would satisfy this test. A sham agreement designed merely to circumvent the normal legislative process would fail the test.

Treating the test of "international concern" as a constitutional limitation, it is clear that no objection to ratification of all human rights treaties can be rested on this basis. This country, long ago and repeatedly, has recognized that human rights are of international concern, are relevant to American foreign relations, and are therefore within the scope of U.S. treatymaking power. Four decades ago, at President Coolidge's request and in the administration of President Hoover, the Senate approved the 1926 Slavery Convention, undertaking not only to abolish the slave trade but also, "in respect of the territory placed under its sovereignty . . . to bring about . . . the complete abolition of slavery in all its forms." The United States further agreed to "prevent compulsory or forced labor from developing into conditions analogous to slavery."[12] The treaty power in this instance was used to curb an evil practice both in commerce from state to state and within the boundaries of each member state.

After the Second World War we joined in the 1945 treaties with Italy (T.I.A.S. 1648), Romania (T.I.A.S. 1649), Bulgaria (T.I.A.S. 1650), and Hungary (T.I.A.S. 1651), which required measures to secure to all persons without distinction as to race, sex, language, or religion the enjoyment of such rights as freedom of expression, of press and publication, of religious worship, of political opinion, and of public meeting In the same year we helped in establishing a global organization, one of whose four purposes set forth in the first article of its charter is "to achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion." In the charter, too, we helped in writing what U.N. Secretary-General U Thant has called "perhaps the boldest innovation of the Charter—the unconditional and universal obligation in regard to human rights and fundamental freedoms." Three years later there followed the enumeration in the Universal Declaration of Human Rights, whose 20th anniversary we and most other nations celebrated as International Year for Human Rights 1968. The declaration demonstrates how wide a range of rights there is to which the treaty power might be applied.

The year after the adoption of the Universal Declaration, four treaties were concluded to protect, among others, the victims of domestic conflict. These were the Geneva Conventions of 1949, which were joined by many countries including the United States.[13] The fact that such victims, unlike the also protected victims of international wars, need not be involved beyond their own frontiers did not prevent the Senate from approving these conventions in their entirety.

A human rights treaty of broad reach, the 1956 Supplementary Slavery Convention, was approved by the Senate and ratified by the President in 1967, reconfirming that human rights can meet the test of "international concern." Besides reiterating the condemnation of slave trading already found in the 1926 Slavery Convention to which we had been a party nearly 40 years, article I of the 1956 convention obligates the United States and the other parties to abolish debt bondage, serfdom, and even practices whereby "a woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group . . ." or "a child or young person under the age of 18 years is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labor."

In presenting the Protocol Relating to the Status of Refugees to the Senate in October 1968, the State Department said that "the human rights which it covers for the refugees involved are of the most crucial and the most important type. They are literally the difference between life and death for many of them:"[14] The President's transmittal letter called the protocol "a comprehensive Bill of Rights for refugees fleeing their country because of persecution on account of their political views, race, religion, nationality, or social ties."[15] He made clear why this subject was of international concern; there was a U.S. purpose to be served by ratification, the raising of other countries' standards for treatment of this category of individuals: "United States accession should help advance acceptance of the Protocol and observance of its humane standards by States in which, presently guarantees and practices relating to protection and other rights for refugees are less liberal than in our own country." With this as background, the Senate gave unanimous consent.

Thus it appears not only that human rights are matters of international concern, but also that there is substantial U.S. precedent for the ratification of human rights treaties. If the President and Senate deem it desirable, the United States can, under the treaty power, ratify or adhere to any international human rights convention unless it contravenes a specific prohibition in the Constitution in a manner so fundamental that a reservation avoiding the conflict would be incompatible with the overall purpose of the treaty.

Inherent constitutional prohibition

Justice Story asserted that as a matter of logic, the treatymaking power must be subject to those provisions of the Constitution establishing the government and imposing express limitations on its powers. "A power given by the Constitution cannot be construed to authorize a destruction of other powers given in the same instrument. It must be construed, therefore, in subordination to it; and cannot supersede or interfere with any other of its fundamental provisions. Each is equally obligatory and of paramount authority within its scope; and no one embraces a right to annihilate any other."[16] The dicta of Justice Field in *Geofrey* v. *Riggs*, supra, p. 9, obviously rests upon Justice Story's rationale. Justice Field stated:

"The treaty power, as expressed in the Constitution, is in terms unlimited, except by those restraints which are found in that instrument against the action of the government, or of its departments, and those arising from the nature of government itself, and of that of the States."[17]

The most comprehensive statement of the "inherent constitutional limitations" asserts that a treaty or treaty provision would transcend the Constitution if the treaty: (1) Alters the form of government, (2) Alters the departmental structure of the Federal Government, (3) Alters the constitution of any of the branches of government, (4) Deprives the Federal Government of a delegated power, (5) Exercises a power confided to another branch of government, and, (6) Exercises a power prohibited to the Federal Government or reserved to the states.[18] Clearly, a proposed treaty which sought to abolish or reform the electoral college would be prohibited by the Constitution.

Examination of the provisions of the international human rights conventions and the covenants on human rights discloses that constitutional issues arise principally in regard to assertions relating to the absence of power in the Federal Government. Generally, it has been asserted that the treatymaking power does not extend to that which is forbidden to the Federal Government.[19] Consequently, it has been argued that matters exclusively within the domain of the several states cannot be properly the subject of treaties. But the argument begs the question. Matters within the scope of the treatymaking power cannot lie within the exclusive domain of the states. This doctrine has been clear from the very founding of the Republic. In *Ware* v. *Hylton*,[20] Justice Chase declared:

"If doubts would exist before the adoption of the present national government, they must be entirely removed by the 6th article of the constitution. . . . There can be no limitation on the power of the people of the United States. By their authority the state constitutions were made, and by their authority the constitution of the United States was established; and they had the power to change or abolish the state constitutions or make them yield to the general government and to treaties made by their authority. A treaty cannot be the supreme law of the land . . . if any act of state legislature can stand in its way. . . . It is the declared will of the people of the United States that every treaty made, by the authority of the United States, shall be superior to the constitution and laws of any individual state; and their will alone is to decide. If a law of a state contrary to a treaty is not void, but voidable only by a repeal, or nullification by a state legislature, this certain consequence follows, the will of a small part of the United States may control or defeat the will of the whole."

Chief Justice Marshall similarly ruled that the validity of a treaty could not be questioned on the grounds that the subject matter of the treaty was a matter within the competence of the state. In *Chirac* v. *Lessee of Chirac*,[21] the Court upheld that the defect of alienage under the law of Virginia was removed for French aliens by provisions of the Treaty of 1778 with France abrogating alien disabilities in real property succession *ad intestat*. The constitutional doctrine developed in the alienage cases found its full expression in the Supreme Court's decision in *Missouri* v. *Holland*.[22] In 1913 the Federal Migratory Bird Act had declared certain birds to be within the exclusive jurisdiction of the United States. For courts had held the act unconstitutional[23] by the time the United States concluded a treaty with Canada to protect certain ducks. The treaty also provided for mutual implementation through legislation. The validity of the treaty was directly challenged on the grounds of the 10th amendment. Justice Holmes held that the allocation of a matter to the competence of the state by the 10th amendment is not a limitation on the treatymaking power.

"The treaty in question does not contravene any prohibitory words to be found in the Constitution. The only question is whether it is forbidden by some invisible radiation from the general terms of the Tenth Amendment. . . . No doubt the great

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Footnotes at end of article.

body of private relations usually falls within the control of the State, but a treaty may override its power. . . ."[24]

No support whatsoever can be found for the proposition that the 10th amendment is a limitation upon the scope of the treatymaking power.[25]

In some instances the argument that the 10th amendment is a limitation on the treaty-making power has been cast in terms of the power of Congress. The assertion is made that the treaty power is limited to those matters upon which Congress could legislate. Again, no support whatsoever can be found for such a proposition. As to this point Justice Holmes declared:

"Acts of Congress are the supreme law of the land only when made in pursuance of the Constitution, while treaties are declared to be so when made under the authority of the United States. It is open to question whether the authority of the United States means more than the formal acts prescribed to make the convention. We do not mean to imply that there are no qualifications to the treaty-making power; but they must be ascertained in a different way. It is obvious that there may be matters of the sharpest exigency for the national well being that an act of Congress could not deal with but that a treaty followed by such an act could, and it is not lightly to be assumed that, in matters requiring national action, "a power which must belong to and somewhere reside in every civilized government" is not to be found. . . ."[26]

The unbroken line of treaty decisions by the Supreme Court fully support the conclusion expressed by Justice Holmes.

The conclusion is compelled that objections to ratification of the human rights conventions and the covenants on human rights cannot be based upon the proposition that the treatymaking power is limited by the power reserved to the states pursuant to the 10th amendment.

Implementation of human rights treaties

For the United States, problems of implementing human rights treaties have two dimensions: the nature of the implementation procedure provided for in treaties themselves and the built in implementation procedure peculiar to the United States arising out of the fact that its treaties are the supreme law of the land.

The Nature of Implementation

The implementation provided for in human rights treaties is of three varieties: judicial proceedings, conciliation, and government reporting. Judicial proceedings in the International Court of Justice are available to governments on a voluntary *ad hoc* basis and are compulsory for governments committed in advance to accept the Court's jurisdiction either in general or as to particular treaties.[27] The United States general commitments to accept the Court's jurisdiction does not extend to "disputes with regard to matters which are essentially within the domestic jurisdiction of the United States as determined by the United States." Aside from the general commitment, we are bound by compulsory jurisdiction language in particular treaties. The following clause appears in the 1956 Slavery Convention, ratified by the United States in 1967:

"Article 10. Any dispute between States Parties to this Convention relating to its interpretation or application, which is not settled by negotiation, shall be referred to the International Court of Justice at the request of any one of the parties to the dispute, unless the parties concerned agree on another mode of settlement."

Another human rights treaty recently ratified by the United States, the Protocol Relating to the Status of Refugees, contains a similar provision:

"Any dispute between States Parties to the present Protocol which relates to its interpretation or application and which cannot be settled by other means shall be referred to the International Court of Justice at the request of any one of the parties to the dispute."

ILO conventions, to several of which the United States is a party, are subject to article 37 of the ILO Constitution, providing for reference to the ICJ of "any question or dispute relating to the interpretation . . . of any Convention." Never in the ILO's half century of experience, however, has ICJ jurisdiction been invoked by one ILO member against another, nor indeed in any other human rights cause except the 1966 South West Africa cases, brought by Ethiopia and Liberia under a post-World War I mandate agreement.

Enforcement of ICJ decisions by the U.N. Security Council is envisaged by the charter. Article 94(2) provides that the Council "may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment." These powers have never been invoked to secure compliance with a judgment.[28] The General Assembly as well can act, under charter article 10, to discuss noncompliance or make the recommendations.

The compulsory conciliation feature of the ILO's conventions, like their ICJ jurisdiction, arises from its constitution. Under articles 24 and 25, employers' or workers' organizations may represent to the ILO that "any of the members has failed to secure in any respect the effective observance within its jurisdiction of any Convention to which it is a party." Article 26 allows a member state to file a complaint if it is not satisfied that another member "is securing the effective observance of any Convention which both have ratified." Complaints, like representations, may be sent by the ILO governing body to the accused government, or they may be sent to a commission of inquiry for findings and recommendations, to which the governments concerned are bound to reply. Only in two cases has a government used these procedures against another: Ghana accusing Portugal and Portugal accusing Liberia. In each case the charge involved was forced labor, and each time recommendations of a commission of inquiry were accepted by the parties avoiding ICJ appeals. The ILO has special and more detailed conciliation procedures for complaints concerning freedom of association, available even against states not parties to the relevant conventions.

Conciliation procedures have also been established by two recently effective instruments, the Protocol to the UNESCO Convention Against Discrimination in Education, parties to which include Denmark, the United Kingdom, and France, and the Convention on Elimination of All Forms of Racial Discrimination. In the latter case, where a state party has recognized the competence of a committee created by the treaty to receive individuals' complaints, the committee may make suggestions and recommendations, which are to be summarized in its annual report.

Government reporting as an implementation feature of the Racial Discrimination Convention is to cover periodically "legislative, judicial, administrative or other measures." The same committee "may make (to the General Assembly) suggestions and general recommendations based on the examination of the reports and information received from the States Parties." The ILO reporting system is more developed, being based on the obligation under the constitution (article 22) to report annually on measures taken to implement ratified conventions.[29]

The reports are examined and commented on by a Committee of Experts on the Application of Conventions and Recommendations, whose 19 members are, according to the ILO, "drawn mainly from the judiciary, from academic circles (professors of international or labor law), and from amongst persons with considerable experience in public administration."[30] Further discussion of the reports is conducted by a committee of the ILO conference, and by the conference plenary session, both of which are composed of government, employers', and workers' representatives.

Committee members

Hon. Tom C. Clark, Chairman, Associate Justice (Retired), U.S. Supreme Court.

Morris B. Abram, President, Brandeis University.

Terence H. Benbow, Attorney at Law, New York City.

Bruno V. Bitker, Attorney at Law, Milwaukee.

John H. Carey, Attorney at Law, New York City.

Dean Clarence Clyde Ferguson, Jr., Howard University Law School.

Professor Richard N. Gardner, Columbia University Law School.

William T. Gossett, Attorney at Law, Detroit.

Hon. Sarah T. Hughes, U.S. District Court.

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John R. Stevenson**, Attorney at Law, New York City.

Hon. John Minor Wisdom, U.S. Circuit Judge, U.S. Court of Appeals.

FOOTNOTES

[1] In traditional law there were indeed rules, practices, and conventions regarding individuals who were "foreigners" in a particular country. The entire system of passports and passport protection, for example, rests upon the recognition of an individual who, leaving his own country, becomes an alien in a foreign land. In addition to such matters as passports and the like, it was recognized that a state might intervene to protect its subjects when another state violated an obligation it owed to the first state. Moreover, in certain limited instances a right of "humanitarian intervention" has been recognized. Thus a state might take actions against a second state when the conduct of the second state toward its own citizens was thought to have become so oppressive that international morality required an intervention.

[2] 1 L. Oppenheim. International Law 279 (7th ed. H. Lauterpacht 1948). Seven years later, the 8th edition at page 288 added a footnote: "subject to Minority treaties and other international obligations, in particular the general obligations of the Charter of the United Nations relating to human rights and fundamental freedoms."

[3] *See* de Nova, *The International Protection of National Minorities and Human Rights,* 11 HOW. L.J. 275 (1965). The convention was signed but not ratified by the United States.

[4] Article 12 provided that:

Poland agrees that the stipulations in the foregoing Articles (where the substantive obligations are specified), so far as they affect persons belonging to racial, religious or linguistic minorities, constitute obligations of international concern and shall be placed under the guarantee of the League of Nations. They shall not be modified without the assent of a majority of the Council of the League of Nations. The United States, the British Empire, France, Italy, and Japan hereby agree not to withhold their assent from any modification in these Articles which is in due form assented to by a majority of the Council of the League of Nations.

Poland agrees that any Member of the Council of the League of Nations shall have the right to bring to the attention of the Council any infraction of any of these obligations, and that the Council may thereupon take such action and give such direction as it may deem proper and effective in the circumstances.

[5] One scholar has concluded from an extensive analysis of all of the "minority treaties" that six fundamental human rights emerged as those enjoying the new treaty protection: 1. general protection of fundamental rights; 2. equality of treatment; 3. nondiscrimination; 4. free use of languages; 5. the right to establish charitable, religious, social, and educational institutions; 6. the right to an equitable appropriation of public funds for the educational, religious, or charitable institutions of minorities. M. Ganji, International Protection of Human Rights 46 (1962).

[6] The Universal Declaration of Human Rights, consisting of 30 articles, covers both civil and political rights, and economic, social, and cultural rights. Articles 1 and 2 are general articles stating that "all human beings are born free and equal in dignity and rights," and are entitled "to all the rights and freedoms set forth in the Declaration without distinction of any kind, such as race, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status." The rest of the articles spell out, in some detail, the rights which are standards of the modern world. These include the right of life, liberty and security of person, freedom from slavery, freedom from torture, equal protection of the law, the right to be presumed innocent until proved guilty, freedom from arbitrary arrest, the right to marry, the right to own property, and freedom of thought, conscience, and religion.

The Universal Declaration of Human Rights was adopted by the General Assembly on December 10, 1948. The United States and 47 other nations voted in favor of the declaration. The Union of Soviet Socialist Republics, five other Eastern European countries, Saudi Arabia, and the Union of South Africa abstained. There were no dissenting votes.

See Human Rights, A Compilation of International Instruments of the United Nations, U.N. Doc. A/CONF. 32/4 (1967).

[7] *See* section on influence of the Universal Declaration on national consitutions, municipal laws, and court decisions in Measures Taken Within the United Nations in the Field of Human Rights, U.N. Doc. A/CONF. 3/25 (1967), citing *inter alia* decisions in California and New York courts and in the U.S. Supreme Court.

[8] This report does not deal with the class of international pacts known as "executive agreements," only with those requiring formal approval by the Senate.

[9] Henkin, *The Constitution, Treaties, and International Human Rights,* 116 U. Pa. L. Rev. 1012, 1015 (1968).

[10] 23 Proceedings Am. Soc'y Int'l L. 194, 195–196 (1929). Hughes had been Secretary of State and was at the time Chief Justice Designate. He was speaking extemporaneously, probably relying on language on the treaty power scope in several Supreme Court opinions, such as: "any matter which is properly the subject of negotiation with a foreign country," *Geofrey* v. *Riggs,* 133 U.S. 258, 267 (1890); "all those objects which in the intercourse of nations, had usually been regarded as the proper subject of negotiation and treaty;" *Holden* v. *Joy,* 84 U.S. (17 Wall) 211, 243 (1872); "all those subjects, which in the ordinary intercourse of nations had usually been made subjects of negotiation and treaty," *Holmes* v. *Jennison,* 39 U.S. (14 Pet.) 540 (1890).

[11] Restatement (Second), Foreign Relations Law of the United States, §40, comment b at 117 (1965). The comment adds that, "usually matters of international concern have been both international and domestic effects, and the existence of the latter does not remove a matter from international concern."

[12] 46 Stat. 2183; T.S. 778. U.S. accession was accompanied by a reservation excluding language approving forced labor "for public purposces," in view of U.S. opposition to the practice "except as a punishment for crime of which the person concerned has been duly convicted." 46 Stat. 2183, 2198.

[13] Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, August 12, 1949, [1950] 6 U.S.T. 3114, T.I.A.S. 3362, 75 U.N.T.S. 31; Convention for the Amelioration of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, August 12, 1949, [1950] 6 U.S.T. 3217, T.I.A.S. 3363, 75 U.N.T.S. 85; Convention Relative to the Treatment of Prisoners of War, August 12, 1949, [1950] 6 U.S.T. 3316, T.I.A.S. 3364, 75 U.N.T.S. 135; Convention Relative to the Protection of Civilian Persons in Time of War, August 12, 1949, [1950] 6 U.S.T. 3516, T.I.A.S. 3365, 75 U.N.T.S. 287.

[14] Ex. Rept. 14 (90th Cong., 2d sess.) 4 (1968).

[15] *Id.* at 3.

[16] J. Story, Commentaries 1508 (1918).

[17] 133 U.S. 258, 297 (1890).

[18] Mikell, *Treaty Making Power,* 57 U. Pa. L. Rev. 435, 439–440 (1909).

[19] *United States* v. *Reid,* 73 F. 2d 153, *cert. denied* 299 U.S. 544 (1934).

[20] 3 U.S. (3 Dall.) 199, 236 (1794).

[21] 15 U.S. (2 Wheat.) 259 (1817).

[22] 252 U.S. 416 (1920).

[23] *State* v. *Sawyer,* 113 Me. 458 (1915); *State* v. *McCullagh,* 96 Kan. 786 (1915); *United States* v. *McCullagh,* 221 F. 288 (Kan. 1915); *United States* v. *Shauner,* 214 F. 154 (E.D. Ark. 1914).

[24] 252 U.S. 126, 133 (1919).

[25] *See Asakura* v. *Seattle,* 265 U.S. 332 (1924), *Santovincenzo* v. *Egan,* 284 U.S. 30 (1931), *United States* v. *Belmont,* 301 U.S. 324 (1937), *Clark* v. *Allen,* 331 U.S. 503 (1947). Moreover, examination of the constitutions and jurisprudence of every other federal nation-state, except for Canada, fails to disclose a limitation based upon reserved powers to the states or provinces constituting the federal union. Australia (Pt. V), 1 Peaslee, Constitutions of Nations 100 (1950); Brazil (Tit. One, c. I, Art. 85), 1 Peaslee 181; Colombia (Tit. XI, Art. 120, Para. 20), 1 Peaslee 485; Czechoslovakia (Pt. III, Sec. 74), 1 Peaslee 618; Germany (Basic Law, V, Art. 59 and VII, Art. 73) 3 Peaslee 609, 611; Mexico (Tit. III, c. II, Sec. III, Art 76 and Tit. III, c. III, Art. 89 and Tit. V, Art. 17) 2 Peaslee 439, 442, 452. ("Under no circumstances may a state (I) Enter into alliances, treaties or coalitions with another state or with foreign powers."); Switzerland (c. I, Art. 8) 3 Peaslee 123; Union of South Africa (South Africa Act, 1909, 9 Edw. 7, gives to Parliament full law-making power) 3 Peaslee 268. Despite constitutional difficulties arising out of the fact that the Canadian Constitution is in fact a statute, the Manitoba Court of Appeal flatly rejected the proposition that the treatymaking power of the Federation was limited by the power reserved to the provinces. *Rex.* v. *Stuart,* 1 D.L.R. 12 (Ct. App. Manitoba 1925). Subsequently, however, the Privy Council expressed the view that matters "peculiarly within the competence of the provinces" were not proper matters of Dominion concern. *Attorney General for Canada* v. *Attorney General for Ontario,* [1937] A.C. 326 (Privy Council).

[26] 252 U.S. 126, 133 (1919).

[27] Only states may be parties to contentious cases in the ICJ. The various bases of jurisdiction are set forth in the first two sections of article 36 of the Statute of the Court.

[28] In regard to the United Kingdom's invocation of article 94(2) in 1951 to secure compliance by Iran with interim measures of protection indicated by the Court to preserve the object of the Angelo-Iranian dispute, Schachter believes it "likely that the indecision of the Council was attributable to the doubts which several Members had regarding the competence of the Court on the merits of the case." Schachter, *The Enforcement of International Judicial and Arbitral Decisions,* 54 Am. J. Int'l L. 1, 23–24 (1960).

[29] When the ILO constitution was amended in 1946, the reporting requirement was extended to ILO recommendations and unratified conventions.

[30] U.N. Doc. E/4144 at 8 (1965).

*Secretary of State William P. Rogers terminated his active participation in the work of the Committee after he was designated Secretary of State by President-elect Nixon, December 12, 1968.

**Mr. Stevenson assumed his duties as Legal Adviser to the Department of State on July 14, 1969.

Mr. PROXMIRE. Mr. President, the concern for human rights and their preservation is something we must continually fight for. The Convention on the Prevention and Punishment of the Crime of Genocide is a great step forward in this fight. We can do no less than act quickly to ratify this convention.

QUORUM CALL

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. Church when he introduced S. 1645 are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

The ACTING PRESIDENT pro tempore. Is there further morning business?

QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MOSS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ROAD FUNDS RESCINDED

Mr. MOSS. Mr. President, several Members of the Senate and House of Representatives have pointed out the fact the President has frozen more than $12 billion in funds already appropriated by the Congress for various projects and programs throughout the Nation.

Today, I want to draw attention to just one of the specific acts of freezing funds which the Nixon administration has instituted. Beginning with fiscal year 1972, forest highways and public lands roads will no longer be financed by direct appropriation, but will instead be funded from the highway trust fund.

That action, while debatable because of the possible overextension of the highway trust fund, is not what I want to discuss today. My purpose in speaking is to voice strong opposition to an accompanying move made by Mr. Nixon.

The President's current budget request asks that $38 million already appropriated by Congress for forest highways, and $26,637,000 already appropriated by Congress for public lands roads for fiscal 1971 be rescinded.

If Mr. Nixon wants to change the manner in which these roads are funded from direct appropriation to trust fund moneys, then the Congress should discuss that proposal with him.

But when the President arbitrarily rescinds funds for these purposes which the Congress has already appropriated and directed him to spend, then we are entering into another round of the executive, especially this executive, trying to usurp constitutional power of the Congress.

In my State of Utah, the construction of these forest and public lands roads is most urgent. Two-thirds of the land of our State is owned by the Federal Government, and most of it is either forest service land or BLM land. Roads over these lands are vitally needed.

By his action, Mr. Nixon is taking away from Utah $1,354,298 in forest highway construction funds and $1 million for public lands roads which has been appropriated to be spent in Utah. Now we have lost what we desperately need. All of our road plans have been set back by at least a year and we never will make up the gap in time.

Roads are literally lifestreams to vast sections of Utah. The slowness and failure of Federal departments and agencies to fulfill their promises to develop roads in national parks and on other Federal land has proven to be a great disappointment to the citizens of Utah.

Now, this action by the President to withdraw still more money which Congress has provided for these needed roads, further aggravates the situation.

No doubt the President has taken this action to staunch the drain on his unbalanced budget, but his cuts are made at the expense of Utah and other public land States. We need cuts in our bloated war expenditures; not our tiny but essential road funds.

THE VIETNAM WAR AND THE 1972 PRESIDENTIAL ELECTION

Mr. ALLEN. Mr. President, the President is doing some wishful thinking in feeling that the war is not going to be an issue in the 1972 presidential election. Early in his term the President said he was going to end the war, and that if he did not the people could blame him. I applaud this courageous position but believe the people are going to hold him to account for it.

I want to help the President and support his efforts to bring this war to an early end. Surely, no one is more anxious to accomplish this than the President himself. So my support and my prayers are for the President, but more than for him for our fighting men and their loved ones, for the widows and the orphans, and for all those for whom this dreadful war has been such a tragedy.

QUORUM CALL

Mr. MOSS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore (Mr. STEVENSON) laid before the Senate the following letters, which were referred as indicated:

REPORT OF PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, the report of Department of Defense Procurement from Small and Other Business Firms for July 1970 to January 1971 (with an accompanying report); to the Committee on Banking, Housing, and Urban Affairs.

REPORT OF THE MUTUAL DEFENSE ASSISTANCE CONTROL ACT, 1970

A letter from the Assistant Secretary of State for Economic Affairs, transmitting, pursuant to law, the 23d report on operations under the Mutual Defense Assistance Control Act of 1951 (Battle Act) (with an accompanying report); to the Committee on Foreign Relations.

PROPOSED LEGISLATION TO AMEND FURTHER THE PEACE CORPS ACT

A letter from the Office of the Director, Peace Corps, submitting a draft of proposed legislation to amend further the Peace Corps Act (75 Stat. 612), as amended (with accompanying papers); to the Committee on Foreign Relations.

PROPOSED LEGISLATION WITH RESPECT TO TENURE AND COMPULSORY RETIREMENT OF REFEREES IN BANKRUPTCY

A letter from the Director, Administrative Office of the United States Courts, submitting a draft of proposed legislation to amend the Bankruptcy Act and the Civil Service Retirement Law with respect to the tenure and compulsory retirement of referees in bankruptcy (with accompanying papers); to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. STEVENSON):

A resolution of the House of Representatives of the State of Washington; to the Committee on Banking, Housing and Urban Affairs:

"RESOLUTION OF THE STATE OF WASHINGTON

"Whereas, Owing to recent events, such as defense and space cutbacks, concomitant with the depressed state of the national economy, economic conditions in the State of Washington are severe and disastrously low; and

"Whereas, There has resulted an enormously high rate of unemployment and as of February, 1971 there were 332,000 professional and technical workers on the unemployment rolls in the United States with a resulting high proportion of these workers in the State of Washington; and

"Whereas, This unemployment is in no way due to the fault of workers, but rather due to congressional action on funding of the SST program and to Boeing's cutbacks in other areas; and

"Whereas, We hope this situation to be temporary and are supporting all possible services both Federal and State to relieve the high rate of unemployment and to rescue the State's economy; and

"Whereas, People who have maintained their homes for many years are now losing them because they are unable to meet the mortgage payments;

"Now, therefore, be it resolved, By the House of Representatives, That members of the State of Washington congressional delegation, the national and regional offices of the Federal Housing Administration, the Congress and the President of the United States work out a moratorium whereby those persons who have been unemployed through no fault of their own shall have an extension of time to meet their mortgage payments; and

"Be it further resolved, That the Federal Housing Administration insure private loans to eligible unemployed or underemployed persons to permit them to keep up mortgage payments, with interest rates to be set by the Secretary of Housing and Urban Development, and loans to be repaid over a period of ten years.

"Be it further resolved, That a suitably inscribed copy of this Resolution be prepared and forwarded to the President of the United States and to the President of the Senate and the Speaker of the House of Representatives, and to members of the congressional delegation of the State of Washington and to the national and regional offices of the Federal Housing Administration."

A joint resolution of the Legislature of the State of Nevada; to the Committee on Commerce:

"RESOLUTION OF THE STATE OF NEVADA

"Whereas, The Department of Commerce advisory panel monitoring the current 3-year government study of metric conversion urges adoption of the metric system; and

"Whereas, Support for the metric system is surprisingly increasing at business and industrial levels; and

"Whereas, The British experience in converting from the English system to the metric system indicates favorable public support will be more readily achieved by concentrating such transition at the retail level rather than the industrial level; and

"Whereas, The proponents of a coordinate switch contend a voluntary transition would not be enough to trigger a real national transition; now, therefore, be it

"*Resolved by the Assembly and Senate of of the State of Nevada, jointly,* That the Congress of the United States is hereby memorialized to enact legislation adopting the metric system as the exclusive standard of measurement, effective no later than January 1, 1980, and requiring the use of the metric system in the retail trade as soon as possible; and be it further

"*Resolved,* That copies of this resolution be transmitted forthwith by the legislative counsel to the Speaker of the House of Representatives, the President of the Senate, the members of the Nevada congressional delegation and the Secretary of Commerce."

A concurrent resolution of the Legislative Assembly of the State of North Dakota; to the Committee on Commerce:

"SENATE CONCURRENT RESOLUTION NO. 4047 OF THE STATE OF NORTH DAKOTA

"A concurrent resolution urging reasonable freight rates for the transportation of North Dakota's agricultural products

"Whereas, North Dakota has an annual

transportation bill of over two hundred million dollars; and

"Whereas, North Dakota is primarily an agricultural State with the major burden of transportation expenses falling on the agricultural producers; and

"Whereas, North Dakota needs and must have a viable, efficient, reasonably priced transportation system to serve the people of the State of North Dakota; and

"Whereas, railroad freight rates on wheat, barley, and farm products are exorbitant, unreasonably high, and prejudicial not only to North Dakota's best interest, but to the very interest of the common carriers who impose them; and

"Whereas, North Dakota citizens pay out many millions of dollars in excess freight charges each year which could best be kept in the State to help strengthen existing industries and enhance the lives of its citizens;

"Now, therefore, be it resolved by the Senate of the State of North Dakota, the House of Representatives concurring therein:

"That the North Dakota Public Service Commission make every effort possible to obtain reasonable and fair cost pricing of freight rates as they affect North Dakota agriculture and agricultural products; and

"Be it further resolved, that copies of this resolution be forwarded by the Secretary of State to the Subcommittee on Surface Transportation of the Committee on Commerce; the United States Senate; the Interstate Commerce Commission; the North Dakota Congressional Delegation; the Governor of the State of North Dakota; and the North Dakota Public Service Commission; and

"Be it further resolved, that the Legislative Assembly urgently requests the Interstate Commerce Commission to take such remedial action as is needed to correct the railroad grain freight rate structure which affects North Dakota."

Two concurrent resolutions of the Legislative Assembly of the State of North Dakota; to the committee on the Judiciary:

"SENATE CONCURRENT RESOLUTION NO. 4015
OF THE STATE OF NORTH DAKOTA

"(A concurrent resolution urging Congress to enact legislation to provide for revenue sharing)

"Whereas, a resolution of our Nation's myriad and diverse problems is contingent upon a viable partnership between the Federal Government and strengthened State Governments; and

"Whereas, the Federal Government, by its extensive reliance on the graduated income tax as a revenue source, has virtually preempted the use of this source from State and local Governments, thereby creating a disabling fiscal imbalance between the Federal Government and the State and local Governments; and

"Whereas, increasing demands upon State and local Governments for essential public services have compelled the States to rely heavily on highly regressive and inelastic consumer taxes and property taxes; and

"Whereas, federal revenues based predominantly on income taxes increase significantly faster than economic growth, while state and local revenues based heavily on sales and property taxes do not keep pace with economic growth; and

"Whereas, the fiscal crisis at state and local levels has become the overriding problem of intergovernmental relations and of continuing a viable federal system; and

"Whereas, the evident solution to this problem is a meaningful sharing of federal income tax resources; and

"Whereas, the United States Congress, despite the immediate and imperative need therefor, has failed to enact acceptable revenue sharing legislation.

"Now, therefore, be it resolved by the Senate of the State of North Dakota, the House of Representatives concurring therein:

"That the Forty-second Legislative Assembly does hereby urge the Congress of the United States to act with all deliberate speed to enact legislation whereby States will be permitted to share in the revenue collected by the Federal Government; and

"Be it further resolved, that copies of this resolution be forwarded by the Secretary of State to the President of the Senate and Speaker of the House of Representatives of the United States, and to the North Dakota Congressional Delegation."

"SENATE CONCURRENT RESOLUTION NO. 4013
OF THE STATE OF NORTH DAKOTA

"(A concurrent resolution requesting Congress to call a convention to amend the Constitution of the United States to provide for revenue sharing)

"Whereas, a resolution of our Nation's myriad and diverse problems is contingent upon a viable partnership between the Federal Government and strengthened State Governments; and

"Whereas, the Federal Government, by its extensive reliance on the graduated income tax as a revenue source, has virtually preempted the use of this source from State and local Governments, thereby creating a disabling fiscal imbalance between the Federal Government and the State and local Governments; and

"Whereas, increasing demands upon State and local Governments for essential public services have compelled the States to rely heavily on highly regressive and inelastic consumer taxes and property taxes; and

"Whereas, federal revenues based predominantly on income taxes increase significantly faster than economic growth, while state and local revenues based heavily on sales and property taxes do not keep pace with economic growth; and

"Whereas, the fiscal crisis at state and local levels has become the overriding problem of intergovernmental relations and of continuing a viable federal system; and

"Whereas, the evident solution to this problem is a meaningful sharing of federal income tax resources; and

"Whereas, the United States Congress, despite the immediate and imperative need therefor, has failed to enact acceptable revenue sharing legislation; and

"Whereas, in the event of such congressional inaction, article V of the Constitution of the United States grants to the States the right to initiate constitutional change by applications from the legislatures of two-thirds of the several States to the Congress, calling for a constitutional convention; and

"Whereas, the Congress of the United States is required by the Constitution to call such a convention upon the receipt of application from the legislatures of two-thirds of the several States:

"Now, therefore, be it resolved by the Senate of the State of North Dakota, the House of Representatives concurring therein:

"That the Forty-second Legislative Assembly does hereby make application pursuant to article V of the United States Constitution to the Congress of the United States to call a convention for the sole and exclusive purpose of proposing to the several States a constitutional amendment which shall provide that a portion of the taxes on income levied by Congress pursuant to the sixteenth amendment of the United States Constitution shall be made available each year to State Governments and political subdivisions thereof, by means of direct allocation, tax credits, or both, without limiting directly or indirectly the use of such moneys for any purpose not inconsistent with any other provision of the Constitution of the United States; and

"Be it further resolved, that this application shall constitute a continuing application for such convention pursuant to article V until the legislatures of two-thirds of the States shall have made like applications and such convention shall have been called by the Congress of the United States, unless previously rescinded by the North Dakota Legislative Assembly; and

"Be it further resolved, that copies of this resolution be forwarded by the Secretary of State to the President of the Senate and the Speaker of the House of Representatives of the United States, to the North Dakota Congressional Delegation, and to the legislatures of each of the several States."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HANSEN, from the Committee on Interior and Insular Affairs, without amendment:

S. 166. A bill to designate the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in the State of Wyoming, and for other purposes (Rept. No. 92–80).

By Mr. LONG, from the Committee on Commerce, with amendments:

S. 699. A bill to require a radiotelephone on certain vessels while navigating upon specified waters of the United States (Rept. No. 92–78).

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, with an amendment:

S. 991. A bill to authorize the Secretary of the Interior to continue a program of research, development, and demonstration of processes for the conversion of saline and other chemically contaminated water for beneficial use and for the treatment of saline and other chemically contaminated waste water to maintain or improve the quality of natural waters, and for other purposes (Rept. No. 92–79).

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. CHURCH:

S. 1645. A bill to amend title II of the Social Security Act to increase benefits thereunder, to provide a minimum monthly benefit of $120 for workers who have 20 or more years of coverage and to provide for future cost-of-living increases in benefits payable under such title; and to amend such Act so as to add thereto a new title XX under which aged individuals will be assured a minimum annual income sufficient to remove them from poverty. Referred to the Committee on Finance.

By Mr. MOSS:

S. 1646. A bill to facilitate the entry into the United States of aliens who are underground hard-rock miners, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. TOWER:

S. 1647. A bill to restore the income tax credit for investment in certain depreciable property. Referred to the Committee on Finance.

By Mr. TAFT:

S. 1648. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing job training programs. Referred to the Committee on Finance.

By Mr. BIBLE (for himself, Mr. CANNON, Mr. HUMPHREY, Mr. MCGOVERN, Mr. NELSON, and Mr. SPARKMAN):

S. 1649. A bill to amend the Small Business

Act to authorize assistance to small business concerns in financing structural, operational, or other changes to meet standards required pursuant to certain Federal or State laws. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. CHILES:

S. 1650. A bill for the relief of William A. Beach. Referred to the Committee on the Judiciary.

By Mr. FONG:

S. 1651. A bill for the relief of Hidemoto Kawai. Referred to the Committee on the Judiciary.

By Mr. EASTLAND:

S. 1652. A bill for the relief of George Edward Glover. Referred to the Committee on the Judiciary.

By Mr. BENNETT:

S. 1653. A bill to amend the Tariff Schedules of the United States to eliminate the duty on trinitrotoluene; and

S. 1654. A bill to increase the security and protection of imported merchandise and merchandise for export at ports of entry in the United States from loss or damage as a result of criminal and corrupt practices, and for other purposes. Referred to the Committee on Finance.

By Mr. SPARKMAN:

S. 1655. A bill to amend the Federal Aviation Act of 1958 to authorize free or reduced rate transportation for widows, widowers, and minor children of employees who have died while employed by an air carrier or foreign air carrier after 25 or more years of such employment. Referred to the Committee on Commerce.

By Mr. FULBRIGHT (by request):

S. 1656. A bill to authorize a new approach for furthering the economic and social development of friendly developing countries and areas, and for provision of humanitarian relief, and for other purposes; and

S. 1657. A bill to consolidate and revise the Foreign Assistance Act of 1961, as amended, and other legislation relating to international security assistance, and for other purposes. Referred to the Committee on Foreign Relations.

By Mr. INOUYE:

S. 1658. A bill for the relief of Sylvia Afante Foster. Referred to the Committee on the Judiciary.

By Mr. FANNIN:

S. 1659. A bill to amend the National Labor Relations Act to strengthen and reform certain provisions thereof. Referred to the Committee on Labor and Public Welfare.

By Mr. WILLIAMS:

S. 1660. A bill to amend the Public Health Service Act by adding a new title XI thereto which will establish a program to protect the general health by providing assistance in the establishment and operation of regional and community health protection centers for the detection of disease, by providing assistance for the training of personnel to operate such centers, and by providing assistance in the conduct of certain research related to such centers and their operation. Referred to the Committee on Labor and Public Welfare.

By Mr. FONG:

S. 1661. A bill for the relief of Leovegildo C. Petalver. Referred to the Committee on the Judiciary.

By Mr. INOUYE:

S. 1662. A bill to provide for the conveyance of the island of Kahoolawe to the State of Hawaii, and for other purposes. Referred to the Committee on Armed Services.

By Mr. MATHIAS:

S. 1663. A bill to amend chapter 17 of title 38, United States Code, so as to authorize continuation of certain medical care benefits provided for mentally retarded and physically handicapped dependents of members of the Armed Forces who die while serving on active duty. Referred to the Committee on Veterans' Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHURCH:

S. 1645. A bill to amend title II of the Social Security Act to increase benefits thereunder, to provide a minimum monthly benefit of $120 for workers who have 20 or more years of coverage and to provide for future cost-of-living increases in benefits payable under such title; and to amend such act so as to add thereto a new title XX under which aged individuals will be assured a minimum annual income sufficient to remove them from poverty. Referred to the Committee on Finance.

SOCIAL SECURITY REFORM ACT

Mr. CHURCH. Mr. President, I introduce for appropriate reference, a bill to make comprehensive reforms wthin the social security system and to authorize a new income supplement program to replace old-age assistance.

Almost 5 million older Americans now fall below the poverty line, about 1 out of every 4 persons 65 and older. Of this total, approximately 2.1 million presently receive old-age assistance. Nearly 3 million eligible individuals, however, do not apply for such help primarily because of the demeaning features of the existing system. In most cases these assistance payments are inadequate, averaging about $76 per month, although they vary markedly from State to State.

Quite clearly, a new approach is essential if we are to assure a life of dignity and self-respect for the elderly people of the United States. The bill that I introduce today would help to provide the framework for these urgent improvements by utilizing the Social Security Administration as the vehicle for accomplishing these vitally needed reforms.

First, my bill would help to strengthen the existing social security system for ployment by first, raising the minimum monthly benefit to $120, and second, providing higher percentage increases for retired individuals who now receive low benefits. For example, persons with average monthly lifetime earnings between $150 and $200 would be entitled to social security benefit increases averaging about 21 percent under my proposal. And individuals with creditable wages ranging from $200 to $300 would receive, on the average, approximately an 18-percent benefit raise. All social security recipients would be entitled to benefit increases, but these raises would be weighted to provide larger amounts for those who need it the most—individuals with low lifetime earnings. This is in recognition of the fact that persons receiving low social security benefits are less likely to have other resources than higher income beneficiaries. In the absence of adequate social security benefits, many will be forced to turn to public assistance to supplement their retirement income.

However, my bill can enable large numbers of elderly persons to move out of poverty without the necessity of resorting to welfare. Additionally, my proposal would authorize automatic adjustments in benefits to protect the elderly from long delays in enacting social security raises during a period of rampant inflation.

For aged individuals with income below the poverty index, this measure would establish a new income supplement program, to be administered by the Social Security Administration and financed from general revenues. Today approximately 1.2 million persons receive both old age assistance and social security benefits, nearly 57 percent of all OAA recipients. For these beneficiaries, this new administrative function for social security could provide an efficient, single-step service without the demeaning connotations associated with welfare. By affirming that their income is below the poverty threshold, these elderly people would be eligible for a supplementary payment, which would be included with their monthly social security check, and would be sufficient to help them out of poverty.

One advantage of this administrative framework is that there are more than 700 social security offices located throughout the country. For low-income elderly persons, these readily accessible offices do not carry the same stigma which is attached to welfare agencies. These security offices are also well staffed, and are accustomed to dealing with the special problem of the aged. Moreover, social security is practically a universal income insurance system regardless of an individual's economic status. More than 90 percent of all persons 65 and older receive or are eligible to receive social security benefits. From an administrative standpoint, this structure could also result in significant savings because the program would be handled by one well established and accepted system, in contrast with the highly proliferated method of doling out old age assistance, through so many differing welfare agencies.

In this richest of nations, it is unnecessary and unpardonable that 5 million older Americans should be forced to endure poverty. We have the capacity to end this dreadful condition. And we must do it.

Mr. President, I ask unanimous consent that the text of this bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1645

A bill to amend title II of the Social Security Act to increase benefits thereunder, to provide a minimum monthly benefit of $120 for workers who have 20 or more years of coverage and to provide for future cost-of-living increases in benefits payable under such title; and to amend such Act so as to add thereto a new title XX under which aged individuals will be assured a minimum annual income sufficient to remove them from poverty

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM

SHORT TITLE

SEC. 101. This title may be cited as the "Social Security Reform Act".

INCREASE IN OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE BENEFITS

SEC. 102. (a) Section 215(a) of the Social Security Act is amended by striking out the table and inserting in lieu thereof the following:

"TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS

"I		II	III		IV	V
(Primary insurance benefit under 1939 act, as modified)		(Primary insurance amount under 1971 act)	(Average monthly wage)		(Primary insurance amount)	(Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
....	$16.20	$70.40	....	$76	$72.20	$108.30
$16.21	16.84	71.50	$77	78	74.10	111.30
16.85	17.60	73.10	79	80	76.00	114.10
17.61	18.40	74.50	81	81	77.00	115.60
18.41	19.24	75.80	82	83	78.90	118.40
19.25	20.00	77.40	84	85	80.80	121.20
20.01	20.64	78.80	86	87	82.70	124.10
20.65	21.28	80.10	88	89	84.60	127.00
21.29	21.88	81.70	90	90	85.50	128.30
21.89	22.28	83.10	91	92	87.40	131.20
22.29	22.68	84.50	93	94	89.30	134.00
22.69	23.08	85.80	95	96	91.20	136.80
23.09	23.44	87.40	97	97	92.20	138.30
23.45	23.76	88.90	98	99	94.10	141.20
23.77	24.20	90.60	100	101	96.00	144.00
24.21	24.60	91.90	102	102	96.90	145.40
24.61	25.00	93.40	103	104	98.80	148.20
25.01	25.48	95.10	105	106	100.70	151.20
25.49	25.92	96.60	107	107	101.70	152.60
25.93	26.40	98.20	108	109	103.60	155.40
26.41	26.94	99.70	110	113	106.60	160.00
26.95	27.46	101.10	114	118	110.10	165.20
27.47	28.00	102.70	119	122	112.90	169.40
28.01	28.68	104.20	123	127	116.40	174.60
28.69	29.25	105.90	128	132	119.90	180.00
29.26	29.68	107.30	133	136	122.70	184.10
29.69	30.36	108.70	137	141	126.20	189.40
30.37	30.92	110.40	142	146	129.70	194.60
30.93	31.36	111.90	147	150	132.50	198.90
31.37	32.00	113.30	151	155	135.00	202.60
32.01	32.60	115.00	156	160	137.50	206.30
32.61	33.20	116.40	161	164	139.50	209.30
33.21	33.88	118.00	165	169	142.00	213.00
33.89	34.50	119.50	170	174	144.50	216.90
34.51	35.00	121.00	175	178	146.50	219.80
35.01	35.80	122.60	179	183	149.00	223.50
35.81	36.40	124.00	184	188	151.50	227.30
36.41	37.08	125.70	189	193	154.00	231.10
37.09	37.60	127.20	194	197	156.00	234.00
37.61	38.20	128.60	198	202	158.10	237.20
38.21	39.12	130.30	203	207	159.60	239.50
39.13	39.68	131.60	208	211	160.80	241.20
39.69	40.33	133.10	212	216	162.30	243.60
40.34	41.12	134.80	217	221	163.80	245.70
41.13	41.76	136.30	222	225	165.00	247.60
41.77	42.44	137.90	226	230	166.50	249.90
42.45	43.20	139.40	231	235	168.00	252.10
43.21	43.76	141.10	236	239	169.20	253.90
43.77	44.44	142.50	240	244	170.70	257.40
44.45	44.88	143.90	245	249	172.20	262.40
44.89	45.60	145.60	250	253	173.40	265.30
		147.10	254	258	174.90	270.10
		148.40	259	263	176.40	275.20
		150.10	264	267	177.60	278.10
		151.60	268	272	179.10	282.90
		153.20	273	277	180.60	288.50
		154.70	278	281	181.80	290.70
		156.20	282	286	183.30	295.40
		157.90	287	291	184.80	299.80
		159.20	292	295	186.00	303.30
		160.90	296	300	187.50	307.70
		162.40	301	305	189.00	312.40
		163.80	306	309	190.20	315.90
		165.50	310	314	191.70	320.20
		166.90	315	319	193.20	325.10
		168.30	320	323	194.40	328.40
		170.00	324	328	195.90	332.70
		171.50	329	333	197.40	337.40
		173.20	334	337	198.60	340.20
		174.50	338	342	200.10	345.20
		176.00	343	347	201.60	349.90
		177.70	348	351	202.80	352.60
		179.10	352	356	204.30	357.40
		180.80	357	361	205.80	361.70
		182.20	362	365	207.00	365.00
		183.60	366	370	208.50	369.80
		185.30	371	375	210.00	374.00
		186.80	376	379	211.20	377.20
		188.50	380	384	212.70	381.40
		189.80	385	389	214.20	386.50
		191.30	390	393	215.40	389.50
		193.00	394	398	216.90	393.70
		$194.40	$399	$403	$218.40	$398.60
		196.10	404	407	219.60	401.20
		197.40	408	412	221.10	406.20
		198.80	413	417	222.60	411.00
		200.20	418	421	223.80	414.20
		201.80	422	426	225.30	418.60
		203.10	427	431	226.80	423.60
		204.50	432	436	228.30	428.40
		206.10	437	440	229.50	429.30
		207.40	441	445	231.00	431.90
		208.80	446	450	232.50	434.20
		210.40	451	454	233.70	435.00
		211.70	455	459	235.20	437.60
		213.10	460	464	236.70	439.90
		214.50	465	468	237.90	441.20
		216.10	469	473	239.40	443.20
		217.40	474	478	240.90	445.70
		218.80	479	482	242.10	447.10
		220.40	483	487	243.60	449.00
		221.70	488	492	245.10	451.50
		223.10	493	496	246.30	452.80
		224.70	497	501	247.80	454.70
		226.00	502	506	249.30	457.30
		227.40	507	510	250.50	458.60
		228.80	511	515	252.00	461.00
		230.30	516	520	253.50	463.10
		231.70	521	524	254.70	464.40
		233.10	525	529	256.20	466.70
		234.70	530	534	257.70	468.70
		236.00	535	538	258.90	470.20
		237.40	539	543	260.40	472.60
		239.00	544	548	261.90	474.50
		240.30	549	553	263.40	477.10
		241.70	554	556	264.30	477.40
		242.90	557	560	265.50	479.10
		244.20	561	563	266.40	479.60
		245.50	564	567	267.60	481.20
		246.80	568	570	268.50	481.70
		248.00	571	574	269.70	483.30
		249.30	575	577	270.60	483.90
		250.50	578	581	271.80	485.60
		251.80	582	584	272.70	486.10
		253.00	585	588	273.90	487.90
		254.40	589	591	274.80	488.20
		255.60	592	595	276.00	490.00
		256.90	596	598	276.90	490.50
		258.10	599	602	278.10	492.20
		295.40	603	605	279.00	492.80
		260.60	606	609	280.20	494.40
		262.00	610	612	281.10	494.90
		263.20	613	616	282.30	496.60
		264.50	617	620	283.50	498.10
		265.70	621	623	284.40	498.90
		267.00	624	627	285.60	500.50
		268.20	628	630	286.50	501.50
		269.50	631	634	287.70	503.60
		270.80	635	637	288.60	505.10
		272.10	638	641	289.80	507.20
		273.30	642	644	290.70	508.80
		274.60	645	648	291.90	510.90
		275.80	649	652	239.10	513.00
		276.60	653	656	294.30	515.10
		277.40	657	660	295.50	517.20
		278.40	661	665	297.00	519.80
		279.40	666	670	298.50	522.50
		280.40	671	675	300.00	525.00
		281.40	676	680	301.50	527.70
		282.40	681	685	303.00	530.30
		283.40	686	690	304.50	533.00
		284.40	691	695	306.00	535.50
		285.40	696	700	307.50	538.20
		286.40	701	705	309.00	540.80
		287.40	706	710	310.50	543.50
		288.40	711	715	312.00	546.00
		289.40	716	720	313.50	548.70
		290.40	721	725	315.00	551.30
		291.40	726	730	316.50	554.00
		292.40	731	735	318.00	556.60
		293.40	736	740	319.50	559.20
		294.40	741	745	321.00	561.80
		295.40	746	750	322.50	564.50"

(b) Notwithstanding any other provision of law, when two or more persons are entitled to monthly insurance benefits under title II of the Social Security Act for any month after 1969 on the basis of the wages and self-employment income of an insured individual (and at least one of such persons was so entitled for a month before January 1972 on the basis of an application filed before 1972), the total of the benefits to which such persons are entitled under such title for such month (after the application of sections 203(a) and 202(q) of such Act) shall be not less than the total of the monthly insurance benefits to which such persons would be entitled under such title for such month (after the application of such sections 203(a) and 202(q) without regard to the amendment made by subsection (a) of this section.

(c) Section 215(b)(4) of such Act is amended by striking out "December 1970" each time it appears and inserting in lieu thereof "December 1971".

(d) Section 215(c) of such Act is amended to read as follows:

"PRIMARY INSURANCE AMOUNT UNDER 1969 ACT

"(c)(1) For the purposes of column II of the table appearing in subsection (a) of this section, an individual's primary insurance amount shall be computed on the basis of the law in effect prior to the enactment of the Social Security Reform Act.

"(2) The provisions of this subsection shall be applicable only in the case of an individual who became entitled to benefits under section 202(a) or section 223 before January 1972, or who died before such month."

(e) The amendments made by this section shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1971 and with respect to lump-sum death payments under such title in the case of deaths occurring in and after the month in which this Act is enacted.

(f) If an individual was entitled to a disability insurance benefit under section 223 of the Social Security Act for December 1971 on the basis of an application filed in or after the month in which this Act is enacted, and became entitled to old-age insurance benefits under section 202(a) of such Act for January 1972, then, for purposes of section 215(a)(4) of the Social Security Act (if applicable), the amount in column IV of the table appearing in such section 215(c) for such individual shall be the amount in such column on the line on which in column II appears his primary insurance amount (as determined under section 215(c) of such Act) instead of the amount in column IV equal to the primary insurance amount on which his disability insurance benefit is based.

SPECIAL MINIMUM PRIMARY INSURANCE AMOUNT FOR WORKERS WITH 20 OR MORE YEARS OF COVERAGE

SEC. 103. (a)(1) The first sentence of section 215(a) of the Social Security Act is amended—

(A) by striking out "or" at the end of paragraph (3);

(B) by striking out the period at the end of paragraph (4), and inserting in lieu thereof ", or (if greater) the amount equal to his primary insurance amount upon which such disability insurance benefit is based if such primary insurance amount is determined under paragraph (5); or"; and

(C) by adding after paragraph (4) the following new paragraph:

"(5) An amount equal to $120, if he has 20 or more years of coverage.".

(2) Section 215(a) of such Act is further amended by adding immediately after the first sentence thereof the following new sentence: "For purposes of paragraph (5), an individual's 'years of coverage' is the number equal to the sum of (A) the number (not exceeding 14 and disregarding any fraction) determined by dividing the total of the wages credited to him for years after 1936 and before 1951 by $900, plus (B) the number equal to the number of years after 1950 each of which is a computation base year (within the meaning of subsection (b)(2)(C)) and in each of which he is credited with wages and self-employment income of not less than the smaller of $1,200 or 25 per centum of the maximum amount which, pursuant to subsection (e), may be counted for each such year.".

(b) Section 203(a) of such Act is amended by adding at the end thereof the following new sentence: "For purposes of this subsection, if the primary insurance amount of an individual does not appear in column IV of the table in section 215(a), the reference to the amount appearing in column V of such table shall be treated as referring to the amount on the line on which the next higher primary insurance amount appears.".

(c) Section 215(f)(2) of such Act is amended by striking out "(1) and (3)" and inserting in lieu thereof "(1), (3), and (5)".

(d) The amendments made by subsections (a), (b), and (c) shall apply with respect to monthly insurance benefits under title II of the Social Security Act for months after December 31, 1971, and with respect to lump-sum death payments under such title in the case of deaths occurring after such month.

COST-OF-LIVING INCREASES IN BENEFITS

SEC. 104. Title II of the Social Security Act is further amended by adding at the end thereof the following new section:

"COST-OF LIVING INCREASES IN BENEFITS

"SEC. 230. (a) As soon as possible after the beginning of each calendar quarter (commencing with the calendar quarter which begins on April 1, 1972), the Secretary shall determine the extent by which the price index in the preceding calendar quarter was higher than the price index in the applicable base period (as those terms are defined in subsection (e)). If he determines that the price index had risen by a percentage (of its level in the base period) equal to 3 per centum or more, the amount of each benefit otherwise payable under this title shall be increased by the same percentage (adjusted to the nearest one-tenth of 1 per centum), effective with respect to monthly insurance benefits under section 202 and section 223 and monthly benefits under section 228 for months after the quarter in which the determination is made and with respect to lump-sum death payments under section 202(i) in the case of deaths occurring after such quarter.

"(b) In the case of any individual who first becomes entitled to a monthly insurance benefit under section 202 or section 223 or a monthly benefit under section 228 (or, with respect to the lump-sum death payment under section 202 (i), who dies) in or after the month in which an increase becomes effective under subsection (a), the amount of the benefit payable to or with respect to him on the basis of such entitlement (or death) shall be determined by applying such increase (or, if more than one increase has become effective under subsection (a), by applying all such increases successively) to the amount of the benefit which would be payable under the provisions of this title without regard to this section.

"(c) Any increase under subsection (a) shall apply with respect to all benefits payable under this title during the period in which such increase is effective regardless of the provisions under which such benefits are payable or the manner in which the amounts payable are determined, but shall be applied with respect to the benefit payable to or with respect to any particular individual only after all of the other provisions of this title which relate to eligibility for and the amount of such benefit, and all prior increases made in such benefit under this section, have been applied; except that (1) the provisions of section 203 (b) through (l), section 222(b), and section 228(c) shall not be applied until after such increase is applied, and (2) in determinining the amount of any individual's monthly benefit for purposes of applying section 203(a), any amounts payable by reason of this section shall not be regarded as part of such benefit.

"(d) If the amount of the increase in any benefit under subsection (a) is not a multiple of $0.10, it shall be raised to the next higher multiple of $0.10 in the case of a multiple of $0.05 which is not a multiple of $0.10 or adjusted to the nearest multiple of $0.10 in any other case.

"(e) For purposes of this section—

"(1) the term 'price index' means the Consumer Price Index (all items, United States city average) published monthly by the Bureau of Labor Statistics; and the average level of the price index for the three months in any calendar quarter shall be deemed to be the level of the price index in such quarter; and

"(2) the term 'base period' means—

"(A) the calendar quarter commencing October 1, 1971, with respect to the first increase under subsection (a), and

"(B) the calendar quarter immediately preceding the quarter in which the determination constituting the basis of the most recent increase under subsection (a) was made, with respect to any increase under subsection (a) after the first such increase."

TITLE II—INCOME SUPPLEMENT BENEFITS FOR THE AGED

SHORT TITLE

SEC. 201. This title may be cited as the "Older Americans Income Supplement Act".

INCOME SUPPLEMENT BENEFITS FOR THE AGED

SEC. 202. (a) The Social Security Act is amended by adding after title XIX thereof a new title XX as follows:

"TITLE XX—INCOME SUPPLEMENT BENEFITS FOR THE AGED

"ELIGIBILITY FOR BENEFITS

"SEC. 2001. Every individual who—

"(1) has attained age 65,

"(2) is a resident of the United States (as defined in section 2011),

"(3) has an annual income (as determined pursuant to section 2004) of less than the applicable threshold for poverty level amount (as determined under section),

"(4) has filed application for benefits under this title, shall (subject to the succeeding provisions of this title) be entitled to income supplement benefits under this title.

"PAYMENT OF BENEFITS

"SEC. 2002. (a) Benefits under this title shall be paid on a monthly basis, except that, if the benefit payable to an individual for any month is less than $5, such benefit may be paid on such other basis (but not less often than semiannually) as the Secretary shall by regulations provide.

"(b) Benefits under this title shall be payable to any individual only for months (i) after the month in which his entitlement thereto is established pursuant to an application therefor filed under section 2001, and (ii) prior to the month in which such individual dies.

"(c) No married individual who is living with his spouse for any month shall be entitled to a payment under this title for such month if the spouse of such individual receives such a payment for such month.

"AMOUNT OF BENEFITS

"Sec. 2003. The amount of the monthly benefit of any individual under this title shall be equal to one-twelfth of the amount by which the applicable threshold for poverty amount exceeds the amount of such individual's annual income (as determined under section 2004) for such year.

"DETERMINATION OF ANNUAL INCOME

"Sec. 2004. (a) For the purposes of this title, the term 'annual income' means, in the case of an individual, the total amount of income (other than income derived by reason of benefit payments under this title) from all sources received in the calendar year with respect to which a determination of annual income is made; except that, in determining the annual income of any individual who, during the calendar year, engaged in any trade or business, there shall be deducted any expenses incurred in carrying on such trade or business, and except that, income derived from the sale or exchange of property shall be taken into account only to the extent of the gain derived therefrom.

"(b) In determining the amount of annual income, for purposes of this title, of any individual who is married and living with his spouse, the annual income of such individual shall be regarded as the sum of the annual income of such individual and of the spouse of such individual.

"REPORT ON INCOME TO SECRETARY

"Sec. 2005. (a) Any individual applying for benefits under this title shall submit with his application for such benefits and thereafter reports to the Secretary of his income and of any other matter which is relevant to his entitlement to receive, or the amount of, any benefit payable under this title. Such reports shall be filed at such time, in such form, and shall contain such information as the Secretary shall by regulations prescribe.

"(b) Benefits otherwise payable to an individual for any month shall be suspended until such time as any report required pursuant to subsection (a) to be filed prior to such month shall have been received and evaluated by the Secretary.

"SUSPENSION OF BENEFITS FOR MONTHS WHEN INDIVIDUAL IS ABSENT FROM THE UNITED STATES

"Sec. 2006. Any benefit otherwise payable to an individual under this title for any month shall not be paid if such individual is physically absent from the United States (as defined in section 2011) during all of such month, or if such individual is not, during all of such month, a resident of the United States (as so defined).

"OVERPAYMENTS AND UNDERPAYMENTS

"Sec. 2007. Whenever the Secretary finds that more or less than the correct amount of payment has been made to any individual under this title, proper adjustment or recovery shall be made in accordance with regulations of the Secretary patterned so as to conform, to the maximum extent feasible, to the provisions of section 204 (relating to overpayments and underpayments of benefits under title II).

"ESTABLISHMENT AND VERIFICATION OF ELIGIBILITY FOR BENEFITS

"Sec. 2008. Eligibility for benefits under this title shall be established by the filing, by the applicant, of a simplified statement prescribed by the Secretary. The Secretary shall establish adequate and effective methods of verification of eligibility of applicants and recipients of benefits under this title through the use of sampling and other scientific techniques.

"DETERMINATION OF THRESHOLD FOR POVERTY LEVEL AMOUNTS

"Sec. 2009. (a) The threshold for poverty level amount of an individual who is married and living with his spouse shall be an amount equal to the amount established as the Weighted Average Threshold for Poverty for a married couple, as published annually by the Bureau of the Census; and the threshold for poverty level amount for any other individual shall be an amount equal to the amount established as the Weighted Average Threshold for Poverty for a single individual, as so published.

"(b) The amounts referred to in subsection (a) shall for any calendar year be based on the amounts contained in the latest Weighted Average Threshold for Poverty, as published annually by the Bureau of the Census, as of the first day of such year, plus a per centum of each such amount equal to the per centum of increase, if any, of the cost-of-living which has occurred between the date of publication of such Weighted Average Threshold of Poverty and the period with respect to which the date used in such in such publication was assembled. The Secretary shall determine whether and the extent to which any such cost-of-living has occurred on the basis of the most current data available from the Department of Commerce.

"ADMINISTRATION

"Sec. 2010. The Secretary shall, for purposes of the administration of this title, utilize the organization and personnel engaged in the administration of title II.

"DEFINITION OF UNITED STATES

"Sec. 2011. For purposes of this title, the term 'United States' means the fifty States and the District of Columbia.

"AUTHORIZATION FOR APPROPRIATONS

"Sec. 2012. There are hereby authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this title.".

(b) Benefits payable under title XX of the Social Security Act (as added by subsection (a) of this section) shall first become payable with respect to months which begin after December 1971.

Sec. 203. (a) Notwithstanding any other provision of law, no payment may be made to any State under title I or XVI of the Social Security Act with respect to aid or assistance in the form of money payments furnished, for any period after December 31, 1971, to any individual who has attained age 65 and is a resident of the United States (as defined in section 2011 of such Act). The preceding sentence shall not apply with respect to payments to any State under title XVI of the Social Security Act with respect to aid in the form of money payments furnished to any individual who is blind.

(b) Whenever, in title XIX of the Social Security Act, reference is made to individuals receiving aid or assistance under State plans approved under title I or XVI of the Social Security Act, such reference shall be deemed to include individuals who are entitled to benefits under title XX of such Act.

By Mr. TOWER:

S. 1647. A bill to restore the income tax credit for investment in certain depreciable property. Referred to the Committee on Finance.

INVESTMENT TAX CREDIT

Mr. TOWER. Mr. President, I would like to introduce today a bill to restore the 7-percent investment tax credit which Congress repealed in 1969. While such a tax measure must originate in the House of Representatives, I believe, that the Congress must turn its attention to this important issue, and I believe that a Senate bill can serve as a focal point for discussion of the advantages of the reinstatement concept and various alternatives and modifications which are, have been, and will continue to be proposed. I note in this regard the introduction of S. 1262 by the Senator from Indiana (Mr. HARTKE) which would reinstate the investment tax credit and raise it from 7 to 10 precent. Without research and testimony by the administration, I feel that we do not have adequate information at this time to indicate the need for variation, either up or down, from the traditional 7-percent figure. For this reason, I wish to stay with the original credit until and unless administration findings indicate that a change is called for.

I favor the investment tax credit as perhaps the most direct incentive approach available to us to encourage business investment in new equipment; such investment is desperately needed to improve our productivity. Economically, we have not been growing as fast as we should have since the war because we have not given enough encouragement to plant and equipment replacement. Germany and Japan have moved forward very rapidly, largely because they have had to rebuild their industrial base after the war, and the productivity of their new plants and equipment has equaled and even exceeded our own, based as it is on substantial prewar and wartime plants and equipment.

The credit was originally enacted in 1962 upon recommendation of President Kennedy to stimulate the economy. It was suspended in 1966 upon recommendation of President Johnson, because it was felt that the demands upon credit in the economy were too heavy. It was reactivated in 1967 after credit demand eased, but was repealed again in 1969 to help lessen inflationary pressures. Although I have supported the Presidential recommendation in each case, I would prefer to rely on other tax and monetary actions to effect controls on excessive credit demand and inflationary pressures, rather than on this particular tax incentive concept. I think it is too directly determinative of our productivity for us to suspend it unless absolutely necessary, and I am reinforced in this view by the adverse developments in our trade posture over this decade.

We depend very much for our high standard of living on the capital-intensive, high-technology industries which have characterized our rapid economic growth in the post-war era. As other industrial countries develop advanced technologies, our trade advantages deteriorate because we are not putting enough of our resources into modernization to keep up our traditional technological superiority and productivity increases. Restoration of the investment tax credit would help put our country on a course of modernization which will keep our economy productive and growing—thereby providing the wherewithal to solve our social and environmental concerns and to meet any defense needs that we may have in the future. I feel that enactment of this proposal is a necessary step for Congress to take this year.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1647

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Investment Credit Act of 1971".

SEC. 2. (a) Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to rules for computing credit for investment in certain depreciable property) is amended by adding at the end thereof the following new section:

"SEC. 50. RESTORATION OF CREDIT.

"Notwithstanding the provisions of section 49, for purposes of this subpart, the term 'section 38 property' includes property—

"(1) the physical construction, reconstruction, or erection of which is completed on or after the date of the enactment of the Investment Credit Act of 1971, or

"(2) which is acquired by the taxpayer on or after such date.

"In applying section 46(c)(1)(A) in the case of property described in paragraph (1) which, but for the provisions of this section, would not be section 38 property, there shall be taken into account only that portion of the basis which is properly attributable to construction, reconstruction, or erection on or after the date of the enactment of the Investment Credit Act of 1971."

(b) The table of sections for such subpart is amended by adding at the end thereof the following new item:

"Sec. 50. Restoration of credit."

(c) Section 46(b)(5) of the Internal Revenue Code of 1954 (relating to certain taxable years) is amended—

(1) by inserting after "The amount" in the matter preceding subparagraph (A) "attributable to property placed in service before the date of the enactment of the Investment Credit Act of 1971"; and

(2) by inserting after "taxable year" in subparagraph (A) "attributable to property placed in service before the date of the enactment of the Investment Credit Act of 1971".

(d) Section 47(a)(4) of such Code (relating to property destroyed by casualty, etc.) is amended by inserting before the period at the end thereof the following: ", and before the date of the enactment of the Investment Credit Act of 1971, unless on or after such date, section 38 property is placed in service by the taxpayer to replace the property described in subparagraph (A)".

(e) Section 47(a)(5) of such Code (relating to certain property replaced after April 18, 1969) is amended by striking out "property which" in subparagraph (B) and inserting in lieu thereof "property which is not section 38 property but which".

(f) Section 49(c) of such Code (relating to leased property) is amended by inserting ", and before the date of the enactment of the Investment Credit Act of 1971" after "April 18, 1969".

(g) Section 49(d) of such Code (relating to property placed in service after 1975) is repealed.

SEC. 3. The amendments made by this Act shall apply to taxable years ending on or after the date of the enactment of this Act.

By Mr. TAFT:

S. 1648. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expense of providing job training programs. Referred to the Committee on Finance.

HUMAN INVESTMENT ACT OF 1971

Mr. TAFT. Mr. President, I am delighted that the Subcommittee on Employment, Manpower, and Poverty, of which I am a member, will undertake hearings on April 28 relative to the critical problems of unemployed youth. In March of this year the unemployment rate for young people 16- to 21-years-of-age was 15.4 percent; 1,600,000 young people were unemployed. For black youths the rate was 26 percent and among black teenagers the unemployment rate was 30.3 percent. In the poverty neighborhoods of our 100 largest cities the unemployment rate for black-teenagers was a staggering 41.2 percent.

This critical situation deserves the special attention of each of us.

Rather than utilizing Job Corps training centers as the answer to this critical problem, I suggest that we consider undertaking a federally supported program of on-the-job training so that these young people may find their way quickly into the mainstream of permanent employment.

Job Corps training centers have created a new bureaucracy and with an average cost of $3,830 per trainee, and have been a costly and incomplete answer to this problem. In many cases, young people have been trained for jobs which do not exist. In my judgment, the only meaningful alternative to a vastly expanded welfare program would be the creation of on-the-job training opportunities.

For these young people who are out of work, jobs must be more than a hope and a promise; they must be a reality. American industry has the capacity and capability for training young men and women on the job. Such a program would not necessitate the creation of additional bureaucratic positions but would have the advantage of affording training opportunities by the foremen in the plant. This is the best and most cost-effective way in which we can solve this important problem.

It would be very easy indeed for us to set up additional Job Corps training centers and assume that this problem would be removed from view if these young men and women were shipped out for Federal training. The hard fact is that we must create permanent employment for them in the private sector. For this reason, I am today introducing for appropriate reference the Human Investment Act which would permit young people and others unemployed to be trained within the mainstream of the American economy.

This act would provide an incentive to American business to invest in the improvement of the Nation's human resources by hiring, training, and employing presently unemployed workers who lack needed job skills. It would also upgrade the job skills and provide new job opportunities for presently employed individuals.

The act would offer employers a tax credit of 10 percent of allowable training expenses with a maximum of $25,000 plus 10 percent of the taxpayers' liability in excess of that amount. Allowable employee training expenses would include first, wages and salaries of employees who are apprentices in an apprenticeship program registered with a State or Federal agency; second, wages and salaries of employees who are enrolled in an on-the-job training program; third, wages and salaries of employees who are participating in a cooperative education program involving alternate periods of academic study and employment in cooperation with a secondary school, college, university, business school, or vocational school; fourth, tuition and course fees paid by the employer for instruction of individuals by a college, university, business school, trade school or vocational school in job skills necessary for his employment; fifth, home study course fees; and sixth, other expenses of the employer for on-the-job training.

This act would not be a hand-out to private industry. It would instead be a realization of opportunity for millions of Americans who are now unemployed.

By Mr. BIBLE (for himself, Mr. CANNON, Mr. HUMPHREY, Mr. MCGOVERN, Mr. NELSON, and Mr. SPARKMAN):

S. 1649. A bill to amend the Small Business Act to authorize assistance to small business concerns in financing structural, operational, or other changes to meet standards required pursuant to certain Federal or State laws. Referred to the Committee on Banking, Housing and Urban Affairs.

RE-INTRODUCTION OF BILL

Mr. BIBLE. Mr. President, I introduce, for appropriate reference, a bill to assist small businesses into compliance with the ever-increasing series of new environmental and consumer laws. My proposal, originally offered in 1969 and enacted in part, would provide a unified approach to providing emergency loans to help small firms modify their plant and equipment under such statutes; as an alternative to attempting to amend the Small Business Act each time a new requirement is enacted by the Congress or a State legislature.

BACKGROUND

For the past half dozen years concern for the quality of life in the United States has been rising to a crest.

Beginning with the air and water quality legislation of the mid-1960's spearheaded by the Senator from Maine (Mr. MUSKIE), the Congress, I feel, has established an enviable record in attacking environmental pollution in its many and interrelated forms.

However, the basic underlying problems are that the growth of population and production—which bring more and more Americans a rising standard of living—may be out running our physical resources as well as the capacity of the air and water to purify themselves, and the ability of our human senses to tolerate the byproducts.

As I have said before, we need a balance between economic growth and the livability of the surroundings for our daily lives, if the future in the United States is to be at all pleasant for ourselves and our children and grandchildren.

A good summary of these considerations and their impact upon small business was continued in recent publications of the Chase Manhattan Bank and Greater Washington Investors Newsletter, as follows:

> This is not to say that the task is easy or that it can be accomplished overnight. Technology must be developed or perfected. Government regulations must be informed, practical, consistent and predictable—features notably lacking in current practices. *Many companies may face significant financing problems in that heavy investments to control pollution will have to be made with little or no hope of increased earnings on such investment.* (italic added)

It is exactly these difficulties which are the subject of small business legislation introduced by myself and other Senators in recent years in order to resolve the dilemma.

In 1968, I introduced Senate Resolution 290, instructing the Small Business Administration to make a pilot survey of the costs and financing problems of 14,000 small businessmen facing compliance with one such new environmental and consumer law, the Wholesome Meat Act of 1967.

In April, 1969, I brought before the Senate S. 1750, a bill designed to provide general authority for emergency loan assistance, so small firms might fulfill their new legal obligations under the increasing multiplicity of Federal laws and regulations. The loans so authorized were to be fully repayable at an interest rate representing the cost of money to the Federal Government plus one-fourth of 1 percent. In this way, the small firms affected could go ahead and make their improvements with the assurance that they could fully repay the principal and interest back to the Government out of their future earnings.

Other Senators, including the Senator from Alabama (Mr. SPARKMAN) and the Senator from New Hampshire Mr. McINTYRE), also proposed imaginative bills addressed to these problems.

LEGISLATIVE PROGRESS

It is gratifying to report that S. 1750 was incorporated in four pieces of legislation, three of which were enacted by the 91st Congress. I refer to the Coal Mine Health and Safety Act of 1969, the Occupational Health and Safety Act of 1970, and the Egg Products Inspection Act of 1970—which applied this provision to firms under the Wholesome Meat Act and Wholesome Poultry Products Act, as well as the Egg Products Inspection Act. I believe these were wise and far-reaching decisions on the part of the Congress. They chart a course whereby small business can be the full partners in progress rather than its imminent victims.[1]

Since December, we in the Congress have been working to have these statutes speedily implemented by the Executive Branch. We have pressed for both regulations and requests for funding so that a maximum number of small and independent firms can survive to further serve the public in future years.

THE REMAINING TASK

However, the legislation of the 91st Congress has not yet finished the job. I feel that there remain some gaps under the current law. These gaps affect the ability of the Government to do substantial justice to small businesses which sincerely desire to comply fully with new environmental requirements, but cannot obtain financing for these facilities from conventional lenders. Since these controls add to the costs of doing business and are not productive of any profits in the commercial sense to offset these costs, environmental requirements pose acute problems for smaller firms. A steady stream of correspondence with our committee, as exemplified by a letter from the National Institute of Locker-Freezer Provisioners shows this.

Some problem areas, at this point, seem to me as follows:

The need to include specific language covering air and water pollution statutes and regulations at all governmental levels which are based on Federal requirements. These have a direct and immediate impact on thousands of small firms and small business industries. Senator McINTYRE has taken the initiative on this point, which I supported in the 91st Congress and look forward to supporting just as strongly in this Congress.

There are particular industries that contain trouble spots, such as the small oil refiners that face compliance with special types of environmental controls such as the removal of lead from gasoline by fixed deadline dates.

There are also localized problems, such as are created by the presence of mercury contamination as to which the Senator from Alabama (Mr. SPARKMAN) has submitted legislation, which I have fully supported.

There is an accompanying need for considering an overall view in the statute which would give the Federal Government wide adaptability to deal with existing and emerging problems under requirements created for business by these and emerging mandatory standards.

For the purpose of once again raising the latter issue squarely before the Congress, I am today presenting again S. 1750 in substantially its original form.

This will give the committees of both Houses, as well as the general membership of Congress, an opportunity to fully explore this comprehensive approach to governmental equity for the small business community.

FEATURES OF THIS BILL

If the bill is enacted in this form, it seems to me that it should be constructed to encompass the existing provisions of section 7(b) of the Small Business Act pertaining to coal mine safety, occupational health and safety, and agribusiness. In my mind, this umbrella legislation should carry a reasonable cost-of-money formula, so that the loan assistance would clearly be a compensatory loan and not a subsidy in any respect.

During the 91st Congress, the Senate Committee on Banking gave prompt and thorough consideration to small business environmental legislation. In their hearings of July 1969 and June 1970, these issues were discussed by industry and Government witnesses. The composite bill, S. 4316 (reported S. Rept. 91–1158), which passed the Senate on September 18, included the essential language of S. 1750 as limited to the meatpacking industry as well as the essence of Senators McINTYRE and SPARKMAN'S bills. However, S. 4316 did not make progress in the other body.

The reintroduction of my overall bill will serve to make this question once again a current one for the Congress. It has also been my hope that the Small Business Administration study of the meatpacking industry will also be available for consideration in this connection.

Mr. President, I urge that the appropriate committees consider the small business questions raised by my bill in order to keep the law of the land in tune with the rapidly developing environmental and consumer requirements being imposed every day by all levels of government.

In this way Congress can contribute to a healthy and viable small business community which can help make the environment more livable and make life more pleasant for all of our citizens.

I ask unanimous consent that the article from the Greater Washington Newsletter, as well as the letter from the National Institute of Locker and Freezer Provisioners, together with the text of the bill, be included in the RECORD following my remarks for the information of all concerned.

There being no objection, the letter and material were ordered to be printed in the RECORD, as follows:

[Greater Washington Investors, Inc.
Newsletter, February 1971]

IMPROVING THE QUALITY OF LIFE

It has been stated, perhaps not unfairly, that the fastest rising type of pollution in the land is all the talk about pollution. Indeed, the legal and physical actions needed to combat the problem sadly lag their verbal counterpart, which seems to lack both direction and conviction.

A notable exception, we feel, was the first installment of a series of articles entitled "Improving the Quality of Life," carried in the "Business in Brief" publication of the Chase Manhattan Bank. In it, the bank's Economic Research Division analyzes the problem from the standpoint of its very root, growth, and further suggests that the two can (and should) co-exist happily. As both pollution and growth are primary concerns of Greater Washington, its portfolio companies and its shareholders, we thought you might enjoy the following excerpts from that excellent article:

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[1] For further background, see "91st Congress Action Gives Historic Recognition to Small Business in Environmental and Consumer Era," remarks by Seator Bible, *Cong. Rec.*, vol. 116, pt. 31, P. 42187.

As is the case with most other problems that suddenly burst into the public consciousness . . . concern over the environment has given rise to a host of demands for quick and drastic action. Legislative bodies are beset, if not overwhelmed, by proposals to launch crash programs to deal with this or that form of pollution. In the process, a great many misguided ideas have been proposed as to what can and should be done to make America once again a decent and attractive place in which to live. There is a real danger that hasty decisions will be made which will turn out to be not only extremely costly, but positively detrimental in terms of the genuine objective of improving the environment.

As a first step in understanding the complex problems of the environment, it is useful to consider why the problems seem to have suddenly descended upon us. For eons of time, pollution was not viewed as a widespread problem. Until quite recently, most people were unaware of any general deterioration in the environment.

One reason for this lack of concern was that the air and the water have amazing capabilities for absorbing what we regard as pollutants and transforming them into healthy and decent forms. A large and rapidly flowing river can take in and purify large quantities of waste matter. So can the air.

But there are limits to the absorptive capacity of the air and the water . . .

Up to a decade or so ago, the amount of pollution in most parts of the U.S. did not exceed levels which could be tolerated by the vast absorptive capacities of the air and the water. But this is no longer the case. The past decade has been marked by an increase in levels of pollution in many areas of the nation which go beyond the ability of nature to deal with them.

The reasons for this are simple—the growth in population and production along with the steady move to urbanization (or suburbanization). Economic growth and congestion add to pollution. If growth in population and production were to slow or stop, problems of dealing with waste matter would cease to grow.

But the trends of the past decade, and the most probable trends for at least another decade, point precisely in the direction which will magnify problems of creating a proper environment.

Population has grown from 181 million in 1960 to 205 million now, and even under low projections, it will reach 228 million by 1980

Over half of the population is crowded into only one percent of the nation's land space, and two-thirds occupy 9% of the land. This trend towards concentration in metropolitan areas is likely to continue short of drastic new public policies.

Production in real terms (GNP in constant prices) has increased about 50% in the past decade, and probably will go up another 50% in the decade of the 1970's unless sharp policy changes are made, which seems unlikely.

These growth magnitudes may seem mundane. Yet they explain why we suddenly have major problems of pollution, and why these problems will become more pressing. If, as seems a reasonable judgment, the nation was close to the absorptive capacity of the air and the water ten years ago, the addition of 24 million more people and 50% more real GNP in the past decade pushed us well over the edge. In absolute terms, the increase in real GNP in the past decade was about equal to that in the two preceding decades. And the absolute increase in the decade of the 1970's could exceed the nation's total real production in 1950.

If growth is the villain, why not stop growth?

In technical terms, it would be perfectly possible to check growth. Population could be stabilized by family planning programs plus, if necessary, tax arrangements to hold the average family size at a level consistent with zero growth in total population. The volume of total production (real GNP) could be held level by taxes or direct controls.

Hours of work would have to decline. Because of children already born, the labor force would continue to increase for some two decades even if population growth leveled. Output per man-hour would continue to rise unless technological advance were to be completely stifled. This could mean a decline in the average work week to as little as 26 hours by 1980.

The average level of living as measured in conventional terms would also decline because of the costs of dealing with existing pollution and maintaining acceptable levels. With no growth, these costs would have to come out of existing standards of living. Any improvement in the lot of those now living at poverty levels could come only at the expense of those with higher levels of incomes. This sort of income redistribution would entail in considerable part increased taxation of income groups in the $8,000 to $15,000 range.

There would be other implications of no-growth. To cite only two:

The nation's international posture and power would be diminished, raising questions as to our ability to survive under a democratic form of government.

The entire fabric of our society could be affected in unpredictable ways.

Nonetheless, it is clear that if a goodly majority of the American people should decide to stop growth, this could be done.

At the moment, it is abundantly clear that no more than a tiny minority of the public would support no-growth. Nor are there any visible signs that this minority will gain sufficient strength in the foreseeable future.

Indeed, the vast majority of the public wants continuing progress along conventional lines *plus* a healthy and decent environment. Again, there are no basic economic, financial or technological reasons why these objectives cannot be achieved. The problem is to so re-order our national priorities as to attain such goals over a reasonable period of time. This process is well underway.

This is not to say that the task is easy or that it can be accomplished overnight. Technology must be developed or perfected. Government regulations must be informed, practical, consistent and predictable—features notably lacking in current practices. Many companies may face significant financing problems in that heavy investments to control pollution will have to be made with little or no hope of increased earnings on such investment.

Finally, the contrast between no-growth and normal growth can be illustrated with some rough approximations of basic magnitudes:

Normal growth (4¼% per annum in constant dollars) would add $225 billion to GNP by 1975.

What may be a high estimate of the added costs of dealing with environmental problems comes up to $50 billion over the next five years. We are now spending about $5 billion a year, as against an estimated need of $14 billion a year.

With growth, we can handle environmental problems by allocating a bit more than one-fifth of the *growth* in GNP to this effort. Real living standards as conventionally measured would grow a little more slowly than they otherwise could. But the benefits in terms of a clean environment would appear to far outweigh the costs.

Economic growth may help resolve the pollution problem, while making it less burdensome economically and financially. It is often the older industrial equipment which pollutes most objectionably, and older automobiles which lack emission control devices. Thus the introduction of new technologically advanced equipment could foster pollution abatement. And new plants are often more profitable, compensating for some of the cost of pollution control.

The difference in the year 1975 between normal growth and no-growth, after allowing for added environmental expenditures, is a cool $225 billion, or about $1,000 per person.

The conclusion seems inescapable. The challenge is to support continued or accelerated economic growth, to invest part of the proceeds in creating a cleaner, healthier, more enjoyable environment, and to evaluate the "product" of the clean-up process as a component of economic growth. Only in this manner can we hope to enhance the quality of life in America.

NATIONAL INSTITUTE OF
LOCKER & FREEZER PROVISIONERS,
Elizabethtown, Pa., April 16, 1971.
Hon. ALAN BIBLE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BIBLE: Is there anything we can do to help get Congress to appropriate funds so that small meat processors can obtain disaster-type loans from the Small Business Administration for upgrading their facilities as required by the Wholesome Meat Act? We know that many locker and freezer provisioners are in an exceedingly tight financial situation with meat inspection pressure on one hand and unavailable of reasonably priced financing on the other.

A recent study conducted among our members reveals that the average cost of upgrading facilities to meet meat inspection requirements of the 277 firms that replied is over $28,000. Although this may not seem to the casual observer to be a lot of money, it represents a real problem for small meat processors. This isn't the kind of investment that a businessman makes in remodeling or expanding through which he anticipates an increased return because of added capacity or more efficient operation. Instead, it represents an additional investment in facilities simply to remain in business. The businessman in this kind of situation cannot afford to pay high interest rates on borrowed money. Although we are in sympathy with the objectives of the Wholesome Meat Act, we do not think it is fair for Congress to pass a law that forces a segment on the small business community to upgrade facilities to retain the right to remain in business without, at the same time, providing adequate financial assistance.

Speaking for the 7,000 locker and freezer provisioners throughout the nation, we greatly appreciate the personal interest you have consistently shown in this matter. But, we need to know what we can do right now to assist these small meat processors in meeting the financial challenge of this crisis.

Sincerely,

ROBERT L. MADEIRA,
Executive Director.

S. 1649

A bill—To amend the Small Business Act to authorize assistance to small business concerns in financing structural, operational, or other changes to meet standards required pursuant to certain Federal or State laws

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of section 7(b) of the Small Business Act is amended by striking out all that follows paragraph (4) and inserting in lieu thereof a new paragraph as follows:

"(5) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern in effecting additions to or alterations in its plant, facilities, or methods of operation to meet requirements imposed by any Federal law, any State law enacted in conformity therewith, or any regulation or order of a duly authorized State or regional agency issued in conformity with such Federal law, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph."

(b) The third sentence of section 7(b) of such Act is amended by striking out "(5) or (6)" and inserting in lieu thereof "or (5)".

(c) Section 4(c)(1) of such Act is amended by striking out "7(b)(6),".

SEC. 2. Section 28(d) of the Occupational Safety and Health Act of 1970 (Public Law 91–596) is amended by striking out "7(b)(6)" and inserting in lieu thereof "7(b)(5)".

TAX RELIEF FOR SMALL BUSINESS

Mr. HUMPHREY. Mr. President, one of the abiding satisfactions of being in the Senate over the years is to see ideas which were ahead of their time eventually come of age. An example is the small business tax relief bill just introduced by the chairman of the Small Business Committee (Mr. BIBLE) which I am pleased to cosponsor and support.

It was gracious of the Senator from Alabama (Mr. SPARKMAN) to mention the hard labor which we performed on the Small Business Committee in 1952 when we held seven field hearings throughout the country, taking testimony from over 100 witnesses on small business tax problems. Our report in 1953—Senate Report No. 442, 83d Congress—focused on several of the questions vital to the creation and growth of new business, the profitability of existing firms, and the preservation of business independents which are all the more difficult today.

It is commendable that this work has been carried forward and enhanced under the chairmanship of the Senator from Nevada (Mr. BIBLE), first as chairman of the tax subcommittee and then as chairman of the full Select Committee since 1969.

The bill that resulted seems to me to be a modern charter of small business tax equities. It gives Congress a comprehensive and searching set of proposals through which we can address the fundamental and interrelated issues of taxation that affect the operation of the free enterprise system.

WILL AID THE ECONOMY

We also have a timely reminder of the necessity for stimulating the economy and a proposal for doing so in a way that does not involve the expenditure of billions of dollars.

The economic figures for the first quarter prove to most observers that our economy is running below and perhaps substantially below targets set by the present administration. The Washington Post of April 16 reported:

> Both (Walter) Heller and (Pierre) Rinfret said the results (of the first quarter) confirm their belief that the economy needs a new fiscal thrust. "We must have a personal and corporate tax cut," Rinfret said.

This advice was echoed by Chairman Arthur Burns of the Federal Reserve Board in his recent west coast speech and appearance before the Senate Banking Committee on March 10.

This bill is responsible in its revenue balance and also in its longrun sound approach to improving the tax structure for all forms of business enterprise and the economy. There can surely be improvements, and I will be glad to participate in developing them. But I feel that the formulation and introduction of a small business tax reform bill constitutes an important step toward basic tax equity for all our citizens and a more dynamic job- and tax-producing economy.

By Mr. BENNETT:

S. 1653. A bill to amend the Tariff Schedules of the United States to eliminate the duty on trinitrotoluene. Referred to the Committee on Finance.

AMEND THE TARIFF SCHEDULE

Mr. BENNETT. Mr. President, because of the large number of mining interests in my State of Utah, I have watched with concern the problems that have been encountered by the mines as they attempted to obtain TNT necessary for mining operations. The situation was acceptable and there were no problems as long as the domestic producers continued to supply an adequate amount of TNT. With the recent announcement that the Du Pont Co., in Wisconsin will no longer be producing TNT, the mining interests in this country are facing a difficult situation. With the elimination of the domestic production of TNT they will be forced to import TNT from outside the country. At the present time there is an existing duty of 3.5 cents per pound plus 22½ percent of the ad valorem value, all of which increase the total delivered cost by 30 percent.

When this additional cost is combined with the fact that many of the smaller mining operations in this country are operating on a small margin of profit, it is clear that something should be done to alleviate the problem before it becomes critical.

In order to assist in the continued development of the mining interests in this country, I am introducing this bill, which would eliminate the duty that has previously been applied to TNT coming into this country. As I mentioned, Mr. President, the only commercial producer of TNT in the United States has stated that they will no longer produce TNT after March 31. This means that there is no longer a domestic market to be protected by this tariff. I feel that it is in the best interest of this country to promptly eliminate the duty attached to TNT.

By Mr. BENNETT:

S. 1654. A bill to increase the security and protection of imported merchandise and merchandise for export at ports of entry in the United States from loss or damage as a result of criminal and corrupt practices, and for other purposes. Referred to the Committee on Finance.

CUSTOMS-PORT SECURITY ACT OF 1971

Mr. BENNETT. Mr. President, this afternoon I am introducing, for the administration, a measure that is designed to fill a great need in our shipping industry. The Customs-Port Security Act of 1971 will increase the security and protection of merchandise at ports of entry in the United States from loss or damage as a result of criminal and corrupt practices.

The theft and pilferage of cargo have reached such proportions that it has become necessary to take stern protective measures. These measures outlined in this bill are designed to insure the security and safety of international cargo from the time of unloading to the time of delivery to the consignee or his agent.

The bill deals with the areas where cargo is handled and stored and establishes criminal penalties to the illegal removal of cargo from areas under Customs control. It also directs the Secretary of the Treasury to establish national standards for the physical security of terminal facilities and gives additional power to the Secretary to prohibit the unloading or loading of merchandise at any terminal that does not conform to the standards prescribed.

The bill also establishes the machinery to take additional steps to protect the cargo if the security standards do not reduce the thievery. The first step will be the designating of certain areas as "freight-risk areas," and access to them will be severely restricted.

By the implementation of these security measures, I think we will see increased protection, not only against the theft of cargo, but also against the smuggling of narcotics, dangerous drugs, and other contraband.

For this reason, I am happy to introduce this bill.

I ask unanimous consent that an analysis of the bill be printed at this point in my remarks.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

ANALYSIS

The proposed bill is designed to meet the ever-growing problem of theft and pilferage at our nation's ports of entry.

Cargo security is the responsibility of the carrier or the terminal operator. However, as indicated in the report of the Select Committee on Small Business of the United States Senate investigating the effect of cargo loss and theft in the air commerce industry (Report of the Select Committee on Small Business, United States Senate on Effect of Cargo Loss and Theft in Air Commerce Based on Hearings Before the Committee, May 23 and July 22, 1969, Report No. 91–612, Part II, 91st Congress, 1st Session, pp. 13, 14), the carriers' and terminal operators' failure to provide adequate cargo security arrangements has contributed significantly to the rising rate of theft and pilferage with which local police have been unable to cope. The Committee noted such deficiencies in cargo security as inadequate fencing of cargo areas, and in some cases no fences at all; general employee parking directly adjacent to cargo terminals and warehouses; an absence of any employee identification system to prevent entry into cargo handling areas by unauthorized personnel; and unlimited access to cargo terminals and warehouses. This last security deficiency has not only resulted in greater theft and pilferage at the terminals, but has also simplified information gathering for those who would hijack an entire shipment after it is released for transportation to the premises of the consignee.

The experience of the Department of the Treasury indicates that these findings are equally applicable to terminals for ships, trucks, and trains, as well as airplanes, at many of our ports of entry. The Department, operating through the Bureau of Customs, has, as part of its program to curtail theft and pilferage, proposed certain additional measures to be applied nationwide by changes in the Customs Regulations.

One of these proposals would establish a nationwide uniform method of accounting for manifested merchandise and treatment of quantity discrepancies of imported merchandise and treatment of quantity discrepancies of imported merchandise. The first public notice of this proposal appeared in the Federal Register for June 6, 1970 (35 F.R. 8829) and a second notice embodying certain additional proposed changes, based on public comments received, appeared in the Federal Register for December 1, 1970 (35 F.R. 18284). The final regulation was published in the Federal Register on January 22, 1971 (36 F.R. 1056) to become effective April 1, 1971.

The other proposal deals with certain physical security requirements for cargo. Public notice of this proposal was given in the Federal Register of June 26, 1970 (35 F.R. 10463–5). Portions of this proposal were published in final form on February 3, 1971 (36 F.R. 1891). The other details of this measure are being reconsidered in the light of the comments received.

Despite the security measures already taken under these regulations, it has become apparent that a comprehensive national approach to the physical security of terminals and terminal facilities, with special measures for high risk areas, is necessary and requires legislative action if the rising rate of theft and pilferage at ports of entry throughout the United States is to be halted. The report of the Select Committee on Small Business has estimated that annual loss of imported cargo due to such activities exceeds $100,000,000 and the total loss of cargo may approach 1.5 billion dollars. Businessmen frequently absorb such losses and refuse to disclose their scope in order to prevent drastic increases in insurance costs, or outright cancellation. Statements made at committee hearings dealing with losses by individual industries, the growth of the air freight industry, and the rise in cargo insurance rates nonetheless evidence the seriousness of the problem.

Persons who have been involved in or have perpetrated theft or pilferage include seamen, flight personnel, longshoremen, marine clerks, terminal operators' employees, air cargo handlers, airline employees, truck drivers, railroadmen, and, in fact, anyone who has access to areas where imported cargo or cargo for export is handled or stored. Theft and pilferage occurs at every stage of the transit process, from the lading on board a carrier to the release of the merchandise to the ultimate consignee. It may be accomplished by an individual acting alone or by highly sophisticated criminal conspirators. Nothing appears to be too large, to heavy, too difficult or too complicated for the determined thief. Where containerization has been adopted as a counter-measure designed to reduce pilferage, it has often resulted in increased hijacking of the entire truckload after the container has been released by Customs.

A mounting dollar loss, in and itself, is obviously important to the economy of the entire nation. In addition to the actual dollar loss, however, the economy is affected in other ways. Manufacturing schedules may be delayed or not met, employees of manufacturers may be laid off because of lack of raw materials, seasonal markets may be lost, cargo insurance premiums skyrocket, stolen merchandise may be put into the stream of commerce by the underworld to compete with legitimate business in direct competition with the original importer, and duties often are not collected on merchandise which has been stolen.

The proposed bill attempts to stem the growth of this multimillion dollar criminal activity at our nation's ports of entry by prescribing national standards for the physical security of areas where cargo is handled and stored; by screening those persons who seek access to high-risk cargo areas in order to eliminate undesirable persons; and by restructuring the criminal penalties relating to unlawful removal of goods from these areas to provide greater punishments in certain instances and reduced punishments in others.

It is contemplated that additional manpower will be required to implement this legislation. However, the exact numbers and costs are undetermined principally because of uncertainties at this time as to the number and size of the customs-security areas to be designated, number of businesses to be licensed, and requirements for ensuring compliance with standards.

Section 1 provides that the Act shall be known as the "Customs-Port Security Act of 1971."

Section 2 sets forth definitions of terms used in the bill. Section 2(a) defines the term "Secretary" as the Secretary of the Treasury. Section 2(b) defines the term "United States" as including the several states, the District of Columbia and Puerto Rico. Section 2(c) defines the term "customs-security area" as an area designated by the Secretary of the Treasury within the limits of a United States port of entry. Section 2(d) defines the term "person" as an individual. Since the bill provides for the issuance of identification cards to living persons, it is believed necessary to limit the scope of the term. Section 2(e) defines the term "terminal" as a place within a port of entry at which imported merchandise is unladen from, or merchandise for export is laden upon, a carrier engaged in foreign commerce, and may include dock and lighterage facilities, receiving and handling facilities such as airports, truck terminals, container stations, piers, wharves, warehouses, and other storage areas, management offices and passenger area. The breadth of this definition indicates the tremendous variety of facilities engaged in the handling and storage of cargo, each containing a different security problem.

Section 3 provides for national standards for cargo protection. To achieve acceptable physical security of terminals there is a need for applying minimum national standards to existing and new facilities.

Section 3(a) authorizes the Secretary of the Treasury to establish by regulation such national standards which would relate to such illustrative matters as adequate cargo storage space, special storage areas for high-value items, areas for separate storage of imported and domestic merchandise, lighting, fencing, alarm systems, patrols and guards, entrances, exits, central receiving areas, central loading areas and separate private parking areas. There may be several different classes of standards, depending, for example, upon the degree of risk of theft or pilferage of cargo, the kinds of cargo handled, and the physical structure of existing facilities; however, every terminal and port will be required to comply substantially with the national standards applicable to its category. The standards prescribed may be performance standards or detailed specification-type standards, thus permitting flexibility in administering the law. Performance standards authorized by the Foreign Trade Zones Act (Act of June 18, 1934, c. 590, 48 Stat. 998) have been developed in regulations under the Act (15 CFR, part 400).

Section 3(b) will enable the Secretary to enforce these national standards by authorizing him to prohibit the unlading of imported merchandise or the lading of merchandise for export at any terminal which does not conform to applicable standards.

Section 3(c) provides that the national standards shall become effective six months after the date of the enactment of this Act or 30 days after publication in the Federal Register of final regulations establishing such standards, whichever is later. This will give to the Secretary sufficient time to prescribe the national standards and terminal operators will have sufficient advance notice to permit compliance with those standards. The Secretary is authorized to grant additional time, where necessary, to ensure compliance.

Section 4 provides for the creation of "customs-security areas". In spite of the fact that national standards for cargo protection will have been established and all terminals required to conform to those standards, it is contemplated that there will be ports or areas within a port at which imported merchandise or merchandise for export is subject to an unusual risk of theft or pilferage. When the Secretary makes such finding and designates that port or area within that port to be a "freight-risk area", he is directed to establish a "customs-security area" and imported cargo or cargo for export may be laden or unladen within that freight-risk area only in such places as qualify as "customs-security areas". The establishment of a customs-security area will subject cargo facilities within that area to even tighter security measures than exist under the national standards. Such measures may include, for example, additional fencing and alarm systems or segregated areas for imported cargo and cargo for export if not already required. Access to customs-security areas would be restricted and under the control of customs officers.

Section 4(b) permits the Secretary to remove the additional restrictions imposed pursuant to subsection (a), if he finds that the circumstances requiring a customs security area no longer exist.

Section 5 authorizes the Secretary to prescribe rules and regulations relating to the establishment of a licensing procedure for businesses whose employees have access to a customs-security area and an identification card procedure for persons seeking access to customs-security areas.

Section 5(a) provides that any business whose employees have access to a customs-security area shall be licensed under standards and in accordance with such procedures as the Secretary may prescribe in regulations.

Section 5(b) provides that, if a customs-security area has been established, any persons seeking access to such area must carry and display an identification card approved by the customs officer in charge of a port under rules and regulations prescribed by the Secretary of the Treasury governing the issuance of an identification card to persons of good moral character by an employer or other approved issuer. The regulations may require, as a condition for issuing such a card the showing of such facts as may be necessary or advisable to protect merchandise in customs-security areas. It is also provided that access to the area shall be denied to any person not displaying his identification card.

It is contemplated that at most ports there would be no restriction on access to a terminal, other than that established by the carrier or terminal operator in order to comply with the national standards. However, if a customs-security area is established, all persons will be required to carry and prominently display the identification card. Access to the area will be controlled by a customs officer who will deny access to any person not displaying his identification card.

Section 5(c) authorizes the customs officer in charge of a port to suspend or revoke an identification card approved pursuant to this Act if the holder of such card misuses or knowingly permits the misuse of the identification card issued to him or makes a copy or facsimile thereof. In addition, the identification card may be suspended or revoked if the holder of the card otherwise fails to comply with the rules and regulations prescribed by the Secretary for the use and display of the card and for the conduct of those holding such a card.

Section 5(d) sets forth procedures for denying an application for a license or suspending or revoking a license or an identification card. An applicant whose license has been denied or a holder whose license or card has been suspended or revoked will receive notice in writing stating the reason for such action. A copy of a notice revoking or suspending an identification card will be sent concurrently to the holder's employer, and to the issuer of the identification card if other than the employer. The denial, suspension or revocation is final unless within 10 days thereafter the applicant or holder files a written petition with the customs officer who made the initial decision setting forth his response to the customs action. The applicant or holder may request an oral hearing within the same 10 day period. Such a hearing must be held within 30 days following its request and before a hearing officer. The applicant may be represented by counsel at such a hearing, and has the right to be presented with the substantiation of the charges against him; both parties may cross examine witnesses; and a stenographic record shall be made. The customs officer in charge of the port is required to submit all papers and, in the case of an oral hearing, the stenographic record, with his recommendation, to the Secretary or his designee. The final decision, with reasons therefor, will thereafter be served on the holder or applicant.

This subsection further states that the procedural requirements set forth herein shall be in lieu of procedures set forth in sections 556, 557, and 558 of title 5, United States Code. However, a party whose appeal has been denied by the Commissioner of Customs may seek further review in a United States district court by invoking remedies available under existing law.

Section 5(e) permits the customs officer in charge of a port to issue a temporary identification card to a person who does not have a card and who has reason to require access to a customs-security area. If he determines that the presence of such person would jeopardize the security of merchandise within the area, he may refuse to issue the card.

Section 6 amends two sections of title 18. Section 6(a) amends section 496 of title 18, which deals with the counterfeiting of documents relating to customs matters, and divides it into two subsections. Subsection (a) amends the language of the present section by adding to the criminal acts enumerated therein a reference to the alteration, counterfeiting, or forgery of the identification card authorized to be issued pursuant to the Customs Port Security Act of 1971. Subsection (b) is new and penalizes the knowing and willful making of a false, fictitious or fraudulent statement or representation in obtaining an identification card or, having been issued an identification card, knowingly and willfully permitting another person to use such identification card to gain access to a customs-security area. The amendments in this section are necessary to enforce the restrictions that are established by this Act.

Section 6(b) amends section 549 of title 18, which deals with the removal of goods from customs custody. The section is revised to include two new subsections. Subsection (a) penalizes the unlawful entry of a customs-security area or the attempted unlawful removal of goods from such area, and imposes a fine of not more than $1,000 and imprisonment for no longer than 1 year, or both, for such crimes. It also penalizes the unlawful removal, receipt or transportation of goods taken from a customs-security area, and imposes a fine of not more than $5,000 or imprisonment for no longer than 10 years, or both, if the value of the goods exceeds $250. A fine of not more than $1,000 and no more than 1 year in jail, or both, is imposed if the value of the goods does not exceed $250.

Subsection (b) includes the volations provided for in the existing law for breaking a customs seal, fastening or mark affixing a false seal, fastening or mark, and maliciously entering any bonded warehouse, or any vessel or vehicle laden with or containing bonded merchandise with intent unlawfully to remove therefrom any merchandise. The penalty for these crimes has been reduced from not more than $5,000 and no more than 2 years in jail, or both, to not more than $1,000 and no more than 1 year in jail, or both, to permit prosecution for such violations before a United States Magistrate under the recently enacted Magistrate's Act (28 U.S.C. 631 et seq., 18 U.S.C. 3401).

The penalties provided in subsection (c) for the unlawful removal, receipt or transportation of goods taken from a bonded warehouse, or of any vessel or vehicle containing bonded merchandise are modified to conform to those provided in subsection (a) for the unlawful removal, receipt and transportation of goods from a customs-security area. By including a penalty of not more than $1,000 and no more than 1 year in jail, or both, minor thefts could be prosecuted before a United States Magistrate. In many such small cases United States attorneys prefer not to prosecute in a United States district course because of overburdened calendars and the high penalties on low-valued thefts.

Section 7 amends the analysis of chapter 27, title 18, United States Code by striking item 549 and inserting in lieu thereof, "549. Customs-security area; unlawful removal of goods; breaking seals."

Section 8 provides general authority to issue rules and regulations necessary to carry out the provisions of this Act.

Section 9 provides that if any part or provision of this Act or the application thereof to any person or circumstances be adjudged invalid by any court of competent jursdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of the Act or the application thereof to other persons or circumstances.

Section 10 authorizes the appropriation of such sums as may be necessary to accomplish the purposes of the legislation.

By Mr. FULBRIGHT (by request):

S. 1656. A bill to authorize a new approach for furthering the economic and social development of friendly developing countries and areas, and for provision of humanitarian relief, and for other purposes. Referred to the Committee on Foreign Relations.

THE INTERNATIONAL DEVELOPMENT AND HUMANITARIAN ASSISTANCE ACT OF 1971

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to authorize a new approach for furthering the economic and social development of friendlly developing countries and areas, and for provision of humanitarian relief, and for other purposes.

The bill has been requested by the President of the United States and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1656

A bill to authorize a new approach for furthering the economic and social development of friendly developing countries and areas, and for provision of humanitarian relief, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the International Development and Humanitarian Assistance Act of 1971 (hereinafter referred to as the "Act").

PART I

CHAPTER 1—POLICY

SEC. 101. STATEMENT OF POLICY.—The Congress declares the creation of a peaceful world to be a basic national goal of the people of the United States. Prospects for such a peaceful world depend on the opportunities of the developing nations to build self-reliant and productive societies in which people at all levels can realize their aspirations for justice, dignity and a better life. The Congress, therefore, declares that the United States has a profound national interest in cooperating with developing countries in their efforts to acquire the knowledge and resources essential for development and to build the economic, social and political institutions required to apply effectively this knowledge and these resources to the task of improving the conditions of life in their societies.

The Congress recognizes that all peoples, rich and poor alike, have common interests in peace, in the alleviation of poverty, human suffering and disease, in a healthful environment, and in higher standards of living. It should, therefore, be a cardinal aim of United States foreign policy to help build an equitable political and economic order, based on mutual cooperation, in which the world's people, their governments and private institutions can effectively share resources and knowledge.

The Congress recognizes the vital role of free enterprise in achieving rising levels of production and standards of living essential to economic progress and development. Accordingly, the Congress declares that efforts should be made in providing assistance under this Act to encourage and facilitate participation by private enterprise in the development process.

The Congress recognizes that development assistance should be carried out in consonance with the international trade, investment and financial policies of the United States.

The Congress further declares that United States development assistance should be provided in accordance with the following principles:

First, the developing countries themselves should stand at the center of the international development effort, establishing their own priorities and receiving assistance in relation to the efforts they are making in their own behalf. Assistance from the United States shall be used in support of, rather than substitution for, self-help efforts.

Second, United States direct assistance should concentrate on problems the solution of which will make developing countries more productive and self-reliant and enable their people to share more fully in the benefits of technological and economic advance.

Third, the United States should help to make development a truly international effort, by supporting multilateral institutions and by coordinating United States direct assistance, wherever feasible, with that of other countries and with assistance provided through multilateral institutions.

Fourth, United States assistance shall be responsive to and facilitate regional cooperation by developing countries in the solution of common problems.

Fifth, United States international development policies should seek to widen the use of private initiative, private skills and private resources in developing countries.

Sixth, United States assistance must proceed from the recognition that development is more than economic growth and includes the building of such social, labor and civic institutions as may be needed to assure wide participation in the development process and dispersion of the benefits of economic advancement.

CHAPTER 2—DEVELOPMENT ASSISTANCE

TITLE I—TECHNICAL COOPERATION

SEC. 201. STATEMENT OF PURPOSE.—The Congress declares that to assist the developing nations in increasing their capacities to meet their aspirations for justice, dignity and a better life is a proper and necessary purpose of government. It, therefore, authorizes this new program of technical cooperation among the people of the United States, the developing nations and the international community, so that advances in science and technology may more effectively meet the needs of improving the quality of human life through the world. The Congress further declares that this program should seek to concentrate on a limited number of key problem areas impeding development in which the U.S. has the capacity to respond most effectively. In providing technical cooperation and assistance under this Act the United States should—

apply U.S. research competence in the social and physical sciences to the task of development emphasizing the solution of specific problems and increasing research competence in the developing countries;

help build institutions in both the public and private sectors of developing countries which deal effectively with the countries' own problems and carry out a wide range of development functions on a self-sustaining basis;

provide training to developing country personnel, designed to upgrade their skills, strengthen their professional competence and enhance their capacity to manage their own development programs and accelerate their economic growth;

provide skilled technical personnel to meet critical shortages which limit the capacity of developing countries, especially those least developed, to formulate and implement development programs.

It is the sense of the Congress that, while every nation is and should be free to determine its own policies and procedures with respect to problems of population growth and family planning within its own boundaries, nevertheless, voluntary family planning programs to provide individual couples with the knowledge and medical facilities to plan their family size in accordance with their own moral convictions and the latest medical information can make a substantial contribution to improved health, family stability, greater individual opportunity, economic development, a sufficiency of food, and a higher standard of living.

SEC. 202. OPERATING PRINCIPLES.—Technical cooperation shall be conducted in accordance with the following principles:

(a) The President shall look to the developing countries themselves to determine their development priorities requiring an external contribution, to initiate requests for U.S. technical assistance, and to take the necessary actions which can make external assistance effective including the provision of adequate funds for programs receiving United States support.

(b) In carrying out programs under this title, the President shall use, wherever feasible, the private sector, including foundations, universities, and private firms.

(c) The President shall coordinate technical cooperation activities with those of the international development organizations, seeking ways of increasing the planning and coordination role of these organizations.

(d) Consideration should be given to the effect on the environment of activities financed under this title.

(e) The President should limit the functions of overseas staff to those which cannot be effectively performed in the United States.

SEC. 203. GENERAL AUTHORITIES.—(a) In order to carry out these purposes, the President is authorized to furnish assistance, on such terms and conditions as he may determine, in order to promote the development of friendly developing countries and areas through programs of technical assistance and cooperation, bilaterally or through regional, multilateral, or private entities. Such assistance and cooperation may include applied research into the critical problems of the development process in order to make advances in science and technology of greatest benefit to the developing countries and may also include the raising of developing countries' competence in research and in the planning and management of their own programs of development. As a part of the program authorized by this title, the President shall conduct a continuing evaluation of past and current development activities in order to increase the future effectiveness of such programs and may provide assistance to research and educational institutions within the United States for the purpose of strengthening their capacity to develop and carry out programs concerned with the economic and social development of developing countries.

(b) The President is authorized to establish a program providing technical services and commodities on an advance of funds or reimbursement basis which shall make available to other countries, international organizations and private agencies technical services and commodities from both public and private sources in the United States, including any agency of the United States Government. Advances and those reimbursements received under this section after the close of the fiscal year in which such services are rendered may be credited to the current applicable appropriation, account, or fund of the agency furnishing the services or commodities concerned and shall be available for the purposes for which such appropriation, account, or fund is authorized to be used.

(c) The President is authorized to provide assistance for programs relating to population growth in foreign countries and areas, on such terms and conditions as he shall determine, to foreign governments, the United Nations, its specialized agencies, and other international organizations and programs, United States and foreign nonprofit organizations, universities, hospitals, accredited health institutions, and voluntary health or other qualified organizations.

As used herein, the term "programs relating to population growth" includes but is not limited to demographic studies, medical, psychological, and sociological research and voluntary family planning programs including personnel training, the construction and staffing of clinics and health centers, specialized training of doctors and paramedical personnel, the manufacture of medical supplies, the dissemination of family planning information, and provision of medical assistance and supplies. In carrying out programs authorized in this section, the President shall establish reasonable procedures to insure, whenever family planning assistance from the United States is involved, that no individual will be coerced to practice methods of family planning inconsistent with his or her moral, philosophical, or religious beliefs.

SEC. 204. AMERICAN SCHOOLS AND HOSPITALS ABROAD.—The President is authorized to furnish assistance, on such terms and conditions as he may determine, notwithstanding any provision of this Act or of the Mutual Defense Assistance Control Act of 1951 (22 U.S.C. 1611, et seq.), to schools outside the United States serving as study and demonstration centers for ideas and practices of the United States and to hospital centers for medical education and research outside the United States, where such institutions are founded or sponsored by the United States citizens.

SEC. 205. AUTHORIZATION.—(a) There is hereby authorized to be appropriated to the President for the purpose of carrying out this title, other than section 204, $1,275,000,000 for the period from July 1, 1971, through June 30, 1974, which amounts shall remain available until expended.

(b) There is hereby authorized to be appropriated to the President for the purpose of carrying out section 204 $35,000,000 for the period from July 1, 1971, through June 30, 1974, which amounts shall remain available until expended.

TITLE II—DEVELOPMENT LENDING

SEC. 206. STATEMENT OF PURPOSE.—The Congress affirms that a basic goal of this country is the creation of a peaceful world and restates its belief that this goal is served in a fundamental and lasting way by a national policy of assisting the development of self-reliant, productive societies in friendly developing countries. It is, therefore, the policy of the United States to support multilateral institutions because they play a constructive role in the international development process and to extend bilateral economic assistance where such direct assistance from the United States can effectively contribute to that process.

The Congress expresses its conviction that, in order to be effective, development assistance must be responsive to the needs and priorities of developing countries and must be administered on a mature and business-like basis consistent with the capabilities of the United States and of the country assisted.

The Congress determines that in the furnishing of assistance under this title, the President shall take into account:

(i) whether the government of a country to which assistance is furnished has nationalized or expropriated or seized ownership or control of property owned by United States citizens; has taken steps to repudiate or nullify existing contracts or agreements with any United States citizen; has imposed or enforced discriminatory taxes or other exactions, or restrictive maintenance or operational conditions having the effect of nationalizing, expropriating or otherwise seizing ownership or control of property so owned without taking appropriate steps to discharge its obligations under international law toward such citizens;

(ii) whether a country has taken appropriate steps to prevent narcotic drugs produced or processed within such country from entering the United States unlawfully;

(iii) the extent to which a country is diverting its resources from economic development to military purposes, particularly taking into account amounts spent on sophisticated weapons systems.

SEC. 207. OPERATING PRINCIPLES.—Operations under this title shall be conducted in accordance with the following principles:

(a) In considering an application for a loan, due regard shall be given to the ability of the borrower to obtain financing elsewhere on terms and conditions reasonable for the recipient, taking into account all pertinent factors.

(b) Before a loan is approved the applicant shall have submitted an adequate loan proposal.

(c) In making a loan, consideration shall be given to whether (1) the borrower will be in a position to meet its obligations under the loan agreement, and (2) the borrower has or will obtain adequate resources to supervise, monitor and report on the activities financed by the loan.

(d) Development lending under this title shall be conducted in such a manner as to promote economy and efficiency in operations to obtain the maximum possible effectiveness for each dollar loaned.

(e) Appropriate measures shall be taken to assure that the borrower accepts his responsibility for efficient implementation of projects and activities for which assistance is provided.

(f) Consideration should be given to the effect on the environment of activities financed under this title.

(g) The functions of overseas staff should be limited to those which cannot be effectively performed in the United States.

SEC. 208. GENERAL AUTHORITIES.—(a) Development Loans.—In order to carry out the purposes of this Act, the President is authorized to make loans to promote the economic and social development of friendly developing countries and areas, repayable as to principal and interest in United States dollars on such terms and conditions as the President may determine. The President shall determine the interest payable on any loan, taking into consideration the cost of borrowed funds, the economic circumstances of the borrower and other relevant factors, but the interest on loans shall be at least 1 per cent per annum.

(b) TECHNICAL SERVICES.—In carrying out the purposes of this title, the President is authorized to furnish technical services on such terms and conditions as he may determine. The purposes of these technical services will be to assist in the identification of and the preparation for loans proposals and to provide assistance directly related to loans which the President has approved or which the President is administering under this Act.

(c) SHIPPING DIFFERENTIALS.—The President may make grants to loan recipients to pay any differential between United States and foreign flag vessel charter or freight rates with respect to commodities financed by loans made or administered under this Act.

SEC. 209. AUTHORIZATIONS.—(a) There is hereby authorized to be appropriated to the President for the purpose of carrying out this title $1,500,000,000, for the period from July 1, 1971 through June 30, 1974, of which not to exceed $40,000,000 shall be used for grants made under section 208(c), such amounts to remain available until expended.

(b) Dollar receipts from loans made pursuant to this title, loans made under the Foreign Assistance Act of 1961, as amended, and loans made under predecessor legislation to the Foreign Assistance Act of 1961, as amended, as defined in section 410, are authorized to be made available to the President for the period July 1, 1971, through June 30, 1974. When any payment of interest or principal of such loans is made in foreign currencies, the Secretary of the Treasury is authorized to sell for dollars such foreign currency repayment proceeds to United States Government agencies for their use. The United States dollars received from the sale of such foreign currencies shall be deposited to the account of the revolving fund established by section 210. Receipts and other funds made available under this subsection shall remain available until expended.

(c) As may hereafter be provided in annual appropriation acts, the President is authorized to borrow from whatever source he deems appropriate, up to $1,000,000,000 during the period July 1, 1971 through June 30, 1974 and to issue and sell such obligations as he determines necessary to carry out the purposes of this title. The dates of issuance, the maximum rate of interest and other terms and conditions of the obligations issued under this subsection will be determined by the Secretary of the Treasury with the approval of the President. Obligations issued under the authority of this section shall be obligations of the Government of the United States of America, and the full faith and credit of the United States of America is hereby pledged to the full payment of principal and interest thereon.

(d) For the purpose of any purchase of the obligations issued under this title, the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force, and purposes for which securities may be issued under the Second Liberty Bond Act, as now or hereafter in force, are extended to include any purchases of the obligations issued under this title. The Secretary of the Treasury may, at any time, sell any of the obligations acquired by him under this section. All redemptions, purchases, and sales by the Secretary of such obligations shall be treated as public debt transactions of the United States.

SEC. 210. REVOLVING FUND.—(a) The President is authorized to establish in the Treasury of the United States a revolving fund, which shall be available without fiscal year limitation, to carry out the purposes, functions and powers authorized by this title.

(b) There shall be established in the revolving fund a capital account in which shall be deposited, subject to withdrawal by the President—

(1) Amounts appropriated for use under this title;

(2) amounts received from obligations issued by the President under the authority of section 209(c);

(3) principal repayments of loans made under the authority of this title and of other dollar repayable loans which are administered pursuant to section 404, including dollars received pursuant to section 209(b) from the sale of local currency repayments;

(4) proceeds from the sale or other disposition of loans or obligations made under the authority of this title and of other loans or obligations which are administered under this Act;

(5) undisbursed amounts previously appropriated for use under the authority of sections 202(a), 203, 252(a) and 253 of the Foreign Assistance Act of 1961, as amended;

(6) excess income and revenues transferred to the capital account pursuant to subsection (d)(3) of this section.

(c) There shall be established in the revolving fund an income account into which shall be deposited, subject to withdrawal by the President, income, revenues, and other moneys transferred to, earned, or received by the President in carrying out the purposes of this title, from whatever source derived, including interest earned from loans made and obligations acquired under the authority of this title and interest on all other dollar repayable loans and obligations which are administered under this Act.

(d)(1) Capital of the revolving fund shall be available only for shipping differentials, for development loans authorized by subsection 208(a) and for the repayment of principal borrowed pursuant to section 209.

(2) Income and revenues of the revolving fund shall be available only for administrative and operating expenses connected with this title, including expenses authorized by section 208(b), and for servicing the interest on the debt incurred by the President in connection with this title.

(3) Excess income and revenues may be transferred to the capital account of the fund.

(e) If moneys of the revolving fund are in excess of current needs, proceeds of obligations issued under the authority of section 209(c) may be invested in obligations of, or obligations guaranteed by, the Government of the United States which are determined to be appropriate for such investment by the Secretary of the Treasury or in such other obligations or securities as the Secretary of the Treasury determines to be appropriate. Any interest or other receipts derived from such investments will be credited to the revolving fund. Before making any such investments, such moneys, other than moneys borrowed from the United States Treasury, shall be used to repay any outstanding borrowings from the United States Treasury and pay any outstanding interest due in connection therewith.

TITLE III—HOUSING GUARANTIES

SEC. 211. GUARANTY AUTHORITY.—(a) In order to encourage the participation of private enterprise in the task of alleviating the shortage of middle- and low-income housing in friendly developing countries and areas, the President is authorized to issue guaranties to eligible investors, on such terms and conditions as he shall determine, insuring against loss of loan investments in:

(1) housing projects in friendly developing countries and areas; and

(2) credit institutions in friendly developing countries and areas engaged directly or indirectly in the financing of home mortgages.

(b) The President shall charge a fee for each guaranty issued in such amount as he determines.

(c) The President is authorized to amend, implement and administer all housing guaranties issued pursuant to housing guaranty authority contained in the Foreign Assistance Act of 1961, as amended.

(d) The total face amount of guaranties issued hereunder, or heretofore under housing guaranty authority contained in the Foreign Assistance Act of 1961, as amended, outstanding at any one time, shall not exceed $810,000,000.

SEC. 212. AUTHORIZATION.—There is hereby authorized to be appropriated to the President such amounts, to remain available until expended, as may be necessary from time to time to carry out the purposes of this title.

SEC. 213. REVOLVING FUND.—(a) There is authorized to be established in the Treasury of the United States a revolving fund in which there shall be deposited:

(1) All fees collected in connection with housing guaranties issued under this section;

(2) All fees collected hereafter with respect to housing guaranty authority contained in the Foreign Assistance Act of 1961, as amended;

(3) All unexpended fees made available by section 223(b) of the Foreign Assistance Act of 1961, as amended;

(4) All funds realized from the sale of currencies or other assets acquired in connection with any payment made to discharge liabilities under guaranties issued under this section or heretofore under housing guaranty authorities contained in the Foreign Assistance Act of 1961, as amended; and

(5) All funds made available pursuant to section 212 of this title.

(b) All amounts in the revolving fund created by this section shall be available to the President without fiscal year limitation for—

(1) meeting necessary administrative and operating expenses of carrying out the provisions of this section; and

(2) to the exclusion of any other funds, expenditures in discharge of liabilities under guaranties issued under this section, or heretofore under housing guaranty authorities contained in the Foreign Assistance Act of 1961, as amended.

SEC. 214. FULL FAITH AND CREDIT.—All guaranties issued under this title or heretofore under housing guaranty authority contained in the Foreign Assistance Act of 1961, as amended, shall constitute obligations, in accordance with the terms of such guaranties, of the United States of America and the full faith and credit of the United States of America is hereby pledged for the full payment and performance of such obligations.

SEC. 215. ARBITRATION.—Claims arising as a result of housing guaranty operations may be settled, and disputes arising as a result thereof may be arbitrated with the consent of the parties, on such terms and conditions as the President may determine. Payment made pursuant to any such settlement, or as a result of an arbitration award, shall be final and conclusive notwithstanding any other provision of the law.

TITLE IV—INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 216. STATEMENT OF PURPOSE.—It is the sense of Congress that international organizations and programs should play a primary role in the creation and implementation of effective and truly international assistance programs, and it is in the interests of the people of the United States that such international organizations assume strengthened leadership in forging a new partnership among nations. The support and promotion of the activities of worldwide and regional organizations will directly assist such international organizations in meeting this goal.

SEC. 217. GENERAL AUTHORITIES.—(a) To support the programs of international organizations the President is authorized to make voluntary contributions on a grant basis to international organizations and to programs administered by such organizations, and, in the case of the Indus Basin Development Fund administered by the International Bank for Reconstruction and Development, to make grants, and to make loans repayable as to principal and interest in United States dollars, on such terms and conditions as he may determine, in order to further the purposes of this title.

(b) Contributions to the United Nations Development Program may not exceed 40 percent of the total amount contributed for such purpose (including assessed and audited local costs) for each year. The President shall seek to assure that no contribution to the United Nations Development Program authorized by this Act shall be used for projects for economic or technical assistance to the Government of Cuba, so long as Cuba is governed by the Castro regime.

(c) In any case in which a fund established solely by United States contributions under this or any other Act is administered by an international organization under the terms of an agreement between the United States and such international organization, such agreement shall provide that the Comptroller General of the United States shall conduct such audits as are necessary to assure that such fund is administered in accordance with such agreement.

SEC. 218. AUTHORIZATION.—(a) There is hereby authorized to be appropriated to the President for grants to carry out the purposes of this title, in addition to funds available under this or any other title for such purposes, $141,000,000 for the fiscal year 1972. Such amounts are authorized to remain available until expended.

(b)(1) There is hereby authorized to be appropriated to the President for loans for Indus Basin Development, in addition to any other funds available for such purposes, for use beginning in the fiscal year 1972, $33,000,000. Such amounts are authorized to remain available until expended.

(2) There is hereby authorized to be appropriated to the President for grants for Indus Basin Development, in addition to any other funds available for such purposes, for use beginning in the fiscal year 1972, $72,000,000. Such amounts are authorized to remain available until expended.

SEC. 219. INDUS BASIN DEVELOPMENT.—In the event that funds made available under this Act are used by or under the supervision of the International Bank for Reconstruction and Development in futherance of the development of the Indus Basin through programs of cooperation designed to promote economic growth and political stability in South Asia, such funds may be used in accordance wtih requirements, standards, or procedures established by the Bank concerning completion of plans and cost estimates and determination of feasibility, rather than with requirements, standards, or procedures concerning such matters set forth in this or other acts; and such funds may also be used without regard to the provision of section 901(b) of the Merchant Marine Act of 1936, as amended (46 U.S.C. 1241), whenever the President determines that such provisions cannot be fully satisfied without seriously impeding or preventing accomplishment of the purposes of such programs.

CHAPTER 3—HUMANITARIAN ASSISTANCE

SEC. 301. STATEMENT OF PURPOSE.—It is the policy of the United States to seek to alleviate human suffering by: responding swiftly and effectively to calls for relief of famine and disaster; and by providing humanitarian assistance to refugees and migrants.

The purpose of this chapter is to further this policy and to establish the basis for coordination within the United States Government of programs of disaster relief and humanitarian assistance including the support of voluntary agencies and international organizations which further this policy.

SEC. 302. DISASTER AND REFUGEE RELIEF.—Notwithstanding the provisions of this or any other Act, the President is authorized to furnish assistance abroad on such terms and conditions as he may determine: (a) for famine and disaster relief and refugee and migration assistance; (b) for reconstruction or rehabilitation assistance for victims of famine and disasters; and (c) for aid in the preparation for, or prevention of, the effects of imminent threatened famine or disasters. Assistance under (a) and (b) shall be furnished no later than one year after the disaster or famine has ended. The President's Foreign Assistance Contingency Fund shall be available for the purpose of this section.

SEC. 303. SUPPORT OF VOLUNTARY ASSISTANCE.—The President is authorized to pay transportation charges from United States ports, or in the case of excess or surplus property supplied by the United States, from foreign ports, on shipments by the American Red Cross and United States voluntary nonprofit organizations registered with and approved by an advisory committee on voluntary foreign aid in order to further the efficient use of United States voluntary contributions for relief and rehabilitation. Where practicable, the President shall make arrangements with the receiving country for free entry of such shipments and for the making available by that country of local currencies to defray the transportation cost of such shipments from the port of entry of the receiving country or area to the designated shipping point of the consignee.

SEC. 304. AUTHORIZATION.—There is hereby authorized to be appropriated to the President for the purposes of this chapter, including administrative expenses, such amounts as may be necessary therefor, such amounts to remain available until expended.

PART II

CHAPTER 1—GENERAL AND ADMINISTRATIVE PROVISIONS

SEC. 401. EMPLOYMENT OF PERSONNEL.—(a) Any agency or officer of the United States Government carrying out functions under this Act is authorized to employ such personnel as the President deems necessary to carry out the provisions and purposes of this Act.

(b) The President may appoint, by and with the advice and consent of the Senate, fifteen officers to be responsible for carrying out functions of this Act, of whom one shall be compensated at level II of the Executive Schedule (5 U.S.C. 5313), three at level III of the Executive Schedule (5 U.S.C. 5314), seven at level IV of the Executive Schedule (5 U.S.C. 5315) and four at level V of the Executive Schedule (5 U.S.C. 5316). Appropriate titles and the order of succession among such officers may be designated by the President.

(c) Of the personnel employed in the United States to carry out functions under this Act, not to exceed thirty may be appointed, compensated or removed without regard to the provisions of any law, of whom not to exceed fifteen may be compensated at rates higher than those provided for grade 15 of the general schedule established by section 5332 of title 5, United States Code, but not in excess of the highest rate of grade 18 of such general schedule: *Provided,* That under such regulations as the President may prescribe, officers and employees of the United States Government who are appointed to any of the above positions may be entitled, upon removal from such position, to reinstatement to a position occupied at the time of appointment or to a position of comparable grade and salary. Such positions shall be in addition to those authorized by law to be filled by Presidential appointment and in addition to the number authorized by section 5108 of title 5, United States Code.

(d) For the performance of functions under this Act and in accordance with such regulations as he may prescribe, the President may:

(1) Utilize such authority contained in the Foreign Service Act of 1946, as amended, relating to Foreign Service Reserve officers, Foreign Service Staff officers and employees, and alien clerks and employees as he deems necessary to carry out functions under this Act: *Provided,* That section 15 of Public Law 90–494 shall not apply to Foreign Reserve officers serving pursuant to this subsection.

(2) Appoint as a Foreign Service Reserve officer with unlimited tenure any Foreign Service Reserve officer who has completed at least 3 years of continuous and satisfactory service under this subsection or in the Department of State, the United States Information Agency or the Agency for International Development. The provisions of sections 633 and 634 of the Foreign Service Act of 1946, as amended, shall apply to any Foreign Service Reserve officer with unlimited tenure serving pursuant to this section.

(e) In accordance with such regulations as the President may prescribe, Foreign Service Reserve officers with unlimited tenure appointed pursuant to this section and Foreign Service Staff officers and employees who have completed 10 years of continuous service as such officers or employees under this section shall become participants in the Foreign Service Retirement and Disability System and shall make a special contribution to the Foreign Service Retirement and Disability Fund in accordance with the provisions of section 852 of the Foreign Service Act of 1946, as amended.

(f) Experts and consultants or organizations thereof may, as authorized by section 3109 of title 5 of the United States Code, be employed for the performance of functions under this Act and individuals so employed may be compensated at rates not to exceed the per diem equivalent of the rate for grade 18 of the general schedule established by section 5332 of title 5 of the United States Code. Such contracts may be renewed from time to time without limitation. Service of an individual as an expert or consultant under this subsection shall not be considered as employment or holding of office or position bringing such individual within the provisions of section 3323(a) and 8344 of title 5 of the United States Code, section 872 of the Foreign Service Act of 1946, as amended, or any other law limiting the reemployment of retired officers or employees or governing the simultaneous receipt of compensation and retired pay or annuities, subject to section 5532 of title 5 of the United States Code.

(g) The President may appoint or assign a United States citizen to serve as Chairman of the Development Assistance Committee or any successor committee thereto of the Organization for Economic Cooperation and Development upon election thereto by members of said Committee, and, in his discretion, may terminate such appointment or assignment, notwithstanding any other provision of law. Such person may receive such compensation and allowances as are authorized by the Foreign Service Act of 1946, as amended, not to exceed those authorized for a chief of mission, class 2, within the meaning of said Act, as the President may determine. Such persons may also, in the President's discretion, receive any other benefits and perquisites available under the International Security Assistance Act of 1971 to chiefs of special missions or staffs outside the United States established under that Act.

(h) The President may appoint or assign a United States citizen to be representative of the United States to the Inter-American Committee on the Alliance for Progress and, in his discretion, may terminate such appointment or assignment, notwithstanding any other provision of law. Such person may be compensated at a rate not to exceed that authorized for a chief of mission, class 2, within the meaning of the Foreign Service Act of 1946, as amended.

SEC. 402. DETAIL AND ASSIGNMENT OF PERSONNEL.—(a) Whenever the President determines it to be in furtherance of the purposes of this Act, he is authorized to detail, assign or otherwise make available any officer or employee of the United States Government to any office or position with, or to render advice or service to, any foreign government, foreign government agency or international or regional organization, where acceptance of such office or position does not involve the taking of an oath of allegiance to another government or the acceptance of compensation or other benefits from any foreign country or international or regional organization by such officer or employee.

(b) Details or assignments made under this section may be made with or without reimbursement, in whole or in part, by the foreign government, international or regional organization, and any reimbursement made (including foreign currencies) shall be available for the purposes of this Act.

SEC. 403. STATUS OF PERSONNEL DETAILED.—(a) Any officer or employee, while assigned, detailed or serving under section 402 of this Act, shall be considered, for the purpose of preserving his allowances, privileges, rights, seniority and other benefits as such, an officer or employee of the agency from which assigned and he shall continue to receive compensation, allowances, and benefits from funds made available under this Act.

(b) Any officer or employee assigned, detailed or serving under section 402 of this Act is authorized to receive, under such regulations as the President may prescribe, representation allowances similar to those allowed under section 901 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1131). The authorization of such allowances and other benefits and the payment thereof out of any appropriations available therefor shall be considered as meeting all the requirements of section 5536 of title 5 of the United States Code.

SEC. 404. EXERCISE OF FUNCTIONS.—(a) In carrying out the purposes of this Act, the President may utilize such agencies, departments, officers, corporations, or other instrumentalities of the United States as he may determine to be necessary to perform the functions and exercise the powers and authorities conferred upon him by this Act, whether or not such agencies, departments, officers, corporations, or other instrumentalities are existing at the time of the enactment of this Act. The President is authorized to cause a federally chartered corporation or corporations to be created for carrying out the purposes of this Act. Agencies, departments, officers, corporations, or other instrumentalities performing functions under this Act may from time to time promulgate such rules and regulations as may be necessary to carry out such functions, and may delegate authority to perform any such function, including the authority successively to redelegate any of such functions to any subordinates.

(b) The President may appoint a Board of Directors or a Board of Trustees, of any corporation or instrumentality carrying out the provisions of this Act. Any director or trustee who is not an official or employee of the United States Government shall be appointed by the President, by and with the advice and consent of the Senate, and may be compensated at a rate equivalent to that of Level IV of the Executive Schedule (5 U.S.C. 5315) when actually engaged in the business of serving as a member of the Board.

(c) All loans and housing guaranties made under the Foreign Assistance Act of 1961, as amended, and loans made under predecessor legislation shall be administered by the President of the United States.

SEC. 405. GENERAL POWERS AND PROVISIONS ON USE OF FUNDS.—(a) In carrying out the purposes of this Act, the President may establish offices in the District of Columbia, or elsewhere, within or without the United States.

(b) Any corporation established by the President pursuant to section 404 shall be subject to the applicable provisions of the Government Corporation Control Act, except as otherwise provided in this Act, and shall have the power to adopt and use a corporate seal, which shall be judicially noticed, and to sue and to be sued in its corporate name.

(c) Any agency, corporation, department, officer or other instrumentality carrying out the purposes of this Act is authorized to exercise the following powers:

(1) to acquire (including acquisition by gift, devise, bequest, grant or otherwise), hold, use, or dispose of, upon such terms and conditions as the President may determine, any property, real, personal or mixed, tangible or intangible (including any instrument evidencing indebtedness or ownership) or any interest therein, whether within the United States or without (including real property within the District of Columbia); to receive services of any kind by gift or otherwise;

(2) to issue letters of credit and letters of commitment;

(3) to make advances, and to make, amend and carry out such bilateral contracts, grants and other agreements and enter into such other transactions as assist the conduct of its business, with any person, corporation, organization or other body of persons, any government or agency of any government whether local, state, or national, whether within or without the United States and with any international or regional organization, which agreements (except for loans and housing guarantees), may not extend at any time for more than five years;

(4) to exercise the priority of the Government of the United States in collecting debts from bankrupts, insolvents, or decedents' estates;

(5) to determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed and paid, subject, if a corporation, to provisions of law specifically applicable to government corporations; and

(6) to take such other actions as may be

necessary or appropriate to carry out the purposes of this Act.

(d) The President may collect, compromise, amend or alter any obligations assigned to, held or administered by, and any legal or equitable rights accruing to, such agencies, corporations, departments, offices, or instrumentalities carrying out the purposes of this Act, and as he may determine, refer any such obligations or rights to the Attorney General for suit or collection: *Provided,* That in no case may any recipient of a loan made or administered under this Act be relieved of liability for the repayment of the principal of such loan.

(e) Funds made available for carrying out the purposes of this Act may be utilized for the following:

(1) expenses of attendance at meetings concerned with purposes of this Act, including (notwithstanding the provisions of section 9 of Public Law 60–328 (31 U.S.C. 673)) expenses in connection with meetings of persons whose employment is authorized by section 401(f);

(2) contracting with individuals for personal services abroad: *Provided,* That such individuals shall not be regarded as employees of the United States Government for the purpose of any law administered by the Civil Service Commission;

(3) the purchase and hire of motor vehicles abroad, and the purchase and/or hire of passenger motor vehicles for official use without regard to the limitations contained in 31 U.S.C. 638(c)(2) and 31 U.S.C. 638c;

(4) entertainment (not to exceed $20,000 per year except as may otherwise be provided in an appropriation or other Act);

(5) use in accordance with authorities of the Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.), not otherwise provided for;

(6) insurance of official motor vehicles and aircraft acquired for use in foreign countries;

(7) purchase, maintenance, operation, and hire of aircraft;

(8) expenses of preparing and transporting to their former homes, or, with respect to foreign participants engaged in any program under this Act, to their former homes or places of burial, and of care and disposition of, the remains of persons or members of the families of persons who may die while such persons are away from their homes participating in any program under this Act;

(9) payment of per diem in lieu of subsistence to foreign participants engaged in any program under this Act, while such participants are away from their homes in countries other than the United States, at rates not in excess of those prescribed by the standardized Government travel regulations, notwithstanding any other provision of law;

(10) payment of the cost of health and accident insurance for foreign participants engaged in any program under this Act, while such participants are absent from their homes for the purpose of participation in such program;

(11) payment of the cost of health and accident insurance for foreign employees engaged in any program under this Act while those employees are absent from their place of employment abroad for purposes of training or other official duties;

(12) expenses in connection with travel of personnel outside the United States, including travel expenses of dependents (including expenses during necessary stopovers while engaged in such travel), and transportation of personal effects, household goods, and automobiles of such personnel when any part of such travel or transportation begins in one fiscal year pursuant to travel orders issued in that fiscal year, notwithstanding the fact that such travel or transportation may not be completed during the same fiscal year, and cost of transporting automobiles to and from a place of storage, and the cost of storing automobiles of such personnel when it is in the public interest or more economical to authorize storage; and

(13) expending funds for printing and binding without regard to the provisions of any other law, and for expenditures for the procurement of supplies and services, and for administrative and operating purposes (other than compensation of personnel) without regard to such laws and regulations governing the performance, amendment or modification of contracts, and the obligation and expenditure of funds of the United States Government, as the President may determine to be appropriate to accomplish the purposes of this Act.

(f) Any cost-type contract or agreement (including grants) entered into with a university, college, or other educational institution for the purpose of carrying out programs authorized by this Act may provide for the payment of the reimbursable indirect costs of said university, college, or other educational institution on the basis of predetermined fixed-percentage rates applied to the total, or an element thereof, or the reimbursable direct costs incurred.

(g) The provisions of section 955 of title 18 of the United States Code shall not apply to prevent any person, including any individual, partnership, corporation, or association, from acting for, or participating in, any operation or transaction arising under this Act, or from acquiring any obligation issued in connection with any operation or transaction arising under this Act.

(h) In furnishing assistance under this or any other Act in or to any country in which the United States owns foreign currencies determined by the United States Treasury to be excess to the needs of the United States Government, except those currencies generated under the Agricultural Trade Development and Assistance Act of 1954, as amended, the President is authorized to utilize such currencies to the extent agreed upon with the government of such country to carry out purposes for which new funds authorized by this Act would be available; and, notwithstanding the requirements of section 1415 of the Supplemental Appropriation Act, 1953, such funds may be used for such purposes.

SEC. 406. SPECIAL AUTHORITIES.—(a) The President may allocate or transfer to any agency of the United States Government any part of any funds available for carrying out the purposes of this Act, including any advance to the United States Government by any country or international organization for the procurement of commodities or services. Such funds shall be available for obligation and expenditure for the purposes for which authorized, in accordance with authority granted in this Act or under authority governing the activities of the agencies of the United States Government to which such funds are allocated or transferred.

(b) Any officer of the United States Government, in carrying out functions under this Act, may utilize the services and facilities of, or procure commodities from, any agency of the United States Government with the consent of the head of such agency, and funds allocated pursuant to this section to any such agency may be established in separate appropriation accounts on the books of the Treasury.

(c) In furnishing assistance under this Act, accounts may be established on the books of any agency of the United States Government or, on terms and conditions approved by the Secretary of the Treasury, in banking institutions in the United States, (1) against which letters of commitment may be issued which shall constitute recordable obligations of the United States Government, and moneys due or to become due under such letters of commitment shall be assignable under the Assignment of Claims Act of 1940, as amended (second, third paragraphs of 31 U.S.C. 203 and 41 U.S.C. 15), and (2) from which disbursement may be made to, or withdrawals may be made by, recipient countries or agencies, organizations or persons upon presentation of contracts, invoices or other appropriate documentation. Expenditure of funds which have been made available through accounts so established shall be accounted for on standard documentation required for expenditure of funds of the United States Government: *Provided,* That such expenditures for commodities, services or facilities procured outside the United States may be accounted for exclusively on such certification as may be prescribed in regulations approved by the Comptroller General of the United States.

(d) Funds provided for in agreements with foreign countries for the furnishing of services under this Act with respect to specific projects shall be deemed to be obligated for the services of personnel employed by agencies of the United States Government as well as personnel not employed by the United States Government.

(e) Alien participants engaged in any program under this Act may be admitted to the United States, if otherwise qualified as nonimmigrants under section 101(a) of the Immigration and Nationality Act, as amended (8 U.S.C. 1001(a)(15)), for such time and under such conditions as may be prescribed by regulations promulgated by the Secretary of State and the Attorney General.

SEC. 407. SMALL BUSINESS.—Insofar as practicable and to the maximum extent consistent with the accomplishment of the purposes of this Act, the President shall assist American small business to participate equitably in the furnishing of commodities, and services financed with funds made available under this Act.

SEC. 408. COORDINATION.—(a) The President shall establish a system for coordination of the programs authorized by this Act, the activities of the Overseas Private Investment Corporation and the programs of the Inter-American Foundation.

(b) The President shall prescribe appropriate procedures to assure coordination among representatives of the United States Government in each country, under the direction of the Chief of the United States Diplomatic Mission.

(c) Programs authorized by this Act shall be undertaken with the foreign policy guidance of the Secretary of State.

SEC. 409. AUDIT AND REPORTS.—(a) The President shall provide for adequate financial control including auditing for any agency, department, corporation or instrumentality carrying out functions under this Act.

(b) An annual report on the fiscal year operations or activities of each agency, department, corporation or instrumentality carrying out functions under this Act shall be submitted to the Congress.

SEC. 410. DEFINITIONS.—(a) The term "friendly developing countries and areas" shall not include countries or areas (1) which are dominated or controlled by the Union of Soviet Socialist Republics or the Peoples Republic of China, (2) which furnish assistance to Cuba or which fail to take appropriate steps to prevent ships or aircraft under their registry from transporting to or from Cuba (other than United States installations in Cuba) any equipment, materials or commodities as long as Cuba is governed by the Castro regime, (3) which sell or furnish to North Vietnam or which permit ships or aircraft under their registries to transport to or from North Vietnam, any equipment, materials, or commodities as long as the regime in North Vietnam gives support to hostilities in South Vietnam, or (4) with which diplomatic relations with the United States have been severed: *Provided, however,* That the President of the United States is authorized to furnish assistance to countries or areas which would otherwise be ineligible for assistance under the foregoing definition whenever he determines the furnishing of such assistance to be important to the national interest.

(b) The term "predecessor legislation to the Foreign Assistance Act of 1961" means:

(1) Section 3 of the Latin American Development Act, as amended;

(2) the Mutual Security Act of 1954, as amended;

(3) the Mutual Security Act of 1953;

(4) the Mutual Security Act of 1951, as amended;

(5) the India Emergency Food Aid Act of 1951;

(6) the Mutual Defense Assistance Act of 1949, as amended; and

(7) the Economic Cooperation Act of 1948, as amended.

(c) The term "eligible investor" means: (1) United States citizens, (2) corporations, partnerships or other associations, including nonprofit associations, created under the laws of the United States or any State or territory thereof and substantially beneficially owned by United States citizens, corporations, partnerships or other associations; and (3) foreign corporations, partnerships or other associations wholly owned by one or more such United States citizens, corporations, partnerships or other associations: *Provided, however,* That the eligibility of any foreign corporation shall be determined without regard to any shares, in aggregate less than five per centum of the total of issued and subscribed share capital, required by law to be held by other than the United States owners.

SEC. 411. UNEXPENDED BALANCES.—Unexpended balances of funds made available pursuant to this Act, the Foreign Assistance Act of 1961, as amended, the Mutual Security Act of 1954, as amended, and the Latin American Development Act, as amended, are hereby authorized to be continued available for the general purposes for which appropriated, and may at any time be consolidated, and, in addition, may be consolidated with appropriations made available for the same general purposes under the authority of this Act.

SEC. 412. SAVING PROVISIONS.—(a) Except as may be expressly provided to the contrary in this Act, all determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under authority of the Foreign Assistance Act of 1961, as amended, shall continue in full force and effect until modified by appropriate authority.

(b) Funds made available under the authority of the Foreign Assistance Act of 1961, as amended, shall, unless otherwise authorized or provided by law, remain available for purposes authorized by this Act, or for their original purposes in accordance with the provisions of law originally applicable thereto, or in accordance with the provisions of law currently applicable to those purposes.

(c) If any provision of this Act or the application of any provision to any circumstances or persons shall be held invalid, the validity of the remainder of this Act, and of the applicability of such provision to other circumstances or persons shall not be affected thereby.

SEC. 413. EFFECTIVE DATE.—This Act shall take effect on the date of its enactment.

SEC. 414. STATUTES REPEALED.—(a) There is hereby repealed all of part I of the Foreign Assistance Act of 1961, except title IV of chapter 2 which is hereafter entitled the Overseas Private Investment Corporation Act, chapter 4 and chapter 5 of part I.

(b) References in law to the provisions of the Foreign Assistance Act of 1961, as amended, repealed by subsection (a) of this section, shall hereafter be deemed to be references to appropriate provisions of this Act.

CHAPTER 2—TRANSITION PROVISIONS AND AMENDMENTS TO OTHER ACTS

SEC. 501. TRANSFER OF FUNCTIONS.—(a) The President of the United States shall transfer, at such time as he may determine, to any officer, agency, corporation, department, or other instrumentality of the United States carrying out the provisions of this Act, such obligations, assets, property, records, personnel, functions, rights and responsibilities of the Agency for International Development as may be necessary for the performance of functions under this Act. Until such transfer is completed, the Agency for International Development shall, notwithstanding the provisions of sections 413 and 414 of this Act, continue to administer such assets and obligations, and to carry out such programs and activities under the authorities heretofore available under the Foreign Assistance Act of 1961, as amended, or under the authorities of this Act as may be determined by the President.

(b) Personnel transferred pursuant to this section may continue to be employed under the appointments in which they were serving immediately prior to the date of such transfer, or may, in the discretion of the head of the agency to which they are transferred (or upon his recommendation) be converted to a personnel status authorized by this Act or by other law, including status as Foreign Service Reserve officers with unlimited tenure.

(c) The President is authorized to prescribe by regulation, standards and other criteria for maintaining adequate performance levels for Foreign Service Reserve officers transferred pursuant to this section who are serving under unlimited appointments at the time of such transfer. Notwithstanding any other law, any Foreign Service Reserve officer so transferred who fails to meet the standard of performance required of officers of his class shall be retired from the Service and receive benefits in the same amount as provided in section 634(b)(1) of the Foreign Service Act of 1946, as amended, unless he is eligible at the time of his separation for (i) an immediate annuity under subchapter III of chapter 83 of title 5, United States Code, or (ii) compensation under subchapter I of chapter 81 of title 5, United States Code, other than compensation payable concurrently with salary or on account of the death of another individual.

(d) Any Foreign Service Reserve officer transferred pursuant to this section, whose services meet the standards required for the efficient conduct of the work of the Service, shall receive an increase in salary to the next higher rate for the class in which he is serving on the first day of the first fiscal year following enactment of this Act, and thereafter, the provisions of section 625 of the Foreign Service Act of 1946, as amended, shall apply.

(e) Foreign Service staff officers and employees transferred pursuant to this section who have completed ten years of continuous service as Foreign Service staff officers or employees with the Agency for International Development or Department of State, exclusive of military service, shall become participants in the Foreign Service Retirement and Disability System in accordance with such regulations and subject to such conditions as the President may prescribe.

(f) Any person who becomes a participant in the Foreign Service Retirement and Disability System pursuant to this section shall make a special contribution to the Foreign Service Retirement and Disability Fund in accordance with section 852 of the Foreign Service Act of 1946, as amended. Any such person who is age 57 or over, one year after the effective date of this Act may retire voluntarily at any time after becoming a participant and before mandatory retirement for age and receive retirement benefits under section 821 of the Foreign Service Act of 1946, as amended.

(g) Any Foreign Service staff officer or employee who becomes a participant in the Foreign Service Retirement and Disability System under paragraph (e) and any person who is appointed as a Foreign Service Reserve officer with unlimited tenure under paragraph (b) shall be mandatorily retired for age during the third year after the date of enactment of this Act if he attains age sixty-four or if he is over age sixty-four; during the fifth year at age sixty-two; during the sixth year at age sixty-one, and thereafter at age sixty.

(h)(1) A person serving in the Agency for International Development in a position to which he was appointed by the President, whether with or without the advice and consent of the Senate, shall become a participant in the Foreign Service Retirement and Disability System, provided that, prior to such appointment, such person was serving in employment subject to section 625(d)(2) or section 631(b) of the Foreign Assistance Act of 1961, as amended. Such person shall make a special contribution to the Foreign Service Retirement and Disability Fund in accordance with the provisions of section 852 of the Foreign Service Act of 1946, as amended.

(2) The provisions of sections 519,571 and 632 of the Foreign Service Act of 1946, as amended, shall apply to a person subject to part (1) of this subsection.

(3) A person who, following an appointment by the President from a position subject to section 625(d)(2) or section 631(b) of the Foreign Assistance Act of 1961, as amended, was appointed by the President, whether with or without the consent of the Senate, to another position in the Agency for International Development, shall be deemed to have met the eligibility requirements of part (1) of this subsection.

SEC. 502. AMENDMENTS TO OTHER ACTS.—(a) Title IV of chapter 2, part I of the Foreign Assistance Act of 1961, as amended, is amended as follows:

(1) The title of title IV is deleted and the following is substituted therefor: "Overseas Private Investment Corporation Act".

(2) All sections of such Act are amended by striking out the word "title" wherever it appears and substituting therefor the word "Act".

(3) Wherever the words "less developed friendly countries and areas", "less developed country governments", "less developed countries and areas", "less developed friendly country or area" or "less developed countries" appear in such Act, strike them out and substitute therefor the words "friendly developing countries and areas".

(4) In section 231(j) of such Act strike out the language "the activities of the agency primarily responsible for administering Part I and".

(5) In section 233(b) of such Act strike out the sentence "The Administrator of the Agency for International Development shall be the Chairman of the Board, ex officio." and substitute therefor the sentence "The Chair-

man of the board shall be an official of the Government of the United States designated by the President of the United States.".

(6) In section 233 of such Act add a new subsection (e) which shall read as follows:

"(e) Experts, Consultants, and Retired Officers. Experts and consultants or organizations thereof may, as authorized by section 3109 of title 5 of the United States Code, be employed for the performance of functions under this title, and individuals so employed may be compensated at rates not to exceed the per diem equivalent of the rate for grade 18 of the general schedule established by section 5332 of title 5 of the United States Code. Such contracts may be renewed from time to time without limitation. Service of an individual as an expert or consultant under this subsection shall not be considered as employment or holding of office or position bringing such individual within the provisions of section 3323(a) and 8344 of title 5 of the United States Code, section 872 of the Foreign Service Act of 1946, as amended, or any other law limiting the reemployment of retired officers or employees or governing the simultaneous receipt of compensation and retired pay or annuities, subject to section 5532 of title 5 of the United States Code."

(7) In section 234(e) of such Act strike out the phrase "under the authority of section 632(a)" in the last sentence and insert in lieu thereof the phrase "from other agencies of the United States.".

(8) In section 235(c) of such Act, strike out the figures "234(e)" and insert in lieu thereof "235(e)".

(9) Section 236 of such Act is deleted and the following inserted in lieu thereof:

"Sec. 236. Income and Revenues. (a) In order to carry out the purposes of the Corporation, all revenues and income transferred to or earned by the Corporation, from whatever source derived, shall be held by the Corporation and shall be available to carry out its purposes, including without limitation—

(1) payment of all expenses of the Corporation, including expenses of the following:

(A) attendance at meetings concerned with the purposes of this Act, including (notwithstanding the provisions of section 9 of Public Law 60–328 (31 U.S.C. 673)) expenses in connection with meetings of persons whose employment is authorized by section 233(e);

(B) contracting with individuals for personal services abroad: *Provided*, That such individuals shall not be regarded as employees of the United States Government for the purpose of any law administered by the Civil Service Commission; (C) the purchase and/or hire of passenger motor vehicles for official use without regard to the limitations contained in 31 U.S.C. 638a(c)(2) and 31 U.S.C. 638c;

(D) use in accordance with authorities of the Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq), not otherwise provided for;

(E) entertainment (not to exceed $10,000 in any fiscal year except as may otherwise be provided in an appropriation or other Act); and

(F) Investment promotion.

(2) transfers and additions to the insurance or guaranty reserves, the Direct Investment Fund established pursuant to section 235, and such other funds or reserves as the Corporation may establish at such time and in such amounts as the Board may determine; and

(3) payment of dividends on capital stock, which shall consist of and be paid from net earnings of the Corporation after payments, transfers, and additions under subsections (1) and (2) hereof.

(b) The Corporation may expend funds for printing and binding without regard to the provisions of any other law, and for expenditures for the procurement of supplies and services and for administrative and operating purposes (other than compensation of personnel) without regard to such laws and regulations governing the performance, amendment or modification of contracts, and the obligation and expenditure of funds of the United States Government, as may be appropriate to accomplish the purposes of the Corporation."

(10) Subsection 238 of such Act is amended by adding a new subsection (e) which shall read as follows:

"(e) The term 'friendly developing countries and areas' shall not include countries or areas (1) which are dominated or controlled by the Union of Soviet Socialist Republics or the Peoples Republic of China. (2) which furnish assistance to Cuba or which fail to take appropriate steps to prevent ships or aircraft under their registry from transporting to or from Cuba (other than United States installations in Cuba) any equipment, materials or commodities as long as Cuba is governed by the Castro regime, (3) which sell or furnish to North Vietnam, or which permit ships or aircraft under their registries to transport to or from North Vietnam, any equipment, materials, or commodities as long as the regime in North Vietnam gives support to hostilities in South Vietnam, or (4) with which diplomatic relations with the United States have been severed: *Provided, however*, That the President of the United States may authorize the Corporation to operate its investment incentive programs in countries or areas which would otherwise be ineligible under the foregoing definition whenever he determines the furnishing of such investment incentives to be important to the national interest."

(11) Section 239(d) of such Act is amended by inserting after the word "acquire" which follows the second semicolon the following: "(including acquisition by gift, devise, bequest, grant or otherwise)," by inserting after the word "therein" the words ", including real property within the District of Columbia" and by inserting after the next to last semicolon the following phrase: "to collect or compromise any obligations assigned to or held by the Corporation including any legal or equitable rights accruing to the Corporation;".

(12) Section 239(e) of such Act is amended to read as follows: "(e) The Board shall provide for adequate internal financial control, including internal auditing."

(13) Section 239 of such Act is amended by adding new subsections (g) and (h) which shall read as follows:

"(g) To carry out the purposes of this Act the Corporation may utilize the services and facilities of, or procure commodities from, any agency of the United States Government with the consent of the head of such agency, and funds allocated pursuant to this subsection to any such agency may be established in separate appropriation accounts on the books of the Treasury. In the case of any commodity, service, or facility procured from any agency of the United States Government to carry out this Act, reimbursement or payment shall be made to such agency from funds available to carry out such part."

"(h) In carrying out functions under this Act accounts may be established on the books of any agency of the United States Government or, on terms and conditions approved by the Secretary of the Treasury, in banking institutions in the United States, (1) against which letters of commitment may be issued which shall constitute recordable obligations of the United States Government, and moneys due or to become due under such letters of commitment shall be assignable under the Assignment of Claims Act of 1940, as amended (second and third paragraphs of 31 U.S.C. 203 and 41 U.S.C. 15), and (2) from which disbursement may be made to, or withdrawals may be made by, recipient countries or agencies, organizations, or persons upon presentation of contracts, invoices, or other appropriate documentation. Expenditures of funds which have been made available through accounts so established shall be accounted for on standard documentation required for expenditure of funds of the United States Government: *Provided*, That such expenditures for commodities, services, or facilities procured outside the United States may be accounted for exclusively on such certification as may be prescribed in regulations approved by the Comptroller General of the United States."

(14) Section 231 of such Act is hereby renumbered Section 1 and all subsequent sections of such Act are similarly renumbered 2 through 11, consecutively. References in this or any other Act to such sections prior to renumbering shall be deemed references to such sections as renumbered herein.

(b) Part IV of the Foreign Assistance Act of 1969 is amended as follows:

(1) The title of such part is deleted and the following substituted therefor: "The Inter-American Foundation Act.".

(2) The title of section 401 is deleted and the following substituted therefor: "Inter-American Foundation".

(3) Section 401 is amended throughout by striking the word "Institute" wherever it appears, and substituting therefor the word "Foundation".

(4) Section 401(a) is amended to read as follows:

"(a) There is created as an agency of the United States of America a body corporate to be known as the Inter-American Foundation (hereafter in this section referred to as the 'Foundation').".

(5) Section 401(d)(4) is amended to read as follows:

"(4) shall determine and prescribe the manner in which its obligations shall be incurred and its expenses, including expenses for entertainment (not to exceed $10,000 in any fiscal year), allowed and paid;".

(6) Section 401(1) is amended to read as follows:

"(1) Officers, staff, and compensation.

"(1) The chief executive officer of the Foundation shall be a President who shall be appointed by the Board of Directors on such terms as the Board may determine. The President shall receive compensation at the rate provided for Level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(2) Of the persons employed by the Foundation, not to exceed 12 may be appointed, compensated, or removed without regard to the civil service laws and regulations. Such persons may be compensated at rates no higher than the highest rate provided for grade 15 of the general schedule established by section 5332 of title 5 of the United States Code: *Provided*, That, under such regulations as the President of the United States may prescribe, officers and employees of the United States Government who are appointed to any of the above positions may be entitled, upon removal from such position, except for cause, to reinstatement to the position occupied at the end of appointment or to a position of comparable grade and salary.

"(3) (A) Experts and consultants, or organizations thereof, may be employed, as authorized by section 3109 of title 5 of the United States Code, and may be compensated at rates not to exceed the per diem equivalent of the rate of grade 18 of the general schedule established by section 5332 of title 5 of the United States Code.

"(B) Services of an individual as an expert or consultant under this subsection shall be considered as employment or holding office or position bringing such individual within the provisions of sections 3323(a) and 8344 of title 5 of the United States Code, section 872 of the Foreign Service Act of 1946, as amended, or any other law limiting the reemployment of retired officers or employees or governing the simultaneous receipt of compensation and retired pay or annuities, subject to section 5332 of title 5 of the United States Code."

(c) Section 1 of the Act of May 26, 1949, as amended (22 U.S.C. 2652), is amended by striking out "eleven" and substituting therefor "twelve".

(d) The Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601) is amended as follows:

(1) In section 2(c), strike out "Foreign Assistance Act of 1961, as amended" and substitute therefor "The President's Foreign Assistance Contingency Fund.".

(2) Delete section 7.

(e) Title 5, United States Code is amended as follows:

(1) In section 5108(a) strike out "2,754" and substitute therefor "2,762".

(2) In section 5315, relating to positions at Level IV of the Executive Schedule, strike out "(22) Assistant Secretaries of State (11)" and substitute therefor "(22) Assistant Secretaries of State (12)".

(f) Section 103(b) of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by striking out the words "section 201 of the Foreign Assistance Act of 1961, as amended" and substituting therefor the words "section 208 of the International Development and Humanitarian Assistance Act of 1971".

By Mr. FULBRIGHT (by request):

S. 1657. A bill to consolidate and revise the Foreign Assistance Act of 1961, as amended, and other legislation relating to international security assistance, and for other purposes. Referred to the Committee on Foreign Relations.

A BILL TO CONSOLIDATE AND REVISE THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to consolidate and revise the Foreign Assistance Act of 1961, as amended, and other legislation relating to international security assistance, and for other purposes.

The bill has been requested by the President of the United States and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1657

A bill to consolidate and revise the Foreign Assistance Act of 1961, as amended, and other legislation relating to international security assistance, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—INTERNATIONAL SECURITY ASSISTANCE

CHAPTER 1—FOREIGN AND NATIONAL SECURITY POLICY OBJECTIVES, COORDINATION, AND DEFINITIONS

SEC. 1. SHORT TITLE.—Title I of this Act may be cited as the International Security Assistance Act of 1971. References in Title I to this "Act" shall be deemed to be references solely to the provisions of Title I.

SEC. 2. STATEMENT OF POLICY.—

The Congress, recognizing the importance to world peace and stability of defense cooperation among free and friendly nations in acocrdance with the principles of the Charter of the United Nations, and recognizing further that security is an essential precondition for economic and social development, declares it to be the policy of the United States:

That, in recognition that the capacity for the achievement of self-sufficiency in defense matters varies widely among the allied and friendly nations, it is the intent of this Act to insure the national security of the United States and contribute to the continuing security of our allies while permitting the selective reduction of United States forces abroad;

That in providing assistance under this Act, priority shall be given to the enhancement of the capacity of the recipient nations to assume their own defense burden, including their contributions to regional defense arrangements, and to assisting them effectively to harness their own resources in furtherance of these ends;

That in the establishment of programs of assistance under this Act, appropriate emphasis shall also be given to the need to help bring about the conditions of economic and political stability necessary for economic growth and development.

It is the sense of the Congress that security assistance shall not be provided to military regimes that deny the growth of fundamental rights or social progress to their own people.

The Congress reaffirms the policy of the United States to continue to exert maximum effort to achieve the control and reduction of armaments worldwide, under adequate safeguards. In furtherance of this goal, it remains the policy of the United States to encourage regional arms control and disarmament agreements and to discourage arms races. In particular, the President should take such actions as may be appropriate to bring about multilateral agreements to control the worldwide trade in conventional arms.

The Congress also reaffirms that the cause of international order can be served by maintaining and strengthening the peacekeeping capacity of the United Nations and other international organizations. Consequently, it behooves the United States to provide appropriate support to these peacekeeping efforts.

SEC. 3. COORDINATION.—

(a) Nothing contained in this Act shall be construed to infringe upon the powers or functions of the Secretary of State.

(b) Under the direction of the President, the Secretary of State shall be responsible for the continuous supervision and general direction of international security assistance programs, including determining whether there shall be a military assistance (including civic action) program or an economic supporting assistance program for a country and the value thereof, and a military sale to a country and the amount thereof, to the end that the programs of security assistance are effectively integrated both at home and abroad and the foreign policy of the United States is best served thereby.

(c) The President shall prescribe appropriate procedures to assure coordination among representatives of the United States Government in each country, under the leadership of the Chief of the U.S. Diplomatic Mission. The Chief of the Diplomatic Mission shall make sure that recommendations of such representatives pertaining to programs of military assistance and sales are coordinated with political and economic considerations, and his comments shall accompany such recommendations if he so desires.

(d) (1) With respect to military assistance, foreign military sales credits and guarantees, and foreign military cash sales, under this Act, the Secretary of Defense shall, under the direction of the President, have primary responsibility for—

(A) the determination of defense article requirements;

(B) the procurement of defense articles in a manner which permits their integration with service programs;

(C) the supervision of grant defense article use by the recipient countries;

(D) the supervision of the training of foreign military personnel;

(E) the movement and delivery of defense articles; and

(F) within the Department of Defense, the performance of any other functions with respect to the furnishing of security assistance.

(2) The establishment of priorities in the procurement, delivery and allocation of defense articles shall be determined by the Secretary of Defense.

SEC. 4. DEFINITIONS.—As used in this Act—

(a) "Agency of the United States Government" includes any agency, department, board, wholly or partly owned corporation, instrumentality, commission, or establishment of the United States Government.

(b) "Armed Forces" of the United States means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

(c) "Commodity" includes any material, article, supply, goods, or equipment furnished for non-military purposes.

(d) "Defense article" includes—

(1) any weapon, weapons system, munition, aircraft, vessel, boat, or other implement of war;

(2) any property, installation, commodity, material, equipment, supply, or goods furnished for military purposes;

(3) any machinery, facility, tool, material, supply, or other item necessary for the manufacture, production, processing, repair, servicing, storage, construction, transportation, operation, or use of any article listed in this subsection; or

(4) any component or part of any article listed in this subsection; but shall not include merchant vessels or, as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011), source material, by-product material, special nuclear material, production facilities, utilization facilities, or atomic weapons or articles involving Restricted Data.

(e) "Defense information" includes any document, writing, sketch, photograph, plan, model, specification, design, prototype, or other recorded or oral information relating to any defense article or defense service but shall not include Restricted Data as defined by the Atomic Energy Act of 1954, as amended, and data removed from the Restricted Data category under section 142d of that Act.

(f) "Defense service" includes any service, test, inspection, repair, training, publication, or technical or other assistance, or defense information furnished for military purposes. "Training" includes formal or informal instruction of foreign students in the United States or overseas by officers or employees of the United States, contract technicians, contractors (including instruction at civilian institutions), or by correspondence courses, technical, educational, or information publications and media of all kinds, training aid, orientation, training exercise, and military advice to foreign military units and forces.

(g) "Excess defense articles" means the quantity of defense articles owned by the United States Government, and not procured in anticipation of military assistance or sales requirements, or pursuant to a military assistance or sales order, which is in excess of the mobilization reserve at the time such articles are dropped from inventory by the supplying agency for delivery to countries or international organizations under this Act.

(h) "Function" includes any duty, obligation, power, authority, responsibility, right, privilege, discretion, or activity.

(i) "Mobilization reserve" means the quantity of defense articles determined to be required under regulations prescribed by the Secretary of Defense to support mobilization of the Armed Forces of the United States Government in the event of war or national emergency.

(j) "Officer or employee" means civilian personnel and members of the Armed Forces of the United States Government.

(k) "Services" include any service, repair, training of personnel, or technical or other assistance or information furnished for nonmilitary purposes.

(l) "Surplus agricultural commodity" means any agricultural commodity or product thereof, class, kind, type, or other specification thereof, produced in the United States, either publicly or privately owned, which is in excess of domestic requirements, adequate carry-over, and anticipated exports for the United States dollars, as determined by the Secretary of Agriculture.

(m) "Value" means—

(1) with respect to excess defense articles: as to military assistance, the gross cost incurred by the United States Government in repairing, rehabilitating, or modifying such articles, and, as to foreign military sales, the acquisition cost to the United States Government adjusted as appropriate for condition and market value;

(2) with respect to nonexcess defense articles delivered from inventory to countries or international organizations under this Act, the standard price in effect at the time such articles are dropped from inventory by the supplying agency: *Provided*, That, with respect to foreign military sales, sales may be made at the standard price in effect at the time the supplying agency issues a formal offer of sale to the purchaser. Such standard price shall be the same price (including authorized reduced prices) used for transfers or sales of such articles in or between the Armed Forces of the United States Government, or, where such articles are not transferred or sold in or between the Armed Forces of the United States, the acquisition cost to the United States Government adjusted as appropriate for condition and market value; and

(3) with respect to non-excess defense articles delivered from new procurement to countries or international organizations under this Act, the contract or production costs of such articles.

Military assistance programs and orders shall be based upon the best estimates of stock status and prevailing prices; reimbursements to the supplying agency shall be made on the basis of the stock status and prices determined pursuant to this section. Notwithstanding the foregoing provisions of this section, the Secretary of Defense may prescribe regulations authorizing reimbursements to the supplying agency based on negotiated prices for aircraft, ships, plant equipment, and such other major items as he may specify: *Provided*, That such articles are not excess at the time such prices are negotiated: *Provided further*, That such prices are negotiated at the time firm orders are placed with the supplying agency.

CHAPTER 2—GENERAL AUTHORIZATIONS AND FUNDING

SEC. 21. GENERAL AUTHORIZATION TO FURNISH SECURITY ASSISTANCE.—

The President may furnish security assistance to foreign countries, international organizations, and bodies eligible to receive assistance under this Act by such means and on such terms and conditions consistent with this Act as he may determine. Subject to the limitations of this Act, an eligible recipient may be provided any of the following kinds of security assistance:

(1) military assistance;

(2) economic supporting assistance;

(3) foreign military sales credits and guarantees; and

(4) foreign military cash sales.

SEC. 22. FUNDING.—

(a) Not to exceed the following amounts may be appropriated to the President for the fiscal year 1972 for assistance authorized by section 21 of this Act:

(1) $705,000,000 for military assistance;

(2) $778,000,000 for economic supporting assistance; and

(3) $510,000,000 for foreign military sales credits and guarantees.

(b) (1) Notwithstanding any provision of law enacted before the date of enactment of this Act, no money appropriated for security assistance shall be available for obligation or expenditure (except to the extent provided for in a Joint Resolution making continuing appropriations)—

(i) unless the appropriation thereof has been previously authorized by law; or

(ii) in excess of an amount previously prescribed by law.

(2) To the extent that legislation enacted after the making of an appropriation for security assistance authorizes the obligation or expenditure thereof, the limitation contained in subsection (b) (1) shall have no effect.

(3) The provisions of this subsection shall not be superseded except by a provision of law enacted after the date of enactment of this subsection which specifically repeals or modifies the provisions of this subsection.

SEC. 23. SPECIAL MILITARY ASSISTANCE AUTHORITY.—(a) During any fiscal year the President may, if he determines it to be vital to the security of the United States, order defense articles from the stocks of the Department of Defense and defense services for military assistant purposes, subject to subsequent reimbursement therefor from subsequent appropriations available for military assistance. The value of such orders under this subsection in any fiscal year shall not exceed $300,000,000.

(b) The Department of Defense is authorized to incur, in applicable appropriations, obligations in anticipation of reimbursements in amounts equivalent to the value of such orders under subsection (a) of this section. Appropriations to the President of such sums as may be necessary to reimburse the applicable apropriation, fund, or account for such orders are hereby authorized.

SEC. 24. PROGRAMING AND BUDGETING.—

(a) In order to ensure that security assistance serves effectively the purposes for which it is designed, the President shall establish procedures for programing and budgeting so that programs of security assistance are carefully formulated and reviewed with full consideration for the foreign policy and security interests of the United States and the economic and financial capability of the recipient country. Where appropriate, programs of military assistance shall be brought into competition for financial support with other activities and programs of the Department of Defense. Particular regard shall be given to a proper balancing of military assistance, economic supporting assistance, foreign military sales credits and cash sales.

(b) Whenever the President determines it to be necessary for the purposes of this Act, not to exceed 20 per centum of the funds made available for any kind of security assistance authorized by section 21 may be transferred to, and consolidated with, the funds made available for any other kind of security assistance authorized by that section, and any worldwide ceiling prescribed in Chapter 4 on the amount of the kind of assistance to which such funds are transferred shall be increased by the dollar amount transferred.

CHAPTER 3—SCOPE OF SECURITY ASSISTANCE AUTHORIZED

SEC. 31. GENERAL CONDITIONS OF ELIGIBILITY.—

(a) Security assistance may be furnished only to a foreign country, international organization, or body the assistance of which the President determines will be in the national interest of the United States. In addition, security assistance other than economic supporting assistance may be furnished only to a foreign country or international organization the assistance of which the President determines will strengthen the security of the United States and promote world peace.

(b) No defense articles may be furnished to any foreign country pursuant to any provision of this Act unless it shall have agreed that—

(1) it will not, without the consent of the President—

(A) permit any use of such articles by anyone not an officer, employee, or agent of that country,

(B) transfer, or permit any officer, employee, or agent of that country to transfer such articles by gift, sale, or otherwise, or

(C) use or permit the use of such articles for purposes other than those for which furnished; and

(2) it will maintain the security of such articles, and will provide substantially the same degree of security protection afforded to such articles by the United States Government.

In considering a request for approval of any transfer of a defense article to another country, the President shall not give his consent to the transfer unless the United States itself would transfer the defense article under consideration to that country. The President shall not give his consent to the transfer of any significant defense articles on the United States Munitions List unless (1) the foreign country requesting consent to transfer agrees to demilitarize such defense articles prior to transfer, or (2) the proposed recipient foreign country provides a commitment in writing to the United States Government that it will not transfer such defense articles, if not demilitarized, to any other foreign country or person without first obtaining the consent of the President.

SEC. 32. SPECIFIC PURPOSES FOR WHICH SECURITY ASSISTANCE MAY BE FURNISHED.—

(a) Assistance to any foreign country under this Act shall be furnished solely for one or more of the following purposes:

(1) to promote internal security;

(2) for legitimate self-defense;

(3) to support or promote economic or political stability;

(4) to permit the recipient to participate in regional or collective arrangements or measures consistent with the Charter of the United Nations;

(5) to permit the recipient to participate in collective measures requested by the United Nations for the purpose of maintaining or restoring international peace and security; or

(6) to assist, along with any other available assistance, foreign military forces in less developed friendly countries to construct public works and to engage in other activities which support the economic and social development of such friendly countries. It is the sense of the Congress that such foreign military forces should not be maintained or established solely for civic action activities and that such civic action activities not significantly detract from the capability of the military forces to perform their military missions and be coordinated with and form part of the total economic and social development effort.

(b) Military assistance to countries in the Western Hemisphere and in Africa shall place primary emphasis on internal security and civic action requirements.

(c) Security assistance decisions shall take into account whether the assistance will:

(1) contribute to an arms race;

(2) increase the possibility of outbreak or escalation of conflict; or

(3) prejudice the development of bilateral or multilateral arms control arrangements.

SEC. 33. USE OF UNITED STATES ARMED FORCES.—

The furnishing of security assistance under this Act shall not be construed as creating a new commitment or as affecting any existing commitment to use Armed Forces of the United States for the defense of any foreign country.

SEC. 34.—MILITARY ASSISTANCE.—

(a) Defense articles and defense services may be acquired from any source and provided to any eligible recipient on a grant, loan, or barter basis. *Provided,* That members of the Armed Forces of the United States and other personnel of the Department of Defense may be assigned or detailed to perform duties only of a noncombatant nature.

(b) No defense articles may be furnished to any foreign country on a grant or loan basis under this Act unless it shall have agreed that—

(1) it will, as the President may require, permit continuous observation and review by, and furnish necessary information to, representatives of the United States Government with regard to the use of such articles; and

(2) unless the President consents to other disposition, it will return to the United States Government for such use or disposition as the President considers in the best interests of the United States, such articles which are no longer needed for the purposes for which furnished.

(c) In addition, no defense articles may be furnished on a grant or loan basis to any country at a cost in excess of $3,000,000 in any fiscal year unless the President determines—

(1) that such country conforms to the purposes and principles of the Charter of the United Nations;

(2) that such defense articles will be utilized by such country for the maintenance of its own defensive strength; and

(3) that such country is taking all reasonable measures, consistent with its political and economic stability, which may be needed to develop its defense capacities.

(d) Military assistance provided on a grant or loan basis under this Act (other than training in the United States) may not be furnished to more than forty countries in any fiscal year.

(e) The President shall regularly reduce and, with such deliberate speed as orderly procedure and other relevant considerations, including prior commitments, will permit, shall terminate all further grants and loans of defense articles to any country having sufficient wealth to enable it, in the judgment of the President, to maintain and equip its own military forces at adequate strength, without undue burden to its economy. Towards this end, progressive use should be made of foreign military sales on a credit and cash basis.

(f) (1) Subject to the provisions of subparagraph (2), a surcharge equal to 33⅓ per centum of the acquisition cost of any excess defense article granted to a foreign country or international organization under this Act shall be considered as an expenditure made from funds made available for military assistance under this Act. When an order is placed under the military assistance program with a military department for a defense article the stock status of which is excess at the time ordered, a sum equal to 33⅓ per centum of the acquisition cost shall (i) be reserved and transferred to a suspense account, (ii) remain in the suspense account until the excess defense article is either delivered to a foreign country or international organization or the order therefor is cancelled, and (iii) be transferred from the suspense account to (A) the general fund of the Treasury upon delivery of such article or (B) to the military assistance appropriation for the current fiscal year upon cancellation of the order. Such sum shall be transferred to the military assistance appropriation for the current fiscal year upon delivery of such article if at the time of delivery the stock status of the article is determined, in accordance with sections 4(g) and (m), to be nonexcess.

(2) The provisions of subparagraph (1) shall apply during any fiscal year only to the extent that the aggregate acquisition cost of excess defense articles ordered during that year exceeds the amount fixed by law for that year. For the fiscal year 1972 that amount is $660,000,000.

(g) (1). Except as provided in subparagraph (2), no defense article having a value in excess of $100,000 shall hereafter be furnished to any country or international organization on a grant or loan basis unless the chief of appropriate military assistance advisory group representing the United States with respect to defense articles used by such country or international organization or the head of any other group representing the United States with respect to defense articles used by such country or international organization has certified in writing within six months prior to delivery that the country or international organization has the capability to utilize effectively such article in carrying out the purposes of this Act.

(2) Defense articles included in approved military assistance programs may be furnished to any country or international organization for which the certification required by subparagraph (1) of this subsection cannot be made when determined necessary and specifically approved in advance by the Secretary of State and the Secretary of Defense.

(h) Military assistance to any country which hereafter uses defense articles or defense services furnished such country under this Act, or any predecessor Act, in substantial violation of the provisions of this chapter or any agreements entered into pursuant to any of such Acts shall be immediately suspended until such time as the President determines that such violation has ceased and the country concerned has given assurances satisfactory to the President that such violation will not reoccur.

(i) No military assistance shall be provided to any country to which surplus agricultural commodity sales are made under title I of the Agricultural Trade Development and Assistance Act of 1954 until such country has entered into an agreement to permit the use of foreign currencies accruing to the United States under such title I to procure defense articles and defense services for the common defense, including internal security, in accordance with the provisions of section 104 (c) of such title I.

SEC. 35.—ECONOMIC SUPPORTING ASSISTANCE.—

(a) Assistance may be furnished to any eligible recipient on such terms and conditions as the President may determine in order to support or promote economic or political stability. Among the bases on which such assistance may be furnished are grant, loan, guaranty, barter, and reimbursement (including cash, credit, and foreign currency repayment terms). Assistance under this section may include the provision of public safety programs.

(b) Economic supporting assistance (other than public safety programs) may not be furnished to more than twelve countries in any fiscal year.

(c) (1) In cases where any commodity is to be furnished on a grant basis under arrangements which will result in the accrual of proceeds to the recipient country from the sale thereof, the President shall require the recipient country to establish a special account, and

(i) deposit in the special account, under such terms and conditions as may be agreed upon, currency of the recipient country in amounts equal to such proceeds;

(ii) make available to the United States Government such portion of the special account as may be determined by the President to be necessary for the requirements of the United States Government: *Provided,* That such portion shall not be less than 10 per centum in the case of any country to which such minimum requirement has been applicable under any Act repealed by this Act; and

(iii) utilize the remainder of the special account for programs agreed to by the United States Government to carry out the purposes for which new funds authorized by this Act would themselves be available: *Provided,* That whenever funds from such special account are used by a country to make loans, all funds received in repayment of such loans prior to termination of assistance to such country shall be reused only for such purposes as shall have been agreed to between the country and the United States Government.

(2) Any unencumbered balances of funds which remain in the account upon termination of assistance to such country under this Act shall be disposed of for such purposes as may, subject to approval by Act of the Congress, be agreed to between such country and the United States Government.

(d) United States dollar advances or reimbursements received under this section after the close of the fiscal year in which commodities or services are delivered may be credited to the economic supporting assistance appropriation for the current fiscal year. In anticipation of such reimbursements, obligations are authorized to be incurred, in the currently applicable appropriation for economic security assistance, in amounts equal to such anticipated reimbursements.

(e) In providing economic supporting assistance, the President—

(1) may issue letters of credit and letters of commitment;

(2) may collect or compromise any obligations assigned to, or held by, and any legal or equitable rights accruing to him, and as he may determine, refer any such obligations or rights to the Attorney General for suit or collection; and

(3) may acquire and dispose of, upon such terms and conditions as he may determine, any property, including any instrument evidencing indebtedness or ownership (provided that equity securities may not be acquired by other means such as by exercise of conversion rights or through enforcement of liens or pledges or otherwise to satisfy a previously incurred indebtedness), and guarantee payment against any such instrument.

SEC. 36. FOREIGN MILITARY SALES CREDITS AND GUARANTEES.—(a) (1) Purchases by eligible foreign countries and international organizations of defense articles and defense services may be financed or refinanced on terms of repayment to the United States Government in United States dollars.

(2) Interest shall be charged for credit extended under this subsection at a rate not less than the cost of money to the United

States Government; *Provided*, That, where a sales transaction involves a combination of private credit and credit extended under the Act, the interest rate charged on credit extended under the Act may be appropriately adjusted so that the effective rate of interest charged the borrower on the combined credits is not less than the cost of money to the United States Government. Interest shall commence not later than the date on which funds are initially disbursed, and payments of interest shall be scheduled to commence not later than one year after such date. Repayments of principal shall be scheduled to be completed not later than ten years after the date on which funds are initially disbursed: *Provided however*, That the President may authorize a concessionary rate of interest of not less than three per centum per annum and/or a maturity period of up to 20 years after the date on which funds are initially disbursed when he finds that such authorization is in the national interest: *Provided further*, That, when the President determines it to be in the national interest, he may alter the terms and conditions of any outstanding credit extended under this subsection or predecessor legislation, but in no case may the maturity period be extended beyond the maximum period authorized in this subsection or the rate of interest set below the minimum rate of interest specified in this subsection.

(3) Subject to the limitations in paragraph (2) of this subsection, the President shall establish standards and criteria for credit and guaranty transactions consistent with the foreign, national security, and financial policies of the United States.

(4) Notwithstanding any other provision of law, no funds or borrowing authority available to the Export-Import Bank of the United States shall be used by such Bank to participate in any extension of credit in connection with any agreement to sell defense articles and defense services entered into with any economically less developed country after Jine 30, 1968.

(b) (1) Guarantees may be issued to any individual, corporation, partnership, or other juridical entity (excluding United States Government agencies) against political and credit risks of nonpayment arising out of their financing of credit sales of defense articles and defense services to foreign countries and international organizations. Fees shall be charged for such guarantees.

(2) Promissory notes issued by foreign countries and international organizations as evidence of their obligations to make repayments to the United States on account of credits extended under subsection (a) may be sold to any individual, corporation, partnership, or other juridical entity (excluding United States Government agencies) and payment thereof may be guaranteed.

(3) Funds made available to carry out this section shall be obligated in an amount equal to 25 per centum of the contractual liability related to any guaranty issued under this subsection, and all the funds so obligated shall constitute a single reserve for the payment of claims under such guarantees. Any funds so obligated which are deobligated from time to time during any current fiscal year as being in excess of the amount necessary to maintain a fractional reserve of 25 per centum of the contractual liability under outstanding guarantees shall be transferred to the general fund of the Treasury. Any guarantees issued hereunder shall be backed by the full faith and credit of the United States.

(c) Amounts received from foreign countries and international organizations as repayments for credits extended pursuant to subsection (a); amounts received from the sale of instruments evidencing indebtedness under subsection (b) (2) (excluding such portion of the sales proceeds as may be required at the time of sale to be obligated as a reserve for payment of claims under guarantees issued pursuant to subsection (b) (2), which sums are hereby made available for such obligations); and other collections (including fees and interest) shall be transferred to the general fund of the Treasury.

(d) For the purpose of this section, "defense article" means a "United States end product" as defined in the Armed Services Procurement Regulation. *Provided*, That, whenever the President determines it to be necessary to carry out the purposes of this Act, not to exceed ten per centum of the aggregate value of any foreign military sale financed or guaranteed under this section may be foreign end products.

SEC. 37. FOREIGN MILITARY CASH SALES.—

(a) Defense articles from the stocks of the Department of Defense and defense services of the Department of Defense may be sold to any eligible foreign country or international organization if such country or international organization agrees to pay the value thereof in United States dollars. Payment shall be made in advance or, as determined by the President to be in the best interest of the United States, within a reasonable period not to exceed one hundred and twenty days after the delivery of the defense articles or the rendering of the defense services.

(b) (1) Without requirement for charge to any appropriation or contract authorization otherwise provided, contracts may be made with suppliers for the procurement of defense articles or defense services for sale for United States dollars to any eligible foreign country or international organization if such country or international organization provides the United States Government with a dependable undertaking (A) to pay the full amount of the final contract price and (B) to make funds available in such amounts and at such times as may be required to meet the payments required by the contract, and for any damages and costs that may accrue from the cancellation of such contract, in advance of the time such payments, damages, or costs are due: *Provided*, That the President may, when he determines it to be in the national interest, accept a dependable undertaking to make full payment within one hundred and twenty days after delivery of the defense articles, or the rendering of the defense services, and appropriations available to the Department of Defense may be used to meet the payments required by the contracts and shall be reimbursed by the amounts subsequently received from the country or international organization: *Provided further*, That the President may, when he determines it to be in the national interest, enter into sales agreements with purchasing countries or international organizations which fix prices to be paid by the purchasing countries or international organizations for the defense articles or defense services ordered. Funds made available for foreign military sales credits under section 36 shall be used to reimburse the applicable appropriations in the amounts required by the contracts which exceed the price so fixed except that such reimbursement shall not be required upon determination by the President that the continued production of the defense article being sold is advantageous to the Armed Forces of the United States. Payments by purchasing countries or international organizations which exceed the amounts required by such contracts shall be transferred to the general fund of the Treasury. To the maximum extent possible, prices fixed under any such sales agreement shall be sufficient to reimburse the United States for the cost of defense articles or defense services ordered.

(2) No sales of unclassified defense articles shall be made to the government of any economically developed nation under the provisions of this subsection unless such articles are not generally available for purchase by such nations from commercial sources in the United States: *Provided, however*, That the President may waive the provisions of this sentence when he determines that the waiver of such provisions is in the national interest: *Provided further*, That in determining whether a sale should be made pursuant to this subsection, there shall be taken into consideration the extent to which the proposed sale may damage the interests of United States entities which have granted licenses for the manufacture of the defense articles selected by the purchasing country to entities located in friendly foreign countries, where (A) such licenses result in financial returns to the United States, and (B) a substantial portion of the defense articles so manufactured under license is of United States origin.

(c) Cash payments received under this section and advances received under section 36 shall be available solely for payments to suppliers (including the miltiary departments) and refunds to purchasers and shall not be available for financing credits and guarantees.

CHAPTER 4—GENERAL RESTRICTIONS ON ASSISTANCE

SEC. 41. APPLICATION OF RESTRICTIONS.—Except as otherwise specified in this Chapter, the provisions of this Chapter do not apply to foreign military cash sales.

SEC. 42. SPECIAL CONDITIONS OF ELIGIBILITY.—(a) No assistance under this Act (including foreign military cash sales) shall be furnished to the government of any country unless the President determines that such country is not dominated or controlled by the Union of Soviet Socialist Republics or by the Peoples Republic of China.

(b) No assistance shall be furnished on a grant basis under this Act to any economically developed nation capable of sustaining its own defense effort and economic growth, except training during each fiscal year in an amount not to exceed $500,000 for each such country.

(c) (1) No assistance shall be furnished under this Act to any country which sells or furnishes to, or which permits ships or aircraft under its registry to transport to or from, North Vietnam any commodities or defense articles so long as the regime in North Vietnam gives support to hostilities in South Vietnam.

(2) No assistance under this Act shall be furnished to any country which furnishes assistance to Cuba, or which has failed to take appropriate steps to prevent ships or aircraft under its registry from transporting to or from Cuba any commodities or defense articles so long as Cuba is governed by the Castro regime, unless the President finds that such assistance is important to the national interest of the United States.

(d) No assistance under this Act (including foreign military cash sales) shall be furnished to any country which has severed or hereafter severs diplomatic relations with the United States or with which the United States has severed or hereafter severs diplomatic relations until diplomatic relations have been resumed with such country, unless the President finds such assistance is important to the national interest of the United States.

(e) In order to restrain arms races and proliferation of sophisticated weapons, and to ensure that resources intended for economic development are not diverted to military purposes—

(1) When the President finds that any economically less developed country is diverting development assistance furnished to it by the United States or sales under the Agricultural Trade Development and Assistance Act of 1954, as amended, to military expenditures, or is diverting its own resources to unnecessary military expenditures, to a degree which materially interferes with

ts development, such country shall be im-
nediately ineligible for new credits, guaran-
ees, and sales under sections 36 and 37
ntil the President is assured that such
iversion will no longer take place.

(2) No sophisticated weapons system
hall be furnished, or financed, under any
rovision of this Act (including foreign mili-
ary cash sales) to any less developed coun-
ry (other than the Republic of China, Is-
ael, Greece, Republic of Korea, the Philip-
ines, Thailand, Turkey, and Republic of
ietnam), unless the President determines
hat the furnishing, or financing, of such
eapons system is important to the national
ecurity of the United States.

(f) No assistance under this Act (includ-
ng foreign military cash sales) shall be fur-
ished to any country during a period of one
ear after such country seizes or fines an
merican fishing vessel for engaging in fish-
ng more than twelve miles from the coast
f that country unless the President deter-
nines during such one year period that the
ountry concerned is prepared to take appro-
riate steps toward a solution of the con-
roversy. The President may waive the pro-
isions of this subsection when he deter-
nines it to be important to the security of
he United States or he receives reasonable
ssurances from the country involved that
uture violations will not occur. The provi-
ions of this subsection shall not be appli-
able in any case governed by an interna-
ional agreement to which the United States
s a party.

(g) In furnishing assistance under this
ct to any country, the President shall take
nto account whether such country has taken
ppropriate steps to prevent narcotic drugs
roduced or processed within such country
rom entering the United States unlawfully.

Sec. 43. Aggregate Ceiling on Foreign
ilitary Sales Credits and Guarantees.—
The aggregate total of credits, or participa-
ions in credits, extended pursuant to sec-
ion 36(a) and of the face amount of guar-
ntees issued pursuant to section 36(b)(1)
uring the fiscal year 1972 shall not exceed
582,000,000.

Sec. 44. Regional Ceilings.—
(a) The aggregate of the total amount of
ilitary assistance, of cash sales pursuant to
ection 37, of credits, or participations in
redits, financed pursuant to section 36(a),
f the face amount of contracts of guaranty
ssued pursuant to section 36(b)(1), and of
ans and sales in accordance with section
307 of title 10, United States Code, shall,
xcluding training, not exceed in any fiscal
ear $150,000,000 for Latin American coun-
ies and $60,000,000 for African countries.

(b) The value of defense articles pro-
rammed as military assistance in any fiscal
ear shall not exceed $25,000,000 for Latin
merican countries and shall not exceed
5,000,000 for African countries.

Sec. 45. International Fighter Aircraft.—
The International Fighter aircraft may not
sold, granted, loaned, or otherwise trans-
rred by the United States to any foreign
untry (or agency thereof) other than
uth Vietnam unless such sale, grant, loan,
transfer is made under the authority of
is Act. For purposes of this section, "In-
rnational Fighter aircraft" means the
hter aircraft developed pursuant to the
thority contained in the proviso of the
cond paragraph of section 101 of Public
w 91–121 (relating to military procure-
ent for fiscal year 1970 and other matters.)

Chapter 5—Reporting Requirements

Sec. 51. Congressional Presentation Doc-
ment.—There shall be included in the pres-
tation materials submitted to the Congress
ring its consideration of amendments to
is Act, or of any Act appropriating funds
rsuant to authorizations contained in this
t—

(a)(1) a table showing for the next fiscal
ar on a country-by-country basis the aggregate dollar value of each category of United States assistance planned or expected for each such country under this Act, military assistance under any other Act (including the funding levels of military assistance to South Vietnam, Thailand, and Laos), and sales under the Agricultural Trade Development and Assistance Act of 1954, as amended, to countries receiving assistance under this Act;

(2) details of proposed contributions pursuant to this Act by the United States to international organizations for the next fiscal year; and

(3) a statement of sales of defense articles on a country-by-county basis for which financing was supplied during the last fiscal year through the Export-Import Bank to countries receiving assistance under this Act.

(b) a comparison of the current fiscal year economic supporting and military assistance programs and activities under this Act with those presented to the Congress in the previous year, and an explanation of any substantial changes.

Sec. 52. Prompt Notification of Determinations.— (a) The President shall notify the Congress within thirty days of any determination, finding, waiver, or certification made under sections 23(a), 24(b), 31(a), 34(c), 34(g)(2), 34(h), 36(a)(2) (Second and Third Provisos), 42(a), 42(c), 42(d), 42(e)(1), 42(e)(2), 42(f), 63(a), (b), (c), (d), and (e), 64(a), 64(f), and 69(b).

(b) The President shall notify the Congress within thirty days of each decision to furnish on a grant basis to any country excess defense articles which are major weapons systems if such major weapons system was not included in the presentation materials previously submitted to the Congress.

(c) Whenever a fixed price sales agreement is made pursuant to section 37(b)(1) under which the aggregate cost to the United States exceeds the aggregate amount required to be paid by the purchasing country or international organization, the President shall submit a detailed report within thirty days thereafter.

Sec. 53. Semiannual Reports.—The President shall transmit to the Congress semiannual reports of—

(1) All exports during the preceding six months of significant defense articles on the United States munitions list to any foreign government, international organization, or other foreign recipient or purchaser by any individual, corporation, partnership, or other association doing business in the United States. Such reports shall include, but not be limited to, full information as to the particular defense articles so exported, the particular recipient or purchaser, the terms of the export, including its selling price, if any, and such other information as may be appropriate to enable the Congress to evaluate the distribution of United States defense articles abroad;

(2) The repayment status, as of June 30 and December 31 of each year, of each financial loan (including foreign military sales credit) made under authority of this Act, any part of the principal or interest of which remains unpaid on the date of the report; and

(3) All consents granted during the preceding six months pursuant to section 31(b).

Sec. 54. Annual Reports.—The President shall, while funds made available for the purposes of the Act remain available for obligation, transmit to the Congress after the close of each fiscal year a report concerning operations in that fiscal year under this Act, which shall make public all information concerning operations under this Act not deemed by him to be incompatible with the security of the United States.

Sec. 55. Access to Information.—None of the funds made available pursuant to the provisions of this Act shall be used to carry out any provision of this Act in any country or with respect to any project or activity, after the expiration of the thirty-five day period which begins on the date the General Accounting Office or any committee of the Congress charged with considering legislation, appropriations or expenditures under this Act, has delivered to the office of the head of any agency carrying out such provision, a written request that it be furnished any document, paper, communication, audit, review, finding, recommendation, report, or other material in its custody or control relating to the administration of such provision in such country or with respect to such project or activity, unless and until there has been furnished to the General Accounting Office, or to such committee, as the case may be, (1) the document, paper, communication, audit, review, finding, recommendation, report, or other material so requested, or (2) a certification by the President that he has forbidden the furnishing thereof pursuant to request and his reason for so doing.

Chapter 6—General Provisions

Sec. 61. Allocation and Reimbursement Among Agencies.—(a) The President may allocate or transfer to any agency of the United States Government any part of any funds available for carrying out the purposes of this Act, including any advance to the United States Government by any country or international organization for the procurement of commodities, defense articles, or services (including defense services). Such funds shall be available for obligation and expenditure for the purposes for which authorized, in accordance with authority granted in this Act or under authority governing the activities of the agencies of the United States Government to which such funds are allocated or transferred.

(b) Any officer of the United States Government carrying out functions under this Act may utilize the services (including defense services) and facilities of, or procure commodities and defense articles from, any agency of the United States Government as the President shall direct, or with the consent of the head of such agency, and funds allocated pursuant to this subsection to any such agency may be established in separate appropriation accounts on the books of the Treasury.

(c) In the case of any commodity, service, or facility procured from any agency of the United States Government to carry out economic supporting assistance, reimbursement or payment shall be made to such agency from funds available to carry out economic supporting assistance. Such reimbursement or payment shall be at replacement cost, or, if required by law, at actual cost, or at any other price authorized by law and agreed to by the owning or disposing agency. The amount of any such reimbursement of payment shall be credited to current applicable appropriations, funds, or accounts, from which there may be procured replacements of similar commodities, services, or facilities, except that where such appropriations, funds, or accounts are not reimbursable except by reason of this subsection, and when the owning or disposing agency determines that such replacement is not necessary, any funds received in payment therefor shall be deposited into the Treasury as miscellaneous receipts.

(d) Except as otherwise provided in section 23, reimbursement shall be made to any United States Government agency, from funds available for military assistance and foreign military sales credits, for any defense articles and defense services furnished by, or through such agency under military assistance and foreign military sales on a credit basis. Such reimbursement shall be in an amount equal to the value (as defined in section 4(m)) of the defense articles or of the defense services (other than salaries of members of the Armed Forces of the United

States), or other assistance furnished, plus expenses arising from or incident to such operations. The amount of such reimbursement shall be credited to the current applicable appropriations, funds, or accounts of such agency.

(e) In furnishing assistance under this Act, accounts may be established on the books of any agency of the United States Government or, in terms and conditions approved by the Secretary of the Treasury, in banking institutions in the United States, (1) against which letters of commitment may be used which shall constitute recordable obligations of the United States Government, and moneys due or to become due under such letters of commitment shall be assignable under the Assignment of Claims Act of 1940, as amended (second and third paragraphs of 31 U.S.C. 203 and 41 U.S.C. 15), and (2) from which disbursements may be made to, or withdrawals may be made by, recipient countries or agencies, organizations, or persons upon presentation of contracts, invoices, or other appropriate documentation. Expenditure of funds which have been made available through accounts so established shall be accounted for on standard documentation required for expenditure of funds of the United States Government: *Provided*, That such expenditures for commodities, defense articles, services (including defense services), or facilities procured outside of the United States may be accounted for exclusively on such certification as may be prescribed in regulations approved by the Comptroller General of the United States.

SEC. 62. GENERAL AUTHORITIES.—(a) Except as otherwise provided in this Act, the President may make loans, advances, and grants to, make and perform agreements and contracts with, or enter into other transactions with, any individual, corporation, or other body of persons, friendly government or government agency, whether within or without the United States and international organizations in furtherance of the purposes and within the limitations of this Act.

(b) The President may accept and use in furtherance of the purposes of this Act, money, funds, property, and services of any kind made available by gift, devise, bequest, grant, or otherwise for such purpose.

(c) A contract or agreement which entails commitments for the expenditure of funds available under this Act for the grant of services (including defense services) may, subject to any future action of the Congress, extend at any time for not more than five years.

(d) The provisions of section 955 of title 18 of the United States Code shall not apply to prevent any person, including any individual, partnership, corporation, or association, from acting for, or participating in, any operation or transaction arising under this Act, or from acquiring any obligation issued in connection with any operation or transaction arising under this Act.

(e) Any cost-type contract or agreement (including grants) entered into with a university, college, or other educational institution for the purpose of carrying out security assistance may provide for the payment of the reimbursable indirect costs of said university, college, or other educational institution on the basis of pre-determined fixed-percentage rates applied to the total, or an element thereof, of the reimbursable direct costs incurred.

(f) In furtherance of the purposes of this Act, the President may—

(1) acquire and sell defense articles at not less than the value thereof to any United States prime contractor for incorporation into an end item (including concurrent support) to be sold commercially by the prime contractor to a friendly country or international organization, if the defense articles would have been supplied to the prime contractor as Government Furnished Equipment or Materials if the United States were procuring the end item for its own use or for military assistance.

(2) sell on a negotiated contract basis to any United States supplier such spare parts from the stocks of the Department of Defense which (i) are no longer required for use by the Armed Forces of the United States, (ii) are still required by friendly countries or international organizations to support defense articles acquired from United States sources and (iii) cannot be economically maintained and stored by the Department of Defense: *Provided*, That the purchasing United States supplier agrees to maintain an inventory of such spare parts, for a period of time satisfactory to the President, to meet the requirements of friendly countries and international organizations.

SEC. 63. SPECIAL AUTHORITIES.—(a) The President may authorize in each fiscal year the use of funds made available for use under this Act and the furnishing of assistance under sections 23 and 37 in a total amount not to exceed $250,000,000 and the use of not to exceed $100,000,000 of foreign currencies accruing under this Act or any other law, without regard to the requirements of this Act, any law relating to receipts and credits accruing to the United States, any Act appropriating funds for use under this Act, or the Mutual Defense Assistance Control Act of 1951 (22 U.S.C. 1611 et seq.), in furtherance of any of the purposes of such Acts, when the President determines that such authorization is important to the security of the United States. Not more than $50,000,000 of the funds authorized for use under this subsection may be allocated to any one country in any fiscal year. The limitation contained in the preceding sentence shall not apply to any country which is a victim of active Communist or Communist-supported aggression.

(b) Whenever the President determines it to be important to the national interest, he may use funds available for the purposes of economic supporting assistance in order to meet responsibilities or objectives of the United States with respect to Berlin, and without regard to such provisions of law as he determines should be disregarded to achieve this purpose.

(c) The President is authorized to use amounts not to exceed $50,000,000 of the funds made available under this Act pursuant to his certification that it is inadvisable to specify the nature of the use of such funds, which certification shall be deemed to be a sufficient voucher for such amounts.

(d) Whenever the President determines it to be in furtherance of the purposes of this Act, the functions authorized under this Act may be performed without regard to such provisions of law (other than the Renegotiation Act of 1951, as amended (50 U.S.C. App. 1211 et seq.)), regulating the making, performance, amendment, or modification of contracts and the expenditure of funds of the United States Government as the President may specify.

(e) The functions authorized by this Act may be performed without regard to such provisions as the President may specify of the point resolution of November 4, 1939 (54 Stat. 4), as amended.

SEC. 64. PROCUREMENT.—(a) Funds made available under this Act for military assistance and economic supporting assistance may be used for procurement outside the United States only if the President determines that such procurement will not result in adverse effects upon the economy of the United States or the industrial mobilization base, with special reference to any areas of labor surplus or to the net position of the United States in its balance of payments with the rest of the world, which outweigh the economic or other advantages to the United States of less costly procurement outside the United States, and only if the price of any commodity procured in bulk is lower than the market price prevailing in the United States at the time of procurement, adjusted for differences in the cost of transportation to destination, quality, and terms of payment.

(b) In providing for the procurement of any agricultural commodity or product thereof available for disposition under the Agricultural Trade Development and Assistance Act of 1954, as amended, for transfer by grant under this Act to any recipient country in accordance with its requirements the President shall, insofar as practicable and when in furtherance of the purposes of this Act, authorize the procurement of such agricultural commodity only within the United States except to the extent that such agricultural commodity is not available in the United States in sufficient quantities to supply emergency requirements of recipients under this Act. No funds made available under this Act shall be used for the procurement of any agricultural commodity or product thereof outside the United States when the domestic price of such commodity is less than parity except commodities which are net imports into the United States.

(c) In providing assistance in the procurement of commodities in the United States United States dollars shall be made available for marine insurance on such commodities where such insurance is placed on a competitive basis in accordance with normal trade practice prevailing prior to the outbreak of World War II: *Provided*, That in the event a participating country, by statute, decree, rule, or regulation, discriminates against any marine insurance company authorized to do business in any State of the United States then commodities purchased with funds provided hereunder and destined for such country shall be insured in the United States against marine risk with a company or companies authorized to do a marine insurance business in any State of the United States.

(d) No funds authorized to be made available to carry out economic supporting assistance shall be used under any commodity import program to make any payment to a supplier unless the supplier has certified to the agency primarily responsible for administering economic supporting assistance, such information as such agency shall by regulation prescribe, including but not limited to, a description of the commodity supplied by him and its condition, and, on the basis of such information such agency shall have approved such commodity as eligible and suitable for financing under this Act.

(e) The President shall take all appropriate steps to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars. Dollar funds made available pursuant to this Act shall not be expended for goods and services when United States-owned foreign currencies are available for such purposes unless the administrative official approving the voucher certifies as to the reason for the use of dollars in each case. The President shall also take all appropriate steps to assure that, to the maximum extent possible, countries receiving assistance under this Act contribute local currencies to meet the cost of contractual and other services rendered in conjunction with such programs.

(f) Notwithstanding any other provision of this Act, none of the funds made available to carry out this Act shall be used to finance the purchase, sale, long-term lease exchange, or guaranty of a sale of motor vehicles unless such motor vehicles are manufactured in the United States: *Provided* That where special circumstances exist the President is authorized to waive the provisions of this section in order to carry out the purposes of this Act.

SEC. 65. RETENTION AND USE OF CERTAIN ITEMS AND FUNDS.—

(a) Any commodities and defense article procured to carry out this Act shall be retained by, or upon reimbursement, trans ferred to, and for the use of such agency of the United States Government as the President may determine in lieu of being disposed of to a foreign country or international organization, whenever in the judgment of the President the best interests of the United States will be served thereby. Any commodities or defense articles so retained may be disposed of without regard to provisions of law relating to the disposal of property owned by the United States Government, when necessary to prevent spoilage or wastage of such commodities or defense articles or to conserve the usefulness thereof. Funds realized from any disposal or transfer shall revert to the respective appropriation, fund or account used to procure such commodities or defense articles or to the appropriation, fund, or account currently available for the same general purpose.

(b) Whenever defense articles, commodities, and services (including defense services) are transferred to the United States Government as repayment of barter assistance under this Act, such items and services may be used in furtherance of the purposes and within the limitations of this Act.

(c) Funds realized as a result of any failure of a transaction financed under economic supporting assistance to conform to the requirements of this Act, or to applicable rules and regulations of the United States Government, or to the terms of any agreement of contract entered into under economic supporting assistance shall revert to the respective appropriation, fund, or account used to finance such transaction or to the appropriation, fund, or account currently available for the same purpose.

(d) Funds realized by the United States Government from the sale, transfer, or disposal of defense articles returned to the United States Government by a recipient country or international organization as no longer needed for the purpose for which furnished shall be credited to the respective appropriation, fund, or account used to procure such defense articles or to the appropriation, fund, or account currently available for the same general purpose.

SEC. 66. EXCESS PROPERTY.—(a) It is the sense of the Congress that in furnishing military assistance and economic security assistance, excess personal property should be utilized wherever practicable in lieu of the procurement of new items.

(b) The President is authorized to maintain in a separate account, which shall, notwithstanding section 1210 of the General Appropriation Act, 1951 (64 Stat. 765), be free from fiscal year limitations, $5,000,000 of funds made available under economic supporting assistance which may be used to pay costs (including personnel costs) of acquisition, storage, renovation and rehabilitation, packing, crating, handling, transportation, and related costs of property classified as domestic or foreign excess property pursuant to the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.), or other property, in advance of known requirements therefor for use in furtherance of the purposes of economic supporting assistance: *Provided*, That the amount of property classified as domestic excess property pursuant to the preceding sentence may be furnished (1) pursuant to any provision for which funds are authorized for the furnishing of economic security assistance, in which case the separate account established pursuant to this section shall be repaid from funds made available for such provision for all costs incurred, or (2) pursuant to section 35(c), in which case such separate account shall be repaid in accordance with the provisions of that section for all costs incurred.

SEC. 67. SMALL BUSINESS.—Insofar as practicable and to the maximum extent consistent with the accomplishment of the purposes of this Act, the President shall assist American small business to participate equitably in the furnishing of commodities, defense articles, and services (including defense services) financed with funds made available under this Act by causing to be made available to suppliers in the Untied States, and particularly to small independent enterprises, information, as far in advance as possible, with respect to purchases proposed to be financed with such funds.

SEC. 68. SHIPPING ON UNITED STATES VESSELS.—The ocean transportation between foreign countries of commodities and defense articles purchased with foreign currencies made available or derived from funds made available under this Act or the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1691 et seq.), shall not be governed by the provisions of section 901(b) of the Merchant Marine Act of 1936, as amended (46 U.S.C. 1241), or any other law relating to the ocean transportation of commodities on United States flag vessels.

SEC. 69. TERMINATION OF ASSISTANCE.—(a) Funds made available under this Act shall remain available for a period not to exceed twelve months from the date of suspension or termination of assistance under this Act for the necessary expenses of winding up programs related thereto. If as a result of the suspension or termination, pursuant to any requirement of this Act or because of considerations of foreign policy, of deliveries of defense articles or the provision of defense services sold under section 37, an out-of-pocket loss is sustained by any United States Government agency, reimbursement may be made to such agency in an amount equal to such loss from funds available under this Act for military assistance or foreign military sales credits.

(b) Notwithstanding any other provision of law, the President may direct the cessation of any monitoring or auditing activities of any agency with respect to any terminated or suspended assistance authorized pursuant to this Act or any predecessor legislation when he determines that the residual United States Government interest in such assistance no longer warrants such activities.

CHAPTER 7—ADMINISTRATIVE PROVISIONS

SEC. 71. DELEGATION OF FUNCTIONS.—(a) The President may exercise any function conferred upon him by this Act through such agency or officer of the United States Government as he shall direct. The head of any such agency or such officer may from time to time promulgate such rules and regulations as may be necessary to carry out such functions, and may delegate authority to perform any such functions, including, if he shall so specify, the authority successively to redelegate any of such functions to any of his subordinates.

SEC. 72. EMPLOYMENT OF PERSONNEL.—(a) Any Agency or officer of the United States Government carrying out functions under this Act is authorized to employ such personnel as the President deems necessary to carry out the provisions and purposes of this Act.

(b) The President may appoint, by and with the advice and consent of the Senate, three officers responsible for carrying out functions under this Act, one of whom shall be compensated, at level III of the Executive Schedule established by section 5314 of title 5, United States Code, and two of whom shall be compensated at level IV of the Executive Schedule established by section 5315 of title 5, United States Code. Appropriate titles and ranks of such officers, and the order of succession among them, may be designated by the President.

(c) Of the personnel employed in the United States to carry out economic supporting assistance and the functions of the Secretary of State under section 3, not to exceed twenty-five may be appointed, compensated or removed without regard to the provisions of any law, of whom not to exceed ten may be compensated at rates higher than those provided for in Grade 15 of the General Schedule established by section 5332 of title 5, United States Code, but not in excess of the highest rate of Grade 18 of such General Schedule: *Provided*, that under such regulations as the President may prescribe, officers and employees of the United States Government who are appointed to any of the above positions may be entitled, upon removal from such position, to reinstatement to a position occupied at the time of appointment or to a position of comparable grade and salary. Such positions shall be in addition to those authorized by law to be filled by Presidential appointment and in addition to the number authorized by section 5108 of title 5, United States Code.

(d) Of the personnel employed in the United States to carry out military assistance and sales, not to exceed eight may be compensated at rates higher than those provided for Grade 15 of the General Schedule established by section 5332 of title 5 of the United States Code, but not in excess of the highest rate of Grade 18 of such General Schedule. Such positions shall be in addition to those authorized by law to be filled by Presidential appointment and in addition to the number authorized by section 5108 of title 5 of the United States Code.

(e) For the purpose of performing functions under this Act outside the United States the President may employ or assign persons, or authorize the employment or assignment of officers or employees by agencies of the United States Government, who may receive compensation at any of the rates provided for the Foreign Service Reserve and Staff by the Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.), as well as allowances and benefits thereunder; and persons so employed or assigned shall be entitled, except to the extent that the President may specify otherwise in cases in which the period of employment or assignment exceeds thirty months, to the same benefits as are provided by section 528 of that Act for persons appointed to the Foreign Service Reserve.

(f) For the performance of functions under this Act and in accordance with such regulations as he may prescribe, the President may:

(1) Utilize such authority contained in the Foreign Service Act of 1946, as amended, relating to Foreign Service Reserve officers as may be necessary in the performance of functions under this Act: *Provided, however*, That the provisions of the final clause of section 522(3) of the Foreign Service Act of 1946, as amended, and Section 15 of Public Law 90-494 shall not apply to Foreign Service Reserve officers serving pursuant to this subsection.

(2) Appoint as a Foreign Service Reserve officer with unlimited tenure any Foreign Service Reserve officer who has completed at least 3 years of continuous and satisfactory service under this subsection or in the Department of State, the United States Information Agency or the Agency for International Development. The provisions of section 633 and 634 of the Foreign Service Act of 1946, as amended, shall apply to any Foreign Service Reserve officer with unlimited tenure appointed pursuant to this subsection.

(g) In accordance with such regulations as the President may prescribe, Foreign Service Reserve officers with unlimited tenure appointed pursuant to this section shall become participants in the Foreign Service Retirement and Disability System and shall make a special contribution to the Foreign Service Retirement and Disability Fund in accordance with the provisions of Section 852 of the Foreign Service Act of 1946, as amended.

(h) Funds provided for in agreements with foreign countries for the furnishing of services under this Act with respect to specific projects shall be deemed to be obligated for the services of personnel employed by agencies of the United States Government (other than the agencies primarily responsible for administering this Act) as well as personnel not employed by the United States Government.

(i) Notwithstanding any other provision of law, officers and employees of the United States Government performing functions under this Act shall not accept from any foreign country any compensation or other benefits. Arrangements may be made by the President with such countries for reimbursement to the United States Government or other sharing of the cost of performing such functions.

(j) Notwithstanding the provisions of sections 3544(b) and 8544(b) of title 10 of the United States Code, personnel of the Department of Defense may be assigned or detailed to any civil office to carry out this Act.

(k) Payments or contributions in connection with training of officers and employees of the Foreign Service assigned under the provisions of section 573(b) of the Foreign Service Act of 1946, as amended, may, if deemed appropriate by the head of the agency authorizing such training, be made by private or public sources and be accepted by a trainee or may be accepted by and credited to the current applicable appropriation of such agency: *Provided*, however, that any such payments to any officer or employee in the nature of compensation shall be in lieu, or in reduction, of compensation received from the United States Government.

SEC. 73. EXPERTS, CONSULTANTS, AND RETIRED OFFICERS.—Experts and consultants or organizations thereof may, as authorized by section 3109 of title 5 of the United States Code, be employed for the performance of functions under this Act and individuals so employed may be compensated on a per diem basis at rates not in excess of that provided for GS–18 of the Executive Schedule (5 U.S.C. 5335). Such contracts may be renewed from time to time without limitation. Service of an individual as an expert or consultant under this section shall not be considered as employment or holding of office or position bringing such individual within the provisions of section 3323(a) and 8344 of title 5 of the United States Code, section 872 of the Foreign Service Act of 1946, as amended, or any other law limiting the reemployment of retired officers or employees or governing the simultaneous receipt of compensation and retired pay or annuities, subject to section 5532 of title 5 of the United States Code.

SEC. 74. DETAIL OR ASSIGNMENT OF PERSONNEL TO FOREIGN GOVERNMENT.—(a) Whenever the President determines it to be in furtherance of the purposes of this Act, the head of any agency of the United States Government is authorized to detail or assign any officer or employee of his agency to any office or position with any foreign government or foreign government agency, where acceptance of such office or position does not involve the taking of an oath of allegiance to another government or the acceptance of compensation or other benefits from any foreign country by such officer or employee.

(b) Any officer or employee, while assigned or detailed under this section shall be considered, for the purpose of preserving his allowances, privileges, rights, seniority, and other benefits as such, an officer or employee of the United States Government and of the agency of the United States Government from which detailed or assigned and he shall continue to receive compensation, allowances, and benefits from funds appropriated to that agency or made available to that agency under this Act.

(c) Any officer or employee assigned, detailed, or appointed under this section is authorized to receive under such regulations as the President may prescribe, representation allowances similar to those allowed under section 901 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1131). The authorization of such allowances and other benefits and the payment thereof out of any appropriations available therefor shall be considered as meeting all the requirements of section 5536 of title 5 of the United States Code.

SEC. 75. TERMS OF DETAIL OR ASSIGNMENT.—Details or assignments may be made under section 74—

(1) without reimbursement of the United States Government by the foreign government;

(2) upon agreement by the foreign government to reimburse the United States Government for compensation, travel expenses, benefits and allowances, or any part thereof, payable to the officer or employee concerned during the period of assignment or detail; and such reimbursements (including foreign currencies) shall be credited to the appropriation, fund, or account utilized for paying such compensation, travel expenses, benefits or allowances, or to the appropriation, fund, or account currently available for such purposes; or

(3) upon an advance of funds, property, or services by the foreign government to the United States Government accepted with the approval of the President for specified uses in furtherance of the purposes of this Act; and funds so advanced may be established as a separate fund in the Treasury of the United States Government, to be available for the specified uses, and to be used for reimbursement of appropriations or direct expenditure subject to the provisions of this Act, any expended balance of such account to be returned to the foreign government.

SEC. 76. MISSIONS AND STAFFS ABROAD.—(a) The President may maintain special missions or staffs outside the United States in such countries and for such periods of time as may be necessary to carry out the purposes of this Act. Each such special mission or staff shall be under the direction of a chief.

(b) The chief and his deputy of each special mission or staff carrying out economic supporting assistance shall be appointed by the President, and may, notwithstanding any other law, be removed by the President at his discretion. Such chief shall be entitled to receive—

(1) in cases approved by the President, the same compensation and allowances as a chief of mission, class 3, or a chief of mission, class 4, within the meaning of the Foreign Service Act of 1946, as amended, or

(2) compensation and allowances at one of the rates payable to Foreign Service Reserve officers under section 414(b) of the Foreign Service Act of 1946, as amended, as the President shall determine to be appropriate. Except in cases within the purview of clause (1) of the preceding sentence, any officer or employee of the Foreign Service appointed under this subsection shall serve without any salary differential notwithstanding the provisions of section 571(c) of the Foreign Service Act, as amended.

(c) Wherever practicable, especially in the case of the smaller programs, assistance under this Act shall be administered under the direction of the Chief of the United States Diplomatic Mission by a civilian officer of the mission in the case of economic supporting assistance and by the senior military officer of the mission in the case of military assistance and sales.

SEC. 77. PROVISIONS ON USES OF FUNDS.—(a) Appropriations made available for economic supporting assistance shall be available for:

(1) rent of buildings and space in buildings in the United States, and for repair,
alteration, and improvement of such lease
properties;

(2) expenses of attendance at meetin
concerned with the purposes of such appr
priations or of this Act, including (notwit
standing the provisions of section 9 of Pu
lic Law 60–328 (31 U.S.C. 673)) expenses
connection with meetings of persons who
employment is authorized by section 73;

(3) contracting with individuals for pe
sonal services abroad: *Provided*, That su
individuals shall not be regarded as em
ployees of the United States Government f
the purpose of any law administered by t
Civil Service Commission;

(4) purchase, maintenance, operation, hi
and insurance of aircraft: *Provided*, Th
aircraft for administrative purposes may
purchased only as specifically provided f
in an appropriation or other Act;

(5) purchase and hire of passenger mot
vehicles: *Provided*, That, except as ma
otherwise be provided in an appropriatio
or other Act, passenger motor vehicles f
administrative purposes outside the Unit
States may be purchased for replaceme
only, and such vehicles may be exchanged
sold and replaced by an equal number
such vehicles, and the cost, including ex
change allowance, of each such replaceme
shall not exceed $3,800 in the case of a
automobile for the chief of any special mi
sion or staff outside the United States e
tablished under section 76: *Provided furthe*
That passenger motor vehicles may be pu
chased for use in the United States onl
as may be specifically provided in an appro
priation or other Act;

(6) expenses of preparing and transport
ing to their former homes, or, with respe
to foreign participants engaged in any pro
gram under economic security assistance, t
their former homes or places of burial, an
of care and disposition of, the remains
persons or members of the families of per
sons who may die while such persons a
away from their homes participating in ac
tivities carried out with funds covered b
this subsection;

(7) payment of per diem in lieu of sub
sistence to foreign participants engaged i
any program under economic supporting se
curity assistance while such participants a
away from their homes in countries othe
than the United States, at rates not in exce
of those prescribed by the standardized Gov
ernment travel regulations, notwithstandin
any other provision of law;

(8) payment of the cost of transportin
automobiles of personnel to and from a plac
of storage, and the cost of storing suc
automobiles when it is in the public intere
or more economical to authorize storage;

(9) entertainment (not to exceed $10,
000 in any fiscal year except as may other
wise be provided in an appropriation
other Act); and

(10) use in accordance with authoriti
of the Foreign Service Act of 1946,
amended (22 U.S.C. 801 et seq.), not other
wise provided for.

(b) Funds made available for military as
sistance shall be available for—

(1) administrative, extraordinary (not
exceed $300,000 in any fiscal year), and op
erating expenses incurred in furnishing de
fense articles and defense services on a gra
or sales basis by the agency primarily re
sponsible for administering military assi
tance and sales:

(2) reimbursement of actual expenses
military officers detailed or assigned as tou
directors in connection with orientatio
visits of foreign military personnel, in ac
cordance with the provisions of sectio
5702(c) of title 5 of the United States Cod
applicable to civilian officers and employee

(3) maintenance, repair, alteration, an
furnishing of United States-owned faciliti
in the District of Columbia or elsewhe

for the training of foreign military personnel, without regard to the provisions of section 3733 of the Revised Statutes (41 U.S.C. 12) or other provisions of law requiring a specific authorization or specific appropriation for such public contracts; and

(4) insurance of official motor vehicles acquired for use in foreign countries by the agency primarily responsible for administering military assistance and sales.

(c) Funds made available for the purposes of this Act may be used for compensation, allowances, and travel of personnel including Foreign Service personnel whose services are utilized primarily for the purposes of this Act, for printing and binding without regard to the provisions of any other law, and for expenditures outside the United States for the procurement of supplies and services and for other administrative and operating purposes (other than compensation of personnel) without regard to such laws and regulations governing the obligation and expenditures of funds of the United States Government as may be necessary to accomplish the purposes of this Act.

(d) Notwithstanding any other law, not to exceed $3,000,000 of the funds available for assistance under this Act may be used in any fiscal year (in addition to funds available for such use under other authorities this Act) to construct or otherwise acquire outside the United States (1) essential living quarters, office space, and necessary supporting facilities for use of personnel carrying out activities authorized by this Act, and (2) schools (including dormitories and boarding facilities) and hospitals for use of personnel carrying out activities authorized by this Act, United States Government personnel, and their dependents. In addition, funds made available for assistance under this Act may be used, notwithstanding any other law, to equip, staff, operate, and maintain such schools and hospitals.

(e) Not to exceed $2,500,000 of the funds available for assistance under this Act may be used in any fiscal year to provide assistance on such terms and conditions as are deemed appropriate to schools outside the United States whenever it is determined that such action would be more economical or would best serve the interest of the United States in providing for the education of dependents of other personnel carrying out programs of the United States Government overseas, in lieu of acquisition or construction pursuant to subsection (d) of this section.

(f)(1) Any agency of the United States Government is authorized to pay the cost of health and accident insurance for foreign participants in any program of furnishing technical information and assistance administered by such agency while such participants are absent from their homes for the purpose of participation in such program.

(2) Any agency of the United States Government is authorized to pay the cost of health and accident insurance for foreign employees of that agency while those employees are absent from their place of employment abroad for purposes of training or other official duties.

(g) Alien participants in any program of furnishing technical information and assistance under this Act may be admitted to the United States if otherwise qualified as nonimmigrants under section 101(a)(15) of the Immigration and Nationality Act, as amended (8 U.S.C. 1001(a)(15)), for such time and under such conditions as may be prescribed by regulations promulgated by the Secretary of State and the Attorney General.

SEC. 78. ADMINISTRATIVE EXPENSES OF DEPARTMENT OF STATE.—There is hereby authorized to be appropriated such amounts as may be necessary from time to time for administrative expenses which are incurred for functions of the Department of State under this Act and unrepealed provisions of the Mutual Security Act of 1954, as amended, or for normal functions of the Department of State which relate to such functions.

SEC. 79. UNEXPENDED BALANCES.—Unexpended balances of funds made available pursuant to this Act, or the Foreign Assistance Act of 1961, as amended, are hereby authorized to be continued available for the general purposes for which appropriated, and may at any time be consolidated, and, in addition, may be consolidated with appropriations made available for the same general purposes under the authority of this Act.

CHAPTER 8—MISCELLANEOUS PROVISIONS

SEC. 81. EFFECTIVE DATE.—This Act shall take effect on the date of its enactment.

SEC. 82. STATUTES REPEALED.—(a) There are hereby repealed—

(1) Chapters 4 and 5 of part I of the Foreign Assistance Act of 1961, as amended;

(2) Part II (except section 524) and part III (except sections 613, 620(e)(2), and 648) of the Foreign Assistance Act of 1961, as amended;

(3) The Foreign Military Sales Act (Public Law 90–629), as amended;

(4) Public Law 91–672, an Act to amend the Foreign Military Sales Act, and for other purposes (except sections 5, 6, and 12);

(5) The Special Foreign Assistance Act of 1971 (except sections 3 and 7, and section 4 insofar as it pertains to section 3); and

(6) The first proviso of section 108 of the Mutual Security Appropriations Act, 1956, as amended.

(b) References in law to the Acts, or provisions of such Acts, repealed by subsection (a) of this section shall hereafter be deemed to be references to this Act or appropriate provisions of this Act.

(c) The repeal of the Acts listed in subsection (a) of this section shall not be deemed to affect amendments contained in such Acts to Acts not named in that subsection.

SEC. 83. SAVING PROVISIONS.—(a) Except as may be expressly provided to the contrary in this Act, all determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under authority of any provision of law repealed by section 82 shall continue in full force and effect until modified by appropriate authority.

(b) Wherever provisions of this Act establish conditions which must be complied with before use may be made of authority contained in, or funds authorized by, this Act, compliance with, or satisfaction of, substantially similar conditions under Acts listed in section 82 or Acts repealed by those Acts shall be deemed to constitute compliance with the conditions established by this Act.

(c) Funds made available pursuant to provisions of law repealed by section 82 shall, unless otherwise authorized or provided by law, remain available for their original purposes in accordance wtih the provisions of law originally applicable thereto, or in accordance with the provisions of law currently applicable to those purposes.

SEC. 84. CONSTRUCTION.—(a) If any provision of this Act, or the application of any provision to any circumstances or persons shall be held invalid; the validity of the remainder of this Act, and of the applicability of such provision to other circumstances or persons shall not be affected thereby.

(b) No provision of this Act shall be construed as modifying in any way the provisions of the Atomic Energy Act of 1954, as amended, or section 7307 of title 10 of the United States Code.

(c) No provision of this Act shall be construed to prohibit assistance to any country for famine or disaster relief.

TITLE II—PRESIDENT'S FOREIGN ASSISTANCE CONTINGENCY FUND

SEC. 1. (a) Not to exceed $100,000,000 is authorized to be appropriated in the fiscal year 1972 for use by the President for—

(1) assistance authorized by the International Security Assistance Act of 1971, in accordance with the provisions of that Act;

(2) famine and disaster relief and refugee and migration assistance on such terms and conditions as the President may determine; and

(3) for other functions authorized by the International Development and Humanitarian Assistance Act of 1971 in accordance with the provisions of that Act.

(b) Amounts appropriated pursuant to this section are authorized to be made available until expended.

SEC. 2. REPORTS.—The President shall provide quarterly reports to the Congress on his use of the funds appropriated pursuant to section 1.

TITLE III—TRANSITION PROVISIONS AND AMENDMENTS TO OTHER LAWS

SEC. 1. (a) TRANSFER OF FUNCTIONS.—The President shall transfer, at such time as he may determine, to any officer, agency, corporation, department, or other instrumentality of the United States carrying out the provisions of this Act, such obligations, assets, property, records, personnel, functions, rights and responsibilities of the Agency for International Development as may be necessary for the performance of functions under this Act. Until such transfer is completed, the Agency for International Development shall, notwithstanding the provisions of section 81 and 82 of title I, continue to administer such assets and obligations, and to carry out such programs and activities under the authorities heretofore available under the Foreign Assistance Act of 1961, as amended, or under the authorities of this Act as may be determined by the President.

(b) Personnel transferred pursuant to this section may continue to be employed under the appointments in which they were serving immediately prior to the date of such transfer, or may, in the discretion of the head of the agency to which they are transferred (or upon his recommendation) be converted to a personnel status authorized by this Act or by other law, including status as Foreign Service Reserve officers with unlimited tenure.

(c) The President is authorized to prescribe by regulation standards and other criteria for maintaining adequate performance levels for Foreign Service Reserve officers transferred pursuant to this section who are serving under unlimited appointments at the time of such transfer. Notwithstanding any other law, any Foreign Service Reserve officer so transferred who fails to meet the standard of performance required of officers of his class shall be retired from the Service and receive benefits in the same amount as provided in section 634(b)(1) of the Foreign Service Act of 1946, as amended, unless he is eligible at the time of his separation for (i) an immediate annuity under subchapter III of chapter 83 of title 5, United States Code, or (ii) compensation under subchapter I of chapter 81 of title 5, United States Code, other than compensation payable concurrently with salary or on account of the death of another individual.

(d) Any Foreign Service Reserve officer transferred pursuant to this section, whose services meet the standards required for the efficient conduct of the work of the Service, shall receive an increase in salary to the next higher rate for the class in which he is serving on the first day of the first fiscal year following enactment of this Act, and thereafter, the provisions of section 625 of the

Foreign Service Act of 1946, as amended, shall apply.

(e) Foreign Service staff officers and employees transferred pursuant to this section who have completed ten years of continuous service as Foreign Service staff officers or employees with the Agency for International Development or the Department of State, exclusive of military service, shall become participants in the Foreign Service retirement and disability system in accordance with such regulations and subject to such conditions as the President may prescribe.

(f) Any person who becomes a participant in the Foreign Service retirement and disability system pursuant to this section shall make a special contribution to the Foreign Service retirement and disability fund in accordance with section 852 of the Foreign Service Act of 1946, as amended. Any such person who is age 57 or over one year after the effective date of this Act may retire voluntarily at any time after becoming a participant and before mandatory retirement for age and receive retirement benefits under section 821 of the Foreign Service Act of 1946, as amended.

(g) Any Foreign Service staff officer or employee who becomes a participant in the Foreign Service retirement and disability system under paragraph (e) and any person who is appointed as a Foreign Service Reserve officer with unlimited tenure under paragraph (b) shall be mandatorily retired for age during the third year after the date of enactment of this Act if he attains age sixty-four or if he is over age sixty-four; during the fourth year at age sixty-three; during the fifth year at age sixty-two; during the sixth year at age sixty-one; and thereafter at age sixty.

SEC. 2. AMENDMENTS TO OTHER LAWS.—

(a) Section 5315 of title 5, United States Code, relating to level IV of the Executive Schedule, is amended

(1) by deleting paragraph (52) and by inserting in lieu thereof:

"(52) Inspector General, Foreign Operations."

(2) by deleting paragraph (53).

(b) Section 681 of the Foreign Service Act of 1946, is hereby amended to read as follows:

"SEC. 681. (a) The Secretary of State (acting by or through the Inspector General, Foreign Operations) is authorized:

"(1) to arrange for, direct, or conduct such reviews, inspections, and audits of all programs and activities under his foreign policy guidance and for which he has been assigned coordinating responsibilities by the President or the Congress, including programs and activities under the Agricultural Trade Development and Assistance Act of 1954, as amended, as deemed necessary for the purpose of ascertaining the efficiency and economy of their administration, their consonance with the foreign policy of the United States, and the attainment of their objectives;

"(2) to arrange for, direct, or conduct such reviews, inspections, and audits of the domestic units and functions of the Department of State for the purpose of ascertaining their effectiveness and economy of administration;

"(3) to maintain continuous observation and review of programs and activities described in this section for the purpose of—

"(A) determining the extent to which such programs and activities are in compliance with applicable laws and regulations;

"(B) making recommendations for the correction of deficiencies in or for improving the organization, plans, or procedures of such programs and activities;

"(C) evaluating the effectiveness of implementation of such programs and activities in attaining United States foreign policy objectives and reporting to the Secretary of State with respect thereto; and

"(D) insuring that such programs and activities are being conducted in conformance with established policies and decisions.

"(b) For the purpose of aiding in carrying out his duties under this Act, the Secretary of State (acting by or through the Inspector General, Foreign Operations) shall have access to all records, reports, audits, reviews, documents, papers, recommendations or other material of the agencies of the United States Government administering programs and activities under his foreign policy guidance and for which he has been assigned coordinating responsibilities by the President or the Congress, including programs and activities under the Agricultural Trade Development and Assistance Act of 1954, as amended.

"(c) Expenses of the Secretary of State under this section shall, as determined by the Secretary of State, be charged to the appropriations made to carry out such programs and activities being reviewed, inspected and audited, and with respect to programs under the Agricultural Trade Development and Assistance Act of 1954, as amended, shall be charged to funds available under the authority of the International Development and Humanitarian Assistance Act of 1971. The Secretary of State may make expenditures (not in excess of $3,000 in any fiscal year) of a confidential nature when he finds that such expenditures are in aid of inspections, audits or reviews under this section. A certificate of the amount of each such expenditure, the nature of which it is considered inadvisable to specify, shall be made by the Secretary of State, and every such certificate shall be deemed a sufficient voucher for the amount therein specified.

"(d) Whenever the Secretary of State has reason to believe that the business of a Foreign Service establishment is not being properly conducted and that it is necessary in the public interest, he may authorize any inspector performing functions under this section to suspend the principal officer of a consular establishment or any subordinate officer and to administer the office in the place of the principal officer for a period not exceeding ninety days. The Secretary may also authorize such an inspector to suspend any diplomatic officer expect a chief of mission and to suspend any other officer or employee of the Foreign Service."

(c) Section 2 of the Act of May 26, 1949 (69 Stat. 536), as amended, is hereby further amended by adding thereto the following new subsection:

"(c) There shall be in the Department of State an Inspector General, Foreign Operations, who shall be appointed by the President, by and with the advice and consent of the Senate. In addition, there shall be a Deputy Inspector General, Foreign Operations, who shall be appointed by the President notwithstanding any other provision of law."

By Mr. FANNIN:

S. 1659. A bill to amend the National Labor Relations Act to strengthen and reform certain provisions thereof. Referred to the Committee on Labor and Public Welfare.

NATIONAL LABOR RELATIONS AMENDMENTS OF 1971

Mr. FANNIN. Mr. President, I introduce for appropriate reference a bill which would make four changes in the National Labor Relations Act. Each of these changes affects an area of that act under the jurisdiction of the National Labor Relations Board.

The four topics covered by this bill are among the most important confronting labor and management today. Yet, they are somewhat obscure, do not tend to create headlines, and their significance is not well known beyond the specialists who must contend with the problems they do generate. So it is my hope, Mr. President, that the introduction of this bill and the committee hearings which I hope will soon follow, will turn the spotlight on the conditions this bill is designed to correct.

The first provision encompassed by this legislation would protect an innocent purchaser of a business from the obligation to remedy the unfair labor practices committed by those who owned the business before him. As in so many other areas of our labor-management relations laws, Mr. President, we find that legislation is required because the National Labor Relations Board has failed to follow either the letter of the law or the intent of Congress.

The Taft-Hartley law makes unfair labor practices the personal responsibility of those who commit them. In the 1948 Milburn case—78 NLRB 747—the Board sought to impose on a purchaser of a business the responsibility for remedying the unfair labor practices committed by the previous owner. The Milburn case did not receive judicial approval, and in 1954 the Board in the Symns Grocer case—109 NLRB 346—held that it lacked power to impose remedial orders on bona fide purchasers of a business. For 14 years that area of the law remained stable. Then in the 1968 Perma-Vinyl case—164 NLRB 119—the Board reversed itself and held that a bona fide purchaser of a business would be jointly liable with a predecessor owner who had committed unfair labor practices.

Mr. President, the amendment offered here would correct that situation insofar as a bona fide purchaser is concerned. It would certainly not relieve of responsibility anyone who is a mere shadow purchaser, or an alter ego for someone who committed the unfair practices. Furthermore, it would not deprive those employees who were the victims of unfair labor practices of their rights under the law. The employer who actually committed the unfair labor practices would continue under this amendment, as he would under the Symns case, to be responsible for reimbursing his workers for any wages they may have lost. And, in addition, if the bona fide purchasers takes over the business with essentially the same work force he will be obliged to recognize and bargain with the union of those employees.

While the next amendment in this bill, Mr. President, relates to section 301 of the Taft-Hartley Act, it, like the others, nevertheless bears on the manner in which the National Labor Relations Board—and in this case particularly its General Counsel—discharges the obligations imposed on that agency by the Congress. This amendment amends section 301(a) of the act to provide that no collective bargaining contract will be enforceable against any employer or against any labor union that has not agreed to be bound by it.

The need for this legislation stems from a series of cases, the most notable of which is *Wylie* v. *Livingston* (376 U.S. 543). There the Supreme Court in 1964 held that if someone buys a business which is unionized, then the union under section 301 can file suit and force the purchaser to arbitrate the extent to which the seller's union contract will be binding on that purchaser. Later cases, particularly *Wackenhut Corp.* v. *Plant Guards* (332 F. 2d 954), expanded the coverage of the Supreme Court's Wylie decision, holding that if a buyer operates the business substantially as his predecessor did and carries it on with substantially the same employees, then he is bound to observe all of the prior owner's collective-bargaining contract—not merely the arbitration provisions. The General Counsel for the NLRB went even further. He decided that the buyer of a business must honor those terms of the previous owner's collective-bargaining contract which are "not unreasonable or inequitable."

Presumably the General Counsel feels more competent than the Congress, since he proposes to tell employers what provisions of contracts are reasonable and equitable—a job Congress neither authorized him to undertake nor attempted to do itself. As pointed out earlier, Mr. President, this amendment will make certain that no collective-bargaining contract shall be enforceable against any employer or labor organization that has not agreed to be bound by it. And here again I want to emphasize that this amendment does not alter the existing obligation of a buyer to bargain with an incumbent union if he operates the business essentially unchanged, using the prior owner's employees.

The third amendment covered in this bill, Mr. President, deals with the very important matter of arbitration—what is subject to arbitration, who interprets the contract to decide whether the parties have agreed to arbitrate certain items, a provision to avoid the arbitration of claims that clearly have no merit, and making certain that arbitration awards will be enforced only when the arbitrators have acted within the scope of their authority.

This amendment to section 301 is made necessary by a series of Supreme Court decisions generally referred to as the Warrior & Gulf trilogy—see 363 U.S. 574 and related cases. Those cases held in substance that any dispute arising under a collective bargaining agreement is subject to arbitration, unless the agreement clearly and in express terms excludes that particular dispute from arbitration. Under the holdings in these same cases the Supreme Court allows an arbitrator to decide what his own jurisdiction shall be. It also reversed the long-established rule that a frivolous and baseless claim is not sufficient to raise an arbitrable issue. In thus holding that virtually all disputes are arbitrable—excluding only those which are expressly excluded in the contract itself—the Court has all but eliminated the right of a party to attack an arbitrator's award on the ground that he exceeded his jurisdiction in making that award.

The amendment proposed here, Mr. President, would change section 301 of the Taft-Hartley law to correct all these enumerated evils which flow from the Supreme Court decisions in the Warrior & Gulf cases. The enactment of these changes is very long past due.

The final amendment in this bill, Mr. President, would add a new subsection to section 10 of the Labor-Management Relations Act. This change would clarify the matter of employers' standing to file suit in Court where the NLRB, in representation decisions, has clearly exceeded its statutory authority or clearly departed from the requirements of the statute insofar as these representation decisions are concerned. This amendment would reinforce the doctrine enunciated by the Supreme Court in the case of *Leedom* v. *Kyne* (358 U.S. 184). There the Supreme Court said equitable relief should be available in the district courts—and the parties should not have to wait for the NLRB General Counsel to issue a refusal to bargain charge in order to obtain a judicial review where the Board had clearly exceeded its statutory authority as to representation.

I want to emphasize here, Mr. President, that it is not intended that this amendment provide for a general judicial review of Labor Board actions in representation matters. It is necessary, however, to reinforce the Supreme Court's decision in Leedom against Kyne, because after that decision some circuit courts of appeal held that while labor organizations are entitled to injunctive relief, employers are not. See *General Cable Corp.* v. *Leedom* (278 F.2d 44). Other circuit courts of appeal have recognized that both employers and labor unions are entitled to the same remedies in district courts under the rule of Leedom against Kyne. See *Boire* v. *Miami Herald* (343 F.2d 17). This amendment, Mr. President, would clarify the confusion which exists in the light of these conflicting approaches by various U.S. circuit courts of appeal. The amendment simply makes it clear that insofar as equitable relief in U.S. district courts is concerned, employers and unions have equal standing to sue—where the NLRB in representation cases has clearly acted in excess of its statutory authority, or clearly departed from the requirements laid down in the statute.

Mr. President, I commend this bill to the early attention of the Senate. Its enactment will bring a much-needed measure of clarity and stability in areas of labor-management relations which might be said to be primarily procedural in nature—but which in their effect on employees, labor unions, employers and the public have great substantive impact.

By Mr. WILLIAMS:

S. 1660. A bill to amend the Public Health Service Act by adding a new title XI thereto which will establish a program to protect the general health by providing assistance in the establishment and operation of regional and community health protection centers for the detection of disease, by providing assistance for the training of personnel to operate such centers, and by providing assistance in the conduct of certain research related to such centers and their operation. Referred to the Committee on Labor and Public Welfare.

HEALTH PROTECTION ACT OF 1971

Mr. WILLIAMS. Mr. President, I introduce for appropriate reference a bill to establish health screening programs in regional and community centers equipped with the latest in instrumentation and communications systems. The service would be free and voluntary for all individuals and it could become the cornerstone for a genuine national effort to prevent or reduce disease by detecting it in its early stages.

No national goal could be more urgent.

According to the latest statistics compiled by the National Health Education Committee, over 71 million Americans are afflicted with a disabling disease. And this does not include the 20 million Americans who suffer from emotional and mental disorders.

National health expenditures in 1968 totaled $53.1 billion. And there were 259 million man-days lost from work because of acute illness by persons 17 years and over at a cost of $6.2 billion in lost wages and uncounted millions of dollars in lost income and exise taxes.

But we do very little to prevent these illnesses. Instead, we treat disease when it occurs. We give disease a head start and then we run to catch up with it after it has already begun to cause damage.

In a recent article in the New York Times, Secretary of Health, Education, and Welfare Elliot L. Richardson, made the point most succinctly when he said:

> Prevention is a more satisfactory solution than cure. It can be demonstrated that significant improvements in our health status will come about more through prevention of accidents and chronic disease than through improvements in curative medicine.

This gives rise to some important questions which we must ask ourselves if we are truly committed to finding solutions to the health care crisis in the United States.

Would prevention not be better than an almost total reliance on treatment?

Why must we pay out money for hospital care of illness that might have been held at bay if caught in time?

With the institution of medicare, do we not have one more compelling economic reason to prevent chronic diseases? And why do we not turn our attention to ideas and actions that will reduce illness and the cost of treating illness?

And why, in a Nation capable of deep compassion, have we not concerned ourselves more effectively with the people who are weakened, crippled, and killed by chronic illness?

Treatment, no matter how excellent and efficient, is fundamentally a defeat. It is the attempt to repair damage already done.

But we must do more. We must take positive preventive action while it is still early enough to make a difference.

The bill I submit today would, I am convinced, give us some of the resources we need to be most effective, most strategically.

This bill could lead us to a new national standard of health maintenance. Early detection of disease could become as much a part of our lives as vaccination against smallpox, blood tests before marriage, or even brushing our teeth every morning.

This bill would authorize the Surgeon General to make grants to medical schools, community hospitals, health departments, and other public or nonprofit agencies to establish and operate health protections centers.

The regional health protection centers would provide a series of basic tests to detect abnormalities in the cardiovascular, respiratory, gastrointestinal, genitourinary and musculoskeletal systems, as well as defects in metabolism and organs of special sense. Specific diseases or conditions to be tested for might include first, hypertension, heart muscle enlargement, and disease; second, mouth, lung, breast, cervical, and other cancer; third, diabetes; fourth, kidney disease; fifth, glaucoma; sixth, tuberculosis; seventh, rheumatoid arthritis; eighth, gastrointestinal bleeding; ninth, anemia; 10th, obesity; 11th respiratory insufficiency; 12th, vision impairment; 13th, hearing impairment; 14th, hypercholesterolemia; and 15th, gout.

The tests would be administered by technicians, nurses, and medical specialists using automated or semiautomated equipment which has already been proven to give swift, accurate, and reliable results. The results of these tests along with data provided by the person undergoing the health appraisal, would be fed into a computer. It is estimated that the battery of tests could be administered within 2½ hours—and with today's advanced technology, in even less time.

The results of the tests, summarized by the computer, would be referred to the private physician of the person tested. In cases where the person either did not have a private physician or was medically indigent, the test would be referred to a physician in accordance with local practice.

The regional health protection centers are intended to provide an efficient means for the detection of abnormalities or indications of disease. They would not replace full examinations. Their purpose is to place in the hands of the examining physician a summary of basic data and to place promptly under a physician's care a person with indications of possible disease.

The centers would be under the supervision of physicians, but they would be principally staffed by technical personnel. Health counselors would be on the staffs of the centers to explain the purpose of the tests, to insure proper referral and to follow up those cases where prompt medical treatment was indicated by the tests.

Health appraisals and disease detection tests would be available to any person on a voluntary basis.

The regional health protection centers would conduct training programs in the operation of technical disease detection procedures and would research and develop new disease detection tests and equipment. Additional grants to the regional centers would be authorized for operational research and for the establishment of internships to give on-the-job training to physicians, nurses, social workers, and technical personnel. The centers would also conduct community education programs on preventive health care.

The availability of these testing services would be intended to encourage all Americans to take regular health examinations and to facilitate the giving of full examinations by practicing physicians.

The Surgeon General would be authorized to make grants to medical schools, community hospitals, and other community health service agencies for the establishment of community health protection centers. They would be linked by data transmission lines to the regional centers and could use the more sophisticated electronic equipment and other facilities of the regional centers for the evaluation of some tests.

One of the criteria for the awarding of grants to regional centers would be their ability to provide services to the small community centers. Although the community centers would be directly connected to the regional centers, they would not necessarily be operated by the same institutions which ran the regional centers. One purpose of the community centers would be to make the services of the regional centers more widely available to a greater number of people. Special facilities might be developed to meet particular needs. For example, mobile units might be used in rural areas.

A 12-man Advisory Council on Health Protection would be established to advise and assist the Surgeon General in the administration of this program.

The Surgeon General would be authorized to contract with educational institutions or other appropriate organizations for the conduct of educational programs. He would also be authorized to contract with profit and nonprofit organizations for the research and development of equipment, systems, or processes which would improve disease detection procedures.

Let me emphasize—this point bears emphasis—that the centers would not be treatment centers. They would not be diagnostic centers. They would be laboratories which give data to physicians, who would interpret that data and deal directly with patients when consultation would be needed.

The bill I am introducing requires that in every case the results of the screening test be given to a practicing physician. The health protection centers would not be equipped or intended to provide treatment, although the staff of the centers would be expected to follow up cases and to make sure that a participant was promptly brought under a doctor's care if treatment was indicated by the tests. Even should the screening tests show no indications of possible disease, the data would provide basic information to a physician on his patient which would be extremely helpful for a full physical examination by a doctor or as baseline data in future examinations.

Doctors would thus be given more time to perform the executive, expert functions that only they can perform. They would be given more time and more facts to help more people.

As the population continues to increase, physicians and others in the health professions will need all the time they can get.

Mr. President, I have introduced similar legislation in the last Congress and before. Unfortunately there have not been enough hours in the busy agenda of the Congress for full consideration of this important aspect of health care. While in previous years this proposal was limited to programs for persons aged 50 and older, I feel that the time has come when we must view this as a vital part of the health care system for all Americans.

We are well aware of the numerous pieces of legislation which have been introduced in this Congress designed to provide comprehensive health services and adequate financing mechanisms for health care. In every bill there has been some provision made to satisfy the need for the prevention of disease. But I am concerned that we have really only paid lip service to the concept. And we must do more.

Much of what I am proposing today can be incorporated into the institution of the Health Maintenance Organization which has gained the support of virtually everyone who has seen the need to reform the present system. Yet, rather than assume that HMO's will necessarily perform this function I feel that the enactment of my bill will guarantee that the people of the United States can avail themselves of this important service along with the treatment which may be necessary if an illness is detected.

Mr. President, in the past the legislation which I have introduced today has acquired the nickname "preventicare." Frankly, I do not think that this title fully and adequately sums up the objectives of this program. For what we would be doing with the establishment of such a system is not preventing health care. Rather we would be assuring that every individual in the Nation could seek and secure the kind of initial care which would protect against the further progress of disease. Therefore, I would like to take the liberty of calling this program "protecticare." That is what I am seeking to accomplish. And that is what we all have determined to be our goal.

We are now at a turning point in the Federal commitment to make adequate health services available to everyone, as well as to bring about major improvements in the manner of delivering personal health care services. At this time, therefore, we have to make certain that our thinking about the future is not made in a partial vacuum as it will be if we do not make a commitment to programs which help protect against disease.

Mr. President, I ask unanimous consent that the text of my bill be printed at the close of these remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1660

A bill to amend the Public Health Service Act by adding a new title XI thereto which will establish a program to protect the general health by providing assistance in the establishment and operation of regional and community health protection centers for the detection of disease, by providing assistance for the training of personnel to operate such centers, and by providing assistance in the conduct of certain research related to such centers and their operation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Health Protection Act of 1971".

Sec. 2. The Public Health Service Act is amended by adding at the end thereof the following new title:

"TITLE XI—DETECTION OF DISEASES THROUGH FACILITIES PROVIDED BY REGIONAL COMMUNITY HEALTH PROTECTION CENTERS

"FINDINGS OF FACT

"Sec. 1101. The Congress hereby finds and declares that—

"(1) the Federal Government has a duty to assist the population of the United States in protecting, maintaining, and improving their health;

"(2) utilization by individuals on a regular basis of a health appraisal program, which makes full use of appropriate technical facilities in its disease detection procedures, can lead to the prevention of illness and chronic disorders which they would otherwise suffer;

"(3) the early detection of disease is essential to the prompt and effective treatment thereof;

"(4) there presently exist modern equipment and techniques which make possible the efficient and rapid appraisal of large numbers of individuals for indications of many common chronic diseases, including heart and vascular diseases, cancer, diabetes, tuberculosis, glaucoma, and kidney diseases;

"(5) the rapid appraisal, by use of such equipment and techniques, of large numbers of individuals for indications of common chronic diseases in no way constitutes medical treatment nor in any way replaces or obviates the need for regular physical examinations by physicians;

"(6) the making available to physicians caring for individuals who have undergone such an appraisal of properly documented findings resulting therefrom will assist such physicians in conducting, more rapidly and efficiently, complete medical examinations of such individuals; and

"(7) the expansion of facilities providing for the appraisal, by use of modern equipment and techniques, of large numbers of individuals for indications of common chronic diseases, together with the making available to appropriate physicians of the documented findings resulting from the appraisals conducted by such facilities, will assist the medical profession in employing to the fullest extent their knowledge, training, and abilities in preventing illness and in healing the sick.

"DECLARATION OF PURPOSE

"Sec. 1102. It is the purpose of this title—

"(a) to encourage and assist, through grants, in the planning, establishment, and operation of regional health protection centers each of which will provide health appraisal and disease detection services, on a periodic basis, to any individual who requests such services, if he resides within the immediate geographic area, as prescribed by the Surgeon General, within which such center is located, and each of which will assist and support any community health protection centers, which may be located within the geographic area served by it, in carrying out their functions;

"(b) to encourage and assist, through grants, in the planning, establishment, and operation of community health protection centers, which will provide health appraisal and disease detection services, on a periodic basis, to any individual who requests such services, if he resides within the geographic area served by the center from which he requests such services;

"(c)(1) to provide grants to regional health protection centers (and, under certain circumstances, to community health protection centers), which have received grants under this title to carry out the purposes of subsection (a) or (b), to enable them to provide, specialized training in the various functions and activities of such centers, through working relationships in such centers, for physicians, nurses, health counselors, referral specialists, medical technicians, and other professional or technical health personnel; and (2) to enable the Surgeon General to enter into contracts with educational institutions and other appropriate organizations for the development and carrying out of educational programs designed to improve or enhance the effectiveness of professional or technical personnel engaged in (or interested in engaging in) activities involved in the operation of health protection centers; and

"(d)(1) to provide grants to regional health protection centers (and, under certain circumstances, to community health protection centers), which have received grants under this title to carry out the purposes of subsection (a) or (b), to enable them to conduct operational research designed to secure information leading to the improvement of systems, methods, processes, or procedures to be employed by such centers in carrying out their functions, including systems, methods, processes, or procedures relating to the development of counseling, informational referral, and other activities related to the carrying out of such functions, and (2) to enable the Surgeon General to enter into contracts with profitmaking and nonprofitmaking organizations for the conduct of research designed to improve the operations of health protection centers.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 1103. (a) In order to carry out the purposes of this Act, there are hereby authorized to be appropriated such sums as the Congress deems necessary for each of the fiscal years ending June 30, 1972, June 30, 1973, and June 30, 1974,

"(b) Any sums appropriated under subsection (a) for any fiscal year shall, if not expended prior to the end of such year, remain available for the purpose for which they were appropriated until expended.

"DEFINITIONS

"Sec. 1104. As used in this title—

"(1) the term 'Council' means the National Advisory Council on Health Protection established by section 1111; and

"(2) the term 'nonprofit institution' means an institution owned and operated by one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"PURPOSE OF REGIONAL AND COMMUNITY HEALTH PROTECTION CENTERS

"Sec. 1105. (a)(1) It shall be the purpose of any regional health protection center to provide, in accordance with the succeeding provisions of this subsection, a health appraisal program for which all individuals living within the immediate geographic area, as prescribed by the Surgeon General, within which such center is located will be eligible to participate.

"(2) Such health appraisal program—

"(A) shall be designed to detect, in the most rapid and efficient manner possible, indications, in individuals participating in the program, of common chronic diseases and conditions such as heart and vascular disease, cancer, diabetes, tuberculosis, glaucoma, and kidney disease, and abnormalities or defects in metabolism, organs of special sense, and in the cardiovascular, respiratory, gastrointestinal, genitourinary, and musculoskeletal systems;

"(B) shall include the full and proper use, in its disease, abnormality, and physical defect detection functions, of the most efficient procedures and technical equipment;

"(C) may include the training of professional and technical personnel in the operation of technical disease detection procedures and related functions of health protection centers;

"(D) shall include the carrying out of educational and informational activities for the benefit of the general public and of professional health personnel in concepts of health protection and maintenance; and

"(E) may include the conduct of research into new means of disease detection and into the development of new diagnostic equipment.

"(b) In addition to providing (in accordance with the preceding requirements of this section) a health appraisal for the residents within the immediate geographic area in which it is located, it shall be the duty and function of any regional health protection center to provide support and assistance to such community health protection centers as may be established in neighboring geographic areas or which can be feasibly related to such regional health protection center. In carrying out such duty and function, each regional health protection center shall maintain a direct working relationship with each such community health protection center, and shall disseminate appropriate information among, and shall coordinate the effort of, such community health protection centers. Each regional health protection center shall have and maintain a full and adequate supply of automated and other equipment so as to be able to process tests for and otherwise assist all community protection centers which it is to serve.

"(c)(1) It shall be the purpose of any community health protection center to establish a health appraisal program in accordance with the provision of subsection (a), and to cooperate with the regional health protection center serving the geographic area in which such community health protection center is located.

"(2) In order that the foregoing purpose may effectively be carried out, each community health protection center shall be designed to serve the people of a well-defined geographic area, as prescribed by the Surgeon General, and shall be designed so as to facilitate the convenient utilization of its services by the greatest possible number of people residing within such area.

"GRANTS FOR REGIONAL HEALTH PROTECTION CENTERS

"Sec. 1106. (a) The Surgeon General is authorized to make grants to medical schools, community hospitals, health departments, and other appropriate public or nonprofit agencies or institutions to assist them in the planning, establishment, and operation of regional health protection centers.

"(b) Grants under this section may be made only upon application therefor approved by the Surgeon General. Any such application may be approved only if it contains or is supported by reasonable assurances that—

"(1) any regional health protection center, the planning, establishment, or operation of which is assisted by any such grant will be one which, when it is in operation, will fulfill the purposes of regional protection centers as set forth in section 1105 and will comply with the requirements prescribed for any agreement under section 1108;

"(2) Federal funds paid pursuant to any such grant will be used only for the purposes for which paid and in accordance with the applicable provisions of this title and the regulations thereunder;

"(3) the applicant for a grant will provide for such fiscal control and fund accounting procedures as are required by the Surgeon General to assure proper disbursement and accounting for such Federal funds;

"(4) the applicant for such grant will make such reports, in such form and containing such information as the Surgeon General may from time to time reasonably require, and will keep such records and afford such access thereto as the Surgeon General may find necessary to assure the correctness and verification of such reports; and

"(5) any laborer or mechanic employed by any contractor or subcontractor in the performance of work on any construction aided by payments pursuant to any grant under this section will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5); and the Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"GRANTS FOR COMMUNITY HEALTH PROTECTION CENTERS

"SEC. 1107. (a) The Surgeon General is authorized to make grants to medical schools, community hospitals, health departments, and other appropriate public or nonprofit agencies or institutions to assist them in the planning, establishment, and operation of community health protection centers.

"(b) Grants under this section may be made only upon application therefor approved by the Surgeon General. Any such application may be approved only if it contains or is supported by reasonable assurances that—

"(1) any community health protection center, the planning, establishment, or operation of which is assisted by any such grant will be one which, when it is in operation, will fulfill the purposes of community health protection centers as set forth in section 1105 and will comply with the requirements prescribed for any agreement under section 1108;

"(2) Federal funds paid pursuant to any such grant will be used only for the purposes for which paid and in accordance with the applicable provisions of this title and the regulations thereunder;

"(3) the applicant for such grant will provide for such fiscal control and fund accounting procedures as are required by the Surgeon General to assure proper disbursement of and accounting for such Federal funds;

"(4) the applicant for such grant will make such reports, in such form and containing such information as the Surgeon General may from time to time reasonably require, and will keep such records and afford such access thereto as the Surgeon General may find necessary to assure the correctness and verification of such reports; and

"(5) any laborer or mechanic employed by any contractor or subcontractor in the performance of work on any construction aided by payments pursuant to any grant under this section will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5); and the Secretary of Labor shall have with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"HEALTH PROTECTION CENTERS—FINDINGS OF HEALTH APPRAISALS TO BE REFERRED TO PRIVATE PHYSICIANS

"SEC. 1108. (a) Each grant made under this title to any health protection center shall be conditioned upon an agreement that such center will refer any and all findings resulting from any health appraisal, test, or examination provided by it for any individual to the private or other physician who is charged with the health care of such individual.

"(b) The Surgeon General shall promulgate regulations specifying the particulars to be included in any agreement referred to in subsection (a) and such regulations shall provide that, in the event an individual, who undergoes a health appraisal, test, or examination provided by a health protection center, does not have a private physician who is charged with the health care of such individual, the findings resulting from any such appraisal, test, or examination of such individual shall be referred in accordance with the practice of local medical groups in the community where such individual resides, or, if such individual is medically indigent, shall be referred in accordance with local practice in such community with respect to medically indigent individuals.

"(c) Any agreement referred to in subsection (a) shall provide that any findings resulting from any health appraisal, test, or examination provided by a health protection center for any individual, or any research or study involving such findings, shall be treated with commonly accepted standards of confidentiality in the medical and health field.

"(d) Any health protection center which has entered into an agreement referred to in subsection (a) shall not be eligible to receive any grant or part of a grant under this title during any period with respect to which the Surgeon General finds that such center has failed substantially to comply with such agreement.

"TECHNICAL TRAINING OF PERSONNEL FOR HEALTH PROTECTION CENTERS

"Grants to Health Protection Centers

"SEC. 1109. (a) The Surgeon General may make grants to regional health protection centers, which have received grants under section 1106 (and, when the Suregon General determines that the purpose of section 1102(c) can best be carried out thereby, to community health protection centers which have received grants under section 1107), to enable such centers to establish and operate working internship programs under which physicians, nurses, health counselors, referral specialists, medical technicians, and other professional or technical personnel will receive training in performing the activities of health protection centers. No such grant shall be used to make any such program available to any individual for a period greater than two years, and no such grant shall be made to any health protection center with respect to any period for which such center is not a recipient of a grant under section 1106 or section 1107.

"Contracts With Institutions and Organizations

"(b) The Surgeon General may enter into contracts with educational institutions or other appropriate organizations for the development and carrying out of educational programs designed to improve or enhance the effectiveness of professional or technical personnel engaged in (or interested in engaging in) activities involved in the operation of health protecton centers.

"OPERATIONAL RESEARCH

"Grants to Health Protection Centers

"SEC. 1110. (a) The Surgeon General may make grants to regional health protection centers, which have received grants under section 1106 (and, when the Surgeon General determines that the purpose of section 1102 (d) can best be carried out thereby, to community health protection centers which have received grants under section 1107), to enable such centers to conduct operational research designed to secure information leading to the improvement of systems, methods, processes, or procedures employed in the detection of disease, in the providing of counseling, informational, referral, and other services, and in other activities of such centers. No grant under this section shall be made to any health protection center prior to the first full year in which such center has been in operation.

"Contracts With Organizations

"(b) The Surgeon General may enter into contracts with appropriate profitmaking or nonprofit organizations for the purpose of the development or alteration of equipment, communications, processes, systems, or procedures designed (singly or in combination) to improve the effectiveness or efficiency of health protection centers in carrying on the activities for which they were established.

"NATIONAL ADVISORY COUNCIL ON HEALTH PROTECTION

"SEC. 1111. (a) The Surgeon General, with the approval of the Secretary, may appoint, without regard to the civil service laws, a National Advisory Council on Health Protection. The Council shall consist of the Surgeon General, who shall be Chairman, and twelve members, not otherwise in the regular full-time employ of the United States, who are leaders in the fields of medicine, dentistry, optometry, preventive medicine, public health, public welfare, or are representatives of national organizations concerned with the interests of the aging, and shall include one or more national leaders known for their dedication to the national interest and the welfare of the Nation's citizens.

"(b) Each appointed member of the Council shall hold office for a term of four years, except that any member appointed to fill a vacancy prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that the terms of office of the members first taking office shall expire, as designated by the Surgeon General at the time of appointment, four at the end of the first year, four at the end of the second year, and four at the end of the third year after the date of appointment. An appointed member shall not be eligible to serve continuously for more than two terms.

"(c) Appointed members of the Council, while attending meetings or conferences thereof or otherwise serving on business of the Council, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime, and while so serving away from their homes or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(d) The Council shall advise and assist the Surgeon General in the preparation of regulations for, and as to policy matters arising with respect to, the administration of this title.

"REGULATIONS

"SEC. 1112. The Surgeon General, after consultation with the Advisory Council, shall prescribe general regulations covering the terms and conditions for approving applications for grants under this title and the coordination of programs assisted under this title with the programs, having related purposes, which are authorized under other titles of this Act or other Acts of Congress.

"RECORDS AND AUDIT

"SEC. 1113. (a) Each recipient of a grant under this title shall keep such records as the Surgeon General may prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant, the total cost of the project or undertaking in connection with which such grant is made or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such records as will facilitate an effective audit.

(b) The Secretary of Health, Education, and Welfare, and the Comptroller General of the United States or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of any grant under this title which are pertinent to any such grant.

SEC. 3. (a) Section 1 of the Public Health Service Act is amended to read as follows:

"SECTION 1. Titles I to XI, inclusive, of this Act may be cited as the 'Public Health Service Act'."

By Mr. INOUYE:

S. 1662. A bill to provide for the conveyance of the Island of Kahoolawe to the State of Hawaii, and for other purposes. Referred to the Committee on Armed Services.

CONVEYANCE OF ISLAND OF KAHOOLAWE TO THE STATE OF HAWAII

Mr. INOUYE. Mr. President, Kahoolawe is the smallest island of the eight major Hawaiian islands. It is approximately 45 miles square and is located approximately 8 miles off the coast of the island of Maui.

Kahoolawe is also the site of an aerial bombing target and a shore bombardment area. In many respects it is similar to Culebra, which was the subject of Senate debate in the last Congress. In fact, as a result of the activities conducted by the Navy, Kahoolawe has the dubious distinction of being one of the most bombed islands in the Pacific.

While it is true that there are other areas within the territorial boundaries of the United States used for similar purposes, Kahoolawe is different from these locales. The State of Hawaii retains residual rights over Kahoolawe since it had formerly owned the island, subject only to "temporary" military exigencies enumerated in the Executive order reserving use of the island to the U.S. Government. Furthermore, Kahoolawe is located near populated areas on the island of Maui, and the people of Haui have long complained of the effects of aerial and shore bombardment. Finally, Kahoolawe was once usable for other purposes. It is now rapidly being destroyed and rendered unfit for human habitation. This erosion is an unforgivable waste of resources in a State where land is at a premium.

The Island of Kahoolawe is an integral part of the Hawaiian Archipelago and has always been considered so in the past. Unlike the other major islands, Kahoolawe is presently uninhabited. As a result of naval and air bombardment, the State of Hawaii is currently deprived of Kahoolawe's scenic resources and agricultural space.

However, Kahoolawe has uses other than as a target for aerial and naval bombardment. There still is potential for development as a resort area, with its beaches, valleys, cliffs, and ravines. It was previously used for ranching, and there is reason to believe that the island can again be used for this purpose with proper care. It has also been proposed that Kahoolawe be utilized as a site for a central thermonuclear powerplant and aqua agricultural development. At least one company has expressed great interest in conducting a salvage operation on the island to recover casings and unexploded ordnance.

Mr. President, I am reviewing these facts at length in response to the oftenmade Navy allegation that the island is a "hell hole," unfit for any use except for target practice. It is true that it is becoming unfit for anything except bombardment unless we reverse Navy policies of neglect and destruction.

Kahoolawe was not always the victim of defense demands. Through most of our history as a territory. Kahoolawe was owned by the territorial government and leased to private parties for grazing. In 1919 and again in 1933, the territory leased most of the island to a private ranch. In 1940, the Navy obtained a sublease to the island. Then in 1952 the original lease was canceled by the territory. In 1953 the area that was not being used for a lighthouse, which was already Federal property, was taken by the United States under the controversial Presidential Executive Order 10436.

Under the terms of the Executive order, when the Navy decided that the area was no longer needed, the island would be rendered reasonably safe for human habitation without cost to Hawaii and returned to the latter's jurisdiction. Moreover, the Navy was to either eradicate all goats from the island or strictly control their number. Finally, the Navy was to permit the then territory to enter and inspect the island and take appropriate measures to conduct a program of soil conservation.

What has happened in the years since the Navy security control of the island? Kahoolawe is rapidly deteriorating between the Navy's bombardment and the animals that are stripping away the natural covering. In an era of environmental concern, Kahoolawe stands as mute testimony to the failure of the Federal Government to practice what it preaches. Soon, between the animals and the Navy, Hawaii will be left with nothing except outcroppings of rock from the Pacific.

Kahoolawe was and remains an integral part of Hawaii. Under the terms of the Admission Act, all lands reserved to the United States remained Federal property. However, the Executive order reserved only use, and the order's drafters clearly foresaw eventual return to the State. Thus title remains vested in Hawaii, which has granted the Federal Government use of the island.

The people of Hawaii have shown remarkably good faith and tolerance for the Navy's activities. We have recognized the fact that security requirements can demand a sacrifice on our part. However, the limits of our tolerance have long been exceeded, and the Navy has failed to prove that our defense posture will be undermined by the cessation of the bombardment of Kahoolawe.

Aside from the actual physical ruin of Kahoolawe itself, which is proceeding apace, the bombing constitutes a serious danger to the people of Maui. In September 1969 unexploded ordnance was discovered buried in the pasture of the mayor of the County of Maui. After an investigation, the Navy determined that the bomb had been dropped in 1966 but was in no danger of detonating.

However, this has not been the only incident. Residents have often complained about the noise from aircraft utilizing Kahoolawe. Because the population of Maui is expanding and the use of Kahoolawe is very heavy, the odds of an accidental bombing of Maui are very high. In the interest of the safety and comfort of the citizens of Maui, the policies of the Navy must be reversed.

For several years I have been concerned about the dangers presented by the Navy's bombing of Kahoolawe. I have made several discreet inquiries with the Navy to reach an accommodation that would insure the safety of Hawaii's citizens while meeting any national security needs. Unfortunately, these efforts have been fruitless.

In a letter to me dated December 11, 1969, Rear Adm. D. C. Davis, Commander, Hawaiian Sea Frontier, reached the following conclusions: First, he stated that the Navy has taken and will take all possible precautions to prevent undue harassment of the citizens of Maui because of the bombardment.

Second, he alleged that—

> The ravages of over a quarter of a century of air and surface bombardment have probably irrevocably eliminated the possibility of future safe, domestic use of the island.

He continued:

> This element has not been realistically faced in years past.

In his response to my inquiry, Admiral Davis added—

> The time has come to inform the local public that Kahoolawe should remain for the indefinite future an uninhabited monument to the requirements of our national security.

Admiral Davis should be commended for his frankness in stating that Navy utilization has rendered Kahoolawe barren and useless, but this candor was long overdue. I cannot believe that this discovery was suddenly made in 1969 only at my urging. Where was this candor during the previous 29 years of Navy use?

The Navy has claimed that there are no alternate sites available, but no one in the civilian sector really knows what efforts have been made to locate a less objectionable location. In fact the Navy already uses the uninhabited island of Kaula, which is farther away from population centers and which is totally useless for any future development.

Furthermore, Mr. President, what are the people of Hawaii to make of the

Executive order which promised to return Kahoolawe to the State after it was no longer required and to provide conservation programs for the island? The Navy Department obviously is saying in effect that it may some day return this ravaged "uninhabited monument" after it renders it sterile, but there is no indication when, if ever, we can expect this action.

We hear much about the credibility gap, and it is precisely this kind of callous disregard for the safety of civilians that contributes to the growing alienation of civilians from the Armed Forces. Regrettably this is not the only instance or example of indifference which the Navy has exhibited toward the interests of the citizens of Hawaii. Prior to dropping its lease last year, it also insisted on using the South Kona bombing range, which lies adjacent to the fishing village of Miolii, off the Island of Hawaii. Even if we were to assume—which I am not—that Kahoolawe were absolutely necessary to the defense requirements of our country, the Navy should have consolidated its training by restricting aerial bombardment to Kahoolawe. However, it obstinately refused to take this sensible step.

Throughout this entire episode, the Navy has been extremely evasive in facing its responsibilities to the people of Hawaii. Nothing has contributed more to the deteriorating confidence in the Navy than its stubbornness. Indeed, some of Hawaii's citizens feel that its response has been the "height of arrogance."

Therefore, I am introducing today a bill that would require the Department of the Navy to convey the Island of Kahoolawe to the State of Hawaii by the end of the current calendar year. The bill also authorizes the expenditure of necessary funds in fiscal year 1972 to help clear the island surface of an estimated 10,000 tons of unexploded ordnance.

Mr. President, the people of Hawaii have been patient with the Navy's use of Kahoolawe for 31 years, but that patience has worn thin. I believe that we are entitled to a return of this land, which is so greatly limited in Hawaii, and to security in our homes. I strongly urge that Congress pass this bill as soon as possible.

By Mr. MATHIAS:

S. 1663. A bill to amend chapter 17 of title 38, United States Code, so as to authorize continuation of certain medical care benefits provided for mentally retarded and physically handicapped dependents of members of the Armed Forces who die while serving on active duty. Referred to the Committee on Veterans' Affairs.

Mr. MATHIAS. Mr. President, we pride our society on our willing and humane acceptance of responsibility for each other, and especially for the small children who enter our world with some serious handicap. Unlike many past civilizations, we care for these children and cherish them. This compassion entails a great commitment by the parents and, often, expensive special medical care. Whenever possible, it has been the policy of our various levels of government to help in providing that care.

Last year I attempted to correct the distressing situation whereby the current law deprives the dependents of a serviceman killed in action of the benefits of special remedial and handicapped medical aid as provided for in title 10 of the United States Code. This particular section—section 1079—authorizes the diagnosis, treatment, training, rehabilitation, special education, and institutional care of such special dependents while a serviceman is on active duty. The existing law does not include in its coverage the dependents of servicemen who have given their lives in defense of their country. As a result of this tragic paradox when sudden violent death occurs during combat on a battlefield thousands of miles away from home, this necessary and compassionate assistance terminates at midnight of the same day. Such a callous oversight in the letter of the law which denies the spirit of the law is unconscionable if left unredressed.

I feel that it would be in accordance, not only with the overall purpose of the present program, but also with the moral obligation of our society for youngsters orphaned by war, to extend this program to include the families of those servicemen who never return home. There is presently no area in veterans benefits which provides for this special medical and health care.

Today I am introducing a new bill which will authorize continuation of these benefits. It does so by adding a new subchapter to chapter 17 of title 38, United States Code. The bill maintains the same benefits, the same cost-sharing arrangements, and the same requirement that the dependents use public facilities as they are determined to be available and adequate. There is no essential change in these provisions as they relate to section 1079, title 10.

To fully implement the spirit of the existing law, however, the bill goes one step further. It directs the Administrator to provide transportation for the dependents of veterans to and from any health-care facility if the Administrator determines that such transportation is necessary to carry out the provisions of the bill. Thus eligible dependents will not be denied their entitled benefits due to the inadequacy or unavailability of public facilities. By this provision the Administrator is empowered to take whatever action is necessary to insure that the dependents do, in fact, receive aid—even if such action entails the use of other than public facilities.

The effective date of the bill is January 1, 1967 which is in accordance with that of the existing law.

I urge Senators to act quickly in support of this legislation. When a soldier and husband is suddenly lost, the medical burdens of his family can increase by as much as $150 a month, just to maintain the most minimal level of care. This hardship only compounds the painful readjustments which must be made. We have an obligation and mandate to correct these past inequities and to insure that they will never occur again.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 377

At the request of Mr. TOWER, the Senator from Washington (Mr. MAGNUSON) was added as a cosponsor of S. 377, a bill to equalize military retirement pay.

S. 635

At the request of Mr. ALLOTT, the Senator from Montana (Mr. MANSFIELD) was added as a cosponsor of S. 635, a bill to amend the National Mining and Minerals Policy Act of 1970.

S. 806

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Washington (Mr. JACKSON), I ask unanimous consent that, at its next printing, the name of the Senator from Texas (Mr. TOWER) be added as a cosponsor of S. 806, a bill to authorize additional medical and dental care for reservists and members of the National Guard.

The ACTING PRESIDENT pro tempore (Mr. TUNNEY). Without objection, it is so ordered.

S. 882

At the request of Mr. WILLIAMS, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 882, a bill authorizing payment under medicare for services performed by a household aide.

S. 883

At the request of Mr. WILLIAMS, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 883, a bill to establish an Institute on Retirement Income.

S. 975

At the request of Mr. BAYH, the Senator from New Jersey (Mr. WILLIAMS) and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 975, a bill to protect the constitutional right of privacy of citizens.

S. 1017

At the request of Mr. MONDALE, the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of S. 1017, the Clean Lakes Act of 1971.

S. 1018

At the request of Mr. CHURCH, the Senators from Montana (Mr. MANSFIELD and Mr. METCALF) were added as cosponsors of S. 1018, a bill to require the Secretary of Transportation to designate rail passenger service to at least one major population center in each of the contiguous 48 States under the National Rail Passenger Network.

S. 1127

At the request of Mr. BAYH, the Senator from Minnesota (Mr. HUMPHREY) and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 1127, a bill to revise the Uniform Code of Military Justice, and for other purposes.

S. 1245

At the request of Mr. MOSS, the Senator from Tennessee (Mr. BROCK) was added as a cosponsor of S. 1245, a bill relating to the preservation of historical and archeological data.

S. 1291

At the request of Mr. CASE, the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 1291, a bill to further amend the act of October 4, 1961, amended by the act of July 19, 1966, to facilitate the efficient preservation and protection of certain lands in Prince Georges and Charles Counties, Md., and for other purposes.

S. 1305

At the request of Mr. MONDALE, the Senator from Alaska (Mr. GRAVEL) was added as cosponsor of S. 1305, a bill to establish a National Legal Services Corporation.

S. 1383

At the request of Mr. WILLIAMS, the Senator from Utah (Mr. BENNETT), the Senator from New York (Mr. BUCKLEY), the Senator from West Virginia (Mr. BYRD), the Senator from Nevada (Mr. CANNON), the Senator from New Jersey (Mr. CASE), the Senator from Idaho (Mr. CHURCH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Florida (Mr. GURNEY), the Senator from Michigan (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from New York (Mr. JAVITS), the Senator from Rhode Island (Mr. PELL), the Senator from Georgia (Mr. TALMADGE), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 1383, a bill to prohibit flight in interstate or foreign commerce to avoid prosecution for the killing of a policeman or fireman.

S. 1410

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Senator from Alaska (Mr. GRAVEL) and the Senator from Illinois (Mr. PERCY) be added as cosponsors of S. 1410, a bill to amend the Higher Education Act of 1965 to establish a student internship program to offer students practical political involvement with elected officials on the local, State and Federal levels of government.

This bill, the "Interns for Political Leadership Act," has met with a very favorable response from young people and educators as well as colleagues and constituents.

The ACTING PRESIDENT pro tempore (Mr. STEVENSON). Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the RECORD a letter on this subject I recently received from Professor Roger H. Davidson, scholar in residence with the National Manpower Policy Task Force.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL MANPOWER POLICY
TASK FORCE,
Washington, D.C., Apr. 7, 1971.

Hon. HUBERT H. HUMPHREY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HUMPHREY: I am a professor of political science on leave from the University of California at Santa Barbara. In my years of teaching both at Dartmouth College and at the University of California, I have had occasion to serve as advisor for various groups of college students serving as interns in Washington.

I want to commend you and your colleagues for introducing S. 1410, which would offer assistance to student interns serving with local, state, and federal officials. It is extremely important for politically interested young people to have ample opportunities to learn about, and try to exert influence within, "the system." Most of the young people who serve in such internships gain far greater understanding of the complex processes of governing than they could in even the most sophisticated classroom; and most of these students also come away from their experience with a glowing enthusiasm for plunging into governmental affairs and trying to make changes in a constructive fashion. The assistance which the House of Representatives offered back in the mid-1960s to Members hiring these interns was laudable, but concern over student activism on the Hill caused this program to be terminated. I thought at the time that it was an unfortunate development, and in the long run detrimental to the objective of encouraging responsible student activism.

Again, from my experience selecting and advising scores of interns over the past eight years, I know what a valuable experience this can be, and how limited are the financial resources for these young people. I certainly appreciate what you and your colleagues are trying to do, and if I may be of any assistance, please feel free to call on me.

Sincerely yours,

ROGER H. DAVIDSON,
Scholar in Residence (Professor of Political Science on leave from the University of California, Santa Barbara).

S. 1435

At the request of Mr. STEVENSON, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 1435, a bill to amend the Communications Act of 1934 to ban sports from closed-circuit television.

S. 1442, S. 1443, AND S. 1444

At the request of Mr. Moss, the Senator from Oklahoma (Mr. HARRIS), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Virginia (Mr. SPONG) were added as cosponsors of S. 1442, to amend the Internal Revenue Code of 1954 to provide that the first $3,000 received as civil service retirement annuity from the United States or any agency thereof shall be excluded from gross income; S. 1443, a bill to amend chapter 83 of title 5, United States Code, to eliminate the survivorship reduction during periods of non-marriage of retired employees and Members, and for other purposes; and S. 1444, a bill to increase the contribution by the Federal Government to the costs of employees' health benefits insurance.

S. 1445

At the request of Mr. Moss, the Senator from Oklahoma (Mr. HARRIS), the Senator from Idaho (Mr. CHURCH), and the Senator from Alabama (Mr. SPARKMAN) were added as cosponsors of S. 1445, a bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes.

S. 1532

At the request of Mr. BAYTH, the Senator from Minnesota (Mr. HUMPHREY) and the Senator from West Virginia (Mr. RANDOLPH) were added as cosponsors of S. 1532, a bill relating to the allowance of a depreciation deduction.

S. 1534

At the request of Mr. HUMPHREY, the Senator from Utah (Mr. BENNETT), the Senator from Nevada (Mr. BIBLE), the Senator from Minnesota (Mr. MONDALE), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 1534, a bill to amend title 10, United States Code, to prescribe additional health benefits for certain dependents.

S. 1554

At the request of Mr. HUMPHREY, the Senator from Nevada (Mr. BIBLE), the Senator from Rhode Island (Mr. PELL), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 1554, a bill to amend the Federal Aviation Act of 1958 in order to authorize free or reduced rate transportation to handicapped persons and persons who are seventy years of age or older, and to amend the Interstate Commerce Act to authorize free or reduced rate transportation for persons who are seventy years of age or older.

S. 1608

At the request of Mr. SPARKMAN, the Senator from New York (Mr. JAVITS), the Senator from Idaho (Mr. JORDAN), the Senator from Utah (Mr. MOSS), the Senator from Oregon (Mr. PACKWOOD), the Senator from Rhode Island (Mr. PELL), the Senator from Utah (Mr. BENNETT), and the Senator from California (Mr. TUNNEY) were added as cosponsors of S. 1608, a bill to designate certain lands on the Bankhead National Forest in Alabama as wilderness under the Wilderness Act of 1964.

S. 1649

HELP FOR THE SMALL BUSINESSMAN

Mr. SPARKMAN. Mr. President, I am happy to join the Senator from Nevada (Mr. BIBLE), chairman of the Small Business Committee, in sponsoring S. 1649, a bill that will help small business firms in Alabama and throughout the country in financing structural, operational, or other changes to meet standards required by Federal environmental and consumer laws.

Under our bill, the Small Business Administration will be empowered to make loans directly or in cooperation with banks or other lending institutions to assist small businesses in effecting additions or alterations to facilities to meet Federal requirements if the small concern will suffer economic injury through compliance.

Last year we introduced S. 1750, which was enacted in part, authorizing loans to small businesses for the purpose of complying with the specific Federal standards under dated deadlines, such as contained in the Wholesome Meat Act, for example. The emergency, compliance-type loans are not subsidized, but carry an interest rate equal to the cost of money to the Federal Government plus one-quarter percent.

In Alabama, 122 meatpacking plants can now apply for loans under this legislation. Forty poultry processing plants and a large number of egg processors are eligible to apply for low-interest emergency loans from SBA with the assurance that they may be repaid out of their future earnings.

These firms are important to the economy of our Nation for they account not only for more than $20 million in wages on a yearly basis, but they are an important source of food products for Alabama and the Southeast.

It is evident that they are also vital to the life of our cities and smaller communities for they supply work, training and leadership in other community activities.

These small businessmen have been threatened with severe hardship by the series of Federal environmental and consumer laws placed by Congress on the statute books during the last 5 years. They simply do not have the capital necessary to meet the requirements of these new laws.

I expressed my concern over the effects of these statutes as long ago as 1969 when I warned at that time that the continued existence of hundreds of smaller firms was threatened unless the Congress took remedial action.

Last year's legislation did a part of the job; now I feel that we must go on and complete it. That is precisely what our bill will do.

SENATE JOINT RESOLUTION 1

At the request of Mr. BAYH, the Senator from Washington (Mr. MAGNUSON) and the Senator from California (Mr. TUNNEY) were added as cosponsors of Senate Joint Resolution 1, proposing an amendment to the Constitution providing for the direct popular election of the President and Vice President.

SENATE JOINT RESOLUTION 5

At the request of Mr. BROOKE, the name of the Senator from Ohio (Mr. TAFT) was added as a cosponsor of Senate Joint Resolution 5, designating January 15 of each year as 'Martin Luther King Day."

SENATE JOINT RESOLUTION 75

At the request of Mr. MONDALE, the Senator from Missouri (Mr. EAGLETON) and the Senator from California (Mr. CRANSTON) were added as cosponsors of Senate Joint Resolution 75, a joint resolution to establish a National Advisory Commission on Health Science and Society.

SENATE JOINT RESOLUTION 88

At the request of Mr. TAFT, the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of Senate Joint Resolution 8, a joint resolution authorizing additional appropriations to the Secretary of Transportation for the purpose of providing urgently needed intercity rail passenger service around the Nation and for the purpose of research and development in the field of high-speed ground transportation, and for other purposes.

SENATE RESOLUTION 104—SUBMISSION OF A RESOLUTION CONCERNING THE BILL (S. 1650) FOR THE RELIEF OF WILLIAM A. BEACH

Mr. CHILES submitted the following resolution (S. Res. 104), which was referred to the Committee on the Judiciary:

S. RES. 104

Resolved, That the bill (S. 1650) entitled "A bill for the relief of William A. Beach", now pending in the Senate, together with all the accompanying papers, is hereby referred to the chief commissioner of the United States Court of Claims. The chief commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount if any, legally or equitably due from the United States to the claimant. Such report shall specify what portion of the amount to be due to the said William A. Beach is the maximum reasonable attorney's fees that should be paid from such amount.

SENATE RESOLUTION 105—ORIGINAL RESOLUTION REPORTED INCREASING LIMIT OF EXPENDITURES FOR HEARINGS BEFORE THE COMMITTEE ON ARMED SERVICES

Mr. STENNIS, from the Committee on Armed Services, reported the following original resolution (S. Res. 105), which was referred to the Committee on Rules and Administration:

S. RES. 105

Resolved, That the Committee on Armed Services hereby is authorized to expend from the contingent fund of the Senate, during the Ninety-second Congress, $20,000 in addition to the amount, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act, approved August 2, 1946, as amended.

SENATE RESOLUTION 107—ORIGINAL RESOLUTION REPORTED AUTHORIZING SUPPLEMENTAL EXPENDITURES BY THE COMMITTEE ON GOVERNMENT OPERATIONS

Mr. McCLELLAN, from the Committee on Government Operations, reported the following original resolution (S. Res. 107), which was referred to the Committee on Rules and Administration:

S. RES. 107

Resolved, That the Committee on Government Operations is authorized to expend, through February 29, 1972, from the contingent fund of the Senate not to exceed the sum of $50,000 (in addition to the amount provided in section 9 of Senate Resolution 31, Ninety-second Congress, agreed to March 1, 1971), such sum having not been included in that resolution because at the time at which that resolution was considered there was insufficient information to determine the total amount of expenditures the committee would incur in conducting its inquiries and investigations. Such sum shall be expended for the purposes specified in sections 134 (a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with the committee's jurisdiction under rule XXV of the Standing Rules of the Senate.

SENATE RESOLUTION 108—SUBMISSION OF A RESOLUTION TO DISAPPROVE REORGANIZATION PLAN NO. 1

Mr. WILLIAMS submitted the following resolution (S. Res. 108), which was referred to the Committee on Government Operations:

S. RES. 108

Resolved, That the Senate does not favor the reorganization plan Number 1 transmitted to Congress by the President on March 24, 1971.

SENATE RESOLUTION 109—SUBMISSION OF A RESOLUTION AUTHORIZING SPECIAL SUPPLEMENTARY EXPENDITURES BY THE COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS FOR AN INQUIRY AND INVESTIGATION PERTAINING TO THE SECURITIES INDUSTRY

Mr. WILLIAMS (for himself, Mr. SPARKMAN, Mr. MCINTYRE, Mr. PROXMIRE, and Mr. CRANSTON), submitted the following resolution (S. Res. 109) which was referred to the Committee on Banking, Housing and Urban Affairs:

S. RES. 109

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by section 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Banking, Housing and Urban Affairs, or any subcommittee thereof, is authorized from the date this resolution is agreed to, through February 29, 1972, for the purpose stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The Committee on Banking, Housing and Urban Affairs, or any subcommittee thereof, is authorized from such date through February 29, 1972, to expend not to exceed $333,240 to examine, investigate, and make a complete study of any and all matters pertaining to the securities industry and the securities markets of the United States and such committee having been unable to offer an annual authorization resolution within the period of time prescribed by Section 133(g) of the Legislative Reorganization Act of 1946 because the committee had not been able to determine by the end of that period the scope of, and the total amount of expeditures required by, such study. Of such $333,240, not to exceed $33,240 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 3. The committee shall report its finding, together with such recommendations for legislation as it deems advisable with respect to the study or investigation for which expenditure is authorized by this resolution to the Senate at the earliest practicable date, but not later than February 29, 1972.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

ADDITIONAL COSPONSORS OF RESOLUTIONS AND CONCURRENT RESOLUTIONS

SENATE RESOLUTION 73

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Alaska (Mr. Gravel) and the Senator from Indiana (Mr. Hartke) be added as cosponsors of Senate Resolution 73, to amend rule XVI of the Standing Rules of the Senate.

The PRESIDING OFFICER (Mr. Tunney). Without objection, it is so ordered.

SENATE RESOLUTION 87

At the request of Mr. Humphrey, the Senator from Illinois (Mr. Percy) was added as a cosponsor of Senate Resolution 87, relating to armament limitations.

SENATE RESOLUTION 91

At the request of Mr. Moss, the Senator from Nevada (Mr. Bible) was added as a cosponsor of Senate Resolution 91, a resolution concerning the conviction of Lt. William L. Calley, Jr.

SENATE RESOLUTION 98

At the request of Mr. Bayh, the Senator from Minnesota (Mr. Humphrey) and the Senator from West Virginia (Mr. Randolph) were added as cosponsors of S. Res. 98, a resolution relating to proposed asset depreciation range system.

SENATE CONCURRENT RESOLUTION 5

At the request of Mr. Brooke, the Senator from Colorado (Mr. Allott) was added as a cosponsor of S. Con. Res. 5, to establish a joint committee to investigate the treatment of prisoners of war in Vietnam.

SENATE CONCURRENT RESOLUTION 21

At the request of Mr. Mondale, the Senator from Missouri (Mr. Eagleton), the Senator from Iowa (Mr. Hughes), the Senator from Wisconsin (Mr. Proxmire), and the Senator from Illinois (Mr. Stevenson) were added as cosponsors of S. Con. Res. 21, calling for the suspension of military and military aid to Pakistan until the conflict in East Pakistan is resolved; and

At the request of Mr. Case, the Senator from Illinois (Mr. Stevenson) and the Senator from Wisconsin (Mr. Proxmire) were added as cosponsors of Senate Concurrent Resolution 21, calling for supension of military assistance to Pakistan until the present conflict in that country is resolved.

MILITARY SELECTIVE SERVICE ACT—AMENDMENT

AMENDMENT NO. 61

Mr. WILLIAMS submitted an amendment intended to be proposed by him to the bill (H.R. 6531) an Act to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes, which was received, ordered to be printed, and referred to the Committee on Armed Services.

NOTICE OF HEARINGS ON JUVENILE CONFINEMENT INSTITUTIONS AND CORRECTIONAL SYSTEMS

Mr. BAYH. Mr. President, as chairman of the Subcommittee to Investigate Juvenile Delinquency, I wish to announce hearings on juvenile confinement institutions and correctional systems. The initial set of hearings will be held on May 3, 4, and 5, 1971 in the caucus room 318 Old Senate Office Building. They are scheduled to begin at 10 a.m.

These hearings will focus on the effectiveness of institutionalization in corrections and on conditions in our Nation's juvenile correctional institutions.

In addition, the subcommittee will examine the procedures through which neglected children and minors in need of supervision are handled in our juvenile courts, in detention facilities and in post-adjudication institutions.

The subcommittee will also evaluate the effectiveness of community-based treatment in group homes and residential treatment centers as alternatives to institutionalization of youth, and of other programs for reintegrating delinquents back into the community.

I have invited witnesses to testify about the conditions in youth offender institutions in their respective States. In addition, we will hear from representatives of major private organizations concerned with rehabilitation and from juveniles who have been, or are presently confined in institutions.

ADDITIONAL STATEMENTS

THOMAS M. O'NEILL; THE BEST

Mr. MANSFIELD. Mr. President, Thomas M. O'Neill died on April 12. I was deeply saddened. The highest principle and outstanding professional skill: these were Tom O'Neill's trademarks. In applying these virtues he was unexceeded.

First and foremost, he was a newspaperman. In that profession his death has created a vacuum that can be filled only when another appears with the same high standards, deep dedication, and superb competence. In most endeavors, one of these characteristics is usually sufficient for success. Tom O'Neill possessed all three. His kind is rare, however.

Too infrequently do men of his quality and caliber come along. I am certain the Sun newspapers, for which he worked for nearly half a century, recognize this all too well. But just as his employers will miss him, so, too, will the countless thousands of his associates in the newspaper business, his loyal readers, and his devoted friends.

The breadth and depth of Tom O'Neill's political thought were gained from first-hand experience both in this Nation and abroad. They were expressed always with a skillful and very able pen. With his pen and with the many, many friends he leaves behind, Tom O'Neill has built a memorial of lasting duration. I am glad I had the opportunity to read Tom O'Neill. I am proud, indeed, that I could call him a friend. I will miss him deeply.

Mr. President, I ask unanimous consent that a number of newspaper articles and commentaries about Thomas M. O'Neill be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Thomas M. O'Neill, Columnist, Dies

Thomas M. O'Neill, veteran *Sunpapers* reporter, was correspondent and political columnist, died today at Union Memorial Hospital after a short illness.

Mr. O'Neill was 66. His death brought to an end a 47-year career in journalism, 44 years of which were spent on the *Sunpapers*.

Since 1953, Mr. O'Neill was the author of a political column "Politics and People," which appeared three times a week on the editorial page of *The Sun*.

GREW UP IN FLORIDA

He was born in Norfolk, December 26, 1904, the son of a barber and his wife, who had paused there during a migration from New England to Florida.

Young O'Neill grew up in Florida, attending public and parochial schools. After his schooling, he left home for a series of short term newspaper jobs in various parts of the country.

In Maryland, he worked briefly for the Hagerstown Herald and the Baltimore Post before joining *The Evening Sun* in 1927.

Within a year of joining the *Sunpapers* he was made a political writer, covering every session of the General Assembly until 1943.

He became known in Annapolis for these characteristics associated with the "hard bitten" school of newspapering. An energetic, aggressive young reporter, he became as familiar with the night life of the capital city as with its political life.

His appearance, however, sharply contrasted with the newspaper reporter stereotype that Hollywood cultivated in the 30's. Far from being slovenly or careless in his dress, Mr. O'Neill epitomized neatness.

Annapolis oldtimers remember him as a dapper dresser who was fastidiously clean, sometimes taking two or three showers a day.

KEEN POLITICAL INSTINCTS

He was a slightly built man with sharp eyes and distinctly Irish features, who was given to the telling on anecdotes and the heavy use of epigrams.

Professionally, both as reporter and, later, as a columnist, his colleagues deeply respected him for his keen political instincts.

"He just lived politics," one colleague said. "And he wasn't just a reporter. He was part of the show. He knew what motivated people and what made them tick."

Mr. O'Neill's political insights were not limited to the Maryland scene, but were, as soon as the occasion arose, adapted with ease to grander arenas.

In 1943, he was reassigned from Annapolis to the London bureau of *The Sun*. Within days he had put the provincialism of Annapolis behind him and was reporting from the British capital with the sureness of a seasoned parliamentary correspondent.

ASSIGNMENTS IN EUROPE

Mr. O'Neill covered the 1945 British elections and did a series of articles on conditions in Greece, Austria, Italy, Germany and France before being assigned to the Washington bureau in 1946.

In the postwar years, he covered a variety of assignments in Washington, among the most memorable of which were probably his distinguished reports on the Alger Hiss case.

When he became a political columnist in 1953, he gave up conventional news reporting.

But he continued to be a well known journalistic figure at the national party conventions, which he had attended faithfully since 1936 with the exception of the war years.

KNEW LOCAL POLITICS

At the conventions, "Tom could tell you which way the delegations were going when others couldn't read the signs. He had an encyclopedic knowledge of local politics and personalities," a colleague remembers.

Although he lacked a college degree, his political columns never lacked a learned tone. He was an omniverous reader who was conversant in political philosophy ranging from the Greeks to the English and French and the American colonials.

His own philosophy, however, was decidedly American. A moderate liberal, he found his own principles in the New Deal of Franklin Delano Roosevelt and the Fair Deal of Harry S. Truman.

These he expressed in what a friend described as "a highly polished style which, for all its emphasis on preciseness and restraint, often "packed a wallop."

Mr. O'Neill is survived by his wife, the former Jolanda F. E. DiGiorgio whom he married in 1933, and a son, Thomas M. O'Neill, Jr. Mr. and Mrs. O'Neill lived at 4209 Tuscany court, in North Baltimore.

Funeral arrangements were incomplete.

THOMAS M. O'NEILL

SIR: Thomas O'Neill was a great reporter. He despised self-serving hand-outs, and preferred to dig out his own stories.

I remember when he brought to public attention the sordid attempt of a politician to keep a milk dairy open when the commissioner of health sought to close it because of existing unsanitary conditions.

On another occasion a group opposed the incumbent judges who were seeking election. These opponents sought to palm off as legitimate a radio "town-meeting of the air." He exposed it for what it was—a fake, rehearsed, paid-for skit by a group of professional actors.

Another time he attended a "closed" meeting that sought political support for a candidate on the ground that this would insure a governor's pardon for one of their members. He gleefully brought the whole mess to light.

He was a courageous, lucid writer on the local, national and international scene. He will be sorely missed.

JOSEPH SHERBOW.

Baltimore.

THOMAS O'NEILL SERVICES SET THURSDAY

A requiem mass for Thomas M. O'Neill, a writer, war correspondent and columnist for the *Sunpapers* for more than 44 years, will be offered at 10 A.M. Thursday at SS. Philip and James Catholic Church, Charles and 29th streets.

Mr. O'Neill, 66, died yesterday at Union Memorial Hospital after a brief illness.

Burial will be in the New Cathedral Cemetery.

Mr. O'Neill, a native of Norfolk, joined *The Evening Sun* in 1927 and during the years ran up a long list of accomplishments.

Since 1953 he had written a political column—"Politics and People"—which appeared in other newspapers in addition to *The Sun.*

THOMAS O'NEILL

For most of half a century the *Sunpapers* were privileged to publish the work of Thomas O'Neill, and we venture to say that through that time no readers of any newspaper have had a clearer, more masterly, more impeccably-principled source of political information and opinion. The principles came first, and it was this, along with superb professional skill, that enabled him to treat with equal trenchancy and political scene, whether local or state or national or foreign.

Some thought him cynical. He was not. It was just that his standards of public morality were so high that not many could measure up to them. Looking always for honest men, he found but a few in public life whose motives were not those of self-serving expediency; and he said so. That politicians often quailed under his gaze was no wonder, for the gaze was piercing. The late John W. Owens, Thomas O'Neill's predecessor as political reporter and commentator, once said that O'Neill had a gift of illuminating corners you didn't even know were there.

The bases of his judgment were in fact quite simple. He believed that the Constitution of the United States was by no means so hard to interpret as many would make it seem: he believed the Constitution meant what it said. The Declaration of Independence also, he believed, had meaning, and the meaning was in what it said: his yearly Independence Day columns were statements of faith in the nation's origins and its future.

In his own work he was a perfectionist. He disdained tricking anyone into reading him, but there it was to read, in a style of flowing crystal clarity, with a precision in choice of words that was almost absolute.

We have tried here to see Thomas O'Neill as he would have wished, in terms of his work, but we cannot let him go without saying that we will treasure above all the memory of him as a friend whose affection, once given, was given wholly and without condition, never to waver.

NOTES AND COMMENT

When Tom O'Neill died on Monday after 4½ decades with the *Sunpapers* he left a thousand memories behind him. Here are but a few of them, sketchy and random to be sure, and in some cases blurred a bit in their details by the passage of time, which is to say that perhaps not all of us are as flawlessly in command of precise fact as O'Neill was.

It was true, as the news obituary reported, that he so valued the privileges of citizenship that he would travel any distance, under any circumstances to cast his vote. Much as he understood and sympathized with most human frailty he could not comprehend a failure, through apathy or any other cause, to vote in any election, at whatever level.

In one instance his vote had an added point. He and Mrs. O'Neill, both with minds of their own, had been unable to agree on a presidential candidate. O'Neill was covering a presidential candidate who wound up his campaign in New York, let's say Thomas E. Dewey. Pressed hard for time in his coverage, he came by train to Baltimore, took a taxi to the polling place, cast his vote (cancelling Mrs. O'Neill's), took a taxi back to the station—no time even to stop by the home in which his life centered—and went back to work in New York.

O'Neill disliked commas more than anybody we have ever known. Commas to him were to be used only when absolutely needed for the sense and rhythm of a sentence. The sloppy habit of peppering a piece of writing with commas setting off this and setting off that and setting off the other, was a sign of disorganized thinking. We have known him to rewrite an entire column just to get rid of commas. He never quite wrote a piece with no commas at all, but he never stopped trying.

This story comes by heresay, but has the ring of truth:

One time, one hot summer, O'Neill found himself in Tehran. It must have been during the Truman administration, for Averell Harriman also passed through Tehran and Harriman was a roving ambassador for Truman, wasn't he?

On a miserable Sunday the small corps of foreign correspondents in Tehran decided to have a picnic in the mountains, and had made all the arrangements when a phone call came from Harriman, who said he would be pleased to receive the press that afternoon. Picnic cancelled.

After a taxi ride through the heat and dust and flies of Tehran the correspondents reached a palace in the hills (undoubtedly with cool fountains and great bowls of fresh fruit, including pomegranates) and were welcomed by Harriman with: "Well, gentlemen, I really have nothing in particular to say."

O'Neill, according to trustworthy accounts, stood up. "Then," he said, "what the hell are we doing here?" and walked out.

Among one colleague's most vivid memories of World War II is the recollection of lunch with O'Neill on Shrove Tuesday of 1944, in London, where he was *The Sun's* bureau chief.

It was a sunny day. The winter was over. It had been a grim winter: the winter of the "Little Blitz" which came closer finally to breaking the British spirit than anybody outside Britain ever knew.

O'Neill had a pub he liked, back of Salisbury Square, and they'd told him at the pub to be sure to come for lunch on Shrove Tuesday. There were pancakes, made of course with dried egg powder but dusted with sugar. And alongside the pancakes. . . .

Bear in mind that the hunger for citrus is a real hunger, and that for years fresh citrus had been unknown in Britain, except for one shipload of Spanish oranges that had come in during that winter, enough oranges for each child in Britain to have just one: lucky adults could nibble at the peelings.

Alongside the pancakes, on each plate, lay a tiny brilliant slice of real lemon. It was like a piece of the sun.

O'Neill spent many nights of the Little Blitz—they came over only at night then—playing poker in the London Press Club. Some foreign correspondents in London in those nasty weeks would take a break now and then and go for a few days to Ireland, where there were lights and fresh eggs and no bombers. O'Neill didn't. The people of London could not get out of it with a break in Ireland, and if the people of London couldn't neither would he.

THOMAS M. O'NEILL

Thomas M. O'Neill was never tentative, never an on-this-hand, on-the-other sort of political writer. He burned with a hard cold glitter, secure in the conviction that it is a newspaperman's duty to afflict the comfortable and to comfort the afflicted. So strong were his beliefs, yet so classically restrained his literary style, that his columns in *The Sun* cut like a surgeon's scapel—precise, but lethal. A hot-air balloon punctured by Tom O'Neill seldom rose again. No politician lied to him twice.

Annapolis knew him first as *The Evening Sun's* legislative reporter, gifted with darting insight into the political pressures at play, also with words that made facts leap with life. His World War II correspondence from London deepened him and, in the course of covering Britain's postwar Labor government, he grew broader. But it was Washington and, beyond that, the whole spectrum of American politics which Tom O'Neill made his own.

Politicians of every stamp recognized in him a touch for political movement at least as sensitive as that of any political professional. He was welcomed and trusted in political centers from the old Emerson Hotel in Baltimore to the Blackstone in Chicago to San Francisco's St. Francis. He could draw freely and at first hand from political wellsprings throughout the country. The result was a mastery of detail which, when filtered through his own luminous prose, gave Tom O'Neill his authority and his distinction.

A newspaper has its peculiarly personal side, and the loss of a colleague commonly leaves survivors feeling diminished. In Tom O'Neill's case, the feeling is different. His memory here makes us not smaller but larger, aware that a man of the first rank has passed our way.

Thomas M. O'Neill Dies; Sun Writer and Columnist

A requiem mass for Thomas M. O'Neill, who died yesterday in Union Memorial Hospital after a career of more than 44 years as a writer, war correspondent and political columnist for the Sunpapers, will be offered Thursday at 10 a.m. in SS. Philip and James Catholic Church, Charles and 29th streets.

Mr. O'Neill was, successively:

A top political writer, whose probity and professional skill gave his readers rare insights into what really was going on in the precincts, wards—and State House.

The Sun's correspondent in London at the height of World War II.

A foreign correspondent who made studies of postwar conditions in Greece, Italy, Austria, Germany, France and the Low Countries.

A national reporter whose coverage of presidential campaigns, political conventions and of an America embarking on a new, uncharted course set standards that professionals acclaimed as excellent. For example, Alistair Cooke, in his preface to "A Generation on Trial," his account of the Alger Hiss trials, termed Mr. O'Neill's reporting on them "incomparable."

And finally, since 1953, Mr. O'Neill was the writer of a national political column, "Politics and People," that appeared regularly first in The Evening Sun and then in The Sun, and other newspapers. The column sometimes infuriated many of his readers, but it was considered by most political and journalistic insiders to be a model of its kind.

Thomas Matthews O'Neill was born December 26, 1904, in Norfolk, the son of New England parents who had paused there in a flight from Northeastern winters and who, when he was a few months old, moved on to Tampa, Fla.

FLORIDA-EDUCATED

He was educated in parochial and public schools in Florida and studied later at the Johns Hopkins University.

Mr. O'Neill's third-person memo in 1950 to Charles H. Dorsey, Jr., his close friend and the managing editor of *The Sun*, explains how he became a newspaperman:

"His path into the newspaper business was the route of the migratory fruit workers who follow the growing season from Florida's oranges to Georgia's peaches, California canteloupes, and back again.

"At every stop, city editors were offered the services of a hopeful recruit. After a shorthanded city room was finally found, O'Neill got into the business to stay. . . ."

VAGUE ABOUT HIS START

He was vague about his first newspaper job, but let his official employment record start with a stint in 1925 with the Hagerstown *Herald*. In 1926, he moved on to the old Baltimore *Post*.

One year later, he came to the *Sunpapers* to stay, initially as a reporter for *The Evening Sun*.

He caught on quickly, and got his first taste of national politics in 1928, when he covered Alfred E. Smith's Eastern campaign.

His list of newspaper credit is a long one—at least 16 national political conventions, a long series of Maryland and out-of-state political campaigns, the Alger Hiss trials, a British general election, crises in the Middle East, the Teapot Dome scandal, White House correspondent, the Legislature and Congress. He ran the gamut.

As Edwin P. Young, one of his former city editors put it, Mr. O'Neill was a master craftsman who organized his articles so well that "when you began to cut them, you were cutting ideas."

Mr. Young is now vice president and assistant publisher of the Providence (R.I.) *Journal Bulletin*.

OBSESSED BY FACTS

Mr. O'Neill was obsessed by facts, soaked them up like a blotter, remembered them forever and used them as needed. He was a student of the Constitution who despised those who tried to pervert it for their own ends. And he took his own duties as a citizen so seriously that he was known to have traveled thousands of miles in order to exercise his franchise at the polls.

Personally, he could be convivial one day and a recluse the next. But he was as intensely loyal to his friends as he was disdainful of those he spotted as phonies.

Mr. O'Neill is survived by his wife, the former Jolanda F. E. DiGiorgio, whom he married in 1933, and a son, Thomas M. O'Neill Jr. Mr. and Mrs. O'Neill lived at 4209 Tuscany court, in North Baltimore.

A brief service preceding the requiem mass at SS. Philip and James will be held at the Henry W. Jenkins funeral establishment, in the 4900 block of York road.

Burial will be in the New Cathedral Cemetery.

A COMMEMORATIVE STAMP TO HONOR PHARMACY

Mr. GRIFFIN. Mr. President, a little more than 3 years ago, I took to the Senate floor to speak up in defense of the corner drugstore.

My remarks were in response to a statement by one Federal official who advocated that the corner drugstore should be abolished.

That particular official has long since departed from the official Potomac scene.

Happily, the corner drugstore—and, indeed, pharmacy in general—have continued to play a vital role in American life.

If anything, pharmacy—as an institution and an honored profession—has grown in strength and vitality. Every day, an estimated 17 million Americans visit the more than 50,000 retail pharmacies located in cities and towns across the Nation.

From personal experience, I know something about the important role of the retail pharmacist in his neighborhood and community. While still a student in school, I worked for 7 years as a drugstore clerk, as many others have done.

Throughout the Nation's history, the pharmacist has been an integral part of the American scene, its culture, and its folklore.

In cities and towns throughout the country, the pharmacist has done more than dispense drugs and the sundry items one finds so conveniently in the community drugstore. In many communities, the drugstore serves as a meeting place, often a social center of sorts, and sometimes even a political forum.

As professional people go, pharmacists have particularly close—and abiding—ties with the people of America.

In addition to serving the Nation in community drugstores, pharmacists practice their profession in hospitals; in Federal, State, and city governments; in the manufacture of medicines; in research, and in pharmaceutical education.

Americans place their trust in pharmacists over 2 billion times a year. That figure represents the number of prescriptions pharmacists fill annually.

Mr. President, because of their many contributions to the Nation's health and welfare—contributions made without publicity and fanfare I believe it would be altogether appropriate for the U.S. Post Office Department to issue a commemorative stamp honoring the pharmacists of America.

Consider these facts:

The United States has never issued a stamp honoring pharmacy.

Other professions have been honored by the issuance of commemorative stamps; such professions as those including physicians, dentists, lawyers, architects, journalists, railroad engineers, civil engineers, schoolteachers, and nurses.

A number of foreign countries have issued stamps honoring pharmacy. I refer to such countries as France, Poland, Norway, Costa Rica, Sweden, Republic of Cuba, Germany, Russia, and Rumania.

Finally, I believe it is important to call attention to the fact that for many, many years Americans have been able to buy postage stamps at most corner drugstores. By making stamps available, local pharmacies have relieved—and are relieving—the U.S. postal service of a tremendous and costly burden.

Mr. President, under the law the Postmaster General, acting with the counsel of an advisory group, may authorize the issuance of commemorative stamps.

I have written and I have personally contacted the Nation's distinguished Postmaster General, the Honorable Winton Blount, urging that a commemorative stamp honoring the Nation's pharmacists be authorized.

As pharmacists continue to contribute in so many important ways to the health and welfare of the people, I believe it would be appropriate to recognize their services over the years through the issuance of such a commemorative stamp in their honor.

Mr. President, I ask unanimous consent that text of the letter which I have written to the Postmaster General be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows.

APRIL 13, 1971.

HON. WINTON M. BLOUNT,
Postmaster General, U.S. Postal Service,
Washington, D.C.

DEAR MR. POSTMASTER GENERAL: The purpose of this letter is to express my strong hope that the U.S. Postal Service will issue a commemorative stamp honoring the Nation's pharmacists.

I have long been interested in this profession, having worked as a drugstore clerk before attending college.

Enclosed for your information is a copy of some remarks prepared for delivery on the Senate Floor which outline my reasons for recommending the issuance of such a commemorative stamp.

With best personal regards, I am

Sincerely,
ROBERT P. GRIFFIN,
U.S. Senator.

RURAL DEVELOPMENT IN AMERICA

Mr. HUMPHREY. Mr. President, the critical needs confronting our people in America's rural areas demand priority attention in Washington. Basically, we need to develop a new way of thinking about the problems of rural America. We must achieve a national understanding that in restoring the economy and the living environment of our nonmetropolitan areas, we will be applying desperately needed preventive medicine to what could otherwise well become the terminal illness of our cities.

The hard fact is that both the city dweller and the rural family are being denied a basic human right—the freedom to choose where they will live and work and bring up their children. This means we must establish a firm national growth policy that commits us to achieving a sound balance between rural and urban America, greatly expanding the geographical distribution of job opportunities and creating a decent living environment with effective public services in both our cities and our smaller communities.

Right now, more than half of our people live within 50 miles of our east and west coasts, and it is expected that by the end of the century almost 90 percent of our greatly expanded population will be concentrated in a few urban areas. Twenty million Americans left their farms over the past 30 years—last year the pace of this rural exodus was four times that of the entire past decade. Meanwhile, our rural areas contain two-thirds of America's substandard housing and one-half of its poor people.

As chairman of the recently established Senate Agriculture Subcommittee on Rural Development, I am determined to focus the attention of the Federal Government on these critical problems. We must work intensively to develop effective Federal assistance programs for comprehensive regional economic development, the substantial upgrading of community facilities, decent housing, and the provision of quality health, education, and other public services.

We must also recognize the central role of a strong agricultural economy in bringing stability and growth not only to rural areas but to the Nation itself. We must assure the farmer a fair return on his hard work and extensive investment and provide him with essential financial help to meet his high and rising production costs.

It is my intention to obtain a firsthand account of the problems confronting our rural families and their communities, in the course of hearings to be undertaken shortly by the Subcommittee on Rural Development in Washington and across the Nation. These hearings will focus on the causes and the total impact of our rural outmigration, and on the present inadequacies of Government services to rural America. We must develop new concepts and new approaches without delay to bring about the revitalization of our rural areas. Unless we do this, the continued acceleration of metropolitan sprawl and congestion, coupled with the decline in population and the rise in poverty in our rural areas, will have a devastating impact upon our health and welfare, our environment, our economy, our government, and our social order.

IMPLICATIONS OF FOREIGN POLICY—ADDRESS BY SENATOR SCOTT

Mr. DOLE. Mr. President, today at Kansas State University in Manhattan, Kans., the distinguished Senator from Pennsylvania, Hugh Scott, delivered a significant foreign policy address. Senator Scott was at Kansas State University to deliver a Landon lecture—a program intended to honor former Governor, and a distinguished American Republican, Alfred M. London.

Senator Scott's remarks clearly indicate the progress, foreign and domestic, being made by President Richard Nixon and his administration.

I ask unanimous consent that the text of his remarks be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Implications of Foreign Policy

(Address by U.S. Senator Hugh Scott)

When Richard M. Nixon became President of the United States on January 20th, 1969, the picture of our position in the world was painted in dismal colors:

We were stalemated in a quagmire war in Southeast Asia.

Our dealings with the Soviet Union were tense, at times close to crisis-point.

Our only contact with the Communist Chinese was a back-room operation in Warsaw, Poland.

America's European Allies were pulling away from us—and from each other.

An unresolved, seemingly insoluble military confrontation in the Middle East threatened total world war.

The world over, it had been a long winter with no thaw in sight. Almost universally the blame for these fragmented and divisive situations was placed squarely on the United States.

It was the kind of situation that required courage even to face, much less to try to solve.

Yet, solutions must be had. A certain degree of daring had to be used. For the world situation was so fraught with danger that we could not, as a Nation and a member of the family of nations allow it to continue along the same course.

The United States was not so much standing at crossroads that winter two years ago as it was sliding ominously downhill.

Reversing that slide has been a slow and painful process. It has caused domestic dislocations.

It has caused economic slowdown with accompanying increase in unemployment.

It has caused unrest, uncertainty and some upheaval.

These uncertainties, unrest, upheavals, were caused not so much by the policies adopted as by reaction to those policies.

A Nation slow to question our role in Vietnam suddenly became over-quick to react to efforts at extricating ourselves from Vietnam.

A Nation that had accepted almost without question the premises upon which the policy of escalation had been based, would not stop to reason when policies were adopted designed to bring us out of the quagmire.

The President announced a policy of withdrawing troops, of lowering draft calls, ultimately to eliminate them, and a general lowering of our profile in Southeast Asia.

When he took action to implement these policies there was a knee-jerk reaction in the press and Congress that sparked and fanned unrest on campuses and in the streets.

But the simple fact is that the policy in Vietnam is succeeding.

We are pulling out of Vietnam. Much more rapidly than we had dared hope a year and a half ago. It hasn't been an instant, ker-chunk cut-off. But it has been a logical, reasoned and fairly rapid withdrawal. We can now say with absolute assurance that the end is in sight. To quote a McNamara statement of 1966, there is, at least, light at the end of the tunnel. Only now the McNamara candle has become a Nixon spotlight.

For nearly a generation, thoughtful and concerned people in the United States have been saying something to the effect of, "How wonderful it would be if we could sit down with the Russians and discuss seriously an end to the nuclear arms race."

It took courage and foresight and a considerable degree of diplomatic skill to get us to the conference table. And it has taken courage and patience to keep us there. But the S.A.L.T. negotiations are still going on. I am willing to hazard the thought they are making very rational progress. Again, we cannot hope for a sudden, final, all-embracing solution next week. But we can hope—and expect—a pragmatic, reasoned lowering of the arms race tempo and an eventual, meaningful solution.

For the past twenty-two years, Americans have been wondering and asking how the Bamboo Curtain could be opened and reasonable relations established with Mainland China. For all of those twenty-two years it was political dynamite even to suggest such a thing could happen.

But there is now a small dent in the Bamboo Curtain. There are the tiny beginnings of an interchange of people between our two countries.

Ping pong, even when it's called table tennis isn't the stuff of which you expect history to be made. But let's face it, nobody would ever have heard of Robert Jenkins if the Spanish Coast Guardsman hadn't chopped off his ear. It was from that small cut that the great wound known as the War of Austrian Succession grew.

From ping pong to diplomatic intercourse is a possibility, and one we may have to nurture carefully. But it is a possibility.

Again, let me say it took courage, dedication, and patience to bring about even this small a start toward normalizing relations with the Peoples' Republic of China while maintaining our good relations with Nationalist China. There was and still is vocal, powerful and dedicated opposition to such normalization.

But President Nixon has done what no other President for the past twenty-two years has been able to do, and that is take the needed steps in the right direction.

In the Middle East long years of military confrontation have been eased—if not erased. Again, it was President Nixon and his able Secretary of State, William Rogers, who made the initial proposals and who have kept alive the chances for eventual peaceful settlement.

Middle Eastern tensions could easily have developed into a world-wide explosion. They did not. And Americans can be proud of their Government for making possible this easing of tensions and at least this temporary end to constant blood-letting.

Throughout the world the Nixon Administration has struggled to create the kind of climate in which peace can grow. It has succeeded, and succeeded remarkably well.

It has not been an easy task. Nor has it been accomplished as quickly as we might have wished. Nor has the task been completed.

All of this I grant you.

But the fact remains: The task has begun. It progresses well. I believe the finished product will be peace. Not only for ourselves, but for much of mankind as well.

This has not been done without some dislocation, some discomfort, some disturbance here at home.

Again, however, let me remind you that in 1968 this Nation was wracked by dissension and was fragmented, with generation set against generation, class against class, color against color.

The economic downturn which accompanied the dual effort at gaining peace in Vietnam and curbing inflation has eased. Every signal is green. Every sign is positive.

Inflation is being curbed. The economy has survived the belt-tightening and has marshaled its forces to move forward again at a brisk pace.

First-quarter economic growth was the largest ever recorded in the Nation's history. April car sales were the largest ever recorded in a two-week period in our history. Housing starts have climbed rapidly. New construction is up.

Everything indicates a boomlet has started that will grow into a full swell of economic activity and prosperity.

Again, this has not been done without tremendous effort. It has taken courage. Courage to say "no" to business and courage to say "no" to labor.

But the Administration has had the fortitude to make the unpleasant decisions that needed making. It has had the patience and fortitude to weather the storms of criticism. And its program is working.

In one other major area President Nixon has moved with courage and foresight—and that involves his great effort to restore Government to the people, and reawaken the interest of people in their Government.

His tripartite program—revenue sharing—welfare reform—and reorganization of the Government—displayed imagination, sensitivity, and a deep awareness of what people want and need.

The President's concern was not only that people had lost contact, and was losing faith in people.

Government tended to provide solutions to problems without consulting people, or considering people. Government was growing big, but not necessarily strong. At least not strong enough to solve problems. Government was becoming a burden, and not a help.

To change the direction Government has been taking the President proposed the three-step program.

The three go together. Welfare reform will not work without the other two. Revenue sharing without reform and reorganization would simply heap more layers of Government on that which we have. Reorganization without the needed local-level funding and reforms would not accomplish the desired goal.

It is a package. If enacted as a package, it will work. There is a real chance to bring Government back to the people, to restore in Government, and to restore Government's ability to discharge its responsibilities and thus deserve that faith.

CONCLUSION

Since the beginning of this century there has not been a time when Americans were not born to the sound of distant guns or the rumble of marching feet.

Too many millions of Americans have fought, have died, or have been wounded in the furtherance of what has been the eternal American hope—peace with justice in this world.

Americans deserve a rest from the battlefield.

The only course open to us if we are to get that respite and achieve that restoration, is peace.

Not just peace for now. But peace for a generation.

And maybe if an entire generation grows to manhood in peace, it will become a habit.

And that's the one great hope of this Administration. The one great promise we offer.

It is the one most glowing line we could inscribe upon our page of history—that, at last, through good will, we brought peace in our time.

REMARKS BY SENATOR STROM THURMOND AT SENATE PRAYER BREAKFAST MEETING ON APRIL 21, 1971

Mr. STENNIS. Mr. President, on April 21, at the Senate Prayer Breakfast, the distinguished Senator from South Carolina, (Mr. THURMOND) was the speaker. His remarks stressed the need for faith and prayer in dealing with the difficult and frustrating problems in our country today.

He pointed out that although the will exists to solve the problems, to find the way is extremely difficult, and guidance must be obtained by using the power of prayer. He said that as a people we have a great need for the basic training and the habitual practice of turning to prayer to obtain the unfailing inner resources that come from it, and that faith, nurtured by prayer, will show the way.

Senator THURMOND's remarks were enlightening and inspiring. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

AN UNFAILING INWARD COMPANIONSHIP

(Remarks by Senator STROM THURMOND)

"The Lord's Prayer," wrote Martin Luther, "is the prayer above all prayers. It is a prayer which the most high Master taught us, wherein are comprehended all spiritual and temporal blessings, and the strongest comforts in all trials, temptations, and troubles, even in the hour of death."

While deeply Christian in spirit, it epitomizes the message of the Gospel in profound simplicity. In its heartfelt appeal to God as our common Father, it is a prayer we all can pray.

Something of that spirit of prayer which fills the pages of the Bible is reflected in a great modern prayer widely attributed to Reinhold Niebunr, a prayer which serves as my text today, a prayer familiar to many.

The prayer reads: "God grant me the courage to change things that can be changed, the serenity to accept the things that cannot be changed, and the wisdom to know one from the other." We might amend that eloquent petition to read "to change the things that ought to be changed" since not all possible change is necessarily good or desirable.

This prayer is a worthy guidepost to those of us here in the Senate as we discharge our duties in our offices, in Committee, and on the Senate floor.

The theme of this prayer—"Not my will, but thine"—strengthens us in meeting the trials and challenges of a changing nation.

Looking at the national scene it appears that if we had to choose one word to describe the mood of our people today, that word might be "frustration."

Frustration is purpose minus power; a frustrated person is one who has the will, but cannot find the way. Today, frustration is something of a national epidemic. People want things that cannot be brought to pass. We want to keep our cities clean, safe, and habitable, but to a large extent we cannot. We have tried—and are trying—but the obstacles are great. We want to stop violence, the crime in our cities and, yes, in our villages and towns; we want to control the drug traffic. We try, we use every means, but too often we are frustrated.

Some escape this national epidemic, either because they do not care or because they are able to soar above it. Still others are able to exploit and profit from it. But for most of us who do care, who are involved, and who will not exploit, we are to some degree frustrated: we have the will, but cannot seem to find the way—at least, not as a Nation.

It is just this plight which compels us to turn to religion and, above all, to prayer. There is a remarkable incident in Scripture which sheds light on our condition and helps to point our way. (St. Matthew 17:14–21, and St. Mark 9:14–29.)

Jesus and his friends had just come down from the hills; they had been through one of those experiences that come only once in a lifetime, the experience we call the Transfiguration. After it was over, they came down from the hills. Ordinarily, to say that someone is "going downhill" is to make a detrimental remark. But, in the case of Jesus, it is true that in one sense he was always going downhill from the mountain tops of exhilaration, transfiguration, and vision into the valleys where people were suffering and where human need was greatest. Something like this is characteristic of those who live a life of prayer and communicate it to their fellowmen.

Immediately, on descending from the hills, Jesus encountered a crowd of agitated men, including most of His disciples, all involved in a heated discussion regarding an epileptic boy. The father of that boy, seeking and hoping to heal him, had brought him to the disciples believing that they could effect the cure. But they couldn't, and they didn't.

Then, the father appeals directly to Jesus, and his reply, in the familiar words of the King James translation, is known to us all: "Lord, I believe; help thou mine unbelief." These words were in response to the counsel of Jesus that all things are possible to him who believes. Jesus does act, He cures the boy, and then the disciples ask why they were unable to heal. To which they are told, "This kind cannot be driven out by anything but prayer."

I take this healing-story as a parable of our human condition, with special relevance for America today. Two facts stand out: First, the disciples were frustrated. Second, the reason they were frustrated is that they lacked the power of prayer, meaning not the ability to *say* prayers but the unfailing inner resources that come to those who turn in faith and hope to God.

This incident says something to all of us today. It says that many of the things that we want and the things we want to do, require a basic training that we do not have. Not as individuals, but as a people, we do not have either the basic training or the habitual practice without which we cannot do these things.

Having reached the United States Senate, no one has to tell us that to achieve anything that amounts to much, a certain basic training is an absolute requirement. On the other hand, none of us could go to the moon today simply because none of us has the basic training required.

We lack the basic training in accepting what he have been given before we take it back and try to change it; our body, our temperament, and our nervous system. We should respect life, beginning with our own body—knowing that it is one of the most wonderful, mysterious, beautiful things that God ever made, and that there are only three things one can do with it: worship it, wreck it, or respect it. Also, we should respect all other growing things—every plant and flower, every bird and beast, every star and shell, and all other growing people.

We lack the basic training in giving up some things for the sake of greater things. No one ever had his heart set on something great who didn't know that in order to achieve it, he would have to close many doors along the way.

Living under authority, the authority of the moral order of God, knowing that you cannot do everything that you want to do—that's another required item in the basic training of every human being. This includes learning how to care and not to care, how to sit still, learning how to be quiet inside, when everything is racing full steam ahead outside you. Also you know that if you do nothing, nothing will happen, and if you do something, what happens will not necessarily be the result of what you do.

We have to think that over. It is one of the things I am more sure of than almost anything else in the world; that if I sit around and do nothing, nothing will happen. If I do the things that I can do, something will happen, but nine times out of ten what happens is not the direct result of what I was doing; it is something else. In other words, there is something beyond me that is bringing things to pass.

And the last thing on my list is basic training in knowing when to give in. "The courage to change the things that can be changed; and the serenity to accept the things that cannot be changed; and the wisdom to know one from the other."

In conclusion, let me direct your attention to two things suggested by the Gospel story which I have taken as my text.

The first is that Jesus answered his frustrated disciples by telling them that they did not have what was needed, but also by assuring them that they could have it—that basic training, that habitual practice, that inner strength—to work wonders. Later the disciples *did* perform miracles!

The second is that this message ties in all too aptly to our situation in America today—it's a very modern parable! Generally speaking, we haven't the basic training needed to do wonders.

We can do financial wonders because we have lived for so many years so close to money; we know every one of its tricks. We can do scientific wonders because we have lived for so long so close to technology. We can do mechanical wonders because we have lived for so long so close to machines. But when it comes to moral, spiritual wonders we haven't been living as close to God as we should.

It is *faith,* made visible in act, nurtured and sustained by *prayer,* which *alone* can bestow upon our people the will, the power, and the way. It is this which makes our gathering here today so significant as together we open ourselves to that power, not only in our personal lives but in the common life of our Nation in these troubled times.

Just one final illustration to suggest what we, with the disciples, lack. Dr. Harry Emerson Fosdick once told about a woman in her early middle years. She was left a widow with five children and very little money. One of her sons said that never once did he see her distraught to the point of giving up. This mother saw all her children through college. One son was the president of a great railway system. Another was the president of a state university. Another was distinguished in medical research. And the two daughters were happily married. At her funeral, at the age of ninety-six, the son who was the president of the university said to Dr. Fosdick, "No one could understand her who did not understand her prayer-life. It was a strong, sustaining force. Her resource came from an unfailing, inward companionship."

That is what Jesus was talking about when he said that the things we need to accomplish today can be done only by that kind of inner companionship with God.

In the words of an old prayer:

"Fix thou our steps, O Lord, that we stagger not at the uneven motion of the world, but go steadily on our way, neither censuring our journey for the weather we meet, nor turning aside for anything that befalls us." Amen.

VERMONT GREEN-UP DAY

Mr. AIKEN. Mr. President, it is with pride that once again I call to the Senate's attention the character and activities of the people of the State of Vermont.

Vermonters from all walks of life will join together this Saturday, May 1, to participate in Green-Up Day.

The object of Green-Up Day is to clean up the litter and other refuse that has been discarded on the State highways and roadsides during the long winter months.

Last year some 70,000 Vermonters took part in this historic effort to do more than just talk about the need to conserve the State's natural beauty.

I am told that this year's activities are expected to attract even more Vermonters and that out-of-State travelers entering Vermont will receive bags and be urged to participate in Green-Up Day.

Green-Up Day activities are scheduled in almost all of the State's 246 towns and cities.

Vermonters have always shown a special concern for their natural surroundings.

In the 1930's Vermont was a pioneer in controlling billboards as a way to keep the State scenic.

The love of Vermont's mountains and valleys is not something that one learns in Vermont, rather one is born with this pride.

That is why throughout the years, the people of Vermont have been leaders in keeping their natural surroundings clean for others to enjoy.

Green-Up Day is a part of this drive that once again demonstrates why Vermont and Vermonters are just a little bit different.

Mr. President, I ask unanimous consent that Governor Deane C. Davis' executive order designating May 1 as "Green-Up Day" and a joint resolution approved by the Vermont General Assembly pertaining to Green-Up Day be printed in the Record.

There being no objection, the proclamation and joint resolution were ordered to be printed in the Record, as follows:

A Proclamation

Whereas, Vermont is presently engaged in a historical effort to preserve and protect its environment through legislation, education, citizen involvement, conservation groups and student, business, labor and industrial committees; and

Whereas, continued interest in the environment should be fostered by practical involvement of students and citizens in projects that promote ecological understanding and appreciation; and

Whereas, Vermonters are concerned about the maintenance and perpetuation of roadside beautification, marred each spring with the melting snows by the unsightly accumulation of trash and refuse; and

Whereas, awareness of this problem will be dramatically and uniquely fostered on Green Up Day, Vermont's statewide clean-up day involving a massive coordinating effort between state, civil and local agencies and the utilization of a volunteer army of thousands of citizens in every town in the State;

Now, therefore, I Deane C. Davis, Governor of the State of Vermont, do hereby proclaim May 1, 1971, as: "Green Up Day" in Vermont and urge all citizens to observe the day by volunteering two hours of their time to rid the highways of litter and to green up their neighborhoods.

Joint Resolution

Whereas, Governor Deane C. Davis has proclaimed May 1, 1971, as Green-Up Day in the State of Vermont and urged all citizens to observe the day by volunteering two hours of their time to rid the highways of litter and to green up their neighborhoods; and

Whereas, Vermont is presently engaged in an historical effort to preserve and protect its environment through legislation, education, citizen involvement, conservation groups and student business, labor and industrial committees; and

Whereas, continued interest in the environment should be fostered by practical involvement of students and citizens in projects that promote ecological understanding and appreciation; and

Whereas, Vermonters are concerned about the maintenance and perpetuation of roadside beautification, marred each spring by the unsightly accumulation of trash and refuse; and

Whereas, awareness of this problem will be dramatically and uniquely fostered on Green Up Day, now therefore be it Resolved by the Senate and House of Representatives:

That all Vermonters be urged to join forces in a massive Green-Up campaign on May 1, 1971, to remove highway litter, thereby beautifying Vermont roadsides and helping preserve and conserve Vermont's precious scenic attractiveness; and be it further

Resolved: That the Green-Up symbol, publicized so extensively during last year's campaign and instantly recognizable throughout Vermont as an anti-litter reminder, be adopted as the Official Vermont State Clean-Up insignia; and be it further

Resolved: That this Official Green-Up Symbol shall be registered with the office of the Secretary of State and that this Official Green-Up Symbol shall remain under the direct control of the Vermont State Green-Up Day Committee who, at its discretion, shall authorize the use of the symbol in conjunction wtih Vermont anti-litter programs, campaigns and other efforts at reducing the problem of litter accumulation along the Vermont highways and other scenic areas; and be it further

Resolved: That efforts be initiated to establish a Green-Up Day, Incorporated, organization comprised of representatives from wholesale beverage distributors, environmental groups, concerned citizens and others, for the purpose of carrying on a continuing anti-litter educational emphasis on educational programs for elementary and high school students as well as general programs for college students and adult citizens of the State of Vermont.

THE COURTHOUSE OF STOREY COUNTY, NEV.

Mr. BIBLE. Mr. President, the courthouse in Storey County, Nev., is perhaps unique in that the traditional figure of justice, a regal guardian of the entrance, has no blindfold. But then Storey County itself is unique. A short distance from the courthouse in Virginia City is the site of the fabulous Comstock Lode, where nearly a century ago the richest silver strike in all history made Nevada's name synonymous with fantastic riches. Virginia City became—if only for a few short years—the home of some of the giants of American history, including Mark Twain and a mining baron, Leland Stanford, who later endowed the university bearing his name.

Much of the Comstock wealth went across the Sierra Nevada Mountains to California. In fact, there is sound historical substance to the claim that Nevada silver paid for the massive rebuilding of San Francisco after the disastrous fire and earthquake of 1906.

The loss of its wealth did nothing to diminish the charm and character of Virginia City. Wisely, the citizens of Storey County have preserved a great many of the buildings and other landmarks identified with the adventurous past. Today, Virginia City is one of the West's most popular tourist attractions. Those who stroll its boardwalks may capture the excitement and vitality of an age when silver was king and vast fortunes were won or lost overnight.

My deep affection for Virginia City and the Storey County courthouse is the product of personal experience. It was there—in 1935—that I began my public career and my practice of law by accepting an appointment as the district attorney of Storey County. I have always been grateful to the citizens of that county for returning me to office in 1936, and I have only the warmest memories of my years in their service.

Mr. President, the April 1971 issue of the American Bar Association Journal features a cover story on the Storey County courthouse. Entitled "The House of Unblindfolded Justice," it was written by Mr. Russell W. McDonald, a distinguished lawyer who for years has ably served the State of Nevada as its legislative counsel. Apart from my warm friendship with Mr. McDonald, I admire him as a skilled writer who has splendidly documented the fascinating history of a western landmark.

Because I believe Mr. McDonald's article would be of interest to Members of Congress and their constituents, I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The House of Unblindfolded Justice

Storey County, geographically the smallest county in Nevada and the second smallest in population, is probably finished as a profitable mining area, but its 695 inhabitants are proud of its once famous Comstock Lode and the colorful life of the 1870s when the Big Bonanza proved to be the richest silver deposit in American mining history. Virginia City, the county seat, lies on the eastern face of Mount Davidson twenty-three miles southeast from Reno and is the site of the historic county courthouse completed in 1877, pictured on the *Journal's* cover this month, a product of that amazing era when Storey County and its citizens gloried in lavish expenditures.

The Washoe mines were discovered in June of 1859, resulting in the creation of the Territory of Nevada in 1861. The Washoe excitement caused a migration of hungry, brilliant lawyers from the Pacific Coast to the new territory, where an orgy of mining litigation was soon under way. It was said that "two evils beset the Washoeites—many ledges and many lawyers." But a third evil—an underpaid and allegedly dishonest territorial judiciary—created an arena where "chicanery won more suits than eloquence and learning, and bribery and corruption more than solid merits."

This third evil, coupled with President Lincoln's wartime demands, resulted in Nevada's statehood in 1864. In a few years the state's court calendars were cleared of the hundreds of mining title actions that had accumulated during the territorial period. After nine years of indifferent mining production and economic depression, Storey County was revived in 1873 with the discovery of the Big Bonanza, and by 1875 the Comstock had reached the apex of reckless living and extravagance.

Disaster struck Virginia City in the early morning of October 26, 1875. A fire started, allegedly in a small one-story lodginghouse kept by "Crazy Kate" Shea, and before the day was out two thirds of the city was consumed in the general conflagration. There were 8,000 homeless people, and all the principal public buildings were destroyed. The county courthouse was the first public building to go.

Seven months after the fire, the work of grading and preparing for the erection of the new building commenced in earnest, and on May 29, 1876, the Storey County Board of County Commissioners awarded a contract to Peter Burke in the sum of $68,489.55 for construction of the new courthouse. On June 12 elaborate plans and specifications for the building, prepared by San Francisco architects Keintzer & Ramm, were commented on by the *Gold Hill Daily News:*

"The building will be two stories in height, and the facade will be ornamented by a figure representing Justice, with the scales and sword that are orthodoxically supposed to belong to her. In the drawing she is represented without her eyes being blindfolded, which may be objected to by some as unconventional, but when one considers that this representative dispenser of awards and punishments will be compelled to stand out and take all the sand thrown in her eyes by the Washoe zephyrs, it will be readily conceded that her eyesight would not last long enough for her to get so much as a glimpse of the great wealth to be obtained by wickedly swaying the scales of Right and Wrong. It makes but little difference whether the blind is on or off."

By December, 1876, the new building was almost completed. The county commissioners had ordered eighty-three changes in the plans during construction. In February of 1877 Peter Burke refused to turn over the completed job until "his little bill of extras" was paid. He had possession of the only set of plans and specifications, which he refused to deliver to the architect's representative. Burke had been paid $64,869.31 as the work had progressed. He claimed $3,620.24 was due on the original contract and $38,066.42 for the extras.

Burke then made his initial mistake. On February 16 he surrendered the plans and specifications to the architect's representative, the keys to the county commissioners, accepted $13,447.66 in part payment of his claim and agreed to arbitration. The county commissioners swooped in, took possession of the building and on February 18 opened the building for public inspection. Judge Rising lost no time either. He opened his court for business the next day.

On February 28, 1877, the Nevada legislature validated all loans theretofore made by the county commissioners for the purpose of raising funds to complete and furnish the courthouse and authorized Storey County to sell $100,000 of general obligation bonds to pay all outstanding indebtedness incurred for the construction, completion and furnishing of the courthouse. The bonds were sold and contractor Burke resumed his battle for payment.

The two arbitrators selected by the architects and Burke couldn't agree on the selection of a third man. The grand jury then got in the act, stating that "Burke, the contractor, has received every cent to which he is entitled and his charges for extras are unjust". Burke made a counteroffer of settlement to the county commissioners. They informed him that when he established his rights in the courts they would act accordingly. Burke retained counsel in June of 1877 and again asked for arbitration. The county commissioners stalled by stating they would have to consult with the district attorney.

In July, by agreement, seven taxpayers and well-known prominent citizens were named as arbitrators. They had been in session ten days when the district attorney discovered a flaw in the state law authorizing the appointment of arbitrators, and this temporarily halted arbitration.

On November 6, 1877, the county commissioners met in closed meeting with the arbitrators and agreed that when Burke completed an independent contract of putting up retaining walls back of the courthouse, the courthouse question would again be opened and he would be awarded "whatever may be justly due him". On December 17 the arbitrators recommended Burke be paid a total of $95,000. Burke's attorney stated that unless some consideration were given Burke's petition for more money, suit would be brought. The county commissioners expressed a willingness to discuss the question, since by December 1 they had expended $130,169.98 for courthouse construction and improvements.

In January of 1878 the commissioners declined to take final action on Burke's claim. Nothing further would be done until the district court decided the validity of the judgment rendered by the arbitrators. On March 8, 1878, Judge Rising set aside the arbitrators' judgment and took the question of the award under advisement, and on March 23 Burke threw in the towel. He appeared before the board of county commissioners and offered to settle for $18,500. The arbitrators, in a supplemental report, recommended he be paid $16,183.02. Burke countered with and finally accepted $16,183.03. The battle was over.

By 1880 the energies and assets of the Comstock were fading. The new courthouse saw her lawyers scatter throughout the West to more prosperous mining camps and rewarding litigation. Ultimately Storey County was joined with four other counties to form one judicial district. Today two district judges serving the judicial district sit in Virginia City when occasion infrequently demands. In 1969 but forty-four actions—civil, criminal and probate—were commenced in the Storey County District Court. Yet despite all this, the courthouse represents to Storey County and its inhabitants an illustrious past and a hopeful future.

PRISONER-OF-WAR DAY IN ARIZONA

Mr. GOLDWATER. Mr. President, the plight of our American prisoners of war in Indochina is one that I am sure wrings the hearts of all good Americans. Accordingly, the Governor of my State, the Honorable Jack Williams, has issued a proclamation declaring April 28 to be Prisoner of War Day in the State of Arizona. He has asked the citizens of our State to pray at that time for the many brave Americans who are being held under barbaric and oppressive conditions in enemy camps in Southeast Asia. He further called upon the people of his State to make known to the opposing government in Indochina their request for immediate negotiations to bring about the release of these prisoners. I ask unanimous consent that the text of the Arizona POW proclamation be printed in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

PRISONER OF WAR DAY—1971

Whereas, American armed forces are combating the enemies of Freedom and Liberty and Justice on far-off battlefields; and

Whereas, many brave Americans have been taken prisoners of war in these military operations, and are being held under barbaric and oppressive conditions in enemy camps; and

Whereas, the American peoople are deeply concerned about the welfare of these prisoners and the refusal of inimical powers to negotiate for their release;

Now, therefore, I, Jack Williams, Governor of the State of Arizona, do hereby proclaim Wednesday, April 28, to be Prisoner of War Day—1971 in Arizona, and call upon all citizens to pray for these Americans and to make known that the opposing governments must agree to negotiations for their release.

In witness whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Done at the Capitol in Phoenix, this 3rd day of February, in the year of Our Lord One Thousand Nine Hundred and Seventy-one and of the Independence of the United States the One Hundred and Ninety-fifth.

JACK WILLIAMS,
Governor.

NEED FOR INTENSIVE CANCER RESEARCH

Mr. HUMPHREY. Mr. President, I invite the attention of Senators to an article entitled "Cancer Research—Only $1 Per Person," published in the Wednesday, April 14, Wall Street Journal.

This thoughtful and moving article states in clear and succinct terms the need for larger appropriations in the field of cancer research. It also underscores the imperative need for an intensive program free from the redtape and the institutional structuring which all too often accompanies programs in the field of public health. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CANCER RESEARCH—ONLY $1 PER PERSON

(By a Parent)

When the doctor told my wife and me 16 months ago that our five-year-old son, Scott, had leukemia, we were plunged into numb agony. In the preceding days, as Scott went through a series of diagnostic tests, we had begun to fear the worst—but hearing the worst was still a terrible experience. We endured constant heartache and shed many tears in the weeks that followed. Life just didn't seem worth living.

It still doesn't. But we have learned to live, after a fashion, with the knowledge that Scott will die in childhood, perhaps very soon. Out of a passion to find out all we could about the disease—before, leukemia was, to us, only a remote malady—we've also learned some other things: how widespread cancer is; how hard it hits children (no other disease kills more of them); what remarkable strides cancer researchers are making, under severe handicaps, in prolonging victims' lives and bringing a cure closer to reality—yet how much more they could do, and how surprisingly little we spend on this high-ranking national problem.

The final fiscal 1971 figure to emerge from Congress, lately accepted by the administration, provides an annual spending rate of $230 million—that's $1 per year per American, compared with $19 on foreign aid. Or, looked at another way, it's a bit less than two-thirds the $361 million the government allocates for outdoor recreation.

Dr. Solomon Garb, a respected Denver cancer researcher, said a consensus of researchers was that $300 million would represent "an austere compromise between the needs of the 40-plus million Americans now living who will get cancer and the financial stringencies imposed on health expenditures. It is by no means even close to a "full speed ahead" budget.

Others think much more than $300 million makes sense; indeed, many people probably assume that much more is already being spent. As Mrs. James W. Cox, a mother of a Fairfax, Va., boy with leukemia said, "Ask almost anyone . . . and they will say a billion or a billion and a half are being spent each year. They base their opinion on the fact that life and health are two of America's most important commodities."

Frustrated by the lack of funds for research, we joined last April with other Washington, D.C.,-area parents of children who have cancer or have died of it, in an effort to do what we could to generate more support for a vigorous cancer-research program.

We knew it was too late to save Scott. Even the most hopeful research results would take too long for that. But maybe we could help hasten the day when other lives wouldn't have to be snuffed out by cancer. Our group called the Candlelighters, pressed its case with key appropriators in Congress and with Nixon administration men, and will keep doing so. Our name was taken from the saying, "It's better to light one candle than to curse the darkness." Our goal is a coordinated nationwide assault. Even before our group was formed, similiar research-minded parent groups were active in Orlando, Fla., and San Rafael, Calif. Since then we have helped spur the creation of about a dozen new groups elsewhere. We have had inquiries from 40 cities in 16 states, and more are coming in.

MONEY AND ANSWERS

One cancer research scientist told us, "A number of important research questions are becoming answerable now. With enough money available, we could identify the people who should work on these questions, assign them to do the work and the questions would be answered."

We have tried to be hard-headed, and discount statements by researchers that seem to be simply self-serving. Our conclusion is that cancer research has been seriously crippled by a prolonged hold-down in spending. Just lately, funding has turned up, and President Nixon promises to ask Congress for $100 million more in fiscal 1972. This improvement is definitely welcome, but the research level is still pathetically low and the effects of previous cutbacks—in scraped projects and prospective scientists not being trained—are still being felt.

In the last three years spending by the government's National Cancer Institute, which funds most cancer research in the U.S., leveled off while research costs climbed. (The government pays for 80% of all cancer research in this country; the American Cancer Society funds most of the balance.) The result was that, over the three years, the amount of research that could be paid for fell by one-third. Particularly disheartening was the fact that the administration returned unspent to the Treasury nearly $10 million of a $190 million appropriation in fiscal 1970.

Because of the hold-down, the cancer institute has rejected many grant applications that it considers promising, funding only half of previously approved projects and approving just a fifth of new ones; this continued a grant decline in force since 1965. The President's fiscal 1971 budget request of $202 million (later augmented by $28 million by Congress and released for use by the administration in recent days) left a number of areas, such as chemotherapy, continuing downward.

The research cutback even touched treatment centers. In clinics like the one where Scott is examined and treated every month, drug treatment is research. Doctors must use their young patients as guinea pigs, administering drugs that have proven useful, in semi-experimental ways, as a method of developing more effective approaches. This use of new drugs coupled with better patient supportive care has extended the lives of many leukemia patients.

SOME PROGRESS MADE

In 1960, children with leukemia usually lived three months; now, 75% live two years or more on treatment with a drug combination; a few have lived over five years, and some of them are probably cured. (Overall, two of every five cancer patients now survive, against one in 10 as of 15 years ago. However, the incidence of the disease and the number of deaths continue to grow.) But contractual drug research in cancer treatment was reduced. Less than half of the drugs that held promise in institute lab tests could be evaluated in treatment programs, where laboratory research is either proven or discounted.

Funding cuts can happen because, while everybody knows about cancer, people just don't get worked up about it. We were as indifferent as anybody—until our own son was stricken. We never knew that cancer kills 325,000 Americans every year (only heart disease kills more), that one-fourth of everyone alive today will get it, that one-sixth will die of it, that only accidents kill more children; 5,000 children die of cancer annually, far more young lives than polio claimed in its peak year.

There's no way of knowing, of course, when research breakthroughs will come.

Recent talk of applying massive funding for cancer research in a moon-shot approach can be faulted for trying to adapt a space program, where technology was in hand, to medical research, where it isn't. But putting considerably more funds into several promising cancer research programs, though it's unknown which ones would pay off the most, seems eminently justified; it would let researchers better pursue many good possibilities that exist.

The prestigious National Panel of Consultants on the Conquest of Cancer, the so-called Yarborough commission, which proposed a $1 billion-per-year research program by 1976, declared, "It is a myth that we could not spend effectively on cancer very much more than is now being spent." In fact, the panel said, "Advances in the fundamental understanding of cancer in the past decade have opened up far more promising areas for major advances in cancer prevention and treatment than have ever before existed."

Some argue there's no guarantee that more money would save a specific number of lives in a certain number of years. True. But highly promising avenues are developing in chemotherapy, viruses as a cancer cause, new methods to support life while treating cancer, ways to help the body do a better job of fighting off the disease with its own immunity system, analysis of how chemicals in food and the air cause cancer so much so that pouring more money into the effort seems sensible.

ATTACK ON TWO FRONTS

Consider just two fronts in the attack. In the field of viruses as a cancer cause, promising leads are coming from work in molecular biology; that work has led to the potential of creating life in a test tube, but may also hold a key to curing or preventing cancer. NCI officials say we'll soon know if a cancer virus vaccine program should go forward, or if some different prevention method makes more sense. New methods have been devised to find cancer viruses in cancer extracts, and NCI people say they are now able to efficiently manage an expanded virus research program.

More money can be effectively used in chemotherapy, too. Success of drug use in some cancer forms opens the way for a large-scale successful chemotherapautic program against these and other forms, just as the demonstration of the curative potential of chemotherapy against a few infections in the 1930s led to a massive program and—within a few years—the majority of bacterial infections were brought under control.

In just the last few months, cancer researchers have isolated an enzyme that could be the key to virus causation of leukemia. They have been able to block its effect in the test tube with an existing drug and have laid plans to test the drug on animal leukemia, then leukemia in humans.

"With more sophisticated use of the agents we now have, and the slow but steady increase in the number of new antileukemia chemicals being discovered, there is little doubt in the minds of those expert in this field that acute leukemia will in the not too distant future be cured by chemicals alone," says Dr. Sidney Farber, professor of pathology at Harvard Medical School and former American Cancer Society president.

But capitalizing on these opportunities takes money. Researchers could be more effective, to cite just one example, if they had a large enough mouse colony to provide enough cases of spontaneous leukemia; instead, they must induce leukemia in the smaller number of mice they do have, which gives less valid results.

Government programs put more emphasis on health care costs for all disease than on research. Yet research has its payoff in health care, too. Direct cancer costs—medicine, doctors and the like—are estimated at $1.5 billion a year, and earnings loss and other expenses are probably near 10 times that. NCI studies show that, despite climbing drug, doctor and hospital costs, the total expenses of treating a leukemic child has fallen to under $5,000 from about $10,000 eight years ago. This is because better treatment methods—resulting from research—have reduced the typical hospital stay to 15 days from 77 days.

If we must wait for assurance that each new research dollar will have "X" number of lives, the problem will never be licked. Cures and vaccines for infectious diseases in the past were developed because the effort seemed worthwhile—witness the national war on polio—not because any certified proof of results was available in advance.

DEPRESSING DEVELOPMENTS IN CHILE

Mr. ALLOTT. Mr. President, Barron's magazine of April 19 published a most informative and cogent editorial on the depressing developments in Chile.

The editorial makes clear that Chile's pretense of fairness in dealing with foreign investors is—a pretense. It makes clear that Chile's economic policies are very detrimental to the interests of all foreign investors, especially those from whom Chile is currently stealing property, and that everything we have learned about economic theory and practice tells us that Chile's economic policies will be detrimental to the long-term interests of Chile.

So that all Senators can consider this interesting editorial, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Barron's, April 19, 1971]

POINT OF NO RETURN—ALLENDE'S CHILE, LIKE CASTRO'S CUBA, HAS PASSED IT

Contractor Magazine, in its current issue, tells what happened to Nibco Inc., a company in Elkhart, Ind., that wanted to do business with an "underdeveloped" country. Nibco is a manufacturer of valves and fittings; through the good offices of the Alliance for Progress, it launched a joint venture with a Chilean firm to build an ultramodern brass foundry in Santiago. With half a million Nibco dollars behind it, Nibsa, as the subsidiary was called, was an immediate success. However, last fall, after the election of Dr. Salvador Allende Gossens as president of Chile, orders began to plunge. David Hyams, general manager, reported to the home office that within a month the firm woulld be insolvent. Told to salvage what he could, Mr. Hyams sought to lay off some of the plant's 270 workers, but was refused permission by the union. The sole alternative offered was a loan from Corfo, a government corporation, which would have led to control of the firm. Instead, Mr. Hyams shut down the plant. Ten days later, the government forcibly seized it, ousted Mr. Hyams and filed criminal charges against him.

Most companies with holdings in Chile—U.S. investment there totals $850 million—these days have little or nothing to say. Not so Lee Martin, president of Nibco, who has appealed to the State Department for help in protecting his interests and keeping Mr. Hyams out of jail. "It is our firm conviction," writes Mr. Martin, "that this is an outright expropriation of our investment by the Chilean Government." What really galls Mr. Martin, though, is the sympathetic attitude of official Washington toward the new Chilean regime. Noting that the U.S. Export-Import Bank is considering a loan to Santiago for the purchase of railroad equipment, Mr. Martin declares: "I am unable to understand how the United States can justify a subsidy to a government which, by its political philosophies and actions, by seizing and dissipating the local assets of foreign-based businessmen . . . proves so obviously that it abhors democratic processes."

Allende apologists in this country, of course, tend to shrug off such criticism. Thus, the ranking foreign correspondent of a New York newspaper (which helped convinced the U.S. that Fidel Castro was just an agrarian reformer) recently wrote from Santiago: "Allende's contribution is the ballot-box revolution, which so far has worked with surprising success." Secretary of State Rogers is attending a meeting of the Organization of American States in Costa Rica, along with Chilean Foreign Minister Clodomiro Almeyda; much is heard from delegates of the Andean countries, who have set a 15-year deadline for the nationalization of all U.S. interests within their borders. Washington, meanwhile, still seems under the influence of a Chilean mission which came through a few weeks ago to argue that any aid cutoff would constitute U.S. economic aggression.

Besides possible Eximbank credits, the World Bank currently has a loan mission in Chile, appraising an agricultural project. Loans by the World Bank are not directly under the control of the U.S., but much of its capital comes from the U.S. Treasury, and Washington surely could influence the decision. In addition, the U.S. currently is giving Chile some $6-$7 million under the Food for Peace program, while the Pentagon is making the new Socialist regime an outright gift of $803,000 for training young officers. Chile still enjoys most-favored-nation treatment. Finally, there is the Inter-American Development Bank, which, under its former president, Sr. Felipe Herrera, funneled a disproportionate share of loans into Chile. (When Sr. Allende became president, Sr. Herrera resigned to return to his homeland and "participate in the revolution.") The new IDB president, Antonio Ortiz Mena of Mexico, presumably has a more detached viewpoint; nevertheless, Chile, as a stockholder of the bank, claims a call on its resources.

Such activity seems to fly in the face of a spate of existing legislation, which, under any sensible interpretation, would appear to bar U.S. aid to Chile. Food for Peace shipments are banned to countries under Communist domination. The Foreign Assistance Act prohibits assistance to any country engaged in trade with Cuba or North Vietnam (both now maintain trade missions in Santiago). The Hickenlooper amendment bars aid to countries that expropriate American property without "adequate" compensation. On the latter score, the evidence in Chile is compelling. For Nibsa is neither the only, nor the largest, Yanqui property to be seized since the advent of Dr. Allende's regime, which makes no bones about its Marxist philosophy. Alimentos Purina, a subsidiary of Ralston Purina, was taken over in similar fashion.

The take over of Bethlehem Steel's iron mines, while perhaps not quite so bare-faced, was tantamount to expropriation. The company was persuaded to sell out ("We had no other choice," said a Bessie spokesman) for $20 million, including contracts to supply ore to Japanese steel mills. The price, which the company hopes will be adjusted upward in later negotiations, is roughly equal to what it poured into recent expansion. Nothing was allowed for older facilities, or for the mineral-bearing acreage which company geologists staked out. And the Bethelehem "settlement" probably is a reliable gauge of what U.S. copper companies can expect when Dr. Allende gets around to compensation for their $700 million in properties which are to be "nationalized" under pending legislation. Santiago plans to deduct from its own appraisal of such investments sums equal to the "excess profits" earned by the companies during the last 15 years they were operating in Chile. On that basis, Anaconda, Cerro and Kennecott could wind up owing the government money.

With the best will in the world, the U.S. could do little or nothing to help Chile avoid disaster. For Dr. Allende, like Fidel Castro, is fast leading his country to bankruptcy and ruin. Chilean monetary reserves are falling at the rate of over $30 million a month, down from $465 million last September to $345.3 million at the end of January. The escudo, pegged at 14.3 to the dollar, trades at 35 on the black market. With $560 million of debt maturing this year and next, insolvency is just around the corner. Threats of nationalization have brought investment in Chilean industry to a halt, particularly in the copper mines, and output is running about 9% below last year. Dr. Allende is a physician, but his prescriptions for what ails the Chilean economy are more likely to kill than to cure. To combat inflation, he simply froze prices; then, in order to stimulate demand, he decreed wage increases of 65% in private enterprise and up to 60% in the public sector.

With less and less to buy with their new-found wealth, workers have little time for their jobs; absenteeism in the port of Valparaiso averages 25% except on Monday mornings, when it runs to 40%. No matter, it's illegal to fire anyone. The president has called for extra hours of voluntary work by copper miners, saying, "Each pound of copper that is produced will help prevent the economic disaster into which they (sic) are trying to drag us." Yet, mine output in January was down 8,000 tons from a year ago. In the countryside Indians and farm workers have taken "land reform" into their own hands through armed occupation of large estates. Farmers, expecting confiscation, are sending out of the country money they otherwise would spend on seed and fertilizer. Herds of dairy and beef cattle are being slaughtered, and food shortages loom.

In a recent interview with a Time correspondent, Dr. Allende warned: "Don't put up roadblocks for us. The worst thing would be if we were to fail, not because we are inept, but because artificial roadblocks are put in our way." Fair enough. Chile is plunging hell-bent down the road to poverty and serfdom. Let the U.S. keep hands off.

POW DAY IN INDIANA

Mr. BAYH. Mr. President, we have long been concerned for the safety and prompt release of American prisoners of war. Until the President designates a specific date for withdrawal from Vietnam, the action that would most help these prisoners we must do all we can to focus attention on the plight of POWs, in order to press for their fair treatment.

I have sought to give the problem proper emphasis by speaking out repeatedly on this subject, and I am a cosponsor of Senate Concurrent Resolution 5, a resolution which would create a joint committee to investigate the treatment of POW's in Vietnam.

Today, I wish to share with the Senate a proclamation by the State of Indiana to declare April 28 POW Day in Indiana. I hope this continued concern will bring comfort to both servicemen and their families.

I ask unanimous consent that the proclamation by printed in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

PROCLAMATION

Whereas, nearly 1,600 members of the Armed Forces of the United States are officially listed either as missing in action or as prisoners-of-war in Southeast Asia; and

Whereas, these men have suffered and continue to suffer pain, imprisonment, deprivation of their rights, prolonged separation from their loved ones, and the peculiar mental and physical anguish which is the unique lot of the prisoner-of-war; and

Whereas, their wives, children, parents and other relatives in the United States suffer with them the agony of separation and of loneliness; and

Whereas, these men have carried out, and continue to carry out their duties to their country in accordance with their principles and pursuant to directions of the American people whom they are defending; and

Whereas, it is entirely just and in accord with humanitarian instincts that we, the American people, remember these men, cherish their contributions to our security, and pray for their safety and their speedy return to their homes and families;

Now, therefore, I, Edgar D. Whitcomb, Governor of the State of Indiana, do hereby proclaim Wednesday, April 28, 1971, as "Prisoner of War Day" in Indiana, and I urge all citizens to show their respect and concern for these servicemen and to join me in praying for their release.

NEED FOR IMMEDIATE PROGRESS ON CONSTRUCTION OF NATIONAL AIR AND SPACE MUSEUM

Mr. GOLDWATER. Mr. President, on Wednesday of last week, it was my great pleasure to appear before the House Appropriations Subcommittee presided over by a gracious, industrious Representative, Mrs. JULIA HANSEN. She was very kind to set aside some time for me to present a few thoughts in support of the pressing need for increased funds at the National Air and Space Museum and the National Museum of Natural History, which are two of the most important components of the Smithsonian Institution.

Mr. President, this Nation has for too long been negligent in providing for a decent and dignified place in which to display its great technological advances in the field of flight, which includes both manned air flight and space explorations. One recent development serves well to illustrate the deplorable delay in embarking upon this project. Only a week ago, I received word from the estate of Orville Wright, which informed me that it has been waiting for 23 years now for the construction of a new U.S. National Museum for Air and Space Exhibits. In my testimony before Mrs. Hansen's subcommittee, I revealed the fact that the Wright estate had only agreed to bring back the Wright brothers' 1903 "Kitty Hawk" plane from its long exile of honor in England in the expectation and upon the firm promise that it would be placed in a second-to-none U.S. air museum. And yet, Mr. Harold Miller, who is coexecutor of the Orville Wright estate felt compelled to write to me:

> It is now 23 years later. The plane is exactly where it was on December 17, 1948, and it is far worse, not better, off than it was when it came here from its 20 years abroad.

Mr. President, it is high time we, the American people, lived up to the promise given to the memory of Orville and Wilbur Wright. To this end, I went before both the Senate and House Appropriations Committees handling Smithsonian funds and made the strongest plea I knew how on behalf of this important project. It is encouraging to me that Dr. Ripley, who is secretary of the Smithsonian, is displaying a new and encouraging attitude toward construction of the building; and in fact, he has now set a firm deadline of July 4, 1976, which is the 200th anniversary of American independence, as the date for opening the new air and space structure.

Also, Mr. President, I made an appeal for increased funds at the museum of natural history which has been encountering difficult budgetary problems of its own in recent years at the same time that its workload has doubled, and I hope the Congress will show an alert interest in the needs of this museum as well. Mr. President, because this is a matter of interest ot all of the American people, I ask unanimous consent that the complete text of my remarks delivered before the House subcommittee be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SCIENCE BOOST NEEDED AT THE SMITHSONIAN

(Statement by Senator BARRY GOLDWATER)

Madam Chairman, it is my purpose today to ask that the Committee support the full appropriations sought by the National Air and Space Museum and the National Museum of Natural History.

Madam Chairman, last year when a House Subcommittee conducted a sweeping investigation of the Smithsonian, I presented documented evidence establishing a serious decline in support for these two museums. My testimony pointed to the strange fact that while the total Federal budget for the Institution had doubled within six years and the number of full-time employees had jumped by more than 700 positions, and while the Smithsonian had plunged into the creation of entire new units, such as the Cooper-Hewitt Museum, the Archives of American Art, the Office of Academic Programs, and a Division of Performing Arts, the National Air and Space Museum and the Museum of Natural History were slipping downhill in the degree of support they received from the Institution.

For example, at the end of the 1970 fiscal year, the museum of flight had only 31 employees, yet Congress had appropriated funds for 41. At the same time, the Museum of Natural History had 103 scientists supported by 87 technicians. Yet three years earlier the Museum had 111 scientists and 90 technicians.

The Air and Space Museum did not have a director for 18 months; while over at the Museum of Natural History, the Department of Vertebrate Zoology could not even offer its scientists a research allotment equal to that provided to graduate students.

Though I do not intend to rekindle these old coals today, I do feel it is essential the requested increases for these museums should be viewed against the backdrop of years of inadequate support. For the one essential ingredient of their reconstruction program is the willingness of Congress to appropriate the full added monies which these museums have sought.

Madame Chairman, the top priority item in the National Air and Space Museum budget is the $1.9 million earmarked for planning and redesign of a new museum building. This request is combined with a firm deadline of July 4, 1976, which the Smithsonian has selected for opening the new structure.

Unfortunately, the building project has been on dead center for five years now. The authorization statute itself does not contain any limitation. Nor did the House of Representatives offer any reservations. The only legislative hang-up is found in a single sentence inserted in the Senate Committee report on the 1966 authorization law.

That sentence simply reads: "The Committee expressly recommends . . . that appropriations should not be requested pursuant to H.R. 6125 unless and until there is a substantial reduction in our military expenditures in Vietnam."

Madame Chairman, in my opinion, this language is no longer binding. Certainly it has no effect at all on any action which the House might take. Also, I feel it has been superseded by intervening events. For one thing, it was written before the first manned lunar landing, which did so much to excite public interest in America's space exploits. For another, Congress did not add any similar restriction when it approved $2.9 million for renovating the Smithsonian's Renwick Gallery. Or when it provided $2.6 million for refurbishing the original Smithsonian building.

Nor did Congress impose any tie between Vietnam and the $7 million it appropriated for restoration work on the National Portrait Gallery or the $15 million it is laying out for construction of the Hirshhorn Museum.

Why the National Air and Space Museum should be singled out from all other Smithsonian projects and told its construction must be deferred is beyond me. In any event, the Senate Committee on Rules and Administration has recently announced it does not obect to the Smithsonian's request for redesign funds, so we will not run into any jurisdictional conflict at this time.

Which brings me to the fundamental question of why a national museum of flight is needed in America. One purpose, of course is to tell the story of America's achievements in flight. Furthermore, with our nation expanded almost to the limits of its explorable land, the story of space pioneering displayed at the Air and Space Museum might be an excellent means for recharging our national energies.

The need for a central museum of air and space objects has never been in doubt among our friends overseas. Britain has an outstanding aerospace display on an entire floor of its London Science Museum. In addition, a new RAF Museum building is nearly completed. Also, the Deutche Museum in Munich contains a huge hall devoted to air and space displays nearly as extensive as our own. For their part, the French have on show in Paris six to ten times as many original aircraft and flight objects as we do. Italy is installing a major Air and Astro Museum at Turin. Even small Switzerland is developing an impressive Museum of Transportation at Lucerne, which can compete on close terms with what the United States now presents in the air and space field.

An American citizen returning from a tour of these museums, situated in nations one-fourth the size of our own, might easily feel a sense of embarrassment at how his country compares. Why our nation does not even have a permanent home for its collections. We have a small tin hangar in which aviation exhibits have been shown since 1919 and some temporary space in the 90-year old Arts and Industries Building, and that is it.

Madame Chairman, I have just received in the mail a most poignant request for construction of a distinctive flight museum. On April 13, I heard from Mr. Harold Miller, who is co-executor of the Orville Wright Estate. Mr. Miller relates that the Estate only agreed to return the Wright brother's 1903 Kitty Hawk plane from its long exile of honor in England "*in the confident* expectation that there would be a second-to-none U.S. Air Museum in which it would be the premier Exhibit, displayed in a setting appropriate to its unique character and merit like the crown jewels."

Mr. Miller adds: "It is now 23 years later. The plane is exactly where it was on December 17, 1948, and it is far worse, not better, off than it was when it came here from its 20 years abroad."

Madam Chairman, I think it is high time the American people lived up to their promise to the memory of Orville and Wilbur Wright. I believe we, as representatives of all citizens, should immediately initiate some progress toward the erection of a dignified museum worthy of this country's pioneering genius in manned flight.

And for reasons of plain dollars and cents, it looks as if the only way this project can get off the ground is by going the route of a redesign. Because from a cost of $40 million when the building was first authorized in 1966, I am told the expense would now exceed $70 million.

Madame Chairman, as you may know, the original architect, Gyo Obata, claims it is feasible to develop a proper museum at a lower cost. In fact, he has estimated the rough dimensions which such a scaled-down building might have.

Madame Chairman, you may be interested to know the length could be nearly the same, 730 to 760 feet compared with the original 784. The height will stay near 97 feet, which is important because this would preserve the opportunity for installing some full-sized rockets or rocket sections inside the building. Most of the reduced scale would come out of the width. The new building might be 160 to 190 feet wide compared with 250 feet for the original plan.

While this would mean the floor area would be cut in half, I am told the actual exhibition space would be reduced by less than one-fifth, leaving 254,000 square feet for this prime purpose. This is more than three times greater than the maximum area which could be used for exhibits in the two buildings which presently house flight displays. And assuming the ground might be broken by sometime in calendar year 1972, construction itself could be held at a cost below $40 million.

Therefore, from what I have learned, the revised plan retains so much of the original form at a lowered cost, I believe it deserves our support.

My only reservation concerns whether it is necessary to obtain reapproval of the building from all the planning and art and traffic commissions which have a hand in Federal construction. But if these bureaucratic avenues should threaten to stifle the project in a web of red tape, I know Congress could shortcut this route by enacting overriding legislation or even by returning to the original, approved design.

Incidentally, I notice the Smithsonian is confronted with exactly this problem in regard to its proposal for changing the location of the Hirshhorn sculpture garden. According to the Washington Star, the National Capital Planning Commission ordered the revised version to go back for more study and one member of the Commission even appeared ready to reopen the whole issue of whether the museum should have a separate sculpture garden at all. With this warning in mind, I hope the Smithsonian will have its ducks in a better row when it undertakes a redesign of the Air and Space project.

Next, Madame Chairman, I would like to say a few words about the museum's request for additional operating funds. The museum has requested an increase of $105,000 for carrying out its operations in 1972, and I can confirm this amount is honestly required. In fact, even if the full amount of staff and program funds are appropriated, the museum will receive less than 1.7% of the overall Smithsonian budget for salaries and expenses. For a museum that draws one-third of the Smithsonian's visitors—4½ million persons—this allotment is not at all proportionate to the unit's proven importance. Accordingly, it is my sincere hope the Committee will not cut one penny out of its already miniscule allotment.

Madame Chairman, I would like to turn my attention now to the Museum of Natural History. From the early years, when the first Secretary of the Smithsonian, Joseph Henry, made pioneering discoveries in science, the Institution has generally held pure scientific research in high regard. During the mid-1960's, however, the course of the Smithsonian's priorities began to shift. As Paul Oehser writes in his recent history of the Institution: "Today, in contrast, the humanities are demanding an increasing role in Smithsonian programs . . ."

It is during this period that the Museum of Natural History began to fall back. Doctor Richard Cowan, director of the museum, has documented this problem publicly at the House investigation hearings last summer.

Dr. Cowan testified that the lack of adequate technical assistance for his scientists results in an almost "criminal mismanagement of human resources" because highly trained scientists are required to waste their time doing routine chores.

He also confided that the employment picture at the museum is worse than it was several years ago. Dr. Cowan charged: "The available pairs of hands, both professional and supportive, are fewer now than four years ago." His statement was backed by a specific example of the cannibalism which ate away one-third of the staff of the Department of Vertebrate Zoology at the same time its workload was soaring.

In addition, Dr. Cowan exposed the severe and sudden drain on his museum's budget caused by an unusual shift in Smithsonian policies which makes the museum purchase items that formerly had been provided to it without cost from the Institution's Supply Division. As strange as it seems, the museum must now purchase such basic things as storage bottles and cases and some 400 other items which are essential for its operation and were formerly supplied free to it. Why the museum must even purchase many of its own reference books because the Smithsonian Library will not supply them. I might add, Madam Chairman, that given this odd situation, the Institution's decision to request an increase of far more money for personnel than it did for books at its Library is extremely curious.

Madam Chairman, I can reveal today there is another cost which will be unexpectedly dropped on the museum's hard-pressed budget. From now on the museum must not only pay for supplies and materials used in work performed for it by the Smithsonian's Building Management Department, but also for the costs of labor! It should be noted, Madam Chairman, that the Buildings Management Department possesses its own separate budget of more than $9 million. Nevertheless this one arm of the Smithsonian will begin charging all other Smithsonian components for basic work done for them, such as converting office space into laboratory space, moving a desk, or installing a bookcase.

Madame Chairman, the situation has become so bad I must report today that the change in supply and service practices instituted by the Smithsonian management has cut non-salary operating funds at the Museum of Natural History by up to a quarter of a million dollars. The loss of funds formerly charged to the Buildings Management Department alone is about $100,000.

Accordingly, Madame Chairman, I hope you will look at the requested increases in the budget of Natural History not only from the perspective of the need for correcting several years of decline, but also with the realization the museum has been loaded down by sudden and unexpected expenses for which it has been given no additional funds.

Madame Chairman, this completes my comments on the Smithsonian's Federal budget. The only advice I might add is the suggestion the Committee may wish to request a full disclosure from the Smithsonian on its private financing. It is my understanding the pool of private investments, gifts, and grants now returns about $18 million annually; and it seems fair to inquire whether this sum is being spent wisely so as to keep Federal expenditures at a minimum. For example, is the Smithsonian getting a sensible return on its holdings of over $32 million in stocks, bonds, and endowment funds? Could more privately funded employees be engaged at units which seriously need them, such as the Air and Space and Natural History Museums? Is it proper for the Institution to embark upon money losing projects, such as the museum shops and "Smithsonian Magazine" were in 1970, thereby leaving a gap to be filled by Federal appropriations in other areas which could have been financed by the Smithsonian itself?

Madame Chairman, this type of information was given to the House investigating subcommittee last summer, and I think it would be helpful if you might institute the practice on a regular basis.

This concludes my statement.

ARCHIBALD MacLEISH AT 79

Mr. CHURCH. Mr. President, Archibald MacLeish will soon be 79. Few Americans have contributed as much to their country over so long a period as Archibald MacLeish. His contributions have been diverse, for Mr. MacLeish has excelled as poet, professor, and public servant. He has won three Pulitzer Prizes—the first in 1932 and the most recent in 1959—and now he has a new play which just recently opened. The play is "Scratch," whose main character is Daniel Webster. Mr. MacLeish has been a member of the faculties of Princeton University, Cambridge University in England, and Harvard University. In formal public positions he served as the Librarian of Congress and Assistant Secretary of State for Cultural Affairs and Public Relations, among other posts. In short, Mr. President, the arts, the universities, and the general public have all been enriched by his active life.

Mr. President, an article written by Gregory Mcdonald, and published recently in the Boston Globe, recounts the author's recent interview with Archibald MacLeish. This is an excellent article, and I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Boston Globe, April 4, 1971]

MACLEISH: HE SURVIVES MAGNIFICENTLY

(By Gregory Mcdonald)

"There are two axioms," Archibald MacLeish was saying. "The first is that a teenager has no way of proving, of guaranteeing that he is a poet at that time of his life, even though he is most intensely interested in poetry at that time of life. The second is that pursuing the art of poetry is not the way of eating or sleeping or putting a roof over the head.

"A poet has to do something else.

"He has to find a means of surviving while keeping himself alive in the world of passion and commitment."

MacLeish, whose prose play "Scratch," with Daniel Webster as the central figure, opens Wednesday at the Colonial Theater, will be 79 next month. He is a magnificent survivor.

He played football at Yale. ("Those were during the 'Blue Sweater days.' Yale was not a very cultural institution.") Although he never practiced law, he was on the Harvard Law Review. ("Law is the greatest indoor game in the world.")

For five years he was an editor of Fortune. ("That was during the Depression. For five years there, before Fortune became a Big Business magazine, it was a real good real magazine.")

In 1938, MacLeish was Lecturer in Creative Writing at Princeton. He was then the first curator of the Nieman Foundation in Journalism at Harvard. In 1942, he was the Rede Lecturer at Cambridge University, England.

In 1939, he was the Librarian of Congress; 1941, director of the Office of Facts and Figures; 1942-3, assistant director of the Office of War Information; from 1944 to war's end, assistant Secretary of State for Cultural Affairs and Public Relations. MacLeish was one of those who drew up the original charter for UNESCO.

In 1949, he became the Boylston Professor of Rhetoric and Oratory at Harvard, a chair he kept for 12 years. The chair was first held by John Quincy Adams and, subsequently, by Charles Townsend Copely and Theodore Spencer.

Archibald MacLeish has won three Pulitzer Prizes ("Conquistador," 1932; "Collected Poems," 1953; "J.B.," 1959.)

"If you're lenient with me," he noted, "you can see how all these things led to each other."

We were talking in a quiet room at the Ritz Carleton, he sideways in a moveable chair, chin in his hands, staring out into the Public Garden as we spoke, a ruddy man in black tie and slacks, gray sweater, brand new black shoes (suddenly he took one off, with the comment, "Excuse me. The tongue of these shoes decided to bite me,") with the price still on the bottom.

For years he has been living almost entirely at his greystone, 200-acre "Uphill Farm" in Conway, Mass. After leaving Harvard ("Howard Mumford Jones and I were fired for senility the same day") he succeeded Robert Frost as Simpson Lecturer in Literature at Amherst College. He has a winter home in Antigua.

"As a young man, I was determined not to go into a business tunnel out of which one came, predictably, 40 years later.

"You have to be willing to quit," he advised.

As a present I had brought him a copy of "The Battle Hymm of Lt. Calley," (three copies of which I had received the day Calley was found guilty) as a shocking example of current American rhetoric.

He said, "In the Nuremburg Trials we set ourselves up—and being a member of that generation, I think rightly—to judge the morals of a war. But the problem that bothered us is Where is the moral base?

"If you start with the assumption, with the morality of necessity which makes a war, how do you make judgements internally? World War Two was moral; World War One, my war, was certainly not moral. What is the moral base?

"We are in a war which the majority of American people apparently find immoral. So where is the moral base?

"We are made, in the Calley case, to find a moral base. But where do we find the moral base?"

Talking then about his 1936 radio verse play, "Fall of the City," he used normally a phrase I found extraordinary: "Pretentious powers that turn out to be empty helmets."

At a speech Daniel Webster was giving at Bunker Hill, MacLeish told me, people were pressing hard towards the front. Women and children were in danger of being trampled. The marshals were straining to keep them back.

After watching a moment, Webster announced: "If the marshals will be still, the people will be still!"

We were talking Thursday afternoon. Producer Stuart Ostrow had just left the room, slightly ahead of his cigar smoke. The window was open. On the writing desk was a pot of "the finest pencils in the world," the Blackwing 602. MacLeish was full of his play, "as it is everything I want to say about the world now.

"In this play, we start out with some words from Steve Benet: Neighbor, how stands the union?

"That is still the question.

"You see, in the summer of 1850, the country was nearer to civil war than it ever was 10 years later when it actually broke out.

"His man, Petersen, shares with Webster a companionship that only happens in New England. No gilly in Scotland would answer back his employer, argue with him, as your man will in New England.

"Webster believed in the union above all else. He was in political trouble for it. Emerson wrote a couplet, unpublished except in a newspaper, which went, 'Why did all manly gifts in Webster fail?) He wrote on Nature's gradest brow For Sale.'

"Over breakfast, Petersen argues with Webster, and Webster says, 'What's human liberty without a country?" And Peterson, just like the wids today, answers, 'Or a country without human liberty?'

"The question is still, Neighbor, how stands the union?

"How stands the union," Archibald MacLeish repeated, "seems to be the question—as long as this very useful youthful intellectual turmoil goes on."

NEWS AND EDITORIAL JUDGMENT OF THE NEW YORK TIMES

Mr. ALLOTT. Mr. President, in the unlikely event that the editors of the New York Times are wondering why their newspaper's reputation is suffering, they might want to ponder the following fact.

Last Wednesday, in a speech delivered in New York City to the American Newspaper Publisher's Association, Defense Secretary Melvin Laird revealed that we are now in possession of new evidence which confirms reports that the Soviet Union is launching new and extensive and very ominous ICBM programs.

This is sad and alarming news. It is important news. Appropriately, this story was the lead story on page one of the Thursday morning Washington Post. But the Thursday morning edition of the New York Times did not reflect the importance of the Secretary's report.

Extremely careful readers of the Times would have found that, on page 35, there is reference to the Secretary's speech. It is buried deep in story. The story itself is on a speech by Mr. Louis Harris, who was reporting that some sort of new coalition may be forming in American politics. In the judgment of the Times Mr. Harris' speculation on coalitions are more important than the fact that the Soviet Union may be launching a new and highly dangerous round in the arms race.

Mr. President, obviously the Times editors have a perfect right to indulge whatever is passing for editorial judgment on the newspaper these days. But one cannot help notice how this editorial judgment—concerning news will help advance a particular editorial policy.

Nothing is more certain in this world than the fact that the Times has a vested editorial interest in distracting the public from the realities of Soviet power and the ominous nature of Soviet intentions. Various of the Times editorial positions might almost seem plausible if only we could believe that the Soviet threat is small and diminishing. That is why the Times editors must find it very inconvenient when the Secretary of Defense makes a report such as the one he made last Wednesday. And it seems that the policy of the Times editors is to suppress news which casts doubt on the wisdom of the editorial policy.

Before long, the Times editorial page will be full of sonorous sermons on why we do not need an ABM system. Perhaps the Times editorial writers have come to the conclusion that the only way to make the Times editorial policies seem sensible to the readers is to shield the readers from all relevant news.

Mr. President, just in case any Senators still rely on the New York Times for news coverage, I ask unanimous consent that Mr. Laird's speech be printed in the RECORD.

In addition, Mr. President, for the purposes of comparison, I ask unanimous consent to have printed in the RECORD the Washington Post's page one story and the New York Times page 35 story.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

BEYOND VIETNAM

(Address by the Honorable Melvin R. Laird)

I am particularly pleased to have this opportunity to meet with the American Newspaper Publishers Association and to discuss with its members the serious national security problems we face.

This is, in my view, a particularly timely meeting. I would not want to miss this chance to comment briefly on a matter which is of great mutual concern to the ANPA and to the Department and your profession.

As we look beyond Vietnam to the challenges of the years ahead, rarely before in our history have we needed a closer understanding among those who believe in a strong free press.

A strong, free country and a strong, free press go hand-in-hand. You and I share an obligation—and a unique opportunity—to preserve and strengthen both of those great national imperatives.

What we need is not to shout at one another. Rather, we need to sit down and talk over together the problems of national security news coverage which have arisen in the past decade or so. It is time for improved professional contacts—contacts that candidly recognize past mistakes and seek future understanding.

I welcome the opportunity, as you are giving me here today, to discuss openly with you some of our crucial national security problems. The President's goal of a generation of peace through partnership, strength and meaningful negotiations is a worthy goal. Our national security programs are linked to that goal.

In this month of April, 1971, I am able to report that U.S. objectives in Vietnam are rapidly being achieved and that U.S. military involvement in the war in Southeast Asia is coming to an end.

Successful negotiations in Paris remains the quickest way to resolve the Southeast Asia conflict. But Vietnamization is consistent with the goal of self-determination, should Paris continue to produce no meaningful results. Vietnamization will bring about termination of American involvement upon resolution of the Prisoner of War issue. In my judgment, Vietnamization will continue to succeed. The problems that do remain are not going to thwart the policy of United States withdrawal as announced by our Commander-in-Chief.

Now the time has come for the American people to think about America's role in promoting peace and security after Vietnam.

In 1969, when the Nixon Administration assumed office, it seemed to me that we had to shift public debate and discussion from "Why Vietnam" to "Why Vietnamization." It seemed to me profitless to continue an argument about decisions made in earlier years that had committed American forces to combat in South Vietnam. What we needed to do at that time was shift the focus from what led to increasing levels of American troops in Vietnam to what was needed and what we were doing to reduce American troop levels and terminate our involvement.

It is time now to shift the debate from "Why Vietnamization" to "Beyond Vietnam." It is time to discuss the Strategy of Realistic Deterrence which we have formulated to help achieve the goal of a generation of peace.

The changed conditions in the world today and the demands of world realities called for a new foreign policy, a new national security strategy and a different approach and attitude toward American involvement in the affairs of the world.

The President has proved the new foreign policy and the new approach that emphasize realistic involvement and vigorous negotiation which maintaining adequate strength. And we have formulated a new defense strategy that supports the foreign policy goal and approach of the Nixon Administration.

In the 1950's, you will recall, we had a defense strategy that was widely described as a strategy of massive retaliation. It was a credible or realistic strategy for the decade because we had an overwhelming strategic nuclear superiority.

In the 1960's, massive retaliation gave way to a strategy that became known as assured destruction and flexible response. This also was realistic from the standpoint of deterring nuclear war. In the early sixties, for example, President Kennedy was able to take the stand he did in the Cuban missile crisis to a large extent because we still maintained a four or five to one nuclear superiority. Unfortunately, however, the strategy of flexible response did not prevent us from becoming involved in the longest conflict in our history.

And that is precisely the challenge of the 1970's. We need a strategy for the 1970's that can effectively deter not only nuclear war but all levels of armed conflict. It was that need coupled with an awareness of the realities we face that led to the adoption of what we call the Strategy of Realistic Deterrence.

We call it realistic because it is designed to take account of the major realities facing America and the rest of the world in these difficult times. It recognizes that there cannot be any instant solutions to the problems that simultaneously confront us. And it underscores the fact that the United States by itself cannot provide realistic deterrence on a global scale.

The four basic realities which led to the new strategy are: a strategic reality; a fiscal reality; a manpower reality, and a political reality.

The strategic reality includes most notably the tremendous growth in Soviet military strength from a position of clear inferiority in the early 1960's to near parity today. It also includes an emerging nuclear capability on the part of the Peoples Republic of China.

The fiscal reality involves not only the heavy pressure in Congress for reduced defense spending but the upward pressures of inflation on the cost of everything we need to buy to maintain adequate military forces.

The manpower reality is not yet fully understood. People constitute the single biggest cost in the defense budget. Pay and related costs in FY 1972 will claim some 52 per cent of the total defense budget based on the pay increases we have recommended. It will cost us almost $18 billion more than it did in 1964 for 133,000 fewer people. And in the next year or two, manpower costs will be claiming close to 60¢ out of every defense dollar as contrasted to the 43¢ it claimed from the 1964 defense dollar.

The political reality severely complicates the other three:

—whether you look at it from the standpoint of the political and psychological effects of Soviet policy and growing presence around the world, such as in the Mediterranean and the Middle East;

—whether you look at it from the standpoint of political pressures from our allies to maintain forward deployed U.S. forces;

—whether you look at it from the standpoint of Congressional pressures to reduce those forces; or

—whether you look at it from the standpoint of gaining broad political support here at home for doing all the things we have to do to assure our national security interests while continuing to reorder our national priorities.

The most pressing reality remains the strategic reality. The most essential requirement in terms of national survival remains assuring the adequacy of our strategic deterrent.

One year ago yesterday, I spoke to the Annual Luncheon of the Associated Press here in this room. The thrust of my remarks was the deep concern I felt that by the mid-1970's the United States could find itself in a second-rate strategic position.

I regret to report today that nothing has happened in the intervening twelve months to lessen that concern. Quite the opposite is true.

In December and January, it began to look as if the Soviet Union was slowing its rapid rate of ICBM deployments after having reached a level of land-based ICBM's that gave them approximately 400 more than the 1054 possessed by the United States. The situation began to change in February and March, as we reported publicly. More recent evidence confirms the sobering fact that the Soviet Union is involved in a new—and apparently extensive—ICBM construction program. This new ICBM construction effort, coupled with additional momentum in the strategic defensive area—all clearly planned months ago—must be of major concern. Moreover, while we have an advantage in submarine-based missiles today the USSR is rapidly closing that gap with an energetic construction program that continues.

Last year, I indicated that we could postpone some hard decisions in the FY 1971 transitional budget to give SALT every chance of success. We were forced to face some of those decisions in the FY 1972 budget on which I reported to Congress last month. We felt, in the light of the continuing Soviet momentum, as it was assessed late last year, that prudence dictated accelerated development of a new strategic bomber, the B–1, and a new underseas-launched strategic missile system, the ULMS. We are proceeding at the optimum development rate consistent with sound management, but, of course, no procurement decisions have yet been made.

We sincerely hope for convincing progress in SALT. But failing such progress I must tell you today that the renewed Soviet strategic weapons momentum may confront us with the need for additional offsetting U.S. actions. I would have no choice but to recommend these actions—over and above what has been presented to Congress in the FY 72 Budget—in order to preserve the sufficiency of our strategic forces. We would much prefer success in SALT.

I felt last year and I feel now that the people of America perhaps may be willing to settle for a situation of so-called strategic nuclear parity. But under no circumstances, in my view, would the American people be willing to settle for inferiority.

I can assure you of one thing: so long as I am Secretary of Defense—and no matter the criticism it may evoke—I will never refrain from recommending programs which I believe are essential to the survival of our nation and the safety of our people.

My job is to provide the capabilities necessary to prevent war, and that is what we are seeking to do under the Strategy of Realistic Deterrence. But while we can never neglect the essentials of strategic sufficiency, we have tried to fashion a strategy that will lead to the effective deterrence of all war, not just nuclear war.

If we are to prevent all forms of war, if we are to restore and preserve peace, if we are to make possible a world in which there can be expanding freedom, we must maintain adequate U.S. strength and help improve the strength of our friends and allies. That is what the Strategy of Realistic Deterrence is all about

In its simplest formulation, Realistic Deterrence is the strategy we have designed to carry out the Nixon Doctrine. It is based on the three principles of partnership, strength, and willingness to negotiate. It seeks to steer a prudent middle course between the policy extremes of world policeman and a new isolationism. It does this by providing the means for effective development and use of the military resources of peace-seeking nations to deter conflict at all levels. Except in the field of nuclear weaponry, it calls on other nations to do more to provide for their own defense—particularly by furnishing manpower. It seeks to foster greater readiness on the part of our nations, individually and in regional cooperation, to increase their ability to defend themselves. It offers U.S. assistance—economic and military—and U.S. support to such nations where our interests are involved. The partnership it proposes means that other nations must do for themselves some of the things we have been doing for them. One of its major goals is to prevent American involvement in future Vietnams.

Realistic Deterrence means a smaller military force for the United States, but one which is more combat-ready than it has been in peacetime in the past. It means modernized equipment. It means a vigorous Research and Development program to assure our continued technological leadership. It means strengthening the National Guard and Reserves and reducing reliance on the draft.

In our FY 1972 budget, the Department of Defense is implementing the President's Strategy for Peace by completing the transition from a military force of 3.5 million men and women involved in war—largely draftees or draft-induced volunteers—to a truly volunteer force of at least one million fewer men and women who will be engaged in preventing war. We have established the goal of zero draft calls by July 1, 1973.

Let me be perfectly frank. Successful implementation of the Strategy of Realistic Deterrence is the most difficult and challenging national security effort we have ever undertaken in this country. It must be accomplished in an environment of strategic nuclear parity—a reality that leaves little margin for error and no room for failure. It must be accomplished in a period of vigorous Soviet military expansion at sea, on the land, in the air and in space. Nor can we ignore their expanding military assistance programs and their demonstrated willingness to deploy Soviet troops and equipment in other countries.

What is required is the maximum utilization of all Free World resources for deterrence—not just those, nor primarily those—that the U.S. can provide. That is why in Asia, we are stressing a greater manpower contribution on the part of our friends and allies. That is why in NATO, a new spirit of burdensharing has evolved.

But that is also why it is so important for us in the Department of Defense to have the trust and confidence of members of the press. For it is through the press that we must seek the understanding and support of the American people. Without that support, and full understanding, the goal of a lasting peace—so elusive to so many generations before us—will have no chance for success.

At the beginning of these remarks, I emphasized how important it is for all of us to begin looking beyond Vietnam. It might be appropriate, therefore, to close by calling to your attention important forthcoming talks in NATO.

As we look ahead to the long-range national security requirements of our Nation and the rest of the Free World, the meetings of the Defense Ministers in NATO next month may be the Alliance's most significant substantive discussion in at least a decade. At the Nuclear Planning Group session in the Federal Republic of Germany and then immediately afterwards at the session of the Defense Ministers in Brussels, I will continue the new level of consultations with our NATO Allies which President Nixon initiated shortly after he assumed office.

These meetings will give me an opportunity, both in the formal sessions and in my private meetings with my colleagues, to explain in full detail the new United States National Security Strategy of Realistic Deterrence.

I will speak to my fellow Ministers against a background of two decades in which the partnership, strength and willingness to negotiate among NATO members have provided peace and stability for that Alliance.

I will bring them up to date on the threat assessment as we see it today, and I will want to hear from them their view of the momentum of Soviet activities, such as the stepped-up naval operations in the Mediterranean, and the provision by the Soviet Union of sophisticated new weapons in the Middle East.

I think it is clear that we are past the day when the United States could or should discuss defense problems with our NATO allies or anyone else with a "big brother knows best" attitude. Not only are we trying to face the realities that require adequate free world strength, we are seeking conscientiously and systematically to conduct our relations to fulfull our responsibilities on a full partnership basis.

We are not going to preach platitudes to our own people or to our allies and friends as we seek to implement the Strategy of Realistic Deterrence. We ask only for recognition of the realities we face and the determination to meet them together in a timely and effective manner. In that way, we can achieve our goal of piece.

Laird Reports New Russian ICBM Project

(By Michael Getler)

Defense Secretary Melvin R. Laird disclosed yesterday that the United States now has fresh evidence "confirming the sobering fact that the Soviet Union is involved in a new—and apparently extensive—ICBM construction program."

Although Laird provided no further details, defense officials say U.S reconnaissance satellites in the past three weeks have spotted "several tens" of new underground silos which are expected eventually to house either new versions of the huge Russian SS–9 ICBM or possibly a new large missile.

The existence of new silo construction within the Soviet Union was first disclosed March 7 by Sen. Henry M. Jackson (D-Wash.) during a TV interview. Shortly thereafter, informed sources said privately that about 10 of these silos had been spotted. Now, officials say the number accounted for is several times that figure.

Laird made his disclosure in New York yesterday in a luncheon speech before the American Newspaper Publishers Association. The text was released here.

The tough line he took on new Soviet developments reflected deepening gloom within the Nixon administration about Moscow's intentions and its willingness to slow down the arms race, sources close to the secretary said.

Laird said that unless progress is made soon at the strategic arms limitations talks (SALT) in Vienna, he will be forced into speeding up development of several new weapons to offset the Soviet gains.

"We sincerely hope for convincing progress in SALT," Laird told the publishers. "But failing such progress I must tell you today that the renewed Soviet strategic weapons momentum may confront us with the need for additional offsetting U.S. actions. I would have no choice but to recommend these actions—over and above what has been presented to Congress in the Fiscal 1972 budget in order to preserve the sufficiency of our strategic force."

Although Laird did not elaborate, Defense officials said that a speedup in converting U.S. Polaris submarines to the multiple-warhead-carrying Poseidon missiles was one move under consideration.

Also being considered is acceleration in the development of the Navy's proposed successor to the Polaris/Poseidon submarines, and the Air Force's new B–1 bomber, the Safeguard ABM system and the Hardsite ABM research project.

Referring to his appearance before the same group a year ago, Laird said the thrust of his remarks then "was the deep concern I felt that by the mid-1970s the United States could find itself in a second-rate strategic position."

"I regret to report today," he said, "that nothing has happened in the intervening 12 months to lessen that concern." In fact, Laird stated, "quite the opposite is true."

Although things looked encouraging late last year when a slowdown was noted in all three major Soviet missile programs, that was erased by the new evidence initially gathered late this February.

"This new ICBM construction effort, coupled with additional momentum in the strategic defensive area—all clearly planned months ago—must be of major concern," Laird said.

Among other things, the new satellite photos also reportedly gave U.S. analysts a better look at the stage of silo construction and have intensified administration wariness of Soviet motives.

It is now clear, sources explain that the Soviets began planning their move last year when the SALT talks were moving into a critical phase.

Thus far, reliable sources report that the United States still has not observed the actual missile that will go into the new holes.

Laird's reference to new Soviet defensive developments also relates, other sources say, to new evidence that Moscow has also speeded up testing of a new ABM missile and associated advanced radar.

The Soviet developments are also complicating a major White House decision expected this summer on going ahead either with a fourth Safeguard site in Wyoming or starting an ABM ring around Washington, D.C. The decision hinges upon the likelihood of a U.S.-Russian agreement at SALT which would include limiting rival ABM networks to the respective national capitals.

Laird told the gathering that in his view the American people would be willing to settle for nuclear parity with the Russians. "But under no circumstances, in my view, would they settle for inferiority." He also said that as long as he held forth at the Pentagon, he would recommend programs to keep that balance, "no matter the criticism it may evoke."

Explaining his policy of "realistic deterrence" to the publishers, Laird said "one of its major goals is to prevent American involvement in future Vietnams." He said the strategy backs up the Nixon Doctrine by "steering a prudent middle course between the policy extremes of world policeman and a new isolationism."

In line with the idea of relying more on the manpower and money of our allies in the future, Laird portrayed the forthcoming NATO meetings in West Germany and Belgium next month as perhaps "the most significant" in the last 10 years.

Louis Harris Tells Publishers of New Coalition for Change

(By Peter Kihss)

A leading opinion researcher told the nation's newspaper publishers yesterday that "a new coalition shaping up for change in the country" included the "new affluents," the poor and those under 30.

Louis Harris, the pollster, told the American Newspaper Publishers Association convention at the Waldorf-Astoria Hotel that it was wrong to think of a "cooling of America."

Instead, he held that young people were "heated up more than two years ago," but were seeking change by working within existing ground rules instead of "bomb-throwing."

The "new affluents" include families with incomes of $10,000 or over, due to rise from 39 to 61 per cent of all families by 1980, Mr. Harris said.

He reported them strongest for tough regulations against pollution, desirous of getting the United States out of Vietnam faster than any other group, impatient about lack of progress in racial equality and "growingly independent in their voting habits."

BACKERS OF STATUS QUO

Pitted in behalf of the status quo, Mr. Harris asserted, is a group that is almost all white—many skilled labor unionists, older people, traditional conservatives rooted in small towns and rural areas. But he said these were "shrinking in both numbers and influence," rather than a dominent "silent majority."

Mr. Harris reported "growing alienation" among varied groups—low-income blacks, supporters of Gov. George C. Wallace of Alabama, many women and the young. He warned that "if we do not learn to attack our common problems instead of each other, we could be doomed as a nation."

At yesterday's convention luncheon for 1,300 people, Secretary of Defense Melvin R. Laird said new, extensive Soviet construction of intercontinental ballistic missiles was causing "major concern." He said the Soviets already had 400 more land-based ICBM's than the United States' 1,054, as of last January, and were now rapidly catching up on submarine missiles.

MAY NEED "OFFSETTING ACTIONS"

This, Mr. Laird said, "may confront us with the need for additional offsetting United States actions." He said these might include recommendations for accelerated development of the B-1 strategic bomber and a new undersea-launched strategic missile system, the ULMS—beyond the defense budget so far asked for fiscal 1972.

Mr. Laird had initially made this assessment of the Soviet Union's missile capability in his annual "defense posture statement," presented to the House Armed Services Committee on March 9. At that time he also described Soviet missile submarines as "the greatest element of the threat."

At the luncheon, Stanford Smith, A.N.P.A. general manager, was awarded the officers' cross of the German Order of Merit by Count Harald von Posadowsky, German consul general here. The award was for "untiring efforts on behalf of the press of the free world."

In an afternoon session, Dr. George Gallup, another opinion researcher, asserted that "unless an individual spends at least one hour and 45 minutes a day reading newspapers, magazines, books, he is not going to go very far."

As early as the age of 10, Dr. Gallup said, students spending the most time reading are typically at the head of their school class. Those spending most out-of-school time looking at television, he said, are "the ones most likely to become dropouts."

His organization's current studies, Dr. Gallup said, show 90 per cent of all daily newspaper readers willing to pay 15 cents for their paper, and two-thirds ready to pay 20 cents.

He reported "the No. 1 interest of newspapers is news of local events and happenings," which "may help to explain why the smaller newspapers have, as a group, experienced smaller circulation losses when they have raised single-copy prices than newspapers published in the largest cities."

Dr. Gallup said that "the most neglected subject" and of greatest interest now to readers was "how to make ends meet in this period of inflation." He held that "every newspaper should have a sort of people's financial page" on how to save, earn, invest and get more for money—and reported that London newspapers were doing well with this.

To make newspapers even more indispensable, Dr. Gallup said, they should help readers to "understand" events and serve their keen interests in health, including costs; education, including school accountability; religion and church ferment; travel, especially weekend trips, and home care, decorating and gardening.

On technological developments, Matthew Gordon, assistant vice president for public information of the Communications Satellite Corporation, reported that "we now have in sight communication satellites capable of transmitting one billion bits of information or all the volumes of the Encyclopedia Britannica, across the country in less than a second," given needed terminal equipment.

At Tuesday's session, A.N.P.A. leaders criticized young people's readiness to approve "rigid control of newspaper content incompatible with the First Amendment"—instead of "compatible," as The New York Times reported yesterday because of a printing error.

ADDITIONAL DEATHS OF ALABAMIANS IN VIETNAM WAR

Mr. ALLEN. Mr. President, I have placed in the Record the names of 1,088 Alabama servicemen who were listed as casualties of the Vietnam war through December 31, 1970. In the period of January 1 through March 31, 1971, the Department of Defense has notified 25 more Alabama families of the death of loved ones in the conflict in Vietnam, bringing the total number of casualties to 1,113.

I wish to place the names of these heroic Alabamians in the permanent archives of the Nation, paying tribute to them, on behalf of the people of Alabama, for their heroism and patriotism. May the time not be distant when there will be no occasion for more of these tragic lists.

I ask unanimous consent to have printed in the Record the names of the next of kin of these 25 Alabamians.

There being no objection, the list was ordered to be printed in the Record, as follows:

List of Casualties

Incurred by U.S. military personnel from the State of Alabama in connection with the conflict, in Vietnam, January 1, 1971 through March 31, 1971

Pfc. Howard W. Bramlett, Jr., son of Mr. and Mrs. Howard W. Bramlett, Sr., Route 5, Florence, 35630.

Pfc. Bobbie L. Williams, son of Mr. and Mrs. Burt E. Williams, Route 1, Box 295, Parrish, 35580.

Sp4. Ronnie V. Rogers, son of Mr. and Mrs. David V. Rogers, 729 Glen Ridge Drive, Fairfield, 35064.

Sp4. Donald W. Smith, son of Mr. and Mrs. Leroy Smith, 505 Roger Street, Brewton, 36426.

WO1. William H. Seaborn, Jr., son of Mr. and Mrs. William H. Seaborn, Sr., 1507 28th Street, Birmingham, 35218.

Sp4. Calvin E. Milam, husband of Mrs. Charlotte J. Milam, Route 3, Berry, 35546.

Pfc. Walter J. Taylor, Jr. son of Mr. Walter J. Taylor, Sr., 837 6th Street, West, Birmingham, 35204.

Sp4. Willie Gardner, son of Mrs. Bernice Gardner, Route 2, Box 6, Brent, 35034.

Pfc. Ronald C. Ruff, son of Mr. and Mrs. Calvin C. Ruff, Route 2, Box 188D, Notasulga, 36866.

CW2. William D. Sapp, husband of Mrs. Sandra K. Sapp, Box No. 317, Route 2, Ozark, 36360.

Msg. Jackie W. Barnwell, husband of Mrs. Phyllis L. Barnwell, Route 1, Box 150, Clayton, 36016.

Sgt. Charles T. Matthews, son of Mr. and Mrs. Theo Matthews, 3706 Penny Street, Southwest, Huntsville, 35805.

Sgt. Randolph B. McKellips, son of Mr. and Mrs. Jay O. McKellips, 1701 South Boulevard, Sheffield, 35660

SP4 James E. Johnson III, son of Mr. and Mrs. James E. Johnson, Post Office Box #74, Weaver, 36201

Sgt. Howard S. Lamb, son of Mr. Riley S. Lamb, Jr., 962 Old Shell Road, Mobile, 36608

Sgt. Jessie M. Brooks, husband of Mrs. Mal R. Brooks, Route 1, Box 128D, Irvington, 36544

Sgt. George R. Morgan, son of Mr. and Mrs. Verdi D. Morgan, 3704 1st Street, Dauphin Island Parkway, Mobile, 36605

SP4 Charles G. Bobo, son of Mr. and Mrs. Hex A. Bobo, Route 3, Guntersville 35976.

PFC Johnnie L. Pryear, son of Mr. and Mrs. Joe P. Barnes, 1458 Main Street, Mobile, 36617

1LT Harry G. Prince, Jr., husband of Mrs. Charlotte A. Prince, P. O. Box 4, Salem, 36874

Sgt. James D. Schooley, husband of Mrs. Margaret A. Schooley, 115 Westwood Avenue, Mobile, 36606

NAVY

Sksn (Storekeeper Seaman) Tyrone C. Bradley, son of Mrs. Augusta M. Bradley, 256 Lexington Avenue, Mobile

AIR FORCE

1Lt Charles M. Deas, son of Mr. and Mrs. Cecil W. Deas, 2538 Poplar Street, Montgomery

TSgt Clyde W. Hanson, husband of Mrs. Annie L. Hanson, 46 Salem Drive, Montgomery, 36119

MARINE CORPS

Maj Wayne R. Hyatt, husband of Mrs Wayne R. Hyatt, RFD #2, Hanceville.

PROPOSED TEMPORARY OPERATION OF DEPARTMENT OF THE INTERIOR FROM DENVER

Mr. BELLMON. Mr. President, a somewhat revolutionary but downright sensible idea has emerged from the bureaucratic quagmire of one of our Federal agencies.

The Secretary of the Interior, Hon. Rogers C. B. Morton, is considering the possibility of running his Department from Denver for from 3 to 6 weeks on a trial basis. He would take a small number of staff members along, and they would use existing office space in a Federal center where a number of major regional offices of the Interior Department are located.

Since many of the Interior Department's programs—focusing on public lands, parks and recreation, and Indian affairs—are located in the Western States, Morton would get his agency closer to the people it serves.

Mr. President, in view of the congestion, confusion, and frequent disorder that has become characteristic of our Nation's Capital, it would be well for all Federal agencies to consider relocating their operations out where the people are.

Secretary Morton is to be commended for undertaking to improve his Department's effectiveness through a bold and progressive move. I encourage him to go through with it and suggest that other department heads follow his example.

I ask unanimous consent that the newspaper article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Morton Office May Move to Denver Awhile

Interior Secretary Rogers C. B. Morton may run his department for three to six weeks from Denver, a spokesman said yesterday. He said the idea has not been definitely decided.

The spokesman said Morton was thinking of taking 10 to 20 staff members with him and operating from existing office space in a federal center where a number of major regional offices of the Interior Department are located.

He said Morton wants to get close to "where the action is" as many Interior Department programs are focused in the Western states.

Department employees who go with Morton would receive subsistence payments to cover food and lodging up to a maximum of $25 a day, the spokesman said.

The Interior Department has special telephone lines between Washington and its Denver offices.

SENATOR EAGLETON IN INDOCHINA

Mr. HUMPHREY. Mr. President, the Senator from Missouri (Mr. Eagleton) returned from a 10-day trip to Southeast Asia.

During 6 days of factfinding in Vietnam, Senator Eagleton traveled to each military region in Vietnam, from I Corps in the mountainous north to IV Corps in the southern delta, and talked extensively with the men who run the war on a day-to-day basis as well as those who report it. Senator Eagleton visited Phnom Penh, Cambodia, one of the few Senators to do so.

Senator Eagleton also visited Hong Kong, a city renowned for its China watchers, at a time when U.S. relations with China were changing for the first time in over two decades.

Yesterday, in a series of three articles, Senator Eagleton wrote several facets of the many-faceted struggle in Indochina, including aid to Cambodia, the upcoming Vietnamese elections, the recent invasion of Laos, as well as the much heralded "Ping Pong Thaw." But perhaps most important, Senator Eagleton casts some light on what administration plans may be for Indochina, and outlines the dangers and the risks of indefinite and continued involvement in Vietnam.

Mr. President, I think that Senator Eagleton's observations on this seemingly endless war are timely and to the point. I recommend them highly to the Senate and ask unanimous consent that they be printed in the Record.

There being no objection, the observations were ordered to be printed in the Record, as follows:

Senator Eagleton's Trip to Indochina

The outlook for Indochina is as bleak viewed first-hand as it is when viewed from the perspective of Washington, I learned in a trip to Southeast Asia during the Easter recess of Congress.

For seven days I toured every region of South Vietnam, interviewing military leaders, U.S. civilian advisers, and our troops. I also visited Phnom Penh, the capital of Cambodia.

A week in Southeast Asia hardly makes me an expert on the most complex issue in United States foreign relations. However, my discussions with persons there and my own observations did confirm some conclusions I had long ago reached in this country, and modified some others.

In a second article, I will outline where I think we are heading in Indochina. In this one I would like to share my impressions of where we have been in Laos, where we are in Cambodia, and what will happen in the Vietnamese national elections coming up this fall.

LAOS INVASION

Was Lam Sam 719—the code name for the 6-week invasion of Laos—a success or a failure?

The President and the Pentagon hail it as a master stroke. Others view it differently.

The operation was announced as being "limited in time and space." Without going into classified information, let me say it was far more limited in "time and scope" than anyone planned.

Lam Son 719, as originally conceived by the Pentagon, would have thrust further west after quickly taking Tchepone; would have "blocked" the major arteries of the Ho Chi Minh trail in an attempt to cut the "supply line jugular"; would have lasted until the end of the dry season, approximately May 1; and would have cleared new territory on the way out.

In execution, it did not extend west beyond Tchepone—which itself was taken two weeks later than anticipated only after massive B–52 strikes destroyed the area, annihilating any possible opposition. Some trails were disrupted for a brief period but the "jugular" was not even touched. And the operation ended far sooner than originally planned without clearing any new territory.

Such success as the South Vietnamese did have was achieved only with truly massive—I mean massive—American air support and with a substantial American ground and air presence across the border in South Vietnam to protect their rear.

As usual, enemy body counts and tons of supplies destroyed were wheeled out as indicators of success. But even this "limited success" in terms of enemy lives lost and supplies captured was offset by considerable South Vietnamese casualties, especially from several of their best units, and a memory of retreat that can only haunt the ARVN in the future.

The U.S. lost almost 1/6 of the helicopters involved, as well as tons of supplies.

The most that fairly can be said of Lam Son 719 is that South Vietnamese ground forces, aided by American air power and massive American ground backup across the border, held their own for a short period of time against North Vietnamese ground forces in Laos.

I believe it is too overdrawn to describe Lam Son 719 as a "debacle." But in terms of both its intended goals and achievements, it is indeed fair to describe it as basically a failure.

CAMBODIA

"In a very real sense, this is one war" said Ambassador Emory Swank as he briefed me on my arrival at Phom Penh, the capital city.

Until the fall of Prince Norodom Sihanouk on March 18, 1970, Cambodia, a country of 8,000,000 people equivalent in size to Missouri, had avoided becoming fully embroiled in the then-Vietnam War. Parts of the eastern border areas were occupied by the North Vietnamese as sanctuary areas. The port of Sihanoukville was extensively used, for profit, as a port of entry for communist supplies. But the shooting was elsewhere.

All this changed when Prince Sihanouk fell. Cambodia itself became a battleground.

Now, a year later, 55,000 North Vietnamese, assisted by approximately 10,000 indigenous Khmer Rouge (Cambodian communists), have virtually isolated the capital city.

An ill-trained and ill-equipped Cambodian army of 30,000 troops has grown to an ill-trained and ill-equipped army of 220,000. It is an army only in the loosest sense of the word.

A formerly favorable balance of trade is now a negative nightmare, with profitable rice and rubber exports down to zero. Inflation abounds and black markets have begun to emerge. Country-side refugees have inflated Phnom Penh from 800,000 to 1,800,000.

Still, the war in Cambodia is primarily a side show to the main attraction, the continuing war in South Vietnam.

It is "one war" now, covering the entirety of French Indochina. And yet, it is being fought differently in Cambodia.

South Vietnam has, until recently, been almost strictly an American show. Now, after nearly destroying the country our massive presence was meant to save, we have switched the emphasis to letting Asians fight for themselves.

In Cambodia, the United States seems determined not to stumble into another massive U.S. commitment like Vietnam. Quite properly, the emphasis is on supplying Cambodians to fight for themselves, not on fighting for them.

Despite its problems, Cambodia is lucky in some ways.

First, it is not the main target of the North Vietnamese; South Vietnam is. Currently the North Vietnamese want to use Cambodia, not rule it.

Second, the Cambodians have historically hated the Vietnamese, both North and South. And so there is some unity of spirit, some reason to fight.

Third, unlike the civil war in Vietnam, the enemy has little support among the populace and it is possible to physically tell friend from foe.

Currently, North and South Vietnamese are fighting in the Eastern Cambodian countryside—the former sanctuary area. Should the North Vietnamese decide to take Phonm Penh, its only possible salvation for the present is American air power and support from the South Vietnamese army. Even then the outcome would be in doubt. Luckily, thus far the North Vietnamese have not made that decision.

What Cambodia needs is time to train and build its army without the mistakes of Vietnamization. So far, that time has not been purchased by a massive American presence, and I was impressed by Ambassador Swank's determination that it will not be.

Last year I voted against additional U.S. military and economic aid to Cambodia because I feared it would be the opening wedge of a Vietnam-type U.S. commitment. This year I would support U.S. economic assistance, provided that the present hands-off direction of our policy in that country is continued.

If Cambodia can be put on its own feet, without increased dependence on U.S. advisers or troops, there is some small hope that it can restore the delicate balance with its more powerful neighbors which Prince Sihanouk maintained.

VIETNAM ELECTIONS

Nygen Van Thieu is the odds-on favorite to be re-elected President of South Vietnam next October.

President Thieu has at his disposal the services and power of the entire government. For example, all 44 of South Vietnam's province chiefs, who are essentially administrative warlords, hold office at his pleasure. And as President he not only makes news, he censors it as well.

He can use American economic assistance to avoid unpopular but needed monetary reforms.

He has the backing of American Ambassador Ellsworth Bunker. Bunker not only admires, respects and believes in Thieu, but can also furnish him covert help such as public opinion polls and the assurance that American advisers won't "rock the boat" by pursuing much needed but politically unpopular programs.

Further, Thieu in his own right is an accomplished politician. He knows where his power comes from—the United States government and his own Armed Forces. And he plays to both. He has traveled the length and breadth of his country. And he has shrewdly used the natural advantages of incumbency.

Finally, he should win because there is no one else who appears strong enough to beat him. Neutralists and communists are forbidden to run, as is anyone who advocates a "coalition." Complex Gilbert and Sullivan-type intrigues are all a divided opposition can generally mount, with predictable comic opera results.

General Big Minh, a possible opponent, is a maximum person physically and is a mini folk hero. But even his fervid admirers recognize him as a person with the decisiveness of Warren G. Harding and the administrative capacity of Ulysses S. Grant.

Some American interests would like him to run and may even help financially. They recognize that Thieu will win regardless, but would like to enhance his victory by having him triumph in a "credible and competitive" election.

The whole notion of Vietnamese elections has always troubled me. It is we, the United States, who are hung up about elections in Vietnam. We decided that this war-ravaged, backward country with no historical or current experience in the democratic process must be shaped in our image. Since we elect a President, so too must Vietnam, ready or not.

It salves our conscience. To some it gives surface credence to the argument that "we are fighting for freedom in South Vietnam."

Thus, the elections will be held and American "hawks" will point with pride to "freedom working at its very best," while American "doves" will point with anger to "corruption, rigging, intimidation" and all the rest.

The South Vietnamese will trudge to the polls and probably elect their only identifiable leader, Nygen Van Thieu. Some of the more astute South Vietnamese will smile wryly and wonder why the U.S. gets such a big charge out of South Vietnamese elections.

Hopefully and at best, the elections will give the South Vietnamese people some small sense of participating in their own affairs. Perhaps these elections will be seeds of a more democratic government in the future. But, for now, the practical effect on the government in South Vietnam will be slight.

CONCLUSION

Admittedly, it is difficult and risky to predict the future of Indochina.

I will, however, make the following observations, based on what I learned in a recent trip to South Vietnam and Cambodia.

Administration plans

On the basis of the briefings I received, I am convinced that President Nixon now plans to maintain a residual American force in Vietnam well beyond 1972.

Such a force would be charged with providing at least part of the close-in helicopter support and fighter air interdiction in Laos and Cambodia. Flying from bases outside of Vietnam, B-52's will continue to be called in for strategic bombing. U.S. technicians will continue to service and train the South Vietnamese as they continue to use our modern weapons of war.

Economic assistance will continue at or above the present level for years to come, for without it the South Vietnamese economy would collapse in a matter of weeks.

Despite some public expressions of confidence, the President's advisers are privately telling him that militarily the South Vietnamese cannot "hack it" on their own by the end of 1972

One major difficulty in this formula, I believe, is that the ever-growing domestic disenchantment over the war is so deep and so pervasive as to make such a residual force unacceptable through 1972 and beyond.

If a residual force is to be maintained, President Nixon must first be re-elected. Therefore, as of this point in time, I look for more withdrawals to satisfy public opinion, but with at least 50,000 U.S. soldiers left in Vietnam by election day.

Once re-elected, and unencumbered by the necessities of re-election, I would expect the President to do what he believes is necessary to ensure the survival of the present regime in South Vietnam.

North Vietnam's intentions

There is no indication that either North Vietnam's leaders or soldiers have lost their desire to continue to fight. This one fact stands out. Indeed it is the only thing on which journalists in Vietnam and military men seem to agree, and it is extremely important, especially when juxtaposed against our own war weariness.

The North Vietnamese well recognize the depth of American disillusionment over the war from the left and the more recent post-Calley disillusionment from the right; the volatility of the U.S. electoral process which begins in New Hampshire on March 14, less than 11 months away; and the influence of their actions on both American public opinion and U.S.

Therefore, I suspect that the North Vietnamese will stage something dramatic by the summer of 1972. This dramatic endeavor need not be as massive as TET '68. It might be an assault on Phnom Penh or perhaps even Vientiane. It might be several systematic assaults on American manned installations or a sweep through several "fire bases" or towns, in an attempt to exact sizeable American casualties. Or it might be a terrorist blitz in Saigon.

Whatever the mode, the intent will be to force the war back on the "front page" and at the same time force President Nixon to act.

An enemy offensive, depending on its nature, could force President Nixon to take escalatory action, send in U.S. troops or heavy air support, resume bombing of the North, or simply stop withdrawing soldiers. Or, far less likely, it could force him to totally withdraw Dunkirk-style.

Orderly withdrawal of all U.S. forces

I believe the United States could avoid this dilemma by announcing a fixed withdrawal date now, and tailoring our policies accordingly.

Could the South Vietnamese survive alone, with continuing U.S. economic and material aid, but without U.S. forces?

Quite honestly, no one can say with 100% certainty.

From what I gathered in Southeast Asia, the Pentagon would summarily rule out year-end 1971, view year-end 1972 as problematical, and year-end 1973 as risky.

In truth and in fact there is never going to be a time certain which will guarantee the survival of the Saigon regime. We can—and have—guaranteed that they will have the means to survive, if they can only muster the will.

If President Nixon requires a 100% military guarantee, we will never extricate ourselves from Vietnam.

So often in the past, military advice has been faulty—either overly optimistic, seeing "lights at the end of the tunnel," or overly pessimistic as when General Westmoreland requested another 200,000 U.S. troops in March of 1968.

More than military judgments must go into Presidential decisions on Vietnam. I believe the time has come for the President to exercise the immense power and prestige of his office and end United States involvement in Vietnam.

Hopefully, Richard Nixon will exercise Presidential leadership by setting an attainable and specific withdrawal date commensurate with the orderly and safe withdrawal of *all* American troops.

HONG KONG AND THE PING PONG THAW

Hong Kong, a teeming, active city of 4,000,000 on a tiny land space of 400 square miles (something like putting every Missourian in the City of Kansas City), is the home of the China watchers—those people who study and restudy, analyze and reanalyze Red China's every move.

The British colonial city is loaded with persons—diplomats, journalists, traders, bankers, industrialists—who make it their business to decipher China's tactics, policies, and intentions. There even is a small band of super-watchers who watch the watchers.

The unanimous opinion is that the two-decade-old Chinese deep freeze is beginning to thaw, slowly yet measurably.

Red China is very much coming of age diplomatically and no longer will it pursue a course of not-so-splendid isolation and international intransigence.

More and more non-communist nations are recognizing and dealing with Red China diplomatically—eight since Canada recognized China on October 13, 1970, among them Italy, Ethiopia, Chile, Nigeria and Kuwait.

The day I arrived in Hong Kong on my way back from Vietnam, the British-Chinese transoceanic telephone line was reopened after being closed for 21 years, and American newsmen were granted their long-sought travel visas.

More and more nations realize that Red China, consisting of 25% of the world's population, is not only here to stay, but is a vast source of potential in terms of international trade.

The Canton Trade Fair opened in China on April 16 with more than 3,000 foreign businessmen in attendance—the largest such group ever to assemble in Red China.

The much publicized, highly cordial visit of the U.S. Ping Pong team to China was followed by President Nixon's excellent announcement of somewhat freer travel and trade between the U.S. and China.

The President's announcement, especially as it related to trade, received enormous attention in Japanese circles. The word "trade" is almost synonymous with the word "Japanese." In trade with China the Japanese intend to be second to no one. Thus, it may not be too terribly long before Japan, in an effort to be among the first and friendliest, joins in recognizing Red China.

All this and more points to an unmistakable shift in Red Chinese foreign policy and in consequence, the foreign policy of other nations relating to Red China.

In such a climate of change, the United States position with respect to either recognition of China or the admission of Red China to the United Nations cannot and should not remain frozen in its 1950 Cold War mold.

President Nixon, having already taken significant steps in terms of normalizing relations between the U.S. and Red China, is in a strategic position.

He can take the vital, ultimate diplomatic step of supporting the admission of Red China to the U.N., perhaps assigning the Security Council seat to Red China, while permitting the "other contesting government of China on Formosa to retain its vote in the

General Assembly as well as one for Red China.

(Although not identical to, but analogous to, this is the position of the Soviet Union wherein the Ukraine and Byelorussia have individual votes in the General Assembly.)

This is the important and inevitable chapter yet to be written in an unfolding diplomatic and economic saga now passing through the phase of the Ping Pong Thaw.

In any event, Nixon has made a useful beginning with his freer trade announcement. In the words of an editorial from a leading Hong Kong daily (The South China Morning Post, April 17, 1971), "If immediate results are unlikely to be spectacular, on the long term he (Nixon) could go down in history as the President who began to lead America back to realism and sanity in its relations with China."

THE DECLINE OF THE NEW YORKER

Mr. ALLOTT. Mr. President, many persons have noted with disappointment and dismay that the New Yorker has decided to become the keeper of the American conscience. Many people have also noted that, on the basis of its recent performances, the magazine is manifestly unqualified for that role.

Recently the formerly splendid section called "Talk of the Town" has been given over to diatribes against the President's foreign policy and other favorite topics of what passes for conversation along the "radical chic" trail. This section—which once was gracious and lucid and witty—as now become grim, turgid, humorless, and confused.

I am delighted that Mr. Edwin A. Roberts, distinguished member of the staff of the National Observer, has written a spirited column on the decline of the New Yorker. He focuses on a recent New Yorker piece which hit what until now have been depths of confusion inaccessible even to the New Yorker.

So that all Senators may profit from Mr. Roberts' reasoning, I ask unanimous consent that his article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the National Observer, Apr. 19, 1971]

Armageddon and Vietnam: "The New Yorker" on U.S. "Guilt"

(By Edwin A. Roberts, Jr.)

For almost half a century The New Yorker magazine has been adding grace notes to American intellectual life. Its contents have been notable for perspicacity, composure, and artful whimsy. It has published more good fiction and more civilized analyses than any other periodical. Its appearance in the mailbox used to be quiet evidence that sanity and taste had somehow weathered another anxious week.

Then, not so long ago, The New Yorker decided to become "relevant." The magazine's famous opening section, The Talk of the Town, so long a place for pleasant or astringent essays on city life, became a political forum. It became an editorial page.

Perhaps the new policy reflects the problems the magazine has had with declining advertising lineage. Or perhaps the explanation lies with the hiring of young writers of the Now Generation. Whatever the reason, the personality of The New Yorker has changed, and The Talk of the Town has become the Department of Panic.

What most troubles long-time readers is not that The New Yorker is emphasizing humorless political comment. The cause for regret is that the quality of that comment is low. Gone is the old sense of balance. Where once the commentator's inferences were carefully extracted from the evidence, today the technique is to read doom into every crisis and transient problem.

The lead item in the magazine dated April 10 begins:

"The nation has reached a decisive moment. Regardless of what strategists may say about options and game plans in Indo-China, and regardless, even, of whatever ends are being pursued in this war, the nation's response to the massacre of hundreds of villagers at My Lai may determine whether the nation lives or dies."

The editorial goes on to say that the conviction of Lieutenant Calley has made general the feelings of moral anguish that have tormented the antiwar people for years. But The New Yorker has inferred—and implied—more than the facts will support.

Yes, the nation was horrified by the My Lai killings, especially by the killing of babies who, unlike women and old men, could not possibly have represented a threat to American soldiers whose guerrilla enemy wears no uniform or insignia. But it does not follow that this feeling of moral anguish describes the attitude of the American public toward the entire war.

The majority of Americans want the war to end, not because civilians have been killed by bombers, gunships, and infantrymen—civilians are always extremely vulnerable in war, especially guerrilla war—but because they no longer believe a non-Communist South Vietnam is worth the price. And they calculate that price in terms of dead allied soldiers as well as dead civilians.

The United States was mistaken in entering the war. But that mistake was the result of noble, not important, intent. It has been the aim of the Government to subdue the Viet Cong, push back the invaders from the north, and give the people of South Vietnam a chance to experiment with their own concepts of democracy. The American people know that it was never the purpose of intervention to ravage South Vietnam as it has been ravaged. Nor was the style of combat decreed in Washington or Saigon. The methods of the enemy established the nature of the battle.

The New Yorker continues:

"Everyone has had to ask himself, in effect, whether the crimes committed at My Lai were isolated atrocities in a just war or whether they represented the essential nature of what we were and are doing in and to Indo-China. Each of us has had to ask himself just how deeply implicated he himself is, by his actions or his inaction, in murder. If Calley is guilty, who is not guilty?

"Yet a democratic nation, even if it finds itself mired in crime, can redeem itself. Even if its crimes are unforgivable, it has—because it is a democracy—a chance to retrieve its honor. It can acknowledge what it has done, admit responsibility, and set itself on a different course."

Such observations spring from an unseasoned mind. The notion of collective guilt is childish. Calley and perhaps some other tragically erring soldiers are surely guilty. But the officers who judged and sentenced the lieutenant, many of them combat veterans, are not guilty. The Army that arrested and tried Calley is not guilty. The U.S. Government is not guilty, and the American people are not guilty.

If the New Yorker wants to feel guilty, that is The New Yorker's business. But it is an attitude unworthy of a magazine that became famous by not trifling with the intelligence of its readers. Even the widespread and utterly misplaced sympathy expressed toward Calley does not mean Americans fail to recognize the My Lai slaughter for the horror it was. To suggest that because of the war and because of My Lai, the United States "finds itself mired in crime" is absurd. Mired in one part of the world in political error, yes. Mired in one part of the world in military error, perhaps. But mired in crime, no.

After several paragraphs of agony about America's problem with domestic spies as (a situation well exposed), about assaults on freedom of the press (the press has never been more outspoken, and that includes CBS), and about other controversial matters, The New Yorker concludes its broadside this way:

"Now the conviction of Lieutenant Calley seems to have shocked the country in some new way and awakened it out of a long sleep. We seem to have been given another chance—possibly our last chance—to regain our soul."

I am reassured, slightly, that the magazine does not come right out and say next stop perdition, although it hardly seems optimistic about our prospects for redemption. The whole melancholy analysis rings of juvenility, of that neurotic intellectual provincialism that one runs across on campus quadrangles.

It is an error, a particularly odious one, to damn an entire society for the misdeeds of a few, no matter how repugnant those misdeeds may be. Such comment insults and grossly wrongs the millions of Americans who, in numberless ways, are working to improve the life and character of the nation.

We must be jealous of our morality and our freedom, and we must deal deliberately with individuals or groups who would damage them. But we are not a nation mired in crime, we are not a nation near death, we are not a nation that deserves anything approaching despair.

Your friends are worried about you. Eustace. Get well soon.

PROGRESS IN VIETNAMIZATION

Mr. McGEE. Mr. President, there has been some criticism lately of the U.S. Information Agency for the role it is allegedly playing in promoting the current Saigon Government to the South Vietnamese people of the eve of that country's national elections. There have been suggestions by others that President Nixon should initiate a policy of strict neutrality in these elections.

I would point out it is no small matter that the United States is winding down its participation in the war in South Vietnam. American troops are being withdrawn in substantial numbers each month. All this can be largely attributed to the policy of Vietnamization being undertaken by the President—a policy which allows the current Saigon government to continue taking over a larger burden in fighting this war. To ignore this fact is to ignore the past 15 years which are now a matter of record.

Self-determination is a principle which I hope this country will never cease to dedicate its energies and efforts in promoting. But this principle can only succeed where circumstances allow it to take root and grow. This can be accomplished only through the absence of external or internal hinderances.

It is a fact of life today that South Vietnam is not free of these hinderances. It is, therefore, in the interest of this Government, particularly the interest of our continued disengagement from the conflict, that we build up the Thieu regime and advance its political interests.

It is evident that under present circumstances self-determination and Vietnamization do not go hand in hand. We can hardly expect the current Saigon government to take over the war effort while at the same time we work for its defeat in the upcoming elections. It is a contradiction beyond understanding.

I would ask what chance self-determination of the South Vietnamese people would have in the future should we promote opposition to Thieu in the upcoming elections. If the opposition could not bring a strong regime to the bargaining table with the enemy, prospects for survival are almost nil. If this would be the case, I submit to Senators that our continued withdrawal would not promote the survival of a government replacing Thieu.

It might mean an end to Vietnamization and our continued presence in South Vietnam might be required to insure the survival of a new government. We have a choice, and I think the choice is clear. We have to continue lending all the support within our capabilities to insure that Thieu's position is continually strengthened. It is only in this manner that we can continue withdrawing from the conflict.

In concluding my remarks, I would hasten to add that it is important the conflict is first resolved before self-determination can play a role in South Vietnamese politics and stand a chance of surviving. To do otherwise would prolong the day indefinitely when the South Vietnamese people would have a voice in shaping their destiny.

URGENT NEED FOR A CURE FOR CANCER

Mr. BEALL. Mr. President, recently a young man just 17 years of age, named Mark Ewell Causey, a resident of my State, died of cancer. The courage that Mark demonstrated during his struggle against this dread disease will not be forgotten by all of those who knew him.

Cancer is the No. 2 cause of death in this country, and by the end of this year it will have claimed more than 340,000 Americans. The battle against cancer has moved ahead on several fronts during the past several year. But the progress has been painfully slow and uncoordinated to date.

In the past, our country has made great commitments which, at the time they were made, seemed almost unobtainable. Commitments such as the construction of the Panama Canal, the development of the atomic bomb, the landing of men on the moon, and many others have impressed the whole world with America's ability to achieve great goals. I believe that today we should make a similar kind of commitment toward finding a cure for cancer.

Mr. President, Mark Causey has shown us the type of courage and determination we need to make such a commitment. I ask unanimous consent that the following editorial tribute published in the Carroll County Times of April 8, 1971, be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Mark Causey: Example Not To Be Forgotten

Mark Ewell Causey was 17 years old when he died, and though it seems incredible in a man so young, he made a name and reputation for himself in Carroll county that most of us will not attain in a lifetime.

Part of it was his courage. His fortitude after being stricken with cancer, his cheerfulness and natural optimism after losing one leg, his drive in earning school athletic letters even with this handicap, serves as an example that will not be forgotten.

He had of course much more than courage. A natural leader, Mark seemed to inspire respect and confidence among all who met him. He had the grace of persons naturally endowed with superior ability. In meetings with him, one was never asked, subtly or outright, to bow to his will. He had great talent, but he also had humility.

His record of achievement both in the academic and athletic fields at Westminster High School testify to his unusual ability. He was president of his class for three years, he won letters in football, basketball and track. He was a member of the National Honor Society. He was made Honorary Captain of the All Star Football Team named by a Western Maryland College newspaper.

He was voted by the senior class as Best Leader, having served every year since the third grade as a student council representative and president of his class during his last three years. He maintained a high scholastic average and was active in school clubs. A member of Grace Lutheran Church, he served as an acolyte, usher and sang in the Junior Choir.

He was one of a very few in Westminster High School's history to make the Varsity basketball squad his sophomore year. He still holds the Carroll county discus and shot put records for the ninth grade. In 1971 he became the first member of his class to earn three varsity sports records.

These silent records, silent because they do not speak of his character or stamina, nonetheless will endure. They are the traces of a human being who, perhaps more than any other high-schooler now on the scene, inspired his colleagues with respect and love.

His death is one of those stunning experiences that seem to defy reason. Many years ago, President John F. Kennedy lost his older brother Joseph in a World War Two airplane accident. Joseph had been the destined leader of the Kennedy's, and his death seemed to rent violently the fabric of the future president's life. He wrote:

"It is the realization that the future held the promise of great accomplishments for Joseph that has made his death so particularly hard for those who knew him. His worldly success was so assured and inevitable that his death seems to have cut into the natural order of things."

It can be said of Mark Causey that his death seemed to have "cut into the natural order of things."

ADDRESS BY WEST VIRGINIA SECRETARY OF STATE JOHN D. ROCKEFELLER IV

Mr. MONDALE. Mr. President, last Saturday evening, Minnesotans were privileged to hear one of America's truly remarkable young public leaders, John D. Rockefeller IV, the secretary of state of West Virginia.

Speaking before the largest Jefferson-Jackson Day dinner in Minnesota's history, Jay Rockefeller inspired his audience with a brilliant moving, and compassionate address which I would like to share with Senators.

Mr. President, I ask unanimous consent that the statement be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Statement of John D. Rockefeller IV

This may come as news to some of you but my family is sort of Republican. I'm the white sheep of the family.

I have this Uncle, you see, in New York. In politics. He's a Republican. I have another Uncle in Arkansas who *was* in politics. He's a Republican. Even my wife can trace back certain Republican ties.

So I suppose it would have been natural for me to be a Republican. But a funny think happened on my way to the voting registrar. I became a Democrat. And I'll tell you why.

I had worked with the Peace Corps. That was under a Democratic administration. I had worked in a coal mining community in West Virginia, in the War on Poverty, another Democratic program. Where people were hurting, or forgotten, the Democrats were trying to reach through to them. A growing economy took care of most of us. But for those it failed, the Democrats looked back, reached back, to help. That struck me as right, decent. For the most part, the Democrats have always been that way. I came out of those experiences a Democrat and I like it that way.

It was the Peace Corps that attracted me to Government. It was brand new. Just like a lot of other things were brand new back in 1961. There was a sense of exhilaration and somehow there was an expanded vision of what we felt we could accomplish in America. Almost anything, if desirable, seemed possible. Leadership can do that. The leadership of that moment was infectious not only to young people, but to thousands of Americans who were inspired by the spirit and high purpose of that Democratic administration.

I'm sure it was much the same in the thirties, during those exciting New Deal days, when a president refused to be overwhelmed by the gloom of a great depression, a president who reached out to Americans, who gave hope to people.

But I can only speak for 1961. It was an exciting time to be in government. Many were surprised at the electric response Peace Corps received from young people all over the country. But they shouldn't have been. This was the first time a president had told young people they had something to contribute, that they were important, that they were needed. Young people wanted to work for that challenge. Remember the drive for voting rights? They wanted that challenge, too. Thousands of them went to the south and tried to help. They had found a cause. They felt right. They felt on the move. Our blood coursed with a sense of our potential.

In fact President Kennedy challenged all of us—in almost every area of our society. New programs, people-oriented programs, innovative programs, were being talked about and funded and staffed. Idealism and personal involvement were not mere catchwords or rhetoric—the highest office in the land held these out to all Americans as goals. We were somehow bigger people, bigger in spirit, bigger in outlook, bigger in our aspirations to do better, greater in our compassion.

A Democratic administration did that. I have always believed that the highest offices in our land, the President and Vice President, Republican or Democrat, have a duty, a responsibility, to do that—to inspire the best that is in us, to encourage compassion and generosity in us.

Some administrations do it better than others.

The present administration is the first in our modern history to do it not at all.

Where is the moral leadership we expect of the White House?

Where are the *people* programs of this administration?

We Democrats believe with Thomas Jefferson "the care of human life and happiness is the first and only legitimate object of good government."

"The care of human life . . ."

I don't have to tell you here in Minneapolis about the programs of life which our party has fought for—collective bargaining, workmen's compensation, social security, minimum wage, equal employment opportunity, federal aid to education, medicare, voting rights, model cities, Peace Corps, VISTA, the Job Corps.

That list reads like Hubert Humphrey's report card.

Democrats care about people.

What programs to help people can the Republicans claim?

They're perfectly willing to subsidize mismanaged companies that go bankrupt. But never *people* bankrupt of opportunity.

Look at Penn Central . . . and Job Corps.

Penn Central is a classic of Republican concern. The railroad's efficiency gave rise to many stories like this one: That Penn Central is offering its employees a new retirement plan. You have a choice. You can retire when you reach 30 years . . . or Trenton. Whichever comes first.

That typifies Penn Central. Yet, the administration's heart bled for that mismanaged, bankrupt company.

But Job Corps was another story.

When this Republican administration looked at Job Corps, they didn't see human beings. They saw dollars. One of the early, so-called "economies" of this administration was to close down over half of the Job Corps centers. At a time when we needed to encourage the poor to work and to help themselves, this administration slammed the door on job-training and on opportunity.

Many of our party's programs and attempts to help people have had only partial success. Some have failed.

But we tried. And will continue to try. Rather than despair at problems that seem insoluble, or at efforts that fall short of aspirations, recall the words of Franklin Roosevelt in his Second Inaugural Address:

"Governments can err . . ." said Roosevelt. "Presidents do make mistakes. But the immortal Dante tells us that Divine Justice weighs the sins of the cold blooded; and the sins of the warm hearted, on different scales. Better the occasional faults of a government living in the spirit of charity, than the consistent omissions of a government frozen in the ice of its own indifference."

To me, those words say volumes about the Democratic Party. When Roosevelt made that statement, there was some question about the great American experiment. Some said it was about to fail. His words and his leadership gave it new life.

Today, we find the experiment in trouble again. Everywhere you find a frustration, an uneasiness, that the system isn't working. A good friend of mine started a magazine on that very premise—to report *why* the system isn't responding well enough, or fast enough. He attracted an immediate audience of concerned readers and contributors and last month that magazine—the Washington Monthly—won a George Polk Award for outstanding public service.

The surprising response to John Gardner's Common Cause is another indicator. As you know, Common Cause is a citizen lobby aimed at restructuring our institutions. It wants to revitalize Congress. It is not a political party, it has no jobs to offer, it isn't trying to elect anybody. Yet, in six months it signed up over 130,000 members. When 130,000 people are willing to lay out 15 bucks each to shake up the government, that's significant.

People want something more from this system of ours than what they're getting.

They want more from their politcal parties.

As Democrats, we can take pride in the accomplishments of the New Deal, of the New Frontier, of the Great Society. But with the 18-year-old vote, there's a whole new generation coming into the electorate. And that generation asks *not* what you have done for the country, but what you are *going* to do.

Most of all, our people want a sense of national purpose.

This confusion and aimless spinning about deflates people. I think it's one reason we have so much bitterness and polarization—blacks against whites, students against workers. People in pursuit of a common goal forget personal differences.

In 1976 our country will be 200 years old. But who in government is talking about national purpose, or the needed new institutions, for the next 200 years? All they talk about is where to hold the celebration—in Boston or Philadelhsia.

There is a malaise, the sense that the Republic is drifting out to sea without a rudder.

The Republicans claim they have "cooled off" the cities. That they have lowered voices. That there now is a tranquility in the land.

And I suspect all they have done is cool off the hopes and expectations of millions of needy, desperate Americans.

They have lowered the voices of concern and compassion.

They speak of legal minimums, not human maximums.

The country may be quieter, but the smolderings run deeper.

I think it's fair to say there is one characteristic of recent Republican administrations:

They put us to sleep.

They bore us to death.

Twice before in recent history, our party has returned to power after similar seizures of the national spirit, after the "icy indifference" of Republican administrations lulled our people into an intellectual and spiritual coma.

The party of Franklin Roosevelt did it in 1932.

The party of John Kennedy did it in 1960.

The courage of those men, their resourcefulness and daring, revitalized a nation.

If we are to be worthy of them, we can do no less in 1972.

FIVE HUNDRED AND TWENTIETH ANNIVERSARY OF BIRTH OF QUEEN ISABELLA OF SPAIN

Mr. SPARKMAN. Mr. President, April 22 marked the 520th anniversary of the birth of Queen Isabella of Spain. The Governor of Alabama proclaimed this day as Queen Isabella Day in Alabama, and it was so observed. I ask unanimous consent that the text of the Governor's proclamation be printed in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

PROCLAMATION

Whereas, the enthusiasm and support of a single ruler led to the discovery of America and the resounding affect this discovery had upon the history of the world; and

Whereas, this great ruler, Queen Isabella of Castile, was the sole backer of Christopher Columbus, whose proposed expedition to the New World was contrary to the 15th century concept of the world; and

Whereas, the shrewd intuition of Queen Isabella, as well as the financial support and risk taken by Her Majesty on behalf of Spain, was responsible for uncovering the unknown riches of the Western Hemisphere; and

Whereas, the history of America has direct linkage to the birth of Queen Isabella on April 22, 1451:

Now, Therefore, I, George C. Wallace, Governor of the State of Alabama, do hereby proclaim Thursday, April 22, 1971, Queen Isabella Day in Alabama and urge all citizens to honor this Spanish Queen who was solely responsible for America's Discovery.

FAIR CREDIT REPORTING ACT NOW EFFECTIVE

Mr. PROXMIRE. Mr. President, yesterday marked the day that the Fair Credit Reporting Act became law. The bill was enacted on October 26, 1970, by the 91st Congress as a part of Public Law 91–508. Its effective date was set as 180 days after enactment.

I wish to draw attention to the Fair Credit Reporting Act because I believe it will be of great help to the consumers of the United States.

Many publications have already printed articles explaining the act. Some of them I have with me today. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the American Banker, Apr. 9, 1971]

FAIR CREDIT REPORTING ACT SHOULD BENEFIT CREDIT GRANTERS, CONSUMERS

(NOTE.—The Fair Credit Reporting Act, which becomes effective April 25, should produce a decided benefit for credit granters as well as consumers, according to James A. Ambrose, secretary-treasurer of the International Consumer Credit Association. Addressing the spring conference of the Wisconsin Installment Bankers Association in Milwaukee, Mr. Ambrose noted that "the quality of a credit decision is only as good as the information it is based upon.")

During the 91st Congress, Sen. William Proxmire, D., Wis., proposed legislation to "enable consumers to protect themselves against arbitrary, erroneous and malicious credit information." On July 31, 1969, he introduced S. 823, which he entitled the Fair Credit Reporting Act and which was passed by Congress on Oct. 26, 1970.

This new law will become effective on April 25, 1971. It has been designated as Title VI of the Federal Consumer Credit Protection Act. It adds 22 new sections to a very complicated law. But it is not complicated itself. Except for a few spots, the meaning is clear enough.

Reduced to its bare essentials, the Fair Credit Reporting Act states specifically:

1. Who can lawfully use a credit report;
2. What types of information a consumer reporting agency may not report;
3. What disclosures the issuers and users of consumer reports are obligated to make to consumers and when they must be made;
4. What procedures must be followed when a consumer disputes the accuracy of information in a reporting agency's file;
5. What the penalties are for noncompliance, and
6. Which Federal agencies are responsible for enforcement, and which creditors each is responsible for policing.

Through its provisions, the law places certain responsibilities on all those who either issue or use reports on consumers in connection with the approval of credit, insurance, or employment, or for other legitimate business and governmental purposes. In addition, it confers certain rights on consumers who are the subject of reports; limits the use and content of consumer reports; and provides for civil liability and criminal penalties for willful noncompliance by users or issuers of consumer reports.

Unlike the federal Truth in Lending Act, which followed a stormy course in Congress for nearly a decade, the Fair Credit Reporting Act was passed with a surprising degree of industry cooperation.

Unlike the Federal Truth-in-Lending Act, it involves a minimum of red tape for creditors and other users of reports. And, generally speaking, it conforms to industry guidelines which were adopted at least a year earlier by the Associated Credit Bureaus, Inc., the international trade association for consumer credit reporting agencies.

And unlike the Truth-in-Lending Act, administration of the Fair Credit Reporting Act by Federal agencies is limited to enforcement. There will be no unceasing rule-making and interpretation, as is the case with Regulation Z.

However, for bankers, small loan companies and some other creditors, the law has a special problem. Under it, it is possible for a consumer credit granter or other customary user of consumer reports to fall within the law's definition of a "consumer reporting agency." Consequently, several definitions included in this new law are extremely important in discussing compliance.

The first definition states that, for the purposes of the law, the word "person" means any individual, partnership, corporation, trust, estate, cooperative, association, government or governmental subdivision or agency, or other entity. As you can see from this definition, the law wanders far from the credit scene, even into the investigation of heirs under estates and trusts and other aspects of bank management.

Another very important and very complicated definition is the one for "consumer report." It says that this term means:

1. Any written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used, or expected to be used, or collected, in whole or in part, for the purpose of serving as a factor in establishing the consumer's eligibility for (a) credit or insurance to be used primarily for personal, family or household purposes; or (b) employment purposes, or (c) other authorized business, governmental or other purposes specified in Section 604. I will discuss this section later.

The definition further states that the term "consumer report" does not include:

1. Any report containing information solely as to transactions or experiences between the consumer and the person making a report:

2. Any authorization or approval of a specific extension of credit directly or indirectly by the issuer of a credit card or similar device, or

3. Any report in which a person who has been requested by a third party to make a specific extension of credit directly or indirectly to a consumer conveys his decision with respect to such a request.

In such cases, a report is not a "consumer report" only if the third party advises the consumer of the name and address of the person to whom the request was made, and such person makes the disclosures to the consumer required under Section 615. I will clarify this through later discussion.

Now to go back over this definition, it is quite clear that Congress intended to regard a "consumer report" as any of the character described which does not fall under one of the three exceptions. So let's take a closer look at them.

The first says that a communication of so-called "ledger" information between a credit granter and a reporting agency is not in itself a "consumer report." The same would seem to apply to a communication between a credit granter and another creditor or other similar second party, but not when the information is passed on to someone else. Thus, A gives information to B who passes it on to C. The communication between A and B is not a "consumer report," but the communication between B and C may be one. This is very important to remember if you customarily provide information through what is generally known in the industry as a "direct inquiry."

The implication here is fairly clear that credit granters who provide information through direct inquiries to other creditors may be regarded as "consumer reporting agencies" under the law, and thus subject to all of the provisions applying specifically to such agencies.

The second exception makes it clear that any request for authorization in a credit card program and the resulting approval or denial of such authorization would not be considered as a "consumer report," even though information on the consumer is being imparted to a third party.

The third type of exception would apply to communications between a seller and a third-party financing agency. Typical instances of this would be in automobile credit and home mortgage loans.

For example, if a bank would provide information to an auto dealer or to a real estate agency advising that it cannot approve a consumer's application for a loan and the reasons why, this type of communication would not be a "consumer report" if the auto dealer or real estate firm discloses directly to the customer involved:

1. The name and address of the bank which refused the credit; and

2. The name and address of the "consumer reporting agency" or other information required under Section 615(b).

Consequently, it should be clear here that banks and time sales finance companies are going to have to make sure that the dealers with whom they do business make these disclosures. It would seem to me that the easy way to do this would be to require that a copy of the disclosures be provided by the dealer to the financing source.

Please note that at this point, the law does not exempt from the definition of "consumer report" information transmitted between departments of a bank, between branches of a bank, or between branches of a department store, hotel chain or like chain business, except where the communication is a response to a request for a credit card authorization.

The law makes it quite clear that when a credit granter gives information routinely to a credit bureau or in response to a specific request from a credit bureau, the communication is not a "consumer report." But information routinely imparted elsewhere or provided on direct inquiry, even within a corporation itself, may be regarded under the law as a "consumer report." But as I stated before, "consumer reports" under the law are issued only by "consumer reporting agencies," which will be defined and discussed later.

The next term which is defined in the Fair Credit Reporting Act is what the law calls an "investigative consumer report." Generally speaking, it is one based in whole or in part on subjective information, and it is used more frequently in evaluating consumers for insurance and employment purposes than in granting consumer credit. According to the Associated Credit Bureaus, Inc., most of its members do not issue such reports.

Specifically, the law says that an "investigative consumer report" is a consumer report or portion thereof in which information on a consumer's character, general reputation, personal characteristics, or mode of living is obtained through personal interviews with neighbors, friends, or associates of the consumer reported on, or with others with whom he is acquainted or who may have knowledge concerning such items of information.

The definition goes on to say that, however, such information shall not include specific factual information on a consumer's credit record obtained directly through a creditor of the consumer or from a consumer reporting agency when such information was obtained directly from a creditor of the consumer or from the consumer himself.

The term "investigative consumer report" is important, as we will see later, because special disclosures must be made by users of this type of consumer report.

This then brings us to what is perhaps the most difficult definition in the new law. It says that the term "consumer reporting agency" means any persons who, for monetary fees, dues or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.

Let's examine this definition critically. Key phrases are: 1) monetary fees, dues, or on a cooperative nonprofit basis; 2) regularly engages and 3) uses any means or faculty of interstate commerce. All three elements are essential in the determination of who or what is a consumer reporting agency under the law. The absence of any one element takes the providing of credit information outside the definition.

Obviously, the definition includes your local credit bureau and other reporting agencies which issue consumer reports as a business. But it is not limited to these. If the shoe fits, it can include:

1) Lenders exchanges and creditors' trade associations and local clubs which are financed through dues or on some other nonprofit basis;

2) Blue books, red books and other publications and lists of credit ratings which are sold or are provided as part of subscriber fees or as a service in return for dues in an organization;

3) Groups of two or more creditors who agree to provide information to one another without charge on a regular basis;

4) Correspondent banks and affiliated business relationships where an agreement for interchange or exchange of credit information is a part of the business relationship; or

5) Specialized, negative credit information reporting services, such as those which serve the direct mail field and other areas of credit.

What then would seem to be excluded? The answer would be those exchanges or interchanges of credit information which do not meet the requirements of the three key phrases. In my view, these are:

1) Direct inquiries, so long as there is no agreement among the persons involved to exchange information. This would not only include the case where creditor A gives information to creditor B for his use, but also where B subsequently reports this information to creditor C.

2) Credit information between departments of a bank, between branches or with unaffiliated banks, between stores in a retail chain, between hotels in a chain, or other such similar situations.

As I have pointed out, the law says that consumer reports are those issued by consumer reporting agencies. Therefore, any credit information passed on to another party by a creditor would not be a consumer report unless the operation is covered by all three criteria for consumer reporting agencies.

Section 602 of the Fair Credit Reporting Act sets out the findings and purpose of Congress. It states quite clearly that the intention is to regulate consumer reporting agencies. Consequently, the law regulates creditors and other users of consumer reports only so far as is necessary and pertinent to the regulation of consumer reporting agencies.

This is made clear repeatedly in various provisions of the law, in particular in Section 604 on permissible purposes of reports. It says that a consumer reporting agency may furnish a consumer report under the following circumstances and to other:

1) In response to an order of an appropriate court.

2) In accordance with the written instructions of the consumer to whom it relates.

3) To a person which it has reason to believe:

a) Intends to use the information in connection with a credit transaction involving the consumer who is the subject of the report in connection with an extension of credit or review or collection of his account;

b) Intends to use the information for employment purposes;

c) Intends to use it in connection with underwriting of insurance;

d) Intends to use it in connection with determination of eligibility for a license or benefit granted by a governmental agency, when the law requires such investigation of eligibility, or

e) Otherwise has a legitimate business need for the information in connection with a business transaction involving the consumer.

Section 607 requires consumer reporting agencies to maintain reasonable procedures to avoid violation of Section 605. These procedures require that users of information identify themselves, certify the purposes for which information is sought, and certify that it will be used for no other purpose. Section 607 goes on to require reporting agencies to make a reasonable effort to verify the identity of prospective users. And it forbids them from issuing a report when there is reasonable grounds for believing that a report will not be used for a purpose listed in Section 604.

You will note that in discussing this section, it permits a reporting agency to issue a report in accordance with written instructions of the consumer to whom it relates. Thus, this provision makes it permissible for a reporting agency to issue a report for any purpose provided that it is done in accordance with written instructions of the consumer.

In addition, from Section 604 and 607, it is clear that credit bureaus and other reporting agencies are going to want to protect themselves by requiring contracts from all users, and the casual user of credit reports may incur a delay in service unless he obtains permission in writing from the consumer to obtain a report, and presents this to the bureau at the time he requests the report. Some bureaus may even make this mandatory on lawyers, private detectives and others who use their services, but who are not engaged in credit granting.

Credit bureaus have always attempted to protect the confidentiality of file information from intruders, but the law gave them no help. Now under Section 619 of the Fair Credit Reporting Act, any person who knowingly and willfully obtains information under false pretenses may be fined up to $5,000 or imprisoned up to a year. These same penalties are provided in Section 620 to officers or employees of reporting agenciese who knowingly and willfully provide unauthorized reports.

The Fair Credit Reporting Act places restrictions on the release of obsolete or unsupportable information by consumer reporting agencies, places special obligations on them when reports are issued for employment purposes, and requires periodic reverification of information upon reissuance of information in an investigate report. The law also provides for disclosure of file information by reporting agencies to consumers, and procedures to be followed where the accuracy of information is disputed.

I am not going to go into these provisions of the law, because this discussion is limited to creditor compliance. However, the requirements placed on consumer reporting agencies will have a bearing on the rules of use and agreements which bureaus will require from credit granters.

For instance, some bureaus are going to want to be advised of creditor compliance with Sections 606 and 615, perhaps through receipt of copies of writings delivered to consumers to provide required disclosures.

Section 606 sets out disclosure requirements for procurers and users of investigative consumer reports. It says that a person may not procure or cause to be prepared an investigative report on any consumer unless:

1) A clear and accurate written disclosure is made to the consumer that an investigative report is being sought;

2) The written disclosure specifically states that the report will include information on the consumer's character, or general reputation, or personal characteristics, or mode of living, whichever is applicable:

3) The written disclosure is mailed or otherwise delivered to the consumer no later than three days after the report was requested, and

4) The disclosure includes a statement informing the consumer of his right to request an additional disclosure which must be made only upon receipt of a written request. This statement is not required in a case where the consumer has not specifically applied for employment.

Under Section 606, when the consumer has received the first required disclosures and makes a written request within a reasonable length of time, he must be provided with a complete and accurate written disclosure of the nature and scope of the investigation requested. This must be mailed or delivered to him not later than five days after receipt of his request or the date that the report was first requested, whichever is later.

Although the law does not require record keeping as a matter of compliance with Section 606, I recommend that records of these disclosures to consumers be kept for at least two years.

I make the same recommendation with regard to Section 615, which sets out the requirements on users of consumer reports, and which therefore, from the credit granter's standpoint, is the most important section of the law. It has three provisions, which are as follows:

a) Whenever credit or insurance for personal, family, or household purposes, or employment involving a consumer is denied, or the charge for such credit or insurance is increased either wholly or partly because of information contained in a consumer report from a consumer reporting agency, the user of the consumer report shall so advise the consumer against whom such adverse action has been taken and supply the name and address of the consumer reporting agency making the report.

b) Whenever credit for personal, family, or household purposes involving a consumer is denied or the charge for such credit is increased either wholly or partly because of information obtained from a person other than a consumer reporting agency bearing upon the consumer's credit worthiness, credit standing credit capacity, character, general reputation, personal characteristics, or mode of living, the user of such information shall, within a reasonable period of time, upon the consumer's written request for the reasons for such adverse action received within sixty days after learning of such adverse action, disclose the nature of the information to the consumer. The user of such information shall clearly and accurately disclose to the consumer his right to make such a written request at the time such adverse action is communicated to the consumer.

c) No person shall be held liable for any violation of this section if he shows by a preponderance of evidence that at the time of the alleged violation he maintained reasonable procedures to assure compliance with the provisions of subsections (a) and (b).

Now let's go back over these first two provisions of Section 615 to take a closer look at them and what they mean.

Subsection (a) says in effect that, any time you deny credit or increase the charge to the consumer in either case as a result of information provided in a credit report, you must do two things. First, you must tell the consumer that your denial or increased charge resulted from a credit report. And second, you must give the consumer the name and address of the reporting agency.

Three things are particularly notable here. You must do this even if there is no adverse information in the credit report, such as a case where credit would be denied because the creditor feels that additional debt will overload the consumer. Second, the law does not require that the disclosures be made in writing. And third, since there is no time provided, it can be presumed that the disclosures must be made at the time the consumer is informed that credit is denied or that it is being extended at an increased rate.

The fact that Subsection (a) does not relate only to adverse credit report information makes it clear that Congress had a purpose in mind. The idea, it seems to me, is to let the consumer know that a credit report was used and where it is filed. We all know that many consumers are not aware they are the subjects of credit bureau files.

I recommended that the required disclosures be made in writing as a self-protection for the credit granter. But I also foresee that some credit bureaus will probably require in their service contracts that they be notified whenever disclosures are made to a consumer under Section 615. They will want to protect themselves from the possibility of the irate consumer who comes charging to the bureau before the bureau is aware that the consumer has been turned down for credit.

The intent of Congress in the Fair Credit Reporting Act to assist consumers in protecting themselves against arbitrary, erroneous or malicious credit information from sources other than consumer reporting agencies is expressed in Section 615 (b).

It covers denials of credit and increased charges which result from information obtained not only on "direct inquiry," but any other third party source except consumer reporting agencies, including the consumer's references.

Under Subsection (b), when such information results in a denial of credit or an increase in charge for it, the creditor must at the time he communicates his adverse action to the consumer clearly and accurately disclose to the consumer that he has a right to an explanation of the reasons for the adverse action, and that it must be provided upon written request received within sixty days from the date of notice.

When the consumer exercises his right by filing a written request within the time limit, the creditor must disclose the nature of the information which resulted in a denial of credit or an increased charge. But there is no obligation to disclose the source.

The Fair Credit Reporting Act allows consumers to bring civil suits against either consumer reporting agencies or users of information. For willful non-compliance, the consumer can win actual damages, punitive damages, court costs and recovery of reasonable attorney's fees. For grossly negligent noncompliance, he can win only actual damages, court costs and reasonable attorney's fees.

The Fair Credit Reporting Act assigns enforcement of compliance to a number of Federal agencies. For instance, the Comptroller of Currency is responsible for national banks, the Federal Reserve Board for state banks which are members of the Federal Reserve System, the Federal Deposit Insurance Corp. for insured state banks which are not Federal Reserve System members and the Federal Trade Commission for other banks.

Consumer reporting agencies, retailers and lenders who are not regulated by other Federal agencies come under the jurisdiction of the Federal Trade Commission, which can exercise all of its powers under the FTC Act to enforce compliance. Other Federal agencies with enforcement authority are authorized to use powers under appropriate Federal statutes.

In conclusion, I would like to point out that there appears to have been no punitive intent on the part of Congress when it enacted the Fair Credit Reporting Act.

Hopefully, the law should produce a decided benefit for credit granters as well as consumers. As all of us know, the quality of a credit decision is only as good as the information it is based upon. If the Fair Credit Reporting Act results in better quality credit reports, the entire consumer credit industry will receive great benefits.

[From The Machinist, Apr. 8, 1971]

Your Credit Rating

(By Sidney Margolius)

A frequent injustice against moderate-income consumers will be at least partly corrected when the Fair Credit Reporting Act goes into effect April 25.

The threat that "your credit will be ruined" has long been used by bill collectors to pressure debtors into paying even bills that were unfairly incurred and against which they may have had legal defenses. Inaccurate or out-of-date credit reports also sometimes have led to denials of credit by the more conservative lenders and stores, forcing moderate-income families to go to high-rate loan companies and high-priced "easy credit" dealers.

Even whether you can get auto insurance at normal rates may be decided by what your file at the credit bureau says about you. As shown by Congressional testimony, sometimes even just hearsay, comments by neighbors or prejudiced observations by credit investigators have kept car owners from getting insurance.

But wage-earners have long had another fear of credit reports. Employers use them too, in hiring and in exchanging information. The "confidential" information a worker gives his employer may wind up in the files of the local credit bureau. This data can follow you even when you move. The information is exchanged among credit bureaus in various towns.

One labor union, in Vancouver, recently adopted a resolution recommending that a "protection of privacy" clause be inserted into contracts requiring employers to keep personnel records confidential and not to divulge information unless the inquirer gets the written consent of the worker.

The main protection provided by the new Fair Credit Reporting law is that credit bureaus now must disclose your credit record to you upon request. There is no fee for the review if you have been denied credit, insurance or employment because of a bad credit report of if you have received a notice from the credit bureau's collection department. The dealer, lender, insuror or employer involved must tell you so and give you the name and address of the credit agency from which they got the adverse information.

You don't have to wait until you have been turned down to review your credit file, *although in this case you do have to pay a fee.* On presentation of proper identification, a credit bureau which issues a report about you must show all information in your file and tell you where it got the information. The bureau also is required to tell you the names of those who have received employment reports about you within the past two years and who have received credit reports about you within the past six months.

The fee for a voluntary review—the one you can request even if not turned down because of a bad report—is an unfortunate loophole. The new law allows a credit bureau to make "a reasonable charge" *plus* an additional fee no higher than it charges its own customers for furnishing statements.

How much will this be? The manager of one of the largest credit bureaus told me that while rates have not yet been set, the bureau usually charges stores and lenders $3 for an ordinary report involving special investigation. If there are many requests from consumers who have not been denied credit but want to see what's in their file, there may have to be an additional charge, perhaps $2, for a total of $5.

Here are facts you ought to know to make use of the new law:

How do you make arrangements? If you want to find out about your record, you can visit your local credit bureaus and provide proper identification. You can bring someone with you in addition to your husband or wife. You also can make a written request for a phone interview, if you can be properly identified over the phone and pay any long-distance charges.

How do you correct an error? Your file usually includes marital status, present employment, income, and personal history such as records of arrests, suits, etc. Bankruptcies are reported for 14 years, suits and judgments for seven years or until the statute of limitations has expired (whichever is longer). Wage-earner plans; paid tax liens; collection accounts; records of arrests, indictments, convictions and similar information also may be reported for seven years.

The bureau will re-investigate any item you question. If it is found inaccurate or can no longer be verified, it will be deleted. If the investigation does not settle the issue you are allowed to file a brief statement telling your side. It will be included in future reports on you.

Who can get a report on you? A bureau can give a credit report on you if it is to be used to consider you for credit, employment or other business purposes such as a lease or investment, or to review or collect your account.

Insurance companies also make what are called "investigative reports" consisting of information on what they judge to be your "character," reputation, personal characteristics or "mode of living." This information usually is gathered through interviews with neighbors, associates and employers.

Credit bureaus usually don't compile this type of report for ordinary credit-grant purposes but may for employment reports. They may get quite a lot of information on you for this purpose, including reports from former employers. This situation can sometimes put a workingman in a difficult spot in which he may want to see what's in his credit bureau file, and find it preferable not to volunteer any unessential information to employers or investigators.

[From The Baltimore Sun., Apr. 13, 1971]

Credit Data Curbs To Start April 25

(By Anne S. Philbin)

New federal curbs on how the nation's credit industry uses the data it has on nearly every adult American will go into effect April 25.

The Fair Credit Reporting Act passed by Congress last fall restricts, for the first time, the purposes for which credit reports may be used. The act also limits the time by which information is considered obsolete and must be deleted from a file, though there are important exceptions.

Consumers will also have the right to know what's in their file except for medical information. If they dispute the accuracy of any information they can request reinvestigation and verification.

INVESTIGATIONS

Another important provision of the act covers "investigative" reports, the kind where a credit agency interviews your neighbors, personal friends and acquaintances for information to sell to your prospective creditors.

"When a creditor, individual or company, asks for this kind of report," said Norman Polovoy, assistant attorney general and chief, consumer protection division, "the agency must notify the consumer within three days of his rights of disclosure.

"If the consumer wants a copy of the report, the agency must give the nature and substance of it in writing within five days after it receives the consumer's request.

"This part of the new law," he added, "gives a consumer the novel prospect of being told what many people have suspected for years: big brother is compiling a credit report on his status, character, reputation, mode of living and other things."

RECIPIENTS LIMITED

Mr. Polovoy said the new law restricts consumer reporting agencies as to whom they may furnish reports.

"Information can be released only to the consumer himself, to an agency's client considering employing, insuring, or engaging in a legitimate business transaction with the consumer, or in response to a court order," he said.

As to obsolete information in a consumer's credit file, Mr. Polovoy said no credit agency may make any consumer report containing any of the following information:

1. Bankruptcies more than 14 years old;
2. Suits and judgments seven years old or until the governing statute of limitations has expired, whichever period is longer;
3. Any of the following which antedate the report by more than seven years: paid tax liens, records of arrest, indictment, or conviction of a crime which from date of disposition, release or parole, antedate the report by more than seven years, or any other adverse information more than seven years old.

SOME EXCEPTIONS

But there are some important exceptions to those provisions.

"There is no time limit imposed on information in consumers' files about credit or life insurance transactions involving $50,000 or more.

"Also excepted is information on an individual's employment at an annual salary of $20,000 or more," Mr. Polovoy noted.

Should a consumer dispute the accuracy of a credit agency's file on him, the law sets up machinery giving him the right to state his own version.

"The law says that unless a credit agency has 'reasonable grounds' to believe the consumer's dispute is frivolous or irrelevant, the agency must reinvestigate the dispute information and record the current status of it.

"If the reinvestigation shows the information was inaccurate or cannot be verified, the agency must delete such information promptly," Mr. Polovoy said.

And at the consumer's request, the agency must give notice of the deletion to all persons receiving the report in the previous six months or in the previous two years, if the inquiry was for employment.

Mr. Polovoy said that if the consumer disputes the findings of the reinvestigation he is entitled to the insertion of a 100-word statement in his file, giving his side of the story in any future report made by the agency.

Under the new law, the consumer has 30 days from the time he receives word of a bad credit report to go to the credit agency and have its required services supplied without charge.

REASONABLE FEE

And if he just wishes to know what's in his file, he may, for a "reasonable fee," ask to see it upon properly identifying himself.

Mr. Polovoy said he believes the Fair Credit Reporting Act of 1970 is an "excellent piece of legislation in the great tradition of disclosure and the American concept of fair play.

"In essence, this new law says 'I have the right to find out why you say I'm wrong.' It helps the consumer determine why he was rejected for credit and gives him an opportunity to refute it."

[From the Lorain (Ohio) Journal, Mar. 21, 1971]

Credit Bureaus

(By Dave Rothman)

If anybody around town pays his bills regularly, it had better be J. Ed Uland, the husky, back-slapping executive director of the Greater Lorain Chamber of Commerce.

But do merchants know of Uland's correct credit credentials?

There's been quite a lot of publicity lately about credit bureaus getting folks files mixed up and confusing good business risks with deadbeats.

So, at The Journal's request, Uland dropped by the Credit Bureau of Lorain, located in a converted house at 314 9th St., Lorain.

He asked for his record's contents as a new federal law will entitle the public to do effective April 25, although the Lorain credit bureau for many years has let people know about their own files.

The bureau's supervisor, Mrs. W. B. Rozich, a very businesslike redhead, pulled out a manila folder with the following information:

Uland's name. Present and past addresses. Where he works. His wife's name. The number of children. His age. Where he has had loans or credit dealings. Whether he had filed for bankruptcy, had been sued for a debt, had a tax lien filed against him or whether a bill collector had a professional interest in him. And most important: how much he owes, who he owes it to and whether he's a fast payer or a deadbeat.

Ed Uland couldn't read this information himself. It was written out in a special code.

But Mrs. Rozich told him that his record was clean.

Other people might not show up as well.

Thousands of files contain information that could destroy an individual's reputation. This information in some instances includes criminal records, mention of divorces and even, according to one source, some references to paternity suits.

There are also other facts in many people's files that could be used to investigate entire lives—facts such as military service information and where people attended school.

In addition, some credit bureaus reportedly collect heresay information about people's characters and reputations from their neighbors although the Lorain bureau denies doing this.

Not surprisingly, when April 25 rolls around and more people know about the new law, Mrs. Rozich expects "an onslaught" of folks coming in to check their files.

She says it might even be necessary to make appointments in advance.

Right now, Mrs. Rozich doesn't expect that you'll be able to hold the record in your hands.

"Somebody with a bad record could destroy it with a rip."

But you're supposed to be able to learn everything that a businessman checking your file would hear about.

If you've been turned down for credit within the last 30 days, however, the bureau—as in the past—won't charge for pulling out your file and advising you.

However, people checking their files just out of curiosity will have to pay a small fee as they do now.

Mrs. Rozich says she doesn't know exactly what the fee will be after the new law goes into effect although the legislation does permit a fee.

Here are some other aspects of the 1970 Fair Credit Reporting Act:

—The Credit bureau cannot report bankruptcies to its customers if the action is more than 14 years old. On suits and arrests and some other information, the limit is seven years.

—Government agencies will be limited to the kind of facts they can obtain without a court order. This includes name, address, former addresses and past and present places of employment.

—People asking for investigative reports must notify the folks investigated.

Although not fully familiar with the new law at present, Mrs. Rozich calls it "very fair to all, the credit bureau, the people and the business people."

She'd like to think of herself as fair and scrupulous even now, however.

People seeking information from the Credit Bureau, for instance, must give code numbers indicating themselves as bureau members before the bureau will release it to them.

Mrs. Rozich won't disclose the cost of bureau membership. She says it varies and the most of the businesses in the Lorain trading area belong.

(Among other cities, the trading area includes: Lorain, Amherst, South Amherst, Sheffield Lake, Sheffield, Avon, Avon Lake, Vermilion, Birmingham.)

Once the code numbers are given—or once a nonmember presents the proper credentials in person to show he wants the information for a legitimate purpose—the Lorain credit bureau reads off various businesses' opinions of somebody's credit.

Here are some ways the ratings are given: "better than as agreed" (paid off ahead of time, "as agreed" (pays off on time), "a little slow" and "very slow."

The ratings come from individual merchants—identified by trade (such as "furniture store") rather than by name.

The credit bureau itself doesn't supply over-all ratings.

According to one credit bureau user, however, the ladies giving out the information are only human, and sometimes laugh. Mrs. Rozich say they do this because the other person's telling a joke. According to her, the women discuss bad credit risks in "a very businesslike manner."

Who seeks the credit information?

Banks. Loan companies. Department stores. Furniture stores. And lots of other people including doctors who use the bureau to find out whether patients have paid bills.

When government investigators make their infrequent requests, Mrs. Rozich, says, the bureau checks identification papers and phones the government agencies if there's any suspicion.

She claims she doesn't know of the credit bureau ever letting information fall into the wrong hands.

Not only is the data code, but 75 percent is locked up in metal cabinets.

Mrs. Rozich says that any bureau employes caught releasing information to the wrong people would be dismissed.

"This is a very confidential business."

Mrs. Rozich claims the bureau doesn't release all the information it has on people.

"Unless we believe it's pertinent to what a man is doing"—such as applying for a security job—"we don't" give criminal records out, says Mrs. Rozich.

According to her, the Lorain credit bureau doesn't investigate, say, whether you fight with your wife.

It checks only rarely with neighbors, she says, and the phone calls concern mostly routine things like whether you're actually living at such-and-such an address.

Credit bureau people have reported, however, that some loan companies and some insurance investigators are asking "nosy questions" over the telephone in the bureau's name.

Mrs. Rozich suggests requesting the "credit bureau employe's" "operator's number" and phoning the credit bureau back if you have doubts about the caller's identity.

In denying that the bureau invades privacy, she says that newspaper clippings of births, weddings, deaths and other events are kept mainly to assist in identifying applicants.

For instance, Mrs. Rozich says, wedding clippings not only can furnish a name of the groom's wife and parents, but often where he works.

Mrs. Rozich claims precautions are so effective that an error occurs during "only one out of every 20,000 calls" in which the bureau gives out information.

She does admit, however, that credit bureau information can be a year or two behind—at least, say, when somebody hasn't been checked up on credit in a long time.

Mrs. Rozich says the bureau tries to furnish the dates the information was collected.

Some people have complained that the bureau isn't checking up on the outcome of law suits, for instance.

A credit bureau user replies that he's interested even in the fact that somebody may have been sued for collection of a debt.

Mrs. Rozich herself says the bureau updates your files . . .

She also says that if you hesitated to pay a bill because of dissatisfaction with merchandise, you can send the bureau an explanatory letter for its files.

Here is the situation at other area credit bureaus:

NORWALK

Credit Bureau of Norwalk Inc. owner D. O. Woodward will not only let people see their own files for free but will explain how their credit history is written out.

"I" stands for installment. "I1" means "as agreed." "I2" means one payment behind. "I3" means two payments behind.

Some of the people looking at their files give him trouble at times.

"One guy threatened to beat the hell out of me," he recalls, "and I told the girl if he started pounding to call the police."

Woodward says he tries to be objective, however. "I might hate a guy's guts but I won't tinker with his credit rating. You'd lay yourself open to a law suit."

He reports his bureau has 20,000 files. It serves Norwalk, Monroeville, North Fairfield, New London, Wakeman and Collins.

Woodward says he works with public documents—not hearsay.

According to him, he won't snoop on you through your neighbors.

His bureau should not be confused with a firm called the Retail Credit Company, says Woodward.

According to Jim Bronder, supervisor of the Norwalk office of the Retail Credit Company, the firm's name is "a little misleading" since the company is "primarily engaged in insurance inspection work."

However, Bronder says that when investigating somebody for an insurance company, Retail Credit lets people know that its main business is insurance investigation and that it isn't a regular credit bureau.

Retail Credit does handle some credit work, though, he reports.

"We've been in business since 1899 and we have no qualms about speaking to anybody who thinks an error has been made in their report," says Bronder.

The credit and insurance reports are filed out of town, so if you want to discuss them with Bronder, you should call in advance.

Bronder says information gathered for insurance companies, such as drinking habits, isn't available to users of Retail Credit's credit service.

Across the country, Retail Credit maintains 48 million files on individuals and businesses. In Oakland, Calif., an insurance broker has been awarded $290,000 in damages involving a background investigation report which Retail Credit admitted was based on false information.

ELYRIA

Manager Robert Meitzke of the Elyria Credit Bureau says that if you make an appointment and drop by, the bureau will tell you everything in your life. "We've been operating under these rules for the last three years at least." The bureau also serves North Ridgeville, Grafton, LaGrange and Columbia Station.

OBERLIN

Joe Molesky, manager of the credit bureau there for ten years, says people can learn about their files after paying a $2.50 charge. One employee said "The FBI comes in quite often." Molesky himself says the FBI drops by but that it really doesn't visit that regularly. He did not reveal the purpose of their visits.

The FBI and other bureau users will find information if any about criminal records. Molesky says that "a person's character" and an individual's "honesty" are relevant information.

The bureau serves Oberlin and Wellington.

SANDUSKY

Manager J. Robert Hanlon of the Credit Bureau of Erie County Inc. says the bureau lets people learn about their files. The bureau is considering charging fee for such a service.

He says he doesn't know of any information getting into unauthorized hands and claims that the bureau's files are accurate.

This credit bureau serves Erie County except for Birmingham and Vermilion.

[From The Washington Evening Star]

Your Money's Worth—Here Are New Credit Rights

(By Sylvia Porter)

One week from today a great new array of defenses against credit status abuses by credit rating bureaus, credit reporting agencies, credit granters goes into effect. As of next Monday you will, among other things, be able to:

1. Obtain, upon request and proper identification, from any consumer reporting agency which issues a report on you disclosure of all the information in your credit file—including the sources of that information.

2. Get the names of all who have received from any consumer reporting agency employment reports on you within the past two years and the names of all others who have received credit reports about you within the past six months.

3. Arrange for a reinvestigation of any item about you which you question.

4. Have that item deleted from the record if the reinvestigation finds it to be inaccurate or if the item can no longer be verified.

5. File a statement of about 100 words reporting your side of the story if the reinvestigation does not settle the matter—so that your side will be included in any future reports containing the item.

6. See to it, if an item is deleted or a statement added to your file, that the credit bureau informs those who have received employment reports about you within the past two years or regular credit reports about you in the past six months.

7. Get your record and a review without charge if in the past 30 days you have been denied credit because of a credit report from a credit bureau or received a notice from a collection department affiliated with the credit bureau. And under the same circumstances, have previous recipients of information about you notified without charge if an item is deleted or a statement from you is added . . .

These are extraordinarily valuable new rights. They come under the Fair Credit Reporting Act, signed into law last October and effective April 25.

Do not casually shrug off the potential significance of this law. Dossiers on practically every adult are in the files of the 2,500 credit bureaus across the land and of huge numbers of local merchants' associations. Included in these dossiers are facts on jobs, incomes, marital status, associations, personal histories and habits—and gossip too.

The bureaus freely exchange this information. They sell it to retailers, banks, other lenders, credit card companies, corporations—and a credit report almost surely will be issued on you when you apply for a job or insurance or credit.

The consumer credit reporting industry processes from 125 to 150 million credit reports each year. Just one computerized credit reporting company—TRW Credit Data, the largest, founded in Detroit in 1930—says it maintains 30 million files, enters four million "pieces of information" on individuals each month, services 14,000 subscribers and maintains on some individuals as many as 35 to 40 open accounts on which credit performance is reported.

The possibilities for abuse are unending. Yet, prior to this law, we had hardly any way to protect our financial standing and perhaps even our personal reputation.

Now, though, you will have the right under the law to obtain information—except medical—in your file and its sources. The law also forbids bureaus to send out adverse information which is more than seven years old, although bankruptcies may be reported for 14 years, and there are no time limits on information on you if you apply for a loan or insurance policy of $50,000 or more or apply for a job with a salary of $20,000 or more.

There are weaknesses in the law—particularly involving enforcement—but it is an indisputable advance.

Learn your new rights. Use them to the fullest for your protection.

HAWAII READING CLINIC

Mr. FONG. Mr. President, published in the April 1971 edition of American Education, the publication of the U.S. Department of Health, Education, and Welfare, Office of Education, is an excellently written, finely illustrated article on a reading clinic at Hilo, Hawaii's second largest city.

I am proud that attention has been drawn to a young but successful program which is supported by funds provided under title I of the Elementary and Secondary Education Act, supplemented by State money. I believe it is a project which should be instituted in all of our communities, and I hope that other States will follow in the steps of Hawaii.

In order that the article, written by Thomas Kaser of the Honolulu Advertiser, may receive wider attention, I ask unanimous consent that the text be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Hilo Reads With Aloha Spirit

(By Thomas Kaser)

Tacked on a wall in the Hilo Reading Clinic, on the island of Hawaii, is a quotation from the 18th-century English writer Jonanthan Swift: "When I am reading a book, it seems to be alive and talking to me."

Literary quotations are not exactly a part of the everyday life of youngsters on the "Big Island," as the largest of the Hawaiian Islands is called, and neither is reading. According to achievement tests administered by the State Department of Education, Big Island students are poorer readers than most youngsters in the continental United States and in the State of Hawaii itself, especially Honolulu.

But the Hilo (pronounced Heé-lo) Reading Clinic has been chipping away at the problem and in its two and one-half years of operation has made a remarkably favorable impression on parents and educators. Study teams from other Hawaiian islands have visited the clinic to learn how they might establish one in their own districts. Parents drop by to express their thanks for the improvement and increased confidence they have noticed in their children. Teachers who referred students to the clinic say they notice considerable attitudinal changes after the students finish their clinical experience. Says one teacher: "One of my girls, Jennifer, is a new person. Before, she was always dejected, one failure experience after another. She came back from the clinic wholly changed. She is now a visible member of the class, not afraid to participate, and I'd say she has been saved from a lifetime of being a poor reader."

Attitudinal changes, which usually beget scholastic changes, are usually apparent both in the classroom and at the clinic. All three clinicians remember Kimo, a burly sixth-grader who came to the clinic a year and a half ago shrouding his reading deficiency in a "rough and tough" image. His walk and his dress were unusually slovenly; the clear implication in his attitude was that reading is for sissies and he didn't have to improve his reading.

Then the clinicians went to work on him. They found he liked to play games, and he developed a love for competition. Before long they had him playing reading games and striving to beat himself at reading without the aid of any external stimulus. Now at his Hilo intermediate school he is often seen reading paperbacks.

Four years ago Laurence Capellas, the Big Island's secondary curriculum specialist, saw an opportunity to upgrade his district's efforts to help students with reading problems. "What we needed," he recalls, "was an injection of expertise." He saw that funds available under title I of the Elementary and Secondary Education Act offered a chance to bring the needed expertise to Hilo.

Capellas went to California in early 1968 to observe several remedial reading projects funded by title I, and he was particularly impressed with the reading clinic at Montebello in suburban Los Angeles. Convinced that such an operation was the answer to a significant number of the Big Island's reading problems, he borrowed Edward Sarkisian, one of the Montebello clinicians, to help set up a reading clinic serving 11 elementary and intermediate schools around Hilo, the Big Island's capital city.

Capellas also hired four consultants to conduct, with Sarkisian, a four-week workshop in Hilo that summer for 18 Big Island reading teachers who today serve as inschool coordinators for the clinic. Each Big Island principal selected one teacher who had displayed the most interest in wanting to learn how to diagnose reading problems effectively, how to deal with such problems, and how to select the most helpful teaching materials and equipment. State and title I funds became available for the Hilo Reading Clinic to begin operation with the 1968–69 school year with Sarkisian as director and three of the 18 summer workshop participations as clinicians.

Reading progress scores verify the effectiveness of the Hilo Reading Clinic. In the clinic's first year, the average gain was 2.8 months of progress for each month that its 59 students (average IQ: 94) attended. "If an expected gain of one month is accepted as normal," said the clinic's summary report for that year, "the gain would be 1.8 months above expectancy for each month of attendance. Yet because learners with the kinds of deficiencies treated at the clinic seldom achieve at a rate of 1.0 per month, the overall average gain of 2.8 per month is more significant."

The clinic's second-year results were even more impressive. The average gain was 3.35 months for each school month spent at the clinic—again, a conservative evaluation considering that the clinic's students seldom achieve at a standard evaluation rate of 1.0 per month in a regular classroom setting. The reason, ironically, is that although Hawaii is the antithesis of a ghetto environment, it has a social atmosphere that is hardly conducive to reading and speech development.

That atmosphere might be called, simply, the Hawaiian way of life. It is friendly. It is fun. It is easy-going and, understandably, outdoor-oriented. Big Island youngsters are great fishermen, swimmers, singers, and athletes, but reading, unfortunately, is not as integral a part of their cultural landscape. Although the enclosing outside world is demanding a more literate population, rural Hawaii retains much of the simple life it has known for centuries. The blue ocean, luaus, and baseball fields are still far more popular than libraries and reading rooms.

Yet, in another way Hawaii is just like Houston or Hoboken in that the same elements produce a nonreader. A child in Hawaii who is never read to, never encouraged to read, never urged to practice sounds of the written language, will end up with the same reading deficiencies that are bred anywhere on the mainland. And Hawaii, with a higher percentage of working mothers than any other State, has its share of neglected children. Hence, reading is a problem, and so is speech.

English, of course, is the language of modern Hawaii, but "pidgin" English is commonly used by most native-born Hawaiians. Although educators used to stigmatize pidgin, the dialect is now accepted—and even encouraged—as necessary to local identity. But the fact remains that language in Hawaii is still more spoken than written, and the result is a larger number of poor readers—at least by national standards.

Much of the clinic's total effort is directed at poor readers from Hilo's heavily Hawaiian Keaukaha (Kay'-ow-ka-ha) district near the Hilo Airport. Although many Keaukaha students come from a family background that does not take reading seriously, they have other advantages—willingness, responsiveness, friendliness, and a basic ability to learn from clinical instruction.

"Our students are poor in anything having to do with language," says Catherine Macken, a young sixth-grade teacher at Keaukaha. "Some of this is due to an indifferent attitude in the home, some is due to a lack of exposure to good language models, and some is due to the Hawaiian way of speaking English. For example, it is more common to say 'sit' rather than 'sit down in the chair.' This style of speech is not to be disparaged, but it does curtail expressiveness."

PRIORITIES FOR HELPING

Because of its relatively small size, the Hilo Reading Clinic is not able to accept all Hilo-area students who need help, and the selection process poses problems for everyone. To fill one vacancy, should a coordinator in a school recommend an average-ability student who would probably make more progress, or a low-ability student—perhaps a physically impaired slow learner—to whom progress would mean reading the most basic of sentences?

After consulting with the principal on such matters, the reading coordinator in each school ranks her referral candidates each May according to priority. The students are bused to the reading clinic and given a series of tests to determine the nature and severity of their individual reading problems. The clinic staff then makes the final selection on the basis of growth potential, and those not selected are placed on a waiting list.

Each clinician works with three students at a time through six periods a day, four days a week. On the fifth day two of the three clinicians conduct followup consultations with teachers who have referred students to the clinic; the third clinician conducts two remedial reading programs—one for problem learners, the other for college-bound slow readers—in Hilo's only public high school.

Each clinician works in such a way that each of her three students receive individualized instruction. Two youngsters may pore over a phonics reading book while the third talks softly in an adjacent cubicle with the clinician who is searching for the cause of his reading difficulty.

"Jimmy, do you have any books in your home?" asks the clinician.

"No books," Jimmy answers.

"Does your father or your mother read anything to you?"

"My father is working, and my mother works too. They are very busy."

"Does your older sister ever read to you?"

"No. I don't like to read, anyway."

"What do you like to do?"

"I like to fish, to play baseball. I like to go camping."

"Would you like to learn how to read well?" Jimmy pauses and then answers, "Yes."

"Do you like to play games with words?"

Jimmy doesn't answer and the clinician continues, "Would you like to try?"

"Yes."

Like Jimmy's last answer, the counseling is slow and deliberate. Often it assumes a more personal approach, dealing with social or family problems that might be retarding the student's reading development. The counseling may continue for weeks at a time until the clinician feels the student is ready for accelerated remedial reading exercises.

Other clinic activities are more enjoyable for the children. While Jimmy answers questions, nine-year-old Raymond uses a flashcard machine in another room. He inserts the flashcard, hears a recording of the word on it, then says the word himself. Now the flashcard reverses in the machine and a recording of his utterance of the word is played back. Raymond sees the word, hears the word, pronounces the word, and hears himself saying the word before moving on to the next flashcard.

In the next room, three fourth-graders play "Go Fish," one of the clinic's numerous reading games. One deals cards with letters expressing different sounds. Then each takes a turn asking the others for cards by making the sound of the letter on the card wanted, for example, by making a "d" sound and using it in an example—"dog." Three cards of the same sound make a book, and whoever has the most books at the end of the period wins the game.

The Hilo clinicians admit they are stumped by some students with severe reading disabilities, and this year the clinic began referring some students for consultations with a Honolulu neurologist who visits the Big Island once a month.

"The biggest challenge for all of us," says Ellen Watanabe, one of the clinicians, "is the 11 to 17 percent of our students who display only marginal progress after receiving remedial help. They have a happy home life, plenty of encouragement from their parents, no personality problems, normal vision and hearing, and they attend the clinic regularly. Yet, something is standing in the way, something we can't discover."

These students are the exception, and many Hilo area teachers value the clinic because it makes reading fun for students who have not previously associated it with pleasure and success. Says one teacher: "There is a certain advantage in having a problem reader go away from the school environment where he has always striven to keep up with his class. Getting away from school, riding the bus, receiving personalized instruction and counseling, using the machines, and playing reading games—it all provides a new framework for overcoming the problem."

Jean Wence, a third-grade teacher at the Kapiolani School, says most of her referrals to the clinic usually have no real motivation and little, if any, academic encouragement from home. "The clinic has performed no miracles, and we don't expect it to," she says. "But I've found that returning students generally have more confidence and are more responsive, more willing to try things, more motivated, and aware of far more words than they were before. On second thought—considering what kind of students I referred to the clinic—that is a miracle."

At Hilo's Waiakea Intermediate School, May Kitagawa has noticed that students she sent to the clinic returned with a marked tendency to want to read orally in class. She said a year's introduction at the clinic turned one reticent, unwilling seventh-grader into one of the most active volunteer readers in her class. Pauline Chillingworth, who teaches English at the school, says that the clinic is so esteemed by parents that one couple in a rural area drive their son to Waiakea each day so he can be eligible to attend the reading clinic.

"He was far behind the other students when he first began attending Waiakea and his attitude was poor," says Mrs. Chillingworth. "His improvement has been heartening to all of us. Other students I have sent to the clinic have even begun picking up paperbacks on our display rack. When that happens, it makes up for all those days when progress seems hopeless."

Some observers of the Hilo Reading Clinic have attributed its success to what is called in Hawaii "aloha spirit." It isn't easily defined but is often described as something akin to teamwork, friendliness, patience, and, especially, cooperation. Capellas is grateful for the relatively free rein he was given in organizing the clinic; the clinicians value the freedom they have in using new ideas and methods to deal with problem readers.

OTHER ISLANDS BECKON

Sarkisian is now working in a new reading clinic in his district. He has, however, made consulting trips to the islands this year, especially to other districts in Hawaii that want to establish something like the Hilo clinic.

"As far as I'm concerned, the Hilo people are the best I've ever encountered," he says. "They're warm, they're extremely conscious of their work, and they are exceptionally cooperative. No reading clinic can effectively operate without at least a part of their zeal, their commitment, their aloha spirit."

THE STRATEGIC BALANCE AND THE FUTURE OF FREEDOM—ADDRESS BY SENATOR JACKSON

Mr. RIBICOFF. Mr. President, the distinguished Senator from Washington (Mr. Jackson) recently addressed the American Society of Newspaper Editors on the subject "The Strategic Balance and the Future of Freedom."

Whatever views one may have on the adequacy of our Nation's strategic posture and the current arms control negotiations, Senator Jackson's remarks are an important addition to the discussion surrounding this vital subject. They should be read by all who share his active interest in our defense policies.

I ask unanimous consent that the text of Senator Jackson's speech be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

THE STRATEGIC BALANCE AND THE FUTURE OF FREEDOM

(By Senator Henry M. Jackson)

For more than two decades a central objective of American defense policy has been to prevent a nuclear war by deterring any potential adversary from launching a first strike against us. In accord with this policy we have foresworn development of a capacity to wage preemptive war. We have deliberately sought a defensive, deterrent, second-strike posture—relying on a protected nuclear capacity to launch an overwhelming retaliatory strike against a nuclear aggressor. We have built a mix of strategic forces—land-based and sea-based—so that the exposure of any one element to neutralization or destruction would not negate the entire deterrent. We wanted to permit no doubt as to the certainty and severity of our response in the event that an attack against us should be contemplated—or made.

I believe the American people today are confident that the United States is overwhelmingly superior in military power. Most Americans believe that the military balance leans heavily in our favor, and that in strategic nuclear weapons we have unchallenged supremacy.

Unfortunately what was once true is no longer so. The United States is slipping. The overall strategic balance is tilting in favor of Moscow.

Our deterrent force is only as persuasive as its ability to survive a first strike in sufficient numbers, and to respond effectively. But the capacity of our strategic force to survive is now coming into question. The relentless Soviet strategic and naval buildup poses a serious threat not to just one, but to all three of the elements of our strategic deterrent—ICBMs, bombers and Polaris/Poseidon.

This adverse shift in the strategic equation can hardly help having far-reaching effects upon world politics. A more confident Soviet Union can be expected to throw its weight around more vigorously on behalf of its great power interests, and to raise its bargaining price at the negotiating table. Thus new elements of risk and turbulence will be introduced into international relations, enhancing the dangers in crisis situations.

If present trends continue the Soviets will achieve a preponderance of strategic power that will leave our security impaired by doubt and uncertainty and our friends and allies exposed and vulnerable. If present trends continue there will be an increasing risk of miscalculation of the sort that could result in war.

Facing this prospect, the prime question is: What does the United States do about it?

Some may urge that we move to an immediate offensive build-up of our own. Even some opponents of our protective defense systems—like the ABM—suggest a better alternative is more offensive systems—like Minuteman or ULMS. But this is a prescription for heating up the costly, offensive arms competition, not cooling it down.

Other people are saying that we should accept the Soviet proposal at the SALT talks for an "ABMs only" agreement. But this would tie our defensive hand while permitting Moscow to continue deploying mammoth offensive missiles—the very weapons that could be aimed at destroying our capacity to strike back.

To counter the dangerous shift in the strategic balance we require first a forthright and unvarnished assessment of some unpalatable military and political facts. Caught in all the current cross fire about "hawks" and "doves" too many politicians are acquiring the protective habits of the ostrich.

The hard fact is that if we are not to be pushed into a whole new build-up of strategic offensive weapons then we must give our most urgent attention to two priorities:

(1) The protection of our deterrent forces, and

(2) The achievement of an arms control agreement on offensive and defensive nuclear systems that will stabilize the strategic balance and not upset it further in Moscow's favor.

THE CHANGING STRATEGIC EQUATION

In the space of five years—from 1966 to 1971—the overall strategic balance has moved markedly in favor of the Soviet Union.

In 1966 we had more than 700 long-range bombers, about 600 submarine launched ballistic-missiles, and more than 900 Minuteman intercontinental ballistic-missiles. At that time the Soviets had about 150 long-range bombers, less than 100 SLBMs, and about 250 ICBMs.

Today the United States bomber force is less than 600, our sub-launched missiles have numbered 656 for four years, and our land-based missiles have totaled 1054 for four years. During this time the Soviet bomber force has remained about constant, but their submarine missile force has grown to almost 400 launchers and is expected to overtake ours in two to three years. And the Soviet land-based intercontinental force has risen to over 1440 operational launchers—with more on the way.

Thus while the Soviets are gaining and will soon exceed us in missile weaponry at sea, we have already fallen distinctly behind them on land.

Over this same period the actual destructive power of the U.S. forces has been continually decreased, while the Soviets' destructive power has greatly increased until the total megatonnage that the Soviets could deliver against U.S. targets is several times our own.

The only strategic area in which we are staying ahead is in the number of individual war heads and we are doing that only by going to small-yield multiples. Even here, however, the Soviets could in time overtake us since their missile forces have considerably greater payload capacity than ours.

The United States has been relying on a mix of strategic forces—ICBMs, bombers, and Polaris/Poseidon missiles—in order to maintain confidence in our strategic deterrent and to assure against it being neutralized or destroyed. A mix provides insurance that a technological breakthrough against any one element would not negate the entire deterrent, and gives protection against serious failures of performance of any one element due to unexpected circumstances, such as unanticipated weapons effects or insufficient prior warning.

But the Soviets are increasing their capacity to pose a serious threat not to just one but to all three elements of our strategic force.

Threat to ICBM Minuteman Force: We have watched the number of Soviet ICBMs climb steadily since 1966, in spite of four years of American restraint: our total ICBMs is 1054 compared to the Soviet total of over 1440, which includes 300 of the mammoth 25 megaton SS–9s now operational or under construction.

Most recently, there is the disturbing evidence of Soviet construction of a new offensive missile system equal and perhaps superior to the SS–9 capability. We do not yet know exactly what the new system is, but we know it involves missiles not less destructive than the 25 megaton SS–9 and it could mean missiles that are far more destructive than the SS–9. Moreover, the Russians have an ability to deploy between 60 and 70 of these huge new missiles this year. And if they do deploy 70 of the new missiles they would be adding in this one year alone more megatonnage (or destructive power) than the United States has in its entire land-based Minuteman ICBM system.

Since the SS–9 has characteristics that could be well adapted to destroy hardened missile silos in a first strike, but is not at all an efficient weapon for retaliation against cities, one is tempted to conclude that the Soviets are not really committed to deterrence only. For the purpose of retaliation the Soviets have available more than 900 SS–11 and SS–13 missiles similar to our Minuteman and perfectly adequate as a deterrent force. The continued Soviet deployment of their mammoth offensive missiles is a forbidding fact that places our ICBMs at great risk—unless we continue to deploy ABM defenses around our Minuteman silos and take other prudent measures for their security.

Threat to SAC Bomber Force: The growth of the Soviet submarine force poses a severe threat to the second element of our land-based deterrent, the SAC bomber force.

The Soviet Navy can now deploy long-range missiles in submarines hidden underwater along our Atlantic and Pacific coasts and in the Gulf of Mexico. By mid-1971, the Soviets are expected to have operational more than 20 Y Class nuclear powered ballistic-missile submarines and they are producing them at the rate of about 8 a year. By stationing these Yankee Class submarines off our coasts, each capable of submerged launching of 16 ballistic missiles with an estimated range of 1300 nautical miles, the Soviets can blanket practically the entire United States. When the Soviets have the much longer range missile they have been actively testing, they will be able to do this from either ocean.

The threat to our bombers arises from the extremely short flight time from a submerged submarine off our coasts to our bomber bases. Thus a large fraction of the bomber force would be vulnerable to destruction before it could become airborne. Furthermore, the Soviets have deployed a massive system of air defense which would be arrayed against any reduced numbers of U.S. bombers that survived a missile bombardment and did manage to reach the borders of the Soviet Union. Thus, the effectiveness of our bomber fleet as a deterrent can be seriously downgraded.

Threat to Polaris/Poseidon: The third element of our deterrent, the 41 Polaris/Poseidon submarines, has not escaped Soviet developments that raise doubt about its long-term survivability.

Our nuclear submarines are potentially vulnerable to Soviet nuclear attack and cruise-missile submarines, of which the Soviets now have over 60, and are producing at the rate of 6–8 a year. At the same time they are developing more advanced nuclear submarines—including attack submarines that are faster than our own Polaris-types. The Soviets now have the largest and most modern submarine building yards in the world, giving them several times the nuclear submarine construction capacity possessed by the United States.

Moreover, the Soviets are making a massive research and development effort to improve their detection capability of our nuclear submarines. This is especially disturbing because the chief means of defense of the Polaris force is its ability to remain hidden under the seas. If they can be detected they will have lost much of their protective value.

Threat to U.S. Attack Carrier Forces: I should add that the Soviet Navy's general purpose forces are no longer just for coastal defense. They now operate on a continuing basis in the Mediterranean and in the Indian Ocean, and periodically in the Caribbean. With these forces built around attack and cruise-missile submarines, surface ships armed with ship-to-ship missiles, and land-based naval bombers, Moscow has a formidable capacity to attack our carrier forces and disrupt our sea lines of communication—and this Soviet capacity continues to grow.

Vigorous Soviet R&D Effort: Finally, some facts about the Soviet research and development program need attention.

The massive Soviet R&D effort on offensive and defensive nuclear systems has continued to increase for the past several years. The number of offensive missile test-firings has likewise increased substantially. In the last twelve months, the Soviets have conducted extensive tests of various new ABM components, including advanced improved ABM radars.

This huge research and development program, carried out by a country with a gross national product only half our own, gives some sense of the dynamism and direction of the Soviet military effort.

The central fact is that the Soviet Union has continued to support, at great cost, a comprehensive, forward-moving program of strategic and conventional weapons procurement that is not slowing down. On the contrary, the hopes of those who predicted the Soviet build-up was tapering off have been bitterly disappointed—several times.

A BOLDER SOVIET UNION

The Administration has made the claim that we are leaving an "era of confrontation" and entering an "era of negotiation."

I see scant evidence to support such a sunny forecast concerning our relations with Moscow. The massive Soviet weapons build-up does not suggest to me that with greater strength they will be more wary of confrontations

It does suggest to me that they will be better equipped to pursue the tactics they have employed ever since World War II—confrontation and negotiation together as partners in advancing their interests. Indeed, to the Kremlin, confrontation tactics are "bargaining" as much as formal talk can be, and the Soviets are experts at deeds and displays to influence the outcome of a negotiation.

Even before the improvement in its relative power position, Soviet leaders periodically pressed a policy of "opportunistic expansion." I have likened the Soviet Union in its foreign relations to a burglar walking down a hotel corridor, trying the door-handles. When he finds one unlocked—in he goes.

In past Soviet probings the strategic equation has set limits to the extent of the risks that Moscow was willing to run. Khrushchev's backdown in the 1962 Cuban missile adventure is a classic case in point.

Now, however, the Kremlin can be confident of overall nuclear equality with the United States—and it is ahead of us in some nuclear weapons areas—and it can count on a growing capacity to project naval forces and other elements of its military power into many parts of the world.

In this situation, we would be prudent to assume that the Soviet leadership will be more vigorous in the assertion of what it regards as Soviet interests, and will accept greater risks in order to advance them, thus introducing harder Soviet bargaining at the conference table and new elements of danger and turbulence into international affairs.

Leonard Schapiro, one of Great Britain's most respected Soviet scholars, puts the matter this way:

". . . the Soviet Union derives increasing confidence from the sheer quantity and size of the weapons which it possesses . . . as the numbers and strength of Soviet weapons of all kinds, nuclear and non-nuclear as well, increase, so one should expect them to become bolder in their policy and more prepared to take risks."

One would look for such increased Soviet boldness especially in those areas that are without formal defensive ties with the United States, for it is in such areas that the Soviets would be tempted to conclude that the risk of a direct confrontation (perhaps escalating to the nuclear level) is not great. However, in trouble spots like the Middle East, where the Soviets have already invested vast sums of military and economic aid, supplied sophisticated weapons, sent military personnel and taken losses in combat, local instabilities are vastly aggravated with a considerable risk of great power confrontation.

The motto of the Kremlin today is very likely: "No more Cubas." The Soviets may relish the prospect that in future crisis encounters, *we*, and not *they*, will back down and accept diplomatic defeat.

A foretaste of the future could be the brazen and contemptuous Soviet violation of the American initiated standstill agreement in the Mideast, in the summer of 1970, a violation executed from the very day of the agreement's signature, and encouraged, I might add, by the agitated efforts of some high Washington officials to turn their backs.

Professor Robert Byrnes recently made this pertinent comment:

"I would assume that some Americans will find the Russians more reasonable as they become more powerful. There is no reason they should, but this will be their interpretation. You know, this happened in the 1930's. The more powerful and threatening Hitler became, the more rational many British leaders in particular found him to be."

Looking ahead, it is difficult to escape the conclusion that our interests and those of our friends and allies would suffer in a strategic environment in which the American power position was widely questioned, even though the Soviet Union may not have achieved a clear preponderance. We could expect Soviet intransigence in negotiations, and efforts at blackmail and intimidation across a broad range of foreign policy issues, with a consequent rise in the incidence of dangerous situations. Moreover, the element of uncertainty in crisis encounters could become much more severe.

Beyond that, if present trends in the strategic balance continue, we could find ourselves in a situation that encouraged Soviet brinkmanship with a resulting risk of accident, miscalculation and nuclear war.

SOVIET STRATEGIC AIMS AND SALT

For nearly a year and a half now we and the Soviets have been meeting in Vienna and Helsinki to discuss the limitation of strategic arms. This seems a long time to a world impatient for signs of progress. But eighteen months is less than a third of the time it took to negotiate the test-ban treaty. Nothing in the arms control area comes quickly or easily. Such success as we have had in past arms control negotiations has been the product of care, deliberation, and, above all, unremitting patience.

It is one of the sad ironies of negotiations such as these that efforts to hasten them may have the effect of encouraging delay and inflexibility on the other side. Thus the more anxious we appear to buy an agreement, the higher the asking price. Unfortunately, the U.S.-Soviet strategic balance, which made the SALT talks possible, is increasingly threatened by the developing Soviet capability to attack and destroy our deterrent.

We must not be intimidated by our own impatience, either to embark upon new strategic programs prematurely or to accept an unsound early agreement in the idle hope that it will lead eventually to a genuinely stabilizing one.

The Soviet Union has proposed that we limit defensive weapons only. Under this proposal the United States would be prohibited from defending its Minuteman missiles with the Safeguard, or any other, ABM system. This proposal comes at a time when the Soviets are deploying new offensive weapons capable of attacking our Minuteman missiles—the very heart of our strategic deterrent. And they press this proposal while refusing to agree to limit their offensive build-up—and in spite of the fact that our defensive weapons add nothing to our capacity to launch a disarming first strike against them.

The simple fact is that we do not have the capability of launching a disarming first strike against the Soviet Union. We are not engaged in programs that could develop that capability. We have deliberately deployed a strategic missile force, land and sea based, with extremely low-yield warheads—warheads that are wholly inadequate for the purpose of attacking Russian missile silos. We know this. And the Soviets know this too.

By contrast, however, the Soviets are deploying weapons with characteristics that can be adapted to the purpose of attacking our Minuteman silos. Their SS–9 missiles can carry several warheads, each of sufficient yield to destroy a U.S. silo. All that is needed for them to develop the capability to destroy Minuteman is an accurate MIRV device—something well within Soviet technological capabilities.

It is for this reason that I view as unacceptable and even ominous the Soviet demand for an agreement (1) preventing the defense of our deterrent but (2) permitting them to continue deploying offensive missiles. It is unacceptable because it would diminish our security, and ominous because if the Soviet Union is truly committed to a policy of deterrence only, they should welcome our interest in limiting offenses and treat with indifference our investment to defend our deterrent. What possible justification is there for the Soviets to delay further the negotiation of serious limitations on offensive weapons?

It is remarkable to me that in the face of Soviet refusal to limit its offensive missile force—a position that must raise doubts about their intentions—some Americans are arguing that we should assume their good will and move to limit our defenses. How would an agreement on our part to leave our deterrent unprotected increase the Soviets' interest in doing later what they are evidently unprepared to do now: halt their offensive buildup?

An agreement limited to defense only, far from slowing the arms race, would actually accelerate it. To believe otherwise requires one to place his faith in nothing more tangible than a dream of Soviet self-restraint.

The Soviets would be free to forge ahead with deployment of more offensive weapons while we would be prevented from countering with a defense. Under such circumstances, should they press their advantage—and I see no logical reason why they would not—we would be forced to deploy new offensive systems of our own to balance theirs. Those are the elements of an expanding arms competition which we should be bending every effort to avoid rather than create.

I believe that those urging acceptance of the Soviet proposal have things exactly backwards. If two armies, each armed with swords and shields wish to disarm, does it make sense to lay down the shields and keep the swords? Would it not serve the peace and security of both to lay down their swords—and keep the shields to discourage rearmament?

It has been suggested recently that we ought to accept the Soviet proposal on the understanding that we and they would continue thereafter to negotiate limits on offensive forces. In other words, we must first give up our ABM system in return for which the Russians would agree merely to more talk about their offensive deployments. Some bargain! While they develop their offensive advantage, we both agree to talk about it.

SALT: A New Initiative: The arms race must be brought under control at the SALT talks. We need to buy more time for SALT to succeed. Without time—without a pause in the offense momentum—our best efforts to negotiate a comprehensive agreement may be overtaken by the pace of events.

I believe we ought to consider a partial, interim agreement with the U.S.S.R. that would at once have the effect of slowing the strategic arms competition and adding to the immediate security of the strategic balance.

I have in mind an interim agreement that would freeze the deployment of additional land-based offensive weapons in both the United States and Soviet Union—and it would do so at once. Specifically, I have proposed a mutual U.S.-Soviet agreement for an initial period of one year providing the following:

(1) The United States would immediately halt the deployment of Minuteman III missiles with their MIRV warheads.

(2) The Soviet Union would immediately halt the deployment of new ICBM launchers and missiles including those now under construction.

(3) Both countries would retain the freedom to assure the survivability of their strategic land-based forces so long as they did not add to their offensive potential.

(4) Neither side would deploy a population defending ABM.

Such a program would greatly increase the security of our strategic forces. Moreover, it should calm any possible Soviet concern that we might be increasing the offensive potential of our forces so as to threaten the security of *their* deterrent. I would hope, therefore, that such a proposal would be vigorously pressed at the SALT talks.

It seems to me that the risks involved in proposing such an interim agreement for an initial period of one year are minimal. The advantage of halting the deployment of Soviet offensive weapons would be real, immediate, and stabilizing. It would diminish the pressure that we are now under to press ahead with new offensive nuclear systems of our own. It would genuinely add to the security of both countries.

By permitting us to deploy defenses to protect our Minuteman silos we would be able to counter any likely qualitative upgrading of the current Soviet offensive forces. And we could do this without in any way adding to our capacity to strike the Soviet deterrent.

By preventing the deployment of ABM systems for the purpose of defending populated areas—thick city defenses—we would diminish the necessity for deploying MIRVs on our Minuteman force. At the same time we could continue to deploy the very much smaller warheads of the MIRVed Poseidon missile on our Polaris submarines so as to increase the effectiveness of our sea-based deterrent.

Moreover, the discussion surrounding this proposal may help to illuminate the nature of Soviet strategic objectives. In spite of the obvious importance of having such knowledge, we really know very little about Soviet strategic doctrine. My own view is that we will not emerge from the SALT talks with a very comprehensive agreement unless we and the Soviets succeed in arriving at some common understanding as to the nature and objectives of strategic nuclear forces.

One final word:

The United States is experiencing a wave of hostility to the military at the moment, a hostility that makes fair and objective discussion of defense issues a difficult thing to achieve. From the belief that we have been doing too little to solve our domestic problems—a view that I share with many in this country—it is all too easy to pass to a belief that what we spend on defense is wasted.

The strategic budget is a small fraction of the defense budget and an even smaller fraction of our gross national product. About one percent of the goods and services we will produce this year is allocated to the procurement, maintenance and operation of our strategic deterrent.

That one percent is an essential investment. To fail in the job of strategic defense is to fail in all our aspirations for better housing, health, welfare, education and the environment. I believe that this country is rich enough in moral and material resources to provide for the security of our people and resolve our domestic problems as well.

DEATH OF HON. SIM THOMAS, OF EUFAULA, ALA.

Mr. SPARKMAN. Mr. President, the State of Alabama recently lost one of its finest citizens. I refer to the Honorable Sim Thomas, of Eufaula. For many years, Sim Thomas was my good friend. He was a good citizen. He served 16 years in the State Legislature of Alabama and was one of the most constructive and influential members. He was a leader in good causes and in everything aimed at developing a greater and better community.

An editorial appearing in the Eufaula Tribune several days ago recites some of the contributions that were made to the State and to his community. I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THOMAS SERVED

Few men ever make as many contributions to society during their life time as did the late Sim Thomas. At the time of his untimely death, caused by a heart attack, the former veteran legislator was serving as a member of the State Mental Health Board and the Auburn University Board of Trustees.

A successful businessman, and a pharmacist by profession, Mr. Thomas served his community and his state well. It should be remembered he chaired the very successful Barbour County Courage Crusade in which a large sum was raised to help finance the Lurleen B. Wallace Cancer Hospital. And of course, Mr. Thomas was very instrumental in convincing the State Mental Health Board the unique Adjustment Center for mentally disturbed young men should be located in the former Eufaula Air Force Station. He spent long hours working to see this dream of a new concept in treating mentally disturbed almost become a reality. The former military installation has been deeded to the State Mental Health Board and renovation work has begun.

While serving four terms in the legislature, he became established as an influential lawmaker. He was a former member of the Board of Health Legislative Committee and later served as chairman of the State Mental Health Board after it was created.

Sim Thomas was an active member of First Presbyterian Church where he served as elder as well as moderator of the East Alabama Presbytery and a commissioner of the General Assembly.

Indeed, Sim Allen Thomas served his community, his county and his state well. He will be sorely missed in Eufaula.

WAR POWERS BILL—TESTIMONY OF McGEORGE BUNDY AND GEORGE REEDY

Mr. JAVITS. Mr. President, in the Committee on Foreign Relations this morning we heard testimony from McGeorge Bundy and George Reedy in support of war powers legislation under consideration before the committee—most specifically S. 731, which I have introduced with a number of other Senators.

In view of Mr. Bundy's unique experience as National Security Assistant to President Kennedy—at the time of the Cuba missile crisis—and to President Johnson—at the time of the Tonkin Gulf incident and the subsequent dispatch of U.S. combat forces to Vietnam on a large scale—I believe his testimony is particularly important and relevant. I feel that Mr. Bundy's support of S. 731 is especially important in rebutting the charge sometimes now leveled that efforts to reassert the constitutional war powers of the Congress is a "neoisolationist" movement.

The testimony of George Reedy is of equal value and relevance, in my judgment. As one of Lyndon Johnson's closest advisers, in the Senate as well as in the Presidency, George Reedy also speaks from a uniquely qualified vantage point. His views on the nature of the Presidency in contemporary circumstances, so lucidly set forth in his recent book, "The Twilight of the Presidency," are further developed in his testimony.

Mr. President, I ask unanimous consent that the testimony of Mr. Bundy and Mr. Reedy be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT OF MCGEORGE BUNDY

Mr. Chairman, it is an honor to respond to your invitation to take part in these hearings on S. 731, a Bill to Regulate Undeclared War. I believe that the problem addressed by this bill is one of the most important and difficult we have, and I believe that the provisions of this bill are the best yet devised. I think that in working his way to his present proposal Senator Javits has made a most serious contribution.

I believe this proposal strikes the best balance I have yet seen between the national need for certain powers of immediate Presidential action and the national need to ensure that in any sustained hostilities the Executive Branch must act only in partnership with Congress—a partnership in which the President does not act beyond authority explicitly granted by Congress.

The need for the right of rapid Presidential action is clear from our history and our present world situation. That the President has—and must have—the power to order immediate reply to immediate attack; that Presidents have legitimately moved troops into foreign territory to protect American lives; that there is always a possibility that local military action will be necessary when forces are stationed abroad even for the most peaceful purposes—all this is plain.

But it is equally plain that there is a great difference between these necessary immediate executive powers and the power to make war without any limit of time or size. It is clear the Constitution, as it is in our political history, that war, in this larger sense, should have both popular support and explicit Congressional authorization. What S. 731 does is to provide an orderly precedure under which no immediate resort to armed force by the Executive Branch could be sustained for more than thirty days without specific affirmative authorization by the Congress.

The bill also provides that the Congress, if it chooses, can authorize the conduct of hostilities by other means than a formal declaration of war. I believe this provision—Section 1.C—is a most important advance in the process of properly engaging the Congress in decisions about the use of force. I believe that the traditional declaration of war has many dangers, both in its internal and in its foreign effects. For excellent reasons it has not been employed in cases like Korea and Vietnam. And one special weakness of the declaration of war is that by our whole tradition it transfers unfettered direction over the conduct of the war to the Commander-in-Chief. I think one of the most powerful lessons of our long and painful involvement in Southeast Asia is that such a transfer is particularly unwise in situations where there is deep division of opinion in the country. Hard as it may be—and different as it is from some of the traditions of earlier wars—I believe that in such a case there is no substitute for a full and *continuous* sharing of responsibility between the President and the Congress. This cannot be achieved either by waging war without consultation with Congress or by the one-shot process of the formal declaration of war.

One objection to this notion of a regulated process, short of a declaration of war, may be that we have no reason to be happy with the history of the Tonkin Gulf Resolution, which falls exactly into the category of actions authorizing the use of armed force without a declaration of war. But I believe that if we examine that history closely we can see that the exact trouble with the Tonkin Gulf Resolution was that it was misperceived, both by the Congress and by the Executive Branch, in ways that would be much less likely to occur under the procedures of S. 731. The Congress surely did not believe, in 1964, that it was voting for the war that happened. And the Executive Branch, while I believe it was mistaken in describing the Resolution as the functional equivalent of a declaration of war, was thinking and acting in a framework of legal and traditional experience in which there was no clear middle ground between unauthorized hostilities and such a formal declaration. Neither misunderstanding could have occurred under S. 731. Both parties, almost surely, would still have believed that a formal declaration was unwise. Both would then have been required to address the precise question of what other authorization of hostilities they would ask and support. The result might still not have been happy, but I do believe it would have been much better.

Moreover, we now have the history of the Tonkin Gulf Resolution to help us, and we can assume with confidence that any Congress which is asked to authorize limited hostilities at any time in the future, under a bill like S. 731, will remind itself that it must write no blank checks. The Congress can and should put appropriate conditions on any authorization of limited hostilities. The Constitutional power to declare war clearly includes the power to put limits on any hostilities that are authorized. This is what we have not properly understood in the past; this is what S. 731 explicitly affirms; and this affirmation opens the way to a reconstruction of the relation between Congress and the President in this crucial area.

We must all remember, however, that no use of armed force is ever anything but a lesser evil. The best way to deal with the possibility of war is to try by all means to avoid it. I would not favor S. 731 if I thought that it could operate in any way to make the choice of a warlike option more attractive to our government. I make this point because I think it conceivable that some of those who honestly believe that all wars are bad may object to S. 731 on the ground that it could open an avenue to prolonged warfare without forcing the government to face the unpleasant task of declaring war. It can be argued that the establishment of a procedure for Congressional approval of limited hostilities makes the resort to such hostilities more likely. This is an understandable concern, but I think it is groundless. I believe that the requirements of S. 731, together with all that we have learned as a nation in the hard case of Vietnam, would operate to ensure great care in the Executive Branch as well as in the Congress itself.

And unfortunately we cannot assume that there will never be a case in the future in which limited use of our armed forces will be necessary while a formal declaration of war remains undesirable. It is obvious that we must not have "another Vietnam," and I believe we can avoid any such misfortune simply because Vietnam is genuinely unique in many ways. And there are many lessons to be learned from that experience to help us do better in the future. But the world is full of difficult and dangerous situations, and I believe it would be wrong for us to pretend that it will be wise in every case, in every area, in every time, for our Congress to have no choice between a declaration of war, on the one hand, and a complete reliance on the powers of the President, on the other.

One other possible objection deserves mention, although again I think it is not persuasive. We have a long tradition, and a good one, against trying to wage war by committee. For this reason we have left the conduct of campaigns to field commanders, and we have left the conduct of wars to the Commander-in-Chief. And so it can be argued that it is wrong for Congress to assert itself in defining the terms and conditions of any authorization of hostilities. But this is an error, I think—a confusion of different kinds of control. I think that Congress would be most unwise to attempt to tell a field commander how to fight a specific battle, but I think it has every right to assert itself on broad questions of place, time, and the size of forces committed. It also has a right, and even a duty, to concern itself with the purposes of any hostilities and the conditions on which they may be continued or ended. I do not say that all such Congressional concerns will be comfortable for the Commander-in-Chief and his field commanders. I do say that they should be heeded, because the alternative is what we have seen in recent years, namely a progressive breakdown in the indispensable partnership between President and Congress.

So I favor this bill, Mr. Chairman. I do not say that it is perfect, and I hope it will have the careful study, in both Houses and in the Executive Branch, that the importance and the difficulty of the subject justify. Alternative approaches, or improvement in this one, may well be possible. But the purpose is surely right: it is nothing less than to help to reconnect the President and the Congress in the effective control of the use of our armed forces.

STATEMENT BY MR. GEORGE E. REEDY

For purposes of the record, my views are individual and do not reflect in any manner the Woodrow Wilson International Center for Scholars of which I am a Fellow. My comments are directed solely to the impact I believe the bills would have on the Presidential decision making process in military operations short of a formal declaration of war and I do not presume to address myself to the legal issues as this is a field in which I have no special training.

Within that context, it is my judgment that the sponsors of all three measures have focused on the one area in which it is possible to introduce a reasonable measure of legislative control over the power of the Executive to commit American armed forces to combat without a formal war declaration. Short of attempting to eliminate Presidential control over the armed forces or going to a parliamentary form of government—futile, impractical and dangerous endeavors—there is no effective way in which the Presidential capacity to *initiate* hostilities can be brought within bounds. But it is conceivable that after a reasonable period of time, he can be called upon for an accounting and forced to defend his position as the price of continuing that which he has started. All three measures before this Committee proposes machinery to accomplish that purpose and I believe they are important not only as they address themselves to the problem of war but in that their adoption would have a salutary effect upon Presidential thinking and decision making.

The crucial factor which, in my judgment, would make futile any effort to place bounds upon the Presidential initiative is his position in our political and governmental structure. The realities of the world situation compel the United States to maintain a sizable military force. Of necessity, ultimate control over this force in its day-to-day disposition must be lodged in the President. There are obviously legitimate reasons why this force must be committed to hostilities upon some occasions without enough time to consult another branch of the government. If such reasons do not exist, the Executive branch, which has a structure that does not necessarily foster wisdom but which always fosters ingenuity, will devise them and convince even itself that they are valid. And finally, the necessary *political* background for launching hostilities in a crisis in which legal principles become blurred if they are noticed at all.

Two examples which are in the memories

of the Committee members will serve to illustrate the points above. Without passing judgment upon the validity of either action, it is inconceivable to me that Congress as a body would have rejected under any circumstances either a resolution approving President Truman's original commitment of forces to Korea or the Tonkin Gulf resolution. In both instances there was an overwhelming desire to back the President and under similar circumstances, the same reaction can be anticipated in the future. The dissatisfaction did not arise until a later date and there was no Congressional machinery to translate the dissatisfaction into effective action. Therefore, the Executive was able to dismiss the questions that were raised as mere "second guessing." This is a phrase which has a strong impact upon most Americans and frequently inhibits sensible discussion of policy. It is generally concluded that arguing over an event that has already taken place cannot change that event. This conclusion is correct but it overlooks the fact that "second guessing" could prevent a serious mistake from becoming a disaster and could also produce principles that will prevent a repetition of the mistake.

The fact that in a crisis we are dependent upon a President's judgment does *not* mean that we should avoid questioning that judgment as soon as possible or, even more important, that we should avoid questioning the factors that go into that judgment *and the content within which it is made*. There is a widely accepted body of thought which ascribes a certain sanctity to the Presidential decision making process and equates questioning of his decisions with presumptuous arrogance in the field of foreign policy. (For some reason, this same line is rarely advanced in the field of domestic policy where the President is assumed to be a human being liable, like the rest of us, to normal mistakes.) It is held that only the President "knows all the facts;" that only the massive information gathering machinery of the Executive branch is adequate to gather all of the relevant data; that the heavy concentration of "experts" within the Executive branch will inevitably produce better judgments than those which come from the outside.

From direct observation and subsequent study, I believe there is good reason to question all of these assumptions. I also believe that they do a personal disservice to the President himself in terms of history. When things go wrong, they foster a psychological disposition to assume that the President deliberately made incorrect decisions out of venal or corrupt motives rather than a realization that he just made some tragic mistakes. In discussions with young people opposed to the Vietnamese war, I usually find that they are absolutely convinced that we are in it for motives either of economic imperialism or blatant racism and they cannot be argued out of these conclusions even though they have been reached on the basis of highly questionable evidence or no evidence at all. This has an unfortunate effect. A man who is assailed by charges which he regards as unfair is quite likely to become even more stubborn about a course he is following. I have every reason to believe that Presidents are no exception to this rule.

It is interesting to think through the point that *only* the President "knows all the facts." In a certain sense this is true, even though no human being can possibly know everything that is happening even in matters of direct concern. But there is another side to this coin. The converse is that no one else can really be certain *that he knows what the President knows*. There is no manner in which even persons close to him, including members of the Presidential staff, can judge whether he is acting on information, misinformation, verified data, questionable data or just plain hunch. If he is questioned on such matters, he can always fall back upon the flat statement that he has sources which are personal to him alone. In practice, those close to him are not going to raise such questions anyway and those who are not under his direct influence are in no position to compel answers to their questions. In either case, the point is moot. Presidents have sufficient authority to act without defending their position against adversary debate (at least until the next election) and men in such a position are unlikely to make what they regard as unnecessary explanations.

Another interesting field for analysis lies in the thought that only the massive information gathering machinery of the Federal Government is adequate for gathering relevant data. Again, there is a sense in which this is true. But it overlooks the rather obvious point that the data might not be valid—that massive information gathering machinery is a device which multiplies misinformation as well as information and that colossal mistakes can be virtually compelled in the decision making process by the presentation of invalid "facts" in a most beguiling form. When I was in the White House, I was highly impressed by the "pacification" figures which arrived with regularity demonstrating that substantial areas of Vietnam were completely under the control of the Republic of Vietnam.

No matter how I analyzed the statistics, allowing for normal margins of error, appeared valid. It was not until I had left the White House that I came to the realization that they could be entirely meaningless. This happened when I encountered an old friend who had been engaged in gathering the basic statistics in the villages themselves. The picture that he painted shed quite a different light. It was that of an American speaking little or no Vietnamese, standing in the middle of a village which he could visit for only a few hours every month, talking to people who wanted to get rid of him because they were vulnerable to Viet Cong retribution by his very presence and well aware of the fact that the easiest way to get rid of him was to tell him what they sensed he wanted to know. The figures so gathered would be combined with other figures similarly gathered and forwarded to Saigon; then to appropriate agencies in Washington and then to the White House itself.

At every step of the journey, the figures would be evaluated and reevaluated and by the time they reached the National Security Council staff, they would carry the same weight as the Sermon on the Mount. I have never had the resources to check further into this matter but I do not believe that it is necessary. The most elementary common sense should have warned all of us that computers cannot render valid data which ultimately depends upon questioning people of a different culture; a different language; a different experience of life; and a burning desire that we go away. It obviously is not possible to do so but there would be immeasurable value in analyzing all of the data upon which Executive decisions are based from the standpoint of the sources themselves. Unfortunately, by the time that I received a flash of insight from my friend, it was too late to do anything about it. The pacification figures had become accepted gospel in the White House—an atmosphere in which a questioning of accepted gospel arouses only a vague wonderment as to "what has gone wrong" with whoever does the questioning.

Finally, it is not only legitimate but absolutely essential to question the assumption that the heavy concentration of experts in the Executive branch assures sounder decisions than can be made on the outside. This is an assertion which should undergo the most rigorous challenge—not because there is reason to doubt either the skill or the integrity of the experts but because of the use to which they are put. It takes very little service in the White House, and only a minimum of perception, to learn that the role of the expert is to tell the President how best to accomplish his purposes—not to question policies already made.

At the very start, an individual may have an impact upon a Presidential decision. But once the commitment is made, the whole machinery of the Federal Government is geared to defending the commitment and those individuals with second thoughts are lost in the shuffle. I have been quite startled since leaving the White House at the number of second level, sub-Cabinet officials who had strong reservations about the Vietnam policy during the period that the decisions were made. Perhaps some of them are only now revealing those reservations because the war has become unpopular and it is safe to do so. But I doubt it because many of them strike me as men who would always make their feelings known at least to their superiors. Perhaps other White House assistants with direct responsibilities in foreign affairs knew about the reservations at the time as one of the factors of life in the Executive Mansion is that assistants rarely know what other assistants know and do not want to ask (and would not get an answer if they did ask) out of fear of betraying their ignorance and therefore their lack of status.

Perhaps these reservations were made known to the President at meetings attended only by the President, the Secretary of State, the Secretary of Defense and the Chief of the CIA—meetings which were not attended by any assistant. I do not know. But I do know that such matters were never raised in the Cabinet or the National Security Council meetings—theoretically the Presidential mechanisms for obtaining collective judgment. From time to time there would be a "Devil's Advocate" type of discussion but the "Devil's Advocate" is always anticipated and people listen to him with at best tolerance. It is no substitute for a genuine adversary discussion—the only kind which I believe ever produces a reasoned judgment. From the type of discussion I heard in such meetings in 1964 and 1965, I do not see how the President could have reached decisions other than he made. The tragedy is that the skepticism which existed in many areas could not have penetrated the walls and really have been debated.

I do not believe there is any reorganization of the Executive Branch of the Government which can alter the situation I have described. The only hope I can see is to introduce into the national scene an element of adversary discussion which can operate at a sufficiently early point that it will head off catastrophe. As I have already stated, I believe it is futile to attempt to do this at the point of crisis itself, and even if it were not futile, it would be a dangerous undertaking. But it is not futile for Congress to assume the power, after a reasonable period of time, to require the President to defend his position as the price for continuing whatever hostilities he has launched during the crisis. The 30-day period set in these resolutions strikes me as being a bit short but this is a question of practical judgment and I am not disposed to argue over such matters. And, I repeat, I am not in a position to discuss the legal issues but there is obviously enough experience on this Committee—let alone the expertise available to you—to render sound judgment on such matters. The important thing to me is my belief that the principle behind these resolutions is valid and I hope they can be carried into effect.

In closing, I want to be clear on the point that I am well aware of the difficulties involved in translating this approach into a reality. It will be argued that Congress cannot "run" a war; that Congress cannot have information equal to that possessed by the Executive; that such a procedure runs the risk of conveying information to an enemy; and that it is hazardous to distract a President when he is directing American forces in armed combat. All of these are valid when made in a vacuum. I believe they are beside the point when considered within the context of our present national problem. To take them up on a point-by-point basis, I would like to submit the following considerations:

1. These resolutions do *NOT* seek to usurp the Presidential authority to run a war. They go instead to the proper prerogative of Congress—a determination of whether he has a right to wage a specific war in an age when most wars seem to be run without declarations and probably will be operated that way for some time to come.

2. Congress cannot possibly set up an information system equivalent to that possessed by the Executive. But what is needed is *NOT* alternate data gathering systems but the application of skeptical judgment to the data that already exists. It is not conceivable that such skeptical judgment can be brought to its most effective point within the Executive branch under a governmental system where *all* Executive powers are concentrated in the hands of one man and I doubt strongly that the system can be changed. Under these circumstances, the only hope for skeptical judgment comes from the Congress.

3. The risk of conveying information to an enemy is inherent in any system which brings skeptical judgment to bear upon a problem. But it is less of a risk than the very real hazard, which we know is with us now, of dividing our country because of unilateral judgments on the use of military force. We have succeeded in surviving many situations in which information "leaked" to an enemy. I doubt whether we can survive the kind of massive disillusionment that is now taking place in our society.

4. The argument that it is hazardous to distract a President by forcing him to defend his position against skeptical judgment strikes me as invalid within the context of our times. A nation cannot be any stronger than its resources and of those, the most important is the confidence of the people in their government. The skeptical judgments are not going to disappear from public debate just because there is no machinery for bringing them to a test of public will. All that is going to happen is that they will fester and undermine the consciousness of national unity. It is far better to bring such matters to a head at any early reasonable point and I know of no better place to do it than in the Congress. Perhaps the decisions that will be made will be wrong because there is no guarantee of rightness even in collective judgment. But at least they will be collective judgments and I believe that a free nation can survive even gross mistakes made in that vein. And under any circumstances, collective judgment made in the wake of adversary debate has a far better chance of being right than the judgments we are living under now.

FARM INCOMES

Mr. CURTIS. Mr. President, in the March-April 1971 Grain Producers News, Secretary of Agriculture Clifford M. Hardin discusses the President's economic report. He mentions some of the pluses in agriculture, and there have been some. However, Secretary Hardin also recognizes that many farmers are entitled to more income than they are now receiving.

Secretary Hardin says:

Far too many farm people still have far too little income. Though farm incomes have improved, the fact that they continue low relative to incomes of non-farmers remains the number one problem of agricultural policy.

Mr. President, the farmers of America have a real friend in Clifford Hardin. He understands their situation. He speaks up for them and it is gratifying to know that we have a Secretary of Agriculture who wants to improve farm income. Secretary Hardin is to be commended for raising his voice in the high councils of Government for a better deal for agriculture.

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

HARDIN DISCUSSES PRESIDENT NIXON'S ECONOMIC REPORT

(By Clifford M. Hardin)

I appreciate the opportunity to comment on the President's Economic Report as it relates to agriculture and to rural America. I will confine my remarks to the state of the agricultural economy, service to consumers, geographic distribution of the population and environmental protection.

AGRICULTURAL ECONOMY

Realized net income per farm in 1970 averaged practically the same as the record level in 1969 and was 82% above the 1960 level. The per capita disposable income of the farm population from all sources, farm and nonfarm, in 1970 was 139% above 1960. This compares with a gain of 67% for the nonfarm population. In 1960, per capita disposable income of the farm population was only 55% of the income of the nonfarm population. Last year farm people got 78% as much income as nonfarm people. This was a substantial gain for the decade, but far too many farm people still have far too little income. Though farm incomes have improved, the fact that they continue low relative to incomes of non-farmers remains the number one problem of agricultural policy.

Income from nonfarm sources is becoming a larger and larger component of the net incomes of farm people. Off-farm jobs of various kinds are the chief source of such income. In 1970, the per capita disposable incomes of people on farms averaged a record $2,633. Almost half of this (47.7%) was from nonfarm sources. These dollars are as useful in buying goods and services as those earned from farming operations.

The year 1970 found crop prices rising and livestock prices falling. The net result was an increase in prices received by farmers of 2% above the 1969 level. The decline in livestock prices was primarily due to the large increase in pork production accompanied by continued large supplies of beef, eggs and milk. The rise in crop prices was due mainly to higher prices for grains and soybeans, reflecting the smaller 1970 grain crop. Corn blight cut the yield of that crop by approximately 15%. Adding to the price strength for grain was an expanding domestic and export demand for both grains and soybeans.

Agricultural exports in 1970 hit a record $7.2 billion, 22% above the previous year and 4% above the previous record in 1966. Much of the advance was attributable to the poor grain harvest in Eastern and Western Europe and the strengthening demand for grain and grain products for livestock feeding as diets improved in other developed nations. We achieved some export gains through trade concessions that we were able to negotiate.

Agricultural imports continued to expand in 1970 with most of the increase accounted for by gains in animal products, fruits, vegetables, sugar, and beverages. Agriculture showed a net excess of exports over imports of $1.5 billion during the year, thus helping to improve the Nation's overall trade balance. With the comparative advantage enjoyed by much of American agriculture, we should be able to improve our performance even more—if we can keep export markets open.

In the year ahead, agriculture faces substantial change as supply conditions adjust and demand improves. Large supplies of livestock and products may hold farm product prices below the highs of last winter. But with the general economy improving, we are looking for farm product prices to strengthen by around midyear as livestock production tapers off.

For 1971 as a whole, cash receipts from farm marketings are expected to show an increase. Realized gross farm income could run slightly above the previous record.

Although there has been a decline in the ratio of prices received to prices paid by farmers, it is important to recognize the limitations of this measure as an indicator of farmer well-being. The development and application of new production technologies, rapid changes in the size structure and organization of production units, and the further integration of production and marketing processes have yielded very rapid gains in productivity in the postwar years. As a result, it is more meaningful to examine trends in income per farm and in per capita income of farm people.

SERVICE TO CONSUMERS

The average American family purchases its food supply with only 16.7% of the family income. Never before has this percentage been so low, and never before has the quality of the food supply been so high.

This remarkable achievement, never before attained anywhere in the world, is a tribute to the great efficiency of American farmers. During the last 10 years, efficiency—that is, the amount of output per unit of input—has been advancing about twice as rapidly in agriculture as in the rest of the economy.

To the degree that the relatively low share of the income spent for food results from agricultural efficiency, we take pride. But to the degree that it results from inadequate returns to the labor, management, and capital employed in the production of food, we feel concern. All of these elements are in the picture.

POPULATION

The geographic distribution of population and employment opportunities is an issue of growing national significance. We know from the census of last year that about half of all counties in the nation (most of them rural) lost population over the decade of the 1960's and that another one-quarter grew slowly. They experienced net outmigration and most often the outmigrants were young adults beginning their most productive years of life. In such States as North Dakota, South Dakota, Nebraska, Kansas, Montana and West Virginia, over three-quarters of all counties lost population.

Yet there are growth centers in most of these States where the rate of population increase equals that of the metropolitan centers.

One of the major challenges before us now is to combine these two forces—the decline and stagnation of large areas and the growth and vitality of nearby centers—in a manner that is mutually supportive. The increased use and support of planning and development districts will help place the issue in the areawide context that is needed. It will also help Federal agencies bring their efforts into more effective, more complementary relationships at the local level. With the prospect of localities having access to noncategorical grants in the form of Federally shared revenues, these institutions take on even greater potential stature.

A subcommittee of the Domestic Council has been examining the need for a national growth policy, with particular attention to the development of nonmetropolitan areas. I am hopeful that this work will soon take the form of an explicit Federal-wide policy.

ENVIRONMENT

The Department of Agriculture has a long and outstanding record in the environmental field. Among the many notable accomplishments are the:

Abatement of the Great Dust Bowl problem through soil conservation.

Reduction of flooding damages through upstream conservation.

Control of forest fires on National Forests and on private lands.

Improvement of the landscape and stabilization of soils through cooperative tree planting programs.

We must not, however, permit past successes to make us complacent to present and future needs, which are many. We cannot solve all our environmental problems overnight. It will take a deliberately programmed effort over time to realize the improvements we desire. In some cases we will have to wait for standards to be established and for technological improvements from research. In other situations new or expanded authorities may be needed. The cooperation of public and private efforts will also be an important ingredient. Nonetheless, we are determined to make progress on the entire breadth of the environmental front.

The Department of Agriculture's environmental program for the 1970's as it is now taking shape, will include five major elements. The first will involve the identification, retention, and protection of land for agricultural production. Second, we are designing new approaches to the use of land released from agriculture for aesthetic and recreational purposes. A third element will be to stimulate selected small and medium size growth centers around the nation. As a fourth element, we are intensifying our efforts to determine the capacity of land to absorb wastes and to design means of converting wastes into beneficial uses. Finally, a fifth element involves modifications in the use of agricultural chemicals. We are, for example, already beginning to use a number of biological control mechanisms to replace the more toxic chemicals.

WITHHOLDING OF FUNDS FOR HOUSING AND COMMUNITY DEVELOPMENT PROGRAMS

Mr. SPARKMAN. Mr. President, I am submitting for the Record a copy of a letter that I have sent to Mr. George Shultz, Director of the Office of Management and Budget, together with related materials concerning the withholding of funds for housing and community development programs.

My letter to Mr. Shultz urges him to reconsider his earlier decision to withhold housing and development funds in the light of changing conditions. I refer particularly to increased unemployment in a number of areas and to the President's recent actions to limit wage increases in the construction industry.

I find it very difficult to understand why the administration persists in embargoing funds we have appropriated for rebuilding our cities at a time when the number of cities with substantial unemployment has reached its highest total since 1962.

The Manpower Administration of the Department of Labor reports that 50 major labor market areas in the country had 6 percent or more unemployment last month; that 37 new areas were declared eligible for emergency public works assistance; that 28 other areas were added to the "substantial or persistent unemployment" lists, raising the total number of communities with serious unemployment to 712.

The Department of Labor reports that we have many cities with unemployed workers. The Department of Housing and Urban Development reports that there is a lot of work that needs to be done if we are to rebuild our cities and house our growing population. But the Office of Management and Budget reports that it is withholding millions of dollars that has been appropriated by the Congress to get the job done.

I have urged Mr. Shultz to reconsider and to release the money for housing and urban programs without further delay.

I ask unanimous consent that the letter to Mr. Shultz and related materials be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

April 21, 1971.

Hon. George Shultz
Director, Office of Management and Budget, Executive Office Building, Washington, D.C.

Dear George: I am writing this as a follow-up to our recent hearings regarding the withholding of funds for housing and urban development programs, and to the testimony by Deputy Director Caspar Weinberger.

I am still very concerned about the wisdom of withholding these funds.

I continue to receive communications from all parts of the country urging my intercession with the President to release immediately all funds appropriated for housing and community development. Last week, for example, Robert W. Maffin, Executive Director of the National Association of Housing and Redevelopment Officials wrote to me about the numerous inquiries and responses he has received from local housing and redevelopment agencies. On the basis of communications from over two hundred communities of all sizes in all regions, he concludes:

"A crisis of major proportions is developing, a crisis which can jeopardize the continuation of community development and housing production programs in many localities. To be blunt, unless action is taken immediately to release these funds before July 1, many local programs will not survive and others will face a drastic curtailment of their operations."

I am particularly distressed by the communications I have received from communities in Alabama, communities which I know well. During the past month, my office has literally been deluged with pleas from communities from all over the State to assist them in obtaining funds which they have been waiting for over many months.

It appears to me that the withholding of funds for housing and community development is having three serious impacts, all of them undesirable.

First, the withholding of funds is badly disrupting the development plans of local communities and is jeopardizing the orderly execution of development projects.

Second, the withholding of funds is retarding economic recovery in many localities, and is even reported to be generating additional unemployment and need for publicly-assisted housing.

Third, the withholding of funds is robbing the President and the Congress of public confidence. To me, this is the resource which is absolutely essential for community development. By failing to implement the laws and the programs we have established to improve the quality of life in our cities and towns, we are violating the trust local citizens have placed in us and are wasting the most important of our national resources.

Mr. Weinberger stated, during his testimony before the Subcommittee, that

"As conditions shift, . . . we would certainly be very pleased to be able to move policy to accommodate them to the extent that we can . . . we would certainly be flexible in trying to release and schedule the release of funds as conditions warranted any change in policy."

Mr. Weinberger emphasized the inflationary wage trend in construction as a major condition affecting the decision of the Office of Management and Budget to withhold housing and community development funds. He also pointed to the budgetary ceiling imposed by Congress as a factor controlling Administration decisions. While I am not fully satisfied that his interpretation of the ceiling is the correct one, it seems to me that conditions have shifted significantly since you made your earlier decisions with respect to the withholding of housing and urban development funds.

I am thinking, in particular, about the President's actions limiting wage increases in the construction industry, his announcements of stabilizing price levels, and recent reports of increased unemployment in a number of areas.

In light of these changes, it would seem to me that, in carrying out your pledge to be flexible and to move policy in order to accommodate to changing conditions, you would now review the status of impounded housing and community development funds and act to release them without further delay.

Sincerely,

John Sparkman.

April 9, 1971.

Hon. John Sparkman,
Chairman, Subcommittee on Housing and Urban Affairs, Senate Committee on Banking, Housing and Urban Affairs, Washington, D.C.

Dear Mr. Chairman: This letter is in response to your request to keep you informed about the continuing difficulties resulting from the hold-back of authorized funds for public housing and urban renewal, first brought to light by the hearings of the Senate Subcommittee on Housing and Urban Affairs on March 3–4. This particularly concerns the withholding of 150 million dollars in annual contributions for public housing authorized by the 1970 Housing and Urban Development Act, and 200 million dollars in urban renewal funds appropriated by the Congress in December 1970.

Following our testimony before your subcommittee, we received numerous inquiries from local housing and renewal agencies regarding the national scope of the problems related to this Administrative withholding of funds. Accordingly, late last month we sent a memorandum to all our agency members requesting their evaluation of the local degree of emergency prompted from this embargo of funds. The response has been overwhelming. Considering the short time from when this memorandum was sent, we have been flooded with phone calls, telegrams and letters detailing the specific conditions of hardship imposed upon localities because of the embargo. To date we have received over 200 responses from every region in the country representing communities of all sizes. A list of these communities is attached for your information.

As a result of these responses, it is our conclusion that a crisis of major proportions is developing because of the withholding of funds, a crisis which can jeopardize the continuation of community development efforts and housing production programs in many localities. To be blunt, unless action is taken immediately to release these funds before July 1st, many local programs will not survive and others will face a drastic curtailment of their operations.

The embargo of funds has had a total community impact—slowing down many communities' development efforts, creating chaos in their planned development for physical improvements, and accentuating local enconomic problems. Timetables for public and private development have to be altered, contracts with private companies have had to be delayed, potential sites for development have been lost, prospective developers have had to turned away because the community can not guarantee that renewal and housing funds will be available when needed.

This is especially hard on those numerous communities facing high unemployment rates, where capital improvement projects would have a positive economic effect in the private sector, providing immediate jobs for hundreds of unemployed workers. Ironically, these same communities are finding that the high degree of unemployment is creating an even higher demand for public housing units for these unemployed families, a demand which cannot be met due to the withholding of these funds. Thus, the embargo has a double negative impact in these localities. Public renewal and housing programs are not the only casualties; but also the private sector—developers, contractors, architects, blue collar workers, construction industry trainees, and others who would participate in the program.

A second overall trend emerging from these letters is that the embargo of funds in these two areas has hindered the orderly implementation of other public programs. Public housing, for example, is an essential relocation resource for families displaced by other governmental programs such as renewal, highway development, school construction, clearance of unsafe buildings and those numerous other activities which force a community to displace families, many of whom are low income and cannot afford private housing. Without adequate housing funds, many communities find they cannot meet the relocation requirements as outlined in last year's Uniform Relocation and Property Acquisition Act. Likewise, the timing of a renewal project is often of critical importance to a community's efforts to implement its total public improvement program. Delays in funding have endangered the coordinated action with other federal programs including model cities, assisted housing, public works, and has caused delays in the implementation of the locality's capital improvement schedule.

A third area of concern expressed in these responses is that many housing and renewal authorities face a financial crisis which could result in the termination of programs and the elimination of the agency itself. This crisis results from not funding new applications, not honoring previous commitments and reservations, and, in public housing, the failure to implement fully the Sparkman/Brooke amendments. Some housing and renewal agencies have laid off staff, cut down expenses, and postponed the payment of their financial obligations. This in turn means the loss of competent staff, and the loss of confidence in the agency by those with whom it does business.

A fourth set of concerns relate to the increased costs resulting from the delays this embargo is producing. Financial estimates based on purchasing property, and constructing improvements made according to a timetable assuming prompt funding are no longer valid. Each day of postponement results in increased costs, especially those related to construction projects where materials and labor costs have been increasing at a high rate. These increases will mean the cost to the federal and local government and to private developers will be higher if and when these projects can proceed.

A fifth area where comments were made was the noting of the confusion of goals at the federal level. Why, they ask, is there now an embargo of funds when just months ago the federal government was encouraging communities to become involved in these programs. Many letters express a sense of frustration. Communities which a year ago were encouraged to participate in the renewal and housing programs, prepared applications, worked their way through the whole series of local approvals required from public and citizen groups, now are told that these applications cannot be funded because money is being withheld in Washington. Many communities who invested a large amount of their resources toward the task of preparing such applications are now suspicious of the federal government's ability to fulfill its promises.

A final, and perhaps the most serious, generalization coming from these responses is that public confidence in these programs is being eroded because the locality is unable to meet the goals it set, goals which were established under the belief that funding would be forthcoming. Citizen groups, merchants, businessmen, developers and elected public officials are reexamining their support for programs which promise community improvement, but which are unable to produce results.

I would like to cite some specific examples of the effect of this crisis which is now occurring in many communities.

PUBLIC HOUSING

Among the several responses noting the overall community impact of the embargo are the following:

From a housing authority in Texas: "This Authority has in active development 466 units of Turnkey family housing which are in jeopardy because of lack of funds. Four different developers are involved in five scattered sites. Proposals were accepted in June, 1970 and thousands of dollars have been invested in land options, architectural and engineering fees, only to find that the Regional Office, as of March 19, can fund only 152 of these units. As a result, valuable sites will probably be lost along with goodwill developed in the community. Extensive efforts were expended in selling the Turnkey program to the community and to local developers who are now disillusioned . . ."

From a housing authority in Washington: "Delay in relief on public housing operational needs and new development funds is seriously endangering our ability to meet critical housing needs of welfare families who have suffered drastic cuts in housing allowances, leaving them no place to turn but public housing . . ."

From a housing authority in Connecticut: "Our entire metropolitan areas suffers from a dangerously high level of unemployment . . . we presently have nearly 400 units under program reservation not funded and pending for over nine months . . . we also have a pending application for operating subsidies . . . these programs could both mean additional jobs and economic investment in the area . . ."

A large number of agencies noted that the lack of housing funds were directly affecting the community's renewal program and disrupting other activities where housing was to provide relocation. Among these responses were:

From an urban renewal agency in Arkansas: "This authority has 824 units of World War II housing . . . about 500 of these units are on leased land and the lease will expire on December 31, 1972, and will not be renewed by the owners . . . these units must be vacated and demolished by that time. We had a program reservation for 300 units last year; however, 100 units were eliminated due to the funding 'crunch.' Thus, we now have only 200 new units to replace 300 old ones, and only 21 months in which to provide replacement housing before the old units must be vacated . . ."

A sample of the cost increases emerging from these delays is provided by the following quote:

From a small housing authority in Tennessee: "We have three projects that need immediate attention . . . the sites for these projects have been selected and approved . . . options were signed and will expire in a short time if we do not work fast. As you know, the price of land is growing by leaps and bounds, and it will be impossible to hold this property at our option price for an indefinite period of time . . ."

A few samples of the comments relating to the financial crisis the embargo is producing are:

From a housing authority in Iowa: "For the first time our housing authority has operated in the red, because of our inability to get supplemental funds to implement the Brooke amendment (rent reduction amendment) which went into effect on March 24, 1970 . . . these funds are being held up, though authorized . . ."

From a housing authority in Rhode Island: "As of today, our deficit is estimated at approximately 175 thousand dollars above current reserves . . . when July 1 comes, the figure could be much higher . . ."

From a housing authority in New York: "We are a relatively small local authority with a new HUD-assisted program (nothing more than five years old) and therefore do not have the backup of an older established program . . . current operating income, including special subsidies and their timely receipt are crucial. The Section 23 program is even more sensitive in that funds are parceled out on a quarterly basis and must be on hand to pay contractural obligations under leases with private owners . . . we have subsidy funds owing and long overdue in both special subsidies and leasing . . ."

Finally, we are enclosing a quote from one authority which is indicative of how the withholding has endangered public and community support for the program.

From a housing authority in South Carolina: "We have a planning grant for a housing development which has received the enthusiastic approval of area residents, as well as the public at large . . . the living conditions in this neighborhood have been a disgrace for 40 years . . . at the last several community meetings, the residents have expressed despair and hopelessness in the lack of progress . . . They have opined that they will never live to see actual construction begin on this housing development . . . our housing authority staff has never observed such utter desperation."

URBAN RENEWAL

There are several examples of how the embargo has effected the timing of projects, and their coordination with other financing sources and programs:

A small community in Texas is planning a large development effort which involves a major overpass over its railroad yards. To accomplish this, the city received commitments from the state highway department and the railroad for over a half million dollars to assist in this project. However, both now express concern that they will not be able to keep earmarking these funds much longer, and action which will prevent this project from ever being initiated. To make matters worse, the agency's operating funds will be exhausted on May 15, 1971 unless its application is approved.

A Rocky Mountain city has a pending renewal application which would provide a site to be shared by three colleges. The state appropriated 1.4 million dollars for financial assistance to the project, but this money will revert to the general fund on June 30th unless the federal application is approved.

A related timing problem resulting from delays due to the Administrative withholding of funds revolves around the use of non-cash credits to meet the community's local share requirement:

A small town in Pennsylvania notes that its urban renewal project is dependent upon using 650,000 dollars in non-cash credits relating to school construction. Yet, unless a loan and grant contract is signed by November these credits will expire and the community will be unable to proceed with its development plans.

Another series of examples demonstrates the effect of this embargo on the continuation of the NDP program and its relationship to total community efforts:

One California city submitted a third year application for 9.7 million dollars, 4.8 million dollars of which is new funds. The HUD Area Office informed it that it could receive only 1.2 million dollars in new money which "wouldn't even cover interest payments on our project notes."

A large southern city is in similar straits. For its second year NDP activities, the city requested 6.3 million dollars but was informed it should submit a revised application for only 1.4 million dollars, the amount of its first year grant. The Executive Director notes the implication of this reduction of the application—(1) "the 'life-blood' of our Agency . . . is in severe jeopardy;" (2) "it would be extremely difficult to tailor a 6.3 million dollar program to a 1.4 million dollar program and still produce a meaningful and significant impact in the NDP area;" and (3) "the confidence and support of the residents of the area . . . will be seriously eroded."

A large Texas city in submitting its second year NDP application placed major emphasis on drainage improvements, working out a joint project with the local river authority, the Model Cities program, and the U.S. Corps of Engineers. The city's application for these activities was for $14 million dollars. Yet HUD has informed the city it will receive only 3.5 million dollars. The Executive Director comments, "our scheduled second year share of the channel improvements alone is 3.8 million dollars. At the moment, it looks as if we not only have to cut second year actions involving housing sites and rehabilitation (both critical areas of concern in Model Cities) but also have to somehow cut back on what we are committed to do on channel improvements."

A final set of responses notes the imminent financial crisis implicit in the embargo:

One village in New York State is presently completing a renewal project which should be closed out by July of this year. The community has a pending application for an additional project, which if not funded before the termination of the existing project may mean "a good possibility that this agency and the employees will have to be terminated."

A small New England city notes that unless its amendatory application is funded within 60 days "we will have no other alternatives but to close down these projects." The agency has already cut staff by 50% and now has a balance of 500 dollars in the account of one of its projects.

From an upstate New York community: "Our emergency arises from the fact that we have exactly $1,536.63 in our checking account on this date with liabilities of more than double that amount. Our monthly expenses are about 3,000 dollars. We will literally close the doors unless we receive some immediate action from HUD."

A New England city reports that because it has not received approval of an amendatory application, it has been forced to borrow more than 90,000 dollars from other local sources to pay relocation claims and interest charges.

Another nearby city faces an even more serious problem—80,000 dollars in relocation payments due, but no resources from which to borrow.

In summary, the lack of funds for renewal is placing the whole program in jeopardy. The backlog needs of nearly 3 billion dollars remains and our inability to meet this backlog is reaching critical proportions—forcing many communities to question the good faith of Congress and the federal government in being committed to a physical development program. While we realize that the release of this 200 million dollars will not solve these problems in every community, we believe it can take care of some of the most pressing situations where agencies will be forced to close down or terminate projects without immediate financial assistance. Likewise, immediate use of the 150 million dollars for public housing development and operational subsidies would meet the most critical situations and be a sign of good faith that the federal government is committed to this program.

In closing, I would like to transmit to you a copy of the responses we received from Macon, Georgia and Louisville, Kentucky, which succinctly summarize the plight of many communities and highlights the local importance of the renewal and housing programs.

Your leadership in efforts to release these funds is greatly appreciated.

Sincerely yours,
Robert W. Maffin,
Executive Director.

Responses to March 26 Letter to Housing and Renewal Authorities

Housing: Responses to date: 153; representing 34 States.

Alabama: Alexander City, Ashland, Bay Minette, and Gadsden.

Arkansas: Fort Smith, Mena, and Truman.

California: Contra Costa County, Fresno, Monterey County (Salinas), Riverside County, and San Francisco.

Connecticut: Danbury, New Haven, and Waterbury.

Florida: Broward County, Dade County, Florida Association of Housing and Redevelopment Officials, Fort Lauderdale, and New Smyrna Beach.

Georgia: Americus, Broxton, Canton, Oglethorpe, Rome, and Taccoa (6 cities combined).

Illinois: Albion (Edward County), East St. Louis (St. Claire County), Jefferson County (Mt. Vernon), Peoria, and Quincy (Adams County).

Indiana: South Bend.

Iowa: Des Moines and Iowa City.

Kansas: Lakin, Strong City (Marion, Morris, Lyon, Chase Counties), and Wichita.

Kentucky: Danville, Hartford, Louisville, and Martin.

Louisiana: Farmersville.

Massachusetts: Massachusetts Association of Housing Authorities, Northampton, Pittsfield, Quincy, and Weymouth.

Michigan: Bessemer, Cadillac, Dearborn, Mt. Clemens, Muskegon Heights, Negaunee, Traverse City, and Wakefield.

Minnesota: Ely.

Mississippi: Biloxi, Cleveland, Fayette, and Natchez.

Missouri: Branson, Chaffee, Excelsior Springs, Milan, Portageville, and Tarkio.

Nebraska: Doniphan and Neligh.

Nevada: Clark County.

New Jersey: Camden, Cumberland, Glassboro, Hoboken, Irvington, Vineland, West New York, and Lodi.

New York: Binghampton, Elmira, Freeport, and Rochester.

North Carolina: Apex, Brevard, Chapel Hill (Orange-Chatham), Clayton, Highpoint, Rocky Mount, and Sylva.

Ohio: Dayton.

Oregon: Clackamas County, Douglas County, Washington County, and Lane County.

Pennsylvania: Allentown, Armstrong County, Beaver County, Bucks County, Butler, Dauphin County, Greene County, Lebanon County, Montgomery County, Northumberland County, Oil County, Philadelphia, Pittsburgh (Allegheny County), and Westmoreland County.

Rhode Island: Harrisonville, Pawtucket, and Providence.

South Carolina: Columbia and Regional Housing Authority No. 3.

Tennessee: Athens, Crossville, Dayton, Elizabethton, Nashville, Gallaway, Hohenwald, Johnson City, Knoxville, La Follette, Maynardsville, Morristown, Murfeesboro, Newbern, and Stewart County (Dover).

Texas: Austin, Brownsville, Dallas, Del Rio, Denton, Donna, Galveston, Grapeland, Hamlin, Kirbyville, San Antonio, Sherman, Smiley, Texarkana, and Marlin.

Vermont: State of Vermont, Agency of Development and Community Affairs.

Virginia: Lynchburg and Newport News.

Washington: King County, Seattle, and Tacoma.

West Virginia: Clarksburg.

Wisconsin: Kaukauna (Outagamie County), Menominee (Dunn County), New Richmond (St. Croix County), and Wausaukee (Marinette, Florence, Forest, Oconto Counties).

Urban renewal: Responses to date: 83; representing 28 States.

Alabama: Daleville.

Arkansas: Hope, Little Rock, Pine Bluff, and Truman.

California: Fresno, Los Angeles, Napa, Oakland, Port Huneme, and San Francisco.

Colorado: Denver, Pueblo, and Trinidad.

Connecticut: Farmington, Glastonbury, Hartford, New Haven, Stamford, Stratford, Waterbury, and West Haven.

Florida: Dade County, Florida Association of Housing and Redevelopment Officials, and Jacksonville.

Georgia: Brunswick and Macon.

Illinois: De Kalb, Peoria, and Springfield.

Indiana: Mishawaka.

Iowa: Evansdale and Iowa City.

Kentucky: Paintsville and Pakesville.

Massachusetts: Brookline, Holyoke, Lynn, Malden, and New Bedford.

Michigan: Albion, Highland Park, Niles, and Saginaw.

Missouri: University City.

Mississippi: Cleveland.

New Jersey: Bridgeton, Camden, Jersey City, Paterson, Rahway, Wildwood, and Trenton.

New York: Amsterdam, East Rochester, Glen Cove, Hempstead, Port Jervis, and Roslyn Heights.

North Carolina: Fayetteville and Washington.

Ohio: Akron.

Oklahoma: Oklahoma City.

Oregon: Portland.

Pennsylvania: Bradford, Monessen, Nanticoke, New Castle, New Kensington, Philadelphia, Pittsburgh, Reading, and Westmoreland County.

Rhode Island: Newport.

Tennessee: Athens, Crossville, and Nashville.

Texas: Hearne, Lubbock, San Antonio, and White Settlement.

Virginia: Waynesboro.

West Virginia: Huntington.

Wisconsin: Milwaukee.

THE HOUSING AUTHORITY
OF LOUISVILLE,
Louisville, Ky., April 1, 1971.
Mr. ROBERT W. MAFFIN,
Executive Director, National Association of Housing and Redevelopment Officials, The Watergate Building, Washington, D.C.

DEAR BOB: This is in reply to your letter of March 26, 1971, in which you asked that we advise you of all our programs which are being held up by the Administration's "freeze" of the 150 million dollars of public housing funds. We have two programs in Louisville that are being delayed because of this action, they are as follows:

1. Avenue Plaza, Project KY-1-14, was originally designed as a project on two sites, totaling 348 dwelling units, both of these buildings were high-rise buildings for elderly. They were designated under an Annual Contributions Contract for Project KY-1-13, totaling 348 units. Because of design difficulties, KY-1-13 will be reduced in units to 173 units on one site, and the difference in approved units (175) will be increased to 226 units which will become KY-1-14. This building will also contain space for a new Central Office Building for our Authority, plus the increase in number of units which is now proposed to total 226 dwelling units. This change will require an additional million dollars over and above the funds remaining in the original KY-1-13 Project. The Regional Office, in Atlanta, has expressed some concern to us as to whether or not they can get the additional 51 dwelling units, plus the money needed to complete the project.

2. Louisville obtained a Program Reservation of 1,000 units in the fall of 1968. Since that time we have been concentrating on high-rise buildings for elderly, which are referred to in No. 1 above. There now remains 400 units which are designated as "Turnkey" developments for families. We have attempted, in recent weeks, to get approval from the Regional Office to proceed with invitations to bid to turnkey developers to build these units on a scattered-site concept. We have been informed by the Regional HUD Officials that no funds are available for Annual Contributions Contracts and we must, therefore, wait until funds are available before proceeding with advertising for proposals.

The low rent housing situation in Louisville has reached a critical stage. Public Housing Authorities are the only ones who can produce housing for the low-income sector at rents within their limits to pay. In recent weeks there have been deliberate attempts on the part of the National Tenant Organization, the Local Tenant Union and the Legal Aid Society, among others, to force crisis situations at the Mayor's Office, and other public agencies, by moving people out of slum properties and expect agencies to house them in standard housing. The only sources our Authority have is in turnover of existing units. The problem is compounded by the fact that we presently have over 3,000 applicants who are eligible to be placed in public housing. I think you can see that this causes a great deal of unrest and dissatisfaction among eligible applicants when, because of pressure from other groups, other families are put into vacant units prior to those who have been waiting many months for placement. This situation is not going to improve until funds are released to develop new dwelling units for low-income occupancy. Our Mayor, Frank W. Burke, included this appeal when he visited with President Nixon, in the White House Conference of Mayors, March 16.

If the Louisville story is of any help to you in your efforts to get additional units released, you are welcome to use it in any way you see fit.

With best personal regards, I remain.
Sincerely,
H. M. BOOTH, Jr.
Executive Director.

MACON, GA.,
April 1, 1971.
Mr. ROBERT W. MAFFIN,
Executive Director, NAHRO, The Watergate Building, Washington, D.C.

DEAR MR. MAFFIN: We have your communication of March 26, 1971 regarding the $200 million of Urban Renewal funds that have been authorized by the Congress and are still unavailable to the operating agencies. As requested, we are outlining below a situation that exists in Macon regarding Urban Renewal which we feel could, and very well may already be a critical situation.

The application for the Unionville Urban Renewal Project, Ga. R-129 has been pending since the Spring of 1968. The application was originally filed for a conventional type Urban Renewal Project. In October of 1968, we were advised by HUD to include the Unionville project in with our NDP Application. Our applications were reworked accordingly; however, in December of 1969, we were advised by HUD that the Unionville Area could not be approved as a NDP Area because it would involve too much planning and not enough "project execution" the first year. At HUD's request, the Unionville Area was withdrawn and resubmitted as a conventional Urban Renewal project Application. We were informed at that time that the project would probably be approved right away if this separation were made. To date this project has not been approved.

We were informed at the end of 1970 that sufficient funds would be allocated to the Regional Office early in 1971 and that Unionville would probably be funded from this. When the funds were received, we were told there was not sufficient money to approve any new applications.

The Project is to be a clearance and rehabilitation type project and plans are to widen Pio Nono Avenue, which includes one of the most dangerous intersections in the City of Macon, and is a major thoroughfare for Warner Robins traffic. New street patterns, paving, storm drainage installations, etc., are planned for the entire area (94.7 acres). There are 368 residential structures of which 81.8% are substandard. The area is 100% black and consists of narrow, winding dirt streets, almost impassible in wet weather and dusty in dry weather. The people in Unionville feel that they have not gotten their fair share of City services and are very bitter. The City cannot afford to pave the streets and provide storm drainage. The only hope is through Urban Renewal. This area was a target area for the Black Liberation Front last Summer which was the major racial confrontation Macon has had. It is felt this Summer will bring stronger racial demands unless we have something definite to promise the black race for this area. The project is to be redeveloped into private low income and moderate income housing. We understand how the residents of this area feel because all we have given them in the last three years are promises.

We have been informed that this project has been approved by HUD in Washington and is just awaiting funding. If additional information is needed, please advise.

Yours very truly,
R. D. FEAGIN,
Director.

DISCRIMINATORY PREFERENCES WITH RESPECT TO CITRUS FRUITS

Mr. FANNIN. Mr. President, on April 1 the Senate agreed to Senate Resolution 89. The resolution urges the President to "promptly make every effort to obtain the removal of discriminatory import preferences maintained by the European Economic Community with respect to citrus fruits."

There will be an opportunity this week to take up this issue at a General Agreement on Tariffs and Trade meeting. The Office of the Special Representative for Trade Negotiations has proposed that the citrus issue be included on the GATT agenda for the Wednesday and Thursday meetings.

I am urging that all executive departments concerned with these negotiations give their approval to put the matter before GATT at this time.

We have waited long enough—too long, in fact—for the EEC to rectify the unequal and unfair treatment of citrus imports from the United States. It is costing us millions of dollars in trade. American-grown citrus continues to pay full tariff while Morocco, Tunisia, Spain, and Israel all have tariff reductions of 40 to 80 percent.

It is my hope that we can settle this matter quickly at the trade conference table. If not, our government should take immediate action to force the EEC to live up to its trade agreements with the United States.

It was encouraging to read in today's Washington Post that Secretary of the Treasury Connally is aware of the importance of this and other foreign trade inequities. He was quoted as saying that in world trade, "The United States is in bad shape."

If anyone is qualified to judge the state of our foreign trade standing, it is the Secretary of the Treasury.

Secretary Connally suggests that the time is coming for our government to make some very basic decisions concerning the future of American foreign trade. We are inviting disaster unless we insist that other nations begin playing fairly in international trade.

It is my hope that Congress and the administration can benefit from Secretary Connally's sound judgment and good advice in the field of foreign trade.

Mr. President, I ask unanimous consent that the Post article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONNALLY URGES TOUGH TRADE STANCE

(By Don Oberdorfer and Frank C. Porter)

Secretary of the Treasury John B. Connally has suggested that the United States withdraw its overseas support for countries that fail to give it a fair break on trade opportunities.

"We can't continue to hold a military, economic and political umbrella over the free world by ourselves as we have been doing," Connally said during luncheon at the Washington Post last Thursday. We need "a radical change" in our basic trade position, he said.

Connally made clear this is not necessarily the official government view but that he is pushing it hard within the Nixon administration.

The only Democrat in Mr. Nixon's cabinet and a former governor of Texas, Connally even suggested that this was one of the reasons for his surprise appointment to the Treasury post.

He said he and Roy Ash, president of Litton Industries and chairman of a presidential commission on governmental reorganization, had presented strong arguments for this thesis while conferring with Mr. Nixon at San Clemente last summer. Connally took office about two months ago.

"The United States is in bad shape" in world trade, Connally said, and will reach "a point of decision fairly soon on how we're going to proceed in this decade and hereafter."

Getting down to specifics, the Secretary cited trade concessions made by Western European nations to smaller states in North Africa and the Middle East—concessions that presumably would discriminate against American exports.

When the United States protested the action, Connally said, the European countries explained apologetically that the concessions were made to neighbors within the Mediterranean family of nations.

If that's the way they feel, Connally said with some feeling, the United States should pull its Sixth Fleet out of the Mediterranean and let the Europeans arrange for their own defense.

He was similarly blunt about the rising industrial giant of the Pacific. "We're going to have to say to Japan, 'My friends, no more.' We've got to get tough with those countries," the Secretary said.

Japan has been increasingly criticized for violating the rules of the General Agreement on Tariffs and Trade by maintaining illegal barriers to scores of imported commodities while pushing its export penetration of freer markets, such as that of the United States.

"We're confronted with fierce competition," Connally said. "We're not facing up to it . . . The standard of living in the United States is at stake—no less than that.

"We did well when we were a lean, hungry nation. There are lean, hungry nations around the world. They're going to be wanting what we have."

The Secretary explained that he didn't begrudge other nations wanting or attaining the affluence reached by the United States nor did he blame them for pressing any trade advantage against this country. But the United States must defend its own interests, he maintained.

Connally said the United States depends upon four categories for export earnings: farm products, raw materials and fuels, simple manufactured goods, and products with a high technology input. The nation suffers a trade deficit on the first three, he said, and the $9 billion annual surplus in the high technology sector "saves us."

"That has kept our head above water," he said, but Japan, West Germany and a number of other nations are hard on our heels now in this sector.

SELENIUM POISONING

Mr. CURTIS. Mr. President, although a certain amount of selenium is necessary in the diet of farm animals—among other things, it prevents nutritional muscular distrophy or "white muscle disease" in calves and lambs—U.S. Department of Agriculture scientists describe this trace mineral as highly toxic.

Stockmen in some parts of the country, particularly in areas west of the Mississippi River, have feared selenium poisoning since 1857 when cavalry horses at Fort Randall, S. Dak., became sick while grazing pastures near the fort. Animals die as the result of too much selenium ingested through forage and grain. So-called blind staggers, an advanced form of poisoning, leads to death within a short time.

Scientists in USDA's Agricultural Research Service are seeking ways to combat selenium poisoning as part of an overall study of trace minerals as they relate to human nutrition. Because of the long-time interest in this subject, I ask unanimous consent that an article published in the March issue of Agricultural Research magazine be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DETOXIFYING DIETARY SELENIUM

How to combat selenium poisoning, which causes death of cattle and sheep in certain areas of the country, is part of an over-all study of trace minerals as they relate to human nutrition.

Either too little or too much of this element can be harmful, and the margin for error is relatively small. Less than one-fifth of an ounce in a ton of hay prevents nutritional deficiences in livestock which cause degeneration of the liver, pancreas, heart, or muscle tissue, depending on the animal species. But the mineral is also highly toxic.

Previous research indicates that several materials decrease selenium toxicity and that each acts uniquely. It is believed that the amino acid, methionine, works with vitamin E to decrease selenium residues in the organs; that arsenic stimulates excretion of selenium through the bile, thus decreasing its toxic effects; and that linseed oil meal increases the ability of body tissues to bind selenium in a less toxic form.

To verify the interaction of methionine and vitamin E and to learn more about the way these two compounds work together, a team of ARS scientists in the Beltsville, Md., human nutrition laboratories studied the response of female weaning albino rats to high-selenium diets. Chemist Orville A. Levander headed the team.

All rats were fed a basic peanut meal ration devoid of vitamin E with 10 parts per million selenium added. One group received a methionine supplement; one received vitamin E; others were given supplements containing both methionine (0.5 percent) and vitamin E at different levels (0.01 to 0.05 percent). In other groups, certain antioxidants were substituted for vitamin E.

Rats receiving the selenium-peanut meal diet without a supplement of methionine or vitamin E showed moderate to severe liver damage. Adding either alone had only a slight beneficial effect. All combinations of methionine and vitamin E protected against selenium poisoning, with the best protection at the higher vitamin E levels.

When certain fat-soluble antioxidants—ethoxyquin (Santoquin), butylated hydroxytoluene, and N.N.'diphenly-p-phenlenediamine—were added to the diet in place of vitamin E, animals were protected in varying degrees. These compounds, which together with methionine protected against liver damage cause by selenium toxicity, were the same compounds previously reported to be active against acute liver damage in selenium-deficient rates. The water-soluble anti-oxidants, methylene blue and abscorbic acid (vitamin C), were ineffective.

Animals receiving any of the protective supplements showed lower selenium levels in the liver and kidneys than those fed the selenium-peanut meal diet without supplement.

Because selenium itself is considered an antioxidant, it is believed unlikely that vitamin E and the effective fat-soluble antioxidants are acting as antioxidants. Rather, Dr. Levander suggests that vitamin E and the fat-soluble antioxidants make the methy component of methionine more available for use in detoxifying the selenium.

PRESIDENTIAL WAR POWERS

Mr. GOLDWATER. Mr. President, it was my great privilege last Friday morning to appear before the Committee on Foreign Relations to present my thoughts on the great issue of where the powers of war and peace are deposited by the Constitution among our branches of government. Mr. President, I went before the committee as an individual who was a Presidential candidate at one time and who was thereby personally exposed to all of the terrific and almost omnipresent powers handed by the Constitution to the President, particularly in the domestic field. Also, during the time of that Presidential campaign and since, I have noted that it is Congress who repeatedly expands the powers of the President by enacting broad and very expansive laws which broaden his authority. In this sense, I testified Friday from the standpoint of an individual who shares to some extent the concern of others about the sweeping breadth of the Executive's powers.

Nevertheless, Mr. President, in my opinion the trio of bills before the Foreign Relations Committee, which are generally referred to as the war powers bill, are improper, unwise, and perhaps illegal. They seek to attack the issue of the President's authority over the use and deployment of U.S. military forces by passing legislation which contain rigid limitations over his ability to make independent policy decisions. In effect, under these kinds of bills, Congress would don its brass helmets and seek to reduce the President to no more than a simple stooge who is expected to follow the smallest directive of the legislature in each and every matter relating to military and foreign policy.

Mr. President, there simply is no foundation at all in our Constitution for this concept, and there is an immense amount of historical precedence contrary to this position, backed up by solid judicial statements and conclusions made by reputable authorities, Mr. President, these bills are so bad they would prevent the United States from taking any action in the defense of Israel; they would completely override all our 42 mutual security treaties including NATO; and to my mind, they would reduce the United States to a second- or third-rate power and destroy our integrity as a great nation in the world.

Mr. President, it became amply clear during the hearing that the only action which U.S. troops could take in countries such as Israel, with which we have no defense commitments, is a limited rescue effort for the protection of American citizens.

The truth is, the war powers bill introduced by the Senator from New York (Mr. JAVITS) would not allow American forces to protect Israel itself. It would not permit American fighting units to defend Israeli citizens or the territorial independence of Israel. Oh, yes, we might rush in Air Force transport planes to whisk our own citizens out of danger. We might even send a contingent of marines into cities where our embassies and legations are located to aid them.

But when our forces are called upon to act for broader purposes—for reasons of vital strategic interests such as saving another nation's people from annihilation—the war powers bill will halt our forces short. This would be carrying out a national commitment. And this is plainly prohibited by the war powers bill unless and until Congress has specifically granted its goahead.

Also, Mr. President, it became quite evident that the war powers bill, as it stands right now, would allow some future Congress to drag a reluctant President into wider military hostilities than he wishes. This development could actually occur pursuant to a provision of the bill which sets up a shortcut procedure for action by Congress on legislation designed to sustain the use of American forces beyond 30 days.

For example, if the Javits bill had been in effect at the time of the Cuban missile crises, Congress would have been required to vote on sustaining the deployment of American military forces in the Caribbean longer than 30 days. And under the terms of this bill this vote might have taken place, with Congress already in session, within a matter of days. Thus, it could have occurred shortly after the Cuban naval quarantine had commenced—in other words right at the peak of emotional excitement and public concern.

Is it improbable to conceive that in a fever-pitched situation of this magnitude—with enemy missiles about to be aimed at cities holding 80 million American citizens, with reports arriving of attacks on American reconnaissance planes and then with the killing of an American pilot over Cuba—a majority in Congress, mindful of the imminent elections, might not have voted for legislation directing a United States air attack on Cuba, or an invasion?

Mr. President, this is the terrible dilemma posed by the Javits bill. For it rests upon the broad proposition that Congress controls the war powers and the President must faithfully carry out the directives Congress lays down. But what happens when Congress does not want to restrain the President but instead wants to push him over the brink? In either case, the Javits bill says the President has no option. According to the legal memorandum submitted by the Senator from New York, it is his argument that "The President as Commander in Chief was intended to be the executive arm of Congress, carrying out its policy directives in the prosecution of military hostilities."

In other words, if Congress tells the President to stop hostilities, he must stop If Congress tells the President to expand the hostilities, he must expand them. Under the Javits bill "the President has no right to contravene such legislation."

Mr. President, the reasons for my strong opinions about the war powers bills are spelled out in detail in the remarks which I presented Friday morning before the committee, and in order that the entire Senate and the many readers of the RECORD can be able to study these arguments and look at the many authorities which I believe support the arguments, I ask unanimous consent that the entire text of my statement be printed, including the appendix to my remarks which sets out a summary of all 153 incidents in which the United States has taken armed military action in its history without any declaration of war from Congress.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE PRESIDENT'S RIGHT TO PROTECT OUR FREEDOMS

(Statement by Senator BARRY GOLDWATER)

PURPOSE TO JOIN ISSUES

Mr. Chairman, the Committee has heard from a steady stream of witnesses who have announced their endorsement of legislation fixing rules for the use of United States forces in military hostilities abroad. It is with some trepidation that I, a layman and nonlawyer, feel compelled to disagree with the position held by the distinguished historians and Senators with law degrees who have preceded me at these hearings.

But the issues raised by the War Powers Bill are so fundamental and the possible drawbacks of such legislation are so immense, I feel someone should join the issue so that the Committee may make its judgment on these grave matters in the light of all possible points of view. So if you will consider my statement as being intended to assist the Committee in making an objective analysis of the War Powers Bill and measures like it, I will present my admittedly personal thoughts on this subject.

And in doing so, I wish to interject the thought that, as a former candidate for the Presidency, I have come to a very close and personal realization of the awesome powers held by that office. Thus, in speaking to you, Mr. Chairman, it is from the standpoint of one who shares to some extent your concern about the sweeping breadth of the Executive's powers.

Nevertheless, Mr. Chairman, in my opinion, the War Powers Bill is not the correct way to tackle this issue. To my mind, the bill is improper, unwise, and perhaps illegal. It would leave the United States helpless to prevent the annihilation of Israel. It would emasculate NATO. It would unwittingly allow a militant Congress to initiate a nuclear holocaust. And it may incite one of the gravest Constitutional crises in American history.

DEFENSE OF ISRAEL PROHIBITED

Mr. Chairman, as strange as it seems, this country has no formal legislative commitment to defend the security of Israel. There is no treaty or convention or any kind of legislative device committing the United States to assist in preserving Israel's independence.

What this means, under the War Powers Bill, is that the United States must stand idly by in the event of an all-out attack against the Israeli people. No matter that Arab fanatics may be seeking to make good on their aim of shoving the Israelis into the sea. No matter that approximately 20,000 Soviet personnel may be manning SA-3 missile sites and advanced jet fighters while massive Egyptian tank forces mount an invasion on disputed Sinai territory.

Congress may be in recess or adjournment. The United Nations may be bogged down in an endless exchange of animosity and bombast. But no matter. Regardless of the humanitarian exigencies and the dire consequences upon European security, the War Powers Bill prohibits an immediate limited response by the United States to forestall an Arab conquest of Israel. The War Powers Bill prohibits any action for strategic purposes unless there is in effect a legislative instrumentality specifically covering the interest at stake.

Of course, by the time Congress assembles and gathers a quorum for acting on the crisis, it may be too late for anything but resolutions of condolence. The victim people may have been slaughtered and the world may be confronted with a fait accompli. It is interesting in this regard that though the War Powers Bill establishes a special procedure for speeding up Congressional action on legislation in the event of some emergencies, the procedure does not apply in the case of countries with which we have no defense treaties.

MUTUAL DEFENSE TREATIES BUTCHERED

Not only does the bill fail to provide a means for taking prompt action in behalf of countries such as Israel with which we share mutual bonds of trust, religion, and free democratic institutions, but it also will undermine the credibility of our most basic defense agreements such as NATO. With one swipe, our 42 defense pacts will be chopped into 30-day wonders, if that. This is because under the War Powers Bill, United States military forces shall not be used to comply with our treaty commitments beyond 30 days unless Congress subsequently enacts legislation extending our military participation over a longer period. What is more, Congress can curtail our assistance short of 30 days if it passes a joint resolution to this end.

Thereby, the proposed bill will place all our treaty obligations in a state of permanent doubt. No ally can ever know if the United States will stand by it for more than 30 days; and even then, it cannot be certain whether Congress will shut off our aid sooner.

If Communist troops sweep across the island of free Berlin, the War Powers Bill tells us Congress might order American forces not to respond. If a Russian attack begins on Turkey, the War Powers Bill says Congress may direct United States troops to terminate whatever collective self-defense measures they had started.

In other words, the War Powers Bill would turn over the day-to-day calculations of strategic military and foreign policy decisions from the President to the Congress. The President and the National Security Council, the Secretary of Defense and the Joint Chiefs of Staff, and our 42 defense commitments as well, would all be dispatched to the sidelines. Congress would don its brass uniforms and take hold of the reins guiding the when and where of each American military activity.

Imagine the shock which this concept will have upon the minds of foreign leaders who are told the United States can no longer make long-range promises of American support, even when those commitments have been nailed down in written treaties duly ratified under the American Constitution. Such an approach would in my opinion, utterly demolish their judgment of America's dependability as an ally.

By converting our treaties into 30-day notes payable, with cancellation optional at a sooner date, we would, I fear, seriously endanger the entire structure of American mutual security agreements reached over a lengthy history of past negotiations and cooperation. Thereby the greatest safeguard of global peace would be downgraded to a community of suspicious, confused signatories who could never know when the United States might be counted on to live up to its past assurances or when one Congress might change the policy directives laid down by its predecessor.

DANGER OF MILIANT CONGRESS

Equally bad, if it is true Congress has the right to legislate concerning the conduct of war and the President has no right to contravene such legislation, then Congress must also possess the power to order the President into broader hostilities than he wishes. In this sense, the War Powers Bill would be a terrible sword of Damocles hanging over the heads of the American people. At one moment it may pulverize our national treaty commitments. At the next, it might lead the nation right up to the brink of nuclear destruction.

Those who look to Congress as the ultimate haven of peaceful thinking might thumb through the pages of Robert Kennedy's short manuscript on the Cuban Missile Crisis. Senator Kennedy recounts that of all the deliberations which preceded President Kennedy's address to the nation on the situation in Cuba, his meeting with the leaders of Congress was the most difficult.

Senator Kennedy writes:

> I did not attend, but I know from seeing him afterward that it was a tremendous strain.
>
> Many Congressional leaders were sharp in their criticism. They felt that the President should take more forceful action, a military attack or invasion, and that the blockade was far too weak a response.

Is it not possible Congress might, when confronted with dramatic pressure for making an immediate decision, vote in favor of a military strike? Are the Members of Congress more immune to emotional, impulsive reactions than other humans? Can we be certain a majority of some future Congress, mindful of an imminent election, will not be overwhelmed by the pressure of events and steer our nation into greater military action than is warranted?

CAN SUPREME COURT RESTRAIN POLITICAL BRANCHES

But there are other dangers in the War Powers Bill. Suppose the Supreme Court considers the bill and rejects it as an improper abridgment of the shared powers divided among the President and Congress. If a frustrated Congress fails to accept the decision, might it not impeach the President for disobeying its rules against the conduct of military hostilities? In that event, could the Supreme Court restrain the Senate from sitting as a court of impeachment?

On the contrary, let us suppose the Court should approve Congressional regulation over the use of armed forces. If the President defies the Court in the belief the final existence of this country is utterly at stake, how will the Court enforce its decision? Since the President controls the sanctions which the Court must rely upon, won't the Court lack an effective means for carrying out its order?

These considerations might seem novel, but they are exactly the ones raised by the Supreme Court itself in rejecting a motion asking it to enjoin President Andrew Johnson from stationing troops in Mississippi under the Reconstruction Acts. *State of Mississippi* v. *Johnson*, 71 U.S. 475 (1866).

Mr. Chairman, this case illustrates the reasons why the Supreme Court has consistently refused to directly question the legality of Presidential military decisions. The courts have dropped this issue like a hot potato.

FOREIGN MILITARY POLICY IS A POLITICAL MATTER NOT MEANT FOR JUDICIAL DECISION

For example, the Supreme Court has turned down several challenges against the validity of the Vietnam conflict. In one important test, it left standing a significant ruling by Chief Justice Burger, who was then sitting as a Circuit Judge in the Court of Appeals for the District of Columbia. *Mora* v. *McNamara*, 389 U.S. 934 (1967). In this decision, the Circuit Court had flatly stated:

> The fundamental division of authority and power established by the Constitution precludes judges from overseeing the conduct of foreign policy or the use and disposition of military power; these matters are plainly the exclusive province of Congress and the Executive. *Luftig* v. *McNamara*, 373 F. 2d 664–666 (1967).

It is true the Supreme Court once tackled a potentially embarrassing case when it acted on President Truman's seizure of most of the Nation's steel mills; but it must be recalled the President had served early notice he would comply with any Supreme Court ruling in that case. Also, it should be remembered the case turned on the far different nature of the President's authority over internal affairs as contrasted with his role in external matters. *Youngstown Co.* v. *Sawyer*, 343 U.S. 579 (1952).

Mr. Chairman, I may be wrong, but I think the probable course which the Court will take has been revealed in a recent legal discussion examining the precise question of what it might do if confronted with an Act of Congress restricting the President's war-making authority. This article suggests that in the first place Congress should not create a crisis by placing the Court in a position where it must take sides with one of the political branches. Secondly, it concludes the Court will not entertain the issue because a decision on the merits "might jeopardize the Supreme Court's ability to function effectively and endanger the Constitutional system." ("The Supreme Court as Arbitrator in the Conflict Between Presidential and Congressional War-Making Powers," 50 Boston U. Law Review 78, Spring, 1970.)

LIBRARY OF CONGRESS REPORT ON POLITICAL QUESTION DOCTRINE INDICATES COURT LACKS JURISDICTION

Further warning about the likely disinclination of the high Court to pass on the War Powers Bill comes from a current Library of Congress report on the Massachusetts statute which purports to exempt its citizens from service in undeclared wars. Though the statute is designed to stir up a court test on the legality of the Vietnam War, the Legislative Reference Service concludes the issues of undeclared war and the sending of troops abroad are "political questions" not meant for judicial decision. ("Undeclared War and the Right of Servicemen to Refuse Service Abroad," pp. 10–16, November 30, 1970, L.R.S.)

The report builds a sound case for the application of the political question doctrine to all matters of foreign military policy. For example, it recalls a declaration made by the Supreme Court in 1918, when it said:

> The conduct of the foreign relations of our Government is committed by the Constitution to the Executive and Legislative—"the political"—Departments of the Government, and the propriety of what may be done in the exercise of this political power is not subject to judicial inquiry or decision. *Oetjen* v. *Central Leather Co.*, 246 U.S. 297, 302 (1918).

The Court recognized the same doctrine again in 1949 in these words:

> Certainly it is not the function of the Judiciary to entertain private litigation—even by a citizen—which challenges the legality, the wisdom, or the propriety of the Commander-in-Chief in sending our armed forces abroad or to any particular region . . . The issue tendered . . . involves a challenge to conduct of diplomatic and foreign affairs, for which the President is exclusively responsible. *Johnson* v. *Eisentrager*, 339 U.S. 763, 789 (1950).

The report also mentions the above-stated case of *Mississippi* v. *Johnson* in which the Court found it had no power to restrain acts of either Congress or the President regarding the use of troops.

Thus an impressive line of cases can be mustered which cast serious doubt on the willingness of the Supreme Court to consider any statute governing the President's deployment of troops. And, it goes without saying, our nation will be placed in a pretty bad Constitutional muddle in the event Congress and the President are left without any arbiter to resolve the statute's legality.

WAR POWERS BRIEF FAILS TO SUPPORT BILL

But even should the Court look at the merits of the bill, it is by no means certain the measure could stand the test of judicial scrutiny. In this regard, Mr. Chairman, I would like to review the legal memorandum offered by the Senator from New York. For unless I have read the six cases wrongly upon which the bill stands, three of them might be taken as authority for the contrary, one is plainly limited to domestic affairs only, and the remaining two had no restraint at all on the President during the course of military hostilities.

EX PARTE MILLIGAN

One case is *Ex parte Milligan*, in which the Court held that neither Congress nor the President could authorize the trial of a civilian before a military tribunal in a State which had been loyal to the Union during the Civil War. 71 U.S. 2 (1866). To me, the pertinent part of this decision lies in the following comment by four of the justices, who remarked upon the power of Congress in time of war as follows:

> This power necessarily extends to all legislation essential to the prosecution of war with vigor and success, except such as interferes with the command of the forces and the conduct of campaigns. That power and duty belong to the President as commander-in-chief. 71 U.S. 139.

While I am not a lawyer, it appears to me this case might reasonably be read as saying Congress cannot restrict the President's command of military decisions once hostilities begin, whether war is declared or not.

MIDWEST OIL COMPANY

Another decision which may expand the President's power, but is cited as authority for the War Powers Bill, is *United States* v. *Midwest Oil Company*, 236 U.S. 459 (1915). The case concerned a Presidential decree, issued in 1909, which withdrew from private acquisition all public lands containing petroleum. The President issued the order even though Congress had by statute made these same lands free and open to purchase by United States citizens. Nevertheless, the Court found the Executive had for a long time been making similar orders contrary to Acts of Congress and determined this established a power in the President to do what he had been doing. 236 U.S. 469. Thus, the Court expressly recognized a power of the President, in certain circumstances, to ignore Congressional enactments.

PRIZE CASES

A third decision mentioned in the War Powers brief is the *Prize Cases*, a Civil War action regarding the legality of President Lincoln's blockade against the Confederacy. 67 U.S. 635 (1863). It is claimed this case proves "the Court's insistence upon Congressional authorization as the basis of Presidential war powers."

And yet, Justice Grier, who wrote the Court's opinion, carefully explained the issue is not whether Congress authorized the blockade, but whether the President, acting alone, had a right to take military action "on the principles of international law, as known and acknowledged among civilized States?" 67 U.S. 671.

In upholding the Executive's right to meet the insurrection, the Court said: "If a war be made by invasion of a foreign nation, the President is not only authorized but bound to resist force by force. He does not initiate the war, but is bound to accept the challenge without waiting for any special legislative authority." 67 U.S. 668.

Again, we have an opinion which far from establishing a superior role for Congress, points to a duty on the part of the President to meet certain challenges against the nation without waiting for Congress to baptize them with a name.

"STEEL SEIZURE CASE"

Another decision relied on by the War Powers brief is the "Steel Seizure" case which arose from President Truman's attempted takeover of most of the nation's steel mills. Though the Court held, six to three, the President lacked power to take possession of private property, it is quite clear the Court's majority treated the case as a domestic affair far removed from instances involving day-to-day fighting in a theater of war. 343 U.S. 5.

Justice Jackson appears to have captured the mood of the Court correctly when he wrote:

> We should not use this occasion to "circumscribe," much less to contract, the lawful role of the President as Commander in Chief. I should indulge the widest latitude of interpretation to sustain his exclusive function to command the instruments of national force, at least when turned against the outside world for the security of our society. 343 U.S. 645.

Accordingly, I cannot see that the "Steel Seizure" case is controlling in a situation regarding the use of United States troops outside the nation.

THE ELIZA

Nor do the final two cases discussed in the War Powers brief give me any more comfort. One of these, *The Eliza*, involved nothing more than whether the word "enemy" should be applied to French privateers during the late 1790's. 4 Dallas 36 (1800). The purpose of the Court's exercise was simply to determine whether the owner of the "Eliza" had to pay salvage under a Federal law relating to the recapture of ships from the enemy, rather than under a general law which required payment of a much smaller sum.

It is true three justices spoke in brief, but sweeping, terms about the limits which Congress might set on the hostilities, but these references were in no way necessary to the decision of the case. They are gratuitous *dictum* and cannot sustain anything more than the interesting concept that American forces can properly engage in fighting without a general declaration of war.

THE FLYING FISH

The final case raised in support of the War Powers Bill also construed the meaning of a Federal statute applicable to the undeclared naval war with France. This time the case involved a law providing for forfeiture of American vessels employed in commerce with France. Though the statute empowered American warships to seize craft going *into* French ports, President Adams directed our ships to capture trading vessels both going to and from French ports. In these circumstances, when an American frigate seized a Danish vessel, the "Flying Fish," upon leaving a French port, the Court held the action was unlawful even should the vessel have been an American ship. *The Flying Fish*, 2 Cranch 170 (1804).

Now on the surface, this decision may appear to support the validity of Congressional restraints over the conduct of military hostilities. However, upon close inspection, it can be seen that even this citation is a highly dubious one. In the first place, the Court's discussion of the conflict between the Presidential order and the Congressional statute was superfluous. Neither the President nor Congress had authorized the seizure of neutral vessels, which the "Flying Fish" was. The capture of a Danish vessel was unlawful under either claim of authority.

Second, the decision had no effect whatsoever upon subsequent military activities. The case was decided in 1804, four years after peace had been achieved. What the Court would decide in the course of an ongoing war, and what the President's reaction would be if a holding shackled his ability to conduct that war, present a far different situation than the minor incident settled by this decision.

Third, the decision was not aimed at stopping the President from using American forces. The case solely affected the civil obligations of the commander of the one armed vessel which had taken the Danish ship.

PRESIDENT'S BROAD POWER TO PROTECT FREEDOMS

The fact is, Mr. Chairman, I know of no record that has been made, and I know of no legislative history, or Constitutional history, or court history that gives us the right to legislate as the master of American military and foreign policy. To the contrary, I am convinced there is not question that the President can take military action at any time he feels danger for the country or for its freedoms or, stretching a point, for its position in the world. The truth of the matter is that out of the 158 military actions this country has engaged in during its history of nearly 200 years as a Republic, only five of them have been declared wars.

Mr. Chairman, I find support for this impression in the works of the late Professor Edward Corwin, who has written about the President's power to repel war as follows:

> It had developed into an undefined power—almost unchallenged from the first and occasionally sanctified judicially—to employ without Congressional authorization the armed forces in the protection of American rights and interests abroad whenever necessary. (Corwin, "Who has the Power to Make War"?, N. Y. Times Magazine, July 31, 1949, p. 14.)

HISTORIAL RIGHT OF PRESIDENT TO USE FORCE ABROAD ON EXECUTIVE AUTHORITY ALONE

Even as early as 1912, United States Solicitor of the Department of State, J. Reuben Clark, was able to compile a list of 48 instances in which the United States used military forces in foreign countries without any statutory or treaty right and in accordance only with a general authority recognized by international law. (Clark, "Right to Protect Citizens in Foreign Countries by Landing Forces," 1912, Revised Edition.)

By 1945, James Grafton Rogers, a former Assistant Secretary of State, was able to expand upon this statement by saying: "The Executive has used force abroad at least a 100 times to accomplishd national purposes without reference to Congress." (Rogers, "World Policing and the Constitution, "1945.)

Four years ago, the State Department updated its list of armed actions taken by the United States without any declaration of war, and this time the total reached 137 incidents. (Department of State Research Project No. 806A, August, 1967.)

Regardless of the actual number, and my own research has turned up 153 such actions, I agree with Professor Corwin, who evaluated the Rogers list as follows:

> While inviting some pruning, the list demonstrates beyond peradventure the power of the President, as Chief Executive and Commander in Chief, to judge whether a situation requires the use of available forces to support American rights abroad and to take action in accordance with that decision. (*Supra.*)

And yet some writers argue these instances are "relatively minor" and "short-lived." Henry Steele Commager complained they were confined to the Western Hemisphere. Let us study the record and see for ourselves.

153 ARMED ACTIONS TAKEN WITHOUT A DECLARATION OF WAR

To this end, Mr. Chairman, I have collected a list of 153 military operations which were conducted without any declaration of war. I would be glad to offer this material at the end of my statement. But Professor Commager may be interested to know the list includes 59 military actions which occurred before 1950 outside the Western Hemisphere.

Also, the summary shows that 56 incidents involved actual gunfire or the imminent threat of warfare. Sixty-four continued beyond 30 days. And only 63 out of the 153 could arguably have been initiated under any form of legislative instrumentality.

Were the operations minor? Between 1899 and 1901, the United States used over 126,000 troops against the Philippine Insurrection. This represented at least 60% of our total military force then in existence.

Remember Commodore Perry's expedition? In 1854, at a time when American forces did not exceed 50,000 men, Perry took 2,000 of them to the other side of the world in order to pressure Japan into reaching a commercial treaty with us.

In 1927, we had 5,670 troops ashore in China and 44 naval vessels in its waters. After World War I had ended, we landed 5,000 soldiers at Archangel in Russia, plus 9,000 more in Siberia.

PRESIDENT HAS USED AMOUNT OF FORCE NECESSARY

Were these engagements "minor"? Set in the perspective of their times, I think not. In the words of Professor Henry Monaghan, who has written an article on this issue:

> The validity of each of the precedents . . . need not be separately defended. Taken as a whole, they seem to me to add up to the following: with ever-increasing frequency, presidents have employed that amount of force that they deemed necessary to accomplish their foreign policy objectives. When little force was needed (e.g., in our incursions in Latin America), little was used; when larger commitments were necessary, they too were forthcoming. (Monaghan, "Presidential War-Making," 50 Boston U. L.R., Spring, 1970, p. 27.)

PRESIDENT AS "SOLE ORGAN" OF FOREIGN RELATIONS

What are the powers that Presidents have claimed in order to take these actions? First, I suggest we might reexamine the words of the Supreme Court in the *Curtiss-Wright* decision, where the country's highest tribunal declared it was "dealing not alone with an authority vested in the President by an exertion of legislative power, but with such an authority plus the very delicate, plenary and exclusive power of the President as the sole organ of the federal government in the field of international relations—a power which does not require as a basis for its exercise an act of Congress . . . "*U.S.* v. *Curtis-Wright Corp.*, 299 U.S. 304, 319–320 (1936).

GENERAL EXECUTIVE POWERS

Next, we might consider the wide range of powers that has been granted to the President under the first sentence of article II of the Constitution, which reads: "The Executive Power shall be vested in a President of the United States of America."

It was Alexander Hamilton who first used this sentence in arguing that the President's role in international matters is a positive one. In a series of articles in the Gazette of the United States, Hamilton claimed this clause had vested in the President all the general executive powers of a sovereign nation, including the right to form policy, which "may, in its consequences, affect the exercise of the power of the Legislature to declare war."

President Taft, who was later a Chief Justice of the Supreme Court, held much the same view. In 1916, during lectures at Columbia, he stated: "Under the Constitution, only Congress has the power to declare war, but with the Army and the Navy the President can take action such as to involve the country in war and to leave Congress no option but to declare or to recognize its existence."

PRESIDENTIAL RIGHT TO ENFORCE INTERNATIONAL OBLIGATIONS

There is a third power of the President, which is set forth in section 3 of article II of the Constitution. This provision places upon the President, and the President alone, the duty and right to "take care that the laws be faithfully executed."

Now, as we all know, the laws of the land include international laws as well as domestic law. And inasmuch as it is the President who carries out our international obligations, it would seem to be left for him to interpret the scope of those obligations.

Again, if I may quote Professor Corwin, it appears this particular view has received judicial support. In his famous work on the Presidency, Corwin writes:

> Thanks to the same capacity to base action directly on his own reading of international law—a capacity which the Court recognized in terms in the *Neagle* case—the President has been able to gather to himself powers with respect to war-making which ill accord with the specific delegation in the Constitution of the war-declaring power to Congress, Corwin, *The President: Office and Powers, Chapter 5.*

In the *Neagle* case, which Corwin spoke about, the Supreme Court ruled that the power of the President to enforce the laws extends to "the rights, duties and obligations growing out of the Constitution itself, our international relations, and all the protection implied by the nature of the government under the Constitution." *In re Neagle,* 135 U.S. 1, 64 (1889).

COMMANDER IN CHIEF

Finally, Mr. Chairman, we come to the President's power as Commander in Chief of the Armed Forces, which is spelled out in article II, section 2, of the Constitution. The President is designated Commander in Chief, and I believe him to be just that, even having the power as Lincoln once almost did to publicly assume command of the armies in the field.

Just why the founding fathers saw fit to confer this title on him and to invest him with these powers, I've never quite been able to understand; but I have a growing feeling that with the recognized and infinite wisdom of the founding fathers, they realized that a single man with these powers who would not be disturbed by the politics of the moment would use them more wisely than a Congress which is constantly looking toward the political results.

MINORITY INTERESTS ENDANGER SINGLE NATIONAL COURSE IN CONGRESS

Let me give you an example of what leads me to this thought. Let us say an election year is upon us, and recognizing that there is a large concentration of Jews in all of the large Eastern cities and that they are a strong voting bloc, wouldn't it be perfectly proper to expect a Member of Congress from that area to stand up and demand strong action in defense of Israel—while, at the same time, with no strong concentrations of South Vietnamese living any place in the United States, a policitician would not be so interested in that part of the world?

Would it be improper to foresee this same attitude arising on behalf of the Italians should they suddenly become embroiled in action which would require our assistance, or on behalf of any other country in which we find a large number of people constituting a minority living in our country?

Would it not be proper to assume, therefore, that the founding fathers in their wisdom foresaw the day when this situation might come about, and realizing that a Congress divided amongst different minority interests would be loath to give proper direction to a single American course, thought the power of war and peace might better be vested in a single man where the probability of minority weight might not have this effect?

Mr. Chairman, I may be terribly wrong in this surmise, and, of course, I hope I am; but I believe it would offer an explanation of a means by which our forefathers and we ourselves were meant to become a single people with a single purpose. These are, of course, my own thoughts. I have gathered them from no other place because I have not seen them recorded in other places.

JUDICIAL HOLDINGS SUPPORT BROAD VIEW OF PRESIDENT'S POWER

Mr. Chairman, to get on with my discussion of the President's power as Commander in Chief, I should mention that what little judicial holdings there are suggests this power is a broad one.

In 1860, Justice Nelson, who was sitting as a district judge, upheld the authority of the President to take whatever action he determines proper to protect the lives and property of American citizens abroad, without awaiting word from Congress. *Durand* v. *Hollins,* 4 Blatch 451.

Six years later, in *Ex parte Milligan,* the Supreme Court pointedly stated "Congress cannot direct the conduct of campaigns . . ." 71 U.S. 139 (1866).

In 1897, the Court of Claims held: "Congress cannot in the disguise of 'rules for the government' of the Army impair the authority of the President as Commander in Chief." Significantly, this decision was later affirmed by the Supreme Court. *Swain* v. *U.S.,* 28 Court of Claims 173, 221; 165 U.S. 553.

Finally, in 1904, the Court of Claims restated its view of the President's ability to act without authority from Congress. The Court said, while speaking of the undeclared war in the Philippines, "In time of war, the Commander in Chief has the same powers as other civilized governments, and the exercise of them needed no ratification to give to them effective force." *Warner, Barnes and Co.* v. *U.S.,* 40 Court of Claims 1, 32.

CONSTITUTION MAY GRANT DIVIDED POWERS

Mr. Chairman, I do not expect these few citations will convince anyone that the President enjoys an exclusive role in the domain of foreign military matters. But I do hope I have raised enough questions and disclosed enough varying positions to suggest it may be improper and unwise to adopt the opposite view—that the controlling powers are deposited solely with Congress. The truth may lie somewhere in between these two theories and perhaps the power is divided among both branches, to be resolved on a political level.

And if this be so, the American citizens may not be badly served. The Constitution clearly vests the power of the purse in Congress and even limits appropriations for the military to two years at a time. This may be a very unwise restraint to use, but nevertheless it exists. In addition, the forum of public opinion, backed by a free press, can place a true check on the President's decisions.

CHANGE CAN BE MADE BY CONSTITUTIONAL AMENDMENT ONLY

In summary, Mr. Chairman, it is my opinion it would be most improper for Congress, by legislation, to change the long established practice of government through which the President has protected the freedoms of the country. If a majority should feel deeply enough this practice must be changed. I believe it is a matter of such serious consequence to the future of our Republic that it would be far wiser if they prepared an amendment to the Constitution so the people could vote on it in their State legislatures. Though I would not support it if I felt it would be a vote for American isolation, a vote to make this country an ingrown, third-rate power, or a vote for dishonoring an American commitment, I certainly would be the first one to say, yes, let the American people speak their voice on it.

APPENDIX

A. CHRONOLOGICAL LIST OF 153 MILITARY ACTIONS TAKEN BY THE UNITED STATES ABROAD WITHOUT A DECLARATION OF WAR

1798–1800: *Quasi-War with France:* When John Adams became President in 1797, he faced the serious problem of strained relations between France and the United States. France was displeased with the terms of the treaty the United States had concluded with England in 1794 and had made it a practice to seize American merchant ships and to manhandle their crews. Adams at first attempted to negotiate a settlement. His envoys arrived in France in October 1797, but, when the French demanded exorbitant bribes and loans, the envoys rejected the proposals and departed.

Adams, thereupon, decided to abandon his attempts to appease the French and, in March 1798, asked Congress for the power to arm merchant ships and take other defensive measures. The opposition party balked, but when the details of the French demands were made public both the American public and Congress reacted strongly against the French. Congress acceded to most of Adams' requests. It created a Navy Department, voted appropriations for new warships, and authorized the enlistment of a "Provisional Army" for the duration of the emergency. In July 1798, the French treaties and consular conventions were abrogated.

The result was a "quasi-war," during which neither country declared war. The American Navy, which won some notable victories, attacked only French warships and privateers and fought primarily for the protection of commerce. Some ninety French ships were captured during this naval war. In 1800 a convention was agreed to and peace was achieved.

1801–1805: *War with Tripoli.* During the early years of the Republic, the United States, following the practice of several European nations, paid tribute to North African pirates. Shortly after Jefferson became President, the Pasha of Tripoli, dissatisfied with the apportionment of tribute, declared war on the United States (May 1801). Jefferson thereupon sent warships to the Mediterranean. After naval actions and landings under Commodore Preble, an inconclusive treaty of peace with Tripoli was signed in 1805. Congress passed various enabling acts during the conflict but never declared war.

1806: *Mexico (Spanish territory).* Captain Z. M. Pike, with a platoon of troops and on the orders of General James Wilkinson, invaded Spanish territory at the headwaters of the Rio Grande, apparently on a secret mission. Pike was imprisoned and later released.

1806–1810: *Gulf of Meico.* American gunboats operated from New Orleans against Spanish and French privateers.

1810: *West Florida (Spanish territory).* Governor Clairbourne of Louisiana, on orders from the President, occupied with troops disputed territory east of the Mississippi as far as the Pearl River. No armed clash occurred.

1812: *Amelia Island and other parts of East Florida (Spanish territory).* President Madison and Congress authorized temporary occupation of Amelia Island and St. Augustine by American troops in order to prevent occupation by any other power, but, when General George Matthews took possession by making himself the head of a revolutionary party, the United States disavowed his action because of its irregularity. This incident is included only for purposes of historical completion.

1813: *West Florida (Spanish territory).* On authority granted by Congress, General Wilkinson seized Mobile Bay with 600 soldiers; a small Spanish garrison gave way without fighting.

1813–1814: *Marquesas Islands, South Pacific (claimed by Spain).* United States marines built a fort on one of the islands to protect three captured prize ships.

1814–1825: *Caribbean Area.* There were repeated engagements between American ships and pirates both ashore and off shore about Cuba, Puerto Rico, Santo Domingo, and Yucatan. In 1822, Commodore James Biddle employed a squadron of two frigates, four sloops of war, two brigs, four schooners, and two gunboats in the West Indies. The United States sunk or captured 65 vessels.

1815: *Second Barbary War* (*Algiers*). In 1812 an Algerian naval squadron operated against American shipping in the Mediterranean. In one attack an American merchantman was captured and its crew imprisoned. With the termination of the war with England, the United States was able to turn its attention to Algiers; in March, 1815, Congress passed an act that authorized the use of armed vessels "as may be judged requisite by the President" to provide effective protection to American commerce in the Atlantic and the Mediterranean. The act also made it lawful to take prizes. A naval squadron of 10 vessels under Commodore Stephen Decatur attacked Algiers, compelling the Dey to negotiate a treaty. Decatur also demonstrated at Tunis and Tripoli. All three states were forced to pay for losses to American shipping, and the threats and tribute terminated.

1816–1818: *Spanish Florida*. During the "First Seminole War," United States forces invaded Spanish Florida on two occasions. In the first action, they destroyed a Spanish fort harboring raiders who had made forays into United States territory. In the second, Generals Jackson and Gaines attacked the Seminole Indians because their land was a haven for escaped slaves and border ruffians. In the process of pursuing the Indians, United States forces attacked and occupied Spanish posts.

1817: *Amelia Island* (*Spanish Territory*). Under orders from President Monroe, United States forces landed and expelled a group of smugglers, adventurers, and freebooters.

1822: *Cuba* (*Spanish Territory*). United States naval forces landed on the northwestern coast of Cuba and burned a pirate station.

1823: *Cuba* (*Spanish Territory*). Between April and October naval forces made a number of landings in pursuit of pirates, apparently incident to Congressional authorization which became operative in 1822.

1824: *Cuba* (*Spanish Territory*). In October, the *U.S.S. Porpoise* landed sailors to pursue pirates during a cruise authorized by Congress.

1824: *Puerto Rico* (*Spanish Territory*). Commodore David Porter headed a landing party of 200 men that attacked a town inhabited by pirates who had insulted American naval officers. He forced an apology from the pirates. This action was claimed to be incident to Congressional authorization, but he was court-martialed for exceeding his powers.

1825: *Cuba* (*Spanish Territory*). In March British and American forces landed on two offshore Cuban islands to capture pirates who were based there. The action appears to be incident to Congressional authority.

1827: *Greece*. In October and November, United States forces from the *U.S.S. Warren* landed to hunt pirates on three Greek islands.

1831–1832: *Falkland Islands* (*Argentina*). American forces under Captain Duncan of the *U.S.S. Lexington* landed to investigate the capture of three American sailing vessels. The Americans released the vessels and their crews and dispersed the Argentine colonists.

1832: *Sumatra*. A force of 250 men from the *U.S.S. Potomac* landed to storm a fort and punish natives of a town for an attack on American shipping and the murder of crew members.

1833: *Argentina*. Between October 31 and November 15, at the request of American residents of Buenos Aires, a force of 43 marines and sailors landed from the *U.S.S. Lexington* to protect American lives and property during an insurrection. There was no American Legation or Consulate in Buenos Aires at that time.

1835–1836: *Peru*. Marines from the *U.S.S. Brandywine* landed at various times at Callao and Lima to protect American lives and property during a revolt.

1838–1839: *Sumatra*. American forces landed to punish natives of two towns for attacking American ships.

1840: *Fiji Islands*. American forces totaling 70 officers and men landed to punish natives of two towns for attacking American exploring and surveying parties.

1841: *Drummond Island* (*Kingsmill Group, Pacific Ocean*). American marines from the *U.S. Peacock* landed and burned two towns to avenge the murder of a seaman by natives.

1841: *Samoan Islands*. American forces from the *U.S. Peacock* landed to avenge the murder of a seaman. They destroyed some native settlements.

1842: *Mexico*. Acting on the misconception that war had started between the United States and Mexico, Commodore T. A. C. Jones, in command of a squadron cruising off the California coast, landed at and occupied Monterrey. He withdrew and saluted. A similar incident occurred a week later at San Diego. This is not cited as a precedent, but for purposes of historical completeness.

1843: *West Africa*. In November and December, four United States vessels demonstrated and landed various parties (one of 200 marines and sailors) to discourage piracy and the slave trade along the Ivory Coast and to punish attacks made by the natives on American seamen and shipping. In the process, they burned villages and killed a local ruler.

1844: *Mexico*. President Tyler deployed our forces to protect Texas against Mexico, pending Senate approval of a treaty of annexation, which later was rejected.

1846: *Mexico*. President Polk ordered General Scott to occupy disputed territory months preceding a declaration of war. Our troops engaged in battle when Mexican forces entered the area between the Nueces and Rio Grande Rivers. The fighting occurred three days before Congress acted.

1849: *Smyrna* (*Now Izmir, Turkey*). In July, the *U.S.S. St. Louis* gained the release of an American seized by Austrian officials.

1851: *Turkey*. After a massacre of foreigners (including Americans) at Jaffa, the United States Mediterranean Squadron was ordered to demonstrate along the Turkish coast. Apparently, no shots were fired, but the display amounted to compulsion.

1851: *Johanna Island* (*East of Africa*). The *U.S.S. Dale* delivered an ultimatum, bombarded the island, and landed a force to punish the local chieftain for the unlawful imprisonment of the captain of an American whaler.

1852–1853: *Argentina*. Several landings of marines took place in order to protect American residents of Buenos Aires during a revolt.

1853: *Nicaragua*. American forces landed at Punta Arenas and remained for two days (March 11–13) to protect American lives and interests during political disturbances.

1853–1854: *Japan*. Commodore Matthew C. Perry led an expedition consisting of four men-of-war to Japan to negotiate a commercial treaty. Four hundred armed men accompanied Perry on his initial landing at Edo Bay in July, 1853, where he stayed for ten days after refusing to leave when ordered. He then sailed south, landing a force at the Bonin Islands, where he took possession, and at the Ryukyus, where he established a coaling station. In March, 1854, he returned to Edo Bay with ten ships and 2,000 men, landed with an escort of 500 men, and after six weeks signed a treaty with Japanese authorities at Kanagawa. The whole campaign was on executive authority.

1854: *China*. American and British forces consisting of 150 English sailors, 60 United States sailors, and 30 merchant sailors landed at Shanghai to protect their nationals during a battle between Chinese imperial and revolutionary troops.

1854: *Greytown, Nicaragua*. The commander of an American naval vessel demanded reparation after an American official was injured during a riot. When this was not forthcoming, the vessel bombarded the town. Foreign property, including British and French, was destroyed. President Pierce defended the action of the American commander in his annual message to Congress.

1855: *China*. There were two brief actions by United States warships, the first at Shanghai to protect American interests there, the second at Hong Kong against pirates.

1855: *Fiji Islands*. American marines from the sloop-of-war the *U.S.S. John Adams* landed to seek reparations for depredations against Americans. The landing party fought skirmishes and burned some villages.

1855: *Uruguay*. United States and European naval forces put sailors ashore to protect American interests during an abortive revolt in Montevideo.

1856: *Panama, Republic of New Granada*. United States forces landed and stayed two days to protect American interests, including the Isthmian railroad, during an insurrection. (By the treaty of 1846 with New Granada, the United States had acquired the right to protect the Isthmus and to keep it open, in return for guaranteeing its neutrality.)

1856: *China*. The United States warships *Portsmouth* and *Levant* disembarked 280 officers and men to protect American interests at Canton during hostilities between the British and the Chinese and in response to an unprovoked assault upon an unarmed boat displaying the United States flag. The American squadron took and destroyed four Chinese forts.

1857: *Nicaragua*. In May, Commander C. H. Davis, in charge of a United States man-of-war, mediated between the forces of William Walker, an American citizen and filibusterer who was trying to seize Nicaragua, and the Central American army opposing him. The leader of the Central American forces agreed to allow Walker and his men to surrender to Davis. In November and December, marines from the United States vessels *Saratoga* and *Wabash* landed at Punta Arenas and blocked another attempt by Walker to seize power. An American commander compelled Walker to leave the country, an action tacitly disavowed by the Secretary of State and apparently repudiated by President Buchanan.

1858: *Uruguay*. Forces from two United States warships landed in January to protect American property during a revolt in Montevideo. The action was taken in conjunction with the forces of other powers at the request of the local government.

1858: *Fiji Islands*. About 60 marines and sailors from the *U.S.S. Vandalia* landed to punish natives for the murder of two Americans citizens and engaged in a fierce conflict with 300 native warriors.

1858–1859: *Turkey*. American citizens were massacred in 1858 at Jaffa and mistreated elsewhere. In the face of Turkish indifference, the Secretary of State asked the United States Navy to make a display of force along the Levant.

1859: *Mexico*. Two hundred United States soldiers crossed the Rio Grande in pursuit of the Mexican bandit Cortina.

1859: *China*. Forces from the *U.S.S. Mississippi* landed at Woosung and Shanghai to protect American interests and restore order. The American consul had called on the ship for assistance.

1859: *Paraguay*. Congress authorized a naval squadron to seek redress for an attack on a naval vessel in the Parana River during 1855. Apologies were forthcoming after a display of force, which amounted to compulsion.

1860: *Kisembo, West Africa*. About 50 American forces from the sloop-of-war *Marion* landed twice to prevent the destruction of American property.

1860: *Colombia* (*State of Panama*). Under Commander Porter of the *St. Mary*, American forces landed to protect American interests during a revolt. This may have been authorized pursuant to the Treaty of 1846.

1863: *Japan*. When Japanese shore batteries at Shimonoseki fired on a United States merchant ship, the American Minister demanded redress. Accordingly, the *U.S.S. Wyoming* retaliated by firing on three Japanese vessels lying at anchor. The shots were returned, and, by the time the action was over, there were casualties on both sides. A claim of $10,000, presented by the American Minister to the Japanese Government for the action against the merchant ship, was promptly paid.

1864: *Japan*. Between September 4 and 8, naval forces of the United States, Great Britain, France, and the Netherlands jointly forced open the Straits of Shimonoseki, which had been closed in violation of commercial agreements. Shore batteries were destroyed and 70 cannon seized. In addition, the Japanese Government agreed to pay $3,000,000 to cover the expenses of the action. The share the United States received was regarded as grossly disproportionate by Congress, which, in 1883, voted to return the sum to Japan.

1865–1866: *Mexican border*. In late 1865, General Sheridan was dispatched to the Mexican border with 50,000 troops to back up the protest made by Secretary of State Seward, who notified Napoleon III that the presence of over 25,000 French troops in Mexico "is a serious concern to the United States." In February, 1866, Seward demanded a definite date be set for withdrawal and France complied. Though American forces did not cross the border, the threat of foreign military operations was clear and imminent.

1865: *Panama*. American forces from the *U.S.S. St. Marys* landed to protect American interests during a revolt. This was apparently implied by The Treaty of 1846.

1866: *China*. Various landings were made in June and July, including one to punish an assault on the American Consul at Newchwang.

1866: *Mexico*. To protect American residents, General Sedgwick and 100 men obtained the surrender of the Mexican border town of Matamoras in November. He was ordered to withdraw to Texas after three days, and his act was repudiated by the President. This incident is included only for historical purposes.

1867: *Formosa*. Some 181 American forces from the *U.S.S. Ashuelot* landed to punish natives who had murdered the crew of a wrecked American bark. Several huts were burned.

1868: *Japan*. Various landings were made in February to protect American interests during local hostilities in which one American seaman had been wounded.

1868: *Uruguay*. At the request of local Uruguayan authorities, several landings were made at Montevideo during the month of February in order to protect foreign residents and the customs house during an insurrection.

1868: *Colombia*. An American force landed at Aspinwall in April to protect the transit route during the absence of local police. This was impliedly permitted by the Treaty of 1846.

1870: *Mexico*. The *U.S.S. Mohican* pursued a pirate ship up the Tecapan River near Mazatlan in June and destroyed it during a pitched battle.

1871: *Korea*. American landing forces under Admiral Rodgers captured five Korean forts after a surveying party, which had been granted permission to make certain surveys and soundings, had been attacked. No treaty or convention was in effect.

1873: *Colombia*. About 200 American forces landed on three different occasions near the Bay of Panama to protect American interests during local hostilities. The action was impliedly allowed by the Treaty of 1846.

1873–1882: *Mexico*. United States troops repeatedly crossed the Mexican border to pursue cattle thieves. Mexico occasionally reciprocated. Such incursions were finally recognized as legitimate by an agreement in 1882.

1874: *Hawaii*. A party of 150 men from two United States vessels landed to preserve order at the request of local authorities.

1876: *Mexico*. At the request of the United States Consul at Matamoras, American forces were landed under Commander Johnson to preserve order when the town was temporarily without a government.

1882: *Egypt*. Over 100 forces from the *U.S.S. Lancaster* and two other vessels landed at Alexandria in July when the city was being bombarded by the British navy, in order to protect American interests there, including the American consulate.

1885: *Columbia (State of Panama)*. American forces landed to protect American property and guard valuables in transit over the Isthmus during local revolutionary activity. The action was likely authorized under the Treaty of 1846.

1888: *Korea*. Twenty-five men from the *U.S.S. Essex* landed to protect American residents in Seoul during unsettled political conditions. The action was requested by the American Minister.

1888–1889: *Samoan Islands*. In 1886, the German consul announced that the Sanwan group was henceforth a German protectorate, an action that brought the United States and Great Britain together in opposition. By 1889, Germany and the United States were close to a direct confrontation. The United States and Germany, together with Great Britain, shared certain treaty rights in Samoa for the maintenance of naval depots. In November 1888, United States marines landed from the *U.S.S. Nipsic* to protect American interests after civil strife broke out ashore. In January, 1889, German forces landed, and, when those forces were attacked by the natives, German ships shelled the island. This action by Germany aroused the American public, and Congress appropriated $500,000 for the protection of American lives and property on the island and $100,000 for the development of Pago Pago harbor. The United States also ordered two more warships to the scene. All three powers had warships on the scene and an untoward event might have touched off war had not a hurricane in March, 1889, destroyed all the warships except one British vessel. Thereafter, the Germans took the initiative and invited the three powers to a conference on Samoa. Representatives of Great Britain, the United States, and Germany met in Berlin, and in April, 1889, they created a new government for Samoa and established a three-power protectorate there. In 1899 the Samoans were divided, the United States acquiring Tutuila.

1888: *Haiti*. American warships made a display of force in December to obtain the release of an American merchant vessel captured by a Haitian warship. The Haitian Government surrendered the ship and paid an indemnity after Admiral Luce gave an ultimatum ordering its release before sunset.

1889: *Hawaii*. At the request of the American Minister in Honolulu, the *U.S.S. Adams* sent a marine guard ashore for one day in July because of revolutionary disorder.

Late 1880's: *Bering Sea*. United States patrol boats seized British sealers operating in the Bering Sea outside the three mile limit. Subsequently, the United States paid nearly $500,000 to Britain in damages. The incidents are mentioned only for reasons of historical completeness.

1890: *Argentina*. The *U.S.S. Tallapoosa* landed a party in July to protect the American Consulate and Legation in Buenos Aires during a revolt.

1891: *Navassa Island, Haiti*. American forces disembarked in May from the *U.S.S. Kearsarge* to protect American lives and property during a period of unrest. The action was taken pursuant to Congressional action.

1891: *Chile*. In August, 102 Americans of the South Pacific station landed at Valparaiso during a revolt in order to protect the American Consulate.

1894: *Brazil*. The United States navy engaged in gunfire and a show of force in January to protect American shipping at Rio de Janeiro during a revolt of the Brazilian navy. President Cleveland stated our action "was clearly justified by public law."

1894: *Nicaragua*. American forces landed In June, July, and August at Bluefields to protect American interests during a revolt.

1894: *Korea*. At the request of the American Minister, a force of 21 marines and 29 sailors landed at Seoul in June to protect American lives and property during the Sino-Japanese War. A marine guard remained at the American Legation until 1896.

1894: *China*. Marines disembarked from the *U.S.S. Baltimore* at Tientsin in November and marched to Peking for protection purposes during the Sino-Japanese war.

1895: *Colombia (State of Panama)*. Marines from the *U.S.S. Atlanta* landed in March to protect American interests during a revolt. This appears to have been authorized by treaty.

1896: *Nicaragua*. Marines were put ashore at Corinto by the *U.S.S. Alert* during revolutionary disorders to protect American interests.

1898: *Nicaragua*. Marines landed at San Juan del Sur by the *U.S.S. Alert* to protect Americans against disorder in February.

1898–1899: *China*. American forces guarded the Legation at Peking and the Consulate at Tientsin from November, 1898, to March, 1899, during a period of unrest.

1899: *Nicaragua*. In response to a petition from foreign merchants during an insurrection, American marines landed in February in cooperation with British forces to protect life and property at San Juan del Norte and Bluefields.

1899: *Samoan Islands*. Sixty Americans landed in March from the *U.S.S. Philadelphia*, and in April joined a British force in efforts to disperse native rebels. This may have been under color of treaty or statute.

1899–1901: *Philippine Islands*. The United States employed 126,468 troops against the Philippine Insurrection without a declaration of war after the Treaty of Peace with Spain was concluded. Presumably the United States acted to suppress the rebellion under authority of the Treaty of Peace, which transferred to it the sovereignty possessed by Spain in the Philippine Islands.

1900–1901: *"Boxer" Rebellion (Peking)*. In 1900 President McKinley sent 5,000 troops to join the international military force organized for the relief of foreign legations besieged in Peking by Chinese "Boxers." Using troops already mobilized for the Spanish-American War and the Philippine Insurrection, McKinley did not seek authority from Congress. Peace terms were concluded at an international conference, and a peace Protocol was signed September 7, 1901. The Protocol was not submitted to Congress. Because of the obvious inability of Chinese authorities to control local disorders, the United States acquired the right to maintain a guard at Peking for defense of the American Legation and to station military forces at certain points in Chinese territory to keep open communications between Peking and the sea. (Earlier, in 1858, the United States had acquired the right by treaty to station naval vessels in Chinese waters.)

1901: *Colombia (State of Panama)*. American forces went ashore in November and stayed until December to protect American property and to keep transit lines open across the Isthmus during serious political distrubances. This apparently was authorized by the Treaty of 1846.

1902: *Colombia (State of Panama)*. Marine guards landed in April to protect the railroad across the Isthmus during civil disorders. They continued to land at various times between April and November. This appears to have been authorized by the Treaty of 1846.

1903: *Honduras.* American forces disembarked at Puerto Cortez in March to protect the American Consulate and port facilities during a period of revolutionary activity.

1903: *Dominican Republic.* In April, 29 marines landed at Santo Domingo, where they remained for three weeks to protect American interests during a period of political disturbances.

1903–04: *Turkey.* A marine guard landed and remained for a few days at Beirut in April to protect the American Consulate during a Moslem uprising. Also our Mediterranean Squadron demonstrated at Beirut from September to January and at Smyrna the next August.

1903: *Panama.* A revolution leading to the independence of Panama from Colombia broke out in November. Marines landed from the *U.S.S. Nashville* to prevent Colombian troops from carrying out a threat to kill American citizens, after Commander Hubbard had refused to allow the Colombians to transport their troops across the Isthmus. Marine guards remained on the Isthmus from the date of Panamanian independence (November 4, 1903) until January, 1914, to protect American interests during the construction of the Canal. This was allowed under the Hay-Bun au-Varilla Treaty.

1903–1904: *Abyssinia.* Twenty-five American marines were sent with U.S. Counsel General to protect him while negotiating our treaty.

1904: *Dominican Republic.* The *U.S.S. Detroit* landed marines at Puerto Plata and Santo Domingo to protect American lives and property during a revolt.

1904: *Morocco.* A squadron demonstrated in Moroccan waters in June to force the release of a kidnaped American. A marine contingent landed briefly to protect the Consul General.

1904: *Panama.* American troops were used to protect American lives and property at Ancón in November when a revolt seemed imminent. This action seems to have been authorized by treaty.

1904–1905: *Korea.* In January, American troops were sent to guard the American Legation at Seoul because of the outbreak of the Russo-Japanese War. They remained until November 1905.

1906: *Cuba.* An American squadron demonstrated off Havana, and, in September, marines landed to protect American interests during a revolution. In October army units landed and took up quarters in many Cuban towns in connection with the temporary occupation of the country under a provisional governor appointed by the United States. This occupation was within the scope of the provision of the 1903 Treaty of Relations between the two countries, which gave the United States the right to intervene to preserve order. The occupation lasted until January, 1909.

1907: *Honduras.* During a war between Honduras and Nicaragua, the *U.S.S. Marietta* disembarked 10 men to guard the American Consulate at Trusillo. The *U.S.S. Paducah* also landed forces at Laguna and Choloma.

1910: *Nicaragua.* One hundred men from the *U.S.S. Paducah* landed at Greytown to protect American lives and property during a revolt. The *U.S.S. Dubuque* also engaged in shows of force. Joined combat was "hourly expected."

1911: *Honduras.* Sixty men from the *U.S.S. Tacoma* and *Marietta* went ashore at Puerto Cortez during a revolt to protect American interests. The American Commander threatened to use force if necessary.

1911–1912: *China.* American forces made six landings to protect American interests during the initial stages of a revolution. They were stationed at Foochow, Chinkiang, Peking, Hankow, Nanking, Shanghai, and Taku. This may have occurred pursuant to treaty rights acquired during the "Boxer" Rebellion.

1912: *Honduras.* A small force landed in February from the *U.S.S. Petrel* at Puerto Cortez to protect an American-owned railroad there. Apparently Washington disapproved and the men were withdrawn in a day or two. This is cited for historical completeness only.

1912: *Panama.* During June and July, at the request of local political groups, American troops supervised elections outside the Canal Zone. This was impliedly authorized by the Hay-Bunau-Varilla Treaty.

1912: *Cuba.* American troops landed in eastern Cuba during a revolt and remained for three months to protect American interests. This appears to have been authorized by the treaty of 1903.

1912: *Turkey.* A troop detachment from the *U.S.S. Scorpion* assisted in the protection of the diplomatic corps at Istanbul during the Balkan War.

1912: *Nicaragua.* During a civil war, the President of Nicaragua asked the United States to protect its citizens resident there. Acting on a recommendation of the American Minister, President Taft ordered a detachment of marines to Managua in September, 1912. Other detachments landed at Bluefields and Corinto. Political stability returned to Nicaragua by January, 1913, but a detachment of marines was kept in Managua to guard the American Legation after the rest of the Americn troops withdrew. The Legation guard remained until 1925.

1913: *China.* United States forces landed in July at Chapei and in August at Shanghai to protect American interests. Rogers reports there were many demonstrations and landing parties by United States forces for protection in China continuously from 1912 on to 1941. He writes: "In 1927, for example, this country had 5,670 troops ashore in China and 44 naval vessels in its waters. In 1933 we had 3,027 armed men ashore. All this protective action was in general terms based on treaties with China ranging from 1858 to 1901." Rogers, "World Policing and the Constitution," p. 117, 1945.)

1913: *Mexico.* In September a few marines disembarked at Ciaris Estero, during a period of civil strife, to aid in the evacuation of American citizens.

1914: *Haiti.* American troops landed in January, February, and October to protect American citizens during a period of unrest.

1914: *Dominican Republic.* During a period of revolutionary activity, United States naval forces fired at revolutionaries who were bombarding Puerto Plata, in order to stop the action. Also, by a threat of force, fighting in Santo Domingo was prevented.

1914: *Occupation of Vera Cruz, Mexico.* On April 9, 1914, a commissioned American naval officer and 9 crewmen from the U.S.S. *Dolphin,* anchored off the coast at Tampico, Mexico, were arrested and marched through the streets by local authorities. They were released and an apology was extended as soon as the local Mexican commander learned of the incident, but Admiral Mayo, the commander of the American squadron, also demanded a 21-gun salute to the American flag. This the Mexicans refused to give, and President Wilson, who backed Mayo's demands, promptly ordered the North Atlantic battleship fleet to Tampico. On April 20, he addressed Congress in a joint session and asked for authority to use the armed forces. While Congress debated, Wilson learned that a German steamer was headed toward Vera Cruz to unload munitions for Huerta, and he decided to direct the naval action against Vera Cruz instead of Tampico. American armed forces landed at Vera Cruz, and, after an armed engagement resulting in 400 casualties, the Americans occupied the city on April 22. The same day, apparently after the fighting began, Congress passed a joint resolution which declared (1) that the President was "justified in the employment of the armed forces of the United States to enforce his demand for unequivocal amends for certain affronts and indignities committed against the United States" and (2) that "the United States disclaimed any hostility to the Mexican people or any purpose to make war upon Mexico." By November, 1914, American troops had left Mexican soil.

1915: *Haiti.* In July, at the initiative of the Executive, the United States placed Haiti under the military and financial administration of the United States, in part to forestall European intervention to collect debts. Marines were stationed in Haiti until 1934. The occupation was sanctioned by a treaty signed and ratified by the Senate in February, 1916, but the first months of the occupation were on executive authority alone.

1916: *Dominican Republic.* President Wilson ordered the occupation of Santo Domingo in May, 1916, owing to local unrest. At one point, 3,000 marines were ashore. The United States placed a military governor in the Dominican Republic but turned political affairs over to the Dominicans in 1922. United States troops withdrew in 1924, and a general treaty signed that year formally sanctioned the previous occupation.

1916: *China.* American forces landed at Nanking to quell a riot taking place on American property. Apparently this was authorized by a treaty.

1916–1917: *Pershing Expedition into Mexico.* In October, 1915, the United States recognized the Carranza regime as the *de facto* government in Mexico. Another Mexican rebel, Pancho Villa, directed a campaign against the United States. In January, 1916, Villa's followers massacred 18 American mining engineers in Santa Ysabel, Mexico. The popular reaction in the United States was one of indignation. Resolutions favoring intervention were introduced in Congress, though not adopted.

On March 9, 1916, 400 of Villa's men raided Columbus, New Mexico, sacked the town, and killed 17 Americans. The American public was now incensed, and Wilson delayed sending an expedition only until he could obtain Carranza's consent. On March 13, 1916, when Carranza's government acceded to the United States request for permission to dispatch an expedition, Wilson ordered General John J. Pershing to take regular United States Army units into Mexico. On March 16 Pershing crossed the border with 6,000 troops. On the following day, Congress, with Wilson's knowledge and warm approval, adopted a joint resolution introduced by Senator Robert LaFollette sanctioning the use of the armed forces.

Villa successfully eluded Pershing, and the size of the expedition soon grew to such proportions (12,000 men) that Carranza protested and demanded its withdrawal, threatening war. Wilson on June 18 called out the National Guard and incorporated it into the Army; 150,000 militia were ordered to the Mexican border. Two days later, Secretary of State Lansing warned Carranza that any attack on American forces "would lead to the gravest consequences." But neither country really wanted war, and, although some minor clashes occurred between the forces of Pershing and Carranza, the crisis gradually subsided. In view of the deteriorating situation in Europe, Wilson decided to withdraw all American troops from Mexico in February, 1917.

1917: *Cuba.* American troops landed at Manzanilla to protect American interests during a revolt. Various other landings were made, and, though the revolt ended in April, 1917, troops remained until 1922 because of continued unsettled political conditions. This was authorized by the Treaty of 1903.

1918: *China.* American troops landed at Chungking to protect American lives during a political crisis. Apparently this was done pursuant to a treaty.

1918–1919. *Mexico.* United States troops entered Mexico to pursue bandits three times in 1918 and six times in 1919. In August, 1918, there was a brief skirmish between American and Mexican troops at Nogales.

1918–1920: *Expeditions to Russia.* Following the Bolshevik revolution in Russia in 1917, Allied expeditions landed, in 1918, at Murmansk and then Archangel. At Archangel the United States contributed some 5,000 men and suffered some 500 casualties. The Allies also landed units in Siberia, where Bolshevik troops were fighting a force of 50,000 Czech soldiers who were trying to fight their way eastward; the Japanese sent 72,000 soldiers, the Americans sent 9,000, and the British and French provided minor contingents.

President Wilson, who acted without Congressional approval, agreed to participate in the allied expeditions in order not only to aid the anti-Bolsheviks but also to forestall any possible Japanese expansionist plans in Siberia. After the end of World War I, however, Congressional and public pressure for withdrawal of troops mounted. Wilson yielded to this pressure and withdrew the American troops by April 1, 1920.

1919: *Honduras.* A small American force went ashore at Puerto Cortez to maintain order in neutral zone during an attempted revolt.

1919–1920: *Panama.* American troops went outside the Canal Zone, on request of the Panamanian Government, to supervise elections. This apparently was authorized by treaty.

1920: *China.* American forces landed at Kiukang and Youchow to protect American lives and property. Apparently this was authorized by treaty.

1920: *Guatemala.* Forty men from the *U.S.S. Tacoma* and *Niagara* went inland to Guatemala City to protect the American Legation and other American interests during local fighting.

1920–1922: *Siberia.* The United States stationed a marine guard on Russian Island, Bay of Vladivostok, to protect United States radio facilities and other property.

1921: *Panama-Costa Rica.* American naval squadrons demonstrated for one day on both sides of the Isthmus to prevent war between the two countries over a boundary dispute. This was impliedly authorized by treaty.

1922: *Turkey.* In September forces from several American warships went ashore with the consent of both Greek and Turkish authorities to protect American interests when the Turkish forces were advancing on the city of Smyrna.

1922–1923: *China.* There were three landings by marines (at Tungchow, Foochow, and Masu Island) to protect Americans during periods of unrest. This appears to have been authorized by treaty.

1924–1925: *Honduras.* There were intermittent landings to protect American lives and property during local unrest. In April, 1925, the *Denver* put ashore 165 men at Ceiba for a day to establish a neutral zone.

1924: *China.* Troops landed at Shanghai in September to protect Americans during a period of unrest. Apparently this was authorized by treaty.

1925: *Panama.* As a result of strikes and rent riots, and at the request of Panamanian officials, 600 troops from the Canal Zone entered Panama City in October and remained for 11 days to maintain order. This conformed to American treaty rights.

1926–1933: *Nicaragua.* When local disturbances broke out in 1926, the Nicaraguan Government requested that American forces undertake to protect lives and property of Americans and other foreigners. In May the *U.S.S. Cleveland* landed a force of marines at Bluefields, and the area was declared a neutral zone. Later in the year, neutral zones were also established at Rio Grande and Puerto Cabezas. Early in January, 1927, American forces established neutral zones at Pearl Lagoon, Prinzapolca, and Rama, and a Legation guard of 175 men was established at Managua. In all, five thousand soldiers were put ashore in 1927.

This occupation was undertaken entirely on the executive responsibility of President Coolidge. The Democratic minority bitterly criticized his policy as a "private war" and as "imperialism," but did not question the President's authority.

1926: *China.* American forces landed at Hankow in August and September during the Nationalists' attack there. This appears to have been authorized by treaty.

1927: *Armed Actions in China.* Anti-foreign incidents in China, a nation wracked by almost chroic disorder from 1911 onwards, reached a climax in 1927. On January 3 of that year, a large mob tried to overrun the British consulate at Hankow, but Cantonese soldiers dispersed the rioters. The United States landed 50 sailors to protect American lives and interests. Then in February, as a result of disorders in the Shanghai area, the United States landed 1,250 marines as reinforcements in Shanghai, where the combined foreign contingent reached 13,000 men.

The most serious incident of 1927 occurred in Nanking. Civilians and Nationalist soldiers in that city attacked foreigners, including Americans. On March 22, eleven men from the *U.S.S. Noa* landed to protect the American Consulate. In addition, the *U.S.S. Preston* sent a small guard to protect Americans and their property. Following further Chinese hostile action, the Consulate was evacuated, and Americans and other foreigners took refuge on property owned by the Standard Oil Company. When Nationalist soldiers attacked the beleaguered group, the *U.S.S. Noa* and a British vessel at the scene laid down a barrage which drove off the Chinese soldiers and allowed the foreigners to escape to the warships.

In April, 1927, 24 marines landed at Hankow to protect an American business firm, and in May forces from the *U.S.S. Ford* and *H.M.S. Wolverine* went ashore at Chinkiang to fight a fire caused by a direct hit on a Standard Oil fuel tank. In December, during a revolt in Canton, one officer and eight marines were sent to assist in the evacuation of American citizens.

By the end of 1927, the United States had 44 naval vessels in Chinese waters and 5,670 men ashore. Great Britain, France, Japan, and Italy also had considerable forces there. Although the United States had joined with them in vigorously protesting the "Nanking Incident," it refused to take joint military action when the Nationalists' replies proved unsatisfactory. The following year, when the Nationalists had gained greater control over Chinese territory and purged themselves of Communist support, the United States reached a separate accord with the Nationalists in regard to "Nanking Incident" and, in July, signed a treaty with Nationalist China which constituted United States recognition of the Nationalist Government. A gradual reduction of United States forces in China began in the same month.

1932: *China.* American forces landed at Shanghai to protect American interests during the Japanese occupation of the city, apparently under treaty.

1933: *Cuba.* During a revolution, United States naval forces demonstrated offshore but no forces landed. This was pursuant to the Treaty of 1903.

1940–1941: *Undeclared War.* There are four examples of military occupations made by the President on foreign territory without Congressional authority and before we became a belligerent in World War II;

1940: *British possessions in Western Atlantic.* On September 3, President Roosevelt informed Congress that he had agreed to deliver a flotilla of destroyers to Great Britain in exchange for a series of military bases granted us on British soil along the Western Atlantic. American troops and ships occupied a number of these points in the following months. The President did not ask approval from Congress;

1941: *Greenland (Denmark).* In April, after the German invasion of Denmark, the U.S. Army occupied Greenland under agreement with the local authorities. Congress was not consulted and the action appears to be contrary to an express Congressional limitation on using troops outside the Western Hemisphere;

1941: *Iceland.* By Presidential order, U.S. troops occupied Iceland on July 7, the same day Congress was notified. The President did not consult Congress in advance, and, in fact, the action clearly violated an express restriction that Congress had enacted a year before. Both the Reserves Act of 1940 and the Selective Service Act of 1940 provided that United States troops could not be used outside the Western Hemisphere. Iceland is invariably placed with the section on Europe in each World Atlas and is some 3,300 miles away from the United States, and is only 520 miles away from Britain;

1941: *Dutch Guiana.* In November, the President ordered American troops to occupy Dutch Guiana by agreement with the Netherlands Government-in-exile.

1950–1953: *Korean Conflict.* Communist armies of North Korea invaded South Korea on June 25, 1950. Later that day the United Nations Security Council denounced the aggression, called for an immediate cease-fire, and asked member nations "to render every assistance to the United Nations in the execution of this resolution." On June 27 President Truman announced that he had "ordered United States air and sea forces to give the Korean Government troops cover and support" and had ordered the Seventh Fleet to prevent any attack on Formosa and also to prevent the Chinese Government on Formosa from conducting any air and sea operations against the Communist mainland. The Security Council, on the same day, adopted a resolution "that the members of the United Nations furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security in the area."

The Department of State prepared a memorandum, on July 3, 1950, which defended the authority of the President to take the necessary action to repel the attack on Korea, using the argument that the "President, as Commander in Chief of the Armed Forces of the United States, has full control over the use thereof."

Truce talks began in July, 1951, were broken off, then resumed, and were still continuing at the time of the Presidential campaign of 1952.

It was not until July, 1953, that an armistice was signed.

1958: *Lebanon Operation.* A period of protracted civil unrest began in Lebanon in May, 1958, led by Moslems who reportedly were aided by the United Arab Republic's President Nasser. When a pro-Nasser coup took place in Iraq July 14, President Chamoun of Lebanon, alarmed at these developments in the neighboring country, sent an urgent plea for assistance to President Eisenhower, saying his country could not survive both domestic rebellion and "indirect aggression." On July 15 President Eisenhower sent 5,000 marines to Beirut to "protect American lives" and to "assist" Lebanon in preserving its political independence. Three days later British paratroopers landed in Jordan. The President publicly stressed the provocative Soviet as well as Cairo radio broadcasts, and he referred to the "Eisenhower Doctrine," a statement of policy contained in a joint resolution of Congress, passed in 1957, which authorized the President to use United States armed forces to assist any Middle Eastern nation which requested help against Communist aggression. Eventually, 14,000 American soldiers and marines occupied strategic areas in Lebanon, but with orders not to shoot unless shot at.

On the day of the initial landings, the United States asked the United Nations Security Council to establish an international police force to preserve Lebanon's independence, but the Soviet delegate vetoed the American resolution. Further, the Soviet Union announced that it would hold military maneuvers near the Turkish and Iranian frontiers. As a result, the crisis now extended beyond the Lebanon-Jordan theater.

On August 21 the General Assembly passed a compromise resolution which called on the member states to respect one another's territorial integrity and observe strict noninterference in one another's internal affairs and which requested that practical arrangements be made leading to the withdrawal of troops from Lebanon (and Jordan). A degree of stability returned to Lebanon, and, on September 26, the United States notified the Secretary-General of the United Nations that, because of the improvements in the security situation in Lebanon, it has been possible, in agreement with Lebanese authorities, to withdraw a portion of the American forces and to work out a schedule to withdraw the remainder by the end of October.

1961: *Show of Naval Force in Dominican Waters.* On May 30, Dominican dictator Rafael Trujillo was assassinated. Political conditions in the Dominican Republic steadily deteriorated during the summer and early autumn. Then, on November 15, General Hector Trujillo and General Jose Trujillo, brothers of the slain dictator, returned to the island. Secretary Rusk stated three days later they appeared "to be planning an attempt to reassert the dictatorial domination of the political and economic life of the country . . ." He added: "the United States is considering the further measures that unpredictable events might warrant."

On November 19, U.S. Navy ships took up positions three miles off the Dominican coast and Navy jet planes patrolled the shoreline. The show of force produced the desired result because the Trujillo brothers and other members of the family departed for Miami before the day was over. According to one authority, "It later transpired that the Kennedy Administration was prepared to order U.S. marines ashore if President Joaquin Balaguer had so requested or if the Trujillos had ousted Balaguer from the presidency."

1962: *Cuban Naval Quarantine.* President Kennedy could not wait for Congressional approval of his actions in the Cuban missile crisis of 1962. On October 24, confronted with a build-up of Soviet surface-to-surface missiles bases in Cuba, President Kennedy ordered a quarantine 500 miles deep in the waters around Cuba. The blockade was aimed both at preventing delivery of additional Russian missiles and obtaining the removal of those offensive Russian weapons already in Cuba.

The crisis appears to date from Tuesday, October 16, when the Government's inner circles first began to discuss the idea of a blockade. On October 20, the First Armored Division began to move out of Texas into Georgia, and five more divisions were placed on alert. The base at Guantanamo Bay was strengthened. The Navy deployed 180 ships into the Caribbean. The Strategic Air Command was dispersed to civilian airfields and the B–52 bomber force was ordered into the air fully loaded with atomic bombs.

On October 22, President Kennedy went on television to explain before the nation the situation in Cuba and the reasons for the quarantine. On Tuesday, the 23rd, the Council of the Organization of American States formally authorized by a unanimous vote "the use of armed forces" to carry out the quarantine of Cuba. Apparently, one day later the blockade went into effect.

Other notable dates include October 27, when the Defense Department announced that 24 troop-carrier squadrons of the Air Force Reserve were being recalled to active duty; October 28, when Premier Khrushchev in a message to President Kennedy, announced he had ordered the dismantling of Soviet missile bases in Cuba; October 29, when the United States announced it would lift the blockade for two days; October 31, when the White House announced the arms blockade and air surveillance of Cuba would be resumed on November 1; November 11, when Deputy Secretary of Defense Gilpatric announced the United States had counted 42 medium-range missiles being removed from Cuba on Soviet ships; and November 20, when President Kennedy announced he had ordered the lifting of the naval blockade. Most of the U.S. ships participating in the blockade returned to their ports on November 21 and the same day 14,200 Air Force Reservists were released from active duty.

Finally, on December 6, U.S. Navy planes verified that 42 Soviet jet bombers were being transported home from Cuba and on December 8, nine thousand marines were sent back to California after service in the Caribbean area. The United States apparently closed the book on the Cuban crisis about this date.

1964: *Congo.* In August the United States sent four C–130 transport planes with approximately 100 flight and maintenance crews and paratroopers to protect the aircraft while on the ground. The purpose was said to be to provide airlift for the regular Congolese troops to combat areas during a rebellion against the government of Premier Tshombe and President Kasavubu. Earlier, in July, the United States had sent 68 officers and men to Leopoldville to advise the Congolese army. Both actions followed the withdrawal on June 30 of the last of the 20,000-man force which the United Nations had placed in the Congo in order to keep the peace.

Subsequently, in November, rebels in the Stanleyville area held over a thousand foreign civilian hostages, including 60 Americans, who were subjected to many atrocities and whom the rebels threatened to kill. When negotiations between the rebels and the United States failed, the United States and Belgium arranged to land Belgian paratroopers to undertake a humanitarian rescue operation.

About 600 Belgian paratroopers were poised on Ascension Island in the South Atlantic Ocean ready to fly into Stanleyville, but when their presence was prematurely disclosed, the rebels announced that hostages were being moved into the jungle. On November 24, the force was airdropped by U.S. transport aircraft in the Stanleyville area and liberated most of the hostages.

Despite insulting attacks by most African nations and Communist countries, Belgian paratroopers undertook a second rescue operating on November 26, capturing the rebel town of Paulis. During the four-day operation about 2,000 foreigners had been rescued.

With the completion of the two missions, plans began the next day for the departure of the paratroopers. President Johnson assumed "full responsibility" for the United States role in the decision to transport the Belgian troops in American planes.

On December 30, the U.N. Security Council adopted a resolution which called for an end to all foreign intervention in the Congo. In this regard, it may be noted Ambassador Stevenson listed Algeria, Ghana, the Sudan, the Congo Republic (formerly French Congo), Burundi, the Soviet Union, and Communist China as all having supplied arms to the Congolese rebels.

1964–1965: *Armed Actions in Laos.* At the request of the Laotian Government, unarmed United States jet planes began flying reconnaissance missions over the Plaine des Jarres in May, 1964, in order to gather information on rebellious forces headed by leftist Pathet Lao. After two jets were shot down on June 6 and 7, President Johnson decided to carry out a limited reprisal. On June 9, U.S. Navy jets attacked a Communist gun position in north central Laos, and this was followed by 36 "sorties" which knocked out a number of Communist posts.

1964–1971: *Armed Action in Vietnam.* Following the Geneva Accords of 1954 which provisionally divided Vietnam at approximately the 17th parallel, the Communists held control of the northern half of the country while anti-Communists maintained an increasingly precarious hold on the south. A U.S. Military Assistance Advisory Group which assumed responsibility for the training of the South Vietnamese army after the French relinquished command authority was steadily expanded as Communist guerrilla activity supported and directed from the north intensified to alarming proportions in South Vietnam. By 1962 there were 12,000 U.S. advisors; two years later, twice that number.

In August, 1964, at the request of President Johnson following an attack on American naval vessels in the Gulf of Tonkin, Congress passed the so-called Gulf of Tonkin Resolution, unanimously in the House and by a vote of 88–2 in the Senate that expressed approval and support of "the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression." Also it provided that the United States is "prepared as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom." (South Vietnam is a protocol state of SEATO.) The joint resolution was signed into law on August 10 as Public Law 88–408.

Steadily increasing numbers of U.S. Armed Forces were sent into Vietnamese combat during the years following passage of the Gulf of Tonkin Resolution. Both this resolution and the SEATO agreement itself have been claimed as authority for United States activities in Vietnam. In addition, several appropriations laws providing for support of the hostilities in Southeast Asia have been purported to represent authority for our engagement there. However, on March 12, 1970, the State Department presented the Senate Foreign Relations Committee its view that: "The Administration is not depending on any of these resolutions as legal or constitutional authority for its present conduct of foreign relations, or its contingency plans." The Administration position was responsive to a then pending legislative proposal which would repeal the Formosa, Middle East, Cuba, and Gulf of Tonkin resolutions. The Tonkin Gulf resolution was subsequently repealed by P.L. 91–672.

Since assuming office in January 1969, President Nixon has made five withdrawal announcements. From a high of 540,000 men, President Nixon has authorized the withdrawal of 384,000 troops as of April 1971. The latest announced reduction will bring the total number of American military forces in South Vietnam to 184,000 by December 1971.

1965: *Dominican Republic Operation.* A revolt broke out in the Dominican Republic on April 24, 1965, and on April 28 President Johnson announced that Dominican military authorities had requested assistance from the United States in protecting the lives of United States citizens living in that country, as their safety could no longer be guaranteed. The President added that he had ordered the Secretary of Defense to put the necessary troops ashore to protect Americans and that this assistance would be available to the nationals of other countries as well. At the same time, the President stated that the Organization of American States had been advised of the situation by the Dominican Ambassador. On April 30 the Council of the OAS called for a cease-fire and convoked a Meeting of Consultation of Ministers of Foreign Affairs of the American Republics.

The first United States military contingent to the Dominican Republic consisted of 400 men, but this number proved insufficient. On May 2 the President announced that he was sending 200 more men immediately and that an additional 4,500 would go at the earliest possible moment. He cited the increasing communist control of the revolutionaries, as well as the urgent need for food, medical supplies, and other humanitarian assistance to the Dominican people, as reasons for his decision. At their peak 21,500 United States troops were in the Dominican Republic.

On May 5, a five-man OAS peace commission succeeded in achieving a cease-fire agreement among the various contending forces; on May 6 the OAS voted to create an Inter-American Peace Force to assist in restoring peace and order. The United States promptly offered to make its military personnel available to the inter-American force. The arrival on May 21 of the first contingent of a Brazilian force permitted the withdrawal of 1,700 United States troops, and as other foreign contingents arrived, additional United States troops were withdrawn. By the end of 1965, the Inter-American Peace Force totaled 9,400. In the meantime, a formula to restore constitutional government, worked out by an OAS Ad Hoc Commission, had also made considerable progress. The inauguration of a civilian, Hector Garcia Godoy, as provisional president on September 3, 1965, was a major step toward the restoration of stability, although sporadic outbreaks of violence continued to plague efforts to achieve a settlement.

1967: *Congo.* In July, Lt. General Mabutu, who had now become President of thet Congo, was challenged by a revolt of about 170 white mercenaries and a few hundrded Katangese troops. The Congolese army numbered around 32,000, but required outside logistical support in order to crush the revolt.

Responding to a direct appeal from President Mabutu, on July 8 the United States sent three C–130 military transport aircraft to the Congo, with their crews, to provide the Central Government with "long-range logistical support." Approximately 150 American military men arrived with the planes.

The small American task force immediately began to drop several plane loads of paratroopers and their equipment and continued to fly troops until November. On July 15, the first aircraft was withdrawn; on August 4, the second; and on December, the last.

B. FIVE UNITED STATES MILITARY ACTIONS TAKEN UNDER A DECLARATION OF WAR

War of 1812. (1812–1815) On June 18, Congress approved a declaration of war against England. The war was officially concluded by the Treaty of Ghent, December 24, 1814, but the major battle of the war occurred with an American victory at New Orleans in January, 1815.

War Between the United States and Mexico. (1846–1848) Congress declared war on May 11, 1846. The Treaty of Guadalupe Hidalgo ended the conflict on February 2, 1848.

Spanish-American War. (1898) On April 25, 1898, the United States declared war against Spain. The peace treaty ending hostilities was signed in Paris on December 10, 1898.

World War I. (1914–1918). The United States declared war on Germany on April 6, 1917, and against Austria on December 7, 1917. The Treaty of Versailles was signed on June 28, 1919. The treaty was never ratified by the United States.

World War II. (1941–1945). The United States declared war on Japan December 8, 1941, and on Germany and Italy December 11, 1941. The War ended in Europe on May 8, 1945. Japan signed the formal surrender in Asia on September 2, 1945.

C. THIRTY-ONE MILITARY OPERATIONS FOR BROAD STRATEGIC PURPOSES

1844: Mexico. President Tyler deployed our troops to protect Texas one year before annexation.

1846: Mexico. President Polk ordered General Scott to occupy disputed territory between the Nueces and the Rio Grande.

1853–1854: Japan. Commodore Perry's expedition of 2000 men and ten ships advanced American commercial interests.

1864: Japan. U.S. Naval units participated in a joint effort to force open the Straits of Shimonoseki for commercial operations.

1865–1866: Mexican border. General Sheridan and 50,000 U.S. troops backed up a demand from Secretary of State Seward that French forces withdraw from Mexico.

1888–1889: Samoan Islands. Germany and the United States were close to warfare due to their rivalry over naval privileges in the Samoans.

1899–1901: Philippine Islands The United States used 126,468 troops against the Philippine Insurrection in order to preserve and foster any rights it had acquired from Spain.

1900–1901: Boxer Rebellion (Peking). The Boxer uprising in China created a demand for troops and marines to relieve foreign legations in Peking and to keep open communication betweeen Peking and the sea.

1906: Cuba. Army units took up quarters in many Cuba towns to preserve order.

1912: Panama. American troops supervised elections outside the Canal Zone.

1912: Cuba. American troops landed to preserve order.

1914: Dominican Republic, U.S. naval forces fired at revolutionaries in order to stop the fighting.

1915: Haiti. By force of arms U.S. troops took over Haiti in part to forestall European intervention.

1916: Dominican Republic. U.S. troops occupied Santo Domingo and supported a military governor in the Dominican Republic.

1917: Cuba. American troops landed because of unsettled political conditions.

1918–1920: Expeditions to Russia. The U.S. contributed some 14,000 men to aid the anti-Bolsheviks and to forestall Japaneses expansionist plans in Siberia.

1919–1920: Panama. American troops went outside the Canal Zone to supervise elections.

1919: Honduras. A small American force went ashore to maintain order in a neutral zone during an attempted revolt.

1940: British possessions in Western Atlantic. U.S. occupied military bases on British soil to protect long-range national security interests.

1941: Greenland. The U.S. Army occupied Greenland for the same reason as above.

1941: Iceland. U.S. Troops occupied Iceland for the same reason as above.

1941: Dutch Guiana. American troops occupied Dutch Guiana for the same reason as above.

1950–1953: Korean War. U.S. forces acted to assist the Republic of Korea in order "to restore international peace and security in the area."

1958: Lebanon. Though an important purpose of using U.S. armed forces in Lebanon was to protect American lives, a primary purpose also was to assist Lebanon in preserving its political independence.

1961: Dominican Waters. U.S. Navy ships took up positions three miles off the Dominican coast and Navy jet planes patrolled the shoreline to prevent a revolution in the Dominican Republic.

1962: Cuban Naval Quarantine. President Kennedy ordered a naval quarantine of Cuba to prevent delivery of additional Russian missiles and to obtain the removal of those already in Cuba.

1964: Congo. A task force of four U.S. C–130 transport planes with about 100 crew members and paratrooper guards were sent to the Congo to provide airlift for the regular Congolese troops during a Communist-assisted rebellion. Also, the United States had 68 military advisers in Leopoldville.

1964–1971: Vietnam. American forces have acted to support freedom and protect peace in Southeast Asia.

1964–1965: Laos. At the request of the Laotian Government, unarmed U.S. planes flew reconnaissance missions over the Plaine des Jarres. After two jets were shot down, President Johnson carried out a limited reprisal.

1965: Dominican Republic. Though the protection of the lives of U.S. citizens was an important function of U.S. troops sent to the Dominican Republic, the threat of a Communist takeover and the need to provide humanitarian assistance to the Dominican people also were major reasons for the American landings.

1967: Congo. A task force of three U.S. C–130 transports and 150 men ferried Congolese paratroopers in order to crush a revolt against Mobutu's government.

D. FIFTY-SIX HOSTILE OPERATIONS INVOLVING ACTUAL GUNFIRE OR IMMINENT THREAT OF WARFARE

1798–1800: Quasi-war with France.
1801–1805: War with Tripoli.
1806. Mexico.
1806–1810: Gulf of Mexico.
1814–1825: Caribbean area.
1815: Second Barbary War.
1816–1818: Spanish Florida.
1817: Amelia Island (Spanish Territory).
1822: Cuba.
1823: Cuba.
1825: Cuban Keys.
1831–1832: Falkland Islands (Argentina).
1832: Sumatra.
1840: Fiji Islands.
1841: Drummond Islands (Pacific Ocean).
1841: Samoan Islands.
1843: West Africa.
1846: Mexico.

1851: Turkey (Apparently no shots fired, but the force displayed amounted to a compulsory ultimatum).

1851: Johanna Island (East of Africa).

1853–1854: Japan (Commodore Perry's expedition including 10 ships and 2000 men conveyed an imminent threat of using force).

1854: China.
1854: Greytown, Nicaragua.
1855: Fiji Islands.
1855: Uraguay.
1856: China.
1858: Fiji Islands.

1859: Paraguay (The Naval display of force amounted to compulson).

1863: Japan.
1864: Japan.

1865–1866: Mexican border (General Sheridan and 50,000 American troops backed up the demand of Secretary of State Seward that French forces leave Mexico).

1867: Formosa.
1870: Mexico.

1871: Korea.

1888: Haiti (American Commander issued an ultimatum threatening force if necessary).

1888–1889: Samoan Islands (Three powers had warships on the scene during an intense rivalry over claims in the islands. War was close when a hurricane destroyed German and American vessels.)

1894: Brazil.

1899: Samoan Islands.

1900–1901: Boxer Rebellion (China).

1899–1901: Philippine Insurrection.

1910: Nicaragua (Armed combat was "hourly expected.")

1911: Honduras (The American Commander expressly threatened to use force if necessary.)

1914: Dominican Republic.

1914: Occupation of Vera Cruz, Mexico.

1915: Haiti

1916: Dominican Republic

1916–1917: Pershing Expedition into Mexico

1918–1919: Mexico

1918–1920: Expeditions to Russia

1926–1933: Nicaraguan occupation

1927: Armed Actions in China

1950–1953: Korean War

1962: Cuban naval quarantine

1964–1965: Armed actions in Laos

1965: Dominican Republic

1964–1971: Vietnam War

E. SIXTY-FOUR MILITARY OPERATIONS LASTING MORE THAN THIRTY DAYS

1798–1800: Quasi-War with France

1801–1805: War with Tripoli

1806–1810: Gulf of Mexico

1813–1814: Marquesas Islands (South Pacific)

1814–1825: Caribbean Area

1815: Second Barbary War

1816–1818: Spanish Florida

1823: Cuba

1827: Greece

1831–1832: Falkland Islands

1835–1836: Peru

1838–1839: Sumatra

1843: West Africa

1844: Mexico

1846: Mexico

1852–1853: Argentina

1853–1854: Japan

1858–1859: Turkey

1865–1866: Mexican border

1866: China

1873–1882: Mexico

1888–1889: Samoan Islands

1894: Nicaragua

1898–1899: China

1899: Samoan Islands

1899–1901: Philippine Islands

1900–1901: "Boxer" Rebellion (Peking)

1901: State of Panama

1902: State of Panama

1903: Panama

1904–1905: Korea

1906: Cuba.

1911–1912: China.

1912: Panama.

1912: Cuba.

1912: Nicaragua.

1913: China.

1914: Haiti.

1914: Vera Cruz (Mexico).

1915: Occupation of Haiti.

1916: Occupation of Dominican Republic.

1916–1917: Pershing Expedition into Mexico.

1917: Cuba.

1918–1919: Mexico.

1918–1920: Expeditions to Russia.

1919–1920: Panama.

1920–1922: Siberia.

1922–1923: China.

1924–1925: Honduras.

1926–1933: Nicaragua.

1926: China.

1927: China.

1940: Occupation of British possessions in Western Atlantic.

1941: Occupation of Greenland.

1941: Occupation of Dutch Guiana.

1941: Occupation of Iceland.

1950–1953: Korean War.

1958: Lebanon.

1962: Cuban naval quarantine.

1964–1965: Laos.

1964–1967: Vietnam.

1964: Congo.

1965: Dominican Republic.

1967: Congo.

F. SIXTY-FIVE MILITARY ACTIONS TAKEN BY THE UNITED STATES OUTSIDE THE WESTERN HEMISPHERE

1801–1805: War with Tripoli.

1813–1814: Marquesas Islands (South Pacific.

1815: Second Barbary War.

1827: Greece.

1832: Sumatra.

1838–1839: Sumatra.

1840: Fiji Islands.

1841: Drummond Island (Pacific Ocean).

1841: Samoan Islands.

1843: West Africa.

1849: Smyrna (Now Izmir, Turkey).

1851: Turkey.

1851: Johanna Island (east of Africa).

1853–1854: Japan.

1854: China.

1855: China.

1855: Fiji Islands.

1856: China.

1858: Fiji Islands.

1858–1859: Turkey.

1859: China.

1860: Kissembo (West Africa).

1863: Japan.

1864: Japan.

1866: China.

1867: Formosa.

1868: Japan.

1871: Korea.

1874: Hawaii.

1882: Egypt.

1888: Korea.

1888–1889: Samoan Islands.

1889: Hawaii.

1894: Korea.

1894: China.

1898–1899: China.

1899: Samoan Islands.

1899–1901: Philippine Islands.

1900–1901: "Boxer" Rebellion (Peking).

1903–1904: Turkey.

1903–1904: Abyssinia (Ethiopia).

1904: Morocco.

1904: Korea.

1911–1912: China.

1912: Turkey.

1913: China.

1916: China.

1918: China.

1918–1920: Expeditions to Russia.

1920: China.

1920–1922: Siberia.

1922: Turkey.

1922–1923: China.

1924: China.

1926: China.

1927: China.

1932: China.

1941: Occupation of Greenland.

1941: Occupation of Iceland.

1950–1953: Korea.

1958: Lebanon.

1964–1965: Laos.

1964–1971: Vietnam.

1964: Congo.

1967: Congo.

G. 63 MILITARY OPERATIONS ARGUABLY INITIATED UNDER PRIOR LEGISLATIVE AUTHORITY (NO DECLARATIONS OF WAR)

Year and military operation	Legislation	Treaty
1798 to 1800—Quasi-War with France	×	
1801 to 1805—War with Tripoli	×	
1813—Spanish Florida	×	
1806 to 1810—Gulf of Mexico [2]	×	
1813 to 1814—Marquesas Islands	×	
1814 to 1825—Caribbean area	×	
1815—Second Barbary War	×	
1817—Amelia Island	×	
1822—Cuba	×	
1823—Cuba	×	
1824—Cuba	×	
1825—Cuban Keys	×	
1827—Greece [1]	×	
1832—Sumatra [1]	×	
1838 to 1839—Sumatra [1]	×	
1841—Drummond Island [1]	×	
1841—Samoan Islands [1]	×	
1843—West Africa [1]	×	
1851—Johanna Island, east of Africa [1]	×	
1855—China [1]	×	
1856—Panama		×
1859—Paraguay		×
1860—Panama		×
1864—Japan		×
1865—Panama		×
1867—Formosa [1]	×	
1868—Colombia		×
1870—Mexico	×	
1873—Columbia		×
1885—Panama		×
1888 to 1889—Samoan Islands	Treaty or legislation	
1891—Navassa Island, Haiti	×	
1894—Brazil	×	
1895—Panama		×
1899—Samoan Islands	Treaty or legislation	
1899 to 1901—Philippine Islands		×
1901—Panama		×
1902—Panama		×
1903—Panama		×
1904—Panama		×
1906—Cuba		×
1911 to 1912—China		×
1912—Panama		×
1912—Cuba		×
1913—China		×
1914—Vera Cruz, Mexico	×	
1916—China		×
1917—Cuba		×
1918—China		×
1919–1920—Panama		×
1920—China		×
1921—Panama-Costa Rica		×
1922 to 1923—China		×
1924—China		×
1925—Panama		×
1926—China		×
1927—China		×
1932—China		×
1933—Cuba		×
1950 to 1953—Korean War		× [2]
1958—Lebanon Operation	×	
1962—Cuban Naval Quarantine		×(OAS)
1964 to 1967—Vietnam	Treaty or legislation	

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[1] Indicates military activity may have occurred pursuant to broad interpretation of authority conferred by certain acts of Congress against piracy.

[2] U.N. Charter.

THE DRAFT AND COMBAT CASUALTIES

Mr. HATFIELD. Mr. President, on Friday, April 22, 1971, a study concluding that a draft, even with internal reforms, would put an undue burden on the black and the poor was placed in the RECORD. One would conclude that if this were the case, combat casualties would be borne more by the poor than by any other group. This has been the case in Vietnam, and in a study by Duane Leigh and Robert Berney, of the College of Economics and Business at Washington State University, it is concluded that casualties would continue to be borne by the poor if the draft were to continue.

Short of legislating internal policies of the Armed Forces, such as setting up a ration by economic class for men who serve in various combat specialties, the draft, by any method of selection, would put an unfair burden on the poor in the combat arms. To attempt to legislate internal policies of any agency, let alone one the size of our Armed Forces, would be contrary to virtually every lesson we have learned regarding effective management. The simplest and easiest method of eliminating the burden on the poor is to abolish the draft. Obviously this would not be the answer to the entire question, but it would be a significant first step. The causes of poverty must be eradicated, but we should not impose any more of a burden on the poor than their economic status already does.

Mr. President, extending the draft would put a greater burden on the poor than would an all-volunteer military. And most particularly, the draft would continue to impose a greater responsibility on the poor for carrying the brunt of combat operations than it would on other economic groups. The Leigh-Berney study concludes that—

> Hostile casualties are disproportionately borne by segments of the population with relatively low civilian income-earning opportunities. . . . The draftee had casualty rates approximately twice that of the volunteer. . . . (And) it has been shown that the college graduate, even though drafted, is most likely to be trained for non-combat MOS's.

Mr. President, I ask unanimous consent that the study by Leigh and Berney be printed in the Record.

There being no objection, the study was ordered to be printed in the Record, as follows:

The Impact of Hostile Casualties on the Military Draft*

(By Duane E. Leigh and Robert E. Berney)

One of the side effects of the Vietnam War has been the increased attention given by economists to the present draft system of manpower procurement. Much of this effort has been directed toward estimating the tax-in-kind borne by draftees and "reluctant" volunteers.[1]

Among the first to publish estimates of the distributive burden imposed by the draft were W. Lee Hansen and Burton Wiesbrod [7]. They estimated the tax as the difference between civilian income-earning opportunities and actual military compensation, concluding that the tax subsidized those with low-income earning potentials similar to a negative income tax. Beyond the break-even point of $2,400, the tax was progressively distributed, reaching a 76 per cent rate for the draftee with an income earning potential of $10,000.

Ronny Davis and Neil Palomba [5] came to similar conclusions on the progressivity of the tax but noted that the progressivity was "seriously tempered" by college deferments. In a subsequent paper, Robert Berney [3] emphasized that Davis and Palomba's definition of progressivity applied only to the individual draftee or reluctant volunteer and did not reflect a change in the relative burdens between educational-income groups. Adjusting the Davis-Palomba estimates by the relative number of draftees in each income group, Berney concluded that the tax was progressive only over educational categories up to and including high school graduates. For higher educational categories, the tax was regressive. Thomas Willert [17] criticized the Davis-Palomba estimates arguing that the implicit tax imposed on a serviceman should properly be measured as a difference in the discounted future earning streams, where the earning streams of the draftee or reluctant volunteer is adjusted by the individual's taste concerning military versus civilian employment.

Present value estimates for high school graduates and college students assume to enter military service at ages 18 and 22 were estimated by Duncan Bailey and Thomas Cargill [2]. They reported that the average rates of the tax-in-kind in present value terms imposed on servicemen falling into each category and found that the high school graduate is faced with a slightly higher average tax rate than is the college student at the same age. But since high school graduates are usually inducted at an earlier age than college students, Bailey and Cargill concluded that the effective tax rate may be equalized [2, p. 369].

As yet, few systematic analyses have been forthcoming on the additional question of the distribution of military casualties among servicemen.[2] The purpose of this study is to analyze the distribution of hostile casualties in Southeast Asia to determine whether the burden of military fatalities varies between socio-economic groups. The hypothesis advanced here is that the risk of combat death is on the average inversely related to the civilian income earning potential of young men qualified for military service. This hypothesis is based on the supposition that men with relatively high-income earning potentials are better able to avoid the military service than are other men; but if inducted, they are less likely to be placed in combat units of the military. To the extent that this hypothesis can be confirmed for draftees and reluctant volunteers, the distribution of the tax-in-kind imposed by the draft would have to be judged less progressive or more regressive than previously estimated.

The remainder of this paper considers the hypothesis relative to (1) survey results collected for the war dead from the state of Utah and from Long Island, New York, and (2) nation-wide hostile casualty data provided by the Defense Department.

I. EVIDENCE ON THE DISTRIBUTION OF HOSTILE CASUALTIES

Evidence supporting our hypothesis of a regressive distribution of hostile casualties comes from analysis both at the micro and the macro levels. At the micro level, James Clayton and Jerry Smith [4] investigated the backgrounds of 182 Utah servicemen killed in hostile action in Southeast Asia through January 31, 1969. Also *Newsday* [9] investigated 400 war dead from Long Island. At the macro level, a multi-variable regression model was developed to explain state by state variations in hostile casualties using socio-economic relationships as independent variables. Finally, the Department of Defense has released aggregative data on the number of draftees serving in and becoming casualties in Vietnam.

A. Micro analyses of military casualties

From a list of casualties published in the *Congressional Record* by Congressman Paul Findley, Clayton and Smith obtained names of 182 Utah servicemen killed in hostile action in Southeast Asia. They conclude from the obituaries of these men that the casualties were young (the average age at time of death was less than 21 years) and overwhelmingly from the lower middle class of the state's population [4, p. 4]. Of the 67 casualties from Salt Lake City, virtually none were from either the areas in which the upper 10 per cent (in terms of median income for 1960) of the city's population resided or the areas in which the bottom tenth of the city's population resided.

Educational data were obtained for 143 of the war dead. Although most had graduated from high school, only two of the casualties were college graduates. Only 39 of the casualties had attended college despite the fact that Utah leads the nation in the enrollment of its 18 to 21 year-old population in institutions of higher learning [4, p. 7]. In an attempt to stratify the war dead by income groups, Clayton and Smith distinguished the four Salt Lake City high schools located in the upper-income areas of the city from the four schools serving students in the less affluent areas. Servicemen who attended one of the less affluent schools were found to have over twice the casualty rate of servicemen who attended schools in the upper-income areas [4, p. 6].

A major alternative to active duty for men eligible for the draft is to enlist in the National Guard or a reserve component of the armed forces. Clayton and Smith examined a randomly selected sample from a typical Utah Army National Guard unit in the Salt Lake City area which was comparable in size to the state's casualty list. They found that the members of the National Guard were considerably older than the war dead (25 versus 20 years of age) and tended to come from upper middle and upper income families [4, p. 7].

These conclusions on the characteristics of reserve personnel are highly consistent with those reported by the Gates Commission [11, pp. 110–14.] The Commission found that reservists in fiscal 1969 were older and possessed a substantially higher level of educational attainment than did active-duty personnel [13, p. 112]. As one would expect, enlistment in the reserves appears highly draft motivated.

The results of the *Newsday* survey [8] of 400 war dead from Long Island are generally consistent with the Utah results. Most of the casualties were high school graduates, but only a few of the enlisted men had college degrees and only about 12.5 per cent had attended college. Most were young with working-class backgrounds. "Their parents were typically blue-collar or clerical workers, mailmen, factory workers, building tradesmen and so on. Most of the dead could have been expected to do similar work perhaps inching up the income scales a notch or two [8, p. 5W]."

To summarize, although the available surveys of war dead are quite restricted in geographical coverage, the pertinent results of these studies do support the hypothesis advanced here. The burden of military casualties does seem to have been disproportionately borne by lower middle class families whose sons had relatively low propensities to go on to college immediately following high school. Young men from poverty backgrounds in general had difficulty passing the mental and physical requirements of the armed forces [18, p. 71]. On the other hand, men from the higher income classes were much more likely to attend college and then to take advantage of opportunities for additional deferments (e.g., graduate school, occupational, and parenthood) following college graduation. If such deferments were not obtainable, assignments in the National Guard or Reserve units tended to be more available to these men. But even where active duty was the only option, college men were more likely to have the abilities and/or training that would allow them to be placed in non-combat military occupations.

B. Macro analysis of military casualties

At the national level, data apparently do not exist classifying casualties by either income or educational groups; nor was a classification of war dead by method of initial procurement (induction or enlistment) when our initial calculations were made. The data made available by the Department of Defense classify casualties in Southeast Asia through December 1969 by attained age, by rank, by length of service, and by state of residence.

It seems reasonably clear that high school dropouts and high school graduates were subject to the draft at considerably earlier ages than men who went on to college [5, pp. 151–152]. With this in mind, the distribution

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Footnotes at end of article.

of hostile casualties by attained age was examined relative to the distribution of active duty military personnel by attained age. Specifically, the percentage of hostile deaths in a particular age group, say, age 18, was calculated as a ratio of the percentage of active-duty personnel (as of June 30, 1968) for the same age group. Ratios of unity would indicate that the percentage distribution of hostile casualties is exactly equal to the percentage distribution of servicemen. The calculated ratio was 1.72 for 18-year-olds; it peaked at 2.10 for 19-year-olds; and for servicemen of age 20 and 21, the ratios fell to 1.61 and 1.02, respectively. For servicemen older than 21, the ratios were less than unity and declined with age. From this evidence, it appears that the burden of hostile casualties were disproportionately borne by servicemen between the ages of 18 and 20.

It might be argued that the influence of servicemen in their second or third tours of military duty tends to reduce the casualty burden borne by servicemen aged 21 and older since these men may be in a position to reduce their exposure to combat action. If this were the case, a 22-year-old draftee might face approximately the same risk as an 18-year-old draftee despite the evidence showing that hostile casualty ratios decline with age beyond 19. To check this possibility, the percentage distribution of casualties by length of service was calculated relative to the percentage distribution of servicemen on active duty (June 30, 1968) classified by length of service. Considering these ratios, there is little to indicate that the burden of hostile casualties as disproportionately borne by men in their first tour of duty relative to men serving in their second or third tours, particularly in the Army where almost all draftees serve.[3]

Thus, it seems likely that young servicemen in their first tour of duty did face a higher risk of death than did older servicemen (age 21 and older) in their first tour of duty. And since men with only high school educations tended to be drafted earlier than men with college educations, it follows that servicemen with relatively low levels of educational attainment bore a greater risk of hostile death. At least a partial rationale for this conclusion is found in the discussion of the Gates Commission [12, pp. 42–44] of the increasing demand for skilled personnel by the armed forces and the declining proportion of men required in the relatively unskilled military occupations largely consisting of ground combat occupations. For instance, in fiscal 1953, 35 per cent of Army enlisted men were assigned to ground combat units (riflemen, artillery crews, tank crews, etc.) while by 1969 the percentage had fallen to 26 per cent. In their discussion, the Commission places considerable emphasis on the growing similarity of the military's skill requirements to those of the civilian economy.[4]

In a further attempt to test the hypothesis against the available national data, hostile casualty data by state of residence were utilized to discover whether at this level of aggregation a relationship could be found between state-by-state differences in hostile casualties and state variation in particular socio-economic characteristics related to income-earning opportunities.

It is reasonable to anticipate the hostile casualties from a particular state would be significantly related to the number of servicemen from that state stationed in Southeast Asia. While state-by-state data on servicemen in Southeast Asia were not available, regression results indicated that hostile casualties by state were highly correlated with the total number of servicemen from each state. To abstract from consideration of state size in terms of military manpower, hostile casualties by state relative to number of servicemen from that state were examined.

Since data on servicemen are available only for particular years, the dependent variable in the regression analysis has been specified as the proportion of hostile casualties by state relative to the proportion of total military personnel by state for a particular year, i.e., the dependent variable was written as $(HD_i/\Sigma HD_i)/SM_i/\Sigma SM_i)$, where HD_i is the number of hostile casualties through December 1969 and SM_i is the number of servicemen from state i (i=1, . . . , 51). Observations run over all fifty states plus the District of Columbia. If the proportion of casualties were the same as the proportion of servicemen for each state, the ratios would all be unity and there would be nothing to explain by other variables. In fact, there is considerable variation in the dependent variable.

Similar ratios were also calculated for Army and for Marine Corps hostile casualties and these were used as additional dependent variables. Of total hostile casualties, approximately 61.8 per cent were Army personnel and 33.0 per cent were Marines. These additional dependent variables were introduced in order to contrast the results obtained for Army personnel of whom a large proportion were draftees (42.1 per cent of total enlisted men as of June 30, 1967) with the results obtained for the Marine Corps which contained relatively few draftees (6.0 per cent of total enlisted men as of June 30, 1967).

The following characteristics are considered to be important determinants of a serviceman's civilian income-earning opportunities: educational attainment, employment opportunity, and family background. Wherever possible, we searched for variables representing these characteristics for men between the draft-eligible ages of 18 to 26. Three proxy variables were selected for use as independent variables: (1) state rates of mental disqualification on preinduction examination of draftees in 1965 [11, Table 9.4, pp. 206–7], (2) state unemployment rates in 1966 [14, Table D–4, p. 260], and (3) states ratios of non-white male to total male populations in 1960 [13, Table 29, p. 28].

The rate of mental disqualification on preinduction physicals is utilized as a proxy to represent state differences in the educational attainment of draft-eligible males. Because educational administration is localized, the results of the written examinations administered at the preinduction physical are used to represent a single national "yardstick" for measuring the educational achievement of all male youth [18, p. 71].[5] The standard screening test determining fitness for military service is the Armed Forces Qualification Test (AFQT). Although this examination is not, strictly speaking, a measure of educational achievement or innate mental ability. Wool finds a relatively high positive correlation between year of school completed and average AFQT scores [18, p. 77].[6] We proceeded on the assumption that the higher the general level of educational attainment in a state, the lower would be the mental disqualification rate given the existence of fixed national standards.[7] Preliminary correlation estimates indicated that, in general, states with low rates of mental disqualification are those with high public school expenditures per pupil and high median years of education of males over age 25. In addition, the rate of mental disqualification is fairly highly correlated with per capita personal income in the negative direction. Our hypothesis requires that differences in relative hostile casualties across states be negatively related in interstate differences in the income-earning opportunities available to young men. Since greater educational attainment generally leads to expanded economic opportunities, we expect to obtain a positive relationship between relative hostile casualties and the rate of mental disqualification.

State unemployment rates are introduced as the second independent variable in the regression analysis to represent interstate differences in employment opportunities. It is likely that lack of job experience tends to reduce the usefulness of a serviceman for other than combat duty. Hence, a positive relationship between the unemployment rate and relative hostile casualties is expected. Since unemployment rates for males of ages 18 to 26 are not available on a state-by-state basis, we have had to use overall state unemployment rates.

Finally, state ratios of nonwhite male to total male population are introduced in an attempt to isolate evidence on whether nonwhite suffer a higher incidence of hostile casualties than whites given the effect of variables intended to measure educational attainment and job experience. Positive coefficient estimates could indicate racial discrimination.

Table 1 reports the results obtained by regressing three variations of each of the three dependent variables on the three independent variables. The terms involved in the definitions of the dependent variables are the following:

HD=total hostile casualties by state through December 1969;

AHD=U.S. Army hostile casualties by state through December 1969;

MHD=U.S. Marine Corps hostile casualties by state through December 1969;

SM64=estimated total number of servicemen by state as of December 31, 1964 [15, pp. 9673–74];

SM68=estimated total number of servicemen by state as of June 30, 1968; and

SM64–8=SM64 plus the sum of total inductees by state for the years 1965–68 [16].

TABLE 1.—ESTIMATED RELATIONSHIPS BETWEEN RELATIVE HOSTILE CASUALTIES AND THE RATE OF MENTAL DISQUALIFICATION, STATE UNEMPLOYMENT RATES, AND PERCENTAGE NONWHITE MALE POPULATION

Dependent variable	Constant	Rate of mental disqualification	State unemployment rate	Percent nonwhite male population	R²
Percent HD/percent SM64	0.3011	**0.0209	*0.1189	−0.2719	0.3010
	(1.5022)	(2.7138)	(2,6248)	(−0.2340)	
Percent AHD/percent SM64	0.2039	**0.0237	*0.1292	0.1610	0.3458
	(0.9478)	(2.8750)	(2.6590)	(0.1292)	
Percent MHD/percent SM64	*0.4743	*0.0183	0.0828	−1.1570	0.1967
	(2.4083)	(2.5455)	(1.8605)	(−1.0136)	
Percent HD/percent SM64–8	**0.5767	*0.0124	*0.0725	0.0210	0.2512
	(4.0684)	(2.2711)	(2.2630)	(0.0255)	
Percent AHD/percent SM64–8	**0.4991	*0.0142	*0.0798	0.5321	0.3377
	(3.4190)	(2.5374)	(2.4191)	(0.6289)	
Percent MHD/percent SM64–8	**0.7041	0.0122	0.0454	−0.9760	0.1097
	(4.3276)	(1.9563)	(1.2336)	(−1.0349)	
Percent HD/percent SM68	**0.9240	0.0041	0.0040	−0.2603	0.0528
	(12.7247)	(1.4814)	(0.2454)	(−0.6185)	
Percent AHD/percent SM68	**0.8761	*0.0054	0.0065	0.1468	0.1770
	(12.3762)	(1.9964)	(0.4043)	(0.3578)	
Percent MHD/percent SM68	**0.9867	0.0044	−0.0092	−1.0145	0.0437
	(8.0878)	(0.9474)	(−0.3318)	(−1.4346)	

*Significantly different from 0 at the 5 percent level.
**Significantly different from 0 at the 1 percent level.

Note: The numbers in parenthesis are "t" statistics.

Footnotes at end of article.

The variable SM64–8 is utilized to provide a second estimate of total armed forces strength by state in 1968. The use of this variable assumes that the number of volunteers during the period since 1964 is just offset by the number of men discharged during the period. The total number of servicemen estimated in this manner is quite close to the total number of military personnel on active duty as of June 1968.

The estimates obtained for the rate of mental disqualification are positive as expected in all nine equations and significant in six equations including the three Army equations. A comparison of the beta coefficients within each equation indicates that this variable makes the largest contribution of the three independent variables to the explanation of the variation in relative hostile casualties for both services and for total casualties.

The estimated coefficients of the state unemployment rate are positive and significant in four of the equations. Given that such a rough measure of employment opportunity was utilized, this result lends limited support to the hypothesis that lack of civilian job experience increases the probability of being placed in a combat unit.

Considering finally the coefficient estimates for the ratio of nonwhite males to total males, the addition of this variable appeared to make little difference in any of the equations estimated. The indication is that racial discrimination did not increase the relative probability of a nonwhite serviceman being placed in a combat unit if his educational attainment and employment background were equivalent to that of a white serviceman. This conclusion is not inconsistent with evidence indicating that the incidence of casualties was disproportionately borne by black servicemen in the period examined. Because of their generally disadvantaged backgrounds, it appears that blacks tended to be used in relatively low-skill jobs such as ground combat. The results reported here indicate that only racial discrimination did not appear to be a significant factor in the allocation process of the military. Furthermore, it appears that black soldiers, like servicemen from other minority groups tend to volunteer for elite combat units.

Judging from the coefficients of determination (R^2), the independent variables performed better in the equations for the Army than in the equations for the Marine Corps. As noted, the Army contains a high proportion of draftees among active-duty personnel as compared to the Marine Corps, with about 72 percent of total first-term Army personnel in 1967 being classified as draftees and reluctant volunteers [11, p. 49].

Through December 1969, 84.7 per cent of total Army hostile casualties and 85.3 per cent of Marine Corps hostile casualties were servicemen with less than three years of service. In both combat branches, therefore, first-term personnel constituted a very large proportion of total hostile deaths. Since almost three quarters of Army active duty personnel were either draftees or reluctant volunteers, we feel reasonably confident in asserting from the Army equations in Table 1 that the burden of hostile casualties among draftees and reluctant volunteers during the 1961–69 periods was disproportionately borne by those with relatively low income-earning opportunities.

Additional evidence was recently supplied on the disproportionate share of combat and, consequently, the higher casualty rates borne by the draftee. During 1969, 88 per cent of the infantry riflemen were draftees, 10 per cent were first-term volunteers, while only two per cent were career personnel [6, p. S13936]. The explanation for this distribution is that regular Army volunteers select the military occupational specialty (MOS) for which they will be trained, and relatively few volunteers select the combat occupational specialties.[8] The draftee on the other hand, is trained in the MOS which is in short supply, typically the combat specialties. Consequently, casualty rate data covering the period of the Vietnam conflict indicate that the Army draftee had a 2.44 per cent chance of being killed and a 10.54 chance of being wounded seriously enough to require hospital treatment, while the average Army enlisted men had a 1.96 per cent chance of getting killed and a 8.47 chance of being wounded. [6, p. S13937].

A study was also made of the college graduate who makes up approximately 15 per cent of the personnel entering the Army. In fiscal 1969, only 24 per cent of college graduates were assigned to combat units even though 61 per cent of this group were drafted.

II. SUMMARY AND CONCLUSIONS

The hypothesis advanced in this paper was that hostile casualties are disproportionately borne by segments of the population with relatively low civilian income-earning opportunities. The hypothesis was first tested against the relevant findings of two studies surveying the war dead from the State of Utah and Long Island, New York. Then the hypothesis was examined relative to available national casualty data. Hostile casualties stratified by age groups were employed in an attempt to determine risk of death in the military borne by high school graduates relative to that borne by older men likely to have achieved higher levels of educational attainment. In addition, data on hostile casualties by state of residence were utilized in a cross-sectional regression model. Variations in proxy variables representing educational attainment and employment experience were found to be important independent variables. Additional information was provided to show that the draftee was the primary source of manpower for the combat units in the Army; and consequently, the draftee had casualty rates approximately twice that of the volunteer. Finally, it has been shown that the college graduate, even though drafted, is most likely to be trained for non-combat MOS's. Each of these sources provided evidence generally consistent with the hypothesis. Although, the evidence gathered from any one of these data sources cannot be considered persuasive by itself, the inferences obtained from all the sources seems to provide a reasonable degree of confirmation of the hypotheis.

The published studies examining the tax-in-kind imposed by the draft have yielded quite different estimates of the structure of the tax. The Hansen-Wiesbrod and Davis-Palomba papers found the tax imposed on servicemen to be progressive by education-income groups. In present value terms. Bailey and Cargill have suggested that the tax is roughly proportional. Berney found that the tax is progressive over education-income groups up to and including high school graduates but regressive for higher educational categories when one includes in his calculations the probabilities of being drafted. The evidence reported here indicates that a further refinement of these estimates is in order. Regardless of how the tax is measured, consideration of the impact of hostile casualties requires that the tax structure be judged less progressive or more regressive than estimated in previous studies since those who are paying the ultimate tax are most likely to be the draftees who come from families with relatively low incomes.

FOOTNOTES

*An earlier draft of this paper was presented at the 1970 Western Economic Association Meetings at Davis, California. The authors gratefully acknowledge the financial support of the Bureau of Economic and Business Research at Washington State University, the research assistance of Terry Barr, and the Department of Defense for providing us with unpublished data.

[1] For informative discussions of the tax-in-kind imposed by the draft see [1, pp. 418–20], [7], [9], [10, pp. 53–57], and [12, pp. 23–33].

[2] The availability of distributive data limit the definition of casualties used in this paper to the number of U.S. servicemen killed in Southeast Asia through December 1969. Aggregative data show that for every fatal casualty there were 6.6 nonfatal casualties of which one-half required hospital attention. Our analysis could be extended by assuming total casualties are distributed in the same manner as fatal casualties. However for the purposes of this paper hostile casualties are defined to include servicemen killed in action plus those who died while captured. As of December 1969, total casualties numbered 47, 251 of which 84.7 per cent were classified as hostile casualties.

[3] For Army personnel, the calculated ratios for the first two years of service were 1.18 and 1.28, respectively. The ratios fell to 0.70 and 0.96, respectively, for servicemen in their third and fourth years of service. The ratio then peaked at 1.96 for servicemen in their fifth year of service; and, finally, it fell to 0.67 for servicemen with more than five but less than eight years of service.

[4] These conclusions also find support in the recent study by Harold Wool [18]. Wool presents an extended discussion of the ". . . long-term trend toward relative growth in those occupations associated with the newer military technology and in the white-collar enlisted force, generally at the expense of the older ground-combat, craft, and service occupations [18, p. 41]."

[5] It should be noted that draftee disqualification rates are not fully representative of differences for the population as a whole [18, p. 72].

[6] All men who score less than the tenth percentile on the AFQT are disqualified for military service. Those with percentile scores between 10 and 30 are accepted if their aptitude test scores are satisfactory; otherwise, they are classified I–Y [18, p. 75]. Eight years of school completed corresponds to an average AFQT percentile score of 24.6; while 9 to 11 years of school corresponds to an average percentile score of 36.8 [18, p. 77].

[7] Hansen and Wiesbrod also report an inverse relationship, educational attainment, and the mental disqualification rate. [7, pp. 407–08, n. 5]

[8] In fiscal 1970, only 2.5 per cent of those who trained for an infantry rifleman's MOS, 3.1 per cent for a mortarman's MOS, 4.1 per cent for a field artillery man's MOS and 12.0 per cent for an armored crewman's MOS were regular Army volunteers.

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AMERICAN ATTITUDES ABOUT WELFARE

Mr. RIBICOFF. Mr. President, it is time to end the confusion that has surrounded the entire debate about welfare reform. We must recognize that welfare reform is a confession of our failures as a society. We spend less than 1½ percent of our trillion-dollar economy on welfare. This is a small overhead to pay for our failures in education, health, housing, and employment.

Unfortunately, myths dominate our discussion of welfare reform and we rarely attempt to pierce the veil of welfare cliches. Americans can, on the one hand, be compassionate and generous. Yet on the other hand they resent Government welfare programs for the poor and suspect most recipients of cheating and laziness.

This dichotomy in American opinion—compassion for one's fellow man versus the Puritan ethic of hard work as a panacea for everyone's ills—frequently appears in opinion surveys.

A recent Lou Harris poll commissioned for an ABC television documentary on American opinions illustrates this apparent schizophrenia. Eighty-five percent of those polled expressed grave concern that some Americans suffer from hunger. Yet, at the same time, they blamed the hungry for the problem. Eighty-two percent believed that, if the hungry population showed a little get-up and go, the hunger problem would not exist.

The response is not an isolated one. According to HEW's recent publication, "Public Attitudes Toward Social Security 1935–65," the same attitude has existed for some time. The HEW study cites a 1964 Harris poll in which 68 percent agreed that the Government must see to it that no one is without food, clothing, or shelter. The same poll showed that 64 percent believed that welfare and relief make people lazy.

The American attitude toward helping those in need was recently illustrated in an ABC television documentary, "The Anatomy of Welfare." I ask unanimous consent that an excerpt from the program—a particularly revealing dialogue between Frank Reynolds and some construction workers—be inserted in the Record at the conclusion of my remarks.

The workers interviewed echoed the standard complaints about welfare fraud and laziness. Yet when Mr. Reynolds pointed out that President Nixon's family assistance plan would put a $2,200 income floor under every family of four, the workers complained that such a level provides an inadequate standard of living for such a family. One worker even suggested a guaranteed income of $5,000 or $6,000.

It seems that Americans have compassion for others in need but are opposed to programs of relief or welfare. Part of the problem is semantics. Few Americans see subsidies to rich farmers or shipping interests or airlines as welfare or relief. Yet the words "welfare" and "relief" as applied to the poor have become code words—symbols of a bottomless-pit program pouring vast sums of money into the hands of lazy and dishonest people.

Studies made in 1961 indicate the effect of these key words. Surveys showed that 60 percent of those polled believed the Government should spend more to help needy people but only about one-third favored increased expenditures when the question was phrased in terms of "welfare" programs.

This opposition to welfare is based on the widespread belief that welfare cheating is a common phenomenon.

According to surveys compiled by HEW, most Americans have believed at least as far back as the New Deal that welfare cheating is of epidemic proportions.

In 1936, 24 percent of those polled thought that persons taken off relief would have an easy time finding work.

In 1937, 55 percent believed that many persons on WPA could get jobs if they tried.

In 1939, 69 percent believed that welfare recipients could get jobs in private industry if they tried.

In late 1964, 67 percent of those polled believed that some or most persons were on relief for dishonest reasons.

In mid-1965, 83 percent believed that many people collect unemployment benefits even though they could find work.

In another 1964 poll, the criticism of welfare mentioned most often was cheating by welfare recipients, mentioned by 22 percent of all respondents.

The belief in widespread welfare-cheating has reached into Government as well, leading to the growth of armies of welfare investigators whose function is to ferret out the chiselers and save the taxpayer dollar. The costs of these demeaning invasions of privacy are much greater than savings amassed through cut-offs of benefits to cheaters.

The public reads on the front page of newspapers about alleged massive welfare cheating. Yet it rarely sees the outcome of follow-up investigations.

Take the case of Nevada. In December of 1970, the Navada State Division of Welfare conducted an eligibility review and then cut its welfare rolls by 22 percent due to alleged incorrect reporting of information by recipients. The story received heavy coverage by the national news media. Few people saw the results of a thorough HEW study. HEW concluded that only 3.8 percent were ineligible.

In fact, spot checks last year in 39 States among the aged, blind, and disabled on welfare found only 2.5 percent of the clients ineligible. About half of this ineligibility resulted from Government administrative errors. And a 1969 Government investigation of fraud showed that only four-tenths of 1 percent—or 4 out of every 1,000—of all welfare cases were fraudulent.

Nevertheless, HEW has joined in the hue and cry of those who see welfare reform as elimination of welfare cheating. In response to House Ways and Means prodding, HEW earlier this year announced a program to "clean up sloppy administration of the welfare program and get rid of ineligible recipients."

The plan would send Federal inspectors into homes of some welfare recipients to determine eligibility. Fifty-five inspectors would be hired with an annual budget of nearly a million dollars.

No one supports providing welfare funds to ineligible recipients. But we must have a sense of priorities. We cannot afford to overlook what is truly important in welfare reform—providing an adequate income and a program enabling recipients of public assistance to eventually become self-supporting.

An inadequate welfare reform program would truly be a welfare fraud.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Reynolds. We asked a group of the members of the Construction General Laborers and Material Handlers Union how they felt about welfare and what they thought could be done about it.

In their favorite hangout down the street from their union hall, we found out.

Do you feel that too much of your income, too much of the money you earn by working, is being spent on welfare?

Worker. The government should subsidize some of the people that need it, but the people who are able to work, go out and work, the government should do something, get these people off the welfare rolls like creating a WPA or CCC camps, have them back up again.

You have eligible people who are physically able to go to work and just don't want to go to work for the simple reason their parents may have been on welfare back in the thirties and they're continuing in the same path as their parents. They never wanted to advance theirselves in one way or another.

Worker No. 2. All you have to do is have a sob story.

Reynolds. A sob story.

Worker No. 2. That's all it takes.

Reynolds. You mean go in with an aching back or something.

Worker. No. 2. And that'll do it.

Reynolds. How do you know that there are people working or not working and actually living better than you do? Do you get all this from the press, from the television, are you getting it, do you know it?

Worker. We're working people. We live in ordinary working neighborhoods where we know people are on welfare. We know what they're doing. Sure we know what they're doing. I mean, we're not living out in the suburbs, or something. We live here. We know what's going on here.

Worker. We go out and work for what we want and we barely make it.

Reynolds. Well, it sounds to me that you people are a bunch of fools.

Worker. That's what they think. That's the way they look upon it.

Reynolds. Why don't you just relax, get off, quit your work and get on welfare.

Worker. We have work pride. Because there's such a thing in this world, yet, God, thank God for, that a man has got some pride. There's a few men left in this world that's got some pride about theirself, that know that no one can do it better than theirself for theirself. And those are the ones that are suffering because they're carrying the burden.

Reynolds. What are you going to do, men, if somebody comes to you and says 'I can't work, I've got all these children, and my back hurts.'

Worker. There's plenty jobs. There's plenty jobs. For any type of person, there's a job.

There's a lot of people right now that are making less money working and making less money than people who are on welfare. Now this isn't right.

No way. I mean I know people worked for fifty dollars a week. And I know people on welfare who get more than than $250 a month. So why should this person go out and work when he can collect welfare at $250 a month?

People came from the old country, they came here, they weren't on welfare. They went to work.

We've had jobs go begging here in this area and you couldn't get people to work. So, create jobs, that's not going to get someone that's, could live just as good off welfare, to go to work.

Reynolds. So you don't think that the recession, then, that we're having in this country right now, has anything to do with the welfare costs? I mean, there are jobs available right here in Pittsburgh, now?

Worker. Call the State Employment Office they get some men to try to put them to work and we couldn't get enough people to fill the jobs.

Let's get to the unwed mother situation, too.

Reynolds. Alright.

Worker. Alright. Now anybody's entitled to one mistake. We'll all grant that. One mistake. But how about women that have two, three, maybe four illegitimate children. Now I don't think it's, we should pay for all the mistakes. I mean, it's just not right.

Reynolds. What are you going to do with the children?

Worker. That's something maybe I don't, I don't know. I really don't know. But it's not right for us to have to pay this.

Reynolds. Well, again, though, you know, gentlemen, what are we going to do with those children? It isn't their fault that somebody made a mistake, is it?

Worker. Someone still has to pay this freight and in a case like this, the government should come in and help.

Reynolds. The Federal Government should take over this whole operation. . . .

Worker. I think so.

Reynolds. And get the states out of it. Local government.

Worker. Yes.

I think if Washington gets done with this program it's going to cost you three times as much.

Reynolds. You think it'd cost more if it was handled by Washington.

Worker. They'd be featherbedding the jobs for more of their own people.

Reynolds. What do you think about the President's plan to put a floor under the income of every American family? Now it's 22 hundred dollars a year for a family of four. Think that's a good idea?

Worker. Who can live on $2200 a year? Can you feed a family of four? No, I don't think it's a

Reynolds. As a base, a start.

Worker. It should be higher.

You give 'em a $2200 you might as well put 'em right back on the relief rolls and let them stay there then. Give them an incentive. Raise it up to 5 or 6 thousand dollars. So's an old man can feed a family of four.

Reynolds. Well, who's going to pay for that? You are.

Worker. Yeah, we're going to pay for it. But, still these people have an incentive. You make 2200, you go out and make 2200, I'll give you 2200. You go out and earn 2200 or 2500 more. And if you make 2500 or 3000 dollars more, I'll subsidize you another couple thousand dollars so you can support your family.

We're not restoring nothing but letting them exist until they die. And laughing up their sleeve at us. I'm for it if you deserve it and you want it, God bless the man that's willing to give it to 'em. And anytime you got a state, a municipality, or town, or country, or anything that's willing to look back and help his fellow man, fine, that's a good town or anything it is that when you catch the leeches, those are the ones you have to look out for.

IMPROVEMENT OF AIRPORT FACILITIES IN AMERICAN SAMOA AND TRUST TERRITORY IN THE PACIFIC

Mr. INOUYE. Mr. President, last year Congress passed a landmark act, the Airport and Airway Development Act, to assist in the construction and expansion of modern airport facilities.

Congress passed this legislation to deal with serious deficiencies in our system of air transportation and to plan for a future that promises massive expansion of this mode of transport. In recent decades no other segment of the transportation industry has had the growth of the aviation sector, and it was to meet the problems generated by its success that the act was passed.

The air transport industry provides a significant contribution to the Nation's economy. It provides jobs not only among ancillary services such as the construction industry, catering, freight forwarding, manufacturing, and so forth, but also among secondary industries and professions.

Of principal importance to many areas is the jobs created by tourism. My own State of Hawaii is an example of a region that has prospered because of tourism, and it is the air transport industry which contributes most significantly to this prosperity.

I introduced a bill on April 22, S. 1629, that will correct an oversight in the 1970 act. Under the act's current provisions, the Territory of American Samoa and the Trust Territory of the Pacific Islands are ineligible for planning and development funds. Their omission from the 1970 legislation is most unfortunate because it is perhaps indicative of an attitude of benign neglect that has characterized our policy toward these two territories.

American Samoa has maintained friendly relations with the United States for many decades and has been a Territory since 1900. The Trust Territory of the Pacific Islands, which hitherto has been of little interest to the United States and consequently suffered from our indifference, will occupy a more central role in our military strategy as we consolidate our forces in Asia. Moreover, even in these remote islands, tourism shows great promise of developing into a major industry.

Improvement of airport facilities in these two areas could easily bring new jobs and new prosperity to these islands. They are American lands which deserve our sympathetic attention. I hope that Congress will move expeditiously to correct this oversight by passing this legislation.

OPPOSITION TO PROPOSED TAX GIVEAWAY OUTLINED BY SENATOR BAYH

Mr. BAYH. Mr. President, I ask unanimous consent to have printed in the Record the text of a letter I submitted to the Internal Revenue Service outlining my opposition to the proposed changes in depreciation.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., April 22, 1971.

The Hon. Randolph Thrower,
Commissioner of Internal Revenue,
Washington, D.C.

Dear Mr. Commissioner: In compliance with the Notice of Hearings on the proposed Asset Depreciation Range system published in the Federal Register on Saturday, March 13, 1971, I am submitting the following brief remarks outlining a statement I intend to present at the hearings.

As you know, Mr. Commissioner, I am vigorously opposed to the Treasury's proposed ADR system and have introduced a Sense of the Senate resolution, S. Res. 98, expressing the view that it is both unwarranted and unlawful. In addition, I have introduced a bill, S. 1532, restating as a general rule the long-established principle that a deduction for depreciation must be based on the estimated useful life of the asset—a principle from which the Treasury Department now proposes to depart.

It is true that the present provisions of Section 167 of the Internal Revenue Code authorize the Treasury to permit a reasonable allowance for depreciation. It is also true that the Treasury is authorized to prescribe methods for determining a reasonable allowance. It is not true, however, that the ADR system yields such a reasonable allowance. Nor is it true that the Treasury Department has the authority to implement the proposed changes on its own.

The proposed ADR system is based on a totally new concept of depreciation as far as American tax policy is concerned. By permitting a deduction for depreciation based on the arbitrary ranges selected by the Treasury Department—rather than estimated useful life of the asset—a new capital cost recovery system would be instituted by administrative fiat. For 40 years, beginning in 1931 with the Treasury Departments' first set of published guidelines for determining useful lives, it has become clearly established that reasonableness is to be based on the estimated useful life of the asset. While the guidelines have been revised and updated in light of replacement experience, first in 1942 and again in 1962, they were not abandoned.

It is precisely because the concept of useful life is being discarded that the ADR system does not meet the required standard of reasonableness. First, to my knowledge no technical evidence has been presented that the 1962 Guidelines on useful lives are now outdated. Second, there is no evidence that the 20 percent range selected by the Treasury Department is the appropriate one. Third, it hardly seems likely that the 1962 Guidelines can, at the same time, be both too long and too short. Fourth, it is even less likely that each category of asset lives is outdated by the same range.

It is obivous, therefore, that the proposed Asset Depreciation Range system is an artificial and arbitrary device designed, not on the basis of reasonableness, but in the hope of granting a small, select group of taxpayers an economically unjustified and illegal concession.

There have been a number of occasions in the past when it was considered in the public interest to provide for exceptions to the useful life principle. On these occasions, however, it was not the Treasury Department who implemented the changes but Congress. By specifically amending the Internal Revenue Code in the case of emergency defense facilities, grain storage facilities, and pollution control equipment, Congress has established ample precedent for the view that legislative authority is required before the historic concept of useful life can be abandoned.

The Secertary of the Treasury, it is true, has the authority under Section 7805 to make "needful rules and regulations for the enforcement of the Internal Revenue Code." While this is a broad grant of administrative authority, it must be interpreted in light of the substantive provisions of Section 167. As I noted earlier, however, the Asset Depreciation Range system is a startling departure from the general rule of Section 167 that a deduction for depreciation should be based on the useful life of the asset.

Nor is it correct to cite the 1962 changes as precedent for implementing the ADR system by administrative action. The 1962 action by the Treasury Department was an attempt to update the historic concept of useful life based upon engineering and technical data that actual asset lives were markedly different from those spelled out in the earlier guidelines. The proposed ADR system, in contrast, departs from the basic principle of useful life.

The proposed Asset Depreciation Range system, the elimination of the reserve ratio test and the new full and half year conventions—as proposed by the Treasury—were recommendations sent to the President by his Task Force on Business Taxation. The Task Force strongly urged that a system of cost recovery be substituted for the present methods of providing a reasonable deduction for depreciation and suggested that this could be accomplished by establishing an asset depreciation range system of ±40 percent from the guidelines. The Treasury Department's proposed ADR system incorporated all of the major recommendations of the Task Force but proposed a ±20 range.

The Task Force stated, in a section entitled "Implementation of Recommendations,"

We recommend that the proposals discussed above be implemented by appropriate amendments of the Internal Revenue Code. The proposals in section A for substituting in the case of machinery and equipment a system of cost recovery allowances for the present depreciation system involve some matters that have been dealt with under the present system by administrative procedures and regulations rather than by changes in the statute. For example, the reserve ratio test was formally introduced in Revenue Procedure 62–21, and, although our proposal for elimination of the test could be effectuated by administrative action, we strongly urge amendment of the statute to this end. Moreover, since the shift from depreciation to cost recovery unrelated to the useful life concept does require amendment of the present law, we urge that all the matters covered in the recommendations which are related to such a shift be incorporated in the statute.

I do not believe that the mere difference in asset range between the Task Force's recommendation and the President's proposal is sufficient to justify the Treasury's view that these changes can be implemented by administrative fiat.

Thank you for your courtesy, Mr. Commissioner. I look forward to testifying at the hearings. I believe my statement will require 20 minutes. With best regards.

Sincerely,

BIRCH BAYH,
United States Senator.

Mr. BAYH. Mr. President, as I noted in my letter to Commissioner Thrower, the proposed asset depreciation range system represents a marked departure from the long established principle that a deduction for depreciation must extend over the useful life of the asset to the taxpayer. The Treasury Department now proposes, arbitrarily, to establish a ±20 percent range for depreciating assets. Such a departure, it seems to me, requires congressional authorization. It is no different, under whatever guise Treasury may propose it or whatever name it may take, from setting tax rates—and only Congress can do that.

In response to the Treasury's proposal, a number of prominent legal scholars have expressed their opposition to the ADR system, pointing out that a specific grant of congressional authority is required to implement it. Prof. William Popkin, of the University of Indiana Law School, for example, has noted that:

> It is clearly illegal for the Treasury to vary the tax rates for one sector of the economy without an explicit grant of authority. There is certainly no doubt that an arbitrary variation in the rules governing deductions for depreciation is a rate adjustment, as the percentage depletion deduction and the corporate dividends received deduction demonstrate.

I ask unanimous consent that Professor Popkin's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SCHOOL OF LAW,
Bloomington, Ind., April 16, 1971.

COMMISSIONER OF INTERNAL REVENUE,
Washington, D.C.

DEAR COMMISSIONER: I have recently had an opportunity to read Professor Bittker's memorandum concerning the Treasury's Proposed Regulations on liberalized depreciation—the ADR system. I agree completely with the memorandum and urge you to withdraw the regulations.

The power of Congress to determine tax rates has been jealously guarded throughout our country's history. The Executive has sought power to adjust tax rates on many occasions and it has not been granted except in the recent Interest Equalization Tax provisions and except as incident to the Treaty making power. It is clearly illegal for the Treasury to vary the tax rates for one sector of the economy without an explicit grant of authority. There is certainly no doubt that an arbitrary variation in the rules governing deductions for depreciation is a rate adjustment, as the percentage depletion deduction and the corporate dividends received deduction demonstrate.

There is also at stake an issue beyond problems of taxation. Agency rule-making is a growing phenomenon which is of vital importance in our society. Irresponsible rule-making, such as the ADR proposals, can only set back the development of a legitimate rule-making function for administrative agencies and bureaucracies.

Thank you for your consideration of this matter.

Yours truly,

WILLIAM D. POPKIN,
Assistant Professor of Law.

ADEQUATE FUNDING FOR THE SOIL CONSERVATION SERVICE

Mr. CHURCH. Mr. President, today I submitted testimony to the Agricultural Appropriations Subcommittee of the Senate Appropriations Committee regarding the need for adequate funding of the Soil Conservation Service. These programs deserve the interest and support of every Member of this body.

I ask unanimous consent that the text of my testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY ON SOIL CONSERVATION SERVICE FUNDING BY MR. CHURCH

Mr. Chairman, in recent years we have come to recognize the vital need to preserve and improve our nation's environment. It has become one of those subjects, all too rare in today's society, upon which citizens of all ages agree. To many, this realization has come only recently, but the Social Conservation Service has recognized the need for sound conservation practices for many years. Even more important, the SCS has earnestly worked to do something about it.

We are all aware of the stringent restrictions placed on the availability of funds for deserving federal programs. We are additionally aware of the fact that all too often funds which are duly appropriated by Congress do not reach their intended destination. Members of this Committee need not be reminded that the Executive Branch has impounded nearly $12 billion in funds which the Congress has voted to spend. Thus we face a dual burden in seeking to appropriate money. First, we must determine the need and then make certain that once Congress has acted to fund the need, the Executive Branch respects the will of Congress by spending the appropriated money.

To do otherwise is to compromise Congressional power and responsibility. The power of the purse lies in the Congress, not in the Executive Office of the President.

According to one set of figures, the Executive Branch, as of March 26 of this year, was withholding $497 million appropriated by the Congress for the use of the Department of Agriculture. The breakdown was as follows:

DEPARTMENT OF AGRICULTURE

	Amount in millions
Agricultural Research Service:	
Salaries and Expenses	$5
Other	•
Food and Nutrition Service:	
Special Milk Program	2
Foreign Agricultural Service:	
Salaries and Expenses (special foreign currency program)	4
Other	•

DEPARTMENT OF AGRICULTURE—CONTINUED

	Amount in millions
Agricultural Stabilization and Conservation Service:	
Agricultural Conservation Program	$46
Revolving Fund, Defense Production Act	1
Rural Electrification Administration:	
Loans	25
Farmers Home Administration:	
Rural water and waste disposal grants	56
Rural housing for domestic farm labor	1
Mutual and self-help housing	*
Direct Loan Account	72
Self-help housing land development fund	1
Emergency credit revolving fund	49
Forest Service:	
Forest protection and utilization	2
Forest roads and trails	217
Youth Conservation Corps	1
Expenses, brush disposal (permanent)	15
Other	*
Other Agriculture	*

This withholding of funds appropriated for agriculture is a matter to which this Committee should give special attention.

Mr. Chairman, Idaho is primarily an agricultural state. In fact, agriculture is still actively expanding in many parts of my state. The demand for the services provided by the Soil Conservation Service is growing as a result of this extension of the agricultural economy.

In Idaho, the Soil Conservation Districts are doing all in their power to meet these pressing needs. But the inadequate funding presently granted places a severe handicap on the Service in terms of both resources and personnel. Some examples from my state will serve to illustrate the serious problems attendant to inadequate funding of these programs:

Three Soil Conservation Districts in Idaho do not have a Soil Coservation Office or any resident Soil Conservation Service staff located within the District.

Seven other Districts have no Soil Conservation Service work unit office or a resident SCS district conservationist.

There are some 20 Soil Conservation Districts having less than a full-time staff.

The overall evaluation of staffing needs, completed in November of 1970, calls for additional staffing to provide a hundred more man years of technical assistance in Idaho. Although it would be difficult, if not impossible, to meet this need immediately, I feel that we should move in this direction.

Soil Conservation Districts in Idaho have requested funding for the Soil Conservation Service as a level that would provide an increase of 15 technicians for conservation operations and 5 additional soil scientists to help accelerate soil survey work. In addition, they have asked for other specific program increases. I think these requests are prudent and justified.

Accordingly, I hope the Committee will support the following increases in the Soil Conservation Service appropriation over and above the budget requests:

	Million
Conservation Operations	+$12
Watershed Planning	+1.2
Watershed Construction	+25
RC&D Projects, 15 new starts	+6.8

I also support the budget request for $9.591 million for River Basin Surveys which, I understand, includes funds to begin work on the Snake River Basin in Idaho.

Mr. Chairman, the Soil Conservation Districts in Idaho are working closely with a number of local, state and federal units to help solve a wide variety of problems. Without question, they occupy a unique position that can have a major influence on rural development, environmental improvement, economic and community planning and development, in addition to their role in assisting individual farmers.

Quite often people ask, "Just what is a Soil Conservation District?" Recently a publication issued by the Idaho Soil Conservation Commission came to my attention which answers that question succinctly and well. Because it is pertinent to our discussion today, I ask that the contents of the pamphlet appear at this point in the Hearing Record.

Some Questions and Answers on Idaho's Soil Conservation Districts

(By Idaho Soil Conservation Commission)

1. What is a soil conservation district?

Idaho soil conservation districts are legal subdivisions of state government established in accordance with the provisions of the Soil Conservation Districts Law 22-27, Idaho Code. Their major objectives as set forth in the law are to provide for conservation of the soil and the soil resources of the state, and for control and prevention of soil erosion, and for the prevention of damage from floods and sediment, and for the conservation, development, utilization, and disposal of water.

Soil conservation districts are:

Initiated by 25 or more landowners, organized by vote of the people.

Administered by elected supervisors who serve without pay.

Operated under state law not federal law or regulation.

Empowered to request and receive help from public agencies—local, state and federal—and from private sources.

Authorized to furnish assistance only to cooperators who apply for it.

Without Power to Tax or levy bonds.

2. How is a district organized?

Petition: Any 25 or more landowners file a petition with the State Soil Conservation Commission asking that a soil conservation district be organized in the territory described.

Hearing: The State Commission holds a hearing within the proposed area to determine need for the district and give interested people an opportunity to express themselves regarding the proposal.

Referendum: A referendum on the organization of the district is held if the State Commission determines that there is a need for the district. Each landowner is entitled to vote "Yes" or "No."

Organization: If the district is approved by a majority of those voting, a certificate of organization is issued.

3. Who administers the Soil and Water Conservation Districts law?

The State Soil Conservation Commission, which is composed of five members appointed by the Governor, plus the President of Idaho Association of Soil Conservation Districts, the Director of the Extension Service, the State Conservationist of the Soil Conservation Service as advisory members. The Commission supervises the formation and operation of districts as provided in the law and carries out other duties designated. An office is maintained at the Statehouse.

4. Why Organize A Soil Conservation District?

To better determine and solve conservation problems within the area. A district enables individuals and groups to work together more effectively in activating needed conservation plans through their own legal organization.

As a legal subdivision of the state, a district is entitled to obtain technical assistance from the Soil Conservation Service and to request assistance from county, state and other federal agencies to do conservation jobs in the community which the individual may not be able to do by himself.

The technician works directly with the cooperators in carrying out their voluntary land use programs as agreed upon with board of supervisors.

5. What can be done through a Soil and Water Conservation District?

Districts are concerned with making the best use of land and water resources through the voluntary development of soil conservation practices. In general, districts are authorized to do everything that needs to be done to achieve the prevention and control of soil erosion and the conservation of soil and water resources.

The district program developed by supervisors may include (1) proper crop rotation; (2) pasture and forage improvement and utilization; (3) maintenance of soil fertility; (4) proper use of fertilizer; (5) improvement of irrigation systems; (6) drainage; (7) land leveling; (8) erosion control; (9) water application; (10) woodland management; (11) reservoir design; (12) soil survey (land-resource inventory); (13) fish and wildlife conservation; (14) watershed development and resource planning.

6. How is the work of a Soil and Water Conservation District accomplished?

Important steps taken by supervisors to carry out the district program are:

a. The district Supervisors develop district program and request assistance from local groups, counties, state departments or federal agencies. This may include:

(1) Technical assistance from the Soil Conservation Service for soil surveys, farm plans, and engineering;

(2) Educational assistance from the Extension Service through tours, meetings and publicity on district programs;

(3) Cooperation with County Agricultural Stabilization and Conservation Committees in developing a coordinated conservation program;

(4) Cooperation with State Forestry Department and U.S. Forest Service in forest conservation programs;

(5) Entering into agreements with Bureau of Land Management, Idaho Department of Public Lands and other land management agencies for coordinated development of private and public lands;

(6) Representing the landowners in negotiations with the State Highway Department, county road departments, railroads and similar agencies in water development projects.

b. Encouraging landowners in the district to apply conservation practices to their lands and make the best use of the facilities and assistance available through the district organization.

c. Obtaining equipment needed for special type conservation work not available in the area.

d. Serving as the local sponsor for watershed projects and similar resource development programs desired by the landowners of the district.

7. What is my responsibility as a landowner in the District?

Landowners in SCDs have no financial responsibility other than carrying out practices which they decide are desirable for their own lands! As district cooperators, they may develop a conservation program that will make the best use of their soil and water resources. There are no work "quotas." Cooperators may do as much or as little conservation work as they choose.

8. How does a Soil Conservation District work with another district or municipality?

An SCD may provide assistance to other districts or municipalities in much the same way as it cooperates with landowners.

9. Who pays for District work?

The supervisors serve without pay. Technicians working with the district are paid by their agency. Cooperators pay for the jobs done on their lands or for work which benefits them.

A district does not make payments to farmers for conservation practices. However, some practices qualify for cost-sharing through A.C.P.

10. Does a District have any compulsory power?

An SCD cannot tax, issue bonds, or make assessments.

11. How can a District be terminated?

After a district has been organized for five years, by the same procedure under which it was organized, petition, hearing and referendum.

Mr. Chairman, I thank the Committee for this opportunity to appear today. I hope that the Committee will see fit to grant the Soil Conservation Service the additional funds it so vitally needs to carry on its excellent work in Idaho and throughout the nation.

BURDENSOME $15 SURCHARGE ON SECURITIES TRANSACTIONS

Mr. SPARKMAN. Mr. President, a very informative and interesting article was published in the Business and Finance section of the Washington Post today. It was written by Philip Greer and is entitled "Surcharge Points Up Need for Rate Change."

Mr. Greer discusses the surcharge on stock transactions. This surcharge of $15 per trade on small transactions is a heavy, undue, and unjust burden upon the small dealer in stocks. I believe that every encouragement ought to be given to the small investor to use his funds profitably and wisely in the stock market, but it is not fair to have this heavy burden placed upon him, and it is bound to be discouraging to such small transactions.

The surcharge was instituted as an emergency matter. I do hope that it will be lifted, and I hope that action will come very soon.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Surcharge Points Up Need for Rate Change

(By Philip Greer)

New York, April 25.—In Wall Street, as should be apparent by now, people are never happy unless they have something to argue about. With the market still defying gravity and heading for the moon, and the brokers merrily negotiating commission rates, it would seem that there isn't too much reason for bickering, but that would be a mistaken idea.

Last week, Merrill Lynch, Pierce, Fenner and Smith Chairman Donald T. Regan, in a speech that received curiously scant attention, called for an end to the $15 surcharge that small investors pay on stock transactions. The idea is not likely to make Regan very popular with his fellow members of the New York Stock Exchange, which is on record as maintaining that the surcharge is still vital to the profitability of many firms.

The surcharge, which amounts to 50 per cent of the base commission charge, up to a maximum of $15 per trade, was started in April, 1970, as an "interim" step to give brokers additional income at a time when most of them were wallowing in red ink. There is little doubt that the surcharge kept the broker mortality list from being quite a bit longer than it eventually was.

To prove the point, the Big Board, which is never at a loss for such things, has come up with a survey of 70-odd firms showing that, in 1970, surcharge and all, they lost $148 million. In January of this year, with the extra levy throwing off $19 million, those firms broke even and, in February, they turned a profit of $22 million after reaping $24 million from the surcharge. That would seem to show that the surcharge has been of more than passing importance to a number of firms.

It's safe to assume that Merrill Lynch was not one of the firms that depended on the surcharge for its profits. As the biggest shop around—and as Regan conceded—Merrill pulled in buckets of money from the levy, but it didn't make a life or death difference.

At the time the Securities and Exchange Commission approved the charge, it gave it a life of 90 days. At the end of that time, in what was then normal aggressiveness for the commission, it extended the charge and, eventually, made it open-ended. Supposedly, the surcharge will expire when and if the SEC and the NYSE agree on a new commission rate structure more closely tied to the actual costs of handling business.

Regardless of the help it has given many houses, the surcharge is a pain in the neck for the industry. There haven't been any signs of an irate public outcry against it, but congressmen don't like it, some stockholder groups have challenged it and various members of the industry, like Reagan, find it a good peg for a speech. The industry would be better off without it and, on that, even the nabobs of the Big Board would agree.

But the fact is that many firms would probably be right back on the brink of disaster without it. While volume on the NYSE has set a string of records since the beginning of the year, the big turnover has been heavily concentrated in the blocks normally traded by mutual funds and other institutions—and, therefore, in the firms that handle that kind of business. In retail board rooms, brokers are still mostly sitting on their hands. So the initial reason for approving the levy, while eased, has not disappeared.

The answer to the problem is not to cut out the surcharge, but to change the commission rates. Even from a strictly popular viewpoint, it's hard to argue with the Street's contention that it is entitled to higher charges because the tariff hasn't been boosted since 1958 while all the costs have gone way up. So admit that charges have to climb and get on with the job.

The onus of all this falls, of course, on the NYSE, which has messed around with a couple of ideas, at least one of which was so far out that the exchange disowned it before the ink was dry.

A new commission proposal is due at the SEC by the end of June. Unless the NYSE wants to creat another sweat for itself, it will make sure that the next plan is realistic, politic and practical. And that it's done as soon as possible.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The period for the transaction of routine morning business is now concluded.

EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATION ACT OF 1971

The PRESIDING OFFICER. Pursuant to the previous order, the Chair lays before the Senate the unfinished business, which will be stated.

The assistant legislative clerk read as follows:

(S. 1557) to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes.

The Senate resumed the consideration of the bill.

CALL OF THE ROLL

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 48 Leg.]

Allen
Baker
Byrd, Va.
Byrd, W. Va.
Ellender
Ervin
Gurney
Hruska
Mansfield
McGee
Metcalf
Pell
Percy
Roth
Schweiker
Stevenson
Symington
Young

Mr. BYRD of West Virginia. I announce that the Senator from Alaska (Mr. Gravel), the Senator from (Washington (Mr. Jackson), the Senator from South Dakota (Mr. McGovern), the Senator from Maine (Mr. Muskie), and the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I further announce that the Senator from Oklahoma (Mr. Harris), and the Senator from South Carolina (Mr. Hollings) are absent on official business.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Brock), the Senator from Kentucky (Mr. Cook), the Senators from Kansas (Mr. Dole and Mr. Pearson), the Senator from Colorado (Mr. Dominick), the Senator from Iowa (Mr. Miller), the Senators from Oregon (Mr. Packwood and Mr. Hatfield), the Senator from Pennsylvania (Mr. Scott), the Senator from Alaska, (Mr. Stevens), and the Senator from Connecticut (Mr. Weicker), are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from New York (Mr. Buckley), and the Senator from Maryland (Mr. Mathias) are detained on official business.

The ACTING PRESIDENT pro tempore. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Aiken
Allott
Anderson
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brooke
Burdick
Cannon
Case
Chiles
Church
Cooper
Cotton
Cranston
Curtis
Eagleton
Eastland
Fannin
Fong
Fulbright
Gambrell
Goldwater
Griffin
Hansen
Hart
Hartke
Hughes
Humphrey
Inouye
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
McClellan
McIntyre
Mondale
Montoya
Moss
Nelson
Pastore
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Smith
Spong
Stennis
Taft
Talmadge
Thurmond
Tower
Tunney
Williams

The PRESIDING OFFICER (Mr. Bentsen). A quorum is present.

EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATION ACT OF 1971

The Senate continued with the consideration of the bill (S. 1557) to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 45) offered by the Senator from North Carolina (Mr. ERVIN).

Mr. ERVIN. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. ERVIN. Mr. President, the pending question is on agreeing to amendment No. 45. Inasmuch as the amendment affects various parts of the bill, I ask unanimous consent that the provisions of the amendment be voted on en bloc.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ERVIN. Mr. President, while the amendment may appear to be somewhat complicated on its face, it is a very simple amendment. I had it drawn by the legislative counsel. I have checked it, and it provides exactly what it was drawn to accomplish; that is, it strikes from the bill all the provisions which authorize the use of Federal moneys to aid nonprofit private schools. In most cases these are church schools conducted by religious denominations in order to provide both secular and sectarian education to children attending such schools.

The first amendment declares that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof. This bill provides Federal funds for the establishment of religion in church schools conducted by religious denominations, and for that reason it is unconstitutional under all the decisions construing the first amendment. That Federal funds are intended to go to church schools is made very plain by the provisions of the bill relating to nonprofit private schools.

Mr. President, with great reluctance, I ask that the Senate be in order.

The PRESIDING OFFICER (Mr. BENTSEN). The Senate will be in order.

Mr. ERVIN. And that audible conversation cease.

The PRESIDING OFFICER. Conversation will cease. The Senate will be in order.

Mr. ERVIN. This bill specifies, in the provisions which begin on line 23 of page 14 and extend through line 17 on page 17, what activities are to be financed under the provisions of this bill. They authorize the use of this money for virtually all educational purposes.

On page 15, subsection (1) of section 6(a), it provides that this money can be used to develop new curricula and instructional methods, practices, and techniques to support a program of instruction for children from all racial, ethnic, and economic backgrounds, including instruction in the language and cultural heritage of minority groups.

Subsection (2) of the same section provides that Federal moneys can be used to provide remedial services.

Subsection (3) provides that the money can be used to pay the cost of establishing guidance and counseling services.

Subsection (4) provides that Federal tax moneys authorized to be appropriated by this bill can be used to pay the salaries of administrators and auxiliary personnel who render administrative and auxiliary service to facilitate the projects authorized by this bill.

Subsection (5) of the same section provides that Federal tax moneys can be used for community activities.

Subsection (6) of the same section provides that Federal tax moneys can be used for recruiting, hiring, and training of teacher aides.

Subsection (7) provides that Federal tax moneys can be used to provide inservice teacher training designed to enhance the success of the schools assisted by the bill. It provides, in effect, that teachers can be educated at institutions of higher learning at the expense of the taxpayers.

Subsection (8) provides that funds authorized to be appropriated which can be used to defray the evaluation of programs and projects and the dissemination of information with respect to such programs and projects.

Subsection (9) provides in express terms that Federal tax moneys authorized to be appropriated by the bill could be used to repair schoolhouses, or even to defray the cost of minor remodeling or alteration of schoolhouses and other school facilities.

So, it is apparent that under the provisions of section 6(a) of the bill, the bill authorizes the use of tax moneys to defray what may be virtually described as something in the nature of a general operation of all schools whether they be public schools or nonprofit private schools as described in the bill. Then the provisions of the bill, which constitute section 9(a)(8) beginning on line 10, and ending on line 21 of page 27, expressly provide that before a local educational agency can obtain any funds authorized to be appropriated by the bill, it must file an application for such funds with the Federal Commissioner of Education. And before it files its application, the local public educational agency must consult with the officials of the private, nonprofit schools located within the territory in which the local educational agency operates and, pursuant to such consultation with the officials of the private nonprofit schools, must request aid for the private nonprofit schools within the purview of the activities authorized by the bill on an equitable basis.

These provisions in the bill make it as clear as the noonday sun in a cloudless sky that the bill provides for the use of Federal tax moneys to support the operation of private nonprofit schools, which term necessarily embraces church schools operated by religious denominations to give both secular and sectarian training to the students who attend such schools.

For the life of me, I cannot comprehend how it is any of the business of the Federal Government to undertake to desegregate private nonprofit schools or to determine the composition, directly or indirectly, of the student bodies in church schools operated by religious denominations to teach both secular and sectarian matters.

Mr. President, I propose to refrain from basing my arguments on the church-state issue on the statement of a southerner. I am forced to conclude that if a southerner would make a proposal while the Senate was considering a bill having racial overtones even to commend the Lord's Prayer, or to commend the Sermon on the Mount, the proposal would with an overwhelming defeat. For that reason, I am not going to say anything that I would customarily say on the subject, so far as the meaning of the first amendment is concerned, but I am going to read what Justices of the Supreme Court had to say about it. I am going to confine my quotations from Supreme Court cases to the statements of Supreme Court Justices who lived above the Potomac and Ohio Rivers—certainly not south of the Mason-Dixon line.

The leading case on this subject is *Everson* v. *the Board of Education, Township of Ewing*, 330 United States page 1.

I am going to modify my remarks—I am going to quote what a man from Alabama, Justice Black, says but I think that he has sufficiently seceded from the Confederacy to make his statements about the meaning of the Constitution credible and acceptable.

On the pages of his opinion in the Everson case, which precede his elucidation of the meaning of the first amendment, Justice Black pointed out the history of the first amendment and showed that it was designed to embody the Virginia statute of religious freedom. On pages 12 and 13 of the opinion in the Everson case, Justice Black quoted the preamble to Thomas Jefferson's statute on religious freedom.

It states:

> Almighty God hath created the mind free; that all attempts to influence it by temporal punishments or burthens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the Holy author of our religion, who being Lord both of body and mind, yet chose not to propagate it by coercions on either . . .; that to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical; that even the forcing him to support this or that teacher of his own religious persuasion, is depriving him of the comfortable liberty of giving his contributions to the particular pastor, whose morals he would make his pattern. . . .

After reviewing the struggle in Virginia for the enactment of the Jefferson Statute of Religious Freedom, Justice Black laid down this proposition on pages 15 and 16 of his opinion in the Everson case.

> The "establishment of religion" clause of the First Amendment means at least this: Neither a state nor the Federal Government can set up a church. Neither can pass

> laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or non-attendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups and vice versa. In the words of Jefferson, the clause against establishment of religion by law was intended to erect "a wall of separation between church and state."

Mr. President, the importance which Thomas Jefferson attributed to the provisions of the first amendment is shown by the epitaph on the stone which marks his grave. This epitaph has been said to have been written by Thomas Jefferson himself.

At the time Thomas Jefferson wrote this epitaph he had been a member of the House of Burgesses of Virginia. He had been Governor of Virginia. He had been a member of the Continental Congress. He had been Ambassador to France. He had been Secretary of State in the administration of George Washington. He had been Vice President in the administration of John Adams. And he had twice been elected to the highest office within the gift of the people of this Nation—that of the Presidency.

Yet when he penned his epitaph he did not desire the people of America to remember him, because of these high offices he had held or the high honors that had been paid to him by those who chose him for those offices. His epitaph simply said:

> Here lies Thomas Jefferson, author of the American Declaration of Independence, of the Statute of Virginia for Religious Freedom, and Founder of the University of Virginia.

Thomas Jefferson knew the importance of the first amendment, which was an embodiment of the Virginia Statute for Religious Freedom. He knew that we cannot have political freedom in any nation where the church controls the State and that we cannot have religious freedom in any nation where the State controls the church.

So, he authored the Virginia Statute of Religious Freedom and, indirectly, the first amendment through his protege, James Madison, to erect a wall of separation between church and state.

There is a remarkable opinion in the Everson case by Justice Jackson. It appears at pages 26 and 27 of the report of the case in the Supreme Court reports. Speaking of the freedom of religion Justice Jackson has this to say:

> This freedom was first in the Bill of Rights because it was first in the forefathers' minds; it was set forth in absolute terms, and its strength is its rigidity. It was intended not only to keep the states' hands out of religion, but to keep religion's hands off the state, and, above all, to keep bitter religious controversy out of public life by denying to every denomination any advantage from getting control of public policy or the public purse.

Every American who values the freedoms which our Constitution was designed to confer upon us ought to read the Everson case. For this reason I ask unanimous consent that the entire report of that case and its various opinions be printed at this point in the RECORD.

There being no objection, the report and the opinions were ordered to be printed in the RECORD, as follows:

[Cases ajudged in the Supreme Court of the United States at October Term, 1946]

EVERSON AGAINST BOARD OF EDUCATION OF THE TOWNSHIP OF EWING ET AL.

APPEAL FROM THE COURT OF ERRORS AND APPEALS OF NEW JERSEY

No. 52. Argued November 20, 1946.—Decided February 10, 1947.

Pursuant to a New Jersey statute authorizing district boards of education to make rules and contracts for the transportation of children to and from schools other than private schools operated for profit, a board of education by resolution authorized the reimbursement of parents for fares paid for the transportation by public carrier of children attending public and Catholic schools. The Catholic schools operated under the superintendency of a Catholic priest and, in addition to secular education, gave religious instruction in the Catholic Faith. A district taxpayer challenged the validity under the Federal Constitution of the statute and resolution, so far as they authorized reimbursement to parents for the transportation of children attending sectarian schools. No question was raised as to whether the exclusion of private schools operated for profit denied equal protection of the laws; nor did the record show that there were any children in the district who attended, or would have attended but for the cost of transportation, any but public or Catholic schools. *Held:*

1. The expenditure of tax-raised funds thus authorized was for a public purpose, and did not violate the due process clause of the Fourteenth Amendment. Pp. 5–8.

2. The statute and resolution did not violate the provision of the First Amendment (made applicable to the states by the Fourteenth Amendment) prohibiting any "law respecting an establishment of religion." Pp. 8–18.

133 N.J.L. 350, 44A. 2d 333, affirmed.

Counsel for parties

In a suit by a taxpayer, the New Jersey Supreme Court held that the state legislature was without power under the state constitution to authorize reimbursement to parents of bus fares paid for transporting their children to schools other than public schools. 132 N. J. L. 98, 39 A. 2d 75. The New Jersey Court of Errors and Appeals reversed, holding that neither the statute nor a resolution passed pursuant to it violated the state constitution or the provisions of the Federal Constitution in issue. 133 N. J. L. 350, 44 A. 2d 333. On appeal of the federal questions to this Court, *affirmed*, p. 18.

Edward R. Burke and *E. Hilton Jackson* argued the cause for appellant. With *Mr. Burke* on the brief were *Challen B. Ellis, W. D. Jamieson* and *Kahl K. Spriggs*.

William H. Sperr argued the cause for appellees. With him on the brief were *Porter R. Chandler* and *Roger R. Clisham*.

Briefs of *amici curiae* in support of appellant were filed by *E. Hilton Jackson* for the General Conference of Seventh-Day Adventists et al.; by *Harry V. Osborne, Kenneth W. Greenawalt* and *Whitney N. Seymour* for the American Civil Liberties Union; and by *Milton T. Lasher* for the State Council of the Junior Order of United American Mechanics of New Jersey.

Briefs of *amici curiae* in support of appellees were filed by *George F. Barrett*, Attorney General of Illinois, *William C. Wines*, Assistant Attorney General of Illinois, and *James A. Emmert*, Attorney General of Indiana, for the States of Illinois and Indiana; by *Fred S. LeBlanc*, Attorney General, for the State of Louisiana; by *Clarence A. Barnes*, Attorney General, for the Commonwealth of Massachusetts; by *Edmund E. Shepherd*, Solicitor General, and *Daniel J. O'Hara*, Assistant Attorney General, for the State of Michigan; by *Nathaniel L. Goldstein*, Attorney General, and *Wendell P. Brown*, Solicitor General, for the State of New York; and by *James N. Vaughn* and *George E. Flood* for the National Council of Catholic Men et al.

Opinion of the court

MR. JUSTICE BLACK delivered the opinion of the Court.

A New Jersey statute authorizes its local school districts to make rules and contracts for the transportation of children to and from schools.[1] The appellee, a township board of education, acting pursuant to this statute, authorized reimbursement to parents of money expended by them for the bus transportation of their children on regular busses operated by the public transportation system. Part of this money was for the payment of transportation of some children in the community to Catholic parochial schools. These church schools give their students, in addition to secular education, regular religious instruction conforming to the religious tenets and modes of worship of the Catholic Faith. The superintendent of these schools is a Catholic priest.

The appellant, in his capacity as a district taxpayer, filed suit in a state court challenging the right of the Board to reimburse parents of parochial school students. He contended that the statute and the resolution passed pursuant to it violated both the State and the Federal Constitutions. That court held that the legislature was without power to authorize such payments under the state constitution. 132 N.J. L. 98, 39 A. 2d 75. The New Jersey Court of Errors and Appeals reversed, holding that neither the statute nor the resolution passed pursuant to it was in conflict with the State constitution or the provisions of the Federal Constitution in issue. 133 N.J. L. 350, 44 A. 2d 333. The case is here on appeal under 28 U.S.C. § 344(a).

Since there has been no attack on the statute on the ground that a part of its language excludes children attending private schools operated for profit from enjoying State payment for their transportation, we need not consider this exclusionary language; it has no relevancy to any constitutional question here presented.[2] Furthermore, if the exclusion clause had been properly challenged, we do not know whether New Jersey's highest court would construe its statutes as precluding payment of the school transportation of any group of pupils even those of a private school run for profit.[3] Consequently, we put to one side the question as to the validity of the statute against the claim that it does not authorize payment for the transportation generally of school children in New Jersey.

The only contention here is that the state statute and the resolution, insofar as they authorized reimbursement to parents of children attending parochial schools, violate the Federal Constitution in these two respects, which to some extent overlap. *First*. They authorize the State to take by taxation the private property of some and bestow it upon others, to be used for their own private purposes. This, it is alleged, violates the due process clause of the Fourteenth Amendment. *Second*. The statute and the resolution forced inhabitants to pay taxes to help support and maintain schools which are dedicated to, and which regularly teach, the Catholic Faith. This is alleged to be a use

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Footnotes at end of article.

of state power to support church schools contrary to the prohibition of the First Amendment which the Fourteenth Amendment made applicable to the states.

First. The due process argument that the state law taxes some people to help others carry out their private purposes is framed in two phases. The first phase is that a state cannot tax A to reimburse B for the cost of transporting his children to church schools. This is said to violate the due process clause because the children are sent to these church schools to satisfy the personal desires of their parents, rather than the public's interest in the general education of all children. This argument, if valid, would apply equally to prohibit state payment for the transportation of children to any non-public school, whether operated by a church or any other non-government individual or group. But, the New Jersey legislature has decided that a public purpose will be served by using tax-raised funds to pay the bus fares of all school children, including those who attend parochial schools. The New Jersey Court of Errors and Appeals has reached the same conclusion. The fact that a state law, passed to satisfy a public need, coincides with the personal desires of the individuals most directly affected is certainly an inadequate reason for us to say that a legislature has erroneously appraised the public need.

It is true that this Court has, on rare instances, struck down state statutes on the ground that the purpose for which tax-raised funds were to be expended was not a public one. *Loan Association* v. *Topeka*, 20 Wall. 655; *Parkersburg* v. *Brown*, 106 U. S. 487; *Thompson* v. *Consolidated Gas Utilities Corp.*, 300 U.S. 55. But the Court has also pointed out that this far-reaching authority must be exercised with the most extreme caution. *Green* v. *Frazier*, 253 U. S. 233, 240. Otherwise, a state's power to legislate for the public welfare might be seriously curtailed, a power which is a primary reason for the existence of states. Changing local conditions create new local problems which may lead a state's people and its local authorities to believe that laws authorizing new types of public services are necessary to promote the general well-being of the people. The Fourteenth Amendment did not strip the states of their power to meet problems previously left for individual solution. *Davidson* v. *New Orleans*, 96 U.S. 97, 103–104; *Barbier* v. *Connolly*, 113 U.S. 27, 31—32; *Fallbrook Irrigation District* v. *Bradley*, 164 U.S. 112, 157–158.

It is much too late to argue that legislation intended to facilitate the opportunity of children to get a secular education serves no public purpose. *Cochran* v. *Louisiana State Board of Education*, 281 U.S. 370; Holmes, J., in *Interstate Ry.* v. *Massachusetts*, 207 U.S. 79, 87. See opinion of Cooley, J., in *Stuart* v. *School District No. 1 of Kalamazoo*, 30 Mich. 69 (1874). The same thing is no less true of legislation to reimburse needy parents, or all parents, for payment of the fares of their children so that they can ride in public busses to and from schools rather than run the risk of traffic and other hazards incident to walking or "hitchhiking." See *Barbier* v. *Connolly, supra*, at 31. See also cases collected 63 A. L. R. 413; 118 A. L. R. 806. Nor does it follow that a law has a private rather than a public purpose because it provides that tax-raised funds will be paid to reimburse individuals on account of money spent by them in a way which furthers a public program. See *Carmichael* v. *Southern Coal & Coke Co.*, 301 U.S. 495, 518. Subsidies and loans to individuals such as farmers and home-owners, and to privately owned transporation systems, as well as many other kinds of businesses, have been commonplace practices in our state and national history.

Insofar as the second phase of the due process argument may differ from the first, it is by suggesting that taxation for transportation of children to church schools constitutes support of a religion by the State. But if the law is invalid for this reason, it is because it violates the First Amendment's prohibition against the establishment of religion by law. This is the exact question raised by appellant's second contention, to consideration of which we now turn.

Second. The New Jersey statute is challenged as a "law respecting an establishment of religion." The First Amendment, as made applicable to the states by the Fourteenth, *Murdock* v. *Pennsylvania*, 319 U.S. 105, commands that a state "shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. . . ." These words of the First Amendment reflected in the minds of early Americans a vivid mental picture of conditions and practices which they fervently wished to stamp out in order to preserve liberty for themselves and for their posterity. Doubtless their goal has not been entirely reached; but so far has the Nation moved toward it that the expression "law respecting an establishment of religion," probably does not so vividly remind present-day Americans of the evils, fears, and political problems that caused that expression to be written into our Bill of Rights. Whether this New Jersey law is one respecting an "establishment of religion" requires an understanding of the meaning of that language, particularly with respect to the imposition of taxes. Once again,[4] therefore, it is not inappropriate briefly to review the background and environment of the period in which that constitutional language was fashioned and adopted.

A large proportion of the early settlers of this country came here from Europe to escape the bondage of laws which compelled them to support and attend government-favored churches. The centuries immediately before and contemporaneous with the colonization of America had been filled with turmoil, civil strife, and persecutions, generated in large part by established sects determined to maintain their absolute political and religious supremacy. With the power of government supporting them, at various times and places, Catholics had persecuted Protestants, Protestants had persecuted Catholics, Protestant sects had persecuted other Protestant sects, Catholics of one shade of belief had persecuted Catholics of another shade of belief, and all of these had from time to time persecuted Jews. In efforts to force loyalty to whatever religious group happened to be on top and in league with the government of a particular time and place, men and women had been fined, cast in ail, cruelly tortured, and killed. Among the offenses for which these punishments had been inflicted were such things as speaking disrespectfully of the views of ministers of government-established churches, non-attendance at those churches, expressions of non-belief in their doctrines, and failure to pay taxes and tithes to support them.[5]

These practices of the old world were transplanted to and began to thrive in the soil of the new America. The very charters granted by the English Crown to the individuals and companies designated to make the laws which would control the destinies of the colonials authorized these individuals and companies to erect religious establishments which all, whether believers or non-believers, would be required to support and attend.[6] An exercise of this authority was accompanied by a repetition of many of the old-world practices and persecutions. Catholics found themselves hounded and proscribed because of their faith; Quakers who followed their conscience went to jail; Baptists were peculiarly obnoxious to certain dominant Protestant sects; men and women of varied faiths who happened to be in a minority in a particular locality were persecuted because they steadfastly persisted in worshipping God only as their own consciences dictated.[7] And all of these dissenters were compelled to pay tithes and taxes[8] to support government-sponsored churches whose ministers preached inflammatory sermons designed to strengthen and consolidate the established faith by generating a burning hatred against dissenters.

These practices became so commonplace as to shock the freedom-loving colonials into a feeling of abhorrence.[9] The imposition of taxes to pay ministers' salaries and to build and maintain churches and church property aroused their indignation.[10] It was these feelings which found expression in the First Amendment. No one locality and no one group throughout the Colonies can rightly be given entire credit for having aroused the sentiment that culminated in adoption of the Bill of Rights' provisions embracing religious liberty. But Virginia, where the established church had achieved a dominant influence in political affairs and where many excesses attracted wide public attention, provided a great stimulus and able leadership for the movement. The people there, as elsewhere, reached the conviction that individual religious liberty could be achieved best under a government which was stripped of all power to tax, to support, or otherwise to assist any or all religions, or to interfere with the beliefs of any religious individual or group.

The movement toward this end reached its dramatic climax in Virginia in 1785–86 when the Virginia legislative body was about to renew Virginia's tax levy for the support of the established church. Thomas Jefferson and James Madison led the fight against this tax. Madison wrote his great Memorial and Remonstrance against the law.[11] In it, he eloquently argued that a true religion did not need the support of law; that no person, either believer or non-believer, should be taxed to support a religious institution of any kind; that the best interest of a society required that the minds of men always be wholly free; and that cruel persecutions were the inevitable result of government-established religions. Madison's Remonstrance received strong support throughout Virginia,[12] and the Assembly postponed consideration of the proposed tax measure until its next session. When the proposal came up for consideration at that session, it not only died in committee, but the Assembly enacted the famous "Virginia Bill for Religious Liberty" originally written by Thomas Jefferson.[13] The preamble to that Bill stated among other things that—

"Almighty God hath created the mind free; that all attempts to influence it by temporal punishments or burthens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the Holy author of our religion, who being Lord both of body and mind, yet chose not to propagate it by coercions on either . . .; that to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical; that even the forcing him to support this or that teacher of his own religious persuasion, is depriving him of the comfortable liberty of giving his contributions to the particular pastor, whose morals he would make his pattern . . ."

And the statute itself enacted—

"That no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief . . ."[14]

This Court has previously recognized that the provisions of the First Amendment, in the drafting and adoption of which Madison and Jefferson played such leading roles, had the same objective and were intended to provide the same protection against govern-

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Footnotes at end of article.

mental intrusion on religious liberty as the Virginia statute. *Reynolds* v. *United States, supra* at 164; *Watson* v. *Jones,* 13 Wall. 679; *Davis* v. *Beason,* 133 U.S. 333, 342. Prior to the adoption of the Fourteenth Amendment, the First Amendment did not apply as a restraint against the states.[15] Most of them did soon provide similar constitutional protections for religious liberty.[16] But some states persisted for about half a century in imposing restraints upon the free exercise of religion and in discriminating against particular religious groups.[17] In recent years, so far as the provision against the establishment of a religion is concerned, the question has most frequently arisen in connection with proposed state aid to church schools and efforts to carry on religious teachings in the public schools in accordance with the tenets of a particular sect.[18] Some churches have either sought or accepted state financial support for their schools. Here again the efforts to obtain state aid or acceptance of it have not been limited to any one particular faith.[19] The state courts, in the main, have remained faithful to the language of their own constitutional provisions designed to protect religious freedom and to separate religions and governments. Their decisions, however, show the difficulty in drawing the line between tax legislation which provides funds for the welfare of the general public and that which is designed to support institutions which teach religion.[20]

The meaning and scope of the First Amendment, preventing establishment of religion or prohibiting the free exercise thereof, in the light of its history and the evils it was designed forever to suppress, have been several times elaborated by the decisions of this Court prior to the application of the First Amendment to the states by the Fourteenth.[21] The broad meaning given the Amendment by these earlier cases has been accepted by this Court in its decisions concerning an individual's religious freedom rendered since the Fourteenth Amendment was interpreted to make the prohibitions of the First applicable to state action abridging religious freedom.[22] There is every reason to give the same application and broad interpretation to the "establishment of religion" clause. The interrelation of these complementary clauses was well summarized in a statement of the Court of Appeals of South Carolina,[23] quoted with approval by this Court in *Watson* v. *Jones,* 13 Wall. 679, 730: "The structure of our government has, for the preservation of civil liberty, rescued the temporal institutions from religious interference. On the other hand, it has secured religious liberty from the invasion of civil authority."

The "establishment of religion" clause of the First Amendment means at least this: Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or non-attendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called or whatever form they may adopt to teach or practice religion. Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups and *vice versa*. In the words of Jefferson, the clause against establishment of religion by law was intended to erect "a wall of separation between church and State." *Reynolds* v. *United States, supra* at 164.

We must consider the New Jersey statute in accordance with the foregoing limitations imposed by the First Amendment. But we must not strike that state statute down if it is within the State's constitutional power even though it approaches the verge of that power. See *Interstate Ry.* v. *Massachusetts,* Holmes J., *supra* at 85, 88. New Jersey cannot consistently with the "establishment of religion" clause of the First Amendment contribute tax-raised funds to the support of an institution which teaches the tenets and faith of any church. On the other hand, other language of the amendment commands that New Jersey cannot hamper its citizens in the free exercise of their own religion. Consequently, it cannot exclude individual Catholics, Lutherans, Mohammedans, Baptists, Jews, Methodists, Non-believers, Presbyterians, or the members of any other faith, because of their faith, or lack of it, from receiving the benefits of public welfare legislation. While we do not mean to intimate that a state could not provide transportation only to children attending public schools, we must be careful, in protecting the citizens of New Jersey against state-established churches, to be sure that we do not inadvertently prohibit New Jersey from extending its general state law benefits to all its citizens without regard to their religious belief.

Measured by these standards, we cannot say that the First Amendment prohibits New Jersey from spending tax-raised funds to pay the bus fares of parochial school pupils as a part of a general program under which it pays the fares of pupils attending public and other schools. It is undoubtedly true that children are helped to get to church schools. There is even a possibility that some of the children might not be sent to the church schools if the parents were compelled to pay their children's bus fares out of their own pockets when transportation to a public school would have been paid for by the State. The same possibility exists where the state requires a local transit company to provide reduced fares to school children including those attending parochial schools,[24] or where a municipally owned transportation system undertakes to carry all school children free of charge. Moreover, state-paid policemen, detailed to protect children going to and from church schools from the very real hazards of traffic, would serve much the same purpose and accomplish much the same result as state provisions intended to guarantee free transportation of a kind which the state deems to be best for the school children's welfare. And parents might refuse to risk their children to the serious danger of traffic accidents going to and from parochial schools, the approaches to which were not protected by policemen. Similarly, parents might be reluctant to permit their children to attend schools which the state had cut off from such general government services as ordinary police and fire protection, connections for sewage disposal, public highways and sidewalks. Of course, cutting off church schools from these services, so separate and so indisputably marked off from the religious function, would make it far more difficult for the schools to operate. But such is obviously not the purpose of the First Amendment. That Amendment requires the state to be a neutral in its relations with groups of religious believers and non-believers; it does not require the state to be their adversary. State power is no more to be used so as to handicap religions than it is to favor them.

This Court has said that parents may, in the discharge of their duty under state compulsory education laws, send their children to a religious rather than a public school if the school meets the secular educational requirements which the state has power to impose. See *Pierce* v. *Society of Sisters,* 268 U.S. 510. It appears that these parochial schools meet New Jersey's requirements. The State contributes no money to the schools. It does not support them. Its legislation, as applied, does no more than provide a general program to help parents get their children, regardless of their religion, safely and expeditiously to and from accredited schools.

The First Amendment has erected a wall between church and state. That wall must be kept high and impregnable. We could not approve the slightest breach. New Jersey has not breached it here.

Affirmed.

FOOTNOTES

[1] "Whenever in any district there are children living remote from any schoolhouse, the board of education of the district may make rules and contracts for the transportation of such children to and from school, including the transportation of school children to and from school other than a public school, except such school as is operated for profit in whole or in part.

"When any school district provides any transportation for public school children to and from school, transportation from any point in such established school route to any other point in such established school route shall be supplied to school children residing in such school district in going to and from school other than a public school, except such school as is operated for profit in whole or in part." New Jersey Laws, 1941, c. 191, p. 581; N.J.R.S. Cum Supp, tit 18, c 14, § 8.

[2] Appellant does not challenge the New Jersey statute or the resolution on the ground that either violates the equal protection clause of the Fourteenth Amendment by excluding payment for the transportation of any pupil who attends a "private school run for profit." Although the township resolution authorized reimbursement only for parents of public and Catholic school pupils, appellant does not allege, nor is there anything in the record which would offer the slightest support to an allegation, that there were any children in the township who attended or would have attended, but for want of transportation, any but public and Catholic schools. It will be appropriate to consider the exclusion of students of private schools operated for profit when and if it is proved to have occurred, is made the basis of a suit by one in a position to challenge it, and New Jersey's highest court has ruled adversely to the challenger. Striking down a state law is not a matter of such light moment that it should be done by a federal court *ex mero motu* on a postulate neither charged nor proved, but which rests on nothing but a possibility. *Cf. Liverpool, N.Y. & P. S. S. Co.* v. *Comm'rs of Emigration,* 113 U.S 33, 39.

[3] It might hold the excepting clause to be invalid, and sustain the statute with that clause excised N. J. R. S. tit. 1, c. 1, § 10, provides with regard to any statute that if "any provision thereof, shall be declared to be unconstitutional . . . in whole or in part, by a court of competent jurisdiction, such . . . article . . . shall, to the extent that it is not unconstitutional . . . be enforced . . ." The opinion of the Court of Errors and Appeals in this very case suggests that state law now authorizes transportation of *all* pupils. Its opinion stated: "Since we hold that the legislature may appropriate general state funds or authorize the use of local funds for the transportation of pupils to any school, we conclude that such authorization of the use of local funds is likewise authorized by *Pamph. L.* 1941, *ch.* 191, and *R. S.* 18:7–78." 133 N. J. L. 350, 354, 44 A. 2d 333, 337 (Italics supplied.)

[4] See *Reynolds* v. *United States,* 98 U.S. 145, 162; *cf. Knowlton* v. *Moore,* 178 U.S. 41, 89, 106.

[5] See *e. g.* Macaulay, History *of England* (1849) I, cc. 2, 4; The Cambridge Modern History (1908) V, cc. V, IX, XI; Beard, Rise of American Civilization (1933) I, 60; Cobb, Rise of Religious Liberty in America (1902)

c. II; Sweet, The Story of Religion in America (1939) c. II; Sweet, Religion in Colonial America (1942) 320–322.

[6] See *e. g.* the charter of the colony of Carolina which gave the grantees the right of "patronage and advowsons of all the churches and chapels . . . together with licence and power to build and found churches, chapels and oratories . . . and to cause them to be dedicated and consecrated, according to the ecclesiastical laws of our kingdom of England." Poore, Constitutions (1878) II, 1390, 1391. That of Maryland gave to the grantee Lord Baltimore "the Patronages, and Advowsons of all Churches which . . . shall happen to be built, together with License and Faculty of erecting and founding Churches, Chapels, and Places of Worship . . . and of causing the same to be dedicated and consecrated according to the Ecclesiastical Laws of our Kingdom of *England*, with all, and singular such, and as ample Rights, Jurisdictions, Privileges . . . as any Bishop . . . in our Kingdom of *England*, ever . . . hath had . . ." MacDonald, Documentary Source Book of American History (1934) 31, 33. The Commission of New Hampshire of 1680, Poore, *supra*, II, 1277, stated: "And above all things We do by these presents will, require and command our said Councill to take all possible care for ye discountenancing of vice and encouraging of virtue and good living; and that by such examples ye infidle may be invited and desire to partake of ye Christian Religion, and for ye greater ease and satisfaction of ye so loving subjects in matters of religion. We do hereby require and command ye liberty of conscience shall be allowed unto all protestants: ye such especially as shall be conformable to ye rites of ye Church of Engd shall be particularly countenanced and encouraged." See also *Pawlet* v. *Clark*, 9 Cranch 292.

[7] See *e. g.* Semple, Baptists in Virginia (1894); Sweet, Religion in Colonial America, *supra* at 131–152, 322–339.

[8] Almost every colony exacted some kind of tax for church support. See *e. g.* Cobb, op. cit. *supra, note* 5, 110 (Virginia); 131 (North Carolina); 169 (Massachusetts); 270 (Connecticut), 304, 310, 339 (New York), 386 (Maryland), 295 (New Hampshire).

[9] Madison wrote to a friend in 1774: "That diabolical, hell-conceived principle of persecution rages among some . . . This vexes me the worst of anything whatever. There are at this time in the adjacent country not less than five or six well-meaning men in close jail for publishing their religious sentiments, which in the main are very orthodox. I have neither patience to hear, talk, or think of anything relative to this matter; for I have squabbled and scolded, abused and ridiculed, so long about it to little purpose, that I am without common patience. So I must beg you to pity me, and pray for liberty of conscience to all." I Writings of James Madison (1900) 18, 21.

[10] Virginia's resistance to taxation for church support was crystallized in the famous "Parson's Cause" argued by Patrick Henry in 1973. For an account see Cobb, *op. cit., supra*, note 5, 108–111.

[11] II Writings of James Madison, 183.

[12] In a recently discovered collection of Madison's papers, Madison recollected that his Remonstrance "met with the approbation of the Baptists, the Presbyterians, the Quakers, and the few Roman Catholics, universally; of the Methodists in part; and even of not a few of the Sect formerly established by law." Madison, *Monopolies, Perpetuities, Corporations, Ecclesiastical Endowments*, in Fleet, *Madison's "Detached Memorandum,"* 3 William and Mary Q. (1946) 534, 551, 555.

[13] For accounts of background and evolution of the Virginia Bill for Religious Liberty see *e.g.* James, The Struggle for Religious Liberty in Virginia (1900); Thom, The Struggle for Religious Freedom in Virginia: The Baptist (1900); Cobb, *op. cit., supra*, note 5, 74–115; Madison, *Monopolies, Perpetuities, Corporations, Ecclesiastical Endowments, op. cit., supra*, note 12, 554, 556.

[14] 12 Hening, Statutes of Virginia (1823) 84; Commager, Documents of American History (1944) 125.

[15] *Permoli* v. *New Orleans*, 3 How. 589. *Cf. Barron* v. *Baltimore*, 7 Pet. 243.

[16] For a collection of state constitutional provisions on freedom of religion see Gabel, Public Funds for Church and Private Schools (1937) 148–149. See also 2 Cooley, Constitutional Limitations (1927) 960–985.

[17] Test provisions forbade officeholders to "deny . . . the truth of the Protestant religion," *e.g.* Constitution of North Carolina (1776) § XXXII, II Poore, *supra*, 1413. Maryland permitted taxation for support of the Christian religion and limited civil office to Christians until 1818, *id.*, I, 819, 820, 832.

[18] See Note 50 Yale L. J. (1941) 917; see also cases collected 14 L.R.A. 418; 5 A.L.R. 879; 141 A.L.R. 1148.

[19] See cases collected 14 L.R.A. 418; 5 A.L.R. 879; 141 A.L.R. 1148.

[20] *Ibid.* See also Cooley, *op. cit., supra*, note 16.

[21] *Terrett* v. *Taylor*, 9 Cranch 43; *Watson* v. *Jones*, 13 Wall. 679; *Davis* v. *Beason*, 133 U.S. 333; *Cf. Reynolds* v. *United States, supra*, 162; *Reuben Quick Bear* v. *Leupp*, 210 U.S. 50.

[22] *Cantwell* v. *Connecticut*, 310 U.S. 296; *Jamison* v. *Texas*, 318 U.S. 413; *Largent* v. *Texas*, 318 U.S. 418; *Murdock* v. *Pennsylvania, supra; West Virginia State Board of Education* v. *Barnette*, 319 U.S. 624; *Follett* v. *McCormick*, 321 U.S. 573; *Marsh* v. *Alabama*, 326 U.S. 501. *Cf. Bradfield* v. *Roberts*, 175 U.S. 291.

[23] *Harmon* v. *Dreher*, Speer's Equity Reports (S. C., 1843), 87, 120.

[24] New Jersey long ago permitted public utilities to charge school children reduced rates. See *Public S. R. Co.* v. *Public Utility Comm'rs*, 81 N.J.L. 363, 80 A. 27 (1911); see also *Interstate Ry.* v. *Massachusetts, supra*. The District of Columbia Code require that the new charter of the District public transportation company provide a three-cent fare "for school children . . . going to and from public, parochial, or like schools. . . ." 47 Stat. 752, 759.

JACKSON, J., DISSENTING

Mr. JUSTICE JACKSON, dissenting.

I find myself, contrary to first impressions, unable to join in this decision. I have a sympathy, though it is not ideological, with Catholic citizens who are compelled by law to pay taxes for public schools, and also feel constrained by conscience and discipline to support other schools for their own children. Such relief to them as this case involves is not in itself a serious burden to taxpayers and I had assumed it to be as little serious in principle. Study of this case convinces me otherwise. The Court's opinion marshals every argument in favor of state aid and puts the case in its most favorable light, but much of its reasoning confirms my conclusions that there are no good grounds upon which to support the present legislation. In fact, the undertones of the opinion advocating complete and uncompromising separation of Church from State, seem utterly discordant with its conclusion yielding support to their commingling in educational matters. The case which irresistibly comes to mind as the most fitting precedent is that of Julia who, according to Byron's reports, "whispering 'I will ne'er consent,'—consented."

I

The Court sustains this legislation by assuming two deviations from the facts of this particular case; first, it assumes a state of facts the record does not support, and secondly, it refuses to consider facts which are inescapable on the record.

The Court concludes that this "legislation, as applied, does no more than provide a general program to help parents get their children, regardless of their religion, safely and expeditiously to and from accredited schools," and it draws a comparison between "state provisions intended to guarantee free transportation" for school children with services such as police and fire protection, and implies that we are here dealing with "laws authorizing new types of public services . . . ." This hypothesis permeates the opinion. The facts will not bear that construction.

The Township of Ewing is not furnishing transportation to the children in any form; it is not operating school busses itself or contracting for their operation; and it is not performing any public service of any kind with this taxpayer's money. All school children are left to ride as ordinary paying passengers on the regular busses operated by the public transportation system. What the Township does, and what the taxpayer complains of, is at stated intervals to reimburse parents for the fares paid, provided the children attend either public schools or Catholic Church schools. This expenditure of tax funds has no possible effect on the child's safety or expedition in transit. As passengers on the public busses they travel as fast and no faster, and are as safe and no safer, since their parents are reimbursed as before.

In addition to thus assuming a type of service that does not exist, the Court also insists that we must close our eyes to a discrimination which does exist. The resolution which authorizes disbursement of this taxpayer's money limits reimbursement to those who attend public schools and Catholic schools. That is the way the Act is applied to this taxpayer.

The New Jersey Act in question makes the character of the school, not the needs of the children, determine the eligibility of parents to reimbursement. The Act permits payment for transportation to parochial schools or public schools but prohibits it to private schools operated in whole or in part for profit. Children often are sent to private schools because their parents feel that they require more individual instruction than public schools can provide or because they are backward or defective and need special attention. If all children of the state were objects of impartial solicitude, no reason is obvious for denying transportation reimbursement to students for denying transportation reimbursement to students of this class, for these often are as needy and as worthy as those who go to public or parochial schools. Refusal to reimburse those who attend such schools is understandable only in the light of a purpose to aid the schools, because the state might well abstain from aiding a profit-making private enterprise. Thus, under the Act and resolution brought to us by this case, children are classified according to the schools they attend and are to be aided if they attend the public schools or private Catholic schools, and they are not allowed to be aided if they attend private secular schools or private religious schools of other faiths.

Of course, this case is not one of a Baptist or a Jew or an Episcopalian or a pupil of a private school complaining of discrimination. It is one of a taxpayer urging that he is being taxed for an unconstitutional purpose. I think he is entitled to have us consider the Act just as it is written. The statement by the New Jersey court that it holds the Legisture may authorize use of local funds "for the transportation of pupils to any school," 133 N. J. L. 350, 354, 44 A. 2d 333, 337, in view of the other constitutional views expressed, is not a holding that this Act authorizes transportation of *all* pupils to *all* schools. As applied to this taxpayer by the action he complains of, certainly the Act does not authorize reimbursement to those who choose any alternative to the public school except Catholic Church schools.

If we are to decide this case on the facts before us, our question is simply this: Is it constitutional to tax this complainant to pay the cost of carrying pupils to Church schools of one specified denomination?

II

Whether the taxpayer constitutionally can be made to contribute aid to parents of students because of their attendance at parochial schools depends upon the nature of those schools and their relation to the Church. The Constitution says nothing of education. It lays no obligation on the states to provide schools and does not undertake to regulate state systems of education if they see fit to maintain them. But they cannot, through school policy any more than through other means, invade rights secured to citizens by the Constitution of the United States. West Virginia State Board of Education v. Barnette, 319 U. S. 624. One of our basic rights is to be free of taxation to support a transgression of the constitutional command that the authorities "shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. . . ." U.S. Const., Amend. I; Cantwell v. Connecticut, 310 U.S. 296.

The function of the Church school is a subject on which this record is meager. It shows only that the schools are under superintendence of a priest and that "religion is taught as part of the curriculum." But we know that such schools are parochial only in name—they, in fact, represent a worldwide and age-old policy of the Roman Catholic Church. Under the rubric "Catholic Schools," the Canon Law of the Church, by which all Catholics are bound provides:

"1215. Catholic children are to be educated in schools where not only nothing contrary to Catholic faith and morals is taught, but rather in schools where religious and moral training occupy the first place. . . . (Canon 1372.)"

"1216. In every elementary school the children must, according to their age, be instructed in Christian doctrine.

"The young people who attend the higher schools are to receive a deeper religious knowledge, and the bishops shall appoint priests qualified for such work by their learning and piety. (Canon 1373.)"

"1217. Catholic children shall not attend non-Catholic, indifferent, schools that are mixed, that is to say, schools open to Catholics and non-Catholics alike. The bishop of the diocese only has the right, in harmony with the instructions of the Holy See, to decide under what circumstances, and with what safeguards to prevent loss of faith, it may be tolerated that Catholic children go to such schools. (Canon 1374.)"

"1224. The religious teaching of youth in any schools is subject to the authority and inspection of the Church.

"The local Ordinaries have the right and duty to watch that nothing is taught contrary to faith or good morals, in any of the schools of their territory.

"They, moreover, have the right to approve the books of Christian doctrine and the teachers of religion, and to demand, for the sake of safeguarding religion and morals, the removal of teachers and books. (Canon 1381.)" (Woywood, Rev. Stanislaus, The New Canon Law, under imprimatur of Most Rev. Francis J. Spellman, Archbishop of New York, and others, 1940.)

It is no exaggeration to say that the whole historic conflict in temporal policy between the Catholic Church and non-Catholic comes to a focus in their respective school policies. The Roman Catholic Church, counseled by experience in many ages and many lands and with all sorts and conditions of men, takes what, from the viewpoint of its own progress and the success of its mission, is a wise estimate of the importance of education to religion. It does not leave the individual to pick up religion by chance. It relies on early and indelible indoctrination in the faith and order of the Church by the word and example of persons consecrated to the task.

Our public school, if not a product of Protestantism, at least is more consistent with it than with the Catholic culture and scheme of values. It is a relatively recent development dating from about 1840.[1] It is organized on the premise that secular education can be isolated from all religious teaching so that the school can inculcate all needed temporal knowledge and also maintain a strict and lofty neutrality as to religion. The assumption is that after the individual has been instructed in worldly wisdom he will be better fitted to choose his religion. Whether such a disjunction is possible, and if possible whether it is wise, are questions I need not try to answer.

I should be surprised if any Catholic would deny that the parochial school is a vital, if not the most vital, part of the Roman Catholic Church. If put to the choice, that venerable institution, I should expect, would forego its whole service for mature persons before it would give up education of the young, and it would be a wise choice. Its growth and cohesion, discipline and loyalty, spring from its schools. Catholic education is the rock on which the whole structure rests, and to render tax aid to its Church school is indistinguishable to me from rendering the same aid to the Church itself.

III

It is of no importance in this situation whether the beneficiary of this expenditure of tax-raised funds is primarily the parochial school and incidentally the pupil, or whether the aid is directly bestowed on the pupil with indirect benefits to the school. The state cannot maintain a Church and it can no more tax its citizens to furnish free carriage to those who attend a Church. The prohibition against establishment of religion cannot be circumvented by a subsidy, bonus or reimbursement of expense to individuals for receiving religious instruction and indoctrination.

The Court, however, compares this to other subsidies and loans to individuals and says, "Nor does it follow that a law has a private rather than a public purpose because it provides that tax-raised funds will be paid to reimburse individuals on account of money spent by them in a way which furthers a public program. See *Carmichael* v. *Southern Coal & Coke Co.*, 301 U.S. 495, 518." Of course, the state may pay out tax-raised funds to relieve pauperism, but it may not under our Constitution do so to induce or reward piety. It may spend funds to secure old age against want, but it may not spend funds to secure religion against skepticism. It may compensate individuals for loss of employment, but it cannot compensate them for adherence to a creed.

It seems to me that the basic fallacy in the Court's reasoning, which accounts for its failure to apply the principles it avows, is in ignoring the essentially religious test by which beneficiaries of this expenditure are selected. A policeman protects a Catholic, of course—but not because he is a Catholic; it is because he is a man and a member of our society. The fireman protects the Church school—but not because it is a Church school; it is because it is property, part of the assets of our society. Neither the fireman nor the policeman has to ask before he renders aid "Is this man or building identified with the Catholic Church?" But before these school authorities draw a check to reimburse for a student's fare they must ask just that question, and if the school is a Catholic one they may render aid because it is such, while if it is of any other faith or is run for profit, the help must be withheld. To consider the converse of the Court's reasoning will best disclose its fallacy. That there is no parallel between police and fire protection and this plan of reimbursement is apparent from the incongruity of the limitation of this Act if applied to police and fire service. Could we sustain an Act that said the police shall protect pupils on the way to or from public schools and Catholic schools but not while going to and coming from other schools, and firemen shall extinguish a blaze in public or Catholic school buildings but shall not put out a blaze in Protestant Church schools or private schools operated for profit? That is the true analogy to the case we have before us and I should think it pretty plain that such a scheme would not be valid.

The Court's holding is that this taxpayer has no grievance because the state has decided to make the reimbursement a public purpose and therefore we are bound to regard it as such. I agree that this Court has left, and always should leave to each state, great latitude in deciding for itself, in the light of its own conditions, what shall be public purposes in its scheme of things. It may socialize utilities and economic enterprises and make taxpayers' business out of what conventionally had been private business. It may make public business of individual welfare, health, education, entertainment or security. But it cannot make public business of religious worship or instruction, or of attendance at religious institutions of any character. There is no answer to the proposition, more fully expounded by Mr. Justice Rutledge, that the effect of the religious freedom Amendment to our Constitution was to take every form of propagation of religion out of the realm of things which could directly or indirectly be made public business and thereby be supported in whole or in part at taxpayers' expense. That is a difference which the Constitution sets up between religion and almost every other subject matter of legislation, a difference which goes to the very root of religious freedom and which the Court is overlooking today. This freedom was first in the Bill of Rights because it was first in the forefathers' minds; it was set forth in absolute terms, and its strength is its rigidity. It was intended not only to keep the states' hands out of religion, but to keep religion's hands off the state, and, above all, to keep bitter religious controversy out of public life by denying to every denomination any advantage from getting control of public policy or the public purse. Those great ends I cannot but think are immeasurably compromised by today's decision.

This policy of our Federal Constitution has never been wholly pleasing to most religious groups. They all are quick to invoke its protections; they all are irked when they feel its restraints. This Court has gone a long way, if not an unreasonable way, to hold that public business of such paramount importance as maintenance of public order, protection of the privacy of the home, and taxation may not be pursued by a state in a way that even indirectly will interfere with religious proselyting. See dissent in *Douglas* v. *Jeannette*, 319 U.S. 157, 166; *Murdock* v. *Pennsylvania*, 319 U.S. 105; *Martin* v. *Struthers*, 319 U.S. 141; *Jones* v. *Opelika*, 316 U.S. 584, reversed on rehearing, 319 U.S. 103.

But we cannot have it both ways. Religious teaching cannot be a private affair when the state seeks to impose regulations which infringe on it indirectly, and a public affair when it comes to taxing citizens of one faith to aid another, or those of no faith to aid all. If these principles seem harsh in prohibiting aid to Catholic education, it must not be forgotten that it is the same Constitution that alone assures Catholics the right to maintain these schools at all when predominant local sentiment would forbid them. *Pierce* v. *Society of Sisters,* 268 U.S.

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[1] See Cubberley, Public Education in the United States (1934) ch. VI; Knight, Education in the United States (1941) ch. VIII.

510. Nor should I think that those who have done so well without this aid would want to see this separation between Church and State broken down. If the state may aid these religious schools, it may therefore regulate them. Many groups have sought aid from tax funds only to find that it carried political controls with it. Indeed this Court has declared that "It is hardly lack of due process for the Government to regulate that which it subsidizes." *Wickard* v. *Filburn*, 317 U.S. 111, 131.

But in any event, the great purposes of the Constitution do not depend on the approval or convenience of those they restrain. I cannot read the history of the struggle to separate political from ecclesiastical affairs, well summarized in the opinion of Mr. Justice Rutledge in which I generally concur, without a conviction that the Court today is unconsciously giving the clock's hands a backward turn.

Mr. Justice Frankfurter joins in this opinion.

Mr. Justice Rutledge, with whom Mr. Justice Frankfurter, Mr. Justice Jackson and Mr. Justice Burton agree, dissenting.

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . ." U.S. Const., Amend. I.

"Well aware that Almighty God hath created the mind free; . . . that to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical; . . .

"*We, the General Assembly, do enact,* That no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer, on account of his religious opinions or belief . . ."[1]

I cannot believe that the great author of those words, or the men who made them law, could have joined in this decision. Neither so high nor so impregnable today as yesterday is the wall raised between church and state by Virginia's great statute of religious freedom and the First Amendment, now made applicable to all the states by the Fourteenth.[2] New Jersey's statute sustained is the first, if indeed it is not the second breach to be made by this Court's action. That a third, and a fourth, and still others will be attempted, we may be sure. For just as *Cochran* v. *Board of Education*, 281 U.S. 370, has opened the way by oblique ruling[3] for this decision, so will the two make wider the breach for a third. Thus with time the most solid freedom steadily gives way before continuing corrosive decision.

This case forces us to determine squarely for the first time[4] what was "an establishment of religion" in the First Amendment's conception; and by that measure to decide whether New Jersey's action violates its command. The facts may be stated shortly, to give setting and color to the constitutional problem.

By statute New Jersey has authorized local boards of education to provide for the transportation of children "to and from school other than a public school" except one operated for profit wholly or in part, over established public school routes, or by other means when the child lives "remote from any school."[5] The school board of Ewing Township has provided by resolution for "the transportation of pupils of Ewing to the Trenton and Pennington High Schools and Catholic Schools by way of public carrier . . . ."[6]

Named parents have paid the cost of public conveyance of their children from their homes in Ewing to three public high schools and four parochial schools outside the district.[7] Semiannually the Board has reimbursed the parents from public school funds raised by general taxation. Religion is taught as part of the curriculum in each of the four private schools, as appears affirmatively by the testimony of the superintendent of parochial schools in the Diocese of Trenton.

The Court of Errors and Appeals of New Jersey, reversing the Supreme Court's decision, 132 N. J. L. 98, 39 A. 2d 75, has held the Ewing board's action not in contravention of the state constitution or statutes or of the Federal Constitution. 133 N. J. L. 350, 44 A. 2d 333. We have to consider only whether this ruling accords with the prohibition of the First Amendment implied in the due process clause of the Fourteenth.

I

Not simply an established church, but any law respecting an establishment of religion is forbidden. The Amendment was broadly but not loosely phrased. It is the compact and exact summation of its author's views formed during his long struggle for religious freedom. In Madison's own words characterizing Jefferson's Bill for Establishing Religious Freedom, the guaranty he put in our national charter, like the bill he piloted through the Virginia Assembly, was "a Model of technical precision, and perspicuous brevity."[8] Madison could not have confused "church" and "religion," or "an established church" and "an establishment of religion."

The Amendment's purpose was not to strike merely at the official establishment of a single sect, creed or religion, outlawing only a formal relation such has had prevailed in England and some of the colonies. Necessarily it was to uproot all such relationships. But the object was broader than separating church and state in this narrow sense. It was to create a complete and permanent separation of the spheres of religious activity and civil authority by comprehensively forbidding every form of public aid or support for religion. In proof the Amendment's wording and history unite with this Court's consistent utterances whenever attention has been fixed directly upon the question.

"Religion" appears only once in the Amendment. But the word governs two prohibitions and governs them alike. It does not have two meanings, one narrow to forbid "an establishment" and another, much broader, for securing "the free exercise thereof." "Thereof" brings down "religion" with its entire and exact content, no more and no less, from the first into the second guaranty, so that Congress and now the states are as broadly restricted concerning the one as they are regarding the other.

No one would claim today that the Amendment is constricted, in "prohibiting the free exercise" of religion, to securing the free exercise of some formal or creedal observance, of one sect or of many. It secures all forms of religious express, creedal, sectarian or nonsectarian, wherever and however taking place, except conduct which trenches upon the like freedoms of others or clearly and presently endangers the community's good order and security.[9] For the protective purposes of this phase of the basic freedom, street preaching, oral or by distribution of literature, has been given "the same high estate under the First Amendment as . . . worship in the churches and preaching from the pulpits."[10] And on this basis parents have been held entitled to send their children to private, religious schools. *Pierce* v. *Society of Sisters*, 268 U.S. 510. Accordingly, daily religious education commingled with secular is "religion" within the guaranty's comprehensive scope. So are religious training and teaching in whatever form. The word connotes the broadest content, determined not by the form or formality of the teaching or where it occurs, but by its essential nature regardless of those details.

"Religion" has the same broad significance in the twin prohibition concerning "an establishment." The Amendment was not duplicitous. "Religion" and "establishment" were not used in any formal or technical sense. The prohibition broadly forbids state support, financial or other, of religion in any guise, form or degree. It outlaws all use of public funds for religious purposes.

II

No provision of the Constitution is more closely tied to or given content by its generating history than the religious clause of the First Amendment. It is at once the refined product and the terse summation of that history. The history includes not only Madison's authorship and the proceedings before the First Congress, but also the long and intensive struggle for religious freedom in America, more especially in Virginia,[11] of which the Amendment was the direct culmination.[12] In the documents of the times, particularly of Madison, who was leader in the Virginia struggle before he became the Amendment's sponsor, but also in the writings of Jefferson and others and in the issues which engendered them is to be found irrefutable confirmation of the Amendment's sweeping content.

For Madison, as also for Jefferson, religious freedom was the crux of the struggle for freedom in general. Remonstrance, Par. 15, Appendix hereto. Madison was coauthor with George Mason of the religious clause in Virginia's great Declaration of Rights of 1776. He is credited with changing it from a mere statement of the principle of tolerance to the first official legislative pronouncement that freedom of conscience and religion are inherent rights of the individual.[13] He sought also to have the Declaration expressly condemn the existing Virginia establishment.[14] But the forces supporting it were then too strong.

Accordingly Madison yielded on this phase but not for long. At once he resumed the fight, continuing it before succeeding legislative sessions. As a member of the General Assembly in 1779 he threw his full weight behind Jefferson's historic Bill for Establishing Religious Freedom. That bill was a prime phase of Jefferson's broad program of democratic reform undertaken on his return from the Continental Congress in 1776 and submitted for the General Assembly's consideration in 1779 as his proposed revised Virginia code.[15] With Jefferson's departure for Europe in 1784, Madison became the Bill's prime sponsor.[16] Enactment failed in successive legislatures from its introduction in June, 1779, until its adoption in January, 1786. But during all this time the fight for religious freedom moved forward in Virginia on various fronts with growing intensity. Madison led throughout, against Patrick Henry's powerful opposing leadership until Henry was elected governor in November, 1784.

The climax came in the legislative struggle of 1784–1785 over the Assessment Bill. See Supplemental Appendix hereto. This was nothing more nor less than a taxing measure for the support of religion, designed to revive the payment of tithes suspended since 1777. So long as it singled out a particular sect for preference it incurred the active and general hostility of dissentient groups. It was broadened to include them, with the result that some subsided temporarily in their opposition.[17] As altered, the bill gave to each taxpayer the privilege of designating which church should receive his share of the tax. In default of designation the legislature applied it to pious uses.[18] But what is of the utmost significance here, "in its final form the bill left the taxpayer the option of giving his tax to education."[19]

Madison was unyielding at all times, opposing with all his vigor the general and nondiscriminatory as he had the earlier particular and discriminatory assessments proposed.

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The modified Assessment Bill passed second reading in December, 1784, and was all but enacted. Madison and his followers, however, maneuvered deferment of final consideration until November, 1785. And before the Assembly reconvened in the fall he issued his historic Memorial and Remonstrance.[20]

This is Madison's complete, though not his only, interpretation of religious liberty.[21] It is a broadside attack upon all forms of "establishment" of religion, both general and particular, nondiscriminatory or selective. Reflecting not only the many legislative conflicts over the Assessment Bill and the Bill for Establishing Religious Freedom but also, for example, the struggles for religious incorporations and the continued maintenance of the glebes, the Remonstrance is at once the most concise and the most accurate statement of the views of the First Amendment's author concerning what is "an establishment of religion." Because it behooves us in the dimming distance of time not to lose sight of what he and his coworkers had in mind when, by a single sweeping stroke of the pen, they forbade an establishment of religion and secured its free exercise, the text of the Remonstrance is appended at the end of this opinion for its wider current reference, together with a copy of the bill against which it was directed.

The Remonstrance, stirring up a storm of popular protest, killed the Assessment Bill.[22] It collapsed in committee shortly before Christmas, 1785. With this, the way was cleared at last for enactment of Jefferson's Bill for Establishing Religious Freedom. Madison promptly drove it through in January of 1786, seven years from the time it was first introduced. This dual victory substantially ended the fight over establishments, settling the issue against them. See note 33.

The next year Madison became a member of the Constitutional Convention. Its work done, he fought valiantly to secure the ratification of its great product in Virginia as elsewhere, and nowhere else more effectively.[23] Madison was certain in his own mind that under the Constitution "there is not a shadow of right in the general government to intermeddle with religion"[24] and that "this subject is, for the honor of America, perfectly free and unshackled. The government has no jurisdiction over it . . . ."[25] Nevertheless he pledged that he would work for a Bill of Rights, including a specific guaranty of religious freedom, and Virginia, with other states, ratified the Costitution on this assurance.[26]

Ratification thus accomplished, Madison was sent to the first Congress. There he went at once about performing his pledge to establish freedom for the nation as he had done in Virginia. Within a little more than three years from his legislative victory at home he had proposed and secured the submission and ratification of the First Amendment as the first article of our Bill of Rights.[27]

All the great instruments of the Virginia struggle for religious liberty thus became warp and woof of our constitutional tradition, not simply by the course of history, but by the common unifying force of Madison's life, thought and sponsorship. He epitomized the whole of that tradition in the Amendment's compact, but nonetheless comprehensive, phrasing.

As the Remonstrance discloses throughout, Madison opposed every form and degree of official relation between religion and civil authority. For him religion was a wholly private matter beyond the scope of civil power either to restrain or to support.[28] Denial or abridgment of religious freedom was a violation of rights both of conscience and of natural equality. State aid was no less obnoxious or destructive to freedom and to religion itself than other forms of state interference. "Establishment" and "free exercise" were correlative and coexistensive ideas, representing only different facets of the single and fundamental freedom. The Remonstrance, following the Virginia statute's example, referred to the history of religious conflicts and the effects of all sorts of establishments, current and historical, to suppress religion's free exercise. With Jefferson, Madison believed that to tolerate any fragment of establishment would be by so much to perpetuate restraint upon that freedom. Hence he sought to tear out the institution not partially but root and branch, and to bar its return forever.

In no phase was he more unrelentingly absolute than in opposing state support or aid by taxation. Not even "three pence" contribution was thus to be exacted from any citizen for such a purpose. Remonstrance, Par. 3.[29] Tithes had been the lifeblood of establishment before and after other compulsions disappeared. Madison and his coworkers made no exceptions or abridgements to the complete separation they created. Their objection was not to small tithes. It was to any tithes whatsoever. "If it were lawful to impose a small tax for religion, the admission would pave the way for oppressive levies."[30] Not the amount but "the principle of assessment was wrong." And the principle was as much to prevent "the interference of law in religion" as to restrain intervention in political matters.[31] In this field the authors of our freedom would not tolerate "the first experiment on our liberties" or "wait till usurped power had strengthened itself by exercise, and entangled the question in precedents." Remonstrance, Par. 3. Nor should we.

In view of this history no further proof is needed that the Amendment forbids any appropriation, large or small, from public funds to aid or support any and all religious exercises. But if more were called for, the debates in the First Congress and this Court's consistent expressions, whenever it has touched on the matter directly,[32] supply it.

By contrast with the Virginia history, the congressional debates on consideration of the Amendment reveal only sparse discussion, reflecting the fact that the essential issues had been settled.[33] Indeed the matter had become so well understood as to have been taken for granted in all but formal phrasing. Hence, the only enlightening reference shows concern, not to preserve any power to use public funds in aid of religion, but to prevent the Amendment from outlawing private gifts inadvertently by virtue of the breadth of its wording.[34] In the margin are noted also the principal decisions in which expressions of this Court confirm the Amendment's broad prohibition.[35]

III

Compulsory attendance upon religious exercises went out early in the process of separating church and state, together with forced observance of religious forms and ceremonies.[36] Test oaths and religious qualification for office followed later.[37] These things none devoted to our great tradition of religious liberty would think of bringing back. Hence today, apart from efforts to inject religious training or exercises and sectarian issues into the public schools, the only serious surviving threat to maintaining that complete and permanent separation of religion and civil power which the First Amendment commands is through use of the taxing power to support religion, religious establishments, or establishments having a religious foundation whatever their form or special religious function

Does New Jersey's action furnish support for religion by use of the taxing power? Certainly it does, if the test remains undiluted as Jefferson and Madison made it, that money taken by taxation from one is not to be used or given to support another's religious training or belief, or indeed one's own.[38] Today as then the furnishing of "contributions of money for the propagation of opinions which he disbelieves" is the forbidden exaction; and the prohibition is absolute for whatever measure brings that consequence and whatever amount may be sought or given to that end.

The funds used here were raised by taxation. The Court does not dispute, nor could it, that their use does in fact give aid and encouragement to religious instruction. It only concludes that this aid is not "support" in law. But Madison and Jefferson were concerned with aid and support in fact, not as a legal conclusion "entangled in precedents." Remonstrance, Par. 3. Here parents pay money to send their children to parochial schools and funds raised by taxation are used to reimburse them. This not only helps the children to get to school and the parents to send them. It aids them in a substantial way to get the very thing which they are sent to the particular school to secure, namely, religious training and teaching.

Believers of all faiths, and others who do not express their feeling toward ultimate issues of existence in any creedal form, pay the New Jersey tax. When the money so raised is used to pay for transportation to religious schools, the Catholic taxpayer to the extent of his proportionate share pays for the transportation of Lutheran, Jewish and otherwise religious affiliated children to receive their non-Catholic religious instruction. Their parents likewise pay proportionately for the transportation of Catholic children to receive Catholic instruction. Each thus contributes to "the propagation of opinions which he disbelieves" in so far as their religions differ, as do others who accept no creed without regard to those differences. Each thus pays taxes also to support the teaching of his own religion, an exaction equally forbidden since it denies "the comfortable liberty" of giving one's contribution to the particular agency of instruction he approves.[39]

New Jersey's action therefore exactly fits the type of exaction and the kind of evil at which Madison and Jefferson struck. Under the test they framed it cannot be said that the cost of transportation is no part of the cost of education or of the religious instruction given. That it is a substantial and a necessary element is shown most plainly by the continuing and increasing demand for the state to assume it. Nor is there pretense that it relates only to the secular instruction given in religious schools or that any attempt is or could be made toward allocating proportional shares as between the secular and the religious instruction. It is precisely because the instruction is religious and relates to a particular faith, whether one or another, that parents send their children to religious schools under the *Pierce* doctrine. And the very purpose of the state's contribution is to defray the cost of conveying the pupil to the place where he will receive not simply secular, but also and primarily religious, teaching and guidance.

Indeed the view is sincerely avowed by many of various faiths,[40] that the basic purpose of all education is or should be religious, that the secular cannot be and should not be separated from the religious phase and emphasis. Hence, the inadequacy of public or secular education and the necessity for sending the child to a school where religion is taught. But whatever may be the philosophy or its justification, there is undeniably an admixture of religious with secular teaching in all such institutions. That is the very reason for their being. Certainly for purposes of constitutionality we cannot contradict the whole basis of the ethical and educational convictions of people who believe in religious schooling.

Yet this very admixture is what was disestablished when the First Amendment for-

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bade "an establishment of religion." Commingling the religious with the secular teaching does not divest the whole of its religious permeation and emphasis or make them of minor part, if proportion were material. Indeed, on any other view, the constitutional prohibition always could be brought to naught by adding a modicum of the secular.

An approriation from the public treasury to pay the cost of transportation to Sunday school, to weekday special classes at the church or parish house, or to the meetings of various young people's religious societies, such as the Y. M. C. A., the Y. W. C . A., the Y. M. H. A., the Epworth League, could not withstand the constitutional attack. This would be true, whether or not secular activities were mixed with the religious. If such an appropriation could not stand, then it is hard to see how one becomes valid for the same thing upon the more extended scale of daily instruction. Surely constitutionality does not turn on where or how often the mixed teaching occurs.

Finally, transportation, where it is needed, is as essential to education as any other element. Its cost is as much a part of the total expense, except at times in amount, as the cost of textbooks, of school lunches, of athletic equipment, of writing and other materials; indeed of all other items composing the total burden. Now as always the core of the educational process is the teacher-pupil relationship. Without this the richest equipment and facilities would go for naught. See *Judd* v. *Board of Education*, 278 N.Y. 200, 212, 15 N.E. 2d 576, 582. But the proverbial Mark Hopkins conception no longer suffices for the country's requirements. Without buildings, without equipment, without library, textbooks and other materials, and without transportation to bring teacher and pupil together in such an effective teaching environment, there can be not even the skeleton of what our times require. Hardly can it be maintained that transportation is the least essential of these items, or that it does not in fact aid, encourage, sustain and support, just as they do, the very process which is its purpose to accomplish. No less essential is it, or the payment of its cost, than the very teaching in the classroom or payment of the teacher's sustenance. Many types of equipment, now considered essential, better could be done without.

For me, therefore, the feat is impossible to select so indispensable an item from the composite of total costs, and characterize it as not aiding, contributing to, promoting or sustaining the propagation of beliefs which it is the very end of all to bring about. Unless this can be maintained, and the Court does not maintain it, the aid thus given is outlawed. Payment of transportation is no more, nor is it any the less essential to education, whether religious or secular, than payment for tuitions, for teachers' salaries, for buildings, equipment and necessary materials. Nor is it any the less directly related, in a school giving religious instruction, to the primary religious objective all those essential items of cost are intended to achieve. No rational line can be drawn between payment for such larger, but not more necessary, items and payment for transportation. The only line that can be so drawn is one between more dollars and less. Certainly in this realm such a line can be no valid constitutional measure. *Murdock* v. *Pennsylvania,* 319 U.S. 105; *Thomas* v. *Collins,* 323 U.S. 516.[41] Now, as in Madison's time, not the amount but the principle of assessment is wrong. Remonstrance, Par. 3.

IV

But we are told that the New Jersey statute is valid in its present application because the appropriation is for a public, not a private purpose, namely, the promotion of education, and the majority accept this idea in the conclusion that all we have here is "public welfare legislation." If that is true and the Amendment's force can be thus destroyed, what has been said becomes all the more pertinent. For then there could be no possible objection to more extensive support of religious education by New Jersey.

If the fact alone be determinative that religious schools are engaged in education, thus promoting the general and individual welfare, together with the legislature's decision that the payment of public moneys for their aid makes their work a public function, then I can see no possible basis, except one of dubious legislative policy, for the state's refusal to make full appropriation for support of private, religious schools, just as is done for public instruction. There could not be, on that basis, valid constitutional objection.[42]

Of course paying the cost of transportation promotes the general cause of education and the welfare of the individual. So does paying all other items of educational expense. And obviously, the the majority say, it is much too late to urge that legislation designed to facilitate the opportunities of children to secure a secular education serves no public purpose. Our nation-wide system of public education rests on the contrary view, as do all grants in aid of education, public or private, which is not religious in character.

These things are beside the real question. They have no possible materiality except to obscure the all-pervading, inescapable issue. *Cf. Cochran* v. *Board of Education, supra.* Stripped of its religious phase, the case presents no substantial federal question. *Ibid.* The public function argument, by casting the issue in terms of promoting the general cause of education and the welfare of the individual, ignores the religious factor and its essential connection with the transportation, thereby leaving out the only vital element in the case. So of course do the "public welfare" and "social legislation" ideas, for they come to the same thing.

We have here then one substantial issue, not two. To say that New Jersey's appropriation and her use of the power of taxation for raising the funds appropriated are not for public purposes but are for private ends, is to say that they are for the support of religion and religious teaching. Conversely, to say that they are for public purposes is to say that they are not for religious ones.

This is precisely for the reason that education which includes religious training and teaching, and its support, have been made matters of private right and function, not public, by the very terms of the First Amendment. That is the effect not only in its guaranty of religion's free exercise, but also in the prohibition of establishments. It was on this basis of the private character of the function of religious education that this Court held parents entitled to send their children to private, religious schools. *Pierce* v. *Society of Sisters, supra.* Now it declares in effect that the appropriation of public funds to defray part of the cost of attending those schools is for a public purpose. If so, I do not understand why the state cannot go farther or why this case approaches the verge of its power.

In truth this view contradicts the whole purpose and effect of the First Amendment as heretofore conceived. The "public function"—"public welfare"—"social legislation" argument seeks, in Madison's words, to "employ Religion [that is, here, religious education] as an engine of Civil policy." Remonstrance, Par. 5. It is of one piece with the Assessment Bill's preamble, although with the vital difference that it wholly ignores what that preamble explicitly states.[43]

Our constitutional policy is exactly the opposite. It does not deny the value or the necessity for religious training, teaching or observance. Rather it secures their free exercise. But to that end it does deny that the state can undertake or sustain them in any form or degree. For this reason the sphere of religious activity, as distinguished from the secular intellectual liberties, has been given the twofold protection and, as the state cannot forbid, neither can it perform or aid in performing the religious function. The dual prohibition makes that function altogether private. It cannot be made a public one by legislative act. This was the very heart of Madison's Remonstrance, as it is of the Amendment itself.

It is not because religious teaching does not promote the public or the individual's welfare, but because neither is furthered when the state promotes religious education, that the Constitution forbids it to do so. Both legislatures and courts are bound by that distinction. In failure to observe it lies the fallacy of the "public function"—"social legislation" argument, a fallacy facilitated by easy transference of the argument's basing from due process unrelated to any religious aspect to the First Amendment.

By no declaration that a gift of public money to religious uses will promote the general or individual welfare, or the cause of education generally, can legislative bodies overcome the Amendment's bar. Nor may the courts sustain their attempts to do so by finding such consequences for appropriations which in fact give aid to or promote religious uses. Cf. *Norris* v. *Alabama,* 294 U.S. 587, 590; *Hooven & Allison Co.* v. *Evatt,* 324 U.S. 652, 659; *Akins* v. *Texas,* 325 U.S. 398, 402. Legislatures are free to make, and courts to sustain, appropriations only when it can be found that in fact they do not aid, promote, encourage or sustain religious teaching or observances, be the amount large or small. No such finding has been or could be made in this case. The Amendment has removed this form of promoting the public welfare from legislative and judicial competence to make a public function. It is exclusively a private affair.

The reasons underlying the Amendment's policy have not vanished with time or diminished in force. Now as when it was adopted the price of religious freedom is double. It is that the church and religion shall live both within and upon that freedom. There cannot be freedom of religion, safeguarded by the state, and intervention by the church or its agencies in the state's domain or dependency on its largesse. Madison's Remonstrance, Par. 6, 8.[44] The great condition of religious liberty is that it be maintained free from sustenance, as also from other interferences, by the state. For when it comes to rest upon that secular foundation it vanishes with the resting. *Id.,* Par. 7, 8.[45] Public money devoted to payment of religious costs, educational or other, brings the quest for more. It brings too the struggle of sect against sect for the larger share or for any. Here one by numbers alone will benefit most, there another. That is precisely the history of societies which have had an established religion and dissident groups. *Id.,* Par 8, 11. It is the very thing Jefferson and Madison experienced and sought to guard against, whether in its blunt or in its more screened forms. *Ibid.* The end of such strife cannot be other than to destroy the cherished liberty. The dominating group will achieve the dominant benefit; or all will embroil the state in their dissensions. *Id.,* Par. 11.[46]

Exactly such conflicts have centered of late around providing transportation to religious schools from public funds.[47] The issue and the dissension work typically, in Madison's phrase, to "destroy that moderation and harmony which the forbearance of our laws to intermeddle with Religion, has produced amongst its several sects." *Id.,* Par. 11. This occurs, as he well knew, over measures at the very threshold of departure from the principle. *Id.,* Par. 3, 9, 11.

In these conflicts wherever success has been

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obtained it has been upon the contention that by providing the transportation the general cause of education, the general welfare, and the welfare of the individual will be forwarded; hence that the matter lies within the realm of public function, for legislative determination.[48] State courts have divided upon the the issue, some taking the view that only the individual, others that the institution receives the benefit.[49] A few have recognized that this dichotomy is false, that both in fact are aided.[50]

The majority here does not accept in terms any of those views. But neither does it deny that the individual or the school, or indeed both, are benefited directly and substantially.[51] To do so would cut the ground from under the public function—social legislation thesis. On the contrary, the opinion concedes that the children are aided by being helped to get to the religious schooling. By converse necessary implication as well as by the absence of express denial, it must be taken to concede also that the school is helped to reach the child with its religious teaching. The religious enterprise is common to both, as is the interest in having transportation for its religious purposes provided.

Notwithstanding the recognition that this two-way aid is given and the absence of any denial that religious teaching is thus furthered, the Court concludes that the aid so given is not "support" of religion. It is rather only support of education as such, without reference to its religious content, and thus becomes public welfare legislation. To this elision of the religious element from the case is added gloss in two respects, one that the aid extended partakes of the nature of a safety measure, the other that failure to provide it would make the state unneutral in religious matters, discriminating against or hampering such children concerning public benefits all others receive.

As will be noted, the one gloss is contradicted by the facts of record and the other is of whole cloth with the "public function" argument's excision of the religious factor.[52] But most important is that this approach, if valid, supplies a ready method for nullifying the Amendment's guaranty, not only for this case and others involving small grants in aid for religious education, but equally for larger ones. The only thing needed will be for the Court again to transplant the "public welfare—public function" view from its proper nonreligious due process bearing to First Amendment application, holding that religious education is not "supported" though it may be aided by the appropriation, and that the cause of education generally is furthered by helping the pupil to secure that type of training.

This is not therefore just a little case over bus fares. In paraphrase of Madison, distant as it may be in its present form from a complete establishment of religion, it differs from it only in degree; and is the first step in that direction. *Id.*, Par. 9.[53] Today as in his time "the same authority which can force a citizen to contribute three pence only . . . for the support of any one [religious] establishment, may force him" to pay more; or "to conform to any other establishment in all cases whatsoever." And now, as then, "either . . . we must say, that the will of the Legislature is the only measure of their authority; and that in the plenitude of this authority, they may sweep away all our fundamental rights; or, that they are bound to leave this particular right untouched and sacred." Remonstrance, Par. 15.

The realm of religious training and belief remains, as the Amendment made it, the kingdom of the individual man and his God. It should be kept inviolately private, not "entangled . . . in precedents"[54] or confounded with what legislatures legitimately may take over into the public domain.

V

No one conscious of religious values can be unsympathetic toward the burden which our constitutional separation puts on parents who desire religious instruction mixed with secular for their children. They pay taxes for others' children's education, at the same time the added cost of instruction for their own. Nor can one happily see benefits denied to children which others receive, because in conscience they or their parents for them desire a different kind of training others do not demand.

But if those feelings should prevail, there would be an end to our historic constitutional policy and command. No more unjust or discriminatory in fact is it to deny attendants at religious schools the cost of their transportation than it is to deny them tuitions, sustenance for their teachers, or any other educational expense which others receive at public cost. Hardship in fact there is which none can blink. But, for assuring to those who undergo it the greater, the most comprehensive freedom, it is one written by design and firm intent into our basic law.

Of course discrimination in the legal sense does not exist. The child attending the religious school has the same right as any other to attend the public school. But he foregoes exercising it because the same guaranty which assures this freedom forbids the public school or any agency of the state to give or aid him in securing the religious instruction he seeks.

Were he to accept the common school, he would be the first to protest the teaching there of any creed or faith not his own. And it is precisely for the reason that their atmosphere is wholly secular that children are not sent to public schools under the *Pierce* doctrine. But that is a constitutional necessity, because we have staked the very existence of our country on the faith that complete separation between the state and religion is best for the state and best for religion. Remonstrance, Par. 8, 12.

That policy necessarily entails hardship upon persons who forego the right to educational advantages the state can supply in order to secure others it is precluded from giving. Indeed this may hamper the parent and the child forced by conscience to that choice. But it does not make the state unneutral to withhold what the Constitution forbids it to give. On the contrary it is only by observing the prohibition rigidly that the state can maintain its neutrality and avoid partisanship in the dissensions inevitable when sect opposes sect over demands for public moneys to further religious education, teaching or training in any form or degree, directly or indirectly. Like St. Paul's freedom, religious liberty with a great price must be bought. And for those who exercise it most fully, by insisting upon religious education for their children mixed with secular, by the terms of our Constitution the price is greater than for others.

The problem then cannot be cast in terms of legal discrimination or its absence. This would be true, even though the state in giving aid should treat all religious instruction alike. Thus, if the present statute and its application were shown to apply equally to all religious schools of whatever faith,[55] yet in the light of our tradition it could not stand. For then the adherent of one creed still would pay for the support of another, the childless taxpayer with others more fortunate. Then too there would seem to be no bar to making appropriations for transportation and other expenses of children attending public or other secular schools, after hours in separate places and classes for their exclusively religious instruction. The person who embraces no creed also would be forced to pay for teaching what he does not believe. Again, it was the furnishing of "contributions of money for the propagation of opinions which he disbelieves" that the fathers outlawed. That consequence and effect are not removed by multiplying to all-inclusiveness the sects for which support is exacted. The Constitution requires, not comprehensive identification of state with religion, but complete separation.

VI

Short treatment will dispose of what remains. Whatever might be said of some other application of New Jersey's statute, the one made here has no semblance of bearing as a safety measure or, indeed, for securing expeditious conveyance. The transportation supplied is by public conveyance, subject to all the hazards and delays of the highway and the streets incurred by the public generally in going about its multifarious business.

Nor is the case comparable to one of furnishing fire or police protection, or access to public highways. These things are matters of common right, part of the general need for safety.[56] Certainly the fire department must not stand idly by while the church burns. Nor is this reason why the state should pay the expense of transportation or other items of the cost of religious education.[57]

Needless to add, we have no such case as *Green* v. *Frazier*, 253 U.S. 233, or *Carmichael* v. *Southern Coal Co.*, 301 U.S. 495, which dealt with matters wholly unrelated to the First Amendment, involving only situations where the "public function" issue was determinative.

I have chosen to place my dissent upon the broad ground I think decisive, though strictly speaking the case might be decided on narrower issues. The New Jersey statute might be held invalid on its face for the exclusion of children who attend private, profit-making schools.[58] I cannot assume, as does the majority, that the New Jersey courts would write off this explicit limitation from the statute. Moreover, the resolution by which the statute was applied expressly limits its benefits to students of public and Catholic schools.[59] There is no showing that there are no other private or religious schools in this populous district.[60] I do not think it can be assumed there were none.[61] But in the view I have taken, it is unnecessary to limit grounding to these matters.

Two great drives are constantly in motion to abridge, in the name of education, the complete division of religion and civil authority which our forefathers made. One is to introduce religious education and observances into the public schools. The other, to obtain public funds for the aid and support of various private religious schools. See Johnson, The Legal Status of Church-State Relationships in the United States (1934); Thayer, Religion in Public Education (1947); Note (1941) 50 Yale L. J. 917. In my opinion both avenues were closed by the Constitution. Neither should be opened by this Court. The matter is not one of quantity, to be measured by the amount of money expended. Now as in Madison's day it is one of principle, to keep separate the separate spheres as the First Amendment drew them; to prevent the first experiment upon our liberties; and to keep the question from becoming entangled in corrosive precedents. We should not be less strict to keep strong and untarnished the one side of the shield of religious freedom than we have been of the other.

The judgment should be reversed.

FOOTNOTES

[1] "A Bill for Establishing Religious Freedom," enacted by the General Assembly of Virginia, January 19, 1786. See 1 Randall, The Life of Thomas Jefferson (1858) 219–220; XII Hening's Statutes of Virginia (1823) 84.

[2] *Schneider* v. *State*, 308 U.S. 147; *Cantwell* v. *Connecticut*, 310 U.S. 296; *Murdock* v. *Pennsylvania*, 319 U.S. 105; *Prince* v. *Massachusetts*, 321 U.S. 158; *Thomas* v. *Collins*, 323 U.S. 516, 530.

[3] The briefs did not raise the First Amendment issue. The only one presented was whether the state's action involved a public or an exclusively private function under the due process clause of the Fourteenth Amendment. See Part IV *infra*. On the facts, the cost of transportation here is inseparable from both religious and secular teaching at the religious school. In the *Cochran* case the state furnished secular textbooks only. But see text *infra* at note 40 *et seq.*, and Part IV.

[4] Cf. note 3 and text Part IV; see also note 35.

[5] The statute reads: "Whenever in any district there are children living remote from any schoolhouse, the board of education of the district may make rules and contracts for the transportation of such children to and from school . . . other than a public school, except such school as is operated for profit in whole or in part.

"When any school district provides any transportation for public school children to and from school, transportation from any point in such established school route to any other point in such established school route shall be supplied to school children residing in such school district in going to and from school other than a public school, except such school as is operated for profit in whole or in part." Laws of New Jersey (1941) c. 191.

[6] The full text of the resolution is given in note 59 *infra*.

[7] The public schools attended were the Trenton Senior High School, the Trenton Junior High School and the Pennington High School. Ewing Township itself provides no public high schools affording only elementary public schools which stop with the eighth grade. The Ewing school board pays for both transportation and tuitions of pupils attending the public high schools. The only private schools, all Catholic covered in application of the resolution are St. Mary's Cathedral High School, Trenton Catholic Boys High School, and two elementary parochial schools, St. Hedwig's Parochial School and St. Francis School. The Ewing board pays only for transportation to these schools, not for tuitions. So far as the record discloses, the board does not pay for or provide transportation to any other elementary school, public or private. See notes, 58, 59 and text *infra*.

[8] IX Writings of James Madison (ed. by Hunt, 1910) 288; Padover, Jefferson (1942) 74. Madison's characterization related to Jefferson's entire revision of the Virginia Code, of which the Bill for Establishing Religious Freedom was part. See note 15.

[9] See *Reynolds* v. *United States*, 98 U.S. 145; *Davis* v. *Beason*, 133 U.S. 333; *Mormon Church* v. *United States*, 136 U.S. 1; *Jacobson* v. *Massachusetts*, 197 U.S. 11; *Prince* v. *Massachusetts*, 321 U.S. 158; also *Cleveland* v. *United States*, 329 U.S. 14.

Possibly the first official declaration of the "clear and present danger" doctrine was Jefferson's declaration in the Virginia Statute for Establishing Religious Freedom: "That it is time enough for the rightful purposes of civil government for its officers to interfere when principles break out into overt acts against peace and good order." 1 Randall, The Life of Thomas Jefferson (1858) 220; Padover, Jefferson (1942) 81. For Madison's view to the same effect, see note 28 *infra*.

[10] *Murdock* v. *Pennsylvania*, 319 U.S. 105, 109; *Martin* v. *Struthers*, 319 U.S. 141; *Jamison* v. *Texas*, 318 U.S. 413; *Marsh* v. *Alabama*, 326 U.S. 501; *Tucker* v. *Texas*, 326 U.S. 517.

[11] Conflicts in other states, and earlier in the colonies, contributed much to generation of the Amendment, but none so directly as that in Virginia or with such formative influence on the Amendment's content and wording. See Cobb, Rise of Religious Liberty in America (1902); Sweet, The Story of Religion in America (1939). The Charter of Rhode Island of 1663, II Poore, Constitutions (1878) 1595, was the first colonial charter to provide for religious freedom.

The climactic period of the Virginia struggle covers the decade 1776–1786, from adoption of the Declaration of Rights to enactment of the Statute for Religious Freedom. For short accounts see Padover, Jefferson (1942) c. V; Brant, James Madison, The Virginia Revolutionist (1941) cc. XII, XV; James, The Struggle for Religious Liberty in Virginia (1900) cc. X, XI; Eckenrode, Separation of Church and State in Virginia (1910). These works and Randall, see note 1, will be cited in this opinion by the names of their authors. Citations to "Jefferson" refer to The Works of Thomas Jefferson (ed. by Ford, 1904–1905); to "Madison," to The Writings of James Madison (ed. by Hunt, 1901–1910).

[12] See Brant, cc. XII, XV; James, cc. X, XI; Eckenrode.

[13] See Brant, c. XII, particularly at 243. Cf. Madison's Remonstrance, Appendix to this opinion. Jefferson of course held the same view. See note 15.

"Madison looked upon . . . religious freedom, to judge from the concentrated attention he gave it, as the fundamental freedom." Brant, 243; and see Remonstrance, Par. 1, 4, 15, Appendix.

[14] See Brant, 245–246. Madison quoted liberally from the Declaration in his Remonstrance and the use made of the quotations indicates that he considered the Declaration to have outlawed the prevailing establishment in principle, if not technically.

[15] Jefferson was chairman of the revising committee and chief draftsman. Corevisers were Wythe, Pendleton, Mason and Lee. The first enacted portion of the revision, which became known as Jefferson's Code, was the statute barring entailments. Primogeniture soon followed. Much longer the author was to wait for enactment of the Bill for Religious Freedom; and not until after his death was the corollary bill to be accepted in principle which he considered most important of all, namely, to provide for common education at public expense. See V Jefferson, 153. However, he linked this with disestablishment as corollary prime parts in a system of basic freedoms. I Jefferson, 78.

Jefferson, and Madison by his sponsorship, sought to give the Bill for Establishing Religious Freedom as nearly constitutional status as they could at the time. Acknowledging that one legislature could not "restrain the acts of succeeding Assemblies . . . and that therefore to declare this act irrevocable would be of no effect in law," the Bill's concluding provision as enacted nevertheless asserted: "Yet we are free to declare and do declare, that the rights hereby asserted are of the natural rights of mankind, and that if any act shall be hereafter passed to repeal the present or to narrow its operation, such act will be an infringement of natural right." 1 Randall, 220.

[16] See I Jefferson, 70–71; XII Jefferson, 447; Padover, 80.

[17] Madison regarded this action as desertion. See his letter to Monroe of April 12, 1785; II Madison, 129, 131–132; James, cc. X, XI. But see Eckenrode, 91, suggesting it was surrender to the inevitable.

The bill provided: "That for every sum so paid, the Sheriff or Collector shall give a receipt, expressing therein to what society of Christians the person from whom he may receive the same shall direct the money to be paid . . . ." See also notes 19, 43 *infra*.

A copy of the Assessment Bill is to be found among the Washington manuscripts in the Library of Congress. Papers of George Washington, Vol. 231. Because of its crucial role in the Virginia struggle and bearing upon the First Amendment's meaning, the text of the Bill is set forth in the Supplemental Appendix to this opinion.

[18] Eckenrode, 99, 100.

[19] *Id.*, 100; II Madison, 113. The bill directed the sheriff to pay "all sums which . . . may not be appropriated by the person paying the same . . . into the public Treasury, to be disposed of under the direction of the General Assembly, for the encouragement of seminaries of learning within the Counties whence such sums shall arise, and to no other use or purpose whatsoever." Supplemental Appendix.

[20] See generally Eckenrode, c. V; Brant, James, and other authorities cited in note 11 above.

[21] II Madison, 183; and the Appendix to this opinion. Eckenrode, 100 ff. See also Fleet, Madison's "Detached Memoranda" (1946) III William & Mary Q. (3d Series) 534, 554–562.

[22] The major causes assigned for its defeat include the elevation of Patrick Henry to the governorship in November of 1784; the blunder of the proponents in allowing the Bill for Incorporations to come to the floor and incur defeat before the Assessment Bill was acted on; Madison's astute leadership, taking advantage of every "break" to convert his initial minority into a majority, including the deferment of action on the third reading to the fall; the Remonstrance, bringing a flood of protesting petitions; and the general poverty of the time. See Eckenrode, c. V, for an excellent short, detailed account.

[23] See James, Brant, *op. cit. supra* note 11.

[24] V Madison, 176. Cf. notes 33, 37.

[25] V Madison, 132.

[26] Brant, 250. The assurance made first to his constituents was responsible for Madison's becoming a member of the Virginia Conventon which ratified the Constitution. See James, 154–158.

[27] The amendment with respect to religious liberties read, as Madison introduced it: "The civil rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be established, nor shall the full and equal rights of conscience be in any manner, or any pretext, infringed." 1 Annals of Congress 434. In the process of debate this was modified to its present form. See especially 1 Annals of Congress 729–731, 765; also note 34.

[28] See text of the Remonstrance, Appendix; also notes 13, 15, 24, 25 *supra* and text.

Madison's one exception concerning restraint was for "preserving public order." Thus he declared in a private letter, IX Madison, 484, 487, written after the First Amendment was adopted: "The tendency to a usurpation on one side or the other, or to a corrupting coalition or alliance between them, will be best guarded agst. by an entire abstinance of the Govt. from interference in any way whatever, beyond the necessity of preserving public order, & protecting each sect agst. trespasses on its legal rights by others." Cf. note 9.

[29] The third ground of remonstrance, see the Appendix, bears repetition for emphasis here: "Because, it is proper to take alarm at the first experiment on our liberties . . . The freemen of America did not wait till usurped power had strengthened itself by exercise, and entangled the question in precedents. They saw all the consequences in the principle, and they avoided the consequences by denying the principle. We revere this lessen too much, soon to forget it. Who does not see that . . . the same authority which can force a citizen to *contribute three pence* only of his property for the support of any one establishment, may force him to conform to any other establishment in all cases whatsoever?" (Emphasis added.) II Madison 183, 185–186.

[30] Eckenrode, 105, in summary of the Remonstrance.

[31] "Because the bill implies either that the Civil Magistrate is a competent Judge of

Religious truth; or that he may employ Religion as an engine of Civil policy. The first is an arrogant pretention falsified by the contradictory opinions of Rulers in all ages, and throughout the world: The second an unhallowed perversion of the means of salvation." Remonstrance, Appendix, Par. 5; II Madison 183, 187.

[32] As is pointed out above, note 3, and in Part IV *infra*, *Cochran* v. *Board of Education*, 281 U.S. 370, was not such a case.

[33] See text *supra* at notes 24, 25. Madison, of course, was but one of many holding such views, but nevertheless agreeing to the common understanding for adoption of a Bill of Rights in order to remove all doubt engendered by the absence of explicit guaranties in the original Constitution.

By 1791 the great fight over establishments had ended, although some vestiges remained then and later, even in Virginia. The glebes, for example, were not sold there until 1802. Cf. Eckenrode, 147. Fixing an exact date for "disestablishment" is almost impossible, since the process was piecemeal. Although Madison failed in having the Virginia Bill of Rights declare explicitly against establishment in 1776, cf. note 14 and text *supra*, in 1777 the levy for support of the Anglican clergy was suspended. It was never resumed. Eckenrode states: "This act, in effect, destroyed the establishment. Many dates have been given for its end, but it really came on January 1, 1777, when the act suspending the payment of tithes became effective. This was not seen at the time. . . . But in freeing almost half of the taxpayers from the burden of the state religion, the state religion was at an end. Nobody could be forced to support it, and an attempt to levy tithes upon Anglicans alone would be to recruit the ranks of dissent." P. 53. See also pp. 61, 64. The question of assessment however was revived "with far more strength than ever, in the summer of 1784." *Id.*, 64. It would seem more factual therefore to fix the time of disestablishment as of December, 1785–January, 1786, when the issue in large was finally settled.

[34] At one point the wording was proposed: "No religion shall be established by law, nor shall the equal rights of conscience be infringed." 1 Annals of Congress 729. Cf. note 27. Representative Huntington of Connecticut feared this might be construed to prevent judicial enforcement of private pledges. He stated "that he feared . . . that the words might be taken in such latitude as to be extremely hurtful to the cause of religion. He understood the amendment to mean what had been expressed by the gentleman from Virginia; but others might find it convenient to put another construction upon it. The ministers of their congregations to the Eastward were maintained by the contributions of those who belonged to their society; the expense of building meeting-houses was contributed in the same manner. These things were regulated by by-laws. If an action was brought before a Federal Court on any of these cases, the person who had neglected to perform his engagements could not be compelled to do it; for a support of ministers or building of places of worship might be construed into a religious establishment." 1 Annals of Congress 730.

To avoid any such possibility, Madison suggested inserting the word "national" before "religion," thereby not only again disclaiming intent to bring about the result Huntington feared but also showing unmistakably that "establishment" meant public "support" of religion in the financial sense. 1 Annals of Congress 731. See also IX Madison, 484–487

[35] The decision most closely touching the question, where it was squarely raised, is *Quick Bear* v. *Leupp*, 210 U.S. 50. The Court distinguished sharply between appropriations from public funds for the support of religious education and appropriations from funds held in trust by the Government essentially as trustee for private individuals, Indian wards, as beneficial owners. The ruling was that the latter could be disbursed to private, religious schools at the designation of those patrons for paying the cost of their education. But it was stated also that such a use of public moneys would violate both the First Amendment and the specific statutory declaration involved, namely, that "it is hereby declared to be the settled policy of the Government to hereafter make no appropriation whatever for education in any sectarian school," 210 U.S. at 79, Cf. *Ponce* v. *Roman Catholic Apostolic Church*, 210 U.S. 296, 322. And see *Bradfield* v. *Roberts*, 175 U.S. 291, an instance of highly artificial grounding to support a decision sustaining an appropriation for the care of indigent patients pursuant to a contract with a private hospital. Cf. also the authorities cited in note 9.

[36] See text at note 1.

[37] ". . . but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States." Const., Art. VI, § 3. See also the two forms prescribed for the President's Oath or Affirmation. Const., Art. II, § 1. Cf. *Ex parte Garland*, 4 Wall. 333; *Cummings* v. *Missouri*, 4 Wall. 277; *United States* v. *Lovett*, 328 U.S. 303.

[38] In the words of the Virginia statute, following the portion of the preamble quoted at the beginning of this opinion: ". . . even the forcing him to support this or that teacher of his own religious persuasion, is depriving him of the comfortable liberty of giving his contributions to the particular pastor, whose morals he would make his pattern, and whose powers he feels most persuasive to righteousness, and is withdrawing from the ministry those temporary rewards, which proceeding from an approbation of their personal conduct, are an additional incitement to earnest and unremitting labours for the instruction of mankind. . . ." Cf. notes 29, 30, 31 and text *supra*.

[39] See note 38.

[40] See Bower, Church and State in Education (1944) 58: ". . . the fundamental division of the education of the whole self into the secular and the religious could not be justified on the grounds of either a sound educational philosophy or a modern functional concept of the relation of religion to personal and social experience." See also Vere, The Elementary School, in Essays on Catholic Education in the United States (1942) 110–111; Gabel, Public Funds for Church and Private Schools (1937) 737–739.

[41] It would seem a strange ruling that a "reasonable," that is, presumably a small, license fee cannot be placed upon the exercise of the right of religious instruction, yet that under the correlative constitutional guaranty against "an establishment" taxes may be levied and used to aid and promote religious instruction, if only the amounts so used are small. See notes 30–31 *supra* and text.

Madison's objection to "three pence" contributions and his stress upon "denying the principle" without waiting until "usurped power had . . . entangled the question in precedents," note 29, were reinforced by his further characterization of the Assessment Bill: "Distant as it may be, in its present form, from the Inquisition it differs from it only in degree. The one is the first step, the other the last in the career of intolerance." Remonstrance, Par. 9; II Madison 183, 188.

[42] If it is part of the state's function to supply to religious schools or their patrons the smaller items of educational expense, because the legislature may say they perform a public function, it is hard to see why the larger ones also may not be paid. Indeed, it would seem even more proper and necessary for the state to do this. For if one class of expenditures is justified on the ground that it supports the general cause of education or benefits the individual, or can be made to do so by legislative declaration, so even more certainly would be the other. To sustain payment for transportation to school, for textbooks, for other essential materials, or perhaps for school lunches, and not for what makes all these things effective for their intended end, would be to make a public function of the smaller items and their cumulative effect, but to make wholly private in character the larger things without which the smaller could have no meaning or use.

[43] "Whereas the general diffusion of Christian knowledge hath a natural tendency to correct the morals of men, restrain their vices, and preserve the peace of society; which cannot be effected without a competent provision for learned teachers, who may be thereby enabled to devote their time and attention to the duty of instructing such citizens, as from their circumstances and want of education, cannot otherwise attain such knowledge; and it is judged that such provision may be made by the Legislature, without counteracting the liberal principle heretofore adopted and intended to be preserved by abolishing all distinctions of preeminence amongst the different societies of communities of Christians; . . ." Supplemental Appendix; Foote, Sketches of Virginia (1850) 340.

[44] "Because the establishment proposed by the Bill is not requisite for the support of the Christian Religion. To say that it is, is a contradiction to the Christian Religion itself; for every page of its disavows a dependence on the powers of this world . . . Because the establishment in question is not necessary for the support of Civil Government . . . What influence in fact have ecclesiastical establishments had on Civil Society? . . . in no instance have they been seen the guardians of the liberties of the people." II Madison 183, 187, 188.

[45] "Because experience witnesseth that ecclesiastical establishments, instead of maintaining the purity and efficacy of Religion, have had a contrary operation." II Madison 183, 187.

[46] "At least let warning be taken at the first fruits of the threatened innovation. The very appearance of the Bill has transformed that 'Christian forbearance, love and charity,' which of late mutually prevailed, into animosities and jealousies, which may not soon be appeased." II Madison 183, 189.

[47] In this case briefs *amici curiae* have been filed on behalf of various organizations representing three religious sects, one labor union, the American Civil Liberties Union, and the states of Illinois, Indiana, Louisiana, Massachusetts, Michigan and New York. All these states have laws similar to New Jersey's and all of them, with one religious sect, support the constitutionality of New Jersey's action. The others oppose it. Maryland and Mississippi have sustained similar legislation. Note 49 *infra*. No state without legislation of this sort has filed an opposing brief. But at least six states have held such action invalid, namely, Delaware, Oklahoma, New York, South Dakota, Washington and Wisconsin. Note 49 *infra*. The New York ruling was overturned by amendment to the state constitution in 1938. Constitution of New York, Art. XI, 4.

Furthermore, in this case the New Jersey courts divided, the Supreme Court holding the statute and resolution invalid, 132 N.J.L. 98, 39 A. 2d 75, the Court of Errors and Appeals reversing that decision, 133 N. J. L. 350, 44 A. 2d 333. In both courts, as here, the judges split, one of three dissenting in the Supreme Court, three of nine in the Court of Errors and Appeals. The division is typical. See the cases cited in note 49.

[48] See the authorities cited in note 49; and see note 54.

[49] Some state courts have sustained statutes granting free transportation or free school books to children attending denominational schools on the theory that the aid was a benefit to the child rather than to the

school. See *Nichols* v. *Henry*, 301 Ky. 434, 191 S. W. 2d 930, with which compare *Sherrard* v. *Jefferson County Board of Education*, 294 Ky. 469, 171 S. W. 2d 963; *Cochran* v. *Board of Education*, 168 La. 1030, 123 So. 664, aff'd, 281 U. S. 370; *Borden* v. *Board of Education* 168 La. 1005, 123 So. 655; *Board of Education* v. *Wheat*, 174 Md. 314, 199 A. 628; *Adams* v. *St. Mary's County*, 180 Md. 550, 26 A. 2d 377; *Chance* v. *State Textbook R. & P. Board*, 190 Miss. 453, 200 So. 706. See also *Bowker* v. *Baker*, 73 Cal. App. 2d 653, 167 P. 2d 256. Other courts have held such statutes unconstitutional under state constitutions as aid to the schools. *Judd* v. *Board of Education*, 278 N. Y. 200, 15 N. E. 2d 576, but see note 47 *supra; Smith* v. *Donahue*, 202 App. Div. 656, 195 N. Y. S. 715; *State ex rel. Traub* v. *Brown*, 36 Del. 181, 172 A. 835; *Gurney* v. *Ferguson*, 190 Okla. 254, 122 P. 2d 1002; *Mitchell* v. *Consolidated School District*, 17 Wash. 2d 61, 135 P. 2d 79; *Van Straten* v. *Milquet*, 180 Wis. 109, 192 N. W. 392. And cf. *Hlebanja* v. *Brewe*, 58 S. D. 351, 236 N. W. 296. And since many state constitutions have provisions forbidding the appropriation of public funds for private purposes, in these and other cases the issue whether the statute was for a "public" or "private" purpose has been present. See Note (1941) 50 Yale L. J. 917, 925.

[50] *E.g., Gurney* v. *Ferguson*, 190 Okla. 254, 255, 122 P. 2d 1002, 1003; *Mitchell* v. *Consolidated School District*, 17 Wash. 2d 61, 68, 135 P. 2d 79, 82; *Smith* v. *Donahue*, 202 App. Div. 656, 664, 195 N. Y. S. 715, 722; *Board of Education* v. *Wheat*, 174 Md. 314, dissenting opinion at 340, 199 A. 628 at 639. This is true whether the appropriation and payment are in form to the individual or to the institution. *Ibid*. Questions of this gravity turn upon the purpose and effect of the state's expenditure to accomplish the forbidden object, not upon who receives the amount and applies it to that end or the form and manner of the payment.

[51] The payments here averaged roughly $40.00 a year per child.

[52] See Part V.

[53] See also note 46 *supra* and Remonstrance, Par. 3.

[54] Thus each brief filed here by the supporters of New Jersey's action, see note 47, not only relies strongly on *Cochran* v. *Board of Education*, 281 U.S. 370, but either explicitly or in effect maintains that it is controlling in the present case.

[55] See text at notes 17–19 *supra* and authorities cited; also Foote, Sketches of Virginia (1850) c. XV. Madison's entire thesis, as reflected throughout the Remonstrance and in his other writings, as well as in his opposition to the final form of the Assessment Bill, see note 43, was altogether incompatible with acceptance of general and "nondiscriminatory" support. See Brant, c. XII.

[56] The protections are of a nature which does not require appropriations specially made from the public treasury and earmarked, as is New Jersey's here, particularly for religious institutions or uses. The First Amendment does not exclude religious property or activities from protection against disorder or the ordinary accidental incidents of community life. It forbids support, not protection from interference or destruction.

It is a matter not frequently recalled that President Grant opposed tax exemption of religious property as leading to a violation of the principle of separation of church and state. See President Grant's Seventh Annual Message to Congress, December 7, 1875, in IX Messages and Papers of the Presidents (1897) 4288–4289. Garfield, in a letter accepting the nomination for the presidency said: ". . . it would be unjust to our people, and dangerous to our institutions, to apply any portion of the revenues of the nation, or of the States, to the support of sectarian schools. The separation of the Church and the State in everything relating to taxation should be absolute." II The Works of James Abram Garfield (ed. by Hinsdale, 1883) 783.

[57] Neither do we have here a case of rate-making by which a public utility extends reduced fares to all school children, including patrons of religious schools. Whether or not legislative compulsion upon a private utility to extend such an advantage would be valid, or its extension by a municipally owned system, we are not required to consider. In the former instance, at any rate, and generally if not always in the latter, the vice of using the taxing power to raise funds for the support of religion would not be present.

[58] It would seem at least a doubtfully sufficient basis for reasonable classification that some children should be excluded simply because the only school feasible for them to attend, in view of geographic or other situation, might be one conducted in whole *or in part* for profit. Cf. note 5.

[59] See note 7 *supra*. The resolution was as follows, according to the school board's minutes read in proof: "The transportation committee recommended the transportation of pupils of Ewing to the Trenton and Pennington High Schools *and Catholic Schools* by way of public carrier as in recent years. On Motion of Mr. Ralph Ryan and Mr. M. French the same was adopted." (Emphasis added.) The New Jersey court's holding that the resolution was within the authority conferred by the state statute is binding on us. *Reinman* v. *Little Rock*, 237 U.S. 171, 176; *Hadacheck* v. Sebastian, 239 U.S. 394, 414.

[60] The population of Ewing Township, located near the City of Trenton, was 10,146 according to the census of 1940. Sixteenth Census of the United States, Population, Vol. 1,674.

[61] In *Thomas* v. *Collins*, 323 U.S. 516, 530, it was said that the preferred place given in our scheme to the great democratic freedoms secured by the First Amendment gives them "a sanctity and a sanction not permitting dubious intrusions." Cf. Remonstrance, Par. 3, 9. And in other cases it has been held that the usual presumption of constitutionality will not work to save such legislative excursions in this field. *United States* v. *Carolene Products Co.*, 304 U.S. 144, 152, note 4; see Wechsler, Stone and the Constitution (1946) 46 Col. L. Rev. 764, 795 *et seq*.

Apart from the Court's admission that New Jersey's present action approaches the verge of her power, it would seem that a statute, ordinance or resolution which on its face singles out one sect only by name for enjoyment of the same advantages as public schools or their students, should be held discriminatory on its face by virtue of that fact alone, unless it were positively shown that no other sects sought or were available to receive the same advantages.

Appendix. Memorial and Remonstrance Against Religious Assessments

To the Honorable the General Assembly of the Commonwealth of Virginia. A Memorial and Remonstrance.

We, the subscribers, citizens of the said Commonwealth, having taken into serious consideration, a Bill printed by order of the last Session of General Assembly, entitled "A Bill establishing a provision for Teachers of the Christian Religion," and conceiving that the same, if finally armed with the sanctions of a law, will be a dangerous abuse of power, are bound as faithful members of a free State, to remonstrate against it, and to declare the reasons by which we are determined. We remonstrate against the said Bill.

1. Because we hold it for a fundamental and undeniable truth, "that Religion or the duty which we owe to our Creator and the Manner of discharging it, can be directed only by reason and conviction, not by force or violence."[1] The Religion then of every man must be left to the conviction and conscience of every man; and it is the right of every man to exercise it as these may dictate. This right is in its nature an unalienable right. It is unalienable; because the opinions of men, depending only on the evidence contemplated by their own minds, cannot follow the dictates of other men: It is unalienable also; because what is here a right towards men, is a duty towards the Creator. It is the duty of every man to render to the Creator such homage, and such only, as he believes to be acceptable to him. This duty is precedent both in order of time and degree of obligation, to the claims of Civil Society. Before any man can be considered as a member of Civil Society, he must be considered as a subject of the Governor of the Universe: And if a member of Civil Society, who enters into any subordinate Association, must always do it with a reservation of his duty to the general authority; much more must every man who becomes a member of any particular Civil Society, do it with a saving of his allegiance to the Universal Sovereign. We maintain therefore that in matters of Religion, no man's right is abridged by the institution of Civil Society, and that Religion is wholly exempt from its cognizance. True it is, that no other rule exists, by which any question which may divide a Society, can be ultimately determined, but the will of the majority; but it is also true, that the majority may trespass on the rights of the minority.

2. Because if religion be exempt from the authority of the Society at large, still less can it be subject to that of the Legislative Body. The latter are but the creatures and vicegerents of the former. Their jurisdiction is both derivative and limited: it is limited with regard to the coordinate departments, more necessarily it is limited with regard to the constituents. The preservation of a free government requires not merely, that the metes and bounds which separate each department of power may be invariably maintained; but more especially, that neither of them be suffered to overlap the great Barrier which defends the rights of the people. The Rulers who are guilty of such an encroachment, exceed the commission from which they derive their authority, and are Tyrants. The People who submit to it are governed by laws made neither by themselves, nor by an authority derived from them, and are slaves.

3. Because, it is proper to take alarm at the first experiment on our liberties. We hold this prudent jealousy to be the first duty of citizens, and one of [the] noblest characteritsics of the late Revolution. The freemen of America did not wait till usurped power had strengthened itself by exercise, and entangled the question in precedents. They saw all the consequences in the principle, and they avoided the consequences by denying the principle. We revere this lesson too much, soon to forget it. Who does not see that the same authority which can establish Christianity, in exclusion of all other Religions, may establish with the same ease any particular sect of Christians, in exclusion of all other Sects? That the same authority which can force a citizen to contribute three pence only of his property for the support of any one establishment, may force him to conform to any other establishment in all cases whatsoever?

4. Because, the bill violates that equality which ought to be the basis of every law, and which is more indispensable, in proportion as the validity or expediency of any law is more liable to be impeached. If "all men are by nature equally free and independent,"[2] all men are to be considered as entering into Society on equal conditions; as relinquishing no more, and therefore retaining no less, one than another, of their natural rights. Above all are they to be considered as retaining an "*equal* title to the free exercise of Religion according to the

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Footnotes at end of article.

dictates of conscience"[3] Whilst we assert for ourselves a freedom to embrace, to profess and to observe the Religion which we believe to be of divine origin, we cannot deny an equal freedom to those whose minds have not yet yielded to the evidence which has convinced us. If this freedom be abused, it is an offense against God, not against man: To God, therefore, not to men, must an account of it be rendered. As the Bill violates equality by subjecting some to peculiar burdens; so it violates the same principle, by granting to others peculiar exemptions. Are the Quakers and Mennonites the only sects who think a compulsive support of their religions unnecessary and unwarrantable? Can their piety alone be intrusted with the care of public worship? Ought their Religions to be endowed above all others, with extraordinary privileges, by which proselytes may be enticed from all others? We think too favorably of the justice and good sense of these denominations, to believe that they either covet preeminences over their fellow citizens, or that they will be seduced by them, from the common opposition to the measure.

5. Because the bill implies either that the Civil Magistrate is a competent Judge of Religious truth; or that he may employ Religion as an engine of Civil policy. The first is an arrogant pretension falsified by the contradictory opinions of Rulers in all ages, and throughout the world: The second an unhallowed perversion of the means of salvation.

6. Because the establishment proposed by the Bill is not requisite for the support of the Christian Religion. To say that it is, is a contradiction to the Christian Religion itself; for every page of it disavows a dependence on the powers of this world: it is a contradiction to fact; for it is known that this Religion both existed and flourished, not only without the support of human laws, but in spite of every opposition from them; and not only during the period of miraculous aid, but long after it had been left to its own evidence, and the ordinary care of Providence: Nay, it is a contradiction in terms; for a Religion not invented by human policy, must have pre-existed and been supported, before it was established by human policy. It is moreover to weaken in those who profess this Religion a pious confidence in its innate excellence, and the patronage of its Author; and to foster in those who still reject it, a suspicion that its friends are too conscious of its fallacies, to trust it to its own merits.

7. Because experience witnesseth that ecclesiastical establishments, instead of maintaining the purity and efficacy of Religion, have had a contrary operation. During almost fifteen centuries, has the legal establishment of Christianity been on trial. What have been its fruits? More or less in all places, pride and indolence in the Clergy; ignorance and servility in the laity; in both, superstition, bigotry and persecution. Enquire of the Teachers of Christianity for the ages in which it appeared in its greatest lustre; those of every sect, point to the ages prior to its incorporation with Civil policy. Propose a restoration of this primitive state in which its Teachers depended on the voluntary rewards of their flocks; many of them predict its downfall. On which side ought their testimony to have greatest weight, when for or when against their interest?

8. Because the establishment in question is not necessary for the support of Civil Government. If it be urged as necessary for the support of Civil Government only as it is a means of supporting Religion, and it be not necessary for the latter purpose, it cannot be necessary for the former. If Religion be not within [the] cognizance of Civil Government, how can its legal establishment be said to be necessary to civil Government? What influence in fact have ecclesiastical establishments had on Civil Society? In some instances they have been seen to erect a spiritual tyranny on the ruins of Civil authority; in many instances they have been seen upholding the thrones of political tyranny; in no instance have they been seen the guardians of the liberties of the people. Rulers who wished to subvert the public liberty, may have found an established clergy convenient auxiliaries. A just government, instituted to secure & perpetuate it, needs them not. Such a government will be best supported by protecting every citizen in the enjoyment of his Religion with the same equal hand which protects his person and his property; by neither invading the equal rights of any Sect, nor suffering any Sect to invade those of another.

9. Because the proposed establishment is a departure from that generous policy, which, offering an asylum to the persecuted and oppressed of every Nation and Religion, promised a lustre to our country, and an accession to the number of its citizens. What a melancholy mark is the Bill of sudden degeneracy? Instead of holding forth an asylum to the persecuted, it is itself a signal of persecution. It degrades from the equal rank of Citizens all those whose opinions in Religion do not bend to those of the Legislative authority. Distant as it may be, in its present form, from the Inquisition it differs from it only in degree. The one is the first step, the other the last in the career of intolerance. The magnanimous sufferer under this cruel scourge in foreign Regions, must view the Bill as a Beacon on our Coast, warning him to seek some other haven, where liberty and philanthrophy in their due extent may offer a more certain repose from his troubles.

10. Because, it will have a like tendency to banish our Citizens. The allurements presented by other situations are every day thinning their number. To superadd a fresh motive to emigration, by revoking the liberty which they now enjoy, would be the same species of folly which has dishonoured and depopulated flourishing kingdoms.

11. Because, it will destroy that moderation and harmony which the forbearance of our laws to intermeddle with Religion, has produced amongst its several sects. Torrents of blood have been spilt in the old world, by vain attempts of the secular arm to extinguish Religious discord, by proscribing all difference in Religious opinions. Time has at length revealed the true remedy. Every relaxation of narrow and rigorous policy, wherever it has been tried, has been found to assuage the disease. The American Theatre has exhibited proofs, that equal and compleat liberty, if it does not wholly eradicate it, sufficiently destroys its malignant influence on the health and prosperity of the State. If with the salutary effects of this system under our own eyes, we begin to contract the bonds of Religious freedom, we know no name that will too severely reproach our folly. At least let warning be taken at the first fruits of the threatened innovation. The very appearance of the Bill has transformed that "Christian forbearance,[4] love and charity," which of late mutually prevailed, into animosities and jealousies, which may not soon be appeased. What mischiefs may not be dreaded should this enemy to the public quiet be armed with the force of a law?

12. Because, the policy of the bill is adverse to the diffusion of the light of Christianity. The first wish of those who enjoy this precious gift, ought to be that it may be imparted to the whole race of mankind. Compare the number of those who have as yet received it with the number still remaining under the dominion of false Religions; and how small is the former! Does the policy of the Bill tend to lessen the disproportion? No; it at once discourages those who are strangers to the light of [revelation] from coming into the Region of it; and countenances, by example the nations who continue in darkness, in shutting out those who might convey it to them. Instead of levelling as far as possible, every obstacle to the victorious progress of truth, the Billl with an ignoble and unchristian timidity would circumscribe it, with a wall of defence, against the encroachments of error.

13. Because attempts to enforce by legal sanctions, acts obnoxious to so great a proportion of Citizens, tend to enervate the laws in general, and to slacken the bands of Society. If it be difficult to execute any law which is not generally deemed necessary or salutary, what must be the case where it is deemed invalid and dangerous? and what may be the effect of so striking an example of impotency in the Government, on its general authority.

14. Because a measure of such singular magnitude and delicacy ought not to be imposed, without the clearest evidence that it is called for by a majority of citizens: and no satisfactory method is yet proposed by which the voice of the majority in this case may be determined, or its influence secured. "The people of the respective counties are indeed requested to signify their opinion respecting the adoption of the Bill to the next Session of Assembly." But the representation must be made equal, before the voice either of the Representatives or of the Counties, will be that of the people. Our hope is that neither of the former will, after due consideration, espouse the dangerous principle of the Bill. Should the event disappoint us, it will still leave us in full confidence, that a fair appeal to the latter will reverse the sentence against our liberties.

15. Because, finally, "the equal right of every citizen to the free exercise of his Religion according to the dictates of conscience" is held by the same tenure with all our other rights. If we recur to its origin it is equally the gift of nature; if we weigh its importance, it cannot be less dear to us; if we consult the Declaration of those rights which pertain to the good people of Virginia, as the "basis and foundation of Government,"[5] it is enumerated with equal solemnity, or rather studied emphasis. Either then, we must say, that the will of the Legislature is the only measure of their authority; and that in the plentitude of this authority, they may sweep away all our fundamental rights; or, that they are bound to leave this particular right untouched and sacred: Either we must say, that they may control the freedom of the press, may abolish the trial by jury, may swallow up the Executive and Judiciary Powers of the State; nay that they may despoil us of our very right of suffrage, and erect themselves into an independent and hereditary assembly: or we must say, that they have no authority to enact into law the Bill under consideration. We the subscribers say, that the General Assembly of this Commonwealth have no such authority: And that no effort may be omitted on our part against so dangerous an usurpation, we oppose to it, this remonstrance; earnestly praying, as we are in duty bound, that the Supreme Lawgiver of the Universe, by illuminating those to whom it is addressed, may on the one hand, turn their councils from every act which would affront his holy prerogative, or violate the trust committed to them: and on the other, guide them into every measure which may be worthy of his [blessing, may re]dound to their own praise, and may establish more firmly the liberties, the prosperity, and the Happiness of the Commonwealth.

II Madison, 183–191.

FOOTNOTES

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[1] Decl. Rights, Art: 16. [Note in the original.]

[2] Decl. Rights, Art. 1. [Note in the original.]

[3] Art: 16. [Note in the original.]

[4] Art. 16. [Note in the original.]

[5] Decl. Rights-title. [Note in the original.]

SUPPLEMENTAL APPENDIX. A BILL ESTABLISHING A PROVISION FOR TEACHERS OF THE CHRISTIAN RELIGION

Whereas the general diffusion of Christian knowledge hath a natural tendency to correct the morals of men, restrain their vices, and preserve the peace of society; which cannot be effected without a competent provision for learned teachers, who may be thereby enabled to devote their time and attention to the duty of instructing such citizens, as from their circumstances and want of education, cannot otherwise attain such knowledge; and it is judged that such provision may be made by the Legislature, without counteracting the liberal principle heretofore adopted and intended to be preserved by abolishing all distinctions of pre-eminence amongst the different societies or communities of Christians;

Be it therefore enacted by the General Assembley, That for the support of Christian teachers, per centum on the amount, or in the pound on the sum payable for tax on the property within this Commonwealth, is hereby assessed, and shall be paid by every person chargeable with the said tax at the time the same shall become due; and the Sheriffs of the several Counties shall have power to levy and collect the same in the same manner and under the like restrictions and limitations, as are or may be prescribed by the laws for raising the Revenues of this State.

And be it enacted, That for every sum so paid, the Sheriff or Collector shall give a receipt, expressing therein to what society of Christians the person from whom he may receive the same shall direct the money to be paid, keeping a distinct account thereof in his books. The Sheriff of every County, shall, on or before the ——— day of ——— in every year, return to the Court, upon oath, two alphabetical lists of the payments to him made, distinguishing in columns opposite to the names of the persons who shall have paid the same, the society to which the money so paid was by them appropriated; and one column for the names where no appropriation shall be made. One of which lists, after being recorded in a book to be kept for that purpose, shall be filed by the Clerk in his office; the other shall by the Sheriff be fixed up in the Court-house, there to remain for the inspection of all concerned. And the Sheriff, after deducting five per centum for the collection, shall forthwith pay to such person or persons as shall be appointed to receive the same by the Vestry, Elders, or Directors, however denominated of each such society, the sum so stated to be due to that society; or in default thereof, upon the motion of such person or persons to the next or any succeeding Court, execution shall be awarded for the same against the Sheriff and his security, his and their executors or administrators; provided that ten days previous notice be given of such motion. And upon every such execution, the Officer serving the same shall proceed to immediate sale of the estate taken, and shall not accept of security for payment at the end of three months, nor to have the goods forthcoming at the day of sale; for his better direction wherein, the Clerk shall endorse upon every such execution that no security of any kind shall be taken.

And be it further enacted, That the money to be raised by virtue of this Act, shall be by the Vestries, Elders, or Directors of each religious society, appropriated to a provision for a Minister or Teacher of the Gospel of their denomination, or the providing places of divine worship, and to none other use whatsoever; except in the denominations of Quakers and Menonists, who may receive what is collected from their members, and place it in their general fund to be disposed of in a manner which they shall think best calculated to promote their particular mode of worship.

And be it enacted, That all sums which at the time of payment to the Sheriff or Collector may not be appropriated by the person paying the same, shall be accounted for with the Court in manner as by this Act is directed; and after deducting for his collection, the Sheriff shall pay the amount thereof (upon account certified by the Court to the Auditors of Public Accounts, and by them to the Treasurer) into the public Treasury, to be disposed of under the direction of the General Assembly, for the encouragement of seminaries of learning within the Counties whence such sums shall arise, and to no other use or purpose whatsoever.

THIS Act shall commence, and be in force, from and after the day of in the year

A Copy from the Engrossed Bill.

JOHN BECKLEY, C.H.D.

Washington Mss. (Papers of George Washington, Vol. 231); Library of Congress.[*]

Mr. ERVIN. Mr. President, there are several other notable decisions which set forth with rare eloquence the purpose of the first amendment. One of these is the case of *Illinois Ex Rel. McCollum* v. *Board of Education of School District No. 71, Champaign County, Illinois, et al.*, 333 U.S. 203.

I want to read just one excerpt from this case, a statement by Justice Frankfurter which appears in his concurring opinion on pages 231 and 232 of the report. That statement reads:

> "The great American principle of eternal separation"—Elihu Root's phrase bears repetition—is one of the vital reliances of our Constitutional system for assuring unities among our people stronger than our diversities. It is the Court's duty to enforce this principle in its full integrity.
>
> We renew our conviction that "we have staked the very existence of our country on the faith that complete separation between the state and religion is best for the state and best for religion."

This particular case and the various opinions in it deserve the thoughtful study of every American who believes in religious freedom. For this reason I ask unanimous consent that the entire report of the McCollum case be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[McCollum v. Board of Education, No. 90. Argued December 8, 1947.—Decided March 8, 1948.]

ILLINOIS EX REL. MCCOLLUM *v.* BOARD OF EDUCATION OF SCHOOL DISTRICT NO. 71, CHAMPAIGN COUNTY, ILLINOIS, ET AL.

With the permission of a board of education, granted under its general supervisory powers over the use of public school buildings, religious teachers, employed subject to the approval and supervision of the superintendent of schools by a private religious group including representatives of the Catholic, Protestant and Jewish faiths, gave religious instruction in public school buildings once each week. Pupils whose parents so requested were excused from their secular classes during the periods of religious instruction and were required to attend the religious classes; but other pupils were not released from their public school duties, which were compulsory under state law. A resident and taxpayer of the school district whose child was enrolled in the public schools sued in a state court for a writ of mandamus requiring the board of education to terminate this practice. *Held:*

1. A judgment of the State Supreme Court sustaining denial of the writ of mandamus on the ground that the state statutes granted the board of education authority to establish such a program drew into question "the validity of a statute" of the State within the meaning of § 237 of the Judicial Code, and was appealable to this Court. P. 206.

2. As a resident and taxpayer of the school district and the parent of a child required by state law to attend the school, appellant had standing to maintain the suit. P. 206.

3. Both state courts having ruled expressly on appellant's claim that the state program violated the Federal Constitution, a motion to dismiss the appeal on the ground that appellant failed properly to present that question in the State Supreme Court cannot be sustained. P. 207.

4. This utilization of the State's tax-supported public school system and its machinery for compulsory public school attendance to enable sectarian groups to give religious instruction to public school pupils in public school buildings violates the First Amendment of the Constitution, made applicable to the states by the Fourteenth Amendment. Pp. 209–212.

396 Ill. 14, 71 N. E. 2d 161, reversed.

The Supreme Court of Illinois affirmed a denial of a petition for a writ of mandamus requiring a board of education to terminate the giving of religious instruction by private teachers in the public schools. 396 Ill. 14, 71 N. E. 2d 161. On appeal to this Court, *reversed and remanded*, p. 212.

Walter F. Dodd and *Edward R. Burke* argued the cause for appellant. *Mr. Dodd* also filed a brief.

John L. Franklin and *Owen Rall* argued the cause and filed a brief for appellees.

Briefs of *amici curiae* urging reversal were filed by *Henry Epstein, Leo Pfeffer* and *Samuel Rothstein* for the Synagogue Council of America et al.; *Herbert A. Wolff* for the American Ethical Union; *E. Hilton Jackson, Challen B. Ellis, W. D. Jamieson* and *Kahl K. Spriggs* for the Joint Conference Committee on Public Relations of several Baptist conventions; *Edward C. Park* for the American Unitarian Association; *Kenneth W. Greenawalt, Leon Despres, Russell Whitman, John D. Miller, William L. Marbury, Thomas H. Eliot, Winthrop Wadleigh, Whitney N. Seymour* and *Gurney Edwards* for the American Civil Liberties Union; and *Homer Cummings* and *William D. Donnelly* for the General Conference of Seventh Day Adventists.

George F. Barrett, Attorney General of Illinois, and *William C. Wines*, Assistant Attorney General, filed a brief as *amici curiae*, urging affirmance.

Charles H. Tuttle filed a brief for the Protestant Council of New York City, as *amicus curiae*.

MR. JUSTICE BLACK delivered the opinion of the Court.

This case relates to the power of a state to utilize its tax-supported public school system in aid of religious instruction insofar as that power may be restricted by the First and Fourteenth Amendments to the Federal Constitution.

The appellant, Vashti McCollum, began this action for mandamus against the Champaign Board of Education in the Circuit Court of Champaign County, Illinois. Her asserted interest was that of a resident and taxpayer of Champaign and of a parent whose child was then enrolled in the Champaign public schools. Illinois has a compulsory education law which, with exceptions, requires parents to send their children, aged seven to sixteen, to its tax-supported public schools where the children are to remain in attendance during the hours when the schools are regularly in session. Parents who violate this law commit a misdemeanor punishable by fine unless the children attend private or parochial schools which meet educational standards fixed by the State. District boards of education are given general supervisory powers over the use of the public school buildings within the school districts. Ill. Rev. Stat. ch. 122, §§ 123, 301 (1943).

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[*] This copy of the Assessment Bill is from one of the handbills which on December 24, 1784, when the third reading of the bill was postponed, were ordered distributed to the Virginia counties by the House of Delegates. See Journal of the Virginia House of Delegates, December 24, 1784; Eckenrode, 102–103. The bill is therefore in its final form, for it never again reached the floor of the House. Eckenrode, 113.

Appellant's petition for mandamus alleged that religious teachers, employed by private religious groups, were permitted to come weekly into the school buildings during the regular hours set apart for secular teaching, and then and there for a period of thirty minutes substitute their religious teaching for the secular education provided under the compulsory education law. The petitioner charged that this joint public-school religious-group program violated the First and Fourteenth Amendments to the United States Constitution. The prayer of her petition was that the Board of Education be ordered to "adopt and enforce rules and regulations prohibiting all instruction in and teaching of religious education in all public schools in Champaign School District Number 71, . . . and in all public school houses and buildings in said district when occupied by public schools."

The board first moved to dismiss the petition on the ground that under Illinois law appellant had no standing to maintain the action. This motion was denied. An answer was then filed, which admitted that regular weekly religious instruction was given during school hours to those pupils whose parents consented and that those pupils were released temporarily from their regular secular classes for the limited purpose of attending the religious classes. The answer denied that this coordinated program of religious instruction violated the State or Federal Constitution. Much evidence was heard, findings of fact were made, after which the petition for mandamus was denied on the ground that the school's religious instruction program violated neither the federal nor state constitutional provisions invoked by the appellant. On appeal the State Supreme Court affirmed. 396 Ill. 14, 71 N.E. 2d 161. Appellant appealed to this Court under 28 U.S.C. § 344(a), and we noted probable jurisdiction on June 2, 1947.

The appellees press a motion to dismiss the appeal on several grounds, the first of which is that the judgment of the State Supreme Court does not draw in question the "validity of a statute of any State" as required by 28 U.S.C. § 344(a). This contention rests on the admitted fact that the challenged program of religious instruction was not expressly authorized by statute. But the State Supreme Court has sustained the validity of the program on the ground that the Illinois statutes granted the board authority to establish such a program. This holding is sufficient to show that the validity of an Illinois statute was drawn in question within the meaning of 28 U.S.C. § 344(a). *Hamilton* v. *Regents of U. of Cal.*, 293 U.S. 245, 258. A second ground for the motion to dismiss is that the appellant lacks standing to maintain the action, a ground which is also without merit. *Coleman* v. *Miller*, 307 U.S. 433, 443, 445, 464.

A third ground for the motion is that the appellant failed properly to present in the State Supreme Court her challenge that the state program violated the Federal Constitution. But in view of the express rulings of both state courts on this question, the argument cannot be successfully maintained. The motion to dismiss the appeal is denied.

Although there are disputes between the parties as to various inferences that may or may not properly be drawn from the evidence concerning the religious program, the following facts are shown by the record without dispute.[1] In 1940 interested members of the Jewish, Roman Catholic, and a few Protestant faiths formed a voluntary association called the Champaign Council on Religious Education. They obtained permission from the Board of Education to offer classes in religious instruction to public school pupils in grades four to nine inclusive. Classes were made up of pupils whose parents signed printed cards requesting that their children be permitted to attend;[2] they were held weekly, thirty minutes for the lower grades, forty-five minutes for the higher. The council employed the religious teachers at no expense to the school authorities, but the instructors were subject to the approval and supervision of the superintendent of schools.[3] The classes were taught in three separate religious groups by Protestant teachers,[4] Catholic priests, and a Jewish rabbi, although for the past several years there have apparently been no classes instructed in the Jewish religion. Classes were conducted in the regular classrooms of the school building. Students who did not choose to take religious instruction were not released from public school duties; they were required to leave their classrooms and go to some other place in the school building for pursuit of their secular studies. On the other hand, students who were released from secular study for the religious instructions were required to be present at the religious classes. Reports of their presence or absence were to be made to their secular teachers.[5]

The foregoing facts, without reference to others that appear in the record, show the use of tax-supported property for religious instruction and the close cooperation between the school authorities and the religious council in promoting religious education. The operation of the State's compulsory education system thus assists and is integrated with the program of religious instruction carried on by separate religious sects. Pupils compelled by law to go to school for secular education are released in part from their legal duty upon the condition that they attend the religious classes. This is beyond all question a utilization of the tax-established and tax-supported public school system to aid religious groups to spread their faith. And it falls squarely under the ban of the First Amendment (made applicable to the States by the Fourteenth) as we interpreted it in *Everson* v. *Board of Education*, 330 U.S. 1. There we said: "Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another.[6] Neither can force or influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or non-attendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion.[7] Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups and *vice versa*. In the words of Jefferson, the clause against establishment of religion by law was intended to erect 'a wall of separation between church and State.'" *Id.* at 15–16. The majority in the *Everson* case, and the minority as shown by quotations from the dissenting views in our notes 6 and 7, agreed that the First Amendment's language, properly interpreted, had erected a wall of separation between Church and State. They disagreed as to the facts shown by the record and as to the proper application of the First Amendment's language to those facts.

Recognizing that the Illinois program is barred by the First and Fourteenth Amendments if we adhere to the views expressed both by the majority and the minority in the *Everson* case, counsel for the respondents challenge those views as dicta and urge that we reconsider and repudiate them. They argue that historically the First Amendment was intended to forbid only government preference to one religion over another, not an impartial governmental assistance of all religions. In addition they ask that we distinguish or overrule our holding in the *Everson* case that the Fourteenth Amendment made the "establishment of religion" clause of the First Amendment applicable as a prohibition against the States. After giving full consideration to the arguments presented we are unable to accept either of these contentions.

To hold that a state cannot consistently with the First and Fourteenth Amendments utilize its public school system to aid any or all religious faiths or sects in the dissemination of their doctrines and ideals does not, as counsel urge, manifest a governmental hostility to religion or religious teachings. A manifestation of such hostility would be at war with our national tradition as embodied in the First Amendment's guaranty of the free exercise of religion. For the First Amendment rests upon the premise that both religion and government can best work to achieve their lofty aims if each is left free from the other within its respective sphere. Or, as we said in the *Everson* case, the First Amendment has erected a wall between Church and State which must be kept high and impregnable.

Here not only are the State's tax-supported public school buildings used for the dissemination of religious doctrines. The State also affords sectarian groups an invaluable aid in that it helps to provide pupils for their religious classes through use of the State's compulsory public school machinery. This is not separation of Church and State.

The cause is reversed and remanded to the State Supreme Court for proceedings not inconsistent with this opinion.

Reversed and remanded.

FOOTNOTES

[1] Appellant, taking issue with the facts found by the Illinois courts, argues that the religious education program in question, is invalid under the Federal Constitution for any one of the following reasons: (1) In actual practice certain Protestant groups have obtained an overshadowing advantage in the propagation of their faiths over other Protestant sects; (2) the religious education program was voluntary in name only because in fact subtle pressures were brought to bear on the students to force them to participate in it; and (3) the power given the school superintendent to reject teachers selected by religious groups and the power given the local Council on Religious Education to determine which religious faiths should participate in the program was a prior censorship of religion.

In view of our decision we find it unnecessary to consider these arguments or the disputed facts upon which they depend.

[2] The Supreme Court described the request card system as follows: ". . . Admission to the classes was to be allowed only upon the express written request of parents, and then only to classes designated by the parents. . . . Cards were distributed to the parents of elementary students by the public-school teachers requesting them to indicate whether they desired their children to receive religious

education. After being filled out, the cards were returned to the teachers of religious education classes either by the public-school teachers or the children. . . ." On this subject the trial court found that ". . . those students who have obtained the written consent of their parents therefor are released by the school authorities from their secular work, and in the grade schools for a period of thirty minutes' instruction in each week during said school hours, and forty-five minutes during each week in the junior high school, receive training in religious education. . . . Certain cards are used for obtaining permission of parents for their children to take said religious instruction courses, and they are made available through the offices of the superintendent of schools and through the hands of principals and teachers to the pupils of the school district. Said cards are prepared at the cost of the council of religious education. The handling and distribution of said cards does not interfere with the duties or suspend the regular secular work of the employees of the defendant. . . ."

[3] The State Supreme Court said: "The record further discloses that the teachers conducting the religious classes were not teachers in the public schools but were subject to the approval and supervision of the superintendent. . . ." The trial court found: "Before any faith or other group may obtain permission from the defendant for the similar, free and equal use of rooms in the public school buildings said faith or group must make application to the superintendent of schools of said School District Number 71, who in turn will determine whether or not it is practical for said group to teach in said school system." The president of the local school board testified: ". . . The Protestants would have one group and the Catholics, and would be given a room where they would have the class and we would go along with the plan of the religious people. They were all to be treated alike, with the understanding that the teachers they would bring into the school were approved by the superintendent. . . . The superintendent was the last word so far as the individual was concerned. . . ."

[4] There were two teachers of the Protestant faith. One was a Presbyterian and had been a foreign missionary for that church. The second testified as follows: "I am affiliated with the Christian church. I also work in the Methodist Church and I taught at the Presbyterian. I am married to a Lutheran."

[5] The director of the Champaign Council on Religious Education testified: " . . . If any pupil is absent we turn in a slip just like any teacher would to the superintendent's office. The slip is a piece of paper with a number of hours in the school day and a square, and the teacher of the particular room for the particular hour records the absentees. It has their names and the grade and the section to which they belong. It is the same sheet that the geography and history teachers and all the other teachers use, and is furnished by the school. . . ."

[6] The dissent, agreed to by four judges, said: "The problem then cannot be cast in terms of legal discrimination or its absence. This would be true, even though the state in giving aid should treat all religious instruction alike . . . Again, it was the furnishing of 'contributions of money for the propagation of opinions which he disbelieves' that the fathers outlawed. That consequence and effect are not removed by multiplying to all-inclusiveness the sects for which support is exacted. The Constitution requires, not comprehensive identification of state with religion, but complete separation." *Everson* v. *Board of Education,* 330 U.S. 1, 59, 60.

[7] The dissenting judges said: "In view of this history no further proof is needed that the Amendment forbids any appropriation, large or small, from public funds to aid or support any and all religious exercises. . . . Legislatures are free to make, and courts to sustain, appropriations only when it can be found that in fact they do not aid, promote, encourage or sustain religious teaching or observances, be the amount large or small." *Everson* v. *Board of Education,* 330 U.S. 1, 41, 52–53.

Opinion of Justice Frankfurter

Mr. Justice Frankfurter delivered the following opinion, in which Mr. Justice Jackson, Mr. Justice Rutledge and Mr. Justice Burton join.*

We dissented in *Everson* v. *Board of Education,* 330 U.S. 1, because in our view the Constitutional principle requiring separation of Church and State compelled invalidation of the ordinance sustained by the majority. Illinois has here authorized the commingling of sectarian with secular instruction in the public schools. The Constitution of the United States forbids this.

This case, in the light of the *Everson* decision, demonstrates anew that the mere formulation of a relevant Constitutional principle is the beginning of the solution of a problem, not its answer. This is so because the meaning of a spacious conception like that of the separation of Church from State is unfolded as appeal is made to the principle from case to case. We are all agreed that the First and the Fourteenth Amendments have a secular reach far more penetrating in the conduct of Government than merely to forbid an "established church." But agreement, in the abstract, that the First Amendment was designed to erect a "wall of separation between church and State," does not preclude a clash of views as to what the wall separates. Involved is not only the Constitutional principle but the implications of judicial review in its enforcement. Accommodation of legislative freedom and Constitutional limitations upon that freedom cannot be achieved by a mere phrase. We cannot illuminatingly apply the "wall-of-separation" metaphor until we have considered the relevant history of religious education in America, the place of the "released time" movement in that history, and its precise manifestation in the case before us.

To understand the particular program now before us as a conscientious attempt to accommodate the allowable functions of Government and the special concerns of the Church within the framework of our Constitution and with due regard to the kind of society for which it was designed, we must put this Champaign program of 1940 in its historic setting. Traditionally, organized education in the Western world was Church education. It could hardly be otherwise when the education of children was primarily study of the Word and the ways of God. Even in the Protestant countries, where there was a less close identification of Church and State, the basis of education was largely the Bible, and its chief purpose inculcation of piety. To the extent that the State intervened, it used its authority to further aims of the Church.

The emigrants who came to these shores brought this view of education with them. Colonial schools certainly started with a religious orientation. When the common problems of the early settlers of the Massachusetts Bay Colony revealed the need for common schools, the object was the defeat of "one chief project of that old deluder, Satan, to keep men from the knowledge of the Scriptures." The Laws and Liberties of Massachusetts, 1648 edition (Cambridge 1929) 47.[1]

The evolution of colonial education, largely in the service of religion, into the public school system of today is the story of changing conceptions regarding the American democratic society, of the functions of State-maintained education in such a society, and of the role therein of the free exercise of religion by the people. The modern public school derived from a philosophy of freedom reflected in the First Amendment. It is appropriate to recall that the Remonstrance of James Madison, an event basic in the history of religious liberty, was called forth by a proposal which involves support to religious education. See Mr. Justice Rutledge's opinion in the *Everson* case, *supra,* 330 U.S. at 36–37. As the momentum for popular education increased and in turn evoked strong claims for State support of religious education, contests not unlike that which in Virginia had produced Madison's Remonstrance appeared in various forms in other States. New York and Massachusetts provide famous chapters in the history that established dissociation of religious teaching from State-maintained schools. In New York, the rise of the common schools led, despite fierce sectarian opposition, to the barring of tax funds to church schools, and later to any school in which sectarian doctrine was taught.[2] In Massachusetts, largely through the efforts of Horace Mann, all sectarian teachings were barred from the common school to save it from being rent by denominational conflict.[3] The upshot of these controversies, often long and fierce, is fairly summarized by saying that long before the Fourteenth Amendment subjected the States to new limitations, the prohibition of furtherance by the State of religious instruction became the guiding principle, in law and feeling, of the American people. In sustaining Stephen Girard's will, this Court referred to the inevitable conflicts engendered by matters "connected with religious polity" and particularly "in a country composed of such a variety of religious sects as our country." *Vidal* v. *Girard's Executors,* 2 How. 127, 198. That was more than one hundred years ago.

Separation in the field of education, then, was not imposed upon unwilling States by force of superior law. In this respect the Fourteenth Amendment merely reflected a principle then dominant in our national life. To the extent that the Constitution thus made it binding upon the States, the basis of the restriction is the whole experience of our people. Zealous watchfulness against fusion of secular and religious activities by Government itself, through any of its instruments but especially through its educational agencies, was the democratic response of the American community to the particular needs of a young and growing nation, unique in the composition of its people.[4] A totally different situation elsewhere, as illustrated for instance by the English provisions for religious education in State-maintained schools, only serves to illustrate that free societies are not cast in one mould. See the Education Act of 1944, 7 and 8 Geo. VI, c. 31. Different institutions evolve from different historic circumstances.

It is pertinent to remind that the establishment of this principle of Separation in the field of education was not due to any decline in the religious beliefs of the people. Horace Mann was a devout Christian, and the deep religious feeling of James Madison is stamped upon the Remonstrance. The secular public school did not imply indifference to the basic role of religion in the life of the people, nor rejection of religious education as a means of fostering it. The claims of religion were not minimized by refusing to make the public schools agencies for their assertion. The non-sectarian or secular public school was the means of reconciling freedom in general with religious freedom. The sharp confinement of the public schools to secular education was a recognition of the need of a democratic society to educate its children, insofar as the State undertook to do so, in an atmosphere free from pressures in a realm in which pressures are most resisted and where conflicts are most easily and most bitterly engendered. Designed to serve as perhaps the most powerful agency for promoting cohesion among a heterogeneous democratic people, the public school must keep scrupulously free from entanglement in the strife of sects. The preservation of the community from divisive conflicts, of Government from irreconcilable pressures by religious groups, of religion from censorship and coercion however subtly exercised, requires strict confinement of the State to instruction other than religious, leaving to the individual's church and home, indoctrination in the faith of his choice.

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*Mr. Justice Rutledge and Mr. Justice Burton concurred also in the Court's opinion.

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This development of the public school as a symbol of our secular unity was not a sudden achievement nor attained without violent conflict.[5] While in small communities of comparatively homogeneous religious beliefs, the need for absolute separation presented no urgencies, elsewhere the growth of the secular school encountered the resistance of feeling strongly engaged against it. But the inevitability of such attempts is the very reason for Constitutional provisions primarily concerned with the protection of minority groups. And such sects are shifting groups, varying from time to time, and place to place, thus representing in their totality the common interest of the nation.

Enough has been said to indicate that we are dealing not with a full-blown principle, nor one having the definiteness of a surveyor's metes and bounds. But by 1875 the separation of public education from Church entanglements, of the State from the teaching of religion, was firmly established in the consciousness of the nation. In that year President Grant made his famous remarks to the Convention of the Army of the Tennessee:

> "Encourage free schools, and resolve that not one dollar appropriated for their support shall be appropriated to the support of any sectarian schools. Resolve that neither the State nor nation, nor both combined, shall support institutions of learning other than those sufficient to afford every child growing up in the land the opportunity of a good common-school education, unmixed with sectarian, pagan, or atheistical dogmas. Leave the matter of religion to the family altar, the church, and the private school, supported entirely by private contributions. Keep the church and the state forever separate." "The President's Speech at Des Moines," 22 *Catholic World* 433, 434–35 (1876).

So strong was this conviction, that rather than rest on the comprehensive prohibitions of the First and Fourteenth Amendments, President Grant urged that there be written into the United States Constitution particular elaborations, including a specific prohibition against the use of public funds for sectarian education,[6] such as had been written into many State constitutions.[7] By 1894, in urging the adoption of such a provision in the New York Constitution, Elihu Root was able to summarize a century of the nation's history: "It is not a question of religion, or of creed, or of party; it is a question of declaring and maintaining the great American principle of eternal separation between Church and State." Root, Addresses on Government and Citizenship, 137, 140.[8] The extent to which this principle was deemed a presupposition of our Constitutional system is strikingly illustrated by the fact that every State admitted into the Union since 1876 was compelled by Congress to write into its constitution a requirement that it maintain a school system "free from sectarian control."[9]

Prohibition of the commingling of sectarian and secular instruction in the public school is of course only half the story. A religious people was naturally concerned about the part of the child's education entrusted "to the family altar, the church, and the private school." The promotion of religious education took many forms. Laboring under financial difficulties and exercising only persuasive authority, various denominations felt handicapped in their task of religious education. Abortive attempts were therefore frequently made to obtain public funds for religious schools.[10] But the major efforts of religious inculcation were a recognition of the principle of Separation by the establishment of church schools privately supported. Parochial schools were maintained by various denominations. These, however, were often beset by serious handicaps, financial and otherwise, so that the religious aims which they represented found other directions. There were experiments with vacation schools, with Saturday as well as Sunday schools.[11] They all fell short of their purpose. It was urged that by appearing to make religion a one-day-a-week matter, the Sunday school, which acquired national acceptance, tended to relegate the child's religious education, and thereby his religion, to a minor role not unlike the enforced piano lesson.

Out of these inadequate efforts evolved the week-day church school, held on one or more afternoons a week after the close of the public school. But children continued to be children; they wanted to play when school was out, particularly when other children were free to do so. Church leaders decided that if the week-day church school was to succeed, a way had to be found to give the child his religious education during what the child conceived to be his "business hours."

The initiation of the movement[12] may fairly be attributed to Dr. George U. Wenner. The underlying assumption of his proposal, made at the Interfaith Conference on Federation held in New York City in 1905, was that the public school unduly monopolized the child's time and that the churches were entitled to their share of it.[12] This, the schools should "release." Accordingly, the Federation, citing the example of the Third Republic of France,[14] urged that upon the request of their parents children be excused from public school on Wednesday afternoon, so that the churches could provide "Sunday school on Wednesday." This was to be carried out on church premises under church authority. Those not desiring to attend church schools would continue their normal classes. Lest these public school classes unfairly compete with the church education, it was requested that the school authorities refrain from scheduling courses or activities of compelling interest or importance.

The proposal aroused considerable opposition and it took another decade for a "released time" scheme to become part of a public school system. Gary, Indiana, inaugurated the movement. At a time when industrial expansion strained the communal facilities of the city, Superintendent of Schools Wirt suggested a fuller use of the school buildings. Buildings on theories which had become more or less current, he also urged that education was more than instruction in a classroom. The school was only one of several educational agencies. The library, the playground, the home, the church, all have their function in the child's proper unfolding. Accordingly, Wirt's plan sought to rotate the schedules of the children during the school-day so that some were in class, others were in the library, still others in the playground. And some, he suggested to the leading ministers of the City, might be released to attend religious classes if the churches of the City cooperated and provided them. They did, in 1914, and thus was "released time" begun. The religious teaching was held on church premises and the public schools had no hand in the conduct of these church schools. They did not supervise the choice of instructors or the subject matter taught. Nor did they assume responsibility for the attendance, conduct or achievement of the child in a church school; and he received no credit for it. The period of attendance in the religious schools would otherwise have been a play period for the child, with the result that the arrangement did not cut into public school instruction or truly affect the activities or feelings of the children who did not attend the church schools.[15]

From such a beginning "released time" has attained substantial proportions. In 1914–15, under the Gary program, 619 pupils left the public schools for the church schools during one period a week. According to responsible figures almost 2,000,000 in some 2,200 communities participated in "released time" programs during 1947.[16] A movement of such scope indicates the importance of the problem to which the "released time" programs are directed. But to the extent that aspects of these programs are open to Constitutional objection, the more extensively the movement operates, the more ominous the breaches in the wall of separation.

Of course, "released time" as a generalized conception, undefined by differentiating particularities, is not an issue for Constitutional adjudication. Local programs differ from each other in many and crucial respects. Some "released time" classes are under separate denominational auspices, others are conducted jointly by several denominations, often embracing all the religious affiliations of a community. Some classes in religion teach a limited sectarianism; others emphasize democracy, unity and spiritual values not anchored in a particular creed. Insofar as these are manifestations merely of the free exercise of religion, they are quite outside the scope of judicial concern, except insofar as the Court may be called upon to protect the right of religious freedom. It is only when challenge is made to the share that the public schools have in the execution of a particular "released time" program that close judicial scrutiny is demanded of the exact relation between the religious instruction and the public educational system in the specific situation before the Court.[17]

The substantial differences among arrangements lumped together as "released time" emphasize the importance of detailed analysis of the facts to which the Constitutional test of Separation is to be applied. How does "released time" operate in Champaign? Public school teachers distribute to their pupils cards supplied by church groups, so that the parents may indicate whether they desire religious instruction for their children. For those desiring it, religious classes are conducted in the regular classrooms of the public schools by teachers of religion paid by the churches and appointed by them, but, as the State court found, "subject to the approval and supervision of the superintendent." The courses do not profess to give secular instruction in subjects concerning religion. Their candid purpose is sectarian teaching. While a child can go to any of the religious classes offered, a particular sect wishing a teacher for its devotees requires the permission of the school superintendent "who in turn will determine whether or not it is practical for said group to teach in said school system." If no provision is made for religious instruction in the particular faith of a child, or if for other reasons the child is not enrolled in any of the offered classes, he is required to attend a regular school class, or a study period during which he is often left to his own devices. Reports of attendance in the religious classes are submitted by the religious instructor to the school authorities, and the child who fails to attend is presumably deemed a truant.

Religious education so conducted on school time and property is patently woven into the working scheme of the school. The

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Champaign arrangement thus presents powerful elements of inherent pressure by the school system in the interest of religious sects. The fact that this power has not been used to discriminate is beside the point. Separation is a requirement to abstain from fusing functions of Government and of religious sects, not merely to treat them all equally. That a child is offered an alternative may reduce the constraint; it does not eliminate the operation of influence by the school in matters sacred to conscience and outside the school's domain. The law of imitation operates, and non-conformity is not an outstanding characteristic of children. The result is an obvious pressure upon children to attend.[18] Again, while the Champaign school population represents only a fraction of the more than two hundred and fifty sects of the nation, not even all the practicing sects in Champaign are willing or able to provide religious instruction. The children belonging to these non-participating sects will thus have inculcated in them a feeling of separatism when the school should be the training ground for habits of community, or they will have religious instruction in a faith which is not that of their parents. As a result, the public school system of Champaign actively furthers inculcation in the religious tenets of some faiths, and in the process sharpens the consciousness of religious differences at least among some of the children committed to its care. These are consequences not amenable to statistics. But they are precisely the consequences against which the Constitution was directed when it prohibited the Government common to all from becoming embroiled, however innocently, in the destructive religious conflicts of which the history of even this country records some dark pages.[19]

Mention should not be omitted that the integration of religious instruction within the school system as practiced in Champaign is supported by arguments drawn from educational theories as diverse as those derived from Catholic conceptions and from the writings of John Dewey.[20] Movements like "released time" are seldom single in origin or aim. Nor can the intrusion of religious instruction into the public school system of Champaign be minimized by saying that it absorbs less than an hour a week; in fact, that affords evidence of a design constitutionally objectionable. If it were merely a question of enabling a child to obtain religious instruction with a receptive mind, the thirty or forty-five minutes could readily be found on Saturday or Sunday. If that were all, Champaign might have drawn upon the French system, known in its American manifestation as "dismissed time," whereby one school day is shortened to allow all children to go where they please, leaving those who so desire to go to a religious school.[21] The momentum of the whole school atmosphere and school planning is presumably put behind religious instruction, as given in Champaign, precisely in order to secure for the religious instruction such momentum and planning. To speak of "released time" as being only half or three quarters of an hour is to draw a thread from a fabric.

We do not consider, as indeed we could not, school programs not before us which, though colloquially characterized as "released time," present situations differing in aspects that may well be constitutionally crucial. Different forms which "released time" has taken during more than thirty years of growth include programs which, like that before us, could not withstand the test of the Constitution; others may be found unexceptionable. We do not now attempt to weigh in the Constitutional scale every separate detail or various combination of factors which may establish a valid "released time" program. We find that the basic Constitutional principle of absolute Separation was violated when the State of Illinois, speaking through its Supreme Court, sustained the school authorities of Champaign in sponsoring and effectively furthering religious beliefs by its educational arrangement.

Separation means separation, not something less. Jefferson's metaphor in describing the relation between Church and State speaks of a "wall of separation," not of a fine line easily overstepped. The public school is at once the symbol of our democracy and the most pervasive means for promoting our common destiny. In no activity of the State is it more vital to keep out divisive forces than in its schools, to avoid confusing, not to say fusing, what the Constitution sought to keep strictly apart. "The great American principle of eternal separation"—Elihu Root's phrase bears repetition—is one of the vital reliances of our Constitutional system for assuring unities among our people stronger than our diversities. It is the Court's duty to enforce this principle in its full integrity.

We renew our conviction that "we have staked the very existence of our country on the faith that complete separation between the state and religion is best for the state and best for religion." *Everson* v. *Board of Education,* 330 U.S. at 59. If nowhere else, in the relation between Church and State, "good fences make good neighbors."

FOOTNOTES

[1] For an exposition of the religious origins of American education, see S. W. Brown, The Secularization of American Education (1912) cc. I, II; Knight, Education in the United States (2d rev. ed. 1941) cc. III, V; Cubberley, Public Education in the United States (1934) cc. II, III.

[2] See Boese, Public Education in the City of New York (1869) c. XIV; Hall, Religious Education in the Public Schools of the State and City of New York (1914) cc. VI, VII; Palmer, The New York Public School (1905) cc. VI, VII, X, XII. And see New York Laws 1842, c. 150, § 14, amended, New York Laws 1844, c. 320, § 12.

[3] S. M. Smith, The Relation of the States to Religious Education in Massachusetts (1926) c. VII; Culver, Horace Mann and Religion in the Massachusetts Public Schools (1929).

[4] It has been suggested that secular education in this country is the inevitable "product of 'the utter impossibility of harmonizing multiform creeds.' " T. W. M. Marshall, *Secular Education in England and the United States,* 1 American Catholic Quarterly Review 278, 308. It is precisely because of this "utter impossibility" that the fathers put into the Constitution the principle of complete "hands-off," for a people as religiously heterogeneous as ours.

[5] See Cubberley, Public Education in the United States (1934) pp. 230 *et seq.;* Zollmann, *The Relation of Church and State,* in Lotz and Crawford, Studies in Religious Education (1931) 403, 418 *et seq.*; Payson Smith, *The Public Schools and Religious Education,* in Religion and Education (Sperry, Editor, 1945) pp. 32 *et seq.*; also Mahoney, The Relation of the State to Religious Education in Early New York 1633–1825 (1941) c. VI; McLaughlin, A History of State Legislation Affecting Private Elementary and Secondary Schools in the United States, 1870–1945 (1946) c. I; and see note 10 *infra.*

[6] President Grant's Annual Message to Congress, December 7, 1875, 4 Cong. Rec. 175 *et seq.;* Ames, The Proposed Amendments to the Constitution of the United States during the First Century of its History, H.R. Doc. No. 353, Pt. 2, 54th Cong., 2d Sess., pp. 277–78. In addition to the first proposal, "The Blaine Amendment," five others to similar effect are cited by Ames. The reason for the failure of these attempts seems to have been in part that the "provisions of the State constitutions are in almost all instances adequate on this subject, and no amendment is likely to be secured." *Id.*

In the form in which it passed the House of Representatives, the Blaine Amendment read as follows: "No State shall make any law respecting an establishment of religion, or prohibiting the free exercise thereof; and no religious test shall ever be required as a qualification to any office or public trust under any State. No public property, and no public revenue of, nor any loan of credit by or under the authority of, the United States, or any State, Territory, District, or municipal corporation, shall be appropriated to, or made or used for, the support of any school, educational or other institution, under the control of any religious or anti-religious sect, organization, or denomination, or wherein the particular creed or tenets of any religious or anti-religious sect, organization, or denomination shall be taught. And no such particular creed or tenets shall be read or taught in any school or institution supported in whole or in part by such revenue or loan of credit; and no such appropriation or loan of credit shall be made to any religious or anti-religious sect, organization, or denomination, or to promote its interests or tenets. This article shall not be construed to prohibit the reading of the Bible in any school or institution; and it shall not have the effect to impair rights of property already vested. . . ." H. Res. 1, 44th Cong., 1st Sess. (1876).

[7] See *Constitutions of the States and United States,* III Report of the New York State Constitutional Convention Committee (1938) Index, pp. 1766–67.

[8] It is worthy of interest that another famous American lawyer, and indeed one of the most distinguished of American judges, Jeremiah S. Black, expressed similar views nearly forty years before Mr. Root: "The manifest object of the men who framed the institutions of this country was to have a *State without religion,* and a *Church without politics*—that is to say, they meant that one should never be used as an engine for any purpose of the other. . . . Our fathers seem to have been perfectly sincere in their belief that the members of the Church would be more patriotic, and the citizens of the State more religious, by keeping their respective functions entirely separate. For that reason they built up a wall of complete and perfect partition between the two." From *Religious Liberty* (1856) in Black, Essays and Speeches (1886) 51, 53; cf. Brigance, Jeremiah Sullivan Black (1934). While Jeremiah S. Black and Elihu Root had many things in common, there were also important difference between them, perhaps best illustrated by the fact that one became Secretary of State to President Buchanan, the other to Theodore Roosevelt. That two men, with such different political alignment, should have shared identic views on a matter so basic to the well-being of our American democracy affords striking proof of the respect to be accorded to that principle.

[9] 25 Stat. 676, 677, applicable to North Dakota, South Dakota, Montana and Washington, required that the constitutional conventions of those States "provide, by ordinances irrevocable without the consent of the United States and the people of said States . . . for the establishment and maintenance of systems of public school which shall be open to all the children of said States, and free from sectarian control. . . ." The same provision was contained in the Enabling Act for Utah, 28 Stat. 107, 108; Oklahoma, 34 Stat. 267, 270; New Mexico and Arizona, 36 Stat. 557, 559, 570. Idaho and Wyoming were admitted after adoption of their constitutions; that of Wyoming contained an irrevocable ordinance in the same terms. Wyoming Constitution, 1889, Ordinances, § 5. The Constitution of Idaho, while

it contained no irrevocable ordinance, had a provision even more explicit in its establishment of separation. Idaho Constitution, 1880, art. IX, § 5.

[10] See, *e.g.*, the New York experience, including, *inter alia*, the famous Hughes controversy of 1840–42, the conflict culminating in the Constitutional Convention of 1894, and the attempts to restore aid to parochial schools by revision of the New York City Charter, in 1901, and at the State Constitutional Convention of 1938. See McLaughlin, A History of State Legislation Affecting Private Elementary and Secondary Schools in the United States, 1870–1945 (1946) pp. 119–25; Mahoney, The Relation of the State to Religious Education in Early New York 1633–1825 (1941) c. VI; Hall, Religious Education in the Public Schools of the State and the City of New York (1914) pp. 46–47; Boese, Public Education in the City of New York (1869) c. XIV; compare New York Laws 1901, vol. 3, § 1152, p. 492, with amendment, *id.*, p. 668; see Nicholas Murray Butler, *Religious and Education* (Editorial) in 22 Educational Review 101, June, 1901; New York Times, April 8, 1901, p. 1, col. 1; April 9, 1901, p. 2, col. 5; April 19, 1901, p. 2, col. 2; April 21, 1901, p. 1, col. 3; Editorial, April 22, 1901, p. 6, col. 1.

Compare S. 2499, 79th Cong., 2d Sess., providing for Federal aid to education, and the controversy engendered over the inclusion in the aid program of sectarian schools, fully discussed in, e.g., "The Nation's Schools," January through June, 1947.

[11] For surveys of the development of private religious education, see, *e.g.*, A. A. Brown, A. History of Religious Education in Recent Times (1923); Athearn, Religious Education and American Democracy (1917); Burns and Kohlbrenner, A History of Catholic Education in the United States (1937); Lotz and Crawford, Studies in Religious Education (1931) Parts I and IV.

[12] Reference should be made to Jacob Gould Schurman, who in 1903 proposed a plan bearing close resemblance to that of Champaign. See Symposium, 75 The Outlook 635, 636, November 14, 1903; Crooker, Religious Freedom in American Education (1903) pp. 39 *et seq.*

[13] For the text of the resolution, a brief in its support, as well as an exposition of some of the opposition it inspired, see Wenner's book, Religious Education and the Public School (rev. ed. 1913).

[14] The French example is cited not only by Wenner but also by Nicholas Murray Butler, who thought released time was "restoring the American system in the state of New York." *The Place of Religious Instruction in Our Educational System*, 7 Vital Speeches 167, 168 (Nov. 28, 1940); see also Report of the President of Columbia University, 1934, pp. 22–24. It is important to note, however, that the French practice must be viewed as the result of the struggle to emancipate the French schools from control by the Church. The leaders of this revolution, men like Paul Bert, Ferdinand Buisson, and Jules Ferry, agreed to this measure as one part of a great step towards, rather than a retreat from, the principle of Separation. The history of these events is described in Muzzey, *State, Church, and School in France*, The School Review, March through June, 1911.

In effect, moreover, the French practice differs in crucial respects from both the Wenner proposal and the Champaign system. The law of 1882 provided that "Public elementary schools will be closed one day a week in addition to Sunday in order to permit parents, if they so desire, to have their children given religious instruction outside of school buildings." Law No. 11,696, March 28, 1882, Bulletin des Lois, No. 690. This then approximates that aspect of released time generally known as "dismissed time." No children went to school on that day, and the public school was therefore not an alternative used to impel the children towards the religious school. The religious education was given "outside of school buildings."

The Vichy Government attempted to introduce a program of religious instruction within the public school system remarkably similar to that in effect in Champaign. The proposal was defeated by intense opposition which included the protest of the French clergy, who apparently feared State control of the Church. See Schwartz, *Religious Instruction under Pétain*, 58 Christian Century 1170, Sept. 24, 1941.

[15] Of the many expositions of the Gary plan, see, *e.g.*, A. A. Brown, *The Week-Day Church Schools of Gary, Indiana*, 11 Religious Education 5 (1916); Wirt, *The Gary Public Schools and the Churches*, *id.* at 221 (1916).

[16] See the 1947 Yearbook, International Council of Religious Education, p. 76; also New York Times, September 21, 1947, p. 22, col. 1.

[17] Respects in which programs differ include, for example, the amount of supervision by the public school of attendance and performance in the religious class, of the course of study, of the selection of teachers; methods of enrollment and dismissal from the secular classes; the amount of school time devoted to operation of the program; the extent to which school property and administrative machinery are involved; the effect on the public school program of the introduction of "released time"; the proportion of students who seek to be excused; the effect of the program on non-participants; the amount and nature of the publicity for the program in the public schools.

The studies of detail in "released time" programs are voluminous. Most of these may be found in the issues of such periodicals as The International Journal of Religious Education, Religious Education, and Christian Century. For some of the more comprehensive studies found elsewhere, see Davis, Weekday Classes in Religious Education, U.S. Office of Education Bulletin 1941, No. 3; Gorham, A Study of the Status of Weekday Church Schools in the United States (1934); Lotz, *The Weekday Church School*, in Lotz and Crawford, Studies in Religious Education (1931) c. XII; Forsyth, Week-Day Church Schools (1930); Settle, The Weekday Church School, Educational Bulletin No. 601 of The International Council of Religious Education (1930); Shaver, Present-Day Trends in Religious Education (1928) cc. VII, VIII; Gove, Religious Education on Public School Time (1926).

[18] It deserves notice that in discussing with the relator her son's inability to get along with his classmates, one of his teachers suggested that "allowing him to take the religious education course might help him to become a member of the group."

[19] The divergent views expressed in the briefs submitted here on behalf of various religious organizations, as *amici curiae*, in themselves suggest that the movement has been a divisive and not an irenic influence in the community: The American Unitarian Association; The General Conference of Seventh Day Adventists; The Joint Conference Committee on Public Relations set up by the Southern Baptist Convention, The Northern Baptist Convention, The National Baptist Convention Inc., and the National Baptist Convention; The Protestant Council of the City of New York; and The Synagogue Council of America and National Community Relations Advisory Council.

[20] There is a prolific literature on the educational, social and religious merits of the "released time" movement. In support of "released time" the following may be mentioned: The International Council of Religious Education, and particularly the writings of Dr. Erwin L. Shaver, for some years Director of its Department of Weekday Religious Education, in publications of the Council and in numerous issues of The International Journal of Religious Education (*e.g.*, *They Reach One-Third*, Dec. 1943, p. 11; *Weekday Religious Education Today*, Jan., 1944, p. 6), and Religious Education (*e.g.*, *Survey of Week-Day Religious Education*, Feb. 1922, p. 51; *The Movement for Weekday Religious Education*, Jan.-Feb., 1946, p. 6); see also Information Service, Federal Council of Churches of Christ, May 29, 1943. See also Cutton, *Answering the Arguments*, The International Journal of Religious Education, June, 1930, p. 9, and *Released Time*, *id.*, Sept. 1942, p. 12; Hauser, *"Hands Off the Public School?"*, Religious Education, Mar.-Apr., 1942, p. 99; Collins, *Release Time for Religious Instruction*, National Catholic Education Association Bulletin, May, 1945, pp. 21, 27–28; Weigle, *Public Education and Religion*, Religious Education, Apr.-June, 1940, p. 67; Nicholas Murray Butler, *The Place of Religious Instruction in Our Educational System*, 7 Vital Speeches 167 (Nov. 28, 1940); Howlett, *Released Time for Religious Education in New York City*, 64 Education 523, May, 1944; Blair, *A Case for the Weekday Church School*, 7 Frontiers of Democracy 75, Dec. 15, 1940; cf. Allred, Legal Aspects of Release Time (National Catholic Welfare Conference, 1947). Favorable views are also cited in the studies in note 17, *supra*. Many not opposed to "released time" have declared it "hardly enough" or "pitifully inadequate." *E.g.*, Fleming, God in Our Public Schools (2d ed. 1944) pp. 80–86; Howlett, *Released Time for Religious Education in New York City*, Religious Education, Mar.-Apr., 1942, p. 104; Cavert, *Points of Tension Between Church and State in America Today*, in Church and State in the Modern World (1937) 161, 168; F. E. Johnson, The Church and Society (1935) 125; Hubner, Professional Attitudes toward Religion in the Public Schools of the United States Since 1900 (1944) 108–109, 113; cf. Ryan, *A Protestant Experiment in Religious Education*, The Catholic World, June, 1922; Elliott, *Are Weekday Church Schools the Solution?*, The International Journal of Religious Education, Nov., 1940, p. 8; Elliott, *Report of the Discussion*, Religious Education, July-Sept., 1940, p. 158.

For opposing views, see V. T. Thayer, Religion in Public Education (1947) cc. VII, VIII; Moehlman, The Church as Educator (1947) c. X; Chave, A Functional Approach to Religious Education (1947) 104–107; A. W. Johnson, The Legal Status of Church-State Relationships in the United States (1934) 129–130; Newman, The Sectarian Invasion of Our Public Schools (1925). See also Payson Smith, *The Public Schools and Religious Education*, in Religion and Education (Sperry, Editor, 1945) 32, 42–47; Herrick, *Religion in the Public Schools of America*, 46 Elementary School Journal 119, Nov., 1945; Kallen, *Churchmen's Claims on the Public School*, The Nation's Schools, May, 1942, p. 49; June, 1942, p. 52. And cf. John Dewey, *Religion in Our Schools* (1908), reprinted in 2 Characters and Events (1929) 504, 508, 514. "Released time" was introduced in the public schools of the City of New York over the opposition of organizations like the Public Education Association and the United Parents Associations.

The arguments and sources pro and con are collected in Hubner, Professional Attitudes toward Religion in the Public Schools in the United States since 1900 (1944) 94 *et seq.* And see the symposia, *Teaching Religion in a Democracy*, The International Journal of Religious Education. Nov., 1940, pp. 6–16; *The Aims of Week-Day Religious Education*, Religious Education, Feb., 1922, p. 11; *Released Time in New York City*, *id.*, Jan.–Feb., 1943, p. 15; *Progress in Weekday Religious Education*, *id.*, Jan.–Feb. 1946, p. 6; *Can Our Public Schools Do More About Religion?*, 125 Journal of Education 245, Nov., 1942, *id.* at 273, Dec., 1942; *Religious Instruction on School Time*, 7 Frontiers of Democracy 72–77, Dec. 15, 1940; and the articles in 64 Education 519 *et seq.*, May, 1944.

[21] See note 14, *supra*. Indications are that "dismissed time" is used in an inconsiderable number of the communities employing released time. Davis, Weekday Classes in Religious Education, U.S. Office of Education Bulletin 1941, No. 3, p. 22; Shaver, *The Movement for Weekday Religious Education*, Religious Education, Jan.–Feb., 1946, pp. 6, 9.

JUSTICE JACKSON CONCURRING

MR. JUSTICE JACKSON, concurring.

I join the opinion of MR. JUSTICE FRANKFURTER, and concur in the result reached by the Court, but with these reservations: I think it is doubtful whether the facts of this case establish jurisdiction in this Court, but in any event that we should place some bounds on the demands for interference with local schools that we are empowered or willing to entertain. I make these reservations a matter of record in view of the number of litigations likely to be started as a result of this decision.

A Federal Court may interfere with local school authorities only when they invade either a personal liberty or a property right protected by the Federal Constitution. Ordinarily this will come about in either of two ways:

First. When a person is required to submit to some religious rite or instruction or is deprived or threatened with deprivation of his freedom for resisting such unconstitutional requirement. We may then set him free or enjoin his prosecution. Typical of such cases was *West Virginia State Board of Education* v. *Barnette*, 319 U.S. 624. There penalties were threatened against both parent and child for refusal of the latter to perform a compulsory ritual which offended his convictions. We intervened to shield them against the penalty. But here, complainant's son may join religious classes if he chooses and if his parents so request, or he may stay out of them. The complaint is that when others join and he does not, it sets him apart as a dissenter, which is humiliating. Even admitting this to be true, it may be doubted whether the Constitution which, of course, protects the right to dissent, can be construed also to protect one from the embarrassment that always attends noncomformity, whether in religion, politics, behavior or dress. Since no legal compulsion is applied to complainant's son himself and no penalty is imposed or threatened from which we may relieve him, we can hardly base jurisdiction on this ground.

Second. Where a complainant is deprived of property by being taxed for unconstitutional purposes, such as directly or indirectly to support a religious establishment. We can protect a taxpayer against such a levy. This was the *Everson Case*, 330 U.S. 1, as I saw it then and see it now. It was complained in that case that the school treasurer drew a check on public funds to reimburse parents for a child's bus fare if he went to a Catholic parochial school or a public school, but not if he went to any other private or denominational school. Reference to the record in that case will show that the School District was not operating busses, so it was not a question of allowing Catholic children to ride publicly owned busses along with others, in the interests of their safety, health or morals. The child had to travel to and from parochial school on commercial busses like other paying passengers and all other school children, and he was exposed to the same dangers. If it could, in fairness, have been said that the expenditure was a measure for the protection of the safety, health or morals of youngsters, it would not merely have been constitutional to grant it; it would have been unconstitutional to refuse it to any child merely because he was a Catholic. But in the *Everson Case* there was a direct, substantial and measurable burden on the complainant as a taxpayer to raise funds that were used to subsidize transportation to parochial schools. Hence, we had jurisdiction to examine the constitutionality of the levy and to protect against it if a majority had agreed that the subsidy for transportation was unconstitutional.

In this case, however, any cost of this plan to the taxpayers is incalculable and negligible. It can be argued, perhaps, that religious classes add some wear and tear on public buildings and that they should be charged with some expenses for heat and light, even though the sessions devoted to religious instruction do not add to the length of the school day. But the cost is neither substantial nor measurable, and no one seriously can say that the complainant's tax bill has been proved to be increased because of this plan. I think it is doubtful whether the taxpayer in this case has shown any substantial property injury.

If, however, jurisdiction is found to exist, it is important that we circumscribe our decision with some care. What is asked is not a defensive use of judicial power to set aside a tax levy or reverse a conviction, or to enjoin threats of prosecution or taxation. The relief demanded in this case is the extraordinary writ of mandamus to tell the local Board of Education what it must do. The prayer for relief is that a writ issue against the Board of Education "ordering it to immediately adopt and enforce rules and regulations prohibiting all instruction in and teaching of religious education in all public schools . . . and in all public school houses and buildings in said district when occupied by public schools." The plaintiff, as she has every right to be, is an avowed atheist. What she has asked of the courts is that they not only end the "released time" plan but also ban every form of teaching which suggests or recognizes that there is a God. She would ban all teaching of the Scriptures. She especially mentions as an example of invasion of her rights 'having pupils learn and recite such statements as, 'The Lord is my Sheperd, I shall not want.' " And she objects to teaching that the King James version of the Bible "is called the Christian's Guide Book, the Holy Writ and the Word of God," and many other similar matters. This Court is directing the Illinois courts generally to sustain plaintiff's complaint without exception of any of these grounds of complaint, without discriminating between them and without laying down any standards to define the limits of the effect of our decision.

To me, the sweep and detail of these complaints is a danger signal which warns of the kind of local controversy we will be required to arbitrate if we do not place appropriate limitation on our decision and exact strict compliance with jurisdictional requirements. Authorities list 256 separate and substantial religious bodies to exist in the continental United States. Each of them, through the suit of some discontented but unpenalized and untaxed representative, has as good a right as this plaintiff to demand that the courts compel the schools to sift out of their teaching everything inconsistent with its doctrines. If we are to eliminate everything that is objectionable to any of these warring sects or inconsistent with any of their doctrines, we will leave public education in shreds. Nothing but educational confusion and a discrediting of the public school system can result from subjecting it to constant law suits.

While we may and should end such formal and explicit instruction as the Champaign plan and can at all times prohibit teaching of creed and catechism and ceremonial and can forbid forthright proselyting in the schools, I think it remains to be demonstrated whether it is possible, even if desirable, to comply with such demands as plaintiff's completely to isolate and cast out of secular education all that some people may reasonably regard as religious instruction. Perhaps subjects such as mathematics, physics or chemistry are, or can be, completely secularized. But it would not seem practical to teach either practice or appreciation of the arts if we are to forbid exposure of youth to any religious influences. Music without sacred music, architecture minus the cathedral, or painting without the scriptural themes would be eccentric and incomplete, even from a secular point of view. Yet the inspirational appeal or religion in these guises is often stronger than in forthright sermon. Even such a "science" as biology raises the issues between evolution and creation as an explanation of our presence on this planet. Certainly a course in English literature that omitted the Bible and other powerful uses of our mother tongue for religious ends would be pretty barren. And I should suppose it is a proper, if not an indispensable, part of preparation for a wordly life to know the roles that religion and religions have played in the tragic story of mankind. The fact is that, for good or for ill nearly everything in our culture worth transmitting, everything which gives meaning to life, is saturated with religious influences, derived from paganism, Judaism, Christianity—both Catholic and Protestant—and other faiths accepted by a large part of the world's peoples. One can hardly respect a system of education that would leave the student wholly ignorant of the currents of religious thought that move the world society for a part in which he is being prepared.

But how one can teach, with satisfaction or even with justice to all faiths, such subjects as the story of the Reformation, the Inquisition, or even the New England effort to found "a Church without a Bishop and a State without a King," is more than I know. It is too much to expect that mortals will teach subjects about which their contemporaries have passionate controversies with the detachment they may summon to teaching about remote subjects such as Confucius or Mohammed. When instruction turns to proselyting and imparting knowledge becomes evangelism is, except in the crudest cases, a subtle inquiry.

The opinions in this case show that public educational authorities have evolved a considerable variety of practices in dealing with the religious problem. Neighborhoods differ in racial, religious and cultural compositions. It must be expected that they will adopt different customs which will give emphasis to different values and will induce different experiments. And it must be expected that, no matter what practice prevails, there will be many discontented and possibly belligerent minorities. We must leave some flexibility to meet local conditions, some chance to progress by trial and error. While I agree that the religious classes involved here go beyond permissible limits, I also think the complaint demands more than plaintiff is entitled to have granted. So far as I can see this Court does not tell the State court where it may stop, nor does it set up any standards by which the State court may determine that question for itself.

The task of separating the secular from the religious in education is one of magnitude, intricacy and delicacy. To lay down a sweeping constitutional doctrine as demanded by complainant and apparently approved by the Court, applicable alike to all school boards of the nation, "to immediately adopt and enforce rules and regulations prohibiting all instruction in and teaching of religious education in all public schools," is to decree a uniform, rigid and, if we are consistent, an unchanging standard for countless school boards representing and serving highly localized groups which not only differ from each other but which themselves from time to time change attitudes. It seems to me that to do so is to allow zeal for our own ideas of what is good in public instruction to induce us to accept the role of a super board of education for every school district in the nation.

It is idle to pretend that this task is one for which we can find in the Constitution one word to help us as judges to decide where the secular ends and the sectarian begins in education. Nor can we find guidance in any other legal source. It is a matter on which we can find no law but our own prepossessions. If with no surer legal guidance we are to take up and decide every variation of this controversy, raised by persons not subject to penalty or tax but who are dissatisfied with the way schools are dealing with the problem, we are likely to have much business of the sort. And, more importantly, we are likely to make the legal "wall of separation between church and state" as winding as the famous serpentine wall designed by Mr. Jefferson for the University he founded.

JUSTICE REED DISSENTING

MR. JUSTICE REED, dissenting.

The decisions reversing the judgment of the Supreme Court of Illinois interpret the prohibition of the First Amendment against the establishment of religion, made effective as to the states by the Fourteenth Amendment, to forbid pupils of the public schools electing, with the approval of their parents, courses in religious education. The courses are given, under the school laws of Illinois as approved by the Supreme Court of that state, by lay or clerical teachers supplied and directed by an interdenominational, local council of religious education.[1] The classes are held in the respective school buildings of the pupils at study or released time periods so as to avoid conflict with recitations. The teachers and supplies are paid for by the interdenominational group.[2] As I am convinced that this interpretation of the First Amendment is erroneous. I feel impelled to express the reasons for my disagreement. By directing attention to the many instances of close association of church and state in American society and by recalling that many of these relations are so much a part of our tradition and culture that they are accepted without more, this dissent may help in an appraisal of the meaning of the clause of the First Amendment concerning the establishment of religion and of the reasons which lead to the approval or disapproval of the judgment below.

The reasons for the reversal of the Illinois judgment, as they appear in the respective opinions, may be summarized by the following excerpts. The opinion of the Court, after stating the facts, says: "The foregoing facts, without reference to others that appear in the record, show the use of tax-supported property for religious instruction and the close cooperation between the school authorities and the religious council in promoting religious education. . . . And it falls squarely under the ban of the First Amendment (made applicable to the States by the Fourteenth) as we interpreted it in *Everson* v. *Board of Education*, 330 U.S. 1." Another opinion phrases it thus: "We do not now attempt to weigh in the Constitutional scale every separate detail or various combination of factors which may establish a valid 'released time' program. We find that the basic Constitutional principle of absolute separation was violated when the State of Illinois, speaking through its Supreme Court, sustained the school authorities of Champaign in sponsoring and effectively furthering religious beliefs by its educational arrangement." These expressions in the decisions seem to leave open for further litigation variations from the Champaign plan. Actually, however, future cases must run the gauntlet not only of the judgment entered but of the accompanying words of the opinions. I find it difficult to extract from the opinions any conclusion as to what it is in the Champaign plan that is unconstitutional. Is it the use of school buildings for religious instruction; the release of pupils by the schools for religious instruction during school hours; the so-called assistance by teachers in handing out the request cards to pupils, in keeping lists of them for release and records of their attendance; or the action of the principals in arranging an opportunity for the classes and the appearance of the Council's instructors? None of the reversing opinions say whether the purpose of the Champaign plan for religious instruction during school hours is unconstitutional or whether it is some ingredient used in or omitted from the formula that makes the plan unconstitutional.

From the tenor of the opinions I conclude that their teachings are that any use of a pupil's school time, whether that use is on or off the school grounds, with the necessary school regulations to facilitate attendance, falls under the ban. I reach this conclusion notwithstanding one sentence of indefinite meaning in the second opinion: "We do not consider, as indeed we could not, school programs not before us which, though colloquially characterized as 'released time,' present situations differing in aspects that may well be constitutionally crucial." The use of the words "cooperation," "fusion," "complete hands-off," "integrate" and "integrated" to describe the relations between the school and the Council in the plan evidences this. So does the interpretation of the word "aid" The criticized "momentum of the whole school atmosphere," "feeling of separatism" engendered in the non-participating sects, "obvious pressure . . . to attend," and "divisiveness" lead to the stated conclusion. From the holding and the language of the opinions, I can only deduce that religious instruction of public school children during school hours is prohibited. The history of American education is against such an interpretation of the First Amendment.

The opinions do not say in words that the condemned practice of religious education is a law respecting an establishment of religion contrary to the First Amendment. The practice is accepted as a state law by all. I take it that when the opinion of the Court says that "The operation of the state's compulsory education system thus assists and is integrated with the program of religious instruction carried on by separate religious sects" and concludes "This is beyond all question a utilization of the tax-established and tax-supported public school system to aid religious groups to spread their faith," the intention of its author is to rule that this practice is a law "respecting an establishment of religion." That was the basis of *Everson* v. *Board of Education*, 330 U.S. 1. It seems obvious that the action of the School Board in permitting religious education in certain grades of the schools by all faiths did not prohibit the free exercise of religion. Even assuming that certain children who did not elect to take instruction are embarassed to remain outside of the classes, one can hardly speak of that embarassment as a prohibition against the free exercise of religion. As no issue of prohibition upon the free exercise of religion is before us, we need only examine the School Board's action to see if it constitutes an establishment of religion.

The facts, as stated in the reversing opinions, are adequately set out if we interpret the abstract words used in the light of the concrete incidents of the record. It is correct to say that the parents "consented" to the religious instruction of the children, if we understand "consent" to mean the signing of a card like the one in the margin.[3] It is correct to say that "instructors were subject to the approval and supervision of the superintendent of schools," if it is understood that there were no definitive written rules and that the practice was as is shown in the excerpts from the findings below.[4] The substance of the religious education course is determined by the members of the various churches on the council, not by the superintendent.[5] The evidence and findings set out in the two preceding notes convince me that the "approval and supervision" referred to above are not of the teachers and the course of studies but of the orderly presentation of the courses to those students who may elect the instruction. The teaching largely covered Biblical incidents.[6] The religious teachers and their teachings, in every real sense, were financed and regulated by the Council of Religious Education, not the School Board.

"CHAMPAIGN COUNCIL OF RELIGIOUS EDUCATION
1945–1946 [3]

Parent's request card

Please permit ——— in Grade — at ——— School to attend a class in Religious Education one period a week under the Auspices of the Champaign Council of Religious Education.

(Check which)

Date ———, Interdenominational, Protestant, Roman Catholic, Jewish.

Signed ———, ———.
(Parent Name)

Parent's Church ———
Telephone No. ———
Address ———

A fee of 25 cents a semester is charged each pupil to help cover the cost of material used.

If you wish your child to receive religious instruction, please sign this card and return to the school.

MAE CHAPIN, *Director*."

Mae Chapin, the Director, was not a school employee.

The phrase "an establishment of religion" may have been intended by Congress to be aimed only at a state church. When the First Amendment was pending in Congress in substantially its present form, "Mr. Madison said, he apprehended the meaning of the words to be, that Congress should not establish a religion, and enforce the legal observation of it by law, nor compel men to worship God in any manner contrary to their conscience." [7] Passing years, however, have brought about acceptance of a broader meaning, although never until today, I believe, has this Court widened its interpretation to any such degree as holding that recognition of the interest of our nation in religion, through the granting, to qualified representatives of the principal faiths, of opportunity to present religion as an optional, extracurricular subject during released school time in public school buildings, was equivalent to an establishment of religion. A reading of the general statements of eminent statesmen of former days, referred to in the opinions in this case and in *Everson* v. *Board of Education*, *supra*, will show that circumstances such as those in this case were far from the minds of the authors. The words and spirit of those statements may be wholeheartedly accepted without in the least impunging the judgment of the State of Illinois.[8]

Mr. Jefferson, as one of the founders of the University of Virginia, a school which from its establishment in 1819 has been wholly governed, managed and controlled by the State of Virginia,[9] was faced with the same problem that is before this Court today: the question of the constitutional limitation upon religious education in public schools. In his annual report as Rector, to the President and Directors of the Literary Fund, dated October 7, 1822, approved by the Visitors of the University of whom Mr. Madison was one,[10] Mr. Jefferson set forth his views at some length.[11] These suggestions of Mr. Jefferson were adopted [12] and ch. II, § 1,

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Footnotes at end of article.

of the Regulations of the University of October 4, 1824, provided that:

"Should the religious sects of this State, or any of them, according to the invitation held out to them, establish within, or adjacent to, the precincts of the University, schools for instruction in the religion of their sect, the students of the University will be free, and expected to attend religious worship at the establishment of their respective sects, in the morning, and in time to meet their school in the University at its stated hour."[13]

Thus, the "wall of separation between church and State" that, Mr. Jefferson built at the University which he founded did not exclude religious education from that school. The difference between the generality of his statements on the separation of church and state and the specificity of his conclusions on education are considerable. A rule of law should not be drawn from a figure of speech.

Mr. Madison's *Memorial and Remonstrance against Religious Assessments,*[14] relied upon by the dissenting Justices in *Everson,* is not applicable here.[15] Mr. Madison was one of the principal opponents in the Virginia General Assembly of *A Bill Establishing a Provision for Teachers of the Christian Religion*. The monies raised by the taxing section[16] of that bill were to be appropriated "by the Vestries, Elders, or Directors of each religious society, . . . to a provision for a Minister or Teacher of the Gospel of their denomination, or the providing places of divine worship, and to none other use whatsoever. . . ." The conclusive legislative struggle over this act took place in the fall of 1785, before the adoption of the Bill of Rights. The *Remonstrance* had been issued before the General Assembly convened and was instrumental in the final defeat of the act, which died in committee. Throughout the *Remonstrance,* Mr. Madison speaks of the "establishment" sought to be effected by the act. It is clear from its historical setting and its language that the *Remonstrance* was a protest against an effort by Virginia to support Christian sects by taxation. Issues similar to those raised by the instant case were not discussed. Thus, Mr. Madison's approval of Mr. Jefferson's report as Rector gives, in my opinion, a clearer indication of his views on the constitutionality of religious education in public schools than his general statements on a different subject.

This Court summarized the amendment's accepted reach into the religious field, as I understand its scope, in *Everson* v. *Board of Education, supra*. The Court's opinion quotes the gist of the Court's reasoning in *Everson*. I agree, as there stated, that none of our governmental entities can "set up a church." I agree that they cannot "aid" all or any religions or prefer one "over another." But "aid" must be understood as a purposeful assistance directly to the church itself or to some religious group or organization doing religious work of such a character that it may fairly be said to be performing ecclesiastical functions. "Prefer" must give an advantage to one "over another." I agree that pupils cannot "be released in part from their legal duty" of school attendance upon condition that they attend religious classes. But as Illinois has held that it is within the discretion of the School Board to permit absence from school for religious instruction no legal duty of school attendance is violated. 396 Ill. 14, 71 N. E. 2d 161. If the sentence in the Court's opinion, concerning the pupils' release from legal duty, is intended to mean that the Constitution forbids a school to excuse a pupil from secular control during school hours to attend voluntarily a class in religious education, whether in or out of school buildings, I disagree. Of course, no tax can be levied to support organizations intended "to teach or practice religion." I agree too that the state cannot influence one toward religion against his will or punish him for his beliefs. Champaign's religious education course does none of these things.

It seems clear to me that the "aid" referred to by the Court in the *Everson* case could not have been those incidental advantages that religious bodies, with other groups similarly situated, obtain as a by-product of organized society. This explains the well-known fact that all churches receive "aid" from government in the form of freedom from taxation. The *Everson* decision itself justified the transportation of children to church schools by New Jersey for safety reasons. It accords with *Cochran* v. *Louisiana State Board of Education,* 281 U. S. 370, where this Court upheld a free textbook statute of Louisiana against a charge that it aided private schools on the ground that the books were for the education of the children, not to aid religious schools. Likewise the National School Lunch Act aids all school children attending tax-exempt schools.[17] In *Bradfield* v. *Roberts,* 175 U.S. 291, this Court held proper the payment of money by the Federal Government to build an addition to a hospital, chartered by individuals who were members of a Roman Catholic sisterhood, and operated under the auspices of the Roman Catholic Church. This was done over the objection that it aided the establishment of religion.[18] While obviously in these instances the respective churches, in a certain sense, were aided, this Court has never held that such "aid" was in violation of the First or Fourteenth Amendment.

Well-recognized and long-established practices support the validity of the Illinois statute here in question. That statute, as construed in this case, is comparable to those in many states.[19] All differ to some extent. New York may be taken as a fair example.[20] In many states the program is under the supervision of a religious council composed of delegates who are themselves communicants of various faiths.[21] As is shown by *Bradfield* v. *Roberts, supra,* the fact that the members of the council have religious affiliations is not significant. In some, instruction is given outside of the school buildings; in others, within these buildings. Metropolitan centers like New York usually would have available quarters convenient to schools. Unless smaller cities and rural communities use the school building at times that do not interfere with recitations, they may be compelled to give up religious education. I understand that pupils not taking religious education usually are given other work of a secular nature within the schools.[22] Since all these states use the facilities of the schools to aid the religious education to some extent, their desire to permit religious education to school children is thwarted by this Court's judgment.[23] Under it, as I understand its language, children cannot be released or dismissed from school to attend classes in religion while other children must remain to pursue secular education. Teachers cannot keep the records as to which pupils are to be dismissed and which retained. To do so is said to be an "aid" in establishing religion; the use of public money for religion.

Cases running into the scores have been in the state courts of last resort that involved religion and the schools. Except where the exercises with religious significance partook of the ceremonial practice of sects or groups, their constitutionality has been generally upheld.[24] Illinois itself promptly struck down as violative of its own constitution required exercises partaking of a religious ceremony. *People ex rel. Ring* v. *Board of Education,* 245 Ill. 334, 92 N. E. 251. In that case compulsory religious exercises—a reading from the King James Bible, the Lord's Prayer and the singing of hymns—were forbidden as "worship services." In this case, the Supreme Court of Illinois pointed out that in the *Ring* case, the activities in the school were ceremonial and compulsory; in this, voluntary and educational. 396 Ill. 14, 20–21, 71 N. E. 2d 161, 164.

The practices of the federal government offer many examples of this kind of "aid" by the state to religion. The Congress of the United States has a chaplain for each House who daily invokes divine blessings and guidance for the proceedings.[25] The armed forces have commissioned chaplains from early days.[26] They conduct the public services in accordance with the liturgical requirements of their respective faiths, ashore and afloat, employing for the purpose property belonging to the United States and dedicated to the services of religion.[27] Under the Servicemen's Readjustment Act of 1944, eligible veterans may receive training at government expense for the ministry in denominational schools.[28] The schools of the District of Columbia have opening exercises which "include a reading from the Bible without note or comment, and the Lord's prayer."[29]

In the United States Naval Academy and the United States Military Academy, schools wholly supported and completely controlled by the federal government, there are a number of religious activities. Chaplains are attached to both schools. Attendance at church services on Sunday is compulsory at both the Military and Naval Academies.[30] At West Point the Protestant services are held in the Cadet Chapel, the Catholic in the Catholic Chapel, and the Jewish in the Old Cadet Chapel; at Annapolis only Protestant services are held on the reservation, midshipmen of other religious persuasions attend the churches of the city of Annapolis. These facts indicate that both schools since their earliest beginnings have maintained and enforced a pattern of participation in formal worship.

With the general statements in the opinions concerning the constitutional requirement that the nation and the states, by virtue of the First and Fourteenth Amendments,[31] may "make no law respecting an establishment of religion," I am in agreement. But, in the light of the meaning given to those words by the precedents, customs, and practices which I have detailed above, I cannot agree with the Court's conclusion that when pupils compelled by law to go to school for secular education are released from school so as to attend the religious classes, churches are unconstitutionally aided. Whatever may be the wisdom of the arrangement as to the use of the school buildings made with the Champaign Council of Religious Education, it is clear to me that past practice shows such cooperation between the schools and a non-eccelesiastical body is not forbidden by the First Amendment. When actual church services have always been permitted on government property, the mere use of the school buildings by a non-sectarian group for religious education ought not to be condemned as an establishment of religion. For a non-sectarian organization to give the type of instruction here offered cannot be said to violate our rule as to the establishment of religion by the state. The prohibition of enactments respecting the establishment of religion do not bar every friendly gesture between church and state. It is not an absolute prohibition against every conceivable situation where the two may work together, any more than the other provisions of the First Amendment—free speech, free press—are absolutes.[32] If abuses occur, such as the use of the instruction hour for sectarian purposes, I have no doubt, in view of the *Ring* case, that Illinois will promptly correct them. If they are of a kind that tend to the establishment of a church or interfere with the free exercise of religion, this Court is open for a review of any erroneous decision. This Court cannot to be cautious in upsetting practices embedded in our society by many years of

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Footnotes at end of article.

experience. A state is entitled to have great leeway in its legislation when dealing with the important social problems of its population.[33] A definite violation of legislative limits must be established. The Constitution should not be stretched to forbid national customs in the way courts act to reach arrangements to avoid federal taxation.[34] Devotion to the principle of religious liberty should not lead us into a rigid interpretation of the constitutional guarantee that conflicts with accepted habits of our people. This is an instance where, for me, the history of past practices is determinative of the meaning of a constitutional clause, not a decorous introduction to the study of its text. The judgment should be affirmed.

FOOTNOTES

[1] The trial court found that: " 'The Champaign Council of Religious Education' [is] a voluntary association made up of the representatives of the Jewish, Roman Catholic and Protestant faiths in the school district."

[2] There is no extra cost to the state but as a theoretical accounting problem it may be correct to charge to the classes their comparable proportion of the state expense for buildings, operation and teachers. In connection with the classes, the teachers need only keep a record of the pupils who attend. Increased custodial requirements are likewise nominal. It is customary to use school buildings for community activities when not needed for school purposes. See Ill. Rev. Stat., ch. 122, § 123.

[4] The superintendent testified that Jehovah's Witnesses or any other sect would be allowed to teach provided their teachers had proper educational qualifications, so that bad grammar, for instance, would not be taught to the pupils. A similar situation developed with reference to the Missouri Synod of the Lutheran Church. The evidence tends to show that during the course of the trial that group indicated it would affiliate with the Council of Religious Education.

"Before any faith or other group may obtain permission from the defendant for the similar, free and equal use of rooms in the public school buildings said faith or group must make application to the superintendent of schools of said School District Number 71, who in turn will determine whether or not it is practical for said group to teach in said school system.

"The court feels from all the facts in the record that an honest attempt has been made and is being made to permit religious instruction to be given by qualified outside teachers of any sect to people of their own faith in the manner above outlined. The evidence shows that no sect or religious group has ever been denied the right to use the schools in this manner."

[5] A finding reads: "The curriculum of studies in the Protestant classes is determined by a committee of the Protestant members of the council of religious education after consultation with representatives of all the different faiths included in said council. The Jewish classes of course would deny the divinity of Jesus Christ. The teaching in the Catholic classes of course explains to Catholic pupils the teaching of the Catholic religion, and are not shared by other students who are Protestants or Jews. The teachings in the Protestant classes would undoubtedly, from the evidence, teach some doctrines that would not be accepted by the other two religions."

[6] It was found: "The testimony shows that sectarian differences between the sects are not taught or emphasized in the actual teaching as it is conducted in the schools. The testimony of the religious education teachers, the secular teachers who testified, and the many children, mostly from Protestant families, who either took or did not take religious education courses, is to the effect that religious education classes have fostered tolerance rather than intolerance."

The Supreme Court of Illinois said: "The religious education courses do not go to the extent of being worship services and do not include prayers or the singing of hymns." 396 Ill. 14, 21, 71 N.E. 2d 161, 164.

[7] 1 Annals of Congress 730.

[8] For example, Mr. Jefferson's striking phrase as to the "wall of separation between church and State" appears in a letter acknowledging "The affectionate sentiments of esteem and approbation" included in a testimonial to himself. In its context it reads as follows:

"Believing with you that religion is a matter which lies solely between man and his God, that he owes account to none other for his faith or his worship, that the legislative powers of government reach actions only, and not opinions, I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should 'make no law respecting an establishment of religion, or prohibiting the free exercise thereof,' thus building a wall of separation between church and State." 8 The Writings of Thomas Jefferson (Washington ed., 1861) 113.

[9] Acts of the Assembly of 1818–19 (1819) 15; *Phillips* v. *The Rector and Visitors of the University of Virginia*, 97 Va. 472, 474–75, 34 S.E. 66, 67.

[10] 19 The Writings of Thomas Jefferson (Memorial edition, 1904) 408, 409.

[11] *Id.*, pp. 414–17:

"It was not, however, to be understood that instruction in religious opinion and duties was meant to be precluded by the public authorities, as indifferent to the interests of society. On the contrary, the relations which exist between man and his Maker, and the duties resulting from those relations, are the most interesting and important to every human being, and the most incumbent on his study and investigation. The want of instruction in the various creeds of religious faith existing among our citizens presents, therefore, a chasm in a general institution of the useful sciences. . . . A remedy, however, has been suggested of promising aspect, which, while it excludes the public authorities from the domain of religious freedom, will give to the sectarian schools of divinity the full benefit the public provisions made for instruction in the other branches of science. . . . It has, therefore, been in contemplation, and suggested by some pious individuals, who perceive the advantages of associating other studies with those of religion, to establish their religious schools on the confines of the University, so as to give to their students ready and convenient access and attendance on the scientific lectures of the University; and to maintain, by that means, those destined for the religious professions on as high a standing of science, and of personal weight and respectability, as may be obtained by others from the benefits of the University. Such establishments would offer the further and greater advantage of enabling the students of the University to attend religious exercises with the professor of their particular sect, either in the rooms of the building still to be erected, and destined to that purpose under impartial regulations, as proposed in the same report of the commissioners, or in the lecturing room of such professor. . . . Such an arrangement would complete the circle of the useful sciences embraced by this institution, and would fill the chasm now existing, on principles which would leave inviolate the constitutional freedom of religion, the most inalienable and sacred of all human rights, over which the people and authorities of this state, individually and publicly, have ever manifested the most watchful jealousy: and could this jealousy be now alarmed, in the opinion of the legislature, by what is here suggested, the idea will be relinquished on any surmise of disapprobation which they might think proper to express."

Mr. Jefferson commented upon the report on November 2, 1822, in a letter to Dr. Thomas Cooper, as follows: "And by bringing the sects together, and mixing them with the mass of other students, we shall soften their asperities, liberalize and neutralize their prejudices, and make the general religion a religion of peace, reason, and morality." 12 Ford, *The Works of Thomas Jefferson*, (Fed. ed., 1905). 272.

[12] 3 Randall, Life of Thomas Jefferson (1858) 471.

[13] 19 The Writings of Thomas Jefferson (Memorial edition, 1904) 449.

[14] The texts of the *Memorial and Remonstrance* and the bill against which it was aimed, to wit, *A Bill Establishing a Provision for Teachers of the Christian Religion* are set forth in *Everson* v. *Board of Education*, 330 U.S. 1, 28, 63–74.

[15] See, generally, the dissent of Mr. Justice Rutledge, 330 U.S. 1, 28.

[16] 330 U.S. at 72–73:

"*Be it therefore enacted by the General Assembly*, That for the support of Christian teachers, — per centum on the amount, or in the pound on the sum payable for tax on the property within this Commonwealth, is hereby assessed, and shall be paid by every person chargeable with the said tax at the time the same shall become due; and the Sheriffs of the several Counties shall have power to levy and collect the same in the manner and under the like restrictions and limitations, as are or may be prescribed by the laws for raising the Revenues of this State.

"*And be it enacted*, That for every sum so paid, the Sheriff or Collector shall give a receipt, expressing therein to what society of Christians the person from whom he may receive the same shall direct the money to be paid, keeping a distinct account thereof in his books. . . ."

[17] 60 Stat. 230, ch. 281, §§ 4, 11(d) (3).

[18] See *Selective Draft Law Cases*, 245 U.S. 366, 390; *Quick Bear* v. *Leupp*, 210 U.S. 50.

[19] Ed. Code of Cal. (Deering, 1944) § 8286; 6 Ind. Stat. Ann. (Burns, 1933) 1945 Supp. § 28–505a; 1 Code of Iowa ch. 299, § 299.2 (1946); Ky. Rev. Stat. (1946) § 158.220; 1 Rev. Stat. of Maine (1944) ch. 37, § 131; 2 Ann. Laws of Mass. (1945) ch. 76, § 1; Minn. Stat. (1945) § 132.05; N. Y. Education Law § 3210 (1); 8 Ore. Comp. Laws Ann. (1940) §111–3014; 24 Pa. Stat. Ann. (Purdon, 1930) 1947 Supp. § 1563; 1 Code of S. D. (1939) § 15.3202; 1 Code of W. Va. (1943) § 1847.

[20] Education Law § 3210 (1) provides that: "a. A minor required by the provisions of part one of this article to attend upon instruction shall attend regularly as prescribed where he resides or is employed, for the entire time the appropriate public schools or classes are in session and shall be subordinate and orderly while so attending.

"b. Absence for religious observance and education shall be permitted under rules that the commissioner shall establish."

Acting under the authority of the New York law, the State Commissioner of Education issued, on July 4, 1940, these regulations:

"1 Absence of a pupil from school during school hours for religious observance and education to be had outside the school building and grounds will be excused upon the request in writing signed by the parent or guardian of the pupil.

"2 The courses in religious observance and education must be maintained and operated by or under the control of a duly constituted religious body or of duly religious bodies.

"3 Pupils must be registered for the courses and a copy of the registration filed with the local public school authorities.

"4 Reports of attendance of pupils upon such courses shall be filed with the principal or teacher at the end of each week.

"5 Such absence shall be for not more than one hour each week at the close of a session at a time to be fixed by the local school authorities.

"6 In the event that more than one school for religious observance and education is maintained in any district, the hour for absence for each particular public school in such district shall be the same for all such religious schools."

On November 13, 1940, rules to govern the released time program of the New York City schools were adopted by the Board of Education of the City of New York. Under these rules the practice of the religious education program is this: classes in religious education are to be held outside of school buildings; establishment of the program rests in the initiative of the church and home; enrollment is voluntary and accomplished by this technique: the church distributes cards to the parents and these are filled out and presented to the school; records of enrollment and arrangements for release are handled by school authorities; discipline is the responsibility of the church; and children who do not attend are kept at school and given other work. See Rules of the Board of Education of the City of New York adopted Nov. 13, 1940; Public Education Association, *Released Time for Religious Education in New York City's Schools* (1943); *id.* (1945).

Constitutional approval by the New York Court of Appeals of these practices was given before the passage of Education Law § 3210 (1). *People ex rel. Lewis* v. *Graves*, 245 N. Y. 195, 156 N. E. 663.

[21] The New York City program is supervised by The Greater New York Coordinating Committee on Released Time, a group of laymen drawn from Jews, Protestants and Roman Catholics. This Committee is an example of a broad national effort to bring about religious education of children through cooperative action of schools and groups of members of various religious denominations. The methods vary in different states and cities but are basically like the work of the New York City Committee. See *Brief Sketches of Weekday Church Schools*, Department of Weekday Religious Education, International Council of Religious Education, Chicago, Illinois (1944).

[22] See note 20 *supra*.

[23] The use of school buildings is not unusual. See Davis, *Weekday Classes in Religious Education*, U.S. Office of Education (Bulletin 1941, No. 3) 27; National Education Association, *The State and Sectarian Education*, Research Bulletin (Feb. 1946) 36. The International Council of Religious Education advises that church buildings be used if possible. Shaver, *Remember the Weekday*, International Council of Religious Education (1946).

"Today, approximately two thousand communities in all but two states provide religious education in cooperation with the public schools for more than a million and a half of pupils." Shaver, *The Movement for Weekday Religious Education*, Religious Education (Jan.–Feb. 1946), p. 7.

[24] Many uses of religious material in the public schools in a manner that has some religious significance have been sanctioned by state courts. These practices have been permitted: reading selections from the King James Bible without comment; reading the Bible and repeating the Lord's Prayer; teaching the Ten Commandments; saying prayers; and using textbooks based upon the Bible and emphasizing its fundamental teachings. When conducted in a sectarian manner reading from the Bible and singing hymns in the school's morning exercise have been prohibited as has using the Bible as a textbook. There is a conflict of authority on the question of the constitutionality of wearing religious garb while teaching in the public schools. It has been held to be constitutional for school authorities to prohibit the reading of the Bible in the public schools. There is a conflict of authority on the constitutionality of the use of public school buildings for religious services held outside of school hours. The constitutionality, under state constitutions, of furnishing free textbooks and free transportation to parochial school children is in conflict. See *Nichols* v. *Henry*, 301 Ky. 434, 191 S.W. 2d 930; *Findley* v. *City of Conneaut*, 12 Ohio Supp. 161. The earlier cases are collected in 5 A.L.R. 866 and 141 A.L.R. 1144.

[25] Rules of the House of Representatives (1943) Rule VII; Senate Manual (1947) 6, fn. 2.

[26] 3 Stat. 297 (1816) .

[27] Army Reg., No. 60–5 (1944); U.S. Navy Reg. (1920), ch. 1, § 2 and ch. 34, §§ 1–2.

[28] 58 Stat. 289.

[29] Board of Education Rules, ch. VI, § 4.

[30] Reg. for the U.S. Corps of Cadets (1947) 47: "Attendance at chapel is part of a cadet's training; no cadet will be exempted. Each cadet will receive religious training in one of the three principal faiths: Catholic, Protestant, or Jewish." U.S. Naval Academy Reg., Art. 4301(b): "Midshipmen shall attend church services on Sundays at the Naval Academy Chapel or at one of the regularly established churches in the city of Annapolis."

Morning prayers are also required at Annapolis. U.S. Naval Academy Reg., Art. 4301 (a): "Daily, except on Sundays, a Chaplain will conduct prayers in the messhall, immediately before breakfast." Protestant and Catholic Chaplains take their turn in leading these prayers.

[31] The principles of the First Amendment were absorbed by the Fourteenth Amendment. *Pennekamp* v. *Florida*, 328 U.S. 331, 335.

[32] See *Whitney* v. *California*, 274 U.S. 357, 371; *Reynolds* v. *United States*, 98 U.S. 145, 166; *Cantwell* v. *Connecticut*, 310 U.S. 296, 303; *Cox* v. *New Hampshire*, 312 U.S. 569, 574, 576; *Chaplinsky* v. *New Hampshire*, 315 U.S. 568, 571; *Prince* v. *Massachusetts*, 321 U.S. 158.

[33] Cf. *Bob-Lo Excursion Co.* v. *Michigan*, 333 U.S. 28.

[34] *Higgins* v. *Smith*, 308 U.S. 473; *Helvering* v. *Clifford*, 309 U.S. 331; *Comm'r* v. *Tower*, 327 U.S. 280; *Lusthaus* v. *Comm'r*, 327 U.S. 293.

Mr. ERVIN. Mr. President, another great decision shedding much light upon this matter is the case of Zorach, et al, versus Clauson, and others, 343 U.S. 306, constituting the Board of Education of the city of New York. I wish to read three brief extracts from this case. One of the extracts is by Justice Black and appears on pages 318 and 319 of the report. Justice Black was pointing out that the provisions of the first amendment prohibiting the use of tax moneys to support religious institutions in their efforts to teach religion was not based on the fact that Americans were a nonreligious people, but on precisely the contrary. He said:

> It was precisely because Eighteenth Century Americans were a religious people divided into many fighting sects that we were given the constitutional mandate to keep Church and State completely separate. Colonial history had already shown that, here as elsewhere zealous sectarians entrusted with governmental power to further their causes would sometimes torture, maim and kill those they branded "heretics," "atheists" or "agnostics." The First Amendment was therefore to insure that no one powerful sect or combination of sects could use political or governmental power to punish dissenters whom they could not convert to their faith. Now as then, it is only by wholly isolating the state from the religious sphere and compelling it to be completely neutral, that the freedom of each and every denomination and of all nonbelievers can be maintained.

He stated further on page 320:

> State help to religion injects political and party prejudices into a holy field. It too often substitutes force for prayer, hate for love, and persecution for persuasion. Government should not be allowed, under cover of the soft euphemism of "co-operation," to steal into the sacred area of religious choice.

Mr. President, the Bible tells us that on one occasion people seeking to entrap the Master came to him and presented to him a coin and asked him whether it was lawful to pay tribute unto Caesar. Christ pointed out to them that the coin presented to him bore the inscription of Caesar and he said that they should render unto Caesar the things that are Caesar's and unto God the things that are God's.

Now, manifestly we should not take the things that belong to Caesar, that is, tax monies, even to support the things that belong to God.

In the Zorach case Justice Jackson made this very sage observation that appears on page 324:

> My evangelistic brethren confuse an objection to compulsion with an objection to religion. It is possible to hold a faith with enough confidence to believe that what should be rendered to God does not need to be decided and collected by Caesar.

He went on to say:

> The day that this country ceases to be free for irreligion it will cease to be free for religion—except for the sect that can win political power.

He adds another wise observation, concerning schools. He said:

> We start down a rough road when we begin to mix compulsory education with compulsory godliness.

Mr. President, this case also merits the study of all Americans who are concerned with religious freedom and who are concerned with the necessity of keeping the church and the state separate, if America is to remain a country in which either political freedom or religious freedom exist.

Mr. President, for this reason I ask unanimous consent that a complete copy of the text in the case of Zorach against Clauson be printed in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

[No. 431. Argued January 31–February 1, 1952—Decided April 28, 1952]

ZORACH ET AL. *v.* CLAUSON ET AL., CONSTITUTING THE BOARD OF EDUCATION OF THE CITY OF NEW YORK, ET AL.—APPEAL FROM THE COURT OF APPEALS OF NEW YORK

Under § 3210 of the New York Education Law and the regulations thereunder, New York City permits its public schools to release students during school hours, on written requests of their parents, so that they may leave the school buildings and grounds and go to religious centers for religious instruction or devotional exercises. The same section makes school attendance compulsory; students not released stay in the classrooms; and the churches report to the schools the names of children released from public schools who fail to report for religious instruction. The program involves neither religious instruction in public schools nor the expenditure of public funds. *Held:* This program does not violate the First Amendment, made applicable to the States by the Fourteenth Amendment. *McCollum* v. *Board of Education*, 333 U. S. 203, distinguished. Pp. 308–315.

(a) By this system, New York has neither prohibited the "free exercise" of religion nor made a law "respecting an establishment of religion" within the meaning of the First Amendment. Pp. 310–315.

(b) There is no evidence in the record in this case to support a conclusion that the system involves the use of coercion to get public school students into religious classrooms. Pp. 311–312.

303 N. Y. 161, 100 N. E. 2d 463, affirmed.

The New York Court of Appeals sustained N. Y. Education Law § 3210 and the regulations thereunder permitting absence of students from the public schools for religious observance and education, against the claim that the program thereunder violated the Federal Constitution. 303 N. Y. 161, 100 N. E. 2d 463. On appeal to this Court *affirmed*, p. 315.

COUNCIL FOR PARTIES

Kenneth W. Greenawalt argued the cause for appellants. With him on the brief were *Leo Pfeffer* and *Edwin J. Lukas*.

Wendell P. Brown, Solicitor General, argued the cause for the Commissioner of Education of the State of New York, appellee. With him on the brief were *Nathaniel L. Goldstein*, Attorney General, and *Ruth Kessler Toch* and *John P. Power, Assistant* Attorneys General.

Michael A. Castaldi argued the cause for the Board of Education of the City of New York, appellee. With him on the brief were *Denis M. Hurley, Seymour B. Quel, Daniel T. Scannell* and *Arthur H. Kahn*.

Charles H. Tuttle argued the cause for the Greater New York Coordinating Committee on Released Time of Jews, Protestants and Roman Catholics, appellee. With him on the brief was *Porter R. Chandler*.

Briefs of *amici curiae* supporting appellees were filed on behalf of the States of California, by *Edmund G. Brown*, Attorney General, *William V. O'Connor*, Chief Deputy Attorney General, and *Howard S. Goldin*, Deputy Attorney General; Indiana, by *J. Emmett McManamon*, Attorney General; Kentucky, by *J. D. Buckman, Jr.*, Attorney General, and *M. B. Holifield*, Assistant Attorney General; Maine, by *Alexander A. LaFleur*, Attorney General; Massachusetts, by *Francis E. Kelly*, Attorney General, *Charles H. Walters*, Assistant Attorney General, and *William F. Marcella;* Oregon, by *George Neuner*, Attorney General, *Robert F. Maguire* and William E. *Dougherty;* Pennsylvania, by *Robert E. Woodside*, Attorney General, and *Harry F. Stambaugh;* and West Virginia, by *William C. Marland*, Attorney General, and *Thomas J. Gillooly, T. D. Kauffelt* and *Eston B. Stephenson*, Assistant Attorneys General.

OPINION OF THE COURT

Mr. Justice Douglas delivered the opinion of the Court.

New York City has a program which permits its public schools to release students during the school day so that they may leave the school buildings and school grounds and go to religious centers for religious instruction or devotional exercises. A student is released on written request of his parents. Those not released stay in the classrooms. The churches make weekly reports to the schools, sending a list of children who have been released from public school but who have not reported for religious instruction.[1]

This "released time" program involves neither religious instruction in public school classrooms nor the expenditure of public funds. All costs, including the application blanks, are paid by the religious organizations. The case is therefore unlike *McCollum* v. *Board of Education*, 333 U.S. 203, which involved a "released time" program from Illinois. In that case the classrooms were turned over to religious instructors. We accordingly held that the program violated the First Amendment[2] which (by reason of states from establishing religion or prohibiting its free exercise.

Appellants, who are taxpayers and residents of New York City and whose children attend its public schools,[4] challenge the present law, contending it is in essence not different from the one involved in the *McCollum case*. Their argument, stated elaborately in various ways, reduces itself to this: the weight and influence of the school is put behind a program for religious instruction; public school teachers police it, keeping tabs on students who are released; the classroom activities come to a halt while the students who are released for religious instruction are on leave; the school is a crutch on which the churches are leaning for support in their religious training; without the cooperation of the schools this "released time" program, like the one in the *McCollum case*, would be futile and ineffective. The New York Court of Appeals sustained the law against this claim of unconstitutionality. 303 N.Y. 161, 100 N.E. 2d 463. The case is here on appeal. 28 U.S.C. § 1257 (2).

The briefs and arguments are replete with data bearing on the merits of this type of "released time" program. Views *pro* and *con* are expressed, based on practical experience with these programs and with their implications.[5] We do not stop to summarize these materials nor to burden the opinion with an analysis of them. For they involve considerations not germane to the narrow constitutional issue presented. They largely concern the wisdom of the system, its efficiency from an educational point of view, and the political considerations which have motivated its adoption or rejection in some communities. Those matters are of no concern here, since our problem reduces itself to whether New York by this system has either prohibited the "free exercise" of religion or has made a law "respecting an establishment of religion" within the meaning of the First Amendment.

It takes obtuse reasoning to inject any issue of the "free exercise" of religion into the present case. No one is forced to go to the religious classroom and no instruction is brought to the classrooms of the public schools. A student need not take religious instruction. He is left to his own desires as to the manner or time of his religious devotions, if any.

There is a suggestion that the system involves the use of coercion to get public school students into religious classrooms. There is no evidence in the record before us that supports that conclusion.[6] The present record indeed tells that the school authorities are neutral in this regard and do no more than release students whose parents so request. If in fact coercion were used, if it were established that any one or more teachers were using their office to persuade or forces students to take the religious instruction, a wholly different case would be presented.[7] Hence we put aside that claim of coercion both as respects the "free exercise" of religion and "an establishment of religion" within the meaning of the First Amendment.

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[1] The New York City released time program is embodied in the following provisions:

(a) N. Y. Education Law, § 3210, subdiv. 1 (b), which provides that "Absence for religious observance and education shall be permitted under rules that the commissioner shall establish."

(b) Regulations of the Commissioner of Education of the State of New York, Art. 17, § 154 (1 N. Y. Official Code Comp. 683), which provide for absence during school hours for religious observance and education outside the school grounds [par. 1], where conducted by or under the control of a duly constituted religious body [par. 2]. Students must obtain written requests from their parents or guardians to be excused for such training [par. 1], and must register for the training and have a copy of their registration filed with the public school authorities [par. 3]. Weekly reports of their attendance at such religious schools must be filed with their principal or teacher [par. 4]. Only one hour a week is to be allowed for such training, at the end of a class session [par. 5], and where more than one religious school is conducted, the hour of release shall be the same for all religious schools [par. 6].

(c) Regulations of the Board of Education of the City of New York, which provide similar rules supplementing the State Commissioner's regulations, with the following significant amplifications: No announcement of any kind will be made in the public schools relative to the program [rule 1]. The religious organizations and parents will assume full responsibility for attendance at the religious schools and will explain any failures to attend on the weekly attendance reports [rule 3]. Students who are released will be dismissed from school in the usual way [rule 5]. There shall be no comment by any principal or teacher on attendance or nonattendance of any pupil upon religious instruction [rule 6].

[2] The First Amendment reads in relevant part, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

the Fourteenth Amendment)[3] prohibits the

[3] See *Stromberg* v. *California*, 283 U.S. 359; *Cantwell* v. *Connecticut*, 310 U.S. 296; *Murdock* v. *Pennsylvania*, 319 U.S. 105.

[4] No problem of this Court's jurisdiction is posed in this case since, unlike the appellants in *Doremus* v. *Board of Education*, 342 U.S. 429, appellants here are parents of children currently attending schools subject to the released time program.

[5] See, *e. g.*, Beckes, Weekday Religious Education (National Conference of Christians and Jews, Human Relations Pamphlet No. 6); Butts, American Tradition in Religion and Education, pp. 188, 199; Moehlman, The Wall of Separation between Church and State, pp. 123, 155 ff.; Moehlman, The Church as Educator, pp. 103 ff.; Moral and Spiritual Values in the Public Schools (Educational Policies Commission, 1951); Newman, The Sectarian Invasion of Our Public Schools; Public School Time for Religious Education, 12 Jewish Education 130 (January, 1941); Religious Instruction On School Time, 7 Frontiers of Democracy 72 (1940); Released Time for Religious Education in New York City's Schools (Public Education Association, June 30, 1943); Released Time for Religious Education in New York City's Schools (Public Education Association, June 30, 1945); Released Time for Religious Education in New York City Schools (Public Education Association, 1949); 2 Stokes, Church and State in the United States, pp. 523–548; The Status Of Religious Education In The Public Schools (National Education Association).

[6] Nor is there any indication that the public schools enforce attendance at religious schools by punishing absentees from the released time programs for truancy.

Moreover, apart from that claim of coercion, we do not see how New York by this type of "released time" program has made a law respecting an establishment of religion within the meaning of the First Amendment. There is much talk of the separation of Church and State in the history of the Bill of Rights and in the decisions clustering around the First Amendment. See *Everson* v. *Board of Education*, 330 U.S. 1; *McCollum* v. *Board of Education, supra*. There cannot be the slightest doubt that the First Amendment reflects the philosophy that Church and State should be separated. And so far as interference with the "free exercise" of religion and an "establishment" of religion are concerned, the separation must be complete and unequivocal. The First Amendment within the scope of its coverage permits no exception; the prohibition is absolute. The First Amendment, however, does not say that in every and all respeots there shall be a separation of Church and State. Rather, it studiously defines the manner, the specific ways, in which there shall be no concert or union or dependency one on the other. That is the common sense of the matter. Otherwise the state and religion would be aliens to each other—hostile, suspicious, and even unfriendly. Churches could not be required to pay even property taxes. Municipalities would not be permitted to render police or fire protection to religious groups. Policemen who helped parishioners into their places of worship would violate the Constitution. Prayers in our legislative halls; the appeals to the Almighty in the messages of the Chief Executive; the proclamations making Thanksgiving Day a holiday; "so help me God" in our courtroom oaths—these and all other references to the Almighty that run through our laws, our public rituals, our ceremonies would be flouting the First Amendment. A fastidious atheist or agnostic could even object to the supplication with which the Court opens each session: "God save the United States and this Honorable Court."

We would have to press the concept of separation of Church and State to these extremes to condemn the present law on constitutional grounds. The nullification of this law would have wide and profound effects. A Catholic student applies to his teacher for permission to leave the school during hours on a Holy Day of Obligation to attend a mass. A Jewish student asks his teacher for permission to be excused for Yom Kippur. A Protestant wants the afternoon off for a family baptismal ceremony. In each case the teacher requires parental consent in writing. In each case the teacher, in order to make sure the student is not a truant, goes further and requires a report from the priest, the rabbi, or the minister. The teacher in other words cooperates in a religious program to the extent of making it possible for her students to participate in it. Whether she does it occasionally for a few students, regularly for one, or pursuant to a systematized program designed to further the religious needs of all the students does not alter the character of the act.

We are a religious people whose institutions presuppose a Supreme Being. We guarantee the freedom to worship as one chooses. We make room for as wide a variety of beliefs and creeds as the spiritual needs of man deem necessary. We sponsor an attitude on the part of government that shows no partiality to any one group and that lets each flourish according to the zeal of its adherents and the appeal of its dogma. When the state encourages religious instruction or cooperates with religious authorities by adjusting the schedule of public events to sectarian needs, it follows the best of our traditions. For it then respects the religious nature of our people and accommodates the public service to their spiritual needs. To hold that it may not would be to find in the Constitution a requirement that the government show a callous indifference to religious groups. That would be preferring those who believe in no religion over those who do believe. Government may not finance religious groups nor undertake religious instruction nor blend secular and sectarian education nor use secular institutions to force one or some religion on any person. But we find no constitutional requirement which makes it necessary for government to be hostile to religion and to throw its weight against efforts to widen the effective scope of religious influence. The government must be neutral when it comes to competition between sects. It may not thrust any sect on any person. It may not make a religious observance compulsory. It may not coerce anyone to attend church, to observe a religious holiday, or to take religious instruction. But it can close its doors or suspend its operations as to those who want to repair to their religious sanctuary for worship or instruction. No more than that is undertaken here.

This program may be unwise and improvident from an educational or a community viewpoint. That appeal is made to us on a theory, previously advanced, that each case must be decided on the basis of "our own prepossessions." See *McCollum* v. *Board of Education, supra*, p. 238. Our individual preferences, however, are not the constitutional standard. The constitutional standard is the separation of Church and State. The problem, like many problems in constiutional law, is one of degree. See *McCollum* v. *Board of Education, supra*, p. 231.

In the *McCollum* case the classrooms were used for religious instruction and the force of the public school was used to promote that instruction. Here, as we have said, the public schools do no more than accommodate their schedules to a program of outside religious instruction. We follow the *McCollum* case.[8] But we cannot expand it to cover the present released time program unless separation of Church and State means that public institutions can make no adjustments of their schedules to accommodate the religious needs of the people. We cannot read into the Bill of Rights such a philosophy of hostility to religion. *Affirmed.*

Mr. Justice Black, dissenting.

Illinois ex rel. McCollum v. *Board of Education*, 333 U.S. 203, held invalid as an "establishment of religion" an Illinois system under which school children, compelled by law to go to public schools, were freed from some hours of required school work on condition that they attend special religious classes held in the school buildings. Although the classes were taught by sectarian teachers neither employed nor paid by the state, the state did use its power to further the program by releasing some of the children from regular class work, insisting that those released attend the religious classes, and requiring that those who remained behind do some kind of academic work while the others received their religious training. We said this about the Illinois system:

"Pupils compelled by law to go to school for secular education are released in part from their legal duty upon the condition that they attend the religious classes. This is beyond all question a utilization of the tax-established and tax-supported public school system to aid religious groups to spread their faith. And it falls squarely under the ban of the First Amendment. . . . " *McCollum* v. *Board of Education, supra*, at pp. 209–210.

I see no significant difference between the invalid Illinois system and that of New York here sustained. Except for the use of the school buildings in Illinois, there is no difference between the systems which I consider even worthy of mention. In the New York program, as in that of Illinois, the school authorities release some of the children on the condition that they attend the religious classes, get reports on whether they attend, and hold the other children in the school building until the religious hour is over. As we attempted to make categorically clear, the *McCollum* decision would have been the same if the religious classes had not been held in the school buildings. We said:

"Here *not only* are the State's tax-supported public school buildings used for the dissemination of religious doctrines. The State *also* affords sectarian groups an invaluable aid in that it helps to provide pupils for their religious classes through use of the State's compulsory public school machinery. *This* is not separation of Church and State." (Emphasis supplied.) *McCollum* v. *Board of Education, supra*, at p. 212.

McCollum thus held that Illinois could not constitutionally manipulate the compelled classroom hours of its compulsory school machinery so as to channel children into sectarian classes. Yet that is exactly what the Court holds New York can do.

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[7] Appellants contend that they should have been allowed to prove that the system is in fact administered in a coercive manner. The New York Court of Appeals declined to grant a trial on this issue, noting, *inter alia*, that appellants had not properly raised their claim in the manner required by state practice. 303 N. Y. 161, 174, 100 N. E. 2d 463, 469. This independent state ground for decision precludes appellants from raising the issue of maladministration in this proceeding. See *Louisville & Nashville R. Co.* v. *Woodford*, 243 U.S. 46, 51; *Atlantic Coast Line R. Co.* v. *Mims*, 242 U.S. 532, 535; *American Surety Co.* v. *Baldwin*, 287 U. S. 156, 169.

The only allegation in the complaint that bears on the issue is that the operation of program "has resulted and inevitably results in the exercise of pressure and coercion upon parents and children to secure attendance by the children for religious instruction." But this charge does not even implicate the school authorities. The New York Court of Appeals was therefore generous in labeling it a "conclusory" allegation. 303 N.Y., at 174, 00 N. E. 2d, at 469. Since the allegation did not implicate the school authorities in the use of coercion, there is no basis for holding that the New York Court of Appeals under the guise of local practice defeated a federal right in the manner condemned by *Brown* v. *Western R. of Alabama*, 338 U. S. 294, and related cases.

[8] Three of us—The Chief Justice, Mr. Justice Douglas and Mr. Justice Burton—who join this opinion agreed that the "released time" program involved in the *McCollum* case was unconstitutional. It was our view at the time that the present type of "released time" program was not prejudged by the *McCollum* case, a conclusion emphasized by the reservation of the question in the separate opinion by Mr. Justice Frankfurter in which Mr. Justice Burton joined. See 333 U.S., at 225 where it was said, "Of course, 'released time' as a generalized conception, undefined by differentiating particularities, is not an issue for Constitutional adjudication. Local programs differ from each other in many and crucial respects . . . It is only when challenge is made to the share that the public schools have in the execution of a particular 'released time' program that close judicial scrutiny is demanded of the exact relation between the religious instruction and the public educational system in the specific situation before the Court."

I am aware that our *McCollum* decision on separation of Church and State has been subjected to a most searching examination throughout the country. Probably few opinions from this Court in recent years have attracted more attention or stirred wider debate. Our insistence on "a wall between Church and State which must be kept high and impregnable" has seemed to some a correct exposition of the philosophy and a true interpretation of the language of the First Amendment to which we should strictly adhere.[1] With equal conviction and sincerity, others have thought the *McCollum* decision fundamentally wrong [2] and have pledged continuous warfare against it.[3] The opinions in the courtbelow and the briefs here reflect these diverse viewpoints. In dissenting today, I mean to do more than give routine approval to our *McCollum* decision. I mean also to reaffirm my faith in the fundamental philosophy expressed in *McCollum and Everson* v. *Board of Education*, 330 U.S. 1. That reaffirmation can be brief because of the exhaustive opinions in those recent cases.

Difficulty of decision in the hypothetical situations mentioned by the Court, but not now before us, should not confuse the issues of this case. Here the sole question is whether New York can use its compulsory education laws to help religious sects get attendants presumably too unenthusiastic to go unless moved to do so by the pressure of this state machinery. That this is the plan, purpose, design and consequence of the New York program cannot be denied. The state thus makes religious sects beneficiaries of its power to compel children to attend secular schools. Any use of such coercive power by the state to help or hinder some religious sects or to prefer all religious sects over nonbelievers or vice versa is just what I think the First Amendment forbids. In considering whether a state has entered this forbidden field the question is not whether it has entered too far but whether it has entered at all. New York is manipulating its compulsory education laws to help religious sects get pupils. This is not separation but combination of Church and State.

The Court's validation of the New York system rests in part on its statement that Americans are "a religious people whose institutions presuppose a Supreme Being." This was at least as true when the First Amendment was adopted; and it was just as true when eight Justices of this Court invalidated the released time system in *McCollum* on the premise that a state can no more "aid all religions" than it can aid one.[4] It was precisely because Eighteenth Century Americans were a religious people divided into many fighting sects that we were given the constitutional mandate to keep Church and State completely separate. Colonial history had already shown that, here as elsewhere zealous sectarians entrusted with governmental power to further their causes would sometimes torture, maim and kill those they branded "heretics," "atheists" or "agnostics." [5] The First Amendment was therefore to insure that no one powerful sect or combination of sects could use political or governmental power to punish dissenters whom they could not convert to their faith. Now as then, it is only by wholly isolating the state from the religious sphere and compelling it to be completely neutral, that the freedom of each and every denomination and of all nonbelievers can be maintained. It is this neutrality the Court abandons today when it treats New York's coercive system as a program which *merely* "encourages religious instruction or cooperates with religious authorities." The abandonment is all the more dangerous to liberty because of the Court's legal exaltation of the orthodox and its derogation of unbelievers.

Under our system of religious freedom, people have gone to their religious sancturaries not because they feared the law but because they loved their God. The choice of all has been as free as the choice of those who answered the call to worship moved only by the music of the old Sunday morning church bells. The spiritual mind of man has thus been free to believe, disbelieve, or doubt, without repression, great or small, by the heavy hand of government. Statutes authorizing such repression have been stricken. Before today, our judicial opinions have refrained from drawing invidious distinctions between those who believe in no religion and those who do believe. The First Amendment has lost much if the religious follower and the athiest are no longer to be judicially regarded as entitled to equal justice under law.

State help to religion injects political and party prejudices into a holy field. It too often substitutes force for prayer, hate for love, and persecution for persuasion. Government should not be allowed, under cover of the soft euphemism of "co-operation," to steal into the sacred area of religious choice.

MR. JUSTICE FRANKFURTER, dissenting.

By way of emphasizing my agreement with MR. JUSTICE JACKSON's dissent, I add a few words.

The Court tells us that in the maintenance of its public schools, "[The State government] can close its doors or suspend its operations" so that its citizens may be free for religious devotions or instruction. If that were the issue, it would not rise to the dignity of a constitutional controversy. Of course, a State may provide that the Classes in its schools shall be dismissed, for any reason, or no reason, on fixed days, or for special occasions. The essence of this case is that the school system did not "close its doors" and did not "suspend its operations." There is all the difference in the world between letting the children out of school and letting some of them out of school into religious classes. If every one is free to make what use he will of time wholly unconnected from schooling required by law—those who wish sectarian instruction devoting it to that purpose, those who have ethical instruction at home, to that, those who study music, to that—then of course there is no conflict with the Fourteenth Amendment.

The pith of the case is that formalized religious instruction is substituted for other school activity which those who do not participate in the released-time program are compelled to attend. The school system is very much in operation during this kind of released time. If its doors are closed, they are closed upon those students who do not attend the religious instruction, in order to keep them within the school. That is the very thing which raises the constitutional issue. It is not met by disregarding it. Failure to discuss this issue does not take it out of the case.

Again, the Court relies upon the absence from the record of evidence of coercion in the operation of the system. "If in fact coercion were used," according to the Court, "if it were established that any one or more teachers were using their office to persuade or force students to take the religious instruction, a wholly different case would be presented." Thus, "coercion" in the abstract is acknowledged to be fatal. But the Court disregards the fact that as the case comes to us, there could be no proof of coercion, for the appellants were not allowed to make proof of it. Appellants alleged that "The operation of the released time program has resulted and inevitably results in the exercise of pressure and coercion upon parents and children to secure attendance by the children for religious instruction." This allegation—that coercion was in fact present and is inherent in the system, no matter what disavowals might be made in the operating regulations—was denied by appellees. Thus were drawn issues of fact which cannot be determined, on any conceivable view of judicial notice, by judges out of their own knowledge or experience. Appellants sought an opportunity to adduce evidence in support of these allegations at an appropriate trial. And though the courts below cited the concurring opinion in *McCollum* v. *Board of Education*, 333 U.S. 203, 226, to "emphasize the importance of detailed analysis of the facts to which the Constitutional test of Separation is to be applied," they denied that opportunity on the ground that such proof was irrelevant to the issue of constitutionality. See 198 Misc. 631, 641, 99 N.Y.S. 2d 339, 348–349; 303 N.Y. 161, 174–175, 100 N.E. 2d 463, 469.[1]

When constitutional issues turn on facts it is a strange procedure indeed not to permit the facts to be established. When such is the case, there are weighty considerations for us to require the State court to make its determination only after a thorough canvass of all the circumstances and not to bar them from consideration. Cf. *Chastleton Corp.* v *Sinclair*, 264 U.S. 543; *Hammond* v. *Schapp Bus Line*, 275 U.S. 164. If we are to decide this case on the present record, however, a strict adherence to the usage of courts in ruling on the sufficiency of pleadings would require us to take as admitted the facts pleaded in the appellants' complaint, including the fact of coercion, actual and inherent. See Judge Fuld, dissenting below 303 N. Y., at 185, 100 N. E. 2d, at 475. Even on a more latitudinarian view, I cannot see how a finding that coercion was absent deemed critical by this Court in sustaining the practice, can be made here, when appellants were prevented from making a timely showing of coercion because the courts below thought it irrelevant.

The result in the *McCollum* case, 333 U. S 203, was based on principles that received unanimous acceptance by this Court, barring

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[1] See, *e.g.*, Newman, The Sectarian Invasion of Our Public Schools; Moehlman, The Wall of Separation between Church and State; Thayer, The Attack upon the American Secular School, pp. 179–199; Butts, The American Tradition in Religion and Education, pp. 201–208. See also Symposium on Religion and the State, 14 Law & Contempt. Prob. 1–159.

[2] See, *e.g.*, O'Neill, Religion and Education Under the Constitution, pp. 219–253; Parsons, The First Freedom, pp. 158–178; Van Dusen, God in Education. See also Symposium on Religion and the State, *supra*.

[3] See Moehlman, *supra*, n. 1, at p. 42. O'Neill, *supra*, n. 2, at pp. 254–272.

[4] A state policy of aiding "all religions" necessarily requires a governmental decision as to what constitutes "a religion." Thus is created a governmental power to hinder certain religious beliefs by denying their character as such. See, *e.g.*, the Regulations of the New York Commissioner of Education providing that, "The courses in religious observance and education must be maintained and operated by or under the control of *duly constituted* religious bodies." (Emphasis added.) Art. 17, § 154, 1 N.Y. Official Code Comp. 683. This provides precisely the kind of censorship which we have said the Constitution forbids. *Cantwell* v. *Connecticut*, 310 U.S. 296, 305.

[5] Wertenbaker, The Puritan Oligarchy, 213–214.

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[1] Issues that raise federal claims cannot be foreclosed by the State court treating the allegations as "conclusory in character." 303 N.Y. 161, 174, 100 N.E. 2d 463, 469. This is so even when a federal statute is involved *Brown* v. *Western R. of Alabama*, 338 U.S. 294 *A fortiori* when the appeal is to the Constitution of the United States.

only a single vote. I agree with Mr. Justice Black that those principles are disregarded in reaching the result in this case.[2] Happily they are not disavowed by the Court. From this I draw the hope that in future variations of the problem which are bound to come here, these principles may again be honored in the observance.

The deeply divisive controversy aroused by the attempts to secure public school pupils for sectarian instruction would promptly end if the advocates of such instruction were content to have the school "close its doors or suspend its operations"—that is, dismiss classes in their entirety, without discrimination—instead of seeking to use the public schools as the instrument for securing attendance at denominational classes. The unwillingness of the promoters of this movement to dispense with such use of the public schools betrays a surprising want of confidence in the inherent power of the various faiths to draw children to outside sectarian classes—an attitude that hardly reflects the faith of the greatest religious spirits.

Mr. Justice Jackson, dissenting.

This released time program is founded upon a use of the State's power of coercion, which, for me, determines its unconstitutionality. Stripped to its essentials, the plan has two stages: first, that the State compel each student to yield a large part of his time for public secular; and, second, that some of it be "released" to him on condition that he devote it to sectarian religious purposes.

No one suggests that the Constitution would permit the State directly to require this "released" time to be spent "under the control of a duly constituted religious body." This program accomplishes that forbidden result by indirection. If public education were taking so much of the pupils' time as to injure the public or the students' welfare by encroaching upon their religious opportunity, simply shortening everyone's school day would facilitate voluntary and optional attendance at Church classes. But that suggestion is rejected upon the ground that if they are made free many students will not go to the Church. Hence, they must be deprived of freedom for this period, with Church attendance put to them as one of the two permissible ways of using it.

The greater effectiveness of this system over voluntary attendance after school hours is due to the truant officer who, if the youngster fails to go to the Church school, dogs him back to the public schoolroom. Here schooling is more or less suspended during the "released time" so the nonreligious attendants will not forge ahead of the churchgoing absentees. But it serves as a temporary jail for a pupil who will not go to Church. It takes more subtlety of mind than I possess to deny that this is governmental constraint in support of religion. It is as unconstitutional, in my view, when exerted by indirection as when exercised forthrightly.

As one whose children, as a matter of free choice, have been sent to privately supported Church schools, I may challenge the Court's suggestion that opposition to this plan can only be antireligious, atheistic, or agnostic. My evangelistic brethren confuse an objection to compulsion with an objection to religion. It is possible to hold a faith with enough confidence to believe that what should be rendered to God does not need to be decided and collected by Caesar.

The day that this country ceases to be free for irreligion it will cease to be free for religion—except for the sect that can win political power. The same epithetical jurisprudence used by the Court today to beat down those who oppose pressuring children into some religion can devise as good epithets tomorrow against those who object to pressuring them into a favored religion. And, after all, if we concede to the State power and wisdom to single out "duly constituted religious" bodies as exclusive alternatives for compulsory secular instruction, it would be logical to also uphold the power and wisdom to choose the true faith among those "duly constituted." We start down a rough road when we begin to mix compulsory public education with compulsory godliness.

A number of Justices just short of a majority of the majority that promulgates today's passionate dialectics joined in answering them in *Illinois ex rel. McCollum* v. *Board of Education*, 333 U.S. 203. The distinction attempted between that case and this is trivial, almost to the point of cynicism, magnifying its nonessential details and disparaging compulsion which was the underlying reason for invalidity. A reading of the Court's opinion in that case along with its opinion in this case will show such difference of overtones and undertones as to make clear that the *McCollum* case has passed like a storm in a teacup. The wall which the Court was professing to erect between Church and State has become even more warped and twisted than I expected. Today's judgment will be more interesting to students of psychology and of the judicial processes than to students of constitutional law.

Mr. ERVIN. Mr. President, in 1961 and 1962 the Supreme Court handed down two other notable decisions in this field. One of them was *Engel* v. *Vitale*, 370 U.S. 421, and the other was *School District of Abington Township, Pennsylvania* v. *Edward Louis Schempp*, 374 U.S. 203. These were the cases in which it was held that the government—the government involved in these particular cases being the State government—could not use public school property even for 30 seconds for the purpose of teaching religion.

Yet the pending bill proposes that the Government take tax money and give it to church schools operated by the religious denominations which establish and conduct those schools for the purpose of teaching religion in substantial part.

Now, my brethen may say, "This money is to be used for secular purposes; it is not to be used to teach religion of the denominations which conduct these schools." As a matter of fact, it is impossible in the church school to divorce the teaching of sectarian matters from the teaching of secular matters. Therefore, this excuse does not make constitutional the allocation of tax funds for secular purposes to a church school conducted by a religion denomination.

In the Everson case, one of the most learned men who ever graced the Supreme Court, Justice Rutledge, wrote the following on this proposition. I read from pages 46 and 47 of his opinion, a reading of which I commend to every thoughtful American who is concerned about our remaining faithful to the first amendment:

> Indeed the view is sincerely avowed by many of various faiths, that the basic purpose of all education is or should be religious, that the secular cannot be and should not be separated from the religious phase and emphasis. Hence, the inadequacy of public or secular education and the necessity for sending the child to a school where religion is taught. But whatever may be the philosophy or its justification, there is undeniably an admixture of religious with secular teaching in all such institutions. That is the very reason for their being. Certainly for purposes of constitutionality we cannot contradict the whole basis of the ethical and educational convictions of people who believe in religious schooling.
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> Yet this very admixture is what was disestablished when the First Amendment forbade "an establishment of religion." Commingling the religious with the secular teaching does not divest the whole of its religious permeation and emphasis or make them of minor part, if proportion were material. Indeed, on any other view, the constitutional prohibition always could be brought to naught by adding a modicum of the secular

He adds, in the next paragraph:

> Surely constitutionality does not turn on where or how often the mixed teaching occurs.

The Zorach case has something to say on this same point. The opinion of the Court in the Zorach case, which expressed the opinion of all the Justices, and which was written by Mr. Justice Douglas, made this statement on page 314:

> Government may not finance religious groups nor undertake religious instruction nor blend secular and sectarian education nor use secular institutions to force one or some religion on any person.

This bill undertakes to blend secular and sectarian education, in violation of the interpretation placed upon the first amendment in the Everson case and also in the Zorach case.

Now I come to the Abington Township School District case, where we find the most illuminating statement of the principle—that tax moneys cannot be used where they result in the blending of secular and sectarian education. As I have already stated, this opinion and the opinion in the Engel case are very illuminating opinions on the subject of using public property or public moneys to teach such nondenominational things as the Lord's Prayer. In order that these two opinions may be made available with the other court opinions on this subject, I ask unanimous consent that the complete record in these two cases be printed at this point in the body of the Record.

There being no objection, the opinions were ordered to be printed in the Record, as follows:

[Supreme Court of the United States—No. 468—October Term, 1961]

Steven I. Engel et al., Petitioners, v.
William J. Vitale, Jr., et al.

(On Writ of Certiorari to the Court of Appeals of New York, June 25, 1962)

Mr. Justice Black delivered the opinion of the Court.

The respondent Board of Education of Union Free School District No. 9, New Hyde

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[2] The reservation made by four of the Justices in the *McCollum* case did not, of course, refer to the New York situation any more than it referred to that form of "released time" under which the whole student body is dismissed. This was the reservation:

"We do not consider, as indeed we could not, school programs not before us which, though colloquially characterized as 'released time,' present situations differing in aspects that may well be constitutionally crucial. Different forms which 'released time' has taken during more than thirty years of growth include programs which, like that before us, could not withstand the test of the Constitution; others may be found unacceptable." 333 U.S., at 231.

Park, New York, acting in its official capacity under state law, directed the School District's principal to cause the following prayer to be said aloud by each class in the presence of a teacher at the beginning of each school day:

> "Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our country."

This daily procedure was adopted on the recommendation of the State Board of Regents, a governmental agency created by the State Constitution to which the New York Legislature has granted broad supervisory, executive, and legislative powers over the State's public school system.[1] These state officials composed the prayer which they recommended and published as a part of their "Statement on Moral and Spiritual Training in the Schools," saying: "We believe that this Statement will be subscribed to by all men and women of good will, and we call upon all of them to aid in giving life to our program."

Shortly after the practice of reciting the Regents' prayer was adopted by the School District, the parents of ten pupils brought this action in a New York State Court insisting that use of this official prayer in the public schools was contrary to the beliefs, religions, or religious practices of both themselves and their children. Among other things, these parents challenged the constitutionality of both the state law authorizing the School District to direct the use of prayer in public schools and the School District's regulations ordering the recitation of this particular prayer on the ground that these actions of official governmental agencies violate that part of the First Amendment of the Federal Constitution which commands that "Congress shall make no law respecting an establishment of religion"—a command which was "made applicable to the State of New York by the Fourteenth Amendment of the said Constitution." The New York Court of Appeals, over the dissents of Judges Dye and Fuld, sustained an order of the lower state courts which had upheld the power of New York to use the Regents' prayer as a part of the daily procedures of its public schools so long as the schools did not compel any pupil to join in the prayer over his or his parents' objection.[2] We granted certiorari to review this important decision involving rights protected by the First and Fourteenth Amendments.[3]

We think that by using its public school system to encourage recitation of the Regents' prayer, the State of New York has adopted a practice wholly inconsistent with the Establishment Clause. There can, of course, be no doubt that New York's program of daily classroom invocation of God's blessings as prescribed in the Regents' prayer is a religious activity. It is a solemn avowal of divine faith and supplication for the blessings of the Almighty. The nature of such a prayer has always been religious, none of the respondents has denied this and the trial court expressly so found:

> "The religious nature of prayer was recognized by Jefferson and has been concurred in by theological writers, the United States Supreme Court and State courts and administrative officials, including New York's Commissioner of Education. A committee of the New York Legislature has agreed.
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> "The Board of Regents as *amicus curiae*, the respondents and intervenors all conceded the religious nature of prayer, but seek to distinguish this prayer because it is based on our spiritual heritage. . . ."[4]

The petitioners contend among other things that the state laws requiring or permitting use of the Regents' prayer must be struck down as a violation of the Establishment Clause because that prayer was composed by governmental officials as a part of a governmental program to further religious beliefs. For this reason, petitioners argue, the State's use of the Regents' prayer in its public school system breaches the constitutional wall of separation between Church and State. We agree with that contention since we think that the constitutional prohibition against laws respecting an establishment of religion must at least mean that in this country it is no part of the business of government to compose official prayers for any group of the American people to recite as a part of a religious program carried on by government.

It is a matter of history that this very practice of establishing governmentally composed prayers for religious services was one of the reasons which caused many of our early colonists to leave England and seek religious freedom in America. The Book of Common Prayer, which was created under governmental direction and which was approved by Acts of Parliament in 1548 and 1549,[5] set out in minute detail the accepted form and content of prayer and other religious ceremonies to be used in the established, tax-supported Church of England.[6] The controversies over the Book and what should, be its content repeatedly threatened to disrupt the peace of that country as the accepted forms of prayer in the established church changed with the views of the particular ruler that happened to be in control at the time.[7] Powerful groups representing some of the varying religious views of the people struggled among themselves to impress their particular views upon the Government and obtain amendments of the Book more suitable to their respective notions of how religious services should be conducted in order that the official religious establishment would advance their particular religious beliefs.[8] Other groups, lacking the necessary political power to influence the Government on the matter, decided to leave England and its established church and seek freedom in America from England's governmentally ordained and supported religion.

It is an unfortunate fact of history that when some of the very groups which had most strenuously opposed the established Church of England found themselves sufficiently in control of colonial governments in this country to write their own prayers into law, they passed laws making their own religion the official religion of their respective colonies.[9] Indeed, as late as the time of the Revolutionary War, there were established churches in at least eight of the thirteen former colonies and established religions in at least four of the other five.[10] But the successful Revolution against English political domination was shortly followed by intense opposition to the practice of establishing religion by law. This opposition crystallized rapidly into an effective political force in Virginia where the minority religious groups such as Presbyterians, Lutherans, Quakers and Baptists had gained such strength that the adherents to the established Episcopal Church were actually a minority themselves. In 1785–1786, those opposed to the established Church, led by James Madison and Thomas Jefferson, who, though themselves not members of any of these dissenting religious groups, opposed all religious establishments by law on grounds of principle, obtained the enactment of the famous "Virginia Bill for Religious Liberty" by which all religious groups were placed on an equal footing so far as the State was concerned.[11] Similar though less far-reaching legislation was being considered and passed in other States.[12]

By the time of the adoption of the Constitution, our history shows that there was a widespread awareness among many Americans of the dangers of a union of Church and State. These people knew, some of them from bitter personal experience, that one of the greatest dangers to the freedom of the individual to worship in his own way lay in the Government's placing its official stamp of approval upon one particular kind of prayer or one particular form of religious services. They knew the anguish, hardship and bitter strife that could come when zealous religious groups struggled with one another to obtain the Government's stamp of approval from each King, Queen, or Protector that came to temporary power. The Constitution was intended to avert a part of this danger by leaving the government of this country in the hands of the people rather than in the hands of any monarch. But this safeguard was not enough. Our Founders were no more willing to let the content of their prayers and their privilege of praying whenever they pleased be influenced by the ballot box than they were to let these vital matters of personal conscience depend upon the succession of monarchs. The First Amendment was added to the Constitution to stand as a guarantee that neither the power nor the prestige of the Federal Government would be used to control, support or influence the kinds of prayer the American people can say—that the people's religions must not be subjected to the pressures of government for change each time a new political administration is elected to office. Under that Amendment's prohibition against governmental establishment of religion, as reinforced by the provisions of the Fourteenth Amendment, government in this country, be it state or federal, is without power to prescribe by law any particular form of prayer which is to be used as an official prayer in carrying on any program of governmentally sponsored religious activity.

There can be no doubt that New York's state prayer program officially establishes the religious beliefs embodied in the Regents' prayer. The respondents' argument to the contrary, which is largely based upon the contention that the Regents' prayer is "non-denominational" and the fact that the program, as modified and approved by state courts, does not require all pupils to recite the prayer but permits those who wish to do so to remain silent or be excused from the room, ignores the essential nature of the program's constitutional defects. Neither the fact that the prayer may be denominationally neutral, nor the fact that its observance on the part of the students is voluntary can serve to free it from the limitations of the Establishment Clause, as it might from the Free Exercise Clause, of the First Amendment, both of which are operative against the States by virtue of the Fourteenth Amendment. Although these two clauses may in certain instances overlap, they forbid two quite different kinds of governmental encroachment upon religious freedom. The Establishment Clause, unlike the Free Exercise Clause, does not depend upon any showing of direct governmental compulsion and is violated by the enactment of laws which establish an official religion whether those laws operate directly to coerce nonobserving individuals or not. This is not to say, of course, that laws officially prescribing a particular form of religious worship do not involve coercion of such individuals. When the power, prestige and financial support of government is placed behind a particular religious belief, the indirect coercive pressure upon religious minorities to conform to the prevailing officially approved religion is plain. But the purposes underlying the Establishment Clause go much further than that. Its first and most immediate purpose rested on the belief that a union of government and religion tends to destroy government and to degrade religion. The history of governmentally established religion, both in England and in this country, showed that whenever government had allied itself with one particular form of religion, the inevitable result had been that it had incurred the hatred, disrespect and even contempt of those

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Footnotes at end of article.

who held contrary beliefs.[13] That same history showed that many people had lost their respect for any religion that had relied upon the support of government to spread its faith.[14] The Establishment Clause thus stands as an expression of principle on the part of the Founders of our Constitution that religion is too personal, too sacred, too holy, to permit its "unhallowed perversion" by a civil magistrate.[15] Another purpose of the Establishment Clause rested upon an awareness of the historical fact that governmentally established religions and religious persecutions go hand in hand.[16] The Founders knew that only a few years after the Book of Common Prayer became the only accepted form of religious services in the established Church of England, an Act of Uniformity was passed to compel All Englishmen to attend those services and to make it a criminal offense to conduct or attend religious gatherings of any other kind[17]—a law which was consistently flouted by dissenting religious groups in England and which contributed to widespread persecutions of people like John Bunyan who persisted in holding "unlawful [religious] meetings . . . to the great disturbance and distraction of the good subjects of this kingdom. . . ." [18] And they knew that similar persecutions had received the sanction of law in several of the colonies in this country soon after the establishment of official religions in those colonies.[19] It was in large part to get completely away from this sort of systematic religious persecution that the Founders brought into being our Nation, our Constitution, and our Bill of Rights with its prohibition against any governmental establishment of religion. The New York laws officially prescribing the Regents' prayer are inconsistent with both the purposes of the Establishment Clause and with the Establishment Clause itself.

It has been argued that to apply the Constitution in such a way as to prohibit state laws respecting an establishment of religious services in public schools is to indicate a hostility toward religion or toward prayer. Nothing, of course, could be more wrong. The history of man is inseparable from the history of religion. And perhaps it is not too much to say that since the beginning of that history many people have devoutly believed that "More things are wrought by prayer than this world dreams of." It was doubtless largely due to men who believed this that there grew up a sentiment that caused men to leave the cross-currents of officially established state religions and religious persecution in Europe and come to this country filled with the hope that they could find a place in which they could pray when they pleased to the God of their faith in the language they chose.[20] And there were men of this same faith in the power of prayer who led the fight for adoption of our Constitution and also for our Bill of Rights with the very guarantee of religious freedom that forbid the sort of governmental activity which New York has attempted here. These men knew that the First Amendment, which tried to put an end to governmental control of religion and of prayer, was not written to destroy either. They knew rather that it was written to quiet well-justified fears which nearly all of them felt arising out of an awareness that governments of the past had shackled men's tongues to make them speak only the religious thoughts that government wanted them to speak and to pray only to the God that government wanted them to pray to. It is neither sacrilegious nor antireligious to say that each separate government in this country should stay out of the business of writing or sanctioning official prayers and leave that purely religious function to the people themselves and to those the people choose to look to for religious guidance.[21]

It is true that New York's establishment of its Regents' prayer as an officially approved religious doctrine of that State does not amount to a total establishment of one particular religious sect to the exclusion of all others—that, indeed, the governmental endorsement of that prayer seems relatively insignificant when compared to the governmental encroachments upon religion which were commonplace 200 years ago. To those who may subscribe to the view that because the Regents' official prayer is so brief and general there can be no danger to religious freedom in its governmental establishment, however, it may be appropriate to say in the words of James Madison, the author of the First Amendment:

> "[I]t is proper to take alarm at the first experiment on our liberties. . . . Who does not see that the same authortiy which can establish Christianity, in exclusion of all other Religions, may establish with the same ease any particular sect of Christians, in exclusion of all other Sects? That the same authority which can force a citizen to contribute three percent only of his property for the support of any one establishment, may force him to conform to any other establishment in all cases whatsoever?" [22]

The judgment of the Court of Appeals of New York is reversed and the cause remanded for further proceedings not inconsistent with this opinion.

Reversed and remanded.

MR. JUSTICE FRANKFURTER took no part in the decision of this case.

MR. JUSTICE WHITE took no part in the consideration or decision of this case.

FOOTNOTES

[1] See New York Constitution, Art. V, § 4; New York Education Law, §§ 101, 120 *et seq.*, 202, 214–219, 224, 245 *et seq.*, 704, and 801 *et seq.*

[2] 10 N.Y. 2d 174, 176 N.E. 2d 579. The trial court's opinion, which is reported at 18 Misc. 2d 659, 191 N.Y.S. 2d 453, had made it clear that the Board of Education must set up some sort of procedures to protect those who objected to reciting the prayer: "This is not to say that the rights accorded petitioners and their children under the 'free exercise' clause do not mandate safeguards against such embarrassments and pressures. It is enough on this score, however, that regulations, such as were adopted by New York City's Board of Education in connection with its released time program, be adopted, making clear that neither teachers nor any other school authority may comment on participation or nonparticipation in the exercise nor suggest or require that any posture or language be used or dress be worn or be not used or not worn. Nonparticipation may take the form either of remaining silent during the exercise, or if the parent or child so desires, of being excused entirely from the exercise. Such regulations must also make provision for those nonparticipants who are to be excused from the prayer exercise. The exact provision to be made is a matter for decision by the board, rather than the court, within the framework of constitutional requirements. Within that framework would fall a provision that prayer participants proceed to a common assembly while non-participants attend other rooms, or that nonparticipants be permitted to arrive at school a few minutes late or to attend separate opening exercises, or any other method which treats with equality both participants and nonparticipants." 18 Misc. 2d, at 696, 191 N.Y.S. 2d, at 492–493. See also the opinion of the Appellate Division affirming that of the trial court, reported at 11 App. Div. 2d 340, 206 N.Y.S. 2d 183.

[3] 368 U.S. 924.

[4] 18 Misc. 2d, at 671–672, 191 N.Y.S. 2d, at 468–469.

[5] 2 & 3 Edward VI, c. 1, entitled "An Act for Uniformity of Service and Administration of the Sacraments throughout the Realm"; 3 & 4 Edward VI, c. 10, entitled "An Act for the abolishing and putting away of divers Books and Images."

[6] The provisions of the various versions of the Book of Common Prayer are set out in broad outline in the Encyclopedia Britannica, Vol. 18 (1957 ed.), pp. 420–423. For a more complete description, see Pullan, The History of the Book of Common Prayer (1900).

[7] The first major revision of the Book of Common Prayer was made in 1552 during the reign of Edward VI. 5 & 6 Edward VI, c. 1. In 1553, Edward VI died and was succeeded by Mary who abolished the Book of Common Prayer entirely. 1 Mary, c. 2. But upon the accession of Elizabeth in 1558, the Book was restored with important alterations from the form it had been given by Edward VI. 1 Elizabeth, c. 2. The resentment to this amended form of the Book was kept firmly under control during the reign of Elizabeth but, upon her death in 1603, a petition signed by more than 1,000 Puritan ministers was presented to King James I asking for further alterations in the Book. Some alterations were made and the Book retained substantially this form until it was completely suppressed again in 1645 as a result of the successful Puritan Revolution. Shortly after the restoration in 1660 of Charles II, the Book was again reintroduced, 13 & 14 Charles II, c. 4, and again with alterations. Rather than accept this form of the Book some 2,000 Puritan ministers vacated their benefices. See generally Pullan, The History of the Book of Common Prayer (1900), pp. vii–xvi; Encyclopedia Britannica (1957 ed.), Vol. 18, pp. 421–422.

[8] For example, the Puritans twice attempted to modify the Book of Common Prayer and once attempted to destroy it. The story of their struggle to modify the Book in the reign of Charles I is vividly summarized in Pullan, History of the Book of Common Prayer at p. xiii: "The King actively supported those members of the Church of England who were anxious to vindicate its Catholic character and maintain the ceremonial which Elizabeth had approved. Laud, Archbishop of Canterbury, was the leader of this school. Equally resolute in his opposition to the distinctive tenets of Rome and of Geneva, he enjoyed the hatred of both Jesuit and Calvinist. He helped the Scottish bishops, who had made large concessions to the uncouth habits of Presbyterian worship, to draw up a Book of Common Prayer for Scotland. It contained a Communion Office resembling that of the book of 1549. It came into use in 1637, and met with a bitter and barbarous opposition. The vigour of the Scottish Protestants strengthened the hands of their English sympathisers. Laud and Charles were executed, Episcopacy was abolished, the use of the Book of Common Prayer was prohibited."

[9] For a description of some of the laws enacted by early theocratic governments in New England, see Parrington, Main Currents in American Thought (1930), Vol. 1, pp. 5–50; Whipple, Our Ancient Liberties (1927), pp. 63–78; Wertenbaker, The Puritan Oligarchy (1947).

[10] The Church of England was the established church of at least five colonies: Maryland, Virginia, North Carolina, South Carolina and Georgia. There seems to be some controversy as to whether that church was officially established in New York and New Jersey but there is no doubt that it received substantial support from those states. See Cobb, The Rise of Religious Liberty in America (1902), pp. 338, 408. In Massachusetts, New Hampshire and Connecticut, the Congregationalist Church was officially established. In Pennsylvania and Delaware, all Christian sects were treated equally in most situations but Catholics were discriminated against in some respects. See generally Cobb, The Rise of Religious Liberty in America (1902). In Rhode Island all protestants

enjoyed equal privileges but it is not clear whether Catholics were allowed to vote. Compare Fiske, The Critical Period in American History (1899), p. 76 with Cobb, The Rise of Religious Liberty in America (1902), pp. 437–438.

[11] 12 Hening, Statutes of Virginia (1823), 84, entitled "An Act for establishing religious freedom." The story of the events surrounding the enactment of this law was reviewed in *Everson* v. *Board of Education*, 330 U.S. 1, both by the Court, at pp. 11–13, and in the dissenting opinion of Mr. Justice Rutledge, at pp. 33–42. See also Fiske, The Critical Period in American History (1899), pp. 78–82; James, The Struggle for Religious Liberty in Virginia (1900); Thom, The Struggle for Religious Freedom in Virginia: The Baptists (1900); Cobb, The Rise of Religious Liberty in America (1902), pp. 74–115, 482–499.

[12] See Cobb, The Rise of Religious Liberty in America (1902), pp. 482–509.

[13] "[A]ttempts to enforce by legal sanctions, acts obnoxious to so great a proportion of Citizens, tend to enervate the laws in general, and to slacken the bands of Society. If it be difficult to execute any law which is not generally deemed necessary or salutary, what must be the case where it is deemed invalid and dangerous? and what may be the effect of so striking an example of impotency in the Government, on its general authority." Memorial and Remonstrance against Religious Assessments, II Writings of Madison 183, 190.

[14] "It is moreover to weaken in those who profess this Religion a pious confidence in its innate excellence, and the patronage of its Author; and to foster in those who still reject it, a suspicion that its friends are too conscious of its fallacies, to trust it to its own merits. . . . [E]xperience witnesseth that ecclesiastical establishments, instead of maintaining the purity and efficacy of Religion, have had a contrary operation. During almost fifteen centuries, has the legal establishment of Christianity been on trial. What have been its fruits? More or less in all places, pride and indolence in the Clergy; ignorance and servility in the laity; in both, superstition, bigotry and persecution. Enquire of the Teachers of Christianity for the ages in which it appeared in its greatest lustre; those of every sect, point to the ages prior to its incorporation with Civil policy." *Id.*, at 187.

[15] Memorial and Remonstrance against Religious Assessments, II Writings of Madison, at 187.

[16] "[T]he proposed establishment is a departure from that generous policy, which, offering an asylum to the persecuted and oppressed of every Nation and Religion, promised a lustre to our country, and an accession to the number of its citizens. What a melancholy mark is the Bill of sudden degeneracy? Instead of holding forth an asylum to the persecuted, it is itself a signal of persecution. . . . Distant as it may be, in its present form, from the Inquisition it differs from it only in degree. The one is the first step, the other the last in the career of intolerance. The magnanimous sufferer under this cruel scourge in foreign Regions, must view the Bill as a Beacon on our Coast, warning him to seek some other haven, where liberty and philanthropy in their due extent may offer a more certain repose from his troubles." *Id.*, at 188.

[17] 5 & 6 Edward VI, c. 1, entitled "An Act for the Uniformity of Service and Administration of Sacraments throughout the Realm." This Act was repealed during the reign of Mary but revived upon the accession of Elizabeth. See note, 7, *supra*. The reasons which led to the enactment of this statute were set out in its preamble: "Where there hath been a very godly Order set forth by the Authority of Parliament, for Common Prayer and Administration of Sacraments to be used in the Mother Tongue within the Church of *England*, agreeable to the Word of God and the Primitive Church, very comfortable to all good People desiring to live in Christian Conversation, and most profitable to the Estate of this Realm, upon which the Mercy, Favour and Blessing of Almighty God is in no wise so readily and plenteously poured as by Common Prayers, due using of the Sacraments, and often preaching of the Gospel, with the Devotion of the Hearers: (1) And yet this notwithstanding, a great Number of People in divers Parts of this Realm, following their own Sensuality, and living either without Knowledge or due Fear of God, do wilfully and damnably before Almighty God abstain and refuse to come to their Parish Churches and other Places where Common Prayer, Administration of the Sacraments, and Preaching of the Word of God, is used upon *Sundays* and other Days ordained to be Holydays."

[18] Bunyan's own account of his trial is set forth in A Relation of the Imprisonment of Mr. John Bunyan, reprinted in Grace Abounding and The Pilgrim's Progress (Brown ed. 1907), at 103–132.

[19] For a vivid account of some of these persecutions, see Wertenbaker, The Puritan Oligarchy (1947).

[20] Perhaps the best example of the sort of men who came to this country for precisely that reason is Roger Williams, the founder of Rhode Island, who has been described as "the truest Christian amongst many who sincerely desired to be Christian." Parrington, Main Currents of American Thought (1930), Vol. 1, at p. 74. Williams, who was one of the earliest exponents of the doctrine of separation of church and state, believed that separation was necessary in order to protect the church from the danger of destruction which he thought inevitably flowed from control by even the best-intentioned civil authorities: "The unknowing zeale of *Constantine* and other Emperours, did more hurt to *Christ Jesus* his Crowne and Kingdome, then the raging fury of the most bloody *Neroes*. In the *persecutions* of the later, *Christians* were sweet and fragrant, like spice pounded and beaten in morters: But those *good* Emperours, persecuting some erroneous persons, *Arrius, &c.* and advancing the professours of some Truths of Christ (for there was no small number of *Truths* lost in those times) and maintaining their *Religion* by the materiall Sword, I say by this means *Christianity* was *ecclipsed*, and the Professors of it fell asleep . . ." Williams, The Bloudy Tenent, of Persecution, for cause of Conscience, discussed, in A Conference betweene Truth and Peace (London, 1644), reprinted in Naragansett Club Publications, Vol. III, p. 184. To Williams, it was no part of the business or competence of a civil magistrate to interfere in religious matters:

"[W]hat imprudence and *indiscretion* is it in the most common affaires of Life, to conceive that *Emperours, Kings* and *Rulers* of the earth must not only be qualified with *politicall* and *state abilities* to *make* and *execute* such *Civill Lawes* which may concerne the common *rights, peace* and *safety* (which is worke and businesse, load and burthen enough for the ablest shoulders in the Commonweal) but also furnished with such *Spirituall* and heavenly *abilities* to governe the *Spirituall* and *Christian Commonweale*. . . ." *Id.*, at 366. See also, *id.*, at 136–137.

[21] There is of course nothing in the decision reached here that is inconsistent with the fact that school children and others are officially encouraged to express love for our country by reciting historical documents such as the Declaration of Independence which contain references to the Deity or by singing officially espoused anthems which include the composer's professions of faith in a Supreme Being, or with the fact that there are many manifestations in our public life of belief in God. Such patriotic or ceremonial occasions bear no true resemblance to the unquestioned religious exercise that the State of New York has sponsored in this instance.

[22] Memorial and Remonstrance against Religious Assessments, II Writings of Madison 183, at 185–186.

[Supreme Court of the United States—No. 468—October Term, 1961]

STEVEN I. ENGEL, PETITIONERS, *v.* WILLIAM J. VITALE, JR., ET AL.

(On Writ of Certiorari to the Court of Appeals of New York)

June 25, 1962

Mr. JUSTICE DOUGLAS, concurring.

It is customary in deciding a constitutional question to treat it in its narrowest form. Yet at times the setting of the question gives it a form and content which no abstract treatment could do. The point for decision is whether the Government can constitutionally finance a religious exercise. Our system at the federal and state levels is presently honeycombed with such financing.[1] Nevertheless, I think it is an unconstitutional undertaking whatever form it takes.

First, a word as to what this case does not involve.

Plainly, our Bill of Rights would not permit a State or the Federal Government to adopt an official prayer and penalize anyone who would not utter it. This, however, is not that case, for there is no element of compulsion or coercion in New York's regulation requiring that public schools be opened each day with the following prayer:

"Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our Country."

The prayer is said upon the commencement of the school day, immediately following the pledge of allegiance to the flag. The prayer is said aloud in the presence of a teacher, who either leads the recitation or selects a student to do so. No student, however, is compelled to take part. The respondents have adopted a regulation which provides that "neither teachers nor any school authority shall comment on participation or non-participation . . . nor suggest or request that any posture or language be used or dress be worn or be not used or not worn." Provision is also made for excusing children, upon written request of a parent or guardian, from the saying of the prayer or from the room in which the prayer is said. A letter implementing and explaining this regulation has been sent to each taxpayer and parent in the school district. As I read this regulation, a child is free to stand or not stand, to recite or not recite, without fear of reprisal or even comment by the teacher or any other school official.

In short, the only one who need utter the prayer is the teacher; and no teacher is complaining of it. Students can stand mute or even leave the classroom, if they desire.[2]

McCollum v. *Board of Education*, 333 U.S. 203, does not decide this case. It involved the use of public school facilities for religious education of students. Students either had to attend religious instruction or "go to some other place in the school building for pursuit of their secular studies. . . . Reports of their presence or absence were to be made to their secular teachers." *Id.*, at 209. The influence of the teaching staff was therefore brought to bear on the student body, to support the instilling religious principles. In the present case, school facilities are used to say the prayer and the teaching staff is employed to lead the pupils in it. There is, however, no effort at indoctrination and no attempt at exposition. Prayers of course may be so long and of such a character as to amount to an attempt at the religious in-

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Footnotes at end of article.

struction that was denied the public schools by the *McCollum* case. But New York's prayer is of a character that does not involve any ment of proselytizing as in the *McCollum* case.

The question presented by this case is therefore an extremely narrow one. It is whether New York oversteps the bounds when it finances a religious exercise.

What New York does on the opening of its public schools is what we do when we open court. Our Marshal has from the beginning announced the convening of the Court and then added "God save the United States and this honorable court." That utterance is a supplication, a prayer in which we, the judges, are free to join, but which we need not recite any more than the students need recite the New York prayer.

What New York does on the opening of its public schools is what each House of Congress [3] does at the opening of each day's business.[4] Reverend Frederick B. Harris is Chaplain of the Senate; Reverend Bernard Braskamp is Chaplain of the House. Guest chaplains of various denominations also officiate.[5]

In New York the teacher who leads in prayer is on the public payroll; and the time she takes seems minuscule as compared with the salaries appropriated by state legislatures and Congress for chaplains to conduct prayers in the legislative halls. Only a bare fraction of the teacher's time is given to reciting this short 22-word prayer, about the same amount of time that our Marshal spends announcing the opening of our sessions and offering a prayer for this Court. Yet for me the principle is the same, no matter how briefly the prayer is said, for in each of the instances given the person praying is a public official on the public payroll, performing a religious exercise in a governmental institution.[6] It is said that the element of coercion is inherent in the giving of this prayer. If that is true here, it is also true of the prayer with which this Court is convened, and with those that open the Congress. Few adults, let alone children, would leave our courtroom or the Senate or the House while those prayers are being given. Every such audience is in a sense a "captive" audience.

At the same time I cannot say that to authorize this prayer is to establish a religion in the strictly historic meaning of those words.[7] A religion is not established in the usual sense merely by letting those who chose to do so say the prayer that the public school teacher leads. Yet once government finances a religious exercise it inserts a divisive influence into our communities.[8] The New York court said that the prayer given does not conform to all of the tenets of the Jewish, Unitarian, and Ethical Culture groups. One of petitioners is an agnostic.

"We are a religious people whose institutions presupposes a Supreme Being." *Zorach* v. *Clauson,* 343 U.S. 306, 313. Under our Bill of Rights free play is given for making religion an active force in our lives.[9] But "if a religious leaven is to be worked into the affairs of our people, it is to be done by individuals and groups, not by the Government." *McGowan* v. *Maryland,* 366 U.S. 420, 563 (dissenting opinion). By reason of the First Amendment government is commanded "to have no interest in theology or ritual" (*id.,* at 564), for on those matters "government must be neutral." *Ibid*. The First Amendment leaves the Government in a position not of hostility to religion but of neutrality. The philosophy is that the atheist or agnostic—the nonbeliever—is entitled to go his own way. The philosophy is that if government interferes in matters spiritual, it will be a divisive force. The First Amendment teaches that a government neutral in the field of religion better serves all religious interests.

My problem today would be uncomplicated but for *Everson v. Board of Education,* 330 U.S. 1, 17, which allowed taxpayers' money to be used to pay "the bus fares of parochial school pupils as a part of a general program under which" the fares of pupils attending public and other schools were also paid. The *Everson* case seems in retrospect to be out of line with the First Amendment. Its result is appealing, as it allows aid to be given to needy children. Yet by the same token, public funds could be used to satisfy other needs of children in parochial schools—lunches, books, and tuition being obvious examples. Mr. Justice Rutledge stated in dissent what I think is durable First Amendment philosophy:

"The reasons underlying the Amendment's policy have not vanished with time or diminished in force. Now as when it was adopted the price of religious freedom is double. It is that the church and religion shall live both within and upon that freedom. There cannot be freedom of religion, safeguarded by the state, and intervention by the church or its agencies in the state's domain or dependency on its largesse. Madison's Remonstrance, Par. 6, 8. The great condition of religious liberty is that it be maintained free from sustenance, as also from interferences, by the state. For when it comes to rest upon that secular foundation it vanishes with the resting. *Id.,* Par. 7, 8. Public money devoted to payment of religious costs, educational or other, brings the quest for more. It brings too the struggle of sect against sect for the larger share or for any. Here one by numbers alone will benefit most, there another. That is precisely the history of societies which have had an established religion and dissident groups. *Id.* Par. 8, 11. It is the very thing Jefferson and Madison experienced and sought to guard against, whether in its blunt or in its more screened forms. *Ibid.* The end of such strife cannot be other than to destroy the cherished liberty. The dominating group will achieve the dominant benefit; or all will embroil the state in their dissensions. *Id.* Par. 11." *Id.,* pp. 53–54.

What New York does with this prayer is a break with that tradition. I therefore join the Court in reversing the judgment below.

FOOTNOTES

[1] "There are many 'aids' to religion in this country at all levels of government. To mention but a few at the federal level, one might begin by observing that the very First Congress which wrote the First Amendment provided for chaplains in both Houses and in the armed services. There is compulsory chapel at the service academies, and religious services are held in federal hospitals and prisons. The President issues religious proclamations. The Bible is used for the administration of oaths. N. Y. A. and W. P. A. funds were available to parochial schools during the depression. Veterans receiving money under the 'G. I.' Bill of 1944 could attend denominational schools, to which payments were made directly by the government. During World War II, federal money was contributed to denominational schools for the training of nurses. The benefits of the National School Lunch Act are available to students in private as well as public schools. The Hospital Survey and Construction Acts of 1946 specifically made money available to non-public hospitals. The slogan 'In God We Trust' is used by the Treasury Department, and Congress recently added God to the pledge of allegiance. There is Bible-reading in the schools of the District of Columbia, and religious instruction is given in the District's National Training School for Boys. Religious organizations are exempt from the federal income tax and are granted postal privileges. Up to defined limits—15 per cent of the adjusted gross income of individuals and 5 per cent of the net income of corporations—contributions to religious organizations are deductible for federal income tax purposes. There are limits to the deductibility of gifts and bequests to religious institutions made under the federal gift and estate tax laws. This list of federal 'aids' could easily be expanded, and of course, there is a long list in each state." Fellman, The Limits of Freedom (1959), pp. 40–41.

[2] West Point Cadets are required to attend chapel each Sunday. Reg., c. 21, § 2101. The same requirement obtains at the Naval Academy (Reg., c. 9, § 0901, (1) (a)), and at the Air Force Academy except First Classmen. Catalogue, 1962–1963, p. 110. And see Honeywell, Chaplains of the United States Army (1958); Jorgensen, The Service of Chaplains to Army Air Units, 1917–1946, Vol. I (1961).

[3] The New York Legislature follows the same procedure. See, *e.g.,* Vol. 1, N. Y. Assembly Jour., 184th Sess., 1961, p. 8; Vol. 1, N. Y. Senate Jour., 184th Sess., 1961, p. 5.

[4] Rules of the Senate provide that each calendar day's session shall open with prayer. See Rule III, Senate Manual, S. Doc. No. 2, 87th Cong., 1st Sess. The same is true of the Rules of the House. See Rule VII, Rules of the House of Representatives, H. R. Doc. No. 459, 86th Cong., 2d Sess. The Chaplains of the Senate and of the House receive $8,810 annually. See 75 Stat. 320, 324.

[5] It would, I assume, make no difference in the present case if a different prayer were said every day or if the ministers of the community rotated, each giving his own prayer. For some of the petitioners in the present case profess no religion.

The Pledge of Allegiance, like the prayer, recognizes the existence of a Supreme Being. Since 1954 it has contained the words "one nation *under God,* indivisible, with liberty and justice for all." 36 U.S.C. 172. The House Report, recommending the addition of the words "under God" stated that those words in no way run contrary to the First Amendment but recognize "only the guidance of God in our national affairs." H.R. Rep. No. 1693, 83d Cong., 2d Sess., p. 3. And see S. Rep. No. 1287, 83d Cong., 2d Sess. Senator Ferguson, who sponsored the measure in the Senate, pointed out that the words "In God We Trust" are over the entrance to the Senate Chamber. 100 Cong. Rec. 6348. He added:

"I have felt that the Pledge of Allegiance to the Flag which stands for the United States of America should recognize the Creator who we really believe is in control of the destinies of this great Republic.

"It is true that under the Constitution no power is lodged anywhere to establish a religion. This is not an attempt to establish a religion; it has nothing to do with anything of that kind. It relates to belief in God, in whom we sincerely repose our trust. We know that America cannot be defended by guns, planes, and ships alone. Appropriations and expenditures for defense will be of value only if the God under whom we live believes that we are in the right. We should at all times recognize God's province over the lives of our people and over this great Nation." *Ibid*. And see 100 Cong. Rec. 7757 *et seq*. for the debates in the House.

The Act of March 3, 1865, 13 Stat. 517, 518, authorized the phrase "In God We Trust" to be placed on coins. And see 17 Stat. 427. The first mandatory requirement for the use of that motto on coins was made by the Act of May 18, 1908, 35 Stat. 164. See H.R. Rep. No. 1106, 60th Cong., 1st Sess.; 42 Cong. Rec. 3384 *et seq*. The use of the motto on all currency and coins was directed by the Act of July 11, 1955, 69 Stat. 290. See H.R. Rep. No. 662, 84th Cong., 1st Sess.; S. Rep. No. 637, 84th Cong., 1st Sess. Moreover, by the Joint Resolution of July 30, 1956, our national motto was declared to be "In God We Trust." 70 Stat. 732. In reporting the Joint Resolution, the Senate Judiciary Committee stated:

"Further official recognition of this motto was given by the adoption of the Star-Spangled Banner as our national anthem. One stanza of our national anthem is as follows:

'O thus be it ever when freemen shall stand
Between their lov'd home and the war's desolation;
Blest with vict'ry and peace may the heav'n rescued land
Praise the power that hath made and preserved us a nation!
Then conquer we must when our cause it is just,
And, this be our motto—"In God is our trust."
And the Star-Spangled Banner in triumph shall wave
O'er the land of the free and the home of the brave.'

"In view of these words in our national anthem, it is clear that 'In God we trust' has a strong claim as our national motto." S. Rep. No. 2703, 84th Cong., 2nd Sess., p. 2.

[6] The fact that taxpayers do not have standing in the federal courts to raise the issue (*Frothingham* v. *Mellon*, 262 U.S. 447) is of course no justification for drawing a line between what is done in New York on one hand and on the other what we do and what Congress does in this matter of prayer.

[7] The Court analogizes the present case to those involving the traditional Established Church. We once had an Established Church, the Anglican. All baptisms and marriages had to take place there. That church was supported by taxation. In these and other ways the Anglican Church was favored over the others. The First Amendment put an end to placing any one church in a preferrred position. It ended support of any church or all churches by taxation. It went further and prevented secular sanction to any religious ceremony, dogma, or rite. Thus, it prevents civil penalties from being applied against recalcitrants or nonconformists.

[8] Some communities, including Washington, D.C., have a Christmas tree purchased with the taxpayers' money. The tree is sometime decorated with the words "Peace on earth, goodwill to men." At other times the authorities draw from a different version of the Bible which says "Peace on earth to men of goodwill." Christmas I suppose, is still a religious celebration, not merely a day put on the calendar for the benefit of merchants.

[9] Religion was once deemed to be a function of the public school system. The Northwest Ordinance, which antedated the First Amendment, provided in Article 3 that "Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged."

[Supreme Court of the United States—No. 468—October Term, 1961]

STEVEN I. ENGEL ET AL., PETITIONERS *v.* WILLIAM J. VITALE, JR., ET AL

(On Writ of Certiorari to the Court of Appeals of New York)

June 25, 1962

MR. JUSTICE STEWART, dissenting.

A local school board in New York has provided that those pupils who wish to do so may join in a brief prayer at the beginning of each school day, acknowledging their dependence upon God and asking His blessing upon them and upon their parents, their teachers, and their country. The Court today decides that in permitting this brief nondenominational prayer the school board has violated the Constitution of the United States. I think this decision is wrong.

The Court does not hold, nor could it, that New York has interfered with the free exercise of anybody's religion. For the state courts have made clear that those who object to reciting the prayer must be entirely free of any compulsion to do so, including any "embarrassments and pressures." Cf. *West Virginia State Board of Education* v. *Barnette*, 319 U. S. 624. But the Court says that in permitting school children to say this simple prayer, the New York authorities have established "an official religion."

With all respect, I think the Court has misapplied a great constitutional principle. I cannot see how an "official religion" is established by letting those who want to say a prayer say it. On the contrary, I think that to deny the wish of these school children to join in reciting this prayer is to deny them the opportunity of sharing in the spiritual heritage of our Nation.

The Court's historical review of the quarrels over the Book of Common Prayer in England throws no light for me on the issue before us in this case. England had then and has now an established church. Equally unenlightening, I think, is the history of the early establishment and later rejection of an official church in our own States. For we deal here not with the establishment of a state church, which would, of course, be constitutionally impermissible, but with whether school children who want to begin their day by joining in prayer must be prohibited from dong so. Moreover, I think that the Court's task, in this as in all areas of constitutional adjudication, is not responsibly aided by the uncritical invocation of metaphors like the "wall of separation," a phrase nowhere to be found in the Constitution. What is relevant to the issue here is not the history of an established church in sixteenth century England or in eighteenth century America, but the history of the religious traditions of our people, reflected in countless practices of the institutions and officials of our government.

At the opening of each day's Session of this Court we stand, while one of our officials invokes the protection of God. Since the days of John Marshall our Crier has said "God save the United States and this Honorable Court." [1] Both the Senate and the House of Representatives open their daily Sessions with prayer.[2] Each of our Presidents, from George Washington to John F. Kennedy, has upon assuming his Office asked the protection and help of God.[3]

The Court today says that the state and Federal governments are without constitutional power to prescribe any particular form of words to be recited by any group of the American people on any subject touching religion.[4] The third stanza of "The Star-Spangled Banner," made our National Anthem by Act of Congress in 1931,[5] contains these verses:

"Blest with victory and peace, may the heav'n rescued land
Praise the Pow'r that hath made and preserved us a nation!
Then conquer we must, when our cause it is just,
And this be our motto 'In God is our Trust.' "

In 1954 Congress added a phase to the Pledge of Allegiance to the Flag so that it now contains the words "one nation *under* God, indivisible, with liberty and justice for all." [6] In 1952 Congress enacted legislation calling upon the President each year to proclaim a National Day of Prayer.[7] Since 1865 the words "IN GOD WE TRUST" have been impressed on our coins.[8]

Countless similar examples could be listed, but there is no need to belabor the obvious.[9] It was all summed up by this Court just ten years ago in a single sentence: "We are a religious people whose institutions presuppose a Supreme Being." *Zorach* v. *Clauson*, 343 U.S. 306, 313.

I do not believe that this Court, or the Congress, or the President has by the actions and practices I have mentioned established an "official religion" in violation of the Constitution. And I do not believe the State of New York has done so in this case. What each has done has been to recognize and to follow the deeply entrenched and highly cherished spiritual traditions of our Nation—traditions which come down to us from those who almost two hundred years ago avowed their "firm reliance on the Protection of Divine Providence" when they proclaimed the freedom and independence of this brave new world.[10]

I dissent.

FOOTNOTES

[1] See Warren, The Supreme Court in United States History, Vol. 1, p. 469.

[2] See Rule III, Senate Manual, S. Doc. No. 2, 87th Cong., 1st Sess. See Rule VII, Rules of the House of Representatives, H.R. Doc. No. 459, 86th Cong., 2d Sess.

[3] For example:

On April 30, 1789, President George Washington said: ". . . it would be peculiarly improper to omit in this first official act my fervent supplications to that Almighty Being who rules over the universe, who presides in the councils of nations, and whose providential aids can supply every human defect, that His benediction may consecrate to the liberties and happiness of the people of the United States a Government instituted by themselves for these essential purposes, and may enable every instrument employed in its administration to execute with success the functions allotted to His charge. In tendering this homage to the Great Author of every public and private good, I assure myself that it expresses your sentiments not less than my own, nor those of my fellow-citizens at large less than either. No people can be bound to acknowledge and adore the Invisible Hand which conducts the affairs of men more than those of the United States.

* * * * *

"Having thus imparted to you my sentiments as they have been awakened by the occasion which brings us together, I shall take my present leave; but not without resorting once more to the benign Parent of the Human Race in humble supplication that, since He has been pleased to favor the American people with opportunities for deliberating in perfect tranquillity, and dispositions for deciding with unparalleled unanimity on a form of government for the security of their union and the advancement of their happiness, so His divine blessing may be equally *conspicuous* in the enlarged views, the temperate consultations, and the wise measures on which the success of this Government must depend."

On March 4, 1797, President John Adams said: "And may that Being who is supreme over all, the Patron of Order, the Fountain of Justice, and the Protector in all ages of the world of virtuous liberty, continue His blessing upon this nation and its Government and give it all possible success and duration consistent with the ends of His Providence."

On March 4, 1805, President Thomas Jefferson said: "I shall need, too, the favor of that Being in whose hands we are, who led our fathers, as Israel of old, from their native land and planted them in a country flowing with all the necessaries and comforts of life; who has covered our infancy with His providence and our riper years with His wisdom and power, and to whose goodness I ask you to join in supplications with me that He will so enlighten the minds of your servants, guide their councils, and prosper their measures that whatsoever they do shall result in your good, and shall secure to you the peace, friendship, and approbation of all nations."

On March 4, 1809, President James Madison said: "But the source to which I look . . . is in . . . my fellow-citizens, and in the counsels of those representing them in the other departments associated in the care of the national interests. In these my confidence will under every difficulty be best placed, next to that which we have all been encouraged to feel in the guardianship and guidance of that Almighty Being whose power regulates the destiny of nations, whose blessings have been so conspicuously dispensed to this rising Republic, and to whom we are bound to address our devout gratitude for the past, as well as our fervent supplications and best hopes for the future."

On March 4, 1865, President Abraham Lincoln said: "Fondly do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away. Yet, if God wills that it continue until all the wealth piled by the bondsman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said 'the judgments of the Lord are true and righteous altogether.'

"With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations."

On March 4, 1885, President Grover Cleveland said: "And let us not trust to human effort alone, but humbly acknowledging the power and goodness of Almighty God, who presides over the destiny of nations, and who has at all times been revealed in our country's history, let us invoke His aid and His blessing upon our labors."

On March 5, 1917, President Woodrow Wilson said: "I pray God I may be given the wisdom and the prudence to do my duty in the true spirit of this great people."

On March 4, 1933, President Franklin D. Roosevelt said: "In this dedication of a Nation we humbly ask the blessing of God. May He protect each and every one of us. May He guide me in the days to come."

On January 21, 1957, President Dwight D. Eisenhower said: "Before all else, we seek, upon our common labor as a nation, the blessings of Almighty God. And the hopes in our hearts fashion the deepest prayers of our whole people."

On January 20, 1961, President John F. Kennedy said: "The world is very different now. . . . And yet the same revolutionary beliefs for which our forebears fought are still at issue around the globe—the belief that the rights of man come not from the generosity of the state, but from the hand of God.

* * * * *

"With a good conscience our only sure reward, with history the final judge of our deeds, let us go forth to lead the land we love, asking His blessing and His help, but knowing that here on earth God's work must truly be our own."

[4] My brother Douglas says that the only question before us is whether government "can constitutionally finance a religious exercise." The official chaplains of Congress are paid with public money. So are military chaplains. So are state and federal prison chaplains.

[5] 36 U.S.C. § 170.

[6] 36 U.S.C. § 172.

[7] 36 U.S.C. § 185.

[8] 13 Stat. 517, 518; 17 Stat. 427; 35 Stat. 164; 69 Stat. 290. The current provisions are embodied in 31 U.S.C. §§ 324, 324a.

[9] I am at a loss to understand the Court's unsupported *ipse dixit* that these official expressions or religious faith in and reliance upon a Supreme Being "bear no true resemblance to the unquestioned religious exercise that the State of New York has sponsored in this instance." See p. —, *supra*, n. 21. I can hardly think that the Court means to say that the First Amendment imposes a lesser restriction upon the Federal Government than does the Fourteenth Amendment upon the States. Or is the Court suggesting that the Constitution permits judges and Congressmen and Presidents to join in prayer, but prohibits school children from doing so?

[10] The Declaration of Independence ends with this sentence: "And for the support of this Declaration, with a firm reliance on the Protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor."

[Supreme Court of the United States—Nos. 142 and 119—October Term, 1962]

School Distict of Abington Township, Pennsylvania, et al., Appellants (142), v. Edward Lewis Schempp et al.

(On Appeal from the United States District Court for the Eastern District of Pennsylvania)

William J. Murray III, etc., et al, Petitioners, v. John N. Curlett, President, et al., Individually, and Constituting the Board of School Commissioners of Baltimore City

(On Writ of Certiorari to the Court of Appeals of Maryland)

June 17, 1963

Mr. Justice Clark delivered the opinion of the Court.

Once again we are called upon to consider the scope of the provision of the First Amendment to the United States Constitution which declares that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof . . . ." These companion cases present the issues in the context of state action requiring that schools begin each day with readings from the Bible. While raising the basic questions under slightly different factual situations, the cases permit of joint treatment. In light of the history of the First Amendment and of our cases interpreting and applying its requirements, we hold that the practices at issue and the laws requiring them are unconstitutional under the Establishment Clause, as applied to the states through the Fourteenth Amendment.

I

The Facts in Each Case: No. 142. The Commonwealth of Pennsylvania by law, 24 Pa. Stat. § 15–1516, as amended, Pub. Law 1928 (Supp. 1960) Dec. 17, 1959, requires that "At least ten verses from the Holy Bible shall be read, without comment, at the opening of each public school on each school day. Any child shall be excused from such Bible reading, or attending such Bible reading, upon the written request of his parent or guardian." The Schempp family, husband and wife and two of their three children, brought suit to enjoin enforcement of the statute, contending that their rights under the Fourteenth Amendment to the Constitution of the United States are, have been, and will continue to be violated unless this statute be declared unconstitutional as violative of these provisions of the First Amendment. They sought to enjoin the appellant school district, wherein the Schempp children attend school, and its officers and the Superintendent of Public Instruction of the Commonwealth from continuing to conduct such readings and recitation of the Lord's Prayer in the public schools of the district pursuant to the statute. A three-judge statutory District Court for the Eastern District of Pennsylvania held that the statute is violative of the Establishment Clause of the First Amendment as applied to the States by the Due Process Clause of the Fourteenth Amendment and directed that appropriate injunctive relief issue. 201 F. Supp. 815.[1] On appeal by the District, its officials and the Superintendent, under 28 U.S.C. § 1253, we noted probable jurisdiction. 371 U.S. 807.

The appellees Edward Lewis Schempp, his wife Sidney, and their children, Roger and Donna, are of the Unitarian faith and are members of the Unitarian Church in Germantown, Philadelphia, Pennsylvania, where they, as well as another son, Ellory, regularly attend religious services. The latter was originally a party but having graduated from the school system *pendente lite* was voluntarily dismissed from the action. The other children attend the Abington Senior High School, which is a public school operated by appellant district.

On each school day at the Abingdon Senior High School between 8:15 and 8:30 a.m., while the pupils are attending their home rooms or advisory sections, opening exercises are conducted pursuant to the statute. The exercises are broadcast into each room in the school building through an intercommunications system and are conducted under the supervision of a teacher by students attending the school's radio and television workshop. Selected students from this course gather each morning in the school's workshop studio for the exercises, which include readings by one of the students of 10 verses of the Holy Bible, broadcast to each room in the building. This is followed by the recitation of the Lord's Prayer, likewise over the intercommunications system, but also by the students in the various classrooms, who are asked to stand and join in repeating the prayer in unison. The exercises are closed with the flag salute and such pertinent announcements as are of interest to the students. Participation in the opening exercises, as directed by the statute, is voluntary. The student reading the verses from the Bible may select the passages and read from any version he chooses, although the only copies furnished by the school are the King James version, copies of which were circulated to each teacher by the school district. During the period in which the exercises have been conducted the King James, the Douay and the Revised Standard versions of the Bible have been used, as well as the Jewish Holy Scriptures. There are no prefatory statements, no questions asked or solicited, no comments or explanations made and no interpretations given at or during the exercises. The students and parents are advised that the student may absent himself from the classroom or, should he elect to remain, not participate in the exercises.

It appears from the record that in schools not having an intercommunications system the Bible reading and the recitation of the Lord's Prayer were conducted by the homeroom teacher,[2] who chose the text of the verses and read them herself or had students read them in rotation or by volunteers. This was followed by a standing recitation of the Lord's Prayer, together with the Pledge of Allegiance to the flag by the class in unison and a closing announcement of routine school items of interest.

At the first trial Edward Schempp and the children testified as to specific religious doctrines purveyed by a literal reading of the Bible "which were contrary to the religious beliefs which they held and to their familial teaching." 177 F. Supp. 398, 400. The children testified that all of the doctrines to which they referred were read to them at various times as part of the exercises. Edward Schempp testified at the second trial that he had considered having Roger and Donna excused from attendance at the exercises but decided against it for several reasons, including his belief that the children's relationships with their teachers and classmates would be adversely affected.[3]

Expert testimony was introduced by both appellants and appellees at the first trial, which testimony was summarized by the trial court as follows:

"Dr. Solomon Grayzel testified that there were marked differences between the Jewish

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Footnotes at end of article.

Holy Scriptures and the Christian Holy Bible, the most obvious of which was the absence of the New Testament in the Jewish Holy Scriptures. Dr. Grayzel testified that portions of the New Testament were offensive to Jewish tradition and that, from the standpoint of Jewish faith, the concept of Jesus Christ as the Son of God was 'practically blasphemous.' He cited instances in the New Testament which, assertedly, were not only sectarian in nature but tended to bring the Jews into ridicule or scorn. Dr. Grayzel gave as his expert opinion that such material from the New Testament could be explained to Jewish children in such a way as to do no harm to them. But if portions of the New Testament were read without explanation, they could be, and in his specific experience with children Dr. Grayzel observed, had been, psychologically harmful to the child and had caused a divisive force within the social media of the school.

"Dr. Grayzel also testified that there was significant difference in attitude with regard to the respective Books of the Jewish and Christian Religions in that Judaism attaches no special significance to the reading of the Bible *per se* and that the Jewish Holy Scriptures are source materials to be studied. But Dr. Grayzel did state that many portions of the New, as well as the Old, Testament contained passages of great literary and moral value.

"Dr. Luther A. Weigle, an expert witness for the defense, testified in some detail as to the reasons for and the methods employed in developing the King James and the Revised Standard Versions of the Bible. On direct examination, Dr. Weigle stated that the Bible was non-sectarian. He later stated that the phase 'non-sectarian' meant to him non-sectarian within the Christian faiths. Dr. Weigle stated that his definition of the Holy Bible would include the Jewish Holy Scriptures, but also stated that the 'Holy Bible' would not be complete without the New Testament. He stated that the New Testament 'conveyed the message of Christians.' In his opinion, reading of the Holy Scriptures to the exclusion of the New Testament would be a sectarian practice. Dr. Weigle stated that the Bible was of great moral, historical and literary value. This is conceded by all the parties and is also the view of the court." 177 F. Supp. 398, 401–402.

The trial court, in striking down the practices and the statute requiring them, made specific findings of fact that the children's attendance at Abington Senior High School is compulsory and that the practice of reading 10 verses from the Bible is also compelled by law. It also found that:

"The reading of the verses, even without comment, possesses a devotional and religious character and constitutes in effect a religious observance. The devotional and religious nature of the morning exercises is made all the more apparent by the fact that the Bible reading is followed immediately by a recital in unison by the pupils of the Lord's Prayer. The fact that some pupils, or theoretically all pupils, might be excused from attendance at the exercises does not mitigate the obligatory nature of the ceremony for . . . Section 1516 . . . unequivocally requires the exercises to be held every school day in every school in the Commonwealth. The exercises are held in the school buildings and perforce are conducted by and under the authority of the local school authorities and during school sessions. Since the statute requires the reading of the 'Holy Bible,' a Christian document, the practice . . . prefers the Christian religion. The record demonstrates that it was the intention of . . . the Commonwealth . . . to introduce a religious ceremony into the public schools of the Commonwealth." 201 F. Supp., at 819.

No. 119. In 1905 the Board of School Commissioners of Baltimore City adopted a rule pursuant to Art. 77, § 202 of the Annotated Code of Maryland. The rule provided for the holding of opening exercises in the schools of the city consisting primarily of the "reading, without comment, of a chapter in the Holy Bible and/or the use of the Lord's Prayer.' The petitioners, Mrs. Madalyn Murray and her son, William J. Murray, III, are both professed atheists. Following unsuccessful attempts to have the respondent school board rescind the rule this suit was filed for mandamus to compel its rescission and cancellation. It was alleged that William was a student in a public school of the city and Mrs. Murray, his mother, was a taxpayer therein; that it was the practice under the rule to have a reading on each school morning from the King James version of the Bible; that at petitioners' insistence the rule was amended[4] to permit children to be excused from the exercise on request of the parent and that William had been excused pursuant thereto; that nevertheless the rule as amended was in violation of the petitioners' rights "to freedom of religion under the First and Fourteenth Amendments" and in violation of "the principle of separation between church and state, contained therein. . . ."

The petition particularized the petitioners' atheistic beliefs and stated that the rule, as practiced, violated their rights "in that it threatens their religious liberty by placing a premium on belief as against non-belief and subjects their freedom of conscience to the rule of the majority; it pronounces belief in God as the source of all moral and spiritual values, equating these values with religious values, and thereby renders sinister, alien, and suspect the beliefs and ideals of . . . Petitioners, promoting doubt and question of their morality, good citizenship and good faith."

The respondents demurred and the trial court, recognizing that the demurrer admitted all facts well pleaded, sustained it without leave to amend. The Maryland Court of Appeals affirmed, the majority of four justices holding the exercise not in violation of the First and Fourteenth Amendments, with three justices dissenting. 228 Md. 239, 179 A. 2d 698. We granted certiorari. 371 U.S. 809.

II

It is true that religion has been closely identified with our history and government. As said in *Engel* v. *Vitale*, 370 U.S. 421, 434 (1962), "The history of man is inseparable from the history of religion. And . . . since the beginning of that history many people have devoutly believed that 'More things are wrought by prayer than this world dreams of.'" In *Zorach* v. *Clausen*, 343 U.S. 306, 313 (1952), we gave specific recognition to the proposition that "[w]e are a religious people whose institutions presuppose a Supreme Being." The fact that the Founding Fathers believed devotedly that there was a God and that the unalienable rights of man were rooted in Him is clearly evidenced in their writings from the Mayflower Compact to the Constitution itself. This background is evidenced today in our public life through the continuance in our oaths of office from the Presidency to the Alderman of the final supplication, "So help me God." Likewise each House of the Congress provides through its Chaplain an opening prayer, and the sessions of this Court are declared open by the crier in a short ceremony, the final phrase of which invokes the grace of God. Again, there are such manifestations in our military forces, where those of our citizens who are under the restrictions of military service wish to engage in voluntary worship.

Indeed, only last year an official survey of the country indicated that 64% of our people have church membership, Bureau of Census, U.S. Department of Commerce, Statistical Abstract of the United States, (83d ed. 1948), while less than 3% profess no religion whatever. *Id.*, at p. 46. It can be truly said, therefore, that today, as in the beginning, our national life reflects a religious people who, in the words of Madison, are "earnestly praying, as . . . in duty bound, that the Supreme Lawgiver of the Universe . . . guide them into every measure which may be worthy of his . . . blessing. . . ." Memorial and Remonstrance Against Religious Assessments, quoted in *Everson* v. *Board of Education*, 330 U.S. 1, 71–72 (1947) (Appendix to dissenting opinion of Rutledge, J.).

This is not to say, however, that religion has been so identified with our history and government that religious freedom is not likewise as strongly imbedded in our public and private life. Nothing but the most telling of personal experiences in religious persecution suffered by our forebears, see *Everson* v. *Board of Education, supra*, at 8–11, could have planted our belief in liberty of religious opinion any more deeply in our heritage. It is true that this liberty frequently was not realized by the colonists, but this is readily accountable by their close ties to the Mother Country.[5] However, the views of Madison and Jefferson, preceded by Roger Williams,[6] came to be incorporated not only in the Federal Constitution but likewise in those of most of our States. This freedom to worship was indispensable in a country whose people came from the four quarters of the earth and brought with them a diversity of religious opinion. Today authorities list 83 separate religious bodies, each with memberships exceedings 50,000, existing among our people, as well as innumerable smaller groups. Bureau of Census, *op. cit.*, supra, at 46–47.

III

Almost a hundred years ago in *Minor* v. *Board of Education of Cincinnati*,[7] Judge Alphonzo Taft, father of the revered Chief Justice, in an unpublished opinion stated the ideal of our people as to religious freedom as one of "absolute equality before the law of all religious opinions and sects. . . ."

"The government is neutral, and, while protecting all, it prefers none, and it disparages none."

Before examining this "neutral" position in which the Establishment and Free Exercise Clauses of the First Amendment place our government it is well that we discuss the reach of the Amendment under the cases of this Court.

First, this Court has decisively settled that the First Amendment's mandate that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof" has been made wholly applicable to the states by the Fourteenth Amendment. Twenty-three years ago in *Cantwell* v. *Connecticut*, 310 U.S. 296, 303 (1940), this Court, through Mr. Justice Roberts, said:

"The fundamental concept of liberty embodied in that [Fourteenth] Amendment embraces the liberties guaranteed by the First Amendment. The First Amendment declares that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof. The Fourteenth Amendment has rendered the legislatures of the states as incompetent as Congress to enact such laws. . . ."[8]

In a series of cases since *Cantwell* the Court has repeatedly reaffirmed that doctrine, and we do so now. *Murdock* v. *Pennsylvania*, 319 U. S. 105, 108 (1943); *Everson* v. *Board of Education, supra; Illinois ex rel. McCollum* v. *Board of Education*, 333 U.S. 203, 210–211 (1948); *Zorach* v. *Clauson, supra; McGowan* v. *Maryland*, 366 U. S. 420 (1961); *Torcaso* v. *Watkins*, 367 U. S. 488 (1961); and *Engel* v. *Vitale, supra.*

Footnotes at end of article.

Second, this Court has rejected unequivocally the contention that the establishment clause forbids only governmental preference of one religion over another. Almost 20 years ago in *Everson, supra,* at 15, the Court said that "[n]either a state nor the Federal government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another." And Mr. Justice Jackson, dissenting, agreed:

"There is no answer to the proposition . . . that the effect of the religious freedom Amendment to our Constitution was to take every form of propagation of religion out of the realm of things which could directly or indirectly be made public business and thereby be supported in whole or in part at taxpayers' expense . . . . This freedom was first in the Bill of Rights because it was first in the forefathers' minds; it was set forth in absolute terms, and its strength is its rigidity." *Id.*, at 26.

Further, Mr. Justice Rutledge, joined by Justices Frankfurter, Jackson and Burton, declared:

"The [First] Amendment's purpose was not to strike merely at the official establishment of a single sect, creed or religion, outlawing only a formal relation such as had prevailed in England and some of the Colonies. Necessarily it was to uproot all such relationships. But the object was broader than separating church and state in this narrow sense. It was to create a complete and permanent separation of the spheres of religious activity and civil authority by comprehensively forbidding every form of public aid or support for religion." *Id.*, at 31–32.

The same conclusion has been firmly maintained ever since that time, see *Illinois ex rel. McCollum, supra,* at pp. 210–211; *McGowan* v. *Maryland, supra,* at 442–443; *Torcaso* v. *Watkins, supra,* 492–493, 495, and we reaffirm it now.

While none of the parties to either of these cases has questioned these basic conclusions of the Court, both of which have been long established, recognized and consistently reaffirmed, others continue to question their history, logic and efficacy. Such contentions, in the light of the consistent interpretation in cases of the Court, seem entirely untendable and of value only as academic exercises.

IV

The interrelationship of the Establishment and the Free Exercise Clauses was first touched upon by Mr. Justice Roberts for the Court in *Cantwell* v. *Connecticut, supra,* at 304, where it was said that their "inhibition of legislation" had "a double aspect. On the one hand, it forestalls compulsion by law of the acceptance of any creed or the practice of any form of worship. Freedom of conscience and freedom to adhere to such religious organization or form of worship as the individual may choose cannot be restricted by law. On the other hand, it safeguards the free exercise of the chosen form of religion. Thus the Amendment embraces two concepts—freedom to believe and freedom to act. The first is absolute but, in the nature of things, the second cannot be."

A half dozen years later in *Everson* v. *Board of Education, supra,* at 14–15, this Court, through Mr. Justice Black, stated that the "scope of the First Amendment . . . was designed forever to suppress" the establishment of religion or the prohibition of the free exercise thereof. In short, the Court held that the Amendment "requires the state to be a neutral in its relations with groups of religious believers and non-believers; it does not require the state to be their adversary. State power is no more to be used so as to handicap religions than it is to favor them. *Id.*, at 18.

And Mr. Justice Jackson, in dissent, declared that public schools are organized "on the premise that secular education can be isolated from all religious teaching so that the school can inculcate all needed temporal knowledge and also maintain a strict and lofty neutrality as to religion. The assumption is that after the individual has been instructed in worldly wisdom he will be better fitted to choose his religion." *Id.*, at 23–24.

Moreover, all of the four dissenters, speaking through Mr. Justice Rutledge, agreed that

"Our constitutional policy . . . . [D]oes not deny the value or necessity for religious training, teaching or observance. Rather it secures their free exercise. But to that end it does deny that the state can undertake or sustain them in any form or degree. For this reason the sphere of religious activity, as distinguished from the secular intellectual liberties, has been given the two-fold protection and, as the state cannot forbid, neither can it perform or aid in performing the religious function. The dual prohibition makes that function altogether private." *Id.*, at 52.

Only one year later the Court was asked to reconsider and repudiate the doctrine of these cases in *McCollum* v. *Board of Education.* It was argued that "historically the First Amendment was intended to forbid only government preference of one religion over another . . . . In addition they ask that we distinguish or overrule our holding in the *Everson* case that the Fourteenth Amendment made the 'establishment of religion' clause of the First Amendment applicable as a prohibition against the States." 333 U.S., at 211. The Court, with Mr. Justice Reed alone dissenting, was unable to "accept either of these contentions." *Ibid.* Mr. Justice Frankfurter, joined by Justices Jackson, Rutledge and Burton, wrote a very comprehensive and scholarly concurrence in which he said that "[s]eparation is a requirement to abstain from fusing functions of government and of religious sects, not merely to treat them all equally." *Id.*, at 227. Continuing, he stated that:

"The Constitution . . . prohibited the government common to all from becoming embroiled, however innocently, in the destructive religious conflicts of which the history of even this country records some dark pages." *Id.*, at 228.

In 1952 in *Zorach* v. *Clauson, supra,* Mr. Justice Douglas for the Court reiterated:

"There cannot be the slightest doubt that the First Amendment reflects the philosophy that Church and State should be separated. And so far as interference with the 'free exercise' of religion and an 'establishment' of religion are concerned, the separation must be complete and unequivocal. The First Amendment within the scope of its coverage permits no exception; the prohibition is absolute. The First Amendment, however, does not say that in every and all respects there shall be a separation of Church and State. Rather, it studiously defines the manner, the specific ways, in which there shall be no concert or union or dependency one on the other. That is the common sense of the matter." 343 U.S., at 312.

And then in 1961 in *McGowan* v. *Maryland* and in *Torcaso* v. *Watkins* each of these cases was discussed and approved. Chief Justice Warren in *McGowan,* for a unanimous Court on this point, said:

"But, the First Amendment, in its final form, did not simply bar a congressional enactment *establishing a church;* it forbade all laws *respecting an establishment of religion.* Thus this Court has given the Amendment a 'broad interpretation . . . in the light of its history and the evils it was designed forever to suppress. . . ." 366 U.S., at 441–442.

And Mr. Justice Black for the Court in *Torcaso,* without dissent but with Justices Frankfurter and Harlan concurring in the result, used this language:

"We repeat and again reaffirm that neither a State nor the Federal Government can constitutionally force a person 'to profess a belief or disbelief in any religion.' Neither can they constitutionally pass laws or impose requirements which aid all religions as against non-believers, and neither can aid those religions based on a belief in the existence of God as against those religions founded on different beliefs." 367 U.S., at 495.

Finally, in *Engel* v. *Vitale,* only last year, these principles were so universally recognized that the Court without the citation of a single case and over the sole dissent of Mr. Justice Stewart reaffirmed them. The Court found the 22-word prayer used in "New York's program of daily classroom invocation of God's blessings as prescribed in the Regents' prayer . . . [to be] a religious activity." 370 U.S., at 424. It held that "it is no part of the business of government to compose official prayers for any group of the American people to recite as a part of a religious program carried on by the government." *Id.*, at 425. In discussing the reach of the Establishment and Free Exercise Clauses of the First Amendment the Court said:

"Although these two clauses may in certain instances overlap, they forbid two quite different kinds of governmental encroachment upon religious freedom. The Establishment Clause, unlike the Free Exercise Clause, does not depend upon any showing of direct governmental compulsion and is violated by the enactment of laws which establish an official religion whether those laws operate directly to coerce nonobserving individuals or not. This is not to say, of course, that laws officially prescribing a particular form of religious worship do not involve coercion of such individuals. When the power, prestige and financial support of government is placed behind a particular religious belief, the indirect coercive pressure upon religious minorities to conform to the prevailing officially approved religion is plain." *Id.*, at 430–431.

And in further elaboration the Court found that the "first and most immediate purpose (of the Establishment Clause) rested on a belief that a union of government and religion tends to destroy government and to degrade religion." *Id.*, at 431. When government, the Court said, allies itself with one particular form of religion, the inevitable result is that it incurs "the hatred, disrespect and even contempt of those who held contrary beliefs." *Ibid.*

V

The wholesome "neutrality" of which this Court's cases speak thus stems from a recognition of the teachings of history that powerful sects or groups might bring about a fusion of governmental and religious functions or a concert or dependency of one upon the other to the end that official support of the State or Federal Government would be placed behind the tenets of one or of all orthodoxies. This the Establishment Clause prohibits. And a further reason for neutrality is found in the Free Exercise Clause, which recognizes the value of religious training, teaching and observance and, more particularly, the right of every person to freely choose his own course with reference thereto, free of any compulsion from the state. This the Free Exercise Clause guarantees. Thus, as we have seen, the two clauses may overlap. As we have indicated, the Establishment Clause has been directly considered by this Court eight times in the past score of years and, with only one Justice dissenting on the point, it has consistently held that the clause withdrew all legislative power respecting religious belief or the expression thereof.

The test may be stated as follows: what are the purpose and the primary effect of the enactment? If either is the advancement or inhibition of religion then the enactment exceeds the scope of legislative power as circumscribed by the Constitution.

That is to say that to withstand the strictures of the Establishment Clause there must be a secular legislative purpose and a primary effect that neither advances nor inhibits religion. *Everson* v. *Board of Education, supra; McGowan* v. *Maryland, supra,* at 442. The Free Exercise Clause, likewise considered many times here, withdraws from legislative power, state and federal, the exertion of any restraint on the free exercise of religion. Its purpose is to secure religious liberty in the individual by prohibiting any invasions thereof by civil authority. Hence it is necessary in a free exercise case for one to show the coercive effect of the enactment as it operates against him in the practice of his religion. The distinction between the two clauses is apparent—a violation of the Free Exercise Clause is predicated on coercion while the Establishment Clause violation need not be so attended.

Applying the Establishment Clause principles to the cases at bar we find that the States are requiring the selection and reading at the opening of the school day of verses from the Holy Bible and the recitation of the Lord's Prayer by the students in unison. These exercises are prescribed as part of the curricular activities of students who are required by law to attend school. They are held in the school buildings under the supervision and with the participation of teachers employed in those schools. None of these factors other than compulsory school attendance, was present in the program upheld in *Zorach* v. *Clauson*. The trial court in No. 142 has found that such an opening exercise is a religious ceremony and was intended by the State to be so. We agree with the trial court's finding as to the religious character of the exercises. Given that finding the exercises and the law requiring them are in violation of the Establishment Clause.

There is no such specific finding as to the religious character of the exercises in No. 119, and the State contends (as does the State in No. 142) that the program is an effort to extend its benefits to all public school children without regard to their religious belief. Included within its secular purposes, it says, are the promotion of moral values, the contradiction to the materialistic trends of our times, the perpetuation of our institutions and the teaching of literature. The case came up on demurrer, of course, to a petition which alleged that the uniform practice under the rule had been to read from the King James version of the Bible and that the exercise was sectarian.

The short answer, therefore, is that the religious character of the exercise was admitted by the State. But even if its purpose is not strictly religious, it is sought to be accomplished through readings, without comment, from the Bible. Surely the place of the Bible as an instrument of religion cannot be gainsaid, and the State's recognition of the pervading religious character of the ceremony is evident from the rule's specific permission of the alternative use of the Catholic Douay version as well as the recent amendment permitting nonattendance at the exercises. None of these factors is consistent with the contention that the Bible is here used either as an instrument for nonreligious moral inspiration or as a reference for the teaching of secular subjects.

The conclusion follows that in both cases the laws require religious exercises and such exercises are being conducted in direct violation of the rights of the appellees and petitioners.[9] Nor are these required exercises mitigated by the fact that individual students may absent themselves upon parental request, for that fact furnishes no defense to a claim of unconstitutionality under the Establishment Clause. See *Engel* v. *Vitale, supra,* at 430. Further, it is no defense to urge that the religious practices here may be relatively minor encroachments on the First Amendment. The breach of neutrality that is today a trickling stream may all too soon become a raging torrent and, in the words of Madison, "it is proper to take alarm at the first experiment on our liberties." Memorial and Remonstrance Against Religious Assessments, quoted in *Everson, supra,* at 65.

It is insisted that unless these religious exercises are permitted a "religion of secularism" is established in the schools. We agree of course that the State may not establish a "religion of secularism" in the sense of affirmatively opposing or showing hostility to religion, thus "preferring those who believe in no religion over those who do believe." *Zorach* v. *Clauson, supra,* at 314. We do not agree, however, that this decision in any sense has that effect. In addition, it might well be said that one's education is not complete without a study of comparative religion or the history of religion and its relationship to the advancement of civilization. It certainly may be said that the Bible is worthy of study for its literary and historic qualities. Nothing we have said here indicates that such study of the Bible or of religion, when presented objectively as part of a secular program of education, may not be effected consistently with the First Amendment. But the exercises here do not fall into those categories. They are religious exercises, required by the States in violation of the command of the First Amendment that the Government maintain strict neutrality, neither aiding nor opposing religion.

Finally, we cannot accept that the concept of neutrality, which does not permit a State to require a religious exercise even with the consent of the majority of those affected, collides with the majority's right to free exercise of religion.[10] While the Free Exercise Clause clearly prohibits the use of state action to deny the rights of free exercise to *anyone*, it has never meant that a majority could use the machinery of the State to practice its beliefs. Such a contention was effectively answered by Mr. Justice Jackson for the Court in *West Virginia Board of Education* v. *Barnette,* 319 U.S. 624, 638 (1943):

"The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One's right to . . . freedom of worship . . . and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections."

The place of religion in our society is an exalted one, achieved through a long tradition of reliance on the house, the church and the inviolable citadel of the individual heart and mind. We have come to recognize through bitter experience that it is not within the power of government to invade that citadel, whether its purpose or effect be to aid or oppose, to advance or retard. In the relationship between man and religion, the State is firmly committed to a position of neutrality. Though the application of that rule requires interpretation of a delicate sort, the rule itself is clearly and concisely stated in the words of the First Amendment. Applying that rule to the facts of these cases, we affirm the judgment in No. 142. In No. 119, the judgment is reversed and the cause remanded to the Maryland Court of Appeals for further proceedings consistent with this opinion.

It is so ordered.

FOOTNOTES

[1] The action was brought in 1958, prior to the 1959 amendment of § 15-1516 authorizing a child's nonattendance at the exercises upon parental request. The three-judge court held the statute and the practices complained of unconstitutional under both the Establishment Clause and the Free Exercise Clause. 177 F. Supp. 398. Pending appeal to this Court by the school district, the statute was so amended, and we vacated the judgment and remanded for further proceedings. 364 U.S. 298. The same three-judge court granted appellees' motion to amend the pleadings, 195 F. Supp. 518, held a hearing on the amended pleadings and rendered the judgment, 201 F. Supp. 815, from which appeal is now taken.

[2] The statute as amended imposes no penalty upon a teacher refusing to obey its mandate. However, it remains to be seen whether one refusing could have his contract of employment terminated for "willful violation of the school laws." 24 Pa. Stat. (Supp. 1960) § 11-1122.

[3] The trial court summarized his testimony as follows:

"Edward Schempp, the children's father, testified that after careful consideration he had decided that he should not have Roger or Donna excused from attendance at these morning ceremonies. Among his reasons were the following. He said that he thought his children would be 'labeled as "odd balls"' before their teachers and classmates every school day; that children, like Roger's and Donna's classmates, were liable 'to lump all particular religious difference[s] or religious objections [together] as "atheism"' and that today the word 'atheism' is often connected with 'atheistic communism,' and has 'very bad' connotations, such as 'un-American' or 'anti-Red,' with overtones of possible immorality Mr. Schempp pointed out that due to the events of the morning exercises following in rapid succession, the Bible reading, the Lord's Prayer, the Flag Salute, and the announcements, excusing his children from the Bible reading would mean that probably they would miss hearing the announcements so important to children. He testified also that if Roger and Donna were excused from Bible reading they would have to stand in the hall outside their 'homeroom' and that this carried with it the imputation of punishment for bad conduct." 201 F. Supp., at 818.

[4] The rule as amended provides as follows:

"Opening Exercise. Each school, either collectively or in classes, shall be opened by the reading, without comment, of a chapter in the Holy Bible and/or the use of the Lord's Prayer. The Douay version may be used by those pupils who prefer it. Appropriate patriotic exercises should be held as a part of the general opening exercise of the school or class. Any child shall be excused from participating in the opening exercises or from attending the opening exercises upon written request of his parent or guardian."

[5] There were established churches in at least eight of the original colonies, and various degrees of religious support in others as late as the Revolutionary War. See *Engel* v. *Vitale, supra,* at 428, n. 10.

[6] "There goes many a ship to sea, with many hundred souls in one ship, whose weal and woe is common, and is a true picture of a commonwealth, or human combination, or society. It hath fallen out sometimes, that both Papists and Protestants, Jews and Turks, may be embarked in one ship; upon which supposal, I affirm that all the liberty of conscience I ever pleaded for, turns upon these two hinges, that none of the Papists, Protestants, Jews, or Turks be forced to come to the ship's prayers or worship, nor compelled from their own particular prayers or worship, if they practice any."

[7] Superior Court of Cincinnati, February 1870. The opinion is not reported but is published under the title, The Bible in the Common Schools (Cincinnati: Robert Clarke & Co. 1870). Judge Taft's views, expressed in dissent, prevailed on appeal. See *Board of Education of Cincinnati* v. *Minor,* 23 Ohio St. 211, 253 (1872), in which the Ohio Supreme Court held that:

"The great bulk of human affairs and human interests is left by any free government to individual enterprise and individual action. Religion is eminently one of these interests, lying outside the true and legitimate province of government."

[8] Application to the States of other clauses of the First Amendment obtained even before *Cantwell*. Almost 40 years ago in the opinion of the Court in *Gitlow* v. *New York*, 268 U.S. 652, 666 (1925), Mr. Justice Sanford said: "For present purposes we may and do assume that freedom of speech and of the press—which are protected by the First Amendment from abridgment by Congress—are among the fundamental personal rignts and 'liberties' protected by the Due Process Clause of the Fourteenth Amendment from impairment by the States."

[9] It goes without saying that the laws and practices involved here can be challenged only by persons having standing to complain. But the requirements for standing to challenge state action under the Establishment Clause, unlike those relating to the Free Exercise Clause, do not include proof that particular religious freedoms are infringed. *McGowan* v. *Maryland, supra,* at 429–30. The parties here are school children and their parents, who are directly affected by the laws and practices against which their complaints are directed. These interests surely suffice to give the parties standing to complain. See *Engle* v. *Vitale, supra. Cf. McCollum* v. *Board of Education, supra; Everson v. Board of Education, supra.* Compare *Doremus* v. *Board of Education*, 342 U.S. 429 (1952), which involved the same substantive issues presented here. The appeal was there dismissed upon the graduation of the school child involved and because of the appellants' failure to establish standing as taxpayers.

[10] We are not of course presented with and therefore do not pass upon a situation such as military service, where the Government regulates the temporal and geographic environment of individuals to a point that, unless it permits voluntary religious services to be conducted with the use of government facilities, military personnel would be unable to engage in the practice of their faiths.

[Supreme Court of the United States—Nos. 142 and 119—October Term, 1962]

SCHOOL DISTRICT OF ABINGTON TOWNSHIP, PENNSYLVANIA, ET AL., APPELLANTS (142) v. EDWARD LEWIS SCHEMPP ET AL.

(On Appeal From the United States District Court for the Eastern District of Pennsylvania)

WILLIAM J. MURRAY III, ETC., ET AL., PETITIONERS (119) v. JOHN N. CURLETT, PRESIDENT, ET AL., INDIVIDUALLY, AND CONSTITUTING THE BOARD OF SCHOOL COMMISSIONERS OF BALTIMORE CITY

(On Writ of Certiorari to the Court of Appeals of Maryland)

June 17, 1963

MR. JUSTICE DOUGLAS, concurring.

I join the opinion of the Court and add a few words in explanation.

While the Free Exercise Clause of the First Amendment is written in terms of what the State may not require of the individual, the Establishment Clause, serving the same goal of individual religious freedom, is written in different terms.

Establishment of a religion can be achieved in several ways. The church and state can be one; the church may control the state or the state may control the church; or the relationship may take one of several possible forms of a working arrangement between the two bodies.[1] Under all of these arrangements the church typically has a place in the state's budget, and church law usually governs such matters as baptism, marriage, divorce and separation, at least for its members and sometimes for the entire body politic.[2] Education, too, is usually high on the priority list of church interests.[3] In the past schools were often made the exclusive responsibility of the church. Today in some state-church countries the state runs the public schools, but compulsory religious exercises are often required of some or all students. Thus, under the agreement Franco made with the Holy See when he came to power in Spain, "The Church regained its place in the national budget. It insists on baptising all children and has made the catechism obligatory in state schools."[4]

The vice of all such arrangements under the Establishment Clause is that the state is lending its assistance to a church's effort to gain and keep adherents. Under the First Amendment it is strictly a matter for the individual and his church as to what church he will belong to and how much support, in the way of belief, time, activity or money, he will give to it. "This pure Religious Liberty" "declared . . . [all forms of church-state relationships] and their fundamental idea to be oppressions of conscience and abridgments of that liberty which God and nature had conferred on every living soul."[5]

In these cases we have no coercive religious exercise aimed at making the students conform. The prayers announced are not compulsory, though some may think they have that indirect effect because the nonconformist student may be induced to participate for fear of being called an "odd-ball." But that coercion, if it be present, has not been shown; so the vices of the present regimes are different.

These regimes violate the Establishment Clause in two different ways. In each case the State is conducting a religious exercise; and, as the Court holds, that cannot be done without violating the "neutrality" required of the State by the balance of power between individual, church and state that has been struck by the First Amendment. But the Establishment Clause is not limited to precluding the State itself from conducting religious exercises. It also forbids the State to employ its facilities or funds in a way that gives any church, or all churches, greater strength in our society than it would have by relying on its members alone. Thus, the present regimes must fall under that clause for the additional reason that public funds, though small in amount, are being used to promote a religious exercise. Through the mechanism of the State, all of the people are being required to finance a religious exercise that only some of the people want and that violates the sensibilities of others.

The most effective way to establish any institution is to finance it; and this truth is reflected in the appeals by church groups for public funds to finance their religious schools.[6] Financing a church either in its strictly religious activities or in its other activities is equally unconstitutional, as I understand the Establishment Clause. Budgets for one activity may be technically separable from budgets for others.[7] But the institution is an inseparable whole, a living organism, which is strengthened in proselytizing when it is strengthened in any department by contributions from other than its own members.

Such contributions may not be made by the State even in a minor degree without violating the Establishment Clause. It is not the amount of public funds expended; as this case illustrates, it is the use to which public funds are put that is controlling. For the First Amendment does not say that some forms of establishment are allowed; it says that "no law respecting an establishment of religion" shall be made. What may not be done directly may not be done indirectly lest the Establishment Clause become a mockery.

FOOTNOTES

[1] See Bates, Religious Liberty: An Inquiry (1945), 9–14, 239–252; Cobb, Religious Liberty in America (1902), 1–2, cc. IV, V; Gledhill, Pakistan, The Development of its Laws and Constitution (8 British Commonwealth, 1957), 11–15; Keller, Church and State on the European Continent (1936), c. 2; Pfeffer, Church, State, and Freedom (1953), c. 2; 1 Stokes, Church and State in the United States (1950), 151–169.

[2] See III Stokes, *op. cit., supra,* n. 1, 42–67; Bates, *op. cit., supra,* n. 1, 9–11, 58–59, 98, 245; Gledhill, *op. cit., supra,* n. 1, 128, 192, 205, 208; Rackman, Israel's Emerging Constitution (1955), 120–134; Drinan, Religious Freedom in Israel, America (Apr. 6, 1963), 456–457.

[3] See II Stokes, *op. cit., supra,* n. 1, 488–548; Boles, The Bible, Religion, and the Public Schools (2d ed. 1963), 4–10; Rackman, *op. cit., supra,* n. 2, at 136–141; O'Brien, The *Engel* Case From A Swiss Perspective, 61 Mich. L. Rev. 1069; Freund, Muslim Education in West Pakistan, 56 Religious Education 31.

[4] Bates, *op. cit., supra,* n. 1, at 18; Pfeffer, *op. cit., supra,* n. 1, at 28–31; Thomas, The Balance of Forces in Spain, 41 Foreign Affairs, 208, 210.

[5] Cobb, *op. cit., supra,* n. 1, at 2.

[6] See II Stokes, *op. cit., supra,* n. 1, at 681–695.

[7] See Accountants' Handbook (4th ed. 1956) 4.8–4.15.

[Supreme Court of the United States—Nos. 142 and 119—October Term, 1962]

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(On Writ of Certiorari to the Court of Appeals of Maryland)

June 17, 1963

MR. JUSTICE BRENNAN, concurring.

Almost a century and a half ago, John Marshall, in *M'Culloch* v. *Maryland*, enjoined: ". . . we must never forget, that it is a *constitution* we are expounding." 4 Wheat. 316, 407. The Court's historic duty to expound the meaning of the Constitution has encountered few issues more intricate or more demanding than that of the relationship between religion and the public schools. Since undoubtedly we are "a religious people whose institutions presuppose a Supreme Being," *Zorach* v. *Clauson*, 343 U.S. 306, 313, deep feelings are aroused when aspects of that relationship are claimed to violate the injunction of the First Amendment that government may make "no law respecting an establishment of religion, or prohibiting the free exercise thereof . . ." Americans regard the public schools as a most vital civic institution for the preservation of a democratic system of government. It is therefore understandable that the constitutional prohibitions encounter their severest test when they are sought to be applied in the school classroom. Nevertheless it is this Court's inescapable duty to declare whether exercises in the public schools of the States, such as those of Pennsylvania and Maryland questioned here, are involvements of religion in public institutions of a kind which offends the First and Fourteenth Amendments.

When John Locke ventured in 1689, "I esteem it above all things necessary to distinguish exactly the business of civil government from that of religion and to settle the just bounds that lie between the one and the other,"[1] he anticipated the necessity which would be thought by the Framers to require adoption of a First Amendment, but not the difficulty that would be experienced in defining those "just bounds." The fact is

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Footnotes at end of article.

that the line which separates the secular from the sectarian in American life is elusive. The difficulty of defining the boundary with precision inheres in a paradox central to our scheme of liberty. While our institutions reflect a firm conviction that we are a religious people, those institutions by solemn constitutional injunction may not officially involve religion in such a way as to prefer, discriminate against, or oppress, a particular sect or religion. Equally the Constitution enjoins those involvements of religious with secular institutions which (a) serve the essentially religious activities of religious institutions; (b) employ the organs of government for essentially religious purposes; or (c) use essentially religious means to serve governmental ends where secular means would suffice. The constitutional mandate expresses a deliberate and considered judgment that such matters are to be left to the conscience of the citizen, and declares as a basic postulate of the relation between the citizen and his government that "the rights of conscience are, in their nature, of peculiar delicacy, and will little bear the gentlest touch of governmental hand . . . ."[2]

I join fully in the opinion and the judgment of the Court. I see no escape from the conclusion that the exercises called in question in these two cases violate the constitutional mandate. The reasons we gave only last Term in *Engel* v. *Vitale*, 370 U.S. 421, for finding in the New York Regents' prayer an impermissible establishment of religion, compel the same judgment of the practices at bar. The involvement of the secular with the religious is no less intimate here; and it is constitutionally irrelevant that the State has not composed the material for the inspirational exercises presently involved. It should be unnecessary to observe that our holding does not declare that the First Amendment manifests hostility to the practice or teaching of religion, but only applies prohibitions incorporated in the Bill of Rights in recognition of historic needs shared by Church and State alike. While it is my view that not every involvement of religion in public life is unconstitutional, I consider the exercises at bar a form of involvement which clearly violates the Establishment Clause.

The importance of the issue and the deep conviction with which views on both sides are held seem to me to justify detailing at some length my reasons for joining the Court's judgment and opinion.

I

The First Amendment forbids both the abridgment of the free exercise of religion and the enactment of laws "respecting an establishment of religion." The two clauses, although distinct in their objectives and their applicability, emerged together from a common panorama of history. The inclusion of both restraints upon the power of Congress to legislate concerning religious matters shows unmistakably that the Framers of the First Amendment were not content to rest the protection of religious liberty exclusively upon either clause. "In assuring the free exercise of religion," Mr. Justice Frankfurter has said, "the Framers of the First Amendment were sensitive to the then recent history of those persecutions and impositions of civil disability with which sectarian majorities in virtually all of the Colonies had visited deviation in the matter of conscience. This protection of unpopular creeds, however, was not to be the full extent of the Amendment's guarantee of freedom from governmental intrusion in matters of faith. The battle in Virginia, hardly four years won, where James Madison had led the forces of disestablishment in successful opposition to Patrick Henry's proposed Assessment Bill levying a general tax for the support of Christian teachers, was a vital and compelling memory in 1789." *McGowan* v. *Maryland*, 366 U.S. 420, 464–465.

It is true that the Framers' immediate concern was to prevent the setting up of an official federal church of the kind which England and some of the Colonies had long supported. But nothing in the text of the Establishment Clause supports the view that the prevention of the setting up of an official church was meant to be the full extent of the prohibitions against official involvements in religion. It has rightly been said:

"If the framers of the Amendment meant to prohibit Congress merely from the establishment of a 'church,' one might properly wonder why they didn't so state. That the words *church* and *religion* were regarded as synonymous seems highly improbable, particularly in view of the fact that the contemporary state constitutional provisions dealing with the subject of establishment used definite phrases such as 'religious sect,' 'sect,' or 'denomination.' . . . With such specific wording in contemporary state constitutions, why was not a similar wording adopted for the First Amendment if its framers intended to prohibit nothing more than the States were prohibiting?" Lardner, How Far Does the Constitution Separate Church and State?, 45 Am. Pol. Sci. Rev. 110, 112 (1951).

Plainly, the Establishment Clause, in the contemplation of the Framers, "did not limit the constitutional proscription to any particular, dated form of state-supported theological venture." "What Virginia had long practiced, and what Madison, Jefferson and others fought to end, was the extension of civil government's support to religion in a manner which made the two in some degree interdependent, and thus threatened the freedom of each. The purpose of the Establishment Clause was to assure that the national legislature would not exert its power in the service of any purely religious end; that it would not, as Virginia and virtually all of the Colonies had done, make of religion, as religion, an object of legislation. . . . The Establishment Clause withdrew from the sphere of legitimate legislative concern and competence a specific, but comprehensive, area of human conduct: man's belief or disbelief in the verity of some transcendental idea and man's expression in action of that belief or disbelief." *McGowan v. Maryland, supra,* at 465–466 (opinion of Frankfurter, J.).

In sum, the history which our prior decisions have summoned to aid interpretation of the Establishment Clause permits little doubt that its prohibition was designed comprehensively to prevent those official involvements of religion which would tend to foster or discourage religious worship or belief.

But an awareness of history and an appreciation of the aims of the Founding Fathers do not always resolve concrete problems. The specific question before us has, for example, aroused vigorous dispute whether the architects of the First Amendment—James Madison and Thomas Jefferson particularly—understood the prohibition against any "law respecting an establishment of religion" to reach devotional exercises in the public schools.[3] It may be that Jefferson and Madison would have held such exercises to be permissible—although even in Jefferson's case serious doubt is suggested by his admonition against "putting the Bible and Testament into the hands of the children at an age when their judgments are not sufficiently matured for religious inquiries. . . ."[4] But I doubt that their view, even if perfectly clear one way or the other, would supply a dispositive answer to the question presented by these cases. A more fruitful inquiry, it seems to me, is whether the practices here challenged threaten those consequences which the Framers deeply feared; whether, in short, they tend to promote that type of interdependence between religion and state which the First Amendment was designed to prevent.[5] Our task is to translate "the majestic generalities of the Bill of Rights, conceived as part of the pattern of liberal government in the eighteenth century, into concrete restraints on officials dealing with the problems of the twentieth century. . . ." *West Virginia State Board of Education* v. *Barnette*, 319 U.S. 624, 639.

A too literal quest for the advice of the Founding Fathers upon the issues of these cases seems to me futile and misdirected for several reasons: First, on our precise problem the historical record is at best ambiguous, and statements can readily be found to support either side of the proposition. The ambiguity of history is understandable if we recall the nature of the problems uppermost in the thinking of the statesmen who fashioned the religious guarantees; they were concerned with far more flagrant intrusions of government into the realm of religion than any that our century has witnessed.[6] While it is clear to me that the Framers meant the Establishment Clause to prohibit more than the creation of an established federal church such as existed in England, I have no doubt that, in their preoccupation with the imminent question of established churches, they gave no distinct consideration to the particular question whether the clause also forbade devotional exercises in public institutions.

Second, the structure of American education has greatly changed since the First Amendment was adopted. In the context of our modern emphasis upon public education available to all citizens, any views of the eighteenth century as to whether the exercises at bar are an "establishment" offer little aid to decision. Education, as the Framers knew it, was in the main confined to private schools more often than not under strictly sectarian supervision. Only gradually did control of education pass largely to public officials.[7] It would, therefore, hardly be significant if the fact was that the nearly universal devotional exercises in the schools of the young Republic did not provoke criticism; even today religious ceremonies in church-supported private schools are constitutionally unobjectionable.

Third, our religious composition makes us a vastly more diverse people than were our forefathers. They knew differences chiefly among Protestant sects. Today the Nation is far more heterogenous religiously, including as it does substantial minorities not only of Catholics and Jews but as well of those who worship according to no version of the Bible and those who worship no God at all.[8] See *Torcaso* v. *Watkins*, 367 U.S. 488, 495. In the face of such profound changes, practices which may have been objectionable to no one in the time of Jefferson and Madison may today be highly offensive to many persons, the deeply devout and the nonbelievers alike.

Whatever Jefferson or Madison would have thought of Bible reading or the recital of the Lord's Prayer in what few public schools existed in their day, our use of the history of their time must limit itself to broad purposes, not specific practices. By such a standard, I am persuaded, as is the Court, that the devotional exercises carried on in the Baltimore and Abington schools offend the First Amendment because they sufficiently threaten in our day those substantive evils the fear of which called forth the Establishment Clause of the First Amendment. It is "*a constitution* we are expounding," and our interpretation of the First Amendment must necessarily be responsive to the much more highly charged nature of religious questions in contemporary society.

Fourth, the American experiment in free

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public education available to all children has been guided in large measure by the dramatic evolution of the religious diversity among the population which our public schools serve. The interaction of these two important forces in our national life has placed in bold relief certain positive values in the consistent application to public institutions generally, and public schols particularly, of the constitutional decree against official involvements of religion which might produce the evils the Framers meant the Establishment Clause to forestall. The public schools are supported entirely, in most communities, by public funds—funds exacted not only from parents, nor alone from those who hold particular religious views, nor indeed from those who subscribe to any creed at all. It is implicit in the history and character of American public education that the public schools serve a uniquely *public* function: the training of American citizens in an atmosphere free of parochial, divisive, or separatist influences of any sort—an atmosphere in which children may assimilate a heritage common to all American groups and religions. See *Illinois ex rel. McCollum* v. *Board of Education*, 333 U.S. 203. This is a heritage neither theistic nor atheistic, but simply civic and patriotic. See *Meyer* v. *Nebraska*, 262 U.S. 390, 400–403.

Attendance at the public schools has never been compulsory; parents remain morally and constitutionally free to choose the academic environment in which they wish their children to be educated. The relationship of the Establishment Clause of the First Amendment to the public school system is preeminently that of reserving such a choice to the individual parent, rather than vesting it in the majority of voters of each State or school district. The choice which is thus preserved is between a public secular education with its uniquely democratic values, and some form of private, or sectarian education, which offers values of its own. In my judgment the First Amendment forbids the State to inhibit that freedom of choice by diminishing the attractiveness of either alternative—either by restricting the liberty of the private schools to inculcate whatever values they wish, or by jeopardizing the freedom of the public school from private or sectarian pressures. The choice between these very different forms of education is one—very much like the choice of whether or not to worship—which our Constitution leaves to the individual parent. It is no proper function of the state or local government to influence or restrict that election. The lesson of history—drawn more from the experiences of other countries than from our own—is that a system of free public education forfeits its unique contribution to the growth of democratic citizenship when that choice ceases to be freely available to each parent.

II

The exposition by this Court of the religious guarantees of the First Amendment has consistently reflected and reaffirmed the concerns which impelled the Framers to write those guarantees into the Constitution. It would be neither possible nor appropriate to review here the entire course of our decisions on religious questions. There emerge from those decisions, however, three principles of particular relevance to the issue presented by the cases at bar, and some attention to those decisions is therefore appropriate.

First. One line of decisions derives from contests for control of a church property or other internal ecclesiastical disputes. This line has settled the proposition that in order to give effect to the First Amendment's purpose of requiring on the part of all organs of government a strict neutrality toward theological questions, courts should not undertake to decide such questions. These principles were first expounded in the case of *Watson* v. *Jones*, 13 Wall. 679, which declared that judicial intervention in such a controversy would open up "the whole subject of the doctrinal theology, the usages and customs, the written laws, and fundamental organization of every religious denomination . . . ." 13 Wall., at 733. Courts above all must be neutral, for "[t]he law knows no heresy, and is committed to the support of no dogma, the establishment of no sect." [9] 13 Wall., at 728. This principle has recently been reaffirmed in *Kedroff* v. *St. Nicholas Cathedral*, 344 U.S. 94; and *Kreshik* v. *St. Nicholas Cathedral*, 363 U.S. 190.

The mandate of judicial neutrality in theological controversies met its severest test in *United States* v. *Ballard*, 322 U.S. 78. That decision put in sharp relief certain principles which bear directly upon the questions presented in these cases. Ballard was indicted for fraudulent use of the mails in the dissemination of religious literature. He requested that the trial court submit to the jury the question of the truthfulness of the religious views he championed. The requested charge was refused, and we upheld that refusal, reasoning that the First Amendment foreclosed any judicial inquiry into the truth or falsity of the defendant's religious beliefs. We said: "Man's relation to his God was made no concern of the state. He was granted the right to worship as he pleased and to answer to no man for the verity of his religious views." "Men may believe what they cannot prove. They may not be put to the proof of their religious doctrines or beliefs. . . . Many take their gospel from the New Testament. But it would hardly be supposed that they could be tried before a jury charged with the duty of determining whether those teachings contained false representations." 322 U.S., at 86–87.

The dilemma presented by the case was severe. While the alleged truthfulness of *nonreligious* publications could ordinarily have been submitted to the jury, Ballard was deprived of that defense only because the First Amendment forbids governmental inquiry into the verity of *religious* beliefs. In dissent Mr. Justice Jackson expressed the concern that under this construction of the First Amendment "[p]rosecutions of this character easily could degenerate into religious persecution." 322 U.S., at 95. The case shows how elusive is the line which enforces the Amendment's injunction of strict neutrality, while manifesting no official hostility toward religion—a line which must be considered in the cases now before us.[10] Some might view the result of the *Ballard* case as a manifestation of hostility—in that the conviction stood because the defense could not be raised. To others it might represent merely strict adherence to the principle of neutrality already expounded in the cases involving doctrinal disputes. Inevitably, insistence upon neutrality, vital as it surely is for untrammelled religious liberty, may appear to border upon religious hostility. But in the long view the independence of both church and state in their respective spheres will be better served by close adherence to the neutrality principle. If the choice is often difficult, the difficulty is endemic to issues implicating the religious guarantees of the First Amendment. Freedom of religion will be seriously jeopardized if we admit exceptions for no better reason than the difficulty of delineating hostility from neutrality in the closest cases.

Second. It is only recently that our decisions have dealt with the question whether issues arising under the Establishment Clause may be isolated from problems implicating the Free Exercise Clause. *Everson* v. *Board of Education*, 330 U.S. 1, is in my view the first of our decisions which treats a problem of asserted unconstitutional involvement as raising questions purely under the Establishment Clause. A scrutiny of several earlier decisions said by some to have etched the contours of the clause shows that such cases neither raised nor decided any constitutional issues under the First Amendment. *Bradfield* v. *Roberts*, 175 U.S. 291, for example, involved challenges to a federal grant to a hospital administered by a Roman Catholic order. The Court rejected the claim for lack of evidence that any sectarian influence changed its character as a secular institution chartered as such by the Congress.[11]

Quick Bear v. *Leupp*, 210 U.S. 50, is also illustrative. The immediate question there was one of statutory construction, although the issue had originally involved the constitutionality of the use of federal funds to support sectarian education on Indian reservations. Congress had already prohibited federal grants for the purpose, thereby removing the broader issue, leaving only the question whether the statute authorized the appropriation for religious teaching of Treaty funds held by the Government in trust for the Indians. Since these were the Indians' own funds, the Court held only that the Indians might direct their use for such educational purposes as they chose, and that the administration by the Treasury of the disbursement of the funds did not inject into the case any issue of the propriety of the use of federal moneys.[12] Indeed, the Court expressly approved the reasoning of the Court of Appeals that to deny the Indians the right to spend their own moneys for religious purposes of their choice might well infringe the free exercise of their religion: "it seems inconceivable that Congress should have intended to prohibit them from receiving religious education at their own cost if they so desired it. . . ." 210 U.S., at 82. This case forecast, however, an increasingly troublesome First Amendment paradox: that the logical interrelationship between the establishment and free exercise clauses may produce situations where an injunction against an apparent establishment must be withheld in order to avoid infringement of rights of free exercise. That paradox was not squarely presented in *Quick Bear*, but the care taken by the Court to avoid a constitutional confrontation discloses an awareness of possible conflicts between the two clauses. I shall come back to this problem later, *infra*, p. 67–71.

A third case in this group is *Cochran* v. *Louisiana State Board*, 281 U.S. 370, which involved a challenge to a state statute providing public funds to support a loan of free text books to pupils of both public and private schools. The constitutional issues in this Court extended no further than the claim that this program amounted to a taking of private property for nonpublic use. The Court rejected the claim on the ground that no private use of property was involved; ". . . we can not doubt that the taxing power of the State is exerted for a public purpose." 281 U.S., at 375. The case therefore raised no issue under the First Amendment.[13]

In *Pierce* v. *Society of Sisters*, 268 U.S. 510, a Catholic parochial school and a private but nonsectarian military academy challenged a state law requiring all children between certain ages to attend the public schools. This Court held the law invalid as an arbitrary and unreasonable interference both with the rights of the schools and with the liberty of the parents of the children who attended them. The due process guarantee of the Fourteenth Amendment "excludes any general power of the State to standardize its children by forcing them to accept instruction from public teachers only." 268 U.S. at 535. While one of the plaintiffs was indeed a parochial school, the case obviously decided no First Amendment question but recognized only the constitutional right to establish and patronize private schools—including paro-

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chial schools—which meet the state's reasonable minimum curricular requirements.

Third. It is true, as the Court says, that the "two clauses [Establishment and Free Exercise] may overlap." Because of the overlap, however, our decisions under the Free Exercise Clause bear considerable relevance to the problem now before us, and should be briefly reviewed. The early free exercise cases generally involved the objections of religious minorities to the application to them of general nonreligious legislation governing conduct. *Reynolds* v. *United States*, 98 U.S. 145, involved the claim that a belief in the sanctity of plural marriage precluded the conviction of members of a particular sect under nondiscriminatory legislation against such marriage. The Court rejected the claim, saying:

"Laws are made for the government of actions, and while they cannot interfere with mere religious beliefs and opinions, they may with practices. . . . Can a man excuse his practices to the contrary because of his religious belief? To permit this would be to make the professed doctrines of religious belief superior to the law of the land, and in effect to permit every citizen to become a law unto himself. Government could exist only in name under such circumstances.[14] 98 U.S., at 166–167.

Davis v. *Beason*, 133 U.S. 333, similarly involved the claim that the First Amendment insulated from civil punishment certain practices inspired or motivated by religious beliefs. The claim was easily rejected: "It was never intended or supposed that the amendment could be invoked as a protection against legislation for the punishment of acts inimical to the peace, good order and morals of society." 133 U.S., at 342. See also *Mormon Church* v. *United States*, 136 U.S. 1; *Jacobson* v. *Massachusetts*, 197 U.S. 11; *Prince* v. *Massachusetts*, 321 U.S. 158; *Cleveland* v. *United States*, 329 U.S. 14.

But we must not confuse the issue of governmental power to regulate or prohibit conduct *motivated by religious beliefs* with the quite different problem of governmental authority to compel behavior *offensive to religious principles.* In *Hamilton* v. *Regents of the University of California*, 293 U.S. 245, the question was that of the power of a State to compel students at the State University to participate in military training instruction against their religious convictions. The validity of the statute was sustained against claims based upon the First Amendment. But the decision rested on a very narrow principle: since there was neither a constitutional right nor a legal obligation to attend the State University, the obligation to participate in military training courses, reflecting a legitimate state interest, might properly be imposed upon those who chose to attend. Although the rights protected by the First and Fourteenth Amendments were presumed to include "the right to entertain the beliefs, to adhere to the principles and to teach the doctrines on which these students base their objections to the order prescribing military training," those Amendments were construed not to free such students from the military training obligations if they chose to attend the University. Justices Brandeis, Cardozo and Stone, concurring separately, agreed that the requirement infringed no constitutionally protected liberties. Thy added, however, that the case presented no question under the Establishment Clause. The military instruction program was not an establishment since it in no way involved "instruction in the practice or tenets of a religion." 293 U.S., at 266. Since the only question was one of free exercise, they concluded, like the majority, that the strong state interest in training a citizen militia justified the restraints imposed, at least so long as attendance at the University was voluntary.[15]

Hamilton has not been overruled, although *United States* v. *Schwimmer*, 279 U.S. 644, and *United States* v. *Macintosh*, 283 U.S. 605, upon which the Court, in *Hamilton* relied, have since been overruled by *Girouard* v. *United States*, 328 U.S. 61. But if *Hamilton* retains any vitality with respect to higher education, we recognized its inapplicability to cognate questions in the public primary and secondary schools when we held in *West Virginia Board of Education* v. *Barnette*, *supra*, that a State had no power to expel from public schools students who refused on religious grounds to comply with a daily flag salute requirement. Of course, such a requirement was no more a law "respecting an establishment of religion" than the California law compelling the college students to take military training. The *Barnette* plaintiffs, moreover, did not ask that the whole exercise be enjoined, but only that an excuse or exemption be provided for those students whose religious beliefs forbade them to participate in the ceremony. The key to the holding that such a requirement abridged rights of free exercise lay in the fact that attendance at school was not voluntary but compulsory. The Court said:

"This issue is not prejudiced by the Court's previous holding that where a State, without compelling attendance, extends college facilities to pupils who voluntarily enroll, it may prescribe military training as part of the course without offense to the Constitution. . . . *Hamilton* v. *Regents*, 293 U.S. 245. In the present case attendance is not optional." 319 U.S., at 631–632.

The *Barnette* decision made another significant point. The Court held that the State must make participation in the exercise voluntary for all students and not alone for those who found participation obnoxious on religious grounds. In short, there was simply no need to "inquire whether nonconformist beliefs will exempt from the duty to salute" because the Court found no state "power to make the salute a legal duty." 319 U.S., at 635.

The distinctions between *Hamilton* and *Barnette* are, I think, crucial to the resolution of the cases before us. The different results of those cases are attributable only in part to a difference in the strength of the particular state interests which the respective statutes were designed to serve. Far more significant is the fact that *Hamilton* dealt with the voluntary attendance at college of young adults, while *Barnette* involved the compelled attendance of young children at elementary and secondary schools.[16] This distinction warrants a difference in constitutional results. And it is with the involuntary attendance of young school children that we are exclusively concerned in the cases now before the Court.

III

No one questions that the Framers of the First Amendment intended to restrict exclusively the powers of the Federal Government.[17] Whatever limitations that Amendment now imposes upon the States derive from the Fourteenth Amendment. The process of absorption of the religious guarantees of the First Amendment as protections against the States under the Fourteenth Amendment began with the Free Exercise Clause. In 1923 the Court held that the protections of the Fourteenth included at least a person's freedom "to worship God according to the dictates of his own conscience . . . ."[18] *Meyer* v. *Nebraska*, 262 U.S. 390, 399. See also *Hamilton* v. *Regents*, *supra*, at 262. *Cantwell* v. *Connecticut*, 310 U.S. 296, completed in 1940 the process of absorption of the Free Exercise Clause and recognized its dual aspect: the Court affirmed freedom of belief as an absolute liberty, but recognized that conduct, while it may also be comprehended by the Free Exercise Clause, "remains subject to regulation for the protection of society." 310 U.S., at 303–304. This was a distinction already drawn by *Reynolds* v. *United States*, *supra*. From the beginning this Court has recognized that while government may regulate the behavioral manifestations of religious beliefs, it may not interfere at all with the beliefs themselves.

The absorption of the Establishment Clause has, however, come later and by a route less easily charted. It has been suggested, with some support in history, that absorption of the First Amendment's ban against congressional legislation "respecting an establishment of religion" is conceptually impossible because the Framers meant the Establishment Clause also to foreclose any attempt by Congress to disestablish the existing official state churches.[19] Whether or not such was the understanding of the Framers, and whether such a purpose would have been inhibited the absorption of the Establishment Clause at the threshold of the Nineteenth Century are questions not dispositive of our present inquiry. For it is clear on the record of history that the last of the formal state establishments was dissolved more than three decades before the Fourteenth Amendment was ratified, and thus the problem of protecting official state churches from federal encroachments could hardly have been any concern of those who framed the post-Civil War Amendments.[20] Any such objective of the First Amendment, having become historical anachronism by 1868, cannot be thought to have deterred the absorption of the Establishment Clause to any greater degree than it would, for example, have deterred the absorption of the Free Exercise Clause. That no organ of the Federal Government possessed in 1791 any power to restrain the interference of the States in religious matters is indisputable. See *Permoli* v. *New Orleans*, 3 How. 589. It is equally plain, on the other hand, that the Fourteenth Amendment created a panoply of new federal rights for the protection of citizens of the various States. And among those rights was freedom from such state governmental involvement in the affairs of religion as the Establishment Clause had originally foreclosed on the part of Congress.

It has also been suggested that the "liberty" guaranteed by the Fourteenth Amendment logically cannot absorb the Establishment Clause because that clause is not one of the provisions of the Bill of Rights which in terms protects a "freedom" of the individual. See Corwin, A Constitution of Powers in a Secular State (1951), 113–116. The fallacy in this contention, I think, is that it underestimates the role of the Establishment Clause as a coguarantor, with the Free Exercise Clause, of religious liberty. The Framers did not entrust the liberty of religious beliefs to either clause alone. The Free Exercise Clause "was not to be the full extent of the Amendment's guarantee of freedom from governmental intrusion in matters of faith." *McGowan* v. *Maryland*, *supra*, at 464 (opinion of Frankfurter, J.).

Finally, it has been contended that absorption of the Establishment Clause is precluded by the absence of any intention on the part of the Framers of the Fourteenth Amendment to circumscribe the residual powers of the States to aid religious activities and institutions in way which fell short of formal establishments.[21] That argument relies in part upon the express terms of the abortive Blaine Amendment—proposed several years after the adoption of the Fourteenth Amendment—which would have added to the First Amendment a provision that "[n]o state shall make any law respecting an establishment of religion. . . ." Such a restriction would have been superfluous, it is said, if the Fourteenth Amendment had already made the Establishment Clause binding upon the States.

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The argument proves too much, for the Fourteenth Amendment's protection of the free exercise of religion can hardly be questioned; yet the Blaine Amendment would also have added an explicit protection against state laws abridging that liberty.[22] Even if we assume that the draftsmen of the Fourteenth Amendment saw no immediate connection between its protections against state action infringing personal liberty and the guarantees of the First Amendment, it is certainly too late in the day to suggest that their assumed inattention to the question dilutes the force of these constitutional guarantees in their application to the States.[23] It is enough to conclude that the religious liberty embodied in the Fourteenth Amendment would not be viable if the Constitution were interpreted to forbid only establishments ordained by Congress.[24]

The issue of what particular activities the Establishment Clause forbids the States to undertake is our more immediate concern. In *Everson* v. *Board of Education*, 330 U. S. 1, 15–16, a careful study of the relevant history led the Court to the view, consistently recognized in decisions since *Everson*, that the Establishment Clause embodied the Framers' conclusion that government and religion have discrete interests which are mutually best served when each avoids too close a proximity to the other. It is not only the nonbeliever who fears the injection of sectarian doctrines and controversies into the civil polity, but in as high degree it is the devout believer who fears the secularization of a creed which becomes too deeply involved with and dependent upon the government.[25] It has rightly been said of the history of the Establishment Clause that "our tradition of civil liberty rests not only on the secularism of a Thomas Jefferson but also on the fervent sectarianism . . . of a Roger Williams." Freund, The Supreme Court of the United States (1961), 84.

Our decisions on questions of religious education or exercises in the public schools have consistently reflected this dual aspect of the Establishment Clause. *Engel* v. *Vitale* unmistakably has its roots in three earlier cases which, on cognate issues, shaped the contours of the Establishment Clause. First, in *Everson* the Court held that reimbursement by the town of parents for the cost of transporting their children by public carrier to parochial (as well as public and private nonsectarian) schools did not offend the Establishment Clause. Such reimbursement, by easing the financial burden upon Catholic parents, may indirectly have fostered the operation of the Catholic Schools, and may thereby indirectly have facilitated the teaching of Catholic principles, thus serving ultimately a religious goal. But this form of governmental assistance was difficult to distinguish from myriad other incidental if not insignificant government benefits enjoyed by religious institutions—fire and police protection, tax exemptions, and the pavement of streets and sidewalks, for example. "The State contributes no money to the schools. It does not support them. Its legislation, as applied does no more than provide a general program to help parents get their children, regardless of their religion, safely and expeditiously to and from accredited schools." 330 U.S., at 18. Yet even this form of assistance was thought by four Justices of the *Everson* Court to be barred by the Establishment Clause because too perilously close to that public support of religion forbidden by the First Amendment.

The other two cases, *Illinois ex rel. McCollum* v. *Board of Education*, 333 U.S. 203, and *Zorach* v. *Clauson*, 343 U.S. 306, can best be considered together. Both involved programs of released time for religious instruction of public school students. I reject the suggestion that *Zorach* overruled *McCollum* in silence.[26] The distinction which the Court drew in *Zorach* between the two cases is in my view faithful to the function of the Establishment Clause.

I should first note, however, that *McCollum* and *Zorach* do not seem to me distinguishable in terms of the free exercise claims advanced in both cases.[27] The nonparticipant in the *McCollum* program was given secular instruction in a separate room during the times his classmates had religious lessons; the nonparticipant in any *Zorach* program also received secular instruction, while his classmates repaired to a place outside the school for religious instruction.

The crucial difference, I think, was that the *McCollum* program offended the Establish-Clause while the *Zorach* program did not. This was not, in my view, because of the difference in public expenditures involved. True, the *McCollum* program involved the regular use of school facilities, classrooms, heat and light and time from the regular school day—even though the actual incremental cost may have been negligible. All religious instruction under the *Zorach* program, by contrast, was carried on entirely off the school premises, and the teacher's part was simply to facilitate the children's release to the churches. The deeper difference was that the *McCollum* program placed the religious instructor in the public school classroom in precisely the position of authority held by the regular teachers of secular subjects, while the *Zorach* program did not.[28] The *McCollum* program, in lending to the support of sectarian instruction all the authority of the governmentally operated public school system, brought government and religion into that proximity which the Establishment Clause forbids. To be sure, a religious teacher presumably commands substantial respect and merits attention in his own right. But the Constitution does not permit that prestige and capacity for influence to be augmented by investiture of all symbols of authority at the command of the lay teacher for the enhancement of secular instruction.

More recent decisions have further etched the contours of Establishment. In the *Sunday Law Cases*, we found in state laws compelling a uniform day of rest from worldly labor no violation of the Establishment Clause (*McGowan* v. *Maryland*, 366 U.S. 420). The basic ground of our decision was that, granted the Sunday Laws were first enacted for religious ends, they were continued in force for reasons wholly secular, namely, to provide a universal day of rest and ensure the health and tranquility of the community. In other words, government may originally have decreed a Sunday day of rest for the impermissible purpose of supporting religion but abandoned that purpose and retained the laws for the permissible purpose of furthering overwhelmingly secular ends.

Such was the evolution of the contours of the Establishment Clause before *Engel* v. *Vitale*. There, a year ago, we held that the daily recital of the state composed Regents' Prayer constituted an establishment of religion because, although the prayer itself revealed no *sectarian* content or purpose, its nature and meaning were quite clearly *religious*. New York, in authorizing its recitation, had not maintained that distance between the public and the religious sectors commanded by the Establishment Clause when it placed the "power, prestige and financial support of government" behind the prayer. In *Engel*, as in *McCollum*, it did not matter that the amount of time and expense allocated to the daily recitation was small so long as the exercise itself was manifestly religious. Nor did it matter that few children had complained of the practice, for the measure of the seriousness of a breach of the Establishment Clause has never been thought to be the number of people who complain of it.

We also held two Terms ago in *Torcaso* v. *Watkins*, *supra*, that a State may not constitutionally require an applicant for the office of Notary Public to swear or affirm that he believes in God. The problem of that case was strikingly similar to the issue presented 18 years before in the flag salute case, *West Virginia Board of Education* v. *Barnette*, *supra*. In neither case was there any claim of establishment of religion, but only of infringement of the individual's religious liberty—in the one case that of the nonbeliever who could not attest to a belief in God; in the other, that of the child whose creed forbade him to salute the flag. But *Torcaso* added a new element not present in *Barnette*. The Maryland test oath involved an attempt to employ essentially religious (albeit non-sectarian) means to achieve a secular goal to which the means bore no reasonable relationship. No one doubted the State's interest in the integrity of its Notaries Public, but that interest did not warrant the screening of applicants by means of a religious test. The *Sunday Law Cases* were different in that respect. Even if Sunday Laws retain certain religious vestiges, they are enforced today for essentially secular objectives which cannot be effectively achieved in modern society except by designating Sunday as the universal day of rest. The Court's opinions cited very substantial problems in selecting or enforcing an alternative day of rest. But the teaching of both *Torcaso* and the *Sunday Law Cases* is that government may not employ religious means to serve secular interests, however legitimate they may be, at least without the clearest demonstration that nonreligious means will not suffice.[29]

IV

I turn now to the cases before us.[30] The religious nature of the exercises here challenged seems plain. Unless *Engel* v. *Vitale* is to be overruled, or we are to engage in wholly disingenuous distinction, we cannot sustain these practices. Daily recital of the Lord's Prayer and the reading of passages of Scripture are quite as clearly breaches of the command of the Establishment Clause as was the daily use of the rather bland Regents' Prayer in the New York public schools. Indeed, I would suppose that if anything the Lord's Prayer and the Holy Bible are more clearly sectarian, and the present violation of the First Amendment consequently more serious. But the religious exercises challenged in these cases have a long history. And almost from the beginning, Bible reading and daily prayer in the schools have been the subject of debate, criticism by educators and other public officials, and proscription by courts and legislative councils. At the outset, then, we must carefully canvass both aspects of this history.

The use of prayers and Bible readings at the opening of the school day long antedates the founding of our Republic. The Rules of the New Haven Hopkins Grammar School required in 1684 "[t]hat the Scholars being called together, the Mr. shall every morning begin his work with a short prayer for a blessing on his Laboures and their learning . . ." [31] More rigorous was the provision in a 1682 contract with a Dutch schoolmaster in Flatbush, New York:

"When the school begins, one of the children shall read the morning prayer, as it stands in the catechism, and close with the prayer before dinner; in the afternoon it shall begin with the prayer after dinner, and end with the evening prayer. The evening school shall begin with the Lord's Prayer, and close by singing a psalm." [32]

After the Revolution, the new States uniformly continued these long established practices in the private and the few public grammar schools. The school committee of Boston in 1789, for example, required the city's several schoolmasters "daily to commence the duties of their office by prayer and reading

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a portion of the Sacred Scriptures. . . ."[33] That requirement was mirrored throughout the original States, and exemplified the universal practice well into the nineteenth century. As the free public schools gradually supplanted the private academies and sectarian schools between 1800 and 1850, morning devotional exercises were retained with few alterations. Indeed, public pressures upon school administrators in many parts of the country would hardly have condoned abandonment of practices to which a century or more of private religious education had accustomed the American people.[34] The controversy centered, in fact, principally about the elimination of plainly sectarian practices and textbooks, and led to the eventual substitution of nonsectarian, though still religious, exercises and materials.[35]

Statutory provision for daily religious exercises is, however, of quite recent origin. At the turn of this century, there was but one State—Massachusetts—which had a law making morning prayer or Bible reading obligatory. Statutes elsewhere either permitted such practices or simply left the question to local option. It was not until after 1910 that 11 more States, within a few years, joined Massachusetts in making one or both exercises compulsory.[36] The Pennsylvania law with which we are concerned in the *Schempp* case, for example, took effect in 1913; and even the Rule of the Baltimore School Board involved in the *Murray* case dates only from 1905. In no State has there ever been a constitutional or statutory prohibition against the recital of prayers or the reading of scripture, although a number of States have outlawed these practices by judicial decision or administrative order. What is noteworthy about the panoply of state and local regulations from which these cases emerge is the relative recency of the statutory codification of practices which have ancient roots, and the rather small number of States which have ever prescribed compulsory religious exercises in the public schools.

The purposes underlying the adoption and perpetuation of these practices are somewhat complex. It is beyond question that the religious benefits and values realized from daily prayer and Bible reading have usually been considered paramount, and sufficient to justify the continuation of such practices. To Horace Mann, embroiled in an intense controversy over the role of *sectarian* instruction and textbooks in the Boston public schools, there was little question that the regular use of the Bible—which he thought essentially nonsectarian—would bear fruit in the spiritual enlightenment of his pupils.[37] A contemporary of Mann's, the Commissioner of Education of a neighboring State, expressed a view which many enlightened educators of that day shared:

"As a textbook of morals the Bible is pre-eminent, and should have a prominent place in our schools, either as a reading book or as a source of appeal and instruction. Sectarianism, indeed, should not be countenanced in the schools; but the Bible is not sectarian. . . . The Scriptures should at least be read at the opening of the school, if no more. Prayer may also be offered with the happiest effects."[38]

Wisconsin's Superintendent of Public Instruction, writing a few years later in 1858, reflected the attitude of his eastern colleagues, in that he regarded "with special favor the use of the Bible in public schools, as pre-eminently first in importance among text-books for teaching the noblest principles of virue, morality, patriotism and good order—love and reverence for God—charity and good will to man."[39]

Such statements reveal the understanding of educators that the daily religious exercises in the schools served broader goals than compelling formal worship of God or fostering church attendance. The religious aims of the educators who adopted and retained such exercises were comprehensive, and in many cases quite devoid of sectarian bias—but the crucial fact is that they were nonetheless religious. While it has been suggested, see pp. 50–53, *infra*, that daily prayer and reading of scripture now serve secular goals as well, there can be no doubt that the origins of these practices were unambiguously religious, even where the educator's aim was not to win adherents to a particular creed or faith.

Almost from the beginning religious exercises in the public schools have been the subject of intense criticism, vigorous debate, and judicial or administrative prohibition. Signficantly, educators and school boards early entertained doubts about both the legality and the soundness of opening the school day with compulsory prayer or Bible reading. Particularly in the large Eastern cities, where immigration had exposed the public schools to religious diversities and conflicts unknown to the homogeneous academies of the eigtheenth century, local authorities found it necessary even before the Civil War to seek an accomodation. In 1843, the Philadelphia School Board adopted the following resolutions:

"Resolved, that no children be required to attend or unite in the reading of the Bible in the Public Schools, whose parents are conscientiously opposed thereto:

"Resolved, that those children whose parents conscientiously prefer and desire any particular version of the Bible, without note or comment, be furnished the same."[40]

A decade later, the Superintendent of Schools of New York State issued an even bolder decree that prayers could no longer be required as part of public school activities, and that where the King James Bible was read, Catholic students could not be compelled to attend.[41] This type of accommodation was not restricted to the East Coast; the Cincinnati Board of Education resolved in 1869 that "religious instruction and the reading of religious books, including the Holy Bible, are prohibited in the common schools of Cincinnati, it being the true object and intent of this rule to allow the children of the parents of all sects and opinions, in matters of faith and worship, to enjoy alike the benefit of the common-school fund."[42] The Board repealed at the same time an earlier regulation which had required the singing of hymns and psalms to accompany the Bible reading at the start of the school day. And in 1889, one commentator ventured the view that "[t]here is not enough to be gained from Bible reading to justify the quarrel that has been raised over it."[43]

Thus a great deal of controversy over religion in the public schools had preceded the debate over the Blaine Amendment, precipitated by President Grant's insistence that matters of religion should be left "to the family altar, the church, and the private school, supported entirely by private contributions."[44] There was ample precedent, too, for Theodore Roosevelt's declaration that in the interest of "absolutely nonsectarian public schools" it was "not our business to have the Protestant Bible or the Catholic Vulgate or the Talmud read in those schools."[45] The same principle appeared in the message of an Ohio Governor who vetoed a compulsory Bible-reading bill in 1925:

"It is my belief that religious teaching in our homes, Sunday schools, churches, by the good mothers, fathers and ministers of Ohio is far preferable to compulsory teaching of religion by the state. The spirit of our federal and state constitutions from the beginning . . . [has] been to leave religious instruction to the discretion of parents."[46]

The same theme has recurred in the opinions of the Attorneys General of several States holding religious exercises or instruction to be in violation of the state or federal constitutional command of separation of church and state.[47] Thus the basic principle upon which our decision last year in *Engel* v. *Vitale* necessarily rested, and which we reaffirm today, can hardly be thought to be radical or novel.

Particularly relevant for our purposes are the decisions of the state courts on questions of religion in the public schools. Those decisions, while not, of course, authoritative in this Court, serve nevertheless to define the problem before us and to guide our inquiry. With the growth of religious diversity and the rise of vigorous dissent it was inevitable that the courts would be called upon to enjoin religious practices in the public schools which offended certain sects and groups. The earliest of such decisions declined to review the propriety of actions taken by school authorities, so long as those actions were within the purview of the administrators' powers.[48] Thus, where the local school board *required* religious exercises, the courts would not enjoin them;[49] and where, as in at least one case, the school officials *forbade* devotional practices, the court refused on similar grounds to overrule that decision.[50] Thus, whichever way the early cases came up, the governing principle of nearly complete deference to administrative discretion effectively foreclosed any consideration of constitutional questions.

The last quarter of the nineteenth century found the courts beginning to question the constitutionality of public school religious exercises. The legal context was still, of course, that of the state constitutions, since the First Amendment had not yet been held applicable to state action. And the state constitutional prohibitions against church-state cooperation or governmental aid to religion were generally less rigorous than the Establishment Clause of the First Amendment. It is therefore remarkable that the courts of a half dozen States found compulsory religious exercises in the public schools in violation of their respective state constitutions.[51] These courts attributed much significance to the clearly religious origins and content of the challenged practices, and to the impossibility of avoiding sectarian controversy in their conduct. The Illinois Supreme Court expressed in 1910 the principles which characterized these decisions:

"The public school is supported by taxes which each citizen, regardless of his religion or lack of it, is compelled to pay. The school, like the government, is simply a civil institution. It is secular, and not religious, in its purpose. The truths of the Bible are the truths of religion, which do not come within the province of the public school. . . . No one denies that they should be taught to the youth of the state. The Constitution and the law do not interfere with such teaching, but they do banish theological polemics from the school and the school districts. This is done, not from any hostility to religion, but simply because it is no part of the duty of the state to teach religion—to take the money of all, and apply it to teaching the children of all the religion of a part only. Instruction in religion must be voluntary." *People ex rel. Ring* v. *Board of Education,* 245 Ill. 334, 349, 92 N. E. 251, 256 (1910).

The Supreme Court of South Dakota, in banning devotional exercises from the public schools of that State, also cautioned that "[t]he state as an educator must keep out of this field, and especially is this true in the common schools, where the child is immature, without fixed religious convictions. . . ." *State ex rel. Finger* v. *Weedman,* 55 S. D. 343, 357, 226 N. W. 348, 354 (1929).

Even those state courts which have sustained devotional exercises under state law[52] have usually recognized the primarily religious character of prayers and bible readings. If such practices were not for that reason unconstitutional, it was necessarily be-

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cause the state constitution forbade only public expenditures for *sectarian* instruction, or for activities which made the schoolhouse a "place of worship," but said nothing about the subtler question of laws "respecting an establishment of religion." [53] Thus the panorama of history permits no other conclusion than that daily prayers and Bible readings in the public schools have always been designed to be, and have been regarded as, essentially religious exercises. Unlike the Sunday closing laws, these exercises appear neither to have been divorced from their religious origins nor deprived of their centrally religious character by the passage of time,[54] cf. *McGowan* v. *Maryland, supra,* at 442–445. On this distinction alone we might well rest a constitutional decision. But three further contentions have been pressed in the argument of these cases. These contentions deserve careful consideration for if the position of the school authorities were correct in respect to any of them, we would be misapplying the principles of *Engel* v. *Vitale.*

A

First, it is argued that however clearly religious may have been the origins and early nature of daily prayer and Bible reading, these practices today serve so clearly secular educational purposes that their religious attributes may be overlooked. I do not doubt, for example, that morning devotional exercises may foster better discipline in the classroom, and elevate the spiritual level on which the school day opens. The Pennsylvania Superintendent of Public Instruction, testifying by deposition in the *Schempp* case, offered his view that daily Bible reading "places upon the children or those hearing the reading of this, and the atmosphere which goes on in the reading . . . one of the last vestiges of moral value that we have left in our school system." The exercise thus affords, the Superintendent concluded, "a strong contradiction to the materialistic trends of our time." Baltimore's Superintendant of Schools expressed a similar view of the practices challenged in the *Murray* case, to the effect that "[t]he acknowledgment of the existence of God as symbolized in the opening exercises establishes a discipline tone which tends to cause each individual pupil to constrain his overt acts and to consequently conform to accepted standards of behavior during his attendance at school." These views are by no means novel, see, *e.g., Billard* v. *Board of Education,* 69 Kan. 53, 57–58, 76 P. 422, 423 (1904).[55]

It is not the business of this Court to gainsay the judgments of experts on matters of pedagogy. Such decisions must be left to the discretion of those administrators charged with the supervision of the Nation's public schools. The limited province of the courts is to determine whether the means which the educators have chosen to achieve legitimate pedagogical ends infringe the constitutional freedoms of the First Amendment. The secular purposes which devotional exercises are said to serve fall into two categories—those which depend upon an immediately religious experience shared by the participating children; and those which appear sufficiently divorced from the religious content of the devotional material that they can be served equally by nonreligious materials. With respect to the first objective, much has been written about the moral and spiritual values of infusing some religious influence or instruction into the public school classroom.[56] To the extent that only religious materials will serve this purpose, it seems to me that the purpose as well as the means is so plainly religious that the exercise is necessarily forbidden by the Establishment Clause. The fact that purely secular benefits may eventually result does not seem to me to justify the exercises, for similar indirect nonreligious benefits could no doubt have been claimed for the released time program invalidated in *McCollum.*

The second justification assumes that religious exercises at the start of the school day may directly serve solely secular ends—for example, by fostering harmony and tolerance among the pupils, enhancing the authority of the teacher, and inspiring better discipline. To the extent that such benefits result not from the content of the readings and recitation, but simply from the holding of such a solemn exercise at the opening assembly or the first class of the day, it would seem that less sensitive materials might equally well serve the same purpose. I have previously suggested that *Torcaso* and the *Sunday Law Cases* forbid the use of religious means to achieve secular ends where nonreligious means will suffice. That principle is readily applied to these cases. It has not been shown that readings from the speeches and messages of great Americans, for example, or from the documents of our heritage of liberty, daily recitation of the Pledge of Allegiance, or even the observance of a moment of reverent silence at the opening of class, may not adequately serve the solely secular purposes of the devotional activities without jeopardizing either the religious liberties of any members of the community or the proper degree of separation between the spheres of religion and government.[57] Such substitutes would, I think, be unsatisfactory or inadequate only to the extent that the present activities do in fact serve religious goals. While I do not question the judgment of experienced educators that the challenged practices may well achieve valuable secular ends, it seems to me that the State acts unconstitutionally if it either sets about to attain even indirectly religious ends by religious means, or if it uses religious means to serve secular ends where secular means would suffice.

B

Second, it is argued that the particular practices involved in the two cases before us are unobjectionable because they prefer no particular sect or sects at the expense of others. Both the Baltimore and Abington procedures permit, for example, the reading of any of several versions of the Bible, and this flexibility is said to ensure neutrality sufficiently to avoid the constitutional prohibition. One answer, which might be dispositive, is that any version of the Bible is inherently sectarian, else there would be no need to offer a system of rotation or alternation of versions in the first place, that is, to allow different sectarian versions to be used on different days. The sectarian character of the Holy Bible has been at the core of the whole controversy over religious practices in the public schools throughout its long and often bitter history.[58] To vary the version as the Abington and Baltimore schools have done may well be less offensive than to read from the King James version every day, as once was the practice. But the result even of this relatively benign procedure is that majority sects are preferred in approximate proportion to their representation in the community and in the student body, while the smaller sects suffer commensurate discrimination. So long as the subject matter of the exercise is sectarian in character, these consequences cannot be avoided.

The argument contains, however, a more basic flaw. There are persons in every community—often deeply devout—to whom any version of the Judaeo-Christian Bible is offensive.[59] There are others whose reverence for the Holy Scriptures demands private study or reflection and to whom public reading or recitation is sacrilegious, as one of the expert witnesses at the trial of the *Schempp* case explained. To such persons it is not the fact of using the Bible in the public schools, nor the content of any particular version, that is offensive, but only the *manner* in which it is used.[60] For such persons, the anathema of public communion is even more pronounced when prayer is involved. Many deeply devout persons have always regarded prayer as a necessarily private experience.[61] One Protestant group recently commented, for example: "When one thinks of prayer as sincere outreach of a human soul to the Creator, 'required prayer' becomes an absurdity." [62] There is a similar problem with respect to comment upon the passages of scripture which are to be read. Most present statutes forbid comment, and this practice accords with the views of many religious groups as to the manner in which the Bible should be read. However, as a recent survey discloses, scriptural passages read without comment frequently convey no mesage to the younger children in the school. Thus there has developed a practice in some schools of bridging the gap between faith and understanding by means of "definitions," even where "comment" is forbidden by statute.[63] The present practice therefore poses a difficult dilemma: While Bible reading is almost universally required to be without comment, since only by such a prohibition can sectarian interpretation be excluded from the classroom, the rule breaks down at the point at which rudimentary definitions of Biblical terms are necessary for comprehension if the exercise is to be meaningful at all.

It has been suggested that a tentative solution to these problems may lie in the fashioning of a "common core" of theology tolerable to all creeds but preferential to none.[64] But as one commentator has recently observed, "[h]istory is not encouraging to" those who hope to fashion a "common denominator of religion detached from its manifestation in any organized church." Sutherland, Establishment According to *Engel,* 76 Harv. L. Rev. 25, 51 (1962). Thus, the notion of a "common core" litany or supplication offends many deeply devout worshippers who do not find clearly sectarian practices objectionable.[65] Father Gustave Weigel has recently expressed a widely shared view: "The moral code held by each separate religious community can reductively be unified, but the consistent particular believer wants no such reduction." [66] And, as the American Council on Education warned several years ago, "The notion of a common core suggests a watering down of the several faiths to the point where common essentials appear. This might easily lead to a new sect—a public school sect—which would take its place alongside the existing faiths and compete with them." [67] *Engel* is surely authority that nonsectarian religious practices, equally with sectarian exercises, violate the Establishment Clause. Moreover, even if the Establishment Clause were oblivious to nonsectarian religious practices, I think it quite likely that the "common core" approach would be sufficiently objectionable to many groups to be foreclosed by the prohibitions of the Free Exercise Clause.

C

A third element which is said to absolve the practices involved in these cases from the ban of the religious guarantees of the Constitution is the provision to excuse or exempt students who wish not to participate. Insofar as these practices are claimed to violate the Establishment Clause, I find the answer which the District Court gave after our remand of *Schempp* to be altogether dispositive:

> "The fact that some pupils, or theoretically all pupils, might be excused from attendance at the exercises does not mitigate the obligatory nature of the ceremony . . . . The exercises are held in the school buildings and perforce are conducted by and under the authority of the local school authorities and during school sessions. Since the statute requires the reading of the 'Holy

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Bible,' a Christian document, the practice, as we said in our first opinion, prefers the Christian religion. The record demonstrates that it was the intention of the General Assembly of the Commonwealth of Pennsylvania to introduce a religious ceremony into the public schools of the Commonwealth." 201 F. Supp., at 819.

Thus the short, and to me sufficient, answer is that the availability of excusal or exemption simply has no relevance to the establishment question, if it is once found that these practices are essentially religious exercises designed at least in part to achieve religious aims through the use of public school facilities during the school day.

The more difficult question, however, is whether the availability of excusal for the dissenting child serves to refute challenges to these practices under the Free Exercise Clause. While it is enough to decide these cases to dispose of the establishment questions, questions of free exercise are so inextricably interwoven into the history and present status of these practices as to justify disposition of this second aspect of the excusal issue. The answer is that the excusal procedure itself necessarily operates in such a way as to infringe the rights of free exercise of those children who wish to be excused. We have held in *Barnette* and *Torcaso*, respectively, that a State may require neither public school students nor candidates for an office of public trust to profess beliefs offensive to religious principles. By the same token the State could not constitutionally require a student to profess publicly his disbelief as the prerequisite to the exercise of his constitutional right of abstention. And apart from *Torcaso* and *Barnette*, I think *Speiser* v. *Randall*, 357 U.S. 513, suggests a further answer. We held there that a State may not condition the grant of a tax exemption upon the willingness of those entitled to the exemption to affirm their loyalty to the Government, even though the exemption was itself a matter of grace rather than of constitutional right. We concluded that to impose upon the eligible taxpayers the affirmative burden of proving their loyalty impermissibly jeopardized the freedom to engage in constitutionally protected activities close to the area to which the loyalty oath related. *Speiser* v. *Randall* seems to me to dispose of two aspects of the excusal or exemption procedure now before us. First, by requiring what is tantamount in the eyes of teachers and schoolmates to a profession of disbelief, or at least nonconformity, the procedure may well deter those children who do not wish to participate for any reason based upon the dictates of conscience from exercising an indisputably constitutional right to be excused.[68] Thus the excusal provision in its operation subjects them to a cruel dilemma. In consequence, even devout children may well avoid claiming their right and simply continue to participate in exercises distasteful to them because of an understandable reluctance to be stigmatized as atheists or nonconformists simply on the basis of their request.

Such reluctance to seek exemption seems all the more likely in view of the fact that children are disinclined at this age to step out of line or to flout "peer-group norms." Such is the widely held view of experts who have studied the behaviors and attitudes of children.[69] This is also the basis of Mr. Justice Frankfurter's answer to a similar contention made in the *McCollum* case:

> "That a child is offered an alternative may reduce the constraint; it does not eliminate the operation of influence by the school in matters sacred to conscience and outside the school's domain. The law of imitation operates, and non-conformity is not an outstanding characteristic of children. The result is an obvious pressure upon children to attend." 333 U.S., at 227.

Also apposite is the answer given more than 70 years ago by the Supreme Court of Wisconsin to the argument that an excusal provision saved a public school devotional exercise from constitutional invalidation:

> ". . . the excluded pupil tends to lose caste with his fellows, and is liable to be regarded with aversion, and subjected to reproach and insult. But it is a sufficient refutation of the argument that the practice in question tends to destroy the equality of the pupils which the constitution seeks to establish and protect, and puts a portion of them to serious disadvantage in many ways with respect to others." *State ex rel. Weiss* v. *District Board of School District No. 8*, 76 Wis. 177, 200, 44 N.W. 967, 975.

And 50 years ago a like answer was offered by the Louisiana Supreme Court:

> "Under such circumstances, the children would be excused from the opening exercises because of their religious beliefs. And excusing such children on religious grounds, although the number excused might be very small, would be a distinct preference in favor of the religious beliefs of the majority, and would work a discrimination against those who were excused. The exclusion of a pupil under such circumstances puts him in a class by himself; it subjects him to a religious stigma; and all because of his religious belief. Equality in public education would be destroyed by such act, under a Constitution which seeks to establish equality and freedom in religious matters." *Herold* v. *Parish Board of School Directors*, 136 La. 1034, 1049–1050, 68 So. 116, 121. See also *Tudor* v. *Board of Education*, 14 N.J. 31, 48–52, 100 A. 2d 857, 867–868; *Brown* v. *Orange County Board of Public Instruction*, 128 So. 2d 181, 185 (Fla. App.).

Speiser v. *Randall* also suggests the answer to a further argument based on the excusal procedure. It has been suggested by the School Board, in *Schempp*, that we ought not pass upon the appellees' constitutional challenge at least until the children have availed themselves of the excusal procedure and found it inadequate to redress their grievances. Were the right to be excused not itself of constitutional stature, I might have some doubt about this issue. But we held in *Speiser* that the constitutional vice of the loyalty oath procedure discharged any obligation to seek the exemption before challenging the constitutionality of the conditions upon which it might have been denied. 357 U.S., at 529. Similarly, we have held that one need not apply for a permit to distribute constitutionally protected literature, *Lovell* v. *Griffin*, 303 U.S. 444, or to deliver a speech, *Thomas* v. *Collins*, 323 U.S. 516, before he may attack the constitutionality of a licensing system of which the defect is patent. Insofar as these cases implicate only questions of establishment, it seems to me that the availability of an excuse is constitutionally irrelevant. Moreover, the excusal procedure seems to me to operate in such a way as to discourage the free exercise of religion on the part of those who might wish to utilize it, thereby rendering it unconstitutional in an additional and quite distinct respect.

To summarize my views concerning the merits of these two cases: The history, the purpose and the operation of the daily prayer recital and Bible reading leave no doubt that these practices standing by themselves constitute an impermissible breach of the Establishment Clause. Such devotional exercises may well serve legitimate nonreligious purposes. To the extent, however, that such purposes are really without religious significance, it has never been demonstrated that secular means would not suffice. Indeed, I would suggest that patriotic or other nonreligious materials might provide adequate substitutes—inadequate only to the extent that the purposes now served as indeed directly or indirectly religious. Under such circumstances, the States may not employ religious means to reach a secular goal unless secular means are wholly unavailing. I therefore agree with the Court that the judgment in *Schempp*, No. 142, must be affirmed, and that in *Murray*, No. 119, must be affirmed, and that in *Murray*, No. 119, must be reversed.

V

These considerations bring me to a final contention of the school officials in these cases: that the invalidation of the exercises at bar permits this Court no alternative but to declare unconstitutional every vestige, however slight, of cooperation or accommodation between religion and government. I cannot accept that contention. While it is not, of course, appropriate for this Court to decide questions not presently before it, I venture to suggest that religious exercises in the public schools present a unique problem. For not every involvement of religion in public life violates the Establishment Clause. Our decision in these cases does not clearly forecast anything about the constitutionality of other types of interdependence between religious and other public institutions.

Specifically, I believe that the line we must draw between the permissible and the impermissible is one which accords with history and faithfully reflects the understanding of the Founding Fathers. It is a line which the Court has consistently sought to mark in its decisions expounding the religious guarantees of the First Amendment. What the Framers meant to foreclose, and what our decisions under the Establishment Clause have forbidden, are those involvements of religious with secular institutions which (a) serve the essentially religious activities of religious institutions; (b) employ the organs of government for essentially religious purposes; or (c) use essentially religious means to serve governmental ends, where secular means would suffice. When the secular and religious institutions become involved in such a manner, there inhere in the relationship precisely those dangers—as much to church as to state—which the Framers feared would subvert religious liberty and the strength of a system of secular government. On the other hand, there may be myriad forms of involvements of government with religion which do not import such dangers and therefore should not in my judgment be deemed to violate the Establishment Clause. Nothing in the Constitution compels the organs of government to be blind to what everyone else perceives—that religious differences among Americans have important and pervasive implications for our society. Likewise nothing in the Establishment Clause forbids the application of legislation having purely secular ends in such a way as to alleviate burdens upon the free exercise of an individual's religious beliefs. Surely the Framers would never have understood that such a construction sanctions that involvement which violates the Establishment Clause. Such a conclusion can be reached, I would suggest, only by using the words of the First Amendment to defeat its very purpose.

The line between permissible and impermissible forms of involvement between government and religion has already been considered by the lower federal and state courts. I think a brief survey of certain of these forms of accommodation will reveal that the First Amendment commands not official hostility toward religion, but only a strict neutrality in matters of religion. Moreover, it may serve to suggest that the scope of our holding today is to be measured by the special circumstances under which these cases have arisen, and by the particular dangers to church and state which religious exercises in the public schools present. It may

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Footnotes at end of table.

be helpful for purposes of analysis to group these other practices and forms of accommodation into several rough categories.

A. *The Conflict Between Establishment and Free Exercise.*—There are certain practices, conceivably violative of the Establishment Clause, the striking down of which might seriously interfere with certain religious liberties also protected by the First Amendment.[70] Provisions for churches and chaplains at military establishments for those in the armed services may afford one such example.[71] The like provision by state and federal governments for chaplains in penal institutions may afford another example.[72] It is argued that such provisions may be assumed to contravene the Establishment Clause, yet be sustained on constitutional grounds as necessary to secure to the members of the Armed Forces and prisoners those rights of worship guaranteed under the Free Exercise Clause. Since government has deprived such persons of the opportunity to practice their faith at places of their choice, the argument runs, government may, in order to avoid infringing the free exercise guarantees, provide substitutes where it requires such persons to be. Such a principle might support, for example, the constitutionality of draft exemptions for ministers and divinity students,[73] cf. *Selective Draft Law Cases*, 245 U.S. 366, 389–390; of the excusal of children from school on their respective religious holidays; and of the allowance by government of temporary use of public buildings by religious organizations when their own churches have become unavailable because of a disaster or emergency.[74]

Such activities and practices seem distinguishable from the sponsorship of daily Bible reading and prayer recital. For one thing, there is no element of coercion present in the appointment of military or prison chaplains; the soldier or convict who declines the opportunities for worship would not ordinarily subject himself to the suspicion or obloquy of his peers. Of special significance to this distinction is the fact that we are here usually dealing with adults, not with impressionable children as in the public schools. Moreover, the school exercises are not designed to provide the pupils with general opportunities for worship denied them by the legal obligation to attend school. The student's compelled presence in school for five days a week in no way renders the regular religious facilities of the community less accessible to him than they are to others. The situation of the school child is therefore plainly unlike that of the isolated soldier or the prisoner.

The State must be steadfastly neutral in all matters of faith, and neither favor nor inhibit religion. In my view, government cannot sponsor religious exercises in the public schools without jeopardizing that neutrality. On the other hand, hostility, not neutrality, would characterize the refusal to provide chaplains and places of worship for prisoners and soldiers cut off by the State from all civilian opportunities for public communion, the withholding of draft exemptions for ministers and conscientious objectors, or the denial of the temporary use of an empty public building to a congregation whose place of worship has been destroyed by fire or flood. I do not say that government *must* provide chaplains or draft exemptions, or that the courts should intercede if it fails to do so.

B. *Establishment and Exercises in Legislative Bodies.*—The saying of invocational prayers in legislative chambers, state or federal, and the appointment of legislative chaplains, might well represent no involvements of the kind prohibited by the Establishment Clause.[75] Legislators, federal and state, are mature adults who may presumably absent themselves from such public and ceremonial exercises without incurring any penalty, direct or indirect. It may also be significant that, at least in the case of the Congress, Art. I, § 5, of the Constitution makes each House the monitor of the "Rules of its Proceedings" so that it is at least arguable whether such matters present "political questions" the resolution of which is exclusively confided to Congress. See *Baker* v. *Carr*, 369 U.S. 186, 232. Finally, there is the difficult question of who may be heard to challenge such practices. See *Elliott* v. *White*, 23 F. 2d 997.

C. *Non-Devotional Use of the Bible In the Public Schools.*—The holding of the Court today plainly does not foreclose teaching *about* the Holy Scriptures or about the differences between religious sects in classes in literature or history. Indeed, whether or not the Bible is involved, it would be impossible to teach meaningfully many subjects in the social sciences or the humanities without some mention of religion.[76] To what extent, and at what point in the curriculum religious materials should be cited, are matters which the courts ought to entrust very largely to the experienced officials who superintend our Nation's public schools. They are experts in such matters, and we are not. We should heed Mr. Justice Jackson's caveat that any attempt by this Court to announce curricular standards would be "to decree a uniform, rigid and, if we are consistent, an unchanging standard for countless school boards representing and serving highly localized groups which not only differ from each other but which themselves from time to time change attitudes." *Illinois ex rel. McCollum* v. *Board of Education, supra*, at 237.

We do not, however, in my view usurp the jurisdiction of school administrators by holding as we do today that morning devotional exercises in any form are constitutionally invalid. But there is no occasion now to go further, and anticipate problems we cannot judge with the material now before us. Any attempt to impose rigid limits upon the mention of God or references to the Bible in the classroom would be fraught with dangers. If it should sometime hereafter be shown that in fact religion can play no part in the teaching of a given subject without resurrecting the ghost of the practices we strike down today, it will then be time enough to consider questions we must now defer.

D. *Uniform Tax Exemptions Incidentally Available to Religious Institutions.*—Nothing we hold today questions the propriety of certain tax deductions or exemptions which incidentally benefit churches and religious institutions, along with many secular charities and nonprofit organizations. If religious institutions benefit, it is in spite of rather than because of their religious character. For religious institutions simply share benefits which government makes generally available to educational, charitable, and eleemosynary groups.[77] There is no indication that taxing authorities have used such benefits in any way to subsidize worship or foster belief in God. And as among religious beneficiaries, the tax exemption or deduction can be truly nondiscriminatory, available on equal terms to small as well as large religious bodies, to popular and unpopular sects, and to those organizations which reject as well as those which accept a belief in God.[78]

E. *Religious Considerations in Public Welfare Programs.*—Since government may not support or directly aid religious *activities* without violating the Establishment Clause, there might be some doubt whether nondiscriminatory programs of governmental aid may constitutionally include *individuals* who become eligible wholly or partially for religious reasons. For example, it might be suggested that where a State provides unemployment compensation generally to those who are unable to find suitable work, it may not extend such benefits to persons who are unemployed by reason of religious beliefs or practices without thereby establishing the religion to which those persons belong. Therefore, the argument runs, the State may avoid an establishment only by singling out and excluding such persons on the ground that religious beliefs or practices have made them potential beneficiaries. Such a construction would, it seems to me, require government to impose religious discriminations and disabilities, thereby jeopardizing the free exercise of religion, in order to avoid what is thought to constitute an establishment.

The inescapable flaw in the argument, I suggest, is its quite unrealistic view of the aims of the Establishment Clause. The Framers were not concerned with the effects of certain incidental aids to individual worshippers which come about as byproducts of general and nondiscriminatory welfare programs. If such benefits serve to make easier or less expensive the practice of a particular creed, or of all religions, it can hardly be said that the purpose of the program is in any way religious, or that the consequence of its nondiscriminatory application is to create the forbidden degree of interdependence between secular and sectarian institutions. I cannot therefore accept the suggestion, which seems to me implicit in the argument outlined here, that every judicial or administrative construction which is designed to prevent a public welfare program from abridging the free exercise of religious beliefs, is for that reason *ipso facto* an establishment of religion.

F. *Activities Which, Though Religious in Origin, Have Ceased to Have Religious Meaning.*—As we noted in our *Sunday Law* decisions, nearly every criminal law on the books can be traced to some religious principle or inspiration. But that does not make the present enforcement of the criminal law in any sense an establishment of religion, simply because it accords with widely held religious principles. As we said in *McGowan* v. *Maryland*, 366 U.S. 420, 442, "the 'Establishment' clause does not ban federal or state regulation of conduct whose reason or effect merely happens to coincide or harmonize with the tenets of some or all religions." This rationale suggests that the use of the motto "In God We Trust" on currency, on documents and public buildings and the like may not offend the clause. It is not that the use of those four words can be dismissed as "de minimis"—for I suspect there would be intense opposition to the abandonment of that motto. The truth is that we have simply interwoven the motto so deeply into the fabric of our civil polity that its present use may well not present that type of involvement which the First Amendment prohibits.

This general principle might also serve to insulate the various patriotic exercises and activities used in the public schools and elsewhere which, whatever may have been their origins, no longer have a religious purpose or meaning. The reference to divinity in the revised pledge of allegiance, for example, may merely recognize the historical fact that our Nation was believed to have been founded "under God." Thus reciting the pledge may be no more of a religious exercise than the reading aloud of Lincoln's Gettysburg Address, which contains an allusion to the same historical fact.

The principles which we reaffirm and apply today can hardly be thought novel or radical. They are, in truth, as old as the Republic itself, and have always been as integral a part of the First Amendment as the very words of that charter of religious liberty. No less applicable today than they were when first pronounced a century ago, one year after the very first court decision involving religious exercises in the public schools, are the

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Footnotes at end of article.

words of a distinguished Chief Justice of the Commonwealth of Pennsylvania, Jeremiah S. Black:

"The manifest object of the men who framed the institutions of this country, was to have a *State without religion*, and a *Church without politics*—that is to say, they meant that one should never be used as an engine for any purpose of the other, and that no man's rights in one should be tested by his opinions about the other. As the Church takes no note of men's political differences, so the State looks with equal eye on all the modes of religious faith. . . . Our fathers seem to have been perfectly sincere in their belief that the members of the Church would be more patriotic, and the citizens of the State more religious, by keeping their respective functions entirely separate." Essay on Religious Liberty, in Black, ed., Essays and Speeches of Jeremiah S. Black (1886), 53.

FOOTNOTES

[1] Locke, A Letter Concerning Tolerance in 35 Great Books of the Western World (Hutchins ed. 1952), 2.

[2] Representative Daniel Carroll of Maryland during debate upon the proposed Bill of Rights in the First Congress, August 15, 1789, I Annals of Cong. 730.

[3] See Healey, Jefferson on Religion in Public Education (1962); Boles, The Bible, Religion, and the Public Schools (1961), 16–21; Butts, The American Tradition in Religion and Education (1950), 119–130; Cahn, On Government and Prayer, 37 N. Y. U. L. Rev. 981 (1962); Costanzo, Thomas Jefferson, Religious Education and Public Law, 8 J. Pub. Law 81 (1959); Comment, The Supreme Court, the First Amendment, and Religion in the Public Schools, 63 Col. L. Rev. 73, 79–83 (1963).

[4] Jefferson's caveat was in full:

"Instead, therefore, of putting the Bible and Testament into the hands of the children at an age when their judgments are not sufficiently matured for religious inquiries, their memories may here be stored with the most useful facts from Grecian, Roman, European and American history." 2 Writings of Thomas Jefferson (Memorial ed. 1903), 204.

Compare Jefferson's letter to his nephew, Peter Carr, when the latter was about to begin the study of law, in which Jefferson outlined a suggested course of private study of religion since "[y]our reason is now mature enough to examine this object." Letter to Peter Carr, August 10, 1787, in Padover, The Complete Jefferson (1943), 1058. Jefferson seems to have opposed sectarian instruction at any level of public education, see Healey, Jefferson on Religion in Public Education (1962), 206–210, 256, 264–265. The absence of any mention of religious instruction in the projected elementary and secondary schools contrasts significantly with Jefferson's quite explicit proposals concerning religious instruction at the University of Virginia. His draft for "A Bill for the More General Diffusion of Knowledge" in 1779, for example, outlined in some detail the secular curriculum for the public schools, while avoiding any references to religious studies. See Padover, *supra*, at 1048–1054. The later draft of an "Act for Establishing Elementary Schools" which Jefferson submitted to the Virginia General Assembly in 1817 provided that "no religious reading, instruction or exercise, shall be prescribed or practiced inconsistent with the tenets of any religious sect or denomination." Padover, *supra*, at 1076. Reliance upon Jefferson's apparent willingness to permit certain religious instruction at the University seems, therefore, to lend little support to such instruction in the elementary and secondary schools. Compare, *e.g.*, Corwin, A Constitution of Powers in a Secular State (1951), 104–106; Costanzo, Thomas Jefferson, Religious Education and Public Law, 8 J. Pub. Law 81, 100–106 (1959).

[5] Cf. Mr. Justice Rutledge's observations in *Everson* v. *Board of Education*, 330 U.S. 1, 53–54 (dissenting opinion). See also Fellman, Separation of Church and State in the United States: A Summary View, 1950 Wis. L. Rev. 427, 428–429; Rosenfield, Separation of Church and State in the Public Schools, 22 U. of Pitt. L. Rev. 561, 569 (1961); MacKinnon, Freedom?—or Toleration?, The Problem of Church and State in the United States, [1959] Pub. Law 374. One author has suggested these reasons for cautious application of the history of the Constitution's religious guarantees to contemporary problems:

"First, the brevity of Congressional debate and the lack of writings on the question by the framers make any historical argument inconclusive and open to serious question. Second, the amendment was designed to outlaw practices which had existed before its writing, but there is no authoritative declaration of the specific practices at which it was aimed. And third, most of the modern religious-freedom cases turn on issues which were at most academic in 1789 and perhaps did not exist at all. Public education was almost nonexistent in 1789, and the question of religious education in public schools may not have been foreseen." Beth, The American Theory of Church and State (1958), 88.

[6] See generally, for discussion of the early efforts for disestablishment of the established colonial churches, and of the conditions against which the proponents of separation of church and state contended, Sweet, The Story of Religion in America (1950), c. XIII; Cobb, The Rise of Religious Liberty in America (1902), c. IX; Eckenrode, Separation of Church and State in Virginia (1910); Brant, James Madison—The Nationalist, 1780–1787 (1948), c. XXII; Bowers, The Young Jefferson (1945), 193–199; Butts, The American Tradition in Church and State (1950), c. II; Kruse, The Historical Meaning and Judicial Construction of the Establishment of Religion Clause of the First Amendment, 2 Washburn L. J. 65, 79–83 (1962). Compare also Alexander Hamilton's conception of "the characteristic difference between a tolerated and established religion" and his grounds of opposition to the latter, in his remarks on the Quebec Bill in 1775, 2 Works of Alexander Hamilton (Hamilton ed. 1850), 133–138. Compare, for the view that contemporary evidence reveals a design of the Framers to forbid not only formal establishment of churches, but various forms of incidental aid to or support of religion, Lardner, How Far Does the Constitution Separate Church and State?, 45 Am. Pol. Sci. Rev. 110, 112–115 (1951).

[7] The origins of the modern movement for free state-supported education cannot be fixed with precision. In England, the Levellers unavailingly urged in their platform of 1649 the establishment of free primary education for all, or at least for boys. See Brailsford, The Levellers and the English Revolution (1961), 534. In the North American Colonies, education was almost without exception under private sponsorship and supervision, frequently in control of the dominant Protestant sects. This condition prevailed after the Revolution and into the first quarter of the nineteenth century. See generally Mason, Moral Values and Secular Education (1950), c. II; Thayer, The Role of the School in American Society (1960), c. X; Greene, Religion and the State: The Making and Testing of an American Tradition (1941), 120–122. Thus, Virginia's colonial Governor Berkeley exclaimed in 1671: "I thank God there are no free schools nor printing, and I hope we shall not have them these hundred years; for learning has brought disobedience, and heresy, and sects into the world. . . ." (Emphasis deleted.) Bates, Religious Liberty: An Inquiry (1945), 327.

The exclusively private control of American education did not, however, quite survive Berkeley's expectations. Benjamin Franklin's proposals in 1749 for a Philadelphia Academy heralded the dawn of publicly supported secondary education, although the proposal did not bear immediate fruit. See Johnson and Yost, Separation of Church and State in the United States (1948), 26–27. Jefferson's elaborate plans for a public school system in Virginia came to naught after the defeat in 1796 of his proposed Elementary School Bill, which found little favor among the wealthier legislators. See Bowers, The Young Jefferson (1945), 182–186. It was not until the 1820's and 1830's, under the impetus of Jacksonian democracy, that a system of public education really took root in the United States. See 1 Beard, The Rise of American Civilization (1937), 810–818. One force behind the development of secular public schools may have been a growing dissatisfaction with the tightly sectarian control over private education, see Harner, Religion's Place in General Education (1949), 29–30. Yet the burgeoning public school systems did not immediately supplant the old sectarian and private institutions; Alexis de Tocqueville, for example, remarked after his tour of the Eastern States in 1831 that "[a]lmost all education is entrusted to the clergy." 1 Democracy in America (Bradley ed. 1945) 309, n. 4. And compare Lord Bryce's observations, a half century later, on the still largely denominational character of American higher education, 2 The American Commonwealth (1933), 734–735.

Efforts to keep the public schools of the early nineteenth century free from sectarian influence were of two kinds. One took the form of constitutional provisions and statutes adopted by a number of States forbidding appropriations from the public treasury for the support of religious instruction in any manner. See Moehlman, The Wall of Separation Between Church and State (1951), 132–135; Lardner, How Far Does the Constitution Separate Church and State?, 45 Am. Pol. Sci. Rev. 110, 122 (1951). The other took the form of measures directed against the use of sectarian reading and teaching materials in the schools. The texts used in the earliest public schools had been largely taken over from the private academies, and retained a strongly religious character and content. See Nichols, Religion and American Democracy (1959), 64–80; Kinney, Church and State, The Struggle for Separation in New Hampshire, 1630–1900 (1955), 150–153. In 1827, however, Massachusetts enacted a statute providing that school boards might not thereafter "direct any school books to be purchased or used in any of the schools . . . which are calculated to favor any particular religious sect or tenet." 2 Stokes, Church and State in the United States (1950), 53. For further discussion of the background of the Massachusetts law and difficulties in its early application, see Dunn, What Happened to Religious Education? (1958), c. IV. As other States followed the example of Massachusetts, the use of sectarian texts was in time as widely prohibited as the appropriation of public funds for religious instruction.

Concerning the evolution of the American public school systems free of sectarian influence, compare Mr. Justice Frankfurter's account:

"It is pertinent to remind that the establishment of this principle of Separation in the field of education was not due to any decline in the religious beliefs of the people. Horace Mann was a devout Christian, and the deep religious feeling of James Madison is stamped upon the Remonstrance. The secular public school did not imply indifference to the basic role of religion in the life of the people, nor rejection of religious education as a means of fostering it. The claims of religion were not minimized by refusing to make the public schools agencies for their assertion. The non-sectarian or secular public school was the means of reconciling freedom in general with religious freedom. The sharp confinement of the public schools to secular education was a recognition of the need of a democratic society to educate its children, insofar as the State undertook to do so, in an atmosphere free from pressures in a realm in which pressures are most resisted and where conflicts are most easily and most bitterly engendered." *Illinois ex rel. McCollum* v. *Board of Education*, 333 U.S. 203, 216.

[8] The comparative religious homogeneity of the United States at the time the Bill of Rights was adopted has been considered in Haller, The Puritan Background of the First Amendment, in Read, ed., The Constitution Reconsidered (1938), 131, 133–134; Beth, The American Theory of Church and State (1958), 74; Kinney, Church and State, The Struggle for Separation in New Hampshire, 1630–1900 (1955), 155–161. However, Madison suggested in the Fifty-first Federalist that the religious diversity which existed at the time of the Constitutional Convention constituted a source of strength for religious freedom, much as the multiplicity of economic and political interests enhanced the security of other civil rights. The Federalist (Cooke ed. 1961), 351–352.

[9] See Comment, The Power of Courts Over the Internal Affairs of Religious Groups, 43 Calif. L. Rev. 322 (1955); Comment, Judicial Intervention in Disputes Within Independent Church Bodies, 54 Mich. L. Rev. 102 (1955); Note, Judicial Intervention in Disputes Over the Use of Church Property, 75 Harv. L. Rev. 1142 (1962). Compare *Vidal* v. *Girard's Executors*, 2 How. 127. The principle of judicial nonintervention in essentially religious disputes appears to have been reflected in the decisions of several state courts declining to enforce essentially private agreements concerning the religious education and worship of children of separated or divorced parents. See, *e. g.*, *Hackett* v. *Hackett*, 78 Ohio Abs. 485, 150 N. E. 2d 431; *Stanton* v. *Stanton*, 213 Ga. 545, 100 S. E. 2d 289; Friedman, The Parental Right to Control the Religious Education of a Child, 29 Harv. L. Rev. 485 (1916); 72 Harv. L. Rev. 372 (1958); Note, 10 West. Res. L. Rev. 171 (1959).

Governmental nonintervention in religious affairs and institutions seems assured by Article 26 of the Constitution of India, which provides:

"Subject to public order, morality and health, every religious denomination or any sect thereof shall have the right—

"(a) to establish and maintain institutions for religious and charitable purposes;

"(b) to manage its own affairs in matters of religion;

"(c) to own and acquire movable and immovable property; and

"(d) to administer such property in accordance with law." See 1 Chaudhri, Constitutional Rights and Limitations (1955), 875. This Article does not, however, appear to have completely foreclosed judicial inquiry into the merits of intradenominational disputes. See Gledhill, Fundamental Rights in India (1955), 101–102.

[10] For a discussion of the difficulties inherent in the *Ballard* case, see *Kurland*, Religion and the Law (1962), 75–79. This Court eventually reversed the convictions on the quite unrelated ground that women had been systematically excluded from the jury, *Ballard* v. *United States*, 329 U.S. 187. For discussions of the difficulties in interpreting and applying the First Amendment so as to foster the objective of neutrality without hostility, see, *e.g.*, Katz, Freedom of Religion and State Neutrality, 20 U. of Chi. L. Rev. 426, 438 (1953); Kauper, Church, State and Freedom: A Review, 52 Mich. L. Rev. 829, 842 (1954). Compare, for an interesting apparent attempt to avoid the *Ballard* problem at the international level, Article 3 of the Multilateral Treaty between the United States and certain American Republics, which provides that extradition will not be granted, *inter alia*, when "the offense is . . . directed against religion." Blakely, American State Papers and Related Documents on Freedom in Religion (4th rev. ed. 1949), 316.

[11] See Kurland, Religion and the Law (1962), 32–34.

[12] Compare the treatment of an apparently very similar problem in Article 28 of the Constitution of India:

"(1) No religious instruction shall be provided in any educational institution wholly maintained out of State funds.

"(2) Nothing in clause (1) shall apply to an educational institution which is administered by the State but has been established under any endowment or trust which requires that religious instruction shall be imparted in such institution." 1 Chaudhri, Constitutional Rights and Limitations (1955), 875–876, 939.

[13] See Kurland, Religion and the Law (1962), 28–31; Fellman, Separation of Church and State in the United States: A Summary View, 1950 Wis. L. Rev. 427, 442.

[14] This distinction, implicit in the First Amendment, had been made explicit in the original Virginia Bill of Rights provision that "all men are equally entitled to the free exercise of religion, according to the dictates of conscience, unpunished and unrestrained by the magistrates, unless, under color of religion, any man disturb the peace and happiness or safety of society." See Cobb, The Rise of Religious Liberty in America (1902), 491. Concerning various legislative limitations and restraints upon religiously motivated behavior which endangers or offends society, see Manwaring, Render Unto Caesar: The Flag-Salute Controversy (1962), 41–52. Various courts have applied this principle to proscribe certain religious exercises or activities which were thought to threaten the safety or morals of the participants or the rest of the community, *e.g.*, *State* v. *Massey*, 229 N.C. 734, 51 S.E. 2d 179; *Harden* v. *State*, 188 Tenn. 17, 216 S.W. 708; *Lawson* v. *Commonwealth*, 291 Ky. 437, 164 S.W. 2d 972; cf. *Sweeney* v. *Webb*, 33 Tex. Civ. App. 324, 76 S.W. 766.

That the principle of these cases, and the distinction between belief and behavior, are susceptible of perverse application, may be suggested by Oliver Cromwell's mandate to the besieged Catholic community in Ireland:

"As to freedom of conscience, I meddle with no man's conscience; but if you mean by that, liberty to celebrate the Mass, I would have you understand that in no place where the power of the Parliament of England prevails shall that be permitted." Quoted in Hook, The Paradoxes of Freedom (1962), 23.

[15] With respect to the decision in *Hamilton* v. *Regents*, compare two recent comments: Kurland, Religion and the Law (1962), 40; and French, Comment, Unconstitutional Conditions: An Analysis, 50 Geo. L. J. 234, 246 (1961).

[16] See generally as to the background and history of the *Barnette* case, Manwaring, Render Unto Caesar: The Flag-Salute Controversy (1962), especially at 252–253. Compare, for the interesting treatment of a problem similar to that of *Barnette*, in a nonconstitutional context, *Chabot* v. *Les Commissaires D'Ecoles de Lamorandière*, [1957] Que. B. R. 707, noted in 4 McGill L. J. 268 (1958).

[17] See *Barron* v. *Baltimore*, 7 Pet. 243; *Permoli* v. *New Orleans*, 3 How. 589, 609; cf. Fox v. *Ohio*, 5 How. 410, 434–435; *Withers* v. *Buckley*, 20 How. 84, 89–91. As early as 1825, however, at least one commentator argued that the guarantees of the Bill of Rights, excepting only those of the First and Seventh Amendments, were meant to limit the powers of the States, Rawle, A View of the Constitution of the United States of America (1825), 120–130.

[18] In addition to the statement of this Court in *Meyer*, at least one state court assumed as early as 1921 that claims of abridgment of the free exercise of religion in the public schools must be tested under the guarantees of the First Amendment as well as those of the state constitution. *Hardwick* v. *Board of School Trustees*, 54 Cal. App. 696, 704–705, 205 P. 49, 52. See Louisell and Jackson, Religion, Theology, and Public Higher Education, 50 Cal. L. Rev. 751, 772 (1962). Even before the Fourteenth Amendment, New York State enacted a general common school law in 1844 which provided that no religious instruction should be given which could be construed to violate the rights of conscience "as secured by the constitution of this state and the United States." N.Y. Laws, 1944, c. 320, § 12.

[19] See, *e.g.*, Snee, Religious Disestablishment and the Fourteenth Amendment, 1954 Wash. U.L.Q. 371, 373–394; Kruse, The Historical Meaning and Judicial Construction of the Establishment of Religion Clause of the First Amendment, 2 Washburn L.J. 65, 84–85, 127–130 (1962); Katz, Religion and American Constitutions, Address at Northwestern University Law School, March 20, 1963, pp. 6–7. But see the debate in the Constitutional Convention over the question whether it was necessary or advisable to include among the enumerated powers of the Congress a power "to establish a University, in which no preferences or distinctions should be allowed on account of religion." At least one delegate thought such an explicit delegation "is not necessary," for "[t]he exclusive power at the Seat of Government, will reach the object." The proposal was defeated by only two votes. 2 Farrand, Records of the Federal Convention of 1787 (1911), 616.

[20] The last formal establishment, that of Massachusetts, was dissolved in 1833. The process of disestablishment in that and other States is described in Cobb, The Rise of Religious Liberty in America (1902), c. X; Sweet, The Story of Religion in America (1950), c. XIII. The greater relevance of conditions existing at the time of adoption of the Fourteenth Amendment is suggested in Note, State Sunday Laws and the Religious Guarantees of the Federal Constitution, 73 Harv. L. Rev. 729, 739, n. 79 (1960).

[21] See Corwin, A Constitution of Power in a Secular State (1951), 111–114; Fairman and Morrison, Does the Fourteenth Amendment Incorporate the Bill of Rights?, 2 Stan. L. Rev. 5 (1949); Meyer, Comment, The Blaine Amendment and the Bill of Rights, 64 Harv. L. Rev. 939 (1951); Howe, Religion and Race in Public Education, 8 Buffalo L. Rev. 242, 245–247 (1959). Cf. Cooley, Principles of Constitutional Law (2d ed. 1891), 213–214. Compare Professor Freund's comment:

"Looking back, it is hard to see how the Court could have done otherwise, how it could have persisted in accepting freedom of contract as a guaranteed liberty without giving equal status to freedom of press and speech, assembly, and religious observance. What does not seem so inevitable is the inclusion within the Fourteenth Amendment of the concept of nonestablishment of religion in the sense of forbidding nondiscriminatory aid to religion, where there is no interference with freedom of religious exercise." Freund, The Supreme Court of the United States (1961), 58–59.

[22] The Blaine Amendment, 4 Cong. Rec. 5580, included also a more explicit provision that "no money raised by taxation in any State for the support of public schools or derived from any public fund therefor, nor any public lands devoted thereto, shall ever

be under the control of any religious sect or denomination . . . ." The Amendment passed the House but failed to obtain the requisite two-thirds vote in the Senate. See 4 Cong. Rec. 5595. The prohibition which the Blaine Amendment would have engrafted onto the American Constitution has been incorporated in the constitutions of other nations; compare Article 28(1) of the Constitution of India ("No religious instruction shall be provided in any educational institution wholly maintained out of State funds"); Article XX of the Constitution of Japan (". . . the State and its organs shall refrain from religious education or any other religious activity.") See 1 Chaudhri, Constitutional Rights and Limitations (1955), 875, 876.

[23] Three years after the adoption of the Fourteenth Amendment, Mr. Justice Bradley wrote a letter expressing his views on a proposed constitutional amendment designed to acknowledge the dependence of the Nation upon God, and to recognize the Bible as the foundation of its laws and the supreme ruler of its conduct:

"I have never been able to see the necessity or expediency of the movement for obtaining such an amendment. The Constitution was evidently framed and adopted by the people of the United States with the fixed determination to allow absolute religious freedom and equality, and to avoid all appearance even of a State religion, or a State endorsement of any particular creed or religious sect. . . . And after the Constitution in its original form was adopted, the people made haste to secure an amendment that Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. This shows the earnest desire of our Revolutionary fathers that religion should be left to the free and voluntary action of the people themselves. I do not regard it as manifesting any hostility to religion, but as showing a fixed determination to leave the people entirely free on the subject.

"And it seems to me that our fathers were wise; that the great voluntary system of this country is quite as favorable to the promotion of real religion as the systems of governmental protection and patronage have been in other countries. And whilst I do not understand that the association which you represent desire to invoke any governmental interference, still the amendment sought is a step in that direction which our fathers (quite as good Christians as ourselves) thought it wise not to take. In this country they thought they had settled one thing at least, that it is not the province of government to teach theology.

". . . Religion, as the basis and support of civil government, must reside, not in the written Constitution, but in the people themselves. And we cannot legislate religion into the people. It must be infused by gentler and wiser methods." Miscellaneous Writings of Joseph P. Bradley (1901), 357–359.

For a later phase of the controversy over such a constitutional amendment as that which Justice Bradley opposed, see Finlator, Christ in Congress, 4 J. Church and State 205 (1962).

[24] There is no doubt that, whatever "establishment" may have meant to the Framers of the First Amendment in 1791, the draftsmen of the Fourteenth Amendment three quarters of a century later understood the Establishment Clause to foreclose many incidental forms of governmental aid to religion which fell far short of the creation or support of an official church. The Report of a Senate Committee as early as 1853, for example, contained this view of the Establishment Clause:

"If Congress has passed, or should pass, any law which, fairly construed, has in any degree introduced, or should attempt to introduce, in favor of any church, or ecclesiastical association, or system of religious faith, all or any one of these obnoxious particulars—endowment at the public expense, peculiar privileges to its members, or disadvantages or penalties upon those who should reject its doctrines or belong to other communions—such law would be a 'law respecting an establishment of religion,' and, therefore, in violation of the Constitution." S. Rep. No. 376, 32d Cong., 2d Sess. 1–2.

Compare Thomas M. Cooley's exposition in the year in which the Fourteenth Amendment was ratified:

"Those things which are not lawful under any of the American constitutions may be stated thus:—

"1. Any law respecting an establishment of religion. . . .

"2. Compulsory support, by taxation or otherwise, of religious instruction. Not only is no one denomination to be favored at the expense of the rest, but all support of religious instruction must be entirely voluntary." Cooley, Constitutional Limitations (1st ed. 1868), 469.

[25] Compare, *e.g.*, Miller, Roger Williams: His Contribution to the American Tradition (1953), 83; with Madison, Memorial and Remonstrance Against Religious Assessments, reprinted as an Appendix to the dissenting opinion of Mr. Justice Rutledge, *Everson* v. *Board of Education, supra,* at 63–72. See also Cahn, On Government and Prayer, 37 N.Y.U.L. Rev. 981, 982–985 (1962); Jefferson's Bill for Establishing Religious Freedom, in Padover, The Complete Jefferson (1943), 946–947; Moulton and Myers, Report on Appointing Chaplains to the Legislature of New York, in Blau, Cornerstones of Religious Freedom in America (1949), 141–156; Bury, A History of Freedom of Thought (2d ed. 1952), 75–76.

[26] See, *e.g.*, Spicer, The Supreme Court and Fundamental Freedoms (1959), 83–84; Kauper, Church, State and Freedom: A Review, 52 Mich. L. Rev. 829, 839 (1954); Reed, Church-State and the Zorach Case, 27 Notre Dame Lawyer 529, 539–541 (1952).

[27] See 343 U.S., at 321–322 (Frankfurter, J., dissenting); Kurland, Religion and the Law (1962), 89. I recognize that there is a question whether in *Zorach* the free exercise claims asserted were in fact proved. 343 U.S., at 311.

[28] Mr. Justice Frankfurter described the effects of the *McCollum* program thus:

"Religious education so conducted on school time and property is patently woven into the working scheme of the school. The Champaign arrangement thus presents powerful elements of inherent pressure by the school system in the interest of religious sects. . . . As a result, the public school system of Champaign actively furthers inculcation in the religious tenets of some faiths, and in the process sharpens the consciousness of religious differences at least among some of the children committed to its care." 333 U.S., at 227–228.

For similar reasons some state courts have enjoined the public schools from employing or accepting the services of members of religious orders, even in the teaching of secular subjects, *e.g., Zellers* v. *Huff*, 55 N. M. 501, 236 P. 2d 949; *Berghorn* v. *Reorganized School Dist. No. 8,* 364 Mo. 121, 260 S. W. 2d 573; compare ruling of Texas Commissioner of Education, Jan. 25, 1961, in 63 American Jewish Yearbook (1962), 188. Over a half century ago a New York court sustained a school board's exclusion from the public schools of teachers wearing religious garb on similar grounds:

"Then all through the school hours these teachers . . . were before the children as object lessons of the order and church of which they were members. It is within our common observation that young children . . . are very susceptible to the influence of their teachers and of the kind of object lessons continually before them in schools conducted under these circumstances and with these surroundings." *O'Connor* v. *Hendrick,* 109 App. Div. 361, 371–372, 96 N. Y. Supp. 161, 169. See also *Commonwealth* v. *Herr,* 229 Pa. 132, 78 A. 68; Comment, Religious Garb in the Public Schools—A Study in Conflicting Liberties, 22 U. of Chi. L. Rev. 888 (1955).

Also apposite are decisions of several courts which have enjoined the use of parochial schools as part of the public school system, *Harfst* v. *Hoegen,* 349 Mo. 808, 613 S. W. 2d 609; or have invalidated programs for the distribution in public school classrooms of Gideon Bibles, *Brown* v. *Orange County Board of Public Instruction,* 128 So. 2d 181 (Fla. App.); *Tudor* v. *Board of Education,* 14 N. J. 31, 100 A. 2d 857. See Note, The First Amendment and Distribution of Religious Literature in the Public Schools, 41 Va. L. Rev. 789, 803–806 (1955). In *Tudor,* the court stressed the role of the public schools in the Bible program:

". . . the public school machinery is used to bring about the distribution of these Bibles to the children . . . . In the eyes of the pupils and their parents the board of education has placed its stamp of approval upon this distribution and, in fact, upon the Gideon Bible itself. . . . This is more than mere 'accommodation' of religion permitted in the Zorach case. The school's part in this distribution is an active one and cannot be sustained on the basis of a mere assistance to religion." 14 N. J., at 51–52, 100 A. 2d, at 868.

The significance of the teacher's authority was recognized by one early state court decision:

"The school being in session, the right to command was vested in the teacher, and the duty of obedience imposed upon the pupils. Under such circumstances a request and a command have the same meaning. A request from one in authority is understood to be a mere euphemism. It is in fact a command in an inoffensive form." *State ex rel. Freeman* v. *Scheve,* 65 Neb. 876, 880, 93 N. W. 169, 170.

[29] See for other illustrations of the principle that where First Amendment freedoms are or may be affected, government must employ those means which will least inhibit the exercise of constitutional liberties, *Lovell* v. *Griffin,* 303 U.S. 444; *Schneider* v. *State,* 308 U.S. 147, 161; *Martin* v. *Struthers,* 319 U.S. 141; *Saia* v. *New York*, 334 U.S. 558; *Shelton* v. *Tucker,* 364 U.S. 479, 488–489; *Bantam Books, Inc.,* v. *Sullivan,* 372 U.S. 58, 66, 69–71. See also Note, State Sunday Laws and the Religious Guarantees of the Federal Constitution, 73 Harv. L. Rev. 729, 743–745 (1960); Freund, The Supreme Court of the United States (1961), 86–87; 74 Harv. L. Rev. 613 (1961). And compare *Miller* v. *Cooper,* 56 N. M. 355, 244 P. 2d 520 (1952), in which a state court permitted the holding of public school commencement exercises in a church building only because no public buildings in the community were adequate to accommodate the ceremony.

[30] No question has been raised in these cases concerning the standing of these parents to challenge the religious practices conducted in the schools which their children presently attend. Whatever authority *Doremus* v. *Board of Education,* 342 U.S. 429, might have on the question of the standing of one not the parent of children affected by the challenged exercises is not before us in these cases. Neither in *McCollum* nor in *Zorach* was there any reason to question the standing of the parent-plaintiffs under settled principles of justiciability and jurisdiction, whether or not their complaints alleged pecuniary loss or monetary injury. The free-exercise claims of the parents alleged injury sufficient to give them standing. If, however, the gravamen of the lawsuit were exclusively one of establishment, it might seem illogical to confer standing upon a parent who—though he is concededly in the best position to assert a free-exercise claim—suffers no financial injury, by reason of being a parent, different from that of the ordinary

taxpayer, whose standing may be open to question. See Sutherland, Establishment According to *Engel*, 76 Harv. L. Rev. 25, 41–43 (1962). I would suggest several answers to this conceptual difficulty. First, the parent is surely the person most directly and immediately concerned about and affected by the challenged establishment, and to deny him standing either in his own right or on behalf of his child might effectively foreclose judicial inquiry into serious breaches of the prohibitions of the First Amendment—even though no special monetary injury could be shown. See *Schempp* v. *School District of Abington Township*, 177 F. Supp. 398, 407; Kurland, The Regents' Prayer Case: "Full of Sound and Fury, Signifying . . . ," 1962 Supreme Court Review 1, 22. Second, the complaint in every case thus far challenging an establishment has set forth at least a colorable claim of infringement of free exercise. When the complaint includes both claims, and neither is frivolous, it would surely be over-technical to say that a parent who does not detail the monetary cost of the exercises to him may ask the court to pass only upon the free-exercise claim, however logically the two may be related. Cf. *Pierce* v. *Society of Sisters, supra; Truax* v. *Raich*, 239 U.S. 33, 38–39; *NAACP* v. *Alabama ex rel. Patterson*, 357 U.S. 449, 458–460; *Bell* v. *Hood*, 327 U.S. 678; *Bantam Books, Inc.*, v. *Sullivan*, 372 U.S. 58, 64, n. 6. Finally, the concept of standing is a necessarily flexible one, designed principally to ensure that the plaintiffs have "such a personal stake in the outcome of the controversy as to assure that concrete adverseness which sharpens the presentation of issues upon which the court so largely depends for illumination of difficult constitutional questions . . ." *Baker* v. *Carr*, 369 U.S. 186, 204. It seems to me that even a cursory examination of the complaints in these two cases and the opinions below discloses that these parents have very real grievances against the respective school authorities which cannot be resolved short of constitutional adjudication. See generally Arthur Garfield Hays Civil Liberties Conference: Public Aid to Parochial Schools and Standing to Bring Suit, 12 Buffalo L. Rev. 35 (1962); Jaffee, Standing to Secure Judicial Review: Public Actions, 74 Harv. L. Rev. 1265 (1961); Sutherland, Due Process and Disestablishment, 62 Harv. L. Rev. 1306, 1327–1332 (1949); Comment, The Supreme Court, the First Amendment, and Religion in the Public Schools, 63 Col. L. Rev 73, 94, in 1953 (1963).

[31] Quoted in Dunn, What Happened to Religious Education? (1958), 21.

[32] Quoted, *id.*, at 22.

[33] Quoted in Hartford, Moral Values in Public Education: Lessons From the Kentucky Experience (1958), 31.

[34] See Culver, Horace Mann and Religion in the Massachusetts Public Schools (1929), for an account of one prominent educator's efforts to satisfy both the protests of those who opposed continuation of sectarian lessons and exercises in public schools, and the demands of those who insisted upon the retention of some essentially religious practices. Mann's continued use of the Bible for what he regarded as nonsectarian exercises represented his response to these cross-pressures. See Mann, Religious Education, in Blau, Cornerstones of Religious Freedom in America (1949), 163–201 (from the Twelfth Annual Report for 1848 of the Secretary of the Board of Education of Massachusetts). See also Boles, The Bible, Religion, and the Public Schools (1961), 22–27.

[35] See 2 Stokes, Church and State in the United States (1950), 572–579; Greene, Religion and the State: The Making and Testing of an American Tradition (1941), 122–126.

[36] *E. g.*, Ala. Code, Tit. 52, § 542; Del. Code Ann., Tit. 14, §§ 4101–4102; Fla. Stat. Ann. § 231.09(2); Mass. Ann. Laws, c. 71, § 31; Tenn. Code Ann. § 49–1307 (4). Some statutes, like the recently amended Pennsylvania statute involved in *Schempp*, provide for the excusal or exemption of children whose parents do not wish them to participate. See generally Johnson and Yost, Separation of Church and State in the United States (1948), 33–36; Thayer, The Role of the School in American Society (1960); 374–375; Beth, The American Theory of Church and State (1958), 106–107. Compare with the American statutory approach Article 28 (3) of the Constitution of India:

"(3) No person attending any educational institution recognized by the State or receiving aid out of State funds shall be required to take part in any religious instruction that may be imparted in such institution or to attend any religious worship that may be conducted in such institution or in any premises attached thereto unless such person or, if such person is a minor, his guardian has given his consent thereto." See 1 Chaudhri, Constitutional Rights and Limitations (1955), 876, 939.

[37] See note 34, *supra*.

[38] Quoted from New Hampshire School Reports, 1850, 31–32, in Kinney, Church and State: The Struggle for Separation in New Hampshire, 1630–1900 (1955), 157–158.

[39] Quoted in Boyer, Religious Education of Public School Pupils in Wisconsin, 1953 Wis. L. Rev. 181, 185.

[40] Quoted in Dunn, What Happened to Religious Education? (1958), 271.

[41] Quoted in Butts, The American Tradition in Religion and Education (1950), 135–136.

[42] See *Board of Education* v. *Minor*, 23 Ohio St. 211; Blakely, American State Papers and Related Documents on Freedom in Religion (4th rev. ed. 1949), 864.

[43] Report of the United States Commissioner of Education for the Year 1888–1889, part I, H.R. Exec. Doc No. 1, part 5, 51st Cong., 1st Sess. 627.

[44] Quoted in *Illinois ex rel. McCollum* v. *Board of Education, supra*, at 218 (opinion of Frankfurter, J.). See also President Grant's Annual Message to Congress, Dec. 7, 1875, 4 Cong. Rec. 175 *et seq.*, which apparently inspired the drafting and submission of the Blaine Amendment. See Meyer, Comment, The Blaine Amendment and the Bill of Rights, 64 Harv. L. Rev. 939 (1951).

[45] Theodore Roosevelt to Michael A. Schaap, Feb. 22, 1915, 8 Letters of Theodore Roosevelt (Morrison ed. 1954), 893.

[46] Quoted in Boles, The Bible, Religion, and the Public Schools (1961), 238.

[47] *E. g.*, 26 Ore. Op. Atty. Gen. 46 (1952); 25 Cal. Op. Atty. Gen. 316 (1955); 1948–1950 Nev. Atty. Gen. Rep. 69 (1948). For a 1961 opinion of the Attorney General of Michigan to the same effect, see 63 American Jewish Yearbook (1962) 189 In addition to the Governor of Ohio, see note 46, *supra*, a Governor of Arizona vetoed a proposed law which would have permitted "reading the Bible, without comment, except to teach Historical or Literary facts." See 2 Stokes, Church and State in the United States (1950), 568.

[48] See Johnson and Yost, Separation of Church and State in the United States (1948), 71; Note, Bible Reading in Public Schools, 9 Vand. L. Rev. 849, 851 (1956).

[49] *E.g., Spiller* v. *Inhabitants of Woburn*, 12 Allen (Mass.) 127 (1866); *Donahoe* v. *Richards*, 38 Maine 376, 413 (1854); cf. *Ferriter* v. *Tyler*, 48 Vt. 444, 471–472 (1876).

[50] *Board of Education* v. *Minor*, 23 Ohio St. 211 (1873).

[51] *People ex rel. Ring.* v. *Board of Education*, 245 Ill. 334, 92 N. E. 251 (1910); *Herold* v. *Parish Board of School Directors*, 136 La. 1034, 68 So. 116 (1915); *State ex rel. Weiss* v. *District Board*, 76 Wis. 177, 44 N. W. 967 (1890); *State ex rel. Finger* v. *Weedman*, 55 S. D. 343, 226 N. W. 348 (1929); *State ex rel. Dearle* v. *Frazier*, 102 Wash. 369, 173 P. 35 (1918); cf. *State ex rel. Clithero* v. *Showalter*, 159 Wash. 519, 293 P. 1000 (1930); *State ex rel. Freeman* v. *Scheve*, 65 Neb. 853, 91 N. W. 846 (1902), modified, 65 Neb. 876, 93 N. W. 169 (1903). The cases are discussed in Boles, The Bible, Religion, and the Public Schools (1961), c. IV; Harrison, The Bible, the Constitution and Public Education, 29 Tenn. L. Rev. 363, 386–389 (1962).

[52] *Moore* v. *Monroe*, 64 Iowa 367, 20 N.W. 475 (1884); *Hackett* v. *Brooksville Graded School District*, 120 Ky. 608, 87 S.W. 792 (1905); *Billard* v. *Board of Education*, 69 Kan. 53, 76 P. 422 (1904); *Pfeiffer* v. *Board of Education*, 118 Mich. 560, 77 N.W. 250 (1898); *Kaplan* v. *School District*, 171 Minn. 142, 214 N.W. 18 (1927); *Lewis* v. *Board of Education*, 157 Misc. 520, 285 N.Y. Supp. 164 (Sup. Ct. 1935), modified on other grounds, 247 App. Div. 106, 286 N.Y. Supp. 174 (1936), appeal dismissed, 276 N.Y. 490, 12 N.E. 2d 172 (1937); *Doremus* v. *Board of Education*, 5 N.J. 435, 75 A. 2d 880 (1950), appeal dismissed, 342 U.S. 429; *Church* v. *Bullock*, 104 Tex. 1, 109 S.W. 115 (1908); *People ex rel. Vollmar* v. *Stanley*, 81 Colo. 276, 255 P. 610 (1927); *Wilkerson* v. *City of Rome*, 152 Ga. 762, 110 S.E. 895 (1922); *Carden* v. *Bland*, 199 Tenn. 665, 288 S.W. 2d 718 (1956); *Chamberlin* v. *Dade County of Public Instruction*, 143 So. 2d 21 (Fla. 1962).

[53] For discussion of the constitutional and statutory provisions involved in the state cases which sustained devotional exercises in the public schools, see Boles, The Bible, Religion, and the Public Schools (1961), c. III; Harrison, The Bible, the Constitution and Public Education, 29 Tenn. L. Rev. 363, 381–385 (1962); Fellman, Separation of Church and State in the United States: A Summary View, 1950 Wis. L. Rev. 427, 450–452; Note, Bible Reading in Public Schools, 9 Vand. L. Rev. 849, 854–859 (1956); Note, Nineteenth Century Judicial Thought Concerning Church-State Relations, 40 Minn. L. Rev. 672, 675–678 (1956). State courts appear to have been increasingly influenced in sustaining devotional practices by the availability of an excuse or exemption for dissenting students. See Cushman, The Holy Bible and the Public Schools, 40 Cornell L. Q. 475, 477 (1955); 13 Vand. L. Rev. 552 (1960).

[54] See Rosenfield, Separation of Church and State in the Public Schools, 22 U. of Pitt. L. Rev. 561, 571–572 (1961); Harrison, The Bible, the Constitution and Public Education, 29 Tenn. L. Rev. 363, 399–400 (1962); 30 Ford. L. Rev. 801, 803 (1962); 45 Va. L. Rev. 1381 (1959). The essentially religious character of the materials used in these exercises is, in fact, strongly suggested by the presence of excusal or exemption provisions, and by the practice of rotating or alternating the use of different prayers and versions of the Holy Bible.

[55] In the *Billard* case, the teacher whose use of the Lord's Prayer and the Twenty-third Psalm was before the court, testified that the exercise served disciplinary rather than spiritual purposes:

"It is necessary to have some general exercise after the children come in from the playground to prepare them for their work. You need some exercise to quiet them down."

When asked again if the purpose were not at least partially religious, the teacher replied, "[i]t was religious to the children that are religious, and to the others it was not." 69 Kan., at 57–58, 76 P., at 423.

[56] See, *e. g.*, Henry, The Place of Religion in Public Schools (1950); Martin, Our Public Schools—Christian or Secular (1952); Educational Policies Comm'n of the National Educational Assn., Moral and Spiritual Values in the Public Schools (1951), c. IV; Harner, Religion's Place in General Education (1949). Educators are by no means unanimous, however, on this question. See Boles, The Bible, Religion, and the Public Schools (1961), 223–224. Compare George Washington's advice in his Farewell Address:

"And let us with caution indulge the supposition, that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that National morality can prevail in exclusion of religious principle." 35 Writings of George Washington (Fitzpatrick ed. 1940), 229.

[57] Thomas Jefferson's insistence that where the judgments of young children "are not sufficiently matured for religious inquiries, their memories may here be stored with the most useful facts from Grecian, Roman, European and American history," 2 Writings of Thomas Jefferson (Memorial ed. 1903), 204, is relevant here. Recent proposals have explored the possibility of commencing the school day "with a quiet moment that would still the tumult of the playground and start a day of study," Editorial, Washington Post, June 28, 1962, § A, p. 22, col. 2. See also New York Times, Aug. 30, 1962, § 1, p. 18, col. 2. For a consideration of these and other alternative proposals see Choper, Religion in the Public Schools: A Proposed Constitutional Standard, 47 Minn. L. Rev. 329, 370–371 (1963). See also 2 Stokes, Church and State in the United States (1950), 571.

[58] The history, as it bears particularly upon the role of sectarian differences concerning Biblical texts and interpretation, has been summarized in *Tudor* v. *Board of Education,* 14 N.J. 31, 36–44, 100 A. 2d 857, 859–864. See also *State ex rel. Weiss* v. *District Board,* 76 Wis. 177, 190–193, 44 N. W. 967, 972–975. One state court adverted to these differences a half century ago:

"The Bible, in its entirety, is a sectarian book as to the Jew and every believer in any religion other than the Christian religion, and as to those who are heretical or who hold beliefs that are not regarded as orthodox . . . its use in the schools necessarily results in sectarian instruction. There are many sects of Christians, and their differences grow out of their differing constructions of various parts of the Scriptures—the different conclusions drawn as to the effect of the same words. The portions of Scripture which form the basis of these sectarian differences cannot be thoughtfully and intelligently read without impressing the reader, favorably or otherwise with reference to the doctrines supposed to be derived from them." *People ex rel. Ring* v. *Board of Education*, 245 Ill. 334, 347–348, 92 N. E. 251, 255. But see, for a sharply critical comment, Schofield, Religious Liberty and Bible Reading in Illinois Public Schools, 6 Ill. L. Rev. 17 (1911).

See also Dunn, What Happened to Religious Education? (1958), 268–273; Dawson, America's Way in Church, State, and Society (1953), 53–54; Johnson and Yost, Separation of Church and State in the United States (1948), c. IV; Harpster, Religion, Education and the Law, 36 Marquette L. Rev. 24, 44–45 (1952); 20 Ohio State L. J. 701, 702–703 (1959).

[59] See *Torcaso* v. *Watkins, supra,* at 495, n. 11; Cushman, The Holy Bible and the Public Schools, 40 Cornell L. Q. 475, 480–483 (1955); Note, Separation of Church and State: Religious Exercises in the Schools, 31 U. of Cinc. L. Rev. 408, 411–412 (1962). Few religious persons today would share the universality of the Biblical canons of John Quincy Adams:

"You ask me *what* Bible I take as the standard of my faith—the Hebrew, the Samaritan, the old English translation, or what? I answer, the Bible containing the sermon upon the mount—any Bible that I can read and understand. . . . I take any one of them for my standard of faith. If Socinus or Priestley had made a fair *translation* of the Bible, I would have taken that, but without their comments," John Quincy Adams to John Adams, Jan. 3, 1817, in Koch and Peden, Selected writings of John and John Quincy Adams (1946), 292.

[60] Rabbi Solomon Grayzel testified before the District Court, "In Judaism the Bible is not read, it is studied. There is no special virtue attached to a mere reading of the Bible; there is a great deal of virtue attached to a study of the Bible." See Boles, The Bible, Religion, and the Public Schools (1961), 208–218; Choper, Religion in the Public Schools: A Proposed Constitutional Standard, 47 Minn. L. Rev. 329, 372–375 (1963). One religious periodical has suggested the danger that "an observance of this sort is likely to deteriorate quickly into an empty formality with little if any significance. Prescribed forms of this sort, as many colleges have concluded after years of compulsory chapel attendance, can actually work against the inculcation of vital religion." Prayer in the Public School Opposed, 69 Christian Century, Jan. 9, 1952, p. 35.

[61] See Cahn, On Government and Prayer, 37 N. Y. U. L. Rev. 981, 993–994 (1962). A leading Protestant journal recently noted:

"Agitation for removal of religious practices in public schools is not prompted or supported entirely by Jews, humanists, and atheists. At both local and national levels, many Christian leaders, concerned both for civil rights of minorities and for adequate religious education, are opposed to religious exercises in public schools. . . . Many persons, both Jews and Christians, believe that prayer and Bible reading are too sacred to be permitted in public schools in spite of their possible moral value." Smith, The Religious Crisis In Our Schools, 128 The Episcopalian, May 1963, pp. 12–13. See, *e. g.,* for other recent statements on this question, Editorial, Amending the Amendment, 108 America, May 25, 1963, p. 736; Sissel, A Christian View: Behind the Fight Against School Prayer, 27 Look, June 18, 1963, p. 25.

It should be unnecessary to demonstrate that the Lord's Prayer, more clearly than the Regents' Prayer involved in *Engel* v. *Vitale,* is an essentially Christian supplication. See, *e. g.,* Scott, The Lord's Prayer: Its Character, Purpose, and Interpretation (1951), 55; Buttrick, So We Believe, So We Pray (1951), 142; Levy, Lord's Prayer, in 7 Universal Jewish Encyclopedia (1948), 193.

[62] Statement of the Baptist Joint Committee on Public Affairs, in 4 J. Church and State 144 (1962).

[63] See Harrison, The Bible, the Constitution and Public Education, 29 Tenn. L. Rev. 363, 397 (1962). The application of statutes and regulations which forbid comment on scriptural passages is further complicated by the view of certain religious groups that reading without comment is either meaningless or actually offensive. Compare Rabbi Grayzel's testimony before the District Court that "the Bible is misunderstood when it is taken without explanation." A recent survey of the attitudes of certain teachers disclosed concern that "refusal to answer pupil questions regarding any curricular activity is not educationally sound," and that reading without comment might create in the minds of the pupils the impression that something was "hidden or wrong." Boles, The Bible, Religion, and the Public Schools (1961), 235–236. Compare the comment of a foreign observer: "In no other field of learning would we expect a child to draw the full meaning from what he reads without explanatory comment. But comment by the teacher will inevitably reveal his own personal preferences; and the exhibition of preferences is what we are seeking to eliminate." MacKinnon, Freedom?—or Toleration?, The Problem of Church and State in the United States, [1959] Pub. Law 374, 383.

[64] See Abbott, A Common Bible Reader for Public Schools, 56 Religious Education 20 (1961); Note, 22 Albany L. Rev. 156–157 (1958); 2 Stokes, Church and State in the United States (1950), 501–506 (describing the "common denominator" or "three faiths" plan and certain programs of instruction designed to implement the "common core" approach). The attempts to evolve a universal, nondenominational prayer are by no means novel. See, *e.g.,* Madison's letter to Edward Everett, March 19, 1823, commenting upon a "project of a prayer . . . intended to comprehend & conciliate college students of every [Christ]ian denomination, by a Form composed wholle of texts & phrases of scripture." 9 Writings of James Madison (Hunt ed. 1910), 126. For a fuller description of this and other attempts to fashion a "common core" or nonsectarian exercise, see *Engel* v. *Vitale,* 18 Misc. 2d 659, 660–662, 191 N.Y.S. 2d 453, 459–460.

[65] See the policy statement recently drafted by the National Council of the Churches of Christ: ". . . neither true religion nor good education is dependent upon the devotional use of the Bible in the public school program. . . . Apart from the constitutional questions involved, attempts to establish a 'common core' of religious beliefs to be taught in public schools for the purpose of indoctrination are unrealistic and unwise. Major faith groups have not agreed on a formulation of religious beliefs common to all. Even if they had done so, such a body of religious doctrine would tend to become a substitute for the more demanding commitments of historic faiths." Washington Post, May 25, 1963, § A, p. 1, col. 4. See also Choper, Religion in the Public Schools: A Proposed Constitutional Standard, 47 Minn. L. Rev. 329, 341, 368–369 (1963). See also Hartford, Moral Values in Public Education: Lessons from the Kentucky Experience (1958), 261–262; Moehlman, The Wall of Separation Between Church and State (1951), 158–159. Cf. Mosk, "Establishment Clause" Clarified, 22 Law in Transition 231, 235–236 (1963).

[66] Quoted in Kurland, The Regents' Prayer Case: "Full of Sound and Fury, Signifying . . .", 1962 Supreme Court review (1962), 31.

[67] Quoted in Harrison, The Bible, the Constitution and Public Education, 29 Tenn. L. Rev. 363, 417 (1962). See also Dawson, America's Way in Church, State, and Society (1953), 54.

[68] See the testimony of Edward L. Schempp, the father of the children in the Abington schools and plaintiffs-appellee in No. 142, concerning his reasons for not asking that his children be excused from the morning exercises after excusal was made available through amendment of the statute:

"We originally objected to our children being exposed to the reading of the King James version of the Bible . . . and under those conditions we would have theoretically liked to have had the children excused. But we felt that the penalty of having our children labelled as 'odd balls' before their teachers and classmates every day in the year was even less satisfactory than the other problem. . . .

"The children, the classmates of Roger and Donna are very liable to label and lump all particular religious difference or religious objections as atheism, particularly, today the word 'atheism' is so often tied to atheistic communism, and atheism has very bad connotations in the minds of children and many adults today."

A recent opinion of the Attorney General of California gave as one reason for finding devotional exercises unconstitutional the likelihood that "[c]hildren forced by conscience to leave the room during such exercises would be placed in a position inferior to that of students adhering to the State-endorsed religion." 25 Cal. Op. Atty. Gen. 316, 319 (1955). Other views on this question, and possible effects of the excusal procedure, are summarized in Rosenfield, Separation of Church and State in the Public Schools, 22 U. of Pitt. L. Rev. 561, 581–585 (1961); Note, Separation of Church and State: Religious

Exercises in the Schools, 31 U. of Cinc. L. Rev. 408, 416 (1962); Note, 62 W. Va. L. Rev. 353, 358 (1960).

[69] Extensive testimony by behavioral scientists concerning the effect of similar practices upon children's attitudes and behaviors is discussed in *Tudor* v. *Board of Education*, 14 N. J. 31, 50–52, 100 A. 2d 857, 867–868. See also Choper, Religion in the Public Schools: A proposed Constitutional Standard, 47 Minn. L. Rev. 329, 344 (1963). There appears to be no reported experiments which bear directly upon the question under consideration. There have, however, been numerous experiments which indicate the susceptibility of school children to peer-group pressures, especially where important group norms and values are involved. See *e.g.*, Berenda, The Influence of the Group on the Judgments of Children (1950), 26–33; Argyle, Social Pressure in Public and Private Situations, 54 J. Abnormal & Social Psych. 172 (1957); cf. Rhine, The Effect of Peer Group Influence Upon Concept-Attitude Development and Change, 51 J. Social Psych. 173 (1960); French, Morrison and Levinger, Coercive Power and Forces Affecting Conformity, 61 J. Abnormal and Social Psych. 93 (1960). For a recent and important experimental study of the susceptibility of students to various factors in the school environment, see Zander, Curtis and Rosenfeld, The Influence of Teachers and Peers on Aspirations of Youth (U.S. Office of Education Cooperative Research Project No. 451, 1961), 24–25, 78–79. It is also apparent that the susceptibility of school children to prestige suggestion and social influence within the school environment varies inversely with the age, grade level, and consequent degree of sophistication, of the child, see Patel and Gordon, Some Personal and Situational Determinants of Yielding to Influence, 61 J. Abnormal and Social Psych. 411, 417 (1960).

Experimental findings also shed some light upon the probable effectiveness of a provision for excusal when, as is usually the case, the percentage of the class wishing not to participate in the exercises is very small. It has been demonstrated, for example, that the inclination even of adults to depart or dissent overtly from strong group norms varies proportionately with the size of the dissenting group—that is, inversely with the apparent or perceived strength of the norm itself—and is markedly slighter in the case of the sole or isolated dissenter. See *e.g.*, Asch, Studies of Independence and Conformity: I. A Minority of One Against a Unanimous Majority (Psych. Monographs No. 416, 1956), 69–70; Asch, Effects of Group Pressure upon the Modification and Distortion of Judgments, in Cartwright and Zander, Group Dynamics (2d ed. 1960), 189–199; Luchins and Luchins, On Conformity With True and False Communications, 42 J. Social Psych. 283 (1955). Recent important findings on these questions are summarized in Hare, Handbook of Small Group Research (1962), c. II.

[70] See, on the general problem of conflict and accommodation between the two clauses, Katz, Freedom of Religion and State Neutrality, 20 U. of Chi. L. Rev. 426, 429 (1953); Griswold, Absolute Is In the Dark, 8 Utah L. Rev. 167, 176–179 (1963); Kauper, Church, State and Freedom: A Review, 52 Mich. L. Rev. 829, 833 (1954). One author has suggested that the Establishment and Free Exercise Clauses must be "read as stating a single precept: that government cannot utilize religion as a standard for action or inaction because these clauses, read together as they should be, prohibit classification in terms of religion either to confer a benefit or to impose a burden." Kurland, Religion and the Law (1962), 112. Compare the formula of accommodation embodied in the Australian Constitution, § 116:

"The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth." Essays on the Australian Constitution (Else-Mitchell ed. 1961), 15.

[71] There has been much difference of opinion throughout American history concerning the advisability of furnishing chaplains at government expense. Compare, *e.g.*, Washington's order regarding chaplains for the Continental Army, July 9, 1776, in 5 Writings of George Washington (Fitzpatrick ed. 1932), 244, with Madison's views on a very similar question, letter to Edward Livingston, July 10, 1822, 9 Writings of James Madison (Hunt ed. 1910), 100–103. Compare also this statement by the Armed Forces Chaplains Board concerning the chaplain's obligation:

"To us has been entrusted the spiritual and moral guidance of the young men and women in the Armed Services of this Country. A chaplain has many duties—yet, first and foremost is that of presenting God to men and women wearing the military uniform. What happens to them while they are in military service has a profound effect on what happens in the community as they resume civilian life. We, as chaplains, must take full cognizance of that fact, and dedicate our work to making them finer, spiritually strengthened citizens." Builders of Faith (U. S. Department of Defense 1955), ii. It is interesting to compare in this regard an express provision, Article 140, of the Weimar Constitution: "Necessary free time shall be accorded to the members of the armed forces for the fulfillment of their religious duties." McBain and Rogers, The New Constitutions of Europe (1922), 203.

[72] For a discussion of some recent and difficult problems in connection with chaplains and religious exercises in prisons, see, *e.g.*, *Pierce* v. *La Vallee*, 293 F. 2d 233; *In re Ferguson*, 55 Cal. 2d 663, 361 P. 2d 417; *McBride* v. *McCorkle*, 44 N. J. Super. 468, 130 A. 2d 881; *Brown* v. *McGinnis*, 10 N. Y. 2d 531, 180 N. E. 2d 791; discussed in Comment, 62 Col. L. Rev. 1488 (1962); 75 Harv. L. Rev. 837 (1962). Compare Article XVIII of the Hague Convention of 1899:

"Prisoners of war shall enjoy every latitude in the exercise of their religion, including attendance at their own church services, provided only they comply with the regulations for order and police issued by the military authorities." Quoted in Blakely, American State Papers and Related Documents on Freedom in Religion (4th rev. ed. 1949), 313.

[73] Compare generally Sibley and Jacob, Conscription of Conscience: The American State and the Conscientious Objector, 1940–1947 (1952), with Conklin, Conscientious Objector Provisions: A View in the Light of *Torcaso* v. *Watkins*, 51 Geo. L. J. 252 (1963).

[74] See, *e.g.*, *Southside Estates Baptist Church* v. *Board of Trustees*, 115 So. 2d 697 (Fla.); *Lewis* v. *Mandeville*, 200 Misc. 718, 107 N. Y. S. 2d 856; cf. *School District No. 97* v. *Schmidt*, 128 Colo. 495, 263 P. 2d 581 (temporary loan of school district's custodian to church). A different problem may be presented with respect to the regular use of public school property for religious activities, *State ex rel. Gilbert* v. *Dilley*, 95 Neb. 527, 145 N. W. 999; the erection on public property of a statue of or memorial to an essentially religious figure, *State ex rel. Singelman* v. *Morrison*, 57 So. 2d 238 (La. App.); seasonal displays of a religious character, *Baer* v. *Kolmorgen*, 14 Misc. 2d 1015, 181 N. Y. S. 2d 230; or the performance on public property of a drama or opera based on religious material or carrying a religious message, cf. *County of Los Angeles* v. *Hollinger*, 200 Cal. App. 2d 877, 19 Cal. Rptr. 648.

[75] Compare Moulton and Myers, Report on Appointing Chaplains to the Legislature of New York, in Blau, Cornestones of Religious Freedom in America (1949), 141–156; Comment, 63 Col. L. Rev. 73, 97 (1963).

[76] A comprehensive survey of the problems raised concerning the role of religion in the secular curriculum is contained in Brown, ed., The Study of Religion in the Public Schools: An Appraisal (1958). See also Katz, Religion and American Constitutions, Lecture at Northwestern Universitiy Law School, March 21, 1963, pp. 37–41; Educational Policies Comm'n of the National Education Assn., Moral and Spiritual Values in the Public Schools (1951), 49–80. Compare, for a consideration of similar problems in state-supported colleges and universities, Louisell and Jackson, Religion, Theology, and Public Higher Education, 50 Cal. L. Rev. 751 (1962).

[77] See generally Torpey, Judicial Doctrines of Religious Rights in America (1948), c. VI; Van Alstyne, Tax Exemption of Church Property, 20 Ohio State L. J. 461 (1959); Sutherland, Due Process and Disestablishment, 62 Harv. L. Rev. 1306, 1336–1938 (949); Louisell and Jackson, Religion, Theology, and Public Higher Education, 50 Cal. L. Rev. 751, 773–780 (1962); 7 De Paul L. Rev. 206 (1958); 58 Col. L. Rev. 417 (1958); 9 Stan. L. Rev. 366 (1957).

[78] See, *e.g.*, *Washington Ethical Society* x. *District of Columbia*, 101 U.S. App. D.C. 371, 249 F. 2d 1227; *Fellowship of Humanity* v. *County of Alameda*, 153 Cal. App. 2d 673, 315 P. 2d 394.

[Supreme Court of the United States—Nos. 142 and 119—October Term, 1962]

SCHOOL DISTRICT OF ABINGTON TOWNSHIP, PENNSYLVANIA, ET AL., APPELLANTS (142) *v.* EDWARD LEWIS SCHEMPP ET AL.

(On Appeal From the United States District Court for the Eastern District of Pennsylvania)

WILLIAM J. MURRAY III, ETC., ET AL., PETITIONERS (119) v. JOHN N. CURLETT, PRESIDENT, ET AL., INDIVIDUALLY, AND CONSTITUTING THE BOARD OF SCHOOL COMMISSIONERS OF BALTIMORE CITY

(On Writ of Certiorari to the Court of Appeals of Maryland)

JUNE 17, 1963

Mr. JUSTICE GOLDBERG, with whom Mr. JUSTICE HARLAN joins, concurring.

As is apparent from the opinions filed today, delineation of the constitutionally permissible relationship between religion and government is a most difficult and sensitive task, calling for the careful exercise of both judicial and public judgment and restraint. The considerations which lead the Court today to interdict the clearly religious practices presented in these cases are to me wholly compelling; I have no doubt as to the propriety of the decision and therefore join the opinion and judgment of the Court. The singular sensitivity and concern which surround both the legal and practical judgments involved impel me, however, to add a few words in further explication, while at the same time avoiding repetition of the carefully and ably framed examination of history and authority by my Brethren.

The First Amendment's guarantees, as applied to the states through the Fourteenth Amendment, foreclose not only laws "respecting an establishment of religion" but also those "prohibiting the free exercise thereof." These two proscriptions are to be read together, and in light of the single end which they are designed to serve. The basic purpose of the First Amendment is to promote and assure the fullest possible scope of religious liberty and tolerance for all and to nurture the conditions which secure the best hope of attainment of that end.

The fullest realization of true religious liberty requires that government neither engage in nor compel religious practices, that it effect no favoritism among sects or between religion and nonreligion, and that it work deterrence of no religious belief. But devotion even to these simply stated objectives presents no easy course, for the unavoidable accommodations necessary to achieve the maximum enjoyment of each and all of them are often difficult of discernment. There is for me no simple and clear measure which by precise application can readily and invariably demark the permissible from the impermissible.

It is said, and I agree, that the attitude of the state toward religion must be one of neutrality. But untutored devotion to the concept of neutrality can lead to invocation or approval of results which partake not simply of that noninterference and noninvolvement with the religious which the Constitution commands, but of a brooding and pervasive devotion to the secular and a passive, or even active, hostility to the religious. Such results are not only not compelled by the Constitution, but, it seems to me, are prohibited by it.

Neither the state nor this Court can or should ignore the significance of the fact that a vast portion of our people believe in and worship God and that many of our legal, political and personal values derive historically from religious teachings. Government must inevitably take cognizance of the existence of religion and, indeed, under certain circumstances the First Amendment may require that it do so. And it seems clear to me from the opinions in the present and past cases that the Court would recognize the propriety of providing military chaplains and of the teaching *about* religion, as distinguished from the teaching *of* religion, in the public schools. The examples could readily be multiplied, for both the required and the permissible accommodations between state and church frame the relation as one free of hostility or favor and productive of religious and political harmony, but without undue involvement of one in the concerns or practices of the other. To be sure, the judgment in each case is a delicate one, but it must be made if we are to do loyal service as judges to the ultimate First Amendment objective of religious liberty.

The practices here involved do not fall within any sensible or acceptable concept of compelled or permitted accommodation and involve the state so significantly and directly in the realm of the sectarian as to give rise to those very divisive influences and inhibitions of freedom which both religion clauses of the First Amendment preclude. The state has ordained and has utilized its facilities to engage in unmistakably religious exercises—the devotional reading and recitation of the Holy Bible—in a manner having substantial and significant import and impact. That it has selected, rather than written, a particular devotional liturgy seems to me without constitutional import. The pervasive religiosity and direct governmental involvement inhering in the prescription of prayer and Bible reading in the public schools, during and as part of the curricular day, involving young impressionable children whose school attendance is statutorily compelled, and utilizing the prestige, power, and influence of school administration, staff, and authority, cannot realistically be termed simply accommodation, and must fall within the interdiction of the First Amendment. I find nothing in the opinion of the Court which says more than this. And, of course, today's decision does not mean that all incidents of government which import of the religious are therefore and without more banned by the strictures of the Establishment Clause. As the Court declared only last Term in *Engel* v. *Vitale,* 370 U.S. 421, 435, n. 21:

"There is of course nothing in the decision reached here that is inconsistent with the fact that school children and others are officially encouraged to express love for our country by reciting historical documents such as the Declaration of Independence which contain references to the Deity or by singing officially espoused anthems which include the composer's professions of faith in a Supreme Being, or with the fact that there are many manifestations in our public life of belief in God. Such patriotic or ceremonial occasions bear no true resemblance to the unquestioned religious exercise that the State . . . has sponsored in this instance."

The First Amendment does not prohibit practices which by any realistic measure create none of the dangers which it is designed to prevent and which do not so directly or substantially involve the state in religious exercises or in the favoring of religion as to have meaningful and practical impact. It is of course true that great consequences can grow from small beginnings, but the measure of constitutional adjudication is the ability and willingness to distinguish between real threat and mere shadow.

[Supreme Court of the United States—Nos. 142 and 119—October Term, 1962]

School District of Abington Township, Pennsylvania, et al., Appellants (142), *v.* Edward Lewis Schempp et al.

(On Appeal From the United States District Court for the Eastern District of Pennsylvania)

William J. Murray III, etc., et al., Petitioners (119), v. John N. Curlett, President, et al., Individually, and Constituting the Board of School Commissioners of Baltimore City.

(On Writ of Certiorari to the Court of Appeals of Maryland)

June 17, 1963

Mr. Justice Stewart, dissenting.

I think the records in the two cases before us are so fundamentally deficient as to make impossible an informed or responsible determination of the constitutional issues presented. Specifically, I cannot agree that on these records we can say that the Establishment Clause has necessarily been violated.[1] But I think there exist serious questions under both that provision and the Free Exercise Clause—insofar as each is imbedded in the Fourteenth Amendment—which require the remand of these cases for the taking of additional evidence.

The First Amendment declares that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . ." It is, I think, a fallacious oversimplification to regard these two provisions as establishing a single constitutional standard of "separation of church and state," which can be mechanically applied in every case to delineate the required boundaries between government and religion. We err in the first place if we do not recognize as a matter of history and as a matter of the imperatives of our free society, that religion and government must necessarily interact in countless ways. Secondly, the fact is that while in many contexts the Establishment Clause and the Free Exercise Clause fully complement each other, there are areas in which a doctrinaire trading of the Establishment Clause leads to irreconcilable conflict with the Free Exercise Clause.

A single obvious example should suffice to make the point. Spending federal funds to employ chaplains for the armed forces might be said to violate the Establishment Clause. Yet a lonely soldier stationed at some faraway outpost could surely complain that a government which did *not* provide him the opportunity for pastoral guidance was affirmatively prohibiting the free exercise of his religion. And such examples could readily be multiplied. The short of the matter is simply that the two relevant clauses of the First Amendment cannot accurately be reflected in a sterile metaphor which by its very nature may distort rather than illumine the problems involved in a particular case. Cf. *Sherbert* v. *Verner, post,* p. ——.

As a matter of history, the First Amendment was adopted solely as a limitation upon the newly created National Government. The events leading to its adoption strongly suggest that the Establishment Clause was primarily an attempt to insure that Congress not only would be powerless to establish a national church, but would also be unable to interfere with existing state establishments. See *McGowan* v. *Maryland,* 366 U.S. 420, 440–441. Each State was left free to go its own way and pursue its own policy with respect to religion. Thus Virginia from the beginning pursued a policy of disestablishmentarianism. Massachusetts, by contrast, had an established church until well into the nineteenth century.

So matters stood until the adoption of the Fourteenth Amendment, or more accurately, until this Court's decision in *Cantwell* v. *Connecticut,* in 1940. 310 U.S. 296. In that case the Court said: "The First Amendment declares that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof. The Fourteenth Amendment has rendered the legislatures of the states as incompetent as Congress to enact such laws."[2]

I accept without question that the liberty guaranteed by the Fourteenth Amendment against impairment by the States embraces in full the right of free exercise of religion protected by the First Amendment, and I yield to no one in my conception of the breadth of that freedom. See *Braunfeld* v. *Brown,* 366 U.S. 599, 616 (dissenting opinion). I accept too the proposition that the Fourteenth Amendment has somehow absorbed the Establishment Clause, although it is not without irony that a constitutional provision evidently designed to leave the States free to go their own way should now have become a restriction upon their autonomy. But I cannot agree with what seems to me the insensitive definition of the Establishment Clause contained in the Court's opinion, nor with the different but, I think, equally mechanistic definitions contained in the separate opinions which have been filed.

Since the *Cantwell* pronouncement in 1940, this Court has only twice held invalid state laws on the ground that they were laws "respecting an establishment of religion" in violation of the Fourteenth Amendment. *McCollum* v. *Board of Education,* 333 U.S. 203; *Engel* v. *Vitale,* 370 U.S. 421. On the other hand, the Court has upheld against such a challenge laws establishing Sunday as a compulsory day of rest, *McGowan* v. *Maryland,* 366 U.S. 420, and a law authorizing reimbursement from public funds for the transportation of parochial school pupils. *Everson* v. *Board of Education,* 330 U.S. 1.

Unlike other First Amendment guarantees, there is an inherent limitation upon the applicability of the Establishment Clause's ban on state support to religion. That limitation was succinctly put in *Everson* v. *Board of Education,* 330 U.S. 1, 18: "State power is no more to be used so as to handicap religions than it is to favor them."[3] And in a later case, this Court recognized that the limitation was one which was itself compelled by the free exercise guarantee. "To hold that a state cannot consistently with the First and Fourteenth Amendments utilize its public school system to aid any or all religious faiths or sects in the dissemination of their doctrines and ideals does not . . . manifest a governmental hostility to religion or religious teaching. A manifestation of such hostility would be at war with

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Footnotes at end of article.

our national tradition as embodied in the First Amendment's guaranty of the free exercise of religion." *McCollum* v. *Board of Education*, 333 U.S. 203, 211–212.

That the central value embodied in the First Amendment—and, more particularly, in the guarantee of "liberty" contained in the Fourteenth—is the safeguarding of an individual's right to free exercise of his religion has been consistently recognized. Thus, in the case of *Hamilton* v. *Regents*, 293 U.S. 245, 265, Mr. Justice Cardozo, concurring, assumed that it was ". . . *the religious liberty* protected by the First Amendment against invasion by the nation [which] is protected by the Fourteenth Amendment against invasion by the states." (Emphasis added.) And in *Cantwell* v. *Connecticut, supra*, the purpose of those guarantees was described in the following terms: "On the one hand, it forestalls compulsion by law of the acceptance of any creed or the practice of any form of worship. Freedom of conscience and freedom to adhere to such religious organization or form of worship as the individual may choose cannot be restricted by law. On the other hand, it safeguards the free exercise of the chosen form of religion." 310 U.S., at 303.

It is this concept of constitutional protection embodied in our decisions which makes the cases before us such difficult ones for me. For there is involved in these cases a substantial free exercise claim on the part of those who affirmatively desire to have their children's school day open with the reading of passages from the Bible.

It has become accepted that the decision in *Pierce* v. *Society of Sisters*, 268 U.S. 510, upholding the right of parents to send their children to nonpublic schools, was ultimately based upon the recognition of the validity of the free exercise claim involved in that situation. It might be argued here that parents who wanted their children to be exposed to religious influences in school could, under *Pierce*, send their children to private or parochial schools. But the consideration which renders this contention too facile to be determinative has already been recognized by the Court: "Freedom of speech, freedom of the press, freedom of religion are available to all, not merely to those who can pay their own way." *Murdock* v. *Pennsylvania*, 319 U.S. 105, 111.

It might also be argued that parents who want their children exposed to religious influences can adequately fulfill that wish off school property and outside school time. With all its surface persuasiveness, however, this argument seriously misconceives the basic constitutional justification for permitting the exercises at issue in these cases. For a compulsory state educational system so structures a child's life that if religious exercises are held to be an impermissible activity in schools, religion is placed at an artificial and state-created disadvantage. Viewed in this light, permission of such exercises for those who want them is necessary if the schools are truly to be neutral in the matter of religion. And a refusal to permit religious exercises thus is seen, not as the realization of state neutrality, but rather as the establishment of a religion of secularism, or at the least, as government support of the beliefs of those who think that religious exercises should be conducted only in private.

What seems to me to be of paramount importance, then, is recognition of the fact that the claim advanced here in favor of Bible reading is sufficiently substantial to make simple reference to the constitutional phrase "establishment of religion" as inadequate an analysis of the cases before us as the ritualistic invocation of the nonconstitutional phrase "separation of church and state." What these cases compel, rather, is an analysis of just what the "neutrality" is which is required by the interplay of the Establishment and Free Exercise Clauses of the First Amendment, as imbedded in the Fourteenth.

IV

Our decisions make clear that there is no constitutional bar to the use of government property for religious purposes. On the contrary, this Court has consistently held that the discriminatory barring of religious groups from public property is itself a violation of First and Fourteenth Amendment guarantees. *Fowler* v. *Rhode Island*, 345 U.S. 67; *Niemotko* v. *Maryland*, 340 U.S. 268. A different standard has been applied to public school property, because of the coercive effect which the use by religious sects of a compulsory school system would necessarily have upon the children involved. *McCollum* v. *Board of Education*, 333 U.S. 203. But insofar as the *McCollum* decision rests on the Establishment rather than the Free Exercise Clause, it is clear that its effect is limited to religious instruction—to government support of proselytizing activities of religious sects by throwing the weight of secular authority behind the dissemination of religious tenets.[4]

The dangers both to government and to religion inherent in official support of instruction in the tenets of various religious sects are absent in the present cases, which involve only a reading from the Bible unaccompanied by comments which might otherwise constitute instruction. Indeed, since, from all that appears in either record, any teacher who does not wish to do so is free not to participate,[5] it cannot even be contended that some infinitesimal part of the salaries paid by the State are made contingent upon the performance of a religious function.

In the absence of evidence that the legislature or school board intended to prohibit local schools from substituting a different set of readings where parents requested such a change, we should not assume that the provisions before us—as actually administered—may not be construed simply as authorizing religious exercises, nor that the designations may not be treated simply as indications of the promulgating body's view as to the community's preference. We are under a duty to interpret these provisions so as to render them constitutional if reasonably possible. Compare *Two Guys* v. *McGinley*, 366 U.S. 582, 592–595; *Everson* v. *Board of Education*, 330 U.S. 1, 4, and n. 2. In the *Schempp* case there is evidence which indicates that variations were in fact permitted by the very school there involved, and that further variations were not introduced only because of the absence of requests from parents. And in the *Murray* case the Baltimore rule itself contains a provision permitting another version of the Bible to be substituted for the King James version.

If the provisions are not so construed, I think that their validity under the Establishment Clause would be extremely doubtful, because of the designation of a particular religious book and a denominational prayer. But since, even if the provisions are construed as I believe they must be, I think that the cases before us must be remanded for further evidence on other issues—thus affording the plaintiffs and opportunity to prove that local variations are not in fact permitted—I shall for the balance of this dissenting opinion treat the provisions before us as making the variety and content of the exercises, as well as a choice as to their implementation, matters which ultimately reflect the concensus of each local school community. In the absence of coercion upon those who do not wish to participate—because they hold less strong beliefs, other beliefs, or no beliefs at all—such provisions cannot, in my view, be held to represent the type of support of religion barred by the Establishment Clause. For the only support which such rules provide for religion is the withholding of state hostility—a simple acknowledgment on the part of secular authorities that the Constitution does not require extirpation of all expression of religious belief.

V

I have said that these provisions authorizing religious exercises are properly to be regarded as measures making possible the free exercise of religion. But it is important to stress the free exercise of religion. But it is important to stress that strictly speaking, what is at issue here is a privilege rather than a right. In other words, the question presented is not whether exercises such as those at issue here are constitutionally compelled, but rather whether they are constitutionally invalid. And that issue, in my view, turns on the question of coercion.

It is clear that the dangers of coercion involved in the holding of religious exercises in a schoolroom differ qualitatively from those presented by the use of similar exercises or affirmations in ceremonies attended by adults. Even as to children, however, the duty laid upon government in connection with religious exercises in the public schools is that of refraining from so structuring the school environment as to put any kind of pressure on a child to participate in those exercises; it is not that of providing an atmosphere in which children are kept scrupulously insulated from any awareness that some of their fellows may want to open the school day with prayer, or of the fact that there exist in our pluralistic society differences of religious belief.

These are not, it must be stressed, cases like *Brown* v. *Board of Education*, 347 U. S. 483, in which this Court held that, in the sphere of public education, the Fourteenth Amendment's guarantee of equal protection of the laws required that race not be treated as a relevant factor. A segregated school system is not invalid because its operation is coercive; it is invalid simply because our Constitution presupposes that men are created equal, and that therefore racial differences cannot provide a valid basis for government action. Accommodation of religious differences on the part of the State, however, is not only permitted but required by that same Constitution.

The governmental neutrality which the First and Fourteenth Amendments require in the cases before us, in other words, is the extension of even-handed treatment to all who believe, doubt, or disbelieve—a refusal on the part of the State to weight the scales of private choice. In these cases, therefore, what is involved is not state action based on impermissible categories, but rather an attempt by the State to accommodate those differences which the existence in our society of a variety of religious beliefs make inevitable. The Constitution requires that such efforts be struck down only if they are proven to entail the use of the secular authority of government to coerce a preference among such beliefs.

It may well be, as has been argued to us, that even the supposed benefits to be derived from noncoercive religious exercises in public schools are incommensurate with the administrative problems which they would create. The choice involved, however, is one for each local community and its school board, and not for this Court. For, as I have said, religious exercises are not constitutionally invalid if they simply reflect differences which exist in the society from which the school draws its pupils. They become constitutionally invalid only if their administration places the sanction of secular authority behind one or more particular religious or irreligious beliefs.

Footnotes at end of article.

To be specific, it seems to be clear that certain types of exercises would present situations in which no possibility of coercion on the part of secular officials could be claimed to exist. Thus, if such exercises were held either before or after the official school day, or if the school schedule were such that participation were merely one among a number of desirable alternatives,[6] it could hardly be contended that the exercises did anything more than to provide an opportunity for the voluntary expression of religious belief. On the other hand, a law which provided for religious exercises during the school day and which contained no excusal provision would obviously be unconstitutionally coercive upon those who did not wish to participate. And even under a law containing an excusal provision, if the exercises were held during the school day, and no equally desirable alternative were provided by the school authorities, the likelihood that children might be under at least some psychological compulsion to participate would be great. In a case such as the latter, however, I think we would err if we *assumed* such coercion in the absence of any evidence.[7]

VI

Viewed in this light, it seems to me clear that the records in both of the cases before us are wholly inadequate to support an informed or reasonable decision. Both cases involve provisions which explicitly permit any student who wishes, to be excused from participation in the exercises. There is no evidence in either case as to whether there would exist any coercion of any kind upon a student who did not want to participate. No evidence at all was adduced in the *Murray* case, because it was decided upon a demurrer. All that we have in that case, therefore is the conclusory language of a pleading. While such conclusory allegations are acceptable for procedural purposes, I think that the nature of the constitutional problem involved here clearly demands that no decision be made except upon evidence. In the *Schempp* case the record shows no more than a subjective prophecy by a parent of what he thought would happen if a request were made to be excused from participation in the exercises under the amended statute. No such request was ever made, and there is no evidence whatever as to what might or would actually happen, nor of what administrative arrangements the school actually might or could make to free from pressure of any kind those who do not want to participate in the exercises. There were no District Court findings on this issue, since the case under the amended statute was decided exclusively on Establishment Clause grounds. 201 F. Supp. 815.

What our Constitution indispensably protects is the freedom of each of us, be he Jew or Agnostic, Christian or Atheist, Buddhist or Freethinker, to believe or disbelieve, to worship or not worship, to pray or keep silent, according to his own conscience, uncoerced and unrestrained by government. It is conceivable that these school boards, or even all school boards, might eventually find it impossible to administer a system of religious exercises during school hours in such a way as to meet this constitutional standard—in such a way as completely to free from any kind of official coercion those who do not affirmatively want to participate.[8] But I think we must not assume that school boards so lack the qualities of inventiveness and good will as to make impossible the achievement of that goal.

I would remand both cases for further hearings.

FOOTNOTES

[1] It is instructive, in this connection, to examine the complaints in the two cases before us. Neither complaint attacks the challenged practices as "establishments." What both allege as the basis for their causes of actions are, rather, violations of religious liberty.

[2] 310 U.S., at 303. The Court's statement as to the Establishment Clause in *Cantwell* was dictum. The case was decided on free exercise grounds.

[3] See also, in this connection, *Zorach* v. *Clauson*, 343 U.S. 306, 314: "Government may not finance religious groups nor undertake religious instruction nor blend secular and sectarian education nor use secular institutions to force one or some religion on any person. But we find no constitutional requirement which makes it necessary for government to be hostile to religion and to throw its weight against efforts to widen the effective scope of religious influence."

[4] "This is beyond all question a utilization of the tax-established and tax-supported public school system to aid religious groups *to spread their faith.*" *McCollum* v. *Board of Education*, 333 U.S. 203, 210. (Emphasis added.)

[5] The Pennsylvania statute was specifically amended to remove the compulsion upon teachers. Act of December 17, 1959, P.L. 1928, 24 Purdon's Pa. Stat. Ann. § 15–1516. Since the Maryland case is here on a demurrer, the issue of whether or not a teacher could be dismissed for refusal to participate seems, among many others, never to have been raised.

[6] See, *e.g.*, the description of a plan permitting religious instruction off school property contained in *McCollum* v. *Board of Education*, 333 U.S. 203, 224 (separate opinion of Mr. Justice Frankfurter).

[7] Cf. "The task of separating the secular from the religious in education is one of magnitude, intricacy and delicacy. To lay down a sweeping constitutional doctrine as demanded by complainant and apparently approved by the Court, applicable alike to all school boards of the nation, . . . is to decree a uniform, rigid and, if we are consistent, an unchanging standard for countless school boards representing and serving highly localized groups which not only differ from each other but which themselves from time to time change attitudes. It seems to me that to do so is to allow zeal for our own ideas of what is good in public instruction to induce us to accept the role of a super board of education for every school district in the nation." *McCollum* v. *Board of Education*, 333 U.S. 203, 237 (concurring opinion of Mr. Justice Jackson).

[8] For example, if the record in the *Schempp* case contained proof (rather than mere prophecy) that the timing of morning announcements by the school was such as to handicap children who did not want to listen to the Bible reading, or that the excusal provision was so administered as to carry any overtones of social inferiority, then impermissible coercion would clearly exist.

Mr. ERVIN. I wish now to read what Justice Douglas had to say in his concurring opinion in the Abington Township case. I read from pages 3 and 4 of his opinion:

> But the Establishment Clause is not limited to precluding the State itself from conducting religious exercises. It also forbids the State to employ its facilities or funds in a way that gives any church, or all churches, greater strength in our society than it would have by relying on its members alone. Thus, the present regimes must fall under that clause for the additional reason that public funds, though small in amount, are being used to promote a religious exercise. Through the mechanism of the State, all of the people are being required to finance a religious exercise that only some of the people want and that violates the sensibilities of others.
>
> *The most effective way to establish any institution is to finance it; and this truth is reflected in the appeals by church groups for public funds to finance their religious schools.* Financing a church either in its strictly religious activities or in its other activities is equally unconstitutional, as I understand the Establishment Clause. Budgets for one activity may be technically separable from budgets for others. But the institution is an inseparable whole, a living organism, which is strengthened in proselytizing when it is strengthened in any department by contributions from other than its own members.
>
> Such contributions may not be made by the State even in a minor degree without violating the Establishment Clause. It is not the amount of public funds expended; as this case illustrates, it is the use to which public funds are put that is controlling. For the First Amendment does not say that some forms of establishment are allowed; it says that "no law respecting an establishment of religion" shall be made. What may not be done directly may not be done indirectly lest the Establishment Clause become a mockery.

Mr. President, I took an oath, when I became a Senator of the United States, to support the Constitution. That oath placed upon me a solemn obligation to support the first amendment. The first amendment forbids the use of tax funds in any amount to support religious instruction or the blending of secular instruction with religious instruction.

It would be extremely unwise to take tax moneys to support the activities of church schools or other religious institutions, even if it were not unconstitutional. I say that because any religious institution begins to suffer moral decay and religious deterioration whenever it is made to depend in any degree whatsoever upon any financial means of support other than the voluntary contributions of its adherents.

I offer this amendment to eliminate all the provisions of the bill which provide for the use of Federal tax moneys to support the church schools of religious institutions which undertake to blend secular and sectarian instruction, not only because such action violates my oath to support the Constitution, but also because I believe that such action in the long run is inimical to the welfare of my country in that it has the tendency to make religious institutions depend on things that belong to Caesar for the support of things that belong to God. This is contrary to the teachings of the Christian religions as well as to the requirements of the first amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. AIKEN. Mr. President, I appreciate the standing of the Senator from North Carolina as a constitutional authority, because I know that he is an expert in this field. I am not an expert, but I do have a practical situation to consider when we come to vote on this proposed amendment.

For generations, New England has had a large number of private schools, most of them church schools established a century or a century and a half ago. These schools have served the function of public schools for a great many of our communities, particularly in the three northern New England States, and they have saved those communities a great deal of expense. My own town, for instance, has in the past paid tuition to private schools. We do not do it now, because we do not have to. We have grown so that we are now a part of a large public school system; but that is not true of the whole State.

Last week, just before adjournment, the Vermont Legislature enacted legislation authorizing the expenditure of public funds for the support of private schools. The general assembly laid down certain conditions having to do with such expenditures: For example, no religious teaching can be carried on in the private schools, even though the schools might have been started by the church itself anywhere from 50 to 150 years ago.

These private schools, for a long time, have had to comply with the standards established by the State board of education. Under the legislation passed by the Vermont Legislature last week, they will come under the jurisdiction of the superintendent of public schools for the district in which they are located. The State is authorized to supply equipment, to hire teachers, and to dismiss them if they are not found qualified to continue with the work.

This act on the part of the Vermont Legislature will save the people of our State probably several million dollars, in the near future, which it would cost to construct new publicly owned buildings which would meet the standards required of all of them.

So I would suggest the wisdom, if we are eventually to eliminate all aid for private schools, of phasing it out over a period of time, and not all at once. I fear that under the amendment proposed by the distinguished Senator from North Carolina, the taxpayers of my State, and probably many other States, would find it very costly to provide other means of education beyond that which our legislature authorized last week.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following a quorum call, there be a time limitation of 5 minutes to the side on the amendment that has been offered by the distinguished Senator from North Carolina (Mr. Ervin), the time to be controlled by the mover of the amendment (Mr. Ervin) and the manager of the bill (Mr. Pell).

The PRESIDING OFFICER. Is the Senator's request for a live quorum?

Mr. BYRD of West Virginia. No, no. Following which the vote would occur on the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. ERVIN. Mr. President, that would be satisfactory to me, but I would suggest that those who man the telephones inform Senators who phone in to ask what the purpose of the quorum call is that we will vote 10 minutes after the quorum call, which is to be rescinded, I would suppose, in 15 or 20 minutes, or less.

Mr. BYRD of West Virginia. Ten minutes.

Mr. ERVIN. Or 10 minutes, and that we will vote within 10 minutes, after 5 minutes of argument on each side.

Mr. BYRD of West Virginia. Mr. President, with the time for the quorum not to be charged, I ask unanimous consent that there be 10 minutes for a quorum call, and the attachés notify Senators that there will be a vote within 10 minutes after the order for the quorum call is rescinded.

The PRESIDING OFFICER. Just to be clear, it is understood that the quorum call will be called off, then?

Mr. BYRD of West Virginia. The quorum call will be called off. Then at that time, the time will start running, with 5 minutes to the side, after which there will be a vote on the amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I support Senator Ervin's amendment which would prevent Federal grants to nonpublic and private nonprofit corporations and agencies under the Emergency School Aid and Quality Integrated Education Act of 1971. I believe that it would be unwise for the Federal Government to fund private nonprofit corporations under an emergency school aid act. The basic purpose of our attempts in this legislation is to make certain that those public schools who are under a mandate to integrate their educational programs have sufficient funds to implement the law of the land and to provide quality education for disadvantaged minorities. This piece of legislation is essentially emergency in character, as the title implies, and is not the proper vehicle to include these broader questions.

The amendment also would prohibit aid to parochial and private schools under this program. Mr. President, there could be circumstances under which Government aid to these institutions could definitely be of advantage to the entire educational program of the Nation. I am very willing to pursue ways in which we may be of assistance to these financially burdened institutions that might want to voluntarily receive Federal funds. There is a fundamental problem here that should, I believe, be examined further so that we may decide just what kind of aid will be appropriate in these instances.

The PRESIDING OFFICER (Mr. Chiles). Who yields time?

Mr. PELL. Mr. President, I yield myself such time as is necessary.

I have listened to the arguments of the distinguished Senator from North Carolina, which are based on deep knowledge and as much study of the problem as any other Member of this body has given to it, but I would remind the Senate that Federal funds to aid the education of children in nonpublic schools have been authorized and have been appropriated in the past.

In fact, at present, four existing programs are participated in by children attending nonpublic schools; namely, title I of the ESEA, the programs for the disadvantaged; title II of the ESEA program, library resources and textbooks; title III, supplemental centers and services; and title VII, bilingual education program.

The theory behind these authorizations is that the aid follows the child. The aid is not going to the parochial or private institution but follows the child who happens to be attending that institution.

The pending bill, S. 1557, follows exactly the same procedure with no expansion of the philosophy beyond present law.

For this reason, I see no constitutional problems insofar as section 7B is concerned, and would urge the Senate to reject the pending amendment, which would actually push us back a bit with regard to helping children who are attending nonpublic institutions.

Mr. President, I yield the floor.

Mr. ERVIN. Mr. President, in reply to my good friend from Rhode Island, let me say that the fact that we have unconstitutional laws on the books does not make this bill constitutional. The Supreme Court expressly held that some of these programs are subject to review in the courts on the question of whether they violate the first amendment.

S. 1557 substantially impairs the value of the first amendment. Passage of my amendment would protect Americans in their religious freedom, and protect little children from harassment. Moreover, it would protect all Americans from taxation to support of a violation of the first amendment.

The decisions I read show that aid to church schools which are organized and operated for the support and purpose of blending religious instruction with secular instruction are unconstitutional.

For this reason, I hope that the Senate will be faithful to the traditions of this country, and the words of the first amendment, and vote to adopt the pending amendment.

Mr. President, I yield back the remainder of my time.

Mr. PELL. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. Chiles). All time on this amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from North Carolina.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska (Mr. Gravel), the Senator from Washington (Mr. Jackson), the Senator from Massachusetts (Mr. Kennedy), the Senator from South Dakota (Mr. McGovern), the Senator from Maine (Mr. Muskie), the Senator from Alabama (Mr. Sparkman), and the Senator from California (Mr. Tunney) are necessarily absent.

I further announce that the Senator from Oklahoma (Mr. Harris) and the Senator from South Carolina (Mr. Hollings) are absent on official business.

I further announce that, if present and voting, the Senator from California (Mr. Tunney), the Senator from Washington (Mr. Jackson), the Senator from South Dakota (Mr. McGovern), the Senator from Massachusetts (Mr. Kennedy), and the Senator from Oklahoma (Mr. Harris) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Brock), the Senator from Kentucky (Mr. Cook), the Senators from Kansas (Mr. Dole and Mr. Pearson), the Senator from Colorado (Mr. Dominick), the Senator from Iowa (Mr. Miller), the Senators from Oregon (Mr. Packwood and Mr. Hatfield), the Senator from Pennsylvania (Mr. Scott), the Senator from Alaska (Mr. Stevens), and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from New York (Mr. Buckley) and the Senator from Maryland (Mr. Mathias) are detained on official business.

If present and voting, the Senator from Colorado (Mr. Dominick), the Senator from Oregon (Mr. Hatfield), the Senator from South Dakota (Mr. Mundt), the Senator from Kansas (Mr. Pearson), and the Senator from Pennsylvania (Mr. Scott) would each vote "nay."

The result was announced—yeas 15, nays 62, as follows:

[No. 49 Leg.]

YEAS—15

Allen
Bennett
Chiles
Eastland
Ellender
Ervin
Fulbright
Gambrell
Jordan, N.C.
McClellan
Moss
Stennis
Talmadge
Thurmond
Tower

NAYS—62

Aiken
Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bentsen
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cooper
Cotton
Cranston
Curtis
Eagleton
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hart
Hartke
Hruska
Hughes
Humphrey
Inouye
Javits
Jordan, Idaho
Long
Magnuson
Mansfield
McGee
McIntyre
Metcalf
Mondale
Montoya
Nelson
Pastore
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Smith
Spong
Stevenson
Symington
Taft
Williams
Young

NOT VOTING—23

Brock
Buckley
Cook
Dole
Dominick
Gravel
Harris
Hatfield
Hollings
Jackson
Kennedy
Mathias
McGovern
Miller
Mundt
Muskie
Packwood
Pearson
Scott
Sparkman
Stevens
Tunney
Weicker

So Mr. Ervin's amendment was rejected.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, communicated to the Senate the intelligence of the death of Hon. Robert J. Corbett, a Representative from the State of Pennsylvania, and transmitted the resolution of the House thereon.

PROGRAM

Mr. GRIFFIN. Mr. President, for the guidance of Senators, I would like to inquire of the distinguished majority leader if he might give us some idea as to what he expects during the remainder of the afternoon.

INDEFINITE POSTPONEMENT OF SENATE RESOLUTION 101, ON VIETNAM VETERANS' USE OF THE MALL

Mr. MANSFIELD. Mr. President, if we may have order in the Senate, first I ask unanimous consent that Calendar No. 76, Senate Resolution 101, submitted by the distinguished Senator from Michigan (Mr. Hart), and cosponsored by 41 other Senators, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATION ACT OF 1971

The Senate continued with the consideration of the bill (S. 1557) to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes.

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished assistant minority leader——

Mr. COTTON. Mr. President, there is still so much conversation in the Chamber I cannot hear.

The PRESIDING OFFICER. The majority leader will withhold for a moment until we restore order in the Chamber. Senators will be seated. Clerks, aides, and attaches will please be seated or leave the Chamber.

The Senator may proceed.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, after conferences with the distinguished Senator from North Carolina (Mr. Ervin), the manager of the bill, the distinguished Senator from Rhode Island (Mr. Pell) the ranking minority member of the committee, the distinguished Senator from New York (Mr. Javits), the distinguished Senator from Michigan (Mr. Griffin), and others, we have been informed by the Senator from North Carolina (Mr. Ervin) that he intends to offer three amendments. With respect to two of them he would want them voted on en bloc, and with respect to the third amendment, he would want that amendment voted on separately. He wishes rollcall votes on these amendments. There would thus be two rollcall votes, although in reality three amendments would be considered.

On this basis the distinguished Senator from North Carolina is willing to enter into a unanimous-consent agreement allowing 10 minutes on each amendment, with the time equally divided between the manager of the bill and the sponsor of the amendments.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. ERVIN. I might inform the Senate that I have some other amendments dealing with what they call in Boston "open enrollment," prohibiting busing and giving children the right to adequate neighborhood schools, but that will not take long.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, as the distinguished Senator from North Carolina pointed out, there will be other amendments after those amendments are disposed of, so I would suggest that for the time being as many Senators as possible remain in the Chamber, because the distinguished Senator from North Carolina—as any Senator—is entitled to a reasonably good attendance so that he can explain that which he proposes.

The PRESIDING OFFICER. The Chair wishes to ask the majority leader if the unanimous consent agreement would apply to the three amendments or all?

Mr. MANSFIELD. The three amendments, two of which will be considered and voted on together.

Mr. ERVIN. Mr. President, I wish to state that I think we can dispose of all three of these amendments in 15 minutes or thereabouts; 20 minutes at the most.

PROGRAM

Mr. MANSFIELD. Mr. President, I also point out to the Senate that if the pending bill is disposed of today, and the prospects look good, it is the intention of the joint leadership to go over until Thursday. The Senate will have finished all available business. Only two items remain on the calendar. One is S. 860, a bill relating to the Trust Territory of the Pacific Islands, on which a referral to the Committee on Foreign Relations may be sought. In any case, it cannot be acted upon until this potential jurisdictional problem is resolved. All Senators concerned are apprised of the matter. The other bill is S. 646, having to do with the creation of a limited copyright in sound recordings for the purpose of protecting against unauthorized duplication and piracy of sound recording and for other purposes. This measure is being held on a temporary basis only—a routine accommodation afforded any Senator on a measure of this nature.

I make this announcement at this time so the Senate will be fully cognizant of the possibilities for today and the rest of the week insofar as the joint leadership is concerned. The fact that the work of the Senate is remaining ahead of the work of the various committees is a tribute to us all.

EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATION ACT OF 1971

The Senate continued with the consideration of the bill (S. 1557) to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes.

AMENDMENTS NOS. 49 AND 51

Mr. ERVIN. Mr. President, I call up my amendments Nos. 49 and 51.

The PRESIDING OFFICER. The amendments will be stated.

The assistant legislative clerk proceeded to read the amendments.

Mr. ERVIN. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and without objection, the amendments will be printed in the Record.

The amendments, ordered to be printed in the Record, are as follows:

Amendment No. 49

On page 11, line 2, insert a comma and the word "religion" after the word "color".

Amendment No. 51

On page 27, line 14, insert the word "religion" between the word "color" and the words "or national origin."

Mr. ERVIN. Mr. President, I ask that the two amendments be voted on en bloc; and I ask for the yeas and nays on them.

The yeas and nays were ordered.

Mr. ERVIN. Mr. President, I can explain these amendments briefly.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. MANSFIELD. I ask for the yeas and nays on the second amendment, which the Senator will offer today, and I ask that it be in order to make that request at this time.

The PRESIDING OFFICER. Without objection, it is so ordered. There is obviously a sufficient second.

The yeas and nays were ordered.

Mr. ERVIN. Mr. President, this bill has provisions in it which authorize the extension of Federal aid to private nonprofit schools unless they practice discrimination on the basis of race, color, or national origin. These two amendments merely add another prohibited discrimination.

The PRESIDING OFFICER (Mr. Humphrey). Will the Senator withhold?

Mr. ERVIN. Yes.

The PRESIDING OFFICER. The Senator from North Carolina deserves the attention of the Senate. Will there please be quiet so the Senator can be heard?

Mr. ERVIN. Mr. President, my amendment would simply add to the three prohibited categories of discrimination which would bar a private nonprofit school from receiving aid under this bill a fourth prohibited discrimination; namely, it would deny the benefits of this bill to a nonprofit private school which discriminates against teachers or students on the ground of religion.

I think it is a terrible thing for tax funds to be used for the benefit of organizations which discriminate against any person because of the manner in which that person bows his own knees to his own God in his own way.

I would like at this time to make my argument for the next amendment. My next amendment, which is amendment No. 47, would amend section 601 of the Civil Rights Act of 1964 so as to add to the prohibited discriminations in federally financed programs those which discriminate on the basis of religion. I would consent to have the Senate vote on that amendment as soon as it votes on the two consolidated amendments, without further argument.

Since I have stated the objectives of these three amendments, that is, not to allow Federal funds to be used to discriminate against people on the ground of religion, I am willing to forgo further argument.

The PRESIDING OFFICER. Does the manager of the bill wish to respond?

Mr. PELL. Mr. President, I would like to ask a question of the Senator from North Carolina.

As I understand his amendment, it would mean that children in private or parochial schools, which, while not discriminating, certainly do not encourage the children of other faiths to attend their schools, would not be eligible to participate in programs under the bill. Is that correct?

Mr. ERVIN. It would not be entitled to funds if the private school refused employment to teachers on the ground that the teachers professed no religion or a religion that is different from that of the organization which maintained those schools, or if they excluded children from the schools on the basis of their religion.

Mr. PELL. I do not think the Senator will find many religious schools excluding children of other faiths, nor do children of other faiths eagerly attempt to go to those schools. I am trying to find out what the effect of this amendment would be. To my mind, it would prevent the help envisaged in this bill toward relieving some of the problems we presently face, being available to children who are attending parochial schools or private schools. Therefore I am opposed to the amendment.

Mr. ERVIN. The amendment would require that any private school which wanted to receive benefits under this bill would not only have to refrain from practicing discrimination on the ground of race, color, or national origin, but also on the ground of religion.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. PELL. Mr. President, prior to yielding to the Senator from New York, I would like to add that I am constrained to oppose the amendment. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, the trouble with the amendments is that they are directed not to institutions, but to children. We are not now, and we will not—there is no question about that—lend our support to religious institutions in violation the establishment clause. We established that position in the Elementary and Secondary Education Act, as in all other education legislation. But we do benefit with services children who do attend such schools. This is the very inherent framework of our education laws. The amendment before us, I am sure unintentionally—I am sure the Senator from North Carolina does not do it by design—would nevertheless fracture that practice. So we would be writing law directed at something which is not an evil under a set of conditions designed to correct an evil. We would be letting in something that is not directed at an evil. If we are seeking to correct something that would be a violation of the Constitution of the United States, which could be enjoined on that ground, at the same time it would be mischievous with respect to the ability to deal with assistance to private and parochial school children, which is an essential concept of our educational laws. For those reasons, I would be opposed to the amendment. We are seeking to deal with immediate evils, with immediate remedies. That is why the Senate turned down the Ribicoff amendment. Therefore, let us go forward with that objective, without fracturing the whole purpose of the bill. This is not a bill to promote religious education. Should we later perceive problems in regard to religious education, we can deal effectively with them later, without attempting to do it in this short-term education measure.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. PELL. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. PELL. I yield those 2 minutes to the Senator from Minnesota.

Mr. MONDALE. Mr. President, I want to make one observation. The issue which the Senator from North Carolina seeks to raise with these amendments could be raised against almost any title of the Elementary and Secondary Education Act, which have long been established to deliver assistance for various education purposes, because most of these titles authorize participation by private school students, as this bill does—participation by children, but not aid to the private institution.

For example, title I of ESEA, which delivers educational assistance to the so-called educationally disadvantaged, a program which now involves $1.8 billion annually, would be subject to the same criticism as that which the Senator from North Carolina raises to the pending bill.

Title II, the Library Assistance Act. similarly provides for participation by private school children, but does not provide assistance to parochial schools as such.

Title III, assisting supplementary demonstration centers, contains similar provisions, as does title VII, which is one of the new and growing areas of our national education effort, bilingual education.

Mr. President, I believe the amendments of the Senator from North Carolina should be rejected.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ERVIN. Mr. President, I listened with interest to the argument of the distinguished Senator from New York. Like the flowers that bloom in the spring, it has nothing to do with the bill. The bill expressly provides that aid go to the schools, and not to the children. It provides that, in the nonprofit schools, the aid is to go through the local educational agency, and the local educational agency must consult with the officials of the private nonprofit school before asking for aid for it. So the argument that the aid goes to the students just is not a tenable one.

The PRESIDING OFFICER. All time has expired or has been yielded back. The question is on agreeing, en bloc, to the amendments of the Senator from North Carolina. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

[Disturbance in the visitors' galleries.]

The PRESIDING OFFICER (Mr. Humphrey). There will be order in the galleries. The Chair admonishes the galleries that we will not tolerate any kind of noise or any kind of concerted effort to disrupt. This Chamber is for the purpose of doing the business of the Senate and the Government of the United States.

The clerk will continue the rollcall.

The rollcall was continued.

[A further disturbance in the visitors' galleries.]

Mr. TOWER. Mr. President, I ask that the galleries be cleared.

The PRESIDING OFFICER. The Chair asks those in the galleries to restrain themselves, to refrain from comment, and to abide by the rules, or the Chair will order the Sergeant at Arms to have those who violate the rules removed.

[Another disturbance in the visitors' galleries.]

Mr. TOWER. Mr. President, I demand that the galleries be cleared.

The PRESIDING OFFICER. The Chair will ask that only those who violate the rules be removed. The Chair urges visitors in the galleries to respect the rights of others and the responsibilities of this body.

The clerk will proceed with the rollcall.

The roll was continued and concluded.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska (Mr. Gravel), the Senator from Washington (Mr. Jackson), the Senator from Massachusetts (Mr. Kennedy), the Senator from South Dakota (Mr. McGovern), the Senator from Maine (Mr. Muskie), and the Senator from Alabama (Mr. Sparkman), are necessarily absent.

I further announce that the Senator from Oklahoma (Mr. Harris), and the Senator from South Carolina (Mr. Hollings), are absent on official business.

I further announce that, if present and voting, the Senator from South Dakota (Mr. McGovern), the Senator from Washington (Mr. Jackson), the Senator from Massachusetts (Mr. Kennedy), and the Senator from Oklahoma (Mr. Harris), would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Brock), the Senator from Kentucky (Mr. Cook), the Senators from Kansas (Mr. Dole and Mr. Pearson), the Senator from Colorado (Mr. Dominick), the Senator from Iowa (Mr. Miller), the Senators from Oregon (Mr. Packwood and Mr. Hatfield), the Senator from Pennsylvania (Mr. Scott), the Senator from Alaska (Mr. Stevens) and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Arizona (Mr. Goldwater) is detained on official business.

If present and voting, the Senator from Oregon (Mr. Hatfield), the Senator from Colorado (Mr. Dominick), the Senator from Kansas (Mr. Pearson), the Senator from South Dakota (Mr. Mundt), and the Senator from Pennsylvania (Mr. Scott) would vote "nay."

The result was announced—yeas 14, nays 65, as follows:

[No. 50 Leg.]

YEAS—14

Allen
Bellmon
Bennett
Eastland
Ellender
Ervin
Fulbright
Gambrell
Jordan, N.C.
McClellan
Moss
Stennis
Talmadge
Thurmond

NAYS—65

Aiken
Allott
Anderson
Baker
Bayh
Beall
Bentsen
Bible
Boggs
Brooke
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cooper
Cotton
Cranston
Curtis
Eagleton
Fannin
Fong
Griffin
Gurney
Hansen
Hart
Hartke
Hruska
Hughes
Humphrey
Inouye
Javits
Jordan, Idaho
Long
Magnuson
Mansfield
Mathias
McGee
McIntyre
Metcalf
Mondale
Montoya
Nelson
Pastore
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Smith
Spong
Stevenson
Symington
Taft
Tower
Tunney
Williams
Young

NOT VOTING—21

Brock
Cook
Dole
Dominick
Goldwater
Gravel
Harris
Hatfield
Hollings
Jackson
Kennedy
McGovern
Miller
Mundt
Muskie
Packwood
Pearson
Scott
Sparkman
Stevens
Weicker

So Mr. Ervin's amendments (Nos. 49 and 51) considered en bloc were rejected.

Mr. MANSFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, I yield to the distinguished Senator from North Carolina.

Mr. ERVIN. Mr. President, it is obvious that my efforts to prevent the use of tax-raised moneys to prevent discrimination against people on account of the way they bow their knees to God are fruitless, and for that reason I ask that my amendment No. 47 be printed at this point in the Record.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

On page 40, line 16, insert the following:

"AMENDMENT WITH RESPECT TO RELIGIOUS NONDISCRIMINATION

"Sec. 17. Section 601 of the Civil Rights Act of 1964 is amended by inserting a comma and the word 'religion' after the word 'color'."

Mr. ERVIN. Mr. President, I also ask unanimous consent that the order for the yeas and nays on that amendment be withdrawn and that I be permitted to withdraw the amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. TOWER. Mr. President, I call up my amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 3, line 16, strike out "3 per centum" and insert in lieu thereof "4 per centum".

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. If the Senator from Texas will yield for just a moment, I ask unanimous consent that there be 6 minutes on the pending amendment, with the time to be equally divided between the sponsor of the amendment and the manager of the bill, or whomever he may designate.

The PRESIDING OFFICER (Mr. Buckley). Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. TOWER. Mr. President, this amendment does not put any additional money into the bill at all. It provides for a percentage of the amount already in the bill—an additional $15 million, 5 million in the first year and 10 million in the second year, for bilingual education. I was pleased to have been an author of this provision when it was enacted in 1967 and hope that my colleagues will be convinced now of the necessity for increasing the funding for this most successful new education programs to come along in many years. However, almost since its inception, it has suffered from underfunding, and I believe that the time has arrived to remedy this situation and expand the operation and scope of bilingual education.

In my State of Texas there are literally hundreds of thousands of households where Spanish is the primary if not the only language. The children that come from these households by and large enter schools where only English is spoken. When the children from these families enter school, the cultural shock on them is great, and their learning ability is impeded because they do not have a proper grasp of the English language. It is impossible to say how many children have dropped out of school, potentially brilliant children who could have easily gone on to college, simply because they could not understand enough English to keep up with other children in the class. The current bilingual education program has produced outstanding results as is witnessed by report after report; however, for some reason, it has never been given enough funds. The current levels of $25 million for fiscal year 1971 and the request of the same $25 million for fiscal year 1972 are simply not adequate to take care of the millions of children throughout the Southwest and the West. Also, the State of Florida is beginning to experience similar situations with its increasing Cuban population who could add so much to the culture of our country.

Mr. President, we can accomplish this increased funding level without upsetting the percentage ratio in this legislation. It will be recalled that we deleted section 11 from this bill, which had allocated to it 1 per centum of the entire fund authorization. What I seek to do in this amendment is to merely transfer that 1 per centum that was deleted to the bilingual authorization. Thus, no other section will suffer by this action.

In conclusion, Mr. President, I hope that my colleagues in the Senate will concur with me that bilingual education in the United States needs more emphasis than it is now getting. By so doing, we are showing the Spanish-speaking people of this Nation that we are committed to helping them help themselves. What these industrious people really want is not more welfare, not more giveaway programs, but jobs and education, and these two go hand in hand. By providing this increased opportunity for Mexican-Americans and other Spanish and foreign-tongue groups to become a true part of America, regardless of their cultural background, we are striking at the very core of poverty and any incipient discrimination and going what should be done: Helping Americans to help themselves.

Mr. MONDALE. Mr. President, I do not wish to take up the time of the Senate. I think this is an excellent amendment. Even with the additional funds, we will still be short of the money needed to bring bilingual and bicultural education within the reach of millions of children who do not know English, but who speak Spanish, Portugese, or Asian, and other languages. Many children tragically, unbelievably, go to school to be taught by teachers whom they cannot understand because their languages are different, to be taught from textbooks which are unresponsive to their needs and culturally insensitive.

Mr. President, I ask unanimous consent that the portion of the committee report found on pages 22 through 24, entitled "Programs To Overcome Language Barriers and Cultural Differences" be printed in the Record at this point in my remarks.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Programs To Overcome Language Barriers and Cultural Differences

Section 7(c) of the bill authorizes programs to meet the special educational needs of minority group children from environments in which a dominant language is other than English and who are deprived of equal educational opportunity because of language barriers and cultural differences. With respect to this section, all programs and projects assigned under Section 7(c) must be specifically designed to complement programs and projects carried out by local educational agencies under Section 5. School districts with children from language minority backgrounds should participate on an equitable basis in the distribution of all financial assistance under the bill. Applications by such school districts must appropriately and equitably address the special educational needs of these children so that they may derive the full benefit of programs under the bill and so that other children may derive the fullest possible benefits from the contributions that children from language minority group backgrounds can make to their education.

It is expected that the program authorized by section 7(c) will be closely coordinated with that authorized by the Bilingual Education Act (title VII of the Elementary and Secondary Education Act of 1965), and that it will be used to supplement and improve the title VII program. It should be noted that the Bilingual Education Act is intended to authorize a long-range program, while that which is authorized by section 7(c) is for a two-year period, any diminution of the former cannot be justified by the existence of the latter.

The need for meeting the special educational needs of minority group children with language barriers and cultural differences is unquestioned. The Department of Health, Education and Welfare estimates that there are 5 million public school children who come to school with limited English-speaking ability. Title VII of the Elementary and Secondary Education Act serves only 54,000 of these students. According to HEW's 1968 Elementary and Secondary School Survey there are 2,002,776 Spanish-surnamed students; 177,464 American Indian students; 194,022 Oriental students in our nation's schools. According to the Bureau of Census, only 31% of the 9,230,000 persons of Spanish origin in the United States considered English as their mother tongue and only half reported that English was usually spoken in their homes. Among Spanish origin persons between the ages of 16 and 25 who reported to the Bureau of the Census that they were able to read and write the language usually spoken in their homes, twice as many had completed at least 4 years of high school when that language was English than when it was Spanish.

The single most important component of programs to implement curricula developed under this subsection is teacher training. Funds are authorized for in-service training, which includes training conducted during the summer months. Only if teachers are sensitive to the needs of the children, and understand and respect the language which they speak in their homes and the culture of which they are proud, will programs be successful. A program of in-service training is to be included in each project funded under this provision. In addition, a balance should be maintained between curriculum development and curriculum implementation, so that funds will remain for implementation of all successfully developed curricula. Training activities under section 7(c) are not to be administered with those of the Education Professions Development Act.

Development of sensitive, humane educational programs to meet the needs of these students cannot be overemphasized. Section 7(c) is designed specifically to assure that the development and implementation of curricula for language minority students involve the full participation of representatives of the minority group students, the educational needs of whom programs and projects are intended to meet. Section 7(c) therefore authorizes grants to private non-profit organizations for the development of such curricula in cooperation in the local educational agencies and requires as a condition to eligibility that applicant local educational agencies establish community committees which are broadly representative of parents, school officials, teachers, and members of the community, no less than half of whom must be parents and not less than half of whom must be members of the groups to be served. In addition, private nonprofit agencies must establish a program or project board which meets these requirements and which will exercise policy-making authority with respect to the development of programs and projects. It is only with the full participation of the persons affected that these programs can be successful.

[Disturbance in a visitors' gallery.]

The PRESIDING OFFICER (Mr. Buckley). The Sergeant at Arms will clear the gallery of the offending individual.

Mr. TOWER. Mr. President, I yield 1 minute to my distinguished colleague from Texas.

Mr. BENTSEN. Mr. President, I support the amendment offered by the senior Senator from Texas (Mr. Tower).

Mr. President, it has been estimated that over 3 million children in our country are in need of bilingual programs, yet at the present time we are only able to provide programs for a fraction of these children.

Under the Bilingual Education Act, an imaginative program signed into law by President Johnson, less than $25 million has been requested by the administration out of a total authorization of $100 million.

Aside from providing for only a fraction of the students who currently need bilingual aid, we are also failing to concentrate sufficient funds in the regions that need them. Texas receives scarcely enough bilingual funds to dent the major problems we have with children who do not have a sufficient knowledge of the English language.

In fact, only 18,000 students in Texas are being served by these programs now, and the estimated need runs into the hundreds of thousands.

The city of Laredo, in the Mexican border area, currently has 14,000 children in need of bilingual education, but only 1,000 can be served because of the shortage of funds.

For these reasons I support the amendment offered by the senior Senator from Texas. The additional funds to aid bilingual education under this act can go a long way toward meeting the needs of our young people in Texas and throughout the Nation who are handicapped by their inability to benefit from schools which are frequently unprepared to help them overcome their language difficulties.

I urge the adoption of the amendment.

Mr. TOWER. My colleague, Mr. Bentsen, comes from the Lower Rio Grande Valley where we have a high percentage of Mexican Americans. He understands their problem better than anyone else.

Mr. JAVITS. Mr. President, will the Senator from Texas yield?

Mr. TOWER. I yield.

Mr. JAVITS. It has been said many times that this bill was drafted after most careful and difficult negotiations. We had set a figure of 3 percent for bilingual education. No one appreciates the situation better than I as to the bilingual education problem and the need for effective effort.

I have taken this amendment up with the administration, and, while it cannot say it is for the amendment, it is not going to stand in the way of it.

I can only promise the Senator from Texas that there is considerable sympathy for this situation. We will certainly do our utmost, depending on what the other body does in behalf of this most constructive proposal.

Mr. PELL. Mr. President, I yield myself such time as may be necessary.

I have studied the amendment of the Senator from Texas, I have discussed it with the able senior Senator from New York and the able senior Senator from Minnesota and with the administration. We all agree that it is a good amendment and will be a real improvement in the bill.

I personally am particularly delighted, because we have included in the bill, for the first time, eligibility in bilingual provisions, not only for Spanish-speaking people, but also for Portuguese-speaking people—the whole of the Iberian Peninsula will now be covered. I am therefore glad to accept the amendment, and ask that I may be made a cosponsor of it.

Mr. TOWER. Mr. President, I ask unanimous consent that the following cosponsors be added to the amendment. The Senator from Massachusetts (Mr. Brooke), my colleague from Texas, Mr. Bentsen, the Senator from Minnesota (Mr. Mondale), the Senators from Colorado (Mr. Allott, and Mr. Dominick), the Senator from Montana (Mr. Mansfield), the Senator from Florida (Mr. Chiles), the Senator from New Mexico (Mr. Montoya), the Senator from Rhode Island (Mr. Pell), and the Senator from Florida (Mr. Gurney).

The PRESIDING OFFICER (Mr. Buckley). Without objection, it is so ordered.

Mr. CHILES. Mr. President, I am very pleased to join with the Senator from Texas (Mr. Tower) in offering this amendment to increase bilingual educational funds by $15 million.

In my home State of Florida the need to provide adequate funding for a project of this type is extremely important, not only for the established Spanish-speaking communities, but also to effectively communicate with the many thousands of refugees that have arrived from Cuba over the past few years, and the migrants who come to harvest the crops.

These people depend on our educational system to meet their needs, and if we fail them by not even being able to communicate with them in their native language, then we will have failed to bring them in the American community. We cannot afford to let this happen.

The PRESIDING OFFICER. All time on the amendment has now expired. The question is on agreeing to the amendment of the Senator from Texas.

The amendment was agreed to.

Mr. GRIFFIN. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 31 insert the following between lines 4 and 5:

"(e) No State shall reduce the amount of State aid with respect to the provision of free public education in any school district of any local educational agency within such State because of assistance made or to be made available to such agency under this Act."

Mr. JAVITS. Mr. President, will the Senator from Michigan yield?

Mr. GRIFFIN. I yield.

Mr. JAVITS. As we understand the purpose of the amendment, it does, with respect to the States what the bill already does with respect to the local educational districts. In short, it provides against the diminution of efforts by the State, as we have already provided respecting the district, for any benefit which is conferred by the bill.

I think this is a perfectly good amendment and I hope very much that the manager of the bill will accept it.

Mr. GRIFFIN. The Senator from New York (Mr. Javits) states that very well.

Mr. President, this amendment seeks to assure that States do not take away with one hand what the Federal Government is providing with another through this act.

The intent of S. 1557 is to assist local educational agencies in meeting the additional costs of desegregating or eliminating or reducing racial isolation. By definition, these are additional costs, over and above the regular school budget. It would defeat the purpose of the act if a State were to include funds received by local agencies under this bill into its own computations for allocating State aid.

Therefore, the amendment seeks to make sure that the local district will not suffer any reduction of State aid under the funds in the bill which is supposed to be for additional costs.

This amendment seeks to assure that the intent of the bill is not subverted. It provides that States cannot take into account funds made available under the act in determining local grants under State equalization or foundation programs.

The maintenance of effort provisions set forth in the bill in section 9(a)(9) of the bill are important, but they are directed at the school district or the local educational agency—not the State.

My amendment would not change the substance of the pending legislation. It does seek to assure that assistance already or otherwise provided by a State to local districts will not be eroded by State governments.

I hope that the distinguished chairman of the Education Subcommittee, the manager of the bill, the Senator from Rhode Island (Mr. Pell), will agree to what I expect to be a noncontroversial provision.

Mr. PELL. I understand that the amendment is acceptable to the administration.

Mr. GRIFFIN. That is correct.

Mr. PELL. On the majority side we have held consultations and it is acceptable to us. It is an improvement on the bill and we are glad to accept the amendment.

Mr. GRIFFIN. I thank my colleague from Rhode Island.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan.

The amendment was agreed to.

AMENDMENT NO. 41

Mr. ERVIN. Mr. President, I call up my amendment No. 41 and I modify my amendment so as to conform with the document I sent to the desk. I ask unanimous consent that the reading of the modified amendment be dispensed with and that the modified amendment be printed in the Record at this point and that I be permitted to explain the provisions in lieu of having it read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The modified amendment, ordered to be printed in the Record, reads as follows:

Amendment No. 41

TITLE II—OPEN ENROLLMENT IN STUDENT ASSIGNMENTS TO PUBLIC SCHOOLS

Sec. 201. The Civil Rights Act of 1964 (42 U.S.C. 1971, 1975a–1975d, 2000a–2000h–6) is amended by adding at the end thereof the following new title:

"TITLE XII—PUBLIC SCHOOL—OPEN ENROLLMENT

"Sec. 1201. As used in this title—

"(a) 'State' means any State, district, Commonwealth, territory, or possession of the United States.

"(b) 'Public school' means any elementary or secondary educational institution, which is operated by a State, subdivision of a State, or governmental agency within a State, or any elementary or secondary educational institution which is operated, in whole or in part, from or through the use of governmental funds or property, or funds or property derived from a governmental source.

"(c) 'School board' means any agency or agencies which administer a system of one or more public schools and any other agency which is responsible for the assignment of studies to or within such system.

"(d) 'Student' means any person required or permitted by State law to attend a public school for the purpose of receiving instruction.

"(e) 'Parent' means any parent, adoptive parent, guardian, or legal or actual custodian of a student.

"(f) 'Faculty' means the administrative and teaching force of a public school system or a public school.

"(g) 'Open enrollment system' means a system for the assignment of students to public schools and within public schools maintained by a school board operating a system of public schools in which the public schools and the classes it operates are open to students of all races and in which the students are granted the freedom to attend public schools and classes chosen by their respective parents from among the public schools and classes available for the instruction of students of their ages and educational standings.

"Sec. 1202. No department, agency, officer, or employee of the United States empowered to extend Federal financial assistance to any program or activity at any public school by way of grant, loan, or otherwise shall withhold, or threaten to withhold, such financial assistance from any such program or activity on account of the racial composition of the student body at any public school or in any class at any public school in any case whatever where the school board operating such public school or class maintains in respect to such public school and class an open enrollment system as defined in section 1201(g).

"Sec. 1203. No department, agency, officer, or employee of the United States empowered to extend Federal financial assistance to any program or activity at any public school by way of grant, loan, or otherwise shall withhold, or threaten to withhold, any such Federal financial assistance from any such program or activity at such public school to coerce or induce the school board operating such public school to transport students from such public school to any other public school for the purpose of altering in any way the racial composition of the student body at such public school or any other public school.

"Sec. 1204. No department, agency, officer, or employee of the United States empowered to extend Federal financial assistance to any program or activity of any public school in any public school system by way of grant, loan, or otherwise shall withhold or threaten to withhold any such Federal financial assistance from any such program or activity at such public school to coerce or induce any school board operating such public school system to close any public school, and transfer the students from it to another public school for the purpose of altering in any way the racial composition of the student body at any public school.

"Sec. 1205. Whenever any department, agency, officer, or employee of the United States violates or threatens to violate section 1202, section 1203, or section 1204, of this Act, the school board aggrieved by the violation or threatened violation, or the parent of any student affected or to be affected by the violation or threatened violation, or any student affected or to be affected by the violation or threatened violation, may bring a civil action against the United States in the district court of the United States complaining of the violation or threatened violation, and the district court of the United States shall have jurisdiction to try and determine the civil action irrespective of the value or the amount involved in it and enter such judgment or issue such order as may be necessary or appropriate to redress the violation or prevent the threatened violation. Any civil action against the United States under this section may be prosecuted in the judicial district in which the school board aggrieved by the violation or threatened violation has its principal office, or in the judicial district in which any school affected or to be affected by the violation or threatened violation is located, or in the judicial district in which a parent of a student affected or to be affected by the violation or threatened violation resides, or in the judicial district in which a student affected or to be affected by the violation or threatened violation resides, or in the judicial district encompassing the District of Columbia. The United States hereby expressly consents to be sued in any civil action authorized by this section, and hereby expressly agrees that any judgment entered or order issued in any such civil action shall be binding on the United States and its offending department, agency, officer, or employee, subject to the right of the United States to secure an appellate review of the judgment or order by appeal or certiorari as is provided by law with respect to judgments or orders entered against the United States in other civil actions in which the United States is a defendant.

"Sec. 1206. No court of the United States shall have jurisdiction to make any decision, enter any judgment, or issue any order requiring any school board to make any change in the racial composition of the student body at any public school or in any class at any public school to which students are assigned in conformity with an open enrollment system as defined in section 1201(g) of this Act, or requiring any school board to transport any students from one public school to another public school or from one place to another place or from one school district to another school district in order to effect a change in the racial composition of the student body at any school or place or in any school district, or denying to any student the right or privilege of attending any public school or class at any public school chosen by the parent of such student in conformity with an open enrollment system as defined in section 1201(g) of this Act, or requiring any school board to close any school and transfer the students from the closed school to any other school for the purpose of altering the racial composition of the student body at any public school.

Mr. ERVIN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ERVIN. Mr. President, this is a very important amendment.

These are the objectives of the amendment:

First. To restore to local school boards the power to administer the public schools committed to their charge.

Second. To confer upon parents the right to choose the public schools their children attend.

Third. To secure to children the right to attend the public schools chosen by their parents.

Let me explain the provisions of the amendment:

Section 1201(g) provides that open enrollment means "a system for the assignment of students to public schools and within public schools maintained by a school board operating a system of public schools in which the public schools and the classes it operates are open to students of all races and in which the students are granted the freedom to attend public schools and classes chosen by their respective parents from among the public schools and classes available for the instruction of students of their ages and educational standings."

Sections 1202, 1203 and 1204 of the amendment forbid the Department of Health, Education, and Welfare to do any of these things:

First. To withhold, or threaten to withhold, Federal financial assistance from any public school operating under an open enrollment plan "on account of the racial composition of its student body."

Second. To withhold, or threaten to withhold, Federal financial assistance from any public school "to coerce or induce the school board operating the public school to transport students from such public school to any other public school for the purpose of altering in any way the racial composition of the student body at such public school or any other public school."

Third. To withhold, or threaten to withhold, Federal financial assistance from any school board operating any public school to coerce or induce the school board to close any public school and transfer the students from such public school to any other public school or schools for the purpose of altering the racial composition of the student body at any public school.

Section 1205 of the amendment empowers any school board or any parent of any student affected or to be affected by any violation or threatened violation of any of the provisions of sections 1202, 1203, and 1204 to sue the United States in the district court of the United States, and obtain such relief "as may be necessary or appropriate to redress the violation or prevent the threatened violation."

[Disturbance in the visitors' galleries.]

The PRESIDING OFFICER. Under rule XIX the Chair is required to keep order in the Senate. People in the galleries are guests of the Senate and should maintain order without the Chair having to request this. If order is not maintained, however, the Chair will be compelled to order the removal of those persons from the galleries who are causing the disturbance. If order is not maintained, the Chair will be compelled to close the galleries of the Senate to the public.

[Further disturbance in the visitors' galleries.]

Mr. BYRD of West Virginia. Mr. President, I ask that the two galleries containing the disrupters be cleared.

The PRESIDING OFFICER. The Sergeant at Arms will clear those two galleries.

Mr. BYRD of West Virginia. Mr. President, I ask that they be cleared until order is restored.

The PRESIDING OFFICER. The remaining visitors are reminded once again that they are guests and that disturbances will not be tolerated.

Mr. HUMPHREY. Mr. President, may I respectfully suggest that only those who are guilty of violations of the rules be taken out of the galleries. Many guests have come in good faith.

The PRESIDING OFFICER. In compliance with the request of the Senator from Minnesota, the Sergeant at Arms will remove only those who have created the disturbance so that other visitors will not suffer because of the violations of some.

Mr. BYRD of West Virginia. Mr. President, I ask that both galleries be cleared and that those individuals who did not participate in the disturbance afterward be permitted to return to the galleries.

The PRESIDING OFFICER. The gallery will be cleared. Those occupants who did not cause disturbance will be permitted to reenter.

Mr. ERVIN. Mr. President, section 1206 specifies that—

> No court of the United States shall have jurisdiction to make any decision, enter any judgment, or issue any order requiring any school board to make any change in the racial composition of the student body at any public school or in any class at any public school to which students are assigned in conformity with an open enrollment system as defined in Section 1201(g) of this Act, or requiring any school board to transport any students from one public school to another public school or from one place to another place or from one school district to another school district in order to effect a change in the racial composition of the student body at any school or place or in any school district or denying to any student the right or privilege of attending any public school or class at any public school chosen by the parent of such student in conformity with an open enrollment system as defined in section 1201 (g) of this Act, or requiring any school

board to close any school and transfer any students from the closed school to any other school for the purpose of altering the racial composition of the student body at any public school.

Section 1206 is sanctioned by article III of the Constitution which empowers Congress to regulate the appellate jurisdiction of the Supreme Court and both the original and appellate jurisdiction of all Federal courts inferior to the Supreme Court.

Mr. President, I can state what these provisions would do in simpler fashion. They would provide that wherever a school board establishes an open enrollment policy for the assignment of children to schools or classes under its jurisdiction, the assignment by the school board could not be changed by requirements imposed upon it by HEW or by the Federal courts.

They also provide that the public school board establishes an open enrollment policy when it opens all of the schools subject to its jurisdiction to children of all races and permits the children of all races to attend the public schools available for the education of schoolchildren of their ages and intellectual attainments which are selected by their parents. In other words, an open enrollment policy is what's known in the South as a freedom-of-choice system.

It is known in Boston as an open enrollment system. I propose that the Congress authorize for the South, and the remainder of the country, open enrollment systems similar to that used in Boston.

These provisions would prohibit the busing of children at the instance of HEW or the Federal courts. It would also secure to each child the right to attend his neighborhood school, which is the school nearest his home, and which is available for children of his age and educational achievements. The amendment would also prohibit both the HEW and the Federal courts from closing down schools, and taking students from the closed schools to other schools merely for the purpose of changing the racial composition of some schools in the system.

This bill is in perfect harmony with the equal protection clause of the 14th amendment.

If we are to understand the conditions out of which the necessity for amendment arises, we must understand the equal protection clause of the 14th amendment.

The equal protection clause of the 14th amendment, which was certified to be a part of the Constitution on July 28, 1863, forbids a State to "deny to any person within its jurisdiction the equal protection of the laws."

By these words, the equal protection clause requires a State to treat in like manner all persons similiarly situated. *State Board of Tax Commissioners of Indiana* v. *Jackson*, 283 U.S. 527 (1931); *Maxwell* v. *Bugbee*, 250 U.S. 525 (1919). The clause does not require identity of treatment. *Walters* v. *St. Louis*, 347 U.S. 231 (1934). It permits a State to make distinctions between persons subject to its jurisdiction if the distinctions are based on some reasonable classification, and all persons embraced within the classification are treated alike. It merely outlaws arbitrary or invidious discrimination. *Avery* v. *Midland County*, 390 U.S. 474 (1968); *Missouri Pacific Railway Co.* v. *Mackey*, 127 U.S. 205 (1888).

From July 28, 1868, until May 17, 1954, the equal protection clause of the 14th amendment was interpreted to sanction the "separate but equal doctrine," which permitted a State to segregate schoolchildren in its public schools on the basis of race when it furnished equal facilities for the education of the children of each race. *Gong Lum* v. *Rice*, 275 U.S. 78 (1927); *Cumming* v. *Richmond County Board of Education*, 175 U.S. 528 (1899); *Plessy* v. *Ferguson*, 163 U.S. 537 (1896).

On May 17, 1954, the Supreme Court handed down its historic decision in *Brown* v. *Board of Education of Topeka*, 347 U.S. 483 (1954), adjudging "that in the field of public education the doctrine of 'separate but equal' has no place" and holding that a State violates the equal protection clause if it denies any child admission to any of its public schools on account of the child's race.

On the same day the Supreme Court handed down *Bolling* v. *Sharpe*, 347 U.S. 497 (1954), ruling that the Due Process Clause of the 5th amendment imposes the same inhibition on the public schools of the District of Columbia that the equal protection clause does on the public schools of a State, and 1 year later the Supreme Court announced its implementing decision in second Brown, which is reported as *Brown* v. *Board of Education of Topeka*, 349 U.S. 294 (1955).

Since these decisions the Supreme Court has applied the equal protection clause to varying factual situations arising in various southern public school districts in the following cases: *Cooper* v. *Aaron*, 358 U.S. 1, 20 (1958); *Shuttlesworth* v. *Birmingham Board of Education*, 358 U.S. 101 (1958); *Bush* v. *Orleans Parish School Board*, 364 U.S. 500 (1960); *Watson* v. *City of Memphis*, 373 U.S. 526 (1963); *Goss* v. *Board of Education of Knoxville*, 373 U.S. 683 (1963); *Griffin* v. *County School Board of Prince Edward County*, 377 U.S. 218 (1964); *Bradley* v. *School Board of City of Richmond*, 382 U.S. 103 (1965); *Rogers* v. *Paul*, 382 U.S. 198 (1965); *Green* v. *County School Board of New Kent County*, 391 U.S. 430 (1968); *Raney* v. *Board of Education of the Gould School District*, 391 U.S. 443 (1968); *Monroe* v. *Board of Commissioners of the City of Jackson*, 391 U.S. 450 (1968); *United States* v. *Montgomery County Board of Education*, 395 U.S. 225 (1969); *Alexander* v. *Holmes County Board of Education*, 396 U.S. 19 (1969); *Dowell* v. *Board of Education of the Oklahoma City Public Schools*, 396 U.S. 269 (1969); *Carter* v. *West Felicana Parish School Board*, 396 U.S. 226 (1969); *Carter* v. *West Felicana Parish School Board*, 396 U.S. 290 (1970); and *Northcross* v. *Board of Education of the Memphis City Schools*, 397 U.S. 232 (1970).

Besides, individual Supreme Court Justices, acting as Circuit Justices, have expressed opinions on the subject in these cases: *Board of School Commissioners of Mobile County* v. *Davis*, 11 L. ed. 2d 26 (1963); *Keyes* v. *School District No. 1, Denver*, 396 U.S. 1215 (1970); and *Alexander* v. *Holmes County Board of Education*, 396 U.S. 1218 (1969).

And on April 20, 1971, the Supreme Court handed down its latest decision in this area, Swann versus Charlotte-Mecklinburg Board of Education.

When all of these cases are analyzed, they interpret the equal protection clause as follows:

First. The equal protection clause makes it unconstitutional for a State to deny any child admission to any public school it operates on account of the child's race.

Second. In consequence, the equal protection clause imposes upon a State, acting through its appropriate agencies, the responsibility to establish a system of determining admission to its public schools on a nonracial basis.

Third. A State, which operated a racially segregated system of public schools on May 17, 1954, fulfills this responsibilty by converting its dual public school system into a unitary public school system.

Fourth. A unitary public school system is one "within which no person is to be effectively excluded from any school because of race or color."

As interpreted in the first *Brown Case*, 347 U.S. 483 (1954), and all subsequent Supreme Court decisions relevant to the subject, the equal protection clause forbids a public school board, which acts as a State agency, to deny any child admission to any school it operates on account of the child's race. A public school board obeys the clause by maintaining a unitary school system, i.e., a school system "within which no person is to be effectively excluded from any school because of race or color." *Northcross* v. *Board of Education of the Memphis City Schools*, 397 U.S. 232 (1970); *Alexander* v. *Holmes County Board of Education*, 396 U.S. 19 (1969). See also the opinion of Mr. Justice Black, acting as Circuit Justice, in *Alexander* v. *Holmes County Board of Education*, 396 U.S. 1218 (1969).

The power to assign children to State supported schools belongs to the public school board which operates them. The equal protection clause does not undertake to transfer this power to the Federal Courts. It merely subjects the exercise of the power by the public school board to this limitation: The board must not exclude any child from any school it operates because of the child's race.

If it faithfully observes this limitation upon its power, a public school board has the right to assign children to the schools it operates in any nondiscriminatory fashion satisfactory to itself.

School Board exercises this right when it creates nondiscriminatory attendance districts or zones and assigns all children, whether black or white, to neighborhood schools in the districts or zones of their residence without regard to race.

It inevitably follows that where school attendance areas are not arbitrarily or invidiously fixed so as to include or exclude children of a particular race, the equal protection clause does not prohibit a State or local school board from requiring that the children living in each attendance area attend the school in that area, even though the effect of such a requirement, in a locality where the different races are concentrated in separate residential areas, is racial imbalance or de facto segregation in the schools.

Although a school system is in the South, racial imbalances produced in its schools by de facto residential segregation are just as innocent as racial imbalances produced in the public schools of the North by the same cause, and are equally exempt from federal interference, whether legislative, executive, or judicial, under the equal protection clause, which, as already pointed out, condemns no discrimination except that which is arbitrary or invidious.

Mr. PELL. Mr. President, I would suggest the Senate be in order so that we can hear the Senator from North Carolina.

The PRESIDING OFFICER. There will be order in the Senate, please.

Mr. ERVIN. Mr. President, the Supreme Court has so adjudged. Indeed, it must do so if the United States is to be truly one Nation under one flag and one Constitution.

It no longer comports with intellectual inegrity to call all racial imbalances in the public schools of the South de jure, and all racial imbalances in the public schools of the North de facto.

There is now no de jure school segregation anywhere in our land. Racial imbalances in public schools are either arbitrary or invidious and, hence, constitutionally impermissible, both North and South, or innocent and, hence, constitutionally permissible, both North and South. Racial imbalances resulting from de facto residential segregation or nondiscriminatory districting or zoning, whether in the North or in the South, are clearly innocent and constitutionally permissible.

Moreover, it no longer comports with reality, commonsense, or justice to apply one rule to the North and another to the South because the South did not precede the Supreme Court in discovering that the "separate, but equal doctrine" had ceased to be the law of the land.

As I shall demonstrate later, some Federal courts actually discriminate against southern school districts simply because southern school districts were not smarter than the Supreme Court itself and did not discover before the Supreme Court discovered that the separate but equal doctrine had ceased to be a part of the law of the land.

As I have stated, a school board performs its duty under the equal protection clause when it creates nondiscriminatory districts or zones and assigns all children, whether they be black or white, to neighborhood schools in the districts or zones of their residence without regard to race.

And, as we shall see, a school board likewise performs its constitutional obligation when it assigns children to its public schools pursuant to a freedom of choice or open enrollment system as defined in my amendment.

These things are so because if children are similarly situated and the school board treats them exactly alike, its action is in complete harmony with the equal protection clause.

The equal protection clause is limited in objective and operation. It imposes this duty, and this duty only, on a State, that is, to treat in like manner all persons similarly situated.

In consequence, it forbids a public school board, acting as a State agency, to exclude any child from any school because of the child's race.

Further than that it does not go. It does not rob any public school board of its inherent authority to assign children of any race to their neighborhood school if the school board acts for reasons other than racial reasons, such as a purpose to promote ease of school administration, convenience of the children and the homes from which they come, or economy of operation.

Hence, it does not empower Federal courts to deny children of any race admission to their neighborhood schools and to bus them to other schools in other areas to remedy racial imbalances in their neighborhood schools or the other schools arising out of the residential patterns of their neighborhoods or of the other areas.

And, above all things, the equal protection clause does not intend that little children, black or white, shall be treated as pawns on a bureaucratic or judicial chess board.

I reiterate: A school board, acting as a state agency, has the power to assign children to the public schools it operates free from interference by the Federal judiciary as long as it obeys the equal protection clause and does not exclude any child from any school because of the child's race.

When a school board violates the equal protection clause, a Federal Court has jurisdiction to order the school board to devise and implement a plan sufficient to remedy its discriminatory assignment of children to its schools, and to punish the members of the school board for contempt of court if they fail to obey the order. Nevertheless, the power to devise and implement a plan to remedy the discriminatory assignment continues to reside in the school board, and the Federal Court is without power to reject a nondiscriminatory plan submitted by the school board because such nondiscriminatory plan will not mix the races in the schools in numbers or proportions satisfactory to the Federal Court.

Besides the Federal Court cannot usurp and exercise the power of the school board to devise a non-discriminatory assignment plan because the Federal Court wishes to mix the races in the schools in greater numbers or proportions than the non-discriminatory plan of the school board envisages.

When it is stated in simple fashion the equal protection clause merely means that all persons subjected to state action must be treated alike under like conditions, both in the rights conferred and in the obligations imposed.

As Chief Justice Burger repeatedly stated in Swann against The Charlotte-Mecklenburg Board of Education, the Supreme Court has not departed in any way from the interpretation it placed upon the equal protection clause in the original Brown case.

In interpreting this clause in *Brown* v. *Board of Education of Topeka,* 347 U.S. 483, the Supreme Court held that a State denies the equal protection of the laws to black children if it denies them admission to its public schools attended by white children under State laws requiring or permitting segregation according to race. One of the intellectual and legal giants of our age, the late Chief Judge John J. Parker of the U.S. Court of Appeals for the Fourth Circuit, correctly explained what the Supreme Court decided in the Brown Case in his per curiam opinion in *Briggs* v. *Elliott,* 132 F. Supp. 776, 777:

> Having said this, it is important that we point out exactly what the Supreme Court has decided and what it has not decided in this case. It has not decided that the federal courts are to take over or regulate the public schools of the states. It has not decided that the states must mix persons of different races in the schools or must require them to attend schools or must deprive them of the right of choosing the schools they attend. What it has decided, and all that it has decided, is that a state may not deny to any person on account of race the right to attend any school that it maintains. This, under the decision of the Supreme Court, the state may not do directly or indirectly; but if the schools which it maintains are open to children of all races, no violation of the Constitution is involved even though the children of different races voluntarily attend different schools, as they attend different churches. Nothing in the Constitution or in the decision of the Supreme Court takes away from the people freedom to choose the schools they attend. The Constitution, in other words, does not require integration. It merely forbids discrimination. It does not forbid such segregation as occurs as the result of voluntary action. It merely forbids the use of governmental power to enforce segregation. The Fourteenth Amendment is a limitation upon the exercise of power by the state or state agencies, not a limitation upon the freedom of individuals.

What Judge Parker said in the Briggs case correctly interprets the ruling in the Brown case. Circuit Judge Wisdom's attempt in *U.S.* v. *Jefferson County Board of Education,* 372 F. 2d 836, 862, to dismiss what Judge Parker declared in the Briggs case as "pure dictum" is not even plausible. The Briggs case was one of the four cases consolidated for hearing and decision in the Brown case, and Judge Parker was applying that decision to the Briggs case on its remand to the three-judge district court sitting in the eastern district of South Carolina.

It is as clear as the noonday sun in a cloudless sky that Judge Parker's assertion that when a State opens its schools to children of all races and grants to them freedom to choose the schools they attend, its action in so doing does not violate the equal protection clause of the 14th amendment and is absolutely sound. This is so because when it takes such action, the State treats all persons of all races exactly alike under like conditions, and thus fulfills both the letter and the spirit of the equal protection clause. No amount of judicial or bureaucratic jargon and sophistry can erase this obvious truth.

Moreover, Judge Parker's declaration is faithful to the proposition that the Constitution decrees that Americans are citizens of a free society and not the hapless and helpless subjects of judicial and bureaucratic oligarchies.

It is worthy of observation at this point that when the Brown case itself was remanded to the court in which it originated, the three-judge U.S. District Court sitting in the District of Kansas revealed itself to be in complete agreement with Judge Parker's analysis of the Brown case by making the following statement:

> It was stressed at the hearing that such schools as Buchanan are all-colored schools and that in them there is no intermingling of colored and white children. Desegregation does not mean that there must be intermingling of the races in all school districts. It means only that they may not be prevented from intermingling or going to school together because of race or color.
>
> If it is a fact, as we understand it is, with respect to Buchanan School that the district is inhabited entirely by colored students, no violation of any constitutional right results because they are compelled to attend the school in the district in which they live. (139 F. Supp. 468, 470)

It is noted, in passing, that in *Bell* v. *School City of Gary*, 324 F. 2d 209, *Deal* v. *Cincinnati Board of Education*, 369 F. 2d 55, and other well considered cases able Federal courts rendered decisions in full harmony with the sound views expressed by Judge Parker in the Briggs case notwithstanding the fact that in one or two cases the court has misapplied these principles of law.

It is apparent from the Swann case, which was handed down on April 20, and every other decision of the Supreme Court of the United States on this subject, that a Federal court or the Department of HEW has no jurisdiction to compel a local school board to do anything unless that local school board arbitrarily or unreasonably discriminates against children by denying children admission to a school which it operates because of their race. That is in line with all the other decisions of the Supreme Court on this point.

[Disturbance in the visitors' galleries.]

The PRESIDING OFFICER (Mr. BUCKLEY). Will the Senator from North Carolina suspend? The Chair wishes to remind those in the galleries once again that under rule XIX the Chair is required to maintain order in the Senate. That means absolute quiet. If the rule is not observed, the Chair will be obligated to require that those causing the disturbances and noise be removed.

The Senator from North Carolina may proceed.

Mr. ERVIN. Some of the Federal courts inferior to the Supreme Court are now attempting to rob schoolchildren and their parents of the liberty to select schools embodied in the freedom of choice or open enrollment concept. For example, the Fourth Circuit Court of Appeals declared on July 11, 1969, in the case entitled Hawthorne against Lunenberg that "the famous Briggs against Elliott dictum—adhered to by this court for many years—that the Constitution forbids segregation but does not require integration, is now dead."

In this quotation from the Hawthorne case, the Fourth Circuit Court of Appeals was referring to the constitutional principle enunciated by Judge Parker in these words:

> Nothing in the Constitution—takes away from the people the freedom to choose the schools they attend. *Briggs* v. *Elliott*, 132 F. Supp., 776, 777.

I make this observation: If this constitutional principle is now dead, it was murdered by judicial activists in violation of the equal protection clause of the 14th amendment itself. This is so because no man who is willing to give words their obvious meaning can find anything in the equal protection clause which deprives any individual in the United States of the freedom to choose the public school he attends or any other freedom. Indeed, as I have pointed out, this clause relates solely to State and not to individual action.

Judicial activists cite the opinion of Justice Brennan in Green against County School Board of New Kent County, 391 U.S. 430, as a pronouncement of the Supreme Court that the Brown case requires all public schools to be compulsorily integrated if both black and white children of school age are obtainable and that all "freedom of choice" plans are automatically unconstitutional.

I would point out that this case laid down as the applicable constitutional principle that the only obligation resting upon a State which maintained a segregated system on May 17, 1954, was to convert that system to a unitary school system, a system in which admission to its schools is determined on a nonracial basis. I submit that that is exactly what Chief Justice Burger stated time and time again in his opinion in Swann against Charlotte-Mecklenburg Board of Education.

I would have to confess that I think that the Green case misapplied that the principle of constitutional law to the facts of the case, while professing to adhere to and enforce that principle of constitutional law.

I shall not undertake to analyze the Green case in detail. If one desires to speak with assurance concerning it, he must limit his remarks to these observations: Its facts are plain; its verbiage is ambiguous and murky; it lays down no understandable or workable rule.

New Kent County is a rural county in eastern Virginia which possesses only two schools. One of these schools, the New Kent School, is designated by the opinion as a "white" school, and the other, the Watkins School, is designated by the opinion as a "Negro" school. Three years before the opinion was written, the School Board of New Kent County completely removed from its school system all State-imposed segregation, and adopted a "freedom of choice" plan which allowed each black and white school child in New Kent County to attend whichever school he chose to attend.

The district court and the Fourth Circuit Court of Appeals adjudged this freedom of choice plan valid, and the Supreme Court reversed their rulings and remanded the case to the district court with a statement that the school board must be required to "fashion steps which promise realistically to convert promptly to a system without a 'white' school and a 'Negro' school, but just schools." I will not undertake to determine whether the case constitutes a solemn adjudication that the words "just schools" imply that all schools must be black and white schools where black and white children are available for coercive mixing.

I will make certain comments, however, concerning the only real reason given by the opinion for the rejection of the school board's "freedom of choice" plan.

The opinion declares that such plan did not constitute an "adequate compliance" with the responsibility imposed upon the school board by the second decision in the Brown case (347 U.S. 294, 300–301), "to achieve a system of determining admission to the public schools on a nonracial basis" because not a single one of the 550 white children in the county had chosen to attend Watkins School, and only 115 of the 740 black children in the county had chosen to attend the New Kent School.

Despite this ruling, it is as clear as the noonday sun in a cloudless sky that the most effective way "to achieve a system of determining admission to the public schools on a nonracial basis" is to open the public schools to children of all races, and allow them or their parents to choose the schools they attend. Oceans of judicial sophistry cannot wash out this plain truth.

If the Green case means anything, it means that freedom of choice plans are valid if black and white children choose to mix themselves in public schools in proportions pleasing to Supreme Court Justices, but are invalid if black and white children exercise their freedom of choice in a manner displeasing to Supreme Court Justices.

Obviously, the United States cannot continue to boast that it is a free country if the freedom of its people hangs on such an arbitrary and tenuous judicial thread.

I wish to call to the attention of the Senate a cartoon and editorial which appeared in the Washington Star on June 23, 1968, and which are highly pertinent to the subject under consideration. The cartoon depicts a black-robed Federal Judge who presides over a classroom inhabited by small children, banging his gavel on the teacher's desk and declaring in stern judicial language: "This court will come to order."

I deeply regret that the format of the RECORD does not permit reproduction of the cartoon for the edification of Senators. Fortunately, however, I can have the editorial reproduced in the RECORD.

Therefore, I ask unanimous consent that the editorial which is entitled "Our Judges Should Stick To Their Judging," be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

Eleven months ago the American Association of School Administrators, with some 17,000 members around the country strongly urged that an appeal be taken from Judge Skelly Wright's decision in the District school case.

The association said that the decision "usurps the prerogatives of boards of education and school administrators" and, further, that Judge Wright's educational theories are "wrong and dangerous."

Now, a year after the ruling, an appeal will be heard this week by the United States Court of Appeals. What the result will be is, of course, uncertain. But one may at least hope that the appellate judges will return control of the Washington schools to the school authorities, and that Judge Wright will be encouraged to devote himself to his judicial knitting.

Judge Wright has not been the only federal judge to get into the business of running or trying to run public school systems. The Supreme Court and the Fourth Circuit Court of Appeals also got in a few whacks this year.

The case of Brown vs. Board of Education was decided by the Supreme Court in 1954 and an implementing decision, known as Brown II, came down a year later.

The 1954 Brown ruling held that segregated public school systems imposed or required by state or local law were in violation of the Fourteenth Amendment and therefore unconstitutional. Brown II decreed that such segregated systems must be abolished. The court did not say, however, that compulsory segregation must be replaced by compulsory integration.

John J. Parker, then chief judge of the Fourth Circuit, construed the Brown decision in this language: "It (the court) has not decided that the states must mix persons of different races in the schools or must require them to attend schools or must deprive them of the right of choosing the schools they attend. What it has decided, and all that it has decided, is that a state may not deny to any person on account of race the right to attend any school that it maintains. * * * Nothing in the Constitution or in the decision of the Supreme Court takes away from the people the freedom to choose the schools they attend."

Chief Judge Parker was a distinguished jurist, not a man to bypass or undermine Supreme Court rulings. A few years before his death in 1958 he was awarded the American Bar Association's gold medal for "conspicuous service to American jurisprudence." But in undertaking to construe Brown, Judge Parker spoke too soon. He couldn't foresee, of course, what the Supreme Court would say in May 1968 in the case of Virginia's New Kent County, and he would have been horrified to read that opinion.

New Kent is a small rural county with only two schools for its 740 Negro and 550 white pupils—New Kent School on the east side of the county for whites and George W. Watkins School on the west for Negroes. There is no residential segregation in the county.

New Kent, as it had to do, went along for several years after Brown with the Virginia Legislature's various efforts to avoid school desegregation. But three years ago the county adopted a freedom of choice plan. There has been no claim that the plan did not offer a truly free choice or that it was applied in any discriminatory way. No white children transferred to the Watkins School. But in 1967 a total of 115 Negro children applied for and were enrolled in New Kent. This was up from 35 in 1965 and 111 in 1966. To sum it up, no white children have gone to the "colored" school, but slightly more than 15 percent of the Negro children were attending the "white" school at the end of this year's term.

In an ambiguous opinion, Justice Brennan said this was not good enough.

He did not, and indeed he could not, properly say that a bona fide freedom of choice plan, such as New Kent's, is unconstitutional. In fact, he did not cite any specific constitutional basis for holding that the New Kent system wouldn't do.

He said the plan placed a "burden" on children and their parents—the burden of applying for admission to one school or the other if they wanted to switch. He did not stress the point that the parents of 115 Negro children did not find this too burdensome last year. He also suggested that the county should adopt some kind of "zoning" system, although he was very vague about this. And without more ado, he set aside a ruling by the Fourth Circuit which had upheld the New Kent plan.

So much for that. But what is it that New Kent County is supposed to do that will satisfy the learned justices of the Supreme Court when they doff their judicial robes and sit as a local school board? Justice Brennan didn't say. The county authorities are left in the dark. But we have several suggestions. (1) The ruling applies only to states whose schools formerly were segregated by law, which means the southern and border states. If this is what the law now requires in those states, why is it not required in all states? (2) This decision, although it doesn't spell it out, clearly commands compulsory integration, and this without specifying any constitutional basis for the command. Judge Brennan did cite some language from Brown II, but Brown II is not the Constitution. (3) The court is saying, though not in so many words, that some white children in New Kent County, regardless of their wishes, must be compelled by the local authorities to attend the "colored" school, and that more than 115 Negro children, regardless of their desires, must be compelled to attend the "white" school. Precisely what racial "mix" will be satisfactory? Again, the justices in their infinite wisdom did not say. We suspect they haven't the foggiest notion. We also suspect that what they have done will play hob with New Kent County's public school system and the education of both its black and white children.

Another judicial shocker, which reinforces our belief that judges, especially eager-beaver judges, should stay out of the schoolroom, has just come down from the Fourth Circuit.

The effect of this 5-to-2 ruling in a Norfolk case is to cut down the neighborhood school concept. Again, the court majority uses weasel words. It says that the assignment of pupils to neighborhood schools is a sound concept. But it adds that this is not true if purely private discrimination in housing keeps Negroes out of a given residential area. How does private discrimination, as distinguished from public or state discrimination, offend the Constitution? The majority judges, of course, do not say. But we note with interest the dissenting opinion by Judge Albert V. Bryan, who said the court was guilty of "usurpation", and that the majority through its decision "once again acts as a school board and as a trial court, and now is about to act as a city planning commission." This last presumably refers to the problem of how to bus pupils in Norfolk, which has no school bus system.

To sum it up, federal judges have a constitutional duty and the competence to strike down any law which imposes school segregation. They have neither the duty nor the competence to demand compulsory integration and to run the schools by judicial fiat. The sooner the judges recognize this, if they ever recognize it, the better it will be for our system of public education.

[Disturbance in a visitors' gallery.]

The PRESIDING OFFICER. Quiet will be maintained in the gallery.

The Sergeant at Arms will please clear the gallery of those causing the disturbance.

The remaining guests in the gallery are reminded that the Chair has the obligation, under the rules of the Senate, to maintain order, and intends to do so.

Mr. ERVIN. Mr. President, in passing from this phase of my remarks, I note that since it is authorized by congressional legislation to extend Federal financial aid to public school activities, the Department of Health, Education, and Welfare administers the provisions of title VI of the Civil Rights Act of 1964, which deals with nondiscrimination in federal assisted programs.

An observant and wise Federal district judge, J. Robert Elliott, of the middle district of Georgia, who performs his judicial tasks where people live, move, and have their being rather than in some ivory tower, entered a trenchant and illuminating interim opinion a short time ago when the Fifth Circuit Court of Appeals remanded the case of United States against Board of Education of Crisp County, Georgia, to the U.S. District Court for the Middle District of Georgia with directions that Judge Elliott reconsider his former ruling in the light of the most recent decision of the Court of Appeals and the Supreme Court dealing with school desegregation.

In an order requiring the school board to submit a new plan of desegregation, Judge Elliott made an accurate and penetrating analysis of the tragic impact of judicially coerced integration upon law and public school education. I quote his words:

> A review of these decisions shows that it is intended that integration be brought about in some way by school administrators as the first order of business. Problems of money, problems of transportation, problems of finding competent teachers willing to staff completely integrated schools, problems of political and emotional ramifications and the myriad frustrating difficulties peculiar to public education, and even the substantial objections of those thought to be benefited, are either ignored or brushed aside. We are told not to be "color blind", but to be "color conscious". The three R's long thought to be the reason for the existence of the public school system have been eclipsed by the one big R-Race. Integration is primary. Education is secondary. And through it all is the clear implication that Federal Courts are competent to design, supervise and administer plans for the integration of all school systems within our jurisdiction regardless of the diverse and complex problems presented. As for myself, I disavow any such occult power and am convinced that a fairly administered freedom of choice plan is the best answer and that the "immediate total integration at any cost" approach must inevitably result in serious damage to the public school system. However, we are bound by the decisions of the Supreme Court and the Court of Appeals for the Fifth Circuit, so we will make one more drag of the judicial claw across this sensitive area.

The judicial activists and the crusading bureaucrats have virtually taken over the public schools of the South.

They arbitrarily establish numerical or percentage quotas based on race for specified schools, and compel school boards to assign black and white administrators and teachers, and black and white children to these schools in numbers or percentages sufficient to meet these racial quotas.

If neighborhood schools are located in racially mixed school districts, they compel school boards to force children residing in the districts to attend their neighborhood schools even in instances where some of the children have valid reasons for assignment to schools elsewhere.

If neighborhood schools are not located in racially mixed districts, they compel school boards to resort to geographical rezoning, to bus schoolchildren from one school to another or from one school district to another, and to "pair schools." The sole objective of each of these courses of action is to mix black and white children in the same schools, and each of them requires that substantial numbers of black and white children be denied the freedom to attend the neighborhood schools nearest their homes because children of their race are needed to integrate schools elsewhere.

Let me explain what each of these courses of action involves.

In geographical rezoning, Federal judges and HEW officials compel school boards to create new geographical districts or zones, gerrymandered if necessary for the purpose, to embrace racially mixed residential areas, and to make arbitrary assignments of black and white children to the various schools within the newly created districts or zones, even though such arbitrary assignments deny substantial numbers of the children the right to attend the neighborhood schools nearest their homes and require them to travel substantial distances to reach the schools to which they are assigned.

Some of the judicially and bureaucratically imposed geographical zoning plans thrust grave hardships upon schoolchildren and their parents. Others are irrational. Moreover, some imposed in the fifth circuit where judicial activism runs rampant even imperil the safety of schoolchildren.

I mention only a few of the numerous instances which prove the validity of these observations.

The School Board of Raleigh, the capital of North Carolina, was coerced by HEW to adopt new geographical zoning by the threat of cutting off Federal funds otherwise available to it. Under the HEW-coerced geographical rezoning plan, the school board in Raleigh had to deny to numerous children, both black and white, the right to attend their neighborhood schools, and to assign them to schools located substantial distances from their homes. Two boys who reside only four blocks from a high school were assigned to another high school 4½ miles distant from their home. When their father made requests in their behalf that they be assigned to their neighborhood high school instead of the distance high school, he received this response from the school authorities in respect to each of his sons:

> I regret to inform you that your request for transfer of school assignment * * * for your child has been denied. * * * Honoring your request would have resulted in exposing your child to fewer students of a different race than he would be exposed to in the school to which he has been assigned for the next year.

The father wrote me a letter in which he pointed out that the denial of his request for the transfer of his sons to their neighborhood high school compelled them to walk 9 miles daily to and from the distant high school, despite the intervening traffic hazards. He then put to me a question which I now in turn put to the Senate: Why should children "be herded around like cattle and shifted like pawns in a chess game?"

I will now call attention to a few judicial decisions in the fifth circuit where the courts are dominated by judicial activists of highly immoderate attitudes. They compel school boards to create geographical zones sufficient to "produce integration of faculties, staff, facilities, transportation, and school activities such as athletics, along with the integration of students"—*Adams* v. *Matthews*, 403 F. 2d 181—even though the geographical districts are so irrational as to compel little children to imperil their safety by crossing hazardous railroad tracks, bridges, and bayous—*U.S.* v. *Indianola Municipal School District*, CA-5, April 11, 1969, No. 25,655; *U.S.* v. *Greenwood Municipal School District*, CA-5, February 4, 1969, No. 25,714—ignore the density of population in the zones, the proximity of the residences of school children to schools, and natural boundaries created by God; and deprive school boards of the ability to make maximum use of existing school buildings—*U.S.* v. *Indianola Municipal School District*. supra; *Henry* v. *Clarksdale Municipal School District*, CA-5, March 6, 1969, No. 23,255.

Indeed, the Court of Appeals for the Fifth Circuit intimates in the Greenwood Municipal School District case that the equal protection clause of the 14th amendment requires school boards to give "all negro students a desegregated education," regardless of what burdens such action would impose upon them, their parents, other schoolchildren, the parents of other schoolchildren, and the taxpayers.

Moreover, the same court makes the astounding declaration in the Indianola Municipal School District case that even nondiscriminatory action of a school board is unconstitutional if it fails to result in substantial desegregation.

When they require school boards to resort to the busing of students, Federal judges and HEW officials compel the school boards to deny to substantial numbers of black and white children the right to attend their neighborhood schools, and to transport them by bus to other schools in the district in which they reside, or to other schools in other districts for the purpose of altering the racial composition of their neighborhood schools, or the racial composition of the schools to which they are transported.

When they require the pairing of schools, Federal judges and HEW officials compel school boards to swap certain grades in a school located in a predominately black residential area for certain other grades in a school located in a predominately white residential area. For example, they may require a school board to transfer grades 1 through 4 from school A to school B, and grades 5 through 8 from school B to school A.

In their zeal for compulsory integration of schools, Federal judges and HEW officials have even assumed overlordship over the property of the public schools of the States. In many cases, they compel school boards to close public schools attended in predominate numbers by children of one race, and to transfer such children to other public schools attended in predominate numbers by children of the other race. In so doing, they regard with utter disdain the fact that the schools which are closed were built with the hard-earned dollars of the taxpayers, and the further fact that the closing of such schools deprive the people of the community of any community center.

Some time ago, under pressure from HEW, the School Board of Hyde County, N.C., undertook to close two schools black children had been attending and to force the black children to attend a predominately white school located elsewhere in the county. This action evoked violent demonstrations by black citizens of Hyde County who demanded that the closed schools be reopened and that their children be permitted to attend them. Events of this nature have been inspired by similar action in other areas.

Sometimes one encounters statements in desegregation cases that courts only enforce plans for desegregation presented to them by school boards. Candor compels me to say that these statements savor of hypocrisy. The truth is that the plans are dictated by Federal judges, and are presented by school boards simply because their members sit beneath Damoclean swords. The members of the school boards know they are subject to being fined or jailed for contempt of court if their official action is displeasing to Federal judges. As a consequence of this, it requires great patriotism for any person to serve on a school board nowadays.

Even apart from constitutional considerations, Federal judges and HEW officials ought to stop taking over and exercising the functions of school boards. This is so because they lack the competence to operate schools. The validity of this observation is made manifest by the arbitrary guidelines of HEW, which exalt the integration of the bodies of schoolchildren above the enlightenment of their minds; and the decisions of judicial activists which mommick educational processes almost as badly as they mangle the Constitution.

I yield at this point to the temptation to comment briefly upon one of these decisions, *Hobson* v. *Hansen*, 269 F. Supp. 401, where Judge Wright uses 118 pages to instruct the Board of Education of the District of Columbia as to how it should perform its "constitutional obligation to abolish de facto segregation produced in the public schools of the District by prevalent residential patterns, and as to how it should teach the children of the District after its schools are desegregated." Judge Wright adjudges, in essence, among other things, that the Constitution now forbids a public school to extend to bright or diligent students any opportunity to learn anything more than it attempts to teach to dull or lazy students.

I challenge the validity of this adjudication. Gov. Charles Brantley Aycock, of North Carolina, was right when he asserted that the highest of the inalienable rights of the American people is the "right of each individual to make of himself all that God gave him any possibility of being." I deny that the Constitution of my country undertakes to rob children of this right by imposing upon them the equality of inferiority.

Since they treat all parents and children of all races alike under like conditions, freedom of choice or open enrollment plans are in perfect accord with the equal protection clause of the 14th amendment, which merely forbids States to treat differently persons similarly situated. This being so, Federal judges and HEW officials violate the equal protection clause when they nullify freedom of choice plans and undertake to impose on State school boards affirmative obligations to commingle black and white children in public schools.

It is obvious, moreover, that Federal judges and HEW officials actually force school boards to violate the equal protection clause as interpreted by the Supreme Court in the Brown case when they compel school boards to employ such programs as large scale geographic rezoning, the busing of children, or the pairing of schools. These programs require school boards to deny to substantial numbers of children the freedom to attend their neighborhood schools and assign them to other schools because children of their race are needed to desegregate the other schools. Consequently, these programs discriminate against the children affected by them because they deny those children admission to their neighborhood schools on account of their race.

There is nothing in the Constitution which requires, or even authorizes, Federal judges and HEW officials to substitute federally coerced school integration for outlawed State-imposed school segregation. Moreover, there is nothing in the Constitution which confers upon Federal judges or HEW officials the autocratic power to deprive schoolchildren and their parents of the freedom to determine for themselves how their constitutional and legal rights are to be exercised. Yet this is precisely what Federal judges and HEW officials do when they assume authority to nullify freedom of choice plans, deny schoolchildren the liberty to attend their neighborhood schools, and compel them to attend schools other than those chosen by them or their parents.

The actions of Federal judges and HEW officials, which I have enumerated, are unjust and unwise as well as unconstitutional.

Governmental action which visits the sins of the guilty upon the innocent is repugnant to justice. Yet that is what HEW officials intend to do when they deny the benefits of Federal financial assistance to innocent children merely because the members of public school boards charged by law with the duty of operating public schools with wisdom disagree with their self-manufactured views and arbitrary guidelines in respect to the desirability of compulsory desegregation or the particular methods of achieving it.

In so doing, they not only punish the innocent children for things for which they are not remotely responsible, but they thwart the primary purpose Congress had in mind in authorizing Federal financial assistance to public schools; that is, the promotion of the education and welfare of disadvantaged children. As every intelligent man knows, disadvantaged children suffer the most when HEW officials deny Federal financial assistance to the school systems operating the schools they attend.

When HEW officials cut off Federal funds and they and Federal courts deny to children the freedom to attend their neighborhood schools, and herd them around like cattle and shift them about like pawns in a chess game, they seriously impede their education.

Knowing as I do the insatiable hunger of nonelective Federal officials for power, I give this warning to those who live in the North, in the East, and in the West. When the judicial activists and crusading bureaucrats reduce the South to a state of vassalage, they will not sit down like Alexander the Great and weep because they can find no other worlds to conquer. They will turn their attention to the North, the East, and the West, take over and exercise the functions of their school boards, and herd their children around like cattle and shift them about like pawns in a chess game.

For this reason, it is highly advisable for northern Senators and Representatives to join me in my effort to put an end to judicial and bureaucratic tyranny, and restore to the States their right to operate their public schools in a manner consistent with wisdom and the true interpretation of the equal protection clause of the 14th amendment.

Let me enumerate the things which my amendment will do.

If it is enacted, the amendment will restore to the local school boards of the States their constitutional power to administer the public schools committed to their charge without impairing in any way their constitutional obligation under the equal protection clause of the 14th amendment to treat all schoolchildren and all parents of all races in like manner under like conditions. In so doing, the amendment honors and enforces the truth proclaimed by the Supreme Court in *Texas* v. *White*, 19 L. Ed. 227, 237, that "the Constitution in all its provisions, looks to an indestructable union composed of indestructable States."

If it is enacted, the amendment will confer on parents the right to choose the public schools their children attend. In so doing, the amendment will honor and enforce the truth proclaimed by the Supreme Court in Pierce against Society of Sisters, 268 U.S. 510, that parents have a right to a voice in the upbringing and education of their children. After all, God gives the children to parents and not to judicial activists and crusading bureaucrats, and parents have more interest in their upbringing and education than any other human beings anywhere on the face of this earth.

If it is enacted, the amendment will secure to children, the right to attend the public schools chosen by their parents. In so doing, the amendment recognizes the further truth proclaimed by the Supreme Court in Pierce against Society of Sisters, supra, that children are not the mere creatures of the state. After all, the father of the school boys in Raleigh, N.C., was right when he declared that children ought to "to be herded around like cattle and shifted like pawns in a chess game" to satisfy the undefined notions of judicial activists and crusading bureaucrats concerning compulsory integration.

If it is enacted, the amendment will end the perversion of the equal protection clause of the 14th amendment by judicial activists and crusading bureaucrats.

The bill is in perfect accord with the Constitution. Moreover, it makes a substantial contribution to the constitutional ideals that all Americans of all races shall be members of a free society and that none of them shall be the hapless and helpless subjects of judicial or bureaucratic oligarchies.

The amendment is designed to accomplish these things by restoring freedom of choice to its rightful place in the law of the land, and by placing certain prohibitions upon Federal judges and executive officials with respect to the busing of children, and the closing of schools.

Congress is authorized to do these things by the fifth section of the 14th amendment, which expressly empowers Congress to "enforce, by appropriate legislation" the equal protection clause; the first section of article III of the Constitution, which authorizes Congress to prescribe the jurisdiction of the inferior courts created by it, *Chisholm* v. *Georgia*, 2 Dall. (U.S.) 419, 432 (1793); *Turner* v. *Bank of North America*, 4 Dall. (U.S.) 8 (1799); *Ex Parte Bollman*, 4 Cranch (U.S.) 75, 93 (1807); *Cary* v. *Curtis*, 3 How. (U.S.) 236, 245 (1845); *Sheldon* v. *Still*, 8 How. (U.S.) 441 (1850); *Kline* v. *Burke Construction Co.*, 260 U.S. 226, 234 (1922); *Lauf* v. *E. G. Skinner & Co.*, 303 U.S. 323, 330 (1938); *Lockerty* v. *Phillips*, 319 U.S. 182 (1943); and *Yakus* v. *United States*, 321 U.S. 414 (1944); and the Second Section of Article III of the Constitution, which vests Congress with legal power to regulate the appellate jurisdiction of the Supreme Court, *Wiscart* v. *D'Auchy*, 3 Dall. (U.S.) 321 (1796); *Durousseau* v. *United States*, 6 Cranch 309 (1810); *Barry* v. *Mercein*, 5 How. (U.S.) 103, 119 (1847); *Daniels* v. *Railroad Co.*, 3 Wall. (U.S.) 250, 254 (1866); *Ex Parte McCardle*, 6 Wall. (U.S.) 318 (1868); *The Francis Wright*, 105 U.S. 381, 386 (1882); *Kuntz* v. *Moffitt*, 115 U.S. 487, 497 (1885); *Cross* v. *Burke*, 146 U.S. 82, 86 (1892); *Missouri* v. *Pacific Railway Co.*, 292 U.S. 13, 15 (1934); and *Stephan* v. *United States*, 319 U.S. 423, 426 (1943).

Let me emphasize that my amendment is in perfect harmony with the equal protection clause. This clause applies only to State action which is arbitrary or invidious, and, hence, it leaves a public school board, acting as a State agency, entirely free to assign students to its schools by any method satisfactory to itself if such method is not arbitrary or invidious. A public school board acts arbitrarily or invidiously if it assigns students to its schools for racial reasons, but a public school board does not act arbitrarily or invidiously if it assigns students to its schools for nonracial reasons, such as the promotion of the efficiency of school administration, the economy of school administration, or the convenience of the students or their parents. This being true, the equal protection clause does not impair in any way the power of a public school board to assign children to the public schools it operates in accordance with an open enrollment plan.

It is necessary for Congress to adopt my amendment to protect public school systems and children from "the love of power and proneness to abuse it" of judicial activists and crusading bureaucrats. The amendment would do this by granting to parents of all races the freedom to choose the public schools their children attend, and by depriving Federal judges and the Department of Health, Education, and Welfare of the power to deny to any child of any race the freedom to attend the public school chosen by his parents. In so doing, the amendment would exalt freedom above governmental tyranny and make effective to a substantial degree the constitutional objective that Americans of all races shall be members of a free society. Moreover, it would do these things in complete harmony with the equal protection clause of the 14th amendment whose only command is that States treat in like manner all persons similarly situated.

My amendment merits the support of every Senator and Representative who believes that it is either unconstitutional or unwise for Federal judges and bureaucrats to herd children around like cattle or shift them about like pawns in a chess game. Its adoption would restore peace to the South and prove that all of the United States is one nation under one flag and one Constitution.

Mr. PELL. Mr. President, I have listened with interest to the remarks of the Senator from North Carolina. I realize the depth of his knowledge and experience in this field.

Basically to my mind his amendment is a freedom of choice amendment. I understand that freedom of choice has been found by the Federal courts to be an unacceptable alternative to a desegregation plan when the freedom of choice is utilized merely as a means to continue some form of segregation.

The Senator from North Carolina cited at some length the open enrollment plan in Massachusetts, a plan with which I am familiar inasmuch as Massachusetts is immediately to the north of my State. The Senator cited that example as a means of allowing greater segregation of the schools. But in effect that plan was designed for just the opposite result, although it has not had a great deal of success.

The major difference behind the adoption of that plan and the proposal of the Senator from North Carolina allowing freedom of choice is that the Senator's proposal would allow the States to continue to evade desegregation of the schools, and to my mind that would be an incorrect course. Therefore, as manager of the bill, I am opposed to the amendment.

Mr. ERVIN. Mr. President, a communication was had this morning by the Legislative Reference Service of the Library of Congress with the assistant superintendent of the Boston schools, and the assistant superintendent of Boston schools informed the Legislative Reference Service that under the open enrollment policy of Boston any child may transfer from one school to another if two things coexist: First, if a seat is available at the school of his choice and, second, a suitable course is available at the school of his choice.

How can it be constitutional in Boston and unconstitutional in North Carolina to assign children to schools under an open enrollment plan?

With reference to the statement my good friend made about freedom of choice, which is identical with open enrollment, I will say that the Court declared in the Green case that children may have freedom of choice if they exercise it in a manner satisfactory to the undefined and unstated wishes of Supreme Court Justices; but that if they exercise freedom of choice in a manner pleasing to themselves, but displeasing to the undefined and unstated wishes of Supreme Court Justices, they can have no such freedom.

Mr. President, the reversal of the Green case was a strange thing to happen under a Constitution which declares in its preamble that it is ordained by the people of the United States to preserve the blessings of liberty for themselves and posterity.

Mr. McCLELLAN. Mr. President, I wish to comment only briefly on the amendment.

As I understand it, the Senator's amendment would apply the freedom of enrollment plan as legalized by the statutes of Massachusetts and practiced in the city of Boston, to the rest of the States of the Union. Am I correct?

Mr. ERVIN. The Senator is correct.

Mr. McCLELLAN. I would like to make some brief comments on that question. I serve on the Select Committee for Equal Educational Opportunity. This committee has developed information in the course of our hearings about the statute of Massachusetts as applied in Boston, which actually operates, as the Senator from Rhode Island said, to desegregate the schools.

One school in Boston was predominantly white in 1966. The name of the school was the Solomon Lewenburg Junior High School. Under freedom of enrollment, what happened was that as the Negroes moved in, the whites sought enrollment in other schools and they all moved out. In 3 years the school became 95 percent black and only 5 percent white.

That is what is going on in Boston, and their representatives are now down here insisting—and they are doing it with great success—that the South is the real culprit, and condemning it for everything, and doing nothing about their own situation.

We brought this matter to the attention of the Attorney General when he was testifying before the committee. We reported these facts to him, asking him if he was going to do anything about it. We did the same thing with the Secretary of Health, Education, and Welfare. So they know about it.

Mr. President, do you know what has happened? HEW has been investigating it for a year. When we first took it up with the Attorney General, he said that nobody had filed a complaint. Well, a complaint has been filed by one of the officials in the school up there. No action was taken. None has been taken until this hour. I just called the Justice Department. HEW is making no recommendation. In my judgment, they do not intend to make any. It is a whitewash. It is tantamount to the perpetration of a fraud.

If this freedom of enrollment is legal in Boston, Mass., then every Senator here would vote to make it legal across the Nation. Until we eliminate the double standard and hypocrisy that goes on in this country today in school integration, we can expect no improvement. It is a national shame. Why can we not get action in Boston? Will the Senator from Rhode Island tell me that? I yield for that purpose.

Mr. PELL. Mr. President, I understand that no suit has been filed before the Federal courts on this issue.

Mr. McCLELLAN. Why does not somebody, some citizen of Boston who wants these laws imposed on the South, do it?

Mr. PELL. I can hear him very well.

Mr. McCLELLAN. I talk according to my own sentiments. I do not raise my voice at the Senator. Why does not someone in Massachusetts who wants to impose these conditions on the South bring suit and come in here with clean hands and say, "We want the same thing applied to us?"

Mr. PELL. I wish some citizen of the Commonwealth of Massachusetts would. I happen not to be a citizen of Massachusetts.

Mr. McCLELLAN. I know, but people who are down here from Massachusetts vote against everything that would give the South equality of treatment and impose on the South standards and requirements which they contend are constitutional but not what is practiced in Boston, Mass.

Let me tell you, Mr. President, the day will come in this country when there will be a reckoning, when there will be equal justice; and if this is the proper way to educate children, by busing them miles and miles, in order to produce racial equality, racial balance in the schools, as the courts say, many are certainly not getting a good integrated education in Boston.

Mr. PELL. The Senator is absolutely right.

Mr. McCLELLAN. Many are not getting a good education somewhere else. I would like to hear from some Senators, particularly Senators who are imposing conditions on the South, take the floor and denounce what is going on in the North and what is now the policy of this administration, the double standard that is being practiced and perpetuated.

The way to correct this grave discrimination and injustice is to administer the law equitably and alike in all sections of America.

As long as we continue this antagonism toward one section of the country and allow the others immunity, soft pedal the unlawful conditions that prevail elsewhere we are not going to have integrity or equality in the public schools of this Nation. That is what is happening today. That is why the public school systems are deteriorating. We are setting a double standard here at the national level that does not do equity or justice, but which discriminates in favor of most of this Nation, while imposing on and jeopardizing the South.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point an editorial which appeared in the Arkansas Democrat on April 21, 1971, entitled "Anything Goes," which refers to the recent Supreme Court decision.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ANYTHING GOES

The Supreme Court said yesterday that when it comes to desegregating schools in the South, anything goes.

Busing, pairing, gerrymandering, abandoning schools, building new ones, assigning faculty . . . Nothing can stand in the way—state laws, acts of Congress, lower court decisions, lack of funds, neighborhood living patterns, or inconvenience.

The Supreme Court said lower courts may order anything for the purpose of eliminating all forms of segregation caused by the dual school system, which, of course, means the South. As always, the court announced it was dealing only with segregation that had come about because of laws. It was not dealing with the big-city ghetto school that was created by neighborhood living patterns because no such case was before it. Another reason is that the court probably thinks, as do even some members of the NAACP Legal Defense Fund, that the schools of Harlem, South Bronx and Chicago can never be desegregated. This very practical matter always makes an impression on judges, it seems, but other practicalities, such as where dirt-poor Southern districts are going to get the money for transportation systems, don't get much consideration.

This time the Supreme Court went further than we dreamed it would go. Although this is the very fuzzy part of the decision, it comes very close to decreeing racial quotas for schools. However, it denies it has done this, saying in fact, that the Constitution does not demand that "every school in every community must always reflect the racial composition of the school system as a whole."

Yet, the court makes it plain that neighborhood schools (Chief Justice Warren Burger calls them "walk-in" schools) will have to go and that district judges will be "concerned with the elimination of the one-race school." Especially significant is that this decision upholds the Charlotte-Mecklenburg integration plan, which called for the purchase of $1 million worth of school buses to move 13,300 school children (9,000 of them in grade school) so that every school would have an enrollment that was 71 per cent white and 29 per cent black. In language that must win a prize for ambiguity, the court says that we must not conclude that its approval of this plan means it approves of racial quotas. The 71–29 ratio was not a "starting point for shaping a remedy." Racial quotas are not called for by the Constitution, the court declares.

We also don't think "starting points" are mentioned in the Constitution. Either all of us are equal before the law, or we aren't. Our color shouldn't make any difference, and certainly it does when a child is going to be forced to go to a different school—one that he wouldn't normally attend—because some judge has prescribed the number of whites and blacks that have to be in each school. This makes school kids the creatures of the state and pretty well wipes out the theory of individual freedom we prize so highly in our country.

We think that now we will see "starting points" laid down by all judges, who are assured from this point on that the Supreme Court will uphold just about anything they require. The Charlotte-Mecklenburg decision will be the guide especially for courts like the Eighth Circuit Court of Appeals, which has already demonstrated its impatience with a moderate approach to desegregation.

Before it right now are appeals from the reasonable desegregation plans now in effect in the Little Rock, North Little Rock and Pulaski County School districts. We can judge how quick this court will seize the precedent of the Charlotte-Mecklenburg decision by the fact that it already has taken the unprecedented step of stopping school construction on demand of some Negro lawyers who said the new buildings would increase segregation. Our reading of the decision makes us believe that all school administrators in Pulaski County had better get ready for wholesale busing in the fall and the breakup of many neighborhood elementary schools.

Mr. McCLELLAN. I also ask unanimous consent to have printed in the RECORD at this point a statement entitled "Monumental Hypocrisy: Boston Mass.," an article which I inserted in the CONGRESSIONAL RECORD, volume 116, part 24, page 33047, together with the letter which I received from Mr. Jerris Leonard on August 24, 1970, which appears on page 33049 of the same date, and also the other letters and documents that were entered in the RECORD at that time by unanimous consent.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MONUMENTAL HYPOCRISY: BOSTON, MASS.

In the debates on the Senate floor leading to the establishment of this Committee, the charge was made that the North was guilty of "monumental hypocrisy" in its efforts to force integration upon the South, while the North became increasingly segregated. In defense to these charges of monumental hypocrisy, the question was asked of the South, "What about the continuing efforts to evade the constitutional mandate with 'freedom of choice' and similar plans?" [1] At this point in the hearing record we are confronted with "freedom of choice plans," better known in Boston, Massachusetts, as the "open-enrollment policy."

In August of 1965, Boston, Massachusetts, enacted a Racial Imbalance Act. The law provides for elimination of racial imbalance in the Boston school system. The remedy for failure to eliminate imbalance is that the Commissioner of Education must refuse to certify all State aid for that system. This requirement is unique in the 50 States. Under that law, the State Board of Education voted unanimously to withdraw aid from the Boston school system in 1966. Insofar as I have been able to determine aid was never terminated.

Boston also has a number of programs which have received wide publicity, designed to produce integration between minority groups and suburban students.

That is the facade. That is the image of Massachusetts and of Boston—the city often represented as the cradle of American liberty, which has ostensibly taken great strides to exercise leadership in the nation in the field of quality integrated education. In hearings before the Education Subcommittee of the Senate Committee on Labor and Public Welfare, Boston was pictured in terms of its unique racial imbalance law and its progressive integration programs as well as its open-enrollment policy. The question was then posed as to the net result of these programs.[2]

Let us now look at the realities prevailing in the North and Massachusetts in general and then Boston in particular.

During the Senate debates leading to the establishment of this Committee, another question was asked of the South—"What about the monumental hypocrisy of trying to find some way to develop private schools, or to close the public schools, made by Governors of states, somehow to avoid the constitutional mandate of equal educational opportunity?" [3] The latest available statistics show that the State of New York has 816,600 students in private schools whereas the entire eleven southern states have only 569,700 such students.[4] Massachusetts has done much better in this regard, it only has 234,300 in private schools. This does not, of course, exceed the eleven southern states; it only exceeds by 20,000 students the combined private school populations of Alabama, Arkansas, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

What has happened in the City of Boston in response to its much touted drive to achieve quality integrated equal educational opportunity? According to the Department of Health, Education, and Welfare, Boston had 198 schools in 1966. Of these 198 schools, 47 contained more than 50 per cent non-Whites. In 1969, Boston operated 199 schools. Of these 199 schools, 70 contained more than 50 per cent non-Whites. Thus Boston has increased its predominantly minority group schools by 46 per cent while simultaneously publicizing its attempts to provide quality integrated education. In addition, Boston has now achieved 48 schools with more than 80 per cent minority group students. This is the net result of Boston integration "efforts." [5]

There reportedly is a great deal of transportation to achieve integration in the Boston area, but it should be noted that generally the school does not pay for the transportation, and students are allowed to transfer to schools outside the Boston school district. Although this has been touted in connection with inner-city Blacks attending suburban schools, the only group which, generally speaking, can internally finance transfer of its children to schools outside Boston is White, this "White flight" reportedly is what made the Solomon Lewenberg school a 95 per cent Black school.[6] It should also be noted that Massachusetts General Laws Annotated, Chapter 71, Section 37D, provides that "no school committee or regional school district committee shall be required as part of its plan to transport any pupil to any school outside its jurisdiction or to any school outside the school district established for his neighborhood, if the parent or guardian of such pupil files written objection thereto with such school committee." Thus the neighborhood school is preserved for those who want it—in Boston.

We have heard much concerning the necessity of faculty desegregation in the South, and of the injustices perpetrated when Black teachers lose their positions due to elimination of need for teachers in many instances when schools are merged. These Black teachers who seem to be surplus may wish to know that Boston is in great need of Negro teachers. Boston has only 5 per cent Negro teachers and 28.7 per cent Negro students.[7] If the law is enforced equally across the United

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Footnotes at end of article.

States there obviously is a great need for Black teachers in Boston.

I now turn to examination of the legal response, both from Federal and State authorities. As indicated in the hearing, this matter came to my attention through the testimony of Neil Sullivan, Commissioner of Education in Boston, Massachusetts. In view of the facts as they have developed, I am extremely curious as to the reasons for which the Commonwealth of Massachusetts has declined to take action to implement its own laws.[8] Boston and Massachusetts officials have watched Boston segregate, with legally sanctioned freedom of choice as a prime tool to achieve their segregation. They have established racially identifiable schools in Boston. The State Commissioner of Education has complained of this policy to our Committee; yet the State, whatever its actions may have been under its law, has only achieved increased segregation in Boston. Federal officials did not bring Boston to the Committee's attention—indeed they apparently did not bother to brief the Attorney General on the Boston situation before his appearance on August 13.

Lest I be misunderstood, I state that this is not a partisan attack on the Republican Administration. They have only been in office since 1969. Segregation caused by legal action in Boston has been apparent and in controversy at least since 1966. State officials have not enforced State laws. Former Justice, and Health, Education, and Welfare officials have not enforced the Federal law in Boston.

The facts requiring action in this case are clear. They were specifically called to the attention of the Civil Rights Division (in the Department of Justice) in December 1969.[9] The response, on January 16, 1970, was that a parent must complain.[10] Such a parental letter was forwarded to the Justice Department on January 22, 1970.[11] It is now September 1970, and no action, other than some kind of an abbreviated investigation, has been slowly taken. I call upon the Administration to explain why its efforts in the North are not at least as vigorous and forceful as is its efforts in the South. Common northern excuses are that the South has had seventeen years to correct their racial problems and the North also should have seventeen years. My answer is that they have had those same seventeen years. In addition, Boston has been in court as early as 1966. They have declined to correct the situation, and indeed have worsened it. Both the Attorney General and Secretary Richardson are publicly committed to enforcing the law nationwide. Is it not time to take action in the North where these flagrant violations are known to exist? They have had eight months to investigate a situation in Boston which would be, under their interpretation of the law, clearly illegal in the South. As we all know, action would long since have been taken if the Boston events had occurred anywhere in the South. We can be sure that no federal funds would be available to any southern city for the 1970 school year, if that city had actively proposed segregation and refused to correct the condition as is the case in Boston.

At this point I wish to turn to a concrete example of the discrimination being practiced against the South. I recently received a letter dated August 20, 1970, from three citizens of McCrory, Arkansas. These citizens live in a farming community very close to McCrory. Because of historical factors not relevant to the present controversy, children of this community attended the schools of an adjacent district, Cotton Plant, rather than the McCrory schools. They receive their mail from McCrory and their telephones are connected with the McCrory exchange. All of their trade is done through McCrory. The children of this community obtained the consent of all necessary local officials in both the McCrory and the Cotton Plant schools to attend school in the McCrory district. McCrory is integrated, as is Cotton Plant, although Cotton Plant apparently has a higher percentage of Black pupils. Due to objections voiced by the Department of Health, Education, and Welfare, McCrory officials reversed their decision and these children will not be allowed to attend the McCrory schools. Let us contrast the situation in McCrory with that in Massachusetts.

Massachusetts General Laws Annotated, Chapter 76, Section 12B, provides ". . . any child may attend the public school where he does not reside upon such terms as the school committee of such town where he does not reside shall fix; . . ." Thus, in Boston, students may transfer not only from one high school to another in the City, they also have legislative approval for transfer out of Boston to the suburbs. I have previously given the figures supplied by HEW which indicate the degree to which Boston has segregated over the past three years. The exhibits reflect the belief of concerned Boston citizens that the open-enrollment policies have substantially increased the degree of segregation in Boston. Mr. Pottinger's letter reflects the opinion of HEW that the open-enrollment policy played a large part in the segregation of the Lewenberg High School. The facts I have related to this point are indeed, to me, astonishing. I had thought that surely the legions of Massachusetts citizens and representatives who preached the value of integration were consistent. Yet I find, to the contrary, that even as they preached Southern integration, they were segregating their own society.

According to *Boston Herald Traveler* and *Boston Globe* reports of allegations made by a mother whose child attends the Lewenberg Junior High School, the situation is even worse than presently set out. This mother testified that conditions in the Lewenberg High School, brought about by open enrollment, were "pure bedlam."[12]

In an effort to remove her child from this place of bedlam, she moved out of the Lewenberg district and attempted to send her child to the Washington Irving School ten blocks from her home. She was refused permission to transfer her child to the district in which she resided, and was forced to send her child back to the Lewenberg school because there were vacancies there and Washington Irving was crowded. We all know why there were vacanies at Lewenberg—Boston officials had aided Whites to leave Lewenberg, thus creating the vacancies. Here we have a concrete example of northern action, as opposed to northern talk. No matter how many meaningless laws are on the Massachusetts books, no matter how many Massachusetts leaders praise the virtue of integration, the deeds in Massachusetts, sadly, repudiate and violate the law, and in the Black mother's case, tragically, imposes and enforces a rank injustice.

While the citizens in Arkansas who wish to attend a school in the town with which they are connected in every way are denied that right, the city of Boston, Massachusetts, not only allows transfers, they then force Black children back into the ghetto schools from which the Whites have been allowed to transfer.

Mr. Pottinger also reported on the situation in Detroit, where the Administration has taken no action.[13] The NAACP has filed suit in Detroit pointing out that "a northern legislature has adopted the judicially discredited southern tactic of interposition and nullification (commonly known as State's rights) . . ."[14]

Not mentioned in the newspaper article is the adoption of a freedom of choice plan by the same Michigan legislature. Children in Detroit are now free to attend schools of their choice in addition to initially attending schools established by legislatively gerrymandered attendance zones. Southern children may not do these things. The NAACP has filed suit based on the belief that the Constitution applies equally in the North and in the South. The Administration has not filed suit in either Boston or Detroit. Why? Does not the Constitution apply equally to all the States—North and South? In theory it does. In practice however, it is not so applied.

One final commentary on equal application of the laws. I have a letter dated August 28, 1970, from Jerris Leonard, Assistant Attorney General Civil Rights Division,[15] in respect to an inquiry contained in a letter from me dated August 26, 1970.[16] In my letter I inquired into Administration policy on hiring and firing of Black teachers. In response, Mr. Leonard quoted to me a portion of a 1969, 5th Circuit, decision. Therein it was stated:

"1. Effective not later than February 1, 1970, the principals, teachers, teacher-aides and other staff who work directly with children at a school shall be so assigned that in no case will the racial composition of a staff indicate that a school is intended for Negro students or white students. For the remainder of the 1969–70 school year the district shall assign the staff described above so that the ratio of Negro to white teachers in each school, and the ratio of other staff in each, are substantially the same as each such ratio is to the teachers and other staff, respectively, in the entire school system.

The school district shall, to the extent necessary to carry out this desegregation plan, direct members of its staff as a condition of continued employment to accept new assignments."

I am sure we all recall, during the previous Administration, the controversy surrounding the Chicago schools refusal to integrate teaching staffs or to assign teachers to different schools in accordance with Federal policy existing in the South by court decree and Administrative guidelines. According to the August 13, 1970, Chicago Sun Times,[17] Chicago has been highly successful in continuing its segregated faculty while the Department of HEW continues to complain loudly and slap the Chicago wrist. In 1969 the Justice Department threatened to sue. It is now getting late in 1970 and Justice is still threatenening to sue, but has not yet done so. Why is there no such suit? I can draw no conclusion except the obvious one—that there is one integration law for the South and another integration law for the rest of the country. If there are those who wonder why there is a virulent third party movement in the South, I submit that the facts contained in this statement are most conducive to it. Both Democrats and Republican administrations have consciously followed a program of forcing integration in the South to an extent apparently not tolerable in the rest of the country. Both parties have been captured by groups which scream for Southern integration, yet refused to integrate their own states. This is a situation—a double standard—which no elected representative of a Southern state can contemplate with less than undisguised disgust for such "monumental hypocrisy."

FOOTNOTES

[1] Omitted.

[2] Omitted.

[3] Omitted.

[4] Digest of Educational Statistics, pp. 30, 31 (OE–10024–69).

[5] Letter from Stanley Pottinger to Sen. McClellan, see Ex. 2.

[6] Testimony of Neil Sullivan, Transcript, page 849–850. See also Ex. 3, 4, 5, 6, 7 and 8, correspondence of Allan Cohen.

[7] Stanley Pottinger letter, Ex. 2.

[8] Ex. 11, excerpt from Civil Rights Commission Report, "Racial Isolation in the Public Schools."

[9] Ex. 6.

[10] Ex. 7.

[11] Ex. 8.

[12] Ex. 12, *Boston Herald Traveler, Boston Globe,* Friday, August 21, 1970.

[13] Ex. 2, page 2.

[14] Ex. 13, *Detroit News,* August 19, 1970.

[15] Ex. 15. Letter to Sen. McClellan from Jerris Leonard, Assistant Attorney General, Civil Rights Division, dated August 28, 1970.

[16] Ex. 14, Letter to Jerris Leonard, Assistant Attorney General, Civil Rights Division, dated August 26, 1970.

[17] Ex. 16.

Department of Justice,
Washington, August 24, 1970.

Hon. John McClellan,
U.S. Senate,
Washington, D.C.

Dear Senator McClellan: I would like to thank you for drawing my attention to the fact that the Justice Department may have been in error with reference to the Boston School situation, mentioned at pages 2239–2242 of the hearings before the Select Committee on Equal Educational Opportunity.

Upon reviewing our Boston, Massachusetts file, I have ascertained that we did receive a complaint pertaining to the situation you mentioned.

Pursuant to our normal procedures we deferred our investigation, as the Office of Civil Rights of Health, Education and Welfare had received an identical complaint, and that office was already investigating the matter.

The Office of Civil Rights has completed a preliminary investigation, and we have made arrangements with them to obtain a copy of their investigation.

If our review of the investigation indicates that further action is warranted, we will take such action as is necessary.

I would appreciate it if the hearing's record were corrected to reflect; that we did receive a complaint; that HEW received an identical complaint, and investigated the complaint; and that the Justice Department has made arrangements to review their investigation, and take such further action as is warranted.

Sincerely,

Jerris Leonard,
Assistant Attorney General, Civil Rights Division.

Department of Health,
Education, and Welfare,
Washington, D.C., August 28, 1970.

Hon. John L. McClellan,
U.S. Senate,
Washington, D.C.

Dear Senator McClellan: This is in response to your request for the current status of Office for Civil Rights activity with respect to the school systems of Boston, Massachusetts; Detroit, Michigan; and New York, New York.

BOSTON

In January, 1970, a complaint was received by Washington OCR that the "open enrollment" student assignment policy of the Boston, Massachusetts school district has resulted in the segregation of black students at the Solomon Lewenburg Junior High School. Upon receipt of the complaint arrangements were made to meet with the Boston Superintendent, and a preliminary investigation was conducted by representatives from OCR's Washington and Boston regional offices on February 2–7, 1970.

Since enactment in 1965 of the Massachusetts Act for the elimination of racial imbalance in the public schools, Boston has entered a long-range program with the stated intention of ensuring that no school has a majority non-white student body, and with the goal of eliminating "a ratio between non-white and other students in public schools which is sharply out of balance with the racial composition of the society in which non-white children study, serve, and work" (statutory language). The main features of this program are a large scale construction program designed to locate schools so as to maximize integration and the open enrollment policy. In addition, a number of non-white children attend public schools outside the Boston district at their own expense but with cooperation of the district officials.

The open enrollment policy provides:

(a) Open enrollment is applicable if the following three conditions are fulfilled:

1. There is an available seat in the desired school.
2. There is a suitable grade and/or course of study in that school.
3. Transportation is provided by the parents.

(b) The principal makes arrangements for the transfer. Information on seat vacancies in the schools is periodically distributed through all communications media.

These measures have not resulted in the correction of the overall imbalance in the district. During 1969–70, Boston operated 199 schools, of which 70 had more than 50% minority students and 48 more than 80%. This compares with 47 schools containing more than 50% non-whites of a total of 198 schools in 1966–67. In addition, for 1969–70 there were 27,276 Negroes (28.7%) of a total 94,887 students, but only 226 Negroes (5%) of a total 4,495 teachers. The district also had 3,205 students of various Spanish language origins and 1,643 Orientals.

Because of the diversion of resources needed to fully investigate so large a district, it was decided to concentrate on the Lewenberg Junior High School. In 1966–67 the racial student enrollment was 736 whites and 384 Negroes. In 1969–70 the enrollment was 633 Negroes, 23 other minorities, and 78 whites. In discussions with the Superintendent he alleged that the change was the result of the open enrollment policy. The investigative team visited the school and confirmed that open enrollment was the cause in conjunction with a substantial change in neighborhood racial residence patterns. While the team noted many educational deficiencies at the school, no comparison was made with a representative sample of other Boston schools, so no conclusions can yet be drawn.

The investigative team has recommended a full scale investigation of the Boston public school system's compliance with title VI of the Civil Rights Act of 1964. At the present time the preliminary report is being studied by the Office of the General Counsel, and a final recommendation to the Director is anticipated within 30 days.

DETROIT

On July 7, 1970, the State of Michigan enacted a measure which in effect defeated a program of school integration in the Detroit Public Schools. Detroit has adopted a system of high school regions beginning September 16, 1970, in response to an act of the state legislature which, as a by-product, would have for the first time largely integrated the high school student bodies.

However, by a 1970 amendment to the act establishing compact neighborhood zones drawn by a commission appointed by the governor, the school board plan was cancelled and the segregated nature of the schools has allegedly been reinforced.

OCR has communicated with various Detroit school officials since passage of the recent amendment. Detroit has been requested to supply more complete details with regard to student assignment policies and results, past, present, and future. This information has not yet been received.

On August 17, 1970, the NAACP (not Legal Defense Fund) filed suit in the U.S. District Court for the Eastern District of Michigan (Detroit) seeking to prevent implementation of the State statute as it affects Detroit's school integration, and also seeking complete implementation of the plan in September, 1970, rather than gradually as proposed. A hearing on a motion for preliminary injunction has been set for August 28, 1970.

NEW YORK

In May 1970 the Regional Director of the Office for Civil Rights received complaints from two sources concerning alleged discrimination in the drawing of community district lines within the New York City school district. The district lines are in the Harlem area of upper Manhattan, the Lower East Side of Manhattan, and Oceanhills Brownsville in Brooklyn.

Representatives of the Office met with complainants on June 1 at which time it appeared that the district lines did not affect the assignment of students to schools since without exception school attendance areas were used in fact to make up districts. The OCR Regional Director believed it necessary, however, to obtain further information and accordingly requested a meeting with the city wide school board. That meeting was held on August 25, attended by four of the five board members, the acting chancellor and other staff of the board. The board denied that there was any valid basis for charges of discrimination including intervening charges which alleged that qualifying examinations hampered the recruitment of teachers from minority groups.

The HEW representatives requested various types of information from the board. The board indicated that it would assemble the information and designate a staff member to serve as contact with HEW to supply such additional information as may be needed.

I appreciated the opportunity to discuss school desegregation matters with you on August 21. If we can be of any further assistance, please let me know.

Sincerely yours,

J. Stanley Pottinger,
Director, Office for Civil Rights.

Boston, Mass.,
August 14, 1970.

Senator John L. McClellan,
Senate Select Committee on Equal Educational Opportunities, U.S. Senate, Washington, D.C.

Dear Senator: I believe I have vital information to give your committee in regards to Attorney General John Mitchell's testimony of last Thursday. At that time he stated that the Justice Department have never received a complaint about Boston's segregationist open enrollment policy. As a teacher and project coordinator at the Lewenberg Junior High School community advisory board in Boston, I filed a complaint with the Justice Department last December 29th and they responded to it. I have all correspondence for your worthy investigation and I am available as well as my files if it will be useful to your committee.

Allan S. Cohen.

Press Release

In response to an article in this morning's Boston Globe wherein U.S. Attorney General Mitchell stated, while appearing before the Senate's Select Committee on Equal Education Opportunity, that his office has never received a complaint about the open enrollment policy as it exists in the Boston School System, I wish to publicly state that the Attorney General was very much in error in making such a statement.

As Project Co-ordinator of the School Community Advisory Board at the Solomon Lewenberg Junior High School in Mattapan on December 29, 1969, I sent letters to both the Civil Rights Division of the Justice Department and the Office for Civil Rights for the Department of Health, Education, and Welfare stating that on behalf of the Advisory Board I wished to request an investigation into the Racial Imbalance Law and the Open

Enrollment Policy as it existed in Boston. I stated in those letters that under the Open Enrollment Policy the Solomon Lewenberg Junior High had gone from 5% black enrollment in 1965 to 95% black enrollment in 1969.

I received a reply from the Justice Department on January 16, 1970 confirming my request for an investigation and advising me that before such an investigation could be made an official complaint from "a parent or group of parents to the effect that his or their minor children are being deprived by a school board of the equal protection of the laws."

A letter was sent to the Justice Department conforming to their request on January 22, 1970 and signed by six (6) such interested parents.

To date, I nor the Advisory Board has received a reply to this formal complaint that the Attorney General claims was never made.

I have copies of all the correspondence mentioned above and will make the same public except for the names of those parents who signed the requested complaint.

It should be made known that the Department of HEW did respond to our request by sending a three (3) man investigating team to the Solomon Lewenberg Junior High during the last week of January and first part of February, 1970.

I would further wish to state that it is quite disheartening when the Attorney General of the United States publicly errs on such an important issue as the one at hand.

HYDE PARK, MASS.,
August 19, 1970.

Senator JOHN L. MCCLELLAN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MCCLELLAN: Thank you for your prompt reply: Enclosed are copies of the Boston Globe news articles which preceded the press release; the Record American, Herald Traveler, and Boston Globe articles which followed the release; all correspondence to both the Civil Rights Division of the Justice Department and the Office for Civil Rights of Health, Education and Welfare; and a copy of the January 14, 1970 Herald Traveler article announcing the Justice Department complaint made by us.

As noted in the press release that I sent you, the Office for Civil Rights of Health, Education and Welfare did send a team of investigators headed by Mr. Walter J. Patterson, Office for Civil Rights, U.S. Department of Health, Education and Welfare, 7th and D Streets, S.W., Room 3636, Washington, D.C. He, Mr. Horn from the New York Civil Rights Office, and Mr. John Bynoe from the Boston Civil Rights Office visited the school, speaking with faculty, students and parents.

Mr. Patterson seemed very concerned, but as of this date his report has not been released. It would be greatly appreciated and a benefit to all that this report be released immediately; if not publicly, at least to those making the complaint.

I am looking forward to your action on this matter, and as stated before, will be available to you and the Senate Select Committee on Equal Education Opportunity. Thank you again for your concern. Hopefully the problems facing the Lewenberg and all Boston schools can be improved.

Sincerely yours,
ALLAN S. COHEN,
Project Co-ordinator, Solomon Lewenberg Junior High School Community Advisory Board.

SOLOMON LEWENBERG JUNIOR HIGH,
Mattapan, Mass., December 29, 1969.

Mr. GERRIS LEONARD,
Director, Civil Rights Divisions, Justice Department, Washington, D.C.

DEAR MR. LEONARD: On behalf of the Solomon Lewenberg Junior High School Community Advisory Board, we would like to request an investigation by your department into the Racial Imbalance Law of the State of Massachusetts and the Open Enrollment Policy of the Boston School System.

Under this State Law and School Department Policy the Lewenberg Junior High has undergone a change from 95% white student enrollment in 1965 to over 95% black student enrollment today. As parents, students, and teachers on the Advisory Board we wish the best education for all. We believe this can be best achieved through integrated education.

We would like to know the rationale of this law and policy and if possible to have a member of your department meet with us to discuss the problems created by the State Law and School Department Policy at the Lewenberg.

Sincerely,
ALLAN S. COHEN,
Project Co-ordinator.

SOLOMON LEWENBERG JUNIOR HIGH,
Mattapan, Mass., January 22, 1970.

Re JL:CKH:sec DJ 169–36–1 #20–025–7.

Mr. CHARLES K. HOWARD, Jr.
Attorney Education Section,
U.S. Department of Justice,
Washington, D.C.

DEAR MR. HOWARD: In reply to your letter of January 16, to Mr. Cohen, the Advisory Board project co-ordinator, we are pleased with your interest.

As parents who have children at the Lewenberg Junior High, we wish a good education for our children and hope it will be an integrated one.

The Lewenberg being a part of the Boston School Department come under the Open Enrollment Policy instituted by the Boston School System. Under this policy any child may enter any school district in which there is a vacant seat.

The Lewenberg has enrolled many out of district students from schools that are predominately black; at the same time many white pupils have transferred under the Open Enrollment Policy to overcrowded predominately white schools. Therefore, we feel that the present Open Enrollment policy defeats the Racial Imbalance Law of the State of Massachusetts and its goal of an integrated education.

Sincerely,
______ ______.

U.S. DEPARTMENT OF JUSTICE,
Washington, D.C., January 16, 2970.

Mr. ALLAN S. COHEN,
Project Co-ordinator, Solomon Lewenberg Junior High School, Community Advisory Board, Mattapan, Mass.

DEAR MR. COHEN: This is in response to your letter of December 29, 1969, concerning the racial change in Lewenberg Junior High since 1965, the Racial Imbalance Law of the State of Massachusetts, and the Open Enrollment Policy of the Boston School System.

In order for the Department of Justice to conduct an investigation into possible violations of Title IV of the 1964 Civil Rights Act (Desegregation of Public Education) it is necessary that we have a complaint in writing "signed by a parent or group of parents to the effect that his or their minor children . . . are being deprived by a school board of the equal protection of the laws."

It would seem that the racial change at Lewenberg Junior High School since 1965 might well fall into the equal protection qualification. If subsequent investigation proves racial considerations have contributed to this change. At any rate we are unable to tell from your letter whether or not you are a parent of a child attending school in the involved school system or whether perhaps another member of the Committee who is a parent should write us also.

We would also appreciate any other details at your disposal to assist us in determining what action is appropriate. Particularly, we would appreciate a more detailed description of the problem you describe in your letter and the identity of the school department to which you refer.

Thank you very much for bringing this matter to our attention.

Sincerely,
JERRIS LEONARD,
Assistant Attorney General, Civil Rights Division.
By: CHARLES K. HOWARD, Jr.,
Attorney, Education Section.

[From the Boston (Mass.) Herald Traveler, Aug. 15, 1970]

WARNER, HICKS, DEFEND OPEN SCHOOL ENROLLMENT

Director John D. Warner of the Boston Redevelopment Authority and City Councilman Mrs. Louise Day Hicks yesterday defended Boston's open enrollment school policy in the wake of a statement by U.S. Atty. Gen. John N. Mitchell that it was illegal.

Warner also criticized State Education Commissioner Neil Sullivan for what he said was Sullivan's failure to speed up a study of possible revisions to the Massachusetts racial imbalance law.

Mitchell's remark was made Thursday in testimony before the Senate's Select Committee on Equal Educational Opportunity. In an appearance before the committee in May, Sullivan had described the open enrollment plan, which permits Boston parents to enroll their children in any city school they choose.

Mrs. Hicks said yesterday, "Boston's open enrollment policy has not been declared unconstitutional in a court of law. Boston's open enrollment policy enables a student to attend any public school in Boston on a completely free and voluntary basis provided, of course, there is a seat available and that an appropriate course of study is in operation.

"Boston has judiciously attempted to obey both state and federal laws and fortunately there still exists in our great country a judicial system," continued Mrs. Hicks. "Citizens are not dependent upon unwarranted, unproven statements of constitutional officers who should know better."

Sullivan, in his remarks before the Senate committee, said the open enrollment policy was responsible for turning the Solomon Lewenberg School in Mattapan from a predominantly white school to an almost completely black school.

Sullivan said the plan "permitted the mobile-class children to escape from the school, continue to live in their community, but go to all-white schools in Boston on the periphery."

Warner denied this, saying "The Lewenberg School is black because whites have left that section of the city."

Robert Smith, public information officer of the Civil Rights Division of the Dept. of Health, Education, and Welfare, said yesterday the HEW general counsel is considering whether the open enrollment policy constitutes a violation of the 1964 civil rights act, and, if there has, whether it would come under the jurisdiction of HEW or the Justice Dept.

Allen Cohen, a teacher at the Lewenberg School, said he had sent a complaint to Atty. Charles K. Howard of the Justice Dept. Dec. 29 of last year, and said it was possible that Howard turned the complaint over to HEW.

Warner, in an afternoon press conference, said the state's racial imbalance law, which requires that every school be at least 50 per cent white, is adversely affecting Boston's school construction program.

"The city of Boston is not months or days away from a very critical situation insofar as the planning of our school construction program is concerned," Warner said.

"We are now, today, being forced into making unsound planning decisions with respect to the location of new schools, all in a frantic and, at this time, foolish effort to comply with the patently unworkable provisions of the racial imbalance law."

He denied a link between open enrollment and racial imbalance. Sullivan's remarks, he said, were "unbelievably unfair" to the citizens of Boston and showed "shocking unawareness" of the history of the open enrollment policy in Boston schools.

"An inaccurate and unjust appraisal of Boston's efforts to solve the problem of racial imbalance has now been given not only to the Congress but to the nation," Warner said.

He urged Sullivan to move "as swiftly as possible" to permit filing of legislation changing the Racial Imbalance law.

"The law may be great in Pride's Crossing or Beverly Farms, but it doesn't work as far as the city goes," said Warner.

Asked if Mrs. Hicks had been right in her opposition to the Racial Imbalance law before its enactment in 1968, Warner said, "Yes, for the wrong reasons."

Mayor Kevin H. White yesterday reaffirmed his long-standing position that the Racial Imbalance law was in principle sound but unworkable because of the 50 per cent clause.

He also urged a quick study of possible amending legislation.

Warner said a prime example of the harm being done by the law is the necessity to close the Prince School, in the Back Bay, in order to provide white children to racially balance the new Carter School in the South End, due to open in two years.

The Prince School, on Newbury Street, is racially mixed. One of Warner's children is enrolled there.

Warner said the closing of the Prince School would be deleterious in the neighborhood concept of the Back Bay.

"Does the Back Bay remain a neighborhood or become a commercial, transient area?" he said. "A neighborhood has to have a neighborhood school."

The closing of the Prince School, he said, "would have a disastrous effect on the Back Bay as a neighborhood. Families would move out rather than send their kids that far away (to the Carter School). Or they would put their children in private schools."

(From the Boston (Mass.) Record American, Aug. 15, 1970)

Warner Hits School Boss Sullivan

Boston Redevelopment Director John D. Warner yesterday accused State Education Comr. Neil Sullivan of giving "inaccurate, unjust and unfair" testimony in Washington about Boston's racial problems.

Warner angrily charged that Sullivan's testimony to the U.S. Senate Select Committee on Equal Educational Opportunity was "such a distortion of the Boston school situation that it will make the entire problem much more difficult to solve."

The head-on collision of Sullivan and Warner pointed up a quarrel of long standing over what should be done to ease racial tensions in the Boston school system.

Warner said the state's present racial imbalance law is unworkable and that "frantic" and "foolish" attempts to comply with it is driving the city to a crisis in trying to plan for school construction.

The smouldering issue flared up again after Atty. General John Mitchell said that Boston's open enrollment school policy is unconstitutional and allows segregation through city policy.

Mitchell was appearing before the Senate subcommittee when he got into a verbal tussle with Sen. John L. McClellan (D-Ark.). McClellan was attempting to make the point that the administration sends federal agents to the South to enforce desegregation but allows segregation to flourish in the North.

McClellan quoted testimony given on May 21 by Comr. Sullivan who said that the events at the Lewenberg Junior High School in Roxbury was typical of the actual results of the city's open enrollment policy.

Sullivan said the school was almost completely white but that shortly after a few black students moved in the white students moved out and that the school is now 95 percent black.

McClellan demanded to know whether that situation was constitutional and Mitchell answered, "No, sir."

"What are you going to do about it?" McClellan asked. "We have never had a complaint," Mitchell answered.

This statement was challenged by Allan Cohen, a project coordinator for the Community Advisory Board of the Lewenberg School.

Cohen said Mitchell was in error in saying he never received a complaint and that he had sent a letter on Dec. 29, 1969, to the Justice Dept., asking an investigation of the racial imbalance law and open enrollment as it exists in Boston.

Excerpt From Racial Isolation in the Public Schools, A Report of the U.S. Commission on Civil Rights

The Massachusetts policy is supported by the strongest enforcement powers. In August 1965, the Massachusetts Legislature enacted a Racial Imbalance Act, which provides that upon notification by the State Board that a school within its system is racially imbalanced, a school committee must prepare and file with the board a plan to eliminate the imbalance. If the committee fails to show progress within a reasonable time in eliminating racial imbalance in its school system, the Commissioner of Education must refuse to certify all State school aid for that system.

Massachusetts is the only State which requires, either by law or administrative regulation, that State educational funds be withheld from school systems operating racially imbalanced schools.

Mother Hits "Bedlam" at Mattapan School

A Mattapan mother said yesterday at an anti-discrimination hearing that Lewenberg Junior High School in Mattapan was a place of "pure bedlam."

Mrs. Barbara Harrison of Clarkwood Street, told members of the Massachusetts Commission Against Discrimination (MCAD) "that she would rather teach her daughter herself than send her to Lewenberg school."

Mrs. Harrison brought a discrimination complaint against the Boston School Department, charging that her daughter Donna, was assigned to a 6th grade classroom at Lewenberg "because she is black."

Mrs. Harrison wants her child to attend Washington Irving school in Roslindale.

"I'll keep her home and teach her myself. I feel I can do a much better teaching job than she receives at Lewenberg," Mrs. Harrison testified. "There's pure bedlam going on there."

She testified that some teachers at Lewenberg scream at the pupils and others announce, "I don't feel like teaching today," and allow the students to take over the classroom.

Mrs. Harrison said teachers at the school advised her: "Take your daughter out, she doesn't belong here."

Anthony Galeota, school department engineer, outlined the school construction program designed to eliminate racial imbalance in Boston schools.

He said 14,000 non-whites, including 12,000 blacks, attended Boston elementary schools.

Mrs. Harrison's attorney, Steven Cohen, told the commission members "the number of schools built is irrelevant, the point is a child has been denied admission to a school because she is black."

Asst. Corporation Counsel Edith Fine told the commission that the Boston School Department had an open enrollment policy "which is color blind."

"It helps both blacks and whites," she said.

Mother Attacks Enrollment Policy

A black parent told the Massachusetts Commission Against Discrimination yesterday that her daughter had been assigned to the Solomon Lewenberg Junior High School this fall despite the fact that the family had deliberately moved out of the Lewenberg district to avoid going to school there.

Mrs. Barbara Harrison of 52 Clarkwood St., Mattapan, testified at a hearing on a case charging discrimination against black students in the administration of Boston's open enrollment program.

Mrs. Harrison said she preferred to have her daughter to attend the Washington Irving School, which is 10 blocks from her home, because pure bedlam is going on in the Lewenberg. Mrs. Edith Fine, attorney for the Boston School Department, said the Washington Irving school was overcrowded, but the Lewenberg had vacancies.

NAACP Files Suit To Restore School Integration Plan

(By Jerome F. Hansen)

The NAACP has asked the Federal Court in Detroit to reinstate the Detroit Board of Education's original school decentralization and attendance plan.

The request was contained in a suit filed yesterday which challenged the constitutionality of a bill passed recently by the Legislature which nullified the school board's plan.

The suit was filed in large measure to vindicate the five board members who devised the plan, according to Nathaniel R. Jones, general counsel of the NAACP.

The members were A. L. Zwerding, Darneau V. Stewart, Andrew Perdue, Peter Grylls and the late Dr. Remus Robinson.

The first four voted for the plan and were recalled from office this month. Dr. Robinson was too ill at the time and did not vote.

The plan, designed to increase racial integration in 12 of the city's 22 high schools, stirred widespread controversy. Many persons objected to the distance students would have to travel to school.

However, the legislature voided the plan by ordering the boundaries drawn by a three-member committee appointed by the governor and deferring changes in attendance areas.

"As a result of the action of the Legislature," Jones said, "not only were the efforts of this school board frustrated, but their successors in office are required to carry out an unconstitutional policy maintaining the existing segregated schools."

NAACP officials, scheduled to meet Tuesday with Federal Judge Stephen J. Roth, who will handle the case, said the suit was filed because "we believe that the constitutional mandate for desegregated education must apply equally throughout the United States."

"In Michigan, we have a situation where a northern legislature has adopted the judicially discredited southern tactic of interposition and nullification (commonly known as states' rights) to prevent black and white children from enjoying their constitutional rights to an integrated education enforced by the U.S. Supreme Court," the NAACP said.

"This lawsuit is part of a continuing pattern of school desegregation suits sponsored by the NAACP in northern communities."

In addition to asking that the school board's decentralization attendance plan be reinstated, the suit also asks:

That the Legislature's plan be declared unconstitutional.

Assignment of principals, supervisors,

faculty and other personnel in proportion to the school's racial makeup.

That construction of school buildings be delayed until desegregation is completed.

Named as defendants in the suit were the governor, state attorney general, State Board of Education and the Detroit school board.

The suit contends the Legislature's action violates the 14th Amendment to the U.S. Constitution.

"The (legislative) act pertains solely to the Detroit Board of Education and thereby deliberately prohibits the Detroit Board of Education from making pupil assignments and establishing pupil attendance zones in a manner which all other school districts in the state of Michigan are free to do," the suit contends.

AUGUST 26, 1970.

Mr. JERRIS LEONARD,
Assistant Attorney General,
Department of Justice,
Washington, D.C.

DEAR MR. LEONARD: In relation to our conversation on the 13th and my earlier letter to you regarding the firing or demotion of black teachers in the South, I have the following additional requests for information which I would like to place in the Committee record:

1. As early as possible I would like to have the number of complaints received by you from the Committee or the NEA concerning the Louisiana and Mississippi schools. I wish for them to be identified as NEA originating where possible.

2. I wish the specific information set out in my earlier letter as to your post-investigative evaluation of the complaints.

3. I wish to have your evaluation of whether you have been granted full access to all complaints alluded to in our hearings.

4. There has been a great deal of controversy over the firing or demotion of Black teachers in the South. On the one hand Southern school systems have received bitter complaints concerning the low quality of Black schools and teachers. On the other hand equally vociferous complaints are received when there is an attempt to upgrade teacher quality on a fair and equitable basis. Could you furnish a statement of HEW-Justice policy in the area of hiring and firing of teachers? I wish specifically to know the degree of federal involvement in teacher hiring policy you propose for the federal government.

Your prompt attention to this matter will be greatly appreciated.

Sincerely yours,

JOHN L. MCCLELLAN.

DEPARTMENT OF JUSTICE,
Washington, August 28, 1970.

Hon. JOHN L. MCCLELLAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCCLELLAN: This is in response to your letter of August 26, 1970 requesting additional information respecting complaints about the firing or demotion of black teachers in the South.

My letter to you of the same date explains some of the problems that exist in trying to give a precise report. In addition, during these weeks when school openings are underway we do not have the staff to do a detailed analysis of the type you request. I should also note that at present the Federal Bureau of Investigation is at our request, investigating complaints of demotions or dismissals in approximately 18 systems, and we have not yet received their investigative reports as to these systems. In these circumstances I would ask your indulgence and would propose to attempt to provide a full answer to your first two questions later in the fall.

You inquired whether we have been granted full access to all complaints alluded to in the Committee hearings. We have examined the full record of the hearings and have been given access to N.E.A. files in Washington. Because the source of some complaints is unclear and some complaints are non-specific in nature, it is difficult to assess whether the disclosure by the N.E.A. has been complete. I know that some instances of non-cooperation in the field have occurred recently but I know of no such recent problems in Washington.

Finally, you inquire into our policy as to hiring and firing of teachers. Our policy is to enforce the requirements of non-discrimination as spelled out in the court decisions. The most detailed appellate description of those rules appears in *Singleton* v. *Jackson Municipal Separate School District*, 419 F. 2d 1211 (5th Cir. 1969), and I think it worthwhile to set those rules out here. The court ordered:

DESEGREGATION OF FACULTY AND OTHER STAFF

The School Board shall announce and implement the following policies:

1. Effective not later than February 1, 1970, the principals, teachers, teacher aides and other staff who work directly with children at a school shall be so assigned that in no case will the racial composition of a staff indicate that a school is intended for Negro students or white students. For the remainder of the 1969–70 school year the district shall assign the staff described above so that the ratio of Negro to white teachers in each school, and the ratio of other staff in each, are substantially the same as each such ratio is to the teachers and other staff, respectively, in the entire school system.

The school district shall, to the extent necessary to carry out this desegregation plan, direct members of its staff as a condition of continued employment to accept new assignments.

2. Staff members who work directly with children, and professional staff who work on the administrative level will be hired, assigned, promoted, paid, demoted, dismissed, and otherwise treated without regard to race, color, or national origin.

3. If there is to be a reduction in the number of principals, teachers, teacher-aides, or other professional staff employed by the school district which will result in a dismissal or demotion of any such staff members, the staff member to be dismissed or demoted must be selected on the basis of objective and reasonable non-discriminatory standards from among all the staff of the school district. In addition if there is any such dismissal or demotion, no staff vacancy may be filled through recruitment of a person of a race, color, or national origin different from that of the individual dismissed or demoted, until each displaced staff member who is qualified has had an opportunity to fill the vacancy and has failed to accept an offer to do so.

Prior to such a reduction, the school board will develop or require the development of non-racial objective criteria to be used in selecting the staff member who is to be dismissed or demoted. These criteria shall be available for public inspection and shall be retained by the school district. The school district also shall record and preserve the evaluation of staff members under the criteria. Such evaluation shall be made available upon request to the dismissed or demoted employee.

"Demotion" as used above includes any reassignment (1) under which the staff member receives less pay or has less responsibility than under the assignment he held previously, (2) which requires a lesser degree of skill than did the assignment he held previously, or (3) under which the staff member is asked to teach a subject or grade other than one for which he is certified or for which he has had substantial experience within a reasonably current period. In general and depending upon the subject matter involved, five years is such a reasonable period.

Sincerely,

JERRIS LEONARD,
Assistant Attorney General, Civil Rights Division.

[From the Chicago (Ill.) Sun-Times, Aug. 13, 1970]

BEGIN FACULTY INTEGRATION OF SCHOOLS HERE

(By Joel Havemann)

School Supt. James R. Redmond announced Wednesday that about 700 teachers have been given school assignments to increase faculty integration in Chicago schools in September.

He said this number was about 16 per cent of the 4,400 teachers that must be assigned on the basis of race so that the Board of Education can meet federal desegregation guidelines.

Of the 700 teachers assigned so far, Redmond said 400 are new teachers or substitute teachers who have gained regular certification this summer.

The other 300 are substitutes formerly assigned to a school full-time who have been displaced by regularly certified teachers.

NO MANDATORY TRANSFERS

No regularly certified teachers have been forced to transfer in the interests of integration, Redmond said. Mandatory transfers have been attacked bitterly by the Chicago Teachers Union.

The Justice Department threatened last summer to sue the school board if it did not integrate its teaching staffs.

The Health, Education and Welfare Department suggested that the number of black teachers at any school should not deviate by more than 10 per cent from the citywide average of 34 per cent.

HEW proposed a number of desegregation steps, including about 1,000 mandatory transfers. Redmond told the school board he was negotiating with HEW officials to work out a plan acceptable to federal officials and to the board.

In other action, the school board sent telegrams to all U.S. senators and congressmen from Illinois, urging them to vote to override President Nixon's veto of the federal aid to education bill.

ON VETO OF EDUCATION BILL

Redmond said the bill would increase Chicago's share of federal aid by nearly $5 million, to an annual total of $37 million. Mr. Nixon said he vetoed the bill because it was inflationary.

Board members also criticized the efforts of school administrators to combat street gang activities in the schools.

They suggested that school officials work more closely with militant community organizations and perhaps establish a "gang intelligence unit" within the school system.

Board members responded to a report by Deputy Schools Supt. Manford Byrd Jr., who recommended that the quality of the schools be improved to the point where they would attract their pupils away from the gangs.

Board member Warren H. Bacon suggested that school administrators co-operate with such organizations as Operation Breadbasket, The Woodlawn Organization and the West Side Organization.

Byrd said the schools already worked with such groups as the YMCA and Boys Club.

"What we've done in the past has proved entirely inadequate," Bacon said.

Board member Alvin J. Boutte suggested the possibility of a school "gang intelligence unit" similar to the one in the police department. Byrd said such an idea might work.

Boutte noted that the board has spent its entire 1970 budget for school security. Byrd promised that a transfer of funds into the security budget would be proposed before September.

Boutte asked whether school officials conferred enough with parents whose children had difficulties with the gangs. When Byrd said they did, several black persons in the audience groaned.

Byrd said school officials would consider the board members' suggestions.

The board meeting was disrupted by 13 Southwest Side residents wearing yellow hard hats who demanded that the board reverse its decision to place a prefabricated classroom building at the O'Toole Elementary School, 6550 S. Seeley.

One woman was escorted out of the meeting by security guards and the other 12 followed her. They demanded that the board relieve overcrowding at O'Toole by redrawing school boundary lines so that most black pupils would be eliminated from O'Toole.

Byrd said school officials would consider the board members' suggestions.

The board appointed three high school principals:

Bernarr E. Dawson to Calumet High, Dawson, the black former principal of Du Sable Upper Grade Center, was selected by a community screening board after the community forced out Charles L. LaForce, who was white.

James P. Maloney to Schurz High. Student disruption last January forced Maloney out of the all-black Crane High. Schurz is all white.

Edward C. Bennett to Cooley Vocational High.

SUPPLEMENTAL STATEMENT

Mr. CHAIRMAN, yesterday some supplemental information concerning the subject of today's statement came to my attention.

The two newspaper clippings from Boston and Detroit are self-explanatory. They relate the continuing controversy in Boston over integration, and the refusal of the U.S. District Court in Detroit immediately to set aside the Michigan law requiring resegregation of the Detroit schools.

The letter from Stanley Pottinger, Director, Office for Civil Rights, Department of Health, Education, and Welfare, explains the refusal of HEW to allow transfers from Cotton Plant to McCrory. I note that the HEW policies and Fifth Circuit Decision quoted in the letter, if enforced in Boston, would no doubt have prevented a large part of the segregation that now exists in that city. It is my contention that Boston has in effect created a dual system in that city, using the open enrollment policy to accomplish this fact.

I am hopeful that someday we will in fact see a national policy on integration that is enforced equitably and without preference or discrimination as between the states of the South and the states of the North and other sections of our country. I believe that the statement that I have made today proves that we do not have a single standard national policy on school integration, and that we have never had such a policy.

I ask unanimous consent that this material, the news clippings and the letter from Mr. Pottinger, be placed in the hearing record following my statement.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., September 21, 1970.

Mr. EMON A. MAHONY, Jr.,
Assistant to Hon. John L. McClellan,
U.S. Senate, Washington, D.C.

DEAR MR. MAHONY: Bill van den Toorn has told me of your concern about the question of student transfers from one school district to another.

I understand that the question arose with specific regard to the Cotton Plant school district in Arkansas. There the Board of Education approved the transfer applications of roughly 50 white students who wished to enroll in a school of the neighboring McCrory school district. The transfer, it effectuated, would have left the Cotton Plant High School nearly all-black and as such, would have conflicted with the proposed desegregation plan submitted by the district and accepted by the Office for Civil Rights on June 11, 1970. The plan provided that all students in grades 10–12 (141 black students and 58 white students) would attend the Cotton Plant High School at the start of the 1970–71 school year.

It has been the longstanding policy of the Office for Civil Rights to disapprove transfer arrangements when their effect is to undo legally required desegregation. In this regard, Subpart C, Section 16 of the "Policies on Elementary and Secondary School Compliance with Title VI of the Civil Rights Act of 1964" provides:

"School systems are responsible for assuring that no arrangement is made nor permission granted for students residing in one school system to attend school in another school system in any case where the result tends to maintain what is essentially a dual school structure in either system."

The U.S. Court of Appeals for the Fifth Circuit recently ruled with respect to several school desegregation cases that:

"If the school district grants transfers to students living in the district for their attendance at public schools outside the district or if it permits transfers into the district of students who live outside the district, it shall do so on a non-discriminatory basis, except that it shall not consent to transfers where the cumulative effect will reduce desegregation in either district or reinforce the dual school system." *Singleton* v. *Jackson Municipal Separate School District,* 419 F. 2d 1211 (5th Cir. 1970).

In advising school officials that the proposed transfer arrangement in this case violated the requirements of Title VI, our Regional Office at Dallas was acting consistent with established policy and judicial standards.

We appreciate your interest in this matter. If I can be of further assistance, please let me know.

Sincerely yours,
J. STANLEY POTTINGER,
Director, Office for Civil Rights.

[From the Boston (Mass.) Herald Traveler, Sept. 9, 1970]

ANOTHER LOOK AT "IMBALANCE"

Commr. of Education Neil V. Sullivan, an ardent champion of racial balance in the public schools and the use of busing to bring about this end, has taken a gingerly step in the opposite direction.

He has appointed an Advisory Committee on Racial Imbalance, the presumed purpose of which is to review and study the state's racial imbalance law which has proved so disruptive to the Boston school system, and to recommend changes or perhaps even repeal.

Sullivan, a former superintendent of schools in Berkeley, Calif., where he racially balanced the schools by cross-busing, arrived here a year and one-half ago to take over supervision of secondary and elementary public education at $30,000 a year, and has sat on his hands while the educational problems of the capital city worsened.

He agreed to appoint the special panel to review the racial imbalance law at the insistence of John D. Warner, aggressive new director of the Boston Redevelopment Authority, who sees the city in a crisis situation because of the controversial statute.

But Warner does not intend to sit back and permit Sullivan's blue ribbon panel of 14 to study the problem to death while conditions created by the racial imbalance law worsen and a $100 million school building program planned by the city grinds to a halt.

"I intend to keep the pressure on him," declares the tough-minded Warner. "While I am, of course, pleased that the commissioner has appointed this study panel, I want to see it go into action immediately.

"Consequently, I will ask how soon this special committee intends to meet, and will ask to appear before the committee at the earliest opportunity to state my views concerning the damage the racial imbalance law is doing to the city of Boston in its efforts to build new schools.

"This year is, of course, lost, but if we get moving on the problems now, perhaps by the opening of the new school year the situation with respect to racial imbalance can be put back into its proper perspective, and progress in the building of new schools can commence."

But if Sullivan's record in Berkeley, Calif., is any criterion, he may not be easy to push into taking direct action to wipe the racial imbalance law off the statute books, or even change it drastically.

Sullivan blasted no less a personage than President Nixon when the nation's chief executive had the temerity to question the advisability of busing children from one end of a city to the other to achieve racial balance.

And he also took on U.S. Atty. Gen. John Mitchell and the then Secretary of Health, Education and Welfare, Robert Finch, when they disagreed with him on the same subject.

Since then, Sullivan has been relatively silent, apparently because of a rap on the knuckles he received from Gov. Sargent, who made it clear that he did not approve of department heads making major policy statements without clearing them through the governor's office.

But Sullivan is a controversial figure, as evidenced by some of the statements attributed to him while he was in Berkeley, Calif.

For instance, in October of 1968, the Berkeley High School faculty steering committee met with Sullivan to discuss the Berkeley Unified School District's acceding to demands made by the high school's Black Student Union.

One of the questions put to Sullivan, according to a report published in the steering committee's bulletin, was:

"Many teachers are concerned that ready giving in on the part of the administration to the demands of a small group will convince all students that militancy is the only way to get things done. What is your opinion on this?"

"Damn right it is," replied Sullivan, according to the published report. "History has shown that the only way to get things done is to get a shotgun and stick it up against the other people's neck."

Consequently, it is not anticipated that Sullivan will remain silent for long, particularly since he has been challenged by the hard-driving Warner to get off his racial balancing kick, and provide the leadership necessary to straighten out the problems created in the Boston school system by the racial imbalance law.

Warner is no pushover, however, as Sullivan will find out if he is determined to persist in pursuing a philosophy which simply cannot work in a city like Boston.

The BRA director has already expressed his indignation over Sullivan's testimony before a Senate committee headed by U.S. Sen. John McClellan of Arkansas.

Sullivan criticized Boston's open enrollment plan, in which any pupil, anywhere in the city, can go to the school of his choice, provided there is a vacancy. He said he considered the policy "racist."

Warner has termed Sullivan's remarks "unfair and unwarranted, and showed a tragic lack of knowledge of the city's problems."

He points out that the open school enrollment policy was instituted years ago, long before the conception of the racial imbalance law, which is providing too harmful to Boston.

"The key is that this racial imbalance law doesn't work," Warner asserts. "It has a classic ability to harm both blacks and whites. In the long run it will force busing of kids around the city and this is not healthy.

"It requires the building of schools on the peripheries, and that is wrong. There is no substitute for the strong neighborhood school, and the racial imbalance law makes this impossible."

Warner is convinced that the time to do something about the racial imbalance law is now, if the city is to replace with new schools the antiquated structures which should have been replaced long ago.

And it would appear he does not intend to permit Sullivan to serve as the stumbling block.

[From the Detroit Free Press, Aug. 4, 1970]

U.S. Court Blocks Integration Plan for City Schools

(By William Grant)

U.S. District Judge Stephen J. Roth denied Thursday a request by the National Association for the Advancement of Colored People that the Detroit school system be required to put its controversial high school integration plan into effect next week.

The NAACP had made its appeal as part of a suit challenging the right of the Michigan Legislature to prohibit the school system from implementing the plan which was adopted by the school board last April 7.

A hearing on that suit has been set for the first two weeks in November, but the NAACP had asked that Judge Roth order the plan implemented pending the final outcome of the case.

Judge Roth said Thursday that to issue the temporary order would be, in effect, deciding the whole case.

"The best interests of the schools, the students and the parents will be served if no order is issued at this time," Roth said.

Attorneys for both sides were notified by telephone Thursday morning of Judge Roth's decision. The judge has been hearing cases in Flint and his office said a written opinion will be available early next week.

The decision means Detroit students will enroll next Wednesday as if the school board had never adopted its April 7 high school integration plan.

Charles Wolfe, executive deputy superintendent for the school system, said:

"Students will follow the same school attendance pattern they have for the past several years. Anyone with any question should call either their neighborhood school or the regional school office."

The school board voted 4–2 April 7 to alter school boundaries to balance the racial composition of 11 of the city's 22 public high schools.

But the Legislature passed a new state school decentralization law in July which prohibited the board from implementing the integration plan.

And Detroit voters Aug. 4 recalled from office the four board members who had approved the plan.

Mr. McCLELLAN. I think this is the proper time and place to again document in the RECORD the hypocrisy that is now going on in this country. If we keep up this hypocrisy we will bring disgrace upon the Nation. A nation that believes in justice, equal justice, equal treatment, cannot pursue this course indefinitely without some retribution coming to it. Oh, you can do it for a little while. You can impose it on the South. You have the power to do it. All three departments of Government are equally guilty. You can do it for a little while, and you can insist on it, but the time will come in this Nation when hypocrisy and the double standard that is being followed in the administration of justice will rise to shame and plague it.

Mr. ERVIN. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. ERVIN. Mr. President, I want to say a word or two more. The distinguished Senator from New York (Mr. JAVITS) introduced a letter in the RECORD from the Secretary of Health, Education, and Welfare, in which the Secretary asked for the defeat of the pending amendment and the other amendments offered by me. The distinguished Senator from New York assured us that the Secretary's letter represented the position of the administration. I believe the Senator from New York is honestly mistaken in this assurance.

When the President came down to North Carolina in 1968, asking the people of North Carolina to vote for him, he told them that he favored just exactly what I have in the pending amendment. He emphasized that he favored neighborhood schools and was opposed to busing to achieve integrated public schools.

He came back to North Carolina in 1970 and went to the city of Asheville. He was not seeking votes for himself at that time, but he was seeking them for the Republican candidate for Congress from the Asheville district. He assured the people of North Carolina a second time in public utterances that he favored what is in this amendment; that is, securing for children the right to attend their neighborhood schools, and prohibiting busing to change the racial composition of schools.

I believe the President is an honest man, and that he meant what he said when he declared he favors neighborhood schools and is opposed to busing, as he did in Charlotte, N.C., in 1968, and as he said in Asheville, N.C., in 1970.

I cannot accept the theory that the letter of the Secretary of Health, Education, and Welfare, expresses the President's position, because if it does, a lot of North Carolina people are going to doubt the President's credibility. Believing that the President is an honest man, I cannot accept what I conceive to be the honest assurance of the distinguished Senator from New York that the letter of Mr. Richardson expresses the President's position in respect to this matter. I would point out that my pending amendment is, in a sense, separate from the original purpose of the bill. It is an amendment to the Civil Rights Act of 1964. Believing the President to be an honest man, and believing that he meant exactly what he said in North Carolina on two occasions, I am unable to accept the assurance that his position was correctly stated by the Secretary of Health, Education, and Welfare.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. McCLELLAN. Does the Senator believe that if this bill is enacted, one dollar of the money will be spent to bring a lawsuit in Boston, to correct the favoritism that now prevails up there under the Massachusetts statute permitting freedom of enrollment?

Mr. ERVIN. Not at all; because, unfortunately, there are a lot of people who favor desegregation in the South but support segregation in the north. There are a lot of people—and many of them are in public office—who are like the doctor who would not take the medicine he prescribed for his patient.

Mr. McCLELLAN. I think that is correct; but does the Senator know that HEW has supposedly been investigating that situation of this one school up there in Boston for about a year, and cannot find out whether it is true or not? Would the Senator be surprised to know that they have not even made a recommendation to the Department of Justice yet as to what action should be taken?

Mr. SPONG. Mr. President, will the Senator yield?

Mr. McCLELLAN. In a moment. May I say this further: I just called Mr. Jerris Leonard at the Justice Department, a fine gentleman, and asked him if anything had been done. He was present when I interrogated the Attorney General last year in the committee. I think he was also present when I interrogated Mr. Richardson, the Secretary of Health, Education, and Welfare. If not, he has the record. At that time, it was stated absolutely by Mr. Mitchell before the committee that that law in Massachusetts is unconstitutional.

But nothing has been done. The Federal Government has taken no action. They have had over a year. What does that indicate to the country today with respect to justice and equality under the law, under this administration?

Mr. ERVIN. It would indicate to me that there are some people in this Nation who entertain the view that we are not one Nation under one Constitution, but that on the contrary we have one Constitution for the South and another for the rest of the country. The truth is that the South is being penalized, as I observed some time ago, simply because the Southern States were not smart enough to discover that the separate but equal doctrine was no longer the law of the land before the Supreme Court Justices made that discovery for themselves.

Mr. McCLELLAN. We are being penalized because of a Supreme Court decision which we followed for many years. It was the law of the land until the 1954 decision. We followed the law of the land, and, because some judges made up their minds about what the law should be and made that 1954 ruling, we in the South have been penalized, because we followed the ultimate source of authority until they—the Court—changed the Constitution.

Mr. ERVIN. Just because we believed what they adjudged to be the law of the land was actually the law of the land prior to May 17, 1954.

Mr. McCLELLAN. Yes. I yield to the Senator from Virginia.

Mr. SPONG. Mr. President, I merely wanted to confirm what the Senator from Arkansas has said. Last year, in the hearings, this situation in Boston was dramatically brought to the attention of the Secretary of Health, Education, and Welfare, Mr. Richardson.

Mr. McCLELLAN. Incidentally, his home is Boston; is it not?

Mr. SPONG. I believe it is.

Mr. McCLELLAN. Yes; that is characteristic of this law enforcement in civil rights.

Mr. SPONG. Now this time has passed. After the situation being called to the attention of the Department of Justice, several months have passed, and we have received no answer that would lead us to believe they intend to do anything about it.

Mr. McCLELLAN. I have the answer. I called the Department of Justice a few minutes ago. Nothing has been done. The Department of Justice has said it had not received any recommendation from HEW regarding it. Nothing whatsoever. So nothing has been done other than a pretended investigation; it is said that an investigation is being conducted.

Mr. SPONG. Will the Senator yield further?

Mr. McCLELLAN. I yield.

Mr. SPONG. I did not support the Ribicoff amendment because I did not think it had received thorough hearings. There are many educational questions involved with regard to which we needed testimony. I believe hearings should take place.

But I wish to say that for a period of more than a year now, the Senator from Mississippi and the Senator from Arkansas have cited situation after situation with regard to Boston, with regard to Detroit, Mich., and with regard to cities all over the country, and there has not yet been forthcoming any evidence at all that either the Justice Department or HEW has any idea of applying the law of the land uniformly throughout the Nation.

We are not talking about situations where de facto segregation has always existed. We are talking about situations where the evidence brought out that there were statutes in those localities which, by their nature, were discriminatory.

Mr. McCLELLAN. If the Senator will yield, the situation in Boston was de facto until they passed the Massachusetts statute. Now it is de jure.

Mr. SPONG. Without question.

Mr. McCLELLAN. And still no action is taken.

Mr. SPONG. There is no question about that. I should like to make just one further observation.

Senators who have listened to the Senator from Connecticut in the past would do well to review what he has stated. Also, they would do well to read the last paragraphs of the Supreme Court decision in the Charlotte-Mecklenburg case, in which the Supreme Court acknowledges that the time will come when the localities of the South will be exactly like the localities in the North; they will be de facto. By reason of having become unitary school systems, they will have complied. They will also have resegregated, as has taken place in many parts of the country, and all the educational values that Dr. Coleman and others suggested with regard to educational opportunity will be defeated by virtue of this; and they will be defeated more hastily if there is not uniform application throughout the United States that all of the people can understand.

I thank the Senator from Arkansas.

Mr. McCLELLAN. I thank the distinguished Senator, and I thank the able Senator from North Carolina for yielding to me. I commend him for bringing these amendments before this body in an effort to make at least an attempt, Mr. President, to get the laws in this country equitable and equal in all sections of the Nation and for all our people, and to get them enforced accordingly.

The PRESIDING OFFICER (Mr. BUCKLEY). The question is on agreeing to the amendment (No. 41) of the Senator from North Carolina (Mr. ERVIN). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. McGOVERN), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Oklahoma (Mr. HARRIS), and the Senator from South Carolina (Mr. HOLLINGS) are absent on official business.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. HARRIS), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from South Dakota (Mr. McGOVERN) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BROCK), the Senator from Kentucky (Mr. COOK), the Senator from Kentucky (Mr. COOPER), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. GOLDWATER), the Senator from Iowa (Mr. MILLER), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Kansas (Mr. PEARSON) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "yea."

On this vote, the Senator from Tennessee (Mr. BROCK) is paired with the Senator from Colorado (Mr. DOMINICK). If present and voting, the Senator from Tennessee would vote "yea" and the Senator from Colorado would vote "nay."

Also, if present and voting, the Senator from Kansas (Mr. PEARSON) would vote "nay".

The result was announced—yeas 32, nays 51, as follows:

[No. 51 Leg.]

YEAS—32

Allen
Baker
Bennett
Bentsen
Bible
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Cotton
Curtis
Eastland
Ellender
Ervin
Fannin
Fulbright
Gambrell
Gurney
Hansen
Hruska
Jordan, N.C.
Jordan, Idaho
Long
McClellan
Randolph
Sparkman
Spong
Stennis
Talmadge
Thurmond
Tower
Young

NAYS—51

Aiken
Allott
Anderson
Bayh
Beall
Bellmon
Boggs
Brooke
Buckley
Burdick
Case
Church
Cranston
Dole
Eagleton
Fong
Griffin
Hart
Hatfield
Hughes
Humphrey
Inouye
Javits
Magnuson
Mansfield
Mathias
McGee
McIntyre
Metcalf
Mondale
Montoya
Moss
Nelson
Pastore
Pell
Percy
Prouty
Proxmire
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Stevens
Stevenson
Symington
Taft
Tunney
Weicker
Williams

NOT VOTING—17

Brock
Cook
Cooper
Dominick
Goldwater
Gravel
Harris
Hartke
Hollings
Jackson
Kennedy
McGovern
Miller
Mundt
Muskie
Packwood
Pearson

So Mr. ERVIN's amendment No. 41 was rejected.

UNANIMOUS-CONSENT AGREEMENT—YEAS AND NAYS

Mr. ERVIN. Mr. President, I have two more amendments that I intend to call up. I will agree to a time limitation of 2 minutes on each side on each amendment, and I would like to have the yeas and nays on both of them.

Mr. MANSFIELD. Mr. President, I ask that it be in order for the yeas and nays, and I ask that the Chair make a judgment on the unanimous consent request of the distinguished Senator from North Carolina that there be 2 minutes to the side.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, has the unanimous-consent agreement been agreed to?

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina? The Chair hears none, and it is so ordered.

AMENDMENT NO. 42

Mr. ERVIN. Mr. President, I call up my amendment No. 42 and ask that the reading of the amendment be omitted and that I be permitted to state what the amendment would do.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, the amendment is very simple. It would place a prohibition on the busing of children to effect the racial composition of schools.

That is all it does.

I yield back the remainder of my 2 minutes.

Mr. PELL. Mr. President, under the basic bill any movement of children is voluntary. I oppose the amendment.

I yield back the remainder of my time.

Mr. ERVIN. Mr. President, I ask unanimous consent that a copy of the amendment be printed in full just before the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 42

At the end of the bill insert the following:

"LIMITATION

"Sec. 17. No court, department, agency, officer, or employee of the United States shall have jurisdiction or power to require any State or local public school board or any other State or local agency empowered to assign children to public schools to transport any child from one place to another place, or from one school to another school, or from one school district to another school district to alter the racial composition of the student body at any public school."

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from North Carolina. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. METCALF (after having voted in the negative). On this vote I have a pair with the Senator from Louisiana (Mr. Ellender). If he were present and voting, he would vote "aye." I have already voted "nay." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Louisiana (Mr. Ellender), the Senator from Alaska (Mr. Gravel), the Senator from Indiana (Mr. Hartke), the Senator from Washington (Mr. Jackson), the Senator from Massachusetts (Mr. Kennedy), the Senator from South Dakota (Mr. McGovern), and the Senator from Maine (Mr. Muskie) are necessarily absent.

I further announce that the Senator from Oklahoma (Mr. Harris) and the Senator from South Carolina (Mr. Hollings) are absent on official business.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. Harris), the Senator from Massachusetts (Mr. Kennedy), the Senator from Washington (Mr. Jackson), and the Senator from South Dakota (Mr. McGovern) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Brock), the Senator from Kentucky (Mr. Cook), the Senator from Kentucky (Mr. Cooper), the Senator from Colorado (Mr. Dominick), the Senator from Arizona (Mr. Goldwater), the Senator from Iowa (Mr. Miller), the Senator from Oregon (Mr. Packwood), and the Senator from Kansas (Mr. Pearson) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from South Dakota (Mr. Mundt) would vote "yea."

On this vote, the Senaotr from Tennessee (Mr. Brock) is paired with the Senator from Colorado (Mr. Dominick). If present and voting, the Senator from Tennessee would vote "yea" and the Senator from Colorado would vote "nay."

Also, if present and voting, the Senator from Kansas (Mr. Pearson) would vote "nay."

The result was announced—yeas 35, nays 46, as follows:

[No. 52 Leg.]

YEAS—35

Allen
Baker
Beall
Bennett
Bentsen
Bible
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Cotton
Curtis
Dole
Eastland
Ervin
Fannin
Fulbright
Gambrell
Gurney
Hansen
Hruska
Jordan, N.C.
Jordan, Idaho
Long
McClellan
Randolph
Roth
Sparkman
Spong
Stennis
Talmadge
Thurmond
Tower
Young

NAYS—46

Aiken
Allott
Anderson
Bayh
Bellmon
Boggs
Brooke
Burdick
Case
Church
Cranston
Eagleton
Fong
Griffin
Hart
Hatfield
Hughes
Humphrey
Inouye
Javits
Magnuson
Mansfield
Mathias
McGee
McIntyre
Mondale
Montoya
Moss
Nelson
Pastore
Pell
Percy
Prouty
Proxmire
Ribicoff
Saxbe
Schweiker
Scott
Smith
Stevens
Stevenson
Symington
Taft
Tunney
Weicker
Williams

PRESENT AND GIVING A LIVE PAIR AS PREVIOUSLY RECORDED—1

Metcalf, against.

NOT VOTING—18

Brock
Cook
Cooper
Dominick
Ellender
Goldwater
Gravel
Harris
Hartke
Hollings
Jackson
Kennedy
McGovern
Miller
Mundt
Muskie
Packwood
Pearson

So. Mr. Ervin's amendment (No. 42) was rejected.

EQUAL EDUCATION FOR ALL

Mr. KENNEDY. Mr. President, I want to commend the able chairman of the Senate Education Subcommittee (Mr. Pell), the chairman of the Select Committee on Equal Education, the Senator from Minnesota (Mr. Mondale), and the ranking minority leader of the Labor and Public Welfare Committee, the Senator from New York (Mr. Javits), for their leadership in the development of the Emergency School Aid and Quality Integrated Education Act of 1971.

Mr. President, the history of this legislation begins at least 17 years ago with the decision by the Supreme Court in Brown against Board of Education.

The Court found that school segregation affects the hearts and minds of children "in ways unlikely ever to be undone." From that moment forward, this Nation has been struggling to meet the demands of law and the demands of justice to divest itself of the vestiges of segregation. The Congress has responded fitfully to those demands, all too frequently deferring to the Supreme Court when it should have been leading the way.

The failures of the past are spelled out in school statistics of today, statistics that place more than 4 million of the 9 million minority schoolchildren in schools where they constitute more than 80 percent of the total enrollment. More than 1 million of those children attend schools in which there is 100 percent minority enrollment.

Of the 6.2 million black students in the Nation, 53 percent are in schools whose enrollments are 99 to 100 percent comprised of minority group students. Of the 2 million Spanish-surnamed children, nearly a third are in 80- to 100-percent minority schools.

Boston is a microcosm of this problem. There, the proportion of the city's black students enrolled in schools with over 90-percent minority students increased from 43.1 to 45.5 percent between 1968 and 1969. Of our 7,000 or more school-age Puerto Ricans, only four graduated from high school between 1965 and 1969. In June 1970, seven graduated, only three from public schools.

There is no longer any question whether these kinds of school segregation limit the educational potential of children.

As far back as 1966, HEW published "Equality of Educational Opportunity," by Dr. James Coleman, which described the pervasive impact of racial isolation on minority students. Again, in 1966, the Panel on Education planning the White House Conference concluded:

> There is clear documentary evidence of a direct relationship between segregated schools and inferior education, and of cumulative academic retardation among children in Negro ghettoes. There is evidence also that this waste is remediable, hence the greater tragedy.

Following that disclosure, I introduced in February 1966 an amendment to title IV of the Civil Rights Act of 1964 to provide grants and technical assistance to school districts which sought to prepare, adopt, and implement plans for the correction of racial imbalance. Unfortunately, that measure was not passed.

Since then, we have witnessed a host of further studies reaffirming the handicaps faced by children denied equal educational opportunity. In 1967, the U.S. Commission on Civil Rights, after a year of extensive investigation of the school systems in 15 major cities, issued its report on "Racial Isolation in the Public Schools." It found that "racial isolation, whatever its origin, inflicts harm upon Negro students." It also concluded, "school desegregation remedies have been devised which will improve the quality of education for all children."

The report emphasized that only a combination of school desegregation and improved educational quality can assure true equality in education to the Nation's schoolchildren. Magnet schools, educational parks, consolidation of attendance boundaries, metropolitan planning—all of these techniques were cited as possible solutions, solutions that parents, teachers, and community representatives might choose.

The physical end of segregation is only part of the equation, it must be matched by improved educational programs in the school—"at the end of the bus ride," as Julian Bond told the select committee last year.

We already have evidence that ending racial isolation in tandem with better quality education can produce major advances in educational achievement. Perhaps the best example is at Berkeley, where the integrated schools are balanced between 50-percent disadvantaged black students and 50-percent advantaged white students. Since that program was instituted, the academic achievement of black students has increased 60-percent faster than prior to desegregation. White students have at least maintained their previous rate of learning and in some cases that rate actually increased.

There are other examples of positive results when adequate resources are combined with integration efforts. Despite an overall failure to remedy existing racial isolation in Boston, two kinds of educational innovations open to local districts have been tried successfully. The William Monroe Trotter school was constructed in 1969 in the center of Roxbury and a combination of educational benefits were offered—smaller class size, greater use of community aides, and team teaching. The result has been a successful effort at attracting white students to an integrated school in the heart of a black neighborhood.

Also, Project Exodus, and now Metco, have demonstrated the critical need for interdistrict cooperation in reducing racial isolation and offering quality education.

Both were voluntary busing programs, in which blacks went from the center city to the suburbs. Although they have the disability of one-way busing, the positive value to be gained in an integrated education setting has been demonstrated.

So it is that I particularly would call attention to the bill's provisions for interdistrict and metropolitan area programs and bilingual and bicultural programs.

Despite the immediate image of Harlem and Washington, D.C., when one thinks of central city school districts, those situations are anomalies when we examine the Nation as a whole. Of the 100 largest school districts, only 18 are comprised of a majority of minority group members. Of the 217 metropolitan areas in the Nation with a central city of more than 55,000, only 42 of those cities contain a majority of minority group students. Most of the remaining school districts and cities can achieve stable quality integrated systems without crossing city or district boundaries.

However, the Washingtons and Harlems will never achieve an end to racial imbalance if their only option is to move students from one school to another within the same school district. For these areas, interdistrict and metropolitan area planning is the only way that the lily-white ring around the city can represent a life preserver instead of a noose. The bill reserves 15 percent of the total $1.5 billion authorized for such metropolitan area programs. Combined with the concept of magnet schools and educational parks, metropolitanwide educational planning can be the first step toward ending the polarization of rich and poor, suburb and city, white and black. And it can mean better education for all.

The bill also contains a specific reservation of $45 million for efforts to respond to the special needs of children who are deprived of equal educational opportunities because of language disabilities and cultural barriers.

The contrast between the need for bilingual and bicultural education and what is being done is starkly shown by the following statistics. HEW last year stated that there are 5 million public schoolchildren who come to school with limited English-speaking ability. Yet, title VII of the Elementary and Secondary Education Act serves only 54,000 students. Clearly more must be done.

The U.S. Civil Rights Commission issued a special report last year, in which it found that Mexican-American students were severely isolated by school districts and by schools within individual districts. The report also found that Mexican Americans "are gravely underrepresented among teachers and an even smaller proportion of principals than teachers are Mexican Americans."

Mr. President, we have delayed action too long. We have avoided our responsibilities too long. Each day that passes in which the Federal Government fails to commit sufficient resources to the struggle to assure equal educational opportunity to all of our citizens maintains a nation divided into separate societies, one rich, one poor, one black, one white, one complacent, one despairing.

President Kennedy said that "the human mind is our fundamental resource." Providing equal opportunity for our children to develop this resource through education is the only way we shall ever guarantee equal opportunity in all fields for all of our citizens.

I strongly urge the Senate to pass this measure.

Mr. MANSFIELD. Mr. President, for the information of the Senate, it is the understanding of the joint leadership that we have only one more amendment, and that will be pending very shortly.

At this time I ask for the yeas and nays on final passage.

The yeas and nays on passage were ordered.

PROGRAM

Mr. SCOTT. Mr. President, if the Senator will yield, I should like to discuss with him the further business of the Senate.

Mr. MANSFIELD. Mr. President, I am delighted that again this question has been raised, because, with the disposition of the pending business, we will have on the calendar only S. 646, which has a temporary "hold" on it, and S. 860, a bill relating to the Trust Territory of the Pacific Islands, which is being considered informally in the Foreign Relations Committee. Therefore, there will be nothing on the calendar to be taken up in the way of business when we finish with the pending business tonight.

ORDER FOR ADJOURNMENT UNTIL THURSDAY, APRIL 29, 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock Thursday noon next.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

PROGRAM

Mr. SCOTT. Mr. President, if the Senator will yield further, I would like to express the hope that next Monday and Tuesday the Senate will be in session, and I hope we can secure some business from the committees. I will state my reason very clearly. It has been announced that it has been the purpose of some persons to prevent the functioning of the Government of the United States on next Monday and Tuesday. Therefore, I think it important that we be in session on those days to engage in the Nation's business without interference and without disruption.

Mr. MANSFIELD. Mr. President, if I repeat, the Senate is going to be in business on any day in which there is business to attend to, and I hope that in the meantime the committees will apply themselves and get out some legislation, because our business is the people's business and our business is being on the job here if there is any business to see to. The joint leadership intends to see to it that the Senate is in session if there is any business to attend to.

Mr. SCOTT. Mr. President, I made my statement with full awareness of the feeling of the majority leader.

EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATIONAL ACT OF 1971

The Senate continued with the consideration of the bill (S. 1557) to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes.

AMENDMENT NO. 37

Mr. ERVIN. Mr. President, I call up my amendment No. 37, and ask unanimous consent that it be printed in the RECORD at this point and that I may explain it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Amendment No. 37 is as follows:

At the end of the bill insert the following:

"LIMITATION

"SEC. 17. No court, department, agency, officer, or employee of the United States shall have jurisdiction or power to deny to any child the right to attend the public school nearest his home which is operated for the education of children of his age and ability."

Mr. ERVIN. Mr. President, the amendment would simply extend to every schoolchild the right, as against the Federal Government——

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. There will be order in the Senate.

Mr. ERVIN. Mr. President, this amendment would extend to every schoolchild in this Nation, as against the Federal Government, the right to attend the public school nearest his home which is operated for the education of children of his age and ability.

I yield back the remainder of my time.

Mr. PELL. Mr. President, the question of the neighborhood schools is an emotional one. However, stripping away the emotion, in the context that has been discussed on the floor today, the guise of this amendment as the neighborhood school concept is another attempt to thwart national efforts to desegregate local school districts and decisions of the U.S. Supreme Court.

Mr. ERVIN. Mr. President, I ask unanimous consent to have 30 seconds to reply to the last statement of the distinguished Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. This amendment would not affect the power of the school boards; it would affect the power of the Federal Government.

The PRESIDING OFFICER. All time

on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from North Carolina. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Lousiana (Mr. Ellender), the Senator from Alaska (Mr. Gravel), the Senator from Indiana (Mr. Hartke), the Senator from Washington (Mr. Jackson), the Senator from Massachusetts (Mr. Kennedy), the Senator from Louisiana (Mr. Long), the Senator from South Dakota (Mr. McGovern), and the Senator from Maine (Mr. Muskie) are necessarily absent.

I further announce that the Senator from Oklahoma (Mr. Harris), and the Senator from South Carolina (Mr. Hollings) are absent on official business.

On this vote, the Senator from Louisiana (Mr. Ellender) is paired with the Senator from South Dakota (Mr. McGovern).

If present and voting, the Senator from Louisiana would vote yea and the Senator from South Dakota would vote nay.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. Harris), the Senator from Washington (Mr. Jackson), and the Senator from Massachusetts (Mr. Kennedy) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Brock), the Senator from Kentucky (Mr. Cook), the Senator from Kentucky (Mr. Cooper), the Senator from Colorado (Mr. Dominick), the Senator from Arizona (Mr. Goldwater), the Senator from Iowa (Mr. Miller), the Senator from Oregon (Mr. Packwood) and the Senator from Kansas (Mr. Pearson) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting the Senator from South Dakota (Mr. Mundt) would vote "yea."

On this vote, the Senator from Tennessee (Mr. Brock) is paired with the Senator from Colorado (Mr. Dominick). If present and voting, the Senator from Tennessee would vote "yea" and the Senator from Colorado would vote "nay."

Also, if present and voting, the Senator from Kansas (Mr. Pearson) would vote "nay."

The result was announced—yeas 33, nays 48, as follows:

[No. 53 Leg.]

YEAS—33

Allen
Baker
Bennett
Bentsen
Bible
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Cotton
Curtis
Dole
Eastland
Ervin
Fannin
Fong
Fulbright
Gambrell
Gurney
Hansen
Hruska
Jordan, N.C.
Jordan, Idaho
McClellan
Roth
Sparkman
Spong
Stennis
Talmadge
Thurmond
Tower
Young

NAYS—48

Aiken
Allott
Anderson
Bayh
Beall
Bellmon
Boggs
Brooke
Burdick
Case
Church
Cranston
Eagleton
Griffin
Hart
Hatfield
Hughes
Humphrey
Inouye
Javits
Magnuson
Mansfield
Mathias
McGee
McIntyre
Metcalf
Mondale
Montoya
Moss
Nelson
Pastore
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith
Stevens
Stevenson
Symington
Taft
Tunney
Weicker
Williams

NOT VOTING—19

Brock
Cook
Cooper
Dominick
Ellender
Goldwater
Gravel
Harris
Hartke
Hollings
Jackson
Kennedy
Long
McGovern
Miller
Mundt
Muskie
Packwood
Pearson

So Mr. Ervin's amendment (No. 37) was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. SPONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEGATION OF ORDER ON THE EXTENSION OF THE PASTORE RULE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time allotted to the extension of the Pastore rule be negated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I yield briefly to the distinguished Senator from Washington (Mr. Magnuson).

UNVEILING OF STATUE OF THE LATE SENATOR ROBERT BARTLETT, OF ALASKA

Mr. MAGNUSON. Mr. President, I wish to inform Senators that tomorrow, commencing at 3:30 p.m., in the rotunda, we will have ceremonies in connection with the unveiling of the statue of the late Senator Bartlett, of Alaska. He was chosen by the State and the State legislature to be one of the State's two distinguished citizens whose statues will be placed in the rotunda.

I hope that as many Senators as possible, particularly those who knew Bob, will come to the unveiling. Present will be several of his personal friends, his widow, and his family.

If it is any encouragement to attend, the Senator from Washington is going to deliver a few brief remarks.

Mr. MANSFIELD. Mr. President, I join the distinguished senior Senator from Washington in what he has just said.

I hope that those who have had the honor and the privilege of knowing Bob Bartlett—who was the real father of Alaskan statehood—will find it possible to attend this ceremony in honor of a late, departed, and beloved colleague who fully deserves the honor which his State is according to him.

EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATION ACT OF 1971

The Senate continued with the consideration of the bill (S. 1557) to provide financial assistance to local educational agencies in order to establish equal education opportunities for all children, and for other purposes.

Mr. MANSFIELD. Mr. President, I yield to the Senator from Virginia, the Senator from Florida, or the Senator from Georgia, whichever one wishes to offer an amendment.

Mr. SPONG. Mr. President, we do have an amendment to offer. Pursuant to our conversation earlier, we would be willing to accept a time limitation of 30 minutes to a side.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the amendment is presented to the Senate, there be a time limitation of 1 hour on the amendment, with the time to be equally divided between the sponsor and the manager of the bill, or whomever he may designate; and 10 minutes, the time to be equally divided on the same basis, on amendments to the amendment.

Mr. JAVITS. Mr. President, could we know something about this amendment? This is one we know nothing whatever about.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Tunney). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I reiterate my unanimous-consent request.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. JAVITS. Mr. President, only one point. I am agreeable to the 1 hour and agreeable to the 10 minutes to be equally divided for amendments to the amendment, but I wish also to reserve the right, when the time expires on the time for amendments to amendments, to move to table, which exists, as well as the right to vote it up or down.

Mr. MANSFIELD. I was unaware that that right had been taken away from any Senator. When the distinguished Senator from New York mentioned it to me, I must say, I was surprised.

A parliamentary inquiry. Under a unanimous-consent request, unless otherwise stated, does a Senator have a right to move to table an amendment?

The PRESIDING OFFICER (Mr. Tunney). If the proposed unanimous-consent agreement limits the time on an amendment, after the time is used or yielded back a Senator has a right to move to table the amendment. If the requested agreement sets a specific time for a vote on an amendment the right to move to table the amendment is lost. In this instance the request was made in the first form. Therefore, the right to table would not be lost.

Is there objection to the request of the Senator from Montana?

Mr. GRIFFIN. Mr. President, further reserving the right to object, may it be understood, particularly in view of the fact that the so-called amendment has not yet been offered and is not yet before the Senate, this amendment and any proposed thereto on which there would be a time limitation of 10 minutes, would be germane to the bill; is that correct?

Mr. MANSFIELD. Oh, yes; it would have to be. Yes; I include that in my request, Mr. President.

The PRESIDING OFFICER (Mr. TUNNEY). Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. MANSFIELD subsequently said: Mr. President, if I may go out on a long limb, I ask unanimous consent that the vote on final passage occur no later than the hour of 6:30 p.m. tonight and that rule XII be waived.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. TUNNEY). The Chair, on behalf of the Vice President, appoints the following Senators to the Plenipotentiary Conference on Definitive Arrangements for the International Telecommunications Satellite Consortium, Washington, D.C., beginning April 14, 1971:

The Senator from Rhode Island (Mr. PASTORE) and the Senator from Tennessee (Mr. BAKER).

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. TUNNEY) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on the Judiciary.

(For nominations received today, see the end of Senate proceedings.)

EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATION ACT OF 1971

The Senate continued the consideration of the bill (S. 1557) to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes.

Mr. CHILES. Mr. President, I send to the desk an amendment and ask that it be stated. I offer this amendment, Mr. President, on behalf of myself, the Senator from Georgia (Mr. GAMBRELL), the Senator from Texas (Mr. BENTSEN), and the Senator from Virginia (Mr. SPONG).

The PRESIDING OFFICER. The amendment will be stated. The legislative clerk read as follows:

> (c) Notwithstanding any of the provisions heretofore set forth in section 6, sums appropriated as therein set forth shall be available for grants to, and contracts with, any local educational agencies in such State, to assist such agencies in carrying out programs as may be required or provided for in the court order applicable to such agency referred to in section 5(a)(1)(A)(i) I.

Mr. CHILES. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Florida is recognized for 5 minutes.

Mr. CHILES. First, Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. CHILES. Mr. President, in section 5(c), it provides that those districts under a court order may make application.

In section 6 of the bill, it sets forth the authorized activities.

This amendment would add a new paragraph (c), at the end of section 6, that, in addition to the authorized activities, it would provide that those districts under a Federal court order would be entitled to receive funds in order to carry out the requirements of the court order that they were under.

It is the feeling of the movers of the amendment that where we are under a Federal court order in a school district, we should be entitled to seek and receive funds to implement that order, and that it should not be necessary to have to go to the HEW and say, "We need funds," at the risk of the possibility of HEW's saying, "Yes, you are under a court order but before we will give you any funds, even to carry out that court order, we will require you also to come forward with some additional activities that you meet some additional requirements before we give you funds."

We feel the overall purpose of the bill is to entitle those districts to assist schools that are desegregating, and certainly if they are under a court order, they are meeting the requirements of the courts of the land in order to desegregate. If they are under a court appointed and approved plan, that plan should be sufficient. They should be entitled to attempt to carry out the provisions of the act under the funds provided by the bill.

Many of us are from States that have many of the boards under court order at this time. They are today suffering under the requirements of carrying out the act and how to properly desegregate. They should not be required to be put under court order again to determine whether they should meet additional requirements. They should be entitled now to seek a determination of whether they are now under a valid court order.

Mr. GAMBRELL. Mr. President, will the Senator yield for a question?

Mr. CHILES. I yield for a question.

Mr. GAMBRELL. Mr. President, is it the Senator's understanding pursuant to the amendment he has offered that if a school district which is under a court ordered plan of integration submitted a request to HEW for funding to carry out the financial requirements of that court order, that by itself would qualify that school district for money without any further additional requirements being put upon them?

Mr. CHILES. The Senator is correct. I think it would make them eligible for funding to carry out the provisions of the court order. There are provisions of the bill that make such grants if they carry out special requirements. I do not think they would be eligible for those special funds, but for those requirements that it would be necessary to accomplish to carry out the court order, I think they would be eligible to seek and receive funds.

Mr. GAMBRELL. Would it be necessary in accordance with the Senator's understanding of the amendment that any other requirements of section 6 be met or be added to the plan, or would the plan as required by the court be sufficient in and of itself, if that is what the school district is supposed to do?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CHILES. Mr. President, I yield myself an additional 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for an additional 5 minutes.

Mr. CHILES. Yes. The plan required by the court would be sufficient to make them eligible to receive funds to carry out that plan. It would not make them eligible to receive some of the special funds in the bill. They would have to meet those requirements to receive the special funds. But for the basic eligibility, I think the amendment would meet the requisite of being eligible.

Mr. GAMBRELL. They would be eligible for funds to carry out the plan without having other things to do?

Mr. CHILES. Yes. I think they would be eligible to try to meet as speedily as possible the order of the Federal court.

Mr. SPONG. Mr. President, will the Senator yield?

Mr. CHILES. I yield.

Mr. SPONG. Mr. President, I associate myself with those who have offered the amendment. What we are trying to do is assure that money will be readily available to school districts that are under court order that could help them to comply with those orders.

General dissatisfaction has been expressed by many parties concerning how the money already appropriated has been spent for desegregation. There have been questions raised about the administrative abilities and capacities of those who have had these funds to disperse.

Those of us from States that have school divisions under court order want those divisions to have assistance to comply with the court orders without being told by an administrative agency, "All right; you have got to do this in addition to what you have already been ordered to do in order to qualify for these funds."

If buses are needed, they are needed and the money is needed for them. But we do not want to leave the door open for an administrative agency to come in and pose additional requirements over and above what the court order spells out before that school division is eligible for funds.

It is not provided for in the bill. I understand that the amendment the Senator from Florida has offered would take care of that situation. I commend the Senator from Florida and the junior Senator from Georgia.

Mr. President, I am happy to join with them in offering the amendment.

Mr. BENTSEN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CHILES. Mr. President, I yield myself an additional 5 minutes.

The PRESIDING OFFICER. The Senator from Florida is recognized for an additional 5 minutes.

Mr. BENTSEN. Mr. President, I associate myself with the amendment. It is an amendment of some substantial significance because of the number of school districts throughout the country that are now under court orders and who are under the insistence of the courts that they proceed with integration in the proper manner.

I do not think that this precludes HEW from coming in at a later date or at a later time and asking for additional things to be done. However, this does bring about an implementation of what the court has directed to be accomplished up to that point.

Many school districts are under a financial burden because of the tax situation, and it will be extremely difficult for them to comply with the court order.

That is one of the specific reasons that I support the measure. We will support the measure today, but when we run into the situation where we find that the HEW or the administrator brings in extraneous issues at a time when the district is trying to comply with the court order, I think we can find a situation where we actually impede a school district in complying with the court order.

That is the reason for my support of the amendment.

Mr. President, I yield back the remainder of my time.

Mr. PELL. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, I have not had a chance yet to look at the amendment. I do not have a copy of the amendment, even though I am the manager of the bill.

From the Senator's description of his amendment, I understand that the amendment would take what is presently a voluntary program and make in into a mandatory entitlement program. It would mean that the money would be divided among the school districts in States where court orders exist.

I wonder if that is the case. I ask the authors of the amendment how the money would be divided? Would it be an entitlement program on the basis of school age population?

Mr. GAMBRELL. Mr. President, the language of the amendment simply adopts the language already being used in section 6 which provides that sums appropriated shall be available for grants to agencies carrying out certain programs as set forth in section 6.

The amendment simply says that in addition to and notwithstanding the programs set forth in section 6, this money shall be available for use in carrying out court ordered integration. In other words, it allows for another type of program which can be funded under section 6.

It is not anything more mandatory than now under section 6.

Mr. PELL. Mr. President, does this not mean that it changes the bill to provide that on application of a school district, the money would be granted if it is under court order?

Mr. GAMBRELL. No, I do not think so. I think it simply states that HEW funds will be available and that HEW is to make some allocation among those districts who apply under a plan, that those districts are eligible for consideration that include a plan which is carried out under court order.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. PELL. I yield.

Mr. HUMPHREY. Does the Senator from Rhode Island feel that the amendment offered would preempt certain funds, or does he feel that the amendment offered would permit the school districts under court order to qualify for the funds that are provided in the bill?

Mr. PELL. If it were an amendment that would merely permit them to apply—that is what the bill says already—there would be no problem with it. But if it would give what would be an entitlement that would give a different thrust to the bill. That is why I do not understand it. Certainly, as I heard the amendment read, it would become an entitlement.

The bill now provides an award to those districts that are making bona fide efforts in the direction the court directs.

Mr. HUMPHREY. Does not the bill without the amendment entitle those agencies that meet certain criteria to receive funds?

Mr. PELL. There is a grant authorization.

Mr. HUMPHREY. So there is entitlement for that group.

Mr. PELL. That group is eligible.

Mr. HUMPHREY. This amendment would merely add another entitled group. In other words, if a school district that is under a court order feels it would be advantageous for that school district, in order to comply with the court order, to receive these funds, then the school district, in its application, would be eligible. Is that a fact?

Mr. PELL. That is correct. But as manager of the bill I must admit to some confusion since I have not studied the amendment. I do not fully understand what the amendment would do, nor do the members of the committee.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. PELL. I yield.

Mr. PASTORE. Why can we not straighten it out by changing the word "shall" to "may"? Why would that not do it?

In other words, it would not preclude, but it would not make it compulsory, changing it from an entitlement to a grant upon application. Is that not what we are trying to do?

Mr. JAVITS. I did not hear the Senator's suggestion.

Mr. PASTORE. I suggested that we change the word "shall" to "may".

Mr. JAVITS. Where?

Mr. PASTORE. I read it just a moment ago. The amendment, as now proposed, reads:

> Notwithstanding any of the provisions heretofore set forth in section 6, sums appropriated as therein set forth shall be available—

In other words, this may be a preference and to avoid preferential treatment, make it "may". It would not preclude them but it would cover them.

Mr. JAVITS. I concur with the Senator. I do not know if the proponents of the amendment intend this or not, but it seems to me they are saying to the administrator or the Commissioner, "You may not make it a grant to a district which is under a court order unless you make it only in connection with a decree. You may not put in any other provision on how to use the money set forth in section 6."

That is the only reason I see the proponents would want it. It seems to me that completely negates the entire bill. The reason we are doing what we are doing is to improve education in the districts which are under court order.

If they mean something else, for the protection of all of us Senator PASTORE's suggestion should be adopted.

Mr. HUMPHREY. Mr. President, will the Senator from Rhode Island yield?

Mr. PELL. I yield.

Mr. HUMPHREY. Is there language in the amendment which says—notwithstanding any other provisions, that those districts, under court order, shall be eligible for the special benefits in this legislation?

Mr. PELL. Yes. They shall be available for grants. The suggestion of the Senator from Rhode Island was "may be available."

Mr. HUMPHREY. For the purpose of my cross examination with the manager of the bill, what the Senator from Florida was seeking to do was to make it possible for those districts that are under court order to implement and expedite fulfillment of that court order by the use of the funds and the resources that are authorized by this bill.

That brings us to the proposal of the Senator from Rhode Island (Mr. PASTORE) of using the word "may" rather than the word "shall."

The point that needs to be clear is that notwithstanding anything else in this bill those districts may be eligible that may apply.

Mr. JAVITS. Mr. President, will the Senator yield further?

Mr. PELL. I yield.

Mr. JAVITS. I think we are getting the picture now. It depends on what the sponsors wish. It is a fact that a district which is desegregated is eligible, and that provision is made in section 5(a)(1)(A). It begins at the top of page 6 with lines 1 through 8. It would be noted that those words state: "which has been undertaken pursuant to a final order issued by a court of the United States, or a court of any State, which requires the desegregation of minority group segregated children or faculty in the elementary and secondary schools of such agency, or otherwise requires the elimination or reduction of minority group isolation in such schools; or"

In view of the word "or" they fulfill the initial requirement for qualification. What these gentlemen are trying to get at is in section 6 where we specify an entire group of things for which the Commissioner can grant funds. They say when a school district is under court order to desegregate he may not insist that the district should do any of the things specified in section 6.

I say I cannot go along with that mandatorily. But if the proponents of the amendment take the Pastore formula, and give the Secretary power to waive that provision, I am for that. Therefore, I would go for the Pastore proposal. I think he has put his finger on the problem being raised by the sponsors of the amendment, to wit, that the list of authorized activities enumerated in section 6(a) should not serve to limit the Commissioner in funding other activities required by a court order to desegregate.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. PELL. I yield.

Mr. PASTORE. As I understand the proponents of the bill they fear if they are precluded in receiving this money while under court order they will not have the wherewithal to carry out the court order, if I understand the Senator from Texas. I think he made his position clear. I think all of us want them included to carry out the court order. But there is some fear that if we use the word "shall" we give preference. Therefore, to avoid the preferential treatment we are leaving it to the discretion of HEW in a case where they are under court order. By using the word "may" I think the Senators will accomplish their purpose.

Mr. PELL. I would like to ask the authors of the amendment if they would be willing to accept the suggestion of the Senator from Rhode Island (Mr. PASTORE). After consultation with my colleagues on the committee, I understand that we can accept the amendment with the substitution of the word "may" for the word "shall."

Mr. CHILES. I think the Senator from New York has a different interpretation than the Senator from Rhode Island as to what "may" means. That is something that concerns us. We trace the language of section 6 at the top of page 15 of the bill, and section 6 and paragraph (a) when we said:

> Sums appropriated to section 3(a) and apportioned to a State pursuant to section 4 (which have not been reserved under paragraph (2) or (3) of section 4(a)) shall be available for grants to, and contracts with local educational agencies in that State—

That is where we came up with the word "shall." They say that sections 5 through 9 "shall be." We are only adding subsection (C) that says:

> They shall be eligible for funds to help carry out a Federal court order.

It is the same "shall" as before. Now, the senior Senator from Rhode Island makes the proposal that if the word "may" is used, if they were under court order, they would be entitled to funds, but not to the exclusion of every project that might come in.

I think that is a proposition with which we are in concurrence.

However, the Senator from New York said regardless of whether they are under court order the proponents of the bill want the administrator of HEW to have the final say-so as to whether they are going to give the money or not.

The purpose of our amendment is clear and it is so that the administrator of HEW will not have the final say-so.

We feel that if a district is under a Federal court order, that should be sufficient to enable it to be eligible and to share in the proceeds of the bill in order to carry out the provisions of the court order. That would entitle it to proceed under section 7, which sets up an additional requirement. The "notwithstanding" provision of the amendment would not prevent a district, even if it were under a Federal court order, from complying with paragraphs 1 through 6, to seeking additional funds, but it would allow it, without the approval of the administrator saying, "I am going to approve your application that you would be eligible," to share in the funds.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. CHILES. I yield.

Mr. JAVITS. The Senator said "without the approval of the Secretary." He cannot mean that. If I understood the Senator from Rhode Island, he said we will do two things with respect to this provision. Once a school district is eligible, we will make its court-ordered activities eligible—there is no question about that—and we will allow the Commissioner to weigh any part of section 6 regarding the districts which are under court order to desegregate. We always use the word "may" where we are trying to give the administrator discretion in respect to a mandatory requirement. The Senator proves the case himself when he says section 6 says "shall." Therefore, it makes that mandatory. Therefore, if the Senator wants to give discretion with respect to the mandatory power, the discretion is given by saying "may." Remember that the "notwithstanding" provision of Section 6 is kept.

I see no difference between the Senator from Florida, the Senator from Rhode Island, and myself. They are eligible, and the Secretary is given discretion to relieve the district of any part of section 6, notwithstanding that, as it now stands, section 6 is mandatory. That is what I understand will result from the legal situation.

Mr. CHILES. If I understood the distinguished Senator from New York, he would make me eligible in one breath, but take it away in the other. He says I am eligible, but he leaves it up to the Secretary as to whether I get any funds. I do not see what I gain.

Mr. JAVITS. What the Senator gains is that he does not have to comply with section 6(a) if the Commissioner frees him of it. The Senators offering the amendment say they do not want preference over all other districts. If they do, we ought to know it so we know how to vote. They say they do not want funding preference over the other districts; yet, if we adopt this proposal as presented, they would have it. They want the right for court-ordered activities to be eligible and the requirement of the right to be relieved of section 6(a). They are achieving it if they adopt the suggestion of the senior Senator from Rhode Island (Mr. PASTORE). But if they argue in the same breath that it is mandatory that the district be given the money, but that it is not mandatory to do what is required, then we had better know about that. If the Senator contends funding is mandatory on the part of the Commissioner, it destroys the bill.

Mr. GAMBRELL. Mr. President, will the Senator yield?

Mr. CHILES. I yield.

Mr. GAMBRELL. All we are asking is that all districts under court orders be given the same treatment in executing the court plan in comparison with a district that says, "We have a voluntary plan and we want to be eligible." Under section 6, these funds shall be available to finance a plan. All we are saying is that we should add to that another program which is carrying out a court order plan of integration. The words "shall be available" in section 6 mean to me "may," in any event. In other words, to say funds shall be available does not say they shall be granted.

Mr. PASTORE. Mr. President, if the Senator will yield, the trouble with that is that the Senator uses the words "notwithstanding any of the provisions" of section 6. If they were taken out, the Senator would have an argument. That is where the confusion comes in. The Senator is obviating completely section 6 and he is making a new category. If the Senator did not use "notwithstanding the provisions of section 6," he would have a case made.

Mr. PASTORE. We either have to use the word "may" if we say "notwithstanding," or we have to take "notwithstanding" out if we use the word "shall." It is as simple as that.

The PRESIDING OFFICER. The Chair wishes to inquire on whose time the Senators are speaking.

Mr. PASTORE. Mr. President, it is everybody's time.

The PRESIDING OFFICER. Is it on the time of the Senator from Rhode Island or the Senator from Florida?

Mr. PELL. Mr. President, we are now on my time. I yield myself as much time as I may consume.

Under the bill, both those districts under court order and other school districts can apply for funds.

What the amendment would do, as I understand it, would be that those districts that are under court order could come in without offering any further program or plan and would then be entitled to these funds and would be given a priority or preference. If that is the case, I think that would nullify a great portion or part of the purpose of the bill. On the other hand, if they want equal treatment, that would be accorded under the suggestion of my colleague from Rhode Island (Mr. PASTORE), and the manager of the bill would be willing to accept it.

I apologize for not having understood the amendment more quickly. I think I understand it now.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. PELL. I yield.

Mr. MONDALE. There are two sections of the bill that should be emphasized. Section 5 is the eligibility section. It establishes what a district must do in order to be eligible for funds. Section 6 is a permissible expenditure section. It defines the ways in which money can be spent to assist a district that has been determined to be eligible under section 5.

A school district under court order can be eligible under section 5, but it is not necessarily eligible under section 6. It must comply with the requirements set forth in the bill.

Therefore, the amendment offered by the Senator from Florida, in effect, removes the requirements of section 6 regarding districts under court order. The word "shall" defines the basic standards of what one has to do to apply. This gets to the question of whether we are passing a bill consistent with the theory of the original bill, in which case we should not provide a grant until a plan has been approved by the HEW, or whether we should create a mandatory entitlement, by which any district under any kind of court order is entitled to be funded for activities not found in section 6. That is what the amendment of the Senator from Florida does.

Let me remind the Senate that there is a whole host of invalid Federal court orders today, and even more now because of the recent Supreme Court decision. If all those district court orders were approved for funds—freedom of choice orders, plans for segregation, orders based on the neighborhood school theory—regardless of how illegal they are, all of them would receive funding under this amendment.

I have some sympathy with the problem the Senator from Florida is concerned with. There have been cases in which the Department of Health, Education, and Welfare has been officious. There have been cases where it has been incompetent. That is regrettable.

I think the way to resolve this issue is by way of the compromise offered by the senior Senator from Rhode Island, because it does two things to meet the objective of the Senator from Florida. First, it gets away from the requirements of section 6, which is quite a victory. Second, it has the requirement, not of preference, but a requirement that special consideration should be given to school districts under court orders. But it does not require the Secretary to fund a district which should not be funded. I think if we go that extra step, which the present amendment in the present form requires, we will be destroying the present intention of the bill. Therefore, I would oppose it. I wish the sponsors would accept the compromise proposal offered by the senior Senator from Rhode Island.

Mr. CHILES. Mr. President, I yield myself some time.

I would like to ask the junior Senator from Rhode Island his opinion if we changed the amendment and if we provided that "sums appropriated as set forth in section 6 shall also be available for grants to, and contracts with," would that be sufficient to comply?

Mr. PELL. As long as the Senator says "may also," and not "shall also," that would be fine.

Mr. CHILES. We are knocking out the "notwithstanding." Following the suggestion of the senior Senator from Rhode Island that you cannot have the "notwithstanding" and the "shall," we are taking out the "notwithstanding."

Mr. PASTORE. Read it again.

Mr. CHILES. "Sums appropriated as set forth in section 6 shall also be available." All we are adding is an additional eligibility requirement, that they shall also be available.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. CHILES. I yield.

Mr. MONDALE. The Senator understands by this amendment that the district shall be eligible, but not necessarily funded; is that correct?

Mr. CHILES. That is right.

Mr. MONDALE. If that is correct, I believe it meets our problem.

The PRESIDING OFFICER. Does the Senator so modify his amendment?

Mr. CHILES. Yes.

Mr. JAVITS. Mr. President, reserving the right to object—and I shall not object—may we have it read?

Mr. CHILES. Yes. We would strike the provision that was in the amendment before, "notwithstanding any of the provisions heretofore set forth in section 6." That would be stricken, and the amendment would start: "Sums appropriated as set forth in section 6 shall also be available for grants to and contracts with," and the rest of the language would continue the way the language of the amendment was originally.

The PRESIDING OFFICER. Will the Senator please send his modification to the desk?

Mr. CHILES. Yes.

Mr. PELL. Mr. President, will the Senator yield?

Mr. CHILES. I yield.

Mr. PELL. That sounds fine. I want to ask the Senator one question. This does not mean an automatic entitlement, does it?

Mr. CHILES. It would mean automatic eligibility. I think in effect we would say, "You shall be eligible just like anyone else shall be eligible."

Mr. MONDALE. In other words, the district is theoretically eligible, but the question of funding, what kind and what amount, remains a question for the Secretary of Health, Education, and Welfare. I think we can accept that.

Mr. PELL. Is that correct, according to the Senator from Flordia?

Mr. CHILES. Mr. President, I got a little scared, on the last statement, that it would again put it up to the Administrator to determine any qualifications, or anything he would set up. It just states that they would share just like anyone applying for anything under the other nine provisions would share.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. CHILES. I yield.

Mr. TAFT. I would like to propound this question to the Senators. It seems to me he has excluded the language in lines 24 and 25 on page 14 application. That is the leading language of section 6(a), which reads: "Sums appropriated pursuant to section 3(a) and apportioned to a State pursuant to section 4," and so forth, may get entitlement under section 5. Is the Senator taking out the apportionment under that section between the States, so that under his amendment, it would not result in the apportionment between the States applying as provided here, but would give a superiority, as I understand it, to claims arising under court orders? Is that correct?

Mr. CHILES. No, I do not think so, because the language "notwithstanding" those provisions is stricken. The amendment says only that they shall be eligible. I do not think that would affect the first portion of the paragraph.

Mr. TAFT. With that clarification, I hope the Senator is correct.

The PRESIDING OFFICER. The Senator from Florida still has the time.

Mr. PELL. Will the Senator from Florida yield?

Mr. CHILES. I yield.

Mr. PELL. As manager of the bill, after consultation with my colleagues—on the committee, I would be able to accept the amendment of the Senator from Florida as modified, and congratulate him on his good work.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. I yield back the remainder of my time.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Has the amendment been modified?

The PRESIDING OFFICER. Yes.

Mr. GRIFFIN. Mr. President, have the yeas and nays been ordered on this amendment?

The PRESIDING OFFICER. They have been.

Mr. GRIFFIN. I wonder if I might have the attention of the distinguished sponsor of the amendment. I wish to ask unanimous consent that the order for the yeas and nays be rescinded, unless the Senator wants them.

Mr. CHILES. That is agreeable.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the yeas and nays be rescinded.

The PRESIDING OFFICER. Is there

objection? Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Florida, as modified.

The amendment was agreed to.

Mr. CHILES. Mr. President, on behalf of myself, the Senator from Texas (Mr. Bentsen), the Senator from Georgia (Mr. Gambrell), and the Senator from Virginia (Mr. Spong), let me say that the purpose of this amendment is to make clear that there is nothing in the bill to prevent those districts that are under court order from being eligible and, therefore, able to share in the funds and benefits available under the bill.

The **PRESIDING OFFICER** (Mr. Tunney). The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

Mr. PELL. Mr. President, as debate closes on S. 1557, I urge the Senate to adopt the bill. It is a measure which I believe will aid our Nation in its effort to reduce minority group isolation in our schools. All parts of the country, North, South, East, and West are treated equally. The funds may be used for programs designed by local educational agencies to meet their own needs, while approximately 30 percent of the authorized funds would be utilized by the Secretary of Health, Education, and Welfare for exemplary programs.

The **PRESIDING OFFICER.** The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The **PRESIDING OFFICER** (Mr. Tunney). The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska (Mr. Gravel), the Senator from Indiana (Mr. Hartke), the Senator from Washington (Mr. Jackson), the Senator from Massachusetts (Mr. Kennedy), the Senator from Louisiana (Mr. Long), the Senator from South Dakota (Mr. McGovern), and the Senator from Maine (Mr. Muskie), are necessarily absent.

I further announce that the Senator from Oklahoma (Mr. Harris) and the Senator from South Carolina (Mr. Hollings) are absent on official business.

I further announce that, if present and voting, the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Massachusetts (Mr. Kennedy), the Senator from Washington (Mr. Jackson), and the Senator from South Dakota (Mr. McGovern) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Brock), the Senator from Kentucky (Mr. Cook), the Senator from Colorado (Mr. Dominick), the Senator from Arizona (Mr Goldwater), the Senator from Iowa (Mr Miller), the Senator from Oregon (Mr. Packwood), and the Senator from Kansas (Mr. Pearson) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Utah (Mr. Bennett) is detained on official business.

If present and voting, the Senator from Utah (Mr. Bennett), the Senator from Colorado (Mr. Dominick), the Senator from South Dakota (Mr. Mundt), and the Senator from Kansas (Mr. Pearson) would each vote "yea."

The result was announced—yeas 74, nays 8, as follows:

[No. 54 Leg.]

YEAS—74

Aiken
Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bentsen
Bible
Boggs
Brooke
Buckley
Burdick
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cooper
Cotton
Cranston
Curtis
Dole
Eagleton
Fannin
Fong
Fulbright
Gambrell
Griffin
Gurney
Hansen
Hart
Hatfield
Hruska
Hughes
Humphrey
Inouye
Javits
Jordan, N.C.
Jordan, Idaho
Magnuson
Mansfield
Mathias
McGee
McIntyre
Metcalf
Mondale
Montoya
Moss
Nelson
Pastore
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
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Sparkman
Spong
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Stevenson
Symington
Taft
Talmadge
Tower
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Williams
Young

NAYS—8

Allen
Byrd, Va.
Eastland
Ellender
Ervin
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NOT VOTING—18

Bennett
Brock
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Dominick
Goldwater
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Hollings
Jackson
Kennedy
Long
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Mundt
Muskie
Packwood
Pearson

So the bill (S. 1557) was passed, as follows:

S. 1557

An Act to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency School Aid and Quality Integrated Education Act of 1971".

POLICY WITH RESPECT TO THE APPLICATION OF CERTAIN PROVISIONS OF FEDERAL LAW

Sec. 2. It is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964, section 182 of the Elementary and Secondary Education Amendments of 1966, and this Act, shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race whether de jure or de facto in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation.

FINDINGS AND PURPOSE

Sec. 2A. (a) The Congress hereby finds that the process of establishing and maintaining stable, quality, integrated schools and eliminating or preventing minority group isolation improves the quality of education for all children and often involves the expenditure of additional funds to which local educational agencies do not have access.

(b) It is the purpose of this Act (1) to encourage comprehensive planning for the elimination of minority group isolation in school systems throughout the Nation, (2) to provide financial assistance to encourage the establishment and maintenance of stable, quality integrated schools throughout the Nation, serving students from all backgrounds, which offer enriched educational opportunities derived from the presence of children from diverse backgrounds in an environment sensitive to the potential contribution of each child to the education of all, through the use of modern educational methods, practices, and techniques, including, where appropriate, programs of integrated bilingual, bicultural education, (3) to assist in eliminating minority group isolation in public school systems throughout the Nation, and (4) to aid schoolchildren in overcoming the educational disadvantages of minority group isolation.

APPROPRIATIONS

Sec. 3. (a) The Commissioner, shall, in accordance with the provisions of this Act, carry out a program designed to achieve the purposes set forth in section 2A(b). There are authorized to be appropriated to the Commissioner, for the purpose of carrying out this Act, $500,000,000 for the period beginning with the enactment of this Act and ending June 30, 1972, and $1,000,000,000 for the fiscal year ending June 30, 1973. Funds so appropriated shall remain available for obligation and expenditure during the fiscal year succeeding the fiscal year for which they are appropriated, except that funds reserved pursuant to subsection (b) shall remain available until expended.

(b)(1) From the sums appropriated pursuant to subsection (a) for any fiscal year, the Commissioner shall reserve an amount equal to 15 per centum thereof for the purposes of section 8.

(2) From the sums appropriated pursuant to subsection (a) for any fiscal year, the Commissioner shall reserve an amount equal to 15 per centum thereof for the purposes of section 7(a) and (c), and 10, of which—

(A) not less than an amount equal to 4 per centum of such sums shall be for the purposes of section 7(c); and

(B) not less than an amount equal to 3 per centum of such sums shall be for the purposes of section 10.

APPORTIONMENT AMONG STATES

Sec. 4. (a)(1) From the sums appropriated pursuant to section 3(a) which are not reserved under section 3(b) or 12 for any fiscal year, the Commissioner shall apportion to each State for grants and contracts within that State an amount which bears the same ratio to such sums as the number of minority group children enrolled in elementary and secondary schools in that State bears to the number of such children in all the States, except that the amount apportioned to any State shall not be less than $100,000.

(2) Of the amount apportioned to each State under paragraph (1), the Commissioner shall, in accordance with criteria established by regulation, reserve not in excess of 22 per centum thereof for grants to, and contracts with, local educational agencies in that State pursuant to section 5(b).

(3) Of the amount apportioned to each State under paragraph (1), the Commissioner shall reserve not less than 15 per centum thereof for grants and contracts in that State pursuant to section 7(b).

(b) The amount of any State's apportionment under subsection (a) which exceeds the the amount which the Commissioner determines, in accordance with criteria established by regulation, will be required during the period for which the apportionment is available for programs and projects within such State, shall be available for reapportionment from time to time, on such dates during such period as the Commissioner shall fix by regulation, to other States in proportion to the original apportionments to such States under subsection (a). If the Commissioner determines, in accordance with criteria established by regulation, that the amount which would be reapportioned to a State under the first sentence of this subsection exceeds the amount which will be required during the period of the apportionment for programs and projects within such State, the amount of such State's reapportionment shall be reduced to the extent of such excess, and the total amount of any reduction pursuant to this sentence shall be available for reapportionment under the first sentence of this subsection. Any amount reapportioned to a State under this subsection during the period of any apportionment shall be deemed a part of its apportionment for that period. Any amount reserved pursuant to paragraph (3) of subsection (a) and reapportioned under this subsection shall be used solely for the purposes for which it was originally reserved.

ELIGIBILITY FOR ASSISTANCE

SEC. 5.(a) (1) (A) The Commissioner is authorized to make a grant to, or a contract with, a local educational agency—

(i) which is implementing a plan—

(I) which has been undertaken pursuant to a final order issued by a court of the United States, or a court of any State, which requires the desegregation of minority group segregated children or faculty in the elementary and secondary schools of such agency, or otherwise requires the elimination of reduction of minority group isolation in such schools; or

(II) which has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority group segergated children or faculty in such schools;

(ii) which, without having been required to do so, has adopted and is implementing, or will, if assistance is made available to it under this Act, adopt and implement, a plan for the complete elimination of minority group isolation in all the minority group isolated schools of such agency; or

(iii) which has adopted and is implementing, or will, if assistance is made available to it under this Act, adopt and implement, a plan—

(I) to eliminate or reduce minority group isolation in one or more of the minority group isolated schools of such agency,

(II) to reduce the total number of minority group children who are in minority group isolated schools of such agency, or

(III) to prevent minority group isolation reasonably likely to occur (in the absence of assistance under this Act) in any school of such agency, in which school at least 20 per centum, but not more than 60 per centum, of the enrollment consists of such children.

(B) No local educational agency shall be eligible under subparagraph (A) unless the Commissioner determines, in accordance with regulations, that the local educational agency will establish or maintain or has established and will maintain at least one stable, quality integrated school and that the agency has adopted a comprehensive districtwide plan for the elimination of minority group isolation, to the maximum extent possible, in all schools of such agency.

(2) (A) The Commissioner is authorized, in accordance with special eligibility criteria established by regulation for the purposes of this paragraph, to make grants to, and contracts with, local educational agencies for the purposes of section 8(a) (1).

(B) A local educational agency shall be eligible for assistance under this paragraph only if—

(i) such agency is located within, or adjacent to, a Standard Metropolitan Statistical Area;

(ii) the schools of such agency are not attended by minority group children in a significant number or proportion; and

(iii) such local educational agency has made joint arrangements with a local educational agency, located within that Standard Metropolitan Statistical Area, and the schools of which are attended by minority group children in a significant proportion, for the establishment or maintenance of one or more stable, quality integrated schools as provided in section 8(a) (1).

(3) (A) Upon a determination by the Commissioner—

(i) that more than 50 per centum of the number of children in attendance at the schools of a local educational agency is minority group children;

(ii) that such local educational agency has adopted a comprehensive districtwide plan which meets the requirements of subparagraph (B) of paragraph (1) of this section; and

(iii) that such local educational agency has applied for and will receive at least an equal amount of assistance under subsection (b);

the Commissioner is authorized to make a grant to, or contract with, such local educational agency for the establishment or maintenance of one or more stable, quality integrated schools as defined in subparagraph (B).

(B) For the purposes of this paragraph (3), an integrated school shall be a school with (i) an enrollment in which a substantial proportion of the children is from educationally advantaged backgrounds, and in which the Commissioner determines that the number of nonminority group children constitutes that proportion of the enrollment which will achieve stability, in no event more than 60 per centum thereof, and (ii) a faculty which is representative of the minority group and nonminority group population of the larger community in which it is located, or, whenever the Commissioner determines that the local educational agency concerned in attempting to increase the proportions of minority group teachers, supervisors, and administrators in its employ, a faculty which is representative of the minority group and nonminority group faculty employed by the local educational agency.

(b) The Commissioner is authorized to make grants to, or contracts with, local educational agencies, which are eligible under subsection (a), for unusually promising pilot programs or projects designed to overcome the adverse effects of minority group isolation by improving the academic achievement of children in one or more minority group isolated schools, if he determines that the local educational agency had a number of minority group children enrolled in its schools, for the fiscal year preceding the fiscal year for which assistance is to be provided, (1) is at least 15,000, or (2) constitutes more than 50 per centum of the total number of children enrolled in such schools.

(c) No local educational agency making application under this section shall be eligible to receive a grant or contract in an amount in excess of the amount determined by the Commissioner, in accordance with regulations setting forth criteria established for such purpose, to be the additional cost to the applicant arising out of activities authorized under this Act, above that of the activities normally carried out by the local educational agency.

(d) (1) No local educational agency shall be eligible for assistance under this Act if it has, after the date of enactment of this Act—

(A) transferred (directly or indirectly by gift, lease, loan, sale, or other means) real or personal property, to, or made any services available to, any nonpublic school or school system (or any organization controlling, or intending to establish, such a school or school system) without prior determination that such nonpublic school or school system (i) is not operated on a racially segregated basis as an alternative for children seeking to avoid attendance in desegregated public schools, and (ii) does not otherwise practice, or permit to be practiced, discrimination on the basis of race, color, or national origin in the operation of any school activity;

(B) had in effect any practice, policy, or procedure which results (or has resulted) in the disproportionate demotion or dismissal of instructional or other personnel from minority groups in conjunction with desegregation or the conduct of an activity described in section 5, or otherwise engaged in discrimination based upon race, color, or national origin in the hiring, promotion, or assignment of employees of the agency (or other personnel for whom the agency has any administrative responsibility);

(C) in conjunction with desegregation or the conduct of an activity described in section 5, had in effect any procedure for the assignment of children to or within classes which results in the separation of minority group from nonminority group children for a substantial portion of the school day: *Provided, however,* That the foregoing does not prohibit the use of bona fide ability grouping by a local education agency as a standard pedagogical practice; or

(D) had in effect any other practice, policy, or procedure, such as limiting curricular or extracurricular activities (or participation therein by children) in order to avoid the participation of minority group children in such activities, which discriminates among children on the basis of race, color, or national origin;

except that, in the case of any local educational agency which is ineligible for assistance by reason of clause (A), (B), (C), or (D), such agency may make application for a waiver of ineligibility, which application shall specify the reason for its ineligibility, contain such information and assurances as the Secretary shall require by regulation in order to insure that any practice, policy, or procedure, or other activity resulting in the ineligibility has ceased to exist or occur and include such provisions as are necessary to insure that such activities do not reoccur after the submission of the application.

(2) (A) Except as is provided in subparagraph (B), no local educational agency shall be eligible for assistance under this Act or for a waiver under paragraph (1) if—

(i) after August 18, 1970, it has caused to exist or occur, or has permitted to exist or occur, any transaction, practice, policy, or procedure described in clause (A), (B), (C), or (D) of paragraph (1) which would have rendered it ineligible if such transaction, practice, policy, or procedure existed or occurred after the date of enactment of this Act; and

(ii) it has received assistance under the paragraph headed "Emergency School Assistance" in the Office of Education Appropriations Act, 1971 (Public Law 91–380).

(B) (i) In the case of any local educational agency which is ineligible for assistance under this Act by reason of subparagraph (A), such agency may make a special application for a waiver of its eligibility, which application shall include (I) all the specifications, procedures, assurances, and other information required for a waiver under the exception set forth in paragraph (1), and (II) in addition, such other data, plans, assurances, and information as the Secretary shall require in order to insure compliance with this subparagraph (B).

(ii) The additional matters required by the Secretary under clause (II) of subparagraph (B) (i) shall at least include sufficient information as to enable the Commissioner to evaluate properly the application submitted under section 9 by the applicant for a special waiver under this subparagraph (B) and advise the Secretary with respect to the merit of the program for which assistance is sought.

(3) Applications for waivers under paragraphs (1) and (2) may be approved only by the Secretary. The Secretary's functions under this paragraph shall, notwithstanding any other provision of law, not be delegated.

(4) No application for assistance under this Act shall be approved prior to a determination by the Commissioner that the applicant is not ineligible by reason of this subsection. No waiver under paragraph (2) shall be granted until the Commissioner has determined that the special applicant has submitted an application under section 9 proposing a program or project of extraordinary merit.

(5) All determinations pursuant to this subsection shall be carried out in accordance with criteria and investigative procedures established by regulations of the Secretary for the purpose of compliance with this subsection.

(6) All determinations and waivers pursuant to this subsection shall be in writing. The Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives shall each be given notice of an intention to grant any waiver under this subsection, which notice shall be accompanied by a copy of the proposed waiver for which notice is given and copies of all determinations relating to such waiver. The Commissioner shall not approve an application by a local educational agency which requires a waiver under this subsection prior to thirty days after receipt of the notice required by the preceding sentence by the chairman of the Committee on Labor and Public Welfare of the Senate and the chairman of the Committee on Education and Labor of the House of Representatives.

AUTHORIZED ACTIVITIES

SEC. 6. (a) Sums appropriated pursuant to section 3(a) and apportioned to a State pursuant to section 4 (which have not been reserved under paragraph (2) or (3) of section 4(a)) shall be available for grants to, and contracts with, local educational agencies in that State which have been established as eligible under section 5(a), to assist such agencies in carrying out the following programs and projects under the comprehensive districtwide plan submitted pursuant to section 5(a) as necessary and appropriate to carry out the purposes of this Act:

(1) The development and use of new curricula and instructional methods, practices, and techniques (and the acquisition of instructional materials relating thereto) to support a program of instruction for children from all racial, ethnic, and economic backgrounds, including instruction in the language and cultural heritage of minority groups.

(2) Remedial services, beyond those provided under the regular school program conducted by the local educational agency, including student-to-student tutoring.

(3) Guidance and counseling services, beyond those provided under the regualr school program conducted by the local educational agency, designed to promote mutual understanding among minority group and nonminority group parents, children, and teachers.

(4) Administrative and auxiliary services to facilitate the success of the project.

(5) Community activities, including public information efforts, in support of a plan, program, project, or other activities described in this section.

(6) Recruiting, hiring, and training of teacher aides: *Provided*, That in recruiting teacher aides, preference shall be given to parents of children attending schools assisted under section 5(a).

(7) Inservice teacher training designed to enhance the success of schools assisted under section 5(a) through contracts with institutions of higher education, or other institutions, agencies, and organizations individually determined by the Commissioner to have special competence for such purpose.

(8) Planning programs and projects under this section, the evaluation of such programs and projects, and dissemination of information with respect to such programs and projects.

(9) Repair or minor remodeling or alteration of existing school facilities (including the acquisition, installation, modernization, or replacement of instructional equipment) and the lease or purchase of mobile classroom units or other mobile educational facilities.

In the case of programs and projects involving activities described in paragraph (9), the inclusion of such activities must be found to be a necessary component of, or necessary to facilitate, a program or project involving other activities described in this section or subsection (b), and in no case involve an expenditure in excess of 10 per centum of the amount made available to the applicant to carry out the program or project. The Commissioner shall by regulation define the term "repair or minor remodeling or alteration".

(b) Sums reserved under section 4(a)(2) with respect to any State shall be available for grants to, and contracts with, local educational agencies in that State making application for assistance under section 5(b) to carry out innovative pilot programs and projects which are specifically designed to assist in overcoming the adverse effects of minority group isolation, by improving the educational achievement of children in minority group isolated schools, including only the activities described in paragraphs (1) through (9) of subsection (a), as they may be used to accomplish such purpose.

(c) Sums appropriated as set forth in section 6 shall also be available for grants to, and contracts with, any local educational agencies in such State, to assist such agencies in carrying out programs as may be required or provided for in the court order applicable to such agency referred to in section 5 (a)(1)(A)(i)(I).

SPECIAL PROGRAMS AND PROJECTS

SEC. 7. (a)(1) Amounts reserved by the Commissioner pursuant to section 3(b)(2), which are not designated for the purposes of clause (A) or (B) thereof, shall be available to him for grants and contracts under this subsection.

(2) The Commissioner is authorized to make grants to, and contracts with State and local educational agencies, and other public and private nonprofit agencies and organizations (or a combination of such agencies and organizations) for the purpose of conducting special programs and projects carrying out activities otherwise authorized by this Act, which the Commissioner determines will make substantial progress toward achieving the purposes of this Act.

(b) From the amounts reserved pursuant to section 4(a)(3), the Commissioner is authorized to make grants to, and contracts with, public and private nonprofit agencies, institutions, and organizations (other than local educational agencies and nonpublic elementary and secondary schools) for programs and projects to promote equality of educational opportunity, through facilitating the participation of parents, students, and teachers in the design and implementation of comprehensive educational planning; the provision of services which will enable parents to become effective participants in the educational process; the conduct of activities which foster understanding among minority group and nonminority group parents, children, teachers, and school officials, including public information and school-community relations activities; and the conduct of school-related activities to reinforce student growth and achievement.

(c)(1) The Commissioner shall carry out a program to meet the needs of minority group children who are from an environment in which a dominant language is other than English and who, because of language barriers and cultural differences do not have equality of educational opportunity. From the amount reserved pursuant to section 3(b)(2)(B), the Commissioner is authorized to make grants to, and contracts with—

(A) private nonprofit agencies, institutions, and organizations to develop curricula, at the request of one or more educational agencies which are eligible for assistance under section 5, designed to meet the special educational needs of minority group children who are from environments in which a dominant language is other than English, for the development of reading, writing, and speaking skills in the English language and in the language of their parents or grandparents, and to meet the educational needs of such children and their classmates to understand the history and cultural background of the minority groups of which such children are members;

(B) local educational agencies eligible for assistance under section 5 for the purpose of engaging in such activities;

(C) local educational agencies which are eligible to receive assistance under section 5, for the purpose of carrying out activities authorized under section 6(a) of this Act to implement curricula developed under clauses (A) and (B) or curricula otherwise developed which the Commissioner determines meets the purposes stated in clause (A).

In making grants and contracts under this paragraph, the Commissioner shall assure that sufficient funds from the amount reserved pursuant to section 3(b) (2) (A) remain available to provide for grants and contracts under clause (C) of this paragraph for implementation of such curricula as the Commissioner determines meet the purposes stated in clause (A) of this paragraph. In making a grant or contract under clause (C) of this paragraph, the Commissioner shall take whatever action is necessary to assure that the implementation plan includes provision adequate to insure training of teachers and other ancillary education personnel.

(2) (A) In order to be eligible for a grant or contract under this subsection—

(i) a local educational agency must establish a program or project committee meeting the requirements of subparagraph (B), which will fully participate in the preparation of the application under this subsection and in the implementation of the program or project and join in submitting such application; and

(ii) a private nonprofit agency, institution, or organization must (I) establish a program or project board of not less than ten members which meets the requirements of subparagraph (B) and which shall exercise policymaking authority with respect to the program or project and (II) have demonstrated to the Commissioner that it has the capacity to obtain the services of adequately trained and qualified staff.

(B) A program or project committee or board, established pursuant to subparagraph (A) must be broadly representative of parents, school officials, teachers, and interested members of the community or communities to be served, not less than half of the members of which shall be parents and not less than half of the members of which shall be members of the minority group, the educational needs of which the program or project is intended to meet.

(3) All programs or projects assisted un-

der this subsection shall be specifically designed to complement any programs or projects carried out by the local educational agency under section 5. The Commissioner shall insure that programs of Federal financial assistance related to the purposes of this subsection are coordinated and carried out in a manner consistent with the provisions of this subsection, to the extent consistent with other law.

METROPOLITAN AREA PROJECTS

SEC. 8. (a) Sums reserved pursuant to section 3(b) (1) shall be available for the following purposes:

(1) A program of grants to, and contracts with, local educational agencies which are eligible under section 5(a)(2) in order to assist them in establishing and maintaining stable, quality integrated schools. For the purposes of this paragraph, an integrated school shall be a school with an enrollment in which a substantial proportion of the children is from educationally advantaged backgrounds, in which the proportions of minority group children are at least 50 percentum of the proportions of minority group children enrolled in all schools of the local educational agencies within the Standard Metropolitan Statistical Area, and which has a faculty and administrative staff with substantial representation of minority group persons.

(2) A program of grants to groups of local educational agencies located in Standard Metropolitan Statistical Areas, for the joint development of plans to reduce and eliminate minority group isolation, to the maximum extent possible, in the public elementary and secondary schools in Standard Metropolitan Statistical Areas, which shall, as a minimum, provide that by a date certain, but in no event later than July 1, 1983, the percentage of minority group children enrolled in each school in the Standard Metropolitan Statistical Area shall be at least 50 percentum of the percentage of minority children enrolled in all the schools in the Standard and Metropolitan Statistical Area.

(3) A program of grants to local educational agencies to pay all or part of the cost of planning and constructing integrated education parks. For the purpose of this paragraph, the term "education park" means a school or cluster of such schools located on a common site, within a Standard Metropolitan Statistical Area, of sufficient size to achieve maximum economy of scale consistent with sound educational practice, providing the full range of pre-school elementary, and secondary education, with an enrollment in which a substantial proportion of the children is from educationally advantaged backgrounds, and which is representative of the minority group and nonminority group children in attendance at the schools of the local educational agencies in the Standard Metropolitan Statistical Area, or, if the applicant is a single local educational agency, representative of that of the local educational agency, and a faculty and administrative staff with substantial representation of minority group persons.

(b) In making grants and contracts under this section, the Commissioner shall insure that—

(1) at least one grant shall be for the purposes of paragraph (2) of subsection (a); and

(2) at least two grants shall be for the purposes of paragraph (3) of subsection (a), of which at least one shall be to assist an education park being planned, established and operated as an interdistrict project involving two or more local educational agencies.

APPLICATIONS

SEC. 9. (a) Any local educational agency desiring to receive assistance under this Act for any fiscal year shall submit to the Commissioner an application therefor for that fiscal year at such time, in such form, and containing such information as the Commissioner shall require by regulation. Such application, together with all correspondence and other written materials relating thereto, shall be made readily available to the public by the applicant and by the Commissioner. The Commissioner may approve such an application only if he determines that such application—

(1) in the case of applications under section 5, sets forth a program under which, and such policies and procedures as will assure that, (A) the applicant will use the funds received under this Act only for the activities set forth in section 6 and that the applicant will use such funds for the implementation of a comprehensive districtwide plan for the elimination, to the extent possible, of minority group isolation, and that the use of such funds by the applicant will include the implementation of a comprehensive program specifically designed to establish or maintain at least one, or more, stable, quality, integrated schools and, (B) in the case of an application under section 5(b), the applicant will initiate or expand an innovative program specifically designed to meet the educational needs of children attending one or more minority group isolated schools;

(2) has been developed—

(A) in open consultation with parents, teachers, and, where applicable, secondary school students, including public hearings at which such persons have had a full opportunity to understand the program for which assistance is being sought and to offer recommendations thereon, and

(B) except in the case of applications under section 7(c), with the participation and, subject to subsection (b), approval of a committee composed of parents of children participating in the program for which assistance is sought, teachers, and, where applicable, secondary school students, of which at least half the members shall be such parents, and at least half shall be persons from minority groups;

(3) sets forth such policies and procedures as will insure that the program for which assistance is sought will be operated in consultation with, and the involvement of, parents of the children and representatives of the area to be served, including the committee established for the purposes of clause (2)(B);

(4) sets forth such policies and procedures, and contains such information, as will insure that funds paid to the applicant under the application be used solely to pay the additional cost to the applicant in carrying out the plan and program described in the application;

(5) contains such assurances and other information as will insure that the program for which assistance is sought will be administered by the applicant, and that any funds received by the applicant, and any property derived therefrom, will remain under the administration and control of the applicant;

(6) sets forth such policies and procedures, and contains such information, as will insure that funds made available to the applicant (A) under this Act will be so used (i) as to supplement and, to the extent practicable, increase the level of funds that would, in the absence of such funds, be made available from non-Federal sources for the purposes of the program for which assistance is sought, and for promoting the integration of the schools of the applicant, and for the education of children participating in such program, and (ii) in no case, as to supplant such funds from non-Federal sources, and (B) under any other law of the United States will, in accordance with standards established by regulation, be used in coordination with such programs to the extent consistent with such other law;

(7) in the case of an application for assistance under section 5, provides that the program or project to be assisted will involve an additional expenditure per pupil to be served, determined in accordance with regulations prescribed by the Commissioner, of sufficient magnitude to provide reasonable assurance that the desired educational impact will be achieved and that funds under this Act will not be dispersed in such a way as to undermine their effectiveness;

(8) to the extent consistent with the number of minority group children in the area to be served who are enrolled in private nonprofit elementary and secondary schools which are operated in a manner free from discrimination on the basis of race, color, or national origin, and which do not serve as alternatives for children seeking to avoid attendance in desegregated or integrated public schools, whose participation would assist in achieving the purpose of this Act, provides assurance that such agency (after consultation with the appropriate private school officials) has made provision for their participation on an equitable basis;

(9) provides that the applicant has not reduced its fiscal effort for the provision of free public education for children in attendance at the schools of such agency for the fiscal year for which assistance is sought under this Act to less than that of the second preceding fiscal year, and that the current expenditure per pupil which such agency makes from revenues derived from its local sources for the fiscal year for which assistance under this Act will be made available to such agency is not less than such expenditure per pupil which such agency made from such revenues for (A) the fiscal year preceding the fiscal year during which the implementation of a plan described in section 5(a)(1)(A) was commenced, or (B) the third fiscal year preceding the fiscal year for which such assistance will be made available under this Act, whichever is later;

(10) that the State educational agency or agencies governing the school district or school districts in which the approved program or project will be carried out have been given reasonable opportunity to offer recommendations to the applicant and to submit comments to the Commissioner;

(11) sets forth effective procedures, including provisions for objective measurement of change in educational achievement and other change to be effected by programs conducted under this Act, for the continuing evaluation of programs or projects under this Act, including their effectiveness in achieving clearly stated program goals, their impact on related programs and upon the community served, and their structure and mechanisms for the delivery of services; and

(12) provides (A) that the applicant will make periodic reports at such time, in such form, and containing such information as the Commissioner shall require by regulation, which regulation shall require at least—

(i) in the case of reports relating to performance, that the reports be consistent with specific criteria related to the program objectives, and

(ii) that the reports include information relating to educational achievement of children in the schools of the applicant,

and (B) that the applicant will keep such records and afford such access thereto as—

(i) will be necessary to assure the correctness of such reports and to verify them, and

(ii) will be necessary to assure the public adequate access to such reports and other written materials.

(b) No application under this section shall be approved which is not accompanied by a detailed written statement of approval or disapproval by the committee established pursuant to clause (2)(B) of subsection (a), which statement shall be considered by the Commissioner in making his determination, after the committee has been given an appropriate opportunity for an informal hearing, that the local educational agency had sufficient cause to proceed without committee approval, and the Commissioner shall provide a written explanation to the local educational agency and the committee.

(c) The Commissioner shall not approve an application under this section unless he determines that—

(1) the comprehensive districtwide plan submitted pursuant to section 5(a)(1)(B) or 5(a)(3) can be reasonably expected to eliminate minority group isolation, to the maximum extent possible, in all schools of the applicant; and

(2) the funding for establishment or maintenance of the stable, quality integrated schools operated by applicant will be at a sufficient level as to achieve the purpose set forth in section 2A(b)(2).

(d) In approving applications under section 5, the Commissioner shall take into consideration (1) the extent to which the applicant will decrease minority group isolation and will prevent minority group isolation, (2) the numbers and proportions of minority group children which the applicant will place in stable, quality integrated schools, and (3) applications which offer the greatest promise of providing quality education for all children participating in the proposed project; and he shall first approve those applications from local education agencies which place the largest numbers and proportions of minority group children in stable, quality integrated schools.

(e) No State shall reduce the amount of State aid with respect to the provision of free public education in any school district of any local educational agency within such State because of assistance made or to be made available to such agency under this Act.

EDUCATIONAL TELEVISION

SEC. 10. (a) The sums reserved pursuant to section 3(b)(2)(B) for the purpose of carrying out this section shall be available for grants and contracts in accordance with subsection (b).

(b)(1) The Commissioner shall carry out a program of making grants to, or contracts with, not more than ten public or private nonprofit agencies, institutions, or organizations with the capability of providing expertise in the development of television programing, in sufficient number to assure diversity, to pay the cost of development and production of integrated children's television programs of cognitive and affective educational value.

(2) Television programs developed in whole or in part with assistance provided under this Act shall be made reasonably available for transmission, free of charge, and shall not be transmitted under commercial sponsorship.

(3) The Commissioner may approve an application under this section only if he determines that the applicant—

(A) will employ members of minority groups in responsible positions in development, production, and administrative staffs;

(B) will use modern television techniques of research and production; and

(C) has adopted effective procedures for evaluating education and other change achieved by children viewing the program.

DEFINITIONS

SEC. 11. Except as otherwise specified, the following definitions shall apply to the terms used in this Act:

(1) The term "Commissioner" means the Commissioner of Education; and the term "Secretary" means the Secretary of Health, Education, and Welfare.

(2) The term "current expenditure per pupil" for a local educational agency means (1) the expenditures for free public education, including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities, but not including expenditures for community services, capital outlay, and debt service, or any expenditures, made from any Federal funds paid to the agency, divided by (2) the number of children in average daily attendance to whom such agency provided free public education during the year for which the computation is made.

(3) The term "elementary school" means a day or residential school which provides elementary education, as determined under State law.

(4) The term "equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the provision of educational services, such as instructional equipment and necessary furniture, printed, published, and audiovisual instructional materials, and other related material.

(5) The term "institution of higher education" means an educational institution in any State which—

(A) admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(B) is legally authorized within such State to provide a program of education beyond high school;

(C) provides an educational program for which it awards a bachelor's degree; or provides not less than a two-year program which is acceptable for full credit toward such a degree, or offers a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge;

(D) is a public or other nonprofit institution; and

(E) is accredited by a nationally recognized accrediting agency or association listed by the Commissioner for the purposes of this paragraph.

(6) The term "integrated school" means a school with an enrollment in which a substantial proportion of the children are from educationally advantaged backgrounds, and which is substantially representative of the minority group and nonminority group enrollment of the local educational agency in which it is located, and a faculty which is representative of the minority group and nonminority group population of the larger community in which it is located, or whenever the Commissioner determines that the local educational agency concerned is attempting to increase the proportions of minority group teachers, supervisors, and administrators in its employ, a faculty which is representative of the minority group and nonminority group faculty employed by the local educational agency.

(7) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or a federally recognized Indian reservation, or such combination of school districts, or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, or a combination of local educational agencies; and includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(8)(A) The term "minority group" refers to (i) persons who are Negro, American Indian, Spanish-surnamed American, Portuguese, or Oriental; and (ii) (except for the purposes of section 4), as determined by the Secretary, persons who are from environments in which a dominant language is other than English and who, as a result of language barriers and cultural differences, do not have an equal educational opportunity, and (B) the term "Spanish-surnamed American" includes persons of Mexican, Puerto Rican, Cuban, or Spanish origin or ancestry.

(9) The terms "minority group isolated school" and "minority group isolation" in reference to a school mean a school and condition, respectively, in which minority group children constitute more than 50 per centum of the enrollment of a school.

(10) The term "nonprofit" as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(11) The term "secondary school" means a day or residential school which provides secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

(12) The term "Standard Metropolitan Statistical Area" means the area in and around a city of fifty thousand inhabitants or more as defined by the Office of Management and Budget.

(13) The term "State' means one of the fifty States or the District of Columbia.

(14) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or if there is no such officer or agency, an officer or agency designated by the Governor or by State law for this purpose.

EVALUATIONS

SEC. 12. The Commissioner is authorized to reserve not in excess of 1 per centum of the sums appropriated under this Act for any fiscal year for the purposes of this section. From such reservation, the Commissioner is authorized to make grants to, and contracts with, State educational agencies, institutions of higher education and private organizations, institutions, and agencies, including committees established pursuant to section 9(a)(2) for the purpose of evaluating specific programs and projects assisted under this Act.

REPORTS

SEC. 13. The Commissioner shall make periodic detailed reports concerning his activities in connection with the program authorized by this Act and the program carried out with appropriations under the paragraph headed "Emergency School Assistance" in the Office of Education Appropriations Act, 1971 (Public Law 91-380), and the effectiveness of programs and projects assisted under this Act in achieving the purposes of this Act. Such reports shall contain such information as may be necessary to permit adequate evaluation of the programs authorized by this Act, and shall be submitted to the President and to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives. The first report submitted pursuant to this section shall be submitted no later than ninety days after the enactment of this Act. Subsequent reports shall be submitted no less often than four times annually.

JOINT FUNDING

SEC. 14. Pursuant to regulations prescribed by the President, where funds are advanced by the Office of Education, and one or more other Federal agencies for any project or activity funded in whole or in part under this Act, any one of such Federal agencies may be designated to act for all in administering the funds advanced. In such cases, any such agency may waive any technical grant or contract requirement (as defined by regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose. Nothing in this section shall be construed to authorize (1) the use of any funds appropriated under this Act for any purpose not authorized herein, (2) a variance of any reservation or apportionment under section 3 or 4 or (3) waiver of any requirement set forth in sections 5, 6, 7, 8, 9, and 11(6).

NATIONAL ADVISORY COUNCIL

SEC. 15. (a) There is hereby established a National Advisory Council on Equality of Educational Opportunity, consisting of fifteen members, at least one-half of whom shall be representatives of minority groups, appointed by the President, which shall—

(1) advise the Secretary with respect to the operation of the program authorized by this Act, including the preparation of regulations and the development of criteria for the approval of applications;

(2) review the operation of the program (A) with respect to its effectiveness in achieving its purposes as stated in section 2A, and (B) with respect to the Commissioner's conduct in the administration of the program;

(3) meet not less than four times in the period during which the program is authorized, and submit through the Secretary, to the Congress at least two interim reports, which reports shall include a statement of its activities and of any recommendations it may have with respect to the operation of the program; and

(4) not later than December 1, 1973; submit to the Congress a final report on the operation of the program.

(b) The Commissioner shall submit an estimate under the authority of section 401 (c) and part C of the General Education Provisions Act to the Congress for the appropriations necessary for the Council created by subsection (a) to carry out its functions.

ATTORNEY FEES

SEC. 16. Upon the entry of a final order by a court of the United States against a local educational agency, a State (or any agency thereof), or the United States (or any agency thereof), for failure to comply with any provision of this Act or for discrimination on the basis of race, color, or national origin in violation of title VI of the Civil Rights Act of 1964, or the fourteenth amendment to the Constitution of the United States as they pertain to elementary and secondary education, the court, in its discretion, upon a finding that the proceedings were necessary to bring about compliance, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs.

Mr. JAVITS. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. PELL. Mr. President, I move that the motion to reconsider be laid on the table.

The motion was agreed to.

Mr. PELL. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of S. 1557.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, the Senate is greatly indebted to the distinguished and able Senator from Rhode Island (Mr. PELL). As the Chairman of the Subcommittee on Education he devoted his expert leadership and guidance to this highly important and complex measure. It concerns nothing less than the quality of education of the Nation's children and there is no matter of greater importance. Indeed, Senator PELL has provided a great deal of insight and calm discussion throughout the entire debate. His contributions were immense and assured the high quality of the discussion. Senator PELL deserves the Senate's highest commendation.

The Senate likewise deeply appreciates the contribution and assistance of the distinguished Senator from New York (Mr. JAVITS) and the distinguished Senator from Minnesota (Mr. MONDALE). Both joined to make certain that the Senate's action on this measure would be swift and efficient. Both provided splendid leadership and cooperation. The Senator from Connecticut (Mr. RIBICOFF) is similarly to be commended. The Senate is grateful for his always sincere presentation of his deeply felt views on this subject.

Joining also to enlighten the Senate on the ramifications of this measure were the distinguished and able Senators from Mississippi (Mr. STENNIS) and North Carolina (Mr. ERVIN). Both Senator STENNIS and Senator ERVIN, with their strong and sincere views added considerably to the discussion. Both cooperated magnificently to assure the efficient disposition of the proposal.

Others, too, are to be commended. Senator DOMINICK, Senator SPONG, and many other Senators participated in this very important debate. To them goes our deepest thanks for their contributions. To the Senate as a whole goes the thanks of the leadership for making possible our efforts to continue to keep up with our business in a timely manner. Such cooperation has enabled us to obtain another outstanding achievement in orderly fashion. Personally, I am deeply grateful.

Mr. PELL. Mr. President, debate on the bill has been constructive. I should like to commend the Senate on the caliber of the debate. I regret that not enough attention was devoted to the new and fine parts of the bill such as the innovative plans for educational television and things of that sort. We sometimes tend to go over the same ground a little bit too often.

In any case, I thank Senators DOMINICK, ERVIN, RIBICOFF, and STENNIS for their contribution to the debate.

Particularly I want to thank two Members who really made this bill possible. If ever a manager of a bill acted as a chairman, an element to bring together the differing views, that was my role.

Particularly do I thank the ranking minority member of the committee, the senior Senator from New York (Mr. JAVITS), for all he did in every way, behind the scenes, on the scene, over the dinner table, and in his apartment, without whose efforts this bill could not have come into being, for the constructive help he gave throughout. I also want to thank the distinguished Senator from Minnesota (Mr. MONDALE), many of whose ideas have emerged in the bill and to whom the bill is a great tribute. Without their help and assistance, this bill would not have come before the Senate.

I thank Secretary Richardson and Commissioner Marland, too, for accepting certain elements in the bill, not completely what they wished, but they made an agreement to support the bill and have hung on to their commitments punctiliously.

I also thank the majority staff members, Stephen Wexler and Richard Smith, for all the valuable work they did—it was simply tremendous; as well as Roy Millenson of the minority staff of the Committee on Labor and Public Welfare, William Smith, Bert Carp, and Len Strickman of the Select Committee on Equal Educational Opportunity. They made a considerable input to the bill. We had joint hearings at different times at the beginning and they helped right through to the end.

Mr. JAVITS. Mr. President, first I should like to join in all the very proper praise which the Senator from Rhode Island has just given to the staff and to the other Members who facilitated this debate. That includes the Senator from North Carolina (Mr. ERVIN), although he had grave doubts about the bill, and also the Senator from Mississippi (Mr. STENNIS) and the Senator from Connecticut (Mr. RIBICOFF), and other Senators who acted in the matter.

I also want to join the Senator from Rhode Island in my deep appreciation to the Senator from Minnesota (Mr. MONDALE), who showed really gifted initiative in the stable quality integrated school concept and many other concepts, yet who was not unbending or stiff-necked but, rather, sought to accomplish the result.

I think that the role of the Secretary of HEW, Elliot Richardson, who personally participated in our efforts to come to a negotiation on this measure and the Commissioner of Education of the United States, Sidney Marland, was very significant.

I am so pleased that the Senator found the assistance of Roy Millenson of the minority staff of the committee to be valuable, as well as that of Mr. Len Strickman from the staff of the Select Committee on Equal Educational Opportunity, a law professor whom I drafted for Government service.

I would say the same about Steve Wexler and Dick Smith and all of the members of the majority staff, as well as Bill Smith and Bert Carp from the Select Committee staff. However, I cannot refrain from saying hail to the chairman. He held the bill together.

The Senator from Rhode Island is a man of character. He said what he did or did not know about the bill, and the Senate relied upon his character in voting as it did.

I think the Senator showed traditional humility. The Senator is a very dear friend. I know him very well and have very deep appreciation for him. He deprecates his own contribution. Without the Senator from Rhode Island the bill could not have passed the Senate.

For whatever I had to do with bringing the bill before the Senate, I am grateful. However, without the Senator from Rhode Island the bill could not have passed the Senate. I am very grateful to him.

I hope that this will be an initial effort in opening the door to a new chapter in education, in an area which bears the most scars and an area which in the past has reflected so many deficiencies.

Mr. PELL. Mr. President, I thank my friend, the Senator from New York, very much for his nice words which do not belie my warm friendship and affection for him.

I would also like to add another kudo and that is to the majority whip, the Senator from West Virginia (Mr. BYRD) who did a great job in keeping our noses to the grindstone and prolonging the Pastore rule of germaneness at every opportunity.

Mr. JAVITS. Mr. President, it was he and Senator Pastore who came forth with Solomon-like decisions.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator from Rhode Island and also the Senator from New York.

ADDRESS BY VICE PRESIDENT AGNEW BEFORE THE SOUTHERN GAS ASSOCIATION CONVENTION

Mr. HANSEN. Mr. President, today the Vice President of the United States was in New Orleans, La., where he addressed the Southern Gas Association at its convention. Because his remarks are timely and add to the factual completion of the record on a very distinguished member of the FBI, the Director, J. Edgar Hoover, I ask unanimous consent that the full text of his remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

ADDRESS BY THE VICE PRESIDENT, SOUTHERN GAS ASSOCIATION CONVENTION, NEW ORLEANS, LA., APRIL 26, 1971

In the past several weeks we have witnessed a series of vitriolic attacks on one of the nation's top law enforcement agencies and particularly on the man who built it into a highly professional and efficient organization respected throughout the world.

It is not the first time that the FBI and J. Edgar Hoover have been assailed. They have withstood many assaults during their long association. The attacks generally have come from expected quarters—subversives, mobsters, extremists and anarchists—enemies of the American system, who quite naturally detest an agency that stands between them and the accomplishment of their objectives—the perversion or destruction of our institutions.

But this time the scenario is somewhat different. While the attacks appear to be as well orchestrated as if they were being performed in concert by the professionals of disruption, this latest assault is from another direction It gives off an unpleasant political odor—perhaps for the first time in FBI history—and it comes mainly from Presidential aspirants who apparently foresee some political accretion from the radical left if they challenge the integrity of the FBI and its long-time director. These opportunists are being aided and abetted by certain of their friends in the liberal news media who automatically shout "Right on!" every time someone claims his civil liberties have been threatened, regardless of the transparency of such charges.

Now I am sure that most of these charges will fall of their own weight—or rather vaporize because of their lack of weight. Those that have an aura of credibility will be disproved in the course of thorough examination of all the evidence. But in any case, the very fact that these fractious allegations will be known by many more than ever learn of their successful refutation cannot possibly be of help, and indeed could damage, an outstanding American institution. If the FBI suffers from these attacks, all law enforcement in America will suffer. And we can ill afford that, particularly at a time in our history when the FBI and the police of this nation have their hands full maintaining order and preserving our institutions of government from those who would tear down our society.

So I would like to discuss with you today this great law enforcement institution—what it means to us as citizens and what it means to our government. I also would like to examine candidly the fitness of its director, whose ouster is energetically sought by those now attacking the institution to which he has devoted his life. And in doing this we can look perhaps a littler closer at some of the charges that have been brought against the FBI and Director J. Edgar Hoover.

In recognition of the non-partisan nature of the FBI, I shall endeavor to keep politics out of this. If I succeed, I will have accomplished more than the irresponsible critics who generated this controversy.

If you took literally some of the more dramatic statements in the news accounts about the FBI controversy, you could only conclude that there is an agent behind every tree and monument in Washington, in the closet of every congressman's office, in automobiles trailing him from work to home to parties, and in listening posts monitoring his wiretapped conversations.

Note carefully, if you will, these words from Senator McGovern, a Presidential aspirant and one the leaders of the "Dump Hoover" movement, as reported in the *Washington Star* of April 20th:

"There is no doubt in my mind that virtually every political figure, every student activist, every leader for peace and social justice is under the surveillance of the FBI."

Now let's think about that statement for just a minute, ladies and gentlemen. I do not know how many political figures there are in Washington, to say nothing of the rest of the country. But I do know that there are 535 members of the Congress alone.

I assume that Senator McGovern is including all of these in his term "virtually every political figure", and probably would include, in addition, key members of their staffs.

Even if the FBI were to use as few as four agents per 24-hour-day to keep these political figures under surveillance—and surveillance in this sense means constant, close watch—it would tie up 2,140 agents just to keep an eye on the members of Congress. Since the FBI has a total of only 8,365 agents throughout the entire nation—and the great majority of these operate outside Washington—the agency would be hard pressed indeed to keep the members of Congress under surveillance. And this doesn't even begin to consider other political figures or Senator McGovern's generous additions of "every student activist, every leader for peace and social justice." Heaven only knows how many of those there are.

As we shall see in a few minutes—when we look at some of the work that the FBI is *really* involved in and is charged by law with accomplishing—the Bureau does not have the time or the manpower for the "surveillance" that it is accused of maintaining on innocent people.

But first I'd like to briefly mention two other cases that have kept the FBI controversy high in the news for several weeks.

Senator Muskie, who also is a presidential candidate, is another who has gathered considerable publicity by attacking the FBI. He shares the phobia of those who believe they are under surveillance. As proof, he released publicly an FBI memorandum which was a factual report of the Earth Day activities in Washington last year, at which the Senator happened to be a speaker. Agents had been sent there primarily to watch the activities of an incendiary radical, one Rennie Davis, and a few others also better known for their subversive proclivities than for their interest in ecology.

As there was with the other principal participants in the rally, there was a brief mention of Senator Muskie in the memorandum. Here it is in full. I quote: "Shortly after 8 p.m., Senator Edmund Muskie (D) Maine, arrived and gave a short anti-pollution speech."

That was the report's total reference to Senator Muskie's participation, although you would not know it from the news coverage of his startling revelation that he and other innocents were spied on by the FBI.

Newsweek Magazine, for example, devoted two pages of its April 26th issue to the incidents, which it headlined, "Who Dug for Dirt on Earth Day?" Said *Newsweek*: "It is becoming plain that the Democrats sense they have a powerful public issue in the surveillance activities of the feds." It featured a photograph of Senator Muskie, a large photograph of the Earth Day crowd, and the top of the FBI document made public by the Maine Senator. The magazine account observed that one of those the FBI was interested in was Rennie Davis, convicted Chicago 7 member. *Newsweek* said Davis "spoke at the rally but was mentioned only briefly in the report." Actually, it was Senator Muskie who got only one sentence in the FBI document. In the report, Davis rated two full paragraphs summarizing his 10-minute speech. None of the news accounts that I've seen have quoted Davis. Here is what Davis had to say that apparently wasn't worth mentioning in *Newsweek*.

"He called for tearing down the capitalistic structure." the FBI reported. After he was heckled, we are told by the FBI document, Davis proclaimed that he "opposed all except (to) 'light up a joint and get stoned.'" He said "one way to fight for ecology is to go to New Haven on May 1st to stop Bobby Seale's trial." That hardly sounds like a speech on the environment, but it certainly sounds like the kind of exhortation to violence that merits FBI surveillance. How does a crowd stop a trial without violence?

Senator Muskie and his media supporters apparently feel it is terribly wrong to send the FBI to a rally where so many innocent people gather in the name of ecology, even if radicals have a prominent role in it and seek to use it as a forum.

Well, I disagree with them. I hope law enforcement officers will keep the Rennie Davises and the Abbie Hoffmans and their ilk under surveillance wherever they go to preach sedition.

Another recent well-publicized attack on the FBI was that of the well-known congressman who claimed that his and other members' phones had been tapped and demanded the immediate resignation of J. Edgar Hoover. We have now been given what he calls his evidence—a statement that if the phone company denies your phone has been tapped, it means that the FBI did the tapping. I don't think that case deserves any further comment.

Now let's look at what the FBI is *really* up to and consider the man whose firm leadership and dedication to principle have restructured this organization from an inefficient division of the Justice Department in 1924 to the world's best known, most professional and scientifically efficient investigative and law enforcement agency.

The FBI has jurisdiction over some 185 Federal investigative matters. These range from such longtime responsibilities as civil rights violations, bank robberies, subversion and kidnappings to aircraft hijackings, and, in the past year, broader investigative authorty over syndicated gambling and bombings.

To handle its workload the Bureau has a force of about 19,000 employees, of whom 8,365 are agents. It operates 59 field offices in major cities throughout the United States and in the Commonwealth of Puerto Rico and maintains 17 liaison posts in foreign countries.

One thousand agents have been added within the past year to meet new responsibilities under the Organized Crime Control Act of 1970 and to relieve a workload that had grown to the point that each agent was handling an average of 31 separate investigative matters at a time. The ideal load, according to Director Hoover, is 18 cases per agent. So you can see they have had little time to do the "political sleuthing" attributed to them.

During their investigation of the burning of the ROTC building at Kent State University and the shooting of four students by National Guardsmen there last May, the FBI had a peak of 302 agents assigned to the case. They worked 6,316 hours of overtime for which they received no compensation. Their reports totaling over 8,000 pages were filed with the Department of Justice, which ordered the investigation, and with the President's Commission on Campus Unrest.

Every year the Bureau brings in more money than it costs to operate. Last fiscal year, FBI investigations accounted for nearly $411 million in fines, savings and recoveries—an average return of $1.60 for every dollar appropriated for FBI operations. Moreover, the Bureau has an outstanding record of convictions. Last year, over 96 per cent of the persons brought to trial in cases investigated by the FBI were convicted, 83 percent of them as a result of guilty pleas.

In addition to its work in Federal law enforcement, the FBI works very closely with state and local law enforcement agencies. FBI laboratory services, provided without charge to local police departments and to other agencies, are indispensable to successful crime control. The laboratory made nearly 385,000 examinations last year, most of them relative to documents, photographs and shoe and tire prints.

The fingerprint division started by J. Edgar Hoover in 1924, less than two months after he became director of the Bureau, now houses the fingerprint records of more than 86 million people—the largest collection of fingerprints in the world. These are used to identify thousands of people each year, accident victims as well as fugitives.

Adding greatly to efficient and effective law enforcement everywhere in the United States is the National Crime Information Center which the FBI established four years ago. It is the hub of a vast telecommunications network linking local, state and federal law enforcement agencies. The computers in the FBI headquarters in Washington now store more than two and a half million record cards on crime and criminals. This information is provided in a matter of seconds to inquiring local police departments. For example, an officer in New Orleans, pursuing a car which has run a red light, can radio the license number to local police headquarters and within one minute have back from Washington information that the car was stolen four days ago in Ohio, and other pertinent information. When he pulls alongside the driver, the officer is ready to wrap up the case.

The FBI, a thoroughly professional organization since the three-year period that J. Edgar Hoover spent cleaning it out and reshaping it in the 1920's, also has been long dedicated to the full professionalization of law enforcement throughout the United States. During the last fiscal year, FBI instructors assisted in the training of more than a quarter of a million local police officers at schools throughout the country. The FBI National Academy, which can train up to 100 officers at a time in a 12-week course that makes them better police executives, celebrated its 35th anniversary last year. The class now enrolled for graduation on June 30th, will bring to nearly 6,000 the number of graduates since it was founded. New Academy facilities will be completed next year which will enable the training of 2,000 local candidates each year instead of the present 200 annually.

With all of these activities going on, there just isn't much time available for spying on Congress.

Now, if the present-day Senators who are worried about FBI surveillance had been around in the period immediately prior to Hoover's taking over the directorship, their complaints would have been justified.

In a Senate investigation of corruption at the close of the Harding era, Gaston B. Means, a former detective and patronage appointee in the Bureau of Investigation admitted to Senators that he had agents sneak into their offices, open their mail, search their files and spy on them in an effort to find something damaging which could be used to stop their attacks on Attorney General Daugherty.

To save time, he was asked what Senators he had not investigated. Means replied: "Oh, there are lots of them I haven't. They are a pretty clean body. You don't find much on them, either."

The new Attorney General appointed by President Coolidge, Harlan Fiske Stone, asked J. Edgar Hoover to take over the job as Director of the Bureau of Investigation. He agreed only on condition that the Bureau be divorced from politics and that appointments and promotions be based strictly on merit. Stone agreed and said he wouldn't have it any other way. Incompetents were weeded out and professionalism began.

In the 47 years since then, Hoover has kept the Bureau out of politics. The fact that he has served under 10 Presidents—Republican and Democrat—and 19 Attorneys General since he joined the Justice Department as a young Master of Laws graduate in 1917 is testimony of his strictly nonpartisan and even-handed administration of a sensitive agency. The relatively low turnover rate of agents—more than half have been with the Bureau for periods from 10 to 25 years or more—is a further criterion of sound administration.

Yet Hoover's critics continue their drive to get rid of him. One of their principal arguments is that he is 76 years old—six years beyond the mandatory retirement age for federal employees. President Johnson issued an executive order exempting Mr. Hoover from that requirement and President Nixon asked the vigorous Director to continue on the job. You don't judge a man's worth or his competence by his age, and that certainly holds true in Washington as well as elsewhere.

Three Justices of the Supreme Court are over 70. The senior member, Mr. Justice Black, is 85 years old and still going strong.

Twelve United States Senators among those who list their age in the Congressional Directory are over 70, and four of them are 75 or over, including the 80-year-old Chairman of the Senate Appropriations Committee. I haven't heard any Hoover critics in the Senate calling on their colleagues to resign.

At least 14 members of the House of Representatives among those who list their age are over 70, including the 82-year-old chairman of the House Judiciary Committee and four other committee chairmen. And I don't hear any Hoover critics in the House calling on them to resign.

And outside the government we find many men in the 70's and 80's active and vigorous, including such spokesmen for the left as Cyrus Eaton, 87, Averell Harriman, 79, Herbert Marcuse, 72, Robert Hutchins, 72, and Linus Pauling, 70.

Dr. Benjamin Spock, almost 68, does not qualify but is moving up fast. However, he really doesn't seem to improve with age, so we have little to look forward to.

Walter Lippmann at 81 still finds the opportunity to write a stinging essay now and then.

We don't hear these men put down for their age by Hoover critics. To the contrary, they enjoy among their followers wide respect for their experience, as well they should.

But still we find those, particularly among the news media, who try to make some issue of Mr. Hoover's age. Most news stories out of Washington about the current controversy carry the Director's age, whether or not it is pertinent to that day's developments. And just the other night, the commentator, Eric Sevareid, in a mild disparagement described the FBI director as "surrounded by old cronies." One would assume that Mr. Sevareid isn't surrounded by old cronies. Yet, with silver hair and silken voice, he has appeared before us nightly for years in tandem with the familiar countenance of Walter Cronkite.

No, I think it is something more than age that is the real issue in the effort to drive J. Edgar Hoover out of office. A more likely explanation is the fact that he is anathema to the New Left and extremists of every stripe, and he doesn't mince words in calling attention to them as dangerous to the country. Not surprisingly, this firm stand is a constant irritation to those who would have us believe that there is more to be feared from effective law enforcement than from the radicals and fledging anarchists who daily call for the destruction of our institutions.

The FBI has frequently been called a Gestapo or secret police by its critics, and is again being called that today. But the Bureau's director has resisted every effort to make the FBI a national police force and has succeeded in keeping it a fact-finding agency within the Justice Department throughout the past 47 years.

J. Edgar Hoover prepared the Justice Department's first brief on the newly formed Communist Party in the fall of 1919, and he has watched the party with an expert's eye ever since. He has authored three best-selling books on the menace of Communism to the United States. He understands perhaps better than anyone in this nation the nature and danger of subversion.

Listen to his own thoughts on this subject, expressed in his foreword to the book, "The FBI Story" in 1956:

"The acts of the subversive, particularly the 'dyed-in-the-wool' Communist, call for increased vigilance. The security of our country has suffered because too many of our people were 'hoodwinked' by the propaganda which claimed that the Communist Party was a political party like the Democratic or Republican Party. Likewise, too many of our people have fallen for the line that spies, subversives, agents of foreign governments and Communists who have been convicted and sent to prison are 'political prisoners.' 'Political prisoners' do not exist in the United States. Those who are prisoners violated the laws of the United States, were indicted by federal grand juries and convicted in federal courts. I do not think they deserve the special treatment, with special rights and privileges, which is sought for them by their sympathizers.

"In the United States, the subversive is a lawbreaker when he violates the law of the land, not because he disagrees with the party in power. And anyone who violates the law commits a criminal act even if the motives of the lawbreaker are self-servingly claimed to be political. If we ever permit political motives to justify lawbreaking, we shall develop political tyrannies in this country as similar instances have developed tyrannies in other countries."

In 1936, on direct orders from President Roosevelt, Mr. Hoover and the FBI began gathering information on Communist and Fascist groups in this country. In 1939, President Roosevelt issued a proclamation announcing the FBI's broadened responsibility for national security.

Later when the FBI arrested a dozen communists and sympathizers who had been indicted for conspiring to recruit volunteers for the Spanish Loyalist Army, a barrage of protests broke around Hoover and the FBI. He was accused of running a Gestapo and trying to persecute people who held political views contrary to his own. He was attacked in Congress, but backed up by the Democratic President and Attorney General and eventually weathered the storm.

In his 1956 foreword to "The FBI Story", recalling some of the earlier battles, Mr. Hoover wrote:

"In recent years, a campaign of falsehood and vilification has been directed against the FBI by some ignorant and some subversive elements. In the world-wide struggle of free peoples, the truth is still one of our most potent weapons. And the record of the FBI speaks for itself. It is the best answer to the falsehoods, half-truths and rumors . . . ."

With a little dusting off and the change of a word or two, he could use the same statement again today.

Personally, I have complete confidence in this dedicated, steel-willed public servant with the 20–20 vision into our national security and crime control problems and the institution that he has made the beacon of law enforcement in America. I am sure they will again triumph over their critics, and the American people will be the winners.

CANNIKIN—AGAIN?

Mr. HUMPHREY. Mr. President, last week I called to the attention of the Senate a question which until now has had far too little examination. The point I discussed is that a most serious decision has been made, with insufficient disclosure on the part of the Atomic Energy Commission.

I mentioned at the time of my remarks last week that there had been a news report to the effect that the Atomic Energy Commission was going to conduct a massive nuclear underground test at Amchitka Island, Alaska. In my remarks of a week ago I was able only to comment upon what appeared to be a rumor. It has now become a fact.

Today we are faced with the incredible news of the AEC's plan to stage an underground atomic test, said to have an explosive force of 5 megatons, at Alaska's Amchitka Island. This test promises to be the largest in American history. An explosive force of five megatons is equivalent to at least 7.0 on the Richeter seismic scale. More important, a test of five megatons can have an untold effect to our country's environment. The Atomic Energy Commission assures us that there will be no, or at least a nondetrimental amount of radiation leaks. If we are to accept these assurances at face value, we are still left with the ominous question of earthquakes and volcanoes. Because of the huge magnitude of this planned test which has never been undertaken before, it is difficult to predict just what the geological effect will be.

It is very difficult to say with sufficient assurance that there will not be very serious radiation.

It seems not merely logical, but absolutely imperative that the AEC reply to these questions before the thought of such a test is given serious and final consideration. I am quite frankly amazed at the AEC's failure to make a detailed report on the environmental effects of Cannikin, the code name for the Amchitka test. The June report submitted to Congress was rejected and appropriations were withheld on the basis of the inadequacy of the statement. We have received no other report since that time and are told we should not expect one for some time. That was June of last year.

This is despite the fact that the AEC has made a decision to go ahead, even though the Congress of the United States in June of last year rejected the proposal of the AEC and withheld appropriations.

At this point, Mr. President, I ask unanimous consent that the letter to Mr. Ruckelshaus, Administrator of the Environmental Protection Agency, from the Disarmament Issues Committee of the United Nations Association of the United States be printed in the RECORD. It states very clearly and responsibly the environmental and administrative issues involved.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED NATIONS ASSOCIATION,
OF THE UNITED STATES OF AMERTICA,
New York, N.Y., April 22, 1971.

Mr. WILLIAM D. RUCKELSHAUS,
Administrator, Environmental Protection Agency, Washington, D.C.

DEAR MR. RUCKELSHAUS: We urgently request your assistance in obtaining compliance by the Atomic Energy Commission with the provisions of the National Environmental Policy Act of 1969 (P.L. 91–190). As you know, the AEC has proposed a fall underground nuclear test, code-named "Cannikin," to be the largest such test ever attempted by the United States. Recognized scientific authorities are already on public record as viewing the earthquake, tidal-wave, and nuclear implications of the proposed test as very uncertain and potentially grave. "Cannikin" clearly falls within the meaning of Section 102 of P.L. 91–190: it is a "major federal action significantly affecting the quality of the human environment."

Under the law, every federal agency recommending or proposing by legislation such "major federal actions" must publish a "detailed statement" of the possible impact upon the environment. Such a statement must be preceded by consultation with other federal and local agencies, must specify the kinds of impact upon the environment as far as they may be conjectured, and must also identify "alternatives to the proposed action." The "detailed statements," mandated by the Congress, is then published in the *Federal Register* to allow public comment. The AEC is, we believe, in violation of Federal law for the following reasons:

(1) The FY 1972 authorizing legislation for the AEC (S 958) was introduced into the Senate on February 25, 1971. It contained language proposing the "Cannikin" test, a "major federal action" impacting the environment, but lacked the supporting data.

(2) The AEC has given inadequate indication of specific hazards to the environment from this test as they are known to the Commission's staff.

(3) At no time has the AEC presented "alternatives to the proposed action," as required by law.

(4) As of this writing, the AEC still has not published in the *Federal Register* for public comment its "detailed statement" concerning "Cannikin," as mandated by the U.S. Congress.

We call to your attention the fact that the AEC made a similar request for funds last year to carry out a major test under Amchitka Island, Alaska. During its hearings in May, 1970, the Senate Appropriations Committee was informed by expert witnesses from our Disarmament Issues Committee that the AEC was out of compliance with federal law. The Senate promptly asked the AEC for the legally required document. The Commission responded on June 12, 1970, with a hastily drawn "Draft Environmental Statement." The Congress was not satisfied; it dismissed the statement and withheld the appropriation for the proposed test. Sen. Edmund S. Muskie informed the press that Congress had refused the funds "because the Atomic Energy Commission failed to file a satisfactory statement on such test's environment effects." Senate Report 91–1118, issued on August 12, 1970, announced there would be a "change in scheduling" of the FY 71 underground test, giving the AEC "an opportunity to make a more thorough study of the environment in the region of Amchitka in Alaska and will permit conducting the experiment at a more favorable season to assure maximum protection to this environment."

The June document is the only public statement issued thus far by the AEC and is, according to the Commission's own staff, inadequate. Mr. John A. Erlewine, Assistant General Manager of Operations at the AEC, wrote to the Disarmament Issues Committee of the UNA–USA on February 19, 1971—six days prior to the introduction of S 958—that the "Cannikin" test was "planned for the fall of 1971" and that the draft statement of last June "is presently being revised for reissuance prior to the 'Cannikin' test." We have since been told by AEC staff that no revised statement will be issued before this coming summer. Apparently the Congress is expected to approve and fund the "Cannikin" test and overlook the fact that the AEC is in direct violation of the National Environmental Policy Act. Congress, agencies such as yours, and the public at large are thus being denied the full disclosure required by the Act so that environmental hazards may be understood and debated prior to the passage of authorizing legislation.

We request an early response setting forth what actions your agency intends to take to protect the public interest and preserve the integrity of the law.

Sincerely yours,

Mrs. Josephine Pomerance,
Chairman,
Disarmament Issues Committee.

W. Lloyd Tupling,
Washington Representative,
Sierra Club

Dr. George Rathjens,
Massachusetts Institute of Technology.

Adrian Fisher,
Dean,
Georgetown University Law School.

John Silard,
Counsel to the Committee.

Dr. Arthur Larson,
Duke University.

William C. Foster,
Former Director, Arms Control
and Disarmament Agency.

Mrs. Robert W. Clayton,
National Board of the YWCA.

Thomas Halsted,
Director, Council for
a Livable World.

Arthur J. Lelyvild,
President, American
Jewish Congress.

Elvis J. Stahr,
President, National
Audubon Society.

Mr. HUMPHREY. Mr. President, aside from these very essential questions, there is another factor which deserves equal consideration. It is now openly admitted that the Cannikin test will be for a warhead of our Safeguard antiballistic missile. I have said before, and I will say it again, I have serious doubts and concern over this program. It has a negligible strategic value, and what is more relevant, its development at this time is contrary to the spirit of the SALT talks. If we really do intend to stop or slow down the arms race, then let us do it. We can begin by calling off the Cannikin test; even better, we can and should make every possible effort to negotiate an ABM agreement with the Soviets.

The Amchitka test is scheduled for the fall; but I ask, What is scheduled for November, and December and January? We do not know. Is an arms control agreement on the agenda or can we expect more expenditures for development and deployment of new weapons which opens up a Pandora's box for generations to come.

In July of last year there was a conference at Woods Hole on seismic discrimination sponsored by the Advanced Research Projects Agency of the Department of Defense. The papers presented, commonly referred to as the Woods Hole report, had at least one common theme: the technological progress which has been made in our own detection equipment. According to Mr. Evernden, who gave the opening presentation, our seismographs can now distinguish accurately the difference between earthquakes and explosions at levels as low as 4.0 on the Richter scale.

Below that threshold, accuracy is obviously reduced due to the extremely low magnitudes involved but still the data is extremely reliable. This finding has a very important significance in that it indicated the feasibility of reaching a comprehensive underground test ban treaty.

If anything underscores the need for a comprehensive nuclear test ban treaty which includes underground tests, as well as tests in the air, it is this proposed test at Amchitko Island.

Party Chairman Brezhnev in his delivered statement before the 24th Congress of the Soviet Communist Party expressed an interest in such an agreement. We do not know if this is propaganda or a serious proposal—but we should explore it—seriously, perseveringly, and carefully. Many leaders in the United States have urged that negotiations get underway in Geneva for an underground test ban treaty, thereby rounding out the Limited Nuclear Test Ban Treaty of 1963. With the latest scientific material in the Woods Hole Report, an underground test ban is no longer remote. It may be safe and subject to verification.

How can we solidify this hope of agreement in the face of the latest news? Are we to assume that Cannikin is the test to end all tests and then we can get on with an agreement? Or is this just one more stage in the development of costly, massive new missile systems? Whatever the answer, it does not bode well for those of us who think that we should be moving toward armaments limitations without further delay.

I know that the Senate will be giving very careful examination to the budget of the Department of Defense. I would suggest one way to reduce the defense budget in this country would be to pursue relentlessly, perseveringly, and with continuing patience every possibility to arrive at some form of arms control agreements. No matter how slow it may seem, it means the inevitable savings of billions of dollars and it may mean we will live in a safer world.

The only way I know to trim the defense budget significantly is to trim out weapons systems. The nuclear arms race results in weapons systems which are extremely costly, highly sophisticated, and dangerous. Therefore, whatever time it takes, no matter how much patience it requires, we must seriously, systematically, stubbornly and persistently work on this matter of negotiating an arms control agreement.

To be sure, it must be an agreement that has its safeguards and protections, but one to at least slow down some of the fantastic expenditures for these new and sophisticated nuclear weapons.

I am not speaking on this question to be rhetorical. I speak because it is the best way I know to register concern and hopefully, to press for action. It is not utopian to call for a halt to the arms race. It is realistic and essential. All I ask is that due recognition be given to the urgency of this question, sufficient thought to what action can be taken and then to take it now.

I call upon the Atomic Energy Commission to abandon its plan for a nuclear test of the magnitude that is contemplated in Project Cannikin, or at least, at a minimum, that they inform Congress as to what may be the ramifications of this test in terms of our environment, in terms of the possibility of radiation leak, in terms of earthquake, and other movements of the earth. There is good reason to be concerned, and it is not good public policy—it is not what I call freedom of information and the right to know—for any commission or for any agency of Government to ignore the request of Congress or to make a decision prior to releasing information that has been requested by an appropriate committee of this body.

I would hope we might be just a little more careful. It does not take a great deal of intelligence to get into trouble. We have made some very sorry and sad decisions in the past. We find ourselves in a cruel, long, and costly war. We find ourselves once again moving forward in an arms race, the cost of which this Congress has no idea; but we do know it runs into hundreds of billions of dollars.

Those arms, I submit, will give us no greater security because as we build them so do the Soviets; and as the Soviets build them, so do we. I cannot help but believe that somewhere there must be a voice that can be heard to say both to the Russians and the Americans, "we must make better use of our resources as human beings, rather than to engage in the mad pursuit of weapons of mass destruction."

I submit that not one of these weapons will give us more security but will only raise the level of insecurity and danger.

NATIONAL ENVIRONMENTAL LABORATORY ACT OF 1971

ORDER FOR STAR PRINT OF S. 1113

Mr. BYRD of West Virginia. Mr. President, S. 1113 was introduced by the Senator from Tennessee (Mr. Baker) on calendar day March 4, legislative day of February 17, 1971. Certain technical corrections need to be made in the bill.

I ask unanimous consent that there be a star print of S. 1113 with the necessary technical corrections printed therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS ALLEN, TALMADGE, AND SYMINGTON ON THURSDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Thursday next, immediately following the recognition of the two leaders under the standing order, the Senator from Alabama (Mr. Allen) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the remarks of the junior Senator from Alabama (Mr. Allen) on Thursday next, the distinguished senior Senator from Georgia (Mr. Talmadge) be recognized for not to exceed 15 minutes, and that he be followed by the distinguished senior Senator from Missouri (Mr. Symington) for not to exceed 15 minutes.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON THURSDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the completion of the orders recognizing Senators on Thursday next there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEES TO SUBMIT REPORTS DURING ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees may be authorized to submit reports during the adjournment, until noon on Thursday, April 29, 1971.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for Thursday next is as follows: The Senate will convene at 12 o'clock noon. Following the recognition of the two leaders under the standing order, the distinguished junior Senator from Alabama (Mr. ALLEN) will be recognized for not to exceed 15 minutes. He will be followed by the distinguished senior Senator from Georgia (Mr. TALMADGE) for not to exceed 15 minutes. He will be followed by the distinguished senior Senator from Missouri (Mr. SYMINGTON) for not to exceed 15 minutes.

Upon the conclusion thereof, there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

DEATH OF REPRESENTATIVE ROBERT J. CORBETT, OF PENNSYLVANIA

Mr. SCHWEIKER. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Resolution 402.

The PRESIDING OFFICER laid before the Senate the resolution of the House of Representatives (H. Res. 402), which was read as follows:

H. RES. 402

Resolved, That the House has heard with profound sorrow of the death of the Honorable ROBERT J. CORBETT, a Representative from the State of Pennsylvania.

Resolved, That a committee of forty-eight Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the House do now adjourn.

Mr. SCHWEIKER. Mr. President, on behalf of myself and the distinguished Republican leader, I submit a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be read.

The resolution was read, as follows:

S. RES. 106

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable ROBERT J. CORBETT, late a Representative from the State of Pennsylvania.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

Mr. SCHWEIKER. Mr. President, ROBERT J. CORBETT, dean of the Pennsylvania congressional delegation, died Sunday in Pittsburgh after suffering a stroke. I have lost a personal friend and his community, State, and Nation have lost a dedicated servant.

He spent half of his lifetime in public service, including 28 years as a Member of Congress from Allegheny County's 18th District.

Congressman CORBETT was ranking Republican on the House Post Office and Civil Service Committee and was the third ranking Republican Member of the House.

The statement issued by President Nixon sums up the feeling of many of us for BOB CORBETT. He honored him as "a valuable personal friend whom I have known since our service together in the House of Representatives more than 20 years ago."

> It was with justifiable pride that Robert Corbett of Pennsylvania called himself "the little man's congressman." His constant concern for the blind, the infirm and others in special need was a tribute to his humanitarianism. With his death, the Congress has lost a distingiushed Member and the Nation has lost a dedicated servant.

Mr. CORBETT was first elected to Congress in 1938 after graduating from Allegheny College and receiving a master's degree in history from the University of Pittsburgh, service as a high school teacher and publisher of the North Pittsburgh.

He served his community and constituents with honor, his party, State, and Nation with love.

I offer this resolution expressing the sorrow of the Members of this body and extending our sympathy to his wife and family.

BOB CORBETT will be missed.

Mr. SCOTT. Mr. President, BOB CORBETT was my old and dear friend over the greater period of his distinguished service in the Congress.

He served ably, with diligence, competence, and faithfulness to his constituency.

We will miss his cheerful friendliness and his warm personality.

I extend my sincere condolences to his family.

Mr. JAVITS. I wish to express my deepest sympathy on the passing of BOB CORBETT. He was a great friend of mine for many years. I am dismayed and shocked at his death. I join all my colleagues in expressing deepest sympathy and condolences to his family.

The PRESIDING OFFICER. Is there objection to the consideration of the resolution?

There being no objection, the resolution was considered and unanimously agreed to.

The PRESIDING OFFICER. Under the second resolving clause the Chair appoints the Senators from Pennsylvania (Mr. SCOTT and Mr. SCHWEIKER) as the committee on the part of the Senate to attend the funeral of the late Representative CORBETT.

ADJOURNMENT UNTIL THURSDAY, APRIL 29, 1971

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, and, pursuant to Senate Resolution 106, as a further mark of respect to the memory of Representative ROBERT J. CORBETT, of Pennsylvania, that the Senate now adjourn.

The motion was agreed to; and (at 6 o'clock and 29 minutes p.m.) the Senate adjourned until Thursday, April 29, 1971, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate April 26, 1971:

U.S. CIRCUIT COURTS

Walter R. Mansfield, of New York, to be a U.S. circuit judge, second circuit, vice Leonard P. Moore, retired.

William Hughes Mulligan, of New York, to be a U.S. circuit judge, second circuit, vice J. Edward Lumbard, retiring.

U.S. DISTRICT COURTS

Lawrence W. Pierce, of New York, to be a U.S. district judge for the southern district of New York, vice William B. Herlands, deceased.

Mark A. Costantino, of New York, to be a U.S. district judge for the eastern district of New York, a new position created by Public Law 91-272, approved June 2, 1970.

DEPARTMENT OF JUSTICE

Jack T. Stuart, of Mississippi, to be U.S. marshal for the southern district of Mississippi for the term of 4 years; reappointment.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 26, 1971:

DEPARTMENT OF COMMERCE

James T. Lynn, of Ohio, to be Under Secretary of Commerce.

William N. Letson, of Ohio, to be General Counsel of the Department of Commerce.

NATIONAL TRANSPORTATION SAFETY BOARD

John H. Reed, of Maine, to be a member of the National Transportation Safety Board for the term expiring December 31, 1975.

U.S. COAST GUARD

The following-named officers of the Coast Guard for promotion to the grade of rear admiral:

James W. Moreau
Joseph R. Steele
Owen W. Siler

EXTENSIONS OF REMARKS

ENERGY, ENVIRONMENT, AND THE ECONOMY ARE STRESSED IN ADDRESS BY SENATOR RANDOLPH TO U.S. CHAMBER OF COMMERCE FORUM

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, April 26, 1971

Mr. RANDOLPH. Mr. President, the Chamber of Commerce of the United States is holding its 59th annual meeting at the Washington Hilton Hotel. Consistent with the high priority status of fuels and energy problems and environmental conditions in our country, the national chamber's program today included an action forum on energy and environment, with Herbert S. Richey, president of Valley Camp Coal Co., and chairman of the chamber's committee on natural resources, presiding.

The president of the national chamber, F. Ritter Shumway, appropriately said that the action forum on energy and environment was placed in a pivotal position on the annual meeting program as part of the chamber's efforts to alert and inform businessmen on the vital issue of the interrelationship of energy/environment.

It was my privilege to have been the speaker for the action forum session and to have participated with an exceptionally well qualified group of panelists, including Carl Bagge of the National Coal Association, Frank Ikard of the American Petroleum Institute, Don Hart of the American Gas Association, Don Crawford of the Edison Electric Institute, and Carl Madden, the national chamber's chief economist.

Mr. President, I request unanimous consent to have the text of my speech printed at this point in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ENERGY, ENVIRONMENT, AND THE ECONOMY

You will hear me express the belief that the fuels and energy crisis is so acute, and the environmental problems so tense, that we must endeavor to give them almost equal priority and act on them together, rather than treat them separately.

It is a rewarding experience to participate in this Action Forum on Environment and Energy.

In the Congress it becomes inescapable that Members specialize by reason of the economics of the states or districts they represent. Fuels and energy are the backbone of the West Virginia economy and our State has more than its share of the Nation's environmental problems. Hence, it is a natural consequence that I have a close tie to these subjects in terms of legislative interest and jurisdiction and in terms of their consideration in this Forum.

A recent article in The Christian Science Monitor began with the observation that the United States, in 1970, produced 1½ trillion killowatt-hours of electricity, which is more than one-third of the total world production—as much as the next five industrial countries combined—and six times what it was 25 years ago.

It was acknowledged that even this is just the beginning because we have the forecast of the Federal Power Commission that power consumption in this country will continue to double every decade for the remainder of the century. So, by the year 2000, according to estimates by reliable sources, our country will be consuming more than 10 trillion kilowatt-hours every year.

The Monitor article pointed out that few people belittle the need for electrical power nor underestimate its present uses. It noted, however, that power projections such as these are arousing a torrent of public protest.

But, when occurring anywhere in America, so do brown-outs and black-outs cause "torrents of protest."

Perhaps this is an era of paradoxism in the extreme.

In spite of the known need for vastly more fuel for rapid expansion of electrical power generation, much construction of new power plants is being checked and delayed in the courts by conservation organizations. And despite the fact that it is obvious that much more nuclear power must be produced, the specter of potential radiation dangers and thermal pollution through the expansion of nuclear power plants brings more and more action on the part of those persons and organizations whom we call environmentalists".

I do not imply that all of these developments are to be deplored. There must be environmental vigilance, as well as action, on the fuels and energy fronts. But with the controversy deepening between energy and ecology, what are the prospects for power in the remaining years before 2000? And it is pertinent to ask: "Does more 'power for the people' mean the abandonment of what is left of a deteriorating environment?"

The quality of life and the use of energy are inextricably tied together. For one to improve, the other must increase.

At the same time, the powering of America has necessitated the damming of rivers; it has contributed to increasing levels of air pollution in the cities, raised water temperatures in streams, and crisscrossed the land with a web of transmission lines.

Yes, these are problems of conservation and environmental concern, but I agree with Federal Power Commission Chairman John N. Nassikas' observation that "Every major industrial and economic decision that results in a change in our land, water, and air resources cannot be condemned out of hand without sacrificing decades of important advances in our standard of living in this country."

Yes, within 29 years, the United States will need to achieve an electrical power production rate of 10 trillion kilowatt-hours per year. That would be a sixfold increase over present production and present needs. Because of these conditions, there is looming over the economic landscape a high-tension controversy centering on future priorities, power-producing methods, and environmental control.

All of these beliefs, projections, and impending developments combine to create a challenge of massive magnitude. The challenge becomes that of balancing sound environmental planning with effective and adequate planning to meet high priority national needs in order to maintain and enhance economic progress.

I believe that there really is no margin for freedom of choice as to priority between working, on the one hand, for preservation of a high quality environment and, on the other hand, working to preserve and expand the energy base on which our complex economy rests.

Our review of some of the basic facts disclosed:

First, as relates to fuels and energy, I am sure that I am not over-stating the case when I say that we are facing today—and will face tomorrow and many more tomorrows—a shortage of fuel and power to serve the industries and the homes of America.

Population growth and the increasing standard of living of the American people have created this incredible increase in the energy demand rate.

Our ability to meet the demand to date has clearly resided in the use of fossil fuels for their energy value. In recent years nuclear power has emerged, but it has lagged far below the potential expected of it.

This nation and the world community of nations are embarked on a gigantic gamble that we can maintain energy supply reliability compatible with demand. The gamble is gigantic. Maintenance of this reliability is dependent on adequate sources of crude oil, natural gas, and coal. But these alone will not be enough. There must be other immense sources of energy—(possibly the breeder reactor, fusion instead of fission, or the fuel cell) to augment the fossil fuels. And there must be broader uses of the fossil fuels, such as gasification of coal for on-site power production and gasification through other methods for production of pipeline gas to augment the dwindling supply of natural gas. And production of oil from shale should be given greater emphasis. There must, of course, be more exploration for and discovery of domestic petroleum and natural gas—and exploration should be encouraged, not impeded. We are too reliant on foreign sources of oil.

As stated last week by Wilson M. Laird, director of the Interior Department's office of oil and gas, the nation is increasing its dependence on "geographic sources of energy over which we have no control". And the director was correct when he declared that it "is not a comfortable fact to live with on the East Coast of the United States where these oil imports comprise over 90 percent of the region's principal industrial fuel and half of its refinery inputs."

Until recently, the ratio between overseas imports and domestic crude oil supply for East Coast U.S.A. refineries was held in rough balance by a provision that imports could not exceed 12.2 percent of domestic production east of the Rockies.

But, as Mr. Laird said, "as we run out the string on our spare productive capacity, as we shall do before 1975, the proportion of imported oil must inevitably rise to accommodate the increased demand for refinery feedstocks."

At about the time the Interior Department was emphasizing our country's greater-and-greater dependence on oil from foreign sources, Time Magazine was giving us an excellent capsule summary of the nation's fuels and energy situation. It asked: "What ever became of the great energy shortage?" And it answered this way:

In fact, the shortage was not so much averted as postponed. Fuel supplies were adequate only because the General Motors strike and the economic recession limited industrial demand for power, while relatively moderate weather over much of the nation held down home heating needs. In some future winter of business boom and bitter cold—or some future summer of blistering heat—that balloons air-conditioning demand—the U.S. is almost sure to face the same threat again.

To escape a real crisis next time around, the Administration and the Congress must begin now to draft a coherent national energy policy. They must measure the nation's real energy needs for the foreseeable future and determine what combination of Government price-regulating program,s import controls and conservation measures will be required to fill those needs.

At present, U.S. energy policy is a mix of uncoordinated, sometimes conflicting and occasionally inept programs carried out by half a dozen highly independent agencies. By administering oil import quotas, the Interior Department for example, helps to keep domestic oil prices high; the Federal Power Commission tries to protect consumers by keeping natural gas prices low. The unintended result has been to discourage exploration for gas, a relatively nonpolluting fuel, because it is only one-third as profitable as oil when it is pumped out of the ground.

In a different way, the Atomic Energy Commission has retarded the development of coal supplies. A few years ago, the AEC was so carried away by the appealing prospects for atomic power that it predicted a vast expansion. Those hopes were thwarted by soaring construction costs, a nationwide squeeze on capital funds, shortages of trained personnel, delays in delivery of equipment, and environmentalists' objections to the thermal pollution of waterways, which can be caused by nuclear plants. The main result of the general euphoria, to which the AEC contributed, was that mining companies held back on developing coal reserves for fear of competition from nuclear plants that turned out to be phantoms.

One reason for the confusion in policy is that Americans have been accustomed to act as if cheap and abundant energy were assured through eternity. Power—to heat and light buildings, propel cars and planes, keep computers and other machines purring—is the backbone of an industrial society. The U.S. has been consuming it far more greedily than any other nation. Americans make up 6% of the earth's population but use approximately 40% of its energy-producing fuels.

Concurrently, and partly as a response to the side effects of expansion of energy requirements and the accompanying growth in our economy, a broadening public concern has developed for environmental quality.

This concern for the environment is very real; and it is a concern not only of older persons but, also, of youth. In the Committee on Public Works, which I chair, and through our Subcommittee on Air and Water Pollution, on which I serve, we have been attempting to keep moving forward legislatively to meet the environmental problems.

This concern to which we have been responding has been expressed in the emergence of what might be termed an "environmental ethic." This ethic is a response to the realization that the United States is faced with a crisis of our own making. No one else made it. It was made by us. It is an acknowledgement that we can no longer allow the continued degradation of our physical environment.

In reaching this awareness, however, we have become uptight environmentally. As a nation we appear to be entering a new era of nature worship. There is talk of returning to a "balance of nature." Those who propose this, however, imply that the natural balance is the only one and if man would just effect a hands-off-policy, nature would adjust itself by natural processes to everyone's benefit.

This attitude fails to recognize that man is a part of the ecological system and by our presence we affect the balance of nature. Public policies must be tempered to a rational outlook toward environmental problems while, at the same time, retaining the necessary sense of urgency concerning technology, energy needs, and economic growth.

We are the custodians of nature. The environmental confrontations we are experiencing result from our failures to properly exercise this custodianship. We have failed to consider the effects of our modern technology on the environment, not only detrimentally, but in terms of what can be done through technology to improve our environment. I am concerned that neither the Congress nor the Executive branch is placing enough emphasis on improving the pollution abatement technology.

I share with Senator Henry Jackson of Washington, chairman of the Senate Committee on Interior and Insular Affairs, the belief that there are environmental extremists who would sacrifice technological advancement and economic growth on the altar of ecology.

And I express the belief, as has Senator Jackson, that balanced federal policy can promote energy growth and economic growth and better protection of the environment at the same time.

It is absolutely incumbent on us as a viable society to devise a better blending of ecological considerations with economic factors. When our economic health is severely depressed, our public health is not good. Likewise, deficient fuels and energy supplies and escalating energy costs adversely affect living habits and deprive citizens of necessities. Then the public health further suffers.

I believe in the urgency of controlling the contamination of our environment and I am sure we are all against the desecration of the ecology. Public health requirements do, indeed, argue eloquently against such contamination.

Yes, the public interest demands that there be a balanced federal policy that not only can promote but, in fact, will promote economic growth and better protection of the environment and the public health at the same time.

A Senate fuels and energy study would be authorized by a resolution I introduced. It offers a unique opportunity to evaluate and coordinate fuels and energy policies so as to achieve better environmental quality standards. The task of providing cost effective solutions for the *total* system represents a major challenge to the Congress and the country.

But not only must we meet the challenges and requirements of environmental law, there must also be met the challenges and requisites of society for ever-increasing supplies of fuels and energy.

There must be an updating of evaluations—a crash program for the strengthening and the acceleration of research and development and a reordering of priorities on the fuels and energy front, as well as in environmental endeavors.

Positive steps now can lead to both short-term and long-term solutions to this Nation's energy problems. The efforts of the President's Domestic Council represent a short-term first step. The next step is formation of a "National Fuels and Energy Policy," a long-term policy which should have been established a decade ago.

Secure sources of energy surely will involve increased costs and bring higher prices for consumer products. Vast new capital investments will be required. These are costs we must be prepared to meet for the fulfillment of the double objective to secure more reliable energy sources and a cleaner environment.

Total national reserves of coal are estimated at 1.56 trillion tons, of which one-half is considered economically recoverable. Undiscovered reserves are estimated at 1.65 trillion tons. These reserves can be classified by geographic location and sulfur content. The amounts and qualities are sufficient to insure long-term supplies of bituminous coal, even with projected increases in domestic consumption and production. The difficulty is in placing these reserves in production.

The oil and natural gas picture is not optimistic, both for the short-term and long-term. The alternative to domestic oil and natural gas supplies worthy of consideration are—

Coal gasification.
Synthetic petroleum from coal.
Synthetic petroleum from shale deposits.
Snythetic petroleum from tar sands.
Crude oil from Alaskan sources.
Natural gas liquids.
More imports from foreign sources, which, in my view, should be last-resort action.

The short-term alternatives are obvious; the challenge will be in developing the long-term sources, and in developing the technology for "scrubbing" pollutants from power plant and other industrial stacks.

Obviously, reliable long-term sources of energy must depend on more exploration and discovery of reserves of fossil fuels, followed by increased domestic production, and the developing of unconventional replacement supplies. Therefore, any viable National Fuels and Energy Policy must include consideration of incentives. But it must be in tune also with environmental requirements. Such sensitive policy balances will not be easy to accomplish.

The immediate need is to overcome a fossil fuel supply shortage and to develop more effective, more efficient, and cleaner methods of power generation and transmission without doing excessive ecological violence.

There is another short-term problem that I emphasize. The immediate need is to tie proven reserves into distribution systems. Over many years, tax policies encouraged oil companies to develop sources of crude oil and natural gas and place them in reserve for future consumption. In effect, these national reserves are held in trust. Therefore, in a fuels or energy crisis the public policy should dictate when these reserves are made available.

I am concerned with the apparent proliferation of Federal efforts in this time of crisis. Recent reports indicate energy studies are being undertaken by the President's Domestic Council, the Office of Science and Technology, the National Science Foundation, the Atomic Energy Commission, the Department of Commerce, the Federal Power Commission, and two studies by the Department of the Interior, to name a few. There is a pressing need for overall coordination. Government agencies must be directed to lay aside jurisdictional disputes and short-term self-interests. They must recognize and devote their attentions to the long-term national interests involved.

Our off and on national fuels and energy policy, or lack of it, is the result of numerous specific national fuels policies without consideration of the whole. There is no basis for assuming that because national security and economics are considered in establishing policies for individual fuels that these policies are consistent with the objectives of a National Fuels and Energy Policy or with those of our National Policy on the Environment.

I reemphasize:

Only through the development and application of a coordinated and integrated fuels-energy-environmental policy can we succeed in meeting future National energy requirements and, at the same time, assuring a better quality environment and the optimal utilization of our indigenous natural resources.

I mentioned that considerable frustration is developing in many sectors of the economy because of the proliferation of fuels and energy studies within the Executive Branch of the Federal government. In the Congress, we have been long on discussion and short on performance on this subject. But all of this is going to change.

Under the resolution I sponsored with Senator Henry Jackson of Washington in this session of the Congress—after the White House spurned our legislative-executive-public partnership proposals last year—I expect the Senate to make a positive commitment soon. Numbered Senate Resolution 45, our measure has the approval of the Interior and Insular Affairs Committee, which will have primary jurisdiction for the study, while secondary jurisdiction will reside in the Commerce and Public Works committees. There is a possibility that the resolution will clear the Rules Committee this week and come before the Senate for final approval early next week. Our target has been to have the study underway in early May under the direction of the Interior Committee. The authorizing legislation calls for a report in September of next year. We hope the Interior Committee Study will pull the many fragmented parts of the fuels and energy picture together into a meaningful whole that will lead to a long-overdue National Fuels and Energy Policy that will meld with the National Policy on the Environment, rather than clash with it.

Ideally, the goals of a national fuels and energy policy would be to ensure that power needs could be met from reliable sources—including reliable fuel sources—at a reasonable price and with a minimum of ecological damage. Because many of the goals of a national policy are in conflict with each other, the ideals will be difficult to achieve. Those of us sponsoring the study resolution and calling for the development of a national fuels and energy study are fully aware of the vicissitudes of the task. But we are likewise cognizant of the fact that it is time to face the difficult questions and advance every effort to provide the Nation with workable answers.

Thomas Jefferson stated the challenge in 1824: "As new discoveries are made, new truths discovered, and manners and opinions change with the change of circumstances, institutions must advance also and keep pace with the times."

Foremost among the efforts we must make is a change of attitude, a willingness to question old concepts and reorder personal and national priorities.

Is "biggest" always best?

Must industrial progress be equated with the destruction of nature?

Should the production of "things" take priority over meeting human needs?

Can science solve every problem?

Those are a few of the questions, and they relate not only to energy and ecology problems but to all facets of life—again demonstrating the inseparability of all we do in the world we occupy.

I refuse to accept any suggestion that the task before us cannot be accomplished. It is difficult, yes—but not impossible. The energy and creativity of people working in the context of established governmental structures can be mobilized to produce and maintain a clean, healthful environment and a strong economy.

It is encouraging when a noted scientist expresses this same confidence in our people and our system. Dr. Rene Dubos is well remembered for having said:

"I think we will find the way, because we always find political solutions when goals are sufficiently well-defined to permit creative and intelligent use of science and technology."

The success we achieve will be determined by our will to break away from old habits, to reject what Abraham Lincoln called "the dogmas of the past," and to come realistically to grips with the fact that the energy and environmental crisis is here. It is real. But it can and will be solved with your constructive action an important element of the solution.

HEALTH CARE IN ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mr. BEGICH. Mr. Speaker, health care in Alaska is a very unique and difficult situation to understand and improve.

Presently there are many small health care centers that are understaffed and underfinanced. Other areas operate on a regional health delivery system that neither projects long range plans for upgrading health care or provides adequate and swift assistance in rural Alaska.

The people who operate these hospitals are dedicated, knowledgeable, and able people, but the magnitude of the problem far surpasses even these able people.

The Maynard McDougall Memorial Hospital in Nome is an important health center to the residents of the Norton Sound area. This hospital is voluntarily staffed and it serves a huge geographical region in Alaska.

The present contract between Maynard McDougall Memorial Hospital and the Alaska Native Health Service does not facilitate long-range planning for financing personnel and maintenance needs.

A prepayment contract would enable other potential contractors to supplement Alaska Native Health Service's reimbursement.

This would help stabilize the fiscal condition of Maynard McDougall Memorial Hospital and allow it to plan effectively for the future.

The Alaska Legislature has perceived this problem and has requested the U.S. Public Health Service to investigate the feasibility of establishing and supporting a prepayment program to provide comprehensive health service to the residents of the Norton Sound area. I commend that resolution to your attention:

HOUSE JOINT RESOLUTION NO. 39: RELATING TO COMPREHENSIVE HEALTH SERVICES IN THE NORTON SOUND AREA

Be it resolved by the Legislature of the State of Alaska:

Whereas the continued availability of the present services at Maynard McDougall Memorial Hospital in Nome, Alaska are vital to the elevation of the health status of the residents of the Norton Sound area; and

Whereas Maynard McDougall Memorial Hospital constitutes the only voluntary, community-controlled base for a regional health delivery system in rural Alaska; and

Whereas the present contract between Maynard McDougall Memorial Hospital and the Alaska Native Health Service does not facilitate long-range planning for or financing of personnel and maintenance needs; and

Whereas a prepayment contract would enable other potential contractors for care to supplement Alaska Native Health Service reimbursement; and

Whereas prepayment provides incentives to emphasize preventive care and economize on expensive health resources; and

Whereas prepayment would eliminate the economic factor from the physician's decision or a treatment plan for each patient; and

Whereas prepayment would stabilize the fiscal condition of Maynard McDougall Memorial Hospital and allow it to plan effectively for the future; and

Whereas a prepaid program would serve as valuable experience for development for development of a state health insurance program or participation in a national program;

Be it resolved by the Alaska Legislature that the United States Public Health Service is requested to investigate the feasibility of establishing and supporting a prepayment program to provide comprehensive health services to the residents of the Norton Sound area.

Copies of this Resolution shall be sent to Doctor Emery Johnson, Director, Bureau of Indian Health, U.S. Public Health Service; Doctor John Lee, Area Director, Indian Health Service, U.S. Public Health Service; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Nick Begich, U.S. Representative, members of the Alaska delegation in Congress.

CONSUMER PROTECTION IN MORTGAGE FORMS URGED

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Monday, April 26, 1971

Mr. TUNNEY. Mr. President, I have long been concerned by the many burdens placed upon homeowners in buying or selling a home. I am particularly concerned, however, when Federal actions or policies contribute to increasing the cost of homeownership. It was for this reason that I recently testified at a public hearing on the proposed mortgage forms being considered by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation. There has been considerable interest in these forms, particularly in the provisions for prepayment penalties and mandatory deposits for taxes and insurance. In my testimony, I urged these two organizations to omit mandatory provisions for such penalties and deposits. In light of the intense interest of many of my constituents in these proposed forms, I ask unanimous consent that my testimony be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY JOHN V. TUNNEY

I appreciate this opportunity to appear and deliver my views on exposure draft number 2 of the FNMA/FHLMC mortgage and note forms. My interest stems from two viewpoints—that of a Senator and that of a home owner.

As a United States Senator, I believe there is an overriding public interest in assuring that these forms serve as a model of fairness to both lender and borrower. There is no doubt in my mind that the forms adopted by these two agencies will be substantially adopted by public and private lenders throughout the country. Thus the burden is incumbent upon these agencies to make a maximum effort to balance the wishes of the lender against the needs of the borrowers.

As a private homeowner, I am particularly disturbed at the trend mirrored in these forms to place additional and unnecessary burdens on homeowners. At a time when we are placing a high priority upon increasing homeownership and revitalizing the sagging housing industry, we find federally chartered agencies proposing to sanction lending practices which contribute to the present stagnation in housing.

Let me begin with the proposed clause dealing with prepayment penalties.

In an era when many if not most Americans spend less than five years in any one house, we can no longer condone the practice of penalizing such citizens for moving. Prepayment penalty clauses in home mortgage forms are nothing less than economic discrimination of the most obnoxious kind. Such clauses place an unjustified burden on persons whose decision to move their residence is beyond their control, particularly those in the military or in the ranks of the unemployed. Those who are fortunate enough to work for a large corporation get such moving costs absorbed. But to whom can the soldier or the unemployed look to for reimbursement.

I say this with full realization of the economic arguments raised in favor of such clauses. Banks tell us that the clause preserves them the benefit of their bargain. Once they make a loan, they take the risk that interest rates will go higher, and can't look to the borrower to increase their return. Therefore, they tell us that the borrower should not be allowed to refinance a loan from a high interest rate to a lower one when rates go down without paying something for the privilege.

In theory this argument may have some merit. In practice, it has allowed the home mortgage industry to stand as a giant toll collector for every citizen in this country who changes his job or his neighborhood. How else can we explain the outrageous abuse of these clauses by banks who demand the prepayment penalty from sellers even when they proceed to reloan such funds in a new loan at a higher interest rate. In the past year I have seen far too many cases of sellers with five percent money prepaying their loans which the banks then reloan at eight and even nine percent and yet the sellers were forced to cough up the prepayment penalty.

Frankly, given the relative bargaining position of borrower and lender, I think the inclusion of the proposed pre-payment penalty clause is unconscionable, and I urge FNMA and FHLMC to eliminate it.

Turning to the provision dealing with so called "impound" or "escrow" accounts for taxes and insurance, I strongly urge that the multi-million dollar bonanza which such clauses have given lenders be drastically revised. Such accounts theoretically require the homeowner to budget his money monthly for real estate taxes and insurance by depositing an installment with the lender each month. The argument of the lender is that he must protect the security of his loan against the risk of a tax lien.

That argument does not, however, mean that such lenders should be allowed to use such deposits for the entire year interest free. And let there be no mistake about the amounts we are talking about. Typically such deposits range from $500 to $1000 per borrower per year. On a national basis it is estimated that such deposits provide lenders with a bonanza of millions of dollars that should be paid to homeowners as interest on such deposits.

I urge at a minimum that the payment of interest on such deposits be required by this form. Furthermore, I see no justification for any mandatory provision. Such deposits should be a matter of negotiation depending upon the credit standing of the borrower.

Finally, I believe there should be a time limit on the length of time such deposits are required. For example, after a homeowner has made his payments on time for five years, his credit worthiness is established and he has a substantial equity in his house which the lender can look to for security against a tax lien. I see no reason why the "impound" or "escrow" account could not be terminated automatically at that point and I urge the adoption of such a provision.

I know you have a great many people who are waiting to testify and I have therefore limited my comments to what I see as some of the major deficiencies in the proposed forms. I have, however, had an opportunity to review the proposed alternate form suggested by Mr. Nader and Mr. Spanogle yesterday, and I commend it to you. Frankly, I feel that many of the provisions contained in it are substantial improvements over the present draft.

There is no reason why the final mortgage form cannot be satisfactory to the lender and yet fair to the borrower. Adoption of the suggestions contained in the Nader draft would do nothing to decrease the commercial desirability of these mortgages and would go a long way toward restoring some elementary fairness to the homeowner.

Let me say also that FNMA and FHLMC should turn a deaf ear to arguments that adoption of the changes I am proposing will make the mortgage unmarketable. What proponents of this view are really saying is that if a form is fair to both the lender and the borrower, the lender won't buy it. That's what they are telling you indirectly and they should be challenged to say it publicly. All I am advocating is that the borrower be treated as fairly as the lender.

THE EMIL KOVARS

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mr. PICKLE. Mr. Speaker, a delightful couple in La Grange, Tex., has through 50 years of married life won a place in the hearts of their fellow townsmen and fellow Texans—so much so that the Texas State House of Representatives was moved to extend to them their good wishes and respect.

I have been privileged to know and visit with this pleasant and kindly couple many times, and I know of the high esteem in which they are held by their fellow citizens. There is a ready smile that comes to our faces when we see and talk to the Kovars, who have done much good for their fellow citizens.

I would like to further extend those good thoughts at this time by inserting in the RECORD a copy of the resolution passed in the Texas House regarding this fine couple:

RESOLUTION

Whereas, On January 12, 1921, Miss Marie Sula and Emil S. Kovar were married in St. John's Catholic Church in Fayetteville by the late Reverend John Vanicek, and the strong bonds of that marriage have endured for more than 50 years; and

Whereas, The Kovars celebrated their Golden Wedding Anniversary on January 10, 1971, with a special Mass at Sacred Heart Catholic Church and a champagne reception for 300 guests and members of their family who had gathered in La Grange to honor this prominent couple; and

Whereas, For the first years of their married life, the Kovars lived in Fayetteville, where Mr. Kovar was employed by the Farmers National Bank; and

Whereas, The Kovars have resided in La Grange for the past 30 years; Mr. Kovar served as cashier at the First National Bank until becoming state treasurer for the KJT, a position he has held for 20 years; Mrs. Kovar owned and operated the Kovar Gift Shop in La Grange for 22 years, having sold the business only two years ago; and

Whereas, Among the many friends and relatives who share in the happiness of Mr. and Mrs. Kovar are their daughter, Mrs. J. B. Moore II of Lovington, New Mexico; their granddaughter, Mrs. Erwin Telschik of Big Spring; and their grandson, J. B. Moore III, who recently returned from Berlin, Germany; and

Whereas, It is indeed a happy occasion when a husband and wife are blessed with 50 years together; now, therefore, be it

Resolved, That the House of Representatives of the 62nd Legislature congratulate Mr. and Mrs. Emil S. Kovar on the celebration of their 50th wedding anniversary, and that an official copy of this Resolution be prepared for the Kovars in token of the sincere good wishes of the members of the Texas House of Representatives for many more years of happiness and prosperity.

PHARMACY'S ROLE IN HEALTH REFORM

HON. HUBERT H. HUMPHREY

OF MINNESOTA

IN THE SENATE OF THE UNITED STATES

Monday, April 26, 1971

Mr. HUMPHREY. Mr. President, I recently addressed the 87th annual convention of the Minnesota State Pharmaceutical Association in Minneapolis on the need for national health care reform and a system of prepaid health insurance for all Americans.

I ask unanimous consent that those remarks be printed in the RECORD along with the report of the president of the Minnesota State Pharmaceutical Association, Roger Vadheim. President Vadheim's report is remarkable for its candor and perception.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR HUBERT H. HUMPHREY

I am here today as a fellow pharmacist—the only one in the entire 92d Congress—and as a person deeply concerned with the healing arts, with the whole structure of health care in the United States, and the role of the pharmacist in that health care system.

I have fought within the profession and in the Congress to improve pharmacy, specifically, and health care in general. You cannot have good medicine without a good pharmacist.

I want to talk to you about the health care needs of this nation, and what must be done to better meet them.

There are going to be tremendous changes over the next few years in the delivery of health care and the methods of financing it. This change is inevitable and desirable. Take my advice and don't make the mistake of King Canute, who tried to command the tide to stop.

I would urge the pharmacy profession to get involved in the restructuring of health care for the American people.

I want pharmacists, with their practical wisdom and professional background, to share their thoughts and to participate in the formulation of this new policy so that whatever legislation evolves, it reflects some of your own thinking.

I recommend pharmacists sit down and talk with people from the Administration, the Congress, the Agencies, the medical profession, social work, consumer groups—people of widely differing points of view. Find out what they're thinking and doing. And let them know what's on your mind.

I'm telling you. Something is going to happen. Health care is the paramount issue of the 1970s. It is certainly going to be a significant topic in the 1972 Presidential campaign. It already is destined to be one of the major pieces of legislation that will go before the 92d Congress.

Any realistic comprehensive national health care program must cover the cost of prescription drugs. This should not be limited merely to those being treated by hospitals as in-patients or out-patients.

Prescription costs definitely should be covered for the treatment of chronic or long-term illness for non-hospital patients, and I feel there should be some coverage on drugs for out-patient cases or non-hospital patients.

These are some things you shoud be thinking about. And here's another: Last year Americans spent $70 billion on health care—that's 16% more than in 1969. Despite this immense expenditure, we rank 13th among industrialized nations in infant mortality, 11th in life expectancy for women and 18th in life expectancy for men.

All this indicates that Americans are less healthy now than they were 20 years ago when the national annual health expenditure was less than one-fifth what it is today.

Based on minimum standards set by Medicare, one-third of all the hospitals are not accredited and 10% of all hospital patients are admitted to non-accredited hospital beds.

Two-thirds of all personal health costs remain uninsured. Forty million Americans have no health insurance of any kind. No one really has *health* insurance, it's really sickness insurance.

With the accelerated pace of inflation, the increase of health costs has more than doubled that of the overall rise in the cost of living and they are fast moving out of the reach of middle as well as low income citizens.

It is rather ironic to note that a preponderant number of states in this wealthy nation of ours require automobile insurance, but not one state requires or even advocates the most minimal health coverage for all its citizens.

There is no revelation in any of these statistics; but they show serious deficiencies in basic planning, design and operation of our health care system.

They reveal a failure of our society to establish national priorities. The time has come, I think, to get both our priorities and our systems straightened out and functioning properly.

Therefore, I say it is time for the healing arts, the medical, pharmaceutical statesmen to invade this jumble of unplanned, uncoordinated, unsophisticated, unresponsive health care systems and come up with significant changes that will enable us to utilize our health resources efficiently and economically.

There is no longer any question about the need for reform in the American health care system. There is almost unanimous agreement that something must be done.

We are the only industrialized western nation that does not provide some form of national health insurance for its citizens.

The question, then, is not *whether* something must be done, but *what* and *how*.

It seems that just about everybody *thinks* he has the answer to that question, judging from all the legislation we've seen in the weeks since the 92d Congress convened.

All of these have some merit. I happened to support the Health Security Act, because it comes the closest to accomplishing what I feel must be done if we are to achieve the goal of making this the healthiest nation in the world.

And the President agrees something must be done. He recently sent to Congress what may be the most far reaching health program ever proposed by any President, although I should remind you that more than 20 years ago President Truman called for national health insurance.

And in 1949, I proposed a national health insurance system myself. It wasn't terribly sophisticated, but it was an idea. I was called a dreamer, a socialist and a political neophyte . . . and a few other things I wouldn't care to repeat.

Today, however, this concept is accepted and even applauded by leaders of both major parties.

The more we do today to prevent illness and keep the population healthy, the less we will have to spend tomorrow on cures and treatment.

This means reforming our health care system to make it more responsive to the needs of the people. There is sincere and honest disagreement about the best way to do this.

The President wants to retain the present system but rearrange the elements a little better and add some new features. It is built around the private insurance industry and it perpetuates the existing double standard of medical purchasing power by failing to provide an equal level of care for all the American people.

On the other hand, one of its strongest points is the President's advocacy of the principle of group practice. As a long-time advocate of group practices as an efficient, effective, economical method of providing comprehensive health services, I welcome Mr. Nixon's support for efforts to break down the barriers erected by 22 states to prohibit or limit group practices.

We Americans are blessed with excellent medical technology, the world's best trained doctors and nurses, the finest scientific research and treatment facilities.

The problem, in part, is one of an imbalance between supply and demand. We are suffering from a shortage of personnel and facilities, and that which we do have is poorly distributed geographically.

We must urgently expand the supply of medical manpower and facilities and make the same high quality of care available to all Americans at prices people can afford to pay.

How best to accomplish this is the primary difference among the various proposals put forth in the Congress.

There are those, like the President, who feel it can best be done by basically retaining the present system with a few adjustments. Other proposals in this category include the American Medical Association's medicredit and the American Hospital Association's Ameriplan.

And on the other side—and this group includes me—are those who believe we need a comprehensive reform in both the delivery and the financing of health care.

Government cannot permit itself to be stingy when it comes to the health of its citizens. Good health is good economics and good government.

Under the Administration proposal, the poor, the near poor and the elderly would get far less protection than the rest of the population.

For the elderly Medicare patient, the Administration would eliminate the monthly $5.30 payment for out-of-hospital doctor's services but they would have the individual start paying a share of his hospital costs on the 13th day instead of the 61st, as at present.

Many of these people are on fixed incomes, and it will be an added burden on them when the deductible that they pay out of their own pockets for doctor visits goes up every time the cost-of-living rises.

All these additional costs to the elderly more than outweigh the monthly savings of $5.30 that the administration boasts about under its plan.

Medicare today is furnishing benefits to 20 million of our older citizens. It is a Godsend to them . . . and to their children, who are receiving help in meeting the burden of growing medical expenses of their parents as well as their own.

But that doesn't mean it can't be improved. Medicare should cover not only nursing home and hospital care but also out-patient, or what I prefer to call *all*-patient, care.

I plan to introduce legislation this week to fill a major gap in this program by providing coverage or prescription drugs for Medicare home patients. We have seen the studies and recommendations of professional and governmental groups. And we have seen the urgent medical needs of the patients.

This proposal is financially feasible, administratively workable and humanely desirable.

My bill will cover all categories of prescription drugs deemed necessary by the individual's physician.

Coverage will be under Part A of Medicare to permit the individual to pay for his drug insurance during his working years, rather than later when his income is sharply reduced due to retirement. It will assure that nearly everyone over 65 will benefit, without having to pay monthly premiums, keep records or file claims.

The patient will pay $1 for each prescription, and the government will meet the remaining expense based on the most of the drug and the pharmacy's cost of filling that prescription.

If this feature had been written into the law originally, you probably wouldn't have hospital costs going so high or Medicare premiums increased so much.

But because of this gap in coverage, we have witnessed elderly people put in the hospital simply because that is the only way they can get the expensive medication they need.

And you load on the taxpayer the extra cost of going to the hospital instead of going to the neighborhood drug store.

The negative after-effects are many. Costs to the government go up—and are reflected in Medicare premium increases—because of this over-utilization of hospital facilities.

A person in the hospital, simply to get a prescription filled, is taking up a bed that may be sorely needed for someone who really is sick.

The costs are more than financial. They are very human.

A hospital stay—for most of us, but especially the elderly—is a depressing experience, for too many elderly persons hospitals are not temples of healing but places to go and die.

This psychological burden is totally unnecessary, and could be easily avoided by amending Part B of Medicare to include drugs among the Home Health Care Benefits.

There is no need for an elderly person on Medicare to spend several days in a hospital simply because he doesn't have the money to go to his neighborhood druggist and have a prescription filled.

The druggist, by the way, should be more than someone who fills prescriptions. This nation faces a wide range of serious problems—drug abuse, crime, inflation, racism, youthful unrest. Pharmacists, as citizens, businessmen and community leaders, can and should play an important role in alleviating these problems.

The retail pharmacist is an important and integral part of his community. He is probably the one health professional the public sees most often, and thus he can have great influence. The safe use of drugs by the public should be one of his major responsibilities— he can no longer be content to merely compound and dispense prescription drugs.

The registered pharmacist as a citizen carries great moral weight and should put this to work along with his practical wisdom and professional background in fighting the problems facing society today. He cannot afford to limit himself to his narrow professional interests because, more than ever before, "No man is an island."

It is not enough to talk about the problems of crime, inflation, racism, youthful unrest and the others—the time has come to get actively involved in seeking solutions. This means developing broad-based community concern; seeking direct contact with local, state and Federal legislators; developing, advocating and becoming involved in programs to put forth your ideas.

This is especially true in those areas where the pharmacist has professional competence, such as drug-related problems.

Pharmacy can well take the lead, especially in smaller communities, in organizing effective drug abuse programs. The pharmacist could be the central figure around which school, medical and police authorities could work toward finding solutions to this problem.

The public needs to be educated for intelligent and restrained drug use: advertising and promotion that encourages the unrestrained use of over-the-counter compounds and pills must be measured and judged as to its harmful effect on drug users. Greater emphasis should be placed on prescription drugs—carefully monitored as to their therapeautic and side effects by both physician and pharmacist.

I told you that of all the present proposals for prepaid national health insurance, I prefer the Health Security Act of 1971. This is not because I believe it is perfect, but I endorse the concept it expresses, and I feel it comes closer than any other to what must be done.

It is a health program for all Americans. It does not discriminate against a person because he is poor or ill or old or unemployed.

It treats everyone equally—providing far superior and more comprehensive service to people than any other plan yet offered, and at a lower cost to the individual.

The time has come for genuine reform in health care. I don't know just what form it will take, but I intend to be deeply involved.

I have dedicated myself to making improved health services for all 206 million Americans a matter of top priority. I want to see this 92d Congress go down in history as the "Health Congress."

I sincerely hope the President and his Administration will work with the Congress to develop a bipartisan national health program that will meet the needs of all Americans.

But we cannot do it alone. We will need your help. That is why I am calling on you—and all the American people—to join in a great national debate over how we shall construct the nation's health care system.

Any effective restructuring of our health care system will require the concerted efforts of all citizens—of members of the health professions and their associations, of public health officials, of the insurance industry, of labor and management, of the Senate, of Congress, and—perhaps most important—of the health consumer.

Such a health coalition—such a working force of dedicated, creative individuals and organizations—can do for the health of the Nation what the Urban Coalition hopes to do for the cities.

Such a coalition—manning medical think-tanks and staffing medical task forces—can design a health care system in keeping with our unique American traditions, yet fully responsive to the needs of all citizens; a health care system appropriate to our advanced and affluent nation's needs and desires.

I am preparing a national health care proposal of my own, and I want to tell you some of the features that I feel are essential to any meaningful reform:

1. The same high quality of health care must be made available to everyone at prices all can afford.
2. There must be an expansion of preventive medical techniques and emphasis.
3. There must be a significant increase in funds for expanding the supply of medical manpower, particularly general practitioners, including increased numbers from minority groups.
4. We must train new types of medical aides and para-professionals such as assistant physicians, medical technicians, family planning aides and community health workers.
5. Financial aid must be made available for starting hundreds of additional group practice plans.
6. We must increase the number of neighborhood health centers, ambulatory clinics, maternity and well-baby clinics with special emphasis on child health care.
7. We should offer financial incentives for innovative, more economical and efficient arrangements and coordinated medical service plans, including improved and more efficient hospital administration.
8. Various groups in society—such as consumers, employers, labor unions—must play a significant role in policy formulation and administration of the health system.
9. Encourage effective professional participation in the formulation of guidelines, standards, rules, regulations, form procedures and organization.
10. Assure health personnel reasonable and adequate compensation, opportunity for professional practice, advancement and the exercise of humanitarian and social responsibility.
11. Financing should be based on the proven principles of Social Security plus general revenues.

Such a health care system is possible only in a society which has its priorities straight—a society that puts the health and well-being of its citizens at the top of its agenda.

That is the kind of health care system I want this Congress and our Nation to provide.

I am not talking about a national health service in which the Government owns and operates the facilities and everybody works for the Government. No. What I have in mind is a true partnership between the private and public sectors. There will be public financing and administrative management, accompanied by private provision of personal health services through private practitioners, institutions, and other providers of medical care.

The recipients themselves will play an important role in policy setting and administration. This is the only way it can be truly responsive.

We already are the wealthiest, most scientifically advanced nation in the history of the world—now let us join together to make the United States the healthiest nation on earth.

Report of the President: Roger Vadheim, President, Minnesota State Pharmaceutical Association, 87th Annual Convention, Minneapolis, Minnesota, April 18, 1971.

Your convention program lists this time period as the "Report of the President". I am not going to give a report as such. This professional association, like most associations, accomplishes its work through committee activities. These committee reports have been printed and are available at the registration desk. If you have not picked up your copies, I urge you to do so. Read the committee reports and then if you have any question, discuss it with the committee members or chairman. Most of these people are here at the convention.

1971 is a legislative year. Much staff time the past four months has been devoted to legislation. There is no final report available inasmuch as the legislature is still in session. Don or Bob will be happy to discuss legislation with you, and a detailed report will be given later on in the meeting.

I would like to quote from a report of a committee studying health care: "The problem of providing satisfactory medical service to all people of the United States at costs they can meet is a pressing one. At the present time, many persons do not receive service which is adequate either in quantity or quality, and the costs of the service are inequitably distributed. The result is a tremendous amount of preventable physical pain and mental anguish, needless deaths, economic inefficiency and social waste. Furthermore, these conditions are largely unnecessary. The United States has the economic resources, the organizing ability and the technical experience to solve the problem".

That quote is from a report signed by Ray Lyman Wilbur, former Secretary of the Interior and the report was addressed to Herbert Hoover, President, United States, dated 1932.

Apparently, the health care crisis is at least 39 years old. During the past 39 years, the insurance industry has tried and failed. The Federal Government has tried via Medicare/Medicaid and failed.

However these two score years have not been completely lost. Through legislation and practice, the principle that all Americans are entitled to health care has come to be accepted by all. Thus, the argument of the 70's is not government intervention in health care, but rather how fast this intervention is to occur, by what means Government is to intervene, and at the sacrifice of what traditional relationships.

Those who object to Government intervention should have been manning the picket lines when State Health Departments first began to distribute immunological materials for use on infants, and when public schools began screening for TB and mass innoculations for diphtheria, small pox, and, more recently, polio. This is when Government intervention was decided as the course America was to follow.

Many thought that the insurance approach would prevent Government domination of the health care field. At the present time, insurance in force is at an all time high. The health care field has become the third largest industry in the Nation—$63 billion in fiscal year 1971.

The Federal share of this is $21 billion; therefore, one-third of the health care industry already involves Federal monies. Insurance failed because of the nature of the insurance industry. Insurance is based on reparation—not prevention. People do not want to be sick. They want health care that will prevent illness.

This lack of preventive orientation leads to a feeling that the health industry has failed.

When you damage an auto, the insurance company can pay for repair of the auto. When you are sick, the insurance company can pay the cost of the illness. But in each case, the victim was only returned to previous status, the damage was not prevented.

Another reason insurance fails is that insurance is oriented to a proof of loss. An adjustor must approve the claim in auto damage. In illness, you must usually be hospitalized to claim a loss. Thus, in an attempt to control costs, the insurance industry forces over-utilization of the most expensive facet of health care—hospitalization.

Another example of insurance mentality failure is exemplified by Blue Shield in this State. We now have the third prescription claim form revision in six months. This one at least fits a typewriter. The average Rx costs approximately $4.00. The new claim form requires 31 separate pieces of information. For a claim of $4.00, no one can process 31 items of information. A philosopher once said, "The trouble with experts is that they can always see the difficulties in new ideas without the imagination to overcome them. Ignorant optimists often are closer to the truth for the long run."

This refusal on the part of the insurance industry to attempt new solutions is what has doomed them to failure, and all the while the annual premium goes up.

Federal/State attempts in health care have also been a failure. Under Medicaid the Federal share is up to 83% share, local, and State costs rose in four years from $760 million to $2.3 billion. All this, while reaching less than half of the people eligible for Medicaid coverage.

Unfortunately, many proposals now before Congress merely extend the same tired old systems that have proven unable to cope with the needs of the people.

So what will happen in the 70's?

I do not know. Consumerism, which is neither a panacea nor a plague, will make itself felt in the health care system. It will not be a junior partner as we now find in the typical lay hospital board rubber-stamping the proposals of the medical staff. Nor will it be only advisory, as is now found in many welfare programs. It will be felt as a full, or even superior, partner.

When this comprehensive health care is a fact of life, prescription drug coverage must be part of the package. The "experts" are already "too expensive" or "too many claims to be processed". To them I reply that the alternative to prescription drug coverage is what is too expensive. Data now available shows that a higher incidence of prescription drug usage actually results in a decrease of hospitalization and an attendant overall cost reduction. This comes from a study of adjacent counties in California where "Paid Prescriptions, Inc., is the administrator of a comprehensive health care plan. Furthermore, we are only talking about 10¢ on the dollar of total health care costs. Hospitals consume 50%. Medical-surgical consumes 25%.

This 10% drug cost is not a lot, but for millions of Americans, and I refer to our senior citizens, $5 to $10 per month for life-maintaining drugs can be a real burden. After paying rent or real estate taxes, utilities, food and clothing, these few dollars can really put the pensioner in a financial bind. I see these people in my pharmacy every day, as all of you do. Somehow we must translate our concern for the people into action on the part of Congress and the Administration.

Sure, there are plans for 1974 or 1976 or some other future date. Even if they don't get around to prescription coverage until 1985, it will still be in time for me. But, will these plans help Mrs. Jensen? She is 87, a diabetic. She helped her husband break sod on the Dakota prairie in 1912, and now she is struggling to maintain her home. I am afraid that 1976 may be too late for her.

Implementing this Rx coverage will not be simple, but it can be done and done quickly. Those "experts" that cannot find solutions might consider accepting the help the pharmaceutical profession has offered. It is is not necessary to ask for help. All of our national organizations, and this State organization, have already offered to help.

Many of our old concepts may need to be re-examined. In the light of new knowledge about drug interactions, is the concept of free choice of pharmacy still valid? Patient medication profiles are a must today for both hospitalized and ambulatory persons. These medication profiles are of value only if complete and in one place.

Surveys indicates that a pediatrician earns $40,000 per year. But he spends 25% of his time examining well babies. This is not a $40,000 per year job. In pharmacy, can we really justify using highly skilled pharmacists to count and pour and to type labels? I do not know the answers to these and many more rhetorical questions, but I do know that the average U.S. citizen feels he has a right to good health. Do we, as health professionals, assist in a new system of health care or are we all going home in 48 hours to count and pour and say "who am I to challenge the doctor?", or in a hospital to say "the nurse said it was okay." Shall we do the patient, our community, our State, and our Nation some good, or shall we stand behind the counter "two-fingering" the typewriter until death do us part?

LESSONS WE CAN LEARN

HON. ELFORD A. CEDERBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mr. CEDERBERG. Mr. Speaker, lately we here in the Congress have been receiving a great deal of mail and listening to quite a number of people advocating substantial, and indiscriminate, increases in the services and levels of welfare assistance in the United States. I have been publicly supporting revisions of our existing welfare system and I believe that there is a very real place for assistance to those in our country who cannot, for one reason or another, provide for themselves and their family.

I do believe, however, that we must take care to avoid creating a State in which welfare becomes an end itself rather than a means to one's self-improvement. Prof. Gunnar Myrdal, an authority on social problems in his home country of Sweden and in other nations of the world, speaks of some of the problems of Sweden and of welfarism in a recent article in Nation's Business. In light of some of the solutions which have been put forth for our situation I believe that we can learn some lessons from Professor Myrdal's comments, and I recommend his remarks to my colleagues for their consideration:

GUNNAR MYRDAL TALKS ABOUT TROUBLES IN "UTOPIA"

STOCKHOLM.—The impossible happened in the welfare state of Sweden not long ago.

Tens of thousands of Swedes—professionals, including judges, doctors and teachers; various white collar workers, including municipal employees; and railwaymen—went on strike.

It was class strife in an egalitarian society and it came at a time when taxes were incredibly high and when inflation in a nation so often called "Utopia" roared up and up and up.

As springtime arrived, it was obvious that changes could be expected in Swedish welfarism, and in the public's attitude toward unions.

One man who saw a need for changes was an architect of this welfare state: Gunnar Myrdal, the internationally renowned thinker and economist. In his small office near the top of a Stockholm skyscraper, he talked to a Nation's Business editor about his views.

Much of what Prof. Myrdal said applies to the United States, for the two countries are alike in numerous ways. Many Americans feel their nation is moving down the road Sweden has already traveled.

Prof. Myrdal, author of "An American Dilemma," "Asian Drama," "The Challenge of World Poverty," "Beyond the Welfare State" and other books, emphatically made it clear he does not want to disassemble the welfare state in his homeland.

But he also made it clear he feels there can be excesses in welfarism, as he discussed:

HANDOUTS

He's against the welfare check for those who can work, he said. "Instead, every person should have a job, for without a job there is no dignity." The welfare situation in the United States "is scandalous, just horrible. It must be changed." When welfare recipients are given cash, in many cases all they do is get "bigger automobiles and fancy dresses. These problems are too deep, brother, to solve with cash."

He has deep "reservations about the American guaranteed income plan."

Instead of cash welfare handouts, Prof. Myrdal said, "aid in kind should be provided—better schools, hospitals, parks. Housing must be improved. Day nurseries should be built so mothers can go off to jobs." And, he said, family planning aid must be provided.

HAPPINESS

Welfare state aid, Prof. Myrdal said, often fails to create the happiness and contentment it is supposed to. No country, certainly not Sweden, "is a picture of paradise. Here the lion is not beside the sheep."

Greediness exists in the welfare state. There is always agitation for lowering the retirement age and "everyone wants the road in front of his home paved. People want more nurseries, more hospitals . . . more and more."

When people have to line up to receive payments, "they are angry."

At the same time that people are demanding more benefits, they are complaining about high taxes. "The people must realize they can't get something for nothing."

Bureaucrats think they know more about what a citizen wants than the citizen himself does, Prof. Myrdal added. He recalled how bureaucrats tried to tell his uncle in Dalecarlia (a central Swedish province) "where to put the doors in his house" after the uncle got a state loan for reconstruction.

CLASHES BETWEEN CLASSES

Since the Swedish welfare state reduced the range in income between the highest and lowest paid workers, between upper, middle and lower classes, sharp frictions have developed in a society where everyone supposedly is to be made equal. Extensive strikes among middle-class white-collar union members grew from these frictions.

"The middle- and upper-class union members must come to their senses," Prof. Myrdal said. "They create trouble for everyone. It's become a class struggle with the academics [university graduates] and civil servants seeing the lower classes creeping up on them and not liking it."

Miscalculations have been made in Sweden on attitudes of union members. "We thought the upper- and middle-class unions would show as much respect for society as lower-class unions have, but this was a mistake." When white-collar and professional people struck, Prof. Myrdal said, it was a case of a few men being in a position to stop everything. "This was their freedom, but non-freedom for everyone else."

He called for disbanding Swedish unions of professionals and university graduates and for denying Swedish Army officers and a wide range of government employees—including judges, teachers, municipal workers and railwaymen—the right to strike.

INFLATION

Ballooning costs throughout the economy are among Prof. Myrdal's greatest worries. "Inflation is upsetting for everyone. It's hell for every society."

The situations here and in the United States are alike in that all political parties compete in offering more and bigger welfare benefits, Prof. Myrdal said. This, he added, is as true of Democrats and Republicans as it is of leaders of Sweden's Social Democratic, Liberal, Conservative, Centre and Communist parties.

Too many people in a welfare state look upon the state as an employer, Prof. Myrdal said. "They forget the state is all of us."

To put Prof. Myrdal's thoughts in context, an examination of the Swedish welfare state should be made.

FREE—AT A PRICE

Children under 16 receive nontaxable allowances. Nearly every kind of health care (some dental care is excepted) is provided free for youngsters. Nurseries, nursery schools, leisuretime centers and camps are free or provided at vastly reduced costs. Child welfare officers stand by with copious advice.

Free education is available at universities as well as at lower-level schools. Most school meals and supplies are free. School travel allowances are paid out. There is a tremendous range of educational grants, the size depending on family income.

Though there is practically no unemployment, the government has special employment services that provide job opportunity news, training, and transfer grants.

Young people who aren't well off can get loans for furniture. The man and woman don't have to be married; just living together will qualify them.

Every mother receives a maternity allowance, with extra money paid for twins. Medical needs including services of midwives and stays at maternity hospitals are provided free. Family guidance centers offer young mothers plenty of advice. Some dental services are provided. If a prospective mother wants an abortion, it's hers.

Tenants with children get help in paying their rents.

Old age pensions of one kind or another cover just about everyone. Supplements are available to boost income of the elderly. Social and home help of many kinds are given the aged and handicapped.

A woman who feels the need of a holiday can get government aid if her income does not go above a quite-liberal figure.

Illness and accident benefits are nearly all-covering. Disabled citizens, including those disabled by too much whiskey, can get considerable help, depending in many cases on their abilities to pay part of their bills. Several programs help the family whose breadwinner has passed away.

Paying for all of this, and more, has made Swedish taxes mountain-high.

A person earning $10,000 a year pays up to 46 per cent in direct national and local income taxes, plus another 15 to 20 per cent in sales taxes and other levies. A Swede making $20,000 a year pays up to 54 per cent in income taxes, with numerous other taxes heaped on top of that. A value added tax on appliances and large items such as cars or boats amounts to 15 per cent of the cost of the item.

As welfare benefits have expanded and taxes have gone steadily higher, the Swedes have been beset by fearful inflation. Customarily, it has raged at an annual rate of 7 per cent.

After years of constantly cheapening money, Sweden has become a very expensive country to live in, or visit.

THE SPICE OUT OF LIFE

Welfarism has, in the opinion of many people, taken much of the spice out of life in Sweden, as the citizenry has leaned so heavily on the state.

Swedish culture increasingly has become a matter of imports from more imaginative populations.

Until the divisive issue of the strikes last winter, Swedes found few domestic matters to get excited about. So they have spent large amounts of time worrying about other people's problems, including the Viet Nam War.

They have made big productions of shipping aid to the Viet Cong, and to Castro's Cuba. They also have delighted in listening to speeches by U.S. servicemen who have deserted.

Virulent anti-Americanism, which grew partly from the fact that life was so placid, even took the form of trying to degrade the American ambassador, the distinguished Negro, Dr. Jerome H. Holland. (Sweden's brand of neutralism has found little favor among her neighbors, Denmark and Norway. Unlike the Swedes, both are members of NATO and seek Common Market membership.)

Prof. Myrdal took note of the blandness of Sweden's society:

"Society does not need rebels and ardent reformers any longer, and neither does it have any place for the diehard philosophers of reaction. It has, instead, use for large cadres of practical tacticians, organizers and bureaucrats. Most potential intellectuals are now being drawn into these cadres early in life.

"Their adventurousness is calmed down, and they seem to be happy to be engaged in practical matters. But, of course, not all react in this way.

"I will honestly confess that to me, personally, Sweden has become somewhat boring, while I feel excited about America, the underdeveloped regions and most other countries where there are staggering problems and spectacular struggles to wage."

Prof. Myrdal, who owns stocks in U.S. companies and whose son-in-law, Derek C. Bok, has been named the next president of Harvard, is anything but anti-American. He visits America six or eight times a year, lectures regularly at universities and admits he often works more with America than with Sweden in mind.

He warmly greets American visitors at his Institute for International Economic Studies—part of the University of Stockholm.

With his tremendous imagination and his wide-roving mind he is as free with his conversation as he is frugal with his cigarets (he takes a few puffs, stubs out the cigaret carefully and later fires it up again).

He's candid about his country, which he obviously loves dearly, and there is one particular thing which irks him deeply. It is to repeat the canard that Sweden has the world's highest suicide rate. It doesn't. Several other nations have a much higher rate.

Prof. Myrdal comes on strong when a visitor casually asks just what the Swedish government has nationalized recently.

"Nothing," the professor fires back. In fact the tobacco industry is being denationalized.

Most of Sweden's economy has always been in the private sector, though there is far more government ownership than in the United States. There is nationalization, for example, in transportation, in the liquor industry, and in several smaller industries in Lapland, where it is so cold and sparely populated that private capital is hard to come by.

GENERALS ON THE PICKET LINE?

With Army officers and even clergymen in the ranks of unionists, Sweden presents a spectacle of vastness not only in taxation and welfare benefits, but also in unionism.

However, except for an occasional rather minor flareup, there was labor peace until just after Christmas, when big trouble broke out.

Middle- and upper-class unionists wanted large pay increases which would put them once again well ahead of lower-class workers—a position they were losing as the welfare state constricted wage differences. The government offered raises one third the size of those demanded.

One of the most agitated unions was the Confederation of Professional Associations. Other highly irritated unions included those representing white collar salaried employees, teachers and highly paid civil servants.

Strikes broke out across the country. Schools were closed. Courts shut down. Trains did not run; dispatchers sent themselves home.

In the midst of it all the government toyed with the idea of barring 3,000 unionized Army officers from military bases. This would have forced the officers' union to pay them weekly sums equal to the strike benefits paid other members of the same union who had walked off civilian jobs. This, the government said, would break the union financially.

At the last moment the government backed off, though some military maneuvers were canceled in anticipation of an official lockout.

Besides saving government face, the change of plans saved innocent officers from being stranded outside bases which they would not have been able to enter. They could not have caught trains home either, of course, because the railways were struck.

THOUGHTS OF THE FUTURE

Clashes between the classes set Swedes to thinking about problems and alternatives.

Staffan Burenstam-Linder, member of the Riksdag (Parliament) and deputy head of the Conservative Party, said that if a non-Socialist government gets into power, there will be few major, immediate changes in the direction of government.

"But," he said, "small changes in direction amount to large changes. Like a ship, a small change in course, if maintained, means you are many degrees off the original course.

"We would encourage private savings, more private home building and ownership, more holding of stock in companies. This would leave more money in the hands of people who earn it."

Mr. Burenstram-Linder said the Conservatives are pressing for adoption of a scheme to encourage private saving. The plan would operate generally like this: A Swede who puts away as much as 2 per cent of his salary annually for as long as five years would be given a sizable deduction off the amount of income he declares on his tax return.

The Social Democrats, in power for nearly four decades, have in recent years lost their majority in Parliament and now hold onto the government only because Prime Minister Olof Palme gets the Communists to vote with them. The Palme government could well topple within a year. Mr. Palme, who got part of his education in the United States, is so unpopular in Washington he was not invited to the White House during a visit last year.

A government official from Mr. Palme's side of the political spectrum also looked ahead for Sweden.

Bror Rexed, chief of several welfare services, said he feels that taxation is near the ceiling, that the government probably can't collect much more than it now does. At the same time, he said, refinements can improve good programs and new programs can replace poorer ones. More women can be brought into the working corps and a larger percentage of the almost automatic 4 per cent annual expansion of the Swedish economy can go toward paying added costs, he said.

One government official who wished to remain anonymous said some of the present discontent was caused by local programs which promised more to the people than could be delivered.

Another problem, he said, is that "we are educating many youths just so they can be educated." He added:

"Sweden possibly cannot afford some of the social programs it has. We know full well there are many poor people who cannot afford the new, low-cost housing we're building for them. Too much of their income already goes to the state for welfare.

"Something is wrong and we must reconcile the money we pay to house these low-income people with the money we must pay workers to put up the houses.

"There are many people in Sweden who feel we have gone too far and this is a cause of some of the strikes we're having."

Does all this indicate anything for America? Probably.

As Prof. Myrdal put it: "You're already more of a welfare state than some Americans think." He noted that "President Nixon has done some things along these lines recently," and recalled President Johnson's Great Society as being recognition of the welfare state as a national goal.

Prof. Myrdal, however, made it clear once again that he doesn't favor leaving the welfare road—only changing some of the travel methods.

America, he said, should clear out poverty pockets, and bring people up from "slum-mindedness," by spending an extra trillion dollars in the next decade.

SPECIAL PROGRAMS AND FINANCIAL ASSISTANCE FOR MINORITY GROUP STUDENTS

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Monday, April 26, 1971

Mr. GRIFFIN. Mr. President, each year many qualified black Americans as well as Spanish-speaking and other minority group young Americans fail to attend college because of the high cost of higher education.

Recognizing this situation, many colleges and universities have established special programs to assist eligible minority group students.

Recently, Mr. Jose Andres Chacon, an Equal Employment Opportunity adviser for the Atomic Energy Commission, compiled a directory of those in charge of special programs available for minority group students.

I believe this information is important and can be very valuable.

I ask unanimous consent that the directory be printed in the Record.

There being no objection, the directory was ordered to be printed in the Record, as follows:

Directory of Special Programs and Financial Assistance for Minority Group Students

(By Jose Andres Chacon)

Harold R. Doughty, Director, University Admission, Adelphia University, Garden City, Long Island 11530.

Office of Admission, Albion College, Albion, Michigan 49224.

Mr. Alexander Campbell, Jr., Director of Admissions, Albright College, 13th and Exeter Streets, Reading, Pennsylvania 19604.

Director of Admissions, Alderson-Broaddus College, Philippi, West Virginia Director, Operation Opportunity, Alfred University, Box 765, Alfred, New York 14802.

Mr. Victor R. Zack, Jr., Director of Admissions, Allegheny College, Meadville, Pennsylvania 16335.

Mr. Frank J. Greve, Assistant to the Dean of Admission, Amherst College, Amherst, Massachusetts 01002.

Director of Admissions, Antioch College, Yellow Springs, Ohio 45387.

Anthony T. Podesta, Director of Admissions, Barat College, Lake Forest, Illinois 60045.

Muriel L. Roeth, Assistant Director of Admissions, Bard College, Annandale-on-Hudson, New York 12504.

Miss Helen M. McCann, Director of Admissions, Barnard College, Columbia University, New York, New York 10027.

Mr. Milton Lindholm, Dean of Admissions, Bates College, Lewiston, Maine 04240.

Marjorie Darling, Director of Admissions, Beaver College, Glenside, Pennsylvania 19038.

Mrs. David B. Aldrich, Acting Director of Admissions, Bennington College, Bennington, Vermont 05201.

Mr. Allan T. Morreim, Director of Admissions, Berea College, Berea, Kentucky 40403.

Mary Cosner, Director of Admissions, Blackburn College, Carlinville, Illinois 62626.

Edmond D. Walsh, S.J., Dean of Admissions, Boston College, Chestnut Hill, Massachusetts 02167.

Boston University Afro-American Program, Office of Admissions, 121 Bay State Road, Boston, Massachusetts 02215.

Admissions Office, Bowdoin College, Brunswick, Maine 04011.

Mr. Robert Beard, Upward Bound, Bowling Green State University, Bowling Green, Ohio 43402.

Mr. Orvill Northdurft, Dean of Admission, Bradley University, Peoria, Illinois 61606.

Mr. Donald Potts, Director of Special Recruitment, Brandeis University, Waltham, Massachusetts 12154.

Mrs. Barbara L. Bargeson, Admissions Assistant, Briarcliff College, Briarcliff Manor, New York 10510.

Mr. Richard A. Nurse, Admission Officer, Brown University, Providence, Rhode Island 12912.

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Mr. Richard V. Wagner, Project Director, Bucknell University, Lewisburg, Pennsylvania 17837.

Mr. Fred Easter, Assistant Director, Carleton College, Northfield, Minnesota 55057.

Mr. Timothy B. Evers, Assistant Director of Admissions, Case Western Reserve University, Cleveland, Ohio 44106.

Mr. Robert P. Nemu, Dean of Admissions, Cazenovia College, Cazenovia, New York 13035.

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Mr. Walter G. Sellers, Director of Admissions & Records, Central State University, Wilberforce, Ohio 45384.

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Mr. Dale R. Morgan, Assistant Director, Coe College, Cedar Rapids, Iowa 52402.

Mr. Harry R. Carroll, Dean of Admissions, Colby College, Waterville, Maine 04901.

Mr. Rupert Jemmontt, Director, University Scholars Program, or Mr. Thomas S. Anthony, Assistant Dean of Admissions, Colgate University, Hamilton, New York 13346.

Mr. Robert P. Hunt, Dean of Admissions, College of William & Mary, Williamsburg, Virginia 23185.

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Rev. Paul W. Rehmeier, Dartmouth College, Hanover, New Hampshire 03755.

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Office of Admission, Duke University, Durham, North Carolina 27706.

Joseph A. Merante, Assistant Director of Admissions, Duquesne University, Pittsburgh, Pennsylvania 15219.

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Mr. George A. Hearne, Director of Admissions, Eureka College, Eureka, Illinois 61530.

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Mr. Ray S. Preston, Director of Admissions, George Williams College, 555 31st Street, Downers Grove, Illinois 60515.

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The Registrar, Hampton Institute, Hampton, Virginia 23368.

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Mr. Ronald Reed, Assistant to the Dean, Hobart & Williams Smith College, Geneva, New York 14456.

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Mr. James J. Lewis, Director of Admissions, Kansas State University, Manhattan, Kansas 66502.

Mr. Jerry Hendrick, Director of Admissions, Kansas Wesleyan University, Salina, Kansas 67401.

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M's Jean M. Hunter, R.S.C.J., Director of Admissions, Manhattanville College, Purchase, New York 10577.

Mr. Edward Waters, Director, King Scholar Program, Marist College, Poughkeepsie, New York 12601.

Mr. Thomas K. Plofchan, Director of Admissions, Marygrove College, Detroit, Michigan 48221.

Sister Maureen Kelleher, Assistant to the Dean, Marymount College, Tarrytown, New York 10591.

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Mr. William D. Sutterfield, Director of Institutional Planning, Park College, Kansas City, Missouri 64152.

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Mr. Gene P. Dean, Director of Admissions, Pratt Institute, Brooklyn, New York 11205.

Mr. John T. Osander, Director of Admission, Princeton University, Princeton, New Jersey 08540.

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Sister Patricia Longer, Director of Admissions, Trinity College, Washington, D.C. 20017.

Mr. Robert D. Reid, Dean of the Graduate Programs, Tuskegee Institute, Tuskegee, Alabama 36088.

Mr. Jonathan Pearson, III, Director of Admissions, Union College, Schenectady, New York 12308.

Gordon McLintock, Rear Admiral USMS, Superintendent, United States Merchant Marine Academy, Kings Point, New York 11024.

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Mr. Adine Simmons, Assistant to the Director, University of Chicago, Chicago, Illinois 60637.

Professor David Jury, Director, CONNPEP, U-146, The University of Connecticut, Storrs, Connecticut 06268.

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Mr. Robert B. Ellis, Registrar, The University of Mississippi, University, Mississippi 38677.

Mr. John E. Aronson, Director of Admissions, University of Nebraska, Lincoln, Nebraska 68508.

Mr. James T. Johnson, Assistant Director of Admissions, The University of New Hampshire, Durham, New Hampshire 03824.

Mr. Richard Cashwell, Director, University of North Carolina, Chapel Hill, North Carolina 27514.

Mr. Bernard J. Kabosky, Director of Admissions, University of Pittsburgh, Pittsburgh, Pennsylvania 15213.

Mr. Leo DiMaio, Assistant Director, Special Programs for Talent Development, University of Rhode Island, Kingston, Rhode Island 02881.

Mrs. Claire Hurst, Associate Director of Admissions, The University of Rochester, River Campus Colleges, Rochester, New York 14627.

A. S. West, Assistant Director of Admissions, University of South Carolina, Columbia, South Carolina 29208.

Mr. Conrad Wedberg, Jr., Dean of Admissions, University of Southern California, Los Angeles, California 90007.

Mr. John B. Ranson, Director of Admissions, The University of the South, Sewanee, Tennessee 37375.

Mr. James E. Baugh, Director, Special Programs, University of Wisconsin, 432 North Murray, Room 310, Madison, Wisconsin 53706.

Mr. Jefferson Wiggins, Community Programs Chairman, Upsala College, East Orange, New Jersey.

Mr. Frederick Rechlin, Director of Admissions, Valparaiso University, Valparaiso, Indiana 46383.

Mr. David E. Wood, Director of Undergraduate Admissions, Vanderbilt University, Nashville, Tennessee 37203.

Mr. Glen Johnson, Dean of Freshmen, Vassar College, Poughkeepsie, New York 12601.

E. L. Collymore—OR—Father Ryan, Office of Social Action Programs, Room 121. Tolentive Hall, Villanova University, Villanova, Pennsylvania 19085.

Mr. Russell S. Coles, Assistant Dean of the College, Wagner College, Staten Island, New York.

Mr. William M. Mackie, Jr., Associate Director of Admissions and Financial Aid, Wake Forest University, Winston-Salem, North Carolina 27109.

Mr. Harold Gray, Director of Admission, Washington College, Chestertown, Maryland 21620.

Office of Admissions, Washington University, St. Louis, Missouri 63130.

Mr. William S. Pool, Director of Admissions, Waynesburg College, 51 West College Street, Waynesburg, Pennsylvania 15370.

Mrs. Barbara M. Clough, Director of Admissions, Wellesley College, Wellesley, Massachusetts 02181.

Mr. Joseph B. Carver, Director of Admissions, Wells College, Aurora, New York 13026.

Mr. Harold M. David, Assistant Dean of Admissions, Wesleyan University, Middletown, Connecticut 06457.

Mr. Floydelh Anderson, Assistant Dean of Instruction, West Virginia State College, Institute, West Virginia 25112.

Mr. Gregg Getty, Admissions Counselor, Western Maryland College, Westminster, Maryland 21157.

Miss Mary Ellen Samma, Assistant Director of Admission, Wheaton College, Norton, Massachusetts 02766.

Mrs. Thomas C. Peebles, Director of Admissions and Financial Aid, Wheelock College, 200 The Riverway, Boston, Massachusetts 12215.

Mr. Philip G. Weck, Assistant Director of Admissions, Williams College, Williamstown, Massachusetts 02167.

Mr. Richard Lolatte, Director of Admissions, Windham College, Putney, Vermont.

Director of Admission, Xavier University, New Orleans, Louisiana.

Mr. Jonathan F. Fanton, Coordinator of Special Education Studies, 30 Whitney Avenue, Room 2, New Haven, Connecticut 06520 (Yale University).

McCULLOCH CORP.

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mr. CHARLES H. WILSON. Mr. Speaker, this year McCulloch Corp., one of the country's largest privately held industrial enterprises and a leading producer of chain saws, celebrates its 25th anniversary.

These years span an unparalled record of achievement in the chain saw industry. In its time, the company has led the way in designing and producing lower priced, lightweight saws for professional loggers, tremendously expanded industry potential by opening the door to the occasional user market, and pioneered the mass marketing concept in the industry.

The company owes its success, in part, to its adherence to an old-fashioned practice of giving the American consumer a better product at a lower price.

The first chain saw manufactured by the company pioneered the use of die cast magnesium. This innovative technology produced a chain saw that weighed 25 pounds less and was priced $50 below its nearest rival. Only 2 years later, McCulloch Corp. came out with the first lightweight, one-man saw for professional loggers.

These lighter saws helped loggers increase production and influenced the entire forest industry.

This year marks a double celebration for Robert P. McCulloch, founder of the company and still president and chairman of the board. In addition to the 25th anniversary of his company, Mr. McCulloch will on May 9 observe his 60th birthday.

Guided by Mr. McCulloch, the company heads into its second quarter century with the same vigor and vision that marked its first 25 years. During a period of uncertain economic conditions, the company has maintained its optimism and aggressively expanded its operations and will, over the long run, create more jobs.

The company is currently testing a line of prototype snowmobile engines and will become the first American manufacturer of engines for this industry. Until now, this business has gone almost entirely to Japanese and German firms.

Analysts predict that by 1973 the snowmobile industry will use $200 million worth of engines each year. Formerly, most of the money spent for these engines would have gone to foreign suppliers and weakened this country's balance-of-payments position. Now, a large part of the funds can be expected to remain in this country and benefit American working men and women.

In addition, McCulloch Electronics Corp., a newly formed subsidiary, has begun manufacturing and marketing complete power systems utilizing the patented McCulloch Rapid Charger, which operates on an entirely new principle and fully recharges nickel-cadmium batteries up to 90 times faster than current methods. McCulloch Electronics will also develop, produce, and market a wide range of highly specialized lead-acid batteries for electrically powered vehicles used in industry and recreation.

The rapid-charge technique promises to have far-reaching impact for both military and civilian purposes. It can be used in communications devices, photographic equipment, portable appliances, medical instrumentation, and home and industrial power tools.

It may also eventually help reduce pollution since it can perhaps be applied to electric automobiles. One of the biggest obstacles to developing a practical electric car has been the need to spend several hours recharging its batteries for each hour of driving.

The company, located in my 31st Congressional District, has always been a good neighbor. It is an equal opportunity employer, offers on-the-job training, and has, from the start, been community minded and devoted both time and money to civic betterment groups, private welfare and charitable agencies, and youth organizations.

Robert P. McCulloch believes strongly in the free enterprise system and the benefits it brings. He began his own industrial career in 1931 during one of the least hopeful economic periods in our Nation's history.

Fresh from Stanford University, where he had just earned an engineering degree, young McCulloch founded McCulloch Engineering Co. to manufacture engines and superchargers. The act took guts and determination. The country was 2 years into the depression and bread lines were growing longer by the day. Prospects for a new company seemed dim.

McCulloch successfully steered the fledgling company past these economic shoals and saw it slowly grow. Twelve years later, when he sold the company to Borg Warner Corp., it was second only to General Motors in the production of superchargers.

Six months later, Mr. McCulloch was back in business for himself with McCulloch Aviation. During the war, the company built engines for the armed forces.

In 1946, he moved from Milwaukee to Los Angeles and began what was to become the present McCulloch Corp.

The company opened for business in two war-surplus barracks and during the first year had fewer than 100 employees. Today it has 800,000 square-feet of manufacturing and warehousing space, more than 1,200 employees, and operations in five foreign countries.

The accomplishments of Robert P. McCulloch are in the American tradition. In saluting Mr. McCulloch on his 60th birthday and his company on its 25th anniversary, I am paying tribute as well to the American way of life.

PRISONERS OF WAR

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Monday, April 26, 1971

Mr. BOGGS. Mr. President, the 126th General Assembly of the State of Delaware recently adopted a most important resolution relative to the prisoner of war situation.

The resolution urges the signatories of the Geneva Conventions to "take all possible steps to bring the weight of world opinion and the prestige of their world position to bear upon the Government of North Vietnam to require them to observe the terms of the Convention."

I am in complete agreement with our general assembly in this matter. It is fitting, I believe, that we repeatedly call attention to the fact that the North Vietnamese have not honored the provisions of this Convention to which they are signatories.

Mr. President, I ask unanimous consent that the text of the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

MEMORALIZING THE HEAD OF STATE AND THE LEGISLATIVE BODY OF EACH OF THE SIGNATORY NATIONS OF THE GENEVA CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS OF WAR AND TO THE DELEGATES OF THE STATE OF DELAWARE IN THE CONGRESS OF THE UNITED STATES FOR THEIR INFORMATION

We, your Memorialists, the members of the House of Representatives and Senate of the 126th General Assembly of the State of Delaware do hereby respectfully request that:

Whereas, the government of the United States is a party to the Geneva Convention relative to the treatment of prisoners of war done at Geneva August 12, 1949, ratified by the Senate of the United States, July 6, 1955, and entered into force with respect to the United States February 2, 1956; and

Whereas, the government of North Vietnam is a party to the Geneva Convention relative to the treatment of prisoners of war, having acceded to the terms of the Convention on June 28, 1957; and

Whereas, there are in total, one hundred and thirty-five signatory nations to the Geneva Convention relative to the treatment of prisoners of war; and

Whereas, the Convention was negotiated in the interest of world order, and has vitality only so long as every nation observes its terms; and

Whereas, every signatory nation has an obligation to every other signatory nation to work actively toward obtaining the observance by every other nation of the terms of the Geneva Convention; and

Whereas, the government of North Vietnam has not conformed its actions to the terms of the Convention which require provisions for proper and humanitarian treatment of prisoners, needed medical services and supplies to sick and wounded prisoners, release of the names of prisoners held, release of the names of combatants known to have been killed, delivery of mail to prisoners, and impartial inspections of prisoner of war camps and facilities.

Now, therefore, be it resolved by the 126th General Assembly of the State of Delaware, now in session, the House of Representatives and Senate concurring, speaking for and on behalf of the people of the State of Delaware that the people and the governments of the signatory nations of the Geneva Convention relative to prisoners of war are urged and requested to take all possible steps to bring the weight of world opinion and the prestige of their world position to bear upon the government of North Vietnam to require them to observe the terms of the Convention.

Be it further resolved that the citizens of the State of Delaware are urged to take all possible steps to encourage and initiate actions expressing to the people of the world and particularly to the people and governments of the signatory nations of the Geneva Convention relative to the treatment of prisoners of war the continuing concern of the citizens of the United States for the welfare of all prisoners of every nation including our fellow Americans held by the North Vietnam government.

Be it further resolved that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward copies of this memorial to the head of state and the legislative bodies of each of the signatory nations of the Geneva Convention relative to the treatment of prisoners of war which are: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Barbados, Belgium, Botswana, Brazil, Bulgaria, Burundi, Byelorussian S.S.R., Cambodia, Cameroon, Canada, Central African Republic, Ceylon, Chile, China (People's Rep.), Colombia, Congo (Brazzaville), Congo (Kinshasa), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, France, Gabon, The Gambia, Germany, Germany (Dem. Rep.), Ghana, Greece, Guatemala, Guyana, Haiti, Holy See, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Korea, Korea (Dem. Rep.), Kuwait, Laos, Lebanon, Lesotho, Liberia, Libya, Liechtenstein, Luxembourg, Madagascar, Malawi, Malta, Malaysia, Mali, Mauritania, Mauritius, Mexico, Monaco, Mongolian People's Republic, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Rwanda, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somali Republic, South Africa, Southern Yemen, Spain, Sudan, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tanzania: Tanganyika, Zanzibar; Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian S.S.R., U.S.S.R., United Arab Republic, United Kingdom, United States, Upper Volta, Uruguay, Venezuela, Vietnam (Vietnam, Dem. Rep.), Yugoslavia, Zambia, and to the delegates of the State of Delaware in the Congress of the United States, namely, Senators J. Caleb Boggs and William V. Roth, Jr. and Representative Pierre S. du Pont IV, for their information.

ALL ARE NOT BORN WITH GOOD HEALTH

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mr. BEGICH. Mr. Speaker, too often those of us who are born with good health and live a life free from serious health deficiencies forget how fortunate we are.

Many young people are born with good health, but due to many reasons suffer irreparable damage to their health in early life. One such common occurrence is the chronic ear infection that destroys the hearing of hundreds of Alaska children each year before they have acquired proficiency in speech and language.

Because these communicative skills are so vital to a young child's development, it is essential that the State do all that is in its power to insure adequate health standards so our young people might benefit from our educational programs.

Recently the Alaska Division of Vocational Rehabilitation's study indicated that loss of hearing is the most handicapping condition affecting the health, educational, and social growth of our citizens.

Because the medical needs of the state far surpass the capabilities of our professional offices, the Alaska State Legislature fully endorses the Department of Health, Education, and Welfare's grant application to the Office of Corresponding Health Planning of the U.S. Department of Health, Education, and Welfare. This grant application, if approved, will greatly enhance the ability of the professional and medical staff to combat this unnecessary health problem:

House Joint Resolution No. 56, Relating to the Prevention and Treatment of Hearing Loss

Be it resolved by the Legislature of the State of Alaska:

Whereas widespread chronic ear infection destroys the hearing in hundreds of Alaskan children each year before they have acquired proficiency in speech and language; and

Whereas the loss of communicative skills, notably speech and hearing, may render a person handicapped; and

Whereas the loss of hearing has been shown by the Alaska Division of Vocational Rehabilitation's "Survey of Handicapping Conditions" to be Alaska's most handicapping condition, adversely affecting the health, education, social growth and economic independence of our citizens, and therefore, the complete development of Alaska's manpower; and

Whereas the number of people affected and the size of the state require additional professional persons in the allied fields of nursing, audiology, medicine and education of the hearing handicapped; and

Whereas it is essential that comprehensive programs be developed to utilize optimally the professional services available in the state for the prevention, treatment and rehabilitation of hearing loss;

Be it resolved that the Alaska Legislature fully endorses the Department of Health and Welfare's grant application to the Office of Comprehensive Health Planning, U.S. Department of Health, Education and Welfare, as an initial step to supplement the present professional nursing, audiology, health education and medicinal services through additional staff and funds, and respectfully requests the application be granted at the earliest possible time.

Copies of this Resolution shall be sent to Dr. Jeffe L. Steinfeld, Surgeon General, U.S. Public Health Service; Dr. David W. Johnson, Regional Health Director, Region 10, U.S. Public Health Service; the Honorable Robert Kolor, Project Assistant, Public Health Service; and the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Nick Begich, U.S. Representative, members of the Alaska delegation in Congress.

ARMENIAN MARTYRS' DAY

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mr. STEELE. Mr. Speaker, the Armenians are among the oldest peoples in human history, and today they are one of the few surviving nations of the ancient world. Their national history precedes our Christian era by many centuries. In their mountainous homeland in eastern Asia Minor they had constituted their own state and were content with their relatively primitive but independent existence. However, Armenia, lying across the path of conquerors, was invaded and overrun by numerous Asiatic hordes, including the Mongols, Tartars, Seljuk Turks, and finally Ottoman Turks, and the Armenian people lived for centuries under the oppressive alien rulers in their homeland.

Overwhelmed by these powerful hordes, and held down by brute force for centuries, the Armenians managed to maintain their distinct national entity, their own language, and above all their Christian religion. They did this even under most adverse circumstances while under the Ottoman Turks. Towards the end of the 19th century, however, they were repressed with special severity by the government of Turkey and also by the unruly and wild Kurds. The Armenian leaders complained to the authorities about the almost unbearable conditions under which they were suffering, but when the government failed to do anything for the improvement of conditions in the Armenian provinces of Turkey, then the Armenians appealed to European governments for some aid. These governments, which had been acting as trustees of oppressed Christian subjects of Turkey, manifested serious concern with the fate of the Armenians, and they tried to have the Turks protect the Armenians against the Kurds. The Turks reluctantly promised to do this, but they remembered it as Europe's interference in their internal affairs. They then thought of eliminating the Armenian element in Turkey, through wholesale massacres if necessary.

Their evil and inhuman intentions were revealed in 1915, when in the course of less than 1 year, nearly all of the 2 million Armenians in Turkey, who had for centuries constituted the most industrious, energetic, peaceful, loyal, and productive element in the Ottoman Empire, were uprooted from their homes and deported to desolate deserts in Mesopotamia and northern Syria. Meanwhile more than 1 million Armenians were massacred and lost their lives through famine. Only a fraction of the total number succeeded to save their lives by escaping to neighboring countries, while hundreds of thousands others were sold into slavery to Arabs, Kurds, and Turks.

That is the sad and tragic story of the Armenian people in Turkey. It is indeed tragic that these people, who were among the earliest Christians and became the first to adopt Christianity as their state religion, who had successfully held their own against all their conquerors and preserved their national entity, had to be decimated and exterminated under circumstances of inhuman cruelty during the First World War. Fortunately for them, and also for us here, the many survivors of that holocaust have come to our own hospitable Republic, and in a relatively short time, they have already made considerable contribution to our democratic way of life. They have made their marks in industry, in commerce and trade, in the arts and sciences, and in the fine arts and literature. Over all and above all, they have become faithful, law-abiding, loyal, and patriotic citizens of their adopted country. On the observance of the anniversary of their national tragedy, we join them to pay tribute to the memory of Armenian victims of Turkish massacres in 1915.

COLLEGIATE PRESS DAY

HON. CHARLES THONE

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mr. THONE. Mr. Speaker, tomorrow is Collegiate Press Day. Deservedly so. We should never underestimate the role of media on campus as a voice for our young people, a leader in forming opinions or a catalyst in stirring action.

Collegiate Press Day offers me an appropriate date to laud Nebraska's college newspapers and to add special praise for the University of Nebraska's Daily Nebraskan.

My high regard for the Daily Nebraskan is also based on a more personal level. When I met my wife, Ruthie, she was editor of the university paper.

Today, the Daily Nebraskan boasts a modern, stimulating layout and divergent, well-written articles and columns. These young people take advantage of their location in Nebraska's capital. They do an excellent job relating the workings of the State government to the university and its priorities.

I have noted their editorial page sporting a column by Mankiewicz and Braden, and complimented by the thoughts of William F. Buckley, Jr. The newspaper does not seem overly concerned with Nebraska's No. 1 position in football. It offers ample space to sports coverage, but does not dominate the paper with it. The Daily Nebraskan also has excellent reviews of current movies and plays, and on-campus theater and entertainment.

Tomorrow, April 24, belongs to the young. Not only is it Collegiate Press Day, but it has also been designated for a massive march on Washington, D.C., for peace. I do not believe we can really separate the two. Both days represent the outgrowth of youthful ideas and our young people's desire to be heard.

Mr. Speaker, at this time, I insert in the RECORD the names of the people most responsible for the Daily Nebraskan and whose work is an excellent investment in Nebraska's young people:

Mick Moriarty, editor.
Connie Winkler, managing editor.
John Dvorak, news editor.
Gene Hillman, advertising manager.
James Horner, chairman, publications committee.

CONCERN OVER TV PROGRAM SLANTED AGAINST THE TOBACCO INDUSTRY

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mr. PREYER of North Carolina. Mr. Speaker, recently a constituent of mine, Mrs. Harry B. Caldwell, who is also one of the most distinguished and effective spokesman for rural progress in my State wrote to the Chairman of the Federal Communications Commission expressing her concern about a recent television program on tobacco. I have great respect for Mrs. Caldwell and for the North Carolina State Grange which she heads and I believe that my colleagues would want to know what she had to say to Mr. Burch so I am placing her letter in the RECORD:

THE NORTH CAROLINA STATE GRANGE,
Greensboro, N.C., April 1, 1971.

Hon. DEAN BURCH,
Chairman, Federal Communications Commission, New Post Office Building, Washington, D.C.

DEAR MR. BURCH: I have received a number of protests concerning the March 30 Mike Wallace program which was shown over CBS-TV stations. I attended a meeting of top agricultural leadership last night and this was a topic of real concern.

Farm leaders feel that the program was slanted against the tobacco program.

I have been identified with agriculture for many years and it is my belief that the tobacco program is one of the most successful of the supply-management programs. The price supports and production controls have kept prices well above prices expected in the free market. The monies received from tobacco by the Federal Government greatly exceeds the costs of the tobacco program. Tobacco is a major export crop that contributes to the favorable balance of trade so essential to the economic welfare of the nation.

Many tobacco growers and farm leaders join me in requesting that equal time be given to clearing up some of the misunderstanding created by Mike Wallace on his March 30 program.

Most cordially,
MRS. HARRY B. CALDWELL.

REBIRTH OF A HARBOR

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mr. ANDERSON of California. Mr. Speaker, it is amazing what can be done in the fight against pollution. Los Angeles Harbor, the busiest port in the West, had become an area with little, if any, marine life. Today, through hard work, strict pollution laws, and Government-industry cooperation, the harbor is making a comeback and sea life is returning.

Federal legislation and increased public awareness have played a large part in this rebirth.

Last year the Congress passed the Water Quality Improvement Act. This act prohibits the discharge of oil and sewage in our navigable waters. Its effects will continue to be felt in future years.

Last year the Congress authorized $1 billion under the Clean Water Restoration Act to construct waste treatment facilities.

But, we can do more.

The dumping of sludge and waste into our oceans must stop. We must prohibit the use of phosphates in detergents; we must control the use of mercury in manufacturing and in agricultural areas. We must prohibit the use of DDT and other nonbiodegradable agents.

Mr. Speaker, at this point I would like to insert in the RECORD an article from Newsweek—April 26, 1971—concerning the rebirth of Los Angeles Harbor:

REBIRTH OF A HARBOR

Back in 1840 sailor-author Richard H. Dana Jr. called it "the hell of California," and the description seemed apt enough for the squalid expanse of marshland infested with rattlesnakes, scorpions and monster mosquitoes that made up most of what was to become Los Angeles Harbor. And until just a few years ago, the harbor still resembled a hell of sorts—but by then the blame fell solely on the citizenry. Some 16 million gallons of industrial waste cascaded daily into the long, narrow waterways, accompanied by 8 million gallons of highly contaminated sewage. As the dissolved-oxygen count sank to zero in some areas, the harbor literally choked to death. Indeed, the only living thing that survived was a form of insect larvae that feeds off man's own filth.

A similar fate befell most U.S. harbors before the age of ecology, but while other port areas continue to decay, Los Angeles has now undergone a near-miraculous rebirth. Last week a veteran diver emerging from the harbor sounded as if he had a case of rapture of the deep. At times I could see laterally for almost 30 feet," marveled Al Hansen. "That's almost skin-diving water. And there's been a phenomenal growth of scallops, protozoa and some really exotic sea life. I even saw a whole school of beautiful gulf crabs shooting through the water." Donald Reish, a biology professor at California State University, echoed Hansen's enthusiasm. "It's fantastic," said Reish. "This used to be one of the foulest areas in the state. Now living things I haven't seen here for twenty years are suddenly reappearing."

The harbor's new lease on life was made possible only after a fierce tug of war between the Federal Water Quality Administration's state office—which in 1967 set down new standards requiring the harbor to support fish life—and local industrial and shipping interests, which until then had always viewed the harbor as a commercial zone rather than a marine sanctuary. But the industrialists lost the war when Stewart Udall, then Secretary of the Interior, affirmed the FWQA's standards.

LAW

Then, fourteen months ago, eighteen major polluters—oil refineries, soap manufacturers and fish-processing plants—were told to cease discharging all wastes into the harbor by Jan. 1, 1973. There was some resistance at first, but, after two mass meetings at which FWQA officials laid down the law in no uncertain terms, the companies started to comply. The Union Oil Co., for example, has invested $3 million in waste-treatment facilities to remove all visible oil and 95 per cent of oxygen-gobbling chemicals from its present refinery discharges. Officials have also stopped cannery trawlers from dumping trash fish into the harbor, and the canneries themselves have begun a cleanup of the harbor bottom in their own neighborhoods.

Nevertheless, some serious problems remain. Pleasure craft still empty toilets and dump garbage into the waterways, while the city's own sewage-treatment plant continues to contribute tons of filth. But if Los Angeles Harbor is still not quite tap-water pure, antipollution officials remain confident that the public wants to press the fight. In a demonstration of such determination, the city's voters have just passed a $60-million bond issue to build new and improved sewage-treatment facilities. "Since we don't get much rain," explains Roy Hampson of the Los Angeles regional water board, "Californians are the most concerned people in the nation over the quality of their water. Our destiny depends on conserving it."

NEW AID AND TRADE WITH LATIN AMERICA DESERVE ATTENTION

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mr. PELLY. Mr. Speaker, in October 1969, when President Nixon promised to do what he could to reduce trade barriers and to seek generalized trade preferences for the underdeveloped world which includes Latin America, I supported him.

Now, the administration has again promised Latin America expanded trade opportunities on the American market and undiminished foreign assistance, and I have reservations.

Secretary of State William P. Rogers outlined this new commitment to Latin America for what was called, "a new kind of U.S. relationship with its hemisphere neighbors."

Mr. Speaker, I applaud the desire for better trade arrangements. However, as each Member of the House is aware, I am very concerned about the expropriation of American property by some Latin American countries as well as over their seizure of U.S. fishing vessels in international waters.

When this plan comes to Congress, I intend to seek an amendment, either in committee or on the floor, to deny any such lowering of tariff for a period of 1 year from the date of an illegal seizure or the expropriation of property.

Mr. Speaker, this is merely a method of starting mediation on this longstanding problem, and I hope punitive action under this plan will never be necessary.

CONSUMER PROTECTION—JUSTICE IN THE MARKETPLACE

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mr. STEELE. Mr. Speaker, no matter what you buy—a home, a car, insurance or other goods and services—you have a right to expect that the product or service is honestly advertised, and backed by an effective warranty. You have a right to receive fair quality at a fair price, and the product must not endanger your health or safety, or that of your family.

The dependability of goods purchased in the marketplace is the key to our free enterprise system. Consumers and honest businessmen alike are victimized by shoddy and unsafe merchandise, and dishonest selling practices. We all know that the vast majority of businessmen are honest and ethical. These are not the target of consumer legislation. Rather, consumer legislation is aimed at the conniver and the phony.

In the last few years, the Congress has enacted more consumer protection measures than any previous period in our history. Laws relating to truth-in-lending, meat inspection, auto insurance investigation, flammable fabrics, toy safety, and Government involvement in consumer protection have been enacted. Fish and poultry inspection, deceptive sales regulations, radiation control for health and safety, and effective, easy-to-understand guarantees and warranties have all been treated by laws passed since 1962.

But, the worth of any law is based, ultimately, on its execution. The mere enactment of consumer laws, without effective consideration of how these laws are to be administered by the Federal Government is now beyond the efficient reach of any haphazard combination of agency appendages. This was true of housing problems in 1965 when the Department of Housing and Urban Development was established; it was true of transportation problems in 1966 when the Department of Transportation was created; it is true today of consumer problems.

Fundamental economic problems face Government today in the questions of how consumers really are represented in existing agencies, whether consumer activities in one agency bear any coordination and overview of consumer-related programs, and whether there should be more central control.

At present, the American consumer's voice is faintly heard through some 33 Federal departments and agencies carrying on approximately 260 consumer activities. Consider that:

Responsibility for enforcing the Truth-in-Lending Act is vested in nine separate agencies;

Administration of the Fair Packaging and Labeling Act is divided among three agencies—the Federal Trade Commission, the Food and Drug Administration, and the Department of Commerce;

No less than five Federal agencies are responsible for consumer protection of the poor;

The Flammable Fabrics Act of 1967 is shared by the Department of Commerce, the FTC, and the FDA;

Responsibility for the wholesomeness of fish and fishery products falls both to the Food and Drug Administration and the Interior Department's Bureau of Commercial Fisheries;

Programs to control air and water pollution can be found in half dozen agencies.

These laws, each with merit, have proliferated beyond the ability of our present government structure to handle them.

Despite the large number of Federal agencies that purportedly represent the consumer, it is still a fact that:

There is no single Federal agency to which consumers can direct complaints;

There is no single Federal agency devoted to the pressing needs of the low-income consumer;

There is no single Federal agency which gathers and disseminates to the public the considerable product and economic information that is available at the Federal level;

There is no single Federal agency which represents the consumer interest before Federal courts, departments, and regulatory agencies;

There is no single Federal agency which scrutinizes the Nation's food marketing system from producer to consumer;

There is no single Federal agency in which the consumer education function resides;

And certainly, there is no single Federal agency which can boast that it has consistently anticipated consumer problems instead of reacting to them on a crisis basis.

What makes such a fragmented consumer protection apparatus deplorable, is that consumers are almost never represented at agency deliberations.

As a sponsor of the bipartisan Consumer Protection Act of 1971, I feel that this vital measure, now before the House Government Operations Committee, offers vigorous representation and protection of consumer interests. We must not wait any longer to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation for hard-pressed consumers.

To the Office of Consumer Affairs, located in the Executive Office of the President, there is granted the key functions of first, encouraging and assisting in the development and implementation of consumer programs and activities within the Federal Government; second, coordinating Federal consumer programs and activities; third, assuring that the interests of consumers are considered and implemented by Federal agencies; fourth, recommending improvements in Federal programs and operations; fifth, conducting conferences, surveys, and investigations; sixth, encouraging, initiating, coordinating, and supporting consumer education, research and studies; seventh, cooperating and assisting State and local governments and private enterprise; and, eighth, publishing and distributing a Consumer Register.

To the independently established Consumer Protection Agency is granted the vital functions of representing the interests of consumers before Federal agencies and courts and assuming the consumer safety responsibilities of the National Commission on Product Safety whose tenure will soon lapse.

To both agencies is given the task of receiving, evaluating, acting upon and transmitting consumer complaints; and developing and disseminating consumer information, including test results.

It is the responsibility of the Congress to the cause of efficient Government—and our special obligation to America's 200 million consumers—to provide the institutional mechanism which will assure equity and justice in the marketplace.

LET US TALK TO RHODESIA

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mr. COLLINS of Texas. Mr. Speaker, in yesterday's Dallas Times Herald there was an excellent editorial headed up "Let Us Talk to Rhodesia." This well expressed viewpoint is logical and timely. Let us have more commonsense in America and recognize our friends in Rhodesia.

Take a minute to review this excellent message from the Dallas Times Herald:

LET US TALK TO RHODESIA

Now that we're officially on speaking terms with Red China, it's high time we started talking to a nation infinitely more deserving in the moral sense, of American attentions.

That nation is Rhodesia, the white-governed African state which the West has treated like a pariah since its 1965 declaration of independence from Great Britain.

Here is a nation of five millions; stable, prosperous, peace-loving and eager for friendship with the West. Yet merely because its white minority retains control of the government, we refuse to deal with Rhodesia.

This is absurd. By boycotting the Rhodesians, we lump them in a category with the Cubans and the North Vietnamese. And whatever one may think of Rhodesian theories of participatory democracy, this little nation is more wisely and justly governed than any of Africa's all-black republics.

But there's also a practical aspect to this matter. Rhodesia is a leading supplier of chrome, which is an indispensable ingredient of stainless and other specialty steels. After the boycott began, we soon grew dependent on Russian chrome ore. The Russians, knowing it, doubled their prices. The result? An acute domestic chrome storage that has compelled the administration to offer for sale one-third of its strategic stockpile.

Nothing about our present Rhodesian policy makes sense. Which is evidence aplenty for a change in it. We ought straightway to recognize the Smith government, resume trade relations, and sponsor Rhodesia's admission to the United Nations. Who knows? We might even discover that the Rhodesians play a dandy game of ping-pong.

WHAT IS SO BAD ABOUT SECOND BEST?

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mr. TEAGUE of Texas. Mr. Speaker, about a month ago this body took action with respect to the SST program, which in my opinion, we will live to regret. This Congress by refusing to fund this program has set back the economic and national growth of this Nation. I wish to include in the RECORD an editorial from the April 1971 edition of Government Executive which takes to task those people in this country who are afflicted with the "second-best syndrome":

WHAT'S SO BAD ABOUT SECOND-BEST?

The U.S. House's and Senate's decision—after six years of voting the other way—not to fund final development of two Supersonic Transport prototypes is a classic in dumbness. Out of $1.009 billion already invested in SST's development, $864 million has come from the taxpayers via Congress. Cancellation costs will run the final Government tab up about $140 million more.

The approximately two-year estimated development cost to complete is some $400 million. Probably $200 million of that is the result of Congress, mainly, having foisted stop-start, on-off, up-down delays on the program since it started in 1961. If the taxpayer really believes the liberal Congressmen who say they voted "no" because the "funds are needed for more pressing human needs," then the taxpayer is gullible indeed. And if he believes the Conservative justification that "the SST cost too much," he's too naive to cope with his own grocery bill.

However, there seems little point now in rehashing all that. Only God, as far as we know, can kick a dead horse and bring it to life. But, Congressmen do not make stupid decisions, do they. Do they? So there must be some logical explanation for what is, on the face of it, such an illogical and unsubstantiated decision.

Trying, with as much calm as we can muster, to search the big picture for underlying causes, we think we see a couple. One is a significant lesson for the aerospace industry. The other adds up to an ominous trend for all of us.

Regarding the first, as Boeing, among others, now readily (if privately) admits, it didn't know all it thought it knew about marketing to Government, especially non-Defense Government and particularly at Government's highest levels, e.g. the Congress. Aerospace is a technologically, as compared to a marketing, intense industry. As is evident in Defense and NASA, a huge chunk of the "selling" effort on a new product development amounts to Government technical experts negotiating with industry engineers over the nature of the problem and how to solve it.

Whatever "marketing," in the classic sense, goes on is in support of the engineer in the home office who is really doing the firing-line "selling." As witness to that, most aerospace industry Washington office personnel are actually intelligence gatherers, not hard-sell marketeers, at least not as more standard, marketing-intense industries (office equipment, automobiles, consumer goods, much of electronics, et al) would define them. In the latter, the engineer tends to support the salesman.

But the industry is quickly learning how "to get the pig to market." Most notable is that growing list of aerospace firms which have made a serious, and not a lip-service, commitment to selling their problem-solving capability not just to Defense and NASA but to other Government as well. And the high-technology companies most successful in this market-diversification effort have long since learned most of their non-Defense/NASA customers aren't too interested in why the black-box lights have to wink and blink. All he wants to know is if the black box will solve his problem.

And, in our judgment, it may well end up a boon to preserving this Nation's greatness that the engineer is learning how necessary it has become for him to sell the importance of what he does and can do in language a non-technical buyer will understand. For an ominous philosophy seems to be creeping through the land—prevalent enough already to scare a few people like Dr. John Foster in the Pentagon—that in a very affluent Nation like the U.S., there's nothing particularly bad about being second-best.

Along with a host of smaller ones, this country faces two large intellectual challenges: One in the air-and-space environment and the other in the oceans. The program for facing up to the latter one languishes; and, at least on Capitol Hill, a majority of the lawyers and bankers in charge of big-picture decision-making seem intent on backing away from the former one.

Indeed, many experts think the Nation's wealth of technological brainpower has even now been clobbered by budget cuts close to the point of no recovery. And history records so consistently it's become a politico-economic truism that the civilization which does not face up to these technological challenges sooner or later becomes captive of the civilization which does.

Aware of all this, and of the fact that it's not loved much anymore like it was a decade ago, the scientific community faces one monumental frustration in trying to rebuild its image. That is that those afflicted with the second-best syndrome (the proponents of more funding for social needs, i.e. welfare) consider the technology community a competitor for the Nation's limited resources.

And their attention span isn't much greater than a pre-school child's. Else they wouldn't have forgotten so quickly what the rest of the world learned, largely just from watching us. The lesson: What falls out of investment in technology is not just, or even primarily, the ego-inflating reward of being first in something. The payoff from technological development is economic development, an expansion of wealth and resources which in turn means larger aid, more help and greater opportunity for the poor and underprivileged.

The Government which invests in technology has a program of national growth in mind. The Government which takes away from technology and taxes the present "haves" to give to the present "have nots" is defeatist. It gives a poor man a couple dollars today and expects him to be grateful when in fact even he recognizes it has foreclosed on his future.

C. W. BORLUND.

WAR ATROCITY HEARINGS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mr. DELLUMS. Mr. Speaker, this morning 11 of my colleagues and I began 4 days of ad hoc hearings in the Cannon Caucus Room concerning command responsibilities for U.S. war atrocities in Southeast Asia.

Six witnesses—five captains and a major, all but one West Point graduates, all who served at the general staff and combat leadership level in Vietnam—described and delineated a series of policies and tactics which led to war crimes.

These hearings will continue for the rest of this week. On Tuesday, we will receive testimony from veterans who have participated in the interrogation and torture of war prisoners. The Wednesday session will gather before us Americal Division veterans—the division of Lt. William Calley. Then, on Thursday, the final day of the hearing will concentrate on the air war, pacification, and forced urbanization of civilian population.

These hearings have a twofold objective: First, to fulfill the constitutional responsibilities of the Congress to be ultimately accountable for the military operations of this Nation; second, these hearings are the first open Government forum through which the American public can learn the tragic realities which led to these atrocities as an integral component of our adventurism in Southeast Asia.

I emphasize that every Member of the House and Senate is invited to participate in these hearings, to ask questions of the witnesses, to make their own analyses.

Of course, those of us who are sponsoring these hearings would rather have had—indeed, still desire—official congressional inquiry into the responsibility for war atrocities. Many of us joined to cosponsor House Joint Resolution 409 which specifically calls for such an inquiry.

We have written to relevant committees asking for an inquiry—or for action on House Joint Resolution 409. In every case, whenever there even has been one, the response has been disappointing.

We do not intend these 4 days to be the last congressional inquiry into this topic. Yet, we firmly believe that there must be a start—and we think that these hearings will accomplish much.

At this point, I would like to insert in the Record the list of witnesses for April 27 along with a brief summary of their testimony. In addition, I would like to include an important and compelling statement by Dr. Kurt Steiner, professor of political science at Stanford University and former prosecuting attorney and special assistant to the chief of counsel, international prosecution section in the trials against major Japanese war criminals before the International Military Tribunal for the Far East.

The list follows:

April 27, Military Intelligence and POW Interrogation

Five former military intelligence special agents and prisoner of war interrogators will testify to the systematic use of torture techniques by their units. These methods include electrical torture, water torture, brutal beatings, etc. Testimony will also be given concerning military intelligence operations in general and the scope and implementation of the CIA Phoenix Program.

Michael J. Uhl, former 1st Lt., Counter Intelligence Officer, Chief, 1st Military Intelligence Team, 11th Brigade, Americal Division. Mr. Uhl will testify in detail about systematic use of field telephones as a means of electrical torture devices to interrogate prisoners. He will also attest to the routine use of brutal beatings of men, women, and children by American Military Intelligence personnel. Uhl further describes how unverified and unverifiable intelligence information serves as input to air strikes and Artillery barrages on civilian populated areas.

Steve Noetzel, 30, Special services attached to special forces, a Long Island Resident; testifies to the frequent use of torture to elicit information from Vietnamese suspects. Noetzel witnessed the use of electrical wiring, water torture and the use of snakes to terrorize prisoners. Noetzel also saw suspects and detainees placed in coffin-shaped barbed wire cages by U.S. units with which he served. He says that the barbed wire gouged and punctured the flesh at the slightest movement.

Peter Martinsen, former Sp. 5, POW Interrogator, 101st Airborne. Mr. Martinsen will testify as to the systematic use of electrical torture, the field telephone wires often applied to the breasts and genitals of suspects for maximum effectiveness. He further testifies to the existence of Classified Army documents in which methods and procedures for illegal methods of interrogation are discussed. He witnessed the torture of a North Vietnamese officer by the gouging of bamboo splinters under his fingernails. He also witnessed the beating of a Vietnamese prisoner with an M79 grenade launcher and beatings using carbines. His Military Intelligence Detachment also denied food and medical aid to those severely injured in order to facilitate interrogations.

Nathan Hale, 23, Spec. 5, 198th Brigade, Military Intelligence, Americal Division, a Coatsville, Pa. resident, testifies to the systematic torture of Vietnamese suspects during intelligence interrogations. Hale says that electrical torture—by field telephones—was a common practice for his M.I. unit. Hale also frequently witnessed prisoners being tied down to splash boards of Armored Personnel Carriers and then drowned as they road through rice paddies. On Operation Daring Endeavor, Oct. 1968, Hale saw 2 Vietnamese burned, beaten and hung by the National Police with an American advisor (a Lieutenant Colonel) present as overseer in command. This was done to terrorize the local villagers and Mr. Hale will make public a series of color slides showing the entire torture sequence at the hearing.

Kenneth B. Osborn, 25, E/5, 525th MI Group, area intelligence specialist, a Washington, D.C. resident, testifies to his own experience as an intelligence operative involved in Operation Phoenix. Osborn was involved in the liquidation program and cites an example of a Vietnamese operative being liquidated with extreme prejudice on orders from higher headquarters. Osborn also testifies to various torture techniques used to elicit information. On one occasion in April, 1968, he accompanied a Captain of the III MAF Counter-Intelligence officer on a helicopter ride in order to expedite the questioning of 4 Vietnamese. On orders of the CO, one of the Vietnamese was thrown out to his death to get the other 3 to talk. Osborn also witnessed the attaching of field wires to testes and breasts of women to elicit information and the insetting of 6-inch dowels in Prisoners' ears and then tapping through to the brain in a slow, methodical process to elicit information.

Comments on House Joint Resolution 409, Calling for a Full Scale Congressional Inquiry Into U.S. War Crimes and War Crimes Responsibility in Southeast Asia

I was a member of the prosecution staff before the International Military Tribunal for the Far East in Tokyo from 1946 to 1948. I participated in this prosecution with full trust in the words of the Chief U.S. prosecutor at Nuremberg, Justice Robert Jackson, to the effect that "we are not prepared to lay down a rule of criminal conduct against others which we would be unwilling to have invoked against us." This statement applied to the entire range of crimes with which the defendants at Nuremberg were charged, including not only conventional war crimes, but also crimes against peace and crimes against humanity. In the case of some of these crimes, violations are more difficult to establish, both in a factual and a legal sense, than in the case of others. The law is most unequivocal and the facts are most easily established in the case of conventional war crimes, i.e. the violation of the laws and customs of war. As long ago as 1907 the Fourth Hague Convention declared (Art. 22) that the right of belligerents to adopt means of injuring the enemy is not unlimited" and specified a number of limitations, making it clear at the same time that beyond its provisions the "principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity and from the dictates of the public conscience" would remain operative. During the Second World War many American soldiers were court martialed and severely punished for killing or assaulting civilians in violation of local laws or the laws of war. The Geneva Convention of 1949 for the Protection of Civilian Persons in time of war is similar to the Hague Convention, but more specific. Thus Article 32 prohibits measures to cause the physical suffering or extermination of civilians and measures of brutality against them. The U.S. Field Manual in its 1956 edition echoes the rule that "the law of war places limits on the exercise of a belligerent's power" and actually incorporates provisions of the Geneva Convention of 1949. The U.S. Government acknowledged that its conduct of military operations in Vietnam is subject to these laws and treaties. Without wanting to prejudge the question of the occurrence of other violations of international law, I limit myself in the following to the area of conventional war crimes, and more specifically, to violations of the above mentioned Geneva Convention on Civilian persons.

The duty of the United States to take action against such violations is beyond any doubt. As a belligerent in the Vietnam War it has the duty "under customary international law to take measures for the punishment of war crimes committed by all persons, including members of a belligerent's own armed forces," as the convention states. In addition, the Convention obligates all signatories—of which the United States is one—"to search for persons alleged to have committed or ordering to be committed such grave breaches (of the Convention)," and to "bring such persons, regardless of their nationality, before its own courts." The U.S. Field Manual, which repeats these provisions, also states that "violations of the law of war committed by persons subject to the military law of the United States will usually constitute violations of the Uniform Code of Military Justice and, if so, will be prosecuted under that Code." It adds: "Commanding officers of the United States troops must insure that war crimes committed by members of their forces against enemy personnel are promptly and adequately punished."

How has the United States fulfilled these obligations? Judging from news reports, some trials were held before the recent Calley case. Thus, Lt. James Duffy was court-martialed in the spring of 1970 because he had ordered the shooting of an unarmed Vietnamese civilian; he was at first convicted of murder, but then the verdict was "revoked," and Lt. Duffy—in an attempt to "make the crime fit the punishment," as Telford Taylor puts it in his book *Nuremberg and Vietnam*—was sentenced to six months confinement for involuntary manslaughter." In June 1970 Marine Private Michael Schwartz was sentenced to life imprisonment by a military court in Danang for participating in the killing of twelve Vietnamese villagers. His penalty was later reduced to one year. However, the case which has attracted most public attention is that of the massacre of My Lai. In his case no one above the rank of Captain was held responsible for the massacre itself, either by virtue of orders that he gave or by virtue of his command position. The charges against four enlisted men were dropped by the Commanding General of the Third Army. Two sergeants were acquitted. Lt. Calley was convicted, and the trial of Captain Medina is yet to come. Higher officers, including the Commander of the 11th Brigade, Colonel Oran Henderson, and the Commanding General of the Americal Division, General Samuel Koster, were only investigated for covering up for the crimes, not for their possible command responsibility for the crime itself. Yet, the 1956 Field Manual provides explicitly that a military commander is responsible not only for criminal acts committed in pursuance of his orders, but "is also responsible if he has actual knowledge, or should have knowledge . . . that troops or other persons subject to his control are about to commit or have committed a war crime and he fails to take the necessary and reasonable steps to insure compliance with the law of war or to punish violations thereof." As Telford Taylor states in his book, this language does not embody a novel conception of a commander's responsibility. In the Civil War, Gen. George B. McClelland invoked such a responsibility against his officers, and after the Second World War international tribunals, U.S. tribunals and others, both in Europe and in the Far East, punished military commanders under this doctrine. The case of General Yamashita, sentenced to death by a military commission of American generals, for failure properly to control the conduct of Japanese troops under his command in the Philippines was merely the first of a number of post World War II cases. It is the most frequently mentioned precedent, but not necessarily the best one, because the concept of command responsibility in the Yamashita case was extended to the extreme. No such extension is necessary in invoking the command responsibility of higher ranking officers in the case of My Lai. Rather than doing this, the Army apparently decided to limit the legal reach of criminal responsibility to enlisted men and company grade officers, thus giving substance to the view that they were to be used as scapegoats. Lt. Calley was undoubtedly guilty and no other court martial verdict was possible. The problem is not that an innocent man was convicted, but rather that the guilt of others is not even being investigated.

Considering our obligations under international law, considering also the death penalties we meted out after the Second World War, and particularly considering the statement of Justice Jackson, referred to above, which constituted a promise to the world community, this failure is nothing but shocking. It is even more shocking that the incident at My Lai was investigated and prosecuted only after publicity made this inevitable, stands virtually alone in this regard. Books, news reports, photos and eyewitness accounts of dozens, if not hundreds of witnesses who are willing to testify, indicate that My Lai was not an isolated case and that conventional war crimes have been committed on a large scale in Indochina. The atrocities testified to in the recent National Veterans Inquiry on U.S. War Crimes in Vietnam, the transcript of which you put into the Congressional Record, are a case in point. The civilian and military leadership of the armed forces of the United States takes no cognizance of all this. As Telford Taylor states, "so far as is publicly known, the Army has undertaken no general investigation of the killings themselves, to determine the level of responsibility for the conditions that gave rise to Son My (My Lai) or the many similar though smaller incidents." The reason, it must be assumed is that such an investigation—or a serious consideration of superior orders in the various trials—would indicate that these conditions are the result of policies, originating at or approved by high command levels. It is, therefore, of utmost importance that your Resolution calls for an inquiry, dealing with the question "whether atrocities have been, and continue to be, the result of policies promulgated and enforced by the military high command and civilian leadership of the United State Government." This question is important as Telford Taylor states, if the Army is to recover its moral health, little as its leaders seem to realize it; it is important as a first step toward at least partial re-establishment of our former reputation as a nation which is faithful to its obligations under international law and which believes in a decent respect for the opinions of mankind; and it is important in the interest of justice as well as of humanity. If man is unwilling to enforce the limitations, which his laws impose on wanton and unnecessary atrocities in wartime, what hope is there that he will ever give up war itself? And, if man cannot be brought to giving up war itself, does he not invite his self-destruction as a species through the overkill which his technology has prepared—and does he deserves a better fate?

For all these reasons I concur fully in the intention of the Joint Resolution which you have introduced.—Kurt Steiner, Professor of Political Science, Stanford University, Former Prosecuting Attorney and Special Assistant to the Chief of Counsel, International Prosecution Section, in the trial against major Japanese War Criminals before the International Military Tribunal for the Far East, Tokyo.

LEST WE FORGET

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mr. MILLER of Ohio. Mr. Speaker, in a land of progress and prosperity, it is often easy to assume an "out of sight, out of mind" attitude about matters which are not consistently brought to our attention. The fact exists that today more than 1,550 American servicemen are listed as prisoners or missing in Southeast Asia. The wives, children, and parents of these men have not forgotten, and I would hope that my colleagues in Congress and our countrymen across America will not neglect the fact that all men are not free for as long as one of our number is enslaved.

Comdr. Edward Dale Estes, U.S. Navy, 605484, Purdy, Mo. Married and the father of two children. The son of Mr. and Mrs. Harold Estes, Purdy, Mo. A 1955 graduate of Southwest Missouri College. Downed in Southeast Asia on January 3, 1968. As of today, Commander Estes has been held captive in Southeast Asia for 1,208 days.

DRINKING WATER QUALITY STANDARDS NEEDED

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mr. ROBISON of New York. Mr. Speaker, as most of us are now aware, the U.S. Geological Survey recently found the presence of seven toxic metals in the lakes and streams of this country and Puerto Rico. This sampling of 720 water sources in the United States, the District of Columbia, and Puerto Rico again brings to our attention the need for greatly expanded basic and applied research to determine the lang-range health effects of contaminants in our Nation's water supply. I hasten to point out that sample results showed dangerous concentration of these metals to be rare, yet it is also worth noting that test methods for detecting some of these metals have only recently been developed.

Such is the state of our technology in this area that researchers are still seeking ways to detect new contaminants which enter into our water sources. It may surprise some of my colleagues to know that a Nation which can reach the moon still has not detected all of the potentially dangerous elements in our lakes and streams, and has little knowledge of the long-range health effects of such contaminants.

The continued legislative activity centered around water pollution problems during recent sessions of Congress belies the fact that, to this day, we have no mutually agreed upon water quality criteria which can be used to determine conclusively that a water source is safe for drinking purposes.

During recent months a number of recognized authorities in the area of water resources research and administration have supplied weighty evidence of our failure to adequately address this knowledge gap. Eric F. Johnson, executive director of the American Water Works Association, has pointed out a number of times that this Nation is willing to spend almost 400 times more money to prepare water for dumping than to prepare water for drinking. Mr. Johnson speaks as a representative for 23,000 water utilities which supply drinking water to over 170 million Americans. Eighty-five percent of these 23,000 water systems serve areas of fewer than 5,000 in population. It is these small water utilities that suffer most from our lack of interest in the area of basic research. Such small units are incapable of supporting the extensive basic research and training that are demanded to insure safe drinking water for the future.

The pressing need for increased basic and applied research to determine realistic water quality criteria and standards was forcefully demonstrated in a recent statement of Charles C. Johnson, Jr., associate executive director of the American Public Health Association, to the Senate Public Works Subcommittee on Air and Water. Mr. Speaker, this is a somewhat lengthly statement, yet I feel that it is important to bring it to the attention of those of my colleagues who have not had the opportunity to read it. I would particularly call attention to the latter part of Mr. Johnson's discussion which systematically describes those areas which would benefit from an increased commitment to basic research. Mr. Speaker, I will insert this statement in the Record:

Statement of Charles C. Johnson, Jr., on Behalf of the American Public Health Association on Proposals To Amend the Federal Water Pollution Control Act, as Amended, March 17, 1971

Mr. Chairman and members of the Committee: I would like to express my pleasure and the pleasure of the American Public Health Association in being invited to appear here before you today. The American Public Health Association has a membership of approximately 25,000 health professionals. Interlocking affiliates at the State and local levels brings an equal number of people into the overall organizations. The members come from all walks of life, but they have one characteristic in common. For almost a century, the Association has worked to improve the health and well-being of people. Despite all of the pronouncements, dialogue, and reorganization activities, it seems to us that the APHA, as a single organization, today comes closest to really representing all facets of the interrelationships between man's health and well-being and his environment. It is against this background that we have evaluated and will comment on the proposals contained in S. 523, S. 1012, S. 1013, S. 1014, and S. 1015 for amending the Federal Water Pollution Control Act, as amended.

First, let me say that the Association applauds and supports the broad objectives put forth by these proposals to expand and strengthen the water pollution control efforts on the part of the Federal government in cooperation with state and regional agencies. And while we note differences in approaches that would be taken to achieve these objectives, we do not choose to interject our specific comments on these differences at this time.

Instead we will first note some principal areas which we believe should be covered in final legislation which is passed, and second will discuss what we believe is a paramount deficiency in the proposals before us today, i.e. the failure to recognize and support the need for basic and applied research with respect to health effects. Such research is essential for the realistic development of water quality criteria and standards.

Mr. Chairman, the major objective of our organization is furthering the protection and enhancement of the public's health and well being. The development of strong legislation to protect the water environment can be an important tool in man's arsenal to help achieve this objective. Thus we are pleased to recognize the strong efforts being put forth to consider, protect and enhance all aspects of the water environment to the maximum benefit of man.

To this end, we wish to encourage legislation that incorporates among other things the following concepts:

1. The requirement that any comprehensive program for water pollution control include measures which are necessary to assure protection of the public health and well being.
2. The approval of State or agency plans, and construction grants on the basis of approved water quality standards.
3. The encouraging of comprehensive planning and the development of comprehensive water pollution control programs based on the water resources needs in the total river basin.
4. The provision of specific time limits for the development of State or agency plans, water quality standards and effluent limitation standards.
5. A provision which supports nondegradation and enhancement of the water environment.
6. The requirement to develop a self-sufficient capability for continued operation, maintenance and expansion of facilities aided by the act.
7. The encouraging of provisions for reimbursement for municipal treatment of industrial wastes.
8. The provision for the most expeditious implementation of enforcement procedures, commensurate with an ultimate appeal opportunity to protect against malicious and capricious action.
9. A provision for delegation of monitoring, inspection and other responsibilities to States when they are determined to be as capable as the Federal government to carry out such responsibilities.
10. A provision for rapid action and injunctive relief when the public's health and welfare is believed to be in jeopardy.
11. A provision for direct action by enforcement authority when prohibited, hazardous substances are being discharged to the water environment.
12. The encouraging of international cooperation in matters associated with protection of the water environment.
13. The prohibition against awarding government contracts to convicted violators of water pollution control regulations until such regulations have been complied with.
14. A provision for penalties whenever an enforcement action is required, including instances when permits systems are instituted.
15. A provision which requires a periodic report to the Congress with respect to operations under the Act.

Let us turn now to a discussion of water quality criteria and standards. In far too many of our communities one man's sewage effluent is another man's drinking water supply, swimming hole, fishing pond, etc. Thus, it is pleasing to note that the proposals we are considering here today recognize the need to consider the water environment as a total system. We note also, that substantial funds would become available for the construction of facilities to help protect this environment. Yet, there exists, in our opinion, a possibility for the expenditure of large sums of money without really knowing whether what we have constructed is sufficient unto the need. As a matter of fact, it is this failure to provide for the establishment of (1) a sound technical and scientific basis for describing the extent of the need, and (2) a surveillance and monitoring system for evaluating the success or failure ascribed to the efforts associated with water pollution control programs that is our cause for concern. Careful consideration of this concern would dictate a need for considering a continuing basic and applied research effort in the development of any water pollution control effort. Even then we must make a special effort to assure ourselves that the needs of people, not physical facilities, remains in the forefront of our water resources planning.

In this regard, it is most heartening to note that S. 523 and S. 1014 place great stress on the importance of the development of water quality standards. Further they emphasize that such standards shall have the purpose of *protecting and improving the public health and welfare, and enhancing the quality of the Nation's water for the benefit and enjoyment of future generations.* Also they specifically require that in the establishment of these standards, consideration be given to the value of water for public water supplies, propagation of fish and wildlife, recreational, agricultural, industrial, navigational and other legitimate purposes.

The development of water quality criteria and standards, in our opinion, is the heart of and the most significant factor in the entire water pollution control process. If this is true and our association believes it is, it is most disappointing to find that authorization for research funds covering this factor have at worst not been extended, and at best extended for only one year. Further, it is noted that no funds at all have been mandated for health effects research. We ask what is the basis for establishment of water quality standards? How do we determine what degree of efficiency to assign to the sewage treatment plant or what treatment requirements can reasonably or economically be left for the water treatment plant? How do we know what standards are satisfactory for swimming and other recreational pursuits? How does an administrator evaluate the effectiveness of a State or agency plan in terms of health and well being, or determine the most serious pollution problems in setting priorities, or establish regulations providing specifications for effluent standards, or many other requirements contained in the proposals, in the absence of essential knowledge associated with today's situations and which is surely to be worsened by continuing technological and industrial "progress"? Not only is there a dearth of scientific knowledge in these areas of concern, even if the proposals required the evaluation of all situations, agencies would be hard pressed to proceed in the absence of reliable scientific tools required for such evaluation and assessment. So, we are left to a shot gun approach and a hope that these efforts and results will be worth the cost.

We shall have more to say about some specific needs later, but first let us see what others who have expressed concern about water quality and who recognize the need for expanded and continued basic and applied research associated with efforts to improve the water environment, are saying.

The American Chemical Society in the 1971 supplement to their publication "Cleaning Our Environment: The Chemical Basis for Action", placed the primary concern in the water environment on the protection of water resources for public water supplies. They say:

"Public water supply treatment plants often draw their raw water from a source that receives treated waste water. Waste water treatment practices, however, do not remove other substances that are present but undetected. Also, waste waters can bypass the treatment process with insufficient dilution during plant outage periods or in times of disaster, such as power failures. Too little is known of the specific compounds in waste treatment plant effluents. Accidents, negligence, and disasters do occur. The technology used to treat public water supplies, and the normal design treatment capacities, are not necessarily adequate to cope with unknown contaminants, sudden pollution loads, and manmade or natural disasters.

". . . We see a good deal of excitement over agricultural fertilizers and mercury, cadmium, and certain other metals in water. The fact is that we have virtually no information on how these metals are affected by the processes used in the normal public water supply treatment plant. The fate of viruses and the effects of disinfection on viruses and other organisms in such plants also remain open questions."

The Director of the Bureau of Water Hygiene in the Office of Water Quality, speaking to the Arkansas-White-Red Basins Inter-Agency Committee in October 1970 said:

"By the year 2020, our water requirements are expected to exceed 1300 billion gallons each day. But hydrologists estimate that the total usable surface water supply from rainfall is only 700 billion gallons per day. Under these circumstances, the necessity for reuse of our surface water resources is obvious."

"This provides a major challenge to environmental health workers because much research and development work is necessary in order to provide planners with criteria, standards, guidelines and cost factors so vital to the evaluation of alternatives."

The Forward of a report entitled "Community Water Supply Study, Significance of National Findings" released by the Environmental Health Service, Department of Health, Education and Welfare in August 1970, says:

"Of special concern is the fact that the waste products of our highly urbanized and technological society—many of them not even identified—which pollute our land, air, and water, persist in the environment, and react, one with another, in complex and little understood ways, to affect the life cycles of plant, animal and human organisms.

"Our water resources, more perhaps than any other, illustrate the interaction of all parts of the environment, and also the recycling process that characterizes every resource of the biosphere. Everything that man injects into his environment—chemical, biological, or physical—can ultimately find its way into the earth's water and these contaminants must be removed, by nature or by man, before the water is again potable.

"Concern for our water quality until quite recently has centered principally on the danger of bacteriological contamination from inadequately treated sewage discharged into our rivers and streams. Today we are confronted with the fact that chemical pollution of source waters poses additional, and possibly even more difficult problems. Moreover, we deceive ourselves if we assume that even the most complete and effective treatment of municipal and industrial wastes can ever remove all threats of water contamination."

Dr. Jay H. Lehr, Executive Director of the National Water Well Association testifying before the Subcommittee on Executive and Legislative Reorganization of the House of Representatives concerning the President's plan for the establishment of a new Environmental Protection Agency said this in his summary:

"We know increasing quantities of pesticides, organic chemicals and toxic metals are entering the waters that serve as sources for the Nation's public and that many of these new contaminants are not being removed by established water treatment methods. Their daily consumption thereby, presents a potential threat to the people's health.

"We know that in the absence of adequate planning, supervision and management, a proliferation of water supply systems has grown up to serve metropolitan areas, many of which are too small for efficient or safe operation, thereby, resulting in hazards to the public health.

"We know that inadequacies in the quality of drinking water and in the construction, operation and maintenance of drinking water supply systems have allowed the occurrence of disease outbreaks and that increased surveillance and attention to drinking water supply systems is needed to control and prevent public health hazards and to protect the health of the people.

"We know that in many areas of the country, water shortages will necessitate thorough consideration of the reclamation and reuse of waste waters and that the health impacts and aspects of such reuse for drinking and other human purposes must be investigated and evaluated."

In the foregoing remarks we have spoken to the need to consider the water environment in terms of its total health impact on people, and to the absence of requisite health effects research, and scientific methodology required to carry out what we regard as the most important aspect of the proposed bills—the setting of water quality standards. When I was the Administrator of the Environmental Health Services in the Department of HEW, I had reason to be concerned about this problem. My staff at that time provided me information on areas of need for such research as it concerns the water environment. At that time it was determined that research required in this particular area has several aspects: (1) the investigation of waterborne disease outbreaks as they occur to assure that we benefit from past mistakes and change procedures so that outbreaks will not continue to occur from the same reasons.

(2) The analyses of available health data on morbidity and mortality to see if associations can be found with differences in water quality.

(3) The testing for effects in animals or in vitro studies of contaminants known to occur in water or that might be added to water, deliberately or by accident, and

(4) The determination of water quality consumed by the public or used by the public for recreation.

It would be expected that health effects surveillance of water quality would help to establish the presence of and the limitations required of bacterial and chemical constituents for the water environment used for drinking water sources, recreational pursuits, and harvesting of fish and shellfish.

Some specific discussion of recognized research needs in terms of chemical, microbiological, and other problems associated with these aspects have been identified.

CHEMICAL RESEARCH—ORGANICS

During the past decade, science and industry have developed and manufactured, and will undoubtedly continue to develop and manufacture, a great variety of new products, often complex in nature, in order to enhance the physical condition of everyday living. Many of these new substances, however, may carry along with them certain threats to health and well-being, and consequently, their hazard to public health when encountered in the water environment must be evaluated.

The organic chemicals industry is constantly producing new products that create new types of pollutants, varying widely in both physical and chemical properties. The toxicity of a few of these compounds has been studied substantially; however, the available information on the toxicity of most chemicals is quite meager. Because of the diversity of the organic chemical industry's waste, an adequate appraisal of their pollutional significance is often impossible in our streams much less in our potable water systems.

We are considerably concerned about the amounts of chemical materials such as the wide spectrum of organics including pesticides, and other chlorinated organics which may find their way into our water supplies. We lack knowledge about their chronic low-level effects on humans, the levels of which the U.S. population may be confronted in our water supplies and about the removal of these noxious agents from our water supplies. These similar concerns are held for those waters used in food production and processing. The potential health problem of organics in water supplies consists of several facets, of which the most pressing are: (1) the development of a prototype system for the concentration and removal of organics from water, a partitioning system for separation of health-related organic groups, analytical methodology, and field testing of the resultant system, (2) development of pertinent toxicity data relating chemicals or groups of chemicals to detrimental effects on human health, and (3) derivation of drinking water standards for organics other than pesticides.

TOXIC METALS AND OTHER INORGANICS

Heavy metal salts in solution constitute a very serious form of pollution, since they are stable compounds, not readily removed by oxidation, precipitation, or any other natural process. A characteristic figure of heavy metal pollution is its persistence in time as well as in space for years after pollutional operations have ceased. Continuous exposure to such environmental materials when related to the animal's ability to handle such chemicals, determines its total effect on such animals. This is, of course, here again related to time and the environmental level to which he is exposed. The fact that such materials are concentrated to varying degrees adds to our concern for exposure to such materials wherever they may be encountered, be it water, food, or air. Some of the metal-organic complexes may be even more toxic than the metal ion itself as in the case of methyl mercury. The lack of understanding of the total overall long-term effects of such inorganics on human health has made it most difficult for us to attach the proper significance to such materials when consumed for long periods of time at low levels as may be found in public drinking water supplies. The establishment of water quality standards and the derivation of drinking water standards for such materials necessarily depends upon the availability of such data.

MICROBIOLOGICAL RESEARCH—VIRUSES IN WATER SUPPLIES

The prospect of increased reuse of water by humans intensifies the need to know more about the enteric viruses, those that occur in the gastrointestinal tract and feces of man and many lower animals. Very few studies have been made of viruses in reuse systems for protracted periods. Data for the movement of viruses in ground water is extremely limited. The ability of water treatment processes to remove or inactivate viruses has not been fully explored. Knowledge of the infectious hepatitis virus has been hampered by the lack of ability to culture it in the laboratory.

EFFECT OF INDUSTRIAL POLLUTANTS ON WATER QUALITY MEASUREMENTS

There is a growing concern about the effect of nutrient rich wastes discharged from industrial complexes, particularly paper mills, into fresh water and coastal water recreational areas and shellfish growing waters creating environmental conditions conducive to bacterial multiplication. A program of study, concentrating on the water resources near paper mills operations, whose discharges are grossly polluting fresh waters and the estuarine environment, is needed.

DEVELOPMENT OF BATHING BEACH CRITERIA FOR FRESH AND MARINE WATERS

One of the major forces behind the drive to control water pollution is the demand for clean water for recreation. Public health officials have worked for years to maintain certain bacterial quality standards at bathing beaches. These standards are commonly based on the counts of the coliform group the same of which is used to assess the quality of drinking water. It is absolutely essential that a sound basis be established for bacterial or other quality standards for recreational waters.

GENERAL METHODOLOGY RESEARCH

Methodology needs considerable updating and new development, so as to attain greatly increased sensitivities and efficiency. All of these are required in order to measure the very low levels of chemical pollutants as are or as may be found in public water supplies. In addition, there is considerable need for improvement (bacteriological) and for new development in both the viral and bacteriological areas as regards water supplies. Lastly, there is need for the development of criteria and standards for waters used for recreation and food production.

A. CHEMICAL

Progress in analytical chemistry and instrumentation which is vital to both water pollution control and surveillance as well as the wide complexity of organics found in water resources, would be greatly enhanced by improved methodology. Improved procedures are required also for traces of organic compounds, which may be important in three areas: toxicity to man, color; taste and odor. Techniques are required that will identify and measure organic contaminants in water at concentrations of from milligrams per liter down to micrograms per liter and lower.

A general requirement in analytical chemistry is standardization of methods. The methods that will serve as the legal standard in enforcement proceedings must be valid and reliable in all hands and must produce the same results by different chemists in all laboratories. A strong effort is required, therefore, in evaluating and improving analytical chemical methods.

B. VIROLOGICAL

No satisfactory methods are now available for the examination of water and aquatic fauna for viral pollutants today. In order to identify the problem related to water pollution with viruses, a satisfactory method must be developed for examining each identity. This is necessary in order to make available standard virological methods for water quality examination, re-evaluate the efficiency of conventional water treatment processes, and to ascertain the validity of bacterial indicator systems used today in relation to viral pollution under different conditions. It is also required in order to directly detect or concomitant with other tests, a faulty treatment process or distribution system. In addition, such methodology provides basic tools for the evaluation of waste water reuse and a laboratory tool to support epidemiological investigations of virus disease outbreaks when water is suspected as the common vehicle.

C. BACTERIOLOGICAL

Correlations of bacterial indicator organisms with waterborne disease, particularly in recreational waters, should receive high priority.

RAPID IDENTIFICATION OF BACTERIAL HEALTH HAZARDS IN WATER

There is a recognized need for new, more rapid techniques for bacterial identification based on molecular or enzymatic characteristics that will yield reliable, quantitative results in minutes or a few hours. There is a need for research into areas of microbial physiology and ecodynamics for isolation of a myriad of factors controlling rapid detection.

DEVELOPMENT OF QUANTITATIVE PROCEDURES FOR DETECTION OF BACTERIAL PATHOGENS IN WATER

There is a critical need for a comprehensive research program to develop efficient methods for quantitation of Salmonella, Shigella, Vibrio Leptospira and interopathogenic E. Coli from poor quality recreational waters and contaminated water supplies.

DEVELOPMENT OF QUANTITATIVE PROCEDURES FOR AERUGINOSA IN RECREATIONAL BATHING WATER AND REUSE WATER SUPPLIES

Pseudomonas Aeruginosa, frequently associated with "secondary invader" type infection can persist for long periods in distribution lines, become a major problem in wastewater reclamation projects and possibly reach a hazardous density in recreational waters.

The continued study of development on methodology, evaluation, and base-line collection on the aftergrowth aspects of the problem will be necessary.

Mr. Chairman, we hope we have been able to give you some measure of our concern anent the proposals to amend the water pollution control act. We believe that the expenditure of such large sums of money demands specific provision for continued research that makes it possible to systematically and scientifically establish priorities of need, water quality standards, efficiency of actions, and effectiveness of results. We do not suggest that nothing can be done until answers to these problems are found. We must move ahead on the best scientific knowledge that is available, recognizing that such knowledge is insufficient at best, and must be amplified and modified in the light of new findings that result from continued research. Mr. Chairman, I would be pleased to respond to such questions as you and the committee may have.

INFLATION: CAN THE FED BE BLAMED?

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mr. RHODES. Mr. Speaker, in Sunday's Washington Post there was an article by Sidney Weintraub titled: "Inflation: Can the Fed Be Blamed?"

Professor Weintraub supports the concept of a national income policy as a means of relief from spiraling inflation. He astutely points out the importance of wage increases as a demand-pull feature in the economy.

If we are to meet effectively the crisis of a crippling inflation problem we must have some rational control over the skyrocketing labor costs. One means to combat this problem could be a U.S. Court of Labor-Management Relations, as outlined in H.R. 2373.

This court would preserve the basic processes of collective bargaining, and at the same time protect the public interest against the devastating consequences of protracted work stoppages in industries affecting the general welfare, and allow for reasonable demands by labor while discouraging needlessly inflationary wage increases.

I hope that my colleagues will take time to read the following article:

INFLATION: CAN THE FED BE BLAMED?—CONTRADICTIONS CROP UP IN MONETARY THEORY

(By Sidney Weintraub)

Ideas in economics die slowly. A more eternal article of faith is that the Federal Reserve can prevent inflation.

There are several variants of this myth. In some versions, fiscal policy can render assistance. Others attribute past failures to an erratic and fitful monetary policy. The doctrine is fostered that if only the Fed could stick to a steady 3 per cent to 5 per cent money supply per annum, stability will result. This criticism of past policy has been elevated to a principle for a "correct" monetary stewardship by Milton Friedman, professor of economics at University of Chicago.

In questioning these doctrines, consider a military commander whose entire mission was to capture enemy territory. Suppose each day—or year—he acknowledged a loss of ground. There would scarcely be a military expert who would not be skeptical of the strategy. Retreats would be accurately described as an abandonment of space.

An analogy exists to the Fed's campaigns. Since its inception in 1914 the price level has taken a pounding. From 1914 to 1929, the rise approximated 60 per cent. After the 24 per cent drop from 1924 to 1933, the rise from 1933 to 1940 was minimal. From 1940 to 1970 the rise—in the GNP deflator—has been of the order of 200 per cent. Since 1950, the movement has exceeded 60 per cent.

To an unsophisticated observer the conclusion would be commonplace that monetary policy has been a signal failure for a hard stance against inflation by the Fed. Of course, we can cite wars, and some laxness in monetary control. Still, taking the long view, it is hard, on pragmatic grounds, to retain a faith in monetary policy. Historically, the Fed has been more of a sieve than a dyke in blocking the inflationary trend.

Is the Fed to blame for inflation? Not at all. It is simply that monetary policy, with or without fiscal policy, is inadequate. And it is doubtful that a steady course will triumph.

The inflation we envisage is not the explosive post-World War I European variety, but a slow erosive pecking at the value of money, of 3-4-5 per cent per annum. Compounded, this portends from 35 per cent to 60 per cent price increases after 10 years. Current trends will not look better on a 1980 or 1990 retrospective glance than the past record.

Despite some variations on the main theme, all monetary theories of inflation show a contest between the money available for income recipients and the amount of goods the economy can produce as determining the price equation. Concepts of money velocity, and money and goods hoarding enter, with "expectations of inflation" assigned a prominent place nowadays.

Notwithstanding all of the subleties, and the mathematics and econometrics often inserted to bedazzle and bewilder, the same conclusions emerge: Control the money supply to protect the price level. The dispute hinges on how much the money supply should expand. Whenever a pet recipe on money supplies is rejected by the Fed, the reaction is to flay officialdom for blunders in implementation, rather than to examine the doctrine. Criticism of public servants always furnishes some ego balm.

Might not the monetarist theories be wrong? The doctrines, at least, must be suspect.

Consider the present circumstances. The U.S. economy (and that of the U.K., and others) suffers simultaneously from too much inflation and too much unemployment. For the U.S., the 1969–1971 experience is literally a pathological disorder, for in the past, when prices went up, unemployment went down. Only in 1957–59 was there a comparable (smaller scale) incident. Students of business cycles often measured either the price or unemployment turns, for one was usually a reciprocal image of the other. This new experience makes the current episode so complex.

To prescribe for the malady, the monetarist must counsel tight money to prevent inflation. To absorb the unemployment, the recommendation is easy money. The contradiction is apparent. More recently, the precept of "gradualism" has been invoked, to sneak up behind the perplexing sequence. "Gradualist" shortcomings have become conspicuous.

A non-monetary inflation theory is that the price level is primarily an outcome of the relation between money wage (and salary) changes and movements in labor productivity: If money wage movements outstrip productivity gains, prices will advance.

This wage cost mark-up theory is not a cost-push theory alone. It recognizes the impact of costs on prices, to be sure. It admits that in markets of administered prices, cost pressures are profoundly important. But it also emphasizes that in consumer markets, wages (and salaries) comprise nearly 90 per cent of the aggregate of consumer demand. Higher wages and salaries mean more purchasing power, and higher consumer demand. It is not an accident that as automobile wages go up, retail sales in the worker environs rise. The demand aspect of wages is so prominent that the only surprising fact is that wage increases as a demand-pull feature has been overlooked.

Consider the effects of the restrained monetary policy over 1969–1971: The result has been unemployment. Through unemployment, in past episodes of tight money the ascent of money wages was checked. A lid was clamped on the wage rise and sometimes money wages actually fell.

Monetary policy is thus an indirect form of incomes policy. Through unemployment, it aims to keep wages and salaries in line, and thus steer prices away from an inflation trend. In this respect the monetarist program has faltered over the past two years, and offers cogent evidence of why it is doomed to the future. For no matter how the Fed manages the money supply, so long as wage costs go up and wage earners spend more, prices will rise. If the Fed denies ample funds to the economy for full employment, the events will parallel 1960–1970: inflation and unemployment.

So long as unemployment does not inhibit wages, we are committed to inflation. Sooner or later, in the midst of politically excessive unemployment, the Fed must yield; it will be driven to provide funds to prevent unemployment from reaching alarming levels though full employment will elude us. Involved then is a test of wills, uncoordinated but in conflict until resolved in prices and employment. Our labor unions, our monetary institutions, our political processes, interlock to set the price record and the job outcome. Monetary policy alone—even in conjunction with fiscal policy—cannot ensure a stable price level and full employment in this environment.

On this diagnosis, monetary policy will continue to report indifferent success: Prices can be kept within tolerable limits only if unions are accommodating. But the Fed's influence on wages is at arm's length. The sorry plight is revealed in the unemployment engendered by its operations, with mounting prices under rising material aspirations inflicting some extra anguish.

The remedy must reside in new measures by way of incomes policy to influence wages and salaries more rationally and directly, rather than the Fed's diffused and imprecise method of monetary tautness and unemployment which, in the long sweep, has not prevented inflation. Despite the new soothing faith in the efficacy of a steady monetary course, the 1969–1971 price level outcome offers scant encouragement; projections of a 3 per cent plus inflation per annum will match the sordid past history until we devise a formula for income restraint.

A voluntary incomes program would be nice. So would a world with only voluntary tax contributions. With the facts as they are, only a mandatory policy can be effective. Economically and politically, we should not settle for less than full employment and a stable price level.

Jobs, a $30 billion addition to GNP and the stability of the dollar impart urgency to the analysis. With an incomes policy the Fed could be liberated of its inflation fears and devote its energies to building the money base for full employment.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

ACCEPTANCE SPEECH AT WEYMOUTH SCIENCE CENTER

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mr. ANDERSON of California. Mr. Speaker, I recently had the pleasure of presenting a U.S. flag, which had been flown above the Capitol in Washington, to the Weymouth Science Center—a San Pedro facility of the Los Angeles city school system. I was, indeed, honored to participate in this event and I feel that the benefits that accrued from being with the students were certainly immeasurable.

The Weymouth Science Center has put into practice an advanced concept in education. Gifted students are brought together and placed in an accelerated program which emphasizes scientific projects and experiments.

At the ceremony, I presented the flag to Alan Atkinson and Wayne Kiso, two sixth-grade students from Taper Elementary School. Words of acceptance were spoken by another sixth grader, Hali Hoyt.

Hali's acceptance speech was so impressive that I thought that my colleagues would enjoy reading her well-spoken, lucid remarks. At this point, Mr. Speaker, I place Hali Hoyt's speech in the RECORD:

> As we look up at the flag we can see how beautiful it is. Waving majestically on high, bold in color and design, it quickens the heartbeat of any artist.
>
> But if it were only an object of beauty, then our flag would be very insignificant, just a piece of beautifully designed cloth.
>
> However, our flag is more than that. What then, does this flag which has flown over the capitol mean?
>
> I believe it is symbolic of what our Country was, is and hopes to be!
>
> Our flag represents many things. The birth and growth of our nation. The realization that the American dream was not developed overnight. It took years of fighting, struggling, planning, and sacrifice, to reach this point in our history and it is a never ending process.
>
> Our flag represents the establishment of freedom and individual liberty.
>
> These are our most important possessions and are guaranteed to us by the highest law of the land—The United States Constitution.
>
> Our flag represents equality of opportunity. The right for a chance to go as far as effort and ability can take us. Although we are constantly improving in this area, we still have a long way to go. Our flag represents democracy.
>
> A belief in a representative government and therefore the right to elect our own representatives. And, of course the responsibility of electing good representatives—men that can bridge the gap between the people and the government so that we are all working together.
>
> Congressman Anderson is a perfect example of such a representative bringing the people and government together. By hearing us through our letters and taking the time to be with us today, he has shown us that the government really does serve the people.
>
> Therefore, it is with the greatest of pleasure, that I accept this flag on the behalf of the students of the Weymouth Science Center.

CAMP CHI'S GOLDEN ANNIVERSARY

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mr. MIKVA. Mr. Speaker, for most of us, the greatest influence in our early lives can be recalled specifically because of the variety in our childhood environments. One remembers the activities in the classroom distinct from life at home; weekends were two completely different days unlike any others found in the week; and the summer, of course, always stood apart from the rest of the year.

For those fortunate enough to go away to camp, the summer involved an entirely new importance. Here were new surroundings, new friends, different activities, and perhaps most important, though we never realized it at the time, new responsibilities.

An indication of the effect of the summer experience is that for all the vivid recollections of one's camping days, the total time spent at camp in one busy childhood would probably be less than a few months at the most.

This week, April 25–May 2, has been designated as Camp Chi Week in Chicago and Illinois.

On May 16, 1971, the Jewish Community Centers of Chicago will celebrate with distinction the 50th anniversary of Camp Chi. The camp, situated on its own private lake in the rustic woods of Lake Delton, Wis., has been offering activity and training to young people since its initial development in 1921 by Mrs. Julius Stone and Mrs. Walter E. Heller.

Previously only a girls camp, Camp Chi initiated its first program and camping area for boys at the Lake Delton site in 1955, 5 years after the camp moved from Loon Lake, Ill.

Now Camp Chi has really developed into three separate camps for the young. A childrens' camp is provided for boys and girls age 10 through sixth grade. A senior unit for early adolescents includes those students currently in their seventh grade while a teen group numbers those young people entering or currently attending high school.

Horseback riding, sailing, and water skiing are just some of the components of camp structure. Along with competitive sports are seminars on Jewish life and on domestic and world problems. Jewish services and spiritually as well as physically enriching programs are integrated into the modern framework of a growing and distinguished camp.

The tradition of summer camp in America has been a valuable one and the tradition of Camp Chi has been particularly outstanding due in great part to the many skilled staff members and community leaders who maintain the progressive and efficient organization at the camp.

In addition to the camp's able service to the young, a Camp Chi Senior Adult Camp, built in 1965 to continue a tradition of serving all members of the community, provides activities and recreation to some 250 more experienced campers.

Camp Chi has reached a golden milestone—50 years of service to Chicago and to Illinois. With its present facilitie, Camp Chi should be able to spread even more memories and enrichment over the next 50 years.

THE DIFFERENT MAY DAY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mr. DERWINSKI. Mr. Speaker, it has long been my opinion that in many debates involving current events, especially items relating to foreign affairs, many people do not maintain a proper historical perspective. The historic background of May Day is a case in point. An editorial in the Thursday, April 26, Desplaines Valley News, written by its editor, Harry Sklenar, is a very effective and certainly timely fashion, directs our attention to the Soviet Russian use of May Day. The editorial discusses the contrast between our American observations of May Day with its emphasis on the propriety of our legal system and the proper structure of our Government with that of the Soviet distortion of history.

The editorial follows:

The Different May Day

They march, massive rows of common people on parade past the Central Square in Moscow on May 1st, the anniversary of the Bolshevik Revolution—by order of the Soviet Council.

Massive rows of deadly weapons roll by in a display of might by armament; tanks, missiles, and soldiers—by order of the Soviet Council.

In other lands, the Communist Party faithful that believe in the utterance of Moscow parade, too—by order of Moscow leaders.

In the United States, May 1st has been declared a day to demonstrate Loyalty to Law and Order; to believe in change, not by massive armies or by destruction thru weapons, but by orderly process of the ballot box and the courts.

No one orders persons to march on May 1st in this country—it's purely voluntary. No one will be there with guns urging participation or threatening with a trip to Siberia.

Surely, there are ways to convince people of the world to listen by use of reason rather than by the use of massive weapons and threats of destruction.

Reason can make this nation a leader rather than a follower, for reason is the belief that you are doing something that is right. Killing people to demonstrate power is effective to a point, but who answers the question, why? Why kill, why threaten others to rule their behavior?

Let Russia march its armies, its weapons and utter threats. Demonstrate the power of loyalty thru reason.

If you really want to "hurt" someone, you don't need a lead pipe. A few words with the wrong slant will do enough to wreck relationships forever more. Weigh your words carefully when you seek to get through to another person by the use of reason.

Demonstrate to others that those who use the power of reason deal with facts and the conclusions reached based on those facts. Demonstrate your willingness to stand up for reason, for law and order by witnessing the VFW Loyalty Day Parade on May 1st.

MENASHA, WIS., CITY COUNCIL ENDORSES REVENUE SHARING

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, the response in Wisconsin among the hardpressed county and municipal governments to the proposals for general revenue-sharing has been uniformly enthusiastic. Evidence mounts daily that the revenue-sharing ideas have struck a highly responsible chord both among the units of local government and with the hard-pressed property taxpayers.

Now comes the City of Menasha, Wis., population of 15,000, located in the midst of the bustling Fox River Valley region, nearly inundated with housing, water pollution, downtown renewal problems, and growing demands for municipal services to be met on a shrinking tax base.

Mr. Speaker, I wish to share with my colleagues a resolution adopted by the City Council of the City of Menasha, Wis., endorsing general and special revenue sharing:

Resolution Endorsing General and Special Revenue Sharing

Whereas, the need for public facilities and services provided by state and local government is increasing at a rate which exceeds the revenues generated from the available tax base to such governments; and

Whereas, the federal government, through exercising taxing powers vested in it, has substantially diminished the available revenue producing sources available to states and local governments; and

Whereas, state and local governments are facing substantial deficits unless the federal government supplements the existing grant assistance programs to such governments; and

Whereas, there appears to be a general concensus of the states and local governments that the most advantageous method of obtaining and receiving supplemental federal funds would be through a program of general and special revenue sharing; and

Now, therefore, be it resolved by the City of Menasha that the United States Congress be urged to enact during the first session of the 92nd Congress a general revenue and special revenue sharing program to assist states and local governments in meeting their fiscal needs. Be it finally resolved that an attested copy of this resolution be forwarded by the Clerk to the United States Senators and the Congressmen from this District.

Passed and Approved this 7th day of April, 1971.

DEVASTATING FLOOD EXPERIENCED IN FAIRBANKS, ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mr. BEGICH. Mr. Speaker, in 1967 the people of Fairbanks, Alaska experienced a devastating flood that caused severe damage to life and property. As a result of that flood and due to efforts by many concerned citizens, the entire North Star Borough area is now covered under the Federal Government flood-insurance program. While this is a great help to the citizens of the Tanana Valley, it offers protection only after the damage occurs.

What is needed now, Mr. Speaker, are various flood control projects that will prevent the flooding of these areas.

A serious problem affecting the flood areas is that if the Tanana River and natural flow of water is changed without corresponding changes in the Nenana area, the citizens of Nenana will not only lack adequate flood protection, but the flow of the water could cause more serious damage than before work began on the Tanana River watershed.

The Alaska State Legislature being well aware of this problem has passed a joint resolution that I believe is of utmost importance to the people of this area:

House Joint Resolution No. 66: Relating to a Flood Control Project for the North Star Borough and Nenana Area

Be it resolved by the Legislature of the State of Alaska:

Whereas the Tanana Valley from the Canadian Border east of Northway to the confluence of the Tanana River and the Yukon River at Tanana, Alaska, has experienced disastrous high waters and flooding for periods of years; and

Whereas it has been reported in the news media and is general knowledge that the United States government is considering a flood control program for the North Star Borough area, which project would include a straightening of the Tanana River in the Fairbanks area; and

Whereas the flood control program for this area will affect the protection of life and property in the other areas of the Tanana River watershed; and

Whereas the lives and the property of the residents of Nenana will be especially vulnerable to disastrous consequences if the Tanana River and natural flow of water is changed without corresponding changes in the Nenana area;

Be it resolved by the Alaska Legislature that if the Corps of Engineers, the United States Congress or the State of Alaska appropriates any funds for the control of water from the watersheds within the boundaries of the North Star Borough that they take into consideration the protection of life and property in all of the other areas of the Tanana River watershed, and specifically those areas down river from the Fairbanks area so as to assure the residents of Nenana safety from flood conditions.

Copies of this Resolution shall be sent to Lieutenant General F. J. Clarke, Chief of Engineers, United States Army; the Honorable Allen J. Ellender, United States Senator and Chairman of the Senate Appropriations Committee; the Honorable George H.

Mahon, United States Representative and Chairman of the House Appropriations Committee; the Honorable William A. Egan, Governor of the State of Alaska; the Honorable Ted Stevens and the Honorable Mike Gravel, U. S. Senators, and to the Honorable Nick Begich, U.S. Representative, members of the Alaska delegation in Congress.

PEACE DEMONSTRATORS MISINFORMED

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mr. TEAGUE of Texas. Mr. Speaker, Mr. David Lawrence has written an editorial which appeared in the April 26 edition of the Evening Star which deals with those forces at large in this country who would undermine our forces of law and order and the compatriots they are finding in many of our national leaders. I would hope that somehow, someway this trend can be reversed and that our leaders would seek to inform the uninformed of this country as to just exactly what is happening and the fact that a mere two-tenths of 1 percent of the population of this country is not the majority:

PEACE DEMONSTRATORS MISINFORMED

(By David Lawrence)

The "demonstrations"—mobilizing in Washington at least 200,000 persons from all parts of the country—are incredible, particularly the participation by war veterans. Is it possible that the system of communication between the government and the people is so faulty today in America that millions of citizens, including many of those who were drafted for war service, haven't known the great dangers faced by this country as it sought to protect its interests in Southeast Asia?

Is it conceivable that informed citizens would want to see their government deprived of the services of law-enforcement agencies like the FBI at a time when scarcely a day goes by that there isn't a series of bomb explosions across the land and tragedies result from the widespread belief of criminals who feel sure they can't be caught or will not be severely punished?

America is living in a state of internal uneasiness unparalleled in its history, and the running down of criminals is more important than it ever was. Yet there is an outcry from prominent members of Congress and radical groups and organizations seeking to weaken not only the power of the FBI but of the executive branch of the government which, under the Constitution, is vested with the authority and obligation to preserve order.

It seems incredible also that aspirants for the presidential nomination of the Democratic party are openly encouraging radical groups in their crusades against law-enforcement agencies and are failing to tell their constituents the fundmental facts of American foreign policy which for the last four decades has sought to maintain a balance of power in Asia and Europe as a means of preserving peace.

Those who clamor for the end of the Vietnam war in a humiliating way give no thought to the effect it may have on the prestige or influence of the United States in the world and the fact that a third world war may well be a nuclear one, with the possible loss of the lives of millions of citizens in our country.

The uninformed segment seems to be larger than ever, and the strange thing is that the critics in Congress who should know better are helping to enlarge that opposition by claiming that our help in the Vietnam war was a mistake and that the conflict must be ended by withdrawing all American forces and not insisting on any conditions from the enemy for the future. What is overlooked, of course, is that the Soviet Union and Red China have been furnishing weapons and supplies to North Vietnam amounting to many billions of dollars.

This realistic fact has not sunk in, and many persons, including too many members of Congress, have ignored what has confronted the United States in Vietnam from the start. The veterans themselves who participate in "demonstrations" evidently never learned the important factors involved in their own service. Now misguided leaders urge them to cast their medals away and, in effect, raise questions as to their fidelity to the government they served.

Worst of all is the manner in which aspirants to high political office are adding to the misrepresentations by giving the impression that peace will come the moment America announces a date for complete withdrawal of its troops. North Vietnam has given as yet no indication of what its attitude will be toward South Vietnam and whether the war in that country will be over.

The North Vietnamese may regard American withdrawal as an opportunity to take over South Vietnam if the United States not only pulls out its combat troops but leaves no residual air force or supply units on hand to assist the people in resisting the Communists.

All these points are well known to foreign governments and have been discussed in the press abroad as well as in this country. Yet a "demonstration" of 200,000 people can be organized to appear in Washington, and plenty of other large groups can stage similar parades in other parts of the country notwithstanding the fact that the major points in American foreign policy have been made clear by the President and supported by a substantial number of members of Congress.

How long will the "uninformed" rule the roost and continue to seek a weakening of law-enforcement agencies? These are the questions that make one wonder when a counter-movement will arise to inform the uninformed that they are dealing with the safety of the United States—both external and internal.

FTC ANNOUNCEMENT OF SCOPE OF FAIR CREDIT REPORTING ACT NOW IN EFFECT

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mrs. SULLIVAN. Mr. Speaker, the Fair Credit Reporting Act, enacted October 26, 1970, in Public Law 91-508 as a new title VI of the Consumer Credit Protection Act, went into effect yesterday. It is an extremely far-reaching law, which I call the "good name" protection act, since its purpose is to enable citizens to prevent the circulation by credit reporting bureaus of erroneous, malicious, or generally obsolete information about them which could unfairly damage their eligibility for employment, or residential mortgage credit or other consumer credit, or for insurance, primarily for personal, family, or household purposes.

It is not intended to apply, however, to reports utilized for business, commercial, or professional purposes.

NO POWER TO ISSUE REGULATIONS

The offices of numerous Members of Congress have called my Subcommittee on Consumer Affairs of the House Committee on Banking and Currency, asking how to go about obtaining the regulations issued by the administrative agencies for enforcement of the new law. Unfortunately, the law, as written, does not authorize the responsible Government agencies to issue regulations, as such. In my opinion, this is a serious gap in the law which might, I am afraid, cause unnecessary difficulties to some business firms in knowing exactly what they must do in complying with the law.

It was at the insistence of the credit industry itself that the power to issue regulations was omitted from the act. A majority of the House conferees on the legislation, which became Public Law 91-508, sought to include in it the power to issue regulations, but the Senate conferees refused to accept this particular amendment. I mention this background because the absence of regulation-issuing power in an act as important as this one to so many business firms in this country, as well as to all consumers, might otherwise be regarded as having been an oversight in the drafting of the law.

During the House hearings on the fair credit reporting bill, I pointed out that the power accorded to the Federal Reserve Board in title I of the Consumer Credit Protection Act to issue regulations implementing the Truth in Lending Act has been of tremendous assistance to affected business firms, particularly where provisions of that law might have lent themselves to differing interpretations. I am sure the Federal Reserve's regulation Z has contributed greatly to the ability of creditors to obey truth in lending and, as I said, I wish there were a comparable regulation on fair credit reporting, but the House conferees were not able to accomplish that objective.

FTC RELEASE ON FAIR CREDIT REPORTING ACT

In any event, the Federal Trade Commission, which has primary administrative and enforcement authority over the Fair Credit Reporting Act, has sought to fill the need of business firms and consumers for specific guidance on the new law by issuing a press release outlining the provisions of the statute and how it operates. I am including this FTC press release as part of my remarks, as follows:

THE FAIR CREDIT REPORTING ACT BECOMES EFFECTIVE

The Federal Trade Commission announced that the Fair Credit Reporting Act becomes effective today.

The new law attempts to balance the need of those who extend credit, insurance or employment to have quick and inexpensive access to the facts necessary to make a sound business decision, and the consumer's right to know of and correct erroneous information being distributed about him. The legislation was drafted to facilitate the free flow of information about a consumer, while at the same time affording the consumer the opportunity to correct any errors causing him unwarranted difficulties.

The basic purpose of the law is to protect consumers from inaccurate or obsolete information in a report which is used as a factor in determining an individual's eligibility for credit, insurance or employment. It does not apply to reports utilized for business, commercial, or professional purposes. It does not limit the kind of information that can be gathered, nor require reporting of "relevant" information, and it does not give consumers the right to possess physically their file or to receive a copy of it.

The major rights created by this law are as follows:

NOTIFICATION OF ADVERSE ACTION

The consumer is given the right to be told the name and address of the consumer reporting agency when he is rejected for credit, insurance or employment at the time of such denial. In this manner, he will be made aware of the existence of any adverse information and can avail himself of the right to correct any erroneous information in his file. If credit is denied because of information from some other source, he can learn the information directly from the prospective creditor.

ACCESS TO INFORMATION IN A CREDIT FILE

The consumer is given free access to examine the nature and substance of the information in his file at the consumer reporting agency when adverse action has been taken. All information in the file is available to him, with the exception of medical information and the sources of investigative information, which can only be obtained through discovery procedures of a court. The term "nature and substance of all information" means that the only prohibitions are that the individual may not physically handle his file or receive a copy of his file. The consumer has the right to be accompanied by one other person of his choice when his file is discussed.

SOURCES AND RECIPIENTS OF INFORMATION

The consumer has the right to be told the sources of information in his file (non-investigative sources) and who has received reports on him during the preceding six months for credit or insurance purposes and the preceding two years for employment purposes.

CONFIDENTIALITY

The consumer has the right to have the information in his file kept confidential and reported only for credit, employment, insurance, government license or benefit, or other legitimate business purpose; and otherwise to have information in his file that goes beyond identification kept from governmental agencies unless disclosure is ordered by a court.

REINVESTIGATION OF DISPUTED ENTRIES

The law requires that consumer reporting agencies reinvestigate disputed items of information and correct these if found to be inaccurate. If the dispute is not resolved, the reporting agency must note the existence of the dispute and enclose a brief statement of the consumer's version of the dispute. Inaccurate or unverifiable information must be deleted from his report.

ADVANCE NOTIFICATION OF INVESTIGATIVE CONSUMER REPORTS

The law requires those that procure or cause to be prepared investigative reports (those that involve interviews with friends, neighbors, etc.), as distinguished from credit reports, to inform the consumer in writing (a) that such an investigation may be made and (b) that the consumer has the right to make written request for a complete and accurate disclosure of the nature and scope of the investigation, which would at least include disclosure of the items or questions which the investigation will cover. This advance notice need not be given if the report is for employment for which the subject has not applied. In addition, adverse investigative information (except public record information) must be reverified before it can be included in any report made after three months.

CARE AND ACCURACY

There is the general requirement that consumer reporting agencies provide only reports requested for certain legitimate business purposes and that they maintain reasonable procedures to assure that recipients of the reports are authorized to receive them and to assure that reported information is not obsolete. These procedures must also be maintained to assure maximum possible accuracy of all consumer reports.

ELIMINATION OF OBSOLETE DATA; ADVERSE PUBLIC RECORD INFORMATION

Reporting agencies have an option to follow one of two procedures: the agency must either notify the consumer when adverse public record information (such as suits, tax liens, arrests, indictments, convictions, bankruptcies, judgments) is being reported to a potential employer or it must maintain strict procedures to verify the current status of such public record items. Generally, information may not be reported if older than seven years (there are a few exceptions such as bankruptcy (14 years)) and suits and judgments on which the limit is seven years or the governing statute of limitations, whichever is the longer period.

OBTAINING INFORMATION IN A FILE BY FALSE PRETENSES

The law provides criminal penalties for *obtaining* information on a consumer from consumer reporting agencies under false pretenses and for *providing* information to someone unauthorized to receive it.

LEGAL RECOURSE

The private enforcement provisions of the FCRA permit the consumer to bring civil suit for willful noncompliance with the Act with no ceiling on the amount of punitive damages. The consumer may also sue for negligent noncompliance for actual damages sustained by him. Attorney's fees, as determined by the court, will be allowed for both forms of action.

A two year statute of limitations from the date liability arises is provided for civil suits. However, where the defendant has willfully misrepresented information required by the law to be disclosed to a consumer, and that information is material to the establishment of the defendant's liability, the statute does not begin to run until discovery of the misrepresentation.

Suit may be brought in any appropriate U.S. District Court without regard to the amount in controversy, or in any other court of competent jurisdiction.

If there is full compliance with the requirements of the FCRA, no consumer reporting agency, user of information, or person who supplies information will be subject to a consumer action for defamation, invasion of privacy or negligence for disclosing information required to be given to the consumer pursuant to the Act, unless the information is false and furnished with malice or willful intent to injure such consumer.

ADMINISTRATIVE ENFORCEMENT

Compliance is enforced by the FTC with respect to consumer reporting agencies, users of reports, and all others involved who are not regulated by another Federal agency. Compliance on the part of financial institutions is delegated to those Federal agencies that exercise existing enforcement jurisdiction over such businesses. The Commission will use its cease-and-desist power and all other procedural, investigative and enforcement powers which it has under the FTC Act to secure compliance, irrespective of interstate commerce or any other jurisdictional tests in the FTC Act.

The Commission suggests that consumers who have reason to believe that consumer reporting agencies or users of consumer reports are not complying with this law contact the nearest regional office at the address noted below:

FEDERAL TRADE COMMISSION REGIONAL OFFICES

Atlanta Regional Office: John B. White, Regional Director, 730 Peachtree Street, N.E., Room 720, Atlanta, Georgia, 30308, 526-5836.

Boston Regional Office: John F. McCarty, Regional Director, John F. Kennedy Federal Building, Government Center, Boston, Massachusetts, 02203, 223-6621.

Chicago Regional Office: Robert L. Camenisch, Regional Director, Room 486, Everette M. Dirksen Office Building, 219 South Dearborn Street, Chicago, Illinois, 60604, 353-4423.

Cleveland Regional Office: Mrs. Carol G. Emerling, Regional Director, Room 1339 Federal Office Building, 1240 E. 9th Street, Cleveland, Ohio, 44199, 522-4207.

Kansas City Regional Office: John T. Hankins, Acting Regional Director, Room 2806, Federal Office Building, 911 Walnut St., Kansas City, Missouri, 64106, 374-5256.

Los Angeles Regional Office: Robert E. O'Brien, Regional Director, 11000 Wilshire Boulevard, Room 13209, Federal Building, Los Angeles, California, 90024, 824-7575.

New Orleans Regional Office: William B. Lott, Regional Director, 1000 Masonic Temple Building, 333 St. Charles Street, New Orleans, Louisiana, 70130, 527-2091.

New York Regional Office: Richard A. Givens, Regional Director, 22nd Floor Federal Building, 26 Federal Plaza, New York, New York, 10007, 264-1200.

San Francisco Regional Office: Raymond J. Lloyd, Regional Director, 450 Golden Gate Avenue, Box 36005, San Francisco, California, 94102, 556-1270.

Seattle Regional Office: Frederick Lukens, Regional Director, Suite 908, Republic Building, 1511 Third Avenue, Seattle, Washington, 98101, 442-4655.

Washington Area Regional Office: Michael J. Vitale, Regional Director, 450 W. Broad Street, Falls Church, Virginia, 22046, 533-3243.

For matters involving national companies, contact: Division of Special Projects, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C., 20580, 393-6800.

MAJOR DEFICIENCIES IN RAILPAX—AMTRAK'S OPERATIONAL RESOURCES AND RECOMMENDED "BASIC SYSTEM" MUST BE REVIEWED AND CORRECTED IN THE NATIONAL INTEREST

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mr. DONOHUE. Mr. Speaker, on April 21 last, the esteemed House Interstate and Foreign Commerce Subcommittee on Transportation and Aeronautics initiated public hearings on the basic system for improved passenger service recommended by the National Railroad Passenger Corporation because of the tremendous amount of criticism and dissatisfaction that their announcement generated throughout the country.

Because the proposed basic system excluded an improved service route along the largest traveled market in the country, the Boston, Worcester, Mass., New York City corridor, along with many other regional service omissions I am strongly convinced that the proposed system, as now constituted, will not and cannot provide the nationally workable improved railroad passenger service that the Congress intended by the adoption of the Rail Passenger Service Act of 1970.

Mr. Speaker, there is no question that the members of the National Railroad Passenger Corporation diligently attempted to carry out their mandate but I am impelled to maintain that it is simply and practically impossible, under the system they recommended, to rebuild any rail passenger service into a viable part of a national transportation system that can reasonably develop the full potential of modern rail service in intercity transportation and that can reasonably hope to achieve a for profit operating basis in the foreseeable future; on the contrary it seems to me that the presently proposed system is most reasonably doomed to failure and projects an unhappy promise of a further, senseless waste of the taxpayers' money, unless it is revised and strengthened both in operating resources and in expanded service routes.

These are the summary convictions I presented in a statement submitted to the subcommittee on their opening day of hearings, April 21, last. Also I recommended that the execution date, May 1, next, of the legislation be suspended while legislation was being processed and and considered, that I and others have introduced, to substantially increase the corporation's operating funds, to add essential service routes to the basic system and to reduce from 66⅔ percent to at least 33⅓ percent the operating loss charge that must be assumed by States, like Massachusetts, that may make an appropriate agreement to add a route that is not now a part of the basic system projected by the corporation.

Mr. Speaker, I have been requested to include that statement I submitted to the subcommittee and it follows:

Statement of Hon. Harold D. Donohue

Mr. Chairman. On behalf of the many deeply disturbed civic officials, together with the hundreds of thousands of affected taxpayers in the city of Worcester, Massachusetts, and the whole central area of our Commonwealth, I wish to congratulate you and your distinguished Committee Colleagues for initiating this timely hearing concerning the impact and efficacy of the proposed basic national rail passenger system recently announced by the National Railroad Passenger Corporation. Our appreciation is also extended to the members of the Corporation and the other representatives of the Department of Transportation and Interstate Commerce Commission who are making themselves available for the exchange of ideas and information on this subject that is of such tremendous national, regional, and local significance.

One purpose of your hearing is to inquire as to whether the basic system as presently constituted and recommended, however diligently and sincerely, actually and fully complies with the mandate of Congress and reasonably can achieve the desired objectives contained in the Rail Passenger Service Act of 1970.

Judging by the rising tide of criticism and protest that has been increasingly manifested since the Corporation announced their basic system proposal, there appears to be ample grounds to very seriously question that the fullest Congressional intent and the most desirable national rail passenger service objectives can be best accomplished by the present Railpax proposal.

On these scores, I believe that the failure to approve the establishment of an inland route between Boston and New York through Worcester and Springfield in Massachusetts and Hartford in Connecticut, with its consequent effect upon the city of Worcester and the whole central area of Massachusetts, presents a striking instance of very questionable exclusion from and substantial deficiency within the basic system proposed by Railpax.

The city of Worcester is the second largest in the Commonwealth of Massachusetts and the third largest in New England. In comparison with the shore route approved by Railpax in their basic system, we must note that independent research has established that the highest population centers lie along the inland route from Boston to New York through Worcester, Springfield, and Hartford, and, indeed, studies by the U.S. Department of Transportation itself indicate that a significantly larger travel market exists on this inland route than on the shoreline route.

When we explore the question of existing and possible means of travel, other than rail passenger service, it becomes only too clear that the alternatives are gravely inadequate for the acknowledged potential market in our central and whole inland area. For example, no expressway now connects the city of Worcester with the only direct access road between New York and central Massachusetts; and the interstate highway system offers only one high-speed route to New York from the Worcester area. With regard to air service, the records show that the number of air passengers traveling from Worcester to New York City, despite the increased population in the Worcester Metropolitan area, has declined by 50% over the last 15 years; the number of flights between New York and Worcester has been reduced to 3 per day.

With the severe decline in air service and the complete absence of rail passenger service to New York City or even to New London, Connecticut, the growing number of travelers in the Worcester and central Massachusetts areas are practically forced into total dependence upon the automobile. Under this circumstance and with the constantly increasing population, it is obvious that, in our area, the very congestion and pollution that this legislation was designed to offset will be unfortunately accelerated to ever more dangerous levels.

We must further contend that the inclusion of our proposed inland route would make a far greater and much more significant contribution to the overall viability of the basic system projected by Railpax than the shore route that was selected. We believe that the establishment of the inland route naturally provides a far more favorable channel for the fullest extension of the basic system because of the accompanying feeder benefits going up into the Connecticut and Merrimac Valleys to Portland, Maine; and that this potential market, together with the higher density population sources along the inland route, would have a comparatively heavier impact on the Metroliner service from New York City into Washington, D.C.

Mr. Chairman, I submit that even this one instance, not to mention the great many others that will be presented to the Committee, of exclusion of service along the Boston-New York corridor, which is the largest travel market in the country, indicates that even with the greatest dedication, the basic system recommended by Railpax does not provide the desired overall intercity rail passenger service; that it ignores a tremendous market potential for modern rail service in an important area of the country and, in that exclusion, it disregards a most promising opportunity for the accomplishment of a profitable enterprise within the shortest time.

Beyond the very severe hardships and handicaps that will be inevitably visited upon our central Massachusetts area by the current Railpax decision, there are many authorities who fear that without the sustaining strength and resource of improved rail passenger service, the whole of New England is threatened with imminent economic strangulation. This is a calamitous regional prospect that would make it simply and practically impossible to rebuild any rail passenger service into a viable part of a national transportation system.

Surely such a distressing potential development ought to be a matter of prime urgency and concern to Railpax and I most earnestly hope and expect that the Corporation will devote their entire organizational energy and initiative toward its prevention.

Mr. Chairman, as we review our own sectional but earnest criticism and observe the real substance of similar criticisms throughout the country, I think we are virtually compelled to seriously doubt the sufficiency of Railpax' present resources to adequately fulfill their total responsibility to the nation. I hope that members of the Corporation may have some enlightening advice and guidance to the Administration and the Congress on this score.

On the face of things, it certainly does not appear that the Corporation has been given enough money to accomplish its national purpose. That is why I, and many other members, am co-sponsoring comprehensive legislation to increase the present capitalization of the Corporation by at least $200 million and also provide a substantial reduction in the presently required two-third operating loss charge upon the already financially overburdened States who wish to try to make an agreement with Railpax for the addition of rail passenger routes not included in the present basic system.

This factor is one of heavy and immediate concern to my own Commonwealth of Massachusetts and I understand that the members and staff of Railpax have been working with Massachusetts officials to accomplish such an agreement. I trust that a mutually satisfactory contract will be reached.

Mr. Chairman, the problem of stimulating and revitalizing rail passenger service where it is most needed throughout this country seems to be, from the evidence here, a great deal more troublesome than many people thought. Our governmental challenge is to unite in trying our best to insure that, in meeting this vitally important national need, we make the full commitment that is required. Perhaps no measure would be better than a feeble half measure that would be inherently doomed to failure and only result in a further, tragic and senseless waste of the taxpayers money.

This Administration and the Congress must make a far greater non-partisan effort to decide what the priority needs of the American people today are and to join in providing the fullest and wistest funding to adequately meet these priority needs.

The rebuilding of intercity rail passenger service into a viable part of our national transportation system is undoubtedly one of the very top priority needs of our country today. By the conduct of this hearing you, Mr. Chairman, and your dedicated colleagues are demonstrating that you will diligently address yourselves to the task of finding the best practical solution for every aspect of this complex problem and I am confident that your recommendations to establish the most prudent and best balanced system to realistically meet the ever expanding intercity transportation demands of our people now and for the future will be supported by a solid majority in the United States Congress.

PUTTING TECHNOLOGY TO WORK

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mr. GOLDWATER. Mr. Speaker, with the well-publicized criticism of the money spent for aerospace programs, it is well to remember that many of the advances made in aerospace technology have also helped to better mankind's lot right here on earth. An article by William Reasoner in the April issue of PSA Flighttime vividly reminds us many of the "spinoffs" we have received from aerospace research. I would like to present this article for my colleague's information:

Space Gains: Putting Technology to Work

(By William A. Reasoner, president of Waddell & Reed, Inc.)

The same highly technical knowhow that put men on the moon may help build better American cities on earth.

The growing population, the rapidly expanding urban clusters and the rising standards of living have put increasing pressures on natural resources. Accurate inventories are needed. Cities are sprawling outward into "potentially dangerous" areas where landslides, floods and excessive erosion threaten their populations.

Aerial photography is a far-cry from the way geologists, agronomists and surveyors walked the countryside to study the problems. The aerial technique now has been augmented by remote sensing done from either manned or unmanned spacecraft. The sensing is done simultaneously in several bands of the electromagnetic spectrum and ranges from the very short wage lengths at which gamma rays are emitted to the long ones at which radar operates.

A group of federal agencies is now using these space photographs to define geological or geographical problems—or assets—that could change the entire urban planning procedure.

Remote sensing devices divulge land faults, pollution sources, fresh water supplies and the like, by seeing what the eye does not.

How these new techniques can be put to practical use is being examined in a $3.1 million, three-year environmental and resource study of the San Francisco Bay Area, a pilot project sponsored jointly by the Departments of the Interior and Housing and Urban Development.

The project is being coordinated by a team of U.S. Geological Survey earth scientists and engineers. They are combining information obtained from photos supplied by the National Aeronautics and Space Administration (NASA) with ground-level studies. They hope to come up with a geological map showing the hazards and the resources which can "guide the rational use of land in urbanization."

Many homes, buildings and highways are being constructed on what geologists call "geologically difficult" or even "potentially dangerous" land as the nation's cities grow outward. Many cities are expanding their boundaries unwittingly into areas threatened with mudflows and landslides, floods, excessive erosion and other terrain problems.

The situation is particularly acute in the San Francisco Bay Area with its hills, the bay and the ever-worrisome San Andreas Fault zone. The geologists feel it is time they injected their knowledge and the new techniques into the urban planning process. They hope, for example, their information may prevent a repetition of recent deaths from landslides—slides which might not have occurred had construction on unstable slopes been banned or strictly controlled.

The Gemini and Mercury spaceflights, as well as high-flying aircraft, have proved that remote sensing of the earth could provide one of the most promising exploratory and analytical tools for geologists and, in turn, city planners.

Among the many types of equipment used for remote sensing, six show the greatest value: the conventional aerial camera, the panoramic camera, the multiband camera, the optical-mechanical scanner, side-looking airborne radar and the gamma ray spectrometer.

Side-looking airborne radar, for example, can be used in all kinds of weather, day or night, to penetrate a cover of vegetation or snow and provide sharp delineations of valleys, slopes, ridges and other topographic data. It reflects water surfaces as well as near-surface moisture.

The multiband camera, with an average of nine lenses ranging throughout the visible spectrum and into the near infrared, takes pictures simultaneously through each lens. Each picture has tonal values distinctive for its portion of the spectrum and, because all were taken simultaneously, the photos can be superimposed to show more of an area's natural resources than a single photo could.

The optical-mechanical scanner, still more complicated, ranges from near-ultra-violet, through the visible and photographic infrared regions and into thermal infrared. Thermal infrared records the thermal radiation which comes from all land and water surfaces. It can locate underground springs, trace water pollutants to their source, indicate potential sinkhole areas, survey vegetation and point up infestation or blight in crops and forests.

The images from these systems, whether recorded on photographic film or magnetic tape, are sent back to earth stations in black and white form by telemetry and converted electronically to film. One technique is to project the black and white images through colored filters and then, by using a battery of projectors, superimpose them in color. Another is to scan the images simultaneously with a battery of photoelectric sensors which record degrees of brightness. The latest method is to record them on tape and run them through a computer.

The San Francisco Bay project, covering 7,000 square miles of a nine-county area, is concentrating at first on repetitive coverage. The geologists want to determine the characteristics of the rocks, which ones are stable and which are potential hazards.

The repeated photos of the hilly areas will show the consolidation of rocks through water retention and vegetation. It works this way: The rocky, hilly areas surrounding San Francisco are surveyed first with infrared during a rainy season. They are scanned a few months later, and again after a few more months. If vegetation remains—and it shows up red rather than green under infrared technology—it means the rocks are poorly consolidated, drainage is poor and the landslide potential is high. In other words, if these slopes print red in the dry season, it signifies trouble.

Radar imagery used over the same area will show rock formations and the location of faults.

Putting these together, geologists can determine which slopes will stand and which ones are danger areas. They are emphatic that they themselves do not do the urban planning. They simply provide the information—loud and clear—to city and county planners who, they hope, will listen.

Indications are that they will listen, since both HUD and the Bay area planning group have urban planners working with the geologists in the pilot study.

Before this pilot project is over, Geological Survey should have its own Satellite program under way. The proposed Earth Resources Technology Satellite (ERTS) is scheduled to be placed in orbit by late 1971 or early 1972. The Satellite will be in a polar, sun-synchronous orbit so that each point on the earth's surface will be sensed every 17–20 days, at the same time of day.

The San Francisco Bay project is the first of seven planned by Geological Survey. The other "target" areas with their individual urban problems, are Denver, Puget Sound, the Connecticut Valley, Pittsburgh, Washington, D.C.-Baltimore and either Atlanta or Miami.

While geologists concede that many terrestrial changes can be recorded by ground observation or from available aerial photographs, they agree that only the photographs from on high can show the total significance of change. One shot from space can cover 1,000 square miles, and it would take thousands of aerial photos to match it.

Since "the Eagle has landed" on the moon, they ask: Why take a worm's eye view of earth?

REPORT TO NINTH DISTRICT CONSTITUENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the Record, I include the following commentary on American prisoners of war:

Washington Report, Congressman Lee Hamilton, 9th District, Ind.

On August 5, 1964, the first American serviceman was captured and made a prisoner of the North Vietnamese. Since that time, more than 1,600 American military personnel have been listed as missing or captured in Indochina.

The actual number of prisoners is not known because of North Vietnam's refusal to identify all prisoners. North Vietnam lists 339 men as captured in various lists it has given to American officials and neutral nations. The United States, however, does not accept the list as complete, since it provides no information on some 570 men missing or captured in action in South Vietnam, or the 260 men missing or captured in Laos, South Vietnam, or Cambodia.

Letters have been received by nearly all of the 339 U.S. prisoners which the North Vietnamese have acknowledged as captured in that country. There continues to be no information or mail from men captured in Laos, South Vietnam, or Cambodia.

The prisoner of war issue is one of the toughest of the Indochina conflict. While the United States has repeatedly urged the North Vietnamese to fulfill their obligations to the Geneva Convention, Hanoi has maintained that U.S. prisoners are "war criminals," and not entitled to prisoner-of-war status.

The Geneva Convention of 1949, signed by the U.S. in 1956, and by North Vietnam the following year, requires:

The release of the names of all prisoners of war.

Repatriation of seriously sick and wounded POWs.

Inspections of prisons by an impartial government or organization, such as the Red Cross.

Humane treatment of all prisoners.

The regular flow of mail to and from all prisoners.

The United States disputes North Vietnam's narrow contention that U.S. prisoners are not covered by the Geneva Convention because this country has not declared war. The Convention Articles clearly state that the regulations apply in case of "armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them."

The perversity of the North Vietnamese is further demonstrated by the fact that Hanoi has shown no interest in receiving the names of North Vietnamese prisoners, and shows little concern in receiving repatriated prisoners.

The United States, meanwhile, is utilizing every available channel to attempt to persuade Hanoi to meet its obligations as a party of the Geneva Convention. We have raised the subject repeatedly at the Paris Peace Talks in hopes that serious negotiations can begin for the release of prisoners on both sides. We have carried the problem to the U.N., and have maintained close contact with the International Committee of the Red Cross, as well as other countries, organizations and individuals concerned about prisoners AFTER WAR.

At the Spring meeting of the Interparliamentary Union during the Easter Recess of Congress, I spoke with many delegations about the POW problem, and urged them to act on behalf of the prisoners.

In the Congress, literally dozens of efforts—some in the form of resolutions of the intent of Congress, and others in the form of open letters to Hanoi and other governments—have been made to urge North Vietnam to respect the provisions of the Geneva Convention.

To live up to our own obligations under the Geneva Convention, the U.S. has strict rules for servicemen to follow in the handling of enemy prisoners. At present, over 32,000 enemy POWs are being held in six camps in South Vietnam and under the control of the South Vietnamese. These facilities are inspected regularly by Red Cross delegates, and by physicians.

While North Vietnam asserts that prisoners are treated humanely and given adequate medical attention, much of the evidence which has been made available is to the contrary. Occasional "staged" visits by journalists from neutral countries and the short film clips of prisoners which have been released by Hanoi have not been regarded as evidence of decent treatment, even for the men shown, let alone the questionable treatment of those who have never been seen in photographs or films. Occasional staged visits by journalists and peace organization representatives cannot be accepted as a substitute for the independent inspection required by the Geneva Convention.

Meanwhile, Hanoi, sensing the growing outrage of American citizens on the POW issue, continues to make it more and more of a principle part of its peace ultimatum.

MAINE SUGAR GOES SOUR

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mr. GROSS. Mr. Speaker, on several occasions in the past I have pointed out the terrific cost of the fiasco that resulted from the Federal Government's foolish financing of a sugar beet processing plant in Maine.

The latest chapter in that continuing smelly deal is unfolded in an article by Clark Mollenhoff which appeared in the April 25 edition of the Des Moines Register.

I include the article by Mr. Mollenhoff for insertion in the RECORD at this point:

WATCH ON WASHINGTON

(By Clark Mollenhoff)

WASHINGTON, D.C.—One of Senator Edmund S. Muskie's major financial supporters, exuberant backslapping millionaire Fred H. Vahlsing, Jr., is under FBI and federal bankruptcy court investigation.

Democrat Muskie's long-standing involvement with Vahlsing, a Republican who has supported the senator for a decade, could become a major impediment to the Maine Democrat's presidential aspirations.

Vahlsing's current troubles stem from the financial plight of Maine Sugar Industries, of Easton, Me., which has been promoted by Senator Muskie through federal and state loans over a period of more than a half dozen years.

Muskie and his political organization, including Maine Governor Kenneth Curtis and Representative William D. Hathaway, have been pushing to keep federal and state funds flowing to Vahlsing's enterprise.

The state's Democratic committeeman, George Mitch, was an attorney for Vahlsing until recently.

Also, Edwin W. Webber, currently staff director of Muskie's government operation subcommittee, was the Area Redevelopment Administration (ARA) regional director who okayed the first Vahlsing requests. He also was a high official in the Economic Development Administration (EDA) in Washington, under the Johnson administration when the last loans totaling more than $4 million were approved.

Vahlsing has been a large financial supporter to Democratic party figures and has picked up the tab for cocktail parties, dinners, 1968 Democratic Convention receptions and has provided transportation for Governor Curtis and Muskie in Vahlsing business cars and planes.

Current FBI investigations were sparked by Bankruptcy Court proceedings in Bangor, Me., last December when the creditors of Maine Sugar Industries sought to push that firm into bankruptcy for non-payment of millions of dollars to sugar farmers in New York and Maine, to machinery leasing firms and to a broad range of other organizations, including the Maine Industrial Building Authority.

The Economic Development Administration of the Department of Commerce provided more than $13 million loan guarantees for Maine Sugar Industries. The firm also owes more than $300,000 in local taxes to Easton, Me.

In the early 1960's, Senator Muskie had hopes that cooperation between government and private industry would help establish a second agricultural crop in Aroostook County, Maine, which was basically a potato economy.

Fred Vahlsing is the president of Vahlsing, Inc., which happens to be the largest potato processor in Aroostook County. He is a registered Republican in Robbinsville, N.J., where he maintains his central business office.

But, in Maine, the millionaire industrialist, has been a close associate of Senator Muskie since at least early in 1961.

At that time, Muskie was still the junior senator from Maine. But, he had an especially close relationship with both President John Kennedy and Attorney General Robert Kennedy.

With some political help, Muskie was able to convince the Agriculture Department to give Aroostook County a 33,000-acre allotment for planting sugar beets. It was expected that this would produce 50,000 tons of sugar a year.

The Maine Sugar Beet Growers Association, with the help of the Muskie organization, set out to acquire a refinery to process the beets. Association members petitioned the old Area Redevelopment Administration, created in the Kennedy administration, for a $50,000 technical assistance study.

The study indicated that a sugar refinery might be successful, and the Greater Presque Isle Development Corp. was established to raise money to build a $17,000,000 refinery at Presque Isle, Me. The plant was to be leased to the newly organized Aroostook Sugar Co.

In January, 1964, only a few months after the feasibility study. ARA announced a conditional approval of a $6,921,300 industrial loan to aid in building a sugar beet refinery. It was claimed that the plant would create about 250 jobs at the refinery and another 2,400 related jobs such as full-time beet farmers, truck drivers and crop handlers.

That ARA loan was only a starter. Presque Isle Development Corp. agreed to provide $2,633,240 in equity capital, and the Maine Industrial Building Authority guaranteed the remaining $8 million necessary to get the project moving.

The Great Western Sugar Co., of Denver, Colo., the nation's largest beet sugar company, initially indicated an interest in operating the beet sugar refinery in Maine. But, the firm finally turned down the project as a poor business risk.

About this time, Senator Eugene McCarthy (Dem., Minn.) asked for an investigation of the use of federal funds to start new sugar producers to compete with the sugar producers in his home state of Minnesota. He was particularly critical of the financial help given to the Maine project by ARA.

After Great Western Sugar withdrew, Vahlsing was asked to organize the sugar company. He and his family had been in potato processing in Maine for years, and he was, at that time, asking federal help in connection with a potato processing expansion.

A few days later, Vahlsing announced creation of Maine Sugar Industries to build a $14.7 million beet sugar refinery next to his potato processing plant in Easton.

Vahlsing's sugar refinery and potato processing plant were on the headwaters of Prestile Stream, a small creek that only a few years earlier had been upgraded to a Class B stream and was in the process of being cleansed of pollution.

The State Water Improvement Commission contended Vahlsing's potato processing plant was violating water standards on Prestile Stream, and that a beet sugar refinery would further pollute it.

Vahlsing demanded the Maine Legislature downgrade Prestile Stream from Class B to Class D before he would move forward with his sugar refinery. The legislation to downgrade the stream became a bitter state issue, pitting conservationists against those who wanted new industry.

The drive for new industry won out with a shove from Senator Muskie and his democratic friends, as well as from then Republican Governor John H. Reed from Aroostook County. The governor even made an unusual appearance before a joint session of the Maine Legislature to support the bill.

Although Muskie and Vahlsing neutralized Republican opposition by putting Governor Reed in the front for the fight, they did not stop the objections from others. A Republican state representative, Bennett D. Katz, declared:

"We are being victimized by an arrogance emanating from Washington. The federal government, which is infinitely patient in foreign affairs, is being infinitely arrogant with Maine."

ARA officials on the scene pushed the Johnson Administration's proposals with Ed Muskie. Notably absent from the cheering section was Senator Margaret Chase Smith (Rep., Me.)

Despite the outpouring of federal funds and special legislation to allow more pollution in Prestile Stream, the start by Maine Sugar Industries was disappointing. In the first year, only 3,000 acres were planted to beets and Vahlsing made a decision to revamp the plant to handle raw cane sugar. This took still more financing from the Economic Development Administration, ARA's successor.

In June, 1966, EDA approved another loan of $2,250,000 for additional machinery and equipment imported from overseas and transshipped about 200 miles from Maine seaports to the Vahlsing refinery.

Senator McCarthy again raised questions about the Maine sugar beet fiasco. After a special House subcommittee investigation on EDA programs, Representative Thomas P. O'Neill (Dem., Mass.) contended the EDA funds were used illegally when federal officials permitted Vahlsing to purchase from West Germany some of the equipment needed to convert from beets to cane. He also declared "the loan (for the refinery) is a colossal waste of taxpayers money. It amounts to an investment in a beet sugar factory whose future is very uncertain."

Representative Odin Langen (Rep., Minn.) accused Agriculture Secretary Orville Freeman, who also was from Minnesota, of showing a complete disregard for the interests of America's domestic sugar industry in the allocation of domestic new sugar acres to "questionable areas of production."

Iverson Mitchell, EDA loan officer for the Maine project, defended it as a sound business venture and denied ARA was involved in the fight to downgrade the Prestile Stream.

However, after a particular disastrous year, EDA hired Thomas H. Miner and Associates, of Chicago, to make a preliminary evaluation of MSI. The Maine firm retained F. C. Schaffer and Associates, of Baton Rouge, Louisiana, to assist in the study.

The preliminary evaluation indicated "Serious operational weaknesses" and pointed to the need for "a detailed financial audit" of "various intercompany relations." The evaluation also suggested a delay in a proposed merger between Maine Sugar Industries, Inc. and New York Sugar Industries.

"We have received no cooperation at all from the management of Maine Sugar Industries in making this study," the report summarized. "We have been stood up, put off, given irrelevant data and otherwise evaded. The answers we have received when we requested data or information is that no records are kept, no one in management has any authority, and that all decisions are made by Mr. Fred H. Vahlsing, jr., and many records are kept in Mr. Vahlsing's head. This if true, is cause by itself for concern."

Vahlsing gave the evaluators only generalized responses that "the plant capacity was as projected" and that "the efficiency was the highest in the world."

Although the plant cost was not to exceed $14,700,000, an unaudited report for Oct. 31, 1968, showed an investment of $32,904,000, including some related agricultural facilities.

It was noted that the plant was constructed by another Vahlsing company and equipment was supplied by a German firm with which Vahlsing and his father had close relations.

"We were told that most records were either in Germany or carried in Mr. Vahlsing's head so we are unable to account for the $32,904,000 investment," the report said.

"After extensive negotiations, we were allowed to tour the plant in the company of an armed guard and an attorney who had strict instruction to keep us from talking to anyone, taking pictures, seeing records, seeing so called secret areas etc.

"We concluded that the physical facilities are adequate with relatively minor modifications, but that the declared cost seems excessive. If the plant is closed, its net salvage value would be between $500,000 and $1,500,000. It is difficult to see a $32,900,000 investment in the plant, most of which was paid to various Vahlsing companies."

In some areas of production, the report said "frankly some of the efficiencies are so low they are difficult to believe."

The report noted that MSI had paid Vahlsing Inc. a total of $1,552,853 in addition to the rent due MSI which was offset by "utility service demand charges."

"We estimate that it would have cost MSI $256,200 to produce their own steam and electricity during this period," the report said. "In addition to paying over six times the amount these utilites should have cost, this arrangement also will end up by giving the plant to Vahlsing Inc., and leave MSI without a power plant."

The costs of steam and electricity alone would have made the sugar operation unprofitable, but other large amounts also were paid to Vahlsing companies.

Costs in the fiscal year 1968, as reported in a New York Sugar Industries prospectus, included such items as $109,000 for aircraft rental for nine months in 1968.

"We feel that the extremely high production costs may be influenced by intercompany transaction," the evaluation report said. "The power plant arrangement seems highly unusual. We also fail to see the necessity for such items as $109,000 in aircraft rental and most other monies paid to Vahlsing. The amounts paid to or advanced to Vahlsing companies exceed $3,600,000 for the first nine months of the fiscal year, substantially more than the value of sugar sold during the entire year."

A detailed financial audit was recommended and an analysis of the intercompany relations. It was further suggested there be immediate steps to "stop purchasing, aircraft rental and other unnecessary services from Vahlsing companies, and that all purchases from Vahlsing companies be suspended pending an investigation, and a new policy formulated for purchasing and contracting on a competitive bid basis."

In May, 1969, the Nixon administration received the Miner-Shaffer report on Maine Sugar and found it "adverse and alarming."

Fred Vahlsing was flying under his Republican colors when he talked about his problems with Charles A. Fagan, III, the deputy assistant secretary of commerce for economic affairs.

Vahlsing claimed the audit report contained "hostile" comments and promised to cooperate. He also mentioned that he was "number one" in his class at Princeton to Fagan, also a Princeton man.

Another management firm was hired for another survey when it became apparent that Maine Sugar Industries was unable to continue interest payments or to start making payments on the principal. During the nine-month period ended July 31, 1969, the firm lost $2.7 million.

Vahlsing wanted more federal money and he had some new proposed legislation to give his industries even more of an advantage in the sugar business.

The Nixon Administration declined to supply more federal funds or to continue extending loans.

If Vahlsing could find private financing, then EDA would be willing not to force an economic showdown. But, the beet farmers in New York and Maine and the Maine Industrial Building Authority made the move.

The FBI then moved into the investigation of Vahlsing. The FBI was interested in a transfer of more than $200,000 in assets of Maine Sugar Industries from Easton, Me., to another Vahlsing sugar refinery plant in Montezuma, New York.

Vahlsing has admitted in bankruptcy court that 10 trucks carried the property from Maine to New York. However, he denies any wrongdoing.

The precise day that Vahlsing made the arrangements for transfer is very important, and every detail of evidence on when the trucks left Easton, Me., is vital to his future.

Bankruptcy Referee Conrad Cyr delivered to Vahlsing and his lawyers a "freeze order" in the assets of Maine Sugar Industries at 8:09 p.m. on Friday, Dec. 4, 1970.

The 10 trucks, with two drivers each and loaded with equipment, arrived in Montezuma, N.Y. Sunday morning of Dec. 6, 1970.

The court record shows that on Dec. 7, 1970, Vahlsing and his lawyers were back in court before Referee Cyr but made no mention of the transfer of the property.

The court record shows that on Dec. 14, 1970, Vahlsing appeared before Cyr again and, at this time, was asked about the transfer of assets.

Vahlsing insisted under oath that the trucks had been given their orders on Dec. 2, 1970, for the transfer of the property from Easton to Montezuma. He insisted the trucks had departed from Easton on Dec. 4—prior to the freeze order.

It is 742 miles from Easton to Montezuma. The American Automobile Association estimates it is "about a 15-hour trip." The question immediately arose as to why it should take Maine Sugar Industries trucks, each with two drivers, more than two days to make the trip.

When Bankruptcy Referee Cyr raised that question, Vahlsing said there had been some snowy weather along the Maine to New York route.

Vahlsing does admit the trucks were en route at the time he received the court order to freeze the assets of Maine Sugar Industries, and he made no move to stop the trucks and did not notify the referee in bankruptcy that they were moving.

Vahlsing insisted he acted on advise of his lawyers.

The FBI is seeking answers to two basic questions:

1. Did Vahlsing give accurate testimony on Dec. 14, 1970, when he was questioned by the referee in bankruptcy on details of the transfer of assets?

2. Did Vahlsing give the "orders" to move the trucks prior to Dec. 4, 1970 and the 8:09 p.m. delivery of "freeze" of the assets.

Without the help of Senator Muskie, Aroostook County wouldn't have gotten into the sugar beet business. The role that Vahlsing played in that entire experiment in cooperation between government and industry for economic development is now unfolding in the bankruptcy court and in the FBI investigation.

The EDA in Washington has taken the position that about $13 million in federal funds probably are lost. The best the government could do at this late date was to write off the investment.

By April, 1971, the association by Muskie or the government agencies with Vahlsing enterprises is no longer a financial or a political asset.

HOUSE OF REPRESENTATIVES—*Tuesday, April 27, 1971*

The House met at 12 o'clock noon.

Rev. Father Norbert Skvarla, assistant pastor, St. Mary's Catholic Church, Alexandria, Va., offered the following prayer:

Let us pray:

For everything there is a season, and a time for every matter under heaven:
A time to be born, and a time to die:
A time to plant, and a time to pluck up what is planted:
A time to break down, and a time to build up:
A time to weep, and a time to laugh:
A time to mourn, and a time to dance:
A time to cast away stones, and a time to gather stones together:
A time to keep silence, and a time to speak:
A time to love, and a time to hate:
A time for war, and a time for peace.

Therefore, we ask You, O Lord, to direct all our actions by Your inspiration and carry them on by Your assistance, that every prayer and work of ours may always begin from You and through You be brought to completion. This we ask through Christ our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed the following resolution:

S. Res. 106

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Honorable Robert J. Corbett, late a Representative from the State of Pennsylvania.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1399. An act to establish within the Department of the Interior the position of an additional Assistant Secretary of the Interior.

SUPPLEMENTAL APPROPRIATIONS, 1971

Mr. MAHON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the joint resolution (H.J. Res. 567) making certain urgent supplemental appropriations for the fiscal year 1971, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the joint resolution.

The Clerk read the Senate amendments as follows:

Page 1, after line 5, insert:

"CHAPTER I

"DEPARTMENT OF DEFENSE—MILITARY

"OPERATION AND MAINTENANCE

"CLAIMS, DEFENSE

"For an additional amount for 'Claims, Defense', not to exceed $13,000,000 may be derived by transfer in amounts not to exceed (a) $3,000,000 from 'Defense production guarantees, Army', (b) $4,000,000 from 'Defense production guarantees, Navy', and (c) $6,000,000 from 'Defense production guarantees, Air Force'."

Page 1, line 6, strike out "I" and insert "II".

Page 2, line 4, strike out "II" and insert "III".

Page 3, line 9, strike out "III" and insert "IV".

Page 3, line 15, strike out "IV" and insert "V".

Page 4, line 3, strike out "V" and insert "VI".

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. BOW. Mr. Speaker, reserving the right to object, I do so in order that the distinguished chairman of the committee may explain to the House any changes that were made in the other body.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. BOW. I am happy to yield to the chairman.

Mr. MAHON. This is the urgent supplemental appropriation bill which was passed by the House last week, to take care of certain urgent emergency items. When the bill went to the other body, the other body was advised that there was an additional urgent requirement from the Department of Defense for $13 million to liquidate adjudicated claims. The other body added the requested $13 million. The purpose of the request which I have made is to agree to the Senate amendment and not send the bill to conference.

Mr. BOW. Do I understand that these additional funds will be obtained by transfer?

Mr. MAHON. All of the funds in the claims item will be obtained by transfer.

Mr. BOW. From other accounts in the Department of Defense?

Mr. MAHON. The gentleman is correct. There is no new money provided for this purpose.

Mr. BOW. And there is no change in the other items as provided in the House bill?

Mr. MAHON. There is no change in the House-passed version except for this amendment.

Mr. BOW. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN REPORTS

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

COMMEMORATION OF THE WABASH CANNON BALL

(Mr. ROUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROUSH. Mr. Speaker, I rise today to commemorate a great railroad train, which, unless some kind of miracle occurs, will make its final trip on Friday, April 30. On that day, for the last time, the famous, time honored, Wabash Cannon Ball will make its last daylight trip from Detroit through Indiana to St. Louis. I have been invited to join in that final ride and so I will be there for the Cannon Ball's finale.

The Wabash Cannon Ball has a special place in the hearts of the people of Indiana. For 25 years, this train has stopped at Williamsport, Attica, Lafayette, Delphi, Logansport, Peru, Wabash, Huntington, and Fort Wayne, Ind. Several of these stops are in my Fourth Congressional District and I have heard from numbers of people who will miss the Cannon Ball, who are aware of its convenience, and the joy of its scenic route, who cannot afford or do not have access to airlines and airports, who enjoy the conviviality of train travel.

The Cannon Ball will cease to exist when Railpax takes over this week, but the memory of that railroad will live on for the people of Indiana, in their memories and in the famous ballad, "The Wabash Cannon Ball," which, while not geographically accurate, expresses the feelings and the sentiments of those who have used this line.

From the calm Pacific waters
To the rough Atlantic shore,
Ever climbing hills and mountains,
Like no other did before,
She's as graceful as a comet,
Smoother than a waterfall,
It's the Western Combination,
It's the Wabash Cannon Ball.

TO IMPROVE SOCIAL SECURITY

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, today I am refiling a bill that calls for increasing benefits 50 percent across the board under social security, and also to ask that the benefit costs be borne equally by employers, employees, and the Federal Government, and also to increase the amount of outside earnings which a beneficiary may be permitted to make before deductions are made from his benefits.

Mr. Speaker, we hear a great deal of talk today about revenue sharing. Revenue sharing is being advocated by some people as a means by which they will send blank checks with no strings attached to public officials around the country.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. BURKE of Massacuhsetts. Mr Speaker, I am delighted to yield to the distinguished majority leader.

Mr. BOGGS. Mr. Speaker, I would like to commend the gentleman from Massachusetts for the bill that the gentleman from Massachusetts has introduced. The gentleman from Massachusetts has been in the forefront of modernizing the social security system and to make it responsive to the cost of living today. I congratulate the gentleman.

Mr. BURKE of Massachusetts. Mr. Speaker, I thank the gentleman for his statement.

Mr. Speaker, I am for responsible revenue sharing, but I say that if we are going to have revenue sharing, then let us share it with the elderly and take them out of the plight in which they now find themselves.

Mr. Speaker, at this time I include my social security honor roll:

SOCIAL SECURITY HONOR ROLL

Brock Adams—Washington.
Nick Begich—Alaska.
Joseph P. Vigorito—Pennsylvania.
Robert Drinan—Massachusetts.
Abner Mikva—Illinois.
Gus Yatron—Pennsylvania.

PERMISSION FOR COMMITTEE ON HOUSE ADMINISTRATION TO FILE CERTAIN REPORTS

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that the Committee on House Administration may have until midnight tonight to file certain reports.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

SAD DAY IF WE YIELD TO MOB RULE

(Mr. DENNIS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DENNIS. Mr. Speaker, today in this country—and this week in Washington—we are reaping the harvest of deep and bitter frustration which is the legacy of a long, bloody war, waged without the goal of victory.

This frustration is being vented against an outstanding President who did not start the war, and who is the first President since it started who is well on the way to ending it.

The current protests come at a time when the military situation in Vietnam is relatively good—and when the process of Vietnamization, if pursued in orderly fashion, gives a good prospect of successful conclusion.

These same protests and this same sentiment will be used to call for socialistic expenditures we can ill afford, and to oppose appropriations for defense some of which are absolutely vital to national survival.

Many—and, I am willing to assume, most—of the marchers and protestors are patriotic and sincere; but, be their motives good or ill, it is potential anarchy which is stalking our streets—and it will be a sad day for us all if and when we yield to mob rule in these United States.

DEMOCRATIC PARTY IN DIRE TROUBLE

(Mr. CHAMBERLAIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CHAMBERLAIN. Mr. Speaker, it was obvious following the presidential election of 1968 that the Democrats had become a party in dire trouble—spent in both leadership and philosophy. But I must confess that it was not until today when I received a letter from Democratic Party Chairman Larry O'Brien soliciting a contribution for 1972 from a Republican Member of the House that I realized they must be completely desperate.

On the basis of his appeal for money, Mr. O'Brien states in his letter that the solution to our Nation's problems is to be found in an early retirement for the Nixon-Agnew team. Well, I, for one, want to make it clear that in my opinion the Nixon-Agnew team is making a most creditable record in straightening out the mess inherited from the previous Democratic administrations, and I strongly support keeping that team in office beyond the premature date suggested by Mr. O'Brien.

I call upon Mr. O'Brien to kindly remove my name from his mailing list. May I suggest further that in the future the Democrats would be far better off investing their money to research and develop sound programs to help extricate our country from the problems they created—and for meeting the Nation's future needs rather than wasting it for postage to solicit Republican support.

SUEZ CANAL

(Mr. GROSS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GROSS. Mr. Speaker, the following banner headline appeared across the front page of the Washington Evening Star of April 23, 1971: "United States Willing To Help Police Suez."

The first paragraph of the news story reads:

> Secretary of State William P. Rogers indicated today the United States is willing to take part in an international force guaranteeing the neutrality of a reopened Suez Canal.

I am unalterably opposed at this time to the commitment of U.S. military forces under any guise to the defense of the Suez Canal. Have we learned nothing from the lesson of Vietnam, a war in which we had every right to expect the support of other international forces? As tragic as have been the economic losses to world commerce through the closing of the Suez Canal there is no responsibility—absolutely no responsibility—on the part of the United States to now send troops into the Middle East battleground with its dire potential for being drawn into another war.

GULLIBILITY

(Mr. HAYS asked and was given permission to address the House for 1 minute.)

Mr. HAYS. Mr. Speaker, in regards to the statement just made by the gentleman from Iowa—and I want to be completely nonpartisan about this—I like the Secretary of State very much, but it seems to me that the Secretary of State and Senator FULBRIGHT must be the two most gullible men, where the Egyptians are concerned, since Marc Antony believed Cleopatra when she said, "Marc, you are the first one."

JUSTICE FOR THE CAPITOL POLICE FORCE

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute.)

Mr. GONZALEZ. Mr. Speaker, I rise once again to remind the House that justice has not been done. At a time when the House, the Senate, and other officers on Capitol Hill are literally under siege, with some voices promising not only to lay siege but to take over in violent as well as in nonviolent procedures, we still mistreat the members of the Capitol Police force. The guards at the zoo get paid overtime. The Capitol Police force does not. There are men who have worked hundreds of hours overtime since the bombing on the Senate side of the Capitol without being paid. This is wrong, this is callous indifference to just treatment of the men on whom we are going to have to depend for the safety and the security of the Capitol.

I ask that the man charged with this responsibility in the House act instanter to remedy this atrocious situation.

ACTION TO REMEDY CAPITOL POLICE SITUATION

(Mr. GRAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAY. Mr. Speaker, in answer to my friend, the gentleman from Texas (Mr. GONZALEZ) who has just spoken, as chairman of the Special Committee on Police of the House Committee on Administration, I would like to join the gentleman in his remarks and state that we are waiting for the task force consisting of the Sergeant at Arms of the House, the Sergeant at Arms of the Senate, the Architect and the Capitol Chief of Police to make recommendations to our committee on this subject, and as soon as they report, we will take expeditious action.

THE CAPITOL POLICE FORCE

(Mr. HUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNT. Mr. Speaker, I take this opportunity to join with my colleague, the gentleman from Texas (Mr. GONZALEZ) in protesting the outrageous treatment of the Capitol Police insofar as remuneration for overtime work is concerned. We expect these men to work a full day, and then they are held over for 4 hours extra, and then they are held over for 8 hours extra, and then they are kept in here on their day off without any extra compensation, insofar as they are concerned.

Everyone knows that industry is now trying to effect a 4-day-week plan. The law-enforcement people can never be expected to achieve such plan, nor do they desire to have it that way.

However, I object to having the Capitol Police relegated to a position of second-class citizens. They should be compensated for the time that they work, and it is no more than fair that we act to bring about such compensation as soon as possible.

HEARING SET ON PATENT OFFICE LEGISLATION

(Mr. KASTENMEIER asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. KASTENMEIER. Mr. Speaker, as chairman of the Subcommittee on Patents, Trademarks, and Copyrights of the Committee on the Judiciary, I wish to announce that the subcommittee has scheduled a public hearing to start at 10 a.m. on Wednesday, May 5, in room 2226 Rayburn House Office Building, on the following measures:

H.R. 5237—to carry into effect a provision of the Convention of Paris for the Protection of Industrial Property, as revised at Stockholm, Sweden, July 14, 1967;

S. 645—H.R. 4564—to provide relief in patent and trademark cases affected by the emergency situation in the U.S. Postal Service which began March 18, 1970;

S. 1253—H.R. 5238—to amend section 6 of title 35, United States Code, "Patents," to authorize domestic and international studies and programs relating to patents and trademarks; and

S. 1254, to amend title 35, United States Code, "Patents," and for other purposes.

DISTRICT OF COLUMBIA DAY

The SPEAKER. This is District of Columbia day. The Chair recognizes the gentleman from South Carolina (Mr. McMILLAN), chairman of the Committee on the District of Columbia.

EXTENSION OF THE COMMISSION ON THE ORGANIZATION OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA

Mr. McMILLAN. Mr. Speaker, I call up the bill (H.R. 5765) to extend for 6 months the time for filing the comprehensive report of the Commission on the Organization of the Government of the District of Columbia, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill as follows:

H.R. 5765

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 103(b) of the Act entitled "An Act to establish a Commission on the Organization of the Government of the District of Columbia and to provide for a Delegate to the House of Representatives from the District of Columbia," approved September 22, 1970 (85 Stat. 845), is amended by striking out "six months" the first place it appears and inserting in lieu thereof "twelve months".

CALL OF THE HOUSE

Mr. BLACKBURN. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 68]

Alexander
Anderson, Tenn.
Andrews, Ala.
Ashbrook
Badillo
Blanton
Byrne, Pa.
Casey, Tex.
Celler
Chisholm
Clark
Clausen, Don H.
Clay
Cleveland
Colmer
Conyers
Corman
Davis, Ga.
Davis, Wis.
Dellums
Denholm
Diggs
Dowdy
Drinan
Edwards, La.
Gallagher
Green, Pa.
Gubser
Halpern
Hanley
Hanna
Harrington
Harsha
Hébert
Heckler, Mass.
Howard
Jarman
Jones, Ala.
Jones, Tenn.
Landrum
Lloyd
Long, La.
McCulloch
McEwen
McKay
McKinney
Metcalfe
Monagan
Montgomery
Moorhead
Murphy, Ill.
Pelly
Pickle
Rhodes
Roberts
Roe
Roybal
Runnels
Scheuer
Springer
Stafford
Stephens
Stubblefield
Stuckey
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Ullman
Vanik
Wilson, Bob

The SPEAKER. On this rollcall 361 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

EXTENSION OF THE COMMISSION ON THE ORGANIZATION OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA

Mr. McMILLAN. Mr. Speaker, I move to strike the last word.

The SPEAKER. The gentleman from South Carolina is recognized for 5 minutes.

Mr. McMILLAN. Mr. Speaker, the reason for asking for an extension of the little Hoover Commission for a study of the District of Columbia movement is the fact that the other body was late in appointing their representatives to this commission. The commission was about 6 months late in beginning its study. We feel they are entitled to 6 months additional time. That is all I have to say concerning this bill.

I now yield to the gentleman from Minnesota (Mr. NELSEN).

Mr. NELSEN. Mr. Speaker, I thank the gentleman for yielding.

I think this House gave very enthusiastic support to what we term the little Hoover Commission for a study of the city government as passed in the 91st Congress and enacted as Public Law 91–405. We were slow in getting started because the Senate was unavoidably delayed, as I understand it, in naming their members to the Commission, so we could not get underway as early as we had hoped. However, we are now fully organized and ready to undertake the main part of our study. It is our feeling that we can make a contribution which will be of help to the District in making its government more efficient and economical in the operation of its agencies, departments, et cetera.

I include the following statement in support of H.R. 5765, a bill which is fully supported by the Commission on the Organization of the government of the District of Columbia.

The statement follows:

PURPOSE OF THE BILL

The purpose of H.R. 5765 is to extend the life of the Commission on the Organization of the Government of the District of Columbia six months, that is from September 22, 1971, to March 22, 1972.

NEED FOR EXTENSION

H.R. 5765 was introduced by Congressman Ancher Nelsen of Minnesota and cosponsored by Congressman Don Fuqua of Florida, who are also the House-appointed members of the Little Hoover Commission. Congressman Nelsen was elected Chairman of the Commission at the formal organization meeting held on February 5, 1971.

At the March 8, 1971, meeting of the Commission, the members unanimously voted to request Congress to grant a six-month extension of the life of the Commission, and requested Congressman Nelsen and Congressman Fuqua to introduce legislation that would amend section 103(b), Title I, of Public Law 91–405, so as to effect the extension.

The need for this six-month extension arises because of the fact that, for reasons beyond the control of the Commission, the Senate appointments to the Commission were delayed such that the final two members were not named until the last week of January 1971. The Commission members who had been appointed met on December 16, 1970 and, upon a motion made and seconded, voted to take no permanent and final action toward organization until the final two members had been named.

Shortly after the final two Senate members had been named, the Commission held its formal organization meeting on February 5th and since that time it has been engaged in the planning and organizational aspects of its work. The Commission has adopted a time schedule for its study which would see its efficiency study completed and a final report filed with the Congress in March of 1972. The Commission members fully expect to meet this deadline if granted this extension.

COMMISSION BUDGET

There is some considerable importance attached to this legislation, seeking a six-month extension for the life of the Commission, at least from the point of view of the Commission, inasmuch as the Chairman of the Commission must appear before both the Senate and House District of Columbia Appropriations Subcommittees in support of the Commission's budget for fiscal year 1972. Without some evidence of the intent of Congress to extend the life of the Commission to March 1972, it would be extremely difficult for the Commission to present and justify its budget. On the other hand, the funds currently appropriated for the Commission were not expected to cover the budget for the Commission for the entire term of its study, but only for fiscal year 1971.

Public Law 91–665, an Act making supplemental appropriations for fiscal year ending June 30, 1971, enacted into law on January 8, 1971, contained an appropriation in the amount of $325,000 to fund the Commission in fiscal year 1971.

It is currently contemplated that $150,000 in funds will be obligated by June 30, 1971 for staff salaries, administrative support, and contractural services. However, the principal part of the work of the Commission, and accordingly the costs incurred, will take place during the period of June 15, 1971, to March 22, 1972 (assuming the extension provided for in this bill).

The budget request for the Commission for fiscal year 1972 is contemplated at this time to amount to $425,000. The total amount thus requested for the Commission during its life is contemplated not to exceed $750,000. The projected expenditures for the life of the Commission would provide salaries of $381,000, administrative support of $88,000 and contractual services of $276,000 for consulting, leases, etc.

In the event, as is hoped, some professional assistance in conducting the Commission's study can be obtained through grants, matching funds, or the assignment of professional experts in the fields of management, personnel, etc. from the public sector without reimbursement, there will be a balance of unexpended funds available after the termination of the life of the Commission.

SIX-MONTH REPORT OF THE COMMISSION

There is attached as Appendix A, the six-month report of the Commission transmitted to the Speaker of the House of Representatives and the President of the Senate on March 22, 1971, as required by section 103 (b), Title I of P.L. 91–405.

APPENDIX A.—REPORT OF THE COMMISSION ON THE ORGANIZATION OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA

I.—INTRODUCTION

Section 103(b) of P.L. 91–405, an Act to establish a Commission on the Government of the District of Columbia, directs that the Commission shall submit a comprehensive report of its activities and results of its studies to the Congress within six months after the date of its enactment. This report is submitted in compliance with section 103 (b) of the Act.

For reasons as set forth hereinafter, this report is devoted primarily to what has been accomplished by way of organization and planning on the part of the Commission since its establishment.

II.—BRIEF BACKGROUND FOR THE STUDY

This Commission, in a sense, had its origin in and is patterned after the Hoover Commission-type studies of the Federal Government which were chaired by the late President Herbert Hoover and were conducted in the late 1940's and early 1950's. And while there was some discussion and testimony by former President Hoover before the Congress where it appeared that certain functions carried on by the Federal Government and the District government paralleled and, in some cases, duplicated each other, and while it was suggested that there should be a discontinuance of some of these functions by one or the other government, neither the First nor the Second Hoover Commission was assigned or assumed the task of examining the operation and efficiency of the Government of the District of Columbia. The last study in any way generally related to that undertaken by this Commission appears to have been undertaken in 1937. This was an Executive study confined to the *Fiscal Relations Between the United States and the District of Columbia Government*. See Senate Doc. No. 12, 75th Cong., 1st Sess., 1937 (the Jacobs Report). That particular Commission study, while it was fairly comprehensive in one particular area (fiscal affairs), did not involve itself in the areas of economy, efficiency, and improved service of the District Government as contemplated by this Commission.

Meanwhile, in the intervening years since the Jacobs report was issued and since former President Hoover testified on the results of the Second Hoover Commission, a number of reorganizations of the District Government have taken place. The most recent reorganization is that known as Reorganization Plan #3 of 1967, which was stated to have been instituted ". . . to provide a better government for the citizens of the Nation's Capital." Reorganization Plan #3 became effective on August 11, 1967 and operational on November 3, 1967 (81 Stat. 948; see also Title I, appdx., D.C. Code).

III.—DUTIES OF THE COMMISSION

The Commission was directed by Congress to study and investigate the present organization and methods of operation of all departments, bureaus, agencies, boards, commissions, offices, independent establishments, and instrumentalities of the District of Columbia (other than the courts) so as to determine what changes are necessary in order to accomplish the declared policy of Congress:

"It is hereby declared to be the policy of Congress to promote economy, efficiency, and improved service in the transaction of the public business in the departments, bureaus, agencies, boards, commissions, offices, independent establishments, and instrumentalities of the District of Columbia by—

"(1) Recommending methods and procedures for reducing expenditures to the lowest amount consistent with the efficient performance of essential services, activities, and functions;

"(2) Eliminating duplication and overlapping of services, activities, and functions;

"(3) Consolidating services, activities, and functions of a similar nature;

"(4) Abolishing services, activities, and functions not necessary to the efficient conduct of government;

"(5) Eliminating nonessential services, functions, and activities which are competitive with private enterprise;

"(6) Defining responsibilities of officials; and

"(7) Relocating agencies now responsible directly to the Commissioner of the District of Columbia in departments or other agencies."

The Commission was further directed to submit such interim reports as deemed necessary, a comprehensive 6-month report, and a final report which may propose such legislative enactments and administrative action as in its judgment are necessary to carry out its recommendations.

IV.—ORGANIZATION OF THE COMMISSION

The Organization of the Commission calls for the appointment of twelve members: Four by the President, four by the Senate, and four by the House of Representatives. Those members as selected by each of the foregoing are as follows:

Senate: Hon. Charles McC. Mathias, Jr., James J. McIntyre, Jason I. Newman, Hon. William B. Spong, Jr.

House: John B. Duncan, Hon. Don Fuqua, Marjorie M. Lawson, Hon. Ancher Nelsen.

President: Robert J. Brown, Thomas W. Fletcher, Elaine B. Jenkins, Richard P. Nathan.

The Commission held a preliminary organization meeting on December 16, 1970, pending the appointment of two additional members of the Commission from the Senate, and at that time elected a temporary Chairman. Congressman Ancher Nelsen, to schedule and arrange the first formal organization meeting. On February 5, 1971, shortly after the appointment of the final two members of the Commission, the formal organizational meeting was held at which Congressman Ancher Nelsen was elected Chairman and John B. Duncan, a former Commissioner of the District Government, was elected Vice Chairman.

The Commission has adopted rules of procedure and established certain policies for the guidance of the staff. In addition, a tentative study plan has been adopted by the Commission with realistic milestones established for the various phases of the study including the final report and the termination date for the study. This plan contemplates a completion date of March 1972 and is currently on schedule.

A Personnel Committee has been named and has met several times for the purpose of selecting and recommending individuals for employment by the Commission. Three of the principal staff members have been selected and taken their oath of office. Others are being interviewed so as to bring the staff up to its current allowance ceiling of 17 employees.

A request for office space in a General Services Administration-leased building located near the District Building and other District Government office buildings has been signed and near immediate occupancy of the space is expected for the duration of the study. The space request is adequate but modest in keeping with the objectives of the Commission. In addition, an on-site work space and record repository in the District Building has been established for the convenience of both Commission and District Government personnel.

The Commission has also requested the District government to compile a digested list of all studies conducted, either in-house or by contract, of the District Government, its departments, boards, agencies, etc. during the last five years. That list has been compiled and copies of those reports are now available for the Commission staff personnel at the on-site work area in the District Building.

Also, a Memorandum of Understanding and Agreement between the Commission and the General Services Administration for Fiscal Year 1971 has been signed whereby certain housekeeping services such as payroll budget, financial services, etc. will be provided the Commission until July 1, 1971.

V.—EXTENSION OF TIME

At the March 8, 1971 meeting of the Commission, it was unanimously agreed that a six-month extension of the life of the Commission should be sought by the Commission due to the unavoidable delay in the appointment of certain members to the Commission, Congressman Ancher Nelsen has introduced, for himself and Congressman Fuqua, legislation in the House (H.R. 5765) that would effect such extension if enacted into law; and Senator Mathias has introduced similar legislation for himself and Senator Spong in the Senate (S. 1229). At the present time, it is the consensus of the Commission that it can complete its study and submit its final report by March 22, 1972, which would require an amendment as contained in the bills noted above to P.L. 91–405.

VI.—COMMISSION BUDGET

Public Law 91–665, an Act making supplemental appropriations for the fiscal year ending June 30, 1971, contained an appropriation in the amount of $325,000 for expenses necessary to carry out title I of the Act of September 22, 1970 (Public Law 91–405) establishing the Commission on the Organization of the Government of the District of Columbia, such sum to remain available until expended.

This request for funds for Fiscal Year 1971 preceded the formal organization of the Commission and must necessarily have been a tentative one; however, the Commission may expect some increase in funding after it has (1) had a further opportunity to formulate its work program and plan of operation; (2) has accumulated some experience in costing its work program; and (3) has assured itself that its time schedule is realistic and attainable (currently 12 months based on the legislative extension sought as noted above).

VII.—INTERIM REPORTS

As noted hereinabove, the submission of interim reports are directed to be made (section 103(b) of the Act) at such times as the Commission deems necessary. The then temporary Chairman, Congressman Ancher Nelsen, inserted what might be considered an informal interim report in the *Congressional Record* after the December 16, 1970 meeting referred to above, Congressional Record, volume 116, part 32, page 43564.

The Commission will make such further interim reports to the Congress as deemed necessary, and as it realistically can, prior to the submission of its final report.

VIII.—COOPERATION AND PLEDGE OF SUPPORT

The Commission has contacted various Federal departments and agencies seeking their cooperation and assistance during the period it will be in existence. The cooperation extended to the Commission to date, such as that extended by the Bureau of Census, Department of Commerce, is most gratifying. Such assistance is eagerly sought and greatly needed if the Commission is to accomplish its tasks in a commendable and timely fashion.

In addition, Mayor Walter E. Washington appeared before the Commission at its first meeting and pledged the cooperation and support of the District Government, its employees and agencies in the study to be conducted by the Commission. The Commission, its members, and its staff will make every effort to insure that this spirit of cooperation persists throughout the course of this study.

IX.—CONCLUSION

Despite a somewhat tardy initiation of the study to be performed by this Commission, for reasons beyond the control of the Commission, the Commission has now completed most of those organizational and start-up phases of the study and is on the threshhold of implementing a work program and plan of operation that, it is believed, will see the completion of its study by March 1972.

The Commission seeks the continued support of Congress as it proceeds with the important tasks assigned to it. It is also the intent of this Commission to make recommendations to the Congress regarding the organization of the District of Columbia Government which will achieve the declared policy of Congress in enacting Public Law 91–405, and will also permit the District Government to readily implement those recommendations. Finally, the Commission is committed to the proposition that it will submit a final report to the Congress of which both may be proud.

Mr. FUQUA. Mr. Speaker, as a member of the Commission on the Organization of the Government of the District of Columbia, I want to take this opportunity to urge upon my colleagues the passage of H.R. 5765 which would extend the life of this Commission 6 months beyond its presently scheduled termination date of September 22, 1971. We are therefore requesting an extension until March 22, 1972.

I can unequivocably report to you at this time that the Commission is forging ahead on its assigned tasks of studying the efficiency and effectiveness of the District government. Under the excellent leadership of our chairman, Congressman Ancher Nelson of Minnesota, we have established what I believe to be a solid basis both in Commission organization and in study format which will lead to concrete and productive findings within the time limit which we are now requesting.

The reasons which have made this request for an extension necessary were completely beyond the control of the Commission in that several of the Commissioners were not appointed to serve until months after the original enacting legislation had been contemplated. The result was that the Commission did not begin to function until early March of this year when all Commission seats were filled. This delay of 6 months is thus exactly equivalent to the extension requested.

I mention these facts so that the record will clearly reflect that the initial delay which the Commission has suffered is not in any way due to a lack of commitment on the part of its members to expeditiously accomplish the tasks assigned to the Commission by Congress.

Rather, the remarkable progress which we have made in the short time since early March is testimony to the hard work which the individual Commissioners have been willing to devote to the job at hand.

With your continued support I am confident that this Commission will stand ready to render an excellent report during May of 1972. At the same time I must point out that to require the Commission to present its findings in any shorter time would seriously compromise the quality thereof.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks after each of the bills passed today.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

EXPANSION OF CANINE CORPS

Mr. McMILLAN. Mr. Speaker, I yield to the gentleman from Texas (Mr. Cabell) to call up any bill before his subcommittee.

Mr. CABELL. I thank the chairman.

Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill, H.R. 2598, to authorize the acquisition, training, and maintenance of dogs to be used in law enforcement in the District of Columbia, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill as follows:

H.R. 2598

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of the District of Columbia, acting through the Chief of Police of the Metropolitan Police force of the District of Columbia, are authorized to acquire, train, and maintain as many dogs as may be necessary to be used in connection with law enforcement in the District of Columbia.

With the following committee amendments:

On page 1, line 3, strike out "Commissioners" and insert in lieu thereof "Commissioner".

On page 1, line 5, strike out "are" and insert in lieu thereof "is".

The committee amendments were agreed to.

Mr. CABELL. Mr. Speaker, I move to strike the last word.

Mr. Speaker, as the title indicates and as the bill indicates, this is merely a blanket authority for the Commissioner of the District of Columbia, acting through the Chief of Police, to train and maintain a canine corps or teams of dogs and policemen.

The purpose of this bill is to authorize the Commissioner of the District of Columbia to maintain and expand the Canine Corps of the Metropolitan Police Department as may be necessary to protect the peace, quiet, and safety in the Nation's Capital.

The use of dogs in urban police work originated in Belgium more than 50 years ago. It has since spread to many other countries. In the United States, there are more than 40 police departments which use dogs in patrol work, and the number of cities using trained dogs is increasing rapidly.

The Canine Corps was first established in the District of Columbia in December 1959. The first six handler and dog teams went into service on the streets of the city April 19, 1960. During 1960, the number of teams increased to 20. By 1966, the number of handlers and dog teams, trained and in training, reached a total of about 90 with an average of about 80 teams active and on the streets. Due to the promotion of some of the handlers and the resignation of others, the effective strength of the corps is now 76 teams on the street and three others in training. Thus, within about 3 months there will be 79 teams on duty.

Your committee is advised that the department wishes to expand the Canine Corps to 100 man-dog teams by the end of this year.

CANINE CORPS PERFORMANCE IN LAW ENFORCEMENT

The Canine Corps man-dog teams are used for a variety of assignments as a law enforcement arm of the Metropolitan Police Department. The following statistical tables indicate the activities of the Canine Corps for an average of 64 teams during the 6-month period, August 1968 through January 1969. Canine Corps teams responded to 12,312 calls during this period.

CANINE CORPS HANDLER AND DOG 8-HOUR DUTY TOURS

There were 258 foot patrol tours; 3,524 cruiser patrol tours; 1,332 special assignment tours; and 449 dog training tours.

TYPE OF WORK PERFORMED BY DOGS

	Assignment	Arrests
Tracking	164	21
Open seeks	226	23
Building seeks	815	56
Chasing	24	13
Deterrent	50	23
Other	15	1

The following table shows the number of felony arrests by Canine Corps officers and the number of cases in which dogs were used in the course of effecting the arrest.

Offense	Arrests		
	Dogs used	Dogs not used	Total
Burglary-I	3	12	15
Burglary-II	142	119	261
Robbery	176	77	199
Assault	21	29	50
Larceny	10	42	52
Carrying deadly weapons, rape, assault on police officers and other felony offenses	137	555	692

From these figures it is seen that a high percentage of the arrests made in connection with these crimes were accomplished with the aid of dogs.

In addition to their actual participation in these arrests, the dogs of the Canine Corps have proved invaluable on many other occasions by the deterrent effect of their mere presence at the scene of actual or potential trouble. The dogs' keen sense of smell enables them to locate fugitives hiding in buildings, junkyards, and other places where the policemen would otherwise have a most difficult and dangerous task in apprehending them.

DRUG TRAFFIC DETERRENT

An important new use for dogs in the control of crime is in the field of drug suppression. In recent months it has been discovered that dogs have a high degree of acuity in seeking marihuana. If the preliminary experience in this type of police work proves valid, the use of dogs on a major scale may provide a real benefit in breaking up the traffic in that drug. Trained dogs seem effective in finding the drugs in buildings, airports, warehouses, and detecting its presence on persons.

In view of the reported significant increase in the use of drugs in the District of Columbia, particularly among juveniles, expansion of the Canine Corps trained for detection of this drug could have an important effect on preventing its use and progression to other drug addiction and development of incorrigible criminals. The Canine Corps has just received its first dog trained for such work and anticipates expanding the training program in this activity rapidly.

Thus far, all the dogs in the Canine Corps have been donated, and thus have cost the Police Department nothing. However, if the contemplated program of expansion necessitates the purchase of any of the new dogs, it is estimated that they may cost as much as $250 each. An item of expense is involved in the fact that the policemen who handle these dogs must transport them daily in their own cars, and also must keep the dogs at their homes. This calls for fenced yards and extra cleaning. Also, most of the work of these policemen must be performed at night. For these reasons, these men are paid additional compensation in the amount of $595 per year. With the exception of a few sergeants who perform this duty, all the officers who serve as dog handlers are grade 2 technicians.

The cost of training and adding a man-dog team to the Canine Corps is presently estimated at about $3,150. This includes the officer's pay during the training period—this extra pay, referred to above, does not start until after the training period is ended—veterinary care for the dog, dog food, equipment, and instructor's salary, but does not include any cost for purchase of a dog.

In addition, we are informed that the cost of maintaining a man-dog team per year is estimated at $225 for maintaining the dog, plus $595 for the officer's additional salary—his regular salary is not a part of this cost, since he would be collecting this amount as a Metropolitan Police officer anyway, in this or some other type of duty—for a total annual cost of $820.

COST ESTIMATES

Inasmuch as the Canine Corps is presently in operation to the extent of 79 man-dog teams, and as the Department's present plan for expansion of the Corps would increase this number to 100 by the end of this year, the additional expense involved as a result of the authority granted in H.R. 2598 would be that of training an additional 21 man-dog teams this year, and then of maintaining that additional number in service in the future.

Thus, in fiscal year 1972, the total cost would be $66,150 for the training of the additional 21 teams, plus $8,610 for their maintenance during the final 6 months of the year, for a total of $74,760. And in ensuing fiscal years, the cost would be simply that of maintaining these 21 teams, or $17,220 per year.

For the period of 5 years, therefore, starting with fiscal year 1972, the estimated cost to the District of Columbia government, based upon present salary levels and other present costs, would project as shown in the following chart:

Fiscal year:	*Estimated cost*
1972	$74,760
1973	17,220
1974	17,220
1975	17,220
1976	17,220
Total 5-year estimated cost	143,640

Mr. FAUNTROY. Mr. Speaker, will the gentleman yield?

Mr. CABELL. I yield at this time to the gentleman from the District of Columbia, a member of the committee.

Mr. FAUNTROY. Mr. Speaker, I rise in opposition to H.R. 2598.

I had hoped that I might reserve my maiden speech on the floor for another occasion, but because of the fact that I have no vote with which to express my views for the record, and lest my silence be construed as agreement with this measure, I feel constrained to oppose the bill.

If I could vote in this great body, which I hope will come to pass during this session of Congress, I would vote against H.R. 2598.

Had I been a Member of the distinguished body at the time this bill was considered by the District of Columbia Committee, where I do have a vote, I would have voted against the bill.

Mr. Speaker, I oppose the bill for many reasons. First of all, this bill has been brought to the floor for action without hearings. Furthermore, the District of Columbia government, which is in the best position to explain the need for such legislation, was not asked for its views.

I do know that the District government did submit those views to the Senate on a similar bill which was pending before the Senate early in the 91st Congress.

Mr. Speaker, I ask unanimous consent to submit a copy of a letter from the Commissioner and the Deputy Commissioner to the Honorable Joseph D. Tydings who was chairman of the Senate committee at that time.

The SPEAKER. Is there objection to the request of the gentleman from the District of Columbia?

There was no objection.

The letter referred to follows:

GOVERNMENT OF THE
DISTRICT OF COLUMBIA,
Washington, D.C., July 30, 1969.

HON. JOSEPH D. TYDINGS,
Chairman, Committee on the District of Columbia, U.S. Senate, Washington, D.C.

DEAR SENATOR TYDINGS: The Government of the District of Columbia has for report H.R. 254, 91st Congress, a bill "To authorize the acquisition, training, and maintenance of dogs to be used in law enforcement in the District of Columbia," passed by the House of Representatives on April 28, 1969.

The bill authorizes the acquisition, training, and maintenance of "as many dogs as may be necessary to be used in connection with law enforcement in the District of Columbia." At present there is no specific statutory provision authorizing the use of dogs in the District of Columbia for the purpose of law enforcement.

With the sole exception of the mobile

laboratory authorized by the "District of Columbia Law Enforcement Act of 1953" (67 Stat. 101; D.C. Code, sec. 4–187), tools and equipment used by the Metropolitan Police Department are not specifically authorized by Acts of Congress, but are provided for in the various District of Columbia Appropriations Acts. It is in this manner that, for the past seven years, there has been made available to the Metropolitan Police Department, dogs for use in law enforcement, beginning with five dogs in 1960, and gradually increasing their number until at the present time the police force has approximately 74 dogs, most of which are on active duty, although some are still in training.

For the foregoing reasons, the District Government believes that the matter of providing dogs for the use of the Metropolitan Police Department should, for purposes of acquisition, be treated in the same manner as other tools and equipment regularly used in law enforcement, after a careful evaluation of the need and subject, of course, to Congressional review.

In view of the above, the Government of the District of Columbia believes that there is no need for the enactment of H.R. 254.

Sincerely yours,
THOMAS W. FLETCHER,
Assistant to the Commissioner.
WALTER E. WASHINGTON,
Commissioner.

Mr. MIKVA. Mr. Speaker, will the gentleman yield?

Mr. CABELL. I yield to the gentleman from Ilinois.

Mr. MIKVA. Did I understand the gentleman from the District of Columbia to say that the District government is opposed to the bill and has expressed its views to the gentleman as being opposed to the bill?

Mr. FAUNTROY. The District government in the written statement submitted to the Senate, which I have submitted for the RECORD, expressed opposition to this bill on the ground that it was unnecessary but the District government was not given the opportunity to express its views on this particular piece of legislation to the House of Representatives.

Mr. MIKVA. But so far as the gentleman knows there is no reason to suggest that their position is anything different than it was in the 91st Congress; is that correct?

Mr. FAUNTROY. I have not been informed that there is any change in the position of the District government on this question.

Mr. CABELL. Mr. Speaker, in answer to the gentleman, may I report that the District of Columbia has had no correspondence with the District Committee of the House.

May I further remind the gentleman that this is not mandatory. This is discretionary with the Commissioner and the Chief of Police. If they do not see fit to continue the use of the K–9 Corps, then that is in their discretion. But this does authorize an increase in the K–9 Corps.

Further, I should point out that the District government has included the Canine Corps in its budget in this Congress, as in the previous Congresses it has been in existence. So I fail to understand the claim that the District is opposed to this legislation. The District officials have never failed to express their opposition, or their support on legislation before our committee, any time they wish. We have received no expression from them on this bill.

Mr. NELSEN. Mr. Speaker, will the gentleman yield?

Mr. CABELL. I yield to the gentleman from Minnesota.

Mr. NELSEN. I wish to point out that it was the feeling of the committee that if it were interrogating any policemen on the street one would find that they felt this was an improvement in building an efficient Canine Corps, and that this was a bill to assist in law enforcement. Based upon practical police administration, I think our committee felt that if the Police Department felt they needed increased staffing in the Canine Corps, it would be within their discretion to request the additional funds for it before the Appropriation Committees in the House and the Senate. This will give them the authorization and if the Police Department and the House District of Columbia Appropriations Subcommittee want to expand the Canine Corps then certainly the authority is there to do it.

I think you will find that the committee gave it quite a wide endorsement, as I recall.

Mr. CABELL. Does the gentleman from Illinois wish to be heard further?

Mr. MIKVA. I do desire to be heard, but I interrupted my colleague (Mr. FAUNTROY) and I would prefer that he finish his remarks first.

Mr. FAUNTROY. I thank the gentleman.

As I said earlier, at the time that the District of Columbia government submitted its views to the Senate, it was opposed to the legislation on the ground that there was absolutely no need for additional legislation to expand the size of the District's Canine Corps. And as I indicated earlier, I have not been informed of any change in this position, and I could not agree more with that position.

The SPEAKER. The time of the gentleman has expired.

Mr. FAUNTROY. Mr. Speaker, I move to strike the requisite number of words.

To continue, Mr. Speaker, the committee's own report on the measure illustrates that perhaps this bill was a waste of the committee's time. According to the report accompanying H.R. 2598, the District Police Department has had a Canine Corps since 1960 and continues to maintain it at a level of almost 80 dogs. All of these dogs were reported to have been donated to the District government. In other words, this additional authority is not needed. The District government already has authority and the power to continue and maintain this program.

So, Mr. Speaker, to summarize, there have not been public hearings on the bill; the District government has not been asked for its views; and it would also appear that the bill is entirely unnecessary.

If the bill is intended to deal with crime in the District, I can assure you it will fail. Crime cannot be dealt with by setting loose dogs on the community. What we need are more and better correctional facilities, better trained police, and a court system that is capable of providing speedy and fair trials. If such legislation were to come to the floor, then it would have my full support, and I am sure the full support of the District government, but this bill is not such. If I could vote and unfortunately I cannot, but if I could vote, I would vote as I now urge every Member to vote, and that is to vote no on this bill.

Mr. MIKVA. Mr. Speaker, I move to strike the requisite number of words.

I am a member of the Committee on the District of Columbia. This bill was put through the committee as the Representative from the District of Columbia has indicated, without any hearings. I was told that the District of Columbia government had no opposition to the bill. Now I think that it is totally abortive of even the limited home rule that the District of Columbia has to deny them the courtesy of expressing their opposition to the legislation. I would like to think that it was confusion among the committee or the committee staff which accounts for this sad state of affairs, I have a motion to recommit, which I shall offer at the appropriate time to send this bill back to the committee for hearings, and I hope that the Members will vote for that motion. I do not believe that we should try to put through the Congress a bill without giving the government of the District of Columbia that very limited prerogative of an opportunity to express themselves. I think this is outrageous.

Mr. ADAMS. Mr. Speaker, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from Washington.

Mr. ADAMS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I went back in the records to check specifically as to what happened a year ago. Now I am no longer on the Committee on the District of Columbia, but apparently the committee is back to the practice again of dredging up bills from the past and sending them to the floor without any hearing. On April 1, 1969, this bill under the number H.R. 254, was placed before the committee as having the support of the District of Columbia government. However, the letter that was placed before the committee was a letter signed by the three Commissioners from several years before. We later obtained a letter from the present District of Columbia's government which indicated they were against it. This is the same situation. There have been no hearings, and all we have is a statement showing that it had been passed once before in the past, several Congresses before, and, therefore, it should be passed again.

That is an incredibly bad practice, and it should be stopped. I will vote for the motion to recommit regardless of the merits of whether or not the Canine Corps should be or should not be extended.

I might also state that on April 1, that year, we not only had that bill before us but some 14 other bills which did not have hearings or up-to-date supporting materials. One example was H.R. 4183 which dealt with retired police officer benefits. I understand there is again a bill up before us today on that same subject done in the same fashion.

Mr. Speaker, I want to compliment the delegate from the District of Columbia for watching this and bringing it to our attention, because it did not have the hearings that it should have had.

Mr. Speaker, I thank the gentleman from Illinois for yielding.

Mr. MIKVA. Let me make it very clear that I am not opposed to the Canine Corps on the merits. We have had a successful corps in my own city. I will quite likely vote for the bill after hearings, if it is recommitted; but I think the government of the District of Columbia must have the right at least to express itself before we in the Congress ram legislation down their throats.

Mr. MITCHELL. Mr. Speaker, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman.

Mr. MITCHELL. Mr. Speaker, the thing that disturbs me the most is that in Baltimore City one of our most serious and racially tense occurrences came about because of the misuse of K–9 dogs. A dog allegedly broke loose from the leash of an officer, bit and mauled a black woman. She had to have 75 stitches put in both legs. Two other men sitting on steps also were mauled by that dog.

I want to indicate personally my objection to the use of K–9 corps dogs in residential areas. In Baltimore we now use them only outside of hospitals, outside of banks, and so forth.

The second thing is that I want to echo the sentiments of my colleague, the gentleman from the District of Columbia. You will not decrease crime by the use of these dogs.

In the City of Baltimore we have reduced crime after the K–9 dogs were removed from residential districts.

Mr. MIKVA. I only want to say to my colleagues that I think the discussion on the floor here is a perfect indication why there ought to be hearings on this bill; I would remind my colleagues at this point that there was not 1 minute of hearings in this session of the Congress on this bill.

Mr. WILLIAMS. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I rise in support of the bill, H.R. 2598.

Even though I am a resident of the Commonwealth of Pennsylvania, I reside here in Washington, D.C., most of the time. I happen to live in an area that is anything but a low-cost housing area, but even where I live muggings and robberies are rather frequent.

I think we have to face up to the fact that, regardless of what the District of Columbia government wants, we do have here in Washington, D.C., the highest crime rate per capita of any major city in the world. We do have here in Washington, D.C., most frequent attacks on police officers.

In fact, some members of the community seem to regard our law enforcement officers as fair game and not as men who are employed and assigned to protect the people of Washington, D.C.

I would like to suggest to the distinguished gentleman from the District of Columbia that perhaps more time could be spent in trying to convince members of the community in the District of Columbia that they should cooperate with police officers and do everything they can to reduce crime in the District of Columbia.

Mr. MIKVA. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman.

Mr. MIKVA. Mr. Speaker, is the gentleman aware that there is a Canine Corps currently in existence and one of the main grounds, as I understand, for the District of Columbia government opposition is not opposition to the Canine Corps but rather this legislation is not necessary—it is superfluous and could be obstructive rather than helpful.

If this bill goes down, it will not be the end of the Canine Corps.

Mr. WILLIAMS. This bill provides simply, as I read it, for the use of additional Canine Corps. The legislation is permissive. If there is anything that does help and protect a police officer in doing his duty, it is to have a member of the Canine Corps with him.

So whether this legislation is necessary or not, I am willing to take the Committee on the District of Columbia's word for it that it is necessary, and that is why they reported it out.

Mr. FAUNTROY. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman.

Mr. FAUNTROY. Mr. Speaker, as the gentleman from Illinois (Mr. MIKVA) indicated, my opposition to this bill is not based on opposition to the present Canine Corps, but it is based on the considered judgment of the District of Columbia government that this bill is not now necessary.

Mr. Speaker, I think it is clearly a waste of our time to discuss a question which in the considered judgment of the government of the District of Columbia, which judgment I do respect, is unnecessary.

Mr. WILLIAMS. Let me say this to the distinguished gentleman from the District. I have more confidence in the District Committee of this House of Representatives than I have in the District government. That is why I am going to support this bill, and that is why I am going to vote for it.

Mr. ADAMS. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMS. I am happy to yield to the gentleman from Washington.

Mr. ADAMS. Is the gentleman aware that this bill was before the committee 2 years ago, as well as being before the House today? First, it was considered by the District Committee on the erroneous basis that it was supported by the District government when it was not and, second, that there was never a minute of public hearings or discussion by any public officials on it. Does not the gentleman think the committee ought at least consider it?

Mr. WILLIAMS. Is the gentleman a member of the District Committee?

Mr. ADAMS. I was when the bill was before the House before, and I have listened to the statements of the gentlemen who are on the committee this year and the same thing has happened this year as well as last year.

Mr. WILLIAMS. I will ask the gentleman if he voted for the bill to be reported out when he was on the committee.

Mr. ADAMS. I did not. I voted against it for the reason that it was misrepresented to the committee when it was presented. I think that goes to our legislative procedure.

Mr. WILLIAMS. I do not yield any further. I do not have enough time. I do want to answer the gentleman by saying this: During my time in Congress I have already referred to the fact that, regardless of the opinions of the District government, from residing here 4 or 5 days a week I know that we need this legislation, and that is why I am favoring it. If there is anything wrong with the District Committee voting out a bill, even though you voted "No," then I say let us take the majority opinion of the committee.

The SPEAKER. The time of the gentleman has expired.

Mr. FRASER. Mr. Speaker, I move to strike the last word.

The SPEAKER. The gentleman is recognized for 5 minutes.

Mr. FRASER. Mr. Speaker, I voted for this bill in the committee. I thought the District of Columbia government had asked for the bill, and I was astonished to find that they were opposed to it and that it had not come from them.

I happen to favor a Canine Corps. We have had one for 11 years. I would think it would be well to let the committee look further into the reasons why the government opposes it. Maybe we should pass it after we hold hearings, but I am rather troubled that I was led to vote for it on the theory that it had come from the District of Columbia government when, in fact, it had not. We have these kinds of problems occasionally in the committee. I believe the way to remove them is to make sure the committee does its work carefully. I think it would be good to send it back. I would like to see a Canine Corps, but I want the District of Columbia government to have its day before the committee before we finally act.

Mr. GUDE. Mr. Speaker, it is unfortunate that the business of the District of Columbia has to be handled in the House of Representatives in this context.

I think it is obvious to us all that the District government approves of the Canine Corps per se as we have had one in the Police Department that has been maintained for the last 10 years. Therefore, it is really unnecessary for Congress to extend the existing authority. The dogs' expense are met under the District government's tool and equipment fund, and if we provide specific legislative authority, as H.R. 2598 would do, we will be throwing question about the scope of the city's authority in other areas as well.

The city government has opposed the bill on this basis, but no hearings have been held in the House, and the city has not been given its rightful opportunity to express its views. As the Senate District Committee invited the city's views, the same opportunity should be extended by the House District Committee. Being that it was not, I am voting to send the bill back to committee for further consideration.

The SPEAKER. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MIKVA

Mr. MIKVA. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. MIKVA. I am, in its present form, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Mikva moves to recommit H.R. 2598 to the Committee on the District of Columbia.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. MIKVA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 76, nays 303, not voting 52, as follows:

[Roll No. 69]

YEAS—76

Abzug
Adams
Addabbo
Anderson, Calif.
Badillo
Begich
Bergland
Biester
Bingham
Boland
Brademas
Burke, Mass.
Burton
Carey, N.Y.
Conyers
Coughlin
Daniels, N.J.
Danielson
Dellenback
Dellums
Dow
Drinan
Dwyer
Eckhardt
Edwards, Calif.
Evins, Tenn.
Ford, William D.
Forsythe
Fraser
Fulton, Tenn.
Grasso
Gude
Hamilton
Hechler, W. Va.
Helstoski
Hicks, Wash.
Howard
Jacobs
Kastenmeier
Koch
Leggett
Link
Lujan
McCloskey
McCormack
McFall
McKinney
Madden
Matsunaga
Mikva
Mink
Mitchell
Obey
Peyser
Podell
Rangel
Rees
Reid, N.Y.
Reuss
Riegle
Rosenthal
Roush
Roybal
Ryan
St Germain
Sarbanes
Schwengel
Seiberling
Stokes
Thompson, N.J.
Tiernan
Udall
Van Deerlin
Waldie
Yates
Zablocki

NAYS—303

Abbitt
Abernethy
Abourezk
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashley
Aspinall
Baker
Baring
Barrett
Belcher
Bell
Bennett
Betts
Bevill
Biaggi
Blackburn
Blanton
Boggs
Bolling
Bow
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byron
Cabell
Caffery
Camp
Carney
Carter
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conte
Cotter
Crane
Culver
Daniel, Va.
Davis, Wis.
de la Garza
Delaney
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
du Pont
Edmondson
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Fountain
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Griffin
Griffiths
Grover
Hagan
Haley
Hall
Hammerschmidt
Hansen, Idaho
Hansen, Wash.
Harvey
Hastings
Hathaway
Hays
Henderson
Hicks, Mass.
Hillis
Hogan
Holifield
Horton
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Karth
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Lennon
Long, Md.
McClory
McClure
McCollister
McDade
McDonald, Mich.
McKevitt
McMillan
Macdonald, Mass.
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Mazzoli
Meeds
Michel
Miller, Calif.
Miller, Ohio
Mills
Minish
Minshall
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Robinson, Va.
Robison, N.Y.
Rodino
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Rousselot
Roy
Ruppe
Ruth
Sandman
Satterfield
Saylor
Scherle
Scheuer
Schmitz
Schneebeli
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Vander Jagt
Veysey
Vigorito
Waggonner
Wampler
Ware
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wydler
Wylie
Wyman
Yatron
Young, Fla.
Young, Tex.
Zion
Zwach

NOT VOTING—52

Andrews, Ala.
Ashbrook
Aspin
Blatnik
Byrne, Pa.
Byrnes, Wis.
Casey, Tex.
Chisholm
Clay
Collins, Ill.
Corman
Davis, Ga.
Denholm
Diggs
Dowdy
Edwards, La.
Foley
Gallagher
Green, Pa.
Gross
Gubser
Halpern
Hanley
Hanna
Harrington
Harsha
Hawkins
Hébert
Heckler, Mass.
Jones, Ala.
Jones, Tenn.
Lent
Lloyd
Long, La.
McCulloch
McEwen
McKay
Melcher
Metcalfe
Pickle
Pike
Rhodes
Roberts
Roe
Runnels
Smith, Calif.
Stafford
Stanton, James V.
Stubblefield
Ullman
Vanik
Wyatt

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Harrington for, with Mr. Andrews of Alabama against.

Mrs. Chisholm for, with Mr. Hébert against.

Mr. Collins of Illinois for, with Mr. Byrne of Pennsylvania against.

Mr. Hawkins for, with Mr. Davis of Georgia against.

Mr. Diggs for, with Mr. Runnels against.

Mr. Metcalfe for, with Mr. Pickle against.

Mr. Clay for, with Mr. Roberts against.

Until further notice:

Mr. Blatnik with Mr. Rhodes.

Mr. Pike with Mr. Gross.

Mr. Jones of Tennessee with Mr. Byrnes of Wisconsin.

Mr. Vanik with Mrs. Heckler of Massachusetts.

Mr. Hanna with Mr. Smith of California.

Mr. Corman with Mr. Stafford.

Mr. Stubblefield with Mr. Gubser.

Mr. Denholm with Mr. Halpern.

Mr. Long of Louisiana with Mr. Harsha.

Mr. Casey of Texas with Mr. Ashbrook.

Mr. Gallagher with Mr. Lent.

Mr. Edwards of Louisiana with Mr. McEwen.

Mr. Jones of Alabama with Mr. Wyatt.

Mr. McKay with Mr. Lloyd.

Mr. Green of Pennsylvania with Mr. McCulloch.

Mr. Melcher with Mr. Foley.

Mr. Hanley with Mr. Roe.

Mr. Aspin with Mr. Ullman.

Mr. Runnels with Mr. James V. Stanton.

Messrs. O'Neill, Dent, and Rodino changed their votes from "yea" to "nay."

Messrs. McFall and Roybal changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

EQUALIZING RETIREMENT BENEFITS FOR TOTALLY DISABLED DISTRICT OF COLUMBIA POLICEMEN AND FIREMEN

Mr. CABELL. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 2600) to equalize the retirement benefits for officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia who are retired for permanent total disability, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill as follows:

H.R. 2600

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) each officer or member of the Metropolitan Police force, the Fire Department of the District of Columbia, the United States Park Police force, the Executive Protective Service, or the United States Secret Service who has been retired during the period beginning before October 1, 1956, and continuing through July 1, 1971—

(1) under the provisions of the fourth paragraph of section 12 of the Act of September 1, 1916 (39 Stat. 718), as in effect prior to October 1, 1956, and

(2) on the basis of a disability which was rated at 100 per centum at the time of his retirement,

shall, on and after the first pay period which begins after July 1, 1971, have his retirement benefits computed and paid in accordance with the provisions of subsection (g) (1) of the Policemen and Firemen's Retirement and Disability Act (D.C. Code, sec. 4-527(1)).

(b) Nothing in this Act shall be deemed to reduce the relief or retirement compensation any person receives or is entitled to receive, from the District of Columbia on the date of enactment of this Act.

With the following committee amendment:

Page 1, beginning in line 6 strike out "Service who has been retired during the period beginning before October 1, 1956, and continuing" and insert in lieu thereof the following: "Service who retired before October 1, 1956, and whose retirement has continued".

The committee amendment was agreed to.

Mr. CABELL. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the purpose of H.R. 2600 is to provide that former members of the Metropolitan Police force, the U.S. Park Police, the Executive Protective Service—formerly known as the White House Police force—the U.S. Secret Service, and the District of Columbia Fire Department who were retired prior to October 1, 1956, for service-incurred disability which was rated at 100 percent at the time of their retirement, shall have their annuities computed on the same basis as those for members who retired for service-incurred disability subsequent to that date.

The current bill, H.R. 2600, is substantially identical to H.R. 2897 of the 90th Congress, which passed the House on April 24, 1967, and to H.R. 4184 of the 91st Congress, approved by the House on July 14, 1969.

BACKGROUND

From 1916, when the policemen's and firemen's relief fund was first established by act of Congress, until 1957, there was never any disparity in the pensions paid to retired members of the fire department and the several police forces in the District of Columbia, or to their widows and dependent orphaned children. All who retired at the same rank and with the same length of service received equal amounts, regardless of changes in contribution rates.

In 1957, however, this long-established policy was abandoned by the enactment of Public Law 85-147, which amended the Policemen's and Firemen's Disability Act to provide substantial increases in the annuities for those members retiring after October 1, 1956, and for their widows and orphaned children, but provided no increases whatever for annuitants who had retired prior to that date, nor for their surviving dependents.

HISTORY OF LEGISLATION

Because of the hazards and vicissitudes incident to service in these police and fire forces, members of this committee and many of their colleagues in the House have long felt that this discrimination in the annuities for retirees from these services, and for their surviving dependents, is unfair and should be eliminated. In fact, at the time of the enactment of the amendments to the Policemen's and Firemen's Disability Act in 1957, it was recognized by some Members of Congress that some adjustment to the pensions of the older retirees should be the subject of future legislation.

NEED FOR LEGISLATION

Prior to October 1, 1956, a member of the police or fire departments who retired by reason of disability incurred in line of duty was entitled to an annuity not to exceed 50 percent of his last annual salary. Such a member retiring after that date for disability incurred in line of duty, however, receives an annual pension computed at 2 percent of his last annual salary per year of service, with a minimum of 66⅔ percent and a maximum of 70 percent.

Our committee feels strongly that this situation is a gross injustice, and that at least those older retirees who were rated at 100-percent disability by the Retirement Board, and who thus sacrificed their health and their earning ability in the performance of their hazardous service, are richly entitled to the same annuity benefits as all other retirees in similar circumstances, regardless of their date of retirement. Furthermore, our committee is convinced that the Equalization Act of 1923, which bases all District of Columbia Police and Fire Department retirees' pensions upon increased salaries whenever there is a salary increase for these forces, does not provide truly equitable treatment by any means for these older totally disabled members, as long as there remains a disparity of from 16⅔ to 20 percent in their annuity rates as compared with those of their brothers in service who retired after October 1, 1956. These men faced the same hazards of service, suffered the same loss of physical ability to earn their living as did those who retired under the same circumstances at a later date, and are now facing the same high costs of living. Under these circumstances, it is the view of our committee that the existing difference in the amounts of their annuities should be eliminated, as a matter of simple justice.

PROVISIONS OF THE BILL

For these reasons, our committee urges favorable action on H.R. 2600, which provides simply that members of the various police forces and the District of Columbia Fire Department who retired prior to October 1, 1956, for disability incurred in line of duty and which was rated at 100 percent under the veterans manual at the time of their retirement, shall have their annuities computed on the basis of the formula provided by the 1957 amendments to the Policemen's and Firemen's Disability Act which have been in effect since October 1, 1956. This provision is to be effective on and after the first pay period which begins after July 1, 1971.

This would increase the pension rate of such a retiree from the present figure of 50 percent of his last annual salary to a minimum of 66⅔ percent and a maximum of 70 percent, depending on his length of service.

A survey of the personnel files 4 years ago revealed that at that time, there were some 200 former members of these police forces and the D.C. Fire Department who had retired prior to October 1, 1956, for disability incurred in line of duty and which was rated at 100 percent under the veterans manual at the time of retirement. Today, however, only 156 such annuitants survive, and hence this is the number who will be affected by the enactment of this proposed legislation.

COST ESTIMATES

An actuarial projection by the U.S. Treasury Department, based on a random sample of 21 cases, indicates that the additional cost which would accrue from the provisions of this bill, for fiscal year 1972, would be some $336,200; and that the additional cost over the 5-year period through fiscal year 1976, based upon present salary levels, would amount to a total of $1,414,200.

The projection indicates also that the average age of these 156 annuitants is 73 years, and that there will be no surviving such retirees after the year 1995.

The complete projection furnished our committee is the following.

DISTRICT OF COLUMBIA POLICEMEN AND FIREMEN—PROJECTED COST OF INCREASING ANNUITIES OF 100 PERCENT DISABILITY CASES WHO RETIRED PRIOR TO OCT. 1, 1956

[Dollar amounts in thousands]

Fiscal year	Average number	Annual amount	⅓ increase
1972	150	$1,008.5	$336.2
1973	138	927.9	309.3
1974	126	847.2	282.4
1975	114	766.5	255.5
1976	103	692.5	230.8
1977	91	611.8	203.9
1978	80	537.9	179.3
1979	69	463.9	154.6
1980	59	369.7	132.2
1981	50	336.2	112.1
1982	41	275.7	91.9
1983	33	221.9	74.0
1984	26	174.8	58.3
1985	20	134.5	44.8
1986	15	100.9	33.6
1987	11	74.0	24.7
1988	8	53.8	17.9
1989	6	40.3	13.4
1990	4	26.9	9.0
1991	3	20.2	6.7
1992	2	13.4	4.5
1993	1	6.7	2.2
1994	1	6.7	2.2
1995	1	6.7	2.2

Source: Office of Debt Analysis, U.S. Department of the Treasury.

Mr. BROYHILL of Virginia. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I wish to express my support for the bill H.R. 2600, which is designed to correct in part an injustice of many years' standing with respect to the pensions paid to former members of the Metropolitan Police Force, the Fire Department, the U.S. Park Police, the Executive Protective Service, and the U.S. Secret Service who were retired prior to October 1, 1956. This bill provides that such members who retired for service-incurred disability which was rated at 100 percent shall have their annuities computed at the same rates which are provided for those who retired for disability subsequent to October 1, 1956, beginning July 1, 1971.

Until 1957, when the Congress enacted major amendments to the D.C. Policemen and Firemen's Retirement and Disability Act, effective as of October 1, 1956, there had never been any disparity in the annuities paid to retired members of these forces or to their surviving dependents. However, these amendments established for the first time a very considerable difference between the annuities granted to those who retired prior to the above-cited date as compared to those for the members retiring thereafter.

I and some of my colleagues have felt strongly that this action was basically unfair, and some of us on the District of Columbia Committee made repeated efforts to remove this differential and restore the traditional equality of treatment to all such retirees and their dependents. Through our efforts, bills were passed by the 86th and 87th Congresses, which would have restored this equity of treatment to some degree, but both were vetoed. Late in the 87th Congress, however, we did succeed in enacting Public Law 87–601, which equalized the pensions paid to widows and dependent children of the earlier retirees who had died. To this day, however, we have accomplished nothing to equalize the annuities of the retired members themselves, except for section 108 of the 1970 Policemen, Firemen, and Teachers Salary Act, which provided equality of annuities for members of the Metropolitan Police force who retired prior to October 1, 1956, with the rank of assistant superintendent; and this affected only six members.

The bill H.R. 2600, which is essentially identical to a bill which I introduced on March 16, 1967, will provide what I consider a very meager and unsatisfactory minimum of justice, by equalizing the pensions of only those members who retired prior to October 1, 1956, for disability incurred in line of duty and which was rated by the retirement board at 100 percent under the provisions of the veterans manual.

At present, these older disabled retirees are entitled to an annuity of 50 percent of their last annual salary. However, the member who retired after October 1, 1956, for any degree of disability considered sufficient for his retirement, draws a pension computed at 2 percent of his last annual salary for each year of his service, with a minimum of 66⅔ percent and a maximum of 70 percent. In view of the fact that all these men faced the same dangers and hazards in their daily work, and are now beset by the same inflated and steadily rising costs of living, it is my opinion that this situation is totally inequitable. Nor can it be considered fair because of a slight increase in the members' rate of contribution toward their retirement fund, which also went into effect as of October 1, 1956, in view of the great and increasing difference between the value of the dollar before and after that time.

In the bill H.R. 2600, we are not asking the full and complete equalization of annuities which some of us believe to be justified, nor even equal treatment for all members who are retired by reason of disability. Rather, we seek only to obtain for the earlier retirees who were totally disabled in service, and thus have sacrificed at least to a very large degree their ability to earn a living, the same financial reward which is presently granted to their brothers in service who retired after an arbitrary date of October 1, 1956, for any degree of disability whatever. Obviously, many of these latter retirees are capable of earning a substantial income now in other lines of work.

In 1967, there were 192 former members of these services, living and drawing annuities, who had retired prior to October 1, 1956, for service-incurred disability rated at the time of their retirement at 100 percent. Today, I am informed that this number has dwindled to 156, and that this group, whose average age is now 73 years, will cease to exist after 1995. These are the men whose annuities would be increased by this proposed legislation by from 16⅔ percent to 20 percent, depending on their length of service.

Mr. Speaker, as I have stated, I do not consider this legislation to be adequate, by any means, to eliminate the injustice which I feel was done by the 1967 amendments to the District of Columbia Policemen's and Firemen's Retirement and Disability Act. As a matter of practical expediency, however, in light of our experience in earlier Congresses, I strongly commend this measure for favorable action by my colleagues in this body, as at least a minimum of just treatment for these gallant public servants who gave so much of their lives and their health for the benefit of the citizens of our Nation's Capital.

Mr. HOGAN. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I rise in support of this legislation.

Mr. FAUNTROY. Mr. Speaker, I move to strike the requisite number of words.

I thank the gentleman from Texas for yielding.

Mr. Speaker, I rise in opposition to H.R. 2600 again largely for procedural reasons. As was true of H.R. 2598, the District government was not given the opportunity to present its views on this legislation.

In addition, no public hearings were held on the measure during this session of Congress.

Mr. Speaker, let me make it very clear that I am deeply concerned about the ability of our retired people to survive in an inflationary economy such as ours. But with respect to H.R. 2600, I note that the District government has submitted its views to the Senate during the 91st Congress indicating its opposition to this bill because of certain inequities H.R. 2600 imposes upon other civil servants, particularly those covered by the teacher and civil service pension systems.

I should like to submit for the record a letter from the Mayor and the Deputy Mayor which was presented to the Senate during the 91st Congress expressing the District government's opposition to this legislation.

For the benefit of the Members, I would like to point out that the reason for the opposition of the District government was that the equalization of the firemen and police pension benefits would create an inequity in the pension system because the teacher and civil service pension benefits would lag hopelessly behind those available under the police and firemen pension system.

The fact is that police and firemen who would benefit by this legislation have in the last few years had their benefits increased by 85 percent while, for example, teachers and others under the civil service pension system have only had their benefits increased by 45 percent.

The letter referred to follows:

GOVERNMENT OF THE
DISTRICT OF COLUMBIA,
Washington, D.C., February 26, 1970.

Hon. JOSEPH D. TYDINGS,
Chairman, Committee on the District of Columbia, U.S. Senate, Washington, D.C.

DEAR SENATOR TYDINGS: The Commissioner of the District of Columbia has for report H.R. 4184, a bill "To equalize the retirement benefits for officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia who are retired for permanent total disability", passed by the House of Representatives July 14, 1969.

The bill provide that on and after the first pay period which begins after July 1, 1969 the retirement benefits of police and firemen (and of officers and members of the United States Park Police force, White House Police force, and the Secret Service) who retired prior to October 1, 1956, for permanent total disability rated at 100 per centum at the time of retirement, shall be computed and paid under the present Policemen and Firemen's Retirement and Disability Act, which became effective October 1, 1956. It is estimated that this legislation would affect approximately 146 retirees. Under provisions of the retirement law applicable to police and firemen who retired prior to October 1, 1956, these retirees initially received in retirement compensation 50 per centum of the annual salary they had been receiving immediately prior to their retirement. The Act effective in 1956 provides that retirement compensation shall be a minimum of 66⅔% and a maximum of 70% of the annual salary received by a retiree immediately prior to his retirement.

The Commissioner notes that due to the provisions of title III of the Act approved June 20, 1953 (67 Stat. 75; D.C. Code, sec. 4–518), relating to the automatic equalization of the pensions of police and firemen, the annuities of retirees retiring prior to July 1, 1956, have already been increased 85%. In comparison, legislation enacted since 1956 has provided annuitants who retired prior to October 1, 1956, under District of Columbia teachers' retirement legislation and United States civil service retirement legislation with cumulative annuity increases totaling only 45%. Enactment of H.R. 4184 would provide an additional increase in the retirement benefits of this group of retired police and firemen, thus further increasing the existing disparity between them and other government retirees. This special increase, over and above the equalization feature of present law, would amount to additional increases of from 33% to 40%. The estimated actuarial cost of this legislation is approximately $250,000 for fiscal year 1971. This amount is, of course, expected to diminish annually, with the full actuarial cost estimated to be approximately $1,865,000.

The Commissioner considers the provisions of this bill to be inequitable in relation to the retirement systems of other District of Columbia government retirees, and accordingly he strongly opposes its enactment.

Sincerely yours,

GRAHAM W. WATT,
Assistant to the Commissioner.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. FAUNTROY. Mr. Speaker, I move to strike the last word.

Again, may I conclude by saying that every effort should be made through social security increases and other pension funds to bring retirement and social security benefits up to the point where all of our elderly citizens can live with dignity. However, this bill is only a stopgap piece of legislation which leaves many inequities in the system.

Mr. Speaker, I oppose this bill. I shall introduce legislation at this session of Congress that will provide all retirees who retired before 1956 and who are receiving pensions by reason of their employment retirement benefits equal to those benefits persons are now drawing who retired after 1956. If I had a vote, I would vote against H.R. 2600, and I urge you to do the same.

Mr. BROYHILL of Virginia. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, the delegate from the District of Columbia has referred to possible problems dealing with certain other groups of people, including the District of Columbia schoolteachers.

This bill does not address itself to the problems of those particular people. We can handle those problems, if action is needed, in other legislation.

The purpose of this legislation is to correct an inequity, an inequity that was caused by an act of Congress back in 1956.

The District government had nothing to do with this matter. We are being called upon today to correct that inequity, which was caused by this body in the first place. The cost involved is very minor. There are only 156 people affected. These are former District of Columbia policemen and firemen who were 100 percent disabled in the line of duty prior to 1956. This bill seeks to bring their pensions in line with the annuities granted those members who were disabled after 1956, who were much more generously treated.

If the gentleman from the District of Columbia knows of other inequities, let the gentleman introduce corrective legislation and we will take care of those problems also. However, at this time, we are attempting to provide fair treatment for one small group of people who have been totally disabled in line of duty, but who were disadvantaged by a previous act of Congress.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. BIAGGI. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Speaker, I thank the gentleman from Virginia for yielding.

Mr. Speaker, I rise in support of this bill.

Mr. HUNGATE. Mr. Speaker, I move to strike the requisite number of words.

Mr. CABELL. Mr. Speaker, will the gentleman yield?

Mr. HUNGATE. I yield to the gentleman from Texas.

Mr. CABELL. Mr. Speaker, I thank the gentleman from Missouri for yielding.

Mr. Speaker, in support of the remarks of the gentleman from Virginia (Mr. BROYHILL), may I say that if the District government has any fault at all to find because of so-called inequities in other pay scales, if they would bring remedial legislation before the committee, I am sure that this committee will give them all of the hearings and the attention that they would require, that is if those people would come under the jurisdiction of the Congress. Certainly this bill covers an amendment to the act by the Congress, and, therefore, should be dealt with separately. So I submit to you that if the District of Columbia government wants to have remedial action on other types of pensions over which this body has control, then certainly such legislation will be entertained.

Again, I thank the gentleman for yielding.

Mr. HUNGATE. Mr. Speaker, I yield back the balance of my time.

Mr. CABELL. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CLASS A RETAILERS' LICENSES UNDER THE DISTRICT OF COLUMBIA ALCOHOLIC BEVERAGE CONTROL ACT

Mr. CABELL. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 6417) to reduce the number of class A retailers' licenses issued and outstanding under the District of Columbia Alcoholic Beverage Control Act, to establish the number of such licenses that may be issued and outstanding under such act, and for other purposes, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 6417

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) any person—

(1) lawfully holding a class A retailer's license issued, and outstanding on the date of enactment of this Act, under the District of Columbia Alcoholic Beverage Control Act, and

(2) who, on such date, has been authorized by the Alcoholic Beverage Control Board for the District of Columbia to suspend, for a period not to exceed three years, sales of beverages from the place for which such license was issued,

may, during the one-year period beginning on the date of the enactment of this Act and in accordance with such regulations as the District of Columbia Council shall prescribe, return such license to the Commissioner of the District of Columbia for cancellation and compensation.

(b) The Commissioner of the District of Columbia shall pay $10,000 to each person who returns a license for cancellation under this Act.

SEC. 2. (a)(1) For such period as may be necessary to reimburse the District of Columbia for payments made under the first section of this Act, the Commissioner may require each holder of a class A retailer's license issued under the District of Columbia Alcoholic Beverage Control Act to pay each license year, in addition to the license fee prescribed by section 41 of such Act for such year, the amount determined under paragraph (2) of this subsection.

(2) For purposes of determining the amount required to be paid for a license year under paragraph (1) of this subsection by each holder of a class A retailer's license, the Commissioner shall determine the relative positions of the holders of such license on the basis of the amount of gross sales of alcoholic beverages reported by each such license holder for the preceding license year. In the case of any license holder who did not report any such sales for such preceding year or whose report covers only a portion of such year, the Commissioner shall by regulation determine the position of such license holder on the basis of such additional information as may be appropriate. The additional amount to be paid by a license holder for a license year under paragraph (1) shall be—

(A) $100 if the license holder is determined to be within the bottom third of all such license holders,

(B) $200 if the license holder is determined to be within the middle third of all such license holders, and

(C) $300 if the license holder is determined to be within the upper third of all such license holders.

Amounts collected under this section shall be deposited in the general fund of the District of Columbia in the United States Treasury.

(b) If the total amount collected by the Commissioner under this section exceeds the total amount paid by him under the first section of this Act, the Commissioner shall, in accordance with regulations, make such reduction in the annual license fee for class A retailer's licenses as may be necessary to return to each licensee his proportionate share of such excess.

(c) For purposes of this section, (1) the term "license year" means the twelve month period beginning February 1 of each year, and (2) the term "alcoholic beverages" means the beverages which the holders of a class A retailer's license may sell under such license.

SEC. 3. No class A retailer's license may be issued on or after the date of enactment of this Act under the District of Columbia Alcoholic Beverage Control Act if the issuance of such license would cause the total number of such licenses issued and outstanding under that Act to exceed three hundred.

SEC. 4. No class A retailer's license may be transferred or issued under the District of Columbia Alcoholic Beverage Control Act with respect to any place which is (as determined under regulations of the District of Columbia Council) within one thousand feet of a place, the class A retailer's license for which was returned and canceled under this Act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) any person—

(1) lawfully holding a class A retailer's license issued, and outstanding on the date of enactment of this Act, under the District of Columbia Alcoholic Beverage Control Act, and

(2) who, on such date, has under regulations under such Act surrendered his license to the Alcoholic Beverage Control Board for the District of Columbia for safekeeping without payment of the annual license fee required under such Act,

may, during the one-year period beginning on the date of the enactment of this Act and in accordance with such regulations as the District of Columbia Council shall prescribe, return such license to the Commissioner of the District of Columbia (hereafter in this Act referred to as the "Commissioner") for cancellation.

(b) The Commissioner is authorized to pay to each licensee who returns a license for cancellation under this Act such amount (not to exceed $10,000) as may be determined by a panel composed of a representative of the licensee, a representative of an association of class A retail licensees, and a third person designated by the Commissioner, who shall serve as chairman.

SEC. 2. (a) (1) For such period as may be necessary to reimburse the District of Columbia for payments made under the first section of this Act, the Commissioner may require each holder of a class A retailer's license issued under the District of Columbia Alcoholic Beverage Control Act to pay at such time in each license year as the Commissioner shall prescribe, in addition to the license fee prescribed by section 11 of such Act for such year, the amount determined under paragraph (2) of this subsection.

(2) For purposes of determining the amount required to be paid for a license year under paragraph (1) of this subsection by each holder of a class A retailer's license, the Commissioner shall determine the relative positions of the holders of such license on the basis of the amount of gross sales of alcoholic beverages reported by each such license holder for the preceding license year. In the case of any license holder who did not report any such sales for such preceding year or whose report covers only a portion of such year, the Commissioner shall by regulation determine the position of such license holder on the basis of such additional information as may be appropriate. The additional amount to be paid by a license holder for a license year under paragraph (1) shall be—

(A) $100 if the license holder is determined to be within the bottom third of all such license holders,

(B) $200 if the license holder is determined to be within the middle third of all such license holders, and

(C) $300 if the license holder is determined to be within the upper third of all such license holders.

Amounts collected under this section shall be deposited in the general fund of the District of Columbia in the United States Treasury.

(b) If the total amount collected by the Commissioner under this section exceeds the total amount paid by him under the first section of this Act and any other costs incurred in the administration of this Act, the Commissioner shall, in accordance with regulations, make such reduction in the annual license fee for class A retailer's licenses as may be necessary to return to each licensee his proportionate share of such excess.

(c) Failure of a licensee to make the payments required under this Act shall, for purposes of section 17 of the District of Columbia Alcoholic Beverage Control Act (D.C. Code, sec. 25–118), be considered a violation of such Act.

(d) For purposes of this section, (1) the term "license year" means the twelve-month period beginning February 1 of each year, and (2) the term "alcoholic beverages" means the beverages which the holders of a class A retailer's license may sell under such license.

SEC. 3. No class A retailer's license may be issued under the District of Columbia Alcoholic Beverage Control Act to any person unless immediately prior to the time such license takes effect—

(1) such person was the holder of a class A retailer's license (other than a license returned for cancellation under this Act), or

(2) the total number of class A retailers' licenses issued and outstanding under that Act is less than three hundred.

SEC. 4. No class A retailer's license may be transferred or issued under the District of Columbia Alcoholic Beverage Control Act with respect to any place (other than a place for which such a license was in effect immediately prior to the time the license to be issued is to take effect) which is (as determined under regulations of the District of Columbia Council) within one thousand feet of a place, the class A retailer's license for which was returned and canceled under this Act.

Mr. CABELL (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. CABELL. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, the purpose of this legislation, as indicated in the title of the bill, H.R. 6417, is to reduce the number of package liquor store licenses for class A retailers and to establish the number of such licenses that may be issued and outstanding under the District of Columbia Alcoholic Beverage Control Act.

Class A retail liquor licenses, the subject of this legislation, must be held by every operator of a package liquor store in the District of Columbia. The Alcohol Beverage Control Act defines such licenses and provides the authority of the Alcohol Beverage Control Board to issue regulations and supervise the enforcement of the act.

MAXIMUM NUMBER OF LICENSES

At the time the Alcohol Beverage Control Act—District of Columbia Code, title 25, section 10, and the following—was enacted over 35 years ago, the Alcohol Beverage Control Board was authorized to issue, among other types of licenses, retailers licenses, class A, for package stores. No limit as to the number of such stores was specified in the act. The applications for and the issuance of such licenses reached proportions which caused the Board to establish a ceiling number of 300 for such licenses. The number of class A retailers' licenses issued and outstanding was and has continued to be substantially in excess of the maximum provided by regulation because of the provisions of a "grandfather clause" continuing the license privilege of those licensed before the ceiling number was set. At the present time approximately 387 licenses are outstanding. Under the terms of the bill, there would be a statutory maximum of 300 such licenses established, the same number as is provided under present regulation.

SURRENDER AND SAFEKEEPING OF LICENSES

Under the authority of the Alcohol Beverage Control Act and the regulations issued under it, the holder of a class A retail license, whose place of business was destroyed during an emergency or was or is the subject of condemnation action, may surrender his license to the ABC Board for safekeeping or for cancellation. This action is voluntary on the part of the licensee. Where the surrender is for the purpose of safekeeping the regulations provide that such safekeeping may not extend beyond a period of 3 years. During any period that a license has been surrendered for safekeeping, the licensee is not required to pay the license fees or to operate the facilities for which the license was granted.

The option rests with the licensee to have the license restored if such request is made within the 3-year period.

According to the testimony received by your committee, there are about 10 licensees who have surrendered their licenses to the ABC Board under regulations at this time.

In testimony before your subcommittee on March 30, 1971, representatives of the District of Columbia government, the ABC Board, and the D.C. Retail Liquor Dealers' Association were in general agreement as to the desirability of the proposed legislation. Testimony was given to the effect that during the April 1968 riots, about 180 retail beverage stores in the District of Columbia were either totally or partially destroyed. Some licensees have been unable to restore their retail business for lack of any building from which to serve customers. Such conditions are completely beyond the control of the licensees.

In addition to the above-mentioned cases, some licensees are located in structures which have been or will be taken pursuant to the exercise of eminent domain by Government authority. While a licensee has the privilege of seeking another location, the practical fact is that such relocation possibilities are extremely limited and in many instances impossible. The thrust of the pending bill is directed at the cancellation of the licenses of such operators where they voluntarily surrender their licenses and request cancellation with reimbursement as provided in the pending proposal.

The bill, as amended and reported by your committee, would require the Alcohol Beverage Control Board to levy a special assessment, in addition to regular license fees paid by all class A retail liquor dealers which would be used to establish a fund account from which dealers surrendering and returning licenses for cancellation would be paid the reasonable value of the license but not to exceed $10,000. The ceiling amount is established by reason of the fact that during the past year licensees who sold their licenses to other qualified persons received somewhat less than $10,000.

Since the reasonable value must be established for the purposes of cancellation and reimbursement, it is necessary to make provision for determining the reasonable value of such property. The bill provides for the establishment of a panel which would be composed of three persons: First, a representative chosen by the licensee; second, a representative of a Class A Retail Licensee Association; third, a designee by the Commissioner for the District of Columbia who would serve as chairman of the panel. The panel would determine the reasonable value to be offered to the licensee for the cancellation of his license.

ESTABLISHMENT OF FUND

Your committee recognizes that any reimbursement as described above should be made only from moneys derived from a private source so that no burden would be placed upon the general taxpayers. The bill provides that at such time as determined by the ABC Board, a special assessment would be levied against the holders of class A retailers' licenses to accumulate the funds necessary for the purposes of the bill.

The ABC Board is authorized to classify retail dealers according to the volume of business which is reported being done annually. Those retail licensees falling into the lower third of the grouping would pay an additional $100 fee into the fund. A middle third would pay $200 and the top third of the dealers would pay $300 into the fund. The failure of any licensee to participate in this funding would constitute a violation of the Alcohol Board of Control Act. All dealers thus would share in a contribution to the fund to the extent necessary to accomplish its purpose.

As the ABC Board collected the additional levies from the licensees, the funds would be placed in the general fund of the District of Columbia. A special account would be established in the general fund relating to this particular purpose, and the Congress would appropriate the necessary amounts to the ABC Board to reimburse licensees. The ABC Board would continue the special levy on licensees until such time as there had been sufficient funds transferred to the general fund to bear the final cost of the bill plus all costs to the District of Columbia government.

DURATION OF THE PROGRAM

The terms of the bill provide that those licensees who, on the date of enactment of the legislation, have surrendered their licenses to the ABC Board for safekeeping, may, within the year following, exercise the option of requesting reimbursement for permanent cancellation of the license. At the end of the 1-year period, those licensees who have not requested cancellation and reimbursement may no longer exercise the option.

The ABC Board may continue the levy for such period of years as is necessary to meet the payments and costs for the purpose of the bill. The ABC Board will make a pro rata distribution to the remaining class A retail licensees of any residue in the fund on completion of the purpose of the bill.

The bill would also prevent the reestablishment of a retail liquor store within 1,000 feet of the location of a licensee whose license had been returned to be canceled permanently. Grandfather clause protection is given to other licensees within the 1,000 foot radius. No change is made in existing regulations of the ABC Board relating to the surrender for safekeeping of licenses. The privilege continues during and after the 1-year period for cancellation and reimbursement for licenses provided in the bill.

COMMITTEE HEARINGS

Your committee, as indicated, held public hearings on this legislation as proposed in similar bills, H.R. 1201, H.R. 4747 and H.R. 6417. Representatives of associations of the class A retail liquor licensees testified in detail in reference to the provisions of the legislation. Support was expressed for the general concept of reduction of the number of licensees for retail package store operations.

The Alcohol Beverage Control Board was represented by the Chairman of the Board who testified concerning the desirability of the legislation. The Office of the Corporation Counsel for the District of Columbia was likewise represented and general support was expressed for the legislation.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. CABELL. I am delighted to yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the distinguished gentleman from Texas who is handling this bill yielding to me.

As I understand from his explanation, in addition to a careful reading of the bill and the report, there have been changes made since it was brought up and soundly defeated on the floor of this House in the last Congress.

Mr. CABELL. That is correct.

Mr. HALL. But, I would like to ask the gentleman—why not just put these licenses on the open market and let them be sold, if they are worth something, or not be sold if they are worth nothing, or if there is an unwillingness in the burned out areas, as the gentleman refers to it, for them, for them to be sold? Why tax the other taxpayers, or at least the liquor consumers an additional amount in order to subsidize those who will not willingly reconstruct their own business.

Mr. CABELL. The thrust of it actually is to reduce as early as possible the total number of package stores within the District. There are increasing problems in finding locations for transfers or removals to another part of the city due to zoning or due to other restrictions. This does not put any tax on the general taxpayers. It puts it only on the other package store operators, and at their request. Their association representing the 360 members, I think, voted unanimously for this. Of course, it will reduce competition to some extent.

Mr. HALL. The gentleman has answered part of my question. Obviously, it would reduce competition—and you could not expect them not to be for that. But certainly the gentleman does not think for a minute, does he, that this will not be passed on to the consumers?

Mr. CABELL. That, of course, is good reasoning to me and it depends on how much liquor you buy.

Mr. HALL. I might say to the gentleman that as a good Ozark hillbilly, I am against buying any of it. But, I recognize that there are areas in which there are necessary taxes on consumption, but I doubt very much if this should be passed on either voluntarily or certainly by legislation.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. HALL. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, if the gentleman from Texas will remain in the well, we can continue our colloquy and, of course, it is for that purpose that I have asked to be recognized, simply in the interest of continuity.

Inasmuch as there is taxation and, indeed, the distinguished gentleman has said that after the subsidy for the burnt-out operators who will not reopen is paid up, that then the tax will be dropped.

Mr. CABELL. That is correct.

Mr. HALL. I have never heard of such a thing. That would be a revealing presumption. But be that as it may, I wonder wherein lies the equity of Federal legislation for one particular area, even of the Federal City, if we are going to pass this tax along. I for one cannot see it, and I must say to the gentleman that I hope this legislation is defeated as it was in the past.

Mr. CABELL. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to the gentleman from Texas.

Mr. CABELL. With reference to whether or not the tax is ever taken off, that is specifically written into the bill. It will come off. So it is not just an open-end, blank check affair. It will die when the licenses have been surrendered within 1 year from the date of the enactment of this bill. Then that tax would be taken off. It would not set a precedent for the District of Columbia or anyone else to tie into any type of license other than those that specifically have been issued to those in burnt-out buildings or those that have been displaced because of eminent domain proceedings or condemnation of their properties. So the bill will not set a precedent.

That means the District of Columbia has no obligation to retire or, rather, to buy in licenses from any other source.

Mr. HALL. Mr. Speaker, the gentleman's personal reassurance is very reassuring, but I am not at all sure but what that would not establish here by Federal legislation a precept, tradition, or at least an example that other municipalities, if indeed not States, might borrow from the Federal Government and the U.S. Congress—as I say, even though recognizing that we are dealing with the Federal City. This was a one-time, we hope, malfeasance of individual liberties by people who acted without responsibility in the burning-out. Although I am not a lawyer, I know there is an ancient common law that says, "Let the buyer beware." I know that it is possible under the existing regulations and law, not only of the ABC, but of the District and so forth, for them to move to relocate within a reasonable distance under the same licenses.

As you say, this will cull a few. It will make competition, or at least potential competition, less, and I just think it is not a fit subject for Federal legislation, and I wish the committee had not brought this back even with the changes therein at this time.

Mr. CABELL. If the gentleman will yield further——

Mr. HALL. I am glad to yield to the gentleman from Texas.

Mr. CABELL. May I say that two States have enacted similar legislation to this to cover the very same type of proposed change this legislation was designed for. I might state further to the gentleman that legislation of this type very definitely is an obligation of this Congress under our obligation to enact legislation for the District of Columbia. So we are completely in order for having accepted this obligation. It is our obligation.

Mr. HALL. I hope the gentleman does not think I was casting aspersions on the committee, its jurisdiction or surveillance. I certainly was not. I am talking about the broader principles, indeed the interpretation of the Constitution as far as the interstate clause or the welfare clause is concerned, and I do not think we should ever use Federal taxpayers' money or moneys derived by legislative act of the Federal Congress for the relief of segmental areas of the United States or specific individuals or class organizations such as the Organization of Beverage Sellers. It is in this spirit in which I speak. It is in this spirit in which I oppose this legislation.

Mr. CABELL. I can appreciate the gentleman's position, and thank him for his contribution.

Mr. HALL. Mr. Speaker, I yield back the remainder of my time.

Mr. BROYHILL of Virginia. Mr. Speaker, I move to strike the requisite number of words.

The SPEAKER. The gentleman from Virginia is recognized.

Mr. BROYHILL of Virginia. Mr. Speaker, I rise in support of the pending legislation, and would like to have my remarks associated with those of the gentleman from Texas. I think we must recognize at the outset that it is always extremely difficult to get legislative approval by this body for any bill that affects the alcoholic beverage industry.

There is always a lot of emotionalism involved, and a lot of misunderstanding about the problems involved, on the part of many of the people who have sent us to represent them in this legislative body.

Thus, I recognize the problems many of my colleagues will have in voting for or against this legislation. But it is a matter we are confronted with and which is within our jurisdiction to resolve.

The alcoholic industry is highly regulated. If anything is to be done about this problem in the District of Columbia, we in the Congress will have to make the decision.

All we are doing here today is facing up to the problem. As was pointed out by the gentleman from Texas, we do favor a limitation on the number of class A retail licenses which could be issued in the future in the District of Columbia. Yes, this may have a tendency to reduce competition somewhat in the business. But the bill would still permit the issuance of at least 300 class A licenses, and I believe that will provide sufficient competition to protect the interests of those among my colleagues who like to consume these beverages a little more than others, by enabling them to shop around for a better price.

I believe the alcohol-consuming public will be amply protected by this legislation we have here today. Further, this bill will provide a more efficient way of policing and regulating the industry in the city. It will prevent the shopping around for, or the selling of, these licenses.

The people who have had their establishments burned out may be willing to go out of business. In the absence of this proposed legislation, they will be encouraged to shop around to sell their licenses, and thus bring about the establishment of other retail liquor stores in other locations in the city.

This bill will encourage the cancellation of these licenses, and thus will serve to bring the number of retail stores down to the statutory limitation which the bill provides; namely, 300. I say this will cause a rapid reduction of the number of possibly undesirable retail liquor establishments which are now located in the Nation's Capital.

And this can be done without any cost to the Federal Government or to the District government. Further, the people who presently hold these class A retail licenses are willing to underwrite this cost.

I also acknowledge, Mr. Speaker, that neither the passage nor the defeat of this bill today will rock the foundation of this Capitol building. As a matter of fact, I have no strong personal feeling in regard to this legislation. But I do submit that if this bill is passed, it will provide for a more orderly and efficient means of regulating this industry, which must be regulated.

I hope my colleagues will support the passage of the bill.

Mr. ANNUNZIO. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman from Illinois.

Mr. ANNUNZIO. I thank the gentleman from Virginia for yielding.

Mr. Speaker, I rise in support of this legislation. I want to commend the distinguished gentleman from Texas and the members of the committee for bringing this legislation before us today.

As Members know, I am familiar with this problem, having conducted hearings on crime insurance. I know the plight, as other Members know the plight, of some of these people who have been burned out. They have been forced out of business.

I believe the association here in Washington should be commended for this most worthwhile program to help their fellowman get reestablished.

As most Members of the House know, all over America communities have local options as far as taverns and liquor stores are concerned. Many, many communities have limited the number of licenses, all over the country. I see no reason why we in the District of Columbia should not limit the number of licenses.

I should also like to point out that in this legislation there is no cost to the taxpayers. It is something the association wants to do for former members of the association. We should encourage these people who want to help their fellowman in business, and not discourage them.

Further, I should point out that both Massachusetts and New Jersey have enacted legislation which parallels the provisions of this bill.

Consequently, I urge my colleagues to support the committee and vote for this legislation.

Mr. CABELL. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 178, nays 200, not voting 53, as follows:

[Roll No. 70]

YEAS—178

Abbitt
Abernethy
Abourezk
Addabbo
Anderson, Calif.
Annunzio
Aspinall
Baring
Barrett
Bell
Bergland
Bevill
Biaggi
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Brasco
Brinkley
Brooks
Broyhill, Va.
Burleson, Tex.
Byron
Cabell
Carney
Chappell
Clark
Collier
Collins, Ill.
Colmer
Cotter
Daniel, Va.
Daniels, N.J.
Davis, Wis.
de la Garza
Dent
Derwinski
Diggs
Donohue
Dorn
Downing
du Pont
Edmondson
Eilberg
Esch
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Forsythe
Frelinghuysen
Fulton, Pa.
Fuqua
Garmatz
Gaydos
Gettys
Giaimo
Grasso
Gray
Griffin
Griffiths
Gude
Hagan
Haley
Hamilton
Hathaway
Hays
Hechler, W. Va.
Hicks, Mass.
Hicks, Wash.
Hogan
Holifield
Horton
Hungate
Jacobs
Jarman
Johnson, Calif.
Jones, N.C.
Karth
Kazen

Kee
Kemp
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Lennon
McFall
McKinney
McMillan
Macdonald, Mass.
Mahon
Mailliard
Mann
Mathias, Calif.
Mathis, Ga.
Matsunaga
Meeds
Michel
Mikva
Miller, Calif.
Mills
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Murphy, Ill.
Myers
Natcher
Nelsen
Nix
Obey
O'Konski
O'Neill
Passman
Patten
Pepper
Perkins
Poage
Podell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Purcell
Quie
Railsback
Randall
Rees
Robinson, Va.
Robison, N.Y.
Rodino
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Satterfield
Shipley
Sisk
Slack
Smith, N.Y.
Staggers
Stanton, J. William
Stanton, James V.
Stephens
Stuckey
Sullivan
Symington
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Tiernan
Veysey
Vigorito
Waggonner
Ware
Watts
White
Whitten
Williams
Wilson, Bob
Winn
Wolff
Yatron
Young, Tex.
Zablocki
Zwach

NAYS—200

Abzug
Adams
Alexander
Anderson, Ill.
Andrews, N. Dak.
Archer
Arends
Ashley
Badillo
Baker
Begich
Belcher
Bennett
Betts
Biester
Bow
Brademas
Bray
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Caffery
Camp
Carey, N.Y.
Carter
Cederberg
Celler
Chamberlain
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collins, Tex.
Conable
Conte
Conyers
Coughlin
Crane
Culver
Danielson
Delaney
Dellenback
Dellums
Dennis
Devine
Dickinson
Dingell
Dow
Drinan
Dulski
Duncan
Dwyer
Eckhardt
Edwards, Ala.
Edwards, Calif.
Erlenborn
Eshleman
Evans, Colo.
Foley
Ford, William D.
Fountain
Frenzel
Frey
Fulton, Tenn.
Galifianakis
Goldwater
Gonzalez
Goodling
Green, Oreg.
Grover
Hall
Hammerschmidt
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hastings
Hawkins
Helstoski
Henderson
Hillis
Hosmer
Howard
Hull
Hunt
Hutchinson
Ichord
Johnson, Pa.
Jonas
Kastenmeier
Keating
Keith
King
Kyl
Landgrebe
Latta
Leggett
Lent
Link
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCormack
McDade
McDonald, Mich.
McKevitt
Madden
Martin
Mayne
Mazzoli
Miller, Ohio
Minish
Mink
Minshall
Mitchell
Mizell
Morse
Mosher
Moss
Murphy, N.Y.
Nedzi
Nichols
O'Hara
Pelly
Pettis
Peyser
Pike
Pirnie
Poff
Powell
Price, Tex.
Quillen
Rarick
Reid, Ill.
Reid, N.Y.
Reuss
Riegle
Rooney, N.Y.
Rousselot
Roybal
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Saylor
Scherle
Scheuer
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shoup
Shriver
Skubitz
Smith, Calif.
Smith, Iowa
Snyder
Spence
Springer
Steele
Steiger, Ariz.
Steiger, Wis.
Stratton
Talcott
Taylor
Terry
Thompson, Ga.
Thompson, N.J.
Thone
Udall
Van Deerlin
Vander Jagt
Waldie
Wampler
Whalen
Whalley
Whitehurst
Wiggins
Wright
Wydler
Wylie
Wyman
Yates
Young, Fla.
Zion

NOT VOTING—53

Anderson, Tenn.
Andrews, Ala.
Ashbrook
Aspin
Blackburn
Byrne, Pa.
Byrnes, Wis.
Casey, Tex.
Clay
Corman
Davis, Ga.
Denholm
Dowdy
Edwards, La.
Evins, Tenn.
Fraser
Gallagher
Gibbons
Green, Pa.
Gross
Gubser
Halpern
Hanley
Hanna
Harsha
Hébert
Heckler, Mass.
Jones, Ala.
Jones, Tenn.
Lloyd
Long, La.
McCulloch
McEwen
McKay
Melcher
Metcalfe
Patman
Pickle
Rangel
Rhodes
Roberts
Roe
Runnels
Sikes
Stafford
Steed
Stokes
Stubblefield
Ullman
Vanik
Widnall
Wilson, Charles H.
Wyatt

So the bill was rejected.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Rhodes.

Mr. Andrews of Alabama with Mr. Gross.

Mr. Byrne of Pennsylvania with Mr. Widnall.

Mr. Charles H. Wilson with Mrs. Heckler of Massachusetts.

Mr. Evins of Tennessee with Mr. Stafford.

Mr. Gibbons with Mr. Byrnes of Wisconsin.

Mr. Hanna with Mr. Gubser.

Mr. Hanley with Mr. Halpern.

Mr. Corman with Mr. Wyatt.

Mr. Jones of Alabama with Mr. Harsha.

Mr. Davis of Georgia with Mr. McEwen.

Mr. Sikes with Mr. Ashbrook.

Mr. Jones of Tennessee with Mr. Blackburn.

Mr. Casey of Texas with Mr. Floyd.

Mr. McKay with Mr. McCulloch.

Mr. Fraser with Mr. Clay.

Mr. Roe with Mr. Rangel.

Mr. Green of Pennsylvania with Mr. Metcalfe.

Mr. Vanik with Mr. Stokes.

Mr. Stubblefield with Mr. Steed.

Mr. Anderson of Tennessee with Mr. Aspin.

Mr. Denholm with Mr. Edwards of Louisiana.

Mr. Runnels with Mr. Gallagher.

Mr. Roberts with Mr. Melcher.

Mr. Dowdy with Mr. Long of Louisiana.

Mr. Ullman with Mr. Pickle.

Messrs. HELSTOSKI, CELLER, and SCOTT changed their votes from "yea" to "nay."

Mr. DONOHUE changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

TO INCORPORATE THE PARALYZED VETERANS OF AMERICA

Mr. HUNGATE. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill—H.R. 2894—to incorporate the Paralyzed Veterans of America, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the bill as follows:

H.R. 2894

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following persons, to wit: Burton Little, Chickasaw, Alabama; Tom Goggin, Phoenix, Arizona; Leonard Chrysler, Los Altos, California; Wayne L. Capson, Garden Grove, California; George Boschet, Silver Spring, Maryland; Robert Classon, New York, New York; Edward G. Maxwell, Miami, Florida; Claude C. Beckham, Irmo, South Carolina; Benny Tschetter, Sioux Falls, South Dakota; Frederick T. Gill, Valley Station, Kentucky; Lee M. Gresham, Wixom, Michigan; Conrad M. Standinger, Memphis, Tennessee; Curley Gullet, Denver, Colorado; Charles Swartz, Marblehead, Massachusetts; Bolivar Rivera, Rio Piedras, Puerto Rico; James Schwiem, Pasadena, Texas; Robert T. Kiggins, Pittsburgh, Pennsylvania; Glenn E. Mayer, Hines, Illinois; John Novak, Richmond, Virginia; and such other persons as are members of the Paralyzed Veterans of America, and their associates and successors, are hereby created and declared to be a body corporate by the name of Paralyzed Veterans of America (hereinafter referred to as the "corporation").

Sec. 2. The persons named in the first section of this Act, or their successors, are hereby authorized to complete the organization of the corporation by the selection of officers, the adoption of a constitution and bylaws, and the doing of such other acts as may be necessary for such purpose.

Sec. 3. The objects and purposes of the corporation shall be—

(a) to preserve the great and basic truths and enduring principles upon which this Nation was founded;

(b) to form a national association for the benefit of persons who have suffered injuries or diseases of the spinal cord;

(c) to acquaint the public with the needs and problems of paraplegics;

(d) to promote medical research in the several fields connected with injuries and diseases of the spinal cord, including research in neurosurgery and orthopedics and in genitourinary and orthopedic appliances; and

(e) to advocate and foster complete and effective reconditioning programs for paraplegics, including a thorough physical reconditioning program, physiotherapy, competent walking instructions, adequate guidance (both vocational and educational), academic and vocational education (both in hospitals and in educational institutions), psychological orientation and readjustment to family and friends, and occupational therapy (both functional and diversional).

Sec. 4. The corporation shall have perpetual succession and shall have power—

(a) to sue and be sued:

(b) to acquire, hold, and dispose of such real and personal property as may be necessary to carry out the corporate purposes;

(c) to make and enter into contracts;

(d) to accept gifts, legacies, and devises which will further the corporate purposes

(e) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, subject in every case to all applicable provisions of Federal and State law;

(f) to adopt and alter a corporate seal;

(g) to establish, regulate, and discontinue subordinate State and regional organizations and local chapters or posts;

(h) to choose such officers, representatives, and agents as may be necessary to carry out the corporate purposes;

(i) to establish and maintain offices for the conduct of the affairs of the corporation;

(j) to adopt and alter a constitution and bylaws not inconsistent with law;

(k) to publish a newspaper, magazine, or other publications;

(l) to adopt and alter emblems and badges; and

(m) to do any and all acts and things necessary and proper to accomplish the objects and purposes of the corporation.

SEC. 5. The corporation shall have no power to issue capital stock or engage in business for pecuniary profit or gain.

SEC. 6. The corporation shall be nonpolitical and, as an organization, shall not furnish financial aid to, or otherwise promote the candidacy of, any person seeking public office.

SEC. 7. Any American citizen shall be eligible for membership in the corporation who was regularly enlisted, inducted, or commissioned, and who was accepted for, or was on, active duty in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States, or our allies. Service with the Armed Forces must have been terminated by discharge or separation from service under conditions other than dishonorable: *Provided, however,* That persons otherwise eligible for membership who are on active duty or who must continue to serve after the cessation of hostilities are also eligible for membership: *And provided further,* That membership shall be limited to such persons as have suffered spinal cord injuries or disease whether service connected or nonservice connected in origin.

SEC. 8. The headquarters and principal place of business of said corporation shall be located in the District of Columbia, but the activities of said organization, as set out herein, shall not be confined to said city, but shall be conducted throughout the several States and any territory or possession of the United States.

SEC. 9. In the event of a final dissolution or liquidation of such corporation, and after the discharge or satisfactory provisions for the discharge of all its liabilities, the remaining assets of the said corporation shall be transferred to the Veterans' Administration to be applied to the care and comfort of paralyzed veterans.

SEC. 10. The corporation and its State and regional organizations and local chapters or posts shall have the sole and exclusive right to have and use in carrying out its purposes the name "Paralyzed Veterans of America," and such seals, emblems, and badges as the corporation may lawfully adopt.

SEC. 11. The corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its members, executive committee, and committee, having any of the authority of the executive committee; and shall keep at its registered office or principal office a record giving the names and addresses of its members entitled to vote; and permit all books and records of the corporation to be inspected by any member or his agent or his attorney for any proper purpose at any reasonable time.

SEC. 12. As a condition precedent to the exercise of any power or privilege herein granted or conferred, the corporation shall file in the office of the Secretary of each State or of any territory or possession of the United States, in which organizations, chapters, or posts may be organized, the name and post office address of an authorized agent upon whom local process or demands against the corporation may be served.

SEC. 13. Such provisions, privileges, and prerogatives as have been granted heretofore to other national veterans' organizations by virtue of their being incorporated by Congress are hereby granted and accrue to the Paralyzed Veterans of America.

SEC. 14. (a) No part of the income or assets of the corporation shall inure to any member, director, officer, or employee of the corporation or be distributable to any person during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of reasonable compensation to officers and employees of the corporation or to prevent their reimbursement for actual necessary expenses in amounts approved by the corporation's board of directors.

(b) The corporation shall not make loans to its members, officers, directors, or employees. Any director who votes for or assents to the making of such a loan, and any officer who participates in the making of such a loan, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

SEC. 15. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

SEC. 16. The provisions of sections 2 and 3 of the Act of August 30, 1964 (36 U.S.C. 1102, 1103), entitled "An Act to provide for audit of accounts of private corporations established under Federal law" shall apply with respect to the corporation.

SEC. 17. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Mr. HUNGATE. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the purpose of H.R. 2894 is to grant a Federal charter of incorporation to the Paralyzed Veterans of America.

This bill is substantially identical to H.R. 11131 of the 90th Congress, which passed the House on October 17, 1967, and to H.R. 1783 of the 91st Congress, approved by the House on October 7, 1969.

BACKGROUND

Founded in Chicago in February of 1947, the Paralyzed Veterans of America is an organization consisting of some 5,500 active members from every State in the Union, who comprise 21 chapters located in various parts of the United States. The organization is nonpolitical and nonsectarian, with the sole qualification for membership being that the individual be a service veteran and that he have a spinal cord injury or disease. There are presently 12,000 to 15,000 veterans suffering from this type of disability, including those from Vietnam. Hence, the membership of the Paralyzed Veterans of America includes 40 to 50 percent of its total potential. Its national headquarters is located at 3636 16th Street NW., in Washington, D.C.

Prior to World War II, few persons afflicted with paraplegia lived beyond 6 months. The advent of the so-called miracle drugs, however, accompanied by newly discovered medical techniques, gave the paraplegic limited health and increased his lifespan. Thus, medical science had devised the means to prepare him physically for the outside world, but more was needed. For the paraplegic was a new kind of human being. Few realized the appalling extent of his injury or the many problems he must conquer to again become a part of the mainstream of our society. Many customs, laws, and usages were at variance to the paraplegic's way of life. Ways had to be found to modify, to liberalize, and to acclimate this new way of living so that these men could become a useful part of our society.

In 1946, the 2,500 living paraplegics and quadriplegics were grouped in Veterans' Administration hospitals located in Boston, Mass., New York, N.Y., Chicago, Ill., Richmond, Va., Memphis, Tenn., and Van Nuys, Calif. They were quick to recognize the new problems their presence created in the physical, social, and industrial worlds. For this reason, these groups formed local organizations to face these problems as best they could.

This was the situation which led to the meeting of representatives of these local groups the following year, and the founding of the Paralyzed Veterans of America.

WORK OF THE ORGANIZATION

The principal aim of the Paralyzed Veterans of America is to promote research in the area of paraplegia and its rehabilitative problems. During the 21 years of its life, this organization has accomplished an outstanding record of service in this area, both to its members and to civilian paraplegics. A few examples are the following:

First. Created the National Paraplegia Foundation, a separate and independent organization to promote medical research in the several fields connected with injuries and diseases of the spinal cord.

Second. Contributed over $200,000 from its meager resources to that organization for spinal cord research, and for the development, printing, and distribution of several publications designed to inform, assist, and educate all those persons afflicted with similar disabilities.

Third. Provided the funds necessary to conduct a joint study, under the administration of the National Paraplegia Foundation and the then Vocational Rehabilitation Administration, on the service needs of paraplegics and quadriplegics.

Fourth. Established in 1961 a national service program for its members, and has served them at an annual cost averaging $30,000. This year, the organization's budget for the service program amounts to $28,000.

In addition, the Paralyzed Veterans of America has cooperated with the President's Committee in its program of employment for the handicapped. It has conducted its own intensive program, in cooperation with the National Commission Architectural Barriers, in the elimination of architectural barriers to the handicapped. They are an active member of the United States Council of the World Veterans Federation, the mission of which is to assist the veterans of other nations and to promote international peace and security through support of the United Nations Charter. Also, they have cooperated with many other Federal and private agencies on problems of the handicapped.

As a means of raising funds, as well as providing a needed recreational outlet for its members, the Paralyzed Veterans of America promotes wheelchair basketball teams. The team in Boston, known as the New England Clippers, is now in its 20th year of continuous play, and three of its members are paraplegic veterans of World War II.

In short, this organization has been unstinting in its efforts to assist in and promote programs on both the national and the international level, in an earnest desire to serve these most seriously disabled veterans who have fought to preserve our national heritage.

NEED FOR LEGISLATION

The Federal charter which H.R. 2894 will grant to the Paralyzed Veterans of America will accredit that organization with the Veterans' Administration and enable their national service officers to represent their members before that agency. The organization will also acquire the respect and stature which accrue only to organizations with congressional recognition.

CONCLUSIONS

Our committee feels that in its 24 years of existence, the Paralyzed Veterans of America has proved worthy of all the recognition and support which the Congress can offer, and is pleased to commend to the House this bill to grant a Federal charter to this selfless and gallant organization.

This legislation has the approval of the Commissioner of the District of Columbia.

Mr. WYLIE. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I rise in support of H.R. 2894 to grant a Federal charter of incorporation to the Paralyzed Veterans of America, Inc.

This bill, as has been pointed out, is similar to bills which have passed on two previous occasions.

Mr. Speaker, as a member of the Veterans' Affairs Committee, I have had the opportunity to hear Mr. Rodriguez, national president of the Paralyzed Veterans of America, Inc., testify. In my opinion his group has presented constructive proposals designed to assist all veterans as well as those members of his group, who have special problems requiring exceptional handling and endeavor.

Mr. Speaker, it is my sincere belief that this organization deserves to receive a charter on its own merit similar to those of other veterans' organizations which have previously been chartered.

Therefore, Mr. Speaker, I urge my colleagues to support this legislation.

Mr. Speaker, the organization of Paralyzed Veterans of America has been in existence for 24 years. This legislation is very worthy of support because recognition should be extended to this veterans organization as provided for in this bill.

Mr. Speaker, I urge the passage of this bill.

Mr. HUNGATE. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PARALYZED VETERANS OF AMERICA

Mr. HILLIS. Mr. Speaker, on behalf of Indiana's 711,000 veteran population, I salute the Paralyzed Veterans of America for having received this vote of confidence by the Congress for a national charter.

This honor to this service organization is well deserved and as the only Member of the Indiana delegation to serve on the House Veterans' Affairs Committee, I am honored to add my support.

This organization has through their progams contributed immeasurably to the rehabilitation of many of the Nation's disabled servicemen.

The comradeship displayed by this organization has helped many disabled veterans—and their action has helped all Americans.

I say, once again, congratulations to this organization.

INCORPORATING THE MERCHANT MARINE VETERANS ASSOCIATION

Mr. HUNGATE. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill, H.R. 6105, for the incorporation of the Merchant Marine War Veterans Association, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the bill, as follows:

H.R. 6105

A bill for the incorporation of the Merchant Marine War Veterans Association

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following named persons, to wit:

Raymond Jacobs, Chicago, Illinois;
Tom Truxtun McWade, Chicago, Illinois;
John Scotello, Chicago, Illinois;
E. A. Garrett, Chicago, Illinois;
F. L. Staszewski, Chicago, Illinois;
Frank L. Morgan, Bensenville, Illinois;
Ira E. Bishop, Homewood, Illinois;
Robert Kaforski, Chicago, Illinois;
Thomas V. Murphy, Chicago, Illinois;
James W. MacKenzie, Chicago, Illinois;
Stanley T. Deering, Chicago, Illinois;
Robert H. Salvesen, Franklin Park, Illinois;
Charles W. Wilson, Chicago, Illinois;
Chester L. Ratowski, Chicago, Illinois;
Obie A. Hawker, Senior, Washington, District of Columbia;
Art Payne, Chicago, Illinois;
William G. May, Chicago, Illinois;
Alfonso DeSoto, Chicago, Illinois;
Captain Daniel C. Green, Chicago, Illinois;
Robert J. Morgan, Skokie, Illinois;
Robert Broadhead, Elmhurst, Illinois;
Raymond E. Gongola, Elmwood Park, Illinois;
James Sheehan, Downers Grove, Illinois;
Willi Willis, Lake Forest, Illinois;
Terry Kenny, Chicago, Illinois;
Captain David A. Jones, Chicago, Illinois;
George Bean, Chicago, Illinois;
William Berkovitz, Chicago, Illinois;
John Dewar, Chicago, Illinois;
Frank Draper, Chicago, Illinois;
John S. Hambright, Chicago, Illinois;
Robert Kannberg, Chicago, Illinois;
George Laudermith, Chicago, Illinois;
John C. Mead, Chicago, Illinois;
Harry A. Skinner, Chicago, Illinois;
Captain Robert Ammon, Chicago, Illinois;
Jack Billow, Chicago, Illinois;
Captain Roy Christianson, Chicago, Illinois;
William J. Curtin, Chicago, Illinois;
Harry L. Siegler, Chicago, Illinois;
Captain Don K. McRae, Chicago, Illinois;
Richard Nowak, Chicago, Illinois;
Stanley M. Repel, Chicago, Illinois;
Roscoe J. Williams, Chicago, Illinois;
William Fitch, Chicago, Illinois;
Richard Christ, Chicago, Illinois;
George S. Cronk, Chicago, Illinois;
Joe Rosengard, Chicago, Illinois;
Joseph W. Zinn, Chicago, Illinois;
Louis Roskopf, Cicero, Illinois;
R. Wojcukiewicz, Chicago, Illinois;
Walter J. Hetzel, Chicago, Illinois;
Bertram W. Brown, Oak Park, Illinois;
Captain John J. Klocko, Junior, Prospect Heights, Illinois;
Louis B. Lambert, Claremont, Illinois;
Nick J. DeBrown, Franklin Park, Illinois;
Thomas F. Skahill, Elmhurst, Illinois;
William Bradley, Deerfield, Illinois;
R. B. Foryst, Olney, Illinois;
J. J. Fahrenbach, Glenview, Illinois;
Michael S. Morgan, Skokie, Illinois;
Vern Colvin, Lombard, Illinois;
Phil Provenzano, Addison, Illinois;
Sid Luckman, Highland Park, Illinois;
Reverend Arnold J. Parker, Riverdale, Illinois;
Harold Kowalski, Cicero, Illinois;
Bud Carlson, Lombard, Illinois;
Robert A. Carlsen, Berwyn, Illinois;
Steve Manookian, Melrose Park, Illinois;
Joseph M. Kerekes, Des Plaines, Illinois;
Robert E. Olson, Mount Vernon, Illinois;
E. E. Milde, Champaign, Illinois;
Ken Bruckelmeyer, Worth, Illinois;
K. J. Bailey, Gurnee, Illinois;
Charles W. Wright, Chillicothe, Illinois;
Thomas A. Ross, Chicago, Illinois;
John Miaso, Chicago, Illinois;
Paul Maresky, Chicago, Illinois;
Benjamin J. Linkus, Chicago, Illinois;
Anton A. Bernacki, Chicago, Illinois;
Vincent Flack, Chicago, Illinois;
Frank A. Mendyke, Chicago, Illinois;
August J. Goyke, Chicago, Illinois;
Ray Litterski, Chicago, Illinois;
Richard L. Anderson, Baltimore, Maryland;
Kenneth F. Clausen, Fond Du Lac, Wisconsin;
Ferdinand J. Simon, Lutcher, Louisiana;
Richard M. Stevenson, Groton, Connecticut;
Joe R. McAllister, Madison, South Dakota;
Paul H. Apmann, Saint Petersburg, Florida;
B. Alan Stone, Greeley, Colorado;
H. K. Martin, Muskegon, Michigan;
Richard A. Sells, Saint Louis, Missouri;
Charles J. Steichen, El Segundo, California;
Raymond L. Loftesness, Sioux Falls, South Dakota;
Martin Avignon, Junior, Laurel, Mississippi;
Clyde J. Beck, Minneapolis, Minnesota;
Arthur Chambless, Saralan, Alabama;
Laurence N. Holden, Lincoln, Rhode Island;
Glen M. Svaren, Ashland, Oregon;
Captain John L. Beebe, New Shrewsbury, New Jersey;
Frank Harveston, Augusta, Georgia;
Robert Hotchkiss, Sedley, Virginia;
Floyd W. Reed, Pickstown, South Dakota;
Richard R. Meurer, Billings, Montana;
Warren Peterson, Indianapolis, Indiana;
Eleuterio Rosa, Bronx, New York;
Vergil Patrick, Andrews, Texas;
Gordon Westford, Spokane, Washington;
H. S. Feay, Junior, Sioux Falls, South Dakota;
Robert J. Garvey, Roswell, New Mexico;
Wellington Coolidge, Saratoga, Wyoming;
David E. Fisher, Allentown, Pennsylvania;
Sterling Hayden, Nantucket, Massachusetts;
Frank A. Joslyn, Rock Rapids, Iowa;
H. S. Feay, Junior, Sioux Falls, South Dakota;
Robert E. Armstrong, Junior, Portland, Maine;
Richard R. Powers, Clarksville, Tennessee;
Joseph D. Kelly, Mansfield, Ohio;
Frank H. Throop, Marshall, Minnesota;
E. K. Verley, Sioux Falls, South Dakota;
Charles W. Bartlett, Valley City, North Dakota;
Elwin B. Benson, O'Neill, Nebraska;
Robert R. Shebal, El Cajon, California;
Lester Sampson, Sioux Falls, South Dakota;
Charles Shaw, Detroit, Michigan;
John Roscoe, Pueblo, Colorado;
Vicente R. Santos, Lake Placid, Florida;
Domenico Gallo, Danbury, Connecticut;
James Chrystal, New Orleans, Louisiana;

Eugene A. Peterson, Sioux Falls, South Dakota;

James P. Grant, Washington, District of Columbia;

Captain William W. Clendaniel, Baltimore, Maryland;

Leonard A. Cernik, Milwaukee, Wisconsin;

Ralph S. Floyd, Boston, Massachusetts;

Philip Klein, Bryn Mawr, Pennsylvania;

Dale Dean, Sioux Falls, South Dakota;

Roy Myers, El Paso, Texas;

Captain Clair F. Bee, Cornwall on the Hudson, New York;

Charles R. Kluge, Gary, Indiana;

Dale A. Meurer, East of Billings, Montana;

William A. McGregor, North Providence, Rhode Island;

William Meyer, Volga, South Dakota;

George Holland, New Providence, New Jersey;

Robert A. Graves, Minneapolis, Minnesota;

Elton E. Dalin, Ashtabula, Ohio;

John B. Orrand, Nashville, Tennessee;

Earl D. Muhs, Sioux Falls, South Dakota;

Thomas J. O'Connor, Los Angeles, California;

Richard Kujawa, Alpena, Michigan;

Francis J. Brady, Clearwater, Florida;

Warren A. Ferguson, Falls Village, Connecticut;

Luverne P. Jorgenson, Flandreau, South Dakota;

Clyde M. Case, Mukwonago, Wisconsin;

Captain B. Ralph Ludy, Braintree, Massachusetts;

R. J. Bish, York, Pennsylvania;

R. A. Chambers, Buffalo, New York;

Richard M. Bielski, Sioux Falls, South Dakota;

Evan O. Davis, Merriville, Indiana;

Richard J. Augsbach, Westwood, New Jersey;

Carl A. Peters, Minneapolis, Minnesota;

James H. Kruser, Toledo, Ohio;

Leland S. Sorensen, Viborg, South Dakota;

Raymond F. Hiltgen, Torrance, California;

Robert Raehl, Muskegon, Michigan;

M. M. Boker, Fort Pierce, Florida;

Orville M. Heemstra, Miwaukee, Wisconsin;

Paul H. Parsley, Brookings, South Dakota;

Edward P. Lyons, Fall River, Massachusetts;

William Grabiak, Mount Pleasant, Pennsylvania;

Kenneth U. Marshall, Central Nyack, New York;

Edward M. Meagher, Hammond, Indiana;

Carroll D. Moeller, Naples, South Dakota;

Adrianus Van Ryn, Hoboken, New Jersey;

Florian P. Ritschel, Saint Paul, Minnesota;

Paul A. Hoiriis, Parma, Ohio;

Paul Gehris, Wyomissing, Pennsylvania;

Clifford Gartmann, Wausau, Wisconsin;

Captain C. J. Van Dongen, Muskegon, Michigan;

E. V. Zafft, Sioux Falls, South Dakota;

John G. Hanks, Lakewood, California;

Paul Aaron, Arlington, South Dakota;

Everett E. Robertson, Junior, Oakland City, Indiana;

Wayne Culbertson, Caledonia, New York;

Harold R. Fredrickson, Sunnyvale, California;

James Swinford, Louisville, Ohio;

D. E. Bigler, North Bergen, New Jersey;

Arvid Olson, El Cajon, California;

J. H. Muellers, Robbinsdale, Minnesota;

Robert Nelson, Fort Dix, New Jersey;

Anthony P. Velligan, Gary, Indiana;

Orval Herington, Onamia, Minnesota;

Van Heflin, Beverly Hills, California;

Worrell Klaenhammer, Saint Paul, Minnesota;

Delbert W. Houts, Chippewa Falls, Wisconsin;

Walter Skotynski, Toledo, Ohio;

H. A. Kuns, Osseo, Minnesota;

G. J. Burdick, Daly City, California;

George L. Smokovitch, Escanaba, Michigan;

Ray J. Arkell, Iona, Minnesota;

Robert W. Forsberg, Watertown, South Dakota;

Clarence Bowes, Nekoosa, Wisconsin; and William N. Walker, Junior, Ashtabula, Ohio;

and their successors, are hereby created and declared to be a body corporate of the District of Columbia, where its legal domicile shall be, by the name of the Merchant Marine War Veterans Association (hereinafter referred to as the corporation), and by such name shall be known and have perpetual succession and the powers, limitations, and restrictions herein contained.

It shall be the duty of the persons named in this section, jointly and severally, to file with the Commissioner of the District of Columbia or his designated agent a copy of ths Act within fifteen days after the date of its approval.

COMPLETION OF ORGANIZATION

SEC. 2. A majority of the persons named in the first section of this Act, acting in person or by written proxy, are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of a constitution and bylaws not inconsistent with this Act, and the doing of such other acts as may be necessary for such purpose.

PURPOSES OF THE CORPORATION

SEC. 3. The purposes of the corporation shall be to foster appreciation for the wartime services of veterans of the American merchant marine and the United States Maritime Service, and the betterment of the plight of said veterans, through recognized methods of obtainment; the perpetuation of the Memorial Day shipboard ceremony to honor the war dead of these services, as inaugurated on Memorial Day, May 30, 1958; to encourage the retention and availability of a modernized and adequate American merchant marine held in readiness at all times; to encourage the governmental formation of a United States Maritime Service Reserve, the acknowledged training branch of the wartime American merchant marine.

CORPORATE POWERS

SEC. 4. The corporation shall have power—

(1) to have succession by its corporate name;

(2) to sue and be sued, complain and defend in any court of competent jurisdiction;

(3) to adopt, use, and alter a corporate seal;

(4) to choose such officers, managers, agents, and employees as the activities of the corporation may require;

(5) to adopt, amend, and alter a constitution and bylaws, not inconsistent with the laws of the United States, the District of Columbia or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;

(6) to contract and be contracted with;

(7) to take by lease, gift, purchase, grant, devise, or bequest from any public body or agency or any private corporation, association, partnership, firm, or individual, and to hold absolutely or in trust for any of the purposes of the corporation any property, real, personal, or mixed, necessary or convenient for attaining the objects and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of the law of any State or the District of Columbia (A) governing the amount or kind of property which may be held by, or (B) otherwise limiting or controlling the ownership of property by, a corporation operating in such State or the District of Columbia;

(8) to transfer, convey, lease, sublease, encumber, and otherwise alienate real, personal, or mixed property;

(9) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, deed of trust, pledge, or otherwise, subject in every case to all applicable provisions of Federal, District of Columbia, and State laws; and

(10) to do any and all acts and things necessary and proper to carry out the objects and purposes of the corporation.

MEMBERSHIP

SEC. 5. Eligibility for membership in the corporation and the rights, privileges, and designation of classes of members shall, except as provided in this Act, be determined as the constitution and bylaws of the corporation may provide. Eligibility for membership in the corporation shall be limited to male wartime veterans of the American merchant marine, and the United States Maritime Service, who are eligible for an honorable discharge from the United States Shipping Board recruiting service of World War I; a certificate of substantially continuous service from World War II; the equivalent discharge from the Korean conflict; and any similar type discharge from previous or subsequent conflicts.

GOVERNING AUTHORITY OF THE CORPORATION

SEC. 6. The supreme governing authority of the corporation shall be the national headquarters and national board of directors thereof, composed of such officers and elected representatives from the several States and other local subdivisions of the corporate organization as shall be provided by the constitution and bylaws: *Provided*, That the form of the government of the corporation shall always be representative of the membership at large and shall not permit the concentration of the control thereof in the hands of a limited number of members or in a self-perpetuating group not so representative. The meetings of the national headquarters may be held in any State or territory or in the District of Columbia.

BOARD OF DIRECTORS: COMPOSITION, RESPONSIBILITIES

SEC. 7. (a) Upon the enactment of this Act the membership of the initial national headquarters and the national board of directors of the corporation shall consist of the present members of the national headquarters and the national board of directors of the Merchant Marine War Veterans Association, the corporation described in section 18 of this Act, or such of them as may then be living and are qualified members of such national headquarters and national board of directors, to wit: Raymond Jacobs, Chicago, Illinois; Tom Truxtun McWade, Chicago, Illinois; John Scotello, Chicago, Illinois; E. A. Garrett, Chicago, Illinois; Frank Morgan, Bensenville, Illinois; Ira E. Bishop, Homewood, Illinois; Robert Kaforski, Chicago, Illinois; Thomas V. Murphy, Chicago, Illinois; James W. MacKenzie, Chicago, Illinois; Stanley T. Deering, Chicago, Illinois; and Francis L. Staszewski, Chicago, Illinois.

(b) Thereafter, the national headquarters and national board of directors of the corporation shall consist of such number as may be prescribed in the constitution of the corporation, and the members of such offices shall be selected in such manner (including the filling of vacancies), and shall serve for such terms, as may be prescribed in the constitution and bylaws of the corporation.

(c) The national headquarters and national board of directors shall be the managing body of the corporation and shall have such powers, duties, and responsibilities as may be prescribed in the constitution and bylaws of the corporation.

OFFICERS: SELECTION AND DUTIES OF OFFICERS

SEC. 8. The officers of the corporation shall be a national commander, national vice commander, national junior vice commander, national secretary, national treasurer, national master at arms, five members of the national board of directors, and such other officers as may be prescribed in the constitution and bylaws. The officers of the corporation shall be selected in such manner and for such terms and with such duties and titles as may be prescribed in the constitution and bylaws of the corporation.

PRINCIPAL OFFICE: SCOPE OF ACTIVITIES; DISTRICT OF COLUMBIA AGENT

SEC. 9. (a) The principal office of the corporation shall be located in Chicago, Illinois, or in such other place as may be later determined by the national officers and national board of directors; but the activities of the corporation shall not be confined to that place, but may be conducted throughout the various States, the District of Columbia, and territories and possessions of the United States.

(b) The corporation shall have in the District of Columbia at all times a designated agent authorized to accept service of process, notice, or demand for the corporation, and service of such process, notice, or demand required or permitted by law to be served upon the corporation may be served upon such agent. The corporation shall file with the Commissioner of the District of Columbia or his designated agent a statement designating the initial and each successor registered agent of the corporation immediately following any such designation.

USE OF INCOME: LOANS TO OFFICERS, DIRECTORS, OR EMPLOYEES

SEC. 10. (a) No part of the income or assets of the corporation shall inure to any of its members, directors, or officers as such, or be distributable to any of them during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of compensation to officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the national officers and national board of directors of the corporation.

(b) The corporation shall not make loans to its officers, directors, or employees. Any member of the national headquarters and national board of directors who votes for or assents to the making of a loan or advance to an officer, director, or employee of the corporation, and any officer who participates in the making of such a loan or advance, shall be jointly and severally liable to the corporation for the amount of such loan until the payment thereof.

NONPOLITICAL NATURE OF CORPORATION

SEC. 11. The corporation and its officers and directors as such, shall not contribute to or otherwise support or assist any political party or candidate for public office.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 12. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

PROHIBITION AGAINST ISSUANCE OF STOCK OR PAYMENT OF DIVIDENDS

SEC. 13. The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

BOOKS AND RECORDS: INSPECTION

SEC. 14. The corporation shall keep correct and complete books and records of accounts and shall keep minutes of the proceedings of its national conventions, national headquarters, and national board of directors. All books and records of the corporation may be inspected by any member, or his agent or attorney, for any proper purpose, at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 15. The provisions of sections 2 and 3 of the Act of August 30, 1964 (36 U.S.C. 1102, 1103), entitled "An Act to provide for audit of accounts of private corporations established under Federal law" shall apply with respect to the corporation.

REPORT TO THE CONGRESS

SEC. 16. On or before March 1 of each year the corporation shall report to the Congress on its activities during the preceding fiscal year. Such report may consist of a report on the proceedings of the national convention covering such fiscal year. Such report shall not be printed as a public document.

CERTAIN EXCLUSIVE RIGHTS OF CORPORATION

SEC. 17. The corporation and its subordinate divisions shall have the sole and exclusive right to use the name Merchant Marine War Veterans Association. The corporation shall have the exclusive and sole right to use, or allow or refuse the use of, such emblems, seals, and badges as have heretofore been used by the Illinois corporation described in section 18 and the right to which may be lawfully transferred to the corporation.

TRANSFER OF ASSETS

SEC. 18. The corporation may acquire the assets of the Merchant Marine and Maritime Service Veterans Association, a corporation organized under the laws of the State of Illinois, upon discharging or satisfactorily providing for the payment and discharge of all the liability of such corporation and upon complying with all laws of the State of Illinois applicable thereto.

USE OF ASSETS ON DISSOLUTION OR LIQUIDATION

SEC. 19. Upon dissolution or final liquidation of the corporation, after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets, if any, of the corporation shall be distributed in accordance with the determination of the national headquarters and national board of directors and in compliance with the constitution and by-laws of the corporation and all Federal, District of Columbia, and State laws applicable thereto.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 20. The right to alter, amend, or repeal this Act is expressly reserved.

With the following committee amendments:

Page 10, line 6, strike out "War".

Page 14, beginning in line 8 strike out "the Merchant Marine War Veterans Association,".

Page 18, line 19, strike out "War".

The committee amendments were agreed to.

Mr. HUNGATE. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the purpose of the bill, H.R. 6105, is to provide for the incorporation of the Merchant Marine Veterans Association in the District of Columbia, where its legal domicile shall be.

The names of the incorporators, the corporate purposes, powers, procedures, membership requirements, and duties of the officers are set forth in various sections of the bill. Also, the corporation will be subject to the Federal law with respect to annual auditing of its financial transactions.

While the bill provides that the principal office of the corporation shall be located in Chicago, Ill., or such other place as may be determined, it is stipulated that the corporation shall have at all times a designated agent in the District of Columbia authorized to accept service of process.

The Merchant Marine & Maritime Service Veterans Association, numbering over 10,000 members in 50 States, was organized in 1957 in the State of Illinois and chartered under the "not for profit" corporation laws of that State. Its purposes, as expressed in section 3 of the bill, are, first, to foster appreciation for the wartime service of veterans of the American merchant marine and the U.S. maritime service, and the betterment of the plight of said veterans, through recognized methods of obtainment; second, the perpetuation of the Memorial Day shipboard ceremony to honor the war dead of these services, as inaugurated on Memorial Day, May 30, 1958; third, to encourage the retention and availability of a modernized and adequate American merchant marine held in readiness at all times; and fourth, to encourage the governmental formation of a U.S. maritime service reserve, the acknowledged training branch of the wartime American merchant marine.

Eligibility for membership in the Merchant Marine & Maritime Service Veterans Association is limited to male wartime veterans of the American merchant marine and the U.S. maritime service who are eligible for an honorable discharge from the U.S. Shipping Board Recruiting Service of World War I, or who holds a certificate of substantially continuous service in World War II, or the equivalent discharge from the Korean conflict, or any similar type discharge from previous or subsequent conflicts.

This bill is substantially identical to H.R. 3864 of the 89th Congress, which passed the House on August 9, 1965, and also to H.R. 1944 of the 90th Congress, approved by the House on March 13, 1967.

COMMITTEE ACTION

At a public hearing August 2, 1965, on this legislation before Subcommittee No. 2 of our committee, testimony supporting the enactment of the bill was presented by Members of Congress, by the national commander of the association, and by a representative of the Corporation Counsel's office on behalf of the Board of Commissioners of the District of Columbia. No testimony was offered in opposition to the measure.

It was represented that more than 1.5 million men living in the United States are eligible for membership in the Merchant Marine & Maritime Service Veterans Administration; that the association, in line with its purposes, is dedicated to the betterment of the plight of the wartime veterans of the American merchant marine and the U.S. maritime ability of a modernized and adequate service and to the retention and availability of a modernized and adequate American merchant marine held in readiness at all times; and that it is dedicated to the encouragement of the governmental formation of the U.S. maritime service reserve as a training branch of the wartime American merchant marine.

COMMITTEE AMENDMENTS

The amendments to this bill, as reported, simply change the name for the proposed corporation from "Merchant Marine War Veterans Association" to "Merchant Marine Veterans Association". Our committee regards this modification as an appropriate distinction between the merchant marine wartime service and that of the strictly military Armed Forces, namely the Army, Navy, Air Force, and Marine Corps.

CONCLUSIONS

Our committee agrees with the proponents of this legislation that the Merchant Marine Veterans Association, as a public service organization, is deserving of charter by Congress and that the prestige of a Federal charter will assist it in informing the public of the highly important and necessary functions of the American merchant marine and U.S. maritime service.

This is a nonprofit, nonpartisan, and nonpolitical organization; it is self-supporting, its only income being membership dues; and it has been granted tax-exempt status by the Treasury Department.

The Congress on behalf of the American people owe the veterans of the maritime service a debt of gratitude which can be symbolized in the reported bill. They endured all of the terrifying hazards of war at sea and helped save America from invasion. This legislation will also provide recognition of our debt to the many thousands who gave their lives in defense of this Nation.

The legislation has the approval of the Commissioner of the District of Columbia.

A letter follows:

THE AMERICAN LEGION,
Washington, D.C., April 26, 1971.

Hon. WILLIAM L. HUNGATE,
Chairman, Subcommittee on Judiciary, House Committee on the District of Columbia, Longworth House Office Building, Washington, D.C.

DEAR CHAIRMAN HUNGATE: We note that H.R. 6105, a bill for the incorporation of the "Merchant Marine War Veterans Association", as amended and reported by the House Committee on District of Columbia, has deleted the word "war" wherever the same appears therein. The organization is now designated as "Merchant Marine Veterans Association".

In view of the amendment, The American Legion has no further objection to the measure.

Sincerely yours,
HERALD E. STRINGER,
Director National Legislative Commission.

Mr. DERWINSKI. Mr. Speaker, I am very pleased to see this bill, H.R. 6105, which would incorporate the Merchant Marine Veterans Association, brought to the floor and hope that the House will expedite passage of the bill. I feel enactment of this measure is long overdue.

May I direct the attention of Members to the fact that I introduced H.R. 10631 in the 88th Congress, H.R. 3864 in the 89th Congress, and H.R. 1944 in the 90th Congress, all identical to H.R. 6105 of this Congress. Members will certainly recall that H.R. 1944 was approved by the committee on the District of Columbia and passed the House on March 13, 1967. It was referred to the Senate Judiciary Committee but, unfortunately, no action was taken in that body.

I believe that the conclusions previously reached by the committee in support of this legislation are absolutely valid and, therefore, I reiterate my hope that expeditious action by the House will enhance prospects of final passage of this long overdue legislation.

Mr. Speaker, as you know, the Merchant Marine and Maritime Service Veterans Association is incorporated in the State of Illinois and now has members in all 50 States. It is dedicated to the service of wartime veterans of the American merchant marine and the U.S. maritime service and to the retention and availability of a modernized and adequate American merchant marine held in readiness at all times. The association is also dedicated to the encouragement of the governmental formation of the U.S. maritime service reserve as a training branch of the wartime American merchant marine. Eligibility for membership in the association is restricted to male wartime veterans of the American merchant marine and the U.S. maritime service who are eligible for an honorable discharge from the U.S. Shipping Board Recruiting Service of World War I, or who hold a certificate of substantially continuous service in World War II, or the equivalent discharge from the Korean conflict, or any similar type discharge from previous or subsequent conflicts.

Mr. Speaker, I certainly believe the Merchant Marine Veterans Association, a nonprofit, nonpartisan, and nonpolitical public service organization, is deserving of this recognition by the Congress. Passage of this legislation to incorporate the organization will give it added prestige which will assist it in informing the public of the highly important and necessary functions of the American merchant marine and U.S. maritime service.

Mr. Speaker, I urge all Members to support the passage of H.R. 6105.

Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the incorporation of the Merchant Marine Veterans Association."

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR THE COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 28 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 28

Resolved, That, effective January 21, 1971, the further expenses of the studies and investigations to be conducted pursuant to H. Res. 27 by the Committee on the District of Columbia, acting as a whole or by subcommittee, not to exceed $150,000, including expenditures for the employment of investigators, attorneys, and experts, and clerical, stenographic, and other assistants, and all expenses necessary for travel and subsistence incurred by members and employees while engaged in the activities of the committee or any subcommittee thereof, shall be paid out of the contingent fund of the House on vouchers authorized and signed by the chairman of such committee and approved by the Committee on House Administration.

SEC. 2. The chairman, with the consent of the head of the department or agency concerned, is authorized and empowered to utilize the reimbursable services, information, facilities, and personnel of any other departments or agencies of the Government.

SEC. 3. The official committee reporters may be used at all hearings held in the District of Columbia, if not otherwise officially engaged.

SEC. 4. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on the District of Columbia shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 5. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

With the following committee amendments:

Page 1, line 1, strike out "January 21," and insert in lieu thereof "January 3,"

Page 1, line 5, strike out "$150,000," and insert in lieu thereof "$220,000,"

Page 1, line 6, immediately following "attorneys," insert "consultants,"

Page 2, line 2, add the following new sentence: "Not to exceed $90,000 of the amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202 (i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose."

The committee amendments were agreed to.

Mr. THOMPSON of New Jersey. Mr. Speaker, this matter was gone into very thoroughly and has been printed in the RECORD for some time.

The minority and the majority are in agreement with respect to the staffing and the provision for financing each of the respective subcommittees.

Mr. HUNGATE. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman.

Mr. HUNGATE. Mr. Speaker, I thank the gentleman from New Jersey for yielding.

My point in asking him to yield is to ask a question as to the increase of committee authorization. As I see the legislation, there has been an increase of some $70,000 in the committee authorization; is that correct?

Mr. THOMPSON of New Jersey. Yes, that is correct and I will say to the gentleman from Missouri that it is caused by the determination that each of the subcommittees shall be funded, and the chairman of the committee, the gentleman from South Carolina (Mr. MCMILLAN) and the ranking member, the gentleman from Minnesota (Mr. NELSEN) agreed.

The other increase is on a provision to provide for any future plans of the committee for the possible, and I emphasize possible, employment of consultants who may be needed.

Mr. HUNGATE. Is the gentleman from Missouri correct in his understanding that there are some five subcommittees of this full District of Columbia Committee, and that the purpose of any increase in funds would be for allowances of something approximating $20,000 for the subcommittee for staff employment under Chairman HANSEN's committee report?

Mr. THOMPSON of New Jersey. That is an accurate statement.

Mr. Speaker, I note that the gentleman from South Carolina is about to ask me to yield. I discussed this matter with him and he expressed a willingness to have these moneys. Indeed, there was a degree of enthusiasm for it in order that the committee and its subcommittees may carry out their work.

Mr. McMILLAN. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman.

Mr. McMILLAN. Mr. Speaker, the gentleman from New Jersey is correct. We discussed this matter at a meeting of the House Administration Committee and when they were considering this bill. It was well understood that any subcommittee that had to have help, we were going to help them out. It is to our interest also to see that the legislation is expedited and gone into thoroughly.

Mr. HUNGATE. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman.

Mr. HUNGATE. Mr. Speaker, I thank the gentleman for yielding to me in order that I might thank the gentleman from South Carolina for his courtesy and cooperation shown on this staffing.

Mr. THOMPSON of New Jersey. I might say that I would like to join the gentleman from Missouri in commending the gentleman from South Carolina for his willingness to have the subcommittees not only funded as they will be, as he has just indicated, but also for his statement to the effect that the oversight responsibilities will be the responsibility of the subcommittees under the aegis of the full committee. There is a lot of work to be done. I think the funding level is quite proper and reasonable and I am assured, if by any chance there is any excess, none of it will be wasted and I think any excess will be returned. I think this is a relatively modest budget and I have confidence there will not be any excess if these oversight responsibilities are carried out.

Mr. THOMPSON of New Jersey. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING PAY COMPARABILITY ADJUSTMENTS FOR CERTAIN HOUSE EMPLOYEES WHOSE PAY RATES ARE SPECIFICALLY FIXED BY HOUSE RESOLUTIONS

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 282 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 282

Resolved, That until otherwise provided by law, effective as of February 1, 1971, the per annum gross rate of pay of each employee (except an employee who is an elected officer of the House) whose pay is disbursed by the Clerk of the House and is fixed at a specific rate by House resolution is increased by an amount equal to 6 per centum of his per annum gross rate of pay. No rate of pay shall be increased by reason of the adoption of this resolution to an amount in excess of the rate of basic pay of level V of the Executive Schedule contained in section 5316 of title 5, United States Code. The contingent fund of the House is made available to carry out the purposes of this resolution.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

FOREIGN AFFAIRS COMMITTEE INVESTIGATION FUNDING

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 288 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 288

Resolved, That effective from January 3, 1971, the expenses of the investigations and studies to be conducted pursuant to H. Res. 109, Ninety-second Congress, by the Committee on Foreign Affairs, acting as a whole or by subcommittee, not to exceed $380,580, including expenditures for the employment of investigators, attorneys, individual consultants or organizations thereof, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. However, not to exceed $50,000 of the amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Foreign Affairs shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

COMMITTEE AMENDMENT

The Clerk read as follows:

Committee amendment: Page 1, line 5, strike out "$380,580," and insert in lieu thereof "$425,580,".

The committee amendment was agreed to.

Mrs. ABZUG. Mr. Speaker, I rise today to comment on House Resolution 288, to authorize appropriations for the House Committee on Foreign Affairs. The appropriations request has been increased to $425,000 a sum not much below half a million dollars. In deciding to fund this amount, this body ought to comment on matters of foreign affairs it feels the committee ought to address itself to. The situation in Indochina—Vietnam, Laos, and Cambodia—is the foreign affair most troubling the people of this country and most troubling to the Members of this Congress.

This is not a new subject of concern yet the committee record to date has been less than sterling. In the 91st Congress, of approximately 210 bills and resolutions referred to the committee on the subject of Vietnam alone, not to mention Laos and Cambodia, of these 210 pieces of legislation, only two were reported out in 1969: one inocuously entitled "Toward Peace through Justice in Vietnam," and another on POW's. In 1970 there was a third resolution concerning the war power of the President which must have obliquely dealt with the situation in Indochina. Of 49 hearings over the 2 years of the session, totaling approximately 210 days of hearings there were a possible six devoted to Indochina: 1 day hearing on the South Pacific Commission, 3 days on prisoners of War—those held captive by the North Vietnamese only—not those who United States and South Vietnamese forces hold captive, not all the American troops held captive by our very involvement in this war, and 2 days of ad hoc hearings on student views toward U.S. policy in Southeast Asia last May, held only after the student community of this country went on strike and came to Washington. Only the last seems to be remotely responsive to the desperation of the American people who are so overwhelmingly opposed to this war. And only the resolution on the nature of the war powers of the President and the Congress, House Joint Resolution 1355 seems remotely responsive to the problems besetting this Congress as a result of its abdication of and presidential usurpation of the war power.

I can think of no more important matter that this committee can address itself to than the situation in Indochina and the overwhelming sentiment against it that this country is expressing. I urge the Committee on Foreign Affairs, through its chairman, to make some commitment today to this body to hold hearings, and to report legislation out to the floor.

For starters I would suggest the acting on the resolutions referred to the committee this session on Vietnam, totaling now over 100—holding hearings and reporting those pieces best and most expressive of the wishes of the majority of the American people who want to get out of Vietnam now.

Secondly, and also urgent because by June it will be a fait accompli, is the issue of granting of leases offshore Vietnam by the South Vietnamese for oil exploration and drilling. Thirty-two oil companies, mostly American, have expressed interest in the bidding. What implication does this vast potential American economic involvement in South Vietnam have for our military future there?

We do not know but we should know before it is too late. We should know what the President has told these companies about the security of their investments; what arrangements they have made with the State Department and the Department of Commerce about their bids. We do not know what these arrangements are, but we should know, and I strongly urge the holding of hearings before we are further tied into a situation out of congressional control.

I ask the chairman of the Committee to address himself to my remarks and to make a pledge today to deal with these overwhelmingly important and increasingly divisive issues. If he cannot make such a pledge, I cannot vote in favor of this appropriation.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMPSON of New Jersey. I ask that all Members may have 1 day to revise and extend their remarks on the resolutions just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

TRANSFERRING JURISDICTION OF THE SUBCOMMITTEE ON FOUNDATIONS OF THE SELECT COMMITTEE ON SMALL BUSINESS TO THE COMMITTEE ON BANKING AND CURRENCY

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 320 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 320

Resolved, That clause 4, rule XI, of the rules of the House is hereby amended by—

(1) renumbering paragraphs (g), (h), and (i) as paragraphs (h), (i), and (j), and

(2) inserting a new paragraph (g) as follows:

"(g) Impact on the economy of tax-exempt foundations and charitable trusts."

SEC. 2. All files, records, documents, and papers in possession of the Subcommittee on Foundations of the Select Committee on Small Business are hereby preserved intact and transferred to the Committee on Banking and Currency.

The SPEAKER. The gentleman from Missouri is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

This is an entirely noncontroversial matter. This resolution is an agreed-upon method for solving a problem on one of the committees of the House, the Committee on Small Business. It is a change much desired by many Members of the House. It has been agreed by all concerned, the chairman and ranking minority member of both the Small Business Committee and the Committee on Banking and Currency, that there is no objection to this change in jurisdiction.

The change is that the jurisdiction of the present Subcommittee on Foundations of the Select Committee on Small Business be transferred to the Committee on Banking and Currency. Unless there be some objection from my friends on the minority side, I propose to proceed with the matter.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 320 would transfer the jurisdiction of the Subcommittee on Foundations from the Select Committee on Small Business to the Committee on Banking and Currency.

The resolution has been approved by the Rules Committee and is cosponsored by the chairmen and ranking minority members of the Small Business Committee and the Committee on Banking and Currency. Thus, the interested parties agree that this change is desirable and we know of no opposition to the resolution.

The reason for this transfer of jurisdiction is, I am advised, that the gentleman from Texas (Mr. PATMAN) who is, of course, chairman of the Banking and Currency Committee and who has long been chairman of the subcommittee is resigning his position on the Small Business Committee. Also it is felt that future studies of the subcommittee are more closely related to the economic issues which are within the jurisdiction of the Committee on Banking and Currency.

It is the understanding of the Rules Committee that in the event House Resolution 320 is passed, there would be no transfer of any jurisdiction from the Committee on Ways and Means to the Committee on Banking and Currency. Legislation within the jurisdiction of the Committee on Ways and Means would, of course, be referred to it.

Mr. PATMAN. Mr. Speaker, House Resolution 320 would transfer the jurisdiction and records of the Subcommittee on Foundations from the Select Committee on Small Business to the Committee on Banking and Currency.

There is no objection that I know of to this resolution from any of the committee chairmen involved or any other members. The resolution is cosponsored by myself, Mr. EVINS, Mr. WIDNALL, and Mr. CONTE, the chairmen and ranking minority members of the two committees involved. In addition, Chairman MILLS of the Ways and Means Committee has advised me he has no objection to the transfer. I have in turn assured him that it is not our intention, by passing this resolution, to transfer any jurisdiction from the Committee on Ways and Means to the Committee on Banking and Currency. Obviously, any legislation which falls within the jurisdiction of the Committee on Ways and Means will be referred to it by the Parliamentarian.

Perhaps a few words of background with respect to the resolution are appropriate.

As you know, I have been chairman of the Subcommittee on Foundations since it was established by the Small Business Committee in 1962 for the purpose of conducting studies and hearings with respect to the impact upon small business of the activities and conduct of tax-exempt foundations and trusts. Over the past 9 years, the subcommittee has issued seven reports on the operations of U.S. foundations and has held numerous hearings. Important evidence of improper activities by certain foundations as well as loss of benefits and delay of benefits to charity was developed. Much of this information was furnished to the Committee on Ways and Means, together with legislative recommendations for foundation reform. Such recommendations as limiting foundation control of corporations, stricter prohibitions on self-dealing, and an annual payout of foundation income to operating charities originated with the subcommittee. Many recommendations of the subcommittee were eventually incorporated in the Tax Reform Act of 1969.

The subcommittee is currently in the process of producing a comprehensive study on the activities of all U.S. foundations. We believe this is a pioneering effort which will assist Congress and the executive branch in evaluating the effectiveness of the new statutory rules on foundations and the need for future action to insure that foundations function exclusively in the public interest.

The reason for the transfer of the subcommittee at this time is twofold:

First, in accord with the policy of the Speaker, I have indicated I would be willing to give up my position as the ranking majority member of the Select Committee on Small Business in order to permit the advancement of some of our younger members. At the same time, it was felt that in view of my interest in this area, the subcommittee should then be transferred to the Committee on Banking and Currency, of which I am chairman.

Secondly, over the years the subcommittee has attempted to look primarily at the impact of foundations and other tax-exempt organizations on small business. Naturally, it was unavoidable that we would get into related areas where foundation activities affected other groups and other parts of the economy. From this experience, we found that these organizations clearly have a significant impact on our Nation's economy generally. With the recent changes in the law in this area, we now feel it is appropriate that a broader look be taken at the impact of foundations and other tax-exempt organizations on the national economy. We believe the Committee on Banking and Currency is an appropriate committee for such a study.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ORGANIZED CRIME

(Mr. RAILSBACK asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. RAILSBACK. Mr. Speaker, at the request of President Nixon, the 91st Congress considered and passed the Organized Crime Control Act of 1970 which is now Public Law 91-452. In that legislation, Congress made the finding that "organized crime in the United States is a highly sophisticated, diversified, and widespread activity that annually drains billions of dollars from America's economy by unlawful conduct and the illegal use of force, fraud, and corruption."

The Justice Department since 1954 has had an organized crime and racketeering section. In 1965 a task force on organized crime began a study of the problem and 2 years later issued a report containing over 20 recommendations. President Nixon carried on the impetus and sent Congress a special message on April 23, 1969. In that message, President Nixon stated:

> As a matter of national "public policy," I must warn our citizens that the threat of organized crime cannot be ignored or tolerated any longer. It will not be eliminated by loud voices and good intentions. It will be eliminated by carefully conceived, well-funded and well-executed action plans.

Mr. Speaker, Attorney General John Mitchell has done a superb job in providing the "carefully conceived and well-executed action plans" to combat organized crime. Not enough can be said concerning the great job that the Justice Department under Attorney General John Mitchell has done in this area.

One of the best reports on the Justice Department's successful activities against organized crime is that which appeared in the Wall Street Journal of April 27, 1971. In order that my colleagues may each have the opportunity to read this article, I have asked unanimous consent that it be printed at this point in the RECORD:

CRIME AND PUNISHMENT: HOW "MAMA" AND "ANDY" HELPED TO BREAK UP A MAFIA ORGANIZATION

(By Monroe W. Karmin)

NEWARK, N.J.—How do you break a Mafia organization?

By getting help from people like "Mama" and "Andy." They used to work for Sam "the Plumber" De Cavalcante, identified by a congressional committee in 1969 as boss of the biggest New Jersey-based crime syndicate. Now the Plumber is in jail, convicted on gambling charges growing out of a numbers racket. And Mama and Andy are living under assumed identities far from Newark. By spilling the inside story of a $20 million-a-year gambling business, the former employes and other witnesses enabled an elite crime-fighting corps to net its fattest catch yet.

In mid-March a federal judge handed out prison terms and fines to De Cavalcante and nine of his Mafia "family" as the capstone of nearly two years of effort by Attorney General John Mitchell's Newark strike force against organized crime. "It's the first time that a family head and a substantial portion of his family have been convicted in one indictment," declares John Bartels, the attorney in charge of the strike force.

NEWARK FORCE FAR OUT IN FRONT

The verdict thrusts the Newark strike force far out in front of its 16 counterparts in other cities. The Newark score since creation of the force in January 1969: 37 indictments, involving 179 defendants. Of these 53 have been convicted. Among those indicted but not so far convicted is a second Mafia family chieftain, Joseph "Bayonne Joe" Zicarelli.

This record highlights the burgeoning success of an innovative law-enforcement approach begun under President Johnson and expanded greatly by President Nixon. The strike force approach teams up agents from various federal law-enforcement agencies including the Federal Bureau of Investigation, the Internal Revenue Service and the Narcotics Bureau. This combined effort, it is agreed, is proving to be a much more effective way of attacking the organized crime that gnaws at the nation's cities.

A step in easing urban problems is elimination of rackets, says Will Wilson, the assistant attorney general in charge of the Justice Department's criminal division. The rackets, he says, "keep people in poverty and exact a toll on all moneys expended to aid them."

ADVANTAGES OF A STRIKE FORCE

Besides Newark, strike forces are at work in Philadelphia, Baltimore, Pittsburgh, Cleveland, Chicago, Detroit, Buffalo, Miami, New Orleans, St. Louis, Kansas City, Los Angeles, San Francisco and Boston, with two in New York City. In each city, a federal attorney, freed from the demands of a trial docket, is directing his multi-agent team into deep probes of suspected Mafia operations and municipal corruption, with these tactical advantages over ordinary law enforcement:

—First, concentration of effort. In the De Cavalcante case, Mr. Bartels and his agents singled out the Plumber's Mafia family as a target and aggressively searched for evidence of illegal activity until they uncovered a break. Beginning in June 1969, they were able to obtain an indictment in six months and a conviction in less than two years. (The defendants pleaded guilty, but, because a separate extortion case against them was dismissed for insufficient evidence, they are asking the court to let them withdraw the guilty plea.)

—Second, cooperation among normally separate and competing law-enforcement agencies. Many crime investigations fail simply because jealous sleuths won't share information with others or because interagency red tape hinders teamwork. The strike-force technique brings a variety of specialized investigators (the Newark force has about 80) under a single command, swapping information and informants freely. The De Cavalcante case was developed initially by a narcotics agent who turned Mama over to the FBI, all under the guidance of Mr. Bartels.

—Third, the persuasion of family insiders to come around and cooperate with the law. "The code of silence in the Mafia is a great myth," Mr. Bartels declares. "When the squeeze is put on the little guys, they end up as willing to talk as anybody. So will the ordinary citizen who has been victimized by the Mafia, if he knows he will be protected." Protection for the crucial witnesses, starting from first contact with federal agents and continuing even after the case is closed, is the essential ingredient. The strike force, because of its command position, is especially adept at convincing witnesses that they will be secure.

RELOCATING MAMA AND ANDY

Not only does the force grant these witnesses immunity from prosecution but it also practices a law-enforcement art known as relocation, giving the witness and his family a new home, a new job and a new identity (in some cases, even plastic surgery).

Simple though it may appear, this technique hasn't been used extensively in the past. But in 1967, President Johnson's Commission on Law Enforcement and Administration of Justice did recommend greater use of the tactic, and President Nixon's strike forces are following this advice.

Relocation is what Bartels & Co. arranged for Mama and Andy, both of whom worked in the De Cavalcante numbers racket and tattled. They are living under assumed identities elsewhere in the country, but their stories—and the story of how the Newark strike force broke the De Cavalcante family—can now be told. Mama's comes from the agent who found her and kept her "thinking straight" until the sentences were handed down. Andy's comes from Andy himself via telephone from his new home.

Mama's story starts with a narcotics agent who can be called John De Stefano, a fictitious name he sometimes uses. One day in 1969, as a member of the newly-formed Newark strike force, he slipped behind the wheel of his government auto for a drive to the state prison in Trenton, where a young man picked up in Rhode Island for auto theft had been shipped to face various New Jersey charges.

Because he couldn't make bail, the prisoner asked to see an agent in hopes of trading information for freedom. Because the prisoner said he "knew people in junk," narcotics agent De Stefano was dispatched to conduct the interview. During an hour-long conversation in the prison chapel, Mr. De Stefano recalls, the young man offered to be "helpful" in a number of crime areas but especially in illegal drug traffic.

Promising the prisoner nothing, agent De Stefano arranged for his release in his custody. Together they "worked the streets" of Newark for more than two months; the idea was that the youth would lead the agent to drug pushers and help pin incriminating evidence on them. But, Mr. De Stefano says, "we came up with goose-eggs." In retrospect, the agent declares:

"He was a bull-thrower. He told me anything I wanted to hear just to get out of the can. But after two months in the street with him, we got nothing. In our last interview, he told me he 'really knew' the guys he said he did, but he didn't want to hurt them."

THE EFFORT PAYS OFF

As things turned out, however, the effort wasn't fruitless. Several weeks after the young man was returned to prison, agent De Stefano received a phone call from the prisoner's mother. "I want you to help my son," she demanded. Agent De Stefano, thoroughly disgusted with him, refused. But then Mama dangled a plum.

"Do you want Sam De Cavalcante?" she teased. Figuring Mama wasn't any better than her son, Mr. De Stefano refused again. But Mama called insistently several times thereafter, and finally the agent, bringing a colleague with him, decided to visit her home.

"She turned out to be a 'sitter' (or banker) for the De Cavalcante numbers racket," Mr. De Stefano relates. "She had been getting about $150 a week to record the bets taken on numbers in various locations in New Jersey and New York. But she had gotten sick and had quit. When we walked in, she handed us a telephone book with all the code names and numbers of the people she did business with, including the name of her replacement, as sitter."

"Now will you help my son?" Mama asked. Again no promises, but agent De Stefano turned the case over to the FBI members of the strike force who, with the help of Mr. Bartels, obtained a court order to tap the telephone lines mentioned in Mama's book.

"The FBI took over the case, but not my informant," Mr. De Stefano recalls. "I had to put up with her, and she's a rough broad, to keep her thinking the way we do until she testified." The agent also was in charge of Mama's relocation and security.

He found her a house in another part of the country, arranged a new name for her and her family, shipped them all to their new home, got her a job, and, because of her illness, arranged government medical attention and supplies.

THE PROBLEMS OF A DOG

The caper almost became a cropper over a little detail, however. Mama refused to leave Newark unless her dog went along, and government regulation don't provide for the cost of shipping pets. "So I paid the money to crate and ship the damn dog out of my own pocket," Mr. De Stefano relates.

Mama posed another problem. Because she no longer had a husband, she called upon Mr. De Stefano to assume a protective role—long-distance. "She called me constantly—every time a strange car appeared in the neighborhood or something disturbed her," the agent reports. "Once she hear a 'ping-ping-ping' in her backyard and called me, saying excitedly that 'they're coming to get me.' I called local agents who checked and found it was her kid shooting a BB gun."

While federal agents were tapping the DeCavalcante syndicate's telephone lines, good fortune provided the strike force with additional evidence. Enter Andy, whose real name, Andres De La Portilla, was made public in the De Cavalcante indictment.

Andy served as a "comptroller," or bet collector, for the De Cavalcante racket. He turned himself in to local police because, as he tells it, "it was either that or blow my brains out." His is a classic tale of a poor boy caught in the clutches of the Mafia.

Andy's introduction to the numbers game came at his mother's grocery store, where the neighborhood youths congregated. They bet on the numbers and induced Andy to do likewise. Soon Andy began to carry bets for others, and the syndicate man, "Big Ralph," offered him the "comptroller's" job to solicit bets in his neighborhood.

EXPANDING THE FIELD

Successful in the neighborhood, Andy expanded his bet-collecting to his job at the General Motors assembly plant in Linden, N.J. But as he devoted more and more time to collecting, his GM superiors grew suspicious. So he quit to open a gas station to serve as a front for his gambling activities.

Then the trouble begin. Andy, big-time now, plied his illegal trade with honesty; he paid off winning bets promptly. The syndicate, however, grew slower in its reimbursements. "I was a sucker," he snaps. "I paid out of my own money, when I needed to, to the winners, and collected later from the the syndicate. They dragged on me."

It got so bad, and Andy had so little luck in persuading the syndicate to pay what it owed him, that he decided to raise a mortgage on his home. The syndicate explained its "dragging" by saying that it, too, had been hit hard by winners and was in a hole. And it offered to help.

The syndicate graciosuly put Andy in contact with a finance company that lent him mortgage money at exorbitant rates. The company was controlled by the De Cavalcante family, but Andy didn't know that.

"The whole thing was nothing but a vicious circle," Andy now says angrily. "I was the only jerk who didn't know what was going on."

Meantime the syndicate continued to "drag" on Andy. Bettors were demanding payment, and so was the finance company. "It all got out of hand," he remembers. "What I owed the people in the streets plus what I owed the Shylock amounted to more than I could handle. I bought a rifle and was going to blow my brains out."

GETTING IN TOUCH WITH AUTHORITIES

A cooler head, his wife's, prevailed. She persuaded Andy to contact the police. Eventually he was turned over to the strike force, which arranged to have first his family and then Andy relocated. "They found me a job, a place to live, a new name, a new life, a second chance," Andy says now. "I'm a human being again, and I don't have anything to do with gambling."

Andy has been living his new life for about 15 months now, and there's evidence that the underworld still seeks him out. Reports have come to strike-force headquarters that "anonymous inquiries" have been made at the New Jersey school that Andy's children attended before they were whisked away.

"The first thing the Mafia will do to track down someone is check the schools," Mr. Bartels says. It will have no luck at the school Andy's children attended; the FBI, not the school board, transferred the records.

In all, Mr. Bartels figures it cost the government about $7,000 to relocate Mama and Andy, and he considers that a bargain price to break a $20 million-a-year numbers racket. But is the racket really wiped out?

Probably not, Mr. Bartels concedes. "The backbone of the De Cavalcante family has been busted," he declares. "Now there'll be a fight for power to determine who'll take over the remains. You'll never wipe out gambling or narcotics entirely, but you can control it by continually striking at them."

THERE SHOULD BE A FULL REVIEW OF THE UNITED NATIONS CHARTER

(Mr. SIKES asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, I am pleased to be listed as a cointroducer of a resolution calling for a full review of the United Nations Charter.

It is a task which this Congress should undertake at once. Whether we like it or not, much of the foreign policy of the United States is centered on our relationships within the United Nations. Yet the charter for this organization was drafted in an age far different from that in which we live today, and the workings of the U.N. have little, if any, similarity to those of that age.

When the U.N. first came into being, it was in a post-World War II era. The world was concerned with reconstruction from that conflict. The world was concerned with the control of atomic energy. The world was concerned with making certain that no new war would begin based on misunderstanding and a lack of communication between governments.

In the interim, the world has rebuilt itself from the devastation of the Second World War. The harnessing of atomic energy, at one time the sole responsibility of the United States as the only atomic power, now has become the responsibility of many nations. Some of these show little or no concern for the future of mankind.

Communication between nations has come far since the days of the 1940's. So-called hot lines now exist between world capitals. Satellites hover in the skies carrying messages to entire populations.

The United Nations has grown far beyond the expectations of its sponsors. Dozens of nations which were not in existence at the time of its formation now, through common interests, exercise a majority of the votes. They learned long ago to play off the United States against the Soviet Union, and frequently collect from both sides. All too often we find ourselves bound by policies which are not in our own best interests. Particularly is this evident in our attitudes toward Portugal, South Africa, and Rhodesia.

The U.N. itself seems unable to reflect a positive attitude against aggression by communism. In fact, it seldom expresses a positive attitude on anything. It debates, and debates, and debates. While this often futile procedure is in progress, we pay a bigger share of the bills than anyone else.

In short, we live in a far different world today than was the case when the United Nations Charter was first drafted.

It is time this Congress took a long, hard look at the charter as it stands reflected in light of the present-day situation. There are some who doubt there is even justification for the continuation of the U.N. If it is to be continued with us as a member, it is time for new ground rules.

INTERNATIONAL TRADE RELATIONS

(Mr. DENT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. DENT. Mr. Speaker and Members of the House, after many, many years of fighting sometimes a lonely battle, and ofttimes condemned for it, I am happy to accept a little assist from out in left field when the Secretary of the Treasury, the Honorable John B. Connally, put into words some of the feelings that many of us have had over the years about the deplorable situation that obtains with reference to the policy of international trade in this country.

Mr. Speaker, John Connally has for the first time expressed a view like no other person attached to any administration in a responsible position has expressed in my entire tenure in this body.

He said one thing ought to be remembered by all during the coming months, and I think it is a healthy and new approach both by the administration and in substance by this membership, he said:

> The United States is in bad shape in world trade and a point of decision fairly soon must be reached as to the direction we are going to proceed in this decade and in the time hereafter.

Never in our history have we allowed ourselves to become the international doormat for exploitation of the little peoples all over the world.

This Nation which prides itself on freedom for its peoples, its institutions and its industries, allow the grasping, greedy importers of slave labor products to exploit U.S. consumers.

U.S. consumers are in a practical sense also producers.

Without producers there will be no

consumers for world minded traders to exploit.

The material referred to follows:

DENT HAILS CONNALLY SPEECH AS POSSIBLE BREAKTHROUGH FOR CHANGE IN U.S. FOREIGN TRADE POSITION

WASHINGTON.—Rep. John H. Dent (D-Pa.) hailed today as a possible "breakthrough" in international trade relations a suggestion by Secretary of the Treasury John B. Connally that the United States withdraw its overseas support for nations failing to give this country a fair break on trade opportunities.

"The jobless and economic depreciation because of imports finally has reached this Administration and in my opinion President Nixon has begun to realize that unless a change is made in the attitude toward cheap labor products flooding the United States market there is no hope of an economic recovery," Dent said.

Addressing the 22nd annual Legislative Institute of the Textile Workers Union of America, AFL–CIO, Dent said that in addition to calling on the Republican Administration to review and amend the present United States international trade policy he also has talked with "certain ambitious Democratic candidates for the Presidency".

He said he told them that he "personally will support any candidate on either ticket who makes first priority in next year's campaign a return to industrial solvency by preserving the integrity of the American market for American-made goods."

Perhaps Treasury Secretary Connally's statement, he said, is the "long looked-for breakthrough to a common sense approach giving full consideration to both the demand of our own economy and the problems we have created by encouraging foreign countries to tailoring their production to sales in the American market and not looking inwardly to solving their own difficulties.

"For over a decade I have implored and begged for consideration by two previous administrations as well as the current administration to consider the necessity for a change in our trade posture and policies," said Dent.

"The Connally statement indicates clearly that we finally are getting at least some questioning by the Administration over the soundness of the worn-out, antiquated international trade program of our nation."

Dent, who is Chairman of the Labor Subcommittee of the House Committee on Education and Labor, asserted that the major part of unemployment today in the industrial can sustain, without creating unemployment in the agricultural field, is the impact of imports on employment.

He noted that Secretary Connally had declared that a "radical change" is needed in the United States' basic international trade position and that this country "now in bad shape in world trade, will reach a point of decision fairly soon on how we're going to proceed in this decade and thereafter."

"The standard of living of the U.S. is at stake—no less than that, Secretary Connally has said," Dent noted.

He said he does not believe it possible to cut off foreign trade without giving consideration to the exporting nations who were misled into a firm belief that the American market was going to be able to absorb products of all other nations and still maintain an economic balance of its own.

As a result, he said, he will introduce shortly legislation to establish an orderly program that will cut back on a reasonable schedule those products impacting American production to a level the American market can sustain, without creating unemployment in any industry in this country.

In addition to introduction of such legislation, he said, he is considering a group action court case to protect the jobs of workers and the investment of stockholders injured by a severe impact of imports on their particular product line.

[From the Washington Post, Apr. 26, 1971]

CONNALLY URGES TOUGH TRADE STANCE

(By Don Oberdorfer and Frank C. Porter)

Secretary of the Treasury John B. Connally has suggested that the United States withdraw its overseas support for countries that fail to give it a fair break on trade opportunities.

"We can't continue to hold a military, economic and political umbrella over the free world by ourselves as we have been doing," Connally said during a luncheon at The Washington Post last Thursday. We need "a radical change" in our basic trade position he said.

Connally made clear this is not necessarily the official government view but that he is pushing it hard within the Nixon administration.

The only Democrat in Mr. Nixon's cabinet and a former governor of Texas, Connally even suggested that this was one of the reasons for his surprise appointment to the Treasury post.

He said he and Roy Ash, president of Litton Industries and chairman of a presidential commission on governmental reorganization, had presented strong arguments for this thesis while conferring with Mr. Nixon at San Clemente last summer. Connally took office about two months ago.

"The United States is in bad shape" in world trade, Connally said, and will reach "a point of decision fairly soon on how we're going to proceed in this decade and hereafter."

Getting down to specifics, the Secretary cited trade concessions made by Western European nations to smaller states in North Africa and the Middle East—concessions that presumably would discriminate against American exports.

When the United States protested the action, Connally said, the European countries explained apologetically that the concessions were made to neighbors within the Mediterranean family of nations.

If that's the way they feel, Connally said with some feeling, the United States should pull its Sixth Fleet out of the Mediterranean and let the Europeans arrange for their own defense.

He was similarly blunt about the rising industrial giant of the Pacific. "We're going to have to say to Japan, 'My friends, no more.' We've got to get tough with those countries," the Secretary said.

Japan has been increasingly criticized for violating the rules of the General Agreement on Tariffs and Trade by maintaining illegal barriers to scores of imported commodities while pushing its export penetration of freer markets, such as that of the United States.

"We're confronted with fierce competition," Connally said. "We're not facing up to it . . . The standard of living in the United States is at stake—no less than that.

"We did well when we were a lean, hungry nation. There are lean, hungry nations around the world. They're going to be wanting what we have."

The Secretary explained that he didn't begrudge other nations wanting or attaining the affluence reached by the United States nor did he blame them for pressing any trade advantage against this country. But the United States must defend its own interests, he maintained.

Connally said the United States depends upon four categories for export earnings: farm products, raw materials and fuels, simple manufactured goods, and products with a high technology input. The nation suffers a trade deficit on the first three, he said, and the $9 billion annual surplus in the high technology sector "saves us."

"That has kept our head above water," he said, but Japan, West Germany and a number of other nations are hard on our heels now in this sector.

MESSAGE TO HANOI

(Mr. MOORHEAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOORHEAD. Mr. Speaker, I am happy to inform the House that all of the North Vietnamese prisoners of war have been removed from that infamous island prison of Con Son—which for many years has been known as the Devil's Island of the Pacific. This word was relayed to my colleagues, the gentleman from California (Mr. Moss), the gentleman from New York (Mr. Reid), and myself by the State Department this morning. My two colleagues have been trying for several months to accomplish this transfer.

The 28 prisoners have been moved to the Chi Hoa National Corrections Center at Saigon. We understand further that no more prisoners of war from the other side will be sent to Con Son Island prison, which has become a symbol throughout Vietnam of the worst in penal institutions. Mothers even chide their children to be good or they will be sent to such a place.

We are calling this to the attention of the House with the hope that this message will be noted by the government in Hanoi and that it will have a beneficial and immediate effect upon the treatment of American prisoners of war. In response to this move, we ask that the government in Hanoi make some similar gesture of conciliation and humanity and then inform us of what that action has been.

Mr. Speaker, perhaps this will set off a chain of events which will bring better treatment and the possibility of faster repatriation to all prisoners of war held by both sides in this unfortunate conflict. Last fall, Mr. Moss and Mr. Reid, in a bipartisan joint statement—as the chairman and the ranking minority member of the House Foreign Operations and Government Information Subcommittee—pledged that they would strive to accomplish measures designed "to clean our house" on the prisoner-of-war issue. At the same time they properly called upon officials in Hanoi to "clean their house." As the new chairman of the Foreign Operations and Government Information Subcommittee, I plan to seek the same objective. So it is entirely appropriate that we now ask some word from the other side that they also have taken some positive action in this regard.

EGG PRICING

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, one of my valued constituents, Mr. Ben Zemel of Morris Zemel & Co. of Chicago, wrote me several months ago about plans which appeared to be underway for discontinuing the USDA Market News Service reports on wholesale egg prices in Chicago and New York City, daily egg carton prices, and the Market News daily comment describing trading activity and egg market conditions.

I was indeed disturbed to learn that the Department of Agriculture was giving serious consideration to discontinuing these essential market information services. It is my understanding that cash trading on the Chicago and New York Mercantile Exchanges already has been discontinued but that the Department of Agriculture has delayed until May 1, decisions regarding discontinuation of its Market News reports.

Apparently the Department of Agriculture is giving a great deal of weight to the recommendations of a National Egg Pricing System Committee, which is not fully representative of all segments of the egg industry.

In the interests of maintaining these important market news reports, I have written to Secretary of Agriculture Clifford M. Hardin and to Phillip Alampi, chairman of the National Egg Pricing System Study Committee.

At this time I include in the Record Mr. Zemel's reply to the questionnaire on this topic sent out by the Consumer and Marketing Service of the Department of Agriculture:

U.S. Department of Agriculture, Consumer
and Marketing Service, Poultry Division

1. Should USDA discontinue reporting wholesale egg prices?

Continue

At Chicago------------------------------- (X)
At New York City---------------------- (X)

Discontinue

At Chicago------------------------------- ( )
At New York City---------------------- ( )

What are the reasons for your views: Information provides basis for knowledge that is education, serving beneficial interests for all groups involved producing, distributing and marketing eggs. Prices are reported by this agency standing as present impartial faculty having a history of long and valued experience sifting the important and credible information received. Void of financial ties, USDA acts as gov't. reporter.

2. Should Market News *discontinue* reporting all daily carton egg prices to retailers and only release a report on Monday to cover market activity which occurred the previous week?

Continue	*Discontinue*
(X)	( )

What are the reasons for your views: A diversified knowledge re selling prices must enlighten into broad perspective conditions that exist, beyond the confined, restricted area that sellers and producers concentrate their interest. Greater information proves road towards progress. The industry gains most through understanding of conditions in widest scope. We must learn all elements of this very sensitive industry. USDA agents reporting the conditions, provide a picture private means cannot afford, in expense.

3. Should Market News *discontinue* releasing a daily comment describing egg trading activity and market conditions and only release a summary on Monday covering the previous week's marketing activity? No.

Continue	*Discontinue*
(X)	( )

What are the reasons for your views: Comment's authority possesses reliability through experience that qualify the position. The impartial commentator serves all elements composing egg business with truth. The statements produce news not slanted in direction of personal financial benefit. The USDA scrupulously avoids disseminating non factual publicity. The facts printed prove a guideline of observing true conditions. Business relies upon these reports as church going folks their Bible.

Name, address, and firm:

Morris Zemel & Co., Inc. (Ben Zemel), 1115 W. Randolph St., Chicago, Ill. 60607.

ADDITIONAL OBSERVATIONS

The National Egg Pricing System Study Committee, Phillip Alampl, Chairman, issued its one report as of May 20, 1970. In membership of twelve, nine are affiliated with egg production. Page 7 lists 9 points in recommended steps for improving and correcting what shortcomings egg pricing systems then contained.

Point #4 provides "Broadening the Market Information Available." Expanding discussion on this recommendation, emphasis on wider and more representative news of supply and demand data is urged as imperative. The USDA is commended for the programs and plans initiated to offer enlarged scope of information to industry. Market news information dissemination by State and Federal agencies, with all corners lighted to clear observance stands holds paramount urgency, vital to progress that will provide great benefits for all participating in egg business avenues. Particular praise worth notice is paid to USDA Market News Service.

Expansion of all services stands forward through the report. The Committee extolls the USDA particularly. Government knowledge becomes indispensable for progress. The means to function USDA has allotted never may be matched by a Co-Op or private business.

Most impressive, in light of current debate, is the Committee plea, wary of regression that would stall forward progress in the egg field. Sound and platform permeates a momentum for greater information. This plea erects solid platform holding beliefs of discovery by committee. In such firm and adherent virtuous foresight *nine* members when with financial investments having particular sensitivity for the egg producer, rested secure belief. USDA with stressed emphasis, became focal point for the committee with a united front toward the objective—progress with knowledge, spread news of conditions, for educating the egg industry towards winning goals yet on the distant horizon.

Serious concern expressed freely by free egg entrepreneurs, and members of UEP owning flocks held unimportant with under 100,000 travels by conversations and discussions fearful wondering at the power Demonstrated by the Executive Committee of UEP. Producers, brokers, dealers, and wholesalers rise warily in face of the fact, the Federal agency USDA yielded to UEP demand that the three issues deserve discussion, in face of elementary evidence these requests will, should they prevail over USDA, total monopolization becomes reality.

The Executive Committee demands destruction of free enterprise. Sacrifice into obliteration of the lesser egg producer must result. The public as *consumer* will bleed forever, irregardless that times when supply exceeds demand exists. The private business in eggs at country points and city will succumb under crushing power USDA may choose to lend the green light.

Bow before the demands and egg industry recedes from progress. Should USDA turn off the lights that display facts, illuminate knowledge all egg trades are placed in control of United Egg Producers governed by flock owners with hundreds of thousands, even millions of birds ownership. Principles lending credence for Cooperatives become absolutely violated. Under mantle of such privilege the Federal Government, through USDA, may present authority with blessing, to sacrifice all segments comprising the egg industry, at the altar of the ruling number planning over-all supremacy.

Accede to the three outlined demands and USDA is party to violating laws prohibiting monopolies. The nature of these requests prove the concession must provide access towards complete powers that will encircle simple *consumer* and average business man.

NEWS IDENTIFICATION BILL

(Mr. WHITEHURST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITEHURST. Mr. Speaker, I am today introducing a bill that results directly from the CBS program, "The Selling of the Pentagon." The documented distortions in the program are noted elsewhere in my other remarks in the Record. I have given consideration to the comments of CBS President Dr. Frank Stanton; Julian Goodman, president of NBC; Leonard Goldenson, president of ABC; Paul Porter, former Chairman of the FCC; and other news officials both on the national and local level, and I am convinced a new approach is needed on this issue.

The news media themselves have become the center of controversy, not the stories they carry. This has come from the treatment given the facts on the issues. Intentionally or not, bias, distortion, subjective reporting, commentary, or whatever label you put on it has altered the transmission of information to the people. But as CBS has so recently demonstrated in its "Selling of the Pentagon," the viewer is not always aware of what has happened to what he is seeing.

I want to make it absolutely clear that I am not proposing, supporting, favoring, or recommending censorship by the Government of the news media, nor does my bill do so. Censorship is not the answer to the media's ills, but I believe my bill will help alleviate some of its problems.

There are those concerned that the public be protected from deliberate staging and distortion of purportedly bona fide news. But who is to determine what is distorted? Disagreement is so easily labeled bias. Eliminating such comment is against the first amendment, and most certainly would be a disservice to the people. A free flow of accurate, reliable information is needed.

Only the news media can insure its accuracy. To attempt it in any other manner would, I believe, be treading on dangerous ground. They should regulate such actions themselves.

But an item that can be accomplished now and not violate the letter or spirit of the Constitution is informing the public about the news they are receiving. It is in this spirit and intent that I introduce my news identification bill.

PAUL HOFFMAN'S 80TH BIRTHDAY

(Mr. MORGAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. MORGAN. Mr. Speaker, yesterday marked the 80th birthday of Mr. Paul Hoffman, a truly distinguished American who is presently serving as an Under

Secretary of the United Nations and administrator of the U.N.'s development program.

To all those who have been involved in one way or another with legislation that has shaped the course of U.S. foreign policy since World War II, the name Paul Hoffman has stood for integrity, devotion to public service and extraordinary ability to achieve what frequently seemed impossible to other men.

For nearly a quarter of a century, Mr. Hoffman has labored industriously and with tremendous effect in building the foundations for lasting peace in the world—first as the administrator of the Marshall plan in Europe, then as a key architect of the United Nations' expanding involvement in promoting social and economic progress in the developing countries.

As the Manager of the United Nations special fund, and then of its successor, the U.N. development program, Mr. Hoffman has played a major part in the creation of international machinery for the provision of technical and pre-investment assistance.

He has worked tirelessly raising funds for these U.N. activities, developing patterns of peaceful international cooperation in development, and aiding governments to realize their people's aspirations for better life.

Today, as he celebrates his 80th birthday, Mr. Hoffman still travels as much as 150,000 miles a year in pursuit of those objectives.

The United States, the United Nations, and millions of people in all parts of the world owe a tremendous debt of gratitude to this remarkable man.

On this occasion, I would like to join with his many friends and well-wishers in congratulating Mr. Hoffman on his birthday and wishing him good health and many more years of constructive endeavors.

I hope that the cause of peaceful human advancement will continue to benefit from his devotion, his tireless energy and his vast experience for a long time to come.

Mr. Speaker, yesterday's New York Times paid a well-deserved tribute to Mr. Hoffman, I include it in the Record and commend it to the attention of my colleagues:

[From the New York Times, Apr. 25, 1971]

Hoffman, at 80, Thriving at U.N.—The Best Years of My Life, Development Expert Says

United Nations, N.Y., April 24.—Paul G. Hoffman, who gave up executive rank in the automobile industry to run the Marshall Plan, will be 80 years old Monday—and he is still working as an international civil servant.

Mr. Hoffman is an Under Secretary in the United Nations and administrator of the United Nations Development Program. He has been in that and similar positions for 12 years—"the best years of my life," he said in an interview.

"The most fascinating job I've ever had is the job I'm in now," he said.

Speaking of current problems, he said he thought most Americans wanted United States forces out of Vietnam, and that the division in America was somewhat artificial."

"I would say that there is only a very small percentage of the people in the United States who don't really believe a dissent," he observed. "Sometimes they don't practice what they believe, but nevertheless dissent is recognized as an essential in any democracy."

SIDESTEPS VIETNAM QUESTION

Noting his position with the United Nations, he sidestepped a direct answer as to how the Vietnam problem should be resolved.

"I have my own strong views," he asserted, "but there is a question whether I should express them. I think my views today are the views of most Americans: We'd like to get out of Vietnam."

Mr. Hoffman began his United Nations career at the age of 68, eight years past the organization's normal retirement age. He travels 150,000 miles a year and spends a quarter of his time abroad.

"You can't have hobbies and be on this job," he said.

Before leaving the business world, Mr. Hoffman spent 40 years in the automobile industry, 13 as president of the Studebaker Corporation. He was the first administrator of the Marshall Plan in Europe and later was president of the Ford Foundation and chairman of the Fund for the Republic.

In his present job he raises $250-million a year through voluntary contributions from governments. It is spent on technical assistance and preinvestment surveys in the less developed countries.

He retired once, at 65, "but I found retirement very difficult to take," he said. Mr. Hoffman looks much younger than his 80 years. He plays golf occasionally.

The Administrator said he has never had time to give much thought to his own philosophy. About the nearest thing he has to a guiding principle, he said, is the Bible admonition: Do unto others as you would have them do unto you.

"I think birthdays are a matter of little consequence," he observed. "I don't feel any celebration coming on." He added that he had told Mrs. Hoffman, the former Anna Rosenberg: "Don't plan any surprise party for me, or anything like that, because I won't be there if you do."

ADVISES YOUNG TO WORK

Asked whether he had any advice for the younger generation, he commented:

"I think the young people will find out sooner or later that work is most desirable. That doesn't necessarily mean digging ditches. It might be intellectual work. But one has to keep busy."

"I have believed for a great many years," he said, "that the thing America has to realize is the seriousness of a simple little phrase 'regardless of race, creed or color'. Until we recognize that as the essential of a first-class country, we are not going to make the progress we should make."

Mr. Hoffman asserted that progress toward bringing the world closer together economically would help eventually to ease political tensions.

"We are one economic world," he said, "but I don't think anyone now on this planet will live to see one political world."

One of Mr. Hoffman's favorite stories is about his appointment in 1948 as head of the Marshall Plan. When President Truman offered the job, Mr. Hoffman turned it down. He finally agreed to consider it and to let the President know in a few days.

"I didn't want the job," he recalled, "because Studebaker was just coming into its own. It was the first time I had a chance to make some real money."

Two hours after Mr. Hoffman left the White House he heard on the radio that President Truman had announced his appointment.

"That was the most important event in my life," he declared. "I had been drafted. No man ever did a bigger favor for another man than Harry Truman did for me."

Mr. Hoffman, a Republican, said Mr. Truman impressed him more than any man he ever met. "He had great courage," Mr. Hoffman said. "He wasn't always right, but nevertheless when he'd made up his mind what to do he would do it regardless."

He put Gen. George C. Marshall in the same class. "He was a very selfless man," he said.

PROPOSED INSTRUCTION TO THE PRESIDENT TO RELEASE IMPOUNDED FUNDS

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, I am today introducing a joint resolution instructing the President to release more than $12 billion of funds he has had impounded by the Office of Management and Budget.

Last Thursday, the Democratic whip organization, on a motion of the distinguished majority leader, approved the resolution directing the President to release these funds that have been appropriated by the Congress for programs that have already been approved and in many cases have begun.

Many leading Members of the other body and of the House have been outspoken and concerned about the President's refusal to release these funds so that they may serve the people of the United States and provide for their needs. I know that you, Mr. Speaker, have been active in seeking to have these funds released.

Unemployment throughout the United States has reached disastrously high levels. The level of unemployment has remained high for an extended period of time. Approximately 175,000 people used up their unemployment insurance benefits in January. That means that these people have been unemployed for so long that they are no longer eligible for unemployment compensation from their States. The entire economy is sagging and the recession that we have experienced for the past 2 years continues. The Congress, after a great deal of deliberation, has appropriated funds for various programs in an effort to provide for the needs of the American people, to stimulate economic development, to provide employment opportunities and to construct improvements in our rural and urban areas.

The President did not veto these appropriations and signed them into law. He now refuses to spend this money and, in effect vetoes these important programs without telling the American people that he has done so. He gives the appearance of supporting these vital projects and yet destroys them by refusing to fund them. He has ordered the Office of Management and Budget to sit on these funds while he gives the appearance of seeking to help the cities and States of the Nation. All of these funds will benefit the cities and States.

The programs that the President is destroying are not frivolous nor are they extraneous. They include some very small, but to us important, programs. While the President talks of the great need for sharing Federal revenue with the cities and the States, while he talks about his revenue sharing as a panacea for the Nation's ills, he has truly shown a callous indifference to the real needs of the Nation.

I will cite only a few examples, although my colleagues may consult the list which they will find at the end of my remarks and find other items that demonstrate this disregard for the wishes of the Nation and the Congress.

Two million dollars for a special milk program has been withheld by the President's Office of Management and Budget. Eight million dollars has been withheld from community education programs, and $10 million from aid to schools in federally impacted areas. One hundred and ninety-one million dollars, earmarked for economic development, has been withheld from the Appalachian regional area and $34 million has been withheld from regional medical programs. Not one of these can be defended, and the President would not dare to veto these items for he knows that the public would not tolerate this. The President has, however, in effect vetoed certain items without telling the public and without taking responsibility for the veto. For, indeed, how could anyone veto $2 million for a special milk program?

The Nation is concerned about the problems of pollution, yet the President has held up $56 million in grants for rural water and waste disposal in the Farmers' Home Administration. My colleagues will find many other conservation and antipollution programs that are being curtailed by the President's impoundment of funds. Everyone of us here has been approached by mayors of cities in behalf of the President's revenue-sharing program. The President has promised that his program would turn $5 billion over to the cities, yet here are $12 billion that he is sitting on. First, of course, I think it is ludicrous to wait for something that may or may not happen; to refrain from building and working in the hope that a program that does not now exist will be brought about in the near future. But second, with a cynicism that I find annoying, the President and the Office of Management and Budget have withheld billions of dollars of funds for the cities, while at the same time, the President is wining and dining the Nation's mayors and telling them that all their problems will be solved when his revenue-sharing program is passed. He is in a sense willing to risk aggravating the serious situation in our cities and withhold funds from schoolchildren and the aged, for programs for health services, education, pollution control, and public works, while he sells his revenue-sharing program. Of course, if matters get much worse people will grab at any straw that promises aid. It is only in this way, in desperation, that the President's revenue-sharing program, which does not really share revenue, which does not really help the cities and does not provide any new money to the American people, will be accepted.

It is hard for me to believe the callousness that is demonstrated by the impoundment of funds for our Nation's cities. There is not a person in the country today that does not acknowledge the fact that our cities desperately need help and, if they are not helped soon, life in our urban centers will become unbearable and the cities will—in our lifetime—fall. But the cities are only pawns in the President's salesmanship of his revenue-sharing program.

He has withheld almost a billion dollars for low-rent public housing; he has withheld $583 million for the model cities program: programs that were to be the final test of whether we could truly help our cities survive. He has withheld $200 million for water sewerage facilities. We are not talking here about beautiful statues, of stadiums, of museums, or of parks—we are talking about the essentials of clean water and decent sewer facilities. There is nothing extravagant in this. We are talking about the basic needs of human beings, and the President has impounded these funds. He has withheld money for land and water conservation, for aid to fish and wildlife restoration. The President, who talks about the quality of American life and the quality of our environment, has withheld $64 million from the highway beautification program.

The President cannot have it both ways. If he wants to make an argument, a case for vetoing these programs, let him come before the Congress and the American people justifying his action. But he has not chosen to do that. He has chosen, instead, to bombard the public with the rhetoric of concern, with words of sympathy and understanding, to call for a "new program" that will solve our problems while he, himself, creates problems by holding on to these funds. There may be an argument for freezing some of these funds, for destroying one or two of these programs, and if that is the case, let him come to us and to the public with his evidence and we can discuss this. But to dissemble and to attempt to fool the public is not in the manner of a statesman.

Let the President face this issue squarely and face up to his responsibilities. We in the Congress have appropriated funds in the manner described by the Constitution and we have fulfilled our legal duty.

Let the President do the same.

Amounts withheld from obligation by agency and account (February, 1971)

[In millions of dollars]

	Amount
Funds Appropriated to the President:	
Appalachian Regional Development Program	$191
Military Assistance: Foreign Military Credit Sales	200
Economic Assitance:	
Supporting Assistance	14
Prototype Desalting Plant	20
Development Loans	47
Foreign Investment Guaranty Fund	110
Inter-American Social Development Institute	24
Economic Opportunity Program	38
Peace Corps: Salaries and Expenses	7
Department of Agriculture:	
Agricultural Research Service:	
Salaries and Expenses	5
Other	*
Food and Nutrition Service: Special Milk Program	2
Foreign Agricultural Service:	
Salaries and Expenses (Special Foreign Currency Program)	4
Other	*
Agricultural Stabilization and Conservation Service:	
Agricultural Conservation Program	46
Revolving Fund, Defense Production Act	1
Rural Electrification Administration: Loans	25
Farmers Home Administration:	
Rural Water and Waste Disposal Grants	56
Rural Housing for Domestic Farm Labor	1
Mutual and Self-help Housing	*
Direct Loan Account	72
Self-Help Housing Land Development Fund	1
Emergency Credit Revolving Fund	49
Forest Service:	
Forest protection and Utilization	2
Forest Roads and Trails	217
Youth Conservation Corps	1
Expenses, Brush Disposal (permanent)	15
Other	*
Other Agriculture	*
Department of Commerce:	
Bureau of the Census: 19th Decennial Census	$12
Economic Development Assistance: Regional Development Programs	1
Participation in U.S. Expositions: Inter-American Cultural and Trade Center	6
Maritime Administration: Operating Differential Subsidies (Appropriations to Liquidate Contract Authority)	109
Department of Defense—Military:	
Procurement:	
Shipbuilding and Conversion, Navy	957
Military Construction, Army	93
Military Construction, Navy	67
Military Construction, Air Force	114
Military Construction, Defense Agencies	49
Military Construction, Army National Guard	3
Military Construction, Air National Guard	1
Military Construction, Army Reserve	23
Military Construction, Naval Reserve	17
Military Construction, Air Force Reserve	3
Family Housing: Homeowners Assistance Fund	6
Special Foreign Currency Program	8
Laundry Service, Naval Academy	*
Department of Defense—Civil:	
Corps of Engineers:	
Construction, General	38
Flood Control, Mississippi River and Tributaries	4
General Investigations	*
Canal Zone Government: Operating Expenses	4
Ryukyus Islands, Army: General Fund	5
Wildlife Conservation, Military Reservations	*

*$500,000 or less.

	Amount
Department of Health, Education, and Welfare:	
Health Services and Mental Health Administration:	
Regional Medical Programs	34
Buildings and Facilities	4
Medical Facilities Construction	2
National Institutes of Health:	
Neurological Disease and Stroke	2
General Medical Sciences	6
National Eye Institute	1
Construction of Health Educational Research and Library Facilities	15
Buildings and Facilities	7
Other	1
Office of Education:	
Higher Education	13
Community Education	8
School Assistance in Federally-Affected Areas	10
Social and Rehabilitation Service:	
Rehabilitation Services and Facilities	2
Programs for the Aging	1
Social Security Administration:	
Limitation on Construction	21
Department of Housing and Urban Development:	
Low Rent Public Housing	942
Basic Water and Sewer Facilities Grants	200
Model Cities Programs	583
Department of the Interior:	
Bureau of Land Management:	
Public Lands Development Roads and Trails	11
Other	(*)
Bureau of Indian Affairs: Road Construction	64
Bureau of Outdoor Recreation: Land and Water Conservation Fund	30
Bureau of Mines: Drainage of Anthracite Mines (permanent)	$4
Bureau of Sport Fisheries and Wildlife:	
Construction	9
Federal Aid to Fish Restoration (permanent)	2
Federal Aid to Wildlife Restoration (permanent)	2
Wildlife Refuge Fund (permanent)	4
National Park Service: Parkway and Road Construction (permanent)	71
Bureau of Reclamation:	
Construction and Rehabilitation	19
Loan Program	4
Upper Colorado River Basin Fund	3
Lower Colorado River Basin Development Fund	1
Other	1
Department of Justice:	
Federal Prison System: Buildings and Facilities	16
Department of Transportation:	
Coast Guard: Reserve Training	1
Federal Aviation Administration:	
Facilities and Equipment	126
Construction, National Capital Airports	3
Grants-in-Aid for Airports	51
Facilities and Equipment (Airport and Airway Trust Fund)	10
Grants-in-Aid for Airports (Airport and Airway Trust Fund)	672
Federal Highway Administration:	
Forest Highways	38
Public Lands Highways	27
Highway Beautification	64
Highway-related Safety Grants	10
Territorial Highways	4
Inter-American Highway	*
Department of Transportation—Continued	
Federal Highway Administration—Con.	
Federal-Aid Highways Authorization	5,852
Right-of-Way Trust Revolving Fund	219
Forest Highways Trust Fund	33
Public Lands Highways Trust Fund	16
Federal Railroad Administration:	
Grants to the National Railroad Passenger Corporation	38
National Highway Traffic Safety Administration:	
State and Community Highway Safety	208
Other	*
Atomic Energy Commission:	
Operating Expenses	110
Plant and Capital Equipment	60
Environmental Protection Agency:	
Operations, Research and Facilities	11
General Services Administration:	
Construction, Public Buildings Projects	37
Sites and Expenses, Public Building Additional Court Facilities	12
National Aeronautics and Space Administration:	
Research and Development	18
Research and Program Management	2
Veterans Administration:	
Construction of State Extended Care Facilities	1
Atlantic-Pacific Interoceanic Canal Study Commission	1
District of Columbia:	
Loans to the District of Columbia for Capital Outlay	81
Farm Credit Administration:	
Short Term Credit Investment Fund	112
Banks for Cooperatives Investment Fund	148
National Science Foundation: Salaries and Expenses	10
United States Information Agency:	
Special International Exhibitions	$1
Other	*
Other Agencies	1
Total Amounts Withheld from Obligation	12,762

*$500,000 or less.

IMPOUNDING OF FUNDS BY PRESIDENTS OF THE UNITED STATES

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, the distinguished majority whip just indicated on the floor that he was introducing a resolution that would have the intent and the effect, in his judgment, of forcing the President to obligate and spend certain appropriations that have heretofore been made available by the Congress.

If my recollection is accurate, in previous administrations even larger portions of the total budget than are now withheld by this administration were impounded by the then Presidents of the United States. Incidentally, I will put those figures in the RECORD as a part of my remarks.

The following table, citing the Office of Management and Budget as its source, appeared in the April 19 issue of U.S. News & World Report:

President's "frozen funds"—a long tradition—amount of congressional appropriations impounded by the White House as of June in each year

[In billions of dollars]

Under Eisenhower:	
1959	6.9
1960	8.0
Under Kennedy:	
1961	7.6
1962	6.5
1963	4.5
Under Johnson:	
1964	4.2
1965	5.6
1966	8.7
1967	10.6
1968	9.9
Under Nixon:	
1969	9.6
1970	11.5
Latest	12.8

Commenting on the above table, U.S. News & World Report said:

> Presidential withholding of funds is not new. It goes back at least to Franklin Roosevelt, according to Mr. Weinberger. He said that Mr. Roosevelt, in a 1942 letter to a congressional leader, said that "the mere fact that Congress by the appropriation process has made available specified sums for the various programs and functions of the Government is not a mandate that such funds must be fully expended."
>
> The chart on this page shows that Presidents Eisenhower, Kennedy, Johnson impounded large amounts of appropriated funds. But the 11.5 billion dollars held back by President Nixon in 1970 was larger than the amount in any year under the three previous Presidents. The 12.8 billion on hand as of February, 1971, probably will be drawn down to about the 1970 level by the end of June, budget officials say.
>
> Mr. Nixon's withholding of funds, however, has been smaller when measured as a percentage of total spending than the sums impounded in some years of previous Administrations. The 1970 reserve was 5.8 per cent of Government outlays for the year.
>
> The amount held back by President Johnson in 1967 was 6.7 per cent of the total spending in 1967 and President Eisenhower's withholding was 8.7 per cent of 1960 outlays.

What concerns me, however, is that the distinguished majority whip—in the days when the same conditions existed under the two previous Democratic administrations—never indicated that he would take the course of action which he has indicated this morning.

If it was bad then it is bad now. If it was good then it is good now. The fact that the gentleman did not object to this practice when Presidents Kennedy and Johnson did it and is objecting now when President Nixon does it puts a rather political coloring on the comments made by the gentleman from Massachusetts.

IMPOUNDING OF FUNDS BY PRESIDENT NIXON

(Mr. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOGGS. Mr. Speaker, I listened with interest to the remarks made by the distinguished minority leader. I do not know whether it is true or not that the previous Democratic administrations withheld as much as Preisdent Nixon is withholding. If so, it was wrong then and it is wrong now.

It is particularly wrong now because this President is asking for revenue sharing with no strings attached. He is talking about revenue sharing for the cities when at the same time he is holding up funds that have been appropriated that are needed desperately by the cities of this country. There are at least a billion dollars worth of urban programs that this Congress has appropriated for, and President Nixon refuses to spend the money.

The time has come to find out whether or not a President of the United States has a right to override the action of Congress simply by a pocket veto procedure.

As I understand it, under the Constitution Congress raises the revenues and spends the revenues. If the President does not like what we have done, he has a right to veto an appropriation bill, and we can either sustain or override that veto.

But in this case, to the extent of at least $12 billion, the President is saying he will not abide by the will of the Congress without any veto whatsoever.

I hope the resolution introduced by the distinguished majority whip will be passed by the House of Representatives and the other body.

IMPOUNDING OF FUNDS BY THE PRESIDENT

(Mr. CEDERBERG asked and was given permission to address the House for 1 minute.)

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. CEDERBERG. I am delighted to yield to the gentleman from Massachusetts.

Mr. O'NEILL. I should like to ask the minority leader one question: Does he not recognize the difference in the economic situation? It seems to me that the economy of the United States at the time that Democratic Presidents may have withheld funds was extremely different, with around 3 percent unemployment. Now the national average of unemployment is over 6 percent. In some sections of the country it is as high as 15, 22, 28 or 30 percent, and is particularly high among the young men who have come back from Vietnam.

This is one of the ways in which we can stimulate the economy in this Nation. The President is definitely holding these funds back for one reason. What is that reason? The reason is he hopes to make these funds available sometime in September so that the economy of the Nation will be high. He has his eye on the election in 1972, and he wants to look good. That is why it is unfair. The situation now is very different, sadly different from the Johnson years.

Mr. CEDERBERG. I hesitate to yield further.

I believe it is time for Congress to be honest with itself. Congress passed a spending ceiling last year. Although it is true we did put an interesting gimmick on the spending ceiling—I believe we listed about $195 billion plus—the President says, "I will live with the ceiling Congress gave me."

This is the problem he is faced with.

IMPOUNDING OF FUNDS FOR PUBLIC WORKS PROJECTS

(Mr. HUNGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNGATE. Mr. Speaker, I have a resolution pending, in which I have been joined by over 78 Members of this body, relating to the public works funds frozen by the President. I would welcome the addition of any further Members on that particular resolution.

I did not go for the whole $12 billion but concentrated on public works. Certainly there are 31 States with public works projects, and spring floods on us, and I think we need to enact that legislation.

NEWS MEDIA ASSISTING DEMONSTRATORS

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, I rise to call the attention of the House and the country as a whole to the cooperation that the would-be anarchists are receiving from the news media here in Washington. I am sure many people throughout the land are wondering how it can be that great masses of people can suddenly appear at the Capitol and seem to have an uncanny ability to congregate at the right places at the right times during these demonstrations. The simple answer is that the news media in Washington are going out of their way to be of assistance to the demonstrators.

The two major newspapers in Washington are cooperating in the planning and execution of anarchy here by printing a complete schedule of events as to where the anarchists should meet for their day's activities. These schedules are printed a full week in advance.

Today the Washington Post was so strongly motivated to assist that it published a map showing the camping area. Now, the youthful anarchists, when they arrive in the city, if they are unfamiliar with the District, the map and directions are provided for them. Now they can avoid any confusion in knowing where the latest organized demonstration is to occur. The reason mass demonstrations can occur so successfully in Washington and with a minimum of confusion among participants is because they have the complete cooperation of the two largest daily newspapers here in the District.

Mr. Speaker, when the news media print a schedule of planned activities before the activities have occurred, it can be considered a public service in the case of school PTA or civic organization for entertainent or charity. When a newspaper goes further and publishes planned events having as their avowed purpose the destruction or hindrance of the machinery of Government, then the newspapers are not performing a public service, rather they are participating in the activities of the anarchists. They have gone beyond merely reporting an event into the area of cooperating in the planning of clear destruction. I can only hope that by taking the floor today I will have called this destruction to the attention of the public to the newspapers' participation.

For the convenience of the Members, I am inserting the schedule of events published on the front page of the Evening Star of Monday, April 26. The schedule was put in a special box so that it could be easily found, clipped from the paper and retained for future planning purposes by those interested. The Washington Post's schedule was printed on Sunday and is also shown below:

[From the Washington Star, Apr. 26, 1971]

Sponsors of Demonstration List 10 Days' Activities

The People's Coalition for Peace and Justice and the Mayday Collective, the two primary sponsors of the 10 days of anti-war activities and lobbying that start today, have scheduled the following activities and locations:

Today: Lobbying and guerrilla theater on Capitol Hill and vigils in congressional offices.

Tomorrow: Selective Service headquarters protest.

Wednesday: Internal Revenue Service.

Thursday: Department of Health, Education and Welfare, joined by the National Welfare Rights Organization.

Friday: Justice Department.

Saturday: Arrival of Mayday participants. Rock festival and training in "non-violent mass action."

Sunday: Mass "soul rally" at Sylvan Theater at Washington Monument Grounds.

May 3: Disruption of government employe traffic on commuter arteries.

May 4: Traffic disruption continues.

May 5: Mayday Collective participants move to Capitol Hill to set up "siege."

[From the Washington Post, Apr. 25, 1971]

Starting Monday, Protesters' Aims Turn to Disruption

With yesterday's mass march and rally over, more militant elements of the antiwar movement are now preparing for almost two weeks of gradually intensifying street actions here, including mass civil disobedience.

Beginning Monday, the Peoples Coalition for Peace and Justice, led by Chicago Seven defendant Rennie Davis and others, said thousands of protesters will surround and attempt to enter selected government buildings; "lobby" and "rap" with employees, and urge a general strike.

The program, according to planners, will reach its climax the following week on May 3 and 4 when thousands of "tribesmen" from the militant Mayday Movement, a constituent of the coalition, will attempt to block early morning commuter traffic at 21 locations in downtown Washington and suburban Virginia.

Simultaneously on May 3, thousands will march across 14th Street Bridge from the Washington Monument to the Pentagon in an attempt to close it down by mass sit-ins, coalition leaders said.

A similar mass march against the Justice Department will be staged early on May 4, they said. Both marches will be deliberately held during the morning rush period to disrupt traffic, they said. If police stop them, they will sit down in the streets, they added.

The planned actions signal a new order of militancy in the antiwar movement here.

Never before have antiwar leaders urged mass violations of the law and disruption of government functions.

Coalition leaders say such actions are now necessary to dramatize the intensity of antiwar feeling and are an irreversible outgrowth of the conviction among many antiwar supporters that traditional, democratic methods of redressing grievances—marches, picketing, writing your congressman—no longer work in this nation.

As distinct from yesterday's march and rally, which drew public endorsements from 10 senators and 29 representatives, the peoples coalition has no known congressional support.

Several endorsers of yesterday's demonstration have condemned the concept of civil disobedience or expressed reservations about the coming two weeks' activities.

Peoples coalition members have been permitted to use a portion of West Potomac Park near the Tidal Basin as a training ground and assembly area for their demonstrations.

This arrangement has put the government in the novel position of providing public ground for the launching of large scale law breaking.

The coalition had originally asked for Rock Creek Park, promising that up to 75,000 protesters were coming and needed camping space. The Interior Department turned the coalition down, and Rennie Davis warned that protesters would come anyway.

Late last week, the Justice Department reached an agreement with coalition leaders permitting protesters to use West Potomac Park as a staging and training area, but the government insisted that no "camping" or overnight sleeping could be allowed in violation of park regulations.

Davis has said that efforts are being made to house protesters in local churches and universities and that only a minimum number of people will stay at the park overnight. "We'll provide entertainment to keep them awake," he said.

This schedule of coalition actions has been announced:

Monday, April 26: Peoples Lobby at Congress. Protesters will enter the Capitol and congressional office buildings to talk with congressmen, office workers and janitors. Protesters will circulate a "Peoples Peace Treaty" to end the war and sit-in at congressional offices until seen by individual congressmen. (The Peoples Lobby is organized by the National Action Group (NAG), a constituent of the coalition consisting of pacifist and peace groups such as the War Resisters League, Fellowship of Reconcilitation and American Friends Service Committee.)

Tuesday, April 27: Peoples Lobby at Selective Service headquarters, 1724 F St. NW, with the promise of sit-ins if officials refuse to meet or speak with protesters.

Wednesday, April 28: Peoples Lobby at Internal Revenue Service headquarters, 1111 Constitution Ave. NW.

Thursday, April 29: Peoples Lobby at the Department of Health, Education and Welfare, 330 Independence Ave. SW.

Friday, April 30: Peoples Lobby at the Justice Department, 10th Street and Constitution Avenue NW.

Saturday, May 1: Youth Festival in West Potomac Park.

Sunday, May 2: Soul Rally in West Potomac Park, stressing minortiy rights.

Monday, May 3: Traffic blocking at 21 downtown and suburban Virginia locations during the morning rush hour by thousands of demonstrators. Targets include bridges across the Potomac River, access roads to the Pentagon and major intown traffic circles and squares. Mayday Movement, the coalition group organizing the traffic tie-up, stresses that the purpose is to halt the functioning of government only, not to disrupt the rest of the city, especially the black community.

Tuesday, May 4: Traffic blocking at the same locations.

Wednesday, May 5: Peoples coalition nationwide "moratorium on business as usual." In Washington, this means a large-scale "vigil" at the Capitol.

The Star further in the same edition carried a story entitled "The Tribes Plan Their Campaign" in which they specify the manner in which the demonstrators will conduct their "Stop the Government" activities, thus providing a ready "manual of disorder" for the use of those who might otherwise be ignorant on the subject but anxious to participate.

The Tribes Plan Their Campaign

(By Duncan Spencer)

The smoke was whipping flat across the windy reaches of West Potomac Park, bearing sounds of the flute, of pain and argument, of chopping. The freaks were digging in for a stay.

Yesterday the new campground of the anti-war movement, now the People's Coalition, was alive with new life. Tents went up, a soup kitchen was organized, wood was being gathered and bottles of apple wine were raised to the sky.

The tribes, as they call each other, picked themselves up yesterday morning with only a coat of Washington dust and perhaps a headache to remind them of the glories of the April 24.

The wind was still blowing, the air still chilly. Unlike the veterans, who came equipped with military know-how, the tribes hacked at bench slats with pocket knives, drove crude pegs with stones, and lit fires over and over to no avail.

Sunday was no holiday for the 300 to 400 camped in ragged rows between the river and the Tidal Basin. They formulated plans in "Tribal Council" to move through the city with guerrilla theater acts, personal confrontations, and a host of other tactics aimed at converting the workers and bureaucrats of Washington.

They will be in elevators, riding up and down all day talking loudly about the war. This is called "being overheard."

They will set up baskets at the Capitol, and fill them with play money—at the rate of $5,500 every three seconds, what they figure the war is costing.

They will sit in uninvited 24-hour vigils at lawmakers' offices.

They will be throwing themselves on the ground, howling and shrieking in cafeterias in short, spontaneous theater pieces.

They will mingle with crowds everywhere and talk to people face-to-face to win commitments against the war.

"That is what it takes," said Ralph Fanelli, "real personal contacts."

Fanelli, a Korean War veteran and an actor back in Cambridge, Mass., served yesterday as a kind of circus trainer for the willing but often inarticulate shock troops of the May Day gathering.

They are unlike the marchers of Saturday—more hairy, more hedonist and wilder by far.

Fanelli got some of them together in a circle and put them through sensitivity training exercises. He made them pair off and ask each other "Who are you?" over and over, he made them pretend the partner was a mirror, he had them hop like chickens, stretch like rubber bands.

"Get your politics straight," he shouted. "Get your themes clear. Get your social action. Get some creative ideas."

The circle of blue-jeaned freaks ate it up. "Go in and really freak out Congress," he said.

While some campers talked, others danced silently before their tents and others set out on forays for firewood.

Some slept, drank deeply or moodily sat, waiting for something else. A laconic youth offered "hash" at $4 a gram and sold some, coffee came and went, people drifted.

The piece de resistance will be the attempts to block the commuter roads to Washington—and this, too, was being prepared. The demonstrators will go to stoplights and traffic circles beginning tomorrow morning and warn motorists that the bridges will be closed May Day. "Just talk to people in their cars," Fanelli said.

These protests are having the effect desired by the government in Hanoi. The question arises—if some of the citizens of North Vietnam were to demonstrate a lack of enthusiasm for the war which has cost them so dearly, would the newspapers in that beleaguered country provide the same assistance? I am enclosing an article which displays the effect of the protests on the government in Hanoi.

Anti-War Protests Hailed by Hanoi

Hong Kong.—Antiwar protests in the United States are "a wave among the big waves which are rising higher and higher," North Vietnam said today.

It called the yesterday's widespread demonstrations in the United States "the big storm of the American people."

"Its characteristic is the very strong support from the wide participation of the various strata of American society. The American people know that the war is wrong and they want to end it," said Nhan Dan, the daily newspaper of the North Vietnamese Communist party.

The demonstrators, Nhan Dan said in a broadcast dispatch, "represent millions of American troops who have participated in the criminal war in Vietnam and were sent back to the United States to the ingratitude of the U.S. administration and the indifference of many of their compatriots. They are the various strata of people who are suffering because of inflation and unemployment, because of the economic crisis directly caused by the war in Vietnam."

HUMAN DEVELOPMENT MONTH

The SPEAKER pro tempore (Mr. Gray). Under a previous order of the House, the gentleman from Iowa (Mr. Schwengel) is recognized for 30 minutes.

Mr. SCHWENGEL. Mr. Speaker, I rise to offer some comments in support of the joint resolution introduced last month by the gentleman from Minnesota (Mr. Fraser) and myself, House Joint Resolution 553. We are reintroducing that resolution today with additional cosponsors. The resolution calls for designation of the month of May as Human Development Month, and specifically designates the weekend of May 8 and 9 as "International Walk for Development Weekend." The overall sponsor of these events is the American Freedom From Hunger Foundation. The following summary accurately portrays the purposes and goals of the foundation:

Purpose and Goals

The American Freedom From Hunger Foundation is dedicated to greater public understanding and support for programs to combat the causes of hunger and to promote development, both within and outside the borders of the United States. It was founded in 1961 at the suggestion of President Kennedy to cooperate with the Freedom From Hunger Campaign led by the Food and Agriculture Organization of the United Nations, and to mobilize private sector support for such programs and policies. Its current concern for action both at home and abroad is of special significance in today's interdependent world.

The Foundation seeks to arouse public awareness of the causes and extent of hunger, malnutrition and poverty within the nation and the world, and to encourage the American people to become personally involved in solving those problems.

COOPERATION

It seeks to work with other groups having similar goals. This includes cooperation with FAO and other appropriate multilateral bodies, with the various United States Government agencies that have programs in this field, with business and labor and agricultural organizations, with religious and civic efforts, and with voluntary agencies active in development programs. Rather than attempting to duplicate the efforts of other groups it seeks to assist and cooperate, to serve as a catalyst, and to encourage greater public support for all constructive efforts to combat hunger, malnutrition and poverty.

YOUTH

The Foundation is especialy concerned with providing a framework that will encourage the maximum participation of young people in constructive action for development. Youth has a great opportunity to build understanding and arouse concern at the grass roots level, where interest and support must be mobilized if effective and adequate policies and programs for development are to succeed.

THE WALK FOR DEVELOPMENT PROGRAM

Youth participation has become one of the most encouraging aspects of the Foundation's activities during the past few years. The Walk for Development program has involved scores of thousands of young people in "walks" ranging up to thirty miles to raise money for worthwhile projects, and has enabled hundreds of thousands of sponsors to become directly involved in action for development.

The young people themselves plan and organize the walks. Each participant secures one or more sponsors who pay specific sums for each mile covered by the walker. Money raised is used to support domestic and overseas projects that have been selected prior to the walk by the local organizing committee and to support the Foundation information and education program.

YOUNG WORLD DEVELOPMENT

As the youth component of the Foundation, Young World Development promotes further study and action programs in addition to the walks. Many young people, stimulated by their participating in a walk, are eager to learn more about the problems of the world and to seek meaningful ways to become involved in community activities.

The Foundation provides films, bibliographic and other study materials, publishes a newsletter, and holds workshops, seminars and conferences to promote contacts among the various Young World Development groups. It encourages further study by the young people of problems of hunger and poverty, population and environment, and the development of courses of study on these problems.

In these purposes and goals, Mr. Speaker, I think they have caught the vision and the idea of a great American whom many of us knew personally who was President, who was young also, who had a feeling for the right things, whom all men could admire personally, and did. His memory shall never leave us.

You will recall that he said, among other eloquent things:

> Ask not what your country can do for you,
> Ask rather what you can do for your country.

Another American said in 1916 that Americanism must be more than the conservation of the individuals.

In this great fulfillment, this Republican President, President Harding said:

> We must have a citizenship less concerned about what Government can do for them, and more anxious about what they can do for the Nation.

The American Freedom From Hunger Foundation has a well-known and impressive leadership. Their organization's honorary chairman is Harry S. Truman. The board chairman is P. Kenneth Shoemaker, senior vice president, H. J. Heinz Co. The president is Robert Nathan president of Robert Nathan Associates, and the executive director is L. David Brown. He succeeds a former Member of Congress who held that position, Mr. Leonard Wulf. Mr. Wulf was executive director until his untimely death last year. Mr. Wulf's efforts as director of the foundation were widely acclaimed. It would be useful, I feel, to insert in the RECORD at this point, a list of the current leadership of the foundation:

OFFICERS OF THE AMERICAN FREEDOM FROM HUNGER FOUNDATION FOR YEAR 1970–71

OFFICERS

Honorary Chairman of the Board, The Honorable Harry S. Truman, Independence, Missouri 64050.

Chairman of the Board, Mr. P. Kenneth Shoemaker, Senior Vice President, H. J. Heinz Co., 740 Osage Road, Pittsburgh, Pennsylvania 15243.

Vice Chairman of the Board, Mr. Wallace Campbell, President, F.C.H. Services, 1012 14th Street, N.W., Washington, D.C. 20006.

President, Mr. Robert R. Nathan, President, R. R. Nathan Associates, 1200 18th Street N.W., Washington, D.C. 20036.

First Vice President, Mr. Aled P. Davies, Vice President, American Meat Institute, 59 East Van Buren Street, Chicago, Illinois 60605.

Vice President, Mr. Richard Reuter, Vice President, Kraft Foods, Inc., 500 North Peshtigo Court, Chicago, Illinois 60690.

Vice President, Mrs. Arthur L. Zepf, National Council of Catholic Women, 2035 Central Grove Avenue, Toledo, Ohio 43614.

Vice President, Mr. Edward J. Piszek, President, Mrs. Paul's 5830 Henry Avenue, Philadelphia, Pennsylvania 19128.

Secretary, Mr. Leslie Nichols, International Specialist, National 4–H Club Foundation, 7100 Connecticut Avenue, N.W., Washington, D.C. 20015.

Treasurer, Mr. Douglas R. Smith, President, National Savings & Trust Company, 15th Street & New York Avenue, N.W., Washington, D.C. 20005.

Historian, Mr. Arthur C. Ringland, 4722 Dorset Avenue, Chevy Chase, Maryland 20015.

Legal Counsel, Mr. Richard Schifter, Suite 300, 1700 K Street, N.W., Washington, D.C. 20006.

Executive Director, L. David Brown, Executive Director, American Freedom From Hunger Foundation, Suite 437, 1717 "H" Street, N.W., Washington, D.C. 20006.

EXECUTIVE COMMITTEE OF THE AMERICAN FREEDOM FROM HUNGER FOUNDATION FOR YEAR 1970–71

Dr. Russell Coleman, President, The Sulpher Institute, 1725 K Street, N.W., Washington, D.C. 20006.

Mr. Allie C. Felder, Executive Vice President, Cooperative League Fund, 1012 14th Street, N.W., Washington, D.C. 20006.

Mr. Frank Goffio, Executive Director, CARE, Inc., 660 First Avenue, New York, New York 10016.

Dr. Flemmie P. Kittrell, Chairman, Dept. of Home Economics, Howard University, Washington, D.C. 20001.

Mr. Robert M. Koch, President, National Limestone Institute, 1315 16th Street, N.W., Washington, D.C. 20006.

Mr. Leon O. Marion, Executive Secretary, World University Service, 20 W. 40th Street, New York, New York 10018.

Rev. Henry A. McCanna, Field Director, Dick Ross Associates, 15 Columbus Circle, New York, New York 10023.

Mr. Michael D. McCoy, 1010 South Carolina Avenue, S.E., Washington, D.C. 20003.

Mr. William C. Murphy, Washington Representative, Eli Lilly & Company, 1030 15th Street, N.W., Washington, D.C. 20006.

Mr. Melvin B. Myers, Director, Material Resources Program, Church World Service, 475 Riverside Drive, New York, New York 10027.

Gerald D. Oakes, 8515 94th S.W., Tacoma, Washington 98498.

Anselm Rothschild, 22 Englewood, Buffalo, New York 14214.

Most Rev. Edward E. Swanstrom, Executive Director, Catholic Relief Services, 350 Fifth Avenue, New York, New York 10001.

Mr. Herbert J. Waters, Waters Consultant Service, Suite 402, 711 14th Street, N.W., Washington, D.C. 20005.

Mr. Paul S. Willis, President Emeritus, Grocery Manufacturers of America, Suite 2830, 1270 Avenue of the Americas, New York, New York, 10020.

BOARD OF TRUSTEES OF THE AFFHF FOR THE YEAR 1970–71

Mr. Dwayne O. Andreas, First Interoceanic Corporation, 315 Nicollet Avenue, Minneapolis, Minnesota 55401.

Mr. R. Stewart Boyd, Good Housekeeping Magazine, 9th Avenue & 57th Street, New York, New York, 10019.

Mr. Thomas C. Butler, President, Grand Union Company, 108 Broadway, East Paterson, New Jersey 07407.

Dr. Earl Butz, Vice President, Purdue University, Lafayette Complex, Lafayette, Indiana 46207.

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Mr. Carlos Campbell, National Canners Association, 1133 20th Street, N.W., Washington, D.C. 20036.

Mr. Bernard A. Confer, Executive Secretary, Lutheran World Relief, 315 Park Avenue, New York, New York 10010.

Mr. Tony Dechant, President, National Farmers Union, Box 2251, Denver, Colorado 80201.

Mr. John P. Duncan, Mgr. Agribusiness Services, Southern Ry. Systems, Box 1808, Washington, D.C. 20013.

Mrs. Orville L. Freeman, 2805 Daniel Road, Chevy Chase, Maryland 20015.

Rev. Edwin Geers, Executive Secretary, Agricultural Missions, Suite 624, 475 Riverside Drive, New York, New York 10027.

Senator Charles Goodell, United States Senate, Washington, D.C. 20250.

Mr. Fowler Hamilton, 625 Riversville Road, Greenwich, Connecticut 06830.

Mrs. Vance Hartke, 6500 Kerns Road, Falls Church, Virginia 22044.

Rev. Patrick Hughes, The Paulist Center, 5 Park Street, Boston, Massachusetts 02108.

Miss Marsha Hunt, 13131 Magnolia Blvd. Sherman Oaks, California 91403.

Mrs. Dorothy Jacobson, 5438 Blair Road, Falls Church, Virginia 22041.

Mr. Marvin Jones, Senior Judge, U.S. Court of Claims, Washington, D.C. 20006.

Mr. Frederick Jonker, Jonker Corporation, 26 North Summit Avenue, Gaithersburg, Maryland 20760.

Mr. Burton S. Joseph, President, I. S. Joseph Co., Flour Exchange, Minneapolis, Minnesota 55415.

Miss Philomena Kerwin, Catholic Youth Organization, 1313 Massachusetts Avenue, N.W., Washington, D.C. 20005.

Laura Krawetz, Freshman, Spen-Black Hall No. 406, 2400 Durant Street, Berkeley, California 94721.

Mr. Howard J. Lauhoff, Chairman of the Board, Lauhoff Grain Company, Danville, Illinois 61832.

Mr. Harald Malmgren, Sr., Fellow, Overseas Development Council, 1717 Massachusetts Avenue NW., Washington, D.C. 20036.

Mr. Joseph M. McGarry, Vice President, Heublein, Inc., 330 Park Avenue, Hartford, Connecticut 06101.

Senator George McGovern, United States Senate, Washington, D.C. 20250.

Mr. Robert D. McMillen, Director of Information, New Jersey Dept. of Agriculture and Health, Agriculture Bldg., Trenton, New Jersey 08625.

Mr. George Meany, President, AFL-CIO, Washington, D.C. 20006.

Mr. Raymond W. Miller, President, World Trade Relations, Dupont Circle Bldg., Washington, D.C. 20036.

Mr. James J. O'Connor, Executive Director, Academy of Food Marketing, St. Joseph's College, Philadelphia, Pennsylvania 19131.

James G. Patton, Suite 500, 2029 K Street NW., Washington, D.C. 20006.

Mr. John Perryman, Executive Director, American School Food Service Assn., 4101 Iliff Avenue, Denver, Colorado 80222.

Robert Peterson, 509 Togstad Glen, Madison, Wisconsin 53711.

Mr. Lionel Steinberg, P.O. Box 501, Thermal, California 92274.

Mr. Sterling Tucker, Executive Director, Washington Urban League, 1426 16th Street NW., Washington, D.C. 20001.

Mr. Charles Tyroler II, 1028 Connecticut Avenue NW., Washington, D.C. 20026.

Mr. John Walker Scott, Master, National Grange, 1616 H Street NW., Washington, D.C. 20006.

Mr. Edwin M. Wheeler, President, National Plant Food Institute, 1700 K Street NW., Washington, D.C. 20006.

Mr. Franklin Williams, 22 East 54th Street, New York, New York 10022.

Mr. John F. Wood, Editor, York County Star, 1 High Street, Kennebunk, Maine 04043.

Mr. Francis J. Lyons, 320 North Harvard, Villa Park, Illinois 60181.

Mr. Aaron Yohalem, Senior Vice President, CPC International, International Plaza, Englewood Cliffs, New Jersey 07632.

EX OFFICIO

Dr. Howard Cottam, North American Representative and Director of FAO Liaison Office, 1325 C Street SW., Washington, D.C. 20437.

Mr. Speaker, in addition, Dr. Norman Borlaug, a native Iowan and winner of the 1970 Nobel Peace Prize, and Fanny Lou Hamer, director of the Freedom Farms Co-Op in Ruleville, Miss., have agreed to serve as honorary cochairmen for U.S. participation in International Development Week.

One of the principal areas of concern to the foundation is that of "providing a framework that will encourage the maximum participation of young people in constructive action for development." It is in this area of the foundation's work that my major interest lies. Having just returned from the White House Conference on Youth, I feel even stronger about the need to provide our young people with these opportunities.

The young people whom I met and talked with at the Conference are, contrary to some reports, not ready to tear the country apart. Their request is relatively simple; namely, that this Nation recognize and deal with the problems that it faces in an honest, straightforward, constructive manner, and that our young people be allowed to participate in a meaningful way in the efforts to resolve those problems. The Walks for Development are excellent vehicles for fulfilling this desire.

Walks for Development are currently being organized for the weekend of May 8-9 in the following cities in the United States:

U.S. WALKS FOR DEVELOPMENT—MAY 8-9

ALASKA

Fairbanks.

ARIZONA

Flagstaff.

CALIFORNIA

Beverly Hills.
Covina.
Fresno.
Glendale.
Inglewood.
Oakland-Berkeley.
Palmdale.
Palo Alto.
Pleasant Hills.
Roseville.
San Diego.
San Jose.
San Mateo.
Santa Cruz.
Whittier.

COLORADO

Adams County.
Arapahoe & Cherry Creek Counties.
Boulder.
Brush.
Colorado Springs.
Denver.
Erie.
Fort Collins.
Gunnison.
Jefferson County.

CONNECTICUT

Clinton.
Danbury-Brookfield.
Danielson-Putnam.
East Hampton.
East Windsor.
Elvertol.
Hartford.
Litchfield.
Middletown.
New Canaan-Norwalk.
New Haven.
New London.
Norwich.
Ridgefield.
Storrs.
Westbrook.
Willimantic Area.

FLORIDA

Hollywood.
Orlando.
Tallahassee.
Tampa.

GEORGIA

Atlanta.

IDAHO

Idaho Falls.

ILLINOIS

Champaign-Urbana.
Chenoa.
Dekalb.
Edwardsville.
Elgin.
Far North Suburban Chicago.
Joliet.
Kankakee.
La Grange.
Moline.
Morton Grove.
North Suburban Chicago.
Park Forest.
Rock Island.
Rockford.
South Chicago (Hyde Park).
South Suburban Chicago.
Southwest Chicago.
Southwest Suburban Chicago.
West Suburban Chicago.
Springfield.

INDIANA

Angola.
Columbia City.
Decatur.
Elkhart-Fort Wayne.
Goshen.
Huntington.
Kendalville.
Indianapolis.
Logansport.
Michigan City.
Munster.
New Castle.
Rensselaer.
South Bend.
Valparaiso.

IOWA

Andover.
Ames.
Audubon.
Bryant.
Clinton.
Cresco-Ridgeway.
Davenport.
Fort Dodge.
Lytton.
Des Moines.
Jackson County.
Mason City.
Pierson.
Rutvien.
Ryan-Manchester.
Sioux City.
Sumner.
Waukon.
Wonona.
Oskaloosa.
Grinnell.

MAINE

Portland-Gorham.
Robbinston.
Seacoast Area.
Waterville.

MARYLAND

Baltimore.
Cumberland.
Harford County.

MASSACHUSETTS

Abington.
Amherst.
Arlington-Winchester.
Barnstable.
Billerica.
Boston.
Braintree.
Bridgewater.
Brockton.
Brookline.
Chicopee.
Dennis-Yarmouth.
Fall River.
Fitchburg.
Kingston-Plymouth.
Lawrence.
Lynn-Swampscott.
Malden.
Medford-Somerville.
Milton.
Newton.
North Adams.
North Shore.
Provincetown.
Quincy.
Westfield.
Weston.
Winthrop.
Worcester.

MICHIGAN

Battle Creek.
Brighton.
Coldwater.
Detroit.
East Jordan.
East Lansing.
Muskegon.

MINNESOTA

Alexandria.
Albert Lea.
Brainard.
Duluth.
Marshall.
Twin Cities (Minneapolis-St. Paul).
Morris.
Red Wing.
St. Cloud.
Wells.
Winona.

MISSOURI

Berkeley.
St. Louis.
N. St. Louis.

NEBRASKA

Blair.

NEVADA

Elko.
Reno.

NEW HAMPSHIRE

Dover.
Exeter.
Manchester.
Rindge.

NEW JERSEY

Bergen County.
Union County.
Hudson County.
Morris County.
Vineland.
Woodbury Heights.

NEW MEXICO

Alamogordo.
Albuquerque.
Las Cruces.

NEW YORK

Hudson River Valley.
Binghamton.
Buffalo.
Corning.
Cortland.
Mahopac.
Milbrook.
New York City.
Rockland County.
Southern Dutchess County.
New Rochelle.
Syracuse.
Town of New Hempstead.
Troy.

NORTH CAROLINA

Cary.
Charlotte.
Southern Pines.
Winston-Salem.

NORTH DAKOTA

Bismarck.

OHIO

Bucyrus.
Cleveland (Teach-In).

OREGON

Corvallis.
Eugene.
Myrtle Point.
Portland.
Salem.
Scappoose.
Pendleton.
Albany.

PENNSYLVANIA

Bucks County.
Easton.
Lancaster County.
Montgomery County.
Philadelphia.
Pittsburgh.

RHODE ISLAND

Barrington.

SOUTH CAROLINA

Lancaster.

TEXAS

Alamo.

TENNESSEE

Knoxville.
Nashville.

UTAH

Salt Lake City.
Utah Valley.

VERMONT

Essex Junction.

VIRGINIA

Harrisonburg.
Milford.
Newport News.
Norfolk.
Northern Virginia.

WASHINGTON

Bellevue.
Bellingham.
Bremerton.
Chehalist.
Cowlitz County.
Ellensburg.
Seattle.
Tacoma.
Spokane.
Tri Cities.
Longview.
Yakima.

WEST VIRGINIA

Charleston.

WISCONSIN

Adele.
Appleton, N.E. Area.
Ashland, N.W.
Beaver Dam, S.E.
Beloit, S.W. (Teach-In).
Cambridge, S.W.
Chippewa Falls, N.W.
Eau Claire, N.W.
Fond Du Lac, S.E.
Green Bay, N.E. Areas
Hartford.
Janesville, S.W.
La Crosse, S.W. (Teach-In).
Lodi, S.W.
Madison.
Maufton.
Milwaukee, S.E.
Oconomowoc, S.E.
Oshkosh, N.E.
Prairie Du Chien.
Plattville.
Richland Center.
Sheboygan, S.E.
Sturgeon Bay, N.E.
Washburn, N.W.
Wattertown, S.E.
Wausau, N.E. Area.
West Bend, S.E.
Whitewater, S.W.
Woodman.

WYOMING

Casper.

Participants in these walks obtain sponsors who agree to contribute a certain amount for each mile which the participant walks. The funds thus contributed go for various domestic and international development programs selected by the local walk committees. In 1970, over 135 walks conducted across the Nation resulted in contributions of over $2.5 million.

I have agreed to participate personally, if somewhat indirectly in two Walks for Development to be held in Iowa. The walks will be held in Davenport, and at Iowa State University in Ames. I have agreed to jog an extra one-half mile each day for the Davenport Walk, and to jog 10 miles for the Iowa State Walk. In this small way, I want to offer my encouragement to these young people.

I urge my colleagues to support this very worthwhile effort both by cosponsoring our resolution, and by participation in the various walks around the country. A copy of a very timely article contained in the May 1 issue of Saturday Review further explains the Walks for Development. The article, by Robert R. Nathan, president of the American Freedom From Hunger Foundation, follows:

[From the Saturday Review, May 1 1971]

YOUTH, DOLLARS, AND DEVELOPMENT

(By Robert R. Nathan)

Next weekend, May 8 and 9, more than a million-and-a-half young people in nearly 400 U.S. cities will be walking twenty to thirty miles, collecting dollars—and blisters—for something they call development.

Walking for development? What does this mean? What makes these young people, seemingly all of a sudden, excited by an idea that the rest of America has virtually forgotten? Some of the answer lies in the natural contagion of a successful experience. The walks in this country will be part of an international event that began in 1963 when the U.N. Food and Agriculture Organization appealed to students in Britain, the Netherlands, and Scandinavia to help raise money for the fight on world hunger. The students responded by organizing walks with a unique fund-raising technique: Each walker solicited one or more sponsors who promised to give a certain sum for every mile he walked. The idea spread first to Canada, and later, in 1968, to the United States. Since then, under the auspices of the Young World Development division of the American Freedom from Hunger Foundation, teen-agers in this country have held 195 walks and raised over $3-million.

Now, next weekend, for the first time a coordinated, nationwide walk will coincide with walks in forty other countries. Some ten million sponsors, including Congressmen and ambassadors, have pledged to back the U.S. effort. The more than $5-million that the organizers confidently expect to raise will be divided equally between overseas and domestic self-help projects.

Why do these young people walk? In the small cities of Moorhead, Minnesota, and Fargo, North Dakota, where the first U.S. walks began three years ago, the participants might have answered: "We're walking to help the Indians in North Dakota get a nutrition project and to give agricultural training to the farmers in Dahomey." In Washington, at the buzzing Young World Development headquarters, youth leaders put it a different way. They're walking to raise not only money but an issue. They want to surface the whole question of development, in all its complexity. Around this issue, they want to organize an active constituency. They want all Americans to understand that "'development' is the new word for 'peace.'" To achieve this understanding will hardly be easy. Development is currently the most submerged, the most confused, the most unfocused issue of our times—almost ignored in its international aspects and completely misunderstood in terms of its domestic implications.

Last October, delegates of both developed and developing countries agreed that the most significant event of the 25th anniversary of the United Nations would be the launching of the Second Development Decade. Although the entire U.N. press corps covered the ceremony at which the development strategy was announced, apparently in the minds of most U.S. newspaper editors it had little news value. *The New York Times* ran only a brief advance story under a one-column headline; the influential *Washington Post* carried nothing at all.

Similarly, it is now more than a year since President Nixon received and welcomed recommendations for a complete reorganization of international development agencies. At this writing, he has yet, however, to send specific proposals to Congress. Moreover, those Congressmen who once viewed the urgency of poverty at home and abroad in full perspective and called for simultaneous action on both fronts now rally around only such specific domestic issues as health, education, and housing.

To the extent that present U.S. development policy can be defined, it is tragically out of date. Grounded in a concept that too often equates development with handouts, it measures progress mostly in quantitative physical terms, as if the human spirit were a numerical factor in the Gross National Product. Perhaps most important, it persistently fails to recognize that domestic and international interests are complementary rather than conflicting.

Unhappily, were one to judge strictly by the actions of our government, the prospects for a coherent, more rational policy would be slim indeed. Over the past decade, the United States has gradually reduced its share in the flow of international development funds until today—in terms of dollars contributed as a percentage of GNP—we rank sixteenth among the sixteen member nations of the Development Assistance Committee. There is a danger, moreover, that we may reduce our commitment even more, all the while appearing impressively magnanimous and international-minded. In accord with recommendations from two prestigious commissions, official Washington is pressing openly to increase our multilateral aid, through such agencies as the World Bank, by, say, $200- to $300-million a year. Covertly, however, these forces are arguing for a decrease in bilateral aid by as much as $1-billion. These forces, moreover, are of the same neoisolationist mind that last fall successfully engineered withdrawal of U.S. support from the International Labor Organization and that almost succeeded in returning us to the protectionist trade policies of the Thirties. In sum, we enter the Second Development Decade far worse off than we were ten years earlier.

Why this seeming disaffection with development and the cause of the have-nots? The reasons are many.

First, we are afflicted with a political leadership that, even when it talks about priorities, does not believe in them enough to educate the public on the necessity of paying for them. During the past fifteen years, we have had many opportunities to direct surplus revenues toward the overcoming of deficiencies in schools, hospitals, urban housing, and environmental matters both here and abroad. Instead, on each occasion our leadership has chosen to soothe us with lollipops in the form of reduced taxes. In 1964, for example, a time of relative prosperity, we took a $13-billion bite out of federal revenues. Had the 1964 tax rates prevailed, Uncle Sam would today be receiving an additional $25-billion every year.

Despite the fact that ours is the highest per capita income in the world—and taxation *ought* to be at least proportionate to per capita income—our tax burden, relative to our national income, ranks sixteenth among the major industrial nations. The disparity is naturally reflected in our fouled-up domestic priorities. In New York, for instance we willingly spend $4 per car per day to build and maintain new superhighways; we steadfastly decline to raise the taxes necessary to improve rapid transit, even though we know it would carry us where we want to go faster, cheaper, and with less pollution.

Such a misguided sense of priorities has its effect overseas not only in reduced U.S. dollars for loans and technical assistance but also on the internal policies of struggling young governments. In 1963, I was in El Salvador trying to persuade officials that higher taxes constituted the only hope for financing critically needed public services. When news came that President Kennedy had proposed a big federal tax cut, my carefully prepared argument was promptly rejected by El Salvador's highly prosperous, hold-the-line business community.

But even a committed political leadership would have a tough job cutting through the prejudices and ambiguities that characterize current U.S. opinion on the overseas development issue. "We've done well in Taiwan, Turkey, Korea, Israel, and other places," goes one fashionable line. "The job of development is really over, so let's quit." Curiously, another breed of neoisolationist is arguing for an end to foreign aid on the grounds that it has been a costly failure. One of this group's most frequent charges is that our aid dollars never reach the people they're supposed to but invariably go to line the pockets of corrupt local officials. From personal experience, I would judge that at most 10 to 15 per cent of foreign-aid funds might be lost or diverted in this fashion, and part of this amount represents "hidden salaries." In many developing countries, the pay of government administrators is so low that modest "rake-offs" have become an acceptable and necessary means of subsistence.

It should go without saying that whatever they are spent for, aid funds should be spent wisely. Still, what many critics fail to understand is that for development programs to work at all they must, above all, be indigeneous. This means, among other things, that if Burma thinks it critical to spend a million dollars rehabilitating a Buddhist temple, it may represent the best possible allocation of U.S. aid dollars, no matter how contrary it may seem to our own sense of values.

But what disturbs me most are the simplistic attitudes emerging among many friends of mine, including twenty-year veterans in the field of economic development. They should know better. They have, I fear, become so reconciled to the steady cutbacks in U.S. funds that they have talked themselves into believing in costless solutions. Instead of fighting for more foreign aid, they rationalize that bootstrap operations can succeed without it—or worse, that progress is not necessarily dependent on material assistance. I understand their frustration. For a long while, we were inclined to assume that all we needed for successful overseas development was more machinery, more capital, more seed, more fertilizer, and a liberal sprinkling of technical know-how. Now we have come to understand that speeding up the pace of economic development can create complex and pervasive problems, especially for individuals.

In Colombia, for example, the GNP increased during the Sixties at an annual rate of 8 per cent. But this growth rate came about partly through modernization in agriculture, which sparked a rural-to-urban migration. The result was a sharp increase in unemployment, for as fast as it was, industrialization could not keep pace with the burgeoning supply of workers. But to conclude from this that economic development is bad and should be ended is absurd. What this and other like experiences should have taught us is that economic development must go hand in hand with social, human, and political development.

On the domestic front, there has occurred a similar disenchantment among professionals in the so-called—and dubiously conceived—War on Poverty. Our domestic antipoverty effort began with the same materialistic conviction that we held regarding international development—that all our problems would vanish if we put enough money into every man's pocket. Had we acted on this conviction, which is to say, had we worked out a guaranteed-income formula, the problem of deprivation would surely be more manageable today than it is, though it would hardly have disappeared. When we abandoned this idea as unrealistic, we vested our hopes in an array of special programs but provided none of them with adequate dollars. We then discovered that education worked its wonders slowly; that Head Start didn't change family circumstances immediately; that jobs for the deprived couldn't be created overnight, even with the help of the National Alliance of Businessmen. Now, in our rush to solve the welfare mess, we are swinging back to the only-money-will-do-it school of thinking. The move to provide an income floor is a good one, and it is long overdue. But it is also inadequate. When we pass the Family Assistance Plan, we will still need to concentrate—in fact, even more so—on the pathology of discrimination and poverty. Otherwise we will end up a decade from now with millions of Americans still undernourished spiritually, if not materially.

Equally simplistic is the increasingly popular view that holds economic growth to be incompatible with a healthy environment. Interestingly, I have heard this argument advanced with fervor both at a meeting on land use in Denver and at a conference of economic planners in Malaysia. The Malaysians, like many people in the developing countries, are questioning seriously whether they should follow the American pattern of industrialization, fearing that it leads inescapably to a fouling of the air, land, and water. I told them that industrialization need not inevitably mean pollution; that rather, they could profit from our mistakes. I urged them to establish at the very start the needed standards and regulations that we are only now getting around to enforcing. I could not, however, be altogether convincing, for even as I was talking they were reading arguments from conservationists in this country demanding a sharp deceleration in the growth of our own GNP.

It is, I think, terribly important that neither we nor our friends in the developing countries accept the cultist view that increased production per se is anti-development. Were production in this country to be stalled at its present level, the number of unemployed would go from the current five million persons to twelve or fifteen million over the next five years (unless we drastically cut our work week). By the same token, to declare a moratorium on increased production and do nothing about cleaning up the environment would merely perpetuate the pollution we already have. The critical determinants are: 1) the conditions we set on how we produce, and 2) the priorities we set for the use of our increased resources.

Unquestionably, we would have a better chance of changing present priorities if we were able to reduce our defense budget. But I am troubled by the either/or mentality which holds that as long as military expenditures are at today's level, development will be impossible. For instance, the understandable disillusionment over the war moves many otherwise liberal civil rights and welfare leaders not only to say, "We're wasting money in Vietnam," but to argue, "We're wasting money *abroad;* let's use it all at home."

Their assumption—that we don't have enough money to engage in development both here and abroad—would be valid only if we were to gauge our resources exclusively in terms of the federal budget, which now runs $200-billion. The true index is our Gross National Product, which exceeds a thousand billion dollars. Subtracting from the GNP the $70-billion-plus that we spend for defense still leaves us with more than $900-billion worth of goods and services. If we had a more reasonable balance between public and private expenditures, I have no doubt that we could meet our domestic needs and at the same time provide as much help abroad as could be effectively invested; in realistic terms, we are talking about no more than $5- to $10-billion a year.

During the more than twenty years that the United States has been working in international development, we have acquired the technical knowledge and mechanisms that for the first time in the history of mankind could bring into realistic focus the age-old dream of peace and abundance. The great tragedy is that official U.S. policy is still foundering on the two polarized views that motivated the Marshall Plan in 1948; one essentially charitable—to help the poor and displaced, even if they were our former enemies; the other frankly self-serving—to keep communism at bay.

Such a rationale was enough to sustain us in our postwar effort to rehabilitate the advanced industrialized nations of Western Europe. But much more is required for success in the poor countries of Asia, Africa, and Latin America, a fact that many of us have yet to acknowledge. While Europe needed funds chiefly to get back on its feet and had the skilled administrators to handle them, developing countries not only need good management and resources that will flow over a long and carefully scheduled time frame; they also need programs grounded in a respect for cultural diversity.

In the past, our political leaders might have recognized the need for a new philosophy; they would have seen that an old Marshall Plan cannot be successfully overlaid on newly developing countries. But we are at a perilous time in our history when our leaders seem to act only after a change in public attitude. And if we cannot, through reason and debate, change our attitude, then we must expect the international equivalent of such tragedies as Watts and Newark, Detroit and Washington. In a world made much smaller by jets and much closer by the miracle of satellite communications, the deprived, depressed, and exploited are no longer content to live under conditions that man clearly has the means to correct.

Where lies the hope for a massive change in attitude? I believe that it may lie with the million-and-a-half young people who will be walking for development next weekend. For the last few years, I have worked with many of these "walkers," most of whom are still in high school. I have come to admire not only their idealism and their ability to ask the right questions but their organizational skills as well. In my opinion, they constitute an exciting and promising new current in our public life. Neither of a revolutionary mentality nor inclined to withdraw from a world they deem too messy, they are convinced that the U.S. system can yet be made to work, not merely for Americans but for all the peoples of the world.

Although the youth of Young World Development come mostly from reasonably well-to-do, suburban, white, middle-class families, they are reaching out deliberately and sensitively to involve blacks and other minorities. The walks planned for Southern cities have, almost without exception, been organized by integrated local teams. In this sense, the young people are trying to make them not only walks for international development but dramatic examples of development here at home.

The crucial question is: Will the U.S. adult majority get their message?

Mr. RUPPE. Mr. Speaker, I am pleased to speak today in strong support of the proposed joint resolution designating the May 8–9 weekend as International Walk for Development Weekend and the month of May as Human Development Month. This legislation endorses the program of Young World Development, a branch of the American Freedom From Hunger Foundation, which raises funds for domestic and international development programs. Young World Development is comprised of young men and women who organize walks in local communities and obtain financial backing based on the number of miles walked.

In an age when we are surrounded with the inconsistencies of material abundance coupled with starvation in many parts of the world, the purposes and goals of this legislation are particularly significant. It is encouraging to see the determination of individuals who refuse to accept these inconsistencies and who are working to change the patterns for the future. Recognizing the problem is the first step, taking action to rectify the situation is the second. The Young World Development organization has made this second step a reality.

We are living in a time in our Nation's history when individuals are disillusioned with the effectiveness of Government efforts in dealing with the crucial problems of our society. This organization is striving to gain individual involvement and public recognition in support of development programs in this country and around the world. This affords individuals the opportunity to have a collective impact on matters of vital importance to this country. It is particularly important, in my view, that we in the Government support such worthwhile efforts, and I fully endorse the passage of this resolution.

WALK FOR DEVELOPMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 60 minutes.

Mr. FRASER. Mr. Speaker, the gentleman from Iowa (Mr. SCHWENGEL) and I cosponsored House Joint Resolution 553 declaring May 8 and 9 International Walk for Development Weekend and the month of May as Human Development Month. This resolution focuses attention on the problems of poverty and its accompanying evils, hunger, and malnutrition. It recognizes the commitment of the American Freedom From Hunger Foundation and its youth branch, Young World Development to help eliminate these scourges. Expressing the views of the youth connected with the planning, organizing and coordinating of the Walks for Development, this resolution is a positive and, more importantly, an optimistic statement of their commitment.

On the weekend of May 8 and 9 an estimated 1 million young and old Americans in over 350 communities will walk up to 30 miles in order to collect money for domestic and international developmental and experimental projects. These walkers, all of whom must locate local sponsors, are reimbursed by these sponsors depending on how far they walk. The funds collected by the walkers are in turn given to the projects chosen by the local organizing group prior to the walk. A small percentage of the funds is earmarked for the American Freedom From Hunger Foundation to assist in their important educational and nutritional program.

Last year over $2.5 million was raised. In the Twin Cities alone, $161,000 was raised to help three domestic and two foreign projects. This year the local organizers decided to double their effort and are raising money for 10 projects. Included in this total are experimental school projects, programs to help unemployable individuals in urban and rural settings and cooperative agriculture organizations. Domestically Twin Cities innovative educational programs receive emphasis. The foreign projects are geared to assisting in the effort to reduce unemployment and its accompanying poverty. In Tanzania construction materials are provided as one means of employing the people of Tanzania in the building of schools in order to reduce unemployment and to provide basic buildings for education. In Guatemala, assistance is provided to those unskilled men and women in rural areas who are forced to migrate to the city, exchanging rural for urban poverty. As is becoming more and more evident human development in many areas of the world will ultimately depend on the ability of individuals to find meaningful work. Concurrent with these other efforts is a program in Zambia helping to provide nutritionally balanced meals.

As these youth show by their walking, human development is a concern of all—governments, political parties, and individuals. The youth are, however, demonstrating their concern in a direct people-to-people way, a manner which usually is missing when development is the exclusive province of governments.

The message from our youth expresses clearly their concern with the problems besetting our Nation and the world. Hunger, racial tension, pollution, the agonies of war, foolish and harmful national priorities, and what appears to be an increasing inflexible governmental process are their concerns. It is essential that these youthful concerns become the Nation's.

Mrs. MINK. Mr. Speaker, I am pleased to join in introduction and support of legislation calling for the designation of May as "Human Development Month" and the weekend of May 8 and 9 as "International Walk for Development Weekend."

The walk, in which thousands of school children participate, is certainly a worthy and health-building project. It is entitled to our fullest support.

The effort is carried out by the Young World Development organization and its parent unit, the American Freedom from Hunger Foundation. This group of young men and women raises funds for domestic and international development programs. The funds are raised through walks in local communities, with those involved taking walks of specified distances after obtaining a commitment from supporters of the program to make contributions based on the number of miles walked by the person they are sponsoring. The local walk groups, typically composed of students, determine which development efforts the money they raise will support.

Last year more than 135 walks were conducted across the Nation, raising more than $2.5 million for numerous worthy causes. The young are by this walk constructively working against poverty and hunger and other problems facing our world.

As one who shares in the spirit and purpose of this outstanding effort by our young people, I call on my colleagues and others across the country to generously contribute to those participating in all areas. By this means we will enlist youth power in an effective and timely means, and help teach them participatory democracy.

Mr. MIKVA. Mr. Speaker, I would like to join my colleagues today in expressing my deep concern over the intolerable national scandal of hunger. In this land of plenty, it is a national disgrace that some people should have to send their children to bed hungry every night.

The hurt of hunger has swallowed our Nation. Substantial numbers of the newborn die between their second month and second year. We can trace the deaths of these infants directly to malnutrition. America also ranks 23d in infant mortality, meaning in 22 countries a baby has a better chance to live than in affluent America. Teachers in cities like Chicago make widespread reports of hungry children who must be sent home because of their inability to learn and their feeling of extreme pain. The Citizens Board of Inquiry reported that 30 million impoverished Americans subsist on incomes below the poverty level. Of these, 10 million—let me repeat—10 million are hungry and malnourished. That is more than the entire combined populations of Iowa and Minnesota, the home States of the two sponsors of this special order.

The Young World Development of the American Freedom From Hunger Foundation is doing an outstanding job in raising funds and bringing to public attention the tragic crisis. I heartily support the hunger walks that are being sponsored by them on May 8 and 9. Last year, over 135 walks were conducted, which raised over $2.5 million. It is encouraging to see young people constructively working for a better world. I know that the behavior of their elders, both within government and without, is sometimes disappointing or even exasperating. Too many of my generation have neglected to uncover and eradicate the sources of hunger in America. It is to their credit that they have not waited for others to act, but have begun their own fight against hunger. Hopefully those efforts will spur further congressional action to completely eradicate the scourge of hunger and malnutrition in affluent America.

PRESCRIPTION DRUGS

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. OBEY), is recognized for 60 minutes.

Mr. OBEY. Mr. Speaker, there is widespread concern in the House for what has been called "one of the most critical shortcomings" of medicare—its failure to ease the burden of out-of-the-hospital prescription drug costs.

As a measure of their concern, 85 Members have joined me in sponsoring legislation to establish a comprehensive drug insurance program for the 20 million Americans covered by medicare. In the Senate, similar legislation has been introduced by Senator JOSEPH MONTOYA of New Mexico and now has 18 cosponsors.

It is fitting, then, to take time today to focus on the medical and financial problems of our older Americans and their need for outpatient prescription drug coverage. I wish to thank the Members joining in this discussion today, and ask permission that they be allowed to revise and extend their remarks.

Mr. Speaker, recently my hometown newspaper, the Wausau Daily Record-Herald, carried a series of articles on problems facing the elderly. As a human profile, they summed up very well the frustration and almost desperation experienced by many of our senior citizens. One of the articles introduced us to this very real but necessarily anonymous Mr. X:

> Mr. X, 76, has Parkinson's disease. His 74-year-old wife has a heart condition. Between the two of them, they require more than $40 a month in medication.
>
> In the past, they received their medicine through Medicaid. Tightening of the financial eligibility standards, coupled with increased assessment on their home, changed that and the couple must now buy their medicines.
>
> "I had to drop one prescription that was $7 a month for refills. The doctor said I need it, but . . ." said Mrs. X.

The plight of Mr. and Mrs. X is all too common. They had bought themselves a modest home in 1946. He worked for a drugstore and later a dairy, while she clerked at grocery stores and baby-sat. They made their house payments and raised their only child to be a policeman:

> The years flew by . . . and suddenly there was retirement. That happened one year before it was planned. Mr. X was only 64, but illness forced him to quit work.

That was in 1958. But today:

> They want to spend the rest of their lives quietly and comfortably in their own home. Taxes and the cost of living make them fight for every day of that life.

Mr. Speaker, what has happened to Mr. and Mrs. X in Wausau, Wis., has been happening all over the country. The Senate's Special Committee on Aging noted in its report of last December 31:

> A most distressing fact—a disgrace in a Nation pledged to an allout war on poverty—is that there was an increase in both the number and the proportion of aged poor between 1968 and 1969. In 1969, there were approximately 4.8 million people aged 65 and older who were living in poverty, almost 200,000 more than in 1968. They represented 19.7 percent of all persons 65 and older in 1969, an alarming rise from the 18.2 percent for 1968. Alarming too was an increase in the number of poor aged 60 through 64.

To improve the health aspects of the elderly, the Senate committee said:

> We must expand and improve Medicare, particularly by including prescription drugs essential for the treatment of the chronically ill, and by covering disabled beneficiaries.

While the prescription drug coverage envisioned by our bill (H.R. 2355) would not be limited to the chronically ill, I believe the principle is clear. And it is a principle endorsed by the AFL-CIO Executive Council, which announced in February at its Bal Harbour, Fla., meeting that labor's social security program includes prescription drug coverage under medicare.

Mr. Speaker, the Health, Education, and Welfare Department's Task Force on Prescription Drugs issued a series of background papers in 1968-69 substantiating the need and feasibility of a drug insurance program.

Since then, the President's Task Force on the Aging filed a report entitled "Toward a Brighter Future for the Elderly," in which it recommended that medicare be modified in five ways, including coverage of out-of-hospital drugs at the earliest date administratively feasible.

Speaking for myself, and I am sure for many of my colleagues as well, I believe it is administratively feasible to match an outpatient prescription drug program to the needs of our senior citizens. By matching program with need, we will help millions of people like Mr. and Mrs. X live out their retirement in the quiet dignity they seek.

At this point, I should like to insert the text of a telegram from the American Pharmaceutical Association urging that the Ways and Means Committee give priority consideration to the inclusion of an out-of-hospital pharmaceutical benefit in medicare. The association specifically recommends adoption of the proposal embodied in H.R. 2355.

I should also like to insert that portion of the reports of the 1971 Advisory Council on Social Security—released earlier this month—in which the Council recommends expanding medicare to include coverage of out-of-hospital prescription drugs.

In conclusion, I include as summary of the program we are proposing:

> A formulary committee, composed largely of physicians, would select the drugs to be covered. Each year it would send physicians and pharmacists a list of these qualified drugs (arranged alphabetically by their established, or generic, names), as well as—
>
> An indexed listing of trade or other names by which these drugs are known, together with the maximum allowable cost for various quantities, strengths or dosage forms.
>
> Supplemental lists arranged by diagnostic, therapeutic or other classifications.
>
> Information which will promote—under professional supervision—the safe and effective use of these drugs.
>
> "Financing the program under the Part A portion of Medicare," Obey continued, "means that an individual will pay for his drug insurance during his working years, rather than later when his income is sharply reduced due to retirement.
>
> "It also assures that nearly everyone over 65 will benefit, without having to pay monthly premiums, keep records or file claims.
>
> "The beneficiary simply goes to the participating pharmacy of his choice. If the drug prescribed for him is listed in the formulary, he pays the pharmacist $1 to fill the prescription. If the prescribed drug is not listed in the formulary, he pays for it the same way he does now under Medicare—out of his own pocket.

"The pharmacist is then reimbursed by the program on the basis of maximum allowable cost plus professional fee. In determining the maximum allowable cost of multiple-source drugs, the formulary committee excludes prices of a drug which vary significantly from those of the lowest or lower-cost versions of it that are of proper quality and generally available."

"By choosing drugs carefully and taking into account their cost factors, the formulary committee can build savings into the program from the outset," he said. "It will list only medically necessary drugs, and do so in an economically reasonable way.

"Also, the co-payment feature stresses cost-effectiveness, because it reminds the drug purchaser that he is sharing in the cost of the program.

"And having nearly everyone over 65 covered means that the administrators of the program can quickly and inexpensively determine who is eligible for benefits."

APRIL 23, 1971.

DAVID R. OBEY,
House Office Building,
Washington, D.C.:

The American Pharmaceutical Association, the National Professional Society of Pharmacists in the United States, urges the House Committee on Ways and Means to give priority consideration to including an out-of-hospital pharmaceutical services benefit in Medicare as it continues work on the Social Security Amendments (H.R. 1). Specifically, we urge adoption of the proposal embodied in H.R. 2355, introduced by Rep. David R. Obey of Wisconsin for himself and numerous others of your House colleagues.

In February, 1969, the HEW Task Force on Prescription Drugs recommended inclusion of such a benefit in Medicare, recognizing that the cost of drugs, due to the increased need of Medicare beneficiaries for them, imposed a significant economic burden on those persons the Medicare program is intended to assist.

The Dunlop Committee, in July, 1969, affirmed the recommendations of the HEW task force. Two years have passed with no significant progress toward this thoughtfully established goal which is long overdue and the need for which is undiminished. Rep. Obey's bill incorporates features which APHA has concluded are necessary for a feasible out-of-hospital pharmaceutical services benefit under Medicare. We urge your particular attention to the drug formulary aspects of the bill which will ensure high quality pharmaceutical services and effective, before-the-fact cost controls.

If H.R. 1 is not an apposite vehicle for such a program, we further urge that Rep. Obey's bill be given prompt and careful consideration in connection with health care legislation which may in the future come before the committee for consideration.

LLOYD M. PARKS, Ph.D.,
President, American Pharmaceutical Association.

PART II. COVERAGE OF PRESCRIPTION DRUGS

Medicare should be expanded to include coverage of out-of-hospital drugs requiring a prescription. Such coverage should apply to all persons entitled to Medicare protection, including social security disability beneficiaries as well as those aged 65 and over. Medicare beneficiaries should be responsible for a flat copayment amount of $2 per new prescription and $1 per refill prescription, and the Medicare payment should be to the drug vendor, who should be responsible for maintaining necessary records and initiating claims.

NEED FOR COVERAGE

Under present law, Medicare covers the cost of drugs furnished to an inpatient of a hospital or extended care facility as part of his inpatient care, and the cost of drugs which are customarily provided by a physician in his office and which cannot be self-administered by the beneficiary.

The need for Medicare coverage of out-of-hospital prescription drugs and the administrative problems that must be solved before such coverage could be included have been the subject of extensive study by the Department of Health, Education, and Welfare. In 1967–69, a Department Task Force on Prescription Drugs, created in accordance with the 1967 social security amendments and charged with the responsibility of studying the question of covering prescription drugs under Medicare, concluded that such coverage should be provided. A committee of nongovernmental drug experts was appointed in March 1969 to review the conclusions of the Department's Task Force. This committee affirmed the need for coverage of out-of-hospital prescription drugs but recommended that the Department develop detailed administrative plans, data processing procedures, and cost computations before any legislative proposal was made. The committee concluded that considerable time would be required to develop all the necessary administrative mechanisms and that full implementation of an out-of-hospital drug benefit would require a substantial period after enactment of appropriate legislation.

The Council finds that there is widespread agreement about the need for some type of insurance protection for the aged against the cost of prescription drugs. Such drugs now represent the largest single personal health expenditure that the aged must meet almost entirely from their own resources. About 20 percent of all private health care expenditures for the aged are for prescription drugs, and most of this drug expenditure is paid directly out-of-pocket by the aged. Annual per capita expenditures for drugs on the part of the elderly are more than 3 times those of people under age 65. Annual per capita expenditures for drugs on the part of the severely disabled are 6 times those of the population as a whole.

The Council believes that the coverage of out-of-hospital prescription drugs involves such problems of financing and administration that the introduction of such coverage should be timed to assure the effective solution of these problems. In recognition of the fact that the solution of these problems will require a period of time, the Council has assumed in the cost estimates for its recommendation that coverage of drugs would not be effective until January 1974.

SCOPE OF COVERAGE

The cost as well as the administrative complexity of an out-of-hospital prescription drug benefit would vary, of course, with the extent of protection provided. An examination was undertaken, therefore, of alternative approaches that might be followed in providing an out-of-hospital drug benefit, including coverage only of drugs determined to be important in the treatment of serious chronic illnesses ("maintenance drugs"), coverage only of drugs listed in a Federal formulary to be established for this purpose, and coverage of most prescription drugs but with limitations designed to reduce program costs, such as, for example, a relatively large annual deductible. Although these and other alternative approaches to the scope of coverage of drugs would be less costly and in some ways less difficult to administer, the Council has concluded that it would be unwise to curtail significantly the scope of drug coverage.[1] The Council believes that comprehensive coverage of out-of-hospital prescription drugs is essential to truly effective protection against health care costs.

COST-SHARING

Program costs and claims volume also would vary with the extent to which the beneficiary is obliged to share the cost of individual prescriptions obtained under the program. Among the alternatives considered by the Council were: the limitation of reimbursement to costs which exceed an annual deductible; reimbursement of all claims, with a percentage of the cost to be paid by the beneficiary ("coinsurance"); and reimbursement of all claims, with a fixed-dollar amount to be paid by the beneficiary for each drug obtained ("copayment"). The Council has concluded, as did the Department's Task Force and the nongovernmental committee of drug experts, that cost-sharing through copayment is the most desirable and advantageous approach. (The Council recognizes that under a copayment approach physicians might have an incentive to help a patient by ordering a drug in larger quantities than may be immediately needed and that administrative mechanisms would have to be designed to minimize this possibility.) This method of cost-sharing not only lends itself more readily than the coinsurance and deductible approaches to relatively simple administrative arrangements but also avoids a problem that would arise under these other approaches—the problem of a burdensome recordkeeping task for beneficiaries. The Council recommends the use of a copayment amount of $2 per new prescription and $1 per refill prescription.[2]

REIMBURSEMENT AND ADMINISTRATIVE MECHANISMS

Two basic elements in a drug benefit program are the mechanisms of claims reimbursement and the methods for determining reimbursable costs. The Council has concluded that reimbursement should be made directly to vendors. This approach would relieve beneficiaries of the obligation to file individual claims; it would permit the greater use of automated data processing, it would provide ready access to claims information; it would facilitate coordination of the new drug benefit with existing drug payment programs—such as the Medicaid programs—which make payment directly to vendors; it would permit the program to establish for vendors of drugs, as is now done for providers of services under present Medicare law, health, safety, and other appropriate conditions for participation in the program; and it would permit far more effective implementation of a reimbursement formula related to cost than would be the case if reimbursement were made to individual beneficiaries. The Council therefore recommends a method of reimbursement under which the vendor would be responsible for maintaining necessary records and initiating claims.

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[1] Aside from the undesirability of limiting the scope of coverage, all of the alternatives to comprehensive coverage have certain basic disadvantages. One problem with respect to a "maintenance drug" approach, for example, is that a list of drugs used in the treatment of chronic illnesses might include a disproportionately large number of drugs that are sometimes used in the treatment of both chronic and acute illnesses, and thus a significant proportion of the prescriptions covered might be for the treatment of acute, short-term illnesses. Moreover, less-than-comprehensive coverage might interfere with effective drug prescribing by physicians by inducing them to prescribe a drug on the list of covered drugs even though it might not be the drug of choice.

[2] Mr. Burke, Mr. Seidman, and Mr. Tonelli favor the use of a flat copayment amount of $1 per prescription for both new and refill prescriptions. The late Mr. Young also favored it.

The Council believes it would be desirable to include in the legislation guidelines with respect to rembursement of providers of drugs, although the detailed reimbursement provisions should be established by the Secretary in regulations, after consultation with representatives of all affected groups. The guidelines in the law should state that reimbursement for out-of-hospital drugs would be made to qualified drug vendors on the basis of the "reasonable drug charge" for each drug, which would be calculated to take account of the vendor's costs in acquiring and dispensing the drug. The guidelines in the law should also permit the Secretary to take into account variations in the price at which drugs are made available to different classes of drug vendors and require regular review and analysis of the reimbursement amounts to assure their continuing adequacy.

Mr. ANNUNZIO. Mr. Speaker, I commend my distinguished colleague from Wisconsin, the honorable DAVID R. OBEY, for taking the lead in sponsoring H.R. 2355 to provide outpatient prescription drug coverage under medicare. As one of the cosponsors of this urgently needed legislation, I want to say that recent studies and surveys in this area clearly indicate that enactment of this legislation is long overdue.

What the studies reveal is astonishing. As a group, the elderly comprise approximately 10 percent of the population. Yet, the aged account for well over 20 percent of all outpatient prescriptions and for 25 percent of all outpatient drug expenditures. Medicare at present provides no relief from these enormous costs. For some of our senior citizens, drug outlays reach hundreds of dollars annually and few older people can budget for these costs on the meager income resources available to most of them.

Recent surveys also show that poverty has increased for older Americans while declining for all other age groups. The number of Americans over age 65 who live in poverty increased by 200,000 between 1968 and 1970, and by 12,000 for those aged 60 to 64. A total of 4.8 million people aged 65 and older were living in poverty in 1969. The number of all other age groups living in poverty declined by 1.2 million. These statistics were cited in a recent report on a 2-year Senate study, "The Economics of Aging," which provides a grim picture of income problems among elder Americans and indicates that our senior citizens are twice as likely as younger persons to be poor.

Many millions of Americans now nearing retirement age are very likely to be engulfed by this "poverty crisis" that already confronts our senior citizens. Adequate housing, properly balanced meals, and expert medical attention are usually regarded as vital needs in the later years of human life. Soaring costs have put most of these basic needs out of the reach of our elderly, and particularly, access to adequate prescription drugs is almost unattainable for a great many of our elderly citizens.

It has been suggested by some that private life insurance coverage, complementary to medicare, is available to the elderly and that drug insurance protection should be sought from this source. The facts indicate that the private sector fails to provide adequate protection at a cost that the aged can afford. Recent data shows that approximately 9½ to 10 million persons 65 or older have private protection supplementary to medicare for the cost of hospital and physician services. As for drug coverage, however, the statistics are even more alarming. Only about 3 million older people—or about 15 percent—have any protection against drug costs. Nearly 17 million have no private protection whatsoever in this area. As a result, drug outlays continue to represent the largest single out-of-pocket health expenditure among older Americans.

As general chairman for the Villa Scalabrini Development Fund, I was one of those in the Chicago community responsible for establishing the Italian Old Peoples Home in Melrose Park, Ill.—Villa Scalabrini.

I know for a fact that costs for drug prescriptions and medical care for the old people who live at the home are extremely expensive, and the average person who is living on a retired income simply cannot afford adequate medical care.

It is, in my judgement, absurd to underwrite—as medicare does—the costs of hospitalization and other institutional care, and not underwrite the cost of the very items which might prevent institutionalization altogether. It is also inconsistent to pay for drug costs when an older person is a patient in a hospital or extended care facility—as medicare does—but not pay for the same drugs outside of the high-cost institution.

As a supporter of the health security program, I also find it incongruous to call for a comprehensive revision in our Nation's health care system without demanding improvements in the existing programs we have. Older Americans, having contributed a lifetime to their families and their country, now face the future—the golden years—in fear, alone, and often with ill health as their only companion. Truly, these are among our most "forgotten Americans." We cannot, nor should they, be asked to wait any longer for this important improvement in our health program for the aged.

I feel that the test of any society is the way in which it treats its older members. We have the resources to pass this test—and our Nation must face up to the challenge of our older citizens. I am confident that a Nation as great as ours can meet this challenge, and therefore, Mr. Speaker, I urge early enactment of H.R. 2355, which would amend the Social Security Act to include qualified drugs among the items and services covered under the hospital insurance programs.

Mr. EILBERG. Mr. Speaker, I am a cosponsor of H.R. 2355 and rise in support of the contention by the able gentleman from Wisconsin (Mr. OBEY) that there is need for a new drug benefit for the aged as part of the medicare program.

Presently, medicare pays the cost of prescription drugs only when a patient is hospitalized or in an extended-care facility. Benefits are not paid during outpatient status, even though the drugs needed keep the patient from requiring the more costly forms of institutional care. I fail to see that this is a reasonable approach to insurance protection.

Expenditures for outpatient drugs are a major burden for many of the Nation's senior citizens. On the average, the elderly receive three times the number of prescriptions filled or refilled as those under 65. Their per capita expenses for prescribed medications are more than three times those of younger people. In fact, prescribed drug costs are now the largest single health care expenditure paid for by the aged out of their own pockets. Twenty percent of the private health outlays of senior Americans go for the purchase of needed medications. Medicare, in other words, fails to adequately protect the elderly as it can and should.

The bill we are proposing would provide coverage of outpatient prescription drugs under the part A, or hospital insurance portion of medicare. This is an approach which has significant advantages over others in terms of beneficiary eligibility, financing, and administration. To begin with, virtually all persons now 65 and over would be automatically insured against out-of-hospital drug expenses. This new protection would be provided without any concern over whether an aged person had elected to enroll in a voluntary program, such as part B.

If the new benefit were provided under part B, it would be financed in large part by the elderly themselves, since the part B premium would have to be increased well beyond present levels. Many aged persons might not be able to afford a higher premium cost and, in fact, such action might cause some to drop part B protection altogether. By providing the benefit under part A, the program will be financed through the regular contributory mechanism now used to finance hospital benefits and case benefits under the Social Security Act. Under this approach, individuals pay for protection during their working years, rather than at a time when they must live on low incomes, limited assets and high health care costs.

The use of the part A portion of medicare also greatly simplified many of the administrative problems often associated with drug benefit programs. A large portion of prescriptions are relatively inexpensive and only a fraction of the ordinary hospital or physicians' bill. Under these circumstances, it is difficult but vitally important that an administrative procedure be developed so that costs associated with claims processing not be large with respect to benefits paid. By using the part A program, it is possible first of all to relieve older persons from the burdens of recordkeeping and the filing of large numbers of small claims. The bill makes community pharmacies and others vendors of pharmaceutical services and relies upon these vendors as the source for claims initiation. This enables vendors to file composite claims for services provided at regular intervals and permits reimbursements to be made in an orderly and efficient way.

I believe that the Members who review the provisions of H.R. 2355 will find that the specifications for the drug insurance program contained in the proposal have been carefully drawn and that they are based upon the best counsel available. The bill is not only necessary, if we are to provide meaningful relief to the aged for their prescription drug costs, but it is also a workable solution to the problems associated with drug insurance programs generally. I sincerely hope that it will receive thorough consideration by the Committee on Ways and Means and, in time, the House of Representatives.

Mr. CARNEY. Mr. Speaker, I share completely the views of many of our colleagues about the need for immediate amendment of the medicare program to provide some sort of insurance protection against the costs of outpatient prescription drugs. I commend the gentleman from Wisconsin (Mr. Obey) and others who have joined in supporting H.R. 2355 and for demanding that we in the House address ourselves to this critical problem.

In 1964, 19 percent of all prescriptions written were for older persons. Total expenditures by the aged for these drugs amounted to more than $660 million. The average number of prescriptions acquired by persons aged 65 and over was 9.7, while the average annual cost amounted to $36.15. By 1967, however, 23 percent of all prescriptions were for older people and the aggregate drug expenditures for this group reached the astronomical sum of $1,044,800,000. Prescriptions per capita for the aged had grown from 9.7 to 13.6, while average annual expenditures jumped from $36.15 to $54.15.

The situation today is much worse. Preliminary studies by the Social Security Administration show that private expenditures for drugs and drug sundries purchased by the aged during fiscal year 1969 amounted to an unprecedented per capita amount of $70.25—or 36 percent of the private outlays for medical care made by people 65 and over. Naturally, these per capita figures fail to show the actual distribution of expenditures and, as others have noted, annual drug outlays for some elderly persons amount to hundreds of dollars each year.

It would be, in my judgment, a tragic oversight on the part of Congress to ignore any longer the gaping hole in medicare protection which now exists by reason of the omission of a drug insurance benefit. I intend to work wholeheartedly toward the enactment of this sorely needed amendment to medicare, which has the support of the AFL–CIO Executive Council, the National Council of Senior Citizens, the Adivsory Council on Social Security, the Senate Special Committee on Aging, and the pharmaceutical fraternity Alpha Zeta Omega.

Mr. EDWARDS of California. Mr. Speaker, as Members of Congress we are all concerned and disturbed by the slowness of the pace with which the Government has moved to meet the pressing needs of the elderly. When, as a deliberating and policymaking body, Congress fails to anticipate our social requirements, our minimal response must be the early resolution of our problems once they are recognized.

The problems of our senior citizens can wait no longer. Every passing day, the fight to live a decent life with dignity becomes harder as inflation continues to swallow up their fixed incomes. Generally, in meeting the rising cost of living, the only avenue that remains open to the elderly is to make further cuts in an already tight budget.

One major aspect of public concern for older Americans has been in the area of health coverage. The medicare program has been admirable in assuring that our aged have satisfactory medical care, but the existing program does not provide for out of hospital prescription drugs, which remain the largest personal health expenditure not covered by any public assistance program. At a time when our retired citizens must live on very limited budgets, their annual per capita expenditure for drugs is triple that which our younger people spend.

This hiatus in medicare coverage means that our aged are required to utilize their own meager monthly stipends in order to pay for a substantial portion of their health care expenditures. Mr. Obey's proposed legislation to provide outpatient prescription drug coverage under medicare will eliminate this problem by designing an uncomplicated but effective comprehensive drug insurance program.

The bill successfully untangles knots and difficulties that can accompany any extensive Government program by simplifying the administrative arrangements as much as possible. Several years of study by Government agencies and interested groups have been undertaken in order to assure that all complications would be ironed out before the enactment of this legislation.

Since nearly everyone over 65 is eligible, few complications can arise over eligibility in the program.

The provision for cost sharing through copayment minimizes bureaucratic redtape while maximizing the cost effectiveness of the program.

Because vendors are reimbursed directly, automated data processing can be utilized to a greater extent, thereby simplifying the supervision of the program. In addition, beneficiaries would not be required to keep records, pay monthly premiums, or file claims. Moreover, this type of claims reimbursement permits the Government to raise pharmaceutical standards by requiring certain health and safety standards from participating vendors.

Financing the program under section A of medicare was a wise and practical decision, since it assures that an individual pays for his drug insurance while he is working, rather than after he is retired and his income has contracted.

I believe that this bill is a fine one, and I commend Mr. Obey for bringing this matter to our attention. This bill provides an excellent program of drug insurance by combining administrative expertise with a workable and comprehensive solution. The result will be an effective extension of our health insurance system with a minimum of administrative difficulties.

Mr. FLOOD. Mr. Speaker, it is a generally accepted fact that the medicare program is, literally, a lifesaver. Much of the opposition that was quite prominent in the period that the Congress was legislatively putting this program together has now faded.

However successful medicare has been in delivering medical services to those millions over 65 years of age who otherwise would not have received badly needed medical attention, there is one more step needed, and that is outpatient prescription drug coverage for our senior citizens.

Figures show that the elderly, who comprise 10 percent of our population, shoulder an estimated 25 percent of all outpatient drug costs.

The unfortunate feature of this is that these costs come at a time when these citizens can least afford it—after their working days are over and their income has been sharply reduced due to retirement.

The mail that I receive from my constituents strongly indicates the need to amend the appropriate titles of the Social Security Act—titles 2 and 18. I have introduced in this Congress H.R. 4244 for that purpose.

All of us are aware of the serious impact high prescription drug costs can have on limited family budgets. In many cases it can be a devastating experience, an experience that can be softened by the implementation of my bill and those of other sponsors of this measure.

The Social Security Bulletin of March 1971, had a highly informative article on prescription drugs.

It said that about 15 million persons, representing almost four-fifths of the medical insurance enrollees, had prescriptions filled during 1967. Because the number of enrollees has increased since that time, it is safe to assume that the number of prescriptions has also been increased.

The 1967 figure represents an average of 14.1 prescriptions per person acquiring drugs.

About the same proportion of persons used prescription drugs as used medical services—78 percent—but average charges for drugs per person served was about one-third of the average charges for medical services.

It is interesting to note that, although differences existed between urban and rural areas in the use of medical care services, no such differences are indicated in the use of any charges for prescription drugs.

A task force on prescription drugs of the Department of Health, Education, and Welfare issued a report in 1969 substantiating the need and feasibility of a prescription drug insurance program. As chairman of the Appropriations Subcommittee for HEW I am, of course, gratified with this support from experts in the field.

So, let us take this next step and extend the relief so badly needed by our retired citizens on medicare. Whenever we can lift the financial burden of our senior citizens on a sound basis, we should not hesitate to do so. Millions of our people are awaiting such relief so let us take the proper course and pass this legislation.

Mr. SEIBERLING. Mr. Speaker, in the 2-year period ending June 30, 1969, health expenditures for the aged rose by 42.2 percent. And while medicare paid nearly half—47 percent—of the total personal health care expenditures of the aged in fiscal 1969, the uncovered health bill was still considerably larger than the total health bill for the average younger person.

High prices are just one dimension of the health crisis facing this country—a crisis which is particularly acute for senior citizens. Shortage of health personnel and adequate facilities, along with poor delivery of health services combine to deprive thousands of senior citizens of any medical care at all.

This year the Congress will be considering the revision of our entire health industry, and I am hopeful that in the end we will adopt a form of National Health Insurance to guarantee the same level of quality health care to all.

But that will take many months—perhaps several years.

A significant step we can take immediately to lift the burden of the high cost of health care from senior citizens is to pass the bill introduced by my colleague from Wisconsin (Mr. OBEY) which I am pleased to support.

That bill would remedy a long-standing deficiency in the medicare program by including the cost of out-of-hospital prescription drugs under medicare.

The elderly comprise the largest single group of drug consumers, and, of course, for those living on fixed incomes, the high cost of prescription drugs is particularly hard to bear.

For many elderly people, drugs are a staple of their daily lives.

Diabetes is very common among the elderly. Yet the insulin needed to treat the disease is not now covered by medicare unless the patient is confined to a hospital bed. The list goes on and on.

Heart patients, released from the hospital, often need digoxin and diuretics. Many stroke patients need anticoagulants; ulcer patients need antipeptics. How can a diagnosis help a patient if he cannot afford the necessary therapy?

This bill gives us an opportunity to assist our senior citizens in a very major way, and I commend Congressman OBEY for his leadership in this field.

Mr. DRINAN. Mr. Speaker, I would like to commend the distinguished Representative from Wisconsin (Mr. OBEY) for his efforts with regard to a most serious shortcoming and defect in the present program of Health Insurance for the Aged, namely the absence of any outpatient prescription drug benefits. I rise in support of H.R. 2355, the purpose of which is to eleminate that defect by providing outpatient prescription drug coverage under Medicare. I am pleased to be a cosponsor of the bill.

America's senior citizens, with limited income, limited savings and other sources, are obligated to face the heavy burden of drug costs which are far heavier on a per capita basis than those which weigh on their fellow citizens, who in most cases are not only younger, but also healthier and wealthier. Although the aged comprise only about 10 percent of the population, they account for approximately 25 percent of all expenditures made for prescribed drugs purchased outside of hospitals or other institutional facilities. This, of course, is understandable, since about 80 percent of the elderly—as opposed to only about 40 percent of those under 65—suffer from a chronic disease or other medical condition. Arthritis and rheumatism afflict 33 percent; heart diesase, 17 percent; high blood pressure, 16 percent; and so on go the depressing statistics. For these people, prescription drugs are essential. And, of course, these drugs represent an enormous recurring and presently unavoidable economic loss for individuals who often must exist on rather meager resources.

Although the burden of prescription drug costs falls disproportionately on the elderly, it does not fall evenly upon them. Evidence of this is found in the Department of Health, Education, and Welfare's Task Force on Prescription Drugs' final report. I quote:

> A 1968 estimate, for example, indicates that 20 percent of the elderly will have no drug expenses, while the costs will be less than $50 for 41.5 percent, between $50 and $99 for 19 percent, between $100 and $249 for 15.5 percent, and $250 or more for 4 percent.

Medicare goes part of the way toward relieving the economic disasters wrought by illness and injury in later years; but not enough has been accomplished by that program. For those with acute health problems medicare is a vitally necessary insurance program. For others, however, and especially for those with long-continuing illnesses—the very citizens whose resources are most severely depleted—medicare provides only marginal protection. As has been vividly reported by many, long-term drug requirements can and do erode and dissipate the scarce assets and resources of thousands of older Americans. With this in mind the task force made the following recommendation in its final report:

> We therefore find that, in order to improve the access of the elderly to high quality health care, and to protect them where possible against high drug expenses which they may be unable to meet, there is a need for an out-of-hospital drug insurance program under medicare.

It is my belief that we should enact such a program without any further delay. H.R. 2355 offers us just such an opportunity.

The merits of this bill have earned it the support of the AFL–CIO Executive Council, the National Council of Senior Citizens, the Advisory Council on Social Security, the Senate Special Committee on Aging, and the pharmaceutical fraternity of Alpha Zeta Omega.

For all of the foregoing reasons, it is imperative that we act now to provide some measure of relief for those who are dependent—literally for their lives—upon prescribed drugs. Had legislation such as H.R. 2355 been enacted during the last Congress, more than 600,000 older citizens in Massachusetts would now have drug insurance protection. Today, because of our failure to act, these retired persons must bear the full burden of ever-increasing pharmaceutical costs on their own. I sincerely hope that H.R. 2355 will receive the prompt, careful, and favorable consideration it most assuredly deserves.

Mr. SCHEUER. Mr. Speaker, I am pleased to join my distinguished colleague from Wisconsin and some 85 other Congressmen in cosponsoring H.R. 2355, a bill to include outpatient prescription drugs under medicare coverage.

Passage of this urgently needed measure would be an important step toward insuring that all elderly citizens have access to adequate health protection. This measure would provide immediate, interim relief to our senior citizens who are disabled and chronically ill, while congressional committees and task forces study and debate the longer range issue of establishing a national health insurance program.

The elderly are being literally priced out of the health-care market, particularly in the area of preventive measures to maintain health and avoid the costly hospital stays that are threatening to bankrupt our health-care system. The HEW Task Force on Prescription Drugs in its report of February 1969 acknowledged that high drug expenses for the elderly coupled with the inability of many to buy the drugs they need "may well be reflected in needless sickness and disability, unemployability, and costly hospitalization which could have been prevented by adequate out-of-hospital treatment."

Medicare, while it has been of considerable help to the elderly, covers less than half of their medical bills; they are left with an average bill to pay out-of-pocket that is considerably higher than the total health bill for a younger person. Moreover, the monthly premiums that the elderly must pay for part B out-of-hospital coverage under medicare are scheduled to increase to $5.60 on July 1st, nearly double the monthly premium when the program began 5 years ago.

As the costs of health care rise, so does the amount the elderly must pay. The burden is heaviest on the disabled and chronically ill, who are most likely to suffer severe financial strain. The HEW task force found that drug bills for those with severe disabilities are nearly three times greater than for those with none. The majority—over 60 percent—of the elderly spend less than $50 a year on prescription drugs, while costs for those with chronic conditions can go as high as $500, $800 or even $1,000 a year. Many senior citizens unable to meet the high costs of drugs are going without the medicines they need to fight chronic illnesses. Others go without enough food and become malnourished in attempting to pay for their drugs.

There is a tragic inequity here. Medicare provides much better coverage for the brief, serious illnesses that require hospitalization than for the long range disabling and chronic illnesses that plague many elderly people, gradually eroding their financial assets, their health, and independence. Clearly it is time to pass the necessary legislation to provide older Americans with more even, dependable coverage under medicare. One elderly person testifying before a congressional committee said:

> Medicare to us is like a leaking umbrella. You go outside when it is raining and you think you have protection and you open it up and the rain comes right through it.

She could not have expressed the problem better. I urge my colleagues to join in supporting passage of this important proposal that can provide the elderly a measure of the protection they need for a rainy day.

Mr. WILLIAMS. Mr. Speaker, I am pleased to join my colleague, the gentleman from Wisconsin (Mr. OBEY), in urging prompt, favorable consideration of the legislation he has introduced for himself and some 85 other Members of the Congress, including myself, to establish a comprehensive drug insurance program for the 20 million Americans covered by medicare.

The current medicare program does not adequately provide assistance to the elderly in paying their outpatient prescription costs. I constantly hear that elderly constituents, who had been managing very well on their retirement income, have been reduced to near-poverty by the need for large quantities of an expensive drug. The legislation in question will take care of these people.

This legislation will permit the elderly to obtain their prescriptions at their own drugstore for $1 each. The balance of the cost will be financed under part A, the payroll tax portion, of medicare. The elderly will, in other words, have paid for this coverage during their working years.

This is a simple and quite feasible program which will provide much-needed assistance to countless senior citizens. I urge the Ways and Means Committee to report it out to the House for consideration without delay.

Mr. MIKVA. Mr. Speaker, I rise today in support of the truly "forgotten" Americans—those over 65 years of age. Forced to survive on fixed incomes in the midst of unyielding inflation, these elderly Americans faced a grim and persistent struggle in the years that should be marked by relaxation and reflection. H.R. 2355, introduced by my colleague from Wisconsin (Mr. OBEY), is an important step toward making retirement a secure, tranquil, and fruitful period for all Americans.

H.R. 2355 would alleviate the budgetary plight of older citizens by placing one of the fastest-rising medical costs, that of pharmaceutical, under the coverage of medicare. Even with medicare coverage, health expenses consume an unusually high portion of an elderly person's income, and drug costs are no exception. Thirty-six percent of private health outlays are for drugs and drug sundries, and 20 percent goes directly for prescriptions. In fiscal year 1969, every man and woman over 65 spent, on the average, $70.25 for drugs, more than three times the average for the rest of the population. In light of this evidence, it is not suprising that the Department of Health, Education, and Welfare Task Force on Prescription Drugs concluded that medicare coverage should be extended to all pharmaceutical costs.

Presently, medicare pays for drugs only in conjunction with inpatient care, for persons convalescing either in a hospital or in an extended care facility. On the other hand, Congressman OBEY's proposal would finance the cost of all medically necessary drugs, as determined by a formulary committee of physicians, whether the patient is in a hospital or not. The sole remaining cost to the individual would be a $1 copayment charge for each prescription. Realizing that the average person over 65 has 14 prescriptions filled during the year, this proposal represents a reduction in drug expenditures from over $70 to $14. This savings of over $55 is a substantial one for these financially hard-pressed Americans.

H.R. 2355 is a sound and administratively feasible proposal by which to reduce the skyrocketing medical costs that the elderly must pay. I urge that the House act favorably on this measure, thereby giving older Americans the financial assistance they so desperately need.

Mr. GUDE. Mr. Speaker, I am pleased to have this opportunity to voice my support for H.R. 2355 which provides outpatient prescription drug coverage under medicare.

As a cosponsor of this bill, I feel that it will go a long way in meeting the needs of older Americans. We have all felt the increases in the cost of living, but the elderly are the real victims of the inflation for many of them are living on a fixed income, unable to keep pace with today's climbing costs. Todays' medical costs, as compared with yesterday's are astounding, and it is nearly impossible for many older people to meet this expense when they are barely able to subsist on their retirement income.

This bill provides that individuals pay for their drugs during their working years than after they are retired and so often struggling to make ends meet.

I urge all of my colleagues to rally to the needs of older Americans and pass this legislation. We owe it to a generation of people who have worked long and hard years for this country. Today, we are enjoying the fruits of their labor and the least we can do is share it with them.

GENERAL LEAVE TO EXTEND

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

CREDIT UNIONS SHOULD NOT BE CHARGED FOR SPACE IN FEDERAL BUILDINGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 30 minutes.

Mr. PATMAN. Mr. Speaker, the Comptroller General of the United States, in mid-February of this year, issued a report entitled "Applying a Uniform Policy with Respect to Rental Charges for Credit Unions." The basic recommendation of this report is that the Administrator of the General Services Administration should "establish guidelines for use by Federal agencies in determining charges to be made to credit unions serving Federal employees for space, related services, and personal property furnished in those cases where the credit unions have attained a degree of financial stability that would enable them to pay for the space and other services." In short, the report recommends that credit unions, which for 34 years have been receiving free space in Government buildings, should now be charged for this space.

Before going any further, let me answer a question that is sure to arise, and that is, why should credit unions receive free space. In answer to this, it must be remembered that, first, credit unions are nonprofit organizations and, in the case of credit unions operating in Federal facilities, the credit unions are owned by the employees of that facility. Thus, it is not some outside, private concern getting a free ride from the Government.

Second, credit unions perform a large number of services for the Government and its employees, for which the credit union is not reimbursed by the Government. The credit unions cash payroll checks, normally without charge, which means that Government employees do not have to leave the building in order to get their checks cashed. Credit unions provide financial counseling services for Government employees and make loans available, not only for traditional purposes, but also to help out financially troubled employees.

On military installations, credit unions have saved untold military careers by providing financing for servicemen who were denied loans by all other financial institutions. Military credit unions provide financial counseling and consumer advice to servicemen and have been largely successful in driving out high-interest-rate lenders and loan sharks from the military community. In short, the credit unions are one of the fringe benefits that Government employees enjoy, both in civilian and military life.

ARMY RECOGNIZES VALUE OF CREDIT UNIONS

The memorandum from Maj. Gen. Robert C. Forbes, Director of Personnel, Training and Force Development, Army Materiel Command, clearly indicates the outstanding services performed by credit unions to members of our Armed Forces. In part, General Forbes writes,

> Federal Credit Unions perform a vital service to military and civilian personnel . . . Federal Credit Unions promote the morale and welfare of our personnel by extending assistance where a demonstrated need exists.

General Forbes pledges the complete support of the Army Materiel Command to credit unions, even to the extent of helping to collect delinquent accounts.

The memorandum follows:

DEPARTMENT OF THE ARMY,
U.S. ARMY MATERIEL COMMAND,
Washington, D.C., March 1, 1971.
Subject: Credit Union Service.
See distribution.

1. Reference AR 210——24.

2. Federal Credit Unions perform a vital service to military and civilian personnel. They provide a convenient place for systematic savings and create a source of credit for worthwhile purposes. Many benefits such as good saving habits, low cost loans, and financial counseling result from joining these associations. Federal Credit Unions promote the morale and welfare of our personnel by extending assistance where a demonstrated need exists.

3. Since the membership of Federal Credit Unions at AMC installations is composed of personnel within the AMC family, it is especially important that these associations be supported to the best of our ability. Federal Credit Unions will be furnished advertising space in local publications consistent with the policies of the media concerned, use of bulletin boards for promotion or informational material, and use of the message center distribution system as means to publicize their services. Commanders will assist in the collection of delinquent accounts, provide available space in existing buildings without charge, and allow time for employee officials to attend to their required duties. These are positive ways in which the strength and service of Federal Credit Unions can be preserved.

For the commander:

ROBERT C. FORBES,
Major General, USA.

The question of charging credit unions for space is not so much the cost to the credit unions, although in many cases the cost could severely handicap the credit unions, but rather it would appear that credit unions are being punished for helping Government employees. This is not the way to treat a group of nonprofit organizations whose motto long has been "Not for Profit, Not for Charity, but for Service."

Mr. Speaker, I have long been a stanch supporter of the General Accounting Office, for I think it performs, on the whole, an outstanding service.

I do feel, however, that in its report dealing with credit unions, GAO has not spent enough time developing its facts. GAO has considered only the income that would be generated by charging credit unions rent without considering any of the benefits that credit unions provide to the Government and its employees.

When the original Federal Credit Union Act, of which I was an author, was signed on June 26, 1934, there was no provision for the use of space by credit unions in Federal buildings. In 1937, however, legislation was enacted which provided for free space in Federal buildings to credit unions which had memberships composed exclusively of Federal employees and members of their families. In 1959, the law was amended further so that free space could be provided in Federal buildings to credit unions having memberships composed of at least 95 percent Federal employees and members of their families.

Thus, there has been a clear legislative record supporting the right of credit unions to operate in Federal buildings without charge.

The General Accounting Office contends that Congress never intended for credit unions to have free space in Federal buildings except for the use of perhaps a desk and limited space in such buildings.

FREE SPACE IS A LEGISLATIVE MATTER

When Congress was first presented the proposition for free space, it is true that at that time it was felt that only a minimal amount of space would be needed in the buildings. However, since that time, the wide acceptance of credit unions by Federal employees has dictated an increase in the amount of space needed. GAO takes the position that since the space requirements for credit unions have increased since the passage of the 1937 law, credit unions should now pay for this space. In this situation GAO has substituted its judgment for that of the Congress. If Congress decided that credit unions should have free space in Federal buildings and made this determination based on certain space criteria, then it is up to Congress to pass new legislation if it feels that credit unions, because of their increased space demands, should now pay rent.

I expressed my feeling on this to GAO and added that I knew of no legislative proposals that have been introduced since 1937 to require the payment of rent. I cannot understand why GAO has pursued a legislative matter on an administrative basis.

My amazement is further compounded because, to my knowledge, there have been no complaints on the part of Members of Congress, at least publicly, about credit unions using Government space.

At the very time that GAO is proposing that nonprofit Government-employee-owned credit unions pay for space, the agency is completely overlooking another situation involving Government space that is costing the taxpayers millions of dollars a year.

BANKS RECEIVE MILLIONS IN GOVERNMENT SUBSIDIES

It is not generally known, but the U.S. Government pays commercial banks in a large number of instances for operating on military installations, both in the United States and overseas. In a 5-year period ending in 1969, the U.S. Government reimbursed commercial banking facilities on military installations more than $10.3 million. More than $5 million of that subsidy was paid to the Nation's three largest banks, Bank of America, headquartered in San Francisco; and Chase Manhattan and First National City Bank, both of New York City. Bank of America has been paid more than half a million dollars for operating banking facilities in the State of California alone and, in addition, collected nearly $1 million for its overseas operations. The figures for the period 1969 to the present are currently being collected, but it is my understanding that they will be roughly the same as those that were obtained in 1969. That would mean that more than $2 million a year is being paid to commercial banks, which are profit motivated financial institutions, for operating on military installations.

Many of these banks that are receiving the Government subsidy operate on military installations which also have a credit union. The credit union does not receive any payment for serving military or civilian personnel, although, where space is available, they are given free use of the space. Now, however, GAO would deny even the free space to the nonprofit credit union, but has made no recommendation to stop the payments to the profit-making bank operating on the same installation.

The credit unions have even come forward with their own proposal to save the Government millions of dollars. They have said they will perform all of the functions now being handled by the commercial banks on military installations and will do it without any subsidy from the Government.

Mr. Speaker, the GAO report consistently describes credit unions in terms of organizations that serve Federal employees. Not once in the entire report does it point out that these credit unions are owned and operated by Federal employees.

This point is brought out most clearly in a section of the report which states:

> We have noticed that other organizations which serve Federal employees reimburse the Government for space and services furnished.

The GAO report does not mention that these other organizations are not owned and operated by Government employees and, for the most part, these other organizations operate on a profitmaking basis. This is an extremely important point that the GAO report has consistently overlooked.

GAO SURVEY IS NOT REPRESENTATIVE

The factual accuracy of the GAO report, unfortunately, leaves much to be desired. For instance, the report attempts to show that significant numbers of credit unions operating in private industry pay for space. In order to back up this point, GAO surveyed 365 credit unions in New York and California, and 297 of the credit unions responded to the survey. These credit unions reported that about 59 percent of the space that they occupied was being paid for by the credit unions.

I do not think that even GAO would contend that this is in any way a representative sampling, since only 297 credit unions were surveyed and all of these were in two States. It should also be pointed out that there are nearly 24,000 credit unions in the United States and GAO only questioned 365.

The GAO report states that 59 percent of the space occupied by the credit unions in the survey was paid for by the credit unions. However, in a table accompanying the report, it shows that of the 297 credit unions that responded, 204 received free space in buildings of the industry that the credit union served. Thus, 67.3 percent of the credit unions received free space. That figure is much closer to a factual representation of the overall credit union picture.

In a survey conducted by CUNA International, the worldwide credit union trade association, 16,699 credit unions serving private industry reported that 72.32 percent received free space. The accompanying chart shows, on a State-by-State breakdown, the percentage of credit unions receiving free space.

ATTACHMENT II

TYPE OF OFFICE SPACE USED BY U.S. CREDIT UNIONS, 1969

	Free (percent)	Rented (percent)	Owned (percent)	Total (percent)	Number of credit unions reporting	Total number of credit unions	Percent of credit unions reporting
Alabama	80.19	11.32	8.49	100.00	212	371	57.14
Alaska	75.00	25.00		100.00	28	39	71.79
Arizona	62.07	24.14	13.79	100.00	116	166	69.87
Arkansas	89.68	4.76	5.56	100.00	126	161	78.26
California	66.12	27.00	6.88	100.00	1,396	1,866	74.81
Colorado	58.27	31.66	10.07	100.00	278	325	85.53
Connecticut	84.69	13.75	1.56	100.00	320	507	63.11
Delaware	76.36	18.48	5.40	100.00	55	79	69.62
District of Columbia	87.26	11.76	.98	100.00	102	177	57.62
Florida	82.15	11.21	6.64	100.00	437	660	66.21
Georgia	85.40	10.08	4.02	100.00	244	416	58.65
Hawaii	68.67	24.10	7.23	100.00	166	168	98.80
Idaho	71.65	23.62	4.73	100.00	127	185	68.64
Illinois	81.18	15.15	3.67	100.00	1,089	1,736	62.73
Indiana	75.92	17.14	6.94	100.00	461	604	76.32
Iowa	75.76	17.08	7.16	100.00	363	421	86.32
Kansas	66.10	24.46	9.44	100.00	233	332	70.18
Kentucky	87.23	6.92	5.85	100.00	188	270	69.62
Louisiana	84.85	9.85	5.30	100.00	264	487	54.20
Maine	59.88	27.68	12.43	100.00	177	196	90.30
Maryland	78.57	14.29	7.14	100.00	154	245	62.85
Massachusetts	73.42	22.59	3.99	100.00	301	787	38.24
Michigan	42.55	32.36	25.09	100.00	1,060	1,145	92.57
Minnesota	67.20	28.07	4.91	100.00	285	444	64.18
Mississippi	88.97	8.09	2.94	100.00	136	212	64.15
Missouri	75.98	20.53	3.49	100.00	458	528	86.74
Montana	61.19	32.09	6.72	100.00	134	140	95.71
Nebraska	68.60	27.27	4.13	100.00	121	161	75.15
Nevada	51.35	29.73	18.92	100.00	37	64	57.81
New Hampshire	72.06	25.09	7.35	100.00	68	71	95.77
New Jersey	80.83	15.04	4.13	100.00	339	605	56.03
New Mexico	72.22	22.22	5.56	100.00	108	138	86.40
New York	38.46	11.54	50.00	100.00	26	1,194	2.17
North Carolina	86.32	11.05	2.63	100.00	190	321	59.19
North Dakota	62.04	24.07	13.89	100.00	108	125	87.20
Ohio	70.37	23.62	6.01	100.00	999	1,442	69.27
Oklahoma	73.58	20.13	6.29	100.00	159	198	80.30
Oregon	59.76	26.69	13.55	100.00	251	257	97.66
Pennsylvania	70.85	25.73	3.42	100.00	1,403	1,428	98.24
Puerto Rico	63.77	18.84	17.39	100.00	138	138	100.00
Rhode Island	67.59	23.15	9.26	100.00	108	145	74.48
South Carolina	91.38	5.17	3.45	100.00	174	178	97.75
South Dakota	88.89	8.33	2.78	100.00	108	116	93.10
Tennessee	89.47	8.77	1.76	100.00	513	559	91.77
Texas	73.14	17.20	9.66	100.00	1,087	1,424	76.33
Utah	75.72	16.93	7.35	100.00	313	322	97.20
Vermont	73.97	17.81	8.22	100.00	73	78	93.58
Virginia	87.05	10.12	2.83	100.00	247	344	71.80
Washington	62.20	25.00	12.80	100.00	328	405	80.98
West Virginia	81.74	11.30	6.96	100.00	115	202	56.93
Wisconsin	72.64	21.87	5.58	100.00	598	780	76.66
Wyoming	71.70	22.64	5.66	100.00	53	55	96.36
Total	72.32	20.27	7.41	100.00	16,669	23,701	70.33

By sheer weight of numbers, the CUNA table is far more representative than the meager survey of the General Accounting Office.

Perhaps the most distressing part of the GAO report is that it omitted any agency comments that did not agree with the report. GAO solicited comments from the Director, Office of Management and Budget, as well as from the Administrator of the General Services Administration, both of whom agreed with GAO's position. However, the report does not include comments from the National Credit Union Administration, the Federal regulatory agency for credit unions, nor from the Department of Health, Education, and Welfare, which, until March of 1970, was responsible for Federal credit union supervision. There is, perhaps, a very good reason why GAO overlooked these agencies. In September of 1969, HEW, in commenting on the draft report of GAO, took a strong position in favor of providing credit unions free space in Federal buildings. Only passing mention is made of the HEW position in the final GAO report, and even though the National Credit Union Administration had been in operation for nearly a year when the GAO report was issued, that agency was not asked for comments. In checking with the National Credit Union Administration, I find that that agency is strongly opposed to the GAO report and feels that existing policy of providing rent-free space where available should be continued.

WHY HAS GAO IGNORED BALANCED VIEW?

In the past, the General Accounting Office has always tried to present a balanced picture in its reports, giving all concerned agencies a chance to make their comments public with the report. I cannot understand why GAO, in this instance, has presented such a one-sided view. Because the GAO report provides such a one-sided view, I think it is important that the complete legislative history surrounding the granting of free space should be reviewed.

The Comptroller General's recommendation is based upon the assumption that the Federal Credit Union Act permits an agency to decide whether it has available space which may be used by a credit union and then determine if a charge will be imposed for use of the space. That this assumption is totally incorrect is clearly established by the language and the legislative history of this section of the act.

In part, the act provides:

> Upon application by any credit union . . . addressed to the officer or agency of the United States charged with allotment of space in Federal buildings . . . such officer or agency may in his discretion allot space to such credit union if space is available *without charge for rent or services.* (Emphasis supplied.)

The act's language itself provides that if the agency exercises its discretion in favor of allotting available space to the credit union, it must not impose a charge for the use of such space. Contrary to the Comptroller General's interpretation of the act, it does not provide that the agency has discretion to determine if a charge should be imposed for available space that is allotted.

As originally enacted in 1934, the Federal Credit Union Act did not provide for the allotment of free Government office space to credit unions. However, as credit unions of Government employees became operational, they began to occupy substantial amounts of space in Federal buildings rent free. Nevertheless, in 1936, with an approach similar to that involved in his report in the present situation, the Comptroller General ruled that such office space could not be occupied legally under the existing law. The public outcry was sufficiently strong against the ruling that its effective date was delayed until June 1, 1937, in order to provide the Congress with an opportunity to pass remedial legislation.

On May 26, 1937, the House of Representatives Committee on Public Buildings and Grounds began hearings on H.R. 6287, which provided:

> Be it enacted, etc., That upon application, by any Federal Credit Union a majority of the shares of which are subscribed for by officers and employees of the Federal Government, to the officer or agency of the United States charged with the allotment of space in the Federal building in the community or district in which the union does business, such officer or agency shall allot adequate space in such building to such credit union. *No rent shall be charged for the use of such space, but a reasonable charge shall be collected for heat, light, care, and services furnished to the union.* (Emphasis supplied.)

In the Senate, the companion bill, S. 1306, used similar language:

> Be it enacted, etc., That the Federal Credit Union Act is amended by inserting at the end thereof the following new section:
>
> Sec. 21. Upon application by any credit union organized under State law or by any Federal credit union organized in accordance with the terms of this Act, the membership of which is composed of Federal employees, which application shall be addressed to the officer or agency of the United States charged with the allotment of space in the Federal buildings in the community or district in which said credit union or Federal credit union does business, such officer or agency shall allot space in such credit union if space is available. *No rent shall be charged for the use of such space.* (Emphasis supplied.)

It is particularly significant that when the bill was reported out of the committee as a single sentence, there was no desire or attempt to change the original meaning of the "no rent shall be charged for the use of such space" phrase. As reported by the committee, and subsequently passed by the Congress, the bill read:

> Upon application by any credit union organized under State law or by any Federal Credit Union organized in accordance with the terms of this Act, the membership of which is composed exclusively of Federal employees, which application shall be addressed to the officer or agency of the United States charged with the allotment of space in the Federal buildings in the community or district in which said credit union or Federal Credit Union does business, such officer or agency may in his or its discretion allot space to such credit union, if space is available, without charge for rent or services.

During the House committee hearings several changes were made to the bill's language consistent with the recommendations made by various executive agencies. For example, the Treasury Department suggested that it would be "preferable to confine the use of space in Federal buildings to activities of the Government and those conducted for its employees only" in lieu of the original "majority of the shares of which are subscribed for by officers and employees of the Federal Government" language.

In addition, the Treasury Department wanted to include a provision for administrative discretion as to whether space should be allotted—but not as to whether rent should be charged. A letter by the Acting Secretary of the Treasury to the chairman of the House committee explained:

> With regard to the form of the bill, it may also be noted that its terms impose a mandatory duty to assign space, upon application, and do not take into account the possibility that there may be no space available without displacing a Government activity. It is believed that there should be administrative discretion to decide *whether the space conditions in particular buildings are such as to permit the allotment of space to credit unions without undue interference with Government activities.* (Emphasis supplied.)

In a letter dated May 11, 1937, to the committee, the Acting Postmaster General made a similar suggestion, again confining the exercise of an agency's discretion to the issue of whether space was available for the credit union, and not to whether the credit union should pay rent.

HOUSE COMMITTEE FAVORED FREE SERVICES

During the House committee hearings, the bill's sponsor, Representative John J. Cochran, engaged in a colloquy with several committee members that clearly establishes the committee's intent to "eliminate any charge whatsoever" for space or services furnished by an agency pursuant to the bill's exemption.

> The Chairman. Would any members of the committee like to ask any questions?
>
> Mr. Eberharter. The Senate has a bill somewhat similar, introduced by Senator Sheppard.
>
> The Chairman. The House bill makes provision that a reasonable charge shall be collected for heat, light, care, and services furnished to the union.
>
> Mr. Eberharter. The Senate bill does not contain that.
>
> Mr. Cochran. I would be absolutely opposed to charging anything if they are going to give them any space in Federal buildings. You do not charge anything to the individual that sells fruit, papers, and so forth, to the employees in Federal buildings for the space they occupy. Why should we charge the Federal Credit Union for any space they might occupy?
>
> The Chairman. I wondered why you put that provision in the bill.
>
> Mr. Cochran. I put it in so that no rent shall be charged.
>
> The Chairman. But a reasonable charge for heat, light, and service.
>
> Mr. Cochran. That was put in at the suggestion of the Department. Personally, I would like to see it eliminated.
>
> The Chairman. You do not favor any charge for heat and light?
>
> Mr. Cochran. I do not think we ought to have any charge whatsoever. I think we should give that space and encourage the employees to do business with the Federal Credit Union rather than go to a money lender.
>
> The Chairman. My understanding is that these letters from the Department do not insist on that feature, because heat and light are part of their supplies for the building generally, and there would be no appreciable extra cost, so I do not see any particular reason why that charge should be in the bill. It seems to me we might eliminate that.
>
> Mr. Cochran. I spoke to one man about it in the Procurement Division, and he said that he thought that the Department would approve it with that provision in it, and that is the reason I put it in there, but I would like to see it eliminated. I wanted to get a favorable report out of the Department on the bill, and that is the reason I put that language in, because I knew it would be referred to the Procurement Division if it went to the Treasury Department.
>
> The Chairman. May I quote here from the letter of the Acting Postmaster General:
>
> ". . . and this Department feels that the advantage to the Government in locating their activities in close proximity to the members they serve is sufficiently substantial to justify their use of the small amount of space needed without charge for rent or services."
>
> So the Post Office Department very clearly makes the statement that they think it could be done and should be done without charge either for rent or services.
>
> Mr. Cochran. I certainly hope the committee will accept their recommendation and amend the bill to eliminate any charge whatsoever.

Toward the conclusion of the hearings, the committee's chairman, Representative Fritz G. Lanham of Texas, marked up one version of the bill, S. 1306, and then read it aloud in modified form. The chairman explained that his revisions were designed solely to encompass the suggestions of the executive agencies; explaining:

> The Chairman. I have tried to modify this in accordance with the suggestions of the Departments, because when we pass the bill, we want it to meet with Executive approval, and the Departments will doubtless be consulted. Let me read this as I have altered it a little in accordance with those suggestions, filling in the new section:
>
> "Sec. 21. Upon application by any credit union organized under State law or by any Federal Credit Union organized in accordance with the terms of this act, the membership of which is composed exclusively of Federal employees, which application shall be addressed to the officer or agency of the United States charged with the allotment of space in the Federal buildings in the community or district in which said credit union or Federal Credit Union does business, such officer or agency may in his or its discretion allot space to such credit union if space is available, without charge for rent or services."
>
> Mr. Steward. That is entirely satisfactory.
>
> The Chairman. That seems to be satisfactory entirely to the Department and that is carrying out the recommendations they make.
>
> * * * * *
>
> I will say for the record that a representative of the Treasury Department telephoned that it would be unnecessary for any one to appear from that Department as the letter they have sent would be sufficient, and the suggestions made here comply with the recommendations they have made, also with the recommendation the Post Office Department has made.
>
> Mr. Stefan. I am very much in favor of holding this down exclusively to Government employees. I favor the elimination of the charge for light and heat, and as long as it is exclusively a Government organization, I think they are entitled to it.

When the exemption statute was passed by the Congress in 1937, Chairman Lanham's revised language was accepted, and his committee's intent became the intent of the Congress.

Similarly, when the statute was amended in 1959 to permit credit unions to qualify for the exemption if they were composed at least 95 percent of Federal employees or former Federal employees, no change was made in the "without charge for rent or services" clause.

On the basis of the express wording of the present statute, and the foregoing legislative history, the exemption statute—12 S.C. section 1770—cannot be construed to permit a Federal agency to allot available space to a credit union and to impose a charge for the use of such space. Such discretion as exists under the statute is limited to a determination of whether space is available and allotable.

NO OTHER BASIS FOR GAO POSITION

The Comptroller General's report relies upon Title V of the Independent Offices Appropriations Act of 1952—31 U.S.C. 483(a)—as supplemental authority for the issuance by the General Services Administration of guidelines for the establishment of charges for space and other services. Apparently recognizing the weakness in a position that relies exclusively upon the Independent Offices Act, the report attempts to cite the Federal Credit Union Act of 1934 as its basic authority for assessing charges:

> In our opinion, the Federal Credit Union Act of 1934, as amended, contains sufficient authority to charge credit unions for space occupied in Federal buildings and for personal property furnished by the agencies.

Since the invalidity of this opinion as to the Federal Credit Union Act has already been discussed, is there any other statutory basis for the Comptroller General's recommendation?

The Independent Offices Act provides in part that:

> ". . . anything of value . . . furnished by a Federal agency to . . . any person (including groups, associations, organizations, partnerships, corporations, or businesses) except those engaged in the transaction of official business of the Government, shall be self-sustaining to the full extent possible, and the head of each Federal agency is authorized . . . to prescribe therefore such fee . . . as he shall determine . . . to be fair and equitable . . . *Provided, That nothing contained in this section shall repeal or modify existing statutes prohibiting the collection . . . of any fee, charge or price* . . . (Emphasis supplied.)

As the Comptroller General's report appears to recognize the proviso in the Independent Offices Act incorporates by reference the prohibition against collecting any rent or charge for space in Federal buildings occupied by credit unions. Therefore, the Act cannot provide an independent or supplemental basis for levying a charge for the use of such space, and one does not even have to reach the question of whether Congress intended credit unions to be "self-sustaining to the full extent possible."

The Comptroller General believes that the establishment of charges for credit unions using Federal space would be consistent with a congressional philosophy under the Independent Offices Appropriation Act—31 U.S.C. 483(a)—that Federal activities which provide special benefit to recipients above and beyond those accruing to the public at large be self-sustaining. What the Comptroller General appears to overlook is the congressional finding, as expressed in the exemption statute—12 U.S.C. 1770—that credit unions made up of Federal employees provide benefits to the public at large that far outweigh any revenue that could be derived from the Government's receipt of rent.

In a letter dated May 11, 1937, to Chairman Lanham, the Acting Postmaster General stated:

> Credit unions of this type conduct their business for the sole benefit of Federal employees, and this Department feels that the advantage to the Government in locating their activities in close proximity to the members they serve is sufficiently substantial to justify their use of the small amount of space needed without charge for rent or services.

Since 1937, the services provided by credit unions in Government buildings for their members have grown substantially, and perhaps their space needs have grown proportionally—although the Comptroller General's statistics would indicate to the contrary. Whatever their space requirements may be, the Congress has recognized that the Government pays a relatively small price for the benefits it derives as a result of their presence in Federal buildings.

During the initial consideration of the exemption statute, the president of the National Association of Federal Employees, Luther Steward, testified:

> There is no opposition to the credit unions. Of course, it is obvious that they are very beneficial to the employees. They are, however, equally beneficial to the administrators, because anyone who has had direction either of a public or a private business is thoroughly familiar with the troubles between employees and loan sharks.
>
> It has been our experience without exception that every administrative officer who comes into contact with Federal employees' credit unions considers them so vitality important to his administrative duty whatever function he is charged with, that he will go to any reasonable effort to give them space.

Furthermore, Federal employee credit unions provide so many substantial services to agency administrators and their employees, that they can be deemed to be engaging in the "transaction of the official business of the Government," and therefore are subject to the additional exemption from paying for space afforded by the Independent Offices Act. For example, the budget and loan counseling services provided by Federal employee credit unions would otherwise have to be performed by a personnel or financial services office within the agency. The check cashing, money order and related services provided on the Federal agency's premises save the Government from having to establish such services, or in the alternative from suffering the loss of the employee's working time required for a trip to a bank or other facility off the premises.

For these reasons, the Independent Offices Act does not provide the Comptroller General with an independent or supplemental basis for his recommendation that guidelines be established for the collection of rental charges.

Neither Executive Order 11035, dated July 9, 1962, cited in the Comptroller General's report, nor Executive Order 11512 of March 3, 1970, which superseded it, provide an independent basis for the General Services Administration's guidelines concerning the allocation and charges for space occupied by credit unions. Both Executive Orders state that they are "subject to applicable provisions of law", i.e., subject to the exemption statute and the Independent Office Appropriation Act of 1952 which exempt credit unions from paying for available space.

JUDICIAL DECISIONS FAIL TO SUPPORT GAO

The Comptroller General's report also fails to make a good case for charging credit unions rent when it is looked at in light of judicial precedents in this area. During the House committee hearings on the exemption statute in 1937, several witnesses and Congressmen reflected upon the value to the agency or administrator of retaining or establishing an employees' credit union within a Federal building. This public benefit theory of supporting Government employee credit unions has been recognized and affirmed by at least two appellate State courts.

In *State ex rel. Leach* v. *Price*, 168 Ohio 499, 156 N.E. 2d 316 (1959), a mandamus action was brought against a city auditor seeking to require him to make payroll deductions for municipal employees and to transmit such deductions to the employees' credit unions. Rejecting the auditor's contentions that the payroll deductions were analogous to wage assignments, and that the cost of making the deductions would outweigh any public benefits to be derived, the Ohio Supreme Court explained:

> It must also be noted that today the credit union has come to be one of the accepted incidental job-benefits offered to employees, and that it is beneficial to both employer and employee.
>
> It is beneficial to the employer in that it is to his interest to promote the security and well being of his employees. An employee who has a feeling of security is more content and efficient, and the existence of a credit union in which he can save money and to which he can turn in case of financial need is conducive to a feeling of security. The existence of a credit union composed of governmental employees is especially beneficial to the governmental employer, since it is one of the few incidental benefits which may be offered by such employer as an inducement to obtaining and keeping competent employees. This, of course, is to the advantage of the public which such governmental employer serves.

The Court also noted that an employees' credit union was unlike a private corporation because it has special characteristics that make it beneficial to both employer and employee:

> We conclude that the slight increase in the cost of bookkeeping and clerical work in handling the salary deductions and disbursements contemplated here, as part of an already complex and expensive payroll procedure, does not constitute an invalid expenditure of public money for a nonpublic purpose or in aid of a corporation in contravention of Sec. 6, Art. VIII of the Constitution of Ohio.

It appears that the Congress both in 1937 and 1959 pursued a similar public benefit theory. While the Federal Government would have to bear the additional expense associated with allotting space to employee credit unions without payment of rent, a part of its enormously larger rental or ownership expenses, the public benefits outweigh these losses of rental income.

In New Hampshire in 1961, the Governor and Executive Council asked that State's Supreme Court whether they were bound to honor wage assignments of State employees. The Court replied in the negative but, citing State ex rel. Leach against Price, supra, with approval, created a special exception for payroll deductions made to employee credit unions.

There have been no State or Federal cases which reach conclusions contrary to the ones discussed.

In summary, State judicial precedents support the Congress' theory in exempting Federal employee credit unions from payment of rent when space is determined to be available by an agency or an administrator.

Perhaps through oversight, or inadequate analysis of the relevant statutory and judicial authorities, the Comptroller General's report recommends precisely the type of action that prompted the enactment of the exemption statute in 1937. That statute's amendment and reenactment in 1959 provides evidence of a continuing congressional intent to exempt credit unions from paying the charges suggested in the Comptroller General's 1936 report. Passage of time alone does not provide justification for the Comptroller General's circumvention of the exemption statute; imagine the congressional outcry that would have ensued if such a report had been issued in 1938 or 1960, immediately after the exemption statutes were passed and amended.

Whatever may be the merits of the reasoning in the report, the Comptroller General recommends the wrong forum for consideration of his arguments. If the issue of whether Federal employee credit unions should pay rent for available space in Federal buildings is to be considered, it must be considered by the Congress.

In conclusion, Mr. Speaker, I want to impress upon credit unions the importance of this matter and suggest that they should bring it to the attention of their elected representatives in Congress. I urge credit unions affected by the GAO report to write to the two U.S. Senators from their State and the Congressman from their district, bringing this matter to their attention.

The credit union should point out the service that they render to Government employees and the benefits derived by the Government from these services.

Because of the urgency of this matter, I urge the credit unions to write these letters immediately so that action may be taken to see that credit unions can continue to receive space for their operations in Federal buildings without charge.

FARM SUBSIDY

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. Conte) is recognized for 10 minutes.

Mr. CONTE. Mr. Speaker, a year ago after I inserted a list of farm subsidy recipients getting over $25,000 in 1969—Congressional Record, volume 116, part 7, page 9129—I commented that the list amounted to "an incredible scandal sheet, clearly demonstrating the bankruptcy of our farm program."—Record, volume 116, part 7, page 9480.

Since then, we have seen the adoption of the first subsidy payment ceiling at a level of $55,000 per crop. While this represents a step in the right direction, many of us who have long fought for a ceiling remain convinced that it should be set at a much lower level. And it will be recalled that when I fought for a $20,000 ceiling a year ago, I warned that the $55,000 ceiling would produce little savings unless it also included tough provisions against evasion.

The indications so far, as I have pointed out earlier this month—Record, April 6, 1971; 9778—are that the Agriculture Department's administration of the present ceiling will do little to prevent evasion. There are even those who claim that its present administration is, in fact, encouraging evasion. I will include at the close of my remarks an excellent recent article by Mr. George Anthan of the Des Moines Register, supporting this claim.

These disappointing developments make it even more likely that a serious effort will be made to lower the ceiling further when the 1972 agriculture appropriations bill reaches the floor. And students of House rules will undoubtedly agree that the new recorded teller vote procedure greatly improves the chances for success in this effort.

So as the author of amendments to set a $20,000 subsidy ceiling which passed the House in 1968 and 1969, only to be defeated in the other body, I am seriously considering offering such an amendment again this year. For this reason I requested the Department of Agriculture to furnish me a list of all those who received subsidies of $20,000 or more in 1970. I will insert this list in the Record today at the close of my remarks.

Mr. Speaker, this list is not affected by the new ceiling which is only now going into effect for the present year. While it therefore does not reflect the new situation, it is a useful reference for two reasons.

First, the list may be referred to to identify those who would likely be affected by a $20,000 ceiling.

Second, the list also provides further confirmation of the need to reform this program. Let us just take a look at how some of 1970's millionaire farmers fared.

Once again the leader of the field was J. G. Boswell Co. of California which collected a whopping $4,429,484. Business was up just a bit for Mr. Boswell who received only $4,370,657 in 1969.

In No. 2 position, Giffen, Inc. of California also fared better, moving up from $3,333,385 in 1969 to $4,095,114. Other giant California corporate farmers also fared better in 1970, proving that subsidies have been a useful device for the big crop boys to help them ride through periods of economic slowdowns. South Lake Farms went from $1,788,052 in 1969 to $1,875,454 in 1970.

Two other corporations joined the ranks of the million dollar club: Vista del Llano went from a paltry $778,624 to $1,105,762; and Kern County Land Co. underwent a name change, taking the name of its parent corporation, Tenneco, and moved from $974,163 to $1,317,051.

None of us here, Mr. Speaker, need reminding that these giants are not the people this program was designed to help. While millions of Americans remain hungry and malnourished, and dozens of vitally important domestic needs remain unmet, it is a shameful commentary on our priorities that some 23 farm corporations each collected more than half a million dollars last year.

All this, finally, is beginning to change. I hope this list I present today will convince all of us of the urgent need to follow through last year's initial effort to reach the goal of a truly fair and reasonable farm program—one that is not only fair to all farmers but also fair to the American taxpayer.

The article and list referred to follow:

Bypass Limit on Subsidies for Cotton—Doubt Effectiveness of $55,000 Rule

(By George Anthan)

Washington, D.C.—Officials of the U.S. Department of Agriculture (USDA) in California have confirmed that large cotton producers there are effectively bypassing the new federal limitation on cotton subsidy payments.

Officials of the Agricultural Stabilization and Conservation Service (ASCS) in Kern, Fresno and Kings counties said records show that large cotton producers are leasing their federal cotton allotments to smaller growers.

One Fresno County ASCS official said that as a result of the new $55,000 subsidy limitation imposed last year by Congress "won't have much effect. The money is just being spread around among more people. It's going around in circles."

USDA officials said it is believed large cotton producers in other states also are taking effective steps to bypass the subsidy limitation. Many of the nation's largest cotton producers are in California.

The California officials told the Register in telephone interviews that the ASCS county units have been deluged with requests for approval of agreements to lease federal cotton allotments. They said most of the requests have been approved.

The ASCS officials explained that under these agreements, the large producers get a cash payment from the small growers for the use of the allotment.

ELIGIBLE FOR SUBSIDIES

Then, the small growers who lease these allotments are eligible for federal cotton subsidies which, in part, finance their original leasing fees to the large producers.

Thus, despite the new $55,000 limitation on subsidy payments, the government's total outlay will be about the same.

The big producers who hold the federal cotton allotments still will be getting a big share of the federal money, but, indirectly now, through the leasing fees.

It's all legal, according to USDA officials here. In fact, leasing of cotton allotments has been legal since 1965, and was inserted into the 1970 farm bill that also included the subsidy limitation.

The situation prompted Representative Neal Smith (Dem., Ia.) to reaffirm Tuesday his long-standing position that the 1970 farm bill was "a cotton bill."

"Cotton got all the advantages," said Smith. "They paid off the cotton people, to the disadvantage of feed grain farmers."

Most of the big federal subsidies traditionally have gone to major cotton producers in the South and West, and efforts to install iron-clad rules to prevent the big producers from by-passing the regulations have been frustrated in Congress, where lawmakers from the cotton states dominate the agriculture committees and subcommittees.

ABOUT 1,200 PRODUCERS

Some 1,200 cotton producers last year received more than $55,000 in federal subsidies, sharing a total of $132 million. In contrast, only 94 feed grains farmers got more than $55,000, sharing a total of $9.4 million.

Some of the nation's largest cotton producers are in California's Kern, Fresno, and Kings counties. They hold thousands of acres of cotton allotments, given to them by the USDA on the basis that these large producers historically have produced large amounts of cotton.

USDA officials here said one acre of cotton allotment means that the holder is eligible to receive a federal subsidy of 15 cents a pound on cotton grown on one acre of land.

The small grower who leases the allotments from the big producers uses them to qualify for subsidies on cotton grown on his own land, for which he previously was not eligible for federal payments. Also, he may rent additional land.

The large producers in many cases are continuing to grow cotton on their own land, but are not eligible for direct federal payments in excess of $55,000.

But their allotments, handed out annually by the USDA, will be a major source of income, a kind of indirect federal subsidy.

HOW IT WORKS

Here is how it works in Fresno County, for example:

One of the biggest cotton producers in the United States, Giffen, Inc., of Fresno County, was assigned a 1971 cotton allotment by the USDA of 11,554 acres. This means, USDA officials said, that Giffen, Inc., was eligible for subsidies of 15 cents a pound on cotton grown on those 11,554 acres. But because of the $55,000 limitation, the firm would have gotten no benefit from most of the allotment.

Fresno County ASCS officials said they have approved requests by Giffen to lease all but a few acres of the company's allotment to smaller growers.

They said the leasing fee, although not part of the approval procedure, was believed to be from 5.5 cents to 6 cents for each pound of cotton estimated to be yielded from each acre.

The ASCS officials said the average yield in Fresno County has been about 1,100 pounds an acre. Thus, a producer who leases his cotton allotment for 6 cents a pound would receive $66 for each acre of his allotment. A big producer who leases an allotment of 11,550 acres, for example, would receive more than $762,000 a year in leasing fees.

Giffen, Inc. last year received $4,095,000 in federal subsidies, through cotton allotments held by the firm and through allotments it leased from others.

NEW OUTCRY

The bypassing of the subsidies limitation by big cotton producers is expected to result in a new congressional outcry for more stringent regulations, especially those dealing with cotton allotments.

The allotment system itself is expected to come under heavy fire because, in effect, it means the federal government provides big cotton producers with a highly salable item.

It had been estimated last year that the $55,000 subsidy limit would save $30 million a year, and its passage was hailed as a historic step.

But USDA officials now concede privately that the actual savings will be minimal, partly as a result of loopholes in both the law and in the department's regulations enforcing the limitation.

1970 ASCS PROGRAM PAYMENTS OF $20,000 OR MORE EXCLUDING PRICE SUPPORT LOANS

ALABAMA

Autauga County

McQueen Smith Farms, Prattville, $216,524.

Autauga Farming Co., Autaugaville, $55,310.

J. D. Dismukes, Autaugaville, $47,272.

J. A. Rainwater, Billingsley, $42,828.

Wadsworth Brothers, Prattville, $36,087.

Milton Wendland, Autaugaville, $34,602.

M. S. Murfee, Prattville, $33,638.

Carson W. Johnson, Selma, $29,464.

D. L. Yarbrough Estate, Prattville, $27,955.

W. P. Jones, Autaugaville, $25,101.

Total payees in county (10), $548,781.

Baldwin County

D. E. Dean, Jr., Atmore, Al., $20,960.

Barbour County

Ben. F. Bowden, Eufaula, Al., $94,069.

W. L. Corcoran, Eufaula, Al., $85,353.

Allen C. Lane, Eufaula, Al., $30,224.

Clarence Grubbs, Comer, Al., $21,182.

Jimmy Sanders, Eufaula, Al., $21,131.

Ronnie Scroggins, Eufaula, Al., $21,131.

Total payees in county (6), $273,090.

Bibb County

James Brothers, Brent, Al., $67,760.

Young Brothers, Brent, Al., $55,082.

J. C. Goodson, Brent, Al., $38,601.

McArthur Tidwell, Brent, Al., $29,198.

M. C. Murphy, Brent Al., $25,133.

Total payees in county (5), $215,774.

Blount County

Dean Pruett, Altoona, $74,582.

Johnny Whitley, Altoona, $25,938.

Total payees in county (2) $100,520.

Bullock County

Bobby R. Mooring, Box 22, Roba, $28,183.

Rutland Bro., Fitzpatrick, $22,606.

Total payees in county (2), $50,789.

Butler County

Harry Poole, Forest Home, $45,155.

J. N. Poole, Jr., Forest Home, $25,528.

William Poole, Greenville, $25,199.

John K. Sherling, Greenville, $20,305.

Total payees in county (4), $116,187.

Calhoun County

Sorrell Bruce Wesson, Glencoe, $27,548.

Louis Hammonds, Wellington, $22,700.

Total payees in county (2), $50,248.

Chambers County

Fred Kendrick, Lafayette, $30,104.

Cherokee County

Ellis Bros., Centre, $47,061.

Sewell Brothers, Leesburg, $34,468.

Jeff D. Jordan & Co., Centre, $32,165.

Sanford L. Flynt, Box 186, Centre, $28,064.

Woodrow W. Rains, Box 207, Centre, $27,789.

Lowe Brothers c/o B. Lowe, Box 59, Centre, $25,854.

Robert Emory Chesnut, Gaylesville, $24,874.

John B. East, Leesburg, $24,768.

Robert E. Black, Gaylesville, $24,105.

Millard Lecroy & Son, Centre, $21,663.

Lewis Earl Acker, Piedmont, $20,323.

Total payees in county (11) $311,134.

Chilton County

C. R. Childress, Jemison, $41,120.

J. Robert Cox, Billingsley, $35,511.

Charles F. Culp, Jemison, $23,049.

Total payees in county (3) $99,680.

Choctaw County

W. H. Spuarrow, Lavaca, $21,898.

Coffee County

J. A. Wise & Son, Samson, $24,275.

Colbert County

Edward F. Mauldin, Leighton, $147,924.

Herbert C. Harris, Jr., Cherokee, $74,858.

William Elbert Reid, Cherokee, $55,080.

Billy Pullen, Town Creek, $52,484.

Eugene V. Blythe, Leighton, $50,903.

R. Gordon Preuit, Tuscumbia, $50,231.

Ben Fennel, Jr., Leighton, $47,332.

J. J. Johnson, Leighton, $46,589.

Daniel Counts, Tuscumbia, $46,351.

Willie Posey, Cherokee, $39,932.

J. W. Jeffreys, Leighton, $39,284.

Price Counts, Jr., Tuscumbia, $37,687.

Howard Keeton, Cherokee, $37,606.

W. Carter Reid, Cherokee, $36,753.

Bill Blackburn, Cherokee, $33,498.

Paul Reid, Cherokee, $30,239.

Charles Keeton, Cherokee, $28,877.

James M. Underwood, Leighton, $27,500.

Hollis Isbell, Tuscumbia, $27,399.

Kenneth Uhlman, Tuscumbia, $27,083.

Hubert R. Stanley, Tuscumbia, $25,116.

Aaron Patterson, Town Creek, $24,288.

O'Neal Sockwell, Tuscumbia, $24,214.

J. H. Johnson, Leighton, $23,815.

Bobbie O. Wright, Leighton, $23,736.

Howard Gargis, Leighton, $22,641.

T. W. Masterson, Russellville, $22,450.

Total payees in county (27), $1,103,870.

Conecuh County

J. T. Ward, Evergreen, $32,548.

E. C. Foshee, Level, $26,043.

E. E. Darby, Owassa, $24,579.

William W. Ward, Evergreen $23,387.

Total payees in county (4), $106,557.

Covington County

W. G. Foshee, Jr., Level, $46,457.

Cullman County

T. J. Pate, Bremen, $48,702.

W. F. Blackwood, Vinemont, $32,791.

Forrest Ingram, Cullman, $25,922.

Total payees in county (3), $107,415.

Dale County

Borland Bros., Pickard, $34,387.

Dallas County

Joe I. McHugh, Orrville, $137,887.

J. W. Suttle, Orrville, $67,440.

James A. Minter, Jr., Tyler, $56,669.

W. H. Watts & Son, RR 1, Box 2, Sardis, $46,317.

Thomas E. McHugh, Box 127, Orrville, $45,789.

James A. Minter, III, P.O. Box 322, Tyler, $41,069.

B. F. Jr., and G. R. Beers, III, Tyler, $40,953.

Cedar Creek Farms, c/o Don Smith, Prattville, $40,541.

Carl Henderson, R 2 Bx 127, Orrville, $38,170.

R. Furniss Ellis, RR 2 Box 10, Orrville, $37,211.

Nelson Norris, RT 1, Sardis, $34,745.

W. J. Neighbors, 3315 Old Montgomery Road, Selma, $34,523.

George Wood, RR 1, Box 44, Tyler, $31,467.

Robert Culpepper, RR 1, Sardis, $30,455.

Tyler G. Moore, RR 3, Box 157, Selma, $27,729.

Jewell Farms, Orrville, $27,263.

Edwin R. Moore, RR 1 Box 6, Tyler, $26,051.

J. C. Gresham, RR 1 Box 229, Selma, $24,940.

Beers Brothers, Tyler, $23,444.

Thomas J. Traylor, Jr., RR 1, Sardis, $21,720.

J. B. Hain Co., Sardis, $21,680.

C. & H. Farms, RR 1 Box 134, Minter, $21,581.

Robert Levi McHugh, RR 2 Box 269, Orrville, $21,327.

Total payees in county (23) $898,971.

Elmore County

J. Melvin Taylor, RR 2, Tallassee, $68,947.

Henry Owen Harper, East Tallassee, $46,858.

State of Ala. Bd. Corr., 101 S. Union St., Montgomery, $37,565.

George Douglas McCartha, Jr., RR 2, Tallassee, $37,176.

Wood T. Dozier, RR 2, Tallassee, $32,871.

Garnand and Thornton, RR 4, Wetumpka, $30,052.

John M. Hann, RR 1, Mountain Crk, $26,283.

Ralph Till, Elmore, $23,588.

Riley Mask, Jr., RR 1, Eclectic, $21,554.

Lane and Cruise, Deatsville, $21,257.

James T. Brown, RR 2, Deatsville, $20,662.

Total payees in county (11) $366,813.

Escambia County

George Prestwood, McCullogh, $56,056.

Board of Corrections, Montg., $44,956.

Curtis L. Chavers, Brewton, $24,712.

George H. Jackson, Perdido, $24,027.

Total payees in county (4), $149,751.

Etowah County

Emory Johnson, Centre, $24,481.

Fayette County

J. C. Randolph, RR 3, Fayette, $43,229.

Franklin County

Charles Hammock, RR 2, Red Bay, $23,560.

Geneva County

Elmer Joe Motley, Samson, $29,653.

Clifford J. Fondren, RR 2, Hartford, $21,677.

Total payees in county (2), $51,330.

Greene County

N. G. Garth, Gainesville, $39,096.

Elam Smith, Rt. 2, Eutaw, $31,786.

William M. Steele, Jr., Rt. 1, Box 117, Eutaw, $26,873.

Bigbee Farm, P.O. Box 61, West Greene, $24,270.

Curtis I. Eatman, Mantua, $23,921.

Curtis R. Taylor, Rt. 1, Box 117, Forkland, $23,671.

W. M. Steele & Son, Rt. 1, Eutaw, $23,291.

Charles S. King, Box 105, Eutaw, $22,590.

K. R. Sanders, Rt. 2, Gordo, $22,323.

J. F. Cameron, Jr., Boligee, $21,641.

H. E. Carpenter, Eutaw, $20,874.

Total payee in county (11) $278,336.

Hale County

W. J. Chandler and Sons, Moundville, $101,755.

Waller E. Wedgworth III, Akron, $40,196.

Turpin Vise, Greensboro, $29,550.

Marvin D. Johnson, Greensboro, $29,058.

Morrison Bros. Company, Greensboro, $29,003.

Henry A. Bailey, Akron, $24,487.

John D. Bolling, Jr., Greensboro, $23,110.

Albert D. Rogers, Moundville, $22,946.

Spencer C. Langford, Jr., Stewart, $21,086.

Johnnie Bedsole, Moundville, $20,756.

Total payees in county (10) $341,947.

Henry County

Billy J. Armstrong, Headland, $23,871.

Kirkland Brothers, Newville, $23,500.

Herman C. Hicks, Headland, $21,569.

Total payees in county (3) $68,940.

Houston County

E. R. Solomon, Headland, $20,351.

Jackson County

W. C. McCord, Scottsboro, $23,837.

Dewayne Medlock, Pisgah, $23,204.

C. E. Cornelison, Scottsboro, $20,144.

Total payees in county (3) $67,185.

Jefferson County

Jimmy M. Bagwell, Empire, $26,092.

Jacob V. Pate, Empire, $24,537.

Total payees in county (2), 50,629.

Total payees in county (2), $50,629.

Lamar County

W. A. Austin, Sulligent, $24,229.

Arie H. Humbers, Sulligent, $21,162.

Total payees in county (2), $45,391.

Lauderdale County

Andrew C. Walker, Florence, $41,586.

Roe S. Woodis, Cherokee, $36,809.

Theo Scott, Florence, $32,383.

Robert L. Winters, Florence, $29,882.

Howard T. Walker, Florence, $28,873.

Hugh L. Rice, Jr., Florence, $28,072.

James E. Hale, Florence, $26,963.

Alfred J. Buffler, Florence, $26,659.
Harvell J. Walker, Florence, $25,112.
Homer E. Liles, Florence, $24,567.
Jeff Winters, Florence, $24,558.
G. E. Barringer, Rogersville, $24,062.
Bobby L. Green, Florence, $23,093.
Billy D. Rhodes, Florence, $22,346.
Charles P. Vaughn, Jr., Florence, $21,750.
James Walker, Florence, $21,616.
Rufus W. Bratcher, Cloverdale, $21,469.
Bonnie Burgess, Jr., Muscle Shoals, $21,301.
Ray Smith, Florence, $20,831.
William L. Rice, Florence, $20,569.
Total payees in county (20), $522,501.

Lawrence County

Albermarle, Corporation, Courtland, $90,293.
James Blythe, Jr., Courtland, $79,149.
G. T. Hamilton, Hillsboro, $77,289.
Dan Claborn, Courtland, $55,959.
Samuel R. Letson, Moulton, $54,298.
D. L. Martin Jr., Courtland, $53,460.
J. C. Claborn, Box 242, Courtland, $52,967.
Daniel Gilchrist, Courtland, $52,372.
W. J. Lee and Son, Town Creek, $43,972.
Wheeler Farms Inc., RR. 2, Hillsboro, $42,260.
W. W. Hamilton, RR. 2, Hillsboro, $41,529.
Jack C. Davis, Town Creek, $41,163.
Hugh J. Posey, Box 452, Town Creek, $38,582.
Grady B. Rose, RR. 2, Town Creek, $37,923.
Ossie L. Armstrong, Town Creek, $36,436.
Benjamin A. Rose, RR. 4, Moulton, $35,334.
George Collins, RR. 1, Trinity, $34,443.
Harold Green, Courtland, $33,800.
Hubert Coffey, Wheeler, $33,454.
V. Dewees Crockett, Leighton, $33,392.
W. J. Dewberry, RR. 2, Courtland, $32,182.
Claude Dyar, RR. 1, Courtland, $30,827.
Lynn Cross, Courtland, $30,803.
Roland Cross, RR. 1, Courtland, $30,111.
J. R. Knouff, Town Creek, $29,908.
O. C. Lansford, RR. 2, Mt. Hope, $29,744.
O. D. Brackin, Tuscumbia, $28,238.
Paul Henry Kirby, RR. 3, Town Creek, $26,383.
Neal Williams, Mt. Hope, $24,762.
Guy Parker, Courtland, $23,682.
Hood Harris Jr., RR. 2, Copeland, $23,294
W. C. Brady, RR. 3, Moulton, $23,179.
Hollis O. Green, Courtland, $23,151.
Brown Bradford, RR. 2, Town Creek, $22,061.
Oneal Rose, RR. 2, Courtland, $21,572.
Lum Owens, RR. 2, Hillsboro, $21,462.
Fred O. Terry, P.O. Box 271, Courtland, $21,263.
W. C. Aday, Hillsboro, $21,150.
Total payees in county (38) $1,431,847.

Lee County

T. W. Collier, RR. 1, Auburn, $28,231.
Nelson Hillyer, Rt. 1, Bx. 132, Opelika, $27,499.
Robert E. Gullatte, RR. 1, Salem, $25,964.
Collier & Littrell, Rt. 1, Auburn, $21,160.
Total payees in county (4) $102,854.

Limestone County

Walter B. Shaw, Tanner, $63,593.
Joe R. Murphy, Tanner, $63,297.
Ned Johnson, Madison, $60,081.
Gene Thomas Burgreen, Madison, $51,989.
Rowe B. Sanderson, Tanner, $47,927.
Hargrave Brothers, Madison, $46,438.
Dan Atkinson, Madison, $45,662.
Thomas H. Vann, Capshaw, $41,851.
Glennes V. Moore, Belle Mina, $40,672.
R. W. Anderson & Sons, Decatur, $40,638.
Fred William Hays, Athens, $37,735.
Grover C. Lawson, Jr., Athens, $36,586.
John D. Anderson, Madison, $36,489.
Lucille F. Bowles, Belle Mina, $36,436.
C. D. Downs, Madison, $34,328.
Henry Charles Baucom, Madison, $33,688.
Robert Horace Marks, Athens, $32,101.
Darden Bridgeforth, Tanner, $32,052.
McDonald Farms, Inc., Madison, $30,090.
Thomas C. Downs, Tanner, $29,520.
Vester M. Leonard, Tanner, $29,413.
L. V. Moore, Tanner, $29,134.
Glenn Black, Athens, $28,835.
James T. Sanderson, Harvest, $28,820.
Winfred Barron, Athens, $28,127.
James P. Grooms, Athens, $27,815.
Olin E. Shaw, Athens, $27,148.
Ephraim L. Laxson, Athens, $27,074.
James Morris Black, Athens, $26,842.
J. Howard Hobbs, Jr., Elkmont, $26,634.
Stanley H. Menefee, Athens, $26,239.
Pettus Menefee, Harvest, $26,201.
William Henry Stewart, Jr., Madison, $23,922.
Anderson Farms, Inc., Decatur, $23,341.
Kenneth Carter, Elkmont, $21,516.
Horace L. Devaney, Madison, $20,897.
Joe D. Anderson, Madison, $20,560.
Withers C. Peebles, Mooresville, $20,512.
Total payees in county (38) $1,304,2033.

Lowndes County

B. C. Rhyne, Benton, $72,690.
G. T. Meadows, Sr., St. Clair, $65,659.
Harrell, Hammonds, Hayneville, $49,601.
O. P. Woodruff, Lowndesboro, $44,411.
Howard Payne Meadows, Lowndesboro, $27,542.
C. H. Rhyne, Benton, $27,276.
Fred, W. Holladay, Tyler, $26,911.
George Marlow Reese, Jr., Burkville, $25,251.
Mattie Ruth Mealing, Hayneville, $21,741.
Total payees in county (9) $361,082.

Macon County

A. L. Lazenby, Jr., Auburn, $44,906.
Mrs. H. A. Torbert & Sons, Opelika, $36,011.
F. C. Thompson, Shorter, $35,385.
Robert F. Walters, Jr., Auburn, $28,270.
Segrest Bros., Shorter, $28,036.
S. T. Sego, Jr., Tuskegee, $27,908.
Ben W. Walker, Shorter, $27,480.
James L. Kirby, Notasulga, $23,916.
Total payees in county (8) $251,912.

Madison County

Douglass & Vandiver, Madison, $74,185.
Ray Vandiver, New Market, $71,915.
Wilburn B. Douglass, Huntsville, $65,856.
John W. McCrary, Madison, $64,894.
W. Homer Tate, Huntsville, $58,140.
Carl A. Williams, Madison, $53,236.
Hunter Brothers, Fayetteville, $48,610.
Robert L. Pickens, Madison, 46,357.
James E. Patterson, Jr., Huntsville, $44,431.
John W. League, Toney, 40,328.
Donald Sublett, Harvest, $39,422.
Tyler Denton, Harvest, $39,216.
Dock Murphy, Madison, $38,829.
Tom E. Lowery, Madison, $35,990.
Everett Jones, Flintville, $33,363.
Wade A. Hubert, New Market, $30,986.
M. E. Moore, Toney, $30,786.
Jack T. Clift, Madison, $30,369.
Samuel J. Darwin III, Huntsville, $29,143.
Wesley Thomas, Huntsville, $28,576.
Sam Harris, Jr., Huntsville, $28,086.
Clayton Spencer & Charles Patt, Meridianville, $27,835.
Kenneth Pike, Harvest, $27,686.
John T. Acuff, Madison, $27,108.
Don Martin, Madison, $26,464.
Claude N. Buchannan, Huntsville, $26,410.
Eugene G. Lowery, Madison, $26,134.
Robert M. Davis, New Market, $26,121.
Orville H. Esslinger, Elora, $25,981.
John W. Hays, Gurley, $25,672.
Glenn Murphy, Madison, $25,400.
W. R. Spears, New Hope, $25,127.
Donald Spencer, Madison, $25,110.
Grady Abernathy, Toney, $25,083.
Allen Bragg, Toney, $24,633.
William R. Rodman, Huntsville, $24,378.
Robert L. Taylor, Harvest, $24,377.
William A. Brockway, Huntsville, $24,258.
Dennis O. Bragg, Toney, $24,112.
A. D. Whitworth, Madison, $24,071.
Carlton Ikard, Madison, $24,066.
Millard L. Sanderson, Toney, $23,659.
N. L. Reynolds, Huntsville, $23,276.
E. R. Howard, Toney, $22,992.
Glenn Campbell, Toney, $22,659.
Howard Gray Co. Inc., New Market, $22,562.
Ronald Vaughn, Huntsville, $21,926.
Aaron Fleming & Sons, Huntsville, $21,069.
New Market Agriculture Chemical Co., New Market, $20,954.
Edmund Payne, New Market, $20,865.
W. L. Sanderson, Jr., Harvest, $20,838.
William H. Gray, New Market, $20,817.
C. A. Smith, Summertown, $20,565.
Wallwood Farm, Huntsville, $20,506.
C. Q. Lowery, Madison, $20,134.
Total payees in county (55) $1,745,566.

Marengo County

James W. Glass, Faundale, $38,934.
Ed Bobbitt, Browns, $29,536.
William G. Rentz, Myrtlewood, $22,575.
Allan Ramsey, Sweet Water, $22,270.
Stewart D. McKnight, Dayton, $20,010.
Total payees in county (5), $133,325.

Marion County

B. W. Rollins, Hamilton, $25,508.

Marshall County

Carman Maze, Arab, $34,798.
Harold Burnett, Guntersville, $25,977.
Robert L. Haynes, Arab, $25,957.
Total payees in county (3), $86,732.

Monroe County

Maston & Bibbs Mims, Uriah, $27,918.
Owen Dawson, Excel, $20,598.
Carson House, Jr., Uriah, $20,017.
Total payees in county (3), $68,533.

Montgomery County

W. H. McLemore, Montgomery, $69,210.
T. O. McLemore, Montgomery, $35,778.
A. J. McLemore, Jr., Montgomery, $25,346.
T. W. Oliver, Montgomery, $21,592.
Total payees in county (4), $151,926.

Morgan County

Percy Sharp, Decatur, $28,269.
Royce Sims, Decatur, $24,387.
Gorman M. Braswell, Decatur, $23,599.
Howard Millsap, Danville, $23,196.
Billy J. Crowe, Danville, $22,978.
W. Aaron Beaver, Somerville, $22,507.
John B. Sewell, Trinity, $21,795.
Curtis Stroup, Danville, $21,659.
Total payees in county (8), $188,390.

Perry County

J. C. Moore Mercantile Co., Marion, $66,672.
T. J. Jones, Sprott, $30,257.
James Taylor, Sprott, $20,735.
Total payees in county (3), $117,664.

Pickens County

J. A. Hanson, Hamilton, $42,639.
W. B. Peebles, Jr., Aliceville, $28,029.
Thomas Parker, Aliceville, $23,943.
Kirksey Co., Aliceville, $23,208.
Roy Goodwin, Aliceville, $22,682.
Jamie M. Summerville, Aliceville, $22,433.
Abrams & Garriss, Aliceville, $21,272.
Total payees in county (7), $184,206.

Russell County

J. Wayne Mott, Pittsview, $24,349.
George M. Adams, Columbus, $21,748.
James M. Miles, Fort Mitchell, $21,205.
Total payees in county (3), $67,302.

Shelby County

D. E. Morris, Harpersville, $40,820.
L. B. L. Ranch, Wilsonville, $33,611.
John D. Kidd, Harpersville, $27,966.
John M. Thompson, Vincent, $25,634.
Total payees in county (4), $128,031.

St. Clair County

Norris K. Waites, Harpersville, $30,401.

Sumter County

W. A. Ganguet Estate, Cuba, $20,268.

Talladega County

Robert M. Gambrell, Talladega, $35,078.
James D. Robinson, Sylacauga, $28,668.
Clyde A. Walker, Cropwell, $26,521.
French Junior Pruitt, Talladega, $22,023.
Glenn M. Hawkins, Oxford, $21,117.
S. F. Tanner, Sylacauga, $20,422.
Total payees in county (6), $153,824.

Tallapoosa County

William M. Wisener, East Tallassee, $75,261.
James E. Davis, East Tallassee, $27,723.
William E. Crockett, East Tallassee, $23,660.
O. W. Bradshaw, Camp Hill, $20,306.
Total payees in county (4), $146,950.

Tuscaloosa County

J. L. Harper, Northport, $48,362.
Darden D. Barton, Ralph, $43,246.
Joe Rice, Jr., Northport, $40,333.
Henry Rice, Northport, $25,981.
Fletcher Barnes, Northport, $24,807.
Spiller Farms, Tuscaloosa, $22,178.
J. E. Walker, Jr., Berry, $21,572.
Floyd Hughes, Jr., Samantha, $20,814.
Total payees in county (8), $247,293.

Walker County

Hoyt Bagwell, Empire, $21,227.

Washington County

Nelson Bedsole Moseley, Leroy, $26,945.

Wilcox County

H. H. Wilkinson & Son, Gastonburg, $26,254.
Raymond Pharr, Coy, $25,395.
Total payees in county (2) $51,649.
Total payees in State (397), $13,263,179.

ARIZONA

Cochise County

Bill Hilburn, Bowie, $135,041.
Alf B. Claridge, Safford, $110,499.
Kinard Bros., Willcox, $74,437.
E. V. Hart, Willcox, $71,124.
Montierth Farms, Bowie, $68,114.
Smith Bros., Pearce, $65,696.
Floyd Robbs, Willcox, $64,684.
Edward Barnes, San Simon, $63,492.
Buckner & Kidd, Willcox, $54,488.
Alvin E. Ratliff, San Simon, $51,046.
Jack Robison & Sons, Willcox, $48,717.
Wicks Ranches, Bowie, $45,919.
Leroy Pierce, Willcox, $44,777.
Charles Wade, Bowie, $42,542.
Delbert Motes, Willcox, $42,284.
Frank C. Hale, Eloy, $41,782.
Roy Lee Young, Willcox, $41,570.
Ernest L. White, Jr., Elfrida, $41,333.
F. L. Heidel, Lovington, $37,192.
W. R. Grimes, Willcox, $37,175.
Horace Jackson, San Simon, $36,642.
A. L. Reznik, Friona, $36,450.
Eaton, Fruit Co., Inc., Willcox, $36,284.
V. C. Smith, Elfrida, $35,602.
Louis Cooper, Elfrida, $34,839.
J. C. Dunagan, Willcox, $34,786.
J. B. Stevenson, Pearce, $34,598.
Marvin Holmes, Willcox, $33,701.
Noel Curry, Elfrida, $33,198.
Boyd Smith, Willcox, $29,954.
Gerald P. Schoenfelder, Minneapolis, $27,924.
Jack Graham, Cochise, $27,200.
Gareth R. Hardy, San Simon, $26,847.
Ray Yamasaki, Willcox, $26,074.
Tx. Gr. Storage Co., Willcox, $25,855.
Barney Farms, Safford, $25,366.
Charles Kimzey, Willcox, $23,985.
J. F. Schmelzla, Willcox, $23,887.
David Fowler, Willcox, $23,666.
Rober A. Hale, Eloy, $22,957.
Clyde Richins, Animas, $22,870.
Thomas W. Cooke, Jr., Bowie, $21,601.
Harlan E. Schaffert, Willcox, $21,539.
Marvin Lamar Barnes, San Simon, $21,255.
Joe H. Hedges, Elfrida, $20,919.
Total payees in county (45) $1,889,911.

Coconino County

Red Hill Sheep Co., Wickenburg, $29,110.

Graham County

Melvin R. Bryce, Pima, $62,537.
Angel Escobedo, Safford, $39,431.
Ewart T. Lee, Thatcher, $34,532.
Norman Welker, Safford, $32,647.
Glen Layton, Thatcher, $31,594.
Howard and Carter, Pima, $31,289.
Ray Alder and Sons, Pima, $29,822.
Omer J. Smith, Central, $29,548.
Daley Brothers, Thatcher, $28,915.
Zenos Howard, Safford, $27,657.
Ned Daley, Thatcher, $27,450.
Allred Brothers, Thatcher, $26,449.
Arden J. Palmer, Thatcher, $25,167.
Von and Norman Hancock, Pima, $24,705.
Eldon Palmer, Thatcher, $24,408.
Verle Palmer, Thatcher, $23,126.
Verdell Howard, Thatcher, $22,675.
F. X. Farm & Ranch, Safford, $22,424.
Guy Anderson, Safford, $21,027.
Total payees in county (19) $565,403.

Greenlee County

Adrian Richins, Duncan, $38,311.

Maricopa County

Farmers Inv. Co., Sahuarita, $865,776.
Youngker Farms, Buckeye, $431,541.
Goodyear Farms, Litchfield Park, $333,724.
Southmountain Farms, Inc., Laveen, $246,231.
Shumway Enterprises, Queen Creek, $203,336.
Community Gin, Scottsdale, $190,225.
Roscoe Farm Corp, Scottsdale, $174,115.
Martori Bros., Glendale, $171,479.
Waddell Ranch Co., Waddell, $169,957.
Carl Weiler, Phoenix, $163,697.
J. L. Hodges Farming Co., Buckeye, $162,464.
Leyton Woolf, Glendale, $149,490.
Bruce B. Hardesty, Buckeye, $140,147.
Hugh Bennett, Buckeye, $138,507.
Arena Co. of Ariz., Glendale, $133,068.
Travis H. Jones, Buckeye, $131,812.
J. L. Golightly, Jr., Mesa, $131,671.
Morrison Bros., Higley, $130,273.
Jordan & Coplen, Laveen, $122,862.
W. A. Heiden & Son, Buckeye, $119,580.
Harris Cattle Co., Queen Creek, $119,189.
Chatham Farms Inc., Glendale, $119,127.
Davis Ranch Co., Chandler Hts.; $113,343.
Woodrow Lewis, Chandler, $113,242.
L. R. Layton, Chandler, $110,100.
Gladden Farms, Cashion, $107,428.
Hardesty Bros., Buckeye, $104,282.
Barney Mecham, Queen Creek, $99,485.
Power Ranches, Inc., Higley, $99,105.
Wallace Bales, Buckeye, $96,893.
Skousen & Hastings, Queen Creek, $96,390.
C. W. Neely, Gilbert, $95,437.
Alan B. Melton, Buckeye, $95,327.
F. H. Hogue Prod. Co., Litchfield Park, $94,101.
F. C. Layton, Tolleson, $94,006.
Baskett Farms, Inc., Glendale, $92,503.
Pierce & Pierce Farms, Gila Bend, $92,457.
J. V. Pace, Chandler, $92,387.
H. L. Anderson, Peoria, $91,856.
Rhodell Farms, Inc., Avondale, $91,060.
John M. Williams, Jr., Laveen, $90,548.
William Hardison, Palo Verde, $85,756.
CCG Farms, Inc., Glendale, $84,781.
Ben Riggs & Son, Chandler, $84,301.
Allen F. Belluzzi, Avondale, $82,643.
Gomez & Pitrat, Phoenix, $80,196.
Delmar & Erwin John, Buckeye, $79,244.
King, Farms, Buckeye, $79,071.
Earl S. Dobson, Chandler, $79,060.
Sutton Bros, Phoenix, $77,822.
Gila River Farms Inc., Buckeye, $77,049.
Myrtle L. Bartson, Mesa, $76,996.
F. M. Gorrell, Buckeye, $74,346.
S. & P. Farms, Inc., Bend, $74,325.
Jacob S. Stephens, Buckeye, $73,929.
Lee Wong Farms, Inc., Glendale, $73,503.
D. & R. Farms, Chandler, $72,504.
Dougherty Ranch, Phoenix, $72,163.
Paul Smith, Buckeye, $71,054.
Moore & Taylor, Waddell, $67,750.
Phil Ladra, Glendale, $67,683.
Fridenmaker Farms, Phoenix, $67,678.
J. S. Hoopes, Chandler, $64,829.
Bell, Road Farms, Peoria, $63,241.
George Knapple, Phoenix, $63,050.
Ed Ambrose, Buckeye, $62,437.
Donald Wiechens, Glendale, $61,843.
Joe A., Sheely, Tolleson, $61,611.
Gertrude Conway, Phoenix, $61,537.
Ted Hazen, Buckeye, $61,450.
Jon A. Tucker, Buckeye, $59,574.
James M. Hamilton, Chandler, $58,152.
D. L. Hadley, Chandler, $57,591.
Arrowhead Ranches, Glendale, $57,367.
A. Tumbling T. Ranch, Goodyear, $56,862.
J. R. Tucker, Buckeye, $56,376.
Sossaman Farms, Higley, $55,732.
Joe Bickman, Peoria, $55,538.
Jewell Turner Farms, Buckeye, $55,415.
Tommy Wheelis, Maricopa, $54,745.
Sam Cambron, Buckeye, $54,497.
Holly, Ranch, Buckeye, $54,373.
Arid Zone Farms, Phoenix, $54,357.
Percy L. Smith, Peoria, $54,180.
Garcia Farms Ptns., Tolleson, $52,690.
Dobson & Patterson, Mesa, $52,409.
Wh. G. Brandon, Chandler, $51,546.
G. R. Rogers, Laveen, $51,534.
United Fruit Prod., Inc., Glendale, $51,370.
Lone Butte Ranches, Gilbert, $50,708.
W. H. Jarnagin, Peoria, $50,650.
R. & J. J. Blasdell Ptshp., Phx., $49,811.
Maricopa Stake Los, Queen Creek, $49,678.
R. D. Layton, Goodyear, $49,179.
F. D. Layton, Thatcher, $49,179.
Turner Ranches, Mesa, $49,133.
Earl C. Recker Co., Mesa, $47,174.
Az Cottonseed, Phoenix, $46,950.
Win Farms, Phoenix, $46,860.
Ray & Wayne Vanosdell, Cashion, $46,623.
Kenly Farms, Phoenix, $46,535.
Jerome Thompson, Dateland, $46,511.
Ed Post Realty, Phoenix, $45,796.
Reed J. Kerby, Chandler, $45,284.
Desert Carmel Dev, Casa Grande, $45,168.
Rudolph Johnson, Glendale, $45,084.
Queen C. R. Pot & Cold St. Co., Queen Creek, $44,806.
J. L. Woolf, Phoenix, $44,699.
John D. Hamilton, Chandler, $43,922.
Wallace Thelander, Tempe, $43,863.
Stanley McDaniel, Tolleson, $43,216.
W. H. Miller, Chandler, $42,734.
W. P. Haggard & Son, Laveen, $42,719.
Trimble Farms, Tempe, $42,701.
Germain H. Ball, Phoenix, $42,497.
G. K. Sasser, Phoenix, $42,004.
Litchfield Land & Dev. Co., Phoenix, $41,579.
H. W. Porterfield, Buckeye, $41,461.
Polly Getzurller, Casa Grande, $41,431.
Lehi B. Palmer, Mesa, $41,270.
J. A. & R. Blasdell, Litchfield Park, $40,780.
John Fornes, Buckeye, $39,369.
Versluis Ranches, Chandler, $38,901.
Hayden Farms, Inc., Buckeye, $38,780.
Richard Evans, Tempe, $38,238.
Gorden Cameron Estate, Buckeye, $37,993
R. R. Wood, Avondale, $37,763.
Jack Barnes, Chandler, $37,422.
West Valley, Stratford, $37,328.
Leo C. Smith Farms, Phoenix, $36,851.
Henry F. Backer, Chandler, $36,708.
Kempton & Snedigar, Tempe, $36,627.
O. E. McGinty, Buckeye, $36,091.
Grant Vaughn Ellsworth, Mesa, $35,984.
James Marioneaux Buckeye, $35,861.
C. H. Willis, Est., Chandler, $35,601.
Cheatham, Dairy, Inc., Laveen, $35,126.
Joe Bob Neely, Tempe, $34,700.
Robert L. Cook, Glendale, $34,630.
Kenneth R. Burnett, Glendale, $34,129.
Bartlett Heard Co., Phoenix, $33,803.
R. M. Hume, Tolleson, $33,540.
Chet John & Sons, Glendale, $33,455.
Jack Palmer, Chandler, $33,363.
Nichols Farms, Buckeye, $32,868.
Max Fuller, Chandler, $32,512.
Paradise Sheep Co., Phoenix, $32,252.
Howard & Ronald Henry, Buckeye, $32,228
Byron Patterson, Peoria, $32,216.
Fremon Coker, Jr., Buckeye, $31,704.
Marion I. Vance, Tempe, $31,694.
Howard Lydic, Peoria, $31,412.
Norman Knox, Chandler, $31,357.
Rainbow Ranches, Scottsdale, $31,298.
Lloyd Martin, Buckeye, $30,966.

Rala Singh, Glendale, $30,386.
Radius A. Hudson, Laveen, $30,168.
Delbert Beyer, Buckeye, $30,168.
Fisher Miller Hay & Dev. Co., Gilbert, $30,088.
Carl Mumme, Arlington, $29,954.
Espil Sheep Co., Litchfield Park, $29,634.
Gilbert Turner, Buckeye, $29,595.
William Wade, Goodyear, $29,513.
Robert Ellsworth, Queen Creek, $29,459.
A Lazy T Cattle Co., Arlington, $29,355.
Geo. & Myrtle Veit, Peoria, $29,232.
Otto B. Neely, Gilbert, $29,057.
Sanders Farms, Higley, $28,999.
Gary Feezor, Mesa, $28,986.
Jack M. Schnepf, Queen Creek, $28,932.
Sands Trading Co., Glendale, $28,909.
J. B. Hill, Buckeye, $28,681.
Wayne Weiler, Phoenix, $28,406.
L. M. Pace, Gilbert, $28,276.
Roach & Baker, Peoria, $27,815.
Richard Mayfield, Buckeye, $27,792.
James M. Shahan, Gilbert, $27,783.
Citrus Hts. Farms, Temple, $27,737.
Robert W. Edwards, Glendale, $27,654.
Centennial Farms, Delano, $27,105.
E. G. Rhodes, Avondale, $27,060.
Raymond Cook, Glendale, $26,993.
R. W. Cheatham, Laveen, $26,902.
John Tolmachoff, Glendale, $26,162.
Hugh L. Gieszl, Gilbert, $26,153.
Waddell Farms, Glendale, $25,851.
M. B. Sanders, Palo Verde, $25,774.
John D. Vance, Chandler, $25,741.
Alex & John Conovaloff, Tolleson, $25,578.
E. W. Hudson, Jr., Tempe, $25,482.
Richard Rogers, Tolleson, $25,163.
Emory J. Hurley Est., Phoenix, $25,070.
L. M. Conner, Glendale, $25,067.
Wayne Freeman, Mesa, $25,049.
W. T. Jarnagin, Sr., Avondale, $24,956.
John T. Sharritt, Phoenix, $24,891.
Melvin J. Curtis, Mesa, $24,823.
Kubelsky Est., Scottsdale, $24,808.
Ernest E. Hawes, Queen Creek ,$24,223.
Ohaco Sheep Co., Phx, $24,010.
Chris Peterson, Chandler, $23,797.
E. Garth Lamb, Gilbert, $23,593.
Donald L. Bissinger, Peoria, $23,152.
John James Anderson, Chandler, $23,033.
Sheep Spring Sheep Co., Mesa, $22,830.
J. A. Wood Co., Tolleson, $22,612.
Arthur E. Price, Chandler, $22,531.
S. W. Hansen, Buckeye, 22,431.
B. F. Youngker, Sr., Buckeye, $22,381.
Chas F. Youngker, Buckeye, $22,374.
Ben F. Youngker, Jr., Buckeye, $22,374.
John Butler & Son, Phoenix, $22,324.
Ivy Estate, Phx, $22,257.
Collier Schulke, Cashion, $22,173.
Bob Stump, Phoenix, $21,927.
George Pew, Mesa, $21,864.
Peterson Farms, Inc., Gilbert, $21,671.
The Taylor Co., Tolleson, $21,553.
F. A. Wilden, Goodyear, $21,535.
Bill R. Moore, Glendale, $21,530.
Russell Badley, Peoria, $21,269.
Milford Hutchison, Glendale, $21,220.
Aja Sheep Co., Buckeye, $21,193.
H. C. McGarity, Peoria, $21,050.
Ray Killian, Mesa, $20,857.
Tom Waddell, Glendale, $20,836.
Verl Peterson, Chandler, $20,636.
Ivan Rex, Avondale, $20,552.
Basilio Aja, Buckeye, $20,428.
Jerald Carpenter, Gilbert, $20,363.
Jackson Bogle, Chandler, $20,328.
Wayne A. Enloe, Chandler, $20,231.
John S. McDaniel, Tolleson, $20,204.
Geo. D. Ellingson, Tempe, $20,161.
Total payees in County (234), $14,167,866.

Mohave County

Eldon K. Parish, Mohave Valley, $58,667.

Pima County

BKW Farms Inc., Marana, $423,377.
John Kai, Marana, $189,505.
Growers Finance Gin, Marana, $167,543.
C & W Ranchers, Inc., Marana, $105,413.
J. Boyd White, Marana, $105,221.
Avra Land/Cattle Co., Tucson, $92,093.
David Anway, Marana, $81,272.
Ludd Payne, Marana, $72,628.
Dan W. Clarke, Tucson, $59,922.
Midvale Farm Co., Tucson, $59,842.
Gladden Farms, Marana, $55,906.
Harvey Davison, Eloy, $54,414.
Wallis Farms Inc., Marana, $53,592.
J. R. Norton Co., Glendale, $50,470.
Watson Farms, Marana, $50,413.
Buck Sam Chu, Marana, $44,189.
Pat Tucker, Jr., Marana, $41,201.
Woodrow Jarvis, Tucson, $41,124.
Evco Farms, Inc., Synd., Marana, $37,017.
James Kuen Wong, Marana, $34,164.
R. G. Buckelew, Tucson, $33,941.
E. C. Barnett, Marana, $33,493.
James B. White, Jr., Marana, $27,220.
Vessey Co. of Arizona, Inc., El Centro, Calif., $26,625.
Flying E Bar Cattle Co., Marana, $24,865.
Apex Farms, Inc., Synd., Marana, $24,345.
Calyco Farms, Inc., Marana, $22,755.
Edward Anway, Marana, $22,408.
H. W. Brittain, Marana, $22,086.
Silverbell Farms, Tucson, $21,890.
Iola Cady, Marana, $20,159.
Total payees in county (31), $2,099,03.

Pinal County

Kirby Hughes, Tucson, $797,428.
C & V Growers, Inc., Maricopa, $543,577.
Hamilton Farms, Eloy, $470,834.
Red River Land Co., Stanfield, $416,280.
Ak Chin Farms, Maricopa, $363,921.
John D. Singh, Casa Grande, $359,340.
Arizona Farming Co., Eloy, $315,460.
Bogle Farms, Inc., Chandler, $302,351.
Gila River Farms, Sacaton, $264,042.
L 4 Ranches, Inc., Queen Creek, $257,126.
Rancho Tierra Prieta, Eloy, $250,127.
Southdown McCarthy, Eloy, $223,020.
Talla Farms, Inc., Stanfield, $195,426.
W. T. Golston Farms, Stanfield, $188,923.
Thunderbird Farms, Phoenix, $175,361.
Sun Valley Growers, Inc., Phoenix, $171,893.
Greater Arizona Ranch, Inc., Arizona City, $170,357.
Finley Bros., Gilbert, $166,469.
Jack Ralston, Maricopa, $154,305.
Picacho Land & Cattle Co., Casa Grande, $152,635.
J. A. Roberts, Casa Grande, $147,359.
Raymond Schnepf, Queen Creek, $144,234.
R. P. Anderson, Coolidge, $142,973.
Wilbur Wuertz, Casa Grande, $139,346.
Isom & Isom, Casa Grande, $138,347.
Glenn Lane, Collidge, $137,098.
Marcus Vanderslice, Casa Grande, $128,846.
Dunn Farms, Maricopa, $125,942.
Duane Ellsworth, Chandler, $123,077.
Martin Talla, Stanfield, $122,307.
Empire Farms, Eloy, $113,524.
Peter J. Robertson, Coolidge, $108,298.
Combs & Clegg Ranchs, Inc., Queen Creek, $105,185.
L. Z. Farms, Inc., Casa Grande, $103,713.
Fred Enke, Casa Grande, $102,867.
Shumway Enterprises, Queen Creek, $102,458.
Independent Gin Co., Casa Grande, $99,831.
H. L. Holland, Coolidge, $95,559.
Chas. Urrea & Sons, Mesa, $94,839.
Couch Bros., Maricopa, $94,334.
Diwan Ranches, Inc., Casa Grande, $93,794.
C. J. & L. Farms, Stanfield, $90,069.
Arnold Hill, Chandler, $88,116.
Sunset Ranchs, Inc., Eloy, $87,874.
Anderson Palmisano Farms, Maricopa, $87,087.
El Dorado Ranch, Inc., Stanfield, $86,601.
Alex & Norman Pretzer, Eloy, $86,463.
M. & W. Farms, Inc., Coolidge, $82,041.
Dan C. Palmer, Coolidge, $80,310.
Robert D. Bechtel, Coolidge, $80,016.
C. Ray Robinson, Eloy, $79,930.
Rogers & Rogers, Eloy, $79,113.
P. S. Thompson, Eloy, $76,454.
A. C. T. Ranches. Inc., Eloy, $75,942.
John Smith, Maricopa, $75,425.
Frank W. Shedd, Jr., Eloy, $74,911.
Pinal Farms, Inc., Stanfield, $74,734.
John Dermer, Casa Grande, $74,438.
M. & S. Ranchs, Inc., Stanfield, $74,109.
Bottleneck Farms, Stanfield, $71,275.
Robert W. Brooks, Queen Creek, $71,223.
Howard Arthur Wuertz, Coolidge, $71,033.
Frank Abate, Maricopa, $69,901.
J. H. Farms, Coolidge, $69,886.
J. O. Burns, Eloy, $69,096.
Cameron Sides, Casa Grande, $69,065.
Margie L. Hanna, Coolidge, $68,955.
Era Mae Barnes, Chandler, $68,402.
P. W. Vensel, Coolidge, $67,706.
Rodney Kleck, Coolidge, $67,338.
Wm E. Foster, Casa Grande, $66,713.
Otice Self, Stanfield, $66,635.
K. K. Skousen, Chandler, $66,320.
Ernest McFarland, Royal Palms, $65,638.
Marathon Farms, Casa Grande, $65,430.
Maricopa Growers Gin, Maricopa, $65,382.
Merlin Hamilton, Florence, $65,251.
Tolby & Boulais, Tolleson, $65,123.
Noel E. Martin, Casa Grande, $64,725.
McFarland & Hanson Rnchs, Coolidge, $63,625.
Buckshot Farms, Inc., Stanfield, $63,493.
Brown & Hurt, Casa Grande, $62,175.
England & England, Coolidge, $60,789.
Paul Ollerton, Casa Grande, $60,692.
Daley & Bogle, Casa Grande, $60,554.
J. R. & Velma Urton, Coolidge, $60,369.
Rex Neely Trst, Chandler, $60,356.
CSC Farms, Inc., Florence, $59,411.
D. H. Cole & Son, Coolidge, $58,512.
R. W. Neely, Florence, $58,360.
Jack Nichols Est., Maricopa, $58,007.
C&A Equipment Co., Casa Grande, $56,860.
Phil Taber, Casa Grande, $56,819.
Bianco Bros., Casa Grande, $56,508.
Buford Gladden, Casa Grande, $56,238.
J. B. Johnston, Phoenix, $56,185.
Koenig Aviation, Inc., Casa Grande, $55,405.
Harold L. Earley, Sr., Casa Grande, $54,542.
Earl Lane Estate, Stanfield, $53,970.
Clifford Hess, Casa Grande, $53,046.
Sunshine Valley Rnchs., Eloy, $52,863.
Max Nichols Farms, Casa Grande, $51,926.
Richard Cruz, Coolidge, $51,878.
Chanan Singh Est., Casa Grande, $51,564.
Red Eye Farms Inc., Stanfield, $51,388.
Picacho Buttes Farms, Casa Grande, $50,547.
Bartlett Farms, Inc., Coolidge, $49,812.
Korisen & Korisen, Stanfield, $49,790.
Elsberry & Nowell, Coolidge, $49,549.
W. D. Storie, Maricopa, $49,207.
Florence Farms Inc., Coolidge, $49,123.
H. D. Conner, Peoria, $48,907.
Clyde Lane, McAllister, $48,837.
Paul Pearce, So. Eloy, $48,773.
C. P. Honeycutt, Maricopa, $48,707.
C. W. England, Florence, $48,205.
Grant E. Peterson, Coolidge, $48,110.
Dr. P. F. Hartman, Maricopa, $47,789.
Desert Growers, Inc., Queen Creek, $47,710.
Jack Crain, Casa Grande, $47,014.
Barbara Earley, Casa Grande, $46,282.
Herman & Carl Myers, Casa Grande, $46,147.
Robert Ellsworth, Queen Creek, $46,127.
Delbert Lewis, Florence, $45,820.
Avra Plantations, Inc., Marana, $45,443.
Robert A. Taylor, Florence, $45,132.
Santa Cruz Farms, Inc., Eloy, $44,988.
Eloie Farms, Inc., Tucson, $44,110.
W. A. Ladd, Randolph, $43,064.
Howell Wadsworth, Casa Grande, $43,048.
Jim Pate, Casa Grande, $42,395.
Aulton S. Harris, Stanfield, $42,227.
Patrick Talla, Stanfield, $42,091.
Warren E. Cox, Eloy, $42,069.
W. & J. Farms, Stanfield, $42,052.
Roger Goff, Casa Grande, $41,424.
C. L. Skousen & Son, Coolidge, $41,366.
Robert M. Davis, Casa Grande, $41,144.
Carlton Farms, Inc., Casa Grande, $41,091.
Rio Bravo Ranches, Inc., Stanfield, $40,736.
Agnes K. Beggs, Casa Grande, $39,921.
Debb Stephens, Casa Grande, $39,862.
R. F. Cunningham, Coolidge, $39,393.

Luis Flores, Arizona City, $39,368.
H. L. Kendrick, Eloy, $39,137.
Larry R. Scott, Arizona City, $38,991.
S. C. McFarland, Coolidge, $38,984.
Claude H. Evans, Casa Grande, $38,889.
James K. Henness, Casa Grande, $38,877.
Sheba I. Macey, Scottsdale, $38,275.
C. B. Shiflet, Coolidge, $37,915.
Leonard Anderson, Casa Grande, $37,668.
Irene McCown Waugh, Casa Grande, $37,447.
Fred R. North, Eloy, $37,315.
Thayer A. White, Red Rock, $37,257.
Echeverria Feeding Co., Casa Grande, $37,179.
Wootan & Casey, Eloy, $36,711.
Stanley Ellis, Coolidge, $36,685.
Black Land Farms, Inc., Eloy, $36,271.
Kortsen Bros., Stanfield, $35,902.
Wayne Ray, Casa Grande, $35,854.
Parke Gilbert DBA Elaine Farms, Casa Grande, $35,687.
Tracy Hutchins, Casa Grande, $35,668.
Bill Warren, Eloy, $35,657.
Paul Deconinck, Maricopa, $35,347.
Norman Hagen, Eloy, $35,342.
Do Bar Farms, Casa Grande, $35,189.
Mickey A. Clark, Florence, $34,778.
Veco Ranches, Inc., Tolleson, $34,495.
Duncan Butler, Casa Grande, $34,350.
F. O. Barnes, Coolidge, $34,252.
Mrs. Dale Combs Queen Creek, $33,987.
Guy Gilbert Farms, Casa Grande, $33,482.
Wales Farms, Inc., Queen Creek, $33,361.
Wales Ranches, Inc., Queen Creek, $33,361.
Ben Scott Est., Coolidge, $33,354.
Hamilton Farms, Inc., Chandler, $33,259.
Storey Ranches, Inc., Casa Grande, $33,194.
David Pretzer, Eloy, $32,991.
Raymond Ford, Coolidge, $32,885.
James Condon, Jr., Stanfield, $32,280.
Ronald Miller, Maricopa, $31,403.
M. C. Montgomery, Scottsdale, $30,968.
Marie White, Eloy, $30,933.
MH Montgomery Est., Scottsdale, $30,722.
Jay Wilson, Casa Grande, $30,515.
Louis L. Johnson, Stanfield, $30,305.
Harlan Russell, Casa Grande, $30,266.
R. C. Goree, Coolidge, $30,134.
Janie Poonian, Yuba City, $30,044.
R. B. Elsberry, Coolidge, $29,789.
John W. Quaid, Tucson, $29,728.
G. Robert Ralston, Stanfield, $29,683.
Richard La Paglia, Coolidge, $29,681.
Richard M. Daley, Casa Grande, $29,109.
Manterola Trust, Casa Grande, $28,929.
Thomas M. Carlton, Casa Grande, $28,586.
R. W. Tripp, Coolidge, $28,005.
Emmett Jobe, Jr., Chandler, $27,794.
Carl Tomkinson, Casa Grande, $27,731.
Wesley D. Hood, Coolidge, $27,675.
John Payne, Florence, $27,645.
Emmett Jobe, Chandler, $27,237.
Edward J. Farrell, Maricopa, $27,195.
J. E. Robinette, Casa Grande, $26,791.
James K. Pew Farms, Queen Creek, $26,779.
Anco Dist., Casa Grande, $26,754.
H. H. Hanna, Casa Grande, $26,441.
Chester Ethington, Casa Grande, $26,157.
E. L. Farms, Inc., Stanfield, $26,061.
Santa Cruz Ent., Inc., Eloy, $25,981.
Edward C. Pratt, Maricopa, $25,939.
Edward, Nevitt, Queen Creek, $25,879.
Virgil Chandler, Chandler, $25,466.
Walter Gantzel, Queen Creek, $24,935.
Don D. Trekell, Casa Grande, $24,467.
Mutual Farms, Inc., Eloy, $24,410.
Philip C. Hanson, Coolidge, $24,384.
Lynn Morrill, Casa Grande, $24,375.
Mitchell Maddock, Florence, $24,057.
R. S. Dixon, Sr., Coolidge, $23,902.
Ellsworth & Kortsen, Stanfield, $23,733.
Earl E. Chandler, Florence, $23,687.
Charles E. Wright, Eloy, $23,477.
Woodman Moore, Coolidge, $23,015.
Paul E. Sexton, Coolidge, $23,015.
Alvin T. Ethington, Casa Grande, $22,830.
Cross Mtn Sheep Co., Casa Grande, $22,429.
Arthur J. Faul, Coolidge, $22,389.
Austin Weddle, Eloy, $21,954.
M. W. Neely, Florence, $21,576.
S. T. Pottebaum, Casa Grande, $21,495.
J. W. Blake, Scottsdale, $21,287.
D. & D. Farms, Inc., Queen Creek, $21,206.
Frank Graham, Coolidge, $21,177.
Robert Barnes, Casa Grande, $21,098.
J. M. Self, Jr., Casa Grande, $21,018.
Paul J. Prechel, Coolidge, $20,897.
H. L. Tom Earley, Jr., Chandler, $20,143.
Total payees in county (240), $17,334,523.

Yuma County

Barkley Co. of Ariz., Somerton, $364,269.
Bruce Church, Inc., Yuma, $307,668.
Desert Ginning, Blythe, Cal., $199,404.
Ben Simmons, Parker, $176,856.
Arthur Blohm Wellton, $161,035.
Sherrill Lafollette, Phoenix, $155,558.
Texas Hill Farms, Yuma, $147,868.
Glen Holt, Parker, $141,218.
Oral Hunter, Salome, $136,715.
W. J. Scott, Yuma, $133,406.
D. M. Brown, Phoenix, $111,510.
Earl Hughes, Gadsen, $126,756.
Woods Co., Yuma, $111,150.
Jr. & J. W. Cullison, Wellton, $103,150.
Mauldin Mauldin, Yuma, $99,777.
Winston Farms, Parker, $98,328.
C. M. S. Farming Co., Phoenix, $87,262.
Dunn Farms, Yuma, $85,799.
California Sturges Gin Co., Yuma, $84,190.
Fred Nussbaumer, Wellton, $79,501.
J. W. Olberg Cattle Co., Yuma, $78,411.
Arizona Western Ranches, Inc., Bouse, $77,539.
Stanley Snitzer, Phoenix, $76,889.
M. E. Lee, Somerton, $76,737.
Wenden Farming Co., Salome, $65,988.
M. and V. Farms, Ehrenberg, $64,820.
Wm. M. Harrison, Yuma, $64,406.
O. K. Weeks and Son, Somerton, $64,109.
J. W. Olberg and Son, Yuma, $63,918.
Clayton Farms, Ehrenberg, $62,530.
S. H. Sturges, Yuma, $60,256.
Cuming and Sons, Somerton, $60,049.
Peters & Nall, Blythe, Cal., $58,155.
Ferguson and Sons, Yuma, $56,429.
Clyde Curry, Somerton, $55,495.
Robert Cockrill, Phoenix, $54,756.
Maricopa Dust Spray, Maricopa, $51,443.
Wide River Fms, Casa Grande, $51,245.
C and V Growers, Inc., Maricopa, $49,215.
Chrismer Farms, Parker, $49,199.
T. W. Williams, Yuma, $49,163.
Hoffman Enterprises, Roll, $48,485.
Thom Blohm, Wellton, $48,322.
W. M. Wootton, Wellton, $48,105.
Henry Leivas, Poston, $46,981.
Wm. Thacker, Yuma, $45,481.
Pete Pasquinelli, Yuma, $43,943.
Cuming Farms, Inc., Somerton, $43,080.
C. L. Stephens, Dateland, $42,126.
Keller Farms, Salome, $40,871.
Jack Studer, Parker, $49,852.
Oscar Walls, Wellton, $39,563.
Mcelhaney Farms, Wellton, $38,022.
Don Andersen, Wenden, $37,752.
Tom Powell, Roll, $36,856.
Manuel Romo, Parker, $36,820.
L. W. Simmons, Parker, $35,711.
Mark and Howard Moore, Yuma, $35,045.
Louie Kehl, Yuma, $34,075.
A. C. Cockrill, Eloy, $33,135.
George Silva, Yuma, $32,705.
Gunther & Shirley, Yuma, $32,366.
Clarence Phillips, Yuma, $31,682.
Moenk Fletcher, Wellton, $31,616.
Larry Wisby, Roll, $31,546.
Phil and H. D. Sibley, Somerton, $31,505.
Marion Griffin, Somerton, $29,455.
Robert Woodhouse, Roll, $28,981.
Glen Sturges, Roll, $28,061.
Burnis, Williams, Yuma, $27,741.
Dillard Engler, Yuma, $26,979.
S. E. Musgrove, Somerton, $25,809.
John and Jud Ott, Yuma, $25,733.
Mike Martinez, Jr., Parker, $25,595.
Ben Matthews, Salome, $25,394.
D. S. Brosie, Wellton, $25,225.
Jon Nickerson, Wellton, $24,116.
Bill Alcaida, Parker, $23,805.
Jack Ramsey, Yuma, $22,551.
J. L. Heard, P.O. Box 4578, Yuma, $21,820.
Jim Naquin, P.O. Box 28, Roll, $21,801.
Lee Consaul Co., Box 751, Yuma, $21,223.
S. and W. Ranches, Box 1590, Yuma, $21,204.
J. L. Breech, R.R. 1, Box 665, Yuma, $20,726.
D. S. Phillips, 2410 4th St., Yuma, $20,699.
L. A. Johnson, Somerton, $20,621.
Total payees in county (86), $5,655,356.
Total payees in State (658), $41,838,240.

ARKANSAS

Ashley County

Gus Pugh Sons, Inc., Portland, $104,281.
W. W. & Earl Cochran, Portland, $74,429.
Bobby Foster, Wilmot, $52,278.
Billy E. Scroggins, Parkdale, $46,811.
William B. Deyampert, Wilmot, $46,436.
Kenneth Rice Farms Inc., Montrose, $46,238.
Victor Edwards, Montrose, $44,444.
Jim Young Farms Inc., Portland, $43,080.
R. E. Lee, Montrose, $42,204.
Jack Edwards Inc., Montrose, $38,602.
E. D. Gregory Company, Parkdale, $38,562.
CRC Lynn Inc., Montrose, $37,969.
W. C. Streeter, Montrose, $37,957.
Guy Botsford Inc., Portland, $37,801.
Kimball Estate, Little Rock, $37,371.
James H. Gay, Portland, $35,884.
Charles E. Bridewell, Montrose, $34,794.
Edith Robinson & Martha Rye, England, $33,225.
John B. Currie, Wilmot, $33,174.
Norsworthy & Moyers, Portland, $31,590.
John H. Ralph, Parkdale, $31,196.
Bill Gibbs, Portland, $31,074.
Leroy Haynes, Wilmot, $30,023.
Austin Bordeaux, Wilmot, $28,428.
B. E. Fisher, Portland, $27,449.
William P. Holland, Portland, $25,819.
William L. Johnson, Wilmot, $25,562.
W. W. & L. M. Brooks, Montrose, $25,373.
Frances D. Wilson, Montrose, $22,943.
W. T. Files, Parkdale, $22,103.
James Baugh, Boydell, $21,943.
Ray Maglothin, Montrose, $21,859.
Madison Gilliam, Portland, $21,758.
Fisher Farms Inc., Portland, $21,538.
Henry S. Morschheimer, Parkdale, $20,651.
John W. Spivey, Hamburg, $20,176.
Total payees in county (36) $1,295,025.

Chicot County

Handley & Dunavant, Greenville, $67,959.
Keith Brothers, Lake Village, $62,306.
Jimmy R. Pylate, Eudora, $54,617.
Rosamond Carpenter, Lake Village, $49,261.
B. & V. Pieroni, Lake Village, $39,579.
T. P. Borgognoni, Lake Village, $39,393.
Oscar L. Crowe, Greenville, $37,632.
Yellow Bayou Plt. Inc., Lake Village, $37,528.
Don Pylate, Eudora, $35,907.
W. R. Smith, Lake Village, $32,977.
W. T. Dixon, Eudora, $32,586.
Alvin Ford, Sr., Lake Village, $32,517.
Fred Woodall, Eudora, $30,718.
Ray Black, Lake Village, $30,342.
A. S. Rocconi, Lake Village, $29,746.
Woodson B. Hays, Eudora, $27,138.
A. C. Mazzanti, Lake Village, $26,745.
Burchfield Farms Inc., Lake Village, $26,519.
W. B. Bynum Cooperage Co. Inc., Dermott, $26,310.
Jerry G. Clark, Lake Village, $26,254.
Jerry Ford, Lake Village, $26,000.
Harper Bros., Eudora, $25,542.
W. J. Allums, Eudora, $25,500.
A. G. Rocconi, Lake Village, $25,191.
Ed Lawler, Lake Village, $24,537.
J. H. Hall Farms Inc., Readland, $23,670.
Charles D. Crawford, Eudora, $23,229.
Gillison Brothers, Lake Village, $22,822.
Dawson Brothers, Eudora, $21,419.
Sam Epstein Est., Lake Village, $20,644.
Total payees in county (30), $984,588.

Clark County

Sewel Daniell, Arkadelphia, $26,745.

Craighead County

Aubrey Wood, Caraway, $33,027.
Paul Owens, Lake City, $29,380.
Albert Johnston, Jonesboro, $28,127.
Dudley Brothers, Monette, $25,967.
Herbert Wood, Caraway, $24,747.
George C. Robertson, Jr., Caraway, $24,561.
Larry Burns, Jonesboro, $24,556.
H. V. Holden, Lake City, $24,154.
Gipson Bros., Monette, $28,715.
Virgil Booth, Caraway, $22,291.
Jack Zook, Monette, $21,725.
C and C Farms, Inc., Bay, $21,557.
T. W. Norwood, Trumann, $21,074.
Ray Cooley, Brookland, $20,430.
Gibson & Stewart, Lake City, $20,217.
Total payees in county (15) $365,528.

Crittenden County

Bloodworth & English Farms, Crawfordsville, $158,729.
Jack W. Ray, Crawfordsville, $137,906.
Carlson Brothers, Marion, $131,604.
Rodgers Bros., West Memphis, $127,297.
Bruins Plng Co., Hughes, $120,240.
N. S. Garrott & Sons, Proctor, $103,938.
M. K. & J. F. Rieves, Jr., Marion, $102,414.
Bond Pltg Co., Clarkedale, $99,987.
Pirani & Sons, Turrell, $92,339.
Pacco Inc., Turrell, $91,161.
J. F. Twist Plantation, Twist, $89,483.
A. Angeletti Inc., Crawfordsville, $88,215.
Allen B. Helms, Clarkedale, $74,729.
Lake Plantation, Hughes, $71,674.
E. H. Clarke & Co., Hughes, $70,993.
Alpe Farms Inc., Crawfordsville, $70,615.
Mallory Farms, Chatfield, $69,322.
Richland Plan, Inc., Hughes, $60,241.
Ray D. Ross, Gilmore, $57,485.
Middle Place Inc., Hughes, $57,035.
D & J Inc., Crawfordsville, $55,827.
Oliver Bros., Proctor, $54,431.
Morrison Bros., Earle, $53,420.
Nickey Eason Pltn., Stuttgart, $51,187.
William B. Rhodes Co., Marion, $50,146.
Charles S. Riggan, West Memphis, $49,998.
Handley Farms, West Memphis, $49,117.
Milton Lubin, Turrell, $48,767.
Carter Planting Co., Clarkedale, $48,392.
Bernard Farms, Earle, $47,465.
Sulcer Planting Company Inc., Marion, $46,864.
Ragland Plant Inc., Hughes, $46,686.
James W. Young, Jr., Crawfordsville, $46,520.
Joe Rodgers, West Memphis, $45,472.
Julian L. Hardin, Marion, $44,803.
Wapanocca Planting Co., Clarkedale, $43,006.
Fogleman & Son, Marion, $41,857.
O'Neal & Son Inc., Crawfordsville, $41,420.
Nugenco Inc., Turrell, $40,244.
John M. Swepston, Crawfordsville, $39,293.
F. H. Griffin, Clarkedale, $38,134.
F. G. Barton Cotton Co., Memphis, $37,706.
Johnny Greer, Earle, $37,224.
S & W Farms Inc., Blytheville, $37,104.
Beuford J. Wallace, Crawfordsville, $36,613.
H. P. Sisk, Parkin, $35,745.
Don Bell, West Memphis, $35,557.
Rembert & Miller Farms, Hulbert, $35,207.
E. J. Barham, Jr., Earle, $35,136.
Hester Parker, Marked Tree, $34,996.
Pirani Brothers, Marion, $34,696.
Dan Springfield, Jr., Crawfordsville, $33,373.
Bollinger Bros., Hulbert, $32,228.
Adolphi Pirani, Marion, $31,727.
Cupples Bros., Proctor, $31,405.
E. P. Rainey & Sons, Tyronza, $31,300.
Sammy Hatley, Marked Tree, $31,232.
Alton Grant Farms, Turrell, $30,287.
E. M. Ott, Crawfordsville, $29,034.
L. C. Smith, Hughes, $28,907.
L. G. Byford, Proctor, $28,587.
C. B. Britton, Crawfordsville, $28,378.
B. P. Kelley, Parkin, $28,211.
J. L. Currie, Crawfordsville, $28,112.
Aldo Marconi, Crawfordsville, $27,389.
C. L. Eubanks & Sons, Proctor, $27,301.
Cage Farm, Turrell, $27,286.
H. E. & Billy R Cupples, Hughes, $27,137.
E. J. Baker, Jr., Turrell, $26,990.
Earl White, Earle, $26,812.
Sam Crowder, Memphis, $26,466.
Vernon Felker, Crawfordsville, $26,005.
Olga S. McNeely, West Memphis, $24,631.
Joe Currie, Marion, $24,261.
James R. Stockley, Marion, $24,126.
Henry Craft, Memphis, $23,012.
Primo Baioni, Marion, $22,984.
Julia B. Goodwin, Marion, $22,874.
L. D. Marcellini, West Memphis, $22,675.
Howard Atkins, Earle, $22,486.
Joe E. Looney, Proctor, $22,398.
Charles L. Williams, Marion, $22,138.
Billy Jack Looney, Proctor, $21,309.
Bruce Scifres Co., Turrell, $21,221.
T. Lester Holmes, Turrell, $20,981.
Joe & Willie Bramucci, Earle, $20,393.
C. Minnis Sr. & Son, Edmondson, $20,198.
Manuel T. Sharp, Crawfordsville, $20,160.
Robert A. Caldwell, Proctor, $20,117.
Total payees in county (89), $4,202,571.

Cross County

McKnight Farms, Parkin, $83,238.
John H. Johnston, Wynne, $51,481.
W. M. Smith & Sons, Birdeye, $45,960.
Paul and Beene, Parkin, $44,148.
Twist Grain Co., Twist, $40,983.
Cherry Farms, Parkin, $39,761.
Ruston Farms, Parkin, $37,847.
Gene Thompson, Parkin, $36,080.
Abner Clements, Cherry Valley, $33,317.
R. W. Byrd, Parkin, $32,750.
Ira F. Twist, Twist, $32,446.
Paul McCutchen, Parkin, $30,528.
Leslie Nix, Wynne, $29,687.
Hugh B. Proctor, Jr., Parkin, $29,522.
Gordon Morris, Parkin, $28,192.
Richard Twist, Earle, $27,841.
S. A. Atkinson, Parkin, $25,126.
Twist Parkin Co., Earle, $25,093.
Wallace Martin Inc., Parkin, $22,630.
John A. Brenner, Parkin, $22,527.
Bill Rucker, Parkin, $20,949.
Jimmy Wilkins, Parkin, $20,767.
Total payees in county (22)

Dallas County

Benny Taylor, Sparkman, $23,686.

Desha County

R. A. Pickins & Son Co., Pickens, $246,049.
Stimson Veneer & Lbr. Trust, Dumas, $62,792.
Reedville Farms, Dumas, $44,389.
P. W. Teeter & Sons Co., Tillar, $41,255.
Bickham Bros., Tillar, $33,637.
Brooks Griffin, Elaine, $32,006.
Cox Bros. & Sons, Watson, $31,413.
Clay Cross, Pdlt Route, Dumas, $29,342.
Holt Holt & Roddy, Snow Lake, $28,484.
Gary Michael Roberts, 301 S. John, Dumas, $28,241.
Edgar Norris, Dumas, $27,831.
Desha Farms, Inc., RR3, Elaine, $27,660.
Baxter Land Co., Dermott, $26,567.
Clifton L. Meador, Dumas, $24,874.
L. L. Boyette, Tyro Route, Dumas, $24,078.
Charles Raymond Day, Box 276, McGehee, $23,805.
Martin Wood, Bx 34, Snow Lake, $23,629.
J. L. Britt, Snow Lake, $23,609.
M. L. Walt, 305 Adams, Dumas, $22,559.
T. J. New & Houston Lick, RR 1, McGehee, $22,440.
H. G. Leek, Jr., RR 2, Tillar, $22,000.
Cloyce B. Stevens, RR 1, Tillar, $21,558.
Dilbeck & Dilbeck, RR 1, McGehee, $21,532.
Cecil Tucker, Rohwer, $21,488.
Stimson Katterhenry Trust, Dumas, $21,306.
Chas. Dante & Son, Dumas, $21,304.
Leroy Johnson, Box 505, Elaine, $21,294.
Joe Cingolani, RR 1, Bx, 18A, McGehee, $21,126.
Cecil Wagner, Dumas, $20,649.
William Lamar Day, Tillar, $20,095.
Sims Bros., McGehee, $20,016.
Total (31 payees in county), $1,057,028.

Drew County

R. C. Greenway and Virgil Greenway, Jerome, $43,337.
John Arnn & Son, Dermott, $43,210.
Carl Pamplin, Portland, $42,920.
William Bulloch, Dermott, $32,881.
Bilgischer and Sponer, Dermott, $31,298.
H. P. Peacock and John Staudinger, Winchester, $26,134.
Tillar Livestock Co., Tillar, $25,415.
Charles S. Holloway, Winchester, $24,553.
E. R. Lambert, Jr., Pine Bluff, $24,217.
Donald M. Bulloch, Dermott, $24,163.
Curtis Lagrone, Dermott, $23,483.
William W. Gooch, Dumas, $23,402.
Total (12 payees in county), $365,013.

Faulkner County

J. W. Brown, Jr., Conway, $31,252.

Jackson County

Doyle and Wilmans Ptnrs., Diaz, $74,240.
Burton Merc. & Gin Co., Beedeville, $43,307.
Bell & Carson, Newport, $29,488.
Rock Island Planting Co., Newport, $27,202.
R. D. Wilmans & Sons Co., Diaz, $26,996.
Lindsey Nicholson, Diaz, $25,805.
O. R. Roden, Inc., Newport, $25,453.
Mack Bros., Inc., Newport, $25,018.
Village Creek Planting Co., Newport, $22,092.
J. D. Nicholson, Newport, $21,481.
Total (10 payees in county), $321,082.

Jefferson County

Arkansas State Penal Farm, Grady, $127,870.
Cornerstone Farm & Gin Co., Pine Bluff, $108,370.
Elms Planting Corporation, Altheimer, $79,712.
D. Stratton, Inc., Pine Bluff, $70,540.
B. N. Word Co., Inc., Altheimer, $60,343.
Pipkin Farm, Sherrill, $51,640.
Peek Planting Co., England, $50,583.
Richland Planting Company, Moscow, $50,415.
Lake Dick Elms Farming Co., Altheimer, $50,098.
Stillwater Farming Co., Inc., Altheimer, $48,780.
Hudgens Jeter, Altheimer, $48,769.
Jimmy Blair, Sherrill, $44,223.
Delton Edward Stratton, Pine Bluff, $43,545.
W. A. Albright, Sherrill, $41,285.
James Terkeurst, Pine Bluff, $40,597.
S. R. Baugh, Star City, $40,309.
Archer Farm, Wright, $39,830.
Earl Chadick & Sons, Sherrill, $39,153.
Lyons Planting Co., Inc., Altheimer, $38,225.
Parker Springer Pltg. Co., Pine Bluff, $37,915.
A. C. Hunter, Sherrill, $37,481.
W. W. West Company, Wabbaseka, $36,450.
New Gascony Elms Farming Co., Altheimer, $36,351.
Clarence Dutton & Son, Grady, $36,224.
Lester Carter, Pine Bluff, $34,118.
Twin River Farm, Newport, $33,368.
Richardson Elms Farming Co., Altheimer, $33,043.
Oscar Homer Jones, Jr., Wabbaseka, $31,113.
John Briggs, Jr., Stuttgart, $30,833.
Fish Lake Farms, Pine Bluff, $30,679.
Chambliss Farms, Pine Bluff, $30,418.
Collins A. Andrews, Jr., Pine Bluff, $29,238.
E. L. Burgess Est., Sherrill, $28,872.
R. E. Watkins, Altheimer, $28,842.
L. L. Dutton & Son, Moscow, $28,600.
Noble Lk. Pltg. Co., Inc., Pine Bluff, $27,245.
R. L. Bruton, Sherrill, $26,854.
Faver Brothers, Altheimer, $26,357.
Earle T. Phillips, Pine Bluff, $26,037.
Bobby Jones, Coy, $25,991.
Thomas O. Murchison, Jr., Coy, $25,969.
Jesse Page Walt, Altheimer, $25,926.
R. E. Watkins, Jr., Altheimer, $24,662.
Sam Luckie, Reydel, $24,582.
Lynch Brothers, Wabbaseka, $24,104.
M. A. Rose & Sons Inc., Altheimer, $23,941.
Thomas D. Dial, Pine Bluff, $23,936.
Collier, McAlexander, McCrory, $23,922.

Rob Roy Plantation Inc., Little Rock, $23,727.
L. W. Francis, Pine Bluff, $23,654.
Frank H. Lyons, Jr., Altheimer, $23,609.
Earl H. Jr., and Nonie Clemmons, Tamo, $23,498.
Morris Allred, Pine Bluff, $23,410.
Dan Fratesi & Son, Pine Bluff, $22,953.
Lyons Farms Inc., England, $22,715.
Stone Planting Co., Inc., Altheimer, $22,344.
L. J. Rogers Inc., Tucker, $22,076.
Gray Farms Inc,, Altheimer, $21,655.
J. L. Burgess III, Coy, $20,795.
Kenny Mitchell Bonds, Moscow, $20,692.
R. S. Barnett, Jr., Altheimer, $20,503.
Jim Ruggeri, Pine Bluff, $20,480.
Paul Blackwell, Altheimer, $20,462.
Eugene M. Rice, England, $20,228.
Elmos Johnson, Wabbaseka, $20,081.
Total payees in county (65), $2,300,240.

Lafayette County

Lawrence E. Taylor, Bradley, $60,064.
Andrew Whisenhunt, Bradley, $50,365.
Troyce E. Endsley, Bradley, $47,546.
William L. Goza, Lewisville, $47,063.
Carl Adams, Jr., Bradley, $40,995.
James R. Murphy, Bradley, $35,582.
J. G. Allen, Jr., Bradley, $34,178.
Mickey Walding, Bradley, $32,421.
Moore Properties Inc., Lewisville, $26,686.
Horace M. Burks, Bradley, $25,549.
Total payees in county (10), $400,449.

Lee County

Robert May, Brickeys, $94,918.
H. T. Dillahunty & Sons, Hughes, $88,120.
Sweet Brothers, Widener, $86,495.
Sherman Brothers, Brickeys, $58,869.
Buster Allen, Marianna, $57,779.
Barker Farms, Inc., Marianna, $54,260.
Dan Felton & Co., Marianna, $51,365.
Earl Stiles, Jr., Marianna, $51,212.
Miller Farms, Inc., Marianna, $46,483.
Elmwood Plantation, Inc., Hughes, $42,631.
C. M. Cooke, Brickeys, $41,645.
McGinnis Bros. Farms, Inc., Marianna, $40,094.
Eldon Reed, Marianna, $38,806.
C. E. Yancey & Sons, Marianna, $38,487.
Dick Ed Thomas, Marianna, $37,887.
Lindsey Farms, Inc., Marianna, $36,841.
Mann Farms, Inc., Marianna, $34,401.
W. E. Stiles, Marianna, $33,699.
Sisk Farms, Inc., Marianna, $30,576.
Jerry P. Hicky, Marianna, $28,121.
Ellis Evans, Marianna, $27,666.
Parten Farms, Inc., Marianna, $27,484.
Stanfield & Barber, Brickeys, $27,109.
Lawson Hughes, Forrest City, $26,592.
George L. Ballard, Marianna, $26,449.
J. E. Ivy, Marianna, $25,343.
Wooten Brothers, Lexa, $25,125.
Milon Mitchell, Brickeys, $24,805.
Ed Whitehead, Marianna, $22,331.
Jones Farms, Inc., Marianna, $21,528.
E. W. Reynolds, Marianna, $21,360.
Alton Weeks, Forrest City, $20,075.
Total payees in county (32) $1,288,556.

Lincoln County

H. R. Wood & Son Inc., Grady, $60,955.
Frizzell Farms Inc., Star City, $59,983.
N. M. Ryall & Sons Inc., Star City, $55,717.
Marion F. Baugh, Star City, $51,148.
C. H. Clowers & Co., Star City, $43,676.
J. L. McEntire & Sons, Inc., Pine Bluff, $38,679.
Harry D. Fratesi, Gould, $35,036.
Bruce Norton, Pine Bluff, $35,010.
Richard Jones, Gould, $31,251.
Wood Brothers, Gould, $30,720.
Boscoe Blagg, Dumas, $26,861.
W. H. Venable, Grady, $25,140.
Knox W. Bitely, Gould, $24,855.
Johnson Brothers, Star City, $24,515.
Branson Brothers, Dumas, $24,293.
Knight Brothers, Gould, $23,059.
B. F. McGraw, Star City, $22,662.
K. Berzent Blagg, Dumas, $22,622.
Roy Baugh, Star City, $22,246.
Virgil Jones, Gould, $21,013.
Robert Venable, Grady, $20,562.
Jerry Price, Gould, $20,001.
Total payees in county (22), $720,004.

Little River County

E. C. Lavoice and Sons, Foreman, $31,559.
McGraw Brothers, Ashdown, $23,644.
Total payees in county (2), $55,203.

Lonoke County

R. W. Morris, Keo, $57,664.
James W. Phillips, Keo, $53,759.
Albert Eugene Yarbrough, England, $49,871.
Floyd H. Turner, England, $48,703.
Basel Henderson, Coy, $42,917.
Sam McNeil, England, $42,431.
Robert L. Dortch Jr., Scott, $41,074.
James C. Rollins, England, $37,978.
Charles Capps, England, $37,677.
Odes Perry, England, $32,731.
Luchen Walls, Pine Bluff, $32,084.
Wm. J. Bevis, Scott, $31,630.
Jimmie H. Boggess, Coy, $31,313.
Bobby Gene Wright, Coy, $29,503.
Triangle Farms, Lonoke, $28,422.
Waylon B. Sims, Scott, $26,175.
James Workman, Scott, $24,209.
Turner C. Johnson, England, $23,816.
J. J. J. Cook, Lonoke, $23,233.
Jack H. Case, England, $23,105.
Luid Jones, Coy, $23,053.
Loranzy Goerge Crouthers, England, $23,019.
Morris F. Hallum, England, $22,196.
Rex Warren Capps, England, $20,965.
H. B. Hayley, Keo, $20,912.
Joy, Leon Hill, Lonoke, $20,440.
Hervey L. Patterson, England, $20,108.
Total payees in county (27), $868.988.

Miller County

Doyle Stevens, Garland, $37,618.
Price Plantation Inc., Garland, $35,155.
S. & S. Farm, Texarkana, $22,915.
Queen Plantation Inc., Perryville, $20,809.
Rufus F. Eaton, Fouke, $20,275.
Total payees in county (5), $136,772.

Miss County

Wesson Farms Inc., Victoria, $181,079.
Harold Senter, Wilson, $118,662.
Armorel Planting Co., Armorel, $112,954.
Ben Wood Farms, Joiner, 100,143.
Wilbur F. Johns Farms, Joiner, $97,683.
Lee Wilson and Co., Wilson, $95,846.
Midway, Farms Inc., Osceola, $94,078.
R. Creecy & T. Tate, Osceola, $88,126.
Clide Barnett, Keiser, $84,820.
C. J. Lowrance & Sons, Driver, $83,296.
R. D. Hughes, Blytheville, $83,207.
Jack Hale, Blytheville, $76,094.
Evadale Planting Co., Wilson, $75,737.
W. J. Denton EST., Wilson, $73,753.
Lowrance Bros & Co., Driver, $70,610.
Taylor Bros., Blytheville, $66,579.
C. B. Robinson, Osceola, $66,456.
Fairview Planting Co., Wilson, $62,082.
Stanall Farms, Wilson, $60,080.
Crosthwait Farms Inc., Osceola, $59,987.
Sullivan Bros., Burdette, $59,702.
W. T. Metzger, Jr., Blytheville, $59,338.
Charles W. Bowles, Osceola, $57,762.
Marie Planting Co., Wilson, $57,195.
Langston Gin Co., Luxora, $55,375.
R. J. Gillespie, Luxora, $54,979.
Charles Nick & Richard Rose, Roseland, $54,693.
M. J. Koehler, Dell, $53,252.
John A. Edrington, R.R. 2, Box 605, Osceola, $52,630.
B. C. Land Co., Leachville, $51,002.
Ira G. Ashley, R.R. 2, Box 310, Osceola, $50,922.
Charles R. Moore, R.R. 1, Luxora, $49,072.
A. E. Teaford, Luxora, $48,893.
John E. Crain, Jr., Wilson, $47,348.
Dan & Chester Caldwell, 1808 Westgate, Blytheville, $45,607.
Larry Woodard Farms Inc., Box 477, Lepanto, $43,764.
John M. Stevens, Jr., Dell, $43,387.
J. H. Felts and Sons, RR. 1, Joiner, $42,461.
Keiser Planting Co., Box 108, Keiser, $41,898.
Charles Robert Jackson, R.R. 2, Blytheville, $40,421.
John M. Speck, Frenchman's Bayou, $39,818.
R. E. L. Wilson Trust Luxora, Wilson, $39,232.
Nancy M. Trimue, Frenchman's Bayou, $39,051.
Speck Bros., Frenchman's Bayou, $38,764.
Clifford Gillespie, 611 W. Union, Osceola, $38,649.
Glen A. Cook, R.R. 4, Box 235, Blytheville, $38,221.
C. L. Denton, Jr., R.R. 1, Tyronza, $37,224.
Amon, Eugene Holt, R.R. 2, Manila, $37,106.
W. M. Taylor, Jr., R.R. 2, Osceola, $36,668.
Cullom Bros., R.R. 1, Wilson, $36,488.
Golden Lake Farms, Wilson, $35,578.
Ashmore Bros. & Brown, RR. 2, Box 177, Blytheville, $35,245.
James H. Woodard, R.R. 2, Box 290, Osceola, $33,767.
L. T. Dillard, Betty Lynn St., Osceola, $33,562.
Chiles Planting Co., Box 191, Joiner, $33,558.
Jacksonville Farms Inc., Box 188, Osceola, $33,556.
Joe Dilldine, R.R. 3, Box 104, Blytheville, $33,372.
Earl H. Wildy, R.R. 2, Leachville, $33,253.
Don Brinn, R.R. 3, Box 68, Blytheville, $32,750.
Bryce Grant, R.R. 1, Manila, $32,672.
Robert Gammill & Son, R.R. 1, Box 182, Tyronza, $32,344.
McGuire & Son, Blytheville, $32,140.
Allen Metheny, Etowah, $31,980.
Crosthwait Gin & Merc. Inc., Osceola, $31,868.
Mary Ann Gill, Osceola, $31,791.
Ralph Bros., Joiner, $31,703.
John W. West, Blytheville, $31,527.
A. A. Banks, Tyronza, $31,475.
E. H. Riley, Osceola, $31,417.
H. T. Bonds Sons Inc., Lepanto, $30,559.
Clarence Crosskno, Blytheville, $30,489.
K. D. Main, Dyess, $30,440.
Richard Cromer Farm, Osceola, $30,303.
Lee Wilson Estate, Wilson, $29,979.
Willis Stutts, Manila, $29,957.
J. E. Crain Est., Wilson, $29,879.
John B. Wilson, Joiner, $29,658.
Oliver Coppedge, Jr., Blytheville, $29,200.
Charles R. Haynes, Blytheville, $29,169.
Ray Harrison, Blytheville, $28,995.
W. R. Middleton, Osceola, $28,752.
W. J. Smith, Tyronza, $28,518.
Paul Long, Blytheville, $28,440.
Vaughn L. Shownes, Manila, $28,375.
Buford Jarrett, Keiser, $27,986.
Moreland B. White, Osceola, $27,977.
Clyde Whistle, Osceola, $27,825.
Charles Wildy, Osceola, $27,512.
Florenden Plantation, Luxora, $27,186.
E. A. Stacy, Dell, $26,997.
Rose & Hitt, Teachville, $26,958.
R. C. Branch, Sr. Estate, Osceola, $26,683.
Charles D. & Donald L. Baker, Luxora. $26,570.
William H. Wyatt, Blytheville, $26,193.
Kelley Entp. Inc., Lepanto, $25,925.
Blythe Clark, Frenchmans Bayou, $25,658
F. B. Crews, Osceola, $25,092.
J. L. Gurley, Blytheville, $25,072.
M. E. Little, Keiser, $25,020.
Russell & Freddie Battles, Steele, $25,009.
Charles E. Crigger III, Blytheville, $24,863.
V. S. Johnson, Leachville, $24,754.
Murray Richardson, Jr., Osceola, $24,699.
C. C. & Marvin Elliott, Blytheville, $24,617.
W. H. O'Keefe, Blytheville, $24,550.
Russell Simpson, Dell, $24,247.
Jimmie Davis, Osceola, $24,161.
Eddie Thomas, Black Oak, $24,135.
J. H. Smart, Blytheville, $23,944.
Virgil Stewart, Blytheville, $23,584.

Wrenacres, Inc., Wilson, $23,368.
Wilbur Wildy, Osceola, $23,291.
Alex Goble, Jr., Bassett, $23,189.
E. M. Regenold, Armorel, $23,124.
J. R. Whistle, Dell, $23,036.
O. F. Hall, Keiser, $23,020.
Henry Battle, Joiner, $23,016.
Blackcat Plantation, Inc., Osceola, $22,922.
Kingsland Plantation, Inc., Osceola $22,922.
Trice Battle, Osceola, $22,834.
Dunkin Farms, Manila, $22,782.
Arthur Tusing, Dell, $22,764.
J. Lynn Tranum, Driver, $22,728.
M. G. Smith, Lepanto, $22,671.
Lester B. Gill Trust, Dell, $22,621.
Gerald Costner, Manila, $22,476.
Lyman Henson, Blytheville, $22,357.
Ed Hardin, Dell, $22,123.
Eric Waddell, Armorel, $22,080.
Aubrey Robertson, Joiner, $22,079.
Brothers & Cole, Osceola, $21,948.
R. B. Holthouse, Osceola, $21,846.
Edrington Bros., Osceola, $21,758.
Cromer & Segraves, Osceloa, $21,596.
Gaston James, Wilson, $21,365.
George Stanford, Osceola, $21,179.
George W. Dillahunty, Blytheville, $21,177.
John H. Timmons, Blytheville, $21,122.
Jonny Creecy, Blytheville, $21,103.
John E. Gann, Blytheville, $21,043.
John Ellis, Wilson, $20,849.
Gurley Bros., Blytheville, $20,795.
C. C. Councille, Blytheville, $20,720.
Billy Gann, Blytheville, $20,677.
Gus Morris, Luxora, $20,629.
Nick Patterson, Jr., Blytheville, $20,606.
Larry Joe Bell, Bassett, $20,547.
R. E. Cox, Osceola, $20,826.
J. H. Whitaker, Wilson, $20,083.
Total payees in county (149) $5,730,414.

Monroe County

Ralph Abramson, Holly Grove, $49,950.
Ray Fuller, Marvell, $40,639.
Amos Everett, Clarendon, $37,590.
Carter Clifton Company, Cotton Plant, $33,041.
Thomas Lawrence Coleman, Holly Grove, $30,924.
Floyd H. Shaw, Clarendon, $29,823.
Donald R. Dearing, Holly Grove, $29,106.
Jay Calloway and Son, Holly Grove, $26,134.
Rudolph Calloway, Holly Grove, $25,383.
Ciro Pardo, Brinkley, $24,125.
Bruce Crow, Holly Grove, $23,660.
L. W. Bullard, Cotton Plant, $23,207.
Decatur B. Jackson, Holly Grove, $21,112.
R. A. Banks, Jr., Cotton Plant, $20,318.
Total payees in county (14) $415,012.

Ouachita County

W. K. Henry, Holly Springs, $20,090.

Phillips County

Brooks Griffin, Elaine, $128,987.
Alexander Farms Inc., Helena, $120,035.
Highland Lake Farm, Helena, $117,872.
Hill Farms Inc., Indianola, $107,810.
Wood Sanderlin Farm, Crumrod, $80,688.
James Harold Byrd, Dundee, $68,093.
Sunset Farms Inc., Wabash, $63,214.
Waterloo Farms Inc., Wabash, $63,214.
White Oaks Farms Inc., Wabash, $63,214.
B. D. Alexander, Helena, $60,398.
Buron Griffin, Helena, $57,995.
R. J. & W. D. Suddath, Helena, $56,830.
King Wells Farm, Helena, $55,843.
Cypress Creek Farms, Inc., Wabash, $55,763.
E. T. Wells, Inc., Helena, $52,268.
Dave Inebnit, Holly Grove, $51,176.
Riverside Farm, Helena, $50,033.
Dixie Farm Company, Crumrod, $49,881.
Curtis Clark, Helena, $48,130.
Solomon Bros. Inc., Helena, $46,537.
David Solomon, Helena, $46,458.
Delta Plantation Inc., Helena, $45.791.
Ray Dawson, Lexa, $45,147.
R. J. Young, Poplar Grove, $42,994.
Tunney Stinnett, Elaine, $40,534.
J. E. Storey, Mellwood, $39,048.
J. O. Wheeler, Helena, $38,517.
Harry Stephens, West Helena, $38,362.
Joe Pillow, Helena, $38,058.
E. H. Harmon, Elaine, $37,249.
T. W. Keesee, Helena, $35,999.
James E. Yancey, Marvell, $35,211.
Catron Plantation, Helena, $34,786.
W. C. Brandon, West Helena, $34,497.
Jordan Farm Co., West Helena, $33,911.
Buford Culp Inc., Marvell, $33,647.
Wooten Epes Company, Helena, $33,572.
Billy Hill, Marvell, $32,788.
Winston Foster, Marvell, $32,535.
J. A. Hill, Marvell, $32,516.
M. M. Crisp, Elaine, $32,365.
J. D. Rohrscheib, Lexa, $32,268.
Chip Franklin, Jr., Helena, $32,206.
Charles Loeschner, Marvell, $31,930.
R. M. Hornor, Helena, $31,596.
Helton & Lake, Lexa, $31,350.
Oneida Planting Company, Oneida, $31,110.
F. O. Griffin, Jr., Helena, $30,413.
David Brooks Griffin Trust, Ratio, $30,211.
Thomas E. Young, Lexa, $29,900.
H. & L. Farm, Elaine, $28,207.
Jake Crow, Elaine, $27,803.
Woodrow Reed, Marvell, $27,433.
A. F. Gregory Jr., Lexa, $27,118.
Danny Baxley, Elaine, $25,303.
S. W. Cooke, West Helena, $25,203.
B. K. Allen, Jr., Elaine, $25,028.
N. R. Hosey, Marvell, $25,001.
H. W. Rohrscheib, Lexa, $24,982.
Caraway Bonner, Turner, $24,513.
Dean Roach, Elaine, $23,616.
Claude Warren, Lambrook, $23,530.
C. C. Simmons, Lexa, $23,189.
Walter A. Smith, Jr., Poplar Grove, $22,847.
Grauman & Bryant, Helena, $22,700.
Ralph Bunch, West Helena, $22,535.
F. O. Griffin, Sr., Helena, $22,511.
R. L. Carnathan, West Helena, $22,389.
Lester Crawford, Poplar Grove, $22,289.
Helen Barnes, Elaine, $21,825.
J. D. Smith, Marvell, $21,470.
Jack Patton, Poplar Grove, $21,378.
Henry Wooten, Marvell, $21,203.
C. C. Loveless, Elaine, $21,026.
Loveless Farms, Inc., Elaine, $21,026.
E. W. Higginbotham, Marvell, $20,514.
A. R. Keesee, Helena, $20,275.
William Robert Moore, Helena, $20,177.
Hornor Planting Co., Helena, $20,158.
Total payees in county (79), $3,138,199.

Poinsett County

E. Ritter & Co., Marked Tree, $148,920.
Bill L. Hannah, Marked Tree, $78,026.
Dan F. Portis, Lepanto, $59,248.
Fairview Farms Co., Tyronza, $51,816.
S. C. Chapin, Trumann, $49,524.
H. C. Bradford, Jr., Lepanto, $48,435.
Cecil H. Justus, Jr., Tyronza, $46,611.
Citizens Gin Co., Inc., Lepanto, $45,805.
Guy L. Prince, Marked Tree, $41,182.
James H. Moon, Trumann, $38,215.
Stuckey Bros., Inc., Lepanto, $37,363.
Moreland Barton, Tyronza, $36,841.
Am. Weona Farms, Inc., Trumann, $36,597.
D. V. Cravens, Lepanto, $35,135.
National Weona Farms Inc., Trumann, $32,306.
Hyneman Farms Inc., Trumann, AR, $32,302.
James E. McDaniel, Jonesboro Ar, $32,295.
Frank Dean, Marked Tree, $30,896.
Pioneer Farms Inc., Box 30, Trumann, $30,883.
Moon & Cash Inc., Trumann, $30,549.
J. D. Fletcher, Rt. 1, Box 192, Black Oak, $29,770.
Norcross Farming Company, Tyronza, $29,090.
Walter H. Provost, Marked Tree, $28,864.
Dixie Weona Farms Inc., Trumann, $28,845.
L. C. Barker, Rt. 2, Manila, $28,051.
Creodora Thompson, Rt. 2, Parkin, $26,870.
Paul Earnhart, Lepanto, $26,592.
Lloyd Shelton, Rt. 2, Osceola, $26,445.
R. H. Taylor & J. C. Stuckey, Rt. 3, Trumann, $26,153.
Donald Valentine, Rt. 1, Trumann, $25,692.
Woodrow Cummins, Marked Tree, $25,085.
Morris P. Lansdale, Rt. 2, Box 385, Tyronza, $24,482.
C. D. Walker, 605 Normandy Street, Marked Tree, $24,440.
Towhead Farms, Box 479, Lepanto, $23,920.
Charley G. Swindle, Rt. 3, Box 304, Trumann, $23,654.
Howington Bros., Lepanto, $23,619.
Morrisett Brothers, P.O. Box 236, Marked Tree, $23,384.
Chickasaw Oil Mill Inc., Lepanto, $22,876.
J. Melvin Young, P.O. Box 184, Tyronza, $22,785.
James O. Campbell, Trumann, $22,755.
W. H. Cross Jr., Lepanto, $22,072.
Emrich Bros & Sisters, Tyronza, $22,072.
Herbert S. Bingham, Marked Tree, $21,821.
Harry Juergens, Trumann, $21,386.
W. G. Craig, Tyronza, $21,301.
Tecota Farms, Trumann, $21,151.
Curtis E. Kent, Marked Tree, $20,969.
W. R. & Zula D. Payne Est, Marked Tree, $20,906.
James E. Wray, Trumann, $20,814.
Wallace George Willoughby, Marked Tree, $20,569.
J. P. Gooch, Lepanto, $20,136.
Total payees in count (51), $1,689,467.

Pope County

Carl E. Embry, Atkins, $20,304.

Prairie County

John D. Naill, Jr., Biscoe, $26,726.

Pulaski County

Reber McGhee & Son, Scott, $59,780.
Chapman Bros. Farm, Scott, $38,754.
Walter Isgrig, Little Rock, $33,518.
W. A. Ratcliffe, Jr., Sweet Home, $31,071.
Robert Earl James, Little Rock, $29,519.
Walter C. Estes, Scott, $29,444.
Walderns Bros., Woodson, $28,725.
R. S. Bredlow, England, $28,435.
Craig Planting Co., Scott, $28,258.
Hollis O. Nipps, England, $26,764.
J. B. Morgan, Little Rock, $23,675.
John Dougan, England, $22,901.
Henry Lanehart, Keo, $22,441.
Bob Dorsey, England, $22,201.
A. T. Henry, Scott, $21,967.
Gene Adams, Hensley, $21,335.
W. George Alexander, Scott, $20,933.
Total payees in county (17), $489,721.

St. Francis County

Miller Lumber Co., Marianna, $90,348.
Shannon Bros., Entp., Memphis, $78,194.
W. E. Biggs, Proctor, $69,473.
Robert Brewington, Forrest City, $62,305.
W. W. Draper, Jr., Forrest City, $58,086.
Vance and Bentley, Hughes, $55,937.
Kellogg and Hughey, Hughes, $55,081.
Luke E. Burch, Jr., Inc., Hughes, $53,997.
Chappell & Moore, Forrest City, $48,739.
B. & L. Farms, Inc., West Memphis, $47,930.
J. G. Adams and Son, Hughes, $46,562.
C. J. Beasley and Son, Heth, $45,934.
Red Gum Plantation, Hughes, $44,621.
Belle Meade Plantation, Hughes, $43,625.
Davis Biggs, Hughes, $42,803.
Wheatley Mill & Gin Co. Farm, Wheatley, $42,246.
Lindsey Brothers, Caldwell, $41,767.
Joe Oswalt, Hughes, $40,655.
S. C. Rose, Jr., Hughes, $38,507.
Earl Dean Williams, Widener, $38,477.
Troy W. Leoppard, Forrest City, $38,316.
J. C. Rice and E. Stough, Widener, $37,261.
B. M. McCollum, Jr., Hughes, $35,991.
Thomas McDaniel, Forrest City, $35,977.
Hammons Farms, Inc., Haynes, $35,910.
Higgins Brothers, Inc., Forrest City, $35,662.
Joe Burch, Hughes, $34,561.
A. B. Malkin, Jr., Heth, $33,886.
Claud Buford, Forrest City, $33,456.
McCain Farms, Inc., Widener, $33,372.
John C. Lindsey, Sr., Caldwell, $31,605.
C. D. Brown & Sons, Inc., Hughes, $31,405.
R. T. Landrum, Hughes, $30,378.

W. B. Burch, Hughes, $30,333.
Betty M. Stoddard, Hughes, $29,556.
F. W. Derositt & Son, Forrest City, $29,458.
458.
Rex Twist, Widener, $29,371.
Ida Mae Norsworthy, Widener, $28,929.
Freeman E. Nichols, Jr., Forrest City, $28,871.
Harold Trigger Wall, Hughes, $28,487.
Charles T. Adams, Jr., Hughes, $27,409.
E. L. Cupp, Widener, $26,454.
Wayne Campbell, Forrest City, $26,091.
France Bros., Heth, $25,756.
Floyd Martin, Widener, $25,395.
Carl H. Morris, Forrest City, $25,304.
Bob K. McKenzie, Hughes, $24,749.
Looney Brothers, Proctor, $24,604.
Willie Jones, Haynes, $24,336.
Sam Danehower, Forrest City, $23,482.
B. E. Beene, Hughes, $23,056.
Rod Bryan, Jr., Forrest City, $22,841.
Jack Vaughn, Jr., Forrest City, $22,365.
Bob Nimocks, Forrest City, $21,995.
E. Mitcheusson & R. Bellinger, Widener, $21,657.
David Gates, Widener, $21,492.
Covie Thetford, Madison, $20,474.
Leon Vaughn, Forrest City, $20,295.
Sam Ashworth, Hughes, $20,041.
Clyde Sulcer, Wynne, $20,005.
Total payees in county (60) $2,165,873.

Woodruff County

Gerald L. Morris, Jr., McCrory, $72,152.
Gregory Farm, Inc., Augusta, $57,091.
McAdams & Stovall Farms, Augusta, $44,323.
Bruce D. Tarkington, Cotton Plant, $42,749.
L. L. Cole & Son, Inc., Cotton Plant, $38,372.
Gum Ridge Corp., Augusta, $33,739.
Jennings and McAlexander, Augusta, $25,826.
Burtons, Inc., Tupelo, $24,337.
Raymond Pruitt, McCrory, $21,767.
Bob R. Holder & Son, McCrory, $21,002.
Joe D. McGregor, Partnership, Cotton Plant, $20,331.
Total payees in county (11) $401,689.

Yell County

W. H. McClure Trust, Dardanelle, $24,314.
Joe H. Vaughn, Dardanelle, $21,254.
Total payees in county (2) $45,568.
Total payees in State (797) $29,346,666.

CALIFORNIA

Butte County

Parrott Inv. Co., Chico, $98,360.
Donald W. Hayes, Chico, $45,881.
Shimizu Bros., Inc., Chico, $32,314.
Total payees in county (3), $176,555.

Colusa County

H. & E. Andreotti, Grimes, $51,881.
Wm. D. Struckmeyer, Arbuckle, $35,181.
A. Steidlmayer & sons, Colusa, $34,380.
Wallace Bros., Colusa, $33,217.
Louis Kaelin and Son, Arbuckle, $31,896.
O'Sullivan Ranch, Williams, $23,679.
C. William Johnson, Chico, $21,708.
Chas Yerxa, Colusa, $21,698.
Strain Ranches, Inc., Arbuckle, $21,456.
Myers Bros., Arbuckle, $20,061.
Total payees in county (10), $295,157.

Contra Costa County

William R. Baldwin, Byron, $38,205.
Buzz Lally, Stockton, $21,046.
Total payees in county (2), $59,251.

Fresno County

Giffen, Inc., Huron, $4,095,114.
Vista Del Llano Farms, Firebaugh, $1,105,762.
Mt. Whittney Farms, Five Points, $804,583.
Boston Ranch Co., Lemoore, $677,225.
Telles Ranch, Inc., Firebaugh, $632,779.
Jack Harris, Inc., Coalinga, $500,068.
Raymond Thomas, Inc., Madera, $384,112.
Airway Farms, Inc., Fresno, $366,469.
Schramm Ranches, Inc., Joaquin, $262,022.
W. J. Deal, Mendota, $254,505.
Gragnani Bros., Tranquillity, $248,656.
J. E. O'Neill, Inc., Fresno, $236,320.
Sierra Dawn Farms, Firebaugh, $223,646.
M. J. and R. S. Allen, Coalinga, $222,711.
Clarence Matheson, Mendota, $210,443.
V. C. Britton Co., Firebaugh, $204,553.
Coit Ranch, Inc., Mendota, $203,386.
Redfern Ranches, Inc., Dos Palos, $191,351.
Comfort Farm, Inc., Dos Palos, $185,167.
Wood Ranches, Lemoore, $175,308.
Pilibos Bros., Inc., Fresno, $174,037.
Price Giffen Ranch, Firebaugh, $172,489.
Sumner Peck Ranch, Inc., Mendota, $153,677.
Ryan Bros., Mendota, $150,711.
Wayne Sniffin, Firebaugh, $141,281.
Coelho Farms, Riverdale, $140,799.
Hammonds Ranch, Inc., Firebaugh, $136,394.
Kriesant Operating Co., Inc., Mendota, $131,587.
Britz Chemical Co., Five Points, $130,498.
Rabb Bros., San Joaquin, $121,671.
Giusti Farms, Inc., Fresno, $120,255.
Enrico Farms, Inc., Firebaugh, $114,857.
Weeth Ranches, Inc., Coalinga, $111,741.
Gordon Bros., Tranquillity, $107,385.
Linneman Ranches, Inc., Dos Palos, $105,538.
Michael Giffen Ranch., Inc., Firebaugh, $105,214.
Griffin & Griffin, Coalinga, $104,646.
Pacific Farms Co., Firebaugh, $101,834.
Pappas & Co., Inc., Mendota, $101,063.
J. & J. Ranch, Firebaugh, $100,878.
Sam and D. M. Biancucci, Firebaugh, $94,710.
Deavenport Ranches, Inc., Fresno, $94,551.
Gramis Bros., Mendota, $91,815.
Richard Swearingen, Riverdale, $89,190.
S. E. Lowrance Ranch, Tranquillity, $89,141.
John and Alex Kochergen, Fresno, $88,398.
Starkey & Erwin, Avenal, $86,780.
William E. Glotz, Tranquillity, $86,427.
Melcombs Ranch, Inc., San Joaquin, $84,242.
Aladdin Ranch, Fresno, $83,799.
Goodman Traction Ranch, Tranquillity, $82,443.
Milo Erwin, Fresno, $82,067.
J. C. Andresen, Fresno, $76,484.
Willson Farms, Inc., Fresno, $76,330.
Wm. H. Noble, Kerman, $76,303.
Clayton Brown, Madera, $74,066.
Harold O. Banion, Dos Palos, $73,317.
Vernon Swearingen, Riverdale, $72,961.
S. P. Transportation, San Francisco, $72,404.
Robert Cardwell, Fresno, $72,367.
J. C. Conn, Inc., Coalinga, $71,566.
Wolfsen Bros., Los Banos, $71,453.
Rusconi Farms, San Joaquin, $71,441.
M. L. Dudley & Co., Fresno, $71,038.
Mouren Farming Co., Huron, $69,184.
Western Vly Ranches, Inc., Los Banos, $65,037.
Marchini Bros., Tranquillity, $64,969.
Reuben Crosno, Selma, $63,903.
Arthur J. Cuelho, Riverdale, $63,879.
Hanson & Fortune, Firebaugh, $62,358.
John L. Errecart, Tranquillity, $61,418.
S. & S. Ranch, Inc., Mendota, $60,799.
C. H. & G. Farms, Inc., Fresno, $58,755.
Vincent Wovacevich, Fresno, $58,665.
Half MN. Fruit & Prod., Los Banos, $58,519.
Claremont Farms, Huron, $58,299.
Darrell Silveira, San Joaquin, $56,595.
Fred Rau, Fresno, $56,299.
D. T. Locke, Firebaugh, $55,405.
Poso Dairy Farms, Inc., Firebaugh, $55,171.
Raven Land Co., Selma, $54,898.
Bill & Ed Koda, So. Dos Palos, $54,810.
Drew Farms, Inc., Firebaugh, $54,745.
Sommerville Farms, Inc., Huron, $54,670.
Leavelle Bros., Fresno, $54,139.
Wm. Erickson, Fresno, $53,965.
Davis Drier & Elevator, Inc., Firebaugh, $53,480.
Vierhus Farms, Coalinga, $53,220.
A. & H. Farms, Kerman, $52,680.
Rogers Ranches, Inc., Helm, $52,039.
Indart, Inc., Fresno, $50,229.
Ernes E. Sullivan, Kerman, $49,372.
Pucheu Ranch, Tranquillity, $49,306.
Irby Abercrombie, Kerman, $49,007.
Joe M. Lovelace, Coalinga, $47,579.
Fairless & Pifferini, San Joaquin, $47,639.
Donald Bellando, San Joaquin, $46,639.
Del Testa Farms, Tranquillity, $46,016.
Melvin Coelho, Fresno, $45,809.
Davis & Huey, Inc., Tranquillity, $45,756.
Edward Azhderian, Los Gatos, $44,356.
Edgar Wilkins Ranch, Fresno, $44,072.
Hale Bros., San Joaquin, $43,972.
Dodd Fam. Liv. Trust, Palos, $43,019.
Joe E. Yraceburu, Fresno, $42,825.
B. T. V. Farms, Tranquillity, $42,543.
Paul Crevolin, Firebaugh, $42,531.
Perez, Bros., Firebaugh, $42,324.
Bidegaray & Sagardia Bros., Fresno, $42,307.
United Packing Co., Fresno, $41,190.
Ru Ann Dairy, Riverdale, $41,099.
Britz Fertilizer, Five Points, $40,823.
W. F. McFarlane, Clovis, $39,945.
Markarian Farms, Fresno, $39,941.
Reece Bros., Tranquillity, $39,788.
F. Silveira & J. Peterson, Tranquillity, $39,730.
Delbert Morse, Caruthers, $39,331.
Francis A. Orff, Mendota, $39,035.
Des Jardins Bros., Palos, $38,532.
Cardella & Johnston, Inc., Firebaugh, $38,266.
J. Teore & G. Tavares, Fresno, $37,915.
Erskine Ranch, Dos Palos, $37,887.
Gerawan & Penner Ranches, Inc., Reedley, $37,415.
Martens & Zalba & Azparren, Fresno, $36,495.
Ensher Alexander Barsoom, Mendota, $36,282.
Harnish Five Points, Inc., Five Points, $36,196.
Martin Costales, Tranquillity, $36,030.
Albert Bufkin, Kerman, $35,746.
McKean Bros., Riverdale, $35,490.
Jarrott Ranch, Firebaugh, $35,452.
Milo Jacobsen, Fresno, $35,311.
Irwin R. Efird, Fresno, $34,854.
Jura Farms, Inc., Fresno, $34,761.
Nichols & Wood, Coalinga, $34,577.
D. E. Robison, Fresno, $33,496.
Levon Azhderjan, Los Banos, $33,165.
Alex Maul, Fresno, $32,814.
Hubert Beene, Helm, $32,730.
Jack D. Jones, San Joaquin, $32,206.
Carvalho Farms, Inc., Tranquillity, $32,153.
Motte Ranches, San Joaquin, $32,075.
E. A. Wilkins, Fresno, $31,854.
D. J. Rowland, Reedley, $31,283.
Fernando Machado, Fresno, $31,281.
Joe Yribarren, Tranquillity, $31,236.
Alfred Russell, Madera, $31,213.
John Teixeira, Dos Palos, $31,176.
Earl Brinkley, Dos Palos, $30,701.
Philip Erro, Fresno, $30,677.
E. Weeth & Son, Coalinga, $30,299.
Diamond R Farms, Inc., San Joaquin, $30,033.
Leroy Hardy, Kerman, $29,800.
Otis Horn, Tranquillity, $29,684.
John Wm. Kinnunen, San Joaquin, $29,635.
Frank Freitas, Fresno, $29,617.
Metzler & Metzler, Caruthers, $29,517.
Triangle Ranch, Mendota, $29,176.
Frank Ayerza, Tranquillity, $29,057.
Fairless Bros., Tranquillity, $28,933.
Frank Chounet Ranch, Firebaugh, $28,671.
P. R. Farms, Inc., Fresno, $28,654.
Eugene Nord, Kerman, $28,574.
Edward Wagenleitner, Fresno, $28,249.
Hans P. Gunlund, Caruthers, $28,192.
John A. Gentry Est., Kerman, $28,184.
Roy Green, Selma, $28,172.
Re Al Farms, Inc., Dos Palos, $27,757.
Frank J. Mendes, Jr., Kerman, $27,728.
C. L. Anderson, Kerman, $27,359.
Norman Fries, Raisin City, $27,337.
Roy Howard, Dos Palos, $26,940.
C. R. Wilkins, Dos Palos, $26,920.
Nino Groppetti & Sons, San Joaquin, $26,758.

Echeveste & Elizalde, Firebaugh, $26,672.

Burnett Bros., Coalinga, $26,177.

L. H. & G. W. Hanneman, San Joaquin, $26,163.

Ernest Carvalho, Tranquillity, $26,141.

Clarence De Freitas, Caruthers, $26,080.

H. Carter & Son, Selma, $25,857.

James W. Wilson, Tranquillity, $25,797.

John Goulart & Sons, Fresno, $25,670.

A. & D. Koligian, Fresno, $25,527.

Jaurena Bros., Coalinga, $25,385.

Kenneth Peelman, Fresno, $24,841.

Walter Willms, Tranquillity, $24,600.

E. G. Rank, Jr., Fresno, $24,541.

Locke Bros., Firebaugh, $24,312.

Tai Hing & Co., Firebaugh, $24,270.

August Pereira, Jr., Tranquillity, $24,229.

Pucheu Bros., Tranquillity, $24,027.

Nicolini & Maitia, Firebaugh, $24,020.

Joe C. Machado, Fresno, $23,614.

Earl L. Carter, Selma, $23,600.

Jack Cardwell, Kerman, $23,567.

John & Jim Diedrich, Firebaugh, $23,239.

John Nobile, Fresno, $23,101.

The Desert Ranch, Firebaugh, $23,081.

Majarian Bros., Cutler, $22,973.

Rayona Farms, Fresno, $22,937.

Richard S. Burford, Fresno, $22,887.

Panoche Development Co., Mendota, $22,807.

Frank Lorenzetti, Dos Palos, $22,781.

Hyde Ranch, Dos Palos, $22,595.

Manuel & Jerry Pacheco, Kerman, $22,586.

Alfred Coelho & Sons, Fresno, $22,505.

Walter E. Lambrecht, Kerman, $22,392.

E. W. Chaney, San Joaquin, $22,300.

Geo. & Jn. & Walt Orlando, Tranquillity, $21,970.

Speakes Bros., Mendota, $21,831.

John Nakamura, Firebaugh, $21,735.

La Cuesta Verde Ranches, Coalinga, $21,667.

Del Ko Farms, Dos Palos, $21,651.

Wayne M. Hardy, Fresno, $21,532.

Armas Bros., Tranquillity, $21,517.

A. F. Mendes & Sons, Riverdale, $21,416.

Harold D. Weis, Kerman, $21,284.

A. J. Lombardini, Joaquin, $20,872.

Joseph L. Silva, Kerman, $20,832.

Miriam M. Silveira, Mendota, $20,685.

Hedman Ranches, San Joaquin, $20,611.

Carla Lee De Vries, Riverdale, $20,558.

Toshio Ihara, Sanger, $20,140.

Total payees in county (222), $21,268,998.

Glenn County

C. M. French. Willows, $54,797.

Shintaffer Farms, Marysville, $47,443.

J. S. Garnett Co., Willows, $37,417.

Ernest M. Michael, Artois, $32,863.

Baber Gibson Livestock, Willows, $32,595.

Elizabeth W. Eddins, Piedmont, $23,178.

Ernest W. Michael, Willows, $22,469.

H. E. Damon, Butte City, $22,156.

Kaiser Kaiser Gallo, Hamilton City, $21,139.

Total payees in county (9), $294,057.

Imperial County

H. B. Murphy Co., Brawley, $449,505.

W. E. Young & W. E. Young, Jr., Calipatria, $263,529

Elmore Co., Brawley, $233,846.

Jack Elmore, Brawley, $224,837.

Russell Bros. Rches, Inc., Calipatria, $203,291.

J. H. Benson Rchs, Inc., Brawley, $195,823.

George B. Willoughby, El Centro, $191,343.

Stephen H. Elmore, Brawley, $166,502.

Hugh Hudson Ranches, Calipatria, $160,861.

Denman & Schunk, Calipatria, $157.086.

C. T. Dearborn, Calipatria, $154,047.

Fifield Land Co., Brawley, $146,571.

Neil Fifield Co., Brawley, $141,543.

Adamek & Dessert, Seeley, $128,150.

River Ranch, Inc., Calipatria, $118,139.

Raymond O. Connell & Son, Brawley, $114,389.

Stafford Hannon, Brawley, $112,546.

Williams & Quick, Calipatria, $109,735.

Jack Bros. & McBurney, Inc., Brawley, $107,809.

Donald H. Cox, Brawley, $107,161.

Baretta & Little Farms, Calipatria, $106,594.

Fifield Farms, Brawley, $100,315.

Bonanza Farms, El Centro, $99,805.

Dearborn & Maraccini, Calipatria, $97,312.

Abatti Bros., El Centro, $92,889.

Griset Bros., Santa Ana, $92.426.

Preciado Bros., Imperial, $92,040.

Donald K. Donley, Yuma, $88,126.

Charles Vonderahe, Brawley, $84.184.

Kenneth Reynolds, Calipatria, $83,455.

Davis Beauchamp, Calipatria, $76,696.

Harry Schmidt Farms, Brawley, $76,370.

Hausmann & House Ranches, Brawley, $74,944.

John V. Merten, Holtville, $71,887.

Fritz Kuhn, Jr., El Centro, $71,404.

Hawk & Sperber, Holtville, $69,537.

House & Haskell, El Centro, $66,001.

Ed Wiest, Brawley, $65,002.

J. N. Osterkamp Ranches, Brawley, $64,772.

Don Cannon, Niland, $64,041.

Lerno Bros., El Centro, $62,716.

J. C. Reeves, Brawley, $62,076.

C. W. Sanders, Brawley, $61,370.

Homer Slater, Brawley, $60,985.

Edwin Chew, Imperial, $60,402.

Michael D. Ayala, Brawley, $59,874.

John H. Borchard, El Centro, $58,738.

Edward M. Wavers, Yuma, $57,474.

John V. Borchard, Holtville, $57,362.

Moiola Bros., Brawley, $57,180.

J. R. & B. R. Smith, Brawley, $56,515.

Valjon Trust, El Centro, $56,331.

J. Emanuelli & Sons, Brawley, $56,068.

R. B. Wilson Co., Brawley, $55,305.

James A. Taylor, Brawley, $54,913.

Charles K. Corfman, El Centro, $54,496.

Fleming & Jack, Brawley, $53,205.

Dessert Seed Co. Inc., El Centro, $52,683.

Berryman Farms, Bard, $51,692.

Correll Farms, Inc., Calipatria, $50,860.

Dixie Ranches, El Centro, $50,123.

Imperial Farms, El Centro, $49,840.

Deol & Sunghera, El Centro, $49,585.

Sweetwater Feeders, Brawley, $49,356.

R. S. Reese, Westmorland, $49,342.

Lloyd Heger, El Centro, $48,222.

Bryant Farms, Inc., Calipatria, $47,258.

Leroy Edwards, Holtville, $46,756.

Darwin Cohee, Brawley, $46,741.

Newside Farms, Inc., Holtville, $46,194.

Purex Corp., Ltd., El Centro, $45,443.

Charles C. Bowles, Calipatria, $44,811.

Delmar A. Brady, El Centro, $44,736.

Strahm & Sons, Holtville, $42,785.

San Pasqual L. & C. Co., Brawley, $42,666.

C. Alex Abatti, Heber, $42,652.

Allen B. Griffin, Brawley, $42,155.

Loma Farms, Brawley, $41,969.

Alvaro Deen, Brawley, $41,206.

George A. Mallory, Brawley, $40,604.

Fernando S. Sanga, Brawley, $40,594.

Earl W. Ashhurst, Brawley, $40,107.

Edward Dearborn, Calipatria, $40,095.

Sinclair Ranches, Calipatria, $39,271.

Martin Farms, Brawley, $38,220.

J. R. & Chas. & Chas, Jr., Kershaw, Brawley, $37,497.

Henrietta Farms, Brawley, $37,182.

V. Borchard Land & Cattle, Brawley, $37,151.

Three D. Cattle Co., Seeley, $37,039.

Harold Orff, Brawley, $37,013.

Dubois Ranch, Centro, $36,199.

E. E. Otto, Holtville, $36,107.

M. & B. Farms, Centro, $35,728.

C. S. Sandhu, Calipatria, $35,605.

Nilson Bros., Holtville, $35,495.

Robert Harp, Yuma, $35,131.

C. & C. Farms, Brawley, $35,015.

Perez & Morrell, Winterhaven, $34,821.

Guadalupe Deen, Calipatria, $34,754.

Andrew Andreotti, Centro, $34,486.

Harold Brockman, Calexico, $33,833.

Jack Rutherford, Brawley, $33,335.

William C. Moore, Brawley, $32,710.

Jean Layaye, Calipatria, $32,666.

M. Huffman & L. Allen, Calipatria, $32,469.

Brandt Bros., Brawley, $32,214.

W. M. Watkins, Calipatria, $31,604.

Kakoo & Rose Singh, Calipatria, $31,327.

L. L. Lyerly, Calipatria, $30,669.

R. E. Bedwell, Calipatria, $30,609.

F. P. Borchard Rchs., Brawley, $29,938.

Layton Farms, Winterhaven $29,591.

Elijah Bros., Brawley, $29,351.

Johnson Bros., Brawley, $29,291.

Harry Casey, Brawley, $29,163.

M. J. Labrucherie, El Centro, $29,115.

Luckey & Hellis, Brawley, $28,723.

Claverie Bros., Holtville, $27,833.

John Kubler, Calexico, $27,766.

Dahm Bros., Brawley, $27,395.

Valley Properties, Brawley, $27,027.

Antonio Rodriguez, Westmorland, $26,882.

Frank Augusta, Brawley, $26,205.

Green Valley Farms, Calipatria, $25,024.

James Adam, El Centro, $24,614.

Shaw Packing Co., El Centro, $24,392.

Samra & Thind, Heber, $24,292.

F. W. Schoneman, Brawley, $24,207.

Alvin Immel, Holtville, $23,990.

L. O. Power, Yuma, $23,785.

Nelson Correll, Calipatria, $23,747.

Niaz Mohamed, El Centro, $23,720.

Desert Edge Farms, Calipatria, $23,604.

Inter Harvest Inc., El Centro, $23,311.

Dwaine J. Little, Calipatria, $23,180.

M. J. Labrucherie Ranch, El Centro, $23,147.

Hoxie Smith, Brawley, $23,133.

Marlin E. Medearis, Brawley, $23,105.

Adolph Weinberg, Brawley, $22,708.

Jackson Produce Co., El Centro, $22,532.

John Lane, Brawley, $21,990.

Bisgaard Bros., Holtville, $21,900.

Sam H. Robinson, Calipatria, $21,733.

Robert C. Richter, El Centro, $21,532.

Bill Wiest, Brawley, $21,461.

Brady & Kellerman, El Centro, $21,215.

F. M. Riedman, Long Beach, $21,118.

Gerald R. Elmore, Calipatria, $20,771.

Ruegger & Ruegger, Westmorland, $20,470.

Lawrence B. Stewart, Calexico, $20,185.

Kline & Kline, El Centro, $20,147.

Total payees in county (152), $9,282,915.

Kern County

H. M. Tenneco, Bakersfield, $1,317,051.

S. A. Camp Farms Co., Shafter, $903,650.

W. B. Camp & Sons, Bakersfield, $375,980.

C. J. Vignolo, Shafter, $360,269.

Santiaga Ranch, Bakersfield, $322,687.

Houchin Bros. Farming, Buttonwillow, $275,530.

Buena Vista Farms, San Francisco, $275,471.

Joe Mendiburu, Oildale, $270,111.

Guimarra Vineyard Corp., Bakersfield, $252,059.

Mazzie Farms, Arvin, $226,289.

Killdeer Farms, Bakersfield, $221,464.

D. M. Bryant, Jr., Pond, $196,268.

Twin Farms, Buttonwillow, $196,120.

Tejon Ranch Co., Bakersfield, $180,406.

McKittrick Ranch, Inc., Bakersfield, $176,053.

Reynold M. Mettler, Bakersfield, $173,702.

Coberly West Co., Los Angeles, $170,751.

Palm Farms, Inc., Bakersfield, $159,226.

M & I Farms, Delano, $152,727.

Bidart Bros., Bakersfield, $150,910.

H & H Farms, Inc., Bakersfield, $136,610.

Standard Oil Co., Oildale, $132,139.

Wheeler Farms, Bakersfield, $129,962.

The Mirasol Co., Buttonwillow, $129,572.

Voth Farms, Wasco, $123,114.

Wedel Farms, Wasco, $122,936.

Cerros Bros, Bakersfield, $117,873.

Tracy Ranch, Inc., Buttonwillow, $113,581.

Paul Pilgrim, Shafter, $112,379.

Torrigiani Bros., Buttonwillow, $111,413.

L. A. Robertson Farms, Inc., Shafter, $111,304.

A. Haddad & Sons Farm, Inc., Encino, $109,689.

Sill Prop., Inc., Bakersfield, $107,269.

Belluomini Bros., Buttonwillow, $106,720.

Bloemhof Hay Co., Buttonwillow, $105,770.

Fredlo Farms, Arvin, $104,367.

Rossi Farms, Inc., Bakersfield, $100,669.

E. O. Mitchell, Inc., Arvin, $99,962.

Joe Garone, Bakersfield, $98,735.
Cotton Associates, Shafter, $96,714.
Melvin McConnell Farms, Wasco, $95,896.
M. Lane, Shafter, $95,633.
Barnard & Barnard, Bakersfield, $94,864.
Antongiovanni & Jarrard, Bakersfield, $94,504.
Gal Co. Farms, Bakersfield, $92,984.
C. Mettler, Bakersfield, $92,504.
Joe G. Fanucchi & Sons, Bakersfield, $91,878.
Parsons Ranch, Buttonwillow, $89,917.
Cattani Bros., Bakersfield, $89,746.
Bonanza Farms, Bakersfield, $89,658.
Sanders Farms, Bakersfield, $88,867.
S. E. Willis, Bakersfield, $88,215.
Kern Valley Farms, Lamont, $85,559.
Sanders & Sanders, Bakersfield, $85,034.
Henson & Sons, Bakersfield, $84,347.
Tollie Barton, Bakersfield, $84,032.
Em H. Mettler & Sons, Shafter, $83,172.
Three H Ranch, Bakersfield, $82,057.
F. W. Handel Farm Co., Shafter, $81,062.
Antongiovanni Bros., Bakersfield, $80,051.
El Tejon Cattle Co., Bakersfield, $78,058.
Costerisan Farms, Bakersfield, $78,000.
Angelo & Eugene Fanucchi, Bakersfield, $77,715.
J. Antongiovanni & Sons, Bakersfield, $77,220.
Porter Land Co., Bakersfield, $76,739.
James O. Payne, Wasco, $75,267.
Joseph E. Kurtz, Arvin, $74,677.
Barnard Bros., Bakersfield, $73,680.
Torigiani Farms, Buttonwillow, $73,611.
Milham Farms, Bakersfield, $72,440.
A. H. Wegis & Sons, Buttonwillow, $72,801.
Camp & Lachenmaier, Shafter, $71,450.
Chase & Harmon Farms, Arvin, $70,659.
Guido Romanini, Buttonwillow, $69,737.
Sam Andrews Sons, Holtville, $67,197.
B. S. Baldwin & Sons, Inc., Bakersfield, $66,362.
D. C. Crawford & Son, Wasco, $66,150.
A. H. Karpe, Bakersfield, $64,994.
Jack G. Thomson, Bakersfield, $64,884.
Jeffries & Lachenmaier, Shafter, $64,870.
Maple Leaf Farms, Wasco, $64,087.
Tejon Potato Co., Arvin, $62,880.
D & R Farms, Shafter, $62,617.
L. A. Grant & Sons, Wasco, $62,394.
Kenneth Twisselman, McKittrick, $62,270.
Livio Palla, Bakersfield, $61,660.
Jimmie Icardo, Bakersfield, $61,022.
E. L. Goodspeed, Buttonwillow, $60,931.
A. Palla, Bakersfield, $60,913.
Triple, J. Fms. Inc., Bakersfield, $60,039.
Bernard J. Bone, Wasco, $59,288.
Scarrone Bros., Arvin, $58,929.
O. Torigiani Farm, Buttonwillow, $58,892.
Ludy Bros., Pond, $58,504.
Claude Botkin Co. Inc., Arvin, $58,499.
Opal Fry & Son, Bakersfield, $57,780.
Little & Hanes, Wasco, $57,761.
Crettol Farms, Wasco, $57,528.
Elo & Vido Fabbri, Pond, $57,271.
R. H. Garlow Farms, Bakersfield, $57,248.
Baggiani & Isola Ranch, Buttonwillow, $56,967.
B. F. B. Farms, Bakersfield, $56,748.
Mason Snow, Buttonwillow, $56,265.
John Valpredo, Bakersfield, $55,719.
I & M Sheep Co., Oildale, $55,393.
B. L. Gibson, Arvin, $54,902.
Henson & Landers, Bakersfield, $54,892.
Weidenbach Bros., Shafter, $54,795.
Lowrimore & Wood, Wasco, $54,666.
Nickbow Managers, Bakersfield, $54,473.
Patterson & Hale, Bakersfield, $54,368.
Geo. Nordian, Bakersfield, $53,901.
G. H. Baumgardt, Bakersfield, $53,495.
M. Parker, Bakersfield, $52,769.
Far West Farming Co., Bakersfield, $52,588.
R. A. Jacobsen, Shafter, $52,515.
Fox & Williams Fms., Shafter, $52,312.
Dale Snell, McFarland, $52,211.
Barling Bros., Wasco, $52,075.
C. Valpredo, Bakersfield, $51,713.
K. Malofy & Son, Shafter, $51,589.
Woods Stone, Wasco, $51,413.
Joe Trino Farms, Bakersfield, $51,375.
J. Kroeker Sons, Shafter, $51,349.
Diablo Farms, Arvin, $51,192.
Westside Ranch 2, Bakersfield, $51,007.
Gammon Bros., Bakersfield, $50,719.
Destefani Farms Inc., Bakersfield, $50,570.
Shafter Wasco Ginn Co., Shafter, $50,442.
Mike Hankins, Wasco, $50,324.
Sandrini Bros., McFarland, $50,206.
Michel & P. Etcheverry, Bksfld, $50,163.
Morris Farms, Wasco, $49,827.
Russell J. O'Grady, Bksfld, $48,984.
Tazioli & Son, Buttonwillow, $48,507.
Johnston Farms, Edison, $47,981.
D & B Moore, Bakersfield, $47,562.
Rancho Trio, Bakersfield, $47,448.
V & C Farms, Bakersfield, $47,441.
Double L Farms, Arvin, $47,326.
Banducci & Son, Buttonwillow, $47,225.
Shafter Wasco Invest Co., Shafter, $45,867.
Costa Farms, Bakersfield, $45,349.
F. Palla, Buttonwillow, $45,289.
O. O. Portwood, Wasco, $45,140.
Harry Banducci, Bakersfield, $44,381.
W. D. Henry, Wasco, $43,313.
L. M. Betti, Buttonwillow, $43,071.
Grey Gammon Corp., Shafter, $42,726.
Waldrip Farms, Wasco, $42,411.
E. Neuman, Shafter, $41,996.
Edward Kraft, Delano, $41,790.
Pomeroy & Jewett, Bakersfield, $41,449.
Alfred Palla Jr., Buttonwillow, $41,351.
J. G. Garrison, Bakersfield, $41,181.
Merz Farms, Inc., Wasco, $41,154.
Icardo Bros. Inc., Bakersfield, $41,134.
Dave Bloemhof, Redlandos, $40,886.
Hudson Ranch, Maricopa, $40,866.
Roland M. Vallicella, Bakersfield, $40,794.
Allen Bottorff, Buttonwillow, $40,481.
E. D. Neufeld, Shafter, $40,131.
Precie Farms, McFarland, $39,978.
J. Pavlina, Bakersfield, $39,398.
Frank Franceschi, Buttonwillow, $39,383.
Security Pacific Nat. Bk., Bksfld, $39,276.
Rio Vista Fm. Co., Inc., Bksfld, $39,227.
Bruno Cauzza, Arvin, $39,140.
Derby Farms, Arvin, $38,728.
The West Ranch, Wasco, $38,401.
Rudnick Ld. & Cattle Co., Bakersfield, $38,287.
R. E. Ballengee, Buttonwillow, $37,979.
Mahoney & Mahoney, Bakersfield, $37,860.
H. Visser, Wasco, $37,836.
Richard Elrich, Bakersfield, $37,651.
Banducci Farms, Bakersfield, $37,508.
E. A. Yaksitch, Bakersfield, $37,330.
A. Neufeld Fms., Bakersfield, $37,145.
R. B. Tucker, Arvin, $36,824.
Kenneth McClanahan & Sons, Bakersfield, $36,669.
H. S. Jewett, Bakersfield, $36,605.
Stoller Bros., Inc., Bakersfield, $36,493.
Lester Neufeld & Son, Wasco, $36,438.
Joe Freitas, Jr., Bakersfield, $36,128.
Rhodes & Derington, Delano, $36,029.
C. D. Ross, Bakersfield, $35,848.
E. W. Suorez, Bakersfield, $35,733.
Pete Romanini Farms, Buttonwillow, $35,722.
Louis Ricci, Buttonwillow, $35,620.
M. B. McFarland & Sons, McFarland, $35,426.
Louis E. Borel & Sons, Bakersfield, $35,348.
F. Galainena & Et Ux, Bakersfield, $34,657.
Romanini Bros., Buttonwillow, $34,436.
Meadow Gold Farms, Bakersfield, $34,320.
W. P. Romero, Bakersfield, $34,239.
L. W. Bergman, Shafter, $33,633.
Clare Rexroth, McFarland, $33,366.
W. S. Kimmel, Bakersfield, $33,291.
C. Hair & Son, Buttonwillow, $33,159.
Victor J. Krause, Wasco, $32,930.
Vista Farms, Buttonwillow, $32,782.
Frank C. Bury, Bakersfield, 32,748.
Maple Ranch, Bakersfield, $32,663.
Bob Cauzza, Buttonwillow, $32,569.
Central Farms, Delano, $32,362.
Walter E. & Gladys Delfino, Buttonwillow, $32,263.
Warren McCulley, McFarland, $32,246.
Freeborn Bros., Buttonwillow. $32,120.
R. Forrest, Arvin, $32,113.
W. C. Handel & Sons, Inc., Shafter, $31,920.
Walker O. Fry, Bakersfield, $31,794.
L. K. Olsen, Buttonwillow, $31,641.
A. Perelli Minetti & Sons, Delano, $31,621.
F. L. Starrh, Shafter, $31,559.
Beck & Sons, Delano, $31,487.
K. & P. Farms, Inc., Edison, $31,343.
Buford L. Fox, Bakersfield, $30,851.
Delis Farms, Bakersfield, $30,703.
H. Spitzer, McFarland, $30,607.
So. Lake Ranch, Bakersfield, $30,517.
John Kovacevich, Arvin, $30,300.
Regan Farms, Buttonwillow, $29,856.
Regan Farms, McFarland, $29,571.
Merkel & Neufeld, Wasco, $28,998.
G. Pizzo, Arvin, $29,013.
Merkel & Neufeld, Wasco, $28,998.
Kirschenmann Farms, Bksfld, $28,469.
B. W. Duncan, Lamont, $28,434.
Ervin Baublitz, Buttonwillow, $28,057.
Wayne Kirschenmann, Bksfld, $28,023.
Roger Jessup, Bakersfield, $27,955.
Superior Farming Co., Bakersfield, $27,912.
R. Palla, Bakersfield, $27,570.
Jack L. Billington, Wasco, $27,506.
Stenderup Farms, Bakersfield, $27,411.
C. J. Sheperd & Sons, Buttonwillow, $27,375.
Opal Fry & Son 2, Bakersfield, $27,346.
Orlando Torigiani, Bakersfield, $27,301.
Neffs Ranch, Arvin, $27,095.
Kendrick B. King, Lamont, $27,083.
R. Pascoe Ranches, Bakersfield, $26,990.
Rose Ranch, Shafter, $26,843.
Cowan Farms, McFarland, $26,784.
Bermuda Ranch, Shafter, $26,758.
R. Williams, Buttonwillow, $26,703.
Wilbur Kruger, McFarland, $26,523.
F. Garone, Bakersfield, $26,477.
Columbus Rice, Bakersfield, $26,369.
R. Fallot & Son, Buttonwillow, $26,149.
Lee Herring, Arvin, $25,898.
Foothill Ranches, Terra Bella, $25,788.
Donald Molatore, Bakersfield, $25,781.
Elmer Andreotti, Buttonwillow, $25,543.
Bill Davis, Wasco, $25,523.
Raymond Castanchoa, McFarland, $25,450.
A. Ghilarducci, Buttonwillow, $25,367.
Dante Giannini, Buttonwillow, $25,217.
R. H. Hadlock, Wasco, $25,144.
Lloyd Bowman, McFarland, $25,129.
N. L. Ritchey, McFarland, $24,995.
Bernard Sasia, Bakersfield, $24,992.
J. C. Eyraud, Bakersfield, $24,958.
Joe C. Eyraud, Bakersfield, $24,958.
John G. Hill, Shafter, $24,939.
Coombs & Renfro Farms, Bakersfield, $24,928.
Miles H. Thomas, Bakersfield, $24,761.
Saldubehere Bros., Lancaster, $24,694.
Borda & Sons, Kern City, $24,562.
Antone Saldubehere, Lancaster, $24,342.
Albert Angus, Arvin, $24,312.
P. Spolsdoff, Wasco, $24,308.
Frank Del Papa, Bakersfield, $24,214.
Joe Ghilarducci, Buttonwillow, $23,989.
Sundown Farms, Buttonwillow, $23,844.
Kermeth Anderson, Shafter, $23,771.
Martin Farms, Delano, $23,608.
Bergman & Isaac, Shafter, $23,550.
Pandol & Sons, Delano, $23,549.
Barlow Farms, Bakersfield, $23,480.
R. E. Shick, McFarland, $23,421.
Ediger Farms, Wasco, $23,406.
Vernon Blackburn, Arvin, $23,389.
G. Emerson Farms, Inc., Wasco, $23,280.
Poznoff Farms, Shafter, $23,220.
John Camp Farms, Wasco, $23,217.
Bernal Sheep Co., Bakersfield, $22,707.
Frank & Paul Wiebe, Shafter, $22,689.
Clara P. Rexroth, Bakersfield, $22,611.
Blackwell Land Co., Bakersfield, $22,482.
Leonard Gaede, Shafter, $22,426.
Giovannetti Farms, Buttonwillow, $22,392.
Arnold T. Cattani, Arvin, $22,327.
Paul Pierucci, Buttonwillow, $22,191.
M. L. Rockwell, Wasco, $22,176.
Baroncini Bros., Bakersfield, $22,155.
M. & R. Farms, Buttonwillow, $22,088.
James S. Albright, Shafter, $22,004.
Allen E. Neufeld, Bakersfield, $21,709.
J. Riccomini, Bakersfield, $21,699.
Willis Snow and Son, Buttonwillow, $21,441.

Jonas L. Nickel, Shafter, $21,354.
D. M. Steele & Son, Inc., Delano, $21,331.
G. Chernabaeff, Wasco, $21,251.
James Kalpakoff, Wasco, $21,085.
Deno Fanucchi, Buttonwillow, $21,015.
Regal Farms, Bakersfield, $20,970.
Harley Barling Est., Shafter, $20,844.
B. J. Handel Co., Wasco, $20,688.
Camp & Johns, Shafter, $20,666.
Dan Tudor & Sons, Delano, $20,548.
Carl Johns & Sons, Bakersfield, $20,480.
Bell Farms, Shafter, $20,202.
Robert McClain, Shafter, $20,008.
Total payees in county (311), $20,308,792.

Kings County

J. G. Boswell Co., Corcoran, $4,429,484.
South Lake Farms, Fresno, $1,875,454.
Salyer Land Co., Corcoran, $1,547,174.
Westlake Farms, Stratford, $721,129.
Vernon L. Thomas, Inc., Huron, $416,627.
Gilkey Farms, Inc., Corcoran, $328,525.
J. G. Stone Land Co., Stratford, $293,416.
Borba Bros., Riverdale, $250,342.
Schwartz Farms, Inc., Stratford, $226,989.
West Haven Farming Co., Tulare, $207,567.
R. A. Rowan & Co., Stratford, $194,838.
Boyett Farming, Corcoran, $187,645.
Newton Brothers, Stratford, $170,128.
South Fork Ranch, Inc., Lemoore, $129,114.
Jones Farms, Stratford, $126,983.
Couture Farms, Huron, $125,316.
P. Hansen Ranch, Corcoran, $112,281.
Peterson Farms, Corcoran, $107,077.
Lone Oak Ranch, Corcoran, $94,732.
H. L. Yocum & Sons, Hanford, $87,976.
W. W. Boswell, Jr., Corcoran, $87,209.
Harp & Hansen, Corcoran, $80,031.
G. W. & W. G. Squire, Hanford, $76,649.
Tule Ranch A Pts., Corcoran, $75,441.
Wedderburn Bros., Lemoore, $74,541.
R. S. Barlow, Lemoore, $65,664.
R. Gonzalves, Hanford, $64,006.
L. E. Culp, dba Culp Ranches, Coalinga, $62,951.
Fresno Kings Farms, Inc., Huron, $62,598.
Chatom Co., Modesto, $60,149.
Avila Bros., JLC, Hanford, $56,437.
Morris Stuhaan, Visalia, $55,510.
Wesley Hansen, Corcoran, $53,364.
Inco Farms, Inc., Lemoore, $53,316.
Eastside Farms, Stratford, $52,433.
Malcolm P. Powers, Kettleman City, $51,396
M. Murray Farms, Inc., Hanford, $47,266.
Costa & Quintel, Inc., Lemoore, $46,927.
Murray Farms, Inc., Hanford, $46,676.
L. A. Hansen, Corcoran, $43,302.
Verburg Brothers, Hanford, $43,147.
Dunlop Farms, Corcoran, $38,645.
Barcellos & Wolfsen, Stratford, $38,298.
C. Elmer Spafford, Lemoore, $38,034.
Ralph Marshall, Hanford, $37,876.
J. B. Long, Corcoran, $36,454.
John Hild, Hanford, $35,521.
Double O. Ranch, Lemoore, $35,142.
L. E. Hansen Farms, Inc., Lemoore, $35,107.
Dufur & Castadio, Stratford, $33,862.
Basin Farms, Inc., Corcoran, $32,496.
Floyd Wisecarver, Hanford, $31,341.
Fabry Farms, Inc., Stratford, $31,220.
Ralph Gilkey, Corcoran, $31,088.
Franna Farms, Corcoran, $30,981.
B. J. M. Farms, Inc., Lemoore, $30,611.
Nunes & Pires, Lemoore, $29,480.
Gregory Stanton, Stratford, $29,479.
Fagundes Bros., Hanford, $28,978.
Tommy R. Avila, Hanford, $26,814.
Fleming & Frank Bettencourt, Hanford, $26,003.
James & Paul Avila, Lemoore, $26,002.
M. S. Simas, Est., Hanford, $25,568.
W. F. Turner & Sons, Corcoran, $25,262.
Hugh V. Johns, Hanford, $25,105.
Bill Walker, Hanford, $24,666.
John Victoria, Jr., Stratford, $24,341.
Mussel Slough Farms, Hanford, $24,313.
John Verboon, Hanford, $23,803.
Gilkey Farms Delta, Corcoran, $23,151.
Alvin Odle, Corcoran, $22,628.
Robert Wilkinson, Hanford, $22,402.
Marcy J. Silva, Hanford, $22,293.

Kings County

Uselton Ranch, 15654 9th Ave., Hanford, $22,190.
Circle L Farms, 19171 Manteca Ave, Stratford, $21,816.
Kenneth G. Walker, 302 Pine Ave, Long Beach, $21,658.
L. & R. Giacomazzi, Rt. 4 Box 353, Visalia, $21,569.
Albert Martin, 15250 12th Ave, Hanford, $21,551.
Tony Rodrigues, PO Box 36, Stratford, $20,950.
Daniel Fadenrecht, 422 N Douty St, Hanford, $20,891.
Tos Brothers, 130 Maple Way, Hanford, $20,500.
Richard & Ysusi A. Pts, 760 Harvard Ave, Dinuba, $20,094.
Larry Davis, 14095 14th Ave, Hanford, $20,025.
Total payees in county (83) $14,050,018.

Lassen County

Clyde Grafe, Rt 3 Oregon Slope, Weiser, $36,329.
Total payees in county (1) $36,329.

Los Angeles County

John Fuson, 2513 Elm St., Bakerfield, $141,119.
Godde & Ritter, 666 W Ave I, Lancaster, $134,795.
John Calandri, 42016 W Ivesgrove Dr, Lancaster, $37,049.
Kurt F. Ullman, 45201 N 120th St W, Lancaster, $27,246.
Healy Enterprises Inc, 7200 W Ave H, Lancaster, $26,581.
Larsen Bros, 16502 W Ave D, Lancaster, $21,058.
Munz Ranch Co., 12701 W Lancaster Rd, Lancaster, $20,110.
Total payees in county (7) $407,958.

Madera County

Newhall Land & Farming, 10302 Ave 7½ Firbgh, $347,534.
Schuh Bros, 377 Circle Dr, Chowchilla, $152,455.
Dave Mendrin & Sons, 23484 Ave 5, Madera, $124,066.
Larry Chapman, 22449 Rd 9, Chowchilla, $103,977.
Hooper Farms, Inc., 2983 Washington Rd., Chowchilla, $101,118.
Baker & Hansen, 13185 Ave 21, Chowchilla, $91,501.
Johnny Deniz, 19594 Ave 17, Madera, $81,663.
B. A. Watson, 22858 Rd 18½, Chowchilla, $60,987.
Fred Toschi, 13630 Rd 25, Madera, $60,429.
Red Top Ranch, PO Box 1, Red Top, $53,309.
J. A. & T. R. Hawkins, Chowchilla, $51,519.
Triangle T Ranch, Chowchilla, $51,259.
Logoluso Farms, Madera, $50,147.
Norman Kuhr, Chowchilla, $48,200.
El Peco Ranch, Madera, $47,776.
Bill G. Clay, Chowchilla, $46,173.
Henry Watson, Madera, $45,739.
George Andrew, Madera, $45,595.
H. M. Farming Company, Chowchilla, $45,316.
Burkhart Farms, Firebaugh, $43,807.
Howard Glantz, Madera, $40,797.
Ben Curutchet, Chowchilla, $40,390.
L. G. Beshears, Chowchilla, $36,323.
John M. Lasgoity, Madera, $35,353.
Robert Hansen, Chowchilla, $33,079.
Forrest Clayton, El Nido, $32,565.
Sam Mariani, Madera, $31,782.
Richard Johnson, Chowchilla, $31,683.
Frank J. Martin, Madera, $31,609.
Dan Branco, Chowchilla, $30,996.
L. D. McRee, Chowchilla, $30,498.
Adobe Ranch, San Francisco, $29,076.
Sagouspe Brothers, Madera, $28,847.
Willard Haynes, Chowchilla, $28,821.
Guy Houk, Firebaugh, $28,740.
Sherman Thomas, Madera, $27,704.
John Galleano, Madera, $27,608.
A. K. Baker, Madera, $27,592.
S. A. Upton, Chowchilla, $27,332.
Buffington Agri Ent, Chowchilla, $27,332
Curran Ranches, Madera, $27,169.
Kenneth Seibert, Madera, $26,949.
David Baker, Chowchilla, $26,695.
Jessup Farms, Pacoima, $26,466.
Dale Maddalena, Chowchilla, $26,375.
R. C. Weaver, Chowchilla, $26,317.
William Hagopian, Madera, $26,287.
Leonard Frazier, Firebaugh, $25,593.
Wm. Correia, Chowchilla, $25,415.
G. J. Schuh, Chowchilla, $25,399.
Alvin Gomes, Madera, $23,965.
Victor Kuhr, Chowchilla, $23,741.
Arthur W. Freeman, Madera, $22,996.
Wm. E. Roberts, 13434 Ave 19½, Chowchilla, $22,385.
John Farmer, 105 Canal Dr., Chowchilla, $21,646.
Floyd Williams, 18819 Ave 7, Madera, $21,172.
John Koretoff, Jr., 5470 Rd 22, Madera, $20,690.
Robert Saulsbury, Jr., 20783 Ave 12, Madera, $20,674.
James Q. Buffington, 14501 Ave 20½, Chowchilla, $20,390.
J. H. Austin, 14279 Rd 39½ N, Madera, $20,345.
Arvid Allen, 9806 Rd 5½, Firebaugh, $20,294.
Averill Ranch, P O Box 1079, Madera, $20,290.
Gerald Leach, 16886 Ave 17, Madera, $20,204.
Total payees in county (63), $2,822,154.

Merced County

Timco Div, PO Box 311, Los Banos, $362,120.
Sam Hamburg Farms, PO Box 547, Los Banos, $150,271.
Wolfsen Land and Cattle, Box 311, Los Banos, $140,863.
Bowles Farming Co., 11609 S Hereford, Los Banos, $115,918.
Vernon Porter, Rt 2 Box 203H, Dos Palos, $96,126.
San Juan Ranching Co., Rt 1 Box 171B, Dos Palos, $93,294.
Lindemann Farms Inc., 1420 11th St., Los Banos, $66,498.
Joe G. Machado, Jr., Rt 1 Box 176A, Dos Palos, $58,737.
Santa Rita Ranch Co., Rt 1 Box 164, Dos Palos, $57,513.
Brights Nursery Inc., 5246 Plainsburg, Le Grand, $51,305.
Favier Bros., 6049 S Lone Tree Rd., Merced, $50,847.
Clay Farms Inc., 4444 Ave 24, Chowchilla, $47,734.
Findley M. Upton, PO Box 506, Chowchilla, $46,396.
Carl V. Grissom, 6863, S. Plainsburg Rd, Le Grand, $44,656.
Woo Bros., 24477 S Woo Rd, Los Banos, $44,624.
Sorg Bros., 2502 Linden, Dos Palos, $40,721.
A. Hamburg Ranches Inc., PO Box 471, Los Banos, $40,616.
Bisignani Bros., 13816 W. Bisignani Rd., Los Banos, $39,902.
Ray Buie, Rt 2 Box 2028, Dos Palos, $38,517.
James Maiorino, Jr., 39470 W Oxalis, Firebaugh, $36,031.
A. Lobue Farms, PO Box 312, Los Banos, $35,953.
Vandenberg Bros., Rt 2 Box 203 D, Dos Palos, $34,137.
Lewis Maiorino, 2357 Linden, Dos Palos, $33,866.
Talbott Sheep Co., 1223 Calif St, Los Banos, $33,757.
Chas E. Andrews, RR 1 Box 21, Dos Palos, $32,436.

Cozzi Bros., RR 1 Box 90, Dos Palos, $31,358.

Harry Haynes, 10784 Ave 18, Chowchilla, $28,633.

Gino Pedretti, 1975 E Roosevelt Rd, El Nido, $28,578.

R. Palazzo and Co., Inc., Los Banos, $28,448.

Obanion Ranches, Dos Palos, $28,352.

F. Serrano, Legrand, $27,692.

Carl Sumpter, Dos Palos, $26,945.

Danco Farms, Los Banos, $22,543.

Ollie McDonald, Los Banos, $22,490.

Herman Willis, Dos Palos, $21,732.

Striblings Nurseries, Merced, $21,708.

Carl Bryant, Dos Palos, $21,344.

Pellissier and Sons, Merced, $21,281.

Pereira Bros., Los Banos, $21,025.

Etcheverry, Bros., Los Banos, $20,582.

Total payees in county (40) $2,165,549.

Modoc County

John Martin Espil, Eagleville, $25,928.

Lakeshore Ranch, Davis Creek, $20,768.

Total payees in county (2) $46,696.

Monterey County

Darrigo Bros, Co. of Calif., Salinas, $63,790.

Frank Taylor, King City, $47,316.

Jack A. Hayes, King City, $38,854.

Martinus & Martinus, Lockwood, $34,368.

Tom Hambey & Son, Soledad, $31,345.

Sciaroni Farms, Inc., Soledad, $29,979.

William D. Crinklaw, King City, $28,275.

Huntington Farms, Inc., Soledad, $27,412.

A. & M. Silveira, Greenfield, $26,848.

Consolidated Growers, Inc., Salinas, $26,404.

Porter Es. Co. Brdly Rch., Inc., San Francisco, $26,261.

United Farms Co., Salinas, $26,200.

Hansen & Fowler, San Ardo, $25,924.

Ruth Holme, Salinas, $25,000.

J. & A. Farms, Salinas, $25,000.

Hudson Ranch, Monterey, $25,000.

Arnold Bassetti & Sons, Greenfield, $24,322.

Fanoe Bros. & Sons, Gonzales, $24,222.

Calif. Land & Cattle Co., King City, $23,711.

J. M. Sharp Co., Saticoy, $23,519.

T. M. Bunn & EST of T Yuki, Salinas, $23,008.

Oshita, Inc., Salinas, $21,895.

William Whitney, Greenfield, $21,787.

Joe P. Camsuzou, San Miguel, $20,706.

Total payees in county (24) $691,146.

Orange County

The Irvine Co., Irvine, $151,084.

Placer County

Evans Bros., Roseville, $27,234.

Frank & Ross Riolo, Roseville, $25,061.

Floyd Bonnifield, Lincoln, $21,821.

Total payees in county (3) $74,116.

Riverside County

Freshpict Foods, Inc., Blythe, $426,047.

Riverview Farm & Cattle, Blythe, $318,455.

Clarence Robinson, Blythe, 138,254.

John Norton Farms, Blythe, $133,098.

Kennedy Bros., Indio, $125,420.

Wayne Barrett, Blythe, 114,396.

Delta Ranches, Inc., Blythe, $101,612.

Scott & Knappenberger, Blythe, $89,992.

Schindler Brothers, Ripley, $81,352.

P. I. Land & Cattle Co., Blythe, $67,448.

Fisher Ranch, Blythe, $62,205.

Verne Wuertz, Ripley, $60,061.

George Arakelian Farms, Inc., Blythe, $58,446.

Rummonds Bros. Ranches, Inc., Indio, $54,746.

Lawrence Chaffin, Blythe, $51,526.

BKM Ranchers, Romoland, $50,630.

E. C. Apodac EST, Indio, $47,067.

Joe H. Ulmer, Blythe, $45,947.

W. K. Kenworthy, Blythe, $45,266.

Sunrise Farms, Blythe, $42,523.

Dale Hull, Blythe, $42,072.

John Pavao, Indio, $36,973.

John Coudures Co., Perris, $35,729.

Harboe Ensley, Indio, $33,282.

Rheingans Bros., Winchester, $32,518.

Marshburn Bros., Thermal, $32,318.

Peter Rabbit Farms, Coachella, $29,840.

Hanna Farms, Inc., Blythe, $29,778.

Bud Antle, Inc., Redrock, $27,876.

Johnson Bros., Claremont, $27,107.

Sam Keoseyan, Coachella, $26,568.

Ford Underwood, Perris, $25,876.

Motte & Sons, Perris, $25,746.

Rancho Del Juan, Inc., Blythe, $22,415.

Harboe Ensley Assoc., Indio, $22,326.

John B. Mainvil, Riverside, $22,235.

J & R Enterprises, Blythe, $21,977.

Gary A. Bryce, Blythe, $21,811.

P. V. Land & Cattle, Los Angeles, $21,409.

Roy C. Smith, Perris, $21,111.

Nish Noroian Farms, Blythe, $20,641.

Bert Lauda, Perris, $20,623.

Jack E. Marlowe, Blythe, $20,383.

Total payees in county (43) $2,735,105.

Sacramento County

Charles Coldani, Galt, $25,705.

Amistad Ranches, Courtland, $25,197.

Total payees in county (2) $50,902.

San Diego County

Daley Enterprise, San Diego, $29,098.

San Joaquin County

M and T, Inc., Walnut Grove, $81,104.

J. & R. Bogetti, Tracy, $72,624.

Southn. Pac. Ld. Co., San Francisco, $71,757.

Jean Cubiburu, Stockton, $48,138.

Coleman Foley, Pleasanton, $33,400.

O. Narducci, Stockton, $30,455.

Dell Aringa Bros., Inc., Stockton, $29,651.

Reclaimed Island Lands, Lathrop, $28,722.

A. & M. Farms, Tracy, $26,581.

D. Olcomendy & Son, Stockton, $21,779.

Total payees in county (10), $444,211.

San Luis Obispo County

Camatta Ranch, Santa Margarita, $86,433.

Jackson & Reinert, Paso Robles, $59,459.

Miller Brothers, Paso Robles, $52,071.

Heilman Bros., Atascadero, $46,386.

Grayson Owen Co., Santa Margarita, $36,755.

Claude Arnold, Margarita, $28,351.

Ralph Shaw, Paso Robles, $27,091.

Iverson Ranch, Inc., Shandon, $26,942.

Ancho Vista Ranch, Santa Margarita, $26,262.

William P. Wreden, Palo Alto, $24,856.

Jon W. Cooper, Santa Margarita, $24,628.

Augustine Sanchez, Paso Robles, $24,544.

Van Horn Bros., Paso Robles, $21,158.

Ernest A. Hahl, Shandon, $21,072.

Total payees in county (14), $506,408.

Santa Barbara County

R. L. Calhoun, Taft, $76,924.

Sinton & Brown Co., Santa Maria, $46,125.

Andrew T. Petersen, Buellton, $40,301.

Owen T. Rice & Son, Inc., Santa Maria, $33,124.

Hanson Ranch, Santa Maria, $23,965.

H. James Hopkins, Los Alamos, $23,697.

Eskild Skytt, Lompoc, $21,839.

Gainey Ranch, Solvang, $20,392.

Total payees in county (8), $286,367.

Siskiyou County

Townley Bros., Montague, $26,859.

Dorman R. York, Montague, $23,477.

Total payees in county (2), $50,336.

Solano County

Chew Bros., Sacramento, $57,782.

Marion Sanchez Farms, Rio Vista, $50,388.

Peter Cook, Jr., Rio Vista, $44,481.

Gnos Bros., Dixon, $43,715.

Steve Shubin, Elmira, $38,109.

George M. Struve, Jr., Dixon, $37,608.

Tom Abel, Rio Vista, $32,386.

Anderson Bros., Dixon, $31,163.

Solano Farms, Inc., Dixon, $30,010.

Moore Bros., Lincoln, $29,917.

Albert Carrington, Vacaville, $29,632.

H. H. & J., Walnut Grove, $28,526.

Hastings Farms, San Francisco, $27,728.

Richard Emigh, Rio Vista, $26,815.

Bulkley Ranch, Dixon, $25,978.

Vassar Farms, Inc., Dixon, $25,708.

Holdener & Wiegand, Dixon, $24,451.

E. A. Anderson & Sons, Birds Landing, $23,717.

W. S. Pedrick, Davis, $20,956.

Robert C. Gill, Dixon, $20,950.

Mayhood Ranches, Rio Vista, $20,579.

Total payees in county (21), $670,599.

Stanislaus County

Arravan Farms, Modesto, $39,974.

Interstake Farms, Patterson, $27,776.

Thorkelson Ranches, Patterson, $24,144.

Ed E. Hagemann, Jr., Westley, $21,230.

Total payees in county (4), $113,124.

Sutter County

Newhall Land and Farming, Meridian, $52,813.

Broomieside Farms, Knights Landing, $45,658.

E. E. McPerrin and Son, Live Oak, $27,291.

Lamb Brothers, Meridian, $24,762.

Oji Bros. Farm, Inc., Yuba City, $24,608.

Yosuba Farms, Robbins, $24,232.

Agrivest Corp., Woodland, $22,754.

Siller Brothers, Yuba City, $21,969.

Total payees in county (8), $244,087.

Tehama County

Sutfin Bros., Corning, $51,003.

L. H. Vincent, Chico, $35,836.

Robert E. Mills, Corning, $34,917.

Anchordoguy & Co., Red Bluff, $33,901.

Raymond Dutro, Gerber, $25,823.

D. L. Williams & Son, Corning, $23,274.

George M. Stutz, Red Bluff, $20,142.

Total payees in county (7), $224,896.

Tulare County

Roberts Farms, Inc., Porterville, $233,013

Nichols Farms, Hanford, $227,447.

S. K. Ranch, Visalia, $200,720.

John Valov, Tulare, $169,180.

Marion Harris, Tulare, $143,777.

E. W. Merritt Farms, Porterville, $131,533

Correia Brothers, Visalia, $126,482.

C. J. Ritchie, Visalia, $122,526.

Shuklian Bros., Inc., Tulare, $105,464.

A. E. Panetta Farms, Tipton, $100,087.

T. V. Cardoza & Son, Tulare, $97,701.

Don & Vern Thiesen, Kingsburg, $93,263.

M. Curti & Sons, Waukena, $91,334.

Morris Stuhaan, Visalia, $87,365.

E. Batsch, Strathmore, $84,244.

C. J. Shannon & Sons, Tulare, $83,286.

R. E. Smith & Sons, Pixley, $83,254.

Carl & Paul Shannon, Visalia, $78,373

McCarthy Bros., Tulare, $73,015.

Doe Cattle & Land Co., Visalia, $67,650.

R. A. Hildebrand, Bakersfield, $66,459.

G. L. Pratt, Visalia, $65,734.

Andy Wheat, Corcoran, $65,240.

G. E. Paxton, Tulare, $64,651.

Menezes Bros., Tulare, $63,644.

Mitchellinda Ranches, Alpaugh, $63,574

Glenn Schott & Sons, Pixley, $62,257.

Wilbur Ranch, Tulare, $61,553.

W. M. & D. L. Colson, Tulare, $61,176.

Watte Brothers, Tulare, $60,606.

H. A. Vossler & Sons, Porterville, $60,202.

Doyle Ritchie, Visalia, $59,071.

Sherman Land & Cattle Co., Tulare, $56,174.

Atilio Belezzuoli, Tipton, $55,838.

J. D. Andreas & Sons, Delano, $55,017.

Bill White, Pixley, $54,859.

Guthrie Farming Co., Porterville, $54,220.

Rogers Farming Co., Porterville, $53,239.

Jack Phillips, Delano, $52,630.

Marko Zaninovich Inc., Delano, $51,495.

Hochuli Bros., Terra Bella, $51,221.

Roy Kent, Porterville, $51,075.

Robert F. Bowman, Corcoran, $51,047.

L. W. Turk, Tipton, $50,800.

Sam W. Bell, Delano, $49,597.

Charlie Minoletti, Porterville, $49,575.

John Torrez, Jr., Tulare, $48,746.

Baker Bros., Earlimart, $47,805.

Clyde Quillin, Jr., Tipton, $46,624.

George A. Efseaff, Earlimart, $46,285.

A Caratan & Son, Delano, $45,681.

Glenn L. Cooper, Corcoran, $45,656.

Vernon Hutsell, Tulare, $45,372.

Jack C. Harris, Terra Bella, $45,057.

J. X. Bettencourt, Tipton, $45,011.
A. T. & J. R. Villard, Delano, $44,508.
Louie F. Morris, Alpaugh, $44,176.
Fisher Bros., Tulare, $44,153.
S & S Ranches, Tulare, $43,689.
Hash Nursery, Visalia, $42,859.
Mary Rocha, Tulare, $41,667.
Chas. E. Slaughter Farms, Tipton, $40,982.
James E. Kagler, McFarland, $40,064.
Don MacMillan, Tipton, $39,349.
Richard Berry & Sons, Cutler, $38,837.
Dick Anderson, Tulare, $38,628.
Melvin Miller, Visalia, $38,021.
A. M. Falconer & Sons, Pville, $37,547.
Lapadula Farms, Pixley, $37,561.
Don Eisner, Strathmore, $37,225.
S. A. Camp Ginning Co., Shafter, $37,041.
Benson Bros., Tulare, $36,648.
Overholt Bros., Pville, $36,441.
Howard Trimble & Son, Kingsburg, $36,160.
Nagatani Farms, Delano, $35,405.
Edward L. Irwin, Tulare, $35,088.
Hank Anderson, Tulare, $34,983.
Earl Royer, Strathmore, $34,866.
Theodore Eberlein, Delano, $34,628.
Hercal Corp., Lindsay, $34,420.
Lawrence Taylor, Cutler, $34,342.
Thad Dresser, Tulare, $34,298.
Clarklind Farms, Tulare, $34,214.
Schlitz & Twiford Farms, Delano, $34,186.
Gerald Lang, Visalia, $34,108.
Nickell Farms, Alpaugh, $34,036.
George Bassett, Jr., Tulare, $33,922.
Joe W. Ramos, Tipton, $33,820.
Clark Bros., Tulare, $33,766.
Rollis Friend, Pixley, $33,735.
Geo. C. Rising, Tipton, $33,585.
Roy D. Murray, Earlimart, $33,492.
Don Jackson, Kingsburg, $33,452.
Robert Taggart, Tulare, $33,285.
Harvey Lauritzen, Tulare, $33,140.
J. C. Ribeiro & Sons, Tulare, $32,906.
Serpa & Co., Tulare, $32,301.
Sam Perry, Earlimart, $32,086.
John E. Sola, Strathmore, $31,587.
C. D. Speer, Pixley, $31,545.
C. Paul Johnson, Visalia, $31,386.
Gobel Bros., Pville, $31,280.
Manuel Silveira, Tulare, $30,974.
S. K. Warkentin, Dinuba, $30,908.
Gist Farms, Tulare, $30,503.
Onel C. Jackson, Earlimart, $30,351.
Carl Hofmeister, Ojai, $30,233.
Manuel Picanso, Tular, $29,885.
Edgar Schieler & Sons, Terra Bella, $29,690.
Chas Neufeld, Kingsburg, $29,597.
Toomey Brothers, Visalia, $29,420.
W. A. Schwartz, Earlimart, $28,939.
Kirby Wyllie, Tulare, $28,856.
Manuel I. Rocha & Co., Tulare, $28,662.
E. L. Beaver, Pville, $28,199.
Donald Bergantz, Tulare, $27,880.
R. W. & G. Stadden, Jr., Tipton, $27,330.
J. H. & R. J. Cowart, Pixley, $27,170.
T. & R. Ranches Inc., Tulare, $27,091.
L. & W. Ellis, Tulare, $27,050.
Don Dollinger, Pixley, $27,033.
Coy M. Daffern, Tulare, $26,960.
Lowell Loftis, Tipton, $26,727.
Hillman Corporation, Tulare, $26,654.
Reynold M. Benson, Tulare, $26,504.
Richard Stuhaan, Visalia, $26,643.
Paul Hawthorne, Porterville, $26,394.
Anthony Rodrigues, Visalia, $26,363.
Geo. Shannon, Tulare, $26,202.
George P. Orisio, Tulare, $25,893.
James P. Mathias, Tulare, $25,802.
S. Trigueiro, Jr., Tulare, $25,560.
Manuel Martin, Jr., Tipton, $25,525.
L. Raviscioni Farms, Waukena, $25,472.
Troy Huckabay, Kingsburg, $25,384.
R. G. Burns, Porterville, $25,274.
Manuel Torrez, Tulare, $25,266.
J. L. Pires & Co., Tulare, $25,245.
Wm. & Jeff Hahesy, Tulare, $24,860.
Galbraith Brothers, Tipton, $24,820.
James Pryse, Alpaugh, $24,811.
Anton Simonich, Tulare, $24,705.
Ed Hanni, Strathmore, $24,411.
J. K. Frisch, Pixley, $24,408.
Jacob Ryser, Alpaugh, $24,387.
Pete Lawrence, Kingsburg, $24,351.
Ritchie & Ritchie, Visalia, $24,129.
Manuel Faria, Tipton, $24,097.
Louis J. Goeman, Visalia, $23,930.
Melvin Santry & Son, Pville, $23,723.
Julia de Campos, Hanford, $23,664.
Nielsen Farms, Delano, $23,497.
Bill Faria, Tulare, $23,449.
William Flores, Dinuba, $23,199.
Elmer Jost, Dinuba, $23,145.
John D. Finni, Visalia, $22,999.
Bill Beshears, Corcoran, $22,936.
Cody Noel, Lindsay, $22,591.
Guido Lombardi, Porterville, $22,524.
Pradera Del Lago, Tipton, $22,159.
Elliott Farms, Visalia, $22,134.
Barton L. Smith, Tulare, $21,898.
Bill Westbrook, Pixley, $21,880.
Donald Marshall, Delano, $21,804.
Theodore Smith, Alpaugh, $21,716.
Garth Cobbs, Delano, $21,397.
M. J. Silva, Sr., Tulare, $21,392.
Raymond Donaldson, Tipton, $21,286.
Poplar Grape Growers, Terra Bella, $21,251.
Joe Bettencourt, Visalia, $21,173.
Bertorelli Brothers, Swarthmore, $21,141.
Kotchevar Bros., Porterville, $21,098.
Glenn H. Reed, Tipton, $21,074.
L. J. Chroman, Delano, $21,058.
Cecil McClure, Tulare, $21,030.
Chas. Westbrook, Pixley, $20,970.
Bob & Lyle Barnett, Visalia, $20,929.
G. L. Bennetts, Visalia, $20,723.
Piepgrass Brothers, Visalia, $20,550.
Francis & Paul Johnson, Visalia, $20,526.
Mueller & Miller, Visalia, $20,526.
Joseph J. Lerda, Tulare, $20,525.
Allan Jones, Pville, $20,522.
Darrell Taylor, Earlimart, $20,383.
George G. Efseaff, Earlimart, $20,360.
Johnson & Johnson, Visalia, $20,320.
A. Ekizian, Visalia, $20,309.
Ronald J. Castro, Visalia, $20,246.
Uchita Bros., Tulare, $20,232.
C. F. Dessel & Sons, Inc., Visalia, $20,154.
F. R. Miller, Tipton, $20,142.
Henry Finck, Earlimart, $20,140.
Wallace Hopper, Visalia, $20,069.
John P. Gilbert, Tipton, $20,058.
Total payees in county (194) $8,225,558.

Ventura County

Rancho Ventura, Somis, $60,021.
Rancho Sespe, Fillmore, $25,850.
Arboleda Corp., Santa Paula, $21,453.
Santa Pla Rchs., Santa Paula, $20,340.
Total payees in county (4) $127,664.

Yola County

E. L. Wallace, Woodland, $82,463.
C. Bruce Mace Ranch, Inc., Davis, $72,324.
Heidrick Farms, Inc., Woodland, $61,301.
E. L. Wallace and Sons, Woodland, $56,996.
Layton Knaggs, Woodland, $53,241.
Kirtlan Bros., Clarksburg, $50,104.
G. A. Hanks & Sons, Sacramento, $49,052.
John B. Anderson, Knights Landing, $32,802.
E. D. Willey and Sons, Sacramento, $31,912.
Lloyd Eveland, Woodland, $31,700.
Spreckels Sugar Co., Woodland, $31,010.
Meek and Memaitre, Woodland, $26,568.
Scott Yamamoto, Dixon, $22,854.
W. C. Payne, Woodland, $22,169.
Buchignani and Hughes, Woodland, $22,012.
Hatanaka Bros., Winters, $21,100.
Regents of Univ. of Calif., Davis, $20,776.
Nishimura Bros., Sacramento, $20,014.
Total payees in county (18) $708,398.
Total payees in state (1,269) $86,547,528.

COLORADO

Adams County

Monaghan Farms, Inc., Commerce City, $49,203.
Danford & Champlin, Ltd., Watkins, $49,054.
Box Elder Farms Co., Denver, $39,629.
Sakata Farms Inc., Brighton, $32,690.
Alfred J. Linnebur, Byers, $24,860.
Fred Bath, Ft. Morgan, $22,294.
Charles T. Heinricy, Strasburg, $20,830.
Total payees in county (7), $238,560.

Arapahoe County

Lawrence Cowell, Deer Trail, $28,245.
Robert E. Carlson, Byers, $26,015.
Tom Bradbury, Littleton, $25,798.
Ed Fischahs, Aurora, $22,849.
Total payees in county (4), $102,907.

Baca County

R. R. Rutherford, Springfield, $218,427.
William Greathouse, Walsh, $119,163.
C. V. Cogburn, Walsh, $51,508.
R. D. Jones, Elkhart, $38,315.
T. F. Arbuthnot, Springfield, $35,527.
Brownie Farms, Buttes, $34,922.
F. M. Swanson, Springfield, $34,716.
Bernard Neill, Springfield, $31,789.
Ervin L. Hancock, Walsh, $31,746.
Lewis Robbins, Walsh, $30,426.
Earl Crane and Sons, Springfield, $30,205.
Russell, Loflin, La Junta, $29,388.
Wayne Orebaugh, Buttes, $28,007.
A. B. Hefley, Springfield, $26,955.
Homsher, Farms and Ranchs, Springfield, $26,742.
Samuel Thompson, Walsh, $26,204.
W. E. Tolbert, Walsh, $25,432.
Derral Schroder, Campo, $24,629.
Harry Hall, Springfield, $23,658.
Clyde McEndree, Springfield, $22,714.
Roy B. Hanes and Delano Alley, Keyes, $22,551.
Laramie Burson, Walsh, $22,415.
Lynn Bitner, Walsh, $22,219.
E. S. Benson, Two Buttes, $22,073.
Harvey L. Henderson, Satanta, $21,411.
O. H. Vail, Lycan, $21,321.
Warren Konkel, Walsh, $20,489.
Sam Ellis, Two Buttes, $20,370.
Total payees in county (28), $1,063,322.

Bent County

Jake Broyles, Lamar, $40,461.
George C. Camilli, Animas, $37,613.
Geo. Tempel and E. H. Tempel, Jr., Wiley, $32,126.
G. Swift Est., Las Animas, $31,012.
Fred Rohlman, Lamar, $28,102.
Cordes and Oberlander, Las Animas, $22,428.
Scranton Bros., Lamar, $22,090.
Kasza Bro., McClave, $21,915.
George Reyher, McClave, $21,448.
Frank K. Buster, Wm. M. Leebron, Cheyenne, $20,467.
Dale Schnabel, Granada, $20,042.
Total payees in county (11), $297,704.

Boulder County

Don Echeverria, Longmont, $64,256.

Cheyenne County

Baughman Farms, Inc., Liberal, $194,170.
John Kriss, Colby, $56,626.
Dale Mitchek, Cheyenne Wells, $43,431.
Allen Bros., Arapahoe, $38,628.
James McCormick, Jr., Stratton, $35,927.
Knudsen Ranch, Arapahoe, $34,581.
August Kern & Sons, Cheyenne Wells, $34,379.
Marvin Lowe, Cheyenne Wells, $33,665.
Archie M. Lowe & Sons, Cheyenne Wells, $32,998.
A. D. Reed, Ackerly, $30,065.
M. K. White, Arapahoe, $28,322.
White Woman Creek, Inc., Garden City, $26,988.
Jeanne L. James, Burlington, $26,728.
Henry Funk, Arapahoe, $26,210.
Raymond Aldridge, Arapahoe, $25,289.
William L. White, Arapahoe, $24,292.
Gail Woodard, Wichita, $22,553.
JH Bar Ranch Co., Cheyenne Wells, $21,801.
John E. Harker, Arapahoe, $21,631.
Harold Rother, Arapahoe, $21,341.
Total payees in county (20), $779,625.

Crowley County

Crowley Land & Dev. Co., Ordway, $239,862.

Delta County

McIntyre Livestock Corp., Hotchkiss, $21,372.

Dolores County

Snyder, Inc., Dove Creek, $22,328.

Elbert County

Andy Kochis, Jr., Matheson, $23,907.

Jefferson County

Wilson and Co., Inc., Denver, $78,590.
Anschutz Lvstck Co., Denver, $60,222.
Total payees in county (2), $138,812.

Kiowa County

James S. Garvey, Colby $59,009.
Harold Wyckoff, Arlington, $54,449.
Wayne E. Tallman, Brandon, $34,105.
M. E. Templer, Eads, $32,849.
Wayne E. Tallman Farms Co., Brandon, $31,019.
C. W. Schwerdfeger, Syracuse, $30,969.
W. Harold Tuttle, Towner, $30,940.
Stum & Schuler, Towner, $30,788.
Garvey Properties, Inc., Colby, $28,937.
Aubrey Shotton, Eads, $26,931.
Gene Schwerdfeger, Coolidge, $26,159.
Harold Cloyd, Weskan, $25,564.
Jagee Corporation, Colby, $25,511.
Clyde E. Buck, Eads, $25,494.
B. A. Brixey, Hooker, $24,516.
Eddie C. Templer, Eads, $24,363.
George A. Jacobs, Eads, $24,355.
Bill Marx, Haswell, $23,047.
Jake Boehs, Eads, $22,864.
William J. Weber, Sheridan Lake, $21,830.
John A. Stavely, Haswell, $21,791.
Anton F. Dreiling, Holly, $21,763.
La Vern Buck, Eads, $20,945.
Ira Jay Paulin, Holly, $20,372.
Charles E. Tallman, Brandon, $20,197.
Total payees in county (25), $708,767.

Kit Carson County

Hinkhouse Bros., Burlington, $102,602.
Penny Ranch, Burlington, $77,564.
Kenneth Hitchcock, Burlington, $72,575.
Dannie Weaver, Burlington, $64,113.
Dale D. Hanna, Burlington, $58,035.
Raymond Schulte, Stratton, $52,080.
Leonard Feldhousen, Burlington, $50,800.
Raymond Duell, Flagler, $47,489.
Russell Scott, Burlington, $46,834.
Orville Chapin, Burlington, $45,501.
Paul Gergen, Burlington, $45,474.
G. F. Bollwinkel, Burlington, $37,022.
Byron G. Jarnagin, Burlington, $36,445.
George Andrews, Burlington, $35,019.
Iron Mueller, Inc., Bird City, $34,703.
Hargrove Farms, Inc., Seibert, $32,931.
Don Scheierman, Burlington, $32,881.
Britt Bell, Burlington, $32,290.
Buol Farms, Inc., Burlington, $31,321.
Kenneth Harrel, Burlington, $31,030.
Marvin Grusing, Burlington, $30,989.
Melvin Gross, Burlington, $30,350.
Rex Hitchcock, Burlington, $30,235.
Louis Henry Nider, Burlington, $29,222.
Ernest Pottorff, Stratton, $27,980.
John R. Zurcher, Stratton, $27,895.
Edgar Pratt, Burlington, $27,839.
Francis McCaffrey, Sr., Flagler, $27,121.
Q. G. Demmitt, Meade, $27,024.
Raymond Thomas Downey, Stratton, $27,003.
Plautz Corporation, Burlington, $26,185.
Harold Pickard, Vona, $25,895.
C. E. McCartney, Burlington, $25,889.
Herman Ridder, Burlington, $25,617.
Chester E. James, Kanorado, $25,449.
Bess Jones, Amarillo, $25,350.
Leon Silkman, Burlington, $25,338.
Louis Loeffler, Seibert, $25,278.
Mae Belle Crouse, Burlington, $24,526.
William Paul Hornung, Stratton, $24,207.
Edwin Rainbolt, Kanorado, $24,081.
James H. Witt, Flagler, $23,973.
Reed Ranches, Burlington, $23,683.
O. E. Powell, Bethune, $23,611.
Eldon E. Smith, Kanorado, $23,565.
Marvin W. James, Broomfield, $23,517.
Lyle Bedford, Goodland, $23,395.
Virgil Unruh, Burlington, $23,370.
Simon Brothers, Stratton, $23,321.
Miltenberger Bros., Stratton, $23,313.
Schutte Farms, Burlington, $23,189.
Ewald Hartman, Burlington, $23,174.
Wayne A. Davis, Kanorado, $22,860.
Arthur C. Wilks, Burlington, $22,712.
Eugene Fasse, Kanorado, $22,591.
Alvin C. Johnson, Burlington, $22,559.
Leo M. Mulch, Scott City, $22,400.
W. B. Coryell, Flagler, $22,033.
Three Rivers Ranch, Inc., Grant, $21,844.
Lillian Carter, Akron, $21,803.
Ernest Cure, Stratton, $21,777.
Warren Hodge, Burlington, $20,255.
E. E. Morrell, Kanorado, $20,124.
W. T. Pottorff, Stratton, $20,099.
Russell Davis, Burlington, $20,098.
Total payees in county (65), $2,069,448.

La Plata County

Chris A. Baker, Ignacio, $20,745.

Larimer County

Buckeye Land & Lvstk. Co., Eaton, $44,282.
Kenneth Thayer, Fort Collins, $21,299.
Total payees in county (2), $65,581.

Lincoln County

F. Poss Farms, Inc., Hugo, $34,585.
Orval F. Parker, Inc., Arriba, $25,682.
Total payees in county (2), $60,267.

Logan County

Geo. Henderson Co., Sterling, $32,307.
Wood Land Co., Haxtun, $25,537.
Stephen J. Breidenbach, Iliff, $24,233.
John L. Nelson, Sterling, $20,290.
Raymond Hernandez, Iliff, $20,132.
Total payees in county (5), $122,499.

Mesa County

J. Perry Olsen, Grand Junction, $33,862.
Colorado Utah Livestock, Fruita, $26,654.
C. R. Franklin, Fruita, $24,749.
Irving C. Beard, Fruita, $23,807.
Total payees in county (4), $109,072.

Moffat County

Smith Rancho Inc., Craig, $47,519.
Cross Mountain Inc., Craig, $40,059.
Two Bar Ranch Company, Craig, $30,881.
Visintainer Sheep Company, Craig, $28,228.
Total payees in county (4), $146,687.

Montrose County

Chuchuru Bros., Montrose, $20,373.

Morgan County

Andrew Blake, Woodrow, $42,761.
Raymond H. Roark, Wiggins, $26,345.
Carl D. Iungerich, Morgan, $20,722.
R. G. Weninger, Akron, $20,464.
Clyde E. Foiles, Snyder, $20,383.
Total payees in county (5), $130,675.

Otero County

Holbrook Mutual Irrigators, Junta, $47,992.
C. R. Lusk and Sons, Swink, $27,038.
Total payees in county (2), $75,030.

Phillips County

Edwin Axe Farms Inc., Holyoke, $67,292.
Dudden Elevator Inc., Venango, $40,659.
Deden Inc., Venango, $35,830.
Joy Sporhase, Holyoke, $34,872.
Paloucek Bros., Holyoke, $31,666.
Harry Brinkema, Holyoke, $22,738.
W. O. Krueger, Holyoke, $22,272.
Marvin Fuesz, Haxtun, $22,140.
Galen Bamford, Haxtun, $21,534.
Norman Kramer, Holyoke, $21,329.
Dale Colglazier, Holyoke, $20,814.
Total, payees in county (11), $341,146.

Pitkin County

Christensen Bros., Snowmass, $26,113.

Prowers County

Reyher Farms, McClave, $69,972.
X. Y. Ranch Co., Granada, $63,458.
C. H. Fletcher, Lycan, $59,603.
C. E. Willhite, Holly, $49,209.
C. A. & Robert Barth, Holly, $48,757.
Lamar Farms, Lamar, $38,844.
Sun Vue, Inc., Lockney, Tex., $38,627.
L. W. Bailey, Manter, $38,532.
Curtis Duvall, Granada, $36,967.
Jack Herrin, Lamar, $36,114.
Howard A. Ragsdale, Lamar, $35,915.
J. Marvin Willhite, Holly, $33,530.
Gene and Claude Hammit, Holly, $31,262.
J. Willhite and Son, Holly, $30,946.
Frank Duvall, Granada, $30,824.
John Gentz, Lamar, $29,217.
C. Hart Farms, Inc., Holly, $29,051.
Harry Heath Estate, Lamar, $27,439.
Steve L. Stroud, Weatherford, Okla., $26,325.
Creamer Ranch, Lamar, $25,887.
Dorenkamp Farms, Inc., Holly, $25,329.
Eugene Rundell, Lamar, $24,892.
Cottonwood Ranch, Holly, $24,474.
Horsecreek Farms, Hooker, Okla., $23.558.
George E. Holmes, Enid, $23,077.
C. G. Cruikshank, Granada, $21,995.
Clifford Verhoeff, Holly, $21,121.
Leonard Hart, Holly, $20,852.
August Reyher Trust, McClave, $20,814.
Total payees in county (29), $986,591.

Pueblo County

R. Lewis Fillmore, Boone, $51,699.

Rio Grande County

Pete Plank, Monte Vista, $22,445.

Routt County

Maneotis Sheep Co., Oak Creek, $24,947.
Hockett Farms, Hayden, $21,817.
Total payees in county (2), $46,764.

San Miguel County

Hughes Bros., Inc., Norwood, $22,330.

Sedgwick County

Hodges & Sons, Julesburg, $23,218.
Ricker Farms, Inc., Haxton, $22,402.
Wm. Stretesky, Julesburg, $20,339.
Total payees in county (3), $65,959.

Washington County

Alfred Ward and Son, Akron, $34,272.
V. V. Davie, Akron, $29,555.
Robert Thomas, Lindon, $24,410.
X. Bar 4 Ranch, Inc., Akron, $24,405.
Duane Kjeldgaard, Otis, $24,304.
Joseph Kejr Test Tr. No. 2B, Woodrow, $24,294.
Floyd Starlin, Akron, $24,281.
Jay Hickert, Akron, $23,064.
Ben Gay, Inc., Brush, $22,371.
Earl Anderson, Anton, $20,279.
Total payees in county (10), $251,235.

Weld County

Kalcevic Farms, Inc., Aurora, $72,789.
Jean Eichheim, Nunn, $51,049.
J. Burton Tuttle, Platteville, $46,595.
Howard W. Reid, Denver, $37,206.
Larry Rule, Brighton, $30,850.
Dorothy S. Linnebur, Roggen, $30,650.
Monfort Feed Lots, Inc., Greeley, $29,133.
Lyle V. Cooksey, Roggen, $29,075.
Walter John Peters, Grover, $28,923.
Epple Brothers, Roggen, $22,801.
J. Ben Nix, Eaton, $21,544.
Archie Mellon, Yuma, $21,000.
Blehm Land & Cattle Co., Milliken, $20,554.
Ben Blake, Hereford, $20,480.
William Hoff, Keenesburg, $20,184.
Total payees in county (15), $482,833.

Yuma County

Leonard L. R. Dutton, Idalia, $78,092.
Chester Whomble, Wray, $44,553.
Thomas Brophy, Eckley, $43,361.
George W. Wingfield, Idalia, $38,648.
M. A. Dickson, Idalia, $38,477.
A. R. Crossland, Yuma, $38,066.
Leroy Deterding, Vernon, $33,332.
Gordon Sipple, Yuma, $32,397.
Regal Farms, Inc., Yuma, $30,048.
Delford L. Bowman, Wray, $29,492.
R. M. R. Ranch, Yuma, $29,309.
Mill Iron Diamond Cattle Co., Yuma, $29,099.

Harper Dairy, Yuma, $28,841.
Big Creek Farms Co., Joes, $27,698.
Edward Trautman, Yuma, $27,596.
Curtis Franson, Yuma, $26,803.
Henry Wiltfang, Vernon, $26,689.
Ralph & Jack Bowman, Wray, $26,228.
Maurice Hahn, Yuma, $26,072.
Ray Max Wiley, Wray, $24,860.
Earl Rehor, Yuma, $23,327.
Kenneth Rogers, Wray, $23,083.
Donald Warren, Yuma, $22,933.
Dale Brueggeman, Wray, $21,960.
Helling Bros., Idalia, $21,894.
Cleo A. Brown, Yuma, $21,885.
Perry J. Blach, Yuma, $21,151.
Carroll Josh, Yuma, $20,783.
Melvin Stults, Vernon, $20,499.
Campbell & Matthews Inc., Wray, $20,206.
Total payees in county (30), $897,382.
Total payees in State (297), $9,716,296.

DELAWARE

Kent County

Short Farms, Smyrna, $30,939.

New Castle County

S. Rodmond Smith, Jr., Middletown, $22,101.
Total payees in State (2), $53,040.

FLORIDA

Alachua County

Carlton O. Steen, Alachua, $26,399.

Columbia County

I. C. Terry Farms, Lake City, $20,890.

Glades County

Arbank Farms Inc., Crl. Bcls., $45,027.
John Tiedike, Clewiston, $42,040.
Click Farms Inc., Palm Beach, $38,791.
Hicpochee Farms, Clewiston, $25,926.
J. E. Frierson, Clewiston, $23,507.
R. D. Yoder, Moore Haven, $21,691.
Diamond J. Sugar Co., Moore H'ven, $21,511.
Total payees in county (7), $218,493.

Hendry County

U.S. Sugar Corp., Clewiston, $1,073,980.
A. F. Saunders Inc., Belle Glade, $60,995.
Ov Land Co., Clewiston, $58,025.
Three Rs. Inc., Clewiston, $25,569.
Witt Bros. Farm, Moore Haven, $25,047.
M. L. Bishop, Clewiston, $24,465.
Ewell Farms, Lakeland, $20,719.
Evi Sugar Company, Lakeland, $20,031.
Total payees in county (8), $1,308,831.

Highlands County

Lykes Bros. Inc., Tampa, $28,496.

Jackson County

J. G. Williams, Malone, $22,120.

Jefferson County

Pinckney Hill Plant, Monticello, $34,941.

Leon County

Loveridge Pltn., Thomasville, $24,973.

Levy County

R. S. Graham, Chiefland, $32,733.

Palm Beach County

South Puerto Rico Sugar Co., Bay, $522,899.
Talisman Sugar Corp., Belle Glade, $388,602.
Florida Sugar Corp., Belle Glade, $189,724.
S. N. Knight Sons, Inc., Belle Glade, $136,547.
Closter Farms, Inc., Belle Glade, $131,836.
Su Cane Farms Co., Palm Beach, $130,672.
New Hope Sugar Co., Palm Beach, $126,705.
A. Duda Sons, Inc., Oviedo, $121,802.
715 Farms Ltd., Pahokee, $84,656.
Billy Rogers Farms, So Bay, $74,189.
Wedgworth Farms, Inc., Belle Glade, $72,588.
Double D. Ranch, Inc., Loxahatchee, $65,464.
Eastgate Farms, Inc., Orlando, $58,453.
Sam Senter Farms, Inc., Belle Glade, $57,396.
Seminole Sugar Corp., Pahokee, $53,782.
Hatton Brothers, Inc., Pahokee, $52,856.
Vandergrift Wlms. Fms., Inc., Pahokee, $51,826.
J. T. Boyton Farms, Inc., Pahokee, $50,249.
C. A. Thomas, Lake Harbor, $49,845.
South Bay Growers, Inc., So. Bay, $47,799.
Flava Farms, Inc., Belle Glade, $38,154.
Vinegar Bend Farms, Inc., Belle Glade, $36,882.
Camayen Farms, West Palm Beach, $33,218.
Harley Watson Farms, Lake Harbor, $32,176.
Okeechobee Farms Co., West Palm Beach, $32,075.
Hayes Quackenbush, Inc., Belle Glade, $28,038.
F. W. Farms, Inc., Belle Glade, $27,612.
Stein Sugar Farms, Inc., Belle Glade, $26,063.
R. W. Bishop, Ft. Lauderdale, $25,689.
Miami Sod Co., Miami, $25,659.
Chase Company, Pahokee, $23,858.
Beardsley Farms, Clewiston, $23,158.
Manatee Plantations, Inc., Belle Glade, $22,901.
Melear Jersey Dairy, Inc., Lake Worth, $20,840.
Total payees in county (34), $2,863,673.

Santa Rosa County

J. E. Golden, Jay, $43,645.
Lem Strickland, Brewton, $32,850.
Willie H. Jones, Jay, $28,004.
James Thomas, Jr., Brewton, $26,799.
Wayne Godwin, Jay, $26,257.
J. W. Bauldree, Jay, $20,853.
Total payees in county (6), $178,408.

Suwannee County

Sid Allen Jr., Live Oak, $22,318.
Total payees in State (63), $4,782,275.

GEORGIA

Baker County

Newberry Angus Farms, Inc., Colquitt, $30,853.
W. C. Newberry, Newton, $22,211.
Total payees in county (2), $53,064.

Baldwin County

Herman Archer, Milledgeville, $32,573.

Barrow County

P. R. Smith, Winder, $20,226.

Bartow County

W. P. Lanier, Taylorsville, $49,349.
H. E. Harris, Taylorsville, $36,187.
J. M. Maxwell/W. Smith, Rydal, $32,309.
Glenn Nelson, Kingston, $28,632.
J. C. Evans, White, $28,409.
Noble Maxwell, Taylorsville, $25,619.
Neal C. Dabbs, Cartersville, $23,982.
William Carl Maxwell, Taylorsville, $23,846.
Bobby Maxwell, Taylorsville, $22,130.
Smith Gin Company, Cartersville, $20,813.
Total payees in county (10), $291,276.

Ben Hill County

J. H. Dorminy, Jr., Fitzgerald, $34,317.

Bleckley County

L. L. Phillips, Cochran, $26,502.
James E. Perry, Cochran, $24,759.
Jerry Dykes, Cochran, $24,116.
Allentown Warehouse Co., Allentown, $23,679.
Theo. Williams, Cochran, $21,059.
Charles Williams, Cochran, $20,166.
Total payees in county (6), $140,281.

Brooks County

H. R. Crosby, Pavo, $39,483.
River Bend Plantation, Quitman, $21,710.
Charles M. Gay, Pavo, $21,621.
Total payees in county (3), $82,814.

Bulloch County

W. H. Smith, Jr., and Son, Statesboro, $34,856.
H. S. Blitch and Son, Statesboro, $29,104.
Iverson Anderson, Register, $21,085.
Total payees in county (3), $85,045.

Burke County

Eliz. O. Barefield, Alexander, $85,709.
Quinton Rogers, Waynesboro, $70,255.
James Beall, Waynesboro, $63,297.
B. G. Collins, Waynesboro, $56,169.
Kitchen and Land, Gough, $55,429.
R. L. Webster, Waynesboro, $55,054.
Robert W. Spencer, Earle, $51,157.
T. R. Rowland, Vidette, $50,303.
Frank C. Griffin, Waynesboro, $48,086.
A. H. Sandeford, Midville, $45,028.
Jimmie R. Robinson, Sardis, $43,075.
J. H. Rowland, Midville, $42,316.
Ray Delaigle, Waynesboro, $39,266.
H. W. Mobley, Waynesboro, $38,538.
Paul Shivers, Louisville, $37,915.
J. B. Walden, Gough, $37,578.
W. T. McBride, Vidette, $37,491.
Percy Dixon, Girard, $35,997.
Farris L. Wren, Louisville, $33,784.
T. W. and R. W. Mobley, Waynesboro, $32,957.
R. L. Quick, Midville, $32,115.
Lamar Prescott, Waynesboro, $31,913.
Porter W. Carswell, Waynesboro, $30,870.
J. O. Cates, Sardis, $30,741.
B. K. Anderson, Midville, $30,667.
W. R. Chance, Waynesboro, $28,779.
George F. Williams, Louisville, $27,858.
Hammond Blanchard, Waynesboro, $27,224.
Jackie B. Lovett, Waynesboro, $26,444.
Irvin Reeves, Waynesboro, $26,333.
Q. U. Lively, Waynesboro, $25,961.
J. T. Cooper, Waynesboro, $24,515.
Julian H. Johnson, Waynesboro, $23,381.
O. C. Netherland, Jr., Louisville, $22,684.
Roy R. Dixon, Waynesboro, $22,026.
Carolyn Dixon, Girard, $22,010.
J. M. Dixon, Girard, $21,794.
G. F. Agerton, Jr., Waynesboro, $21,706.
J. C. Palmer, Jr., Waynesboro, $20,256.
Total payees in county (39), $1,456,681.

Calhoun County

David Bruner, Edison, $32,098.
J. S. Cowart, Jr., Arlington, $30,133.
Ralph M. Jordan, Jr., Leary, $27,339.
Chauncey Taylor, Edison, $25,794.
R. L. Perryman, Leary, $22,660.
Julian Lane, Edison, $22,011.
J. R. Brooks, Edison, $21,040.
Total payees in county (7), $181,075.

Candler County

M. J. Bowen, Metter, $56,438.

Clay County

Jack Hattaway, Bluffton, $30,670.
J. D. Thursby, Edison, $25,757.
John T. and J. L. Ingram, Edison, $20,291.
Total payees in county ((3), $76,718.

Coffee County

R. B. Evans, Douglas, $22,096.

Colquitt County

Jacob Summerlin, Moultrie, $42,850.
Horace Parker, Moultrie, $27,230.
Joe Parker, Doerun, $26,508.
Donald Horne, Doerun, $24,417.
Jimmy Strickland, Moultrie, $23,425.
R. C. Moss, Doerun, $23,345.
Neal Clark, Moultrie, $22,947.
Donald Parker, Moultrie, $22,720.
L. L. Tucker, Moultrie, $22,696.
Taylor Farms, Doerun, $21,810.
J. Mike Horne, Doerun, $20,733.
R. L. Sumner, Omega, $20,708.
Total payees in county (12), $299,389.

Coweta County

W. J. Estes, Haralson, $47,224.

Crawford County

N. L. Halley, Reynolds, $22,131.

Crisp County

Cecil Bagwell, Cordele, $142,062.
L. E. Williams, Jr., Cordele, $56,154.
Malcolm Lilly, Vienna, $37,048.
Harold Jackson, Cordele, $31,442.
W. H. Williams, Cordele, $29,645.
J. R. Barry, Jr., Cordele, $29,003.
C. A. Sargent, Pitts, $28,821.
G. E. McCay, Cordele, $28,304.
H. W. McKinney, Cordele, $24,661.
J. R. Dowdy, Jr., Cordele, $23,260.
R. M. McKinney, Cordele, $22,699.
Charles C. Williams, Cordele, $22,275.
John F. Haynie, Cordele, $21,554.
Owen Bagwell, Arabi, $21,453.

L. M. Smith, Arabi, $20,450.
Total payees in county (15), $538,831.

Dodge County

James J. Mullis, Chester, $70,644.
Candler Farms, Eastman, $40,303.
Stuckey Timberland, Inc., Eastman, $36,083.
Norman Hardy, Eastman, $34,627.
S. C. Cadwell, Chauncey, $25,773.
Watson Hardy, Eastman, $24,660.
Wilton Woodward, Eastman, $23,468.
Doyle Yawn, Eastman, $23,023.
S. A. Rogers, Chester, $22,109.
C. L. McCranie, Eastman, $21,074.
Total payees in county (10), $321,764.

Dooly County

Asbury Wright, Pinehurst, $121,591.
R. H. A. McCleskey, Jr., Pinehurst, $63,996.
Van Peavy, Pinehurst, $62,625.
Eugene McCleskey, Pinehurst, $59,661.
Madison B. Coley, Jr., Vienna, $56,694.
W. H. and C. V. Cross, Unadilla, $56,309.
Ike Everett, Pinehurst, $51,861.
Roy Noble Co., Vienna, $49,414.
Millard Peavy, Pinehurst, $46,537.
W. R. Jackson, Jr., Vienna, $43,696.
Olen J. Burton, Vienna, $42,014.
F. H. Sparrow, Pinehurst, $40,515.
Ronney Ledford, Vienna, $39,694.
Leon Broome, Lilly, $39,426.
Anderson Reed, Pinehurst, $38,853.
Warren Taylor, Byromville, $38,738.
Otha Peavy, Pinehurst, $36,702.
Rudolph Royal, Unadilla, $36,426.
Marvin Capus Jones, Unadilla, $34,259.
Carl Bowen, Pinehurst, $34,019.
Richard Doster, Pinehurst, $33,679.
Tippett Peavy, Vienna, $33,667.
R. L. Calhoun, Unadilla, $33,634.
J. W. Sanders, Vienna, $32,688.
Lee Bailey, Jr., Pinehurst, $32,350.
Mercer Porter, Pinehurst, $32,117.
Ben T. Ambrose, Vienna, $31,828.
W. G. Joiner, Unadilla, $31,794.
Raymond Davis, Pinehurst, $31,714.
William Lloyd Horne, Jr., Pinehurst, $30,999.
J. W. Sparrow, Pinehurst, $30,703.
Marshall Davis, Pinehurst, $30,243.
John S. Williams, Pinehurst, $29,328.
Dewitt Clewis, Unadilla, $28,917.
Ossie T. Spradley, Jr., Pinehurst, $27,726.
Alton Draughon, Pinehurst, $26,165.
Ellis H. Davis, Pinehurst, $25,954.
Ralph Bowen, Pinehurst, $25,916.
Gary Peavy, Vienna, $25,540.
H. E. Dunaway, Unadilla, $25,259.
Lamar Smith, Pinehurst, $24,206.
Herbert E. Roney, Vienna, $24,091.
Ernest L. Taylor, Unadilla, $24,001.
Marion A. Thompson, Pinehurst, $23,755.
James Kinard, Vienna, $23,038.
J. D. Lester Residuary Trust, Montezuma, $22,932.
Carl F. Williams, Pinehurst, $22,431.
M. C. McKinney, Vienna, $22,366.
Raymond E. Nutt, Unadilla, $22,262.
Bamon L. Hill, Montezuma, $22,256.
W. C. Griggs, Pinehurst, $21,869.
L. M. Joiner, Unadilla, $21,852.
R. L. Bowen, Vienna, $21,691.
J. O. Cross, Jr., Unadilla, $21,477.
Danny West, Byromville, $20,941.
D. W. Smith, Pinehurst, $20,836.
Claude Bowen, Pinehurst, $20,821.
Rubin Christmas, Vienna, $20,696.
W. G. Smith, Pinehurst, $20,682.
Wayne Peavy, Vienna, $20,448.
Sidney S. Bledsoe, Perry, $20,340.
Jerry Vaughan, Vienna, $20,235.
Walter Franklin Cason, Vienna, $20,108.
J. P. Deloach, Unadilla, $20,065.
Total payees in county (64), $2,116,650.

Early County

Singletary Farms, Blakely, $64,633.
C. B. Everson, Colquitt, $60,369.
Leonard White, Blakely, $35,210.
G. S. Pickle, Colquitt, $33,728.
H. L. Martin, Blakely, $31,317.
Sam Clinkscales, Blakely, $28,667.
Sanford Ferguson, Edison, $25,875.
P. H. Clinkscales, Blakely, $23,263.
C. W. Shierling, Blakely, $22,081.
W. E. McDowell, Damascus, $21,204.
Charlie Fincher, Arlington, $20,263.
Total payees in county (11), $366,610.

Elbert County

Calvin Hill, Elberton, $25,879.
S. N. Brown, Elberton, $25,625.
Ralph King, Bowman, $23,325.
Total payees in county (3), $74,829.

Emanuel County

Frank Flanders, Swainsboro, $52,227.
D. E. Brown, Garfield, $36,283.
D. J. & G. D. Hooks, Swainsboro, $28,204.
Billie Walden, Twin City, $25,276.
John E. Whetsell, Twin City, $25,085.
James L. Moore, Twin City, $20,997.
Total payees in county (6), $188,072.

Floyd County

Charles Smith, Cedar Bluff, $27,386.
Jerry Looney, Rome, $24,299.
Total payees in county (2), $51,685.

Glascock County

John Everett Hadden, Gibson, $31,754.
Murray Hadden, Stapleton, $25,727.
Roy Johnson, Stapleton, $20,031.
Total payees in county (3), $77,512.

Gordon County

Gus G. Moore, Resaca, $38,433.
Frank Erwin, Adairsville, $29,734.
Moss Land Co., Calhoun, $27,342.
Hansel Greeson, Resaca, $26,760.
W. P. Hunt, Calhoun, $25,863.
Total payees in county (5), $148,132.

Grady County

J. L. McClelland, Pelham, $21,526.

Hancock County

Grover A. Walls, Sr., Hampton, $41,664.
L. S. McDonald, Warthen, $30,712.
Total payees in county (2), $72,376.

Hart County

Hubert Cheek, Jr., Bowersville, $125,549.
L. M. York, Hartwell, $44,309.
Frank & Charles Crook, Canon, $20,153.
Total payees in county (3), $190,011.

Henry County

J. D. McGarity & Sons, McDonough, $21,379.

Houston County

Charlie T. Kersey, Elko, $89,819.
L. E. Hicks, Perry, $50,564.
Gunn Farms, Byron, $42,182.
Clint Shugart, Unadilla, $34,155.
W. V. Brannen, Unadilla, $31,973.
Lamar E. Deloach, Elko, $24,538.
Total payees in county (6), $273,231.

Jefferson County

Bryants Incorporated, Bartow, $72,925.
G. C. and Johnny McGahee, Stapleton, $57,027.
Harry and A. P. Jones, Louisville, $47,352.
Judson McNair, Wrens, $46,440.
T. B. Kelly Estate, Louisville, $46,034.
R. J. Jones, Matthews, $45,566.
S. W. McNair, Stapleton, $35,576.
W. P. Smith and Sons, Wadley, $34,602.
Paul and Larry Cobb, Bartow, $33,926.
A. H. Barswell, Wrens, $33,277.
Lewis Alford, Bartow, $31,472.
R. M. Samples, Jr., Louisville, $25,349.
Luie Godowns, Louisville, $34,667.
J. E. Nikkel, Louisville, $24,606.
Clifford Williams, Louisville, $23,510.
P. A. Rheney, Wadley, $23,468.
Ashley Stavely, Bartow, $22,745.
Hugh L. Salter, Bartow, $21,780.
Ernest and Woodrow Smith, Bartow, $21,719.
Kermit D. Bird, Louisville, $20,037.
Total payees in county (20), $692,078.

Jenkins County

T. L. Black, Millen, $44,439.
Virgil H. Black, Millen, $40,456.
Buck Brinson, Millen, $30,355.
W. R. Roberts, Millen, $29,479.
Lamar Black, Millen, $27,277.
Charles W. Lanier, Millen, $24,837.
A. S. Newton and Son, Inc., Millen, $24,182.
Total payees in county (7), $221,025.

Johnson County

W. R. & J. L. Jackson, Wrightsville, $52,874.
T. E. Jordan, Jr., Kite, $35,173.
Tarver Price, Bartow, $30,104.
F. B. Jackson, Wrightsville, $23,269.
Lester R. Johnson, Wrightsville, $22,788.
Gladys J. Hendry, Wrightsville, $22,308.
B. L. Price, Jr., Wrightsville, $20,831.
Total payees in county (7), $207,347.

Laurens County

W. A. Rountree, Dublin, $92,738.
W. H. Lovett, Dublin, $72,348.
Ed Roche, Dublin, $39,690.
E. S. Swinson, Dublin, $33,564.
Jack Cook, Montrose, $32,664.
John C. Young, Lollie, $28,200.
A. L. Parker, Montrose, $28,109.
H. L. Harper, Montrose, $27,731.
Estate of E. B. Claxton, Dublin, $26,676.
B. Moorman and B. F. Watson, Dublin, $26,126.
Herman L. Hall, Dexter, $25,399.
William Slade, Dublin, $23,166.
Gurvice A. Manning, Alamo, $22,673.
James Rawls, Wrightsville, $22,269.
Marshall R. Lord, Dudley, $21,772.
Thomas J. and Ray Walker, Dublin, $21,575.
Fred Hobbs, Dexter, $21,497.
Total payees in county (17), $566,197.

Lee County

Plez Hardin, Smithville, $24,435.
Geise Usry, Smithville, $23,975.
J. R. Johnson, Leesburg, $22,518.
Wilmar Timber Corp., Albany, $20,848.
Total payees in county (4), $91,776.

Macon County

C. J. Harp, Jr., Oglethorpe, $34,383.
J. D. Lockerman, Byromville, $33,364.
Ralph Raper, Byromville, $28,898.
Buck Creek Farms, Oglethorpe, $25,157.
Hixson Guest, Oglethorpe, $24,448.
S. H. Bryan, Jr., Reynolds, $23,898.
Harp Farms, Reynolds, $23,185.
B. B. Murph Estate, Marshallville, $22,995.
Rumph Farms, Montezuma, $22,381.
F. A. Ricks Estate, Reynolds, $21,600.
Gordon Sutton, Ideal, $21,395.
Franklin Collier, Augusta, $20,813.
Total payees in County (12) $302,517.

Madison County

Whitehead Farms, Comer, $41,159.

Marion County

Thomas Miller, Vista, $42,465.

McDuffie County

George Reeves, Thomson, $22,812.

Meriwether County

Gay and Keith, Gay, $56,909.
A. G. Estes, Inc., Gay, $37,729.
W. R. Arnall, Luthersville, $24,879.
A. C. Garner, Alvaton, $21,320.
Total payees in county (4), $140,837.

Miller County

J. E. Tabb, Jr., Colquitt, $41,749.
Lonnie Wesley Tabb, Colquitt, $31,043.
Total payees in county (2), $72,802.

Mitchell County

H. G. McGahee, Camilla, $33,456.
James & Harry Holton, Inc., Camilla, $29,073.
Dan Palmer, Jr., Camilla, $26,577.
Billy Hatcher, Sale City, $26,491.
C. B. Cox, Camilla, $25,294.
Harry Frosteg, Pelham, $22,604.
Total payees in county (6), $163,495.

Morgan County

Bonny Shepherd, Rutledge, $47,391.
Otis Whitlock, Bostwick, $44,472.
Eugene & Marvin Ruark, Bishop, $36,602.
D. W. & B. H. Malcom, Bostwick, $29,109.
Bonnie Hawk, Madison, $28,640.
Bennie Malcom, Madison, $27,257.
Barnett H. Malcom, Good Hope, $27,255.
Brown & Wells, Newborn, $25,820.

E. A. Hanson, Bishop, $23,763.
Total payees in county (9), $290,309.

Newton County

J. H. Anderson, Covington, $28,215.

Oconee County

Fonnie F. Dickens, Jr., Watkinsville, $72,944.
Joe D. Murrow, Farmington, $30,472.
Total payees in county (2), $103,416.

Oglethorpe County

Carl C. Culbertson, Colbert, $71,516.

Peach County

Marlon Maddox, Fort Valley, $29,063.
Bateman Co., Inc., Macon, $28,191.
Total payees in county (2), $57,254.

Pike County

R. D. Crawford, Concord, $42,462.
Floyd Turner, Concord, $28,543.
Cochran Caldwell, Concord, $25,145.
R. F. Strickland Co., Concord, $20,459.
Total payees in county (4), $116,609.

Polk County

Geston Womack, Cedartown, $23,196.
Ivan Evans, Taylorsville, $20,701.
Total payees in county (2), $43,897.

Pulaski County

John W. Dawson, Hawkinsville, $76,935.
Dunaway Brothers, Hawkinsville, $72,106.
B. E. Dunaway, Unadilla, $40,213.
C. L. Mays, Pineview, $27,460.
Lorin S. Williams, Hawkinsville, $21,759.
George P. Anderson, Hawkinsville, $21,752.
Total payees in county (6), $260,225.

Randolph County

E. E. Morris, Shellman, $48,100.
James Riley Curry, Jr., Shellman, $32,054.
Grubbs Bros., Cuthbert, $30,995.
K. D. Beard, Shellman, $23,848.
Tom Allen, Shellman, $22,346.
Melvin H. Peavy, Cuthbert, $20,284.
Total payees in county (6), $177,627.

Richmond County

R. A. McElmurray, Jr., Hephzibah, $26,758.
Wayne Rhodes, Hephzibah, $25,678.
Total payees in county (2), $52,436.

Screven County

G. L. Rouse, Sylvania, $55,809.
Paul K. Newton, Sylvania, $32,834.
Millhaven Co., Sylvania, $30,689.
John L. Murray Farm, Girard, $30,063.
T. V. Parker, Rocky Ford, $29,293.
L. E. Pryor, Newington, $28,907.
Raymond Parker, Rocky Ford, $27,194.
J. A. Thompson, Jr., Sylvania, $24,546.
C. M. Austin, Newington, $23,201.
W. W. Wyant, Sylvania, $23,074.
R. E. Oliver, Jr., Sylvania, $22,796.
W. P. Sanders, Sylvania, $22,771.
F. F. Glisson, Sylvania, $22,679.
Total payees in county (13), $373,856.

Seminole County

Raymond Odom, Iron City, $64,039.
John I. Spooner, Donalsonville, $20,920.
Total payees in county (2), $84,959.

Stewart County

W. C. Bradley Co., Columbus, $87,844.
M. J. Lane, Omaha, $42,738.
Total payees in county (2), $130,582.

Sumter County

Farrow Baker, Cordele, $38,601.
George E. and Roy F. Daniel, Americus, $36,322.
Floyd J. Frazier, Americus, $32,827.
T. E. Stephens Jr., Cobb, $32,287.
Neill Hodges, Andersonville, $29,181.
J. C. Jones, Smithville, $28,260.
Pat Crumpton, Leslie, $26,319.
W. C. Cornwell, Americus, $25,132.
Carl Story, Rochelle, $24,691.
Harold J. Israel, Smithville, $24,226.
Total payees in county (10), $297,846.

Taylor County

D. W. Payne Jr., Reynolds, $36,107.
E. B. Swearingen, Reynolds, $27,470.
Ed Richardson, Reynolds, $25,972.
Williard Brunson, Reynolds, $25,802.
William A. Simpson, McDonough, $22,999.
F. W. Smith, Reynolds, $22,727.
J. O. Albritton, Butler, $21,995.
Total payees in county (7), $183,072.

Telfair County

William H. Evans, Milan, $23,161.

Terrell County

Wilbur Gamble, Dawson, $70,466.
Don Bridges, Dawson, $60,773.
W. K. Jones, Dawson, $56,321.
Alston Brothers, Parrott, $40,150.
Hugh Lee, Dawson, $38,268.
W. B. Johnson, Bronwood, $32,921.
J. P. Orndorff, Dawson, $32,628.
W. H. McLendon, Dawson, $32,270.
B. C. Arthur, Dawson, $28,611.
McLendon Brothers, Dawson, $26,452.
Lavonne Speir, Bronwood, $26,231.
Huson Brim, Sasser, $23,001.
W. J. Martin, Dawson, $21,938.
Charles McLendon, Dawson, $21,350.
James G. Raines, Dawson, $20,717.
R. T. Brim, Dawson, $20,176.
Total payees in county (16), $552,273.

Thomas County

Griffin Farms, Inc., Meigs, $38,673.
L. D. West, Meigs, $27,393.
Perry Bell Enterprise, Thomasville, $21,501.
C. M. Anderson, Meigs, $20,478.
Total payees in county (4), $108,045.

Toombs County

A. S. Newton, Lyons, $20,888.

Treutlen County

Manning Mimbs, Adrian, $34,169.

Turner County

Pirkle Farms, Sycamore, $34,110.
Kenneth Smith, Ashburn, $30.825.
J. F. Gibbs, Ashburn, $26,819.
Total payees in county (3), $91,754.

Twiggs County

Sam Floyd, Sr., Danville, $28,548.

Walton County

Alex Harden, Social Circle, $48,559.
Garland Kilgore, Social Circle, $37,599.
T. J. Chandler, Good Hope, $32,752.
T. H. Adcock, Monroe, $32,396.
Robert B. Chandler, Good Hope, $31,129.
Robert M. Hawk, Monroe, $29,946.
Carl Lemonds, Social Circle, $29,247.
Robbie Adcock, Monroe, $24,048.
Byron Mitchem, Social Circle, $20,994.
C. N. Johnson, Lithonia, $20,934.
Total payees in county (10), $307,604.

Warren County

Guy H. Shivers, Jr., Norwood, $131,649.
Harrison Farms, Thomson, $26.309.
John W. Hart, Gibson, $22,782.
Loyd Langford, Warrenton, $21,584.
Jamie L. Gunn, Warrenton, $21,026.
Total payees in county (5), $223,350.

Washington County

E. B. Price, Harrison, $75,371.
L. A. Garrett, Bartow, $46,267.
Olen Price, Wrightsville, $45,891.
Gilmore Bros., Sandersville, $40,625.
Raymond & Grover Cobb, Davisboro, $28,204.
Arthur Hartley, Sandersville, $27,857.
C. W. Harrison, Harrison, $27,671.
Washington Ginning Co., Tennille, $27,243.
Jewell Bridges, Sandersville, $23,779.
Thomas S. Jones, Tennille, $26,228.
Ernest S. Smith, Bartow, $22,999.
B. W. Lord, Harrison, $21,640.
Allen T. Veal, Tennille, $20,517.
Total payees in county (13), $431,292.

Webster County

G. W. Jones, Preston, $26,663.

Wheeler County

J. M. Johnson, Alamo, $26,036.

Wilcox County

Whelchel & Whelchel, Cordele, $32,861.
D. F. Veal, Abbeville, $25,857.
William Worley, Cordele, $25,711.
Marcus Reeves, Rochelle, $24,731.
Total payees in county (4), $109,160.

Worth County

Samuel Brewer, Moultrie, $55,969.
J. R. Odom, Sylvester, $28,673.
William Sledge, Sumner, $25,926.
Cecil L. James, Sylvester, $25,289.
James R. Young Jr., Poulan, $23,901.
Mercer Mill Plantation, Oakfield, $21,753.
E. B. Conger, Norman Park, $20,684.
A. L. Sutton, Sumner, $20,275.
Lenwood Sutton, Ty Ty, $20,275.
Total payees in county (9), $242,744.
Total payees in State (445), $14,425,972.

HAWAII

Hawaii County

Hawaiian Com. & Sugar Co., Puunene, $1,232,166.
Waialua Sugar Co., Inc., Waialua, $1,111,060.
Oahu Sugar Co., Ltd., Waipahu, $528,884.
Lihue Plantation Co., Ltd., Lihue, $516,684.
Kekaha Sugar Co., Ltd., Kekaha, $450,700.
Pioneer Mill Co., Ltd., Lahaina, $449,783.
Ewa Sugar Co., Inc., Ewa, $448,156.
Mauna Kea Sugar Co., Inc., Hilo, $402,367.
Kohala Sugar Co., Hawi, $383,958.
Hawaiian Agricultural Co., Pahala, $366,048.
Grove Farm Co., Inc., Lihue, $360,566.
Honokaa Sugar Co., Haina, $357,965.
Pepeekeo Sugar Co., Pepeekeo, $354,700.
Laupahoehoe Sugar Co., Papaaloa, $352,327.
Puna Sugar Co., Ltd., Keaau, $323,581.
Hutchinson Sugar Co., Ltd., Naalehu, $321,663.
Hamakua Mill Co., Paauilo, $317,808.
Olokele Sugar Co., Ltd., Kaumakani, $297,543.
Wailuku Sugar Co., Wailuku, $290,129.
Paauhau Sugar Co., Ltd., Paauhau, $216,468.
Kilauea Sugar Co., Ltd., $213,125.
Kahuku Plantation Co., Kahuku, $209,906.
Gay and Robinson, Makaweli, $181,819.
Robert M. Yamada, Hilo, $37,078.
K. Mizuno and Sons., Inc., Pahala, $21,823.
Total payees in county (25) $9,746,307.
Total payees in State (25) $9,746,307.

IDAHO

Ada County

Carl E. Nicholson and Sons, Boise, $33,957.

Bannock County

Dale Koester, Lava Hot Springs, $36,585.

Bear Lake County

Demar Romrell, Star Rt. 1, Montpelier, $22,346.
R. K. Nelson, Montpelier, $20,296.
Total payees in county (2) $42,642.

Benewah County

George B. Mills, Jr., Tekoa, $26,516.
Richard R. Lawson, Tekoa, $23,552.
Gerald R. Haas, St. Maries, $21,889.
Total payees in county (3) $71,957.

Bingham County

Lenard Schritter, Aberdeen, $54,729.
Matsuura Bros. Co., Inc., 1132 E Walker, Blackfoot, $46,984.
J. Walt Vanderford, Aberdeen, $46,574.
D. & R. Parks Ptrshp, 121 N Shilling, Blackfoot, $41,167.
Lloyd Stolworthy, Inc., 182 Hartert Av, Idaho Falls, $35,914.
Cooks Heglar Ranch, RR 2 Box 167, Shelley, $30,430.
C. Leslie Williams, RR 2 Box 263, Blackfoot, $29,958.
Vincent R. Benson, RR 5 Box 101, Blackfoot, $28,901.
Pahl Ruff Ptrshp, c/o Sherman Ruff, Aberdeen, $28,059.
Behrend Farms Inc., c/o Charles Behrend, Aberdeen, $26,286.
Joe Sainz, Springfield, $26,253.
Vern Duffin, Aberdeen, $24,736.

Gerald Stolworthy & Son, RR 1 178, Firth, $23,510.

Carl E. Johnson and Sons, RR 1, Box 209, Blackfoot, $22,393.

Arvel W. Fielding, RR 1, Shelley ,$22,112.

Curtis W. Holland, 309 9th St, Idaho Falls, $20,455.

John L. Smith, Blackfoot, $20,444.

Total payees in county (17), $528,905.

Blaine County

Campbell Land & Livestock Co., Bellevue, $26,020.

Bonneville County

Jess Croft & Son, Idaho Falls, $64,933.

E. Bud Johnson, Ririe, $60,899.

Clements & Jackson, Lewisville, $39,776.

Karl Brown & Merle Brown, Rigby, $36,846.

Weeks Brothers & Sons, Swan Valley, $33,771.

Ernest Martin, Idaho Falls, $29,919.

J. R. Hays & Son, Inc., Idaho Falls, $27,597.

Elmer N. Jensen, Idaho Falls, $27,015.

Schwieder Brothers, Iona, $26,085.

George Lovell, Ririe, $24,175.

Ivan Ashment, Idaho Falls, $23,772.

Lynn Brown, Idaho Falls, $22,614.

William Lavern Judy, Idaho Falls, $22,517.

L. B. Holden Farm Co., Idaho Falls, $22,237.

Neal Sauer, Idaho Falls, $21,679.

G. W. Thompson, Idaho Falls, $21,672.

Total payees in county (16), $505,507.

Boundary County

Tucker Farms, Inc., Porthill, $53,870.

Camas County

Gwinn F. Rice, Hill City, $28,017.

James E. Kevan, Fairfield, $22,359.

William A. Simon, Fairfield, $21,223.

Total payees in county (3) $71,599.

Canyon County

Farm Development Corp., Boise, $200,041.

Kondo Farms, Inc., Nampa, $31,683.

Allen T. Noble Farms, Inc., Boise, $28,464.

Elmer H. Tiegs, Nampa, $28,352.

Flying H Farms, Inc., Boise, $28,097.

Walter C. Russell, Caldwell, $24,144.

Skogsberg Sky Ranch, Nampa, $23,688.

Total payees in county (7), $364,469.

Caribou County

Barker Brothers, Soda Springs, $64,913.

King Creek Graz. Assn., Bancroft, $25,291.

Robert W. Hubbard & Sons, Inc., Soda Springs, $23,284.

Max D. Rigby, Bancroft, $23,100.

Christman & Hopkins, Soda Springs, $22,530.

Corbridge Brothers, Malad City, $20,625.

Total payees in county (6), $179,743.

Cassia County

Heglar Ranch, Inc., Burley, $79,242.

Parr Bros., Inc., Rupert, $65,134.

Riviera Farms, Inc., Burley, $58,440.

Anderson Bros., Oakley, $42,486.

Pickett Ranch & Sheep Co., Oakley, $35,334.

Raymond H. Johnson, Burley, $32,983.

Rex Taylor, Burley, $32,316.

Cold Springs Farm, Newton, $30,915.

Critchfield Land & Lvstk., Oakley, $29,714.

Adelle Toevs Brim, Burley, $29,548.

Bell Bingham and Associates, Malta, $27,969.

Gorringe Bros., Oakley, $27,356.

Jack Duncan, Rupert, $27,052.

Vernon C. Phillips, Paul, $26,306.

6 S Ranch, Declo, $25,676.

William Rehn, Burley, $24,823.

Vernon Rehn, Burley, $24,673.

John A. Pierce, Malta, $23,915.

Leonard Rehn, Burley, $23,479.

Harlan Jensen, Burley, $23,412.

Matthews Bros, Oakley, $22,945.

O. M. Johnson, Burley, $20,338.

Total payees in county (22), $734,056.

Clark County

Blaine Grover, Dubois, $30,857.

D. V. Hagenbarth, Dillon, $22,715.

Laird and Jones, Inc., Dubois, $22,681.

U. L. Grover and Sons, Dubois, $20,315.

Total payees in county (4), $96,568.

Elmore County

Bruneau Sheep Co., Grandview, $49,184.

Hammett Livestock Co., Hammett, $26,026.

Bill Smith, Boise, $24,553.

Wayne M. Hodson, Mountain Home, $21,292.

Tri C Ranch, Glenns Ferry, $21,271.

Total payees in county (5), $142,326.

Franklin County

Kenton G. Fredrickson, Weston, $24,810.

Evan O. Koller, Weston, $23,102.

Total payees in county (2), $47,912.

Fremont County

Siddoway Sheep Co. Inc., St. Anthony, $27,947.

Max D. Parkinson and Son Inc., St. Anthony, $25,242.

Total payees in county (2), $53,189.

Gem County

Highland Lvstk & Land Co., Emmett, $26,212.

Gooding County

Ralph Faulkner Land, Inc., Gooding, $40,344.

Arkoosh & Zidan, Inc., Gooding, $29,104.

Idaho Hereford Ranch, Gooding, $22,177.

Total payees in county (3) $91,625.

Idaho County

Green Bros., Grangeville, $61,097.

T. E. Robinson, Kamiah, $28,663.

Sam Alm & Sons, Inc., Grangeville, $25,260.

George E. Wilson, Lucile, $23,172.

John McBoyle, Grangeville, $22,006.

Hauger Ranches, Inc., Fenn, $21,952.

Norman Dean, Grangeville, $20,905.

Total payees in county (7), $203,055.

Jefferson County

Snake River Equipment, Idaho Falls, $55,570.

Wm. A. Munnell, Montebello, $36,245.

Ball Bros., Lewisville, $33,324.

Dale Suitter, Idaho Falls, $31,150.

Browning Grain & Produce, Idaho Falls, $25,489.

Orie W. Robison, Roberts, $23,532.

Miller Farms, Inc., Roberts, $20,004.

Total payees in county (7), $225,314.

Kootenai County

Drechsel Bros., Couer d'Alene, $29,931.

Idaho Irrigation, Inc., Spokane, $25,927.

George Thayer, Rathdrum, $21,930.

Total payees in county (3), $77,788.

Latah County

Pfaff Bros., Inc., Garfield, $54,537.

Jensen Bros., Genesee, $23,608.

Gary Morris, Potlatch, $21,921.

Total payees in county (3), $100,066.

Lewis County

Joe Lux, Nez Perce, $43,751.

W. W. Riggers & Sons, Craigmont, $30,101.

Aubrey Pratt, Craigmont, $25,213.

Zenner Farms, Nez Perce, $23,970.

Joe A. Baldus, Nez Perce, $22,192.

Richard Renner, Craigmont, $21,027.

Total payees in county (6), $166,254.

Lincoln County

Onedias, Inc., Shoshone, $23,187.

Darwin Neibaur, Paul, $20,831.

Total payees in county (2), $44,018

Madison County

Parkinson Farms, Inc., Rexburg, $31,882.

Howard and Robinson, Newdale, $24,860.

Summers Bros., Sugar City, $23,718.

O. J. Neeley Ranch, Inc., Rexburg, $20,999.

Total payees in county (4), $101,459.

Minidoka County

Vernon B. Clinton, Rupert, $99,524.

Morgan Shillington Farms, Co., Rupert, $86,801.

Flat Top Sheep Co., Rupert, $40,459.

Warren W. Heins, Rupert, $32,258.

Richard D. Blincoe, Heyburn, $30,196.

G. L. Dean and Sons, Inc., Rupert, $27,880.

Mack Neibaur, Paul, $25,041.

Wilbert H. Moller, Rupert, $21,500.

Garro Sheep Co., Inc., Rupert, $20,397.

Total payees in county (9), $384,056.

Nez Perce County

Meacham Land and Cattle Co., Lapwai, $60,084.

Herndon Farms, Culdesac, $43,103.

Stanton Becker Farms, Genesee, $37,839.

McGregor Farms Inc., Lewiston, $35,504.

Wittman Farms, Lapwai, $29,193.

Happy Ridge Land, Co., Lewiston, $28,622.

George Brammer, Lenore, $27,076.

Edward Bozarth Estate, Culdesac, $26,765.

Winston Mader, Genesee, $24,762.

Gary Schwank, Lewiston, $23,005.

Van Sullivan, Culdesac, $22,381.

E. J. McCann, Lewiston, $22,318.

Loren Crow, Lenore, $22,134.

Orvelle Konen, Lewiston, $22,054.

Charles Gabby, Lewiston, $21,275.

Thiessen Ranch, Lewiston, $20,309.

Zenner Brothers, Genesee, $20,309.

Total payees in county (11), $486,453.

Oneida County

Jones Sheep Company, Malad, $29,362.

W. L. Baker Company, Malad, $25,601.

J. F. Fredrickson, Co., Malad, $23,280.

Total payees in county (3), $78,243.

Owyhee County

Delbert Clampitt, Kimberly, $26,402.

E. Quintana Estate, Homedale, $26,127.

Karl Steiner, Mountain Home, $25,650.

Spring Valley Livestock Co., Caldwell, $21,114.

Total payees in county (4), $99,293.

Payette County

American Fine Foods, Payette, $27,786.

Power County

Fred G. Mayer & Sons, American Falls, $42,980.

Zimmerman Brothers, American Falls, $38,638.

Wallace Hayes, Rockland, $35,660.

Jay H. Hulet, Murphy, $30,238.

W. E. Barkdull & Sons, Inc., American Falls, $28,816.

Ronald Garner, American Falls, $26,991.

Dean Meadows, American Falls, $26,793.

Melvin R. Funk, American Falls, $24,898.

Lynn Thompson, American Falls, $24,841.

Weston Kramer, American Falls, $23,396.

Joe F. Allen, American Falls, $23,344.

Austin Woodworth, American Falls, $21,228.

Elmer Funk, Jr., Aberdeen, $21,223.

Clover Club Farms, Inc., Idaho Falls, $20,931.

George L. Funk, American Falls, $20,452.

Total payees in county (15) $410,429.

Teton County

Shayne Linderman, Rexburg, $40,078.

Rammell Brothers, Driggs, $29,448.

Demar Bott, Newdale, $24,808.

J. Clint Hoopes, Rexburg, $24,275.

Earl N. Hoopes, Rexburg, $24,026.

Total payees in county (5), $142,635.

Twin Falls County

W. T. Williams, Inc., Twin Falls, $33,673.

W. B. Savage Ranches, Kimberly, $28,691.

Heil Land/Livestock, Inc., Castleford, $20,253.

Total payees in county (3), $82,617.

Washington County

Soulen Livestock Co., Weiser, $43,461.

Total payees in state (187), $5,780,069.

ILLINOIS

Adams County

Richard Wittler, Quincy, $25,600.

E. A. Meyer % H. B. Ihnen Agt. Quincy, $22,211.

Cyril Elbus, Mt. Sterling, $21,196.

Total payees in county (3), $69,007.

Alexander County

Dowco Land Co., Cairo, $58,213.

Eliott Raffety Farms, Inc., Wyatt, Mo., $40,454.

E. J. Showmaker, Charleston, Mo., 32,949.

Total payees in county (3), $131,616.

Boone County

Frank Bullard, Poplar Grove, $21,990.

Total payees in county (1), $21,990.

Brown County

Rolla Colclasure, Mt. Sterling, $20,502

Total payees in county (1), $20,502.

Bureau County

Claude Bailey, Princeton, $29,775.

Raymond J. Fitzpatrick, Ohio, $20,702.

Total payees in county (2), $50,477.

Christian County

Donald Linton, Edinburg, $22,610.

Donald L. Kuhle, Assumption, $22,067.

Total payees in county (2), $44,677.

Cook County

Marvin Dunteman, Barrington, $25,659.

Total payees in county (1), $25,659.

De Kalb County

O. M. Johnson, Shabbona, $40,136.

Millard, Sawyer, Leland, $26,724.

Raymond Katz, De Kalb, $20,286.

Total payees in county (3), $87,146.

De Witt County

C. H. Moore Trust, Est., Clinton, $97,023.

Total payees in county (1), $97,023.

Douglas County

Ray Wax, Newman, $28,596.

Total payees in county (1), $28,596.

Edwards County

Chester, Siegert, Jr., Grayville, $20,616.

Total payees in county (1), $20,616.

Ford County

John P. Gallahue, Piper City, $21,190.

Total payees in county (1), $21,190.

Fulton County

Meadowlk Fms c/o I. H. Reiss, Sullivan, Ind., $113,897.

Lowell Wier, Canton, $26,669.

Total payees in county (2), $140,566.

Gallatin County

Pat Scates, Sr., Shawneetown, $56,807.

Lawrence Rollman, Shawneetown, $33,261.

James A. Raben, Ridgway, $27,644.

Charles Hish, Ridgway, $23,140.

W. L. Bradley and Sons, Omaha, $22,595.

Total payees in county (5), $163,447.

Greene County

James G. Esarey, White Hall, $25,444.

Hartwell Ranch, Hillview, $23,869.

McWilliams Trust, Chicago, $21,621.

Henry Longmeyer, Greenfield, $21,430.

Total payees in county (4), $92,364.

Hancock County

Calvin Leffler, Sutter, $22,665.

Hancock Land Co., Warsaw, $20,613.

Total payees in county (2), $43,278.

Henry County

George Larson, Geneseo, $21,701.

Iroquois County

Andrew Meister, Ashkum, $23,450.

Jackson County

Roger Novack, Murphysboro, $22,758.

D. L. Bess, Sr., Bloomfield, Mo., $22,512.

D. L. Heine & A. Behnken, Ptrp., Gorham, $21,902.

Total payees in county (3), $67,172.

Jefferson County

Fletcher Farrar, Mt. Vernon, $21,292.

Jersey County

Eugene Beiser, Jerseyville, $24,367.

Floyd Isringhausen, Fieldon, $22,262.

Total payees in county (2), $46,629.

Kane County

Arthur Hagemann, Elgin, $38,429.

John A. Gorenz, Hampshire, $32,218.

Harry Schoger, Aurora, $26,222.

Leon Meredith, Maple Park, $25,829.

Baert Bros. C/O F. Baert, St. Charles, $22,974.

Long Bros. C/O A. Long Agt., Elburn, $22,870.

Lyle Lawson, Elburn, $22,036.

Total payees in county (7), $190,578.

Kankakee County

Tallmadge Ranch Inc., Momence, $76,852.

Cote Farms Inc., St. Anne, $53,527.

Sunset Farms Inc., Manteno, $24,105.

Loitz Bros., Grant Park, $23,938.

Tunis Hoekstra, St. Anne, $23,188.

Total payees in county (5), $201,610.

Lake County

Tempel Farms, Wadsworth, $29,414.

Total payees in county (1), $29,414.

Lawrence County

Earl Minderman, Lawrenceville, $37,224.

Total payees in county (1), $37,224.

Lee County

A. H. Nichols, Daytona Beach, Fla., $41,306.

Martin Ravnaas, Rochelle, $24,256.

Total payees in county (2), $65,562.

Livingston County

Martin Farms, Bloomington, $23,626.

Total payees in county (1), $23,626.

Logan County

John L. White, New Holland, $28,526.

Harold Park, Lincoln, $25,181.

Total payees in county (2), $53,707.

Macoupin County

Randall Loveless, Carlinville, $20,385.

Total payees in county (1), $20,385.

Massac County

Henry W. Schmidt, Belknap, $20,220.

Total payees in county (1), $20,220.

McHenry County

Meyer & Schuring, Marengo, $52,466.

Perfection Farms, Chicago, $26,177.

L. O. Napier, Marengo, $23,870.

Total payees in county (3), $102,513.

McLean County

Robert D. Whitwood, Hudson, $22,308.

John O'Neall, Cooksville, $20,968.

Total payees in county (2), $43,276.

Mercer County

Scott Farm Co., Alexis, $23,584.

J. and J. Russell, New Boston, $20,589.

Total payees in county (2), $44,173.

Montgomery County

W. Darrell Kilton, Litchfield, $50,729.

Total payees in county (1), $50,729.

Morgan County

James O. Harris, Alexander, $22,896.

Total payees in county (1), $22,896.

Ogle County

Swift & Co., Rochelle, $63,950.

Terry Petry, Rochelle, $25,183.

Emil Fisher & R. Allen, Rochelle, $21,151.

Total payees in county (3), $110,284.

Perry County

Southwestern Coal Co., Cutler, $53,062.

Total payees in county (1), $53,062.

Piatt County

Lynn H. Clarkson, Cerro Gordo, $22,763.

J. E. McCoppin, Ivesdale, $20,657.

Total payees in county (2), $43,420.

Pike County

Bob Richter, Hannibal, $21,614.

Total payees in county (1), $21,614.

Pope County

Dixon Springs, Simpson, $27,666.

Total payees in county (1), $27,666.

Randolph County

Behnken & Behnken, Modoc, $33,986.

Michael Kertz, Genevieve, $20,452.

Total payees in county (2), $54,438.

Rock Island County

Donald Rursch, Taylor Ridge, $20,089.

Total payees in county (1), $20,089.

Sangamon County

Dowson Bros. A PTRP, Divernon, $29,389.

Lillie E. Mayfield Adm., Sherman, $26,100.

Total payees in county (2), $55,489.

Scott County

Karl W. Meisenbach, Pearl, $31,916.

Total payees in county (1), $31,916.

Shelby County

Smith Farm Inc., Shelbyvl, $24,144.

Total payees in county (1), $24,144.

St. Clair County

Floyd A. Schlueter, Belleville, $26,517.

Total payees in county (1), $26,517.

Union County

Gerald Cain, Jonesboro, $22,526.

Total payees in county (1), $22,526.

Vermilion County

L. J. Larry, Danville, $27,304.

Evert E. Berglund, Rossville, $25,584.

Total payees in county (2), $52,888.

Warren County

George Gaskill, Jr., Monmouth, $24,694.

Walter Gayman & Sons, Smithshire, $20,342.

Total payees in county (2), $45,036.

White County

Frank H. Ackerman, Carmi, $33,387.

Wilburn Duvall, Carmi, $33,146.

L. R. Brown, L. A. Brown, Carmi, $29,720.

Ford Turkey Island, New Harmony, Ind., $24,962.

C. E. Brehm, Mt. Vernon, $20,467.

Total payees in county (5), $141,682.

Whiteside County

Wilder Farms, Inc., Erie, $39,645.

Hugh J. Hermes, Sterling, $28,390.

William Mencarow, Moline, $23,303.

Elmer Larson, Prophetstown, $23,213.

Jay P. King, Rock Falls, $23,072.

Rosengren Bros., Rock Falls, $22,295.

Total payees in county (6), $159,918.

Will County

Daniel T. Walker, New Lenox, $29,260.

Total payees in county (1), $29,260.

Winnebago County

Dwight Jewell, Winnebago, $24,502.

Edw A. Gummow, Rockton, $24,374.

Lester Gummow, Rockton, $23,439.

Harold E. Nelson, Rockford, $21,383.

Leroy Benson, Belvidere, $21,021.

Total payees in county (5), $114,719.

Woodford County

Martin Bros. Implement Co., Roanoke, $47,055.

Dorothy Bally Adm., Roanoke, $26,183.

Ben Hodel, Roanoke, $25,740.

Total payees in county (3), $98,978.

Total payees in State (112), $3,277,957.

INDIANA

Benton County

Herschbach, c/o Doane, Logansport, $24,935.

Daviess County

Graham Farms, Inc., Washington, $51,615.

Aden Michael Sprinkle, Plainville, $23,090.

Floyd E. Lee, Elnora, $20,933.

Total payees in county (3), $95,638.

Fountain County

Dr. Lee Maris, Attica, $30,407.

Total payees in county (1), $30,407.

Franklin County

Calvin Kolb, Oxford, $25,015.

Total payees in county (1), $25,015.

Gibson County

John C. Blood, Mt. Carmel, $27,871.

Total payees in county (1), $27,871.

Hamilton County

Dan Taylor, Noblesville, $25,914.
Total payees in county (1), $25,914.

Henry County

Sam Goldman, Straughn, $23,550.
Total payees in county (1), $23,550.

Jasper County

James D. Green, Chicago, $36,783.
Savich Farms, Rensselaer, $35,827.
R. and D. Farms, Francesville, $28,240.
Stewart Farms, Rensselaer, $23,449.
Robert Schoon, Wheatfield, $20,984.
Total payees in county (5), $145,283.

Knox County

Thompson Farms, Inc. Decker, $58,330.
Schenk Farms, Inc., Vincennes, $48,434.
G. A. & E. C. Steckler, Vincennes, $31,813.
Robert Carnahan, Edwardsport, $30,423.
Ernest Vieke, Vincennes, $30,236.
William R. Huey, Sandborn, $23,781.
Bower Corp., Evansville, $23,048.
George R. Wilson, Decker, $20,881.
Holscher Brothers, Vincennes, $20,715.
Billy H. Barmes, Vincennes, $20,470.
Henry A. Hagemeier, Carlisle, $20,130.
Total payees in county (11), $328,261.

Kosciusko County

Creighton Bros., Warsaw, $55,726.
Herbert Fervida, Milford, $24,165.
Total payees in county (2), $79,891.

La Porte County

Wolff Farms, Union Mills, $27,328.
Total payees in county (1), $27,328.

Lake County

Charles Drewry, Lowell, $23,335.
Verle Little, Hebron, $22,070.
John Brown, Son, Lowell, $20,074.
Total payees in county (3), $65,479.

Newton County

Robert A. Churchill, Lake Village, $51,058.
Albert Molson, Jr., Morocco, $29,531.
James Printy, Jr., Morocco, $21,663.
Total payees in county (3), $102,252.

Parke County

Adams Farm Co., Inc., Rockville, $41,525.
Kenneth Ramsay, Waveland, $26,822.
Total payees in county (2), $68,347.

Posey County

New Harmony Realty, New Harmony, $48,012.
Edward C. Culley, Mount Vernon, $31,453.
Total payees in county (2), $79,465.

Pulaski County

Overmyer Farms, Francesville, $118,572.
Arthur P. Gumz, North Judson, $68,094.
Joseph Smolek, North Judson, $23,930.
Otto Wuethrich, Francesville, $23,785.
Total payees in county (4), $234,381.

St. Joseph County

E. Gumz, Inc., North Liberty, $24,873.
Kenneth Sebasty, New Carlisle, $23,606.
Fisher Olive Farm, North Liberty, $20,820.
St. Joseph Farm, Notre Dame, $20,115.
Total payees in county (4), $89,414.

Starke County

Richard Gumz, North Judson, $53,423.
Wm. R. Solmos, Knox, $30,695.
Benjamin O. Bierly, Walkerton, $24,910.
Jerome Gumz, Medaryville, $23,627.
Jack Brown, North Judson, $23,140.
Total payees in county (5), $185,795.

Sullivan County

John Gray Kelly, Fairbanks, $60,466.
Mann Seed Farms, Merom, $25,637.
Leland Phegley, Carlisle, $20,544.
Total payees in county (3), $106,647.

Tippecanoe County

Watland Farms, Inc., Fowler, $34,809.
James Kellerman, Romney, $25,302.
Maddux Farms, Inc., New Richmond, $24,448.
Agnes S. Banta, West Point, $21,328.
Total payees in county (4), $105,887.

Tipton County

Longview Farms, Windfallw, $21,836.
Total payees in county (1), $21,836.

Vanderburgh County

Donald E. Kolb, Evansville, $39,274.
Total payees in county (1), $39,274.

Vermillion County

Harvey Estate, Newport, $33,019.
Total payees in county (1), $33,019.

Vigo County

James Harlan, Terre Haute, $40,649.
Burch Harlan, Terre Haute, $32,516.
Peter A. Farmer, Terre Haute, $27,151.
N & N Farms Inc., Terre Haute, $25,833.
Lyman Pendergast, Rosedale, $23,563.
Edward E. Laswell, Terre Haute, $20,317.
Total payees in county (6), $170,029.

Warren County

Richard Clark, West Lebanon, $26,746.
Total payees in county (1), $26,746.

Warrick County

Alcoa Warrick Works, Newburgh, $30,101.
Total payees in county (1), $30,101.

White County

Lloyd Lehe, Wolcott, $23,976.
John Warner, Brookston, $22,370.
Total payees in county (2), $46,346.
Total payees in State (71), $2,239,111.

IOWA

Adair County

Audra Gibbs, Greenfield, $23,087.

Appanoose County

Munsterman Bros., Centerville, $23,784.

Audubon County

Melville Farms, Audubon, $40,535.
Garst Co., Coon Rapids, $36,754.
Elmer G. Carlson, Audubon, $25,782.
Total payees in county (3), $103,071.

Benton County

Ray Van Steenhuyse, Vinton, $27,312.

Black Hawk County

Wellman Farms, Inc., La Porte City, $36,186.
Robert Rottinghaus, Jesup, $26,221.
Total payees in county (2), $62,407.

Boone County

George Uthe, Madrid, $30,853.
Lest Hope Farm, Dayton, $20,530.
Total payees in county (2), $51,383.

Buchanan County

Charles Hoffman, Walker, $24,539.
Vernon Hoffman, Aurora, $22,592.
Total payees in county (2), $47,131.

Butler County

Alfred McWilliams, Aredale, $27,313.

Calhoun County

Earl R. Strand, Lohrville, $22,319.

Cass County

Theodore Wickman, Jr., Atlantic, $23,005.
Gene Leslie, Atlantic, $20,130.
Total payees in county (2), $43,135.

Cerro Gordo County

Hebel Fritz Farms, Inc., Mason City, $45,829.
Wayne Van Duzer, Mason City, $30,417.
Warwick Land Co., Sioux City, $23,458.
American Crystal Sugar Co., Mason City, $23,396.
Kinney Lindstrom Foundation, Mason City, $23,233.
William L. Nicholas, Clear Lake, $22,155.
George H. Wendel, Mason City, $20,793.
Total payees in county (7), $189,281.

Cherokee County

John Heline, Pierson, $31,038.

Crawford County

Leonard Heistand, Dow City, $25,033.

Decatur County

Richard L. Coultas, Garden Grove, $23,900.

Des Moines County

Robert L. Gabeline, Morning Sun, $62,249.

Dickinson County

Harold G. Reiter, Spirit Lake, $22,558.

Fayette County

Agricultural Investors Inc., Farmersville, $25,273.
Max Janssen Jr., Sumner, $23,302.
Edwin A. Hoehne, Maynard, $20,874.
Total payees in county (3) $69,449.

Floyd County

Beverly Land Co., Sioux City, $41,509.
Rottler & Rottler, Greene, $29,119.
Leon Koebrick, Charles City, $28,733.
Julius Huxsol, Chas. City, $26,882.
Hoyle Ginther, Rockford, $24,567.
D. L. Trowbridge, Charles City, $23,750.
Total payees in county (6) $174,560.

Franklin County

Staley Farms Inc., Hampton, $33,131.
John H. Ricke, Williams, $26,451.
Lawrence W. Hamilton, Hampton, $22,837.
M. Staley Est., Hampton, $22,006.
Total payees in county (4), $104,425.

Fremont County

Payne Valley Farms Inc., Hamburg, $82,683.
Reeves Farms, Hamburg, $41,897.
Lyle Taylor, Sidney, $33,524.
Walter M. Doyle, Hastings, $30,545.
Schaaf Farms, Randolph, $25,936.
J. E. Good, Hamburg, $24,597.
Jack Stanley Farms Inc., Thurman, $21,578.
Interstate Nurseries, Hamburg, $20,345.
Total payees in county (8), $281,105.

Greene County

Delmar Van Horn, Jr., Jefferson, $29,505.

Grundy County

Stewart & King Inc., Dike, $24,499.
W. L. Mooty, Grundy Center, $21,072.
Total payees in county (2), $45,571.

Hancock County

Fraser Farms Inc., Humboldt, $46,672.

Hardin County

Thelma L. Warman, Alden, $31,049.

Howard County

Gerald Sovereign & Sons, Cresco, $27,518.

Ida County

William Piper, Grove, $24,584.
L. D. Johnson Partnership, Cushing, $24,459.
Richard Schmidt, Battle Creek, $22,333.
Alston Parker, Holstein, $20,102.
Total payees in county (4), $91,478.

Iowa County

Amana Society, Amana, $146,497.

Jasper County

William Snook, Newton, $23,087.

Jones County

Louis H. & Max H. Levsen, Clarence, $20,584.

Kossuth County

Joe Krieps, Wesley, $20,415.

Lee County

Edward H. Holtkamp, Madison, $27,524.

Linn County

Ralph Blackford, Marion, $23,559.

Madison County

Baur Farms Inc., Van Meter, $27,214.

Mills County

R. C. Good, Glenwood, $27,980.
Herman Stortenbecker, Glenwood, $25,760.
Luther Gammon, Glenwood, $24,375.
R. Goy Est., Malvern, $21,934.
Harry E. Paul, Henderson, $20,448.
Total payees in county (5) $120,497.

Mitchell County

E. B. Mohr, Dallas, $28,387.

Monona County

Charles Lakin, Dodge, $131,509.
Franklin D. Seitzinger, Onawa, $46,788.

Lakin Ranch Inc., Onawa, $43,895.
Hanson Bros., Little Sioux, $24,427.
R. H. Chrisman, Chicago, $20,509.
Total payees in county (5) $267,128.

Montgomery County

Marvin Hunt, Imogene, $29,981.

Palo Alto County

Wegener Bros., Fenton, $23,742.
Kroeker Wood Inc., Pocahontas, $20,989.
Harley Rouse, Ayrshire, $20,388.
Total payees in county (3) $65,119.

Poweshiek County

Raymond Schilder, Malcom, $26,244.

Shelby County

Zeno Lapke, Dunlap, $20,802.

Taylor County

H. Dean Beemer, Gravity, $24,586.

Union County

Russell Cheers, Afton, $25,703.

W. Pottawattamie County

Stanley Danker, Minden, $34,780.
Thomas Thomsen, Bluffs, $25,853.
Raymond Kenkel, Bluffs, $24,904.
Total payees in county (3) $85,537.

Washington County

Robert M. Flynn, Keota, $26,946.

Webster County

Litchfield Realty Co., Des Moines, $21,936.

Winnebago County

Merle L. Durby, Leland, $23,860.

Woodbury County

W. O. Rundall, Moville, $24,227.
O. P. Bennett, Sr., Mapleton, $20,881.
Total payees in county (2), $45,108.

Worth County

Robert E. Nack, Grafton, $23,243.

Wright County

Hilltop Ranch, Inc., Dows, $32,413.
Joe Keller, Blairsburg, $26,904.
Total payees in county (2), $59,317.
Total payees in State (96), $2,869,607.

KANSAS

Allen County

Harold Whitaker, Humboldt, $48,985.

Barber County

Junior Dumler, Kiowa, $30,541.
Fred Schupbach, Jr., Kiowa, $27,674.
Z Bar Cattle Co., Kansas City, $26,869.
Riedel Co. Inc., Kiowa, $20,829.
Total payees in county (4), $105,913.

Barton County

Schartz Bros., Great Bend, $29,770.
Richard C. Brining, Great Bend, $26,227.
L. F. Harper, Great Bend, $21,597.
Total payees in county (3), $77,594.

Brown County

Wilson Bros., Hiawatha, $22,531.

Butler County

Albert A. Entz, Newton, $23,529.

Cheyenne County

Earnest O. Bressler, Bird City, $20,962.
Don Kehlbeck, Bird City, $20,733.
Total payees in county (2), $41,695.

Clark County

Dwight D. Klinger, Ashland, $34,427.
Henry C. Gardiner, Ashland, $22,916.
Clarence E. Lewis, Minneola, $20,011.
Total payees in county (3), $77,354.

Coffey County

Evans & Nee Ptr., Lebo, $38,938.

Comanche County

Richard Bird, Coldwater, $27,583.
Vernon Huck, Coldwater, $26,987.
Glen Woolfolk and Sons, Protection, $23,521.
Ernest J. Oller, Coldwater, $22,568.
Total payees in county (4), $100,659.

Decatur County

Mumm Brothers, Selden, $20,410.

Dickinson County

Roy Clemence, Abilene, $31,090.
Ted P. Lahr, Abilene, $28,528.
Laurence Clemence, Abilene, $26,294.
Total payees in county (3), $85,912.

Doniphan County

Donald Manville, Wathena, $23,517

Edwards County

David Britton, Lewis, $30,878.
McLean Bros., Lewis, $27,086.
Slentz Bros., Lewis, $23,283.
Total payees in county (3), $81,247.

Ellis County

Leo J. Dreiling, Victoria, $28,506.

Finney County

Garden Cy Company, Garden City, $94,019.
Andrew E. Larson, Garden City, $64,171.
John Miller, Holcomb, $58,074.
G. R. Byrd, Holcomb, $43,513.
Leland L. Crist, Holcomb, $42,638.
Emanuel Doll, Ingalls, $39,027.
Thomas W. Linville, Holcomb, $36,077.
Roger Ramsey, Garden City, $32,791.
Clarence Gigot, Garden City, $30,911.
Francis Schreibvogel, Garden City, $30,052.
Lawrence Miller, Holcomb, $29,615.
Carson J. Davis, Holcomb, $29,539.
Frank McClure, Garden City, $29,448.
Max Engler, Jr., Holcomb, $28,728.
Leroy F. Cooley, Garden City, $28,477.
C. C. Spikes, Garden City, $26,370.
Eugene F. Ware, Garden City, $25,584.
Raymond G. Morris, Garden City, $25,374.
Marion L. Russell, Garden City, $25,028.
Raymond Crist, Holcomb, $24,997.
Ralph A. Greathouse, Garden City, $24,994.
Kleystuber & Sons, Pierceville, $24,877.
Leigh Warner, Cimarron, $24,632.
Cyril Schiffelbein, Holcomb, $21,979.
J. D. Hewes, Ingalls, $21,797.
Wiebe & Son ptrnship, Garden City, $21,490.
W. D. Daniels, Cimarron, $21,466.
Wm. M. Turrentine, Garden City, $20,489.
Total payees in County (28), $926,157.

Ford County

George Herrmann, Dodge City, $24,839.
Eleanor O. Rost, Topeka, $23,457.
Everett Steele, Dodge City, $22,950.
Dwight E. Winger, Dodge City, $22,648.
Stephen P. McManaman, Fowler, $20,233.
Total payees in county (5), $114,127.

Gove County

R. S. Coberly, Gove, $28,358.
Karlin Farms, Grinnell, $25,460.
A. L. Swart, Oakley, $23,939.
Ray G. Beesley, Quinter, $20,814.
Glenn Wristen Coberly, Gove, $20,392.
Total payees in county (5), $118,963.

Graham County

Lindenman Bros., Morland, $21,838.

Grant County

H. N. Hobart, Jr., Hutchinson, $46,143.
Tuttle & Tuttle & Mawhirter, Ulysses, $42,830.
J. David Sullivan, Ulysses, $37,108.
Higgs Farms, care of Carl Higgs, Ulysses, $30,271.
C. M. Dew, Ulysses, $29,096.
Herman Cockreham, Johnson, $28,745.
W. Jarvis & G. Jarvis, Ulysses, $27,228.
Lysle Davidson, Johnson, $26,855.
C. E. Battin, Ulysses, $26,778.
Wiebe Bros., Inc., Ulysses, $26,397.
Wendell Cheek, Ulysses, $26,080.
Dan C. Sullivan, Jr., Ulysses, $25,023.
Rollin P. Hagerman, Ulysses, $24,070.
J. F. Boylan, Ulysses, $23,804.
Howard L. Miller, Satanta, $23,762.
Gary & Iva Baker, Ulysses, $23,589.
C. L. Helwing, Johnson, $21,981.
Harry Caldwell, Ulysses, $21,487.
Arthur B. Williams, Ulysses, $20,785.
Earl B. Williams, Ulysses, $20,497.
Total payees in county (20), $552,529.

Gray County

Sidney Warner, Cimarron, $53,802.
Cecil Obrate, Ingalls, $26,728.
W. D. Brady, Dodge City, $24,542.
Stephen Irsik, Ingalls, $24,365.
James R. Adams, Copeland, $23,744.
Lester Clark, Garden City, $23,324.
Diane Janof, Cimarron, $23,019.
Total payees in county (7), $199,524.

Greeley County

Dale Steele, Ford, $97,238.
Kleymann Brothers, Tribune, $63,024.
Smith Ranch Co., Tribune, $44,962.
Jay A. Hoffman, Tribune, $35,840.
Myron E. Sell, Tribune, $34,659.
Ervin Schneider, Tribune, $28,032.
Garfield Ochsner, Tribune, $24,200.
Floyd Tuttle & Son, Tribune, $23,174.
George Nickelson, Penokee, $22,404.
J. V. Kuttler, Tribune, $22,270.
H. C. Wear, Tribune, $21,282.
Lemon & Maness, Tribune, $21,242.
Dick Holland, Leoti, $20,985.
Total payees in county (13), $459,312.

Hamilton County

Richard Plunkett, Syracuse, $35,544.
Lawrence Herrmann, Kendall, $25,313.
W. T. Hughs, Syracuse, $24,216.
Louis J. Eddy, Coolidge, $23,721.
Floyd Haslett, Syracuse, $22,202.
Herbert E. Ramsey, Jr., Hutchinson, $22,072.
Clarence Simmonds, Syracuse, $21,792.
Harold Guldner, Syracuse, $21,019.
Total payees in county (8), $195,879.

Haskell County

Paul J. Brown, Sublette, $46,042.
Haskell Land Co., Sublette, $39,589.
Kirby B. Clawson, Satanta, $34,732.
Randall Bird, Sublette, $34,016.
Ed Hall, Sublette, $33,706.
Forrest Cox, Sublette, $28,983.
Leslie A. Alexander, Satanta, $27,512.
Lewis & Decker Cattle Co., Satanta, $24,872.
Dorsey Elliott, Garden City, $22,623.
Laverne Smith, Copeland, $22,190.
Murphy & Murphy, Sublette, $20,972.
Total payees in county (11), $335,237.

Hodgeman County

O. T. Salmans, Hanston, $23,429.

Jewell County

Neil Durham, Scottsville, $28,211.
Laura Spiegel & Sons, Formoso, $21,120.
Total payees in county (2), $49,331.

Johnson County

James R. Mills, Olathe, $26,195.

Kearney County

Ethel M. Martin, Syracuse, $42,152.
Charles Eskelund, Deerfield, $38,932.
Raymond Dienst, Sr., Lakin, $37,319.
Gordon W. Crone, Lakin, $33,315.
Vernon G. Kropp, Est., Winfield, $28,749.
Max R. Miller, Deerfield, $27,571.
Edward E. Wiatt, Lakin, $24,732.
Loy R. Frank, Attica, $24,378.
B. E. Miles, Lakin, $24,230.
Ray Rohlman, Syracuse, $23,606.
D. E. Steenis, Est., Deerfield, $21,908.
Lawrence N. Graham, Deerfield, $21,882.
Fritz Schreibvogel, Lakin, $21,403.
Vernon E. Eberhart, Deerfield, $21,013.
Candy Ochoa, Lakin, $20,987.
Bob L. Landon, Deerfield, $20,767.
Taylor & Englert, Syracuse, $20,323.
Total payees in county (17), $453,267.

Kiowa County

Pleasant Valley Farm & Ranch, Mullinville, $35,470.
Elmer E. Davis, Haviland, $24,268.
Ernest E. Davis, Mullinville, $21,274.
Total payees in county (3), $81,012.

Labette County

George Ruttgen, Oswego, $20,806.

Lane County

Lawrence Richards, Dighton, $23,266.
Edwin A. Borell & Sons, Shields, $23,125.

Kuhlman Farms, Inc., Dighton, $21,896.

Sharp Bros., Healy, $21,779.

Gilbert Shelfridge, Shields, $20,937.

John A. Hineman, Dighton, $20,887.

Kalo A. Hineman, Dighton, $20,399.

Total payees in county (7), $152,289.

Logan County

Keller Bros, Page City, $50,651.

J. Ernest Bertrand, Oakley, $47,672.

John W. & V. A. James, Oakley, $37,235.

Charles Bertrand, Holdrege, Nebr., $35,576.

Delton W. Hubert, Monument, $31,768.

Henry Kuhlman, Oakley, $29,005.

Don Lintel, Monument, $27,475.

A. F. Hueftle, Oakley, $25,454.

Total payees in county (8), $284,836.

Marion County

Vestring Bros., Burns, $36,378.

Meade County

W. R. Cottrell, Meade, $64,159.

Maud Collingwood Estate, Plains, $39,552.

Holmes Cattle Co., Plains, $29,377.

John E. Frazier, Fowler, $27,797.

Holmes C. Bender, Plains, $24,445,.

Jenkinson Bros., Meade, $21,438.

G. H. Tschudy, Kansas City, Mo., $21,337.

Chester Rexford, Montezuma, $20,389.

Total payees in county (8), $248,494.

Miami County

Lloyd M. Barkis, Spring Hill, $20,313.

Mitchell County

Paul Mears, Beloit, $36,027.

Neil Fuller & Sons, Beloit, $21,439.

Guy Noller, Elder, $20,427.

Total payees in county (3), $77,893.

Morton County

W. J. Light, Rolla, $43,348.

J. E. Light, Rolla, $33,095.

William E. Tucker, Elkhart, $28,296.

Gwyn Thrash, Rolla, $27,712.

Leon Jackson, Phoenix, $26,964.

Glenn Sipes, Manter, $26,093.

Ralph Breeding, Rolla, $25,409.

Harold Anderson, Rolla, $25,225.

Charles Friend, Rolla, $23,868.

John Baughman, Jr., Liberal, $23,340.

Otis L. Daniels, Rolla, $21,592.

Charles Breeding, Rolla, $21,577.

Paul Light, Rolla, $21,517.

Hayward Farms, Elkhart, $20,159.

Total payees in county (14), $368,195.

Neosho County

Wesley Kroeker, Enid, $74,200.

Ness County

R. T. McCreight, Ness City, $24,277.

Frank G. Davison, Dighton, $21,333.

John Pfaff, McCracken, $20,790.

Total payees in county (3), $66,400.

Norton County

Barney Hickert, Lenora, $20,639.

Osage County

John R. Evans, Lebo, $29,718.

David W. Evans, Jr., Lebo, $29,139.

David W. Evans, Lebo, $21,607.

Total payees in county (3), $80,464.

Osborne County

Adrian Schweitzer, Osborne, $26,473.

Est. G. H. Wolters, Portis, $21,698.

O. C. McFadden, Osborne, $20,601.

Max D. Remus, Osborne, $20,513.

Baughman Ranches, Inc., Liberal, $20,455.

Total payees in county (5), $109,740.

Ottawa County

Dick Diedrick, Culver, $20,651.

H. Francis Meiller, Minneapolis, $20,557.

Total payees in county (2), $41,208.

Pawnee County

Glee Smith, Rozel, $37,823.

Milford Zook, Larned, $21,086.

Total payees in county (2), $58,909.

Phillips County

John B. Wyrill, Jr., Kirwin, $54,043.

Cox Bros. Farming Trust, Long Island, $36,554.

John B. Wyrill, Sr., Kirwin, $33,226.

Gus Rahjes & Sons, Ptnrship., Agra, $20,133.

Total payees in county (4), $14,956.

Pottawatomie County

Peddicord Bros., Wamego, $21,838.

Conrad Eriksen, Manhattan, $21,669.

Pessemier Co., c/o R. Royer, St. Marys, $20,547.

Total payees in county (3), $64,054.

Pratt County

Don Fincham, Pratt, $23,393.

Republic County

Swen E. Carlson, Jamestown, $32,030.

Dorman Clark, Hardy, $23,719.

Dwayne M. Dahl, Hardy, $22,223.

Total payees in county (3), $77,972.

Rice County

Arthur Dobrinski, Geneseo, $22,720.

Rooks County

Wayne McClellan, Zurich, $20,736.

Rush County

Clyde E. Bryant, LaCrosse, $20,168.

Russell County

Brown Farms, Lucas, $20,822.

Herman A. Krug & Sons, Russell, $20,732.

Total payees in county (2), $41,554.

Scott County

Floyd M. Krebs, Scott City, $47,589.

Hattendorf Bros., Scott City, $41,806.

Marion Hutchins, Scott City, $33,997.

G. & D. Farms, Scott City, $26,520.

C. A. Steele & Sons, Scott City, $26,407.

Bernard I. Rose, Scott City, $25,916.

Charles Socolofsky, Scott City, $24,328.

Felt Farms, Jackson, $23,827.

Keith Janzen, Scott City, $23,676.

Hughes Land & Livestock, Scott City, $23,310.

William D. Krebs, Scott City, $21,923.

Loren Janzen, Scott City, $21,686.

Robinson Farms Inc., Scott City, $21,307.

Luke & Son, Scott City, $20,093.

Glen E. Ryan, Scott City, $20,059.

Total payees in county (15), $402,444.

Sedgwick County

Albert Gruenbacher & Sons, Andale, $22,209.

Seward County

Martin Bros., Moscow, $38,684.

Hitch Lnd Cttl. Co., Guymon, $31,354.

Robert L. Hatcher, Liberal, $30,654.

Harold & Leroy Stapleton, Sublette, $25,392.

Circle Bar Ranch, Sublette, $24,550.

Gene & Gordon Shuck, Moscow, $24,164.

Dean Printz, Liberal, $22,648.

Total payees in county (7), $197,446.

Sheridan County

E. A. Baalman & Sons, Menlo, $64,970.

Murray J. Baalman, Grinnell, $25,457.

Herb Teeter, Oakley, $23,433.

Mark Hueftle, Selden, $22,863.

Total payees in county (4), $136, 723.

Sherman County

Wm. A. Davis and Sons, Goodland, $69,427.

Lloyd Kontny, Goodland, $52,268.

C. Wilber White, Goodland, $51,611.

Kenneth House, McDonald, $51,507.

Golden Wheat Ranch, Goodland, $46,518.

Vernon Irvin, Goodland, $46,094.

Charles L. Silkman, Goodland, $41,734.

Harland J. Taylor, Goodland, $35,924.

Keith Cook, Edson, $35,415.

Harold L. Bair, Goodland, $33,468.

Everett L. Craft, Edson, $32,515.

Walker Briney, Goodland, $32,002.

Robert W. Helman, Goodland, $31,260.

John H. Golden, Goodland, $31,216.

Arnold Schields, Goodland, $29,396 .

John Raile, Edson, $29,382.

Robert Irvin, Goodland, $28,927.

Robert J. Hayden, Goodland, $28,813.

John T. Nelson, Kanorado, $28,040.

Fred H. Schield, Goodland, $27,838.

Iron H. Mueller, Bird City, $27,572.

Jesse L. Craft, Edson, $26,202.

Hugh B. Armstrong, Goodland, $25,277.

Donald K. Schwendener, Goodland, $25,072.

D. M. Daily, Kanorado, $24,355.

Joe D. Gutsch, Goodland, $24,269.

Harry M. Armstrong, Goodland, $23,498.

W. A. Franklin, Edson, $23,061.

Earl Finegan, Edson, $22,402.

Jim Flanders, Edson, $22,087.

B. E. Gannon, Goodland, $21,119.

Norman J. Bauman, Goodland, $20,366.

Total payees in county (32), $1,048,635.

Smith County

Ferguson Bros., Kensington, $42,750.

Stafford County

Carl McCune Sons, Stafford, $27,455.

Stanton County

G. H. J. Farms, Ltd., Johnson, $87,763.

Clarence Winger & Sons, Johnson, $78,953.

Max Hume, Manter, $77,859.

Theodore J. Julian, Johnson, $41,527.

Kans. Univ. Endow Assoc., Lawrence, $40,141.

Paul E. Plummer and Sons, Johnson, $39,564.

Milton Julian, Johnson, $39,008.

Walter Herrick, Johnson, $38,702.

Lester Canny, Johnson, $37,915.

Edna E. Collingwood, Johnson, $37,446.

Guy Rorick, Manter, $35,210.

Kendrick Farms, Johnson, $34,479.

John Shore, Johnson, $33,533.

John Lewis, Syracuse, $32,833.

Charles Lucas, Johnson, $31,748.

Rozella M. Van Brunt, Johnson, $27,782.

Milt Graber, Manter, $27,488.

Lester Stanton and Son, Johnson, $27,237.

Paul E. Plummer, Agt., Johnson, $27,199.

Stanley A. Julian, Johnson, $26,361.

Hobert Stewart, Manter, $26,128.

G. D. Troutman, Est., Johnson, $25,932.

Robert A. Seger, Johnson, $23,041.

Richard C. Campbell, Big Bow, $22,983.

David M. Roach, Johnson, $22,271.

Olen Warner, Syracuse, $22,057.

Virgil Amos Shepard, Johnson, $21,769.

Irvin Pauls, Johnson, $21,408.

Plummer Hall Farm, Johnson, $20,599.

Herbert Shironaka, Johnson, $20,363.

Hoopingarner Brothers, Manter, $20,283.

Total payees in county (31), $1,069,582.

Stevens County

Warren Spikes, Hugoton, $70,286.

Carl N. Brollier, Moscow, $51,766.

Lawrence J. Lightcap, Hugoton, $50,885.

Gerald L. Schmidt, Rolla, $41,779.

Thurow Miller Ptnr., Hugoton, $37,100.

Gordon Bane, Hugoton, $34,760.

Fred Walkemeyer & Son, Hugoton, $31,864.

Vincent Youngren, Hugoton, $31,545.

A. E. Kramer, Agent, Pelajo Prop., Hugoton, $27,881.

James Ford, Hugoton, $27,718.

T. R. Gooch, Hugoton, $25,649.

Wayne Parsons, Hugoton, $25,005.

Harry C. Morris, Hugoton, $24,311.

Charles Dudley, Moscow, $23,551.

Ray A. Morgan, Hugoton, $23,492.

Laurence W. Brower, Moscow, $22,505.

Gillespie Bros., Hugoton, $21,020.

B. Garmon & C. Horner, coadministrator, Hugoton, $20,423.

Frank J. Keefer, Hugoton, $20,210.

Total payees in county (19), $611,750.

Sumner County

Stewart Farm Account, Wellington, $41,618.

John L. Larsen, Wellington, $23,472.

Total payees in county (2), $65,090.

Thomas County

Marshall Farms, Brewster, $40,336.

B. A. Hutton, Brewster, $25,359.

Rex Cranston, Brewster, $22,244.

W. E. Cooper, Colby, $21,805.

Eugene J. Karlin, Oakley, $21,312.

Melvin L. Barrett, Colby, $20,549.

H. & H. Farms, Inc., Colby, $20,433.

Total payees in county (7), $172,038.

Wabaunsee County

Howard Deiter, Maple Hill, $24,160.

Wallace County

J. E. Ely Estate, Garden City, $58,078.
Orville Walker, Sharon Springs, $52,287.
Edward M. Waugh, Weskan, $42,590.
Harry Voth, Sharon Springs, $37,504.
Harold E. Shuman, Sharon Springs, $33,614.
Frasier Farms, Sharon Springs, $31,803.
Gareth J. McFadden, Goodland, $30,666.
Wm. H. Akers, Sharon Springs, $29,062.
Arthur R. Mai, Sharon Springs, $28,954.
Vernon L. Popp Agt., Popp Bros., Sharon Springs, $27,893.
Russell I. Unruh, Wallace, $27,255.
Robert McKinney, Weskan, $26,814.
N. D. Sexson, Weskan, $25,339.
Alan Waugh, Sharon Springs, $24,743.
John F. Stoskopf, Great Bend, $24,607.
Vernon D. Schemm, Sharon Springs, $24,453.
Floyd Larson, Sharon Springs, $23,751.
Robert M. Waugh, Weskan, $23,276.
William Pletcher, Sharon Springs, $23,102.
R. D. Walker, Inc., Sharon Springs, $22,408.
H. C. & M. Wilson, Los Angeles, $20,969.
Herbert Peterman, Alva, $20,432.
Total payees in county (22), $659,600.

Washington County

Herman Bott, Palmer, $59,422.

Wichita County

Jaeger Farms, Leoti, $35,882.
J. W. Zellner, Marienthal, $29,998.
Leo Harkness, Leoti, $22,683.
Total payees in county (3), $88,563.

Wilson County

Max Neill, Fredonia, $20,190.

Woodson County

Eldon Kee, Jr., Yates Center, $37,124.
H. W. Pierpoint, Yates Center, $34,858.
Total payees in county (2), $71,982.
Total payees in State (377), $11,128,946.

KENTUCKY

Ballard County

James Wilson, Wickliffe, $25,605.

Breckinridge County

J. D. Tobin, Irvington, $27,696.

Christian County

Loyd W. Ford, Hopkinsville, $20,963.

Daviess County

William Miles, Owensboro, $23,972.

Fulton County

James E. White, Hickman, $27,704.
Sanger Farms Inc., Hickman, $26,124.
Robert Sanger, Hickman, $26,044.
Clyde Morrow & Sons, Hickman, $24,545.
Stone & Ledford, Hickman, $21,940.
Weatherly Bros., Hickman, $20,913.
Jesse Whitson, Tiptonville, $20,456.
M. B. Major, Hickman, $20,230.
Total payees in county (8), $187,956.

Hardin County

Dixie Stock Farms, Sonora, $23,249.

Henderson County

Reynolds Metals Co., Henderson, $53,380.
Charles Rettig, Henderson, $35,450.
Charles B. Smith, Henderson, $21,141.
Total payees in county (3), $109,971.

Hickman County

Larkins Bros., Clinton, $27,096.

Trigg County

S. D. Broadbent, Jr., Cadiz, $35,758.
Cundiff Farms, Cadiz, $22,214.
Total payees in county (2), $57,972.

Union County

Wm. T. Duncan, Clay, $24,936.
Total payees in State (20), $529,416.

LOUISIANA

Acadia County

Ashton S. Pettijean, Rayne, $24,800.
Clarence L. Richard, Church Point, $20,598.
Total payees in county (2), $45,398.

Ascension County

Lemann & Thibaut, Inc., Donaldsonville, $24,730.
Peytavin Fm. Co. & Minnie, Inc., Donaldsonville, $23,218.
Palo Alto, Inc., Donaldsonville, $22,795.
Total payees in county (3), $70,743.

Assumption County

Churchill & Thibaut, Donaldsonville, $70,201.
Savoie Industries, Belle Rose, $57,609.
Tex Emma, Inc., Thibodaux, $44,961.
Dugas & Leblanc, Ltd., Paincourtville, $44,241.
Est E. G. Robichaux, Labadieville, $38,038.
B. & D. Thibaut, Napoleonville, $30,657.
Lillie Belle Arcement, Napoleonville, $23,273.
Harang Farms, Inc., Thibodaux, $21,784.
Dugas & Leblanc, Ltd., Belle Rose, $20,915.
Total payees in county (9), $351,679.

Avoyelles County

Haas Inv. Co. Inc., Bunkie, $49,458.
Darrell Lemoine, Plaucheville, $29,301.
Marion B. Townsend, Bunkie, $26,738.
J. B. Luke, Bunkie, $26,518.
C. W. Tebow, Bunkie, $25,115.
E. A. Townsend & F. C. Townsend, Bunkie, $23,613.
Lloyd & Burton Newton, Bunkie, $23,553.
Orney Dauzat, Marksville, $22,680.
Fred Marvin Durwood Newton, Bunkie, $22,670.
Marion Goudeau, Goudeau, $21,683.
Alfred C. Riche, Bunkie, $20,638.
Total payees in county (11), $291,967.

Bossier County

L. H. Woodruff, McDade, $61,507.
Rosedale Plantation, Inc., Benton, $59,039.
R. J. Viola, Bossier City, $48,329.
Elm Grove Plantation, Inc., McDade, $43,820.
Curtis Planting Co., Bossier City, $41,628.
C. E. Roemeriii, Bossier City, $41,139.
Joe Clark, Bossier City, $39,283.
E. B. Barnett, Plain Dealing, $37,340.
Franklin D. Roemer, Bossier City, $35,424.
I. W. Whittington, Jr., Benton, $31,987.
Maggie C. Mayer, Bossier City, $29,491.
Scopena Plantation, Bossier City, $29,386
R. T. Stinson, Bossier City, $27,223.
Milton Pittman, Plain Dealing, $25,463.
Joe Rich, Plain Dealing, $25,433.
J. N. Averett, Bossier City, $25,366.
Tim White, McDade, $25,090.
Henry L. Cox, Plain Dealing, $25,087.
Marvin McCalman, Bradley, $25,055.
J. T. Rodgers, Shreveport, $24,100.
W. F. Nicholson, Shreveport, $22,538.
Elmer L. Spears, Plain Dealing, $22,399.
Atkins and Sonnier, Benton, $21,799.
A. L. Keoun, Plain Dealing, $20,280.
Total payees in county (24), $788,206.

Caddo County

Mission Planting Co., Ida, $91,766.
J. W. Lynn Plantation, Gilliam, $78,780.
Dalton R. Pittman, Shreveport, $76,017.
Sam W. Smith, Jr., Shreveport, $75,808.
A. C. Dominick, Jr., Mira, $66,510.
Robison Co., Shreveport, $64,424.
L. R. Kirby, Jr., Belcher, $60,537.
G. A. Frierson, Shreveport, $59,745.
W. J. Hutchinson Sons, Caspiana, $58,763.
Dan P. Logan, Gilliam, $58,695.
Webb & Webb, Shreveport, $56,602.
C. N. Frierson, Shreveport, $56,205.
Stinson Brothers, Gilliam, $54,699.
L. S. Frierson, Jr., Shreveport, $49,844.
G. W. Van Hoose, Jr., Belcher, $45,307.
C. M. Hutchinson, Jr., Shreveport, $44,826.
G. W. Vanhoose, Sr., Shreveport, $44,488.
T. A. Tinsley, Shreveport, $43,824.
Bryan Connell, Belcher, $40,934.
Carroll W. & Malcolm W. Feist, Sport, $38,902.
Paul Dominick, Mira, $37,525.
E. R. Cupples, Shreveport, $37,264.
A. L. Sentell, Dixie, $36,569.
C. C. Whittington, Shreveport, $35,102.
R. L. Nance, Jr., Dixie, $34,578.
M. A. Roberson, Gilliam, $34,028.
Yearwood Bros., Shreveport, $33,217.
Tom P. Moore, Jr., Vivian, $32,392.
J. W. Glassell, Belcher, $31,205.
W. M. Yarbrough, Belcher, $30,029.
J. L. Teer, Dixie, $28,722.
Paul Dominick, Jr., Mira, $28,325.
J. H. Gardner, Shreveport, $26,802.
Clifton Dodson, Dixie, $26,744.
Malcolm Dutton, Shreveport, $26,437.
Doles Brothers, Plain Dealing, $25,988.
R. R. McKinney, Hosston, $24,463.
F. E. Volentine, Shreveport, $24,347.
Wayland Carlisle, Dixie, $24,087.
Dan P. Logan, Jr., Gilliam, $23,777.
E. H. Gleason, Jr., Shreveport, $22,963.
M. P. Connell, Belcher, $22,687.
R. McL. Jeter, Shreveport, $22,570.
W. L. Sibley, Shreveport, $22,433.
W. H. Thompson, Hosston, $20,831.
W. J. James, Shreveport, $20,579.
Adrian Douglas, Belcher, $20,319.
Total payees in county (47), $1,920,659.

Caldwell County

Rowland Bros., Monroe, $60,878.
Lelon Kenney, Columbia, $43,780.
Mann and Jackson, Columbia, $32,083.
Jack Keahey, Columbia, $31,921.
Olan L. Rucker, Columbia, $27,099.
R. B. McClanahan, Herbert, $26,827.
Leroy Clark, Hebert, $25,306.
U. M. Youngblood, Columbia, $23,826.
Donald Greer, Columbia, $21,570.
Total payees in county (9), $293,290.

Catahoula County

George Yarbrough, Sicily Island, $155,900.
Jimmy Goode, Sicily Island, $57,525.
Gregory C. West, Wisner, $30,857.
Wayne Crawford, Harrisonburg, $24,740.
Smithland Pltg. Co., Jonesville, $24,149.
Jackson & Purvis, Jonesville, $21,625.
Total payees in county (6), $314,796.

Claiborne County

B. G. Sanders, Minden, $20,150.

Concordia County

Harriss and Sons, Vidalia, $60,442.
Panola Land Dev. Co., Ferriday, $55,198.
Vaucluse Pltn., Vidalia, $31,670.
Lucerna Planting Co., Vidalia, $30,552.
R. S. Rife, Jr., Ferriday, $27,591.
D. A. Biglane, Natchez, $26,990.
Sam Calvert Sons Inc., Frogmore, $25,842.
Maxie M. Miller, Ferriday, $22,988.
B. U. Miller, Ferriday, $22,988.
Martha J. Rabb, Ferriday, $22,756.
P. L. Rountree, Jr., Vidalia, $22,383.
Rota Quinta Pltn., Clayton, $21,323.
Max Huff, Ferriday, $21,316.
Ballina Farm Inc., Alexandria, $20,016.
Total payees in county (14), $412,055.

De Soto County

James E. McMullen, Mansfield, $42,254.
R. C. Legrand, Coushatta, $33,136.
Total payees in county (2), $75,390.

E. Carroll County

Epps Plantation, Epps, $113,946.
J. E. Brown & Sons, Lake Providence, $69,688.
Hollybrook Land Co., Inc., Lake Providence, $66,396.
Gilfoil Farms, Inc., Lake Providence, $57,371.
H. D. Harvey, Lake Providence, $49,787.
J. P. Brown, Lake Providence, $47,527.
Wendell Downen, Lake Providence, $45,484.
Buckmeadow Plantation, Lake Providence, $44,486.
W. H. Bullock, Epps, $43,135.
Jessie M. Blair, Lake Providence, $42,164.
Edward Burgess, Epps, $39,688.
J. B. McPherson, Sr., Lake Providence, $38,976.
James Shepherd, Lake Providence, $37,160.
F. H. Schneider, III, Lake Providence, $36,111.
Thomas H. Shields, Jr., Transylvania, $36,097.

J. H. Crews, Lake Providence, $36,058.
W. H. Crews, Lake Providence, $35,972.
Howington Bros., Lake Providence, $35,954.
Bernard Rosenzweig, Lake Providence, $35,925.
Keener Howard, Lake Providence, $34,960.
Jack S. Hamilton, Inc., Lake Providence, $34,657.
Clinton Fortenberry, Transylvania, $34,295.
Jeff Marsh, Sondheimer, $33,753.
Quitman Fortenberry, Transylvania, $33,557.
Doris Pltn., Lake Providence, $33,047.
Philip Brown, Lake Providence, $32,446.
W. T. Presley, Lake Providence, $32,100.
John Hankins, Lake Providence, $31,668.
Reese Coleman, Epps, $31,516.
Troyce B. Dukes, Transylvania, $31,356.
Pearson Farming Corp., Transylvania, $31,122.
Rodney Fortenberry, Transylvania, $30,909.
H. H. Howington, Jr., Lake Providence, $30,800.
Oliver Baker & Oliver, Lake Providence, $29,470.
David Harvey, Sondheimer, $28,887.
Richard Howard, Lake Providence, $28,203.
A. J. Hawsey, Epps, $27,867.
Elaine C. Fortenberry, Transylvania, $27,653.
Earl Stanley, Lake Providence, $27,016.
George R. Wise, Lake Providence, $26,902.
Benton W. Fortenberry, Transylvania, $25,975.
Roy Burgess Jr., Lake Providence, $25,478.
Robert Frith Jr., Transylvania, $25,143.
R. W. Fletcher, Transylvania, $23,893.
Howell Pippin, Lake Providence, $22,721.
Houston Condrey, Epps, $22,359.
Wallace N. Oliver, Sondheimer, $21,920.
Amos Kent Amacker III, Lake Providence, $21,790.
Robert D. Martin, Transylvania, $21,668.
John Add Cantrell, Lake Providence, $21,303.
Purvis Thomas, Lake Providence, $20,726.
John Howard, Lake Providence, $20,226.
Total payees in county (52), $1,837,311.

Franklin County

Yarbrough Brothers, Sicily Island, $77,953.
Riley H. Graham, Wisner, $54,824.
Gerald Sadler, Wisner, $47,605.
Carl D. Batey, Wisner, $47,208.
C. J. Grayson, Ft. Necessity, $38,667.
Earl Carroll, Gilbert, $34,620.
Carroll Jordan, Winnsboro, $30,526.
W. M. Snyder, Jr., Winnsboro, $26,076.
G. A. Price, Winnsboro, $25,623.
Donnie McMurry, Winnsboro, $24,803.
L. A. Braswell, Wisner, $24,124.
J. B. Eley Farms, Winnsboro, $23,524.
Charles C. Feltus, Winnsboro, $23,159.
Lantz Womack, Winnsboro, $22,173.
L. Aubrey Kincaid, Ft. Necessity, $22,150.
H. C. Stokes, Mangham, $21,594.
M. E. McKee, Wisner, $20,975.
Earis Polk, Winnsboro, $20,868.
Wade Bufkin, Gilbert, $20,813.
Allen Gilmore, Extension, $20,800.
James M. Valentine, Mangham, $20,414.
J. W. Ballance, Winnsboro, $20,116.
Total payees in county (22), $668,615.

Grant County

Ceres Devp., Inc., Colfax, $55,118.
Gordon Randolph, Colfax, $44,088.
Wallace E. Summerford, Colfax, $21,726.
Leon & George Dean, Colfax, $21,354.
Richard S. Thompson, Colfax, $21,165.
Total payees in county (5), $163,451.

Iberia County

Duhe Bros. Pltg. Co., New Iberia, $33,676.
M. A. Patout & Son Ltd., Jeanerette, $33,490.
W. C. Lanie & Sons, Inc., Jeanerette, $20,023.
Total payees in county (3), $87,189.

Iberville County

A. Wilberts Sons L/S Co., Plaquemine, $66,831.
J. Supples Sons Pltg. Co., Ltd., Goula, $31,227.
E. J. Gay P/M Co., Ltd., Plaquemine, $25,007.
J. G. Rivet/Sons, Inc., Rosedale, $23,910.
Wm. T. Burton Inds, Inc., White Castle, $23,830.
Total payees in county (5), $170,805.

Lafayette County

Youngs Industries, Inc., Youngsville, $25,326.
Eugene Rosinski, Scott, $24,046.
Curtis Decou, Youngsville, $21,445.
Total payees in county (3), $70,817.

Lafourche County

Valentine Sugars, Inc., Lockport, $47,581.
J. B. Levert Land Co., Thibodaux, $29,927.
Wilson Melancon, Raceland, $24,986.
Webre Farms, Thibodaux, $20,644.
Legendre & Webre, Thibodaux, $20,283.
Total payees in county (5), $143,421.

Madison County

Dudley Pillow, Jr., Delta, $116,100.
Ashly Plantation, Tallulah, $70,960.
Elton Fortenberry, Tallulah, $64,896.
E. C. Woodyear, Mound, $48,783.
James B. McPherson, Jr., Waverly, $42,608.
Harrison Evans, Shuqualak, $41,556.
E. S. Moberley, Tallulah, $34,202.
Jeff Marsh & Sons, Sondheimer, $34,094.
Howard Sevier, Tallulah, $31,910.
Killarney Plantation, Mound, $30,817.
Maxwell Plantation, Mound, $30,812.
Albert H. Paxton, Tallulah, $30,682.
Robert Graves, Tallulah, $30,429.
J. M. Gilfoil, Tallulah, $28,293.
Jim S. Folk, Tallulah, $27,286.
Richland Foster, Inc., Tallulah, $25,083.
Waymon Coody, Delhi, $24,862.
M. C. Sevier, Tallulah, $24,501.
Bobby Joe Lee, Tallulah, $23,788.
Harry Barrett, Tallulah, $23,736.
Hapaca Plantation, Monroe, $21,575.
Jesse Anderson, Tallulah, $21,433.
Carlton E. Gregory, Tallulah, $20,854.
C. B. Miller, Jr., Tallulah, $20,854.
Total payees in county (24), $870,114.

Morehouse County

Barham, Inc., Oak Ridge, $131,967.
James U. Yeldell, Jr., Mer Rouge, $79,514.
Davenport Bros., Mer Rouge, $65,875.
F. Earl Hogan, Oak Ridge, $53,549.
Duke Shackelford, Bonita, $53,144.
Erle M. Barham, Oak Ridge, $51,245.
Conrad Stallings, Bonita, $50,770.
Kelly Bros., Collinston, $40,785.
David Doles, Jr., Bonita, $39,025.
Wesley Bunch, Jones, $38,879.
Don Sims, Mer Rouge, $37,136.
M. R. Bolin, Bonita, $37,131.
Herbert Johnson, Bonita, $35,982.
C. L. Clark. Jr., Mer Rouge, $35,558.
Bob Erle Clark, Mer Rouge, $35,081.
C. E. Shepard, Oak Ridge, $34,314.
Henry Ferrell, Jr., Jones, $33,580.
Rachael N. Shackelford, Jones, $32,700.
J. B. Newman, Bastrop, $31,978.
Ivan Morris, Jr., Bonita, $31,513.
W. C. Norsworthy, Mer Rouge, $30,789.
Luther Allen Day, Jr., Bastrop, $30,088.
Joe S. Carter, Jr., Oak Ridge, $27,565.
John Knox Nunn, Jones, $27,297.
James A. Brown, Oak Ridge, $27,238.
George E. Eckles and Son, Bastrop, $27,128.
Wayne J. McDonald, Jr., Oak Ridge, $26,777.
Norman McDuffie, Oak Ridge, $26,548.
H. A. Pipes, Jr., Oak Ridge, $26,177.
N. W. Mott, Oak Ridge, $25,478.
B. B. Hunt, Jr., Jones, $25,339.
W. H. Parker, Mer Rouge, $24,330.
Warren White, Mer Rouge, $24,320.
G. L. Shepard, Oak Ridge, $24,249.
Jeff L. McCain, Bastrop, $24,132.
Rudie Mardis, Bastrop, $23,958.
David Pipes, Collinston, $23,498.
Neil W. Mott, Jr., Oak Ridge, $22,991.
Thomas H. B. Rankin, Mer Rouge, $22,039.
T. E. Barham Co., Oak Ridge, $21,977.
Cecil Harp, Bonita, $21,890.
King Mott, Oak Ridge, $21,217.
Joe Monroe Mott, Oak Ridge, $21,217.
Johnie T. Kovac, Mer Rouge, $21,191.
Caleb Pipes, Oak Ridge, $20,818.
Charles S. Rosier, Mer Rouge, $20,732.
Edward Johnson, Jones, $20,629.
Robert F. Doles, Jones, $20,324.
James McKoin, Bonita, $20,097.
J. D. McAdams, Mer Rouge, $20,025.
Total payees in county (50), $1,669,784.

Natchitoces County

J. H. Williams, Natchitoches, $207,077.
J. Alton Lambre, Natchez, $80,545.
Prudhome Bros., Natchez., $68,964.
Murry Lambre, Natchez, $62,183.
Est. Sarah J. Hertzog, Natchez, $44,396.
Lewis E. Jones, Jr., Natchez, $40,908.
Bayou Camitte Plantation, Derry, $40,062.
Est. of H. Cohen & Sons, Natchez, $38,300.
Riverside Plantation, Natchez, $36,937.
Starlight Plantation, Natchitoches, $35,636.
Est. of J. C. Carnahan, Cloutierville, $39,582.
Paul E. Messenger, Robeline, $33,897.
James R. Stacy, Natchitoches, $32,554.
G. C. Messenger, Boyce, $31,997.
Deloy Blewer, Campti, $21,972.
Henry Lemoine, Natchitoches, $28,516.
Richard L. Williamson, Natchez, $28,219.
Sam H. Hill & Son, Natchitoches, $27,610.
Herman Taylor, Jr., Natchitoches, $26,494.
Island Cattle Co., Inc., Natchitoches, $24,522.
T. H. McNealy III, Natchitoches, $22,322.
Roque Brothers, Natchez, $20,938.
Total payees in county (22), $999,631.

Ouachita County

Mason & Godwin, Monroe, $101,717.
W. A. & T. A. Calloway, Bosco, $88,435.
J. A. Moore, Monroe, $55,044.
J. M. Pratt, Sr., Monroe, $53,875.
Travis, Howard, West Monroe, $53,736.
George P. Smelser, Monroe, $53,466.
J. B. Johnston, Jr., Sterlington, $50,975.
A. C. Ransom, Monroe, $49,247.
C. M. McMullen, Monroe, $39,950
Frank Mardis, Monroe, $32,822.
Fred W. Huenefeldt, Monroe, $32,660.
Bruce F. Gregg, Sterlington, $32,595.
J. W. Perry, Perryville, $31,449.
John H. Filhiol, Monroe, $31,091.
Emmit Lee, Monroe, $29,755.
Glen Crossley, Bastrop, $27,554.
R. Z. Johnson, Monroe, $27,037.
James H. Pender, Monroe, $25,256.
Wm. King Stubbs, Monroe, $23,469.
R. T. Faulk, Monroe, $22,966.
Total payees in county (20), $863,099.

Pt. Coupee County

Alma Plantation Ltg., Lakeland, $38,623.
Walter P. Hobgood, Lettsworth, $33.547.
J. G. Beaud, New Roads, $32,106.
Major Bros., New Roads, $23,319.
Richard Glynn, Ventress, $21,794.
Total payees in county (5), $149,389.

Rapides County

Inglewood Ld & Dev. Co., Alexandria, $55,487.
Henry C. Boone, Jr., Lecompte, $33,931.
Greenwood Plantation, Cheneyville, $32,917.
Frank J. Dautremont, Lecompte, $31,946.
Lucian A. Branch, Jr., Alexandria, $31,036.
Weil Company, Inc., Alexandria, $30,696.
John H. Robert, Boyce, $30,656.
Woodrow Dewitt, Alexandria, $29,685.
Edward W. Lyles, Cheneyville, $27,186.
Louis A. Marien, Alexandria, $26,950.
Ferdinand Vandevelde, Jr., Boyce, $26,051.
Carpenter and Jackson, LeCompte, $25,775.
Jack D. Odom, Cheneyville, $25,565.
Witchwood Plantation, Cheneyville, $24,515.
R. M. C. Duncan, Boyce, $24,252.
Nutwood Plantation, Cheneyville, $23,500.
James W. Dyer, Lecompte, $22,566.
Charles F. Gaiennie, Lecompte, $22,558.
H. K. Bubenzer Farms Inc., Bunkie, $22,198.
Roy A. James, Boyce, $21,199.
Total payees in county (20), $568,669.

Red River County

F. I. Waltman, Shreveport, $38,823.

J. T. Bierden, Jr., Coushatta, $33,761.

Woster Anderson, Coushatta, $33,362.

Larry Bundrick, Shreveport, $32,454.

Paul Bundrick, Shreveport, $29,627.

Ed F. Lester, Jr., Coushatta, $28,822.

Tom Bolan, Shreveport, $22,915.

Cleo G. Wood & Son, Coushatta, $22,535.

William Prince, Coushatta, $22,310.

Clarence H. Smith, Hanna, $20,486.

R. F. Marston, Mansfield, $20,273.

Total payees in county (11), $305,368.

Richland County

C. W. Pardue, Alto, $54,801.

Goldmine Plt, Mangham, $46,309.

Robertine R. Cobb, Rayville, $41,907.

Jane R. Oliver, Rayville, $41,051.

K. E. McDonald, Jr., Mangham, $38,889.

C. L. Morris, Rayville, $35,701.

Charles D. Ware, Rayville, $35,688.

J. E. Tarver, Mangham, $34,150.

Union Producing Co., Monroe, $33,111.

W. F. Finley, Jr., Rayville, $31,488.

Edward E. Holley, Mangham, $31,474.

Francis V. Jordan, Rayville, $31,462.

Dallas Thomason, Rayville, $31,280.

C. W. Earle Estate, Rayville, $30,814.

Geo. B. Franklin & Son, Inc., Holly Ridge, $29,860.

Riverbend Farms, Inc., Rayville, $29,364.

Ralph Powell, Rayville, $29,168.

J. B. Ratcliff, Rayville, $28,980.

Claude Morgan, Rayville, $28,866.

R. L. Bell and Sons, Mangham, $27,201.

Noah W. Robinson, Rayville, $25,951.

Guy C. Pardue, Mangham, $25,882.

Donald Chapman, Archibald, $25,451.

W. H. Hubbard, Rayville, $24,655.

Roy Weston, Mangham, $24,436.

Alton L. Welch, Pioneer, $24,258.

R. L. Bell, Jr., Mangham, $24,157.

C. M. Noble, Jr., Rayville, $24,106.

J. U. Douciere, Rayville, $23,920.

Richland Farms, Inc., Tallulah, $23,732.

Pat H. Earle, Rayville, $23,071.

William H. Mercer, Jr., Mangham, $21,908.

E. C. Landrum, Mangham, $20,985.

L. B. Loftin, Delhi, $20,974.

O. G. Morris, Rayville, $20,608.

W. W. Holley, Rayville, $20,487.

Cleto Yates, Delhi, $20,410.

Stark Properties, Mangham, $20,353.

G. C. Hill, Jr., Rayville, $20,324.

N. E. Thames, Baton Rouge, $20,156.

Total payees in county (40), $1,147,388.

St. Charles County

Douglas J. Arabie, Luling, $21,259.

St. James County

Southdown, Inc., New Orleans, $187,164.

Caire & Graugnard, Edgard, $48,277.

Graugnard Farms, St. James, $41,141.

Uncle Sam Pltg. Co., Gramercy, $20,220.

Total payees in county (4), $296,802.

St. John Baptist County

T. Lanaux Son, Lucy, $28,338.

Terre Haute Pltn., Inc., Reserve, $27,014.

Gulf States Land & Ind., Inc., La Place, $26,076.

Total payees in county (3), $81,428.

St. Landry County

J. A. Pickett, Morrow, $64,917.

Lee Bert Fontenot, Bunkie, $40,131.

Nick D. Dubuisson, Opelousas, $39,024.

Hudspeth Bros., Rosa, $31,522.

Tonas Guillory, Port Barre, $28,966.

Richard Sanders, Morrow, $24,110.

Stanley Doucet, Church Point, $23,352.

Purdy Lafleur, Opelousas, $23,136.

Martile G. Cannatella, Melville, $22,635.

Joe J. Artall, Melville, $21,664.

Daniel and Lunic Richard, Sunset, $21,607.

John Vidrine, Bunkie, $20,752.

Total payees in county (12), $361,816.

St. Martin County

Levert St. John, Inc., Martinville, $53,220.

Willis Brothers, Arnaudville, $32,498.

Regis Lagrange, Arnaudville, $31,578.

Total payees in county (3), $117,296.

St. Mary County

Sterling Sugars, Inc., Franklin, $105,802.

Harry L. Laws & Co., Inc., Brusly, $58,349.

Cypremort Farms Inc., Louisa, 30,404.

Katy Plantation, Franklin, $30,210.

A. V. Allain & Sons Inc., Jeanerette, $28,504.

Sunrise Planting Corp., Franklin, $28,487.

Shadyside Co., Ltd., Franklin, $22,320.

Patout Roane Inc., Jeanerette, $20,647.

Frank Martin Farms Inc., Franklin, $20,244.

Total payees in county (9), $344,967.

Tensas County

E. R. McDonald & Sons, Newellton, $99,377.

Panola Co., Newellton, $88,969.

Franklin Burnside, Newellton, $61,772.

Somerset Planation, Newellton, $58,196.

G. C. Goldman, Waterproof, $49,977.

Cypress Grove Plantation, Newellton, $44,230.

H. C. Miller III, Waterproof, $37,472.

J. C. Crigler, St. Joseph, $32,876.

Russell Ratcliff, St. Joseph, $32,578.

Wade Vinson Jr., Newellton, $31,093.

Ed Y. Berry, Waterproof, $30,504.

Jim Huff, Ferriday, $29,657.

R. E. Lancaster Jr., Clayton, $28,682.

J. R. Coor, St. Joseph, $28,004.

Osceola Pltn, St. Joseph, $27,641.

Lake Bruin Development Corp, St. Joseph, $26,160.

Jack Day, Newellton, $26,001.

Lakeplace Pltn, Newellton, $25,669.

Monticello Plt Co., Waterproof, $24,531.

Virginia Wilkerson, Newellton, $24,122.

George Bagley, St. Joseph, $24,090.

Elk Ridge Pltn, Newellton, $21,590.

Bobby Jolly, Newellton, $21,298.

McKinney Land Corp., Newellton, $20,062.

Total payees in county (24), $894,551.

Terrebonne County

The South Coast Corp., Houma, $302,839.

Union County

E. R. Rogers, Farmerville, $30,132.

West Baton Rouge County

Milliken & Farwell Inc., Port Allen, $74,023.

Poplar Grove Pltg./Ref. Co., Port Allen, $44,483.

Margaret Pltn., White Castle, $32,085.

Devall Co. Inc., Port Allen, $25,258.

Allendale Pltn, Port Allen, $20,368.

Total payees in county (5), $196,217.

W. Caroll County

Larry Crowe, Forest, $29,665.

Eugene A. Harper, Oak Grove, $23,196.

S. A. & Lloyd Neal, Epps, $21,863.

Total payees in county (3), $74,723.

W. Felicana County

Louisiana State Penitentiary, Angola, $111,254

Washington County

C. W. Contractors, Inc., Bogalusa, $26,969.

Total payees in State (483), $17,159,637.

MAINE

Aroostook County

Mainstay Corporation, Easton, $31,712.

MARYLAND

Cecil County

Walter Drummond, Middletown, $32,496.

George C. Fry, Earleville, $20,342.

Total payees in county (2), $52,838.

Kent County

Edwin C. Fry, Chestertown, $36,339.

Montgomery County

E. Brooke Lee, Damascus, $21,755.

R. T. White, Mt. Airy, $20,412.

Total payees in county (2), $42,167.

Queen Anns County

O. A. Schmidt and W. Schmidt, Sudlersville, $21,698.

Talbot County

I. R. Swann, Easton, $43,506.

E. Boyd, St. Michaels, $21,891.

R. G. Brooks, Sr., Easton, $20,272.

Total payees in county (3), $85,669.

Total payees in State (9), $238,711.

MICHIGAN

Cass County

Donald McKenzie, Marcellus, $30,076.

Gerald Wright, Cassopolis, $28,080.

M. Kenneth Peterson, Niles, $20,266.

N. P. Beebe Farms, Inc., Niles, $20,170.

Total payees in county (4), $98,592.

Ingham County

Diehl Fields, Dansville, $27,735.

Jerry Jorgensen, Webberville, $20,236.

Total payees in county (2), $47,971.

Kalamazoo County

Randel Burson, Schoolcraft, $23,494.

Lenawee County

Leland Bush & Sons, Tecumseh, $39,883.

Dusseau Farms, Erie, $27,234.

George Vanhaerents, Deerfield, $25,761.

Richard Walters, Blissfield, $24,805.

Schwyn Bros., Blissfield, $23,881.

H. H. Driggs Dairy, Palmyra, $21,171.

Total payees in county (6), $162,735.

Monroe County

Albert Heath, Milan, $38,967.

Saginaw County

Melvin Price, Saginaw, $22,834.

Walter Walat, St. Charles, $22,823.

Total payees in county (2), $45,657.

Van Buren County

Mentha Plantation, Gobles, $21,051.

Total payees in State (17), $438,467.

MINNESOTA

Becker County

Loren Jetvig, Lake Park, $31,992.

Big Stone County

Lismore Stock Farm, Ortonville, $28,395.

Vincent Stegner, Ortonville, $20,945.

Total payees in county (2), $49,340.

Blue Earth County

Dale Duncanson, Mapleton, $29,276.

Kenneth Hiniker, Mankato, $20,028.

Total payees in county (2), $49,304.

Chippewa County

Wayne Schwitters, Clara City, $25,066.

Alvin Payne Agt, Degraff, $23,874.

Lester Terwisscha, Clara City, $22,344.

Harold T. Petersen, Murdock, $20,740.

Total payees in county (4), $92,024.

Clay County

Paul Horn Farms, Inc., Moorhead, $35,234.

E. J. Dullea, Jr., Georgetown, $32,170.

Ronald Offutt, Jr., Moorhead, $23,260.

Frank Thompson & Sons, Inc., Baker, $22,936.

Valan Seed Farm, Inc., Moorhead, $22,558.

Raymond Grover, Glyndon, $21,280.

John Olness, Moorhead, $20,585.

Harold Helmeke, Felton, $20,102.

Total payees in county (8), $198,125.

Dodge County

Owatonna Farms Co., Owatonna, $26,147.

Faribault County

Thomas Legred and Sons, Bricelyn, $34,630.

Alvin Kluender, Walters, $23,160.

Duwayne Evenson, Minnesota Lake, $22,470.

Total payees in county (3), $80,260.

Freeborn County

R. Peter Louters, Hollandale, $23,750.

Jackson County

Hans Nielsen, Jackson, $27,391.

T. E. Barkeim, Lakefield, $21,121.

Total payees in county (2), $48,512.

Kandiyohi County

Harry Zimmer, Raymond, $26,495.

Frank O. Christianson, Blomkest, $22,827.

Clarence Mages, Lake Lillian, $20,798.

Earl Youngkrantz, Lake Lillian, $20,176.

Total payees in county (4), $90,296.

Kittson County

Prairie Farms, Kennedy, $31,507.
John Bogestad, Karlstad, $29,647.
Ray I. Moose, Stephen, $25,588.
Wiese Bros. and Bahr Farms, Humboldt, $25,216.
Byron G. Hanson, Hallock, $24,765.
Kiene Farms, Inc., Kennedy, $23,292.
N. A. Bogestad Farms, Inc., Donaldson, $23,251.
Ell Kiene, Kennedy, $20,288.
Total payees in county (8), $203,554.

Le Sueur County

George Weaver, Waterville, $26,610.

Marshall County

E. G. Melo Est., Stephen, $53,606.
Vernon J. McFarland, Argyle, $32,185.
Kuznia Farms, Inc., Stephen, $29,849.
Art Howard, Warren, $28,359.
Harry Howard, Warren, $25,481.
Lynn Benson Farms, Stephen, $25,389.
Sczepanski Brothers, Stephen, $22,979.
Total payees in county (7), $217,848.

Martin County

Marlo Maschoff, Fairmont, $29,938.
Merwin Moore & Sons, Partnership, Guckeen, $26,756.
Gary Miller, Welcome, $26,644.
James P. Scholl, Trimont, $24,987.
Raymond Wolf, Winnebago, $24,488.
H. Boler Farms, Truman, $24,152.
Merwin E. Thompson, Granada, $21,273.
E. & R. Redenius Partnership, Welcome, $21,090.
Total payees in county (8), $199,328.

Mower County

Martin Bustad, Austin, $26,083.
Raymond Ratcliff, Austin, $25,724.
Ronald Radloff, Grand Meadow, $20,761.
James Caldbeck, Jr., Spring Valley, $20,632.
Total payees in county (4), $93,200.

Norman County

C. H. Underlee and Sons, a Partnership, Hendrum, $36,127.
Bertrand Borgen, Perley, $28,330.
Donald Kroshus, Perley, $27,668.
Silas Strand, Ada, $23,120.
Eugene Engel, Hendrum, $21,410.
Total payees in county (5), $136,655.

Redwood County

John H. Reque, Redwood Fall, $35,411.
John Clair Larson, Clements, $29,659.
Jerome J. Green, Morgan, $27,965.
Eugene B. Hook, Tracy, $20,831.
Total payees in county (4), $113,866.

Renville County

Frank Farms, Inc., Olivia, $52,921.
Frank O. Johnson, Hector, $32,247.
George Rauenhorst, Olivia, $31,813.
Cale Rudeen, Bird Island, $24,960.
David L. Johnson, Hector, $24,840.
Vernon Hoffman, Danube, $24,788.
James Brazil, Morton, $24,145.
Parks Dahlgren, Bird Island, $23,852.
Miloyd Dolezal, No. Redwood, $22,554.
Duane Taylor, Buffalo Lake, $22,489.
Virgil Mellies, Hector, $21,971.
Ruebel Bros., Olivia, $21,789.
Marvin Pape, Renville, $21,358.
Donald Melberg, Hector, $20,572.
Total payees in county (14), $370,299.

Sibley County

William L. Turtle, Gibbon, $21,980.

Steele County

Cashman Nurseries, Inc., Owatonna, $29,027.
Joseph J. Springer, Owatonna, $26,310.
Total payees in county (2), $55,337.

Swift County

Minn Farms Co., Appleton, $44,178.
Sheldon Rieppel, Holloway, $31,276.
David Hughes, Danvers, $29,276.
J. Burton Johnson, Appleton, $26,844.
Thomas Hughes, Danvers, $24,019.
C. R. Koehl & Sons, Inc., Hancock, $21,595.
Total payees in county (6), $177,188.

Waseca County

George Byron, New Richland, $25,400.
Wm. Schue, Jr., New Richland, $21,668.
Geo. W. Arneman, New Richland, $21,322.
Total payees in county (3), $68,390.

Watonwan County

Gordon Kelly, St. James, $20,776.

West Polk County

Keith & Raymond Driscoll, E. Grand Forks, $45,664.
Francis Spokely, Nielsville, $36,042.
Useldinger Brothers, East Grand Forks, $33,448.
Anderson Farms, Fisher, $31,275.
James and Joe Fanfulik, Angus, $31,250.
Armin Ross and Son, Fisher, $30,718.
Leonard Driscoll & Son, E. Grand Forks, $27,464.
Wentzel Brothers, Fisher, $26,431.
Angus Acres, Inc., Euclid, $25,491.
Brekke Brothers, Nielsville, $22,232.
Eggebraaten Farms, Fisher, $21,367.
Vernon Hagen, East Grand Forks, $21,118.
Thomas and Gordon Torgerson, Warren, $20,949.
Allan Dragseth, Eldred, $20,763.
Jess and Louis Andringa, Crookston, $20,735.
Total payees in county (15), $414,947.

Wilkin County

James J. Walton, Breckenridge, $62,696.
Ivan Miller, Wahpeton, $38,808.
Total payees in county (2), $101,504.

Yellow Medicine County

Kenneth & John Velde, Inc., Clarkfield, $22,269.
Total payees in State (110), $2,933,501.

MISSISSIPPI

Adams County

Ivanhoe Assoc., Inc., Natchez, $106,538.
Joseph W. Parker, Jr., Natchez, $26,677.
Total payees in county (2), $133,215.

Alcorn County

J. E. Marsh, Corinth, $20,222.

Attala County

H. S. Smithson, Sr., Goodman, $45,903.
Gideon W. Atwood, Kosciusko, $32,199.
Hugh B. England, Jr., Sallis, $30,857.
Charles Donald, Goodman, $30,698.
H. S. Smithson, Jr., Goodman, $26,153.
Maurice Crowder, Sallis, $24,791.
Clyde S. Hester, Jr., Sallis, 23,724.
Willie B. McCrory, Goodman, $22,662.
Horace G. McMillan, Kosciusko, $21,586.
Alvin McCrory, Goodman, $20,196.
Total payees in county (10), $278,769.

Benton County

Wyatt, Thomas, Michigan City, $22,616.
Leak Brothers, Lamar, $22,482.
C. F. Bryan, Michigan City, $21,909.
Total payees in county (3), $67,007.

Bolivar County

Delta and Pine Land Co., Scott, $814,646.
J. and M. Planting Co., Box 484, Shaw, $209,908.
Allen Gray Estate, Benoit, $164,658.
J. A. Howarth, Jr., Cleveland, $120,546.
Charles A. Russell, Beulah, $101,492.
J. G. Gourlay, Rsedale, $101,029.
McMurchy Farms, Box 181, Duncan, $100,072.
Dossett Plantation, Inc., Beulah, $98,045.
Lewis Barksdale, Jr., Duncan, $90,082.
Sunrise Dairy, Cleveland, $89,955.
D. A. and J. E. Williams, Cleveland, $85,362.
Carr Planting Co., O. C. Carr, Jr., Clarksdale, $84,271.
Zumbro Planting Co., Cleveland, $72,692.
A. D. Murphree, Jr., Shelby, $71,840.
Robbins & Long, Rosedale, $69,367.
L. B. Pate and Sons, Cleveland, $69,303.
Maryland Plantation, Inc., Shelby, $69,001.
H. H. Lawler, Rosedale, $65,494.
T. E. Pemble Farms, Inc., Merigold, $62,507.
James House, Rosedale, $60,413.
R. C. Malone, Pace, $60,193.
A. & B. Farms, Inc., Shelby, $59,150.
H. B. Hood, Duncan, $57,359.
Rogers Hall, Cleveland, $56,075.
B. E. McDearman, Jr., Cleveland, $55,978.
Shelby Farms, Shelby, $55,047.
L. & R. Plantation, Inc., Rosedale, $53,773.
Rainbow Plantation, Inc., Shelby, $53,773.
Charles Speakes, Benoit, $53,551.
M. J. Dattel, Rosedale, $53,499.
W. F. and W. H. Hardin, Duncan, $52,801.
E. M. Walton, Beulah, $51,783.
Curtis E. Presley, Jr., Alligator, $51,755.
H. & H. Farms, Benoit, $51,112.
Max Dilworth, Shelby, $50,394.
John C. Hendon, Shaw, $48,447.
Joe R. Ross, Benoit, $47,669.
James L. Maxwell, Benoit, $47,612.
S. D. Long, Shelby, $47,431.
J. & V. Aguzzi, Cleveland, $46,198.
J. R. Parkinson, Benoit, $45,878.
Gerald D. Denton, Gunnison, $45,208.
H. R. Childress, Shelby, $44,818.
C. T. Stanford, Skene, $44,698.
B. H. Bass, Jr., Clarksdale, $44,662.
Charles J. Wilson, Beulah, $44,277.
Warfield Brothers Farms, Inc., Gunnison, $44,210.
Allendale Planting Co., Shelby, $43,894.
L. E. Murphy, Pace, $43,715.
W. H. Howarth, Skene, $43,331.
W. J. Sumrall, Cleveland, $43,209.
Clear Lake Farms, Inc., Shelby, $43,018.
Elmer Prewitt, Shaw, $42,786.
Boyd Lane Plantation, Gunnison, $42,224.
H. H. Harrison, Pace, $41,854.
Alfred Butler, Alligator, $41,431.
Albert Day, Gunnison, $41,032.
Ralph W. Ray, Benoit, $40,570.
F. H. Nance, Cleveland, $40,502.
R. P. Herbison, Shaw, $40,411.
Sidney Levingston, Ruleville, $40,383.
J. P. Riley & Son, Merigold, $39,728.
Hillard Plantation, Lamont, $39,435.
George B. Noland, Clarksdale, $38,621.
M. A. Bell, Duncan, $37,766.
Rudolph Massey, Deeson, $37,639.
Dominic Rizzo, Cleveland, $37,590.
J. W. Reynolds, Shelby, $37,451.
G. P. Short, Shaw, $37,174.
Alex Belenchia, Shelby, $37,150.
Cowan & Franklin, Shelby, $37,020.
M. L. and W. M. Payne, Lamont, $36,979.
Huddleston Farms, Inc., Lamont, $36,382.
Triumph Farms, Merigold, $35,585.
W. A. Welshans, Rosedale, $35,441.
Patterson Planting Co., Benoit, $35,394.
W. C. Brown, Rosedale, $35,376.
A. J. Cowart, Duncan, $35,085.
Hiter Farms, Merigold, $34,901.
Parks Place, Inc., Shelby, $34,754.
Don Robertson, Gunnison, $34,567.
Norman Brown, Duncan, $33,782.
James B. McGowan, Shelby, $33,775.
Dalton Taylor, Gunnison, $33,583.
J. A. Harris, Shelby, $33,440.
H. A. Wellman, Shelby, $33,324.
A. R. Mann, Jr., Skene, $33,229.
E. E. and D. T. Jones, Gunnison, $33,160.
F. R. Armstrong, Gunnison, $33,055.
The Wolfe Co., Duncan, $32,839.
J. R. Taylor, Pace, $31,592.
G. W. Litton, Shaw, $31,199.
W. S. Coleman, Merigold, $31,160.
John F. Watts, Duncan, $30,720.
A. & N. Fioranelli, Cleveland, $30,063.
W. F. Ervin, Duncan, $29,986.
Charles Hicks, Cleveland, $29,714.
Delbert Farmer, Benoit, $29,645.
Dr. D. Tuminello, Cleveland, $29,409.
F. B. Aylward, Pace, $29,334.
Andrew Sanders, Bayou, $29,311.
W. S. Adams, Rosedale, $29,287.
J. H. Avritt, Jr., Shaw, $29,253.
Pete Bramuchi, Shelby, $29,124.
Denton Mfg. Co., Inc,, Shelby, $28,971.
M. L. Turpin, Jr., Shaw, $28,745.
Bolivar Farms, Duncan, $28,521.
J. R. Turner, Rosedale, $28,363.

W. E. Pentecost, Jr., Shaw, $28,279.
A. D. Murphree, Sr., Shelby, $28,272.
J. B. Lowe, Benoit, $28,257.
Garnett K. Scott, Gunnison, $27,991.
Tavaleti Farms, Inc., Clarksdale, $27,734.
J. P. Skelton, Shaw, $27,425.
Alvin Horton, Merigold, $27,217.
H. R. Wilson, Beulah, $27,061.
W. T. Tullos III, Pace, $26,779.
M. and R. Sandroni, Shaw, $26,763.
Homer Jones, Benoit, $26,413.
I. C. Rayner, Jr., Merigold, $26,203.
A. C. Wiggins, Cleveland, $26,057.
Butler Planting Co., Alligator, $26,010.
James Walker, Cleveland, $26,008.
Harry Featherston, Boyle, $26,007.
J. T. Reed, Boyle, $25,498.
Bostick Brothers, Benoit, $25,372.
Bizzell Farms, Pace, $26,206.
Lawrence Gibson, Alligator, $25,065.
Allen L. Edwards, Shaw, $25,065.
Lamar Stanford, Skene, $24,967.
Earl E. Jones, Gunnison, $24,626.
Sue Rayner Trust, Merigold, $24,259.
J. L. and J. V. Newman, Pace, $24,241.
Pleasant and Co., Shaw, $24,147.
J. K. Walker, Cleveland, $23,833.
P. D. Young, Benoit, $23,805.
H. A. Hood, Duncan, $23,773.
Hugh Swindoll, Duncan, $23,638.
Hard Scramble Plantation, Shelby, $23,621.
Bedwell and Evans, Boyle, $23,527.
Denton Gin Co., Inc., Shelby, $23,518.
J. E. Dedford, Duncan, $23,410.
Clayton Holder, Shelby, $23,368.
William Peacock, Cleveland, $23,257.
F. R. Trainor, Lambert, $23,093.
Carolyn Rayner Trust, Merigold, $22,848.
E. F. Abel, Cleveland, $22,842.
Harris Brothers, Gunnison, $22,242.
Lyle Dilworth Farms, Shelby, $21,674.
E. J. Conn, Benoit, $21,570.
W. H. Frederick, Cleveland, $21,455.
Louis Bassi, Gunnison, $21,423.
E. D. Rayner, Merigold, $21,367.
J. R. Dodson, Hillhouse, $21,301.
Pam Farms, Inc., Boyle, $21,290.
H. R. Boschert, Duncan, $21,219.
Charles W. Jones, Cleveland, $21,189.
R. B. Flanagan, Shaw, $21,170.
D. Truitt Jones, Gunnison, $21,071.
Tony Antici, Clarksdale, $20,760.
M. D. Dunn, Duncan, $20,756.
H. L. Dilworth, Shelby, $20,747.
Denton Brothers, Shelby, $20,633.
W. P. Skelton, Pace, $20,457.
Henry T. McGarrah, Merigold, $20,337.
W. E. Adams, Shelby, $20,332.
Frank Salley, Shaw, $20,093.
Total payees in county (167), $7,531,557.

Calhoun County

Grady Easley, Calhoun City, $78,219.
Harold Hamilton, Vardaman, $47,342.
Carter Edmondson, Vardaman, $28,356.
W. A. Jennings, Bruce, $24,448.
H. L. Hardin, Pittsboro, $22,689.
Total payees in county (5), $201,054.

Carroll County

J. W. Hobgood, Holcomb, $40,548.
B. B. Sanders, Vaiden, $40,543.
R. C. Colvin, Greenwood, $32,115.
M. B. Whitten, Avalon, $28,240.
Ralph Redditt, Sidon, $28,163.
Oklahoma Farms, Greenwood, $28,087.
Wilton L. Nash, Trustee, Avalon, $27,239.
Russell Hoop, Cascilla, $24,002.
John C. Calhoun, Vaiden, $22,103.
Roy Meeks, Carrollton, $21,150.
Fon T. Wixon, Cruger, $20,694.
J. W. Fancher, Greenwood, $20,458.
Total payees in county (12), $333,342.

Chickasaw County

Coleman Farms, Okolona, $74,739.
W. J. Linn, Houston, $52,244.
J. Q. Demoville, Okolona, $42,422.
W. H. Gregory, Okolona, $29,310.
J. T. Brand, Prairie, $25,486.
Preston Sullivan, Okolona, $24,169.
Larry Carter, Van Vleet, $23,543.
R. J. Lueth, Okolona, $23,096.
Samuel E. Wade, Egypt, $23,008.
Y. B. Gore, Eupora, $21,272.
Total payees in county (10), $339,289.

Choctaw County

Rex Swindle, Eupora, $22,416.

Claiborne County

James Beesley, Port Gibson, $31,595.
L. B. Allen, Jr., Port Gibson, $25,037.
Jim S. Middleton, Pattison, $21,363.
E. A. Porter, Pattison, $21,114.
F. L. Cappaert, Vicksburg, $20,756.
Total payees in county (5), $119,865.

Clay County

John E. Judson, West Point, $49,444.
J. T. Brand, Prairie, $32,732.
J. S. Brand, Prairie, $27,510.
Ralph M. Dexter, West Point, $26,107
B. Bryan Farms, Inc., West Point, $20,601.
Total payees in county (5), $156,394.

Coahoma County

John B. McKee, Jr., Friars Point, $307,865.
Roy Flowers, Mattson, $232,275.
Oakhurst Co., Clarksdale, $172,938.
Roundaway Planting Co., Alligator, $157,078.
Kline Planting Co., Alligator, $141,818.
King & Anderson, Inc., Clarksdale, $138,597.
J. H. Sherard & Son, Sherard, $115,637.
W. S. Heaton, Jr., Lyon, $104,731.
Garrett & Son, Clarksdale, $94,233.
Mohead Planting Co., Lula, $92,408.
Leon C. Bramlett, Clarksdale, $88,072.
Graydon Flowers, Mattson, $87,713.
Johnson Brothers, Friars Point, $84,447.
Dan Crumpton, Jr., Clarksdale, $24,226.
H. H. Twiford, Alligator, $82,771.
Carr Mascot Planting, Inc., Clarksdale, $81,927.
Fox Brothers, Lyon, $81,889.
Flowers Brothers, Dublin, $79,224.
J. F. Humber, Jr., Farrell, $77,232.
Connell & Company, Clarksdale, $74,099.
Maryland Planting Co., Clarksdale, $69,131.
Sigmon Planting Company, Sherard, $66,925.
Kirk Haynes, Jonestown, $66,078.
P. F. Williams & Sons, Clarksdale, $63,952.
R. W. Jones & Sons, Inc., Lula, $62,233.
Prairie Planting Company, Stovall, $59,755.
J. W. Henderson, Clarksdale, $59,450.
T. M. Luster, Clarksdale, $58,980.
Fant Brothers, Coahoma, $58,542.
Viney Ridge Farms, Clarksdale, $58,376.
Morris Eason, Mattson, $58,028.
M. C. Stovall, Inc., Stovall, $58,020.
Allen & Ritch, Lyon, $58,007.
H. M. Haney Estate, Jonestown, $57,919.
Scrugg & Count, Lula, $57,562.
Young Farms Inc., Bobo, $55,048.
W. H. Maynard Jr., Clarksdale, $53,873.
C. M. Allen, Lula, $53,788.
King & Anderson Ent., Clarksdale, $53,257.
R. L. Perryman, Lula, $53,239.
Dulaney Farms, Inc., Clarksdale, $53,210.
Rives & Brewer, Coahoma, $52.126.
G. L. McWilliams Sr., Clarksdale, $51,599.
Stribling Planting Co., Clarksdale, $50,932.
J. L. Stribling & Son, Clarksdale, $50,917.
A. L. Brady, Lula, $50,862.
Weeks Plantation, Inc., Clarksdale, $50,609.
Omega Planting Co., Lyon, $50,253.
Stribling & Smith, Clarksdale, $50,209.
B. O. Tedford & Son, Lyon, $50,046.
Lucille & C. W. Fyfe Jr., Lula, $49,518.
R. N. McWilliams, Clarksdale, $49,433.
Oscar Connell Farm, Clarksdale, $49,071.
Ellendale Planting Co., Clarksdale, $48,966.
J. B. Laney, Lyon, $48,918.
David B. Mullens, Clarksdale, $48,507.
Wilbur Welch, Rich, $47,622.
Allen C. Evans, Lula, $47,368.
M. J. Commer, Jonestown, $46,971.
Robert G. Johnson, Clarksdale, $46,931.
R. M. Aust, Clarksdale, $45,762.
W. C. Luckett Farms, Dublin, $45,728.
Edwin J. Mullens, Clarksdale, $45,108.
J. H. Pruett, Lyon, $44,990.
J. T. Longino Jr., Jonestown, $44,896.
Massey Farms Inc., Lyon, $44,750.
Eaglenest Pltg Co., Lyon, $44,488.
Weakley Brahan, Lula, $44,320.
L. B. Shipp, Lula, $43,172.
W. W. Cooper Est., Alligator, $42,964.
John H. Garmon, Jr., Clarksdale, $42,869.
Lea Planting Co., Dublin, $40,997.
John T. Hays & Son, Dublin, $40,595.
Simmons Planting Co., Clarksdale, $40,018.
Floy J. Haney, Rome, $39.276.
Andrew J. Donelson, Clarksdale, $38,759.
B. B. Smith, Dublin, $38,573.
L. S. Powell Estate Inc., Dundee, $38,529.
Harry L. Black, Clarksdale, $38,460.
Travis H. Taylor, Jr., Clarksdale, $38,417.
E. V. Catoe, Jr., Lyon, $38,067.
Mattie B. Boone, Lyon, $37,203.
Charles Monty, Jr., Clarksdale, $36,681.
Preston P. Bennett, Vance, $36,618.
L. T. Payne, Clarksdale, $36,514.
Rocco G. Morris, Friars Point, $36,438.
Parolli Farms Inc., Clarksdale, $36,148.
Graham Bramlett, Bobo, $35,961.
Dana Haynes, Jonestown, $35,953.
Robert A. Boyce, Jonestown, $35,223.
John P. Pelegrin, Stovall, $34,549.
Richard Russell, Jonestown, $32,902.
H. J. McMillian, Mattson, $32,771.
W. E. Meredith, Lyon, $32,606.
Heaton Investment Co., Lyon, $32,482.
Ellington Massey, Lyon, $32,371.
Marlon Farms, Jonestown, $31,986.
Tony Morris, Friars Point, $31,498.
Monty Planting Co. Inc., Clarksdale, $31,379.
Montgomery Farms, Clarksdale, $30,966.
Carson Pelegrin, Clarksdale, $30,964.
William P. Howell, Clarksdale, $30,729.
L. A. Ross, Jr., Clarksdale, $30,579.
W. T. Salmon, Coahoma, $30,414.
Vito Sbravati, Clarksdale, $29,719.
Jennie W. Haynes, Jonestown, $29,575.
Mac Wan Farms, Clarksdale, $29,402.
Billy Campbell, Marks, $29,289.
Lake Roberson, Jr., Lyon, $29,288.
Clinton Bailey, Clarksdale, $29,233.
Elsie W. Heaton, Lyon, $29,086.
Belmont Inc., Stovall, $29,060.
Henry Cobb, Jr., Clarksdale, $28,757.
Adams Farms, Clarksdale, $28,407.
Joe Garrison, Jonestown, $27,710.
J. P. Fisher, Jonestown, $27,707.
Lawrence Malone, Rena Lara, $27,510.
H. A. Greene, Tutwiler, $27,458.
G. W. Butler & Son, Coahoma, $27,306.
John F. Rodgers, Lyon, $26,973.
McKenzie & Keesee, Lula, $26,942.
Joe & Richard Noe, Clarksdale, $26,822.
River Bend Pltn. Inc., Clarksdale, $26,440.
Mike Antici, Clarksdale, $25,885.
Waterloo Planting Co., Stovall, $25,847.
W. H. Rainey, Rich, $24,763.
Frank Aderholdt, Clarksdale, $24,732.
Paul Clark, Inc., Clarksdale, $24,387.
J. J. Plantation, Jonestown, $24,386.
James A. Russell, Jr., Jonestown, $24,336.
Gerald Ives, Coahoma, $24,105.
Panther Lake Pltn., Inc., Clarksdale, $23,807.
Jennie Dana & Kirk Haynes, Jonestown, $23,671.
Manker Pltg. Co., Inc., Clarksdale, $23,553.
Robert Louis Demilio, Lyon, $23,468.
James Spaggiari, Clarksdale, $23,209.
Alfred Stewart, Jonestown, $23,188.
Ruck Jose, Lyon, $23,136.
W. W. Vaught & Son, Coahoma, $22,509.
J. W. Gray, Jr., Dublin, $22,000.
W. H. Ellis, Clarksdale, $21,972.
T. O. Fulton, Lyon, $21,578.
Anthony Garst, Clarksdale, $21,410.
Malcolm Mabry Farms, Inc., Dublin, $21,298.
F. R. Ashley, Rich, $20,934.
E. G. Larson, Friars Point, $20,727.
Roy & Donald Tackett, Lyon, $20,697.
J. L. Mills, Lambert, $20,695.
Van Meek, Jr., Clarksdale, $20,692.
Malavassi Farms, Farrell, $20,640.
James Agostinelli, Clarksdale, $20,251.

Harold Mosby, Coahoma, $20,155.
T. R. Rodgers, Lyon, $20,021.
Total payees in county (153), $7,423,820.

Copiah County

W. S. Reed, Utica, $44,382.
C. E. Strong, Carpenter, $30,595.
Allen Hood, Utica, $27,228.
Cloyd E. Bailey, Edwards, $24,070.
James West, Hazlehurst, $20,953.
Duane Newman, Carpenter, $20,701.
Total payees in county (6), $167,929.

Covington County

Toxie Allen, Mount Olive, $28,212.
Vester Bond, Mount Olive, $28,031.
Burnham Bros., Collins, $22,112.
Total payees in county (3), $78,355.

De Soto County

Topanga Caine Farm, Lake Cormorant, $213,698.
Banks & Co., Hernando, $116,876.
Herman Koehler, Robinsonville, $94,372.
Howard & Blythe Plt., Lake Cormorant, $88,547.
Warren W. Sullivan, Walls, $66,371.
E. M. Upchurch, Walls, $60,884.
Red Bud M. W. Jefcoat, Lake Cormorant, $59,181.
R. S. Jarratt, Walls, $57,150.
M. C. Sparks & Son, Lake Cormorant, $50,214.
Tract O Land Pltn., Lake Cormorant, $47,625.
J. S. Dollahite, Lake Cormorant, $43,164.
C. E. Clifton, Drawer B, Hernando, $39,829.
J. A. Earnheart, Nesbit, $38,767.
Pidgeon Roost Ranch, Memphis, $36,02[illegible].
Dudley Bridgforth, Nesbit, $35,717.
John Graves, Lake Cormorant, $34,440.
A. A. Whitten, Nesbit, $32,192.
Richard Leatherman, Jr., Robinsonville, $30,853.
Ulrich O. Bibb, Jr., Tunica, $29,290.
D. F. Wilson, Lake Cormorant, $28,274.
J. H. Miller, Hernando, $26,751.
Paul Allison, Olive Branch, $26,012.
J. R. Summers, Nesbit, $24,557.
R. M. Treadway, Hernando, $24,448.
George B. Banks, Hernando, $24,094.
Milton W. Jones, Hernando, $23,175.
Otto Koehler, Robinsonville, $21,968.
H. H. Hawks, Hernando, $21,460.
Carthel Todd, Coldwater, $21,391.
Readus Hudson, Coldwater, $20,718.
Total payees in county (30), $1,438,039.

Grenada County

Kraetzer Cured Lumber Co., Greenwood, $43,239.
B. A. Little, Holcomb, $43,129.
Wesley R. Oneal, Duck Hill, $40,665.
Paul L. Gray, Holcomb, $31,486.
John M. Little, Grenada, $27,494.
Reginald E. Forrest, Grenada, $23,353.
Earl L. Gillon, Gore Springs, $21,853.
Bobby E. Gillon, Grenada, $21,110.
Total payees in county (8), $252,329.

Hancock County

Floyd Wallis, New Orleans, $23,199.

Hinds County

Gaddis Farms, Inc., Bolton, $102,862.
Gilkens Farms, Inc., Edwards, $92,629.
B. H. Virden, Jr., Jackson, $57,952.
C. D. Noble, Edwards, $56,691.
J. A. Tucker, Sr., Estate & J. A., Jr., Utica, $54,897.
C. C. Floyd, Edwards, $49,024.
Gaddis & McLaurin, Inc., Bolton, $41,412.
Robert Mashburn, Bolton, $30,028.
J. C. Logan, Edwards, $29,672.
Ward Carraway, Utica, $29,302.
J. S., Sr., J. S., Jr. & R. C. Mellon, Bolton, $25,890.
Harold Simmons, Utica, $25,872.
R. E. Floyd, Edwards, $25,828.
Ray R. Cannada, Edwards, $25,808.
Tom Virden, Jackson, $24,780.
Total payees in county (15), $672,647.

Holmes County

Egypt Planting Company, Cruger, $133,111.
Wayne Watkins, Cruger, $83,213.
Lynchfield Planting Company, Tchula, $79,528.
J. E. Cunningham, Tchula, $73,937.
Stonewall Planting Company, Thornton, $72,847.
Pulto Planting Company, Thornton, $65,761.
W. J. Watts, Goodman, $64,959.
J. E. Hays, Tchula, $64,454.
Bardin Reddett, Greenwood, $63,725.
Paul Wilson, Tchula, $63,302.
E. W. Hooker, Lexington, $59,481.
J. P. Love, Tchula, $58,043.
Shotwell Plantation, Inc., Tchula, $55,377.
Byron B. Sharpe, Tchula, $54,494.
Charley Wade, Cruger, $54,365.
George D. Wynn, Pickens, $52,199.
R. T. Hardeman, Cruger, $51,309.
A. B. Archer, Jr., Cruger, $49,244.
J. A. Killebrew, Cruger, $47,451.
R. L. Peaster Company, Tchula, $46,272.
Donald Parrish, Lexington, $45,628.
Graves Planting Company, Tchula, $45,559.
H. H. Howard, Cruger, $44,024.
James F. Jacks, Thornton, $43,190.
Gum Grove Planting Co., Tchula, $42,830.
Humphrey Farm, Ebenezer, $41,172.
J. A. Barrett, Cruger, $38,346.
M. K. Shute, Tchula, $37,956.
Keirn Switch Planting Co., Cruger, $36,802.
D. C. Conn, Tchula, $35,049.
Bonanza Plantation, Thornton, $34,410.
S. J. Foose, Jr., Tchula, $32,088.
W. G. Gwin, Tchula, $31,514.
C. R. Logan, Jr., Tchula $31,092.
H. F. Flemming, Cruger, $30,368.
J. R. Peaster, Jr. Estate, Tchula, $29,248.
Frank Gwin, Jr., Tchula, $29,167.
E. E. Oreilly, Ebenezer, $28,128.
Frank A. Jones, Lexington, $27,860.
Paul F. McCain, Pickens, $26,378.
D. S. Shuttleworth, Jackson, $24,100.
N. B. Parrish, Tchula, $23,706.
J. E. Cunningham, Jr., Thornton, $23,373.
T. C. Watkins, Cruger, $22,493.
W. J. Watts Jr., Goodman, $22,115.
E. O. Peterson, Goodman, $21,653.
E. I. Harris, Tchula, $21,477.
Oklahoma Farms, Greenwood, $20,696.
Annie M. Smith, Thornton, $20,683.
F. C. Fleming, Cruger, $20,619.
J. E. Mathias, Cruger, $20,018.
Total payees in county (51), $2,244,814.

Humphreys County

The Delta Company, Belzoni, $139,921.
James E. Coleman, Yazoo City, $129,906.
C. B. Box Company, Midnight, $107,996.
O. B. Nerren, Isola, $86,015.
Spencer H. Barret, Belzoni, $85,920.
R. D. Hines, Yazoo City, $78,201.
Wm. L. Dillard, Louise, $74,411.
B. W. Smith Jr., Louise, $72,429.
S. U. Smith, Louis, $72,429.
B. A. Holaday Company, Louise, $71,828.
A. B. Jones Jr., Belzoni, $67,564.
Halbrook Farms, Belzoni, $62,089.
R. D. Bearden, Isola, $61,958.
T. M. Simmons Jr., Belzoni, $60,648.
C. B. Aycock Jr., Belzoni, $58,392.
Stoner Farms, Yazoo City, $53,066.
Curtis F. Johnson, Midnight, $52,261.
D. W. King, Inverness, $50,879.
Gammons Farm, Belzoni, $50,762.
R. P. Hairston, Silver City, $50,690.
O. J. Turner III, Belzoni, $50,649.
James S. Reed, Silver City, $49,238.
Jack Cash, Batesville, $49,194.
B. W. Smith Planting Co., Louise, $47,045.
Jones Planting Co., Tchula, $47,042.
Bearden Bros., Isola, $46,030.
Irby Turner, Belzoni, $45,359.
Homer Martin Jr., Belzoni, $44,884.
T. N. Turner Farms, Inc., Belzoni, $44,583.
G. H. Hairston and Son, Silver City, $44,228.
Gladstone B. Mortimer, Belzoni, $43,360.
Rodgers Farms, Belzoni, $41,965.
R. R. Roberts, Belzoni, $41,583.
Seward & Harris, Midnight, $41,407.
T. J. Corley, Belzoni, $40,818.
Edwards Farms, Belzoni, $40,174.
S. R. Pinson, Belzoni, $39,626.
Powell Farms, Louise, $39,542.
R. P. & Tom P. Ellis, Belzoni, $38,900.
B. A. Seward, Louise, $37,634.
Hillsdale Plantation, Yazoo City, $37,475.
Rokeby Plantation, Yazoo City, $37,192.
O. M. Parker, Jr., Belzoni, $37,178.
E. L. Parker, Midnight, $36,461.
B A Planting Co., Louise, $36,430.
G. H. Hairston, Jr., Silver City, $36,185.
James R. Walker, Jr., Isola, $35,959.
D. G. Rutledge, Louise, $35,618.
W. T. Turner, Belzoni, $35,554.
T. E. Fouche, Benton, $34,632.
Crawford Brothers, Isola, $34,629.
J. D. Upshaw, Louise, $34,127.
R. E. Coleman, Yazoo City, $33,099.
James G. Outlaw, Silver City, $32,121.
L. G. Shelton, Belzoni, $31,788.
W. A. Pearson, Isola, $31,393.
Hollowell Bros., Yazoo City, $31,356.
Blue Sack Plantation, Inc., Belzoni, $30,760.
Fred Champion, Belzoni, $30,418.
E. L. Nerren, Isola, 30,087.
S. W. Gardner, Silver City, $30,062.
Dave Bobbitt, Belzoni, $28,363.
W. Denon Braswell, Belzoni, $28,203.
John H. Daniels, Jr., Belzoni, $27,818.
Lone Star Plantation, Belzoni, $27,741.
Del P. Lott, Jr., Isola, $26,853.
Tom Hill and Sons, Isola, $26,567.
Mound Lake Plantation, Belzoni, $24,026.
Royal Plantation, Midnight, $23,873.
Wesley W. Hester, Belzoni, $23,411.
R & G Farm, Silver City, $22,539.
B. J. Barrier III, Yazoo City, $22,298.
William J. Lea, Belzoni, $22,049.
R. Y. Wright, Invernes, $21,242.
Pickell Brothers, Belzoni, $21,196.
Martin Farms, Silver City, $20,464.
W. A. McMcMorrough, Belzoni, $20,461.
Childs Brothers, Silver City, $20,393.
R. B. Stanley, Isola, $20,230.
J. A. Bridgers, Jr., Belzoni, $20,194.
W. H. Allen Estate, Belzoni, $20,187.
Total payees in county (81), $3,541,258.

Issaquena County

W. T. Touchberry, Glen Allan, $132,894.
Bear Kelso Plt., Inc., Valley Park, $87,466.
Levee Plt., Inc., Rolling Fork, $59,428.
Issaquena Farms Corp., Fitler, $55,635.
Loyd M. Heigle, Mayersville, $54,052.
Harper R. Myres, Mayersville, $42,080.
W. C. Woodruff, Grace, $41,466.
Rudy Plt., Glen Allan, $36,324.
W. E. Fleeman, Jr., Valley Park, $30,912.
Charles Leon Delaney, Grace, $29,537.
Esperenza Plt., Glen Allan, $28,011.
Jenny Plantation, Inc., Mayersville, $25,258.
W. I. Robertson, Mayersville, $24,147.
L. T. Wade, Rolling Fork, $24,044.
W. W. Heigle and Son, Rolling Fork, $23,662.
W. Rife Wade, Sr., Est., Rolling Fork, $22,094.
O. J. Sharpe, Madison, $21,235.
Total payees in county (17), $738,245.

Jefferson Davis County

Hubert Rutland, Jayess, $30,819.

Jones County

Roscoe Owens, Jr., Olive, $20,789.

Lafayette County

R. B. Anderson, Oxford, $40,825.
Jt Smith, Oxford, $29,241.
James S. Downs, Oxford, $24,705.
D. H. Surrette, Water Valley, $24,689.
Ralph Roy, Abbeville, $22,918.
Donald A. Waller, Oxford, $21,914.
Walker E. Downs, Oxford, $21,069.
Total payees in county (7), $185,361.

Lamar County

Agnes M. Claughton, Lumberton, $28,632.

Leake County

Glen Allen, Carthage, $39,994.
Joseph W. Langford, Lena, $36,751.

John H. Evans, Carthage, $20,949.
Total payees in county (3), $97,694.

Lee County

H. M. Scruggs, Saltillo, $35,434.
H. R. Morgan, Plantersville, $29,815.
J. C. Holland, Plantersville, $24,224.
Earl N. Loftin, Baldwyn, $23,234.
Joe Bucy, Saltillo, $22,917.
Total payees in county (5), $135,624.

Leflore County

West Inc., Sidon, $148,384.
Annapeg Inc., Minter City, $146,804.
Wildwood Plantation, Greenwood, $142,178.
Fourth Fifths Plantation, Greenwood, $140,549.
Race Track Plantation, Greenwood, $124,303.
McShan & Benz, Schlater, $122,815.
O. F. Bledsoe Pltn. Est., Greenwood, $121,650.
The Brown Farm, Schlater, $119,996.
Hobson Gary, Schlater, $110,758.
Roebuck Plantation, Sidon, $105,978.
Buckhorn Planting Co., Greenwood, $97,860.
Whittington Planting Co., Inc., Greenwood, $93,517.
Ruby Planting Co., Money, $87,091.
D. E. Reynolds, Jr., Glendora, $87,002.
L. W. Wade Farms, Inc., Greenwood, $85,750.
Joe Pugh, Itta Bena, $84,341.
Runnymede Plantation, Itta Bena, $83,882.
King Plantation, Greenwood, $82,421.
William C. Maloney, Jr., Itta Bena, $81,681.
W. H. Morgan and Son, Inc., Greenwood, $78,928.
F. T. Leavell, Minter City, $73,460.
Ray Tribble, Money, $70,483.
Hugh M. Arant, Ruleville, $70,127.
W. J. Roberson, Minter City, $65,253.
B. B. Provine, Jr., Greenwood, $59,594.
I. T. McIntyre, III, Itta Bena, $59,100.
Robert L. Pillow, Greenwood, $57,846.
Sturdivant & Bishop, Minter City, $56,792.
B. G. McGeary, Sidon, $55,893.
W. L. Craig, Greenwood, $55,843.
Landrum & Leavell, Minter City, $52,916.
J. Wayne Bush, Schlater, $52,673.
W. D. Bradford, Itta Bena, $52,630.
French Bend Pltn., Greenwood, $52,393.
Jeff L. Cole, Greenwood, $52,104.
C. L. Patridge, Schlater, $51,370.
Lake Henry Pltn., Greenwood, $50,239.
Hugh A. Warren, III, Sidon, $49,490.
Fort Loring Plantation, Itta Bena, $48,639.
Holly Grove Plantation, Sidon, $48,425.
E. H. Neill, Greenwood, $46,770.
Ed Hunter Steele, Morgan City, $46,509.
M. C. Tillman, Schlater, $44,450.
Hunter Chitton and Co., Inc., Schlater, $43,602.
James Morgan, Jr., Greenwood, $43,464
Hayward Jacks, Philipp, $43,366.
R. T. Wade, Minter City, $43,138.
Tupelo pltn., Greenwood, $42,247.
L. L. Walker & Sons, $41,819.
Sam Balkin Trust Estate, Schlater, $41,761.
B. C. S. Corporation, Minter City, $41,438.
F. R. Morgan, Jr, Morgan City, $41,353.
T. J. Carter, Money, $41,192.
Murphey Bros., Itta Bena, $40,710.
Shoe String Plantation, Greenwood, $40,046.
W. G. Somerville, Minter City, $39,028.
E. D. Strain, Jr., Morgan City, $38,912.
Carrie P. Avent & Jones, Minter City, $38,558.
J. E. Gwin, Jr., Minter City, $37,668.
Bishop Cottonland, Glendora, $36,659.
Leo Murphree, Greenwood, $36,400.
Lamar Makamson, Sidon, $35,661.
Robert L. Pillow Farms, Inc., Greenwood, $35,623.
Lock Eleven, Swiftown, $35,287.
Glen Burr Plantation, Greenwood, $34,541.
W. E. Taylor, Greenwood, $33,683.
D. C. Branham, Jr., Itta Bena, $33,104.
Dudley Pillow, Schlater, $32,478.
Lundy Bros., Cruger, $31,475.
Frank H. Coleman, Itta Bena, $31,363.
Kimble Makamson, Morgan City, $31,213.
W. P. Kimbrough, Jr., Itta Bena, $31,179.
Davis and Young, Money, $30,986.
MBG Farms, Inc, Leland, $30,842.
Walter Pillow III, Itta Bena, $30,832.
Jerry Falls, Webb, $30,771.
Wier Bros., Greenwood, $30,432.
Loyce Makamson, Sidon, $30,394.
L. E. Rowland, Greenwood, $30,217.
Lake Side Plantation, Itta Bena, $29,870.
James Stowers, Itta Bena, $29,069.
John Ellis Williams, Jr., Morgan City, $28,629.
Wilford R. Webb, Minter City, $28,185.
Harold Coleman, Schlater, $28,007.
N. W. Carver, Jr, Ruleville, $27,458.
Rickswood Planting Co., Greenwood, $27,013.
P. M. Kimbrough III, Morgan City, $26,940.
R. C. Colvin, Greenwood, $26,489
James D. Green, Itta Bena, $26,085.
Derwood Strain, Morgan City, $26,015.
Riverside Plantation, Sidon, $25,940.
Walter Walt, Greenwood, $25,852.
A. J. Wilson, Sidon, $25,610.
James R. Kent, Greenwood, $25,505.
Reese Makamson, Sidon, $25,401.
Black Bros., Sidon, $25,372.
H. C. Pleasants, Minter City, $25,342.
W. C. Haynes, Greenwood, $25,263.
Bailey and Kinney, Bena, $25,060.
Wilson and Smith, Glendora, $24,871.
E. L. Gilliland, Bena, $24,205.
John F. Bratton, Bena, $23,684.
Gleeson and Jones, Schlater, $23,494.
Rex Makamson, Bena, $23,244.
John Bariola, Itta Bena, $22,646.
J. A. Bennett, Itta Bena, $22,567.
C. J. Hammond, Itta Bena, $22,391.
Black Cat Pltg. Co., Cruger, $22,301.
Mike Kelly, Itta Bena, $22,244.
A. H. Beckham, Swiftown, $22,102.
C. S. Ware, Sidon, $21,619.
Jodie Hearon, Drew, $21,209.
Don Corley, Sidon, $20,887.
James Holeman, Ruleville, $20,394.
Total payees in county (114), $5,601,292.

Lincoln County

C. C. Clark, Ruth, $44,093.

Lowndes County

James C. Richards, Caledonia, $43,522.
Gilmer Plantation, Columbus, $33,054.
Saunders B. Carson, Columbus, $33,042.
B. E. Aldridge, Caledonia, $26,766.
Gene D. Holliman, Caledonia, $23,661.
Trenton Sheffield, Columbus, $21,610.
Total payees in county (6), $181,655.

Madison County

J. D. Rankin, Canton, $134,600.
Bozeman Farms, Inc., Flora, $114,137.
George H. Moore, Canton, $76,414.
S. C. Dulaney & Son, Canton, $74,949.
Ben H. Stribling, Canton, $59,127.
M. S. Cox, Jr., Madison, $55,789.
Thomas L. James, Canton, $55,646.
E. D. Mansell, Pickens, $54,813.
Charlie Williams, Canton, $44,129.
W. S. Patrick, Canton, $42,423.
E. K. Bardin, Flora, $41,807.
Julius Edgar, Flora, $40,904.
J. R. Tate, Kathy Circle, Canton, $35,632.
Roy E. Tate, Canton, $33,272.
James A. Cook, Canton, $32,393.
A. B. & W. Mansell, Canton, $30,297.
J. S. Harris, Jr., Madison, $29,234.
George Heindl, Jr., Canton, $27,974.
Billy McMullen, Pickens, $27,282.
L. A. Millsaps, Jr., Canton, $27,260.
J. E. Richardson, Sr., Ridgeland, $26,065.
Billy Ray Stribling, Canton, $25,719.
Linn Hart, Canton, $24,645.
Carl Murphy, Canton, $23,768.
Robert Willis, Flora, $23,262.
A. W. Hardy, Jr. & Sr., Canton, $23,112.
F. C. Tyner, Canton, $22,351.
James Stewart, Pickens, $20,643.
Clyde Edwards, Canton, $20,402.
Donald J. Powell, Ridgeland, $20,336.
C. H. Galloway, Canton, $20,269.
Total payees in county (31), $1,288,654.

Marion County

W. E. Walker, Jr., Columbia, $25,826.

Marshall County

Howard Carpenter, Moscow, $61,625.
L. E. Devore, Rossville, $59,993.
Odell J. Wilson, Holly Springs, $59,130.
Johnny Taylor, Holly Springs, $51,149.
McClatchy & Son, Red Banks, $45,410.
John L. Lofin, Mt. Pleasant, $44,339.
Byron Hurdle, Lamar, $42,366.
Jack McClatchy, Red Banks, $41,919.
C. B. Robinson, Waterford, $40,878.
Tom C. Lacey, Holly Springs, $32,766.
Everett Edlin, Waterford, $32,731.
Hugh McClatchy, Red Banks. $31,760.
Russell G. Houston, Holly Springs, $31,626.
J. W. Cocke, Holly Springs, $30,809.
J. M. Ash, Holly Springs, $30,313.
Jobe Whaley, Potts Camp, $27,015.
Artie Edlin, Waterford, $26,327.
Wayne Briscoe, Red Banks, $26,038.
Freddie Johnson, Holly Springs, $25,846.
Richard Carrington, Collierville, $25,551.
Janie C. Hurdle, Mt. Pleasant, $25,550.
Jeston Bolden, Ashland, $24,851.
Steven Hurdle, Lamar, $24,463.
Hargis Hurdle, Holly Springs, $24,161.
C. S. Hurdle, Moscow, $24,071.
Edgar Lee Bolden, Holly Springs, $23,950.
Egbert Jones, Holly Springs, $23,642.
Wallace Briscoe, Holley Springs, $23,537.
Chester Hurdle, Lamar, $22,076.
Marvin St. John, Byhalia, $21,837.
Guy K. Shaw, Waterford, $20,744.
William S. Payne, Holly Springs, $20,463.
Total payees in county (32), $1,046,936.

Monroe County

Sid T. Sanders, Hamilton, $58,578.
Fay Nevins, Hamilton, $36,647.
Richard S. Cole, Amory, $32,799.
Frank R. Millender, Aberdeen, $31,538.
Thomas E. Millender, Aberdeen, $30,823.
Fred Bell, Aberdeen, $30,355.
Robert C. Stovall, Columbus, $28,727.
Delmer Holloway, Hamilton, $27,356.
Lee H. Harrington, Aberdeen, $25,485.
L. C. Sanders, Hamilton, $22,582.
W. B. Watkins, Aberdeen, $22,562.
Joe E. Carnathan, Okolona, $22,315.
Total payees in county (12), $369,767.

Montgomery County

Melvin W. Kirk, Duck Hill, $33,989.
Sidney Branch, Winona, $31,614.
James W. Latham, Winona, $21,032.
Total payees in county (3), $86,635.

Noxubee County

E. F. Nunn and Co., Shuqualak, $170,218.
Circle M Ranch, Inc., Paulette, $49,572.
Valley Farm, Bigbee Valley, $38,033.
Ralph Spurgeon, Jr., Cliftonville, $29,177.
A. B. Stevens, Jr., Macon, $27,803.
Paula M. Robertson, Brooksville, $23,815.
Total payees in county (6), $338,618.

Panola County

W. S. Taylor, Jr., Como, $67,125.
J. H. Magee & Sons, Batesville, $63,312.
Donald Bartlett, Como, $52,172.
Robert McMillan, Batesville, $46,586.
Hays Bros. & Hall, Sardis, $45,523.
F. F. Lunceford Farms, Inc., Batesville, $44,865.
Raymond Birdsong, Batesville, $40,726.
W. P. Lemaster, Sardis, $38,082.
M. H. Sumner or C. N. Sumner, Como, $37,558.
Crenshaw Bros. Inc., Crenshaw, $35,964.
Short Brothers, Crenshaw, $35,638.
Whitworth Farms Inc., Batesville, $35,427.
Alton Milam, Batesville, $34,707.
David Ross Craig, Batesville, $31,517.
Clarence Taylor, Como, $30,664.
Maury R. Harris & Sons, Inc., Sledge, $30,061.
Marion K. Short, Sledge, $29,591.

James Montieth, Batesville, $28,156.

Dave Pointer, Como, $28,030.

Estate of Fred Taylor, Sr., Como, $27,879.

Leon Crigler, Crenshaw, $26,120.

Hosey White, Batesville, $25,880.

Evander Smith, Como, $25,190.

Taylor Bros., Clarksdale, $25,017.

W. D. Craig, Como, $24,955.

Emily J. Pointer, Como, $24,905.

E. C. Darby, Enid, $24,405.

H. G. Short, Sardis, $24,304.

Triple H. Farm, Como, $23,780.

Curtis McNemar, Como, $23,394.

Sanford McNemar, Sardis, $21,787.

Tom Pugh, Batesville, $21,302.

V. R. Sanford, Como, $20,931.

Otis Jenkins, Sardis, $20,726.

Derryal Glen Gates, Batesville, $20,709.

W. S. Hamer, Dyersburg, $20,690.

James W. Sorrells, Batesville, $20,423.

Total payees in county (37), $1,178,101.

Pearl River County

Robert Tonner, Bogalusa, $34,952.

Pearl River Plantation, Inc., Poplarville, $34,952.

Gulf Tung Corp., Poplarville, $27,496.

Thom. H. Oconner, Poplarville, $25,609.

L. O. Crosby, Jr., Picayune, $24,888.

Total payees in county (5), $147,897.

Quitman County

John B. Ford, Darling, $108,893.

G. H. Barker, Marks, $83,126.

L. J. Barksdale, Marks, $80,096.

Self & Co., Marks, $79,741.

P. M. B. Self Estate, Marks, $79,259.

F. R. Trainor, Lambert, $73,207.

Ben E. Pittman, Darling, $69,434.

Garmon Farm, Marks, $64,145.

Posey Mound Planting Co., Marks, $60,697.

Thomas B. Barnes, Darling, $57,303.

Joe L. Davidson, Sledge, $57,288.

Wise Bros., Jonestown, $56,836.

H. T. Pittman, Marks, $52,497.

Arthur Fulmer, Marks, $50,450.

Fletcher S. Haynes, Lambert, $49,693.

Belen Planting Co., Marks, $48,911.

C. W. Denton, Belen, $48,895.

T. C. Potts, Crenshaw, $48,619.

E. Q. Vance, Jr., Vance, $48,359.

Buckskin Plantation, Lambert, $47,934.

Joe E. Benson, Marks, $45,215.

Miss. Penitentiary Board, Parchman, $43,576.

Noel Wilborn, Lambert, $42,653.

Lent E. Thomas, Jr., Batesville, $42,509.

Starr Farm, Sledge, $42,116.

I. L. Henry, Darling, $41,320.

McBride Planting Co., Vance, $40,715.

Echo Planting Co., Vance, $40,353.

Clifton Planting Co., Vance, $39,300.

F. R. Wright, Jr., Lambert, $39,007.

L. M. Green, Jr., Lambert, $38,654.

Shannon Planting Co., Vance, $37,941.

Bob Crenshaw, Crenshaw, $36,670.

Cotton Dixie Starnes, Webb, $36,834.

B. O. Tedford & Sons, Lyon, $36,330.

T. C. Haley, Vance, $35,858.

Allen Est. & T. G. Powell, Clarksdale, $35,291.

A. L. King, Jr., Vance, $34,866.

L. P. Butler est., Belen, $34,837.

B. H. Cobb, Lambert, $32,568.

Thomas A. Harris, Lyon, $32,343.

Clifford Cobb, Jr., Lambert, $31,719.

Fred Bailey, Lambert, $31,689.

B. D. Mason, Clarksdale, $30,498.

H. W. Howze, Jr., Sledge, $30,427.

Hubert Haynes, Lambert, $29,756.

V. L. Howell, Coahoma, $29,583.

E. H. Anderson, Lambert, $29,435.

James A. Jackson, Darling, $29,082.

Hubert L. Respess, Lambert, $28,059.

C. B. Sigler, Crenshaw, $27,332.

J. E. Furr, Jr., Lyon, $26,735.

Wadlington Bros., Sledge, $26,338.

Smith Planting Company, Clarksdale, $26,230.

Gordon Farms, Sledge, $25,421.

V. A. Furr, Jr., Marks, $25,015.

Jim Gordon, Sledge, $24,766.

N. H. Sutton, Lambert, $24,526.

Victor Bailey, Lambert, $23,111.

Mark N. Ham, Lyon, $23,040.

W. A. Gee, Marks, $22,953.

O. A. Davis, Jr., Marks, $22,876.

Essex Planting Company, Sledge, $22,577.

Richard Shellman, Lambert, $22,438.

C. L. Mills, Coahoma, $20,201.

Total payees in county (65), $2,707,696.

Rankin County

J. W. Patrick, Jr., Brandon, $41,501.

Paul Cross, Pelahatchie, $27,483.

J. B. Williamson Brandon, $23,478.

Tommy Long, Brandon, $22,910.

Ray Gordon, Florence, $20,826.

J. D. McKay, Pelahatchie, $20,774.

Total payees in county (6), $156,972.

Scott County

Dan R. Boyce, Pelahatchie, $24,992.

Sharkey County

Pantherburn Co., Pantherburn, $235,216.

Murphy Jones, Nitta Yuma, $145,612.

Cameta Planatation, Inc., Anguilla, $122,638.

H. G. Carpenter, Rolling Fork, $112,125.

Little Panther Plantation, Leland, $110,046.

Raymond Brown and J. M. Brown, Anguilla, $85,382.

M. C. Ewing Co., Inc., Anguilla, $81,481.

Moore Planting Co., Inc., Cary, $76,999.

Carter Brothers, Rolling Fork, $76,449.

Baconia Plantation, Inc., Cary, $76,184.

Powers Company, Inc., Cary, $72,621.

Evanna Plantation, Inc., Cary, $66,741.

Reality Plantation, Inc., Rolling Fork, $66,568.

Lynndale Planting Co., Inc., Cary, $64,478.

Martin Planting Co., Inc., Anguilla, $63,840.

James A. Boykin, Delta City, $61,361.

S. M. Montgomery, Rolling Fork, $60,312.

G. C. Cortright, Rolling Fork, $54,458.

Council Bend, Inc., Rolling Fork, $50,421.

Greer Incorporated, Anguilla, $50,339.

Rebekah Fields Billy Fields, Rolling Fork, $47,700.

Charles Kline, Anguilla, $45,444.

Patton Planting Co., Nitta Yuma, $45,313.

Darden Company, Inc., Onward, $44,756.

June F. Grundfest, Cary, $44,552.

Louise Planting Co., Louise, $40,183.

Grosvenor Farms, Inc., Holly Bluff, $38,089.

Kelso Plantation, Inc., Rolling Fork, $37,760.

Touchberry and Quarm, Glen Allan, $36,406.

Neff Farms, Inc., Hollandale, $35,424.

A. B. Williams, Jr., Delta City, $34,443.

T. W. Harris, Cary, $32,081.

Ben Lamensdorf, Cary, $30,672.

Pat R. Dunaway, Rolling Fork, $30,199.

McKinney and Son, Anguilla, $30,089.

Dudley Moore, Rolling Fork, $30,057.

W. A. Chase, Rolling Fork, $29,932.

Clinkscales Bros., Hollandale, $29,840.

Sojamax, Inc., Rolling Fork, $28,430.

Shiloh Plantation, Inc., Rolling Fork, $28,268.

A. B. Williams, Delta City, $27,754.

Robert H. Moses, Cary, $27,143.

Carl Dunaway, Inc., Anguilla, $26,531.

S. W. Bennett, Anguilla, $26,194.

W. E. Patterson, Jr., Delta City, $25,945.

G. M. Baggett, Rolling Fork, $24,872.

Boykin and Patterson, Delta City, $24,258.

Egremont Plantation, Cary, $23,893.

Omega Plantation Inc., Rolling Fork, $22,522.

Charles Huff, Holly Bluff, $22,021.

Savery Farms, Inc., Holly Bluff, $20,472.

Total payees in county (51), $2,724,514.

Smith County

Homer Rutland, Mt. Olive, $67,628.

Clinton Phipps, Taylorsville, $37,780.

Total payees in county (2), $105,408.

Sunflower County

Parchman Farms, Parchman, $451,164.

Eastland Plantation Inc., Doddsville, $164,048.

Duncan Farms Inc., Inverness, $147,298.

Billups Pltn. Inc., Indianola, $142,025.

J. Levingston, Est. Inc., Ruleville, $136,724.

Kelly R. Mahan, Drew, $118,282.

William M. Pitts, Indianola, $108,274.

Allen & Brashier Pltg. Co., Indianola, $106,067.

W. E. Austin, Indianola, $97,834.

W. D. Patterson, Rome, $97,739.

Frank T. Brumfield, Inverness, $87,174.

Dick Barrett, Indianola, $86,760.

Lipe Farms Inc., Indianola, $86,667.

W. D. Simmons, Indianola, $84,314.

H. T. Bonds, Shelby, $83,434.

J. M. Montgomery, Jr., Inverness, $83,153.

Pecan Grove Pltn., Indianola, $81,832.

P. H. B. Inc., Indianola, $81,414.

Billy Joe Waldrup, Drew, $79,407.

Fletcher Brothers, Indianola, $78,404.

Garrard Est, Indianola, $77,982.

W. L. Prichard, Inverness, $77,727.

J. B. Baird, Inverness, $77,417.

Pauline V. Adair, Doddsville, $75,267.

P. & C. Planting Co., Drew, $73,343.

Kansas Plantation Inc., Holly Ridge, $73,235.

Pitts Pltg. Co. Inc., Indianola, $69,593.

Kay Planting Co., Indianola, $66,926.

Poindexter Brothers, Inverness, $66,838.

Holly Ridge Planting Co., Holly Ridge, $66,098.

Rubye Morgan & Sons, Sunflower, $65,272.

Brewer Morgan, Sunflower, $64,509.

Shurden and Owens, Drew, $64,493.

Carl T. Harkins, Cleveland, $63,387.

W. C. Chrisco, Tutwiler, $60,354.

Phillip Fratesi, Indianola, $60,336.

R.M. & C.H. McClatchy, Indianola, $58,932.

J. H. Hill, Indianola, $58,876.

H. P. Watson, Lexington, $57,063.

F. L. Tindall, Indianola, $56,404.

F. E. Mitchell, Rome, $55,653.

Lucy B. Hill, Rome, $55,549.

St. Rest Plantation Inc., Holly Ridge, $55,414.

H. T. Miller Pltg. Co. Inc., Drew, $55,127.

J. P. Fisher, Jr., Sunflower, $54,503.

W. O. Shurden, Drew, $54,030.

Douglas Mallette, Indianola, $54,024.

Dyche Plantation, Inc., Blaine, $53,706.

A. K. Maxwell, Moorhead, $51,887.

J. L. Hall, Indianola, $50,202.

W. O. Shurden, Inc., Drew, $49,871.

N. H. McMath, Isola, $49,238.

Ethel Lyon, Shaw, $48,769.

J. A. Ely, Jr., Shaw, $47,320.

Mike B. Fratesi, Leland, $47,055.

J. S. Parker, Jr., Sunflower, $46,752.

Brashier Allen, Indianola, $46,570.

Bruce Brumfield, Inverness, $46,481.

H. W. King, Drew, $46,326.

Bobby Clark, Drew,$46,276.

Allen Brothers, Indianola, $46,176.

W. E. Jefcoat, Doddsville, $46,139.

Jones Brothers, Inverness, $45,391.

Maury McIntyre, Jr., Doddsville, $45,098.

P. Myers III & R. B. Myers, Greenville, $44,328.

A. E. Schuyler, Shelby, $44,271.

C. W. Barrett, Indianola, $44,241.

Patterson Brothers, Merigold, $43,961.

W. E. Lamastus, Jr., Drew, $43,698.

R. K. Clark, Drew, $43,617.

Louis Millen, Drew, $43,582.

Leroy Anthony, Indianola, $43,467.

W. T. Skelton, Indianola, $43,346.

W. D. Marlow III and Son, Ruleville, $42,428.

J. D. Pennebaker, Isola, $42,404.

Robert Mullins, Blaine, $41,995.

J. T. McGregor, Indianola, $41,685.

Lake O. Lindsey, Doddsville, $41,635.

C. S. Simmons, Jr., Inverness, $41,621.

A. E. Moody, Drew, $41,553.

George C. Scroggins, Baird, $41,234.

F. T. Clark and Son, Ruleville, $41,149.

J. B. Failing, Indianola, $41,142.

Will A. Price, Inverness, $40,602.

Dar Bayou Pltg. Co., Drew, $40,142.

C. A. McGregor, Inverness, $39,817.

Parker Planting Co., Drew, $39,787.

James Bradshow, Sunflower, $39,781.

Max A. Hodges, Indianola, $39,587.

V. E. Lester, Isola, $39,043.
Robert Barnett, Indianola, $38,951.
W. H. Baird, Indianola, $38,654.
Hugh Medders, Shaw, $38,085.
Billy Brewer, Inverness, $36,046.
L. A. Safley, Rome, $37,729.
J. R. Dockery, Cleveland, $37,704.
Joseph A. Oglesby, Jr., Indianola, $37,391.
Grittman and Adams, Drew, $37,316.
L. D. McCoy, Jr., Drew, $37,254.
Hugh G. Fisher, Indianola, $37,244.
Lakewood, Inc., Inverness, $36,977.
F. T. Clark, Ruleville, $36,877.
Jack Griffith, Sunflower, $36,426.
W. T. Timbs, Jr., Moorhead, $36,112.
McWilliams & Pyron, Holly Ridge $35,976.
Gorden Dement, Indianola, $35,952.
Sidney Shurden, Drew, $35,838.
Roberts Brothers, Moorhead, $35,813.
J. W. Stowers, Inverness, $35,308.
John Brewer Reed, Inverness, $35,232.
Hubert Robertson, Indianola, $35,067.
Louis Fratesi, Leland, $34,586.
Braswell Farms, Shaw, $34,390.
George L. & Charles W. Evans, Boyle, $34,237.
H. C. Eastland, Doddsville, $34,083.
Miller Bros., Ruleville, $33,852.
Jessie Russell, Itta Bena, $33,574.
George W. Bowles, Inverness, $33,381.
E. E. Shurden, Drew, $32,544.
J. C. Haney, Drew, $32,446.
Carl M. Prewitt, Benoit, $31,957.
Prichard Brothers, Inverness, $31, 695.
James L. Beckham, Inverness, $31,585.
Glenn McCoy, Clarksdale, $31,543.
W. B. Lovett, Ruleville, 31,480.
Dodd Brothers, Sunflower, $31,327.
Berryhill Bros. Pltg. Co., Rome, $30,921.
Mrs. Nannie S. Parks, Drew, $30,383.
Ciro Nobile, Moorhead, $30,279.
W. C. Lester, Inverness, $29,798.
George E. Baird, Jr., Inverness, $29,291.
J. W. Baker, Indianola, $29,182.
C. F. McGraw, Doddsville, $29,081.
Thomas B. Givens, Cleveland, $28,838.
Black Bayou Pltn., Inc., Inverness, $28,432.
A. C. Tidmore, Sr., Merigold, $28,402.
Powell Poe, Indianola, $28,066.
Charles E. Boyer, Jr., Indianola, $27,818.
Fred V. Jones, Inverness, $27,545.
T. E. Cooper, Shaw, $27,514.
W. E. Coleman & Son, Drew, $27,396.
Earl W. Pittman, Sunflower, $26,799.
C. T. Ellis, Indianola, $26,793.
Harris Russell, Moorhead, $26,791.
Parker Bros. & Cummins, Inc., Drew, $26,625.
Jim Muzzi, Shaw, $26,323.
B. R. Ammons, Inverness, $26,305.
B. N. Marlow Est., Ruleville, $26,279.
Roy & John Dickerson, Drew, $26,232.
David Woods, Drew, $25,897.
C. K. Fisackerly, Jr., Sunflower, $25,751.
Herman Guest, Drew, $25,610.
Ted Borodofsky, Ruleville, $25,381.
Curtis A. Smith Farming Co., Drew, $25,303.
William L. Ervin, Inverness, $25,096.
E. A. Stansel, Jr., Ruleville, $24,972.
Tommy Ellis, Shaw, $24,787.
A. W. Shurden, Drew, $24,578.
J. B. Lee, Indianola, $24,490.
J. R. Martin, Indianola, $24,403.
Watts Planting Co., Ruleville, $24,273.
James Simpson, Shaw, $24,252.
Bobby Joe Sykes, Indianola, $24,210.
Sheffield Farms, Inverness, $24,151.
B. & L. Farm, Rulesville, $24,783.
Howard L. Grittman, Jr., Drew, $23,765.
Odell Mustain, Indianola, $23,742.
T. A. Murtagh, Moorhead, $23,427.
H. I. Clark, Doddsville, $23,407.
P. K. McGregor, Inverness, $23,400.
W. D. Baird, Inverness, $23,349.
A. E. B. Britt, Indianola, $23,192.
Fitts, Fitts & Pate, Moorhead, $23,145.
J. O. and H. C. Eastland, Doddsville, $22,975.
Tommy Hall, Indianola, $22,952.
C. R. Skelton, Indianola, $22,798.
B. L. Kirk, Doddsville, $22,687.
R. J. Vanlandingham, Inverness, $22,516.
Robert Eiland Farms, Drew, $22,246.
V. A. Johnson Co., Indianola, $21,737.
W. E. Wright, Tutwiler, $21,710.
Hyman Turner, Ruleville, $21,699.
Sterling Dugger, Ruleville, $21,677.
J. R. Stinson, Moorhead, $21,619.
George J. Rice, Indianola, $21,198.
J. F. Barbour II, Indianola, $20,900.
Edward M. Lyon, Shaw, $20,748.
G. W. Moody, Drew, $20,737.
N. S. Toler, Inverness, $20,717.
Robert Doty Mallette, Indianola, $20,708.
J. J. Stevens, Tutwiler, $20,543.
John Burrell, Ruleville, $20,528.
D. R. Mallette, Cleveland, $20,504.
Everett Williams, Moorhead, $20,437.
Cleveland S. Jones, Inverness, $20,364.
H. M. Allison, Sunflower, $20,328.
Frank Mixon, Drew, $20,306.
Ottis H. Reed, Drew, $20,221.
M. G. Walker, Cleveland, $20,133.
Fletcher Clark, Ruleville, $20,110.
J. B. Sykes, Jr., Indianola, $20,050.
Total payees in County (201), $9,112,970.

Tallahatchie County

Mike P. Sturdivant, Glendora, $114,514.
Hoparka Plantation, Sumner, $102,728.
E. C. Fedric, Glendora, $98,272.
E. D. Graham, Sumner, $95,383.
M. T. Hardy, Webb, $95,104.
A. A. Mabus, Philipp, $92,937.
J. L. Hill & Co., Webb, $90,839.
Cotton Dixie, Inc., Webb, $85,183.
Twilight Planting Co., Glendora, $80,599.
Equen Planting Co., Minter City, $80,385.
T. C. Buford, Glendora, $78,597.
Ralph T. Hand, Jr., Glendora, $77,611.
Jerry Falls, Webb, $76,832.
Rainbow Planting Co., Webb, $74,723.
Triple M Planting Co., Sumner, $73,746.
S. M. Fewell & Co., Vance, $70,044.
Evans Townes Plantation, Minter City, $69,764.
Frank & Dorothy Sturdivant, Minter City, $69,028.
Mitchener Farms, Inc., Sumner, $67,455.
H. T. Bond, Jr., Shelby, $64,073.
R. W. Mabry, Tutwiler, $61,009.
Benford Brown, Charleston, $60,939.
Martha B. Lowe, Glendora, $60,687.
Frank Sayle, Charleston, $60,121.
James Brothers, Charleston, $57,569.
T. B. Abbey, Jr., & Co., Webb, $57,054.
Friendship Road, Inc., Sumner, $55,418.
John W. Sherman, Enid, $53,996.
J. Noel Reed, Greenwood, $49,359.
Phil Thornton, III, Tutwiler, $48,463.
M. S. Dale, Greenwood, $48,176.
Murphey & Hardy, Inc., Sumner, $47,367.
J. C. Hardy, Charleston, $44,116.
M. L. McMillan, Minter City, $43,764.
Billy G. Flautt, Swan Lake, $43,759.
Murphey Plantation, Tippo, $42,891.
Jack G. Flautt, Swan Lake, $42,279.
D. A. Tubbs, Sumner, $42,249.
Ray Roberson Farm, Inc., Philipp, $39,966.
Bailey Brake Farm, Charleston, $39,109.
Herbert Rice, Webb, $38,070.
William Tribble, Charleston, $37,250.
Paul Melton, Tutwiler, $36,727.
Mike Fortenberry, Sumner, $36,025.
Melton Bros., Tutwiler, $35,973.
Casburn Bros., Sumner, $35,180.
Steve Worley, Sumner, $35,171.
C. S. Rankin, Sumner, $35,008.
Wesley Wolfe, Charleston, $34,470.
Don Allison, Cascilla, $33,500.
Margaret M. Norman, Cleveland, $33,440.
W. A. Worsham, Charleston, $33,132.
Bilbo Pennington, Vance, $32,324.
Thornton, Inc., Tutwiler, $32,236.
Gene T. Fleming, Minter City, $30,770.
C. E. Waldrup, Drew, $30,425.
B. A. Marley, Sumner, $29,639.
Greenfield Pltg. Co., Tutwiler, $29,551.
J. J. Webb, Jr., Sumner, $29,397.
G. C. Trout, Charleston, $29,245.
Joe T. Wolfe, Cascilla, $29,062.
Ernest Brasher, Jr., Cascilla, $28,461.
R. E. Seawright, Glendora, $27,986.
G. B. Williams, Drew, $27,772.
Frank B. Swearengen, Philipp, $27,417.
Maggie W. McLellan, Charleston, $26,985.
Davis Bros., Cascilla, $26,928.
J. W. House, Enid, $26,810.
Jim Pennington, Webb, $26,762.
Mikoma Grain, Inc., Charleston, $26,679.
Bend Plantation, Swan Lake, $26,538.
W. W. Pearson, Webb, $26,314.
Dry Bayou Planting Co., Vance, $26,098.
W. C. Vinson, Webb, $25,951.
Billy Heath, Philipp, $25,168.
Ellett & Sandifer Farms, Charleston, $24,713.
Raymond Roberson, Charleston, $24,456.
Edward Dyess, Webb, $24,191.
W. D. Newton, Enid, $24,166.
Strider Bros., Charleston, $24,068.
B & S Planting Co., Inc., Glendora, $23,932.
James Brown, Charleston, $23,849.
William H. Morrow, Webb, $23,242.
Tom Rice, Sumner, $23,039.
Turner Brothers, Crowder, $23,002.
J. W. Fennell, Philipp, $22,267.
Stuart Denman, Charleston, $21,874.
A. O. Chatham, Tutwiler, $21,676.
W. G. Burkhalter, Enid, $21,523.
George D. Hightower, Webb, $21,429.
James H. Morrow, Webb, $21,034.
Finke Brothers, Charleston, $20,943.
H. C. Strider, Jr., Philipp, $20,707.
R. W. Lee, Philipp, $20,599.
Total payees in county (94), $4,159,282.

Tate County

M. P. Moore, Senatobia, $69,738.
Jim Presley, Senatobia, $60,582.
E. E. Moore, Senatobia, $51,359.
Tom Wilson, Senatobia, $31,587.
R. G. Roseborough, Senatobia, $29,457.
J. V. Moore, Arkabutla, $29,021.
Thomas E. Smith, Jr., Coldwater, $28,350.
David B. Tyer, Senatobia, $26,648.
W. L. Livestock Ranch, Senatobia, $24,139.
T. P. Veazey III, Senatobia, $23,380.
Harry B. House, Coldwater, $23,356.
J. F. Watson, Senatobia, $23,097.
S. M. Allison, Sarah, $22,917.
Ester L. Howell, Senatobia, $22,899.
H. S. Marby, Senatobia, $22,401.
Robert P. Thompson, Senatobia, $22,254.
I. F. Hyde, Senatobia, $21,959.
Melvin Crockett, Senatobia, $21,907.
Total payees in county (18), $555,051.

Tippah County

Bonnie Mauney, Blue Mountain, $20,561.
Roy Janes, Walnut, $20,430.
Total payees in county (2), $40,991.

Tunica County

Indian Creek Planting Co., Robinsonville, $150,132.
Abbay and Leatherman Inc., Robinsonville, $140,422.
Carl C. May, W. Helena, $123,127.
Bibb Inc., Tunica, $116,297.
S. A. Arnold Jr., Tunica, $83,745.
Arnold Farms Inc., Tunica, $82,004.
Whiteoak Farms Inc., Tunica, $79,464.
M. L. Earnheart Co., Tunica, $78,133.
D. C. Parker, Tunica, $75,975.
Clinton P. Owen, Robinsonville, $75,463.
Oaklawn Plantation Inc., Dundee, $73,951.
McClintock Farms Inc., Tunica, $72,878.
Withers & Seabrook, Tunica, $67,656.
S. C. Wilson & Son, Dundee, $67,103.
Boyd Bros., Dundee, $66,503.
A. S. Perry & Sons, Inc., Tunica, $65,741.
Sterling W. Owen, III, Tunica, $60,528.
John W. Owen, Tunica, $60,510.
Will W. Owen, Tunica, $60,510.
T. O. Earnheart Co., Inc., Tunica, $57,841.
Hood Farms Inc., Tunica, $57,723.
Irwin Company, Inc., Robinsonville, $55,907.
A. C. Caperton, Tunica, $55,519.
W. C. McLean Inc., Tunica, $55,163.
C. H. Block & Co., Tunica, $54,918.
Austin Brothers, Dundee, $54,081.
Flowers & Parker, Tunica, $53,936.
C. Buck Graves, Sarah, $53,070.
B. R. Smith, Dundee, $51,656.
Youngblood Co., Dundee, $50,773.

A. T. Earnheart, Tunica, $47,486.
R. I. Abbay, Tunica, $42,513.
Lloyd E. Ryals, Dundee, $41,099.
Johnson & Frank, Dundee, $39,359.
Swindoll Bros., Tunica, $38,883.
Alterra Planting Co., Tunica, $38,377.
Clyde J. Perry, Tunica, $37,612.
Vance Moore, Dundee, $37,371.
Pea Patch Plantation, Inc., Dundee, $35,917.
William Godbold, Tunica, $35,054.
W. H. Houston, Jr., Tunica, $34,830.
Wayne McDonald, Dundee, $33,238.
Ransom A. Myers, Dundee, $32,437.
William H. Houston III, Memphis, $31,762.
Richard Watson, Tunica, $31,039.
Jack W. Perry & Co., Inc., Tunica, $30,970.
M. H. Harris, Tunica, $30,211.
James Pegram, Tunica, $29,707.
R. C. Smith, Dundee, $29,450.
E. J. Lake, Inc., Dundee, $27,880.
H. R Watson & Sons, Tunica, $27,762.
Edgar Hood III, Tunica, $27,057.
B. M. Martin, Jr., Dundee, $26,687.
J. E. Sides & Son, Inc., Dundee, $26,645.
Harvey Richard Watson, Tunica, $26,433.
John Canon, Dundee, $26,430.
W. C. Bynum, Tunica, $23,813.
Joe Watson, Clarksdale, $23,732.
Roger Johnson, Lula, $23,081.
Doright Plantation, Inc., Dundee, $23,061.
M. L. Earnheart, Tunica, $22,889.
Two Sisters Plant, Crenshaw, $22,775.
D. R. Houpt, Tunica, $22,558.
L. A. Gidden, Tunica, $22,024.
Billy Pegram, Dundee, $21,732.
Walter D. Wills, Jr., Memphis, $21,396.
Clarence H. Pegram, Tunica, $20,610.
O. S. Woods & Son, Inc., Tunica, $20,290.
Ewing & Son, Inc., Robinsonville, $20,160.
Frank M. Perry, Tunica, $20,081.
Total payees in county (70), $3,375,140.

Union County

Hugh Stephens, New Albany, $95,251.

Warren County

Aden Brothers, Inc., Valley Park, $110,822.
B. N. Simrall and Son, Inc., Redwood, $59,461.
H. A. Downey, Jr., Vicksburg, $46,005.
W. O. Miller, Vicksburg, $38,068.
Laura Brown, Valley Park, $36,049.
Ferris Farms, Inc., Vicksburg, $30,052.
Ratliff Farms, Inc., Vicksburg, $24,005.
E. R. McKnight, Redwood, $20,118.
Total payees in county (8), $364,580.

Washington County

Potter Bros., Inc., Arcola, $280,990.
Trail Lake Plantation, Tralake, $188,650.
H. K. Hammett and Sons, Greenville, 171,312.
Torrey Wood and Son, Hollandale, $170,965.
R. A. Ingram, Leland, $150,861.
Franklin Trotter, Greenville, $133,196.
Baker Planting Co., Leland, $119,153.
Walker Farms, Inc., Stoneville, $113,668.
Hagan and Bruton Farm, Hollandale, $112,917.
Gilnockie Planting Co., Leland, $111,644.
Clark and Pendergrass, Arcola, $107,095.
Fairfax Planting, Tribbett, $101,669.
Leota Planting W. T. Robertson, Holly Ridge, $97,522.
W. G. Trotter and Son, Winterville, $94,848.
Cope and Neff, Hollandale, $90,479.
Alex Curtis, Leland, $89,440.
F. L. Gerdes, Jr., Leland, $85,417.
Dan L. Smythe, Tribbett, $85,230.
J. C. Reed, Leland, $82,816.
Ganier Brothers, Hollandale, $82,743.
Morro and Hawkins, Winterville, $82,465.
Lakeland Farms, Hollandale, $81,447.
W. E. Taylor, Greenville, $79,471.
W. C. Skates & Son, Avon, $78,825.
M. H. Rich, Jr., Chatham, $78,438.
Refuge Planting, Greenville, $76,801.
Faith Planting, Tribbett, $76,617.
Arcola Planting Co., Arcola, $76,286.
Highland Planting, Greenville, $72,463.
Glen Crowe, Hollandale, $71,993.
Donald Crowe, Hollandale, $71,697.
Dean and Co., Tribbett, $70,186.
Word Planting Co., Leland, $69,007.
Raymond Clark, Leland,$68,958.
Arcola Plantation, Inc., Hollandale, $67,981.
John T. Dillard, Leland, $66,912.
Barton Ingram, Arcola, $66,303.
Deandale, Tribbett, $65,601.
Gordon Crowe, Hollandale, $64,424.
E. J. Ganier, Percy, $64,056.
Walnut Bayou Pltg. Co., Leland, $63,096.
Stevens Brothers, Glen Allan, $62,636.
Clyde V. Gault, Leland, $62,616.
Glen Taylor, Greenville, $61,576.
Trail Lake Gin Co., Tralake, $61,029.
Robert N. Aldridge & Sons, Hollandale, $60,999.
H. T. Cochran & Son, Hollandale, $60,570.
Four C. Land Co., Gordon Crowe, Hollandale, $60,558.
James Middleton, Darlove, $59,928.
Montgomery and Grissom, Leland, $59,857.
Metcalfe and Wathers, Metcalfe, $58,158.
James A. Petty, Wayside, $55,888.
Osceola Plant Co., Arcola, $55,023.
Isola Pltn. H. W. Branton, Leland, $53,585.
E. W. and G. W. Stone, Chatham, $51,448.
A. G. Mahalitc, Rolling Fork, $51,302.
Marathon Pltn., Glen Allan, $51,034.
V. L. & L. A. Nunnery, Greenville, $50,763.
Harris and Harris, Inc., Hollandale, $50,339
Wilmot Planting Co., Arcola, $49,990.
W. H. Neill and Sons, Leland, $49,858.
John J. Hall, Jr., Leland, $46,933.
Munn and Morgan, Leland, $46,774.
David B. Flanagan, Leland, $46,137.
C. D. Verner, Leland, $46,031.
Ralph Owens, Metcalfe, $46,011.
Thomas A. Hollingsworth & Co., Hollandale, $45,908.
Gus Piersalisi, Leland, $45,828.
E. E. Cooper, Leland, $45,791.
C. R. Horton, Hollandale, $45,432.
Winston Walker, Greenville, $44,975.
W. T. Robertson, Jr., Ridge, $43,372.
Reggie C. Kellems, Greenville, $42,989.
Saldorose Pltn., Indianola, $42,970.
Don O. Baker, Leland, $40,433.
Ray F. Beckham, Leland, $40,378.
J. P. Wilkerson, Winterville, $40,337.
Hampton Collier, Hollandale, $40,173.
Delta Experiment Station, Stoneville, $39,687.
W. O. Hester, Greenville, $38,473.
Tony and Larry Fratesi, Leland, $38,023.
Frank Rochelle, Indianola, $37,999.
Park Farms, Winterville, $37,816.
Everhope Pltn, Chatham, $37,462.
Peebles and Poss Farm, Winterville, $36,712.
Edward P. Vieh, Hollandale, $36,211.
T. R. Pittman, Greenville, $35,984.
D and S Plant Co., Inc., Greenville, $35,036.
F. C. Crowe, Hollandale, $35,000.
W. A. Dunaway and Son, Hollandale, $34,950.
J. M. Brown Pltg. Co., Leland, $34,487.
Henry Hemphill, Leland, $34,363.
William J. Ireland, Greenville, $33,950.
V. L. Sandifer, Hollandale, $33,248.
A. L. Andrews, Leland, $33,141.
W. B. Andrews, Leland, $33,072.
Edward Trotter, Greenville, $33,058.
Max Phillips, Greenville, $33,052.
Kirk Pltn., Greenville, $32,862.
G. G. & G. W. McCool, Glen Allan, $31,303.
E. A. Currey, Jr., Hollandale, $30,994.
Milam Planting Co., Hollandale, $30,994.
Edward Shackelford, Hollandale, $30,818.
Jessie McDonald, Hollandale, $30,322.
J. E. Bratton, Hollandale, $30,121.
George F. Stock, Hollandale, $30,059.
Bob Ainsworth & Son, Glen Allan, $29,926.
R. M. Pritchett, Arcola, $29,864.
D and W Jones, Inc., Isola, $29,685.
Auburn Plantation, Hollandale, $29,553.
Guido Palasini, Leland, $29,475.
Hollywood Pltn., Greenville, $29,088.
Deerfield Farms Co., Hollandale $28,936.
Loughborough Pltn., Winterville, $28,931.
Howard New, Chatham, $28,199.
Robbie Reed, Hollandale, $28,123.
E. A. Lafoe, Jr., Metcalfe, $28,078.
Malvina Pltn., Inc., Winterville, $27,877.
Sam Sabatini, Leland, $27,871.
Cicil Davis, Avon, $27,456.
Foch Barnes, Glen Allan, $26,929.
Laverne Hyer, Darlove, $26,842.
Marcus Treadway, Hollandale, $26,804.
McLaurin Brothers, Hollandale, $26,787.
Marvin Jennings, Hollandale, $26,749.
C. D. Hobart and Son, Avon, $26,364.
Southern Drnage. & Const. Co., Hollandale, $26,231.
Harry M. Key, Avon, $25,787.
Cecil Wingfield, Glen Allan, $25,346.
Elizabeth Jeffreys, Glen Allan, $25,257.
Fred Ballard, Leland, $25,247.
Collier Pltn., Leland, $25,052.
L. & B. Pltn., Rolling Fork, $24,652.
Elmo Gerald, Leland, $24,585.
J. A. Oglesby, Chatham, $24,017.
Stovall Farms, Leland, $23,744.
Lando and Charlie E. Fratesi, Leland, $23,519.
Mrs. J. R. Kiker & Son, Hollandale, $23,482.
Chester P. Smith, Greenville, $23,431.
Charlie L. Fratesi, Leland, $23,331.
J. P. Tonner, Glen Allan, $23,113.
Walcott Planting Co., Hollandale, $22,740.
Leo E. Frankel, Leland, $22,223.
Wright Planting Co., Inc., Hollandale, $22,193.
Floyd Wayne Reed, Glen Allan, $22,001.
Jack Middleton, Glen Allan, $21,938.
Palmetto Plant Co., Glen Allan, $21,724.
Tony Zepponi, Leland, $21,524.
T. W. Hays, Hollandale, $21,402.
M. P. Neff, Hollandale, $21,154.
Jerry B. Miller, Hollandale, $21,025.
J. A. and Anna Nipper, Chatham, $20,973
V. C. Hammett Jr., Greenville, $20,902.
F. M. Wigley, Hollandale, $20,819.
James E. Bennett, Leland, $20,524.
William L. Watson, Leland, $20,428.
Susie B. Law, Hollandale, $20,403.
James W. Kiker, Hollandale, $20,169.
William E. Avis, Wayside, $20,155.
Vernon Ward, Leland, $20,062.
Total payees in county (160), $8,153,387.

Wayne County

Leroy E. Singley, Buckatunna, $20,731.

Webster County

Jack Gary, Eupora, $24,001.
C. C. Hemphill, Gore Springs, $23,886.
Harold Finnell Dorroh, Bellefontaine, $23,676.
Floy H. Skelton Farms, Mantee, $20,933.
Total payees in county (4), $92,496.

Yalobusha County

J. C. Sides, Sr., Coffeeville, $104,165.
W. C. Hall, Water Valley, $52,247.
John N. Covington, Jr., Coffeeville, $46,283.
H. H. White, Water Valley, $44,335.
J. R. Magee, Oakland, $29,964.
Joe N. Bailey, Jr., Coffeeville, $29,112.
A. R. Ingram, Water Valley, $25,174.
W. V. Moore, Oakland, $23,602.
D. R. Ingram, Water Valley, $20,264.
Total payees in county (9), $375,146.

Yazoo County

Lakeview Pltg. Co., Yazoo City, $122,858.
E. T. Jordan & Sons, Yazoo City, $121,592.
D. H. Dew, Jr., Eden, $94,226.
Ruby Walker, Bentonia, $92,107.
H. S. Swayze, Benton, $80,409.
Ray Scroggins, Yazoo City, $76,581.
Coleman Planting Co., Yazoo City, $73,783.
E. T. Schaefer, Yazoo City, $68,037.
D. H. Dew, Sr., Eden, $67,994.
Kinkead Plantation, Yazoo City, $65,604.
Seward & Son, Louise, $61,518.
R. E. Coker, Yazoo City, $59,135.
James L. Dixon, Benton, $54,987.
L. M. Phillips, Holly Bluff, $49,273.
Barrier & Barbour, Yazoo City, $48,989.
W. T. Clark, Jr., Yazoo City, $48,334.
John S. Howie, Benton, $47,034.
Sam E. Dixon, Jr., Vaughan, $46,643.
John J. Peaster, Yazoo City, $46,554.
Eldorado Planting Co., Yazoo City, $44,413.
Barrier Farms, Inc., Yazoo City, $43,411.

Frazier Thompson, Bentonia, $42,091.
W. T. Hegman, Jr., Holly Bluff, $41,247.
Barrier Bros., Yazoo City, $41,082.
J. N. Hart, Satartia, $40,141.
D. H. Shipp, Benton, $39,069.
J. V. Whitaker, Satartia, $38,648.
Thomas R. Stricklin, Satartia, $37,404.
Buford Atkinson, Yazoo City, $36,017.
A. S. Nichols, Vaughan, $34,732.
Norway Plantation, Yazoo City, $34,447.
M. S. Johnson, Jr., Bentonia, $34,285.
Allen Bridgeforth Est, Vaughan, $34,256.
Jack F. Phillips, Yazoo City, $33,601.
F. W. Sharbrough, Holly Bluff, $33,355.
E. E. Ables, Yazoo City, $33,071.
Jerry B. Barrier, Yazoo City, $32,933.
Leon W. Rice, Bentonia, $32,255.
Clayton Swayze II, Benton, $31,030.
Cedar Grove Plantation, Benton, $29,806.
Martin Farms Inc., Yazoo City, $29,562.
Stricklin & Lewis, Yazoo City, $29,326.
Burdette Boyd, Holly Bluff, $29,068.
Johnson Farms Inc., Bentonia, $28,627.
E. R. Seward, Yazoo City, $28,470.
Morrison Farms Inc., Yazoo City, $28,306.
W. F. Cresswell, Satartia, $27,556.
H. O. Hicks, Benton, $27,094.
Hamel Farms Inc., Yazoo City, $27,066.
W. R. Coleman, Yazoo City, $26,943.
Nabers Planting Co., Holly Bluff, $26,857.
R. M. Bridgforth & Sons, Pickens, $26,680.
Curran & Clark, Yazoo City, $26,353.
Frank Carter, Louise, $26,336.
E. E. Nixon, Jr., Yazoo City, $26,215.
McGraw Farms, Yazoo City, $26,110.
R. Hancock, Bentonia, $25,873.
Sam S. Fisher, Jr., Vaughan, $24,778.
H. R. Crowder & Son, Yazoo City, $24,756.
M. D. Carter, Jr., Benton, $24,494.
Travis Fouche, Benton, $23,693.
Pearson Brothers, Holly Bluff, $23,181.
C. W. Ward & Sons, Benton, $23,166.
H. T. Barrier, Jr., Yazoo City, $22,840.
Roy L. Plunkett, Jr., Yazoo City, $22,581.
M. A. Strickland & Son, Eden, $22,435.
Charles Ables, Yazoo City, $22,374.
David T. Slack, Pickens, $21,559.
Kirkland Inc., Bentonia, $21,556.
C. C. Phillips, Yazoo City, $21,434.
H. R. Crowder, Sr., Yazoo City, $21,280.
John W. Odum, Benton, $21,237.
E. L. Coleman, Yazoo City, $21,126.
Edward Williams, Benton, $20,730.
J. L. Dixon, Vaughan, $20,681.
W. W. Wyatt, Yazoo City, $20,585.
C. H. Vaughan, Benton, $20,584.
M. E. Kelly, Satartia, $20,428.
A. P. Crawford, Jr. Eden, $20,277.
Total payees in county (79), $3,045,169.
Total payees in State (1,624), $71,701,934.

MISSOURI

Atchison County

Scamman and Co., Tarkio, $34,641.
Wm. M. Griffin, Rock Port, $32,131.
Dean Bolton, Fairfax, $28,986.
Jimmie Low, Tarkio, $26,431.
Donald Wolf or Orville Wolf, Rock Port, $26,226.
Charles C. Martin, Watson, $25,848.
Bass Farms, Tuscola, $23,959.
Marvin Leseberg, Rock Port, $23,910.
Ed Bass, Fairfax, $23,690.
Total payees in county (9), $245,822.

Audrain County

A. C. Farms, Inc., Mexico, $33,518.

Bates County

E. A. Brewer, Butler, $32,923.
Howard Eastland, Sr., Rich Hill, $28,486.
True Beisly, Nevada, $27,369.
Irvin Ranch, Gage, $22,455.
Don Gretzinger, Urich, $21,783.
Bill Ingram, Rich Hill, $21,569.
Total payees in county (6), $154,585.

Boone County

Dorsey M. Bass, Columbia, $43,884.
John S. Williamson, Columbia, $24,913.
Smith Bros., Columbia, $21,582.
Total payees in county (3), $90,379.

Buchanan County

Sonnenmoser Bros., Weston, $35,088.
Frederick L. Schuster, Gower, $31,710.
Total payees in county (2), $66,798.

Callaway County

Raymond Atkinson, Kingdom City, $26,553.
Wise Bros. Inc., Kingdom City, $25,971.
Total payees in county (2), $52,524.

Carroll County

R. E. Wiese Farms, Inc., DeWitt, $39,538.
Kipping Brothers, Carrollton, $34,435.
D. N. M. Grain Co., Kansas City, $34,094.
Famuliner Brothers, Carrollton, $28,089.
Ronald Gibson, Norborne, $23,184.
Jimmie D. Leighty, Carrollton, $20,850.
Total payees in county (6), $180,190.

Chariton County

Quinn Bros., Salisbury, $61,986.
W. L. Dickinson, Keytesville, $27,240.
C. S. Bramble and Sons, Glasgow, $26,349.
Total payees in county (3), $115,575.

Clay County

Woodrow Wren, Kansas City, $25,353.
Curry Angus Farms, Inc., Kansas City, $22,031.
Total payees in county (2), $47,384.

Clinton County

Harold J. Hales, Plattsburg, $21,612.

Cooper County

John W. Stahl, Otterville, $22,033.

Daviess County

L. L. Cook & Son, Gallatin, $29,235.

Dunklin County

Albert Hall, Holcomb, $33,203.
J. F. Baker, Kennett, $31,548.
M. C. Collins, Holcomb, $26,513.
Harris Farms, Inc., C/o Paul Harris, Senath, $24,869.
Arthur Robinson, Clarkton, $24,844.
V. M. Jones, Sr., Hornersville, $23, 847.
Bill Wilburn, Kennett, $23,455.
Loyd Robertson, Clarkton, $22,826.
J. T. Moody, Clarkton, $21,851.
Bond Rouse, Hornersville, $21,729.
M. H. Collins, Holcomb, $21,719.
H. W. Droke, Hornersville, $21,377.
Charles Pelts, Linden Circle, Kenneth, $20,788.
Matthews Agency Account, C/o Ted York, Jr., Senatath, $20,749.
Audie Grsham, Kennett, $20,260.
Jack Rollins, Holcomb, Mo., $20,022.
Total payees in county (16), $379,600.

Harrison County

Johnson Land and Devl., Gallatin, $26,493.

Henry County

Labahn Sloan Corp., Green Ridge, $29,834.
Joe V. Beaty, Blairstown, $20,695.
Cecil E. Gray, Clinton, $20,387.
Total payees in county (3), $70,916.

Holt County

Donald E. Morris, Fortescue, $64,212.
Patterson Farms, Inc., % G. D. Patterson, Maitland, $54,872.
Jack Windle, Nebraska City, $42,077.
Haer Farms, Emmett Haer, Craig, $29,802.
W. R. Pulliam, 4411 Frederick, St Jo, $21,218.
Total payees in county (5), $212,181.

Howard County

Roy J. Davis, Boonville, $55,486.

Jackson County

Rids Church, Independence, $88,953.

Knox County

James B. Washburn, La Belle, $32,643.
Frances McSorley, Edina, $22,725.
Total payees in county (2), $55,368.

Lafayette County

Batman Farm, Kansas City, $25,659.
William R. Meyer, Norborne, $20,368.
Total payees in county (2), $46,027.

Lawrence County

Jackie L. Thomas, Miller, $22,498.

Lewis County

J. Oren Reid, Lagrange, $26,940.
H. J. Richter, Inc., Lagrange, $25,602.
Jerry Spicknall, Labelle, $23,540.
Ben Casebier, Jr., Lagrange, $21,671.
Total payees in county (4), $97,753.

Linn County

Mary Wheatcraft & Sons, Brookfield, $21,619.
Roy B. Quinn, Chillicothe, $21,237.
Total payees in county (2), $42,856.

Livingston County

Marshall Meservey, Chula, $31,658.
L. O. Girdner, Chillicothe, $23,114.
Mervyn Jenkins, Dawn, $22,070.
Total payees in county (3), $76,842.

Mercer County

Alfred Ryder, Princeton, $27,181.

Mississippi County

Dearmont Oliver, Prairie, $101,987.
Marshall Lands, Inc., Charleston, $83,122.
Wolf Island Farms, Wolf Island, $64,016.
Burke Bros. & Giltz, Inc., Charleston, $61,859.
Bryant Farms, Inc., Prairie, $46,682.
Big Oak Farms, Prairie, $45,066.
H. & D. Duenne Farms, Charleston, $39,539.
Carl Simpkins, East Prairie, $37,818.
Lankheit Plantation, Charleston, $33,039.
Choate Farms, Inc., Charleston, $32,648.
Richard Pike, Charleston, $32,025.
Thurmond Farms, Inc., Charleston, $30,879.
Stallings Bros., Charleston, $30,340.
William Love, Charleston, $29,354.
Babb & Deline, Charleston, $28,708.
Ray Hillhouse, Charleston, $27,375.
Mt. Level Farms, East Prairie, $27,280.
Sam G. Jones, East Prairie, $26,429.
Heath Farms, East Prairie, $26,390.
Moxley Farms, Wyatt, $25,757.
Sam Cox Goodin, Charleston, $25,686.
Robert C. Jackson, Charleston, $25,587.
James C. Moreton, Charleston, $25,585.
Shelby Farms, Inc., Charleston, $25,320.
Billy G. Johnson, Bertrand, $25,035.
Paul Stallings, Charleston, $24,564.
M. & M. Farms, Bertrand, $23,821.
A. C. Drinkwater Farms, Charleston, $23,354.
Elbert Hanor, Charleston, $23,234.
Rolwing Bros., Charleston, $22,447.
Finley Thompson, Charleston, $22,084.
A. Vernon Goodin, Charleston, $21,959.
Ault Co., Charleston, $21,898.
Leslie S. Fox, Charleston, $21,794.
David B. Brewer, Charleston, $21,673.
C. E. Vowels & Co., Charleston, $21,510.
Terry Hequembourg, Charleston, $21,244.
Al S. Burnett, Charleston, $21,069.
Billy G. Brown, Charleston, $20,164.
Total payees in county (39), $1,268,341.

Moniteau County

Norman Schoenthal, Prairie Home, $21,923.

New Madrid County

Charles Pikey & Son, Conran, $62,892.
Byars Orton, Portageville, $53,797.
Ernest Carpenter, New Madrid, $50,562.
Fletchers Gin, Inc., Gideon, $42,720.
Aubra Wrather, Portageville, $40,722.
Raymond Ashley, Catron, $39,914.
David Barton, Catron, $38,893.
A. C. Riley, New Madrid, $37,415.
Lorwood Plantation, Parma, $36,690.
Bert Latham, Matthews, $36,027.
Lawrence Warren, Portageville, $35,659.
S. L. Hunter, Jr., c/o Arline Avery, Agt., New Madrid, $35,059.
James B. Crouthers, Catron, $35,027.
W. V. Riley, New Madrid, $33,858.
Nesselrodt and Campbell, Lilbourn, $33,610.
F. S. Hunter, New Madrid, $30,589.
B. & C. Harvesting Co., Parma, $29,608.
Doyle Hicks, Risco, $29,522.
E. B. Gee, Jr., c/o John Bailey, Agt., Portageville, $28,587.
Robert McCoy, Marston, $28,243.

Barry Richardson, Marston, $27,596.
Donald Fay, Underwood, Portageville, $27,367.
Oren Ross, Lilbourn, $26,772.
Collis Maltbia, New Madrid, $26,475.
C. J. Stancil, East Prairie, $26,111.
E. B. Gee Frailey Gin Inc., Portageville, $25,357.
Reno Ashley, Catron, $25,322.
Lavalle Farms, New Madrid, $24,931.
L. B. Wolfe, Lilbourn, $24,789.
George Dawson, New Madrid, $24,634.
Paul Bradley, New Madrid, $24,469.
D. K. Lape, Sikeston, $24,120.
Jimmy Baugher, Manila, $24,092.
Nolley Farms Inc., Sikeston, $23,946.
James L. Doster, Sikeston, $23,805.
Grape Ridge Farms, Marston, $23,714.
R. A. Nesselrodt, Lilbourn, $23,478.
W. W. Burlison, Wardell, $23,125.
Billy G. Swiney, Catron, $22,714.
James Overton Swiney, Catron, $22,692.
Clyde H. Swiney, Catron, $22,692.
Michael Estes, Matthews, $22,610.
J. J. Bloomfield, New Madrid, $22,531.
Robert Riley, New Madrid, $22,496.
Priggel Bros., Portageville, $22,293.
Charles Barnett, Sikeston, $22,185.
W. M. Shaw, Tallapoosa, $22,172.
N. J. Nowell, New Madrid, $21,514.
Malden Grain Co., Malden, $20,131.
Jay Blankenship, Kewanee, $20,000.
Total payees in county (50), $1,473,527.

Nodaway County

RSR Ranch, Burl Jct., $27,427.

Pemiscot County

R. O. Pierce, Caruthersville, $71,573.
O. H. Acom Farms Inc., Wardell, $64,443.
Coy Wilson, Portageville, $44,408.
Dolphin Land Company, Steele, $44,169.
Orton and Toton, Portageville, $43,407.
L. Berry Farms, Inc., Holland, $41,028.
Mehrle Farms, Caruthersville, $46,632.
Watkins Farms, Inc., Hayti, $39,537.
Donald Rone, Portageville, $38,485.
Lloyd Massey, Hayti, $34,426.
James O. Taylor, Caruthersville, $33,864.
T. R. Cole & Sons, Pascola, $32,678.
Gene Wingfield, Steele, $32,539.
James S. Bruton, Caruthersville, $30,932.
Ansel Underwood, Portageville, $30,524.
J. E. Ward, Deering, $29,771.
Howard Fike, Caruthersville, $28,727.
Lee Dorroh, Caruthersville, $28,681.
John R. Franklin, Hayti, $28,229.
W. E. Smith, Jr., Portageville, $28,217.
S. Crews Reynolds, Caruthersville, $27,165.
Gary Bruton, Braggadocio, $26,446.
Billy C. Palmer, Hayti, $26,231.
Willard D. Long, Braggadocio, $26,069.
Stillman and Bean Fr., Peach Orchard, $25,132.
J. D. Long, Braggadocio, $25,033.
Jeff Wade, Jr., Bragg City, $24,232.
Royal Sanders, Steele, $24,205.
George T. Killion, Portageville, $24,172.
C. W. Reed III, Hayti, $24,056.
Sides Bros., Hayti, $24,023.
Tommy Pate, Hayti, $23,364.
Talmadge Burgess, Portageville, $22,826.
Haggard Farms, Steele, $22,553.
Boyd McCrary, Hayti, $22,276.
D. J. Merideth, Jr., Caruthersville, $21,582.
Sherley Lovins, Steele, $21,501.
J. E. Jones Est., Steele, $21,482.
Kneibert, Stillman, Peach Orchard, $21,450.
Clifford Jackson, Holland, $21,314.
Cleo Brents, Pascola, $21,201.
John L. Atwill, Deering, $21,200.
Witt Smith, Blytheville, Ark., $21,094.
Lawrence W. Barnes, Steele, $21,073.
T. O. Shelly, Hayti, $20,962.
Douglas Riddick, Portageville, $20,816.
Able Rushing, Cooter, $20,637.
J. W. Bradford, Hayti, $20,623.
Clinton Caudle, Steele, $20,594.
Earl W. Gill, Hayti, $20,544.
Jerry McHugh, Wardell, $20,351.
Total payees in county (51), $1,470,477.

Perry County

O. F. Gremaud, Perryville, $79,839.
N. H. Bruckerhoff, Perryville, $55,125.
Total payees in county (2), $134,964.

Pike County

Pike Grain Co., Louisiana, $38,770.
Dundee Cement, Clarksville, $33,332.
Marion Mackey, Clarksville, $29,974.
Total payees in county (3), $102,076.

Platte County

I. R. Kirk Farm, Inc., Weston, $26,642.

Ray County

Green Top Farms, Inc., Richmond, $71,793.
F. O. Handley, Richmond, $27,730.
Wilbert Matthews, Richmond, $23,091.
Luman Offutt Farms, Inc., Orrick, $20,324.
Richmond Loan & Realty Co., Richmond, $20.206.
Total payees in county (5), $163,144.

Saline County

Eugene Elson, Miami, $57,329.
Jim Franklin, Slater, $33,175.
L. J. Rasse Est., Marshall, $29,668.
Saline Co. Farms, Marshall, $21,362.
J. I. Akeman, Slater, $21,340.
John Stonner, Miami, $20,485.
Total payees in county (6), $183,359.

Scott County

E. P. Coleman, Jr., Sikeston, $59,299.
J. Handy Moore, Sikeston, $36,448.
Wm. B. Moore Farm, Sikeston, $35,234.
Wm. H. Deane III, Sikeston, $32,109.
Taylor Farms, Benton, $31,944.
Heckemeyer Farms, Sikeston, $26,776.
United Ridge Co., Sikeston, $24,394.
E. L. Tongate, Sikeston, $24,069.
B. F. Marshall and Sons, Sikeston, $23,122.
A. D. and J. G. Johnson, Vanduser, $22,277.
J. M. Wallace, Charleston, $22,032.
Elvert Evans, Oran, $21,466.
Jackson Hunter, Sikeston, $21,193.
W. R. Lewis, Jr., Sikeston, $21,183.
John Engram, Vanduser, $20,359.
Total payees in county (15), $421,905.

Shelby County

GSG Inc., Leonard, $22,445.

St. Charles County

Saale Bros. Farm & Grain Co., West Alton, $55,404.

Ste. Genevieve County

Bartels Farms, Inc., St. Marys, $59,971.
Alan W. Schaefer, Ste. Genevieve, $41,183.
Loida Bros., Ste. Genevieve, $38,089.
Aubuchon Farms, Ste. Genevieve, $29,911.
Total payees in county (4), $169,154.

St. Louis County

Emil Hoechst, St. Louis, $30,792.
City of St. Louis, St. Louis, $20,873.
Total payees in county (2), $51,665.

Stoddard County

W. P. Hunter, Bell City, $87,990.
Mahan & Radcliffe, Parma, $69,168.
Taylor Bros., Essex, $61,626.
W. O. Swiney, Morehouse, $60,731.
H. A. Recker, Essex, $45,331.
A & H Planting Co., Bell City, $43,970.
Claude Keasler, Parma, $39,146.
Gary Crump, Bernie, $38,700.
Dwayne Smith, Sikeston, $30,221.
Earl Anthony, Poplar Bluff, $27.693.
Hermon Smith, Sikeston, $27,425.
Avra Cox, Perkins, $25,809.
Lane Brothers, Dexter, $25,589.
Harold Lumsden, Essex, $22,133.
Alice L. Scherer, Bell City, $21,185.
E & H Farms, Dexter, $20,593.
Mack Bain, Parma, $20,587.
T. E. Campbell, Bell City, $20,397.
Total payees in county (18), $688,294.
Total payees in State (279), $8,540,556.

MONTANA

Beaverhead County

Jones Ranches, Inc., Dillon, $47,333.
Matador Cattle Co., Dillion, $24,597.
Total payees in county (2), $71,930.

Big Horn County

Campbell Farming, Hardin, $194,699.
Pryor Land Company, Billings, $63,659.
Floyd Warren Inc., Hardin, $57,170.
A. G. Ballensky, Hardin, $41,206.
Robert Formanack, Lodge Grass, $35,565.
Torske Farm Inc., Hardin, $32,460.
Erwin Schnad, Billings, $31,474.
Clyde L. Hawks Inc., St. Xavier, $25,161.
Henry Schneider, St. Xavier, $24,556.
Raglands Incorporated, Hardin, $23,213.
Murry J. Brown, Lodge Grass, $21,565.
Shirasago Farming, Hardin, $20,530.
Total payees in county (12), $571,258.

Blaine County

Rasmussen Farming Corp., Harlem, $32,471.
James R. Billmayer, Hogeland, $20,780.
Total payees in county (2), $53,251.

Broadwater County

V. R. Cazier & Sons, Toston, $52,879.
Hunsaker Bros. Inc., Toston, $28,607.
W. D. Rankin Est., Helena, $21,422.
Total payees in county (3), $102,908.

Carbon County

Stanley Arthun, Joliet, $22,115.

Carter County

Adolph Fix, Ekalaka, $39,307.
Ralph Bruski, Ekalaka, $21,085.
Total payees in county (2), $60,392.

Cascade County

R. & C. Farming Co., Great Falls, $70,209.
R. S. Oday, Jr., Great Falls, $51,467.
Donald Bowman, Belt, $34,844.
Zoller Farms, Great Falls, $29,073.
J. Edwin Lassila, Great Falls, $26,541.
Sylvia & Robert Gruel, Great Falls, $25,857.
Anderson & Hovland, Great Falls, $25,256.
Angus Hunt Ranch, Inc., Great Falls, $25,130.
Clayton Sweeney, Belt, $25,096.
Malvin Merja, Sun River, $24,854.
L. Johnson, Inc., Great Falls, $24,338.
Carl J. Kantorowicz, Wolf Creek, $22,969.
Sieben Livestock Co., Helena, $22,026.
Lawrence Suek, Floweree, $21,572.
Dawson Ranch, Inc., Belt, $21,140.
Carl Mehmke, Great Falls, $21,080.
C. Bovey, Great Falls, $20,924.
Lewis Hunt, Floweree, $20,246.
Total payees in county (18), $512,622.

Chouteau County

Onstad Grain Co., Carter, $56,359.
Robertson Ranch Co., Carter, $41,141.
Melvin Batchelor, Carter, $39,982.
R 5 Ranch, Carter, $39,648.
Phil F. Schafer, Great Falls, $38,020.
Raymond Romain, Fort Benton, $36,912.
George Gray, Carter, $36,590.
J. G. Robertson Corp., Great Falls, $36,067.
Oscar A. Kalgaard, Big Sandy, $35,770.
Wyley P. Good, Carter, $32,199.
Ronald M. Upham, Loma, $31,936.
Morris B. Stewart, Fort Benton, $30,453.
Witt Ranch, Carter, $29,031.
Paul Onstad, Carter, $29,014.
Forrest Charlson, Carter, $29,002.
Royce Applegate, Geraldine, $28,906.
Birkeland & Son Inc., Fort Benton, $28,188.
Macdonald Farms Inc., Fort Benton, $27,211.
Helland Land Co., Fort Benton, $26,239.
Leeper Land Co., Fort Benton, $25,890.
ABN Ranch Inc., Fort Benton, $25,657.
Rossmiller Farms, Brady, $25,498.
Molinaric Farms, Carter, $24,881.
Marcus V. Nichols, Lakeside, $24,802.
Retting Farms, Highwood, $23,888.
W/M Wheat/Livestock, Fort Benton, $23,433.
Perry Farms, Fort Benton, $22,436.
Harold & Charles Knudson, Fort Benton, $22,246.
J. Norris Owen, Geraldine, $21,746.
M. & K. Farm Inc., Floweree, $21,708.
Ted Worrall, Loma, $21,631.
J. R. Katzenberger Inc., Highwood, $21,593.
Lawrence Romain, Great Falls, $21,198.
Andrew Trunk, Geraldine, $21,189.

Henry E. and Ruth E. Goldhahn, Geraldine, $21,135.
George A. Stevens, Loma, $21,045.
J. A. Gottfried, Fort Benton, $20,760.
Paul C. Patton, Great Falls, $20,625.
George H. Streit, Fort Benton, $20,224.
Lloyd Cline, Fort Benton, $20,039.
Lyle McKeever, Loma, $20,004.
Total payees in county (41), $1,144,296.

Custer County

W. M. Nefsy, Miles City, $27,917.
John E. Blackburn, Lodge Grass, $22,765.
Mugglie Brothers Inc., Miles City, $21,834.
Hirsch Ranch Inc., Miles City, $21,580.
Total payees in county (4), $94,096.

Daniels County

State of Montana, Helena, $666,757.
Frederick Brothers, Flaxville, $24,840.
Hellickson Brothers, Scobey, $23,880.
Ramon Trower, Scobey, $23,591.
Oglesby Farms, Inc., Peerless, $21,435.
Dewayne Linder, Flaxville, $21,184.
Chas. L. J. & N. L. Fouhy, Richmond, $21,090.
Total payees in county (7), $802,777.

Dawson County

Wolff and Sons, Inc., Lindsay, $37,369.
Norman Anderson, Glendive, $31,095.
Frank Klempel, Bloomfield, $26,313.
D. W. & R. D. Tague, Intake, $24,998.
Gordon Kolberg, Glendive, $24,362.
Kenneth Edwards, Glendive, $23,811.
August Sobotka, Glendive, $21,016.
Bernard Goosen, Richey, $20,253.
Total payees in county (8), $209,217.

Fallon County

Robert L. Cox, Baker, $36,867.
Darrell Johnson, Baker, $31,888.
Sikorski & Sons, Inc., Willard, $31,336.
Mobile Pellet Co., Baker, $25,161.
Delane Beach, Baker, $24,831.
Schweigert Ranch, Baker, $24,385.
Fred Buerkle, Plevna, $22,172.
A. L. Meccage, Baker, $21,847.
Ernest Bechtold, Baker, $21,419.
Total payees in county (9), $239,906.

Fergus County

Robert & Gerald Barber, Denton, $27,327.
Ralpt Lee, Buffalo, $23,225.
Deerfield Ranch Col., Moore, $20,175.
Deerfield Ranch Col., Danvers, $23,000.
Wright Ranch Incorp., Moore, $20,175.
Total payees in county (4), $93,727.

Flathead County

Paul Grosswiler, Kalispell, $32,144.
Edmiston Land & Cattle Co., Kalispell, $21,511.
Total payees in county (2), $53,655.

Gallatin County

Henry Dehaan, Manhattan, $22,539.

Garfield County

Gerald Gibbs, Jordan, $27,765.

Glacier County

Glendale Colony, Cut Bank, $34,877.
Warren Swenson, Cut Bank, $33,443.
E. O. Peterson, Cut Bank, $32,289.
Lyman Denzer, Conrad, $29,613.
J. W. & Bob Smith, Cut Bank, $28,952.
John Lewis, Cut Bank, $27,611.
Stufft Farms Inc., Cut Bank, $25,292.
William McAlpine, Cut Bank, $24,522.
Jenro Ranch Co., Browning, $24,406.
Treasure Acre Farms, Cut Bank, $23,733.
Jerry Johnson, Cut Bank, $21,428.
Glacier Farms, Cut Bank, $21,029.
John V. Anderson, Cut Bank, $20,300.
Total payees in county (13), $347,495.

Hill County

John Romain, Havre, $58,170.
Leo M. Kraft, Havre, $42,037.
Spicher Bros., Hingham, $37,491.
Marlin Spicher & Sons, Hingham, $36,950.
Miller Bros., Gildford, $35,790.
Lineweaver Farms, Inverness, $33,415.
Dees Brothers, Kremlin, $29,461.
Jack Swinney, Gildford, $28,608.
Leonard Miller, Havre, $25,848.
J. P. Verploegen, Havre, $25,555.
Kraft & Martin, Havre, $25,482.
Hilldale Colony, Havre, $25,471.
Lloyd Twedt, Hingham, $25,294.
Stuart McIntosh, Simpson, $24,261.
John McIntosh, Havre, $23,579.
Kenneth G. Axvig, Kremlin, $23,483.
D. O. Koefod Agent, Havre, $22,608.
Harold R. Wanke, Rudyard, $22,303.
Herbert G. Bitz, Elder, $22,168.
Arvin, Aageson, Gildford, $22,138.
Lloyd W. Kaercher, Havre, $21,844.
Dow Bros., Havre, $21,777.
Rodney Spicher & Sons, Hingham, $20,725.
Glennon H. Watson, Gildford, $20,010.
Total payees in county (24), $674,468.

Jefferson County

Robert N. Price, Three Forks, $20,777.
Donald C. Dykema, Manhattan, $20,065.
Total payees in county (2), $40,842.

Judith Basin County

Glenn Woodbury, Geyser, $21,280.
Evans Bros., Stanford, $20,255.
William Henry Ward, Hobson, $20,056.
Roger Petersen, Buffalo, $20,016.
Total payees in county (4), $81,607.

Lake County

Jaye Johnson, Ronan, $20,904.
Curtis Van Voast, Polson, $20,276.
Total payees in county (2), $41,180.

Lewis and Clark County

Diehl Ranch Co., East Helena, $30,314.
Sieben Ranch Co., Helena, $29,564.
Milford Colony, Inc., Wolf Creek, $28,377.
Total payees in county (3), $88,255.

Liberty County

Allen C. Kolstad, Ledger, $47,760.
Raymond Fritz, Chester, $43,611.
Clarence Romain, Chester, $41,572.
McNutt Brothers, Springfield, $41,275.
Bill W. Fraser, Chester, $33,748.
John Wanken, Chester, $32,881.
O. M. Skari & Sons, Inc., Chester, $31,369.
Galen Kolstad, Lothair, $30,752.
Carl Brown, Chester, $28,534.
Brown & Brown, Inc., Great Falls, $28,425.
Oliver C. Morkrid, Chester, $27,047.
Leo Jensen, Chester, $26,301.
Skierka Brothers, Chester, $25,940.
Dayton Kolstad, Ledger, $25,753.
Leonard Staudacher, Jr., Chester, $24,528.
Gordon or John Kammerzell, Chester, $24,282.
Clark Diemert, Lothair, $22,443.
William H. Earl, Jr., Chester, $22,052.
Semenza Farm, Fort Benton, $21,512.
Hi-Line Farms, Joplin, $21,508.
Ole Jensen, Chester, $21,407.
Bert W. Alley, Joplin, $21,044.
William H. Skinner, Lothair, $20,611.
McClellan Farms, Inc., Joplin, $20,407.
Total payees in county (24), $684,762.

Madison County

R. C. Rice, Harrison, $30,585.
Gilbert Lvstk Co., Dillon, $25,088.
Mariner Ballard, Dillon, $24,526.
Total payees in county (3), $80,199.

McCone County

Otis S. Waters, Richey, $52,933.
Bodray Hagestad, Wolf Point, $30,337.
Dreyer Bros., Inc., Circle, $28,922.
Melvin P. Johnson, Vida, $21,617.
Kudrna & Witte, Inc., Circle, $21,035.
Total payees in county (5), $154,844.

Meagher County

Springdale Colony, Wht Slphr Sprg, $31,272.
Russell Manger, Townsend, $25,717.
Total payees in county (2), $56,989.

Petroleum County

Ray Bohn, Winnett, $25,207.

Phillips County

Matador Ranch, Inc., Dodson, $25,583.
Stanford Boothe, Wagner, $25,403.
Roger Simonson, Saco, $22,621.
North Bench Farms, Whitewater, $22,063.
Clyde Waters, Malta, $21,917.
Total payees in county (5), $117,587.

Pondera County

John Keil & Sons, Inc., Ledger, $54,359.
Tom McCracken, Ledger, $38,905.
Loren Warwick, Conrad, $35,723.
New Miami Colony, Pendroy, $34,440.
Ralph Bouma, Ledger, $29,871.
Birch Creek Colony, Valier, $28,315.
John Wood, Conrad, $27,500.
Donald Keil, Conrad, $26,926.
Anderson Lahr Land & Cattle, Conrad, $24,977.
Thomas W. Boucher, Valier, $24,810.
Bjelland & Robinson, Conrad, $23,290.
Russell Wikstrom, Brady, $23,123.
Eliz Seifert, Valier, $22,394.
S. T. McFarland, Conrad, $21,967.
Keil Ranch, Inc., Conrad, $21,659.
Gordon Matheson, Ledger, $20,189.
Total payees in county (16), $458,448.

Powder River County

Dale V. Benge, Volborg, $24,882.

Prairie County

Frank Eaton and Sons, Lindsay, $23,142.
Brandenthaler & Lee, Terry, $20,915.
Total payees in county (2), $44,057.

Richland County

Allen Verschoot, Richey, $29,472.
Covered Wagon Ranch, Inc., Savage, $28,185.
Basta Ranches, Savage, $23,889.
Frank Gladowski, Lambert, $21,745.
Paul Vaira, Culbertson, $21,179.
Calvin Steppler, Brockton, $20,648.
Bernard Pease, Enid, $20,498.
Total payees in county (7), $165,616.

Roosevelt County

Schnitzler Corp., Froid, $46,242.
Moe Farm Corporation, Poplar, $31,409.
A. A. Werner, Poplar, $29,269.
Louis Toavs, Wolf Point, $28,051.
Swank & Son, Poplar, $24,299.
Wheeler Bartley Ranch, Inc., Froid, $23,980.
George Stensland, Wolf Point, $23,243.
Wm. Harmon Farms, Bainville, $21,555.
Dean Harron, Bainville, $20,690.
Total payees in county (9), $248,738.

Rosebud County

Cliff Wright Ranch, Inc., Forsyth, $23,886.
Ivan Dahlman, Forsyth, $23,190.
Total payees in county (2), $47,076.

Sheridan County

Nash Brothers, Redstone, $57,420.
Richard McCarty, Plentywood, $29,754.
Larsen Farms, Inc., Plentywood, $23,656.
E. J. Lander and Co., Grand Forks, $23,352.
Howard Holtan, Plentywood, $23,287.
Lund Hereford Ranch, Reserve, $21,381.
Total payees in county (6), $178,850.

Stillwater County

Arnold Ranch, Broadview, $35,525.
Yellowstone Grain Co., Molt, $29,821.
M. E. Davey, Columbus, $23,700.
Mosdal Bros., Rapelje, $22,164.
Total payees in county (4), $111,210.

Sweet Gras County

Donna J. Cremer, Big Timber, $30,336.
Leo J. Cremer, Jr., Melville, $25,352.
Total payees in county (2), $55,688.

Teton County

Van Horn Ranch Co., Dutton, $31,074.
Habel Bros., Dutton, $25,609.
New Rockport Colony, Choteau, $25,096.
Rockport Colony, Pendroy, $24,200.
Miller Colony, Inc., Choteau, $24,146.
Robert Stephens, Dutton, $23,996.
James Stephens, Dutton, $23,954.
Eugene W. Johnson, Dutton, $23,576.
Herman G. Bouma, Choteau, $21,675.
Robert Kropp, Conrad, $21,241.
Christman Ranch, Dutton, $20,457.
Herman Maurer, Dutton, $20,439.
David Maurer, Dutton, $20,215.
Total payees in county (13), $305,678.

Toole County

S. A. Adaskavich, Shelby, $72,030.
Bill McCarter, Galata, $57,065.
Kenneth Leck, Galata, $38,758.
Hellinger, Bros., Devon, $30,973.
John McCarter, Shelby, $29,236.
Wigen Bros., Devon, $28,804.
Leo Flesch, Shelby, $28,024.
Robert Sisk, Jr., Galata, $26,870.
Hjartarson Partnership, Ethridge, $26,668.
David Ratzburg, Ledger, $26,482.
Miles Burd, Galata, $26,147.
Westermark Bros., Devon, $25,875.
Raymond Tomsheck, Ethridge, $25,632.
Gary Aklestad, Galata, $24,155.
Lloyd McLean, Shelby, $24,073.
Dale Kinyon, Galata, $23,897.
Munson Bros., Devon, $23,455.
Pleasant View Farm, Ferdig, $23,424.
Wm. Judisch & Sons & James Judis, Ledger, $22,788.
Boxwell Farms, Sunburst, $22,307.
McAlpine Bros., Sunburst, $22,104.
Lindberg Bros., Ledger, $21,240.
Charles Wiegand, Jr., Shelby, $20,790.
Total payees in county (23), $670,797.

Treasure County

Ted Kallen, Hysham, $26,825.
Harold Zent, Hysham, $24,384.
Total payees in county (2), $51,209.

Valley County

Francis Tarum, Richland, $28,622.
Mogan Ranch Inc., Hinsdale, $26,967.
F. L. Bailey, Glentana, $22,460.
Otto Zerbe, Lustre, $22,025.
Elvin Olfert, Frazer, $20,830.
Robert J. Sweeting, Frazer, $20,619.
C. R. Tvedt, Glasgow, $20,305.
Total payees in county (7), $161,828.

Wheatland County

Martinsdale Colony, Martinsdale, $20,991.

Wibaux County

Harry Begger, Wibaux, $31,353.

Yellowstone County

Pearlie Lee, Billings, $33,515.
Lazy K. T. Ranch, Billings, $25,796.
Kemph Land & Livestock Co., Custer, $24,306.
Vale Creek Ranch, Billings, $23,303.
Glenn E. Potts, Custer, $20,837.
Glenn Frey, Billings, $20,812.
Orville Lane, Molt, $20,426.
Walter John Baxter, Laurel, $20,192.
Total payees in county (8), $189,187.
Total payees in State (309), $9,241,497.

NEBRASKA

Adams County

Ruth Hunt, Hastings, $49,909.
Mary Lanning Hosp., Hastings, $28,947.
Total payees in county (2), $78,856.

Antelope County

Dwight Morrison, Clearwater, $22,435.

Boone County

Choat & Sons, Inc., Albion, $40,970.
Dobson Brothers, Cedar Rapids, $39,051.
Wesley Mansfield, Tama, $31,993.
Wolf Bros. & Reich, Albion, $29,013.
Thomas Kennedy, Newman Grove, $25,906.
Kayton & Kayton Farms, Cedar Rapids, $23,592.
H. E. Nore, Genoa, $21,909.
Total payees in county (7), $212,434.

Box Butte County

Jessen Farms, Inc., Lodgepole, $42,045.
Edward Jelinek, Alliance, $41,919.
Garland Fisher, Hemingford, $34,074.
Robert R. Elliott, Solvang, $28177.
Eugene Schefcik, Alliance, $25,561.
Harry Cullan, Hemingford, $22,677.
Gary M. Benda, Alliance, $22,611.
Nagaki Bros, and H. Nakatsu, Alliance, $20,102.
Total payees in County (8), $237,166.

Brown County

Kenneth O'Hare, Ainsworth, $25,575.
Warren L. Walz, Ainsworth, $22,214.
Francis E. Bejot, Ainsworth, $22,183.
Total payees in county (3), $69,972.

Buffalo County

Mark Randall, Gibbon, $29,812.
Ernest Moss, Shelton, $25,619.
Western Alfalfa Corp., Odessa, $24,993.
Kearney Munn. Airport, Kearney, $24,355.
Delbert Lewis, Gibbon, $21,921.
Harold Moles, Elm Creek, $21,751.
Holtz Farms, Shelton, $20,620.
Loren Niemack, Shelton, $20,405.
Total payees in county (8), $189,476.

Burt County

John Tobin & Sons, Tekamah, $55,697.
Hundahl Farms, Tekamah, $49,465.
Tobin Ranch, Decatur, $37,726.
Chatt Bros. Renters, Tekamah, $31,235.
Van Newell, Tekamah, $27,840.
Cecil Ives,, Tekamah, $27,610.
Lillie Schnieder, Tekamah, $23,370.
Leonard Eriksen, Craig, $23,217.
Mariane Tobin, Tekamah, $22,321.
Richard A. Goll, Tekamah, $21,224.
Tobin & Englert, Tekamah, $20,962.
Harel Corp., Lyons, $20,906.
Elliott Bros., PTNP, Tekamah, $20,872.
Lowell Devasure, Tekamah, $20,117.
Total payees in county (14), $402,562.

Cass County

Walter Marolf, Waverly, $20,450.

Chase County

Leslie E. Smith & Sons, Inc., Imperial, $46,578.
Lester Mort, Venango, $39,090.
Yaw Farms, Inc., Champion, $37,681.
Bernard O'Neil, Wauneta, $32,483.
Maddux Cattle Co., Wauneta, $30,826.
Hughes Farms, Inc., Imperial, $27,446.
Harold D. Hughes, Venango, $27,200.
Stenger Pribbeno, Lt., Imperial $25,621.
J. K. Cox and Aryln Cox, Champion, $22,227.
Jay Dean Krueger, Amherst, $20,227.
Total payees in county (10), $309,379.

Cheyenne County

Robert R. Rauner, Sidney, $23,154.

Clay County

A. J. Skalka and Sons, Deweese, $33,333.
Woods Bros. & Ells, Fairfield, $29,910.
Harold F. Smith, Harvard, $25,853.
Russell Swanson, Clay Center, $25,198.
Robert H. Kinyoun, Clay Center, $22,904.
Ralph Wilson and Son, Edgar, $22,596.
Grove Corporation, Edgar, $22,388.
Hajny Brothers, Clay Center, $22,343.
Rolland Hakanson, Fairfield, $20,631.
Total payees in county (9), $225,156.

Colfax County

F. J. Higgins Farms, Inc., Schuyler, $87,347.
A. Glenn Kluck, Richland, $29,987.
L. and Wagner Co., Schuyler, $29,597.
Clifford McBurney, Rogers, $23,044.
Total payees in county (4), $169,975.

Cuming County

Albers Dehy Co., Wisner, $44,326.

Custer County

Reuben R. Squier, Anselmo, $39,375.
Pirnie Brothers Cattle Co., Weissert, $32,411.
Harry W. Henry, Oconto, $31,332.
G. C. Hostick, Merna, $23,986.
Clyde Bartak, Merna, $23,583.
John S. Koubek, Arnold, $21,348.
Total payees in county (6), $172,035.

Dakota County

Leo C. Andersen, Dakota City, $60,838.
Beermann Farms Inc., Dakota City, $52,776.
Total payees in county (2), $113,614.

Dawes County

William J. Iodence, Hemingford, $29,459.
Peddicord Cattle Co., Chadron, $26,018.
Pepper Creek Ranch Inc., Hay Springs, $25,252.
Clifford Bergfield, Chadron, $23,819.
Total payees in county (4), $104,548.

Dawson County

Central Alfalfa Inc., Lexington, $38,469.
Dawson County Feed Prod. Inc., Lexington, $37,312.
Platte Valley Products Inc., Lexington, $32,938.
Noel Cover, Cozad, $28,390.
George Maloley & Sons, Lexington, $26,220.
Allan Armbruster, Cozad, $24,827.
Aden Bros., Gothenburg, $24,616.
Gruber Land & Cattle Co. Inc., Cozad, $23,182.
Harold W. Prosser Company, Lexington, $21,134.
Circle B. Farms Inc., Cozad, $20,638.
Juhl Smith, Cozad, $20,035.
Total payees in county (11), $297,761.

Deuel County

W. H. Palser Farms, Inc., Big Springs, $54,690.
Grace Land and Cattle Co., Lewellen, $33,680.
Kjeldgaard Farm, Inc., Big Springs, $25,499.
Joe Hertje, Big Springs, $25,041.
Bailey Partnership, Big Springs, $22,733.
Carlson Ranch, Inc., Chappell, $21,701.
Total payees in county (6), $183,344.

Dodge County

Harland S. Milligan, Hooper, $29,927.
Donald Flamme, North Bend, $23,137.
Stanley F. Jaiser, Fremont, $22,274.
Total payees in county (3), $75,338.

Douglas County

B. Johnson Exec, Elkhorn, $27,507.
Wedak Farms, W. R. Wedberg, Valley, $25,336.
Hans Neumeyer, Bennington, $25,010.
Tony Vencil, Waterloo, $20,911.
Bruhn Packing Co., Elkton, $20,466.
Total payees in county (5), $119,230.

Dundy County

Dan Ellis, Benkelman, $26,119.
B. E. Gottschalk, Benkelman, $20,863.
Total payees in county (2), $46,982.

Filmore County

Dale Lovegrove, Est., Fairmont, $40,787.
Karl C. Brinkman, Geneva, $40,167.
Alfs Imp. & Well Drlg. Co., Shickley, $39,472.
Robert Bettger, Fairmont, $38,503.
Robert D. Lovegrove, Fairmont, $25,945.
Keith Burt, Grafton, $25,297.
Harold F. Roush, Shickley, $24,272.
Robert B. Waring, Jr., Geneva, $23,896.
John W. Wilkins, Geneva, $23,582.
Bruce Nedrow, Fairmont, $23,077.
Ashby Farms, Geneva, $22,970.
Ernest Stengel & Sons, Shickley, $21,661.
Ralph Softley, Fairmont, $20,977.
O'Connor Brothers, Fairmont, $20,933.
Chet Chaney, Geneva, $20,666.
Total payees in county (15), $412,205.

Franklin County

Kahrs Farms, Inc., Bloomington, $32,879.
W. J. Bach, Riverton, $30,576.
Wayne Ziebarth, Wilcox, $26,427.
Calvin Soucie, Upland, $25,862.
John Gardels, Wilcox, $23,579.
Charles R. Harrison, Naponee, $21,850.
Total payees in county (6), $161,173.

Furnas County

Johnson Bros. & Jones, Cambridge, $76,258.
Lusking Farm & Ranch Crop., Oxford, $30,250.
Kenneth Carpenter, Sr., Arapahoe, $27,272.
Ten Bensel & Sons, Cambridge, $24,118.
Eldin Haussermann, Arapahoe, $20,352.
Total payees in county (5), $178,250.

Gage County

Flo Wal Farms, Inc., Dewitt, $33,179.
John Krause & Sons, Adams, $24,969.
Total payees in county (2), $58,148.

Garden County

Leo Jessen, Oshkosh, $64,519.

Gosper County

Henry Schilling, Elwood, $20,135.

Greeley County

James H. Dugan, Greeley, $44,510.
Marvin W. Dugan, Greeley, $31,045.
Harry E. Cockerill, Spalding, $23,345.
Raymond Dugan, Greeley, $20,292.
Total payees in county (4), $119,192.

Hall County

Wm. Packer and P. H. Packer Ptnrs, Wood River, $36,570.
Loren Walter Ivan Bilslend Ptn., Wood River, $32,762.
Ralph Mettenbrink, Grand Island, $22,454.
Donald L. Rohrich, Wood River, $21,956.
Leo F. Thelen, Wood River, $21,753.
Clifford R. Woodman and Son, Kenesaw, $21,588.
Hayse and Derr Partners, Wood River, $21,406.
Dobesh Farms, Inc., Wood River, $20,975.
Robert Boeka, Wood River, $20,569.
Total payees in county (9), $220,033.

Hamilton County

Farm, Inc., Aurora, $44,975.
Kreutz Bros., Inc., Giltner, $42,574.
Ed. L. Ediger, Hampton, $20,116.
Total payees in county (3), $107,665.

Harlan County

Bernard Lueking, Oxford, $31,870.
Brown Cattle Company, Oxford, $22,738.
Total payees in county (2), $54,608.

Holt County

Fred Horne, Jr., Atkinson, $54,086.
Wm. A. Curry, Columbus, $29,451.
Total payees in county (2), $83,537.

Jefferson County

A. L. Rosener and Sons, Daykin, $58,348.
Stanley A. Snyder, Fairbury, $33,576.
Glenn Ebbers, Daykin, $20,119.
Heasty W. Reesman, Falls City, $20,099.
Total payees in county, (4), $132,142.

Kearney County

Wells Brothers, Axtell, $34,995.
Kermit Felzien, Minden, $25,704.
Stadler Bros., Minden, $21,520.
Herbert Swanson, Wilcox, $20,886.
Paul Warp Enterprise, Minden, $20,723.
Total payees in county (5), $123,828.

Keith County

Palser and Palser, Big Springs, $41,755.
McGinley Schilz Co., Brule, $37,231.
Milford Krajewski, Ogallala, $32,773.
Walter Armstrong, Brule, $28,862.
Beal Enterprises, Inc., Brule, $28,191.
Rankin Prochaska, Inc., Ogallala, $28,188.
Norbert Krajewski, Ogallala, $27,561.
Haldeen, Inc., Brule, $23,371.
George Vasa, Ogallala, $22,547.
Nichols and Son, Inc., Ogallala, $21,637.
Marion Kenfield, Big Springs, $21,063.
Total payees in county (11), $313,179.

Kimball County

Raymond Jessen, Lodgepole, $32,869.
Wayne Kennedy, Kimball, $24,467.
Earl Yung, Kimball, $21,006.
Total payees in county (3), $78,342.

Lancaster County

Warner Hereford Farm, Waverly, $32,690.
Schwaninger Bros., Hallam, $25,387.
Loren E. Schwaninger, Princeton, $23,247.
Total payees in county (3), $81,324.

Lincoln County

Miron Moore, Sutherland, $31,477.
Gothenburg Feed Products Co., Gothenburg, $28,655.
Stewart H. Evans, Wallace, $25,561.
Paul Weinman, Arnold, $23,892.
Total payees in county (4), $109,585.

Madison County

Elkhorn Valley Cattle Co., Norfolk, $25,554.

Merrick County

Dinsdale Bros., Inc., Palmer, $44,343.
Harry Preisendorf, Grand Island, $23,178.
Clark Williams, Clarks, $21,458.
Total payees in county (3), $88,979.

Morrill County

Abel Inv., Co., Gering, $29,287.

Nance County

Sonderup Bros., Genoa, $25,375.
Johnnie Bruna, Belgrade, $25,050.
Total payees in county (2), $50,425.

Nemaha County

A. B. Ritchie, Jr., Auburn, $33,464.
Wm. E. Rogge, Brownville, $25,124.
Lehr Farms, Auburn, $23,847.
Ward G. Adams, Peru, $23,684.
Total payees in county (4), $106,119.

Nuckolls County

Darrell L. Johnson, Edgar, $24,751.
Bruce and L. K. Scroggin, Oak, $22,885.
Boyd or Wilma Jones, Edgar, $22,803.
Vernon L. Corman, Edgar, $21,266.
Waldine Jones, Nora, $20,455.
Total payees in county (5), $112,160.

Otoe County

Forrest Binder, Table Rock, $35,350.
Hammond Farms, Nebraska City, $34,597.
Wirth Bros., Nebraska City, $24,582.
H. Novak, H. Novak, Nebraska City, $20,916.
James Partnership, Nebraska City, $20,640.
Total payees in county (5), $136,085.

Pawnee County

L. T. Lewis, Est., Summerfield, $27,144.
Richard Binder, Table Rock, $20,087.
Total payees in county (2), $47,231.

Perkins County

Svoboda & Hannah, Ogallala, $46,206.
Gerald Krajewski, Venango, $36,933.
Herman Regier, Madrid, $32,635.
Vernon L. Parker, Madrid, $28,760.
Knipp Land Co., Big Springs, $26,494.
G. D. Schneider, Elsie, $26,419.
Charles Washa, Grant, $24,317.
Total payees in county (7), $221,764.

Phelps County

Sam T. Schrock, Jr., Holdrege, $41,577.

Platte County

Arthur Sprunk, Columbus, $20,524.

Polk County

Dewey Anderson, Jr., Omaha, $38,991.
Albertus Larson, Stromsburg, $31,748.
K. D. Strong, Stromsburg, $25,852.
C. R. Carlson, Silver Creek, $22,984.
Van T. Perry, Shelby, $20,228.
Total payees in county (5), $139,803.

Red Willow County

Myers Bros., McCook, $41,269.
Driftwood Farms, Inc., McCook, $33,622.
Friehe Farms, Inc., McCook, $29,217.
Charles Barber, Indianola, $26,800.
Leslie Ruggles, McCook, $21,866.
Total payees in county (5), $152,774.

Richardson County

Stalder Cattle Co., Salem, $48,106.
Elmer Duerfeldt, Falls City, $30,263.
Keith Sherburne, Humboldt, $27,412.
Herr Brothers, Humboldt, $24,984.
Nemaha Realty Co., Inc., Falls City, $23,120.
Total payees in county (5), $153,965.

Saline County

Duane Hendrickson, Dewitt, $22,722.

Saunders County

Arthur Gifford, Fremont, $39,545.
Walter E. Adams, Fremont, $27,344.
R. Brown DBA Centinial Farms, Fremont, $26,066.
Foxley & Co., Omaha, $21,414.
Total payees in county (4), $114,396.

Scotts Bluff County

Delmar Zweygardt, Burlington, $123,697.
Everett Dennis, Scottsbluff, $42,609.
Kehn Brothers, Gering, $21,546.
Total payees in county (3), $187,852.

Seward County

A. H. Rolfsmeier, Seward, $23,350.

Thayer County

Ted Currey, Ohiowa, $24,380.
Lewis Duensing, Byron, $20,292.
Total payees in county (2), $44,672.

Thurston County

Willis Leinart, Walthill, $31,599.

Valley County

Melvin Swanson, Arcadia, $24,091.

Washington County

Gilbert Potadle, Herman, $29,059.
Rowe, Inc., Nickerson, $23,804.
Total payees in county (2), $52,863.

Webster County

Delbert Lewis, Red Cloud, $52,685.

York County

Broadwell, Inc., York, $66,862.
Harrington Farms Co., Bradshaw, $61,198.
R. L. Kaliff Ranch Co., York, $46,636.
Logan Otto, York, $43,549.
Wm. H. Otto, York, $23,882.
Total payees in county (5), $242,127.
Total payees in State (256), $7,558,635.

NEVADA

Elko County

Robison & Sorensen, Elko, $46,115.
Magnuson Ranch, Elko, $43,274.
Allied Lnd. & Lvstk., San Francisco, $38,398.
Ellison Ranching Company, Tuscarora, $35,321.
Fernando Goicoechea & Sons, Elko, $24,923.
Total payees in county (5), $188,031.

Humboldt County

Rio King Land & Inv. Co., San Francisco, $28,229.
Clarno Bros., Winnemucca, $22,593.
Total payees in county (2), $50,822.

Nye County

Mizpah Ranch, Pahrump, $63,636.
Tim Hafen Ranches, Inc., Pahrump, $53,433.
Gordon Mason, Pahrump, $27,697.
Perry L. Bowman, Pahrump, $27,045.
Carberry Crop Dusters, Inc., Fresno, $24,013.
Alvin L. Bells, Pahrump, $20,968.
Total payees in county (6), $216,792.

Pershing County

Brinkerhoff Ranch, Inc., Lovelock, $60,884.
Herman Dennler, Reno, $50,390.
Total payees in county (2), $111,274.

White Pine County

Copper Sheep Co., Ely, $29,128.
Burton H. Robison, Ely, $26,074.
Henriod Land & Livestock Co., Ely, $22,887.
Total payees in county (3), $78,089.
Total payees in State (18), $645,008.

NEW JERSEY

Monmouth County

William Snyder, Englishtown, $23,046.

NEW MEXICO

Catron County

Frank A. Hubbell Co., Albuquerque, $33,124.

Chaves County

A. W. Langenegger, Hagerman, $76,481.
Hal Bogle, Dexter, $65,105.
J. P. White, Jr., Roswell, $54,533.
H. C. Berry, Dexter, $54,420.
Lincoln County Livestock Co., Roswell, $52,932.
Jack Patterson, Roswell, $42,340.
Willard Watson, Hagerman, $39,009.
Flying H Ranch, Roswell, $37,453.
Clardy Farms, Inc., Roswell, $35,727.
James Norris, Lake Arthur, $34,663.
Jimmy Pack, Roswell, $34,133.
Melvin Pearson, Lake Arthur, $33,561.
R. and B. Co., c/o Bronson Corn, Roswell, $32,887.
Weldon Wagner, Dexter, $31,633.
Poe W. Corn, Roswell, $31,338.
Bonham Farms, Inc., Roswell, $31,260.
Rosendo Casarez, Roswell, $30,609.

Barney E. Green, Jr., Hagerman, $29,974.
Crawford Associated, Roswell, $29,083.
Fletcher Brothers, Dexter, $27,991.
Berry F. Heine, Jr., Roswell, $27,315.
James Grassie, Dexter, $26,076.
Carl Day, Roswell, $25,610.
Inez F. Bogle, Roswell, $25,079.
John H. Trigg, Roswell, $24,907.
Wayne Shipman, Hagerman, $24,623.
F. V. Cauhape, Hope, $24,245.
Marley and Whitney, Roswell, $23,880.
Noling and Noling, Roswell, $23,818.
Larry Waggoner, Roswell, $23,375.
B. F. Crawford, Roswell, $23,300.
Max Wiggins, Hagerman, $22,953.
Schrimsher Bros., Roswell, $22,762.
Delbert M. Robinson, Lake Arthur, $22,229.
H. H. McGee, Roswell, $22,099.
Charles Wagner, Roswell, $22,065.
Donald W. Hatch, Roswell, $21,464.
Robert Hatch, Roswell, $21,322.
John Divine, Roswell, $20,965.
Leroy Miles, Hagerman, $20,848.
Glenn Marshall, Dexter, $20,444.
Total payees in county (41) $1,294,511.

Colfax County

Roy M. Wood, Farley, $31,583.

Curry County

John Garrett and Sons, Clovis, $187,421.
Garrett Corporation, Clovis, $135,640.
James E. and John Garrett, Clovis, $128,465.
Eldon Blackburn, Melrose, $112,530.
George Hammond, Clovis, $111,920.
Lockmiller and Son, Clovis, $102,994.
Lee Ross Hammond, Clovis, $96,388.
C. Elton Green, Clovis, $88,546.
John H. Spearman, Clovis, $83,505.
John Garrett, Jr., Clovis, $82,496.
Dale Elliott, Clovis, $81,609.
John C. White, Clovis, $77,431.
L. R. Talley, Texico, $72,681.
O. H. Pattison, Clovis, $71,547.
Marion Inman, Farwell, $71,459.
Leon Marks, Clovis, $69,440.
Esther L. Van Soelen, Clovis, $68,846.
Crest Agro Inc., Texico, $65,116.
Frank Wicks, Clovis, $64,849.
The Hecht Company, Clovis, $63,948.
Ronnie Mitchell, Clovis, $61,821.
Harold House, Clovis, $61,399.
Malcolm Garrett, Clovis, $60,596.
J. W. Graham, Dimmitt, $59,067.
M. M. Snell Est., Clovis, $58,958.
Sid Pipkin, Clovis, $58,529.
D. D. Myrick, Clovis, $57,943.
J. R. Shumate, Jr., Clovis, $57,936.
John W. Gunter, Jr., Muleshoe, $57,638.
Virgle Harrison, Clovis, $56,456.
Fern Castor, Clovis, $54,597.
Frank Blackburn, Clovis, $54,286.
Haney Tate, Clovis, $53,455.
Cecil Porter, St. Clovis, $51,516.
J. L. Wall, Clovis, $48,617.
Leslie Pattison, Clovis, $48,034.
L. E. Davis, Clovis, $47,827.
Russell Downey, Clovis, $47,359.
C. E. Christian, Farwell, $47,024.
Willie O. Wall, Texico, $46,007.
John W. McIntosh, Clovis, $44,711.
Elbert Mitchell, Clovis, $44,481.
W. W. Bomar, Clovis, $44,431.
Edgar Campbell, Texico, $44,313.
Vernon S. Andrus, Tulia, $44,086.
Otha Lockmiller, Clovis, $43,096.
Archie Baker, Clovis, $42,455.
Joe Paul Cobb, Clovis, $42,002.
Fred Northcutt, Clovis, $41,957.
Dudley Bailey, Clovis, $41,740.
Hershel L. Hughes, Texico, $41,434.
Calvin Stout, Grady, $40,724.
Donald R. Rucker, Clovis, $40,542.
Jack D. Garrett, Clovis, $39,940.
Tom Cobb, Jr., Clovis, $38,984.
Francis L. Decker, Broadview, $38,898.
Ray E. Castleberry, Farwell, $38,817.
Walter Kaltwasser, Farwell, $38,303.
Lester Merrill, Clovis, $37,899.
E. L. Smith, Clovis, $37,675.
Billy J. Dodd, Melrose, $37,298.
N. E. Thompkins, Clovis, $37,228.
Michael Garrett, Clovis, $36,488.
Bobby Wilhite, Clovis, $36,364.
Gilbert Smith, Clovis, $36,184.
Joel Sealey, Clovis, $35,528.
Wayne Martin, Jr., Clovis, $35,524.
R. Wayne Leonard, Clovis, $35,450.
J. C. Eshleman, Clovis, $34,928.
Four Lane Farms, Inc., Clovis, $34,911.
Max L. Kelso, Clovis, $34,637.
George H. Trimble, Texico, $34,464.
Paul P. Harrison, Texico, $34,033.
Jackie Roberts, Clovis, $34,000.
Johnnie Rucker, Texico, $33,858.
Carrel Dennington, Clovis, $33,703.
Michele Demaio, Clovis, $33,178.
L. T. Hanes, Clovis, $33,178.
W. G. Patton, Clovis, $32,907.
Jimmy J. Wallace, Clovis, $32,490.
A. R. Kleeman, Clovis, $32,479.
Gorman Hand, Clovis, $32,329.
L. Conrad Pippin, Clovis, $32,278.
John Fury, Grady, $32,210.
Joe Byron Burford, Texico, $32,068.
Clinton C. Burnett, Broadview, $32,001.
W. E. Thornton, Bovina, $31,879.
E. C. Murrell, Clovis, $31,803.
Jerry Paul, Clovis, $31,777.
Oscar Fryar, Broadview, $31,759.
Eldon Jones, Clovis, $31,454.
Don Harmon, Clovis, $31,009.
Buford Qualls, Clovis, $30,594.
Robert D. Martin, Clovis, $30,491.
J. G. Palmateer, Clovis, $30,473.
Ray Starbuck, Clovis, $30,209.
Elzie Jones, Clovis, $30,153.
Elwin Bailey, Clovis, $30,139.
Herbert Jones, Melrose, $30,029.
B. P. Davis, Clovis, $29,890.
A. Lloyd Grau, Grady, $29,839.
D. Smith Day, Texico, $29,670.
James E. Garrett, Albuquerque, $29,461.
James C. Woods, Grady, $29,378.
Melvin Estes, Melrose, $29,254.
Waymon Mitchell, Clovis, $29,248.
H. W. Harmon, Clovis, $29,082.
Lane K. Goar, Clovis, $28,781.
Edward W. Turner, Clovis, $28,717.
Edith A. Lewis, Clovis, $28,713.
Burns Bros., Clovis, $28,712.
Howard Duncan, Texico, $28,674.
Arvin B. Wood, Broadview, $28,601.
Edgar H. Cooper, Clovis, $28,473.
Phillip Tate, Clovis, $28,189.
Floyd Lofton, Texico, $28,188.
Richard Lee Miller, Clovis, $27,798.
Frank R. Meier, Texico, $27,593.
Charles Petty, Clovis, $27,564.
A. C. Nystel, Abernathy, Tex., $27,448.
Gibbs Rucker, Broadview, $27,430.
Jim Brooks & Sons, Clovis, $27,088.
Clarence Meeks, Farwell, Tex., $26,719.
Robert K. Goar, Clovis, $26,702.
Joe Clark, Jr., Texico, $26,510.
Wayne Burford, Clovis, $26,489.
Roy Williams & Son, Clovis, $26,163.
Steve Myrick, Clovis, $26,052.
Leroy Bailey, Broadview, $25,948.
Sterling Lockmiller, Texico, $25,875.
S. Wayne Snyder, Clovis, $25,745.
G. H. Laney, Melrose, $25,696.
Albert L. Martin, Clovis, $25,192.
James L. Moss, Clovis, $25,141.
Vachrel Ridley, Bellview, $25,100.
W. T. Meeks, Farwell, Tex., $25,091.
John R. Hadley, Jr., Texico, $25,033.
Wilburn Brooks, Clovis, $24,991.
Troy L. Lovett, Texico, $24,770.
Harold S. Holland, Clovis, $24,721.
E. C. Fish, St. Vrain, $24,274.
W. R. Cloud, Clovis, $24,040.
Hubert Qualls, Jr., Clovis, $23,883.
Albert Matlock, Clovis, $23,869.
Andrew Don McCasland, Clovis, $23,851.
Carl Williams, Clovis, $23,744.
Jack Muse, Clovis, $23,647.
N. O. Carpenter, Clovis, $23,625.
C. C. Jackson, Clovis, $23,603.
Jerry Bell, Clovis, $23,527.
H. B. & J. H. Moberly, Clovis, $23,511.
Dean Myers, Clovis, $23,445.
Billy Meeks, Farwell, Tex., $23,433.
Jerry Gale Walker, Texico, $23,175.
Williams Farm & Ranch Corp., Grady, $22,943.
G. H. Harrington, St. Clovis, $22,894.
Victor Stout, Clovis, $22,696.
Wesley Engram, Texico, $22,687.
Albert Chiles, Clovis, $22,666.
Claude Lee Est., Clovis, $22,658.
Arvell Branscum, Portales, $22,584.
Jim Starbuck, Clovis, $22,425.
J. Willard Patterson, Clovis, $22,379.
Elmer White, Grady, $22,272.
Bob Johnson, Clovis, $22,250.
Bob G. Howard, Clovis, $22,230.
J. Ralph Burnett, Broadview, $22,076.
Thomas F. Martin, Clovis, $22,073.
L. A. Hutchins, Broadview, $22,071.
Richard Bain, Clovis, $22,061.
Dwight, Sheriff, Clovis, $21,999.
Gabe Thompson, Vrain, $21,793.
Edwin Ford, Clovis, $21,708.
Ollie Damron, Clovis, $21,674.
Kenneth Davis, Clovis, $21,629.
Glenn Bell, Clovis, $21,617.
W. Earl Willmon, Clovis, $21,587.
John Reid, Clovis, $21,432.
Ronald Minyen, Bovina, $21,291.
Richard Motl, Clovis, $21,211.
Clyde W. Gunnels, Melrose, $21,201.
Ken White, Clovis, $21,191.
W. D. Eshleman, Clovis, $21,024.
Curtis Lay, Melrose, $20,968.
Buddy Pearce, Texico, $20,868.
J. M. White, Texico, $20,823.
L. C. Herington, Farwell, $20,775.
Eugene Scott, Clovis, $20,653.
Joe Roark, Clovis, $20.482.
George B. Luder, Bellview, $20,384.
H. G. Kelley, Texico, $20,351.
Monte Matlock, Clovis, $20,342.
Billie Stout, Clovis, $20.268.
Jack Mixon, Clovis, $20.163.
Total payees in county (194), $7,359,524.

De Baca County

Ramon Perez Ranch Inc., Vaughn, $26,181.

Dona Ana County

Stahmann Farms, Inc., Las Cruces, $55,549.
John R. Tomlin, Las Cruces, $41,688.
J. K. Nakayama & Sons, Las Cruces, $39,227.
J. F. Apodaca Farms Co., Inc., La Mesa, $38,192.
Tony Salopek, La Cruces, $37,756.
Robert S. Hayner Est., Hatch, $37,503.
Carl Wiley, Las Cruces, $35,051.
William F. Hayner, Las Cruces, $33,043.
Sammie Singh, La Mesa, $32,830.
Elias Dominguez, Mesquite, $32,236.
Will Holt, El Paso, $30,548.
Clyde Simpson, Las Cruces, $29,901.
W. E. Esslinger, La Mesa, $29,350.
Ralph R. Hackey, Rincon, $28,675.
P. R. Kuykendall, Las Cruces, $27,665.
Bickley Farms, Anthony, $27,129.
Ernest Harris, Las Cruces, $27,097.
Manuel Morales, Anthony, $26,362.
Chelten Farms Op. Co. Inc., Las Cruces, $26,129.
Jesus Acosta, Berino, $25,860.
Diary Farms Co., Anthony, $25,656.
Thomas S. White, Anthony, $24,729.
Juan V. Navarette, Anthony, $24,265.
Brady B. Porter, Rincon, $23,796.
Harvey Investment Co., El Paso, Tex., $23,548.
W. G. Ikard II, Mesquite, $23,515.
Sergio Mendez, Anthony, $23,264.
Koenigs, Inc., Mesilla Park, $23,185.
Raymundo G. Enriquez, Anthony, $23,163.
David Salopek, Las Cruces, $22,245.
Fred L. Franzoy & Sons, Salem, $22,140.
Charles L. Deerman, El Paso, Tex., $21,853.
Colonia Farms, Las Cruces, $21,661.
C. C. Woodward, La Mesa, $20,883.
Los Puentes Farms, Inc., Las Cruces, $20,879.
Julius P. Archer, Rincon, $20,787.
Frontera Farms, Canutillo, Tex., $20,755.
S. Y. Wilson, El Paso, Tex., $20,032.
Total payees in county (38), $1,068,147.

Eddy County

Don Snodgrass, Roswell, $70,739.
Roy Ingram Co., Inc., Artesia, $50,667.
Bob Morgan, Artesia, $47,351.
Draper Brantley, Carlsbad, $46,414.
Tom E. Vandiver, Artesia, $39,907.
W. I. Johnson, Lake Arthur, $38,785.
Carter Farms, Carlsbad, $33,695.
W. D. Bounds and Son, Carlsbad, $33,530.
S. G. Karr, Artesia, $32,618.
Quentin Rogers, Artesia, $32,382.
Cottonwood Cattle Co., Lake Arthur, $32,263.
B. C. Aaron, Artesia, $29,305.
J. S. Waldrip, Artesia, $27,951.
Tom O. Lee, Jr., Carlsbad, $27,300.
James Thigpen, Lake Arthur, $27,139.
Haldeman Farms, Artesia, $25,132.
Henry H. Grandi, Carlsbad, $23,387.
Floyd Howard, Artesia, $23,260.
James C. Ogden, Loving, $22,856.
Donald Fanning, Artesia, $22,390.
Menefee Bros., Artesia, $21,502.
Walterscheid Bros., Carlsbad, $21,180.
Ralph Pearson, Lake Arthur, $20,976.
G. G. Armstrong & Son, Roswell, $20,817.
Total payees in county (24), $771,546.

Guadalupe County

Eugenio Perez Ranch, Vaughn, $26,803.

Harding County

Jack Lewis, Sedan, $22,959.

Hidalgo County

Weldon Shumaker, San Simon, $87,622.
Richins Brothers, Inc., Animas, $68,036.
H. and W. Farms, Lordsburg, $57,569.
Sidney O. Wright, Animas, $41,262.
Harriet Veck, Animas, $36,510.
R. H. Wamel, Animas, $29,438.
A. G. Ramos, Animas, $28,551.
Massey Farms, Animas, $26,435.
Harry Turner, Lordsburg, $23,400.
Archie Payne, Animas, $22,560.
Total payees in county (10), $421,383.

Lea County

Emma Lawrence, Hobbs, $160,303.
Elvis Jones, Lovington, $65,467.
Hawthorne Bros., Lovington, $50,610.
John Richardson, Lovington, $44,960.
Taylor & Heidel, Inc., Lovington, $43,068.
C. O. Price, Lovington, $40,113.
W. G. Turnipseed, Lovington, $38,104.
G. Bradford Feed Pens, Lovington, $34,964.
Brady Lowe, Lubbock, $32,856.
C. E. Alexander & Sons, Lovington, $32,830.
Joe C. McKown, Lovington, $32,051.
Boyd Bros., Lovington, $28,942.
McClish Farms, McDonald, $30,490.
J. W. Spears, Lovington, $25,943.
Dwain F. Woody, Lovington, $24,706.
R. L. Byrum, McDonald, $24,449.
Harada Bros., Lovington, $21,785.
L. D. Patman, Lovington, $21,441.
J. B. Jeffrey, Lovington, $21,011.
E. L. Richardson, Lovington, $20,996.
Total payees in county (20) $795,089.

Lincoln County

W. R. Lovelace Livestock Co., Corona, $22,804.
Kap D. Kelley, Roswell, $22,011.
Total payees in county (2) $44,815.

Luna County

Jerry Lynn Hilburn, Columbus, $124,382.
Jerry Zachek, Columbus, $58,833.
L. G. Guaderrama, Las Cruces, $51,302.
Teddy Zachek, Deming, $44,528.
Keeler Brothers, Deming, $33,557.
Leo W. Koenig, Deming, $30,462.
H. S. Jackson, Deming, $26,498.
Edward Ray Hooper, Columbus, $25,507.
Hal B. Keeler, Deming, $24,620.
Charlie Ligocky, Deming, $23,655.
G. X. McSherry, Deming, $22,948.
James W. Donaldson, Deming, $20,506.
James E. Keeler, Deming, $20,375.
Total payees in county (13), $507,173.

Otero County

Truett L. Maddox, El Paso, $28,628.
Gene Lutrick, Dell City, $23,655.
Total payees in county (2), $52,283.

Quay County

Odus Rush, McAlister, $50,884.
Ivan Rush, Melrose, $49,506.
D. F. McCasland, McAlister, $47,612.
Charley Roy Best, Grady, $46,630.
Jack Gunn, St. Vrain, $42,577.
J. V. Curtis, Melrose, $40,688.
Edward O. Sumrall, Grady, $38,399.
Jennings Bros., McAlister, $37,806.
Olen L. Yocom, Tucumcari, $32,368.
Bruce A. Runyan, House, $31,615.
H. J. Lee & Sons, Inc., McAlister, $31,442.
J. L. Jordan, Jr., Tucumcari, $26,003.
Northcutt & Sons, Cuervo, $25,736.
Akin & Akin Corp., McAlister, $24,702.
James J. Harman, Dallas, $24,623.
R. C. Tillman, Grady, $23,924.
R. N. Farmer, Tucumcari, $23,805.
Cecil E. Moon, McAlister, $22,930.
Lewis O. Caton, McAlister, $22,351.
F. B. Terry, McAlister, $21,519.
L. L. Poe, Tucumcari, $20,745.
Luther Bunch, Melrose, $20,539.
Total payees in county (22), $706,404.

Rio Arriba County

Clyde Cheek, La Mesa, $23,532.

Roosevelt County

Brown and Brown, Texico, $40,734.
Harvey L. and Ava L. Balko, Lingo, $40,651.
Thetford and Massey, Rogers, $39,770.
Hadley H. Kern, Morton, $36,631.
Glenn W. Thompson, Morton, $36,583.
Sidney E. Pool, Lingo, $33,313.
Allen Chapman, Portales, $30,941.
C. H. Wall, Portales, $28,304.
Claudie W. Reeves, Portales, $27,868.
E. B. Robbins, Jr., Portales, $27,612.
Pete Field Estate, Portales, $26,385.
Damon B. Lieb, Portales, $24,478.
Harding Burris, Elida, $24,292.
Kermit Gardner, Causey, $23,459.
M. A. Tanner, Morton, $23,445.
Rodney Oak, Portales, $23,171.
William Karl Cox, Rogers, $22,351.
Johnie B. Gammill, Portales, $22,204.
Cary V. Watson, Rogers, $22,168.
James D. Usrey, Portales, $21,461.
Kenneth Victor, Rogers, $21,117.
Loy Kern, Morton, $20,446.
Total payees in county, $617,384.

Santa Fe County

Simmons Brothers, Sandia Park, $24,817.

Sierra County

Price Black Farms, Inc., Arrey, $28,336.

Socorro County

Brawley Bros., Socorro, $40,576.

Torrance County

Hindi Sheep Company, Duran, $22,663.

Union County

Arthur Jernigan, Amistad, $41,120.
Matt D. Irwin, Texline, $29,508.
Rode Dimitroff, Grenville, $25,043.
Wayne Wallace, Clovis, $23,503.
H. D. Newman, Dalhart, $22,670.
Total payees in county (5), $141,844.
Total payees in State (403), $14,060,677.

NEW YORK

Genesee County

My T Acres, Batavia, $36,184.
L. Brooke Farm, Byron, $20,884.
Total payees in county (2), $57,068.

Niagara County

Holman O. Connor, Ransomville, $29,360.

Orleans County

Kludt Brothers, Kendall, $26,791.
Lamont Fruit Farm, Albion, $23,029.
Total payees in county (2), $49,820.

Schoharie County

Shaul Farms, Inc., Fultonham, $26,690.
Total payees in State (6), $164,938.

NORTH CAROLINA

Anson County

Edwin J. Wall, Morven, $34,134.
Norwood E. Teal, Wadesboro, $29,157.
G. Manley Thomas, Morven, $26,040.
John Robinson, Morven, $23,524.
Thomas S. Rhyne, Cheraw, $23,401.
George P. Capel, Wadesboro, $21,275.
Total payees in county (6), $157,531.

Beaufort County

J. B. Bell, Pantego, $52,619.

Bertie County

E. R. Evans & Sons, Inc., Ahoskie, $20,889.

Cleveland County

Morgan & Co., Inc., Shelby, $54,172.
Edwin Y. Harrill, Jr., Shelby, $50,272.
A. M. Boggs & Sons, Fallston, $36,013.
Billy Wilson, Shelby, $28,879.
Roy Cochran, Shelby, $25,851.
Glenn Sperling, Waco, $23,615.
James A. Blalock, Boiling Springs, $20,388.
Total payees in county (7), $239,190.

Currituck County

James H. Ferebee & Son, Shawboro, $41,373.
Total payee in county (1), $41,373.

Edgecombe County

M. C. Braswell Farms, Battleboro, $62,174.
W. J. Eason, Jr., Tarboro, $30,377.
R. R. Brake, Jr., Battleboro, $27,487.
Peoples Bank, Rocky Mount, $22,016.
Wiley Bulluck, Battleboro, $21,739.
W. S. Clark & Sons, Inc., Tarboro, $20,949.
Total payees in county (6), $184,742.

Halifax County

Carolina Peanut Co., Enfield, $40,837.
Charles L. Tillery, Halifax, $25,200.
L. Graham Whitehead, Scotland Neck, $24,718.
A. H. & W. C. Taylor, Gumberry, $24,639.
Cecil Moone, Enfield, $23,221.
Bill Pickette, Scotland Neck, $22,111.
Ronald C. Fleming, Scotland Neck, $21,706.
Jack Fleming, Scotland Neck, $20,782.
Total payees in county (8), $203,214.

Harnett County

First National Bank of East North Carolina, Dunn, $35,148.
R. A. McLamb, Dunn, $22,263.
Total payees in county (2), $57,441.

Hoke County

J. G. Balfour, Lumber Bridge, $37,092.
R. L. Gibson, Red Springs, $33,592.
W. S. Thomas, Raeford, $31,647.
Earl Hendrix, Raeford, $30,920.
Dundarrach Trading Co., Laurinburg, $30,812.
Robert A. Wright, Raeford, $27,850.
J. K. McNeill Farms, Raeford, $26,717.
James D. McGougan, Lumber Ridge, $26,571.
F. C. McPhaul, Red Springs, $23,025.
R. E. Neeley, Raeford, $21,612.
Julian Love, Raeford, $20,833.
Total payees in county (11), $310,671.

Lenoir County

Parrott Farms, Kinston, $25,056.

Lincoln County

Joe Kiser, Vale, $21,367.

Montgomery County

Robert Chappell, Candor, $41,496.
Mack Chappell, Candor, $25,327.
Total payees in county (2), $66,823.

Moore County

Earl R. Parsons, Candor, $23,100.

Northampton County

John G. Burgwyn, Jackson, $32,634.
M. C. Dunlow, Gaston, $32,084.
Reuben Turner, Garysburg, $29,797.
William R. Johnston, Weldon, $27,494.
Henry Bennett, Rich Square, $26,472.
J. C. Edwards, Jr., Pendleton, $21,046.
J. Bennett Stephenson, Garysburg, $20,312.

Bill Turner, Seaboard, $20,242.

Total payees in county (8), $210,081.

Pitt County

F. L. Blount, Jr., Greenville, $23,747.

Richmond County

Myers Waddell, Rockingham, $25,281.

Cecil Sikes, Wadesboro, $21,388.

Total payees in county (2), $46,669.

Robeson County

McNair Farms, Laurinburg, $372,739.

Waccamaw Bank and Trust Co., Lumberton, $70,428.

Allen M. Shook, Red Springs, $67,953.

D. D. McColl, St. Pauls, $66,169.

Maxton Supply Co., Maxton, $57,147.

Bassil Gentry, Maxton, $37,258.

Neil Watson, Maxton, $36,602.

Arthur Norman Emanuel, Shannon, $34,178.

W. A. Taylor, Lumberton, $30,909.

William A. Davis, Rowland, $30,256.

Lewis R. McNeill & Davis, Red Springs, $29,513.

Bill Herndon, Parkton, $27,979.

K. M. Biggs, Inc., Lumberton, $27,485.

Tom McCrimmon, Rowland, $25,885.

E. D. McGougan, Lumber Bridge, $25,677.

B. E. Simpson, Shannon, $25,219.

David Dunn, Jr., Maxton, $24,684.

R. E. Parnell, Parkton, $24,349.

James M. McNair, Maxton, $23,267.

Samuel Britt, Lumberton, $22,793.

W. B. Townsend Farms, Red Springs, $21,099.

D. M. Lytch, Maxton, $20,494.

J. P. Buie, Red Springs, $20,448.

Total payees in county (23), $1,122,531.

Scotland County

Southern National Bank, Laurinburg, $161,260.

J. T. John Co., Inc., Laurinburg, $88,123.

A. R. McMillan, Jr., Wagram, $60,570.

Z. V. Pate, Inc., Laurel Hill, $60,431.

John Carmichael, Laurinburg, $54,683.

James R. McKenzie, Laurinburg, $53,279.

J. N. Gibson, Jr., Gibson, $42,634.

Sinclair Corp., Laurinburg, $38,485.

Evans Brothers, Laurinburg, $35,388.

John M. & Archibald McLean, Wagram, $30,590.

Jesse Snead, Laurinburg, $30,475.

Richard Tatum, Laurinburg, $26,875.

Edwin Snead, Laurinburg, $25,648.

William P. Carmichael, Laurinburg, $25,357.

Howard E. Gibson, Laurinburg, $24,928.

Blue Investment Co., Laurinburg, $24,909.

Myrtle C. Snead, Laurinburg, $23,958.

Emerson Langley, Laurinburg, $23,316.

A. D. Gibson Store, Laurel Hill, $22,996.

Ralph Usher, Laurinburg, $22,422.

James P. Wall, Wagram, $21,109.

P. B. and J. M. McGregor, Gibson, $21,001.

Total payees in county (22), $918,437.

Union County

D. L. Kimbrell, Indian Trail, $20,974.

Wade H. Howey, Waxham, $20,021.

Total payees in county (2), $40,995.

Total payees in State (106), $3,766,446.

NORTH DAKOTA

Adams County

Harold Arndorfer, Hettinger, $26,493.

Russell E. Bohne, Reeder, $22,361.

Morris C. Merwin, Haynes, $21,772.

Robert SRB, Mott, $21,557.

Total payees in county (4), $92,183.

Barnes County

Vernon Triebold, Oriska, $24,030.

Benson County

Dwayne & Ardon, Brinsmade, $27,975.

Leo Studness, Churchs Ferry, $22,254.

James McCarty, York, $21,634.

John R. Beckstrand, Warwick, $20,904.

Mervin Logan, Sheyenne, $20,011.

Total payees in county (5), $112,778.

Bottineau County

Ballantyne Brothers, Westhope, $37,542.

The Witteman Company, Mohall, $35,390.

Willis Glinz, Newburg, $34,823.

Norman Glinz, Bottineau, $32,523.

Glenn Sletto, Willow City, $23,320.

Pearson Bros., Sherwood, $23,233.

George C. Adams, Lansford, $20,759.

Total payees in county (7), $207,590.

Bowman County

William Stegner, Rhame, $22,951.

Melvin Miller, Rhame, $22,780.

Joe & James Bagley, Rhame, $21,611.

Total payees in county (3), 67,342.

Burke County

Earl Schwartz, Kenmare, $23,257.

Durick Brothers, Columbus, $20,793.

Total payees in county (2), $44,050.

Burleigh County

Walter Krueger, McKenzie, $46,409.

Patterson Land Company, Bismarck, $33,206.

Monty Burke, McKenzie, $20,559.

Total payees in county (3), $100,174.

Cass County

Wm. & Geo. Sinner/E. Bresnahan, Casselton, $32,448.

Donald E. Warner, Mapleton, $25,785.

Giermann Partnership, Wheatland, $22,111.

Brandt Bros., Moorhead, $21,609.

Ruliffson Brothers, Mapleton, $20,259.

Total payees in county (5), $122,212.

Cavalier County

Marvin Mikkelsen, Langdon, $24,566.

Dickey County

Alamo Farms, Oakes, $40,127.

Divide County

David Jensen, Grenora, $35,351.

Lawrence Hagen, Alamo, $30,782.

Total payees in county (2), $66,133.

Eddy County

Norman Birkeland, Sheyenne, $25,308.

Foster County

Louis S. Reimers, Carrington, $34,022.

Botts Feed Lots, Inc., Carrington, $23,966.

James P. Carr, Carrington, $22,499.

Total payees in county (3), $80,487.

Golden Valley County

Lloyd Weinreis, Golva, $40,279.

Donald Kittelson, Beach, $32,900.

Richard Nagel/Werner Kippley, Beach, $23,544.

Lawrence Kukowski, Beach, $22,180.

Total payees in county (4), $118,903.

Grand Forks County

John W. Scott, Gilby, $43,050.

Ryan Farms, East Grand Forks, $32,625.

Art Greenberg, Grand Forks, $27,162.

Elk Valley Farms, Larimore, $27,053.

Alfred M. Helland, Fordville, $25,517.

J. A. Cronquist, Gilby, $22,987.

George Stadstad, East Grand Forks, $22,327.

Forest River Colony, Fordville, $21,593.

John S. Dean, Hatton, $21,206.

Total payees in county (93), $243,520.

Hettinger County

Swindler Bros., Mott, $62,341.

Benjamin Schaible, Mott, $56,844.

John F. Swindler, Mott, $54,459.

Milton Hertz, Mott, $45,928.

Marion Swindler, Mott, $41,900.

August C. Kirschemann, Mott, $37,363.

Nick & Barbara Rettinger, New England, $25,973.

Arthur Schaible, Mott, $24,896.

Jakie Hummel, Mott, $24,012.

Fred J. Hoherz, Bentley, $23,742.

Raymond K. Bieber, Mott, $23,435.

Jos. P. Grundhauser, New England, $22,349.

Andrew J. Rettinger, New England, $22,152.

W. H. Hertz, Mott, $21,801.

Larry Stang, Regent, $21,575.

Carl Schauer, Dupree, $21,074.

Ronald L. Swindler, Mott, $21,054.

Wilmer Zenker, New England, $20,546.

Ralph P. Lutz, New England, $20,259.

Allan & Willa Rustan, New England, $20,206.

Total payees in county (20), $611,909.

Kidder County

Ward Whitman, Robinson, $41,359.

Fred A. Bon, Robinson, $25,553.

Total payees in county (2), $66,912.

LaMoure County

Rott Bros., Nortonville, $33,623.

Reuben L. Schlenker, Edgeley, $29,323.

Total payees in county (2), $62,946.

McHenry County

Nick Haman, Towner, $22,505.

McKenzie County

Peter A. Nygaard, Williston, $40,964.

L. A. Powell, Alexander, $30,056.

Joe Gudbranson, New Town, $27,660.

Lester Wisness, Keene, $21,974.

Loyd Stevens, Williston, $21,063.

Total payees in county (5), $141,717.

McLean County

Earl Hanson, Emmet, $22,451.

Richard Kerzman, Roseglen, $20,847.

Joe Rensch, Makoti, $20,000.

Total payees in county (3), $63,298.

Morton County

Wachter Ranch, Bismarck, $54,777.

Burton Hoovestol, New Salem, $25,720.

Total payees in county (2), $80,497.

Mountrail County

Otto Engen, Minot, $55,198.

Nelson County

J. P. Lamb Land Co., Michigan, $26,082.

Raymond F. & Frances C. Lamb, Michigan, $22,195.

Roscoe W. Kelly, Niagara, $20,879.

Louis J. Hamel, Mapes, $20,111.

Total payees in county (4), $89,267.

Pembina County

Bert Johnson, Walhalla, $40,333.

Bert Olson & Sons, Glasston, $35,198.

Warner Bros., Pembina, $32,186.

Morrison Bros., Neche, $30,720.

F. Kent Vosper, Neche, $30,428.

Hector Walleghem, Bowesmont, $27,959.

Laurence Gapp, Walhalla, $27,062.

J. G. Hall & Sons, Edinburg, $26,799.

Leonard Schwartz, Hensel, $25,586.

Gary Longtin, Backoo, $25,580.

Tucker & Green, St. Thomas, $24,988.

Stanley Metelmann, Walhalla, $24,396.

Gunderson Bros., Bathgate, $24,293.

Gordon Halcrow, Drayton, $23,314.

Kathryn Grube, Pembina, $23,034.

Patrick Mahar, Cavalier, $22,512.

Aaland and Robbins, Cavalier, $22,379.

W. Ross Brown, Bathgate, $22,379.

Jack Karel, Walhalla, $21,729.

Mevin Juhl, Bowesmont, $21,350.

Whelan Bros., St. Thomas, $21,117.

Total payees in county (21), $553,342.

Pierce County

Archie Lindseth, Silva, $21,002.

Ramsey County

John F. Elsperger, Cando, $36,120.

Leo Langton, Southam, $32,990.

Robert L. Weed, Devils Lake, $27,073.

Herman Dimmler, Crary, $26,917.

Duane Bauerle, Churchs Ferry, $24,777.

John & Henry Mertens, Devils Lake, $24,422.

J. Braaten, H. Braaten, R. Braaten, Crary, $23,020.

Leo Labarre, Webster, $20,066.

Total payees in county (8), $215,385.

Ransom County

William R. Huether, Lisbon, $29,031.

L. J. L. Ranch, Engelvale, $25,138.

William D. Huether, Lisbon, $24,357.

Roland D. Magill, Verona, $23,711.

Total payees in county (4), $102,237.

Richland County

Dotzenrod Bros., Wyndmere, $29,801.
Darrell R. Miller, Wahpeton, $29,357.
Ray Kummer, Colfax, $23,899.
Richard Ista, Fargo, $20,871.
Jubert Malme, Wahpeton, $20,579.
Total payees in county (5), $124,507.
Ben Mickelson, Rolla, $20,963.

Rolette County

Ben Mickelson, Rolla, $20,963.

Sargent County

G. A. Klefstad, Forman, $24,977.
Ralph Breker, Cayuga, $20,204.
Total Payees in county (2), $45,181.

Sioux County

Peter Sittner, Lemmon, $26,343.

Slope County

Frank Dilse, Scranton, $56,997.
Maurice O'Connell, New England, $48,344.
Harold Brooks & Sons, Bowman, $32,468.
Stuber Ranch, Bowman, $31,711.
H. J. Burke & Sons, Bowman, $25,125.
Teddy Dale Dilse, Scranton, $23,757.
Leroy Sadler, Amidon, $21,926.
Thomas G. Powell, Bowman, $21,509.
Gordon Teske, Scranton, $20,646.
Total payees in county (9), $282,483.

Stark County

Ray Reich, Richardton, $21,041.

Steele County

E. A. Brag, Hope, $29,659.

Stutsman County

Hoggarth Brothers, Courtenay, $64,702.
Arvel Glinz, Jamestown, $53,180.
David Glinz, Pingree, $52,281.
Eddy Farms, Daytona Beach, $46,962.
Freddie Mutschler, Wimbledon, $30,722.
Lawson Posey, Edmunds, $26,497.
Eugene Rott, Jamestown, $23,289.
Carl Frey, Jamestown, $22,813.
Kropp Farms, Jamestown, $20,989.
Total payees in county (9), $341,435.

Towner County

W. A. Schmidt, Bisbee, $33,273.
Neil S. Gibbens, Calvin, $22,033.
Total payees in county (2), $55,306.

Traill County

John S. Dalrymple, Jr., Hillsboro, $50,800.
Viker Farms, Halstad, $24,153.
Total payees in county (2), $74,953.

Walsh County

Boone Farms, Grafton, $36,489.
Dolan Brothers, Grafton, $36,101.
Harley Kingsbury Co., Grafton, $35,623.
L. E. Tibert Co., Voss, $32,032.
John D. Miller, Minto, $30,900.
Ardell Fortier, Drayton, $26,329.
Campbell Bros., Grafton, $20,590.
James Johnston, Grafton, $20,546.
Norman Burns, Grafton, $20,534.
Total payees in county (9), $259,144.

Ward County

Earl Schwartz Co., Kenmare, $45,582.
C. Morris Anderson, Minot, $44,538.
Henry Neshem, Jr., Berthold, $26,954.
Total payees in county (3), $117,074.

Wells County

Weckerly Bros., Hurdsfield, $30,781.
Carlton Larson, Sykeston, $26,112.
Total payees in county (2), $56,893.

Williams County

Earl Bauste, Buford, $38,511.
James Alfson, Williston, $32,637.
George & Thomas Layon, Williston, $24,519.
Hodenfield Bros., Ray, $24,065.
Total payees in county (4), $119,732.
Total payees in State (176), $5,030,352.

OHIO

Allen County

Moeller Land & Cattle, Spencerville, $21,332.

Butler County

Glenn R. Bonham, Hamilton, $26,802.

Champaign County

Roy Laughman, Urbana, $34,917.
Avery Linville, Urbana, $28,930.
Total payees in county (2), $63,847.

Clark County

Michael Sons, Urbana, $27,129.
Roger Thompson, Charleston, $23,949.
Total payees in county (2), $51,078.

Clinton County

Midwest Farms John Goings, Sabina, $33,320.

Delaware County

Delca Inc., Leonardsburg, $20,128.

Erie County

Wensink Brothers, Monroeville, $20,534.

Fairfield County

George Neeley, Lancaster, $21,991.

Fayette County

John Leland, Washington, $23,036.
B. B. Pettit, Bloomingburg, $22,512.
Total payees in county (2), $45,548.

Franklin County

S. Hartman, London, $21,760.

Hardin County

Phoenix Mutual Life Ins. Co., Davenport, $34,680.

Henry County

Eugene Brubaker, Hamler, $34,964.

Lucas County

Wolf Farms, Oregon, $39,049.

Madison County

AG Lands, London, $36,210.
Orleton Farms Co., London, $20,661.
Bill Miller, London, $20,030.
Total payees in county (3), $76,901.

Marion County

Ward Walton and Asso., Inc., Sandusky, $101,577.

Miami County

Mark Knoop, Troy, $24,296.

Muskingum County

Cox Brothers, Mills, $20,139.

Paulding County

Donnel L. Dangler, Cecil, $23,602.

Pickaway County

Jean Clow Crites, Ashville, $31,211.

Preble County

Artie Cain, Eaton, $22,167.

Putnam County

A. P. Diller, Ottawa, $21,080.

Sandusky County

Gries Seed Farms, Frmnt., $25,272.
William I. Warner, Vickery, $23,650.
Total payees in county (2), $48,922.

Van Wert County

Marsh Foundation, Van Wert, $20,291.
Total payees in county, $20,291.

Wyandot County

Norman Gottfried, Sandusky, $25,359.
David J. Needs, Upper Sandusky, $24,910.
Mildred Walton, Upper Sandusky, $24,227.
Charles McCarthy, Upper Sandusky, $21,199.
Total payees in county (4), $95,695.
Total payees in State (33), $920,914.

OKLAHOMA

Alfalfa County

Mark Ginder, Cherokee, $28,833.

Beaver County

Howard Franz, Turpin, $27,474.
Leroy Hughes & Sons Ptn., Booker, Tex., $20,930.
Total payees in county (2), $48,404.

Beckham County

W. A. Kennemer, Carter, $24,589.
Bobby Ray Reeves, Carter, $22,996.
A. W. Phillips, Sayre, $22,942.
R. E. Jones, Carter, $20,764.
Total payees in county (4), $91,291.

Bryan County

Alvie Grossman, Jr., Chouteau, $21,377.
Ralph Wells, Bennington, $20,958.
Total payees in county (2), $42,335.

Caddo County

S. G. Stevens, Gracemont, $35,368.
O. M. Ulery, Apache, $23,654.
Wayne Krehbiel, Hydro, $20,561.
Total payees in county (3), $79,583.

Canadian County

Margaret Petree, Reno, $33,078.
Nelson A. Davison, Hinton, $27,364.
Doyal Selvidge, Hinton, $20,291.
Total payees in county (3), $80,733.

Cimarron County

L. J. & Clovis Stafford, Keyes, $53,285.
Billy R. Gowdy, Boise City, $38,785.
Dayle M. Oyler, Griggs, $35,035.
Harold J. Froning, Wichita, $34,659.
Lee D. Rice, Boise City, $32,992.
E. C. Mingenback, McPherson, $31,986.
Ocie Smith, Felt, $30,767.
Eugene Sizemore, Boise City, $29,353.
Clifford Hinds, Boise City, $29,112.
Raymond Smalts, Eva, $28,680.
John D. Burrow, Keyes, $27,877.
E. G. Bearden, Boise City, $27,743.
Craig Pugh, Jr., Keyes, $27,662.
Junior J. Heppard, Boise City, $26,720.
Merritt S. Swinburne, Felt, $25,487.
E. H. Allen, Wheeless, $23,938.
Jerrie Thrash, Griggs, 23,336.
George C. Camilli, Jr., Boise City, $23,118.
E. W. Payne, Boise City, $22,300.
J. Nelson Moore, Elkhart, $21,498.
Grover D. Smith, Boise City, $21,309.
Clyde E. Adams, Keyes, $21,244.
W. S. Hinton, Boise City, $20,729.
Lloyd J. Holloway, Wheeless, $20,644.
Guy L. Ottinger, Boise City, $20,139.
Total payees in county (25), $698,398.

Comanche County

Mark Scherler, Faxon, $20,905.
Total payees in county (1), $20,905.

Cotton County

Hertis Baber, Randlett, $38,666.
Royce McGee, Chattanooga, $27,822.
Marvin Scherler, Walters, $26,285.
Total payees in county (3), $92,773.

Custer County

George Fransen, Clinton, $46,495.
J. G. Stratton, Sr., Clinton, $42,068.
Isaac Fransen, Clinton, $34,817.
J. R. Martin, Clinton, $27,904.
Willard Eagan, Arapaho, $26,151.
Boyd Miller, Thomas, $26,151.
Gary Donley, Butler, $22,852.
Lorenz Farms, Clinton, $21,552.
Total payees in county (8), $247,990.

Dewey County

H. L. Christensen, Jr., Custer City, $23,012.

Garfield County

Eddie Zaloudek, Kremlin, $38,014.
Ediger Farms, Jefferson, $23,145.
Louis Zaloudek, Enid, $20,753.
Total payees in county (3), $81,912.

Grady County

Virgil Voigt, Tuttle, $31,117.
Verle Barnes, Tuttle, $30,923.
Earl Campbell, Tuttle, $25,731.
Ralph Jacobs, Okarche, $25,493.
Joe Humphrey, Chickasha, $20,742.
Total payees in county (5), $134,006.

Grant County

C. W. Leforce and Son, Nash, $35,606.

Greer County

Milton Vaughan, Blair, $30,421.
Clinton Nesmith, Mangum, $28,822.
Frankie Johnson, Duke, $27,798.
Jimmy Heatly, Willow, $26,191.

Fite & Fite, Mangum, $20,390.
Total payees in county (5), $133,622.

Harmon County

Paul & Chas. Horton, Hollis, $59,861.
F. E. Motley, Hollis, $49,280.
Shelby & Kirby, Hollis, $41,580.
Elmo Jones, Hollis, $38,099.
Carrick Brothers, Hollis, $36,136.
Arlis Motley, Hollis, $34,025.
David Rath, Hollis, $33,050.
G. D. Payne, Gould, $31,825.
Harold Nichols, Eldorado, $29,631.
Paul Lee, Hollis, $28,164.
Beanland & Sons, Gould, $27,597.
Lee Roy Crawford, Hollis, $27,367.
W. R. Jones, Hollis, $26,512.
Olan Farris, Dodson, $25,880.
H. E. Moore, Hollis, $25,674.
Clay Whorton, Hollis, $24,887.
R. S. Moran, Jr., Hollis, $24,863.
L. H. Christian, Hollis, $24,706.
G. W. Strawn, Eldorado, $24,032.
Tapley P. Jordon, Kealakekula, Hawaii, $23,423.
C. B. Carter, Hollis, $21,819.
W. C. Williams, Jr., Gould, $20,903.
Bourland & Bourland, Hollis, $20,746.
A. C. Mayhugh, Hollis, $20,231.
Regie Lewis, Hollis, $20,192.
Total payees in county (25), $740,483.

Harper County

Robert McClung, May, $25,463.
John P. Tunder, Buffalo, $23,029.
Total payees in county (2), $48,492.

Haskell County

John L. Horn, Webbers, Falls, $22,962.

Jackson County

Wayne Q. Winsett, Altus, $83,007.
Harold Worrell, Altus, $74,691.
Murray R. Williams, Altus, $62,008.
Brewer Bros., Eldorado, $47,348.
Glenn Southall, Altus, $45,109.
Carthal F. Mock & Son, Altus, $45,094.
Roy A. Holsey, Altus, $37,324.
Robert Robbins, Altus, $36,553.
Gordon Thomas, Altus, $36,029.
Monroe B. Karcher, Crowell, $30,999.
Clayton Tinney, Altus, $30,341.
Rodney Hughes, Olustee, $27,894.
John Boyd McMahan, Altus, $27,794.
E. E. & J. P. Weber, Olustee, $27,337.
Laverne A. Fessenden, Olustee, $27,185.
Elton Talley, Altus, $26,725.
Earl E. Abernathy, Altus, $26,420.
Mock Brothers, Altus, $26,078.
Travis Walls, Altus, $25,956.
Harvey R. Pitzold, Altus, $25,755.
Jess N. Walker, Altus, $25,413.
John McLeod, Altus, $23,730
Joseph C. Talbot, Olustee, $23,658.
J. M. Bailey, Altus, $22,345.
Hopson E. Pickett, Altus, $21,493.
Shirley R Dillingham, Blair, $21,473.
Samuel C. Shultz, Altus, $20,998.
Ewell F. Russell, Altus, $20,465.
John A. Richardson, Eldorado, $20,074.
Total payees in county (29), $969,296.

Kay County

Jack Lane, Newkirk, $26,091.

Kiowa County

Charles & Gayl Portwood Planters, Snyder, $34,434.
Glenn & Sam Pfenning Planters, Hobart, $31,350.
E. F. Bunch, Lone Wolf, $27,432.
W. C. Pfenning, Hobart, $26,876.
Paul Edge, Hobart, $25,225.
Total payees in county (5), $145,317.

McLain County

Billy P. Adkins, Norman, $26,194.
Harry S. Phillips, Norman, $23,530.
Freeny Hopkins, Idabel, $21,136.
W. R. Griffith, Newcastle, $20,941.
Total payees in county (4), $91,801.

McCurtain County

Mike Columbus, Harris, $28,815.

Muskogee County

Dick Sheffield, Webbers Falls, $60,742.
Pearson Bros., Webbers Falls, $46,756.
M. C. Finklea Estate, Warner, $21,810.
Total payees in county (3), $129,308.

Noble County

Burdette Garvie, Morrison, $24,394.

Roger Mills County

Bob Allee, Hammon, $21,236.

Sequoyah County

Sloan Farms, Gore, $43,351.

Texas County

H. C. Hitch, Jr., Guymon, $175,541.
Worth Jeffus, Guymon, $61,537.
Irvin Clark, Texhoma, $56,412.
Walter Anderson Estate, Turpin, $49,432.
R. Lee Jr. & R. Lee Sr., Guymon, $47,805.
Fred R. Sweet, Texhoma, $37,032.
Long Brothers, Optima, $36,722.
Paul Weeden, Guymon, $34,882.
Joyce H. Gray, Guymon, $34,438.
Gustav Dencker, Eva, $30,489.
G. G. Freeman, Texhoma, $30,453.
C. F. Webb, Eva, $29,796.
George T. McDaniel, Texhoma, $28,890.
Ivan Joe Simmons, Eva, $25,791.
Roy Mitchell, Elkhart, $25,655.
Lewis Mayer, Hooker, $25,041.
Ralph Grounds, Hooker, $24,746.
Fischer Brothers, Hooker, $23,420.
A. L. Jackson, Jr., Guymon, $23,047.
James Tharp, Hardesty, $22,828.
Christine W. Hitch, Guymon, $21,874.
Brooks Spence, Texhoma, $21,459.
Lester Wiggains, Hooker, $21,369.
Russell Weeks, Guymon, $21,140.
Nash Farm Company, Guymon, $20,128.
Virgil Craig, Guymon, $20,109.
Total payees in county (26), $950,036.

Tillman County

John Wade Kent, Frederick, $37,481.
Kenneth Kimmel, Tipton, $37,205.
H. W. Campbell, Frederick, $32,895.
Galen P. Briggs, Frederick, $32,488.
Dewayne Stout, Davidson, $28,419.
T. G. Jennings, Jr., Tipton, $27,910.
John M. Kinder, Manitou, $26,824.
R. L. Lindsey, Grandfield, $25,332.
Clarence Adams, Frederick, $25,270.
Lester Dickey, Frederick, $23,777.
L. D. Due, Grandfield, $22,590.
W. W. Purdy, Frederick, $22,115.
Edd Kinder, Chattanooga, $21,918.
H. L. Akin, Frederick, $21,441.
Archie W. Gottschall, Frederick, $21,396.
Harry Dotson, Frederick, $21,274.
Smith Land Co., Frederick, $20,493.
Total payees in county (17), $448,828.

Wagoner County

Francis M. Chesbro, Coweta, $23,197.
Clifford C. Hatfield, Coweta, $23,160.
Fred Metzger, Braggs, $22,784.
Total payees in county (3), $69,141.

Washita County

Ridling Bros., Sentinel, $39,311.
Othal L. Bond, Colony, $30,542.
J. L. Celsor, Sentinel, $23,903.
A. W. Dugger, Foss, $20,478.
Total payees in county (4), $114,234.

Woods County

Bouziden Bros., Alva, $75,945.
W. C. Diacon, Alva, $25,313.
Gene McGill, Alva, $24,078.
Ritter Bros., Inc., Alva, $21,925.
Roland Kletke, Alva, $21,669.
Total payees in county (5), $168,930.
Total payees in State (196), $5,882,118.

OREGON

Baker County

Sieg and Sieg, Inc., Baker, $30,639.
Clyde Ward and Sons, Baker, $29,187.
Warren Weishaar, Haines, $22,289.
Total payees in county (3), $82,115.

Benton County

Horning Brothers, Corvallis, $22,840.

Gilliam County

Floyd Anderson, Arlington, $32,281
Sidney Seale, Jr., Condon, $28,638.
Frank Anderson, Heppner, $25,344.
Dyer Farms, Mayville, $21,870.
Steinke Bros., Arlington, $20,347.
Roy Philippi, Jr., Arlington, $20,212.
Van Rietmann, Condon, $20,023.
Total payees in county (7), $168,715.

Jefferson County

Haycreek Range & Cattle, Madras, $65,244.
Kenneth Binder, Madras, $26,537.
Total payees in county (2), $91,781.

Klamath County

O'Connor Livestock Co., Klamath Falls, $51,395.
Tulana Farms, Klamath Falls, $47,344.
Total payees in county (2), $98,739.

Lake County

Renner Ranch, Lakeview, $22,408.
Raymond Padget, Lakeview, $20,515.
Total payees in county (2), $42,923.

Malheur County

Skyline Farms, Ontario, $56,266.
Fine Sheep Co., Nyssa, $32,681.
Hyline Farms Co., Ontario, $30,483.
Shigeno Farms, Inc., Ontario, $27,123.
Murakami Farms, Inc., Ontario, $26,074.
Total payees in county (5), $172,627.

Marion County

Jensen Bros., Silverton, $25,634.

Morrow County

Porter Peringer, Inc., Echo, $48,672.
Ralph S. Crum, Ione, $45,424.
Frank Anderson, Heppner, $30,980.
Marquardt Ranch, Lexington, $30,810.
Amanda S. Duvall, Heppner, $27,213.
Campbell Ranches, Inc., Echo, $26,960.
Krebs Bros., Inc., Cecil, $26,432.
Patrick Cutsforth, Lexington, $24,636.
Lee Petty John, Ione, $24,033.
Shirley Rugg, Heppner, $22,319.
Charles Carlson, Ione, $21,418.
McElligott Brothers, Ione, $20,482.
Total payees in county (12), $349,379.

Polk County

R. L. Walker Farms, Amity, $25,018.
Robert E. Scharf, Amity, $22,766.
Total payees in county (2), $47,784.

Sherman County

W. F. Wallace, Wasco, $21,978.
K 3 Ranches, Wasco, $21,258.
C. A. or Lorraine Tom, The Dalles, $20,224.
Total payees in county (3), $63,460.

Umatilla County

Cunningham Sheep Co., Pendleton, $78,962.
B. L. Davis Ranch, Inc., Adams, $77,039.
Robert G. Bafus, Adams, $61,862.
Johns Smith & Beamer, Athena, $45,807.
Glenn Thorne, Pendleton, $42,612.
McCormmach Bros., Adams, $40,445.
Barnett Rugg, Inc., Athena, $32,692.
Faye Mann, Adams, $32,579.
H. & L. Barnett, Inc., Pendleton, $31,988.
Hill Ranches, Inc., Pendleton, $31,894.
Coppinger & Son Ranches, Echo, $30,401.
Timmermann and Co., Pendleton, $30,353.
Hawkins Co., Inc., Pendleton, $30,296.
T. M. Campbell, Helix, $30,123.
Richard Hampton, Pendleton, $28,819.
H. T. Rea, Inc., Walla Walla, $27,298.
V. R. Ranch, Helix, $27,126.
John P. Weidert, Athena, $26,433.
Roy Howard & Son, Inc., Freewater, $25,863.
R. & T. Ranches, Athena, $25,521.
Don A. Woodward Farms, Inc., Pendleton, $25,344.
Raymond & Son, Inc., Helix, $23,153.
Hoeft Ranches, Inc., Pendleton, $22,899.

Les King, Inc., Helix, $22,793.
O. L. Straughman & Sons, Adams, $22,621.
Robert Rothrock, Adams, $22,598.
S. E. Brogoitti, Helix, $22,067.
Wernsing Coffman, Athena, $20,880.
Price & Ledbetter, Cayuse, $20,370.
Hansell Farms, Inc., Athena, $20,324.
Edwin L. Lawrence, Waitsburg, Wash., $20,141.
Martin H. Buchanan, Milton Freewater, $20,119.
Total payees in county (32), $1,021,422.

Union County

William H. Cooper, La Grande, $22,258.

Wasco County

The Miller Ranch Co., Bend, $33,179.
Underhill Ranch, Dufur, $24,144.
Total payees in county (2), $57,323.
Total payees in State (75), $2,267,000.

PENNSYLVANIA

Dauphin County

Hyles Hagy, Jr., Dauphin, $39,010.

Lehigh County

Charles J. Haaf, Breinigsville, $20,881.
Trexler Farms, Allentown, $20,633.
Total payees in county (2), $41,514.

Northampton County

Schoeneck Farms, Inc., Nazareth, $72,745.
Howard Seiple, Easton, $38,752.
Green Acre Farms, Nazareth, $28,646.
Louis Yautz, Easton, $25,173.
Keystone Dehydrators, Nazareth, $24,275.
Total payees in county (5), $189,591.

York County

Layola Federal Bldg., Bel Air, $70,652.
Tri Co. Foods Crop, Hanover, $23,039.
Total payees in county (2), $93,691.
Total payees in State (10), $363,806.

SOUTH CAROLINA

Abbeville County

S. F. Sherard, Sr., Calhoun Falls, $26,423.

Aiken County

Robert E. Scott, Decatur, Ga., $38,146.
Mackey Scott & Sons, Aiken, $32,400.
Bennie Willing, Johnston, $31,020.
Milton Stack, Batesburg, $30,688.
McElmurray Farm, Inc., Beach Is., $27,820.
H. C. Coward & Son, Aiken, $25,245.
W. J. Dunbar, Salley, $25,069.
John Anderson, Aiken, $24,576.
K. L. Flanders, Aiken, $23,287.
Garvin Brothers, Wagener, $23,049.
Weeks Farm, Inc., Montmorenci, $22,751.
Total payees in county (11), $304,051.

Allendale County

J. E. Kirkland, Jr., Ulmer, $81,682.
W. M. Terry, Martin, $76,913.
G. L. Rouse, Luray, $42,772.
J. V. Spigener, Allendale, $41,765.
Cecil L. Dunbar, Martin, $38,556.
W. R. Johns, Jr., Allendale, $29,905.
W. Ben Oswald, Allendale, $29,662.
N. B. Loadholt, Fairfax, $29,136.
J. S. McMillan, Allendale, $26,813.
J. C. Oswald, Allendale, $25,844.
H. A. Kearse, Ulmers, $22,433.
W. H. Handberry, Martin, $22,171.
G. M. Brabham, Sycamore, $22,132.
Robert E. Connelly, Ulmer, $21,662.
J. D. Rouse, Luray, $20,842.
S. M. Rice III, Allendale, $20,442.
Total payees in county, $552,730.

Anderson County

Lee Dobbins, Anderson, $47,391.
Thomas E. Garrison, Anderson, $24,414.
Fred Dobbins, Townville, $24,217.
E. J. Wright, Jr., Belton, $21,086.
W. M. Bolt, Anderson, $20,580.
J. E Earle, Anderson, $20,051
Total payees in county (6), $157,745.

Bamberg County

H. D. Free, Bamberg, $51,663.
H. W. Herndon, Bamberg, $45,674.
Francis M. Kearse, Ehrhardt, $30,510.
H. L. Free, Bamberg, $29,592.
George Cogburn, Bamberg, $28,655.
Henry F. Bamberg, III, Bamberg, $27,858.
Otto Boltin, Norway, $22,663.
Total payees in county (7), $236,615.

Barnwell County

Harold R. Lott, Blackville, $45,328.
Bird and Keel, Williston, $40,264.
J. B. Weeks, Jr., Denmark, $27,088.
W. H. Hutto, Jr., Blackville, $26,812.
J. David Bodiford, Blackville, $26,593.
Ted W. Craig, Blackville, $24,908.
Hagood and Richardson, Barnwell, $22,922.
Bruce O. Bates, Williston, $20,311
Total payees in county (8), $234,226.

Berkeley County

Robert F. Marion, Pineville, $28,601.
R. M. and R. C. Dennis Ex., Moncks Corner, $25,817.
Total payees in county (2), $54,418.

Calhoun County

W. W. Wannamaker Seed Farms, St. Matthews, $58,885.
Wiles Farm, Ft. Motte, $51,546.
Calhoun Agri and Inv Co., St. Matthews, $51,165.
Felkel and Hungerpiller, Elloree, $47,064.
Blackwoods Farm, Ft. Motte, $39,700.
W. Wesley Stabler, St. Matthews, $34,137.
D. S. Davis, Swansea, $34,097.
John C. Bickley, Elloree, $31,893.
L. B. Wannamaker, St. Matthews, $28,286.
J. D. Rast and Sons, Cameron, $27,400.
Raymond B. Ayers, St. Matthews, $26,512.
Lang Syne Farm, Ft. Motte, $26,084.
Haigler Bros., Cameron, $25,441.
J. Hubert Robinson, Swansea, $24,582.
G. C. Bull, Cameron, $23,893.
T. D. Arant Jr., Ft. Motte, $20,867.
Total payees in county (16), $551,552.

Cherokee County

Robert G. Scruggs, Gaffney, $65,263.

Chester County

H. H. Robinson, Chester, $47,625.
John H. Neely Jr., Rock Hill, $26,124.
J. H. Chappell, Chester, $23,481.
Total payees in county (3), $97,230.

Chesterfield County

Burr Farms, Cheraw, $43,172.
J. Calvin Rivers Farms Inc., Chesterfield, $31,724.
James Chappell Hurst, Chesterfield, $30,376.
King Farms Inc., McBee, $28,635.
J. Calvin Rivers Jr., Chesterfield, $28,616.
Hector R. McLeod, McBee, $26,434.
James C. Phillips, Cheraw, $25,144.
K. Stewart Laney, Cheraw, $25,010.
J. L. Sutton Jr., Pageland, $24, 997.
Vonelm Crawford, Chesterfield, $24,745.
T. R. and G. E. King, Jr., McBee, $22,435.
Robert C. Burr, Cheraw, $22,173.
James F. Teal, Chesterfield, $21,332.
Benjamin L. Norwood, McBee, $20,767.
William E. Eutsler, Cheraw, $20,655.
Total payees in county (15), $396,215.

Clarendon County

H. Fox Tindal, Pinewood, $65,404.
Samuel E. Durant, Gable, $58,432.
Jack Witherspoon Farms, Inc., Alcolu, $46,031.
Durant Brothers, Gable, $45,774.
D. C. Elliott, Summerton, $45,572.
Charles N. Plowden, Summerton, $44,638.
D. Leslie Tindal, Pinewood, $39,989.
Paul Burke, Alcolu, $39,281.
W. D. Harrington, Manning, $36,971.
R. V. Elliott, Summerton, $33,225.
Bob Finney, Santee, $32,490.
J. R. Briggs, Summerton, $32,266.
Rickenbacker and Sconyers, Summerton, $31,669.
Felder Farms, Inc., Summerton, $31,161.
C. D. Smith, Jr., Lake City, $30,687.
L. E. Richardson, Summerton, $30,083.
James B. Tidwell, Summerton, $27,257.
Ralph Bell, Jr., Summerton, $26,794.
Nelson Bros., Gable, $25,944.
M. E. Dubose, Manning, $24,922.
L. E. Elmore, Alcolu, $24,610.
R. N. Johnson, Sardinia, $24,376.
John K. Brogdon, Alcolu, $24,342.
Henry T. Everett, Summerton, $23,953.
Leo J. Berry, Manning, $23,649.
O. D. Harvin, Pinewood, $23,295.
Joe Alderman, Jr., Manning, $22,214.
James H. McFaddin, Manning, $22,180.
C & S Farms, Manning, $22,144.
Rickenbacker Gin, Inc., Summerton, $21,858.
W. W. Rowe, Summerton, $21,827.
R. L. Gayle, Summerton, $21,531.
W. J. Jackson, Manning, $20,916.
W. J. Rawlinson, Manning, $20,257.
Total payees in county (34), $1,064,742.

Colleton County

W. H. Varn, Jr., Inc., Smoaks, $33,601.

Darlington County

Cokers Ped. Seed Co., Hartsville, $91,542.
A. R. Mims, Lydia, $48,995.
William Howard, Jr., Darlington, $47,179.
Posey D. Kelley, Hartsville, $39,931.
Gary E. Byrd, Jr., Hartsville, $36,815.
Raymond Amerson, Lamar, $30,648.
L. L. Gandy, McBee, $30,071.
DeWitt Farms, Inc., Darlington, $28,798.
G. Graham Segars, Hartsville, $27,315.
Gene Ousley, McBee, $26,536.
J. T. Ross, Society Hill, $21,398.
Laurie C. Lawson, Darlington, $21,384.
Total payees in county (12), $450,612.

Dillon County

L. S. McColl, Jr., Little Rock, $55,232.
R. L. McLaurin, Dillon, $48,982.
Henry C. Quick, Jr., Dillon, $48,327.
Lloyd Page, Mullins, $42,129.
H. F. Price & Sons, Hamer, $36,489.
Brown & Marion R. McCallum, Dillon, $32,204.
Bruce Price, Dillon, $31,671.
Pee Dee Growers, Inc., Latta, $30,502.
F. C. Howell Est., McColl, $27,366.
A. M. McDonald, Little Rock, $26,691.
Floyd Johnson, Latta, $26,546.
Neil J. McRimmon, Little Rock, $26,213.
Neil D. McLaurin, Clio, $22,894.
Grady Jones, Dillon, $22,075.
Bernice M. Coleman & John D. Col., Latta, $20,451.
Total payees in county (15), 497,772.

Dorchester County

W. S. and J. D. Canaday, Reevesville, $27,289.

Edgefield County

Cecil Yonce, Jr., Johnston, $43,009.
C. L. Clark, Trenton, $34,858.
G. C. Holmes & Sons, Johnston, $25,639.
D. C. Herlong, Johnston, $21,720.
Total payees in county (4), $125,226.

Florence County

Billy E. Graham, Olanta, $84,931.
E. S. Willis, Jr., Florence, $62,116.
C. Allan Young, Jr., Timmonsville, $56,574.
Harllee Brothers, Florence, $28,208.
R. M. Fraley, Florence, $21,804.
Total payees in county (5), $253,633.

Greenville County

Allen M. Knight, Belton, $23,198.

Greenwood County

L. B. Adams, Greenwood, $29,608.
Calvin W. Kinard, Ninety Six, $28,503.
Fred P. Henderson, Ninety Six, $22,127.
Total payees in county (3), $80,238.

Hampton County

Hugh T. Lightsey, Brunson, $65,303.
Corrin Bowers, Luray, $31,523.
C. P. Barnes, Estill, $29,711.
David McKenzie, Garnet, $22,382.
W. L. Long, Estill, $21,937.

Jimmie McMillan, Brunson, $20,347.
L. H. Youmans & Sons, Furman, $20,087.
Total payees in county (7), $211,290.

Kershaw County

Lugoff Farms, Inc., Lugoff, $68,415.
Robert M. Marsh, Camden, $36,618.
Total payees in county (2), $105,033.

Laurens County

Billy Deshields, Enoree, $45,030.
J. T. Hollingsworth, Cross Hill, $36,338.
John M. Simmons, Mountville, $26,793.
Total payees in county (3), $105,161.

Lee County

C. E. Atkinson, Bishopville, $97,376.
J. E. Mayes, Mayesville, $96,896.
E. B. McCutchen, Bishopville, $89,253.
H. W. Shaw & Son, Bishopville, $64,194.
C. B. Player, Jr., Bishopville, $63,959.
Marion J. Barnes, Bishopville, $61,848.
H. B. Turner, Mayesville, $60,226.
Richard and Julia Hearon, Bishopville, $59,393.
E. Brad McCutchen, Bishopville, $56,440.
M. N. White, Bishopville, $53,762.
W. A. Berry, Bishopville, $50,968.
R. V. Segars, Sr. Oswego, $47,535.
Willis Woodham, Bishopville, $43.287.
James W. Scott, Jr. Lynchburg, $43,020.
Calvin Joyner, Camden, $41,937.
Clyburn Bros. & Son, Bishopville, $38,696.
Jack Woodham, Bishopville, $37,126.
L. M. Chewning, Bishopville, $37,008.
S. McBride Rhodes, Jr., Mayesville, $36,384.
J. E. Atkinson, Mayesville, $34,994.
C. R. Woodham, Bishopville, $32,820.
Sarah C. Tyndall, Mayesville, $31,353.
B. K. Phillips, Lynchburg, $31,268.
Annette C. Tiller, Mayesville, $30,306.
Wallace Deschamps, Wisacky, $29,133.
Lee West, Jr., Wisacky, $28,170.
B. J. Barnett, Bishopville, $27,585.
Wilfred Davis, Oswego, $26,965.
Katherine P. Stokes, Bishopville, $26,918.
Don D. Grant, Lamar, $25,538.
D. D. Grant & Son, Lamar, $24,985.
H. R. Colclough, Bishopville, $24,799.
Harris Hicks, Hartsville, $24,599.
H. W. Atkinson, Elliott, $22,500.
H. L. Johnson, Bishopville, $22,230.
J. E. McCutchen, Jr., Bishopville, $22,188.
Don R. McDaniel, Bishopville, $20,566.
A. L. McCaskill, Jr., Bishopville, $20,474.
Richard Scarborough, Bishopville, $20,469.
Dendy K. Josey, Florence, $20,294.
Total payees in county (40), $1,627,462.

Lexington County

Don W. Jeffcoat, Woodford, $28,655.
John H. Dowd, Swansea, $26,800.
Fogle Brothers, Pelion, $23,697.
Total payees in county (3), $79,152.

Marion County

E. J. Wiggins, Jr., Marion, $51,348.
Hubert Baxley, Marion, $23,059.
D. M. Wiggins, Marion, $22,244.
Total payees in county (3), $96,651.

Marlboro County

Claude P. Polston, Jr., Blenheim, $166,913.
Lawrence E. Pence, McColl, $115,429.
Hubbard W. McDonald, McColl, $96,423.
Thomas A. & Charles O'Neal Blenheim, $83,559.
Charles E. Lynch, Bville, $80,837.
E. M. Otuel, Bville, $56,142.
Ernest C. McInnis Est., Clio, $55,513.
J. Frank McLaurin, Jr., Bville, $47,065.
A. L. Calhoun, Jr., Co., Clio, $46,445.
Frank B. Rogers, Jr., Bville, $45,212.
Hugh Driggers, Blenheim, $43,866.
Maxie H. Kinard, Bville, $42,387.
Jimmy P. Wallace, Bville, $41,697.
Richard M. Adams, Gibson, N.C., $41,059.
Marion F. Wright, Clio, $38,578.
George B. Kerr Inc., Bville, $37,536.
William P. Wallace, Wallace, $36,663.
F. M. Hinson, Bville, S.C. $36,051.
William C. Covington, Clio, $35,466.
Jimmie C. Baker, Bville, $34,680.
Frank R. Quick, Bville, $32,651.
Noah A. Usher Jr., McColl, $32,584.
Brooks Odom, Bville, $32,026.
Julian M. Drake, Blenheim, $31,553.
Leon Driggers, Blenheim, $30,956.
John F. Everett, Bennettsville, $29,937.
John W. Liles, Bville, $29,881.
J. G. Hubbard, Clio, $29,210.
W. Alex Hinson, Bville, $29,022.
Jimmy B. Hinson Jr., Tatum, $26,551.
D. H. McQuage Jr, Clio, $26,359
John McInnis, Clio, $25,728.
Bloomfield D. Rogers Est., Clio, $25,551.
Angus G. Newton, Clio, $25,485.
W. Lee Carabo, Blenheim, $25,170.
Joseph P. Hodges, Bville, $24,841.
Lawrence S. Norton, Clio, $24,392.
G. M. H. Jr., J. D. Hunsucker Part, Gibson, $22,029
Robert Stillwell, McColl, $21,436.
Johnny G. Newton, Bennettsville, $20,940.
Total payees in county (40), $1,727,823.

Orangeburg County

Rowesville Farmers Gin, Inc., Rowesville, $75,989.
E. E. Gasque and Son, Elloree, $58,976.
W. B. Bookhart, Elloree, $49,318.
John David Clark, Holly Hill, $47,661.
Hugo L. Felkel, Elloree, $47,614.
J. W. Williamson Co., Norway, $44,625.
Earl J. Smoak, Orangeburg, $41,879.
Thomas B. Jackson, Jr., Orangeburg, $40,486.
Magnolia Lane Farm, Cope, $38,869.
Vallentines, Cope, $38,538.
Woodford Gin Co., Inc., Woodford, $35,492.
C & S Storage Co., Inc., Norway, $33,587.
Rossie P. Hughes, Neeses, $32,733.
Norman V. Hughes, Rowesville, $32,397.
Julian C. Crum, Orangeburg, $31,460.
T. J. Wiggins and Son, Eutawville, $30, 981.
Vance Farm Center, Vance, $30,256.
L. M. Ott, Elloree, $29,602.
M. L. McIver, Neeses, $29,005.
W. G. and F. H. Irick, Elloree, $27,322.
J. M. Russell, Jr., Holly Hill, $25,906.
J. Walter Whisenhunt, Orangeburg, $24,836.
R. L. Zeigler, Jr., Orangeburg, $24,162.
Robert L. Polin, Elloree, $23,405.
E. S. Bonnett, Jr., Cope, $22,491.
Fred Lawton Irick, Vance, $22,223.
Robert B. Shuler, Elloree, $21,489.
O. M. Williamson, Jr., Norway, $21,350.
Dan E. Walker, Norway, $20,285.
Kenneth W. Bickley, Elloree, $20,218.
Garrick Brothers A. Part, Cope, $20,001.
Total payees in county (31), $1,043,156.

Richland County

Willis M. Clarkson, Hopkins, $27,912.
Robert Lee Scarborough, Eastover, $25,901.
Alfred Scarborough, Sumter, $22,997.
H. C. Hill, Eastover, $20,459.
Total payees in county (4), $97,269.

Saluda County

R. M. Watsons Sons, Ridge Spring, $34,706.
Harold E. Frick, Ridge Spring, $23,111.
Harry S. Bell, Ward, $20,009.
Total payees in County (3), $77,826.

Spartanburg County

James W. Cox, Reidville, $31,553.
Albert Jackson, Inman, $22,630.
Gary Brockman, Greer, $20,643.
Total payees in county (3), $74,826.

Sumter County

J. E. Mayes, Mayesville, $136,700.
J. F. Bland, Jr., Mayesville, $116,645.
W. R. Mayes, Mayesville, $81,434.
J. M. Edens and Son, Dalzell, $67,744.
Marvell W. Goza, Mayesville, $63,213.
W. A. Dabbs, Mayesville, $47,880.
B. J. Barnett, Inc., Sumter, $47,092.
T. D. Keels, Sumter, $38,973.
H. R. Barnett et al., Sumter, $38,832.
H. C. & H. C. Edens, Jr., Dalzell, $32,952.
C. O. Gulledge, Wedgefield, $29,333.
Clayton Lowder, Sumter, $28,937.
Frances I. Davis, Sumter, $27,427.
J. T. Brogdon, III, Manning, $27,285.
I. W. Brunson, Alcolu, $26,952.
S. A. Harvin, Sumter, $26,106.
McBride Dabbs, Mayesville, $24,263.
Riverdale Farms, Inc., Oswego, $24,109.
Booth Farms, Inc., Sumter, $23,625.
Sam W. Gillespie, Sumter, $22,719.
Ashton Phillips, Charleston, $21,777.
J. H. Montgomery, Jr., Gable, $21,704.
E. S. Godbold, Rembert, $21,648.
J. C. Britton, Alcolu, $21,171.
Thomas C. McLeod, Rembert, $20,817.
Total payees in County (25), $1,039,338.

Williamsburg County

S. Wayne Gamble, Lane, $59,335.
Leroy S. Epps, Jr., Greeleyville, $40,988.
T. V. Ligon, Lane, $30,575.
Troy H. Lamb, Lake City, $25,705.
Total payees in county (4), $156,603.

York County

Gene Daves, York, $35,251.
Roy J. McFadden, Catawba, $33,726.
Poe Daves, York, $23,644.
Total payees in county (3), $92,621.
Total payees in State (333), $11,766,990.

SOUTH DAKOTA

Aurora County

Glissendorf Brothers, White Lake, $20,240.

Beadle County

Gt. Plains Fd. Lt. Inc., Huron, $24,970.

Bennett County

Elkhorn Farm, Martin, $38,003.
John Hippen, Martin, $24,817.
Robert Pich, Martin, $23,806.
John F. Knecht, Tuthill, $23,524.
Total payees in county (4), $110,150.

Brown County

Clark Bros. Inc., Putney, $40,301.
Verl Cutler, Claremont, $25,223.
Ott Brothers, Verdon, $24,240.
Hanson Farms Inc., Columbia, $22,547.
Rodney Barnes, Claremont, $21,163.
Alfred Locken, Bath, $20,052.
Total payees in County (6), $153,526.

Brule County

Helen Christiansen, Kimball, $22,888.

Buffalo County

James S. Brown, Dows, $20,988.

Butte County

McLeod Smith Ranches & Farms, Nisland, $62,078.
Goeringer Farm, Castle Rock, $27,619.
Earl W. Clarkson Co., Inc., Belle Fourche, $25,929.
Total payees in county (3), $115,626.

Charles Mix County

Pete Olson, Academy, $21,008.

Clay County

Jensen Bros., Vermillion, $36,570.

Corson County

Iro A. Hager, McIntosh, $27,255.
Young, Inc., McLaughlin, $21,416.
Weston L. Wolff, Lemmon, $20,993.
Dorus J. Mollman, Watauga, $20,002.
Total payees in county (4), $89,666.

Day County

Hansmeier & Son, Inc., Bristol, $36,872.
Peterson, Inc., c/o Jerry Peterson, Andover, $35,195.
Earl Morehouse, Bristol, $30,166.
Total payees in county (3), $102,233.

Dewey County

Almond D. Hunt, Eagle Butte, $33,377.
Bill Owen, San Saba, $24,060.
Total payees in county (2), $57,437.

Edmunds County

Petersen Farms, Inc., Ipswich, $34,675.
Plainview Hutterian Assn., Ipswich, $22,385.
Total payees in county (2), $57,060.

Fall River County

W. Tom Beebe, Edgemont, $27,585.

Faulk County

State of S. Dak., Pierre, $31,579.
Hogg Hereford Farms, Miranda, $30,646.
Lloyd Harmon, Chelsea, $22,479.
Total payees in county (3), $84,704.

Gregory County

Harold Kaupp, Gregory, $20,815.

Haakon County

J. Tipps Hamilton, Kirley, $28,246.
Bernard Armstrong, Midland, $23,016.
W. A. Hickman, Kirley, $22,257.
Eugene Armstrong, Midland, $20,866.
Vern Foland, Ottumwa, $20,543.
Total payees in county (5), $114,928.

Hand County

Leo Veskrna, St. Lawrence, $26,224.

Harding County

Arthur L. Reitz, Ralph, $21,276.

Hughes County

Leon Crain, Aline, $37,831.
John Spaid, Pierre, $28,341.
Clyde Colson, Blunt, $24,387.
Guy F. Barnes, Inc., Blunt, $22,861.
Total payees in county (4), $113,420.

Jones County

Daniel M. Parish, Murdo, $30,275.
Daum Brothers, Murdo, $26,609.
Nielsen Ranches, Inc., Draper, $21,037.
Total payees in county (3), $77,921.

Lincoln County

Dwight Clark, Worthing, $22,250.

Lyman County

Alfred Ehlers, Presho, $37,176.
Leo J. Terca, Presho, $25,867.
Garnos Ranches, Inc., Presho, $25,271.
Verdun Stanley, Presho, $23,496.
Gary Halvorson, Kennebec, $22,287.
Leon Thomas, Kennebec, $21,097.
Rex C. Brown, Presho, $20,886.
John Urban, Jr., Presho, $20,217.
Total payees in county (8), $196,297.

Marshall County

Dalton Docter, Amherst, $40,731.
Ray S. Jarrett, Britton, $32,126.
Penrhos Farms, Inc., Britton, $21,961.
Donald Jarrett, Britton, $21,928.
Welby Moeckly, Britton, $21,093.
Richard Moeckly, Britton, $20,527.
Total payees in county (6), $158,366.

McPherson County

Albert Fischer, Eureka, $21,227.

Meade County

Russell Burmeister, Elm Springs, $21,150.

Minnehaha County

John Morrell & Co., Sioux Falls, $20,827.

Pennington County

Leonel M. Jensen, Wall, $22,005.

Perkins County

O. Theo. Beckman, Prairie City, $32,079.
Ham Bros., Inc., Shadehill, $29,807.
Christman Bros., Lemmon, $24,322.
Floyd Howe, Bucyrus, $23,123.
Robert R. Kressly, Lemmon, $21,493.
Clifford E. Seidel, Meadow, $20,725.
Total payees in county (6), $151,549.

Potter County

Eldon Smith, Gettysburg, $33,931.
Daniel Cronin, Gettysburg, $27,878.
Robert Houck, Gettysburg, $27,217.
Sherman Neal Jesse Rausch P., Gettysburg, $26,467.
James Brown, Gettysburg, $25,683.
Joe Mangin & Richard Mangin, Gettysburg, $25,220.
Philip Hinckley, Gettysburg, $24,000.
Don Kunstle, Gettysburg, $22,650.
Dakota Cattle Co., Gettysburg, $20,015.
Total payees in county (9), $233,061.

Sanborn County

Vernon Amick, Letcher, $30,605.

Shannon County

Orville Schwarting, Gordon, $24,462.
R. W. Will, Garden Grove, $21,467.
Total payees in county (2), $45,929.

Spink County

Glendale Colony, Frankfort, $36,383.
Hammer Bros., Mellette, $28,137.
Lloyd Kegler, Faulkton, $27,580.
Paul P. Hofer, Doland, $26,232.
Jason Seymour, Mellette, $22,963.
Total payees in county (5), $141,295.

Stanley County

Neil Clarke, Fort Pierre, $31,784.
E. Vernon Sivage, Hayes, $23,068.
Gaylord Norman, Hayes, $20,519.
Total payees in county (3), $75,371.

Sully County

William J. Asmussen, Agar, $97,757.
Stanley Asmussen, Agar, $72,861.
C. A. Cannon, III, Pierre, $45,029.
Kinkler Farms, Inc., Onida, $42,684.
Ken R. Huse, Onida, $40,119.
Jerome J. Weinheimer, Onida, $38,545.
Dean Nelson, Onida, $34,660.
D. L. Anderson Corporation, Rapid City, $33,786.
John W. McSpadden, Vernon, $32,015.
Robert E. Duncan, Onida, $26,576.
R. Guy Goddard, Onida, $25,066.
Elton Eller, Onida, $23,948.
Albin H. Olson, Onida, $23,288.
Arlice J. Williams, Blunt, $23,062.
Lyle W. Ebert, Onida, $21,593.
Total payees in county (15), $580,989.

Tripp County

Bartley Mills, Winner, $27,217.
Van Collins, Carter, $24,187.
Total payees in county (2), $51,404.

Turner County

Bones Hereford Ranch, Parker, $24,773.

Washabaugh County

Donald Handcock, Inc., Longvalley, $32,824.

Yankton County

Melvin Cwach, Yankton, $21,334.

Ziebach County

Williams Grain, Inc., Lantry, $28,412.
Richard A. Bigler, Dupree, $20,936.
C. J. Larson, Spearfish, $20,086.
Total payees in county (3), $69,434.
Total payees in State (117), $3,239,925.

TENNESSEE

Carroll County

John A. Shoaf, Milan, $39,023.
Larry D. Townsend, Huntingdon, $21,325.
Total payees in county (2), $60,348.

Chester County

Jess Thomas, Henderson, $25,381.

Crockett County

Joe H. Carter, Ilamo, $31,403.
James F. Jordan, Halls, $31,310.
Steve Harper, Alamo, $26,756.
H. H. & F. W. Raines, Gadsden, $25,528.
Donny Cooke, Alamo, $25,396.
Billy D. Brown, Alamo, $25,273.
Donald Prescott, Alamo, $24,684.
Max Cates, Alamo, $24,634.
C. D. Cooke, Alamo, $23,690.
Eli Young, Friendship, $21,367.
Billy Norville, Gadsden, $21,268.
Total payees in county (11), $281,309.

Decatur County

Realon Corporation, Clifton, $20,543.

Dyer County

Tiger Tail Farms, Inc., Dyersburg, $27,821.
Moody Prop, Inc., Dyersburg, $26,507.
Charles & Elvin Miller, Trimble, $24,310.
Obie Pierce, Steele, Mo., $21,007.
Vernon Henson, Dyersburg, $20,442.
Total payees in county (5), $120,157.

Fayette County

Jerry Skelton, Collierville, $76,973.
Ames Plantation, Grand Jct., $52,198.
L. J. & J. A. Williams, Mason, $44,835.
Fowler Moore, Somerville, $44,426.
B. L. Davis, Whiteville, $42,872.
Allien M. Nunn, Laconia, $39,648.
H. H. Farley, Rossville, $36,425.
J. W. Owen, Moscow, $35,405.
Gordon Tomlin, Oakland, $31,600.
J. M. Caudle, Somerville, $31,025.
Davis Bros., Braden, $28,619.
A. W. Blalock, Whiteville, $26,697.
Elise H. Cowan, La Grange, $25,303.
William B. Cowan, Jr., La Grange, $25,299.
Sarah P. Cowan, La Grange, $24,472.
Rhea V. Taylor, Jr., Somerville, $24,430.
Cowan Bros., La Grange, $24,206.
Cooper Skelton, Somerville, $24,175.
J. M. Sullivan, Sr., Macon, $23,907.
J. M. Sullivan, Jr., Macon, $23,837.
Joe B. Burnette, Moscow, $23,747.
Ingram B. Howard, Arlington, $22,181.
William M. Tomlin, Oakland, $22,165.
Luther Holland, Somerville, $22,125.
Pete Williams, Somerville, $21,019.
Bill McClure, Moscow, $20,393.
Total payees in county (26), $982,817.

Franklin County

David R. Owens, Elora, $46,524.
Emmett Owens, Huntland, $43,338.
O. R. Collins, Jr., Belvedere, $30,875.
Total payees in county (3), $120,737.

Gibson County

Kermit Cates, Bradford, $43,609.
Bobby Harper, Trenton, $38,959.
H. L. Tracy, Trenton, $23,621.
James R. Vandyke, Trenton, $21,889.
A. F. Crenshaw, Trenton, $21,855.
Willie T. Crocker, Milan, $20,245.
Total payees in county (6), $170,170.

Giles County

White & Witt, Prospect, $24,447.
E. M. Dunavant & Sons, Ethridge, $23,715.
Total payees in county (2), $48,162.

Hardeman County

J. L. Chambers, Hickory Valley, $61,412.
Harlan Wooten, Whiteville, $25,359.
J. W. Bishop, Whiteville, $24,058.
Jerry Crangle, Bolivar, $21,688.
Drewey Bishop, Hickory Valley, $20,834.
O. E. Harris, Jr., Bolivar, $20,689.
Leo Parker, Whiteville, $20,653.
G. B. Ervin, Bolivar, $20,388.
Total payees in county (8), $215,081.

Haywood County

Tommy B. Willis, Brownsville, $54,229.
Billy Frank Morris, Stanton, $52,166.
Charles Haynes, Brownsville, $40,705.
Glenn Lonon, Brownsville, $39,042.
Powell Bros. Gin and Land Co., Brownsville, $27,040.
Allen King, Brownsville, $25,793.
John W. Moses, III, Brownsville, $25,208.
James Coffman, Brownsville, $23,778.
Sam S. Davis, Ripley, $22,729.
C. N. Armour, Halls, $21,063.
James T. Carlton, Brownsville, $20,580.
Hayes Brothers, Gates, $20,483.
C. A. Porch, Brownsville, $20,175.
Total payees in county (13), $392,991.

Lake County

W. T. Jamison, Jr., Tiptonville, $84,400.
Tipton Bros. and Sullivan, Tiptonville, $45,958.
W. E. & Bruce Dunlap, Ridgely, $45,004.
Walter Delaney, Tiptonville, $43,117.
Bruce D. Wyatt, Ridgely, $41,639.
George Dial, Ridgely, $37,143.
Fred A. Wortman, Ridgely, $31,611.
William E. Lindamood, Tiptonville, $30,719.
Leonard Fisher, Ridgely, $29,523.
Jack Fields, Tiptonville, $29,495.
Nard Shull, Ridgely, $29,232.
Wm. E. Paschall, Ridgely, $27,563.
Frank T. Markham, Tiptonville, $26,891.
Floyd Flowers, Tiptonville, $26,016.
Robertson & Argo, Ridgely, $25,671.
Jack Lowrance, Tiptonville, $23,643.
Wade Lannom, Tiptonville, $21,956.
Margaret Jackson, Tiptonville, $20,978.
Fredrickson and Keiser, Ridgely, $20,922.

W. C. Haynes, Jr., Tiptonville, $20,885.
P. N. Algee, Jr., Tiptonville, $20,429.
Total payees in county (21), $682,795.

Lauderdale County

George Lawson Elder, Ripley, $75,995.
William H. Moore, Gates, $38,465.
Ft. Pillow State Farm, Pillow, $35,947.
Jack Crutcher, Henning, $34,457.
Jim Fullen, Ashport, $33,588.
Stephen M. Fullen, Ashport, $33,050.
T. L. Crihfield, Ripley, $26,393.
Clyde Younger, Halls, $26,273.
Jammie P. Elder, Ripley, $26,205.
Jimmy Fullen, Ashport, $25,186.
Homer Young, Friendship, $23,228.
Steelman Brothers, Halls, $23,135.
E. C. Charlton, Trenton, $21,122.
Albert L. Jennings, Jr., Henning, $20,121.
Henderson Bros., Ripley, $20,069.
Eugene E. Meeks, Halls, $20,037.
Total payees in county (16), $483,271.

Lawrence County

Gordon Barksdale, Lawrenceburg, $22,509.

Lincoln County

M. M. Delap & Sons, Flintville, $29,625.
Carl W. Ogle, Elora, $22,269.
Total payees in county (2), $51,894.

Madison County

Neely Robley, Denmark, $41,338.
Jessie Collins, Bemis, $35,309.
James Shellabarger, Jackson, $30,414.
Wilson Thomas, Denmark, $22,926.
Bobby Stokeley, Brownsville, $22,810.
P. J. Haynes, Jackson, $21,489.
Genie and Leamon Phillips, Jackson, $20,281.
Total payees in county (7) $194,567.

McNairy County

James E. Smith, Stantonville, $23,474.

Obion County

Floyd Jacobs, Rives, $23,119.

Rutherford County

Steve D. McKnight, Murfreesboro, $25,934.

Shelby County

Riggan Planting Co., West Memphis, $91,249.
T. A. Densford & Son, Millington, $79,029.
H. S. Mitchell, Millington, $67,400.
Horne Bros., Arlington, $46,621.
James R. Scott, Germantown, $37,361.
Madge M. Harrison, Memphis, $36,919.
Aubrey Howell, Arlington, $36,115.
James L. Mann, Collierville, $35,171.
E. F. Crenshaw, Memphis, $34,519.
James E. Cowles, Arlington, $30,927.
Cedar Hill Farms, Memphis, $29,170.
Hardy Johnson, Millington, $27,457.
Paw Paw Block Farm, Millington, $26,946.
Harold Ticer, Millington, $25,714.
Douglas L. Walker, Atoka, $23,877.
Thurman Chapman, Millington, $22,289.
John R. Thomas, Memphis, $20,077.
Total payees in county (17), $670,841.

Tipton County

Charles L. Walker, Atoka, $60,140.
Horace E. Moore & Sons, Frenchman's Bayou, $49,522.
John A. McIntyre, Covington, $44,777.
Johnson Bros., Frenchman's Bayou, $37,676.
R. W. Anderson, Mason, $35,701.
John C. Balton, Wilson, $34,886.
J. W. Delashmit, Brighton, $32,481.
Marvin Johnson, Covington, $30,503.
Roy H. Hopkins, Covington, $29,300.
Marshall C. Huffman, Atoka, $28,337.
L. E. W. F. & M. B. Davis, Covington, $27,203.
Dewey Pinn R., Burlison, $25,892.
Sammy Smith, Mason, $22,484.
J. A. Wooten, Munford, $21,949.
W. J. Burlison, Burlison, $20,891.
Austin E. Anderson, Burlison, $20,753.
Vernon Rice & Son, Covington, $20,491.
R. M. Wooten, Munford, $20,221.
Total payees in county (18), $563,207.
Total payees in State (163), $5,014,472.

TEXAS

Andrews County

W. H. Vanlandingham, Seminole, $43,834.
C. C. Shortes, Seminole, $33,136.
D. G. Chiles, Lamesa, $22,280.
Total payees in county (3), $99,250.

Aransas County

BES Co., Corpus Christi, $26,080.

Archer County

W. M. Hayter, Megargel, $22,442.

Armstrong County

Parker Cattle Co., Canyon, $56,986.
James Bible, Wayside, $44,404.
Henry T. Hamblen, Wayside, $27,114.
James Stockett, Wayside, $26,912.
Henry Fields, Claude, $26,718.
Henry Finley, Claude, $25,387.
Nelson Bros., Claude, $25,165.
Troy F. Vance, Claude, $25,038.
M. H. Hays, Amarillo, $22,083.
Durrett Cattle, Amarillo, $21,418.
Paul E. Lindsey, Canyon, $21,011.
Total payees in county (11), $322,236.

Bailey County

Carl C. Bamert, Muleshoe, $99,016.
W. T. Millen, Muleshoe, $83,961.
Horace Hutton, Muleshoe, $83,285.
J. Bert Williams, Farwell, $74,416.
B. G. Free, Muleshoe, $70,158.
J. G. Arnn, Muleshoe, $65,111.
M. E. Little, Muleshoe, $64,091.
Bill Jim St. Clair, Muleshoe, $64,037.
Randy Johnson, Muleshoe, $63,473.
B. J. Gable, Muleshoe, $60,168.
Ray Wood, Sudan, $56,768.
W. M. Pool, Muleshoe, $55,834.
W. B. Little, Muleshoe, $50,919.
Buffalo Farms, Inc., Goodland, $48,888.
O. A. Jones, Farwell, $48,748.
J. F. Furgeson, Morton, $48,746.
Homer Richardson, Maple, $48,266.
T. D. Davis, Goodland, $47,891.
John R. Young, Muleshoe, $46,585.
Charles L. Bucy, Lubbock, $46,421.
M. A. Snider, Jr., Farwell, $45,729.
Jack Schuster, Muleshoe, $43,150.
Wilbert Kalbas, Farwell, $42,698.
Joe L. Smallwood, Muleshoe, $42,159.
J. P. Tarlton, Morton, $41,372.
C. J. Feagley, Muleshoe, $39,756.
Lewis Brothers, Muleshoe, $39,020.
Jesse Carter, Muleshoe, $36,899.
A. P. Fred, Morton, $36,712.
Marvin May, Sudan, $36,531.
Lester Howard, Muleshoe, $36,148.
M. T. Gant, Goodland, $33,821.
A. R. McGuire, Muleshoe, $32,324.
C. L. Saylor, Muleshoe, $31,548.
Johnnie Prater, Muleshoe, $31,398.
Bob Byrd, Muleshoe, $30,588.
W. Lewis Scoggin, Muleshoe, $30,570.
Elmer L. Hargrove, Farwell, $30,496.
A. P. Childers, Muleshoe, $30,296.
Don Lowe, Maple, $29,993.
Jim Johnson, Morton, $29,784.
James Gore, Sudan, $29,713.
Weldon Avery, Morton, $29,479.
W. E. Latimer, Sudan, $29,393.
Byron Gwyn, Muleshoe, $29,314.
John W. Gunter, Enochs, $28,840.
C. K. Corbell, Levelland, $28,757.
W. T. Watson, Muleshoe, $27,921.
Houston Hart, Muleshoe, $27,755.
J. L. Thomas, Morton, $27,714.
Jimmy Harris, Morton, $27,596.
Freddie Parkman, Maple, $27,340.
Robert Nunnally, Causey, $26,816.
J. R. Austin, Jr., Enochs, $26,604.
Austin Bros., Farwell, $26,524.
W. Q. Casey, Muleshoe, $26,017.
Lewis Wayne Shafer, Sudan, 25,777.
Ben Roming, Muleshoe, $25,731.
Robert Claunch, Enochs, $25,519.
Francis H. Franks, Portales, $25,410.
Ralph Beasley, Enochs, $25,380.
Leldon Phillips, Muleshoe, $25,080.
Bernard Phelps, Muleshoe, $25,015.
Virgil Wood, Morton, $24,622.
Aubrey Heathington, Muleshoe, $24,570.
Joe Signor Kimbrough, Muleshoe, $24,288.
Baker Johnson, Goodland, $24,007.
Bennie Claunch, Bula, $23,845.
Thomas W. Gregory, Lariat, $23,843.
Robert Kelton, Muleshoe, $23,779.
Jim Pat Claunch, Bula, $23,747.
Delbert Watson, Muleshoe, $23,667.
Rudolph Moraw, Muleshoe, $23,602.
Billie Marlow, Sudan, $23,532.
H. T. C. Cattle, Co., Muleshoe, $22,901.
S. M. Etheridge, Muleshoe, $22,823.
Van Rogers, Sudan, $22,818.
R. L. Scott, Muleshoe, $22,779.
Jim Claunch, Enochs, $22,619.
Tommy Haley, Muleshoe, $22,512.
Tobie Hatch, Muleshoe, $22,313.
T. W. Newsome Tr. C/O V Weaver, Sudan, $22,288.
G. W. Wheeler, Muleshoe, $22,258.
Bert M. Seales, Muleshoe, $22,169.
O. M. Lackey, Muleshoe, $22,152.
J. H. Lackey, Muleshoe, 22,151.
Doyce Turner, Muleshoe, $21,824.
Paul G. Young, Bula, $21,545.
J. V. Stancell, Muleshoe, $21,292.
Ross Goodwin, Muleshoe, $21,039.
David C. Stovall, Jr., Muleshoe, $20,796.
Vern C. Weaver, Sudan, $20,763.
Harold C. Toombs, Morton, $20,732.
W. R. Young Estate, Muleshoe, $20,707.
Fred W. Beene, Muleshoe, $20,703.
C. P. Price, Enochs, $20,647.
Justice W. H. Erickson, Denver, $20,511.
J. E. Layton, Morton, $20,490.
R. H. Layton, Morton, $20,402.
Archie Sowder, Goodland, $20,281.
W. B. Kittrell, Muleshoe, $20,149.
Richard E. Black, Sudan, $20,101.
Hagaman Co., Muleshoe, $20,094.
Wiley R. Baker, Florence, $20,079.
Finis Verley Kimbrough, Muleshoe, $20,076.
Total payees in county (105), $3,500,985.

Bandera County

W. W. Walton, Corpus Christi, $42,633.

Bastrop County

Henry Seggern, Elgin, $26,761.

Baylor County

Megargel Drilling Co., Megargel, $44,705.
Bobby G. Brock, Seymour, $39,815.
Roy Butler & Son, Bomarton, $34,002.
John A. Young, Seymour, $23,640.
Emitt Golden & Co., Seymour, $22,563.
Total payees in county (5), $164,725.

Bee County

Amko Farming, Inc., Corpus Christi, $34,946.
James J. Pogue, Jr., Kenedy, $29,929.
Beasley Farms, Inc., Beeville, $22,913.
Total payees in county (3), $87,788.

Bell County

Zed C. Lancaster, Jr., Temple, $21,431.

Borden County

John Springer Stephens, O'Donnell, $66,372.
Bennie Wendell Edwards, O'Donnell, $30,862.
Henery Dan Turner, O'Donnell, $30,166.
Harlin D. Williams, O'Donnell, $30,165.
Harold William Ludecke, O'Donnell, $27,470.
Hubert H. Walker, O'Donnell, $26.019.
Pat N. Hensley, O'Donnell, $23,696.
Kenneth W. Williams, O'Donnell, $22,768.
H. D. & Kent Holmes, Snyder, $20,220.
James Chester Ingram, Ackerly, $20,065.
C. C. Nunnally, O'Donnell, $20,000.
Total payees in county (11), $317,803.

Bosque County

J. W. Youngblood, Waco, $56,446.

Bowie County

Three Way Land Co., De Kalb, $296,433.
H. L. Vance, De Kalb, $122,966.
Elwood Elkins, De Kalb, $77,478.
William H. Farris, De Kalb, $74,575.
George H. Vance, Texarkana, $60,961.
D. P. T. Farris Inc., De Kalb, $38,796.
Guy W. Farris, De Kalb, $38,495.
Ely T. Moores, Texarkana, $26,587.

Bentley Johnston Farms, Inc., De Kalb, $22,243.

Total payees in county (9), $758,534.

Brazos County

Tom J. Moore, Navasota, $374,886.

Harry H. Moore, Navasota, $163,840.

Robert T. Moore, Navasota, $118,191.

Lee J. Fazzino, Bryan, $104,675.

L. C. Frede Navasota, $101,017.

J. P. Terrell and Son, Navasota, $100,101.

Sam Morello, Bryan, $69,383.

Brazos A. Varisco, Bryan, $66,539.

Joe Varisco, Bryan, $62,986.

Tony Varisco, Jr., Bryan, $51,939.

Vince Court, Bryan, $48,191.

Don Angonia, Bryan, $43,123.

Martin Merdian, Plantersville, $42,626.

Tony Joe Varisco, Bryan, $42,098.

Matt Morello, Bryan, $32,746.

Mike Fazzino, Bryan, $27,752.

W. J. Terrell, Navasota, $24,262.

Tom Rotello, Navasota, $23,475.

T. P. Rotello, Navasota, $23,392.

Peter Pry, Navasota, $20,256.

Total payees in county (20), $1,541,478.

Briscoe County

Joe B. Mercer, Silverton, $63,523.

L. O. Weaks, Silverton, $60,716.

G. W. Lee, Silverton, $57,206.

Fred W. Mercer, Silverton, $51,097.

Clyde Mercer, Silverton, $46,031.

Alva C. Jasper, Silverton, $45,188.

Roy Montague, Silverton, $40,503.

Ray Teeple, Silverton, $40,097.

J. D. McGavock, Silverton, $37,164.

Gordon Montague, Plainview, $36,612.

P. R. Sissney, Silverton, $36,071.

Harold Storie, Silverton, $34,331.

George Long, Silverton, $33,608.

Walter Graham, Happy, $33,514.

H. F. Parker, Tulia, $33,335.

Allen Kellum, Silverton, $31,328.

Cook & Cook, Clarendon, $31,009.

Theron Culwell, Tulia, $28,997.

Troy Burson, Silverton, $28,563.

Dallas Culwell, Tulia, $27,206.

Don Garrison, Silverton, $26,810.

Pat Northcutt, Silverton, $26,218.

D. T. Northcutt, Silverton, $26,218.

J. D. Nance, Silverton, $26,193.

Frank Mercer, Silverton, $25,812.

Deanie Henderson, Silverton, $25,200.

Ben Whitfill, Silverton, $25,102.

Triangle Farms, Tulia, $24,916.

Lem Weaver, Silverton, $23,607.

Carver Monroe, Silverton, $23,482.

Denver Anderson, Quitaque, $23,291.

D. E. Brunson, Quitaque, $23,053.

Carl D. Bomar, Silverton, $22,971.

Charles Whitfill, Silverton, $22,746.

A. T. Bingham, Silverton, $22,342.

L. D. Griffin, Silverton, $21,622.

Don H. Brown, Silverton, $20,210.

Loyd May, Silverton, $20,135.

Datis Martin, Silverton, $20,133.

Total payees in county (39), $1,246,160

Brooks County

Robert Allen May, Falfurrias, $35,222.

Burleson County

Est Geo. C. Chance, Bryan, $171,154.

Holland Porter, Caldwell, $145,657.

Marion J. Malazzo, Caldwell, $60,635.

Pete J. Scamardo, Caldwell, $57,832.

H. H. and Edgar Baker, Somerville, $55,948.

Phil Scamardo, Bryan, $55,127.

Marvin M. Porter, Caldwell, $49,508.

Mitt A. Bush, Bryan, $47,392.

Luke Restivo, Caldwell, $42,463.

G. R. Hutson, Caldwell, $39,715.

Sandyr Scarmardo, Caldwell, $36,230.

Steve A. Scarmardo, Caldwell, $33,974.

John W. Giesenschlag, Somerville, $33,541.

Cecil Giesenschlag, Somerville, $30,445.

Joe S. Campise, Bryan, $26,524.

Luke Bush, Caldwell, $25,435.

Frank Scarmardo, Caldwell, $24,229.

FSD Farm, Mumford, $22,502.

Frank J. Fojt, Jr., Snook, $22,431.

Luke A. Patranella, Caldwell, $22,315.

A. C. Sebasta and Sons, Somerville, $21,084.

Charlie Contella, Caldwell, $20,900.

Eugene Polzer, Caldwell, $20,731.

Total payees in county (23), $1,065,772.

Caldwell County

Terrell T. McGee, Lockhart, $29,027.

C. Fleetwood Richards, Jr., Lockhart, $27,163.

Terrell E. Clark, Lockhart, $24,098.

Louis A. Borchert, Lockhart, $20,064.

Total payees in county (4), $100,352.

Calhoun County

Roy Smith, Corpus Christi, 100,230.

A. R. Vincik, Edna, $34,212.

Studer & Lange, Robstown, $29,571.

Sanders Farms, Inc., Port Lavaca, $22,910.

Alvin A. Hahn, Port Lavaca, $21,089.

Henry C. Wehmeyer, Port Lavaca, $21,024.

J. O. Smith, Port Lavaca, $21,016.

Alton W. Hahn, Port Lavaca, $20,463.

Total payees in county (8), $270,515.

Callahan County

Weldon Edwards, Clyde, $23,841.

Cameron County

James D. Russell, San Benito, $175,107.

Oscar Mayfield & Sons, Taft, $124,572.

Wentz Fm. Co. & S. M. Fm., Brownsville, $122,509.

Simpson & Wilson, Rio Hondo, $106,768.

Rio Grande Equip. Co., Harlingen, $77,519.

Joe S. Wolf, La Feria, $74,260.

Herbert W. Bode, San Benito, $70,180.

L. R. Cherrington & Son, Harlingen, $69,713.

Robert L. Shuckman, Los Fresnos, $67,274.

Schmitt Bros. Farms Ptn., Los Fresnos, $63,143.

Henry V. Macomb, Los Fresnos, $62,898.

Rodolfo B. Samano, San Benito, $62,134.

Elijah B. Adams & Sons, Harlingen, $61,390.

Shimotsu Farms, San Benito, $59,011.

James A. McCarthy, Rio Hondo, $58,123.

Robert F. Ashley, La Feria, $5[illegible],945.

Cholick Farms, Rio Hondo, $56,434.

George Nixon, Los Fresnos, $56,229.

DBA D. L. Smith Farms, Harlingen, $55,904.

Crockett Groves Inc., Harlingen, $54,621.

Taylor Grain Co., Inc., Brownsville, $51,745.

Bauer Brothers, Feria, $49,775.

Rex L. McGarr, San Benito, $49,598.

Owsley Hill, Los Fresnos, $48,090.

Wentz Fm. Co. & C. Otsuki, San Benito, $46,924.

Oval A. Martin, Los Fresnos, $46,045.

Ashley D. Youngblood, Harlingen, $45,551.

J. L. & Bill Gray, Harlingen, $43,959.

Ballenger & Ballenger, Sebastian, $43,858.

Elmer E. Meek, Los Fresnos, $43,646.

Island Farms Inc., Rio Hondo, $43,183.

John A. Abbott, Harlingen, $43,083.

William J. Bryan, Los Fresnos, $42,991.

Elward M. Smith, Harlingen, $42,326.

Edward E. Billings, San Benito, $42,284.

P. Maurin & Jt. Maurin, Rio Hondo, $40,874.

Ramona J. Wolf, La Feria, $40,245.

Brocecky & Lomax, Rio Hondo, $39,328.

Loop Farms, Brownsville, $37,579.

Herman Lynch, Harlingen, $37,251.

Elvin Pederson, Sr., Los Fresnos, $36,961.

S. M. & W. M. Halbert, San Benito, $36,492.

F. H. Cherrington, Harlingen, $36,481.

Milton E. & Monica C. Wentz, Brownsville, $35,909.

McHayden Dillard, Harlingen, $35,863.

M. R. Davis & Son, Harlingen, $35,533.

Joe E. McCain, San Benito, $35,136.

Charles J. Buchen, Los Fresnos, $33,734.

Lamon & Lamon, Harlingen, $33,438.

Howard B. Girault, Los Fresnos, $32,906.

Walter L. Clore, Harlingen, $32,871.

J. G. Wreden, Raymondville, $32,529.

George L. Labar, Jr., Harlingen, $32,434.

Charles L. Shofner, Harlingen, $31,936.

DBA Taubert Brothers, Rio Hondo, $31,918.

Berg & Berg, Harlingen, $31,622.

Pilar Cabrera, Brownsville, $31,557.

Est J. Kelly Cain, Corpus Christi, $31,272.

Clifford L. Smith, Lyford, $31,106.

Lloyd G. Payne, Jr., Harlingen, $31,059.

Horace Wells, San Benito, $30,892.

Milan W. Nelson, Sebastian, $30,892.

Nester Mack, Harlingen, $30,789.

W. B. Mack, Harlingen, $30,726.

George L. Labar, Sr., Harlingen, $30,716.

Old Colony Tr Co Tr., Brownsville, $30,485.

Reynaldo Ramirez San Benito, $30,440.

Lester Nixon, Combes, $29,895.

Sams Porter Corp., Brownsville, $29,827.

James P. Labar, Harlingen, $29,735.

Joe W. Lane, Harlingen, $29,387.

Elijah B. Adams, Harlingen, $29,253.

G. D. Morrow, San Benito, $29,042.

Ross D. Waters, Rio Hondo, $29,020.

Hollie C. Lewis, La Feria, $28,868.

J. G. Infante, Jr., Harlingen, $28,775.

Oscar B. Gray & Sons Ptn., Harlingen, $28,487.

Harry J. Garrett, Harlingen, $28,433.

E. W. Ligon, Weslaco, $28,349.

Dougles S. Cantwell & Son, Harlingen, $27,910.

George & Sam Taylor, Corpus Christi, $27,677.

Kitamura Brothers, San Benito, $27,064.

Robert Mathers, Brownsville, $26,995.

Norman F. Willms, Los Fresnos, $26,937.

Johnson Brothers, Rio Hondo, $26,617.

Jan H. Heaton, Los Fresnos, $26,602.

Edwin W. Caughfield, Combes, $26,519.

Eldon Meek, Los Fresnos, $26,503.

Bob F. Morrow, San Benito, $26,337.

Ortiz Brothers, Brownsville, $26,178.

Clifton W. Hansen, San Benito, $25,743.

Ronald E. Waters, San Benito, $25,516.

Roy W. Renfrow, Brownsville, $25,296.

Eubanks Brothers, Santa Rosa, $25,177.

Premier Farms, Inc., Lyford, $25,010.

Adolph Thomae, Jr., San Benito, $24,673.

Lloyd G. Brotzman, Rio Hondo, $24,508.

Francis L. Phillip, La Feria, $24,301.

Jerry Tanamachi, San Benito, $24,245.

Joe G. Ballenger, Sebastian, $24,060.

Carpenter Brothers, Rio Hondo, $23,829.

Lois C. Bourne, Sebastian, $23,576.

Joe T. Maurin, Rio Hondo, $23,490.

Crowe & Crowe, Brownsville, $23,464.

Johnny J. Canville, Rio Hondo, $23,168.

Walt O. Waters, La Feria, $23,015.

Noriega Plantation, Brownsville, $22,828.

Lawrence P. Phillipp, La Feria, $22,749.

McElwrath Farms, Combes, $22,487.

Eugene A. Eubanks, Santa Rosa, $22,468.

Garvin B. Macomb, Los Fresnos, $22,439.

Oscar Eubanks, Santa Rosa, $22,324.

Graham B. Smith, Jr., Harlingen, $22,213.

J. E. Bruce, Los Fresnos, $22,174.

Tom S. Tanamachi, San Benito, $21,855.

Carl L. Bauer, La Feria, $21,739.

Leon F. Coates, Rio Hondo, $21,707.

West Brothers, Rio Hondo, $21,622.

Harry H. Azuma, San Benito, $21,343.

Jess & Warren Willard, San Benito, $21,266.

Minnie H. Warren Surv. Sp., Harlingen, $21,219.

Jackson Est. & D. E. Jackson, Jr., Sam Hstn, Hgn, $20,929.

Leonard P. Simmons, Jr., San Benito, $20,827.

Mark Abbott, Harlingen, $20,809.

R. W. Gray, Rio Hondo, $20,589.

James H. Eubanks, Santa Rosa, $20,434.

Total payees in county (126), $4,766,268.

Carson County

Frank Robinson, Panhandle, $86,838

Texas Tech Research Farm, Pantex, $66,586.

Sam Kotara, Groom, $46,020.

Clinton Williams, Panhandle, $43,969.

John D. Kelly, Jr., Panhandle, $41,979.

Marvin Urbanczyk, White Deer, $40,005.

Ralph Britten, Groom, $39,986.

B. F. Urbanczyk, Panhandle, $37,720.

J. B. McCray, Panhandle, $37,079.

Frank Simms, Panhandle, $34,294.

H. L. Beddingfield, Panhandle, $33,366.

Jack Martin, Panhandle, $31,538.

Leo M. Britten, Groom, $31,283.

Geo. Rohan, Panhandle, $30,962.

Leonard Olson, Panhandle, $29,946.

Rolla J. Sailor, Jr., White Deer, $29,715.
John Kotara, Jr., White Deer, $28,868.
T. C. Jackson, White Deer, $27,772.
Fowler Bros., Ptn., Panhandle, $27,013.
A. L. Stovall, Panhandle, $26,633.
E. H. Lindsey & Assoc., Ama, $26,100.
Raymond Blodgett, White Deer, $25,739.
E. T. Ross, Panhandle, $25,640.
C. W. & Faye Herndon, Ptn., Panhandle, $25,591.
J. T. Broadaway, Panhandle, $25,221.
Ronald Kotara, Panhandle, $24,781.
Jerry O'Neal, White Deer, $24,676.
B. McBrayer, Jr., White Deer, $24,233.
O. D. Smith, Panhandle, $23,242.
Albert Weinheimer, Groom, $22,998.
Tracey Garner, White Deer, $22,937.
James L. Stalls, White Deer, $22,619.
Dennis Kotara, Panhandle, $22,427.
Paul Dauer, Panhandle, $22,047.
H. O. Lemons, Panhandle, $21,983.
Wilfred Bichsel, Panhandle, $21,635.
H. C. Knapp, Panhandle, $21,041.
R. J. Kuehler, Groom, $20,925.
Jim Bush, White Deer, $20,527.
Arnold Urbanczyk, White Deer, $20,053.
Total payees in county (40), $1,235,987.

Castro County

Jimmy Cluck, Hart, $211,785.
Homer Hill, Hart, $134,806.
G. L. Willis, Jr., Dimmitt, $128,466.
H. D. Smith, Hart, $128,361.
Otto Steinberg, Plainview, $127,740.
J. F. Martin, Hereford, $104,753.
Carl Bruegel, Dimmitt, $87,390.
Clements Corp., Lubbock, $74,883.
Gilbreath Farm Co., Dimmitt, $71,247.
Homer A. Hill, Dimmitt, $68,257.
Kenneth Heard, Littlefield, $64,748.
Charles E. Armstrong, Dimmitt, $63,602.
B. L. Moore, Dimmitt, $60,837.
Jerry Cluck, Dimmitt, $60,825.
Charles Heck, Jr., Nazareth, $60,027.
Milburn & Eddie Haydon, Hart, $59,861.
Dan J. Heard, Dimmitt, $59,304.
Loyd Farris, Hart, $58,282.
J. M. Wright, Dimmitt, $57,846.
Tom Miller, Amarillo, $56,535.
George Gabel, Dimmitt, $56,498.
R. E. McDaniel, Dimmitt, $55,490.
Melvin Barton, Hereford, $55,349.
Allan Webb, Dimmitt, $55,232.
David Smith, Hart, $54,447.
George Sides, Dimmitt, $53,266.
Donald J. Wright, Dimmitt, $52,953.
E. L. Howard, Friona, $52,234.
W. W. Lemons, Hart, $51,105.
George & Kenneth Frye, Hereford, $50,626.
Fred Bruegel, Jr., Dimmitt, $50,506.
S. A. Hodges, Jr., Happy, $50,292.
Jack Miller, Amarillo, $50,262.
Deon Awtrey, Friona, $49,199.
Frank Wise, Dimmitt, $48,909.
Clint B. McFarland, Hart, $48,391.
Lorenzo Lee, Hart, $47,821.
Dick Ellis, Hereford, $47,796.
H. C. Nelson, Dimmitt, $47,730.
George C. Heard, Hereford, $48,263.
W. O. Markley, Hereford, $46,708.
Ray Robertson, Dimmitt, $46,563.
Henry W. Golden, Dimmitt, $45,882.
Truvis Campbell, Dimmitt, $45,590.
Leo Witkowski, Hereford, $45,588.
Don Carpenter, Dimmitt, $44,347.
Shirley L. Garrison, Hereford, $43,948.
Woodrow Nelson & Sons, Dimmitt, $43,706.
Earl Harkins, Hereford, $43,260.
Truman Touchstone, Dimmitt, $42,158.
James H. Bradley, Hereford, $41,826.
W. B. Hammonds, Dimmitt, $41,819.
M. L. McFarland, Happy, $41,028.
Jay Lee Touchstone, Dimmitt, $40,794.
W. E. Terrell, Plainview, $40,515.
Lamar Found, Lubbock, $40,397.
Carl King, Dimmitt, $40,317.
Jim Elder, Dimmitt, $40,129.
Kenneth Christie, Summerfield, $40,095.
Carl L. Kemp, Dimmitt, $39,840.
Downing & Epperson, Hereford, $39,737.
H. M. Boozer, Dimmitt, $39,581.
George Heck, Tulia, $38,734.
Fred Popejoy, Hart, $38,494.
Margaret H. Ware, Amarillo, $37,432.
Clyde H. Damron, Dimmitt, $37,251.
Jack George, Hart, $36,762.
Lonnie Bell, Dimmitt, $36,729.
Herman B. Rose, Dimmitt, $36,369.
Harlan L. Barber, Hereford, $36,161.
M. L. Aven, Hart, $36,095.
Doyl Underwood, Dimmitt, $35,247.
Paul T. Brooks, Hart, $35,097.
Ivan L. Block, Hereford, $34,398.
Richmond J. Payne, Happy, $34,360.
L. L. Shultz, Hereford, $33,636.
Andy Nelson, Dimmitt, $33,272.
M. N. Smith, Tulia, $33,176.
Clyde Hancock, Happy, $33,126.
Fritz Smith, Hereford, $32,552.
Weldon C. Bransgrove, Tulia, $32,180.
J. D. Myrick, Hart, $32,131.
Charles T. Noland, Hereford, $31,957.
Charles W. Coggin, Dimmitt, $31,752.
Joe Nelson, Dimmitt, $31,672.
Rayphard Smithson, Dimmitt, $31,537.
Geo. Ed Bennett, Hart, $31,535.
Bob Dulaney, Dimmitt, $31,338.
Fleetwood Farms, Amarillo, $31,143.
James Welch, Dimmit, $30,990.
Jim Roberts, Hart, $30,752.
Bill Rich, Kress, $30,669.
J. M. Snyder, Hereford, $30,604.
Chas. Veigel Est, Hereford, $30,600.
Charles Burks, Dimmitt, $30,587.
Ed. Wilson, Dimmitt, $30,564.
David Nelson, Hart, $30,307.
Odus Hastings, Dimmitt, $30,149.
Glenn Merritt, Hart, $30,042.
Charles Nutt, Dimmitt, $29,957.
Pat Robbins, Hereford, $29,854.
Kent Gabel, Dimmitt, $29,591.
Doyle McFerrin, Hereford, $29,517.
Cecil Hart, Sherman, $28,818.
Madge M. Roberts, Dimmitt, $28,648.
R. R. Rule, Friona, $28,604.
Dud Winders, Earth, $28,302.
William Baldridge, Dimmitt, $82,242.
E. W. Foster, Hart, $27,894.
Dent Bradley, Dimmitt, $27,672.
George Bennett II, Hart, $27,487.
Jerry Watts, Dimmitt, $27,336.
Floyd Tomlinson, Canyon, $27,118.
J. F. Clark, Nazareth, $27,107.
James Bradford, Dimmitt, $27,082.
Luke Miller, Plainview, $26,958.
Spicer Gripp, Hereford, $26,733.
Hubert Edwards, Hereford, $26,698.
Roger E. Haberer, Earth, $26,685.
E. Herring Est, Amarillo, $26,661.
Harvey C. Davis, Hart, $26,424.
Ernest Sammann, Dimmitt, $26,295.
A. H. Cook, Hereford, $26,282.
Tommy Stanton, Dimmitt, $26,112.
Carl Jones, Hart, $25,923.
Jess Willard, Dimmitt, $25,846.
Paul W. Armstrong, Jr., Hart, $25,752.
G. E. McFarland, Happy, $25,668.
H. J. Clark, Dimmitt, $25,664.
John H. Schacher, Nazareth, $25,630.
James Buckley, Dimmitt, $25,501.
Luke McGuire, Springlake, $25,316.
Freddie Hamilton, Dimmitt, $25,166.
Glenn Odom, Dimmitt, $25,104.
A. G. Jarvis, Dimmitt, $25,059.
Walter H. Schilling, Dimmitt, $24,903.
Burley L. Kent, Hereford, $24,882.
Guy Walser, Summerfield, $24,779.
Roy Cluck, Dimmitt, $24,620.
Joe M. Scott, Dimmitt, $24,360.
E. R. Little, Dimmitt, $24,261.
Claude Hutcherson, Plainview, $24,243.
Dale Maxwell, Dimmitt, $24,025.
Clark Andrews, Hereford, $23,994.
W. V. Struve, Hereford, $23,781.
Johnny K. Martin, Earth, $23,501.
S. R. Hutto, Hart, $23,498.
Cleo I. Connell, Dimmitt, $23,346.
Don Magness, Happy, $22,952.
T. G. McKinney, Dimmitt, $22,890.
Houston Lust, Dimmitt, $22,866.
Calvin Petty, Dimmitt, $22,838.
Moore Farms, Hereford, $22,819.
Ray Schulte, Nazareth, $22,581.
L. M. Blanton, Hart, $22,542.
E. O. Tunnell, Jr., Muleshoe, $22,522.
Richard Lupton, Nazareth, $22,360.
John N. Walker, Levelland, $22,359.
William Summers, Dimmitt, $22,336.
J. M. Young, Dimmitt, $22,133.
Roy F. Taack, Hart, $22,078.
Raybern Ott, Earth, $22,005.
Melvin Walter & Son, Plainview, $21,970.
G. H. Book, Dimmitt, $21,829.
Percy Merritt, Vrain, $21,823.
Ray Joe Riley, Hart, $21,772.
Jay P. Boston, Hereford, $21,714.
Jesse H. Johnson, Vernon, $21,637.
Dale Carmichael, Dimmitt, $21,579.
Howard Mitchell, Hart, $21,476.
Frank Sharp, Tulia, $21,307.
Jack Dyer, Hart, $21,301.
Jarrott Farms, Lubbock, $21,301.
A. J. Kemp, Jr., Ft. Worth, $21,296.
Leroy Edwards, Summerfield, $21,214.
Bob Kay, Hereford, $21,148.
Billy Snider, Dimmitt, $21,113.
Larry W. Halsmann, Muleshoe, $21,105.
A. T. Morgan, Dimmitt, $20,780.
J. L. Hrabal, Dimmitt, $20,619.
Dennis Williams, Hereford, $20,543.
F. J. Mears, Jr., Dimmitt, $20,460.
Charles Rickerd, Hereford, $20,450.
Frye Associates, Hereford, $20,381.
E. F. Vogler, Hereford, $20,350.
Roy Meacham, Dimmitt, $20,291.
Tom Lewis, Dimmitt, $20,286.
Ronnie C. Johnson, Happy, $20,260.
L. V. Cole, Dimmitt, $20,235.
Jerry Tunnell, Littlefield, $20,211.
D. A. Bass, Hart, $20,184.
Total payees in county (191), $7,138,967.

Childress County

Luther C. Hill, Wellington, $55,695.
Vera Renfro, Childress, $41,756.
Clinton B. Halford, Childress, $38,913.
B. P. Henderson, Kirkland, $38,884.
Delbert Seal, Childress, $30,874.
Carroll Seal, Childress, $29,505.
Derrill Nippert, Kirkland, $28,087.
Arthur Kane, Dodson, $27,851.
Fletcher Carter, Childress, $27,526.
Walter I. Lambert, Childress, $27,194.
L. H. Felton, Kirkland, $25,818.
Dean Decker, Childress, $25,110.
John Sherman, Wellington, $25,086.
Troy Boykin, Childress, $24,345.
Virgil Patterson, Childress, $24,248.
P. M. Bouchelle, Wellington, $22,279.
Lilburn F. Cox, Wellington, $22,276.
H. R. Mayhugh, Wellington, $21,417.
C. & C. Inc. of Childress, Childress, $21,062.
L. Roy Widener, Memphis, $21,021.
Hillside Farms, Inc., Kirkland, $20,983.
C. J. Cheatheam, Childress, $20,332.
James L. Helm, Memphis, $20,051.
Total payees in county (23), $640,313.

Clay County

P. P. Langford, Jr. Wich Falls, $20,610.

Cochran County

J. K. Griffith, Morton, $374,976.
John A. Wheeler, Lorenzo, $241,265.
C. C. Slaughter Farms, Morton, $104,623.
F. O. Masten, Sudan, $103,356.
T. K. Williamson, Morton, $73,916.
Erma Griffith, Morton, $69,819.
Jimmy Millar, Morton, $69,779.
Slaughter Hill Co., Levelland, $66,247.
E. L. Polvado, Morton, $66,222.
H. B. Barker, Morton, $66,222.
J. E. Polvado, Morton, $65,673.
R. L. Polvado, Morton, $64,773.
James Greener, Lubbock, $55,744.
Hub Baggett, Levelland, $50,451.
Ben & Edward Pinkert, Levelland, $49,127.
Bobby Smith, Morton, $47,716.
Curtis Griffith, Morton, $42,570.
D. E. Benham, Morton, $42,291.
Leonard O. Coleman, Morton, $39,545.
Ike Williams, Morton, $37,947.
Emmett E. Thomas, Morton, $36,545.
Ronald Coleman, Morton, $36,207.
E. E. Silhan, Morton, $35,998.
W. B. Merritt, Morton, $34,861.
J. W. Silhan, Morton, 34,173.
C. E. Ratliff & Sons, Lubbock, $33,795.

Dalton Redman, Morton, $31,664.
J. C. Obrien, Morton, $31,628.
C. C. Harvey, Morton, $31,251.
Griffith Enterprises, Morton, $30,686.
Raymon Hall, Morton, $30,642.
W. C. Eubanks, Maple, $30,601.
Dan Valentine, Whiteface, $29,720.
W. D. Christian, Morton, $29,674.
Ira Brown, Morton, $29,520.
Jack French, Levelland, $29,461.
Joe H. Bowers, Morton, $29,253.
Danny Key, Morton, $29,220.
B. H. Tucker, Morton, $27,954.
Robert Yeary, Morton, $27,516.
Charles Cumpton, Morton, $27,224.
Owen Egger, Morton, $27,123.
Hub Cadenhead, Morton, $26,866.
Clayton Stokes, Morton, $26,694.
A. R. Lamb, Morton, $26,146.
Mrs. Dona Doughty, Morton, $25,983.
Roy B. Davis, Morton, $25,763.
James & Edward Dewbre, Morton, $25,161.
J. B. Nicewarner, Morton, $24,890.
J. D. Merritt, Morton, $24,655.
Howard Scoggins, Morton, $24,600.
Herbert Greener, Morton, $24,332.
Tom Silhan, Morton, $24,298.
T. T. Smith, Morton, $24,148.
Eugene Vanstory, Maple, $23,693.
W. L. Foust, Morton, $22,726.
Wesley Warren, Maple, $22,143.
George Smith, Whiteface, $21,762.
Douglas Zuber, Morton, $21,657.
Ben Kuehler, Morton, $21,274.
Lee Stephens, Morton, $21,039.
H. A. Lamb Jr., Morton, $20,905.
Melvin Coffman, Morton, $20,856.
Glynn Price, Morton, $20,800.
Wm. T. Zuber, Morton, $20,312.
George G. Williams, Burnett, $20,163.
Floyd A. Rowland, Morton, $20,078.
Total payees in county (67), $2,997,904.

Collingsworth County

Carthel G. Lewis, Wellington, $39,602.
Louis E. Allred, Wellington, $31.049.
James Doneghy, Wellington, $31,004.
Wilbur DePauw, Quail, $30,967.
Fred Covey, Wellington, $29,895.
Tommy J. Lewis, Wellington, $29,657.
Wood & Wood, Wellington, $29,245.
J. B. Killian, Wellington, $28,873.
John E. Forbis, Wellington, $28,546.
William R. Ward, Wellington, $25,283.
Lewis A. Morris, Wellington, $24,153.
Bill Janes, Wellington, $23,567.
Carl Wischkaemper, Quail, $23,495.
Cecil L. Shanks, Wellington, $23,181.
P. P. Fielding, Memphis, $23,060.
Elvis D. Crawley, Wellington, $22,958.
John Coffee, Wellington, $21,670.
Rudolph Tate, Memphis, $21,235.
P. J. White, Wellington, $20,780.
Helen L. Oldham, Shamrock, $20,696.
Elbert Watts, Wellington, $20,365.
William L. Orear, Wellington, $20,170.
Total payees in county (22), $569,451

Collin County

Welborn & Welborn, Princeton, $46,646.
John D. & Wm. H. Wells, Plano, $32,934.
Dwight D. Crigger, Anna, $25,101.
Billy Joe Donihoo, Plano, $24,713.
Edward R. Dinihoo, Plano, $24,711.
Joe Doyle, Copeville, $23,169.
Jerry David Dodson, Greenville, $22,485.
Joe F. Fisher, McKinney, $22,432.
Thomas J. Glendenning, Celina, $20,569.
Total payees in county (9), $242,760.

Colorado County

T. Cattle Co., Garwood, $74,615.
Arthur E. Mahalitc, Eagle Lake, $40,332.
Kenneth Mahalitc, Eagle Lake, $23,425.
John Mahalitc, Jr., Eagle Lake, $23,213.
Total payees in county (4), $161,585.

Concho County

Arlie E. Davis & Son, Melvin, $36,703.
Jess Stephens & Son, Eden, $30,561.
Monroe P. Dierschke, Wall, $27,534.
Adrian L. Fiveash, Paint Rock, $23,020.
N. H. & V. C. Whitworth, Doole, $21,700.
Jacfi V. Williams, San Angelo, $20,622.
Total payees in county (6), $160,140.

Coryell County

Bobby Latham, Gatesville, $26,893.

Cottle County

Jack Parnell, Paducah, $46,691.
Don Brothers, Paducah, $44,417.
R. D. Wall, Jr., Paducah, $38,793.
Loyd Mayes, Paducah, $33,048.
Donald D. Love, Childress, $31,852.
Jack Tippen, Paducah, $30,435.
Maggie B. and Irless Brooks, Paducah, $28,103.
J. T. Martin, Paducah, $27,739.
James Sweeney, Paducah, $26,626.
Earl & Glen Bates, Paducah, $24,889.
J. M. Townley, Paducah, $24,884.
Suttle W. Majors, Paducah, $24,358.
Lester Moss, Paducah, $24,327.
H. W. Matney, Paducah, $23,965.
R. C. Martin, Paducah, $23,850.
Billy Ray Harrison, Paducah, $22,269.
G. R. Tippen, Paducah, $21,912.
Welton Fields, Paducah, $21,726.
Woodrow D. Tucker, Paducah, $21,552.
D. D. Chewning, Childress, $20,842.
Burnett Richards, Paducah, $20,641.
Wesley Gibbs, Paducah, $20,467.
Total payees in county (22), $603,386.

Crockett County

W. W. West, Ozona, $31,104.
George Bunger, Sr., Ozona, $24,184.
Total payees in county (22) $603,386.

Crosby County

Delton Caddell, Ralls, $87,139.
Luis Garcia/Sons, Inc., Spur, $69,336.
Lynn E. Campbell, Crosbyton, $59,596.
Compton Cornelius, Crosbyton, $59,590.
Donald Aycock, Lorenzo, $59,060.
D. J. Moses, Crosbyton, $58,592.
Bob Kimbrough, Ralls, $57,927.
Lynn T. Smith, Crosbyton, $56,631.
Jesse L. Reese, Ralls, $55,860.
H. N. Watson, Jr., Ralls, $55,613.
Clyde Crausbay, McAdoo, $55,290.
Lloyd Gambrel, Ralls, $52,562.
Bill N. Gilbreath, Ralls, $50,650.
J. P. Beck, Ralls, $50,407.
Elvis O. Martin, Ralls, $49,684.
Cleve Cypert, Ralls, $47,899.
Elton Ellison, Ralls, $45,498.
W. O. Lockwood, Lorenzo, $45,118.
R. H. Farris, Jr., Crosbyton, $44,663.
Marvin T. Heinrich, Ralls, $43,868.
O. D. Moore, Crosbyton, $43,868.
Max Johnson, Ralls, $43,208.
Tom F. Oats, Ralls, $42,967.
Marvin O. Greer, Ralls, $42,048.
Carroll Himmel, Crosbyton, $41,881.
James W. Holman, Crosbyton, $41,295.
Arvis E. Moore, Crosbyton, $41,011.
John L. Haynes, Ralls, $40,594.
Craig McDonald, Ralls, $40,067.
Claude Adams, Ralls, $39,890.
W. T. Leon, Petersburg, $39,613.
I. B. Davis, Ralls, $37,106.
Rex Wheeler, Crosbyton, $36,923.
Buster E. Smith, Lorenzo, $36,517.
J. W. Jackson, Crosbyton, $36,346.
Julius Blair, Ralls, $36,294.
Ray Marsh, Ralls, $36,125.
G. J. Parkhill, Jr., Crosbyton, $35,653.
Darrell J. Dunn, Ralls, $35,558.
Harold Trull, McAdoo, $35,506.
Clyde Crump, Ralls, $35,474.
Kenneth Summerford, Crosbyton, $35,473.
David A. Prewitt, Ralls, $35,311.
Mack Harmon, Lorenzo, $35,189.
S.A.E., Inc., Ralls, $34,901.
Kenneth Gray, Lorenzo, $34,383.
Jack E. Robertson, Ralls, $34,239.
Anthony Latta, Crosbyton, $34,120.
James K. Edinburgh, Crosbyton, $33,476.
Robert Fullingim, Petersburg, $33,420.
Harold Hodges, Crosbyton, $33,106.
Loyd B. Parkhill, Crosbyton, $32,731.
Harvey Hancock, Lorenzo, $32,502.
Gene Fullingim, Petersburg, $32,317.
Bobby H. Kendrick, Floydada, $31,950.
James A. Boydstun, Ralls, $31,813.
J. J. Griffin, McAdoo, $31,572.
W. Clayton Sellers, Ralls, $31,175.
Jimmie W. Thornton, Ralls, $30,757.
L. Don Anderson, Crosbyton, $30,678.
Roy Lee Ellis, Crosbyton, $30,610.
Smith Community Farms, Crosbyton, $30,471.
J. R. Terrell, Ralls, $30,428.
Donald Wooten, Crosbyton, $30,401.
T. W. Stockton, Jr., Crosbyton, $30,187.
Mitco, Inc., Crosbyton, $29,946.
Curtis M. Wheeler, Lorenzo, $29,702.
Eldred L. Mize, Crosbyton, $29,630.
Arnold Hodges, Floydada, $29,582.
Billy Kirk, Crosbyton, $29,546.
Vernon D. Wheeless, Crosbyton, $29,347.
John R. Green, Lorenzo, $29.266.
James W. Sales, Ralls, $29,106.
Dewey E. Wells, Jr., Ralls, $28,718.
C. B. Hendrick, Ralls, $28,217.
Billy Simpson, Crosbyton, $28,064.
Jimmy R. Fullingim, Petersburg, $27,905.
F. Eugene Woodard, Ralls, $27,737.
Harold Verett, Floydada, $27,578.
R. Weldon Jones, McAdoo, $27,353.
Roy Schulter, Ralls, $27,333.
Amon W. Proctor, Crosbyton, $27,327.
Dick Snodgrass, Crosbyton, $27,322.
Alvin C. Morrison, Lorenzo, $27,301.
Noble Hunsucker Prtshp, McAdoo, $27,249.
Byron E. Powell, Ralls, $27,241.
Charles B. Gray, Ralls, $27,049.
Donnie Powell, Ralls, $27,040.
Billy Crump, Ralls, $27,022.
Nelton Chote, Ralls, $26,899.
H. P. Gregory, Lorenzo, $26,864.
L. M. Powell, Ralls, $26,822.
J. B. Prewitt, Ralls, $26,690.
Robin L. Anderson, Crosbyton, $26,683.
Billy Joe Boyd, Crosbyton, $26,656.
D. B. Ellison, Crosbyton, $26,605.
Herschel A. Roye, Ralls, $26,588.
Wayne J. Parker, Ralls, $26,551.
Robert H. Perkins, Crosbyton, $26,431.
Ross Cash, Crosbyton, $26,327.
Will D. Griffin, McAdoo, $26,081.
George W. Poulson, Lorenzo, $25,872.
J. B. Marshall, Ralls, $25,824.
Dee Cash, Crosbyton, $25,691.
John H. Moore, Ralls, $25,551.
James M. Chote, Ralls, $25,495.
Harold Moore, Ralls, $25,219.
George Cunningham, Lorenzo, $25,194.
C. L. Martin, Ralls, $25,063.
Planters, Inc., Crosbyton, $25,049.
B. L. Anderson, Sr., Ralls, $24,889.
Ernest L. Harris, Ralls, $24,761.
Roy J. Warren, Crosbyton, $24,698.
Gary Ivey, Ralls, $24,428.
Boney Winkler, Spur, $24,333.
Walter M. Wood, Lubbock, $24,216.
Arnold Ratheal, Crosbyton, $24,084.
Jasper A. Cornelius, Ralls, $23,956.
T. B. Edwards, Lubbock, $23,715.
Charles E. Sanders, Ralls, $23,714.
Ramon Johnston, Crosbyton, $23,576.
Olin Bryant, Lubbock, $23,476.
Morris H. Wideman, Ralls, $23,475.
Vance Cypert, Ralls, $23,343.
W. C. McDuff, Ralls, $23,219.
Arvil L. Campbell, Ralls, $23,202.
B. H. Wheeless, Crosbyton, $23,065.
L. A. Cox, Slaton, $22,925.
R. P. Kirkendall, Crosbyton, $22,864.
Wilson & Gray, Inc., Ralls, $22,599.
B. L. Anderson, Jr., Ralls, $22,486.
Woodrow W. Robertson, Crosbyton, $22,485.
Crosbyton Seed Co., Crosbyton, $22,374.
John Brock, Crosbyton, $22.186.
Howard Harris, Floydada, $22,020.
Clarence Denson, Brownfield, $21,980.
Claude Collins, Lorenzo, $21,776.
Harold Wilson, Slaton, $21,768.
Elmer S. Wells, Ralls, $21,694.
Fullingim Brothers, Petersburg, $21,668.
A. R. Brakebill, Crosbyton, $21,533.
George U. Griffin, McAdoo, $21,384.
Kenneth Havens, McAdoo, $21,375.
Howell L. Martin, Lubbock, $21,358.
Elnaree Southward, Ralls, $21,343.
Cornelius & Son, Crosbyton, $21,255.
Odell Heathington, Ralls, $21,163.

Doyle Norris, Ralls, $21,106.
Raymond K. Ralls, Ralls, $21,097.
Jimmy Wheeless, Crosbyton, $21,092.
Charlie Wheeler, Crosbyton, $21,042.
J. W. Payne, Ralls, $20,979.
Edmond C. Crump, Ralls, $20,972.
T. G. Hendrick, Lorenzo, $20,960.
Wright L. Carlisle, Ralls, $20,945.
E. C. Simmons, Lorenzo, $20,938.
Billie McClaran, Petersburg, $20,895.
Thorne Wilmeth, Ralls, $20,680.
Billy Bounds, Ralls, $20,579.
Marwin Brakebill, Ralls, $20,543.
Grady Evans, Crosbyton, $20,526.
Eddie W. Vefett, Ralls, $20,437.
T. Willard Moses, Ralls, $20,344.
Larry McClaran, Petersburg, $20,195.
Johnnie P. Wallace, Petersburg, $20,190.
H. M. Reed, Jr., Idalou, $20,182.
Vernon O. Roye, Ralls, $20,135.
Clester L. Griffin, Lorenzo, $20,130.
Joe D. Rankin, Ralls, $20,029.
Total payees in county (169), $5,227,058.

Culberson County

Wildhorse Valley Farms, Inc., Van Horn, $49,019.
Lee Talley, Van Horn, $47,324.
J. J. Taber, Van Horn, $42,089.
J. E. Beasley, Van Horn, $32,510.
Dick Guest, Van Horn, $31,922.
Ted Brewster, Van Horn, $21,501.
D. H. Brewster, Van Horn, $21,314.
Total payees in county (7), $245,679.

Dallam County

Elmer Heiskell, Dalhart, $105,737.
James E. Crabtree, Dalhart, $78,216.
Hugh L. Gordon, Dalhart, $68,247.
Carleton Davis, Dalhart, $60,411.
Kerrick Land & Cattle Co., Kerrick, $55,550.
Leo H. Moore, Dalhart $54,279.
H. F. Beyer, Dimmitt, $52,666.
Raman L. Chandler, Dalhart, $51,688.
Melvin Przilas, Dalhart, $51,435.
Jimmie O. Brewster, Dalhart, $50,684.
George H. Noble, Dalhart, $50,237.
Horace D. Estes, Dalhart, $48,272.
Tim E. Field, Dalhart, $46,696.
Charles Grice, Dalhart, $46,149.
Billy Chesnut, Dalhart, $45,276.
David P. McBryde, Stratford, $44,05[illegible].
H. Friemel & Sons, Canyon, $43,914.
William W. Allen, Stratford, $43,588.
Alex Stafford, Dalhart, $43,584.
Roy Nall, Boise City, Okla., $43,093.
J. T. McAdams, Dalhart, $41,860.
Keith Green, Dalhart, $39,660
Curtis G. Chisum, Dalhart, $39,545.
Webb/Webb/Johnson Ptnp., Stratford, $38,941.
Tommy Lovett, Spearman, $38,039.
John Hancock Life Ins., Dallas, $37,382.
Si. G. Darling, Hereford, $37,182.
Frank Hamilton, Dalhart, $36,566.
W. J. Giles, Dimmitt, $36,330.
Glenn Johnson, Dalhart, $35,681.
Oscar O. Przilas, Dalhart, $35,548.
Ell Dee Field, Dalhart, $35,356.
R. L. McMurtry, Amarillo, $35,274.
Circle Farms, Inc., Dalhart, $35,221
Leo J. Field, Dalhart, $34,245.
James M. Field, Dalhart, $34,197.
Asa Willis, Texline, $33,996.
Charles Vickers, Dalhart, $33,920.
Wall & Sons, Dalhart, $33,844.
Loyd J. Pillans, Dalhart, $33,281.
Summerour Brothers Ptnp., Dalhart, $33,196.
Clarence Roberts, Dalhart, $32,585.
Billy G. Moore, Dalhart, $32,114.
L. A. Mathis, Dalhart, $31,811.
Ray T. Taylor, Kerrick, $30,172.
Donald A. Borth, Dalhart, $29,726.
NM & AZ Land Co., Albuquerque, N. Mex., $29,665.
Clancy Cummings, Dalhart, $29,450.
Frank C. McDaniel, Dalhart, $29,356.
Kimball & Crosswhite Ptnp., Dalhart, $29,328.
Russell C. Cummings, Dalhart, $29,083.
Glenn D. Cummings, Dalhart, $29,083.
Delbert Butler, Dalhart, $28,626.
Edward Lethen, Corona Del Mar, Calif., $28,575.
Tommy Gerber, Dalhart, $28,095.
Ernest D. Sheets, Dalhart, $28,059.
Elias N. Crabtree, Stratford, $28,001.
Vanus Byrd, Dalhart, $27,778.
Norval W. Bressler, Dalhart, $27,278.
Merten M. Schmidt, Dalhart, $27,238.
Feral Carruth, Texline, $26,667.
Floyd H. Richards, Dalhart, $26,014.
Jim Clements, Dalhart, $25,579.
Bill Wedel, Dalhart, $25,473.
Marvin Gibbs, Dalhart, $25,225.
Meredith H. Brown, Stratford, $25,221.
Lewis Sharp, Dalhart, $25,146.
Porter & Robertson Ptnp., Dalhart, $25,067.
Jody Bezner, Texline, $24,971.
Fountain Angel, Dalhart, $24,911.
H. B. Watson, Dalhart, $24,837.
Everett F. Dryden, Dalhart, $24,780.
Jay Byrd, Dalhart, $24,311.
Roy W. Wharton, Dalhart, $24,242.
Leo Meek, Stratford, $24,050.
Taylor & Taylor, Ptnp., Stratford, $24,025.
Grover Swift Est., Amarillo, $23,530.
Elmer R. McNabb, Dalhart, $23,449.
Louie V. Baker, Dalhart, $23,174.
Arendo A. McDougald, Dalhart, $23,141.
Triple M Farms, Dalhart, $23,113.
Sam Heiskell, Dalhart, $23,036.
T. I. Welch, Walsenburg, Colo., $22,984.
Lowell B. Winsor, Texline, $22,837.
Bill R. Brewster, Dalhart, $22,799.
Kenneth G. Wells, Kerrick, $22,716.
Carl W. Miller, Amarillo, $22,403.
Roland M. Reeves, Dalhart, $22,107.
Bascom Baxter, Texline, $22,044.
E. G. Schuhart II, Dalhart, $22,040.
Allen B. Smith, Dalhart, $21,969.
Tommy Campsey, Texline, $21,309.
Willie Belle Pounds Est., Dalhart, $21,307.
C. G. Warren, Dalhart, $21,229.
Don W. Slaughter, Lubbock, $21,204.
Charles Card, Dalhart, $20,899.
Curtis D. Jones, Dalhart, $20,287.
Calvin F. Elms, Kerrick, $20,145.
Homer L. Steen, Dalhart, $20,083.
Total payees in county (99), $3,307,384.

Dallas County

Olin B. Curry, Lancaster, $44,025.
Roddy Bros., Lancaster, $42,180.
Billy C. Beach, Dallas, $35,558.
Max Daniel, Plano, $33,300.
Ralph B. Pickett, Garland, $29,508.
John David Smith, Seagoville, $23,729.
R. V. Luther, Ferris, $22,529.
Reagan Glenn, Seagoville, $20,590.
Jack Nelson, Plano, $20,262.
Harvey L. McBride, Lancaster, $20,194.
Total payees in county (10), $291,875.

Dawson County

Bill Weaver, Lamesa, $107,111.
Charles Warren, Lamesa, $87,214.
Henderson & Son, Lamesa, $79,607.
Sam Jenkins, Lamesa, $73,983.
Gordan V. Waldrop, Lamesa, $70,232.
David Hughes, Lamesa, $65,472.
Lloyd Cline, Lamesa, $65,174.
George Eiland, Lamesa, $62,720.
Bobby Warren, Lamesa, $59,211.
E. D. Adcock, Lamesa, $54,968.
L. D. Freeman, Jr., Lamesa, $54,944.
C. R. Taylor, Lamesa, $54,208.
Arlan Youngblood, Lamesa, $53,311.
Woodward Farms Inc., Graham, $53,089.
Donovan V. Phipps, Welch, $51,141.
Marshall F. Cohorn, Lamesa, $50,705.
Lyndall, Sharp, Lamesa, $50,433.
Eiland Crawley Palmore, Lamesa, $48,122.
Donnell Echols, Lamesa, $47,754.
Carson Echols, Lamesa, $47,670.
B. L. Middleton, O'Donnell, $47,611.
E. L. Hendon, Welch, $47,313.
Adcock Farming Co., Inc., Lamesa, $47,124.
R. M. Middleton, O'Donnell, $46,870.
Jerry D. Harris, Lamesa, $45,773.
E. E. Sumrow, Lamesa, $45,642.
Lowell T. Warren, Lamesa, $42,953.
Doyle Terry, Lamesa, $42,135.
V. W. McGee, Lamesa, $41,682.
O. H. Preston, Jr., Lamesa, $41,576.
Raymond G. Roberts, Lamesa, $39,716.
John D. Banta, Lamesa, $39,609.
Arthur Nolen, Lamesa, $38,212.
Edwin Rinewalt, Lamesa, $38,137.
V. O. Barron, Lamesa, $37,933.
Billy Miers, Lamesa, $37,866.
Norris Barron, Lamesa, $37,662.
Ferguson Schneider, Lamesa, $37,630.
Gus Burkett, Lamesa, $37,514.
Robert F. Hardberger, Lamesa, $37,466.
W. G. White, Lamesa, $37,068.
Billy J. Lambright, Lamesa, $36,976.
Edwin Thomas, Lamesa, $36,875.
Jack Warren, Lamesa, $35,947.
Leroy Holladay, Lamesa, $35,899.
E. Bar Cattle Co., Lamesa, $35,738.
Ela Morris, Lamesa, $35,727.
Floyd McGee, Lamesa, $35,251.
Don H. Peterson, Ackerly, $34,335.
Dennis Lamphere, Lamesa, $34,187.
Gonzell Hogg, Lamesa, $33,737.
Clyde Qualls, Lamesa, $33,732.
Bill Treadway, Lamesa, $33,717.
Louie Drennan, Welch, $33,288.
Thomas H. Horton, Ackerly, $33,193.
W. L. Gilliam, Lamesa, $32,852.
Carl Barrow, Lamesa, $32,543.
N. B. Leatherwood, Lamesa, $32,473.
Dan Harp, Welch, $32,448.
David Franklin, Donnell, $32,324.
J. T. O'Brien, Lamesa, $32,285.
Dopson Farms, Lamesa, $31,667.
W. T. Pomroy, Lamesa, $31,664.
Norman Wayne Brown, Lamesa, $31,294.
Cecil O'Brien, Lamesa, $31,172.
Eddie Carpenter, Lamesa, $31,072.
Willard H. Free, Lamesa, $31,002.
Joe O'Brien, Lamesa, $30,988.
Ronald Raney, Welch, $30,905.
J. P. Senter, Lamesa, $30,755.
Roy D. Cooper, Lamesa, $30,554.
J. E. Airhart, Lamesa, $30,410.
L. D. Echols, Lamesa, $30,244.
Harvie L. Kemper, Lamesa, $30,231.
Theron E. Tidwell, Lamesa, $30,230.
N. W. Weeks, Welch, $30,063.
Ray Barringer, Lamesa, $29,975.
Richard Woodward, Lamesa, $29,915.
C. M. Pearce, O'Donnell, $29,895.
Boyd Echols, Lamesa, $29,852.
Landon Peters, Jr., Lamesa, $29,594.
Conley Esmond, Lamesa, $29,522.
C. C. Rodgers, Lamesa, $29,397.
Ray Allen Noret, Lamesa, $29,310.
Roy E. Bearden, Lamesa, $29,014.
Bill R. Hambrick, Ackerly, $28,952.
C. C. Clifft, Jr., Lamesa, $28,935.
Jerry Kelley, Lamesa, $28,662.
Robert C. Koger, Lamesa, $28,493.
Henry F. Vogler, Lamesa, $28,260.
A. B. Middleton, Lamesa, $28,006.
S. N. M. M. Farm Corp., Andrews, $27,914.
Bill Meares, Lamesa, $27,530.
Freddy T. James, O'Donnell, $27,465.
James H. Addison, Lamesa, $27,198.
John Middleton, Jr., Lamesa, $26,913.
J. D. Bennett, Lamesa, $26,865.
Jesse E. Stephens, Lamesa, $26,773.
Ted Turner, Welch, $26,683.
Okyleen Addison, Lamesa, $26,524.
Lloyd Mears, Lamesa, $26,499.
Donald Airhart, Lamesa, $26,482.
Vernon Berdell Bratcher, Lamesa, $26,147
Weldon Brownlow, O'Donnell, $26,035.
Donald Wayne Merrill, Lamesa, $25,871.
James David McGrew, Lamesa, $25,812.
Jeff D. Raney, Welch, $25,804.
Carroll Bennett, Welch, $25,771.
Alton Barkowsky, Lamesa, $25,665.
Dewey R. Drennan, Welch, $25,569.
Alvin G. Limmer, Lamesa, $25,489.
M. S. Sellers, Lamesa, $25,400.
Richard Orson, Lamesa, $25,390.
Bill Barnes, Lamesa, $25,255.
Leland Harold Bartlett, Lamesa, $25,015
J. R. Weaver Est., Lamesa, $24,886.
Arlis Cline, Lamesa, $24,872.
Darus Sumrow, O'Donnell, $24,809.
Homer Etheredge, Lamesa, $24,668.

Broyles Lamesa Farms, Inc., Lamesa, $24,431.
A. C. Hodges, Lamesa, $24,295.
Hershell Edwin Raines, Lamesa, $24,244.
Pat Fortenberry, Welch, $24,241.
Ross E. Barron, Lamesa, $24,096.
Arthur J. Cohorn, Lamesa, $24,042.
H. R. Jeter, Lamesa, $23,982.
Troy Howard, Lamesa, $23,853.
Layton Oliver, Lamesa, $23,757.
Ervin Eoff, Lamesa, $23,725.
George E. Fillpot, Lamesa, $23,553.
Harvey Hanson, Lamesa, $23,548.
Frank Wilson, Welch, $23,493.
R. L. Riker, Lamesa, $23,459.
Beachy Barron, Lamesa, $23,398.
W. T. Snellgrove, O'Donnell, $23,377.
C. W. Henderson, Lamesa, $23,284.
J. B. Neill, Lamesa, $23,174.
Thomas H. Boyd, Lamesa, $22,958.
Blaine Middleton, Lamesa, $22,914.
J. F. Ferguson, Lamesa, $22,679.
Jack Wolford, Welch, $22,589.
Spurgeon C. Motley, Jr., Lamesa, $22,584.
Rex Zant, Lamesa, $22,399.
L. O. Deatherage, Lamesa, $22,299.
C. L. Anderson, Lamesa, $22,174.
Roy Hughes, Lamesa, $22,170.
E. E. Rodgers, Lamesa, $22,082.
Oscar Vogler, Lamesa, $22,015.
Donald Holt, Lamesa, $21,961.
Wayland Cox, Lamesa, $21,784.
Emfinger and Son, Lamesa, $21,754.
Frank Doyle Deatherage, Lamesa, $21,693.
Arvis D. Woodul, Lamesa, $21,682.
D. O. Huddleston, Lamesa, $21,296.
Travis Dean, Lamesa, $21,252.
Jack McCown, Lamesa, $21,129.
Cecil T. Jones, Lamesa, $21,116.
Robert B. Barron, Lamesa, $21,067.
George Lopez, Lamesa, $20,942.
F. A. Youngblood, Lamesa, $20,893.
Everett Turner Est., Welch, $20,880.
John Montgomery, Lamesa, $20,821.
Jack Bowlin, Ackerly, $20,817.
W. Lee Harris, Lamesa, $20,766.
James H. Howard, Lamesa, $20,729.
Waylon Bell, Lamesa, $20,602.
W. C. Taylor, Lamesa, $20,602.
Herbert Green, Lamesa, $20,582.
E. A. Truitt, Lamesa, $20,577.
J. C. Norris, Lamesa, $20,513.
Garland Maxwell, Lamesa, $20,391.
Jerry Napper, Lamesa, $20,381.
Clyde Herman Maule, Lamesa, $20,350.
Alvin Harris, Lamesa, $20,336.
Orville N. Weeks, Lamesa, $20,329.
Jack Grigg, Lamesa, $20,316.
Blanton Clearman, Lamesa, $20,308.
Weldon White, Lamesa, $20,203.
Raymond Orson, Lamesa, $20,188.
Dewayne Nelson, Lamesa, $20,164.
Doyle Matlock, Lamesa, $20,073.
E. R. Marshall, Lamesa, $20,018.
Total payees in county (182), $5,798,745.

Deaf Smith County

Hill Farms, Hart, $245,646.
Taft McGee, Hereford, $210,767.
Perrin Bros., Hereford, $127,329.
Virgil F. Marsh, Hereford, $111,917.
R. C. Godwin Farms, Inc., Hereford, $109,905.
Delmar R. Durrett, Amarillo, $109,714.
W. H. Gentry, Hereford, $107,073.
Wm. J. Schulte, El Reno, $100,864.
White Farms & Cattle Co., Canyon, $100,209.
Herbert Friemel, Canyon, $92,990.
B. T. Spear, Amarillo, $92,674.
D. T. Reed, Hereford, $89,737.
Billy Wayne Sisson, Hereford, $86,308.
Forrester Ranch, Inc., Amarillo, $85,757.
John & Ray Brorman, Adrian, $81,890.
Vernon Denson, Hereford, $79,703.
Quien Sabe Farms, Hereford, $75,723.
Clarence D. Carnahan, Hereford, $73,657.
O. D. Bingham, Dalhart, $72,725.
James A. Bullard, Hereford, $69,494.
Reinauer Bros., Hereford, $68,782.
Melvin May, Hereford, $68,290.
Harry Brorman, Hereford, $67,489.
A. R. Dillard, Hereford, $66,880.
Jimmy Brown, Inc., Hereford, $66,285.
J. R. Durrett Trusts, Amarillo, $65,847.
Anthony Paschel, Hereford, $65,674.
Garrison Bros. & Nelson, Hereford, $64,258.
Hosea Foster Est., Canyon, $63,915.
West AC Farms, Inc., Hereford, $62,048.
Solomon Bros., Hereford, $61,950.
McCathern & Heck Farms, Hereford, $60,071.
Paul Lyons/Lyons, Hereford, $59,383.
Higgins & London, Hereford, $58,456.
A. C. Hays, Jr., Dimmitt, $57,950.
Oneway Farms, Hereford $54,974.
Billy J. Cleavinger, Wildorado, $53,701.
John A. & Raymond Smith, Hereford, $53,241.
L. J. Jones, Jr., Hereford, $52,605.
Jerrell T. Cate, Plainview, $52,013.
Harris & Thrush Sales Co., Lubbock, $51,858.
Joseph J. Friemel, Umbarger, $51,793.
Brooks & Brooks, Hereford, $51,405.
James Fangman, Hereford, $51,219.
Herman Grusing, Amarillo, $50,982.
B. C. Hodges, Vega, $50,880.
R. M. Mason, Hereford, $50,673.
Brorman Bros., Inc., Hereford, $50,413.
Meiwes Bros., Hereford, $50,272.
E. C. R. Corporation, Hereford, $49,594.
Morris W. Blankenship, Hereford, $49,573.
Bernard Hartman, Canyon, $49,067.
Jimmy Brown, Hereford, $49,042.
Montgomery Farms, Vega, $48,815.
Francis E. Barrett, Hereford, $48,344.
Iverson Leake, Canyon, $48,271.
Johnny Jesko, Hereford, $47,336.
Edwin Morrison, Adrian, $46,443.
Donald Kimball, Amarillo, $45,747.
Gerald McCathern, Hereford, $45,485.
Jim Monroe, Hereford, $45,236.
Gary McQuigg, Hereford, $44,808.
Jimmy Brown, Adrian, $44,571.
Pitman Easley Industries, Hereford, $43,997.
Glenn B. Allred, Wildorado, $43,643.
Hickman Farms, Inc., Hereford, $43,629.
A. G. Flippin, Vega, $42,454.
J. E. McCathern, Jr., Hereford, $42,226.
S. A. Fangman, Hereford, $41,831.
Ray Gerk, Hereford, $41,675.
Herbert E. Bippus, Hereford, $40,844.
J. T. Gilbreath, Jr., $40,804.
D. Neumayer, Dimmitt, $40,059.
W. F. Ponder, Hereford, $39,852.
Hereford Grazing Corp., Hereford, $39,649.
James Gentry, Hereford, $39,405.
Luther Ellis, Hereford, $38,618.
Ernest Walden, Jr., Hereford, $38,204.
Samie West, Hereford, $38,101.
Douglas K. Nix, Hereford, $38,031.
Bertram Jack, Friona, $37,718.
Matt Webb, Amarillo, $37,508.
Schlabs Farms, Inc., Hereford, $37,250.
Norman Hodges, Hereford, $37,245.
Frank V. Zinser, Jr., Hereford, $36,891.
Richardson Seed Farm, Vega, $36,625.
Charlie & Kenneth Robinson, Vega, $36,166.
Robert R. Lindsey, Borger, $35,694.
J. B. Halle, Hereford, $35,297.
John Skaggs & Son, Adrian, $35,218.
Josef C. Grotegut, Hereford, $35,092.
W. E. Warrick, Hereford, $34,843.
Kenneth Artho, Hereford, $34,640.
Donald Hicks, Hereford, $34,493.
Tom Robinson, Hereford, $34,398.
Joseph A. Meyer, Adrian, $34,323.
Wm. A. Carter, Hereford, $34,271.
Mary Inman Hipes, Amarillo, $34,116.
Alton Fraser, Hereford, $33,998.
David Downey, Hereford, $33,944.
Bruce W. Burney, Hereford, $33,905.
Otis D. Jackson, Vega, $33,729.
Harold D. Moore, Wildorado, $33,119.
Joe M. Zinser, Hereford, $32,913.
Bennie Newbill, Wildorado, $32,676.
Mrs. N. A. Brown & Sons, Friona, $32,356.
Royce Cretsinger, Wildorado, $32,233.
Helen Godwin, Amarillo, $32,127.
Jerome Friemel, Hereford, $32,084.
J. C. Price, Hereford, $32,045.
Laverne Schenk, Wildorado, $31,904.
F. A. Marnell, Hereford, $31,761.
Cecil Morrison, Hereford, $31,642.
George L. Olson, Hereford, $31,412.
Roman J. Friemel, Hereford, $31,358.
John Brorman, Adrian, $31,283.
Walter G. Russell, Amarillo, $31,145.
C. G. Howell, Wildorado, $30,986.
Bob Veigel, Hereford, $30,759.
L. B. Worthan, Hereford, $30,373.
M. R. Latham, Hereford, $30,174.
Jack Williams, Hereford, $30,063.
Richard D. Friemel, Canyon, $30,057.
O. G. Hill Estate, Hereford, $29,772.
Luther Lesly, Hereford, $29,263.
Wilburn P. Axe, Hereford, $29,095.
O. W. Harrison, Amarillo, $29,083.
Paul Wilson, Slaton, $29,061.
Chester Wiggains, Summerfield, $29,014.
Flat Acre Farm, Hereford, $28,520.
Glen Wagner, Vega, $28,484.
G. V. Cassitty, Hereford, $28,079.
George Turrentine, Hereford, $28,077.
Edgar Frerich, Hereford, $28,059.
Tom J. Boyd, Amarillo, $27,944.
W. Ralph Hastings, Hereford, $27,918.
Leland Burns, Adrian, $27,861.
Robert Lloyd, Hereford, $27,794.
Charles Packard, Hereford, $27,766.
Edgar Brown Est, Adrian, $27,501.
Leroy Williamson, Hereford, $27,499.
Henry J. Kuper, Summerfield, $27,186.
Jim Marnell, Hereford, $27,155.
Bridwell Ranch West, Adrian, $27,125.
W. P. Dutton, Hereford, $27,101.
Lester B. Godwin, Hereford, $27,018.
R. A. Crist, Hereford, $26,994.
Donald J. Meyer, Hereford, $26,984.
Wayne Richardson, Vega, $26,777.
Bruce Coleman, Friona, $26,610.
Madison F. Fields, Amarillo, $26,387.
Raymond Higginbotham, Hereford, $25,990.
James Overstreet, Hereford, $25,713.
Hall Bros., Hereford, $25,620.
J. M. Boothe, Jr., Hereford, $25,537.
Ernest Flood, Hereford, $25,513.
Shepard Cattle Co., Hale Center, $25,452.
Joe Frank Huckert, Hereford, $25,211.
Norton, Inc., Hereford, $25,118.
Gene Godwin, Amarillo, $24,918.
Dan W. Berger, Vega, $24,859.
Wilhelmina Wimberley, Dawn, $24,810.
Charles Hoover, Hereford, $24,743.
W. Q. Duggan, Hereford, $24,733.
A. C. Brorman, Hereford, $24,686.
Mickey Wilson, Friona, $24,677.
Raymond Schlabs, Hereford, $24,675.
Strain Farm, Hereford, $24,617.
A. F. Marnell, Hereford, $24,381.
James L. Voyles, Vega, $24,373.
Dale Christie, Friona, $24,290.
Brown Bros., Friona, $24,141.
Arnold P. Betzen, Hereford, $24,122.
George W. Ritter, Hereford, $24,118.
Labry E. Ballard, Hereford, $24,077.
Ralph Rice, Wildorado, $24,076.
Silas G. Wilson, Slaton, $24,009.
Earl Holt, Hereford, $23,942.
Alban Farms, Long Beach, Calif., $23,910.
Noble C. Howard, Hereford, $23,845.
Albert Lamb, Hereford, $23,761.
Howe & Finley, Gladstone, N. Mex., $23,621.
Lewis C. Beckman, Hereford, $23,373.
C. E. Johnson, Hereford, $23,369.
J. R. Hickman, Hereford, $23,361.
Joe Brorman, Vega, $23,276.
James Paetzold, Hereford, $23,255.
Roger H. Brumley Est., Hereford, $23,251.
Charles Long, Hereford, $23,202.
Cecil T. Bass., Friona, $23,144.
Robert M. Hicks, Hereford, $23,092.
U. S. Akens, Hereford, $23,002.
C. P. Worthan, Hereford, $22,960.
Ernest McGee, Cisco, $22,858.
Larry Harris, Hereford, $22,858.
Harold Martin, Wildorado, $22,846.
R. T. & H. R. Stewart, Dawn, $22,844.
Arthur B. Kent, Hereford, $22,844.
C. F. Homfeld, Adrian, $22,786.
W. J. Schumacher, Hereford, $22,682.
Andrew Kershen, Hereford, $22,500.

F. L. Eicke, Hereford, $22,474.
Richard Fortenberry, Broadview, $22,449.
Herbert H. Miller, Dawn, $22,323.
George Mode, Wildorado, $22,228.
Clarence C. Williams, Panhandle, $22,000.
Curtis Deason, Vega, $21,944.
Austin C. Rose, Jr., Hereford, $21,923.
Richard E. Friemel, Canyon, $21,846.
Paul Zinser, Hereford, $21,726.
H. D. Fowler, Wildorado, $21,648.
Shugart & Keller, Canyon, $21,564.
A. L. Hollingsworth, Hereford, $21,559.
R. B. Lanham, Jr., Amarillo, $21,539.
Harry Fuqua, Hereford, $21,533.
Walterscheid Bros., Hereford, $21,458.
James & Herman Hund, Hereford, $21,303.
Billy B. Moore, Wildorado, $21,204.
Hubert L. Turner Est., Hale Center, $20,743.
Denzil Pulliam, Hereford, $20,690.
R. G. Lynch, Jr., Hereford, $20,638.
Denson Trust, Houston, $20,587.
Jerry R. Landers, Hereford, $20,554.
J. B. Odom, Hereford, $20,467.
Richard Sims, Hereford, $20,346.
Clarence L. McBroom, Wildorado, $20,330.
Glenn D. Welch, Lockney, $20,079.
R. E. Battles, Dimmitt, $20,013.
Total payees in county (228), $9,158,913.

Delta County

Garland K. Cregg, Cooper, $23,370.
R. W. Smith, Cooper, $20,753.
Emmett E. Thomas, Pecan Gap, $20,636.
Total payees in county (3), $64,759.

Denton County

Elmo & Ernest Chesney, Celina, $42,411.
John W. Porter, Denton, $28,077.
Donald Shifflett, Krum, $23,513.
Bennett Griffin, Frisco, $21,886.
William Stanley Dozier, Lewisville, $21,061.
Bobby George, Frisco, $20,533.
Total payees in county (6), $157,481.

Dickens County

Dumont Bridge, Afton, $48,374.
Raymon Harris, McAdoo, $42,353.
D. W. Edinburgh, Crosbyton, $37,511.
Paul Braddock, Afton, $36,448.
Raymond Eldredge, McAdoo, $35,857.
Paul Dale Hagins, Spur, $35,443.
Donald Berry, McAdoo, $35,146.
Vernon Harris, Spur, $34,116.
Rex Carlisle, Spur, $31,706.
G. B. Morris, Crosbyton, $26,181.
Dovie Smith, Spur, $24,791.
Earl Van Meter, McAdoo, $24,300.
Larry Morris, Crosbyton, $23,589.
R. B. Walsworth, Spur, $22,664.
Harris Bros., McAdoo, $22,056.
Weldon Key, Spur, $21,133.
J. P. Hale, Spur, $20,862.
Hickman Bros., McAdoo, $20,680.
Frank Ragland, Roaring Springs, $20,107.
Total payees in county (19), $563,317.

Dimmit County

Reynolds & Wilson Farms, Crystal City, $46,374.
Warren Wagner, Inc., Crystal City, $42,164.
Total payees in county (2), $88,538.

Donley County

Hall S. Hardin, Clarendon, $36,766.
J. Melvin Asberry, Groom, $32,064.
Wm. O. Mooring, Clarendon, $29,643.
Warren Hardin, Clarendon, $25,277.
Lawrence Aubrey Watson, Clarendon, $23,551.
Jimmy Lee Butler, Lelia Lake, $21,883.
Harold L. White, Hedley, $20,704.
Total payees in county (7), $189,888.

Edwards County

Barron and McClain, Palmer, $20,582.

El Paso County

Lee Moor Farms, Clint, $142,449.
R. T. Hoover Farms, Fabens, $113,042.
H. D. Hilley, El Paso, $75,297.
Fabens Prod., Inc., Fabens, $58,597.
Ralphs Farms, Inc., San Elizario, $57,217.
L. R. Allison Co., Tornillo, $55,324.
Mike Maros, Fabens, $54,409.
Lettunich Farms, Clint, $50,056.
C. P. Brown, El Paso, $48,174.
Sierra Vista Farms, Tornilla, $45,159.
James Strachan, Clint, $42,694.
Jerry Rogers, Clint, $41,423.
Gulbant S. Gil & Sons, Inc., Clint, $39,810.
Bills & Ellis Farms, Fabens, $39,077.
Hiram Whitaker, Fabens, $38,177.
W. A. Rawls Ranch, Fabens, $36,687.
Schuster Farms, Inc., El Paso, $33,361.
Deerman Farms, Inc., El Paso, $33,307.
George Eads, Fabens, $33,290.
W. C. Passmore & Son, Clint, $33,257.
Brandes Rasey, Inc., Le Paso, $33,229.
George B. Spence, El Paso, $30,718.
C. S. & S., El Paso, $29,682.
Conway & Son, Clint, $29,466.
Joe Hanson, Clint, $28,955.
John Marchbanks, Jr., Fabens, $27,599.
Lester Millican, El Paso, $27,559.
Mary Segulia Trust, Tornillo, $27,391.
Robert Varela, Clint, $25,246.
K. W. Rushing, El Paso, $24,482.
Jim Surratt Farms, Fabens, $24,445.
Jack H. Stallings, El Paso, $24,357.
Louis Burrus, El Paso, $23,235.
L. P. Shafer, Tornillo, $23,158.
Jack Dunlap, El Paso, $22,693.
Gene Strachan, Fabens, $22,672.
W. T. Henderson, Est., El Paso, $22,354.
S. R. Davis, Fabens, $22,053.
Samuel V. Orr, Fabens, $21,302.
L. R. Jacobs, Clint, $21,197.
George Lutich, Fabens, $21,000.
Tomas Villarreal, Sr., El Paso, $20,896.
R. L. Skov Sons, Clint, $20,762.
River Bend Farms, El Paso, $20,481.
Total payees in county (44), $1,665,749.

Ellis County

H. R. Burden, Ennis, $62,224.
Jack B. Eastham, Waxahachie, $53,433.
B. D. Wakeland, Waxahachie, $50,468.
J. B. & Jas Underwood, Waxahachie, $48,558.
Ramon Armstrong, Ennis, $42,232.
Nash Bros., Waxahachie, $36,104.
Phillip N. Jeffers, Ferris, $32,882.
C. H. Shrader, Jr., Italy, $32,633.
C. C. Witherspoon, Ferris, $29,257.
James H. Pruett, Waxahachie, $26,855.
Ocie Ray Gerron, Ennis, $26,663.
Marvin Borders, Waxahachie, $25,917.
Bozek Farm, Ennis, $25,245.
Ted Almand, Waxahachie, $25,097.
G. W. James, Ferris, $24,747.
Robert C. Phillips, Waxahachie, $23,333.
K. W. & P. N. Jeffers, Ferris, $23,184.
Carey Hitt, Waxahachie, $22,340.
William C. Newton, Trumbull, $21,871.
Bob Crittenden, Waxahachie, $21,859.
F. M. Roberts, Ennis, $21,429.
Donald L. Patman, Waxahachie, $20,519.
Jack Harris, Italy, $20,246.
Roger, Harper, Palmer, $20,026.
Total payees in county (24), $737,122.

Erath County

Otey Shadden, Dublin, $27,849.

Falls County

Basil Abate, Bremond, $184,926.
Morris Scamardo, Bryan, $60,716.
Felix Tusa Estate, Bremond, $59,407.
Roman Gonzales, Waco, $54,117.
Falsone Brothers, Highbank, $48,996.
W. A. Hudgens, Troy, $45,981.
Jack Falco, Reagan, $41,725.
Louis Corpora, Marlin, $37,500.
Ellis Cattle Co., Reagan, $37,851.
Nick Roppolo, Highbank, $27,103.
Tony Abate, Marlin, $26,877.
Werner Fuchs, Lott, $26,768.
A. J. Falco, Highbank, $26,442.
H. H. Perkins, Chilton, $25,769.
Billy Pat Bostick, Eddy, $24,217.
Felix Steinke, Marlin, $22,707.
John Sharp, Jr., Waco, $21,898.
Lillian Degraffenried Est., Chilton, $21,877.
H. G. Barganier, Eddy, $20,839.
James Cook, Eddy, $20,134.
Total payees in county (20), $825,850.

Fannin County

Riverby Plan, Telephone, $34,610.
W. Frank Howell, Windom, $30,586.
R. Shelton, Sr., & R. Shelton, Jr., Honey Grove, $27,515.
Ralph Howell, Windom, $25,458.
B. W. Mathews, Honey Grove, $22,073.
Jack P. Farley, Whitewright, $20,119.
James T. Smith, Gober, $20,023.
Total Payees in county (7), $182,384.

Fayette County

John E. Morgan, Plum, $35,041.
Johnnie R. Naiser, La Grange, $20,799.
Total payees in county (2), $55,840.

Fisher County

John D. Ferguson, Hamlin, $47,076.
J. E. McCoy, Jr., Hamlin, $40,605.
Willingham Land Cattle, Hermleigh, $33,559.
Allan Eugene Terry, Roby, $32,140.
R. E. McKimmey, Rotan, $30,928.
Max C. Stuart, Roby, $30,771.
Bryant Farm, Inc., Hamlin, $28,615.
Vernon Terry, Roby, $27,430.
Richard Stuart, Roby, $27,406.
Afra Eugene Hudnall, Rotan, $26,542.
Mike Terry, Roby, $26,025.
Max Carriker, Roby, $25,685.
Frank K. Mitchell, Roby, $25,274.
Odell Rains, Rotan, $25,053.
Jack Morton, Roby, $24,987.
J. C. Sheffield, Roby, $24,854.
Thurman Terry, Roby, $24,642.
Stanley Nowlin, Rotan, $24,545.
Kermit L. Terry, Roby, $24,119.
Gerald Kent, Sweetwater, $22,900.
B. S. Wright, Rotan, $22,848.
V. C. Murphree, Rotan, $22,564.
J. P. Moore, Roby, $21,913.
Preston Morrow, Rotan, $21,690.
Lois B. Cauble, Roby, $21,670.
Morris Light, Hermleigha, $21,144.
Richard Posey, Rotan, $20,954.
Wiley J. Harvey, Jr., Roby, $20,812.
Dono Terry, Roby, $20,752.
Alton McCain, Roby, $20,623.
Calvin H. Carriker, Roby, $20,373.
B. E. Alldredge, Sweetwater, $20,064.
Total payees in county (32), $828,563.

Floyd County

Dorris Jones, Floydada, $77,092.
J. S. Hale, Jr., Floydada, $66,204.
Craig Silverthorne, Plainview, $64,731.
Bigham Farms, Lockney, $59,837.
R. I. Bennett, Lockney, $59,330.
W. L. Norman, Dougherty, $54,842.
Thomas Bros, Lockney, $53,819.
John C. Alford, Petersburg, $51,934.
L. N. Johnson, Lockney, $51,500.
H. & O. Corp, Lockney, $51,055.
Ward Brothers, Floydada, $50,851.
Marvin Shurbet, Petersburg, $49,474.
Watson Jones, Floydada, $48,873.
J. A. Miller, Floydada, $48,776.
Malvin A. Jarboe, Floydada, $47,011.
R. F. & Robert Stovall, Floydada, $46,589.
Lane Decker, Floydada, $44,960.
Louis Pyle, Floydada, $44,832.
Walter E. Bloys, Floydada, $44,699.
R. G. Dunlap, Floydada, $44,522.
C. C. Whittle, Floydada, $44,183.
Marble Brothers, South Plains, $43,582.
J. A. Welch, Lockney, $43,371.
Billy W. Fulton, Floydada, $42,094.
Dougherty Grain, Floydada, $41,769.
Johnney West, Floydada, $41,637.
Don Marble, South Plains, $41,207.
Roy H. Tinsley, Lockney, $41,104.
H. B. Robertson, Petersburg, $40,274.
Fred Zimmerman, Jr., Floydada, $40,122.
Reed Lawson, Lockney, $39,365.
J. E. Franklin, Lubbock, $39,345.
W. R. Ware, Lockney, $39,291.
Bill Sherman, Lockney, $38,977.
H. L. Porter, Jr., Petersburg, $38,305.
K. E. Probasco, Floydada, $38,164.
Robert L. Smith, Lockney, $38,160.
Tri C. Corp., Lockney, $38,055.

Kenneth Bean, Floydada, $37,805.
G. W. Smith, Floydada, $37,594.
P. Keith Marble, South Plains, $37,351.
Fred L. Marble, South Plains, $37,348.
J. R. Turner, Floydada, $37,111.
Wayne Bramlet, Lockney, $37,055.
Everett Miller, Petersburg, $36,796.
Paul Weiss and Paul Hrbacek, Lockney, $36,217.
Luther B. Brandes, Lockney, $35,962.
C. L. Henderson, Lockney, $35,661.
Davis & Son, Lubbock, $34,525.
Loyd Widener, Lockney, $34,509.
L. T. Wood, South Plains, $33,871.
Early P. Pritchett, Lockney, $32,800.
Buren C. and Lucy Cates, Floydada, $32,768.
Fred Jackson, Floydada, $32,722.
R. Fred Brown, Floydada, $32,597.
W. M. Staniforth, South Plains, $32,289.
Lewis Reddy, Floydada, $32,032.
Eldon Fortenberry, Lockney, $31,726.
J. W. Taylor Est. Ptnsp., Lockney, $31,040.
Eugene Gilly, Floydada, $30,882.
Carl Turner, Floydada, $30,563.
Edward J. Foster, Jr., Lockney, $30,365.
Bruce W. Davis, Petersburg, $30,074.
Donal Akin, Petersburg, $29,974.
J. R. Belt, Jr., Farming, Inc., Lockney, $29,554.
Lon Davis, Jr., Floydada, $29,340.
W. H. Simpson, Floydada, $29,190.
G. Taylor and T. Fortenberry, Lockney, $29,003.
Hubert E. Frizzell, Lockney, $28,969.
L. L. Rhodes, Lockney, $28,899.
Delmas McCormick, Floydada, $28,772.
George D. Probasco, Floydada, $28,714.
Charlie Boedeker, Lockney, $28,672.
Frank D. Brown, Lockney, $28,552.
Mary Beth Kropp, Lockney, $28,525.
Weldon Hammonds, Floydada, $27,992.
Oscar Golden, Aiken, $27,989.
Tate Jones, Floydada, $27,932.
Chester W. Mitchell, Lockney, $27,652.
Ronnie Belt, Lockney, $27,316.
Barney Manning, Lockney, $27,289.
Mack Hickerson, Floydada, $27,266.
Adrian Helms, Floydada, $27,062.
Milton Harrison, Floydada, $26,940.
Strickland & Co., Plainview, $26,772.
R. C. Mitchell, Lockney, $26,637.
Brock Farm, Lockney, $26,630.
Travis Jones, Floydada, $26,576.
Leighton Teeple, Lockney, $26,414.
Johnnie Cates, Floydada, $26,279.
E. J. Kinslow, Floydada, $26,016.
V. H. Kellison, Lockney, $25,851.
Walter W. Taack, Lockney, $25,837.
Bryan Smith, Lockney, $25,667.
J. E. Rexrode, Lockney, $25,643.
Joe Appling, Floydada, $25,562.
R. L. Neff, Inc., McAdoo, $25,538.
Joe N. Dunn, Floydada, $25,303.
S. J. McIntosh, Floydada, $25,174.
Gail Wilson, Lockney, $25,122.
Keith Billington, Plainview, $24,902.
W. S. Poole Estate, Plainview, $24,752.
Harold Norrell, Floydada, $24,609.
C. Joe Taylor, Lockney, $24,427.
Larry Jarrett, Silverton, $24,376.
William E. Whitfill, Lockney, $24,239.
Ewald Quebe, Lockney, $24,175.
Millard H. Watson, Floydada, $24,029.
Dale Widener, Plainview, $24,025.
William F. Bertrand, Floydada, $23,920.
George H. Willis, Jr., Petersburg, $23,793.
Ted Reid, Canyon, $23,628.
Wiley Nance, Jr., Lockney, $23,613.
Garvin Beedy, Lockney, $23,528.
C. W. Jones, Floydada, $23,464.
Ralph Johnston, Floydada, $23,404.
William R. Daniel, Floydada, $23,270.
Elmer M. Jackson, Floydada, $23,009.
Dale Jones, Ralls, $22,855.
Wilfred H. Stoener, Lockney, $22,827.
Bobby McCormick, Lockney, $22,703.
B. P. Sandefur, Floydada, $22,695.
Dorsey Baker, Lockney, $22,597.
Harry E. Blenden, Lockney, $22,589.
Fred Carthel, Lockney, $22,388.
Billy Hinkle, Floydada, $22,369.
Weldon Becker, Floydada, $22,185.
Harry Reeves, Floydada, $22,028.
Ralph R. Ray, Lockney, $22,024.
Gene Belt, Lockney, $21,969.
Austin B. Meriwether, Plainview, $21,921.
Joe Cunyus, Lockney, $21,854.
Clark J. Harris, Lockney, $21,823.
Eugene Tannahill, Lockney, $21,792.
Ned J. Bradley, Floydada, $21,770.
Bob Lane, Lockney, $21,746.
Norman Smith, Lockney, $21,708.
A. C. Pratt, Floydada, $21,676.
Howard G. Bishop, Floydada, $21,628.
Klyce Ooley, Plainview, $21,604.
Campbell Farm Acc., Matador, $21,557.
Eugene Beedy, South Plains, $21,435.
J. W. Day, Jr., Floydada, $21,362.
Wendell W. McLaughlin, Lockney, $21,260.
James A. Bobbitt, Lockney, $21,254.
Robert W. Reeves, Floydada, $21,154.
C. N. Walding, Floydada, $21,101.
Dan Hagood, Floydada, $21,101.
Hershel Carthel, Lockney, $20,893.
Ray N. Ford, Floydada, $20,694.
Jerry Williams, Lockney, $20,376.
Sandhill Farm, Lockney, $20,376.
Roger Dawdy, Floydada, $20,335.
C. T. Hammonds, Floydada, $20,288.
L. D. Smith, Jr., Floydada, $20,137.
Roy L. Hale, Floydada, $20,067.
J. O. Elliott, Floydada, $20,065.
Loyse A. Bradshaw, Lorenzo, $20,051.
W. Leslie Ferguson, Lockney, $20,051.
Lesley L. Wilkes, Lockney, $20,011.
B. B. Wilkes, Lockney, $20,007.
Patty Jo Wilkes, Lockney, $20,001.
Total payees in county (162), $5,024,181.

Foard County

James G. Johnson, Crowell, $29,306.
Carroll Bros., Crowell, $24,700.
Total payees in county (2), $54,006.

Fort Bend County

Tx. Dept. of Corr., Sugarland, $359,561.
Sugarland Ind., Inc., Sugarland, $66,703.
Foster Farms, Inc., Sugarland, $49,881.
Eppolito Bros., Stafford, $41,259.
John J. Kramr, East Bernard, $29,499.
Joe S. Kramr, East Bernard, $29,499.
Eppolito & Cantello, Stafford, $29,077.
Arno G. Schultz & Sons, Guy, $27,430.
Mulle Bros., Stafford, $27,324.
Tilford G. Sulak, East Bernard, $24,788.
Otto H. Schultz, Needville, $21,275.
Total payees in county (11), $706,296.

Frio County

Bennett Bros., Inc., Pearsall, $63,411.
A. E. Schletze Farms, Pearsall, $61,399.
Clyde Cox, Pearsall, $50,740.
John Barkley, Pearsall, $48,629.
Al Klopek, Dilley, $44,100.
H and B Farms, Pearsall, $39,182.
J. H. Woodward, Pearsall, $37,237.
Tony Mann, Bigfoot, $37,013.
Eulan Cox, Charlotte, $36,060.
W. E. Stacy & Sons, Bigfoot, $33,564.
S. L. Smith, Pearsall, $29,964.
Jay Kay Ranch, Pearsall, $27,988.
Riggan & Neal Farms, Inc., Pearsall, $26,064.
Gene Proctor, Inc., Dilley, $23,505.
J. C. Thompson, Dilley, $21,300.
Total payees in county (15), $580,156.

Gaines County

Verlon Hilburn, Lovington, $92,383.
M. H. Nance, Stanton, $70,803.
J. A. Grammer, Lamesa, $68,806.
Shamrock Farms, Lamesa, $68,005.
W. E. Berry, Jr., Seminole, $65,934.
H. L. Hill, Seagraves, $61,452.
Jennie Lee Lands, Seminole, $61,130.
M. J. Farms, Loop, $58,803.
C. E. Hilburn, Lovington, N. Mex., $56,490.
Paul Morgan, Lamesa, $56,423.
Paul J. Condit, Seminole, $55,941.
Norman Hicks, Seagraves, $53,435.
Ray Garrett, Seminole, $53,248.
Kenneth Hancock, Seagraves, $51,775.
R. I. Oliver, Seagraves, $49,916.
Earl Layman, Loop, $49,446.
Roy Apple, Seminole, $48,784.
J. A. Benthall, Seminole, $48,664.
Sam Teague, Ruidoso, $45,728.
Troy Martin, Seagraves, $45,522.
Robert Sneed, Seminole, $44,462.
Thomas Michael Jenkins, Seminole, $44,387.
Roy W. Wicker, Jr., Seagraves, $44,154.
Don Sanders, Seagraves, $44,125.
B. R. Truitt, Lamesa, $43,439.
Jesse L. Smith, Loop, $42,679.
Kent Denson, Seminole, $42,659.
Marvin Rayford Hays, Florey, $42,248.
Keith Young, Seagraves, $41,553.
Douglas Floyd, Seagraves, $41,545.
M. T. McIlwain, Seminole, $41,484.
Luther Lee, Lamesa, $41,051.
Earnest Spradlin, Seagraves, $40,996.
William Charlie Faulkenberry, Seagraves, $40,815.
Leon Foote, Seminole, $40,732.
Claude Doak Hearne, Seagraves, $40,361.
Billy J. Evans, Midland, $40,013.
Joe Tarbet, Levelland, $38,918.
Karl Cayton, La Mesa, $38,871.
Delmon Ellison, Seminole, $38,821.
E–Bar–S Ranch, Mesquite, $37,965.
George D. Vaughon, La Mesa, $37,879.
A. P. McGuire, Seminole, $37,634.
Moody Neeley, La Mesa, $37,069.
Tommy Lacy, Seagraves, $36,949.
Frank Ratliff, Jr., Seminole, $36,550.
Alvin Ray Riley, La Mesa, $36,353.
Glynn Batson, Seminole, $36,142.
Bob Moffatt, La Mesa, $35,516.
Noah Lemley, Brownfield, $35,488.
Glenn Hillman, Seminole, $35,068.
Kenneth Bass, Seminole, $35,009.
Wayne Greaves, Seminole, $34,889.
J. E. Neeley, La Mesa, $34,682.
Alton Faulkenberry, Seagraves, $34,525.
N. B. Fields, Seagraves, $33,917.
Charles Gay, Seminole, $33,769.
Ewell Kenneth Scott, La Mesa, $33,367.
K. C. Farms, Seagraves, $33,331.
Vester Smith, Loop, $33,069.
L. D. Smith, Loop, $32,968.
Cline E. Morris, Seminole, $32,845.
C. T. Beckham, Dallas, $32,626.
B. J. Smith, Lovington, $32,529.
John H. Schultz, Hobbs, $32,300.
Goodpasture Grain & Milling, Brownfield, $32,046.
Herbert Hicks, Seminole, $31,919.
Alvin Ward, Seminole, $31,525.
Charles Medlin, Seagraves, $31,463.
W. D. Mills, Loop, $30,123.
George Washington Jones, La Mesa, $29,804.
S. M. Hanson, Jr., Seagraves, $29,615.
Alvin Keith Forbis, Seminole, $29,579.
E. C. Harvey, Seagraves, $29,549.
A. W. Byrd, Loop, $29,436.
Rueben F. Owens, Seagraves, $29,416.
Howard Huddle, La Mesa, $29,374.
Jack Welch, Seagraves, $29,211.
Alvin Herron, Brownfield, $29,176.
Harmon Mills, Seagraves, $29,075.
John Henry Jones, Welch, $28,898.
Nix and Norman, Lamesa, $28,731.
W. V. Lasiter, Brownfield, $28,600.
Royce Harvey, Seagraves, $28,307.
H. Dale Cope, Loop, $28,236.
Eddie Jameson, Seminole, $27,986.
Big Four Farm, Lamesa, $27,952.
Kenneth Young, Loop, $27,887.
Ronnie W. Huddle, Lamesa, $27,682.
Robert Jameson, Seminole, $27,649.
E. D. Marion, Seminole, $27,564.
W. A. Freeman, Sr., Loop, $27,536.
Tom Hunt, Loop, $27,455.
J. H. Flippo, Seagraves, $26,932.
N. J. McIlwain, Seminole, $26,825.
W. H. Rhoades, Seagraves, $26,600.
David C. Jones, Welch, $26,302.
Brownfield Tractor Co., Inc., Seminole, $26,150.
D. J. Forbis, Seminole, $25,827.
J. C. Chaffin, Loop, $25,603.
N. M, Saunders, Seagraves, $25,591.

Don Ward, Seagraves, $25,589.
Morgan Farms, Lamesa, $25,560.
Lubbock Production Credit, Seminole, $25,248.
Vernon Goodwin, Seagraves, $25,067.
E. F. Foshee, Seagraves, $24,904.
Donald Floyd, Seagraves, $24,813.
Tom Barron, Plains, $24,772.
Weyland R., Mullins, Seagraves, $24,611.
W. O. Fortenberry Est., New Deal, $24,404.
Lynn Crossland, Seminole, $24,255.
Agro Resources, Inc., Hobbs, $24,033.
Amerada Pet Corp., Midland, $23,994.
Bill Moore, Seagraves, $23,986.
Harlan Miller, Seagraves, $23,866.
Rinehard Vogler, Seminole, $23,800.
Doyle Neighbors, Brownfield, $23,407.
Glen Fleming, Seagraves, $23,302.
J. P. Bingham, Loop, $23,212.
V. H. Williams, Seagraves, $23,085.
James R., Dunn, Lamesa, $23,056.
M. R. Newman, Denver City, $22,797.
H. R. Cope, Lamesa, $22,789.
Keith McConal, Loop, $22,711.
Hilton Wilson, Seagraves, $22,695.
J. A. White, Seminole, $22,661.
John Mark Jones, Welch, $22,530.
R. T. Bedwell, Jr., Lamesa, $22,361.
C. W. Garner, Seminole, $22,237.
Neil Sanderson, Seagraves, $21,951.
Joe Faulkenberry, Seagraves, $21,854.
Four J Farms, Inc., Welch, $21,848.
James Troy Green, Seminole, $21,786.
J. M. Newman, Meadow, $21,747.
Thomas W. McKinzie, Seagraves, $21,690.
J. R. Walker, Jr., Seagraves, $21,564.
Oscar B. Smith, Seminole, $21,444.
A. K. Hancock, Seminole, $21,125.
James R. Bogle, Lamesa, $20,967.
Freddie J. Vogler, Lamesa, $20,795.
E. J. Kelly, Loop, $20,762.
Leonard H. Kelley, Seminole, $20,701.
J. S. Knisley, Jr., Seagraves, $20,560.
J. E. Aldridge, Seminole, $20,414.
Johnny Gooding, Seagraves, $20,292.
O. M. Fowler, Seminole, $20,240.
Hanson & Moseley, Seagraves, $20,150.
A. Ray Russell, Seminole, $20,112.
Total payees in county (148), $4,959,811.

Garza County

H. V. Wheeler, Slaton, $56,851.
Avery Moore, Jr., Post, $39,929.
Clarence E. Basinger, Southland, $34,978.
S. C. Storie, Sr., Est., Post, $28,518.
S. C. Storie, Jr., Post, $25,835.
Jim Bob Porterfield, Tahoka, $24,796.
D. W. Eubank, Post, $22,373.
Robert Craig, Post, $22,340.
U Lazy S Farms, Lubbock, $22,184.
Frank Bostick, Post, $22,037.
C. R. Baldwin, Jr., Post, $21,272.
Total payees in county (11), $321,113.

Glasscock County

Edwards and Edwards, Big Springs, $43,130.
August M. Frysak, Garden City, $42,451.
Bednar Bros., Garden City, $41,599.
Fred J. Hoelscher, Garden City, $34,721.
Eugene E. Hirt, Garden City, $30,638.
Alfred E. Perry, Stanton, $30,416.
Hall Bar H Ranch, Big Springs, $29,422.
Delbert R. Halfmann, Garden City, $29,333.
Daniel A. Hirt, Garden City, $29,249.
Sidney F. Hirt, Garden City, $29,041.
Edward Plagens, Jr., Garden City, $27,575.
Clifford W. Hoelscher, Garden City, $26,732.
Charlie A. Smith, Stanton, $25,690.
Lawrence A. Jost, Garden City, $23,911.
James R. Currie, Garden City, $23,729.
Fenton A. Wilde, San Angelo, $23,617.
Leon A. Halfmann, Garden City, $23,323.
James C. Johnson, Garden City, $21,942.
Arnold O. Lange, Garden City, $21,642.
Jerome F. Hoelscher, Garden City, $20,435.
Arthur Hoelscher, Garden City, $20,320.
Total payees in county (21), $598,916.

Gonzales County

Harrell Cattle Co., Ganzales, $23,958.
Brewster & Brown, Gonzales, $21,637.
Total payees in county (2), $45,595.

Gray County

Moody Farms, Pampa, $57,359.
C & W Farms Inc., Canadian, $30,406.
Ray G. Burger & Son, Pampa, $26,159.
James D. Skaggs, Pampa, $20,020.
Kint C. Philpott, Miami, $20,007.
Total payees in county (5), $153,951.

Grayson County

Bob Light, Collinsville, $29,065.
C. B. Robinson, Whitewright, $23,620.
Junior Strawn, Howe, $20,340.
Total payees in county (3), $73,025.

Grimes County

Paul Keelan & Sons, Navasota, $47,690.
Roy W. Moore, Navasota, $39,581.
Harris Farms, Navasota, $36,660.
Total payees in county (3), $123,931.

Guadalupe County

Frank P. Watson, Jr., San Marcos, $37,076.
Robert A. Cooper, San Marcos, $22,005.
Total payees in county (2), $59,081.

Hale County

Ercell Givens, Abernathy, $145,022.
I. F. Lee, Hale Center, $138,584.
J. C. Mills, Abernathy, $135,629.
Jason H. Allen, Lubbock, $83,661.
Ballard and Hurt, Plainview, $82,419.
James Cannon, Lockney, $77,867.
Doug Ellison, Petersburg, $73,694.
Elmo Stephens, Plainview, $71,978.
E. A. Houston, Abernathy, $67,989.
Warren Mathis, Lockney, $65,044.
Frank Moore, Plainview, $64,110.
Lonnie Cannon, Hale Center, $63,971.
Ralph Wheeler, Edmonson, $63,872.
W. D. Scarborough, Jr., Petersburg, $62,808.
Winston T. Jones, Plainview, $62,081.
Leo Mathis, Plainview, $62,064.
Bradshaw and Meador, Idalou, $61,051.
G. O. King, Plainview, $60,664.
T. R. Joines, Abernathy, $60,145.
W. C. Harper, Plainview, $59,691.
R. Bruce Walker. Plainview, $59,181.
T. C. Clanton, Plainview, $58,410.
C. P. Smith, Hale Center, $56,674.
A. J. Givens, Plainview, $56,170.
Swann Pettit, Hale Center, $55,271.
Horne Brothers, Plainview, $54,094.
Jimmy McClaughlin, Plainview, $51,613.
Jones Masters Farms, Inc., Amarillo, $50,098.
Joe H. McWilliams, Plainview, $49,592.
A. E. Lewellen, Plainview, $49,018.
Neal and W. E. Burnett, Plainview, $48,862.
John A. Bell, Plainview, $48,682.
Clayton Terrell, Plainview, $47,962.
D. D. Rhodes, Lubbock, $47,856.
Alton Leach, Plainview, $47,484.
E. J. Pope, Jr., Abernathy, $47,477.
O. A. & C. E. Webb, Abernathy, $47,409.
Wallace Cannon, Plainview, $47,188.
James E. Laney, Hale Center, $46,987.
Miller Farms, Plainview, $46,626.
Burgess Farm Account, Hale Center, $46,521.
Ralph E. Davis, Abernathy, $46,283.
Walter E. Patterson, Plainview, $46,163.
Donald C. Ebeling, Plainview, $45,574.
John C. Carter, Plainview, $45,305.
C. R. Kay, Plainview, $45,289.
J. L. Browning, Plainview, $44,386.
Lee C. O'Neil, Lubbock, $44,334.
Frank Megna, Abernathy, $44,253.
Walter Gilliam, Littlefield, $44,077.
Floyd Ellison, Petersburg, $43,626.
Wilburn M. Kurfees Est., Plainview, $43,453.
Benson Farms, Inc., Hale Center, $42,972.
Jim Bob Curry, Hale Center, $42,238.
Bob Riley, Abernathy, $42,089.
Horace N. Wardlow, Plainview, $42,084.
Bill Riley, Abernathy, $42,043.
Harvey Lutrick, Abernathy, $41,848.
Frank Stanton, Jr., Petersburg, $41,733.
Arthur W. Sorelle, Plainview, $41,700.
C. T. Minchew and Miller Trust, Hale Center, $41,571.
Raymond Akin, Plainview, $41,530.
J. W. Davis, Abernathy, $40,766.
Donald Lee Terrell, Plainview, $40,692.
Herschel Blankenship, Plainview, $40,687.
J. H. Kirby and Sons, Hale Center, $39,843.
Charles Noel, Plainview, $39,544.
Jake Q. Finney, Edmonson, $39,513.
Delbert Howell, Olton, $38,867.
Heath Brothers, Hale Center, $38,562.
Joe Sherrod, Hale Center, $38,014.
Carl Phillips, Abernathy, $37,892.
Owen E. Jones, Olton, $37,803.
Dee W. Martin, Plainview, $37,692.
White and Sturdivant Company, Cotton Center, $37,256.
Earl G. Beach, Hale Center, $36,911.
Jack Gonzales, Plainview, $36,767.
L. K. Gregory, Petersburg, $36,245.
J. E. Helm, Plainview, $36,141.
Frank Schulte, Okarche, $35,940.
Kenneth R. Wiese, Petersburg, $35,909.
Gordon H. Branham, Plainview, $35,631.
Edwin Adams, Plainview, $35,563.
Irvan Rhodes, Abernathy, $35,546.
Quentin Redinger, Olton, $35,524.
Marcus Breland, Olton, $35,246.
John Trimmier, Jr., Hale Center, $35,034.
Warren Thomas, Hale Center, $35,025.
G. A. McWilliams, Plainview, $34,414.
The Waters Trust, Lubbock, $34,329.
Harold W. Thomas, Abernathy, $34,222.
Carl J. Marshall, Hale Center, $33,863.
Jerry K. Oswalt, Abernathy, $33,643.
Weldon Reed, Plainview, $33,423.
Billy F. Sylvester, Plainview, $33,397.
Joe Oswalt, Abernathy, $33,081.
Earl M. James, Plainview, $33,052.
Witten Farms, Kress, $33,011.
Davis Cannon, Hale Center, $32,727.
John M. Norfleet, Hart, $32,708.
S. R. Heard, Plainview, $32,294.
R. L. Tullis, Hale Center, $32,285.
Paul Stukey, Plainview, $31,963.
Henry C. Griffin, Olton, $31,905.
Jack K. Stephens, Petersburg, $31,821.
S. J. Young, Plainview, $31,667.
Wesley A. Schumacher, Plainview, $31,608.
James K. Sageser, Hale Center, $31,573.
Mrs. J. S. McBeth, Hale Center, $31,554.
Mac Houston, Abernathy, $31,533.
Ross and Thompson, Plainview, $31,496.
Ray R. Copeland, Olton, $31,101.
Jack Robertson, Plainview, $31,038.
Millard J. Hancock, Abernathy, $31,012.
James McDaniel, Plainview, $30,757.
Jerry V. Young, Plainview, $30,752.
Joe Barton, Hale Center, $30,747.
Wesley Davis, Hale Center, $30,731.
R. G. Russ, Jr., Hale Center, $30,563.
Laura Faye McDougal, Abernathy, $30,468.
J. B. Holland, Plainview, $30,424.
Gene Boyd, Plainview, $30,390.
Paul Toliver, Plainview, $29,943.
U. O. Hobgood, Abernathy, $29,716.
W. E. McPherson, Plainview, $29,612.
Wilson Brothers, Plainview, $29,601.
C. E. Hobgood Est., Lubbock, $29,577.
J. W. Pope, Abernathy, $29,444.
Orval Boyd, Hale Center, $29,362.
B. L. Griffith, Abernathy, $29,342.
J. L. Miller, Jr., Abernathy, $29,316.
Joe Ed Sullivan, Plainview, $29,177.
Ralph Miller, Plainview, $29,171.
Don Cannon, Hale Center, $29,118.
John Joe Kirchoff, Plainview, $29,106.
Earl C. McClain, Olton, $28,808.
Rae Groce, Petersburg, $28,693.
True H. Rosser, Jr., Petersburg, $28,624.
Lafont Farms, Plainview, $28,536.
James F. Pace, Hale Center, $28,529.
Owen Benn, Abernathy, $28,422.
C. E. Carter and Son, Plainview, $28,206.
Oliver Harmel, Plainview, $28,159.
Otis A. Stout, Jr., Hale Center, $27,987.
Elmer Koenning, Plainview, $27,985.
Loy Eldon Teague, Abernathy, $27,952.
Floyd Terrell, Plainview, $27,937.
Johnnie J. Maberry, Plainview, $27,917.
Robert Pope, Abernathy, $27,825.
Willie V. Dunn, Abernathy, $27,680.
Austin O'Neil, Jr., Hale Center, $27,581.
Robert E. Wilson, Plainview, $27,514.
Joe Sharp, Plainview, $27,506.
R. D. Hoffman, Hale Center, $27,317.

Gaylord Groce, Petersburg, $27,232.
Herman S. Tennell, Abernathy, $27,208.
Kit McDaniel, Jr., Hale Center, $27,145.
Billy Joe Evans, Lubbock, $27,103.
Paul Robertson, Hale Center, $27,093.
Kathryn Raymond, Hale Center, $26,963.
Joe A. Evans, Hale Center, $26,962.
Alfred Garibay, Hale Center, $26,925.
William H. Finkner, Petersburg, $26,835.
Henry Ahrens, Olton, $26,772.
Lester B. Cox, Plainview, $26,690.
Melvin Kelm, Plainview, $26,557.
Wallace W. Klatt, Lubbock, $26,433.
Rhodes and Rhodes, Petersburg, $26,429.
Melvin Mahagan, Hale Center, $26,163.
J. Weldon Blount, Hale Center, $26,102.
L. M. Stout & O. A. Stout, Est., Hale Center, $26,018.
Virgal Pierson, Petersburg, $25,997.
R. N. Hopper, Petersburg, $25,903.
Dennis Zachary, Petersburg, $25,829.
Welkin Farms, Plainview, $25,828.
J. W. McReynolds, Abernathy, $25,815.
Forest Young, Petersburg, $25,805.
W. W. McCoy and Son, Hale Center, $25,766.
B. R. Bennett, Hart, $25,754.
Leon Griffin, Olton, $25,696.
Charles L. King, Hale Center, $25,632.
Rupert L. Allen, Abernathy, $25,494.
U. V. Helbert, Hale Center, $25,202.
J. O. Bass, Jr., Plainview, $25,181.
Rex Jordan, Plainview, $25,132.
Melvin Hicks, Hale Center, $25,125.
F. C. Lewellen, Plainview, $25,037.
Tommy Applewhite, Hale Center, $24,974.
Elmer Lee Criswell, Jr., Plainview, $24,851.
A. L. Stone, Jr., Abernathy, $24,830.
Vinson Dixson, Plainview, $24,786.
Roy Roberts, Olton, $24,760.
Royce Hillman, Lockney, $24,549.
Ben Roney, Hale Center, $24,539.
R. D. Barrett, Cotton Center, $24,527.
Grady Murry, Plainview, $24,487.
Curtis Graf, Vernon, $24,478.
Roe McAnally, Plainview, $24,218.
Hobby Thomas, Hale Center, $24,217.
Vernon Bostick, Olton, $24,204.
Bert Roberts, Plainview, $24,121.
Dempsey D. Skipper, Abernathy, $24,107.
Thomas Johnston, Abernathy, $24,086.
Lewis F. Thompson, Hale Center, $24,084.
Howard Shackelford, Hale Center, $24,081.
Jimmy Kelly, Petersburg, $24,080.
Leonard Noel, Petersburg, $24,056.
Clyde W. Harrell, Plainview, $23,992.
Jack Connell, Shallowater, $23,918.
William J. Ingram, Abernathy, $23,908.
Homer Roberson, Petersburg, $23,773.
G. E. Myatt, Petersburg, $23,664.
Wayne Bankston, Edmonson, $23,655.
A. W. Hardin, Abernathy, $23,633.
Royce Carthel, Plainview, $23,589.
Noble Rice, Abernathy, $23,550.
Melvin Bennett, Plainview, $23,530.
James H. McBeth, Hale Center, $23,348.
Jack Sageser, Hale Center, $23,334.
Cecil Curry, Plainview, $23,325.
Roy Mills, Hale Center, $23,309.
Troy Brown, Hale Center, $23,299.
Lewis Lutrick, Abernathy, $23,293.
C. H. Kayler, Hale Center, $23,225.
J. P. Barton, Hale Center, $23,192.
Don McCullouch, Plainview, $23,166.
S. M. True, Jr., Plainview, $23,160.
Charles W. Lambert, Abernathy, $23,156.
Earl E. Dunn, Lubbock, $23,145.
Elvin Glenn, Kress, $23,121.
Larry W. Witten, Olton, $23,120.
Thrane Parsons, Plainview, $22,996.
Dale T. Milner, Petersburg, $22,914.
Charles Norfleet, Hale Center, $22,892.
Williams and Leach, Plainview, $22,842.
S. M. Williams, Cotton Center, $22,823.
W. H. Rollow, Ada, $22,777.
Glen E. Robertson, Abernathy, $22,765.
W. A. Culp, Plainview, $22,739.
James C. Webb, Plainview, $22,701.
D. L. Lewis, Kress, $22,639.
Richard L. Howard, Abernathy, $22,541.
Arville Nivens, Half Center, $22,398.
Robert L. Cobb, Plainview, $22,332.
Jason Justice, Petersburg, $22,327.
Paul Willis, Petersburg, $22,297.
G. D. Clapp, Abernathy, $22,294.
Cloys Fancher, Olton, $22,284.
Ershel W. Johnson, Olton, $22,219.
Ted Richardson, Hale Center, $22,066.
Edward Weil, Hale Center, $21,985.
Leo Robertson, Lubbock, $21,967.
Carl A. Bonds, Edmonson, $21,940.
Don Hammer, Plainview, $21,938.
R. E. Parker, Hale Center, $21,857.
Don McKenzie, Abernathy, $21,731.
W. D. Lacewell, Plainview, $21,729.
Clarence A. Howell, Plainview, $21,685.
Willis James, Hale Center, $21,636.
Jasper C. Logan, Hale Center, $21,613.
J. D. Black, Hale Center, $21,424.
Carl Laney, Hale Center, $21,367.
Robert Schoppa, Plainview, $21,340.
C. D. Sageser, Hale Center, $21,282.
A. D. Williamson, Lubbock, $21,218.
Willie Teeter Farming, Inc., Hale Center, $21,148.
Joe M. Stubblefield, Jr., Hale Center, $21,021.
Howard L. Yarbrough, Plainview, $20,971.
Joe Roney, Hale Center, $20,941.
James W. Taylor, Plainview, $20,923.
J. H. Myatt, Abernathy, $20,765.
Shelby Howell, Jr., Plainview, $20,606.
V. L. Neis, Abernathy, $20,551.
Ronald Adrian, Plainview, $20,442.
D. L. Damron, Hale Center, $20,437.
Donald Huffaker, Hale Center, $20,404.
Jerry W. Shadden, Hale Center, $20,383.
J. R. Caldwell, Hale Center, $20,273.
C. R. Moore, Plainview, $20,056.
Harrold Rhodes, Petersburg, $20,011.
Total payees in county (280), $9,492,654.

Hall County

Billy J. Rothwell, Childress, $41,075.
J. A. Mcanear, Clarendon, $40,053.
Allen L. Monzingo, Memphis, $39,470.
Carroll Fowler, Lakeview, $38,466.
Henry S. Foster, Memphis, $37,362.
W. H. Reed, Memphis, $34,665.
Mack D. Richards, Memphis, $33,806.
Loyd J. Becker, Memphis, $32,698.
Joe C. Montgomery, Memphis, $32,007.
Rayford E. Hutcherson, Memphis, $31,761.
Lonnie F. Widener, Memphis, $31,470.
Clark Bros., Lakeview, $30,387.
Jack Montgomery, Lakeview, $29,118.
W. S. Montgomery, Clarendon, $28,871.
F. G. Monzingo, Memphis, $28,104.
J. Robert Hanvey, Jr., Memphis, $27,963.
M. P. Smith, Memphis, $27,584.
Joyce D. Webster, Memphis, $26,248.
Harold Burk, Estelline, $26,104.
Hawkins & Lane, Turkey, $25,838.
C. L. Benson, Clarendon, $25,620.
Jim Hutchins, Estelline, $25,542.
R. S. Wansley, Jr., Memphis, $25,498.
Robert R. Hutcherson, Memphis, $25,486.
J. T. Mullin, Turkey, $25,298.
Joe K. Eddins, Estelline, $24,568.
Jimmy Roden, Memphis, $23,967.
James S. Guest, Turkey, $23,733.
Mel Roy Cofer, Lakeview, $23,618.
James Moss, Memphis, $23,517.
Wililam A. Molloy, Lakeview, $23,484.
Bernie P. Watson, Lakeview, $22,654.
Ted Bruce, Estelline, $22,638.
Tuhrman Ellerd & Son, Memphis, $22,199.
Larry Lewis, Lakeview, $21,608.
Frank Hedrick, Estelline, $21,529.
V. G. & Kent D. Byars, Lakeview, $20,982.
Vera D. Dickey, Memphis, $20,820.
Ona O. Pate, Memphis, $20,755.
Foxhall Bros., Memphis, $20,723.
S. D. Posey & Son, Memphis, $20,621.
Jan Turner, Turkey, $20,610.
Jimmy Don Molloy, Lakeview, $20,042.
Total payees in county (43), $1,168,562.

Hansford County

Jack Hart, Gruver, $88,127.
Collier Bros., Inc., Spearman, $73,704.
R. E. and Rue Sanders, Spearman, $66,433.
Lynn & Jon Hart, Gruver, $62,003.
C. H. Clawson, Gruver, $61,803.
Bill Logsdon, Guymon, $57,974.
Eva Holt, Gruver, $51,372.
Don Hart, Gruver, $48,541.
Gus O. Birdwell, Spearman, $44,813.
D. C. Dilley Est., Borger, $42,364.
Willard McCloy, Morse, $41,278.
Lloyd Buzzard, Spearman, $38,202.
W. R. Murrell, Gruver, $37,653.
Donnie Thoreson, Gruver, $35,669.
Ward V. Nolder, Gruver, $35,468.
Hez M. Frazier, Gruver, $35,006.
Fletcher Bros., Inc., Gruver, $34,662.
Roy Roper, Gruver, $34,656.
Carl Archer, Spearman, $34,344.
J. L. Whitaker, Gruver, $33,839.
Joel D. Stavlo, Gruver, $33,587.
Ernest Wilmeth, Spearman, $32,014.
J. P. Armes, Gruver, $31,661.
Archie Nelson, Gruver, $31,330.
A. R. Bort, Gruver, $31,290.
E. David Knutson, Guymon, $28,228.
Dan E. Archer, Perryton, $28,007.
Coy M. Holt, Gruver, $27,768.
Jack Henson, Gruver, $27,719.
T. C. Harvey, Jr., Gruver, $27,482.
Taylor & Gee, Spearman, $27,480.
John C. Harris, Gruver, $27,169.
Holt Bros., Gruver, $26,750.
Glen O. Hiller, Spearman, $26,362.
C. A. McLain, Spearman, $26,061.
M. D. McLaughlin, Spearman, $26,057.
L. H. Gruver, Gruver, $26,026.
William F. D. Eilling, Gruver, $25,511.
Pittman and Sons., Inc., Morse, $25,389.
Gerald C. Betty, Perryton, $24,845.
George C. Lowe, Gruver, $24,243.
Charles R. Ball, Spearman, $23,877.
John C. Venneman, Spearman, $23,875.
F. W. Thomas, Spearman, $23,584.
C. Ralph Blodgett, Spearman, $23,523.
Robert H. Novak, Spearman, $23,248.
Clarence Zabel, Guymon, $23,237.
Vance B. Morris, Gruver, $23,162.
Robert V. Skinner, Spearman, $22,196.
R. C. Porter, Spearman, $22,172.
H. J. Vernon, Spearman, 22,036.
Bill Glasgow, Guymon, $21,899.
Nick Holt, Gruver, $21,320.
Robert E. Jackson, Guymon, $21,219.
Logsdon Farms, Guymon, $21,073.
Willie Faye Creamer, Spearman, $20,464.
Bob Cluck, Gruver, $20,368.
J. R. Keim, Spearman, $20,343.
Total payees in county (58), $1,920,486.

Hardeman County

M. E. Watson, Jr., Kirkland, $60,664.
Robert Nippert, Quanah, $52,475.
Roy Hines, Childress, $41,815.
First National Bank Trust C. G. Conley, Wichita Falls, $36,612.
Edward L. Turner, Quanah, $35,520.
Carl Vestal, Quanah, $33,663.
Nuckles & Gerald, Sweetwater, $33,574.
Weldon Tabor, Kirkland, $30,859.
W. L. Wilson, Quanah, $26,844.
W. R. Tabor, Quanah, $26,070.
Quentin Wilson, Quanah, $25,841.
Harry C. Becknell, Quanah, $24,649.
Jack Hurst, Quanah, $23,277.
Archie W. Tabor, Quanah, $22,067.
Kenneth McSpadden, Quanah, $21,962.
Aron W. Phillips, Chillicothe, $21,548.
James W. Tabor, Quanah, $20,903.
James Wiley Tabor, Jr., Kirkland, $20,581.
Total payees in county (18), $558,924.

Hartley County

Harold H. Hogue, Dalhart, $128,097.
Carl J. Kuper, Dalhart, $123,047.
Framack Farms, Amarillo, $95,090.
John W. Bookout, Hartley, $81,323.
Chain C. Inc., Amarillo Bldg, Amarillo, $59,359.
Frantz & Frantz, Hartley, $53,121.
Joe D. Keast, Dalhart, $40,974.
Bobby G. Green, Hartley, $40,587.
U. Anchor Cattle Co., Amarillo, $37,548.
Gary K. George, Perryton, $37,288.

J. Y. McAdams, Dalhart, $34,492.
Leopold J. Schmidt, Sr., Dalhart, $34,192.
Howell L. McCleskey, Dalhart, $33,863.
Eddie P. Castleberry, Dalhart, $33,469.
G. Malcolm Bryant, Hartley, $33,189.
Doyce W. Franklin, Houston, $32,832.
Harold W. Hudkins, Hartley, $32,698.
Wilbur L. Bryant, Hartley, $32,264.
Alfred R. Ford, Hartley, $31,005.
Leopold J. Schmidt, Jr., Dalhart, $30,754.
Howard E. Lathem, Dalhart, $30,751.
Verlin C. Lasley, Stratford, $30,751.
Verlin C. Lasley, Stratford, $30,703.
Hartley Moore Farms, Amar, $30,033.
G. Ivory Edlin, Channing, $29,962.
Exum Ranch, Dalhart, $29,907.
William R. Weatherford Est, Hartley, $29,111.
James R. Reynolds, Dalhart, $28,533.
J. D. Hanch Jr & Jack Clayton, Hartley, $28,237.
D. B. Thompson, Hartley, $26,915.
James R. Wilson, Dalhart, $26,857.
Kenneth G. Brown, Dalhart, $26,829.
R. Hudson Herring, Dalhart, $25,373.
Larry R. McCormick, Dumas, $23,903.
Ralph M. Artz, Dalhart, $23,114.
Robert G. Shrauner, Hartley, $22,815.
Kermit D. Kasper, Dalhart, $22,433.
Raymon B. Reynolds, Jr., Dalhart, $22,117.
Hayden Thompson, Jr., Hartley, $21,579.
Winford Jenkins, Dalhart, $21,317.
Robert A. Thompson, Hartley, $21,290.
Carl H. Kuper, Dalhart, $21,147.
Earline Kuper, Dalhart, $21,107.
P. Lee Hill, Dalhart, $20,696.
Total payees in county (43), $1,609,921.

Haskell County

Burson and Burson, Haskell, $52,278.
John L. Grindstaff, Jr., Knox City, $48,130.
Arlos W. Weaver, Haskell, $42,869.
Ray Carter, Rule, $42,189.
William J. Goode, Seymour, $41,713.
Johnny D. Reid, O'Brien, $38,716.
E. H. Tankersley, Jr., O'Brien, $35,101.
Amos D. May, Rule, $32,326.
William G. Ellis, O'Brien, $30,768.
George A. Mullino, Rochester, $30,412.
Melvin C. Josselet, Weinert, $29,671.
Ellis L. Tankersley, O'Brien, $28,620.
L. Weldon Norman, Rule, $27,816.
Leon Burson, Haskell, $27,760.
Willard L. Mullins, Haskell, $27,683.
Willie Z. Bettis Est., Stamford, $27,660.
Jalea R. Glover, Rochester, $27,102.
Thomas J. Bevel, Rochester, $27,055.
William M. Reid, Rochester, $25,936.
Joel Bevel, Rochester, $25,084.
Sudie Mae Ballard, Rochester, $24,640.
Vernon P. Terrell, Haskell, $24,499.
Robert G. Walton, Haskell, $23,823.
Albert R. Hannsz, Haskell, $23,754.
Robert W. Herren, Haskell, $23,601.
Kenneth Lane, Haskell, $22,774.
Howard Wayne Overby, Stamford, $22,750.
Virgil E. Sonnamaker, Haskell, $22,506.
Auvil R. Eaton, Rule, $22,491.
Wallace L. Dudensing, Sagerton, $22,263.
W. H. Patterson, Rochester, $22,145.
Roy D. Wiseman, Haskell, $21,715.
Jack H. Neathery, Rochester, $21,390.
Ray and Tony McWhorter, Rochester, $21,354.
Pace Bros., Haskell, $21,076.
Floyd D. Emerson, O'Brien, $21,001.
Melvin R. Hill, Haskell, $20,764.
John and Truman Therwhanger, Haskell, $20,718.
Charles M. Conner, Haskell, $20,157.
O. D. Pool, Jr., Rochester, $20,147.
Total payees in county (46), $1,112,457.

Hidalgo County

Engelman Farms, Elsa, $195,317.
Krenmueller Farms, San Juan, $150,083.
C. B. Shields, Jr., Edcouch, $135,406.
Geo. T. Helle, Mission, $133,323.
Sam Sparks, Santa Rosa, $116,502.
Rio Farms, Inc., Edcouch, $114,659.
Ben Estes Bearden, Santa Rosa, $110,270.
J. W. Wallace & Sons, Edinburg, $94,121.
Bell Bros., La Villa, $84,693.
Knapp Farms, Weslaco, $82,796.
Frank Schuster, San Juan, $80,204.
La Strawberry & Veg. Dist. Co., McAllen, $80,015.
J. B. Hardwicke Co., Ptn., McAllen, $75,995.
Robert Gandy, Edinburg, $75,743.
Holcomb & Black, Weslaco, $72,448.
Byron Campbell Est., Raymondville, $71,371.
Edgar R. Smith, Weslaco, $70,807.
Valley Acres, Santa Rosa, $68,268.
Carl Schuster, San Juan, $68,234.
Fuller Farms, Weslaco, $67,172.
Bill Burns, McAllen, $65,892.
Las Palmas Farms, Weslaco, $64,532.
J. R. Stump, Elsa, $64,249.
Shary Farms, Inc., Mission, $63,413.
C. C. & Jack Harbison, Mercedes, $62,961.
Bradford & Eoff Ptns, Weslaco, $59,569.
J. R. Russell, Welasco, $56,867.
Beckwith Farms, Progreso, $55,968.
Anthony Keller, Edinburg, $53,886.
M. D. & N. J. Moore, Jr., Weslaco, $52,945.
J. B. Pollock, Hargill, $51,381.
Jerry Block, Mission, $50,137.
N. H. Kitayama, Donna, $49,535.
George V. Harren, Weslaco, $46,333.
James Dyer, Weslaco, $45,599.
Evergreen Farms, Inc., Edcouch, $45,466.
Bryan Hanks, Edinburg, $44,672.
Paul D. Moore, Jr., McAllen, $44,640.
Edith Tyner, Donna, $43,897.
Everett Bell, Mission, $40,804.
American Farm, Inc., Donna, $40,800.
J. R. Wade Farms, Inc., La Villa, $40,312.
Marvin A. Schwarz, Mercedes, $39,835.
Lloyd Schwarz, Mercedes, $39,803.
Griffin & Brand, McAllen, $37,602.
W. A. Doom, Jr., La Villa, $37,473.
Turberville Farms, Elsa, $36,476.
E. L. Tyner, Donna, $36,423.
Ostrowski & Son, Santa Rosa, $36,066.
E. J. Blake, Mercedes, $34,798.
M. F. Frost, McAllen, $34,784.
Holmes Farms, Inc., Edinburg, $34,643.
Boyce Farms, Inc., Donna, $34,269.
Mervin Headley, McAllen, $33,673.
Barr Ewing, Mercedes, $33,486.
Fred P. Hall, Weslaco, $33,300.
Verner Gustafson, Lyford, $32,602.
R. O. Wade Farms, Inc., Edcouch, $32,601.
L. J. Krska, Edinburg, $32,508.
Wyatt & Ware, Corpus Christi, $32,363.
H. M. Pitts, Weslaco, $32,338.
Wm. T. Dudley, Elsa, $32,148.
Woody Cellum, Elsa, $31,757.
Kirk Schwarz, Mercedes, $31,717.
Jack & Roy W. Barnes, Pharr, $30,993.
T. E. Bottom, Donna, $30,825.
Jack Drawe, Mercedes, $30,705.
J. S. & Quinn McManus, Weslaco. $30.066.
Ray C. Jones, Jr., Mercedes, $29,193.
Eugene Houts, Edinburg, $28,919.
Utah Dickerson, Weslaco, $28,836.
L. H. Freeman, Elsa, $28,828.
Mitsuru Sakai, McAllen, $28,738.
Greg Pinkston, Elsa, $28,671.
Don Bentsen, Edinburg, $27,964.
Marialice & Allan Shivers, Mission, $27,777.
Mid Valley Farms, Alamo, $27,615.
Dudley Farms, Mercedes, $27,454.
Clifford Bros., Mercedes, $26,827.
M. A. Drewry, Edinburg, $26,594.
Ned Westmoland, McAllen, $26,298.
Mike & Joe Chapa, Linn, $25,748.
C. E. Duncan Farms No. 2, Edinburg, $25,691.
R. C. Jones, Mercedes, $25,460.
D. J. Schwarz, Mercedes, $25,274.
Relampago Inc., Mercedes, $25,146.
L. F. Nittler, Edcouch, $24,699.
C. W. Hall, Weslaco, $24,614.
Wilburn Malm, Lyford, $24,596.
Tommy Richards, Hargill, $24,357.
Anna Mae Kelly, Pharr, $24,183.
B. W. Carlson, Edcouch, $24,057.
Edward Willis, Raymondville, $23,545.
T. R. Morin, Alamo, $23,249.
Bobby McDaniel, Weslaco, $22,872.
Mayfair Minerals Inc., McAllen, $22,796.
Juan G. Villanueva, Edinburg, $22,698.
M. E. Longwell, Edinburg, $22,685.
Kenneth Hood, Weslaco, $22,675.
Juan F. Moron, Edcouch, $22,591.
W. H. Drawe, Mercedes, $22,564.
Dan Logan, Mercedes, $22,338.
Theser Bros., McAllen, $22,231.
Lewis Fry, Elsa, $22,102.
Elliott & Nattinger, Edcouch, $21,996.
Dallas N. Stites, Edcouch, $21,835.
M. S. Miller, Weslaco, $21,751.
Dennis S. Jarzombek, Mission, $21,395.
E. D. Houts, Edcouch, $21,315.
Jones Bros. Farms, Donna, $21,029.
Arthur E. Schwarz, Mercedes, $21,002.
Ardean McDaniel, Weslaco, $20,839.
Stanley J. Jarzombek, Mission, $20,798.
David Hoelscher, Hargill, $20,682.
J. E. Mitchell & Sons, Weslaco, $20,437.
Burton C. Hester, Hargill, $20,279.
Glenn B. Hester, Hargill, $20,234.
Pete Sakai, Hidalgo, $20,201.
Gene Moore, Edinburg, $20,107.
Total payees in county (119), $5,198,324.

Hill County

Daniel Pustejovsky, Hillsboro, $44,260.
Ellison Bros., Itasca, $38,358.
Gerik Bros. Ptrns., Aquilla, $35,550.
G. Ray Sawyer, Hillsboro, $33,262.
Seth Orr, Hillsboro, $32,583.
Cecil & Delmer Sullins Ptnrs., Hillsboro, $28,651.
Julian B. Mastin, Grandview, $26,095.
Wallace Lavender, Brandon, $24,061.
Dennis Brunton, Penelope, $22,751.
Claud D. Watson, Penelope, $22,554.
Girault and Son, Hillsboro, $20,429.
Henry D. Thuem, Itasca, $20,091.
Total payees in county (12), $348,645.

Hockley County

White Face Farms Inc., Levelland, $98,425.
Marvn E. Green, Levelland, $78,402.
Neal Caswell, Anton, $76,924.
W. N. Halliburton, Levelland, $72,226.
L. E. Mitchell, Levelland, $69,839.
J. Walter Hobgood, Anton, $68,528.
Lockett Seed Co. Ropesville, $61,751.
Joe W. Cook, Jr., Ropesville, $59,405.
William M. Cain, Ropesville, $54,203.
Gordon McMillan, Levelland, $54,148.
Billy Ray McInroe, Levelland, $52,663.
Fred G. Owens, Levelland, $51,287.
Marjorie Post, Levelland, $50,205.
H. Joe Schwartz, Ropesville, $47,806.
Don Brazil, Anton, $47,576.
James T. Rackler, Levelland, $44,517.
Aubrey L. Lockett, Vernon, $43,272.
Erlan D. Gresham, Levelland, $42,530.
Harry L. Fitzgerald, Levelland, $42,351.
Troy M. Overman, Lubbock, $42,209.
William E. Carr, Jr., Levelland, $40,690.
Chester Borders, Levelland, $40,433.
Elbert C. White, Jr., Whiteface, $39,452.
Howard Venable, Levelland, $38,853.
Elwood Patterson, Levelland, $38,681.
Walter S. Carter, Levelland, $38,430.
James Buford Chambers, Ropesville, $37,945.
Loyd Hood, Levelland, $37,893.
Spade Ranch, Inc., Lubbock, $37,052.
William Clements, Levelland, $36,913.
W. L. Harris, Levelland, $36,836.
Billy Arnwine, Levelland, $36,691.
Douglas Kauffman, Levelland, $36,334.
Carl E. Ratliff, Lubbock, $36,136.
Earl D. Lewis, Levelland, $35,663.
Jack Sherrod, Levelland, $35,320.
Melvin L. Hale, Levelland, $35,225.
Acuff Farms, Ropesville, $34,677.
Mallet Ranch, Lubbock, $34,601.
Cecil B. Helms, Levelland, $34,330.
Jim J. Hobgood, Anton, $34,263.
Chesley G. Hobgood, Ropesville, $33,677.
E. W. Sanford, Est., Lubbock, $33,505.
Louie Ray Carter, Levelland, $33,341.

Palmer & Dowell, Levelland, $33,247.
Catharine C. Whittenburg, Levelland, $33,130.
J. E. Wisdom, Levelland, $33,025.
William J. Brazil, Anton, $32,698.
Don Reding, Whitharral, $32,512.
George Wade, Jr., Littlefield, $32,394.
Bill Graf, Levelland, $31,884.
H. E. Mowry, Levelland, $30,810.
Cecil C. Cookston, Levelland, $30,724.
Sam Hoover, Levelland, $30,703.
Slaughter Farms, Ft. Worth, $30,281.
Harold R. Phillips, Sundown, $30,060.
H. T. Chrenshaw, Levelland, $30,004.
Richard Lawson, Levelland, $29,925.
Martin Lawson, Levelland, $29,705.
Robert & Jeff Kauffman, Levelland, $29,311.
Selmer H. Schoenrock, Levelland, $29,211.
Ralph F. Wade, Littlefield, $29,140.
Donald Ray Gresham, Levelland, $28,973.
J. T. Stout, Lubbock, $28,874.
J. J. Rister, Levelland, $28,802.
George R. Martin, Whiteface, $28,707.
Joe Bowman, Levelland, $28,587.
Talmage C. Ivey, Levelland, $28,338.
Larry R. Chaney, Ropesville, $28,327.
Donal Hamill, Levelland, $28,068.
Rayford Bynum, San Angelo, 28,053.
Jerry Biffle, Anton, $27,930.
Kenneth Spradley, Anton, $27,831.
Pat A. Dunavant, Ropesville, $27,390.
Paul W. Christian, Levelland, $27,371.
Ben M. McWhorter, Lubbock, $27,291.
Roy N. Whittenburg, Levelland, $27,263.
Bobbie F. Veretto, Levelland, $27,127.
Albert M. Storey, Sundown, $26,991.
Roger K. White, Levelland, $26,972.
Jack McMillan, Levelland, $26,886.
W. Bryan Daniel, Levelland, $26,882.
Ronnie M. Brown, Levelland, $26,881.
Ford A. Carter, Levelland, $26,664.
J. T. Hall, Jr., Levelland, $26,646.
Dale Newsom, Lubbock, $26,621.
S. J. Clevenger, Anton, $26,621.
Owens Farms, Inc., Levelland, $26,601.
Preston L. Lyda, Anton, $26,413.
M. G. Moore, Anton, $26,383.
Billy Thetford, Anton, $26,332.
Donald E. Caddell, Levelland, $26,027.
Carl & Everette Butler, Anton, $26,000.
R. E. Bullin, Levelland, $25,608.
Robert E. Avery, Levelland, $25,506.
Ronnie Ayers, Wolfforth, $25,500.
Jack Ballow, Levelland, $25,459.
M. W. Hart, Levelland, $25,403.
J. C. Pointer, Ropesville, $25,317.
E. B. Burelsmith, Levelland, $25,164.
Leila Mathers, Levelland, $25,098.
Kenneth Montgomery, Levelland, $25,098.
H. J. Steinfath, Levelland, $24,951.
Harley Stanley, Levelland, $24,918.
Gordon Martin, Levelland, $24,833.
L. C. Vance, Lubbock, $24,774.
Wayne McLarty, Anton, $24,578.
Hollis F. Borland, Levelland, $24,455.
Clarence J. Jordan, Brownfield, $24,304.
Flora Hamill Crenshaw, Levelland, $23,837.
Hugh P. Baggett, Levelland, $23,837.
Earl D. Patterson, Levelland, $23,758.
Jack Ayers, Levelland, $23,434.
W. J. Shockley, Ropesville, $23,429.
Ed O. Johnson, Littlefield, $23,261.
Henry J. Schmidly, Levelland, $23,218.
Hugh Davis, Levelland, $23,157.
George W. Sosebee, Ropesville, $23,042.
Willie J. Ivey, Levelland, $23,021.
B. D. Whitley, Lubbock, $22,911.
James P. Mitchell, Lubbock, $22,906.
Calvin W. Neal, Shallowater, $22,831.
R. R. Hutcheson, Lubbock, $22,792.
B. J. Hutcheson, Wolfforth, $22,791.
R. M. Marrow, Levelland, $22,728.
Buck Gossett, Anton, $22,641.
Frank Karvas, Jr., Shallowater, $22,535.
Ray J. Gerik, Pep, $22,374.
D. Gordon Cobb, Seminole, $22,330.
Danny Grant, Levelland, $22,276.
Chester P. Arnwine, Ropesville, $22,266.
L. L. Overman, Whitharral, $22,249.
Raymond Gunn, Levelland, $22,041.
L. L. Alderson, Shallowater, $22,021.
Joab Alexander, Levelland, $21,945.
Earl D. Waldrop, Levelland, $21,897.
T. J. Redman, Jr., Ropesville, $21,820.
Leon H. Lawson, Levelland, $21,746.
C. A. Jackson, Lubbock, $21,696.
Lawrence F. Schoenrock, Levelland, $21,680.
Robert J. Phillips, Levelland, $21,671.
Glenn Thrash, Levelland, $21,581.
Joe B. Pate, Jr., Lubbock, $21,581.
Carroll E. Bradshaw, Ropesville, $21,451.
Monte W. Cookston, Levelland, $21,417.
Johnnie Keen, Levelland, $21,408.
Weldon E. Butler, Levelland, $21,365.
Ray Anderson, Levelland, $21,317.
R. W. Woodruff, Shallowater, $21,273.
Raymond H. Belew, Levelland, $21,212.
Billy F. Mitchell, Shallowater, $21,131.
Buddy L. Miller, Littlefield, $21,056.
Ernest T. Price, Smyer, $20,955.
Roy Johnson, Levelland, $20,920.
Van E. Alderson, Lubbock, $20,919.
Billy R. Carter, Levelland, $20,437.
Eugene Lewis, Ropesville, $29,392.
James G. Marrow, Jr., Levelland, $20,337.
George T. Forbus, Levelland, $20,291.
Bruce Scoggins, Levelland, $20,259.
Oliver C. Heard, Levelland, $20,211.
James M. Collins, Ropesville, $20,207.
Everette Simpson, Levelland, $20,187.
Jerry W. Myatt, Levelland, $20,173.
Thomas B. Johnson, Jr., Levelland, $20,138.
Bobby D. Jackson, Levelland, $20,060.
Total payees in county (166), $5,087,209.

Houston County

John R. Rials, Crockett, $49,594.
L. Potter, Lafayette, $42,473.
T. J. Maples, Crockett, $35,718.
C. H. Arnold, Crockett, $32,679.
Wade Minter, Sr., Crockett, $30,231.
C. A. Snell, Crockett, $28,439.
J. & B. Farm, Crockett, $28,166.
Wade Minter, Jr., Crockett, $24,674.
Charles A. Snell, Crockett, $23,957.
Richburg Boys, Grapeland, $23,116.
Mustang Prairie Ranch, Crockett, $22,966.
J. E. Dawson, Crockett, $20,881.
George Murray, Grapeland, $20,564.
Homer Jones, Grapeland, $20,093.
Total payees in county (14), $403,551.

Howard County

G. C. Broughton, Jr., Big Spring, $58,102.
Edgar Phillips, Big Spring, $56,130.
Paul Adams, Ackerly, $50,158.
James C. Barr, Coahoma, $48,254.
Robert V. Fryar, Big Spring, $47,795.
Robert E, Beall, Knott, $41,570.
Delbert Stanley, Big Spring, $41,526.
H. L. Adams, Big Spring, $39,769.
Jerry Iden, Ackerly, $39,681.
J. W. Shive, Coahoma, $34,604.
S. M. Haney, Big Spring, $34,506.
Horace E. Tubb, Big Spring, $34,436.
Jack E. Hopper, Big Spring, $33,087.
Shirley W. Fryar, Knott, $32,182.
J. W. Fryar, Big Spring, $32,107.
Harvey Fryar, Big Spring, $30,606.
Rodney & Stella Brooks, Coahoma, $30,349.
Elbert Long, Big Spring, $29,112.
Landon Burchell, Big Spring, $28,969.
Verl Shaw, Knott, $28,593.
Oliver Nichols, Big Spring, $27,845.
David Barr, Coahoma, $26,906.
Johnny R. Stanley, Big Spring, $26,867.
Donald Lay, Coahoma, $25,999.
Robert Nichols, Knott, $24,454.
Lawrence G. Adkins, Big Spring, $23,718.
Melvin Gibbs, Knott, $23,630.
W. D. Coates, Coahoma, $23,604.
Aubrey Lankford, Big Spring, $23,166.
Leslie R. Walker, Big Spring, $23,064.
William C. Fryar, Big Spring, $23,037.
Bigony Farms, Big Spring, $23,014.
Roy Phillips, Big Spring, $23,004.
Robert E. Haney, Big Spring, $22,482.
Neil D. Spencer, Big Spring, $21,444.
Leon Bodine, Ackerly, $20,984.
Joe Mac Gaskins, Knott, $20,960.
Robert C. Wegner, Jr., Big Spring, $20,909.
Morris Patterson, Big Spring, $20,877.
Melvin Smith, Ackerly, $20,767.
Alvin Walker, Big Spring, $20,195.
Neil Fryar, Big Spring, $20,152.
E. W. Lomax, Big Spring, $20,010.
Total payees in county (43), $1,298,624.

Hudspeth County

C. L. Ranch, Dell City, $133,672.
Grady E. Miller, Jr., Fort Hancock, $56,248.
B. E. Walker, Fort Hancock, $54,396.
A. R. Miller, Fabens, $54,024.
C. L. Machinery, Dell City, $31,697.
Dell View Farms, El Paso, $28,752.
John Segulia, El Paso, $24,931.
O. A. Thorp, Dell City, $23,245.
Condido Holguin, Dell City, $22,529.
Total payees in county (9), $429,494.

Hunt County

William H. Myre, Greenville, $40,285.
Marion F. Dodson, Farmersville, $35,248.
Harold W. Burt, Commerce, $29,291.
Maurice M. Clack, Caddo Mills, $26,317.
E. W. Settle, Celina, $23,320.
J. D. Pearce, Celeste, $21,941.
Guy W. Ray, Greenville, $21,854.
Total payees in county (7), $198,256.

Hutchinson County

Claude Higley, Dumas, $63,067.
McCloy Brothers, Morse, $58,992.
Henderson & Parks, Morse, $47,581.
Coble Cattle Corp., Amarillo, $38,480.
Jack Johnson, Jr., Morse, $35,343.
Raymond Jarvis, Stinnett, $33,067.
R. E. Womble, Stinnett, $31,482.
Charles Johnson, Morse, $31,427.
Thomas M. Jones, Sunray, $29,322.
Henry Reid, Morse, $29,136.
Ira A. Harbour, Stinnett, $28,501.
C. W. Kirk & T. Reger, Spearman, $27,719.
Noble Watson, Stinnett, $25,993.
R. C. and Jerry Womble, Morse, $25,000
Floyd A. Hull, Spearman, $22,561.
O. O. Smith, Stinnett, $22,501.
O. C. Holt, Spearman, $22,311.
Fred Holt. Spearman, $21,089.
John W. Bergner, Stinnett, $20,588.
F. B. Early, Stinnett, $20,471.
Total payees in county (20), $634,631.

Jackson County

Albert C. Randall, Edna, $31,410.
J. T. Hardin, Austwell, $27,290.
W. H. Webernick, Edna, $23,365.
Total payees in county (3), $82,065.

Jeff Davis County

Olen Lane, Van Horn, $25,463.

Jim Wells County

Leon Eschberger, Alice, $40,791.
Don Boggan, Alice, $38,604.
R. W. Miller, Mathis, $37,224.
J. M. Dellinger, Jr., Alice, $35,383.
C. A. Lowman, Bishop, $31,973.
H. H. Presnall, Alice, $26,572.
Hellman Brothers, Robstown, $20,559.
Frank J. Hoelscher, Alice, $20,412.
Total payees in county (8), $251,518.

Johnson County

J. C. Dobbs, Grandview, $32,791.
Jack Davis, Waxahachie, $27,012.
James E. Kemp, Dallas, $23,520.
Kermit Basham, Venus, $21,310.
Total payees in county, (4), $104,633.

Jones County

Herman A. Propst, Anson, $118,407.
Hoke Propst, Anson, $90,227.
W. C. Matchett, Hamlin, $62,847.
Chas. M. Herndon, Hawley, $51,541.
Eddie Jay, Hamlin, $49,295.
Bill, Pritchard, Stamford, $47,217.
Vernon, Lovvorn, Stamford, $39,887.
Willie L. Byrd, Avoca, $35,569.
Thomas G. Nix, Anson, $35,539.
Hollis W. Madden, Hamlin, $35,321.
Oran Brigham, Stamford, $33,019.
Herman T. Steel, Anson, $32,890.
H. L. Ford, Hamlin, $32,475.

Clinton C. Moss, Anson, $32,442.
Elbert D. Apperson, Stamford, $30,707.
Weldon F. Walker, Stamford, $30,237.
James D. Lovvorn, Stamford, $30,017.
F. A. Lollar, Anson, $29,506.
Herman B. Propst, Anson, $29,328.
Eva T. Amerson, Hamlin, $28,882.
C. O. Richards, Stamford, $28,615.
Joe O. Murff, Hamlin, $27,157.
Stenholm Farms, Stamford, $26,301.
B. J. Wilson, Hamlin, $26,118.
Frank Vasek, Stamford, $25,208.
John E. Scarborough, Hamlin, $25,076.
Pied Piper Farms, Hamlin, $24,417.
Schoonmaker Bros., Stamford, $24,268.
Raymond Scifres, Hamlin, $23,376.
Oliver H. Smith, Stamford, $23,107.
Billy H. Debusk, Stamford, $22,693.
Ira Treadwell, Stamford, $22,460.
Clifford F. Thorn, Anson, $21,933.
Johnny Hansen, Avoca, $21,828.
K. A. Goza, Jr., Anson, $21,623.
Sam Baize, Stamford, $21,010.
Lowell L. White, Stamford, $20,977.
John A. Carnes, Anson, $20,898.
J. H. Fry, Anson, $20,811.
J. C. Moss, Anson, $20,722.
H. H. McLeod, Trent, $20,344.
Haterius Bros., Avoca, $20,295.
Melvin Rosenquist, Avoca, $20,057.
Total payees in county (43), $1,404,647.

Karnes County

Burnell B. Tips, Kenedy, $24,352.

Kaufman County

Monty Clayton, Crandall, $43,829.
J. L. Helm, Forney, $37,456.
Jerry R. Maloney, Terrell, $34,767.
Donald W. Gronewald, Kaufman, $29,181.
Robert J. Wortham, Forney. $28,340.
Jack Glenn, Terrell, $23,061.
Trinity Valley Ranch, Rosser, $22,737.
Star Brand Cattle Co., Kaufman, $22,079.
O. J. Ledbetter, Jr., Forney, $21,043.
Total payees in county (9), $262,493.

Kent County

Garth Gregory, Girard, $25,898.
Rance Gregory, Girard, $20,417.
Total payees in county (2), $46,315.

Kerr County

Y. O. Ranch, Mountain Home, $37,009.

King County

C. M. Sossaman, Paducah, $38,828.
Raymond King, Paducah, $28,120.
J. P. Ratliff, Jr., Paducah, $27,581.
T. C. Havins, Paducah, $27,386.
Ruth Starr Blake Trust, Marshall, $26,758.
Roy B. Keith, Paducah, $24,258.
Sam Fulton, Paducah, $22,973.
Pitchfork Land & Cattle Co., Guthrie, $22,103.
Larry G. Keith, Paducah, $20,475.
Total payees in county (9), $238,482.

Kinney County

Silver Lake Ranches Co., Inc., Del Rio, $27,227.
Clay Hunt, Brackettville, $26,342.
W. L. Moody IV, Galveston, $21,191.
Total payees in county (3), $74,760.

Kleberg County

Huff Bros., Riviera, $30,217.
Brodnax & Brodnax, Kingsville, $20,835.
Ernest D. Wernecke, Kingsville, $20,814.
Johnie F. Schonefeld, Kingsville, $20,339.
Total payees in county (4), $92,205.

Knox County

Eugene L. Thompson, Munday, $46,010.
Floyd L. Reed, Munday, $41,613.
Vernal Zeissel, Munday, $35,943.
B. M. Farmer, Knox City, $34,005.
James Albus, Knox City, $33,111.
Marvin Zeissel, Munday, $32,824.
J. G. Hawkins, Knox City, $32,742.
Sam E. Clonts, Knox City, $28,692.
George L. Floyd, Munday, $28,560.
Lonnie D. Offutt, Munday, $27,754.
Billy Mitchell, Munday, $27,475.
J. C. Elliott, Munday, $26,837.
Philip F. Homer, Munday, $26,228.
John Michels, Munday, $25,256.
Herbert Bellinghausen, Knox City, $24,523.
Chalmer E. Hobert, Munday, $24,333.
Donald Johnson, Knox City, $23,139.
Garon Tidwell, Munday, $22,658.
Tommy Richardson, Knox City, $22,255.
B. M. Brown, Munday, $22,215.
Gerald A. Brown, Munday, $22,215.
James N. Smith, Munday, $22,082.
Wilfred Bellinghausen, Munday, $21,928.
Charles Reese, Knox City, $21,225.
Boyd Meers, Goree, $20,723.
Total payees in county (25), $694,346.

Lamar County

Mashburn Farms, Inc., Paris, $82,598.
Hicks Graves, Petty, $73,170.
H. L. Schlottman, Paris, $35,042.
Creed Bros. Ptrs., Roxton, $27,452.
Johnie W. Musgrove, Cunningham, $26,837.
John L. Coplin, Paris, $24,735.
R. G. McClung Ctn. Co., Inc. Dallas, $24,735.
O. J. & Ross Rutherford Ptrs., Roxton, $24,089.
J. B. Jackson, Petty, $21,624.
Ben Laird, Kilgore, $21,286.
Thomas A. Roach, Paris, $21,078.
C. A. Jones, Roxton, $21,020.
Total payees in county (12), $403,654.

Lamb County

Halsell Cattle Co., Kansas City, $182,867.
Busby Farms, Olton, $113,867.
Lonnie R. Smith, Olton, $94,648.
J. D. Smith, Littlefield, $80,186.
Billy W. Clayton, Springlake, $70,509.
J. B./Jearl James, Olton, $69,183.
J. A. Stubblefield, Anton, $64,993.
L. C. Hewitt, Littlefield, $64,013.
Leo V. Smith, Olton, $59,403.
Stephen Smith, Olton, $58,910.
L. J. Welch, Muleshoe, $57,582.
Parish Farms, Springlake, $54,322.
Royce Collins, Olto, $53,854.
Gene Templeton, Earth, $52,367.
T. A. King, Jr., Sudan, $51,371.
Barry Armes, Littlefield, $50,233.
John Bridges, Earth, $50,223.
H. M. Gable, Muleshoe, $49,948.
W. C. Stout, Muleshoe, $46,567.
D. R. Hopkins, Anton, $46,088.
Fred Welch, Muleshoe, $45,889.
Barton Bros., Earth, $45,651.
Gordon B. Timms, Anton, $45,392.
Wesley Neinast, Littlefield, $45,275.
Reginal Stephens, Anton, $44,916.
D. W. Bawcom, Littlefield, $41,777.
M. P. Thedford, Littlefield, $41,625.
U. L. Gunter, Olton, $41,463.
Royce McFadden, Olton, $41,133.
Kenneth Hinson, Springlake, $40,790.
F. M. Smith, Sudan, $40,127.
Charles W. Wiseman, Sudan, $40,072.
Joe F. Miller, Springlake, $39,275.
L. B. Montgomery, Littlefield, $39,241.
Dan Wood, Sudan, $38,272.
Eddie Wallace, Littlefield, $37,668.
J. T. Gibson, Springlake, $37,043.
Donald J. Bryant, Muleshoe, $36,850.
H. M. Sheats, Lubbock, $36,793.
Edward Wuerflein, Muleshoe, $36,233.
Royce Turner, Muleshoe, $35,842.
Jack Allcorn, Olton, $35,099.
Johnny Hodges, Olton, $34,498.
Neil Wood, Littlefield, $33,638.
Thomas Harris, Littlefield, $33,632.
E. O. Feagley, Littlefield, $33,266.
Raymond Durham, Olton, $32,918.
Edd Haley, Earth, $32,850.
W. B. Jones, Anton, $32,804.
Elmer Lewis, Olton, $32,790.
Matt Nix, Jr., Sudan, $32,204.
L. G. Watson, Hart, $31,943.
Don Joyner, Fieldton, $31,602.
Dan Quigley, Springlake, $31,381.
Donald Street, Dimmitt, $31,138.
R. D. Nix, Sudan, $30,910.
Ernest E. Jones, Hart, $30,154.
F. D. Clayton, Earth, $29,869.
James Sanderson, Springlake, $29,861.
Fred A. Smith, Olton, $29,470.
Wm. R. Morris, Jr., Earth, $29,431.
Dewitt Tiller, Sudan, $29,376.
Harley Bussanmas, Littlefield, $29,112.
S. K. Flatt, Muleshoe, $29,089.
O. L. Walker, Littlefield, $28,989.
James E. Steffey, Anton, $28,977.
Phillip Haberer, Earth, $28,939.
G. C. Bearden, Amherst, $28,827.
Randall Roper, Hart, $28,784
H. J. Harrell, Littlefield, $28,699.
Robert Stence, Shallowater, $28,377.
J. L. Snider, Olton, $28,306.
James E. Jones, Springlake, $28,217.
N. W. Emfinger, Littlefield, $28,114.
T. L. Free, Earth, $27,992.
W. M. Smith, Olton, $27,953.
Kenneth Price Hamilton, Muleshoe, $27,792.
Doug G. Sopher, Olton, $27,619.
Allison Bros., Earth, $27,166.
W. B. Hucks, Springlake, $27,164.
L. E. Ball, Littlefield, $27,142.
Kenneth Wiseman, Sudan, $27,084.
Willie Steffey, Littlefield, $27,070.
J. D. Melton, Littlefield, $27,054.
George E. Brown, Jr., Olton, $27,004.
W. B. Boyles, Sudan, $26,976.
James C. Graham, Olton, $26,753.
Ross Lumsden, Littlefield, $26,707.
J. M. Farmer, Littlefield, $26,691.
Gene Brownd, Earth, $26,643.
Gerald Allcorn, Olton, $26,288.
A. B. Roberts, Littlefield, $26,221.
J. R. Banks, Springlake, $26,001.
Glenn Vining, Earth, $26,000.
John W. Humphreys, Sudan, $25,645.
Drexel Lawson, Olton, $25,351.
Donald K. Clayton, Springlake, $25,340.
James L. Withrow, Sudan, $25,326.
Troy Blackburn, Earth, $25,287.
Elmer McGill, Olton, $25,261.
Devern Mandrell, Olton, $25,251.
L. E. Downs, Anton, $25,130.
Wallace O. Jones, Earth, $25,057.
B. D. Nelson, Littlefield, $24,897.
Floyd Light, Olton, $24,889.
Daniel B. Heard, Littlefield, $24,637.
Harvey Patterson, Amherst, $24,420.
Emert J. Rose, Littlefield, $24,416.
Dewey L. Hukill, Olton, $24,402.
Troy Armes, Littlefield, $24,361.
L. H. Carson, Olton, $24,308.
Lowell I. St. Clair, Muleshoe, $24,120.
James A. Littleton, Jr., Earth, $23,867.
Eldon L. Davis, Muleshoe, $23,665.
Harold Miller, Earth, $23,635.
James P. Hamilton, Muleshoe, $23,629.
O. D. Chester, Sudan, $23,626.
Bill Bradley, Amherst, $23,385.
Barry Bearden, Amherst, $23,311.
Thurlo L. Branscum, Muleshoe, $23,177.
Hollis Smith, Littlefield, $23,129.
W. C. Bley, Olton, $23,075.
Bennie Harmon, Amherst, $22,966.
Raymon Carson, Olton, $22,965.
Don McCarty, Littlefield, $22,759.
Norris Sampler, Hart, $22,609.
J. B. Haire, Littlefield, $22,497.
B. F. Helms, Littlefield, $22,486.
C. C. Goodwin, Earth, $22,458.
Aubrey C. Neinast, Littlefield, $22,411.
Dan Puckett, Littlefield, $22,289.
Herbert Dolle, Littlefield, $22,263.
E. L. Sibley, Littlefield, $22,238.
Thomas M. Wiseman, Sudan, $22,162.
C. D. Kirkpatrick, Olton, $22,101.
Wayne Whiteaker, Sudan, $22,067.
Elgan Baccus, Sudan, $22,033.
C. C. Slaughter, Amherst $21,990.
Samuel G. Thomas, Olton, $21,989.
A. K. Shelby, Earth, $21,950.
Benny Dickson, Olton, $21,729.
Jack Angeley, Earth $21,678.
Melvin Bock, Earth, $21,674.
Paul L. Mathews, Sudan, $21,502.
Vernon H. Britton, Springlake, $21,483.
C. S. Hudson, Abernathy, $21,433.

T. V. Murrell, Earth, $21,237.
M. R. Matthews, Littlefield, $21,174.
Roy L. Bryant, Muleshoe. $21,167.
G. R. Stewart, Littlefield. $21,143.
Paul Yarbrough, Amherst, $21,104.
Donnie Cowart, Sudan, $21,096.
Joe Fisher, Sudan, $21,085.
Travis Bundick, Hart. $21,054.
Jimmy Nix, Hart, $21,053.
Charlie H. Jones, Dimmitt, $20,896.
Gaulbert Demel, Sudan, $20,843.
Perry F. Coffey, Littlefield, $20,778.
Martin Parmer, Jr., Littlefield, $20,762.
B. N. Armstrong, Earth, $20,738.
A. L. Humphreys, Amherst, $20,655.
W. W. Thompson, Littlefield, $20,654.
B. L. Greener, Amherst, $20,650.
James P. Glumpler, Littlefield, $20,626.
W. J. Meeks, Muleshoe, $20,575.
Ollie Davis, Littlefield, $20,548.
A. E. Fowler, Santa Monica, $20,544.
Sam Sewell, Anton, $20,517.
Jomeryle Harmon, Amherst, $20,362.
Johnie Harper, Jr., Anton, $20,347.
Robert O. Chair, Muleshoe, $20,311.
Charles Carpenter, Amherst, $20,298.
D. L. Bussanmas, Littlefield, $20,177.
Roy Hendrick, Littlefield, $20,171.
Kenneth Sawyer, Earth, $20,012.
Total payees in county (175), $5,589,137.

Lampasas County

M. F. Klose, Lometa, $29,022.

LaSalle County

H. Dudley Storey, Jr., Cotulla, $34,885.
Lloyd Hurt, Dilley, $29,676.
Gerald Mann, Cotula, $23,350.
Total payees in county (3), $87,911.

Leon County

Oscar O. Brown, Nineveh, $41,997.
Troy J. Brown, Nineveh, $23,560.
Harrell Dean Brown, Nineveh, $21,946.
Coleman Carter, Jr., Oakwood, $21,218.
Total payees in county (4), $108,721.

Limestone County

Walter B. Honeycutt, Jr., Mart, $37,984.
J. F. Jackson, Groesbeck, $25,164.
Total payees in county (2), $63,148.

Lipscomb County

Marvin Born, Follett, $40,745.
Vernon G. Schultz, Booker, $35,501.
Lazy S Ranch, Higgins, $34,537.
Mervyn Harrellson, Follett, $26,187.
Alvin G. Born, Follett, $24,042.
John L. Gadberry, Follett, $23,618.
Chris Miller, Jr., Darrouzett, $22,045.
Robert A. Schultz, Shattuck, $20,406.
Total payees in county (8), $227,081.

Live Oak County

Fred Thoms, Three Rivers, $37,225.
James E. Esse, Campbellton, $24,841.
Buford Dugger, Three Rivers, $24,236.
C. H. Griffith, Skidmore, $23,792.
J. I. Hailey, George West, $23,150.
W. H. Esse, Sr., Campbellton, $20,686.
Thomas Porter, Mathis, $20,031.
Total payees in county (7), $173,961.

Lubbock County

William E. Armstrong, Lubbock, $95,684.
Standefer & Gray, Lubbock, $86,864.
L. L. Lawson, Lubbock, $78,146.
R. E. Jones, Lubbock, $76,389.
Wendell D. Vardeman, Slaton, $70,926.
J. Carter Caldwell, Slaton, $70,207.
Dulaney Bros., Shallowater, $69,949.
James F. Davis, Jr., Lorenzo, $69,586.
Fred E. McNabb, Lubbock, $62,206.
Coyne E. Killian, Lorenzo, $59,739.
M. B. R. B. Stanton Pts., Lorenzo, $58,052.
George Oliver Jackson, Abernathy, $56,013.
Howard L. Alford, Lubbock, $54,271.
Elijah M. Debusk, Idalou, $54,108.
Joe B. Lovelace, Abernathy, $52,294.
Roy Hugh McKelvy, Lubbock, $50,780.
Jay Stanton, Shallowater, $50,739.
Medlock Farms, Inc., Lubbock, $50,069.
Kirby Hobgood, Petersburg, $48,707.
Billy J. Robbins, Idalou, $46,728.
Walter O. Heinrich, Slaton, $46,361.
Edward S. Smith, Jr., Lorenzo, $46,341.
Greenlee Farms, Lubbock, $45,243.
J. W. Furgeson, Petersburg, $44,313.
Loren J. West, Abernathy, $44,280.
Max Barnett, Slaton, $43,372.
Graham C. Holmes, Lubbock, $41,514.
The Dunlap Co., Lubbock, $41,073.
San Augustine Ranch, Lubbock, $40,925.
Leroy Grawunder, Shallowater, $40,456.
A. L. Cone, Lubbock, $39,432.
Ferman R. Priddy, Lubbock, $39,259.
Earl Foerster, Slaton, $38,625.
B. B. Hobgood, Wolfforth, $38,566.
Luther Lawson, Lubbock, $38,187.
O. B. Chesshir, Lubbock, $37,777.
Johnnie Joiner, Idalou, $37,729.
Kirksey & Booher Pts., Wolfforth, $37,602.
Frank W. Hancock, Slaton, $37,584.
Billy Meyers, Lubbock, $37,243.
Excell W. McFarling, Lubbock, $36,958.
Clifford Hamilton, Lubbock, $36,663.
Sam A. Durham, Lubbock, $36,426.
A. B. Enloe, Jr., Lubbock, $35,928.
J. C. Heinrich, Idalou, $35,364.
Morris S. Smith, Lorenzo, $35,255.
McFarling & Clark, Lubbock, $35,224.
Harold E. Voigt, Slaton, $35,142.
C. W. Teal, Lubbock, $34,746.
Doyce Middlebrook, Lubbock, $34,575.
Gilbert H. Ragland, Slaton, $34,240.
Willie C. Neel, Amarillo, $34,206.
Davies & Davies, Slaton, $34,115.
L. T. Foster, Lubbock, $33,934.
Clayton E. Enger, Abernathy, $33,849.
Medlock Inv. Co., Inc., Lubbock, $33,654.
Billy Bryan Boyd, Lubbock, $33,413.
John T. Patterson, Wolffth, $32,187.
Charles W. Wood, Lubbock, $32,020.
C. O. McNabb, Ropesville, $31,986.
Debusk Enterprises, Inc., Idalou, $31,739.
M. J. Williams, Shallowater, $31,645.
Albert C. Henderson, Shallowater, $31,576.
Herschel V. Newman, Shallowater, $31,503.
Alton L. Lawson, Lubbock, $31,295.
W. A. Bill Alspaugh, Slaton, $31,006.
Smith Keller, Lubbock, $30,945.
Weldon M. Boyd, Idalou, $30,744.
Melvin H. Jack Phipps, Idalou, $30,634.
David S. Enger, Lubbock, $30,590.
D. J. May, Idalou, $30,250.
Ray D. Langford, Idalou, $30,204.
Glen B. Payne, Slaton, $30,192.
Robert Melcher, Lubbock, $30,129.
Roy Allen Forkner, Lubbock, $30,119.
J. H. Kurklin, Petersburg, $30,093.
James T. McMenamy, Shallowater, $30,079.
Edward Moseley, Slaton, $30,039.
Harold Campbell, Lorenzo, $29,921.
D. D. Qualls, Lubbock, $29,572.
O. W. Smith, Wolfforth, $29,365.
Farm Enterprises, Inc., Slaton, $29,110.
Weldon Bailey, Wilson, $28,924.
Robert Fehleison, Lubbock, $28,901.
Leon L. Lincecum, Lubbock, $28,726.
Buddy Hettler, Lubbock, $28,675.
Bennie L. James, Anton, $28,600.
John B. Lamb, Slaton, $28,532.
Paul Cates, Lubbock, $28,369.
George A. Taylor, Jr., Slaton, $28,256.
Fred D. Bradshaw, Idalou, $28,170.
I. Arnold Chauncey, Lubbock, $28,036.
Lowery M. James, Lubbock, $27,925.
Roy C. Clark, Lubbock, $27,883.
Omer D. Lindsey, Lubbock, $27,879.
Bruce Isom, Idalou, $27,570.
Newman Lusk, Shallowater, $27,467.
Walter Lurton, Shallowater, $27,460.
Randal L. Rieger, Lubbock, $27,397.
William V. Halford, Abernathy, $27,283.
Earl Reasoner, Slaton, $26,847.
Raymond R. Marshall, Lubbock, $26,819.
Henry John Kveton, Petersburg, $26,817.
Hugh V. Newton, Lubbock, $26,786.
James Atterbury, Abernathy, $26,780.
Jack Louden, Lubbock, $26,778.
Melville Hankins Est., Lubbock, $26,694.
L. E. Bartlett, Lubbock, $26,694.
Paul D. Kitchens, Slaton, $26,687.
Chester B. Gilmore, Idalou, $26,103.
Valton V. Cox, Lubbock, $25,996.
Bruce Gentry, Sr., Lubbock, $25,992.
W. A. & F. D. Drachenberg, Smyer, $25,914.
Jack Adamson, Lubbock, $25,905.
J. P. Thompson, Lubbock, $25,903.
Joe W. Felty, Slaton, $25,786.
Glenn Brown Blackmon, Shallowater, $25,405.
E. W. Harkey, Lubbock, $25,385.
W. R. Sage, Lubbock, $25,367.
A. C. McCallon, Lubbock, $25,333.
George H. Johnson, Idalou, $25,269.
Charles R. Hedges, Shallowater, $25,054.
Donnie Shafer, Shallowater, $24,926.
Walter E. Morgan, Slaton, $24,922.
Sherman Nelson, Lubbock, $24,860.
Joe Fortenberry, New Deal, $24,681.
Ralph B. Maby, Petersburg, $24,594.
C. V. Sturgeon, Lubbock, $24,481.
Marvin Hall, Wilson, $24,433.
Volney T. Rush, Slaton, $24,384.
Pierce H. Truett, Idalou, $24,371.
Wesley W. Ferguson, Lorenzo, $24,370.
Ward W. Carrroll, Lubbock, $24,332.
Don L. Enger, Lubbock, $24,319.
May Lewis Stewart, Lubbock, $24,243.
Carl D. Jones, Lubbock, $24,229.
Olan K. Dosett, Jr., Lubbock, $24,194.
Milburn Barrick, Abernathy, $24,186.
William B. Criswell, Idalou, $24,171.
Roy G. Cannon, Abernathy, $24,168.
Paul E. Crosnoe, Jr., Lubbock, $24,085.
Kenneth G. Wright, Lubbock, $23,946.
L. D. Stanford, Lubbock, $23,934.
Darrell L. Burress, Abernathy, $23,926.
Clifford Hilbers, Idalou, $23,897.
William H. McKelvy, Lubbock, $23,862.
Donald E. Adrian, Petersburg, $23,792.
Brodie A. Darby, Lubbock, $23,699.
Shadden & Shadden, Idalou, $23,644.
Henry W. Taylor, Jr., Lorenzo, $23,502.
Wienke Bros., Idalou, $23,375.
E. Donald Bledsoe, Lorenzo, $23,280.
Leroy Zieschang, Slaton, $23,252.
J. T. Davis, Lubbock, $23,197.
Ed H. Foreman, Lubbock, $23,132.
Billy H. Piercy, Lubbock, $22,965.
Aubrey Pounds, Lubbock, $22,930.
L. E. Evans, Lubbock, $22,823.
Virgil M. Isom, Idalou, $22,818.
Melba N. Thompson, Jr., Lubbock, $22,685.
John B. Allen, Lubbock, $22,518.
Lulain Est., Lubbock, $22,364.
Walter H. Luker, Lubbock, $22,321.
David C. Fowler, Shallowater, $22,279.
Glen M. Wages, Lubbock, $22,276.
Durward D. Mahon, Lubbock, $22,111.
Hilton Foerster, Lubbock, $22,107.
J. W. Hamilton, Jr., Abernathy, $21,994.
J. W. Shadden, Idalou, $21,980.
Wendell F. Attebury, Lubbock, $21,901.
Sam H. Rosson, Jr., Idalou, $21,862.
Robert C. Baxter, Lubbock, $21,797.
Don Freeman, Lubbock, $21,565.
Holeman Farms, Lubbock, $21,526.
Joan Rieger Louder, Lubbock, $21,446.
J. D. Hufstedler, Lubbock, $21,380.
Richard A. Stennett, Lubbock, $21,223.
Betty L. Petree, Lubbock, $21,169.
Charles C. Hurley, Shallowater, $21,062.
Jerry F. Melcher, Post, $21,062.
W. T. Settle, Abernathy, $21,003.
Luther C. Childers, Jr., Lubbock, $20,994.
Wayne Richardson, Wolfforth, $20,930.
Joe Leaverton, Inc., Lubbock, $20,859.
Weldon Ferguson, Lubbock, $20,706.
V. T. McDougal, Abernathy, $20,674.
Berlin Haught, Shallowater, $20,554.
Victor L. Cade, Lubbock, $20,462.
The Medlock Co., Inc., Lubbock, $20,458.
Delbert Robbins, Idalou, $20,377.
Bobby B. Jones, Slaton, $20,333.
B. A. Stephenson, Jr., Idalou, $20,266.
Dean Leonard, Idalou, $20,164.
John G. Shipp, Shallowater, $20,134.
Perry Looney, Idalou, $20,089.
Rodney R. Harmon, Idalou, $20,076.
Terry Albritton, Lubbock, $20,069.

Robert H. Park, Lubbock, $20,060.
James E. Winder, Lubbock, $20,013.
Total payees in county (199), $6,251,113.

Lynn County

W. C. Huffaker, Jr., Tahoka, $101,961.
Eva Colleen Geren, Ft. Worth, $67,220.
Cass Edwards II, Ft. Worth, $67,215.
L. C. Unfred, Tahoka, $58,406.
R. L. Dulin, Lubbock, $58,237.
Cecil Dorman, Tahoka, $53,593.
J. T. Forbes, O'Donnell, $53,379.
Wm G. Lumsden, Wilson, $52,006.
J. W. Gardenhire, O'Donnell, $47,741.
L. H. Nettles, Tahoka, $47,085.
Billy G. Gardenhire, O'Donnell, $46,022.
Guy Bennett, Brownfield, $45,586.
Dallas Vaughn, O'Donnell, $44,432.
Lynn West, Wilson, $44,044.
R. L. Thomas, Tahoka, $43,824.
Jim Bob Smith, Lubbock, $43,667.
Carl Sanders, O'Donnell, $42,195.
W. A. Russ, Tahoka, $40,122.
O. R. Phifer, Jr., New Home, $40,114.
Charles Schniers, Slaton, $40,084.
W. T. Kidwell, Tahoka, $39,819.
L. M. Mires, Jr., O'Donnell, $39,636.
Billy G.Gardenhire, O'Donnell, $46,022.
Felix H. Macha, Lubbock, $39,331.
Wayne Clayton, O'Donnell, $38,892.
Royce Steven Greer, Tahoka, $38,726.
A. G. Crutcher, O'Donnell, $38,480.
C. E. Roper, Tahoka, $37,890.
Ray Cook, Wilson, $37,794.
Clarence Church, Wilson, $37,234.
A. P. Edwards, Lubbock, $36,852.
Natt Park, Tahoka, $36,699.
C. A. Moore, O'Donnell, $36,515.
C. E. Thetford, Lubbock, $36,436.
David L. Hill, Tahoka, $36,369.
Sam Singleton, Lamesa, $35,566.
D. J. Bessire, O'Donnell, $35,386.
Wayland F. Taylor, O'Donnell, $35,078.
Bryan Wright, Tahoka, $34,894.
Howard Moore, Tahoka, $34,888.
C. L. Mason, Post, $34,324.
Harold Payne, O'Donnell, $34,141.
Mack Forbes, O'Donnell, $34,108.
Othell Meeks, Tahoka, $34,073.
Franklin Heinrich, Slaton, $34,030.
Oscar Lowrey, Tahoka, $33,959.
Glen Akin, Slaton, $33,695.
Lester Adams, Tahoka, $33,577.
Wayne Carroll, O'Donnell, $33,416.
C. T. Louder, Tahoka, $33,295.
R. L. Warren, Tahoka, $33,161.
Don D. Balch, Tahoka, $33,077.
James A. Evans, Tahoka, $32,591.
Tommy Gardenhire, O'Donnell, $32,502.
J. Weldon Martin, Tahoka, $31,809.
H. T. Barrett, O'Donnell, $31,671.
Kenneth Smith, Tahoka, $31,590.
J. T. Middleton, Jr., O'Donnell, $31,080.
Jack Webb, O'Donnell, $31,029.
Leroy Snider, Meadow, $31,027.
Harold Brumit, O'Donnell, $30,609.
James H. Sanders, O'Donnell, 29,863.
B. K. McClintock, Wilson, $29,665.
Draper Brothers, Tahoka, $29,635.
O. C. Sikes, Tahoka, $29,541.
Larry Hagood, Tahoka, $29,323.
R. W. Overstreet, Floydada, $29,298.
J. Robert Fillingim, Tahoka, $28,893.
Woodrow Brewer, Tahoka, $28,824.
Kenneth Davies, Slaton, $28,793.
Willis Pennington, Tahoka, $28,405.
Willie Mae Edwards, Ft. Worth, $28,353.
Maurice J. Huffaker, Tahoka, $28,061.
Stewart Rice, Wilson, $28,018.
O. R. Adamson, Tahoka, $27,867.
Lit H. Moore, Jr., Wilson, $27,600.
W. J. Kahl, Tahoka, $27,118.
Boyd Pebsworth, Tahoka, $26,988.
Willie A. Nieman, Tahoka, $26,956.
Ray Adams, Tahoka, $26,919.
Edward Bartley, Tahoka, $26,749.
Bonnie Brown, Tahoka, $26,708.
E. R. Blakney, Wilson, $26,690.
D. W. Gaignat, Tahoka, $26,664.
Dick Franklin, O'Donnell, $26,576.
A. C. Fillingim, Jr., Tahoka, $26,336.
Tekell Farms, Tahoka, $26,281.
L. W. Cannon, Tahoka, $26,273.
C. T. Ingle, Tahoka, $26,207.
D. W. Hancock, Tahoka, $26,179.
T. B. and Chas. Mason, Tahoka, $26,159.
Wendell B. Morrow, Wilson, $25,995.
C. O. McCleskey, Post, $25,661.
Buster Phipps, Tahoka, $25,661.
A. H. Buxkemper, Slaton, $25,383.
Gene Cantwell, Lamesa, $25,314.
Clayton Carter, Tahoka, $25,302.
G. W. Turner, Jr., Wilson, $25,067.
R. M. Thomas, Tahoka, $24,836.
Glynn Moore, Wilson, $24,823.
Eldon Gattis, Tahoka, $24,759.
C. L. Littlepage, Tahoka, $24,647.
Elmer Schoppa, Tahoka, $24,600.
Robert Poer, Tahoka, $24,065.
Don Spears, Tahoka, $24,054.
W. P. Scott, Tahoka, $23,751.
W. A. Caveness, Tahoka, $23,568.
Jerry Brown, Tahoka, $23,496.
C. R. Burleson, O'Donnell, $23,341.
Horace Strickland, Tahoka, $23,037.
Ralph M. Beach, O'Donnell, $23,033.
R. T. Brewer, O'Donnell, $23,016.
A. G. Cawthron, Tahoka, $23,002.
E. L. Short, Tahoka, $22,983.
Glen B. Brewer, O'Donnell, $22,969.
Clyde Edwards, O'Donnell, $22,966.
Vernon Willhoit, Tahoka, $22,957.
H. G. Franklin, Tahoka, $22,953.
Joe D. Unfred, Tahoka, $22,940.
Walton Terry, Tahoka, $22,807.
W. W. Hagood, Tahoka, $22,749.
V. O. Caswell, O'Donnell, $22,732.
Gayland C. James, New Hope, $22,701.
J. Martin Basinger, Slaton, $22,624.
Clifton Clem, Tahoka, $22,477.
W. H. Cook, O'Donnell, $22,470.
N. B. Hancock, Tahoka, $22,347.
W. C. Wharton, Tahoka, $22,281.
Raymond Crain, Tahoka, $22,237.
Aubrey Smith, Wilson, $22,217.
W. A. King, Post, $22,211.
Jerald Barton, O'Donnell, $22,191.
Albert Curry, Tahoka, $22,085.
G. G. Norman, Post, $21,907.
Milton Piwonka, Slaton, $21,899.
Miriam Collins Green, Lubbock, $21,892.
C. B. Nowlin, Meadow, $21,873.
J. V. Burdett, Jr., Lamesa, $21,714.
W. E. Singleton, Jr., O'Donnell, $21,666.
G. W. Jones, O'Donnell, $21,642.
L. D. Halford, Tahoka, $21,634.
Buel Draper, Tahoka, $21,522.
J. T. Swinson, Tahoka, $21,287.
J. M. Orr, Tahoka, $21,264.
Bill M. Clayton, O'Donnell, $21,101.
Donald D. Hancock, Tahoka, $21,076.
Jimmie Keith, Tahoka, $21,032.
J. F. Brandon, Jr., Tahoka, $20,948.
Robert Edwards, Wilson, $20,934.
Zack Payton, Lubbock, $20,920.
Morris Smith, Brownfield, $20,881.
Edmund Wilke, Southland, $20,786.
Leroy Nettles, New Home, $20,681.
Freddie Kieth, New Home, $20,604.
James L. Savell, Wilson, $20,454.
J. T. Miller, Tahoka, $20,373.
R. A. Taylor, O'Donnell, $20,231.
Theodore B. Franklin, O'Donnell, $20,166.
Leland White, Tahoka, $20,123.
Total payees in county (158), $4,800,002.

Martin County

Glen Cox, Lenorah, $88,925.
A. C. Woodward, Tarzan, $80,905.
Jimmy Eugene Freeman, Lamesa, $53,822.
Jack Hershell Kuhlman, Lenorah, $51,814.
Ralph Wesley Williams, Lamesa, $51,204.
Clarence Fryar, Lenorah, $50,510.
James Ernest Franklin, Stanton, $50,387.
Larry Zane Shaw, Knott, $49,278.
Romine Bros., Big Spring, $48,028.
Billy Fryar, Big Spring, $47,881.
Eddie C. Cook, Stanton, $47,517.
Malcolm Tunnell, Stanton, $43,590.
James Newman Biggs, Stanton, $42,912.
Glen Morrison, Stanton, $42,451.
James G. Sawyer, Lenorah, $41,391.
Charlie A. Nichols, Big Spring, $40,624.
Floyd Martin, Tarzan, $38,729.
Dolphus Edward Richards, Lamesa, $38,,335.
Earl Vernon Hightower, Lamesa, $37,728.
R. T. Kingsfield Heirs, Tarzan, $37,440.
Jerry Hall, Ackerly, $37,384.
Elmer Cecil Dyer, Ackerly, $37,339.
E. & E. Farms, Inc., Lamesa, $35,738.
Walker Bailey, Big Spring, $34,747.
Erma Blagrave, Ackerly, $34,305.
Edmond Tom Ranch, Inc., Stanton, $33,506.
Newell Wayne Tate, Tarzan, $33,338.
Sam B. Parham, Lamesa, $33,176.
H. D. Howard, Lenorah, $32,853.
Moncut McKaskie, Stanton, $32,297.
John Wallace Kelly, Stanton, $32,290.
Clifton Carlton Grigg, Ackerly, $31,961.
Raymond A. Pribyla, Stanton, $30,029.
Derwood Blagrave, Ackerly, $29,555.
Eula Preston Madison, Stanton, $29,438.
J. Alex Haggard, Stanton, $29,425.
Sammy Preston Yates, Tarzan, $28,318.
Fred Phillips, Big Spring, $28,226.
Don Dwayne Holcomb, Lamesa, $28,111.
Dean Russell Fleming, Ackerly, $27,453.
Myrtle Romine, Big Spring, $27,441.
John Woodward, Tarzan, $26,726.
Robert R. Hunt, Ackerly, $26,567.
Wayne D. Stroud, Stanton, $26,530.
Earl Vernon Holcomb, Stanton, $26,190.
N. E. Glendening, Tarzan, $25,872.
John Morgan Hale, Big Spring, $25,834.
Juil Reid, Stanton, $25,803.
Loran Dale Snell, Stanton, $25,642.
Leonard Clifton Hazlewood, Jr., Stanton, $25,445.
Buster Haggard, Stanton, $25,250.
Glen Petree, Stanton, $25,095.
Richard L. Linney, Stanton, $24,916.
Dan Meek, Stanton, $24,877.
Melvin Harris, Ackerly, $24,840.
Francis E. Snell, Lamesa, $24,702.
Jack Hale, Colorado City, $24,577.
Gleen Lovless Holloway, Tarzan, $24,489.
G. P. Harrell, Stanton, $24,063.
John Calvin Jones, Stanton, $23,692.
Teddie Dewitt Barnhill, Stanton, $23,447.
Edward Lee Richards, Lamesa, $23,269.
C. W. Gilmore, Stanton, $23,089.
W. H. Woody, Stanton, $23,070.
Norwood Eugene Holloway, Stanton, $22,838.
Lloyd E. Self, Lamesa, $22,710.
J. N. Woody, Jr., Stanton, $22,534.
Tommy R. Newman, Stanton, $22,481.
Thomas Edward Smith, Tokio, $22,409.
Souval Britton, Stanton, $22,385.
Billie Joe Gill, Lamesa, $22,339.
D. W. Dickenson, Stanton, $22,264.
Lowie Odell Shortes, Big Spring, $22,238.
Marvin L. Standefer, Lenorah, $21,908.
Jimmy Henson, Stanton, $21,905.
Wesley Weems Williams, Jr., Stanton, $21,337.
Bob Hill, Stanton, $21,236.
Keamore Inv. Corp., Big Spring, $21,162.
Robert Joe Deatherage, Ackerly, $21,119.
Rufus Charles Tom, Stanton, $20,956.
Dora Faye Perry, Stanton, $20,778.
James Edward Pollock, Stanton, $20,725.
Delbert Harrison Hopper, Stanton, $20,688.
Joe Edd Gillespie, Ackerly, $20,467.
Quinton Airhart, Stanton, $20,445.
Marshall M. Brown, Lamesa, $20,383.
Joe Dean Hall, Ackerly, $20,246.
J. E. Peugh, Stanton, $20,166.
Leo P. Batson, Ackerly, $20,140.
Total payees in county (89), $2,760,251.

Matagorda County

Ed & Leo Jensen, Palacios, $30,410.
J. W. Jenkins, Jr., Palacios, $29,220.
Carl M. Hansen, Jr., Palacios, $28,022.
Vernon Hunt, Palacios, $25,026.
Ralph E. Petersen, Danevang, $24,381.
Total payees in county (5), $137,059.

Maverick County

Jack Keisling, Indio, $45,657.
N. D. Carr, Eagle Pass, $24,081.
Total payees in county (2), $69,738.

McLennan County

James M. Warner, Waco, $65,317.
J. B. Vandiver, Moody, $28,736.
Lankart Seed Farms Ltd., Waco, $25,228.
C. M. Freeman, Mart, $24,706.
Walter Rush, Moody, $24,338.
B. R. Parham, Jr., McGregor, $20,803.
Jim Radle, Waco, $20,784.
Total payees in county (7), $209,912.

Medina County

Calvin K. Hardt, Devine, $23,898.
Ed Wanjura, Lytle, $21,828.
Total payees in county (2), $45,726.

Midland County

Eugene F. Jones, Midland, $54,932.
Alan Spinks, Midland, $53,551.
Robert Morgan, Midland, $39,344.
Ervin A. Baumann, Midland, $36,100.
Louie Koonce, Midland, $31,345.
Roy Graham, Midland, $30,561.
Merwin Haag, Midland, $29,045.
Forest G. Eggemeyer, Midland, $27,878.
A. C. Teinert, Midland, $27,696.
Bobby Howard, Midland, $26,628.
Bob Evans, Midland, $26,010.
Jerome Hoelscher, Midland, $25,682.
Alvey A. Bryant, Midland, $25,265.
Roy O. Jones Est., Midland, $24,525.
James Brooks, Midland, $24,497.
R. V. Robinson, Midland, $23,630.
Jack Leonard, Midland, $23,467.
C. R. Welch, Midland, $23,193.
Glenn Drake, Midland, $21,930.
L. V. Braden, Midland, $20,580.
H. E. Benton, Midland, $20,438.
John Casselman, Jr., Midland, $20,248.
Total payees in county (22), $636,545.

Milam County

Daniel D. McDaniel, Cameron, $89,169.
Cobb Bros., Cameron, $61,315.
Walter Pyle, Calvert, $41,501.
Darrel Cobb, Rogers, $37,680.
Wilburn E. Beckhusen, Buckholts, $37,036.
Mesa Cattle Co., C. Oennett, mgr., Cameron, $28,608.
Frances F. Reistino, Hearne, $28,540.
Robert H. Foster, Cameron, $27,075.
W. & Culpepper, est., Cameron, $26,806.
Robert Hunt, Gatesville, $26,016.
John J. Fagan, Calvert, $25,751.
Pete C. Gibson, Jr., Calvert, $24,679.
Kenneth G. Willy, Cameron, $23,863.
J. A. & Willis Loonel, Cameron, $22,855.
Wayne Doskocil, Holland, $22,852.
Ike Camp, San Gabriel, $22,110.
W. H. Camp, Jr., Thorndale, $21,198.
Charles Henson, Rosebud, $20,895.
Kenneth J. Hollas, Cameron, $20,063.
Total payees in county (19), $608,012.

Mitchell County

A. K. McCarley, Jr., Colorado City, $46,431.
J. E. Brown, Colorado City, $39,540.
D. M. Smith, Colorado City, $39,144.
Travis P. Turner, Colorado City, $37,255.
W. H. Narrell, Loraine, $35,242.
Linden Solomon, Colorado City, $33,759.
Raymond Watlington, Colorado City, $32,982.
Chas. N. Stubblefield, Colorado City, $32,546.
Kenneth Dockrey, Colorado City, $31,717.
A. Preston Morris, Colorado City, $31,240.
Foy Webb, Colorado City, $30,273.
Waddell Strain, Colorado City, $25,735.
Warren Anderson, Colorado City, $24,936.
Joe L. Blackard, Colorado City, $24,864.
James Dell Barber, Colorado City, $24,463.
James Cox, Colorado City, $24,272.
Harold Hester, Colorado City, $23,812.
Hammond and Son, Colorado City, $23,294.
Merket Brothers, Colorado City, $23,199.
Wayne Oliver, Loraine, $22,528.
J. R. Erwin, Colorado City, $22,357.
Mack G. Ritchey, Colorado City, $22,303.
Henry Hoyle, Colorado City, $22.247.
D. M. Pieper, Roscoe, $21,825.
Oren R. Carpenter, Colorado City, $21,436.
R. B. Golden, Colorado City, $21,161.
E. W. Haggerton, Colorado City, $20,942.
Jack Long, Colorado City, $20,941.
C. D. Gray, Jr., Snyder, $20,660.
Charlie C. Thompson, Colorado City, $20,571.
Eloy C. Briseno, Colorado City, $20,516.
Total payees in county (31), $842,191.

Moore County

Marshall Cator, Sunray, $95.853.
Morris L. Hunt, Dumas, $73,053.
Schuman Farm, Inc., Dumas, $65,776.
Gossetts, Inc., Dumas, $62,056.
Wells Agricultural Corp. Dumas, $57,514.
Verdie & Lloyd Beauchamp, Dumas, $54,490.
Gordon Taylor, Sunray, $54,043.
Thurman E. Fisher, Sunray, $48,402.
Stringer Farms, Inc., Dumas, $47,362.
Rex Hall, Jr., Dumas, $47,330.
D. Rex Langley Sunray, $46,252.
Jesse C. Cooper, Dumas, $45,325.
Jack H. Mills, Dumas, $44,465.
McMurry Farms, Inc., Dumas, $44,419.
J. W. Huff Farms, Inc., Dumas, $44,219.
Edward L. Stallwitz, Dumas, $43,363.
M. & S. Agri & Livestk Co., Inc., Dumas, $42,264.
Durward N. Gamblin, Sunray, $40,978.
Triple T. Farms, Inc., Dumas, $40,950.
Edward M. Stallwitz, Dumas, $40,140.
Arthur B. Stavlo, Sunray, $39,427.
H. D. Lewis, Dumas, $39,046.
Jessie Glynn Burnett, Dumas, $38,906.
Thomas E. Harbert, Dumas, $38,058.
Cleve & Frederick Rousser, Sunray, $37,720.
Linda & Howard Moore, Dumas, $37,532.
Jimmy C. Stokes, Dumas, $37,468.
Harold N. Keisling, Sunray, $36,785.
John A. McMurray, Jr., Dumas, $36,010.
Arie K. Smith, Dumas, $36,008.
Claude Johnson & Son, Dalhart, $35,122.
E. C. Britain, Jr., Stinnett, $33,977.
John H. Goodwin, Sunray, $32,576.
Carl Beauchamp, Dumas, $32,518.
Jerry B. Keith, Sunray, $31,570.
M. O. Jack Bain, Sunray, $30,140.
A. J. Harris, Dumas, $29,764.
Johnny M. Goodwin, Sunray, $28,572.
Coleman Agrietrprises, Inc., Dumas, $28,461.
Brent & Sons Ptnership, Amarillo, $28,398.
Paulus Schroeter, Dumas, $27,878.
Arvel A. Perky, Dumas, $27,557.
Joe Schuman, Dumas, $26,964.
Jimmy Wiseman, Dumas, $25,839.
Earl B. Byrd, Stinnett, $25,702.
101 Ranch Farm Acct., Ponca City, $25,665.
Johnson Trust, Dalhart, $24,794.
J. E. Bright, Dumas, $24,417.
Herschel Berry, Dumas, $24,077.
P. F. Younger, Dumas, $24,045.
James R. Clements, Dumas, $23,094.
L. S. Brown, Jr., Dumas, $22,975.
Pat Bradford, Dumas, $22,930.
Nelson E. Burton, Sunray, $22,614.
Weatherford Bros., Sunray, $22,157.
Raymond White Est., Dumas, $21,651.
Chester Rigdon, Dumas, $21,065.
Wilson and Wilson, Sunray, $20,958.
G. O. Bain, Sunray, $20,687.
James W. Medford, Dumas, $20,582.
Benny T. Powell, Dumas, $20,529.
J. H. Burkett, Sunray, $20,455.
James Tatum, Jr., Sunray, $20,037.
Total payees in county (63), $2,262,984.

Motley County

Claudie A. Matney, Matador, $30,691.
George B. Bowles, Lubbock, $27,734.
Allan L. Thomas, Northfield, $23,162.
Millard C. Jones, Quitaque, $22,839.
Roy D. Grundy, Matador, $22,461.
Bennie Keltz, Matador, $21,499.
Total payees in county (6), $148,386.

Navarro County

Fortson Farms, Rice, $110,524.
Drew Gillen, Blooming Grove, $52,076.
Bancroft Brothers, Powell, $42,689.
Delma Ray Spence, Ennis, $36,450.
Webb, Armstrong, Ennis, $35,912.
Robert L. Colquitt, Corsicana, $26,831.
Charles T. Pullins, Dawson, $25,844.
Clyde Roloff, Dawson, $24,981.
James Mitcham, Dawson, $24,879.
Jimmy Hooser, Frost, $24,423.
George B. Mitchell, Barry, $23,985.
Dwayne Watson, Mertens, $23,766.
W. M. Lowe, Powell, $22,289.
John F. Freeland, Dawson, $21,990.
Emil Moucka, Ennis, $21,844.
W. T. Sanders, Dawson, $21,572.
J. L. Aven, Powell, $21,550.
Fortson Farms, Rice, $11,524.
Charles Martin, Frost, $21,406.
Clifford Williams, Frost, $20,615.
Clifton A. Cartlidge, Dobbin Rd, Corsicana, $20,464.
R. W. Cox, Dallas, $20,210.
Henry R. Nicholson, Blooming Grove, $20,049.
Total payees in county (23), $684,992.

Nolan County

D. S. Riggs, Roscoe, $63,447.
Philip V. Haynes, Roscoe, $63,238.
Max Wright, Roscoe, 51,032.
Herbert L. Williams, Roscoe, $45,759.
Lawlis Y. Sipe, Trent, $43,840.
Clyde A. Ater, Roscoe, $40,752.
Ronda H. Whorton, Roscoe, $39,132.
Clifford C. Etheredge, Roscoe, $35,727.
Jerland F. Freeman, Roscoe, $35,490.
Versie S. Dailey, Roscoe, $33,902.
Mancle T. Pointer, Roscoe, $33,791.
George E. Parrott, Roscoe, $33,767.
T. D. Young, Sweetwater, $33,537.
Joe G. Williams, Roscoe, $31,621.
Wilbert H. Althof, Roscoe, $29,542.
J. B. Cooper, Jr., Roscoe, $29,513.
Raymond E. Althof, Roscoe, $28,477.
James E. Reed, Sweetwater, $26,530.
R. B. Pieper, Roscoe, $26,310.
Jesse Faust, Roscoe, $25,639.
L. L. Medlock Jr. & Son, Roscoe, $24,890.
Dean D. Alexander, Roscoe, $24,713.
Alfred F. Henrichs, Garden City, $23,652.
Robert H. Jordan, Blackwell, $23,307.
R. R. Ranch, Nolan, $22,394.
Harry D. Rotan, Nolan, $22,320.
Harold Haynes, Roscoe, $22,278.
Curtis Riggs, Roscoe, $21,761.
Oscar A. Rannefeld, Roscoe, $21,707.
Harold C. Althof, Roscoe, $21,627.
Ocie C. Gabler, Roscoe, $21,556.
Robert T. Dunlap, Nolan, $21,479.
John M. Boston, Roscoe, $20,982.
Donald A. Menn, Roscoe, $20,896.
Wendell Kent, Sweetwater, $20,896.
Total payees in county (35), $1,085,504.

Nueces County

Wright Bros. Farm, Robstown, $48,898.
Hale & Hale, Chapman Ranch, $47,621.
Aubrey Harper, Robstown, $46,607.
W. E. Scarborough, Robstown, $37,626.
Caldwell Cattle Co., Bishop, $33,758.
Driscoll Foundation, Corpus Christi, $32,804.
R. L. Garrett, Corpus Christi, $32,451.
W. M. Bevly, Corpus Christi, $32,203.
Eschberger Farms, Robstown, $31,585.
Mack B. Norris, Robstown, $30,769.
C. L. Lehman, Corpus Christi, $30,545.
Alvin Mcnair, Bishop, $30,158.
J. W. Callaway, Corpus Christi, $29,955.
L. S. T. Farm, Banquete, $29,370.
Randy Farenthold, Corpus Christi, $29,169.
Barkley Farms, Inc., Bishop, $28,598.
Kelly Ranch, Corpus Christi, $27,935.
E. M. & Cornie Wilson Est, Houston, $27,927.
A. Y. McCallam, Alice, $26,911.
J. C. Mayo, Robstown, $25,857.
Harlan Bros., Driscoll, $25,716.
Oscar Machen, Pearsall, $25,684.
W. T. McNair, Robstown, $25,530.
Frank Moravek, Jr., Robstown, $25,511.
W. M. Bevly, Jr., Corpus Christi, $25,431.
Berta C. Cunningham Est., Chapman Ranch, $25,192.
Alton H. Koenning, Banquete, $24,653.

Lynn Dugger, Robstown, $24,050.
Santa Cruz Farms, Chapman Ranch, $24,045.
H. L. Gillespie, Corpus Christi, $23,926.
C. C. Albrecht, Robstown, $23,562.
Paschal Farms, Bishop, $22,904.
W. A. Whitmire, Corpus Christi, $22,574.
M. E. Horne, Corpus Christi, $22,096.
Hoepfner & Jackson, Corpus Christi, $21,728.
Dryden Farms, Robstown, $21,701.
E. H. Kirkpatrick, Chapman Ranch, $21,628.
M. P. Cable & R. J. Garrett, Ccrpus Christi, $21,613.
George Rogge, Robstown, $20,916.
Melvin McNair, Driscoll, $20,369.
Total payees in county (40), $1,129,576.

Ochiltree County

Floyd Cole, Hereford, $43,008.
Earl Leslie, Alva. $36,029.
Philo Butler & Son, Perryton, $28,280.
James Lair, Perryton, $28,244.
Batman & Son, Grain Valley, $27,211.
Charles Morton Share Trust, Alva, $26,988.
H. C. Brillhart & Son, Perryton, $25,880.
Bob Urban, Perryton, $25,131.
Herbert Butt, Spearman, $24,952.

Ochiltree County

Earl D. McGarraugh, Perryton, $22,030.
Leroy Smith, Perryton, $21,619.
Alma O. Schaefer, Alva, $21,114.
Russell Sell, Booker, $20,732.
Frank Buzzard, Spearman, $20,442.
Total payees in county (14), $371,660.

Oldham County

George B. Doshier, Vega, $80,008.
E. Duane Allred, Wildorado, $39,110.
Vega Land Cattle Co., Inc., Amarillo, $36,947.
Taylor Bros., Vega, $33,827.
B. F. W. Grain Co., Inc., Kress, $32,399.
Charles B. Short, Friona, $31,341.
J. E. Davis & Sons, Wildorado, $29,747.
Roy Taylor, Vega, $28,744.
Gist Kirkland, Vega, $25,621.
Dean H. Whaley, Vega, $24,942.
John Hinsley, Wildorado, $24,230.
Norman L. Jacobson Son, Adrian, $22,602.
Roger M. Gruhlkey, Adrian, $22,519.
Edgar N. Jacobson, Adrian, $22,210.
Marvin Axe, Vega, $21,597.
J. G. Inman, Newport Beach, $21,180.
Taylor Cattle Co., Amarillo, $20,890.
Total payees in county (17), $517,914.

Parmer County

Verney Towns, Farwell, $174,359.
Clarence Martin, Friona, $146,145.
Bruce Parr, Friona, $90,086.
Fangman Farms, Inc., Friona, $89,730.
Dave M. Thompson, Friona, $84,773.
J. C. Mills, Abernathy, $79,296.
Sloan Osborn, Friona, $74,031.
Ranza Boggess, Friona, $72,028.
James W. Dixon, Friona, $68,291.
J. T. Ford, Farwell, $65,272.
Glenn Phillips, Farwell, $62,823.
James W. Barnett, Friona, $59,558.
W. O. Chadwick, Farwell, $59,304.
Tom Caldwell, Farwell, $54,049.
Roscoe Q. Silverthorne, Plainview, $53,853.
J. D. Kirkpatrick, Bovina, $53,301.
Van E. Nichols, Friona, $53,128.
Floyd T. Dyer, Bovina, $52,861.
Leroy Johnson, Friona, $52,313.
Keith Garner, Bovina, $51,978.
Dean McCallum, Bovina, $50,860.
Leonard L. Grissom, Farwell, $50,440.
Billy L. Marshall, Bovina, $49,268.
Edward D. Chitwood, Jr., Muleshoe, $48,774.
Walter R. Mabry, Friona, $48,361.
John Renner, Friona, $48,001.
Clawson Bldg. Co., Lubbock, $47,931.
O. E. Williamson, Plainview, $47,715.
Thomas L. Whaley, Friona, $47,365.
J. G. McFarland, Friona, $47,060.
Gene Smith, Lazbuddie, $46,890.
C. L. Mercer & Sons, Friona, $46,854.
James Readheimer, Hereford, $45,035.
Edwinston Clark, Friona, $44,886.
Jack Moseley, Friona, $44,576.
Curtis W. Murphree, Friona, $43,967.
Billy J. Thorn, Friona, $43,393.
Voges and Reisiger, Bovina, $43,147.
Ralph W. Shelton, Friona, $43,044.
R. J. Renner, Jr., Friona, $42,927.
Melborn C. Jones, Farwell, $42,542.
Fred W. Foster, Farwell, $42,344.
David Grimsley, Friona, $42,237.
Vernon C. Willard, Bovina, $40,959.
J. B. Sudderth, Farwell, $40,684.
Wyle M. Bullock, Muleshoe, $40,217.
Raymond K. Schueler, Friona, $39,852.
Herman D. Geries, Bovina, $39,748.
Ellis W. Tatum, Friona, $39,414.
Arlin L. Hartzog, Farwell, $38,949.
Jim R. Daniel, Friona, $38,774.
Norman R. Tayler, Friona, $38,150.
Thomas N. Browning, Plainview, $37,540.
James Ensor, Farwell, $37,057.
A. A. Allen, Littlefield, $36,982.
M. A. Black, Friona, $36,898.
C. V. Potts, Friona, $36,465.
John L. Ray, Friona, $36,284.
Robert H. Schueler, Friona, $36,218.
Joe F. Blair, Farwell, $36,166.
Oakley D. Stevenson, Bovina, $36,095.
R. W. Jones, Friona, $35,766.
Herbert I. Howell, Bovina, $34,933.
Melvin G. Sachs, Friona, $34,889.
Howard N. Hayes, Friona, $34,689.
J. E. Knight, Friona, $34,677.
Lawrence Jamerson, Bovina, $34,523.
Don B. Sudderth, Bovina, $34,289.
Richard B. Vaughn, Friona, $34,137.
David H. Carson, Friona, $33,972.
Henry Haseloff, Farwell, $33,742.
Adolph H. Haseloff, Farwell, $33,596.
A. Dargin Kirk, Farwell, $33,567.
Royce G. Welch, Friona, $33,504.
Durward K. Bell, Bovina, $33,332.
Troy Christian, Farwell, $33,267.
Marston G. Mars, Friona, $33,153.
Donald Christian, Farwell, $32,774.
Woodrow W. Whitaker, Black, $32,611.
Louis L. Welch, Friona, $32,506.
Richard & Jerry London, Friona, $32,399.
Billy E. Bourlon, Farwell, $32,261.
Gilbert E. Wenner, Friona, $32,063.
J. T. Mayfield, Friona, $32,023.
Eulynn G. Phipps, Friona, $31,857.
A. W. Anthony, Jr., Friona, $31,801.
Gilbert A. Kaltwasser, Farwell, $31,797.
Fred Burch, Friona, $31,719.
John C. Miller, Friona, $31,601.
Charles E. Trimble, Bovina, $30,942.
Clarence A. Johnson, Farwell, $30,800.
Norman C. Sulser, Earth, $30,679.
Glyn Hamilton, Friona, $30,562.
Thomas W. Beauchamp, Bovina, $30,477.
Bill W. Carthel, Friona, $30,078.
Jimmie Heard, Bovina, $30,034.
Grady W. Sorley, Bovina, $29,835.
Charlie V. Glover, Friona, $29,775.
Walter D. Howard, Jr., Texico, $29,677.
Floyd L. Rector, Friona, $29,584.
J. H. Dunbar, Farwell, $29,457.
Woodrow M. Bradley, Muleshoe, $29,361.
John W. Hand, Friona, $29,298.
Herbert L. Schueler, Friona, $29,189.
Amos E. Steelman, Bovina, $29,081.
Philip C. Weatherly, Friona, $28,449.
William L. Lee, Friona, $28,339.
Don Williams, Farwell, $28,049.
A. L. Black, Friona, $27,941.
John F. Dixon, Bovina, $27,930.
Max C. Crim, Muleshoe, $27,739.
Edwin Lide, Bovina, $27,669.
Lester L. Norton, Farwell, $27,517.
Joe A. Schilling, Farwell, $27,456.
Robert E. Wilson, Bovina, $27,372.
Virgil Young, Friona, $27,353.
Eulan A. Parham, Muleshoe, $27,257.
James M. Procter, Friona, $26,979.
Kenyth C. Cass, Friona, $26,790.
Edelmon Farms, Friona, $26,751.
Burley L. McGuire, Shallowater, $26,703.
Bill Brown, Lazbuddie, $26,687.
Odell Cole, Plainview, $26,389.
Russell D. Smith, Muleshoe, $26,389.
Duward B. Ivy, Friona, $26,253.
Carl C. Maurer, Friona, $26,161.
Jimmie L. Cockerham, Bovina, $26,044.
Don R. Teague, Bovina, $25,999.
Earl D. Stevenson, Bovina, $25,775.
Richard G. Herring, Friona, $25,774.
Daniel L. Carmichael, Friona, $25,625.
Vernon Estes, Bovina, $25,592.
Vernon Symcox, Farwell, $25,540.
John W. Littlefield, Friona, $25,107.
J. A Rushing, Farwell, $25,053.
Richard L. Ware, Bovina, $24,945.
W. M. Sherley, Lazbuddie, $24,878.
Charles Hawkins, Bovina, $24,783.
Herschel Johnson, Friona, $24,759.
Willoughby F. Gable, Farwell, $24,740.
Norbert Schueler, Friona, $24,733.
Mabry Bros., Friona, $24,505.
McLellan Farms, Friona, $24,492.
Ross K. Miller, Friona, $24,355.
Weatherly Est., Friona, $24,214.
James D. Mabry, Lazbuddie, $24,161.
Benjamin I. Foster, Jr., Muleshoe, $24,143.
Travis Stone, Friona, $24,091.
Robert G. Sparks, Bovina, $24,059.
Carl R. Schlenker, Friona, $24,032.
Edward C. Schilling, Friona, $23,806.
Dalton K. Caffey, Friona, $23,770.
Everett McBroom, Friona, $23,734.
Harold Hawkins, Bovina, $23,645.
John R. Hays, Friona, $23,610.
Nelson J. Foster, Farwell, $23,554.
Wesley H. Long, Friona, $23,547.
Orbra A. Cole, Friona, $23,528.
Elsie Jo Buchanan, Friona, $23,522.
Henry L. Ivy, Friona, $23,241.
Loyd I. Tharp, Clovis, $23,220.
Darrell Norton, Farwell, $23,200.
Monty Barrett, Farwell, $23,121.
Walter R. Riethmayer, Friona, $23,035.
Troy F. Ray, Friona, $22,520.
Clarence R. Monroe, Friona, $22,519.
Houston Bartlett, Bovina, $22,504.
Harold Joe Wells, Friona, $22,401.
Edgar E. Boggess, Friona, $22,329.
Stephen L. Struve, Friona, $22,237.
Thomas D. Ware, Farwell, $22,122.
Max Steinbock, Muleshoe, $21,975.
Veron L. Billingsley, Farwell, $21,937.
Ray Precure, Muleshoe, $21,913.
Buryl G. Fish, Dimmitt, $21,801.
Albert F. Phillips, Farwell, $21,738.
T. I. Burleson, Jr., Friona, $21,680.
Roland D. Dale, Farwell, $21,528.
Jack Smith, Lazbuddie, $21,385.
Truman L. Gleason, Muleshoe, $21,370.
James R. Johnson, Muleshoe, $21,354.
Laurance R. Hand, Friona, $21,209.
Cole Bros., Friona, $21,126.
Jack Nelson, Friona, $21,123.
Elvin O. Johnston, Bovina, $21,092.
James H. Jennings, Muleshoe, $20,914.
Adolph E. Vasek, Hereford, $20,749.
Bill H. Brandt, Friona, $20,677.
William S. Ingram, Friona, $20,622.
Stanley A. Bishop, Friona, $20,613.
Fern W. Barnett, Friona, $20,610.
Doyle E. Ford, Farwell, $20,350.
Melvin Southward, Friona, $20,320.
John R. McGehee, Muleshoe, $20,277.
Ophel Jennings, Muleshoe, $20,131.
Jesse A. Walling, Bovina, $20,098.
Ernest E. Anthony, Friona, $20,066.
Franklin I. Bauer, Friona, $20,043.
John L. Ivy, Friona, $20,026.
Marion H. Carson, Bovina, $20,025.
John Agee, Muleshoe, $20,013.
Total payees in county (201), $6,932,997.

Pecos County

Belding Farms, Inc., Ft. Stockton, $124,418.
Coyanosa Farms, Coyanosa, $105,938.
C. and C. Farms, Ft. Stockton, $97,683.
David C. McAteer, Ft. Stockton, $89,711.
A. B. Foster, Pecos, $74,747.
Trans Pecos Farms, Inc., Pecos, $69,749.
Ralph C. Dickson, McCamey, $61,657.
W. H. Riley III, Ft. Stockton, $60,221.
Lakeside Farms, Ft. Stockton, $58,989.
Mike A. Burkholder, Pecos, $58,685.
Harrell and Harrell, Ft. Stockton, $56,321.
Elvin Crow, Pecos, $52,263.

Harral and Marable, Ft. Stockton, $51,069.
Melvin H. McKinney, Pecos, $50,658.
Luther C. Holladay, Ft. Stockton, $45,996.
Glen J. Ellis, Pecos, $45,072.
Marshall G. Nevill, McCamey, $34,442.
Gilbert J. Moore, Jr., Longview, $32,497.
M. R. Tripp, Odessa, $29,179.
Carpenter Farms, Inc., McCamey, $28,229.
Andrew J. Sitton, Jr., Coyanosa, $26,588.
Clarence A. Stephan, Coyanosa, $26,552.
William A. Tipton, Grandfalls, $25,617.
Albert J. Hoelscher, Pecos, $25,001.
Allison Ranch Co., Ft. Stockton, $24,939.
Virgil W. Massingill, Coyanosa, $24,890.
Lelan D. Haren, McCamey, $24,874.
Ranches of the SW, Ft. Stockton, $24,820.
Richardson Farms, Iraan, $22,947.
Pecos Co. State Bank, Ft. Stockton, $21,246.
Allen Tipton, Coyanosa, $20,757.
Total payees in county (31), $1,495,755.

Potter County

C. B. Emeny, Amarillo, $51,691.
E. B. Fite, Amarillo, $33,562.
Umnak Co., Inc., Amarillo, $28,465.
Albracht & Son, Bushland, $25,901.
G. A. Burrell, Amarillo, $25,331.
A. B. Bingham, Amarillo, $20,929.
Total payees in county (6), $185,879.

Presidio County

Valley Farms Co., Presidio, $52,475.
Charles Spencer, Presidio, $42,197.
J. E. White & Sons, Marfa, $24,148.
Total payees in county (3), $118,820.

Randall County

Eldon Durrett Trusts, Amarillo, $54,150.
Simon G. Elliott, Happy, $52,074.
Robert C. Sims & Sons, Happy, $49,816.
Jack R. C. Vincent, Amarillo, $49,746.
Northrup Farms, Amarillo, $48,178.
Earnest L. Barnett, Amarillo, $46,855.
John A. Williams, Canyon, $45,909.
Paul Schniederjan, Bushland, $44,974.
Fred Fegel, Amarillo, $43,448.
Pete E. Fischbacher, Canyon, $42,303.
Johnny Sluder, Bushland, $41,851.
Gilbert Irlbeck, Canyon, $40,034.
Clinton Glenn, Canyon, $39,974.
Walter A. Graham, Happy, $37,576.
Howard Fuqua, Wildorado, $33,890.
D. L. Allison, Happy, $32,780.
John E. Frost, Happy, $32,757.
W. T. Smoot, Jr., Amarillo, $31,070.
Robert W. Foster Est., Happy, $30,955.
McRoberts & Jacobsen Bros., Canyon, $30,802.
Charles Wright, Canyon, $30,149.
Gary Wagner, Wildorado, $29,331.
Edward Wieck, Canyon, $28,371.
John F. Robinson, Canyon, $27,465.
Tom Henry, Happy, $27,454.
Max Rarick, Bushland, $27,393.
Kuehler Farms, Amarillo, $26,262.
Leo Zimmerer, Bushland, $26,162.
F. S. Strohmeyer, Happy, $26,105.
Davis Est., Amarillo, $26,036.
Tom Wilhelm, Happy, $25,477.
John L. Butler, Happy, $24,963.
James Skarke, Canyon, $24,839.
James L. Lamb, Amarillo, $23,663.
Willie Wieck, Canyon, $23,441.
John W. Byrd, Happy, $23,000.
Wm. H. Bush Trust B., Amarillo, $22,834.
A. J. McCarley, Happy, $22,765.
Vilo A. Danner, Happy, $22,665.
Lewel Johnston, Canyon, $22,512.
Harold Erwin, Amarillo, $22,507.
Anton Handing, Canyon, $22,269.
George L. Powers, Amarillo, $22,090.
O. H. Rahlfs, Jr., Happy, $21,489.
Charles E. Gerald, Canyon, $21,487.
H. W. Allen, Amarillo, $21,208.
Glynn Burrell, Canyon, $21,180.
Leo Artho, Dalhart, $20,962.
David K. McGehee, Happy, $20,903.
George Hand, Canyon, $20,589.
Baptists Fdns. of Texas, Dallas, $20,509.
Wm. T. Smoot Sr., Amarillo, $20,403.
Total payees in county (52), $1,595,625.

Reagan County

Rocker B. Ranch, Inc., Barnhart, $37,015.
Alfred J. Schwartz, Garden City, $29,627.
Leroy Wilde, Garden City, $20,190.
Total payees in county (3), $86,832.

Red River County

John M. Ward, Deport, $39,328.
Barlow & Willis Planting Co., Detroit, $35,978.
First American Farm, Inc., Clarksville, $21,837.
Mervin L. Slaton, Deport, $21,542.
Doug Alsobrook, Bogata, $21,449.
Albert W. Bolton, Clarksville, $21,397.
Herman Lawler, Clarksville, $20,951.
Total payees in county (7), $182,482.

Reeves County

Worsham Bros., Pecos, $224,097.
Kenneth Lindemann, Pecos, $216,343.
Clark and Roberts, Pecos, $169,004.
Kesey Bros., Pecos, $154,460.
Reetex Farms, Inc., Waco, $137,766.
W. A. Sullivan, Pecos, $122,116.
Cedarville Corp., Pecos, $112,032.
Smallwood Farms, Pecos, $105,756.
Lattner and Mills, Pecos, $104,257.
W. W. Hill, Pecos, $101,768.
G. G. Passmore, Pecos, $98,579.
Loy Kilgore, Pecos, $93,656.
Winterrowd Bros., Pecos, $91,283.
Rowe and Turnbough, Balmorhea, $86,261.
Raymond Beauchamp, Pecos, $83,775.
W. W. Clem, Pecos, $83,212.
T. J. Wilson, Pecos, $80,064.
Frank Bounds, Pecos, $77,556.
Dingler Farms, Inc., Pecos, $70,993.
Davidson Bros., Pecos, $65,872.
Weinacht Bros, Pecos, $63,745.
Broyles Pecos Farm, Stockton, $60,333.
William R. Ramsey, Pecos, $59,626.
Tom Passmore, Pecos, $57,951.
B. C. Kesey, Pecos, $57,413.
Coy Fraley, Pecos, $56,317.
J. T. McKinney, Pecos, $49,792.
Jack Duke, Pecos, $48,904.
Peppy McKinney, Pecos, $46,281.
Joe Lee McMahon, Verhalen, $46,257.
Roy Blahosky, Pecos, $45,053.
J. T. Moore and Son, Pecos, $44,519.
W. L. Kington, Pecos, $43,962.
Clem Crowley, Pecos, $42,262.
Dale Toone, Balmorhea, $42,229.
Don Watkins, Ralls, $41,645.
W. W. Hill and W. R. Sage, Pecos, $40,632.
H. R. Hudson, Jr., Pecos, $39,895.
C. S. Hess and Son, Pecos, $39,342.
L. Barrett Johnson, Pecos, 39,247.
Jerry Jenkins, Pecos, 37,699.
McKinney and Taylor, Pecos, 37,634.
David D. Davis, Pecos, $37,151.
Cherry Draw Co., Verhalen, $36,060.
Charles Spence, Pecos, 35,937.
Joe Lee McMahon, Jr., Verhalen, $35,469.
Cherry Creek Farm, Balmorhea, $34,684.
Chocolate Flats Farm Co., Verhalen, $34,679.
A. J. Carpenter, Pecos, $34,568.
J. W. Bryan, Pecos, $33,500.
L. M. Collier, Pecos, $33,253.
Hermosa Farms, Inc., Pecos, $31,789.
James L. Sears, Pecos, $31,700.
Bettye W. Ivey, Pecos, $31,212.
F. F. Bradley, Pecos, $31,002.
Robert M. Owen, Pecos, $30,774.
Jack Davis, Pecos, $30,651.
Ennis B. Tudor, Pecos, $30,196.
Ronald Miller, Pecos, $29,602.
Richard Hoifs, Balmorhea, $28,824.
W. B. Evans, Pecos, $28,471.
J. B. Hopkins, Pecos, $28,064.
Marion A. Briggs, Pecos, $27,359.
B. V. Shaw, Pecos, $27,048.
C. J. Kesey, Pecos, $26,870.
Duncan Farms, Inc., Pecos, $25,590.
Evans Butler, Pecos, $24,348.
Herbert H. Toone, Balmorhea, $24,095.
Louis D. McNeil, Pecos, $24,043.
Charles Weinacht, Pecos, $23,874.
Butler Brothers, Pecos, $23,725.
Coy Nichols, Pecos, $22,356.
Melvin Schnack, Balmorhea, $21,427.
Hubert Nunn, Pecos, $20,932.
M. C. Dixon, Pecos, $20,911.
William D. Fernandes, Pecos, $20,345.
E. D. Godbey, Jr., Pecos, $20,249.
Total payees in county (77), $4,320,346.

Refugio County

Voges and Boenig, Woodsboro, $40,963.
David Zabel, Woodsboro, $30,194.
W. F. Abney, Woodsboro, $26,898.
J. M. Tatton, Refugio, $25,580.
J. C. Ermis, Woodsboro, $25,107.
Clifton Frazier, Robstown, $24,181.
Hartmann Farms, Woodsboro, $23,832.
C. H. French, Woodsboro, $23,817.
T. G. and R. L. Jackson, Austwell, $23,400.
R. L. Shaw, Austwell, $23,328.
Total payees in county (10), $267,300.

Roberts County

W. R. Holland, Miami, $38,642.
Buddy Cockrell, Pampa, $27,267.
Locke Cattle Co., Inc., Miami, $23,095.
Total payees in county (3), $89,004.

Robertson County

James H. Jones, Hearne, $127,256.
John W. Nigliazzo, Hearne, $124,092.
Goodland Farms, Inc., Hearne, $11,943.
W. P. Scamardo, Bryan, $109,464.
Vence Corpora, Hearne, $108,118.
Louis Muse, Hearne, $96,516.
John C. Reistino, Hearne, $79,182.
Sam Degelia, Sr., Hearne, $78,667.
Joe Reistino, Jr., Hearne, $78,166.
Fred J. Ferrara, Hearne, $63,604.
T. D. Wilson, College Station, $61,091.
Barton Farms, Calvert, $60,724.
Joe Scarpinato, Hearne, $57,952.
Gathan Reistino, Hearne, $57,877.
Joe Reistino Est, Hearne, $55,619.
Pauline Doremus, Calvert, $54,494.
J. W. Foster, Jr., Calvert, $53,395.
Ned Fachorn, Hearne, $49,151.
N. R. Lutz, Calvert, $44,216.
A. M. Lampson, Hearne, $42,738.
Ross Cash, Hearne, $42,238.
Sam Destefano, Hearne, $40,232.
3D Farm & Ranch, Mumford, $38,955.
Pete L. Scamardo, Mumford, $38,160.
A. H. Judkins, Calvert, $36,210.
Anthony L. Scamardo, Mumford, $34,716.
James & Tony Cortemelia, Hearne, $33,813.
Luke Scamardo, Mumford, $33,265.
Leon Anthony Denena, Hearne, $33,146.
Frank Destefano, Hearne, $30,431.
Charlie P. Briggs III, Calvert, $30,211.
Joe & Matt Salvaggio, Mumford, $30,015.
R. F. Manning, Bryan, $29,439.
Frank B. Seale Est, Bryan, $29,185.
Michael Muse, Hearne, $29,159.
Frank Sam Loria, Hearne, $28,548.
Ben Perrone, Hearne, $26,921.
Joe L. Collette, Hearne, $25,588.
Joe Cotropia, Hearne, $25,313.
Buck E. Porter, Hearne, $23,110.
Louis Morello, Bryan, $22,366.
William Corona, Hearne, $21,655.
Total payees in county (42), $2,196,941.

Rockwall County

Glynn Dodson, Royse City, $65,637.
A. R. Seabolt, Jr., Rockwall, $45,100.
Henry Zollner, Royse City, $33,706.
Carlton D. Clinard, Royse City, $28,909.
Marvin Goodwin, Royse City, $22,827.
Charles W. Holt, Rockwall, $22,865.
William E. Crawford, Fate, $22,690.
Total payees in county (7), $244,734.

Runnels County

Bennie W. Wilde, Ballinger, $45,434.
Walter B. Adami, Winters, $28,945.
Audra L. Mitchell, Winters, $25,802.
Leonard H. Halfmann, Ballinger, $22,092.
Newman E. Smith, Ballinger, $21,907.
Joseph Clinton Werner, Miles, $21,196.
Dalton C. Lacy, Miles, $20,656.
Harvey E. Gully, Rowena, $20,620.
L. P. Schwertner, Miles, $20,158.
Total payees in county (9), $226,810.

Rusk County

Otho Morris, Laneville, $42,966.

San Patricio County

Vahlsing Christina Corp., Mathis, $173,777.
Heirs of Jos. F. Green, Taft, $79,332.
Charles H. Mayo, Taft, $76,138.
Williams & Burkhardt, Taft, $64,528.
McKamey Farms, Gregory, $63,436.
Floyd Webb, Jr., Mathis, $60,895.
R. E. Hart, Sinton, $51,543.
W. C. McDaniel, Sinton, $47,204.
J. M. Edmondson, Mathis, $37,383.
H. G. Ritchie, Jr., Taft, $34,404.
Daniel P. Moore, Portland, $32,918.
Floerke Bros., Taft, $32,449.
Chester B. Brittain, Sinton, $32,447.
R. C. Dillon, Taft, $30,991.
W. L. Shelburne, Jr., Taft, $29,745.
Howard H. Webb, Sinton, $29,360.
Adams Brothers, Odem, $28,894.
Donald B. Horne, Odem, $28,163.
L. T. Porter, Mathis, $27,911.
Beyer Bros., Mathis, $27,129.
George J. Ermis, Odem, $26,585.
Loree Svadlenak, Taft, $25,909.
W. O. Hart, Taft, $25,525.
Edwin C. McDaniel, Corpus Christi, $25,290.
J. D. Patrick, Jr., Taft, $23,638.
Martin Schneider, Odem, $23,290.
Jim Odem, Sinton, $23,187.
Q. M. Priday, Jr., Gregory, $22,630.
Dehnisch Bros., Mathis, $22,351.
R. E. Stalcup, Odem, $21,741.
W. D. Miller Farm, Taft, $21,702.
Albert Kastner, Sinton, $21,578.
Thomas Ardel Setliff, Odem, $21,340.
Thomas Touchstone, Sinton, $21,040.
David Bevly, Robstown, $20,921.
Edwin Schneider, Mathis, $20,921.
Stanley Webb III, Odem, $20,713.
O. L. Gorbet, Mathis, $20,690.
Total payees in county (38), $1,397,698.

San Saba County

Floyd Oliver, Lamesa, $44,179.

Schleicher County

Virginia Bruton, Eldorado, $24,233.
L. E. Lloyd, Eldorado, $22,205.
R. W. & B. J. Reynolds, Eldorado, $20,023.
Total payees in county (3), $66,461.

Scurry County

Billy Huddleston, Snyder, $63,630.
C. A. Daugherty, Fluvanna, $51,773.
J. B. Autry, Colorado City, $44,335.
Clements Bros., Snyder, $35,703.
Ray Herring, Fluvanna, $30,818.
Henry G. Gafford, Snyder, $29,953.
Emil Schattel Est., Hermleigh, $26,702.
Billy J. Voss, Snyder, $26,007.
Granville E. Chorn, Snyder, $25,515.
Mozell Roggenstein, Snyder, $24,676.
Wayne Key, Snyder, $24,634.
Martin Muphy, Hermleigh, $24,527.
Glenn Foster, Hermleigh, $24,094.
Max Von Roeder, Snyder, $23,489.
Don Wells, Fluvanna, $23,200.
J. W. Byrd, Snyder, $22,881.
Ernest Schattel, Roscoe, $22,861.
Roy Hallman, Roscoe, $22,810.
Carl Williams, Hermleigh, $22,291.
Homer Gannaway, Hermleigh, $21,461.
R. J. Kubena, Hermleigh, $20,899.
J. L. Clark, Ira, $20,727.
Leo Schattel, Snyder, $20,705.
Jackie Pylant, Snyder, $20,649.
Wayland Huddleston, Snyder, $20,434.
Total payees in county (25), $697,774.

Shackelford County

Kenneth Hansen, Lueders, $24,928.
Robert L. Reves, Sr., Lueders, $24,86[illegible].
Total payees in county (2), $49,796.

Sherman County

Jack Heil, Stratford, $73,830.
McClellan & McClellan, Sunray, $70,265.
Ezra F. Fisk, Texhoma, Okla., $59,004.
R. C. Buckles Est. C/O A. Milton, Mesa, Ariz., $53,716.
Wood B. Craig, Sunray, $53,678.
R. M. Buckles Est., Stratford, $48,031.
Cartrite Bros., Sunray, $43,690.
William R. Murrell, Gruver, $40,994.
Wesley Lunt, Sunray, $40,182.
Pat Holt, Gruver, $38,037.
Dietrich & Gurley, Stratford, $37,873.
Elmo Fortenberry, Sunray, $37,615.
Sam R. Cluck, Gruver, $36,949.
Monroe Bros., Sunray, $35,352.
Frank Berry, Jr., Texhoma, $34,651.
Huber R. Tillery, Stratford, $33,320.
Schafer & Schafer, Texhoma, $33,051.
Dick Diehl, Stratford, $32,993.
Mrs. Latimer Murfee, Houston, $32,115.
Bill & Glenn Reed, Stratford, $30,912.
Wallace Corse, Sunray, $30,542.
Bert Steffens, Stratford, $30,459.
Arnold B. Morris, Stratford, $28,812.
Walter Lasley & Sons, Inc., Stratford, $28,687.
Roy Browder, Sunray, $28,178.
Leroy Robison, Sunray, $27,880.
H. D. Meil, Dumas, $26,412.
John Bain, Dumas, $25,629.
Orland Lasley, Stratford, $24,756.
Judd Cattle Co., Stratford, $24,687.
Verne W. Foreman, Stratford, $24,636.
William N. Jackson, Stratford, $24,529.
H. H. Caraway, Stratford, $24,366.
Haile Bros., Stratford, $24,156.
Luther Browder, Sunray, $23,476.
Arthur E. Judd, Stratford, $23,455.
Spurlock Bros., Stratford, $22,602.
Ernest Cummings, Stratford, $22,319.
Gary L. Hawkins, Texhoma, $22,144.
Roscoe Dyess & Son, Stratford, $22,095.
J. L. Stowers, Stratford, $21,974.
Dean G. Gluck, Gruver, $21,891.
Hardy Coffman, Stratford, $21,854.
Walter Johnson, Texhoma, $21,536.
Albert W. Zimmer, Stratford, $21,366.
O. H. Ingham & Son, Stratford, $21,078.
E. L. Monroe, Sunray, $21,014.
Eugene C. Smith, Colo Springs, $20,606.
Otto Schuster, Jr., Stratford, $20,438.
Coldwater Cattle Co., Amarillo, $20,414.
S. S. Land & Cattle Co., Stratford, $20,215.
Total payees in county (51), $1,608,464.

Starr County

Charles Roos III, Grande City, $149,740.
Valley Onions, Inc., McAllen, $140,267.
Starr Produce Farm Acct. Grande City, $72,370.
La Casita Farms, Inc., Grande City, $49,448.
Griffin & Brand, McAllen, $49,330.
H. L. Conger, Grande City, $36,942.
R. S. Margo, Grande City, $27,485.
M. Guerra & Sons, Roma, $25,898.
Carl E. Oakes, Sebastian, $24,738.
John A. Shuford, Grande City, $22,036.
Total payees in county (10), $598,254.

Stonewall County

Jim Rowland, Jr., Roby, $32,712.
Clay L. Douglass/Son, Aspermont, $23,699.
H. F. Metcalf Partnership, Aspermont, $21,676.
Total payees in county (3), $78,087.

Sutton County

Sonora Research St., Sonora, $112,828.
Mayer Rousselot, Sonora, $23,267.
Total payees in county (2), $136,095.

Swisher County

Fowler E. McDaniel, Tulia, $177,342.
Warner Reid, Tulia, $113,921.
B. Raymond Evans, Tulia, $106,826.
Miller Farms Company, Tulia, $88,666.
Lloyd M. Hale, Tulia, $87,635.
Grady Shepard, Hale Center, $75,872.
Paul Hays, Kress, $74,746.
J. L. Francis, Kress, $66,080.
S. A. Barrett, Kress, $63,531.
L. G. Mahagan, Kress, $63,301.
Tyline N. Perry, Kress, $62,099.
Hinton Brothers, Happy, $56,971.
Jack D. Loring, Tulia, $53,666.
Tye & Sons, Kress, $53,655.
Corliss H. Currie, Bennington, Okla., $52,385.
Lloyd Glenn, Plainview, $51,616.
James Cruce, Kress, $49,850.
Street Brothers, Kress, $46,064.
Morgan Sturgess, Tulia, $45,911.
Emily Holmes, Tulia, $45,590.
M. T. Glenn, Los Angeles, $45,285.
Jack G. Foster, Happy, $45,107.
Buck Garrett, Plainview, $44,630.
Carl M. Weathers, Kress, $44,256.
James W. Cox, Tulia, $43,619.
H. O. Thompson, Plainview, $43,141.
John Spilman, Tulia, $43,004.
James Vineyard, Kress, $42,744.
Devin Devin & Patterson, Tulia, $42,733.
Wylie A. Byrd, Tulia, $40,808.
Jack Montague, Tulia, $40,039.
A. B. Raymond, Tulia, $40,003.
Otis Harman, Tulia, $39,645.
Dr. Wm. B. Childress, Tulia, $39,367.
Allen Glenn, Tulia, $39,260.
Warren Lee Bell, Tulia, $38,985.
Andrew Price, Kress, $38,781.
Lonnie G. Todd, Happy, $38,426.
Melvin Young, Kress, $38,054.
Daryl R. Dixon, Kress, $37,960.
J. Larry Nelson, Tulia, $36,596.
Victor L. Harman, Happy, $36,150.
Jack Middleton, Tulia, $35,940.
Curtis Latham, Tulia, $35,885.
Nelson Borchardt, Tulia, $35,758.
Jim Doan, Tulia, $35,386.
Boyd & Boyd, Tulia, $35,386.
A. D. Lee, Tulia, $35,204.
Hoyet Burnam, Tulia, $34,915.
Cone W. Johnson, Happy, $34,702.
Harley L. & Gene King, Tulia, $34,207.
T. M. Lawson, Tulia, $34,092.
H. T. Copeland, Tulia, $34,010.
Leroy & Hulan Hill, Happy, $33,885.
Graham Brothers, Tulia, $33,400.
Foster Parker, Happy, $33,117.
Harold Ray Caraway, Tulia, $32,942.
Dayle Culwell, Tulia, $32,932.
Robert K. Brooks, Tulia, $32,890.
D. E. McEachern, Kress, $32,774.
Billy W. Evans, Kress, $32,064.
Verlon Watson, Tulia, $32,026.
A. Emmet Pittman, Kress, $31,775.
R. W. McClure, Kress, $31,246.
Koy V. Benefield, Plainview, $31,111.
A. M. Anderson, Tulia, $30,957.
Jennings & Joy, Tulia, $30,908.
Delbert L. Devin, Tulia, $30,796.
L. L. Armor Sweetwater, $30,512.
J. D. Herndon, Tulia, $30,470.
Jake Jones, Kress, $30,242.
Victor Martin, Kress, $30,180.
Dale Swinburn, Tulia, $29,923.
Robert R. Brown, Tulia, $29,883.
Burle D. Byrd, Kress, $29,795.
Claude F. Harris, Plainview, $29,302.
Ludeman Ludeman Leib Smith, Plainview, $29,196.
F. J. & David Burgess, Tulia, $28,931.
John N. Simpson, Jr., Tulia, $28,667.
Paul N. Iribeck, Tulia, $28,565.
Tulia Feed Lot Inc., Tulia, $28,376.
B. J. Holland, Kress, $28,349.
Odell Jennings, Tulia, $28,215.
Glenn Jolly, Kress, $27,943.
O. H. Olson, Tulia, $27,901.
Leo W. Foster, Kress, $27,348.
W. Ray Caraway, Tulia, $27,346.
Glenn Terrell, Plainview, $27,294.
John Hays, Tulia, $27,175.
Estle Haught, Tulia, $27,121.
T. L. Abernathy, Jr., Tulia, $27,077.
Holland & Sons, Happy, $27,028.
O. V. Wilson, Kress, $27,001.
L. G. George, Tulia, $26,964.
Bobby Altman, Happy, $26,931.
Roy Thompson, Tulia, $26,921.
Cecil A. Rousser, Kress, $26,890.
Melvin D. Jennings, Tulia, $26,841.
W. Leroy Roberts, Tulia, $26,705
Frank Kiker, Tulia, $26,545.
C. W. Rousser, Kress, $26,535.
C. R. Byrd, Kress, $26,386.
E. E. Sims, Happy, $26,029.
Robert H. Lowery, Jr., Tulia, $25,851.
Frank Loftin, Tulia, $25,771.
H. C. Poage, Tulia, $25,628.
R. H. Gayler, Kress, $25,489.

Nuckles/Nuckles/Gerald, Sweetwater, $25,367.
Robert Hostetler, Kress, $25,178.
Stark Bros., Kress, $25,119.
Abell & Prewitt, Ralls, $24,810.
Dwain Garrett, Tulia, $24,460
Vernon Loftin, Tulia, $24,214.
D. T. Graham, Plainview, $24,163.
Bayard Sadler, Tulia, $24,086.
Copus O. Boyd, Tulia, $23,982.
Clifford J. Vars, Tulia, $23,977.
Gerald Schulte, Tulia, $23,840.
Vernon Garrison, Silverton, $23,819.
Terry Martin, Canyon, $23,765.
Circle C Agri. Assoc., Tulia, $23,762.
Johnny Nix, Tulia, $23,686.
Ernest Jackson, Tulia, $23,634.
Billy Jack Settle, Tulia, $23,579.
Eston Breitling, Tulia, $23,573.
Ray Reiss, Tulia, $23,518.
Jack Gilleland, Tulia, $23,427.
Vernon H. Harman, Canyon, $23,426.
Lloyd Evans, Tulia, $23,299.
Eugene Mote, Tulia, $23,289.
Calvin C. Reed, Kress, $23,281.
Milton Dovel, Tulia, $23,261.
Bobby Archer, Tulia, $23,232.
Donald Thompson, Kress, $23,167.
J. O. Garner, Kress, $23,005.
August C. Falkenberg, Kress, $23,005.
W. E. Thurman, Plainview, $22,836.
Tom Garrison, Tulia, $22,815.
Don A. Nelson, Tulia, $22,786.
Earl Hillman, Kress, $22,607.
Reece Wilterding, Tulia, $22,435.
Dean Todd, Tulia, $22,431.
Billy T. Young, Kress, $22,417.
Joe Martin, Plainview, $22,323.
Jones Bros, Kress, $22,305.
James D. Armstrong, Kress, $22,147.
B. H. Williams, Kress, $22,018.
B. & D. Hayes, Plainview, $22,008.
Kenneth Littlefield, Tulia, $21,960.
L. F. Campbell, Tulia, $21,911.
Stout Bros., Tulia, $21,757.
A. Dean Harman, Tulia, $21,712.
Albert P. Devin, Tulia, $21,674.
Robert S. Francy, Happy, $21,601.
Dick G. Shaver, Hale Center, $21,576.
Leroy Measles, Tulia, $21,513.
Glenn Mahagan, Kress, $21,443.
A. B. Jones, Tulia, $21,200.
Foy E. Moudy, Happy, $21,103.
Dayne Norris, Kress, $21,097
C. D. Taylor, Happy, $21,027.
J. F. Whitsett, Tulia, $20,979.
Fred Harris, Happy, $20,971.
O. V. Morris, Tulia, $20,956.
George A. Rahlfs, Happy, $20,834.
Glen C. Carter, Tulia, $20,830.
J. U. Flippo, Kress, $20,644.
Stewart Kirkpatrick, Tulia, $20,627.
Plains Prod Company No. 2, Plainview, $20,577.
Orville Finck, Tulia, $20,390.
Milo Draper, Plainview, $20,372.
Weldon Kiker, Tulia, $20,372.
J. L. Bevill, Tulia, $20,245.
G. O. Billington, Plainview, $20,197.
Murry E. Vise, Tulia, $20,147.
Total payees in county (175), $5,813,923.

Taylor County

Ted McAninch, Merkel, $31,728.

Terrell County

Jack and Roy Deaton, Sanderson, $29,796.
Bell & Kenney, Dryden, $20,285.
Total payees in county (2), $50,081.

Terry County

Howard Hurd, Brownfield, $83,735.
Muldrow Farms, Brownfield, $66,893.
W. A. Fulford, Brownfield, $64,103.
Bonard Stice, Brownfield, $61,136.
Charlie Caswell, Meadow, $61,080.
Graham Swain, Brownfield, $58,618.
Olane Caswell, Meadow, $55,802.
Norman Caswell, Meadow, $53,387.
H. L. King, Brownfield, $53,151.
Don C. Day, Meadow, $52,592.
M. E. Hinson, Brownfield, $51,795.
J. V. Riley, Brownfield, $51,712.
Robert Beasley, Meadow, $50,296.
Thurman Skains, Brownfield, $49,648.
Dan A. Day, Meadow, $48,628.
Milton Addison, Brownfield, $48,358.
Doyle Moss, Brownfield $47,397.
Troy Phillips, Brownfield, $46,734.
W. C. Cabe, Brownfield, $45,817.
Davis Beasley, Meadow, $45,754.
Keith Vandivere, Brownfield, $45,684.
Rufus Dill, Brownfield, $44,489.
D. A. Kelly, Brownfield, $43,865.
Kenneth Purtell, Brownfield, $42,130.
C. A. Winn, Brownfield, $42,076.
M. H. Wagner, Brownfield, $42,071.
Mack Wilmeth, Tokio, $41,614.
Art W. Adair, Brownfield, $40,731.
Dell Jordan, Meadow, $40,722.
George Weiss, Brownfield, $40,166.
Odell L. Lowe, Lubbock, $39,931.
Foster Gin Fm., Brownfield, $39,739.
L. T. Hawkins, Brownfield, $38,546.
Val Garner, Brownfield, $37,790.
Carter Farms, Inc., Brownfield, $37,637.
W. M. Hunter, Lubbock, $37,173.
C. R. Farrar, Brownfield, $37,049.
J. W. Hawkins, Brownfield, $37,011.
Truman Hayes, Brownfield, $36,749.
Melton Briscoe, Jr., Brownfield, $35,639.
Joe Joplin, Brownfield, $35,259.
Clarence Faught, Brownfield, $35,224.
N. R. Marchbanks, Jr., Brownfield, $35,125.
L. L. Banta, Brownfield, $34,521.
Bill W. Blackstock, Brownfield, $34,303.
Cletus Floyd, Brownfield, $33,856.
Hubert Henson, Brownfield, $33,655.
Tom Adams, Brownfield, $33,617.
M. H. Ratliff, Brownfield, $31,890.
David Turnbough, Seagraves, $31,522.
Doyle Crowder, Brownfield, $31,414.
D. S. Carroll, Meadow, $31,318.
Jess McWherter, Brownfield, $31,088.
Tatum Farms, Brownfield, $30,684.
J. Frank Jones, Meadow, $30,656.
R. R. McNiel, Brownfield, $30,613.
Donald Hancock, Brownfield, $30,586.
S. M. Dill, Brownfield, $30,572.
Burton F. Foshee, Brownfield, $30,008.
Robert Baumgardner, Brownfield, $29, 879.
Carl Hogue, Brownfield, $29,803.
R. D. Jones, Jr., Brownfield, $29,746.
C. S. Carroll, Brownfield, $29,651.
R. O. Webb, Seagraves, $29,563.
Cecil Cowan, Brownfield, $29,501.
J. C. Chambers, Brownfield, $29, 436.
G. W. Dill, Brownfield, $28,980.
James G. Davis, Brownfield, $28,943.
Russell Hendricks, Meadow, $28,725.
Brown Farms, Brownfield, $28,588.
G. I. Sims, Brownfield, $28,552.
Billy R. Jones, Brownfield, $28,220.
Robert E. Smith, Brownfield, $28,150.
Billy Timmons, Brownfield, $28,120.
L. P. Joplin, Meadow, $28,071.
E. A. Farrar, Brownfield, $27,974.
Fred H. Turner, Sylvester, $27,862.
James J. Martin, Brownfield, $27,535.
Merlin Speed, Brownfield, $27,522.
Truett Flache, Brownfield, $27,368.
Edward L. Jordon, Meadow, $27,348.
J. A. Webb, O'Donnell, $27,335.
G. M. Newsom, Brownfield, $26,985.
W. Wayne Lewis, Brownfield, $27,837.
Homer C. Barron, Meadow, $26,835.
George Kempson, Brownfield, $26,618.
L. R. Gober, Brownfield, $26,502.
Pat Childress, O'Donnell, $26,476.
Lloyd Hahn, Brownfield, $26,199.
R. L. Keener, Welch, $26,007.
J. W. Christesson, Brownfield, $25,760.
Ray Gober, Meadow, $25,736.
Graves Nelson, Brownfield, $25,709.
Earl Caswell, Brownfield, $25,514.
J. W. Lasiter, Brownfield, $25,445.
Perry Lockett, Brownfield, $25,335.
R. L. Burnett, Brownfield, $25,290.
T. E. Gafford, Brownfield, $25,268.
H. B. Harris, Brownfield, $25,263.
Wilburn Bailey, Meadow, $25,226.
Elmo Adair, Brownfield, $25,075.
D. L. Adcock, Lamesa, $25,064.
Rex Wilkes, Brownfield, $25,018.
Lewis Havran, Brownfield, $24,959.
L. M. Williams, Meadow, $24,578.
R. H. Clements, Brownfield, $24,542.
Donald Currie, Seagraves, $24,513.
Crate Snider, Ropesville, $24,456.
M. R. Paddack, Brownfield, $24,395.
Don Martin, Seagraves, $24,312.
Carl Pye, Brownfield, $24,221.
J. C. Donaghey, Seagraves, $24,088.
Bill Keesee, Meadow, $24,047.
C. J. Falls, Jr., Meadow, $24,005.
Geo. L. Sullivan, Jr., Seagraves, $23,876.
Monroe Rowden, Brownfield, $23,740.
Gene Newsom, Brownfield, $23,552.
Whitt F. Coor, Brownfield, $23,408.
Lewayne Rowden, Seagraves, $23,297.
Jacqueline T. Chesshir, Brownfield, $23,147.
Edward L. McCutcheon, Brownfield, $23,078.
Ross Carter, Brownfield, $23,038.
Freddie Howard, Brownfield, $22,956.
F. L. Earnest, Brownfield, $22,908.
M. W Baccus, Brownfield, $22,906.
Harry Stice, Brownville, $22,635.
W. L. Stephens, Brownfield, $22,609.
Billy Yeatts, Brownfield, $22,607.
H. J. & S., Inc., Brownfield, $22,474.
Buddy Hawkins, Wellman, $22,354.
B. J. McLaurin, O'Donnell, $22,278.
James E. Thurman, Brownfield, $22,267.
Lee Miller, Brownfield, $22,206.
G. H. Crutcher, Tokio, $22,039.
Elvoyd Barton, Brownfield, $21,960.
Victor Watts, Brownfield, $21,946.
T. M. James, Tokio, $21,815.
Billy McCallister, Meadow, $21,655.
James Bartlett, Meadow, $21,638.
Charles Ray Smith, Meadow, $21,576.
L. O. Rogers, Brownfield, $21,553.
Billy H. Wilson, Brownfield, $21,447.
Elmer R. Edward, Lubbock, $21,319.
Odell Fuller, Ropesville, $21,310.
Raymond Vardeman, Lubbock, $21,213.
Loyd W. Yowell, Brownfield, $21,202.
G. W. Henson, Jr., Brownfield, $21,180.
L. C. Culbert, Brownfield, $21,093.
A. O. Waters, Meadow, $21,027.
Johnny R. McKenzie, Brownfield, $21,019.
Herman Wheatley, Jr., Brownfield, $20,936.
J. Ed Crooks, Brownfield, $20,859.
Joe H. Henson, Brownfield, $20,776.
Calvin Booth, Brownfield, $20,666.
Homer Causseaux, Brownfield, $20,578.
Melvin Carroll, Brownfield, $20,466.
L. L. Howell, Brownfield, $20,330.
Howard Moorhead, Wellman, $20,307.
G. C. Bevers, Wellman, $20,271.
Earnest G. Hudson, Brownfield, $20,219.
Aubrey Puryear, Brownfield, $20,193.
Bennie Bevers, Brownfield, $20,061.
Total payees in county (162), $5,026,499.

Tom Green County

A. Phinney, Jr., Mereta, $38,550.
Ripple Brothers Part., San Angelo, $30,822.
B. R. Weatherford, Miles, $30,260.
Edwin J. Wilde, San Angelo, $28,697.
Leon Kiesling, San Angelo, $28,034.
Otto W. Dierschke, San Angelo, $24,121.
Dewey Parmer, Jr., Veribest, $23,356.
Dorval D. Lee, Eola, $22,619.
Elo F. Schwertner, San Angelo, $20,923.
Richard Book, Miles, $20,610.
Total payees in county (10), $267,992.

Travis County

Wilburn Burklund, Austin, $30,989.
Clyde Lundgren, Elgin, $26,223.
Timmerman & Hagn, Pflugerville, $25,118.
Edgar Graef, Austin, $24,946.
Total payees in county (4), $107,276.

Upton County

E. F. Noelke Ranch Co., Rankin, $28,247.
Robert Latzel, Midkiff, $22,377.
Total payees in county (2), $50,624.

Val Verde County

W. H. Wardlaw, Del Rio, $28,056.
Hutto Brothers, Del Rio, $27,116.

Double R Ranches, Del Rio, $24,204.

Total payees in county (3), $79,376.

Van Zandt County

Thurman J. Miles, Wills Point, $35,328.

Victoria County

Ben Rubac, Bloomington, $26,263.

William B. Bayer, Bloomington, $24,555.

Zas Lentz, Victoria, $22,084.

V. A. Rippamonti, Jr., Victoria, $25,249.

Total payees in county (4), $93,151.

Walker County

Texas Department of Corrections, Sugarland, $166,877.

Waller County

Frank Springer, Hempstead, $22,759.

Alfons Springer, Hempstead, $22,759.

Total payees in county (2), $45,518.

Ward County

Kenneth Rannefeld, Roscoe, $22,669.

Wharton County

Mahalitc Bros., Eagle Lake, $48,664.

Wendel, Inc., El Campo, $37,721.

W. D. McMillan, Wharton, $35,828.

R. D. Williams, Glen Flora, $30,371.

Lawrence Petersen, Danevang, $30,336.

Nilson Farms, El Campo, $29,618.

Lawrence Nilson, El Campo, $25,198.

Curtis H. Jensen, Danevang, $21,848.

Total payees in county (8), $259,584.

Wheeler County

J. M. Tindall, Twitty, $45,197.

A. W. Burrell, Twitty, $28,886.

W. W. Aaron, Shamrock, $25,299.

Cleo Grady Dodd, Mobeetie, $24,185.

W. V. Lister, Twitty, $23,065.

Raymond Moore, Twitty, $22,178.

J. T. Johnson, Wheeler, $21,519.

Irvin J. Hink, Wheeler, $21,297.

Total payees in county (8), $211,626.

Wichita County

Rayford Young, Burkburnett, $22,637.

Montgomery & Crumpler, Inc., West Falls, $20,804.

H. C. Preston, Est., Burkburnett, $20,153.

Total payees in county (3), $63,594.

Wilbarger County

W. T. Waggoner Trust Est., Vernon, $143,993.

John H. Turner, Wichita Falls, $36,715.

Robert H. Belew, Vernon, $29,319.

Roy W. Judd, Vernon, $28,167.

J. C. Riggins, Vernon, $21,831.

J. W. Overton, Oklaunion, $21,250.

Marshall K. Berry, Vernon, $20,598.

Total payees in county (7), $301,873.

Willacy County

Sebastian Cotton & Grain, Sebastian, $105,646.

K. L. & D. E. Morrow Ptns., Lyford, $99,373.

B. W. Kirsch, Raymondville, $95,005.

Daniel Gustafson Est., Harlingen, $75,218.

Alazan Farms, Harlingen, $73,359.

S. & S. Seed, Raymondville, $72,244.

Funk Farms, Inc., Harlingen, $67,211.

Alden Johnson, Lyford, $56,233.

Emil B. Lagerstam, Jr., Lyford, $52,704.

Adele M. Schmidt, Lyford, $52,391.

W. M. Dreyer, Raymondville, $49,477.

Wayne Labar, Harlingen, $48,085.

Chester A. Johnson, Lyford, $45,014.

O. L. & James Whitfield, Edcouch, $43,011.

A. C. Durivage, Lyford, $39,142.

W. Don Stone, Raymondville, $38,711.

Mildred Harbin, Harlingen, $35,826.

Roy Morrow, Lyford, $34,211.

S. R. & C. D. Stone Trust, Aransas Pass, $33,900.

Lewis A. Oaks, Lyford, $31,987.

John Wreden, Lyford, $30,087.

Virgil D. Oakes, Lyford, $28,549.

G. M. & C. Ring, Washington, D.C. $27,218.

F. G. Page, Raymondville, $27,127.

J. A. Pennington, Raymondville, $26,835.

D. C. & Ted Parham, Ptns, Raymondville, $26,122.

J. S. Bridwell, Est.., Lyford, $25,848.

G. F. McGee & Sons, Raymondville, $25,569.

D. V. & J. T. Mayo, Ptns, Raymondville, $24,616.

Weldon Haynes, Raymondville, $24,523.

Lloyd M. Funk, Raymondville, $24,278.

Monty Stewart, Lyford, $24,194.

Fred Klostermann, Raymondville, $23,837.

Fox Farms Ptns, Raymondville, $23,639.

Hoot Farms, Raymondville, $23,357.

Thomas J. Rains, Raymondville, $23,297.

Valley Landforming Co., Harlingen, $22,864.

James M. Lucas, Lyford, $22,450.

Cooley Farms, Lyford, $22,323.

Clarence R. Anderson, Lyford, $22,303.

Ralph Christian, Raymondville, $22,234.

Swanberg Twins, Raymondville, $22,183.

D. B. MacAllister, Raymondville, $22,016.

Jack Scogin, Lyford, $21,922.

W. F. Brooks, Raymondville, $20,004.

Total payees in county (45), $1,756,143.

Williamson County

Stiles Farm Foundation, Thrall, $51,950.

Telander Bros., Georgetown, $25,362.

Ed Carlson, Jr., Taylor, $21,403.

Jack Kauffman, Georgetown, $20,033.

Total payees in county (4), $118,748.

Yoakum County

R. G. Hartman, Plains, $64,624.

Wheeler Robertson, Idalou, $57,303.

Darwin Hobbs, Seagraves, $47,429.

Alton Billings, Seagraves, $46,941.

Truett F. Jones, Tokio, $46,729.

Gregg Farms, Ropesville, $43,163.

Robert A. Long, Seagraves, $41,759.

Russell S. Faulkenberry, Plains, $40,059.

W. R. Nelson, Seagraves, $38,244.

Olen Edwards, Plains, $36,446.

James W. Warren, Plains, $34,635.

E. B. Hicks, Seagraves, $34,454.

Rayford E. Bearden, Tokio, $32,475.

C. C. Perkins, Plains, $32,417.

Morris Lowe, Plains, $31,520.

Louis Eubanks, Plains, $30,809.

Tommy Billings, Seagraves, $28,713.

Wayside Gin, Inc., Lovington, $28,564.

Tom Warren, Jr., Plains, $28,313.

Albert Ware, Denver City, $27,811.

A. B. Williams, Tokio, $23,796.

W. M. Nelson, Seagraves, $26,440.

Homer T. Sudderth, Tokio, $25,910

John Avara, Seagraves, $25,739.

T. J. Bearden, Plains, $25,384.

Billy J. Smith, Lovington, $24,553.

Leon Lepard, Brownfield, $24,220.

T. A. Elmore, Tokio, $24,114.

Earl Kiser, Plains, $24,052.

A. B. Williams, Tokio, $23,796.

T. A. Hicks, Brownfield, $23,312.

E. D. Winkles, Plains, $22,854.

Don Williams, Plains, $22,695.

Barrow Blai, Plains, $22,413.

C. Loran Gayle, Bronco, $22,050.

Wendell Norman, Plains, $21,938.

Wesley Gunter, Plains, $21,427.

Forrest D. Spencer, Tokio, $21,247.

Kent Welch, Plains, $20,436.

Wallace Randolph, Plains, $20,003.

Total payees in county (40), $1,241,443.

Young County

F. Dwight Hamilton, Jr., Olney, $24,601.

Total payee in county (1), $24,691.

Zavala County

Norment Foley, Uvalde, $119,201.

Richie Bros., Crystal City, $55,143.

Newden Farm, Batesville, $44,646.

Leslie H. Laffere, Batesville, $40,978.

Herbert F. Dirksen, Uvalde, $38,938.

Batesville Farming, Batesville, $38,320.

Malcolm A. Maedgen, Jr., Crystal City, $38,169.

Evans Wortham, Houston, $33,905.

Hardin Farm, Batesville, $29,996.

J. D. Lambert, Jr., Uvalde, $27,306.

Harold Lloyd, Batesville, $26,360.

Robert L. Jacobs, Batesville, $25,624.

Two L Farms, Inc., Uvalde, $25,518.

R. C. Campbell, Uvalde, $24,347.

Felton Fitch, Uvalde, $22,943.

Oscar W. Vickery, Uvalde, $21,236.

Warren Wagner, Crystal City, $21,097.

Herman F. Watson, Uvalde, $20,717.

James A. Brewster, Uvalde, $20,417.

Total payees in County (19), $674,861.

Total payees in State, (5,030), $171,638,774.

UTAH

Box Elder County

D. Rigby Family Partnership, Logan, $55,787.

Delbert Holmoren, Bear River City, $34,491.

Norman Grover, Brigham City, $29,671.

Wayne & Dallas Sandall, Tremonton, $29,634.

Oleen Garn & Sons, Garland, $25,512.

Laurence G. Whitney, Tremonton, $24,862.

Selman & Goring, Trementon, $23,761.

Cassia Graz Association, Burley, $23,079.

Holmgren Bros., Bear River City, $21,755.

Nick Chournos, Tremonton, $20,694.

Total payees in county (10), $289,246.

Cache County

Lee & Leona Pritchett, Logan, $21,546.

Carbon County

Calvin K. Jacob, Orem, $27,943.

Daggett County

J. R. Broadbent, Evanston, $68,832.

Millard County

Stephensons, Inc., Holden, $25,300.

Taft Paxton, Kanosh, $24,871.

Total payees in county (2), $50,171.

Salt Lake County

Deseret Lvst. Co., Inc., Salt Lake, $86,734.

Thousand Peaks Lvstk. Co., Salt Lake, $41,497.

Elmer P. Bastian, Midvale, $26,081.

Thayne Acord, Salt Lake, $24,464.

Leo M. Beriagnole, Salt Lake, $24,072.

Basin Land & Livestock Co., Salt Lake, $21,911.

Total payees in county (6), $224,759.

San Juan County

Redd Ranches, Lasal, $44,502.

C. Alfred Frost, Monticello, $20,131.

Total payees in county (2), $64,633.

Utah County

Garn Holbrook, Lehi, $27,785.

Elberta Farms Inc., Riverton, $23,847.

Total payees in county (2), $51,632.

Wasatch County

Smith Lamb Producers, Salt Lake, $20,858.

Washington County

E. J. Graff, Hurricane, $56,693.

Weber County

Lloyd Keller Corp., Ogden, $27,254.

Total payees in State (28), $903,567.

VIRGINIA

Chesapeake County

V. L. Whedbee, Chesapeake, $24,887.

Greensville County

Moses L. Hawthorne, Emporia, $30,194.

William A. Robinson, Skippers, $24,364.

Geo. B. Ligon, Skippers, $21,679.

Total payees in county (3), $76,237.

Hanover County

Kreynus Bros., Mechanicsville, $20,177.

Scott County

Bruce K. Robinette, Big Stone Gap, $150,000.

Southampton County

C. E. Moore, Emporia, $29,576.

Virginia Beach County

Frank T. Williams, Virginia Beach, $49,481.

Malbon Brothers, Virginia Beach, $41,292.

Norris Shirley, Virginia Beach, $20,517.

Total payees in county (3), $111,290.

Total payees in State (10), $412,167.

WASHINGTON

Adams County

D. E. Phillips, Lind, $101,203.

Leonard & Henry Franz, Lind, $64,417.

Hutterian Brethren, Inc., Espanola, $59,408.

Robert V. Phillips, Lind, $56,433.

Donald Damon Est., Warden, $53,253.

Ralph Gering & Sons, Ritzville, $48,960.

Gilbert Brothers, Othello, $42,998.

J. Boyd Phillips, Lind, $40,192.

Robert A. Franz, Ritzville, $40,072.

Richard L. Kagele, Ritzville, $39,302.

Arthur Johnson, Cunningham, $35,420.

Walter E. Franz, Lind, $32,067.

Elwyn Lyle, Cunningham, $31,215.

Rex T. Lyle, Ritzville, $31,212.

Ed McKay, Othello, $29,824.

Dwayne Blankenship, Washtucna, $29,288.

Baumann Farm, Inc., Washtucna, $27,786.

Wayne F. Klindworth, Connell, $26,819.

M. C. Hollenback, Washtucna, $26,747.

Elmer Schoesler and Sons, Ritzville, $26,512.

George O. Pence, Lind, $25,024.

Hennings Enterprises, Inc., Ritzville, $24,924.

Walter Jantz, Ritzville, $24,813.

Kummer Bros., Othello, $23,728.

Kent Farms, Othello, $23,532.

Hugh V. Glenn, Othello, $23,518.

Eugene Bicart, Othello, $23,153.

Williams and Williams, Lind, $22,668.

Nick C. Seivers, Lind, $21,582.

Floyd W. Maier, Lind, $20,906.

Clarence Strohmaier, Lind, $20,827.

Donald S. Miller, Lind, $20,786.

Homer Evans, Ralston, $20,632.

Norman Kagele, Ritzville, $20,381.

Kenny Foulkes, Lind, $20,316.

David A. Davis, Lind, $20,297.

Moeller Ranch, Ritzville, $20,252.

James Kagele, Ritzville, $20,238.

Total payees in county (38), $1,240,705.

Asotin County

Houser & Son, Inc., Clarkston, $22,484.

Ralph W. Wilson, Pomeroy, $20,077.

Total payees in county (2), $42,561.

Benton County

Mercer Ranches Inc., Prosser, $57,166.

Vollmer-Bayne, Prosser, $50,334.

Bi County Farms, Prosser, $47,319.

Gould Brothers, Prosser, $43,831.

Bateman Bros., Kennewick, $39,527.

Horrigan Inv. Co., Phoenix, $36,467.

Horrigan Farms, Pasco, $32,932.

Jack B. Dennis, Vancouver, $32,841.

Simmelink & Sons, Kennewick, $27,456.

Wirth Brothers, Prosser, $25,644.

Emerson L. Eby, Kennewick, $24,237.

Steve Smith Farms Inc., Prosser, $22,430.

William S. Pearson, Prosser, $22,047.

Henry Smith, Kennewick, $20,852.

Carl C. Moore, Prosser, $20,574.

Harry G. Owens Ranch Inc., Kennewick, $20,542.

Ice Brothers, Prosser, $20,390.

Total payees in county (17), $544,589.

Columbia County

Broughton Land Co., Dayton, $156,795.

Mead Ranch, Dayton, $39,448.

Dewey Donohue & Sons, Dayton, $31,105.

Wilfred Thorn, Dayton, $29,842.

Dallas W. Long, Dayton, $28,522.

Eslick Farms, Dayton, $27,272.

David Archer, Dayton, $25,534.

Herres Brothers, Pomeroy, $23,736.

Ellsworth Conover, Waitsburg, $23,081.

Gerald Vollmer, Waitsburg, $23,067.

James D. Archer, Waitsburg, $22,823.

Robert Patton, Waitsburg, $22,685.

Jack Penner, Dayton, $22,462.

James Hanger, Dayton, $22,083.

Warren Talbott, Dayton, $20,813.

R. F. Young, Starbuck, $20,600.

Darin Heady, Dayton, $20,207.

Total payees in county (17), $560,075.

Douglas County

State of WA., Ephrata, $191,508.

Russell Hunt, Ephrata, $31,416.

Josh Barnes & Son, Waterville, $31,097.

Daling Farms Inc., Waterville, $29,869.

Doneen Estate, Wenatchee, $26,353.

Nelson Brothers, Waterville, $25,370.

David V. Adams, Coulee City, $22,918.

Sachs Farms Inc., Wenatchee, $22,324.

D. G. Davis, Coulee City, $21,697.

Ronald Dezellem, Bridgeport, $21,149.

E. John Isaak, Coulee City, $20,216.

Total payees in county (11), $443,917.

Franklin County

Wm. Geo. Harder, Kahlotus, $47,095.

Herron Bros., Connell, $44,093.

Kenneth Owsley, Walla Walla, $34,480.

William V. Casper, Mesa, $32,969.

Lee H. Stoker, Mesa, $32,864.

Lyle W. Neff Inc., Pasco, $32,456.

J. H. Klundt & Sons, Pasco, $32,044.

Melvin Moore and Sons, Kahlotus, $31,552.

Maynard Baillie, Mesa, $28,451.

Harry Kawauchi, Mesa, $27,116.

E. C. Loeber, Connell, $26,236.

Taylor Brothers Farms Inc., Mesa, $24,281.

Delbert Wisdom, Mesa, $23,153.

Wilbur Dent Jr., Pasco, $22,191.

Francis Havlina, Connell, $22,103.

Lyle Taylor, Mesa, $21,989.

Lloyd K. Cochrane, Kahlotus, $21,732.

Bauermeister Brothers, Connell, $20,742.

Joe A. Roberts, Connell, $20,423.

James D. Moore, Kahlotus, $20,032.

Total payees in county (20), $566,002.

Garfield County

Klaveano Ranches, Inc., Thornton, $40,303.

Wayne Beale, Pomeroy, $32,115.

C. C. Wolf Sons, Pomeroy, $24,408.

A. E. Blachly, Pomeroy, $24,228.

Gary Duckworth, Pomeroy, $24,176.

Robert Heitstuman, Pomeroy, $21,551.

Pearl Gwinn, Pomeroy, $21,023.

Total payees in county (7), $187,804.

Grant County

David Stevens, Wilson Creek, $56,165.

Phillip Villegas, Royal City, $41,875.

Gene Kagele, Ritzville, $37,203.

Leslie H. Boyce, Quincy, $36,919.

Higginbotham Brothers, Hartline, $35,946.

S. and C. Ranching, Warden, $33,557.

Lourence Dormaier, Marlin, $33,516.

Kelley Brothers, Hartline, $31,337.

Paul H. Landis, Moscow, $30,081.

Art Schorzman, Quincy, $29,714.

Lars Hansen, Wilson Creek, $28,654.

James D. Stevens, Moses Lake, $28,104.

Columbia Producers, Warden, $27,519.

H. N. Boger, Hartline, $26,698.

C. C. Claassen, Marlin, $24,789.

Agatha Keener, Almira, $24,611.

Willard D. Lange, Ephrata, $24,119.

Robert R. Nelson, Hartline, $23,700.

Earl Heathman, Hartline, $23,363.

Al Fountain, Wilson Creek, $23,286.

Robert A. Hammond, Quincy, $22,912.

Senkler Brothers, Hartline, $22,822.

Dick Edwards, Hartline, $22,447.

Bob Zimmerman, Almira, $22,310.

Delbert Rice, Quincy, $22,144.

Thomas Fiess, Marlin, $22,133.

Robert Schell, Marlin, $21,669.

Johnnie Hughes, Almira, $21,613.

Robert E. Dingman, Hartline, $21,433.

William Huddle, Moses Lake, $20,769.

Ellis W. Leavitt, Warden, $20,395.

Jerry Escure, Quincy, $20,219.

Total payees in county (32), $882,022.

Kittitas County

Cone Livestock Co., Ellensburg, $42,922.

Klickitat County

Robert Andrews, Prosser, $31,175.

Robert Imrie, Roosevelt, $26,489.

Mattson Morris & Wheelhouse, Goldendale, $21,031.

McBride Ranches, Inc., Bickleton, $20,216.

Total payees in county (4), $98,911.

Lincoln County

A. Bodeau and Sons, Wilbur, $44,240.

L. Sheffels & Son, Inc., Wilbur, $36,712.

Rockdale Farms/P/, Edwall, $33,276.

S. and E. Barr Ranch, Edwall, $32,517.

The Sheffels Co., Inc., Wilbur, $31,590.

Wilbur Security Co., Wilbur, $28,677.

George H. Ellis, Reardan, $28,208.

Robert A. Kramer, Harrington, $28,120.

Tanke Farms, Inc., Mohler, $27,457.

Lyka Corp., Reardan, $27,345.

Attie L. Turner, Harrington, $26,479.

Pfeifer Brothers/P/, Marlin, $26,046.

Lewis Kagele, Odessa, $24,464.

K. C. Stack, Edwall, $24,463.

Schafer Farms, Inc., Odessa, $23,476.

The Scheffels Co., Inc., Wilbur, $23,150.

Llewellyn Frms, Inc., Wilbur, $21,813.

W. L. Gilliland, Lafayette, $21,691.

Edna Deptuch, Odessa, $21,482.

Robert Rieth, Sprague, $21,470.

Robert Deife, Spokane, $21,180.

Herbert L. Armstrong, Harrington, $21,047.

H. D. Peterson and Sons, Almira, $20,104.

Total payees in county (23), $615,007.

Okanogan County

Oroville Cattle Co., Inc., Oroville, $21,309.

Spokane County

Osborne Belsby, Amber, $41,934.

Cornwall Farms, Fairfield, $26,763.

Henry J. Clausen, Rosalia, $26,512.

Bell & Bell, Inc., Rockford, $24,017.

Ross R. Edwards, Espanola, $22,991.

Miller Bros., Sprague, $21,735.

Delegans Bros., Spokane, $21,202.

Total payees in county (7), $185,154.

Walla Walla County

K2H Farms, Inc., Prescott, $183,796.

Cecil R. Anderson, Prescott, $54,536.

Lonneker Farms, Inc., Walla Walla, $52,599.

Kenneth Smith, Waitsburg, $49,921.

Grote Farms, Inc., Prescott, $46,006.

Twain Bodmer, Walla Walla, $41,950.

Kent Land Co., Inc., Walla Walla, $40,386.

John H. Rea, Touchet, $39,990.

Martin Farms, Inc., Walla Walla, $39,516.

Matt Lyons, Waitsburg, $36,255.

Foundation Farm, Inc., Walla Walla, $34,415.

Robison L. and L. Co., Walla Walla, $33,891.

Erwin Bros., Prescott, $33,717.

Schwerin Farms, Inc., Walla Walla, $33,510.

Mervin Deruwe, Prescott, $33,170.

Phillip Anderson, Walla Walla, $30,475.

Dwelley Jones, Walla Walla, $29,942.

Robert D. Frazier, Walla Walla, $29,511.

Fred Sherry, Prescott, $29,214.

Gar Ran, Inc., Walla Walla, $28,920.

Marvin Tucker, Walla Walla, $28,919.

H. Vincent and W. Johnson, Walla Walla, $28,841.

Henry V. Zuger, Wattsburg, $28,525.

Fred J. Kimball, Walla Walla, $28,470.

John E. Hair, Walla Walla, $28,328.

S. Earl Cochran, Prescott, $28,036.

Frank Leroux, Walla Walla, $27,362.

Allen D. Struthers, Prescott, $27,225.

Stonecipher & Sons, Inc., Wattsburg, $26,951.

Eugene Valaer, Walla Walla, $26,941.

Tucker Farms, Inc., Walla Walla, $26,651.

Frank Hart, Prescott, $26,424.

Hofer Bros., Prescott, $26,151.

Emeral Duncan, Waitsburg, $25,353.

John S. Anderson, Waitsburg, $23,251.

F. Munns, Walla Walla, $23,079.

K & R Walters, Walla Walla, $22,966.

Casey Farms, Inc., Prescott, $22,955.

Thelma M. Owsley, Walla Walla, $22,713.

Harvey Farms, Inc., Walla Walla, $22,635.

Richard Archer, Waitsburg, $22,223.

Terry Tucker, Walla Walla, $21,689.

Donald Tucker, Walla Walla, $21,689.

Morris Ganguet, Waitsburg, $21,539.

Don Thomas, Waitsburg, $21,451.

Houstan H. Marshall, Walla Walla, $21,164.

G. Byron Dague, Walla Walla, $20,663.

Wallace Evans, Walla Walla, $20,653.

Tompkins & Sons, Walla Walla, $20,500.

David E. Cox, Walla Walla, $20,424.

Ray L. Small, Jr., Lowden, $20,165.

Albert F. Kibler and Son, Waitsburg, $20,131.

Total payees in county (52), $1,675,787.

Whitman County

Glen Miller, Colfax, $108,577.

McGregor Land & Livestock Co., Hooper, $95,360.

Harold Boyd, Pullman, $49,626.

Richard E. Despain, Winona, $45,580.

Ira Scott, Lacrosse, $37,805.

Maley Land & Livestock Co., Thornton, $37,094.

Urgel Bell, Lacrosse, $36,881.

Palouse Grassland Inc., Spokane, $36,055.

Bennett Land Co., Colfax, $34,546.

James Knott, Endicott, $33,461.

M. E. Davis, Moscow, $32,869.

John G. Schlomer, Benge, $32,741.

Clark Farms c/o Asa Clark, Pullman, $32,668.

R. Paul Cocking, Colfax, $31,944.

Hinderer Bros., Pullman, $31,549.

William H. Evans, Lacrosse, $31,342.

Henry Fisher, Belmont, $30,395.

Herbert Camp & Sons, Lacrosse, $30,200.

Nelson Bros., Thornton, $29,958.

E. C. Hay & Sons, Inc., Tekoa, $29,509.

Robert Whitmore, Pullman, $28,882.

Harold H. Smick, Endicott, $28,733.

Donald C. Moore, Endicott, $28,453.

Glorfield Bros., Jack & Benny, St. John, $28,147.

Lester J. Kile, Thornon, $27,460.

Lehn Bros., Farmington, $26,739.

Jackson W. Smith, Inc., St. John, $26,655.

Ralph Kilpatrick, Oakesdale, $26,380.

James R. Davis, St. John, $26,262.

Crow Farms, Inc., Oakesdale, $25,761.

Virgil Klaveano, Thornton, $24,900.

Pioneer Stock & Grain Farm, Inc., Hay, $24,476.

Gary Cochran, Pullman, $24,279.

Curtis Cattle Co., Garfield, $24,245.

Roy Sodorff, Colton, $23,521.

Joe Myers, Colfax, $23,487.

Edgar L. Smith, St. John, $23,230.

Raymond and Robert Heglar, St. John, $21,938.

Ivar Nelson, St. John, $21,910.

David Gfeller, Colfax, $21,843.

Norman Willson, Colfax, $21,787.

Curtis F. White, Jr., Lamont, $21,673.

Fleming Bros., Lacrosse, $21,437.

Calvin Raugust, Farmington, $21,147.

John H. Miller & Sons, Inc., St. John, $20,748.

S. P. Rambo, Farmington, $20,552.

Jacobs Farms, Uniontown, $20,521.

Harp Bros., Farmington, $20,148.

Lester Camp, Lacrosse, $20,086.

Total payees in county (49), $1,523,560.

Yakima County

U & I Sugar Co., Toppenish, $45,758.

Harold R. Clayton, Toppenish, $42,230.

F. T. Gamble, Toppenish, $32,074.

Virgil Feezell, Mabton, $29,744.

Ralph Mains, Mabton, $24,645.

W. B. Pace, Jr., White Swan, $24,141.

Simon Martinez, Sunnyside, $22,893.

Merrritt Fines, Moxee City, $22,786.

James Sthilaire, Wapato, $22,677.

Leo Schmitt, Yakima, $20,986.

Gordon Stover, Harrah, $20,405.

Total payees in county (11), $308,339.

Total payees in State (292), $8,938,664.

WISCONSIN

Columbia County

L. J. Kaasa, Columbus, $20,131.

Dane County

Stoughton Farms, Inc., Stoughton, $43,310.

William F. Renk and Sons, Inc., Sun Prairie, $32,278.

Vasby Farms, Cambridge, $28,357.

Total payees in county (3), $103,945.

Dodge County

Willard Nehls, Juneau, $49,147.

Fond du Lac County

Flying Dollar Ranch, Oakfield, $24,246.

Milwaukee County

Norbert Verhalen, Oak Creek, $30,001.

Pierce County

Elizabeth Jacques, Prescott, $22,273.

Racine County

Charles H. Kuiper, Union Grove, $49,897.

Dennis Kramer, Union Grove, $21,433.

Total payees in county (2), $71,330.

Rock County

Stuart Rahberg, Clinton, $105,351.

K. E. Sherman, Durand, $37,615.

Stuart Shadel, Jr., Avalon, $32,618.

Norman Hatlen, Evansville, $21,885.

Paul Luety, Clinton, $21,539.

C. Robert Hill, Janesville, $21,096.

Ogden Inman, Clinton, $20,879.

Total payees in county (7), $260,983.

Walworth County

Henry Sterken, Delavan, $29,573.

Polyock Brothers, Zenda, $23,856.

Donald Hopkins, Delavan, $20,155.

Total payees in county (3), $73,584.

Total payees in State (20), $655,640.

WYOMING

Big Horn County

Harry Grabbert, Emblem, $53,624.

C. A. Lewis Estate, Cowley, $48,303.

Total payees in county (2), $101,927.

Carbon County

Anderson Farms, Inc., Encampment, $57,014.

Palm Livestock Co., Elk Mountain, $46,431.

Rochelle Livestock Co., Rawlins, $46,288.

Buzzard Ranch, Casper, $36,586.

Louis Larsen Sheep Co., Inc., Rawlins, $28,710.

Leo Sheep Co., Rawlins, $28,167.

P. H. Livestock Co., Rawlins, $24,372.

Stratton Sheep Co., Rawlins, $22,948.

Sandstone Sheep Co., Rawlins, $22,205.

Cronberg Bros., Inc., Medicine Bow, $21,879.

Elmer G. Peterson, Rawlins, $20,687.

Total payees in county (11), $355,287.

Converse County

Morton S., Inc., Douglas, $77,222.

Ogalalla Ranch Co., Douglas, $23,252.

The Dilts Co., Douglas, $22,565.

Smith Sheep Co., Douglas, $22,302.

Total payees in county (4), $145,341.

Fremont County

Fremont Sheep Co., Inc., Riverton, $42,177.

Goshen County

L. T. Lovercheck, Gering, $27,678.

Hot Springs County

L. U. Sheep Co., Worland, $29,567.

Johnson County

Harriet Brothers, Buffalo, $41,536.

Esponda Ranch, Buffalo, $27,186.

Iberlin Brothers, Buffalo, $24,479.

Marion Brothers, Buffalo, $23,990.

Van Irvine, Midwest, $20,692.

Total payees in county (5), $137,883.

Laramie County

Warren Livestock, Cheyenne, $52,920.

Leroy Goertz, Wheatland, $25,317.

Henry Jessen, Bluffs, $25,158.

Leo Jessen Wyobraska Inc., Oshkosh, $24,344.

John F. Jessen, Pine Bluffs, $20,751.

Total payees in county (5), $148,490.

Lincoln County

Moon Livestock Co., Cokeville, $26,168.

Etcheverry Sheep Co., Cokeville, $20,623.

L. W. Roberts, Cokeville, $20,025.

Total payees in county (3), $66,816.

Natrona County

Diamond Ring Ranch, Casper, $44,363.

Coffman Ranch Co., Casper, $38,262.

Irvine Brothers, Casper, $34,080.

O. B. Forgey, Casper, $32,236.

Shamrock Ranch Co., Casper, $21,663.

Burke Sheep Co., Casper, $20,476.

Total payees in county (6), $191,080.

Niobrara County

Boner Brothers, Hat Creek, $45,144.

Pfister Trust Wyo. Lusk, $25,591.

Glenn Hanson, Edgemont, $25,486.

Total payees in county (3), $96,221.

Park County

Coy Lee Baker, Powell, $21,710.

Sheridan County

Seven Up Ranches, Inc., Arvada, $24,784.

Sweetwater County

G. & E. Livestock, Inc., Rock Springs, $46,684.

Midland Livestock Co., Rock Spring, $43,919.

Blair & Hay Land & LS Co., Rock Springs, $35,618.

Green River LS Co., Green River, $29,064.

Magagna Brothers, Rock Springs, $26,656.

Bar X Sheep Co., Rock Springs, $24,681.

Mau Livestock Co., Inc., Rock Springs, $24,405.

Isaac N. Brooks, Rock Springs, $22,409.

Rife Ranch, Rock Springs, $21,697.

Total payees in county (9), $275,133.

Uinta County

Victor Powers, Lyman, $20,945.

Washakie County

Coutis Land & Lvstk Co., Worland, $36,591.

Total payees in State (55), $1,721,630.

EXEMPTION FOR OLDER WORKERS FROM SOCIAL SECURITY TAX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. McKEVITT) is recognized for 5 minutes.

Mr. McKEVITT. Mr. Speaker, today I am introducing a bill which would amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption for older workers from the social security tax.

My proposed bill would make OASDHI employee taxes inapplicable to individuals who are 65 years of age or over. An equivalent exemption is provided for senior citizens who are self-employed.

Mr. Speaker, under this proposed bill our senior citizens who choose to work after retirement age would be given a measure of tax relief by not being required to pay social security taxes on their earnings.

There is little fairness or equity in the present situation. Under present law, a person can pay into social security all of his working life only to find that when he reaches the retirement age of 65, he will still be paying into the program if he continues to work.

The working senior citizen thus is forced to pay a double penalty. On the one hand his social security benefit can be reduced if he chooses to work, while on the other hand he is required to continue to pay for a program in which he is vested.

Mr. Speaker, this is hardly a fair situation and our senior citizens deserve a better break than they are getting. This bill would not end all of the inequities in the social security system but it will at least provide some tax relief for the working senior citizen. Coupled with some other proposed liberalizations in the retirement test under social security, I believe this proposed legislation will be a step toward equity and fairness.

The bill follows:

H.R. —

A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contributions Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1401 of the Internal Revenue Code of 1954 (relating to rate of tax on self-employment income) is amended—

(1) by inserting "(except as provided in subsection (c))" after "every individual" in subsections (a) and (b); and

(2) by adding at the end thereof the following new subsection:

"(c) SPECIAL RULE FOR INDIVIDUALS AGE 65 AND OVER.—

"(1) IN GENERAL.—With respect to an individual who has attained age 65 before the beginning of the taxable year involved—

"(A) the rate of the tax under subsection (a) shall (in lieu of the rate set forth in the applicable paragraph of such subsection) be—

"(i) 2.3 percent in the case of a taxable year beginning after December 31, 1970, and before January 1, 1973; and

"(ii) 2.0 percent in the case of a taxable year beginning after December 31, 1972; and

"(B) the rate of the tax under subsection (b) shall be zero.

"(2) TAX FOR YEAR IN WHICH AGE 65 IS ATTAINED.—With respect to an individual who attains age 65 during the taxable year involved, the tax under subsection (a) or (b) shall be the sum of—

"(A) the tax determined under such subsection on the portion of the self-employment income for such taxable year which is allocable under regulations prescribed by the Secretary or his delegate to months (in such year) before the month in which he attains such age, plus

"(B) the tax determined under paragraph (1)(A) or (1)(B) (as the case may be) of this subsection on the portion of the self-employment income for such taxable year which is allocable under such regulations to the month in which he attains such age and subsequent months (in such year)."

SEC. 2. Section 3101 of the Internal Revenue Code of 1954 (relating to rate of tax on employees under the Federal Insurance Contributions Act) is amended by adding at the end thereof the following new subsection:

"(c) SPECIAL RULE FOR INDIVIDUALS AGE 65 AND OVER.—An individual who pays any tax under subsection (a) or (b) on wages received in or after the month in which he attains age 65 shall be entitled to a credit or refund of such tax, as provided in section 6413(d)."

SEC. (a)(1) Section 6413 of the Internal Revenue Code of 1954 (special rules applicable to certain employment taxes) is amended by redesignating subsection (d) as subsection (e), and by inserting after subsection (c) the following new subsection:

"(d) SPECIAL REFUNDS BASED ON AGE.—If an employee receives wages from one or more employers in or after the month in which he attains age 65, such employee shall be entitled (subject to the provisions of section 31(b)) to a credit or refund of any amount of tax, with respect to such wages, imposed by section 3101 and deducted from his wages (whether or not paid to the Secretary or his delegate)."

(2) Section 6413(c) of such Code (relating to special refunds) is amended—

(A) by inserting "Based on Multiple Employment" after "Refunds" in the heading; and

(B) by inserting after "during such year" where it appears in clause (D) of paragraph (1) the following: "(reduced by any part thereof with respect to which subsection (d) of this section is applicable)".

(b) Section 31(b)(1) of such Code (relating credit for special refunds of social security tax) is amended by inserting "or 6413(d)" after "section 6413(c)".

SEC. 4. (a) Section 201(g)(2) of the Social Security Act is amended by inserting "or 6413(d)" after "section 6413(c)" in the first sentence.

(b) Section 1817(f)(1) of such Act is amended by inserting "or 6413(d)" after "section 6413(c)".

SEC. 5. The amendments made by the first section of this Act shall apply only with respect to taxable years beginning after December 31, 1970. The amendments made by sections 2 and 3 of this Act shall apply only with respect to wages received after December 31, 1970.

EDUCATION REVENUE SHARING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. QUIE), is recognized for 15 minutes.

Mr. QUIE. Mr. Speaker, I am today introducing a bill to carry out President Nixon's proposal for special revenue sharing for education. I think it is a very exciting proposal—a boldly innovative approach to the problem of making Federal programs genuinely effective at the State and local level.

Mr. Speaker, many of us in this House in both parties have been working for years to consolidate the unduly proliferated Federal grant programs in education. Two years ago, in the House version of H.R. 514, we moved a long way in that direction with respect to putting together five virtually identical State-grant programs in the Elementary and Secondary Education Act and the National Defense Education Act. Unfortunately, we retained very little of this progress following action by the other body.

The President moves even farther, in keeping with the needs of the time. His proposal—as embodied in the bill I am introducing—would consolidate 34 existing programs into a single act divided into five broad areas of national concern. It is not a perfect proposal in every single detail—I have yet to see a perfect bill—but it is a timely and much-needed proposal which deserves careful consideration by our Committee on Education and Labor, and by this Congress at the earliest possible date.

Mr. Speaker, I see no reason why President Nixon's plan to free our school systems of overlapping, unnecessary, and burdensome redtape and administrative detail should not have solid bipartisan support in this Congress. I believe that the Congress in working its will can improve upon this proposal, but I think it is imperative that we use it as the basis of a far-reaching reform of the whole structure of Federal aid to elementary and secondary education.

Certainly such reform is long overdue. Currently the U.S. Office of Education alone administers 107 grant programs under 78 different legislative authorities. This patchwork of Federal programs requires that State and local school officials devote a high percentage of their time to figuring out Federal guidelines and filling out Federal applications. Flexible responses to the individual needs of their students are stifled as they try to fit educational programs into Federally constructed compartments.

One area of national concern—supporting materials and services—shows how ridiculous Federal categorical aid has become. Twelve existing Federal programs are proposed to be merged into a single area of assistance. Each of the 12 carries with it its own planning, reporting, and applications requirements. Each program distributes money among the States on the basis of some count of student population. Each provides that funds be distributed within the State by the State educational agency, according to the State's unique needs. The program would be shaped by State needs rather than Federal dictates.

Freed from most of the existing paperwork, Federal and State officials would be able to spend a far greater proportion of their time on technical assistance to local school districts which sought such help. There is a great deal of expertise, both in our State educational agencies and in the U.S. Office of Education. All too often, this expertise is wasted as paper-processing becomes of primary importance in program administration. Elimination of the bulk of the paperwork would allow our schools to take advantage of the educational competence of all these people who are bogged down in unnecessary and unproductive administrative tasks.

Mr. Speaker, there is another and closely related reason why we should support President Nixon in this matter. The American people are making an enormous effort to support their schools. The Federal budget for the Office of Education programs—which are only a fraction of the total Federal programs in education—is $6.1 billion for fiscal 1972—the highest level in history and the largest increase in any year in that budget. Overall, public elementary and secondary school expenditures this year will exceed $40 billion. Local governments, with few exceptions, are reaching or have reached the limit of their ability to raise taxes for the schools. While taxpayers do not find it one bit easier to write a check for Federal taxes than they do for State taxes, my point is that we desperately need to start making a more effective use of every tax dollar spent on education. People do not want to pay for unnecessary administrative redtape and they ought not to be asked to do so. Every dollar freed through reform such as the President proposes can be spent for the real purpose of education—the preparation of children to take a productive place in our society.

I am one of those who despite our enormous outlays for education believe that we should spend more in this field in the future—but I do not want to see a penny of it wasted if we can find ways to avoid waste. The avoidance of waste of precious financial resources is a major benefit which would flow from the President's proposal.

I am appending to this statement some tables of current and proposed appropriations, a section-by-section analysis of the bill, together with a fact sheet giving a capsule overview of the proposal.

The tables reflect all funds under the affected programs which flow to States on the basis of an automatic formula. The Commissioner's 15 percent set-aside in title III ESEA is not included. Neither are the Commissioner's discretionary portions of parts C and D of the Vocational Education Act. It is intended that activities currently conducted under these authorities be funded in the future under the broad authority of the Cooperative Research Act.

Mr. Speaker, I urge all those in the Congress who share my deep interest in education to give this proposal the serious attention and careful consideration it merits.

The material follows:

CONSOLIDATION 1971 DATA

				SAFA—		ESEA—											
	School lunch	Non-food	St. Adm.	A	B	IA	IB	IC	II	III	NDEA III	FSEA V	ESEA VI	Voc. Ed.	Adult Ed.	EPDA	Total 1971 appropriation
Alabama	5,742	259	51	787	6,963	41,856	0	275	1,322	2,133	1,178	525	642	9,133	1,353	260	72,479
Alaska	198	25	13	15,654	3,042	2,078	19	26	113	470	89	244	200	855	142	114	23,282
Arizona	1,542	119	20	7,301	4,002	10,687	217	140	681	1,183	524	369	253	4,118	419	182	31,757
Arkansas	3,237	144	26	991	1,805	25,842	0	150	716	1,302	629	385	385	5,066	786	187	41,601
California	6,565	1,040	65	25,398	50,453	115,074	135	1,435	7,683	10,493	3,712	1,911	2,696	31,464	2,423	1,030	261,576
Colorado	1,894	140	20	3,016	9,446	10,420	110	164	870	1,367	551	411	321	4,581	300	205	33,816
Connecticut	1,543	324	19	1,681	2,541	13,019	0	216	1,150	1,769	491	451	416	4,759	560	239	29,178
Delaware	467	36	12	13	358	2,975	0	43	221	591	128	263	200	1,181	172	127	6,787
Florida	6,693	418	50	4,817	12,114	36,616	13	458	2,217	3,472	1,531	718	828	12,909	1,308	368	84,530
Georgia	7,766	359	47	1,281	11,160	41,467	0	362	1,738	2,711	1,417	625	767	11,778	1,714	1,310	83,511
Hawaii	1,077	59	13	5,442	4,502	3,475	0	63	308	721	220	281	200	1,986	273	137	18,757
Idaho	802	53	9	1,130	1,945	3,482	62	58	288	687	236	283	260	2,064	160	135	11,594
Illinois	5,015	626	43	4,639	9,473	58,722	0	818	4,276	6,099	2,085	1,058	1,674	17,020	1,849	618	114,015
Indiana	4,126	327	29	927	3,025	18,692	15	393	2,053	2,965	1,266	663	888	9,958	705	349	46,331
Iowa	3,237	199	26	88	1,835	16,311	435	214	1,153	1,704	685	460	487	5,758	339	240	33,171
Kansas	2,033	168	20	3,759	5,401	10,989	13	175	876	1,467	585	410	381	4,973	308	206	31,764
Kentucky	4,982	233	46	54	3,521	37,843	0	245	1,207	1,933	979	476	573	8,308	1,149	246	61,795
Louisiana	7,093	314	48	617	2,557	37,145	256	308	1,531	2,295	1,285	537	642	9,526	1,599	285	66,038
Maine	991	118	14	1,925	1,507	6,156	85	73	402	806	279	303	200	2,532	219	149	15,759
Maryland	2,304	164	26	2,884	21,715	20,979	78	289	1,516	2,221	867	535	555	7,123	764	284	62,304
Massachusetts	4,135	766	29	4,779	8,849	26,474	0	390	2,076	3,059	1,036	628	844	9,246	938	351	63,600
Michigan	4,341	897	29	3,241	2,247	47,523	946	697	3,765	5,040	2,202	1,002	1,427	16,002	1,248	556	91,163
Minnesota	4,067	263	35	959	2,488	22,612	946	296	1,606	2,235	1,024	548	621	7,678	435	295	46,108
Mississippi	4,784	240	47	973	1,640	43,627	142	195	925	1,550	833	432	449	6,382	1,054	212	63,485
Missouri	4,335	242	30	2,093	6,251	28,038	0	342	1,873	2,643	1,096	608	722	9,399	926	327	58,925
Montana	537	87	9	3,489	1,517	4,094	150	56	293	680	221	281	200	1,919	173	135	13,841
Nebraska	1,385	125	12	2,840	2,580	8,152	122	111	589	1,047	368	339	245	3,206	239	171	21,531
Nevada	156	53	3	1,319	2,057	1,211	0	36	189	544	101	261	200	1,017	127	123	7,397
New Hampshire	572	83	12	834	1,802	1,973	0	53	275	665	179	271	200	1,695	169	133	8,416
New Jersey	2,400	879	24	4,015	8,614	44,731	0	510	2,648	3,914	1,250	743	975	11,453	1,329	421	83,906
New Mexico	1,331	69	18	7,405	5,141	10,906	381	92	454	863	384	318	200	2,833	344	155	30,894
New York	11,308	1,151	71	4,972	11,595	202,991	946	1,261	6,523	9,631	2,813	1,478	2,622	27,356	3,748	890	289,356
North Carolina	8,248	372	74	1,432	4,986	60,189	0	393	1,870	2,988	1,591	659	905	13,429	1,899	326	99,361
North Dakota	866	47	9	3,358	498	5,120	116	51	257	642	210	272	200	1,881	188	131	13,846
Ohio	6,998	740	33	1,408	8,970	43,812	0	820	4,206	6,018	2,662	1,098	1,709	20,444	1,527	609	101,054
Oklahoma	2,397	131	30	3,627	8,536	19,680	0	184	955	1,556	663	440	413	6,154	592	216	45,574
Oregon	1,548	108	13	1,103	2,423	10,583	265	149	803	1,305	478	398	314	4,381	263	197	24,331
Pennsylvania	6,821	1,143	50	654	7,508	66,552	0	831	4,403	6,379	2,550	1,071	1,880	22,435	2,229	633	125,139
Rhode Island	325	83	11	1,803	2,060	5,027	0	63	338	752	184	281	200	2,000	265	141	13,533
South Carolina	5,204	239	34	1,880	4,903	36,145	0	218	1,021	1,698	921	457	505	7,496	1,191	224	62,136
South Dakota	703	68	18	3,040	1,349	6,634	108	54	283	662	219	279	200	1,911	174	134	15,836
Tennessee	5,329	247	38	685	5,967	38,084	0	294	1,409	2,307	1,171	544	666	9,833	1,404	271	68,249
Texas	8,918	474	71	7,879	23,292	83,469	0	895	4,384	6,307	3,306	1,217	1,798	25,639	3,205	631	171,485
Utah	1,588	82	18	1,174	5,997	4,073	164	92	472	876	377	329	200	2,807	160	157	18,566
Vermont	316	29	17	5	126	2,254	58	33	178	533	127	254	200	1,255	141	122	5,648
Virginia	5,162	244	33	4,784	28,977	35,819	0	350	1,713	2,683	1,258	607	743	11,046	1,436	307	95,162
Washington	2,240	154	14	5,119	8,594	15,324	139	250	1,320	1,972	751	514	508	6,524	366	260	44,049
West Virginia	2,123	129	29	21	502	21,312	61	130	651	1,212	541	369	353	4,879	614	179	33,105
Wisconsin	3,314	361	18	545	1,700	18,099	310	331	1,849	2,511	1,103	570	703	8,520	671	324	40,929
Wyoming	287	28	11	1,353	799	1,723	86	26	138	484	104	249	200	1,033	132	117	6,770
District of Columbia	271	75	19	228	5,033	7,507	0	57	262	704	130	272	200	1,404	250	132	16,544
Other areas	5,083	266	44	1,432	1,506	40,594	0	275	1,951	3,715	910	565	990	8,898	898	450	67,577
Total	174,399	15,000	1,500	160,853	353,373	1,478,169	6,377	15,440	80,000	123,564	49,500	28,262	34,000	415,247	44,877	15,001	2,977,561

PROPOSED ERS DISTRIBUTION

	SAFA A	Disadvantaged	Handicapped	Vocational education	SAFA B	Services	1971	H.H
Alabama	1,155	47,103	3,025	6,031	6,110	9,056	72,479	72,479
Alaska	7,759	4,844	870	1,733	5,474	2,602	23,282	23,282
Arizona	9,264	10,785	1,470	2,933	2,902	4,403	31,757	31,757
Arkansas	1,418	28,806	1,637	3,265	1,572	4,902	41,601	41,601
California	30,803	112,781	14,375	28,665	33,472	43,040	261,576	263,136
Colorado	2,932	12,610	1,941	3,869	6,654	5,810	33,816	33, 16
Connecticut	1,288	12,215	2,386	4,756	1,393	7,141	29,178	29,178
Delaware	17	3,201	542	1,080	326	1,622	6,787	6,787
District of Columbia	267	7,737	729	1,454	4,173	2,183	16,544	16,544
Florida	7,122	36,176	5,084	10,138	10,788	15,222	84,530	84,530
Georgia	1,881	47,440	4,050	8,077	9,936	12,127	83,511	83,511
Hawaii	7,656	3,445	659	1,313	3,712	1,971	18,757	18,757
Idaho	1,299	3,973	740	1,477	1,888	2,217	11,594	11,594
Illinois	3,982	56,007	8,192	16,335	5,017	24,527	114,015	114,060
Indiana	1,017	19,316	3,967	7,910	2,243	18,878	46,331	46,331
Iowa	96	17,892	2,340	4,665	1,174	7,004	33,171	33,171
Kansas	4,427	12,277	1,914	3,816	3,600	5,730	31,764	31,764
Kentucky	88	42,497	2,690	5,364	3,101	8,055	16,795	61,795
Louisiana	919	42,287	3,431	6,840	2,290	10,271	66,038	66,038
Maine	1,946	7,458	870	1,733	1,149	2,603	15,759	15,759
Maryland	4,047	22,566	3,350	6,680	15,631	10,029	62,304	62,304
Massachusetts	3,265	28,848	4,445	8,862	4,873	13,307	63,600	63,600
Michigan	3,878	43,418	7,089	14,135	1,418	21,224	91,163	91,163
Minnesota	1,221	22,670	3,356	6,693	2,118	10,050	46,108	46,108
Mississippi	1,447	48,015	2,102	4,190	1,438	6,292	63,485	63,485
Missouri	2,592	30,255	3,603	7,185	4,502	10,788	58,925	58,925
Montana	3,367	4,800	724	1,444	1,339	2,167	13,841	13,841
Nebraska	2,464	9,728	1,296	2,587	1,573	3,883	21,531	21,531
Nevada	1,893	1,280	391	779	1,885	1,170	7,397	7,397
New Hampshire	757	2,584	695	1,388	908	2,083	8,416	8,416
New Jersey	3,195	40,938	5,867	11,700	4,636	17,569	83,906	83,906
New Mexico	10,534	10,188	964	1,921	4,402	2,885	30,894	30,894
New York	3,910	172,814	17,685	35,263	6,737	52,947	289,356	289,356
North Carolina	2,147	67,121	4,287	8,549	4,420	12,836	99,361	99,361
North Dakota	3,352	6,389	619	1,235	396	1,854	13,846	13,846
Ohio	1,917	44,891	8,215	16,381	5,819	24,596	101,054	101,819
Oklahoma	5,012	21,880	1,999	3,984	6,715	5,983	45,574	45,574

	SAFA A	Disadvantaged	Handicapped	Vocational education	SAFA B	Services	1971	H.H
Oregon	920	11,403	1,774	3,539	1,379	5,315	24,331	24,331
Pennsylvania	793	67,714	8,654	17,255	4,812	25,910	125,139	125,139
Rhode Island	1,686	5,670	802	1,598	1,378	2,400	13,533	13,533
South Carolina	2,816	40,593	2,391	4,767	4,412	7,157	62,136	62,136
South Dakota	3,215	8,059	642	1,281	716	1,923	15,836	15,836
Tennessee	1,024	42,665	3,219	6,418	5,287	9,636	68,249	68,249
Texas	9,543	87,649	9,202	18,349	19,190	27,552	171,485	171,485
Utah	1,712	4,792	1,066	2,125	5,679	3,191	18,566	18,566
Vermont	7	2,961	430	858	104	1,288	5,648	5,648
Virginia	5,932	43,189	4,128	8,230	21,323	12,359	95,162	95,162
Washington	6,629	15,505	2,549	5,084	6,648	7,634	44,049	44,049
West Virginia	31	24,033	1,434	2,860	451	4,295	33,105	33,105
Wisconsin	566	17,954	3,566	7,110	1,059	10,675	40,929	40,929
Wyoming	1,055	2,279	427	850	882	1,277	6,770	6,770
Other areas	1,994	43,837	3,353	6,685	1,671	10,037	67,577	67,577
Total	178,257	1,525,538	171,236	341,439	250,775	512,677	2,977,561	2,979,931

SECTION-BY-SECTION ANALYSIS EDUCATION REVENUE SHARING ACT OF 1971

SECTION 2. FINDINGS AND PURPOSE

Subsection (a) of section 2 states that the Congress has found current Federal education assistance programs too narrow in scope to meet the Federal government's responsibility to help States meet the costs of education in areas of special national concern.

Subsection (b) of section 2 sets forth the purpose of the bill, which is to replace certain existing Federal education assistance programs with a system of revenue sharing, thereby encouraging innovation in education, providing help to educationally disadvantaged and handicapped children, strengthening vocational and career education, and assuring that children of parents living or working on Federal property receive educational opportunities equal to those given other children.

SECTION 3. AUTHORIZATION OF APPROPRIATIONS AND PLANNING PAYMENTS

Subsection (a) of section 3 authorizes necessary appropriations to fund the revenue sharing program, effective for the fiscal year ending June 30, 1973.

Subsection (b) of section 3 authorizes appropriations to enable the Secretary of HEW to make payments to States during the period January 1, 1972, to June 30, 1972, which will assist the States in planning for transition from the existing system of categorical educational grants to the revenue sharing system provided for in the Act.

SECTION 4. ALLOTMENT AND USE OF SHARED REVENUES

Section 4 prescribes the amounts of revenue to be shared with each State and how such revenue is to be used.

Subsection (a) of section 4 directs the Secretary of HEW to allot to each State, from funds appropriated under section 3(a), 60% of the average per pupil educational expenditure in the U.S. multiplied by the average daily attendance of children in public elementary or secondary schools of such State who resided on Federal property. Such amount may be used for any educational purpose.

Subsection (b) of section 4 sets forth a formula for computing a State's pro rata share of the remaining sums appropriated under section 3(a). A State's formula is derived by adding together the products of three separate multiplications:

(1) 1.0 times the number of school-age children from low-income families in the State;

(2) .6 times the number of children in average daily attendance in the State's public schools who do not live on Federal property but who have a parent who works on Federal property or is on active duty in the uniformed services;

(3) .1 times the number of school-age children in the State.

Subsection (c) of section 4 prescribes how the States may spend shares computed in accordance with subsection (b). That portion derived from the (b)(1) calculation may be used only for meeting the special educational needs of disadvantaged children who reside in areas with high concentrations of low-income families, or who are migratory children of migratory farm workers, or who are neglected or delinquent children being educated directly by the State. That portion derived from the (b)(2) calculation may be used for any educational purpose. That portion derived from the (b)(3) calculation may be used for three purposes: one-sixth for handicapped children, one-third for vocational activities, one-half for materials and services. Section 6, however, permits 30% (or more, under some circumstances) of (b)(3) money to be used for any purpose described in subsection (c) of section 4.

Subsection (d) of section 4 authorizes use of shared revenue for construction of education-oriented facilities.

Subsection (e) of section 4 permits the Secretary to reallot to other States, on a pro rata basis, funds declined by a State or funds not shared with a State by reason of the State's ineligibility to receive them. Such reallotment is at the discretion of the Secretary. Any amount so realloted shall be deemed part of a State's allotment derived from the same provision of subsection (b) which gave rise to the funds in question.

Subsection (f) of section 4 authorizes the Secretary to time the disbursement of allotted funds to the States as he sees fit, bearing in mind the desirability of minimizing delays in the use of disbursed money.

Subsection (g) of section 4 states that the Secretary shall determine average daily attendance, average per pupil expenditure, and numbers of children, using the latest data. Such determinations are final.

SECTION 5. DISTRIBUTION OF SHARED REVENUES WITHIN EACH STATE

Subsection (a) of section 5 directs that funds received by the States under section 4(a) be "passed through" to local educational authorities in accordance with the number of children in average daily attendance who resided on Federal property in the school district of such authority.

Subsection (b) of section 5 directs that funds received by the States under section 4(b)(1) be "passed through" to local educational authorities in accordance with the number of children in the district of such authority who are in low-income families. The State may, however, retain any part of such funds which are needed by the State to discharge its duty of directly educating neglected or delinquent children. Moreover, no funds are to be "passed through" to local authorities unless the amount involved is at least $10,000, and all schools in the district provide comparable educational services. If a given district is ineligible to receive funds under this subsection, the State may reallot such funds to other districts. If no district in a State is eligible to receive funds under this subsection, such funds may be reallotted, on a pro rata basis, to other States.

Subsection (c) of section 5 provides that the remainder of a State's allotment may, in accordance with sections 4 and 6 and the plan developed pursuant to section 8(b), be used by the State agency designated under section 8(a), or given to local educational authorities in accordance with their needs. However, not more than 30% of funds derived from application of the calculation in section 4(b)(2), relating to children with a parent employed on Federal property or in the uniformed services, may be paid to a district not having any such children in average daily attendance. Moreover, when determining needs of local agencies to which funds are given under this subsection, funds paid to such agencies under subsection (b) of section 5, relating to the educationally disadvantaged, are not to be taken into account.

SECTION 6. TRANSFERS AMONG PURPOSES

Section 6 allows States to use 30% of funds derived from the calculation of 4(b)(3) to be used for any of the purposes described in section 4(c). The 30% limitation may be exceeded upon a demonstration satisfactory to the Secretary that such action will more effectively achieve the purposes of the Act.

SECTION 7. PARTICIPATION OF NONPUBLIC SCHOOL CHILDREN

Subsection (a) of section 7 directs the State agency designated pursuant to section 8(a) to give children enrolled in nonprofit private schools an opportunity to participate in activities for which funds are made available under paragraph (1), or clause (A), (B), or (C) of paragraph (3), of section 4(c), and to provide that title to and control of funds received under the Act will remain in one or more public agencies.

Subsection (b) of section 7 provides that, if the Secretary determines that a State is unable to comply with subsection (a) of section 7 by reason of State law, he must himself arrange, by contract or otherwise, for private school children to participate as contemplated in subsection (a), and pay for such participation out of funds allotted to the State for such purposes.

SECTION 8. STATE ADMINISTRATION

Section 8 provides for the designation of a State agency which will be the single agency administering the revenue sharing program established by the Act (unless the single agency requirement is waived pursuant to 42 U.S.C. 4214). The designated agency is required to develop annually in consultation with the advisory council appointed under section 9 a plan for the distribution of funds received by it under the Act. Interested persons are to be given time to comment on the plan before its adoption.

SECTION 9. STATE ADVISORY COUNCIL

Section 9 directs the chief executive officer of each State participating in the program under the Act to appoint an advisory council which shall be broadly representative of the State and the public. The section indicates certain areas of experience and competence which shall be represented on the council. The council is to assist the State agency designated pursuant to section 8(a) in the preparation of the plan, to advise it on general policy matters, to evaluate activities assisted under the Act, to advise State or local officials on various matters pertaining to the program, and to prepare and submit to the Secretary, at least annually, a report of its activities, recommendations, and evaluations.

SECTION 10. TREATMENT OF FEDERALLY CONNECTED CHILDREN

Section 10 provides that the State agency designated pursuant to section 8(a) will require that children attending school within the State who reside with a parent on Federal property, who reside with a parent employed on Federal property or who have a parent who is a member of the uniformed services, will receive public elementary or secondary education on a basis comparable to that provided to other children in the State.

SECTION 11. SPECIAL PAYMENTS BY THE SECRETARY

Section 11 allows the Secretary to reserve up to 10% of the funds appropriated under section 3(a) to make payments to States to assist them in carrying out activities described in section 4 which are designed to further national policy objectives in the field of education.

SECTION 12. RECOVERY OF FUNDS

Subsection (a) of section 12 authorizes the Secretary, if he determines that a State has failed to comply with the provisions of the Act, to refer the matter to the Attorney General for appropriate civil action, or, after notice and opportunity for hearing, to notify the State that if corrective action is not taken within sixty days, revenues shared with it will be reduced in the same or succeeding fiscal year by an amount equal to the amount of funds which were not expended in accordance with the Act, or to take such other action as may be provided by law.

Subsection (b) of section 12 authorizes the Attorney General to bring civil action in any appropriate district court for any appropriate (including injunctive) relief.

Subsection (c) of section 12 prescribes the court procedure to be followed in the event that a State receives notice under section 12 (a)(2) of reduction in revenues. The State may file a petition for review of the Secretary's action in a court of appeals for the circuit in which it is located, or in the United States Court of Appeals for the District of Columbia. The Secretary must then file in that court a record of the proceeding on which his action was based. The court may affirm, modify, or set aside in whole or in part the action of the Secretary. Upon filing the record with the court, the jurisdiction of the court shall be exclusive and its judgment final save for review by writ of certiorari from the Supreme Court.

SECTION 13. CIVIL RIGHTS

Section 13 states that revenues shared under the Act shall be considered Federal assistance within the meaning of title VI of the Civil Rights Act of 1964.

SECTION 14. ADVANCE FUNDING

Section 14 provides that appropriations for carrying out the Act may be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

SECTION 15. LABOR STANDARDS

Section 15 provides that laborers and mechanics employed in any construction assisted under the Act shall be paid wages at rates not less than those prevailing on similar construction in the locality.

SECTION 16. ANNUAL REPORT

Section 16 provides that the Secretary shall make an annual report to the President and the Congress on the effectiveness of assistance under the Act in meeting the educational needs of children and adults.

SECTION 17. AVAILABILITY OF SHARED REVENUES FOR PAYING NON-FEDERAL SHARE UNDER OTHER PROGRAMS

Section 17 provides that payments made pursuant to the Act shall be available, consistent with the provisions of the Act, for paying the non-federal share of expenditures under other Federal programs.

SECTION 18. RECORDS, AUDITS, AND REPORTS

Section 18 provides that revenues shared with States under the Act shall be properly accounted for as Federal funds in the accounts of such States. Each State is directed to use such fiscal and accounting procedures as may be necessary to assure proper accounting for payments received by it and proper disbursement of such amounts, to provide to the Secretary, on reasonable notice, access to, and the right to examine any books, documents, papers, or records as he may reasonably require, and to make such reports to the Secretary as he may reasonably require.

SECTION 19. INTERSTATE AGREEMENTS

Section 19 provides that the consent of Congress is given to agreements between States when necessary to realize the full benefit of provisions of the Act.

SECTION 20. DEFINITIONS

Section 20 of the Act sets forth the following definitions:

(1) The term "adult education" means services or instruction below the college level for individuals (A) who have attained the age of 16, (B) who do not have a certificate of graduation from a school providing secondary education and who have not achieved an equivalent level of education, and (C) who are not currently required to be enrolled in schools.

(2) The term "average per pupil expenditure in the United States" means the aggregate current expenditures of all local educational agencies in the United States for any fiscal year, plus any direct current expenditure by the States in which such agencies are located for the operation of such agencies during such year (without regard to the sources of funds from which either of such expenditures is made), divided by the aggregate number of children in average daily attendance to whom such agencies provided public education during such year.

(3) The term "construction" means the erection, acquisition, alteration, remodeling, or improvement of facilities, including the acquisition of land necessary therefor, and the cost of construction includes the cost of architect's fees.

(4) The term "current expenditures" means expenditures for public education, but not including expenditures for community services, capital outlay, and debt services, or any expenditures made from funds allotted under this Act.

(5) The term "elementary school" means a day or residential school which provides elementary education, as determined under State law.

(6) The term "Federal property" means real property which is owned by the United States or is leased by the United States, and which is not subject to taxation by any State or any political subdivision of a State. Such term includes (A) real property held in trust by the United States, (B) for one year beyond the end of the fiscal year in which occurred the sale or transfer thereof by the United States, any property considered prior to such sale or transfer to be Federal property for the purposes of this Act, and (C) any school which is providing flight training to members of the Air Force under contractual arrangements with the Department of the Air Force at an airport which is owned by a State or political subdivision of a State. Such term also includes any interest in Federal property (as defined in the foregoing provisions of this paragraph) under an easement, lease, license, permit, or other arrangement, as well as any improvement of any nature (other than pipelines or utility lines) on such property even though such interests or improvements are subject to taxation by a State or political subdivision of a State. Notwithstanding the foregoing provisions of this paragraph, such term does not include (D) any real property used for the labor supply center, labor home, or labor camp for migratory farmworkers, (E) any real property under the jurisdiction of the Post Office Department and used primarily for the provision of postal services, or (F) any low-rent housing project held under title II of the National Industrial Recovery Act, the Emergency Relief Appropriation Act of 1935, the United States Housing Act of 1937, the Act of June 28, 1940 (Public Law 871 of the Seventy-sixth Congress), or any law amendatory of or supplementary to any of such Acts.

(7) The term "handicapped children" means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special educational services.

(8) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(9) The term "low-income families" shall be defined by the Secretary in accordance with such criteria as he may prescribe, which criteria shall take into account migratory children of migratory agricultural workers, neglected or delinquent children, and such matters as family size and urban-rural differences.

(10) The term "nonprofit", as applied to a school, means a school owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(11) The term "revenues shared" means payments under this Act.

(12) The term "secondary school" means a day or residential school which provides secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

(13) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(14) The term "State" includes, in addition to the several States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

(15) The term "supporting materials and services" means such materials and services as the purchase of school textbooks, library resources, and educational equipment; the provision of supplementary educational centers and services, of school pupil personnel services, of adult education, and of school meals; the training or retraining of teachers, teacher aides, and other school personnel; the strengthening of State or local educational agency capabilities and of educational planning at the State or local level; the support of the advisory council appointed under section 9; and the administration at the State level of the program carried out under this Act.

(16) The term "vocational education" includes vocational or technical training or re-

training (including field or laboratory work and remedial or related academic and technical instruction incident thereto and work-study programs for students who need the earnings from work in order to commence or continue their education) conducted as part of a program designed to prepare individuals for gainful employment as semi-skilled or skilled workers or technicians or subprofessionals in recognized occupations and in new and emerging occupations or to prepare individuals for enrollment in advanced technical education programs, but excluding any program to prepare individuals for employment in occupations generally considered professional or which require a baccalaureate or higher degree; and such term also includes vocational guidance and counseling in connection with such training for the purpose of facilitating occupational choices; instruction related to the occupation or occupations for which the students are in training or instruction necessary for students to benefit from such training; job placement; and the training of persons engaged as, or preparing to become, teachers in a vocational education program or teachers, supervisors, or directors of such teachers.

SECTION 21. REPEAL OF PROGRAMS REPLACED BY THIS ACT

Subsection (a) of section 21 repeals the following statutes and parts of statutes effective with respect to appropriations for fiscal years beginning after June 30, 1972:

(1) title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 241a–241l);

(2) title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 821–827);

(3) title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 841–848);

(4) title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 861–870);

(5) part B of the Education of the Handicapped Act (20 U.S.C. 871–877);

(6) the Smith-Hughes Act (20 U.S.C. 11–15, 16–28);

(7) sections 3 and 4 of Public Law 81–874 (20 U.S.C. 238–239);

(8) title III of the National Defense Education Act of 1958 (20 U.S.C. 441–455);

(9) subpart 2 or part B of title V of the Higher Education Act of 1965 (20 U.S.C. 1108–1110c); and

(10) the Vocational Education Act of 1963 (20 U.S.C. 1241–1391).

Subsection (b) of section 21 amends the Adult Education Act effective with respect to appropriations for fiscal years beginning after June 30, 1972 by:

(1) striking out "reserved in section 304(a) for the purposes of this section" in section 309(a) and inserting in lieu thereof "appropriated pursuant to section 312(a)"; and

(2) striking out sections 304, 305, 306, 307, 308, and 310, and subsection (b) of section 312.

Subsection (c) of section 21 amends P.L. 81–815 (20 U.S.C. 631–647) by inserting "(a)" immediately after "Section 1." and by adding at the end of such section the following:

"(b) Notwithstanding any other provisions of this Act, appropriations under this Act for fiscal years beginning after June 30, 1972, shall be available only for carrying out the provisions of sections 9, 10, 14, and 16."

Subsection (d) of section 21 amends the Child Nutrition Act of 1966 (42 U.S.C. 1771–1785) effective with respect to appropriations for fiscal years beginning after June 30, 1972; by:

(1) striking out sections 5 and 7;

(2) striking out "through 7" in section 6 and inserting "and 4" in lieu thereof;

(3) striking out "through 5" in section 11 and inserting "and 4" in lieu thereof; and

(4) striking out "section 4" in section 4(b) and inserting "section 11" in lieu thereof.

Subsection (e) of section 21 amends the National School Lunch Act (42 U.S.C. 1751–1761) effective with respect to appropriations for fiscal years beginning after June 30, 1972 by:

(1) striking out sections 4, 5, 7, 8, and 10;

(2)(A) striking out "the amount apportioned by him pursuant to sections 4 and 5 of this Act and" in paragraph (2) of section 6 and (B) by striking out in such paragraph "sections 4, 5, and 7" and inserting in lieu thereof "section 4";

(3) striking out "section 10" in the last sentence of section 9 and inserting "section 11" in lieu thereof;

(4) striking out subsection (d) of section 11 and inserting in lieu thereof the following: "(d) The Secretary shall certify to the Secretary of the Treasury from time to time the amounts to be paid to any State under this section and the time or times such amounts are to be paid; and the Secretary of the Treasury shall pay to the State at the time or times fixed by the Secretary the amounts so certified."

(5) striking out in paragraph (g) of section 11 ", including those applicable to funds apportioned or paid pursuant to section 4 or 5 but excluding the provisions of section 7 relating to matching,";

(6) striking out in section 11(h)(1) "to extend the school lunch program under this Act to every school within the State, and (C)"; and

(7) striking out paragraphs (4), (5), and (6) of section 12(d) and renumbering paragraph (7) as paragraph (4).

FACT SHEET—EDUCATION REVENUE SHARING

FUNDING LEVEL

First full year of operation: $3 billion.
From existing programs: $2.8 billion.
Additional funds: $200 million.

AREAS OF ASSISTANCE

Education of the Disadvantaged: (51% of funds in the first year, based on available data) Programs and projects designed to meet the special educational needs of educationally deprived children in school attendance areas having high concentrations of children from low-income families.

Education of the Handicapped: (6% of funds) Initiation, expansion, and improvement of programs at the preschool, elementary, and secondary level designed to meet the special educational needs of handicapped children.

Assistance to Schools in Areas Affected by Federal Activities: (14% of funds) Provision of financial assistance for those local educational agencies upon which the United States has placed financial burdens by reason of the fact that such agencies provide education for children residing on Federal property, or whose parents are employed on Federal property.

Vocational Education: (12% of funds) Assistance to States for elementary, secondary, and postsecondary vocational education activities.

Supporting Materials and Services: (17% of funds) Materials and services including the purchase of school textbooks and educational equipment; supplementary educational centers and services, training, strengthening of educational agencies; the support of the State advisory council; and the State administration of the program.

ALLOTMENT AND USE OF SHARED REVENUES

Each State would be eligible to receive a grant equal to:

1. 60% of the average per pupil expenditure in the United States multiplied by the number of pupils in average daily attendance residing with a parent on Federal property in such State; and

2. Its relative share of the total amount appropriated (after deduction of the "a" category SAFA entitlements as noted above), based on the following factors weighted appropriately:

(a) the number of children aged 5 to 17, inclusive, in such State who are in low-income families;

(b) the number of children in average daily attendance in the public elementary or secondary schools of such State during such fiscal year who (i) reside on other than Federal property with a parent employed on Federal property, or (ii) have a parent on active duty in the uniformed services; and

(c) the total number of children aged 5 to 17, inclusive, in the State.

DISTRIBUTION OF SHARED REVENUES WITHIN EACH STATE

Each State would pass through to local educational agencies the funds attributable to the presence of pupils residing with a parent on Federal property. Each State would also pass through the funds attributable to the presence of children from low-income families but only if:

(a) such amount is at least $10,000, and

(b) the services provided in each of the schools of such agency with funds other than funds received under this Act have been determined to be comparable, by the State administering agency, with the services so provided in all of the other schools of such local educational agency.

The remainder of the State's funds (approximately 43%) would—

(1) be retained at the State level for operation of State-wide programs, and

(2) be distributed among local educational agencies according to relative needs for the types of assistance available.

TRANSFERS AMONG AREAS OF ASSISTANCE

The State would be permitted to transfer up to 30% of the funds attributable to any one area of use to any other such area, except that no transfers of funds from the area of the disadvantaged would be allowed.

Additional transfers above the statutory limit would be permitted if the State demonstrates to the satisfaction of the Secretary that such action will achieve more effectively the purposes of the Act.

OPERATION OF THE PROGRAM

The chief executive officer of each State which desires to participate under the Act shall designate a State agency to administer the program.

The designated agency shall, for each fiscal year. develop and publish a plan for the distribution and expenditure of funds under the Act. Such plan shall be developed in consultation with the State advisory council, shall not be finally adopted until a reasonable opportunity has been given to interested persons for comment thereon, and shall be made available to the Secretary.

The chief executive officer of each State would also appoint a State advisory council broadly representative of the education community in the State and of the public, including representatives of public and nonprofit private schools, representatives of the populations in the State affected by activities under the Act; persons with special competence in the planning, evaluation, and assessment of education programs; and persons with special competence in the education of the disadvantaged, the handicapped, and vocational education.

PARTICIPATION OF NONPUBLIC SCHOOL CHILDREN

Except where prohibited by State law, equitable participation of children enrolled in nonpublic elementary and secondary schools would be provided in the disadvantaged, handicapped vocational, and support services areas. Where State law prevents such participation, the Secretary may permit the State to participate, but he shall arrange for such children to receive similar services on an equitable basis and shall pay the cost thereof out of the State's allotment.

CIVIL RIGHTS

Revenue shared under this Act shall be considered as Federal financial assistance within the meaning of Title VI of the Civil Rights Act of 1964.

TRANSITION FROM EXISTING PROGRAM

The Act authorizes the appropriation of such sums as may be necessary to enable the Secretary to make, for the period January 1–June 30, 1972, payments to States to assist them in planning for the transition from the system of categorical grants authorized by statutes repealed by this Act to the system of revenue sharing for education authorized by this Act.

EXISTING PROGRAMS REPEALED

ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

Title I—Education of the Disadvantaged

Title II—School Library Resources, Textbooks, and other Instructional Materials

Title III—Supplementary Educational Centers and Services; Guidance, Counseling, and Testing

Title V—Strengthening State and Local Educational Agencies

EDUCATION OF THE HANDICAPPED ACT

Part B—Assistance to States for Education of Handicapped Children

The Smith Hughes Act (Vocational Education Act of 1917)

PUBLIC LAW 81-874

Section 3(a)—Children of persons who reside and work on Federal property

Section 3(b)—Children of persons who reside or work on Federal property

NATIONAL DEFENSE EDUCATION ACT OF 1958

Title III—Financial Assistance for Strengthening Instruction in Science, Mathematics, Modern Foreign Languages, and other Critical Subjects

EDUCATION PROFESSIONS DEVELOPMENT ACT

Part B-2—Attracting and Qualifying Teachers to Meet Critical Teacher Shortages

VOCATIONAL EDUCATION ACT OF 1963

Part A—General provision

Part B—State vocational education programs

Part C—Research and training in vocational education

Part D—Exemplary programs and projects

Part E—Residential vocational education

Part F—Consumer and homemaking education

Part G—Cooperative vocational education programs

Part H—Work-study programs for vocational education students

Part I—Curriculum development in vocational and technical education

Adult Education Act (except for Sec. 309: Special Experimental Demonstration Projects and Teacher Training)

Public Law 81–815 (except for sections 9, 10, 14, and 16)

CHILD NUTRITION ACT OF 1966

Section 5—Nonfood Assistance Program

Section 7—State Administrative Expenses

NATIONAL SCHOOL LUNCH ACT

Section 4—Apportionments to States

HUMAN DEVELOPMENT MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 10 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, today I join with my colleagues Congressman FRED SCHWENGEL and Congressman DONALD FRASER in endorsing and cosponsoring legislation to designate May as "Human Development Month" and the weekend of May 8 and 9 as "International Walk for Development Weekend."

I rise again to commend the efforts of constituents within the 11th Massachusetts Congressional District who will participate in the May 8–9, International Walk for Development Weekend. The sponsor of this annual event, the American Freedom From Hunger Foundation, has stated that its major goal is:

> To create an awareness and find meaningful ways to involve the American people in the private sector in the cause of human hunger at home and abroad.

This goal was translated into action last year by many persons in the Massachusetts South Shore area as hundreds involved themselves in the Quincy Walk for Development campaign. "Foot Power" buttons were evident on the enthusiastic workers in the hike against hunger, and their efforts drew thousands of dollars in contributions to the program to bring nutrition programs to foreign and domestic areas.

I salute the efforts of the Foot Power youth who dare to challenge complacency and unawareness of the hunger and malnutrition in the world by asking, "What will you do to eliminate hunger?"

The following news item from the Quincy Patriot Ledger details the effective implementation of the funds raised in the 1969 Quincy Walk in an agricultural training center in Liberia. Funds from the 1969 walk were also allotted to a domestic nutrition program for low-income families in Quincy.

QUINCY'S "WALK FOR DEVELOPMENT" NOW YIELDING RESULTS IN LIBERIA

Partial proceeds from the "Walk for Development" held in Quincy on June 8, 1969, are now reaping concrete results in an agricultural improvement project in Liberia.

FARM EXPERTS

At the Agricultural Extension Training Centre attached to the University of Liberia's College of Agriculture and Forestry, 17 miles outside the capital at Monrovia, the first 16 trainees recently completed a six-month course designed to turn out farm experts at a sub-college level. All 16 will be placed at Foya, in northwest Liberia, to act as adviser to farmers in a 1,750 acre pilot rice project, the largest of its kind in the country.

Making the University program possible was an $83,000 contribution from the American Freedom From Hunger Foundation, about $11,000 of which came from the efforts of the 2,000 young people who joined in the Quincy walk earlier this year.

"Sixteen trainees may not seem a lot to you but at the moment the Liberian government has only 69 experts serving the entire country, one of every 14,500 rural residents," Dr. Paul C. Ma, adviser to the University Training Centre told Anthony Sylvester who visited the Liberian project on behalf of the United Nations Food and Agriculture Organization.

PRODUCTION AND MARKETING

Ultimate goal of the rice project at Foya is to involve hundreds of families, not only in modern methods of rice cultivation but also in experimental cooperatives for production and marketing. Sylvester explained in a report of his Liberian tour.

Sought after improvements in rice-growing techniques and development of other cash crops including additional vegetables, poultry and pig raising are all aimed at making farmers market-oriented—according to Dr. Ma "to turn subsistence farming into a cash economy."

DRUG ABUSE IN THE MILITARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. HAGAN) is recognized for 20 minutes.

Mr. HAGAN. Mr. Speaker, in mid-August 1970, our late chairman of the Armed Services Committee, the Honorable L. Mendel Rivers, became seriously concerned over the alarming increase in the number of reports of drug abuse by our youth in the civilian community and in the services.

At that time, Mr. Rivers appointed me as chairman of a special subcommittee to look into the allegations of drug abuse in the military and immediately we launched into intensive hearings in Washington.

After an initial study of the matter, it became abundantly clear that the military did not invent the drug problem.

And let me make that perfectly clear; despite the suggestions and innuendoes to the contrary emanating from Washington and Southeast Asia via various segments of the media.

To a large extent, the military inherited the basic drug problem from our civilian community, from our schools, and from our neighborhoods—neighborhoods of all classes and all races.

Recognizing this truth at once, our subcommittee's initial civilian witnesses attested to the nature of the serious problem across the United States.

The most common question of all among older folks is why our youngsters use drugs.

We heard testimony on that subject from many sources—psychiatrists, sociologists, law enforcement agents and others.

The explanations are many.

Some say the user has a problem to begin with, and drug use is symptomatic of that problem.

Maybe it is boredom in an affluent society, family unrest, despair in the ghetto, peer pressure, excessive experimentation—whatever the approach to the problem, it is with us.

Of course, being products of a society with draft laws, a press which popularly crusades to make the military as unpopular as possible, and general permissiveness, some of our young men are ill-prepared to cope with the more rigid existence of an unwanted military atmosphere.

The result?

They seek relief in the world of illicit drugs.

We hear from reliable sources that upward to 60 percent of our metropolitan high school students could be experimenting with drugs—mainly marihuana.

Then why should it be more shocking to hear that 50 percent of our enlistees have likewise at least experimented with drugs?

How can it be so shocking to discover that some 20 percent of those in the military who have tried marihuana are at least casual users, when reports indicate an equal percentage of the like group of high school students do the same?

Is it surprising when a poll in a 9th grade dependent school class overseas showed 14 percent of the students had at least experimented with drugs—mainly marihuana—when like studies at home have produced similar results?

This is all by way of illustrating that we have a drug problem in the military largely because there is a serious drug problem in the United States.

It is estimated that the population of New York City includes 100,000 heroin addicts—addicts that is, not just casual users.

But those figures rarely catch the headlines or the evening news shows.

Yet, 5 or 6 soldiers smoking pot are pictured in such a fashion as to attract national attention and to suggest that such is the way of life in the Army.

The situation is serious, most serious, and my colleagues, I share your concern over the matter.

But it is not the way of life in our services.

I am encouraged by the frank admissions from the Secretary of Defense on down to the field and platoon leaders that there is, indeed, a serious military drug problem, and that massive, coordinated efforts are in force and more are planned to reduce it to the barest minimum.

Time does not permit me to go into detail, but let me say this.

With other members of my committee, I spent the recess between the 91st and 92d Congresses visiting with our commanders and our men from the DMZ on the line between North and South Korea—all the way to the humid, muddy, sticky climate of Vietnam's four corps areas as the monsoon season drew to a close.

I saw and heard firsthand that most commanders recognize the extent of their drug problem.

It is a big problem in Southeast Asia—because drugs are so readily available and at ridiculously low prices.

The best marihuana, the purest heroin, and the spectrum of dangerous drugs are there for the asking.

Anywhere.

They are as available as chewing gum or American cigarettes.

This presents a problem more severe than present at any base in the United States.

I mentioned that the early remedial efforts are encouraging, despite the discouraging circumstances of ready availability, the setting of an unpopular war, and the preservice disposition of many troopers to dabble in drugs.

Massive education programs are being effected on a coordinated and practical basis.

And I emphasize—practical.

There is a gradual closing of the credibility gap between the so-called establishment and the young soldier that existed in earlier education efforts.

Rehabilitation programs are in being which encourage the young user to come forward for treatment without fear of recrimination.

Local civilian law enforcement agencies on Southeast Asia are beginning to cooperate with the military in efforts to stamp out the sources of drugs.

Similar programs are in effect in Europe and, of course, here at home.

Our hearings and report are now in the process of being distributed.

We have arrived at a long list of findings, conclusions and recommendations which we trust you will study in detail.

Allow me to repeat here that all of us have a grave responsibility in these efforts, for our military only mirrors our civilian society.

We must accelerate greatly our efforts on the American scene—across the country and from North to South—to stamp out the plague of drug abuse.

With that, and with our withdrawal from Southeast Asia, I am confident extraordinary efforts on the part of the military will prove fruitful.

In closing let me say this, the vast majority of our fine young men are not potheads, and lastly, that not a single commander anywhere feels that drugs have affected the accomplishment of our military mission around the world.

I wish to express my sincere appreciation to Mr. William H. Hogan, Jr., counsel for the Drug Abuse Subcommittee, for his diligence in providing support for this effort.

His assistance to the committee in gathering information and compiling the report of the hearings is an outstanding example of the caliber of work we have come to expect from him.

IMPROVED AIR SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. Stuckey) is recognized for 10 minutes.

Mr. STUCKEY. Mr. Speaker, in a constantly shrinking world I ask my colleagues to take note of an improved service for Atlanta and citizens of the great State of Georgia to be inaugurated by Pan American World Airways on April 25. Through an interchange arrangement with Delta Airlines, which is based in Atlanta, passengers for London and Frankfurt, Germany, can be ticketed in New Orleans and Atlanta, board a Delta plane there, fly to Atlanta and change to one of Pan Am's new 357 passenger 747's, stop at Dulles for additional passengers and then on non-stop to London and Frankfurt. This interchange involves cooperative use of Delta crews for the domestic leg and Pan Am crews from Dulles International Airport in Virginia for the balance of the trip.

This is the kind of business leadership which has made Pan American one of the world's greatest airlines.

The recent losses suffered by major U.S. airlines is a cause of great concern to me as a member of the Interstate and Foreign Commerce Committee of the U.S. House of Representatives. The maintenance of an economically sound scheduled airline service within the United States and to foreign countries by American flag carriers is one of our prime responsibilities.

This improved interchange service from New Orleans, through Atlanta, and on to London and Frankfurt is a fine example of creative business leadership by Mr. Najeeb Halaby, Pan Am's chairman and Mr. Charles Dolson, Delta's chairman. I congratulate Mr. Halaby and Mr. Dolson.

THE HEROIN PROBLEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Murphy) is recognized for 10 minutes.

Mr. MURPHY of Illinois. Mr. Speaker, Congressman Robert H. Steele and I have just returned from a round-the-world study of the heroin problem. We visited nine countries during this study mission: Switzerland, France, Italy, Turkey, Iran, Thailand, South Vietnam, Hong Kong, and Japan.

Needless to say, it was a sobering and disheartening experience. And while I would like to report that there has been significant progress made to control the illegal international traffic in heroin, I cannot do so. As a matter of fact, heroin addiction is on the increase around the world, and particularly in the United States.

Of particular concern is the rapid increase in heroin addiction within the U.S. military forces in Vietnam where the best estimates are that as many as 10 to 15 percent of our servicemen are addicted to heroin in one form or another.

In short, we are losing the battle to stem the increasing use of heroin among our youth. Unfortunately, the longer it takes to bring this problem under some kind of international control, the more difficult it will be to control it in the United States.

We, therefore, began our study in Geneva, where the United Nations International Narcotics Control Board is located. This Board each year determines the worldwide medical need for opium derivatives and establishes a quota for legal opium trade in countries which grow opium poppies. Unfortunately, it has no power or way to control the illegal growing of poppies or the diversion of opium gum produced from legally grown poppies into illegal smuggling channels.

Even if the Board did have this power, it would not be able to exercise it. Given the nature of international politics, no country is willing to surrender arrest and seizure power to a third country or to an international enforcement agency.

And yet international cooperation is an integral requirement if we are to stop the illegal international traffic in heroin.

We were, therefore, encouraged by the steps that have been taken in the United Nations, at the initiative of the United States, to establish a Special United Nations Fund for Drug Abuse Control. This fund, which will be used to develop short-term and long-term plans and programs, and to provide assistance in the execution of those plans and programs, is to be financed through voluntary contributions. Of the initial $5 million, the United States has pledged $2 million. No other country has made a formal pledge. This is a disappointment.

But, the special fund is an important milestone and hopefully will lead to ever-increasing efforts to fight the illegal production of heroin.

International cooperation will be slow and results difficult to measure in the short term. Action on another front is imperative if we are to win the battle to stem the use of heroin by our youth.

We must also convince our friends and allies, particularly Turkey, Thailand, Laos, and South Vietnam, to take strong action either to control or eliminate the growing of opium poppies or to increase their efforts to stop the illegal traffic in narcotics.

The bulk of the heroin which enters the United States illegally originates in the poppy fields of Turkey. The opium or morphine base is then smuggled to Marseilles, France, where it is processed into heroin in clandestine and well-concealed laboratories for onward movement to the United States.

From what we were told by numerous experts concerned with stopping the illegal international traffic in heroin, once the poppy is cut and the opium gum introduced into illegal channels, the battle is lost.

While constant surveillance of the Marseilles area is vital if we are to bring this problem under control—and I am happy to report that the French Government is adding more personnel and resources in its efforts to detect and close the illegal laboratories in Marseilles—we must never lose sight of the fact that the laboratories in Marseilles could not operate if it were not for the poppy fields in Turkey.

If we are to solve the problem of heroin addiction in the United States we must have the active and effective cooperation of the Turkish Government, for only the Turks have the power and the authority to control the growing of poppies. And while the United States cannot tell the Turks what to do in this matter, we can and must keep pressing the government to take whatever steps are necessary to either control or to stop the growing of poppies.

We were reassured to learn during our visit to Turkey that the new government is aware of the concern felt by the United States and appears to be willing to do something about it. The new government's program specifically states that "Our Government is of the opinion that opium smuggling, which has become a destructive disaster for the youth of the world, is hurting above all our humane feelings; therefore, due importance shall be attached to this problem. Opium producers shall be provided with a better field of occupation in farming."

These are reassuring words, but actions speak louder than words. As a measure of Turkish sincerity to do something about this problem, it is essential that legislation controlling the growing of poppies be enacted as a meaningful first step.

Passage of this legislation which has been pending for about 1 year would require that the growing of poppies would be subjected to Government license. Failure to comply would result in stiff penalties, including jail sentence. Furthermore, passage of the legislation would help Turkey fulfill her treaty commitments under the provisions of the Single Convention on Narcotic Drugs of 1961—a commitment that was made by Turkey in December 1966.

Hopefully, the next step by Turkey would be a decision to stop growing poppies completely. This will take time, however. The farmer must be taught to grow other crops. But crop substitution will also be costly. The United States must, therefore, stand ready to help the Government of Turkey with whatever financial and economic assistance that might be required. We give Turkey approximately $100 million in military assistance per year in order for her to be able to meet her commitments to NATO which is in her national interests as well as ours. In my opinion, we should be willing to spend as much to control hereoin if we are to save our youth from the scourges of addiction. What good is it if we save NATO and lose a generation of young Americans?

From the American viewpoint, Thailand is second only to Turkey as a source of illegal opium. Virtually all of the heroin that addicts our troops in Vietnam comes from the tri-state area of Burma, Laos, and Thailand. It is funneled through Bangkok and Vientiane. We were repeatedly told that opium moves from Thailand on Thai fishing boats to various points on the South China Sea coast.

According to many reports, much of the heroin entering South Vietnam is transported by Thai soldiers traveling in Thai military aircraft.

Therefore, the Thai Government should be made to realize that it must increase its efforts to stop the smuggling of opium and its derivatives to South Vietnam, where it falls into the hands of American servicemen, and to Hong Kong, where it is processed for smuggling to the United States or to American Armed Forces in East Asia.

The Government of Thailand can take this action now. Efforts to control the growing of poppies is a more difficult task. The areas where the poppy is grown in the tri-state area are remote and are remote and are not under the effective administrative control of any government. Government agents who enter these areas disappear and are never seen again. Solution of this problem is a long-range proposition. Again, the United States should be willing to devote whatever assistance that may be required to help the governments in this area.

In South Vietnam, where the rate of addiction among our military forces is on the increase despite the continuing withdrawal of American forces, the situation is out of control.

One single demonstration that the situation is out of hand was given when an American Congressman, accompanied by a uniformed American serviceman, was repeatedly offered heroin for purchase on streets of Saigon by South Vietnamese citizens, including a 9- or 10-year-old child.

Something must be done to stop this. Strong action must be taken by the Government of South Vietnam. I am not, however, optimistic that this government is either willing or able to take such action.

One of the major reasons for pessimism is the South Vietnamese internal political situation, where differences between President Thieu and Vice President Ky militate against any effective action being taken.

Congressman Steele and I called on Vice President Ky to discuss the problem. Vice President Ky was expressly critical of the efforts being taken by the Government of South Vietnam to solve this problem, and flatly stated that if he were given the responsibility for cleaning up the drug mess in South Vietnam, he would produce concrete results within 2 to 3 months.

Our study ended on a reassuring note because we discovered in Tokyo that the Government of Japan has been extremely effective in suppressing heroin traffic and addiction in Japan. We have studied this Japanese success story in detail and have learned a lot from it.

It is my opinion that there is clearly a need for more aggressive leadership from U.S. diplomatic representatives in the various countries we visited.

It is clear that in spite of the high priority placed on the problem of narcotics control by the President, a sense of urgency has not yet filtered down to the bureaucracy in all cases.

For example, we arrived in Bangkok in time to participate in a conference of U.S. representatives who are concerned with fighting the heroin problem in South Asia. While it was encouraging to note that such a conference finally was being held, it is my opinion that it should have been held much earlier. One cannot help wondering why it was not; the problem was discovered much earlier. In view of the President's longstanding expression of concern on the matter, action should have been taken much earlier to mobilize the resources available and to find a more hard-hitting, purposeful pursuit of American national interests.

In addition to these bilateral actions, the President should continue to instruct our permanent representative to the United Nations to do the utmost possible to assure that the U.N. intensifies its efforts to combat the drug problem around the world. If necessary, the United States must be willing to contribute more money to that body whether other countries do so or not.

The United States must impress upon all countries that they are not simply doing the United States a favor by cooperating in the war against narcotics. They must be made to realize that it is in their own interest to win the battle against heroin. The use of heroin is not limited to the United States. Its use is on the increase around the globe. One of the positive findings of this study was that the authorities in the countries visited were becoming increasingly aware that the use of heroin and other drugs was a matter of concern to themselves as well as to the United States, and that something must be done. Hopefully, this will lead to more cooperation with the United States in its efforts to combat the heroin problem. In this connection we intend to submit a detailed report on our findings.

That report will contain specific recommendations designed to help win this war, which is a matter of life and death for tens of thousands of young Americans. We are in a fight against time. The time for talk has ended. Now is the time for action.

SECRETARY MAURICE H. STANS DOES NOT SPEAK FOR ME

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, March 25 of this year was Greek Independence Day celebrating the 150 Anniversary of the beginning of the Greek revolution which overthrew four centuries of Ottoman rule. One month later on April 23, Maurice H. Stans, U.S. Secretary of Commerce, appearing before a luncheon of the Hellenic-American Chamber of Commerce in Athens praised the Greek junta stating that the Greek government gave American companies operating in Greece a "sense of security." In his remarks he also stated that President Nixon had asked him to convey the President's best wishes to the members of the Greek Chamber of Commerce because "he has warm regard for the people of Greece, for the wonderful way in which Greece has kept its commitments to NATO and for the way in which the two countries are working together." The Secretary carried a letter from the President expressing the President's best wishes "for the continued welfare and prosperity of the people of Greece."

Mr. Speaker this kind of praise of a ruthless totalitarian regime condemned by the Council of Europe for torturing its own citizens, by both the President of the United States and the U.S. Secretary of Commerce is not far different from the kind of praise once heaped on Mussolini by some Americans when they said "he makes the trains run on time."

Those interested in the welfare of the people of Greece should be more concerned that in that country supported with American funds economically and militarily, there are no elections, political parties are banned, and fundamental civil liberties are denied. Because of this support our country bears some responsibility for this state of affairs. As the recent Senate Foreign Relations Committee Staff Report pointed out, the widespread impression in Greece that the junta has American approval is the junta's greatest asset. These latest statements by leaders of our country make it clear that that impression is accurate in so far as the President and his Cabinet officer are concerned.

Mr. Speaker, our continued support of that Greek junta shames us before every country maintaining a democratic form of government. When will it end?

A DANGER GREAT AND REAL

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I would like to bring to the attention of our colleagues the attached articles which make so clear the need for Federal privacy legislation.

One, an editorial from Forbes magazine, describes another instance in which the computer, or its programer, has caused an individual inconvenience and embarrassment. The other, from today's Washington Post, outlines the kind of information that finds its way into dossiers.

The fair credit reporting section of the Truth in Lending Act became effective this last weekend. Under its provisions, the "shy and retiring" lady of the Forbes saga would be entitled to find out why the department store computer "rejected" her. She would also be permitted to correct erroneous entries in her credit file.

Unfortunately these same rights of inspection and correction do not apply to files kept on individuals by Government agencies. The circumstances cited in Flora Lewis' story in the Washington Post show the need for the right to inspect one's files, and pinpoint the kind of endless details of one's life kept on file by diligent Federal agencies.

To remedy this situation, I have introduced the Federal Privacy Act, which now has 114 House cosponsors. This bill would require all Federal agencies maintaining records on an individual to:

First, notify the individual that such records exist;

Second, notify him of all transfers of such information;

Third, disclose information from such records only with the consent of the individual or when legally required;

Fourth, maintain a record of all persons given access to such records; and

Fifth, permit the individual to inspect his records, make copies of them and supplement them.

Exceptions to this requirement would be made in instances of national security and when information is temporarily withheld for the purpose of criminal prosecution.

Mr. Speaker, we need to assure that individuals are not harmed by files containing misinformation and "raw data" which are frequently made up of little more than the opinion of the investigator. As Miss Lewis states:

> It isn't just a matter of whether or not you trust J. Edgar Hoover. Those mountainous files are there, and regulations about access are not always so strictly observed. What has been coming out lately about surveillance is a bare tip of the iceberg.

Private citizens need to know how big the iceberg is, and how much of their lives are recorded by Federal agencies.

The material follows:

[From Forbes magazine, Apr. 15, 1971]

A DANGER GREAT AND REAL

Although it is often said that nothing sounds sweeter to a person than his own name, it looks like this music will be heard less and less.

The computer, along with all its other wondrous accomplishments, has reduced us all to digits.

And therein lies a danger great and real.

Do you know what one or more Washington, D.C., master computers say of you? For that matter, do you know what the local one says of your credit? Says about your character or lack of it?

Computer data banks aren't collecting data for no purpose and no profit. Like any business or bank, they sell what they contain for use and at a profit or for a purpose.

One of the more memorable times of the many times that my wife has had occasion to be irked with her husband occurred on one of her very rare safaris into New York City to do some shopping at Bloomingdale's. Being a Scotsman who hates to part with actual folding money, I suggested she use our Bloomingdale credit card. She'd no sooner completed her sale-priced purchases and produced the credit card than she found herself being politely but firmly escorted upstairs to the credit department. There, a sour-faced matron literally grabbed the card from her hands, took a scissors and cut it in half, observing that they had been looking for it, and her, for some time.

Now my bride of 25 years is quite shy, quite retiring—but I want you to know that her telephone call to me from the Bloomingdale credit department reflected none of her normal restraints.

It developed that months earlier a few of some things purchased had arrived broken and had been returned for credit. The computer didn't get the word and month after month had been flashing us up as dangerous mountebanks running amuck with creditless Bloomingdale credit card.

I cite and oversimplify this tale, not because it's unique, but because practically everyone can top this computer story with a worse experience of his own.

There is just no way in the days and decades to come that our digits won't increasingly dominate our lives. Our numbers, not our names, now and for the rest of our days on earth are what will matter.

So if simple justice is to prevail in this land of cherished individuality and individual rights, computer input and output must be as subject to law, regulaton, control as anything or anyone else. Computer feeders must be subject to vigorous scrutiny, held vigorously to account for wrong as well as error.

Today, thank heavens, Congress is working at the problem. Congressman Koch of New York City and Senator Bayh of Indiana have measures in the hopper that would make every government computer-keeping agency tell any citizen on whom they're keeping a record, that the record is there; provide him a printout so that he may correct errors, refute refutable statements, and forbid the passing on of such data without the citizen's permission.

That's the sort of thing, the sort of direction, the sort of law that must be enacted on multiple levels before our individual freedoms are strangled by digits in data banks.

[From the Washington Post, Apr. 27, 1971]

IS NOT BEING A POLICE STATE GOOD ENOUGH?: A LOOK AT ONE'S OWN DOSSIER FROM THE FBI FILES

(By Flora Lewis)

Gradual revelations of the extent of FBI snooping on people not even suspected of any crime are making news. But it really isn't new. It has been going on for a long time, and a lot of people including congressmen have known about it without seeing fit to make an issue.

There happens to be a first-hand witness in my family. It is distasteful to be personal, but in this case it tells the story. My husband, who was born in Ireland, acquired a British passport and continued to use it for many years after he had gone to work for an American newspaper. He eventually decided to seek American citizenship, but as a foreign correspondent he was traveling too much to meet the usual residence requirement.

So about 10 years ago it was suggested that a private bill could be put through Congress, to accept his posting abroad by the U.S. paper in lieu of physical presence in this country, as fulfillment of the regulation. This was finally done.

But a private bill (as distinct from a public law applying to anybody) requires specific endorsement of the committee chairmen involved and unanimous consent in both houses.

In the course of getting the bill through, one chairman invited my husband up to his office to look at the papers! They included an enormous FBI dossier on both of us, going back almost 15 years before he even decided to apply for citizenship. It was quite illegal to show the file. But the congressman, who is now dead, was a tough, experienced and rather freewheeling man who did things his own way.

I am not at all sure that it was even legal for him to have the raw file in his possession, instead of a processed FBI evaluation report. But he did, and it was a startling collection of trivial facts and fiction showing that reports had been trickling in for many years both from abroad and from various cities in the United States.

One was about a farewell party given for us in New York just before we sailed in 1947 to return to Warsaw, where my husband was stationed as correspondent. The report was right about some of the people there, simply invented some others and made big drama about a friend who had drunk a bit too much and stretched out on the floor to let his head clear.

There were some fancy political notions in other reports, but so obviously foolish and groundless that so far as I know they were not even considered worth an evaluation. Anyway, the congressman, who was a crusading anti-Communist, saw it for the garbage that is was and seemed, if anything, to be amused.

Presumably, it is still there and maybe there is a lot more by now. To the best of my knowledge there was nothing at all unusual about it; it was apparently a routine collection on reporters dealing with international affairs. We weren't even surprised, except by the fatness and fatuity of the dossier.

We had both seen police states in operation and, as President Nixon remarked to editors the other night, this wasn't a police state because nobody was actually using the silly information against us!

So it has been going for over a quarter of a century. There is something artless about the current arguments of whether 50 or 90 wiretaps have been authorized in a year. Our file showed there had been a variety of surveillance, and for no discernible reason except that reporters are supposed to meet "the most interesting people."

Two things have changed to make this old story worth dredging up now. One is technology, not just the gadgetry which makes it possible to eavesdrop without tapping a wire or planting a microphone, but most important the computer banks which make it easy to look up all the drivel as well as official and unofficial information (credit ratings, for example) stored about people. Before computers, you could figure that the rubbish would be snowed under by its own bulk.

The other change is the growing public sense that privacy really is endangered beyond any justifiable need for that vast bureacracy of government to know. I was a bit irritated, but not outraged, when I learned about that file a decade ago, perhaps because I really do know what a police state is and didn't take those shenanigans seriously. Now, I'm coming to think I was wrong. Not being nearly as bad as a totalitarian state when it comes to watching citizens whom there is no reason to suspect is not good at all for the United States.

It isn't just a matter of whether or not you trust J. Edgar Hoover. Those mountainous files are there, and regulations about access are not always so strictly observed. What has been coming out lately about surveillance is a bare tip of the iceberg. You too may have attracted more attention than you ever thought while the FBI has been going its own unquestioned way.

IN DEFENSE OF THE FBI

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the Federal Bureau of Investigation is charged by law to find the facts on criminal activities and subversive activities in the United States. In fact, it has jurisdiction over 180 investigative matters ranging from espionage and treason to election law violations. The activities of the FBI constitute the only means which the U.S. Government has to seek out such information.

Now there is a crescendo of criticism against investigations by the FBI. It is claimed they cause great embarrassment. We have heard cries of anguish following revelations that militant organizations, whether of the right or left, clergymen, college professors, and even Congressmen, have been investigated.

America is threatened from within to a greater degree than ever before in its history. Crime is rampant. The crime rate continues to increase despite new laws and massive Federal expenditures to curb crime. America is entitled to know the facts both on crime and subversion. I know of no method by which facts can be determined without investigation. If the critics of the investigative process know of such a method, they owe it as part of their criticism to make it known. In fact, it is time for the critics of the Federal Bureau of Investigation and of J. Edgar Hoover to tell the American people what they offer as an alternative to this fine organization. We hear demands for the resignation of Mr. Hoover. Who would they name to replace him and what instructions would they give a new Director that they could not issue to the present Director?

More importantly, would the critics halt all investigations into crime and subversion? If not, to what degree would they tie the hands of the FBI in carrying on its work?

Mr. Speaker, it is unfortunate that in controversies such as this, the hard truth often is obscured by emotion. But it is not enough for critics of the FBI to demand only change. This is far too important a matter for shallow demands and fiery rhetoric. The very security of the United States may hang in the balance.

Let those who demand change be specific and let those of us who, for many years, have admired and respected Mr. Hoover and the FBI now stand firm to make certain the future Federal Bureau of Investigation is not hamstrung and crippled in its work, and the very security of the United States endangered.

REPORT OF THE PUBLIC LAND LAW REVIEW COMMISSION BEING REPRINTED

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the Record and to include extraneous material.)

Mr. ASPINALL. Mr. Speaker, I take this occasion to convey to our many colleagues who have been concerned about the availability of the final report of the Public Land Law Review Commission the information that we have been successful in obtaining a commitment that the report will be reprinted and once again be available for purchase from the Superintendent of Documents. I trust that my colleagues will so inform their constituents who have been inquiring about this matter.

We were pleased, Mr. Speaker, to find out at the beginning of last month that the Superintendent of Documents had sold 11,371 copies of the Commission's report, titled "One-Third of the Nation's Land." The report had been submitted to the President and the Congress on June 23, 1970, and was placed on sale at that time.

We were chagrined, however, to receive reports that people placing orders for "One-Third of the Nation's Land" were advised that it was permanently out of print. As the former Chairman of the Public Land Law Review Commission and chairman of the Committee on Interior and Insular Affairs, which will consider most of the legislation involving modernization of the public land laws, I felt that it was most desirable to have the broadest possible distribution of the Commission's report. We, accordingly, immediately initiated discussions with representatives of the Public Printer concerning this matter. The Superintendent of Documents has ordered an additional 5,000 copies to be printed and we were advised that they will be available to the public in approximately 6 weeks; that is, the first week of June.

In making this announcement, I also want to express my thanks and appreciation to the Deputy Superintendent of Documents, Rowland E. Darling, and Mrs. Kathryn Jackson of his staff for the cooperative spirit in which they worked with our staff in resolving this matter.

In order to provide this information to as many people as possible, we have released a statement to the news media and, in accordance with permission previously granted, I include the release at this point in the Record:

PUBLIC LAND LAW REVIEW COMMISSION REPORT OBTAINS WIDE DISTRIBUTION—TO BE REPRINTED

Representative Wayne N. Aspinall (D-Colo.), Chairman of the House Committee on Interior and Insular Affairs and former Chairman of the Public Land Review Commission stated that he was pleased to announce that the Government Printing Office is once again reprinting the Commission's report, *One Third of the Nation's Land,* which was submitted to the President and the Congress on June 23, 1970. After selling 11,371 copies, which was the total stock after a second printing, the Superintendent of Documents, in early March, started advising interested persons that the report was out of stock permanently.

"While I was delighted that the report had sold out," Chairman Aspinall stated, "I was dismayed, however, that the many others who were desirous of obtaining the report had apparently been unable to do so." The Chairman cited many instances with which he was personally familiar, involving students in the natural resources field, school libraries, and others engaged in research, who had written to him seeking assistance in obtaining a copy of the report.

The announcement by Chairman Aspinall stated that as a result of discussions with the office of the Superintendent of Documents, the Superintendent has ordered an additional 5,000 copies to be printed. These will be available approximately the first week in June and will be sold by the Superintendent of Documents at the previously established price of $4.50 a copy. Orders should be sent to the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

Chairman Aspinall concluded his statement with an appeal to all interested parties to become personally and thoroughly familiar with the report and recommendations of the Public Land Law Review Commission so that they can respond knowingly to legislation being considered and to be considered by the Congress for revision of the public land laws. While dates for hearings have not yet been set, there are several bills pending in both Houses of Congress relative to public land policy matters concerning which the Commission made recommendations. "In considering legislation referred to the House Committee on Interior and Insular Affairs, we want to hear the views of as many people as possible," Chairman Aspinall said, "but we want their views to be based on personal knowledge of the contents of the report and not be based on some one else's interpretation."

PRESCRIPTIONS UNDER MEDICARE

(Mr. RONCALIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous material.)

Mr. RONCALIO. Mr. Speaker, I am pleased to have this opportunity to add my support to the proposal that outpatient prescription drug coverage be provided under medicare.

This plan provides that individuals pay for their drugs during their working years rather than after they are retired and barely subsisting on fixed retirement incomes.

The outpatient prescription drug coverage plan provides for a formulary committee to establish a list of life-sustaining drugs to be covered under the program. Upon retirement, a person simply goe to any pharmacy of his choice participating in the program, and if the drug prescribed for his is among those listed, the cost of his prescription is one single dollar. There is no other charge. If the drug is not listed, he pays for it the same way he does now—out of his own pocket.

The financing of this proposal has the added advantage of being least expensive for the consumer during his working years, in that financing falls under the payroll tax portion of medicare, part A. This would eliminate the need for higher monthly premiums as would be necessary under part B.

I strongly urge that we, as Members of Congress, do all that we can to assure that our retired population will at least have the benefits of proper medication when it is needed.

TOWARD A NATIONAL LAND USE POLICY FOR URBAN AMERICA

(Mr. UDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. UDALL. Mr. Speaker, the emergence of the environment as a national concern, if not a passion, needs no documenting here. Citizens from all walks of life have become vitally concerned with the quality of life and their concern has found outlet in the Congress and in State legislatures all over the country.

I believe that we have started the job of cleaning up our air and water. I believe that we have started the job of recycling waste and thus conserving our natural resources. I believe that we have started the job of finding new and more efficient ways of producing electric power without destroying our air and water in the process.

There is, however, another area of the pollution problem that has received inadequate attention that we must move on. The impact of our continuing population growth coupled with the mass migration of citizens from rural areas to the central cities and suburbs has produced many huge, concentrated urban areas where pollution problems have reached endemic proportions. The need to stem this increasing concentration I believe to be one of the most pressing and difficult problems that we face in the 20th century. If we do not, our end result as a Nation will be patterned on the model of urban sprawl. This urban sprawl will not only make for a less pleasant America for us all, but will compound the problems of controlling air and water pollution that we need so desperately to solve.

It is my belief that how we plan for the use of the land is the key to the future. If we can bring sense to present growth policies, while at the same time insuring that present efforts to check air and water pollution reach fruition, we will have a better tomorrow. If we do not, the largest urban area will continue to deteriorate. In medium size cities, and particularly in the West, lack of intelligent planning threatens to "Los Angeles-ize" the entire Nation. It could well be that the Arizona cities of the 1980's will be more like Los Angeles and New York with their brown skies, impacted inner city neighborhoods, and security guarded suburbs than the Tucson of today, if we continue down this road.

To plan for the future will be a difficult task. Before comprehensive land use planning can become a reality, we first are going to have to change some basic attitudes about the land, land ownership, and land development. Americans are and have been land value animals. For 200 years we have moved westward seeking title to land to live on and work. The pioneer spirit has held that the land you could buy or claim was yours to do with what you pleased. This same spirit permeates the society today and governs much of our approach to land use management.

The quest for the land has been a primary factor in developing our free enterprise system; a system that rejects Government intervention in the decisionmaking process of economic development. Notwithstanding important inroads into that philosophy, the belief in the worth of pure, unrestricted free enterprise exists and will be a barrier to the kind of land use planning that is needed.

A commonly overlooked fact is that it has been Government intervention on a massive scale which has produced 20th century America. At one time the Government owned almost all of the continental United States outside of the original 13 States. Today two-thirds of the Nation is in State or private hands—a result that only occurred because of liberal Government disposal policies in respect to the land and the natural resources contained on them that are the cornerstone of this modern industrial society.

With changing times Federal land policies have also changed and they do show a degree of enlightenment. In the last decade monumental steps have been taken to insure that future generations of Americans will be able to enjoy our greatest natural resources. In the 1960's the Congress established a national wilderness system, passed the Wild and Scenic Rivers Act, added six new national seashores and acquired four new national parks. Anachronisms exist; for example, the Mining Law of 1872, but the Congress has by and large accepted the need for sound management and conservation of the public lands.

Unfortunately, enlightened Federal policies toward the public lands are not enough. As I have noted, disposal policies of the Federal Government have resulted in State or private ownership of two-thirds of the Nation. Federal public land policy is simply not determinative of the way these lands are developed and used.

By adding more land to the wilderness system, we add to the heritage there for future generations to enjoy, but we do not do a thing to alleviate the growth pressures on cities like San Jose and Phoenix. When we create new national parks, we protect scenic areas from industrial intrusion, but we do not take even a small step forward in resolving the controversies that erupt with regularity over the proposed citing of an industrial park or powerplant.

A further step is needed; State and private lands must be brought within the ambit of land use planning on a nationwide, systematic basis, and the planning must be coordinated with land use plans for public holdings. To do this a framework for governmental involvement will have to be created. Both State and Federal Government will have to participate for the action and inaction at both levels contribute to present-day difficulties.

At the Federal level the result of past failures to develop a scheme for considering the side effect of Federal public work activities has become apparent. Federally funded programs to build projects such as airports, highways, communication facilities, and defense plants have too often been undertaken without considering spin-off effects on land use and development.

Unfortunately, the same activities persist. The Bureau of Recreation is currently involved in planning for a nationwide recreation plan. The Department of Transportation is preparing highway and rapid transit plans. The Department of Housing and Urban Development is deeply involved in urban planning. Exploration for minerals on a good portion of the public domain continues and the Department of the Interior has inadequate authority to supervise it.

Most of the plans are necessary and desirable but no one in the Congress or the Executive has ever attempted to put these plans together to see if they make sense, to see if they are consistent, or even to see if people at the local level want them. Not one of the agencies is given the direction needed nor adequate information to be able to judge the effects of their activities on urban development, population concentration, and pollution.

At the State level a different and more difficult set of land use problems are presented. Unless Federal lands are involved, the States now have the primary authority to regulate land development. Historically, the States have delegated their authority to units of local government. Various tools are employed at the local level to control land use and development, but they are generally employed ineffectively.

Perhaps the most commonly known land use tool is zoning, which allows local government to classify and segregate the land according to desired uses, and allows control of use and development to the point of taking, which requires just compensation. While ideally zoning should implement sound land use planning, it is usually honored in the breach once the pressure of development is on.

Suburban zoning practices present a special problem. In many areas zoning has become a tool to exclude residential, commercial, and industrial newcomers. In such communities, it is primarily used to discourage the kind of development that will cost more in municipal spending than it will pay in property taxes. This often means that apartment houses that accommodate large families, public housing, and even one-family homes on small lots are excluded. Thus in an age when there is tremendous pressure on the inner-city, more desirable areas on the fringes of the city are closed off to needed expansion. This tendency works primarily against blacks and other members of minority groups, further exacerbating already strained race relations. It is, of course, legitimate for suburban dwellers to want to sustain attractive neighborhoods, but the point is that there is too little overall planning for the highest and best use of all the land in large metropolitan areas.

The property tax has long been an important influence in land use decision-making. Tax policy is a vital factor that must be considered by any land investor and developer and can therefore have a real impact on the shape of our cities and the quality of their environment. A major cause of the deterioration of the central city has been the movement of the tax base elsewhere. At present it is common practice for improvements to property to be assessed at a higher value for levying the property tax than the original property. Consequently land owners in the cities are discouraged from improving structurally sound buildings or factories and replacing deteriorating ones. Beyond the suburbs, where much raw land still can be found, speculators have purchased land because of the low tax assessment and attracted developers there. Thus leapfrog development has become all too common, resulting in the common phenomena of urban sprawl.

Because of the jurisdictional fragmentation between governmental units, the property tax has encouraged local isolation from metropolitan area social problems. One jurisdiction might have a valuable industrial center located in it; another high value residential structures. In these areas revenue from the property tax is sufficient to provide for quality schools and governmental services. The inner-city, meanwhile, has relatively little revenue generated from the property tax, the result being inadequate schooling, governmental services, and environmental quality, with the blacks and minority group members again receiving the worst of it.

The threatened loss of the tax base has also forced some cities to offer concessions to industry. These concessions often include failure to enforce air and water pollution standards which in turn lessens environmental quality for the entire metropolitan area.

Another frequently misused land use planning tool is that of sewer and water permitting. In most communities, before sewer and water services may be extended to new housing and other facilities, certification that public capacities are adequate to handle the expected number of residents and that equipment for the same purpose meet local standards is required. When combined with adequate control over the use of wells and septic tanks, permitting can dictate the pace and direction of urban growth. Nevertheless, sewer and water lines today more often are installed in response to already uncoordinated and poorly thought out development.

An example of local government laxity is all too apparent in the Southwest. Many land retailers are now operating in parts of New Mexico, Arizona, Colorado, Texas, Nevada, and California with one thought in mind: Make a fast dollar on land promotion and development schemes—and then get out. Well financed speculators are being permitted to buy and sell the best remaining open land for future urban use without showing any concern for environmental values or the long-term livability of a region.

New Mexico provides a good example. Large ranches have been purchased in the areas surrounding Santa Fe and Albuquerque. Surveyors were then brought in to plot a grid of roads and chop up the land into small plots. Roads were then bulldozed across the land, creating dust pollution and soil erosion. Street signs were posted and the developments called "estates." The lots were sold, and are still being sold, through massive advertising campaigns to city dwellers in the East and Midwest.

In Arizona, a prime example of this same kind of development is taking place just a few miles south of Tucson. There the Gulf American Corp.—GAC—a Pennsylvania based land development firm, has purchased two large tracks of land with the original intent of selling immediately the lots carved from them and worrying about water, facilities, and industrial development later. The two areas contain close to 100,000 acres of prime desert land.

It has been argued that GAC should not be allowed to proceed at all, on the ground that our State has sufficient population and any increase can only mean a deterioration of environmental quality for existing areas. If the developments are not planned properly, this could very easily prove true. But with proper limits placed on GAC's activity, new people and development in southern Arizona could very well prove beneficial to those already present.

The Pima County Board of Supervisors has taken a first step in insuring that the smaller of GAC's projects—Empire Ranch—will be developed in a manner conducive to the well-being of the entire region. The board approved only a limited land sales plan, rejecting GAC's contention that unlimited land sales should be allowed immediately. GAC argued that if people could not first be attracted to the area, industry never would be. The argument has a certain appeal, but it ignores a very basic fact. If unlimited numbers are allowed to buy many small parcels of land, the failure of the seller to attract the right kind of industry needed to support a new community can only result in a 20th century ghost town. The corporation would have its profits, but for all practical purposes the land would be ruined both esthetically and for any worthwhile future commercial or recreational development.

If the wisdom of the Pima County Board of Supervisors were applied in other instances of land use conflicts, urban problems would not be as acute as they are today. In nearly every major community and major city, every State, and every region of the country, similar land use conflicts are being faced. The continued growth of the Nation and the increased size, scale, and impact of private actions, have created a situation in which many, if not most, land use decisions are not being rationally made. Instead, land use planning and management decisions are being made on a basis of expediency, tradition, outdated legal principles, and short-term economic considerations, all of which are basically unrelated to what the real concerns of land use management should be.

To change prevailing attitudes toward the land, close to 200 years of traditional land use and development practices will have to be overcome. But attitudes will have to change if land use problems are to be adequately handled and to start the process I believe a major legislative effort by the Congress is needed. Others have recognized this need. Senator HENRY JACKSON proposed a comprehensive land use bill in the last Congress and has done so again in the 92d Congress. Chairman ASPINALL has done the same in this body. President Nixon has proposed to the Congress a national land use policy. Today I join these distinguished gentlemen in this effort by introducing the National Land Use Policy Act of 1971.

The measure has three major aspects:

First, it would establish a grant-in-aid program to assist State and local government in hiring and training personnel, and developing the expertise needed to improve land use planning and management at the State level.

Second, action forcing provisions are included which are designed to encourage every State through an agency to be designated by the Governor, to inventory their land resources and develop a statewide environmental, recreational, and industrial land use plan within 3 years. The States would be encouraged to assume appropriate land use management powers over those assets and resources which are of regional, statewide, or national significance. These might include ocean beaches; portions of major river systems and lakes; buffer zones around existing State and national parks and recreation areas; areas involving multiple county and interstate environmental problems such as air, water, and noise pollution; transportation and utility corridors; and areas which are compatible for heavy industry such as refineries, major metal processing plants and thermal powerplants.

Third, the act would assign to the Land and Water Resources Planning Council—now the Water Resources Council—the responsibility of administering the grant-in-aid program, working with State and local government, and reviewing State land use plans. In addition, the Council would have responsibility for coordinating Federal-State relations and for maintaining a data and information center on all Federal and federally assisted activities which have land use planning and management ramifications.

Passage of the bill could cause some problems for the States. Development and implementation of a statewide land use plan will require the creation of a new governmental agency in some States and the restructuring of existing institutions in others. The legislation sets forth certain minimal standards on environmental, recreational, and industrial land use planning which the statewide plan will have to meet to quality for continued grant-in-aid eligibility.

Within 4 years of the date of enactment of the bill, the statewide land use planning agency must have the authority to implement the resulting statewide plan. This would include the authority to acquire land; to control the types of development that would take place in areas subject to the plan; to conduct hearings allowing full public participation on any land use decisions made; and to make changes in the statewide plan when required by changed conditions. If a State should fail to adopt an acceptable land use plan within 4 years, the State's entitlement to certain additional Federal assistance programs, to be designated by the President, may be reduced at a rate of 30 percent per year until the State has complied with the act. Programs to be designated by the President would be those which tend to create land use problems unless they are properly planned. These might include Federal highway construction trust funds and other public work programs.

Some will object to this approach on the ground that it disturbs the traditional relationship between the Federal Government and the States in the area of land use planning and management. To be sure, the act would inject the Federal Government into the process to a degree well beyond anything previous. But it does rely on Federal-State cooperation, without which land use planning could not be effective, with the Federal Government having leverage to insure adequate performance at the State level.

My approach is to give the States both the resources and the authority to plan for future growth and to put teeth into any resulting plan. We have to determine how we want this country to proceed from the present—where we want needed new communities and the nature of those communities; where we want to put new highways, parks, houses, factories, airports, transmission lines, sewers, and all the other necessities of life.

Attitudes are difficult to change and time is running out. None of us wants to give up the flexibility that has been ours in dealing with private property, but it has become quite clear to me that the time has come for each of us to take a broad view of where we are and where we want to go. To do this we are going to have to involve our governmental institutions in the land use decisionmaking process. The alternative is simply unacceptable.

If we move now we can still shape our country so that all citizens can make both a good living and have a good life. If we wait, the opportunity may be forever lost. As Governor Sargent of Massachusetts has said:

> Given the predicted pressure of population growth and subsequent development expansion, land use planning both public and private must be tempered with an urgency of purpose. If we do not act now, the opportunities that are currently available will not exist come the end of the decade.

FORTY-EIGHT MEMBERS REQUEST FUNDING FOR LEAD-BASED PAINT POISONING PREVENTION ACT

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, on January 14, 1971, the President signed into law the Lead-Based Paint Poisoning Prevention Act of 1971, Public Law 91–695. This legislation, which I introduced in its initial form as a package of three bills in March of 1969, creates a multiple-program approach aimed at detecting and treating lead-based paint poisoning, and at eradicating the sources of this disease.

It is estimated that 225,000 urban children between the ages of 1 and 6 are its victims; in New York City alone, some 30,000 children suffer from the disease. The effects of the disease are devastating—mental retardation, cerebral palsy, convulsive seizures, blindness, learning defects, behavior disorders, kidney diseases, and even death.

Yet the striking aspect of this disease is that it is preventable. Let me quote from an article by Dr. Jane S. Lin-Fu, pediatric consultant, Division of Health Services, Department of Health, Education, and Welfare, entitled "Childhood Lead Poisoning—An Eradicable Disease," which appeared in Children magazine, January–February 1970, at pages 2 to 9.

> In the history of modern medicine, few childhood diseases occupy a position as unique as lead poisoning. It is a preventable disease. The etiology, pathogenesis, epidemiology, and symptomatology have all been well defined. Methods for screening, diagnosis, and treatment have long been available.

Yet, despite the fact that lead poisoning is preventable, this disease, as Dr. Lin-Fu writes, "exists in epidemic proportions in many cities."

The problem lies in the congruence of two factors. The first is a disposition in young children to eat foreign materials. This habit of eating such nonfood items as clay, plaster, ashes, starch, paint chips, and so forth is called "pica." The second factor is the presence of lead pigment paint on interior surfaces of many dwellings. These two factors combine to result in young children, most—but not all—living in decaying slum housing, eating the lead-tainted paint and plaster chips which fall from the walls and ceilings of their apartments and hallways and developing lead-based paint poisoning.

Today, throughout the Nation, lead-based paint poisoning afflicts thousands of small children. The actual number is impossible to know. Detection centers are very few; the symptomatology is confusing. Some indication may be obtained from various surveys which have been conducted in a few localities. In Cleveland, a survey among 549 children aged 12–35 months living in areas of old, poorly maintained housing disclosed that 28 percent had an abnormal urine that might be indicative of increased exposure to lead; 6.4 percent fulfilled the diagnostic criteria for lead poisoning. In Baltimore, among 604 children aged 7–60 months, 333 had clinical evidence or a history suggestive of increased exposure to lead. Of these 333, 148 had high blood lead levels. In Chicago, a survey of 500 patients from a suspected high incidence area disclosed that 7.9 percent had clinical or laboratory evidence compatible with the diagnosis of lead poisoning.

Putting aside consequences such as brain impairment, and looking at deaths only, we find that the incidence of deaths ran at 25 percent between 1959 and 1963 in Chicago. In Cleveland, the mortality rate for lead poisoning from 1952 through 1958 was 30 percent.

It is because the disease is preventable that it was so encouraging that the Lead-Based Paint Poisoning Prevention Act was enacted into law. Finally, there appeared to be a focused, comprehensive attack on lead-based paint poisoning. And only good could come of such an attack.

Let me very briefly outline the act. First, the Secretary of Health, Education, and Welfare is authorized to make grants to units of local government to develop and carry out local programs to detect and treat lead-based paint poisoning. For fiscal year 1971, $3,330,000 is authorized, and for fiscal year 1972 $6,660,000.

Second, the Secretary of Health, Education, and Welfare is authorized to make grants to units of general local government for programs to identify those areas that present a high risk to the health of residents because of the presence of lead-based paints and then to develop and carry out elimination programs. For fiscal year 1971, $5 million is authorized, and for fiscal year 1972, $10 million.

Third, the Secretary of Housing and Urban Development is to conduct a research and demonstration program to determine the nature and extent of the lead-based paint poisoning problem, and methods of removing lead-based paints from interior surfaces, porches, and exterior surfaces of residential housing with which children might come into contact. For fiscal year 1971, $1,670,000 is authorized, and for fiscal year 1972, $3,340,000.

In sum, the Lead-Based Paint Poisoning Prevention Act authorizes $10 million for the current fiscal year and $20 million for fiscal year 1972.

In addition, the act directs the Secretary of Health, Education, and Welfare to prohibit the use of lead-based paint in residential structures constructed or rehabilitated by the Federal Government or with Federal assistance.

Despite Congress mandate, by virtue of passage of the act, to get to work and eradicate this devastating, yet preventable, disease, the administration has made no request for funds, either for fiscal year 1971 or for fiscal year 1972. We have already wasted 3 months since enactment of the act, and the end of this fiscal year approaches. Yet there is $10 million authorized for fiscal year 1971 which can and should be used—particularly, the $8,330,000 authorized for the grant programs.

I do not believe we can afford to waste any more time. So, too, do the 44 Members who have joined me in writing to Secretary Elliot Richardson, of the Department of Health, Education, and Welfare, urging him to request funding of the antilead poisoning programs, both for the current fiscal year and for fiscal year 1972.

As we said in our letter of April 23, 1971:

> We believe it essential that funds be provided to implement Public Law 91-695. We believe it essential that your Department submit requests, both for a supplemental appropriation for this fiscal year in the amount of $10 million and for full funding for the next fiscal year—$20 million. We urge you in the strongest terms to act affirmatively.

In dollars and cents terms—and I certainly think that when we are talking about children's lives such terms should not even be a consideration—there really is no justification for not requesting the funds. As I said when I testified last week, on April 21, before the Subcommittee on Labor, Education, and Public Welfare of the Senate Appropriations Committee, chaired on that day by my distinguished friend, the gentleman from New Mexico (Senator MONTOYA):

> If the child victimized by lead-based paint poisoning has encephalopathy—the most acute form of lead poisoning, which results in acute swelling of the brain and extensive damage to brain cells—and sustains brain damage severe enough to require lifetime institutionalization, the total estimated cost is in excess of $200,000. If the damage is less severe and just special schooling is required, the costs will be approximately $17,000. If the diagnosis is made prior to the onset of encephalopathy and if no significant brain damage has yet occurred, the cost is still considerable. Of course, these costs do not take into account the intangible factors of grief and of loss of a productive life.
>
> Now, I do not have any brief for talking in terms of dollars and cents about children's lives. But, even in those callous terms, the figures are clear. Fifty severely impaired children this year, required permanent institutionalization, will produce total costs of $10 million—the same amount authorized for this fiscal year by the Lead-Based Paint Poisoning Prevention Act.
>
> And I remind you, there are 30,000 children in New York City alone suffering from this disease. How much saner, how much more compassionate, to spend money now, so we can spare children death, or retardation, or blindness, or cerebral palsy.

At this point, I include the letter to Secretary Richardson which I and 44 of my colleagues have sent, and which our distinguished colleagues from Florida (Mr. FASCELL), Maryland (Mr. GUDE), and Washington (Mr. MCCORMACK), support:

> CONGRESS OF THE UNITED STATES,
> HOUSE OF REPRESENTATIVES,
> *Washington, D.C., April 23, 1971.*
>
> HON. ELLIOT RICHARDSON,
> *Secretary, Department of Health, Education, and Welfare, Washington, D.C.*
>
> DEAR SECRETARY RICHARDSON: As you know, the President signed the Lead-Based Paint Poisoning Prevention Act into law on January 14, 1971, as P.L. 91-695. This law provides hope for the thousands of small children who are afflicted, and who will be afflicted, by lead-based paint poisoning. This is a man-created disease which can be prevented, if only sufficient resources are provided to combat it.
>
> Thus far, your Department has not made a formal request for funds, either for fiscal year 1971, or for fiscal year 1972. Yet the Congress very clearly expressed its intent that anti-lead poisoning programs be undertaken by passage of the Lead-Based Paint Poisoning Prevention Act, which authorizes $10 mililon for the current fiscal year, and $20 million for fiscal year 1972.
>
> We believe it essential that funds be provided to implement Public Law 91-695. We believe it essential that your Department submit requests, both for a supplemental appropriation for this fiscal year in the amount of $10 million, and for full funding for the next fiscal year—$20 million. We urge you in the strongest terms to act affirmatively.
>
> With best regards,
>
> Sincerely,
>
> William F. Ryan, Bella S. Abzug, Joseph P. Addabbo, Herman Badillo, Nick Begich, Mario Biaggi, Jonathan B. Bingham, Frank J. Brasco, James A. Burke of Massachusetts, Shirley Chisholm, William L. Clay.
>
> James C. Cleveland, John J. Conyers, James C. Corman, Dominick V. Daniels, Ronald V. Dellums, John H. Dent, John G. Dow, Robert F. Drinan, Don Edwards of California, Joshua Eilberg, Edwin B. Forsythe.
>
> Donald M. Fraser, James G. Fulton, Henry B. Gonzalez, Seymour Halpern, Michael Harrington, William D. Hathaway, Augustus F. Hawkins, Ken Hechler of West Virginia, Henry Helstoski, Frank Horton, Edward I. Koch.
>
> Romano L. Mazzoli, Abner J. Mikva, Patsy T. Mink, Parren J. Mitchell, William S. Moorhead, John E. Moss, Robert N. C. Nix, Peter A. Peyser, Charles B. Rangel, Paul S. Sarbanes, James H. Scheuer.

THE SECRET BALLOT IN LABOR ELECTIONS

(Mr. MICHEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MICHEL. Mr. Speaker, I offer an amendment to the National Labor Relations Act which will guarantee America's working men and women the right to vote in the selection of unions to bargain for them with their employers.

One might well ask, Mr. Speaker, why such an amendment should be needed.

When Congress passed the Taft-Hartley Act in 1947, it expressly directed the National Labor Relations Board—in finding if the workers wanted a union—not to use the practice of counting so-called authorization cards, a very doubtful practice that had grown up under the Wagner Act and which had been badly discredited because of the abuses connected with it. These authorization cards were intended to reflect employee interest in a union, and if there was a sufficient showing of interest then the NLRB would hold a secret ballot election among the employees to find out if the majority wanted a union or not. All of which seems to make sense. However, under the Wagner Act, the Labor Board all too often dispensed with the vote and used the cards. The result was that workers and employers alike were many times saddled with a union that did not represent the majority, and where in any event the question had not been submitted to the employees for a vote. As I said, Mr. Speaker, Congress in 1947 expressly struck down this practice of using cards instead of a vote.

For some years, the NLRB observed this congressional directive. But—believe it or not, Mr. Speaker—and many Members of the House have become aware of this, the Labor Board in the last few years has exhumed and reinstated the prohibited practice of relying on these cards instead of the secret ballot election. This is a flagrant disregard of congressional intent, and a wholly unwarranted infringement of employee rights. And so, regrettably, it becomes necessary to write the law all over again—in the hope that this time the NLRB may get and retain the message.

I want to emphasize here, Mr. Speaker, that this amendment does not interfere with the hundreds upon hundreds of cases where employers have lawfully and voluntarily recognized a union which is in fact the legitimate, majority voice of the workers in the bargaining unit involved. It applies only where a question as to this majority status is raised before the Labor Board. In those cases, this amendment will prevent the Board from forcing the recognition of a particular union, unless that union was chosen by secret ballot as the representative of the workers in the bargaining unit. In short, the Board cannot use the card check any longer to force a union on employees, or to force an employer to bargain with a union his employees have not freely chosen.

This, it seems to me, is a totally fair approach, an approach in keeping with the American tradition of free choice.

Justice and fairness require that America's working men and women not be treated as second-class citizens, and this amendment will restore to them an important right the NLRB has denied them.

INTRODUCING THE NATIONAL HEALTH INSURANCE PARTNERSHIP ACT OF 1971

(Mr. BYRNES of Wisconsin asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BYRNES of Wisconsin. Mr. Speaker, I am today introducing H.R. 7741 the National Health Insurance Partnership Act of 1971 on behalf of the administration. I am appending to my remarks a summary of the bill and a section-by-section analysis. The bill proposes a national health partnership between the Government, the private sector, and all of our people. The plan builds on the proven features of our existing system to meet our real needs for increased quality of care, broadened health care protection, improved efficiency, and greater cost control.

The real advances in medical science and the increased availability of health care in recent years demonstrates that much is right and worth preserving in our health care system in the United States. At the same time, there are inefficiencies in the organization of health care services, and many citizens who do not have adequate health care protection. We are all concerned about the escalating costs of health care in recent years.

Mr. Speaker, it is clear that a thorough review of our health care problems should be undertaken by the Congress with a view toward developing a program that will meet the needs we face. However, we do not want to throw out the baby with the bath water. We must preserve those features of our existing system that have led to advances in medical science, and increased the availability and quality of care to all our citizens. The administration's proposal attempts to chart a middle ground, preserving that which has proven successful, while making the changes essential to meet the problems we face.

The legislation would require that all employers, exclusive of Government and religious organizations, provide a health insurance plan to employees with a substantial labor force attachment. The plan, patterned after the low-option Aetna plan currently available to Federal employees, would include inpatient hospital services; physicians' and other health services; well-baby care; and annual eye examinations to age 12. Deductibles and coinsurance would also be provided.

Individuals not covered by an insurance plan through an employment relationship would be covered under a companion family health insurance plan—FHIP—financed by the Federal Government. Individuals covered under FHIP would be required to make premium contributions if their income is above $3,000. Premium contributions would increase commensurate with increased income, until the individual pays the full premium cost at $3,000 of annual income.

During the first 2½ years of the plan, employers would contribute 65 percent of the premiums and employees 35 percent; thereafter, employers would contribute 75 percent of the cost and employees 25 percent. When first effective on July 1, 1973, the cost of the plan for a married employee is estimated to cost about $390 per year, with the employer paying about $250.

The bill I have introduced differs from the bill proposed by the Department of Health, Education, and Welfare by providing a Federal subsidy to small employers for whom the additional costs imposed would represent an increase in payroll costs that, in the absence of the relief provided, would impose an undue burden on small business and adversely affect employment of low-skill workers. The bill provides that when the employer's costs exceed 4 percent of the wages he pays employees covered by the plan, the Government will pick up the excess costs for up to 10 employees. An employer with one employee earning the minimum wage would receive a Federal subsidy of about $120, reducing his initial before-tax cost from $250 to $130 per year. His after-tax cost, would of course be further reduced. This provision would assure that the cost of providing health insurance would not exceed 4 percent of payroll for employers with 10 or less employees.

The bill also assures that all employers would be permitted a Federal income tax deduction for the unsubsidized premium contributions required by the new act. Employers not engaged in a trade or business, such as an individual employing domestic help, cannot deduct such costs under present tax law.

These amendments to the administration bill, worked out with the cooperation and assistance of the administration, provide the basis for resolving a problem that the President recognizes and agrees deserves careful consideration.

The National Health Insurance Partnership Act represents a middle ground for resolving deficiencies in our present system of health care protection consistent with American traditions of self-help. While there are areas of the proposal that Congress must carefully review, the proposed plan represents an important initiative to improve our health care system that is deserving of the most careful consideration by the Congress.

A summary and section-by-section description of the act follows:

Summary: National Health Insurance Partnership Act of 1971

TITLE I—NATIONAL HEALTH INSURANCE STANDARDS

Adds part A of a new title VI to the Social Security Act. Title VI entitled "Health Benefits for Employees and for Low-Income Families." Contains congressional findings and declaration of purpose to establish base for reaching all employers, regardless of nexus with interstate commerce.

Part A of new title VI cited as the "National Health Insurance Standards Act".

1. Requires all employers to make available a basic health care plan to employees (except religious, Federal, State, and local employees, or persons eligible for Medicare) who have been employed for 25 hours a week in 10 out of 13 weeks or 350 hours in 13 weeks. Requirement delayed for employers under unexpired union contracts.

The bill also provides a subsidy to small employers whose average premium costs for workers they must cover exceeds four percent of the average wages paid to such workers. The subsidy would be equal to the amount of this excess multiplied by the number of such workers not in excess of ten employees.

The Internal Revenue Code would also be amended to permit all employers, whether or not they are engaged in a trade or business to deduct the subsidized premium costs an employer incurs. The deduction will be allowed as a business expense to the taxpayer whether he itemizes deductions or takes the standard deduction.

2. Benefits under this plan patterned after Aetna low option plan. Benefits include inpatient hospital services, physicians and other services, well-child care (to age 5), annual eye examination (to age 12). Psychiatric care, drugs to outpatients, and prosthetic devices excluded. At the option of the beneficiary, services may be provided by Christian Science practitioner or nurse, or in Christian Science sanitorium. Provides two-day deductible on room and board in a hospital; on all else, $100 deductible (for no more than three members of family) and 25% coinsurance are imposed, except there is no deductible or coinsurance for well-child (to age 5) care. After an individual has received $5000 in services under the plan in a calendar year, all coinsurance and deductibles waived with respect to services to that individual for the remainder of the year and the next two years. Total benefits per person covered under the plan cannot be limited to less than $50,000, with automatic restoration of $2,000 annually required.

3. Prohibits preexisting condition disqualification from applying for more than six months (not allowed at all for maternity care).

4. Also, requires plan to provide that: no more than 25% employee contribution to premium (35% for first two and a half years) will be required; hospitals providing services must have ultilization review plan; reimbursement for services are subject to reasonable cost and reasonable charges limits of Medicare; appropriate arrangements must be made by carrier to avoid duplicative coverage; employee (or surviving spouse) may continue coverage (with the same rate of employer participation in the premium) for up to 90 days after termination of employment if he has had coverage under the plan for thirteen or more weeks; and Professional Standards Review Organization provisions (which would be added by H.R. 1) would apply to extent determined by Secretary. Plan may contain additional benefits, but they must be offered optionally and no limit on contributions to premiums or other requirements are applicable to the optional benefits.

5. Plan also required to offer HMO option. HMO (health maintenance organization) definitions and standards follow, insofar as applicable, those in the Social Security bill (H.R. 1) with the Department's recommended changes.

6. Insurance companies must develop group policy (with same benefits as described) for small employers to whom part A applies, self-employed individuals, and others not covered under part A or B of this title, or under title XVIII. Thus, State and local employees, since the obligation does not apply to public employers, could participate under these provisions.

7. Insurer must notify Secretary when employer subscribes to a plan; self-insurer must notify Secretary of what his plan provides. Secretary is to approve plan which meets requirements. Hearings and judicial review, including suits to compel performance, are

authorized, and the employee is given a cause of action.

8. Definitions—family is employee, spouse, and children or step-children. Definitions of care and health services are cross-referenced to Medicare.

9. Effective date—July 1, 1973.

TITLE II—FAMILY HEALTH INSURANCE PLAN

Adds a new part B to title VI, cited as the "Family Health Insurance Act".

1. Provides health insurance to family members who aren't eligible for coverage under the National Health Insurance Standards Act (part A of title VI) or Medicare (title XVIII), where the annual family income is less than $5,000 for a family of four (and comparable amounts for families of other sizes) and family resources less than $1,500. Family defined (as in the Family Assistance Plan) to include all persons related by blood or marriage and living in the same household where there is a child present.

2. Coverage is compulsory for eligible family members where FAP and State supplementary payments equal or exceed the amount of the premium. Coverage for others is optional.

3. Eligibility (with respect to the income levels) is determined prospectively for 6 month periods. Usually based on income for preceding period, unless the Secretary finds that circumstances have changed. Redeterminations may be made during the 6 month period if there have been changes affecting eligibility. Termination is effective at the end of the 6 month period in which the finding of ineligibility is made, unless the individual is not eligible for coverage under part A or title XVIII, in which case termination is not effective for an additional quarter.

4. The only exclusions of income are for in-kind benefits (food stamps, home grown produce, etc.) and payments for a foster child. FAP payments and State supplementation are counted as income.

5. Premiums depend on family income and size, and are computed with reference to income classes. Premiums range from no charge for families in income class 1, to $100 for families in income class 5. Payment of premiums, in the case of a mandatory insured, is by withholding from his title IV benefits, and the Secretary may withhold premiums from any other payments due from the Secretary, such as OASDI benefits.

6. Procedures under FAP are generally made applicable.

7. Benefits in a calendar year for a family member: 30 days inpatient hosiptal care (or equivalent days of extended care services or home health services), emergency services, and physicians visits, additional physicians visits for well-child care (including immunizations), lab services in connection with physicians' services, maternity care, family planning services.

8. A system of income classes, that is, ranges of income for families of varying sizes, is established for purposes of computing premiums, deductibles, and coinsurance. A deductible of 1 day of charges for room and board in a hospital is provided for families in income classes 2, 3, or 4, and 2 days for families in income class 5. On other services, except well-baby care, maternity care, and family planning services, there is a deductible of $50 per family for those in income classes 3 and 4, and $100 in class 5. The coinsurance is at the rate of 10% for income class 4 and 25% for income class 5. (There is no coinsurance for families in income classes 1, 2 or 3.)

9. Various Medicare provisions are made applicable, such as the provisions on reasonable cost, reasonable charges, utilization review, etc. Some exclusions as Medicare are provided except physical check-ups are not excluded. The Professional Standards Review Organization provisions of title XI, as would be added by H.R. 1, are made applicable to payments under this part.

10. A health maintenance organization alternative as in H.R. 1 (with Department proposed modifications) is provided.

11. Agreements with States authorized under which the Secretary will administer additional benefits for persons with FHIP coverage on behalf of the State. The State would pay the costs of the additional benefits, but not the administrative costs. If the additional benefits are not available to all persons covered by FHIP, the Secretary must find that the limitations imposed by the State are not inconsistent with the purposes of FHIP.

12. The effective date of Title II is July 1, 1973.

TITLE III—RESTRICTION OF MEDICAL ASSISTANCE PROGRAMS TO AGED, BLIND, DISABLED AND CHILDREN IN FOSTER CARE

Provides that the only mandatory coverage groups under State Medicaid plans will be the aged, blind, and disabled within the meaning of title XVI who are either receiving cash assistance under the State title XVI plan, or whose income and resources meet the requirements of such plan—and also children receiving foster care under a State plan approved under part A of title IV. State Medicaid plans may optionally include the aged, blind, and disabled who are medically indigent (whether or not they meet the income and resources tests of the title XVI plan) and also medically indigent children who are not eligible for health insurance coverage under a plan approved under the National Health Insurance Standards Act or under the family health insurance plan.

TITLE IV—INAPPLICABILITY OF STATE LAW TO HEALTH MAINTENANCE ORGANIZATIONS

Makes inapplicable to HMO's any State law or regulations which are inconsistent with the obligations of the organizations under agreements with the Secretary to provide services under the family health insurance plan or under the Secretary's regulations to carry such agreement out. Also makes inapplicable, in the case of any physician affiliated with any such organization, any State law or regulation which interferes with the performance of functions of the physician by any employee of the physician or the organization. The employee performing the functions would, however, have to comply with criteria of the Secretary.

TITLE V—GENERAL

Contains a severability clause in case any provision of the bill or any application of any provision of the bill is held invalid. Such a holding would not affect the rest of the bill and any other applications thereof.

SECTION BY SECTION DESCRIPTION OF THE "NATIONAL HEALTH INSURANCE PARTNERSHIP ACT OF 1971"

TITLE I OF THE BILL—NATIONAL HEALTH INSURANCE STANDARDS

Section 101 of the bill establishes in a new title VI of the Social Security Act (1) a National Health Insurance Standards Act (part A of title VI) requiring employers to offer their employees a basic health insurance plan meeting specified minimum standards; and (2) of Family Health Insurance Act (part B of title VI) providing health insurance for low-income families which are not eligible for the coverage required under part A.

TITLE VI OF THE SOCIAL SECURITY ACT—HEALTH BENEFITS FOR EMPLOYEES AND FOR LOW-INCOME FAMILIES

Section 600. Findings and Declaration of Purpose.—Based on the findings of the Congress that many Americans are not receiving adequate health care because they lack ability to pay, and lack adequate protection against, the high costs of health care, so that the national health and in turn the national defense and general welfare are adversely affected, Title I of the bill is established to provide adequate protection against these costs through a family health insurance plan and a requirement that employers, whether or not engaged in interstate commerce, provide basic health care protection to their employees.

Part A—Health Insurance Standards for Employers

Section 610. Short Title.—Part A may be cited as the "National Health Insurance Standards Act."

Section 602. Basic Health Care Plan Required.—All employers are required to make available a basic health care plan to employees and members of their families (except to ministers and members of religious orders, Federal, State, and local employees, and persons entitled to protection under part A of Medicare) who have been employed for 25 hours a week in 10 out of 13 weeks or 350 hours in 13 weeks. These requirements are delayed for employers under unexpired union contracts.

A Federal subsidy is provided to assist small employers. The subsidy would be payable to employers whose average premium costs for workers they must cover exceeds four percent of the average wages paid to such employees. The amount of the subsidy would be equal to the amount of this excess multiplied by the number of such employees not in excess of ten employees.

Section 603. Benefits.

The benefits under this plan are patterned after the Governmentwide indemnity benefit plan under the Federal Employees Health Benefits Act.

Benefits under an approved plan must include inpatient hospital services, physicians' and other services, well-child care (to age 5), and annual eye examination (to age 12). Psychiatric care, drugs to outpatients, and prosthetic devices need not be covered. At the option of the beneficiary, services may be provided by a Christian Science practitioner or nurse, or in a Christian Science sanatorium.

The plan must provide a two-day deductible and 25 percent coinsurance on room and board in a hospital in each calendar year; on all else, a $100 deductible (for no more than three members of family) and 25 percent coinsurance are imposed, except that there is no deductible or coinsurance for well-child care. After an individual has received $5,000 in services under the plan in a calendar year, all coinsurance and deductibles are waived on services to that individual for the remainder of the year and the next two years.

Total benefits per person covered under the plan cannot be limited to less than $50,000, and automatic restoration of $2,000 annually is required.

Services needed because of preexisting conditions may be excluded for no more than six months (no such exclusion is allowed for maternity care).

Other requirements for approved plans: no more than 25 percent employee contribution to premium (35 percent for the first two and a half years) may be required; hospitals providing services must have a utilization review plan; reimbursement for services are subject to reasonable cost and reasonable charge limits under title XVIII (Medicare); appropriate arrangements must be made by the carrier to avoid duplicative coverage; the employee (or surviving spouse) may continue coverage (with the same rate of employer participation in the premium) for up to 90 days after termination of employment if he has had coverage under the plan for thirteen or more weeks; and Professional Standards Review Organization provisions of title XI (which would be added by H.R. 1) as they apply to payments under title XVIII and XIX would apply to this plan to the extent determined by the Secretary. The plan may contain benefits in addition to those that are required, but they must be offered optionally and no limit on contributions to premiums is specified and no other requirements of the bill are applicable to the optional benefits.

Section 604. Enrollment in Health Maintenance Organizations.—The plan also is required to offer the option to receive care through a health maintenance organization (HMO). HMO definitions and standards would follow, insofar as applicable, those that would be required under titles XVIII and XIX.

Section 605. Group Policies for the Self-Employed, Small Employers, and for Individuals Not Covered Under Part A of Title XVIII or Part B of Title VI.—Insurance companies that underwrite employer sponsored plans must also develop group policies (with the same benefits as described in section 603) for use by small employers and for protection for self-employed individuals and others not otherwise eligible for benefits under part A or B of this title or under part A of title XVIII. A small employer is one who employs fewer than 100 employees on each of 90 days during a period of 180 consecutive days.

Section 606. Approval of Basic Health Care Plan.—Each insurer must notify the Secretary when an employer subscribes to a plan; an employer who self-insures must notify the Secretary of what his plan provides. The Secretary is to approve those plans which meet the requirements established by this Act.

Section 607. Administrative and Judicial Review.—Hearings and judicial review, including suits to compel performance, are authorized; and the employee may institute court action to compel his employer to make a health care plan available.

Section 608. Definitions.—The terms "employee," "family," "child," "pediatric nurse associate," and "Christian Science nurse" are defined. The terms "inpatient hospital services," "medical and other health services," "physicians' services" and "carrier" shall have the same meaning as when used in title XVIII.

Section 102 of the Bill—Technical amendment.

Section 103 of the Bill—Specifies an effective date of July 1, 1973.

Section 104 of the Bill—Transitional provision.—Provides that the 25 percent limitation on contributions to premiums established in section 603 shall apply only to the period beginning January 1, 1976. For the period July 1, 1973, through December 31, 1975, the limitation shall be 35 percent.

Section 105 of the Bill—Deduction of Employer Premiums.—The Internal Revenue Code is amended to permit all employers, whether or not they are engaged in a trade or business, to deduct the unsubsidized premium costs an employer incurs as a business expense. The deduction will be available whether the taxpayer itemizes his deductions or takes the standard deduction.

TITLE II OF THE BILL—FAMILY HEALTH INSURANCE PLAN

Section 201 of the bill adds to the new title VI of the Social Security Act a new part—part B—entitled "Family Health Insurance Plan."

Part B—Family Health Insurance Plan

Section 620. Short title.

Part B may be cited as the "Family Health Insurance Act."

Section 621. Purpose.—The purpose of the new part is to assist low-income families with children to obtain adequate insurance coverage to meet their health needs, in a manner which will encourage the efficient and economical use of resources for health care, through the establishment of the family health insurance plan.

Section 622. Eligibility.—Each family, as defined in section 625, which includes one or more members who are not entitled to Medicare hospital insurance or to health insurance under the National Health Insurance Standards Act (Part A of title VI) is entitled to health insurance benefits under this new part B, provided that the total annual family income does not exceed specified limits and that total family resources do not exceed $1500. Income limits range from $2500 for one-member families to $7000 for families of seven or more members. The limit for a family of four is $5000.

Family health insurance coverage is provided to any such family for any month in which one or more members receives cash benefits under the Family Assistance Plan or under a State program supplemental to the Family Assistance Plan.

Eligibility and premium amounts will be determined within 30 days following the family's initial filing for family health insurance coverage and every six months thereafter. The Secretary will estimate the family's income for the forthcoming six-month period, basing his estimate, ordinarily, on the family's income for a preceding period. Redeterminations of eligibility and premium amounts will be made whenever the Secretary has reason to believe they are needed.

To the extent that he finds them relevant, the Secretary, in making determinations of eligibility and premium amounts, may adopt determinations of family income made under the Family Assistance Plan or under a State program supplementing the Family Assistance Plan.

The Secretary may by regulations determine when income received, or expenses incurred, in one period shall be considered as income received or expenses incurred in another period or periods.

Each family member whose coverage is terminated will be so advised by the Secretary and the termination will take effect with the close of the six-month period in which notice is given. Where the terminated beneficiary is not entitled to Medicare's hospital insurance and is not a member of a family covered by The National Health Insurance Standards Act, the termination will take effect with the last day of the quarter following the six-month period in which the coverage determination is made.

Provision is made for setting special income limits where a family's gross income, as defined in the Internal Revenue Code of 1954, is from a trade or business (including farming).

Section 623. Meaning of Income.—Both earned and unearned income is counted. Specific definitions are provided. Family assistance benefits and State supplementary payments are counted, but food stamps are not counted, nor are amounts received for care of foster children.

The amount of income attributed to each member of an eligible family will be determined by dividing the family's total income by the total number of family members eligible for coverage under this part.

For purposes of determining premiums, deductibles and coinsurance amounts, families are classified by size and total income in accordance with a table included in the bill.

Section 624. Resources.—In determining "resources," the Secretary will exclude the family home, household goods, personal effects, and property so essential to family self support as to warrant its exclusion. Regulations will specify the effect that disposition of a family's property will have on eligibility.

Section 625. Definition of a Family and Child.—The terms "family" and "child" are defined. A parent (or spouse of such parent) who is absent because of employment or search for employment will be counted as part of the family. A "child" must be under age 18 or, if between 18 and 22, must be attending a college, university, or other school in preparation for employment.

In determining eligibility and premium amounts, income of any person that is not available to the family will not be counted (except for the income of a parent or spouse of a parent). Where the person is a child, he will be included in determining the family's eligibility but not in determining its premium amount.

Section 626. Benefits.—In each calendar year, each covered member of a family shall be eligible for coverage of 30 days of inpatient hospital care (or equivalent days of extended care or home health services), emergency services, outpatient and inpatient physicians' services, and other services. Also covered are well-child care, with the number of occasions of such care being limited by the child's age; routine eye examinations for children under 12 years of age; and maternity care and family planning services and related drugs and devices. Psychiatric care and posthetic devices are excluded.

Deductibles and coinsurance vary in accordance with the income class of eligible families. (The classes range from 1 to 5, with 5 being the highest eligible income class.) A deductible of one day of charges for room and board in a hospital is provided for families in income classes 2, 3, or 4, and 2 days for families in income class 5. The deductible for services other than well-baby care, maternity care, and family planning services is $50 per family for those in income classes 3 and 4, and $100 in class 5. Coinsurance is at the rate of 10 percent for income class 4 and 25 percent for income class 5. There is no coinsurance for families in income classes 1, 2, or 3.

Hospitals providing services must have a utilization review plan; reimbursement for services is subject to reasonable cost and reasonable charge limits under title XVIII (Medicare); appropriate arrangements must be made by the carrier to avoid duplicate coverage; Professional Standards Review Organization provisions of title XI (which would be added by H.R. 1) as they apply to payments under titles XVIII and XIX would apply to the extent determined by the Secretary; the same exclusions that apply under title XVIII would apply, except that physical checkups are covered; and State agencies, intermediaries, carriers, and other private agencies or organizations, will be utilized by the Secretary to the extent he finds appropriate in carrying out the program.

Section 627. Premiums.—Premiums are based on the family's income class, taking into account the family's size. (A family in income class 1 pays no premiums.) Premiums are to be paid as prescribed in regulations. They may be deducted from payments due any member of the covered family under any title of the Social Security Act. The Secretary may request that premiums be deducted from State benefits supplementing Federal Family Assistance benefits. Family members who are dissatisfied with any determination made under the program have opportunity for hearing and review.

Section 628. Payments to Health Maintenance Organizations.—Provision is made for families to choose to receive covered services through a health maintenance organization. The HMO option is like that proposed for Medicare under H.R. 1.

Section 629. Consolidated Federal-State Health Benefits.—States may enter into agreements with the Secretary under which the State would provide benefits supplemental to benefits under this new part, with the State paying the cost of the additional benefits and the Federal Government paying the administrative costs.

Section 630. Definitions.—The terms "inpatient hospital services," "physicians' services," "medical and other services," "extended care services," "home health services," "provider of services," and "carrier" have the same meaning as when used under title XVIII. The term "pediatric nurse associate" is defined.

Section 202 of the bill sets July 1, 1973, as the effective date of the program.

TITLE III OF THE BILL—RESTRICTION OF MEDICAL ASSISTANCE PROGRAMS TO AGED, BLIND, DISABLED AND CHILDREN IN FOSTER CARE

Title XIX of the Social Security Act is amended to provide that the only mandatory coverage groups under State Medicaid plans will be the aged, blind, and disabled within the meaning of title XVI who are either receiving cash assistance under the State title XVI plan, or whose income and resources meet the requirements of such plan—and also children receiving foster care under a State plan approved under part A of title IV. State Medicaid plans may optionally include the aged, blind, and disabled who are medically indigent (whether or not they meet the income and resources tests of the title XVI plan) and also children receiving foster care (whether or not they meet all of the requirements of part A of title IV).

TITLE IV OF THE BILL—INAPPLICABILITY OF STATE LAW TO HEALTH MAINTENANCE ORGANIZATIONS

Health maintenance organizations providing services pursuant to agreement with the Secretary under title VI of the Social Security Act (National Health Insurance Standards Act and Family Health Insurance Act) would be exempted from State laws or regulations inconsistent with the agreement or with the Secretary's regulations.

Physicians affiliated with such health maintenance organizations may delegate any of their functions to employees, either of the physicians or of the organization, subject to the Secretary's limitations and requirements, notwithstanding any State laws or regulations; no State law or regulation may prevent, interfere with, or penalize any such physician, employee, or organization for so doing.

TITLE V—GENERAL; SEVERABILITY

Provides that if any provision of this legislation is held invalid, all other provisions shall remain in effect; and that if any provision is held invalid in part, the provision shall remain in effect with respect to all other applications.

A GI PETITION

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, last Tuesday, during hearings before the Subcommittee on National Security Policy and Scientific Developments of the House Foreign Affairs Committee, the subcommittee heard testimony from a representative of the Vietnam Veterans Against the War. Unfortunately, there was not enough time to hear all those who wanted to speak.

In order to provide other members of the group an opportunity to present factual testimony, the gentleman from Illinois, Congressman PAUL FINDLEY, also a member of the subcommittee, and I, held informal hearings on Friday, April 23, at which a number of Vietnam veterans appeared and presented valuable testimony. The hearing was taped and a transcript will be inserted in the record when completed.

One of the witnesses was William W. Lemmer, a specialist 4th class on active duty stationed at Fort Benning, Ga. Sp./4 Lemmer gave Congressman FINDLEY and myself a petition, containing 112 signatures, most of them active duty personnel and their dependents.

This impressive petition asks for an immediate end to this war. "We ask for the lives of those who will die in a prolonged effort."

The petition includes a comment on the Mylai massacre:

> The recent My Lai incident is only one of many more to come to light in the near future and serves as an example of the crimes committed against the people of Vietnam; point-blank in the case of My Lai, miles high in the case of the bombings of the North.

Finally, the petition also mentions the harassments which men in the Armed Forces face if they oppose the war. The petition pleads:

> While our right to petition Congress remains intact, help us to retain the right to read what we want without having it seized and say what we want without being forcefully silenced. Otherwise we become what we claim to be fighting.

Mr. Speaker, the men and women who signed this petition expected to be harassed by military authorities for taking this position. Congressman FINDLEY asked Specialist Fourth Class Lemmer if those who signed knew that this petition would be made public and Mr. Lemmer replied that they did. The right to speak out and to petition Congress is a basic right and I am confident that these people will not be harassed. Nevertheless, it took courage for them to sign their names given their active duty status or that of their loved ones.

Mr. Speaker, I include at this point the full text of the petition and the list of those persons who signed it:

We, the following members of the United States Army, do request the aid of our members of the nation's Congress toward the consideration and accomplishment of actions herein described.

STATEMENT

Within the months of April and May, this nation's eyes will be focused upon the conflict in Indochina. Over 44,000 American servicemen like ourselves have died in this War; now the War itself and individual soldiers, as well, are on trial. Many of us are veterans of combat in Viet Nam, and are familiar with the nature of actions there. But too often our voices are lost in the political shuffles of the times.

In this petition's presentation before you we sound one great collective voice, directing it toward the highest offices availed for this purpose. We who have fought and supported and we upon whose shoulders the burden falls to continue the War come to you in confidence that you will now take whatever action may be necessary to right a decade of wrongs.

Article One: We feel that any hopes of a military victory in Indochina will serve only to prolong the system of fruitless invasions and further killing of civilian populations on both sides. The pushing of ARVN forces across one border after another constitutes a crime both against the countries whose forces are intimidated by the action and against the ARVN troops who are wasted in eventual defeat. It is the nature of our ARVN dependents to disregard the personal integrity of members of any other nationality, including Montagnards, Cambodians, and Laotians. Yet Saigon disguises its ambitions and defeats, and urges U.S. support of further operations. End all hostilities involving Americans. Not just ground actions, but air operations as well. As long as Americans support such actions, Americans will die unjustly.

Article Two: The nation is now asked to decide whether our effort over the last ten years has been just or not. Most of the country agrees, as do we that it is not the American Way to convict its soldiers of murder because they were ordered to kill. But what of those from whom the orders came? The recent My Lai incident is only one of many more to come to light in the near future and serves as an example of the crimes committed against the people of Viet Nam; point-blank in the case of My Lai, miles high in the case of the bombings of the North. There can be no differences when it comes to wholesale killing.

Article Three: The crimes against American youth . . . If a man chose to resist the draft on grounds that the nation was waging an illegal war, he has until now been branded a traitor. And if a man chose to flee from service, this being the only alternative to going to the war he opposed, he was either exiled or imprisoned. Rather than correcting only the wrong done the people of Indochina, move to right the wrong done to those who were forced to leave their homes in America to live in exile outside our borders and in the cells of federal prisons. We do hereby call for action leading to an unconditional declaration of amnesty for all war-resistance exiles and prisoners. For it was they who saw years before now that our presence in Southeast Asia would lead the United States to where it is today. The effects of this conflict and anxiety upon the generation whose choice of war or persecution has led to a torn sense of moral values, will be felt throughout the remainder of this century.

Article Four: Rights of the Serviceman to dissent. The nation is divided in its opinions concerning the Indochina War. Since we are an army made up of members out of this same population, there are divisions of opinion among the military ranks. But because we are the ones who must go into the actual battle, we are expected to be of support to the War. And we are not supposed to speak against it or the system and attitudes that serve to perpetuate it. Anti-war mail can be seized in Viet Nam. But it is being seized here at home, too. And those among us who would organize ourselves to make our opinions known are persecuted. Imprisonment of those who would speak their sentiments amounts to nothing less than the taking of political prisoners. Under the excuse of fighting communism, our leaders have begun to use tactics which resemble Hitler's Germany. In the name of justice and national unity, we are denied the same rights we are told that we are fighting for. Freedom of speech and freedom to dissent need not tear down the nation, and should not be so feared that these rights be taken away. They are already being denied us here. And if we are silenced, more rights will disappear one by one. Not only among servicemen, but everywhere men dare to wonder what is right. While our right to petition Congress remains intact, help us retain the right to read what we want without having it seized and say what we want without being forcefully silenced. Otherwise we become what we claim to be fighting.

We, the signed members of the U.S. Army at Fort Benning, Georgia, feel that anything less than an immediate end to all armed action and immediate initiation of a total withdrawal will amount to no less than the condemnation of another 1,000 or more loyal citizens like us . . . conceivably, some of that number may indeed include some of us. We ask for the lives of those who will die in a prolonged effort. And we feel that the real treason against America is not committed by those of us who oppose the war; but instead, by those who urge us on toward further military actions. And we feel that we, above all others, are qualified and motivated to condemn the idea of even one more day of War. For it is we who stand to die.

1. William D. Lemmer, SP/4, Arkansas.
2. Donald D. Thomas, Sgt., Ohio.
3. David L. Richardson, Pfc., [redacted]

1st Plt. 40th Co., The School Brigade, Ft. Benning, Ga. 31905.

4. Edward John Eckart, Jr., Sgt. [redacted], New Jersey.
5. Randy Hallman, Pfc. [redacted], Texas.
6. Robert L. Haas, SP/4, [redacted], Wis.
7. Paul F. Yandle, SP/21, [redacted], Mass.
8. Lloyd, Frank D., Jr., Pfc. [redacted], Fla.
9. Wilson, Jenning L., [redacted], Chicago.
10. Michael J. Donegon, Pfc., [redacted], Mass.
11. Edward M. Bermann, SP4, [redacted], Mass.
12. David A. Martens, E–4, [redacted], Md.
13. Stephen J. Bates, SP4 [redacted], Missouri.
14. John C. Moore, SP4, [redacted] Mich.
15. Keith Crabtree, SP/4, [redacted], Ohio.
16. Randy Davis, SP/4, [redacted].
17. Donald C. Mahaura, 2 Lt., [redacted], Col., Ohio.
18. John Nyquist, SP/4, [redacted], Montana.
19. Brian L. Guilihani, Pvt. [redacted], Mich.
20. James B. Spilman, Pfc. [redacted], Wash.
21. Page C. Rubin, Maryland.
22. Panese W. Abbott, Huntington Beach, Calif.
23. John T. Longo, Charleston, S.C.
24. Thomas E. Salsgiver, SP/4, Audubon Park, N.J.
25. Steve E. Gordon, SP/4, [redacted].
26. Charles L. Martin, FA (U.S.C.G.) [redacted].
27. William Storey, [redacted], Columbus.
28. Ronald J. Moul, X–GI Veteran, Mass.
29. M. Robert Wheatley, [redacted], Balt., Md.
30. Robert P. Culotte, [redacted], New Orleans.
31. James R. Pryor X-GI Vet.
32. Paul T. Geralds PFC [redacted].
33. Stephen J. Allen PFC [redacted].
34. Denis W. Carver PFC [redacted].
35. Allan Forester 5 year Vet.
36. Judy F. Jones U.S. college student.
37. Nellena Thomas Soldiers Wife.
38. Richard Boschaert [redacted].
39. Chester I. Haynes [redacted].
40. Avory C. Runyon [redacted].
41. Thomas D. Philging [redacted] US Army.
42. Louise E. Priset [redacted] US Army.
43. Charles Hayns [redacted].
44. Joseph Szynowski [redacted] U.S. Army.
45. Richie O'Toole [redacted] U.S. Army.
46. Sieg C. Engel [redacted] U.S. Army.
47. PV2 Kenneth Meyihen [redacted] U.S. Army.
48. PV2 Thomas B. Eliot [redacted] US Army.
49. Wayne F. King Ex-USN.
50. Edward Z. Hoverford US Army.
51. Dannio E. Gibbons US Army.
52. David L. Fork US Army Co.
53. Greg C. Eogel US Army.
54. James Nichols USA.
55. Kevin E. Miller student.
56. Mark Reed student.
57. Theresa Herndon, U.S. Army Dependent! Peace Atlanta [redacted].
58. Drucilla Sapia Dependent.
59. Cathy Dohery Dependent.
60. Sp/4 Edwin Nystrom 43rd Eng. [redacted].
61. Pfc. Randy L. Larson [redacted] G "B" Hq. Comd. 2812.
62. Pvt. C. T. Deems [redacted] Co. A 43 Eng.
63. Pfc. Robert Null [redacted] Co. A 43rd Engr.
64. E–4 Robert Blook, [redacted] 70th Co. 8 Stud Bn. TSB.
65. Debra Neal
66. Robert E. Wilson [redacted] 80th Co. TSB.
67. Michael N. Ray [redacted] Pathfinder, Texas.
68. Bradley O. White [redacted] Long Beach, Calif. HHD 197th SPT. Bn.
69. Dianne Wesoloski 17–D Pine Terrace Apts.
70. Tom Wisloski, 17D Pine Terrace Apts.
71. Rick Dean Pfc. 197th Inf. Ft. Benning.
72. Stephen Henson Pvt. 3318 Victory Dr. Columbus, Ga.
73. Richard J. Lenser, SP4, 650 Coarthy Dr. Columbus, Ga.
74. Ricky "Chick" Cicalo, Sp4, been there a year! 721 1st Ave. Columbus, Ga.
75. Ray E. Phillips SP/4 721st Ave. Columbus, Ga.
76. Arthur Tarming Saunders, 6–C Pine Terrace [redacted].
77. Joseph Ploury, Pfc. Co. D 197th Spn. Bn. A.
78. William Wayne E2 HHD 197.
79. Robert Cowthney Pfc. 197 Inf. Ft. Benning.
80. John L. Brown, E–5, 197th Inf. Ft. Benning.
81. Ruthie Kauhane, Dep.
82. Sandy Pabb, Dep.
83. Ed Cunningham Pfc., California.
84. Gerald Gaunthier, Pfc. Chicago.
85. Dale R. Chalot.
86. Mike Gocan.
87. James D. Handix.
88. John Sichi.
89. Gerry Bell, Nat. Guard E–3, [redacted].
90. Carl Gay, 173 ABr, [redacted].
91. Bruce Baldwin, HHC 1/24197 E–5, [redacted].
92. Joe Bord, HHC 1/29197 E–5, [redacted].
93. Kitty Finik, Dependent.
94. ——— — ———, None, [redacted].
95. Mark Sutherland, [redacted].
96. Richard A. Diamond, YN2 (Ret.) USN, [redacted].
97. Gail Gunn.
98. Paul S. Shelhammer, E–2 [redacted].
99. Michael S. Harvey, C Btry 2/10 Arty [redacted].
100. Joseph H. McMillen, AHC 5/31 197th, [redacted].
101. Joseph B. Brown, HHC 5/31st 197 Inc., [redacted].
102. Jack W. King, 205th Aux. Co. [redacted].
103. Mary Ross, [redacted].
104. Vernon Jons, [redacted].
105. James A. Webber, 205th AUNCO, [redacted].
106. Susan Ross, [redacted].
107. Michaels Beiring, [redacted].
108. Andi Bland, [redacted].
109. Ann Jones, [redacted].
110. 2nd Lt. Robert W. Riflin, [redacted] FV, New York.
111. E–2 Chuck L. Williams, [redacted], Nev.
112. E–2 William D. Hill, [redacted], Mo.

A FAIR MINIMUM FAMILY INCOME

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on March 30, 1971, I introduced H.R. 6937, my welfare reform proposal, and included the text of this legislation in the CONGRESSIONAL RECORD for March 31, 1971. Subsequently, I introduced H.R. 7254 in order to correct two errors in the original bill.

At this point, Mr. Speaker, I include the text of the corrected bill so that the text of H.R. 7254 may appear in corrected form.

H.R. 7254

An act to authorize the payment by the United States of all the financial obligations under existing Federal-State welfare programs under the Social Security Act and waiving matching payments from the respective States for the fiscal year beginning on July 1, 1971, and to replace said programs with a national plan of income to enable the aged, blind, or severely disabled persons and families with children to attain a standard of living sufficient to provide for basic human needs, to provide incentives for employment and training to improve the capacity of employment of such persons and family members, and otherwise to improve their living conditions, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That this Act may be cited as the "National Fair Minimum Income Act of 1971."

TRANSITIONAL PROVISION

SEC. 101. Notwithstanding any other provision of law, for the purpose of providing the payment by the United States of the total cost of the Federal-State programs during the fiscal year beginning on July 1, 1971, provided for in titles I, IV, X, XI, XIV, XVI, XIX and 707, part B, title IV relating to child welfare services and section 410 relating to the authorization to locate missing parents of children, thereby waiving any and all matching payments, if any, by the respective States required thereunder, there is hereby authorized to be appropriated for said fiscal year a sum sufficient to carry on the purposes of this section.

TITLE IV. ESTABLISHMENT OF NATIONAL FAIR MINIMUM INCOME PLAN

SEC. 102. Title IV of the Social Security Act (42 U.S.C. 601 et seq.) is amended by adding after part C the following new parts:

"PART D—NATIONAL FAIR MINIMUM INCOME PLAN

"APPROPRIATIONS

"SEC. 441. For the purpose of providing a national fair minimum annual income plan throughout the Nation and to provide for the basic human needs of aged, blind, or severely disabled persons, couples, and families with children, in a manner which will strengthen their lives, encourage work training and self-support, and enhance personal welfare and dignity, there is authorized to be appropriated for the fiscal year beginning on July 1, 1872, and for each fiscal year thereafter a sum sufficient to carry out the purpose of this part.

"ELIGIBILITY FOR AND AMOUNT OF NATIONAL FAIR MINIMUM BENEFITS

"Eligibility

"SEC. 442. (a) Each aged, blind, or severely disabled person, couple or family (as defined in section 445)—

"(c) whose income in a base year, other than income excluded under section 443(b) is less than the national fair minimum income standard applicable to said base year, as provided in section 443(e) and

"(2) whose resources, other than resources excluded pursuant to section 444(b), are less than $2,500 in the case of an aged, blind, or severely disabled person, and are less than $5,000 in the case of a couple or of a family, shall in accordance with and subject to the other provisions of this part, be paid the benefits provided in section 442(b) herein.

"Amount of Benefits

"(b) The benefits payable for a payment quarter to each person, couple, or family eligible therefor under section 442(a) and (d) of this part shall be a sum equal to one-fourth of the difference between the income in the base year of such person, couple, or family, other than income excluded under section 443(b) of this part, and the national fair minimum income standard applicable to such person, couple, or family for such base year: *Provided*, however, that such benefits shall be computed and paid to the nearest dollar and that the minimum benefits payable shall not be less than $15 for any payment quarter (as defined in section 445(n) of this part), notwithstanding any other provision herein.

"(c) In addition to the benefits provided for in section 442(b) of this part, there shall be paid to each person, couple, or family eligible under section 442(a) of this part, a benefit equal to 50 cents for each dollar of earned income in a base year, as defined in section 443(a)(1), not to exceed a total of $2,800 in each year in excess of the national fair minimum income standard applicable to such person, couple, or family.

"Period for Determination of Benefits

"(d)(1) Eligibility for and benefits under this part shall be determined by the Secretary for each payment quarter on the basis of income in the base year other than income excluded under section 443(b), and the national fair minimum income standard applicable to said base year, on the basis of the Secretary's estimate of the income for such quarter, after taking into account such income in the base year. Eligibility for and the benefits hereunder for any payment quarter shall be redetermined at such time or times as may be provided by the Secretary and such redeterminations shall be effective prospectively for such quarter.

"(2) The Secretary shall by regulation prescribe the cases in which and the extent to which the amount of benefits for any payment quarter shall be reduced by reason of the time elapsing since the beginning of such quarter and before the date of filing the application for the benefit.

"(3) The Secretary may, in accordance with regulations promulgated by him, prescribe the cases in which and the extent to which income received in one period (or expenses incurred in one period in earning income) shall, for the purposes of determining eligibility for the amount of benefits, be considered or received (or incurred) in another period or periods.

"Special Limits on Gross Income

"(d) The Secretary may, in accordance with regulations promulgated by him, prescribe the circumstances under which the gross income from a trade or business (including farming) will be considered sufficiently large to make an aged, blind, or severely disabled person, couple, or family ineligible for such benefits provided in section 5 of this part.

"National fair minimum income standards

"(e)(1) For purposes of this part, national fair minimum income standards for an aged, blind, or severely disabled person, couple, or a family of a given size shall be the amounts shown in the following table, adjusted as provided in paragraph (2) of this subsection:

Person, couple or family size	National fair minimum annual income standard for fiscal year beginning July 1, in— 1972	1973	1974	1975	1976	1977[1]
Aged, blind, or severely disabled person	$1,800	$1,900	$2,000	$2,100	$2,200	$2,300
Couple	3,100	3,200	3,300	3,400	3,500	3,600
Family of:						
2 persons	2,950	3,050	3,150	3,250	3,350	3,550
3 persons	3,300	3,650	4,100	4,450	4,800	5,100
4 persons	4,150	4,550	4,950	5,350	5,750	6,250
5 persons	5,000	5,400	5,800	6,200	6,600	7,150
6 or more	5,600	6,200	6,800	7,400	7,800	8,600

[1] And thereafter.

"(2) Between April 1 and June 30 of each calendar year, beginning with 1973, the Secretary (A) shall adjust the national fair minimum annual income standard for each such person, couple, or family by size in the table in paragraph (1) by increasing such amount by the percentage by which the average level of the price index for each year ending on March 31 exceeds the average level of the price index for the year ending on March 31, 1972, and (B) shall promulgate the amounts so adjusted as the national fair minimum annual income standards applicable under this part which shall be conclusive for purposes of this part for the fiscal year beginning July 1 next succeeding such promulgation, *provided, however*, that such adjustment shall be made and promulgated to the nearest fifty dollars.

"(3) As used in this subsection, the term 'price index' means the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

"Puerto Rico, the Virgin Islands, and Guam

"(f) For special provisions applicable to Puerto Rico, the Virgin Islands, and Guam, see section 1108(e) of the Social Security Act, as amended.

"INCOME

"Meaning of Income

"Sec. 443(a). For purposes of this part, income means both earned income and unearned income; and

"(1) earned income means only—

"(A) remuneration for services performed as an employee (defined in section 210(j) of the Social Security Act), other than remuneration to which section 209(b), (c), (d), (f), or (k), or section 211, therein, would apply; and

"(B) net earnings from self-employment, as defined in section 211 in said act (without the application of the second and third sentences following clause (C) of subsection (a) (9)), including earnings for services described in paragraphs (4), (5), and (6) of subsection (c); and

"(2) unearned income means all other income, including—

"(A) any payments received as an annuity, pension, retirement, or disability benefit, including veteran's or workmen's compensation and old-age, survivors, and disability insurance, railroad retirement, and unemployment benefit;

"(B) prizes and award;

"(C) the proceeds of any life insurance policy;

"(D) gifts (cash or otherwise), support and alimony payments, and inheritances; and

"(E) rents, dividends, interest, and royalties.

"Exclusions From Income

"(b) In determining income there shall be excluded—

"(1) subject to limitations (as to amount or otherwise) prescribed by the Secretary, the earned income of each child in the family who is, as determined by the Secretary under regulations, a student regularly attending a school, college, or university, or a course of vocational or technical training designed to prepare him for gainful employment;

"(2)(A) the total unearned income of an aged, blind, or severely disabled person, couple, or of all members of a family in a calendar quarter which, as determined in accordance with criteria prescribed by the Secretary, is received too infrequently or irregularly to be included, if such income so received does not exceed $30 in such quarter and (B) the total earned income of an aged, blind, or disabled person, couple, or of all members of a family in a calendar quarter which, as determined in accordance with such criteria, is received too infrequently or irregularly to be included, if such income so received does not exceed $30 in such quarter;

"(3) an amount of earned income of a member of the family equal to all, or such part (and according to such schedule) as the Secretary may prescribe, of the cost incurred by such member for child care which the Secretary deems necessary to securing or continuing in manpower training, vocational rehabilitation, employment, or self-employment;

"(4) any costs (whether in the form of insurance premiums or otherwise) incurred for medical care or for any other type of remedial care recognized under Federal, State, or local government law, including costs under part E of this title, except as provided in section 452(a)(10);

"(5) any assistance (except food stamps and veterans' pensions) which is based on need and furnished by any State or political subdivision of a State or any Federal agency, or by any private charitable agency or organization (as determined by the Secretary);

"(6) allowances under section 432(a) of the Social Security Act;

"(7) any portion of a scholarship or fellowship received for use in paying the cost of tuition and fees at any educational (including technical or vocational education) institution; and

"(8) home produce of an aged, blind, or severely disabled person, couple, or a member or members of a family utilized for his or their home consumption.

"RESOURCES

"Exclusions From Resources

"Sec. 44. (a) In determining the resources of an aged, blind, or severely disabled person, couple, or family there shall be excluded—

"(1) the home, household goods, and personal effects; and

"(2) other property which, as determined in accordance with and subject to limitations in regulations of the Secretary, is so essential to such person's, couple's or family's means of self-support as to warrant its exclusion.

"Disposition of Resources

"(b) The Secretary shall prescribe regulations applicable to the period or periods of time within which, and the manner in which various kinds of property must be disposed of in order not to be included in determining a family's eligibility for the benefits under this part. Any portion of the benefits paid for any such period shall be conditioned upon such disposal; and any benefits so paid shall (at the time of the disposal) be considered overpayments to the extent they would not have been paid had the disposal occurred at the beginning of the period for which such benefits were paid.

"DEFINITIONS

"Composition of Family

"Sec. 445. (a) Two or more individuals—

"(1) who are related by blood, marriage, or adoption,

"(2) who are living in a place of residence maintained by one or more of them as his or their own home,

"(3) who are residents of the United States, and

"(4) at least one of whom is a child who (A) is not married to another of such individuals and (B) is in the care of or dependent upon another of such individuals, shall be regarded as a family for purposes of this part and parts A, C, and E. A parent (of a child living in a place of residence referred to in paragraph (2)), or a spouse of such a parent, who is determined by the Secretary to be temporarily absent from such place of residence for the purpose of engaging in or seeking employment or self-employment (including military service) shall nevertheless be considered (for purposes of paragraph (2)) to be living in such place of residence.

"Definition of Child

"(b) For purposes of this part and parts C and E the term 'child' means an individual who is (1) under the age of eighteen, or (2) under the age of twenty-one and (as determined by the Secretary under regulations) a student regularly attending a school, college, or university, or a course of vocational or technical training designed to prepare him for gainful employment.

"Definition of Member

"(c) 'Member' shall include father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, niece or any other individual who is related to another individual by blood, marriage, or adoption, as provided by appropriate State law.

"Income and Resources of Noncontributing Adult

"(d) For purposes of determining eligibility for and the amount of benefits payable under this part there shall be excluded the income and resources of any individual, other than a parent of a child (or a spouse of a parent), which, as determined in accordance with criteria prescribed by the Secretary, is not available to the other member of the couple or other members of the family; and for such purposes such individual—

"(1) in the case of a child, shall be regarded as a member of the family for purposes of determining the family's eligibility for such benefits but not for purposes of determining the amount of such benefits, and

"(2) in any other case, shall not be considered a member of the couple or of the family for any purpose.

"Aged, Blind, and Severely Disabled Recipients of Benefits

"(e) If an aged, blind, or disabled person or couple is receiving benefits under this part, then for the period for which such benefits are received, such person or couple shall not be regarded as a member of a family for purposes of determining eligibility for and the amount of benefits under this part.

"Definition of Aged Person

"(f) 'Aged person' means an individual who is sixty-five years of age or over.

"Definition of Blind Person

"(g) 'Blind person' means an individual who is blind as determined in accordance with criteria prescribed by the Secretary.

"Definition of Severely Disabled Person

"(h) 'Severely disabled person' means an individual, 18 years of age or older under a severe disability, as determined in accordance with criteria prescribed by the Secretary.

"Definition of Couple

"(i) 'Couple' means any two individuals who are aged, blind, or severely disabled, or any combination thereof, who are related by blood, marriage or adoption, who are living in a place of residence maintained by one or both of them as his, her, or their own homes, and who are residents of the United States.

"Exclusion From Definitions of Aged, Blind, Severely Disabled Person and Couple

"(j) The terms 'aged person', 'blind person,' 'severely disabled person' and 'couple' shall exclude any individual who is an inmate of a public institution (except as a patient in a medical institution).

"Definition of National Fair Minimum Income Standard

"(k) 'National fair minimum income standard' means the amount of annual income in a base year determined by the Secretary in accordance with the provisions of this part to enable an aged, blind, severely disabled person or a couple or family to attain a standard of living sufficient to provide for basic human needs.

"Definition of Benefits

"(l) 'Benefits' means the money payments payable under this part on or after July 1, 1972, to eligible persons, couples, or families. 'Benefits' also include money payments which are not included within the meaning of such term under the preceding sentence, but which would be so included except that they are made on behalf of any such persons, or couple, or family to another individual who (as determined in accordance with standards prescribed by the Secretary) is interested in or concerned with the welfare of such person, couple, or family; the secretary shall provide for

"(1) determination by him that such person, or a member or members of a couple, or of a family, has, by reason of his physical or mental condition, such inability to manage funds that making payments to him would be contrary to his welfare and, therefore, it is necessary to provide such assistance through payments described in this sentence;

"(2) making such payments only in cases in which such payments will, under the rules otherwise applicable under this part for determining the amount of benefits to be paid (and in conjunction with other income and resources), meet all the basic human needs of the person, couple, or family to whom such payments are made;

"(3) undertaking and continuing special efforts to protect the welfare of such person, couple, or family and to improve, to the extent possible, capacity for self-care and to manage funds;

"(4) periodic review by the Secretary under paragraph (1) of this subsection to ascertain whether conditions justifying such determination still exist, with provision for termination of such payments if they do not and for seeking judicial appointment of a guardian or other legal representative, as described in section 1311 of this title, if and when it appears that such action will best serve the interests of such person, couple or family; and

"(5) opportunity for a fair hearing before the Secretary on the determination referred to in paragraph (1) of this subsection for any person, couple, or family with respect to who it is made.

"Definition of Quarter

"(m) 'quarter' means a calendar quarter ending on March 31, June 30, September 30 or December 31.

"Definition of Payment Quarter

"(n) 'payment quarter' means a quarter with respect to which (or with respect to any part thereof) a claim for benefits is made under this part.

"Definition of Base Year

"(o) 'base year' means a period of four consecutive quarters immediately preceding the completed quarter immediately prior to a payment quarter.

"Definition of Month

"(p) 'month' means a calendar month.

"Definition of United States

"(q) 'United States,' when used in a geographical sense, means, except when otherwise provided, the fifty states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

"Definition of State

"(r) 'State,' except where otherwise provided, means each of the fifty states, the District of Columbia, the Commonwealth of Puerto Rico, the Virginia Islands and Guam.

"PAYMENTS AND PROCEDURES

"SEC. 446. (a) (1) Benefits shall be paid at such time or times and in such installments as the Secretary determines will best effectuate the purposes of this part.

"(2) Payment of benefits under this part may be made to the aged, blind, or severely disabled person, or to any one or more members of the couple or of the family, or, if the Secretary deems it appropriate, to any person, other than such person, member or members of the couple, or of the family, who is interested in or concerned with the welfare of such person, couple, or family, in accordance with such regulations of the Secretary.

"(3) Whenever the Secretary has reason to believe that any payments of benefits to families made with respect to a child are not being or may not be used in the best interests of the child, he may provide for such counseling and guidance services with respect to the use of such payments and the management of other funds by the member of the family receiving such payments as he deems advisable in order to assure use of such payments in the best interests of such child, and may provide for advising such relative that continued failure to so use such payments will result in substitution therefore for payments as provided in the second sentence of section 445(l) of this title, or in seeking appointment of a guardian or legal representative as provided in section 1311 of this title, or in the imposition of criminal or civil penalties authorized under State law if it is determined by a court of competent jurisdiction that such member is not using or has not used for the benefit of the child any such payments made for that purpose; and the provision of such services or advice by the Secretary or the taking of the action specified in such advice shall not prevent such payments with respect to such child from being considered benefits under this part.

"Overpayments and Underpayments

"(b) Whenever the Secretary finds that more or less than the correct amount of benefits has been paid with respect to any aged, blind, or severely disabled person, or couple, or family, proper adjustment or recovery shall, subject to the succeeding provisions of this subsection, be made by appropriate adjustments in future payments with respect to such person, couple, or family, or by recovery from or payment to such person or to any one or more members of such couple or of such family. The Secretary shall make such provision as he finds appropriate in the case of payment of more than the correct amount of benefits with respect to an aged, blind, or severely disabled person, or couple, or family, with a view to avoid penalizing such person, or members of a couple, or of a family who were without fault in connection with the overpayment, if adjustment or recovery on account of such overpayment in such case would defeat the purposes of this part, or be against equity or good conscience, or (because of the small amount involved) impede efficient or effective administration of this part.

"Earnings and Review

"(c)(1) The Secretary shall provide reasonable notice and opportunity for a hearing to any individual who is or claims to be an aged, blind, or severely disabled person, or a member of a couple or of a family and is in disagreement with any determination under this part with respect to eligibility of such person, couple, or family for benefits, the number of members of the family, or the amount of benefits, if such individual requests a hearing on the matter in disagreement within thirty days after notice of such determination is received. Until a determination is made on the basis of such hearing or upon disposition of the matter through default, withdrawal of the request by the individual, or revision of the initial determination by the Secretary, any amounts which are payable (or would be payable but for the matter in disagreement) to any individual who has been determined to be such person or a member of such couple or family shall continue to be paid; but any amounts so paid for periods prior to such determination or disposition shall be considered overpayments to the extent they would not have been paid had such determination or disposition occurred at the same time as the Secretary's initial determination on the matter in disagreement.

"(2) Determination on the basis of such hearing shall be made within ninety days after the individual requests the hearing as provided in paragraph (1).

"(3) The final determination of the Secretary after a hearing under paragraph (1) shall be subject to judicial review as provided in section 205(g) of the Social Security Act to the same extent as the Secretary's final determinations under section 205; except that the determination of the Secretary after such hearing as to any fact shall be final and conclusive and not subject to review by any court.

Procedures; Prohibition of Assignments

"(d)(1) The provisions of sections 206 and 207 and subsections (a), (d), (e), and (f) of section 205 of the Social Security Act shall apply with respect to this Act to the same extent as they apply in the case of title II of said Act.

"(d)(2) The benefits paid under this part or medical assistance under part E shall not be subject to any tax under any Federal, state or local government law otherwise imposed on any aged, blind, or severely disabled person, member of a couple or of a family, or members of a couple or family.

"Applications and Furnishing of Information

"(e)(1) The Secretary shall prescribe regulations applicable to aged, blind, or severely disabled persons, couples, families, or members thereof with respect to the filing of applications, the furnishing of other data and material, and the reporting of events and changes in circumstances, as may be necessary to determine eligibility for an amount of family assistance benefits under this part.

"(2) In order to encourage prompt reporting of events and changes in circumstances relevant to eligibility for or amount of payments under this part, and more accurate estimates of expected income or expenses by such persons, couples, family, or members of such couples or families for purposes of such eligibility and amount of benefits, the Secretary may prescribe the cases in which and the extent to which—

"(A) failure to so report or delay in so reporting, or

"(B) inaccuracy of information which is furnished by such persons, couples, or members and on which the estimates of income or expenses for such purposes are based,

will result in treatment as overpayments of all or any portion of payments of such benefits for the period involved.

"Furnishing of Information by Other Agencies

"(f) The head of any Federal agency shall provide such information as the Secretary needs for purposes of determining eligibility for or amount of benefits under this part, or verifying other information with respect thereto.

"REGISTRATION AND REFERRAL OF FAMILY MEMBERS FOR MANPOWER SERVICES, TRAINING AND EMPLOYMENT

"Sec. 447. (a) Every individual who is a member of a family found to be eligible for benefits under this part, other than a member to whom the Secretary finds paragraph (1), (2), (3), (4), or (5) of subsection (b) applies, shall register for manpower services, training, and employment with the local public employment office of the State as provided by regulations of the Secretary of Labor. If and for so long as any such member is found by the Secretary of Health, Education, and Welfare to have failed to so register, he shall not be regarded as a member of a family but his income which would otherwise be counted under this part as income shall be so counted; except that if such member is the only member of the family other than a child, such member shall be regarded as a member for purposes of determination of the family's eligibility for benefits under this part, but not (except for counting his income) for purposes of determination of the amount of such benefits. No part of the benefits under this part may be paid to such member during the period for which the preceding sentence is applicable to him; and the Secretary may, if he deems it appropriate, provide for payment of such benefits during such period to any person, other than a member of such family, who is interested in or concerned with the welfare of such family.

"(b) A member of a family eligible under this part shall not be required to register pursuant to subsection (a) if the Secretary determines that such member is—

"(1) unable to engage in work or training by reason of illness, incapacity, or advanced age;

"(2) a mother or other relative of a child under the age of six who is caring for such child;

"(3) the mother or other female caretaker of a child, if the father or another adult male relative is in the home and not excluded by paragraph (1), (2), (4), or (5) of this subsection (unless the second sentence of subsection (a), or section 448(a), is applicable to him);

"(4) a child who is under the age of sixteen or meets the requirements of section 445(b)(2); or

"(5) one whose presence in the home on a substantially continuous basis is required because of the illness or incapacity of another member of the household. A person or such member who would, but for the preceding sentence, be required to register pursuant to subsection (a), may, if he wishes, register as provided in such subsection.

"(c) The Secretary shall make provision for the furnishing of child care services in applicable cases and for so long as he deems appropriate in the case of (1) members of families registered pursuant to subsection (a) who are, pursuant to such registration, participating in manpower services, training, or employment, and (2) members of families referred pursuant to subsection (d) who are, pursuant to such referral, participating in vocational rehabilitation.

"(d) In the case of an aged, blind, or severely disabled person, or member of a couple, or of any member of a family receiving benefits under this part who is not required to register pursuant to subsection (a) because of such person's or member's incapacity, the Secretary may, within his discretion, make provision for referral of such person or such member to the appropriate State agency administering or supervising the administration of the State plan for vocational rehabilitation services approved under the Vocational Rehabilitation Act, and (except in such cases involving permanent incapacity as the Secretary may determine) for a review not less often than quarterly of such person's or such member's incapacity and his need for and utilization of the rehabilitation services made available to him under such plan. If and for so long as such person or such member is found by the Secretary to have refused without good cause to accept rehabilitation services available to him under such plan, he shall be treated as an individual to whom subsection (a) is applicable by reason of refusal to accept or participate in employment or training.

"DENIAL OF BENEFITS IN CASE OF REFUSAL OF MANPOWER SERVICES, TRAINING, OR EMPLOYMENT

"Sec. 448. (a) For purposes of determining eligibility for and amount of benefits under this part, a member of a family who has registered as required under section 447(a) shall not be regarded as a member of a family, but this income which would otherwise be counted as income of the family under this part shall be so counted, if and for so long as he has been found by the Secretary of Labor, after reasonable notice and opportunity for hearing (which shall be held in the same manner and subject to the same conditions as a hearing under section 446(c) (1) and (2)), to have refused without good cause to participate or continue to participate in manpower services, training, or employment, or to have refused without good cause to accept employment in which he is able to engage which is offered through the public employment offices of the State, or is otherwise offered by an employer if the offer of such employer is determined by the Secretary of Labor, after notification by such employer or otherwise, to be a bona fide offer of employment; except that if such member of a family is the only member of the family other than a child, such member shall be regarded as a member of the family for purposes of determination of the family's eligibility for benefits, but not (except for counting his income) for the purposes of determination of the amount of its benefits. No part of the benefits of any such family may be paid to such member during the period for which the preceding sentence is applicable to him; and the Secretary may, if he deems it appropriate, provide for payment of such benefits during such period to any person, other than a member of such family, who is interested in or concerned with the welfare of the family.

"(b) No family shall be denied benefits under this part, or have benefits under this part reduced, because a member of such family is (or would, but for subsection (a), be) a member of such family refuses work under any of the following conditions:

"(1) if the position offered is vacant due directly to a strike, lockout, or other labor dispute;

"(2) if the wages, hours, or other terms or conditions of the work offered are contrary to or less than those prescribed by Federal, State, or local law or are substantially less favorable to such member than those prevailing for similar work in the locality;

"(3) if, as a condition of being employed, such member would be required to join a company union or to resign from or refrain from joining any bona fide labor organization; or

"(4) such member has the demonstrated capacity, through other available training or employment opportunities, of securing work that would better enable him to achieve self-sufficiency.

"TRANSFER OF FUNDS FOR ON-THE-JOB TRAINING PROGRAMS

"Sec. 449. The Secretary shall, pursuant to and to the extent provided by agreement with the Secretary of Labor, pay to the Secretary of Labor amounts which he estimates would be paid as benefits under this part to individuals participating in public or private employer compensated on-the-job training under a program of the Secretary of Labor if they were not participating in such training. Such amounts shall be available to pay the costs of such programs.

"PART E—MEDICAL AND OTHER ASSISTANCE FOR AGED, BLIND, OR SEVERELY DISABLED PERSONS, COUPLES, AND FAMILIES

"APPROPRIATIONS

"Sec. 451. For the purpose of enabling the Secretary on and after July 1, 1972, to furnish medical assistance on behalf of aged, blind, or severely disabled persons, couples, or families, who are eligible under Part D of this Title, and whose income (including benefits under Part D of this Title) and resources are insufficient to meet the costs of necessary services, medical care, including rehabilitation and other services to help such persons and members of such couples or of such families attain or retain capability for independence or self-care, there is hereby authorized to be appropriated a sum sufficient to carry out the purposes of this part.

"PROGRAM PROVISIONS

"SEC. 452. (a) To carry out the purposes of section 451, the Secretary shall provide, under such regulations as he may promulgate,

"(1) for granting an opportunity for a fair hearing and review under section 446(c) to any individual whose claim for medical assistance under this part is denied or is not acted upon with reasonable promptness;

"(2) for utilization of medical and other professional personnel as are found necessary for the proper and efficient administration of this part, and for the training and effective use of paid subprofessional staff with particular emphasis on the full-time or part-time employment of recipients of benefits under Part D of this title and other persons of low income, as community service aides, in the administration of this part and for the use of nonpaid or partially paid volunteers in a social service volunteer program in providing medical care and services to applicants and recipients and assisting any advisory committee established by the Secretary under this part;

"(3) safeguards which restrict the use of or the disclosure of information concerning applicants and recipients to purposes directly connected with the administration of this part;

"(4) that all individuals wishing to make application for medical assistance under this part shall have opportunity to do so, and that medical care and services shall be furnished with reasonable promptness to all eligible individuals;

"(5) establish and maintain standards for private or public institutions in which recipients of medical assistance under this part may receive medical care and services;

"(6) medical care and services equal in amount, duration, and scope to all persons, couples or families eligible for benefits under part D, whose circumstances and conditions are about the same except that the making available of services described in section 453(b)(4) or (14) of this part to individuals meeting the age requirement prescribed therein shall not, by reason of this paragraph (6), require the making available of any such care and services, or the making available of such care and services of the same amount, duration, and scope, to individuals of any other ages, and further that the making available of supplementary medical insurance benefits under part B of title XVIII of the Social Security Act to individuals eligible therefor, of the cost of the deductibles, cost sharing, or similar charges under such part B for individuals eligible for benefits under such part, shall not, by reason of this paragraph (6), require the making available of any such benefits, or the making available of medical care and services of the same amount, duration, and scope, to any other individuals;

"(7) (A) for entering into cooperative agreements with State and local government agencies responsible for the administration of health services, vocational rehabilitation services, or other services provided for in this part, leading to maximum utilization of such services in the administration of this part; and

"(B) to the extent prescribed by the Secretary, for agreements with any agency, institution, or organization, receiving payments for part or all of the cost of plans or projects under the Maternal and Child Health and Crippled Children's Services Act of 1935 as amended (42 U.S. sec. 701 ff)

"(i) providing for utilizing such agency, institution, or organization in furnishing medical care services which are available under such plan or project under said Act, and

"(ii) making such provision as may be appropriate for reimbursing such agency, institution, or organization for the cost of such medical care and services furnished any individual for which payment would otherwise be made with respect to him under this part;

"(8) that, in determining whether an individual is blind or severely disabled, there shall be an examination by a physician skilled therein, or in determining blindness by an optometrist, whichever such individual may select in the case of blindness;

"(9) that no enrollment fee, premium, deduction, cost sharing, or similar charge will be imposed on any recipient of medical assistance under this part:

"(10) in the case of eligible individuals 65 years of age or other who are covered by either or both of the insurance programs established by title XVIII of the Social Security Act, whether under this part, all or any deductible, cost sharing, or similar charge imposed with respect to such individual under the insurance program established by said title XVIII is not made the portion thereof which is met shall be determined on a basis reasonably related (as determined in accordance with standards approved by the Secretary) and included in this part to the individual's, couple's, or family's income or income and resources as the case may be;

"(11) for the taking into account, except to the extent prescribed by the Secretary, the costs (whether in the form of insurance premiums or otherwise) incurred for medical care or for any other type of remedial care recognized and paid for under State law or any Federal law which are substantially the same as those provided for under this Act, in order to prevent double payment for the same medical and other services;

"(12) that no lien may be imposed against the property of any individual prior to his death on account of medical assistance under this part paid or to be paid on his behalf under this part (except pursuant to a judgment of a court on account of costs incorrectly paid on behalf of such individual), and that there shall be no adjustment or recovery (except, in the case of an individual who was 65 years of age or over when he received such assistance, from his estate, and then only after the death of his surviving spouse, if any, and only at a time when he has no surviving child who is under 21 or is blind or severely disabled) of medical assistance correctly paid on behalf of such individual under this part;

"(13) such safeguards as may be necessary to assure that eligibility for medical assistance, medical care and services under this part will be determined, and such assistance, care, and services be provided, in a manner consistent with simplicity of administration and the best interests of the recipient;

"(14) in cases of medical care and services on behalf of aged persons who are patients in institutions for mental diseases—

"(A) for having in effect such agreements or other arrangements with State or local government authorities concerned with mental diseases, and, where appropriate, with such institutions, as may be necessary for carrying out this part, including arrangements for joint planning and for development of alternate methods of care, arrangements providing assurance of immediate readmittance to institutions where needed for individuals under alternate plans of care, and arrangements providing for access to patients and facilities, for furnishing information, and for making reports;

"(B) provide for an individual plan for each such patient to assure that the institutional care provided to him is in his best interests, including, to that end, assurances that there will be initial and periodic review of his medical and other needs, that he will be given appropriate medical care and services within the institution, and that there will be a periodical determination of his need for continued treatment in the institution;

"(C) provide for the development of alternate plans of care, making maximum utilization of available resources, for recipients 65 years of age or older who would otherwise need care in such institutions, including appropriate medical care and services which are appropriate for such patients to help them attain or retain capability for self-support or self-care, or likely to prevent or reduce their dependency, as may be prescribed by the Secretary; and

"(D) methods of determining the reasonable cost of institutional care for such patients;

"(15) in cases of medical assistance in behalf of aged persons who are patients in public institutions for mental diseases, develop and implement comprehensive mental health program, including provision for utilization of community mental health centers, nursing home, and other alternatives to medical care and services in public institutions for mental diseases.

"(16) descriptions of—

"(A) the kinds and numbers of professional medical personnel and supporting staff that will be used in the administration of this part and of the responsibilities they will have,

"(B) the standards, for private or public institutions in which recipients of medical assistance under this party may receive medical care or services, that will be utilized,

"(C) the cooperative arrangements with State and local government health agencies and State and local government vocational rehabilitation agencies entered into with a view to maximum utilization of and coordination of the provision of medical care and services with the services administered or supervised by such agencies, and

"(D) other standards and methods to assure that medical or remedial care and services provided to recipients of medical assistance are of high quality;

"(17) that any individual eligible for medical assistance (including drugs) may obtain such assistance from any institution, agency, community pharmacy, or person, qualified to perform the service or services required (including an organization which provides such services, or arranges for their availability, on a prepayment basis), who undertakes to provide him such services;

"(18) effective July 1, 1972, for consultative services by health agencies and other appropriate agencies of the State and local governments, to hospitals, nursing homes, home health agencies, clinics, laboratories, and such other institutions as the Secretary may specify in order to assist them—

"(A) to qualify for payments under this part,

"(B) to establish and maintain such fiscal records as may be necessary for the proper and efficient administration of this part, and

"(C) to provide information needed to determine payments due under this part on account of medical care and services furnished to individuals:

"(19) effective July 1, 1972,

"(A) for the taking of all reasonable measures to ascertain the legal liability of third parties to pay for medical care and services available under this part and arising out of injury, disease, or disability,

"(B) that where the Secretary knows that a third party has such a legal liability he will treat such legal liability as a resource of the individual on whose behalf the medical care and services are made available,

"(C) that in any case where such a legal liability is found to exist after medical assistance has been made available on behalf of the individual, the Secretary will seek reimbursement for such assistance to the extent of such legal liability;

"(20) effective July 1, 1972—

"(A) for a regular program of medical review (including medical evaluation of each patient's need for skilled nursing home care) or (in the case of individuals who are eligible therefor under this part) need for care in a mental hospital, a written plan of care, and, where applicable, a plan of rehabilitation prior to admission to a skilled nursing home;

"(B) for periodic inspections to be made in all skilled nursing homes and mental institutions within each State by one or more medical review teams (composed of physicians and other appropriate health and social service personnel) of (i) the care being provided in such nursing homes (and mental institutions) to persons receiving assistance under this part, (ii) with respect to each of the patients receiving such care, the adequacy of the services available in particular nursing homes (or institutions) to meet the current health needs and promote the maximum physical well-being of patients receiving care in such homes (or institutions), (iii) the necessity and desirability of the continued placement of such patients in such nursing homes (or institutions), and (iv) the feasibility of meeting their health care needs through alternative institutional or noninstitutional services; and

"(C) for the making by such team or teams of full and complete reports of the findings resulting from such inspections together with any recommendations to the Secretary;

"(21) for agreements with every person or institution providing medical care and services under this part under which such person or institution agrees—

"(A) to keep such records as are necessary fully to disclose the extent of the services provided to individuals receiving medical assistance under this part, and

"(B) to furnish the Secretary with such information, regarding any payments claimed by such person or institution for providing medical care or services under this part, as the Secretary may from time to time request;

"(22) any skilled nursing home receiving payments under this part must—

"(A) supply to the licensing agency under this part full and complete information as to the identity (i) of each person having (directly or indirectly) an ownership interest of 10 per centum or more in such nursing home, (ii) in case a nursing home is organized as a corporation, of each officer and director of the corporation, and (iii) in case a nursing home is organized as a partnership, of each partner; and promptly report any changes which would affect the current accuracy of the information so required to be supplied;

"(B) have and maintain an organized nursing service for its patients, which is under the direction of a professional registered nurse who is employed full time by such nursing home, and which is composed of sufficient nursing and auxiliary personnel to provide adequate and properly supervised nursing services for such patients during all hours of each day and all days of each week;

"(C) make satisfactory arrangements for professional planning and supervision of menus and meal service for patients for whom special diets or dietary restrictions are medically prescribed;

"(D) have satisfactory policies and procedures relating to the maintenance of medical records on each patient of the nursing home, dispensing and administering of drugs and biologicals, and assuring that each patient is under the care of a physician and that adequate provision is made for medical attention to any patient during emergencies;

"(E) have arrangements with one or more general hospitals under which such hospital or hospitals will provide needed diagnostic and other services to patients of such nursing home, and under which such hospital or hospitals agree to timely acceptance, as patients thereof, of acutely ill patients of such nursing home who are in need of hospital care; except that the Secretary may waive this requirement wholly or in part with respect to any nursing home meeting all the other requirements and which, by reason of remote location or other good and sufficient reason, is unable to effect such an arrangement with a hospital; and

"(F) from July 1, 1972, such provisions of the Life Safety Code of the National Fire Protection Association (21st Edition, 1967) as are applicable to nursing homes; except that the Secretary may waive in accordance with regulations of the Secretary, for such periods as he deems appropriate, specific provisions of such code which, if rigidly applied, would result in unreasonable hardship upon a nursing home, but only if the Secretary makes a determination (and keeps a written record setting forth the basis of such determination) that such waiver will not adversely affect the health and safety of the patients of such skilled nursing home; and except that the requirements set forth in the proceeding provisions of this subclause (i) shall not apply in any State if the Secretary finds that in such State there is in effect a fire and safety code, imposed by State law, which adequately protects patients in nursing homes; and (ii) meet conditions relating to environment and sanitation applicable to extended care facilities under subchapter XVII of this chapter; except that the Secretary may waive in accordance with regulations of the Secretary, for such periods as he deems appropriate, any requirement imposed by the proceeding provisions of this subclause (ii) if the Secretary finds that such requirement, if rigidly applied, would result in unreasonable hardship upon a nursing home, but only if the Secretary makes a determination (and keeps a written record setting forth the basis of such determination) that such waiver will not adversely affect the health and safety of the patients of such nursing home;

"(23) for the licensing of administrators of nursing homes as provided in section 454(c) of this part;

"(24) such methods and procedures relating to the utilization of, and the payments for, medical care and services available under this part as may be necessary to safeguard against unnecessary utilization of such care and services and to assure that payments (including payments for any drugs provided under this part) are not in excess of reasonable charges consistent with efficiency, economy, and quality of such care and services.

"DEFINITIONS

"Definition of Medical Assistance

"SEC. 453. (a) For purposes of this part—'medical assistance' means payment of part or all of the cost of the following medical care and services (if provided in or after the third month before the month in which the recipient makes application therefor) for aged, blind, or severely disabled persons, or members of couples, or members of families, who are eligible for, or are receiving benefits under part D of this title, and whose income, resources as set forth in 442(a) of said part D, and such benefits are insufficient to meet all of such costs—

"(1) inpatient hospital services (other than services in an institution for tuberculosis or mental diseases);

"(2) outpatient hospital services;

"(3) other laboratory and X-ray services;

"(4) (A) skilled nursing home services (other than services in an institution for tuberculosis or mental diseases (for individuals 21 years of age or older (B) effective July 1, 1972, such early and periodic screening and diagnosis of individuals who are eligible under this part and are under the age of 21 to ascertain their physical or mental defects, and such health care, treatment, and other measures to correct or ameliorate defects and chronic conditions discovered thereby, as may be provided in regulations of the Secretary;

"(5) physicians' services, whether furnished in the office, the patient's home, a hospital, or a skilled nursing home, or elsewhere;

"(6) medical care, or any other type of remedial care recognized by the Secretary, furnished by licensed practitioners within the scope of their practice as defined by State law;

"(7) home health care services;

"(8) private duty nursing services;

"(9) clinic services;

"(10) dental services;

"(11) physical therapy and related services;

"(12) prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in diseases of the eye or by an optometrist, whichever the individual may select;

"(13) other diagnostic, screening, preventive, and rehabilitative services;

"(14) inpatient hospital services and skilled nursing home services for individuals 65 years of age or over in an institution for tuberculosis or mental diseases; and

"(15) any other medical care, including institutional services in intermediate care facilities (other than a public nonmedical facility), and any other type of remedial care recognized, and specified by the Secretary; except that such term does not include—

"(A) any such payments with respect to care of services for any individual who is an inmate of a public institution (except as a patient in a medical institution); or

"(B) any such payments with respect to care or services for any individual who has not attained 65 years of age and who is a patient in an institution for tuberculosis or mental diseases.

"Inclusion of Osteopaths and Their Services in Definitions of Physician, Medical Care and Services, and Hospitalization

"(b) 'physician' and 'medical care and services' and 'hospitalization' include osteopathic practitioners or the services of osteopathic practitioners and hospitals within the scope of their practice as defined by State law.

"Definition of Medical Care and Services

"(c) 'medical care and services' means those set forth in subsection 453(a)(1) through (15).

"Other Definitions

"(d) The definitions in section 445 of part D shall be applicable to this part.

"Licensing of Administrators of Nursing Homes

"SEC. 454. (a) For purposes of section 452 (a)(23) of this part, every nursing home must operate under the supervision of an administrator licensed in the manner provided in this subsection.

"(1) Licensing of nursing home administrators shall be carried out by the agency of the State responsible for licensing under the healing arts licensing act of the State, or, in the absence of such act or such an agency, or when the Secretary finds such agency is not properly carrying out the functions and duties in the next paragraph,

"(2) It shall be the function and duty of such agency or board to—

"(A) develop, impose, and enforce standards which must be met by individuals in order to receive a license as a nursing home administrator, which standards shall be designed to insure that nursing home administrators will be individuals who are of good character and are otherwise suitable and who, by training or experience in the field of institutional administration, are qualified to serve as nursing home administrators;

"(B) develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets such standards;

"(C) issue licenses to individuals determined, after the application of such techniques, to meet such standards, and revoke or suspend licenses previously issued by the board in any case where the individual holding any such license is determined substantially to have failed to conform to the requirements of such standards;

"(D) establish and carry out procedures designed to insure that individuals licensed as nursing home administrators will, during any period that they serve as such, comply with the requirements of such standards;

"(E) receive, investigate, and take appropriate action with respect to, any charge or complaint filed with the board to the effect that any individual licensed as a nursing home administrator has failed to comply with the requirements of such standards; and

"(F) conduct a continuing study and investigation of nursing homes and administrators of nursing homes within the State with a view to the improvement of the standards imposed for the licensing of such administrators and of procedures and methods for the enforcement of such standards with respect to administrators of nursing homes who have been licensed as such.

"(3) Such agency or board shall have the power to grant any waiver for a period which ends after being in effect for two years or June 30, 1974, whichever is the earlier, with respect to any individual who during all of the calendar year immediately preceding the year in which such waiver is granted has served as a nursing home administrator, of any of the standards developed, imposed, and enforced by such agency or board pursuant to subparagraph (2)(A) of this subsection other than such standards as relate to good character and suitability if—

"(a) If there is provided in the State (during all of the period for which waiver is in effect), a program of training and instruction designed to enable all individuals, with respect to whom any such waiver is granted, to attain the qualifications necessary in order to meet such standards.

"Authorization of appropriations; limitation of grants

"(b) There are hereby authorized to be appropriated for fiscal year 1972 and the two succeeding fiscal years such sums as may be necessary to enable the Secretary to make grants to States for the purpose of assisting them in instituting and conducting programs of training and instruction of the type referred to in paragraph (a)(3) of section 454.

"(c) The National Advisory Council on Nursing Home Administration appointed pursuant to the Social Security Act (42 U.S.C. 1396g(f)(1)) shall cease to exist as of December 31, 1972, notwithstanding any other provision of law.

"(d) As used in this section, the term—

"(1) 'nursing home' means any institution or facility defined as such for licensing purposes under State law, or, if State law does not employ the term nursing home or if there is no such State law, the equivalent term or terms as determined by the Secretary; and

"(2) "nursing home administrator" means any individual who is charged with the general administration of a nursing home whether or not such individual has an ownership interest in such home and whether or not his functions and duties are shared with one or more other individuals.

"Observance of Religious Beliefs

"SEC. 455. Nothing in this part shall be construed to compel any person to undergo any medical screening, examination, diagnosis, or treatment or to accept any other health care or services provided under this part for any purpose (other than for the purpose of discovering and preventing the spread of infection or contagious disease or for the purpose of protecting environmental health), if such person objects (or, in case such person is a child, his parent or guardian objects) thereto on religious grounds.

"Advisory Council on Medical Assistance; creation; composition; appointment of members; Chairman; representative activities and interests; majority representation of consumers; terms of office; special advisory professional or technical committees; compensation and travel expenses; meetings

"SEC. 456. For the purpose of advising the Secretary on matters of general policy in the administration of this part (including the relationship of this part and title XVIII of the Social Security Act) and making recommendations for improvements in such administration, there is hereby created a Medical Assistance Advisory Council which shall consist of twenty-one persons, not otherwise in the employ of the United States, appointed by the Secretary without regard to the provisions of title 5 governing appointments to the competitive service. The Secretary shall from time to time appoint one of the members to serve as Chairman. The members shall include representatives of State and local agencies and nongovernmental organizations and groups concerned with health, and of consumers of health services, and a majority of the membership of the Advisory Council shall consist of representatives of consumers of health services. Each member shall hold office for a term of four years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that the terms of office of the members first taking office shall expire, as designated by the Secretary at the time of appointment, five at the end of the first year, five at the end of the second year, five at the end of the third year, and six at the end of the fourth year after the date of appointment. A member shall not be eligible to serve continuously for more than two terms. The Secretary may, at the request of the Council or otherwise, appoint such special advisory professional or technical committees as may be useful in carrying out this subchapter. Members of the Advisory Council and members of any such advisory or technical committee, while attending meetings or conferences thereof or otherwise serving on business of the Advisory Council or of such committee, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including travel time, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 for persons in the Government service employed intermittently. The Advisory Council shall meet as frequently as the Secretary deems necessary. Upon request of five or more members, it shall be the duty of the Secretary to call a meeting of the Advisory Council: *Provided, however*, That the members of said Council who are serving their terms on June 30, 1971, and whose terms do not expire on that day, under the provisions of the Social Security Act prior to amendment by the National Fair Minimum Income Act of 1971, shall serve out their terms under such section which expires after June 30, 1971.

"PART F—ADMINISTRATION

"Agreements with States and Local Governments

"SEC. 461. (a) The Secretary may also enter into an agreement with any State or local government under which such State or local government will make, on behalf of the Secretary, the benefit payments provided for under part D or payments for medical care and services under part E with respect to all or specified persons, couples, or families in the State or in the local government jurisdiction who are eligible for such benefits or medical assistance or will perform such other functions in connection with the administration of part D or part E as may be agreed upon. The cost of carrying out any such agreement shall be paid to the State or local government by the Secretary in advance or by way of reimbursement and in such installments as may be agreed upon.

"PENALTIES FOR FRAUD

"SEC. 462. The provisions of section 208 of the Social Security Act, other than paragraph (a), shall apply with respect to benefits under part D, medical assistance under part E and allowances under part C, of this title, to the same extent as they apply to payments under title II.

"REPORT, EVALUATION, RESEARCH AND DEMONSTRATIONS, AND TRAINING AND TECHNICAL ASSISTANCE

"SEC. 463. (a) The Secretary shall make an annual report to the President and the Congress on the operation and administration of parts D and E, including an evaluation thereof in carrying out the purposes of such parts and recommendations with respect thereto. The Secretary is authorized to conduct evaluations directly or by grants or contracts of the programs authorized by such parts.

"(b) The Secretary is authorized to conduct, directly or by grants or contracts, research into or demonstrations of ways of better providing financial assistance to aged, blind, severely disabled persons, couples, and families or of better carrying out the purposes of parts D and E, and in so doing to waive any requirements or limitations in such parts with respect to eligibility for or amount of benefits or medical assistance for such persons or couples or members of couples or of families, or groups thereof as he deems appropriate.

"(c) The Secretary is authorized to provide such technical assistance to States or local governments and to provide, directly or through grants or contracts, for such training of personnel of States or local governments, as he deems appropriate to assist them in more efficiently and effectively carrying out their agreements under this part and parts D and E.

"(d) In addition to funds otherwise available therefor, such portion of any appropriation to carry out part D or E as the Secretary may determine, but not in excess of $20,000,000 in any fiscal year, shall be available to him to carry out this section.

"OBLIGATION OF DESERTING PARENTS

"SEC. 464. In any case where an individual has deserted or abandoned his spouse or his child or children and such spouse or any such child (during the period of such desertion or abandonment) is a member of a family receiving benefits under part D or medical assistance payments under part E, such individual shall be obligated to the United States in an amount equal to—

"(1) the total amount of the benefits paid to such family or medical assistance to such family during such period with respect to such spouse and child or children, reduced by

"(2) any amount actually paid by such individual to or for the support and maintenance of such spouse and child or children during such period, if and to the extent that such amount is excluded in determining the amount of such benefits or medical assistance;

except that in any case where an order for the support and maintenance of such spouse or any such child has been issued by a court of competent jurisdiction, the obligation of such individual under this subsection (with respect to such spouse or child) for any period shall not exceed the amount specified in such order less any amount actually paid by such individual (to or for the support and maintenance of such spouse or child) during such period. The amount due the United States under such obligation shall be collected (to the extent that the claim of the United States therefor is not otherwise satisfied), in such manner as may be specified by the Secretary, from any amounts otherwise due him or becoming due him at any time from any officer or agency of the United States or under any Federal program. Amounts collected under the preceding sentence shall be deposited in the Treasury as miscellaneous receipts.

"TREATMENT OF BENEFITS UNDER PART D AS INCOME FOR FOOD STAMP PURPOSES

"SEC. 465. Benefits paid under part D of this title shall be taken into consideration for the purpose of determining the entitlement of any household to purchase food stamps, and the cost thereof, under the food stamp program conducted under the Food Stamp Act of 1964."

MANPOWER SERVICES, TRAINING, EMPLOYMENT, CHILD CARE, AND SUPPORTIVE SERVICES PROGRAMS

SEC. 103. Part C of title IV of the Social Security Act (42 U.S.C. 630 et seq.) is amended to read as follows:

"PART C—MANPOWER SERVICES, TRAINING, EMPLOYMENT, CHILD CARE, AND SUPPORTIVE SERVICES PROGRAMS FOR RECIPIENTS OF BENEFITS UNDER PART D

"PURPOSE

"SEC. 430. The purpose of this part is to authorize provision, for individuals who are members of a family receiving benefits under part D, of manpower services, training, employment, child care, and related supportive services necessary to train aged, blind, severely disabled persons, couples or such members of families, prepare them for employment, and otherwise assist them in securing and retaining regular employment and having the opportunity for advancement in employment, to the end that such persons, couples or families will be restored to self-supporting, independent, and useful roles in their communities.

"OPERATION OF MANPOWER SERVICES, TRAINING, AND EMPLOYMENT PROGRAMS

"SEC. 431. (a) The Secretary of Labor shall, for each person registered pursuant to part D, in accordance with priorities prescribed by him, develop or assure the development of an employability plan describing the manpower services, training, and employment which the Secretary of Labor determines each person needs in order to enable him to become self-supporting and secure and retain employment and opportunities for advancement.

"(b) The Secretary of Labor shall, in accordance with the provisions of this part, establish and assure the provision of manpower services, training, and employment programs in each State for persons registered pursuant to part D.

"(c) The Secretary of Labor shall, through such programs, provide or assure the provision of manpower services, training, and employment and opportunities necessary to prepare such persons for and place them in regular employment, including—

"(1) any of such services, training, employment, and opportunities which the Secretary of Labor is authorized to provide under any other Act;

"(2) counseling, testing, coaching, program orientation, institutional and on-the-job training, work experience, upgrading, job development, job placement, and follow up services required to assist in securing and retaining employment and opportunities for advancement;

"(3) relocation assistance (including grants, loans, and the furnishing of such services as will aid an involuntarily unemployed person, or member of a couple or of a family receiving benefits under part D who desires to relocate to do so in an area where there is assurance of regular suitable employment, offered through the public employment offices of the State in such area, which will lead to the earning of income sufficient to make such person, couple, or family; and

"(4) special work projects.

"(d) (1) For purposes of subsection (c) (4), a 'special work project' is a project (meeting the requirements of this subsection) which consists of the performance of work in the public interest through grants to or contracts with public or nonprofit private agencies or organizations.

"(2) No wage rates provided under any special work project shall be lower than the applicable minimum wage for the particular work concerned.

"(3) Before entering into any special work project under a program established as provided in subsection (b), the Secretary of Labor shall have reasonable assurances that—

"(A) appropriate standards for the health, safety, and other conditions applicable to the performance of work and training on such project are established and will be maintained.

"(B) such project will not result in the displacement of employed workers,

"(C) with respect to such project the conditions of work, training, education, and employment are reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant,

"(D) appropriate workmen's compensation protection is provided to all participants, and

"(E) such project will improve the employability of the participants.

"(4) With respect to individuals who are participants in special work projects under programs established as provided in subsection (b), the Secretary of Labor shall periodically (at least once every six months) review the employment record of each such individual while on the special work project and on the basis of such record and such other information as he may acquire determine whether it would be feasible to place such individual in regular employment or in on-the-job, institutional, or other training.

"ALLOWANCES FOR INDIVIDUALS UNDERGOING TRAINING

"SEC. 432. (a)(1) The Secretary of Labor shall pay to each person, or member of a couple or of a family receiving benefits under part D and is participating in manpower training under this part in incentive allowance of $30 per month. If one or more members of a couple or of a family are receiving training for which training allowances are payable under section 203 of the Manpower Development and Training Act and meet the other requirements under such section (except subsection (l) (1) thereof) for the receipt of allowances which would be in excess of the sum of the benefits under part D payable with respect to such month to the couple or to the family, the total of the incentive allowances per month under this section for such members shall be equal to the greater of (1) the amount of such excess or, if lower, the amount of the excess of the training allowances which would be payable under such section 203 as in effect on March 1, 1970, over the sum of such benefit, and (2) $30 for each such member.

"(2) The Secretary of Labor shall, in accordance with regulations, also pay, to any such person, or member of a couple or of a family participating in manpower training under this part, allowances for transportation and other costs to him which are necessary to and directly related to his participation in training.

"(3) The Secretary of Labor shall by regulation provide for such smaller allowances under this subsection as he deems appropriate for individuals in Puerto Rico, the Virgin Islands, and Guam.

"(b) Allowances under this section shall be in lieu of allowances provided for participants in manpower training programs under any other Act.

"(c) Subsection (a) shall not apply to any person or member of a couple, or of a family who is receiving benefits under Part D and who is participating in a program of the Secretary of Labor providing public or private employer compensated on-the-job training.

"UTILIZATION OF OTHER PROGRAMS

"SEC. 433. In providing the manpower training and employment services and opportunities required by this part the Secretary of Labor, to the maximum extent feasible, shall assure that such services and opportunities are provided in such manner, through such means, and using all authority available to him under any other Act (and subject to all duties and responsibilities thereunder) as will further the establishment of an integrated and comprehensive manpower training program involving all sectors of the economy and all levels of government and as will make maximum use of existing manpower and manpower related programs and agencies. To such end the Secretary of Labor may use the funds appropriated to him under this part to provide the programs required by this part through such other Act, to the same extent and under the same conditions as if appropriated under such other Act and in making use of the programs of other Federal, State, or local agencies, public or private, the Secretary may reimburse such agencies for services rendered to persons under this part to the extent such services and opportunities are not otherwise available on a nonreimbursable basis.

"RULES AND REGULATIONS

"SEC. 434. The Secretary of Labor may issue such rules and regulations as he finds necessary to carry out his responsibilities under this part.

"APPROPRIATIONS; NONFEDERAL SHARE

"SEC. 435. (a) There is authorized to be appropriated to the Secretary of Labor for each fiscal year a sum sufficient for carrying out the purposes of this part (other than sections 436 and 437), including payment of not to exceed 90 per centum of the cost of manpower services, training, and employment and opportunities provided for individuals registered pursuant to section 447. The Secretary of Labor shall establish criteria to achieve an equitable apportionment among the States of Federal expenditures for carrying out the programs authorized by section 431. In developing these criteria the Secretary of Labor shall consider the number of registrations under section 447 and other relevant factors.

"(b) If a non-Federal contribution of 10 per centum of the cost specified in subsection (a) is not made in any State (as required by section 402(a) (13)), the Secretary of Health, Education, and Welfare may withhold any action under section 404 on account thereof and if he does so he shall instead, after reasonable notice and opportunity for hearing to the appropriate State agency or agencies withhold any payments to be made to the State under section 403(a) until the amount so withheld (including any amounts contributed by the State pursuant to the requirement in section 402(a) (13)) equals 10 per centum of such costs. Such withholding shall remain in effect until such time as the Secretary of Labor has assurances from the State that such 10 per centum will be contributed as required by section 402(a) (13)). Amounts so withheld shall be deemed to have been paid to the State under such sections and shall be paid by the Secretary of Health, Education, and Welfare to the Secretary of Labor.

"CHILD CARE

"SEC. 436. (a) (1) For the purpose of assuring that members of families receiving benefits under part D will not be prevented from participating in training or employment by the unavailability of appropriate child care, there are authorized to be appropriated for each fiscal year such sums as may be necessary to enable the Secretary of Health, Education, and Welfare to make grants to any public or nonprofit private agency or organization, and contracts with any public or private agency or organization, for part or all of the cost of projects for the provision of child care, including necessary transportation and alteration, remodeling, and renovation of facilities, which may be necessary or appropriate in order to better enable a member (of a family) who has been registered pursuant to part D to undertake or continue manpower training or employment under this part, or to enable an individual who has been referred pursuant to section 447(d) to participate in vocational rehabilitation, or to enable a member of a family which is or has been (within such period of time as the Secretary may prescribe) eligible for benefits under such part D to undertake or continue manpower training or employment under this part; or to better enable an individual who is receiving assistance to needy families with dependent children, or whose needs are taken into account in determining the need of anyone claiming or receiving such assistance under state welfare programs to participate in manpower training or employment.

"(2) Such grants or contracts for the provision of child care in any area may be made directly, or through grants to any public or nonprofit private agency which is designated by the appropriate elected or appointed official or officials in such area and which demonstrate a capacity to work effectively with the manpower agency in such area (including provision for the stationing of personnel with the manpower team in appropriate cases). To the extent appropriate, such care for children attending school which is provided on a group or institutional basis shall be provided through arrangements with the appropriate local educational agency.

"(3) Such projects shall provide for various types of child care needed in the light of the different circumstances and needs of the children involved.

"(b) Such sums shall also be available to enable the Secretary of Health, Education, and Welfare to make grants to any public or nonprofit private agency or organization, for evaluation, training of personnel, technical assistance, or research or demonstration projects to determine more effective methods of providing any such care.

"(c) The Secretary of Health, Education, and Welfare may provide, in any case in which a family is able to pay for part or all of the cost of child care provided under a project assisted under this section, for payment by the family of such fees for the care as may be reasonable in the light of such ability.

"SUPPORTIVE SERVICES

"SEC. 437. (a) No payments shall be made to any State under title V, or part A or B of this title, with respect to expenditures for any calendar quarter beginning on or after the date part D becomes effective with respect to such State, unless it has in effect an agreement with the Secretary of Health, Education, and Welfare under which it will provide health, vocational rehabilitation, counseling, social, and other supportive services which the Secretary under regulations determines to be necessary to permit an individual who has been registered pursuant to part D to undertake or continue manpower training and employment under this part.

"(b) Services under such an agreement shall be provided in close cooperation with manpower training and employment services provided under this part.

"(c) The Secretary of Health, Education, and Welfare shall from time to time, in such installments and on such conditions as he deems appropriate, pay to any State with which he has an agreement pursuant to subsection (a) up to 90 per centum of the cost of such State of carrying out such agreement. There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out this section.

"ADVANCE FUNUING

"SEC. 438. (a) For the purpose of affording adequate notice of funding available under this part, appropriations for grants, contracts, or other payments with respect to individuals registered pursuant to section 447 are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

"(b) In order to effect a transition to the advance funding method of timing appropriation action, subsection (a) shall apply notwithstanding that its initial application will result in enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

"EVALUATION AND RESEARCH; REPORTS TO CONGRESS

"SEC. 439. (a) (1) The Secretary shall (jointly with the Secretary of Health, Education, and Welfare) provide for the continuing evaluation of the manpower training and employment programs provided under this part, including their effectiveness in achieving stated goals and their impact on other related programs. The Secretary may conduct research regarding, and demonstrations of, ways to improve the effectiveness of the manpower training and employment programs so provided and may also conduct demonstrations of improved training techniques for upgrading the skills of the working poor. The Secretary may, for these purposes, contract for independent evaluations of and research regarding such programs or individual projects under such programs, and establish a data collection, processing, and retrieval system.

"(2) There are authorized to be appropriated such sums, not exceeding $15,000,000 for any fiscal year, as may be necessary to carry out paragraph (1).

"(b) On or before September 1 following each fiscal year in which part D is effective with respect to any State—

"(1) the Secretary shall report to the Congress on the manpower training and employment programs provided under this part in such fiscal year, and

"(2) the Secretary of Health, Education, and Welfare shall report to the Congress on the child care and supportive services provided under this part in such fiscal year."

CONFORMING AMENDMENTS RELATING TO SERVICES FOR NEEDY FAMILIES WITH CHILDREN

SEC. 104. (a) Section 401 of the Social Security Act (42 U.S.C. 601) is amended—

(1) by striking out "financial assistance and" in the first sentence; and

(2) by striking out "aid and" in the second sentence.

(b) (1) Subsection (a) of section 402 of such Act (42 U.S.C. 602) is amended—

(A) by striking out "aid and" in the matter preceding clause (1);

(B) by inserting, before "provide" at the beginning of clause (1), "except to the extent permitted by the Secretary,";

(C) by striking out clause (4);

(D) (i) by striking out "recipients and other persons" in clause (5) (B) and inserting in lieu thereof "persons", and

(ii) by striking out "providing services to applicants and recipients" in such clause and inserting in lieu thereof "providing services under the plan";

(E) by striking out clauses (7) and (8);

(F) by striking out "aid to families with dependent children" in clause (9) and inserting in lieu thereof "the plan";

(G) by striking out clauses (10), (11), and (12);

(H) (i) by striking out "section 406(d)" in clause (14) and inserting in lieu thereof "section 405(c)",

(ii) by striking out "for each child and relative who receives aid to families with dependent children, and each appropriate individual (living in the same home as a relative and child receiving such aid whose needs are taken into account in making the determination under clause (7))" in such clause and inserting in lieu thereof "for each member of a family receiving assistance to needy families with children, each appropriate individual (living in the same home as such family) whose needs would be taken into account in determining the need of any such member under the State plan (approved under this part) as in effect prior to the enactment of part D, and each individual who would have been eligible to receive aid to families with dependent children under such plan", and

(iii) by striking out "such child, relative, and individual" each place it appears in such clause and inserting in lieu thereof "such member or individual";

(I) by striking out clause (15) and inserting in lieu thereof the following: "(15) (A) provide for the development of a program, for appropriate members of such families and such other individuals, for preventing or reducing the incidence of births out of wedlock and otherwise strengthening family life, and for implementing such program by assuring that in all appropriate cases family planning services are offered to them, but acceptance of family planning services provided under the plan shall be voluntary on the part of such members and individuals and shall not be a prerequisite to eligibility for or the receipt of any other service under the plan; and (B) to the extent that services provided under this clause or clause (8) are furnished by the staff of the State agency or the local agency administering the State plan in each of the political subdivisions of the State, for the establishment of a single organizational unit in such State or local agency, as the case may be, responsible for the furnishing of such services;"

(J) by striking out "aid" in clause (16) and inserting in lieu thereof "assistance to needy families with children";

(K) (i) by striking out "aid to families with dependent children" in clause (17) (A) (i) and inserting in lieu thereof "assistance to needy families with children",

(i) by striking out "aid" in clause (17) (A) (ii) and inserting in lieu thereof "assistance", and

(iii) by striking out "and" at the end of clause (i), and adding after clause (ii) the following new clause:

"(iii) in the case of any parent (of a child referred to in clause (ii)) receiving such assistance who has been deserted or abandoned by his or her spouse, to secure support for such parent from such spouse (or from any other person legally liable for such support), utilizing any reciprocal arrangements adopted with other States to obtain or enforce courts orders for support, and";

(L) by striking out "clause (17) (A)" in clause (18) and inserting in lieu thereof "clause (11) (A)";

(M) by striking out clause (19) and inserting in lieu thereof the following: "(19) provide for arrangements to assure that there will be made a non-Federal contribution to the cost of manpower services, training, and employment and opportunities provided for individuals registered pursuant to section 447, in cash or kind, equal to 10 per centum of such cost;";

(N) by striking out "aid to families with dependent children in the form of foster care in accordance with section 408" in clause (20) and inserting in lieu thereof "payments for foster care in accordance with section 406";

(O) (i) by striking out "of each parent of a dependent child or children with respect to whom aid is being provided under the State plan" in clause (21) (A) and inserting in lieu thereof "of each person who is the parent of a child or children with respect to whom assistance to needy families with children or foster care is being provided or is the spouse of the parent of such a child or children",

(ii) by striking out "such child or children" in clause (21) (A) (i) and inserting in lieu thereof "such child or children or such parent",

(iii) by striking out "such parent" each place it appears in clause (21) (B) and inserting in lieu thereof "such person", and

(v) by striking out "section 410;" in clause (21) (C) and inserting in lieu thereof "section 408; and";

(P) (i) by striking out "a parent" each place it appears in clause (22) and inserting in lieu thereof "a person",

(ii) by striking out "a child or children of such parent" each place it appears in such clause and inserting in lieu thereof "the spouse or a child or children of such person",

(iii) by striking out "against such parent" in such clause and inserting in lieu thereof "against such person", and

(v) by striking out "aid is being provided under the plan of such other State" each place it appears in such clause and inserting in lieu thereof "assistance to needy families with children or foster care payments are being provided in such other State"; and

(Q) by striking out "; and (23)" and all that follows and inserting in lieu thereof a period.

(2) Clauses (5), (6), (9), (13), (14), (15), (16), (17), (18), (19), (20), (21), and (22) of section 402(a) of such Act, as amended by paragraph (1) of this subsection, are redesignated as clauses (4) through (16), respectively.

(c) Section 402(b) of such Act is amended to read as follows:

"(b) The Secretary shall approve any plan which fulfills the conditions specified in subsection (a), except that he shall not approve any plan which imposes, as a condition of eligibility for services under it, any residence requirement which denies services or foster care payments with respect to any individual residing in the State."

(d) Section 402 of such Act is further amended by striking out subsection (c).

(e) (1) Subsection (a) of section 403 of such Act (42 U.S.C. 603) is amended—

(A) by striking out "aid and services" and inserting in lieu thereof "services" in the matter preceding paragraph (1);

(B) by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) an amount equal to the sum of the following proportions of the total amounts expended during such quarter as payments for foster care in accordance with section 406—

"(A) five-sixths of such expenditures, not counting so much of any expenditures with respect to any month as exceeds the product of $18 multiplied by the number of children receiving such foster care in such month; plus

"(B) the Federal percentage of the amount by which such expenditures exceed the maximum which may be counted under subparagraph (A), not counting so much of any expenditures with respect to any month as exceeds the products of $100 multiplied by the number of children receiving such foster care for such month;";

(C) by striking out paragraph (2);

(D) (i) by striking out "in the case of any State," in the matter preceding subparagraph (A) in paragraph (3),

(ii) by striking out "or relative who is receiving aid under the plan, or to any other individual (living in the same home as such relative and child) whose needs are taken into account in making the determination under clause (7) of such section" in clause (i) of subparagraph (A) of such paragraph and inserting in lieu thereof "receiving foster care or any member of a family receiving assistance to needy families with children or to any other individual (living in the same home as such family) whose needs would be taken into account in determining the need of any such member under the State plan approved under this part as in effect prior to the enactment of part D",

(iii) by striking out "child or relative who is applying for aid to families with dependent children or" in clause (ii) of subparagraph (A) of such paragraph and inserting in lieu thereof "member of a family",

(iv) by striking out "likely to become an applicant for or recipient of such aid" in clause (ii) of subparagraph (A) of such paragraph and inserting in lieu thereof "likely to become eligible to receive such assistance", and

(v) by striking out "(14) and (15)" each place it appears in subparagraph (A) of such paragraph and inserting in lieu thereof "(8) and (9)";

(E) by striking out all that follows "permitted" in the last sentence of such paragraph and inserting in lieu thereof "by the Secretary; and";

(F) by striking out "in the case of any State," in the matter preceding subparagraph (A) in paragraph (5);

(G) by striking out "section 406(e)" each place it appears in paragraph (5) and inserting in lieu thereof "section 405(d)"; and

(II) by striking out the sentences following paragraph (5).

(2) Paragraphs (3) and (5) of section 403 (a) of such Act, as amended by paragraph (1) of this subsection, are redesignated as paragraphs (2) and (3), respectively.

(f) Section 403(b) of such Act is amended—

(1) by striking out "(B) records showing the number of dependent children in the State, and (C)" in paragraph (1) and inserting in lieu thereof "and (B)"; and

(2) by striking out "(A)" in paragraph (2), and by striking out ", and (B)" and all that follows in such paragraph and inserting in lieu thereof a period.

(g) Section 404 of such Act (42 U.S.C. 604) is amended—

(1) by striking out "(a) In the case of any State plan for aid and services" and inserting in lieu thereof "In the case of any State plan for services"; and

(2) by striking out subsection (b).

(h) Section 405 of such Act (42 U.S.C. 605) is repealed.

(i) Section 406 of such Act (42 U.S.C. 606) is redesignated as section 405, and as so redesignated is amended—

(1) by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"(a) The term 'child' means a child as defined in section 445(b).

"(b) The term 'needy families with children' means families who are receiving benefits under part D and who would be eligible to receive aid to families with dependent children, under a State plan (approved under this part) as in effect prior to the enactment of part D, if the State plan had continued in effect and if it included assistance to dependent children of unemployed fathers pursuant to section 407 as it was in effect prior to such enactment; and 'assistance to needy families with children' means benefits under such part D, paid to such families.";

(2) by striking out subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively;

(3) (A) by striking out "living with any of the relatives specified in subsection (a) (1) in a place of residence maintained by one or more of such relatives as his or their own home" in paragraph (1) of subsection (d) as so redesignated and inserting in lieu thereof "a member of a family (as defined in section 445(a))", and

(B) by striking out "because such child or relative refused" and inserting in lieu thereof "because such child or another member of such family refused".

(j) Section 407 of such Act (42 U.S.C. 607) is repealed.

(k) Section 408 of such Act (42 U.S.C. 608) is redesignated as section 406, and as so redesignated is amended—

(1) by striking out everything (including the heading) which precedes paragraph (1) of subsection (b) and inserting in lieu thereof the following:

"FOSTER CARE

"SEC. 406. For purposes of this part—

"(a) 'foster care' shall include only foster care which is provided in behalf of a child (1) who would, except for his removal from the home of a family as a result of a judicial determination to the effect that continuation therein would be contrary to his welfare, be a member of such family receiving assistance to needy families with children, (2) whose placement and care are the responsibility of (A) the State or local agency administering the State plan approved under section 402, or (B) any other public agency with whom the State agency administering or supervising the administration of such State plan has made an agreement which is still in effect and which includes provision for assuring development of a plan, satisfactory to such State agency, for such child as provided in paragraph (c) (1) and such other provisions as may be necessary to assure accomplishment of the objectives of the State plan approved under section 402, (3) who has been placed in a foster family home or child-care institution as a result of such determination, and (4) who (A) received assistance to needy families with children in or for the month in which court proceedings leading to such determination were initiated, or (B) would have received such assistance to needy families with children in or for such month if application had been made therefor, or (C) in the case of a child who had been a member of a family (as defined in section 445(a)) within six months prior to the month in which such proceedings were initiated, would have received such assistance in or for such months if in such month he had been a member of (and removed from the home of) such a family and application had been made therefor;

"(b) 'foster care' shall, however, include the care described in paragraph (a) only if it is provided—";

(2) (A) by striking out "'aid to families with dependent children'" in subsection (b) (2) and inserting in lieu thereof "foster care",

(B) by striking out "such foster care" in such subsection and inserting in lieu thereof "foster care", and

(C) by striking out the period at the end of such subsection and inserting in lieu thereof "; and";

(3) by striking out subsection (c) and redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively;

(4) by striking out "paragraph (f) (2)" and "section 403(a) (3)" in subsection (c) (as so redesignated) and inserting in lieu thereof "paragraph (e) (2)" and "section 403 (a) (2)" respectively;

(5) by striking out "aid" in subsection (d) (as so redesignated) and inserting in lieu thereof "services";

(6) by striking out "relative specified in section 406(a)" in subsection (e)(1) (as so redesignated) and inserting in lieu thereof "family (as defined in section 445(a))"; and

(7) by striking out "522" and "part 3 of title V" in subsection (e)(2) (as so redesignated) and inserting in lieu thereof "422" and "part B of this title", respectively.

(l)(1) Section 409 of such Act (42 U.S.C. 609) is repealed.

(m) Section 410 of such Act (42 U.S.C. 610) is redesignated as section 407; and subsection (a) of such section (as so redesignated) is amended by striking out "section 402(a)(21)" and inserting in lieu thereof "section 402(a)(15)".

(n)(1) Section 422(a)(1)(A) of such Act is amended by striking out "section 402(a)(15)" and inserting in lieu thereof "section 402(a)(9)".

(2) Section 422(a)(1)(B) of such Act is amended by striking out "provided for dependent children" and inserting in lieu thereof "provided with respect to needy families with children".

(o) References in any law, regulation, State plan, or other document to any provision of part A of title IV of the Social Security Act which is redesignated by this section shall (from and after the effective date of the amendments made by this Act) be considered to be references to such provision as so redesignated.

CHANGES IN HEADINGS

SEC. 104. (a) The heading of title IV of the Social Security Act (42 U.S.C. 601, et seq.) is amended to read as follows:

"TITLE IV—NATIONAL FAIR MINIMUM INCOME PLAN AND MEDICAL ASSISTANCE FOR AGED, BLIND, SEVERELY DISABLED PERSONS, FOR COUPLES AND FOR FAMILIES WITH CHILDREN, WORK INCENTIVE PROGRAMS, AND GRANTS TO STATES FOR FAMILY AND CHILD WELFARE SERVICES."

(b) The heading of part A of such title IV is amended to read as follows:

"PART A—SERVICES TO NEEDY FAMILIES WITH CHILDREN"

TITLE II—MISCELLANEOUS CONFORMING AMENDMENTS

"REPEAL OF TITLES I, X, XIV, XVI, AND XIX AND OTHER INCONSISTENT PROVISIONS OF THE SOCIAL SECURITY ACT

"SEC. 201. Titles I, X, XIV, XVI, and XIX of the Social Security Act (42 U.S.C. 301, et seq., 120, et seq., 1351, et seq., 1381, et seq.) and such other provisions of such Act which are inconsistent or in conflict with the provisions of this Act are hereby repealed."

ADDITIONAL DISREGARDING OF INCOME OF OASDI RECIPIENTS IN DETERMINING BENEFITS TO THE

SEC. 202. Section 1007 of the Social Security

AGED, BLIND, AND DISABLED PERSONS, COUPLES, AND FAMILIES

Amendments of 1969 is amended by striking out "and before July 1970".

TRANSITION PROVISION RELATING TO OVERPAYMENTS AND UNDERPAYMENTS

SEC. 203. In the case of any State which has a State plan approved under title I, X, XIV, XVI or XIX of the Social Security Act as in effect prior to the enactment of this section, any overpayment or underpayment which the Secretary determined was made to such State under section 3, 1003, 1403, 1603, or 1903 of such Act with respect to a period before July 1, 1971, and with respect to which adjustment has not already been made under subsection (b) of such section 3, 1003, 1403, 1603, or 1903, shall for purposes of parts A and B of title IV, as amended by this Act, be considered an overpayment or underpayment (as the case may be) under such parts as herein amended.

AMENDMENT OF SECTION 228(D)

SEC. 204. Section 228(d)(1) of the Social Security Act is amended by striking out "I, X, XIV, XVI or XIX," and by striking out "part A" and inserting in lieu thereof "receives payments with respect to such month pursuant to part D".

AMENDMENTS TO TITLE XI

SEC. 205. Title XI of the Social Security Act is amended—

(1) by striking out "I,", "X,", "XIV,", "XVI,", and "XIX," in section 1101(a)(1);

(2) by striking out "I, X, XIV, XVI and XIX" in section 1106(C)(1)(A);

(3)(A) by striking out "titles I, X, XIV, and XVI" in section 1108(a).

(B) by striking out "section 402(a)(19)" in section 1108(b) and inserting in lieu thereof "part A of title IV";

(4) by striking out the text of section 1109 and inserting in lieu thereof the following:

"SEC. 1109. Any amount which is disregarded (or set aside for future needs) in determining eligibility for an amount of costs for services for any individual under a State plan approved under part A of title IV shall not be taken into consideration in determining the eligibility for and amount of aid or assistance for any other individual under any other part of said title."

(5)(A) by striking out "title I, X, XIV, and XVI of this Act, and" in section 1111, and

(B) by striking out "part A" in such section and inserting in lieu thereof "part D";

(6)(A) by striking out "title I, X, XIV, XVI, XIX of this Act" in the matter preceding clause (a) in section 1115.

(B) by striking out "of section 2, 402, 1002, 1402, 1602, or 1902," in clause (a) of such section and inserting in lieu thereof "of or pursuant to section 402," and

(C) by striking out "3, 403, 1003, 1403, 1603, or 1903," in clause (b) of such section and inserting in lieu thereof "403,";

(7)(A) by striking out "title I, X, XIV, XVI, or XIX of this Act," in subsections (a)(1), (b), and (d) of section 1116, and

(B) by striking out "4, 404, 1004, 1404, 1604, or 1904," in subsection (a)(3) of such section and inserting in lieu thereof "404,";

(8) by repealing section 1118;

(9)(A) by striking out "titles I, X, XIV, or XVI," in section 1119,

(B) by striking out "part A" in such section and inserting in lieu thereof "services under a State plan approved under part A," and

(C) by striking out "3(a), 403(a), 1003(a), 1403(a), or 1603(a)" in such section and inserting in lieu thereof "403(a)"; and

(10) by striking out section 1121.

AMENDMENTS TO TITLE XVIII

SEC. 206. Title XVIII of the Social Security Act is amended by striking out section 1843.

TITLE III—GENERAL

EFFECTIVE DATE

SEC. 301. The amendments and repeals made by this Act shall become effective, and section 9 of the Act of April 19, 1950 (25 U.S.C. 639), is repealed effective, on July 1, 1971; except that section 436 of the Social Security Act, as amended by this Act, shall be effective upon the enactment of this Act.

SPECIAL PROVISIONS FOR PUERTO RICO, THE VIRGIN ISLANDS, AND GUAM

SEC. 302. Section 1108 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(e) (1) In applying the provisions of sections 442 (a), (b), (c), and (e), and 443(b)(2) and (6)—

"(1) With respect to Puerto Rico, the Virgin Islands, or Guam, the amounts to be used shall bear the same relation to the amounts specified in said sections as the per capita incomes of Puerto Rico, the Virgin Islands, and Guam, respectively, bear to the per capita income of that one of the fifty States which has the lowest per capita income; except that in no case may the amounts so used exceed such amounts specified and such amounts shall be rounded to the nearest dollar or fifty dollars, as the case may be.

"(2) (A) The amounts to be used under such sections in Puerto Rico, the Virgin Islands, and Guam shall be promulgated by the Secretary between April 1 and June 30 of each year, on the basis of the average per capita income of each State and of the United States for the most recent calendar year for which satisfactory data are available from the Department of Commerce. Such promulgation shall be effective for each fiscal year beginning July 1 next succeeding such promulgation.

"(B) The term 'United States', for purposes of subparagraph (A) only, means the fifty States and the District of Columbia.

"(3) If the amounts which would otherwise be promulgated for any fiscal year for any of the three States referred to in paragraph (1) would be lower than the amounts promulgated for such State for the immediately preceding period, the amounts for such fiscal year shall be increased to the extent of the difference; and the amounts so increased shall be the amounts promulgated for such year."

MEANING OF SECRETARY AND FISCAL YEAR

SEC. 303. As used in this Act and in the amendments made by this Act, the term "Secretary" means, unless the context otherwise requires, the Secretary of Health, Education, and Welfare; and the term "fiscal year" means a period beginning with any July and ending with the close of the following June 30.

MOUNT VERNON COLLEGE AND THE WASHINGTON WORKSHOPS—AN EDUCATIONAL PARTNERSHIP

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I am delighted to bring to the attention of my colleagues a unique and productive educational partnership. This concerns two institutions with which many of us are already familiar—Mount Vernon College and the Washington Workshops Foundation.

Since 1968, the Washington Workshops have conducted a series of highly acclaimed high school study seminars dealing with the Congress and American Government. Enrolling hundreds of students each year from across the country, this program has brought the very finest young Americans to our Federal City, to learn firsthand of the ways in which our Government functions.

Of particular note, is the Washington Workshops Advanced Congressional Seminar. This is a special 3-week program, open to a selected group of previous seminar participants. The advanced seminar includes a 3-week intern assignment in a congressional office, plus preparation of a short political research paper under the direction of the workshops' staff. Recently Mount Vernon College has taken particular academic note of this exceptional program by awarding three college credits to students who have successfully completed the advanced seminar. This is good news to me, Mr. Speaker, for it shows how one of our fine colleges here in Washington is responding to the changing needs of American students.

This newest relevance of Mount Vernon College to contemporary education is really not surprising, for it follows in the wake of a long and honored tradition of educational leadership. Founded nearly a century ago, Mount Vernon College has long stressed the personal involvement of its students in Washington affairs. To be located in the Nation's Capital can be of unique advantage for today's involved student. Mount Vernon College has recognized this advantage by continuing to devise significant programs that offer challenge and academic reward to young Americans.

As further indication of the fine activities taking place at Mount Vernon College, I should like to call the attention of my colleagues to an article appearing in a recent issue of the Junior College Journal:

LIBERATING THE ACADEMIC CALENDAR—THE LITTLE MODULE AND HOW IT MULTIPLIES

(By Audrey Menefee)

The independent, non-sectarian, two-year liberal arts college for women has often been called obsolete, and there have been stern predictions that it will not last the decade. It is true that a few such colleges have closed their doors in recent years. Others have retrenched, changed to coeducational status, or become four-year colleges.

But in the eastern half of the country there remains a sturdy group of the original institutions. One of these is Mount Vernon College in Washington, D.C., where, indeed, the message of imminent demise does not seem to have reached.[1] In pace with an optimistic plant expansion, the century-old college is introducing bold new programs to challenge today's new students: year-long area studies in seminar format for freshmen; six-week "campus abroad" sessions throughout the year, sometimes held in several countries simultaneously and with no increase in tuition; across-the-board, self-paced individual progress courses combined with credit by examination and independent study; open-ended "academic internships"; and a calendar that permits almost continuous registration into individual courses and into the college itself.

Most of the changes were made possible by a faculty decision in 1968 to discard the two-semester system and replace it with three terms of varying length, each term a multiple of a basic three-week module.[2]

REVIEWING PRESENT PRACTICES

Under the leadership of College Dean Eileen P. Kuhns—a Reed College product and systems specialist formerly with I.B.M.—Mount Vernon personnel first spent a year reviewing the institution's practices and purposes, focusing on problems related to student differences in ways of learning. Questioning what relationship (if any) existed between the traditional academic calendar and individual learning styles, they could find no convincing reason to perpetuate the lock-step, multi-course system that has been imposed on generations of college students. Instead of requiring all students to carry from four to six courses simultaneously over a long semester, why not permit them to carry one course at a time for briefer periods? The 3-week module proposed by Dean Kuhns seemed to hold potential for a wide variety of teaching and learning approaches, and it was adopted in 1969 after a pilot year under a slightly different modular plan.

With a modular calendar, the word "term" is used instead of "semester" or "quarter." It simply denotes a "housekeeping" unit of time at the end of which grades may be issued or dean's and probation lists prepared. It does not indicate an end point for all courses, since some may end and others begin after every calendar module within the term. There is a significant advantage in this for new and returning students: they may enter a course (or college itself, if qualified) at the beginning of any calendar module. At Mount Vernon, enrollment now goes up over the course of the academic year, with more students enrolled in spring than in fall despite the usual autumn attrition. When remediation is required for entrance to a course, the student has a chance to build her skills in one or two modules of time so that her progress is not delayed by a long semester's wait.

ADJUSTING TO THE MODULE

To convert to the modular system, the academic year is divided into convenient sub-units, such as 6-week or 12-week terms or into fall, winter, and spring terms of varying lengths. The terms should all be divisible by the basic module (three or four weeks, e.g.) so that students may move easily in different courses from one timespan to another.

One's first reaction to the idea of telescoping a 3-hour course into three weeks is that teachers and students must be in class literally day and night. But, in fact, the concentrated session is far from being a grueling schedule for either student or instructor. Under Mount Vernon's previous semester system, the average full-time student spent 15 to 17 hours a week in class. The usual 3-hour course met for three 50-minute hours weekly over a 15-week period, for a total of 2,250 minutes. The unit figure of class time for one credit hour was therefore 750 minutes. This unit figure is now used to determine class time requirements for any course from physical education to biology laboratory. (Where three laboratory or studio hours had been required for every hour of credit, the same ratio [3:1] pertains under the modular calendar.)

Once the standardized units—class time required per unit of credit, and basic calendar module—are decided upon, the ramifications become apparent. Table I shows the various options available to a student who wants to complete four 3-hour courses in a 12-week term. She may take one course at a time, finishing each course in three weeks and then moving on to the next; or two courses at a time, completing each pair in six weeks; or four courses together over the whole term; or various combinations of these multiples. (Five courses at a time over a 15-week period would be a return to the conventional semester.)

STRICT SCHEDULES ARE NOT NECESSARY

The schedules are loose enough to permit fitting in an additional one- or two-credit course, but normally the 3-week 3-credit course is not combined with others. It is considered a full-time load for both student and instructor. Several advantages are derived from this fact. Since there are no conflicts with other classes, it is unnecessary to establish administrative schedules for class meetings. The decision on classroom days and hours is made by instructor and students together. It is necessary only that they honor the total number of class hours required for the course. Under this system they do not have to break up in the middle of a spirited discussion simply because a clock has struck the hour. Nor does a subject that has been adequately covered need to be stretched to the breaking point to keep the class (or instructor) occupied for a statutory class period. When the week's allotment of contact hours is met, the rest of their time is free.

Faculty and students have made continuous evaluations of the new calendar system and, predictably, many welcome the change but others are threatened by it. Student performance as measured by grade-point averages has improved; the dean's list has lengthened; probation lists are shorter. Last year, more students earned grades qualifying them for Phi Theta Kappa, the national junior college honor society, than could be initiated by the chapter rules. (Continuing longitudinal studies will reveal whether the improved performance carries over after transfer.)

SCHEDULE PREFERENCES

Some differences in reaction show up between students and instructors. Asked to rank their preferences for the various time spans, both groups gave first place to Option 2—in which four 6-week courses are carried each term, two at a time in consecutive double modules. The preference on both sides of the desk for this arrangement may reflect the fact that it is something of a compromise between the familiar group of courses taken together over a long semester and the unorthodox one-module challenge. Carrying two courses at a time permits some change of pace, too, with movement physically.

Although the students place the traditional system, Option 3, at the bottom of their list of scheduling preferences, the faculty, on the other hand, least prefer Option 1, the most radical departure from tradition. This is not surprising. Handling in three weeks what was formerly 15 weeks of material is probably more difficult for faculty than it is for students, at least in the beginning. If the 50-minute lecture has always been an instructor's way of teaching, he will be hard put indeed to lecture on the same subject for 3 or 4 hours a day, every day. A successful 3-week course will demand revisions in his approaches and materials; he must innovate, inspire discussion, introduce variety in pace, and interact with and provide alternate learning paths for the students.

TABLE I.—SCHEDULING OPTIONS FOR MODULAR CALENDAR[1]

Options	1st 3 weeks	2d 3 weeks	3d 3 weeks	4th 3 weeks
Option 1 (1 course at a time).	A	B	C	D
Option 2 (2 courses at a time).	A	--------	C	
	B	--------	D	
Option 3 (4 courses at a time).	A	--------	--------	
	B	--------	--------	
	C	--------	--------	
	D	--------	--------	
Option 4 (3 courses at a time).	A	--------	B	
	C	--------	--------	
	D	--------	--------	
Option 5 (2 courses together, then 1 course at a time).	A	--------	--------	
	B	--------	C	D

[1] Student to complete 4 3-hour courses in 12-week term.

Mount Vernon's working calendar for 1970–71 provides a break of two or three days plus a weekend after most module periods. This was designed mainly to give faculty a breathing space but it pleases the students as well. Final exams are given after completion of each course, so the student rarely faces more than one or two at a time. Faculty members can now take a 6-week "little sabbatical" every year, if they wish it. (Under the previous semester plan, a full-time faculty load was considered to be 12 hours a semester, or 24 hours a year. Faculty are still assigned the 24-hour credit load but they may now choose to handle it in 24 weeks instead of 30, and be off campus during any one of the 6-week sessions—at full pay, and at no added cost to the college.)

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[1] Mount Vernon is currently engaged in a long term building program looking toward a doubling of enrollment and physical plant in the near future.

[2] This article is based in part on a paper, "The Academic Calendar and Modular Scheduling," presented by Eileen P. Kuhns at the conference on the Academic Calendar sponsored by the University of the State of New York, the State Education Department, Higher Education Management Services and Bureau of College Evaluation, on April 7–8, 1970.

The logistics of converting to a modular calendar involve the usual considerations of full- and part-time faculty schedules, student's preferences for courses and instructors, classroom use, etc. The added variable is that courses with different time spans run simultaneously throughout the year. The mix can be of any desired ratio and, for a large institution, computer assistance would be desirable. For the small college the conversion can be a fairly simple manual operation, as it was at Mount Vernon.

By breaking out of the traditional calendar, Mount Vernon has been able to develop, with relative ease, a number of new programs aimed at stimulating student motivation for learning. Since studies over a 40-year period have failed to show that different teaching methods result in differences in student learning (as measured by final examinations) the college is trying to improve and expand upon its variety of *conditions* for learning, in order to give students some opportunity to select those conditions most suitable to their own individual learning styles.

The first such new "condition," introduced in fall 1968, was the invitational seminar for entering freshmen in American studies, social science, urban affairs, decorative arts, fine arts, and childhood education. Participants pursue a coordinated pattern of 3- and 6-week courses built around a major field. They meet in a comfortable and informal setting reserved exclusively for their use and designed to reinforce the learning process through interaction, study, and debate among a group of young women concentrating in the same discipline. The instructor has no additional teaching responsibilities during the 3-week seminar course, and thus is able to give individual attention to any student who wants it. Instruction in the residential seminar format has been tried successfully elsewhere, but it has usually been restricted to upper division or graduate students.

C.L.E.P. TESTS

On entrance tests and C.L.E.P. (College-Level Examination Program) General Examinations, invitational seminar students average about the same as others, and their records at entrance range from honors to borderline admission. Within one seminar group, however, the goal is relative homogeneity of student potential and interests. Results of the pilot year clearly suggested that students in the seminars were outperforming others, as measured by grades earned. (All students take the C.L.E.P. tests again as graduating sophomores, and the results this spring may tell whether superior learning gains also show up in this kind of measure.)

A built-in characteristic of the modular calendar is its capacity to accommodate a free flow of individual students into and out of overlapping courses and programs. It has enabled Mount Vernon to take unusually rapid strides toward individualizing instruction, in a format at the opposite end of the spectrum from structured courses with their required classroom hours and administratively scheduled final examinations. Forty-five of these systems-oriented courses are offered in humanities, social sciences, natural sciences, and mathematics. Participation is entirely optional on the part of both students and faculty members.

The instructor lets the central office know what calendar modules during the year are convenient for him to use for an individual progress course; he sets behavioral objectives for the course in advance; he establishes clear-cut subdivisions or units for the course; and he presents for student selection a variety of means toward achieving the objectives.

The student moves through the unit at her own pace, with free access to open library and laboratory resources. She may request a checkpoint evaluation for a sub-unit whenever she feels she has mastered its stated objectives. The progress evaluation may or may not take the form of an examination, depending upon the instructor. Some students who have already been exposed to a subject, or who are self-propelled, progress through one check-point after another in short order and face the final evaluation well before the end of a term. Others stretch out the time for as long a period as the individual instructor allows.

It may be of interest to note that since open laboratories have been made accessible from "dawn to midnight" for Mount Vernon students, laboratory courses have proved to be among the most successful of individual progress courses.

STUDY ABROAD

In summer 1969, the college sponsored an experimental 6-week course in Spanish which was taught by a Mount Vernon instructor in a seafront house in Alicante, Spain. Study abroad has since expanded to a series of 6-week courses taught in a variety of settings in several countries. The courses are selected from among those regularly listed in the college catalog, ranging from languages to Renaissance art to anthropology, and each offers six hours of credit toward the A.A. degree. It is Dr. Kuhns' conviction that any course offered on the Washington, D.C., campus may be taught almost anywhere in the world, unless it requires a particular laboratory. The overseas program is not limited to any one part of the year but may be fitted into any 6-week period that is convenient for interested students and instructor. Uniform standards of teaching are ensured by having a Mount Vernon instructor conduct every overseas course. The 1970–71 schedule offers classes in Mexico, France, Israel, and Italy. Next year, England and Greece will be added.

ACADEMIC INTERNSHIPS

A work-experience program has been made possible for a growing number of students because of the flexible nature of the modular calendar. Academic internship along cooperative education lines may be arranged in the Washington, D.C., area during any two calendar modules. Formal classwork is combined with experience "downtown"—in the offices of congressmen or in the Smithsonian Institution—and the work may or may not be salaried. Over the 6-week period, academic interns may earn from one to six credit hours.

The modular calendar is no panacea for all educational ills but for Mount Vernon it has surely been a step in the right direction. It could be such a step for many junior or community colleges, especially those that are not bound by oppressive state regulations. Its elastic time spans seem to inspire faculty to tackle imaginative instructional approaches. And the individualized instruction, independent study, optional class scheduling, and general systems approaches to learning that flourish under these conditions motivate not only the able student but those whose past records give little promise of academic success.

ON MEETING THE NEEDS OF NUTRITION FOR SENIOR CITIZENS

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, in 1968 we appropriated to the Department of Health, Education, and Welfare, Social and Rehabilitative Services, programs for the aging, the sum of $2 million to initiate special demonstration projects designed to improve nutrition services for the elderly.

Thirty-two grants were made, of which 18 projects are still in operation throughout the country. Seventeen of these 18 are due to expire by the end of this fiscal year and the last one on October 24.

These programs have been highly successful. In four instances, programs have attempted to struggle along on local contributions after Federal demonstration funds expired. Now, all these programs are in danger of going out of existence. This is wrong, Mr. Speaker.

It is wrong because it has been demonstrated that a need exists for these services.

It is wrong because there are thousands upon thousands of senior citizens living desolate lives lacking in even the basic necessity of life—nutritionally balanced meals.

It is wrong because we are a Nation that can afford to look after the welfare of its citizens in their later years.

That is why I have asked my distinguished colleague, the Honorable DANIEL J. FLOOD, to consider an amendment for $2,050,000 in the second supplemental appropriation bill for fiscal 1971 pending before his House Appropriations Subcommittee on Labor—Health, Education, and Welfare.

This would enable the Administration on Aging to continue funding for one additional year a program of 18 to 20 demonstration projects designed to improve nutrition services for the elderly, and to resume funding for 1 additional year the programs of four demonstration projects—including one in my district—which were created and funded by the Administration on Aging and are still in operation to provide nutrition services for the elderly on a decreased scale under other auspices.

The continuation of these programs will give the Congress time to act on legislation sponsored by 117 Members of the House and 21 Members of the Senate to provide a comprehensive program of better nutrition for the elderly in centers throughout the country.

It would be unconscionable not to continue to provide for these pioneer programs in an area of such obvious need. We must provide adequate nutrition programs for our older citizens who so often cannot prepare adequate meals for themselves and cannot obtain the human benefits of joining with others in something so basic as a friendly daily meal.

The projects which would benefit from continuation of funding are located in the following cities: Phoenix, Ariz., Los Angeles, Calif.; Denver, Colo.; Washington, D.C.; St. Petersburg, Fla.; Emmett, Idaho; Chicago, Ill.; Olive Hill, Ky.; Roxbury, Mass.; Detroit, Mich.; Jackson, Miss.; Helena, Mont.; Walthill, Nebr.; New York City; Cincinnati, Ohio, and Salt Lake City, Utah. More than 14,000 meals a week are served to senior citizens in these programs.

The projects which would benefit from resumption of full-scale operation are located in Dade County, Miami, Fla.; Dallas, Tex.; New York City, and Buffalo, N.Y. Some 2,900 meals per week could be added to these programs.

I am encouraged by prospects for approval of this amendment, especially with the active interest and sponsorship of Senator Charles H. Percy, who is leading the effort in the other body.

I also encourage those Members who have not yet done so, to join with the 117 sponsors of H.R. 5017 to provide a permanent national program in comprehensive nutrition benefits for the elderly. Senator Kennedy has introduced similar legislation, S. 1163, in the Senate.

Until this legislation can receive consideration it would be unconscionable not to continue to provide for the nucleus of programs already existant without making provision for the elderly who will suffer immeasurable hardship should any of these projects expire within the next few months.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation.

Since 1925, Lions clubs have engaged in an extensive program of sight conservation and work for the blind in America and throughout the world. Activities have included the training of leader dogs, support for glaucoma research and glaucoma detection centers, the removal of cataracts, and the establishment of "eye banks" for corneal transplants.

LEST WE FORGET

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, in a land of progress and prosperity, it is often easy to assume an "out of sight, out of mind" attitude about matters which are not consistently brought to our attention. The fact exists that today more than 1,550 American servicemen are listed as prisoners or missing in Southeast Asia. The wives, children, and parents of these men haven't forgotten, and I would hope that my colleagues in Congress and our countrymen across America will not neglect the fact that all men are not free for as long as one of our number is enslaved.

Capt. Horace H. Fleming III, U.S. Marine Corps, O93919, Pensacola, Fla. Single. The son of Mr. and Mrs. Horace Fleming, Pensacola, Fla. A 1964 graduate of Troy State University. Officially listed as missing May 10, 1968. As of today, Captain Fleming has been missing in action in Southeast Asia for 1,083 days.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. McKay (at the request of Mr. Boggs), for today, on account of official business.

Mr. Hanley (at the request of Mr. Boggs), for April 27 through April 29, on account of official business.

Mr. Corman, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Patman, for 30 minutes, today and Thursday, April 29; to revise and extend his remarks and to include extraneous matter.

Mr. Dent, for 30 minutes, on Wednesday, April 28; to revise and extend his remarks and to include extraneous matter.

Mr. Bingham, for 1 hour, tomorrow, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Peyser) to revise and extend their remarks and include extraneous matter:)

Mr. Conte, for 10 minutes, today.
Mr. McKevitt, for 5 minutes, today.
Mr. Quie, for 15 minutes, today.
Mr. Winn, for 15 minutes, April 29.
Mr. Whalen, for 60 minutes, May 3.

(The following Members (at the request of Mr. Bergland) and to revise and extend their remarks and include therein extraneous matter:)

Mr. Burke of Massachusetts, for 10 minutes, today.
Mr. Hagan, for 20 minutes, today.
Mr. Rangel, for 30 minutes, today.
Mr. Hamilton, for 30 minutes, today
Mr. Rarick, for 15 minutes, today.
Mr. Stuckey, for 10 minutes, today.
Mr. Gonzalez, for 10 minutes, today.
Mr. Murphy of Illinois, for 10 minutes, today.
Mr. Dent, for 30 minutes, on April 28.
Mr. Gaydos, for 30 minutes, on April 28.
Mr. Danielson, for 10 minutes, on April 28.
Mr. Badillo, for 30 minutes, on May 4.
Mr. Fauntroy, for 60 minutes, on May 4.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Sikes in five instances and to include extraneous matter.

Mr. Roncalio in two instances.
Mr. Dorn in two instances.

Mr. Hillis immediately after the passage of the bill H.R. 2894.

Mr. Staggers and to include extraneous matter.

Mr. Michel and to include extraneous matter.

Mr. Gude immediately prior to the passage of H.R. 2598 today.

Mr. Patman (at the request of Mr. Bolling), to revise and extend his remarks immediately after those of Mr. Bolling.

Mr. Miller of California in five instances and to include extraneous matter.

(The following Members (at the request of Mr. Peyser) and to include extraneous matter:)

Mr. Whitehurst in two instances.
Mr. Chamberlain in two instances.
Mr. Wyman in two instances.
Mr. Broyhill of Virginia.
Mr. Arends.
Mr. Thone.
Mr. Thompson of Georgia.
Mr. Fish.
Mr. Skubitz.
Mr. McClory.
Mr. Kemp.
Mr. Pelly in two instances.
Mr. Hunt.
Mr. Schmitz in three instances.
Mr. O'Konski.
Mr. Collins of Texas in five instances.
Mr. Keating.
Mr. Anderson of Illinois in four instances.

(The following Members (at the request of Mr. Bergland) and to include extraneous matter:)

Mr. James V. Stanton.
Mr. Begich in four instances.
Mr. Matsunaga.
Mr. Bolling.
Mr. Mollohan in two instanecs.
Mr. Baring in two instances.
Mr. Fauntroy.
Mr. Rees.
Mr. Rooney of New York.
Mr. Fascell in two instances.
Mrs. Sullivan in three instances.
Mr. Gonzalez in two instances.
Mr. Carney.
Mr. Pucinski in six instances.
Mr. Rostenkowski.
Mr. Edwards of California.
Mr. Hicks of Washington in two instances.
Mr. Waldie in two instances.
Mrs. Abzug.
Mr. Gaydos in eight instances.
Mr. Kluczynski in six instances.
Mr. Fountain in two instances.
Mr. Cotter in three instances.
Mr. Diggs in three instances.
Mr. Dingell in three instances.
Mr. White in two instances.
Mr. Albert in two instances.
Mr. Culver in five instances.
Mr. Gibbons in two instances.
Mr. Boggs in two instances.
Mrs. Hicks of Massachusetts in two instances.
Mrs. Grasso.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1399. An act to establish within the Department of the Interior the position of an additional Assistant Secretary of the Interior; to the Committee on Interior and Insular Affairs.

ENROLLED JOINT RESOLUTION SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 567. Joint resolution making certain urgent supplemental appropriations for the fiscal year 1971, and for other purposes.

ADJOURNMENT

Mr. BERGLAND. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 31 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 28, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

622. A letter from the Assistant Administrator, Agency for International Development, Department of State, transmitting a semiannual report on architectural and engineering fees in excess of $25,000, for the period ended June 30, 1970, pursuant to section 102 of the Foreign Assistance and Related Agencies Appropriations Act; to the Committee on Appropriations.

623. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting a report of Department of Defense procurement from small and other business firms for July 1970–January 1971, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

624. A letter from the Commissioner of Social Security, Department of Health, Education, and Welfare, transmitting a further report on progress in processing black lung benefit claims under the Federal Coal Mine Health and Safety Act of 1969; to the Committee on Education and Labor.

625. A letter from the Assistant Secretary of State for Economic Affairs, transmitting the 23d report on operations under the Mutual Defense Assistance Control Act of 1951; to the Committee on Foreign Affairs.

626. A letter from the Director of the Peace Corps, transmitting a draft of proposed legislation to amend further the Peace Corps Act (75 Stat. 612), as amended; to the Committee on Foreign Affairs.

627. A letter from the Secretary of the Interior, transmitting the annual report for 1970 on the anthracite mine water control and mine sealing and filling program, pursuant to 30 U.S.C. 571–576, as amended; to the Committee on Interior and Insular Affairs.

628. A letter from the Chairman, Indian Claims Commission, transmitting a report on the final conclusion of judicial proceedings with respect to docket No. 22–A, *The Jicarilla Apache Tribe of the Jicarilla Apache Reservation, New Mexico, Plaintiff,* v. *The United States of America, Defendant,* pursuant to 60 Stat. 1055; to the Committee on Interior and Insular Affairs.

629. A letter from the Chairman, Federal Power Commission, transmitting a copy of the publication, "Statistics of Privately Owned Electric Utilities in the United States, 1969"; to the Committee on Interstate and Foreign Commerce.

630. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend the Bankruptcy Act and the civil service retirement law with respect to the tenure and compulsory retirement of referees in bankruptcy; to the Committee on the Judiciary.

631. A letter from the Attorney General, transmitting a draft of proposed legislation to amend section 3307 of title 5, United States Code, to authorize the Attorney General to establish age limitations for certain appointments; to the Committee on Post Office and Civil Service.

632. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Social Security Act to require employers to make an approved basic health care plan available to their employees, to provide a family health insurance plan for low-income families not covered by an employer's basic health care plan, to facilitate provision of health services to beneficiaries of the family health insurance plan by health maintenance organizations, by prohibiting State law interference with such organizations providing such services, and for other purposes; to the Committee on Ways and Means.

Received From the Comptroller General

633. A letter from the Comptroller General of the United States, transmitting a report of the need for interagency consideration of applications for investment surveys and guarantees involving potential displacement of U.S. agricultural exports by the Agency for International Development, Department of State, Department of Agriculture, and the Overseas Private Investment Corporation; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PATMAN: Committee on Banking and Currency. H.R. 4604. A bill to amend the Small Business Act (Rept. No. 92–152). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Committee on Government Operations. H.R. 6077. A bill to remove certain limitations on the granting of relief to owners of lost or stolen bearer securities of the United States, and for other purposes (Rept. No. 92–153). Referred to the Committee of the Whole House on the State of the Union.

Mr. O'NEILL. Committee on Rules. House Resolution 406. Resolution providing for the consideration of H.R. 5208. A bill to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard; (Rept. No. 92–154). Referred to the House Calendar.

Mr. ANDERSON of Tennessee: Committee on Rules. House Resolution 407. Resolution providing for the consideration of H.R. 5066. A bill to authorize appropriations for fiscal years 1971, 1972, and succeeding fiscal years to carry out the Flammable Fabrics Act, as amended; (Rept. No. 92–155). Referred to the House Calendar.

Mr. O'NEILL: Committee on Rules. House Resolution 408. Resolution providing for the consideration of H.R. 6479. A bill to provide for the licensing of personnel on certain vessels; (Rept. No. 92–156). Referred to the House Calendar.

Mr. MATSUNAGA: Committee on Rules. House Resolution 409. Resolution providing for the consideration of S. 531. An act to authorize the U.S. Postal Service to receive the fee of $2 for execution of an application for a passport; (Rept. No. 92–157). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 247. Resolution to provide funds for the expenses of the studies, investigations, and inquires authorized by House Resolution 243; with an amendment (Rept. No. 92–158). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 273. Resolution to provide funds for expenses incurred under activities authorized by House Resolution 242; with an amendment (Rept. No. 92–159). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 274. Resolution authorizing the expenditure of certain funds for the expenses of the Committee on Internal Security; with an amendment (Rept. No. 92–160). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 303. Resolution to provide funds for the expenses of the investigation and study authorized by rule XI(8) (Rept. No. 92–161). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 312. Resolution to provide funds for the expenses of the investigations and studies authorized by House Resolution 5 and House Resolution 19; with an amendment (Rept. No. 92–162). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 337. Resolution to provide funds for the expenses of investigations and studies authorized by House Resolution 115; with an amendment (Rept. No. 92–163). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 351. Resolution to provide funds for the expenses of the investigation and study authorized by House Resolution 142 (Rept. No. 92–164). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PATMAN (by request):

H.R. 7740. A bill to amend laws relating to savings and loan associations, to broaden their mortgage credit powers, and for other purposes; to the Committee on Banking and Currency.

By Mr. BYRNES of Wisconsin (for himself, Mr. Gerald R. Ford, Mr. Betts, Mr. Schneebeli, Mr. Conable, Mr. Chamberlain, and Mr. Pettis):

H.R. 7741. A bill to amend the Social Security Act to require employers to make an approved basic health care plan available to their employees, to provide a family health insurance plan for low-income families not covered by an employer's basic health care plan, to facilitate provision of health services to beneficiaries of the family health insurance plan by health maintenance organizations, by prohibiting State law interference with such organizations providing such services, and for other purposes; to the Committee on Ways and Means.

By Mr. ABOUREZK:

H.R. 7742. A bill to provide for the disposition of funds to pay a judgment in favor of the Yankton Sioux Tribe in Indian Claims Commission docket No. 332–A, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ADDABBO:

H.R. 7743. A bill to provide for the sharing with State and local governments of a portion of the tax revenue of the Federal Government and to authorize Federal collection of State income taxes; to the Committee on Ways and Means.

By Mr. BEGICH:

H.R. 7744. A bill to improve education by increasing the freedom of the Nation's teachers to change employment across State lines without substantial loss of retirement benefits through establishment of a Federal-State program; to the Committee on Education and Labor.

H.R. 7745. A bill to establish an executive department to be known as the Department of Education, and for other purposes; to the Committee on Government Operations.

By Mr. BIAGGI:

H.R. 7746. A bill to amend section 236 of the National Housing Act; to the Committee on Banking and Currency.

H.R. 7747. A bill to amend section 236 of the National Housing Act and section 101 of the Housing and Urban Development Act of 1965 to reduce from 25 to 20 percent of the tenant's income the maximum rent which may be charged for a dwelling unit in a section 236 project or a dwelling unit qualifying for assistance under the rent supplement program; to the Committee on Banking and Currency.

H.R. 7748. A bill to authorize increases in Federal Housing Administration mortgage ceilings under subsidized multifamily housing programs to meet construction costs; to the Committee on Banking and Currency.

H.R. 7749. A bill to amend the Federal Hazardous Substances Act to authorize the Secretary of Health, Education, and Welfare to ban glue and paint products containing toxic solvents when they do not meet certain specifications; to the Committee on Interstate and Foreign Commerce.

By Mr. BRADEMAS (for himself, Mr. Conable, Mr. Abourezk, and Mr. Robison of New York):

H.R. 7750. A bill to provide a comprehensive child development program in the Department of Health, Education, and Welfare; to the Committee on Education and Labor.

By Mr. BROYHILL of North Carolina:

H.R. 7751. A bill to amend the Internal Revenue Code of 1954 to grant an additional income tax exemption for each dependent of the taxpayer who is permanently handicapped; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts (for himself, Mr. Adams, Mr. Begich, Mr. Vigorito, Mr. Drinan, Mr. Mikva, and Mr. Yatron):

H.R. 7752. A bill to amend title II of the Social Security Act to provide a 50-percent, across-the-board increase in benefits thereunder, with the resulting benefit costs being borne equally by employers, employees, and the Federal Government, and to raise the amount of outside earnings which a beneficiary may have without suffering deductions from his benefits; to the Committee on Ways and Means.

By Mr. DON H. CLAUSEN:

H.R. 7753. A bill to amend the United Nations Participation Act of 1945 to prevent the imposition thereunder of any prohibition on the importation into the United States of any strategic and critical material from any free world country for so long as the importation of like material from any Communist country is not prohibited by law; to the Committee on Foreign Affairs.

H.R. 7754. A bill to provide Federal financial assistance for the reconstruction or repair of private nonprofit medical care facilities which are damaged or destroyed by a major disaster; to the Committee on Public Works.

By Mr. CONABLE:

H.R. 7755. A bill to amend section 832(e) of the Internal Revenue Code of 1954 concerning contingency reserve requirements for lease guarantee insurance and insurance on tax-exempt obligations and for other purposes; to the Committee on Ways and Means.

By Mr. DEVINE:

H.R. 7756. A bill to amend the Communications Act of 1934 to provide for regulation of television networks to assure that their operations are in the public interest; to the Committee on Interstate and Foreign Commerce.

By Mr. DONOHUE (for himself, Mr. Clancy, Mr. Macdonald of Massachusetts, Mr. Shriver, Mr. Thompson of New Jersey, Mr. Waldie, Mr. Williams, Mr. Skubitz, Mr. Wright, and Mr. Vander Jagt):

H.R. 7757. A bill to extend the period for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corporation and its subsidiaries to other Government departments, and for other purposes; to the Committee on Government Operations.

H.R. 7758. A bill to extend for 2 years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corporation and its subsidiaries to other Government departments; to the Committee on Government Operations.

By Mr. DOW (for himself, Mr. Badillo, Mr. Burke of Massachusetts, Mr. Burton, Mr. Edwards of California, Mr. Eilberg, Mr. Halpern, Mr. Harrington, Mr. McDonald of Michigan, Mr. Mikva, Mrs. Mink, Mr. Rosenthal, and Mr. Roybal):

H.R. 7759. A bill to encourage States to increase the proportion of the expenditures in the State for public education which are derived from State rather than local revenue sources; to the Committee on Education and Labor.

By Mrs. DWYER (for herself and Mr. Steele):

H.R. 7760. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

By Mr. de la GARZA:

H.R. 7761. A bill to amend the Public Health Service Act to encourage physicians, dentists, optometrists, and other medical personnel to practice in areas where shortages of such personnel exist, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. EILBERG:

H.R. 7762. A bill to amend the Immigration and Nationality Act to facilitate the entry of foreign tourists into the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. FLOOD:

H.R. 7763. A bill to provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GERALD R. FORD (for himself, Mr. Kemp, Mr. Poff, Mr. Frenzel, Mr. Thompson of Georgia, Mr. Frelinghuysen, and Mr. Kuykendall):

H.R. 7764. A bill to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GERALD R. FORD (for himself, Mr. Kemp, Mr. Poff, Mr. Frenzel, Mr. Thompson of Georgia, Mr. Frelinghuysen, Mr. Kuykendall, and Mr. Buchanan):

H.R. 7765. A bill to amend the Public Health Service Act so as to provide for new health manpower educational initiatives, increase the level of financial assistance to health profession schools and other institutions training health personnel, improve the distribution and increase the supply of health personnel, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mrs. GRASSO:

H.R. 7766. A bill to amend the Federal-State Extended Unemployment Compensation Act of 1970 to permit Federal sharing of the cost of unemployment benefits which extend for 52 weeks; to the Committee on Ways and Means.

By Mrs. GRIFFITHS:

H.R. 7767. A bill to continue until the close of June 30, 1973, the existing suspension of duties for metal scrap; to the Committee on Ways and Means.

By Mr. HALPERN (for himself and Mr. Harrington):

H.R. 7768. A bill to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HANNA:

H.R. 7769. A bill to amend laws relating to savings and loan associations, to broaden their mortgage credit powers, and for other purposes; to the Committee on Banking and Currency.

By Mr. HELSTOSKI:

H.R. 7770. A bill to amend the Public Health Service Act to continue and broaden eligibility of schools of nursing for financial assistance, to improve the quality of such schools, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mrs. HICKS of Massachusetts:

H.R. 7771. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs, produced or processed, in whole or in part, in such country from entering the United States unlawfully, and for other purposes; to the Committee on Foreign Affairs.

H.R. 7772. A bill to amend the Noise Pollution and Abatement Act of 1970 to provide for a full and complete investigation of the effects of noise resulting from airports on surrounding communities; to the Committee on Interstate and Foreign Commerce.

H.R. 7773. A bill to amend the Immigration and Nationality Act to make additional immigrant visas available for immigrants from Ireland and from other certain foreign countries, and for other purposes; to the Committee on the Judiciary.

H.R. 7774. A bill to amend title 5, United States Code, to increase the Government contribution for health benefits for enrolled Government employees and annuitants to 66⅔ percent of the subscription charges, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 7775. A bill to amend section 8339(i) of title 5, United States Code, to restore to an annuitant for any period after retirement in which the annuitant is not married the amount of annuity reduction made under such section for surviving spouse annuity purposes; to the Committee on Post Office and Civil Service.

H.R. 7776. A bill to amend title 5, United States Code, to provide additional increases in certain civil service retirement annuities, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 7777. A bill to permit a State to elect to use funds from the highway trust fund for purposes of urban mass transportation; to the Committee on Public Works.

H.R. 7778. A bill to provide for the establishment of a national cemetery in the State of Massachusetts; to the Committee on Veterans' Affairs.

H.R. 7779. A bill to provide for the establishment of a national cemetery in each State of the United States which does not have any national cemetery located therein; to the Committee on Veterans' Affairs.

H.R. 7780. A bill to amend title XVII of the Social Security Act to authorize payment under the supplementary medical insurance program for prescription drugs, hearing aids, eye examinations, glasses, and treatment, dental care, and the services of chiropractors; to the Committee on Ways and Means.

H.R. 7781. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 each year of any Federal annuity shall be exempt from income tax; to the Committee on Ways and Means.

H.R. 7782. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contributions Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. HOWARD:

H.R. 7783. A bill to amend the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

By Mr. KOCH:

H.R. 7784. A bill making an appropriation to carry out the provisions of the maternal and child health and crippled children's services (title V of the Social Security Act) for the year ending June 30, 1972; to the Committee on Appropriations.

By Mr. KUYKENDALL:

H.R. 7785. A bill to amend certain provisions of the Federal Food, Drug, and Cosmetic Act; to the Committee on Interstate and Foreign Commerce.

By Mr. MATSUNAGA:

H.R. 7786. A bill to amend the Airport and Airway Development Act of 1970 to make American Samoa eligible for airport grants from the funds to be distributed at the discretion of the Secretary of Transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MICHEL:

H.R. 7787. A bill to amend the National Labor Relations Act with respect to refusals to bargain; to the Committee on Education and Labor.

By Mr. MIKVA (for himself, Mr. Koch, Mr. Burton, Mr. Cotter, and Mr. Harrington):

H.R. 7788. A bill to assist in combating crime by reducing the incidence of recidivism, providing improved Federal, State, and local correctional facilities and services, strengthening administration of Federal corrections, strengthening control over probationers, parolees, and persons found not guilty by reason of insanity, and for other purposes; to the Committee on the Judiciary.

By Mr. MIKVA (for himself, Mr. Koch, Mr. Adams, Mr. Burton, and Mr. Cotter):

H.R. 7789. A bill to assist in reducing crime by requiring speedy trials in cases of persons charged with violations of Federal criminal laws, to strengthen controls over dangerous defendants released prior to trial, to provide means for effective supervision and control of such defendants, and for other purposes; to the Committee on the Judiciary.

By Mr. MOLLOHAN:

H.R. 7790. A bill to amend section 521 of title 38, United States Code, to provide that the 90-day-service requirement applicable to the payment of pension for non-service-connected disability shall be reduced to 60 days in the case of World War I veterans; to the Committee on Veterans' Affairs.

By Mr. MONTGOMERY:

H.R. 7791. A bill to provide that expenses incurred in certain construction in the city of Meridian, Miss., shall be eligible as local grants-in-aid for purposes of title I of the Housing Act of 1949; to the Committee on Banking and Currency.

By Mr. MOSS:

H.R. 7792. A bill to facilitate the transportation of cargo by barges specifically designed for carriage aboard a vessel; to the Committee on Merchant Marine and Fisheries.

By Mr. O'HARA:

H.R. 7793. A bill to amend the Internal Revenue Code of 1954 to increase to $825 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for dependents, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. PETTIS:

H.R. 7794. A bill to protect ocean mammals from being pursued, harassed, or killed; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. PODELL:

H.R. 7795. A bill to amend the Airport and Airway Development and Revenue Acts of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. QUIE (for himself, Mr. Erlenborn, Mr. Esch, Mr. Eshleman, Mr. Steiger of Wisconsin, Mr. Hansen of Idaho, Mr. Forsythe, Mr. Veysey, and Mr. Kemp):

H.R. 7796. A bill to strengthen education by providing a share of the revenues of the United States to the States and to local educational agencies for the purpose of assisting them in carrying out education programs reflecting areas of national concern; to the Committee on Education and Labor.

By Mr. RAILSBACK:

H.R. 7797. A bill to amend the antitrust laws to provide that the refusal of nonprofit blood banks and of hospitals and physicians to obtain blood and blood plasma from other blood banks shall not be deemed to be acts in restraint of trade, and for other purposes; to the Committee on the Judiciary.

By Mr. RAILSBACK (for himself and Mr. Price of Illinois):

H.R. 7798. A bill to postpone for 6 months the date on which the National Railroad Passenger Corporation is authorized to contract for provision of intercity rail passenger service and to postpone for 6 months the date on which the Corporation is required to begin providing intercity rail passenger service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROBINSON of Virginia:

H.R. 7799. A bill to amend the United Nations Participation Act of 1945 to prevent the imposition thereunder of any prohibition on the importation into the United States of any strategic and critical material from any free world country for so long as the importation of like material from any Communist country is not prohibited by law; to the Committee on Foreign Affairs.

By Mr. SCOTT:

H.R. 7800. A bill to amend title 28 of the United States Code to provide that petit juries in U.S. district courts shall consist of six jurors, except in trials for capital offenses; to the Committee on the Judiciary.

By Mr. JAMES V. STANTON (for himself and Mr. Hathaway):

H.R. 7801. A bill to provide maternity benefits for pregnant wives of certain former servicemen; to the Committee on Armed Services.

By Mr. THOMPSON of Georgia:

H.R. 7802. A bill to make rules respecting military hostilities in the absence of a declaration of war; to the Committee on Rules.

By Mr. THOMPSON of New Jersey:

H.R. 7803. A bill to amend the Economic Opportunity Act of 1964 to authorize a legal services program by establishing a National Legal Services Corporation, and for other purposes; to the Committee on Education and Labor.

By Mr. UDALL:

H.R. 7804. A bill to amend the Water Resources Planning Act (79 Stat. 244) to include provision for a national land use policy by broadening the authority of the Water Resources Council and river basin commissions and by providing financial assistance for statewide land use planning; to the Committee on Interior and Insular Affairs.

By Mr. WALDIE (for himself, Mr. Hechler of West Virginia, Mr. Podell, Mr. Hogan, Mr. Gude, Mr. Broyhill of Virginia, Mr. Tiernan, and Mr. St Germain):

H.R. 7805. A bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WALDIE (for himself, Mr. Hechler of West Virginia, Mr. Podell, Mr. Hogan, Mr. Gude, Mr. Broyhill of Virginia, Mr. Tiernan, Mr. Scott, and Mr. St Germain):

H.R. 7806. A bill to amend chapter 83 of title 5, United States Code, to eliminate the survivorship reduction during periods of nonmarriage of certain annuitants, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WALDIE (for himself, Mr. Hechler of West Virginia, Mr. Podell, Mr. Hogan, Mr. Gude, Mr. Broyhill of Virginia, Mr. Scott, Mr. Tiernan, and Mr. St Germain):

H.R. 7807. A bill to increase the contribution by the Federal Government to the costs of employees' health benefits insurance; to the Committee on Post Office and Civil Service.

By Mr. WHITEHURST:

H.R. 7808. A bill to amend the Communications Act of 1934 to provide for more responsible news and public affairs programming; to the Committee on Interstate and Foreign Commerce.

By Mr. WIDNALL (for himself, Mr. Blackburn, Mr. Brown of Michigan, Mr. Williams, Mr. Wylie, and Mr. McKinney):

H.R. 7809. A bill to amend laws relating to savings and loan associations, to broaden their mortgage credit powers, and for other purposes; to the Committee on Banking and Currency.

By Mr. ABERNETHY:

H.R. 7810. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. ANDERSON of Illinois:

H.R. 7811. A bill to amend the Interstate Commerce Act, section 204; to the Committee on Interstate and Foreign Commerce.

By Mr. BELL:

H.R. 7812. A bill to amend the Federal Aviation Act of 1958 in order to provide for more effective control of aircraft noise; to the Committee on Interstate and Foreign Commerce.

By Mr. DERWINSKI:

H.R. 7813. A bill to provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FRASER:

H.R. 7814. A bill to postpone for 6 months the date on which the National Railroad Passenger Corporation is authorized to contract for provision of intercity rail passenger service; to postpone for 6 months the date on which the Corporation is required to begin providing intercity rail passenger service; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. LENT:

H.R. 7815. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. McKINNEY:

H.R. 7816. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mrs. MINK:

H.R. 7817. A bill to appropriate funds for projects for navigation, flood control, beach erosion, and other purposes in the State of Hawaii; to the Committee on Appropriations.

H.R. 7818. A bill to prohibit discrimination against locally recruited personnel in the granting of overseas differentials and allowances, equalize the compensation of overseas teachers, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PEPPER:

H.R. 7819. A bill to amend the U.S. Housing Act of 1937 to provide for the inclusion of child-care facilities in low-rent housing projects, and to provide that the eligibility of a family to remain in such a project despite increases in its total income shall be determined solely on the income of the head of such family (or its other principal wage earner); to the Committee on Banking and Currency.

By Mr. RANGEL (for himself, Mr. Hamilton, Mr. Dellums, Mrs. Abzug, Mr. Adams, Mr. Baring, Mr. Bell, Mr. Brasco, Mr. Byrne of Pennsylvania, Mrs. Chisholm, Mr. Clay, Mr. Cleveland, Mr. Collins of Illinois, Mr. Conyers, Mr. Diggs, Mr. Dingell, Mr. Dulski, Mr. Esch, Mr. Fauntroy, Mr. Fulton of Pennsylvania, Mr. Galifianakis, Mr. Gaydos, Mr. Gibbons, Mr. Gray, and Mr. Halpern):

H.R. 7820. A bill to amend section 620 of the Foreign Assistance Act of 1961 to prohibit foreign assistance from being provided to foreign countries which do not act to prevent narcotic drugs from unlawfully entering the United States; to the Committee on Foreign Affairs.

By Mr. HAMILTON (for himself, Mr. Dellums, Mr. Rangel, Mr. Harrington, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Henderson, Mr. Hillis, Mr. Hogan, Mr. Horton, Mr. Jacobs, Mr. Keating, Mr. Kee, Mr. Metcalfe, Mr. Mikva, Mrs. Mink, Mr. Mitchell, Mr. Moorhead, Mr. Nix, Mr. Obey, Mr. Perkins, Mr. Pike, Mr. Podell, and Mr. Preyer of North Carolina):

H.R. 7821. A bill to amend section 620 of the Foreign Assistance Act of 1961 to prohibit foreign assistance from being provided to foreign countries which do not act to prevent narcotic drugs from unlawfully entering the United States; to the Committee on Foreign Affairs.

By Mr. DELLUMS (for himself, Mr. Rangel, Mr. Hamilton, Mr. Rarick, Mr. Riegle, Mr. Roncalio, Mr. Rostenkowski, Mr. Roush, Mr. Roy, Mr. Roybal, Mr. Runnels, Mr. Ruppe, Mr. Ryan, Mr. Schwengel, Mr. Stokes, Mr. Van Deerlin, Mr. Charles H. Wilson, Mr. Wolff, Mr. Zion, and Mr. Badillo):

H.R. 7822. A bill to amend section 620 of the Foreign Assistance Act of 1961 to prohibit foreign assistance from being provided to foreign countries which do not act to prevent narcotic drugs from unlawfully entering the United States; to the Committee on Foreign Affairs.

By Mr. ANDREWS of Alabama:

H.J. Res. 574. Joint resolution proposing an amendment to the Constitution of the United States to authorize Congress, by two-thirds vote of both Houses, to override decisions of the Supreme Court; to the Committee on the Judiciary.

H.J. Res. 575. Joint resolution proposing an amendment to the Constitution requiring that Federal judges be reconfirmed by the Senate every 10 years; to the Committee on the Judiciary.

By Mr. HILLIS:

H.J. Res. 576. Joint resolution amending title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new State medical schools and the improvement of existing medical schools affiliated with the Veterans' Administration; to the Committee on Veterans' Affairs.

By Mr. O'NEILL:

H.J. Res. 577. Joint resolution to instruct the President of the United States to release certain appropriated funds; to the Committee on Government Operations.

By Mr. PEPPER:

H.J. Res. 578. Joint resolution authorizing the President to issue a proclamation designating the 7-day period beginning August 8, 1971, as "All-American Family Week"; to the Committee on the Judiciary.

By Mr. WHITTEN:

H.J. Res. 579. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. VANIK (for himself, Mr. Mikva, Mr. Ryan, and Mr. Yates):

H. Con. Res. 280. Concurrent resolution relative to asset depreciation range; to the Committee on Ways and Means.

By Mr. DELLENBACK:

H. Res. 403. Resolution to express the sense of the House relative to the relations between the United States and the People's Republic of China; to the Committee on Foreign Affairs.

By Mr. FULTON of Tennessee (for himself, Mr. Roe, Mr. Link, Mr. Giaimo, Mr. Henderson, Mr. Stokes, Mr. Clay, Mr. Abernethy, and Mr. Griffin):

H. Res. 404. Resolution creating a select committee of the House to conduct a full and complete investigation of all aspects of the energy resources of the United States; to the Committee on Rules.

By Mr. PETTIS:

H. Res. 405. Resolution expressing the sense of the House with respect to the prompt removal of discriminatory preferences on citrus fruits granted by the European Economic Community, and action to be taken by the United States if such discriminatory preferences are not promptly removed; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

140. By the SPEAKER: Memorial of the Legislature of the State of California, relative to earthquake-damaged dwellings; to the Committee on Banking and Currency.

141. Also, memorial of the House of Representatives of the State of Washington, relative to extending the mortgage payments of persons who have become unemployed through no fault of their own; to the Committee on Banking and Currency.

142. Also, memorial of the Legislature of the State of Kansas, requesting the return of the statue of George W. Glick and the acceptance of a statue of Dwight David Eisenhower for placement in Statuary Hall; to the Committee on House Administration.

143. Also, memorial of the Legislature of the State of North Dakota, requesting Congress to call a convention to amend the Constitution of the United States to provide for revenue sharing; to the Committee on the Judiciary.

144. Also, memorial of the Legislature of the State of Nevada, relative to adoption of the metric system; to the Committee on Science and Astronautics.

145. Also, memorial of the Legislature of the State of North Dakota, relative to revenue sharing; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CONYERS:

H.R. 7823. A bill for the relief of Abhijit Chatterjee; to the Committee on the Judiciary.

By Mr. DELLENBACK:

H.R. 7824. A bill for the relief of Park Jung Ok; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 7825. A bill for the relief of Miss Zofia Klosowska; to the Committee on the Judiciary.

By Mr. OBEY:

H.R. 7826. A bill for the relief of James A. Wentz; to the Committee on the Judiciary.

By Mr. ROE:

H.R. 7827. A bill for the relief of Zofia Klosowska; to the Committee on the Judiciary.

H.R. 7828. A bill for the relief of Judith Nesser; to the Committee on the Judiciary.

By Mr. VEYSEY:

H.R. 7829. A bill for the relief of Stephen H. Clarkson; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

66. By the SPEAKER: Petition of Mrs. Iva David, Charlotte Amalie, St. Thomas, V. I., relative to redress of grievances; to the Committee on the Judiciary.

67. Also, petition of Barry Dale Holland, Portsmouth, Va., relative to the protection of constitutional rights; to the Committee on the Judiciary.

68. Also, petition of Mabel Mackey, Lancaster, Va., relative to taxes; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

THE 2.5 MILLION VETERANS WHO DID NOT COME

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mr. TEAGUE of Texas. Mr. Speaker, Mr. Richard Wilson, editorial writer for the Evening Star has written in the Monday, April 26, edition an article which I feel should be read by every thinking American. I include this article in the RECORD and commend it to the Members of this body:

THE 2.5 MILLION VETERANS WHO DIDN'T COME

(By Richard Wilson)

At the end of 1970, according to official Defense Department figures, approximately 3 million Americans had served in Southeast Asia, 2.5 million in Vietnam alone. The thousand or so of them who demonstrated in Washington were a minute fraction of the total who have served in Vietnam. This certainly could not be considered an abnormal proportion of disillusioned and embittered veterans emerging from any war in any country.

In fact, the discontented and alienated veterans of war have in some countries and for different reasons represented a far more serious challenge to governments in power, Germany being the most dramatic illustration.

Yet there is an element of disappointed expectations in the attitudes being adopted by the veterans of Vietnam. Anyone who visited Vietnam in the early part of our heaviest involvement had difficulty stifling a sense of pride in American behavior and performance on this far-off and difficult battlefield.

The ranking officers, from Gen. Westmoreland on down, all felt it. Many of them, including Westmoreland, believed that the rotation of manpower on the basis of one-year service would continually send back to the United States men who in due course would create an important reservoir of support for American operations in Vietnam.

In the beginning this did seem to be the case. The Vietnam veterans in large number felt that they had been participating in an action which was both necessary and worthwhile. And it was on this basis that one observer, at least, departed from his usual detachment in writing for the news columns to assert that the Vietnam operation was worthwhile.

The expectation that the hundreds of thousands of returning veterans would create a solid base of support for continuing on the road toward American objectives has not materialized in any concrete way. Perhaps it exists and underlies the patience of the American people with the slow and painful process of disengagement.

But those who contend that this has been an ignoble war and unworthy of American standards and ideals have gotten the upper hand so far as public attention is concerned. They are making the most of the presence in Washington of crippled and wounded medal winners and scoffing at President Nixon for his forbearance in avoiding evicting them from the public grounds of a nation they have served.

Nothing that the veterans did here brought the end of the war one hour closer but their encampment did serve as a political backdrop for various Democratic presidential candidates who are trying to make the way out of the war as hard as possible for Nixon on the pretext that his commitments can't be relied upon.

What the vast majority of 2.5 million men who have served in Vietnam may think of all this is unknown but they have endured it in silence and without the affront many of them evidently felt over the conviction of Lieut. Calley.

The ugly possibility presents itself that one of the legacies of the Vietnam war will not be men who returned strengthened or ennobled by service to their country but the fewer who are permanently estranged and distrustful of all higher authority.

If there was any point at all in the Vietnam veterans visitation it was to persuade Nixon of the expediency of declaring a fixed date for the completion of a total withdrawal from Vietnam.

This is not in the cards and it is hard to believe that it would actually become the program of any president elected as Nixon's successor whatever he might say or pledge during a presidental campaign.

Total and hurried withdrawal from Vietnam carries with it the imminent and real danger of terrible consequences for the people of South Vietnam to say nothing of American integrity.

Presidential candidates and aspirants who create the impression they would totally withdraw now, and exploit a veterans protest to reinforce that impression, are living and talking in a make-believe world. They do not know they could lead the American people that way if they got the chance.

The 2.5 million veterans of Vietnam who did not come to Washington may have something to say about that.

CONSUMERS UNION ARTICLE ON FAIR CREDIT REPORTING ACT

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mrs. SULLIVAN. Mr. Speaker, an excellent summary of the Fair Credit Reporting Act, which went into effect yesterday, was contained in the April issue of Consumer Reports magazine, published by Consumers Union, and should be useful to Members of Congress in answering inquiries from constituents about this important new law and the rights it grants for the first time to consumers.

This article, as does an article by Mr. Ralph Nader in the Saturday Review, finds the new law deficient as regards protections against unwarranted invasions of privacy. However, on balance it describes the statute as extending significant rights to consumers, and I certainly agree with that. Articles such as this will enable consumers to learn about those new rights, and to exercise them when they are the victims of erroneous or misleading credit reports, either in connection with applications for consumer or mortgage credit, or for employment, or for insurance for personal, family or household purposes.

The Consumers Union article refers to possible loopholes in the act which all of us who took part in writing the legislation will certainly want to keep under surveillance, if I can use that word in respect to this act.

The article referred to follows:

[From Consumer Reports Magazine, April, 1971]

ECONOMICS FOR CONSUMERS: WHAT TO DO IF YOUR CREDIT GOES BAD

A new Federal law this month gives consumers some rights against the use of erroneous data in the files of credit bureaus. But the Fair Credit Reporting Act is a mere popgun against invasion of privacy.

"It seems to me a very terrible society—and I mean terrible in the sense of frightening and terrifying—where information given to one man becomes information available to all. . . . So I think you need a law to protect people against that." Charles Reich.

On April 25 a new law called the Fair Credit Reporting Act goes into force. Although not quite what Charles Reich, Yale law professor and author of "The Greening of America," had in mind when he spoke the above words at a Congressional hearing five years ago, it does attempt to affirm the constitutional right of every American to the protection of law against those who might damage a most valuable piece of his property—namely, his reputation.

What Mr. Reich and many others were concerned with at the time was mainly invasion of privacy by government. A national data bank had been proposed. It would have provided a highly efficient computerized means for the Federal Government to call forth, instantaneously, a frighteningly complete dossier on each individual. The information for the data bank could have come from records compiled by the various Federal agencies in the course of census-taking, taxing, financially assisting, militarizing, demilitarizing, prosecuting, loyalty-checking, passport-investigating, medically insuring and otherwise processing people.

The defenders of privacy have thus far helped forestall any *official* national data bank. But, as one of them, Professor Arthur R. Miller of the University of Michigan Law School, told CU, government computerization of information about individuals may have proceeded to the point where such a data bank is already a reality.

At least the right-of-privacy hearings did remind Congress that data banks of a sort also exist in the business world. They consist of the files of some 2500 credit bureaus and local merchants' associations. In those files are dossiers on almost every American adult.

Credit bureaus freely exchange information from their dossiers and sell it to their clients for credit reports, hiring references, insurance applications, and even for mailing lists. Information flows two ways. Stores and financial institutions, for instance, not only buy credit reports but also send to credit bureaus the vital statistics and repayment records of consumers. To expedite the flow, the files of at least the large credit bureaus are gradually being computerized. Some heavy users of the information, such as banks and big stores, already have their own computer terminals hooked into the credit-information network.

A national computerized credit network hooking up the 2100 members of the Associated Credit Bureaus, Inc., was announced in 1968, but the plan fell through. Meanwhile, though, one fast-growing credit bureau with national aspirations, TWR Information Services, Inc., has put a fully computerized system in operation and predicts that it can store data in its computer memory on every credit-using American by 1973.

THE SNOOPERS

Until now, credit-bureau dossiers have been used for purposes far beyond the exchange of routine business information. The Internal Revenue Service consulted credit-bureau reports in its investigation of some taxpayers. The Federal Bureau of Investigation bought credit reports on people it was checking out for various reasons, criminal or otherwise. In the files of some types of credit bureaus, such as the Retail Credit Co., O'Hanlon Reports, Inc. and Hooper-Holmes Bureau, Inc., are details about people's lives of a far more intimate nature than you might think. Those firms do reports for insurance companies and employers, and they compile their information by interviewing the neighbors and associates of their subjects. The sort of information sought by their clients includes hearsay evidence bearing on sexual habits, marital relations, character traits and general reputation.

So-called investigative reports based on hearsay, often hastily dug up by overworked, underpaid field men, go not only to the clients requesting them but also into the credit-bureau files for future reference. In the Congressional hearing transcripts are the cases of people who have been rendered virtually unemployable in their regular occupations because of inaccurate and damaging hearsay evidence.

Most of the information merchandised by the typical credit bureau, though, comes from consumers themselves. It comes from the applications you fill out when applying for credit or insurance, and it goes both to the company being applied to and to one or more local cerdit bureaus.

Credit bureaus also scour court dockets, county clerks' files and other public records, looking for the names of people who appear to be in financial trouble. When such information is put in credit-bureau files, there is always the chance of mistaken identities. Worse still, credit bureaus admit that they do not usually follow a case to the end. The fact that a person has been sued for nonpayment of a debt may reach their files—but not the later fact that the charge was dropped, proved wrong or settled out of court.

LOBBYISTS TAKE OVER

As the facts about the credit reporting industry unfolded in the hearing rooms of Congress, it became evident that a law would be passed to regulate the industry. At the same time, not even the severest critics wanted to abolish credit reporting. It is, after all, the best source of information open to lenders when they must decide who will or will not get credit. An accurate, up-to-date reporting system makes it easier for consumers to obtain credit. If most lenders relied on thorough credit checking, the economy would be better protected from the perils of a population badly overcommitted to installment debts. In a credit-based economy it would be far better to have lenders rely on accurate, up-to-date credit reports than to have them rely, as so many do now, on socially disruptive collection methods, such as repossessions, deficiency judgment (so they can go on collecting payments from debtors after repossession), wage garnishments, excessive interest charges, and security liens on the debtor's dwelling.

Seeing that a new law was inevitable, the Associated Credit Bureaus quit the opposition and came out in support of a rather weak bill. Although the law that passed was not quite so weak as the ACB would have had it, the trade group was able to tell its membership. "We . . . believe most of you will find that the law presents few operational changes from what you are already doing."

THE CONSUMER'S NEW RIGHTS

Nevertheless, consumers have won some new rights to protect their financial standing and perhaps even their personal reputation. Almost everyone has been through situations where these rights might have been of some avail. They should help, for instance, the next time you are being billed and threatened with damage to your credit rating for something you did not buy or have already paid for. They would have helped a West Virginia woman who wrote to us about a New York City Department Store that canceled her charge account when she refused to pay for $13 worth of undelivered bed sheets. "What is a housewife to do to keep from getting her credit rating ruined?" she asked. They would have helped a North Carolina man who told us he had been turned down for a bank credit card because of unpaid bills from a record club he had never joined, from a mail-order house for nonexistent finance charges, and from a hospital for a bill long since paid. "There seems to be no way to get a bad record cleared other than to sneak off in the night and reappear with a new name," he said.

Here's how the Fair Credit Reporting Act works:

When you're rejected for credit. A company that turns down your credit application because of a bad credit-bureau report must give you the name and address of the bureau. The same holds true for an insurance company that rejects your application for a policy or an employer who refuses to hire you because of a bad credit report. And it holds true if you are charged extra for credit or insurance because of a bad credit rating.

After you have been told that a bureau report has hurt your credit, insurance or employment status, you have some rights at the credit bureau. It must disclose to you "the nature and substance of all information" in its file about you, except medical information. You have a right to be told the sources of almost all information, too. Here, though, the credit bureau lobbyists put a serious crimp in the new law. You do not have a right to know the source of hearsay evidence about your character, reputation and personal life unless you sue the credit bureau or users of its reports for violating your rights under the act. To make sure you don't see what they don't want you to see, the credit bureaus persuaded Congress not to give consumers the right actually to lay eyes on their files.

When a credit bureau tells you what's in your file, it must also tell you the names of any firms that received your credit record during the previous six months. It must tell you who received your record for employment purposes in the previous two years. (Pro-consumer members of Congress fought in vain for a five-year disclosure period.)

The law says credit bureaus must have trained personnel available to tell you what's in your file during regular business hours. Ordinarily, you must go to the credit bureau. But at your written request and after taking proper precautions about identifying you, the bureau is allowed to give you the information over the telephone.

Correcting false reports. What do you do if you discover that the credit bureau has false, incomplete or inaccurate information about you? The Fair Credit Reporting Act says the credit bureau must reinvestigate disputed information "within a reasonable period of time" unless "it has reasonable grounds to believe that the dispute by the consumer is frivolous or irrelevant." Unfortunately, weasel words like those quoted may sabotage enforcement. But unless it tries to weasel out, the credit bureau must promptly delete any data found to be inaccurate or unverifiable. Furthermore, at your request it must send notice of the deletion to any or all those who received your report in the previous six months (or two years for employment purposes).

The law anticipates some disputes between you and the credit bureau that investigation won't settle. You might have lost the receipt for a bill paid in cash, for instance, or you might be withholding payment for defective merchandise until the defect is corrected. In such cases, you have the right to put in the file a statement of 100 words giving your side of the argument. The credit bureau must include your statement in any future report. It must also, at your request, send copies to those who have already received the disputed information.

If you have gone to the credit bureau after learning that someone received a bad report about you, the bureau is not permitted to charge for disclosing what's in your file or for making the corrections, deletions, additions or notifications required by law. But to get those services performed free, you must go to the credit bureau within 30 days of receiving official word of the bad report.

Before you have been rejected. As a consumer, you have the right to find out what's in your file at any credit bureau even though no one notified you of receiving an unfavorable report. The bureau must still investigate items that you believe need correcting, delete inaccuracies and send out deletion notices. It must also insert in the file your statement about any disputed accounts and must send copies to recent recipients of your report. The bureau may charge you a "reasonable" amount this time, except for sending deletion notices.

But what if you suspect there's a false report being circulated? Which credit bureau should you visit? Should you go to more than one? The problem is real enough. The classified telephone books of large cities show long lists of credit reporting agencies—45 in the Manhattan directory alone. Moreover, as you move from city to city you may leave behind files in several local bureaus. As the law stands, some files won't come to your notice until they are used against you.

The industry succeeded in beating down a proposal by Representative Leonor K. Sullivan of Missouri to require credit bureaus to notify consumers as soon as they are made the subject of a dossier. If that idea had carried, everyone could have known of the existence of all credit-bureau files about him. In case he had reason to believe some erroneous information was being circulated, he would have known where to go to protect himself.

Snooper reports. You have the right to be told promptly when someone has asked for a report about your character, general reputation and way of living—a hearsay report—and you also have the right to demand complete disclosure of the nature and scope of the investigation. But you can't call off the snoopers. Furthermore, if someone is considering you for a job you haven't applied for, he can get a snooper report without telling you.

Reports to employers. The law gives job seekers some minimal protection against the use of incomplete reports from court dockets and other public records. Any credit bureau sending out an employment report containing adverse information based on such records must do one of two things. It must let you know immediately so that you can bring the record up to date for the prospective employer. Or it must make sure its own report is current as far as the publice record is concerned. The trouble is that public records of many legal actions are never made complete because the parties have settled out of court and their attorneys have not notified the court clerk to close the case.

Obsolete or unverified information. The new law forbids credit bureaus to send out adverse information more than seven years old. But there are important exceptions. Bankruptcy information may be included in credit reports for 14 years. And no age limit is placed on any information included in reports on those who apply for a loan or a life insurance policy of $50,000 or more or on those who apply for a job with an annual salary of $20,000 or more. Thus, adverse information may be kept in your file indefinitely and may plague you throughout your lifetime.

Lip service is paid in the law to the duty of credit bureaus to verify the identity of people seeking information about others and to "follow reasonable procedures to assure maximum possible accuracy of the information." But the law does not spell out how those duties are to be performed, nor does it permit them to be defined by regulation.

When you can sue. Until now, no credit bureau would give information to consumers about their files until they had signed a paper releasing the bureau and its informants from liability for the consequences of false and damaging information. In plain words, the bureaus wanted to make sure they couldn't be successfully sued for carelessly hurting someone's reputation. The credit bureaus fought in Congress against any law that would expose them to such suits. As a result, the Fair Credit Reporting Act limits a consumer's right to sue.

You can sue for an unlimited amount of damages on a charge that false information was furnished with malice and willful intent to injure you. That kind of charge is extremely difficult to prove.

You can sue on a charge that a credit bureau, its informant or a user of its report violated the Fair Credit Reporting Act. The violation doesn't have to be intentional, but it does have to have caused you demonstrable financial damage. In a successful action, you can claim your actual damages, your legal costs and an attorney's fee determined by the court. If you can prove that a credit bureau *willfully* violated the act, the bureau must additionally pay you whatever amount the court allows for punitive damages.

Because of the difficulty they might have in proving actual damages, some lawyers will be reluctant to take such cases. But some situations would invite suit. Suppose a member of your family were rejected for $25,000 of life insurance on the strength of false information that should have been deleted from his credit file, and suppose that he died soon afterward. As an heir, you might be able to recover the $25,000.

This threat of suit for simple liability may prove to be the only effective enforcement tool in the act. Without it, responsibility for enforcement would have fallen almost entirely on the shoulder of the Federal Trade Commission, and as Ralph Nader testified, "reliance on the FTC's legal sanctions is totally unjustified." Even the now-rejuvenated FTC must work with the glacially slow and largely ineffectual cease-and-desist order, which usually gives the violator a second and perhaps a third chance before he risks being fined. The new law provides for criminal penalties, too, but it is safe to predict that they will be reserved for only the most extreme violations.

The credit bureau lobbyists' greatest achievement was to hobble the FTC further by denying it the authority to write rules defining and interpreting the substance of the new law. Lack of rule-making power has been the downfall of earlier laws designed to help consumers and may doom this one. The law is full of vague words. What kinds of disputes about items in a credit-bureau file are to be considered "frivolous or irrelevant"? How long is a "reasonable" time? What are "reasonable procedures"? What sort of notice must a consumer get when a creditor turns him down because of a bad credit report? Written notice? A telephone call? The law doesn't say.

FTC attorneys told CU they would ask the Commission to adopt guidelines covering as many of those questions as possible as a matter of necessary enforcement procedure. Almost inevitably the industry will ask the courts to stop the FTC from doing anything like that. A long legal hassle may very well lie ahead.

NO VICTORY FOR PRIVACY

Worst of all, the Fair Credit Reporting Act falls seriously short of buttressing the individual's last remnants of privacy. Credit bureaus suffer no significant inhibitions on their practice of sending out snoopers to dredge up hearsay information. Through a loophole in the law, agencies like the FBI may still find it possible to go on fishing expeditions into credit-bureau files without specifying the names of people under investigation. Government agencies are left free to buy the entire list of names in a credit-bureau file, including present and former addresses and places of employment. And credit bureau may sell reports about consumers in connection with any conceivable kind of legitimate business transaction.

Unless Congress does better than that, faceless accusers will continue to dog the footsteps of Americans, and Big Brother may yet fulfill George Orwell's prophecy by 1984. Credit bureaus may sell reports about consumers in connection with any conceivable kind of legitimate business transaction.

THE WELCOME LADY'S WATCHING YOU

Some of the data in your credit-bureau file may have come from the scratch pad of one of those welcoming "hostesses" who knock on your door when you have recently moved to a new town. The personable ladies are good at striking up a friendly conversation, and it's no idle chatter. Besides promoting local merchants with free samples, gift, coupons and discount tickets, they may be assigned to pick up information on your credit worthiness.

Scores of credit bureaus sponsor welcoming firms. A typical one is the Welcome Newcomer Service of the Credit Bureau of Washington, D.C. Welcome Newcomer says its hostesses always explain their credit-bureau mission, but according to its own survey, 24 per cent of the people visited did not remember being told the real purpose of the interview. The FTC recently announced a proposed complaint charging Welcome Newcomer Service with failure to tell people it is gathering credit data rather than just extending greetings to newcomers.

ARAB UNION: HOW GREAT A THREAT?

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mr. DERWINSKI. Mr. Speaker, the Middle East is undoubtedly the greatest world trouble spot and very properly deserves the major attention of administration leaders and of our diplomats.

The announcement of the new federation comprising Egypt, Libya, and Syria must be carefully analyzed in its relationship to the entire Middle East picture.

The Chicago Sun-Times, in an editorial commentary Wednesday, April 21, very properly directs public attention to the prospects of this intended federation and its probable impact on the Middle East situation:

ARAB UNION: HOW GREAT A THREAT?

The announced federation of Egypt, Libya and Syria unquestionably adds to the dangers of nuclear war already inherent in Middle Eastern instability, but it cannot yet be ascertained how great a factor the new union is.

Egyptian President Anwar Sadat says the new federation will have "one president, one flag, one capital." It will also, he says, have one foreign and one defense policy. Sadat, with customary bombast, promises no yielding of Arab territory to Israel, no negotiations and no "bargaining" on the right of Palestinian refugees.

All of this would bode ill for hopes of returning the Middle East to its customary position of stable crisis, except for two things. First, earlier attempts at Arab unity have failed as national self-interest eclipsed the dream of a Muslim world stretching from Iraq to Morocco. Second, the policies as outlined by Sadat show very little change from earlier public pronouncements.

Circumstances can and do alter cases, and it is to be hoped that the international facts of life will require Arab leaders to forswear their public saber-rattling when it comes to discussing what can, should and must be done in the Middle East.

NEENAH, WIS., BACKS REVENUE SHARING

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, the rising tide of support for the idea of revenue sharing cannot escape our attention. I wish today to point out that the crisis of local government is not only the crisis of the great cities of Newark, Philadephia, and Milwaukee. The erosion of the local tax base and the rising costs of municipal services has also created major headaches for the small cities of the land.

I submit the evidence of the city of Neenah, Wis., population 23,000, on the banks of the Fox River. Clustered with sister cities both larger and smaller at the head of Lake Winnebago, Neenah is hard pressed to prevent the municipal despoiling of both of these great water resources.

I am pleased to share with the House the following resolution of the city council of Neenah, Wis., endorsing general and special revenue sharing.

I include the material as follows:

RESOLUTION NO. 5428

RESOLUTION ENDORSING GENERAL AND SPECIAL REVENUE SHARING

Whereas, the need for public facilities and services provided by state and local government is increasing at a rate which exceeds the revenues generated from the available tax base to such governments; and

Whereas, the federal government, through exercising taxing powers vested in it, has substantially diminished the available revenue producing sources available to states and local governments; and

Whereas, state and local governments and their designated regional councils are facing substantial deficits unless the federal government supplements the existing grant assistance programs to such governments; and

Whereas, there appears to be a general concensus of the states and the local governments that the most advantageous method of obtaining and receiving supplemental federal funds would be through a program of general and special revenue sharing; and

Whereas, the viability and continued growth of regional councils as policy and coordinative mechanisms of state and local governments is dependent on the strength and fiscal integrity of state and local government;

Now, therefore, be it resolved by the Common Council of the City of Neenah that the United States Congress be urged to enact during the first session of the 92nd Congress a general revenue and special revenue sharing program to assist states, local governments and regional councils in meeting their fiscal needs.

STUDENT HOUSING IN RURAL AREAS

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mr. BEGICH. Mr. Speaker, the problem of providing adequate education plagues every State in the Nation today. Each State has similar problems. However, in the State of Alaska because of the large geographical size and the many rural areas of the State, Alaska has many unique educational problems.

In many of the small villages and cities in Alaska, students are brought to the community high schools from as far away away as 1,000 miles.

Sometimes the student is able to be placed in a school near his home community, but suitable housing is not always available.

If students who are in need of placement could be integrated into these high schools in the remote areas of Alaska, it would benefit both the student and our high school system.

Group homes offer a more comfortable and normal living experience that adds greatly to the student's educational progress. While the dormitories now in planning or in use do offer some comfort, group homes would be a more beneficial environment for the student:

House Joint Resolution No. 15: Relating to Student Housing in Rural Areas

Be it resolved by the Legislature of the State of Alaska:

Whereas a number of small high school facilities are being established in various communities in rural Alaska; and

Whereas in many instances, there are persons of high school age who live in communities located near these schools who are in need of placement; and

Whereas one of the major problems to be overcome before a student in need of placement can perhaps attend a high school relatively close to his home community is the provision of suitable housing; and

Whereas it would be of great advantage to the student to be able to continue his education at the nearest possible location to his home; and

Whereas if the students who are in need of placement could be integrated into these schools in the remote areas of Alaska, it would not only benefit the student but would aid the development of these small high schools, both in terms of their physical facilities and the curricula available; and

Whereas group homes offer a more comfortable and relatively normal living experience, thereby adding to the learning process in classrooms;

Be it resolved by the Alaska State Legislature that the Bureau of Indian Affairs is urgently requested to investigate the possibility and the implementation by the Bureau of Indian Affairs of a plan whereby group homes rather than dormitories would be made available in those communities where high schools are or will be established.

Copies of this Resolution shall be sent to the Honorable Rogers C. B. Morton, Secretary of the Department of the Interior; the Honorable Morris Thompson, Area Director, Bureau of Indian Affairs; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Nick Begich, U.S. Representative, members of the Alaska delegation in Congress.

H.R. 7725—DETERGENT POLLUTION CONTROL ACT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mr. ANDERSON of California. Mr. Speaker, sanitation and cleanliness are of paramount importance with today's homemaker. The soap and detergent industry have made tremendous gains in providing the housewife with materials to clean clothes and keep a spotless home.

Yet, most of us would be satisfied with a shirt that was clean and white—not necessarily "whiter than white"—if we also knew that we were preserving the environment.

Today's detergent, with a high phosphate content, is getting our shirts "whiter than white," but it is also contributing greatly to the pollution of our waters.

Phosphorus is being dumped in our streams and lakes at a rate exceeding 486 million pounds per year. Phosphorus fertilizes aquatic plants and causes an extremely rapid growth of algae. As these plants die and decay, they use up the oxygen in the water, and cause the fish to suffocate. As the plants grow and die in rapid succession, the water itself is displaced by the accumulated masses of living and dead vegetation and, finally, the lake becomes a bog, and eventually, dry land.

Such destruction of a lake is called euthrophication. It is similar to the natural process by which a lake matures, ages, and dies. But, the natural process is so slow that it can be measured only on a geological time scale. However, the extent of euthrophication which has occurred in the past few decades under the onslaught of 20th century technology would require thousands of years under natural conditions. It has been estimated, for example, that man has aged Lake Erie 15,000 years in the last 50 years.

Phosphorus enters our waters from numerous sources; however, the largest single input is from detergents. The rising levels of phosphorus discharged into our country's waters result not only from the increasing amount of synthetic detergents used by consumers, but also from the increasing percentages of phosphates per pound of detergent product formulated by the manufacturers in the last decade. In 1958, synthetic detergents contained 7.7 percent phosphorus. In 1967, the percentage of phosphorus contained in synthetic detergrents had grown to 9.4 percent.

Mr. Speaker, there is evidence that there are cleaning substances which will not degrade and ruin the environment to replace phosphorus.

Thus, today, I am introducing legislation which directs the Administrator of the Environmental Protection Agency to establish standards of water eutrophication ability to be met by all synthetic detergents by June 30, 1973. In addition, this bill, called the Detergent Pollution Control Act, makes it unlawful after June 30, 1973, for any person to import or manufacture a detergent compound containing phosphorus.

Mr. Speaker, I owe a special debt of thanks to Mr. Charles M. Dinaberg, a student at the Loyola—California—School of Law. Mr. Dinaberg has prepared a scholarly exposition advocating the abolition of phosphates in detergents. His paper has been a great help to me in analyzing the problem of phosphates and in presenting a solution.

NATIONAL GIRL SCOUT WEEK

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mr. BYRON. Mr. Speaker, last week the country celebrated the 59th Anniversary of the organization of the Girl Scouts. As a tribute to the Girl Scouts I would like to include in the RECORD an editorial which appeared on April 22, 1971, in the Hancock News of Hancock, Md., as follows:

Helping to Close the Gaps

Young people are facing enormous challenges on what the quality of life will be in the future. How they meet the problems of a rapidly changing society will test their ingenuity, imagination, and abilities. How they prepare themselves to meet these challenges is of utmost importance.

One youth-serving organization which is taking the lead in involving young people in many self-directed, self-planned projects is Girl Scouts of the U.S.A. Some GSUSA endeavors are directly related to the quality of our country's physical environment; others concern the interrelationships of people, and youth participation in planning and decision-making.

This concept of responsible citizenship and service with others has always been a basic one in Girl Scouting. Today's Girl Scouts are involved in projects to help close the gaps separating economic, racial, cultural, and age groups. Across the country, girls and adults from urban, suburban, and rural areas are working in partnership with national and local community groups toward these goals.

Prepared by their training, these girls give millions of hours of service to their communities. In day camps for ghetto children, in migrant worker camps, in Head Start programs, in various tutorial programs, in senior citizen projects, in hospitals, schools and libraries, on Indian reservations and in hundreds of quality environment projects—Girl Scouts of all racial, economic, and cultural backgrounds contribute their skills.

During this Girl Scout Week, marking the organization's 59th birthday, we extend our thanks and congratulations to the nearly 4 million girls, men and women in Girl Scouting.

NATIONAL ENDOWMENT OF THE ARTS

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. CELLER. Mr. Speaker, under leave to extend my remarks in the RECORD, I am pleased to include my testimony before the House Appropriations Subcommittee on the Department of Interior and Related Agencies, Wednesday, April 21, 1971, on the National Endowment for the Arts. My statement follows:

NATIONAL ENDOWMENT FOR THE ARTS

There are those who would argue that the demands upon the national purse are so varied and urgent that appropriation for the Arts must be placed low on the list of priorities, if it is to be placed there at all. With this I must emphatically disagree.

The development of the Arts is the mark of a civilized nation. The gift of appreciations, whether of opera, symphonies, sculpture, pictures, theatres, museums, adds dimension to life and living, drawing man out of the narrow confines of self and self-pity. For a nation to neglect its art and artists is to admit that its horizon is narrow and its vision pinched.

Those of us in Brooklyn, New York, who have attended the Brooklyn Museum, the Botanic Garden, the Brooklyn Children's Museum, and the Brooklyn Academy of Music, can testify how the people not only of Brooklyn but of distant places visiting my home town embrace these expressions of our culture. Those of us who attend the performances of the Metropolitan Opera House, the New York City Opera, and beyond these the Lyric Opera of Chicago and the San Francisco Opera, see in them the monuments of national pride. What I say of New York is equally true across the nation.

There are few today who will not admit that the citadel of the Arts has moved from the cultural cities of Europe to the United States. The ferment and experimentation in the Arts, whether they be in the ballet or in the little theatres across the nation, need nourishment. We cannot afford to let this ferment and experimentation die for the lack of it.

Food, shelter, clothing—yes. But shall there be little beyond these?

The audience and viewers of the world of art keep growing. There is an insistent demand that this stream of light and vigor not be dimmed.

I remember a time when those who could afford it, and many who could not, went to Europe to look, to contemplate, to study, and to imitate the art of the Old World. This is now reversed, a reversal with a tremendous difference. Paris, Rome, Venice, London, were the art centers. But the art did not flow into the provinces of the respective countries. In the United States this is not true. Small cities within the breadth and length of this country have set up their little theatres, their symphonies, their museums, their operas. This is reflected in the local newspapers which devote pages to the arts within the orbit of their circulation.

We must not agree to be artistically barren. We need to encourage, to stimulate, to applaud the artistically gifted and the fruits of these gifts.

I fervently hope that this Subcommittee will be most generous in its recommendations, understanding fully how wise will be this investment in the future of our nation. I ask you to consider appropriations for the National Endowment for the Arts, not as an expenditure, but I repeat—as an investment. Thank you.

ROYAL OAK, MICH., CELEBRATES GOLDEN ANNIVERSARY

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mr. BROOMFIELD. Mr. Speaker, in 1921, Royal Oak, Mich., was granted a city charter. Today, 50 years later, Royal Oak is a model residential community whose citizens have reason to celebrate the golden anniversary of her incorporation.

Conveniently located just north of Detroit, Royal Oak has managed to become a major city, while retaining a refreshing suburban flavor. In 1970 the census registered a population of approximately 85,000 people, and the community is still growing. But like the thousands of trees that line its streets and avenues, my hometown has taken its growth in stride, gradually expanding without the explosive problems that have beset most of the urban areas in our country. Indeed, stability remains the keynote in Royal Oak: its tax base has not spiraled wildly with its accelerated development, its residential character continues to flourish, and basically, its people do not care to move away. Surely, no greater compliment can be given to a city.

In a sense, the growth of Royal Oak has mirrored that of our country; a gradual development closely associated with technological progress and improved transportation facilities. Railroads and highways may be said to have civilized our Nation as much as any other single factor. Railroads and highways made Royal Oak what it is today.

When William Thurber set up house in the area nearby Governor Cass' famous "royal oak," he found an almost complete absence of good roads. In fact, the bogs and swamps to the south usually forced settlers up the Detroit River to Mount Clemens before they could take a stagecoach directly to Royal Oak.

By 1828, however, the Detroit-Saginaw Turnpike had been built, and the seeds of the community's growth had been planted. Seven years later an energetic promoter named Sherman Stevens purchased 80 acres of land for the Detroit and Pontiac Railroad he had helped to found.

The railroad reached Royal Oak in 1838, bringing work for the first homesteaders: cutting timbers for the ties and rails, and cordwood for the steam engine. A sawmill was built on the site now occupied by the Lawson Lumber Co. Two hotels were erected to house the growing railroad construction crews. For some time Royal Oak was the northern terminus of the road and a flourishing trading center.

The Interurban tracks reached town in 1895, providing inexpensive transportation to and from Detroit. Not only did the Interurban carry commuters into the city for work, but picnickers out of the city to play. A new, less practical value was placed on easy transportation.

No wonder Henry Ford's automobiles caught on so fast. Between 1890 and 1910 Royal Oak drew as fast as his new industry, attracting thousands of Detroit workers who had tired of that crowded city's dirt, smoke and noise. In that period, Royal Oak's population jumped 461 percent, and in 1921, 50 years ago, she became a full-fledged city.

By 1931 the Interurban had given way to the automobile. In that year the world's first superhighway—the eight-laned Woodward Avenue—was completed, and the process which began with the Detroit-Saginaw Turnpike had come full circle—but with cars instead of stagecoaches. Surely, Mr. Speaker, Royal Oak's growth, like that of the Nation, has been closely intertwined with the development of her transportation system.

We know today, of course, that this development is not without its drawbacks: across the Nation citizens see our highways clogged with traffic and our atmosphere smoky with pollution. They see, moreover, other examples of technological progress with dangers greater than anyone ever imagined: they see the splitting of the atom as a threat to human existence as well as a source of human development; they see the enormous growth of housing and they see the surrender of our open space.

Today, Mr. Speaker, this Nation is at a critical moment in her history. We look with question to the future and, rightly, we look for guidance from the past. We ask that progress be controlled and that history be observed. It is a fitting time to awaken the sleeping moments of our heritage.

That, Mr. Speaker, is the purpose of Royal Oak's Golden Jubilee: we celebrate the present to commemorate the past. We examine our mistakes, we rejoice in our gifts, and we look without despair to the years ahead, certain, after all, that our future is built on a sound and vital tradition.

PRIVATE GUCOFSKI'S LAST LETTER

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mr. ROGERS. Mr. Speaker, on March 22, 1971, Pfc. Stephen D. Gucofski was killed in action in South Vietnam. On March 20, 1971, Steve wrote his last letter home to his parents anticipating that he may be injured or killed by hostile fire and expressing his concern over command decisions which sent his unit into combat against outnumbered odds without proper support.

Although I no longer have the privilege of representing Steve's hometown of Fort Myers, Lee County, Fla., I have taken this matter up with the Secretary of the Army in the hope that future lives of our servicemen in Southeast Asia may be protected.

I insert at this point in the RECORD for the benefit of my colleagues Steve's last letter to his parents:

20 MARCH 71

HI MOM,

Well things are real bad now and I may get hit pretty bad. In the last 4 days 2 of our people have got killed and 8 wounded enough so they can't go back for a while. I just came back from R&R and am going back to the bush not because I have to but because I want to go out and help my buddies. If I get killed I want you to make sure one person comes to my funeral & thats Amy Hadfield this is her address.

AMY HADFIELD
5th West 9th North
Lehi, Utah 84034

I also want you to send her a dozen red roses from me & sign it the unseen friend so that when you get this letter, I should have enough money to get her to Florida if anything happens. Things are really bad recon has been hit 9 times in four days & they keep sending us out against out numbered odds and they are in bunkers & it seems nothing can hit them except a hell of a big bomb. Write our Congressman a letter & send him this letter then he will know how crummy things and our leaders are from Full Bird Conials or however you spell it.

If I don't make it I love you all & hope I don't bring to much unhappyness with this letter. Please try to understand what & why I'm doing this.

Love always,

STEVE.

P.S. Please see what you can do with our congress man.

SPEECH OF ADM. CHESTER R. BENDER TO NAVY LEAGUE LUNCHEON

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mr. GARMATZ. Mr. Speaker, each year the Washington, D.C., Council of the Navy League honors the U.S. Coast Guard at a special luncheon meeting. The fourth such meeting was held on Thursday, April 22. This is the Navy League's way of recognizing the Coast Guard's contribution to the Nation's seapower. I commend the Navy League for this initiative. Too often, I fear, we do not give proper credit to the Coast Guard. As one of the Armed Forces this small and relatively silent service has a unique position. It is a major component of the Department of Transportation and regularly performs a variety of peacetime duties. Yet it also is always ready to respond to wartime missions when it becomes a part of the Navy. To help explain the unusual role of the Coast Guard, I would like to insert in the RECORD a talk delivered by Adm. Chester R. Bender, Commandant of the Coast Guard, who was the featured speaker at the fourth annual Coast Guard luncheon sponsored by the Navy League's D.C. Council:

SPEECH OF ADM. CHESTER R. BENDER, COMMANDANT, U.S. COAST GUARD, TO THE NAVY LEAGUE LUNCHEON HONORING U.S. COAST GUARD

It is indeed a pleasure to address the Coast Guard's staunchest supporter—the Navy League—and especially the D.C. Council.

I am always impressed with the nature and quality of this council's activities. Last month I attended your sea-air-space exposition, and I know this event must be "the" highpoint of Navy League programs. I commend you for supporting this excellent program and look forward to 1973 when you again sponsor this exposition.

Today's luncheon is especially important. It somewhat represents the beginning of the Coast Guard's 4th year of close relationship with the Navy League. I must say, we have come a long way in just three years. We greatly benefit from this association and we thoroughly enjoy the many friendships we have made.

It is no secret that these are difficult times for the military services. I don't speak particularly about the reductions in budget which the military have sustained, although these have been substantial. Rather, I am particularly concerned with the attitude of the American people toward the services. Admittedly, several of the services have suffered occurrences which have cast a shadow on our bright records. The Army with its Mai Lai incident, the Navy's *Pueblo*, and the Coast Guard more recently falling under general criticism for the return to a Russian ship of a would be defector.

I am, of course, familiar with the latter event and I won't attempt to excuse what was done. On the other hand, serious as it was, I was surprised at the depth of bitterness of the public toward the Coast Guard and at the lack of memory of some of those whom we have served so faithfully over many decades. Crewmembers of the *Vigilant* who could not possibly have been involved in the decisionmaking process were refused service in restaurants and threatened from many sides.

I don't believe that personnel of the military have changed much. The services are made up largely of dedicated people who are willing to work hard and fight as need be for their country for no great return beyond the sense of doing their job well.

I fully concur that the public has the right to expect outstanding performance from the services, and to demand that penalties be applied when the rules of soldierly conduct are broken. But a more understanding attitude on the part of our people concerning the difficulties of military life, and the genuine devotion to his country on the part of the average man in uniform would be ever so helpful.

Incidentally, I have a small ray of sunshine to offer in this cloudy weather. There was a greater number of applicants for appointment as cadets at the Coast Guard Academy in the class entering this summer than ever before. I have found, too, that our experience has been reflected at the other service academies—Annapolis, West Point and at the Air Force Academy. Frankly, I don't quite know why this is so. The pressures of the draft are decreasing rather than increasing. Perhaps it is a reaction among a sector of young men who are interested in a good education in a restrained atmosphere and away from some of the turmoil of the campuses. I hope that it reflects a true interest in a career in one of the Armed Forces as well.

Next month, at your national convention, the Navy League will present awards to officer and enlisted personnel from the Navy, Marine Corps—and for the first time, the Coast Guard. Including the Coast Guard in your national awards program will certainly call public attention to the contributions of our personnel and will help to further motivate them for the future. Recognition such as this always makes a tough job easier to handle.

It is, of course, primarily up to the services themselves to make service life attractive. In the career enhancement area, the Coast Guard has followed the "Z" grams of Admiral Zumwalt with a great deal of interest. The admiral has truly brought a breath of fresh air into the naval services. The wind has blown over the Coast Guard as well because, while not obligated to do so, we have found much to emulate in his actions. Some of his orders we have not followed as being not practical for the smaller sized Coast Guard, and on a few items we have decided not to follow suit. But we recognize that, especially in the seagoing services, there must be compensations for extended absences from home. To enlist and retain good men we must become competitive with other modes of work and living. We can rely only to a certain degree on patriotism and must rely to a much larger extent on practical factors of life to hold our people.

One of the first announcements I made upon becoming commandant was that I'd like to see the Coast Guard have its own distinctive uniform. Much as I admire the Navy, and proud as we are of our close relationship with the Navy, I'd simply like our Coast Guardsmen to be known for what they are, rather than being so often mistaken for members of our big sister service. The reaction among our enlisted men was immediately enthusiastic and among the officers somewhat cool. This is no doubt true because the sailor suit is considered a bit out of date today whereas the naval officer's uniform is admittedly handsome. At any rate, we are going ahead with designing a Coast Guard uniform which will first be tried with enlisted personnel only. Incidentally, the design which is finding quite a bit of favor with the uniform board is a modernized version of the old surfman's uniform. The surfman was the equivalent of a seaman in the lifesaving service, which became a part of the Coast Guard in 1915. The uniform consists of a single breasted jacket with a shirt and trousers and a visored cap and has a nautical, distinctive appearance with real tradition for the Coast Guard.

When I said earlier that I did not believe that the military have changed much, I was speaking primarily to the attitude of personal characteristics of the people. I have been particularly struck by the changes otherwise in the Coast Guard over the last 180 years. While realizing that some of this change is really modern adaptation of resources and techniques to combat old problems.

I would like to talk today about some of what the Coast Guard is and does in peace and war, and I'd like to say first what the Coast Guard is not. The Coast Guard is not the country's second navy, even though it is a seagoing military service. It is rather an auxiliary to the Navy in a highly specialized sense.

During this country's first war at sea—an undeclared war with France in 1798—the revenue cutter fleet, which had been established eight years before, was placed under the orders of Benjamin Stoddart, the first Secretary of the Navy. Congress then ordained, after the fact, the "revenue cutters shall, whenever the President of the United States shall so direct, cooperate with the Navy of the United States". We've been cooperating ever since. Much later, in a codification of laws relating to the Coast Guard, the Congress reaffirmed its actions by ordering that "the Coast Guard, as established January 28, 1915, shall be a military service and a branch of the Armed Forces of the United States at all times. The Coast Guard shall be a service in the Treasury Department, except when operating as a service of the Navy". Three years ago we shifted our home base to the Transportation Department.

The words "service in the Navy" are important, as the Coast Guard is equipped, trained and committed to carry out in wartime specialized duties as a separate service, but under the chief of naval operations. Over the years, of course, our tasks have changed and they will continue to change as the requirements of war and the characteristics of the Coast Guard equipment and capabilities change.

Rather remarkably though, the function that the Coast Guard squadron one was performing and the present activities of squadron three, under the Navy's market time operation in Vietnam waters, are, in fact, very similar to the duties for which the original Coast Guard—the revenue cutter service—was established by the first Secretary of the Treasury. In 1790, Alexander Hamilton was concerned about the great amount of smuggling along our coast, to the detriment of our Nation's economy. He persuaded the Congress to build 10 small armed "cutters" to form the revenue cutter service for combating the smuggling; and, recently, the market time operation, in which 31 of our cutters have been under the commander, naval forces Vietnam, is a coastal surveillance operation designed to prevent the smuggling by the enemy of men and materials of war into South Vietnam. The cutters, both small and large, have seen frequent action. Numerous individual encounters have occurred. There was a major encounter a few months ago when two of our new 378-foot high endurance cutters, the *Rush* and the *Sherman*, engaged a steel hull, armed trawler approaching the coast of Vietnam.

During this sharp night action the capabilities of these new cutters were ably demonstrated. The trawler was sunk a few miles off the coast and large quantities of arms and other war supplies have been recovered by the Navy explosive ordnance disposal teams. Incidentally, it is estimated that each of these 120-foot trawlers carries enough war supplies to support a battalion of North Vietnamese or Viet Cong troops for one year.

Just last week the cutter *Rush* was in the thick of it again. She, along with the cutter *Morgenthau* and other naval units, were involved in the sinking of a 160-foot enemy trawler in South Vietnamese territorial waters.

Our cutters are frequently called upon to provide naval gunfire support for our forces on land. But much of the work is in hailing, boarding and inspection of junks and sampans that may be carrying anything from chickens for the market to small arms for the Viet Cong. Those of you who are old enough to remember prohibition will recognize that this is not dissimilar from our work in the rum running days.

In keeping with the President's policy on Vietnamization, all but a few of our cutters have been turned over to the South Vietnamese Navy—all of our 82-foot patrol boats have been transferred and last January the first two 311-foot cutters were transferred to the Vietnamese. Even as we phase out our coastal patrol, we will continue to assist the South Vietnamese in the areas of port security, explosive loading, maritime law enforcement and aids to navigation for the foreseeable future and we are presently maintaining a cadre of advisors to the South Vietnamese navy for maintenance of operation of our cutters.

In the wars of the intervening 170 years from 1798, the revenue marine, now called the Coast Guard, has fought alongside our big sister with considerable distinction.

As in World War I, a big part of the Coast Guard's tasks in World War II was in antisubmarine warfare, with its cruising cutters and escorts, as well as its sea frontier patrols and pickets along the coast, helping to win the Battle of the Atlantic.

Later in the war, our duties included manning landing craft that hit the invasion beaches with assault troops, we were present at most of the stops.

But the Coast Guard's availability to serve with the Navy in time of war is really a bonus benefit. It is not our sole reason for being and Congress would not support it as such. So let's look at some of the service's peacetime duties.

Having been initiated as a law enforcement agency, in the protection of the customs, the service is even today the primary law enforcement agency of the United States on the high seas or in our territorial waters—sort of a seagoing police force.

The body of the law for which we are the enforcement agency is quite extensive. A partial list includes criminal law afloat, such as piracy and barratry, laws relating to oil pollution, rules of the road, motorboat safety legislation and conservation laws and treaties dealing with deep sea fishing, fur sealing and whaling and sponge fishing. Currently there is considerable publicity concerning Japanese and Russian fishing operations in the waters off our shores. A great deal of our ship time is devoted to ensuring that these operations are in accord with our agreements with theses countries, and with our own law.

But, over the years, our duties have become more and more related to safety at sea.

The Coast Guard is probably best known for its rescue work. Two of its predecessors—the Revenue Cutter Service and the Lifesaving service—were devoted to the saving of life and property at sea. Our aid to merchant shipping, to aviation, and to small craft has always been extended without regard to the nationality of the distressed craft. The nature of search and rescue, as we call it now, has changed somewhat over the years. In the days of sail, and before steamers and Diesel-powered ships became so reliable, much of the shipping came to grief on the rocks and beaches along the shore. Today we hear little of a vessel being driven onto a "lee shore". But oddly enough, ships still founder at sea, such as the Texaco-Oklahoma, still break down and even sometimes disappear completely as did the Sulphur Queen in February 1963 off the Florida coast.

The lighthouse service was combined with the Coast Guard in 1939, giving us the added responsibility of maintaining all of the maritime aids to navigation for the United States, and some that serve aviation interests as well. Our 45 thousand navigational aids include lighthouses, lightships, buoys, fog signals, and radiobeams. Also, there are electronic aids, such as LORAN, standing for Long Range Aid to Navigation. LORAN serves a large part of the Atlantic and Pacific Oceans, and it requires that we operate stations in the most remote corners of the ocean, such as Greenland, Yap, and Vietnam, as well as the Philippines, Japan, Alaska and Turkey.

Today there are many changes being made in our navigational system. The lightships are on their way out, being replaced with off-shore fixed structures. Helicopters service these structures and some are being made to operate unmanned. Duty on the lightships hasn't always been popular, as a couple of the lightships have been struck and nearly cut in half by ocean liners making too close a call.

Our aids to navigation mission is an excellent example of the preventive mission aspect of Coast Guard operations. We would far rather prevent accidents than react to them, as we do in our search and rescue activities. A new development along these lines is harbor advisory radar. About a year ago we began this service on a test basis in the San Francisco area. Basically, it is a system of radar surveillance of the harbor area and of advising incoming and outgoing marine traffic of weather conditions, traffic in the channel and any problems to be encountered. It has worked well in San Francisco and we hope to expand this marine traffic system concept to other ports where harbor configuration, weather conditions and traffic density make it a useful safety system. Most of our aids to navigation have the approval of the public, etc. (Fog horn story).

Another facet of our accident prevention role is ports safety and security. This mission is being complicated daily by technological advancements in the chemical industry. It is no longer exclusively the cloak and dagger anti-sabotage activity of World War II. Rather, it involves highly technical and sophisticated responses to problems of safety in the entire cargo system from and through loading terminal to the unloading terminal through its interconnections with other modes. We see the necessity for some form of traffic control and advisory system on many major waterways and ports. The increase in commercial inland traffic and the predominance of dangerous cargoes could well result in the Coast Guard maintaining a data bank of hazardous materials locations and their routing and a "cargo-tracking" system. We anticipate having the preliminary design of the tracking system by next year so that we can suitably respond to emergencies.

We expect substantial growth in the present 9 million craft recreational boating fleet in the next decade. In order to maintain an acceptable safety record, the recreational boater must achieve a higher level of safety consciousness and safe boating knowledge without decreasing the fun of boating. We can help him achieve this at minimum cost through continued use of volunteer organizations such as our Coast Guard auxiliary and the power squadrons.

Further advancements will be made by publishing more effective construction standards for boats and a wide variety of equipment; by providing more timely weather and other environmental information to the boating public; and by constructiond aids to navigation which are less complicated and more comprehensible to the boater.

The coast guard maintains ocean station vessels continuously at six locations in the Atlantic and Pacific Oceans. We see this ocean station mission of weather observation, oceaonography and search and rescue continuing relatively unchanged through the present decade. A recent letter from the Department of Defense again makes it clear that these services are essential until feasible alternatives are available.

We are presently studying the capability of super buoys. If our research is successful, I see an ultimate decrease in the number of stations continuously manned by ships. More than likely, the emphasis will shift toward increased collection of oceanographic data to solve specific problems directly related to other major Coast Guard missions such as pollution control.

A mission which facilitates marine traffic in winter is domestic icebreaking. The past has seen us confining our icebreaking activities to those areas where commerce historically flowed during the winter season and to emergent considerations of providing food and fuel.

In the future, the Coast Guard, working jointly with other cognizant agencies, will seek to extend the navigation season or provide year-round navigation in icebound areas where studies indicate that such services are in the Nation's interest. We are now engaged in a study involving the Great Lakes, and see the upper Mississippi River and areas of Alaska as prime candidates for future Coast Guard icebreaking services.

Going beyond the domestic icebreaking scene, we arrive at the area of polar operations. Our tasks here are to provide polar environmental data for applied research related to our missions, as well as icebreaking support to other agencies. Much of the Federal research will be devoted to discovering and developing techniques for remote sensing of the extent, features and behavior of the ice cover through use of icebreakers, aircraft and satellites.

Recently the National Science Foundation has been given funding responsibility for Antarctica research and this may portend significant change in the Antarctic program. The Coast Guard could conceivably be asked to take over much of the program support requirements.

As a part of the planning for a substantial role in polar operations, we have a new icebreaker funded in the 1971 budget. It is the first of what we hope to be a fleet of new icebreakers capable of extended endurance and opration on both Arctic and Antarctic service.

Perhaps the least publicized but fastest growing mission, in terms of national importance, is that of law enforcement. The growing size of world fishing fleets threatens the survival of certain fish species in all ocean areas. The present number of bilateral and multilateral agreements on fishery conservation will grow in number and geographical coverage. It is conceivable that such treaties will proliferate to the extent that all the international waters of the world will be regulated. Enforcement would, of course, require some type of international patrol. I see te Coast Guard as the only logical choice for the U.S. agent for such multi-nation patrols.

The situation as regards our coastal fishery resources is becoming more and more sensitive. Incursions by foreign fishing fleets will probably continue until some form of general agreement is concluded for the protection of the fishery, and to prevent international incidents from fishing rivalry and competition.

Two new missions are receiving increasing attention in the Coast Guard: Maritime Environmental Protection and Oceanography. In neither of these missions do we function alone.

In the first, the Environmental Protection Agency now exists as an independent agency of the executive branch of the Government. However, it exists for the purpose of establishing and coordinating the enforcement of environmental protection standards.

I see the Coast Guard, consistent with its traditional multifunctional resource utilization, having an increasingly important series of operational functions in pollution abatement and control.

The Coast Guard should find itself more and more at the heart of the curative approach to significant spills of oil and other polluting substances such as chemical and industrial wastes. The service has a unique capability for coordinating clean-up activities, enforcing preventative laws, maintaining functional regional response center, maintaining hazardous material data banks and providing quick reaction emergency capability.

On the preventive side, we are pushing for proper and efficient training and licensing of personnel, such as diesel towboat operators, terminal personnel and other people involved with transfer of potential pollutants between ships and tanks ashore to assure that these people understand the problems and consequences of their work.

The problems of pollution are international in scope and will require us to work closely with other nations in implementing international controls.

As for oceanographic activities, the National Oceanic and Atmospheric Administration is a reality within the Department of Commerce. Our scientific direction of the national data buoy development project will be phased out in favor of the National Oceanic and Atmospheric Administration. However, I see no reduction of the remainder of the Coast Guard oceanographic effort, particularly as related to improvement of our performance in other mission areas and of our long standing cooperation with the oceanographer of the Navy. Coast Guard efforts will be guided toward those tasks which are directly related to marine transportation. We will stress activities oriented to marine technology rather than basic marine science.

I have not touched on all of the Coast Guard's responsibilities but I have covered most of the major mission areas which will show marked change in the next decade.

In closing my remarks, I would like to acknowledge the outstanding contributions to and support of the Coast Guard by the Navy League. Our relationship has been a most enjoyable one and further enhances the comradeship which exists in war and peace among the seagoing services: The Navy, the Marine Corps and the Coast Guard.

ON EARTH DAY

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mr. EDWARDS of California. Mr. Speaker, Earth Week is a period designated for citizens to demonstrate their concern over the deterioration of our environment and the dwindling of our precious resources. Unhappily, for many this is a convenient time to register their commitment to conservation and then relax, contented that we have done our best to protect our land, our air, and our waters.

But if the conclusion of this first Earth Week is really to signify something meaningful, it must remind us to keep alive our concern during the remaining 51 unannounced earth weeks. What a shame it would be to permit the enthusiasm generated by Earth Week to dissipate as our environmental awareness becomes steadily displaced by political expediency.

Fortunately, Congress has begun to deal with our problems in this area. Yet, the accomplishments thus far are grossly insufficient. Our waters remain the final receptacles for much of our pollutants and our air continues to absorb the harmful byproducts of our industrial activity. Our landscapes are still permitted to shamefully expose and display undisguised wastes. Private interests squander scarce natural resources for quick gains and easy profits.

We need more legislation, that is evident. It is essential that Congress continue to expand the scope of our fight for environmental control and move toward a comprehensive policy of ecological protection. But it is also essential that we recognize that the passage of legislation is only one task in this extensive battle for environmental quality. Often, after the enactment of the appropriate legislation, other responsibilities encourage us to write off the tiring work that remains, and frequently, the boundaries imposed by time force us to consider the problem as solved.

Yet, the underlying difficulties often stubbornly remain after laws are passed. Private interests are often able to discover loopholes and means by which our laws can be circumvented. Some groups find successful ways of employing pressure on our agencies, thereby insuring a veritable administrative veto of congressional acts. And the existence of bureaucratic inertia and redtape can unwittingly allow for laxity in enforcement.

What is required is persistent and careful scrutiny of our conservation programs in order to guarantee their diligent and effective administration. Congressional oversight and public gadflies remain the best insurance we have that our Government will really commit its resources to the preservation of our environment. Certainly, the cause publicized by Earth Week deserves more than simple legislative exhortation and superficial pledges.

As Earth Week draws to a close, hopefully we will not turn our back on the obligations that relentlessly demand and deserve our consideration. Should we reject the note of alarm that has sounded this past week, we will not easily forget the impending consequences in the Earth Weeks to come.

AMTRAK—NEE RAILPAX—NEEDS MORE TIME FOR TRANSITION

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mr. DULSKI. Mr. Speaker, the Subcommittee on Transportation and Aeronautics of the Committee on Interstate and Foreign Commerce held 2 days of hearings last week on the national railroad passenger system which is due to go into effect on May 1. This is what has been known as Railpax—now renamed Amtrak.

Last December and again in January, I introduced legislation proposing a delay in the start of Amtrak because I felt that there was not enough time to complete the planning and analyze the effect upon our communities across the Nation. With the start of the new system less than a week away, I am more convinced than ever that there ought to be a delay of some type.

I am not locked in with my own plan for a delay in the effective date of the corporation. I am perfectly willing to accept the suggestion of the chairman of the House Committee (Mr. STAGGERS) and the chairman of the Senate Commerce Committee (Mr. MAGNUSON) that any other passenger service be continued for a period of time while the transition takes place.

At last week's opening day of hearings, I was deeply impressed with the remarks of Chairman STAGGERS on his concern as to whether the Amtrak system really was carrying out the intent of Congress.

Mr. Speaker, as a part of my remarks I am including the text of Chairman STAGGERS' statement at the hearing, as well as the text of my own statement which I submitted for the consideration of the Members:

STATEMENT OF HON. HARLEY O. STAGGERS, CHAIRMAN, INTERSTATE AND FOREIGN COMMERCE COMMITTEE, BEFORE THE SUBCOMMITTEE ON TRANSPORTATION AND AERONAUTICS—APRIL 21, 1971

Chairman STAGGERS. Thank you, Mr. Chairman.

Good morning to you. This is the first time that I have seen most of you. I have not had the opportunity of seing any one of you in my office or talked to any one of you during this revision of the railroad system, but I understand many of you were in other offices on the Hill.

Mr. Chairman, I want to say that I am glad to be with you this morning in this hearing. The Rail Passenger Service Act, P.L. 91–518, which we worked so hard to create last year, has been distorted in my opinion.

The clear intent of that Act was to save and revitalize a national rail passenger system, as stated in Title I, findings and purposes and definitions of the Act.

We created a corporation to do this. I have been told that the members and staff of the corporation have worked very hard. This may be so, but they have not achieved, by any means, the clear goal which was spelled out for them.

They have not come up with a national system. How could we possibly have a national system and leave six states out entirely as well as key cities such as Cleveland, Little Rock, San Antonio and Dallas.

This is incomprehensible.

As Mr. Jarman indicated we are receiving numerous complaints from Members throughout the country. I expect I have had more than half of the Members of Congress come to me and say that unless something is done to revise Railpax or Amtrak, it should be killed.

It should be stopped now, they say, and that if they had known that this was what was going to happen, they certainly would not have voted for it last year.

We had hoped that we could turn this task over to the corporation and let them go to work. Under the present plan, we should call this legislation back for review and hold off, and correct the proposed arbitrary deletions of existing passenger train service.

As the corporation would have it you can't even go west to Chicago from the Nation's Capital. You would have to go north to Baltimore and Harrisburg before heading west. This makes no sense to me and I don't believe it does to anyone else who would look at the map.

We would see the direct route from Washington to St. Louis or Washington to Chicago that has been running the longest of any in the nation disappear.

It is the oldest railroad route in the nation and has been giving service through that area and still is to this day, but it won't if the corporation has its way of cutting it off on May 1.

This railroad goes back to the early part of the 19th Century. I believe it was in 1827 that the first train ran.

To take this out of service, and to substitute a roundabout route which will not provide direct service and will deprive present users of that service—this is just not rational, especially when the route goes through an area of the country in which we are spending millions, yes, and billions almost to rebuild. Then we undercut those we are trying to help.

If the Corporation could not come up with a truly national plan they should have come to us and said so. And if further funds are required for a national system, they should have come to us with necessary support for additional funds. I am very disappointed that the legislative intent of P.L. 91–518 has not been carried out.

There is another important issue before us today concerning passenger service.

Many railroads have posted train-off notices based on the Rail Passenger Service Act. They put these notices up without meeting the conditions of the Act which first requires that a contract be entered into between each rail carrier and the corporation.

These contracts were not entered into 30 days prior to May 1, 1971. Therefore, the 60-day notice period does not commence to run any earlier than the date of each contract, pursuant to a notice based on the terms of the law.

Our Counsel, as well as our Legislative Counsel, and the Senate Commerce Counsel are in complete agreement that contracts should have to be in existence before and railroad could take advantage of the 30-day notice provisions.

And if it comes down to a necessity of anyone having to go to court to enjoin a passenger train discontinuance, I want now to make it a matter of record that this was indeed our legislative intention when this bill was passed.

I talked briefly yesterday with Anthony Haswell, Chairman of the National Association of Railroad Passengers, and he agreed with the interpretation that any 30-day notices up to now are premature and that you cannot back-date beyond the date of the discussion of the contract between a railroad and a corporation.

He also advised me that his Association is pursuing every possible step to take this matter into court if that action is required.

I trust that we can work out these problems but I am far from satisfied at the present moment.

Certainly it was a surprise and a disappointment to me when this plan was announced to the public. I think that it was the intent of this Congress—and my intent—that this Railpax set up a national system and not just to knock out everything over this country and let everything discontinue as of that time.

If it had been otherwise, I would never have voted for it and I would never have put my name on the bill because I think it is wrong and I think it is wrong for this corporation to allow it to be done. It says it is within your power to allow these trains to run and not to let them be cut off at one time. It is within your jurisdiction to do that: you may do it if you want to.

Now, another thing. As I understand under the contract there will be 16,000 men at least who lose their jobs, and you say yes, they are going to be on the job for a little while but then they are going to be cut off.

Well, that is another thing that if I had known about it I certainly would not have voted for this bill at all in any way.

I thought at least these men would be given a chance to continue working and that by attrition the jobs would be closed out. I don't believe in any man being discriminated against.

You say well, we didn't have anything to do with it, somebody else did that. That may be so, but you are the ones that had the final judgment on this. I know it is a problem but if nothing better can be done than has been done, I would recommend to this Committee that they pass a bill dropping Railpax right now and let it go back to where it was before. Perhaps, we can work out something else that is more satisfactory to the people of this Nation.

I have no doubt that you gentlemen have tried your best with the advice that has been given you. I know several of you are not railroad men. I know you had to rely upon railroad men for advice. I don't know where else you would get it, if not from them.

I think that a lot of you got the wrong advice. I am not questioning your integrity or your intentions in any way. But, I do believe that there has been a grave mistake made and I think this Committee ought to look into it very carefully and see what should be done.

There are many bills before us, some of them to postpone the date of this going into effect for six months. Chairman Magnuson and myself wrote a letter to this group and asked them to put it off for 120 days and you came back and said you couldn't do it by law.

I don't know that this is the truth. I know you think it is, but I don't know that it is. I do know that you got a letter from myself and Senator Magnuson, Chairman of the Commerce Committee on the other side, in order to give you more time and the people more time to consult with you and get the feel of what the people in the Congress think.

After all, this was set up by the Congress as representatives of the people, and if the representatives of the people don't want it, and I say a great many of them have come to me and have said it is wrong, then it ought not to be, regardless of who set it up. When the Congress doesn't control the law of the land then we had better quit. I don't think in following this and reading the law that this is the intent of what this Committee meant or what the Congress meant.

I didn't intend it this way and I am sure many of the Congressmen who have come to me said they didn't see it that way or they wouldn't have voted for it.

Thank you, Mr. Chairman.

STATEMENT BY HON. THADDEUS J. DULSKI, BEFORE TRANSPORTATION SUBCOMMITTEE OF COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE, APRIL 21, 1971

Mr. Chairman, I very much appreciate your calling these hearings today and tomorrow on the matter of Railpax and my bill, H.R. 709, which proposes a delay in the effective date. (Railpax now has been renamed Amtrak.)

For the record, I am Thaddeus J. Dulski, a Representative from the 41st District of New York.

We have a situation today which was not foreseen when we enacted Public Law 91–518, the Rail Passenger Service Act of 1970.

Clearly, it is imperative that action be taken—whether it be by the Congress or by the National Rail Passenger Corporation—to avoid a chaotic condition which impends when Railpax becomes effective May 1st.

There may be other ways in which to act besides postponing the effective date of Railpax, and I am willing to listen to any suggestions that might be offered to cover the necessary transition period between the independent operation of the railroads and their operation under the Railpax system.

We have passenger "train discontinuance" notices posted in terminals throughout the country calling for a halt to passenger service May 1st. Yet, the National Rail Passenger Corporation is not ready to operate.

OVERALL PROBLEM IS CONCERN

I am not faulting anyone—that won't solve anything. I am concerned with the problem that faces us in Congress as representatives of the people.

We in Buffalo will be without passenger service to the west and south, Cleveland will be without passenger service of any kind, and Detroit will be without passenger service to the south and east, and so on, for case after case.

What do we do? I propoesd last December and again in January (H.R. 709) that activation of Railpax be delayed six months so we in Congress and the Corporation could have more time to analyze the proposed system and perhaps iron out the kinks.

Mr. Chairman, in tandem with the Senator from Washington (Mr. MAGNUSON), Chairman of the Senate Committee on Commerce, you have asked the Corporation to come up with a procedure for delaying discontinuance of any passenger trains until September 20.

I can and do support this proposal fully—it is simply a variation on mine. It will serve the same purpose and—indeed—perhaps permit even a better transition from the present independent railroad pattern to the new national system.

IMMEDIATE ACTION NECESSARY

What is crucial, Mr. Chairman, is that we act immediately if we are to prevent the halting of passenger service on April 30. The railroads have posted their notices and the traveling public is taking them as official.

Penn-Central has posted its notices at the Central Terminal in Buffalo, and inquiring passengers are told "the Government is taking over May 1—if you're planning to travel after May 1 you'll have to call back then because we don't know what the schedule will be."

To borrow a phrase—this is a heck of a way to run a railroad!

Mr. Chairman, the Railpax Corporation—and the Congress—need more time to handle the massive transition. I agree fully with you that we must find a way to prevent arbitrary passenger train discontinuance on May 1.

We need time to look closer at the Railpax plan—even Railpax incorporators admit it has serious flaws, but they were under an edict to act—and to act fact. Frankly, in retrospect, the transition timetable is simply too compact.

Railpax needs time to spell out clearly what service it is going to provide. So far as I know, the proposed schedules still are tentative and incomplete.

With regard to service for Buffalo, the Penn Central Railroad presently is providing three trips daily each way between New York and Chicago by way of Buffalo. Additionally, there are two round trips that operate only between Buffalo and New York City.

TRANSITION PERIOD TOO BRIEF

Under the Railpax plan announced last month, the new service for Buffalo will be strictly between Buffalo and New York City with three trains each way daily. There will be no service west from Buffalo.

If the Railpax plan for railroad passenger service for Buffalo is allowed to go into effect, it means cutting off all direct service from Buffalo to the west, including service to such cities as Cleveland, Detroit, and other major centers of mutual interest. As I mentioned before, Railpax makes no provision for service in any direction for Cleveland.

Mr. Chairman, a delay through the summer months is absolutely essential. If the proposed Railpax system goes into effect on May 1, we are going to have chaos.

The flak is going to wind up here on Capitol Hill—in fact, it's already being felt.

I commend you and the Committee for its effort to seek a solution. I hope sincerely that the Committee can come up with an interim procedure that will prevent the inevitable confusion from a massive curtailment of service and, instead, permit an orderly transition.

Thank you.

RALPH NADER ARTICLE ON INVASION OF PRIVACY AND THE NEW FAIR CREDIT REPORTING ACT

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mrs. SULLIVAN. Mr. Speaker, Mr. Ralph Nader was an excellent witness before the Subcommittee on Consumer Affairs of the House Committee on Banking and Currency on March 24, 1970, when we were working on the legislation which became the Fair Credit Reporting Act—a new title VI of the Consumer Credit Protection Act. Much of his testimony was directed against the invasions of privacy which characterize some types of credit investigation, and he strongly supported the provisions of my bill which would have dealt with this particular aspect of the overall problem of credit-reporting practices.

Although the House conferees on the legislation attempted to incorporate protections against unnecessary or excessive invasions of privacy in the final version of the bill, we were not successful in that respect, although we did succeed in conference in strengthening many other features of the Senate-passed bill.

Hence, in an article on credit dossiers in the April 17 edition of the Saturday Review, Mr. Nader, while acknowledging the importance of the new consumer protections which became effective yesterday, nevertheless described what he considers are shortcomings in the statute. His article will be of great interest to every Member of Congress, I am sure.

The article follows:

[From the Saturday Review, Apr. 17, 1971]

THE DOSSIER INVADES THE HOME

(By Ralph Nader)

Invasion of privacy used to carry an almost luxurious connotation, a concept reserved for special public figures whose private lives were invaded by scandalmongers or seekers of vicarious thrills. It is no longer an elitist term. Hundreds of bits of information filed in dossiers on millions of individual Americans today constitute a massive assault on privacy whose ramifications are just beginning to be realized.

Most adults have at some time sought credit (or a credit card) and bought insurance. If you have done these things, there are probably at least two dossiers with your name on them.

When you seek to borrow money, your creditor receives a file from the credit bureau to establish your "credit rating." This dossier contains all the personal facts the credit bureau can assemble—your job, salary, length of time on the present job, marital status, a list of present and past debts and their payment history, any criminal record, any lawsuits of any kind, and any real estate you may own. The dossier may include your employer's opinion of your job performance or even your IQ rating from a high school test. By the time the creditor has finished talking to the credit bureau, he is likely to know more about your personal life than your mother-in-law does.

When you try to buy life insurance, a file of even more intimate information about you is compiled by the "inspection agency." The insurance company finds out not only about your health but also about your drinking habits (how often, how much, with others or alone, and even what beverages), your net worth, salary, debts, domestic troubles, reputation, associates, manner of living, and standing in the community. The investigator is also asked to inquire of your neighbors and associates whether there is "any criticisms of character or morals," and he must state whether he recommends that the insurance be declined.

Credit bureaus and inspection agencies are the major sources of information about individuals: But government, schools, employers, and banks are also collectors, and sometimes suppliers, of information. Employers frequently make information on their employees available to a credit bureau or inspection agency. They may also exchange information among themselves. *The Wall Street Journal* has reported that department stores in many cities have formed "mutual protection associations" that trade the names of former workers who were fired for suspected theft. This information-trading means that an individual may be denied a job on the basis of a former employer's untested—and unrefuted—suspicions.

Anyone possessing an individual's bank records—now extensively recorded on computers—can reconstruct his associations, movements, habits, and life-style. The recently enacted Foreign Bank Secrecy Act can be used to require every FDIC-insured bank to make a reproduction of each check you draw on it and keep those reproductions for up to six years. The purpose is to ensure records of large quantities of money going out of the country so as to prevent tax evasions through use of secret Swiss bank accounts. But the act contains no protection for the depositor by limiting in any way the banks' use of these records. Conceivably, a bank could sell them to a credit bureau or investigation agency.

It is the rare American who does not live in the shadow of his dossier. The "dossier industry" is a huge and growing business. There are 105 million files kept by the Association of Credit Bureaus of America (ACBA). Retail Credit Company of Atlanta, Georgia, the giant of the industry, has forty-five million files and makes thirty-five million reports each year. Credit Data Corporation, the second largest firm, has twenty-seven million new dossiers each year.

These economic interests have almost total control over the information they collect and sell. They are not accountable to anyone except those who seek to purchase information. Further, for reasons of profit, these companies place a premium on the derogatory information they assemble. Except in three states, citizens do not have the right even to see these dossiers in order to correct inaccuracies. They will have that right for the first time when a federal law, the Fair Credit Reporting Act, goes into effect April 25, 1971. But they still will not have the right to control access to the information, on which there are in effect no legal restrictions, or the right to control the kinds of information that can go into their dossiers.

Until there are adequate protective measures—an "information bill of rights" that protects him against invasion of privacy through information dissemination—the citizen's major recourse is to understand how these agencies operate and what are his limited rights under present and pending law.

The first problem of the dossier is accuracy. There is no doubt that inaccurate information comes into the files of credit bureaus and insurance inspection agencies. In fact, credit bureaus disclaim accuracy in their forms, because most of the material is obtained from others (merchants, employers) and not verified by them. The information "has been obtained from sources deemed reliable, the accuracy of which [the credit bureau] does not guarantee."

Illustrations of errors are legion. New York State Assemblyman Chester P. Straub was refused a credit card because his dossier revealed an outstanding judgment. The judgment actually was against person with a similar name, but the bureau had erroneously put it against Straub's name. Testimony before a U.S. Senate committee has accused credit bureaus of using a "shotgun" approach to recording judgments against consumers—entering any judgment on all the records bearing the same name as the defendant's, or a similar name, without checking to see which individual was actually involved.

In addition to errors of identification, there are errors due to incomplete information. A woman ordered a rug, but the seller delivered one of the wrong color. He refused to take it back and sued for payment. Although his case was thrown out of court, her credit record showed only that she had been sued for non-payment, and she was unable to get credit elsewhere thereafter. Arrests and the filing of lawsuits are systematically collected by credit bureaus and rushed into dossiers, but the dismissal of charges or a suit is not reported in the newspaper and so the credit bureau never learns of, or records, the affirmative data.

Also, there is the problem of obsolescence of information, as shown by the man whose bureau dossier in the Sixties listed a lawsuit from the Thirties. It was a $5 scare suit for a magazine subscription he had never ordered, and "nothing had come of it"—except in regard to his credit rating.

The introduction of computers can create its own set of problems. Although mechanical errors in the handling of information by people may be reduced, the probability of machine error is increased. In addition, credit data are taken directly from a creditor's computer to a credit bureau's computer without discretion. Your payments may have been excused for two months, due to illness, but the computer does not know this, and it will only report that you missed two payments. Storage problems alone will prevent the explanation from being made. Your rating with that creditor may not be affected, but with all others it will be.

These credit bureau inaccuracies generally relate to "hard data," which are subject to verification or contradiction. The insurance inspection agency, on the other hand, reports "soft data," or gossip, and they are not subject to verification at all. This creates new sources of inaccuracies. Where the information is inherently uncheckable, the biased employee or the biased informant can easily introduce inaccuracies. Even where bias is not present, innuendo or misunderstanding can create error, while a vindictive inspector can abuse his power for personal reasons.

Why don't inspectors check the accusations made by informants with the accused? One reason is they don't have the time. If they must make ten or fifteen reports a day, they can spend only forty minutes on an average report, including transportation and typing it up. This allows no time for checking accusations, or even facts.

A more vicious reason is the agency's penchant for derogatory information and the fact that it records on both a weekly and a monthly basis the percentage of cases in which an inspector recommends declines. He must file a certain percentage of derogatory reports (at one time 8 per cent for life and 10 per cent for auto reports) if he is to be known as a "good digger." If he has not met his "quota," the temptation to use any rumor without confirmation may be overwhelming. These quotas may be regarded by the agency as a necessary control device to prevent inspectors from filing fake reports without investigation, but they show a reckless disregard for the safety of the investigated public.

Gossip-mongering with a quota on unfavorable comments can lead the harried inspector to rely on innuendo. A vivid illustration of the problems in insurance reporting is the case of two successful young businesswomen who applied for a life insurance policy required for a particular business transaction. On the completion of a routine report, Retail Credit Company advised the insurance company not to issue the policy. It reported "severe criticism of the morals of both women, particularly regarding habits, and Lesbian activities." The investigator's information came from neighbors. None of these neighbors actually stated they had seen any illicit activity, but innuendo accomplished the same result. "Informants [unidentified] will not come out and state that applicant is Lesbian, but hint and hedge around and do everything but state it." The insurance company followed Retail Credit's advice and denied the policy.

Until passage of the Fair Credit Reporting Act, the law offered no protection against an inaccurate report, except in three states. There was no way one could even see a report to correct it. However, this new act offers some solutions to problems of accuracy.

(1) It requires users of reports to notify consumers of the name and address of the consumer reporting agency whenever the user (e.g., creditor, insurer, or employer) takes adverse action on the basis of the agency's report.

(2) It gives the consumer the right to know the "nature and substance of all information" on him in the agency's files, except medical information and the sources of investigative information" (i.e., gossip). The limitation on sources of gossip is a serious weakness. Such sources can be discovered in litigation, however, and a suit is made easy to bring. Thus, *the agency can no longer guarantee the confidentiality of its sources.*

(3) If a dispute arises between the consumer and the agency about the accuracy of an item, the agency must reinvestigate and *reverify* or delete the information. This will usually mean going back to the same neighbors and obtaining the same gossip. If the dispute is not settled by reinvestigation, the item must be noted as disputed. This leaves the user free to believe the agency.

These provisions are the strongest in the bill. They are weak from the consumer's point of view in two areas: The consumer should be allowed to learn the sources of gossip before litigation so that he can effectively rebut inaccurate gossip; further, he should be provided a quick, simple procedure for obtaining a declaratory judgement on the truth of any item.

(4) The act also provides for enforcement through private actions if the agency is negligent. Negligence is easy to allege, but may be difficult to prove. Only time will tell what standards the courts will set.

Even though the agency's secrecy is now partially broken, relief may still not be available because most agencies are granted immunity for agency libel. Under the law of most states, the agencies are given a "conditional privilege" to publish false statements; so the libel action will not succeed. The privilege is granted on the grounds that they are fulfilling a private duty by providing businessmen with information they need in the conduct of their affairs. Georgia and Idaho (and England) do not grant the agenices such a privilege on the grounds that the privilege itself does not benefit the general public, but only a profit-oriented enterprise, and that individual rights take precedence over the self-interest of the enterprise.

In the states granting the privilege, it is conditioned on the agency's 1) disclosing the information only to those with the requisite commercial interest, and 2) acting in good faith and without malice. However, proof of malice requires more than just the falsity of the report. In the past this has conferred an effective immunity on false reports. Malice, however, may be shown by the quota systems of the agencies or by their secrecy. Arguably, these company policies show a "wanton and reckless disregard of the rights of another, as is an ill will equivalent." Such theories, however, have not yet been tested in court.

There is no regulation on sale of the extensive personal information collected by credit bureaus, insurance agencies, and employers. The dossiers are considered their "property," and they may do what they wish with it. The only influence to limit availabilty is an economic one, arising from the condition on the privilege for publishing libel—the report can be given only to subscribers of the service or others claiming a legitimate interest in its subject matter. However, claims of interest are easy to make and are not often scrutinized.

Furthermore, the citizen never knows when these dossiers are opened to someone. His consent is not sought before release of the information. He is not warned when someone new obtains the information, or told who they are—unless, under the new law, they take adverse action. There are no pressures on the information agencies to account to the subject of the dossier, nor have these agencies shown any willingness to assume such responsibility.

Credit bureaus may follow the Associated Credit Bureau guidelines and release information only to those who certify that they will use it in a "legitimate business transaction." This, of course, includes not only credit granters but also employers, landlords, insurers, and dozens of others. But even these weak guidelines are unenforceable by the association, and a CBS study found that half the bureaus they contacted furnished information to CBS without checking the legitimacy of their business purpose. Announced policies of inspection agencies also require a showing of a business purpose. But this includes anyone who has $5 and announces himself as a "prospective employer."

In April, the Fair Credit Reporting Act will impose a restriction on the release of information, but it is no better than those presently available. An agency will be able to sell information to anyone having "a legitimate business need" for the information There are no economic or legal restrictions preventing any credit bureau or inspection agency from giving out their dossiers indiscriminately to anyone who can pay.

The consequences of making highly personal information easily available have only begun to be recognized. Credit reporting agencies may serve as private detectives for corporations that want to intimidate a critic. Recently the press reported that American Home Products, a drug manufacturer with more than $1-billion in sales, hired Retail Credit Company to investigate the personal affairs of Jay B. Constantine, an aide to the Senate Finance Committee who had helped draft legislation opposed by the drug industry. The investigation was stopped only "after their stupidity was uncovered," according to Senator Russell Long, Finance Committee chairman, who also said that the company had tendered "a complete letter of apology."

The introduction of computers furnishes others possibilities for use and misuse of personal information. Arthur R. Miller, in his new book, *The Assault on Privacy*, reports that MIT students in Project MAC (Machine Aided Cognition) were able to tap into computers handling classified Strategic Air

Command data. If they can do this, any time-sharing user can tap into a computer data bank. There is no way at present that computer people can guarantee their control over access. They cannot even guarantee that they can prevent rewriting of the information in the computer by outsiders.

What can be done to control the availability of these dossiers? Primarily, anyone obtaining information on you should be required to obtain your express consent to the release before receiving the information. This would recognize your interest in preserving the privacy of your own personality. It would allow you to decide whether any particular transaction was worth the invasion of your privacy by the other party.

Even if the information in the dossier is completely accurate and available only to creditors, insurers, and employers, there may be personal or private details—perhaps irrelevant to the demands of the credit-insurance industries—that people want kept to themselves. Some kinds of information may be so personal that their storage and sale are offensive. For example, it is possible to assemble a list of the books a person reads by observing his bookshelves, talking to his neighbors, or obtaining the records of the public library. An employer or insurer could manufacture a "business purpose" for obtaining such information—to determine the subject's knowledge or intelligence, generally, or in a specific field. There is little doubt that such an effort would be offensive to most people, violating their privilege of private thoughts and opinions. It would be offensive even if accurate.

Currently, the information gathered in most dossiers includes a subject's past educational, marital, employment, and bill-paying records. His "club life," drinking habits, and associates are recorded. Also included are employer's opinion of his work habits and his neighbors' opinion of his reputation, character, and morals, which probably includes gossip about old neighborhood feuds.

Insurance company underwriters indicate that many do not use some questions (e.g., "What social clubs does he belong to?"). Some questions are overdrafted (e.g., the query "Who are his associates?" is useful to them only as "Does he have any criminal associates?"—a quite different version). The reason for asking what *kind* of alcoholic beverage an applicant drank was incomprehensible to at least two underwriters.

When asked whether they ever sought to have unnecessary questions struck from the form, the response was "Why should we? It's just as easy to skip over them when reading." There was no indication that they had any scruples about, or even any understanding of, the problem as an invasion of privacy.

Credit bureaus and investigation agencies do not generally gather such information as test scores or personality traits. Nor are lists of books assembled—yet. But there is nothing to prevent these investigators from adding this information to the standard items in their dossiers. The FBI has tried a similar form of investigation. Common law doctrines seem not to cover these problems, and, until recently, legislatures and relevant administrative bodies have shown no interest. Most information agencies have no announced policies that would preclude them from including any type of question. Thus, the only reason such information is not gathered is an economic one: No one is sufficiently interested to request and pay for it.

New technology is also tipping the balance against the individual's right of privacy as far as kinds of information are concerned. With problems of storage and transmittal solved, the technological tendency is to collect more data on individuals, inevitably more sensitive data.

The way information is gathered also has ominous implications for the individual's privacy. Credit bureaus gather their information from employers, newspapers, and credit-granters who are members of the bureau. They also collect data from the "welcome wagon" woman who visits homes and notes what buying "needs" you have so that you can be dunned by the right merchant. American Airlines' computer can give anyone information about what trips you have taken in the last two or three months. Further, it can give your seat number and be used to determine who sat next to you, perhaps inferentially describing your associates. In addition, it can tell your telephone contact number and, from this, determine where you stayed or your associates in each city of departure. Credit card accounts can do much the same thing, telling what you have bought recently (to establish standard of living and life-style) and where you shop.

Each of these methods of inquiry constitutes a serious invasion of privacy, but the most serious invasion is the neighborhood investigation by the inspection agency. Here information is gathered by questioning your neighbors, building superintendent, grocer, or postmaster about what you do while you are in your own home. There is the threat not only of gossip-mongering and slander, but of the creation of a kind of surveillance on your home. For most people, the only available private place is "home." Here, even though observed by neighbors perhaps, the individual can feel free to discard his social role and be more expressive of his own personality. It is here that the "neighborhood check" of the inspection agency is most frightening.

How does an inspector go about obtaining information from your neighbors? Frederick King of Hooper-Holmes candidly described the procedures used when a married man is suspected of an extramarital affair. "You go to a neighbor and establish rapport. Then you ask, 'What's your opinion of him as a family man?' This will usually elicit some hint—through the expression on his face or the way he answers. Then you start digging. You press him as far as he will go, and if he becomes recalcitrant you go somewhere else. If you go to enough people, you get it."

Do present laws give you any protection from these invasions of your privacy in regard to either the types of information stored and sold or the manner in which they are gathered? Probably not.

There is a tort cause of action for invasion of privacy, but instead of furnishing a broad protection device, the courts have established four subcategories of the right. Two of these subcategories related to the gathering and publication of personal material are "public disclosures of private facts" and "intrusion."

Public disclosure of private facts has not been actionable without a finding of "unreasonable publication," and publication to a "small group" would include the subscribers of a credit bureau or investigation agency, in much the same way that publication of defamation to such groups has been held privileged. The exemption is based on the same reasoning that sustains the conditional privilege to defamation and has the same dangers to the subject, who may not be able to correct falsehoods or defend himself against the consequences of having intimate details of his life revealed to the business community in his town.

Intrusion has been found most often in cases involving physical intrusion. Peering through windows, wiretapping, and eavesdropping seem to strike a more responsive chord in courts than does interviewing your neighbors or acquaintances. This tort is usually held to require an "extreme" or "shocking" violation of your privacy, and physical trespasses are most easily perceived as shocking.

In a New York Court of Appeals decision involving the author and General Motors, the court went beyond physical intrusions include surveillance for an unreasonable time. However, even this decision makes actionable only those intrusions that are for the purpose of gathering confidential information. The question whether this doctrine covers investigations seeking to discover marital relationships, sexual habits, or housekeeping abilities has not been presented to the courts since the New York decision. However, three of the court's judges specifically stated that the four recognized subcategories of the right to privacy are neither frozen nor exhaustive.

If judicial protection against the collection and sale of overly personal information is limited, legislative protection is still nonexistent, even after passage of the Fair Credit Reporting Act. That statute may provide accuracy protection, but the Senate conferees refused to accept any provisions that would limit the types of data about you that can be gathered and sold.

The invasion of privacy should more accurately be called the invasion of self. The right to protection himself against an informational assault is basic to the inviolability of the individal. On the one hand, we recognize that an arrest record may haunt an individual, and there is precedent for a wrong arrest that is thrown out of court to be expunged from the record. But we have not yet recognized that the bits of information contained in dossiers kept on 105 million Americans may be just as decisive and just as damaging to their lives.

The individual's right to privacy of self is crucial to the functioning of our society. Suppose you walked into a courtroom and picked up a pamphlet relating everything the judge had ever done in his personal life. What would that information do to your interaction with that court? To some extent it is absolutely necesary to preserve barriers of privacy and protection about people's lives in order to permit ordinary interaction between people, and interaction that is to a significant degree based on trust.

Our Founding Fathers developed Constitutional safeguards in the Bill of Rights against the arbitrary authority of government. The rights against unreasonable search and seizure and against self-incrimination were examples of basic rights of privacy deemed critical for a free people. Generations passed and the country developed private organizations possessed of a potential for arbitrary authority not foreseen by the early Constitutional draftsmen. Most pervasive and embracing of these organizations is the modern corporation. Aggressive by its motivational nature, the corporation, in a credit-insurance economy spurred by computer gathering and retrieval efficiency, has created new dimensions to information as the currency of power over individuals. The secret gathering and use of such true or false information by any bank, finance company, insurance firm, other business concern, or employer place the individual in a world of unknowns. He is inhibited, has less power to speak out, is less free, and develops his own elaborate self-censorship.

What this costs in individual freedom and social justice cannot be measured. It can only be felt by the daily contacts with human beings in invisible chains reluctant to challenge or question what they believe to be wrong since, from some secret corporate dossier, irrelevant but damaging information may be brought to bear on them. The law and technology have provided the "dossier industry" with powerful tools to obtain and use information against people in an unjust way—whether knowingly or negligently. The defenseless citizen now requires specific rights to defend against and deter such invasions of privacy.

The Fair Credit Reporting Act will take steps toward solving some of the problems of accuracy in individual dossiers. For the first time, people may find out what credit bureaus and inspection agencies are saying about them, and they now have some means of correcting inaccuracies. But there are still no restraints on availability of this information or on the kinds of information gathered. Unless citizens are provided with an "information bill of rights" enabling them to see, correct, and know the uses of these dossiers, and to impose liability on wrongdoers, they can be reduced to a new form of computer-indentured slavery. The law must begin to teach the corporation about the inviolability of the individual as it has striven to teach the state.

WHAT YOU CAN DO

What can you do to protect yourself from your dossiers? The Fair Credit Reporting Act—when it becomes effective this month—allows you to protect yourself, but only if you take action. Let me use, as an example, the ordinary purchase of a life insurance policy. After you have decided to purchase some life insurance, you should first consider how much of an invasion of privacy you are willing to suffer in order to get it.

If a character investigation will be made, you are entitled under the act to be told automatically only that it will be made, and you are told that fact three days after the investigation has been ordered. Once you have been informed, it is up to you to take any further initiative. You must request in writing additional information. Once you have made that request, the insurer must reveal "the nature and scope" of the investigation. According to Representative Leonor K. Sullivan of Missouri, the House manager of the bill, this means they must tell you "all the items of questions which the investigation will cover. The best method of meeting this criterion is for the agency to give the consumer (you) a blank copy of any standardized form used." Unfortunately, all of this happens at least three days after you have signed the contract.

However, you can still insist on receiving this information before you sign the contract. Nothing in the law prevents you from obtaining this information earlier. The agent and the insurer are both anxious to sell you insurance. If you don't like too much snooping, demand that the scope of the investigation be revealed before you buy. If you think it is overzealous, complain to both the agent and the insurer and be specific about what you think is too intrusive. If the company will not listen to your complaints, find another one—or consider using group insurance. It is an interesting fact that group insurance does not usually require an investigation, and its use has been growing.

Once the privacy problems have been settled between you and the insurer, you must also worry about the accuracy of the report. If you are turned down or highrated by the insurer, due in part to an investigation and report, the insurer must tell you that it was due to a report and give you the name and address of the agency making the report.

This entitles you to go to the agency and demand that it disclose "the nature and substance of all the information (except medical information) in its files." According to the House manager of the bill, this means disclosure of "all information in the file relevant to a prudent businessman's judgment" in reviewing an insurance application. If you have demanded a blank copy of the agency's standard form, you will know whether you have been told all that you are entitled to know.

If you disagree with any information in your file, tell the agency. The agency is then required to reinvestigate and reverify or delete the information. If they do not claim reverification, make certain that they delete the information, and then personally notify all prior recipients that it has been deleted. If they do claim reverification, ask how they reverified, from whom, and exactly what was said. Don't be satisfied with general answers because you cannot refute specific accusations with generalities. Although the act does not give you access on request to the names of those who lied about you, it does give you access to those names if you file suit under the act. Thus, the names cannot be protected forever. Many reputable agencies should see this and be willing to attempt to settle disputes with you without litigation. Even if the agency claims reverification, you can still have the item listed as disputed if it is in error, and file a brief statement outlining your side of the story.

A second common example is the credit card company that charges you improperly and will not answer your letter of complaint, but continues to bill you and threatens to ruin your credit rating if you don't pay. You can follow the procedure discussed earlier and wait until some other creditor turns you down, then go and get the file corrected It may be better, however, to go and check your file at the local credit bureau periodically, so that you can correct errors before they are reported and you are turned down.

TAXES: THE PARADOX OF OUR TIME

HON. LLOYD MEEDS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mr. MEEDS. Mr. Speaker, we can add up our blessings and then subtract our taxes. If the result is still above zero, then we may have the equation for contentment.

Not many of my constituents are content about taxes. Some are angry. Their sentiment was brought home graphically when I mailed out another questionnaire in early March to the 190,000 households of my district. Thousands of returns began flooding my office, and it became clear that taxes were a major concern.

So? Taxes have always upset people. Either they are too high, too unfair, or too misallocated. Only a week ago the pollster Louis Harris reported that Americans by a margin of 66 to 27 percent believe that Federal income taxes are too high. The poll also found that a majority does not accept the concept of raising taxes to control inflation and that a growing majority lacks confidence in the Government.

But wait a minute. Too often we tend to lump "taxes" together without discerning their source or developments that change their amount and their application. Now I want to discuss the "paradox" of taxation.

Federal income and corporate taxes have been going down; State and local taxes have been going up. This is the tax paradox of our time.

DIFFERENT TAXES, DIFFERENT GOVERNMENTS

Taxing is a power that is shared between the Federal Government and State and local governments. Thus, the Washington State Legislature in Olympia cannot change Federal income taxes, and the U.S. Congress has no jurisdiction over sales taxes, school levies, and property taxes.

Property taxes, sales taxes, and other local revenues are being forced up rapidly because State and local spending is increasing astronomically. This spending has risen by 12 times since 1946. Federal spending, on the other hand, has risen by four times. State and local government costs went from $11 billion in 1946 to $132 billion in 1970. Major cost factors: education, highways, welfare, recreation, and law enforcement. Property tax hikes are also related directly to increased population growth, housing shortages, and land speculation.

Each State and community relies on different sources of revenue and on differing degrees of taxation. Unlike most States, Washington does not have an income tax. Experts believe this is the best and fairest way to raise money, but in 1970 the voters of Washington State rejected House Joint Resolution 42 which would have allowed a flat-rate income tax and which would have reduced sales and property taxes. Instead, my State continues to rely on sales, property, and excise taxes for its revenue.

In failing to adopt progressive taxation, my State puts the heaviest burden on people whose incomes are pressed to bear it. Rather than taxing income, Washington levies taxes on the necessities of life such as food, clothing, and shelter. Hit hardest are the senior citizen and the budget-conscious middle-income family. Social security cannot keep up with the county assessor.

Early in 1971 property in Washington State was reevaluated, and higher assessments tapped the wellsprings of protest. For the voters and the legislature there are only two alternatives. Either they can reduce property taxes and services such as the police and education, or they can find an alternative source of revenue. There is no escaping reality.

Before State and local officials demand revenue sharing with the Federal Government, they ought to make their own tax systems more fair and efficient. In 1970, for example, only 27 States used corporate and personal income taxes to obtain 20 percent or more of their revenues. Eight States had no income tax at all. Besides Washington this group includes Texas, Ohio, Pennsylvania, and Florida.

In 46 States the largest source of revenue was the sales and/or gross receipts tax. In their trend and in their ability to raise revenue, these taxes are far different from the Federal corporate and personal income taxes.

FEDERAL TAXES: HIGHER EFFICIENCY AND LOWER RATES

The Federal income tax was enacted in 1913. It is a progressive tax, meaning that you are supposed to pay more if you earn more, pay less if you earn less. One thing about it is certain. It is the most efficient collector of revenue the world has ever known. When the national economy grows by 1 percent in a given year, Federal income tax collections grow by one and a half percent.

Except for the 10 percent—now expired—surcharge passed in 1968, Congress has not raised individual income tax rates since 1951. That is correct, 1951. In fact, the 1951 boosts were allowed to expire in 1953.

Mr. Speaker, to illustrate how Federal taxes have been reduced in our times, I would like to summarize briefly the tax history of the postwar America:

In 1946—Congress cut individual rates by about 5 percent. Corporate taxes were cut to a maximum of 38 percent, and the excess profits tax was repealed.

In 1948—Individual rates were cut again; personal exemption from $500 to $600 for taxpayer and dependents; couples were allowed to split their income, thus giving them a lower rate than for single taxpayers. Persons over 65 were given an extra $600 exemption.

In 1950—Korean war began, and Congress repealed the 1946 and 1948 rate cuts; corporation rate raised in three steps to 47 percent; excess profits tax reimposed.

In 1951—Individual rates were raised by about 11 percent; maximum corporation rate went to 52 percent; excise tax on beer, tobacco, gas, and autos were raised.

In 1953—Congress sees end of Korean war, votes to let 1951 increases expire. Excess profits tax repealed.

In 1954 to 1959—Numerous changes in excise taxes, depreciation, deductions, stock dividend exclusions, medical expenses, child care costs, charitable contributions.

In 1962—Business given 7-percent investment tax credit; travel taxes reduced or repealed; Keogh Act permitted self-employed persons to set aside income for retirement.

1964—Individual rates were cut. Minimum rate went from 20 percent to 14 percent. Maximum rate went from 91 percent to 70 percent. Corporate rate trimmed from 52 percent to 48 percent. Minimum standard deduction increased and set at 10 percent up to a ceiling of $1,000. Many provisions of Internal Revenue Code on excise taxes, stock options, sick pay, dividends were changed.

1965—Congress cut or eliminated many of the excise taxes imposed during World War II.

1968—Congress voted a temporary 10-percent surcharge on individual and corporates taxes.

1969—Historic tax bill passed. Tax Reform Act is first major overhaul of Internal Revenue Code since 1913. Some loopholes closed or reduced. Final law ran to 255 pages. Personal exemptions for taxpayer and dependents increased from $600 to $750 by 1972. Minimum standard deduction by 1973 goes from current 10 percent up to $1,000 to a new level of $15 up to $2,000. Lower taxes for single persons; new head-of-household rates for certain unmarried persons with dependents. Seven-percent investment credit repealed; 10-percent surcharge repealed.

So our tax liability is less than it was 20 years ago. The actions of Congress on personal and corporate taxes dispute one of the conclusions of the Louis Harris poll taken this month and mentioned earlier. In that survey, the American people by a margin of 85 percent to 10 percent agreed with a statement that "politicians promise tax relief before an election and then do nothing about it when elected."

ONE EXCEPTION: SPECIAL-PURPOSE TAXES

Although general tax liability has been cut, one type of tax has increased since World War II. This is the special-purpose tax from which the revenues do not go into the ordinary receipts of the Treasury. Transportation and social security taxes can be used only for distinct purposes.

Federal-aid highways are built with the proceeds from taxes on gasoline, tires, auto parts, and trucks. In 1970 Congress applied the user-tax principle to airport and airway construction and modernization. These taxes are levied on passenger tickets, fuel, air cargo, international travel, and aircraft registration. In other words, public travel brings travel improvements.

Until 1950 the social security withholding tax was 1 percent on the first $3,000 of income. Today employers and employees each pay 5.2 percent on the first $7,800 of income. Rate increases are scheduled through 1987, and the taxable base goes to $9,000 next January 1.

Congress has increased social security benefits by 45 percent since 1965. Medicare has also been adopted and expanded during this time. Unless the whole concept of social security is altered, raising benefits will require additional payroll taxes.

LOOPHOLES AND PUBLIC CONFIDENCE

Having discussed the trend in Federal taxes, I would be remiss in pretending that the Internal Revenue Code is not without its faults. Far from it, Mr. Speaker. Despite its efficiency in raising money, the Code has a maze of unfair loopholes that penalize the wage earner and undercut confidence in the Government.

There is income, and then there is taxable income. Over the years our progressive income tax has become riddled with all sorts of special treatment for various types of income: Charitable contributions. Municipal bonds. Depreciation. "Hobby" farming. Foundations. Stock options for executives. Multiple corporations. Estates. Bad-debt reserves. Insurance.

Heading the list of controversial loopholes has been the 27½ percent oil and gas depletion allowance. With this loophole and with the drilling cost writeoff, oil companies have escaped fair taxation.

Take 1968, for example. The Gulf Oil Co. had a net income of $977 million but paid less than 1 percent in Federal taxes. Texaco made over $1 billion but paid only 2.3 percent in Federal taxes. Richfield paid not one penny.

Since it was enacted in 1926, the oil and gas depletion allowance has cost the Government more than $80 billion in lost tax revenues.

Depletion allowances apply to other minerals as well. There is even a depletion allowance for—are you ready?—clamshells.

Tax revenue lost through loopholes has to be made up by the taxes you and I pay.

THE TAX REFORM ACT: A FIRST STEP

Public opinion fathered the Tax Reform Act of 1969. It was a most welcome development. While many of us had been talking about tax reform a long time, public interest in the topic never really flared until President Johnson requested the 10-percent surcharge in 1967.

My contribution to the reform effort was to introduce loophole-closing bills in 1967 and 1969. When tax reform was being considered in the House Ways and Means Committee in early 1969, I testified on three important areas. I recommended first, a deep cut in oil depletion; second, tax relief for the elderly; and third, a crackdown on "hobby" farming for tax purposes.

The Tax Reform Act made a start at clamping down on loopholes. It reduced the oil depletion allowance slightly, and it contained many other changes designed to retrieve lost revenue. Still, it did not go far enough.

I would like to see additional tax reform legislation passed in 1971, but this appears unlikely for two reasons. First, the House Ways and Means Committee is tied upon a host of matters including revenue sharing, social security, medicare, and welfare reform. Second, the Nixon administration is not keen on reforming the tax laws. Through Treasury Secretary Connally it has expressed coolness to new legislation. When Mr. Nixon was campaigning for President in 1968 he gave a speech in Houston urging no changes in the oil depletion allowance.

Mr. Speaker, taxes are the dues we pay for our progress, defense, and well-being. How the money is spent is open to question and debate, for priorities are ever-changing. No one is expected to be totally satisfied with all the uses of his tax dollar.

But one thing is certain to me: A lot more people would feel better if everyone paid his dues. The salaried man in Everett, Wash. does not get a free ride, and neither should Gulf Oil. The fisherman in Anacortes pays his share, and so should the insurance company in Connecticut. The working mother in Bellingham is doing her part, and so should well-heeled foundations in New York City.

Taxes will never be popular, but they should be fair.

LIBERALIZED TAX DEPRECIATION ALLOWANCE

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mr. GIBBONS. Mr. Speaker, as a member of the Ways and Means Committee, I am deeply concerned about the administration's announced liberalized tax depreciation allowance which would enable businesses to write off the cost of new equipment 20 percent faster than they can now. It is estimated that the revenue loss in the coming decade as a result of this administration action will be approximately $36 billion.

I believe that the administration is usurping the constitutional rights of Congress to write tax laws, and a tax change of this magnitude should be thoroughly studied by the Congress.

Other concerned Members have joined me in a letter to the Internal Revenue Service expressing strong opposition to the proposed asset depreciation range system regulations. If others would like to join, they are welcome to do so.

The letter follows, along with the names of those in opposition to the announced regulations:

APRIL 22, 1971.

Hon. RANDOLPH THROWER,
Commissioner, Internal Revenue Service,
Washington, D.C.

DEAR MR. THROWER: The undersigned vigorously oppose the proposed asset depreciation range system regulations which were published on March 13, 1971.

The action taken by the Administration to liberalize depreciation is illegal, in the opinion of noted tax authorities. We support this view, and thus oppose the proposed regulations.

Regardless of the legality of this action, changes in the tax laws, and most particularly those of such a magnitude as proposed in the regulations, should be subject to intensive study by the Congress. In the past, Congress has wisely refused to delegate discretionary authority to the President to change tax rates even temporarily. The power to originate revenue and taxation measures must remain within the jurisdiction of the Congress of the United States, as provided by the Constitution of the United States. Only the Congress, as elected representatives of the American people, is able through a comprehensive legislative process, to properly evaluate the type of tax legislation that is most beneficial to the country as a whole. In this way, benefits on behalf of one segment of the society at the expense of the general taxpayer can be avoided.

The validity of the Administration's argument that the liberalized depreciation will stimulate the economy is highly questionable. It is unlikely at the present time, when industry is operating at only 75 percent of its capacity, it will increase its productive capacity even further by substantial investments. Thus, unless the liberalized depreciation proposal is withdrawn, business will reap an unwarranted windfall in tax reduction for investments it would make anyway.

Since a tax break for one segment of our society must ultimately be borne by the rest of our taxpayers—and this is clearly an unwarranted benefit to a limited segment of our society—we join in opposing the liberalization of depreciation as provided in the proposed regulations which were published on March 13, 1971.

Sincerely,

Brock Adams, Joseph P. Addabbo, Les Aspin, Herman Badillo, Nick Begich, Jonathan B. Bingham, Phil Burton, Shirley Chisholm, Jim Corman, John Dingell, Robert F. Drinan, Thaddeus Dulski, Don Edwards, Sam M. Gibbons, Michael Harrington, William D. Hathaway, Ken Hechler, Henry Helstoski, Andrew Jacobs, Jr., Robert W. Kastenmeier.

Edward Koch, Clarence D. Long, Ray J. Madden, Patsy T. Mink, Parren J. Mitchell, William S. Moorhead, John E. Moss, Robert N. C. Nix, Charles B. Rangel, Henry Reuss, Peter W. Rodino, Jr., Benjamin S. Rosenthal, William F. Ryan, Paul Sarbanes, Jim Scheuer, Louis Stokes, Morris K. Udall, Edward R. Roybal, William R. Cotter, William R. Roy, William J. Green, Mario Biaggi, Abner J. Mikva.

REVENUE SHARING

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mr. BOLLING. Mr. Speaker, in the following article from the New York Times magazine of April 25, the author, Max Frankel, finds President Nixon's revenue sharing plan wholly inadequate. Mr. Frankel argues convicingly that the real solutions to the financial and other problems of many States and localities lie in reorganization and reform of State and local governments as well as more equitable and fairer State and local taxes based on the principal of ability to pay.

I include the article as follows:

REVENUE SHARING IS A COUNTERREVOLUTION

(By Max Frankel)

Poor Publius, operating under the name of Alexander Hamilton, had only $4.2-million of the public burden to distribute in his first three years as Secretary of the Treasury. Most of it came from customs collections, and after he paid interest on the public debt and the costs of the Army and its veterans there wasn't very much left for guarding the least wealthy part of the community from anything. But Publius was richly endowed with an idea, a Federal idea whose meaning and power seem to have escaped the notice of his successors as they plot a "New American Revolution."

The Revolution, if you haven't heard, is to be President Nixon's bloodless execution of the Federal monster by a technique called Revenue Sharing. Its promise is "cash and freedom" for the states and cities. Its slogan is "power to people." Its goal, a "new Federalism."

The governors, mayors and people need more money, right? Too much of their money now gets shipped off to Washington, right? Too many Congressmen and bureaucrats try to tell them how to run their affairs, right? Well, step right up and let us help yourselves: one pot for "general" revenue sharing—let's say $25 a head to start, half to the states, half to the cities, no strings attached, no serious questions asked; a second pot for "special" revenue sharing, using moneys hitherto earmarked for definite projects—about $50 a head, to be spent almost as freely, though with a little more guidance and accounting. Right? Right on!

Like all revolutionary doctrine, this is heady stuff. A good many governors and mayors are rushing headlong for this dole, duly reciting the selfless doctrine of the revolution—that revenue sharing will not only rescue local government from financial collapse but also bring decision-making "closer to the people," eliminate waste and tyranny along the Potomac and generally breathe new life into our democracy.

The only trouble is that like all simplistic formulas, revenue sharing ignores a good many political facts of life. It dangles cash before some hard-pressed communities without really defining the object of such a costly "reform." Indeed, it proposes to commit an open-ended portion of our jointly owned treasure without achieving any significant reform. And it gives virtually no thought to the desired purposes of our Federal system, old or new Publius, where are you?

The fact is we need not a new Federalism but some clear thought about our neglect of the old. For the very purpose of our hierarchy of Federal, state and local governments was to have been a careful pooling (sharing!) of their revenues to provide for the common defense and to promote the general welfare. Many states and cities are in trouble now for the simple reason that we have failed to use the Federal power to insure either the fair raising of revenues or the rational sharing of costs. It is no answer to give away the money and the power that could correct these failures. The revenue-sharing revolution is, in essence, an abdication.

The President, Congress and their bureaucracies were never meant to be merely tax collectors. They were meant to govern, to attain a wider reach and a broader view of the national interest than any local regime, and indeed they have until now progressively done so. They were meant to preside over a system of multiple tax collection and spending that allows money to pass up the ladder of governments for services best managed by a higher authority and to be redistributed down the chain for services best administered at the state, city, county, village or school-district level.

The central flaw in the President's revenue-sharing scheme is that it would ignore this system in the name of reforming it. It would begin to turn the Federal Government into little more than a tax collector and dispenser. It would leave the states and cities saddled with costs—welfare, for instance—that ought to be shared by the population as a whole. It would leave them free to tax their citizens in wildly unequal patterns. It would give them portions of the common national treasure with only negligible concern for their capacity to spend it effectively. A program that does not address the ways in which governments raise their revenues hardly deserves the name revenue sharing. A program that does not relieve local governments of obligations they neither created nor sought should not be palmed off as burden sharing. The Nixon program is revolutionary only in the sense that it is antigovernment, hostile to the very idea that the Federal moneys and powers should be used to achieve desirable and necessary ends.

The most clearly stated purpose of the President's plan is to relieve the money shortage of state and local governments. But it is bound to fail because it has not faced the basic questions: Who needs more money? Why? How could it best be provided to achieve the Federalist goal of truly sharing revenues and obligations?

Some states and localities need money because they have been forced to assume burdens that are excessive. Still others need money because, though they have tried hard to meet their obligations, they remain poor. And some, being rich, energetic and lucky, don't need any relief. Mr. Nixon would just kick back money to all of them.

The President favors such a wholesale distribution because he believes it would simultaneously unravel a good deal of Federal red tape, enhance the power of local governments to choose their own priorities and revive the authority (and presumably the accountability) of state and local office holders. These are worthy objectives but dubious assumptions. The nearer our elections get to the local level, the less adequate the public discussion and the smaller the participation. In any case, the President's objectives are not likely to be realized by a program that fails to deal with the structure of local administrations, with their unequal tax systems and their uneven burdens.

SHARING THE WORK

The President's judgment that the Federal edifice is buckling under the weight of a top-heavy steeple tends to ignore the fact that the rest of the American structure of government is in no condition to support anything. At the middle levels are the state and county administrations, mostly weak, outmoded or corrupt, even when they are not broke. At the lowest level, the foundation of local government can be described only as jerrybuilt.

The problem goes far beyond local officials who stash public funds in unmarked shoe boxes, as in Illinois, or squander them on luxury suites for the poor, as in New York. Money alone has never fostered honesty or intelligence, and there is no reason to believe that the infusion of Federal money will increase the supply of either. The Federal dollar is money, not manna.

And even a shortage of money has not induced the states and localities to streamline their administrations. It is the illogical and complex structure of local governments, not their poverty, that has placed them beyond the reach and comprehension of the citizenry.

There are more than 80,000 units of local government in the United States—21,000 of them juggling the affairs of the major metropolitan areas that house 70 per cent of the population. That works out to an average of 91 governments for the typical metropolitan area, or 48 for each metropolitan county, including—besides the county government itself—12 school districts, 12 municipalities, 7 townships and 16 special districts that run the water supply, treat the sewage or provide some other service.

Only about 20 of the nation's 247 metropolitan areas are managed by fewer than 10 local governments. The Chicago area embraces 1,113, Philadelphia and environs 871, metropolitan New York 551. The average metropolitan citizen is the subject of at least four levels of local government. The average metropolitan county provides work or 350 elected officials.

Counties and school districts in this tangle exercise powers delegated to them by the states and therefore dovetail across the map in jigsaw pattern. All the other units of local government have sprung up in random and overlapping profusion, for purposes of exclusion (we'll fend for ourselves, Jack, and let the rest of the region go hang) or evasion (if state law says no more borrowing by county or city, we'll just make us up a new government, Guv).

Whatever is not hopelessly hobbled by quadruplication in this structure is ludicrously hampered by miniaturization. Two-thirds of our municipalities and townships have populations of less than 5,000. Among 5,000 metropolitan school districts, about one-fourth educate fewer than 300 pupils and about one-third operate no more than a single school. All but 200 of 5,000 metropolitan municipalities govern less than 25 square miles, the majority of them less than two square miles.

To exercise "control" over these local governments, the citizen must pick his way through laundry-list ballots of nonentities. And controlled or not, local office holders can rarely find enough money or authority in their slender jurisdictions to fill even the most elementary needs of the citizens. Most of the thousands of local governments can neither attract nor afford the expertise and administrative skills that they so plainly lack.

Whoever presumes to talk of invigorating these local governments and their state counterparts is talking about many governors condemned to serve only one brief term, often alongside independently chosen, unresponsive, perhaps even disloyal, cabinet officials. He is talking about state legislatures, a number of which may still meet only in alternate years and most of which are ill-paid, ill-staffed and ill-housed. He is talking about multiple systems of state justice in which judges are often subject to partisan election without regard for their professional qualification. He is talking about mayors, managers, executives, councils, school boards, directors, commissioners, assessors and the Lord knows who else with wholly uncoordinated mandates, all scrambling for taxes and loans and subsidies and carving out their own areas of sovereignty and authority.

Custom, confusion, regulation and debt seem to have petrified this overgrown forest. The states themselves have been passive about reorganization. The public has been apathetic, turning out no more than 25 per cent of the electorate for the few occasions when local reform has come to a vote. President Nixon grandly asserts his "trust" in the people and local office holders to reorder their affairs once they are given a little more money. Revenue sharing is being pushed on them with all the promise of the quick fix.

It is much more likely that the hasty injection of miscellaneous moneys into this structure will only reinforce its worst habits. And the very worst are the tendency to keep enlarging the tax burden of those least able to pay while sparing those who could afford to pay more and the toleration of scattered administrations that neatly wall off the people with the most money from the people with the greatest problems.

There is much to be said for the claim of governors and mayors that they usually know better than horse-trading members of Congress or rule-writing bureaucrats where their communities can most profitably invest new revenues. But that does not relieve the Federal Government of its obligation to direct the spending of its funds so that national priorities, too, will be served. In devising the great G.I. Bill program after World War II, the Federal Government did not force every returning veteran into college or tell those who went what they should study. But it did assert the national will. It spent billions to encourage the training and education of the postwar generation and to keep it from overwhelming the job market during the postwar demobilization. It required the veterans to account for their expenditures and it set standards for the schools that wished to compete for their tuition.

So, too, the help that is given states and cities from the common treasury can be used to promote the national purpose. Instead of being distributed at random, as Mr. Nixon proposes, the Federal dollar could be used to induce structural reform at all levels of government, above all, reforms that would produce a genuine and democratic sharing of revenues and burdens.

SHARING THE REVENUES

There is little doubt that state and local governments, in the aggregate, need more money. Their expenses have increased more than twelvefold since World War II—to an estimated $132-billion—more than three times as fast as spending by the Federal Government or individual citizens. By 1975, presuming roughly the present range of obligations, the state and community budgets will total about $200-billion, and between $6-billion and $10-billion of that amount will be lacking.

But none of this tells us anything about who actually needs money, or how much. And only by the crudest possible standards of accounting do these figures alone justify a massive Federal dole. To define the "needs" of state and local governments we ought to have some idea of how much and how fairly they tax their own citizens. We ought also to have some common standards to suggest which level of government should properly pay for different kinds of services.

Over the last 10 years, without waiting for such a rational division of labor, the Federal Government has increased its aid to local governments from $7-billion to about $30-billion a year. Though these expanded programs failed to meet many of the high goals set for them, they were born of the proper impulse to spend Federal funds for the benefit of the poorest portions of the population. The main purpose was to produce, in effect, a redistribution of the national treasure by taxing those best able to pay to support programs that would benefit those in greatest need. Title I of the Elementary and Secondary Education Act, for instance, tried to pump out about $1-billion for additional, compensatory schooling for the children of the poor; in fact, most of that money has been used merely to equalize the schooling of the poor at standards that the states were supposed have been meeting in the first place.

There have been other Federal failures, which Mr. Nixon and his aides have been most eager to advertise. Many of the regulations written into Federal programs have turned out to be unsettling and restrictive—for example, the ones requiring states and cities to divert money from their own favored projects to "match" Federal expenditures on Federal priorities. Many Federal programs have been drawn so narrowly that they strangle decision-making at lower levels; others have been so complex that only administrative geniuses can learn to qualify for their benefits.

It is a long leap backward, however, from the idea that regulations and restrictions on Federal spending need to be changed to the proposition that national purpose must be abandoned in the very design of the programs. Surely the *minimal* concern of a Federal program to give the states and cities more money should be the adequacy and fairness with which those states and cities levy taxes. President Nixon shuffled the deck awfully fast when he came to this point in his pitch for revenue sharing. Nothing better demonstrates his eager flight from Federal purpose and his lack of interest in genuine reform or, if you will, revolution.

In his political haste and anti-Federal fervor, Mr. Nixon argued that the Federal Government had "preempted and monopolized" the personal income tax as a source of revenue, leaving the states and cities to depend upon inferior and unfair taxes on property and sales. He noted, rightly enough, that the Federal income tax was a far more equitable way of raising revenue and that some of the local levies were becoming an almost intolerable burden on many citizens, notably those least able to pay. But these were crocodile tears, shed for a system that the President treated as a state of nature, as if it were beyond the capacity of men and governments to change. Far from advocating local tax reform or making Federal aid contingent upon constructive change, he offered revenue sharing to the perpetrators of inequity. Instead of changing the deplored system, he proposed to underwrite it indefinitely.

Some of the most flagrant inequities in our national tax system result not from the Federal "surplus" and local "shortages" that allegedly trouble Mr. Nixon. They result from the disparities of wealth and need among the states, cities and communities, often within just a few miles of each other.

Throughout the country, groups of citizens have fled the central cities with their wealth, walked themselves off behind "local" governments and ordinances and left the inner cities and neighboring counties to cope with their growing problems and diminishing sources of revenue. Some of the local governments we hold so dear for being "close" to the people are in fact little more than fiscal sanctuaries erected to prevent genuine revenue sharing. For reasons of state and liberty, we may not be able to reorder things by telling people where they should live and work. But we can certainly push their money around to spread the burdens and the wealth.

Even more disturbing is the evidence that many states and communities simply refuse to raise the revenues they so manifestly need for the services they crave and that the majority of local governments persist in rigging the taxes they collected so that they fall cruelly upon those least able to pay.

For all its imperfections, the Federal income tax stands as the most progressive levy yet devised to spread the burdens of government. It draws relatively more from the most fortunate and little or nothing from the unfortunate. No Federal edict prevents any state or locality from adopting an identical or similar tax system. They could even save themselves the collection costs and ride piggyback on the Federal tax structure by laying claim to any add-on percentage they wish, as they have been invited to do by the members of Congress most influential in these matters.

Some taxes on property and sales are obviously desirable at the lower levels to pay for facilities of direct benefit to local businessmen and residents. But as a principal source of general revenue for states and localities, which these taxes have become, they are viciously unfair. They produce such practical and theoretical absurdities as the requirement that a region's public education system be roughly commensurate with the market value of its real estate.

It is such unfair local taxes that have been rising the fastest and feeding the frustrations of taxpayers. The property tax has been a special favorite, largely, it is thought, because it can be adjusted and manipulated by administrative fiat, usually without legislative action.

Ten states, including New Jersey, Connecticut and Texas, have thus far refused to impose any income tax on their residents. Pennsylvania and Ohio are just getting around to thinking about one. Three other states tax only dividend income. Four large states, including Illinois and Michigan, tax only at a flat rate, to the obvious advantage of the wealthy. Of the remaining 34 states with nominally "progressive" income taxes, only 17 bother to vary the rates on earnings beyond $10,000, and most of the other progressive scales don't go beyond $5,000. One consequence of this pattern of taxation is that citizens earnings $15,000 or more, who pay 33 per cent of all taxes collected by the Federal Government, pay only 8 per cent of those collected by state and local governments.

The inequalities are horizontal as well as vertical. There is no precise way to compare the taxes paid in different parts of the country or the quality of services they buy. But there exist some estimates of the state and local tax burden borne by an average family of four with a gross income of $10,000 in the largest city of each state. That burden ranges from $1,121 in Baltimore to $387 in Charleston, W. Va. It is $816 in New York City; $610 in Hartford; $507 in Cleveland; $414 in Houston, and $398 in Seattle.

Many local governments simply do not tax as much as they should, and the vast majority of them burden the poor and middle classes while they spare the rich. Although most of them need more money, the extent of their real "need" and the character of that need cannot be judged from their budget deficits. Some poor states need a lot more help. Some rich ones need relatively little. Poor communities and cities in wealthy regions probably need the most help, but the quirks of political boundaries and aggregate statistical tables hide the evidence.

To bail out and subsidize such a tax system, as the President proposes, would not only reinforce the unfairness of it all. It would also pass up what may be a rare opportunity to use the power of the Federal dollar to coerce—or, if the ideologues prefer, to induce—real reform. For there exist dozens of formulas by which Federal aid could be used to promote local tax reform so that the burdens would fall more equally on all citizens.

SHARING THE BURDEN

Even a fair revenue system, however, would work unfairly unless we also arrange a logical and equitable distribution of governmental burdens.

Obviously, sending out checks to a million welfare recipients in New York City is a burden for City Hall. It is, in fact, a burden twice over, for those million people must also be provided with public services to which they contribute next to nothing in taxes. But why should this be the exclusive burden of other New Yorkers? We wouldn't dream of asking Alaska to bear a heavier share of the national defense budget because it happens to border on the Soviet Union. We don't expect St. Petersburg, Fla., to pay a larger share of Social Security taxes just because the elderly like to settle there. We don't ask Kansans to assume a bigger responsibility for subsidizing agriculture because the farmers are their neighbors. Yet we let Mississippi or Louisiana or Puerto Rico or Appalachia export its poorest citizens to New York or Chicago or Detroit and, if they cannot earn their keep, throw much of the responsibility for their support on the states and cities in which the poor happen to congregate.

Underwriting that kind of isolation may strike some as a "new Federalism," but it is not the kind Founder Publius had in mind or the kind any thoughtful person would wish to perpetuate. Yet that is precisely what President Nixon's revenue sharing envisions—alleviating the burden a little, but doing nothing whatever to shift its horrendous weight from the localities to the entire country, where it belongs. Welfare costs represent a redistribution of income, and that can be accomplished fairly only through the national treasury. Indeed, the assumptions of welfare costs by the Federal Government should be accompanied by a subsidy to the communities in which the recipients reside to compensate for the services they require.

Pegging the burdens of social service to the appropriate level of government is what genuine Federalism is all about. And only when we get a system that fairly distributes the costs among states and localities can we determine which of them truly need special help from the rest of us.

All this involves much more than administrative tidiness. Of the $9-billion spent on relief programs for 14 million people unable to support themselves, more than $6 billion comes out of the Federal budget. But the confusions of purpose and administration at all levels of government impose severe hardships on the recipients as well as the taxpayers.

As Gilbert Y. Steiner demonstrates in a brilliant new study of relief programs, the "lucky" poor family can have its welfare income doubled through food stamps and public housing while a comparable but "unlucky" family must put its name on waiting lists for both of the added benefits. The reason is that some states and communities participate in food-stamp and public-housing programs while others don't. There are the Mississippis of the nation, already taxing themselves fairly hard, which cannot afford the payments of New York or California, and there are the Delawares, which simply won't.

At the moment, the Federal Government pays out almost as much in relief to the families of poor veterans (not in any way disabled in war) as it does to familes with dependent children. But the dependent children program is tied into so many state and local variations that the payments change from place to place. The relief to veterans is fair across the board and fairly shared by all the nation's taxpayers, and it has become the very model of tidy administration. Notwithstanding Mr. Nixon's dragon portrait of the Federal bureaucracy, the program for aid to former soldiers and their families provides uniform Federal standards and payments and simple access to the system by potential beneficiaries and by nongovernmental groups, such as the American Legion, that lobby on their behalf. The benefiting veterans are, in fact, a privileged group among the unequal poor, and it has been argued that their program ought to be merged with all other relief measures. But such reform, like others, could be achieved only if all major relief projects were placed under Federal control. Revenue sharing, as conceived by the President, would simply give away the money with which this could be accomplished.

The President's other big proposal, for "welfare reform," would offer some valuable new assistance to the working poor and it would give some financial relief to some states—without, however, assuring that the benefits would be passed on to the needy. And it would do very little for most of the seven million recipients of aid to families with dependent children.

It is simply absurd to regard relief as a local responsibility. Just as veterans are helped from a sense of national obligation, so should the poor, and especially the poor descendents of slaves, be treated out of a sense of national duty. If they are deemed worthy of help they should not have to shop around for the counties and cities that offer more than others. And if they are deemed to be a common obligation, their support should not depend on local or state budgets.

Nor is welfare the only item on the agenda of intelligent Federalism. State laws requiring children to attend school and setting minimum standards for schools—even while the schools are administered "locally"—were among the earliest expressions of the doctrine that higher levels of government must protect the common interest in lower-level administration. Now the time has come for an even broader Federal standard and subsidy of education.

We have become a highly mobile country. A hundred communities may benefit from the schooling provided by one, and a hundred may suffer for the educational neglect of another. Yet many state governments have failed to assure at least minimum patterns of equal spending on education in their jurisdictions. And the Federal Government, now bearing only 7 per cent of the cost of public education, has not even begun the search for common minimal standards.

It seems that we have been federalizing the interstate highway system for nearly two decades with very little thought about the caliber of person we wish thus to turn loose in the land.

The financial crisis afflicting state and local governments has been laid to many causes, including the wage clamors of newly militant unions of public employes, the soaring costs of construction, the slowdown in aid from the states to cities and the slumping economy that simultaneously reduced tax collections and raised welfare costs. By far the greatest surge in local expenditures over the last decade is traceable to the soaring costs of education and assistance to the poor. Genuine reform, therefore, promises not only fairness and neatness but the very financial relief that Mr. Nixon says he seeks.

The Federal Government cannot and should not prescribe the *maximum* service that local citizens may wish to support. If some villagers want more traffic lights, they can organize to get them and pay the cost. Many local requirements are peculiar or particular and of little importance to higher levels of government. But we can and should work toward *minimum* standards of life throughout the nation.

The Federal Government has a right and duty to establish minimum standards of relief, education and health, as it does in setting minimum benefits under Social Security. It has the right and duty to use its power and money to adjust for the spread of problems from one region to another, as it does in attacking air and water pollution.

It has a right and duty to equalize the burdens on its citizens, at it does by taking relatively more tax money from wealthy communities and individuals and giving relatively more to poorer ones. It has a right and duty to induce and coerce the states to work toward the sharing of revenues and burdens within their jurisdictions, as well as without.

It would be refreshing if such ardent advocates of the needs and rights of the states as Mr. Nixon would occasionally speak to the obligations of the states and localities. For the failures of the Federal Government become quickly apparent to everyone, but the failures of local administration are never really rectified or even noticed until they become an oppressive burden on the country at large.

The President's "New American Revolution" would not only fail to remedy these shortcomings. It does not even recognize them. If we followed his advice, what is deceptively called revenue sharing would become a constant flow of money out of the Federal treasury that would not buy anything for the national interest. The new revolution is in fact a counter-revolution. Publius, where are you?

The Nixon Plan

President Nixon's plan for "revenue sharing" is relatively simple, and therein lies its principal political appeal.

He would take 1.3 per cent of the taxable personal income that is annually reported to the Federal Government—$5 billion in the first full year of the program—and distribute it, virtually without condition, among the states and localities. He calls this "general" revenue sharing.

Each state's annual share would be based on its population, with a small adjustment in favor of those who exact a higher rate of tax from their citizens. The states would have to submit to an occasional Federal audit and they would be subject to court action if Washington could—and would—prove that the money had been spent in discriminatory ways. If a state and its localities failed to agree on a formula for dividing their grant, they would lose 10 per cent of it and have to split the remainder as directed by Washington, roughly half to the state, half to its local units.

Assuming a pie of $5-billion, the Treasury estimates that New York's slice would be $534-million; California's $590-million; New Jersey's, $154-million; Mississippi's, $61.5-million; Connecticut's, $59-million. Governor Rockefeller (who supports the plan but would double the amounts) estimates that New York State would probably keep 49 per cent of its money and give 51 per cent to local governments, including $189-million to New York City, $4.8-million to Buffalo and $192,000 to Scarsdale.

This type of revenue sharing has an interesting history. It was first urged upon the Government in 1964 by President Kennedy's economic adviser, Walter W. Heller, and Joseph A. Pechman, director of economic studies at the Brookings Institution. They were attracted to it in those blissful years before the big Vietnam push because they doubted that the Great Society could spend Federal money faster than it was being generated by a booming economy.

Heller feared above all that Congress—as typified by the formidable chairman of the House Committee on Ways and Means, Wilbur Mills—would yield in future years to the temptation of frequent tax cuts, thus turning the funds raised by the fairest available revenue system back to the consumer and leaving local public needs poorly attended.

Pechman was especially eager to help some of the poorest states, many of which collected fairly steep taxes but still cannot afford relatively decent levels of social spending. Both economists first favored direct payments to the states but later accepted a requirement that the states "pass through" a part of the Federal money to cities and other localities.

Though the once feared "excess" in Federal revenues has long since evaporated and though the President and Congress have combined to cut individual and corporate income taxes by an eventual total of more than $11-billion, Mr. Nixon adopted the the Heller-Pechman plan virtually intact. He included the "pass-through" amendment to help gain local support, even though no state can really be prevented from retrieving on other programs the sums it would be compelled to pass on to localities under revenue sharing.

The second major part of the Nixon proposal—"special revenue sharing"—would assign to a fund for relatively unrestricted spending more than one-third of the Federal money now given—with abundant conditions—to states and cities for specific purposes. This money could be spent in six broad categories: education, urban development, rural development, transportation, law enforcement and manpower training. Mr. Nixon would offer a total of $11-billion at the start—only $1-billion in new aid—though he clearly hopes to use the entire $30-billion in existing Federal aid programs for such distributions in the future.

The purpose is to "liberate" the recipients from Federal regulation and priority and to abandon altogether the requirement that Federal grants be earned with locally raised "matching" funds. The President has not settled upon all the distribution formulas, but it appears that population will be deemed a major factor. And even before the proposal reached Congress, Mr. Nixon's own men found many new reasons for reestablishing Federal safeguards, or strings for these rhetorically untied funds.

CONSCRIPTION IN GERMANY

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, some of those who wish to retain the power of conscription have claimed that ending the draft will lead to an army of "mercenaries" and "Hessians." These critics have overlooked the fact that the Hessian mercenaries of the Revolutionary War were actually German conscripts.

As historians have often pointed out, conscription has been intimately connected with Prussian militarism. In fact, one of Hitler's strongest criticisms of the post-World War I Republic was that it had abolished the draft. In "Mein Kampf" he lamented the passing of compulsory military service:

> In the morass of a universally spreading softening and effeminization, each year three hundred and fifty thousand vigorous young men sprang from the ranks of the army . . . The young men who practiced obedience during this time could then learn to command. By his every step you could recognize the soldier who had done his service.

Hitler underscored the value of the draft in militarizing the population:

> The elimination of universal conscription—which for dozens of other peoples might be a matter of no importance—is for us fraught with the gravest consequences. Ten German generations without corrective and educational military training, left to the evil effects of its racial and hence philosophical division—and our nation would really have lost the last remnant of an independent existence on this planet.

Later, he would see conscription as a means of politicizing the armed forces:

> The influx into the Wehrmacht of the masses of the people, together with the spirit of National Socialism and with the ever-growing power of the National Socialist movement would, I was sure, allow me to overcome all opposition among the armed forces, and in particular the officer corps.

As the noted historian Gordon Craig has pointed out:

> His estimate of the probable results of conscription was shrewd and was certainly borne out by the facts.
>
> Any hope that the army could maintain its independence within the state and at the same time exercise a restraining influence on the policies of the Nazi leader rested, in the last analysis, upon the ability of its leaders to maintain the unity and discipline of the officer corps. But, once the infiltration of the army got under way, any hope of this disappeared.

This material has been compiled in a staff study prepared for the Gates Commission. I commend this item to your attention:

European Experience With Conscript and Volunteer Forces—Part II: Germany

Germany, like France, has a "developed" political culture and a long record of conscription. She was one of the early converts to universal military service. From 1814 to the end of the Nazi era, except for the short period between 1919 and 1935, the Prussian and its successor German state consistently imposed peacetime and wartime obligatory service without exemptions or the right of substitution, a longevity record unequalled elsewhere.

CONSCRIPTION IN OLD PRUSSIA, 1650–1806

Until the early eighteenth century compulsory service in Prussia was legal only for the militia. Frederick William, the Great Elector (1640–88), felt that the militia hampered him in his pursuit of absolutism. He consequently founded the first Prussian standing army. It was voluntarily recruited, abroad in large part, and since the ruler's resources were limited, circumscribed in size. Despite its illegality, Frederick I (1688–1713), the first crowned Hohenzollern, started compulsory recruiting for the standing army, especially during the war years 1688–97 and 1703–13. His successor, "the founder of Prussian militarism," Frederick William I (1713–40), regularized the practice even in peacetime. From the outset it met with vigorous opposition, both from the serfs and their masters. At this time the Junkers of the Prussian countryside were by no means imbued with that militarism which has since become a byword for the whole class, and conscription had to be practiced for the officer corps as well as for the ranks. According to the theory of the Nation in Arms, this should have helped Junker domination of the state; in fact, compulsory service by the nobility was accompanied by the rise of absolutism at the expense of the Junker-dominated provincial Estates. In the early seventeenth century, the Prussian estates had been no weaker than the English Parliament, "but then the latter went from strength to strength, while the estates lost their power," eliminating "the possibility of their transformation into a more modern representative assembly. . . ."

The history of the Hohenzollern state is largely the history of its army. The great

Elector began his reign with a few thousand mercenaries; Frederick William I ended his with a war strength of 80,000, only about a third of which, however, were with the colors throughout the year in peace. Since the population of Prussia at that time was not in excess of 2.5 million, this still made for a permanent peacetime establishment of over 10,000 soldiers per million population, double that of contemporary France.

The marked expansion of compulsory service and the progress of Hohenzollern despotism reached their full scope during the reign of Frederick William I. Frederick William I boasted that he was "the finance minister and field marshal of the King of Prussia," but he was also his own minister of war, foreign affairs, education, commerce, industry, agriculture, and home affairs in general. He supervised and controlled everything.

Both the Great Elector and Frederick I had made their decisions in the council chamber in the presence of their ministers, who as a group were called the Privy Council, but Frederick William I made his in the privacy of his apartment, attended only by his private secretaries. . . .

The obliteration of the functional boundaries between court and bureaucracy was accompanied by an obliteration of the boundaries between the civilian and military spheres and by the domination of military over civil affairs which became characteristic of Prussia and Germany. The military as such were not supreme, however, since the specialized interest of the military, regarded as an embryonic profession, were also sacrificed to absolutism and the dilettante interference of the King and his cronies in the "Tobacco Parliament." Militarism was substituted for the "military way," to use Vagts' expression. "To be the commander-in-chief in the civil state as he was in the army was the inevitable ideal of government for Frederick William and his successors. . . . The esprit de corps of the regiment blossomed into a political and social ideal."

Conscription was expanding *pari passu* with the progress of militarism. In the first part of Frederick William's reign it was carried out in a highly arbitrary and irregular manner, as recruiting officers randomly organized hunts throughout the districts. But the king could not afford to ignore that in many border districts potential conscripts were emigrating en masse. Compulsory recruiting was eventually regularized in the so-called canton system of 1733, which assigned definite recruiting areas (cantons) to each regiment and established authoritative lists of able-bodied men.

The canton system was by no means a universal service system. In 1726 the middle classes were granted exemptions, as were a whole series of skilled workers beginning with the weavers in 1717. Even the peasant conscripts did not serve full time. The nucleus of the ranks consisted of professional volunteers; the conscripts came in time to form only a reserve.

During the eighteenth century the crude absolutism of the earlier Hohenzollerns was transformed into the enlightened despotism of Frederick the Great (1940-86) and his successors. The harshest aspects of serfdom were abolished and Frederick began "to define the purpose of the state in terms of liberty as well as of authority."

At the same time the burden of conscription was progressively reduced, and the troops were better treated. The Prussian Army still included a higher proportion of drafted men than any other European country, but much less so that it had been under Frederick William I. Frederick the Great "always felt that his subjects served the state better as taxpayers and producers of goods than as soldiers." Under Frederick William I, two-thirds of the army at full stength had consisted of Prussian subjects, but under Frederick the Great the proportion fell, by 1751, to less than 38 percent. Toward the end of his reign, the proportion of native recruits seems to have increased, not due to any change of heart on Frederick's part but to the difficulty of enlisting the necessary professional soldiers in the other German principalities. In 1768, he wrote that "in wartime recruits should be levied in one's own country only when the bitterest necessity compels." This view was maintained by his successors down to the Prussian defeat by Napoleon in 1806.

THE REFORM ERA AND THE WAR OF LIBERATION, 1807–13

In 1806, the Prussian army was decisively defeated by the French at the twin battles of Jena and Auerstädt. The years immediately following the debacle constitute one of the great reform eras of German history, with progressive innovations in all spheres—social, economic, administrative, educational and military. Caste isolation was broken up and the estates converted into modern classes. Serfdom was abolished and compete freedom of exchange, occupation and contract instituted. Local self-government was established on a viable basis by the Municipal Act of 1808, which released the towns from the control of both the Junkers and the state and entrusted municipal affairs to elected councils. Under the central administrative reform of the same year, there was created a carefully differentiated and articulated modern bureaucracy. Bureacratic rule replaced rule from the royal study. The reformers also had plans—never effected—for a legislative body, though not for popular elections. This reflects the limits of the Prussian reform movement. It aimed to achieve in Germany what the Napoleonic regime had accomplished in France. Hardenberg, who headed the government for the major portion of the Reform Era, admired, if anything, the French Empire of Napoleon. He would have liked to establish in Prussia a suitable counterpart of that regime, stripped of feudal encumbrances but free also of democratic elements.. . .

Even when an extension of political rights was contemplated, the reformers tended to present those rights in the guise of duties. The proposals for a legislative body, for example, originated out of "a feeling that it is not fair of the people to wash their hands altogether of public matters and to discharge the whole burden upon their rulers. . . ."

The tendency to skip over into a semi-authoritarian emphasis on duties instead of rights should be borne in mind when assessing the aims of the reformers in the military field. Most of the reforms were consistent with the contemporary *bourgeois* trend toward equal rights—e.g., the revolutionary order of August 1808 which opened the officer corps to non-noble talent and made merit the principal qualification in obtaining commissions and promotions, also the new articles of war promulgated at the same time, which gave additional protection to enlisted men.

It is not easy to reconcile this emphasis on rights with the principle of compulsory service. It is one thing to say that everyone has the right to serve; it is another thing to say that this is everyone's duty. The French Revolution emphasized the rights of the citizen. After 1792, an authoritarian emphasis on the citizen's obligations was superimposed, without eliminating most of the basic rights won by the revolution. The Prussians, on the other hand, went directly from "enlightened absolutism" to "liberal absolutism." The military reformers—Scharnhorst, Gneisenau, Boyen, Clausewitz, supported by the civilian Stein—took as their model, not the turbulent French army of 1792, freely enlisted, but Carnot's *levée en masse* of 1793, when the revolution was losing friends and gaining enemies at home and abroad. "It sounded like one of Stein's own utterances when Gneisenau, à propos of the French Rights of Man, exclaimed, 'First make the human race enthusiasts for duty, and only after that for rights.'. . ." It was not the French Revolution itself which the reformers admired but the Napoleonic emasculation of it.

The advocates of military reform did not emphasize universal service as a method of ensuring civilian control. They stressed it for enhancing the military strength of the state and for imparting to each citizen the proper ideals—"to direct men to be free and how to be free . . ." For the reformer Stein universal service would make it possible "to inculcate a proud warlike national character, to wage wearying distant wars of conquest and to withstand an overwhelming enemy attack with a national war." The philosopher Fichte assigned to the state "not only its negative compulsory rights against unjust acts but a positive compulsory right to educate its citizens to moral freedom." Wilhelm Humboldt, the educational reformer, laid on the state the duty of "influencing the spirit and the character of men." The military reformer Clausewitz went beyond this, contending that the state must "force the people so to act and so to be as it thinks wise."

It is often said that in 1807 Scharnhorst introduced a new form of conscript service called the *Krümper* system to build up a trained reserve of 150,000 men by 1813, despite Napoleon's limit of a 42,000-man Prussian army. The *Krümper* were conscripted into the army, trained for a short time, then released into the reserves, while new short-term conscripts took their place. The truth is, first, that Scharnhorst only had recourse to the *Kruümper* system after he was rebuffed in his efforts to secure universal service. The *Krümper* service did not involve universal service. There was not even anything new about it; it was simply the name which the military gave to the canton system. Third, almost no unwilling cantonists were taken into the reserve during the Reform Era. Almost all of the *Krümper* were old soldiers from disbanded regiments, "most of whom were reluctant to abandon the security of military life." The number of men without previous military experience who were conscripted, trained briefly in the ranks and then released to the canton reserve "diminished to a handful." As Shanahan says, it "is clear that the training of 150,000 *Krümper* from 1807 to 1813 is an historical legend."

Large-scale conscription was no product of the Reform Era, which ended in 1812. Indeed, "its establishment reflected not the triumph of reform principles but the imminence of war, . . . the prospect of liberation from the thralldom to Napoleon." The Commander of the Prussian contingent during Napoleon's Russian campaign, General Yorck, began conscription in December, 1812. Acting on his own authority, he concluded an armistice with the Russians and summoned an East Prussian *Landtag*, which decreed the mobilization of a provincial militia (*Landwehr*) to consist of all able-bodied East Prussians between 18 and 45. Although no exemptions were permitted, the purchase of substitutes was authorized. The King transferred his headquarters out of Napoleon's reach and on March 17, the day following the Prussian declaration of war, a royal order drafted by Scharnhorst decreed the formation of an all-Prussian *Landwehr* on the East Prussian model.

The principle of universal service was now legally established, even if vitiated to some extent by the right of substitution; "the exigencies of war had accomplished in a few weeks what Scharnhorst had striven in vain for years to achieve."

THE STRUGGLE FOR UNIVERSAL PEACE TIME SERVICE, 1814–17

In promulgating universal service in 1813, the king suspended canton exemptions only for the duration of the war. Upon the defeat of Napoleon, the exemptions of the 1792 canton law were restored (May 1814). A few days later he appointed Boyen, Scharnhorst's military colleague, as Minister of War, and by September Boyen had drafted a universal service law which met with royal approval. The bill differed in some respects from the proposals advocated by the military reformers before the war. The reformers had envisaged a sharp separation between the line and the *Landwehr*. Although everyone fit had to serve, only the lower classes would be conscripted for the line, with the middle classes entering the *Landwehr*. It was to be a true civilian militia, independent, with elected middle class officers rather than appointed regular officers. The *Landwehr* of Boyen's bill of 1814, however, was comprised of veterans of the standing army. Boyen established five grades of military service. The conscript was to serve three years in the line, two years in the line reserve, seven years in the first levy of the *Landwehr* and another seven in the *Landwehr's* second levy. The first levy would serve alongside the line in the event of war but in peace would be inactive save for annual drills and exercises. The second levy was designed to perform garrison duty and provide replacements for the regular army in wartime. Finally, a fifth grade of service, the *Landsturm*, was to include all men between 17 and 50 who were not enrolled in the regular army or the *Landwehr;* they could be called out only in the event of invasion, by special order of the crown.

Historians have had difficulty explaining why universal service could be easily implemented in 1814 when it had been rejected throughout the years 1807–12. This leads us to wonder whether universal service ought to be considered as a conquest of the Reform Era, whether in fact it was not more compatible with the spirit of reaction which seized Prussia after the Napoleonic Wars. Many of the objections brought against universal conscription from 1807–13 were thoroughly consistent with the major libertarian premises of the Reform Era. On the other hand, it is impossible to find a single major reform implemented after the outbreak of the War of Liberation in 1813. It was during the course of this struggle that the reactionaries first seem to have rallied from their earlier defeats; e.g., Ancillon's campaign against the "few shrill voices," which degenerated after 1815 into the systematic hunt for "demagogues."

It also seems questionable to maintain that universal service was a precipitant of Prussian military professionalism. According to Huntington, aristocratic amateurs could be tolerated in the officer corps "only so long as the rank and file were long-term regulars. When the latter became amateur soldier, . . . a much more capable and experienced leadership was necessary. . . ." This is why we "virtually always" find a "direct relation" between the "nation in arms" and professionalism, not only in Prussia but elsewhere. Yet the origins of professionalism in Prussia antedates the introduction of universal service. Class preference for the nobility was abolished in 1808; as a result, the proportion of bourgeois officers increased from less than 10 percent in the pre-Jena period to about 50 percent in the aftermath of the War of Liberation. In fact, the degree of *embourgeoisement* of the officer corps (never as great as in France) actually declined in the years of reaction which followed the promulgation of Boyen's Law. All the other significant military reforms, too, came well ahead of adoption of mass conscription—the reorganization in 1808, for example, of the General Staff, from that point on "the organizational stronghold of Prussian professionalism"; the formation in 1809 of a War Ministry, the fruit of Stein's general campaign against uncertain jurisdiction and multiplication of functions in both civil and military administration; the replacement, by the middle of 1810, of almost all the old basic officer schools with new advanced schools of war; and, finally, the foundation in the same year of the famous War Academy, the key educational institution of Prussian professionalism and the only such establishment of its kind in Europe for years to come. Every one of these reforms preceded the promulgation of peacetime universal service by 4–6 years, during a period when the reformers were consistently rebuffed in their attempts to establish mass conscription. During that period, the Prussian army and its trained reserve always totaled fewer than the 80,000 effectives which Frederick William I handed down to Frederick the Great in 1740, although the Prussian population of 1813 was about double that of 1740.

Historians often give the impression that universal service was supported by the partisans of reform and opposed by all the partisans of reaction, but this conclusion is not valid. The King was hardly an enemy of universal service in principle. In July 1807 he had directed the Military Reorganization Commission to consider a reduction in canton exemptions. In the spring of 1808 he had approved a memorandum recommending universal service, declaring it to be "a measure which derives from the obligation of every subject to defend his country and which is inescapably imposed by the passage of the years. . . ." That summer he reiterated his conviction that "every subject of the state, without regard to birth, should be obligated to military service." In the fall of 1811 he again admitted that "general conscription" was "necessary" and he said the same thing early in 1812. The King would not even recognize the right of substitution. In July 1812 he wrote: "It is not proper that one of the first and most important duties to which every citizen is subject be allowed to be discharged with money."

Though a consistent proponent of universal service in principle, the King nevertheless put off implementing it until 1813. Apparently he was prevented by outside pressure, but from where? None of the prominent reactionaries—Borstell, Yorck, Marwitz—seem to have been opponents of universal conscription. Borstell was the author of a memorandum recommending a system of conscription "which imposes on all classes of the population, rich and poor alike, the duty of personally defending the state." Borstell was not a reformer; he was, as he has been represented, a class-conscious Junker, opposed in principle to the opening of the officer cadet schools to all qualified candidates without class distinction.

General Yorck balked at the same reform proposal. He viewed it as a "feeble yielding to the views of the cosmopolites and theorists." Yet in 1813 Yorck, as Governor of East Prussia, submitted to the provincial *Landtag* a draft *Landwehr* bill for universal service without either exemptions or substitutions; Yorck's draft had been based on one by Clausewitz, an "orthodox" military reformer of Scharnhorst's stamp who was unlikely to get Yorck's agreement for any other reform proposal. Marshal Blucher also endorsed a "national" army. He told Gneisenau that "no one in the world should be exempt; and it should be a scandal if someone hasn't served."

Another thorough-going reactionary was General Ludwig von der Marwitz, the spokesman of Brandenburg *Junkertum*, the most conservative provincial nobility in the Kingdom of Prussia. He forcefully argued the equal obligation of all to serve in the armed forces. He felt that the state, the citizen and the soldier could not be mechanically differentiated. "The soldier was merely the most self-sacrificing of citizens, and everyone must be obligated to be a soldier. . . ." Marwitz stressed the concepts of duty and sacrifice, and the introduction of *Landwehr* conscription in East Prussia in 1813 is said to have "thrilled his soul."

The war over, Marwitz continued to support universal service. He backed Boyen's military legislation of 1814–15, but objected to the provision for the so-called one-year volunteers (*Einjahrigen*). These were young conscripts "from the educated classes" who had the privilege, if they could provide their own clothing and weapons, of serving for one year rather than three, with first claim on officer positions in the *Landwehr*. This was the only concession to inequality of servitude in Boyen's bill and it is significant that Marwitz wanted it withdrawn. He also objected, as did many military men and Junkers, to the "unnecessarily" sharp separation of the *Landwehr* from the Line, which might have undesirable socio-political implications as well as reduce efficiency.

In summary, then, what many observers have interpreted as reactionary opposition to universal service *per se* is better described as reactionary opposition to the particular institutional arrangements which the reformers advocated for the realization of universal service.

However, voluntarist sentiment did play a role in the politics of universal service during the Reform Era. Almost all of the military reformers—Scharnhorst, Gneisenau, Grolman, Boyen, Clausewitz—favored compulsory service. Colonel Boguslawski of the War Ministry agreed, but wanted the right of substitution. Among the civilian reformers, Stein and his collaborator Theodor von Schön seem to have been alone in endorsing universal service without exemptions or substitutions. Altenstein and Dohna, who together headed up the ministry from 1808–10 after Stein's dismissal, favored the admission of substitutes. The Hardenberg ministry which followed proved to be no more sympathetic to universal service without substitutes, though in other respects Hardenberg himself was more radical in his notions of military reform. For example, until dissuaded by Scharnhorst, Hardenberg wanted to appropriate such procedures as rank and file election of NCO's and NCO election of subalterns for the Prussian line.

It was not liberal gvernment officials alone who reacted negatively to universal service. According to Simon, "a number of influential men, without personal interest and with reformist sympathies, . . . opposed Scharnhorst's proposals. Baron Vincke, a famous jurist and an admirer of English political institutions, described to his friend Stein the consternation which universal service would cause among the educated classes. Conscription on this basis meant 'the death of culture, learning, and trade, of civil liberty and of all human happiness.' "It would waste years in the lives of the country's education youth. . . ."

The distinguished historian Niebuhr took the same stand, condemning universal service as the "kind of equality that must enrage the true friend of liberty," since it treated all men equally as ciphers; the only satisfactory solution was to permit substitutes for those who could afford it. The impetus for these and similar arguments came from the middle classes, who were in the van of the reform movement. In February 1813, when the King suspended the canton exemptions for the duration of the war, people said Prussia had "become a police state" and opposed the suspenion with deeds as well as words. Rebuffed, the urban middle classes continued to protest. In Breslau in 1817 truculence took the form of collective refusals to take the *Landwehr* oath. Resistance was suppressed in Breslau, but in Berlin the opposition was so strong that the Berlin *Landwehr* had to be disbanded.

The year 1817 saw the last great flareup of resistance and the mood contrasted vividly with the passive acquiescence shown in 1814 when Boyen's law was promulgated. To be sure, "the great majority of the generals held firmly to the ideas of Scharnhost and Boyen," but it seems that "the high officials had been by no means completely convinced. . . ." This included the Minster of Finance, Büllow, and Schuckmann, Minister of Interior. Schuckmann felt "that a young man of culture could be transformed into an efficient infantry soldier in six weeks at most," and therefore he wanted to cut down the obligatory service period. Stein and Schön, two giants of the Reform Era, were also critical. Stein argued after the War of Liberation that, since there was no longer any threat from France, the Prussian army was "much too numerous and expensive." Schön, now Governor of East Prussia, "was of opinion that three days training per annum was amply sufficient for the military education of a volunteer. . . ." Others also had their doubts. Treitschke notes sadly how "among the notable publists of Prussia there was hardly one to be found who displayed an understanding of the essential preconditions of a military system truly fit for war." He cites Benzenberg, the Rhenish patriot, and Ernst Moritz Arndt, the hero of the national renaissance against Napoleon, as examples, and traced their thought to the work of the South German liberal, Rotteck, who championed the *Landwehr* against the conscript line and advocated the right of substitution. For him and the like-minded liberals of Prussia the heroes of the War of Liberation were the volunteer units. "The name of voluntary army was to them as irresistible as that of free state. . . ."

The opposition of 1817 apparently caused the authorities serious concern, combining as it did the complaints of statesmen and publicists, the upper and middle classes and urbanites who had formerly enjoyed exemptions from service. But the attacks on Boyen's Law were either ignored or peremptorily rejected. "It was a principle which had come to stay in Prussia. Its advantages as a method of recruiting over the old canton system were too obvious to the King and to Hardenberg was a liberal, he "had long learned to accommodate his aspirations to circumstance . . ."

CIVIL-MILITARY RELATIONS, 1813–40

The Reform Era had given a tremendous boost to the rational study of war and to the professionalization of the Prussian officer corps. The theoretical rationale for the aims of the military reformers was most satisfactorily expressed by Clausewitz in his concept of the intrinsic duality of war. "War is at one and the same time an autonomous science in that its ultimate purposes come from outside itself."

The "military virtue of an army" is not found in the nature of the cause for which it fights any more than the skill of the lawyer is judged by the persons of his clients. The inherent quality of a military body can only be evaluated in terms of independent military standards. The ends for which the military body is employed, however, are outside its competence to judge. . . . The soldier must always be subordinate to the statesman. . . . In formulating the first theoretical rationale for the military profession, Clausewitz also contributed the first theoretical justification for civilian control.

Excellent as was their theoretical awareness, the members of the officer corps sometimes seemed to care more for their personal honor, an aristocratic virtue, than for the requirements of discipline and obedience. In 1860 Prince Frederick Charles of Prussia wrote of several instances where the strong sense of honor of the Prussian officer had led him to become an independent judge of the orders he received. The first such occasion on a mass scale came late in 1811 when a quarter of the officer corps (Clausewitz among them) resigned their commissions in protest against the Franco-Prussian Alliance, and then migrated Prussian officers, led by General Yorck, simply left the war, without even consulting the King and the political authorities in Berlin. In effect it was a revolution, carried out by the military.

Prussian civil authorities had other reasons to feel that the military were getting out of hand in the period from 1813 to 1815. One can point, for example, to the violent manner in which Blücher and Gneisenau had insisted upon their own war plan at a critical juncture during the War of Liberation in 1814 and their flat refusal on several occasions to carry out orders from general headquarters. The soldiers showed even less discipline and professional modesty at the peace table in Vienna in 1814. It was not in their character to defer to a "lousy pack of diplomats," to use Blücher's expression. They intervened at every chance, criticizing the tactics of the Prussian delegation, attacking the territorial arrangements, pushing their plans for war with Austria, hegemony in North Germany and the annexation of Saxony, with scant appreciation of the dangers posed for Prussian security. Blücher made the most of his prestige, both at home and in Britain. At one point he contemplated resigning his command as a dramatic protest against "the despotism of the diplomats."

Blücher and his staff (which included the "reformers") were deeply concerned with vengeance against France and with "the honor of the army." This explains their insistence on a victory parade through Paris, on the execution of Napoleon, the demolition of his victory monuments, the arbitrary imposition of tribute, the severe requisitions, the looting. "All this made sense only from a militant viewpoint that simply sought to taste its triumph to the full, without much regard to the work of peaceful reconstruction to come. Controversy on this point with the 'diplomats' was inevitable." In November 1815, after the peace settlement, in which the diplomats got their way against the army, Blücher refused to evacuate France, despite orders to the contrary, until specified fortresses were surrendered as pledges, and he obeyed only after Chancellor Hardenberg had formally complained to the King.

But before Blücher departed for Prussia, he was persuaded to write the King "in the army's interest" about their unsatisfactory relations with the civilians. Blücher's memorial symbolizes a reversal of earlier tactics. Throughout the period 1807–12, the reformers in the military bureaucracy had shown a keen sense of solidarity with the civilian bureaucracy in struggling against personal government and rule by the king's secretariat. The effort had been strikingly successful. "So little sign of conflict was there then between the military and civilian spheres that the army reformers themselves urgently pleaded for Stein's cooperation." When Hardenberg became chancellor in 1810, "the subordination of the military to the leading state authority came even more plainly to the fore."

The beginning of the dissolution of the bureaucratic bloc coincided with the War of Liberation and the introduction of universal service. The breakdown of the distinction between citizen and soldier in the lower ranks paralleled the breakdown in the distinction between strategy and politics in the upper ranks. Until 1815 the struggle was confined to an attempt by the soldiers to usurp the functions of the civil bureaucracy. Blücher's appeal to the King against Hardenberg represented a further stage in retrogression—a return to personal rule. As Blücher put it in his letter to Frederick William,

> "How sad and harmful to be dependent on prime ministers, how destructive to the army if this influence continued and *Yr. Majesty did not maintain direct control of the army!* . . ."

Thus the appeal to the court against the civilians implied as a corollary that the army was prepared to yield up its legitimate professional interests to absolutism. Modernization, differentiation, specialized pluralism were receiving a severe setback. It is interesting that this differentiation crisis—an across-the-board confusion of roles—should coincide with the introduction of universal service.

Universal service did not inhibit reaction in Prussia, either in society as a whole or in the military sphere. There was a sharp revulsion from the guiding principles of the Enlightenment, the French Revolution and the Prussian Reform Era. This was the age of the Holy Alliance of Austria, Russia and Prussia, of the hunt for "demagogues," of the Carlsbad Decrees and severe censorship, tribal nationalism, bitter anti-Semitism, and the glorification of war by the romanticists as a virtue in itself. It was as if the Germans had never heard of the democratizing tendencies of the Nation in Arms. In the Prussia of this period, says Holborn, "there were no citizen soldiers, since Prussia had no citizens but merely subjects. Conscription was only a different, and incidentally cheaper system of recruitment for an army which reflected the lack of political rights of the people and was a tool for the suppression of liberalism."

As Goerlitz notes, the Army now "lay beyond the influence of public opinion and was untouched by any spiritual force or inspiration coming from the people themselves. . . ." The notorious mistreatment of conscripts represented a definite retreat from the standards set by the Reform Era, when the Army was almost entirely volunteer. Not until 1844, after the liberal tide had again begun to flow, did the authorities intervene to prevent arbitrary treatment of enlisted men.

Nor did universal service give a boost to military reform. The reform impulse first slowed, then halted and after 1819 reversed itself. The War Ministry lost the unified character of the Reform Era, and in place of the principles of ministerial responsibility and inter-ministerial coordinaton under a strong chancellor, as the King again began to regard the army as "a personal instrument of the royal house," which is not at all the same thing as civilian control. After Hardenberg's death in 1822.

"The office of state chancellor was left vacant, and thus was lost—for good, as it turned out—the supremacy of the prime over the war minister and his minions which Hardenberg had achieved. At the time the loss seems scarcely to have been noted, but in my opinion its repercussions on the subsequent relation of state and army are far more significant than the growing autonomy of various military agencies vis-a-vis the war ministry.

"Indeed, after Hardenberg there was to be no Prussian government able any longer to confront the King as a solid political unit, in the manner envisaged by the reformers of 1808 to 1814, and to assert authority in military matters as well. There was only a loose aggregation of ministers functioning as bureau heads. . . . Here lay the danger that government would again revert to the King's privy council. . . . Scope enough was left for a "premier behind the veil," none other than house minister Prince Wittgenstein, a dangerous and furtive plotter and a man after the heart of all the reactionary cliques. During the old King's declining years he actually managed to involve the adjutant general and chief of the military cabinet in his schemes."

With the army at the mercy of court dilettantes, professionalism was bound to suffer, especially when this was accompanied by an intrusion of class interests into the officer corps. The reconversion of the officer corps into a Junker preserve inevitably degraded intellectual standards. Demeter, comparing the atmosphere of the Prussian Army around 1825 with that of the Reform Era, exclaimed: "What an abyss again divides one *Weltanschauung* from the other!" Under the leadership of the reformers, "the intellectual and scientific eminence of the General Staff made it a discernibly anti-feudal element. . . ." But after the removal of Boyen and Grolman from the War Ministry in 1819, "there is no doubt . . . that the social and educational reforms effected in the officer corps by Scharnhorst were weakened. . . . General Hake, who was War Minister from 1819 to 1833, had none of the reformers' faith in education, and privately believed that an officer was competent if he could read, write, and figure. . . ."

Military professionalism also suffered in other respects. Had the Prussian army been interested in promoting military efficiency with the object of eventually unifying Germany, it would have earned the gratitude and cooperation of German liberalism. However this goal was precluded by the anti-nationalism and anti-liberal orientation of the Holy Alliance. Under the leadership of its "Chief of Police," the Austrian Emperor, the Prussian Army assumed the role of a mere constable for policing the Germanies.

In the works of military publicists, . . . the role of the army as a "factor of order" in society was given great emphasis. In addition, the brutality with which the troops conducted themselves . . . seemed to indicate that the army was animated by a genuine contempt for civilians. . . .

The abuses could not help but make the army an object of popular suspicion and dislike. In the years between 1819 and 1840 everything that Scharnhorst and his disciples had done to reconcile the military establishment with civilian society had been destroyed. . . .

As long as the army concentrated on its domestic police role, it could hardly become an efficient instrument for war; this was shown in the mobilization of 1850, which was "little better than a fiasco." At the same time it led liberalism to idealize the miliarily incompetent *Landwehr* at the expense of the Line. Efficiency in war was no longer the criterion; the criterion was the political and social bias of the Prussian military police. For this a *Landwehr* was more than sufficient for bourgeois liberalism; and its expansion would have the additional advantage of reducing significantly the period of obligatory service.

THE REVOLUTION OF 1848

With the accession of Frederick William IV in 1840, there were signs that the state of siege against the people of Prussia might be lifted—the granting of amnesty to political prisoners, the cessation of censorship associated with the Carlsbad Decrees of 1819, the convocation of a United Prussian Diet with circumscribed powers, the elimination of the political role of the so-called military cabinet, even the reappointment of Boyen, that relic of the Reform Era, as Minister of War in 1840. Boyen was able to effect some reforms, but the King did not give him firm backing, so that almost nothing, for example, was done about the alienation of Army and people.

In fact, the antagonism was visibly increasing. The regime rediscovered the dangers of a reform era, when "rising expectations" outdistance the willingness to satisfy grievances. Treitschke found it ironic that "conflicts between civilians and soldiers occurred more frequently than had ever happened before in Prussian history." Civil-military relations in Berlin, for example, had gone sour through the contemptuous treatment of the city fathers by the military governor. Incidents occurred in other cities and garrison towns. The confrontation became more intense and the number of incidents multiplied as Prussia approached 1848, the year of revolution.

The Prussian officer corps threw itself into the role of gendarme with apparent relish and the troops were universally obedient. Certainly this was a violation of the first proposition of the theory of the Nation in Arms, which cannot envisage citizens in uniform repressing their compatriots. As long as Prussia was quiescent, apathetic and in the grip of reaction, it is understandable that there should be no stirring in the ranks; we have no reason to expect the citizen-soldier to display greater awareness than the citizen-civilian. Even after 1840, however, when the population was gaining in political consciousness, there was no noticeable effect on the temper of the troops. When concern arose in 1848 that the revolution might spread from Paris to Berlin, the king's military advisors, in contrast to many of his civilian counselors, advocated a policy of force without concessions. With actual relish, not regret, that the army contemplated anew the role of policeman. After numerous bloody clashes, Berlin finally responded with barricades and the relief and joy of the military leadership was visible. In the course of the struggle "Not a single unit mutinied, all stood by the old order, unshaken." Even the *Landwehr*, manned by a conscript civilian rank and file and officered by conscript civilian *Einjährigen*, by and large carried itself surprisingly well in putting down revolutionary riots. There were a few instances of insubordination, but in the main, despite the widespread political upheavals, discipline held.

The very militiamen who had but recently taken part in street demonstrations and disorders by the liberal democrats could be actually mobilized to put down insurrection, could be sent to fight a civil war under their own civilian officers. These were certainly extraordinary facts, and thoughtful officers pondered them.

It became clear for the first time that in a modern army based on universal military service the attitude of the leaders is far more important than the political sentiments of the ranks. . . .

The Army was never defeated by the insurrectionists. The revolution triumphed—temporarily—because of its moral impact on the king and the administration. The military were incensed at the king's capitulation and never reconciled themselves to the decision. Large numbers of officers were with difficulty dissuaded from resigning their commissions; as Prince Frederick Charles explained, they felt their "honor" to have been tarnished. Among other intrigues hatched by the military, Major (later General) von Roon and his good friend Bismark constructed a plan to have the Commander at Stettin, General Wrangel, march his troops on Berlin, "liberate" the king and restore the pre-March system. The king himself expressed the fear that the officers might replace him with his brother, Prince William, if he did not tread carefully and accommodate his policy to their demands.

In November 1848, when the King felt his cause morally strong enough, he sent General Wrangel and thousands of troops back into Berlin; the revolutionary period was over. But the King, urged on by his civilian advisors, still felt compelled to narrow the chasm between crown and people with a constitution. The royal charter promulgated by the King in December 1848 reaffirmed divine-right monarchy, the crown's right of absolute legislative veto, and the power to issue emergency decrees. The charter provided for a bicameral legislature, with the upper house transformed, in effect, into a house of lords, while the lower house, originally elected by universal suffrage, was eventually elected by a three-class suffrage system, which ensured that the well-to-do would be disproportionately represented. The revised constitution of 1850 reaffirmed the King's power of command and personnel appointment in the army. It stated specifically that the army would taken an oath to the King, not to the constitution, despite the King's earlier promise.

Even so, there was no simple return to the old pre-1848 system. The King could evade the theoretical responsibility of the Minister of War to Parliament by the convenient fiction that his parliamentary responsibilities extended only to administrative actions, not to command functions. But the real obstacle to the army's freedom of action was the necessity of having its budget approved by the lower house. "For perhaps the first time in its existence the Prussian army was . . . placed in a position in which it was forced, for material reasons, to worry about its public reputation and popularity. . ." And the lack of a clear-cut victory for crown and army provided liberalism with ready-made issues for renewing the struggle.

EMERGENCE OF THE CONSTITUTIONAL CONFLICT, 1850–62

Liberalism did renew the struggle, after a short interval of reaction through the mid-1850's. In 1858 Prince William assumed authority as regent, in 1861 as King in his own right. Disgusted with the reactionaries who had ruled Prussia since the failure of the revolution, he ousted them from power, installed a moderately liberal ministry, and authorized new, unmanipulated elections. The result was a resounding liberal victory in the lower house, and the launching of the "New Era." Among other proposed reforms, there was one for the Army, which precipitated the celebrated constitutional crisis of the 1860's.

From the end of the Napoleonic Wars to 1859 the peace-time strength of the Prussian Line had stabilized at ground 125–130,000 troops. Initially this had been based on a legal three-year active duty period for conscripts. However, as the Prussian population increased (from some 10 million in 1814 to some 18 million in 1859) increasingly a smaller percentage of each annual class were taken for the Line; the rest were put immediately in the *Landwehr*, without adequate training. In 1834, therefore, the active duty term was cut to two years, in order that more of each contingent could be given Line training. Prussia in 1852 reverted to three-year service, based on an annual contingent of about 40,000 conscripts, as in 1814. When the new liberal ministry first contemplated army reform in 1859, it suggested a reduction of service to two years but with a sizeable increase in the annual contingent. Had this course been followed, there would have been no conflict, but the final decision of the King and the army was to maintain the three-year service *and* to increase the annual contingent of conscripts from 40,000 to 63,000. This larger contingent was to serve three years with the colors, four years in the reserve, and four and five years, respectively, with the first and second levies of the *Landwehr*. This meant a vast increase in the standing army at the expense of the *Landwehr*.

The liberals objected to the extra expense for the larger standing army and to the downgrading of the *Landwehr*, but primarly to the additional year of obligatory service—and in this they had the clear support of public opinion. As in Spanish, French, and British history, we find the authoritarians, rather than the liberals, pushing for the greater degree of compulsory service, even in those cases where the liberals themselves are committed to the Nation in Arms on principle. Some of the New Era liberals favored a volunteer system on the British model, others the French commutation system, a third group the Swiss militia system. Whether out of principle or practical politics, however, the majority of the liberals in parliament stood on the ground of two rather than three years' universal service, while conceding to the regime the compensatory increase in the annual conscript contingent. This implied a standing army of the existing size, but a substantially larger war establishment. The liberalism of the New Era, then, was less anti-militaristic than the Left of March 1848, which had demanded the replacement of the regular army by a popular militia.

The New Era liberals, despite misgivings, might even have gone along with the army reform without modifications, if they could have been given some assurance that the enlarged army would be used to realize German national goals. However, there had been nothing in Prussian history since 1815 to provide any such assurance, and following 1848 the regime and its army had proved a disappointment to German nationalism. Germany remained divided into thirty-nine different sovereignties, an intolerable situation in a world of unified national states. In 1848 the revolutionaries had called an all-national parliament, which met in Frankfurt, drafted a constitution and offered the King of Prussia the Imperial Crown. But the King refused to "pick up a crown from the gutter."

The failure of revolutionary nationalism in 1848 showed that unification, if it were to come at all, would have to be carried out "from above," by the organized force of one of the German powers against the other. Since Austria, being more non-German than German in its composition, could never realize the national idea, it was reasonable that liberalism should assign the task of unification to Prussia, the most powerful of the primarily German states. Indeed, "the greatest support for Prussian leadership in Germany in the 1850's and 1860's came from liberals and progressives. . . . The overwhelming number of people in Germany who favored constitutionalism, parliamentary institutions, freedom of conscience, intellectual freedom, separation of church and state, progress, science, broad educational opportunities, and who were opposed to clericalism, absolutism, obscurantism, authoritarianism, and feudalism, were all ranged on the side of Prussia." Liberalism, obviously despaired of effecting unification by the spontaneous democratic action of the people, was prepared to rely on Prussian state-egoism. This alone suggests the weakness of German liberalism in comparison, say, with the classical British model. In 1861 the historian Treitschke published a commentary on Mill's *Essay on Liberty*. Though, like other liberals, Treitschke grew reactionary after the foundation of the German Empire in 1871, at this stage he enthusiastically accepted Mill's objective of the highest degree of personal liberty. However, he criticized Mills for not giving sufficient recognition to the state as the source of the individual's rights and creative energies. These differences in the two liberal traditions may suggest why one country has commonly relied on voluntarism and the other on compulsion in military recruiting.

Immediately after refusing the crown offered by the Frankfurt assembly in 1849 Frederick William developed a scheme for unification drawn up by his advisor Radowitz, calling for a "narrower" and a "wider" union of the German powers. Shorn of most of the liberal-constitutional features of the Frankfurt plan, it did propose the formation of a federation of the German states north of the Inn, which excluded Austria. This "narrow" union, under Prussian hegemony and with a common foreign policy and National Assembly, was to be bound in perpetual alliance with Austria (the "wider" union). The proposal met with the obstinate veto of Austria, now recovered from the crippling effects of revolution. Prussia was faced with the choice of war or abandonment of the Radowitz plan. It is interesting to observe the reaction of the "Supreme War Lord" and the army to this confrontation, an army allegedly permeated with the ideals of its citizen-soldiers.

The King was plainly horrified at the thought of serious conflict with Austria for, despite his apparent enthusiasm for Radowitz's project, he still held to the romantic notions of his youth, according to which the Austrian Emperor was the natural ruler of the Germanies with the Prussian King standing at his side as his loyal retainer and *Reichserzfeldherr*. Shaken by the apparent imminence of war, Frederick William was readily susceptible to the arguments of his more reactionary advisers—Otto von Manteuffel within the ministry, Leopold Von Gerlach, Edwin von Manteuffel, and the other members of the secret [military] camarilla, and virtually all of the soldiers in high administrative posts. . . . These men, motivated by their fear of liberalism and their belief that the strength of the army should be reserved as a safeguard against a renewal of revolutionary agitation on the home front, showed a high degree of skill in devising reasons for a Prussian surrender to Austrian demands. . . .

The upshot was the formal abandonment of the Radowitz plan at Olmütz in November 1850 and the re-establishment of the old Germanic Confederation, which provided no real union at all. "To Prussian liberals, who had rallied behind the Radowitz plan, the Olmütz convention—soon known as "the shame or "the humiliation of Olmütz—was completely disillusioning; and it colored their attitude toward the government's foreign and military policy for the next fifteen years. . . . To the military, however, "nationalist enthusiasm was altogether repugnant. They did not view the army as at one with the German people, in accordance with the theory of the Nation in Arms, but as "an island in society, ringed round by hostile forces. In all this they shared the views of *Junkertum*, which "hated the German idea and hankered for the gentlemanly days of the Holy Alliance. . . ."

They wished to maintain the status quo, with power left in the hands of the ruling princes and with the Prussian and Austrian monarchs cooperating as equals to keep out foreign enemies and to keep down internal liberalism. Insofar as any changes were to be made in the existing constitution for Germany, they had to be achieved by common agreement among all the rulers; otherwise legal rights and therefore morality would be violated, the door opened to further inroads upon the status quo, to liberalism and nationalism. . . .

The king agreed. The forces often associated with militarism, then, were indifferent to the national question, and hostile to unification. As late as 1871, when William was about to assume the Imperial crown, he declared that "it means nothing at all to me. I hold only to Prussia."

It was obvious to liberalism, therefore, that in promulgating his proposal for army "reform," the king was not actuated by any national-liberal motives. It was also obvious that, in holding out for three-year service, the prime consideration was not the fighting effectiveness of the army, but rather the political significance of the reform. The King and his military supporters both agreed that two years' training was adequate for a rank-and-file soldier, but insisted that the third year was required to inculcate the conscripts with a sense of military honor and a proper devotion to the monarchy.

William and [War Minister] Room had no intention of abolishing universal military conscription in favor of a purely mercenary army. Quite the contrary, it was their deliberate purpose to employ the three years of military training as a means of implanting habits of loyalty and obedience to the monarchy which would make the conscript for the rest of his days a staunch supporter of the crown and its political authority. The army was to become the "school of the nation," . . . William and Roon desired to use the draft to inject military attitudes into civil life.

This was also the view of the other high military officials. Moltke, the Chief of the General Staff, "strongly emphasized the educational mission of universal military duty. The military estate trained men 'to physical fitness and mental vigor, order and punctuality, loyalty and obedience, love of country, and manly virtue' . . ."

The "grey eminence" behind the King in the early stages of the constitutional conflict was General Edwin von Manteuffel, the Chief of the King's Military Cabinet and, as such, responsible for military personnel matters and for the sovereign's military correspondence. The very existence of the Military Cabinet was an instance of absolutist recidivism, a throwback to the institutional amorphousness of Old Prussia. It was designed to permit the King to act in army affairs without the counter-signature of the Minister and thus to avoid accountability to the Prussian Lower House.

Since March 1848, when the King had temporarily capitulated to Berlin democracy, Manteuffel had been seeking to erase the humiliation. From 1859 to 1866, he took the lead in rejecting all notion of compromise with liberalism even at the cost of civil war. Manteuffel had General von Bonin replaced as Minister of War in late 1859 by General Albrecht von Roon. Bonin was an officer in the tradition of Herman von Boyen and had no stomach for a struggle with the *Landtag*, with which he was nine-tenths in agreement anyway. Roon was a quite different man, a splendid product of the Nation in Arms. In his view the constitutional doctrine of the liberals "could be harmonized only with the sham-monarchy of Belgium, England, or of Louis Philippe, but not with a genuine Prussian monarchy by the grace of God. . . ." He told the King in effect that the liberal proposals would undermine the army, and thereby weaken the crown. He felt that the army, not the lower house, represented the nation.

From the beginning of his tenure as Minister of War the King had more confidence in Roon than in his other ministers. Roon, a thorough-going political general, took advantage of this to press for the overthrow of the liberal ministry and its replacement by a conservative one, a task in which he was eventually successful. He did not envisage this change as a shift from one party to another; but rather advised the King to choose his ministers from among men without party ties, thereby returning the struggle for power to the King's entourage and removing all control from the public. "Von Roon was consistent to the end. The kind of ministry he proposed was the only one suited to the retention of absolutism under a constitution."

From 1860 until the spring of 1862, Roon and the King blindly followed General Manteuffel's lead even though public opinion steadily buttressed the liberal opposition. The number of conservative deputies in the Lower House fell from 181 in 1855, to 47 in 1858, and to 15 in 1861; the Liberals gained correspondingly, both in numbers and intransigence. At first the Liberals were not unwilling to cooperate, but when in 1860 and 1861 the King, at Manteuffel's urging, violated the commitment of his ministry to the Chamber and created new regiments without legislative authorization, tempers began to rise. In 1862, the *Lantag* threw out both the army organization bill and the budget. In retaliation, the King dissolved the Chamber and called for new elections. In military circles all the talk was of a coup d'état; Manteuffel was in favor as a matter of course and Roon declared that he was "determined" on it. With the King's permission, a plan (the

Hiller-Manteuffel Plan) had even been drawn up and approved for a campaign in Berlin, with sealed orders sent to unit commanders.

At this point, however, the King and Roon began to back away from Manteuffel's extreme solution. Perhaps the elections were a factor; 284 Liberals were returned, as against 10 Conservatives, despite governmental pressure. The King and his war minister were demoralized. Roon joined the civilian ministers in conceding two-year service to the Chamber, provided the other elements of the reorganization were approved. The Chamber was enthusiastic but at the last minute the King balked, feeling that three-year service was a *sine qua non*. Manteuffel had won, for without his influence, the differences between the Chamber and the Crown would probably have been settled before the end of 1862.

The King now threatened abdication if he did not get his way on three-year service. He had made the same threat before, to the horror of Manteuffel and the military party. Old General Wrangel had even told the King that abdication was tantamount to desertion in the face of the enemy and threatened him with the mutiny of the whole army. Now it was Roon who was dramatically affected by the King's announcement. To the astonishment and anger of his ministerial colleagues, Room now deserted the united front and declared his willingness to carry on the government without a budget. It gave the King the indispensable degree of support to confirm him in his stand; he ignored his ministers and listened only to his military advisors, who actually desired a conflict.

It was this quite unexpected statement on the part of Roon which made the conflict between King and parliament inevitable. And Roon cannot have been in any doubt that by doing so he broke his oath of allegiance to the constitution. But he did not allow that to trouble him. He knew there was a man who was equal to the task of governing Prussia without any constitutional scruples. . . .

That man was an old friend of his youth, Otto von Bismarck-Schonhausen, who in 1848 had plotted with Roon to subdue the revolution by military force.

BISMARCK AND THE FOUNDATION OF THE EMPIRE, 1862–71

Although the King did not trust his new Minister-President, Bismarck served him well in the constitutional conflict. His appointment occurred on the very day that the Lower House of the *Landtag* rejected the army budget for 1862 by a vote of 273 to 68. Undaunted, Bismarck blandly set forth in the Lower House his theory of the "constitutional gap," which the previous ministry, Roon included, had unanimously declared to be untenable. According to the theory, laws had to have the consent of all branches of the government—the crown and both the upper and lower houses of the *Landtag*. If there was no agreement, "necessity" alone should rule. Clearly, the existence of the state was a matter of necessity; therefore the government was justified in continuing to collect taxes and disburse revenues to maintain the state. For years taxes were collected, money was spent—and the Lower House continued to throw out the budget. Neither the King nor his Minister-President were impressed when new elections in 1863 resulted in another resounding defeat for the regime. Despite unprecedented pressure on the electorate, including drastic restrictions on the press, the number of conservative deputies were only raised from 10 to 36, with 285 liberals returned.

The regime stood up to this seemingly solid front of opposition, first, because it felt that it could count on the army. "At no time during the constitutional conflict," says Pflanze, "did the liberals question that the army, both officers and men, would stand behind the crown against an uprising. Whether this was true or not, the liberals believed it to be true and did nothing to mobilize the population or incite the troops to disobedience.

The second factor in Bismarck's success was the lack of Prussian political maturity. "Far from firmly united against the government, the deputies were divided into parties, causes and factions with differing aims." In large part this parliamentary fragmentation reflected the amorphousness of public opinion, which supported the opposition with less resolution than the election figures would suggest, especially as the conflict continued. At the time Ferdinand Lassalle published an analysis of the constitutional conflict, in which he contrasted English with Prussian behavior in case of a similar unconstitutional imposition of taxes. The Englishman would refuse to pay, and eject the collector from his home. If he returned with soldiers, he would be met with force. If there were casualties the tax collector and soldiers would be indicted and condemned, while the citizens would be released with honors. It is even questionable that the soldiers would obey and move against the delinquent taxpayers, since the Mutiny Act was dependent on the annual parliamentary vote of supply. No budget, no Mutiny Act; and the troops would be absolved of their oath. "And because all the people know this would happen, wrote Lassalle, "everyone would refuse to pay taxes . . ." In Prussia, on the other hand, the citizen refusing to pay his taxes could be sure of a jail sentence for resisting "lawful authority." If there were casualties, the soldiers would be protected while the citizens would be convicted as a matter of course. "And because this is so and because from the start all the odds are against those who refuse to pay taxes, the government will feel confident of any action it undertakes and all the officials will be loyal to it." This was the situation in one of the great liberal eras of Prussian history. The liberal movement was far more principled and militant than it had been in the period of the Holy Alliance or than it would be after the foundation of the Empire in 1871. Again, it is difficult to escape the conclusion that the contrast in character between the two countries affords us some insight into the reasons for their different recruiting methods.

Another reason for Bismarck's success in the constitutional conflict was his willingness, even eagerness, to implement "from above" much of the liberal program, domestic and international. Bismarck was no longer the unreconstructed Junker of 1848; he too had been converted by the time-spirit. To realize his ends, however, Bismarck had to tread very carefully, because of the attachment of the King and the reactionary party to the "legitimate" structure of Europe created at Vienna in 1815. Through skillful diplomacy and consistent misrepresentation of his policy of unification, he managed to provoke three fruitful wars—with Denmark in 1864, with Austria in 1866 and with France in 1870. The first was fought jointly with Austria to wrest from the Danes the largely German-speaking duchies of Schleswig and Holstein. Bismarck then exploited the negotiations over the disposition of the duchies to poison relations with Austria and incite her to war, which Prussia won in three weeks. The old German Confederation was dissolved; Austria was expelled from German affairs; the German states in the corridor truncating the eastern and western provinces of Prussia were annexed outright; and all 22 states and principalities in North and Central Germany above the River Main were joined together in a North German Confederation under the hegemony of Prussia. Was South Germany to remain outside the Union? Napoleon III was sympathetic to the principle of nationality, but he recoiled at the prospect of a German Empire on his borders extending from the Memel and the Elder to the Alps. Should the South German states be drawn into the new Confederation, then, as he informed the British, the *chassepots* would go off by themselves. Bismarck's policy, therefore, called for war with France and again, aided by incredible French diplomatic blunders, he was successful in finding the right pretext and provocation.

Germany was now unified, and each step along the way, if it alienated the Conservatives, only mollified the liberals. Why should they persist in their intransigence, in their claims for parliamentary rights, when Bismarck, without them and even against them, was nonetheless implementing the substance of their reform program?

Bismarck had always realized that a large part of the opposition to the army reform was based on a fixed liberal belief that the government had no intention of using the augmented forces for any but domestic purposes. He had told the King in 1862 that, if he would promise to use his army to support the German National Union . . . all objection to his military plans would disappear forthwith. William's response convinced Bismarck that he could not expect the King to support a deliberately anti-Austrian policy . . . In common with soldiers like Manteuffel and Moltke, he regarded Austria as Prussia's natural ally . . .

For similar reasons, Bismarck felt compelled to take a high-handed line toward the Lower House in the constitutional conflict. His scornful dismissal of parliamentary claims was partly sincere, partly tactical, to gain the confidence of the King and neutralize the Conservatives. He did feel that the executive should overshadow the *Landtag* and that the King should be confirmed in his command of military affairs, without parliamentary control, but he had no intention of destroying the Lower House. He thought of it as useful, essential for his plans. He regretted his inheritance of the constitutional conflict with the Liberals, and from the beginning attempted to resolve it by compromise.

Neither Bismarck nor, surprisingly, Roon had strong views about two-year service. During Bismarck's first month in office, he and Roon drafted a bill calling for a standing army of the existing size composed of two elements: conscripts serving two years, forming two-thirds of the rank and file; and long-term volunteers (*Capitulanten*) at double pay, comprising the remainder.

Modeled after the system of Napoleon III, the plan would have permitted conscripts to purchase their release from military service after two years. Those unable or unwilling to pay were to serve a third year. The money raised would be used to attract volunteers. . . . In addition, the plan would have established the size of the army at one percent of the population and its support at a fixed sum per soldier. Henceforth these matters were to be beyond the challenge of the chamber of deputies. . . .

Bismarck's and Roon's proposal, therefore, contained both bait and snare. The snare was the fixed establishment which eliminated parliamentary control over the annual military budget. The bait was the provision for long-term volunteers, which represents a step forward in the political and military maturity of Prussia, since the commutation system is a half-way house between a purely conscript and a purely professional recruiting system for the rank and file. Conversely, the jettisoning by the liberals of their stubborn commitment to a dilettante compulsory *Landwehr* and to egalitarian universal personal service in the regular army was the sign of an emerging realization that one could be anti-militaristic without being anti-military.

On the whole, then, the proposal reveals the Chamber's attitude as well as Bismarck's and Roon's, for, despite other provisions of the bill which struck at the Lower House's budgetary rights, it seems likely that if it did not win the liberals it would split them.

But it was effectively sabotaged by General Manteuffel, who saw that it relinquished "the whole idea of a nation in arms." Under the Bismarck-Roon proposal, "the whole relationship of army service would be altered. It would no longer be an honorable duty, to be absolved by every able-bodied man alike. It would receive the stamp of a burden the poor man has to bear in its full weight, while the rich man could evade it at least in part."

Manteuffel's view was shared by his alter-ego in the camarilla, General Alvensleben, who felt that the Room bill "turns the honor of serving as a soldier into a burden, out of which one can buy one's way." The King became a convinced opponent of the bill and Bismarck, afraid to jeopardize his relationship with William, did not press the issue.

Bismarck never gave up trying to convince the King of the feasibility of a two-year service period. Another opportunity came in the Spring of 1865 when a moderate liberal in the Lower House proposed a new plan for reducing the compulsiveness of the recruiting system, partly by reducing the size of the annual contingent, partly by shortening the three-year service term, the difference again being made up by the enlistment of volunteers. Bismarck quickly approved it and, with the support of the whole ministry, submitted it to the King. For the second time his effort at compromise was sabotaged by General Manteuffel, who "remained inflexibly opposed to anything that might be interpreted as a concession on the part of the Crown. Like his friend Alvensleben, he maintained that every revolution in history had started because the reigning monarch had been willing to compromise. . . .

Manteuffel was sustained in his stand by the conviction that the recent victory over Denmark had cleared the way for a return to naked reaction. Bismarck's adroit diplomacy had masked the ultimate national-liberal implications of the war; all the militarists could see was that the moral authority of the Crown had been mightily enhanced. "Manteuffel at least was making no secret of his belief that time for revoking the constitution was approaching," an argument which he developed at length in a letter to the King. Bismarck was so incensed at Manteuffel's penchant for politics that he made an all-out—and successful—effort to have him appointed to another post, away from the King's immediate circle. In this he had the support of Roon who, despite his antipathy to the Lower House, had grown progressively disenchanted with Manteuffel's extremism and his habit of acting in the King's name in military matters without consulting the Kar Minister. Under Bismarck's deft hand, ministerial government was winning out over irresponsible rule from the King's entourage.

In other respects, too, Bismarck showed that he was effecting a reconciliation with the times. He was successful in his demands for one-man, one-vote universal suffrage for the Lower House of both the North German Confederation and the Empire, a proposal which he had made to the King as early as 1861. Since Bismarck was realizing the liberal program, the fighting ardor of the Prussian Chamber was rapidly disappearing. In 1866 after the Seven Weeks War with Austria, to the horror of the Conservatives and despite the strong misgivings of the King, the regime publicly extended an olive branch to the opposition, frankly admitting that it had acted unconstitutionally in governing without a budget and requesting that the *Landtag* legitimize past expenditures by an act of indemnity, which it promptly did. In matters of domestic legislation, Bismarck's cooperation with liberalism over the next five years proved to be extraordinarily fruitful. The liberals gained all their goals except power, which was not their primary concern. The reforms came more quickly than seemed possible and "It is not surprising that in face of such a revolution the liberals did not challenge Bismarck's possession of power. . . .

There was a negative side, however. Though the regime had admitted to illegal rule, the Chamber, in voting the indemnity, also admitted that the regime had acted correctly, and had won no guarantee that the Crown would behave any differently in a future crisis. The indemnity vote of September 3 was "as decisive a landmark in the history of Germany as was the Bill of Rights in the history of England or the oath of the tennis court in the history of France." But the outcome was different. In the struggle between crown and parliament in Germany, the crown had won.

The abridged ambitions of liberalism were also visible in the constitutional arrangements for the North German Confederation in 1867 and the German Empire in 1871. The three main organs of the Empire were the Presidency, the Federal Council (*Bundesrat*) and the Parliament (*Reichstag*). The Presidency was the preserve of the Emperor, who appointed the Federal Chancellor (Bismarck). The latter had no cabinet; the heads of the departments of states were simply administrative officials responsible to him. The Presidency, the key organ, had complete charge of foreign affairs, declared war and made peace, and formed alliances. The Emperor was the unchallenged master of the armed forces. The second key institution was the *Bundesrat*. As the successor of the *Bundestag* of the old German Confederation, it was composed of delegates from the federated states of the Empire; in practice it was controlled by Prussia, which had not been merged into, but rather had acquired Germany. The third organ, the *Reichstag*, was elected by universal suffrage, but this was the democratic gloss on a relatively impotent institution. The *Reichstag* could debate, pass or reject legislation, but it could not initiate it; initiative in legislation, as in policy and administration, belonged to the Presidency. It had the budgetary veto, but this was of dubious efficacy in view of the precedent set by the constitutional conflict, which remained in everyone's memory and guided conduct. The Federal Chancellor was not responsible to the *Reichstag*. If Bismarck was voted down, it would not be he who resigned but, in effect, the *Reichstag*; it would be dissolved and new elections held. Liberalism had sold out to Bismarck and the political life of Germany never lived up to the hopes of the New Era.

BISMARCK AND THE SOLDIERS IN THE WARS OF UNIFICATION, 1864–71

Under the Imperial constitution the army, even more than the Chamber, was subjected to the will of the Emperor. Allegiance was sworn to him personally, not to the constitution. At the time of the indemnity compromise in September 1866, both the Crown and the Lower House had avoided discussions of the army reform, the original issue which had divided them. The question became academic when the parliament of the North German Confederation approved an army bill in 1867 which was essentially the army bill of 1859 over which the constitutional conflict had arisen. At the same time parliament voted the necessary funds to maintain the army at the appropriate level, not for a single year, but for four years—to 1871! No later Imperial Parliament would ever exercise the right of annual review of the military budget.

Success had bewitched and intimidated liberalism. In the three wars of unification the army had proved to be more efficient than anyone had the right to expect from its earlier behavior. The professionalization movement of the Reform Era had again been taken up from the forties to the sixties, paralleling the rise of liberalism and the *embourgeoisement* of Prussian economic life, and the prejudice of the Holy Alliance period against commissioning middle-class officers was reduced, despite the anxieties of Junkers such as Manteuffel. Even in 1865, however, half the officer corps was still Junker, while among generals and colonels it was well over 80 percent. Evidently the Junkers themselves had been conquered by the professionalizing spirit. It was even Manteuffel's proudest boast that, during his tenure as Chief of the Military Cabinet, the army had gotten rid of its "incompetent aristocrats." Educational standards were improved during this period, beginning with Boyen's second tenure at the War Ministry in the 1840's, and specialization was advancing. On the eve of her three great wars Prussia's generals were "nothing but generals, competent ones, as the outcome of these wars was to show. . . ." Bourgeois rationalism, education, specialization were all making their mark.

The period also saw the re-emergence of the General Staff to a position of prominence especially after the appointment of Helmuth von Moltke as its chief in 1857. During the reaction of the fifties, the General Staff was overshadowed and in danger of being absorbed by Manteuffel's organization. Manteuffel's appointee, Moltke, however, reversed the standings of the two organizations, and did his best to isolate the General Staff from politics. Moltke's success in war was due to the business-like rationalism he applied to the conduct of the army.

In assessing the reasons for the Prussian victories over Austria and France, some writers have tended to overemphasize the role of universal service and to neglect the improvements in the officers' corps, which contributed the decisive factors. The Prussians had had universal service during the period of the Holy Alliance, when the army was inefficient. The new element was the spirit of rationalism which accompanied the rise of liberalism in the Forties. It is often argued that the French army lacked mass. Yet clearly the French did not lack troops; they lacked the appropriate techniques for quickly mobilizing and bringing them to the battlefield, which the Prussian General Staff had mastered through intensive study of the potentialities of railroads. Actually, the Prussian reserves were not a decisive factor; the majority of the battles seem to have been won before any reserves were committed. But even if superiority in "mass" was important, it could have been achieved by less peacetime compulsion—by the Liberal recruiting plan of 1860 or the compromise plans of 1862 and 1865, or by more voluntaristic methods, such as the French and the British employed. The head of the British War Office stated at the time that "the secret of Prussian success has been more owing to the professional education of the officers than to any other cause to which it can be ascribed. . . ."

On the other hand, it is possible to invest too much admiration in Prussian professionalism as an ideal type. Ahead in some respects, it lagged in others. The Prussian officer was not so much a member of a professional group as of a caste. His was not an occupation among other occupations in an integrated society; his was a way of life, in which the military function pervades all relationships and in turn is diluted by extra-military considerations. The aim was not a legitimate differentiation of specialties but a differentiation of worlds, the creation of a relatively self-contained socio-functional sphere divorced from the rest of society and with as few ties as possible to it.

The danger is that a military establishment devoted to a way of life rather than a simple vocation may not maintain a scrupulous respect for functional boundaries. It is difficult to build up a self-contained world out of a single specialty. At a minimum it requires an admixture of social, economic and legal functions which have little or nothing to do with the military calling *per se* and can only detract from its most efficient pursuit. But it can also involve the appropriation of other functions, including that of policy. Certainly this happened in Prussia, even in the great age of the wars of unification, when the Prussian officer corps was perhaps at its professional best. It was not only in the domestic field that Bismarck had to struggle with political generals. In each of the three wars fought for German unification, "the Prussian Minister-President discovered that the army leaders had a tendency to regard war as a province in which they alone had competence, that they were reluctant to admit that the civilian ministers had any authority to influence the course of operations and that they were dangerously willing, in the name of military expediency, to disregard important considerations of international diplomacy."

This was the wrong tack to take with Bismarck who, without ever having read Clausewitz, had grasped the thrust of his conclusions better than the soldiers and was a firm believer in civilian control even in war.

On the eve of the war with Denmark, Bismarck clashed with the generals and the King over the serious diplomatic implications of the war plan. He only got his way by threatening to resign, which shocked Roon into effecting a compromise. In the course of the war itself, Bismarck's chronic controversy was with Wrangel, who declared it "impossible" to restrain his subordinates simply out of deference to Bismarck's diplomatic commitments. For a civilian "to give that ancient warrior instructions of any kind was at best a chancy business." Bismarck also quarreled with Prince Frederick Charles over the storming of Düppel, which Bismarck desired for its international impact but which the men in the field stoutly opposed because it lacked "military necessity." Luckily for Prussia's objectives the quarrel was eventually resolved in Bismarck's favor, largely because of the support of the King and some of the soldiers. Bismarck also aroused the indignation of the military over the armistice terms and the peace negotiations, so that in the end he had to state bluntly that it was not the business of the army to venture opinions on political questions.

Compared with the later wars, Bismarck's disputes with the military during the Danish conflict were relatively minor. In the war with Austria in 1866 Bismarck's close supervision of the military campaign on behalf of higher political considerations outraged the generals. His main opponent was Moltke, whose wartime, though not peacetime, elevation over War Minister Roon had unfortunate consequences, especially in the Franco-Prussian War. Roon recognized the supremacy of policy even in wartime, but Moltke tended to interpret Clausewitzian dicta in an unsophisticated mechanical way, and seemed to believe that once the political goal of the war was set, strategy was paramount. "Politics, in short, was to be decisive before the beginning and after the end of hostilities, but not in between. . . ."

It is understandable that, given this clash of views, the Chief of the General Staff should attempt to prevent both Bismarck and Roon from influencing or even knowing about the operations conducted against France in 1870–71.

From the commencement to the end of the war Bismarck's relations with the soldier-chiefs were more sharply strained than they had been in 1866. The soldiers—"the demigods," as Bismarck called them—would gladly have left him behind at Berlin. . . . The war was a soldier's business; and the generals wished to make a military peace. "It was a shame," said E. von Manteuffel, "that a mere politician should have more influence than a general." And the soldiers did their best to ignore the civilian. . . . General Headquarters was a camp of continuous strife, . . . and with Moltke at Versailles it came to an open breach. . . . "I am the military adviser of the King," Moltke said coldly, "and I have no other duty to fulfill; I will not permit the decisions of Count Bismarck to lead me into error. . . ."

That Moltke was, in fact, the military adviser of the King greatly complicated Bismarck's problems, for during 1870 William tended to agree more often with his Chief of Staff. In 1871 Bismarck managed to get his way, to the humiliation of Moltke, who almost submitted his resignation. But civilian supremacy had become progressively more difficult to achieve, and the soldiers remained unconvinced after their setback. When the war was over Moltke publicly reiterated his view that policy only "operates decisively at the beginning and the end" of a conflict; in between, in its operations, strategy is "independent" of policy. And during the war itself he confieded to the King his understanding "that the Chief of the General Staff (especially in war) and the Federal Chancellor are two equally warranted and mutually independent agencies under the direct command of Your Royal Majesty, which have the duty of keeping each other reciprocally informed." This was, as Craig notes, a remarkable claim, coming from a functionary who only a dozen years before had not even possessed the right of reporting directly to the ministerial level. At the time Moltke made his claim, the King avoided passing on it, but in the ensuing years, when universal service had been solidly Moltke and his successors would more than make it good; and they would not always feel it their duty to keep the civil authority informed.

MILITARISM UNDER THE EMPIRE TO THE FALL OF BISMARCK IN 1890

In our analysis of Prussian history thus far the army consistently appears as the main enemy of progress and liberal development—in the period of the Holy Alliance, the Revolution of 1848 and its aftermath, the Constitutional conflict. Even in the wars of unification, although the army proved its professional fighting competence, it also revealed an unprofessional lack of restraint in its dealings with the civil authority, strenuously attempting to usurp political functions in the name of military necessity.

This situation worsened under the empire. There was less civilian control, the soldiers stepped up rather than moderated their demands, and servility spread in the *Reichstag*. In 1874 it "compromised" with a seven year military budget, indistinguishable for all practical purposes from the permanent establishment demand by the army. The soldiers next reorganized the army administration so as to remove the most vital military matters from the jurisdiction of the War Minister—because he was accountable to the *Reichstag*—and to turn them over to the Military Cabinet and the General Staff. The wrecking of the unified character of the War Ministry was completed in 1883 with an order abolishing the Division of Personnel in the War Ministry and transferring all personnel matters to the Military Cabinet; it was shortly followed by another order granting direct access to the Emperor by both the Chief of the General Staff, Moltke, and his deputy, Waldersee, a man of consuming political aspirations. The position of the War Minister under the Prussian system had been difficult enough, but under the empire it became "monstrous and against all reason."

In all this the soldiers had the support of Bismarck himself, who in the seventies had turned against liberalism, universal suffrage, and other of his own constitutional arrangements. Yet it violated his own system of ministerial-bureaucratic autonomy in favor of royal absolutism, which would eventually occasion his own downfall. The army no longer faced the Crown united; it was split into three co-equal bodies to each of which the King had direct access. During this period the army was not just a state within the state, it was *the* state within the state—but it was a Caesarian state, headed up by the Supreme War Lord. The army had become the obedient servant of a Führer, who would protect, isolate and insulate it, and preserve its "way of life." In thus securing its caste interests the army was renouncing its functional *raison d'être*, sacrificing its legitimate military bureaucratic interests. In its subjection to the capricious, willful intervention of the King, its internal amorphousness, jurisdictional confusion and redundant duplication of functions, the Imperial army looked back to the administrative primitivism of Old Prussia and forward to the even more grotesque formlessness of the Nazi era.

This era also had its adverse impact on military thought. Building on Moltke's point of departure in the Franco-Prussian War, the military theoreticians took additional steps toward the concept of "absolute war," war dissociated from policy. Clausewitz had taught that war, considered abstractly, as an "idea," was absolute: in practice, in the real world, it almost always had to be limited. It is connected with the preceding political objectives of the state and, by calculation, with the political situation which will follow it. "Since war is not an act of blind passion but is rather dominated by political ends, the value of those ends must determine the degree of sacrifice we are prepared to make to attain them." In the aftermath of the wars of unification these notions of limitation were questioned. In his well-known work, The Nation in Arms, Colmar von der Goltz contended that limited wars after the fashion of the 18th century or of the Prusso-Danish War of 1864 were no longer conceivable. Wars between the great European states would no longer come as a consequence of rational calculation but of "long-smouldering political hatreds. In a sense we approach an original state of nature, when wars among neighboring peoples could be set off by mere hostility. . . ." In this situation computations of gains and losses are irrelevant, and the commitment of resources is total. "In the face of the tremendous impact of war nowadays, politics recedes into the background even more than before, no sooner do the guns begin to speak. . . ." The approach to the concept of absolute war, which attained its ultimate expression in the Nazi era, was accompanied by an apotheosis of the offensive. Clausewitz had contended that the defense was the stronger form of action; otherwise there was no reason for its customary adoption by the weaker party in a war. In the Imperial army, however, "no other element of his doctrine aroused such fierce opposition . . . and it took the overwhelming strengthening of the defense in the First World War to convince the German Army that there was something in the views of Clausewitz."

At the same time the social and political alienation of the officer corps proceeded apace. It was explained in no uncertain terms that "no one could be an officer who was not willing to subordinate his political convictions to those of his *Kriegsherr* and to give unflinching support of his policies . . ." Though the officer on active duty could not participate in party politics, there was no such bar for the reserve officer. He was officially told that he "must never . . . belong to a party which places itself in opposition to the government of our Emperor. . . . On the other hand, however, he is fully justified in making use of his political rights and intervening in the political struggle in behalf of the objectives which the government of . . . the Emperor pursues."

It is true that, because of the enormous expansion of the Army, the recruiters no longer found it possible to restrict the officer corps to socially superior "Old Prussian stock"; there were simply not enough Junkers around to fill the billets. To nobility of birth now had to be added "nobility of temperament" as a secondary touchstone. The real breakthrough in reducing class discrimination, however, had occurred before the foundation of the Empire. In 1859, only 35 percent of the second lieutenants were bourgeois, compared with 62 percent in 1873 and 75 percent in 1913. In other words, the 14 years between 1859 and 1873 showed a much greater relaxation of class rigidity than the 40 years between 1873 and 1913. Demeter's data points to the same conclusion. In 1860 the army granted entry to 690 officer-cadets of "Old Prussian stock." In 1869, however, whereas there should have been (all other things being equal) about a thousand officer-cadets of "Old Prussian stock," due to the enlargement of the officer corps, in fact only 532 appeared on the rolls, absolutely less than in 1860. The same trend is visible if one compares the respective figures for the officer corps as a whole. Of the *increment* in officer billets over the period 1860–69, the middle classes seem to have captured more than 80, the nobles less than 20 percent. In other words, the recruiting policy seems to have been more liberal during the unification period than under the Empire.

More important than the degree of *embourgeoisement* was the character of its influence. In the 1860's the relaxation of class restrictions in recruiting had meaning, because the middle classes tended to be liberal. It was different under the Empire.

The classes who had during the first part of the century seemed the worst infected with liberal and radical views, the men who had been admitted only on sufferance to the army in the dark days of 1808–14 and who had been purged from it very quickly afterwards, these same classes after 1870 swung massively to the support of the dynasty and the regime, humiliated themselves to get their sons into fashionable regiments, and swaggered out in their Reservist uniforms on every possible occasion. . . . The newcomers were quite happy to take the mould of the old order, and indeed to outdo it in their maintenance of all its rights and privileges.

The Phenomenon has struck the attention of almost all analysts. According to Demeter, "those who were rising in the social scale . . . found more and more that they must conform to the image of the corps of officers . . . This in its turn meant that the officer corps imparted a military tone to other social classes—a tone . . . which is scarcely to be found at all in democratic countries. . . ."

It is a moot point whether one can attribute this reactionary tone to universal service, as Kraus thinks, but it is clear that, if general conscription did have an influence, it was either socially negative or, if positive, so slight in its impact as to be easily masked by contrary forces. As Ferrero remarked at the end of the nineteenth century, whereas "militarism is reduced to a minimum" in England. "Germany has a more military character than . . . almost any other European society . . . Officers lead a separate existence; they have their own habits, laws, jurisdiction, and almost a *weltanschauung* all their own; they take more part in civil government than in other countries. . . ."

We discover, too, for the Empire, an increased alienation of the upper ranks of the army from the lower. There was said to be, towards the end of the nineteenth century, "an almost impassable gulf" separating officers from enlisted men, a gulf surpassing even that of the aristocratic army of the Enlightenment. An excessively brutal supervision accompanied the increase in social distance. "From the 'seventies onward," says one authority, "the ugly subject of the maltreatment of soldiers" became "a matter of frequent and justified concern," until in the 'nineties, "there seems to have been a perfect saturnalia of such offenses" against the troops. Maude attributed the increased "bullying" in large part to "the gradual deterioration of the Non-Commissioned Officers as a class" and to the fact that the officers had "lost the close personal touch with the men that had formerly prevailed," a phenomenon service. The publicized cases of mistreatment are numerous enough; yet it was well known that for lack of any right of complaint by the soldiers only a small proportion of actual offenses was ever brought to the attention of higher authority. The sentences imposed on guilty officers were surprisingly light (normally only a few days' to a few weeks' confinement to barracks) and the professional pride of their brother officers was not sensitive enough to lead them to boycott the offenders, however much their actions might reflect on the honor of the corps as a whole; caste solidarity seems to have been too strong.

Like the officer's sense of honor and *noblesse oblige*, public opinion also proved to be a weak reed in support of the conscripts. The mistreatment of soldiers seems to have been a common subject of discussion in parliament and in a part of the press, but to little effect; the abuses kept recurring. As in the case of France during this same period, influential opinion was too enamored of the "first institution" of the land to take up a genuinely critical stance. Rosinski, in referring to the relapse of the middle class into its old servility after the foundation of the Empire, states that "in no other field was this chance . . . so conspicuous as in its attitude towards the army. The exaggerated but honest opposition" which had characterized the period from the forties to the sixties now "gave way to excessive adulation," endowing "the army with a popularity such as it had never enjoyed before. . . ." Who could tilt successfully with an officer corps which, "widely accepted and much admired," could do no wrong?

Adverse as was the impact of the Imperial military establishment on the domestic side, the influence which it came to exert over foreign policy was simply dangerous. Moltke's faults in this respect were minor compared to those of his quartermaster-general and eventual successor as Chief of the General Staff, General Waldersee, a "soldier turned politician, who rejected the two fundamental elements of the military ethic. He was the leading advocate of preventive war and he also entertained the idea of a military *coup d'état*. . . ." It took all of Bismarck's prestige, craft and capacity for infighting to frustrate Waldersee's foreign policy ambitions. In the end Bismarck himself fell—over other issues, but in large part as the result of Waldersee's intrigues.

It can be plausibly argued that the dismissal of Bismarck in 1890 was only the final stage in a process of secular political decay; if this has not been generally recognized, it is probably because counter-trends later in the 1890's restored a certain measure of institutional viability. Since the 1870's representative institutions—parliament, the political parties—had been sinking into insignificance and by 1890 it was being said that the nation had neither a political élite nor a political will. Beginning in the 1870's Bismarck had bowed again and again to a decadent *Zeitgeist*, but he balked at replacing his system of ministerial absolutism by the Emperor's personal rule. William resented the limitation on his free access to Bismarck's subordinates and forced the chancellor's resignation, through an ultimatum delivered by the Chief of the Military Cabinet, General Hahncke.

Surely, William II must have been a ruler to warm a Prussian soldier's heart. "We belong together, I and the army," declared the new Kaiser. "We are born for each other and shall stand indissolubly together no matter whether God's will brings peace or storm." In 1891 he told a group of young conscripts, "I may have to order you to shoot down your relatives, your brothers, even your parents—which God forbid!—but even then you must obey my commands without murmuring." No sentimental nonsense for the Nation in Arms!

THE ARMY UNDER WILLIAM II, 1890–1914

The early years of the post-Bismarckian period seemed to promise only a more sinister version of the previous Imperial trend. In the 1880's, the disorganization of the civil administration had been remarked, but after Bismarck's dismissal the civil bureaucracy no longer confronted the court with a single will; its impact was nullified. The individual departments of State might be free from the strong hand of the Chancellor, but William was the most free of all. By 1894 it was being said that the Kaiser had acquired the habit of making policy "with everyone and his aunt," while diplomacy was becoming less the preserve of the experts and more an affair of sovereign-to-sovereign contacts. As in the period after the Napoleonic Wars and later in the Nazi era, Germany was undergoing a serious differentiation crisis; and the attendant authoritarian disorder only offered new opportunities for the political generals, transforming foreign affairs into a "battleground of bitter struggles between the Foreign Office on the one hand and the high military offices on the other."

The politicization of the army had been encouraged by William's reorganization, in the late eighties, of his in-house military entourage, consisting of the Chiefs of the Military and Marine Cabinets, the court generals and the other general officers assigned to the Emperor as adjutants, and the aides-de-camp. The group was elevated to the status of a "royal headquarters," a title previously employed only in time of war, and was unified under a commandant of headquarters. Aside from the fact that this only added to the confusion in army affairs, through the ambiguity of jurisdiction between the commandant of headquarters and the Chief of the Military Cabinet, it testified to the heightened importance of the court military camarilla. So potent was the influence of the court generals that, within the short space of three years (1894–97), they managed through behind-the-scenes intrigue to effect the dismissal of a chancellor (Caprivi), a war minister, a foreign minister, and a minister of the interior.

German society seemed to have reached a nineteenth-century low in demoralization in the first half of the decade and then to effect a slow recovery. In 1893 the army had gone over to two in place of three-year service. However, the objective at this time was not to reduce the total burden of conscription, since the lowering of the service period was more than compensated for by the enlargement of the annual conscript contingent. At first the King had balked at this proposal, seeing no reason why he couldn't have three-year service and the extra conscripts, too. In this he was supported by his political general, Waldersee, who had earlier drawn up a "programme for the most ruthless application of the principle of universal service. Every man who could possibly be made liable was to be trained and that for the full three-year period. . . ." However, there were realists around who saw that, even in the Germany of the early 'nineties, it was politically impossible to obtain everything desired and that there were advantages to be derived for the royal cause from two-year service, since more young German males could be given the proper indoctrination in obedience and modest deportment. "The idea," says Maude, "was primarily due to the political necessity of finding some means of counteracting the growth of Socialism by distributing the load of military service more uniformly, and subjecting every able-bodied man, as far as possible, to that training of both body and mind which renders him less prone to the danger of Socialistic infection. . . ."

Thus the initial effect of two-year service was to increase rather than reduce the burden of compulsory service, but between 1893 and 1900 the expansion of the conscript contingent began to lag behind the increase in the population. According to my own calculations, supported by the impressionistic estimates of students of this period, the average annual number of conscripts per million population fell from more than 10,400 for the decade 1886–95 to slightly more than 8,700 for the decade 1896–1905, and then continued to fall until 1913. Even the parties normally in the army's pocket shied away from agitating for more conscripts and the regime, accommodating itself to the temper of the times, refrained from forcing the issue.

The military justice dispute affords another illustration of the more critical spirit of the day. In the mid-nineties a bill was drafted to overhaul the code of military justice which, in its outmoded procedures and its failure to provide for public trials, compared unfavorably with its British, French, Italian and even Russian counterparts. However, both the Kaiser and the Chief of his Military Cabinet, Hahncke, were hostile to public trials, the latter contending that "the army must remain an insulated body into which no one dare peer with critical eyes." The dispute between William II and his own ministry soon became public and raised a veritable storm, the Left and the Center in the Reichstag attacking William's proclivity for personal rule and the enhanced importance of such extra-constitutional bodies as the Military Cabinet, while the Right, instead of defending the regime, remained silent, an ominous sign. Waldersee was all for a *coup d'état* but the Kaiser had lost his nerve. In 1895 he rejected the bill; in 1896 and 1897 he still stood on his rights; in 1898 he signed on the dotted line. "It was a curiously undramatic ending to a controversy which had aroused political passions for three years. . . ." Other signs of the time were the successful outcome of the anti-dueling campaign, the concern felt by high authority over the leniency shown to officers who had mistreated soldiers, and the new toleration shown to officers with "unorthodox" political views.

Parallel with these developments went an enhanced importance of the Reichstag, which during the Bülow era specially (1901–09) "began to exercise more decisive influence." Germany had not yet achieved a genuine parliamentary government with the cabinet responsible to a Reichstag majority, but Chancellor Bülow did attempt to work with the Reichstag without friction, as Bismarck had during the unification period and the early years of the Reich, and when Bülow fell in 1909 the occasion was his failure to command a Reichstag majority, even though the Kaiser might have exploited this occasion to get rid of a man he by then detested. Certainly there was a diminution in "personal government" during this period. Having capitulated in the contest of wills over the military justice reform, William II turned away from autocracy to court popularity with his people. The aim was a compromise—"to satisfy Germany without injuring the Emperor." It is significant that he told his chancellor, "Bülow, be my Bismarck." And Bülow's role was Bismarckian in the sense that power was now retreating downward from the summits, partly to the bureaucracy, partly to the Reichstag. While the Reichstag did very little to exploit the Imperial disarray by effecting substantial alterations in the political structure, William's meekness (especially in the *Daily Telegraph* affair) contrasted sharply with his arrogance after the dismissal of Bismarck in the early nineties, when he could declare at a public meeting: "There is only one master in the Reich and that is I, and I shall tolerate no other."

The reduction in the Emperor's personal power closed the most important channel for military aggrandizement on the political front. The soldiers now found professional restraint more becoming, so that "by 1897 civilian statesmen had resumed political leadership." There were no political generals of the stature of a Waldersee to dominate the Bülow era. The General Staff Chiefs who followed him "had no desire to assume open responsibility for the direction of Germany's foreign policy and were content to restrict themselves to the task of formulating the plans which would guide the operations of the army in the event that the nation should once more find itself at war." We probably should not attribute this new modesty to a difference in personalities. Credit should instead be given to the transformed climate of opinion. "It is significant that, in almost every session of the Reichstag from the end of the military justice dispute to the outbreak of the war, the army and its administration were subjected to searching criticism . . .'' True, the main benefit of the Reichstag offensive was to put the military on the defensive; nothing was done to abridge absolutist autonomy of command or to restore the pre-1883 internal organization of the Army. In fact, however, the War Ministry appears to have regained some of its authority, and it was responsible for the declining burden of conscription during this period. The General Staff wanted to call up everyone eligible, but the War Ministry successfully resisted, placing its faith in quality rather than quantity.

Conditions were still not ideal. The retreat of the army from politics took it, not into professional autonomy, but into isolation; communications with the political authorities were grossly inadequate. It is incredible to be told, for example, that "neither William II nor the Wilhelmstrasse knew before August 1914 the great secret that there was only one German mobilization plan." When the crisis came, diplomacy found that its power of decision had already been yielded up to the General Staff, whose planning had been based on purely military-technical considerations without reference to the external political situation.

Too, in Germany as in France and Britain, the four or five years immediately preceding the First World War saw a partial recrudescence of militarism, due partly to internal political developments, partly to an increase in international tension, to which German foreign policy contributed a disproportionate share. When in 1809 Bülow lost his Reichstag majority, the Emperor understood this as a gesture of confidence in him, and he resumed his old system of autocratic government uninhibited by the new Chancellor, Bethmann-Hollweg. After the Agadir crisis of 1911 there was a substantial increase in the annual conscript contingent and a resurgence of military caste exclusiveness and arrogance. This was conspicuously illustrated by the Zabern Affair of 1913 which had been precipitated by the illegal army arrest and incarceration of a score or so civilian demonstrators. Incredibly, the Zabern arrests were defended by the government; and the military authorities showed what they thought of the Reichstag vote of censure—passed by a majority of 293 over 54—by absolving the Zabern commander of any blame. Despite the fact that behind the regime stood little more than the Nation in Arms, the majority of the nation and its representatives in the Reichstag saw no other course open than to adjust to the verdict.

Six months later came the Great War, for which the military leadership of the Nation in Arms must bear a large share of the responsibility. Moreover, during the war, "Germany was the country in which the military assumed civil government functions to a degree unknown anywhere else. . . . ."

MILITARISM IN WORLD WAR I

After the Serbian assassination of the Austrian Archduke Ferdinand at Sarajevo, both the German civilian and military authorities encouraged the Austrians to take strong measures. The civilian stand, predicated on the belief that neither Russia nor France would support the Serbs, was abandoned as soon as its erroneous premise became clear. While Bethmann was engaged in his desperate search for peace, the soldiers were sabotaging his efforts. In 1909, the German Chief of Staff, Moltke, had promised his Austrian counterpart Conrad, that if Austria found it necessary to invade Serbia and Russia intervened, this would activate the Austro-German Alliance of 1879. This incredible commitment transformed Bismarck's Treaty of 1879 from a defensive to an offensive alliance. Further, the German General Staff was concerned that, if the Austrians did not mobilize early against Russia, the common Austro-German Front in the East would be in jeopardy. Consequently, when on 29 July 1914 the news came of a partial Russian mobilization against Austria, Moltke, without informing either the Emperor or the Chancellor, advised the Austrians to countermobilize immediately. This was in direct contradiction to the approach of Bethmann, who was actively supporting the British search for peace through direct Austro-Russian negotiations. Moltke informed the Austrian attache that Austria must "reject England's renewed proposal for the maintenance of peace. For the survival of Austria-Hungary, fighting through the European war is the only means. Germany will go along with her unconditionally." Faced with a choice between Bethmann's advice and Moltke's advice, the Austrians followed Moltke. At the same time the German government gave the Russians an ultimatum and when this was, in effect, rejected, declared war on 1 August. "This step, which even some of the soldiers regarded as unnecessary and ill-advised, was apparently due primarily to the urging of Moltke, who by this time had superseded the Chancellor in all but name."

Moltke's next step was to convince the civil authorities of the need to declare war on France and Belgium. The only war plan prepared by the General Staff called for a two-front war. Its initial stage was to be a holding action in the East against the slow-mobilizing Russians, while a crushing blow was being dealt to France through her Belgian flank. The Emperor and Chancellor, shocked at the way diplomacy had been pre-empted by military solutions, had no choice but to defer. "The student of German policy in the summer of 1914 cannot help but be struck by the fact that the crucial decisions were made by the soldiers and that, in making them, they displayed an almost complete disregard for political considerations. . . ."

The key institutional change of the war years was the final collapse of the Kaiser's influence and prestige. The last appointment made by the Emperor of his own free will was the replacement of Moltke by Falkenhayn as Chief of Staff after the setback at the Marne in September 1914. Subsequently he retired into the background. Formally, constitutionally, he was still Chief of State and Supreme War Lord; in fact, he was a figurehead, with hardly more real power than his British cousin. Thus quietly, almost unnoticed in the storm of war, began the German revolution, with little more than whimpers of resigned protest from the monarch.

With the atrophy of the imperial function after 1914, power moved downward—to the civil and military bureaucracies and to the Reichstag. From the end of 1914 to the summer of 1916 the General Staff was supreme in the military field, the Chancellor, Bethmann-Hollweg, in the political sphere. There was still no military dictatorship; at this time Bethmann held "a political position that no Chancellor under William II had enjoyed since Bismarck was dismissed. However, military dictatorship as a solution for Germany's problems had already been canvassed by Admiral Tirpitz in 1915. Rejected at the time, the essence of his plan was realized in the following year, when Hindenburg and Ludendorff, the heroes of the Eastern Front, came to the Supreme Command, the latter as First Quartermaster-General and the real power behind the scenes.

Even in pre-war days Ludendorff had achieved notoriety as the advocate of war in its pure Hegelian form, *Krieg as sich*. The scope and intensity of war was no longer to be determined by policy; war had its own "logic" as well as its own "grammar." Given this commitment to "absolute war," it was logical in a way that Ludendorff should follow the French example and concentrate, almost to the point of idolatry, on the factor of numbers . . . His aim was to throw into the scales the whole physical potential of the German nation. . . .

In 1912 he succeeded in getting Reichstag authorization for two additional army corps and lobbied for three more in 1913. The alarmed War Ministry was convinced "that Ludendorff would end by driving Germany into revolution." It banished him to the provinces as a mere regimental commander for his chauvinism and the increase in the establishment was slowed down.

With the outbreak of war, however, the Ludendorff concept of a true Nation in Arms became a reality. Conscripts were now measured in the millions rather than in the hundreds of thousands. Even the officer corps was inundated with civilians in uniform—the one-year volunteers, bourgeois to a man, who literally swamped the few Junkers that survived the bloodletting of the Marne and the trench warfare afterwards. Thus from top to bottom the army was more representative of society than the pre-war establishment. From the theory of the Nation in Arms, one would assume that this should have curbed militaristic impulses, but when the power vacuum appeared at the apex of society in 1915–16, the army was of almost one mind in its demand that the vacuum should be filled by a military dictatorship. Ludendorff was no usurper imposing his will on a sullen Nation in Arms. He was a man of his milieu, whose domestic program was tailored to fit the anti-civilian prejudices of the frontline soldier, the militaristic civilian in uniform. His essential resource, as Taylor says, was "the confidence of the mass army."

Had Ludendorff confined his efforts to securing military autonomy vis-a-vis the court, this might have been regarded as a step forward. But the militaristic imperative drove him to annex the imperial political function and to apply the command principle everywhere. "Rarely in modern times has a military dictatorship achieved more unfettered license. . . ." Hardly a single sphere of political and economic affairs escaped the detailed interference of the Supreme Command (OHL)—armaments and munitions, raw materials, food, labor and trade union questions, the press, movies, general propaganda.

Ludendorff came out with a number of far-reaching schemes, many of which involved the most radical interference with the private lives of ordinary Germans. There were schemes for raising the birth rate, and for lessening the number of those evading military service, schemes for stopping flight from the land, schemes for making provision for returning soldiers by means of rural resettlement. A *Wehrschulgesetz* was to provide for the pre-military training of youth, and a *Reich-Aufklärungsamt* was to battle with subversive agitation . . . and the brilliantly directed propaganda of the Allies. Most important of all, Ludendorff urged the introduction of compulsory service for all persons between the ages of fifteen and sixty and the mobilization of female labour for munitions.

This last is typical of Ludendorff, who was a fanatical believer in egalitarian national service, the conscription of soldiers, labor, capital. He did not get all he wanted in this respect out of the Reichstag but he got enough, desipte stiff union opposition. An auxiliary national service law was passed which restricted changes of employment and authorized the conscription of labor for defense-related industries. A long step had been taken toward transforming universal military service into universal national service.

Germany in World War I is a model case to illustrate the dangers of the military trespassing beyond professional boundaries. "It is hardly possible to point to a single instance in which its interference in German internal or foreign policy did not end by bringing about the opposite of what it meant to achieve. In November 1916, in the hope of adding several Polish divisions to the German war effort, Ludendorff forced through the proclamation of an independent Kingdom of Poland. This, "one of the worst political mistakes" of the war, rendered impossible a separate peace with Russia, negotiations for which were then progressing favorably. A few months later, there followed the decision for unrestricted submarine warfare, which made American intervention inevitable.

If Ludendorff . . . had had . . . to consider the arguments for and against a submarine campaign from a purely technical standpoint, his decision would certainly have been other than it was. It was not Ludendorff the Soldier but Ludendorff the Politician who insisted upon the initiation of a ruthless submarine campaign in the hope that thereby he would achieve the victorious peace which was necessary to him for political reasons.

The fact that Ludendorff's decision was taken for political reasons does not mean that politics was in command. The caste isolation of the German army, its maintenance as a self-contained world, now had its counterpart in the pursuit of absolute war, war as a compartmented end in itself, an act of blind passion uninformed by rational ends. The wars of unification from 1864 to 1870 had been limited wars, true instruments of policy, however much the servant had wanted to revolt against the master. World War I, however, became a total war, fought to achieve a total victory, and policy followed submissively in its wake. Germany did not go to war with annexationist ambitions. The German authorities had not wanted war and "they entered into it," according to Rosenberg, "without any distinct political object.' As the war continued, however, the Germans developed the most fantastic and unrealistic ambitions, which implied "the virtual disappearance of independent states in Europe. . . ." Thus, war came and policy followed; the order of precedence is illuminating. "The aims had not led to the war but the war, once there, led to the aims. . . ." A war without limit had to have hopes without limit—hence the irrational faith in the submarine campaign. A war without limit had to have ends without limit, to justify the enormous sacrifices—hence the inordinately ambitious war aims.

It was the rigid insistence by the Supreme Command on annexationist war aims which stymied a series of possibilities in 1917 of arriving at a realistic peace on the basis of the *status quo ante bellum*. Total victory or total defeat—these were the only alternatives posed by Ludendorff's strategy. It was ironic that this strategy, which had called into being the politics of unlimited ends, should now find itself frustrated and defeated by its own creation. This was the case with the submarine campaign and with the Supreme Command's absurd Eastern policy in early 1918, which ensured the defeat of the last grand German offensive in the West. After trespassing professional boundaries and committing the nation to absolute war, the men of the Supreme Command proved to be bad soldiers and worse politicians. In all this the nation acquiesced—as did, even more so, the Nation in Arms.

THE OPPOSITION TO MILITARISM IN WORLD WAR I

Although the Reichstag, too, could not override the Supreme Command, it must not be thought that it remained simply the self-effacing nullity of pre-war days. Like the military establishment it also benefited from the collapse of the Imperial constitution. "There was a trend towards military dictatorship as the only power capable of somehow administering the vast beleaguered fortress. . . . But there was also a trend towards parliamentary government, towards democracy." Since 1915 there had been a significant shift in party sentiment. By 1917 many middle-class and peasant voters had deserted the conservatives and the right-wing National Liberal Party; and within the Center Party the locus of power had shifted markedly to the left. A movement for constitutional reform had also emerged in 1915; suddenly, in March 1917, it broke through as a matter of majority sentiment in the Reichstag. The demand was made for parliamentary government on the British model, with the Chancellor and his secretaries of state responsible to the Reichstag and all army appointments countersigned by the War Minister, which meant that he would have to assume responsibility for them in parliament. These demands were shortly followed by others of similar "impudence," including the reform of the Upper House and of the Prussian suffrage.

In July the Reichstag demanded peace without annexations, making the problem of war aims the central issue of German politics. It was a blow against the military dictatorship and the proponents of absolute war—a "revolutionary action" which presaged the democratic republic of 1918, since it meant that a Reichstag majority, against absolutism, militarism and bureaucratic rule, had finally crystallized. The attack of the anti-government bloc, however, was not made on the Supreme Command directly but on the Chancellor, Bethmann, who was compelled to resign. His successor, the nonentity Michaelis, though a candidate of the Supreme Command, later fell afoul of the Reichstag, and his government was dismissed. The truth was being borne in that, if "there could be no Chancellor who did not get on with Ludendorff, . . . neither could there be one who was not at least tolerated by the Reichstag." All this flexing of the Reichstag muscle, though it did not change the essential power relationships, nevertheless was "a notable milestone on the political path of Germany."

In September 1917, after the Pope had addressed his note to the belligerents on behalf of peace, the Reichstag attempted to influence the negotiations by forming an unofficial committee—an unheard-of precedent, though it came to nothing in the end. The overthrow of Chancellor Michaelis in October 1918 was also the work of the Reichstag, which now demanded that his successor consult the Reichstag on all the main problems of domestic and foreign policy. Hertling, a member of the Center Party, was appointed as Michaelis' successor, with representatives of the Social Democratic and Progressive Parties as his deputies; in a formal sense, Germany appeared to have a government reflecting the parliamentary majority. "Viewed from this standpoint, Herling's Chancellorship forms an interim period between the passing of the Peace Resolution and the Revolution in October 1918."

Nevertheless, if there were formal and even some real gains for the Reichstag, its history during this period has to be treated under the theme of "too little, too late." Had the determined Reichstag majority of 1917 been in existence in the summer of 1916, it could have established a parliamentary regime then and there, two years before the fact. In 1916 the political situation was fluid and power was there simply for the taking. A year later it was too late; the military dictatorship was solidly ensconced and frustrated every Reichstag move. "Until September 1918 General Ludendorff brutally rejected every proposal for the introduction of parliamentary and democratic government into Germany." He was also "an irreconcilable enemy of any reform of the Prussian electoral system," as well as of other reforms—the relaxation of press censorship and of the ban on public meetings, above all, the compromise peace. Even the fall of Bethmann-Hollweg was ambiguous in its implications, since both Ludendorff and the Reichstag had maneuvered to this end. But if there was ambiguity over Bethmann's fall, there can be little misinterpretation of the practical outcome. If it was becoming the Reichstag's prerogative to oust chancellors, it was the Supreme Command's prerogative to appoint and dominate their successors. Michaelis, Bethmann's successor, "adopted all of Ludendorff's views without question," while Hertling's chancellorship "was, in truth, no more than a constitutional cloak thrown over Ludendorff's dictatorship."

And yet parliamentary government, if only in the formal sense, had taken several giant strides forward. The military dictatorship did not have behind it the overwhelming authority of the Emperor; the autocracy had been everywhere discredited and was no longer a decisive factor. The Supreme Command could exercise its dictatorship only because it had behind it the Nation in Arms and the confidence of the civilian sector in ultimate victory. But the support of neither was automatic; it could be sustained for a while by the "success myth" but was ultimately contingent on tangible results. By late September Ludendorff had to concede that an armistice was imperative. The collapse of the dictatorship was then sudden and complete. The Constitution was formally altered in a democratic direction, with the Chancellor responsible to the Reichstag and the appointment and dismissal of Army officers dependent upon the assent of the State Ministers of War, who were in turn subordinate to the Reichstag. The Emperor remained, but as a powerless figurehead; "the German Empire had become a constitutional monarchy of the same type as England." The whole democratization process had been carried out without the direct intervention of the people, much less the Nation in Arms. But that was only for the moment, for the "revolution from above" was almost immediately followed by a "revolution from below," which carried the democratization process further. As we shall see, it was to have totally unexpected consequences for the theory of the Nation in Arms.

If the theme of the Reichstag in World War I was "too little, too late," it was even more applicable to the conscript army. During the war the German forces suffered 27,000 battle deaths per million population, 94 percent of the total during the century from 1815 to 1918. These population-adjusted losses were more than 17 times greater than those of the three wars of unification, considered together, between 1864 and 1871. Yet the troops endured this senseless slaughter with passive stoicism. It is true that, in the summer of 1917, after the problem of peace had been raised and the Reichstag had called for constitutional reform, the Navy was shaken by disturbances "unprecedented in the history of Germany." It is curious that unrest should appear first, not among the troops at the front, but among the sailors of the fleet, cooped up in German harbors by the mightier English flotilla. It is curious, too, that it should appear first in a branch of service which had traditionally relied more on voluntary enlistment than its land counterpart and, because of the idleness of the Fleet, probably had not escalated its conscript manpower demands significantly during the war. In any event the unrest in the Navy was quickly suppressed not to make its appearance again until after the fall of the dictatorship.

Even the mass political strikes of January 1918, involving a million or more workers, calling *inter alia* for the abolition of compulsory labor service, found no sympathetic echoes among the echelons of the Nation in Arms. The strike "demonstrated beyond all question that the German governmental system was doomed. The unconstitutional military dictatorship which Ludendorff had now been wielding for a year and a half was opposed at the very least by the entire working class in Germany." Yet the strikers were restricted to a short-lived demonstration rather than a revolt because "it was out of the question, in view of the strength of military discipline and the authority of the Supreme Command, that the troops would take the side of the strikers." The treatment of the workers was severe and the authorities made free use of the conscription power. The strike had to be called off. The Nation in Arms, filled with Social-Democratic workers and Catholic Trade-Unionists, did not waver in its support of the Supreme Command, whose authority was never less contested than during the following six months.

Too little, too late. It was not until *after* the military collapse had become public knowledge, *after* Ludendorff's abandonment of the dictatorship, *after* the legal establishment of parliamentary government on 28 October 1918, that there came the mighty upsurge from the ranks of the Nation in Arms. Again the sailors of the high seas fleet set the example, with their celebrated mutiny of 4 November at Kiel. From one end of Germany to the other—north and south from Hamburg to Munich, east and west from the French front to Berlin—the revolution raced across the land like flames in dry stubble. Sailors' councils, soldiers' councils, workers' councils, combined soldiers' and workers' councils proliferated. What was the aim? Was this explosion only an exclamation point ratifying with emphasis the previous "revolution from above"? The Reichstag majority thought to appease the revolution by sacrificing the figurehead Emperor, replacing the parliamentary monarchy with the parliamentary republic. But appeasement could not be bought so cheaply. The sailors and soldiers wanted to make peace certain by abolishing the authority of the officers, whom they suspected of a desire to continue the war simply to satisfy their antiquated concept of honor. Further, they wanted to smash the hated military system. Hence were formulated the sailors' councils and the soldiers' councils. Discipline was at an end; the ranks confronted the officers as a cohesive unit, negating their authority. Was this then what the soldiers wanted—to make the armed forces a fit place for the democratic Nation in Arms? It would apparently be a mistake of the first order to conclude that this was all they wanted. They had no intentions of staying around long enough to effect a thoroughgoing housecleaning. The authority of the officers neutralized, the men simply went home, the army literally melted away. They did not want to serve; they could not be made to serve. Where was the Nation in Arms? It could not be found; the soldiers had abolished conscription with their feet. This is what the German conscripts, determined democrats for the first time in German history, thought of the "democratic" practice of universal service.

It was a curious phenomenon. After a full century of passive acquiescence, the Nation in Arms was acting in accordance with theory, like a subject rather than an object of the historical process. And yet its first independent act, in contradiction to theory, was—the abolition of the Nation in Arms!

THE TURN TO VOLUNTARISM, 1918–19

It is an interesting point that in each of the three great revolutions of modern times—the French of 1789–92, the Russian of 1917–18 and the German of 1918–19 when the people for almost the first time set foot in the political arena on their own account, making demands which their rulers were obliged to respect, if only for tactical reasons, the result has been the abolition of conscription and the establishment of voluntary enlistment

In Russia, by the time of the Bolshevik Revolution of November 1917, the disintegration of the mass conscript army inherited from the Tsar was well advanced and what was left would soon disperse to a hundred thousand rural hamlets. Like the German soldiers of the following year, the peasants had simply abolished conscription with their feet. The Bolsheviks in principle favored a compulsory militia but in late 1917, in the "bourgeois-radical" honeymoon period of the revolution, they realized that "any attempt to carry out compulsory mobilization . . . would have been foredoomed to failure" because of popular opposition. Voluntary recruiting was accordingly formalized in a decree of January 1918, with higher pay and a three-months contract.

For the regime, of course, voluntarism was only a tactical expedient, but the leaders were open-minded enough to recognize its necessity for the moment. Some years later Karl Radek related the early discussions in the War Commissariat, during which the old Tsarist military experts who had agreed to serve the revolution put forward their own plans for the organization of the Army.

"Trotsky listened to their plans for several days . . . in silence. These were the plans of people who did not comprehend the upheaval going on before their eyes. Everyone of them replied to the question of how an army was to be organized on the old pattern. They did not grasp the metamorphosis wrought in the human material upon which the army is based. How the war experts laughed at the first voluntary troops organized by Comrade Trotsky in his capacity as Commissar of War! Old Borisov, one of the best Russian military writers, assured those Communists with whom he was obliged to come in contact, time and again, that nothing would come of this undertaking, that the army could only be built up on the basis of general conscription, and maintained by iron discipline. He did not grasp that the volunteer troops were the secure foundation pillars upon which the structure was to be erected, and that the masses of peasants and workers could not possibly be rallied around the flag of war again unless the broad masses were confronted by deadly danger. Without believing for a single moment that the volunteer army could save Russia, Trotsky organized it as an apparatus which he required for the creation of a new army."

The moment of "deadly danger" did not come until mid-1918, with the outbreak of civil war and Allied intervention. Conscription was gradually reintroduced. It was the story of the French Revolution all over again. Voluntarism as long as there was a popular revolutionary consensus, compulsion when there was a growth in passivity, internal polarization of opinion, and outside intervention.

The German military revolutionists of 1918 were equally determined to avoid compulsory service. The Armistice of 11 November had followed hard on the military revolution, but did not stop it. It was only then that it developed its full sweep, which proves that the soldiers were not concerned solely to stop the war. Nor was it their special concern to establish permanent revolution in the Army, however much the Soldiers' Councils might formally ape the Soldiers Councils (Soviets) of Russia. According to Craig, "the most pressing desire of most soldiers was for demobilization." The troops of the rear were already taking "French leave." The troops of the front maintained discipline only until they reached the German frontier and then the elemental flood lapped out in every direction. Many took their weapons and there was much senseless disorder, especially from Utopians who wanted to imitate the Bolshevik example. The "Sparticists," who later formed the original nucleus of the German Communist Party, were only a tiny minority of the population, but the disorder had the government and the army at its wits' end, because the conscripts dwindled daily and discipline among the remainder was non-existent.

Almost from the outset of the military revolution a few of the more discerning members of the Supreme Command, including Gröner, who had replaced Ludendorff as First Quartermaster-General, suspected that, if the Germany army were going to exist at all, it would have to be on the basis of volunteers. Volunteer units had begun to appear throughout Germany in November 1918; they had been largely spontaneous creations, "initially with little or no encouragement from the higher military authorities," who apparently felt it difficult to conceive of an Army recruited without compulsion. It was the success of these units in maintaining order and the despair of the Supreme Command over its own regular units which forced attention to *Freikorps* potentialities. As early as November 24, because of the especially chaotic conditions in the conscript army in the east, the OHL had been compelled to encourage the formation of volunteer border guards in that area. However, this was still thought of as a local expedient without general application.

The OHL did not learn its final lesson until after December 11, the day on which the first units returning from the Western Front reached Berlin. Ten whole divisions had marched to Berlin, but within a week there were less than a thousand men in all formations and within two weeks only about 150. The consternation of the Supreme Command is understandable; nothing like this had ever happened before in German or Prussian history. Conference followed conference at the worried General Staff. Finally, at a meeting on December 20, Gröner's personal aide-de-camp, the young Major Kurt von Schleicher, a flexible Junker who took his cue from the times, went directly to the heart of things and pronounced the dreaded formula: conscription was out; the only way to save the army was through volunteers.

Voluntarism was already in the air. On December 12 the provisional government had authorized the formation of a Civil Guard to be recruited from volunteers sympathetic to the Republic who would choose their own officers. The government's decision was enthusiastically ratified by the all-German Congress of Soldiers' and Workers' Councils on December 17. The hand of the Supreme Command was forced; if the old Army was to survive in any form it, too, would have to woo the population for volunteers. Gröner backed the proposal of his aide-de-camp, but Hindenburg was not at all in favor. It required the support of the Social-Democratic government to get the Supreme Command to try voluntarism as an experiment outside the formal structure of the army. "If the enterprise failed, the OHL would not be compromised because it was the Ebert government which was really responsible for hiring and paying the volunteers. . . ."

Once the example was set, the movement mushroomed, eventually reaching a strength of around 400,000. "The new 'force in being,' the *Freikorps*, were exactly what their name implies—free companies. They were often literally 'stamped out of the earth' by an officer who felt the urge to form a company . . ." The *condottiere, Landsknecht,* "Freebooter" origin of the Freikorps, outside of a firm hierarchy of command, inevitably created difficulties of subordination; the Freikorps commanders, though successful in enforcing internal discipline, could not always be counted on to obey the responsible military authorities. Nevertheless, they were a mighty step forward in creating a professional force.

The Freikorps as such, of course, could only be a transition expedient. Nevertheless, by January 1919 the authorities were convinced that voluntarism was a necessary recruiting principle, whatever might be the other organizational aspects of the new army. In February General von Seeckt of the General Staff submitted to the High Command a rough plan for a new peacetime army of 200,000 troops, voluntarily recruited for two-year terms. Conscription would be resorted to only in case the necessary volunteers were not forthcoming. Behind the volunteer regular army, however, would be a compulsory militia, based on a three months initial training period and annual exercises. In the following month a law for a provisional army (*Reichswehr*) was promulgated. Though it allowed for as many as 400,000 troops—the High Command, anticipating Allied objections, later proposed 300,000—the voluntary principle was retained for the regular army, with compulsion for the back-up militia. However, before the reorganization could be completed, the news of the restrictions demanded by the Allies at Versailles fell like a bombshell. The strength ceiling was set by the peace treaty at 100,000 and, at British insistence, conscription was prohibited. Enlistment terms were unconscionably long—12 years for the rank and file and 25 years for newly enlisted officers. The timetable for the reduction in force, as finally revised, called for the completion of the first stage within three months of the coming into effect of the treaty in January 1920 and of the last stage by January 1921.

Thus, whereas the initial establishment of a volunteer army had been the work of the Germans, its continued existence was the work of the Entente. Had the Versailles restrictions not been in effect, the Germans would almost certainly have reverted to conscription shortly after 1920 when there began the long-term shift to the Right in German political sentiment that was to culminate in the Nazi regime of the thirties. Even in 1918–19 almost no one in the civil government, the Army or the party hierarchies had a good word to say for the volunteer professional army in principle. In the debate over the Permanent Reichswehr Law in 1920, all of the parties, with the exception of the Independent Socialists—and the Communists, who remained silent—expressed regret at the elimination of conscription. The Right in the Reichstag "eulogized the Imperial Army, protesting bitterly at the idea of a 'mercenary army.'" The 1920 program of the new Nazi Party demanded, above all, the "abolition of the mercenary army and formation of a national army," a euphemism for a conscript army, just as "mercenary army" was a universal swear-word for a voluntary standing force. There is, it seems, nothing new in these matters, not even the language.

CIVIL-MILITARY RELATIONS, OCTOBER–DECEMBER 1918

During the 1918–19 period, when voluntarism was an indigenous response and not imposed, there was more civilian control, less militarism in society, more democracy, better treatment of the rank and file, and an increase in military efficiency. The relative superiority of the early Republican Army in these respects has been inadequately appreciated: its achievements even underestimated. Some writers feel that the relationship between Army and regime during this period was not one of servant to master but ally to ally. Because of this alliance "on the basis of equality" rather than of subordination, "the Weimar Republic was doomed at birth." The evidence suggests, however, that the circumstances, mood and real power relationships of the period all conspired to enforce a large degree of "objective" civilian control.

Completely unprecedented, for example, was the ease with which the Army accepted the principle and the fact of civilian control in October 1918. In the case of Ludendorff, all immodest pretensions were immediately laid aside from the latter part of September; "the once arrogant and masterful First Quartermaster-General was in the grip of panic and despair." The collapse of confidence was so total that the military leadership did not so much accept civilian control as seek it. The army was subordinated to the civil government, the Kaiser's military appointments had to be countersigned by the Chancellor, and the Military Cabinet was placed under the firm control of the War Ministry. The new arrangement was accepted with good grace by the military authorities. Nor was there a ripple of opposition over Ludendorff's resignation on 26 October. His dismissal was "calm and frictionless, the easiest thing in the world. . . . Field Marshal von Hindenburg remained at his post, and thereby demonstrated his readiness to cooperate with middle-class democracy."

Hindenburg's action was merely typical of the general feeling. Had there not been a readiness, a psychological receptivity for the revolution, it could not have been so tame and bloodless as it was. The beneficiaries of the old caste system took the upheaval meekly as sinners. . . .

On 7 November at Spa, when the Center Party leader Erzberger was designated to head the German armistice delegation, Hindenburg observed that this was the first armistice ever concluded by politicians. With this novelty "the field marshal declared himself completely in agreement. The Supreme Command, he laconically explained, had no more political directives to issue."

This was not dissimulation: the army had indeed learned its lesson. In 1924 General von Schoenaich concluded from his study of the war that "we owe our ruin to the supremacy of our military authorities over civilian authorities; and that is the very essence of militarism. . . ." Under the republic this came to be the view of both junior and senior officers—General Gröner, Ludendorff's successor as First Quartermaster-General in 1918–19; General Reinhardt, head of the Provisional Reichswehr in 1919; General Seeckt, head of the permanent Reichswehr from 1920 to 1926; his successor, General Wilhelm Heye. Heye was quite straightforward in his commitment to civilian control. "The Reichswehr," he said, "is an obedient instrument of the State." Gröner was equally blunt. Asked by a friend in 1928 to define the general attitude of the Army, he declared it "a complete mistake to ask where the Reichswehr stands. The Reichswehr does what it is ordered to do, and that's all there is to it." Ten years had not sufficed to reconvert the General from civilian control.

Gröner, indeed, was a fine specimen of the new German Army. He has been described as "a friend of bourgeois democracy" and "a man of principle who was sincerely concerned to put an effective power instrument into the hands of the young republic." Another appraisal is in the same vein. Gröner was "a professional and not just a caste soldier, to whom soldiering and even war was a business with very little romance in it. . . . He was the very reverse of what the foreigner holds to be a Prussian officer. . . ."

Gröner's first test as Ludendorff's successor came at the famous Crown Council of 9 November at Spa. The popular upsurge triggered off by the military revolution had seized upon the whole of Germany and the new parliamentary government, anxious to propitiate popular anger, had demanded the Kaiser's abdication on 7 November. Gröner had already put the question confidentially to army and army-group commanders on the Western front; would the troops fight for the Emperor against the people? The very fact that the soldiers' obedience had to be investigated showed the amazing transformation undergone by the German Army. The replies to his question came back from the front commanders: only one said the troops would fight; 23 said they would not; 15 were uncertain. It was the unpleasant duty of Heye of OHL to communicate the poll results to the Emperor. Still inclined to resist, the latter made reference at Spa to the duty imposed by the soldier's oath. Gröner had to tell him the facts of life, that under the circumstances the soldier's oath was a fiction. He was backed up by Hindenburg, who "had no intention of doing anything against the spirit of the age." The crestfallen Kaiser went into exile, hurt that his army should have abandoned him, and a republican government was formed, a coalition of Majority and Independent Social-Democrats headed up by Fritz Ebert. On the same day that the new government was formed (10 November), Hindenburg, Gröner, the whole army swore an oath of allegiance.

On the previous evening Gröner had made his famous and still controversial—phone call to Ebert, putting the Army at the Government's disposal, and declaring its readiness to bring the troops home peacefully and to deal with the Soldier's Councils "in a friendly spirit." Responding to a query from Ebert as to what the army expected from the Government, Gröner said the OHL expected it to help maintain army discipline and to combat Bolshevism. Ebert readily agreed; both the Government and the Army, in this respect at least, had the same basic objectives.

When the details of this "understanding" later became known, it raised a storm and has been raising a storm every since. The problem of whether the Government should have concluded a "pact" at all with the Army, whether it would have been better to raise its own Army *de novo*, seems a point worth debating, but once the decision was made to find a place for the old army in the Republic, all the other objections seem to fall to the ground. The pact has been described as "conditional," but without these "conditions" it was pointless to conclude any kind of pact at all. The agreement to combat Spartacist insurrectionism was not a condition of a *particular* relationship between Army and Government, it was the condition of *any* relationship; it was a condition of the very existence of both parties. Strictly speaking, Gröner's "conditions" could just as well have been left unformulated. If the regime did not want to combat Bolshevism, if it intended to placate or ally itself with Bolshevism, then it certainly did not need the army and was, in fact, the army's enemy, since Bolshevism meant the end of the army. The very fact that the regime did want a positive relationship with the army implied as a necessary precondition that it also wanted to combat Bolshevism. And if the regime did want to use the army, then the army had to be in a position to act and it could not act without discipline. Even here Gröner confined the Army's "expectations" to the bare necessities. He did not ask for the disbandment of the Soldiers' Councils; had it wanted to, the regime could not have delivered on that. Gröner promised to treat the Councils in a "friendly spirit," all he asked was assistance from the government in maintaining the minimum discipline required to do the job desired by the government itself.

It is likely the Gröner put his so-called conditions only for the purpose of testing Ebert's understanding of the facts of life and as reassurance to the officer corps that, in the regime's eyes, it still had a place in the scheme of things; after all, the distinction between Social Democracy and Bolshevism was not very clear in the average officer's eyes. To be sure the sophisticated Gröner himself probably needed no such reassurance, but no doubt he was gratified to have his "suspicions" confirmed in a way that he could report back to the Supreme Command. No doubt, too, he was pleased at the opportunity to let the regime know that discipline was required to enable the army to carry out the tasks which the regime itself wanted to be performed. As military adviser to the new government, Gröner had the right and the duty to inform it of the Army's requirements to do its job.

Was there anything more involved than this? Certainly the Supreme Command had no designs on the Republic. Gröner told Ebert—and no authority has doubted his sincerity—that "as long as the Field Marshal and I are at the head of the Supreme Command, I can give you the binding assurance: we have not the slightest thought of counter-revolution." As for Ebert, all he promised was to "combat Bolshevism in return for the support of the Supreme Command. He did not . . . deliberately deliver up the entire Revolution into the hands of the reactionary army. . . ." His freedom of action was hardly compromised by an agreement to do precisely that which objective circumstances and subjective decision already dictated. The "agreement" between the two men was laconically summed up in Gröner's diary on the following day: "The Supreme Command puts itself at the government's disposal." These are the words of a subordinate, not an ally.

Words and motives aside, the powers of the two groups must also be considered. In its own, civilian sphere, the government had the backing of an overwhelming majority of the population, which in the main was anti-militaristic, if not downright anti-military. There was an almost unanimous revulsion against the Empire and Imperial ways. The only enemy was on the Left—that small minority of Spartacists, without the numbers, the discipline or the stomach for a determined seizure and retention of power. Moreover, Spartacism was as great a threat to the army as to the regime. The army simply had no *point d'appui* from which to maneuver against the government on its own ground. To be sure, the overwhelming authority enjoyed by the regime was moral, but it would not have been too difficult to translate that moral hegemony into physical force, should the officer corps not prove a reliable tool.

In contrast to the government camp, the army was as a house divided. "Some ten thousand soldiers' councils had been created in the Army. At the end of November there came into being a Central Soldiers' Council, a sort of Army parliament, a thing wholly without precedent in the annals of the German Army. . . ." Politically the Central Council was in the pocket of Social Democracy; not even the Spartacist leaders could get elected here, much less a candidate of the officers' corps.

The overwhelming majority of the soldiers . . . wished for a democratic republic, and supported Ebert's government. There did not exist in Germany in those days a single military group worthy of mention either of the Right or the Left which was in opposition to the Government. Hence the Republican Government had an immense military support at its disposal, and any revolt against its authority was doomed to failure from the outset. . . . The Supreme Command recognized this truth. . . .

The Supreme Command did recognize this truth, and it was brought home to it again on each of the few occasions when, anxious to restore order, it expanded its proper role of adviser to the regime. The army could not control its own troops, much less speak to its "ally" in the tones of equality or authority. In the days following the humiliating Christmas Eve attempt to establish order in Berlin, the "same officers who had been most active in urging the use of force to smash the revolution, now argued that it was useless to fight against fate, that the Supreme Command should dissolve, and that the officers should return to their homes to protect their families as best they could. . . ." It took all of Gröner's determined optimism to dissipate their panic and convince them that help was on the way from the Freikorps, the first of which was then training in Westphalia.

On 4 January 1919 Chancellor Ebert and War Minister Noske were invited to the Freikorps camp at Zossen. "There, to their intense surprise they found a force of four thousand men fully equipped and disciplined, who passed in review on the snow-covered parade ground in impeccable order, according . . . full military honours to civilians." This was the first volunteer unit in German history since the Napoleonic Wars. It was also the first time, as General von Luttwitz informed Ebert at the time, not without a sense of wonder, that a general salute had even been given to civilians by German troops. And what civilians! Both men were Social Democrats, designated since the 1870's as *the* internal enemy of the Hohenzollern Empire. Yet each member of the parading Freikorps had given a written oath of "loyal service to the Provisional Government of Chancellor Ebert until the National Assembly has constituted a definitive government."

CIVIL-MILITARY RELATIONS, 1919

The formation of the Freikorps was the turning of the tide against disorder. Over the next few months Communist insurrections and disturbances were put down all over Germany. Extremism was quelled and in the elections of January 1919 Social Democracy won enough seats in the National Assembly so that, in union with the Center and Democratic Parties, it was strong enough to draft a democratic constitution.

Under the Weimar constitution, the army was stripped of some of those functions which tended to favor caste isolation, such as a completely separate legal system. The members of the Reichswehr were subject, except in time of war, to civil rather than military courts; the latter—including the courts of honor—being abolished. All military men had to take an oath of allegiance to the constitution, which gave to the democratically elected President (Ebert until 1925) supreme command of the army. All acts of the President had to be countersigned by the Chancellor, who was in turn responsible to Parliament. The actual administration of the army was entrusted to a single Reichswehr Ministry whose chief (the Social Democrat Noske until 1920) was subject to interpellation in the Reichstag. On paper a single chain of command emanated downward from the Chef der Heeresleitung (Chief of the Army Command), General Reinhardt, who was directly subordinate to the Reichswehr Minister. In practice two other power centers developed in quasi-independence from this highest, purely military authority—one headed by General Littwitz who, in effect, had operational control of the field army, and another headed by General von Seeckt, who as Chef des Truppenamts (Chief of the Troops Office), inherited the functions of the old German Staff. Gordon speaks of this tendency to divided command as having a negative effect. This would have been the case under Imperial conditions, when the crying need was for army unity against the irresponsible crown and the court camarilla. Under civilian control, however, it was perhaps wiser to fragment authority below the ministerial level, to ensure the hegemony of the responsible civilian authorities.

In any event, the new constitution substantially altered civil-military relations. On the one hand, "the substitution of the civilian President and Reichswehr Minister for the at least quasi-military Kaiser and the military War Minister subjected the army to a greater degree of civilian authority than had hitherto been the case." On the other hand, in its dealings with the civilian government, the army "succeeded in maintaining its essential autonomy in purely internal military matters." This was the professional ideal. The military experts would be encouraged to dedicate themselves to their specialty without outside interference. The very logic of the differentiation process would then prevent the politicization of the military establishment, provided civilian institutions were viable and secure enough in the affections of the population.

The question is whether the German state system was mature enough to support a laissez-faire approach in military affairs. Few have believed this to be the case. Even in 1919, it is said, Germany had a problem of polarization in popular views with regard to the Army which we in the United States—and in Britain—have not encountered to the same degree. In the U.S. there has traditionally been a general consensus among broad groups of the population as to the army's mission and basic structure, the gaps between opposing views being relatively narrow. In early Weimar Germany, however, public and party opinion tended to splinter on this question. Many were not simply anti-militarist but also anti-military; others, while granting the necessity of a military establishment, distrusted the old officer corps and felt that the Republic should build its own army with reliable anti-militarist officers and men. A large number of Germans—especially Majority and Independent Socialists, almost half the population—would not enter the army on this account, either because they were pacifists or, especially, because they did not want to serve under "reactionaries." The consequence was that, while the officers and enlisted ranks were represented by all classes of the population, in general it was the more conservative elements of these classes which predominated, even though there was no concerted effort to achieve this result through political tests. It is true that at least 13 Republicans' Freikorps were in existence in 1919, of which at least six (probably seven) can be definitely traced into the Reichswehr as cadre groups. It is also true that in the other Freikorps, there were Jews, liberals and even Socialists. Nevertheless, on the whole conservatives and nationalists predominated, not out of design but because of laissez-faire conditions of recruiting.

Criticism of Republican policy toward the army in these matters has not been usually directed at voluntary recruiting *per se*. On the one hand, objections have been made to the failure of the democratic parties—especially the Social Democrats—to stimulate volunteers of the right republican principles and, on the other hand, to the failure of the Republic to control recruiting, leaving to the army itself the right of selecting from the volunteers who presented themselves. Autonomous recruitment made sense in the days of Scharnhorst and Gneisenau, when the aim was to protect the military bureaucracy from arbitrary intervention by an absolute monarch. It also makes sense in mature political cultures, where there are no deep divisions in political attitudes toward the army. But army co-optation, it can be argued, made less sense in a relatively immature democratic society just emerging from its chrysalis, precisely because a consensus over the army and its role had not been reached.

Others would go further and insist that the Republic should never have made its "pact" with the old army. This was the view of the Independent Socialists as a group and of individual Majority Socialists as well. In the opinion of Arthur Rosenberg, himself a former Independent, "it was a mistake to leave the imperial generals at the head of the army. Every serious revolution that has broken out among the masses of the people has created its own particular defence force and produced its own army leaders and military organizers. . . . So it was in the great English Revolution, in the French and the Russian Revolution. But . . . the men of the German Revolution did not even feel that they could bring their army home from the front without the help of the Imperial General Staff."

Thus Rosenberg does not object to the voluntary principle as such. His resentment is aimed at a voluntary army derived from the officer corps of the old Imperial army. The Republic should have made a greater effort to create its own Freikorps, the requirements for which were not large. The cowed Right was quiescent; the only threat was from the Spartacists. Against them, the Government could have held its own with ten thousand republican and democratically minded volunteers in Berlin, and fifty thousand throughout the Reich. . . . Immediately after the end of a war in which millions of Socialist workmen had borne arms, it would certainly have been possible with a little goodwill and a certain amount of energy to raise a republican guard. But the Majority Socialist Government had not the confidence to embark upon a military task of this kind. They believed in the promises made by the officers and thought that only troops of the old type could be really useful. . . .

Perhaps there is something to be said for this view. The quarrel comes when it is advanced as a panacea. Correct civil military relations cannot be conquered once and for all simply by the imposition of an ideal organizational pattern. The decisive factor is the strength of the modernization impulse, the impulse to integration on the basis of differentiation. If it is strong enough, the military will operate responsibly, in spite of tradition and subjective misgivings. If it is not strong enough, then functional boundaries will be washed away, the army will be politicized and society militarized, regardless of the initial structure or composition of the army. In the great modern revolutions—the English in the 1640's, the French in 1789–92 and the Russian in 1917—the old armies were smashed and new ones created more in accordance with the modernizing spirit of the times. Yet what happened? Out of the Puritan Revolution came Cromwell and the major-generals, out of the French Revolution Napoleon, out of the Russian Revolution Stalin. Too, it is not entirely clear in some of these cases that the new revolutionary armies acted as a superior brake on the retrogressive process when it came. In the course of the Russian Civil War of 1918–20, for example, War Commissar Trotsky found that civilian revolutionaries for the most part made poor troop commanders, so that he had to turn to ex-officers of the Old Imperial Army, who ultimately comprised four-fifths of the Red Army officer corps at its peak. Yet it was not from these *voenspetsy* that Stalin later drew his main support in the army; it came from the impeccable "proletarian" elements, those devoted to the Soviet Republic, such as Voroshilov.

The decisive factor was the strength of the impulse to differentiation and the viability of Republican institutions. These conditions seem to have been present in 1918–19; had they continued into the 1920's there is every reason to believe that objective civilian control could have been maintained in spite of the subjective conservatism of the army as a whole. In party stability, general political maturity, experience and efficiency the Weimar Assembly of 1919 was far above its counterparts of 1848, the New Era and the Constitutional Conflict, or the North German Confederation of 1867. It is true that the Germans were committed to the multi-party system rather than the more stable two-party system of the Anglo-Saxon world, but this is no necessary bar to stability provided ideological divisions are not so deep as to paralyze coalition governments. Even in the worsened atmosphere of the 1920's there was a period (1926–27) when the Germans seemed to be on the verge of an alternating two-coalition system.

In the elections of January 1919 the Majority Social Democrats were the strongest party with almost 38 percent of the vote, a larger percentage than the Nazis received in the last free elections before their assumption of power in 1933 (33 percent). Their abstract Marxism inhibited but did not prevent effective collaboration with the other democratic parties. In its doctrinal antipathy to differentiation Social Democracy represented a lapse into primitivism; but in its action program it was a legitimate heir of the bourgeois liberalism of 1838. Although a labor party, their objective was "to carry through the radical middle-class revolution," and for this reason they could command the support of elements other than the workers. Their leadership meant a further liberalization of state and society—more democracy, secularization, differentiation, social mobility, anti-militarism, urbanization, capitalist vigor, not socialism. For this reason it was possible to work constructively with the progressives (now called the Democrats) and with the Catholic Center, both of which parties had been radicalized (in the classical bourgeois-democratic sense) by the war and the revolution.

The outcome of the elections was resounding victory for political democracy. The three leading parties, which were pledged to unequivocal support of the new regime, accounted for more than seventy-five percent of all the votes cast. This gave the lie to those who doubted the German people's willingness to rally round the republic. The two parties of the Right received between them less than fifteen percent of the total vote. The monarchist cause seemed utterly hopeless. And equally dreary appeared the prospects of left-wing radicalism. The friends of democracy had every reason to rejoice. . . .

The Radical Right was virtually nonexistent in 1918–19, an affair of minute splinter groups without prospects. The German Workers Party of Munich—out of which came the Nazi Party in 1920—had been founded in January 1919 with a membership of about 40 and was the successor of another organization just as obscure which had been established in March 1918, also of about 40 members. When Hitler came across the Party in July 1919, it seems to have had around 60 members and seven marks fifty pfennigs in the treasury. At the beginning of 1920 it had 64 members, which certainly does not suggest any mushroom growth. The party was not even organized on an authoritarian basis; the totalitarian "leader principle," with its cult of personality, was not imposed even in a rudimentary form until 1921. Nothing distressed Hitler more than this inner-Party democracy. The movement, he felt, could never amount to much with an elected committee which "was exactly what it was trying to combat, a parliament on a small scale. Here, too, the vote ruled. . . ." Nor was the party formally committed to anti-Semitism; the chairman of the party, the journalist Karl Harrer, was even opposed to it. "When in October 1919 Hitler spoke for the first time in the comparative publicity of something over a hundred people. Harrer at the conclusion stepped on to the platform and uttered a warning against noisy anti-Semitism. For at this time the youthful Party still felt itself to be a Party of the Left." It was not until 1920 that Hitler succeeded in inserting an anti-Semitic plank into the new Party programme, and even then it was a "compromise victory" and "very far removed from any advocacy of actual physical ill-treatment of Jews." Hitler himself has frankly recorded the difficulties involved in pursuing a systematic campaign against the Jews in 1918–19. "If one so much as uttered the word Jew, either one was stupidly gaped at, or one experienced the most violent resistance. Our first attempts to show the public the real enemy then seemed almost hopeless, and only very slowly did things begin to take a better turn." Clearly, it is not in the Germany of 1918–19 that one must seek the origins of the totalitarian movement which would eventually sweep away German democracy.

It is also not in this period that one should seek the unbridled chauvinism that accompanied and followed the fall of the Republic. Villard, who was in Germany in 1919, has written that, "never was a majority of men and women of the Reich more ready to hear the voice of reason; to admit their nation's errors; to seek the friendship and good-will of all the world; to make impossible a recurrence of so incredible a catastrophe; to build a new society. . . . No one could mingle with them in the beginning of 1919 and hear any hymns of hate, any talk of revenge, and boasts that thirty years thereafter they would once more turn the tables."

Even in 1924, when the climate had changed considerably for the worse, Coar could still report that "voices are heard in Germany today condemning militarism in terms that were quite impossible before the war. . . ." Only one who believes that the military establishment exists in vacuum can feel that the German army was unaffected by this civilian sentiment. There is a close connection between militarism in the society at large and the abandonment by an army of the "military way."

Nevertheless, the belief is widespread that the Freikorps were an ultra-nationalist precursor of Nazism. However, as Gordon points out, this is reading into the Freikorps movement of 1919 something that developed only after 1920 when some of those hundreds of thousands who had belonged to the Freikorps but had been rejected by the Reichswehr could put down no roots in civilian life and ended up in one or another of the private armies—Nazi, Nationalist, Communist—that contributed so much to the violence and instability of the period. In 1919, however, the ultra-nationalist units formed only a small minority and, "as discipline became more firmly established, most of these men were either forced out of the service or persuaded to adopt a more moderate attitude. By 1926 they hardly constituted a major problem within the Reichswehr." Like the rabid monarchism of a few officers, the ultranationalism of another minority was not a practical problem in 1919. Subjectively, they might have been super patriots who loathed the Republic; objectively, they served the Republic faithfully and, in effect, could do no other.

Even Rosenberg had to admit, in effect, that there was objective civilian control in 1919 when he says that, for all of the hatred of the Freikorps for the new rulers of Germany, nevertheless "they were obliged for the time being to serve the Majority Socialists" and to secure the Republic from its enemies. In general, "the troops were ably headed" and not sent on illegitimate assignments. As Pinson says of Defense Minister Noske's use of the Freikorps, "every act of repression that he ordered was forced upon him by a putschist or insurrectionary act of the Spartacists. . . . What he did was always carried out on instructions from and with the consent of the government." It is interesting that, in 1919, very few Majority Socialists were concerned about republicanizing the army; they suddenly woke up to this need only in 1920, when problems were quite different. Olden, a severe critic of the Social Democratic bargain with the old officer corps, was a firm believer in the notion of "once an Imperial officer, always an Imperial officer." According to him, "whoever looked closely into the army—which the democratic politicians were hardly able to—knew that the officers would use the first opportunity to overthrow the despised Republic." This is an audacious conclusion even for the Reichswehr of the 1920's, but "in 1919," as he himself admits, "the situation was less clear, more disguised and concealed, and it was some time before it revealed itself plainly. . . ."

It is interesting that Hitler himself had only contempt for the volunteer units of 1919. In his opinion, they did not deserve the title of Freikorps because they were not free agents. They had no "free conviction of their own," no "political idea," and therefore they languished "in the mercenary service of the Republic." They were a "servant of the conditions of the revolution," a "complement to the state's instruments of power," objective agents of the international Jew, whose task it was "to protect, and thus for practical purposes to secure," the Republican revolution. "We cannot consider this fact often and closely enough. . . ."

The only serious crisis in civil-military relations in 1919 was the consequence of the dictated Peace of Versailles. At first the population and the parties were unanimously against signing the Treaty because of its unexpected and undeserved harshness, but it was unthinkable that Germany should take up arms again. Had the civilian authorities maintained a united front when the Entente proved obdurate, there would have been no problem with the military. It was only after a split in the cabinet and the referral of the whole decision to the hopelessly divided National Assembly that certain sections of the military were encouraged to intervene against signature. Only the good sense and firm character of President Ebert and General Gröner saved the politicians and the generals from their thoughtless folly. Gröner rejected with heat the suggestion that the Supreme Command lead an insurrection should the regime elect to sign the Treaty, declaring that military resistance was a hopelessly romantic gesture from which nothing but greater ruin would ensue; further, "to think that generals can assume political direction of such a movement is absurd." If the soldiers refused to accept the decision of the lawful authorities, they would lose any semblance of popular support and Germany would be plunged into revolution. "In the end," says Craig, "his cold realism prevailed, for no attempt was in fact made to revolt against the government's decision."

Nevertheless, the internal quarrel over acceptance of the peace terms was not without its scars on civil-military relations. For this historical opinion has been inclined to blame the revanchist spirit of the Versailles Treaty, which placed those responsible for signing it in a difficult position vis-à-vis the intransigent nationalists. No doubt Versailles was a blow at German democracy, but the evidence does not suggest that either the army or the people were prepared yet to displace much of their legitimate grievances from the Allies onto the republic; that type of misplaced aggression belonged to the more pathological atmosphere of the 1920's rather than to the immediate aftermath of the Treaty signature in June 1919. Certainly General Reinhardt, who led the military opposition, bore no grudge against War Minister Noske. He was apparently still willing, as Gordon puts it, "to subordinate the Reichswehr to the new civil authorities and to accept some civilian interference in military affairs as being a necessary corollary to the Revolution." It is said that "the officers and men of the Reichswehr, including the generals, were solidly behind Noske before the acceptance of the Treaty of Versailles. There were a few disgruntled radicals . . . but they found little support for their views. . . ."

After Versailles the War Minister's popularity was reduced in certain military circles, but the "available evidence indicates that the majority of the Officer Corps, including almost all of the responsible commanders, still supported Noske. . . . Despite his socialism, despite his insistence upon obedience to the new regime, despite his steady reduction of the size of the army, Noske won the respect and confidence of the officers as a group—no mean achievement." It is the relative ease with which Noske was able to carry out initial reductions in strength which suggests that civil-military relations were not irreparably harmed by the Versailles Treaty in itself. The Provisional Reichswehr at its peak contained some 400,000 men, which the Treaty required to be reduced to 100,000. One could hardly deprive hundreds of thousands of men and thousands of officers of their careers and livelihood without creating a good deal of anxiety and ill will. Yet it was not until March 1920, after most of the reductions had taken place, that any of the units revolted which were scheduled for disbandment. But by then there was the beginning of a different political atmosphere in Germany as a whole, and it was this coalescence of military grievances and civilian political disaffection which made for an explosive situation.

What about the treatment of the common soldier under voluntarism? Proponents of conscription have sometimes felt that voluntary recruits would be forgotten men left to the mercy of their officers, who would brutalize them in the fashion of the eighteenth century. This was not true for Germany. In the Reichstag the Social Democrats especially took up the cause of the enlisted men—in matters of pay, living conditions, mistreatment, welfare, professional training. Joined with this external support were provisions enabling the soldiers to stand up for their own interests. The very first Freikorps formed had a system of "Trusted Men" (*Vertrauensleute*), which was subsequently carried over into the Reichswehr as a standard institution. The Trusted Men were elected by the soldiers themselves from their own ranks and were given the right to take part in the formulation of all plans and policies concerned with the enlisted man's welfare—pay, food, clothing, quarters, furloughs. They were specifically forbidden to concern themselves with command matters, but they did have the utterly unprecedented function of furthering the enlisted men's social and economic interests, including the presentation of grievances to the proper authorities, with the right of appeal through Trusted Men at higher-level units all the way up to the Minister of Defense and the President of the Republic. For the rank and file voluntarism clearly paid off. "The pay of the enlisted men in the Reichswehr, whether private or N.C.O., was far better than it had been in the Imperial Army," and this was true of his food, living conditions and general morale as well. The soldier was given "decent treatment . . . more privileges . . . and, most important of all, was no longer made to feel that he was a 'human being, second class.' This new policy . . . greatly reduced the chasm that separated the officer from his men." Without impairing discipline in the slightest, the internal social relationships of the army "were more reasonable and humane," "understanding and impartial justice became normal," and "soldiers and officers were probably less antagonistic toward one another than were those in any other European army of its time."

Nor did the quality of the German volunteer army suffer when it could no longer draft the flower of the nation as conscripts for the ranks and "one-year volunteers" for the officer corps. Testimony on this score is again unanimous. Wheeler-Bennett called the Reichswehr "the finest army in the world." Craig says it "had no equal in Europe." According to Gordon, "the Reichswehr reached a state of proficiency which few armies have attained before or since" It was, he says, "a magnificent army . . . more efficient than its predecessors, . . . its organization more compact and rational."

The Reichswehr was that rare phenomenon—a truly professional army. Not merely the officers, but the enlisted men as well . . . were expected to study their profession as they were doctors, lawyers, or academicians. . . .

The shift in the German political and social climate occasioned by the revolution actually helped rather than hindered the new orientation. "No longer the darling of society, the officer was now forced to maintain himself in a world which had little sympathy for his calling or outlook, and he was, therefore, essentially dependent upon the real spirit of his professional tradition." According to Craig, "educational attainments now became more important than they had ever been in the days of the empire or even in the days of Scharnhorst." This was also true for enlisted men, especially since promotion into the officer corps "was far easier than it had been in the Imperial Army," that "democratic" Nation in Arms. As Rosinski says, "the physical and intellectual standards of the rank and file were raised to levels hitherto unknown and unachievable in any force based upon conscription."

The volunteer army provided the setting for a real "revival of military thought, which had suffered a general decline during the latter half of the nineteenth century." Especially since the 1880's, with the emergence of the theory of absolute war, German strategy had tended to place a disproportionate emphasis on the offensive as the only proper form of warfare. In the Reichswehr period, however, the defensive again came into its own, but in a balanced way. The Germans did not swing to the other extreme as did the French, with their Maginot mentality which apotheosized static warfare. Under General von Seeckt's promptings, the Reichswehr returned to the sound tradition of mobility as the key to success.

THE KAPP PUTSCH OF MARCH, 1920

In the course of the year 1920 the signs began to multiply that the Weimar Republic was in trouble. A shift to the Right in the elections of June 1920 seriously impaired the strength of the parties of the Weimar Coalition. In 1919 they had commanded more than three-fourths of the total votes; but in 1920 less than half (43.6 percent). The voters were beginning to move towards the extremes. The two parties of the Right—the Nationalists and the Populists—together received 28.2 percent of the votes, compared with only 14.7 in 1919. On the Left, the Independent Socialist vote rose dramatically from 7.6 to 18.8 percent of the total. More sinister was the first appearance of totalitarian movements, which in 1919 had been non-existent. In 1920 two Communist deputies were returned to the Reichstag; in November 1932 there were to be exactly 100.

The growth of a totalitarianism of the Left was paralleled by the rise of a totalitarianism of the Right—the Nazis. Whereas in 1920 the Party had been too inconsequential to put up candidates for the Reichstag, in the next elections, in March 1924, thirty-two deputies were returned. This remained the high point for some years; in the elections of December 1924 the anti-Semitic deputies fell to 14 and then to 12 in May 1928. Then came the Great Depression and the complete unravelling of the social and political fabric. In September 1930 the Nazis won 107 seats in the Reichstag and then 230 in July 1932, with 37.4 percent of the vote. Together with 14.5 percent of the Communists, this yielded up a popular majority for totalitarianism of one form or another. By this time parliamentary government had collapsed and Germany was being ruled by decree, with a "substitute absolute monarch" in the shape of the President of the Republic, Marshal Hindenburg. The bayonets of the Reichswehr alone stood between a moribund democracy and National Socialist nihilism.

All during this period the Germans retained a voluntary army, which certainly shows that voluntarism in military recruitment, in itself, cannot prevent a breakdown in modernization. But the Germans did not retain voluntary recruiting of their own free will. Prevented from reintroducing compulsory military service by the Versailles Treaty, they groped for substitutes, disassociating the two elements of compulsory service and military service. As early as 1921, the Center Party leader Erzberger, as part of his doctrine of Christian Solidarism, was advocating an 18 months' period of compulsory labor for all Germans between the ages of 18 and 25, a so-called "national labor service" which would give young people a training in good citizenship as well as provide economic benefits to society. The idea was soon appropriated by Hitler, who was especially impressed by its egalitarian features. "Without any difficulty worth mentioning," he said, "at least half a million men can be called up for this service in a very short space of time," and "there will be no exemptions for university men or other propertied persons. Everyone will wield a spade." When he came to power he transformed the voluntary national labor service of the Republic into a compulsory labor service.

A substitute for state military service was provided by the private para-military formations which proliferated under the Republic. Every class, every party, every interest had universal aspirations; each aimed at self-sufficiency even down to the duplication of the armed organs of the state, clear sign of an emerging differentiation crisis. Allied protests caused the Republican authorities considerable embarrassment. In a note of 1924, "The German government did not deny the existence of groups whose purpose it was to give physical training to the youth of the country. But these groups were acting in the belief that the universal conscription of imperial days had had educational as well as military value. Proper development of the body was the best protection against the dangers which today threatened the German youth.... It was wrong to link this with alleged military preparations by Germany...."

The army itself seems to have had an ambivalent attitude toward the paramilitary formations. It resented the weakness of the legitimate armed forces and wished their expansion. But it was one thing to transform every man into a soldier under the control of the Reichswehr; it was quite another to fragment the authority over the "soldiers" and eliminate the distinction between state and subjects. General von Seeckt detested the private armies as undisciplined, useless from a military standpoint, and derogating from the authority of the state. But when General Kurt von Schleicher became the strong man in the Reichswehr after 1930, he reinterpreted the concept of the Nation in Arms to comprehend the new phenomena. To Schleicher, it "no longer means the nation in uniform; it is a conception compatible with a small army, so long as the nation is so solidly behind the army that the civilian feels himself and is willing to be treated as a soldier." It was this notion which in large part prompted Schleicher's flirtations with the Nazis. Hitler's Storm Troopers were "to him . . . the indispensable nucleus of unwieldy masses of the 1914 type, and the more they were trained, the more they were armed, the better. Everything must be done to bring them into cordial relations with the Reichswehr. . . ." This did not mean capitulation to the Nazis, for whom politically Schleicher—indeed almost the whole army—had nothing but contempt. On the contrary, it meant "taming" the Nazis, getting them to adopt a responsible attitude, thereby adding to, rather than subtracting from, the power of the state.

The major problem of the Weimar Republic was not with the Reichswehr but with the civilians—the emerging class and party egoism and mutual estrangement which made coalition government difficult and finally impossible, the growth of totalitarian and extremist movements, with their politicized private armies, their ideological fictions, their nihilism and cult of violence. To be sure, the army was not immune to this almost universal contagion. The dozen years of gradual Weimar decay was, in fact, ushered in by an army revolt—the Kapp Putsch of March 1920. It was the product of the confluence of two forces: the anger in the army over the disbandment of units as stipulated at Versailles; and the plotting of General von Lüttwitz, the Reichswehr operational commander, against the Versailles Treaty. It is possible that the timing of the Putsch was partly determined by the sudden gust of ultranationalism which began to sweep over Germany in February 1920.

The outcome of the Kapp Putsch, however, revealed that the disintegration of the Weimar Republic had not proceeded very far and that a great deal of the spirit of 1918–19 was still abroad in Germany. Lüttwitz's troops from the suburbs had no difficulty in taking over Berlin, requiring the cabinet to flee to Stuttgart, but this was practically the only rebel achievement. The political program of the rebel "government"—headed up by Wolfgang Kapp, an old nationalist—was merely authoritarian, not totalitarian, but despite its moderation, it was completely isolated politically. Even the Nationalists and Populists on the Right refused support, as did the civil bureaucracy, while the trade unions called a general strike which was one hundred percent effective in paralyzing economic life.

Even in the army the active supporters of the coup were in a minority, and a number of officers advocated using the loyal Reichswehr against the disloyal. Some question whether the failure of the coup ought to be attributed less to the authority of the legitimate government and the awe invoked by the general strike than to "the refusal of the majority of the Reichswehr commanders to follow Luttwitz."

None of these factors can be strictly separated and weighed in isolation. Gordon finds that "where the population favored the Republic, the Reichswehr tended to be true to the Ebert government; where the Republic was generally disliked, as was the case in East Prussia, the reverse was true. Needless to say, this correlation does not apply in the case of the Freikorps scheduled for demobilization or to the Baltikumer, since these units represented a special-interest group."

These special-interest groups—the units to be demobilized or already demobilized (the Baltikumer)—were, in fact, the soul of the rebellion. The coup did receive support in the north and east, but even in the Berlin area, the heart of the conspiracy, there was considerable vacillation and pockets of neutrality, while the northwest, southwest and south stood loyally behind the legitimate government. "From the testimony available, it would seem that the bulk of the Officer Corps and of the enlisted men remained faithful to the Ebert government and to the Constitution."

It has been said that the enlisted men of the Reichswehr were more right-wing than their officers. Waite disputes this even in the case of the unruly Freikorps scheduled for demobilization, contending that they became politicized only in the course of and after the Putsch. Their main concern at the time was with their army careers; "they were soldiers and comrades and wanted to be nothing more," says one of their historians. And they blamed the government for the loss of their vocation, not without some justification, considering the government enlistment promises.

Whether the soldiers were right-wing or apolitical, there does not appear to be a single case in which they mutinied against officers who had declared for the legitimate regime; on the other hand, there were a striking number of cases where they turned against rebel commanders, with men of the League of Active and Former Professional Soldiers taking a leading part in the agitation among the troops. The troops, it seems, were impressed with the enthusiasm of the workers in the general strike, proving again the close connection between civilian and military attitudes. The troops had the guns, but the civilians had the morale—and morale won out.

"Dangerous signs of mutiny began to appear in certain garrisons; and, on 17 March, troops in Berlin actually put their officers under arrest. This was enough to convince the officers in the Bendlerstrasse that they must get rid of Lüttwitz before it was too late. On the afternoon of the 17th, Heye—as spokesman for the officers of the Ministry of Defense—went to the general and told him . . . that he must declare the *Putsch* at an end and hand over the command of his troops to Seeckt. A stormy scene ensued in which Lüttwitz threatened Heye with his sword. . . . But after Heye had left the room, even the stubborn general saw that the game was up. Kapp had already fled from Berlin; Lüttwitz and his staff now did the same.

But before he could leave, one final humiliation remained for him—the revolt of his own supporters, both officers and troops. While bargaining with the party leaders over the terms of capitulation, he was interrupted by two subordinates who "informed Lüttwitz in ringing tones that the troops were on the point of actual mutiny and that he must resign." Meanwhile, the Commander in Berlin had called a meeting of his unit commanders in the Reichschancellory, at which a detailed report was presented, "indicating that the troops no longer stood behind their officers nor behind Lüttwitz." As a consequence, the troop commanders declared they would no longer accept his orders.

Despite the miserable failure of the Putsch, it exposed a state of mind among the military leadership which was not present in 1919. The case of General Maercker, who had been responsible for forming the first official Freikorps in December 1918, is an illustration. In 1919 he had, in all sincerity, told War Minister Noske, "for you, Herr Minister, I would allow myself and my troops to be cut to pieces." In July 1919, when Lüttwitz, at a conference of the senior officers of his Group Command, began to discuss the formation of a new government in case of an anticipated revolution over the Versailles peace terms, the General warned Lüttwitz that he would never take part in such an undertaking unless Noske and the Majority Socialists supported it, for politics was not the soldier's business. During the Kapp Putsch, however, he was less resolute, and took over the role of peacemaker, aiming at a compromise solution. He feared civil war and the internecine destruction of Germany's armed forces. By refusing to take sides actively, however, Maercker lost his credit with the government, while arousing the hostility of the rebels.

Surprisingly, General von Seeckt also played an ambivalent role in the crisis, but whereas Maercker's career was ended by the coup, Seeckt was propelled by it into the highest military post—Chief of the Army Command. There could be no question but that Seeckt opposed a military revolt in principle and had worked actively against previous conspiracies. On the eve of the Putsch he was carefully canvassing all possibilities of easing Lüttwitz out of the army without precipitating the feared revolt.

At the decisive council for war called by Noske on 12 March, however, General Reinhardt was practically alone in arguing that "there can be no neutrality for the Reichswehr. The quicker we act, the quicker the spark will be put out!" But almost all the other military men present deferred to Seeckt, who did not want to fight for Berlin, contending that "When Reichswehr fires on Reichswehr, then all comradeship within the officer corps has vanished." Noske felt betrayed and never forgave Seeckt, though he did not question his loyalty, since he later approved his elevation to the Chief of Army Command.

Seeckt was not neutral during the Kapp Putsch. His was not a wait-and-see policy, which would enable him to side with the winner. He opposed the Putsch, but not with force. He agreed that many of the soldiers would have obeyed the order to fight the insurgents, but in the Berlin area they were too few and too disunited, and the government could not afford to allow the conspirators to win a battle. Seeckt's tactic was passive non-cooperation. After the council of war of 12 March he went home, wrote out his resignation, then went around to the official civil representative of the Ebert government in Berlin and offered his services, which were accepted. Until his resignation was accepted, of course, he was still Chief of the Troops office and, as such, he continued from his home to direct General Staff activities—through his subordinate Heye—in defiance of the conspirators. As Lüttwitz himself declared later, Seeckt was "the soul of the resistance to me."

While Seeckt's course of action may have been more tactically correct than Noske's, as many of the principals believed at the time, this was beside the point. The point is that he refused to execute the demands of the lawful civil authorities. It was, of course, his duty to urge a contrary course, but if they refuse to accept that advice, did he then have the right to follow his own judgment?

"While Seeckt worshipped the ideal of obedience, he also believed in the broad responsibility of a general. The soldier must obey; the general must obey. However, in a case where the final responsibility was his, a general might take upon himself the right of decision. . . . Taken in the face of government orders, it must be followed by his resignation . . ."

It is difficult to square this reasoning with American notions of civilian supremacy. Craig argues that "there is no disguising the fact that Seeckt had been as insubordinate as Lüttwitz, even if in a somewhat different way," and that he had "placed his loyalty to the army above his allegiance to the republic." Gordon takes an opposite tack, contending that Seeckt "simply exercised his right—and duty—to withdraw rather than carry out a policy which he personally believed fraught with danger to the nation. . . ." His action was "in the highest tradition of German military leadership," a precedent for the behavior of Colonel General Beck in 1938, who resigned rather than assist Hitler in his plans for conquest.

It is doubtful whether the analogy is valid. In Hitler's day there was no real distinction between civilians and soldiers; with civilian ideologues in and out of uniform making military decisions right and left, circumstances cried out for a military leadership which would take responsible political stands. This was not the case under the Weimar Republic, and there is less to be said for a military man who would assume, as Seeckt did, the responsibility for what is in essence a political decision. Seeckt's main concern was with maintaining the integrity of the army rather than supporting a concrete, legitimate government. He "believed firmly that the survival of the army was a *sine qua non* for the preservation of the Reich because of the serious threats facing it at home and abroad. . . . Governments might come and go, but none of them could endure without the army, nor could Germany itself."

THE REICHSWEHR IN TRANSITION, 1921–27

There were other indications that civil-military relations had altered for the worse in the twenties. As a result of the Putsch, Noske resigned as Reichswehr Minister, having lost the confidence of his party, and General Reinhardt, out of loyalty to Noske, gave up his position, too, as Chief of the Army Command. The Democrat, Otto Gessler, replaced Noske and Seeckt, to his astonishment, was appointed to Reinhardt's post, the two continuing to exercise their functions until 1928 and 1926, respectively. Noske had been no "docile tool of the soldiers," but Gessler does not appear to have been quite as successful in enforcing civilian control, at least down to 1924, although civilian control was certainly more a reality than in Imperial days.

The weakening of civilian control is illustrated in the working relationships of Gessler and Seeckt as contrasted with those of Noske and Reinhardt. Reinhardt "apparently considered himself the chief military assistant of the Reichwehrminister and worked very closely with him in all matters. . . ." Seeckt, on the other hand, looked upon the Minister of Defense in the same way that the army had been accustomed to regard the Prussian War Minister in pre-Weimar days, "as being more the representative and defender of the Reichswehr than the government's appointed director of the military machine. . . ."

"While he recognized the superiority of the government to the army and the obligation of the Reichswehr to obey government orders, General von Seeckt did not accept his superiors, the President and the Reichswehrminister, as military personages *per se*, despite their titular positions as Commander in Chief and Deputy Commander in Chief. In his eyes, he himself was the Commanding General of the Reichswehr."

During the early part of the Seeckt period, too, the army acquired far more influence over foreign and domestic affairs than was healthy. Unfortunately, Seeckt did not always confine himself to exercising influence. On a few occasions his action were in flagrant violation of any accepted canons of military apoliticism. In 1923, a year of great instability and turbulence when the Republic was subjected to sharp internal and external stresses, Seeckt seems to have developed political ambitions of his own. There exists among his papers a draft program for his anticipated regime, the provisions of which "were hardly calculated to arouse enthusiasm among democrats." Although nothing came of these schemes, in their pursuit Seeckt committed actions which, had they been the work of any other military officer, would have been the occasion for severe censure from Seeckt himself. Perhaps he did not exceed his formal competence inurging Ebert to dismiss Chancellor Stresemann or in informing Stresemann, with Ebert's permission, that he no longer enjoyed the confidence of the army, but the encouragement of active attacks on Stresemann from within his own Populist Party "was scarcely in accord with Seeckt's own non-political code and smacks of praetorianism." In 1924, moreover, he decided to run for the Presidency at the expiration of Ebert's term in 1926. He was only saved from his indiscretion by Ebert's death in early 1925 and by the political circumstances of the succeeding period, which were unfavorable to his candidacy. It is Gordon's judgment, however, that, on balance, "the government and the military authorities of the Republic worked together with far less friction than has generally been believed, and that—aside from General von Seeckt's two falls from grace—the Reichswehr limited its political activities to vigorous lobbying in favor of its own interests as an organization and of the interests of national defense."

Moreover, while Seeckt may have been indulgent with himself over political meddling, he was merciless on this question with all other members of the Reichswehr. In his first order of the day to the officer corps after the Kapp Putsch, he reminded them that the source of Germany's troubles lay, not with the political authorities of the Republic, but with the Versailles Treaty, and he declared that, in the future, "any kind of political activity in the army will be prohibited. . . . We do not ask the individual for his political creed, but we must assume that everyone who serves in the Reichswehr from now on will take his oath seriously."

Seeckt later demonstrated that he meant what he said, and he had the support of "the great mass of the officer corps," almost all of whom eventually agreed that "party politics was not the army's business and must not become its business." It is true that the officers and men were not without their personal political preferences, which tended to be conservative, but it was to the moderate, rather than the extreme, Right which they looked. The Nazis were neither liked nor trusted, for ideological and also for professional reasons, since they openly avowed the objectives of a politicized army and a militarized civilian society. The point of view of the Nationalists found a more sympathetic echo with the troops but not so much with the more sophisticated leadership. But regardless of their personal political sympathies, Seeckt and Chief of the Troop Office Hasse "were determined not to permit even the friendliest political party to seduce the Reichswehr from its duty or to control it." Within a year of his appointment Seeckt was able to tell the Cabinet that, "Gentlemen, no one but I in Germany can make a Putsch, and I assure you I shall make none." Seeckt was as good as his word. There were no army revolts during his tenure and in 1923, the year of crisis, when a coup and a military dictatorship was suggested to him by the Pan-German Nationalists, Seeckt emphatically refused.

Both Seeckt and the army as a whole had learned a lesson from the Kapp Putsch. Like true professional soldiers, they regarded their primary mission as that of national defense against external enemies and resented the rôle of domestic policeman, but they also recognized, with reluctance, that the army had to be a domestic force of last resort. The army proved this recognition in the fall of 1923 when it put down a right-wing revolt by certain elements of the para-military "Labor Detachments" (the Buckrucker Putsch) with such resolve that even the Social Democrats were mollified. The army leadership also acquitted itself well during the Bavarian Secession Crisis and the coupled Beer Hall Putsch of Hitler. An important factor was the readiness of the higher officers of the Bavarian Military District to take a firm stand against the racist and separatists, while "among the lower ranks of officers, the majors and captains and lieutenants, von Seeckt's teachings of the value of non-political Reichswehr were beginning to have their effect. . . . To these younger men there came a realization of the responsibility which the Army held as the ultimate guardian of the State and of the inevitable corollary that it must remain above Party. . . ."

When the officers of thhe Bavarian Military District were asked by their commanding general whether they would fire on the Nazis if ordered, the few Nazi sympathizers present were appalled "at the enthusiasm with which the large majority answered in the affirmative." The Nazis were furious with the Heeresleitung and its chief. Seeckt was denounced as a Jew-lover and his wife as an actual Jewess, and Hitler was more than ever convinced that the Reichswehr needed to be replaced by a "trustworthy national army."

It is ironic that the passing of the crisis year 1923 saw the beginning of a decline in von Seeckt's authority over the army and within the state. Extremism was on the wane, the Republic was stabilized, the international climate more relaxed, economic indices were shooting upward; these had their inevitable impact on civil-military relations. Reichswehr Minister Gessler had always resented his exclusion from army affairs by Seeckt and now that their relative power positions had changed, he was in large part successful in making good his claim to be the civilian director of the Reichswehr. Above Gessler, the President of the Republic—Hindenburg after 1925—also regained his authority as Commander-in-Chief of the Reichswehr, in fact as well as in theory. By 1926 in the Reichstag, too, the three parties of the old Weimar Coalition—Center, Democrats, Social Democrats—seemed to be reaching a consensus over the army reform which would make the Reichswehr a more reliable instrument of the state. In the end Seeckt lost his post over a relatively minor incident—allowing a Hohenzollern prince to attend the maneuvers of an infantry regiment in the fall of 1926 without even bothering to check the matter out with the Reichswehr Ministry. There was a public outcry; Gessler saw his chance, dismissed Seeckt and was sustained by the Cabinet.

Seeckt had become expendable but, in retrospect, his tenure had been a success. At all times civilian control was more of a reality than under the Empire, and at no time could it be said that the internal military regime was any less healthy than the civilian sphere. The years of extremism and crisis for the Republic were also the years when the army arrogated more independent authority than is proper, and the years of Republican stability saw a diminution of military influence. It would, of course, be rash to attribute the reasonably good civil-military relations of the period 1920–26 to the voluntary principle, but there is certainly no evidence that voluntarism had a negative impact.

THE POLITICIZATION OF THE REICHSWEHR 1928–33

The downfall of Seeckt at first seemed to offer greater opportunities for civilian control and integration of the army into the Republic of an apolitical, professional basis. With Gessler as Defense Minister, Heye as Chief of the Army Command and General Otto Hasse as Chief of the Troops Office, all favorably disposed toward the Weimar regime, "a new era seemed to have dawned in the relations between the Reichswehr and the Republic."

But it was not to be. The reform impulse dissipated itself in idle talk, and the political system became unstable, paralleling the economic decline of the Great Depression. Germany was slipping into a differentiation crisis of vast proportions, in which the army was necessarily involved. By 1928 Reichstag critics were charging that the army had "a foreign policy of its own, a domestic policy of its own and . . . is beginning to have a financial and economic policy of its own as well." The officers of the Reichswehr had taken to speculating with the money appropriated for the army by the legislature, not for purposes of personal enrichment but to have more for military expansion. As Rosenberg says, "they established businesses like ordinary civilians" and, of course, not being proficient at that game, they botched it, lost heavily and were found out. The ensuing scandal forced Gessler's resignation, but the political situation had deteriorated so badly by then that the army's embarrassment could not be exploited for military reform. Indeed, no one—not even the Social Democrats—saw a violation of the principle of civilian supremacy in the appointment of General Wilhelm Gröner to replace Gessler. By 1929 parliamentary government was already in great difficulty and power was falling into the hands of the bureaucracy. "While the politicans ranted and wrangled the bureaucrats ruled," and this included the military bureaucrats, who were drawn more and more into everyday politics as the economy collapsed and extremism grew on the Left and the Right.

In surveying this period of German history, one has the impression of a film running backwards, of characters in twentieth century costumes playing nineteenth century roles. No Cabinet could find a parliamentary majority; hence from 1930 on it looked to President Hindenburg, a "substitute monarch," for its authority. "Delegated legislation, emergency legislation, and the virtual immunity of the budget and administration from parliamentary control"—all became normal practice. The Brüning Cabinet of 1930–32 was "above-party," while the Papen Government which succeeded was known as the "Cabinet of the President's Friends." However, even more fundamental policy was made outside the Cabinet, by a small collection of President Hindenburg's intimates, men who had no official standing and no credentials to warrant such confidence. It was the old world of the palace camarilla and personal rule all over again.

And the army did not, could not, avoid being drawn in. General Schleicher was the Manteuffel and the Waldersee of the late Weimar Republic, with consequences far more fateful for German democracy. In 1928 a special division of the Defense Ministry was created for him—the so-called Ministerial Office. This gave him the status of a secretary of state, direct access to President Hindenburg, and charter membership in the palace camarilla. It was Schleicher and his cohorts who first conceived the notion—in 1929–30—of rule by presidential decree under Article 48 of the Weimar Constitution, usurping the legislative functions of the Reichstag. Coupled with this was the idea that the loyalty of the army was due to the President "to the exclusion of any other constitutional considerations. "The President alone could save the Reich, but it was made abundantly clear that the Reichswehr was henceforth the sole source of the President's power and was inseparable from him." It was Schleicher who, in 1930, manuvered Brüning into the Chancellorship and it was Schleicher who, in effect, deposed him two years later in favor of von Papen. "From being the guardian of the State and its ultimate source of power, the Army descended to the status of political broker and Party boss." In the end, in December 1932, Schleicher dumped von Papen, too, and took over the office of Chancellor himself. It was the high point of Reichswehr power before the generals, too, lost out to Hitler in January 1933.

The Army was able to realize this power because it was the most stable organization in the state, but as a result of its entrance into politics, it too was losing its unity. Schleicher's example of intrigue was followed by other military men—above all, by von Blomberg, who succeeded Schleicher as Minister of Defense in Hitler's first cabinet. The army was going the way it had in all other Prussian and German differentiation crisis. Its influence was "divided and uncertain," which handicapped it in dealing with the totalitarians as it had with the Kaiser and his intimates, however exalted a role individual military politicians might have played in both cases. Gröner, when he was Minister of Defense from 1928 to 1932, put up a spirited struggle against the Nazis only to be betrayed in the end by Schleicher, his own protégé. Schleicher did not want a showdown with the Nazis; he was fearful that the Army might not prove reliable or effective if it had to undertake a simultaneous struggle against both extreme Left and extreme Right. It is doubtful if the condition of the Army was as pessimistic as Schleicher felt. National Socialism had made its inroads, but the Army seems to have been less rotten in this respect than the nation as a whole. Schleicher wanted to neutralize the Nazis, "party by dividing their inner political councils by taking the more conservative elements into the government, and partly by seducing the SA from its allegiance to the Führer by incorporating it with the Army. . . ." He was never successful. In the end both Schleicher and von Papen were competing with each other for a Nazi Government, not because they favored the movement, but because each thought he could tame Hitler, binding him with the responsibilities of power. In all this the generals acted with no more illusions than the parties.

"When Hitler came to power in 1933 he had the unequivocal opposition only of his fellow authoritarians, the Communists. The Conservatives were his allies; the Army tolerated him; the Centre, whatever its marked reservations, condoned his Government by voting for him; and the Social Democrats sought to gain the best of all possible worlds by condemning his internal programme and supporting his foreign policy, and thereby gained an "ignoble truce" which profited them nothing."

It would be difficult to blame the volunteer German Army alone for the Hitler victory of January 1933.

THE NAZI ERA

Under Hitler the German differentiation crisis attained its full sweep. His so-called government was, in fact, even more of a court than was Hindenburg's, and the *Führer* and his camarilla respected the boundaries of neither the legislature nor the ministerial executive.

The legislative powers vested in the Reichstag were transferred to the cabinet, but the cabinet also came into disuse. Government by conference of the ministers was replaced by individual conferences and, more frequently, merely by administrative orders from the Fuhrer. Ministers frequently learned only from newspapers or radio of actions taken by the "Reich government" on decisive issues. Later, during the war, the ministers were forbidden by Hitler to confer with one another. . . .

Functional redundancy and confusion of jurisdiction were pursued deliberately as a matter of principle. Before the Nazis came to power, they had already set up a whole series of party departments modeled after the state administration—departments of foreign affairs, education, culture, sports, etc. As for the party elite formations, "their paramilitary character must be understood in connection with other professional party organizations, such as those for teachers, lawyers, physicians, students, university professors, technicians, and workers. All these were primarily duplicates of existing nontotalitarian professional societies, paraprofessional as the storm troopers were paramilitary. . . . The important factor for the [totalitarian] movements is that, even before they seize power, they give the impression that all elements of society are embodied in their ranks. . . ."

After the Nazis came into power the policy of increasing the duplication of functions was pursued methodically.

"What strikes the observer of the totalitarian state is certainly not its monolithic structure. On the contrary . . . many . . . have stressed the peculiar 'shapelessness' of the totalitarian government. . . . 'Even an expert would be driven mad if he tried to unravel the relationship between Party and State' in the Third Reich. . . .

"All levels of the administrative machine in the Third Reich were subject to a curious duplication of offices. . . . Better known abroad has been the fate of the old German Foreign Affairs Office in the Wilhelmstrasse. The Nazis left its personnel nearly untouched and of course never abolished it; yet at the same time they maintained the prepower Foreign Affairs Bureau of the Party headed by Rosenberg; and since this office had specialized in maintaining contacts with Fascist organizations in Eastern Europe and the Balkans, they set up another organ to compete wth the office in the Wilhelmstrasse, the so-called Ribbentrop Bureau, which handled foreign affairs in the West. . . . Finally, in addition to these Party institutions, the Foreign Office received another duplication in the form of an SS Office, which was responsible 'for negotiations with all racially Germanic groups in Denmark, Norway, Belgium and the Netherlands.' These examples prove that for the Nazis the duplication of offices was a matter of principle and not just an expedient for providing jobs for Party members."

Hitler cared nothing for the principle of the division of the powers of government, the distinction between the private and the public sector, or the differentiation between civilian and soldier. His ideal was the political soldier, the ideologue in uniform. "The main task of the commander-in-chief of the Army is to educate the Army in National Socialism. . . ." This was an abiding Nazi belief. "Army and politics so act and react upon one another," said Ernst Rohm, the Chief of the SA, "that a separation of one from the other is absolutely impossible." But it was not just impossible; it was undesirable and pernicious. This brought the Nazis into conflict with the Reichswehr, which brought over into the new era, at least in an attenuated form, the Weimar tradition of apoliticism.

It took time, of course, for the Nazis to achieve the desired regime in the Reichswehr. The duplication of civil functions within the Reichswehr began in July 1933 with the abolition of the jurisdiction of the civil courts over the military; the Army now had its own separate legal system. At the same time the absolute authority of the officers corps over the troops was reestablished by eliminating the institution of Trusted Men. In 1935 the old Prussian Cadet Corps, which had contributed so much to caste isolationism in Prusso-Imperial days and which the early Weimar Republic had abolished as undemocratic was revived under another name. The new institution "suffered just as much as the former Cadet Schools from systematic bias and a lack of universally valid intellectual training." The same year a decree was promulgated which obliged every man of the Elite Guard, the SS, to defend his honor with his weapon, even when the attack could be warded off by other means. This was a prelude for the revival—early in 1937—of dueling for the officer corps. Even in the waning days of the Weimar Republic it was doubted that the retreat from reason would be so complete as to allow behavior like that of the officer corps of the Empire, "a class by itself, subject only to its own professional code, with its dueling, its sacred honor and self-asserted right to avenge that honor upon any civilian who was luckless enough to cross an officer's path roughly. That medievalism cannot be restored; it would be laughed out of Germany. . . ."

But it was restored. When Nazism had deeply penetrated the corps of officers, the German officer was once again a law unto himself.

The duplication of civil functions within the military establishment was paralleled by the Nazi duplication of military functions both within and outsde the Army. In 1934 Röhm, the head of the Nazi SA, proposed the coordination, within a single ministry, of all the armed forces, military and paramilitary. The SA was to be the skeleton group for the expansion of the Reichwehr as a mass-conscription army. But Hitler was too committed to the principle of functional redundancy to permit the amalgamation of regular military and party paramilitary organizations under one roof, Röhm was murdered in the "Blood Purge" of June 1934, which the Army thought of as a victory for the principle that the Reichswehr was supreme in military affairs. Nothing was further from the truth.

"The real winner was [the SS Chief] Himmler who, immediatley after the June 30th purge, began the expansion of the SS. Eventually the SS became in effect a second army numbering by 1944 twenty-five or thirty divisions. . . . The Luftwaffe under Goring was also independent of the normal chain of command. In 1935 it took over the anti-aircraft units. . . . In 1942, Luftwaffe Field Divisions, eventually numbering about twenty and designed for ground fighting, were created from surplus Air Force personnel. Thus in effect the Third Reich had three armies: the regular army, Himmler's Waffen-SS, and Göring's, varied Luftwaffe units. Hitler also maintained a complicated set of duplicate command relationships. . . . Numerous special organizations and hierarchies were created for special missions. The so-called Organization Todt affiliated with the party and independent of the army was responsible for military construction work. . . . Competition among the intelligence services was encouraged with disastrous results for the accuracy and efficiency of German reporting.

However, most of this was in the future. Before Hindenburg's death in 1934, Hitler knew that the Army would march against him if ordered to do so by the President. After his death, down to 1937–38, he still felt the necessity of treading warily with the Reichswehr. The troops had to take an oath of fealty to Adolph Hitler personally; not to the Constitution as before, and by 1935 all offices at the purely ministerial level were filled either with party members or with generals willing to collaborate; but in most respects, because of the relative autonomy granted by Hitler for tactical reasons, "the army remained an isolated center of health, relatively uncontaminated by the virus of National Socialism. Here the German who wished to escape from the onslaught of the totalitarian state might find refuge. . . ." The generals maintained some semblance of reason and humanity long after it had become extinct in civilian life. From the outset many had been disturbed over the inner condition of the Reich; the Jewish persecutions; the repression of organized Christianity; the general absence of civil freedom. In 1938, when the generals were planning their coup against Hitler, the Chief of the General Staff proposed that their protest to Hitler over the projected war should be joined with a protest against the regime of terror, corruption, suppression of free speech and with the demand for a return to the rule of law and the principle of "Prussian cleanliness and simplicity."

Far from pioneering in barbarism, the German volunteer army became one of the last sanctuaries for human decency. Nazis had to surrender their party memberships when serving in the army, since they were subject to a different authority.

"The authority of the Gestapo stopped at the doors of Bendlerstrasse. The field-gray of the Army was a protection against the grosser tyrannies and the petty persecutions to which ordinary citizens of the Reich were subjected. When a member of the Army was suspected of political unreliability, the case had to be submitted to the military authorities before an investigation could be made and, in nine cases out of ten, it was never made. Even the racial laws—the Nuremberg Decrees—were only enforced with the consent of the *Heeresleitung* and then so leniently, and with so many loopholes, that their observance was practically non-existent. . . ."

The impetus for German aggression abroad did not come from the Army, certainly not from the senior officials whose views had been framed under the Weimar Republic. Time and again the generals protested Hitler's aggressive plans—the withdrawal from the League of Nations, the decision to rearm and reintroduce conscription, the breakneck pace of army expansion, the remilitarization of the Rhineland, the intervention in Spain, the designs against Austria and Czechoslovakia, the invasion of Russia, the SS proposals to attack Switzerland in 1943.

"Never has a general staff been so little to blame for a war as the German General Staff for the Second World War, and never has it approached its task with so much distaste. . . . The great majority of senior officers viewed the dictatorship with doubt and detached indifference if not with hatred and contempt. . . ."

Hitler returned the contempt in double measure. In 1941 he said that, before he became Chancellor, he "thought the General Staff was like a mastiff which had to be held tight by the collar because it threatened all and sundry. Since then I have had to recognize that the General Staff is anything but that. It has consistently tried to impede every action that I have thought necessary. . . . It is I who have always had to goad on this mastiff."

To undermine the autonomy of the *Heeresleitung* Hitler employed three techniques—the conversion of high commanders to the Nazi cause the inundation of the Army with ideologues in uniform; and the purging of opponents. Each technique was at least partially successful. In 1933 there had been "very few officers regarded as pro-Nazi"; by 1936 there were hundreds. However, the most successful technique was flooding the Reichswehr with men of alien values—political soldiers. The beginning of the end of effective Army autonomy dates from the decision to reintroduce conscription in March 1935. Only after the transformation of the homogeneous army structure into an unintegrated congerie of disparate tendencies could the Nazis proceed with the final technique of the purge.

Hitler was an ardent proponent of universal military service. Page after page of *Mein Kampf* is devoted to praise of the old Prussian and Imperial Armies precisely because of this institution. The old army, he tells us, "was the mightiest school of the German nation. . . . What the German people owe to the army can be briefly summed up in a single word, to wit: everything."

"In the morass of a universally spreading softening and effeminization, each year three hundred and fifty thousand vigorous young men sprang from the ranks of the army . . . The young men who practiced obedience during this time could then learn to command. By his every step you could recognize the soldier who had done his service.

"This was the highest school of the German nation. . . ."

To Hitler the contrast between the "national army" of the Empire and the "mercenary army" of the Republic was the measure of the degradation of the German nation. The Republic had been founded on "material premises," while what Germany needed was an ideal. It is the gratification derived from a duty fulfilled to the best of one's ability which should actuate men and not the prospect of material rewards.

With the abolition of universal service by the Republic, "the sole institution is excluded which in peacetime compensated at least in part for what was neglected by the rest of our educational system."

"The elimination of universal conscription—which for dozens of other peoples might be a matter of no importance—is for us fraught with the gravest consequences. Ten German generations without corrective and educational military training, left to the evil effects of its racial and hence philosophical division—and our nation would really have lost the last remnant of an independent existence on this planet. . . ."

It was Hitler's task to see that this did not happen. The individual's education "must find its ultimate completion in military service," which "must embrace every individual German." Only then, after fulfillment of his military obligations, will the *"right of citizenship"* be "most solemnly bestowed on the irreproachable, healthy young man." To Hitler the ideal state is run along the same line as the ideal army.

"The principle which made the Prussian army in its time into the most wonderful instrument of the German people must some day, in a transferred sense, become the principle of the construction of our whole state conception: *authority of every leader downward and responsibility upward."*

Universal service has a significant contribution to make to that end.

In these passages of *Mein Kampf* Hitler was primarily thinking in terms of militarizing the young civilian. In 1935, however, his problem was reversed; he had to think in terms of politicizing the old soldiers of the Reichswehr. Years later, he recalled how he had avoided a confrontation with the army until he could defeat the generals with the weapon of conscription. Once conscription was introduced, "the influx into the Wehrmacht of the masses of the people, together with the spirit of National Socialism and with the ever-growing power of the National Socialist movement would, I was sure, allow me to overcome all opposition among the armed forces, and in particular in the corps of officers." As Craig remarks, "his estimate of the probable results of conscription was shrewd and was certainly borne out by the facts.

"Any hope that the army could maintain its independence within the state and at the same time exercise a restraining influence on the policies of the Nazi leader rested, in the last analysis, upon the ability of its leaders to maintain the unity and discipline of the officer corps. . . . But, once the inflation of the army got under way, any hope of this disappeared."

In 1935 the conscription period was set at one year and in 1936 at two. By the end of 1938 the army had a yearly class of draftees of well over 500,000 and the overall total of the armed forces went well beyond a million, compared with the 100,000 of 1933. In the officer corps of the army alone during this period about 25,000 new officers had to be added to the 3,000 or so on the rolls at the outset and the number of generals rose from 42 to 400. "When . . . the intake of cadets increased from 120 to 2,000 a year all attempts at isolation broke down, and the older officers found themselves swept along on a massive alien tide"—SS infiltrators. SA and SS men previously rejected by the Reichswehr as undesirable and graduates of Nazi youth organizations.

"Consequently, a marked difference in outlook rose between the junior and the senior ranks, and by World War II the latter could not be sure of the obedience of their ideologically oriented subordinates if they ordered a military move against Hitler. In the Navy and Air Force the corps of officers had to be built up virtually from scratch; consequently, these services were more predominantly Nazi in outlook."

Undermined from below by the political soldiers, the Nation in Arms, the army leadership was ripe for a purge from above, which after 1938 was permanent. The Fuhrer himself arrogated the functions of those dismissed. By 1941 he combined in his own person the political posts of Chief of State, Party Leader and War Minister with the military offices of Supreme Commander of the Wehrmacht and Chief of the Army Command. He had additionally set up a duplicate General Staff by expanding Schleicher's old political office into the High Command of the Wehrmacht (OKW) headed up by loyal political soldiers. In 1943 the Nazis, following the Soviet model, introduced political officers into the armed forces. with a chain of command independent of the regular military hierarchy. After the attempt on Hitler's life in 1944, the Party assumed control of all home defense organizations, and the Chief of the SS became Commander of the Reserve Army. In the Wehrmacht itself the Party had the final word on promotions and demotions and introduced the Nazi salute. "The Army came more and more to resemble the Storm Troopers, the so-called political soldiers, and many of the orders which were now issued to it sounded like those which Hitler had addressed to his brown-shirts in the days of the street fights and beer-hall battles."

In the course of World War II the Germans suffered 46,000 battle deaths per million population, far greater than the entire number suffered in all of the other Prusso-German wars in the 150 years between 1815 and 1965 (28,727.1), including World War I (27,000). In World War I the Nation in Arms had eventually rebelled, only to abolish the Nation in Arms. In World War II, however, the conscripts passively endured. The only fighting opposition came from the upper ranks of the officers corps, whose views had been fixed in the professional army of the Weimar Republic. When, in despair, the Generals attempted a Putsch in 1944, their ranks were decimated: 25 generals and an admiral were either executed or committed suicide and roughly 700 other officers were executed or dismissed. As Huntington says, the senior officers of the Nazi era came off well by comparison with the standards of professional soldiers. "The evil was not in them. It was in the environment. . . ." And one of the ways by which this evil was transmitted to the Army from the environment was—universal military service.

PRESIDENT'S REORGANIZATION PROPOSALS

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. O'KONSKI. Mr. Speaker, there is one aspect of President Nixon's proposed reorganization of the Federal Government that I believe merits close attention. I am referring to his proposal to strengthen the opportunities for voluntary service through the National center for Voluntary Action.

Under the President's proposal two voluntary programs of the Small Business Administration—the Service Corps of Retired Executives, SCORE, and the Active Corps of Executives, ACE—would be strengthened by being consolidated with all the voluntary programs presently scattered through the Federal Government.

However, it is important to remember that, although SCORE and ACE would be consolidated in Action, the status of the two programs would remain unchanged in their relationship with the

SBA and its management assistance concepts.

It is my understanding that there has been an agreement between the new Action agency and SBA that SBA will continue its supervision of SCORE and ACE to provide management and technical assistance at the national, regional, and district levels.

I believe this is important because the two programs are such an integral part of SBA's management assistance programs, including those that provide assistance to minority-owned small businesses.

From the standpoint of its influence on the work of SCORE and ACE, the plan is for Action to be a clearinghouse and to enlist additional volunteers.

The President wants to broaden the use of volunteers who have valuable experience in business that they can pass on to others who are less experienced. The new agency would thus offer projects to SCORE and ACE volunteers over and above their services to SBA's clients, and would plan and budget such projects. They would continue to exercise the right to accept or reject assignments as they do under present operations.

The Administrator of the Small Business Administration is wholeheartedly supporting the President's plan and has pledged SBA's cooperation in implementing it to the advantage of SCORE and ACE.

NEW TOWNS

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. ANDERSON of Illinois. Mr. Speaker, it is now estimated that our Nation's population will increase by 75 million by the turn of the century, and a very real problem we face is where to put the people. Will we continue to grow haphazardly through suburban sprawl until nearly all of our population is concentrated in four giant megalopoli along the eastern, southern, and western seaboards and around the Great Lakes? Or will we, through careful planning, seek a more manageable population dispersal?

These are the questions posed by Mr. David Rockefeller, chairman of the Chase Manhattan Bank in New York, in an article which recently appeared in the Chicago Tribune. Mr. Rockefeller suggests that a partial solution to this problem may lie in the building of "new towns" and "satellite cities." The 1970 Housing Act provides various mechanisms for implementing an urban growth policy, and places special emphasis on the new communities concept.

Mr. Rockefeller discusses the potential and problems involved in developing such a policy and in building new communities. At this point in the RECORD I include the full text of the article as it appeared in the March 7, 1971, Chicago Tribune. The article follows:

SOLVING OUR URBAN PROBLEMS WITH "NEW TOWNS"

(By David Rockefeller)

NEW YORK.—To keep abreast of the nation's expected population increase—ignoring any replacement of dilapidated homes and apartments—we would have to build a home for two and a half persons every 27 seconds for the next 30 years, according to one government estimate.

This, it is contended, would mean building a city about the size of Yonkers, N.Y. (pop. 204,789), every month.

Figures like these suggest dramatically the scope of the national problem we face if, as conservatively estimated, our population increases by 75 million by the year 2000.

Our acute urban problems are a major concern at all levels of national life—from the White House to the young family that can find no house within its means. They arise from the fact that Americans pour into great urban areas to seek opportunities unavailable in the rural areas they are leaving. This concentrates 70 per cent of the population on 10 per cent of the nation's land.

THE MEGALOPOLIS SPREADS

From this has come the spread of the megalopolis: the Boston-Washington corridor down the Atlantic seaboard; the thrust from Buffalo along the Great Lakes well beyond Chicago; the Los Angeles spill-out engulfing over half the California Pacific; Florida's spread; the Atlanta-Piedmont crescent; the Fort Worth-Dallas-Houston complex.

One need only examine the major cities and their relationship with the suburbs that ring them to realize that such sprawls will hardly accommodate the population growth ahead and provide a social, economic and physical environment suitable for almost 300 million Americans by the end of the century.

Part of the solution may lie in the building of "new towns" and "satellite cities"—communities developed with new concepts, new plans and new material—near, and even in, core areas such as Manhattan.

The Housing Act of 1970 provides for the development of a National Committee on Urban Growth Policy and specifically recognizes the need for new communities for the implementation of that policy. The act identifies the major impediments to the development of new communities on a scale and pace required as financing and land acquisition, together with the coordination of the efforts of all private and public organizations involved in creating new communities. It further provides some extremely useful guarantee and loan programs with a public corporation to administer them.

Sound as this is, more is needed because a National Committee on Urban Growth Policy could well be meaningless without a national land-use policy to guide the physical distribution of the nation's growth. Experience to date confirms that the initiative for this land-use policy can come only from the federal government.

URGES TWO NEW AGENCIES

The various remaining impediments to new community development on a national basis could, I believe, be overcome with two new mechanisms—one a public agency to handle land problems, the other a private or quasi-public organization to provide financing.

The role of the public agency would be new community site selection and acquisition, and coordination of the various federal programs related to development.

A basic premise of any land use policy is that the investment in our existing cities must be conserved and built upon, to include the development of "new towns in towns" as well as to the "satellite" or even more remote new communities.

Most important, the relationship of "new towns" and "satellite cities" to the present core cities would be of primary concern to insure that they were mutually supporting and not competitively destructive.

To be fully effective, this agency, should have the power of condemnation and eminent domain as may be necessary to accomplish the acquisition of suitable new community sites. Despite various political difficulties, such powers appear both necessary and practical if new communities are to be developed consistent with a national land-use policy.

But it should be clearly understood that there are limitations to such powers, possibly subject to veto by the governor of a concerned state or the override of that state's legislature. However, the restrictive power should rest in a body with broad enough perspective to safeguard the public and national interest and prevent unreasonable frustration of the broader public interest by parochial points of view.

BOARD APPOINTED BY PRESIDENT

To be most effective, the federal corporation should be governed by a board appointed by the President of the United States but it should not be a part of the executive office. Its financing would be provided by Congress thru the establishment of a fixed revolving fund. Those sites acquired by this agency for new communities would be freed of zoning, code and other restrictions which could impair the opportunities for innovation in the development of new communities.

For the massive financing needed, a private or quasi-public corporation would be established. It might be termed a National Development Bank. This bank would be a nonprofit organization and would finance the land acquisition and predevelopment costs of new communities.

These costs, which must be incurred several years before a new community can develop sufficient income to sustain itself, represent a major roadblock at present.

For example, one recent study estimates that the start-up costs for a new community of 100,000 population would run close to $50 million. On that basis, the 100 new communities of 100,000 population and the 10 communities of one million population proposed by the National Committee on Urban Growth Policy in its report would have start-up costs to $10 billion.

With start-up costs met thru financing provided by a National Development Bank, conventional financing sources combined with various programs at several levels of government are generally adequate to finance the actual residential, commercial industrial and public facility construction.

ORGANIZED ON GEOGRAPHIC BASIS

As I envision it, the bank would be organized on a geographic basis, much like the Federal Reserves Bank, with its equity derived from capital contributions by various member banks. Debentures would be sold to insurance companies, other financial sources and the public. The return of equity and the yield on certain of the debentures would be modest.

The dollar return to investors would be modest, with the rate on the debentures fluctuating with the money market. However, the bank would provide an opportunity for the financial community to channel social-purpose money into a national effort to implement urban growth rather than doing so entirely thru piecemeal lending.

The sale of debentures by the development banks would permit commercial banks, insurance companies and other investors to discharge such responsibilities, obtaining some return while playing a constructive role in improving our society.

To spare the borrower the burden of interest payments until the development had progressed to the point where income could sustain them, the debt service on the bank's loans would be fixed as a percentage of positive cash flow.

From the site-development phase in collaboration with state and county planners, the residential, commercial and public development would progress until the community was a completely viable one with a healthy, growing mix of the elements required to reach the status of new community.

Loans to the bank would be repaid and the community would be incorporated as an individual political jurisdiction.

OUTLINES FIVE MAJOR POINTS

In total consideration of the problem of population growth I believe we should keep these five points clearly in mind:

First, that because the problems of core cities and new communities are so closely interrelated, they call for the establishment of overall national goals and guidance.

Second, that federal and state assistance must be closely coordinated to stimulate responsible local action and serve the best long-run interests of the overall community.

Third, that the amount of state and local building and rebuilding required is so vast that it will make necessary the expenditure of a steadily increasing share of our total national income.

Fourth, that it is imperative for any new community or redevelopment project to include enough profitable activities—whether in housing, commercial development or industry—to generate tax revenues sufficient to make the project viable with a minimum of public subsidy.

Fifth, that the task of refurbishing our existing core cities and building of new communities can be accomplished if public and private efforts are creatively combined in a manner that will win community support.

HOUSE LEADERSHIP SUPPORTS RESOLUTION CALLING FOR THE RELEASE OF 1971 APPROPRIATIONS IMPOUNDED BY THE NIXON ADMINISTRATION

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. ALBERT. Mr. Speaker, the distinguished majority whip, Representative THOMAS O'NEILL, is today introducing a resolution calling for the release of 1971 appropriations impounded by the Nixon administration. This resolution has the full support of the House leadership, and I am hopeful that the widespread concern expressed to date over these frozen funds will generate broad sponsorship of the legislation.

Mr. Speaker, the House leadership has spoken out on more than one occasion on this matter, challenging both the President's infringement of legislative prerogatives and his failure to recognize the urgent need for some if not all of the $12.8 billion withheld. Of particular concern to me are the impounded Housing and Urban Development appropriations—$942 million for low-rent public housing, $200 million in basic water and sewer facility grants, and $583 million for model cities. It is unbelievable in light of the deterioration of center cities all over America that any funds at all that might relieve the crisis should be withheld at this time. The crying needs of millions of people trapped in congested cities with inadequate services and deplorable living quarters cannot be coldly shunted aside.

This is far from the realm of political partisanship, Mr. Speaker, for the shortage of housing funds is adversely affecting public agency operations and citizen morale, while disrupting ongoing projects throughout the Nation. The National Association of Housing and Redevelopment Officials has compiled a report on the deterioration of local efforts at such a time of overwhelming need, and the heartfelt pleas from so many housing officials regarding their plight cannot be ignored. The situation has become so critical that there are pending State suits against the Federal Government, as well as other legislative initiatives to reassert congressional prerogatives and, more importantly, to demonstrate our strong commitment to this administration's forgotten Americans.

I append the full report of the Housing and Redevelopment Association for the consideration of my colleagues and urgently plead that its heartfelt appeal not go unanswered:

FACT SHEET ON PUBLIC HOUSING AND URBAN RENEWAL FUNDS EMBARGO CRISIS

BACKGROUND

The Administration through the Office of Management and Budget is currently withholding the use of approximately $11 billion of funds approved by Congress for expenditure this fiscal year. Of this amount $150 million is for public housing development and operating subsidy programs. $200 million is for urban renewal projects.

PROPORTION OF THE CRISIS

In order to evaluate the impact of this embargo the National Association of Housing and Redevelopment Officials conducted a survey of local agencies. Of the over 200 responses from 36 states the following comments relating to the emergency condition were received:

1. *Total community impact:* The embargo has slowed many communities development efforts, placing their physical improvement programs in chaos, and accentuating local economic problems. Timetables have had to be altered, the execution of contracts delayed, potential development sites have been lost, and prospective private sponsors lost.

In areas of high unemployment the embargo has been doubly severe. First, the funding of these projects would mean new jobs, and more money pumped into the local economy resulting in a multiplier effect. Second, unemployment has created an even higher demand for public housing units, a demand which cannot be met because of the lack of funds.

2. *Effect on other public programs:* The withholding has severely hindered the orderly coordination of public programs. Public housing which was to be used as relocation housing for renewal projects, highway construction, school development and the like will not be ready when needed. In renewal, the importance of coordination with other programs such as model cities, assisted housing and public housing is obvious. This coordination process has been jeopardized because of the embargo.

3. *Financial crisis:* The embargo has threatened the very existence of some housing and renewal agencies. They simply don't have the money to meet current expenses. The failure to fund new applications, the refusal to honor past commitments, and, in public housing, the lack of full implementation of the Brooke/Sparkman amendments for operating subsidies is the cause of the crisis. Already, agencies have had to lay off staff, and postpone the payment of existing obligations.

4. *Increased costs:* The delays at the local level prompted by the withholding of funds will be translated into higher costs to developers, localities and the Federal Government. Financial estimates based on purchasing property and constructing improvements made according to a timetable assuming the orderly funding of an application are no longer valid. Costs have increased and all the participants in the program will have to absorb part of these additional costs.

5. *Confusion of Federal goals:* Many communities ask why there is now an embargo when just months ago the Federal Government was encouraging them to participate in these programs. They prepared applications, obtained the necessary local approvals, initiated discussions with private developers, and now they are told that these applications cannot be funded because of the embargo.

6. *Loss of public confidence:* The lack of money to fund these applications has caused the eroding of public support for the programs. The locality cannot meet the goals it established because there is no money. Now, citizen groups, merchants, businessmen, developers and local elected officials are re-examining their support for these programs.

SAMPLE QUOTES: PUBLIC HOUSING

From a housing authority in Connecticut: "Our entire metropolitan area suffers from a dangerously high level of unemployment . . . we presently have nearly 400 units under program reservation not funded and pending for over nine months . . . we also have a pending application for operating subsidies . . . these programs could both mean additional jobs and economic investment in the area."

From a housing authority in Texas: "This Authority has in active development 466 units of Turnkey family housing which are in jeopardy because of lack of funds. Four different developers are involved on five scattered sites. Proposals were accepted in June, 1970 and thousands of dollars have been invested in land options, architectural and engineering fees, only to find that the Regional Office, as of March 19, can fund only 152 of these units. As a result, valuable sites will probably be lost along with goodwill developed in the community. Extensive efforts were expended in selling the Turnkey program to the community and to local developers who are now disillusioned."

From a housing authority in Iowa: "For the first time our housing authority has operated in the red, because of our inability to get supplemental funds to implement the Brooke amendment (rent reduction amendment) which went into effect on March 24, 1970 . . . these funds are being held up, though authorized."

From a housing authority in Rhode Island: "As of today, our deficit is estimated at approximately $175 thousand above current reserves. . . . When July 1 comes, the figure could be much higher . . . hopefully, consideration will be given to the release of funds for operating needs."

From a small housing authority in Tennessee: "We have three projects that need immediate attention . . . the preliminary loan contract has been approved for some time now. The sites for these projects have been selected and approved . . . options were signed and will expire in a short time if we do not work fast. As you know, the price of land is growing by leaps and bounds, and it will be impossible to hold this property at our option price for an indefinite period of time."

From a housing authority in South Carolina: "We have a planning grant for a housing development which has received the enthusiastic approval of area residents, as well as the public at large . . . the living conditions in this neighborhood have been a disgrace for 40 years . . . since the beginning of this development, the staff has worked diligently with individuals and families . . . at the last several community meetings, the residents have expressed despair and hopelessness in the lack of progress. . . . They have concluded that they will never live to see actual construction begin on this housing development . . . our housing authority staff has never observed such utter desperation."

SAMPLE SITUATIONS: URBAN RENEWAL

A small community in Texas is planning a large development effort which involves a major overpass over its railroad yards. To accomplish this, the city received commitments from the state highway department and the railroad for over a half million dollars to assist in this project. However, both now express concern that they will not be able to keep earmarking these funds much longer, an action which will prevent this project from ever being initiated. To make matters worse, the agency's operating funds will be exhausted on May 15, 1971 unless its application is approved.

A Rocky Mountain city has a pending renewal application which would provide a site for a shared location to be used by three colleges. The state appropriated $1.4 million for financial assistance to the project, but this money will revert to the general fund on June 30 unless the Federal application is approved.

One California city submitted a third year application for $9.7 million, $4.8 million of which is new funds. The HUD Area office informed it that it could receive only $1.2 million in new money which "wouldn't even cover interest payments on our project notes."

A large southern city is in similar straits. For its second year NDP activities the city requested $6.3 million but was informed it should submit a revised application for only $1.4 million, the amount of its first year grant. The Executive Director notes the implication of this reduction of the application—(1) "the 'life-blood' of our Agency . . . is in severe jeopardy;" (2) "it would be extremely difficut to tailor a $6.3 million program to a $1.4 million program and still produce a meaningful and significant impact on the NDP areas;" and (3) "the confidence and support of the residents of the area . . . will be seriously eroded."

A large Texas city in submitting its second year NDP application placed major emphasis on drainage improvements, working out a joint project with the local river authority, the Model Cities program, and the U.S. Corps of Engineers. The city's application for these acivities was for $14 million. Yet HUD has informed the city it will receive only $3.5 million. The Executive Director comments, "our scheduled second year of the channel improvements alone is $3.8 million. At the moment, it looks as if we not only have to cut second year actions involving housing sites and rehabilitation (both critical areas of concern in Model Cities) but also have to somehow cut back on what we are committed to do on channel improvements."

One village in New York State is presently completing a renewal project which should be closed out by July of this year. The community has a pending application for an additional project, which if not funded before the termination of the existing project may mean "a good possibility that this agency and the employees will have to be terminated."

A small New England city notes that unless its amendatory application is funded within 60 days "we will have no other alternative but to close down these projects." The agency has already cut staff by 50% and now has a balance of $500 in the account of one of its projects.

From an upstate New York community: "Our emergency arises from the fact that we have exactly $1,536.63 in our checking account of this date with liabilities of more than double that amount. Our monthly expenses are about $3,000. We will literally close the doors unless we receive some immediate action from HUD."

A New England city reports that because it has not received approval of an amendatory application, it has been forced to borrow more than $90,000 from other local sources to pay relocation claims and interest charges.

MINIMUM WAGE LAWS DISCRIMINATE AGAINST MINORITIES

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. McCLORY. Mr. Speaker, a most knowledgeable constituent, John A. Renick of the Social Science Department of the North Chicago High School, North Chicago, Ill., has commented on the disservice to minorities and to young people resulting from minimum wage legislation. Mr. Renick knows whereof he speaks and he deserves to be listened to by the legislators, both State and Federal, who should be considering the welfare of those whom they serve instead of currying favor with the special interests which clamor for minimum wage laws and other artificial panaceas.

Mr. Renick's letter to the editor which appeared in the Wednesday, April 21 issue of The News-Sun, Lake County's only daily newspaper follows:

PROTESTS WAGE LAW

I have been out of the Waukegan area in recent days and do not know what recent action may have been taken, but my absence gives me opportunity to write a letter of protest. The Illinois House of Representatives passed, about March 21st, by a vote of 119 to 32, a bill which will cause the loss of many hundreds, probably thousands of jobs, mostly among minority group workers. In its effect, it is the most anti-Negro legislation passed by the Illinois House in many years. It was sponsored by a representative from McHenry.

The reactionary and oppressive bill I am referring to is the proposed Illinois "minimum wage law." It is true that many people, still ignorant of the real economic and social results of "minimum wage laws," support them sincerely as if they really raise wages in general among the poorest workers in the industries covered by the law. This belief, born out of the well-intentioned economic ignorance of the 20s and 30s, has long been proved to be false.

The most powerful effect of such laws is not the forced raising of the money wages of those who manage to keep their jobs, but the losing entirely of their jobs on the part of a multitude of the most vulnerable workers, as employers economize in the face of increased labor costs. Former Illinois Senator Paul Douglas, in his classic work on the theory of wages and employment in 1932, showed that for every one per cent forced increase of wages above what they are in a market situation, two or three per cent of the labor force affected will be disemployed, that is, forced out of work. This has been demonstrated beyond argument in subsequent years as unemployment has immediately shot up in covered industries after introduction of or increases in "minimum wage" levels.

Minority groups, in their common position of "last hired, first fired" (because of cultural disadvantage, poorer education, and/or employer prejudice) are hardest hit by this effect. "Minimum wage laws" are a chief cause of the disproportionately high unemployment levels among blacks, especially teen-agers. If this bill becomes law, the job-hunting and job-holding plight among Illinois Negro teenagers will be sadder than ever this summer.

Economists and University of Rochester President W. Allen Wallis has written that "minimum wage laws" are in effect, though not in intention, among the most anti-Negro of laws. Even socialists like Robert Theobald admit that their outstanding immediate effect is increased unemployment, especially among minorities.

How are the state legislators from Lake County voting on this bill? Minority group people of this area, don't let them in their ignorance deprive you or your friends of jobs!

JOHN A. RENICK,
Social Science Dept., North Chicago High School.

TWO WINNING ESSAYS OF EVACUATION DAY CONTEST HELD IN BOSTON, MASS., MARCH 17, 1971

HON. LOUISE D. HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following winning essays of the Evacuation Day contest held in Boston, Mass., March 17, 1971:

WHY I'M PROUD TO BE AN AMERICAN

(By Nancy J. O'Brien)

I'm proud to be an American because of many reasons, first of all because we can live, work and worship as we please. Whatever we wish to do in this world it is our right to seek out what we want to do and work for it. Our God-given talents can be used here in America to the best of our ability, since there are so many schools, colleges and places to improve and better ourselves if we so desire.

Best of all is that here in America the houses and buildings have not been touched by bombs from another nation as so many of our European countries have had. This is because we as Americans protect what we hold so close to us.

I am a seventh grader and don't know too much about politics now, but I do know that as an American I will grow up in a country where I will be protected against wrong doings. I also know that when I am of age I can vote for anyone I feel will help America. This right can not be taken away from me.

I am proud to be an American when I see pictures of other boys and girls my own age without food and clothing and a place to live. I know they live in a country where wars are being fought, but here in America such things are kept from our shores.

This country is also a beautiful place, with its parks, roads and many natural resources. It takes more than one person to keep America beautiful and I appreciate looking at every inch of my land.

I am proud to be American when I listen to stories my grandmother tells me of her young days in a foreign country, and the many hardships she endured. I am happy to see how proud she is to have her citizenship papers to show she is an American. She makes me realize how lucky I was to be born here.

I know that as a twelve year old I don't get a chance to show my feelings toward my country, so I am glad for this opportunity to put down a few of my thoughts. As I grow older I will learn more about America through my school and studying history from its earliest beginning. The men and women who lived and died to make America what it is today would not be ashamed of its people. We are not perfect but it gives us a goal to work for.

In America all people are created equal, no matter what color or religion or nationality. Everyone has a choice to live as he please under the flag of red, white and blue. Not only under the flag but under our National Anthem. When this song is sung, I know many people as well as I get a nice feeling. If you will just listen to the word, "the land of the free and the home of the brave," tells a lot about my America.

WHAT FREEDOM MEANS TO ME IN THE SEVENTIES

(By Patricia Fahy)

To be truthful, I have never really evaluated the meaning or depth of my freedom. I have merely taken it for granted and enjoyed it. However after much consideration, I now realize the importance of it, and the effect it has had upon my life.

I receive many privileges from my parents because of the implicit trust they have in me and because I have never betrayed their trust. I am allowed to go to places within reason accompanied by my friends, and I also enjoy a resasonable curew for my age. For example, this summer my friends and I went to Cape Cod, horseback riding and participated in other events which we immensely enjoyed. Even though I have never seen it in such a light before, the ability to participate in activities such as these are aspects of my freedom. At present, I am fulfiilling the requirements for obtaining my license, such as driver's education and driving lessons. If I do get my license, it will not only be a state-granted freedom to be allowed to drive a car, but also a family privilege when my father or brothers trust me enough to allow me to take their cars.

On a wider and more impersonal scale, our government bestows numerous freedoms upon its citizens until they disprove their ability to handle them wisely and justly. Because I live in this country, I can freely decide my life's ambition, choose where I want to be educated, and where I will settle down and carry out my life's plans.

During the course of the seventies, I will have lived on this earth long enough to register to vote. This is one privilege I am anxious to obtain and will not treat lightly.

I regard this act of voting as a form of support for a person, issues, and ideals in which I trust and believe. If, because of my support, a person obtains a political office, it gives him the chance to straighten out our problems, and to maintain the freedom we know today for future generations. This means a great deal to me because there are so many current problems obstructing our national ideal. I am not so naive as to strive for or even hope for achieving a utopia because I know this is an impossibility, however, I do feel there are many injustices that could be corrected by a change in leadership, attitudes, and more action on the part of apathetic citizens.

Also before the turn of the decade, I hope to have started raising a family. My freedom will greatly influence this portion of my life. I want to be able to teach my children about the God in whom I believe, the principles and the ideals I feel are important. I want them to grow up in a free country as I did, however, I hope there will not be as many problems and crises for them to encounter.

At this point, I would like to be able to say that because of my freedom, I am now happily finding answers to my many questions about life, but I can not, not yet anyway, because I am still searching. However, I can say that when I find these answers I am confident that I will be able to pursue my life's goals successfully because I am a free person.

DEMONSTRATIONS—ANTIWAR OR ANTI-AMERICAN?

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. HUNT. Mr. Speaker, it disturbs me to see and hear the apparently official attitude around this city not to do or say anything that will inflame the antiwar protesters.

Since the large majority of our constituents do not receive the local Washington papers or newspapers from nearby cities, it might be well to point out a few things that have happened during the past few days of demonstrations so that the American people will not be misled into believing that the participants are just another bunch of youthful, fun-loving patriots.

One article, appearing in the Washington Post, blandly notes:

> In all, there were 25 arrests Saturday and early Sunday, police said—18 for disorderly conduct, two for crossing police lines and five for burglary after an unsuccessful 3 a.m. attempt to enter the Washington Monument.
>
> Several bottles were thrown at police briefly Saturday afternoon, 32 (American) flags were ripped down at the Washington Monument, and all the seats of the Monument's park benches were burned early Sunday in scattered bonfires used to warm the concert listeners.

But get this observation, as if to add respectability to the whole affair—

> The arrest and damage totals were far below those of demonstrations of comparable size here in previous years.

Accompanying the article is a picture showing hundreds of automobiles illegally parked on the Monument Grounds, which was turned into a campsite, and I dare say that none of your constituents could get away with that for a minute even if they only wanted a ringside parking site from which to take in the sights.

An article in this morning's Washington Post reveals that the campsite in West Potomac Park—situated between the Lincoln and Jefferson Memorials and approved earlier by the Justice Department as the staging site for militant protests this week and next—is nothing more than a temporary recluse for drug users, vagabonds, and teenage runaways. From this site of disorganization, the daily bands of dissidents descend upon the Congress and other Federal agencies to say how rotten everything is and supposedly suggest—or demand—how Congress might act more responsibly.

A front page picture in the Sunday issue of Baltimore's The News American shows three demonstrators posed on a statue on the Capitol grounds—with the dome of the Capitol as a backdrop—one perched atop the statue waving the Vietcong flag. The accompanying article reports:

> During the march, about 50 persons carried the Red flags of revolution and Vietcong banners and placards reading "Smash Imperialism—Build a Labor Party" and bearing pictures of Marx, Lenin, and Trotsky.

It is unfortunate that those who have sincere convictions against the policy of our President with respect to extricating American troops from the war must be associated with the growing number of misfits who, while professedly antiwar are equally anti-American. It is indeed becoming increasingly difficult to separate the wheat from the chaff as even outright acts of anti-Americanism are given some aura of respectability and legitimacy under the cover of the antiwar emotion. This fact should be obvious to anyone who cares to look and it might again be observed that in all of these so-called peace demonstrations, the American flag is conspicuous only by its absence.

On a related matter, I have repeatedly cautioned that those who are so vociferous against the war are actually prolonging the war by making a just settlement increasingly difficult to achieve. Illustrative of this fact is an article that was tucked away in the pages of the Washington Post of this date under the heading of "VC Offers Aid to U.S. Deserters." Quoting the article directly:

> Paris, April 26—The Vietcong today promised help and protection to American deserters in South Vietnam and urged them to step up their antiwar efforts.
>
> The offer came in a Vietcong High Command order to its guerrillas circulated here (Paris) by the Vietcong delegation to the Vietnam peace talks.
>
> The statement urged U.S. servicemen to seek repatriation and "to refuse to go submissively to a useless death in the unjust war in Vietnam and Indochina."
>
> It ordered guerrillas to welcome and reward American deserters and to help them seek asylum in another country or return to the United States. It did not spell out what the rewards would be.
>
> (*UPI quoted a Vietcong spokesman in Paris as saying that some U.S. deserters have joined their ranks and are fighting other Americans in South Vietnam.*) Emphasis added.
>
> An editorial in the official Hanoi daily Nhan Dan also demanded that President Nixon set a date for total U.S. pullout from Indochina.

Mr. Speaker, when are we going to wake up?

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my huband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

THE CONVERSION OF A SKEPTIC

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. ANDERSON of Illinois. Mr. Speaker, Columnist James J. Kilpatrick was at one time a self-confessed skeptic when it came to the Peace Corps. Like some other critics at the time the Peace Corps was conceived, he saw it as "a gaggle of adolescent do-gooders, bearing ideological Rinso to the great unwashed"—at best they would be "innocents abroad," and at worst, "meddlesome Melvins, bound to make trouble."

Well, all that has changed, and the hard-nosed conservative columnist has admitted to the error of his ways, and is now a newly won convert to the Peace Corps cause. The conversion may be attributed in part to 36-year-old Peace Corps Director Joe Blatchford and the new directions he has charted for the agency in response to third-world needs. Mr. Kilpatrick also makes favorable mention of the Action Corps which would bring together the Peace Corps, VISTA, and other Federal volunteer programs under one roof.

At this point in the RECORD, Mr. Speaker, I include the full text of Mr. Kilpatrick's column as it appeared in the April 22 edition of the Rockford Morning Star:

PEACE CORPS GETS NEW LIFE AMONG VOLUNTEER AGENCIES

(By James J. Kilpatrick)

WASHINGTON.—What ever became of the Peace Corps? The question crops up now and then, generally when an observer of foreign affairs senses that something has dropped out of the news and realizes the Peace Corps is it.

On inquiry, one learns that the Peace Corps leaped into lively existence under Kennedy, peaked off its own momentum in 1966 and then lapsed into slow decline. Now that decline has been reversed. Applications from prospective volunteers once more are flooding in, and the Congress is about to take up Nixon's plan for bringing half a dozen volunteer agencies, including the Peace Corps, under a single tent to be known as Action.

Let an old skeptic confess, in part at least, the error of his ways. When the Peace Corps first was conceived, many a conservative critic, including me, saw the outfit as a gaggle of adolescent do-gooders, bearing ideological Rinso to the great unwashed. At best, we supposed, the volunteers would be innocents abroad; at worst, they would turn into meddlesome Melvins, bound to make trouble.

The estimate, in fact, was not wholly in error. Some of the volunteers, equipped with little more than a liberal arts degree and a few stars in their eyes, proved to have little of value to the host countries where they worked. In Latin America, some of the activist types, working to organize the campesinos, and instruct them in their civil rights, achieved little but new disillusion. In the course of time, the Peace Corps formally was invited out of half a dozen countries. And as the novelty wore off, applications declined from 45,600 in 1964 to 19,000 last year.

Yet the picture, viewed as a whole, was much better. The Peace Corps volunteers proved themselves, by and large, as excellent emissaries of the United States. They taught in schools where there had been no schools before; they performed some ingenious miracles here and there in agriculture, in sanitation and in public health. They caused little or no embarassment in U.S. foreign policy, and they made a host of friends in people-to-people diplomacy. Barry Goldwater's enthusiastic comment that the corps is "the best thing we have going in the field of foreign relations" probably is close to the mark, though it tells us something of what else we have going for us in the field of foreign relations.

Under Director Joseph Blatchford, sideburned and blue-eyed, the Peace Corps is steadily being revamped. The new emphasis is on recruiting volunteers with specific skills—plumbers, carpenters, especially farmers. In 1969, barely 2 per cent of the requests reaching the Peace Corps from host countries were for farmers. This year the figure is 18 per cent. Meanwhile, requests for "generalists" have dropped in half, from 60 per cent to 29.

Recruiting efforts are being altered in other directions also. From its inception, the corps has encountered great difficulty in attracting black and Chicano volunteers. Vigorous programs are in motion to change this picture. Formerly the corps took married couples, but none with children. Now whole families are being recruited. In 1969, only 6 per cent of the applicants were over 28; the figure this year is 21 per cent.

Blatchford has a highly carbonated optimism about the road ahead. The new Action agency—unless Congress disapproves—will bring such agencies as VISTA (Volunteers in Service to America) and eventually the Teachers Corps under his wing. He foresees all kinds of possibilities for men and women with a sense of dedication to volunteer service—for example, one year of teaching in some troubled spot in the United States, followed by two years of teaching abroad. A number of universities are working out plans to grant academic credit toward master's degrees in return for volunteer service.

Not everyone is so enthusiastic. Many of the VISTA people, suspicious of change and hostile to Nixon, are dragging their feet. But Blatchford is warmly convinced that plenty of Americans still possess the old volunteer spirit, and he is ready to welcome them aboard his refurbished ship, for duty at home or abroad.

MAY 3—THE POLISH NATIONAL HOLIDAY

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. COTTER. Mr. Speaker, on May 3 people of Polish descent from all over the world will be celebrating the 180th anniversary of the Constitution of Poland. It is indeed an honor to take this time to commemorate this noteworthy event. It deserves recognition in the House of Representatives.

The freedoms and liberties that the people of the United States enjoy stem from the ideals set forth in our Constitution. It is little known, but on May 3, 1971, these ideals were set forth in the Constitution of Poland. Today, however, they are powerless to enjoy the benefits they so rightfully deserve because of the ruthlessness of Communist domination. This, however, is not the first time that the people of Poland have been subjugated; her history has long been tragically marred by the presence of foreign powers or undemocratic governments.

I ask that this distinguished body recognize this important holiday in the hope that it will bring renewed faith and courage to the citizens of this oppressed land. And I pray, as they do, that the future will bring the independence and freedom embodied in their Constitution of 180 years ago.

KENDALL IS THE MAN TO HANDLE RAILPAX

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. CHAMBERLAIN. Mr. Speaker, as the Members of the House are aware, Amtrak, the new passenger train service, formerly known as Railpax, begins operations on May 1. It would be hard to find a more challenging or more difficult assignment than establishing passenger train service on a financially sound, efficient, and satisfying basis to all those throughout the country who desire this mode of transportation. It is, indeed, a Herculean task. The Jackson Citizen Patriot in an editorial on Wednesday, April 7, 1971, recited some of the many fine qualifications that the chairman of the board of the National Railroad Passenger Corp., David W. Kendall, possesses for this almost impossible task. I am pleased to join the Citizen Patriot in saluting Mr. Kendall, formerly an Assistant Secretary of the Treasury and later Special Counsel to the President under the Eisenhower administration, for his willingness to once again lend his considerable talents in service to our Nation and commend the editorial to the attention of my colleagues:

KENDALL IS THE MAN TO HANDLE RAILPAX

David W. Kendall, the former Jackson attorney who now heads Railpax, the nationalized passenger train service, has made it plain that he will not yield to urging that the service be expanded.

Mr. Kendall, testifying before a Senate committee and hearing complaints from senators concerned about limiting of service in their own states, said that the new system "represents our best judgment."

He also described the Railpax plan, which goes into effect May 1, as a solid base on which rail passenger service can be expanded if business warrants it.

As we understand the Railpax concept it is to provide passenger service where the passengers are and to eliminate the costly, inadequately patronized trains which have been kept running only because people in the areas served want them retained.

Giving in to political and regional pressure would, of course, defeat the very purpose of the Railpax system and run up a bill for the taxpayers for millions of dollars to subsidize trains which only a few persons want to use.

Jacksonians who know Dave Kendall understand that he is the kind of a man who will follow what he interpets his orders to be and will withstand political pressure to change them.

We have seen Mr. Kendall in operation as a practicing attorney, a school board president, a leader in the Republican party and an assistant secretary of the treasury under President Eisenhower. (He started his working career as a young man as a reporter on the Citizen Patriot.)

In every position he has held, Dave Kendall, the politician, also has been a practical man who does what he thinks is right no matter how hot the flack may get.

He is an excellent choice to head Railpax as he knows the railroad business from his days as a counsel for the New York Central.

Moreover, he has nothing to prove and no political ambitions of any kind. He retired from his private career when he stepped down as vice president in charge of legal affairs for Chrysler Corp. He answered the summons to head Railpax because he thought he could do one more public service. Thus he is about as invulnerable to pressure as any man can be.

If Railpax is to preserve, and possibly expand, rail passenger service in this country instead of being the last gasp before the coroner is called, it will have to be operated along the lines laid down by its advocates and implemented by Mr. Kendall and his associates.

If politicians and prideful civic interests insist on maintaining service where the traffic does not justify it, Railpax either will fail or become a terribly costly federal boondoggle.

We say that even though we know that many areas of Michigan are left off the new rail system and the drum beating for saving some of the trains is loud, indeed.

Although Jackson is on the Detroit-Chicago main line and will be served by Railpax, it will lack some of the present connections to population centers such as New York.

If, however, the drastic surgery is necessary to save the patient, so be it.

And we wish Dave Kendall luck in making the plans stick. If anyone can do it, he can.

AN OIL SPILL ON TROUBLED WATERS

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. BOLLING. Mr. Speaker, Vietnam as another Golconda with vast natural resources, to be exploited by U.S. interests, is exposed as a "synthetic bogey" by former Under Secretary of State George W. Ball in the following column which appears in Newsweek, May 3:

AN OIL SPILL ON TROUBLED WATERS

(By George W. Ball)

Recently, on three college campuses, not only students but even some young faculty members have confronted me with a startling assertion. America, they have announced, has embroiled itself in Vietnam not from misconceived purposes of strategy and politics but from motives as ugly and elemental as greed. South Vietnam, they say, should better be named Golconda. Just as someone once described Britain as an island founded on coal and surrounded by fish, Vietnam—these young men assure me—is a land founded on vast ore bodies and surrounded by oil. Thus our adventure in that wretched terrain of paddy and jungle—what General de Gaulle once described to me as "rotten country"—is not, they confidently assert, a misguided effort of containment, but instead a textbook example of economic imperialism, gunboat diplomacy and nineteenth-century-style filibustering.

When I have countered this thesis by declaring that in more than six years' involvement at the highest level of our government I never heard even a whisper that America had a significant economic interest in Southeast Asia, my student interlocutors have regarded me with incredulity, implying that I was either gullible or a tool of the interests. Even my modest suggestion that they might profitably take a course in economic geography was not enthusiastically received.

SYNDICATED BOGEY

Obviously, all talk of vast reserves of copper, molybdenum and other valuable metals reposing in the subsoil of South Vietnam is moonshine. Yet it is bad luck that now, in this tenth year of our Vietnamese agony, the whole continental shelf of Southeast Asia should become the focus of an oil search. Though the South Vietnamese Government has, as yet, granted no drilling concessions, the mere fact that offshore Vietnam is now regarded as geologically—though not politically—a "good risk," should be quite enough for the revisionist historians with a Marxist bias. Up to now they have had a lonesome hunt in Vietnam, since the only devil they have found to chase is that synthetic bogey "the military-industrial complex." But the merest whiff of oil puts them on a new scent. Since it is part of our folklore that even the most nebulous vision of potential gushers arouses the beast in man, to link the word "oil" with South Vietnam triggers a Pavlovian reflex in all those who light up with moral glow at the venality of others.

Of course, it is a fair question why we are in Vietnam, since our national interest in that area seems so hard to identify, and most citizens have found only the foggiest answer. For them the workings of government still remain a dark mystery, and, as with any drama, acceptance of the action depends on a tenuous suspension of disbelief. When, as has now occurred, disbelief is no longer suspended, we must brace ourselves for a bizarre season of nonsense.

NO ARMAGEDDON

To counter the current mood will not be easy, and no one can do much to help except the President. His most urgent task is to persuade a justifiably skeptical public that, at long last, we are getting fully out of South Vietnam and will not again be seduced by tactical diversions that expand the combat theater. Beyond that, he needs to reformulate our objectives, as he has already tentatively begun to do, while rigorously abjuring political hyperbole. The point to be made is that Vietnam is not really Armageddon after all, and that we should never have guaranteed that the country (if it is a country) would be made safe for democracy. The most we should ever have undertaken was that the South Vietnamese would be given a "reasonable chance" to determine their own destiny, leaving ultimate success or failure in their own hands. That is, after all, the totality of the promise that President Eisenhower made to Diem in 1954, when we first started down this tortuous road. If we now retool our public declarations to emblazon that point for all to see, we will not only minimize the political damage to our position around the world in the event that the Saigon regime crumbles under the pressure of progressive withdrawal, but we will condition the American public to withstand the wild and windy nonsense which is certain to mar life on the home front in the months ahead.

HON. JACK A. LIPARI

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. CARNEY. Mr. Speaker, I wish to express my sincere congratulations to an extremely knowledgeable and energetic gentleman, Jack A. Lipari. At this time, however, I should refer to him as Judge Lipari. His great interest in the justice that our Nation guarantees has provided him with the opportunity to dispense this justice as judge of the county court.

Socrates said:

> Four things belong to a Judge: to hear courteously, to answer wisely, to consider soberly, and to decide impartially.

I am confident that these four things belong to Judge Jack A. Lipari.

ABOLITION OF HOUSE COMMITTEE ON INTERNAL SECURITY LONG OVERDUE

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. DIGGS. Mr. Speaker, the American public in recent months has witnessed long overdue outrage expressed against spying by various Government agencies. It seems any citizen's, any Congressman's, any Senator's ideas and actions are deemed "questionable."

It saddens and alarms me that while the public has placed its trust in Congress to take steps to protect the freedoms and rights of an unjustifiably scrutinized citizenry that the legislative branch is nonetheless negligent in fulfilling its functions as watchdog of Government agencies and protector of individual and public rights.

What would our citizens think of Congress if more were aware that one of the House committees is providing, with enthusiasm, information of these Government snoop agencies and that citizens placed in these files number in the thousands. I am speaking of one of the last vestiges of the Joe McCarthy era in the legislative branch—the House Committee on Internal Security, formerly called the House Un-American Activities Committee.

There is no justification for funding this committee, yet some in this body are seeking increases in HISC's budget, above the outrageous $850,000 HISC budget during the 91st Congress. In spite of the fact that HISC's legislative record during the entire 91st Congress amounted to consideration of only seven different bills, three of them reported out, one reaching the floor of the House, and none becoming law—in spite of this, the HISC budget was sixth among all House committees. The legislation considered by this committee should instead be placed under the jurisdiction of the House Judiciary Committee.

With $850,000 at its disposal, and yet such a meager legislative record, HISC is obviously using these funds to maintain its library of data on citizens and then distribute this data to every snoop group which makes a request—and the requests are enormous.

Congress should be questioning whether the old HUAC files are perhaps the basic source of dossiers which Government agencies are assembling on these so-called un-Americans. We should be asking where this committee gets its authority to maintain and distribute personal information, even income tax records, on the citizens in its files.

The resolution which authorized this committee contains no reference to the rights of this committee to distribute gossip about Americans under the name of the House of Representatives.

None among us wants to share the blame for furthering police-state tactics. Yet as long as this House appropriates these outrageous funds to HISC, thus allowing it to continue its abuses, then the House and its Members who vote for such appropriations are to blame.

Why, I ask, is not Congress asking whose names are in the file? How many? How are they selected?

And who decides who will be selected for HISC's Who Is Who in Un-America?

The proposed increase in this committee's budget will serve to permit further abuses by HISC. Unless we are willing to share the guilt of spying on the American citizenry, something we legislators have so self-righteously criticized in the executive branch, then we must vote against further appropriations for this ignominious committee.

DOMESTIC PROGRAMS, YES; FOREIGN AID, NO!

HON. WALTER S. BARING

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. BARING. Mr. Speaker, in the House of Representatives this week, on April 22, I voted for two bills which are major in importance, I believe, in order to strengthen this Nation.

The bills are designed to spur the economy on one hand and to fill in financial gaps in three other public programs on the other.

These are good bills for America and certainly will put a brighter glow on potential strong gains for America than the $13.5 billion thankless foreign aid program proposal for the next fiscal year—1972—which the administration insists on throwing away again.

American taxpayers must be told that again, on one hand, the administration is asking for the $13.5 billion for foreign aid while on the other hand the administration has locked up, at this very moment, $12.8 billion, which was duly appropriated by Congress for fiscal year 1971 expenditure, and which is all for domestic programs solely.

The inequity is apparent in the administration's philosophy of economic balance and that is why the House of Representatives passed the first bill April 22 to accelerate homefront public works projects and another to "fill in those financial gaps in three other public programs," to quote from above.

First of all, I voted for the $5.5 billion accelerated public works program, mainly devised to create jobs with a $2-billion shot in the arm for local communities to go ahead and build public works projects already planned.

Another $2 billion would be used over the next 2 years to assist communities to attract industry and the remaining $1.5 billion would be for the Appalachian regional development program to open the area for further industrial development through road construction and other aids.

This public works program, which passed 319 to 67, is similar to legislation passed in 1962 to correct American economic ills.

That ill today mainly is unemployment—ranging at about 6 percent at the moment.

This bill should help turn the economy around and get America working for America again. This is what is wanted and needed.

One of the most serious of our economic problems today is also a human problem and that is unemployment. I will quote from the House Public Works Committee report on this bill which stated:

> No one who has walked the streets seeking gainful employment can think otherwise.

The other major bill in the House April 22, which I supported and which passed by a voice vote, was the urgent supplemental appropriations bill of $1 billion to augment three public programs threatened with a shortage of cash.

This bill included $736 million to sustain mandatory veterans benefit programs which are lagging financially due to the increased number of veterans applying for benefits this year. This funding covers almost every program under the Veterans' Administration.

The other two public programs receiving aid under this urgent supplemental appropriation bill are the occupational safety and health program for $12 million and the Disaster Relief and Small Business Administration Disaster Loan Fund with a figure of $290 million.

These are funding levels to help America domestically. These are American taxpayers' dollars working for Americans.

Now, these bills make better economic and human sense for America and the use of her taxpayers' dollars than the billions proposed to go for foreign aid.

I feel it was fitting that on the day after the President announced one of the administration's many "spigots" of giveaway foreign aid programs, the one for $3.3 billion, that the House judiciously approved the two money bills to infuse public works action into the 50 United States.

Furthermore, I was galled to read in the Washington press—Washington Post, April 22, 1971—that:

> White House officials said that the $3.3 billion aid request is only about $100 million more than that appropriated for (fiscal year) 1971.

Only? Good grief. If the administration has $100 million extra that it assumes will be laying around, then I believe that the administration, as well as the Congress, should plan to channel it into the new National Rail Passenger Corporation, Railpax, for example. This would help expand rail passenger routes into cities such as Las Vegas, Nev., which were left out in the cold by Railpax.

And, by increasing the routes of Railpax, that certainly would aid the fight against unemployment.

FLETCHER THOMPSON REPORTS TO YOU

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. THOMPSON of Georgia. Mr. Speaker, I insert my most recent newsletter in the RECORD in order that it may be made available to all the Members who receive the CONGRESSIONAL RECORD and are not on my mailing list:

FLETCHER THOMPSON REPORTS TO YOU

LT. WILLIAM CALLEY

Drafted into the Army—worked hard and became a 2nd Lieutenant—was taught to kill in warfare—sent to Vietnam—in March of 1968 was ordered to lead his outfit into My Lai, a known Viet Cong village on an official Search and Destroy Mission—destroyed the village and killed all the people, young and old, armed and unarmed alike—brought to trial by the Army—convicted of murder—appeal now pending—President Nixon will be the final appellate authority.

NORTH VIETNAMESE MASSACRES

One month before My Lai, during the Tet Offensive at Hue, the North Vietnamese herded 4,000 old men, women and children into ditches, shot them, bulldozed dirt over them. Except for the number of people, this was not an unusual or isolated event. The Viet Cong and the North Vietnamese had conducted hundreds of massacres of loyal South Vietnamese before. This was the way they fought the war, through terror and repression. School buses full of children were blown up—bombs put in cafes—more than 30,000 South Vietnamese village chiefs and council members along with their families had been brutally tortured and assassinated by the Viet Cong and North Vietnamese—Will the North Vietnamese ever try their own soldiers for such massacres?

WAR ON TRIAL

Never before have so many people spoken out with such dismay as did the public after the Calley trial. Why? Can we condone the killing of old men, women and children? Of course not! But we must judge based upon motivation. What motivated Calley? Did he act because of the way the other side was fighting and due to emotion, battlefield pressures and unclear orders, or is he a murderer without mitigating circumstances? Frankly, I believe the Calley trial has placed war on trial even more than one man, and all society, Communist as well as Free, shares part of the blame.

It is not right to kill unarmed women and children either by bombs from airplanes or bullets from rifles. In fact, war is not right, though sometimes necessary, but whether killing in war is murder or not depends upon the motive of the individual. Because I believe a confused and misdirected Lt. Calley thought he was doing his duty as a soldier in a dirty war, I have introduced a resolution in the U.S. Congress calling on the President to pardon Lt. Calley.

THE PRESIDENT SPEAKS

In response to the public outcry, President Nixon has assured the Nation that, although Lyndon Johnson was President when My Lai occurred, he, Richard Nixon, as President, would not shirk his duty, but will, as the final appellate authority provided by law, make the final decision in the Lt. Calley case.

THE BROAD CASE

I believe President Nixon will judge not just the act of killing, for unfortunately this does occur in warfare, but rather what motivated Lt. Calley. In my opinion, Lt. Calley was at the time an emotionally confused soldier engaged in combat who believed it was his duty to do what he did. He did not consider this wrong because of the way the war was being fought by the other side when they massacred loyal South Vietnamese and My Lai was a Viet Cong village.

THANKS FOR YOUR HELP

By your telling me directly how you feel, I do not have to rely on others for information. Your answers to the last questionnaire:

[In percent]

	Yes	No	Undecided
1. Do you think President Nixon's efforts to curb inflation are working?			
His	22	58	20
Hers	20	70	10
2. Do you favor stronger laws to control pornography?			
His	72	15	13
Hers	80	13	7
3. Would you favor the Federal Government's sharing tax revenues with State and local units of government?			
His	59	28	17
Hers	59	17	24
4. Should Federal funds be denied to colleges which do not take steps to control violent demonstrations?			
His	84	12	4
Hers	89	9	2
5. Do you favor the administration's welfare proposal (the family assistance plan):			
His	27	45	27
Hers	31	44	25
6. Do you favor weakening the laws against abortion?			
His	64	27	9
Hers	64	30	6
7. Do you favor Federal subsidies to revive the railroad industry?			
His	50	40	10
Hers	44	44	12
8. Are you satisfied with President Nixon's policy of troop withdrawal and "Vietnamization" of the war in South Viet Nam:			
His	55	33	12
Hers	60	35	5

	His	Hers
9. Please rate on a scale of 1-10 the priority you think the following areas should receive in the Federal budget. (No. 1 indicates highest priority while No. 10 is your lowest preference.):		
Crime control	1	3
Defense	2	1
Drug control	4	2
Education	3	4
Environmental quality	5	5
Foreign aid	10	10
Housing programs	8	7
Medical research	6	6
Poverty programs	7	8
Space program	9	9

UNFAIR TAX APPRAISALS

Fulton County and the City of Atlanta recently hired an Ohio firm for over $1 million to tell them how much to assess taxpayers' property. My office received hundreds of complaints about the assessments being unfair. Generally, the homeowners' taxes were increased whereas many downtown business properties were decreased. My father, Standish Thompson, a retired tax attorney and former Tax Commissioner, represented five South Fulton property owners in contesting assessments as being unfair and unconstitutional. With the help of Houston White, prominent Atlanta attorney, he succeeded in winning the case which means that the tax assessment you received earlier has been ruled by the Court to be invalid. It's good to have someone looking out for the small homeowners even if it's a retired Tax Commissioner who feels they're not being treated fairly.

WHO WILL CONTROL?

The State of Georgia has brought suit to require the National Democratic and Republican Parties to base delegates to the next Presidential conventions on population. This is critical to Georgia Democrats because if the State does not win, liberal elements will have more power than ever before. The reason is that the National Democrats have accepted the recommendations of Senator George McGovern to give those liberal areas that supported Hubert Humphrey more delegate power than in the past. Since Humphrey carried only 27% of the vote State-wide, but, by getting 98% of the Black vote, carried the Fifth District, the Fifth will have more Convention delegates than will other areas that did not go for Humphrey. You can understand why the other Georgia Democrats do not like the National Party recommendations because there will be a shift in power which will make the Georgia Party more like the National Democratic Party.

It is a high honor for me to serve you in Congress.

UNEMPLOYMENT BENEFITS FOR VETERANS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. BINGHAM. Mr. Speaker, a recent feature article which appeared in the New York Post, April 24, 1971, concerned itself with the job crisis facing many veterans returning from the Vietnam war. The article states that these veterans are "twice victimized by Vietnam. The war they helped fight—sometimes even sacrificing an arm or a leg—has created the very inflation that now denies them civilian jobs."

On Wednesday, April 28, I will introduce a bill to provide special unemployment benefits to Vietnam era veterans similar to those provided in the past for World War II and Korean veterans. This will be the first introduction of what I believe to be much needed legislation. If any Members of the House want to join me in cosponsoring this bill, they should contact my office as soon as possible.

I would like to include the full text of the New York Post article at this point:

HOME FROM NAM AND OUT OF A JOB

(By Barry Cunningham)

When people ask Ptl. Gerry Simpson why he walks with a strenuous limp, the Staten Island cop tells them he "sprained an ankle" playing basketball. Former Army Sgt. Simpson would rather lie about an artificial limb than reveal that his left leg was blown off by a mortar in Vietnam.

Black veteran Gilbert Pew has an aching kidney infection that keeps him quarantined in a Veterans Administration hospital one month out of every four. The former Army private suffers in silence. The pain would be worse, he says, if friends knew he contracted the disease on combat patrol in Vietnam—drinking stagnant water from a contaminated jungle trench.

Photographer Walter Putrycz politely changes the subject when his Brooklyn neighbors ask where he's been keeping himself for two years. "I'm not proud of being a Vietnam veteran," he says of his 19-month combat experience on a DMZ outpost.

"I'm ashamed of myself for not questioning the morality of my actions in Vietnam. I feel as though I cheated or betrayed somebody. In a way, I'm afraid people will praise me for what I did when what I did was wrong."

The gnawing self-doubts and passion for anonymity in each of these three former soldiers typifies the forgotten man of the Vietnam War—the returning veteran. Silent, unnoticed, and confused, thousands of young "Vietvets" are returning home from the war to discover, often bitterly, that society has turned its back on them.

Their low self-esteem is a consequence of the political ambiguities of the war. "The doves call us fascist pigs just for being veterans and the hawks call us Commie freaks if we protest the war," laments a Brooklyn veteran stranded in the argument over the morality of the war. City College business student John Saladyga, a former Signal Corpsman and one of the few Vietvets to take advantage of the GI bill and go back to school, would have been a hero in another war, at another time, in another place.

Instead, he feels that he was a feckless victim of White House politics, asked to sacrifice his life in order that the Nixon Administration could "buy time" at the Paris conference table. Although he feels his CCNY classmates lack a knowledgeable basis for their inner convictions against the war ("You have to experience the killing, the black market corruption to know why you're really against it"), their influence has transformed Saladyga from a hawk to a dove.

"As a result of Laos and Cambodia," he says, "the veteran doesn't believe what his government is telling him any more than the student does."

Perhaps that sort of understanding made possible the vanguard of this weekend's anti-war march in Washington—a contingent of "Vietnam Veterans Against the War," including wheelchair amputees, who bivouacked at the base of the Washington Monument and got the gates to Arlington Cemetery slammed in their faces when they went there to place a wreath at the Tomb of the Unknowns.

Even a small number of vocal anti-war veterans can make themselves into eloquent political symbols. But most Vietvets remain as stoic and apathetic out of uniform as they were when still in jungle fatigues. Despite the fact that 85 per cent have had high school diplomas (compared to about 50 per cent of World War II vets and 70 per cent of the Korean veterans) the Vietnam veterans are the least inclined toward further education or job training. Only one out of five even bothers to apply for health or insurance benefits.

At the offices of the New York City Division of Veterans Affairs, 300 West 43d St., a preponderance of the Vietvets who drift in for job counseling are black and Puerto Rican ex-infantrymen, many in the 15 per cent category of low IQ, ill-trained high school dropouts. They are twice victimized by Vietnam.

The war they helped fight—sometimes even sacrificing an arm or a leg—has created the very inflation that now denies them civilian jobs.

The struggle not only to find a job but to hang onto one during a recession period of frequent lay-offs has left black veteran Gilbert Pew feeling that "people don't give a damn about you being a Vietnam veteran." The former tank driver has been laid off from three truck-driving jobs since marching home from the war in April, 1969.

At age 23, his service-connected kidney ailment is a problem in holding down a good job. Another problem is a young wife who drifted into heroin addiction while her husband was away at war. That leaves him supporting a 4-year-old son without help from relatives. Pew himself is an orphan who was reared in various New York children's shelters.

Pew is acutely aware that the better jobs have already been filled by civilians his own age who stayed home from the war. Prospective employers, he says are wary of hiring a Vietvet: "They think you're going to be shell-shocked or mentally unbalanced. They'd much rather hire a draft-dodger. In fact, they do hire them. The boss feels that the draft-dodger is at least smart enough to stay out of Vietnam."

Only about one of every 10 non-veterans in the 20-to-24-year-age bracket is out of work today, according to federal labor statistics. But one of every eight Vietnam veterans cannot find a job.

Furthermore, there are many complaints of "dead-end" jobs, whether the job-seeker veteran is well-educated or lacking even basic skills.

Axel Mehrle, a City College dropout who became an Air Force mechanic at Saigon's Tan Son Nhut airport, signed up for GI educational benefits after his discharge in 1967.

He attended a civilian flight-training school in Clearwater, Fla., arriving back home in Queens last September with a commercial pilot's license and a flight instructor's certificate. Both are worthless scraps of paper as far as the airlines industry is concerned. Mehrle hasn't been able to land a job since graduation.

"I made the round to all the airlines at Kennedy—just looking for a mechanic's job," he said. "The airlines told me their personnel offices weren't even open . . . people just don't give a damn about us."

Society's indfference to the Vietnam veteran is reflected in the Cold War GI Bill, which one out of every three veterans used to return to school after World War II and Korea. Today, only one of four applies for benefits and the reason seems to be fewer benefits. In the old days, educational payments were $120 a month for a single vet and Uncle Sam picked up the tab for books and tuition separately. Today, a single man who wants to go back to school gets $175 a month. Period.

Former machine gun sergeant John Saladyga, for example, works part-time as a stevedore on the Brooklyn docks to afford books and tuition at CCNY.

Unlike veterans of earlier wars who found work through federal "hire-a-vet" campaigns, today's homecoming soldier is indistinguishable from hundreds of other men waiting in employment lines across the country. He feels that his Class A uniform would mark him as a "sucker" or an object of pity if he wore it to job interviews after mustering out of the ranks. He often complains that the 70 or so "assistance centers" set up by the VA around the country are foot-dragging agencies, at best offering him manual labor jobs out of the daily "help-wanted" columns.

Even a successful local agency like the Division of Veterans Affairs is having its staff slashed in half because of the city's recent budget cuts. The counseling center found jobs for 5,106 veterans last year in addition to providing advice on medical payments, home loans, insurance benefits and education.

By contrast, the State Employment Service received 4,000 applications for jobs from veterans and found jobs for only 1,400. Almost twice the number of veterans were placed by the state in the previous year.

Similarly, the Vietnam veteran can expect little help from private groups like the Veterans of Foreign Wars.

"I joined up when I first came back," Mehrle recalls. "But I found out there's a generation gap in the VFW. It's run by a bunch of old guys still talking about how they fought at Anzio and Normandy beachhead. They don't care about us any more than anybody else. They're just a bunch of old guys lobbying for themselves . . . drinking 15-cent beers and showing stag flicks for the chance to get away from their wives."

How much permanent emotional damage has the war done to the "Vietnam Generation" of veterans? Has their difficult transition from the nightmare landscape of war affected their ability to weave themselves back into the economic fabric of the nation?

"I was over there fighting when I should have been home working for my people in the ghetto," says Gilbert Pew. "I came back with shrapnel in both legs and my kidneys ruined. I find out my wife is on drugs. She's ripped up all my clothes and thrown them down the incinerator. I get fired from one job for telling the boss I think Lt. Calley should get the chair for what he did. The boss gets mad because he thinks Calley's a big hero. I gotta admit it: I feel a sense of revenge towards the system."

Several influential psychiatrists, notably Yale University's Robert Jay Lifton, have prophesied that the new breed of veteran may one day revert to the violence he knew on the battlefield, taking out his hostilities and frustrations on the civilian populace.

There is no evidence that Professor Lipton's prediction is coming true.

But the casualty lists obviously do not end in Vietnam. The toll bears witness not only to their economic beating from an ungrateful republic, but to the inner turmoil and helplessness of most veterans.

The Viet vets who led the home front war-for-peace in Washington this weekend have broken out of that emotional bind.

At least a few hundred of them seem fed up with their role as whipping boys for the country's doubts and misgivings about the war.

STRANGLING THE PRESS IN CHILE

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. SCHMITZ. Mr. Speaker, at this point in the Record I would like to insert information concerning the fast-diminishing freedom of the press in Chile. This study was prepared from a survey of Chile's press by a Latin American organization known as the Society for the Defense of Tradition, Family, and Property.

It became clear that Chile is taking the same road that Cuba did under the Communist dictator Fidel Castro and, in fact, the same road as that taken by all Communist states. Freedom of the press is inimical to a one-party dictatorship and so the free press, after first being used to help seize power in this case, is eliminated by incorporation into the state apparatus of coercion.

The Marxist-Leninists with their "scientific" approach to despotism approach differences of opinion in the same fashion as the father of sociology and positivism, Auguste Comte, did. As Comte said:

> If we do not allow free thinking in chemistry, why should we allow it in morals or politics?

Along with this interesting study I would like to include an article by Paul D. Bethel which appeared in the May 1, 1971, edition of Human Events news magazine dealing with the recent municipal elections in Chile.

The articles follows:

Situation of the Press

Since th time of his election, the main concern of Allende's government has been the control of the Chile's media. (1) To this effect, the government did not dictate special laws, but resorted to other forms of action, trying to maintain as far as possible a double game. That is, on the one hand, to make boisterous declarations about the freedom of the press (2) and to accuse those who say the contrary of making a defamatory campaign. On the other hand, he is using all kinds of methods to put a definitive end to the liberty of the press, what is, moreover, being achieved.

Let us describe Allende's actions on this field:

1. Immediately after the election of the President, communist deputies call on all of the means of communication, urging them to line up with the Unidad Popular (UP) and uttering threats. Several radio stations and daily papers—submit to these pressures.(3)

2. A committee of UP journalists was formed to develop intense activity to defend Allende's triumph.(3a)

3. The workers, controlled by the UP, of the biggest Chilean publishing house, Zig-Zag, go on strike on the 4th day of the new government, a strike that causes an economical crisis in the company(4). The government intervenes, demanding wages that are unbearable for the company(5). Finally it was "purchased" by the government. The company possesses the most modern printing machines in Chile(7).

4. The government always begins by threatening oppositionist—and thereupon it has most of the state published there, in order to exert further pression in these organs(8). So, many broadcasters cancelled their programs because of threats(9). A communist journalist watched maliciously the silence to which are reduced Otero, Valdez, Gonzalez, . . . all of them conservative newspapermen of renown(10).

5. There was an intervention in the second-biggest publishing company: "Lord Cochrane", for supposed economic offences that were later proved nonexistent.

6. A campaign of discredit is started against one of the most influential papers of the country: "El Mercurio". This campaign is headed by Allende and the whole leftist press. First this company was accused of violating the currency laws in force when they settled a loan from a North America Bank. As this accusation was proved to be unfounded, an ostentatious commission was appointed to examine lengthily the bookkeeping in order to find at any cost a tax defraudation (11 and 12), which was not found.

7. The whole leftist press, radio and television are conducting a clamorous campaign against the opposing press, calling it rebellious and subversive. Both their newspapermen and managers are being slandered. This creates an atmosphere for blackmail, interventions, expropriations, etc. (13).

8. The government closed down the important Radio Mineria for 48 hours for "not wanting to remit a program not broadcasted and made before November 4th". Later the government imposed the following choice: or the director (Gonzalez-Alfaro) goes away, or measures would be taken against the station. The director went out . . . (14).

9. The conservative weekly papers PEC and SEPA had each two issues suspended, besides a lawsuit against their directors(15). The director of SEPA is prosecuted for the third time for absolutely invalid reasons. One of them: Allende sues him, adducing offences against his person in a letter the mentioned director sent him. The text of this letter is the same as the one Allende some time before had sent to former president.(16).

Footnotes at end of article.

10. Another issue of the magazine SEPA was seized without any serious reason. (17)

11. The government intervenes in the broadcasting stations—Portales and Balmaceda, both is Santiago, the letter for reporting the rumour that there would be a change in the Ministry.

12. The State television suddenly alters its line, repeating constantly Marxist slogans. It transgresses the law by refusing to transmit the programs of the opposition, even making difficulties for the transmission of news from the Congress, to what it is bound by law (18).

13. The daily paper "Austral" of Temuco suffers government interference. (19)

14. Some newspapermen still react. At the election of the "Colegio de Periodistas" the marxists are defeated obtaining only one of the five disputed officers. (20)

15. The Board of Directors of the Federation of Journalists of Chile adheres to the CIP (International Organization of Journalists), agency with its head office in Prague at the service of International Communism. (21) All this has happened during only three months and a half of Allende's Marxist government, that thus achieves its designs step by step, carrying out the totalitarian program of the UP, attacking the freedom of the press and striving at its complete elimination. In spite of all this, Allende goes on repeating tirelessly for the foreign countries that "Chile enjoys the most complete freedom of the press . . ." (22)

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CHILE'S RUSH TO MARXISM—RECENT MUNICIPAL ELECTIONS HOLD LITTLE OPTIMISM FOR FREEDOM IN THAT COUNTRY

(By Paul D. Bethel)

The MAPU party (*Movimiento Acción Popular Unitaria*) of Marxist President Salvador Allende made some important gains in the April 4 municipal elections. The only national seat up for grabs—that of senator—went to Socialist Adonis Sepulveda. However, that was Allende's old seat and the victory came as no great surprise.

The administration in power and thus in control of the bureaucracy, generally, if not invariably, comes out well in the first elections following that of the presidency (Allende was inaugurated last November). For example, the Christian Democrats made enormous gains in March 1965; President Eduardo Frei's party gained a majority of the Chamber of Deputies that year, a first for any Chilean ruling party in this century.

The official count in this year's elections gives the MAPU (Communists, Socialists, radicals) just about 50 per cent. The major opposition party, the Nationalists, received 22 per cent. The Christian Democrats (who often vote with the Communists on major issues) received 25.5 per cent. Two years ago, the CDs got 31.1 per cent in national elections while the Nationalists garnered 20.9 per cent.

The real importance in this year's municipal elections is not, as an April 6 story in the New York *Times* has it, that Allende's party was given a "mandate by vote." What *is* important is that the MAPU is now in a stronger position than before to continue on a path of bypassing congress through plebiscites directed to the public. Allende's avowed purpose of letting congress die on the vine has been pursued with a single-mindedness seldom seen in Latin politicos.

The MAPU learned a lesson when congress refused to approve its neighborhood "popular tribunals"—groups of informers patterned after those in Communist Cuba. So the MAPU simply went ahead anyway, but through another channel. Using the party's control of the machinery of government, MAPU pressed on to organize 1,500 cellular groups throughout the country.

Now that the MAPU, by virtue of the April elections, controls a large portion of municipal government it may be predicted that its functionaries at that level will advance the work of their cells at an accelerated rate.

As government control widens—through expropriation and intimidation—these MAPU cells will most probably emerge as the very "popular tribunals" which were struck down by Congress. Congress (which MAPU does not control) will be used only in instances where CD support is assured—as in the nationalization of copper—or when embarassment to Congress would ensue through turning down a cleverly worded bill or amendment.

In fact, the MAPU should have lost strength in the April elections. That it did not and may have gained a great deal is cause for worry, since it demonstrates how an administration in power is able to mask from public view its shortcomings as well as its goal—a totalitarian state.

When the elections were held, unemployment had jumped from 90,000 last November to over 300,000 in March. However, the MAPU had a goat to belabor, telling the workers that business enterprises (about to be expropriated and therefore moribund) were "depriving Chileans of jobs." Chile's major labor federation, CUTCh, is controlled by the Communist party—which is to say the MAPU—and of course supports Allende in his allegations.

To woo labor (one-third of the population comprises Chile's labor force), Allende raised wages of the worker by a whopping 45 per cent and clamped a tight lid on prices. The inflationary pressures which are bound to come out of this policy will not be in evidence for some time and therefore were not a factor in the election.

Allende granted legal status to CUTCh, assured Chile's workers of "worker participation in management of state and mixed enterprises" and has even allowed CUTCh the right to participate in changing labor legislation now on the books. This is not surprising, since the minister of labor in Allende's cabinet is a member of the Communist party.

The government, moving on another front, has given what amounts to tacit approval to illegal and often violent occupation of farm lands by workers.

This is a safety valve of considerable importance to Allende, for though ex-President Frei promised the agricultural worker that he would be given land from properties expropriated by the state, as of this March fewer than 2,000 had received titles making them landholders. The balance were hearded onto state cooperatives, a project which has turned out to be disastrously wasteful of public funds and unproductive to boot.

In a sense, the farm workers now taking the law into their own hands were doing so because of the frustrations which came about when the CDs failed to make good on their promises.

Another factor, then, in the April 4 gains by MAPU was the carrot held out to the largely ignorant agricultural worker.

Minister of Interior Jose Toha said all farms in excess of 80 hectares would be expropriated. Luis Corvalan, secretary-general of the Communist party, went Toha one better, saying that 40 hectares were sufficient for a farm. The poor peasants are led to believe that they will receive the surplus land expropriated from big estates. They will not.

However, the MAPU is moving quickly to organize the countryside as it has already done in the cities through the CUTCh. It is organizing peasant leagues to uphold present government policy. The obvious hope is that the MAPU will be in a position to control the rural workers by the time they discover that they have simply exchanged the private employer for the state.

There has been a drastic reduction in food production as a result of the chaotic conditions existing in the countryside. It is estimated that Chile, which has more arable land per capita than the United States, will be forced to import more than $200 million in agricultural products when, in fact, it should be an exporter of those products. But this, like so many other events happening in Chile, was not apparent to the voter on April 4.

The numerically largest opponents of the MAPU are the CDs, and they are on the horns of a dilemma. They go along with the expropriation by the state of major business enterprises (indeed, expropriation commenced when they were in power—1964–1970). But they are also concerned that in the end small and medium enterprises may also fall to the government. This most likely will occur because as the economy develops under MAPU, it will become impossible for individual enterprises to compete with an industrial community ruled by the government.

Expropriation of businesses is a means of doing away with private property. It is also a tool to control the press.

Chile's press (like ours) is free precisely because the source of that freedom is in the form of revenues through advertising of a free business community. With the expropriation by the state of the business community, the source of income is now shrinking. So is freedom of the press.

With the means of production and distribution firmly in the hands of the state, the remaining source of income will come in the form of government advertising (in Latin America, the government is traditionally a great advertiser). One need not be a crystal ball gazer to understand that such advertising in the hands of Allende's MAPU will go chiefly, or solely, to those news organs which hew to the government line.

Thus, Allende may be able to take over the press with no outward appearance of intimidation. Just in case, however, he still has the press unions which are controlled by the CUTCh.

There can be little doubt that President Allende's MAPU is willing to spend Chile's financial resources to consolidate political control. And the technicalities involved in administrating government today have served as an effective instrument to mask the MAPU's intentions from the public.

Take, for example, how President Allende is managing to take control of all credit facilities, which is to say absolute control of the economic life of the nation. Private banks are a major target of his administration. Control there means control of credit to those businesses still not expropriated.

Consider that in less than five months the MAPU has obtained 26 per cent of the bank's shares, controls five of 28 private banks and has "intervened" another four. Still others are subjected (as are businesses and the news media) to irregular and often irresponsible inspections with the purpose of intimidating bank owners to sell out their shares.

Allende launched, with government funds of course, a massive media campaign to purchase the shares of private commercial banks ("return ownership to the people"). He is using every trick in the book to acquire bank shares in such a way as to prevent the legislature, the congress, from studying and passing a law which would better measure up to the standards of a democratic Chile.

There is little question that the MAPU intends to take over the banks through private manipulation and negotiation outside the purview of congress (another example of bypassing the legislature with the aim-letting it die on the vine).

Thus, while some media in the U.S. may short-sightedly praise President Allende's observance of the "traditional democratic practices" (New York *Times* editorial, April 6), they are obviously overlooking Allende's patently illegal ends.

These sophistical maneuvers by an able and single-minded chief executive are not immediately apparent to the relatively unsophisticated public. They are apparent to thinking Chileans, however, including the unpleasant fact that Allende's present amendment to permit nationalization of copper is largely confiscatory and offers little real compensation to the owners. Since the CDs know this, it is a tragedy that they are so committed to an ideological hatred for the Nationalist party that they go along with the Communists. We find the CDs reacting strongly when they feel that their own party interests are at stake.

In this connection, the average Chilean voter is unaware that the government's budget is fixed on the assumption that the price of copper will not go below 46 cents a pound, as the government creates "workers' councils," authorizes parallel management strata in the business and, generally, indulges in "featherbedding."

The inflationary pressures which are bound to come from artificially controlling prices while "rewarding" labor for political purposes, pegging the escudo at 14.3 to the dollar while the free market places it at 35 and similar short-run manipulations, are obviously aimed at political control. Eventually, such fiscal nonsense (time and space precludes a full listing) will result in government resort to the printing press, a drop in Chilean exports and the like. The hope of the MAPU is that it will have full control of the populace by the time this occurs. When the voter wakes up, it may well be too late. This brings us to the final point.

If one doubts the Castro-Communist orientation of President Salvador Allende's Socialist party, it should be erased by an announcement last January 27 from Tass, the Soviet press agency.

"A CPSU delegation led by Sharif Rashidov," said the dispatch, "arrived in Santiago today." Rashidov, noted Tass, "is a candidate member of the Politburo of the CPSU Central Committee," and arrived with his delegation "at the invitation of the leadership of the Socialist party of Chile to take part in the work of its 23rd Congress."

This very important announcement seems to have been missed by most U.S. news media.

It is important because that same Sharif Rashidov headed a delegation of 44 Russians to Havana in January 1966, where the Soviet Union official organized the Tricontinental Organization for the purpose of waging guerrilla warfare against the United States.

That organization today funnels Soviet money through one of its branches, OLAS, the Latin American Solidarity Organization, to guerrillas operating throughout Latin America. Both President Allende and his foreign minister Almeyda, are committed to the objectives of OLAS and Tricontinental and attend their meetings in Havana. In fact, President Allende has appointed a member of his own Central Committee, Marta Melo, to sit on the executive board of Tricontinental in Havana.

It would appear from the evidence that our news media, and our government, can ignore, excuse, or sanction what is going on in Chile only at our peril.

WYOMING'S GEORGE GUY

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. RONCALIO. Mr. Speaker, I would like to call to the attention of my colleagues this excellent article which is based on an interview with one of Wyoming's most distinguished attorneys, Mr. George F. Guy. George Guy was one of six military lawyers assigned to defend the commander of the Japanese forces in the Philippines after World War II, Gen. Tomoyuki Yamashita.

In this article which appeared in the Casper Star Tribune, George Guy takes the stand that there is little comparison between the Yamashita and the Calley cases, and asserts that the two are quite different in fact and in theory.

George Guy points to the dangerous precedent the Yamashita case set—the concept that ultimate guilt rests with the high echelons of the military structure. He discredits the opinion that in the Calley case the entire chain of command right up to the President shares guilt for My Lai.

The article follows:

GUY SEES LITTLE COMPARISON IN YAMASHITA, CALLEY CASES

(By Joan Wheelan)

CHEYENNE.—A Cheyenne attorney who helped defend Gen. Tomoyuki Yamashita after World War II finds little comparison between that war criminal trial and the case of Lt. William Calley.

George Guy, one of six military lawyers assigned to defend the commander of Japanese forces in the Philippines, said the two cases are different.

The Calley case, said Guy, "appears to be an isolated instance. As far as we know it's the only one of that magnitude that has occurred."

"In the Philippines there were atrocities of similar nature committed all over the Philippines."

In the Yamashita case, the defense tried to show Japanese troops in Manila who committed most of the atrocities were technically outside the general's command.

But the military tribunal hearing the case found Yamashita guilty of failing to stop his forces from committing atrocities and slaying 25,000 unarmed civilians, and sentenced him to be executed.

Guy said the practice of killing civilians, particularly during the waning days of the war "became pretty much the rule rather than the exception." However, there was no proof Yamashita ever issued such orders "and no proof he even knew about them."

"Poor old Yamashita was holed up in a dugout on Luzon and had no chance to control anybody," Guy said.

"I still think the Yamashita case was bad law."

Although similar incidents have been reported in Vietnam, the My Lai massacre is the only one of "that gravity," he noted.

Asked his personal reaction to Calley's conviction and life sentence, Guy said he felt the 27-year-old lieutenant "was given every consideration."

Calley's chief defense counsel, George Latimer "is an old friend and probably one of the best informed military lawyers in the United States," he pointed out.

Guy disagreed with criticism of President Nixon's intervention in the case. "After all, he is the commander-in-chief" and has that right, he said.

Regarding the contention that if Calley is guilty then so is the entire chain of command right up to and including former President Lyndon Johnson, the attorney remarked, "I'm not prepared to accept that."

This concept of the ultimate guilt resting with the high echelon set legal precedent in the war crimes trials in Japan and Germany following World War II, but Guy said it is "a little difficult to make comparisons" between those trials and the Calley case because the facts are not the same.

"I'm old enough to remember the rise of Nazism and there was no question but that Hitler and his boys deliberately planned what occurred."

Guy said he would prefer not to comment on Maj. Gen. Samuel Koster, who was commanding general of the American Division when My Lai occurred in 1968 since he was not fully informed about his involvement. He noted however, that in military situations, "the person nearest the incident is most likely to become involved and responsible."

Yamashita's case was unfortunate in that he was tried shortly after the war in Oct. through Dec. in 1945 and before a U.S. military board. Subsequent war crimes trials, such as Gen. Tojo's were before international courts as were the Nuremberg trials.

The Yamashita case, said Guy, established a "very dangerous precedent," a feeling shared by two U.S. Supreme Court Justices who dissented from the majority opinion upholding the Japanese general's conviction and death sentence.

Justice Frank Murphy wrote at the time, "The fate of some future President of the United States and his chiefs of staff and military advisers may well have been sealed by this decision."

The Calley case and its related dilemma of moral responsibility and where it lies "will be subject to discussion for years to come," Guy predicted.

HON. NICK BEGICH

NATIONAL LIBRARY WEEK

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. BEGICH. Mr. Speaker, April 18 through April 24 communities of our Nation observed National Library Week.

The rich traditions of our culture are preserved and passed on to future generations largely through our ability to store and catalog large amounts of information. In many instances, future scientific and social advancements depend on the large storehouse of research information housed in our libraries.

Our communities, schools, and universities depend on library services for extending their knowledge as well as for recreation. Clearly, the foundations of intellectual and social advancement depend on our libraries to stimulate, restore, and regenerate new ideas that evolve from our past efforts.

And yet President Nixon has failed to recognize the necessity of expanding and building library facilities across the Nation. The President, upon submitting his budgetary requests for education and library facilities, has asked for less money for next year than was appropriated in 1968–69, 1969–70, 1970–71. In 1968, we spent $100 million on school libraries, while this year, despite the fact that the cost of constructing and maintaining libraries has risen 9 percent the President has reduced the budget 15 percent.

I am particularly concerned about this situation, because upon reviewing budget requests that would expand and stimulate our libraries, I find President Nixon's proposals lacking both in depth and perception.

The President has strongly urged the Congress to approve the Library Service Act. Close examination of the funding sections reveal that he has requested the same amount of money in 1972 as in 1971, and he has added three new programs. It seems obvious to me that new programs require substantial funding to insure their success.

Other programs suffer from the same type of budget slashing. The College Library Act appropriated enough funds for only 750 college libraries rather than the 2,250 that badly need this type of Federal aid. I am particularly concerned because the two colleges in Alaska that have received Federal assistance for their libraries in the past will no longer receive such aid. The long list of library budget cuts includes a reduction in the Library Training Act from $3,500,000 last year to $2 million this year.

While the picture across the Nation is very bleak, I am sorry to say that the people of Alaska are now awaiting word whether seven library construction projects that would have been funded under the Library Construction Act, will be built. Presently, the $500,000 to meet these construction grant applications is unavailable.

Many authorities believe that if funds for library programs are not increased immediately, it will be 10 years before we will be able to recover our momentum.

It is my hope that the President will take the initiative and give our students an opportunity to explore and investigate the many facets of educational growth afforded by well staffed and up-to-date libraries.

TRUMAN BOLINGER ART SHOW

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. RONCALIO. Mr. Speaker, I am pleased and proud to call to the attention of my colleagues a one-man show of Western art being displayed this week in the Agra Galleries here.

The work of Truman Bolinger embodies the finest tradition of Western art. He has been hailed as one of the most outstanding sculptors in this genre and I highly recommend a viewing of his work for its excellence, its realism, and its dramatic and honest spirit.

This young man, the son of Mr. and Mrs. Claud Bolinger of Buffalo, Wyo., was born in Sheridan, Wyo., in 1944 and grew up on the family ranch at Ucross.

He received his art training at Sheridan Junior College in Sheridan, Wyo.; the Colorado Institute of Art in Denver and the Art Students' League in New York City.

His works have been displayed in the Historical Sheridan Inn, in Sheridan, Wyo.; the Main Trail Gallery in Scottsdale, Ariz.; Big Sky Gallery, Billings, Mont.; the Hunter Gallery in Aspen, Colo.; the Kennedy Galleries in New York City, and the Agra Galleries in Washington and Palm Beach, Fla.

During this week, the residents of the Washington area have a unique opportunity to view some of the bronzes which critics have described as reminiscent of the most famous early Western sculptors. There is a sensitivity of purpose, excellence of execution, and, as, Mr. Bolinger describes it, an effort to portray realistically and authentically man's struggle for identity and freedom.

A visit to the Bolinger showing would be a rich and rewarding experience.

"MANHATTAN'S DROPOUTS"—THANKS TO LINDSAY

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. ROONEY of New York. Mr. Speaker, the April 26, 1971, issue of Time magazine contains an article stating that—

> Long exposure has inured New York City dwellers to daily outrages of high cost and crime, filth and crowding, discourtesy and inconvenience. Increasingly, the traumas of life in Manhattan are becoming more than many major companies are willing to bear. In the past four years, 22 large firms have moved their headquarters out of the city, and at least eleven more have made definite plans to depart.

The following list captioned "Manhattan's Dropouts" contains the names of the companies, their 1970 sales in millions and their new locations:

MANHATTAN'S DROPOUTS

Since the beginning of 1967, these large companies have moved their headquarters out of Manhattan:

[Company, 1970 sales (in millions), and new location]

American Can, $1,838, Greenwich, Conn.

Avco, $758, Greenwich.

Bangor Punta, $342, Greenwich.

BASF (U.S. Division), $56, Parsippany, N.J.

Columbia Gas System, $823, Wilmington, Del.

CPC (Corn Products), $1,376, Englewood Cliffs, N.J.

Flintkote, $355, White Plains, N.Y.

Foster Wheeler, $391, Livingston, N.J.

Hooker Chemical, N.A.[1], Stamford, Conn.

Howmet, $250, Greenwich.

ICI America, $67, Stamford.

M. W. Kellogg, N.A., Houston, Texas.

Lone Star Cement, $265, Greenwich.

Lummus, $192, Bloomfield, N.J.

Metro-Goldwyn-Mayer, $171, Culver City, Calif.

Microdot, $155, Greenwich.

Olin, $1,125, Stamford.

Panhandle Eastern Pipe Line, $419, Houston.

PepsiCo, N.A., Purchase, N.Y.

States Marine International, $123, Stamford.

Union Camp, $462, Wayne, N.J.

U.S. Tobacco, $86, Greenwich.

The following major corporations are in the process of moving their headquarters out of Manhattan:

[Company, 1970 sales (in millions), and destination]

AMF, $636, White Plains.

Chesebrough-Pond's, $261, Greenwich.

Combustion Engineering, $957, Stamford.

Continental Oil, $2,964, Stamford.

Gen Tel & El, $3,439, Stamford.

Great Northern Paper, $355, Stamford.

Ingersoll-Rand, $766, Woodcliff Lake, N.J.

Kraftco, $737, Chicago.

Richardson-Merrell, $381, Southern Connecticut.

Shell Oil, $4,299, Houston.

Stauffer Chemical, $483, Westport, Conn.

BUDGET CUTS AT THE UNIVERSITY OF CALIFORNIA

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. WALDIE. Mr. Speaker, I am deeply concerned with the 1971–72 budget for the university and State college system in California proposed by Gov. Ronald Reagan.

Across the board financial reductions will critically affect the quality of education in all aspects of State-supported higher education. The total amount of State support funds allocated by the Governor to the University of California has remained at approximately $337,090,295 for 3 consecutive years.

This marks the third year in a row that no State funds were provided for planning or construction of a single major building. Moreover, the budget reverts to the State $9.5 million approved by the legislature and the Governor in prior years for badly needed facilities.

Several thousand students from urban and rural California ghettos will not be able to return to the campuses next fall, due to a 50-percent reduction in Governor Reagan's proposed budget for the controversial economic opportunity program.

The once rapidly growing EOP enrolled approximately 8,000 students. The new proposed Reagan budget reduces their first-year support from $400 to $100 and eliminates all support after the first year.

The budget requires an across-the-board 20-percent reduction in counseling and tutoring, and four rural campuses are to eliminate all EOP services.

The reduction in State support will result in the loss of an equal amount of Federal matching funds. Dr. Kenneth Washington, statewide coordinator for the State college EOP, stated:

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[1] Figure not available.

It appears that several hundred students at each of the campuses will find they do not have sufficient funds to meet their needs. They will have no choice but to discontinue their education.

It is expected that a $1 million reduction in the community college EOP budget will reduce current enrollment of more than 18,000 students on 70 campuses. Plans to expand the program to an additional 15 communities next fall will have to be abandoned. EOP students will face cumulative financial stress, cutbacks in welfare and medical budgets, coupled with a continuing tight job market, all mean difficult times ahead for students from poor backgrounds.

The University of California faces another crisis in respect to faculty salaries, which have declined rapidly in comparison to similar institutions as judged by the coordinating council and the legislature. The 5-percent recommended increase in faculty salaries that was denied last year will increase the difficulty of retaining and hiring a distinguished faculty. University of California president Charles J. Hitch feels that this is a top priority issue. He will call upon the Governor and the legislature to give extraordinary consideration to this most critical matter.

The expected enrollment increase of 4,300 students, coupled with the elimination of all increased funds will result in the decline of enrollment-related State support per student—this time by 2.5 percent under 1970–71. Within the past 4 years, per-student expenditures have declined by approximately 20 percent in constant dollars.

Governor Reagan's proposed budget will have a catastrophic effect on the University of California. Overcrowded classrooms will become even more overcrowded. The termination of more than 500 teachers and researchers, and staff personnel will sharply increase the student/faculty ratio, thus reducing the quality of education in the university. The student/faculty ratio which was 14.4 in 1966–67, will increase to 17.4 in 1971–72.

The inadequacies of the Governor's budget will prevent the implementation of the 10-year health sciences plan. It falls short of providing for existing health science programs, and it denies adequate support for teaching hospitals. State support for the new expanded university medical schools were sharply reduced over a 4-year span, causing the citizens of California to lose over $50 million in Federal funding, plus additional facilities that would train large numbers of badly needed physicians.

California, of course, is not the only State being affected by such austerity measures. Budget cuts are becoming a fact of life for a growing number of institutions.

At the University of Colorado, president Frederick P. Thieme has informed the university community that a tight budget appropriation, demanding expenditure curtailment, has made it necessary to cut back in the hiring of new faculty and staff. New positions and existing positions now vacant will not be filled unless offers were outstanding.

In Pennsylvania, the Governor's 1970–71 budget proposal for Penn State was the same as a year ago. The University had sought $80,100,000 earmarking in advance to anticipated increase in funds for administration of more disadvantaged students, increases in wages and salaries, launching new research and instructional programs, and offsetting the cost of inflation. The budget proposal by the Governor was $69,163,000.

Iowa State University reported program deficiencies resulting from a lack of funds. The unmet needs during the 1969–71 biennium totaled $18 million for operating expenses and $25 million for construction. Iowa State had sought an appropriation of $69,159,000 for the university's general 1970–71 operations. The State appropriated $51,268,000 leaving a deficit of $17,981,000.

Mr. Speaker, today about 70 percent of all college students are enrolled in public institutions of higher education, including community colleges. As more and more people attend college, it costs more and more to provide for their instruction and for the facilities for that instruction.

In California the budget crisis is rapidly approaching the acute stage, sustaining the quality of a great university is at stake. If State-supported higher education in America is going to continue offering opportunities to its people, increased support is needed.

Mr. Speaker, I would like to place in the CONGRESSIONAL RECORD two articles regarding the crisis at the University of California and the higher education system in California. I believe that they will serve to further inform the Members of Congress as to the serious nature of this crisis.

The articles follow:

[From the San Francisco Examiner]

EOP CUTS TO SHRINK STUDENT RANKS

(By Carl Irving)

Several thousand successful students, brought out of urban and rural California ghettos onto the state college campuses, are expected to become unwilling dropouts.

They probably won't be back next fall, because they will not have enough financial support from the state, owing to a 50 percent reduction in Governor Reagan's proposed budget for the sometimes-controversial Economic Opportunity Programs.

Some 8,000 students are enrolled in the EOP, a once rapidly growing effort to break ghetto barriers.

BELOW GRADES

Under the EOP, high-school graduates who don't have the grades to qualify, but show sufficient potential and desire, are enrolled after careful screening at each of 19 state college campuses.

There they have been given special tutoring and counseling, plus sufficient funds to help them meet their bills. But the proposed Reagan budget reduces their first-year support from $400 to $100, and eliminates all support after the first year.

The budget requires an across-the-board 20 percent reduction in counseling and tutoring, and four rural campuses are to eliminate all EOP services.

At San Francisco State College, EOP administrator David West says half the 1,000 students enrolled will become dropouts, because the campus EOP budget will be reduced from the current $150,000 to $28,000.

FEDERAL FUNDS

Federal matching funds will be lost in proportion to the reduction in state support, and two full-time EOP counselors are being discharged, because of the cutback in the general state budget for San Francisco, West says.

Dr. Kenneth Washington, state-wide coordinator for the state college EOP, says, "It appears that several hundred students at each of the campuses will find they do not have sufficient funds to meet their needs. They will have no choice but to discontinue their education."

COMMUNITY COLLEGES

A $1 million reduction in the Community College EOP budget also is expected to reduce current enrollment of more than 18,000 students on 70 campuses. A spokesman for the system says services will have to be reduced on a scale similar to that in the state colleges. Plans for expanding the program to an additional 15 community colleges next fall will have to be abandoned.

At the state colleges, all counseling and tutoring will be halted at the Stanislaus, Humboldt, San Bernardino and San Fernando campuses. The state department of finance says these relatively rural campuses have less need for this kind of support.

LOANS IMPRACTICAL

But Mike Gonzales, director of the EOP at Stanislaus, contends that the four campuses are important to many Mexican-American, American Indian and poor white students.

He is opposed to provisions that students seek bank loans in place of aid:

"Provisions for such loans require students to have had bank accounts for six months. How many poor kids from barrios, reservations or slums can qualify? And if they could, how many can face debts that may reach $5000 to $8000?"

Gonzales and the EOP officials interviewed list a number of reasons they claim show the program has been a success:

Grades of EOP students are close to the state college average, and above average on some campuses. Most of the EOP students major in basic subjects. Only half of 1 percent major in ethnic studies, which some critics claim are less useful and in some instances permit more lenient grading.

EOP dropout rates are around 3 percent, compared with the overall rate of 8 percent at the State Colleges. After the first year, there are almost no EOP dropouts.

EOP students are setting examples for younger students in their neighborhoods. This generates ambition and hope, and helps break cycles of ghetto life.

Although the EOP is only in its second year, many already are going on from undergraduate studies to useful occupations or professional degrees.

PRESSURES FROM POOR

EOP students are admitted under a provision that up to 4 percent of the enrollment does not need qualifying grades. No middle class students with the necessary grades have been shut out by any priority for EOP, state college officials say.

But they are fearful there will be increasing pressures among the poor students, as money sources dry up. West foresees "emotional struggles for funds."

The EOP students, he says, are being "squeezed on all sides." He says cutbacks in the welfare and medical budgets, along with a continuing tight job market, all mean difficult times ahead for the young student from the slums.

"The parents won't be able to feed him, he won't be able to get medical care, and he will be the last to be hired," says West.

Washington adds that since priority must be given those at the bottom of the income scale, those who need to bridge smaller financial gaps will be hardest hit.

"Many of these students get some money from part-time work, some from families, some from Federal programs for loans. There is no way for them to make up the remaining gap if State support is taken away."

[From the University of California News, Mar. 9, 1971]

Some "Certain Results" and "Severe Restrictions" of the Governor's Proposed 1971–72 Budget for University of California

(President Hitch explains "grim implications" for the nine-campus University of California and the people of California if funds are not restored.

(President Charles J. Hitch presented this report on the 1971–72 Governor's Budget to The Regents of the University of California at the meeting of the Board on February 19:)

The Governor's budget which has been sent to the Legislature for the University of California in 1971–72 is much the most austere so far. The State would provide the same level of operating support as in the current year—$337 million—and, apart from salary increases appropriated last year for non-academic staff personnel, the same level for the third consecutive year. Also, this would be the third year in a row that no State funds were provided for planning or construction of a single major building. Moreover, the budget reverts to the State $9.4 million approved by the Legislature and the Governor in prior years for badly-needed facilities.

FACULTY SALARIES

I am particularly dismayed that no allowance has been made in the Governor's Budget for general academic salary increases despite the fact that salaries at the University have fallen seriously behind those of the comparison institutions used by the Coordinating Council and the Legislature as a basis for setting salaries. The failure even to provide the 5% increase recommended by the Governor last year constitutes a grave threat to our ability to retain our distinguished faculty. I will call upon the Governor and the Legislature to give extraordinary consideration to this most critical matter. This is my top priority.

Below is a comparison of The Regents' request for State funds for current operations, capital outlay, and salary increases (in millions) with the amounts proposed in the Governor's Budget.

SUPPORT PER STUDENT DECLINES

The elimination of all increased funds requested by The Regents along with an expected enrollment of 4,300 more students will result in the decline once again of our enrollment-related State support per student—this time by 2.5 percent under 1970–71. Since 1966–67, per-student expenditures will have declined by about 20 percent in constant dollars. During the same period, total State support for the University has fallen substantially behind the growth in State General Fund Revenue and California personal income, as shown on Chart 1.

The University's share of General Fund Revenue is 10 percent below 1970–71, 20 percent below 1966–67. Since 1966–67, and including projected enrollment for 1971–72, the University will have accommodated 34 percent more students with a mere 6 percent increase in budget, in terms of constant dollars. (See Chart 2).

SOME RESULTS

The results of the Governor's Budget are certain: already overcrowded classes will worsen; student/faculty ratios will rise sharply; academic programs must be curtailed; more than 500 teachers, researchers, and staff personnel will have to be terminated.

MORE STUDENTS LESS FACULTY

For the general campuses, the budget not only fails to provide the 281 faculty positions we requested, but also it eliminates 100 faculty positions which we now have. The reduction in faculty means that the University must operate in 1971–72 with about 500 fewer faculty than we projected in our 1968 Fiscal Program. I can assure you it will be next to impossible to improve undergraduate education under this budget.

In 1971–72, general campus enrollments are expected to grow approximately 4 percent, while the number of faculty will decline almost 2 percent and instructional supporting funds by about 5 percent. The student-faculty ratio which was 14.4 in 1966–67, increased to 16.5 in 1970–71 and will increase to 17.4 in 1971–72. (Chart 3.)

HEALTH SCIENCES WILL SUFFER

The health sciences fare only slightly better, with a 9.6 percent increase in students and a 1.4 percent increase in faculty—124 fewer faculty than we proposed. The Governor's Budget does not permit us to begin implementing the 10-year plan for the health sciences, it fails to provide the faculty needed for current health science programs, and it denies adequate State support for teaching hospitals.

FEDERAL FUNDS LOST

Six years ago the University responded to California's need for large numbers of additional physicians and other health professionals by starting new medical schools at Davis, at San Diego, and later at Irvine, and by expanding classes at San Francisco and Los Angeles. After initial encouragement and financial support, the new schools were able to open with small enrollments, mostly in temporary quarters, but the ability of the University to carry through with these plans has now been stymied. Continued State support has not been forthcoming, and over $50 million in matching Federal funds—funds which rightfully belong to Californians—have been irrevocably lost over the past four years.

RESEARCH EFFORTS WILL DECLINE

The University's organized research effort has been severely restricted over the past four years. On top of this, the State budget for next year proposes, quite aside from the six percent loss from inflation, a further over-all cut of eight percent. California's competitive position with other states and with the nations of the world depends heavily on research conducted in all of the universities—public and private—located in this State, and that is important. But even more important is the general health and well-being of our people. If this budget is approved as proposed, approximately 200 skilled scientists, technical and administrative staff will need to be laid off, a loss of effort which in this time of mounting environmental and social problems we can ill afford to sustain.

OTHER CUTS

One-third of our State-funded expenditures supports libraries, administration, services, and buildings and grounds. In 1970–71, these supporting programs received virtually no increase in State funds, and as shown on the table in 1971–72 over-all support for these will be reduced. Library acquisitions will be 70,000 volumes below the 1969–70 acquisitions level and no new staffing is provided to serve expanded enrollments. For physical plant, funds are provided only for cost increases of utilities and refuse disposal. Janitorial staff will be required to cover 20 percent more space than in 1968–69, and grounds maintenance personnel must cover 10 percent more area. There are no additional funds for building maintenance. On the older campuses, major maintenance needed to arrest deterioration has been deferred, with a backlog now standing at $6 million and growing rapidly. Efficient use of existing facilities is prevented in many cases because we cannot carry out necessary alterations to restore or convert outdated classrooms, laboratories, and libraries. The alteration backlog now stands in the tens of millions. In addition, this budget provides no funds for the recently-approved increase in employer group health insurance contributions, requiring our already high budgetary savings target to be augmented by $1.4 million.

NO CONSTRUCTION FUNDS

I want to emphasize that our capital outlay situation is no less than critical, and this budget would have the State provide no assistance whatever for our construction needs on the general campuses. Indeed, the State administration is attempting to take back $9.4 million in prior years' appropriations of State funds which the administration has prevented the University from using. Compounding this would be the resultant loss of $2.5 million in Federal construction grants which have been awarded to the University. Next year's budget would be extremely serious even if it were a one-time occurrence, but in fact it would be the third year in a row that no State funds were provided for construction of a single building, or even for working drawings for one. (Chart 4.)

STUDENT FEES

For 1971–72 the Governor's Budget includes capital improvements of $23.9 million for both health sciences and general campuses financed from student fees. The Educational Fee income alone cannot be expected to finance expansion of the health sciences as well as to meet the needs of the general campuses. I am urging the Governor and the Legislature in this present session to provide funds for the 1971–72 health sciences program and to approve a health sciences bond issue to be placed on the ballot in 1972.

GRIM IMPLICATIONS

I know that the State is in serious financial difficulty and I sympathize with the Governor and the Department of Finance in coping with it. It is my obligation, however, to illustrate as clearly as possible the grim implications for the University if this budget is approved as proposed. Decades of effort by many dedicated people have built a great University. We, together, must find the means to obtain the financial support required to preserve quality education for future generations of Californians. It is threatened.

I am not asking the Board for action today. The Regents have approved an operating budget request, a capital budget request, and an academic salary increase. I consider it my responsibility to obtain from the Governor and the Legislature as much of these budgets as I can; I propose to do so.

COMPARISON REGENTS' REQUEST AND GOVERNOR'S BUDGET

	1970–71	1971–72		Difference
		Regents' budget	Governor's budget	
Current operations	$337.1	$375.0	$337.1	$37.9
Salary increases:				
Academic salaries		19.4		19.4
Academic fringe benefits		9.6		9.6
Capital outlay	2.8	35.1	—9.4	44.5
Total	339.9	439.1	327.7	111.4

UNIVERSITY OF CALIFORNIA 1971-72 BUDGET FOR CURRENT OPERATIONS—STATE FUNDS ONLY

	1970-71 budget	1971-72		
		Regents' budget	Governor's budget	Difference
Instruction and Departmental research:				
General campus	$132,733,471.00	$8,513,367.00	−$4,554,604.00	−$13,067,971.00
(FTE faculty)	(5,752.02)	(281.35)	(−100.00)	(−381.35)
(FTE teaching assistants)	(1,648.03)	(120.50)		(−120.50)
(Support per FTE faculty)	(7,915.00)	(7,919.00)	(7,664.00)	
Health sciences	40,832,578.00	4,737,290.00	299,822.00	−4,437,468.00
(FTE faculty)	(1,306.60)	(142.93)	(18.90)	(−124.03)
Total instrument and departmental research	173,566,049.00	13,250,657.00	−4,254,782.00	−17,505,439.00
Teaching hospitals	12,221,271.00	2,728,788.00	−671,271.00	−3,400,059.00
Organized activities:				
General campus	827,557.00		−63,557.00	−63,557.00
Health sciences	869,749.00	219,738.00	219,251.00	−487.00
Organized research:				
Agricultural	2,108,947.00		−1,700,000.00	−1,700,000.00
General campus	34,035,472.00	1,370,828.00	−1,181,419.00	−2,552,247.00
Health sciences	1,821,704.00	64,221.00	−144,704.00	−208,925.00
Libraries	26,291,366.00	2,492,816.00	−765,366.00	−3,258,182.00
Campus public service	8,442,752.00		−674,752.00	−674,752.00
Maintenance and operation of plant	31,967,461.00	3,679,054.00	999,539.00	−2,679,515.00
General administration	23,475,010.00	1,115,068.00	−366,010.00	−1,481,078.00
Student services	5,771,541.00	323,465.00	−849,541.00	−1,173,006.00
Staff benefits	29,611,666.00	3,521,523.00	1,000,334.00	−2,521,189.00
Institutional services and general expense	9,345,442.00	938,972.00	17,461.00	−921,511.00
Student aid		1,500,000.00		−1,500,000.00
Provisions for allocation:				
Price increase	671,938.00	2,000,000.00	651,000.00	−1,349,000.00
Merits	989,039.00	6,351,000.00	6,351,000.00	
Other (e.g. overhead, fee exemptions)	1,590,851.00	330,000.00	171,422.00	−158,578.00
Budgetary savings:				
Base target	−11,280,100.00	−1,390,000.00	480,100.00	1,870,100.00
Supplemental target			1,400,000.00	1,400,000.00
Funding items:				
Overhead receipts applied	−9,931,159.00	−3,045,474.00	−3,045,474.00	
Prior year general fund balances	−4,928,662.00	2,791,293.00	2,791,293.00	
Change in general fund income	−377,599.00	−364,524.00	−364,524.00	
Total increase	337,090,295.00	37,877,425.00		−37,877,425.00
Academic salary increases		29,047,300.00		−29,047,300.00

CONGRESSMAN MURPHY OF NEW YORK OUTLINES HIS BILL, H.R. 6242, TO BENEFIT THE AMERICAN CONSUMER

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. ROSTENKOWSKI. Mr. Speaker, my good friend and colleague, the Honorable JOHN M. MURPHY of New York, has long advocated revision of existing transportation law in order to stimulate competition, improve service, and hold down costs in the small-shipment freight market. Such objectives are shared by all of us since they directly benefit the American consumer.

Mr. MURPHY outlined his bill, H.R. 6242, and gave his views on the problem in a speech to a small-shipment conference in Chicago, April 13, 1971. This subject is of such importance that it merits exposure before the Congress. I thereby submit Mr. MURPHY's speech for the RECORD:

REMARKS OF REPRESENTATIVE JOHN H. MURPHY

Every American is affected by the chaotic condition of our transportation system. Public transportation is a morass in countless major cities; commuter rail service is nearly dead; intercity rail service is dead; and, lo and behold, the United States government is now treating the public to a scenario entitled "Resurrection via Railpax."

Maladies beset our ocean carriers and our air carriers, and you will go sunblind looking for SST. Our highway problems—from the carnage of highway deaths, to the increasing perils of pollution, are dwarfed only by the billions of dollars we spend each year paving the nation in concrete ribbons. But do not despair—it can get worse.

It *will* get worse if the Congress of the United States does not act to correct our transportation ills.

Congressional action need not come in the form of grandiose schemes, and omnibus bills. Rather it must come selectively in the form of corrective legislation—legislation designed to attack the myriad problems that exist, and provide effective remedies.

One such remedy is the Small Shipment Improvement Act of 1971—a vital step in the direction of progress.

The bill, H.R. 6242, is designed to unleash the domestic freight forwarder industry as a meaningful competitor vis-a-vis the railroads, the trucks, and the airlines in the small shipment freight market.

It is a genuinely non-partisan bill aimed at correcting an ill that affects every region, city and town, and virtually every small business in America.

The bill is a major part of my Consumer Action Program of 1971—a collection of legislative measures to aid the beleaguered buyer of goods and services. H.R. 6242 is designed to increase the viability of the regulated freight forwarder business, revitalize railroad freight activities, and benefit the small shipper, the local businessman, and, I emphasize time and again, the consuming public.

Every time you buy something—from a package of chewing gum to an automobile, you pay for the transportation of that good from origin to self, from manufacturer to showroom.

Shipping costs have, like everything else, gone up. But there is an inverse proportion here. The smaller the good, the greater the increase in its transportation costs, so that small merchants now pay greater and greater shipping costs. The result: increasing difficulty in maintaining solvent businesses. Can you remember the corner delicatessen or the neighborhood haberdasher? The appliance dealer? Thousands of these merchants fold up every month, and a major factor has been the transportation costs associated with the shipment of small quantities of freight.

Long-haul truckers may fight this bill.

So called "non-profit" shipper associations will do the same.

They will call it a freight forwarder's bill and try to knock it out of the box. However, I hope to persuade them to join me in this effort because it is my firm conviction that they really do not want, and are not likely to handle, the kind of business historically in the forwarder's domain.

And the railroads, in spite of what they may say to the contrary, would sit by while small shipment rail service perished, without tears, as did passenger service. Apparently, they regard small shipments as they regard small people.

The freight forwarders will fight for H.R. 6242 because they believe it is a freight forwarders bill. But it really is not.

When forwarders can innovate and expand and relieve the current small shipment crisis as a result of this bill, I hope they can make money as well. But it is the public—the shipping public and the buying public—that will profit most by this bill. In some cases, indeed many cases, enactment of this legislation may make the difference between bankruptcy and solvency for the corner merchant.

I am not alone in my crusade. The Attorney General of the United States, the Department of Defense, the Department of Transportation, and the Federal Maritime Commission have endorsed the ICC recommendation for this legislation.

That's right: The *ICC* recommendation. Because it was the Interstate Commerce Commission which studied the crisis in small shipments and recommended this legislation in Ex Parte 266 early this year. After 28 years of stolid opposition!

Why this change in position? Last year the House Committee on Interstate and Foreign Commerce, on which I serve, directed the ICC to find out all they could about the problem. We directed the ICC to produce recommendations for concrete corrective steps.

After seven months of intensive study, encompassing the broad spectrum of surface transportation considerations, the ICC moved decisively in an 8-3 decision, and made the following recommendation:

"We are now convinced that a changed status is necessary for forwarders to remain viable and to perform an even more important role in the transportation of small shipments. We believe the public will benefit from this type of legislation through expanded forwarder service and lower rates."

Further, the ICC said:

"Those parties supporting this legislation believe it will enable the forwarders to provide more service to shippers at more points. We see no reason to deny them the opportunity to try. That freight forwarders are small shipment carriers has been clearly established on this record; the vast majority of forwarder shipments weigh under 500 pounds and more than half weigh under 300 pounds."

I am convinced that forwarders, as specialists in small shipments, should not be denied the opportunity to try. I need only quote one additional finding from the Commission's investigation to drive home the ICC position as it applies to the discouraging viewpoint taken by the truck, rail, and water common carriers with respect to small shipments:

"Traditionally, the transportation of small shipments has not been a desirable source of income or traffic for most carriers. Those who haul this type of traffic must maintain substantial pickup and delivery equipment and platforms or docks where the numerous small shipments can be consolidated into or broken down from one or more truckloads or carloads.

"Additional labor costs are necessitated and the extra handling results in larger loss and damage claims from shippers.

"Because a greater number of shippers are to be served, the various bookkeeping expenses are increased.

"When joint-line service is used, most of the above problems and sources of delay are at least doubled. Moreover, shippers often complain of the difficulty of tracing the location of a given shipment while it is in transit.

"The result is general dissatisfaction and frustration among shippers and varying degrees of unwillingness to handle small shipment traffic among carriers.

"We do not mean to ascribe this feeling absolutely to all modes of transportation. Clearly, however, almost all rail carriers appear to be of that opinion. And although motor carriers do handle most of the small shipments, it cannot be said that there is a large number of motor carriers desirous of this specific type of traffic.

"Railroads, once virtually the only source of any intercity transportation, have almost completely discontinued their LCL service.

"Water carriers have done little to attract this traffic and, while their revenues from such transportation are generally static, the volume of small shipments traffic handled by the water carriers decreased by almost one-third from 1950 to 1964."

You have heard the case for the Small Shipment Improvement Act of 1971.

WHO IS IN TENNIS SHOES NOW?

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. MICHEL. Mr. Speaker, with all the flights of fancy and hyperbole we have heard in this House lately with regard to Mr. Hoover and the FBI, I am happy to bring to the attention of my colleagues an imminently sensible and forthright editorial which appeared in the Peoria Journal Star on April 20:

Who Is in Tennis Shoes Now?

Once upon a time, the Democratic "liberals" use to ridicule the "little old ladies in tennis shoes" who saw Communists lurking in every shadow and hiding under every bed.

Today, it is somewhat amazing to see the self-generated climate, reminiscent of the McCarthy era, out now boiling among the congressional hopefuls of the other party, instead.

Who would have believed that an Ed Muskie would join the gaggle of administration critics who now seem to see the FBI lurking in every shadow and J. Edgar Hoover hiding under every bed!

They have fallen prey to the "little old ladies in tennis shoes" psychology themselves.

And why?

They have apparently talked themselves into it!

When Joe McCarthy went headline-making about the pervasiveness of Red Agents, at least, one Red agent had been caught in the highest levels of the State department and his presence proven in court.

The Wisconsin McCarthy's noisy and prejudicial headlines always petered out, but they usually petered out into the discovery that his "evidence" was the claim of some ex-communist reporting what he had heard at a cell meeting 25 years ago, or some such.

Not even that much basis is supplied for the current splurge of accusatory headlines—and these people aren't even embarrassed.

I have no evidence, they say, but "there is a widespread feeling" or, in one headline case, a senator had received AN ANONYMOUS LETTER!

This is ridiculous!

They gave Joe McCarthy hell because he made charges without investigation.

That made sense to us.

But the panic over there BEING investigations is quite the opposite—accompanied by unsupported charges!

There has not been a single example or even allegation that investigators of the Army or FBI have misused information the way McCarthy did—by methods of scarey and unfair publicity seeking.

Instead, for fear that somebody MIGHT, a nervous group is doing just what Joe McCarthy did—making such lurid publicity charges themselves WITHOUT investigation and without evidence against the FBI and Army. It's a sort of "preventive McCarthyism."

That seems pretty Alice-in-Wonderland until you realize that a sizable segment of the Democratic-liberal community has panicked into silliness far beyond anything the "little old ladies in tennis shoes" ever managed.

We have some experience of our own, also testified to by Harrison Salisbury of the New York Times (who is one of them) in a recent book, that this "intellectual" group was peddling the most absurd rumors to each other and getting worked up about them—such as weird tales the secret construction of concentration camps "in the West," and diabolical plans to foreclose there being any election in 1972, imposing dictatorship instead!

Salisbury testifies that these unwholesome "rumors" persisted in some circles (which circles are obvious!) long after they became demonstrably ridiculous.

Joe McCarthy created a dangerous climate of excessive suspicion.

These people of the "left" have busily created a most unwholesome climate among themselves, and are now trying to create a dangerous climate of absurd suspicion across this land.

It marks the lowest mental health status in Washington in 20 years, if we equate it to the "little old ladies in tennis shoes."

It marks the lowest moral and ethical standard in 20 years if we equate it to Joe McCarthy and assume that these people are doing it not out of a paranoid rumor climate but out of vicious political calculation.

In either case, it sure isn't healthy.

Four years ago, it would have been hard to believe that these supposedly cool, intelligent, educated "leaders" in politics would go so far into the tank.

Apparently, they persuaded themselves about "Tricky Dicky" so many years ago, and repeated it to themselves for 20 years, until they believe an absurdity.

They have certainly forgotten that Nixon-haters pegged him with that title on the basis of a couple of remote activities at the outset of his political career far LESS "tricky" than the stunts these people are pulling against him right now!

What did he do, besides nail ONE Communist agent, Alger Hiss, with specific investigation, specific charges, specifically proven in federal court?

He compared Helen Gahagan Douglas' record with that of a pro-Communist congressman and pointed out how closely they seemed to tally! Today that would be TAME politics.

And he made a brilliant but sentimental appeal to the American people when opponents leveled charges against him as a candidate for Vice President, which staggered opponents, and which for years after they tried to turn into a "trick" performance.

The debates with Kennedy should have demonstrated for all time that the Nixon "Checkers" speech was so effective because it was largely off-the-cuff and from-the-heart.

The clear fact is that Nixon doesn't possess the ACTING skills to BE "tricky" in that fashion. A good many "charismatic" leaders HAVE had both the talent and the inclination to use it, but not Nixon.

Yet for 20 years a certain clique has built this up in their heads to the point where they actually had conned themselves into all sorts of ridiculous fears, without other foundation, far beyond the wildest dreams of those "little old ladies in tennis shoes" that they used to ridicule for just such.

It's time they straightened up and quit kidding themselves lest they make yet more colossal boners and obvious fools of themselves in future.

Sen. Mansfield, who dismissed this latest nonsense as "a tempest in a teapot," as Democratic majority leader, seems to be a rare example of one "who keeps his head when all about you are losing theirs and blaming it on you."

His fellows would do well to emulate him.

SENATOR JACKSON ON THE SOVIET THREAT

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. SCHMITZ. Mr. Speaker, it is heartening to find at least one of the men contending for the job of Commander in Chief of our Nation who is interested in adequately responding to the massive growth of Soviet strategic offensive power.

Senator HENRY JACKSON in a speech before the American Society of Newspaper Editors, which was reprinted in the main by Barrons Weekly of April 26, 1971, gives a comprehensive outline of the growing threat to our survival posed by the fast increasing Soviet strategic forces.

Senator JACKSON points out that there is scant evidence to support the current administration's hypothesis that we are leaving an era of confrontation and entering an era of negotiation. On this point all reasonable people not confusing desires with realities would have to agree.

As the supplemental report of the presidentially appointed Blue Ribbon Defense Panel pointed out about the current SALT talks:

The Object of SALT

There are obvious reasons for seeking to halt the escalation of nuclear weapons. The logic of the situation—at least on the surface—calls for a "freeze," which seems such a facile and popular solution. In simplest terms, the object of SALT is to agree upon a limitation—and perhaps a gradual reduction—of strategic nuclear weapons. An effective agreement to this end which does not leave either side at the mercy of the other, which does not in itself after the balance of power, and with procedures to assure compliance, would be welcomed by most of the world. SALT therefore deserves the most careful attention, as all avenues toward a more peaceful world must be explored.

But whatever the hopes and opportunities of SALT may be, there is no precedent in history of effective disarmament being accomplished by agreement between major powers with divergent national interests. Nor has U.S. experience been reassuring. There is nothing new about our seeking disarmament through negotiation. This has been the most consistent element in American foreign policy since the beginning of the nuclear age. Few seem now to remember the U.S. offer to prevent an atomic arms race by delivering its stockpile to the United Nations—an offer rejected by the USSR. Periodically since then various efforts to slow or halt the arms race by negotiation have been frustrated in every instance by the intransigency of the Soviet Union.

It is true that three negotiations have been successful in the sense that limited agreements were reached on important issues. Yet none of these agreements has slowed the pace of the Soviet armaments or its manifest quest for superiority. Indeed, we may have magnified and perhaps even misconstrued the significance of such agreements.[1]

All Americans would like to think—despite the absence of convincing evidence—that the Cold War is over and that we have indeed entered a new era of negotiation. Our desire for peace is so strong and our national inclination to assume reciprocal friendliness and rationality so genuine, there is danger that we may assume without justification a similar spirit on the part of the Soviet leaders.[2]

But it is prudent to remember that the Communist concept of negotiation is radically different from ours. They view it as a component of conflict, with the objective of gaining an advantage without conceding anything.

Our leaders, however, continue to reject the weight of the available evidence and chase after the will-o'-the-wisp of peace through palaver. This profound confusion on the part of men with great responsibility is nothing new. As Alexander Hamilton pointed out in Federalist Paper No. 31:

> Men, upon too many occasions, do not give their understanding fair play; but yielding to some untoward bias, they entangle themselves in words and confound themselves in subtleties.

While there is nothing unique or original in this confusion of rhetoric with reality, it has reached the point where the long-term survival of the Nation is being called into question by the extent of Soviet military preparations.

If we will recall the fact that the probability of nuclear war is directly related to the probability of a successful Soviet disarming strike on the United States. Senator Jackson's coverage of the growing Soviet strategic capability takes on added significance.

Senator Jackson's speech before the American Society of Newspaper Editors as reprinted in Barrons Weekly of April 26, 1971 follows:

New Missile Gap: Freedom's Future Hangs on Restoring the Strategic Balance

For more than two decades a central objective of American defense policy has been to prevent a nuclear war by deterring any potential adversary from launching a first strike against us. In accord with this policy, we have foresworn development of a capacity to wage preemptive war. We have deliberately sought a defensive, deterrent, second-strike posture—relying on a protected nuclear capacity to launch an overwhelming retaliatory strike against a nuclear aggressor. We have built a mix of strategic forces—land-based and sea-based—so that the exposure of any one element to neutralization or destruction would not negate the entire deterrent. We wanted to permit no doubt as to the certainty and severity of our response in the event that an attack against us should be contemplated—or made.

I believe the American people today are confident that the United States is overwhelmingly superior in military power. Most Americans believe that the military balance leans heavily in our favor, and that in strategic nuclear weapons we have unchallenged supremacy. Unfortunately, what was once true is no longer so. The United States is slipping. The overall strategic balance is tilting in favor of Moscow.

Our deterrent force is only as persuasive as its ability to survive a first strike in sufficient numbers, and to respond effectively. But the capacity of our strategic force to survive is now coming into question. The relentless Soviet strategic and naval build-up poses a serious threat not to just one, but to all three of the elements of our strategic deterrent—ICBMs, bombers and Polaris/Poseidon.

This adverse shift in the strategic equation can hardly help having far-reaching effects upon world politics. A more confident Soviet Union can be expected to throw its weight around more vigorously on behalf of its great power interests, and to raise its bargaining price at the negotiating table. Thus new elements of risk and turbulence will be introduced into international relations, enhancing the dangers in crisis situations.

If present trends continue, the Soviets will achieve a preponderance of strategic power that will leave our security impaired by doubt and uncertainty and our friends and allies exposed and vulnerable. If present trends continue, there will be an increasing risk of miscalculation of the sort that could result in war . . .

To counter the dangerous shift in the strategic balance, we require first a forthright and unvarnished assessment of some unpalatable military and political facts. Caught in all the current crossfire about "hawks" and "doves," too many politicians are acquiring the protective habits of the ostrich.

The hard fact is that if we are not to be pushed into a whole new buildup of strategic offensive weapons, we must give our most urgent attention to two priorities: (1) The protection of our deterrent forces; (2) The achievement of an arms control agreement on offensive and defensive nuclear systems that will stabilize the strategic balance and not upset it further in Moscow's favor.

In the space of five years—from 1966 to 1971—the overall strategic balance has moved markedly in favor of the Soviet Union. In 1966 we had more than 700 long-range bombers, about 600 submarine launched ballistic-missiles, and more than 900 Minuteman intercontinental ballistic-missiles. At that time the Soviets had about 150 long-range bombers, less than 100 SLBMs, and about 250 ICBMs.

Today the United States bomber force is less than 600, our sublaunched missiles have numbered 656 for four years, and our land-based missiles have totaled 1,054 for four years. During this time the Soviet bomber force has remained about constant, but their submarine missile force has grown to almost 400 launchers and is expected to overtake ours in two to three years. And the Soviet land-based intercontinental force has risen to over 1,440 operational launchers—with more on the way. Thus, while the Soviets are gaining and will soon exceed us in missile weaponry at sea, we have already fallen distinctly behind them on land.

Over this same period, the actual destructive power of the U.S. forces has continually decreased, while the Soviets' destructive power has greatly increased, until the total megatonnage that the Soviets could deliver against U.S. targets is several times our own.

The only strategic area in which we are staying ahead is in the number of individual warheads, and we are doing that only by going to small-yield multiples. Even here, however, the Soviets could in time overtake us, since their missile forces have considerably greater payload than ours.

The United States has been relying on a mix of strategic forces— ICBMs, bombers, and Polaris/Poseidon missiles—in order to maintain confidence in our strategic deterrent and to assure against it being neutralized or destroyed. A mix provides insurance that a technological breakthrough against any one element would not negate the entire deterrent, and gives protection against serious failures of performance of any one element due to unexpected circumstances, such as unanticipated weapons effects or insufficient prior warning. But the Soviets are increasing their capacity to pose a serious threat not to just one but to all three elements of our strategic force.

Threat to ICBM Minuteman Force: We have watched the number of Soviet ICBMs climb steadily since 1966, in spite of four years of American restraint. Our ICBM total is 1,054, compared to the Soviet total of over 1,440, which includes 300 of the mammoth 25 megaton SS–9s now operational or under construction. Most recently, there is disturbing evidence of Soviet construction of a new offensive missile system equal and perhaps superior to the SS–9 capability. We do not yet know exactly what the new system is, but we know it involves missiles not less destructive than the 25 megaton SS–9, and it could mean missiles that are far more destructive than the SS–9. Moreover, the Russians have an ability to deploy between 60 and 70 of these huge new missiles this year. And if they do deploy 70 of the new missiles, they would be adding in this one year alone more megatonnage (or destructive power) than the United States has in its entire land-based Minuteman ICBM system.

Since the SS–9 has characteristics that could be well adapted to destroy hardened missile silos in a first strike, but is not at all an efficient weapon for retaliation against cities, one is tempted to conclude that the Soviets are not really committed to deterrence only. For the purpose of retaliation, the Soviets have available more than 900 SS–11 and SS–13 missiles similar to our Minuteman and perfectly adequate as a deterrent force. The continued Soviet deployment of their mammoth offensive missiles is a forbidding fact that places our ICBMs at great risk—unless we continue to deploy ABM defenses around our Minuteman silos and take our prudent measures for their security.

Threat to SAC Bomber Force: The growth of the Soviet submarine force poses a severe threat to the second element of our land-based deterrent, the SAC bomber force. The Soviet Navy can now deploy long-range missiles in submarines hidden underwater along our Atlantic and Pacific coasts and in the Gulf of Mexico. By mid-1971, the Soviets are expected to have operational more than 20 Y Class nuclear-powered ballistic-missile submarines and they are producing them at the rate of about eight a year. By stationing these Yankee Class submarines off our coasts, each capable of submerged launching of 16 ballistic missiles with an estimated range of 1,300 nautical miles, the Soviets can blanket practically the entire United States. When the Soviets have the much longer range missile they have been actively testing, they will be able to do this from either ocean.

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[1] The first of these, the Test Ban Treaty of 1963, halted nuclear testing in the atmosphere. The Soviets only agreed to this at a time when their test program, involving high-yield weapons with both offensive and defensive (ABM) capabilities, was well ahead of America's. We had previously been duped during the late 50's into the cessation of testing similar weapons on the specious theory that the Soviets might follow a good example. The second agreement was the United Nations' ban on the use of outer space for military purposes, an agreement which the Soviet Union appears already to have violated in spirit. The third of these limited agreements is the Nonproliferation Treaty, recently approved, which leaves a number of non-signing nations free to develop nuclear weapons.

[2] One may recall the disillusionment after the hopes engendered by the "spirit of Geneva" and "the spirit of Camp David" were dashed by Soviet duplicity.

The threat to our bombers arises from the extremely short flight time from a submerged submarine off our coasts to our bomber bases. Thus a large fraction of the bomber force would be vulnerable to destruction before it could become airborne. Furthermore, the Soviets have deployed a massive system of air defense which would be arrayed against any reduced numbers of U.S. bombers that survived a missile bombardment and did manage to reach the borders of the Soviet Union. Thus, the effectivenesss of our bomber fleet as a deterrent can be seriously downgraded.

Threat to Polaris/Poseidon: The third element of our deterrent, the 41 Polaris/Poseidon submarines, has not escaped Soviet developments that raise doubt about its longterm survivability. Our nuclear submarines are potentially vulnerable to Soviet nuclear attack and cruise-missile submarines, of which the Soviets now have over 60, and are producing at the rate of six to eight a year. At the same time, they are developing more advanced nuclear submarines—including attack submarines that are faster than our own Polaris-types. The Soviets now have the largest and most modern submarine building yards in the world, giving them several times the nuclear submarine construction capacity possessed by the United States.

Moreover, the Soviets are making a massive research and development effort to improve their detection capability of our nuclear submarines. This is especially disturbing, because the chief means of defense of the Polaris force is its ability to remain hidden under the seas. If they can be detected, they will have lost much of their protective value.

Threat to U.S. Attack Carrier Forces: I should add that the Soviet Navy's general purpose forces are no longer just for coastal defense. They now operate on a continuing basis in the Mediterranean and in the Indian Ocean, and periodically in the Caribbean. With these forces built around attack and cruise-missile submarines, surface ships armed with ship-to-ship missiles, and land-based naval bombers, Moscow has a formidable capacity to attack our carrier forces and disrupt our sea lines of communication—and this Soviet capacity continues to grow.

Finally, some facts about the Soviet research and development program need attention. The massive Soviet R&D effort on offensive and defensive nuclear systems has continued to increase for the past several years. The number of offensive missile test-firings has likewise increased substantially. In the last 12 months, the Soviets have conducted extensive tests of various new ABM components, including advanced improved ABM radars.

This huge research and development program, carried out by a country with a gross national product only half our own, gives some sense of the dynamism and direction of the Soviet military effort. The central fact is that the Soviet Union has continued to support, at great cost, a comprehensive, forward-moving program of strategic and conventional weapons procurement that is now slowing down. On the contrary, the hopes of those who predicted the Soviet build-up was tapering off have been bitterly disappointed—several times.

The Administration has made the claim that we are leaving an "era of confrontation" and entering an "era of negotiation."

I see scat evidence to support such a sunny forecast concerning our relations with Moscow. The massive Soviet weapons build-up does not suggest to me that with greater strength they will be more wary of confrontations.

It does suggest that they will be better equipped to pursue the tactics they have employed ever since World War II—confrontation and negotiation together as partners in advancing their interests. Indeed, to the Kremlin, confrontation tactics are "bargaining" as much as formal talk can be, and the Soviets are experts at deeds and displays to influence the outcome of a negotiation.

Even before the improvement in its relative power position, Soviet leaders periodically pressed a policy of "opportunistic expansion." I have likened the Soviet Union in its foreign relations to a burglar walking down a hotel corridor, trying the door-handles. When he finds one unlocked—in he goes.

In past Soviet probings, the strategic equation has set limits to the extent of the risks that Moscow was willing to run. Khrushchev's backdown in the 1962 Cuban missile adventure is a classic case in point. Now, however, the Kremlin can be confident of overall nuclear equality with the United States—it is ahead of us in some nuclear weapons areas—and it can count on a growing capacity to project naval forces and other elements of its military power into many parts of the world.

In this situation, we would be prudent to assume that the Soviet leadership will be more vigorous in the assertion of what it regards as Soviet interests, and will accept greater risks in order to advance them, thus introducing harder Soviet bargaining at the conference table and new elements of danger and turbulence into international affairs.

Leonard Schapiro, one of Great Britain's most respected Soviet scholars, puts the matter this way: ". . . The Soviet Union derives increasing confidence from the sheer quantity and size of the weapons which it possesses . . . as the numbers and strength of Soviet weapons of all kinds, nuclear and non-nuclear as well, increase, so one should expect them to become bolder in their policy and more prepared to take risks."

One would look for such increased Soviet boldness, especially in those areas that are without formal defensive ties with the United States, for it is in such areas that the Soviets would be tempted to conclude that the risk of a direct confrontation (perhaps escalating to the nuclear level) is not great. However, in trouble spots like the Middle East, where the Soviets have already invested vast sums of military and economic aid, supplied sophisticated weapons, sent military personnel and taken losses in combat, local instabilities are vastly aggravated with a considerable risk of great power confrontation.

The motto of the Kremlin today is very likely: "No more Cubas." The Soviets may relish the prospect that in future crisis encounters, we, and not they, will back down and accept diplomatic defeat.

A foretaste of the future could be the brazen and contemptuous Soviet violation of the American initiated standstill agreement in the Mideast, in the summer of 1970, a violation executed from the very day of the agreement's signature, and encouraged, I might add, by the agitated efforts of some high Washington officials to turn their backs.

Looking ahead, it is difficult to escape the conclusion that our interests and those of our friends and allies would suffer in a strategic environment in which the American power position was widely questioned, even though the Soviet Union may not have achieved a clear preponderance. We could expect Soviet intransigence in negotiations, and efforts at blackmail and intimidation across a broad range of foreign policy issues, with a consequent rise in the incidence of dangerous situations. Moreover, the element of uncertainty in crisis encounters could become much more severe.

Beyond that, if present trends in the strategic balance continue, we could find ourselves in a situation that encouraged Soviet brinkmanship, with a resulting risk of accident, miscalculation and nuclear war. . . .

One final word: The United States is experiencing a wave of hostility to the military at the moment, a hostility that makes fair and objective discussion of defense issues a difficult thing to achieve. From the belief that we have been doing too little to solve our domestic problems—a view that I share with many in this country—it is all too easy to pass to the belief that what we spend on defense is wasted.

The strategic budget is a small fraction of the defense budget and an even smaller fraction of our gross national product. About 1% of the goods and services we will produce this year is allocated to the procurement, maintenance and operation of our strategic deterrent.

That 1% is an essential investment. To fail in the job of strategic defense is to fail in all our aspirations for better housing, health, welfare, education and the environment. I believe that this country is rich enough in moral and material resources to provide for the security of our people and resolve our domestic problems as well.

DALE SMITH

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. REES. Mr. Speaker, on May 31, Dale Smith will retire as postmaster of the Beverly Hills Post Office. For the past 31 years, Dale has won promotion, honor, and acclaim through his service to the Government as a part of the U.S. Post Office Department. He entered postal service in August 1940, as a carrier-clerk at the South Gate Post Office. By 1946, he had been transferred to Beverly Hills and promoted to a position within the Postal Inspector's Office. Continuing to work diligently and untiringly, Dale Smith was confirmed by the U.S. Senate as postmaster of Beverly Hills in 1965.

While postmaster, Dale has brought praise to both his office and himself. Under his tutelage the Beverly Hills Post Office received the Nationwide Improved Mail Service Award. As a result of his leadership, the office was also awarded a certificate for outstanding contribution to the improvement of Federal civil service, particularly because of Dale's support of a program to increase employment for the handicapped. Dale, himself, was the recipient of the community's distinguished service award, which is issued by the Beverly Hills YMCA.

Though his work has been overwhelmingly demanding, Dale has managed to find time to be active in community affairs. As a Boy Scout leader, a member of the board of directors of the Beverly Hills YMCA, and a member of the Beverly Hills Rotary Club and Chamber of Commerce, Dale has devoted much of his private life to the betterment of his community.

Even with such an exhausting career and active community life, Dale has managed to fulfill ably the duties of family life. He is the husband of the charming Rosemary Sheehy Smith, the father of four children—Sheila, Duane, Brian, and Kevin—and the grandfather of five children.

Mr. Speaker, because Dale Smith has given such outstanding service to both the Government and his community, it is difficult for us in Beverly Hills to accept his retirement. But it is also as a result of his distinguished record as both a public and a private citizen that we wish him the best of health and happiness, and the maximum amount of joy in his new life.

SOJOURNER TRUTH

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. FISH. Mr. Speaker, about a year and a half ago, the State University of New York College at New Paltz, N.Y., which is located in my congressional district, asked for and received approval from the board of trustees to name its new library after a black woman and former slave who was born in Hurley, Ulster County, N.Y., and who lived in the New Paltz area a century and a half ago.

This woman's name was Sojourner Truth. Even though she could neither read nor write, she became in her lifetime one of the truly great speakers for liberty and justice. One of the most memorable personalities ever to come from Ulster County, Sojourner Truth won nationwide fame as an evangelist and civil rights crusader during the mid-19th century.

To commemorate this remarkable woman's life and work, a library called the Sojourner Truth Library has now been established on the university campus at New Paltz, and by unanimous action of the Ulster County Board of Legislators March 12 of this year was set aside as a day to honor the memory of this unique and far-seeing woman.

Mr. Speaker, in words far more fitting than anything I can say, an editorial in the Kingston Daily Freeman, commemorates this fighter for freedom and justice under God which I include in its entirety:

SOJOURNER TRUTH

Kingston City Schools Consolidated will observe a legal holiday March 12 in tribute to Sojourner Truth, a Hurley native and nationally-famous mid-nineteenth century evangelist, civil rights crusader and champion of freedom of black people.

It is fitting and proper to so honor a local illustrious American, born in slavery, who became one of the most remarkable personalities ever to come from Ulster County, by closing the schools as is done for other distinguished national figures.

A new library on the campus of State University College, New Paltz, also will be named for Sojourner Truth, who spent part of her life on a New Paltz farm.

The Ulster County Legislature, during Black History Week, passed a resolution paying tribute to Sojourner Truth. The resolution reflects great credit upon the legislators and their understanding of the need for bringing into historical perspective great Americans of every race.

An unfinished statue of the famous evangelist, which was found at Woodland Camp near Phoenicia, was displayed in The Daily Freeman booth at the Lions Exposition at the New York State Armory some years ago.

A courageous woman of strong convictions, a persevering worker for freedom, she has long merited these tributes in the county of her birth.

This dedicated citizen has been honored nationally down through the years including the Sojourner Truth Room at Prince George's County Memorial Library at Oxon Hill, Maryland. And in her lifetime, she was honored by President Lincoln, who received her in the White House. Though she could neither read nor write, she spoke with a power and conviction that commanded the attention and respect of other national leaders.

Sojourner Truth could not have looked back with fond memories of her life as a slave in this county of her birth. She witnessed and experienced the cruelty and injustice which was a mark of the times, yet she held her faith in God and in the ideals of her country. For more than a quarter of a century she traveled throughout the country exhorting her fellow-citizens, black and white, to live up to their own dreams and to make God a part of their daily lives.

Sojourner Truth has earned a place of honor here and throughout the country.

A TRIBUTE TO THE FUTURE HOMEMAKERS OF AMERICA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. BEGICH. Mr. Speaker, over the past 26 years, millions of America's young people have been members of the Future Homemakers of America. The association has organizations in all 50 States plus Puerto Rico and the Virgin Islands. As of 1970, the organization had 602,000 members all of junior or senior high school age.

Today, when all of us are constantly bombarded with news about young people who seem intent on dropping out of society, it is especially encouraging to find that so many of our young people are interested in learning how to contribute to their own families and to the general life of their individual communities. The goal of the Future Homemakers of America is itself a very heartening statement of principles.

The organization seeks to help individuals improve their own standard of personal, family, and community living. For the most part, it is something of a self-help effort with the youngsters themselves planning much of the program for improvement. To obtain their goal of improving human relations, the youngsters seek to develop their own potential abilities and to increase their contributions toward making their families a happier and more satisfactory part of the total community. In the process, they hope to strengthen their education for future roles so that they may help launch good citizenship through homemaking.

Organizations like the Future Homemakers of America are invaluable in any society since almost everyone does live in a family unit. The organization, however, has a specially great benefit for those youngsters who have come from less privileged backgrounds. It is through clubs of this type in the junior and senior high schools that many youngsters can learn skills that they, perhaps, do not acquire at home.

There is no way of actually measuring the good influence that the Future Homemakers of America has had on the millions of youngsters who have been members. The goals that the organization espouse, however, are of great benefit to all of us. Our country is, indeed, fortunate to have such an outstanding example of leadership for our youngsters.

The proclamation follows:

PROCLAMATION: FUTURE HOMEMAKERS OF AMERICA WEEK

The Future Homemakers of America, the national organization for home economics students in junior and senior high schools of the nation, is celebrating its 26th anniversary this year.

The future of our Community, State, and Nation depends to a large extent upon the strength of our homes, and the Future Homemakers of America is an organization concerned with building strong foundations for future homes and developing leaders for our communities.

The week of March 28 through April 3 has been designated as National FHA Week to be observed by the 604,000 members of the Future Homemakers of America;

I, William A. Egan, as Governor, therefore proclaim the week beginning March 28 as Future Homemakers of America Week in Alaska, and urge all citizens to acquaint themselves with the activities of the Future Homemakers of America organization, to show interest in it and to give help and encouragement to the members who are working hard to achieve knowledge that will make outstanding homemakers and leaders in our communities.

WILLIAM A. EGAN,
Governor.

FEDERAL FUNDS AGAINST CANCER

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. BROYHILL of Virginia. Mr. Speaker, a close friend and constituent of mine, whose young son died last year of leukemia, and who was instrumental in forming a new organization of parents whose children had cancer or had died of it, has called my attention to a most eloquent plea for more Federal funding for cancer research, contained in the Wall Street Journal on Wednesday, April 14, 1971.

As I believe all who read this RECORD would benefit from the knowledge of the magnitude of this problem and the urgent need for its solution, I insert the article in full at this point in the RECORD, as well as a Wall Street Journal editorial concerning it, which appeared the same day:

FEDERAL FUNDS AGAINST CANCER

We are normally skeptical of pleas for increased federal money for most purposes, but the case made on this page today for higher spending on cancer treatment and possible cures seems reasonably persuasive.

While it's hard to know whether additional funds really would be constructively employed, at least the writer is not asking for a moon-shot-type crash program in cancer research. That has been suggested by others, and it would almost certainly be wasteful. Our own preference would be to see more private spending on cancer research, but we suppose many of those sources have been largely exhausted.

In any event, it is not easy to argue against federal spending for presumably useful purposes. The trouble is that the government spends so much pursuing programs that are dubious and sometimes disastrous. If some of those efforts could be curtailed, everyone could feel better about spending on things like cancer research.

Cancer Research—Only $1 Per Person

(By a Parent)

When the doctor told my wife and me 16 months ago that our five-year-old son, Scott, had leukemia, we were plunged into numb agony. In the preceding days, as Scott went through a series of diagnostic tests, we had begun to fear the worst—but hearing the worst was still a terrible experience. We endured constant heartache and shed many tears in the weeks that followed. Life just didn't seem worth living.

It still doesn't. But we have learned to live, after a fashion, with the knowledge that Scott will die in childhood, perhaps very soon. Out of a passion to find out all we could about the disease—before, leukemia was, to us, only a remote malady—we've also learned some other things: how widespread cancer is; how hard it hits children (no other disease kills more of them); what remarkable strides cancer researchers are making under severe handicaps, in prolonging victims' lives and bringing a cure closer to reality—yet how much more they could do, and how surprisingly little we spend on this high-ranking national problem.

The final fiscal 1971 figure to emerge from Congress, lately accepted by the administration, provides an annual spending rate of $230 million—that's $1 per year per American, compared with $10 on foreign aid. Or, looked at another way, it's a bit less than two-thirds the $361 million the government allocates for outdoor recreation.

Dr. Solomon Garb, a respected Denver cancer researcher, said a consensus of researchers was that $300 million would represent "an austere compromise between the needs of the 40-plus million Americans now living who will get cancer and the financial stringencies imposed on health expenditures. It is by no means even close to a 'full speed ahead' budget."

Others think much more than $300 million makes sense; indeed, many people probably assume that much more is already being spent. As Mrs. James W. Cox, a mother of a Fairfax, Va., boy with leukemia, said, "Ask almost anyone . . . and they will say a billion or a billion and a half are being spent each year. They base their opinion on the fact that life and health are two of America's most important commodities."

Frustrated by the lack of funds for research, we joined last April with other Washington, D.C.-area parents of children who have cancer or have died of it, in an effort to do what we could to generate more support for a vigorous cancer-research program.

We knew it was too late to save Scott. Even the most hopeful research results would take too long for that. But maybe we could help hasten the day when other lives wouldn't have to be snuffed out by cancer. Our group, called the Candlelighters, pressed its case with key appropriators in Congress and with Nixon administration men, and will keep doing so. Our name was taken from the saying, "It's better to light one candle than to curse the darkness." Our goal is a coordinated nationwide assault. Even before our group was formed, similar research-minded parent groups were active in Orlando, Fla., and San Rafael, Calif. Since then we have helped spur the creation of about a dozen new groups elsewhere. We have had inquiries from 40 cities in 16 states, and more are coming in.

MONEY AND ANSWERS

One cancer research scientist told us, "A number of important research questions are becoming answerable now. With enough money available, we could identify the people who should work on these questions, assign them to do the work and the questions would be answered."

We have tried to be hard-headed, and discount statements by researchers that seem to be simply self-serving. Our conclusion is that cancer research has been seriously crippled by a prolonged hold-down, in spending. Just lately, funding has turned up, and President Nixon promises to ask Congress for $100 million more in fiscal 1972. This improvement is definitely welcome, but the research level is still pathetically low and the effects of previous cutbacks—in scrapped projects and prospective scientists not being trained—are still being felt.

In the last three years spending by the government's National Cancer Institute, which funds most cancer research in the U.S. leveled off while research costs climbed. (The government pays for 80% of all cancer research in this country; the American Cancer Society funds most of the balance.) The result was that, over the three years, the amount of research that could be paid for fell by one third. Particularly disheartening was teh fact that the administration returned unspent to the Treasury nearly $10 million of a $190 million appropriation in fiscal 1970.

Because of the hold-down, the cancer institute has rejected many grant applications that it considers promising, funding only half of previously approved projects and approving just a fifth of new ones; this continued a grant decline in force since 1965. The President's fiscal 1971 budget request of $202 million (later augmented by $28 million by Congress and released for use by the administration in recent days) left a number of areas, such as chemotherapy, continuing downward.

The research cutback even touched treatment centers. In clinics like the one where Scott is examined and treated every month, drug treatment is research. Doctors must use their young patients as guinea pigs, administering drugs that have proven useful, in semi-experimental ways, as a method of developing more effective approaches. This use of new drugs coupled with better patient supportive care has extended the lives of many leukemia patients.

SOME PROGRESS MADE

In 1960, children with leukemia usually lived three months; now, 75% live two years or more on treatment with a drug combination; a few have lived over five years, and some of them are probably cured. (Overall, two of every five cancer patients now survive, against one in 10 as of 15 years ago. However, the incidence of the disease and the number of deaths continue to grow.) But contractural drug research in cancer treatment was reduced. Less than half of the drugs that held promise in institute lab tests could be evaluated in treatment programs, where laboratory research is either proven or discounted.

Funding cuts can happen because, while everybody knows about cancer, people just don't get worked up about it. We were as indifferent as anybody—until our own son was stricken. We never knew that cancer kills 325,000 Americans every year (only heart disease kills more), that one-fourth of everyone alive today will get it, that one-sixth will die of it, that only accidents kill more children; 5,000 children die of cancer annually, far more young lives than polio claimed in its peak year.

There's no way of knowing, of course, when research breakthroughs will come.

Recent talk of applying massive funding for cancer research in a moon-shot approach can be faulted for trying to adapt a space program, where technology was in hand, to medical research, where it isn't. But putting considerably more funds into several promising cancer research programs, though it's unknown which ones would pay off the most, seems eminently justified it would let researchers better pursue many good possibilities that exist.

The prestigious National Panel of Consultants on the Conquest of Cancer, the so-called Yarborough commission, which proposed a $1 billion-per-year research program by 1976, declared, "It is a myth that we could not spend effectively on cancer very much more than is now being spent." In fact, the panel said, "Advances in the fundamental understanding of cancer in the past decade have opened up far more promising areas for major advances in cancer prevention and treatment than have ever before existed."

Some argue there's no guarantee that more money would save a specific number of lives in a certain number of years. True. But highly promising avenues are developing in chemotherapy, viruses as a cancer cause, new methods to support life while treating cancer, ways to help the body do a better job of fighting off the disease with its own immunity system, analysis of how chemicals in food and the air cause cancer—so much so that pouring more money into the effort seems sensible.

ATTACK ON TWO FRONTS

Consider just two fronts in the attack. In the field of viruses as a cancer cause, promising leads are coming from work in molecular biology; that work has led to the potential of creating life in a test tube, but may also hold a key to curing or preventing cancer. NCI officials say we'll soon know if a cancer virus vaccine program should go forward, or if some different prevention method makes more sense. New methods have been devised to find cancer viruses in cancer extracts, and NCI people say they are now able to efficiently manage an expanded virus research program.

More money can be effectively used in chemotherapy, too. Success of drug use in some cancer forms opens the way for a large-scale successful chemotherapeutic program against these and other forms, just as the demonstration of the curative potential of chemotherapy against a few infections in the 1930s led to a massive program and—within a few years—the majority of bacterial infections were brought under control.

In just the last few months, cancer researchers have isolated an enzyme that could be the key to virus causation of leukemia. They have been able to block its effect in the test tube with an existing drug and have laid plans to test the drug on animal leukemia, then leukemia in humans.

"With more sophisticated use of the agents we now have, and with the slow but steady increase in the number of new antileukemia chemicals being discovered, there is little doubt in the minds of those expert in this field that acute leukemia will in the not too distant future be cured by chemicals alone," says Dr. Sidney Farber, professor of pathology at Harvard Medical School and former American Cancer Society president.

But capitalizing on these opportunities takes money. Researchers could be more effective, to cite just one example, if they had a large enough mouse colony to provide enough cases of spontaneous leukemia; instead, they must induce leukemia in the smaller number of mice they do have, which gives less valid results.

Government programs put more emphasis

on health care costs for all disease than on research. Yet research has its payoff in health care, too. Direct cancer costs—medicine, doctors and the like—are estimated at $1.5 billion a year, and earnings loss and other expenses are probably near 10 times that. NCI studies show that, despite climbing drug, doctor and hospital costs, the total expense of treating a leukemic child has fallen to under $5,000 from about $10,000 eight years ago. This is because better treatment methods—resulting from research—have reduced the typical hospital stay to 14 days from 77 days.

If we must wait for assurance that each new research dollar will save "X" number of lives, the problem will never be licked. Cures and vaccines for infectious diseases in the past were developed because the effort seemed worthwhile—witness the national war on polio—not because any certified proof of results was available in advance.

SEEKS MILITARY HOSPITALIZATION EXTENSION

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. JAMES V. STANTON. Mr. Speaker, a letter I received from Mrs. Thomas M. Poje of Cleveland explains firsthand why the maternity bill I have introduced should be passed by this Congress.

Mrs. Poje is expecting her third child in July. Her husband is scheduled to be discharged, after 6 years in the Navy, at the end of May, 6 weeks before the baby is due. When Mr. Poje leaves the Navy, he must try to find a house, a job, and $1,000 to pay the baby's doctor and hospital bills.

There is no way he can get health insurance immediately after he leaves the service. No insurance company will cover a woman who is already pregnant. His only alternative is to extend his tour of duty another 2 months so the baby will be covered by military hospitalization. This is probably what the Poje's will have to do.

H.R. 6942 would provide maternity care for servicemen's wives who are pregnant when their husbands are discharged. Under my bill a couple would pay only $25 for complete maternity care at the hospital of their choice. The bill has 40 cosponsors. Senator Hubert H. Humphrey has introduced the same legislation in the Senate.

The full text of Mrs. Poje's letter follows:

Cleveland, Ohio,
April 20, 1971.

Dear Mr. Stanton: I am writing in regard to your proposed bill, offering short-term insurance benefits, namely maternity care, for discharged servicemen. My husband is due to be discharged from the Navy on May 26th, after six years of service. We are expecting our third child on July 6th, just six weeks after his discharge.

We now find that there is no longer a short-term insurance policy to cover the costs. That means that we are going to have to pay $1,000 for this baby. My husband has tried to get some information about any insurance to cover the cost, and all he has been told is to extend his time in the service, and then the government will take care of it. But it seems to me, after giving six years of his life to the Navy, there ought to be something that can be done.

While my husband has been in the service, I have been living with my parents with my children, during his time at sea. Now we are faced with finding a place to live, finding a job for my husband, and now covering the cost of this baby. Your proposed bill would be a wonderful thing. But I realize that it is highly unlikely for it to be passed in time to help us. Do you know of any way we can get help? I would appreciate any advice you could give us.

Even if your bill cannot help us, surely I hope it can be passed to help other servicemen and their wives who will be faced with the same problem as us. It is a help, Mr. Stanton, to know that somebody like you realizes our predicament and is working to make things right.

Thank you for your time and also for your proposed bill. I appreciate, as do many other servicemen and their wives, all you are trying to do for us.

Respectfully,
Mrs. Thomas M. Poje.

EMPLOYMENT OF HANDICAPPED: COMMUNITY ATTITUDES

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. SKUBITZ. Mr. Speaker, a constituent of mine, 17-year-old Mike Bodemann of Iola, Kans., was an honorable mention winner in the 1971 contest held under the auspices of the President's Committee on Employment of the Handicapped. The contest called for essays to be written under the title "Ability Counts."

Young Mike, a 12th grade student in the Iola High School, was the winner of the Kansas State competition and thereafter won his honorable mention in the national finals. All of us in Kansas are proud of him and he is deserving of commendation for his fine work. I include the text of his essay in the Congressional Record at this point:

Employment of the Handicapped: Community Attitudes

(By Mike Bodemann)

In a world of rapidly changing technology as a result of expanding knowledge and fresh ideas, one basic concept has remained tragically the same. The universal and proverbial attitude towards the person with a handicap has been one of pity. The handicapped person, however, rejects this concept and consequently finds himself in conflict with the larger society. To resolve this conflict, the nondisabled must examine—and change—their attitudes toward handicapped people.

An overt pity for a handicapped person's disability can be most detrimental to the disabled person's rehabilitation. With rehabilitation in this instance meaning a restoraton to capacity, it is evident that community attitudes play an influential part. In my own community, the feeling of pity towards disabled persons was widespread.

Employment of the handicapped is undoubtedly the most important way a community can help, for two barriers are surmounted at once. First, an important step in rehabilitation is accomplished; and second, people associated closely with the disabled see graphically that it is not what a person has lost, but what he has left that is important.

The first step could be accomplished only if the job were suitable for the particular individual. Through vocational rehabilitation, disabled persons can be trained properly for the job which best fits that person's talents. The second step was proved when great industrial companies such as Ford Motor Company, Bulova Watch Company, Western Electric Company, RCA Victor, Inc., Westinghouse, and many others, tested the worth of vocational rehabilitation and unanimously agreed that the physically impaired were equal to, and in many cases superior to, the able bodied workers. In my own community, people who had worked with handicapped persons were impressed with the productivity and extra effort they put forth. One member of the community related that a person he had worked with had overcome his disability by replacing it with an indomitable spirit. This man, despite his loss of an arm, pitched for a minor league baseball team!

The disabled persons I interviewed admitted that finding a job was not easy. The small size of the community allows for fewer jobs, of course, but the attitude of the community as a whole seemed one of hypocrisy. Many employers said they would hire handicapped persons, but few actually did. On the positive side, however, a local radio station manager stated that he gives handicapped persons actual preference, because he believes they offer more stability. He felt nondisabled persons set higher immediate goals and leave their jobs sooner, while the handicapped value their jobs more and are more likely to remain in the same position longer. As I talked with him a young woman confined to a wheel chair was giving a news broadcast. He obviously practiced what he believed.

The attitude of the community as a whole was very favorable toward the employment of the handicapped, but a rift developed in practicing that attitude when one considered the numbers of unemployed handicapped persons. The results of a survey taken recently revealed that one in six people had some type of disability, either mental or physical. Excluding severely handicapped cases and those instances where the job would be impractical for the handicapped person, the ratio between the number of disabled persons working to those not working is discouraging. The attitude of nondisabled persons towards disabilities like blindness, deafness, or amputation are much more favorable than toward skin diseases, body deformities, cerebral palsy, or muscular dystrophy. We need to concentrate on developing more favorable attitudes toward the last group of disabilities.

The handicapped persons interviewed felt that the community was making an effort to help them. As a local high school teacher stricken with multiple sclerosis said, "The greatest asset going for the handicapped is the public itself."

Many things have been done to aid handicapped persons, such as ramps, two way doors, and vocational rehabilitation, but a lot more could be done if a better attitude was taken. If nondisabled persons would adopt a sympathetic attitude in place of pity, more positive acts of help and kindness, aimed at helping the handicapped person become more self-sufficient, would result. If the public would really become interested in helping the handicapped become as independent as possible, in order to maintain the dignity that is so important to every person, many of the problems faced by disabled persons could be solved.

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RESULTS OF A COMPREHENSIVE OPINION POLL TAKEN IN WEST TEXAS BY CONGRESSMAN WHITE

HON. RICHARD C. WHITE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. WHITE. Mr. Speaker, I would like to share with my colleagues the results of a comprehensive opinion poll taken in my west Texas district. This was distributed to some 130,000 postal patrons of my district. The response was overwhelming. About 10,000 ballots have now been returned. Since leading national polls often report on 300 to 1,000 responses, I believe the results of this poll are excellent, normal, and representative of the thinking of the people of the 16th District.

The first column shows the percentage of the yes and no vote for the entire 16th District. Then follows the percentage tabulation for each of the 12 individual counties. The percentage difference between the "yes" percentage and "no" percentage represents those who failed to answer that particular question. I sincerely hope this poll will have considerable general interest and will use useful to many of my colleagues:

OPINION POLL FROM WEST TEXAS DISTRICT

	16th district general		Brewster		Culberson		El Paso		Hudspeth		Jeff Davis		Loving		Pecos		Presidio		Reeves		Terrell		Ward		Winkler	
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
1. Do you favor the guaranteed income welfare plan?	20	77	19	77	16	83	22	75	10	73	21	74	20	80	7	92	18	80	9	82	4	94	10	89	7	89
2. Do you favor a program of national health insurance financed by increased Social Security charges, assessments, or taxes?	35	62	33	60	16	81	39	59	25	73	37	82	40	60	14	84	33	64	16	74	22	76	15	81	13	82
3. Do you favor a constitutional amendment requiring equal treatment of sexes under the law?	51	46	53	37	41	52	52	46	44	52	37	61	100	0	34	62	59	38	40	48	47	45	45	51	46	56
4. Do you favor a constitutional amendment providing for the election of President and Vice President by popular vote?	71	25	73	23	71	24	72	25	63	29	71	29	80	20	67	31	71	28	63	29	69	31	74	24	69	29
5. Do you favor Governor Preston Smith's proposal that the Federal Government take over all welfare programs from States?	23	73	30	63	24	67	24	73	27	71	26	71	40	60	14	84	35	63	17	67	20	78	16	81	11	86
6. Should the United States work toward establishing relations with Communist China?	53	43	52	45	41	57	56	40	40	52	42	50	0	60	31	64	41	52	40	47	35	61	46	50	35	60
7. Do you favor admission of Red China to the U.N.?	40	56	37	59	19	72	44	53	33	63	34	63	20	20	20	75	37	59	27	60	25	69	28	69	19	73
8. Do you favor 4-year terms for Members of the House of Representatives, with half of its membership chosen each 2 years?	74	23	76	24	81	14	74	23	75	17	76	45	100	0	67	30	82	18	66	23	78	20	72	24	74	21
9. Do you favor Federal assistance to private and parochial schools?	27	63	23	76	19	78	30	59	17	75	11	87	20	60	11	86	30	69	14	77	14	86	15	82	15	83
10. Do you favor legalization of marihuana?	14	84	10	85	10	88	15	83	10	88	11	89	60	40	5	93	7	92	5	88	14	84	9	88	9	89
11. In general, do you favor foreign aid?	36	61	33	64	12	84	38	60	31	63	39	55	80	20	26	71	28	73	24	66	29	67	33	63	24	70
12. In general, do you favor the Office of Economic Opportunity programs?	45	48	44	52	31	66	49	46	44	48	34	55	80	20	26	67	35	61	28	54	27	61	38	54	27	60
13. In general, do you favor the Vista program?	36	49	41	53	24	71	37	47	42	48	32	63	60	0	21	67	31	58	29	49	27	61	33	50	24	57
14. In general, do you favor urban renewal programs?	51	44	41	54	40	57	56	40	44	44	24	63	40	40	19	74	39	52	28	61	25	69	36	60	20	76
15. In general, do you favor the food stamp program?	45	53	38	59	36	62	48	50	35	58	34	61	40	40	22	74	31	65	30	57	25	73	35	60	33	58
16. Do you favor allowing food stamps for union members unemployed because of strikes?	16	83	13	86	10	88	18	82	12	85	11	89	20	80	4	93	14	86	7	84	14	86	9	89	5	94
17. Do you favor the President's revenue sharing plan with the States?	53	39	53	36	66	29	55	38	62	23	26	55	60	40	40	51	49	47	49	35	55	39	35	52	46	46
18. Do you favor the enactment of stricter anti-pollution laws?	90	7	86	7	93	3	92	7	75	19	92	3	100	0	88	8	91	6	88	9	90	10	85	10	87	9
19. Do you favor wage and price controls to curb inflation?	71	25	66	22	78	21	71	25	75	17	63	21	100	0	69	17	73	23	70	25	71	22	62	32	59	35
20. In general, are you satisfied with our domestic economic policy?	26	68	25	63	28	69	27	68	31	50	16	71	100	0	13	79	39	50	25	66	20	71	29	61	25	68
21. In general, do you favor the Peace Corps?	58	39	54	39	48	48	60	38	54	38	58	34	60	20	56	40	57	37	51	42	51	47	48	46	43	49
22. Do you favor further manned flights to the moon?	43	45	37	55	43	57	45	43	40	50	42	47	20	60	45	50	36	56	38	56	41	57	35	58	35	56
23. Do you favor the enactment of broader consumer protection laws?	86	12	81	12	88	9	88	11	73	12	79	11	80	20	82	13	80	15	79	17	84	16	76	19	74	20
24. Do you favor further tax cuts even if it means a reduction of present Federal programs?	63	33	65	29	79	21	60	36	79	8	55	37	40	40	82	12	64	29	80	16	71	25	77	18	78	17

OPINION POLL FROM WEST TEXAS DISTRICT—Continued

	16th district general		Brewster		Culberson		El Paso		Hudspeth		Jeff Davis		Loving		Pecos		Presidio		Reeves		Terrell		Ward		Winkler	
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
25. Do you favor American air support of ground actions in Laos and Cambodia?	63	34	57	38	62	36	62	35	25	48	63	26	80	0	72	23	64	27	73	22	67	33	58	35	65	26
26. Do you favor a provision requiring registration for work of a household's adult members before being granted eligibility for food stamps?	93	5	88	6	93	5	93	5	88	0	89	5	60	40	95	1	89	6	94	3	96	2	92	5	89	6
27. Do you favor the use of tax revenues to fund community family planning programs, if not used for abortions?	60	35	59	36	47	50	64	33	56	37	55	37	60	20	41	44	50	44	47	47	51	47	48	47	42	54
28. In critical industries, do you favor compulsory arbitration tion to settle labor disputes?	85	12	83	10	83	16	85	13	79	12	87	3	80	0	91	5	83	9	86	9	75	24	80	14	83	13
29. Do you favor deferring needed government programs to prevent increasing the national debt?	59	35	61	29	76	21	57	38	67	23	63	26	60	0	74	21	64	29	68	23	67	29	67	24	71	24
30. In general, do you favor public housing programs?	48	48	42	49	34	62	53	43	35	60	34	55	0	60	30	67	22	74	29	66	25	73	23	74	22	69
31. In general, are you satisfied with our foreign policy?	25	70	22	70	17	83	25	70	29	60	32	66	40	40	33	61	33	60	22	72	14	84	21	71	17	77
32. Should the Selective Service be replaced by a strictly volunteer armed services?	36	59	38	50	36	64	35	60	46	42	37	55	0	60	41	53	29	58	28	58	33	65	37	55	41	51
33. If the Selective Service were to continue, do you favor eliminating college deferments?	57	40	50	45	48	52	60	37	42	50	45	47	40	60	49	49	46	48	47	49	45	51	39	53	43	51
34. Should American industries harmed by foreign competition be protected by high import tariffs?	57	38	51	39	79	19	55	41	60	29	53	37	20	40	74	22	70	24	72	20	73	25	65	26	58	33
35. Do you favor Federal funds to private industry to build a supersonic transport plane competitive to those of the British, French and Russians?	37	59	28	66	24	74	39	58	38	25	29	68	80	20	34	63	27	62	25	70	33	65	26	67	33	61
36. The 91st Congress set a maximum of $55,000 on annual subsidy payments to farmers. Do you favor a limit on annual payments to farmers?	89	8	83	9	91	9	90	7	65	19	89	3	100	0	88	8	85	12	76	21	80	14	81	11	89	7
37. Should this farm payment limit be lowered to $20,000 per year per farmer?	71	13	73	16	78	21	70	12	60	31	84	3	100	0	78	15	77	16	59	34	80	14	78	11	80	11
38. Should Federal funds be spent, if necessary, to expand railroad passenger service in the United States, including Texas?	52	44	54	42	43	55	54	42	56	35	37	47	40	20	37	58	57	39	39	57	57	43	33	61	37	57
39. Should the U.S. Government take a firmer position in condemning Russia's persecution of minority groups?	48	45	43	44	48	50	48	46	52	37	47	39	20	40	56	35	47	42	46	46	84	10	46	44	59	32
40. Do you favor the reorganization of the Executive Branch of Government as outlined by the President?	58	23	55	22	52	34	61	22	50	23	47	26	80	0	49	24	49	26	50	25	61	29	44	33	49	24

RATIONALE BETWEEN DEMONSTRATIONS

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. SIKES. Mr. Speaker, two rational and informative statements were made on yesterday in the Washington Evening Star columns. One was entitled, "The 2.5 Million Veterans Who Didn't Come" and was written by Richard Wilson and the other was entitled, "Peace Demonstrators Misinformed" by David Lawrence. Both represent meaningful contributions which provide useful information on the demonstrations which now harass Washington much more than they help. I submit these articles for reprinting in the RECORD:

THE 2.5 MILLION VETERANS WHO DIDN'T COME

(By Richard Wilson)

At the end of 1970, according to official Defense Department figures, approximately 3 million Americans had served in Southeast Asia, 2.5 million in Vietnam alone. The thousand or so of them who demonstrated in Washington were a minute fraction of the total who have served in Vietnam. This certainly could not be considered an abnormal proportion of disillusioned and embittered veterans emerging from any war in any country.

In fact, the discontented and alienated veterans of war have in some countries and for different reasons represented a far more serious challenge to governments in power, Germany being the most dramatic illustration.

Yet there is an element of disappointed expectations in the attitudes being adopted by the veterans of Vietnam. Anyone who visited Vietnam in the early part of our heaviest involvement had difficulty stifling a sense of pride in American behavior and performance on this far-off and difficult battlefield.

The ranking officers, from Gen. Westmoreland on down, all felt it. Many of them, including Westmoreland, believed that the rotation of manpower on the basis of one-year service would continually send back to the United States men who in due course would create an important reservoir of support for American operations in Vietnam.

In the beginning this did seem to be the case. The Vietnam veterans in large number felt that they had been participating in an action which was both necessary and worthwhile. And it was on this basis that one observer, at least, departed from his usual detachment in writing for the news columns to assert that the Vietnam operation was worthwhile.

The expectation that the hundreds of thousands of returning veterans would create a solid base of support for continuing on the road toward American objectives has not materialized in any concrete way. Perhaps it exists and underlies the patience of the American people with the slow and painful process of disengagement.

But those who contend that this has been an ignoble war and unworthy of American standards and ideals have gotten the upper hand so far as public attention is concerned. They are making the most of the presence in Washington of crippled and wounded medal winners and scoffing at President Nixon for his forbearance in avoiding evicting them from the public grounds of a nation they have served.

Nothing that the veterans did here brought the end of the war one hour closer but their encampment did serve as a political backdrop for various Democratic presidential candidates who are trying to make the way out of the war as hard as possible for Nixon on the pretext that his commitments can't be relied upon.

What the vast majority of 2.5 million men who have served in Vietnam may think of all this is unknown but they have endured it in silence and without the affront man of them evidently felt over the conviction of Lt. Calley.

The ugly possibility presents itself that one of the legacies of the Vietnam war will not be men who returned strengthened or ennobled by service to their country but the fewer who are premanently estranged and distrustful of all higher authority.

If there was any point at all in the Vietnam veterans visitation it was to persuade Nixon of the expediency of declaring a fixed date for the completion of a total withdrawal from Vietnam.

This is not in the cards and it is hard to believe that it would actually become the program of any president elected as Nixon's successor whatever he might say or pledge during a presidential campaign.

Total and hurried withdrawal from Vietnam carries with it the imminent and real danger of terrible consequences for the people of South Vietnam to say nothing of American integrity.

Presidential candidates and aspirants who create the impression they would totally withdraw now, and exploit a veterans' protest to reinforce that impression, are living and talking in a make-believe world. They do not know they could lead the American people that way if they got the chance.

The 2.5 million veterans of Vietnam who did not come to Washington may have something to say about that.

PEACE DEMONSTRATORS MISINFORMED

(By David Lawrence)

The "demonstrations" — mobilizing in Washington at least 200,000 persons from all parts of the country—are incredible, particularly the participation by war veterans. Is it possible that the system of communication between the government and the people is so faulty today in America that millions of citizens, including many of those who were drafted for war service, haven't known the great dangers faced by this country as it sought to protect its interests in Southeast Asia?

Is it conceivable that informed citizens would want to see their government deprived of the services of law-enforcement agencies like the FBI at a time when scarcely a day goes by that there isn't a series of bomb explosions across the land and tragedies result from the widespread belief of criminals who feel sure they can't be caught or will not be severely punished?

America is living in a state of internal uneasiness unparalleled in its history, and the running down of criminals is more important than it ever was. Yet there is an outcry from prominent members of Congress and radical groups and organizations seeking to weaken not only the power of the FBI but of the executive branch of the government which, under the Constitution, is vested with the authority and obligation to preserve order.

It seems incredible also that aspirants for the presidential nomination of the Democratic party are openly encouraging radical groups in their crusades against law-enforcement agencies and are failing to tell their constituents the fundamental facts of American foreign policy which for the last four decades has sought to maintain a balance of power in Asia and Europe as a means of preserving peace.

These who clamor for the end of the Vietnam war in a humiliating way give no thought to the effect it may have on the prestige or influence of the United States in the world and the fact that a third world war may well be a nuclear one, with the possible loss of the lives of millions of citizens in our country.

The uninformed segment seems to be larger than ever, and the strange thing is that the critics in Congress who should know better are helping to enlarge that opposition by claiming that our help in the Vietnam war was a mistake and that the conflict must be ended by withdrawing all American forces and not insisting on any conditions from the enemy for the future. What is overlooked, of course, is that the Soviet Union and Red China have been furnishing weapons and supplies to North Vietnam amounting to many billions of dollars.

This realistic fact has not sunk in, and many persons, including too many members of Congress, have ignored what has confronted the United States in Vietnam from the start. The veterans themselves who participate in "demonstrations" evidently never learned the important factors involved in their own service. Now misguided leaders urge them to cast thier medals away and, in effect, raise questions as to their fidelity to the government they served.

Worst of all the manner in which aspirants to high political office are adding to the misrepresentations by giving the impression that peace will come the moment America announces a date for complete withdrawal of its troops. North Vietnam has given as yet no indication of what its attitude will be toward South Vietnam and whether the war in that country will be over.

The North Vietnamese may regard American withdrawal as an opportunity to take over South Vietnam if the United States not only pulls out its combat troops but leaves no residual air force or supply units on hand to assist the people in resisting the Communists.

All these points are well known to foreign governments and have been discussed in the press abroad as well as in this country. Yet a "demonstration" of 200,000 people can be organized to appear in Washington, and plenty of other large groups can stage similar parades in other parts of the country notwithstanding the fact that the major points in American foreign policy have been made clear by the President and supported by a substantial number of members of Congress.

How long will the "uninformed" rule the roost and continue to seek a weakening of law-enforcement agencies? These are the questions that make one wonder when a counter-movement will arise to inform the uninformed that they are dealing with the safety of the United States—both external and internal.

PROGRESS IN THE ATTACK ON CANCER

HON. CHARLES THONE

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. THONE. Mr. Speaker, cancer is one word that is familiar to us all. Too familiar. Cancer has left few among us untouched by the sorrow of losing a loved one to this dreaded disease.

All reports show that cancer can be conquered if enough funds can be earmarked for study of the disease. I see hope. People are no longer accepting the fate of cancer, but want to fight it. It no longer is regarded as a disease that means ultimate death.

People are beginning to have a conscience about cancer. They are writing me to support legislation to fight cancer. They are becoming more knowledgeable about cancer. They are slowly launching a national effort—a united effort against cancer.

One of the best reports I have seen on cancer was done recently by a distinguished citizen of my district, the First District of Nebraska. This gentleman started his research casually for a paper he was to present on the disease to a social club in Lincoln. I sent some requested material and waited to see the report. It is most excellent. It is thoughtful, expansive, well-organized and hopeful. Most importantly, his interest in cancer has not waned—it has increased as he recognizes the time for a cure for cancer nears.

Mr. Speaker, the author of this report is a friend, a most skilled lawyer who is reknowned far past the bound of Nebraska. He is William I. Aitken. At this point I would like to submit his paper for insertion in the RECORD:

AS TO PROGRESS IN THE ATTACK ON CANCER

[Paper given at the Round Table—a discussion club—by William I. Aitken on April 5, 1971 at the Lincoln Hotel, Lincoln, Nebr.]

I. INTRODUCTION

As we have distinguished scientists and physicians among our members, I feel quite presumptuous as a layman, in undertaking this discussion. I endeavor to justify my action on the ground that current consideration is being given by Congress to the plan and funds needed to attack the second greatest killer, and the subject will also be judged in that body by nonprofessionals.

II. STATISTICS AS TO THE SIZE OF THE PROBLEM

The Report of the National Panel of Consultants on the Conquest of Cancer of November, 1970, authorized by Senate Resolution 376, concludes in the foreword, as follows:

"Cancer is a disease which can be conquered. Our advances in the field of cancer research have brought us to the verge of important and exciting developments in the early detection and control of this dread disease, but as a nation we have not put forth the effort necessary to exploit the full potential of these gains, nor have we made the proper effort to ascertain what additional avenues of research should be opened."

The Panel further states in its report:

"The amount spent on cancer research is grossly inadequate today. For every man, woman, and child in the United States, we spent in the *year 1969:*

"$410 on national defense;

"$125 on the war in Vietnam;

"$19 on the space program;

"$19 on foreign aid; and

only $0.89 cents on cancer research.

"Cancer deaths during the year *1969* alone, were:

"(i) 8 times the number of lives lost in 6 years in Vietnam;

"(ii) 5½ times the number killed in automobile accidents during the year;

(iii) greater than the number of Americans killed in battle in all 4 years of World War II."

The allocation of national priorities seems open to serious question. It is estimated that the economic loss is staggering, with the cost to the Nation running as high as $15 billion per year, of which $3 to $5 billion represents direct care and treatment costs, and the balance is loss of earning power and productivity.

Some further statistics may be of interest. According to the American Cancer Society's Report for 1971:

(1) 975,000 Americans will be under medical care for cancer this year;

(2) about 635,000 new cancer cases will be diagnosed for the first time during the year; and

(3) it is estimated that 335,000 persons in the United States will die of this disease during the year 1971, including 2,700 persons in Nebraska.

(4) The national total of cancer deaths during 1971 is estimated to average 920 persons each day, and more than one every two minutes. Of every six deaths from all causes in the United States, one is from cancer.

In the early 1900's few cancer patients had any hope of cure. In the late 1930's fewer than one in five was being saved (that is, alive after 5 years after first being treated). 10 years later one in four was being saved. Since 1956, the ratio has been one in three. Of every 6 persons who get cancer today, two will be saved and four will die. Numbers 1 and 2 will be saved. Number 3 will die but might have been saved had proper treatment been received in time. Numbers 4, 5, and 6 will die of cancers which cannot yet be controlled and only the results of further research can save these patients. This means that the immediate goal of cancer control in this country is the annual saving of 318,000 lives, or half of those who develop cancer each year.

The American Cancer Society reports that there are now 1,500,000 Americans alive today who have been cured of cancer, with an additional 700,000 cancer patients diagnosed and treated within the last 5 years who will live to enter the ranks of those called cured (surviving at least 5 years after treatment) making a total of 2,000,000.

Except for cancer of the lung, ovary, pancreas and leukemia, cancer death rates in general are leveling, and in some cases dropping off. However, according to the estimators, more than 52 million Americans, now living, will eventually have cancer, one in four persons according to present rates, and such cancer will claim over 34 million of these lives, in the absence of the discovery of an effective immunizing vaccine, control or cure. We hear and read much today of the liberation movement for women. In this case, however, more men than women died of cancer last year, and this has been true since 1949. The ratio in 1971 will be about 55 men to 45 women.

Cure rates vary for the different types of cancer, and generally depend on whether the malignancy can be diagnosed and treated while it is still localized; although, the development of the new treatment discipline, Chemotherapy, with 30 or more useful drugs provides a greater opportunity for control and cure, including some cases where spread of the disease (metastases) has occurred.

III. AS TO THE NATURE OF THE PROBLEM

My review and quotations from "What's Happening in Cancer Research" by Dr. Howard E. Skipper of the Southern Research Institute of Birmingham, Alabama, published in the Saturday Review of January 16, 1971, follows.

Some pathologists estimate that there are more than a hundred types of cancer relatable to the cells of the normal tissues where they arise, and many behave quite differently. Some cancers grow rapidly, some grow slowly. Some are almost always widely disseminated when detected, and some are rarely widespread when detected.

"The widely disseminated cancer cells of some types of cancer respond dramatically to certain drugs, whereas the metastases from certain other types usually respond poorly."

People ask:

"When will a cure for cancer be discovered? It is assumed they are speaking of disseminated cancer that is beyond the reach of surgery or radiotherapy, by a single approach or numerous different approaches.

"Important and sustained advances in any of the following six areas might serve to lessen the degree to which the cancer problem can be considered one of the great unsolved problems:

"(1) Discovery of all of the causes of cancer, and if possible, their removal from our environment, one by one;

"(2) Development of some new type of vaccine or vaccines that might prevent a specific type of cancer, related types, or all cancer;

"(3) Development and world-wide application of one or many new methods for early detection of cancer, so that surgical, radiotherapeutic, and chemotherapeutic cure rates might be increased;

"(4) Acquisition of new basic knowledge about deoxyribonucleic acid (DNA) and how it controls molecular events in normal and cancer cells (most particularly loss of 'growth control' in the cancer cells), and use of such knowledge to guide the design of drugs with greater selectivity for cancer cells. Or, equally important and conceivable, the discovery of more effective drugs in organized testing programs;

"(5) Acquisition of additional basic knowledge concerning how drugs now at hand, act and exactly why they will cure a few widespread and rapidly growing types of cancer but are relatively ineffective against many others. From this base, development of more effective methods for employment of the available drugs to eradicate widely disseminated cancer cells of additional types."

"With the proper choice of drugs, usually combinations, and treatment schedules, a few types, of transplanted animal cancers, even after they have become widely disseminated, can be cured.

"The stepwise and now almost annual improvement in drug control of some of the widely disseminated human leukemias, and lymphomata, choriocarcinoma in women, and a few solid tumors in children, has been most encouraging. However, it is not definitely known why success is achieved nor failure.

"In almost any cancer cell population, there are at least three types of cancer cells in a proliferative sense. Cancer cells, which are dividing cancer cells may be designated as A, which are quite vulnerable to the best drugs, if the drugs get to them, and remain in contact long enough; the temporarily and provisionally non-dividing cancer cells, designated B, which may be partially to completely insensitive; and cancer cells designated as C, which may have lost their ability to divide, and are of relatively less concern.

"The so-called 'curable' transplanted mouse leukemia are very high A, and very low B, cancer cells. So are a few other types of disseminated animal cancer, that can be cured with drugs alone. The many types of animal cancer that cannot be cured at present, appear to have higher fractions of B cells.

"It is said that while they can kill cells A with agents now in use, and that while B cells can be killed as they revert to A and begin proliferation, if this process takes too long and treatment has to be stopped to prevent overdosing the host, then the B cells that revert to A begin to 'run away' in almost geometric fashion. If they can learn to manipulate the B cells, draining them rapidly into A or C, the chance of achieving success is much improved. This favorable result is not supposed to be beyond the realm of future possibility.

"Logic suggests that any effective application of drugs against widely disseminated cancer may be coupled with surgery, radiotherapy and immuno-therapy, in efforts to increase cure rates of specific types of cancer.

"It is a popular misconception that cancer cells divide more rapidly than any normal cell. This is not the case. The time required for a given cancer cell or normal cell to divide and form two cells (once the respective cells have decided to divide) is not too different. The reason a cancer cell 'grows' and the liver of an adult does not grow in size, lies in the fact that a relatively high percentage of the cancer cells are engaged in dividing, whereas very few cells in the adult liver are engaged in dividing (for every new adult liver cell produced one liver cell dies and is lost)—cell death equals cell birth, whereas cancer cells are not in a steady state (cell birth is greater than cell death). A well known phenomenon, familiar to biologic scientists, is that of liver regeneration. If half of the liver is surgically removed, the remaining liver cells begin to divide, continuing until the liver returns to normal size, at which time the liver cells essentially stop dividing and return to a steady state.

"It is not known why surgical removal of half the liver "turns on" cell division, or what "turn off" cell division, when the liver grows to a proper size. The understanding of this phenomenon and others like it, might suggest means for manipulating B cells in cancer cell population, so that they could be more effectively eradicated or prevent their further proliferation.

"Many cancer researchers have remarked that in a behavioral sense, cancer is a disease in which certain cell populations have lost some or almost all response to the poorly understood normal 'growth control' mechanisms.

"A high fraction of human embryo cells (the normal organ and tissue cells that comprise the embryo) are in a proliferative state before they come under the influence of this mysterious 'growth control' mechanism. The doubling time of embryo cells shortly after conception is about 4 days. The embryo becomes a child and eventually an adult and along the way, cellular proliferation stops or nearly stops in most tissues. (Exceptions being gastro intestinal epithelium, bone marrow, lymphoid tissues, skin, hair and a few others.) The continuing proliferation in some of these tissues would kill us rapidly, if it were not for the fact that older cells are lost at the same rate new cells are produced.

"Notwithstanding all that has been learned about biochemistry, molecular biology, cell biology, cellular kinetics, and the mechanism of action of drugs and radiation, the biologic process of 'growth control' of such cells or loss of response to 'growth control' still eludes us. Continued research may provide the answer.

"Cancer research is and will continue to be many things directed toward many diseases until vital unifying concepts pertinent to all cancer are established beyond reasonable doubt."

IV. THE CONTRIBUTION OF THE MEMORIAL SLOAN-KETTERING CANCER CENTER INCLUDING THE SLOAN-KETTERING INSTITUTE FOR CANCER RESEARCH

A Review of their Annual Report published March 16, 1970, as supplemented by Volume 1 Clinical Bulletin of 1971, follows:

This Cancer Research and Cancer Hospital Center is a complex in the city of New York with a physical plant consisting of nine separate buildings, most of which are multiple stories; one of which is under construction, to be completed in 1972, and two of which are scheduled for renovation in 1972 and 1973. The plant alone, at December 31, 1969, represented an investment less accumulated depreciation, in excess of 56⅓ million dollars, with an additional $35 million needed to complete the planned construction for which a campaign has been in process. In addition, the Center has Endowment Funds (largely securities), totaling approximately 74½ million dollars in value at the same date. Of the total 1969 operating income of approximately 40¼ million dollars, 10 million one hundred thousand dollars was expended by its Cancer Research Institute, approximately 32 million three hundred thousand dollars for the expense of operating their Hospitals, and about 1¼ million dollars for other operating expenses of the Center, or a total of approximately 43 million six hundred fifty thousand dollars, and accordingly, an operating loss of approximately $3,400,000, which it was anticipated would increase to over $4,500,000 in 1970.

"In the years following the conclusion of World War II and the making of the atom bomb, programs were designed and advanced in cancer control, research and training, with the Federal Government aggressive in supporting such programs and cancer was brought under considerably greater control than previously.

"By 1969, with new social and economic problems, money was no longer forthcoming at the expected rate, and the cancer programs were in the throes of a most serious crisis. The researcher, the clinician, the trainee and the technician were still dedicated to conquer cancer, but the problem is of such magnitude that it cannot likely be accomplished without much greater support of the public, the foundations, and the Government.

"During 1969, there was developed a new kind of medical service, immuno-therapy, which added a fourth discipline to the three established methods of treating cancer—surgery, radiation therapy and chemotherapy. Immuno-therapy is a method of assisting the body's natural defense against invasion by cancer, and scientists and physicians view this approach with hope and enthusiasm, as a means of preventing and curing cancer, and this is gradually coming into clinical use.

New drugs have been recently developed, as well as new radioisotopes, to treat and diagnose cancer. Sloan-Kettering Institute scientists have had promising results with a new drug called "adrio-mycin" in treating patients with leukemia. New radioisotopes have been developed to assist physicians in detecting the presence of cancer, so that it may be treated promptly.

"At Sloan-Kettering, a new personalized concept has been adopted with a team approach to diagnosis, in which the modality of treatment is determined by consultation of medical representatives of all major treatment disciplines, surgery, radiation therapy, chemotherapy or immuno-therapy, or any combination of these disciplines, referred to as a multi-disciplinary approach, whatever the phase of the disease may be. Also they have established two new medical services, a Pediatric Surgery Service (for infants and children as the name indicates), the first in this country devoted exclusively to pediatric cancer surgery; and a new Transplantation Service to explore and practice this promising approach to treatment of diseased organs. Two new research divisions were established in the Sloan-Kettering Institute, which underscores new horizons in cancer research, one a Division of Applied Immunology, to conduct studies on the usefulness of immuno-therapy as an additional discipline in the treatment of cancer, and a Division of Cell Biochemistry, which studies the genetic basis of the change of a normal to a malignant cell.

"Cancer researchers have had the idea for many years of the possibility that the body possesses natural defenses capable of destroying cancer cells. The logical contender for this function is the body's immuno-logical system, for it is known that it protects us from other unwanted intruders, such as bacteria and viruses. But attempts to uncover immune reactions, particularly antibodies, to cancer cells in patients with this disease, have been unsuccessful for many years. Today, immuno-logical approaches to cancer are regulated with widespread interest, and enthusiasm, for three reasons:

"(1) studies in laboratory animals have provided the immunologist with the techniques which aid the attempt to move from the laboratory to the clinic;

"(2) the recognition that surgery, radiation and chemotherapy cannot provide a complete answer to the problems of cancer;

"(3) the application of the new immunological methods to humans over the past three years—particularly to African Burkitt's lymphoma, melanomia and sarcomas—has provided objective evidence that patients do respond immunologically to their tumors.

"These successes have provided researchers with the first evidence that cancer antigens do exist in man, and that patients with cancer do respond to these cancer antigens by the production of antibodies. It shows that the body under certain circumstances recognizes its own cancer cells as foreign and responds by attempting to reject them. And on the other hand, that immunological procedures, such as vaccination, which have been developed to protect us from infectious diseases, may someday be applicable to both the prevention and treatment of human cancer.

"Specifically, investigators have found several lines of evidence, which indicate that there is a virus closely associated with human sarcomas—cancers which arise in the bone, fat and connective tissues. Studies in this connection have led to the present view that cancer is the uncommon effect of common viruses, rather than a common effect of uncommon viruses.

"Other studies have led to the discovery of fetal antigens which represent antigens that can be found in the developing embryo or fetus, as well as in tumors. These antigens owe their origin to normal genetic information, which is active during fetal life, but which is silent during normal adult life. As a result of the cancer change these fetal genes are reactivated, with the consequence that their antigenic product is found in tumor cells. Three examples of fetal antigens are now known:

"The first, associated with cancer of the gastrointestinal tract;

"The second, with cancer of the liver; and

"The third, found in many types of tumors, both malignant and benign.

"It is the third type, which was discovered in the laboratories of the Sloan-Kettering Institute during late 1969. This new fetal antigen was found in 98 of 143 solid cancers (breast, colon, ovary, kidney, parotid gland, sarcomas of muscle, liver and nerve) and in 15 to 20 benign tumors of various tissues. It occurs in the blood of fetal mammals (human, calf, pig, dog and cat), but never in the blood of healthy adults of this same species. Because of its widespread occurrence in human tumors, it is now believed that detection of this new antigen may have great significance in the diagnosis of various forms of cancer.

"The research programs of the Sloan-Kettering Institute, have as their primary goals the better control and eventual prevention of cancer in man. These programs are not designed to encompass every possible approach to the problems that may be posed in the cancer field. They are selected, developed and modified from time to time, to stress those areas in the physical, mathematical and biological sciences, which appear to have the greatest pertinence and relevance to the over-all mission of the Institute. To facilitate the expeditious translations of the results of research into clinical practice, almost 100 professional men and women hold appointments in both the Memorial Hospital (the Center's clinical unit) and the Institute. When programs of clinically-related research are ready to be translated into new procedures, it is the responsibility of those on the staff of Memorial Hospital at Sloan-Kettering Cancer Center to apply this new information to the care and treatment of the cancer patient."

In 1969, the Sloan-Kettering Institute, as distinguished from the adjacent Hospitals, comprising with the Institute, the Memorial Sloan-Kettering Cancer Center, expended approximately $10,100,000 for Cancer Research, of which amount approximately one-half or $5,500,000 was received from contracts and grants of health agencies, principally the Federal Government, approximately $3,500,000 from other grants and many gifts, and the balance from the Endowment Funds of the Institute. The operation of the adjoining Hospitals, which produced approximately $28,600,000 of patient charges, resulted in an over-all loss for the Center in 1969 of $3,444,000.

For those desiring to make a tax-free gift for research of a possible cure of the scourge of mankind, it is doubtful if one could find a more effective instrument, than to make a gift or bequest (restricted or unrestricted) to Memorial Sloan-Kettering Cancer Center in New York, for the use of the Sloan-Kettering Institute, and thereby join a large group, including the most prestigious citizens of our Country.

V. FEDERAL SUPPORT OF CANCER RESEARCH

Although no major cancer legislation was enacted in the prior 91st Congress, the passage of two resolutions set the stage for consideration of major legislation in the current 92nd Congress.

Senate Resolution 376 was passed in April, 1970 and authorized the Senate Committee on Labor and Public Welfare to study cancer research. This Committee appointed the National Panel of Consultants on the Conquest of Cancer, consisting of 13 eminent laymen and 13 eminent scientists, who prepared a 158-page report in two parts, which was filed in November, 1970 and is well regarded as authoritative and up to date.

The Panel proposed the formation of a National Cancer Authority, an independent goal oriented agency to conquer cancer at the earliest possible date, modeled after the National Aeronautics and Space Administration and the Atomic Energy Commission. The conquest of cancer would become a national goal, in somewhat the same way that the moon landing became a national goal in 1964.

The recommendations of the Panel, if followed, would transfer the present functions of the National Cancer Institute from the National Institutes of Health, to an independent National Cancer Authority. The Panel also recommended appropriations of $400 million for the new Authority for the fiscal year 1972, increasing annually to a level of $1 billion in fiscal year 1976. In addition, the report favors the formation of a National Cancer Advisory Board, to advise and assist the National Cancer Authority.

The conquest of cancer, the Panel concludes, is a realistic goal, the attainment of which is now limited by lack of funds, and lack of a coherent and targeted research plan.

On September 30, 1970, the House of Representatives enacted Resolution 675, which calls for a national crusade for the conquest of cancer to be accomplished by 1976, the Nation's 200th Anniversary.

In President Nixon's address to a Joint Session of the 92nd Congress, and the Nation, on January 22, 1971, he spoke on the position of his Administration on support of cancer research in the period ahead, as follows:

"I will also ask for an appropriation of an extra $100 million to launch an intensive campaign to find a cure for cancer, and I will ask later for whatever additional funds can effectively be used. The time has come in America when the same kind of concentrated effort that split the atom, and took man to the moon, should be turned toward conquering this dread disease. Let us make a national commitment to achieve this goal.

"America has long been the wealthiest nation in the world. Now is the time we become the healthiest nation in the world."

On the same day, January 22, 1971, our newly elected and effective Representative in Congress, Charles Thone, who has a dedicated interest in cancer research, joined with other Congressmen, and introduced a Resolution in the House of Representatives (HCR 28) that not less than $650 million be appropriated annually over the next ten fiscal years, for the national cancer research program, that no less than $250,000,000 of this amount be utilized to construct five new cancer research institutes during the first two years of the new appropriations; and that such funds be controlled and directed by a National Cancer Authority, which would have the same absolute direction of the cure and control of cancer, that the National Aeronautics and Space Administration has over our conquest of space.

VI. MOST RECENT DISCOVERIES IN CANCER RESEARCH

As reported in the leading article in Newsweek, February 22, 1971, on "The War Against Cancer," of all recent therapeutic and research findings, few have evoked so much attention and reaction as the discovery announced last May by Dr. Howard M. Temin, a young University of Wisconsin researcher. He has offered evidence that in effect the rules for the transmittal of genetic information within the cell can be reversed by cancer viruses. If these findings can now be applied to the cancer cell itself, the result could not only prove whether viruses are the main cause of cancer in man, but could also lead to new methods of diagnosis and treatment—methods that might go to the heart of the disease, the cell nucleus.

This new finding says Dr. Frank J. Rauscher, a top NCI virologist, is as important as the discovery of the first animal tumor virus in 1908. Dr. R. Lee Clark, Director of Houston's M. D. Anderson Hospital and Tumor Institute, calls Temin's discovery "the most dramatic thing to occur in virus research in years."

Clark and other agree that the basic nature of cancer is just now being unraveled by molecular biologists, such as Temin and his fellow scientists, who study life and growth at the level of the chemicals within the cell. The fundamental object of their interest is deoxyribonucleic acid (DNA), the substance of the genes.

The virus usually causes disease by invading cells, depositing its genetic material and directing the cells to manufacture new viruses. In so doing, it usually kills the cell it invades; cell death and the production of new viruses account for the symptoms of familiar viral infections like flu and mumps. But in causing cancer, a virus behaves in a more subtle way. After invading the cell, the virus changes the cell's heriditary characteristics by synthesizing new DNA and transforms it into a cancer cell, capable of reproducing into a growing tumor.

David Baltimore, a young Massachusetts Institute of Technology biologist, reported to his friend Dr. Temin that he had also discovered that RNA viruses do contain an enzyme that makes DNA. In testing a sample of RNA leukemia viruses for this enzyme, he had found the RNA to DNA enzyme that his friend had postulated. Both Temin and Baltimore published their findings in June, 1970, arrived at independently.

Despite the excitement sparked by Temin's discovery, a cautionary note has been sounded in the wake of other recent research results. Temin, himself, has serious doubts about the quick applicability of his finding to the treatment of cancer. What is important, he says, is that people shouldn't count on it, but that it does provide new tools to look at human cancer, and ask questions about its causation.

While the debate over the Temin-Baltimore findings reverberates in the research laboratories, improvements in cancer therapy are proceeding apace. The advances made in the past few years add up to the most hopeful view of the future that has ever been possible.

VII. CONCLUSION

As stated in the "Report of the National Panel of Consultants on the Conquest of Cancer" (p. 67):

"It appears that cancer chemotherapy stands today about where infectious diseases therapy stood in 1937, when it was established that chermotherapy could cure certain systemic streptococcal infections. As in 1937, when the infectious disease chemotherapist had nothing effective against staphylococci, gram negative bacilli, rickettsiae, or viruses, so now the cancer chemotherapist has only palliative rather than curative therapy available for most of the carcinomas, and other slow growing tumors. Once the curative potential of chemiotherapy against a few infections was understood, however, a massive program was mounted, and it was only a relatively few years until the majority of bacterial infection were brought under chemotherapeutic control. Similarly, the significant percentage of cures achieved in a few metastatic tumors and leukemias demonstrate the potential curability of widespread neoplastic disease by chemotherapy. Now, as was the case in bacterial infections in 1937, the potentiality of chemotherapeutic cure of cancer has become apparent, and there is sufficient technical knowledge to begin to mount a large-scale successful chemotherapeutic program."

The subject of cancer research is in the forefront of the news and magazine media, not only in reporting comments of scientists and physicians, but also in reporting the proposed action by the Federal Government. There has been no prior period, when such an impetus for advancement of a control and cure for cancer has had such attention from the nation, and with every opportunity for a successful result in the time period targeted.

As mentioned in Volume 1, No. 1, (1971) Clinical Bulletin of the Memorial Sloan-Kettering Center and summarized:

"The members of the Panel (the National Panel of Consultants on the Conquest of Cancer, of which B. C. Smith, a member of the Board of Trustees of Sloan-Kettering is the Chairman) agreed unanimously in their recent report to the Senate, that the conquest of cancer is a realistic goal, and that it be promptly initiated and relentlessly pursued; and initially to spend $400 million on cancer research in the current fiscal year. This is double the total of private and federal funds spent on cancer research this year."

In conclusion, the National Panel of Consultants on the Conquest of Cancer said:

"While it is probably unrealistic at this time to talk about the total elimination of cancer within a short period of time or to expect a single vaccine or cure that will eradicate the disease completely, the progress that has been made in the past decade, provides a strong basis for the belief that an accelerated and intensified assault on cancer at this time will produce extraordinary rewards and the Committee is of the view that an effective national program for the conquest of cancer should be promptly initiated and relentlessly pursued."

Within our own group, I hope you may be willing to devote the few moments of time required to write Congressman Charles Thone, and express your approval of his Resolution (HCR 28) and to Senators Carl Curtis and Roman Hruska, to exert your influence and request their support at this time, of a massive funding of cancer research by the Federal Government as recommended by the National Panel of Consultants on the Conquest of Cancer.

AS TO PROGRESS IN THE ATTACK ON CANCER: BIBLIOGRAPHY

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(2) "What's Happening in Cancer Research" by Dr. Howard E. Skipper of the Southern Research Institute, Birmingham, Alabama (Saturday Review of January 16, 1971).

(3) Annual Report for 1970 of the Memorial Sloan-Kettering Cancer Center (N.Y.) entitled, "Cancer in Crises," including report of The Sloan-Kettering Institute for Cancer Research and the Sloan-Kettering Hospitals.

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(5) "Clinical Bulletin," Volume 1, Number 1, for 1971 of the Memorial Sloan-Kettering Cancer Center.

(6) Issues of "Forefront," a publication of Memorial Sloan-Kettering Cancer Center, of September, October, November and December, 1970 and January, 1971.

(7) "State of the Union Message" of President Richard M. Nixon before a Joint Session of the Congress January 22, 1971.

(8) House of Representatives of the U.S. Congress "Concurrent Resolution 28" (H. Con. Res. 28) introduced at the 92nd Congress 1st Session on January 22, 1971 by Representative Charles Thone of Nebraska and others.

(9) Newsweek article in the issue of February 22, 1971 entitled, "The War On Cancer: Progress Report."

(10) "Federal Support of Cancer Research" by S. R. McKenzie, Analyst, Life Sciences, Science Policy Research Division, dated February 9, 1971. Congressional Research Service—Library of Congress (RC 101C and 71–61 SP).

(11) "'71 Cancer Facts & Figures" published by the American Cancer Society, Inc (1971).

NEW APPROACHES IN EDUCATION

HON. HARLEY O. STAGGERS

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. STAGGERS. Mr. Speaker, a new concept of the organization and administration of institutions of higher learning has been put forward by a Massachusetts educator, who predicts that it will be in operation by 1976 legislators may be asked to deal with this intriguing proposal before that date, and I include it for the RECORD:

THE OTHER END OF SESAME STREET

(By Lawrence E. Dennis, Provost and Director, Massachusetts State College System)

Permit me to begin with a prediction:

Five years from now, in 1976, the year of our country's bi-centennial celebration, the 31st National Conference on Higher Education will be the scene of a momentous "happening"—the birth, on a continental scale, of an entirely new kind of "institution" of higher learning. From the conference rostrum, the President of the United States will proclaim the establishment of the University of North America, a confederation of several radically different regional higher education institutions and agencies that will have come into being between now and 1976 in the United States, Canada and Mexico.

These new regional "institutions" will shape the course of events in higher education on this continent during the last quarter or the 20th Century. They will have had their origins in the late 1960's and early 1970's in the concept of "the Open University," a multi-media approach to continuing higher education. Pioneered in Great Britain and Japan, the Open University will be brought into being in the United States in the next half decade through the combined efforts of national educational organizations (such as the American Association for Higher Education and the National Commission on Accrediting), national examining agencies (such as the College Entrance Examination Board and the American College Testing Program), national public broadcasting organizations (such as the Corporation for Public Broadcasting and the National Association of Educational Broadcasters), and regional consortia of junior colleges, colleges, universities, and public broadcasting stations.

In announcing the birth of the University of North America, the President in 1976 will acknowledge a debt of thanks to the leaders of the Corporation for Public Broadcasting, who, in 1970, began to ask these questions: "What's at the other end of Sesame Street? Why can't broadcasting make learning just as exciting and meaningful for adults as that magnificent television program does for children? What should the Corporation and other national educational agencies be doing to help colleges and universities transform continuing education into something truly excellent and worthwhile?"

The answers, of course, were there all the while—and we in higher education had only to part the underbrush in the early 1970's to put them all together: at "the other end of Sesame Street" stood the Open University, another idea whose time had come.

So much for prophecy. My purpose here is not to speculate about *whether* the Open University will be brought into being over the next five years, but, rather, to suggest *how* it can come about through the development of a series of regional models.

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In the 1970's, we are told by critics of the entire U.S. system of education, our society must produce new kinds of institutions of higher learning, relevant to and responsive to the needs of the times. Students themselves are in the vanguard of our critics. They see our educational institutions—from pre-school through graduate school—outdated, our values false, our teaching dull, our priorities wrong. They perceive educators as being preoccupied with promotion and status, and hung up on research grants, tests, rules, credits, admission requirements, academic jargon, footnotes, and government contracts. They see barriers to college entrance, roadblocks to educational innovation, and a reward system based on the curiously inverted principle that the higher your rank and the more you're paid, the fewer students you're expected to teach!

The educational establishment, as the students and other critics view it (quite rightly, in my opinion), has become a prisoner of its own rhetoric. In the name of excellence, we have sanctified trivia. In the name of democracy, we have stifled individuality. In the name of pluralism, we have exalted conformity. We pay lip service to diversity, yet our schools and colleges are dishearteningly imitative, one of another. High schools shape their demands to fit the specifications of the colleges, junior colleges copy four-year institutions, colleges try to be universities, and all universities want to be like Harvard. The system makes poor black youth feel locked out and middle class whites feel locked in.

In short, the system is not working and something has to be done about it. Specifically, we must back off and start over—or, at the very least, regroup and rearrange our forces. And while we seek to change the institutions we already have, we must turn our attention to creating new ones.

Enter, the Open University and its regional models: new kinds of institutions for the continuing education of adults. For openers, let us consider the possibility of establishing the University of New England—an "open university" for the Northeastern United States.

When it comes into being—as it must in the years immediately ahead—the University of New England will not exist in one place or on one campus. It will be neither "inner city" nor "suburban." It will not even be a single "institution" in the conventional sense. Instead, the University of New England will be a confederation of a selected group of junior colleges, colleges, universities (from both the public and private sectors), and educational agencies and associations working cooperatively to add a new dimension to higher education *through the medium of public broadcasting*. The University of New England will use television as its principal teaching medium, supplemented by radio, correspondence study, films, tapes, programmed instruction, libraries, theaters, museums, tutorials, counseling centers, conferences, and short-term seminars at regional learning institutes. The faculty of the University of New England will include broadcasters as well as educators, laymen as well as professionals, students as well as teachers. In the University of New England, the young will have their chance to teach the old, the blacks to instruct the whites.

The University of New England will have a curriculum for today's world and time. It will encompass courses dealing with the environment, the arts, the mass media, the cities, the law, education, religion, human relations, international affairs, science, technology, public policy, the history of great ideas, the lives of great men. It will offer credits, administer tests, grant degrees, and charge a modest tuition. It will develop and distribute instructional materials. Anyone over fifteen may enroll; there will be no other entrance requirements. For those who need it, the University of New England will offer remedial work in communications skills and mathematics and other preparatory subjects. The University of New England will be a public interest institution: open to all who wish to learn.

Thus, as is the case with England's "Open University" which is now underway, the University of New England would represent, basically, an integrated, multi-media approach to continuing education. Instructional TV, instructional radio, correspondence study, programmed learning, various audio-visual devices, libraries, counseling services, tutorials, and face-to-face summer sessions seminars—all would be combined to make available to New Englanders a series of year-long collegiate-level courses planned and taught by faculty members from the colleges and universities in the region, with the cooperation of public television stations. Students desiring to enroll in UNE for credit would apply for admission, course materials would be provided, and examinations monitored. Special equipment (e.g. language laboratories) would be accessible for independent study at the local learning centers, where advisors and tutors would be available.

Developmental responsibilities for the University of New England would rest with a confederation including state commissions or boards of higher education, the New England Board of Higher Education, the New England Regional Commission, the New England Governor's Conference, the New England Center for Continuing Education, interested junior colleges, colleges, and universities in the region (both public and private), and the public and instructional broadcasting stations in the Northeast. The consortium (or confederation) thus formed would provide various services training programs, resources for the planning needed for courses to be offered, and testing and evaluation materials.

Similar models of the U.S. version of the "Open University" could be developed, let us say, in New Jersey [the "University of New Jersey"], upstate New York [the "University of Upstate New York"], the Midwest [the "University of the Midwest"], and so on. Finally, these experimental models could be linked together in the country's nationwide "open university"—the University of North America, which, of course, would include participating sister institutions in Canada and Mexico.

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Given the importance to American society of higher education, continuing adult education, and public broadcasting, the interlocking relationship that ought to exist among them seems obvious: in today's college context, the continuing education function should enjoy a status at least co-equal with that of resident instruction, and broadcasting as a medium of teaching should be integral to both. Yet continuing education has always been more or less of a step-child in academic circles, and instructional broadcasting is still treated pretty much as an "add-on" on most campuses where it has been tried. In the conventional higher education scheme of things today, in other words, continuing education and instructional broadcasting are simply not in the main tent. Faculty members from the disciplines and the professions tend to regard them as sideshows—something to do while moonlighting, or as an overload. The blue chips are still on research and on the teaching of graduates and undergraduates—on campus, in classrooms, laboratories, and lecture halls. Innovation is *not* the name of the game; at least not yet.

Nowhere has the lack of attention to and concern for adult education and instructional broadcasting been more evident than in the priorities and programs of national organizations and conferences concerned with higher education. Until this year, for example, our own National Conference has tended to give short shrift to these areas. And how long has it been, since the Association of American Universities, the Association of American Colleges, the American Council on Education, the American Council of Learned Societies, or the American Association of University Professors had anything to say about broadcasting as an educational medium? How much attention is paid to the field of adult education at meetings of the American Psychological Association or the American Association for the Advancement of Science? How many college presidents or deans highlight instructional broadcasting or continuing education as themes in their annual reports or convocation talks?

Institutional values reflect professional values. "Extension people" and educational broadcasters are, more often than not, treated as second-class citizens in the academic community, and a large segment of the professoriat continues to view credits earned or courses taken off-campus—whether by correspondence, television, radio, or at "extension centers"—as something less than the genuine article—although there is no research whatsoever to support this bias. With all the talk about new curricula, new teaching methods, and new institutional forms; with all the investment that has been made in experimentation; with all the pressure for change and reform in higher education, the old myth endures: face-to-face on-campus teaching is thought to be somehow "superior" to the other brand.

It is this entrenched mythology, both institutional and professional, that has made for such slow going in continuing education and instructional broadcasting, as compared with conventional higher education, in the past decade. It is this same mythology which must be faced and dealt with squarely by the higher education community if the continuing education of adults via the broadcasting media is to achieve status in the academic enterprise in the years immediately ahead.

Nationally, what continuing education and instructional broadcasting need in the councils of higher learning is *a new broker, a fresh advocate*. That role can and should be assumed, in my judgment, by the Corporation for Public Broadcasting. What the Corporation could bring to that role would be the determination to create a "new dimension" for higher education—a concept that would make broadcasting a full partner in the educational establishment, an idea that could revolutionize the teaching of adults. As the champion for the "open university," as the co-sponsor of the University of North America, the Corporation would be carrying out its mandate to serve the public interest and further the general welfare. Its good offices could be the required catalyst for bringing together regionally and nationally the leadership from the academic community, adult education, and public broadcasting needed to bring the first models of the Open University into being.

* * * * *

A national strategy to build the needed new regional confederations in higher education essential for the establishment of "open universities" requires the following elements:

1. *Leadership*. A cadre of leaders from the fields of higher education, continuing education, and public and instructional broadcasting should be identified and convened as a steering agency on a national basis, with regular meetings over an extended period of time scheduled to review plans, cut red tape, effect contacts, prepare proposals, and so forth. I believe the American Association for Higher Education and the Corporation for Public Broadcasting should bring such a steering committee together.

2. *Resources*. If the Open University is to become a reality, whether regionally or nationally, the major educational foundations and federal agencies, the commercial networks, and private industry all must participate with financial support for regional pilot, experimental projects. The initial involvement of institutions and agencies in an "open university confederation" will be a new commitment for most participants, and thus outside funding will be basic to getting the projects planned and launched.

3. *Credibility*. Whatever is done to bring about the development of the University of North America will need to be accepted both by the general public and by the academic and broadcasting communities, which means securing a wide base of professional support from assorted agencies, such as the College Entrance Examination Board, the American College Testing Program, the Educational Testing Service, the National Commission on Accrediting, the Adult Education Association of the U.S., the National University Extension Association, and others. Similarly, advantage should be taken of the existence in almost every state of Statewide Councils on Educational Broadcasting, including a broad representation of laymen, to involve the public in developing new regional "universities without walls."

4. *Research*. Already some evidence has accumulated in the literature on visual literacy to indicate that young people today, used to the new media, are unwilling *not* to be visually stimulated in their educational experiences. Young men and women who have grown with the stimulation of movies and television will begin demanding curricula, both in resident and in continuing education, which include more visual stimulation. Obviously a person who is forced to learn only in a verbal environment is unable to learn as much as he could if verbal were coupled with tactile and visual. Television demands the complete participation of the individual and involves visual as well as verbal stimulation. "Education," it has been said, "really consists of exchanging time for experience. TV can change reality into images at the speed of light, which means, *if it is properly used*, students can gain enormously much more experience in the same amounts of time without the need to decode." The establishment of regional "open university" models such as the University of New England and others being proposed here should be buttressed by the best possible educational research—something, alas, we have all too often neglected in mounting new projects within and among institutions of higher learning.

In addition to broadcasting, of course, the field of adult education itself offers a goldmine for research. Mature and middle-aged students are venturing again into the world of schools and colleges. In order to prepare for them, either on campus or as enrollees in "open universities," we must begin concentrating research efforts in two areas: first, the nature of the learner; and, secondly, the content and methods of presentation of subject matter to the "older" learner. On the basis of existing studies, there seems to be every reason to believe that old learners will be successful and quite capable of continuing to expand their knowledge, whether it be through formal institutions, courses through television offered by "open universities," or through some combination of both. Obviously, it will be necessary to structure the courses and curricula to take advantage of the proficiencies of the older learner as well as to compensate for his deficiencies.

5. *Planning*. To establish the new kinds of institutions envisioned in this report will take time—time to develop a prospectus, time to build budgets, time to recruit staff, time to solicit support, time to create regional prototypes (such as the proposed University of New England), time to hold conferences, time to develop materials, time to meld institutions and agencies within those regions where there is something like a "critical mass" in academic and broadcasting leadership.

* * * * *

Can the "open university" really come into being in the United States? Can an integrated, multi-media adult learning system be established in this country through a series of regional confederations? Can an effective, on-going, new, fresh, workable relationship be constructed involving the best talent there is from the fields of higher education, continuing education, and instructional broadcasting? Can the rigidities and obstacles present in academic institutions and organizations be overcome to make possible the development of the University of New England and other regional models leading toward the establishment of the University of North America? Can what we now refer to, in its infancy, as "the external degree" evolve rapidly to become known, more properly, as an "alternate degree," indicating its intrinsic, integral relationship to the academic enterprise? Do we in higher education truly have the courage, and the will, and the daring, and the imagination to turn the system around in the next half decade—as we know we must?

I think the answer to all of those questions can be yes. I also know that if we don't get moving and build the University of North America along the lines proposed here, someone else, someone from outside the profession perhaps, will do it for us. One way or another, the Open University is going to be a fact of life in this country five years from now. If you somehow doubt it, just plan to attend the 31st National Conference on Higher Education in 1976 and see if I'm not right!

BARGE LINES AND THE DYNAMICS OF INNOVATION

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. MOLLOHAN. Mr. Speaker, transportation in this country is one of the national investments that we seldom examine as an entire entity. We have tended over the years to emphasize first one mode of transportation, then another, rather than conscientiously constructing an interconnecting logical multi-modal complex that can give us flexibility and utility for the lowest total investment.

The troubles of Penn Central and Lockheed and Boeing are symtomatic of the pulling and tugging of competitive systems within the Nation's transportation complex. Yet, there are transportation leaders who have stressed the prime need for a cooperative multimodal system, and one such leader is Charles E. Walker, president of the Union Barge Line.

Walker has just completed 2 years as the president of the Water Transport Association and during that time this association became the dominant force in water transportation. Walker has consistently hammered at the need for all modes of transportation to work together rather than separately. He has, as a real leader in transportation, stressed the crucial role of the common carrier as the linchpin in a sensible and dependable transportation system.

Had we given this kind of leadership the hearing it deserves, we would not have the spector of a rail passenger system in bankruptcy while our roads are overcrowded with traffic. We would have resolved these inconsistencies and we would have provided cheaper more efficient transportation of the goods and services as well as the passengers of this Nation.

Recently, Mr. Walker delivered an address before the New York University Transportation Seminar and advanced some ideas on the transportation complex of this country. They are ideas that I would commend to this Congress as we attempt to serve the needs of our Nation.

The address follows:

BARGE LINES AND THE DYNAMICS OF INNOVATION

In Tulsa, Oklahoma late in February a towboat carried a group of notables to cut a steel wire reaching across the river and thus officially opened the Tulsa Port of Catoosa adding 450 miles to the 25,000 miles of navigable waterways in the United States and bringing to realization a 35-year dream. The newspapers that day said the sea had returned to Tulsa, having last been there some hundreds of millions of years ago. The river would be Tulsa's window on the world for commerce via the Gulf ports.

Beyond the enthusiasm and the opening day rhetoric were some hard economic facts. In anticipation of the opening of the waterway, rate reductions on wheat had saved the Oklahoma farmers $50,000,000 in three years. Steel rates were down $12 a ton, paper rates $4 a ton and fertilizer $2 a ton. Coal had begun to move to Japan from Fort Smith, paper was coming up the river from Tennessee, bauxite, chemicals, steel, fertilizer and grain were also moving. The complicated dynamics of price competition in transportation was beginning to work. One shipper summed it up. "We've been thinking in truckloads and car loads. Now we've got to revise everything we're doing and think in terms of 1,000-ton barge loads."

That's the key to the powerful innovative influence of water transportation in the economy. Water carriers force industry and agriculture because of the very low cost of the barge movement to adjust to handling their business in larger volumes and most often this means much greater efficiency in production. Once an operation is set up to feed to barges it can, with a little more trouble, set itself up to handle 10 freight cars at a time and get volume discounts from the railroads and, in the end, perhaps, unit train discounts.

In stimulating efficiency so that water carriers are used, water carriers thus have a multiplier effect. The industry saves through the use of water transportation, this makes it more efficient and increases its competitive edge. This in turn results in expansion, which attracts satellite suppliers. On all this expanding traffic, truck, rail and barge have a chance to bid; the result is that all modes benefit because the traffic is close to navigable waterways. The river competitive railroads are among the healthiest.

A friend of mine was riding on the freeway in Houston with a barge man recently. The barge executive pointed to the office building of a famous company. "That's my most active non-shipper," he said. The company, it turned out, has never shipped a pound of traffic on the barges, but hardly a week goes by without a request for a barge quote. Some other mode is having its rate structure tested against a possible alternative.

Barge efficiency starts the innovative process as the lowest cost mode of transportation of all. It takes less energy to move commodities through water than it does by any overland means. The average revenues per ton mile are about three-tenths of a cent compared to 1.4 cents for the most efficient land mode. Barges move about 10 per cent of the inter-city freight for less than one half of one per cent of the nation's freight bill. For commodities adapted to water movement, water transportation has had a most dramatic effect in stimulating manufacturing, agricultural and railroad and truck innovations. And this reaction has resulted in keen competition which has given the water carriers the incentive to innovate and improve their own efficiency still further.

The difficulties of some railroads have obscured in the public mind the fact that great strides have been made in the past 15 years in improved rail efficiency. Great improvements lie ahead for the railroads and for the water carriers in response.

One statistic will tell you the story. Transportation has been improving its productivity and efficiency much faster than industry as a whole. Using 1960 as an index year, the wholesale price index had risen to 112.2 by 1969 and the consumers' price index to 123. Average rates of the major common carrier barge lines were some 30 points below the 1960 average level in 1969 and average rail rates were about 6 points below the 1960 level. So, in fact, rail and water carriers have a much better record than manufacturing generally in introducing cost saving innovations to help contain the inevitable rise of the cost of labor and the cost of the materials transportation has to buy. In recent months, after many years of steady decline, barge rates have turned upwards under the extreme pressures of inflation. However, we find few customers who would deny that their price increases have been far greater than those in transportation and that lagging as we do so far behind the rates current in 1960 is an achievement industry generally has not come close to matching.

It is strange to read from the President's highest economic advisers statements accusing the transportation industry of inefficiency in the light of this record. One wonders what facts they rely on. Particularly odd is the official complaint that industry is located in this country because of the decisions of the Interstate Commerce Commission made before the turn of the century. Most of modern industry was not even invented before the turn of the century; in fact a very large part of it did not exist before World War II. Decisions on location of industry are not governed by 19th Century regulation, but by highly pragmatic studies of complex economic relationships of labor availability, markets, sources of raw materials, climate, transportation, taxation and land costs. High in importance among these factors is the availability of all the modes of transportation. Where there is interaction of water, rail, motor, pipeline and air, the shipper can be sure of the best efficiencies of all modes and this interaction in turn helps stimulate the greatest efficiency in production and distribution.

One hears it said that, although waterways attract industries, this is unimportant because industry would expand anyway and have to locate somewhere. This is very superficial thinking indeed. Industry locates where it does because it believes it can produce and market its product most efficiently. If most of industry is showing a decisive trend to locate on navigable waterways, it is because industry performs most efficiently close to navigable waterways. While it is certainly true that industry might indeed locate somewhere else, without the efficiencies promoted by water transportation it might well choose to locate in a foreign country. We have only to look at the flight of the radio and TV manufacturing industry abroad to see what might lie ahead for other industries if other efficiency inputs, among them water transportation, were not employed to offset the relatively high U.S. labor costs.

In talking about water transportation, and future innovations, I often find a major gap in knowledge of the way in which river, canal and lake transportation fits into the national economic picture. Why are rivers made navigable, what justification is there for Federal investment in waterways, and why don't the water carriers pay some sort of user charge for the use of the waterways and is it unfair to competitors that they don't?

The first question of course almost answers itself; water transportation, as I have noted, for commodities adapted to water transportation is the most efficient method of moving goods. The rivers are there. Using them helps the economy significantly in the always important endeavor of deploying resources in the most efficient manner possible. But I don't think many of the rivers would have been developed to their present level if it were not for the existence of an overall national water resource management program, of which navigation is a very important part, but only a part.

Not many people are aware of the scope of this program and the critical importance it has for the continued expansion of the economy. If one takes only a conservative 4 per cent annual growth of the gross national product, in 50 years, in terms of 1954 dollars, the GNP becomes $4.5 trillion. The Water Resources Council has applied this rate of growth to the segments of the economy which are particularly thirsty, the chief users of water, and has come up with these estimates of needs in 2020:

Agriculture will need three times as much water as it now consumes, mining four times, primary metals industries almost six times, paper and paper products over eight times, petroleum products over nine times, chemicals about 15 times.

Total withdrawals from our water supply will increase five times by 2020.

Few people bother to think about these facts or to realize that there is no more water available to this country today than there was 5,000 years ago when the Indians and the buffaloes had the continent to themselves. There's enough water to meet these needs, but it is not all in the right place at the right time. Hence, there has developed a massive program of water management which looks ahead 50 years to our needs at that time both for water quantity and water quality. The water management program embraces storage of water, maintenance of stream flow, drought and flood control, power, irrigation, navigation, recreation, and quality of water. Releases from dams far up the Missouri, for example, have been used in low river stages to hold back the incursion of salt water into the drinking water supplies of New Orleans. Management of the drainage system of the Mississippi, which reaches from the Alleghenys in the East to the Rockies in the West, from Northern Minnesota to the Gulf, is an engineering feat probably unparalleled in all of history.

There are those who complain about bits and pieces of it but there is no one I know who seriously suggests that water management is not a critically important public program on which more, not less, resources will have to be spent in the future.

I make this point to emphasize that there is an on-going program with a 50-year perspective and that navigation is a very important co-product of this vast endeavor.

Why are there no user charges for the barge lines? It is not, I may say, because the matter has escaped the attention of the policy makers of the past 40 years. Recommendations for user charges have been frequently made, but when the matter has been fully investigated by the Congress, the decision has always been negative.

Congress undertakes public investment in many segments of the economy. On some investments it recovers directly; on others it does not and when it does not it makes a judgment that the benefits are so widely pervasive through the economy that the public as a whole is the real beneficiary. Thus all the farmers in the river valleys sell their crops for better prices because of barge transportation, all those who pay a light bill benefit from water borne transportation of coal.

Is it unfair competition? The simple answer to that is the prosperity of river competitive railroads, as noted before. When the rivers are developed, there's more traffic for every mode of transportation.

But there is really a further point which we have recently researched. If one were to count the public costs associated with navigation on the one side, one would have to count the public costs associated with railroads on the other. And when, as Water Transport Association did recently by sponsoring an independent study for the ICC Cost-Finding Case, Docket 34013, Sub. 1, one enters that territory the problem gets very complex indeed. There are of course the obvious benefits to railroads from public investment in harbor channels leading to railroad docks. It has always been a major stumbling block to those who advocate user charges for shallow draft operators as to why they would not, in all logic, advocate user charges for deep draft vessels as well. They know they can't advocate charges for deep draft vessels because such charges would simply serve to concentrate trade at ports where little channel improvement is necessary and no one would stand for that. I mention this just to show you some of the complexities.

There are direct public outlays, but there are also very large subsidy-effect programs. As Professor C. Lowell Harris of Columbia has noted while there is a distaste for receiving from Government what is labelled as subsidy, there is ample willingness to take benefits from Government particularly in forms which help conceal the nature of the receipt. A benefit resulting from a program which reduces Federal taxes under special circumstances is the same in principle as accepting a public outlay. Thus tax benefits, loans, and other subsidy effect programs benefitting the railroads would have to be counted as well in a full competitive analysis.

In the end, the WTA's independent consultant concluded that, adding all the different programs benefitting railroads, there would be plenty to count on the railroad side. The result might very well be a wash.

Thus, a lot of solemn nonsense is talked about the supposed competitive disadvantage suffered because of public investment in waterways. It is a complex question, but the conclusions are simple: the benefits are so widely diffused through the economy that waterway development is regarded as a proper part of the national overhead. Any negative competitive impact appears unproved; the waterways create traffic for all modes. In any event, there is probably a wash as to subsidy and subsidy effect programs affecting both water carriers and railroads.

I explore this subject at greater length than usual because I find the question of subsidy uppermost in a great many people's minds. The waterway development program pays for itself many times over in benefits; the economy badly needs it and further development can be expected despite all the criticism.

I won't go into the future developments in any detail. But I would like to mention one in passing. Perhaps the most important is a by-product of the bank stabilization program on the Mississippi. The Engineers are making certain that the river doesn't, in the future, wander in its course so much, undermining railroads, cutting off power plants, and parts of towns. The result of this program is that the river is digging itself out a deeper channel. Sometime in this decade, there will be a 12 foot, compared to the present nine foot channel between New Orleans and Cairo and this will eventually extend to Minneapolis to the North and Pittsburgh in the east. Larger tows, larger barges will result with an accompanying dramatic improvement in barge efficiency, and a permanent increase in efficiency for industry and agriculture in the mid-continent region.

Turning to improved productivity in the motive power—the towboat—we find our engineers and researchers opening wide vistas in their future planning. The diesel engine, they tell us, may well be superseded by gas turbines or nuclear energy engines at great savings. Even something as prosaic as counter-rotating propellers—two propellers on the same shaft rotating in opposite directions—may give us needed additional and more economical thrust for the heavier loads of tomorrow. But, of course, in engineering, the future productivity improvements involve many seemingly small developments. Automatic controls and warning devices will improve the productivity of crews. Greater reliability will eventually make us think of marine engines as we now do of truck engines—feed them fuel and leave them alone except for maintenance at regular periods. Generally such duties as tightening packing glands on water pumps and continual greasing will be eliminated in favor of built-in alternatives. New searchlights have increased our night vision by 70 per cent and improved safety and reliability of operations. Such navigation equipment as automatic pilots, depth finders, ship-to-shore radios, gyroscopic compasses which give us early warning when tows begin to swing, and bow thrusters—power units at the head of the tow—have greatly improved efficiency. It appears that there is a great potential for doppler sonar speed indicators to identify the speeds which produce maximum efficiency.

We continually ask the question: how can horsepower be applied more efficiently and effectively? We are continually getting new and better answers.

What of the barges? Many developments are coming to improve efficiency, most notable of which I think I mentioned—the larger capacity barges for the deeper channels. But the trend is also to higher cost speciality barges for new and sometimes quite exotic commodities—chemicals whose names we can't even pronounce. Barges are available and being developed which keep products hot or extremely cold or under pressure. Such seemingly minor changes as fiberglass or reinforced plastic barge covers may save us important money.

We haven't changed the method of lashing barges together much in recent years although a great deal of study has been devoted to efficiency improvements. There may be a breakthrough toward a practical automatic coupling device, but we can't see our way to it now.

Finally, of course, we should not forget the shore-side control of the barge system. Sophisticated long-range formalized plans—five years ahead in our company—computer controls, marketing efficiency, radio communications, engineering research, training, and better management information systems all contribute to improved efficiency.

Entirely new on the river are the LASH and SEABEE type barges which reach inland up the American rivers, are loaded at ports far from the ocean, then are towed down the river and hoisted aboard great mother ferry ships for transport to the other side of the world, where they slip into foreign rivers for delivery to final destination. This development may well be as important for improved efficiency in the handling of commodities adaptable to LASH and SEABEE barges as the new container systems have been for the general commodity trades. Areas far inland and away from the rivers will feel the impact of this innovation in floating containers if we don't let artificial cost increases eat up the potential savings to the public.

I turn now from technological innovations to innovations which may lie ahead in the field of government policy. We are entering a period of review of fundamental propositions on which relationships between transportation and the government are founded. In important quarters drastic changes are being proposed. Some would abolish all regulation and the Interstate Commerce as well, others would put transportation under the antitrust laws, still others would nationalize the railroads.

Transportation is a very complex industry and the simple sounding drastic solutions seem to me to be counter-productive. If one carefully listens to everything that is being said, those who aren't very clear about the real needs of transportation seem greatly to outnumber those who are. For example, we hear from our leading theoretical economists that there is great overcapacity in transportation and that regulation should be eliminated because it protects the inefficient. Take the chains off and the inefficient will disappear, they say. There will be an outflow of investment in excess capacity and what's left will be stronger and better.

I think I demonstrated earlier that whatever our other shortcomings, water carriers have maintained a rate level below that of 1960 and at the same time have produced 50 per cent more service for less money. So broad-brush denunciations of inefficiency in transportation simply expose the ignorance of those who make them. If price increases are any indication of efficiency, we know our rates haven't gone up nearly as much as the prices of the things we have to buy; hence it is fair to conclude that our efficiency is far greater than that of industry as a whole.

I would concede that you could run more trains on the tracks available, just as you can run more barges on the rivers, more steamships on the coastal and intercoastal ocean waterways, and more boats on the Great Lakes. In that sense there is overcapacity. But in the sense of having enough freight cars, enough electronic classification yards, enough trucks, enough tow boats and barges enough ships for the ocean and Great Lakes trades, the answer is quite different. The fact is, as the Department of Transportation has told us, we have far too little equipment today to meet the needs of the growing economy. In fact, Congress recently enacted a tax incentive for the purpose of expanding freight car supply. DOT estimates that in the next 10 years there will have to be an increase of 50 per cent in transport capacity if the industry is to keep pace with the growing economy.

Where is the money coming from to buy tremendous increase in capacity? That's the questions which worries everyone in a management position in the transportation industry.

If the main problem is one of attracting new investment into transportation, it is certainly mischievous for the top economists to be urging policies which will chase investment out of transportation. Removing regulation and encouraging cutthroat rate wars would do just that.

Improving regulation so that it encourages healthy competition and promotes efficiency, that we can do, but abandoning regulation would be disastrous for the public.

Assuring the best service at the lowest rates consistent with maintaining a financially sound transport system is the true objective of government policy. When rate reductions are proposed, government should intervene only when the more efficient or equally efficient competitor is being shut out of an opportunity to compete by power tactics having nothing to do with efficiency. Given a meaningful test of relative efficiency, the regulatory process is more capable of policing that kind of policy than the antitrust laws. The water carriers have urged that the only proper test of efficiency is the sort of test that an engineer would apply in determining what input incurred by the competing enterprise is necessary to produce a given output, in this case the traffic in question. He would certainly count all the necessary input costs incurred by these enterprises, not some part of these costs. No variation of partial costs—whether described as marginal, variable, avoidable, or incremental—as a matter of elementary logic can possibly serve as a measure of relative efficiency without producing literally absurd results.

Clearly it is counter-productive for the railroads or any other carriers to be hauling 40 per cent of their shipments at below out-of-pocket cost, as the DOT suggested recently is actually happening. The ICC's rate structure proceeding is an opportunity to help cure that problem. Clearly, too, the carriers are entitled to an adequate rate of return. The ICC's new investigation of the railroad rate base is an opportunity to modernize thinking on cost justification and help bring the earnings of the carriers more into line with industry generally. Abandonment of unprofitable services must be accelerated. Tax incentives would be useful to stimulate improvement and expansion of service.

These far-reaching opportunities can work quickly to restore health to the transportation industry generally. This is no time to encourage what many of the academic apostles of deregulation concede would be the inevitable result of deregulation, an outflow of investment in transportation.

In closing let me suggest an area of public policy which, if pursued, would result in greatly improved competition, millions in savings in transportation costs and therefore much greater efficiency in the use of transport resources.

Railroads and water carriers, besides being vigorous competitors, are also natural partners. A major goal of ICC policy should be the encouragement of better coordination of service between rail and water carriers. Studies of the Water Transport Association, which has been trying to sell the railroads on a "willing partner" approach to rail-water movements, indicate overall savings from 10 to 50 per cent in joining the best efficiencies of water and rail service.

But there is resistance from the railroads. The ICC was specifically given the power by Congress to prescribe rail rates in connection with water transportation so that the public would receive the benefits of rail-water coordination. It has been reluctant to use this power.

We suggest that the ICC diplomatically knock some heads together on this issue and get some money saving water-rail services going. The carriers are always after the ICC to approve ideas the carriers want. Why wouldn't it be in the public interest for the ICC to want better water-rail coordination? A little selective "jawboning" by the ICC could be highly effective.

I challenge anyone to name an industry more important to the efficient operation of the economy than common carrier transportation. Nothing could be a greater drag on the economy than an inefficient transportation service—a service which now accounts for 20 per cent of the gross national product.

Our industry is far from perfect, regulation is far from perfect. But the performance in the past certainly does not justify the kind of radical uprooting of established procedures that is being suggested.

As I have pointed out, the key to efficiency is constant improvement in productivity. There is plenty of improved productivity to buy in water transportation, probably more in water transportation than in any other segment of the transportation industry. But it goes without saying that improved productivity can only be achieved if earnings are adequate to justify the investment. The most powerful stimulus to innovation, then, is adequate earnings. In the long run, acceptance of the level of rates needed to provide such earnings is, in my opinion, the best investment the shipping community can make in its own self interest.

A FIRST STEP TOWARD ADEQUATE RURAL DEVELOPMENT PROGRAMS

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. CULVER. Mr. Speaker, today I am introducing legislation which will assist small communities in the construction or rehabilitation of multipurpose community centers, and in the renovation of small community business districts.

The 1970 census confirmed that rural America has been undergoing a continuing crisis of outmigration. In my own State of Iowa, 74 of its 99 counties lost population between 1960 and 1970; 24 lost over 10 percent. It has been projected that by the year 2000, if the present trend continues, 88 percent of the Nation's population will live in large urban areas, and only 12 percent in areas with under 100,000 in population.

This trend can be reversed if the Federal Government helps bring about greater balance in national population distribution by a better balance in national investment through helping to provide adequate municipal services and facilities in small towns, as well as attractive business districts in which to work and shop.

We all know that any community which wishes to retain its economic vitality must be able to provide its citizens with basic services: police and fire protection, library, town meeting hall, health facilities, and recreational facilities for use by both the elder and younger members of the community. In many cases, however, small towns lack the financial resources to provide an adequate building for these activities, even though quite often these operations can be economically and conveniently housed in a single structure. Under the legislation I am introducing, these small towns would be eligible for Federal assistance for building these community facilities.

Equally important to the future of small communities is the condition of their downtown business district. Too often old buildings, basically sound and unique architectually, have been allowed to deteriorate, presenting a drab exterior. The level of economic activity and the general vitality of the community declines, and the town slides slowly out of the mainstream of American life.

There are towns which have undertaken renewal and restoration of their business districts. Albia, Iowa, and David City, Nebr., are good illustrations of how projects of this nature can restore economic vitality and pride of community. In the 2 years after David City began its renewal program, sales volume increased by over 40 percent. Under the legislation I am introducing, Federal assistance would be available, hopefully to stimulate widespread development of other towns similar to what Albia and David City accomplished without Government funds.

The provisions of this bill are so designed as to hold administrative and staff burdens on towns to an absolute minimum. If adopted, the law would place no new encumberances on the towns nor create new administrative mazes. Operationally, the bill can work simply and without the dead weight of high overhead costs and administrative complexity.

We live in an interdependent society and economy where there can be no national progress if one section of the country or segment of the population is left behind. This legislation will serve as a constructive small community development complement to urban renewal programs which are aimed at metropolitan areas, rather than patterned to the needs of our smaller communities. Most important, it is a first and realizable step toward creating a new approach and adequate programs for the development of rural America.

Mr. Speaker, an analysis of the bill follows:

ANALYSIS OF THE SMALL COMMUNITY DEVELOPMENT ACT OF 1971

TITLE I—CONSTRUCTION OR REHABILITATION OF MULTIPURPOSE COMMUNITY CENTERS

Authorize the Secretary of Housing and Urban Development to make grants, pay interest rate subsidies and undertake guarantees to small communities (towns under 15,000 and not part of a metropolitan area) and regional units (any grouping of governmental units which want to consolidate their public service functions) to assist in the construction or rehabilitation of multi-purpose community facilities for health, recreation, library, public safety, and local government use.

(1) A facility combining local government uses with public safety uses will be eligible for (a) a federal guarantee of the sums borrowed; and (b) an annual grant in the full amount of the interest due on the sums borrowed, e.g. a facility which houses local government offices and the central police and fire stations.

(2) a facility combining health, recreational, or library uses with local government uses or with local government and public safety uses will be eligible for (a) a federal guarantee of the sums borrowed; (b) an annual grant in the full amount of the interest due on the sums borrowed, and (c) a grant equal to ⅔ of the cost of the health, recreational and library accommodations, e.g. a facility which includes a library, health clinic, and recreational area which can be used by both the elderly and young members of the community.

TITLE II—BUSINESS DISTRICT RENEWAL

Authorize the Secretary of Housing and Urban Development to make loans and grants to local non-profit development companies in order to assist them in the exterior rehabilitation, restoration, and beautification of small community business districts.

(1) A local non-profit development company will be eligible for a federal grant to help finance the planning and design of the exterior rehabilitation, restoration and beautification of the community business district.

(2) A local non-profit development company will be eligible for a loan equal to ⅔ the cost of rehabilitating, restoring and beautifying the facade of the business district.

(3) A local non-profit development company will be eligible for a grant equal to ⅔ the cost of rehabilitating, restoring and beautifying the public areas of the business district, provided the plan has the approval of the community's governing unit.

TIME TO REVIEW HOUSING 235

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. COLLINS of Texas. Mr. Speaker, one of the cornerstones of America's growth has been the work of our progressive homebuilders. We need to back them up in every constructive way.

But the time has come to review one dead-end road we have headed down. Section 235 is loaded with problems. We need an improved plan that will provide uniform benefits and future stability.

Section 235 provides for subsidy payments on the mortgage by the homeowner. With the plan a man can have a downpayment of $200 instead of the normal $1,200. His monthly payment is only $87 instead of a normal $175.

In addition he is entitled to full FHA interest as an income tax deduction even when he pays only the subsidy 1 percent.

Here are some of the problems. Imagine how the next-door neighbor feels who pays twice as much each month on his mortgage. It does not seem equitable to him.

After a few years the family may move and this house is up for resale. With only $200 down payment who wants to buy this secondhand house when they can get a new one for the same price. So these houses will require modernization for resale. An owner with only $200 equity will walk off and leave it.

But also look at the homeowner. He gets this special deal because he has low income. When he moves up in his job with a promotion, his rent goes up $85 a month. Will he pay it, will he try to hide it or will he move? This mortgage subsidy is a deterrent to ambition and progress.

Susan Bullock, who is our real estate editor for the Dallas Times Herald, wrote an interesting article on title 235 of the Housing Act. She took the example of a fine family and how it works out.

Section 235 is not the answer, and America today needs a good plan. See what your reaction is to the story of Susan Bullock of the Dallas Times Herald:

Taxpayers, don't get excited. The 235 housing program may not be the free bed of roses it often appears to be.

Just ask Mrs. Randy Lockhart. Mr. and Mrs. Lockhart are among many 235 homeowners confronted with the problem of "what do we do when we come off subsidy?"

This program—Title 235 of the National Housing Act—was designed to aid families on limited incomes participate in homeownership. Defined as one step above public housing, the program provides interest subsidies (amounting to all but one per cent in some cases) on monthly home payments.

The Lockharts, with their 18-month-old son Mark, purchased a new 235 home in the Freeway Forest addition of Balch Springs in October. With a net family income averaging a little more than $400 a month—less than the $610 a month gross limit for a family of three, the Lockharts were able to purchase a three-bedroom home for $100 down and $100 closing costs. Their monthly payment is $87.50 excluding utilities.

Yet the Lockharts may soon find themselves in a rather precarious situation. Lockhart, 22, is a salesman for an area homebuilding firm. He recently received a raise, and the family fears they may have exceeded the eligibility income limits for the program. If this is the case, when they are reviewed in two years, their monthly home payments will jump from $87.50 to a little less than $175—the regular FHA payment without subsidy.

According to Randy Green, divisional manager for the Roffino development where the Lockharts reside, if a family exceeds the maximum income level to qualify for the program by even a small amount, it is automatically taken off all subsidy. Yet a family may not be earning enough to meet the regular payment.

In spite of this, however, Mrs. Lockhart does not believe the program reduces one's incentive to better his position in life. When asked if her husband would refuse a raise in order to stay within the eligibility limits to receive aid, she replied, without hesitation, "We would take the raise. There's no doubt about it."

"If it were not for this program," the young housewife added, "we would be forced to live in an apartment for years," and an apartment is no place for children. In fact, the 235 program actually creates incentive to advance. If you lived in a new home, why would you want to go backwards?" she questioned.

But the woman admitted that even with a raise, a substantial increase in payment resulting from the loss of subsidies would put a strain on the family. Mrs. Lockhart says the family is tentatively planning a move within the next couple of years so her husband can continue his education. "But even if we weren't planning to move," she notes, "once we were over the limit we would probably move anyway" (for financial reasons).

But here again, the Lockharts and others like them, will be confronted with a problem. A 235 home can normally be sold for an equity of only $200 and any amount paid on the principal which is usually small for the first few years. This, says Manuel Sanchez, HUD director, is because owners selling a 235 home are in direct competition with the builder.

The other alternative, according to the Department of Housing and Urban Development, is refinance the home through the regular FHA program. But closing costs here would probably absorb any profit.

Yet the 235 owner has one definite advantage at income tax time. Although he may be paying only one per cent in interest, he may write off the full FHA interest rate his home was contracted for.

Mrs. Lockhart doubts the fairness of the program to a certain extent. "If we weren't involved, she says, "I'm not sure how I would react to it. But we pay our taxes too, so why not take advantage of it? If we don't someone else will."

THE LATE HONORABLE ROBERT B. CHIPERFIELD

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1971

Mr. ROONEY of New York. Mr. Speaker, I was saddened recently to learn of the passing of the Honorable Robert B. Chiperfield, who for 24 years so ably represented the people of Illinois 19th Congressional District. I had the good fortune to know Bob over many of those 24 years and knew him as a friend, a quiet and unassuming man but a man who made many important contributions to our country's affairs of state. He was a firm supporter of bipartisan foreign policy even at a time when he could have expediently withheld his support. His only aim through his many years as ranking minority leader and chairman of the House Committee on Foreign Affairs was to better the position of our country. We shall miss his advice, friendliness, and warmth. To his lovely wife and family I extend my deepest sympathy in their time of loss.

NOT GUILTY

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. HOGAN. Mr. Speaker, in the past month, the Director of the FBI has been seriously maligned several times, without a single shred of proof to support the charges.

In the Saturday, April 24 edition of the Evening Star there appeared an editorial which elaborates on this theme. I insert this article in the RECORD for my colleague's perusal:

NOT GUILTY

House Majority Leader Hale Boggs has done J. Edgar Hoover, the Federal Bureau of Investigation, the Democratic party, Congress, the Nation and his own reputation an immense disservice.

In a one-minute speech in the House on April 5, Representative Boggs accused the FBI of tapping "the telephones of this body and of members of the Senate." In an hour-long speech Thursday, Boggs presented not a scintilla of evidence to support these serious charges.

The best Boggs could do was to claim that a nameless investigator from the Chesapeake & Potomac Telephone Company, called to his Bethesda home last August to inspect a suspected tap, reported that one had been placed on his "private telephone lines but that it had been removed in advance of the inspection."

The Louisianan admitted that the telephone company's written report stated "categorically that there was no tap on my lines." Boggs added lamely that it was his understanding that it was telephone company policy to deny the existence of a tap if it had been placed by the FBI.

The telephone company disputes Boggs on all counts. C&P spokesman Fred Langbein asserts flatly that "no wiretapping was found, nor was there any evidence of a previous tap." Langbein adds that it is not telephone company practice to disclaim FBI taps.

When Boggs fired his broadside on April 5, both Hoover and Attorney General Mitchell denied the charges, which the latter termed "reckless and cruel." Nothing Boggs said Thursday invalidated that description.

One of the saddest aspects of the whole sordid affair is that it will be used to discredit those who believe for other and more valid reasons that the 76-year-old Hoover ought to accept the honorable retirement which he has surely earned after 47 years at the helm of the FBI. Boggs' failure to substantiate his wild charges has only served to delay the day when Hoover will admit that it is in everybody's best interest for him to hand over the direction of the FBI to a younger man.

That cannot be helped. The gentlemanly thing for Boggs to have done would have been to admit his error and to confess that, as Deputy Attorney General Kleindienst suggested shortly after the April 5 incident, he was, at the time he made his original charges, "sick or not in the possession of his faculties." Having failed to follow this course on Thursday, however, there is small chance that Boggs will elect to do so in the future.

All in all, a disgraceful performance.

YOUTH COUNCIL PROPOSED

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. YOUNG of Florida. Mr. Speaker, the vast majority of America's youngsters are law abiding, patriotic, and eager to work toward resolving the great problems confronting our Nation. One such young man is Richard Zimmerman of Jacksonville, Fla., American Legion Boys State Governor for 1969–70.

Mr. Zimmerman attended the White House Youth Conference, but because of the limited time and the number attending, he did not get the opportunity to fully express his ideas. They are worth listening to—he has a great deal to offer, and his report on establishing a youth council merits our attention.

Here, for the information of the Congress, is Mr. Zimmerman's report:

Establishing a Youth Council

INTRODUCTION

"Establishing a Youth Council" is a paper prepared after much research, on attempts to form Councils. The failures and reasons for the failures were thought out and this paper is an attempt to present ideas, many problems and some solutions as well as a need for such a Council. It is hoped that the need for such a program can be met before it is too late.

Throughout the paper the words "city hall" are used to represent a branch of government and not a building. It could also be adapted to mean county government, state government, or national government.

It is hoped that this idea of youth councils could later be applied to college students, dropouts and all other youth and eventually solve all problems in adult youth communication, but at present this proposal only deals with high school students.

The purpose of this paper is to present these ideas so that the need that is so obvious can be carried out and it is hoped that you as a reader will examine the program and if you find that you could help to establish such a program, that you will not hesitate for the sake of an America tomorrow.

NEED

It is evident to most people that growing unrest exists among the youth of America today. This paper will present a program that could be the beginning of the solutions to these problems.

America's youth of today are examining, seeking answers and even questioning what the previous generations have held sacred. Only history will tell if this quest for understanding was good for America, but it is obvious that it could be better if the quest was guided. This program could be a means to guide the youth of America.

In modern America, increased technology has raised the standards of living to a point that many young Americans have not had to provide the essentials of living for themselves and their families as did previous generations. These young people then seek something else to do, since they have been provided the essentials of life, and oftentimes much more, by their parents. They need guidance to channel their energies into productive as opposed to destructive endeavors. They want to be heard because they feel they have something worthwhile to say. Other underprivilege youth oftentimes still have to provide for their families but are unsatisfied with their lives. These youths want to change and are looking for guidance. They want to voice their opinions and feelings of oppression and need to be heard. One must remember that Hitler began his takeover of Europe by guiding the youth of Germany in a certain direction. This program could guide the youth of America today who, in a few short years, will be the workers and then leaders of America.

It has been said that communication is the beginning of understanding. It has also been said that a "generation gap" exists in America, but if one stops and talks to one of another generation he can find that his basic goals are the same. Man will never change his basic desires.

The problems of communication begin because many youth do not realize that there must be an orderly process of change. They are not aware of the problems of actually running a government. Many only see the idealism of a system of government and don't have the experience to know the problems of a real system. Many will not recognize the results of the changes that they propose, and can't see that disorderly violent change can lead to chaos and anarchy. But these are a small percentage when compared with the entire youth population. When viewing the incidents as reported by the news media one must keep numbers in their proper perspective. How many students actually participate in these activities on campuses? What per cent of the total student population is this? Unfortunately, in our fast moving society, the news media, as a rule, gives a poor picture of our society as a whole. The most important news, apparently, is that of violence and lawlessness. Recently it was observed that two dropouts made the front page by being arrested for breaking and entering, while twenty-seven students who were ranked among the top one percent in the nation were listed on page twenty-seven in the C section. This program could be one that would recognize and reward the youth.

Problems of communication also exist because those of the adult generation refuse to communicate or they enter into a discussion with preformed opinions and prejudices so opposed to open-mindedness. Many adults label all youth by actions of those that the news media reports. The adult generation must not ignore the youth and resign America with the cliche' "What will be, will be". Adults must recognize those who darken the image of the other youth, and then seek to guide the youth who are interested in America and improving it or otherwise, who were ignored and needed guidance in the choice of becoming destructive or constructive Americans will choose the destructive path. America spends billions of dollars per year in foreign aid trying to sell the idea of democracy to people of other countries. Why can't we spend a little time and effort guiding the youth of our own country? This program could allow adults to guide and communicate with the youth.

The idea of a true democracy is that all voices be heard and that the will of the majority be carried out. The American youth of today have been prodded and forced by an educational system to think about more things at an earlier age. The American system of education has taught our youth to question and has taught them the ideals of a democracy. With these things in a youth's training, it is not hard to see why they desire to express themselves. Businesses are continually in the search for new ideas and young blood. It is time the government of America realized that the youth can offer some useful suggestions at times and it is time America tapped this source of ideas and manpower. If America is to be democratic, it should allow the youth to speak and be heard, but then follow the will of the majority. This program could allow youthful opinions and ideas to be voiced democratically.

The need of adult guidance for the youth is very obvious. We say in America that we are on the verge of a great decision as to the direction of the country. This decision will probably be made by the youth of today as they grow into tomorrow's leaders, but in order to make a useful America of tomorrow the adult generation of today needs to guide the youth's activities and thinking. The adults must tell the youth of the problems encountered as one goes from an ideal to a practical system. Adults must explain the way the system functions so the youth can understand why many of the things they propose will not work. The adults must explain endeavors that they have attempted so that the experiences of the adult generation can be learned without having to be duplicated. If this is not done the youth generation will duplicate the failures of the previous generation, and be building an America on this same level as the America of today instead of building on the accomplishments of the adult generation to create an America that is much above today's level.

In conclusion, there is a great need for a program whereby the youth of today could receive adult guidance in their thought and endeavors, create communication in which the youth can be heard in a democratic spirit, good ideas could be exchanged, error of the previous generation would not be duplicated, and the youth could be of service to their community.

RESULTS

What would be the results of such a program? They could be divided into two basic groups: long term and short term results. The short term results could justify the program, but the expected long term results show such a program to be a necessity.

The short term results could be called tangible and would be such projects as community beautification, youth education on such things as drugs, vocations, summer time employment, sex, and veneral diseases, a flow of youth opinions, ideas and suggestions, and a method of dissemination of material to the youth. These facts of the program could justify its existence.

The long term results could be called intangible. They would be the affects on individuals thinking and course of action in the future. The program would make the youth feel that the system of American government was very worthwhile, and let them construct an improved America instead of causing the destruction of the present America. It would make the youth feel that America is in part theirs. They would have more respect for a system of orderly change if they could see one at work. For these long term reasons, this program is a necessity.

STRUCTURE

The ideas of this program could be carried out through the creation of a youth council. The original idea was to have an independent and self-sufficient council in each city and then to allow each city to send representation to form a state council, and possible in a few years, a national council.

Each city youth council would be the link in the communication between city hall and the youth. The council would act as the link in two types of communication: one would be service, and the other would be ideas, opinions and suggestions, with both types going both ways. City hall would have some agency that it could request service from, such as city beautification, and the youth would have an agency that could coordinate all service projects of each individual youth service segment of the youth population, as well as an agency that could inform the youth concerning where service is needed.

The youth council would have regular meetings, just as a city council, where they could discuss their ideas and opinions on issues of their choice. They would then publish them in a report sent to the appropriate agency, whether it was the city council, county commissioners, school boards or Congress. The agency could then respond to the report, and communication could be established. The council would be under some city department and the report would first pass through this department. This communication of ideas would come to the youth council from city hall in the form of the return reports, as well as a man who would act as a permanent liaison.

The Council would be composed of representatives of youth segments of the population and as a beginning it would be best only to include high school students because this is a group that has some degree of unity and could be reached comparatively easily. The representatives would be the executive council and would be the group that met and made the report.

The representatives would then establish the constituants in a sub-council that would be based at some physical plant such as a school or community recreation center. As a rule the majority of the discussion would be carried on by the representatives, but time would be set aside for any youth that desired to present an idea or opinion.

It is hoped that each city would take enough interest in its youth to assist to the council a man who would be interested in the program and would be willing to put some time into it. An interested advisor is a necessity to a successful council, and he could act as a liaison to city hall.

In addition to an interested advisor—liaison man, an advisory board of competent businessmen is needed. This would be the point in which experience and guidance could enter into the youth council. The men could serve on a rotating basis, and naturally would be expected to take an active part in the council.

This would be the basic idea of a council, but it must be remembered that each community must adapt these ideas to its own locality. This program is not one that you could adopt by merely changing the name of the city on the constitution and expect it to function, but rather ideas that an interested community could adapt to fit their youth, adults, and government structure.

PROBLEMS IN A COUNCIL

One of the biggest problems in creating a council of this nature is proper representation. The best way for a large city with eight or more high schools is using each high school as a sub-council and electing or appointing representatives from these.

In a city of three of four high schools, it would be best if the city were divided into districts, and elections held for each of these districts. The elections could be held at the schools, with each district holding its own election. Again, remember that these ideas are only presented so a community will have some ideas and are not presented as a package to which any community could just plug in its name. It will require a good deal of work on each community's part.

In selecting representatives, one must choose a method in which the students can feel that they are truly represented. Choosing instead of electing representatives usually alienates the representatives from the students. One must insure that there is proportional representation of minority groups, so many classes as possible, and of the so called troublemakers if you are to have a truly representative youth council. Smoother integration could be accomplished by such a council, as well as helping in slum and underpriviledged areas. If your community has particularly active service clubs, representation could be taken from each of these.

The most important point in representation is that most youth factions must feel that they are represented. If you select club presidents, student council presidents, or class officers from each school, you are only perpetuating unequal and undemocratic representation. You must change the traditional council ideas to include more segments of the youth because in the past the councils have only taken in a very narrow spectrum of the youth, and usually include the youth who are already strong Americans and as a rule generally need little guidance other than that which they already have. You must reach those that live in the slums or frequent the pool halls, because these are the youth that take the wrong direction, create trouble, and need the guidance. Above all, remember to make your council one that includes more than the narrow spectrum of superior students. Reach out to those who need the help and guidance so desperately.

Another problem encountered is the need for an on-going body in the city structure which is responsible for the youth council. Frequently an ambitious mayor will establish such a program and it will last for several years under his administration and as he leaves office the youth council dissolves. There needs to be an on-going body in the city government that is responsible for the council. Several cities have found the city recreation department as the body that carries on this function. Again, experience has shown an on-going body, with some interested adults, is needed to create and maintain a successful youth council.

Naturally, support is a big problem in a youth council. Student support can be gained in many ways, but the first and most important initially is in allowing them to take part. They must feel that they had a voice in the development of the council's structure, instead of city hall working out a plan and then seeking students to carry it out. The best solution to this is to allow students to discuss the program with officials from city hall while the plans are being worked out. It is best to appoint these students to advise and work out the structure of your community's council, but again one must remember to get some semblance of equal and just representation.

Support must also be received from city hall, but it is obvious that for a program to be successful, it must be strongly supported by its sponsors. Not only should the mayor, his assistants, and the body that is responsible for the council know of the council, but all of the city hall should know of its existence and those directly concerned with the council should take an active interest in it. It seems obvious at first that the originator and sponsor of a program should strongly support it, but this is the reason for the failure of many youth groups. The youth involved changes over in great numbers each year, and if a great deal of support from city hall isn't received, a youth council is doomed before it is begun.

A program of this nature also needs the support of the community. This support can be obtained by favorable endorsement and word of mouth compliments by the businessmen on the board of advisors. It is also obtained again through proper publicity by news media. If an active council is produced, community support will follow, but community support on a large scale is very difficult to create while forming the council.

Support of the youth, city hall, and community are all needed for a successful and continuing youth council, and every effort should be made to obtain it if an outstanding council is to be made.

In traditional high school councils, every year there is a turnover of members and all experience is lost. This can be eliminated by electing membership for a two year term, allowing only second year representatives to seek the higher offices, and making subcouncils active so that a broad base of students are involved in them. It might serve in particular circumstances to have offices in each sub-council, and have service club representation in the sub-councils.

The answer to the problem of an active council one year and an inactive one the next year comes in properly selecting your representatives having an on-going body in city hall that is responsible for the continuance of the council, having the support of the youth, city hall, and the community, and creating a council that involves large numbers of the youth in a broad-based foundation for the council.

CONCLUSION

In this report an attempt has been made to bring to the attention of elected officials and other public officials the need for such a program. The expected results, structure and problems frequently encountered were presented with the hope that some interested person in an established office would carry out a program on these basic guidelines, adapting and changing them to fit his particular community.

MANCINI HONORED BY UCLA ALUMNI

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. BELL. Mr. Speaker, the name Mancini has been synonymous with the world of music for over a decade.

On Sunday, May 16, the Alumni Association of the University of California at Los Angeles will pay a special tribute to this great figure of the entertainment world. In special ceremonies at the Los Angeles Music Center, three-time Academy Award-winning Composer Henry Mancini will be named an honorary alumnus, the seventh man in history to be accorded this unique honor.

Although Mancini's contributions to the popular music field are world famous and have won for this talented composer-conductor-arranger virtually every accolade the music business can bestow upon its most gifted artists, there is a lesser known aspect to this remarkable gentleman.

Mancini is responsible for more than $200,000 in music scholarships and fellowships dedicated to furthering the ambitions and aspirations of tomorrow's budding musicians.

These grants have been established at two major music study centers: New York's famed Juilliard School of Music and at UCLA.

Mancini's UCLA fund is truly unique. In addition to providing an annual scholarship of $2,500 for the composition of music for motion pictures and television, there is a special annual provision for another $2,500 to be used for an actual student project. As Mr. Mancini explains it:

> A number of gifted advanced students annually become eligible to produce a thesis film, but completion of such a film, including professionally recorded music usually presents an insurmountable obstacle.

In these trying times of widespread unemployment and depressed film production in Hollywood, such a move to actually stimulate film production deserves more than passing notice.

Since revolutionizing television scoring with his "Peter Gunn" and "Mr. Lucky" theme music, Mr. Mancini has been the recipient of Academy Awards for his motion picture scores for "Breakfast at Tiffany's" and "Days of Wine and Roses" and the song, "Moon River"—lyrics by Johnny Mercer. He holds an unprecedented 20 Grammy Awards, six Gold Record Albums, and has appeared in concert in more than 100 cities from coast to coast and numerous foreign countries, including the royal command performance for the Queen of England and two White House visits at the personal invitation of President Nixon.

In addition to his concerts and motion picture scoring, Mr. Mancini has completed the main theme for "Curiosity Shop," a new ABC-TV children's hour to air this fall and the first of three TV specials. His book on orchestration, "Sounds and Scores," can be found on the shelf of every serious student of music.

It is to his great credit that a man whose fame and fortune is derived from the popular music field would be so vitally concerned with the future of music in general and its budding practitioners in particular.

And it is to the great credit of the Alumni Association of the University of California at Los Angeles that a man of such accomplishment would be singled out for special recognition and tribute.

SELF-DETERMINATION FOR THE DISTRICT OF COLUMBIA

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. FAUNTROY. Mr. Speaker, on Monday morning, April 26, I was privileged to testify before the Senate District committee on home rule for the District of Columbia. I believe that my testimony sets forth clearly many of the issues which are of pressing concern to the citizens of Washington, D.C. As these issues are of interest to all of you, I insert in the Record a copy of my remarks to the Senate District Committee:

Testimony of Representative Walter E. Fauntroy on Home Rule for the District of Columbia Before Senate District Committee

Mr. Chairman and members of the Committee, in many ways my testimony before you today is a landmark in this city's long struggle for self-determination. I believe it is the first step in securing for the people of this city the rights of elected self-government and full voting representation in the Congress that we have not enjoyed for so long. I have testified before this Committee and others in the Congress many times about the pressing problems facing this city and this Nation. But today I come before you as the first elected Congressional Representative from the District of Columbia in almost one hundred years, presenting my first testimony before a Congressional Committee in my new capacity.

I take this opportunity first, therefore, to thank you and your colleagues for introducing this legislation (S. 1603 and S. 1626) that would give self-determination to the people of the District of Columbia. You have thereby set in motion an historic and productive process for freeing the citizens of our Nation's Capital in this 92nd Congress. These bills represent a forceful stride in the right direction, and the people of our city deeply value the commitment and support that your efforts manifest. I believe that your dedication, combined with that of citizens of the District and fair-minded Americans everywhere, will give us the victory for home rule we have sought for so long.

By introducing your legislation you have shown that you agree with my fellow citizens and I who do not look upon elected self-government for the District of Columbia as a gift. It is an absolute right in a free, democratic society such as ours. The people of the world have recognized colonialism as immoral and repulsive to decent men. But the citizens of the seat of government of the world's oldest and in many ways the greatest democracy remain powerless before their colonial masters. It is shameful that, as we approach the bicentennial anniversary of the founding of this Nation, the rights declared to be "self-evident" in the 1770's are not at all evident to the people of the District in the 1970's. The gap between this nation's ideals of justice and liberty and their practice in the District of Columbia is enormous and must be closed.

Some would deny us self-determination by seeking refuge in the argument that the enslavement of the District is mandated by the Constitution. But the historical evidence makes it as clear to me as I am sure it is to you that the founders of democracy in this country did not wish to make an exception of District citizens in the establishment of free government. Rather, the Founding Fathers intended in Article I, Section 8 of the Constitution to insure the Federal District's separate identity from any one state. One of the major authors of the Constitution, James Madison, stated in the *Federalist Papers:* "a municipal legislature for local purposes, derived from their own suffrages, will of course be allowed" . . . District citizens. The courts have time after time upheld broad delegations of legislative power to the District government, and almost every legal scholar who has seriously considered the matter has come to the conclusion that self-determination for the District is entirely consistent with the constitution.

Another reason for denying home rule, though it is not now spoken of as openly as in the past, is of course race. It is no coincidence that those who opposed equal justice for Blacks in this Nation are the very same people who would deny us self-government. Perhaps those lingering forces of reaction and racism would deny us what is ours, but I *will* not believe that the vast majority of the American people or their representatives in the Congress will continue to hold to this discredited colonial course. I believe that we must divest self-government of its racial overtones. I believe that this is not a question of Black versus white. It is a question of right versus wrong. And it is wrong to deny nearly 800,000 American citizens of their constitutionally guaranteed rights of self-determination.

Finally, self-determination is good government. It makes no sense to have this very busy Congress intimately involved in the day-to-day affairs of the District government. As Senator Eagleton has so forcefully recognized, you have neither the time nor the inclination to serve as a city council for the people of this city; and this is as it should be. On the other side, the pressing housing, health, crime, and social justice issues this city faces can only be justly solved by those who have a real stake in the outcome, by those who are accountable to the people they serve.

In short, there are no reasonable arguments against self-government, nothing that should prevent immediate action by this Congress. It has the authority to act and must act.

With respect to the specifics of your bills, I am not prepared at this time to comment. In my role as the first District Representative to the Congress in almost a hundred years, I have pledged to directly involve my constituents, the people of the District, as fully as possible in any proposals that vitally affect their interests. And there is little that could affect them more than home rule. Within the next thirty days I will introduce a home rule proposal in the House of Representatives, but only after it has been submitted to the people. Within the next two weeks, I shall circulate a draft bill to the people, holding neighborhood meetings throughout the city in open forums to elicit their views on the best form of self-determination for the District. The people will have the ultimate say in what proposal I present to the Congress. I hope to announce the details of this procedure sometime later this week.

I did not wish to miss this opportunity to give you my thanks for your efforts and to convey my comments on some of the major features of your proposals. After the process of community review, I hope to submit to you more detailed comments on this important legislation. In the meantime, I hope you will continue your needed efforts in the Senate.

I have reviewed both S. 1603 and S. 1626. In my judgment, as I indicated, both are a powerful step toward home rule. Both embody the central themes that must govern my evaluation of home rule legislation, by providing for elected government with broad legislative powers, by granting fiscal autonomy, and by making some provision for an automatic federal payment. All these are necessary ingredients in a meaningful approach to home rule, and I commend you for this.

In reviewing your bills and considering the legislation that I shall introduce in the House, several thoughts occur to me.

First of all, it seems to me that the eleven-member city council that you provide for should probably be significantly enlarged to reflect the major legislative chores given it under the bill. I am former vice-chairman of the District of Columbia City Council, and I believe I know both the strengths and weakness of a council with limited membership. You must remember that you are creating a legislative body with responsibilities in many ways similar to those of a state legislature. The council would have authority to enact legislation dealing with such matters as court organization, estates, welfare, insurance—matters that are normally considered by state legislatures. An eleven-member council could not provide either the broad representation nor the time and expertise that we have come to expect of legislatures considering such important questions. I would strongly suggest that the legislative body of the municipal corporation be expanded significantly. This view will be reflected in the proposal that I will submit to the people.

Second, in examining the bills I can find no provision that expressly gives the District Council the power to raise revenues through a local tax system. Though such power might be inferred from the general legislative power given to the council, I would think that it would be sensible to spell out such important authority. In this connection, I note that Senator from Maryland's bill would expressly deny the District government the power to impose a commuter tax. With all respect to my friend the Junior Senator from Maryland, I must strongly oppose this limitation. Without discussing the merits of the question, I will only observe that almost every major urban jurisdiction has found it fair and equitable to tax those who earn their livings in the city but reside elsewhere. I believe that the District government should possess such authoirty to tax income where it is earned. I might say that this should be the case even in the absence of home rule. Again, these comments will be reflected in the legislation that I am preparing and will introduce.

Third, I would strongly urge the Committee to reconsider the provision of the bills that would give the President veto power over locally passed legislation where he determines that the federal interest is adversely affected. This broad language would allow the President to nullify local legislation at his will. In my opinion, such a provision is not needed to protect the federal interest. The bills make it perfectly clear that the Congress retains ultimate legislative authority over the District. If the local government acts in such a way as to seriously harm the Federal interest, Congress will have the right to override the local action. It seems to me that this is an ample safeguard. My proposal will eliminate this provision.

Finally, while both S. 1603 and S. 1626 contain provisions for an automatic federal payment, I am not sure that either approach adequately deals with the problem of financing the District government. According to rough estimates that my staff has done, the approach stated in S. 1603 would generate far less revenue than is now provided the District government through the Federal payment. At the very least, any payment formula that is developed should not result in a reduction in the amount received and should take into account the urgent fiscal needs of this city. The approach expressed in S. 1626 would appear to preserve the existing federal payment level. I do not mean to suggest that I have a final answer to this question for you today. I am still considering some of these matters and will recommend an approach when my home rule bill is submitted for review by the people.

I want to stress, and stress unequivocally, that the 92nd Congress must be the one to recognize self-determination for the people of this city. We have waited and we have argued but we can wait no longer. We will not be discouraged. We will use every appropriate means to impress on Congress and the American people the urgency of our cause. We have seen the ground begin to give way—my presence here is evidence of that—and we will not relent. We will not be handed any more hollow promises or offered cosmetic changes in the District government that do not shift power to the people. We will use the arithmetic of power to multiply our friends, and to divide our adversaries. Ultimately, we will prevail.

MICHAEL GREEN BRINGS SPECIAL PERSPECTIVE TO THE RECENT REPUBLICAN GOVERNORS' CONVENTION

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. WALDIE. Mr. Speaker, I would like to focus the attention of my colleagues on several news columns written by Michael Green, staff writer for McClatchy newspapers from northern California. I think all will agree that Mr. Green brings a special historical perspective to the recent Republican Governors' convention.

The columns follows:

The colonial militia of Williamsburg assembled on a village green at dusk last night and mustered the nation's Republican governors out of their temporary service here with an exhibition of close order drill and musketry.

Then the governors, after pausing for a black tie dinner, began marching out of town in white limousines to face next year's political wars and the hardships of battle in their respective states.

Some of them finally got the chance to do some sightseeing with their wives in the afternoon before the banquet. For Republican governors already beginning to feel saturated with history after three days in this 18th Century restoration, special golfing accommodations were provided from 2:30–4 p.m.

Gov. Ronald Reagan passed up the golf for a visit to the Governor's Palace and Gardens, the most elegant spot in town in colonial times, with his wife, Nancy, and a small entourage of State Troopers, security men and friends. Requests by a reporter to accompany them on the sightseeing were turned down with the understandable explanation that the Gov. and Mrs. Reagan hoped to enjoy some sightseeing in privacy. They were mobbed by camera-wielding tourists and autograph seekers standing in line to enter the Governor's Palace, who were received by the Governor warmly. The mob scene and size of the security entourage did not exactly lend itself to intimacy.

It is not known whether the Governor visited the old capitol building down at the other end of the village where such fiery politicians in the House of Burgesses as Patrick Henry, Peyton Randolph, and George Mason gave colonial governors such a hard time in the late 1700's. Perhaps a desire to forget Sacramento and the irritant of a Democratic-controlled state legislature for a little while kept him away.

Jokes at the expense of the Democratic legislature in Sacramento have been the standard bon mots in Governor Reagan's buffet and reception circuit repertoire while here in Williamsburg.

Democratic legislative leaders are so busy out running for governor in California they only stop in their legislative chambers in the statehouse to change their laundry, he tells appreciative Republicans here.

Republicans have found it possible to laugh easily in the three days of the Governors' conference.

No one has mentioned the war unless to observe that it has gone away. Nobody ever heard of Rep. Paul N. McCloskey, Jr., R-San Mateo—they pronounce his name "McCluskey" if they pronounce it at all, which is just about never.

The accommodations, parties and entertainment have been lavish.

There is no crime in the streets problem at night over there outside the spinner and weaver's place or walking home in the dark from a sumptuous colonial feast at Wetherburn's Tavern. Automobiles are even banned from the streets for several square blocks.

Had there been any lingering fears of murder, robbery, rape, or possibly peace demonstrations the presence of 150 Virginia State Troopers in the little village was reassuring. They were sufficient in number to more than amply take care of the conference's 500 guests, at the ratio of one State Trooper for each 3.3 Republicans.

The feeling expressed by the governors was unanimous in hailing this as the best Republican Governors' Conference ever. Virginia Gov. Linwood Holton was even commended in a formal resolution for arranging flawless weather.

The Republican governors leave the little 18th Century village reluctant to admit that it has all come to an end.

But President Nixon summoned them all out, in a speech Monday, to take part in his New American Revolution on the battlefield of political precincts all around the nation, and the governors, still sporting their "Virginia is for Lovers" buttons handed them by the chambers of commerce when they arrived, have risen to the call to a man.

They have left the old ale houses on Duke of Gloucester Street near the House of Burgesses to the ghosts of Henry, Randolph, Mason, and others of those first revolutionists who risked their lives, fortunes and sacred honors to plan a nation where all men are created equal, and dedicated to life, liberty and the pursuit of happiness.

Perhaps the ghosts sipping ghostly ale around a ghostly hearth in the twilight of the first revolution will tonight, with the quartered governors all withdrawn to put down modern disturbances elsewhere, find themselves—troublemakers and anti-establishment types that they were—concocting resolutions on Vietnam or scheming over next March's primary in New Hampshire or drafting heated petitions to the governors imploring them just to complete the revolution of 200 years ago in order that their patriot souls might rest easy in the taverns on these 18th Century evenings.

It is the dusk of a beautiful 18th century evening as I write this. The lamplighter makes his rounds outside, the horses nod the old carriages forward up cobblestone streets, as the Republican governors of the nation arrive in limousines, bringing civilization to this historic restored old city.

The chamber of commerce types are out in full force. "Virginia is for Lovers" buttons are everywhere. So are the State Troopers, who are even posted, unaccountably, at the entrance and exit of the basement press room in the Williamsburg Lodge, official headquarters for the conclave.

Security is tight in anticipation of President Nixon's scheduled whirl through the city, his arms waving that V-sign at the local harnessmaker, silversmith, apothecary, cooper and weaver. A local business and professional association has ordered 1000 American flags to be distributed to welcomers who are urged to "Stand Up For America."

Meanwhile, the arriving governors are being greeted tonight with a reception by local students from historic old William and Mary College and a contingent of Vietnam veterans against the war who have stationed themselves at the entrances to the Lodge and the nearby Williamsburg Inn.

"Agnew. Agnew,—he's our man; send him to Vietnam," they chant.

In 1968, the Republicans went to Miami Beach and a site that resembled an 18th Century fortress, complete with moat and drawbridge, to escape the antiwar protestors. Now it is 1971 and the Republican governors and the President cannot get away from it even in a place where the remoteness and tranquility of the past has been painstakingly preserved miles deep in the midst of the beautiful spring Virginia countryside.

The demonstrators appear peaceful, even good-natured. They stand and joke with an equally good-natured State Trooper as the Town Crier in powdered wig, lantern hoisted, makes his solitary rounds.

If unexpected trouble erupts, there is a sufficient-sized modern militia to quickly put it down. And there are always the stocks at the Old Gaol.

Not all the Virginia State Police look so friendly. Most have that same hard look in their eyes as do the Secret Service, who are also scattered around, no doubt keeping in frosty surveillance the Peyton Randolph House on North England Street, Christiana Campbell's Tavern, the Wythe Gardens, and the wigmaker, clockmaker and bookbinder.

One can only surmise whether Patrick

Henry would have approved the quartering of state militia in the basement press room of the Williamsburg Lodge.

Under their watchful eyes, I am just now sitting here and going through the sack of materials a beautiful Virginia hostess issues to each reporter as he checks in at the press registration desk. The materials presumably represent what the Republican Governor's Conference thinks are the basic necessities of reportorial life in order to properly do our work here at the convention.

I know not what other reporters may have gotten, but my sack, in addition to the thoughtful gift of a small notepad and free ballpoint pen, includes the following additional helpful items:

One stick of lip balm, the same brand selected for use by the National Hockey League. For use on fingers chaffed by furious typing, probably.

"Carry Me Back to Old Virginia (sic) Guidebook," apparently to provide something to read while applying the lip balm.

A small bag of peanuts. I take this to mean the press is not invited to the formal banquet tonight.

One small blue-and-white-striped box which I can't get open. Every well-staged political event must offer at least one surprise to have real news value.

A rather beautiful aluminum ashtray, wrapped in separate tissue. A thoughtful gesture meant to discourage reporters from using their pockets in front of well-bred delegates.

A pack of new tungsten razor blades. Republicans generally seem to regard the press as being somewhat disheveled and in need of sprucing up.

And one honey-flavored lollipop. Don't ask me to explain that. Possibly it was slipped surreptitiously into the sacks by one of the college students protesting outside.

The entire press kit comes in a paper bag with helpful "Boating Safety Tips" printed on the outside. So far as I know the only water around is the little reflecting pool by the golf course. But the sack will be nice to keep and have around.

I was just able to get the little blue-and-white-striped box open. It contains a small steel tape measure, good for measuring the length in inches of the reprints of speeches the governors intend to give. Or perhaps a gift arranged by my editors back in Sacramento to measure the length of my stories.

Enough of this poring over the artifacts of modern civilization. It is time to go back out into the 18th Century evening and observe the Republican governors as they arrive, the antiwar demonstrators as they chant, the TV lights as they pierce the illusions of past history and the cameras as they grind before the sleek arriving limousines.

I will watch the lamplighter with his powdered wig as he pauses to squint at the TV lights and the governors and the chanting kids and wonder if the Town Crier on his rounds is still calling, "All is well, all is well."

I followed California Gov. Ronald Reagan and about 500 other Republicans last night at sunset through a small fortress of thatched huts and across a clearing, where a demure girl in Indian dress whom I took to be a live replica of Pocahontas watched us with a professional eye, and down a slope where two live billy goats were grazing, to the banks of the James River, where a band, dressed in red uniforms with brass buttons, sat woodenly on folding chairs and played "Moon River" and then "America the Beautiful," woodenly, into the beautiful sunset, and out onto the huge long pier by which were moored replicas of two 18th Century sailing ships.

In no time at all the Republicans, ferried here by numerous chartered buses from their quaint lodgings at colonial Williamsburg a scant five miles away, were having what they billed demurely as a "buffet and reception" for governors, aides, press, conferees, and others, halfway out over the James River. Those steady enough climbed the gangplank of the larger vessel and sipped their cocktails from near the mizzenmast, or whatever, though none of the guests made it to the crow's nest.

Republican receptions generally tend to be on the order of a Biblical spectacle produced in Hollywood. The more exotic the setting and bizarre the fantasy the better. Governors' conferences of either party tend to be little more than gala social occasions, anyway—a chance to make news, test the political waters, mend fences and have a good time. It is not clear whether Republicans just generally excel at entertaining or whether financially hard-pressed Democrats simply can't come up with something like the bus fare to take 500 persons on a five-mile round trip.

In any event, the Republicans, who must be credited with a touch of genius for coming up with the idea of having their Governer's Conference in so romantic and nostalgic a site as restored 18th Century Williamsburg in the first place, outdid themselves with the idea of throwing a bash on the banks of the historic old James River.

If there is a growing sense of unreality to the idea of Republicans meeting to discuss weighty matters for a few hours each midday a few blocks down from the Duke of Gloucester Street where the pavement is still cobblestone and the lamps at night are still lighted by hand, the procession through the little settlement of thatched huts past menacing Indians on one side and conquistadors standing at rigid attention wearing rusty knight's helmets sprouting red plumes on the other, and down the slope to where a wooden band is playing "Moon River," completed the fantasy.

Even the Vietnam War, mentioned embarrassingly the opening day by a band of student protestors from William and Mary College, has disappeared from the Governors' Conference. Virginia State Police were unhappy about the students milling about the entrance to the Williamsburg Lodge as Republican governors and other dignitaries arrived and asked them to move. The demonstrators were too polite to insist, quietly folded their placards and slipped away. They were replaced today by Young Americans for Freedom, a group of college-age youths that gives the GOP dignitaries no qualms at all.

By last night, the war was but a forgotten thought.

Virginia Gov. Linwood Holton, sipping his drink and chatting pleasantly on the crowded pier, allowed, when asked, that, no, as a matter of fact, he hadn't heard much conversation about the war by the governors and attending dignitaries at all in the two day conference, come to think of it.

Of course, the war would no longer be an issue by 1972, he observed.

Despite the political nature of the conclave, calls for party unity, summonses to gather around the President, and fighting partisan speeches by GOP National Chairman Robert Dole and House Minority Leader Gerald Ford, there hadn't been a single mention that Holton could recall of the young California GOP congressman bent on challenging the President in the Republican primary in New Hampshire next year, Rep. Paul N. McCloskey, Jr.

Ford had made a reference to McCloskey in his speech, but that was about it, Holton said.

The Republican governors have other things on their mind—welfare reform, the idolization of Gov. Reagan, back-slapping, gracious dinners at the Kings Arms Tavern and cocktail parties on the James River.

With the 1971 Republican Governors' Conference due to terminate at a formal banquet tonight, nothing substantive has been accomplished, save for sympathetic reassurances from the President that he understands their problems, a gratifying attack on Sen. Edmund S. Muskie, D-Me., by Dole, and frequent banquet lunches, banquet dinners, and receptions, with a lot of band music, not to mention a chance to see historic old Williamsburg.

The sun finally went down on the banks of the James and the night turned chill but the busses were there waiting to whisk us back to the Williamsburg Lodge and dining and dancing that went on past midnight.

The dance music filtering in the open door from down the hallway even fills the press room at 10 p.m., with its clicking teletypes and chattering typewriters, with the romantic air of unreality.

REVENUE SHARING IS A COUNTERREVOLUTION

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. BRADEMAS. Mr. Speaker, one of the most perceptive discussions of the entire question of revenue sharing is an article by the distinguished chief of the Washington Bureau of the New York Times, Max Frankel, in the April 25, 1971, issue of the New York Times magazine.

The article, entitled "Revenue Sharing Is a Counterrevolution," follows:

REVENUE SHARING IS A COUNTERREVOLUTION

(By Max Frankel)

Publius, The Federalist, No. 36, 1788: "Happy it is when the interest which the Government has in the preservation of its own power coincides with a proper distribution of the public burdens and tends to guard the least wealthy part of the community from oppression!"

Poor Publius, operating under the name of Alexander Hamilton, had only $4.2-million of the public burden to distribute in his first three years as Secretary of the Treasury. Most of it came from customs collections, and after he paid interest on the public debt and the costs of the Army and its veterans there wasn't very much left for guarding the least wealthy part of the community from anything. But Publius was richly endowed with an idea, a Federal idea whose meaning and power seem to have escaped the notice of his successors as they plot a "New American Revolution."

The Revolution, if you haven't heard, is to be President Nixon's bloodless execution of the Federal monster by a technique called Revenue Sharing. Its promise is "cash and freedom" for the states and cities. Its slogan is "power to people." Its goal, a "new Federalism."

The governors, mayors and people need more money, right? Too much of their money now gets shipped off to Washington, right? Too many Congressmen and bureaucrats try to tell them how to run their affairs, right? Well, step right up and let us help yourselves: one pot for "general" revenue sharing—let's say $25 a head to start, half to the states, half to the cities, no strings attached, no serious questions asked; a second pot for "special" revenue sharing, using moneys hitherto earmarked for definite projects—about $50 a head, to be spent almost as freely, though with a little more guidance and accounting. Right? Right on!

Like all revolutionary doctrine, this is heady stuff. A good many governors and mayors are rushing headlong for this dole, duly reciting the selfless doctrines of the revolution—that revenue sharing will not only rescue local government from financial collapse but also bring decision-making "closer to the people," eliminate waste and tyranny along the Potomac and generally breathe new life into our democracy.

The only trouble is that like all simplistic formulas, revenue sharing ignores a good many political facts of life. It dangles cash before some hard-pressed communities without really defining the object of such a costly "reform." Indeed, it proposes to commit an open-ended portion of our jointly owned treasure without achieving any significant reform. And it gives virtually no thought to the desired purposes of our Federal system, old or new. Publius, where are you?

The fact is we need not a new Federalism but some clear thought about our neglect of the old. For the very purpose of our hierarchy of Federal, state and local governments was to have been a careful pooling (sharing!) of their revenues to provide for the common defense and to promote the general welfare. Many states and cities are in trouble now for the simple reason that we have failed to use the Federal power to insure either the fair raising of revenues or the rational sharing of costs. It is no answer to give away the money and the power that could correct these failures. The revenue-sharing revolution is, in essence, an abdication.

The President, Congress and their bureaucracies were never meant to be merely tax collectors. They were meant to govern, to attain a wider reach and a broader view of the national interest than any local regime, and indeed they have until now progressively done so. They were meant to preside over a system of multiple tax collection and spending that allows money to pass up the ladder of governments for services best managed by a higher authority and to be redistributed down the chain for services best administered at the state, city, county, village or school-district level.

The central flaw in the President's revenue-sharing scheme is that it would ignore this system in the name of reforming it. It would begin to turn the Federal Government into little more than a tax collector and dispenser. It would leave the states and cities saddled with costs—welfare, for instance—that ought to be shared by the population as a whole. It would leave them free to tax their citizens in wildly unequal patterns. It would give them portions of the common national treasure with only negligible concern for their capacity to spend it effectively. A program that does not address the ways in which governments raise their revenues hardly deserves the name revenue sharing. A program that does not relieve local governments of obligations they neither created nor sought should not be palmed off as burden sharing. The Nixon program is revolutionary only in the sense that it is antigovernment, hostile to the very idea that the Federal moneys and powers should be used to achieve desirable and necessary ends.

The most clearly stated purpose of the President's plan is to relieve the money shortage of state and local governments. But it is bound to fail because it has not faced the basic questions: Who needs more money? Why? How could it best be provided to achieve the Federalist goal of truly sharing revenues and obligations?

Some states and localities need money because they have been forced to assume burdens that are excessive. Still others need money because, though they have tried hard to meet their obligations, they remain poor. And some, being rich, energetic and lucky, don't need any relief. Mr. Nixon would just kick back money to all of them.

The President favors such a wholesale distribution because he believes it would simultaneously unravel a good deal of Federal red tape, enhance the power of local governments to choose their own priorities and revive the authority (and presumably the accountability) of state and local office holders. These are worthy objectives but dubious assumptions. The nearer our elections get to the local level, the less adequate the public discussion and the smaller the participation. In any case, the President's objectives are not likely to be realized by a program that fails to deal with the structure of local administrations, with their unequal tax systems and their uneven burdens.

SHARING THE WORK

The President's judgment that the Federal edifice is buckling under the weight of a top-heavy steeple tends to ignore the fact that the rest of the American structure of government is in no condition to support anything. At the middle levels are the state and county administrations, mostly weak, outmoded or corrupt, even when they are not broke. At the lowest level, the foundation of local government can be described only as jerrybuilt.

The problem goes far beyond local officials who stash public funds in unmarked shoe boxes, as in Illinois, or squander them on luxury suites for the poor, as in New York. Money alone has never fostered honesty or intelligence, and there is no reason to believe that the infusion of Federal money will increase the supply of either. The Federal dollar is money, not manna.

And even a shortage of money has not induced the states and localities to streamline their administrations. It is the illogical and complex structure of local governments, not their poverty, that has placed them beyond the reach and comprehension of the citizenry.

There are more than 80,000 units of local government in the United States—21,000 of them juggling the affairs of the major metropolitan areas that house 70 per cent of the population. That works out to an average of 91 governments for the typical metropolitan area, or 48 for each metropolitan county, including—besides the county government itself—12 school districts, 12 municipalities, 7 townships and 16 special districts that run the water supply, treat the sewage or provide some other service.

Only about 20 of the nation's 247 metropolitan areas are managed by fewer than 10 local governments. The Chicago area embraces 1,113, Philadelphia and environs 871, metropolitan New York 551. The average metropolitan citizen is the subject of at least four levels of local government. The average metropolitan county provides work for 350 elected officials.

Counties and school districts in this tangle exercise powers delegated to them by the states and therefore dovetail across the map in jigsaw pattern. All the other units of local government have sprung up in random and overlapping profusion, for purposes of exclusion (we'll fend for ourselves, Jack, and let the rest of the region go hang) or evasion (if state law says no more borrowing by county or city, we'll just make us up a new government, Guv).

Whatever is not hopelessly hobbled by quadruplication in this structure is ludicrously hampered by miniaturization. Two-thirds of our municipalities and townships have populations of less than 5,000. Among 5,000 metropolitan school districts, about one-fourth educate fewer than 300 pupils and about one-third operate no more than a single school. All but 200 of 5,000 metropolitan municipalities govern less than 25 square miles, the majority of them less than two square miles.

To exercise "control" over these local governments, the citizen must pick his way through laundry-list ballots of nonentities. And controlled or not, local office holders can rarely find enough money or authority in their slender jurisdictions to fill even the most elementary needs of the citizens. Most of the thousands of local governments can neither attract nor afford the expertise and administrative skills that they so plainly lack.

Whoever presumes to talk of invigorating these local governments and their state counterparts is talking about many governors condemned to serve only one brief term, often alongside independently chosen, unresponsive, perhaps even disloyal, cabinet officials. He is talking about state legislatures, a number of which may still meet only in alternate years and most of which are ill-paid, ill-staffed and ill-housed. He is talking about multiple systems of state justice in which judges are often subject to partisan election without regard for their professional qualification. He is talking about mayors, managers, executives, councils, school boards, directors, commissioners, assessors and the Lord knows who else with wholly uncoordinated mandate, all scrambling for taxes and loans and subsidies and carving out their own areas of sovereignty and authority.

Custom, confusion, regulation and debt seem to have petrified this overgrown forest. The states themselves have been passive about reorganization. The public has been apathetic, turning out no more than 25 per cent of the electorate for the few occasions when local reform has come to a vote. President Nixon grandly asserts his "trust" in the people and local office holders to reorder their affairs once they are given a little more money. Revenue sharing is being pushed on them with all the promise of the quick fix.

It is much more likely that the hasty injection of miscellaneous moneys into the structure will only reinforce its worst habits. And the very worst are the tendency to keep enlarging the tax burden of those least able to pay while sparing those who could afford to pay more and the toleration of scattered administrations that neatly wall off the people with the most money from the people with the greatest problems.

There is much to be said for the claim of governors and mayors that they usually know better than horse-trading members of Congress or rule-writing bureaucrats where their communities can most profitably invest new revenues. But that does not relieve the Federal Government of its obligation to direct the spending of its funds so that national priorities, too, will be served. In devising the great G.I. Bill program after World War II, the Federal Government did not force every returning veteran into college or tell those who went what they should study. But it did assert the national will. It spent billions to encourage the training and education of the postwar generation and to keep it from overwhelming the job market during the postwar demobilization. It required the veterans to account for their expenditures and it set standards for the schools that wished to compete for their tuition.

So, too, the help that is given states and cities from the common treasury can be used to promote the national purpose. Instead of being distributed at random, as Mr. Nixon proposes, the Federal dollar could be used to induce structural reform at all levels of government, above all, reforms that would produce a genuine and democratic sharing of revenues and burdens.

SHARING THE REVENUE

There is little doubt that state and local governments, in the aggregate, need more money. Their expenses have increased more than twelvefold since World War II—to an estimated $132-billion—more than three times as fast as spending by the Federal Government or individual citizens. By 1975, presuming roughly the present range of obligations, the state and community budgets will total about $200-billion, and between $6-billion and $10-billion of that amount will be lacking.

But none of this tells us anything about who actually needs money, or how much. And only by the crudest possible standards of accounting do these figures alone justify a massive Federal dole. To define the "needs" of state and local governments we ought to have some idea of how much and how fairly they tax their own citizens. We ought also to have some common standards to suggest which level of government should properly pay for different kinds of services.

Over the last 10 years, without waiting for such a rational division of labor, the Federal Government has increased its aid to local governments from $7-billion to about $30-billion a year. Though these expanded programs failed to meet many of the high goals set for them, they were born of the proper impulse to spend Federal funds for the benefit of the poorest portions of the population. The main purpose was to produce, in effect, a redistribution of the national treasure by taxing those best able to pay to support programs that would benefit those in greatest need. Title I of the Elementary and Secondary Education Act, for instance, tried to pump out about $1-billion for additional, compensatory schooling for the children of the poor; in fact, most of that money has been used merely to equalize the schooling of the poor at standards that the states were supposed to have been meeting in the first place.

There have been other Federal failures, which Mr. Nixon and his aides have been most eager to advertise. Many of the regulations written into Federal programs have turned out to be unsettling and restrictive—for example, the ones requiring states and cities to divert money from their own favored projects to "match" Federal expenditures on Federal priorities. Many Federal programs have been drawn so narrowly that they strangle decision-making at lower levels; others have been so complex that only administrative geniuses can learn to qualify for their benefits.

It is a long leap backward, however, from the idea that regulations and restrictions on Federal spending need to be changed to the proposition that national purpose must be abandoned in the very design of the programs. Surely the *minimal* concern of a Federal program to give the states and cities more money should be the adequacy and fairness with which those states and cities levy taxes. President Nixon shuffled the deck awfully fast when he came to this point in his pitch for revenue sharing. Nothing better demonstrates his eager flight from Federal purpose and his lack of interest in genuine reform or, if you will, revolution.

In his political haste and anti-Federal fervor, Mr. Nixon argued that the Federal Government had "pre-empted and monopolized" the personal income tax as a source of revenue, leaving the states and cities to depend upon inferior and unfair taxes on property and sales. He noted, rightly enough, that the Federal income tax was a far more equitable way of raising revenue and that some of the local levies were becoming an almost intolerable burden on many citizens, notably those least able to pay. But these were crocodile tears, shed for a system that the President treated as a state of nature, as if it were beyond the capacity of men and governments to change. Far from advocating local tax reform or making Federal aid contingent upon constructive change, he offered revenue sharing to the perpetrators of inequity. Instead of changing the deplored system, he proposed to underwrite it indefinitely.

Some of the most flagrant inequities in our national tax system result not from the Federal "surplus" and local "shortages" that allegedly trouble Mr. Nixon. They result from the disparities of wealth and need among the states, cities and communities, often within just a few miles of each other.

Throughout the country, groups of citizens have fled the central cities with their wealth, walled themselves off behind "local" governments and ordinances and left the inner cities and neighboring counties to cope with their growing problems and diminishing sources of revenue. Some of the local governments we hold so dear for being "close" to the people are in fact little more than fiscal sanctuaries erected to prevent genuine revenue sharing. For reasons of state and liberty, we may not be able to reorder things by telling people where they should live and work. But we can certainly push their money around to spread the burdens and the wealth.

Even more disturbing is the evidence that many states and communities simply refuse to raise the revenues they so manifestly need for the services they crave and that the majority of local governments persist in rigging the taxes they collect so that they fall cruelly upon those least able to pay.

For all its imperfections, the Federal income tax stands as the most progressive levy yet devised to spread the burdens of government. It draws relatively more from the most fortunate and little or nothing from the unfortunate. No Federal edict prevents any state or locality from adopting an identical or similar tax system. They could even save themselves the collection costs and ride piggyback on the Federal tax structure by laying claim to any add-on percentage they wish, as they have been invited to do by the members of Congress most influential in these matters.

Some taxes on property and sales are obviously desirable at the lower levels to pay for facilities of direct benefit to local businessmen and residents. But as a principal source of general revenue for states and localities, which these taxes have become, they are viciously unfair. They produce such practical and theoretical absurdities as the requirement that a region's public education system be roughly commensurate with the market value of its real estate.

It is such unfair local taxes that have been rising the fastest and feeding the frustrations of taxpayers. The property tax has been a special favorite, largely, it is thought, because it can be adjusted and manipulated by administrative fiat, usually without legislative action.

Ten states, including New Jersey, Connecticut and Texas, have thus far refused to impose any income tax on their residents. Pennsylvania and Ohio are just getting around to thinking about one. Three other states tax only dividend income. Four large states, including Illinois and Michigan, tax only at a flat rate, to the obvious advantage of the wealthy. Of the remaining 34 states with nominally "progressive" income taxes, only 17 bother to vary the rates on earnings beyond $10,000, and most of the other progressive scales don't go beyond $5,000. One consequence of this pattern of taxation is that citizens earning $15,000 or more, who pay 33 per cent of all taxes collected by the Federal Government, pay only 8 per cent of those collected by state and local governments.

The inequalities are horizontal as well as vertical. There is no precise way to compare the taxes paid in different parts of the country or the quality of services they buy. But there exist some estimates of the state and local tax burden borne by an average family of four with a gross income of $10,000 in the largest city of each state. That burden ranges from $1,121 in Baltimore to $387 in Charleston, W. Va. It is $816 in New York City; $610 in Hartford; $507 in Cleveland; $414 in Houston, and $398 in Seattle.

Many local governments simply do not tax as much as they should, and the vast majority of them burden the poor and middle classes while they spare the rich. Although most of them need more money, the extent of their real "need" and the character of that need cannot be judged from their budget deficits. Some poor states need a lot more help. Some rich ones need relatively little. Poor communities and cities in wealthy regions probably need the most help, but the quirks of political boundaries and aggregate statistical tables hide the evidence.

To bail out and subsidize such a tax system, as the President proposes, would not only reinforce the unfairness of it all. It would also pass up what may be a rare opportunity to use the power of the Federal dollar to coerce—or, if the ideologues prefer, to induce—real reform. For there exist dozens of formulas by which Federal aid could be used to promote local tax reform so that the burdens would fall more equally on all citizens.

SHARING THE BURDEN

Even a fair revenue system, however, would work unfairly unless we also arrange a logical and equitable distribution of governmental burdens.

Obviously, sending out checks to a million welfare recipients in New York City is a burden for City Hall. It is, in fact, a burden twice over, for those million people must also be provided with public services to which they contribute next to nothing in taxes. But why should this be the exclusive burden of other New Yorkers? We wouldn't dream of asking Alaska to bear a heavier share of the national defense budget because it happens to border on the Soviet Union. We don't expect St. Petersburg, Fla., to pay a larger share of Social Security taxes just because the elderly like to settle there. We don't ask Kansans to assume a bigger responsibility for subsidizing agriculture because the farmers are their neighbors. Yet we let Mississippi or Louisiana or Puerto Rico or Appalachia export its poorest citizens to New York or Chicago or Detroit and, if they cannot earn their keep, throw much of the responsibility for their support on the states and cities in which the poor happen to congregate.

Underwriting that kind of isolationism may strike some as a "new Federalism," but it is not the kind Founder Publius had in mind or the kind any thoughtful person would wish to perpetuate. Yet that is precisely what President Nixon's revenue sharing envisions—alleviating the burden a little, but doing nothing whatever to shift its horrendous weight from the localities to the entire country, where it belongs. Welfare costs represent a redistribution of income, and that can be accomplished fairly only through the national treasury. Indeed, the assumption of welfare costs by the Federal Government should be accompanied by a subsidy to the communities in which the recipients reside to compensate for the services they require.

Pegging the burdens of social service to the appropriate level of government is what genuine Federalism is all about. And only when we get a system that fairly distributes the costs among states and localities can we determine which of them truly need special help from the rest of us.

All this involves much more than administrative tidiness. Of the $9-billion spent on relief programs for 14 million people unable to support themselves, more than $6-billion comes out of the Federal budget. But the confusions of purpose and administration at all levels of government impose severe hardships on the recipients as well as the taxpayers.

As Gilbert Y. Steiner demonstrates in a brilliant new study of relief programs, the "lucky" poor family can have its welfare income doubled through food stamps and public housing while a comparable but "unlucky" family must put its name on waiting lists for both of the added benefits. The reason is that some states and communities participate in food-stamp and public-housing programs while others don't. There are the Mississippis of the nation, already taxing themselves fairly hard, which cannot afford the payments of New York or California, and there are the Delawares, which simply won't.

At the moment, the Federal Government pays out almost as much in relief to the families of poor veterans (not in any way disabled in war) as it does to families with dependent children. But the dependent children program is tied into so many state and local variations that the payments change from place to place. The relief to veterans is fair across the board and fairly shared by all the nation's taxpayers, and it has become the very model of tidy administration. Notwithstanding Mr. Nixon's dragon portrait of the Federal bureaucracy, the program for aid to former soldiers and their families provides uniform Federal standards and payments and simple access to the system by potential beneficiaries and by nongovernmental groups, such as the American Legion, that lobby on their behalf. The benefiting veterans are, in fact, a privileged group among the unequal poor, and it has been argued that their program ought to be merged with all other relief measures. But such reform, like others, could be achieved only if all major relief projects were placed under Federal control. Revenue sharing, as conceived by the President, would simply give away the money with which this could be accomplished.

The President's other big proposal, for "welfare reform," would offer some valuable new assistance to the working poor and it would give some financial relief to some states—without, however, assuring that the benefits would be passed on to the needy. And it would do very little for most of the seven million recipients of aid to families with dependent children.

It is simply absurd to regard relief as a local responsibility. Just as veterans are helped from a sense of national obligation, so should the poor, and especially the poor descendents of slaves, be treated out of a sense of national duty. If they are deemed worthy of help they should not have to shop around for the counties and cities that offer more than others. And if they are deemed to be a common obligation, their support should not depend on local or state budgets.

Nor is welfare the only item on the agenda of intelligent Federalism. State laws requiring children to attend school and setting minimum standards for schools—even while the schools are administered "locally"—were among the earliest expressions of the doctrine that higher levels of government must protect the common interest in lower-level administration. Now the time has come for an even broader Federal standard and subsidy of education.

We have become a highly mobile country. A hundred communities may benefit from the schooling provided by one, and a hundred may suffer for the educational neglect of another. Yet many state governments have failed to assure at least minimum patterns of equal spending on education in their jurisdictions. And the Federal Government, now bearing only 7 per cent of the cost of public education, has not even begun the search for common minimal standards.

It seems that we have been federalizing the interstate highway system for nearly two decades with very little thought about the caliber of person we wish thus to turn loose in the land.

The financial crisis afflicting state and local governments has been laid to many causes, including the wage clamors of newly militant unions of public employes, the soaring costs of construction, the slowdown in aid from the states to cities and the slumping economy that simultaneously reduced tax collections and raised welfare costs. By far the greatest surge in local expenditures over the last decade is traceable to the soaring costs of education and assistance to the poor. Genuine reform, therefore, promises not only fairness and neatness but the very financial relief that Mr. Nixon says he seeks.

The Federal Government cannot and should not prescribe the *maximum* service that local citizens may wish to support. If some villagers want more traffic lights, they can organize to get them and pay the cost. Many local requirements are peculiar or particular and of little importance to higher levels of government. But we can and should work toward *minimum* standards of life throughout the nation.

The Federal Government has a right and duty to establish minimum standards of relief, education and health, as it does in setting minimum benefits under Social Security. It has the right and duty to use its power and money to adjust for the spread of problems from one region to another, as it it does in attacking air and water pollution. It has a right and duty to equalize the burdens on its citizens, as it does by taking relatively more tax money from wealthy communities and individuals and giving relatively more to poorer ones. It has a right and duty to induce and coerce the states to work toward the sharing of revenues and burdens within their jurisdictions, as well as without.

It would be refreshing if such ardent advocates of the needs and rights of the states as Mr. Nixon would occasionally speak to the obligations of the states and localities. For the failures of the Federal Government become quickly apparent to everyone, but the failures of local administration are never really rectified or even noticed until they become an oppressive burden on the country at large.

The President's "New American Revolution" would not only fail to remedy these shortcomings. It does not even recognize them. If we followed his advice, what is deceptively called revenue sharing would become a constant flow of money out of the Federal treasury that would not buy anything for the national interest. The new revolution is in fact a counter-revolution. Publius, where are you?

THE NIXON PLAN

President Nixon's plan for "revenue sharing" is relatively simple, and therein lies its principal political appeal.

He would take 1.3 per cent of the taxable personal income that is annually reported to the Federal Government—$5-billion in the first full year of the program—and distribute it, virtually without condition, among the states and localities. He calls this "general" revenue sharing.

Each state's annual share would be based on its population, with a small adjustment in favor of those who exact a higher rate of tax from their citizens. The states would have to submit to an occasional Federal audit and they would be subject to court action if Washington could—and would—prove that the money had been spent in discriminatory ways. If a state and its localities failed to agree on a formula for dividing their grant, they would lose 10 per cent of it and have to split the remainder as directed by Washington, roughly half to the state, half to its local units.

Assuming a pie of $5-billion, the Treasury estimates that New York's slice would be $534-million; California's $590-million; New Jersey's, $154-million; Mississippi's, $61.5-million; Connecticut's, $59-million. Governor Rockefeller (who supports the plan but would would double the amounts) estimates that New York State would probably keep 49 per cent of its money and give 51 per cent to local governments, including $189-million to New York City, $4.8-million to Buffalo and $192,000 to Scarsdale.

This type of revenue sharing has an interesting history. It was first urged upon the Government in 1964 by President Kennedy's economic adviser, Walter W. Heller, and Joseph A. Pechman, director of economic studies at the Brookings Institution. They were attracted to it in those blissful days before the big Vietnam push because they doubted that the Great Society could spend Federal money faster than it was being generated by a booming economy.

Heller feared above all that Congress—as typified by the formidable chairman of the House Committee on Ways and Means, Wilbur Mills—would yield in future years to the temptation of frequent tax cuts, thus turning the funds raised by the fairest available revenue system back to the consumer and leaving local public needs poorly attended.

Pechman was especially eager to help some of the poorest states, many of which collect fairly steep taxes but still cannot afford relatively decent levels of social spending. Both economists first favored direct payments to the states but later accepted a requirement that the states "pass through" a part of the Federal money to cities and other localities.

Though the once feared "excess" in Federal revenues has long since evaporated and though the President and Congress have combined to cut individual and corporate income taxes by an eventual total of more than $11-billion, Mr. Nixon adopted the Heller-Pechman plan virtually intact. He included the "pass-through" amendment to help gain local support, even though no state can really be prevented from retrieving on other programs the sums it would be compelled to pass on to localities under revenue sharing.

The second major part of the Nixon proposal—"special revenue sharing"—would assign to a fund for relatively unrestricted spending more than one-third of the Federal money now given—with abundant conditions—to states and cities for specific purposes. This money could be spent in six broad categories: education, urban development, rural development, transportation, law enforcement and manpower training. Mr. Nixon would order a total of $11-billion at the start—only $1-billion in new aid—though he clearly hopes to use the entire $30-billion in existing Federal aid programs for such distributions in the future.

The purpose is to "liberate" the recipients from Federal regulation and priority and to abandon altogether the requirement that Federal grants be earned with locally raised "matching" funds. The President has not settled upon all the distribution formulas, but it appears that population will again be deemed a major factor. And even before the proposal reached Congress, Mr. Nixon's own men found many new reasons for reestablishing Federal safeguards, or strings, for these rhetorically untied funds.

PRESIDENT NIXON MOVES TO PROTECT THE CONSUMER

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. COLLIER. Mr. Speaker, on October 26, 1970, President Nixon took a most important step forward in the interests of the American consumer. By Executive order, the President established a Consumer Product Information Coordinating Center within the General Services Administration that promises more benefit to the consumer than almost any other program.

The President explained:

> It is time for the government to share with the American consumer much of the information it gathers about the products the government buys.

As Robert L. Kunzig, Administrator of the General Services Administration, stated:

> The Center—is responsible for encouraging the development of relevant and meaningful consumer product information as a

byproduct of Government's research, development and procurement activities. It is also charged with promoting greater public awareness of existing Federal publications.

Similarly, Mrs. Virginia Knauer, Special Assistant to the President for Consumer Affairs, said recently, in testimony concerning product testing, before the Senate Consumer Subcommittee of the Commerce Committee:

> We are of the view—that to provide the individual consumer with accurate information by which he himself can make an intelligent choice among products and services is to serve the ultimate goal of consumer protection in a free enterprise system—self protection through adequate and meaningful information.

This is, of course, the conceptual goal of this new Consumer Product Information Coordination Center.

Mr. Speaker, President Nixon has been criticized by certain groups and individuals in the past for an alleged lack of concern in consumer affairs.

Such a charge is clearly unfounded. The establishment of a Government program for dissemination of a valuable consumer type of information by the President should be heralded as an important "first" in the area of Federal consumer protection.

This project is a practical, useful program that is designed to reach all consumers throughout the United States.

Moreover, this program will not only provide consumers with information to aid them in making intelligent choices, but it will be a powerful means of preventing fraud and deception. Armed with knowledge of standards by which to judge products, consumers can refuse to purchase poorly made, inferior merchandise or be duped by fraudulent schemes. Thus those few shady operators who are a menace to consumers and to honest businessmen alike will be forced to mend their ways.

As part of this consumer product information program, the GSA, through its Consumer Product Information Distribution Center, released on April 21, 1971, an index of Consumer Product Information.

General Services Administrator Robert L. Kunzig said that the publishing of the index of 211 selected low-cost publications by 11 Federal agencies "is one of the first steps in President Nixon's new programs to share more product information with consumers. Never before have existing consumer product publication produced by various Federal agencies been listed in one convenient index."

Free copies of the index may be obtained at the 25 Federal information centers across the country or by writing to the Consumer Product Information Distribution Center, Washington, D.C., 20407.

This index was developed by the Consumer Product Information Coordinating Center with the cooperation of the Office of Consumer Affairs. Commenting of the index, Mrs. Knauer said:

> We have discovered an enormous amount of information which could be useful to consumers. However, we must establish priorities. So today I am appealing to all consumers to write to me at the White House and identify the products in which they are most interested and the product characteristics most important to the buyer.
>
> I cannot stress too strongly the need for this information. Only with the consumers' participation and direction can we generate a program that will be of great benefit to all consumers.

Included in the index are titles of 25 publications which are already stocked at all Federal information centers. All 211 publications may be obtained by filling out and mailing the order blank in the back of the index. As new relevant publications are issued, they will be included in subsequent editions of the index.

One finds a broad range of subjects of timely interest and usefulness to the average consumer listed in this booklet. Among these are publications on budget shopping including food, buying and financing houses, home repairs and improvements, and health.

Two other additional announcements were made by Administrator Kunzig on April 21 of this year.

First, a new consumer-oriented policy is being instituted by the GSA, the Government's chief purchasing arm, which buys according to specifications and not brand names. Successful bidders on approximately 4,000 consumer items will be requested to submit the brand name if the same product is available commercially to the consumer.

It is anticipated that the first of this kind of information will be released to the American consumer by October 1, 1971.

Second, the inauguration of a new consumer product information publication series was also announced. These publications will aid the consumer in the purchase and maintenance of various consumer product items. A minimum of eight publications covering such topics as carpets and rugs, vacuum cleaners, and paint, will be released by the end of the year.

The General Services Administration is ideally equipped to publicize product information to consumers. It operates the Federal information centers as part of the President's consumer program.

I hope that these centers will be of great use to the American consuming public.

I wish to commend President Nixon in his leadership in the formulation of this consumer information program. Undoubtedly this is a portend of more far-reaching Federal consumer activities to come.

NEW YORK STATE CUTBACKS

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mrs. ABZUG. Mr. Speaker, with the passage of the new budget in Albany, New York City has again found itself in a financial crisis. This year the city is in dire straits primarily because of State cutbacks, rising cost, and tax management on the city's part.

Governor Rockefeller and the Republican State legislators have put through a budget directed at special interest lobbies at the expense of the interests of the poor and middle classes. This program would prove disastrous to the city since it can potentially compel the mayor to abolish some 90,000 city jobs, many in vital services. Although the State is at fault for cuts in the budget, it is the responsibility of the mayor to place a substantial amount of pressure on Albany to restore the lost funds.

Because New York City is not alone in these problems, and for the benefit of my colleagues, I am inserting the following letter and statement:

APRIL 20, 1971.

Mayor JOHN V. LINDSAY,
City Hall,
New York, N.Y.

DEAR JOHN: In behalf of the residents of the 19th Congressional District, I protest your dismissal of 2,800 city employees, the accompanying reduction in city services, and your proposed "option" to fire 90,000 employees as of July 1st.

Suicide is not a serious option, and what you are presenting as an imminent threat amounts to that in terms of maintaining the life of the city.

I can appreciate your desire to dramatize the financial plight of our city. However, it is cruel and unfair to heap new burdens upon the people of New York—who have already been severely penalized by the state legislature's "soak the poor" budget—and to fire thousands of city employees, many of whom may be forced on to relief rolls in view of current widespread unemployment.

You express the hope that the people will "have a chance to marshal their forces behind us" to prevent the grim future you describe as in store for them. It would seem to me that you could better enlist the support of huge numbers of New Yorkers if you would:

1. Announce that under no circumstances will you add to unemployment or reduce any services that are vital to the health, education, safety and welfare of the people of New York.

2. Issue an emergency proclamation under which you invite all New Yorkers to go with you to Albany on a specific day or days to demand a restoration of the cuts in the state budget and to provide additional funds for our vital programs. Shut the city down, if necessary.

3. Invite the state legislators and the mayors of other beleaguered cities throughout the nation to join in leading their citizens on a march on Washington to demand that Congress vote to stop the war and to turn over necessary funds to meet the desperately neglected needs of the American people.

The cities can no longer co-exist with a war that is costing us more than $20 billion a year.

I am aware that you favor an end to the war and have repeatedly issued statements that continuation of the Indochinese conflict is bringing our cities to their knees. I suggest, however, that the time is past for statements or threats, and that it is your responsibility as Mayor to organize and lead the people of New York in a mass campaign to save their city.

Please be assured of my full support and cooperation in such an effort.

Sincerely,

BELLA S. ABZUG,
Member of Congress.

STATEMENT BY CONGRESSWOMAN BELLA S. ABZUG ON BUDGET APPROVED BY STATE LEGISLATURE

Governor Rockefeller and a small band of Republicans and Conservatives in the State Legislature are telling the hungry to eat less.

They are telling working people to pay higher taxes.

They are telling New York City to sink deeper into crisis.

And they are telling the special interest lobbies that they have a friend indeed in Albany.

The responsibility for the disasterous "soak the poor" budget rammed through the legislature rests with Governor Rockefeller, who chose to give inordinate power over the lives of the people to an unrepresentative group of upstate reactionaries and Conservative Party members from New York City.

It was the lowest kind of partisan politics to shut out elected Democratic legislators from the budget-making process, as Rockefeller did, and it is hypocritical for him now to claim that he lost control of the situation.

What happened in Albany last week also reveals the fakery of President Nixon's revenue-sharing plan which would turn vital domestic programs over to the state legislatures for dismemberment. We see now how the needs of people are disregarded by a legislature that is dominated by special interests.

The $7.7 billion budget enacted by the legislature means the following:

It orders a 1¢ increase in the sales tax, raising it to 4¢ statewide and 7¢ in New York City.

It declares thousands of non-welfare families ineligible for Medicaid. It wipes out vital Medicaid services such as dental care and drugs. It suspends Medicaid benefits for abortions, a particularly vicious act of discrimination against poor women.

It ordered drastic cutbacks in narcotics prevention programs and eliminates summer recreation programs for almost 700,000 young people in New York City.

It decrees a 10% cut in welfare payments, reducing daily food allotments from $1 a day to 88 cents.

It cuts state aid to NYC by an estimated $100 million this fiscal year and $200 million next year at a time when the city is in desperate financial straits.

It eliminates scholarship awards to middle income students and orders cuts which may mean the end of free tuition and open admission to state universities.

The special interest lobbies—the liquor, beer and cigarette lobbies have won out in Albany. But this is a victory which the people of the 19th Congressional District and all the people of New York must repeal.

I am calling on all New Yorkers to demand that Governor Rockefeller repudiate the punitive measures against the poor and the middle class imposed by this budget.

I ask them to demand that Governor Rockefeller submit a supplemental budget and propose new tax reforms to relieve this grievous attack on the living standards of the great majority of New Yorkers who are already beleaguered by high taxes, high prices, and unemployment.

Repeal of the capital gains tax alone would provide $200 million—more than enough to rescind the $164 million cut in relief funds. Taxes on estates, on alcoholic beverages, on cigarettes, on higher income brackets would also provide sufficient money to restore the Medicaid and other cuts.

The Governor has to decide whether he is going to continue to work with a reactionary Republican-Conservative coalition against the people or whether he will work with Democratic legislators to enact a program that meets people's needs.

The residents of New York City must also organize to demand a complete federal takeover of all welfare costs, without undermining existing standards of payments.

And finally, I call on all New Yorkers to demand that the Congress and the Nixon Administration end the war in Indochina which is imposing an intolerable financial burden on our people.

CORAL GABLES: A MODEL PEOPLE-TO-PEOPLE PROGRAM

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. FASCELL. Mr. Speaker, the future peace of our world depends on many factors. None of these is more basic or important than the constant growth of friendship and understanding among the peoples of all lands.

The recent visit of the U.S. table tennis team to China, and the warmth with which it was greeted here at home, demonstrate not only the basic good will of the American people but also a clear recognition of the value of people-to-people contacts.

Both as a Miamian and as chairman of the Inter-American Affairs Subcommittee of the Committee on Foreign Affairs, I have long been interested in people-to-people contact, especially with Latin America. It was, therefore, with special interest that I recently read a speech delivered in Coral Gables, Fla., on March 25, 1971 by Alan A. Reich, Deputy Assistant Secretary of State for Educational and Cultural Affairs. Dr. Reich's speech entitled "Citizen Diplomacy—A Challenge to Americans," does more than explain the need for more citizen-to-citizen contact, it sets forth clearly and concisely just what an individual, a group, or a community can do to promote international good will.

It is with a special sense of pride that I note Mr. Reich's remarks which point to the efforts of Coral Gables as a sister city of Cartagena, Colombia as a model of people-to-people relations.

Mr. Speaker, I am sure Mr. Reich's remarks will be of interest to many in the Congress, and I include the full text of the speech at this point in the RECORD:

CITIZEN DIPLOMACY—A CHALLENGE TO AMERICANS

(By Deputy Assistant Secretary of State Alan A. Reich)

Thank you, Mr. Chairman, Mayor Dressel, Honorable Commissioners, People-to-People leaders, Chamber of Commerce leaders, and distinguished guests. I am grateful for the opportunity to be with you, to learn more at first hand about the renowned Coral Gables Sister City Program, and to meet the people here who are furthering our common objective of world peace. On behalf of the Department of State, including our Ambassadors throughout the world, I thank you for participating so effectively in the People-to-People movement.

I had the pleasure of first meeting today's chairman, Mr. Bob Seip, last Sunday, at a meeting of the Board of Directors of the Town Affiliation Association in Washington. Bob was one of the many dedicated individuals who traveled a great distance at his own expense to attend this important meeting. As you may know, the Town Affiliation Association is a coordinating organization which organizes and services more than 350 links of American communities with counterpart communities throughout the world. On behalf of the Department of State, I wish to commend publicly the members of the Town Affiliation Association for setting as their objective a doubling of the number of sister cities to 700 by the end of 1972. We in the State Department pledge our cooperation with them and hope there will be many more relationships established as successful as is yours between Coral Gables and Cartagena, Colombia.

I particularly wish to congratulate the Coral Gables Chamber of Commerce and its dedicated members who over the years have been so instrumental in helping to further the people-to-people movement. It would be a significant national contribution if other Chambers of Commerce throughout the United States would make a similar, continuing commitment.

I would like to talk with you today about the importance of Citizen Diplomacy in international relations, the broad participation of the American people, and how every individual can further mutual understanding.

Although I am a newcomer to the State Department and to this exciting work of citizen diplomacy in which we are engaged together, I have been privileged to participate in it as an exchange student and always have considered the experience most rewarding; in fact, I met my wife on an exchange of the Experiment in International Living and I must say, it was a highly successful experiment! Before joining the Department I had almost no appreciation of people-to-people activities. I have gained some understanding of such impressive undertakings as the work of 100,000 volunteers throughout the United States who provide home hospitality to international visitors, academic exchanges involving close to a quarter million students and professors annually; tours abroad by artistic and sports groups, thousands of professional exchanges and hundreds of international conferences; tailored observation visits to the United States for thousands of influential international visitors annually; numerous private visits to the United States by multi-national groups; exchanges of thousands of teen-age youth and members of such organizations as the Chambers of Commerce, 4-H Clubs of America, YMCA, Rotary, Lions, Kiwanis; and many international exchanges resulting from the 350 sister-city affiliations with cities of other countries and hundreds of university-to-university affiliations.

These are but a few of the many ways in which private Americans are in direct, open communication with peoples of other countries; they all are important to all of us and to the American people in improving our international relationships, lessening the likelihood of hostility resulting from misunderstanding, and reinforcing tendencies to constructive cooperation by governments and peoples. Government decisions are based increasingly on the opinions and feelings of peoples, and false, stereotyped and simplistic views must be minimized through greater people-to-people understanding.

The revolution in communications and transportation has brought peoples into direct, open, and immediate contact, making diplomacy a public matter. International diplomacy is no longer the business solely of the foreign offices of the world. This people-to-people communication has become a dominant force in international relations. Foreign offices can no longer confine themselves to speaking with other foreign offices *for* peoples; they are helping and encouraging peoples to speak for themselves across national boundaries. This is an important mission of the State Department and, as you well know, the Bureau of Educational and Cultural Affairs cooperates closely with numerous private groups and individuals to foster stronger cross-cultural relations among peoples.

I quite agree with the remarks of your distinguished and esteemed Congressman, Dante B. Fascell, a world leader in the cause of citizen diplomacy, who remarked last June 2 in the Congressional Record: "Today the success or failure of foreign policy undertakings may be affected more profoundly by what particular groups of people think and say than by the workings of traditional diplomacy."

The extent of participation by Americans in citizen diplomacy is tangible evidence of the capacity for commitment of the American people to contribute in their own ways to mutual understanding and world peace. Earlier this month in Washington, at the dedication of the new Woodrow Wilson Center for Scholars, President Nixon stated, "When we truly know one another, we can have differences without hating one another. . . . In this still imperfect world (the President added) I am convinced that realistic understanding is on the rise and mindless hatred is on the decline." Increasing this understanding is the business we are in—the business that concerns all of us—you in the private sector who are doing so much to improve the climate for diplomacy and those of us who are engaged officially in diplomatic work.

In his inaugural address, President Nixon observed that "Our greatest need now is to reach beyond Government, to enlist the legions of the concerned and committed." This is a challenge to virtually every American. The Government is limited in what it can do. People must help in this mission. We frequently are asked by people in all walks of life, "What can I do to further mutual understanding?" How do we, in our desire to further mutual understanding by enlisting "the legions of the concerned and the committed." respond to this question? We can reply by suggesting to them opportunities for contributions, and the enjoyment of participation in tremendously worthwhile services. I must confess to you at this point, that after an outstanding dinner-meeting with your People-to-People Committee members last night, I was so impressed with what you all are doing that I felt I could not provide you with any new insights, and I returned to my hotel room and rewrote these remarks. The answer to what every American can do to further mutual understanding, first is to follow the example of the people of Coral Gables. One might respond specifically:

"As an individual, you can show an international visitor your community, and invite him to your home. (This is being done in Coral Gables.)"

"As a member of a youth organization, you can have your group invite foreign students to your meetings, participate in or address your conferences. (You are doing this at Coral Gables.)"

"As a professional person, you can have your association or society invite foreign graduate students studying in your profession to participate in your conferences, deliver papers, receive your journals, visit your facilities. You can entertain foreign exchange students of your profession in your home. You can initiate an exchange with your international counterparts. (Coral Gables and Cartagena are doing this.)"

"As a member of a service club, you can have your organization initiate and sponsor an international exchange. (You are doing this here.)"

"You can urge your community to develop a sister city affiliation with a city in another country. (You are doing this.)"

"As a business man, you can invite international visitors to visit your facilities, or have your company or business association sponsor an exchange. (Coral Gables has been doing this for some time.)"

"As a teen-ager you can invite a foreign teen-ager to live in your home and attend your community school; you can have your community develop an international teenage exchange. (Coral Gables is involved in this now.)"

"As a professor or a teacher, you can have your university or school establish an exchange program. This, too, is a part of the Coral Gables people-to-people program."

I was impressed further last night with the underlying concept of your programs—namely that of helping them to help themselves, so that long-term continued progress remains the responsibility of those being helped. It also was obvious that your sister-city work is much more than a mechanism or a structure; it embraces many warm, human relationships based on common humanitarian concerns such as sanitation, civic improvements, employment of the handicapped, providing wheelchairs, and medical projects having to do with epilepsy, and training of nurses. This kind of problem-oriented cooperation results in the best possible bonds of friendship.

Please let me thank you and your fellow citizens for improving United States relations with Colombia and Latin America, and for providing a model People-to-People Program which one would hope might be emulated throughout the United States. You have met the challenge of Citizen Diplomacy! You are providing an invaluable service to America in furthering mutual understanding on which world peace rests.

Thank you.

GREECE GRANTS AMNESTY TO COMMUNISTS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. RARICK. Mr. Speaker, whenever freedom-seeking people successfully perpetuate their liberties and national culture by prohibiting Communist subversion and tyranny, they come under the attack of the international left. In 1967, the courageous and vigilant Greeks, who have experienced firsthand the tyranny of communism, subdued an imminent Communist takeover of their land. The free Greeks restored order, rounded up the Communist leaders, and jailed organizers and agitators. Immediately, the Government of Greece was maligned by a large section of the fourth estate as a fascistic military dictatorship. Much of the press overlooked telling the people that the military coup by local Greek officers foiled a Communist takeover of their country.

The present pro-Western, anti-Communist Government of Greece at great risk is attempting to restore constitutional liberties to all its citizens—the loyal ones as well as the traitorous rebels.

Such action should have made headline news, but it received little publicity, possibly because it would deny to the Reds and Greek haters an excuse to continue their propaganda assaults against these dedicated people of peace and goodwill—heirs of the originators of democratic government.

The Greeks have perpetuated free democratic institutions down through the centuries. Present-day Greeks intend to keep the flame of liberty burning bright.

I insert information releases of the Royal Greek Embassy Press and Information Service dated April 9 and April 17, 1971:

GREECE GRANTS AMNESTY TO COMMUNISTS

1. As of April 10, 1971, the detention camps of Parthenion, on the island of Leros, and of Skala, Oropos are dismantled and definitely closed.

2. As of the same date, 234 communists, who had been exiled to various parts of the country, *are released*.

3. 50 hard core and dangerous communists will be transferred to various parts of the country, in accordance with decisions duly reached by the competent Commissions of Public Safety. It should be noted that these Commissions were set up by law in 1924. According to the latest amendment of this law, the Commissions are shared by the Head of each District Civil Authority and they include a (career) judge.

These 50 communists will be confined to certain towns where they will be living freely.

4. 27 former officers and politicians, who had been confined to various towns, where they were living freely, will, as of next week, have this confinement *totally lifted*.

Following the application of these measures, by which all detention camps are closing down and 270 communists are released, only persons duly tried and convicted by the courts for participation in subversive movements and for other acts directed against public security, 300 in all, will be serving prison terms.

FIELD OF APPLICATION OF MARTIAL LAW DRASTICALLY REDUCED IN GREECE

Following the closing down of the last prisoners' camps and the release of all detainees, announced on April 9th, the Greek Government took today further liberalization measures.

These measures drastically reduced the field of application of martial law.

Emergency legislation, commonly known as martial law, was brought into force in 1967, immediately after the revolution.

Since, by a series of consecutive measures and steps, many provisions of this law have been completely lifted, leaving only the extraordinary competence of Courts-martial and that for limited cases of serious offenses, as were those directed against the safety of the State, etc.

Most of these cases have now been withdrawn from the authority of the Courts-martial and referred to normal civil Courts.

Prime Minister G. Papadopoulos made public today a decision according to which the following offenses will *no longer* be referred to Courts-martial:

1. All the offenses directed against the safety of the State, including that of high treason.

2. All the offenses concerning internal security provided for by Law 509 of 1947.

3. Most of the offenses directed against public order.

4. All the breaches of the Legislation concerning the rekindling in the press of past political passions and enmities.

The competence of the Courts-martial is thus restricted to very few offenses, as is armed insurrection.

SWIFT JUSTICE NEEDED AGAINST LAWBREAKERS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. BIAGGI. Mr. Speaker, the Sunday tie-up of the New Jersey Turnpike is said to be only an example of the type of civil disobedience that will strike this Capital during the next 2 weeks. It is unfortunate that some people will use the cloak of freedoms of speech and assembly to deny others their constitutional rights.

The question of whether their cause is just or whether it justifies their actions is immaterial. What should be asked is, should one group of people be permitted to violate the rights of others. The answer must be a firm "no."

The arrest of any disrupters should be swift, and justice immediate. There should be no $10 bail set with the people going free an hour later only to be arrested again. If necessary the preventive detention law passed by Congress should be used with vigor.

We cannot have the operations of government halted to satisfy the desires of a few who demand a change in public policy. There are ways to influence such a change, but public disorder is definitely not one of them.

As an example, one need only point to the very peaceful demonstration of the Vietnam Veterans Against the War last week. They properly made their feelings felt by meeting with Congressmen and other Government officials. It was reported in the press that Nixon was very moved by their pleas. I know I was.

Likewise, the demonstration last Saturday was peaceful. It is interesting to note that the sponsoring group of that rally went to great lengths to disassociate itself from the group sponsoring this week's disruptions.

The people promoting civil disorder are not that interested in furthering their particular view on the war. Rather they appear to be more interested in disrupting the orderly operations of government.

It would be valid to question just what their motives are. It may be possible that these people are more intent on creating a state of anarchy than in bringing about orderly change in Government policy.

I urge the Attorney General and the local police to be just and fair in their handling of the demonstrators. However, there should be no delay in arresting those who violate the laws. The freedoms of speech and assembly are American birthrights. Freedom to disrupt society is chaos.

MEXICO EXPELS THEIR COMMUNIST TROUBLEMAKERS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. RARICK. Mr. Speaker, the Government of Mexico has rightfully earned the respect and admiration of all free citizens of the Western Hemisphere for its courageous leadership in expelling Soviet spies and revolutionary agitators who were in Mexico disguised as diplomats.

We Americans should take heed. The recent U.S. shenanigans sought to be excused because they are executed in the name of peace should cause many Americans to ask where our young people are being trained in such un-American ideas and radical philosophies. Unnatural behavior just does not come natural to civilized people. Immorality, subversion against one's own people, and debased cruelty by normal human beings can only come as the result of training and abnormal education.

Over the recent years thousands of young American idealists have attended revolutionary teach-ins in the United States, as well as in the foreign countries of Cuba, North Vietnam, North Korea, Russia, and other Communist strongholds.

Most Americans will remember last summer's escapade where American youth were permitted to go to Cuba under the pretext of helping harvest Castro's sugar cane. They were then permitted reentry under our tolerant and permissive immigration policies.

What has been the effect and result of American youth attending Communist schools for revolution and guerrilla activity? One need only look to the growing list of unsolved bombings, acts of subversion, violence; and now this week the direct physical assaults by young terrorists against Congressmen, Senators, tourists, and Federal employees here in the District of Columbia. This national disgrace of seeing a small number of American youth being exploited by a foreign imperialist ideology can no longer be ignored nor tolerated. It must be brought under control and stopped.

This is why I feel that the leadership of the United States could well take notice of how our friends in Mexico stopped the Communist threat against the peace and dignity of their country and their people. They kicked the Communists out.

Several related newsclippings follow:

[From the Tucson (Ariz.) Daily Citizen, Mar. 19, 1971]

Soviet Diplomats Ousted by Mexico—Act Most Serious Short of Break

Mexico City.—The Mexican government is expelling five of the 25 members of the Soviet Embassy staff in retaliation for alleged Soviet support of a plot to overthrow the Mexican government.

A Communist source said the expulsion was "the most serious act short of a break in relations" between Mexico City and Moscow. He said the move took the Soviets completely by surprise.

The expulsion order was issued 72 hours after the government said it had smashed a subversive plot by Mexican guerrillas trained in Moscow and North Korea.

It also followed Mexico's recall of its ambassador from Moscow for an indeterminate period.

Foreign Minister Emilio O. Rabasa did not relate the expulsions to the alleged plot, and refused to answer all questions from newsmen on that point.

He said the presence of the five diplomats "is not acceptable to the Mexican government and, consequently, it is the desire of the Mexican government that they abandon our national territory in the shortest possible time." He did not say how soon that was.

Anti-Communists, including a diplomat who defected here last year, persistently have charged that Moscow's embassy in Mexico City is a center for Soviet subversion and espionage in Latin America.

The Soviet embassy declined comment on the expulsions. One Communist source, however, said the action was "completely unexpected." He said the Russians had expected only that Mexico would file a protest.

It was "the most serious act of reprisal Mexico could have taken, short of breaking relations," he said.

Ordered to leave were Soviet Charge D'Affaires Dmitri A. Diakonov, First Secretary Boris P. Kolomiakov, Second Secretaries Boris N. Voskoboinikov and Oleg M. Netchiporenko, and Alexander Boichakov, whose title was not given.

About 25 Soviets are listed officially as having diplomatic status in Mexico. The two countries established relations 47 years ago.

[From the Washington Star, Mar. 19, 1971]

Five Top Soviet Diplomats Are Expelled From Mexico

(By Jeremiah O'Leary)

The Soviet charge d'affaires to Mexico and four senior members of the embassy staff have been declared persona non grata after Mexican officials said they uncovered a plot by 19 Mexican guerrillas, who had been trained in Moscow and North Korea, to overthrow the government.

The order did not refer to the announcement earlier this week that a plot to install a Marxist-Leninist regime had been smashed, but diplomatic sources said there is no question that the two events are connected.

Foreign Minister Emilio A. Rabasa announced that the five Soviet diplomats are "no longer acceptable" to the Mexican government. They were ordered to leave "in the shortest possible time. Ambassador Igor Kolosowskia, has been reported on sick leave in Moscow for the past month.

The government's decision was regarded in some circles as the most serious act that could have been taken short of an actual break in diplomatic relations.

A Mexico City governmental source said the assumption is that the Russians, at the very least, knew that the 19 arrested students had gone to North Korea for guerrilla training. The 19 had been sent to Moscow on Soviet scholarships to attend Patrice Lumumba University and then reportedly had gone on to Pyongyang for training in terrorism and subversion.

Other diplomatic sources said it has long been believed in Western Hemisphere capitals that the Soviet Embassy in Mexico City is the center for espionage and subversive activities in the United States and the northern part of Latin America. Attaches at the embassy invariably speak English as well as Spanish and at least 12 persons on the 24-man staff are considered to be members of the KGB, Russian security and espionage agency.

President Luis Echeverria, speaking to members of the Mexican Senate, did not mention the Soviet Union specifically but he said, "Mexico is now being attacked when it has stated that it wants a respectful and peaceful reciprocal coexistence."

The five diplomats ordered to be expelled are:

Dmitri Diakonov, 53, charge d'affaires and senior officer of the embassy in the absence of the ambassador, has been working in Latin America since 1947 and is described by a defector as a high-ranking member of the Communist party. He was declared persona non grata by Argentina on April 6, 1959, on an accusation of fomenting industrial riots. While stationed in Brazil in 1963, the newspaper O Journal wrote that he was implicated in the "Sergeant's Revolt" that led to the army coup d'etat a year later.

Boris P. Kolomyakov, 43, first secretary, has had previous tours in Mexico and Argentina. He has been described by defectors as a high ranking KGB officer.

Boris N. Voskoboinikov, 35, the cultural attache, is in charge of the Mexican-Soviet Cultural Center, and is the officer in charge of handing out scholarships for Mexicans to study at Patrice Lumumba University.

He is described by defectors as being the embassy contact with Mexican students and Communist party members. He studied in Chile for six months in 1965.

Oleg Nechiporenko, 39, a second secretary, was on his second tour in Mexico, having served there in 1961–65. He returned in 1965. A defector has described him as being the embassy security chief.

Alexander Bolshakov, 36, a commercial officer in the embassy, was on his first tour of duty in Mexico, but was identified by a defector to Mexican police as a KGB officer.

The Mexicans recalled their ambassador from Moscow Wednesday after the arrest of the Mexican Marxists.

[From the Washington Post, Mar. 19, 1971]

Mexico Expels Five Russians

Mexico City.—Mexico today ordered the expulsion of five diplomats from the Soviet embassy here including Charge d'Affaires Dmitri A. Diakonov.

The order was communicated to Diakonov by Mexican Foreign Minister Emilio Rabasa in a short meeting at the ministry. It came two days after Mexico announced the arrest of members of an anti-government guerrilla group who had attended a Soviet university.

Rabasa did not relate the Soviet diplomats' expulsion to the breaking of the guerrilla ring, though sources that Reuter identified as "reliable" said it was. Rabasa declined to answer any questions from newsmen on this point.

The other four diplomats named and ranks were given by news agencies as: Boris Kolomyakov, a first secretary; Boris Voskovoinikov, indicated in different news dispatches as a first and a second secretary; and Alexander Bolshakov, a second secretary.

On Wednesday, Mexico recalled its envoy to Moscow for consultations that were described as "a temporary diplomatic withdrawal." News stories at the time said that the Mexican ambassador to the Soviet Union would remain in Mexico "until further notice."

The Soviet ambassador to Mexico, Igor K. Kolosovsky has been in the Soviet Union for more than two weeks, recuperating from an illness according to news reports.

According to Mexican government officials, the members of the guerrilla group had been trained at a military base near Pyongyang, North Korea.

Mexican President Luis Echevarria—without referring to the Soviet Union—told a meeting of senators that Mexico was "being attacked now when it has stated that it wants a respectful and peaceful reciprocal coexistence . . ."

A government official said that it was assumed that the Soviet Union knew of the Mexicans' trip to Pyongyang from Moscow because the Mexicans used North Korean passports.

The guerrillas—one source said there were 20 rather than 19—were charged with murder, conspiracy, incitement to rebellion, theft, illegal use of weapons and forgery.

The arrested guerrillas said Tuesday, at a news conference, that they were members of the Revolutionary Action Movement. Other members of the group said that guerrillas active in western Mexico had planned to kidnap a diplomat or government official to gain the release of their arrested fellow members.

The Soviet embassy has a total of 25 diplomats listed as members of its staff. The Mexican embassy in Moscow is much smaller—three or four members, according to reports.

[From the Arizona Republic, Mar. 20, 1971]

Mexico's Fears of Plot Set Off Diplomatic Heat Against Soviet

Mexico City.—The diplomatic heat Mexico is putting on the Soviet Union stems from Mexican fears that Communist trained terrorist guerrillas sought to install a Marxist regime in this country, official sources said yesterday.

The attorney general announced Monday the arrest of 20 members of a terrorist group called the Revolutionary Action Movement. He accused them of plotting to overthrow the government. On Wednesday, the Mexican ambassador to Moscow, Carlos Zapata Vela, was recalled. On Thursday, five of the 25 members of the Soviet Embassy staff in Mexico City were expelled.

The Soviet Embassy, surprised by the expulsion order, denied yesterday that any of its staff had engaged in subversive activities.

The embassy said . . . "We do not understand, or know, nor can we explain the action of the Mexican government in declaring officials of this embassy personas non grata.

"We respect completely and exactly the fundamental principles of Mexican foreign policy. The mutual respect between nations, the strict observation of the principles of nonintervention of one country in the affairs of another are shared and supported by us.

"All the officials of the embassy, each one in his position, respect these principles."

The government of President Luis Echeverria Alvarez is reported to have felt it had to move promptly and publicly as a means of sounding a warning against foreign meddling in Mexican affairs.

This is the story as told by diplomats and officials:

Documents captured during the arrest of the 20 last week leave Mexican officials sure of Soviet complicity, though the terrorists got their training in a guerrilla camp outside Pyongyang, capital of Communist North Korea.

The Mexicans have reliable information that one of the five expelled persons helped to finance the bloody pre-Olympic Games student uprising in 1968 and contributed funds for antigovernment disturbances last year. He is Boris Voskoboinikov, the embassy's cultural attache and its contact with the Institute for Mexican-U.S.S.R. Cultural Exchange.

This institute recruited leftist students for scholarships to Patrice Lumumba University in Moscow. Some of these students founded the Revolutionary Action Movement in Moscow in 1966 and made contact with the North Koreans in Moscow for guerrilla training.

Fabricio Gomez Sousa, one of the Mexicans arrested, is said to have traveled from Moscow to North Korea to make arrangements and to have returned with $10,000 for travel expenses.

[From the Washington Post, Mar. 22, 1971]

Four Ousted Soviets Fly Out of Mexico

Mexico City.—Four or five Soviet diplomats ordered out of Mexico left this afternoon aboard a commercial jetliner bound for Brussels.

One hid his face behind a bouquet of carnations as photographers approached and another swung his fist at a newsman but missed.

They were expelled because of Moscow's alleged involvement in a Marxist guerrilla group that seeks to overthrow the Mexican government.

The diplomat who did not make the flight was the charge d'affairs, Dimitri Diakonov, who headed the 25-member embassy staff while Ambassador Igor K. Kolosovsky was in Moscow recuperating from an illness.

Kolosovsky returned to Mexico City unexpectedly last night. It was believed Diakonov remained behind to brief the ambassador, who reportedly will meet Monday with President Luis Echevarria.

The four diplomats who left today were accompanied by nine members of their families as they boarded a Sabena Belgian World Airlines jet.

Mexico recalled its ambassador to Moscow for "consultations" last Wednesday. The next day it ordered the five Russians to leave "as quickly as possible."

[From the Christian Science Monitor, Apr. 7, 1971]

Mexican-Soviet Strains

For years, Mexico has maintained relatively cordial relations with the Soviet Union. All throughout the years of the cold war, when Soviet activities in most of Latin America were on a very limited basis, Russian diplomats moved easily in and out of Mexico City where the Soviet Union maintained a large embassy. There were, however, numerous accusations during this period that the embassy was a staging ground for clandestine Soviet activities in the rest of Latin America.

Now, just at the time when Soviet diplomacy is gaining respectability in the rest of Latin America, the Mexicans seem to be cooling. In quick succession, the Mexicans expelled five top-level Soviet diplomats and recalled their ambassador to Moscow over alleged Soviet complicity in the training of 50 young Mexicans in guerrilla tactics in North Korea. The young Mexicans, for the most part exchange students in Moscow, spent considerable time in North Korea and on their return to Mexico last month were arrested on a wide range of charges including conspiracy to overthrow the government.

Some of the details in the case are lacking and there is some uncertainty over the exact nature of the alleged training in North Korea. But the import of the Mexican action in expelling Soviet diplomats overshadows the reasons behind the action. Moscow, for its part, issued a mild protest, disclaiming any responsibility in the alleged training of the young Mexicans, but the Soviets are worried.

Already Costa Rica, which was moving toward establishing ties with Moscow, has suspended talks on the subject. Uruguay, which has ties with the Soviet Union, announced following the Mexican action it was looking into alleged Soviet interference in internal affairs. And there were reports of a Colombian investigation of an alleged plot involving Soviet personnel.

The whole Mexican affair is embarrassing to the Soviets. They can be expected to make efforts to restore an image of moderation, but there is some doubt whether they will be able to quickly undo the damage caused by the Mexican charges. Indeed, the episode is one more evidence that the United States is not alone in having a credibility gap in Latin America. For whatever comfort it gives Washington, it is clear Moscow has its own problems in dealing with that region.

PROBLEMS OF THE CITY LANDOWNER

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. BOGGS. Mr. Speaker, the Press Club of New Orleans recently voted a first place award to a gifted reporter in my city, Mr. Clint Bolton, for an article on the problems of the inner city landowner. This article, which originally appeared in New Orleans magazine, is pertinent to every city in our country. I am inserting it in the Record and commending it to the attention of my colleagues:

The Art of Being a Slum Landlord

(By Clint Bolton)

The subtitle might be "Or How to Make a Buck Out of Real Estate in New Orleans." Which can be done if you learn the rules of the game even in this period of tight money. That's the rub. The rules of the game. They are not simple. In fact the very confusion surrounding the rules of the game is one of the main reasons you can make a good buck in certain forms of New Orleans real estate.

Just to get something straight at the beginning, I'm not talking about buying a choice square fronting on St. Charles and building a deluxe high rise apartment. One of those condominium jobs, for instance. For openers you would have to pay about $25 a square foot for the land and throw in a demolition fee to raze the buildings on that land. Then you'd have to go through all the motions to build this top flight Xanadu and those motions would really have you mixed up with heavy money before the first bulldozers hit the site. As a matter of fact, on St. Charles hard by that delightful caravanserai, the Pontchartrain Hotel, is such an empty plot of ground. A whole big block of it which represents one and one-half million bucks. With new building money tight as it is and the interest rates what they are, plus taxes and a few other things, that particular piece of ground is going to sit there for quite a spell and nobody is going to get a dime out of it for some time to come.

On the other hand, a block off St. Charles, over on Carondelet, an identical piece of land with buildings on it may be bringing in as high as 30%. One look at that block of Carondelet would give you the creeps. It will contain several big old houses that in former days were definitely mansions. There would have been a landau out front with a pair of matched grays hitched to it with coachman and groom and a very charming lady coming out of the big house to go "calling." That ancient custom whereby ladies of quality got some fresh air and preserved the amenities by stopping at this mansion and that whilst Jason or Jonah knocked on the right doors, left the lady's card on a silver salver held out by Samantha just for that purpose and trotted back to the landau which went on to the next stop and finally paused for the cup of tea and gossip that was the highlight of the afternoon—the "at home tea" at another quality residence.

But times have changed all that. The big houses in many cases are still there but the 1970 equivalent to the matched grays and the landau is a couple of beaten up old cars stripped of everything, even the wheels. Raunchy dogs and feral felines shelter under them and there is probably a several months supply of rat breeding garbage in those junked cars. What's more to the point the elegance of those big old homes are "as one with Nineveh and Tyre." Yet they are not gone with the wind. Even the most dispirited late summer breeze will prove that. You can actually smell them.

The smell is slum smell, ghetto smell. It is compounded of more evil wretchedness and wicked filth than Macbeth's witches ever brewed up on a blasted heath. It is blighted city, not blasted heath, and where once a proud, prosperous and possible numerous family lived with a gaggle of black servants to polish ancestral silver, wax fine woodwork and draw pleasantly scented baths, these old houses have been converted into tenements in which there can be as high as ten rental units averaging around $35 per month, per unit. That comes in at $350 per month. Which adds up to $4200 a year. Own enough of those and you are going to be making a very nice piece of change. Ten such tenements would bring a gross of $42,000 per year and among the people who own this kind of real estate that kind of holding would be a minimum. Privately owned slum housing in New Orleans is big time stuff.

There are, to be sure, many small time property owners in this field. But vast urban acreages on which are large and small slum dwellings is in the hands of individuals on wholly owned family corporations and the rentals over many years, in some cases three or more generations, have provided college educations, summers on the Riviera, junkets for skiing at Aspen and gracious living almost anywhere.

However, if you had a hundred grand floating around and thought you could do handy in slum real estate you would be a very large chump indeed. Anybody with any experience in the business would tell you this is not a game for amateurs.

"First of all," the Old Pro would tell you, "you would have to forget a thing called conscience. You throw that out the window just the way your tenants throw out the garbage. Then you've got to have some contempt. A hell of a lot of contempt, Baby. Just like your tenants when they punch holes in the walls, knock out window panes, clog plumbing and leave your property vandalized when they blow owing a couple of weeks rent. You would also have to have contempt for laws and ordinances, housing codes, and things like that."

The Old Pro would be right because when he bought that property thirty years ago it might have been in pretty fair shape and the people, white and black, might have been pretty fair tenants. People of humble circumstances, to be sure, but people who grew a few flowering plants in the front yard and maybe some tomatoes out back. People who took a hammer and some tacks to nail back that screen in the door that one of the kids knocked loose when he fell against it. But that was back in 1940 and World War II was just around the corner, the Depression was fading and folks were glad to get jobs, have food on the table and a pretty fair roof over their heads. By and large the tenants of those years were fairly good people. They'd survived the lean years on catch-as-catch-can and many of them were getting off relief rolls. Not on them. Of course, some never got off relief rolls and today, nation-wide, we have third generation relief rollers just as we have third generation slumlords.

But World War II with many restrictions which continued after the war may have done as much to create the blighted inner cities of the nation as anything else. Frozen rents created a "To hell with it attitude" in many landlords. Maintenance went up but the rents didn't. Paint cost more and so did the painters. So did carpenters and light fixtures and electricians. Plumbers and plumbing went out of sight.

Caught between rent controls and rising maintenance costs, many a landlord lost his conscience. Not that landlords as a breed ever get tapped for the Galahad Club, but once upon a time a lot of landlords took care of their property because it was just plain good business to keep it in good shape. But more than one real estate expert has assured me that it was the prolongation of rent controls after World War II which accelerated the deterioration of such areas as our Central City. The same is true in other sectors, such as Magazine and Annunciation Streets in the Irish Channel and over in Broadmoor between Washington Avenue and Melpomene and between Claiborne and Broad Street.

Many landlords, finding upkeep cost running ahead of revenue just stopped thinking about upkeep. One landlord added, "It wasn't enough to freeze the rents on us but at the same time union wage scales started climbing. Hell, in the Thirties you could get hold of a man who could do everything needed to keep up a whole block of houses for you. Paint, fix doors and windows, unstop a drain, repair a roof, fix the rain spouts. Do everything. Okay, I just mentioned five different jobs that the old time handy man used to take care of. Today you will be dealing with a union painter, a union tinsmith, a union roofer, a union carpenter, a union plumber, and don't forget unionized plasterers, electricians, and a few others. With low rental properties you may luck onto a small contractor who'll make you a pretty good price because you'll have work for him almost 365 days a year, but don't forget the increases in all building materials. Not to be nosey, how much are you going to get paid for this article?"

This being inflation times I inflated the price and he grinned at me.

"Go out to Delgado and take a course in tinsmithing. It pays more than magazine writing."

With this attitude it is easy to understand why even a "good" landlord skimps on maintenance, why his tenants become increasingly unhappy to the point of destructive frustration and you learn, in part, why slums are born.

But even in the most halcyon days more landlords wore black hats than white. The guys in the black hats didn't give a damn about their tenants and the tenant, white or black, could ask every rent day when the shack was going to be painted, or the stair treads replaced and get the same old "Soon's I can get somebody over there" routine.

Now, of course, there are a variety of ordinances and agencies set up to protect the tenants against the do-nothing landlord. Having foresworn his conscience and having the same contempt for housing and zoning ordinances that the entire nation had for the 18th Amendment of the Constitution of the United States (we called it the Prohibition Law) the landlord in the black hat keeps on making a nice piece of change every month out of sub-standard housing and has a variety of ways of beating any citation he may get from any agency.

There are seven official agencies responsible for regulating housing. They are the City's Division of Housing Improvement, the Housing Authority of New Orleans, the Mayor's Advisory Committee on Housing, the City Planning Commission, Model Cities, Federal Housing Administration, and Veterans Administration.

Of these seven agencies Tulane's Urban Studies Center in a fact sheet entitled "A Look at Housing in New Orleans" has this to say:

"It has been charged that these agencies rarely communicate with each other and often duplicate each other's work. No one has vigorously argued that there is any real direction being given to New Orleans' efforts to solve its housing problems."

The Tulane report then goes on to point out that even if these agencies aren't doing a top grade job . . . "their efforts could not have been worse than that of the judicial branch of government.

"The Housing Court of New Orleans holds sessions only one morning a week. In the past three years, that court has collected all of $175 in fines from property owners who have failed to maintain standards, the largest single fine being $26." (Emphasis supplied by Urban Studies and it should be noted this fact sheet was issued in the fall of 1969. Possibly another $175 in fines has been assessed since. Possibly.)

So even if an inspector comes around and hits the landlord with a citation, on past performance, which is what horse players and people with horse sense use to figure percentages in such matters, the worst that can happen to him is a slap on the wrist in the form of a twenty-six buck fine.

Speaking of horse players it would be interesting to have a bookie make a price on the chances of any landlord holding widespread sub-standard houses getting hit with an inspection of any single unit. According to Paul Sanzenbach of the Urban League there are 26 housing inspectors employed by the city. Studies indicate this figure should be tripled.

But even if the wicked landlord got hit with an inspection this is what would happen. He would receive a form letter stating that inspection of the premises at a certain location revealed the need to correct the following deficiencies. The faults are listed and what with one thing and another he can stall for about ninety days. Then, having gone this route before, he has his lawyer call and say, "Mr. Landlord has started repairs. Right now the living room is being painted."

If an inspector can be spared he drops by and reports "work in progress" and the painter finishes up a slapdab job with cheap paint in one room, calls it a day and that's that. The landlord has given evidence of compliance and the short handed inspection unit may be months, years getting around to that site. Chances are one cheap coat of paint will be all that came of the original citation. Leaks, faulty plumbing. Forget it. The landlord did.

Actually, a real hip landlord can ring-around-the-rosy with the deftness of the Harlem Globetrotters playing the University of Sudan's freshman team. For instance, while he literally owns block after block of sub-standard houses, on the books the properties may be held by several different firms or individuals. He can shuffle houses around with the dexterity of a riverboat gambler and if he claims that the property in question belongs to an old lady in Milwaukee he has a pretty good out. Sure, he'll tell the old lady in Milwaukee that the nice inspector has cited her for a couple of dozen violations but what can he do if she ignores the citation? That the old lady in Milwaukee is his aunt is not mentioned.

For a while the city thought they had non-resident as well as local property owners on this dodge. After the usual round of citations and continued non-compliance the city would move in, make the necessary repairs and place a lien on the property until the city got the taxpayers' money back. This was tried and done. But the city was left holding a very empty bag. The courts ruled that the city could not walk into a building and fix it up. "Honor and faith and good intent" is a very nice thing but it can be, on occasion, unconstitutional. Today, the city keeps on making out citations, hauling a landlord or two into court every now and then but those tumbled down shacks don't really get much improvement.

Earlier I broke down rental figures on a monthly basis. Which is what an amateur with a hundred grand might do. But the Old Pro knows very well that low income tenants don't live on a month-to-month basis.

"In fact," the Old Pro will assure you, "if you lease by the month you'll go broke in no time at all."

So you rent to your tenantry on a weekly basis. Let's go back and see what happens to that old building with ten units that I quoted at $35 a month. Assuming total, full time occupancy for a year you'd have $4,200 annual rental. Well how about renting those ten units at $12 a week? That gives you $120 a week and again, assuming full time, total occupancy, at the end of 52 weeks you've got $6,240 which is $2040 more than you'd make on a monthly deal.

Now any landlord, good or bad, will tell you that in the kind of housing we're talking about you will have to figure as a minimum 25% off for skipped rent, etc. On the weekly rate if you automatically write off 25% you still have $4680 which is $480 MORE than a one hundred percent payoff of the monthly rental. That only came to $4200. Remember?

So another rule of the game is get the rent each week and if, at the end of 52 weeks you've collected 75% you are lucky and making money. But even if you are a very wicked landlord you aren't going to take all of that 75% to the bank. You will have to pay some taxes but anyone knowing the tax structure in New Orleans will know these aren't going to break your back or your pocketbook. You'll probably have to pay somebody to hit the streets collecting rents for you although the number of heroic gents who want to risk a mugging or worse collecting your rents for you is rapidly diminishing.

"In the old days," the Old Pro mused, "the rent collector and the insurance collector made his rounds in black neighborhoods with very little risk. But today things are different. Until NOPSI started that exact fare deal bus drivers were held up with monotonous regularity. Some were even killed. Same thing can happen to a rent collector. Today the tenant is supposed to come to the office with his weekly rental. He may do this for the first few weeks. Then he skips a week. He comes in, pays a week and a few dollars on the week he owes. Then he misses another week. And another.

Then he's a no-show and you drive around to his place, find he has been gone ten days and he may have taken the stove with him or the hot water heater. If he hasn't, the neighborhood has. You wind up with a gutted house or apartment and while the city can cite you and fine you for not keeping a place up to standard, the city housing code has nothing in it about a landlord getting redress from the tenant who burns him."

Actually, there are legal measures. But these are effective only against people of substance. But a low income tenant can move around the corner and maybe even into another apartment owned by the same landlord, under a different name, and he's lost. Even if the police or a skip-trace agency catches up with him, what good does it do the landlord? Can the landlord prove the ex-tenant actually did all that damage? Or was it done after he moved? What damages can be assessed and what is more important, how are you going to collect them?

The answer is that you aren't and that's some more dough down the drain.

About this point the amateur brings up a dandy question. He says, "How about insurance?"

After the Old Pro is picked up from the floor where he has either been chewing the rug a la Hitler or rolling in laughter he will say, "What insurance?"

Today it is almost impossible to get any of the housing we are talking about insured In fact, many major companies will not do business in Louisiana or elsewhere on slum housing. Even with the end-of-summer Black Panther flareup in the Desire area New Orleans has been remarkably lucky compared to many cities in this country. But if the local Black Panthers hadn't turned out to be pussy-cats in terms of real community violence the flames from Desire could have run up through the Central City and there would have been block after block of smouldering ruins. One cynical property owner said, "Yeah, it would have been a terrible thing. Many people killed and injured. Thousands left homeless. But can you think of a better, faster way to get rid of a lot of beaten-up buildings? Sure, I'd be hurt. I lose a lot of rental revenue, but when the bulldozers go through cleaning up the mess I'd still have the land, a big fat tax write-off and a chance to get going in the high rise luxury apartment field."

He grinned as he said this but it was a Mack-the-Knife grin. "The shark has pretty teeth, dear." City, state and federal agencies would clean up the mess and all those miserable blocks with row after row of buildings that no one should have to live in would be a wasteland. But if you think about it a little bit just the bare ground would be worth more than it is now. Ten years ago the 1960 census revealed that of all housing in New Orleans 62% was occupied by persons paying rent as opposed to homeowners. With all hands predicting a forward moving New Orleans in the burgeoning Seventies it is reasonable to assume that the 62% figure will increase. Yet in the ten years between 1960 and now the Parish of Orleans census figures dropped. Where the figures for Jefferson and St. Bernard shot upward. The answer is, of course, that middle-income people and up just can't find the housing they want in New Orleans. The exodus to the suburbs resulted and that trend is nationwide. The vacuum created by this exodus brought on slum expansion. Nobody sets out to build a slum. People create them. In this context it is interesting to recall a March 17, 1970 NBC radio broadcast by Chet Huntley who said the following:

"Throughout the sprawling city of New York can be found row after row of derelict houses slowly falling apart, most of them empty. If occupied at all, the tenants live in the second or third stories to seek some protection from burglars.

"In Washington, not very far from the capitol, there is a cluster of two and three story houses set on rolling hills amid lawns and playgrounds. Again, most of them are empty. This phenomenon is being repeated in city after city as both landlords and tenants abandon the neighborhoods. The landlords say that the cost of maintenance, repair and taxes is higher than the rent they can get for the property and that rent collection is a hazardous business in the neighborhoods. So entire sections of this country's cities could become ghost towns if the trend continues.

"In New York City there are about a half million such abandoned buildings and they are being abandoned at the rate of 2,000 per year.

"The country has had repeated warnings about the crisis in housing. President Johnson's National Advisory Commission on Civil Disorder in its final report, you may recall, cited poor housing in particular as one of the principal causes of the urban rebellion. A year later the National Commission on the Causes and Prevention of Violence echoed these findings.

"For the past ten years and more the federal government has been searching for ways to make low income housing attractive to someone, but it seems that the right program has not yet been devised. Tight money is one economic fact of life which mitigates against housing for the poor right now; indeed against housing for virtually anyone. Builders have long had a general disinterest in low income housing because there simply is not enough profit in it. Congress passed four major housing bills from 1965 to 1968 but they were not enthusiastically nor vigorously implemented and consequently very little came of them.

"The rent supplement plan and the model cities program were significant experiments in national housing policy, but again the funding of both of these undertakings has been kept at a very low level. Public and low cost housing have lost many one-time champions in recent years because frequently the tenants have quickly made new slums out of the projects.

"And so the vicious circle goes on, remains unbroken, the ghettos become more and more unslightly, more and more unfit for human habitation. And the rhetoric goes on as well; millions of words about the need to rehabilitate and revitalize, but the rhetoric provides very poor shelter."

Chet Huntley could have added New Orleans or fifty other cities to those he mentioned in that broadcast. In fact he could have used up twice as much air time just reading off a list of communities. All afflicted with the same problem.

As Huntley noted, rhetoric provides poor shelter. And the poorest shelter is better than rhetoric. Which is why you can make money from misery in New Orleans if you know the rules of the game. Some of the rules have been outlined. But there is one great big fact that really makes all the rules. That fact is that in New Orleans "Negroes represent more than 40% of the population but occupy only 30% of the dwellings, which indicates how tighty they are squeezed into housing available to them. "Blacks occupy over half of all the sub-standard dwellings in New Orleans." (The quotation is from the Tulane Urban Studies Center report previously mentioned.)

If you concentrate on those two sentences you can understand why owning shabby shacks and tenements, especially if you've owned them a long time, is profitable. The initial investment was paid long ago. You may have some mortgages on some of the property, but if you have, they were also made long ago at rates so far below today's interest charges the difference is laughable, if you could get a mortgage in 1970. A couple of real estate men have told me that most financial institutions, banks and homesteads, take the same dim view of the real estate we are considering as do the insurance companies. In the nice, smiling phrases bankers can use when saying no you get turned down. It is strictly no dice.

Up until now I have made most of the owners of deteriorated dwellings look like pretty shifty people. They are wheeler-dealers and they know all about the fact that their tenants, mainly low-income blacks, have to have some place to live. They know that a roof is better shelter than rhetoric and they are grimly aware that if they don't give a damn about their tenants, their tenants don't give a damn about them. So they wheel and deal, stall and shift and follow good old Omar's advice to "take the cash and let the credit go." What if a tenant skips? The housing squeeze is on and there'll be another tenant tomorrow.

But every now and then you'll find a landlord here or there who tries to give his tenants a break. He is a landlord with a conscience although with each passing day it is harder to maintain a conscience in face of continual disillusionment.

Let us take the case of Michael W. Mayer III. He is 32 years old, has a wife and two children, a boy ten and a girl seven. He is a college graduate with a degree in Business Administration. His hobbies, when he has time for them, are photography and ham radio. He lives in the lower half of a duplex on State Street which he owns. He rents the second floor.

Five years ago it became necessary for young Mike Mayer to take over the supervision of the family business because of the death of his grandmother and his father's illness. He left a potentially good job with a well known investment firm and got back into the real estate business. Got back is the exact phrase because Mike Mayer is the third generation of his family to be heavily engaged in real estate. At 14, young Mike was spending school vacations in a sort of apprenticeship in the family business, which is Mayer Investments, 1608 St. Charles Avenue. Well, over 90% of the Mayer real estate holdings are concentrated in low rental black housing.

The Old Pro will tell you that five years ago Mike had stars in his eyes and maybe a hole in his head because he thought that by upgrading and maintaining the dwellings in his charge he could give blacks low cost housing in good condition and that "tenant pride" would result.

Despite the Old Pro, this was and is a good idea but Mike Mayer said to me, "One of the reasons we can at least try to keep up our places is that we own them outright. We don't have a mortgage on a single piece of property. If we did, it would be impossible to keep up our standards."

The Mayer standards are pretty high. An ad for one of his rental units might read like this: "Living-dining area, modern kitchen, two bedrooms, ceramic tiled bath. Tiled floors, paneled throughout, off-street parking, hot water and utilities, paved rear patio. Fully furnished. $100 per month."

If that doesn't sound like a bargain you've never heard one. Any young couple would jump at the chance to get that. Only thing wrong with it is that it is up on Dryades, and that's black country.

To create two apartments as described above Mike Mayer had to get city housing and zoning agencies to waive a few things here and there. While he was actually making what in essence were two deluxe first floor apartments out of a very battered building and definitely upgrading the entire block, a rule had to be bent a little here and a waiver had to be obtained there. But Mayer got the go ahead and did build out of an old shell two very nice apartments as described above. In the closing days of September, I visited one of those apartments. It was vacant. It was also empty. What furniture had not been taken by decamping tenants, Mike Mayer had a cleanup crew haul off.

"It was so beaten up, I wouldn't even offer it to Goodwill or the Salvation Army. So I pay a $25 bill to have it cleaned out of here and hauled to the dump. But that's just the beginning. Take a look around."

I did, while Mike leaned up against the kitchen counter and smiled ruefully. In the bathroom the medicine cabinet was gone. So were most of the light fixtures. Just wires hanging out of the walls and ceilings. The fairly good and reasonably heavy duty floor tiling was gouged. In one room, window glass and screens were broken out. In the other bedroom, Mike pointed out a head-high scar on one panel.

"Bullet?"

"Yeah, they had a poker game here one night and some shots were fired. I don't know if anyone was hurt. I'd be the last to hear. I don't think even the police were called. But there was blood on one of the mattresses I had to junk."

"How did you find out?"

"After it was all over. One of the other tenants told me."

"What happens now?"

"I call the plumber, the electrician, the man I get my furniture from and we start all over again."

"Does this happen often?"

"Look, you walked into my office cold. I'm not showing you a hand-picked place. Let's get in the car. I'll show you what we've got. You can check anything out."

We rode around some more. We talked about everything from housing to ham radio. Young Mike IV is at NOA and the seven-year-old daughter is at Newman. We picked up Mike at school. He's fifty pounds and playing football. He wants to play pro football.

"It could happen, Mike. But afterward, what? Pro footballers don't last forever. How about the real estate business?"

"I don't think so. Too many headaches."

Mike III laughed, "I swear I didn't brainwash him for you."

I don't think Mike III did. As a matter of fact Mike III didn't try to con me. He did make his points and among them was that the housing code may protect the tenant but doesn't do too much for the landlord.

"I've heard that before, but I've been nosing around a bit. You sound very much on the level but I gotta lot of Irish in me and you know us Irishmen get suspicious the minute a landlord says hello. How about the bobbing and weaving when a housing inspector hits you with a list of violations?"

"Let's go back to the office. I'll show you a few things."

At the office Mike Mayer pulled open a file and said, "Here's a typical citation. We get them as often as anybody. Only we never ignore them." The form letter was dated June 2, 1970. Attached to it was another form listing 18 violations. Ten were exterior. Four were interior. There was one each covering plumbing and electrical requirements in each of two units. The location was 3205–09 Dryades Street.

"We've never ducked a citation," Mike III said.

I'll take that. Because there was a third document attached to the first two. It was dated September 17, 1970. It was also from the Division of Housing Improvement. It stated that "inspection of the referenced property reveals that work requested by this Division has been complied with."

I didn't bother to ask Mike Mayer what the repairs had cost. But later, back in his office, he pulled out a sheaf of bills. I read off the amounts on a batch of plumber's bills. Mike totaled them up on an adding machine. For eight months, January through August, it added up to $2060.

Then we did the same with a batch of maintenance bills. This would cover repainting, replacing window panes, replacing fixtures and other odds and ends. Now and then there'd be just a $3 item but there were enough $100 and up bills to bring the total up to $4717. These bills were rendered on a weekly basis and as Mayer pointed out, some weeks in which only a three to five buck bill was involved indicated probably only an hour's work.

We counted up the bills. There were 41 in all. But Mayer said, "I think it would be fair to state that it amounts to about 26 weeks if the odd days here and there were condensed. With colder weather coming we'll have a lot of problems with water heaters, overloaded electric supply . . . you know, the TV going, the refrigerator going, maybe a record player and a couple of electric heaters. When you come right down to it, the electricity overload will apply from a slum house over around Willow Street to an old mansion in the Garden District, regardless of who lives in it. That Urban Studies report you are holding makes that point. Of all housing in New Orleans 67% was constructed prior to 1939. You get through with air conditioning, a refrigerator, a couple of TV sets, a hi-fi, electric can opener, the vacuum cleaner, and all the other gadgets like shavers, toothbrushes and it is a wonder a lot of that 1939 wiring can handle the load. Don't take my word for that. Check it out with NOPSI."

"Yeah, I've blown a few fuses in our apartment because we had too many gadgets all going at the same time. But I just put in a new fuse and make sure we don't have everything going at the same time. Pretty simple."

"For you. But you'd be surprised at all the tenants, low income, high income, that can't even find the fuse box and don't have sense enough to balance the power pull."

"Well, that's that. But how about these bills. The two batches add up to $6,777. Does that cover all the units Mayer Investment controls?"

"Not by a long shot. Juanita, how many units do these bills cover?"

Juanita Ariot is a pleasant, smiling-voiced young black woman who is Mike Mayer's secretary and backstop. She keeps in touch with him while he's out of the office via his car radio telephone. She acts like she's good at her job. Now she called in from the front office.

"Those bills are for only 56 units."

Fifty-six units is small stuff in the overall Mayer setup.

"I don't want to make you punchy with figures. Call that a sampling and come back when my bookkeeper is here. I'll get you a breakdown on the whole spread."

"Don't bother, Mike. This breaks down to right around $120 per unit for the first half of the year. I don't want to be a landlord."

If you are a landlord "with a conscience," promptly take action when it is needed or called to your attention and automatically knock off 25% from your gross potential revenue to cover the skips and vacancies, replace stolen or totally wrecked furniture, the temptation to trade in the white hat for the black one must be very strong. I said as much to Mike Mayer.

"It is. But we've always tried to do right by the tenants. Come on, let's go over and see my uncle. He's 75 and has been in this business about as long as anyone. Still in it. Every day."

Mike's uncle is Alvin P. Lichtentag, with offices at 3424 South Claiborne. I didn't get to meet him because it was after five by then and he'd called it a day. But behind the one story building which houses his office is a neat row of small apartments. Mr. Lichtentag has another senior citizen, also 75, named Louis Bowen for his backup man. He lives in the first apartment behind the office and he's proud of his more than fifty years of association with Alvin Lichtentag. At 75 he stands over six feet and comes in around 210. I kept trying to think of who he reminded me of. Back in my head I saw a flickering of old black and white film running jerkily. It was Jack Johnson losing the world's heavyweight title to Jess Willard in Havana, Cuba, April 5, 1915. It took Willard 26 rounds to knock Johnson, then 35 years old, out. Big, black Louis Bowen is a Jack Johnson type. Right now at 75 I'd hate to have him backhand me off a bar stool.

Bowen wasn't doing any backhanding. And he wasn't doing any Uncle Tom stuff. A guy proud of his work, proud of the place in his charge and, very obviously, devoted to Mr. Lichtentag. We sat on Bowen's front steps after touring the row of apartments. It had been a long hot day and it was good just to sit there in the shade with the first stir of an evening breeze.

"Sit out lots on a good night like this. Tune up the radio and listen to some baseball. Pass a little time with the neighbors. Good folks. See this lady comin' pushin' the market cart? She's been with us quite a spell. That's her uniform. Works over in Baptist Hospital. Does her shopping on the way home. Yeah, tenants okay here.

But you oughta see some of our places. People can mess up a place in a week, ten days. Man, I mean really wreck it. Trash for tenants. Lotta them that way. Too damn many."

"But black folks like you, Louis. They don't get too many breaks."

"They ain't like me. Relief roll chippies, hustlin' chippies. Take that welfare money, blow it on vodka an' work the joints between checks. Welfare worker comes around. Some nice white lady mos' likely. They give her alla this an' that. Laugh like hell at her back when she walks down the street."

"Ever been on relief, Louis?"

"Never. Not even back in the real hard times. Me and Mr. Lichtentag did the bes' we could. Got my old age pension now and I make out OK."

"Yea, you got Medicare and stuff like that."

"Okay. I put in my time workin' to get it. I'm 75. Honorable Discharge World War One. VA hospital took good care of me 'bout ten years ago. Heart attack. But relief. No time."

I looked down that black long alley with the neat apartments. I thought about Cabot's Alley over off Danneel. Not too far distant but a million miles apart.

We said goodby and I grabbed a cab home.

The next day I roamed around the Central City area. On foot. I wore old suntans and a beat up sport shirt my wife has been trying to throw away since 1967. I didn't wear my wrist watch and carried under ten bucks. I had a two-day beard and looked like a kinda beaten-up old type who wouldn't be worth rolling or mugging. Broad daylight but part of the slum atmosphere is the smell, the little tension of violence. I ambled slow and easy and didn't stop too long looking at the beat up houses, the hordes of kids, the old, old, very tired black folk and the strident young slatterns, the big, bold eyed bucks in front of the corner bar-pool hall. They looked at me. The hostility was passive. Jes' anotha wore out ole Honkie, I could hear them thinking. Not worth messin' with.

You don't have to stand and stare at slum housing. Count the meter boxes on an old house that has fallen on evil times. Ten, twelve boxes on what once was a prideful home housing a proud and prosperous family. Ten crumby apartments now and you can make book that each apartment will average out to around four occupants. Forty people living jammed up together. Bathrooms? One to a floor and follow your nose. Eight to five the old type overhead toilet tank has half the pull-chain broken off. If it clogs up, to hell with it. Let Mr. Whitey Landlord fix it an' let the damn water flood the joint. Old Mister Honkie hasn't got half the leaks from Betsy fixed. Betsy hit back in '65.

Hot summer sun bouncing off garbage strewn streets. The old, old slum stench and a black kid about thirteen holding a transistorized radio-cassette to his ear. Other hand finger snappin' to the rock beat. Very few thirteen-year-old black kids in a slum in any city can afford that kind of gear. A top brand radio-cassette which will record and has a mike comes in at around $120. I'd like one myself and I spotted the brand name. It was right up there. No mike but maybe he'd left that home.

One hundred and twenty bucks, you think, and wonder if the kid shoplifted it, slid through an open window and grabbed it or maybe his older, hustlin' sister brought it home. It was a cinch that kid's play-pretty was hotter than the sidewalk but it wasn't my business.

Misery Town is in every city in the nation and making money out of misery has been going on ever since men made the first city, back in the pre-Babylonian mists. You can make a million surveys, write a million well researched papers and have a million smiling cities on the planning boards. But you are still a puppy dog chasing his tail. Good is being done and more will be done. But Mike Mayer pointed out one of his houses which on the books in his office shows occupancy by a married couple with two children. We drove by it and he said, "Want to get out and make a one man census? You'll find about a dozen people living in there."

"Looks that way from here. But can't you put 'em out? Isn't there an ordinance on overcrowding you can invoke?"

"But if I did, where would they go?"

And that's one question nobody has the answer to. Just around two thousand years ago a guy named Matthew said it. In the New Testament. He wrote, "For ye have the poor always with you . . ."

Yeah, the poor are always with us. Walking around, talking around, you find out a lot of things. But the slum story is a very old one. Black Harlem, Spanish Harlem, Bronzeville, Chicago, Watts. Who are the guys in the white hats? Who are the guys in the black hats? Some very black faces are under white hats and some very black faces are under black hats.

Not all slumlords are lily-white. Black men prey on their own people. They know the rules of the game. A rough game. Tough game, Baby. Duck and weave, bob and sway, just be sure you get all the rent today. Sounds like a pretty fair blues tune. Maybe so. Call it "Black and Blue Bruise" and make another survey, pass another zoning law. Tighten up this ordinance and that. But there isn't any magic Kickapoo Indian Remedy, that golden elixir you can huckster off the back of the old medicine wagon that's going to take away the Black and Blue Bruise. A big ole bruise, Baby. Right on the fair face of the City That Care Forgot.

If, as and when this piece gets published, I expect some folks will write in and want to know who the villains are. They'll want to know "why somebody doesn't do something about it" and take it from me, save the time and postage. I didn't list any "bad" landlords, not that I can't and can make it all stand up in court if they want to call their lawyers down on me. It just isn't going to change things much and some way, somehow, there will always be somebody making a buck from the poor that are always with us. As to "why doesn't somebody do something about it", the answer is that a lot of people are trying very hard against very great odds. But this is one ailment for which there isn't any Pill. Don't look to tomorrow. Just hope by the year 2000, which is thirty years from now, about fifty percent of what has to be done has been accomplished.

Bad landlords make bad tenants some will tell you. Others will say it is just the reverse. Somewhere in between is the truth and, hopefully, the answer. But I could give landlord and tenant this piece of advice. Another line from the Bible. Old Testament this time. Preacher man named Ecclesiastes who was a pretty smart old party. Some Biblical scholars think he was really Solomon writing under a phony byline. Whoever he was, in Chapter 10, Verse 19, he wrote this:

"By much slothfulness the building decayeth; and through idleness of the hands the house droppeth through."

A good comment and very nice rhetoric as Mr. Huntley pointed out.

Goodnight, Chet.

VIRGINIA'S FOURTH ANNUAL HEALTH EDUCATION FAIR

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. WHITEHURST. Mr. Speaker, the health and physical education department of the Norfolk, Va., city public schools, in cooperation with the Cosmopolitan Club of Norfolk, will present its fourth annual Health Education Fair from May 10 through May 16, 1971, at the Military Circle Shopping Mall.

This is the largest health project ever undertaken in the city of Norfolk. Students from all the city junior and senior high schools will participate in this outstanding endeavor.

In order that my colleagues may be aware of the tremendous effort in planning and community participation, I am introducing for the RECORD the announcement which was prepared to publicize this fair. I know that my colleagues will join me in wishing the Cosmopolitan Club and the Norfolk city schools every success.

I include the material as follows:

PURPOSE OF THE HEALTH EDUCATION FAIR

The purpose of the Health Education Fair is to motivate interest on the part of students in the development of proper health habits and practices. Youth today, because of advances in medical science, is healthier than at any previous time. Some of the positive aspects of health that youth has to look forward to are longer life expectancy, chances of living to start school are better, chances of living through school years are the greatest in history. Today's youth is bigger and heavier and gains against diseases are phenomenal.

On the other hand, there still remain many problems which are of such grave nature that teachers, the community and all of the resources of our country must be brought to bear in order to provide youth with the knowledge to combat them. Some of these areas of concern are nutrition, accidents, sex education, heart disease, dental health, mental health, communicable diseases, exercise, drugs and narcotics, alcohol, nicotine addiction and consumer education.

The objective of health education is to present the facts involved in these areas to children. The purpose of the Health Education Fair is to motivate interest on the part of students in health education and to enlist the support of community groups in assisting with this challenge.

GREYSON DAUGHERTY,
Supervisor, Health, Physical Education & Safety.

THE EXHIBIT

All of the projects will be on display in Military Circle Shopping Mall on Monday, May 10, 1971 through Sunday, May 16, 1971. During this time the judges of the various areas will visit the displays and make their selections for the awards. All winning numbers must be called in by Friday, May 14. (441–2394). This is important since the display must be dismantled Monday and will allow the Cosmopolitan Club to select its winners from all of the first place winners.

THE AWARDS NIGHT

Everyone, including students, parents and sponsoring groups, is invited to attend the Awards Night, to be held at Lake Taylor Junior High School auditorium at 8 o'clock, Friday, May 28, 1971. Teachers are urged to have students bring their parents and friends for the Awards Night. Winners will not be announced until the night of the awards.

The purpose of the Awards Night is to provide an opportunity for students to receive their awards from the judges of the participating organizations, and to bring all school and community groups together.

PARTICIPANTS

Students in all of the junior and senior high schools are invited to submit projects to their teachers. These projects must grow out of the instruction in the health classes. The teachers will enter the best projects in the City-Wide competition.

AWARDS

Awards will be given for the best projects in all areas taught in the health education classes.

See your health education teacher for a list of organizations and awards to be made.

All pupils who enter projects in the Fair will receive certificates.

In addition to awards in all areas of instruction, the Cosmopolitan Club will give a grand award of a $300.00 bond for the best project in the exhibit. They will also give awards of a $200.00 bond for the second place winner and a $100.00 bond for the third place winner.

CRITERIA FOR EVALUATING PROJECTS

1. All projects must originate in the health education classes.
2. *Originality:* The originality of the project is of tremendous importance.
3. *Scientific Accuracy of the Project:* It is important that the project be accurate in detail and structure.
4. *Quality of Project:* It is important that the quality of the project be taken into consideration. In the case of booklets, merely using pictures from books and other sources is not enough.
5. *Neatness:* All projects, including booklets, should be neat. This means that the materials used should be selected carefully and constructed neatly. For instance, a plywood backing for a particular project would be more desirable than a piece of material from a corrugated or cardboard box.
6. *Electrically Operated:* No electrically powered project will be accepted unless operated by batteries.

COOPERATING AGENCIES

Several groups and organizations throughout the community that are interested in health education, are supporting the Health Education Fair again this year. These agencies will give awards for the best three projects in the areas in which their organizations are primarily concerned. The organizations and the awards are shown below.

Emphysema and tuberculosis projects

Sponsored by Southeastern Virginia Tuberculosis and Health Association. Mr. Thomas Sully, President; Mr. Richard T. Bowman, Executive Director.

Awards: 1st place, $50.00 bond; 2nd place, Prize; 3rd place, Prize.

Heart disease projects

Sponsored by Tidewater Heart Association. Dr. Eugene Poutasse, President; Mr. W. Raleigh Alexander, Executive Director.

Awards: 1st place, $100.00 bond; 2nd place, gift; 3rd place, gift.

Behavior problems projects, 8th grade

Sponsored by Louis M. Saunders Co., Inc. Mr. Louis M. Saunders, President.

Awards: 1st place, Bicycle; 2nd place, Prize; 3rd place, Prize.

Cancer and smoking projects—Junior high school

Sponsored by American Cancer Society, Mr. Ernest A. Morgan, President of the Board of Directors, Mr. James A. Hagemann, Area Representative.

Awards: 1st place, $50.00 bond; 2nd place, $25.00 bond; 3rd place, Prize.

Boating safety projects

Sponsored by Elizabeth River Power Squadron, Mr. Charles C. Richardson, Jr., Commander.

Awards: 1st place, prize; 2nd place, prize; 3rd place, prize.

Emotional health projects

Sponsored by Tidewater-Virginia Association for Mental Health, Mrs. Sarah J. Nichols, President, Mrs. Betty Berg, Executive Director.

Awards: 1st place, $25.00 bond; 2nd place, pen set; 3rd place, certificate.

Smoking projects, 10th grade

Sponsored by Southeastern Virginia Tuberculosis and Health Association, Mr. Thomas Sully, President, Mr. Richard T. Bowman, Executive Director.

Awards: 1st place, $50.00 bond; 2nd place, prize; 3rd place, prize.

First aid projects

Sponsored by Tidewater Chapter—American Red Cross, Mr. John L. Roper, III, Chapter Chairman, Mr. Paul D. Jackson, Acting Chapter Manager.

Awards: 1st place, $50.00 bond; 2nd place, first aid kit; 3rd place, prize.

Alcohol education projects

Sponsored by Virginia Council on Alcoholism and Drug Dependence, Mr. W. R. Moore, Jr., President, Mr. Gorman Brinkley, Executive Director.

Awards: 1st place, $50.00 bond; 2nd place, $25,000 bond; 3rd place, certificate.

Drug abuse projects—junior high school

Sponsored by Suburban Junior Woman's Club, Mrs. Garland Payne, President, Mrs. Donald Doyle, Vice President.

Awards: 1st place, $50.00 bond; 2nd place, prize; 3rd place, prize.

Venereal disease projects

Sponsored by American Legion Women's Post 118, Mrs. David Terada, Commander, Mrs. Reginald A. Grantham, 1st Vice Commander.

Awards: 1st place, $50.00 bond; 2nd place, gift certificate; 3rd place, gift certificate.

Nutrition projects

Sponsored by Mary Jane Bakery, Mr. Alexander P. Kotarides, President, Mr. George P. Kotarides, Vice President.

Awards: 1st place, $50.00 bond; 2nd place, $25.00 bond; 3rd place, $25.00 bond.

Physiology of exercise projects

Sponsored by Woman's Auxiliary to the Norfolk County Medical Society, Mrs. Charles Sale, President, Mrs. Joseph Passantino, President-Elect.

Awards: 1st place, $50.00 bond; 2nd place, $25.00 bond; 3rd place, prize.

Driver education projects

Sponsored by Norfolk Safety Council, Mr. J. B. Ruth, President, Captain William Powell, Secretary-Treasurer.

Awards: 1st place, $50.00 bond; 2nd place, $25.00 bond; 3rd place, prize; teacher sponsor, $25.00 bond.

Dental hygiene projects

Sponsored by Virginia-Tidewater Dental Association: Dr. J. W. Atkins, President; Dr. J. H. McCoy, Health Fair Chairman.

Awards: 1st place, $50.00 bond; 2nd place, $10.00; 3rd place, $5.00.

Home and fire safety projects

Sponsored by Norfolk Association of Independent Insurance Agents: Mr. Robert Henderson, President; Mr. Ralph Hamilton, Vice President.

Awards: 1st place, $50.00 bond; 2nd place, $25.00 bond; 3rd place, prize.

Birth defects projects

Sponsored by March of Dimes: Mr. Charles Moss, President; Mr. Robert Haynes, Vice-President.

Awards: 1st place, plaque; 2nd place, desk set; 3rd place, medallion.

Gun safety projects

Sponsored by Izaak Walton League of America, Mr. E. T. Hamlet, President; Mr. Sterling N. Yoder, Jr., Chairman Health Fair.

Awards: 1st place, $100.00 bond; 2nd place, prize; 3rd place, prize.

Foot projects

Sponsored by Hofheimer's Shoe Store, Mr. Alan Stein, Manager.

Awards: 1st place, $50.00 bond; 2nd place, gift certificate; 3rd place, gift certificate.

Ear projects

Sponsored by Baker's Hearing Aid Center, Mr. Kenneth Baker, President.

Awards: 1st place, $50.00 bond; 2nd place, prize; 3rd place, prize.

Drug abuse projects—senior high school

Sponsored by Kiwanis Club, Mr. William H. Gatling, President; Mr. Robert F. Boyd, Vice-President.

Awards: 1st place, $50.00 bond; 2nd place, $25.00 gift certificate; 3rd place, $10.00 gift certificate.

Safety in physical education and athletics projects

Sponsored by The Sportsman's Shop, Mr. Dwight Casterline, General Manager.

Awards: 1st place, $25.00 gift certificate; 2nd place, $15.00 gift certificate; 3rd place, $10.00 gift certificate.

Eye projects

Sponsored by Traylor Optical Company, Mr. Kingsley Traylor, President.

Awards: 1st place, $50.00 bond; 2nd place, $25.00 bond; 3rd place, prize.

Disease control projects

Sponsored by Norfolk Business and Professional Women's Club, Mrs. Ann Diffee, President.

Awards: 1st place, prize; 2nd place, prize; 3rd place, prize.

Elementary bicycle safety projects

Sponsored by Health and Physical Education Department, Norfolk City Public Schools.

Awards: 1st place, trophy; 2nd place, certificate; 3rd place, certificate.

Drug abuse projects (elementary)

Sponsored by Midtown Kiwanis Club, Mr. C. John Alley, President.

Awards: 1st place, $50.00 bond; 2nd place, $25.00 bond; 3rd place, $25.00 bond.

Health careers projects

Sponsored by District IV, Virginia Nurses' Association, Sister John Anna, President, Mrs. Jean Miller, Vice-President.

Awards: 1st place, $50.00 bond; 2nd place, $25.00 bond; 3rd place, $25.00 bond.

GRAND AWARDS

Sponsored by The Cosmopolitan Club of Norfolk.

1st place winner, $300.00 bond; 2nd place winner, $200.00 bond; 3rd place winner, $100.00 bond.

COSMOPOLITAN CLUB COMMITTEE

Linwood F. Perkins, Jr., Chairman, Jack R. Wilkins, Albert E. Powers, E. R. McAllister, Rhea L. Walker, Curtis W. Baskette.

TO REPEAL OR NOT TO REPEAL TITLE II, THAT IS THE QUESTION.

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. MATSUNAGA. Mr. Speaker, there is now pending in the House Rules

Committee two bills which represent diametrically opposing views on the question: Is there a need for concentration camps in America?

The one bill, H.R. 820, reported from the House Internal Security Committee, chaired by the gentleman from Missouri (Mr. ICHORD), in effect says "yes."

The other bill, H.R. 234, reported from the House Judiciary Committee, chaired by the gentleman from New York, the dean of the House (Mr. CELLER), says "no."

Both bills relate to the Emergency Detention Act—title II, Internal Security Act of 1950—which had its genesis as a Senate floor amendment to the so-called McCarran Act—which became title I of the Internal Security Act of 1950—after the House had passed a similar measure. Title II, therefore, was never considered in a House committee prior to its enactment.

In this situation, the Washington Post has elected to take a clear and convincing stand:

> The Emergency Detention Act ought to be erased in its entirety.

The editorial notes that the Nixon administration is for repeal of the abhorrent act.

Mr. Speaker, I submit for inclusion in today's CONGRESSIONAL RECORD the Post editorial of April 24, 1971, entitled "Detention Camps," which provides the reasoning to support its stand on this question. I commend the editorial to the attention of my colleagues who will soon be called upon to vote their conviction on this important issue.

The editorial follows:

[From the Washington Post, Apr. 24, 1971]

DETENTION CAMPS

It is not generally known to Americans that they have on their statute books a law authorizing the establishment of concentration camps in the United States. They are not called concentration camps, of course; they are referred to euphemistically as "detention centers," concentration camps being repugnant to all Americans as a symbol of totalitarianism. Nevertheless Title II of the Internal Security Act of 1950—that hangover from the hysteria of McCarthysm—authorizes the President to declare, under certain circumstances, an "internal security emergency." Once such a declaration has been made, the President, acting through his attorney general, may, in the words of the statute, "apprehend and by order detain . . . each person as to whom there is reasonable ground to believe that such person probably will engage in, or probably will conspire with others to engage in acts of espionage or sabotage."

Can you imagine how that law could be put into operation once an internal security emergency has been declared? No more fooling around with such old-fashioned formalities as due process or trial by jury or proof beyond a reasonable doubt. Safety first would be the watchword then, not liberty under law.

As a member of the only minority group in America ever to be incarcerated in concentration camps on account of racial ancestry, Rep. Spark M. Matsunaga has introduced in the House of Representatives, along with more than 110 colleagues, legislation, as he put it, "to repeal this repugnant statute and to remove the spectre of concentration camps from America's future." Hope Eastman, speaking for the American Civil Liberties Union, declared in testimony before the House Judiciary Committee: "The overall impact of this Act is to suspend the Constitution during an 'internal security emergency.' The Act deprives the courts of their constitutional role. Abandoning both the substantive and procedural guarantees which the Constitution contains, it allows imprisonment on account of a man's ideas."

The bill to repeal this monstrosity was approved by the Judiciary Committee and is now awaiting a rule by the House Rules Committee. The Senate voted for it unanimously in its last session, although the House never got round to action on it. The Nixon Administration, and Attorney General Mitchell personally, has given it unequivocal approval.

There appears to be nothing in the way of repeal—except that the House Internal Security Committee, with its usual ham-handedness, has cluttered up the prospect by proposing an alternative measure which would merely tinker with the existing law, improving it somewhat but leaving its essential vices in effect. Concentration camps in any form have no place in American life. The Emergency Detention Act ought to be erased in its entirety.

MORE ON THE 18-YEAR-OLD VOTE AMENDMENT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. RARICK. Mr. Speaker, during the brief debate on the 18-year-old vote resolution, efforts to amend to include full emancipation and grant full legal citizenship to the 18-, 19-, and 20-year-olders was ruled not germane.

Veteran Capitol Hill Correspondent Willard Edwards of the Chicago Tribune in his column "Capitol Views" of April 17, 1971, raises some pertinent questions with regard to the impact that State ratification of the 18-year-old voting amendment will have because of the inequities resulting from 18- to 20-year-olders being allowed to vote while not having legal status as full-fledged citizens.

State legislators, considering ratification of the 26th amendment, should read and ponder Mr. Edwards' remarks as well as those of Columnist James J. Kilpatrick.

I insert Mr. Edwards' article, an article by James J. Kilpatrick, and my report to my constituents entitled "The 18-Year-Old Vote Amendment" in the RECORD:

[From the Chicago Tribune, Apr. 17, 1971]

THE 18-YEAR-OLD VOTE RAISES QUESTIONS

(By Willard Edwards)

WASHINGTON. April 16.—An 18-year-old citizen, assuming ratification of the constitutional amendment now under consideration by the states, may drive to a polling place in November, 1972, and cast his vote for all candidates, national and local.

A few minutes later, he is involved in an auto collision. State government laws and insurance company regulations provide, in such an instance, that his parents are completely responsible for any damage.

Congress has decreed that young Americans have achieved maturity at 18. State laws almost everywhere declare them immature until they are 21. Until they reach that age, they must have guardians to legally control their properties.

These reflections on the impact of the 18-year-old voting amendment have been forwarded by Homer V. Lundeberg, director of a Chicago management consulting firm.

They seem worthy of study, especially since Lundeberg scents a "conspiracy of silence" by the news media in connection with serious consequences of the amendment.

He speculates that newspapers and television are bidding with each other to capture the interest of young adults and thus hesitate to publicize the negative aspects of giving them the vote at 18.

Any neglect in this respect, it is suggested, is due to the unseemly haste with which Congress acted on the issue and the rush of state legislatures [18 in the 23 days since congressional action] to ratify. Action by 38 states is required to give the franchise to an estimated 11,000,000 young men and women, 18 to 21.

The main objections publicized thus far have been political. The recent election results in Berkeley, Cal., where a radical coalition of students and blacks won near-control of the City Council, have stimulated fears in other college towns where students could, theoretically, take control.

There can be little doubt that inadequate consideration has been given to other side-effects of the lowered voting age. Some of Lundeberg's examples of potential problems are provocative:

The 18–21 voters would be empowered to help decide issues of local importance, such as local option for liquor sales. Most states and local communities bar sales of alcoholic products to those under 21 and, in some areas, their parents can be jailed if such sales are negotiated.

In Nevada, prostitution is a matter of local option. The 18–21 group could help legalize prostitution in a community; but the parents of those under 21, by state law, could be put in jail for permitting them to consort with prostitutes.

Two big insurance firms checked by Lundeberg said they would have to make a re-survey of their policy structures and premium rates to meet a new situation where parents are responsible for minors only until 18.

University and college administrators admit informally that large numbers of students attend because parents have legal obligations until their children reach 21. They believe there will be a substantial reduction in overall enrollment if those obligations end at age 18.

Every state legislature, before ratifying the 26th amendment, Lundeberg suggests, should consider the granting of complete majority, for all purposes—with its responsibilities as well as its benefits—to all individuals reaching the age of 18.

Admittedly, this might slow down the rate of ratification. But, if logic prevails, why shouldn't 18-year-olds, subject to military service and now to be given the vote, own property, sue or be sued in their own names, and run for Congress?

[From the Washington Post, Mar. 30, 1971]

STATE LEGISLATURES SUBJECTED TO EXTORTION

(By James J. Kilpatrick)

The House of Representatives last week completed congressional action on a constitutional amendment extending the vote to young men and women at age 18. Within hours, Minnesota, Delaware, Tennessee, Connecticut and Washington had ratified. The rush is on.

It is an exercise in futility to voice dissent in the midst of a bandwagon's brassy roar; but, such an exercise may be useful all the same. To extort, by definition, is to obtain some object "by force or undue or illegal power or ingenuity." What we are engaged in here, by the grace of Congress and the whim of Hugo Black, precisely fits that definition. What it is, is extortion.

This crime against the Constitution began last year, when Congress undertook by simple statute to extend the vote to 18-year-olds in all elections. President Nixon, against his better judgment, signed the bill. A test case, challenging the act, went to the Supreme Court in October. In December, the court split 5–4, in one of the most bizarre decisions in its history, holding the law valid in part and void in part.

Black was the swing man. The aging Alabamian agreed with the court's conservatives that Congress had no power to fix a minimum age for voting in elections to state offices; but he flopped to the liberals in ruling that Congress may exert its will as to national offices. His reasoning, if so it may be termed, went along these lines: Congress has power, under the Constitution, to make its own regulations or to alter state regulations prescribing "the manner of holding elections for senators and representatives." The word "manner," Black decided, embraces the minimum age of voters. And though the provision is limited explicitly to senators and representatives, Black ruled that the provision is just bound to apply to the election of Presidents also. *Et viola!* The deed was done.

The result was not only to rape the Constitution but also to create chaos for the states. Election officials in 47 states—all but Alaska, Georgia, and Kentucky, which already have fixed a minimum age of 18 by their own action—face the expense of maintaining two sets of registration books, one for state elections, the other for national elections.

To eliminate this costly and confusing prospect, the Congress now has approved a proposed 26th Amendment to the Constitution. The resolution is clumsily worded but the intent is plain:

"The right of citizens of the United States, who are 18 years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age. The Congress shall have power to enforce this article by appropriate legislation."

That is the proposition sent forth last week for ratification. If 38 states agree within a seven-year period, the amendment will become part of the Constitution.

Whatever the law may be, it is wrong—simply wrong—for the states to be put in this impossible position. The legislatures are not free to consider the proposal on its merits. They are being told to ratify or else—or else face the chaos and expense of two sets of books. Probably the states will cave in; but many of them, in doing so, will act against the expressed will of their own voters. The people of Connecticut, for one example, in November rejected a state proposal to lower the age to 18; but now Connecticut's General Assembly has ratified the amendment.

Connecticut's voters are not alone. The people of nine other states last year rejected lower-than-21 proposals. In all of them, the state legislatures face the uncomfortable prospect of approving a proposition their own people have specifically disapproved.

It has to be acknowledged, again, that doubtless it is futile to protest at this point. But the states, if they value the integrity of the amendatory process, should refuse even to consider ratification until Congress has first repealed its own 18-year-old statute. This would free the states from extortion. In the blessed name of federalism, it seems little enough to ask.

THE 18-YEAR-OLD VOTE AMENDMENT

The U.S. Constitution is the basic law of our country. Any proposed change to it should not be adopted in haste but only pursuant to Article V and after considered and ample debate and deliberation. This slow, cautious, and deliberative process of law making helps to assure that good and just laws will be made—to slow down or prevent emotional reactions from passing bad laws. This was not the case regarding Section 302 of the Voting Rights Act Amendments of 1970 nor the recent proposed amendment.

The House of Representatives held no hearings on the 18-year-old vote resolution and consideration of it by the House was limited to two hours. I couldn't even get recognition from the Committee Chairman for time to talk in general debate. For me to speak, it was necessary to get recognized from the floor by the acting Speaker. And that I did. I was sorely disappointed that the Chairman ruled as not germane an amendment to the 18-year-old vote resolution which would have emancipated and given full legal citizenship to the 18, 19, and 20 year olders in addition to granting them the right to vote. By ruling the amendment not germane, the members were denied any vote on any alternative to the bill as drafted by Congressman Celler of New York.

The constitutional power to fix age qualifications of voters is vested solely in the sovereign States by the Constitution. Congress has no constitutional authority whatever for setting age qualifications for voting in federal, State, or local elections.

Yet, last June, the media generated "public opinion" of the hour so clouded reason that many members ignored the clear language of the Constitution which they had sworn to uphold by enacting a statute—passing a law—enfranchising voters between the ages of 17 and 21 to vote in all federal, State, and local elections. Congress passed the buck to the President who, while openly stating that the measure was of doubtful constitutionality, nevertheless signed it into law and passed the buck to the Supreme Court. The Court in turn by one vote, a 5 to 4 decision, expediently compromised the bill by holding that the act of Congress amended the Constitution as to federal voter qualifications but was invalid as to the States. To hold that this law was made pursuant to the authority given by the Constitution flouts all rules of law, logic, and reason. At most it is justified as good politics. These good men of all three branches of government surrendered to emotion and the political hysteria of the hour.

Congress should repeal Section 302 of the Voting Rights Act Amendments of 1970 so that legislators of the States will be able to deal with the proposed amendment as free and deliberative men and not as men stampeded into action by the confusion caused by the usurpatory legislation of Congress as validated in part by the Supreme Court. Congress created the problem of dual voting—not the States. Congress should clean its own house first.

I have introduced H.R. 385 to repeal not only Title 3 of the Voting Rights Act of 1965 but to repeal the act in its entirety inasmuch as the other sections are discriminatory as applying only to that region of the country known as the South and thereby denying citizens of the South equal protection of the laws—which, by the way, was the legal argument used by the Supreme Court in upholding the 18-year-old vote in federal elections.

While passage of the 18-year-old resolution—limited only to granting the right to vote—offers a solution to but one of the pressing desires of youth to get involved in the action, I suggest it will but create additional problems and inequities. If the teenager is old enough to vote, he should be old enough to own property, to sue or be sued in his own name, to give consent to marry or to have an abortion, to own an automobile, or carry a firearm, and be able to buy a drink of hard liquor. By limiting this amendment to merely suffrage, are we not opening a pandora's box for "causes" and "crusades" as we should have learned from experience over second class citizen status?

Since we are granting the vote to youth 18 and above, can it not be that we will later be accused of discriminating against those 16 or even 14 years of age? If age 18 was selected merely because it was easy to adopt an argument for because they can be forced into military service—"old enough to fight, old enough to vote"—then could we not ask, "Why not reduce the voting age to 16 or 14 years of age?" After all, I know school children even six years of age who do not like being forced to attend school and who would like to be able to vote so they could vote against their school board members just as it is suggested that the 18-year-olds will be mobilized to vote against the draft in the expectation that by so doing they will end the war.

If we are going to give the 18-year-old the right to vote portion of citizenship, then why should they not be given full citizenship—the responsibilities of American citizens including the vote instead of just a privileged right to use the vote allowing them to protest against the government but escape accountability? We should not leave them half teenager and half citizen—a second class citizen. What more equitable proposal for full citizenship could Congress have considered than an amendment I had offered to the 18-year-old vote resolution to provide that "neither the United States nor any State shall make or enforce any law which shall have the effect of treating as other than an adult any citizen of the United States who is 18 years or older?"

LEGISLATION FOR RETIRED FEDERAL EMPLOYEES

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. WALDIE. Mr. Speaker, today I am pleased to introduce three bills which constitute the main legislative goals of the National Association of Retired Federal Employees.

These bills will provide for a graduated increase in Federal annuities; an increase in the Federal Government's contribution for health insurance benefits; and for the elimination of the survivorship reduction during periods of nonmarriage of certain annuitants.

All these bills are designed to provide a more equitable benefit package for retired Federal employees.

Mr. Speaker, all of us in the Congress are aware of the difficulties those Americans who live on a fixed income are facing.

Retirees especially are hard hit by rising medical costs and increased prices for foods and other basic necessities of life.

We in the Congress must respond to the needs of these retired Americans who have devoted a good deal of their lives in a productive and valuable service for their country.

I am hopeful the Congress will act on these bills.